



COUNCIL MEETING AGENDA

Tuesday, January 21, 2020

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:40 p.m.)
(See yellow tab)**
 - Personal matters about an identifiable individual, including municipal or local board employees:
 - *Citizens appointment to:
Property Standards Committee/Dog Control Appeal Committee
Accessibility Advisory Committee.*
 - Proposed or pending acquisition or disposition of land by the municipality or local board:
 - City Owned Lands.

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

- 3. OPEN COUNCIL MEETING (7:00 p.m.)**
 - 3.1 NATIONAL ANTHEM**
 - 3.2 OPENING REMARKS**
 - 3.3 ADDITIONS/DELETIONS TO AGENDA**
 - 3.4 ADOPTION OF MINUTES**

Special Council Meetings of December 10, 2019 and January 14, 2020 and
Regular Council Meeting of December 17, 2019 (*Previously Distributed*).
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE
ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
 - 3.6 DISCLOSURES OF INTEREST**
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE
REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-
WHOLE (OPEN) (See pink tab)**



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4. ORAL REPORTS AND DELEGATIONS

4.1 PRESENTATIONS

Presentation of certificates by Mayor Campion and Owen Gallagher, Chair, Mayor's Youth Advisory Committee for the Winter Lights Competition to the following winners of the 2019 Winter Lighting Contest:

1st Place: Dale and Fran Johnston

2nd Place: Alain Raby

3rd Place: Kelly McComber

People's Choice Award: Dale and Fran Johnston

Certificate presentation by Councillor John Chiochio to Johnny Augustine for winning the 2019 Grey Cup and Tim Bisci his High School Coach.

99-99 Rodney Moore and Craig Bagshaw, owners of Pirate Ship Cove re: Inflatable Waterpark.

4.2 DELEGATION(S) (maximum 5/10/5 policy) - Nil

4.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) - Nil

4.4 LEGISLATED PUBLIC HEARINGS/MEETINGS - Nil

5. COMMITTEE-OF-THE-WHOLE (OPEN) (to discuss items removed from Agenda Block)

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

7.2 Notices of Motion (previously submitted for discussion) - Nil

7.3 Call for Notices of Motion (for introduction at the next scheduled Council meeting)

8. CORPORATION REPORTS

8.1 Mayor's Report

8.2 Chief Administrative Officer's Report



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9. 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 21st day of January, 2020. Ref. No. 20-1

10. ADJOURNMENT



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AGENDA BLOCK

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

Deferred from the December 17, 2019 Council Meeting.

1 - 16 **P&B-2020-06** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
Unoccupied Homes in the City of Welland. Ref. No. 18-23

2. COMMITTEE AND STAFF REPORTS

1. Business Arising from Committee-of-the-Whole (closed)

2. General Committee Report to Council - Nil

3. Budget Review Committee Report to Council - Nil

4. Staff Reports

17 - 23 **ENG-2020-02** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
Summerlea Park Playground and Related Landscaping - Tender
Award. Ref. No. 20-19 (See By-law 1)

24 - 25 **ENG-2020-04** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
License of Occupation Renewal - Vezna Bazgaloska-Murgoski at
Welland Market Square - 70 Young Street. Ref. No. 20-19

26 - 31 **ENG-2020-05** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
Service Centre Roof Replacement Phase II - Tender Award.
Ref. No. 19-112 (See By-law 2)



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P&B-2020-01 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Zoning By-law Amendment (File No. 2019-03) - City of Welland - for lands on the east side of Plymouth Road, south of First Street and north of Second Street, known municipally as 114 & 142 Second Street, 115 First Street and an unaddressed parcel on the south-east corner of Plymouth Road and First Street. Ref. No. 19-123 (See By-law 3)

57 - 59

P&B-2020-02 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Community Improvement Plan Incentive Applications - Quarterly Summary Report for Fourth Quarter of 2019. Ref. No. 11-108

60 - 230

P&B-2020-03 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Official Plan Amendment (OPA 22), Zoning by-law Amendment (File No. 2019-02) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-19003) - Upper Canada Consultants (Mountainview Developments Inc.) for lands on the west side of South Pelham Road, south of Sumbler Road at the end of Foxtail Avenue and Sparrow Drive and north of the Sobeys Plaza, municipally known as 633 South Pelham Road. Ref. No. 19-105 (See By-laws 4 & 5)

231 - 236

P&B-2020-04 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Proposal to Stop Up and Close and Declares Surplus Caroline Avenue located north of Sauer Street, south of the former Railway Lands, north of Louise Street, McLaughlin Street and Hildred Street and west of Bradley Avenue. Ref. No. 20-42

237 - 242

P&B-2020-05 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Tax Increment Grant Program - Community Improvement Plan for the Downtown and Health and Wellness Cluster - 2715280 Ontario Inc., 22 and 28 Steel Street (File No. DHWC 2019-19). Ref. No. 20-41

243 - 265

CLK-2020-01 Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Annual Report - 2019 Meetings of Council. Ref. No. 20-29

266 - 267

CLK-2020-02 Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Welland Downtown Business Improvement Area (WDBIA) - Amendments to By-law 1999-51. Ref. No. 99-90 (See By-law 6)

268 - 269

R&C-2020-01 Gen. Mgr., Economic Development, Recreation & Culture, D. Degazio - 2020 Welland Summer Concert Series. Ref. No. 99-90/99-99



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3. NEW BUSINESS

- 270 - 271** 1. Steven Soos, resident re: Support for the Out of The Cold Program - Welland.
Ref. No. 19-126

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Steven Soos dated December 15, 2019 regarding support for the Out of The Cold Program.

- 272 - 301** 2. Nora Reid, Secretary/Treasurer, City of Welland Advisory Committee re: Designation of Tugboats Mural as having Cultural Heritage Value or Interest under the Ontario Heritage Act. Ref. No. 05-50

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the recommendation by the City of Welland Heritage to designate Tugboats Mural as having Cultural Heritage Value to the City of Welland.

- 302 - 304** 3. Paul Dubé, Ombudsman of Ontario re: Closed meeting complaint. Ref. No. 02-160

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the closed meeting complaint report dated January 9, 2020.

4. BY-LAWS

MAY BE VIEWED IN THE CLERK'S DIVISION PRIOR TO THE MEETING IF DESIRED.

1. A By-law to authorize entering into contract with Touchstone Site Contractors Inc. for the Summerlea Park Playground and Related Landscaping. Ref. No. 20-19
(See Report ENG-2020-2)
2. A By-law to enter in contract with Schreiber Brothers Limited for the Municipal Service Centre Roof Replacement - Phase II. Ref. No. 19-112
(See Report ENG-2020-5)
3. A By-law to amend City of Welland Zoning By-law 2017-117 (City of Welland - File 2019-03) 115 First Street, 114 & 142 Second Street and an unaddressed parcel on the south-east corner of First Street and Plymouth Road. Ref. No. 19-123
(See Report P&B-2020-01)



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4. A By-law to amend City of Welland Zoning By-law 2017-117 (Mountainview Developments Inc. - File 2019-02) 633 South Pelham Road. Ref. No. 19-105
(See Report P&B-2020-05)
5. A By-law to adopt Official Plan Amendment No. 22. Ref. No. 19-105
(See Report P&B-2020-05)
6. A By-law to amend By-law 1999-51, being a By-law to designate a certain area as an improvement area (Welland Downtown Improvement Area) and to establish a Board of Management. Ref. No. 99-90
(See Report CLK-2020-02)
7. A By-law to authorize the appointment of Margaret Corbett as Deputy Clerk of the Corporation of the City of Welland. Ref. No. 20-24
(Housekeeping By-law for appointment for Deputy Clerk)

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
BUILDING DIVISION

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO |  |
| CAO |  |

REPORT P&B-2020-06
JANUARY 21, 2020

SUBJECT: UNOCCUPIED HOMES IN THE CITY OF WELLAND

AUTHOR: JACK TOSTA, CBCO, CPSO
CHIEF BUILDING OFFICIAL

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report 2020-06; and,

THAT Welland City Council amend the current vacant buildings by-law by including houses into the registration requirements and imposing fees for inspections of vacant buildings, as well as fines for failure to comply, as attached as Appendix I; and,

THAT the fees listed in Appendix II and III to the report from the Infrastructure and Development Services department, dated January 21, 2020, be approved effective January 21, 2020, and such fees be included in the 2020 Rates and Fees schedules; and

ORIGIN AND BACKGROUND:

At the January 15, 2019, Council approved a motion made by Councillor Van Vliet directing staff in the Building and By-law Enforcement Divisions to review the current Property Standards and Vacant Buildings By-laws to address reoccurring issues related to unoccupied homes in the City of Welland.

The motion was brought forth as a result of a number of properties with unoccupied homes. The condition of these properties has deteriorated below the level of acceptable standards, as well as creating various safety hazards associated with vacant buildings.

COMMENTS AND ANALYSIS:

Both Building Division and By-law Enforcement Division staff are currently tasked with the enforcement of the City's Property Standards By-law 2009-108.

The condition of the exterior property including weeds, parking of unlicensed or derelict vehicles, and outdoor storage of materials is addressed by By-law Enforcement staff through the provisions of the Property Standards and Clean Yards By-laws.

The condition of all existing buildings located on private properties are addressed by the Building Division staff through the provisions of the Property Standards By-law and the City's Vacant Buildings By-law 2011-64.

Complaints related to the condition of private properties are received by City staff who, depending on the nature of the complaint, will assign the complaint to either Building, By-law or both departments for investigation. If the complaint is related to the exterior condition of the property, the investigation is carried out by By-law Enforcement staff. However, if the complaint also involves the building, then staff from both divisions are involved.

PROPERTY STANDARDS BY-LAW

The City's Property Standards By-law derives its authority through the Building Code Act and is intended to establish acceptable provisions for property conditions based on community standards.

Section 7 of the by-law contains the provisions for maintenance of vacant buildings which are required to be cleared of garbage and debris and have all services disconnected except those necessary to maintain the building.

The by-law also prescribes that all window and door openings be kept in good repair or be boarded up with acceptable materials. Additionally, all exterior building components such as the roof or wall cladding must be maintained to the minimum acceptable standards including provisions for pest control.

The enforcement process through the Property Standards By-law is legislated through the *Building Code Act* which provides an appeal period of 14 days before an order can be confirmed thereby allowing authority to gain compliance with the terms of the order. The City's Property Standards Committee hears appeals and can confirm, rescind, or amend the order.

Once an order has been confirmed, the owner must carry out the remedial work to bring the property into compliance. If the order is not complied within the stipulated timeframe, the municipality may carry out all work and recover the costs in like manner as taxes.

CLEAN YARDS BY-LAW

The Clean Yards By-law 10727 was adopted under the authority of Section 128 of the Municipal Act 2001. This requires the owner or occupant of land to clean and clear the land (not including buildings), and to clear refuse or debris from the land.

The enforcement process through the Municipal Act allows for a much more expedient process as only one notice of non-conformity is required to be issued in each year in order to allow municipal staff to carry out remedial work necessary to bring the property into compliance.

The only limitation of enforcement through this by-law is that the by-law does not apply to the condition of buildings.

VACANT BUILDINGS BY-LAW

Vacant Buildings By-law 2011-64 was also passed under the authority of section 128 of the Municipal Act 2001, in order to protect the public from nuisances related to vacant buildings. The enforcement is complaint driven and administered by the Building Division.

Under the terms of the by-law, owners of vacant buildings which have been vacant for a period of more than 90 days, must register the building, secure the building from unauthorized entry, maintain liability insurance, and provide for regular monitoring of the building in order to avoid the risk of fire. Houses and farm buildings are exempt from the registration provisions of the by-law.

The current by-law does not provide for a fee for the registration of vacant buildings; however, the by-law does provide for fees when an inspection is carried out by the City inspector.

Owners of vacant buildings are required to arrange for an inspection by the City inspector within two weeks of registration and every six months thereafter. If an inspection of a vacant building reveals that the building is in contravention of any section of the by-law, the inspector may issue an order requiring the owner to carry out any remedial work that is necessary to bring the building into compliance.

Refusal to comply with the direction of the inspector may result in work being carried out by the City with the owner absorbing all costs.

CURRENT ENFORCEMENT PRACTICE

All complaints related to unsatisfactory condition of existing residential buildings are currently investigated through the Property Standards By-law.

This has become the most effective approach in dealing with property complaints since they typically include non-compliance with other sections of the by-law such as yard condition and can therefore be addressed through the same by-law.

Building staff initiate an investigation within 24 hours of receiving a complaint; however during peak construction season, the response time may increase as building inspector availability is limited due to the legislated requirement to carry out inspections on buildings that are constructed through the building permit process, in accordance with the Building Code Act.

When an investigation confirms noncompliance with the provisions of the by-law, an order may be issued to the owner outlining all the deficiencies with specific timeline to remedy all deficiencies.

If an order is issued, the *Building Code Act* provides an appeal process to the property owners to appeal the order to the Property Standards Committee. The committee may amend, revoke or confirm the order. Once the order is confirmed, the compliance date for completion of work begins.

A typical enforcement case can take between six and twelve months to resolve. Refusal to conform to the terms of an order may result in further legal action being taken through prosecution or remedial action being undertaken by the municipality.

Once a Property Standards order has been issued and confirmed the owner will still be required to carry out the remedial work necessary to bring the property into compliance or the City will remediate the property at the owner's expense.

During the November 18, 2019 meeting, Council resolved to allow the use of Administrative Monetary Penalties for contraventions of City's non-parking by-laws. The program is intended to streamline the adjudicative process for by-law violations through the issuance of penalty notices for infractions.

Moving forward, enforcement staff investigating complaints related to property standards will be able to issue penalty notices when they are satisfied that a person has failed to comply with the provisions of the by-law or an order issued in accordance with the by-law.

The Building Code Act was recently amended providing municipalities to authority to impose administrative penalties for failure to comply with the Property Standards By-laws or an order issued for non-compliance with the by-law. As a result of this amendment the Welland Property Standards By-law was included into the Administrative Monetary Penalty System effective January 2020.

MUNICIPAL COMPARATORS:

Cities such as Oakville, Hamilton, and Brantford have implemented vacant property registry by-laws.

In 2019, the Town of Oakville implemented a vacant building and properties registry by-law. Oakville requires that the owner of every vacant building ensure that the building is secure from unauthorized entry, maintains liability insurance

and protects the building from risk of fire, accident or other danger. The one-time registration fee in Oakville is \$44.00.

The City of Brantford implemented their vacant property registry by-law in early 2016. Brantford requires that the owner of every vacant building ensure that the building is secure from unauthorized entry, maintains liability insurance and protects the building from risk of fire, accident or other danger. In addition, they require property owners to monitor the property no less than on a monthly basis, provide a floor plan, and provide inventory of all combustibles on property. Brantford also charges a one-time registration fee of \$270 and an annual renewal fee of \$600.

In 2010, the City of Hamilton enacted a robust vacant property registry by-law that has identified approximately 400 buildings and allocated a dedicated staff team, supported by program fees, to monitor the properties and buildings quarterly. If staff confirm a building is vacant and it is not registered, they begin enforcement efforts.

Hamilton considers their program to be very successful, as it has resulted in safer neighbourhoods and has further motivated property owners to maintain their buildings and seek new tenants/users more quickly. The city's fee is \$1061 (initial administration fee \$277 + the yearly inspection fee \$693.81 + HST). There is also a yearly fee of \$338.94 for additional vacant buildings on the same property.

RECOMMENDED WELLAND FEES:

In an effort to address Council's concerns over the number of vacant houses in the City of Welland, staff recommend amending the current Vacant Buildings By-law to include houses into the registration requirements.

Additionally, staff recommend imposing a onetime registration fee of \$200.00 to offset the administrative costs of maintaining the registry of vacant buildings. This amount was based on the municipal comparators considered in this report which could be reviewed to ensure cost recovery is being achieved.

Staff further recommend that Schedule "A" of the Administrative Monetary Penalty System Bylaw 2019-134 be amended by including the Vacant Buildings By-law into the list of designated bylaws. This will enable enforcement staff to issue penalty notices of \$400.00 for non-compliant buildings or when orders issued by officers have not been complied with.

This option would be similar to the approach taken by the other comparable municipalities and would involve dedicating staff to the administration and enforcement of the by-law, thereby eliminating the fractional enforcement that is currently in place.

As the Property Standards By-law and Clean Yards By-laws do not require owners of vacant properties to register, the City is often not aware of them until the condition of the property deteriorates to a state that generates a complaint.

Responding to these complaints negatively impacts staff resources as they often have to locate the owner which further prolongs enforcement efforts and contributes to further dereliction.

A vacant property registry for residential properties would give enforcement staff more tools and resources to ensure that these properties do not fall into further disrepair or contribute to safety concerns for the public. This option would provide for a more expedient process by making one department responsible for the annual issuance of a notice of non-conformity thus allowing remedial work to be initiated.

This option is recommended to Council as enforcement and compliance can be achieved in a more efficient and consistent manner.

FINANCIAL CONSIDERATION:

It is anticipated that the implementation of the registration and inspection fees for vacant buildings can partially offset the cost of administration and enforcement of the Vacant Buildings By-law.

OTHER DEPARTMENT IMPLICATIONS:

The By-law Enforcement division will administer and enforce the Vacant Buildings By-law.

SUMMARY AND CONCLUSION:

The City's current Vacant Buildings By-law does not include registration or enforcement provisions for vacant houses. The recommendation to Council is to amend the Vacant Buildings By-law, attached as Appendix I, for this purpose.

ATTACHMENTS:

Appendix I: Amended Vacant Buildings By-law 2011-064

Appendix II: Vacant Buildings By-law Registration Fees

Appendix III: Administrative Monetary Penalty Fees

Appendix I

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2011-64 BEING A BY-LAW FOR
REGISTRATION OF VACANT BUILDINGS**

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that By-laws may be passed by a lower-tier municipality respecting the health, safety and well-being of persons, and for the protection of persons and property;

AND WHEREAS Sections 8 and 9 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides for the interpretation and scope of by-law making powers, including providing for a system of licenses (including permits, approvals and registrations), for the regulated matter;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that where a municipality has the authority by any Act or By-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do so, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is the opinion of the Council of the Corporation of the City of Welland that vacant buildings are, or could become, public nuisances, and it is desire of the Council of the Corporation of the City of Welland to regulate vacant buildings;

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

SECTION 1 SHORT TITLE

- 1.1. This By-law may be cited as "The Vacant Building Registry By-law".

SECTION 2 SCOPE

- 2.1 The provisions of this By-law shall be applicable on all lands and properties within the limits of The Corporation of the City of Welland.
- 2.2 Nothing in this By-law shall be construed as limiting, restraining, superseding, impeding or otherwise conflicting with the authority of the Medical Officer of Health, the Fire Marshal, the Building Code Act, the Fire Protection and Prevention Act, or any Provincial or Federal Minister and his/her powers as set out in any Act, By-law or regulation.

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SECTION 3 DEFINITIONS

- 3.1. Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to buildings and which are undefined in this By-law.
- 3.2. Definitions in the Fire Protection and Prevention Act and the Fire Code shall be used with respect to matters pertaining to fire prevention and fire safety and which are undefined in this By-law.
- 3.3. "Applicant" means the applicant for registration of a vacant building, being an owner or person who is authorized agent for an owner.
- 3.4. "Building damaged by fire" shall include a building partially or completely damaged by fire to the extent that it requires repairs to permit use or occupancy, or requires demolition because it is unsafe.
- 3.5. "City" means The Corporation of the City of Welland.
- 3.6. "Council" means the Council of the Corporation of the City of Welland
- 3.7. "Fire Chief" means the Fire Chief of the City or his or her designate who may include a Fire Prevention Officer or the Director of Fire Prevention.
- 3.8. **"General Manager" means the City's General Manager of Infrastructure and Development Services or his or her designate**
- 3.9. **"Officer" means a person appointed by the City of Welland or assigned by the General Manager to enforce this by-law;**
- 3.10. "Owner" means the building or property owner or other person in control of, or who has an interest, as an owner or tenant, in the building or property upon which the subject vacant building is located, and includes a lessee who, under the terms of a lease or agreement, is required to repair or maintain the building.
- 3.11. **"Penalty Notice" means a penalty notice as defined in City of Welland Administrative Penalty By-law for Non Parking Related Offences 2019-134.**
- 3.12. "Register" (noun) means the City list of vacant buildings maintained by the **General Manager**; register (verb) means to comply with the requirements of this By-law concerning registration of vacant buildings;
- 3.13. "Secure" means to maintain a building in a condition that reasonably prevents access to the interior of the building, or to the exterior of the building, if deemed unsafe by an Officer, and may include locking, infilling, sealing, or boarding of doors, windows or other openings in a wall or roof of a building, the installation of security measures/devices, warning signage, and may also include demolition.
- 3.14. **"Vacant building" means a building or a part of a building that is not being used or occupied for a period exceeding ninety (90) consecutive days, including days vacant prior to the passage of this By-law, but does not include:**
(a) a building where a use permitted under the City's zoning by-laws is occurring;
(b) a building that is under construction or demolition with an open or active building permit;

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(c) an accessory building located on the same site as the main building if the main building is being used or occupied;

(d) a building that meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease or rent; or

(e) a building that is not a dwelling and is on a property used as a farm.

SECTION 4 GENERAL PROVISIONS FOR VACANT BUILDINGS

- 4.1. Every owner of a vacant building shall:
- a) ensure that the vacant building is secured against unauthorized entry;
 - b) maintain liability insurance on the vacant building;
 - c) provide inspection/monitoring of the vacant building no less than on a monthly basis by a person or company familiar and qualified with matters pertaining to this By-law;
 - d) protect the vacant building against the risk of fire, accident or other danger; and
 - e) register the vacant building in accordance with section 6.
- 4.2. Where a vacant building has been vacant for at least 30 consecutive days, an Officer who reasonably believes that a vacant building poses a risk to safety may, in writing, require the owner of a vacant building to do any one or more of the following, within the timeframe specified by the Officer:
- a) provide the General Manager with a copy of a site location plan and floor plans of each storey of the vacant building, all drawn to scale and labeled to the satisfaction of the General Manager;
 - b) provide the General Manager with a copy of a report from a qualified person or, if deemed necessary by the Officer, from a Professional Engineer registered in Ontario, concerning the structural sufficiency of the vacant building, or concerning any matter related to the vacant building;
 - c) provide the General Manager with a copy of the certificate of the insurance required in paragraph 4.1.(b);
 - d) ensure that all combustible materials within a vacant building are removed to reduce any potential fire load, to the satisfaction of the Fire Chief;
 - e) install security measures or devices to the satisfaction of the Officer, and such measures may include boarding of doors, windows, or other openings;
 - f) maintain and provide the General Manager with a copy of a written record/log of any such inspections required in paragraph 4.1.(c), including the date and time of the inspection, and the contact information for the person performing the inspection; and
 - g) do any work or repairs which, in the opinion of the Officer, are necessary to secure a vacant building from unauthorized entry or protect a vacant building against the risk of fire, accident or other danger.

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- 4.3. Every owner of a vacant building shall comply with the written requirements of the Officer in subsection 4.2 above, within the timeframe specified.
- 4.4. Where a vacant building is also a building that is included in the register of property situated in the municipality that is of cultural heritage value or interest or has been so designated pursuant to the *Ontario Heritage Act*, it is the responsibility of the owner to bring the inclusion or heritage designation to the Officer's attention, to ensure compliance with all other laws or By-laws respecting the property.
- 4.5. Where a vacant building or building damaged by fire is boarded or required to be boarded:
- a) boarding materials shall be installed and maintained in good order;
 - b) unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or of equivalent weather-resistant material;
 - c) boarding materials shall be installed to exclude rain and wind from entering the building and to secure the building from unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible; and
 - d) boarding materials shall be selected, coated, coloured and installed to match surrounding door/window frames and exterior wall finishes.
- 4.6. Where a vacant building remains vacant for more than sixty consecutive days, the owner shall ensure that all utilities serving the building are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the vacant building, or unless such utilities are otherwise required by law to remain connected.
- 4.7. Where openings in a vacant building, previously boarded or secured, become unsecured, such openings shall be secured again, using materials and fasteners of greater strength, installed in such a manner to deter their destruction or removal.
- 4.8. Where a vacant building is unsecure from unauthorized entry to the extent that it cannot, in the opinion of an Officer, be reasonably or effectively secured by boarding or other means of repair, the building shall be demolished.
- 4.9. Where the security measures of a vacant building are frequently breached, in spite of repeated attempts to re-secure as described in subsection 4.7, the building shall be demolished, or full time security personnel be shall provide on-site by the owner.
- 4.10. An Officer may accept alternative measures for temporary security which may include fencing or full time security personnel, if an owner can demonstrate such measures provide a level of safety equivalent to that required by this By-law.

SECTION 5 BUILDING DAMAGED BY FIRE

- 5.1. Every owner of a building damaged by fire shall immediately contact the Fire Chief, or a representative of Welland Fire and Emergency Services at

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the scene of a fire, to inform them of the owner's intention to comply with the requirements of this By-law.

- 5.2. Every owner shall ensure that a building damaged by fire is secured against unauthorized entry within twenty-four hours after release of the property by the authority having jurisdiction or, if the Fire Chief has granted an extension, by the deadline given by the Fire Chief.
- 5.3. Notwithstanding Section 5.2, where, in the opinion of the Fire Chief or the General Manager, a building damaged by fire is in a condition that presents an immediate hazard to public safety, the owner shall ensure that the building damaged by fire is secured against unauthorized entry forthwith after release of the relevant building by the authority having jurisdiction.

SECTION 8 REGISTRATION OF VACANT BUILDING

- 6.1. Every owner of a vacant building, (except a ~~vacant house or~~ vacant farm building), which has been vacant for at least ninety consecutive days, including days vacant prior to passage of this By-law, shall register the building in accordance with this section.
- 6.2. A registration expires:
- a) when the registration is revoked by the General Manager for reason of false, incomplete, or misleading information;
 - b) when the vacant building is sold or otherwise transferred to a new owner;
 - c) when the General Manager is satisfied, that the building is no longer vacant.

Application Requirements

- 6.3. Every applicant to register a vacant building shall submit to the General Manager, a completed and signed application form, such form developed from time to time, and maintained by the General Manager, for each vacant building proposed to be registered. The General Manager may require additional information where he/she deems necessary.
- 6.4. A vacant building shall not be registered unless the information required on the application form, or by the General Manager, is complete and correct.
- 6.5. Every applicant and every owner shall ensure the information provided on the application form, or required by the General Manager, is complete and correct, and is maintained current, after registration. It is the responsibility of the owner to immediately notify the General Manager in writing, when any such information changes, or when there is a signed agreement for sale of the property or building.

City Inspection Requirements

- 6.6. Every applicant shall make arrangements for inspection of a vacant building by Officers within two weeks of registration, and every six months thereafter, or as otherwise directed in writing by an Officer.

Fees

- 6.7. Fees for initial registration of a vacant building shall be levied in accordance with Schedule 'A' to this By-law.
- 6.8. Inspection fees shall be determined by Officers, after inspection, in accordance with Schedule "A" and the City Fees and Charges By-law, and

Appendix I

shall be applicable where a vacant building is not in compliance with this By-law, in the opinion of an Officer.

- 6.9. Every owner shall pay the fees determined in subsection 6.8, which become due and payable upon written notification by an Officer, or upon issuance of an invoice by the City.
- 6.10. Where an owner is in default of payment of fees for more than thirty calendar days after due, the City may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

SECTION 7 ADMINISTRATION ENFORCEMENT AND RIGHT OF ACCESS

- 7.1. This By-law shall be administered and enforced by an Officer who is hereby authorized to enforce the provisions of this By-law.
- 7.2. An Officer may enter upon and within, and inspect any land, property, building or structure at any time to determine if any section of this By-law is complied with, or to determine if any direction, notice or order issued pursuant to this By-law or the Municipal Act, or any court has been complied with, or to perform any remedial work authorized in section 8 of this By-law.
- 7.3. Notwithstanding subsection 7.2, the Officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 437 of the Municipal Act, 2001, as amended are complied with.
- 7.4. The Officer shall have inspection powers described in Section 438 of the Municipal Act, 2001, as amended.
- 7.5. Where an owner is in contravention of any provision of this By-law, an Officer, in addition to any other action, may send a notice, in the form of a letter or email, to the owner, describing the contravention.
- 7.6. Any notice, order or direction given under this By-law may be given personally to the person to whom it is directed, or may be mailed by ordinary or registered mail, or by hand delivery to the mailing address of the owner of the property upon which the vacant building is located, according to the last revised Assessment Roll of the property which does not comply with this By-law, or may be posted on the subject vacant building and any such delivery or posting shall be deemed good and sufficient service.
- 7.7. No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer, in the exercise of a power or the performance of a duty under this By-law.
- 7.8. No person shall refuse to produce any documents or things required by an Officer under this By-law, and every person shall assist any entry, inspection, examination, or inquiry by an Officer.
- 7.9. No person shall knowingly furnish false information to the City or an Officer with respect to this By-law.

SECTION 9 OFFENCES AND PENALTIES

- 8.1. Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice be liable to pay to the City an administrative penalty in the amount of \$400.00 or as revised in the Fees and Charges by-law.

An Officer who finds or has any reasonable cause to believe that a person

Appendix I

has contravened any provision of this By-law may issue a penalty notice addressed to the person.

An Officer who believes that this By-law has been contravened may issue a work order directing compliance with this By-law, and may require the work specified in the order to be carried out immediately, or within the time specified in the work order.

- 8.2. A work order may contain requirements recommended by the Fire Chief or other agency that may provide emergency services or hydro or natural gas utility services to the building location, necessary for the safety of its employees.
- 8.3. Where the interior of a vacant building is considered unsafe by an Officer because the risk of accident or harm may be high for any person within the building, authorized or not, the Officer may provide in a work order for the unsafe condition to be removed, or any measure taken necessary to protect persons from the unsafe condition.
- 8.4. A work order shall specify:
- a) the municipal address of the vacant building;
 - b) the contravention of the By-law, and its location;
 - c) the date of the inspection;
 - d) the work ordered to be completed; and
 - e) the date by which the work must be done.
- 8.5. Where an Officer, in his or her sole discretion, determines that measures taken pursuant to a work order are insufficient, subsequent work orders may be issued requiring additional measures to be taken by the owner.
- 8.6. In the event that an owner expresses the intention not to comply with a work order, or a work order is issued and not complied within the timeframe specified in the work order, an Officer, the City, including its employees, agent or contractor, may enter upon the land and remove such things or carry out the work required to comply with the work order, and may recover the costs in accordance with Section 446 of the Municipal Act, as amended.
- 8.7. Where, in the reasonable opinion of the officer, allowing a vacant building to remain unsecured for even a short period of time presents an unacceptable health or safety risk, the City may cause the building to be secured against unauthorized entry, or repaired by whatever means necessary to remove the unacceptable risk, and no prior notice or order to the owner shall be required. Notice of the action taken in these circumstances shall be given to the owner in accordance with subsection 7.6 of this By-law in a reasonable time thereafter.
- 8.8. Anything done or removed by an Officer, the City, its employees, agent or contractor, to comply with this By-law, a work order, or notice, may be deposited elsewhere on the property on which the vacant building is located, or may be removed from the property and forthwith destroyed, or otherwise disposed of by the City, its employees, agent or contractor.
- 8.9. Where the City does or causes work to be done on a vacant building or a building damaged by fire to comply with this By-law, such work shall be done at the expense of the owner.
- 8.10. If the owner fails to pay the cost of the work done by the City under this By-law within thirty calendar days of issuance of an invoice by the City, the costs may be added to the tax roll of the subject property and collected in the same manner as property taxes.

SECTION 9 OFFENCES AND PENALTIES

Appendix I

- 9.1. A person is guilty of an offence if the person,
a) fails to comply with an order, notice, direction, or other requirement under this By-law, or
b) contravenes this By-law.
- 9.2. A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence.
- 9.3. A person who is convicted of an offence under this By-law is liable to a fine of not more than \$25,000 for a first offence, and to a fine of not more than \$50,000 for a subsequent offence, where there has been a previous conviction under this By-law.
- 9.4. A person who is convicted of a continuing offence under this By-law is liable to a fine of not more than \$5,000 for each day or part of a day that the offence continues.

SECTION 10 VALIDITY

- 10.1. Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

SECTION 11 EFFECTIVE DATE

- 11.1. This By-law shall come into force and take effect on the date of passing thereof.

Appendix II

Schedule "A"

CITY OF WELLAND

VACANT BUILDINGS REGISTRATION FEE SCHEDULE




**THE VACANT BUILDINGS REGISTRY BY-LAW 2011-64, as amended
BEING A BY-LAW FOR REGISTERING VACANT BUILDINGS**

| ITEM | COLUMN 1 SERVICE PROVIDED | COLUMN 2 UNIT OF MEASURE | COLUMN 3 PROPOSED FEE |
|-------------|--------------------------------------|---|--|
| 1. | Vacant Building Registry Fee | Initial Registration | \$200.00 |
| 2. | Vacant Building Re Inspection fee | Per Inspection | \$282.00 |
| 3. | Work Carried Out by the City | Per Event | \$282.00 plus \$94.00/hr. Administration work in excess of 2 hours |

Appendix III**Schedule "B"****CITY OF WELLAND****SET FINE SCHEDULE****THE VACANT BUILDINGS REGISTRY BY-LAW 2011-64, as amended****BEING A BY-LAW FOR REGISTERING VACANT BUILDINGS**

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 First Penalty | COLUMN 4 Second or Subsequent Penalty |
|-------------|--|--|---------------------------------------|--|
| 1. | Fail to comply with an Order, direction or other requirement | Sec. 4.2 Sec. 8.1 | \$400.00 | \$800.00 |
| 2. | Obstruction | Sec. 14.6 | \$400.00 | \$800.00 |
| 3. | Fail to produce any documents or things required by an Officer | Sec. 14.9 | \$400.00 | \$800.00 |
| 4. | Furnish false information to an Officer | Sec. 14.10 | \$400.00 | \$800.00 |

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICESENGINEERING DIVISION

| APPROVALS | |
|----------------|---|
| GENERAL MANGER |  |
| CFO |  |
| CAO |  |

REPORT ENG-2020-02
JANUARY 21, 2020

20-19

SUBJECT: SUMMERLEA PARK PLAYGROUND AND RELATED LANDSCAPING – TENDER AWARD

AUTHOR: PETER BOYCE, MANAGER PARKS, PLANNING & MAINTENANCE - PARKS DIVISION

APPROVING MANAGER: VINCE BEAUDOIN; C.E.T., C.R.S., O.R.O. MANAGER OF PUBLIC WORKS

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

RECOMMENDATIONS:

1. THAT Council accepts the tender of **Touchstone Site Contractors Inc.** at the tendered price of \$204,855.00 plus HST for the supply and installation of playground equipment and site improvements for Summerlea Park as detailed in Report ENG-2020-02 ;
2. THAT Council directs staff to prepare the necessary agreement and by-law to enter into a contract with Touchstone Site Contractors Inc. to execute the construction; and
3. That the Mayor and Clerk are hereby authorised to execute the said and by-law and agreement

ORIGIN AND BACKGROUND:

The need for replacing the play structure and site improvements for a Summerlea Park was identified in the 2019 Capital Budget process. With this inclusion in the budget, conceptual planning was done, and solutions discussed in a neighbourhood meeting conducted in summer of 2019. Based on the evaluation criteria and input from the public at the meeting, the preferred play structures for Summerlea Park were identified as those sold by OpenSpace Solutions Inc. Layout plans were developed and tendering of the project completed.

COMMENTS AND ANALYSIS:

The tender for the works was locally listed with the Niagara Construction Association, Construction Associations, and posted with a major Canadian tendering (Biddingo) website for three (3) weeks.

There were four (4) plan takers and four (4) tenders were received on closing day, Thursday October 3, 2019. The tenders have been reviewed for accuracy and found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received is as follows:

| 2019 BUDGET | TENDER PRICE Excluding HST | CONTRACTOR NAME AND ADDRESS |
|------------------------|---|--|
| \$200,000.00 | \$204,855.00 | Touchstone Site Contractors Inc. 650 Allanburg Road Thorold, ON L2V 1A8 |
| \$200,000.00 | \$217,485.00 | Stevensville Lawn Service Inc. 2821 Stevensville Road, Stevensville, ON L0S 1S0 |
| \$200,000.00 | \$222,785.00 | Anthony's Excavating Central Inc. 5982 Elcho Rd. Wellandport , ON LOR 2JO |
| \$200,000.00 | \$228,215.00 | 39 Seven Inc. 9-65 Hanlon Creek Boulevard Guelph, ON N1C OA1 |

Touchstone Site Contractors Inc. of Thorold, Ontario, is an established landscaping contractor in southern Ontario, serving the Niagara Region. Staff at this time considers the firm's experience in similar projects to be satisfactory in accordance to our specifications and standards, and therefore, recommends that the firm be awarded the contract.

Construction is scheduled to start spring 2020, and be completed by summer 2020.

FINANCIAL CONSIDERATION:

The amount of \$200,000.00 is in the 2019 Capital Budget allocation for this work for Summerlea Park. The low tender price of \$204,855.00 plus the City's portion of the HST of 1.76%, and the estimated consulting fees of \$13,925.00 plus HST brings the total project cost to approximately \$224,000. This is over the approved budget allocation by

approximately \$24,000. Staff recommends that \$24,000 from the Capital Reserve Fund be used to make up the difference.

| 2019 Capital Budget | Amount |
|---|----------------------|
| Summerlea Park Playground and Related Landscaping 10 410 19132 | \$200,000.00 |
| Capital Reserve Fund | \$24,000.00 |
| Total Funding | \$ 224,000.00 |

OTHER DEPARTMENT IMPLICATIONS:

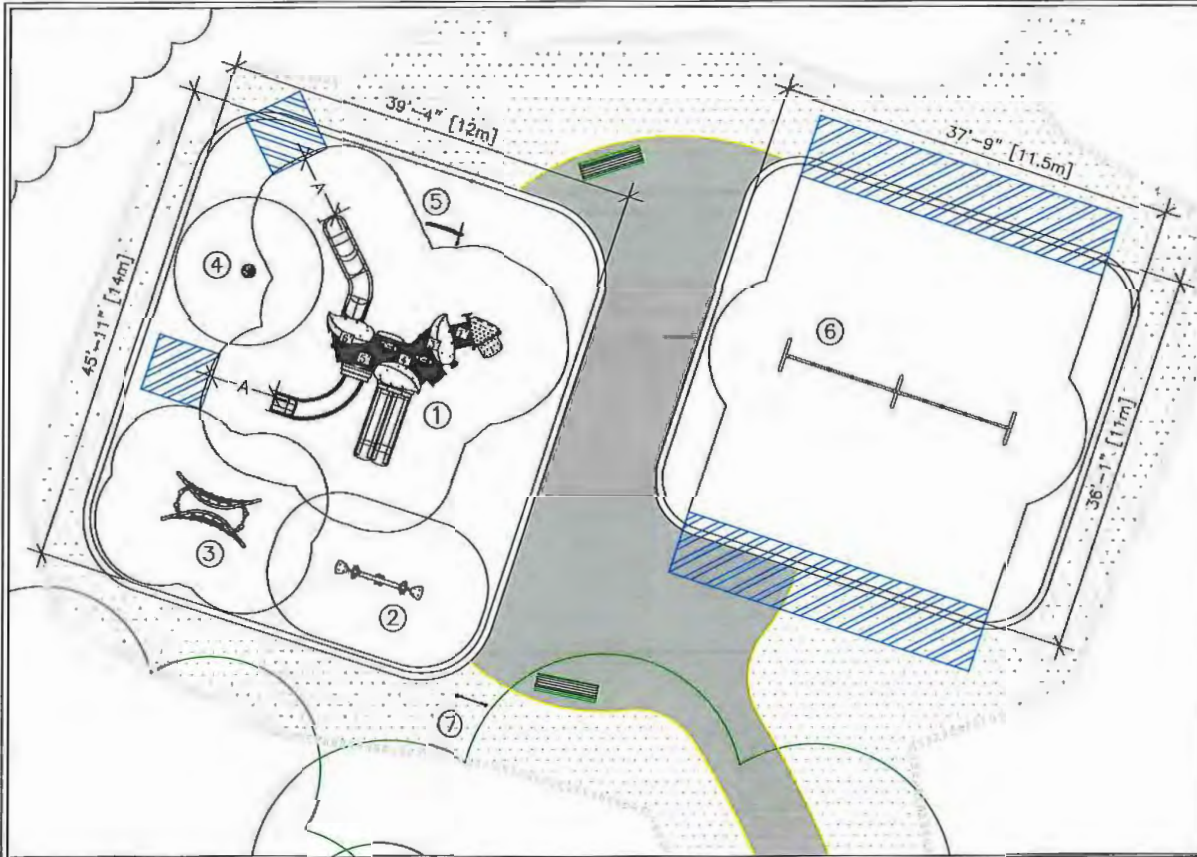
Solicitation of proposals was in compliance with the approved Purchasing Policy and contract legal practices of the Finance, Clerks and Legal Services Divisions of Corporate Services

SUMMARY AND CONCLUSION:

Staff recommends the awarding of a contract for the supply and installation of playground equipment and site improvements for Summerlea Park to **Touchstone Site Contractors Inc.** for the low tender of \$204,855.00 + HST.

ATTACHMENTS:

Layout Plan & 3 Photos of the equipment



Jambette.com

700, des Caillats, Lévis, Qc, G6Y 9E6
(877) 383-2687

Customer :
OPENSOURCE SOLUTIONS INC.
CITY OF WELLAND
SUMMERLEA PARK

**Product(s)
Layout Plan**

- Products :**
- 1- Playstructure
J3-19313-HA
 - 2- Teeter Totter
L-13003
 - 3- Vertical Manta
J6-16004-SB
 - 4- Xylo-35
L-09001
 - 5- Creative Space
L-18069-A
 - 6- Arch. Swing 4 places
L-16025
 - 7- Park Identification panel
L-17016-B

Legend
Dimensions are for reference only.
= A no-encroachment zone of 6 feet is obligatory
= Necessary dimensions of the protective surface including an edge of 4 inches
= Protective surface in front of slides
(A=5'-0", 6'-0" or 1.83m) (F=7'-0" or 2.13m) (B=6'-0" or 2.44m) (C=7'-0" or 2.74m) (D=16'-0" or 3.05m) (E=11'-0" or 3.35m)

Drawn by: J.V
Date: 16.08.2019

Quotation
1062025

City of Welland Summerlea Park



 **openspace**
solutions inc.

Jambette 
CORP.
INNOVATIVE QUALITY PLAYGROUNDS

City of Welland Summerlea Park



City of Welland Summerlea Park



 openspace
SOLUTIONS INC.

Jambette 
INNOVATIVE QUALITY PLAYGROUNDS

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICESENGINEERING DIVISION

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO | |
| CAO |  |

20-19

REPORT ENG-2020-04
JANUARY 21, 2020

**SUBJECT: LICENSE OF OCCUPATION RENEWAL – VEZNA
BAZGALOSKA-MURGOSKI AT WELLAND MARKET
SQUARE – 70 YOUNG STREET, WELLAND ON**

**AUTHOR: GAGE STEPHENS,
PROJECT MANAGER FACILITIES**

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

RECOMMENDATIONS:

1. THAT Council approves the renewal of the license agreement with Vezna Bazgaloska-Murgoski to rent the Market Square Breakfast Café at 70 Young Street, Welland, for an additional one (1) year term, commencing May 1, 2020; and
2. That the Mayor and Clerk are hereby authorized to execute the said lease agreement.

ORIGIN AND BACKGROUND:

On May 1, 2016, Welland City Council agreed to grant a license to Vezna Bazgaloska-Murgoski for the provision of food services at the Welland Market Square Breakfast Café for a term of three (3) years with options to renew in two (2) additional one (1) year terms. The current agreement expires on April 30, 2020 and Ms. Bazgaloska-Murgoski has given staff notice of her intention to renew the license of occupation agreement for the final year term.

COMMENTS AND ANALYSIS:

The current license of occupation agreement has been in force for the past four (4) years. Ms. Bazgaloska-Murgoski has requested an extension for the final year expiring April 30, 2021 with the same terms, except to fees.

FINANCIAL CONSIDERATION:

The original license had a base rent of \$280 per month plus GST. The rent increased annually in accordance with the Consumer Price Index (2%). Staff recommend continuing the annual rent increase in accordance with the Consumer Price Index for the one (1) year term of the renewed lease based on the rent paid in 2019. In 2019, the final year of the existing lease, Ms. Bazgaloska-Murgoski paid \$295.36 plus HST. The 2020 rent will be a 2% percent increase for total rent of \$301.26 per month plus HST. Ms. Bazgaloska-Murgoski is in agreement with the proposed rent increase.

OTHER DEPARTMENT IMPLICATIONS:

The renewal of the license of occupation, invoicing, and collection of rent complies with the practices of the Finance, Clerks, and Legal Services Departments.

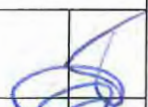

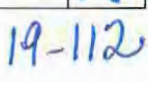
SUMMARY AND CONCLUSION:

Staff recommend the renewal of the license of occupation agreement between the Corporation of the City of Welland and Vezna Bazgaloska-Murgoski for the Welland Market Square Breakfast Cafe located at 70 Young Street Welland for an additional one (1) year term commencing on May 1st, 2020.

ATTACHMENTS:

None

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICESENGINEERING DIVISION

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO |  |
| CAO |  |

REPORT ENG-2020-05
JANUARY 21, 2020

19-112

**SUBJECT: SERVICE CENTRE ROOF REPLACEMENT PHASE II
– TENDER AWARD**

**AUTHOR: GAGE STEPHENS
PROJECT MANAGER FACILITIES**

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

RECOMMENDATIONS:

1. THAT COUNCIL accepts the bid submission from Schreiber Brothers Limited in the amount of \$574,990.00 plus HST for the completion of Phase II of the roof replacement at the Municipal Service Centre;
2. THAT Council directs staff to prepare the necessary by-law and agreement to enter into a contract with Schreiber Brothers Limited;
3. That the Mayor and Clerk are hereby authorized to execute the said by-law and agreement.

ORIGIN AND BACKGROUND:

The Public Works Municipal Service Centre was constructed in 1982. Located on Federal Road, just north of Shaw Street, the two level industrial building contains a fleet maintenance garage, south and west fleet parking garages, stock room, workshops, administrative offices, ancillary service and support rooms.

The flat roof is original to the building construction. There have been many minor repairs to the roof, but now has significant leaks. This is posing a health and safety risk to employees and has damaged stock and equipment.

COMMENTS AND ANALYSIS:

Phase I replacement of the roof is over 50% complete. The City's consultant Tektum Consulting Group has generated daily reports outlining Schreiber Brothers Limited's performance. The reports have been positive and indicate Schreiber Brothers Limited is working to the designed specification and keeping with timelines originally indicated for the installation. In addition, any indicated deficiencies have been repaired immediately and without issue.

Due to the excellent performance of the company and the fact that the company is on site staff have requested the company to provide pricing to complete the work. Schreiber Brothers Limited has provided costs to complete Phase II. The bid submission outline is as follows.

| | |
|-----------------|--------------|
| Budget | \$690,000.00 |
| Base Bid | \$557,335.00 |

| | |
|--------------------------------|-------------|
| Separate Prices | |
| Ladder Replacement | \$7,715.00 |
| Caulk Precast Wall Separations | \$16,175.00 |

| | |
|---|-------------|
| Alternate Prices Additional Insulation | |
| 1 | \$14,760.00 |
| 2 | \$16,175.00 |
| 3 | \$12,150.00 |
| 4 | \$320.00 |

| | |
|-----------------------|--------------|
| Total | \$624,715.00 |
| Total * 1.0176 | \$635,709.98 |
| Budget +/- | \$54,290.02 |

| | |
|---------------------------------|--------------|
| Cost Comparison Ph 1 + 2 | |
| Phase 1 Cost | \$574,990.00 |
| Phase 1 Area (ft2) | 37,100 |
| \$/ft2 | \$15.50 |
| Phase 2 Cost | \$600,740.00 |
| Phase 2 Area | 30,600 |
| \$/ft2 | \$19.63 |

The City's consultant for the project has reviewed the bid submission and the information provided above. The consultant expected to see higher square foot costs on the areas identified in phase II due to the increased complexity of the work area. Upon review of the Phase I and Phase II figures, the costs appear to be equivalent to the cost if the tender was combined into one project. This would save the City considerable costs for time, setup, demobilization, warranty coordination, additional overhead to administer bids, and the consulting fee to administer additional tender requests. As a consequence of the foregoing, staff wishes to proceed with the current contractor on site to complete the work in a timely fashion.

FINANCIAL CONSIDERATIONS:

The bid submission plus approximately 1.76% for the City's HST share results in an ultimate project value of approximately \$635,709.00.

A breakdown of the funding structure for this project is shown in the following table:

| 2019 and 2020 Capital Budget | Amount |
|--|-----------------------|
| 2019 Service Centre Roof Replacement Ph 1 (10-444-19083) | \$800,000.00 |
| 2020 Service Centre Roof Replacement Ph 2 (10-444-20081) | \$690,000.00 |
| Total Funding | \$1,490,000.00 |

| | |
|-----------------------------|---------------------------|
| Total Budget Ph I+II | \$1,490,000.000 |
| Phase I + Phase II * 1.0176 | \$1,220,819.81 |
| Total over/under | Under \$269,180.00 |

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Purchasing, Finance, Clerks and Legal divisions.

SUMMARY AND CONCLUSION:

Replacement of the Municipal Service Centre roof is required to maintain operations at the facility. The current roof is leaking considerably and is causing damage to equipment, loss of stock and creating a health and safety risk to workers.

For the reasons outlined above, staff recommends awarding the Phase II contract to Schreiber Brothers Limited, of Hamilton, Ontario to facilitate the replacement of the remainder of the existing roof unit at the Municipal Service Centre.

ATTACHMENTS:

Appendix I - ENG-2019-42 Service Centre Roof Replacement Phase 1 – Tender Award

SPECIAL COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

| APPROVALS | |
|-----------------|--|
| GENERAL MANAGER | |
| CFO | |
| CAO | |

REPORT ENG-2019-42
NOVEMBER 12, 2019

**SUBJECT: SERVICE CENTRE ROOF REPLACEMENT PHASE 1
– TENDER AWARD**

**AUTHOR: GAGE STEPHENS
PROJECT MANAGER FACILITIES**

**APPROVING MANAGER: CHRIS ANDERS, P.ENG
MANAGER OF ENGINEERING SERVICES**

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receive Report ENG-2019-42 Service Centre Roof Replacement Phase 1 – Tender Award
2. THAT Welland City Council accepts the tender from Schreiber Brothers Limited, in the amount of \$574,990.00 plus HST being the lowest tender of four (4) tenders meeting the tender requirements and
3. THAT the City Clerk prepare all necessary by-laws to enter into contract with Schreiber Brothers Limited.

ORIGIN AND BACKGROUND:

The Public Works Municipal Service Centre was constructed in 1982. Located on Federal Road, just north of Shaw Street, the two level industrial building contains a fleet maintenance garage, south and west fleet parking garages, stock room, workshops, administrative offices and ancillary service and support rooms.

The flat roof is original to the building construction. There have been many minor repairs to the roof, but it now has significant leaks. This is posing a health and safety risk to workers and damage to stock and equipment.

COMMENTS AND ANALYSIS:

The tender for the works was released on Biddingo.com a major Canadian tendering website on October 15, 2019. A mandatory site meeting was held on October 23, 2019 and eleven (11) contractors attended.

There were ten (10) plan takers and seven (7) bids were received on closing day, Wednesday October 30, 2019.

In order to submit a bid for this project, contractors must be a member of the Ontario Industrial Roofing Contractors Association (OIRCA) and have a Certificate of Recognition (COR) from the Infrastructure Health and Safety Association (IHSA) and The Canadian Federation of Construction Safety Associations (CFCSA).

A provisional price to add extra insulation to the heated storage area was requested with the bid. This would increase the insulation value from R17, to R29. Staff recommend the addition of this provisional item as it will increase the thermal efficiency in the heated storage area. This building consumes 31% of our natural gas consumption for city facilities. Increasing the insulation factor will reduce this energy consumption considerably.

The table below shows the bid results:

| Company | Base Bid | Provisional | Total | Certified |
|--|--------------|-------------|--------------|-----------|
| T Hamilton & Sons Roofing 20 Thornmount Drive, Scarborough On, M1B-3J4 | \$466,642.00 | \$35,000.00 | \$501,642.00 | N |
| Atlantic Roofers Ontario 151 Brockley Drive, Hamilton, Ontario, L8E 3C4 | \$462,400.00 | \$53,000.00 | \$515,400.00 | N |
| Schreiber Brothers Limited 50 Brockley Drive, Hamilton, Ontario, L8E 3P1 | \$534,545.00 | \$40,445.00 | \$574,990.00 | Y |
| Flynn Canada Ltd. 6435 Northwest Drive, Mississauga, Ontario, L4V 1K2 | \$519,900.00 | \$60,615.00 | \$580,515.00 | Y |
| Pollard Roofing 1795 Ironstone Drive, Burlington, Ontario, L7L 5T8 | \$515,000.00 | \$70,000.00 | \$585,000.00 | N |
| Triumph Roofing & Sheet Metal 1 Connie Street, Toronto, Ontario, M6L 2H8 | \$576,800.00 | \$40,000.00 | \$616,800.00 | Y |
| Altas Apex Roofing Inc. 65 Disco Road, Etobicoke, Ontario, M9W 1M2 | \$596,424.00 | \$45,300.00 | \$641,724.00 | Y |

Of the seven (7) bids received, the lowest bid compliant bid was from Schreiber Brothers Limited.

FINANCIAL CONSIDERATION:

The tender price from the low bidder plus approximately 1.76% for the City's HST share results in an ultimate project value of approximately \$585,109.82.

A breakdown of the funding structure for this project is shown in the following table:

| 2018 and 2019 Capital Budget | Amount |
|---|---------------------|
| 2018 Service Centre Roof Replacement Ph 1 of 3 (10-444-18041) | \$250,000.00 |
| 2019 Service Centre Roof Replacement Ph 2 of 3 (10-444-19083) | \$550,000.00 |
| Total Funding | \$800,000.00 |

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Purchasing, Finance, Clerks and Legal departments.


SUMMARY AND CONCLUSION:

Replacement of the Municipal Service Center roof is required to maintain operations at that facility. The current roof is leaking considerably and is causing damage to equipment, loss of stock and creating a health and safety risk to workers.

Staff recommends awarding the contract to Schreiber Brothers Limited, of Hamilton, Ontario to facilitate the replacement of the existing roof unit at the Municipal Service Center.

ATTACHMENTS:

None

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO | |
| CAO | |

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

19-123

REPORT P&B-2020-01
JANUARY 21, 2020

SUBJECT: APPLICATION FOR ZONING BY-LAW AMENDMENT (FILE NO. 2019-03) – CITY OF WELLAND – FOR LANDS ON THE EAST SIDE OF PLYMOUTH ROAD, SOUTH OF FIRST STREET AND NORTH OF SECOND STREET, KNOWN MUNICIPALLY AS 114 & 142 SECOND STREET, 115 FIRST STREET, AND AN UNADDRESSED PARCEL ON THE SOUTH-EAST CORNER OF PLYMOUTH ROAD AND FIRST STREET

**AUTHOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
PLANNING SUPERVISOR**

**APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS**

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Amendment to the Zoning By-law for lands on the east side of Plymouth Road, south side of First Street, and the north side of Second Street, known municipally as 114 & 142 Second Street, 115 First Street, and an unaddressed parcel on the south-east corner of Plymouth Road and First Street from 'Deferred Area' to Institutional (INS1); and,

THAT no further notice under the Planning Act are required as the proposed changes to the proposed Zoning By-law Amendment are minor, as per Section 34(17) of the Planning Act.

ORIGIN AND BACKGROUND:

An application for Zoning By-law Amendment was made by the City of Welland for the lands located on the east side of Plymouth Road, south of First Street and north of Second Street on October 11, 2019, and were deemed complete on October 11, 2019. This is a City-initiated application.

These lands were identified as being a 'Deferred Area' in Zoning By-law 2017-117 and the policies in Zoning By-law 2667 continue to apply. The properties are zoned as Institutional One Zone (IN-1) in By-law 2667. These lands were deferred to provide staff an opportunity to have further consultation with the residents in this area. The additional

consultation has occurred, and staff are now in a position to move forward with the rezoning.

COMMENTS AND ANALYSIS:

The Proposal

The proposal has been made to rezone these lands to Institutional (INS1) in Zoning By-law 2017-117 as they are currently identified as being 'Deferred Area'. The applications were submitted on October 11, 2019 and were deemed complete the same day.

The Site

The properties are located on the east side of Plymouth Road, south of First Street and north of Second Street. Three of the properties are developed, and one lot remains vacant. 115 First Street is the location of the former Holy Trinity Ukrainian Orthodox Church, which closed in 2017 and was subsequently sold to private owners. The property at 142 Second Street is used as a private residence. The property at 114 Second Street is the location of the Church of Higher Consciousness, and the former Hungarian Presbyterian Church.

Surrounding Land Uses

To the north of the properties is a retirement home and community (Plymouth Cordage Retirement residence). To the east is Plymouth Public School, and further beyond that is a residential neighbourhood. To the south is St. John the Baptist Hungarian Greek Catholic Church and Hall, and further south is St. Mary School. To the west is a residential neighbourhood.

Development and Agency Comments

City of Welland Fire & – No comment
Emergency Services
Department
(January 14, 2020)

City of Welland – In order to obtain a building permit for the conversion
Infrastructure and of the existing churches in future, a Record of Site
Development Services – Condition must be filed with the MOE anytime there
Building Division is a change in use from commercial, industrial, or
(December 10, 2019) community to institutional, parkland, residential,
agricultural or other use. A building permit cannot be
issued until the RSC has been filed and accepted by
the MOE.

– Any building permits issued will be in accordance
with the requirements of the Ontario Building Code.

– Issuance of a building permit is subject to compliance
with the list of applicable law which is defined in
section 14.1.3. Division A of the 2010 Ontario Building
Code

- A subsurface Geotechnical report prepared by a qualified geotechnical consultant, will be required at the time of building permit application review
- City of Welland
Infrastructure and
Development Services –
Traffic, By-laws, and
Enforcement Division
(December 10, 2019)
- No objection
- City of Welland
Infrastructure and
Development Services –
Engineering Division
(December 10, 2019)
- No objection
- Enbridge Gas
(October 29, 2019)
- No objection
- Region of Niagara –
Planning and Development
Division
(November 20, 2019)
- The subject lands are within a Settlement Area and encourage the efficient use of land, resources, and infrastructure that are planned or available.
 - These lands are identified as being in the Built Up area in the Places to Grow Plan and within the Urban Area of Welland in the Regional Official Plan. This area is to be the focus for intensification, investment, employment, and population growth.
 - The proposed rezoning aligns with Regional and Provincial policy, and therefore the Region offers no objection.

A Public Open House was held on September 26, 2019 to gain public input regarding the proposed changes to the Zoning on the property. Approximately seven (7) people were in attendance at the Open House. Based on the comments were provided as a result of this Open House, staff are proceeding forward with the rezoning of these properties with the INS1 Zone that was originally recommended. Staff received one letter of support and one letter of objection, as well as verbal comments of support from two of the residents that attended the meeting.

An additional Public Information Meeting was held on November 14, 2019 once the formal applications were made by the City to rezone these properties. One (1) person was in attendance at the meeting. The following comments and concerns were raised at the Public Information Meeting:

- The proposed amendments would negatively impact the use of their property;

- They were not in support of the proposed changes and wanted only the uses in By-law 2667.

At the time of writing this report, one (1) letter and one (1) petition have been submitted by members of the public regarding the application. The letter received was in opposition to the proposed application. The petition included four (4) names of residents who are in support of the proposed amendment.

Two residents spoke at the Statutory Public Meeting held on December 3, 2019 regarding this application. One resident spoke in support of the application and one resident spoke in opposition to the proposed application.

COMMENTS AND ANALYSIS

Provincial Policy

The lands are currently within a Settlement Area as defined by the Provincial Policy Statement. Settlement areas are intended to be the focus of growth and development, and their vitality and regeneration should be promoted. The appropriate mix of uses and densities is promoted to efficiently and wisely use land and resources, infrastructure, and public services.

The subject lands are within the Built Boundary as identified by the Growth Plan. Lands within the Built Boundary are intended to be the focus of growth and development, and provide a range of uses. The intent of the policies in the Growth Plan are to encourage the creation of 'complete communities' which provides for all the needs of residents. The policies encourage new growth and development, including infilling and intensification, to be within the Built Up Area on lands that are currently serviced by municipal services.

The proposed rezoning will bring the lands into Zoning By-law 2017-117 which is consistent with the policy direction found in both the Provincial Policy Statement and the Growth Plan. The proposed rezoning will allow for a greater range of institutional uses than are currently permitted in By-law 2667, which will help to better provide services to the community. The proposed rezoning is consistent with the intent of the policies in both these Provincial documents.

Regional Policy

The property is located within the Urban Area of Welland as identified by the Region of Niagara's Official Plan. Urban Areas are intended to be the focus of growth and development. The Region's policies promote a range of uses within urban serviced areas. The proposed rezoning is to allow for a range of institutional uses on the properties which is greater than is currently permitted in Zoning By-law 2667. The uses that are proposed are all considered to be institutional and will provide a greater range of services to the community. The proposed rezoning is consistent with the policies in the Regional Official Plan as it will allow for a range of uses and services for the community which will be on full municipal services.

City of Welland Official Plan

The lands are designated as Institutional in the City of Welland Official Plan. The Institutional designation allows for: public and private schools; post-secondary educational establishments; day cares; health care facilities; civic facilities; cultural facilities; social housing; places of worship; cemeteries; assisted living; care facilities and

retirement homes for seniors; and other public or community facilities. The proposed rezoning will allow for only the uses listed in the Official Plan in the proposed Institutional (INS1) Zone. The current IN-1 zoning of the properties in Zoning By-law 2667 allows only for: a place of worship; a single-detached dwelling; a school; a day-care facility; a library; and, a museum. The current permitted uses are far narrower than what the Official Plan identifies as permitted uses for the Institutional designation. The proposed rezoning will allow for all the uses identified in the Official Plan, and thus, better implement the intent of that plan. As such, the proposed rezoning is consistent with the policies in the Institutional Designation of the City of Welland Official Plan.

City of Welland Zoning By-law

The properties are currently identified as being deferred areas in Zoning By-law 2017-117 and are subject to the regulations in former Zoning By-law 2667. The proposal is to rezone the lands to Institutional (INS1) in Zoning By-law 2017-117 to bring it into conformity with the City's Official Plan. The rezoning of the properties to the INS1 will also be consistent with the zoning of the properties to the north and south, which are all zoned INS1. The proposed zoning will also be compatible with the zoning of the property to the east and west. The proposal is consistent with the zoning that was originally proposed in 2017, but was confirmed through consultation with the neighbourhood that the majority of residents were in support of the INS1 Zone, rather than the IN-1 Zone.

Staff are of the opinion that the proposed Zoning is consistent with Provincial, Regional, and City policies. It will allow for a greater range of institutional uses which will better support residents and provide greater flexibility. City staff feel that the proposed zoning will allow for the existing uses to continue, as well as to allow new institutional uses in the future.

Neighbourhood Comments

Concerns regarding the proposed rezoning have been presented by a property owner within the area that is to be rezoned. Their comments include that the proposed rezoning will negatively impact the use of their property and will lead to high density development in the area. The proposed Zoning will not prevent any of the current uses on the property from continuing. In addition to this, any existing uses that may not have been permitted in the old Zoning By-law will be grandfathered if the new zoning is approved.

Concerns regarding parking have also been identified for any new use on the subject properties. All new uses would need to comply with the City's parking regulations. Any parking deficiencies would be required to undertake a Minor Variance or Zoning By-law Amendment to permit a reduced parking rate, both of which would require a public process.

Questions were received regarding 111 Second Street, St. John the Baptist Hungarian Greek Catholic Church and why it was not identified as being a deferred area in the current Zoning By-law. The motion that was passed by Council which deferred the subject lands from the new Zoning By-law only referenced the lands on the north side of Second Street and the south side of First Street. The lands on the south side of Second Street were not included in this motion, and were therefore rezoned to INS1. This was not appealed to the Local Planning Appeal Tribunal, and is therefore in force and effect.

Although there have been questions regarding the zoning on this property, it is not the subject of this application.

FINANCIAL CONSIDERATION:

There are no financial implications associated with this application.

OTHER DEPARTMENT IMPLICATIONS:

Where appropriate, comments from other departments and agencies have been included.

SUMMARY AND CONCLUSION:

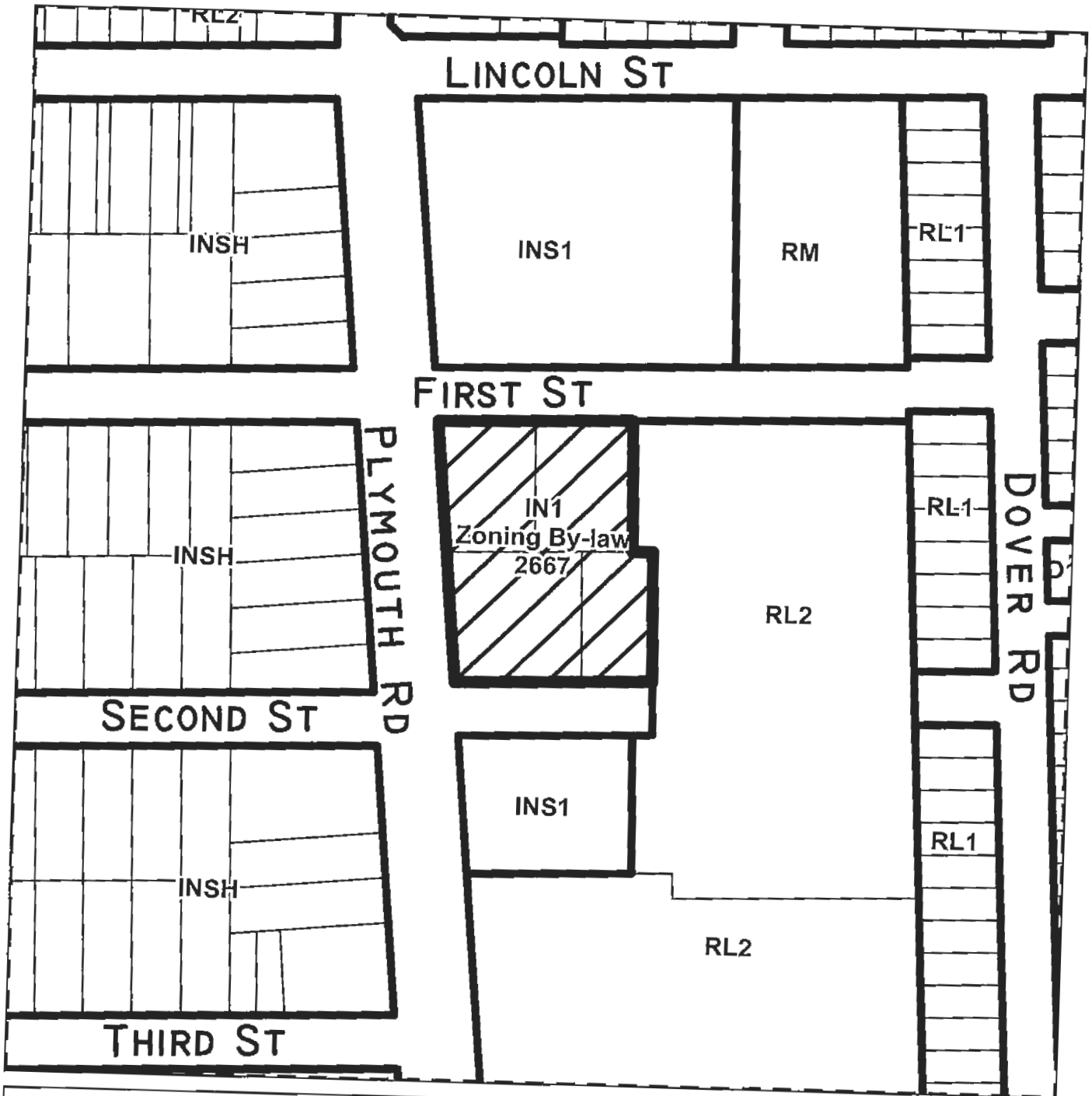
The subject application for Zoning By-law Amendment is to include the four subject properties in Zoning By-law 2017-117, which represents good planning because:

1. Is consistent with policies in the Provincial Policy Statement and Places to Grow Plan which encourage the creation of complete communities which provide a range of uses and services for all residents.
2. Is consistent with the policies in the City's Official Plan which identifies the types of uses to be permitted in the Institutional Designation.
3. Is consistent with the zoning on surrounding properties.

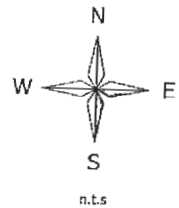
ATTACHMENTS:

- | | | |
|--------------|---|-------------------------------|
| Appendix I | - | Key Map |
| Appendix II | - | Aerial Photo of Subject Lands |
| Appendix III | - | Relevant correspondence |

2019-03



KEY MAP



SUBJECT LANDS



Infrastructure and
Development Services
Planning Division



**AERIAL PHOTO OF
THE SUBJECT LANDS**
2019-03



 **SUBJECT LANDS**



*Infrastructure and
Development Services*
Planning Division

Rachelle Larocque

From: Matt Richardson
Sent: January 14, 2020 2:12 PM
To: Rachelle Larocque
Subject: RE: Report Comments

Rachelle,

RE: comments on the First and Second Street re-zoning we have no comment. Regarding the South Pelham Road development my comments are as follows:

-ensure access requirements and water supply for firefighting purposes for the 4-storey building complies with the Ontario Building Code.

-ensure the turn radii within the condo development have an adequate centre-line turn radii to accommodate our apparatus. (i.e. 14 m centreline)

-if the hammerhead turn-around at unit 33 & 34 is to be utilized, ensure it is of a size that can accommodate our apparatus

-ensure fire route signage is provided within the development to ensure access routes are kept clear

-ensure water supply for firefighting purposes complies with the Ontario Building Code and any other applicable standard(s) for the condo portion of the development

Are the roads within this development going to be private roads?

Thanks, and sorry for the delay.



Matt Richardson, B.A., CFEI, CCFI-C, CMM I
Director of Fire Prevention
Welland Fire and Emergency Services
Corporation of the City of Welland
636 King Street, Welland, Ontario L3B 3L1
Phone: (905)735-9922 Ext. 2408 **Fax:** (905)732-2818
www.welland.ca

   YourChannel

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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: January-14-20 11:49 AM
To: Matt Richardson <matt.richardson@welland.ca>
Subject: Report Comments

MEMORANDUM**Integrated Services Department
Building Division**

TO: Rachelle Larocque, B.E.S., M.Sc.,MCIP,RPP

FROM: J. Tosta, CBCO, CPSO
Chief Building Official

DATE: December 10, 2019

SUBJECT: Request for Rezoning, - Part Lot 24, Concession 6, former Township of Crowland, Part Block U, Plan 564, Part Road Allowance, Parts 1 and 2 on Plan 59R-14543 for lands at **114, 142 Second Street, 105 First Street**, and an unaddressed parcel at the south-east corner of **Plymouth Road and First Street**

Staff has reviewed the information submitted and while a final decision on issuance of building permit will be based on the information submitted with the building permit application to this office, we wish to offer the following comments:

1. In order to obtain a building permit, a Record of Site Condition (RSC) must be filed with the MOE anytime there is a change of use of property from commercial, industrial or community use to institutional, parkland, residential, agricultural or other use. A building permit cannot be issued until the RSC is filed and accepted by the MOE.
2. Any proposed development will be subject to the requirements of a building permit issued in accordance with the Ontario Building Code.
3. Issuance of a building permit is subject to compliance with the list of applicable law which is defined in section 14.1.3. Division A of the 2010 Ontario Building Code
4. A subsurface Geotechnical report prepared by a qualified geotechnical consultant, will be required at the time of building permit application review
5. Residential development is subject to Parkland dedication which is established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Subdivision Agreement.

If you have any questions regarding the above comments, please do not hesitate to contact me.

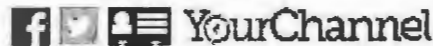
Rachelle Larocque

From: Vickie Lafleur
Sent: October 29, 2019 8:35 AM
To: Rachelle Larocque
Subject: FW: Application to Amend Zoning By-law 2017-117 (File No. 2019-03)

FYI



Vickie Lafleur
 Customer Service Clerk
 Building and Planning Division
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700
www.welland.ca



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From: Municipal Planning [mailto:MunicipalPlanning@enbridge.com]
Sent: October 29, 2019 6:46 AM
To: Vickie Lafleur <vickie.lafleur@welland.ca>
Subject: RE: Application to Amend Zoning By-law 2017-117 (File No. 2019-03)

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

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
 Municipal Planning Coordinator
 Long Range Distribution Planning

ENBRIDGE GAS INC.
 TEL: 416-495-5386

500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com

Safety. Integrity. Respect.

From: Vickie Lafleur <vickie.lafleur@welland.ca>
Sent: Monday, October 28, 2019 12:26 PM
To: Municipal Planning <MunicipalPlanning@enbridge.com>
Subject: [External] Application to Amend Zoning By-law 2017-117 (File No. 2019-03)

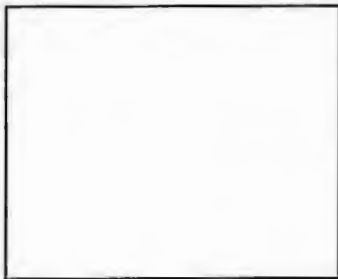
EXTERNAL: PLEASE PROCEED WITH CAUTION.

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good afternoon

Please find attached Application to Amend Zoning By-law 2017-117 (File No. 2019-03)

Vickie



Vickie Lafleur

Customer Service Clerk
Building and Planning Division
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700
www.welland.ca



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Rachelle Larocque

From: Scott Richardson
Sent: December 10, 2019 1:41 PM
To: Rachelle Larocque
Cc: Julie VanLeur
Subject: RE: First & Second Street Rezoning

Rachelle,

Engineering has no comments regarding the rezoning of this property.

Regards,



C. Scott Richardson, C.E.T.
 Development Supervisor
 Engineering Division
 Infrastructures and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2222 **Fax:** (905)735-7184
www.welland.ca



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From: Rachelle Larocque
Sent: December-10-19 12:34 PM
To: Matt Richardson <matt.richardson@welland.ca>; Jack Tosta <jack.tosta@welland.ca>; Ali Khan <ali.khan@welland.ca>; Scott Richardson <scott.richardson@welland.ca>
Subject: First & Second Street Rezoning

Good afternoon,

I'm working on finishing up my report, and I have no comments regarding this application from your Divisions. If you could please provide me with any comments that you may have, it would be greatly appreciated.

Please let me know if you have any questions.

Thanks!



Rachelle Larocque, BES, M.Sc., MCIP, RPP

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

Phone: (905)735-1700 Ext. 2310 **Fax:** (905)735-8772

www.welland.ca

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Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

November 20, 2019

File No.: ZA-19-0128

Ms. Rachele Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Ms. Larocque:

**Re: Provincial and Regional Comments
Proposed Zoning By-law Amendment
City No.: ZA 2019-03
Applicant: City of Welland
Addresses: 114, 142 Second Street, 105 First Street and parcel at south
east corner of Plymouth Road and First Street
City of Welland**

Regional Planning and Development Services staff has reviewed the above noted application submitted by the City of Welland for a Zoning By-law Amendment for lands municipally known as 114, 142 Second Street, 105 First Street, and an unaddressed parcel at the south-east corner of Plymouth Road and First Street. The proposal requests to rezone the subject lands from Institutional One (IN-1) in Zoning By-law 2667 to Institutional (INS1) in Zoning By-law 2017-117. The purpose of the application is to incorporate the subject lands into Zoning By-law 2017-117 as the lands are currently identified as "Deferred Areas", where the policies of By-law 2267 continue to apply.

The application was received by Regional staff on November 4, 2019. The following comments are provided from a Provincial and Regional perspective to assist the City in considering the application.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the 2014 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas and encourage the efficient use of land, resources, and infrastructure that are

ZA-19-0128
November 20, 2019

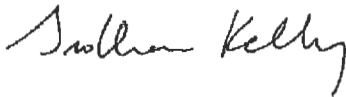
planned or available. The 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the subject lands as within the Delineated Built-Up Area – an area intended to be the focus for intensification, investment, employment and population growth. Further, Regional Official Plan (ROP) designates the subject lands as within the Urban (Built-Up) Area. A full range of residential, institutional, commercial, and industrial uses are generally permitted within this designation, subject to the availability of adequate municipal services and infrastructure. Currently, the subject lands are occupied by a single-detached residential dwelling (142 Second Street), and two places of worship (114 Second Street and 105 First Street). Accordingly, Regional staff has no objections to the proposed Zoning By-law Amendment as the proposed rezoning conforms to and aligns with Provincial and Regional policies.

Conclusion

In conclusion, Regional Planning and Development Services staff are supportive of the proposed Zoning By-law Amendment from a Provincial and Regional perspective. Should you have any questions concerning the above noted comments, please contact the undersigned at extension 3396 or Lindsay Earl, Senior Development Planner, at extension 3387.

Please send a copy of the City staff report and notice of Council's decision on this application.

Best regards,



Siobhan Kelly
Planning and Development Student

cc: Ms. L. Earl, MCIP, RPP, Senior Development Planner, Niagara Region

Rachelle Larocque

From: Ali Khan
Sent: December 10, 2019 12:36 PM
To: Rachelle Larocque
Subject: RE: First & Second Street Rezoning

Hi Rachelle,

No comments from deptt.

Regards
 Ali Khan

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Date: 2019-12-10 12:34 p.m. (GMT-05:00)
To: Matt Richardson <matt.richardson@welland.ca>, Jack Tosta <jack.tosta@welland.ca>, Ali Khan <ali.khan@welland.ca>, Scott Richardson <scott.richardson@welland.ca>
Subject: First & Second Street Rezoning

Good afternoon,

I'm working on finishing up my report, and I have no comments regarding this application from your Divisions. If you could please provide me with any comments that you may have, it would be greatly appreciated.

Please let me know if you have any questions.

Thanks!



Rachelle Larocque, BES, M.Sc., MCIP, RPP

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

Phone: (905)735-1700 Ext. 2310 **Fax:** (905)735-8772

www.welland.ca



December 16 2019

Dear Mayor, Welland City Council and Ontario Ombudsman,

I am writing this letter because of great concern in the practice/ conduct/ intention of the city's proposal to rezone the lands that are in question. To keep this short and as simple as possible I will put this in point form.

1. Grant Munday's proposal to council on December 3 2019 was very misleading by
 - A) He stated that this zoning change would not affect our ability to freely practice our religious beliefs.
 - B) He stated that the city has done this all over town to other churches.
 - C) He stated that this would not change the nature of the neighbourhood.
 - D) He stated that there were 4 people who were for the change at the TOP of the presentation.
 - E) He stated that traffic and parking would not be affected.
2. The city has put up a sign to sell the vacant land owned by the city.
3. The request to keep the zoning the same included 111 Second St. that mysteriously got put through anyway. Over a year and a half of asking and we still do not know why.

Let's take a look at some facts,

- **City wants \$420,000 for vacant parcel abutting our property and is asking this much BECAUSE the potential buyer CAN put a four story building on the property. So does this mean that the zoning is being passed no matter what?**
- **Putting a four story building up on a less than half acre lot will DEFINITELY change the nature of the neighbourhood.**
- A concerned citizen (actually two if you count like the city) from first street was at the open house in November at the arena with concerns of parking.
- How would that much of a building on that small of a foot print not affect the traffic and parking for everyone in the area?
- If the city lot can put up a four story building then why can't the other properties? So basically downtown Toronto style in zoning that is designated for quiet institutional purposes?
- **Would that not drastically change the nature of the neighbourhood?**
- **We already have a constant loud pitch noise coming from one of the developments on the corner of Lincoln and Hellems. We have tried to get the city to investigate but have heard no response to a solution.**
- Has the zoning changes all over town allowed for major development (i.e. four story building) to be allowed next to every other church in town or any at all?
- The 4 people that are for the change are Peter Banga and his wife/partner from 142 Second Street and Father Nick and another person from the church at 111 Second Street.
- Firstly 111 Second street has already been changed over somehow.
- **Mr. Banga was encouraged back in 2018 to participate in this process by the city.**

- Mr. Banga @ 142 Second Street also operates a business out of his house and makes cool loops and sells them online. Sunscarf international limited is the company name and I encourage you to look it up on line.
- The questionability of this being permitted has been brought to the city's attention more than once and they have allowed it to continue. Firstly the basement is where the product is made, it is sold online in the office on the main floor and the garage is full of supplies and materials this exceeds more than 25% of floor space and occupying more than one area. But most of all he is clearly importing and selling products other than just what he is manufacturing (hand warmers and fan) this affects the nature of the neighbourhood with the constant roar of lead foot delivery trucks. He has also had employees in the past and possibly now. This is a very unsafe working condition as per fire regulations. Also main beam support was removed and the main beam has been allowed to deform. This was brought to the city's attention. This brings into question the structural integrity of the building especially with innocent workers present? I guess business taxes are not collected there?
- **The city has repeatedly came back to the question of tax dollars that would be generated by these properties but are they even getting the proper tax that should have been payed?**
- Then we were first deemed tax exempt by MPAC the city IMMEDIATELY (changed and notified in less than 2 weeks) called for us to be reassessed. Even though we were a registered non-profit it cost us over \$30,000 for us to straighten it out. Did you know that the church on First street (former Ukrainian Orthodox bought by out of town investors) **was allowed to be tax exempt until I noticed it when we first talked(about land for meditation garden) with Grant Munday in August 2018.** I made inquiries why they were allowed to be tax exempt for two years and he had no reason but the city was ready to take our property for unpaid taxes while we were fighting our battle. Also on this the owners made me aware that the city is helping them to get the taxes reduced. **AGAIN THIS GOES AGAINST THEIR CLAIM THAT IT IS ALL ABOUT THE TAX DOLLAR?**
- **What about capital gains would the city not have to pay this on selling the vacant lands? Would this not seriously affect the bottom line?**
- Before we bought our property we inquired about possibly making it into condos and I told you it would cost roughly \$20,000 and the city was not interested in this proposal. I said "would the city not be interested in getting tax on a property that is not paying tax" and Christine from the city told me "we do not care about that".
- **Knowing that development was not encouraged and actually discouraged, we bought the property for the purposes of a BUDDHIST TEMPLE AND MEDITATION GARDEN. AGAIN RIGHT ZONING RIGHT APPLICATION. NOW THE CITY CHANGED its MIND?**
- **Would we have the privacy and the peacefulness with four stories of people and traffic all around us? I have already pointed out the stand that the city takes to meditation but they contradict that statement?**
- These proposed changes will drastically affect our rights and our practice of our faith with basically no benefit to the tax payer but will definitely benefit a very very small select few.
- WE bought the property with the right zoning for the right application and everybody else that wants the change is only looking to profit by changing the zoning. If they wanted a different

purpose for their land then they should have bought in the right spot in the first place and not try to disrupt a needed institution in our society.

- **I would also point out that you may be looking at my response as a limited few but I am standing up for hundreds of tax payers as of now but once we break free from the constraints that the city keeps imposing and allowed to flourish we WILL positively affect thousands of tax payers. That is definitely a bigger and more positive impact to the community.**
- There is much more to this story like why the city gave us a notice immediately (again costing us thousands of dollars) after confirming our intentions to go to council to put forth our stellar proposal for the vacant property. The ombudsman is helping to look into some of the issues and looks like we are going to have to get the integrity commission and possibly others involved as well.

There are some very perplexing issues here but the city is in a hurry and determined to push this through which is almost always an indication of foul play. There is more here that each councillor should be considering than has been presented to them. The vacant property has not changed in the history of Welland (can prove to 1930's at least) and possibly should not be sold until the zoning issue is through. We do not care if it is sold but we do care that it is not commercialized or maximized as to affect our Temple. Council has a responsibility to the tax payer regardless of the city's intent. **Remember this that the Buddha sat under a tree for 40 Days and figured out the meaning of life with MEDITATION why can't Welland have a place to encourage the Buddha in all of us to be a bit BETTER. This is more important to the community than another development to benefit a small few and hamper the greater good.**

Thank you and Namaste

Daniele Tronko Elder Church of Higher Consciousness



City of Welland
 Infrastructure and Development Services
 Planning and Building Division
 80 East Main Street, Welland, ON L3B 3X4
 Phone: 905-735-1700 Ext. 2251 | Fax: 905-735-8772
 Email: devserv@welland.ca | www.welland.ca

①

COMMENTS (Please Print)

Name: CHURCH OF HIGHER CONSCIOUSNESS
 Address: 146 SELAND ST
 City: WELLAND
 Telephone No. _____
 Email: _____
 Postal Code: L3B 4T9

Would you like to be notified by? Email Regular Mail

We were told again at the open house that this would be beneficial financially to us to change the zoning. We are a non-profit and are here to do the right thing and promote peace and harmony in our community not to profit at the expense of the community. We will never sell our property as we bought institutional property to conduct institutional services in our community. (Right zoning for right application) Buddhist and Meditation center is essential to the sustainability of our community. The city's stance on meditation is as such meditation is a practice where an individual uses techniques, such as focusing their mind on a

particular object, thought or activity, to achieve a mentally clear and emotionally calm state. Side harmony and balance we need to improve our world must come from our own mind. If our personal attitudes are modified and become more wholesome and positive, our world will definitely change for the better." Quote from city of welland wellness guide 2019-2021 fall winter page 35. Guided Meditation. Do the city agrees with us that meditation and wholesome positive attitudes WILL DEFINITELY change our world for the better. AGAIN CORRECT ZONING AND AREA FOR CORRECT ACTIVITY. Our intentions are clear as we tried to obtain the vacant city land to expand our meditation gardens AND FEED the most vulnerable in our community. We are community oriented. Councillor Demore stated that the city is trying to discourage this activity and their actions make that statement very clear. SO HOW CAN THE CITY STAND FOR BOTH SIDES. Our actions ~~are~~ ~~will~~ WILL MAKE A BETTER WORLD IN THEIR OWN WORDS, BUT THEY STAND OPPOSED TO OUR ACTIONS. The owners of 105 First St. stated clearly at the open house that they are opening an art school.

If you would like more information on the project please contact Rachelle Larocque, Planning Supervisor, 905-735-1700, Extension 2310 or email rachelle.larocque@welland.ca.

3



City of Welland
 Infrastructure and Development Services
 Planning and Building Division
 60 East Main Street, Welland, ON L3B 3X4
 Phone: 905-735-1700 Ext 2251 | Fax: 905-735-8772
 Email: devserv@welland.ca | www.welland.ca

COMMENTS (Please Print)

Name _____

Address _____

City _____

Postal Code _____

Telephone No _____

Email _____

Would you like to be notified by?

 Email Regular Mail

This will still be allowed under the defered zoning. One area resident had concerns about increased parking traffic in front of their house on First St. Changing to proposed zoning could and most likely ^{will} increase this concern. The owners of 142 Second St make claims that this change will benefit our city by increasing property values. These people moved to Welland from Toronto ^{around} 2011 in the effort to obtain cheap property. They purchased their property to live and run a business which is clearly ~~is~~ not the proper zoning. Their business clearly violates the zoning by laws and even though the

city is aware they allow this to continue (wrong zoning wrong application). Even though their property value has doubled they still want more to only benefit themselves. The city has stated that their reasoning is that they want/need to generate more tax revenue. Well we are tax exempt and that will not change, 105 First St. will pay their taxes regardless and for 7442 Second St the city should be at least getting the proper business taxes from this property. This seems to be another contradiction on their part, claiming that this is a financial benefit to the city but their actions speak differently. We are Welland born, raised and proud (although our ^{some of} members come from out of town) and ~~are~~ trying to improve our surroundings but the city and people that want the zoning changes ~~are~~ SEEM to be mostly concerned about their own financial interests. These properties are to serve the community in an institution manner and the city should respect that developing these few properties is contravening this objective. Council is elected by the community to serve their best interests not to help certain

If you would like more information on the project please contact Rachelle Larocque Planning Supervisor, 905-735-1700, Extension 2310 or email rachelle.larocque@welland.ca

individuals profit. AGAIN WE WILL NEVER SELL OUR PROPERTY AS WE ARE IN THE RIGHT PLACE AND ZONING FOR THE RIGHT APPLICATION TO IMPROVE OUR WORLD!

To:

The City of Welland
Mayor Campion
Grant Munday, Manager of Development Approvals
Honorable Council Members

60 East Main Street
Welland, Ontario L3B 3X4

July 29, 2018

From:

Peter Banga, Sheri Prokopowich and Neighbor's
142 Second Street
Welland, Ontario L3B 4T9

RE: 142 Second Street CROWLAND CON 6 PT LOT 24 RP;59R14543 PART 1 petition for the acceptance of zoning proposals and changes

I support a more fully utilizable land that aligns with our changing times. I also believe that the zoning propositions brought forth by the City of Welland offer increased opportunity to present and future land lords/owners. We offer our full support in moving forward with these zoning amendments. We also offer our support to Peter and Sheri for the City of Welland to revise and approve their proposed zoning amendment from INSI to INSH, specifically applied to 142 Second Street which is more congruent with future needs, in addition to benefiting the people of the City of Welland and the City as a whole.

Name

Address

Signature

F. J. Deak 152 DOAN'S RIDGE Rd. F. J. Deak
L3B 5N4

(FATHER NICK)

Cathy Simonis 111 Second Street C. Simonis

Peter Banga 142 Second St. Peter Banga

Sheri Prokopowich 142 Second St. Sheri Prokopowich

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO | |
| CAO |  |

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

11-108

**REPORT P&B-2020-02
JANUARY 21, 2020**

**SUBJECT: COMMUNITY IMPROVEMENT PLAN INCENTIVE
APPLICATIONS – QUARTERLY SUMMARY REPORT
FOR FOURTH QUARTER OF 2019**

**AUTHOR: CHRISTINE ROSSETTO, B.A. (Hons.)
PLANNING ASSISTANT**

**APPROVING SUPERVISOR: ROSE DI FELICE, M.PI., M.Sc., MCIP, R.P.P.
MANAGER OF POLICY PLANNING**

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2020-02 being a quarterly summary Report of approved 2019 Community Improvement Plan Incentive Applications between October 1, 2019 and December 31, 2019.

ORIGIN AND BACKGROUND:

On July 19, 2016, Council delegated, by By-law, Community Improvement Plan (CIP) Incentive Grant Approvals to Staff and adopted procedures for the processing of the Applications subject to the Delegated Authority. This Report deals with the Incentive Applications that were approved in the fourth quarter of 2019.

COMMENTS AND ANALYSIS:

Three Community Improvement Plan Incentive Applications were approved in the fourth quarter of 2019. All three Applications were within the Downtown and Health and Wellness Cluster Project Area.

Supplementary information is also provided regarding Tax Increment Grants which have been approved by Council (under By-law 2016-104) and are associated with other incentives for proposals noted in the following Table which outlines the Grant details for the three Applications approved under the Downtown and Health and Wellness Cluster CIP.

| LOCATION, INCENTIVE PROGRAM AND TYPE OF WORK | ESTIMATED PROJECT COST OR FEES | MAXIMUM ELIGIBLE GRANT | CITY PORTION OF GRANT | REGIONAL PORTION OF GRANT |
|--|---|------------------------------|-----------------------------|---------------------------------|
| 312 King Street Building Improvement Grant Program - roof | \$33,200 | \$12,500 | \$6,250 | \$6,250 |
| 268 East Main Street Residential Grant Program – create 2 dwelling units | \$240,071 | \$18,465 | \$9,232 | \$9,232 |
| Planning and Building Fees Grant Program - refund of building permit fee | \$617 | \$617 | \$617 | \$0 |
| Tax Increment Grant Program - approved by Council December 17, 2019 | | \$27,625 | \$15,305 | \$12,320 |
| 583-585 King Street Facade Improvement Grant Program – front facade | \$37,360 | \$12,500 | \$6,250 | \$6,250 |
| Residential Grant Program – create 2 dwelling units | \$55,590 | \$12,050 | \$6,025 | \$6,025 |
| Planning and Building Fees Grant Program - refund of building permit fee | \$413 | \$413 | \$413 | \$0 |
| Tax Increment Grant Program - approved by Council December 17, 2019 | | \$5,739 | \$3,180 | \$2,559 |
| TOTAL | \$367,251 | \$89,909 | \$47,272 | \$42,636 |

As per Council's request, the following information is included with respect to the Downtown and Health and Wellness Cluster CIP Programs in the fourth quarter of 2019:

- A total of 13 general and specific inquiries were received;
- A total of 5 pre-Application meetings were held by Staff;
- All complete Incentive Applications submitted were approved.

FINANCIAL CONSIDERATION:

The City's portion of the Grants for these Approvals, upon completion, will be covered with funds from the Incentives Program Fund.

OTHER DEPARTMENT IMPLICATIONS:

The Finance Division, upon completion of the approved works, will be involved with all financial aspects associated with the issuance of these Grants.

The Building Division will be involved with the issuance of the required Permits.

SUMMARY AND CONCLUSION:

Council delegated CIP Incentive Grant Approvals to Staff. As part of the approval procedures contained within the Delegation By-law, a Report outlining the Incentive Grant Applications that have been approved is to be prepared for Council's information on a quarterly basis. As noted in this Report, a total of three CIP Incentive Applications were submitted and approved in the fourth quarter of 2019.

ATTACHMENTS:

None.

| APPROVALS | |
|-----------------|--|
| GENERAL MANAGER | |
| CFO | |
| CAO | |

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

19-105

REPORT P&B-2020-03
JANUARY 21, 2020

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA 22), ZONING BY-LAW AMENDMENT (FILE NO. 2019-02), AND DRAFT PLAN OF VACANT LAND CONDOMINIUM (FILE NO 26CD-14-19003) – UPPER CANADA CONSULTANTS (MOUNTAINVIEW DEVELOPMENTS INC.) – FOR LANDS ON THE WEST SIDE OF SOUTH PELHAM ROAD, SOUTH OF SUMBLER ROAD, AT THE END OF FOXTAIL AVENUE AND SPARROW DRIVE, AND NORTH OF THE SOBEYS PLAZA, MUNICIPALLY KNOWN AS 633 SOUTH PELHAM ROAD

AUTHOUR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
PLANNING SUPERVISOR

APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 22 to designate the lands on the west side of South Pelham Road, south of Sumbler Road, and north of the dead-end of Foxtail Avenue and Sparrow Drive, more specifically described as Part of Lot 1, Concession 12, former Township of Pelham, now in the City of Welland, municipally known as 633 South Pelham Road, from Low Density Residential to Medium Density Residential, and to modify the extents of the Core Natural Heritage and designate the lands outside of the Core Natural Heritage Area as Medium Density Residential;
2. THAT Welland City Council Approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the west side of South Pelham Road, south of Sumbler Road, and north of the dead-end of Foxtail Avenue and Sparrow Drive, more specifically described as Part of Lot 1, Concession 12, former Township of Pelham, now in the City of Welland, municipally known as 633 South Pelham Road from Residential Low Density 2 (RL2), Residential Medium Density (RM), and Environmental Protection (EP) to Site Specific Residential Medium Density (RM) and Environmental Protection (EP);

3. THAT no further notice under the Planning Act are required as the proposed changes to the proposed Zoning By-law Amendment are minor, as per Section 34(17) of the Planning Act; and

4. THAT Welland City Council Approves the Draft Plan of Vacant Land Condominium for 85 townhouse units, one four-storey condominium building with 50 residential units, and one block of environmental lands, subject to the following conditions:

1. That the Owner enter into a Site Plan Agreement with the City.
2. That the Owner enter into a Condominium Assumption agreement with the City.
3. That no grading or on-site works commence prior to the registration of a site plan agreement on the property.
4. That all necessary easements required for utility purposes be granted to the appropriate Authority, free and clear of all encumbrances.
5. That the Owner pay 5% cash-in-lieu of parkland dedication in accordance with City policy, or in accordance with any subsequent community benefits charges.
6. That the north section of Foxtail Avenue shall be finalized and constructed to City Municipal Standards as per the design of Upper Canada Consultants on behalf of the developer. This will include the construction of a permanent cul-de-sac to urban standards, the extension of sidewalk to the cul-du-sac and sodding of the area boulevards to complete the street north of Thorold Road.
7. The Engineering Consultant shall submit a review and design of the wetland complex to include the removal/permanent plugging of the existing drainage pipe connecting to City infrastructure. This review shall determine the impact of the pipe removal and stormwater runoff implications to surrounding residents. This shall be provided to the Engineering section for review and approval. If any further storm sewer work needs to be undertaken on the City right of way after the study has been completed, the developer shall be required to install any required works at their cost.
8. The end of Sparrow Drive shall be completed to urban standards including curbing and sod work to finalize the development. The land on which the existing cul-de-sac sits shall be deeded to the City of Welland.
9. That the Provincially Significant Wetland (PSW) and its associated 15 metre buffer be zoned Environmental Protection or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority.
10. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse.
11. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any stormwater outlets into Drapers Creek.
12. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and engineering analysis that examines the most

appropriate manner of stopping the existing stormwater pipe from draining the wetland as well as the impact of potential flooding as a result. Works to implement the aforementioned reports will require a Work Permit from the Niagara Peninsula Conservation Authority.

13. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval a buffer restoration plan. Implementation of the restoration plan will require a Work Permit from the Niagara Peninsula Conservation Authority.
14. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
15. That the Developer install limit of work fencing along the 15 metre buffer and portions where construction encroachments are less than 15 metres, to the satisfaction of the NPCA. The limit of work fencing is to be shown on the detailed grading and construction sediment and erosion control plans, to the satisfaction of the NPCA. Any construction encroachments into the 15 metre buffer require a Work Permit from the Niagara Peninsula Conservation Authority.
16. That the Developer provide 1.5 metre high chain link fencing along the boundary of the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority.
17. That the following clauses shall be included in the Condominium Agreement between the owners and the City of Welland:

“Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (Culture Program Unit) in London (51-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with section 48(1) of the Ontario Heritage Act.”

“As on virtually any property in Southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport (Culture Program Unit, London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392).”

18. That Block 1, which includes the wetland and its 15m buffer, be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
19. That an updated analysis/assessment be submitted that confirms any existing infrastructure currently located within the wetland, and potential changes to the wetland/water levels as a result of any required infrastructure changes (i.e. removal, capping, etc.) can be appropriately dealt with, without negatively impacting the wetland. This updated assessment should also confirm how Unit 36, the proposed

roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer.

20. That the agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the EIS, including but not limited to:
 - a. Culvert and channel re-alignment design and associated mitigation measures to ensure no impacts to fish or fish habitat as approved by Fisheries and Oceans Canada (DFO);
 - b. Vegetation removals be undertaken between September 1 and mid-March, outside of the core breeding bird nesting period.
21. That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include, but not be limited to, details to protect the wetland during construction and limit downstream impacts during channel realignment and culvert replacement in accordance with DFO approval, as well as details regarding dust suppression and topsoil storage.
22. That a Landscape/Buffer Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA) or other qualified professional, be provided for Regional staff approval. The Planting Plan should identify and illustrate the location of native trees, shrubs, and groundcover within the recommended 15m wetland buffer.
23. That the agreement contain wording wherein the owner agrees to implement the approved ESC Plan and Landscape/Buffer Planting Plan.
24. That permanent fencing be provided along the length of the wetland buffer as illustrated on the Preliminary Site Servicing Plan (Upper Canada Consultants, May 27, 2019) or updated plans, as applicable. That the Site Plan Agreement identifies that no gates will be permitted to access the Provincially Significant Wetland.
25. That prior to approval of the final plan, or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing, and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility.

26. That the Development Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
27. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
28. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the development agreement between the owner and the City.
29. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings (with calculations) for sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
30. That the applicant dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 36 (South Pelham Road), and 4.5 x 4.5 metre daylight triangle prior to the issuance of a building permit, to the satisfaction of Niagara Region.
31. That the condominium agreement between the owner and the City of Welland contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
32. That the owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region Planning and Development Services Department.
33. Prior to any construction taking place within the Regional road allowance, the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
34. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.
35. That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 9-13 and 80-85:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

36. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- a. That the home/business mail delivery will be from a designated Centralized Mail Box.
- b. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

37. The owner further agrees to:

- a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
- c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

38. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

39. That the following warning clause shall be included in the Condominium Agreement and inserted in all offers of purchase and sale or lease for each dwelling unit:

"The lands in the plan of condominium may be exposed to noise, odour, and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy the lands."

40. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:

Canada Post Conditions: 36, 37, 38

Region of Niagara Conditions: 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35

Niagara Peninsula Conservation Authority Conditions: 8, 9, 10, 11, 12, 13, 14, 15, 16

Town of Pelham Conditions: 39

41. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

5. THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium were submitted for the subject lands on July 19, 2019 and were deemed complete on August 1, 2019.

COMMENTS AND ANALYSIS:

The Proposal

The City received complete applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium on July 19, 2019. The request for Draft Plan of Vacant Land Condominium was made for 85 townhouse units fronting onto a private road, and one four-storey 50-unit condominium apartment building block. A block containing a Provincially Significant Wetland will be dedicated to the City as a Condition of Draft Plan Approval.

The purpose of the Official Plan Amendment is to redesignate the residential portion of the property from Low Density Residential and Medium Density Residential to all Medium Density Residential. Amendments to the Core Natural Heritage Mapping is also being requested to make the mapping consistent with the Provincially Significant Wetland Mapping that was approved by the Ministry of Environment, Conservation and Parks in 2014. Changes are also proposed to the Drapers Creek Floodplain based on updated floodplain mapping.

The request for Zoning By-law Amendment has been made to rezone the residential zoned lands to Site Specific Residential Multiple from Residential Low Density 1 (RL1), Residential Low Density 2 (RL2), and Residential Medium Density (RM). There are also changes to the Environmental Protection Overlay Zone (EP) for the Provincially Significant Wetland and the floodplain associated with Drapers Creek. These changes will be consistent with the mapping proposed as part of the Official Plan Amendment. The proposed changes to the RM Zone are:

- To provide interpretation guidance for setbacks, coverage, and frontage for condominium townhomes;
- Provide a definition for Block Townhouse;
- To measure rear yard setbacks to the dwelling rather than lot lines;

- To allow covered decks and encroachments in the rear yard to a maximum of 3.75 metres;
- To allow a required parking space to be between the façade of the building and the private roadway on a private driveway;
- To eliminate the need for a 0.3 metre increase in width for obstructed parking spaces in private garages or in underground parking garages;
- To allow for a rear yard setback of 5.8 metres, whereas 7.5 metres is required (for the condominium apartment building only); and,
- To eliminate the need for a loading space for an apartment building.

The Site

The subject lands are located on the west side of South Pelham Road, south of Sumbler Road, north of the Sobeys Plaza and Thorold Road, and at the dead-ends of Foxtail Avenue and Sparrow Drive. There is currently a single detached dwelling on the property fronting onto South Pelham Road.

Surrounding Land Uses

To the north of the property are single detached dwellings fronting onto Sumbler Road. To the east is a mix of residential, commercial and institutional uses. To the south of the property is a mix of commercial uses (Sobeys Plaza) and residential uses (townhouses and single detached dwellings). To the west, the lands are outside of the urban boundary, as well as not within the City of Welland, but part of the Town of Pelham.

Development and Agency Comments Received

City of Welland Fire & Emergency Services Division
(January 14, 2020)

- Ensure access requirements and water supply for firefighting purposes for the 4-storey building complies with the Ontario Building Code.
- Ensure the turn radii with the condominium development have an adequate centre-line turn radii to accommodate our apparatus (i.e. 14m centreline).
- If the hammerhead turn-around at unit 33 & 34 is to be utilized, ensure it is of a size that can accommodate our apparatus.
- Ensure fire route signage is provided within the development to ensure access routes are kept clear.
- Ensure water supply for firefighting purposes complies with the Ontario Building Code and any other applicable standard(s) for the condominium portion of the development.

City of Welland Infrastructure and Development Services Department – Traffic, By-

- The developer should discuss the recommendations outlined in the Traffic Impact Study with the Region staff before proceeding with the development.

laws and Enforcement
Division
(August 8, 2019)
City of Welland
Infrastructure and
Development Services
Department – Building
Division
(January 13, 2020)

- In order to obtain a building permit, a Record of Site Condition (RSC) must be filed with the MOE anytime there is a change of use of property from commercial, industrial or community use to institutional, parkland, residential, agricultural or other use. A building permit cannot be issued until the RSC is filed and accepted by the MOE.
- Subject development is located with the Niagara Peninsula Conservation Authority regulated area which is defined as applicable law in article 1.4.1.3 Division A of the Ontario Building Code. Therefore a permit issued by the authority will be required prior to issuance any building permits.
- A subsurface Geotechnical report prepared by Soil Engineers Ltd., and dated October 2017, recommends that reinforcement for foundations constructed on engineered fill. The foundation reinforcement must be designed by a professional engineer.
- Footing and underground subgrade must be inspected by a geotechnical firm that supervised the engineered fill placement.
- Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Subdivision Agreement.
- Subject development is proposed through a Plan of Condominium, the installation of underground Site services with be located within the private property which is regulated by Part 7 of the OBC. Therefore installation of site services will be subject to site servicing permit issued by the office of the Chief Building Official.

City of Welland
Infrastructure and
Development Services
Department – Engineering
Division
(November 14, 2019)

- Engineering has no requirements for the internal, private portion of the development. We do however have the following comments for external works in conjunction and pertaining to the development:
 1. The north section of Foxtail Avenue shall be finalized and constructed to an urban standard as per the design of Upper Canada Consultants on behalf of the developer. This will include the construction of a permanent cul-du-sac to urban standards, the extension of the sidewalk to the cul-du-sac, and sodding the area boulevards to complete the street north of Thorold Road.
 2. The Engineering Consultant shall submit a review and design of the wetland complex to include the removal or the permanent plugging of the existing drainage pipe connecting to City infrastructure. The review shall determine the impact of the pipe removal and the storm water runoff implications to surrounding residents. This shall be provided to the City of Welland Engineering Division for review and approval. If any further storm sewer work needs to be undertaken on the City right-of-way after the study has been completed, the works shall be completed at the cost of the developer.
 3. The end of Sparrow Drive shall be completed to urban standards including curbing and sodding to finalize the development. The land on which the existing cul-du-sac sits shall be deeded to the City, free and clear of all encumbrances.

Region of Niagara –
Planning and Development
Services Division
(September 11, 2019)

- The subject lands are situated within a Settlement Area under the Provincial Policy Statement (PPS) and Delineated Built-Up Area under the Growth Plan, and the Regional Official Plan designates the subject lands as Urban Built-up Area.
- These documents place an emphasis on intensification and infilling to foster the development of complete communities that have a mix of diverse land uses and a range of housing options.
- Regional staff note that the proposed condominium will provide for infill development and is considered as residential intensification within the built-up area, which

will make more efficient use of designated urban land and existing services and contribute toward the City achieving the annual 40% residential intensification targets. This development, therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

- Based on the Provincial Criteria for Assessing Archaeological Potential, this site appears to exhibit a low potential for the discovery of archaeological remains.
- It is suggested that a clause be included in the condominium agreement advising that construction activities must cease should any deeply buried archaeological material be encountered during construction.
- Regional Environmental Planning staff have reviewed the EIS and identified some minor discrepancies with regards to the information provided as noted. However, staff are generally in agreement that the proposed development can be accommodated without negative impact to the Region's Core Natural Heritage System (CNHS), provided additional potential wetland impacts are assessed and specific mitigation measures are implemented.
- The PSW boundary identified in the EIS matches the Region's CNHS mapping which was updated to reflect the revised boundary as staked and surveyed by the Ministry of Natural Resources and Forestry (MNRF). The EIS also provides an adequate rationale for the proposed 15 m PSW buffer and recommends a Buffer Planting Plan to increase its protective function, as well as installation of chain link fencing along the buffer boundary.
- It is not clear if the "preliminary" analysis completed as part of the Wetland Surface Water Flow Assessment assessed the post-development conditions with or without existing infrastructure, which is currently understood to be located within the PSW and assists with wetland drainage. It is recommended that prior to the City assuming ownership of Block 1, an updated analysis/assessment be submitted that confirms any

existing infrastructure and potential changes to the wetland/water levels can be dealt with, without negatively impacting the wetland.

- It is unclear how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management dry pond will be constructed without encroaching into the PSW buffer. This potential issue should be addressed as part of an additional submission.
- The EIS notes that the “adjacent lands woodlot” located along the western boundary of the subject lands does not meet significance criteria and is not identified as ECA. However, this woodland is in fact identified as Significant Woodland in the Region’s CNHS mapping, and has recently been mapped as part of the Growth Plan Provincial Natural Heritage System. Nonetheless, this woodland will not be impacted by the proposed development as it lies west of the protected PSW.
- The EIS notes that no Species at Risk (SAR) or rare species were found to occur. The EIS refers to correspondence from the MNRF, but no correspondence was included from either the MNRF or the Ministry of Environment, Conservation and Parks. This correspondence should be provided.
- The EIS notes the need for a Fisheries and Oceans Canada (DFO) Project Review for the proposed culvert works and channel realignment at Draper’s Creek. It also notes that DFO will likely provide a Letter of Advice and identify specific habitat enhancement measures to ensure no serious harm to fish or fish habitat. This correspondence should be provided for Regional review in parallel with the Niagara Peninsula Conservation Authority permit process.
- The Region has reviewed the Preliminary Stormwater Management (SWM) plan. Based on the available information, the Region notes that the development will not drain to the PSW. The Region has no objection in principle to the proposed SWM plan. The Region requires further technical details to ensure the proposed SWM facilities are sufficient to achieve the

targets and can be accommodated appropriately in the site plan.

- The Region's stormwater management requirements along the Region's review comments are listed below:
 1. The region will require that all stormwater runoff be captured and treated to a Normal standard prior to discharge from the site.
 - a. The Region has no objection in principal to the proposal of installation of an end-of-pipe oi-grit separator (OGS) to meet the requirement. The Region requires the following details:
 - i. The SWM report Section 5.2 outlines that the proposed Hydroworks HG6 will provide 71.9% TSS overall removal and capture 94% of the stormwater flows. In accordance with the MECP's SWM Planning & Design Manual Section 4.6.8 Technical Effectiveness, the average efficiency of the proposed unit is $67.6\% = (94\% \text{ of the runoff volume} \times 71.9\% \text{ TSS removal efficiency}) + (6\% \text{ of the volume} + 0\% \text{ efficiency})$. Please confirm the proposed OGS can achieve the required 70% TSS removal.
 - ii. The Region requires a servicing drawing showing the OGS location. In order to avoid backwater affecting the operation, the Region requires the OGS be at the downstream of the flow control structure and within the property limit.
 - iii. Please clarify if flows from catchment A16 (abut west of South Pelham Road) will be captured and treated via the OGS. The future land use includes 21 parking stalls and the access road.
 2. The Region will require that all stormwater runoff proposed to discharge into the PSW be treated to an Enhanced standard.

- a. Based on the available information, the Region notes that the proposed development will not drain into the PSW. Should the drainage proposed not change, the Region has no additional requirement of water quality treatment.
 - b. The Region requires an Erosion and Sediment Control (ESC) plan drawing to ensure the construction will not affect the PSW.
3. The Region will require that all post development peak stormwater flows be attenuated to pre-development levels for up to and including the 100 year return period storm event prior to discharge from the site.
- a. The Region notes that the proposed SWM plan consists of the Lot and Conveyance Controls and flow attenuation measures (i.e. a dry pond and two underground storage facilities). Flows will surcharge to the storage facilities. The grading and servicing design should ensure backwater not surcharge to the ground.
 - b. The Region requires the following be addressed:
 - i. The SWM report indicate the storm event of storm sewer design and include the design sheet.
 - ii. Include the drawing to demonstrate that the outflow control structure is consistent with the requirements of the hydrologic analyses.
 - iii. Include a modeling scenario of a 24-hour design storm with SCS distribution to demonstrate that the proposed SWM storages are sufficient.
 - iv. Confirm Manning's $n=0.25$ for pervious area used in the hydrology modelling. Is the value too high to represent the pre-development and particularly the post-development conditions?

- v. Update Figure 3 to reflect the latest site plan and note the catchment of outflow uncontrolled. The 28.6% imperviousness of catchment A16 seems underestimated given the hard surfaces of the proposed land use.
 - vi. Erosion potential of the dry pond ditch inlet would be high due to the frequency of flow entering and exiting. Section 5.3 SWM Facility Maintenance should indicate the inspection and remediation measures of the ditch was eroded.
 - vii. Section 5.3 should indicated that the orifices at control structure should not be removed at any time. Revise first paragraph of Section 5.3.1. The "the upstream oil/grit separator" is incorrect.
4. In order to mitigate the impacts of erosion on the receiving watercourse (Drapers Creek), the Region will require that stormwater runoff from the 25mm design storm event be captured and released over a period of 24 hours.
- a. The Region requires a calculation of drawdown time based on Equation 4.10 of the MECP's Design Manual to confirm if this criterion is met.
5. 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.
- a. The Region requires the engineering drawings be submitted to the office for review.
- The Region requires a finalized SWM report associated with a letter indicating how each comment is addressed. The Region notes that a culvert crossing Drapers Creek is to be installed. This proposal is subject to the NPCA's approval as it will alter the Regulatory Floodplain.
 - The subject property has frontage along Regional Road 36 (South Pelham Road). This section of road

has a substandard road allowance of approximately 20.1 metres. The designated road allowance is 26.2 metres as identified in the Regional Official Plan.

- Therefore, the applicant is required to gratuitously grant the following widening to the Region:
 - A 3.05 metre widening across the frontage of the subject property. This is in order to achieve 13.1 metres from the original centreline of this road section. The actual width of the required widening must be confirmed by an Ontario Land Surveyor.
 - A 4.5 x 4.5 metre daylight triangle at any intersection onto Regional Road 36 (South Pelham Road).
- Regional Transportation staff have reviewed the Traffic Impact Study (TIS). They have provided the following comments
- The TIS has identified that there is a need to implement a northbound left-turn lane with a storage length of 15 metres. Given the proximity of the proposed road widening to Drapers Creek, the TIS is recommending that Niagara Region consider undertaking a Schedule C Municipal Class Environmental Assessment (MCEA) in order to accommodate the road widening.
- Niagara Region has reviewed the requirement for the left-turn lane. The left-turn lane warrant is well below the MTO requirement with a limited number of left-turns during the peak hour analyses. As noted in the report, additional lanes (widening) of the road platform may affect Drapers Creek which is located on the west side of South Pelham Road.
- Regional staff would ask that the TIS be amended to provide an additional review of the need for a left-turn lane in this situation. If the additional analysis determines that the left-turn lane is not warranted, that the Region will require that the Consultant provide a solution to ensure that northbound through vehicles are not physically permitted to pass the northbound left-turning vehicles via the roadway shoulder. Furthermore, the recommendation for the Region of

Niagara to consider a Schedule C MCEA should be removed.

- Prior to any construction or entrance construction taking place within the Regional road allowance, a Regional Construction and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department.
- 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.
- The 50 unit apartment building is eligible for Enhanced (front end bin) Collection Services provided that apartment building be developed as a condominium and that the development complies with the Region's Waste Collection Policy. Approval by the City of Welland is also required to receive the enhanced service. Please note that, if enhanced collection is approved by the City, the applicant must participate in both garbage and recycling.
- Region staff have reviewed the 'Site Plan for Zoning Only' and note the provision of a "Waste Bin" located to the west of the 4-storey, 50-unit apartment building. If the owner/developer does not intend to utilize enhanced collection services, or if the City is not agreeable with this arrangement, then waste collection will be the responsibility of the owner through a private contractor.
- Condominium townhouse developments are able to receive internal curbside waste collection through the Region provided the developer/owner complies with Regional Waste Collection Policy.
- The townhouse blocks are eligible for Regional curbside collection, however, waste collection pads are required for the units 9-13 and 80-85. The 'Site Plan for Zoning Only' shows collection pads for these units at acceptable locations. However, to ensure that Regional waste collection vehicles can effectively maneuver the site, staff request that a Regional waste

collection vehicle turning template be overlaid on the plan. Please resubmit the plan, with the turning template overlaid and details for the collection pads, to the Region for review and approval.

- As the proposed applications are considered to align with the intent and direction of Regional and Provincial policy, Regional Planning and Development Services staff would offer no objections to the Official Plan and Zoning By-law Amendments provided the Zoning By-law Amendment incorporates the changes to address the core natural heritage requirements (EPA zoning). Further, regional staff offer no objections to the Draft Plan of Condominium subject to the Conditions attached in the Appendix.
- Given the site specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan.
- That the following conditions be included as Draft Plan of Condominium Approval:
 1. That the following clauses shall be included in the Condominium Agreement between the owners and the City of Welland:

“Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (Culture Program Unit) in London (519-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48(1) of the Ontario Heritage Act”.

“As on virtually any property in southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the

Ministry of Tourism, Culture and Sport (Culture Program Unit, London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)".

2. That Block 1, which includes the wetland and its 15m buffer, be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
3. That an update analysis/assessment will be submitted that confirms any existing infrastructure currently located within the wetland, and potential changes to the wetland/water levels as a result of any required infrastructure changes (i.e., removal, capping, etc.) can be appropriately dealt with, without negatively impacting the wetland. This updated assessment should also confirm how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer.
4. That the agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the EIS, including but not limited to:
 - a. Culvert and channel re-alignment design and associated mitigation measures to ensure no impacts to fish or fish habitat as approved by Fisheries and Oceans Canada (DFO);
 - b. Vegetation removals be undertaken between September 1 and mid-march, outside of the core breeding bird nesting period.
5. That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include, but not be limited to, details to protect the wetland during construction and limit downstream impacts during channel realignment and culvert replacement in accordance with DFO approval, as well as details regarding dust suppression and topsoil storage.

6. That a Landscape/Buffer Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA) or other qualified professional, be provided for Regional staff approval. The Planting Plan should identify and illustrate the location of native trees, shrubs and groundcover within the recommended 15m wetland buffer.
7. That the agreement contain wording wherein the owner agrees to implement the approved ESC Plan and Landscape/Buffer Planting Plan.
8. That permanent fencing be provided along the length of the wetland buffer as illustrated on the Preliminary Site Servicing Plan (Upper Canada Consultants, May 27, 2019) or updated plans, as applicable. A no-gate by-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural area.
9. That a plan be provided to the City's satisfaction that illustrates all proposed outdoor lighting to be downward facing and shielded to prevent light spillage into the adjacent wetland area.
10. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;

- c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility.
11. That the Development Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
12. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
13. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the development agreement between the owner and the City.
14. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings (with calculations) for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
15. That the applicant dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 36 (South Pelham Road), and a 4.5 x 4.5 metre daylight

triangle prior to the issuance of a building permit, to the satisfaction of Niagara Region.

16. That the condominium agreement between the owner and the City of Welland contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
17. That the owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region Planning and development Services Department.
18. Prior to any construction taking place within the Regional road allowance, the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
19. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 9-13 and 80-85. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.
20. That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 9-13 and 80-85:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance with the details outlined in the Niagara Region's Corporate Waste Collection Policy."

Niagara Peninsula
Conservation Authority
(September 11, 2019)

- The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valley lands, and wetlands under *Ontario Regulation 155/06* of the *Conservation*

Authorities Act. The subject land contains the Draper's Creek Wetland Complex, which is a PSW and the 100 year flood plain for Drapers Creek.

- The PSW is located on the western half of the subject land. The development includes a 15 metre setback to the wetland. NPCA have reviewed the EIS and consider the EIS to address the criteria of NPCA policies and, therefore, have no objections to establishing a 15 metre buffer to the PSW.
- The EIS notes that the buffer is not currently well vegetated. As part of the EIS recommendations, a planting plan (restoration plan) to enhance the buffer function was proposed. NPCA staff supports this. A NPCA Work Permit will be required to implement the restoration plan. In addition, the NPCA requires that the PSW and buffer be rezoned to an environmental protection or similar category zoning.
- There are several areas of the proposed development that are close to the 15 metre buffer limit. It is likely that site servicing and construction will not be able to keep outside of the 15 metre buffer and there may be some minor encroachments during the construction phase. Given the current state of the buffer and the requirement of a buffer restoration plan, NPCA staff can accept some minor encroachment into the buffer during construction. The buffer and agreed-to encroachments are to be clearly identified through limit of work fencing installed prior to commencing site servicing. An NPCA Work Permit is required for the buffer encroachments. Note that snow storage is not permitted within the 15 metre buffer.
- It is understood by the NPCA that there is a pipe currently within the PSW and was installed sometime between 2006 and 2010. NPCA has advised the applicant in the past that the pipe issue will need to be addressed. The EIS was silent on the pipe and did not provide options on how it should be addressed. The NPCA will require that additional analysis be completed to review the impact of the removal of the pipe (or capping if the physical removal is too damaging). There will also need to be engineering

analysis completed to determine if any flooding impacts will be created.

- There is a portion of the Drapers Creek 100 year floodplain on the subject property, particularly along the eastern boundary. Based on the analysis completed by the applicant, the extents of the floodplain on the property is less than the NPCA's mapping.
- The site is proposing to include driveway access and parking within the 100 year floodplain. NPCA policies allow for driveways and parking areas within the 100 year floodplain, so long as the flooding elevation does not exceed 0.3 metres. NPCA staff are satisfied in principal that the parking and driveway area can be accommodated outside of the 0.3 metre elevation. NPCA staff will require detailed site grading plans to ensure that the extent and depth of flooding is in conformity.
- As part of establishing the proposed driveway, an Application proposing to realign the watercourse (Drapers Creek) will be required.
- The NPCA has no objections to the applications as they relate to NPCA policies, subject to rezoning the PSW and 15 metre buffer to an Environmental Protection zone category and recommended conditions of Draft Plan Approval.
- NPCA staff request the following conditions be incorporated into the Conditions of Draft Plan Approval:
 1. That the provincially significant wetland (PSW) and its associated 15 metre buffer be zoned Environmental Protection or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority.
 2. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse.

3. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any stormwater outlets into Drapers Creek.
4. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and engineering analysis that examine the most appropriate manner of stopping the existing stormwater pipe from draining the wetland as well as the impact of potential flooding as a result. Works to implement the aforementioned reports will require a Work Permit from the Niagara Peninsula Conservation Authority.
5. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval a buffer restoration plan. Implementation of the restoration plan will require a Work Permit from the Niagara Peninsula Conservation Authority.
6. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
7. That the Developer install limit of work fencing along the 15 metre buffer and portions where construction encroachments are less than 15 metres, to the satisfaction of the NPCA. The limit of work fencing is to be shown on the detailed grading and construction sediment and erosion control plans, to the satisfaction of the NPCA. Any construction encroachments into the 15 metre buffer require a Work Permit from the Niagara Peninsula Conservation Authority.
8. That the Developer provide 1.5 metre high chain link fencing along the boundary of the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority.
9. That conditions 1 to 9 above be incorporated into the Development Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation

Authority. The City of Welland shall circulate the draft Development Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Town of Pelham -
Community Planning and
Development Department
(September 3, 2019)

- Town staff notes that the property abuts the Town of Pelham municipal boundary on the west side. Lands to the west within the Town of Pelham are designated Good General Agricultural. Complaints have been made by residential property owners in the City of Welland relating to odours produced by existing cannabis facilities within the Town of Pelham.
- Therefore, Town staff request that the following condition of approval be included:

That the following warning clause shall be included in the Subdivision Agreement and inserted in all offers of purchase and sale or lease for each dwelling unit:

"The lands in the plan of condominium may be exposed to noise, odour, and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy the lands."

Canada Post Corporation
(December 18, 2019)

- The development will receive mail service by centralized mail facilities provided through our Community Mailbox program.
- The Owner shall complete to the satisfaction of Manager of Engineering of the City of Welland and Canada Post:
 1. Include in all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. That home/business mail delivery will be from a Centralized Mail Box.
 - b. That the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 2. The Owner further agrees to:

- a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be used by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium.
 - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of sidewalk and/or curb installation within each phase of the plan of condominium.
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility Locations.
3. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility [front loading lockbox assembly or rear-loading mailroom (mandatory for 100 units or more)] at their own expense, will be in effect for the building and complexes with a common lobby, common indoor or sheltered space.
- Enbridge Gas
(August 29, 2019)
- The applicant shall contact Enbridge Gas Inc.'s Customer Connections department for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
 - If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances, or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

- Easement(s) are required to service this development and any future developments. The applicant will provide all easement(s) to Enbridge Gas Inc. at no cost.
- In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Inc.'s Customer Connections department.
- That the following paragraph be included as a condition of approval:

Bell Canada
(August 19, 2019)

"The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant Bell Canada any easements that may be required, which may include a blanket easement, for communications/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements."

- We hereby advise the developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.
- Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems.
- The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event such that infrastructure is

unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

- If the Developer elects not to pay for the above noted connection, the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

The applications were circulated to City Departments, as well as outside agencies and members of the public in accordance with the requirements of the Planning Act. A Public Information Meeting was held on August 29, 2019. Approximately 10 members of the public attended the meeting, as well as the applicant and their agent. The following comments and concerns were raised:

- Concerns with flooding and drainage as a result of the development;
- Concerns with road access, and difficulty turning on South Pelham due to traffic;
- Concerns that the water will no longer flow to the Provincially Significant Wetland and it will dry up;
- Questions as to whether there are any other vacant land condominiums in Welland;
- Concerns with the density and height of proposed dwellings; and,
- Questions about parking and movement through the development on private streets.

At the time of writing this report, comments from six (6) residents have been received regarding the application. A number of residents have provided comments prior to the Statutory Public Meeting, and subsequent to the meeting with additional questions. In addition to the comments, questions, and concerns raised at the Public Information Meeting, the additional comments were made:

- Pedestrian safety along South Pelham Road;
- Increased traffic along local streets (Sparrow Drive, Thorold Road) as well as the increase in traffic along South Pelham Road;
- Lack of parkland;
- Impact of the development on the Provincially Significant Wetland;
- Questions and concerns regarding stormwater drainage; and,
- Questions regarding the information in the Environmental Impact Study.

The Statutory Public Meeting under the Planning Act was held on September 17, 2019. Two people spoke in opposition to the application. The concerns that were raised at the

Public Meeting were the same as those presented at the Public Information Meeting held on August 29, 2019 as well as in the letters submitted to the Planning Division.

COMMENTS AND ANALYSIS

Provincial Policy

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;
- The property is impacted by a Provincially Significant Wetland along the western half of the property. An Environmental Impact Study was undertaken to review the natural features on site, as well as to justify a reduction in the setback to the PSW from 30 metres to 15 metres. The Environmental Impact Study also reviewed and identified a buffer and planting plan to ensure that there is an appropriate buffer between the proposed residential development and the PSW.
 - The subject lands are not part of the City's Agricultural lands, and therefore will not result in the loss of agricultural lands.
 - There are no natural resources on this property.
 - The property is currently vacant, so there are no significant architectural, cultural, or historical features on the site. The property exhibited low potential for archaeological resources, so no archaeological investigation was requested.
 - The proposal does not include any information regarding energy and water conservation methods that will be implemented at the time of construction.
 - The property is within the City's Urban Area and can be supplied with municipal infrastructure. There are no

capacity issues that will be created as a result of this development.

- The property will be serviced by regional waste collection.
- The property is within the urban boundary and will not require an expansion to the urban area. Servicing is available from Wellandvale Drive and from Niagara Street. The existing infrastructure can accommodate the proposed development.
- The development is not designed to accessibility standards, but it will be the responsibility of the individual property owners to incorporate any accessibility measures into the house designs.
- Comments from the applicable school boards have not been received, however, there is capacity in the existing schools to accommodate any future students. The property is north of a City owned park, and is within walking distance to pharmacies, medical offices and a walk-in clinic.
- The proposed development does not include any affordable housing units, however, each townhouse dwelling could contain an accessory dwelling unit, which would provide additional affordable housing units in the City.
- As the development is entirely residential, there are no employment opportunities that will be created. The City's Zoning By-law does permit home occupations, and therefore, there may be home based businesses that will be established in the neighbourhood.
- The development of these lands will lead to an increase in tax revenues to the City, which will contribute to the

overall financial benefit of the City. The development will not require the expansion of municipal services beyond where they are currently available.

- All relevant agencies have been circulated the application and their comments have been included, where appropriate.
 - A number of comments and concerns were raised by neighbouring property owners. Their concerns have been reviewed further in this report.
 - The property is within the City's serviced urban boundary. The development of these lands will utilize undeveloped lands within the City's urban boundary and represent an infilling opportunity. A portion of these lands have also been identified as an Intensification Area within the City and the proposal presents an intensification opportunity.
 - The subject lands are within walking distance to transit stops along South Pelham Road. The development is within walking distance to commercial businesses and services, medical offices, and recreation facilities to the south.
 - The proposal has been designed to integrate into the surrounding neighbourhoods and provide a range of housing types (apartments and townhouses) within the predominantly single-detached neighbourhood. This will help create a more complete neighbourhood and allow for aging in place.
- Whether the proposed subdivision is premature or in the public interest;
- The subject lands are accessible by the municipal road network and can

connect to municipal infrastructure. A portion of the lands have been identified as an Intensification Area within the City's Official Plan, identifying that it is a prime location for new development due to the proximity to services and amenities. The area of the property that is impacted by the Provincially Significant Wetland is not proposed for development, and the block containing the wetland will be deeded to the City. The City will also be given the existing cul-du-sac at the end of Sparrow Drive which is currently on private property, but is used as part of the City street network. The development of these lands will see a growth in tax revenue for the property. Their redevelopment are in the public interest.

- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- The proposed Plan of Subdivision is consistent with the surrounding Plans of Subdivision and will conform with the Official Plan when the Official Plan Amendment is approved.
- The suitability of the land for the purposes for which it is to be subdivided;

- The lands are within the Urban Boundary, have access to municipal services, the lands proposed for residential development are not impacted by any environmental constraints, and have no contamination issues. As such, the lands can be considered to be suitable for residential development.
- The number, width, location and proposed grades and elevations of the highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and adequacy of them;

- The lands are accessed via South Pelham Road and by Sparrow Drive. The internal roadways will be private, not public roads. The proposed private roads will meet the minimum requirements for accessing the site via private streets. A Traffic Impact Study was completed and it was identified that some improvements to South

Pelham Road may be required, however, those improvements and requirements are within the authority of the Region.

- The dimensions and shapes of the proposed lots;

- The application includes requests for amendments to the City's Zoning By-law to recognize constraints associated with the site and shape of the property, as well as a number of amendments related to interpretation for the future.
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

- Block 1, which will be given to the City as part of the registration contains a Provincially Significant Wetland and any new construction on the property will be required to be a minimum of 15 metres from the wetland boundary. No new buildings will be permitted in this block.
- Conservation of natural resources and flood control;

- As previously identified, the natural environment features will be placed in a block which will be provided to the City for stewardship.
- The adequacy of utilities and municipal services;

- There is capacity in the existing municipal infrastructure to accommodate this development.
- The adequacy of school sites;

- The school sites within the City can accommodate the additional students.
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

- Block 1 will be given to the City as they are impacted by natural environment features. Additional lands that are identified as being outside of the proposed Plan of Condominium, but are still in the ownership of the developer will also be dedicated to the City. These lands currently contain the cul-du-sac at the end of Sparrow Drive.

- The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and, - Energy conservation measures have not been outlined in the plan that has been submitted.
- The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act. - As the property is being developed through a Plan of Vacant Land Condominium, the developer will be required to go through the Site Plan Approval process for both the townhouse dwellings and the condominium apartment block.

The Provincial Policy Statement (PPS) provides policy direction for all land use within the Province. All land use decisions in the Province must be consistent with the policies in this document. The PPS encourages development to occur in an orderly and efficient manner which takes advantage of existing municipal infrastructure. It encourages developments to include a range of housing types to provide options for all residents. It also encourages developments to promote active transportation, as well as ensuring developments have access to recreational and employment opportunities. The proposed development is within an area that has municipal infrastructure (water, sanitary, storm, electrical, etc.) and is within close proximity to commercial, recreational, and institutional uses. The development proposes a mix of residential housing forms, townhouses and apartment units, which is consistent with the policies in the PPS.

The policies in the PPS speak to protecting the province's natural environment features and identified that development and site alteration is not permitted within significant wetlands. The policies also identify that prior to any development on lands adjacent to those natural environment features, an environmental impact study should be undertaken to ensure no negative impact on the environmental features or their functions. An Environmental Impact Study (EIS) was undertaken by the applicant to determine any impacts the development would have on the adjacent PSW. The EIS identified that with the plant buffering proposed and fencing, any negative impacts to the neighbouring PSW could be mitigated. This study has been reviewed by the Region of Niagara, Niagara Peninsula Conservation Authority, and the City.

The Places to Grow Growth Plan for the Greater Golden Horseshoe (P2G) identifies that this property is within the delineated Built-Up area of the City of Welland. The purpose of the P2G is to direct growth and development to serviced areas of municipalities. The P2G identifies that a minimum of 50% of all new development should be within a municipality's Built-up area by the year 2041. The subject lands are within the Built-Up area, and will therefore contribute towards meeting the City's intensification target. The property will take advantage of the existing municipal infrastructure and is considered an infilling and intensification opportunity. The property is within close proximity to employment, institutional and commercial uses which will assist in creating a complete community. As proposed, the application meets the intent of the Places to Grow Plan.

Region of Niagara Official Plan

The property is located within the City's Urban Area according to the Region's Official Plan. The Region's policies promote growth and development within urban areas that can access municipal services. The Region's policies promote the creation of livable and walkable communities that are in close proximity to services and community facilities. The development will connect to existing municipal infrastructure, and is within walking distance to commercial businesses. A Traffic Impact Study has been completed to review any impacts that the proposed development will have on Niagara Street. Any improvements on this roadway will be at the direction of the Region.

The subject lands have been identified as having Core Natural Heritage features as identified in the Region's Official Plan. The lands are identified to have an Environmental Protection Area (EP), a Provincially Significant Wetland (PSW), and a Type 2 Fish Habitat, being Drapers Creek which runs along the front of the property. As previously noted, an EIS was completed for the property, which reviewed the natural heritage features on the property and examined the impact the development would have on these features. The EIS has identified that through landscaping and buffering, the impacts on the neighbouring PSW can be mitigated, in compliance with Regional policy. The Region has reviewed the EIS and has generally been in support of the findings, as well as requesting conditions which will ensure that the recommendations of the EIS are implemented. The Region is supportive of the City being given the PSW block to ensure that the natural environment is protected for the long term. As such, the application meets the intent of the Region's Official Plan policies.

City of Welland Official Plan

The subject lands are currently designated Low Density Residential, Medium Density Residential, Core Natural Heritage, and partially identified as an Intensification Area. The request for Official Plan Amendment has been made to re-designate the Low Density Residential to Medium Density Residential, and to modify the Core Natural Heritage area to be consistent with the Provincially Significant Wetland boundaries as identified by the Ministry of Natural Resources and Forestry in 2014. There is also an amendment to the Core Natural Heritage area along the front of the property to correctly identify the location of the flood elevation associated with Drapers Creek.

The request to re-designate the Low Density Residential areas of the property to Medium Density Residential is to allow for development of this property with the number of townhouse units proposed. The density of the proposed development exceeds the allowable density in the Low Density designation, but is within the range of density for the Medium Density designation at 48 units per hectare. The re-designation was also required as the location of the existing Medium Density designation on the property would not encompass all of the proposed location of the condominium apartment building. The proposed density and housing types are all permitted within the Medium Density designation, and are appropriate for the area. The development design provides a transition from the single detached dwellings fronting onto Sumbler Road to the apartment building fronting onto South Pelham. The apartment building is permitted within the Medium Density designation.

A portion of the lands have been identified as an Intensification Area in the City's Official Plan. Intensification areas have been identified due to their location in close proximity to services (commercial, institutional, recreation) within the City. The proximity to commercial services to the south and east, Maple Park, and the transit route along South Pelham Road have made the subject lands a key area for intensification. The proposed

condominium apartment building is consistent with the intent of the policies to intensify the development on the subject lands.

The City's Official Plan has policies which provide guidance for infilling and intensification projects. These policies encourage a review of the compatibility of the proposed development; lot pattern and configuration; accessibility; parking requirements; potential for additional traffic; potential for transit ridership; natural and built heritage conservation; availability of municipal infrastructure; and residential intensification targets in the Official Plan. The proposed development will provide a transition between the single detached dwellings along Sumbler Road and further south on Sparrow Drive. The townhouses are consistent with the existing townhomes on Sparrow Drive and along Thorold Road. The proposed condominium apartment building has been situated to be close to the commercial development to the south, further from the existing dwellings to the north. The townhomes that are proposed are two storeys, which is consistent with the neighbouring residential uses. The lot configuration proposed are standard rectangular lots, which is consistent with neighbouring townhomes and single and semi-detached lots. The development exceeds the minimum parking requirements in the City's Zoning By-law. Two spaces per unit (one in the garage, one in the driveway) for the townhouses and one space per unit for the apartment condominium building, as well as visitor parking.

The requested modifications to the Core Natural Heritage Mapping has been made to reflect current information. The requested changes to the mapping to identify the boundaries of the PSW on site is due to work completed in 2014 by the Ministry of Natural Resources and Forestry. The City's Official Plan permits amendments to the Core Natural Heritage mapping where the MNRF has been consulted. As the MNRF identified the extents of the PSW in 2014, it is appropriate for the applicant to request the City's mapping be refined to reflect the MNRF data. It should be noted that the City would be undertaking an update of the mapping of this site as part of the ten year review of our Official Plan, but the property owner is choosing to move forward with updating the mapping prior to the City's process. The proposed residential development will be constructed outside of the PSW, and will maintain a buffer area from the residences.

The applicant is also requested amendments to the Core Natural Heritage area at the front of the property. The flood elevations for the floodplain associated with Drapers Creek was provided by the NPCA, and based on surveyor information, the floodplain does not extend onto the subject property as far as identified in the City's mapping. As such, an amendment was requested to align the mapping with the most accurate information available.

The City's policies require that where any development is proposed adjacent to lands within the Core Natural Heritage area, an EIS must be completed. Consistent with Provincial and Regional policies, the EIS is required to show that there will be no negative impacts on the natural environment features as a result of the development. An EIS has been completed for the property and has indicated that there will be no negative impacts to the neighbouring PSW as a result of the development.

In reviewing the policies of the City's Official Plan, the proposed condominium development meets the intent of the policies. The proposed Official Plan Amendment and Zoning By-law Amendment to implement these changes are appropriate.

City of Welland Zoning By-law 2017-117

The subject lands are currently zoned Residential Low Density 2 (RL2), Residential Medium Density (RM), and Environmental Protection Overlay (EP). The application for Zoning By-law Amendment has been made to rezone the developable area to Site Specific Residential Multiple, and to modify the EP areas to be consistent with the 2014 MNRF wetland mapping and the correct floodplain elevation. The site specific amendments requested to the RM zone are:

- To provide interpretation guidance for setbacks, coverage, and frontage for condominium townhomes;
- Provide a definition for Block Townhouse;
- To measure rear yard setbacks to the dwelling rather than lot lines;
- To allow covered decks and encroachments in the rear yard to a maximum of 3.75 metres;
- To allow a required parking space to be between the façade of the building and the private roadway on a private driveway;
- To eliminate the need for a 0.3 metre increase in width for obstructed parking spaces in private garages or in underground parking garages;
- To allow for a rear yard setback of 5.8 metres, whereas 7.5 metres is required (for the condominium apartment building only); and,
- To eliminate the need for a loading space for an apartment building.

The purpose of many of these proposed amendments is to provide clarification and interpretation guidelines for the time of building permit review. Additional amendments have been requested to allow for a parking space to be in the front yard in the designated driveway to allow for additional parking to be provided. Each townhouse unit will be provided with an attached garage for parking, as well as a driveway space for a parking spot. The reduction of the width of the parking spots will only apply to spots inside garages, as well as spaces within the underground parking garage.

The requested amendments to the Zoning By-law are appropriate to permit the development of the site.

Public Comments

Many of the comments that were received were with respect to the PSW and the protection of the natural environment. Of interest was the existence of a pipe within the PSW that may be connected to City infrastructure, and thereby is removing water from the wetland. The City is aware of the pipe, and has been working with the property owner and NPCA as to how to most appropriately address the issue. One of the requirements of the approval of the Plan of Condominium is that the applicant undertake further environmental investigation as to the best way ensure that the pipe is no longer removing water from the wetland; either through the removal of the pipe or by plugging it. The City is also requiring the applicant to undertake additional calculations and projections to identify how much water is being removed from the wetland, and how it will impact the subject and surrounding lands. Staff are of the opinion that this is the best way to address the issue of the pipe in the wetland, and have worked with the Region of Niagara and the NPCA regarding this course of action. Any works that are undertaken to remove or plug the pipe in the wetland and addressing any associated impacts will be at the cost of the applicant.

Questions have been raised regarding whether the PSW should be reevaluated when the pipe is prevented from removing water from the wetland. Questions have also been raised as to how the continued supply of water will be provided to the wetland if the overland flow of water is stopped through the development. Based on the City's review of the EIS, as well as discussions with both the NPCA and the Region, the reevaluation of the wetland is not warranted at this time as it would take many years for it to regenerate. In addition to this, the information provided in the EIS has identified that there will be a continued supply of water to the wetland via over-land flow which will continue to ensure the health of the wetland.

Neighbours to the proposed development have also raised concerns with the compatibility and setback of the proposed townhouse units to the residences that front onto Sumbler Road. The setback for townhouse dwellings in the RL2 and the RM Zone are both 6 metres, and if the application for rezoning was not submitted, buildings could be constructed at this setback regardless of the zone. The proposed townhouse units will meet the minimum rear yard setback in the Zoning By-law, but they have requested an amendment to allow for covered rear yard decks to encroach 3.75 metres. Currently, uncovered decks are only allowed to encroach. The proposed townhouse dwellings are a residential use, which is consistent with the surrounding uses. The townhouses are at a higher density than the surrounding dwellings, however, they are proposed to be consistent with the height of the houses to the north and south. The townhouses are compatible with the existing townhouses to the south, the main difference being the townhouses to the south front onto a municipal road rather than a private, condominium road. The proposed townhouses are a permitted use in the existing RL2 Zone, and could be constructed as of right, however, the design of the proposed development has required that applications for Official Plan Amendment and Zoning By-law Amendment be submitted. The proposed townhouse dwellings are compatible with the residential dwellings surrounding the subject lands.

Numerous comments were received regarding the traffic along South Pelham Road and the traffic impact created by the proposed development. City staff recognize that there are currently traffic concerns with South Pelham Road for vehicles as well as pedestrians, however, South Pelham Road is currently a Regional Road. The Traffic Impact Study was circulated to the Region for their review, and comments were received. Any improvements to the roadway are the responsibility of the Region. The Region has indicated that the Traffic Impact Study is appropriate and that a road widening is required. The Region has not provided any timeline as to when any improvement to South Pelham Road will be initiated.

The applicant has also provided a response to the comments and concerns that were raised in the public meeting, as well as agency comments. This response letter has been provided as an attachment to this report.

FINANCIAL CONSIDERATION:

All costs associated with the development of this site will be the responsibility of the developer.

OTHER DEPARTMENT IMPLICATIONS:

City departments and outside agencies were circulated this application for review. Their comments have been included in Appendix V.

SUMMARY AND CONCLUSION:

The proposal applications for: Official Plan Amendment to redesignate the Low Density Residential Area to Medium Density Residential and to amend the Core Natural Heritage Areas to be consistent with MNRF mapping and floodplain elevations; Zoning By-law Amendment to rezone the developable area to Site Specific Residential Multiple (RM); and a Plan of Vacant Land Condominium to develop the lands with 85 townhouse condominium units and one four-storey condominium apartment building with 50 residential units:

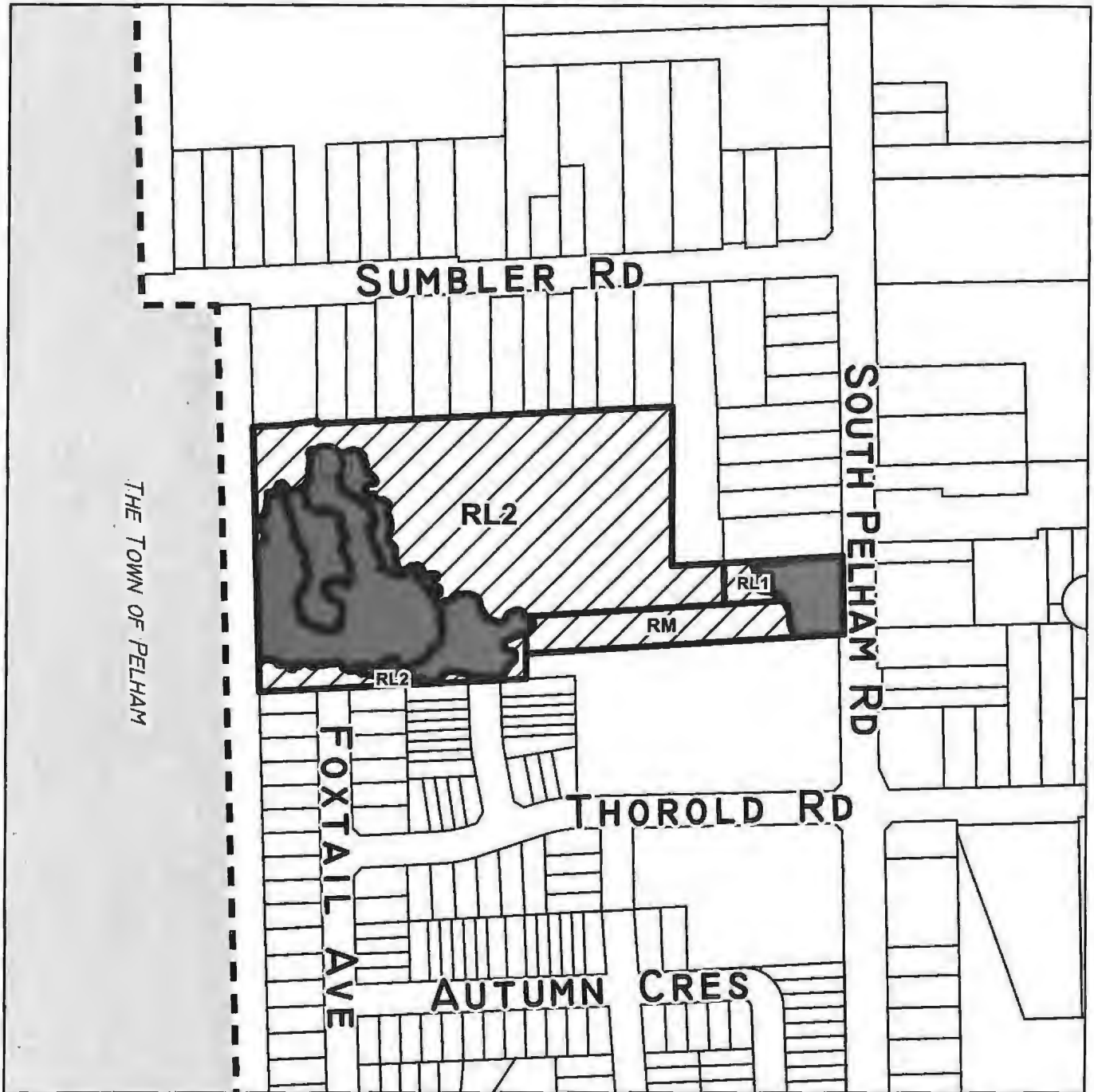
1. Is consistent with Provincial, Regional, and City policies which promote infilling and the efficient use of land within the City's Urban Area;
2. Create a walkable and complete community;
3. Protects environmental lands from development; and,
4. Efficiently uses public services and facilities.

Therefore, Staff recommends that the subject applications be approved to allow for the future residential development of these lands.




ATTACHMENTS:

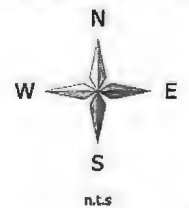
| | | |
|--------------|---|--------------------------------|
| Appendix I | - | Location Map |
| Appendix II | - | Aerial photo |
| Appendix III | - | Draft Plan of Condominium |
| Appendix IV | - | Official Plan Amendment No. 23 |
| Appendix V | - | Relevant Correspondence |
| Appendix VI | - | Agent's Response to Comments |

2019-02, OPA 22 and 26CD-14-19003

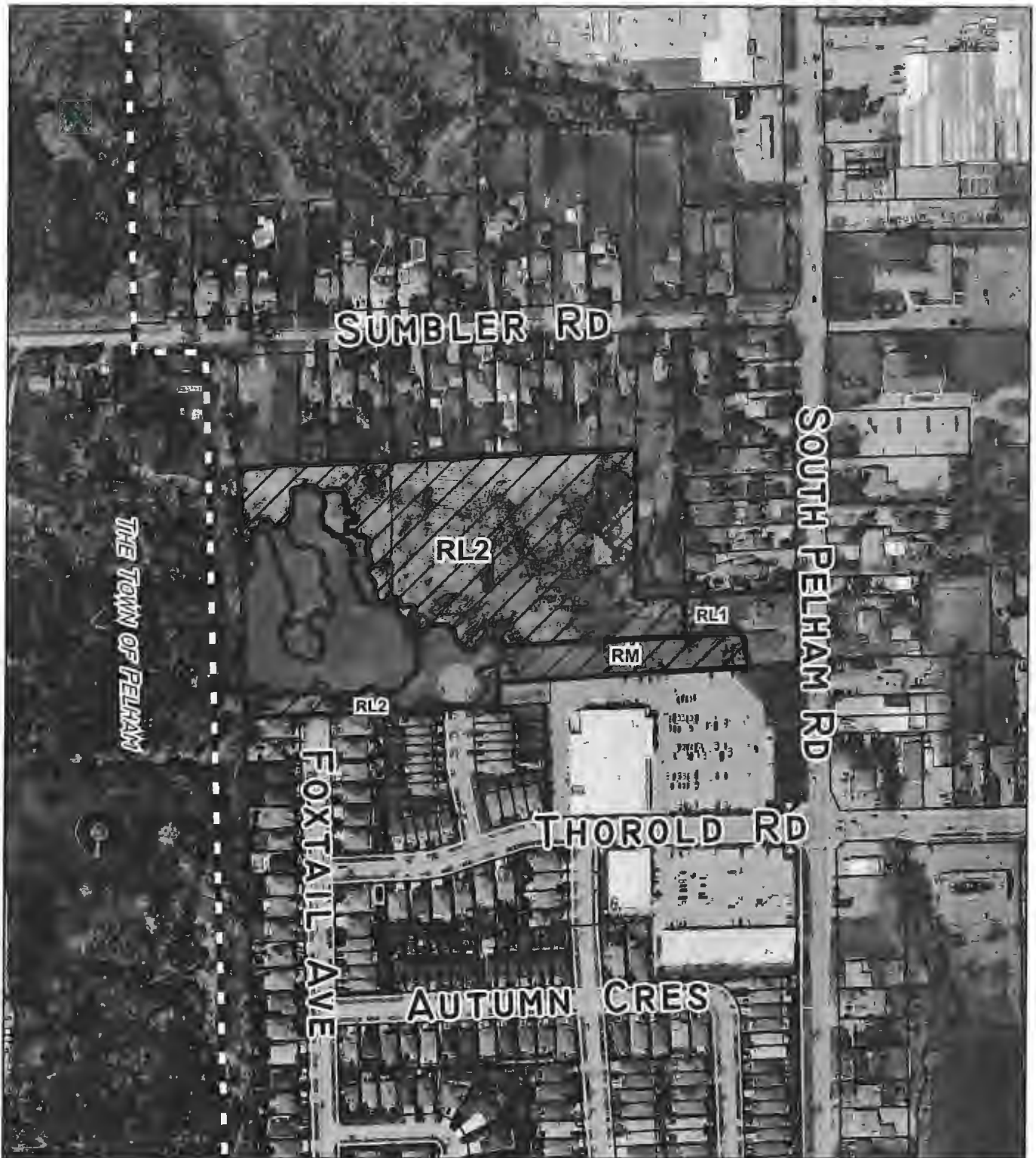


KEY MAP

-  EP
-  EC
-  SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division



AERIAL PHOTO OF THE SUBJECT LANDS



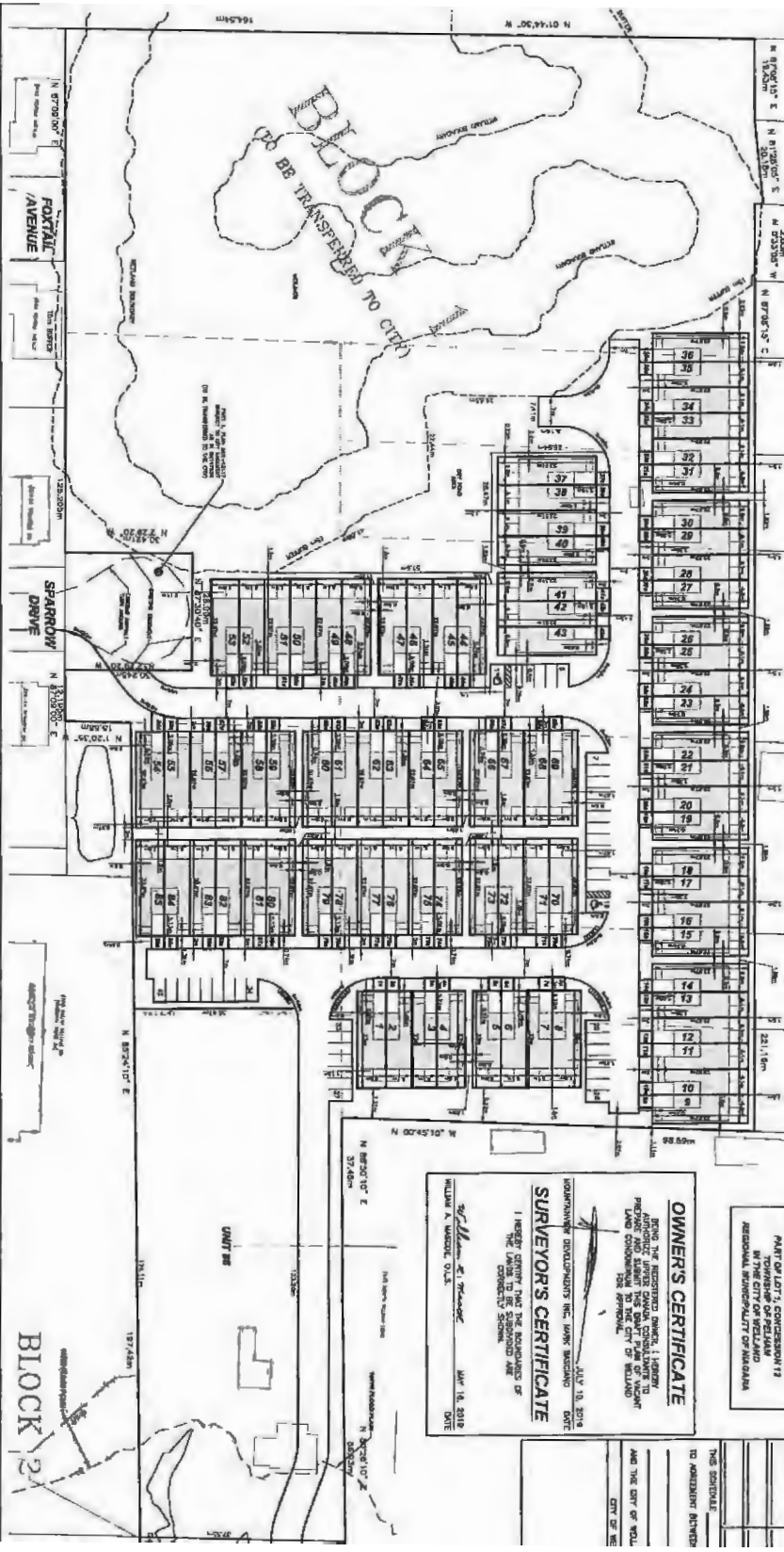
EP 2019-02, OPA 22 and 26CD-14-19003

EC

SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division



OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE SURVEY WAS MADE AND RECHECKED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE DISTANCES AND BEARINGS WERE MEASURED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION.

W. Wells, Surveyor
DATE: MAY 18, 2012

LEGAL DESCRIPTION

PART OF LOT 3, CONVEYED TO THE CORPORATION OF WELLS, IN THE CITY OF WELLS, REGIONAL MUNICIPALITY OF HALLOW

LAND USE SCHEDULE

| LAND USE | UNIT/SECTION OF INTEREST (ACRES) | AREA (SQ. FT.) |
|-------------|----------------------------------|----------------|
| RESIDENTIAL | 1-12 | 1,234,567 |
| TOTAL | | 1,234,567 |

DRAFT CONDOMINIUM

Subject to the conditions, covenants, and restrictions set forth in the deed or other instrument creating this development, the land described herein is intended to be developed as a condominium. The proposed condominium is located on the land described herein and is bounded on the north and south by the boundaries of the land described herein.

DRAFT PLAN OF VACANT LAND CONDOMINIUM

SOUTHWOODS WELLS

UNIT #

FOXTAIL AVENUE

SARROW DRIVE

BLOCK 2

KEY

AMENDMENT NO. 22
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

January 21, 2020

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2020-**

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 22**

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

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

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

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

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

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. 22 to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

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

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 22 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 22 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
21st DAY OF JANUARY, 2020.**

_____ MAYOR

_____ CLERK

Amendment No. 22
to the
Official Plan
of the
Corporation of the City of Welland

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on January 21, 2020 and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Date:

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

**AMENDMENT NO. 22 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

| | |
|--|-------|
| PART A - THE PREAMBLE (This does not constitute part of the Amendment) | 1 |
| TITLE AND COMPONENTS..... | 1 |
| PART B - THE AMENDMENT | 2 |
| SCHEDULE "A" LAND USE PLAN..... | 3 |
| PART C - THE APPENDICES | 4 |
| APPENDIX I - AFFIDAVIT | 5 |
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| APPENDIX II - NOTICE OF ADOPTION..... | 7 |
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PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 22 to the Official Plan of the Corporation of the City of Welland.

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

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

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

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 2 is to redesignate the lands shown on attached Schedule "A" from Low Density Residential, Medium Density Residential, and Core Natural Heritage to Medium Density Residential and Core Natural Heritage. The purpose of the Amendment is to allow for the residential development of the lands with 85 townhouse condominium units and one four-storey condominium apartment building with 50 residential units and one environmentally protected block. The lands are also subject to an application for Zoning By-law Amendment (File No. 2019-02) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-19003).

LOCATION

The lands are located on the west side South Pelham Road, south of Sumbler Road, east of the Welland Urban Area Boundary, and north Thorold Road and at the ends of Sparrow Drive and Foxtail Ave and are known municipally as 633 South Pelham Road. The subject lands have an approximate land area of 4.542 hectares.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential, Medium Density Residential, Core Natural Heritage System, and Environmental Protection Area. A proposal has been put forth to use a portion of the lands (2.867 hectares) for a residential vacant land condominium. There is an existing Provincially Significant Wetland (1.675 hectares) on the property that will be transferred to the City of Welland.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 22 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedule B, Land Use Map, is hereby amended by re-designating lands identified as Block 1 from being Low Density Residential, Medium Density Residential, and Core Natural Heritage to Medium Density Residential and Core Natural Heritage as shown on Schedule 'A' attached hereto.

TEXT CHANGES

There are no text changes required.

SCHEDULE "A" LAND USE PLAN

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 22 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

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

APPENDIX I - AFFIDAVIT

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

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 22 BY BY-
LAW 2020- PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON JANUARY 21, 2020

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

1. I am the Manager of Development Approvals, Infrastructure and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Welland Tribune on Thursday, August 8, 2019. I hereby certify that the required Public Meeting was held on Tuesday, September 17, 2019 by the Council of the Corporation of the City of Welland.
3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule "A" to this Affidavit.
4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.
5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland
in the Regional Municipality of Niagara,
this Xth day of February, 2020.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted September 17, 2019 concerning Amendment No. 22 to the Official Plan of the Corporation of the City of Welland .

Craig Rohe, Upper Canada Consultants spoke in support to the Application.

Liz Benneian and John Marchio spoke in opposition to the Application.

APPENDIX II - NOTICE OF ADOPTION

**CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 22 TO THE
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND**

Take notice that the Council of the Corporation of the City of Welland passed By-law 2020-, being a By-law to adopt Amendment No. 22 to the Official Plan on January 21, 2020 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 22 is to redesignate the property from Low Density Residential, Medium Density Residential and Core Natural Heritage Area to Medium Density Residential and Core Natural Heritage Area.

The Effect of the redesignation is to allow for the future development the property for residential purposes, and to contain environmental features within a block that will be dedicated to the City.

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

Any person or agency may appeal, to the Local Planning Appeal Tribunal, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than **February, 2020**, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$300.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

The proposed Amendment to the Official Plan is exempt from approval by the Regional Municipality of Niagara and the Decision of Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

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

name of an individual who is a member of the Association or the Group on its behalf.

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

The land to which this proposed Amendment to the Official Plan applies is also the subject of a Zoning By-law Amendment (File No. 2019-021) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-19003).

A copy of the Amendment and Staff Report are available for inspection by the public as of January 21, 2020 at Infrastructure and Development Services - Planning Division, 60 East Main Street, Welland during regular office hours.

Dated at the City of Welland this Xth day of January, ,2020.

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

APPENDIX III

- MINUTES OF PUBLIC MEETING -

APPENDIX IV - STAFF REPORT

APPENDIX V - COUNCIL RESOLUTION

Niagara  Region

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

September 11, 2019

File No.: D.11.11.CD-19-014
D.10.11.OPA-19-021
D.18.11.ZA-19-103

Ms. Rachelle Larocque, MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON
L3B 3X4

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
Draft Plan of Condominium, Official Plan and Zoning By-law Amendments
Agent: Upper Canada Consultants
Owner: Mountainview Developments Inc.
Southwoods - 633 South Pelham Road
City of Welland**

Regional Planning and Development Services staff has reviewed the application and supporting studies submitted by Upper Canada Consultants on behalf of Mountainview Developments Inc. for a Plan of Condominium at 633 South Pelham Road in the City of Welland. Regional staff notes that applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted concurrently with the Draft Plan of Condominium application. Pre-consultation meetings with the applicant's Planning Consultant were held for this proposed development on June 7, 2018 and October 4, 2018 with City, Regional and Niagara Peninsula Conservation Authority (NPCA) staff in attendance.

The purpose of the Official Plan Amendment is to redesignate the portion of the property designated as Low Density Residential to a Medium Density Residential designation. Changes to the Natural Heritage Area mapping are proposed to provide consistency with the Provincially Significant Wetland boundaries as identified by the Ministry of Natural Resources and Forestry in 2014, as well as align with Niagara

Peninsula Conservation Authority floodplain mapping. The lands are also the subject of a concurrent Zoning By-law Amendment for modified lot standards and Draft Plan of Vacant Land Condominium to facilitate the development of the property with 85 townhouse condominium units and one four storey condominium apartment building with 50 residential units.

As outlined below, Regional staff is generally supportive of the proposed development in principle and provides the following 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 these applications from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and Delineated Built-Up Area under A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). Further, the Regional Official Plan (ROP) designates the subject lands Urban Built-Up Area.

The PPS and Growth Plan direct growth and intensification to the settlement area and delineated built-up areas to build upon the existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and range of housing options for the current and future population. Per the ROP, urban areas are to be the focus of residential and employment intensification over the long term, to ensure efficient use of serviced lands.

Regional staff notes that the proposed condominium will provide for infill development and is considered as residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute toward the City achieving the annual 40% residential intensification targets. This development, therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

Archaeological Resources

Based on the Provincial Criteria for Assessing Archaeological Potential, this site appears to exhibit a low potential for the discovery of archaeological remains. As such, an archaeological assessment was not warranted.

Nevertheless, it is suggested that a clause be included in the condominium agreement advising that construction activities must cease should any deeply buried archaeological material be encountered during construction. An appropriate condition has been included in the attached Appendix.

Natural Heritage

An Environmental Impact Study (EIS) prepared by Beacon Environmental (dated July 2019) was submitted in support of the proposed development application as required by Regional Official Plan policies. The purpose of the EIS was to demonstrate that over the long-term there will be no negative impacts to the Core Natural Heritage System (CNHS) components identified on or adjacent to the property. Specifically, these include an Environmental Protection Area (EPA) associated with portions of the Draper's Creek Provincially Significant Wetland (PSW) Complex, an Environmental Conservation Area (ECA) associated with Significant Woodland located immediately to the west, and Draper's Creek, which is identified as Important (Type 2) Fish Habitat, located along South Pelham Road immediately to the east.

Regional Environmental Planning staff have reviewed the EIS and identified some minor discrepancies with regards to the information provided as noted below. However, staff are generally in agreement that the proposed development can be accommodated without negative impact to the Region's CNHS, provided additional potential wetland impacts are assessed and specific mitigation measures are implemented. Conditions of approval are recommended below to facilitate the implementation of such measures.

Provincially Significant Wetland

The PSW boundary identified in the EIS matches the Region's CNHS mapping which was updated to reflect the revised boundary as staked and surveyed by the Ministry of Natural Resources and Forestry (MNR). The EIS also provides an adequate rationale for the proposed 15 m PSW buffer and recommends a Buffer Planting Plan to increase its protective function, as well as installation of chain link fencing along the buffer boundary. However, it is not clear if the "preliminary" analysis completed as part of the Wetland Surface Water Flow Assessment assessed the post-development conditions with or without existing infrastructure, which is currently understood to be located within the PSW and assists with wetland drainage. Through discussions with City staff, it is further understood that the City may wish this infrastructure to be removed or capped prior to the transfer of Block 1, but the EIS does not assess how this work may impact the wetland and post-development conditions. As such, it is recommended that prior to the City assuming ownership of Block 1, an updated analysis/assessment be submitted that confirms any existing infrastructure and potential changes to the wetland/water levels can be dealt with, without negatively impacting the wetland.

In addition, it is unclear how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer. This potential issue should also be addressed as part of the additional submission.

Significant Woodland

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The EIS notes that the “adjacent lands woodlot” (pg.16) located along the western boundary of the subject lands does not meet significance criteria and is not identified as ECA. However, this woodland is in fact identified as Significant Woodland in the Region’s CNHS mapping, and has also recently been mapped as part of the Growth Plan (2019) Provincial Natural Heritage System. Nonetheless, this woodland will not be impacted by the proposed development as it lies west of the protected PSW.

Species at Risk

The EIS notes that no Species at Risk (SAR) or rare species were found to occur. The EIS refers to correspondence from the MNR, but no correspondence was included either from the MNR or the Ministry of Environment, Conservation and Parks (MECP) which is now responsible for SAR. This correspondence should be provided, and in the absence of formal MECP correspondence, the applicant should be advised to do their due diligence prior to any works onsite to ensure they are not in contravention of the *Endangered Species Act*.

Fish Habitat

The EIS notes the need for a Fisheries and Oceans Canada (DFO) Project Review for the proposed culvert works and channel realignment at Draper’s Creek. It also notes that DFO will likely provide a Letter of Advice and identify specific habitat enhancement measures to ensure no serious harm to fish or fish habitat (pg.28). This correspondence should be provided for Regional review in parallel with the Niagara Peninsula Conservation Authority (NPCA) permit process.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features, including the PSW and Draper’s Creek. As such, the NPCA should continue to be consulted with respect to any requirements under NPCA Regulations.

Stormwater Management

The Niagara Region staff has reviewed the Preliminary Stormwater Management Plan Southwoods, City of Welland (dated June 2019). Based on the available information, the Region notes that the development will not drain to the PSW. The Region has no objection in principal to the proposed stormwater management (SWM) plan. However, the Region requires further technical details to ensure the proposed SWM facilities are sufficient to achieve the targets and can be accommodated appropriately in the site plan. The Region’s stormwater management requirements along with the Region’s review comments are listed below:

- 1) The Region will require that all stormwater runoff be captured and treated to a Normal standard prior to discharge from the site.

- a. The Region has no objection in principal to the proposal of installation an end-of-pipe oil-grit separator (OGS) to meet the requirement. The Region requires the followings details:
 - i. The SWM report Section 5.2 outlines that the proposed Hydroworks HG6 will provide 71.9% TSS overall removal and capture 94.0% of the stormwater flows. In accordance with the MECP's SWM Planning & Design Manual Section 4.6.8 Technical Effectiveness, the average efficiency of the proposed unit is $67.6\% = (94\% \text{ of the runoff volume} \times 71.9\% \text{ TSS removal efficiency}) + (6\% \text{ of the volume} + 0\% \text{ efficiency})$. Please confirm the proposed OGS can achieve the required 70% TSS removal.
 - ii. The Region requires a servicing drawing showing the OGS location. In order to avoid backwater affecting the operation, the Region requires the OGS be at the downstream of the flow control structure and within the property limit.
 - iii. Please clarify if flows from catchment A16 (abut west of South Pelham Road) will be captured and treated via the OGS. The future land use includes 21 parking stalls and the access road.

- 2) The Region will require that all stormwater runoff proposed to discharge into the PSW be treated to an Enhanced standard.
 - a. Based on the available information, the Region notes that the proposed development will not drain into the PSW. Should the drainage proposal not change, the Region has no additional requirement of water quality treatment.
 - b. The Region requires an Erosion and Sediment Control (ESC) plan drawing to ensure the construction will not affect the PSW.

- 3) The Region will require that all post development peak stormwater flows be attenuated to pre-development levels for up to and including the 100 year return period storm event prior to discharge from the site.
 - a. The Region notes that the proposed SWM plan consists of the Lot and Conveyance Controls and flow attenuation measures (i.e. a dry pond and two underground storage facilities). Flows will surcharge to the storage facilities. The grading and servicing design should ensure backwater not surcharge to the ground.
 - b. The Region requires the following be addressed:
 - i. The SWM report indicate the storm event of storm sewer design and include the design sheet.
 - ii. Include the drawing to demonstrate that the outflow control structure is consistent with the requirements of the hydrologic analyses.
 - iii. Include a modeling scenario of a 24-hour design storm with SCS distribution to demonstrate that the proposed SWM storages are sufficient.

- iv. Confirm Manning's $n=0.25$ for pervious area used in the hydrology modelling. Is the value too high to represent the pre-development and particularly the post-development conditions?
 - v. Update Figure 3 to reflect the latest site plan and note the catchment of outflow uncontrolled. The 28.6% imperviousness of catchment A16 seems underestimated given the hard surfaces of the proposed land use.
 - vi. Erosion potential of the dry pond ditch inlet would be high due to the frequency of flow entering and exiting. Section 5.3 SWM Facility Maintenance should indicate the inspection and remediation measures if the ditch was eroded.
 - vii. Section 5.3 should indicate that the orifices at control structure should not be removed at any time. Revise first paragraph of section 5.3.1. The "the upstream oil/grit separator" is incorrect.
- 4) In order to mitigate the impacts of erosion on the receiving watercourse (Draper's Creek), the Region will require that stormwater runoff from the 25mm design storm event be captured and released over a period of 24 hours.
- a. The Region requires a calculation of drawdown time based on Equation 4.10 of the MECP's Design Manual to confirm if this criterion is met.
- 5) 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.
- a. The Region requires the engineering drawings be submitted to the office for review.

The Region requires a finalized SWM report associated with a letter indicating how each comment is addressed. The Region notes that a new culvert crossing Drapers Creek is to be installed. This proposal is subject to the NPCA's approval as it will alter the Regulatory floodplain.

Regional Road Allowance

The subject property has frontage along Regional Road 36 (South Pelham Road). This section of road has a substandard road allowance of approximately 20.1 meters. The designated road allowance is 26.2 meters as identified in the Regional Official Plan.

Therefore, the applicant is required to gratuitously grant the following widening to the Region:

A 3.05 meter widening across the frontage of the subject property. This is in order to achieve 13.1 meters from the original centerline of this road section. The actual width of the required widening must be confirmed by an Ontario Land Surveyor.

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- A 4.5 x 4.5 metre daylight triangle at the any intersection onto Regional Road 36 (South Pelham Road).

Region staff have reviewed the 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) and note that the required road widening is shown on the plan.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Norma Price, Law Clerk, 905-980-6000 extension 3339.
E-mail norma.price@niagararegion.ca
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325, E-mail: normans.taurins@niagararegion.ca

Traffic Impact Study

Regional Transportation staff have reviewed the *Traffic Impact Study* (TIS) prepared for Southwoods Estates in the City of Welland by Paradigm Transportation Solutions Limited (PTSL) (dated July 2019) and offers the following comments.

Within Section 5.1 Auxiliary Left-Turn Lanes, PTSL identifies that the northbound left-turn traffic volumes on South Pelham Road at Street A, in combination with the opposing and advancing traffic volumes, warrant the implementation of a northbound left-turn lane with a storage length of 15 metres. Within Figure 5.1 Functional Design – Northbound Left-Turn Lane at Street A, PTSL illustrates a 3.20 metre wide left-turn lane comprised of a 15.00 metre storage lane and a 24.01 metre taper lane; the taper is divided between the northbound and southbound lanes. Given the proximity of the proposed road widening to Draper's Creek, PTSL is recommending that Niagara Region consider undertaking a Schedule C Municipal Class Environmental Assessment (MCEA) in order to accommodate the road widening.

Niagara Region has reviewed the requirement for the left-turn lane. The left-turn lane warrant is well below the MTO requirement with a limited number of left-turns during the peak hour analyses. As noted in the report, additional lanes (widening) of the road

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platform may affect Draper's Creek which is located on the west side of South Pelham Road. Regional staff would ask that the TIS be amended to provide an additional review of the need for a left-turn lane in this situation. If the additional analysis determines that the left-turn lane is not warranted, then the Region will require that the Consultant provide a solution to ensure that northbound through vehicles are not physically permitted to pass the northbound left-turning vehicles via the roadway shoulder. Furthermore, the recommendation for Niagara Region to consider a Schedule C MCEA should be removed. It is the responsibility of the Developer and their Consultants to quantify the impacts of required improvements associated with the development.

Regional Permit Requirements

Prior to any construction or entrance construction taking place within the Regional road allowance, a Regional Construction and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Permit applications can be made through the following link:
<http://niagararegion.ca/living/roads/permits/default.aspx>

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 curbside on the designated pick up day, and that the following limits are not exceeded:

For the 50 Unit Apartment Building:

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

It is highly unlikely that the curbside waste collection limits will be met for this 50-unit apartment building. However, this site is eligible for Enhanced (front end bin) Collection Services provided that apartment building be developed as a condominium and that the development complies with the Region's Waste Collection Policy. Approval by the City of Welland is also required to receive the enhanced service. Please note that, if enhanced collection is approved by the City, the applicant must participate in both garbage and recycling collection.

Region staff have reviewed the 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) and note the provision of a "Waste Bin" located to the west of the 4-storey, 50-unit apartment building. If the owner/developer does not intend to utilize enhanced collection services or if the City is not agreeable with this

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arrangement, then waste collection will be the responsibility of the owner through a private contractor.

Waste collection for this development will be determined during the future site plan process.

For Townhouse Units:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per unit.

Condominium townhouse developments are able to receive internal curbside waste collection through the Region provided the developer/owner complies with the Regional Waste Collection Policy.

The townhouse blocks are eligible for Regional curbside collection, however, waste collection pads are required for the units 9-13 and 80-85. The 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) shows collection pads for these units at acceptable locations. However, to ensure that Regional waste collection vehicles can effectively maneuver the site, staff request that a Regional waste collection vehicle turning template be overlaid on the plan. Please resubmit the plan, with the turning template overlaid and details for the collection pads, to the Region for review and approval.

Conclusion

As the proposed applications are considered to align with the intent and direction Regional and Provincial policy, Regional Planning and Development Services staff would offer no objections to the Official Plan and Zoning By-law Amendments provided the Zoning By-law Amendment incorporates the changes to address the core natural heritage requirements (EPA zoning). Further, Regional staff offer no objections to the Draft Plan of Condominium subject to the Conditions attached in the Appendix.

Given the site specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan.

If you have any questions or wish to discuss these comments, please contact myself at ext. 3387. If you have any questions or wish to discuss the Core Natural Heritage comments, please feel free to contact Jennifer Whittard, Manager, Environmental Planning at 905-980-6000 ext. 3430 or jennifer.whittard@niagararegion.ca.

Best regards,



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Lindsay Earl, MCIP, RPP
Senior Development Planner

Attch: Appendix I - Regional Conditions of Draft Plan of Condominium Approval

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region
David Deluce, MCIP, RPP, Senior Manager, Plan Review & Regulations, NPCA

APPENDIX I
REGIONAL CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL
Southwoods - 633 South Pelham Road, Welland

1. That the following clauses shall be included in the Condominium agreement between the owners and the City of Welland:

"Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (Culture Program Unit) in London (519-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48 (1) of the Ontario Heritage Act".

"As on virtually any property in southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport (Culture Program Unit, London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)".

2. That Block 1, which includes the wetland and its 15m buffer, be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
3. That an updated analysis/assessment be submitted that confirms any existing infrastructure currently located within the wetland, and potential changes to the wetland/water levels as a result of any required infrastructure changes (i.e., removal, capping, etc.) can be appropriately dealt with, without negatively impacting the wetland. This updated assessment should also confirm how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer.
4. That the agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the EIS, including but not limited to:
 - a. Culvert and channel re-alignment design and associated mitigation measures to ensure no impacts to fish or fish habitat as approved by Fisheries and Oceans Canada (DFO);
 - b. Vegetation removals be undertaken between September 1 and mid-March, outside of the core breeding bird nesting period.

5. That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include, but not be limited to, details to protect the wetland during construction and limit downstream impacts during channel realignment and culvert replacement in accordance with DFO approval, as well as details regarding dust suppression and topsoil storage.
6. That a Landscape/Buffer Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA) or other qualified professional, be provided for Regional staff approval. The Planting Plan should identify and illustrate the location of native trees, shrubs and groundcover within the recommended 15 m wetland buffer.
7. That the agreement contain wording wherein the owner agrees to implement the approved ESC Plan and Landscape/Buffer Planting Plan.
8. That permanent fencing be provided along the length of the wetland buffer as illustrated on the Preliminary Site Servicing Plan (Upper Canada Consultants, May 27, 2019) or updated plans, as applicable. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural area.
9. That a plan be provided to the City's satisfaction that illustrates all proposed outdoor lighting to be downward facing and shielded to prevent light spillage into the adjacent wetland area.
10. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - I. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - II. Detailed erosion and sedimentation control plans;
 - III. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility; and,

11. That the Development Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
12. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
13. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the development agreement between the owner and the City.
14. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
15. That the applicant dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 36 (South Pelham Road), and 4.5 x 4.5 metre daylight triangle prior to the issuance of a building permit, to the satisfaction of Niagara Region.
16. That the condominium agreement between the owner and the City of Welland contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
17. That the owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region Planning and Development Services Department.
18. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
19. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 9-13 and 80-85. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.

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20. That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 9-13 and 80-85:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

Clearance of Conditions

Prior to granting final plan approval, the City of Welland must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of the Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to the Regional Planning and Development Services Department for verification that the appropriate clauses have been included.

Note: The Development Services Division recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.



City of Welland
Infrastructure and Development Services
 Planning and Building Division
 60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2251 | **Fax:** 905-735-8772
Email: devserv@welland.ca | www.welland.ca

January 14, 2020

TO: Grant Munday, B.A.A., MCIP, RPP
 Manager of Development Approvals

FROM: J. Tosta, CBCO, CPSO
 Chief Building Official

DATE: July 12, 2018

SUBJECT: Request for Rezoning, OP Amendment and Draft Plan of Subdivision
 - 633 South Pelham Road

Staff has reviewed the information submitted and while a final decision on issuance of building permit will be based on the information submitted with the building permit application to this office, we wish to offer the following comments:

1. In order to obtain a building permit, a Record of Site Condition (RSC) must be filed with the MOE anytime there is a change of use of property from commercial, industrial or community use to institutional, parkland, residential, agricultural or other use. A building permit cannot be issued until the RSC is filed and accepted by the MOE
2. Subject development is located with the Niagara Peninsula Conservation Authority regulated area which is defined as applicable law in article 1.4.1.3 Division A of the Ontario Building Code. Therefore a permit issued by the authority will be required prior to issuance any building permits.
3. A subsurface Geotechnical report prepared by Soil Engineers Ltd., and dated October 2017, recommends that reinforcement for foundations constructed on engineered fill. The foundation reinforcement must be designed by a professional engineer.
4. Footing and underground subgrade must be inspected by a geotechnical firm that supervised the engineered fill placement.
5. Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City

RE:

January 14, 2020

Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Subdivision Agreement.

6. Subject development is proposed through a Plan of Condominium, the installation of underground Site services will be located within the private property which is regulated by Part 7 of the OBC. Therefore installation of site services will be subject to site servicing permit issued by the office of the Chief Building Official.

If you have any questions regarding the above comments, please do not hesitate to contact me.

Rachelle Larocque

From: Matt Richardson
Sent: January 14, 2020 2:12 PM
To: Rachelle Larocque
Subject: RE: Report Comments

Rachelle,

RE: comments on the First and Second Street re-zoning we have no comment. Regarding the South Pelham Road development my comments are as follows:

-ensure access requirements and water supply for firefighting purposes for the 4-storey building complies with the Ontario Building Code.

-ensure the turn radii within the condo development have an adequate centre-line turn radii to accommodate our apparatus. (i.e. 14 m centreline)

-if the hammerhead turn-around at unit 33 & 34 is to be utilized, ensure it is of a size that can accommodate our apparatus

-ensure fire route signage is provided within the development to ensure access routes are kept clear

-ensure water supply for firefighting purposes complies with the Ontario Building Code and any other applicable standard(s) for the condo portion of the development

Are the roads within this development going to be private roads?

Thanks, and sorry for the delay.



Matt Richardson, B.A., CFEI, CCFI-C, CMM I

Director of Fire Prevention

Welland Fire and Emergency Services

Corporation of the City of Welland

636 King Street, Welland, Ontario L3B 3L1

Phone: (905)735-9922 Ext. 2408 Fax: (905)732-2818

www.welland.ca

   YourChannel

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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: January-14-20 11:49 AM
To: Matt Richardson <matt.richardson@welland.ca>
Subject: Report Comments

Rachelle Larocque

From: circulations@wsp.com
Sent: August 19, 2019 1:48 PM
To: Rachelle Larocque
Subject: Draft Plan of Condominium (26CD-14-19003); 633 South Pelham Rd.

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

2019-08-19

Rachelle Larocque

Welland

, ,

Attention: Rachelle Larocque

Re: Draft Plan of Condominium (26CD-14-19003); 633 South Pelham Rd.; Your File No. 26CD-14-19003

Our File No. 85326

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario’s principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

As of June 1, 2019, Meaghan Palynchuk will be taking maternity leave and returning in the first quarter of 2020. In my absence please contact Ryan Courville for any matters concerning this file.

Yours truly,

Ryan Courville
 Access Network Provisioning Manager
 Municipal Relations
 Phone: 416-570-6726
 Email: planninganddevelopment@bell.ca

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955 Highbury Ave N
London ON N6Y 1A3
CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N6Y 1A3
POSTESCANADA.CA

December 17, 2019

RACHELLE LAROCQUE
CITY OF WELLAND
60 EAST MAIN STREET
WELLAND, ON L3B 3X4

Re: **Southwoods Plan of Condominium**

Dear Rachelle,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.



- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca



Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

August 29, 2019

Grant Munday, B.A.A, MCIP, RPP
Manager of Development Approvals
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Grant,

Re: Draft Plan of Condominium, Official Plan Amendment, Zoning By-law Amendment
Mountainview Developments Inc.
West of South Pelham Road and south of Sumbler Road
City of Welland
File No.: 26CD-14-19003, OPA-22, 2019-02

Enbridge Gas Inc. does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

Easement(s) are required to service this development and any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Inc. at no cost.

In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Inc.'s Customer Connections department. For more details contact CustomerConnectionsContactCentre@Enbridge.com.

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

Alice Coleman
Municipal Planning Coordinator
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

Safety. Integrity. Respect

Rachelle Larocque

From: Scott Richardson
Sent: November 14, 2019 11:13 AM
To: Rachelle Larocque
Cc: Julie VanLeur
Subject: RE: Southwoods

Rachelle,

Engineering has no requirements for the internal private portion of the development. We do however have the following for external works in conjunction and pertaining to the development;

1. The north section of Foxtail Avenue shall be finalized and constructed to an urban standards as per the design of Upper Canada Consultants on behalf of the developer. This will include the construction of a permanent cul-de-sac to urban standards, the extension of sidewalk to the cul-de-sac and sodding of the area boulevards to complete the street north of Thorold Road.
2. The Engineering Consultant shall submit a review and design of the wetland complex to include the removal/permanent plugging of the existing drainage pipe connecting to city infrastructure. The review shall determine the impact of the pipe removal and the storm water runoff implications to surrounding residents. This shall be provided to the Engineering section for review and approval. If any further storm sewer work needs to be undertaken on the City right of way after the study has been completed, the developer shall be required to install said works at their cost.
3. The end of Sparrow Drive shall be completed to urban standards including curbing and sod work to finalize the development. The land on which the existing cul-de-sac sits shall be deeded to the City of Welland.

Other than the above the engineering section reserves the right to make further requirements at the time of Site Plan Control Application.

Regards,



C. Scott Richardson, C.E.T.

Development Supervisor
 Engineering Division
 Infrastructures and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2222 **Fax:** (905)735-7184
www.welland.ca



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From: Rachelle Larocque
Sent: November-14-19 11:03 AM



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

September 11, 2019

Via Email Only

Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Our File: PLPDV201900675

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan
of Condominium (Vacant Land)
Southwoods
City of Welland
Applicant: Upper Canada Consulting
File Nos.: OPA No. 22, By-law 2019-02, 26CD-14-19003**

The NPCA has received applications for Official Plan amendment (OPA), Zoning By-law amendment (ZBA), and Draft Plan of Condominium – Vacant Land (VLC) for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS), prepared by Beacon Environmental, dated July 2019, and a Floodplain Analysis, prepared by Upper Canada Consultants, dated July 18, 2019. The purpose of the applications is to establish a condominium development consisting of 85 units for townhouse dwellings and a four storey apartment building. A block of land containing a Provincially Significant Wetland (PSW) is intended to be dedicated to the City. We have reviewed the applications and offer the following comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The *NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act* (NPCA policies) provides direction for managing NPCA regulated features. The subject land contains the Draper's Creek Wetland Complex, which is a PSW and the 100 year flood plain for Drapers Creek.

The PSW is located on the western half of the subject land. The development includes a 15 metre buffer to the wetland. NPCA staff have reviewed the EIS and consider the EIS to address the criteria of NPCA Policies (Sections 8.2.3.3 and 8.2.3.4) and, therefore, have no objections to establishing a 15 metre buffer to the PSW. The EIS notes that the buffer is currently not well vegetated. As part of the EIS recommendations, a planting plan (restoration plan) to enhance the buffer function. NPCA staff support this. An NPCA Work Permit will be required to implement the restoration plan. In addition, the NPCA requires that the PSW and buffer be rezoned to an environmental protection or similar category zoning.

There are several areas of the proposed development that are close to the 15 metre buffer limit. It is likely that site servicing and construction will not be able to keep outside of the 15 metre buffer and there may be some minor encroachments during the construction phase. Given the current state of the buffer and the requirement of a buffer restoration plan, NPCA staff can accept some minor encroachment into the buffer during construction. The buffer and agreed-to encroachments are to be clearly identified through limit of work fencing installed prior to commencing site servicing. An NPCA Work Permit is required for the buffer encroachments. Note that snow storage is not permitted within the 15 metre buffer.

It is understood by NPCA staff that there is a stormwater pipe in the PSW. This pipe was installed sometime between 2006 and 2010. NPCA staff have had previous discussions with the Applicant who was amenable to addressing the issue of the pipe (i.e ensuring the pipe does not have a negative hydrologic impact on the PSW. The EIS was silent on the current impact of the pipe to the PSW and did not provide any options for addressing the pipe. NPCA staff require this to be addressed as part of the Conditions of Draft Plan Approval. There will need to be additional analysis done to determine the impact of removing the pipe (or capping the pipe if physical removal is too damaging). In addition, there will need to be an engineering analysis to determine if there would be any flooding of adjacent properties as a result of removal/capping. Conditions have been included to address this issue.

The City has indicated that a proper turnaround is required at the terminus of Foxtail Avenue and are requiring the developer to construct such turnaround. It is anticipated that the design will be some form of a hammerhead. NPCA staff have no objection in principle to this municipal infrastructure. Additional environmental work (e.g. an EIS addendum) to examine options for the turnaround and address NPCA Policies for public infrastructure (Section 8.2.4) and detailed design drawings will be required. An NPCA Work Permit will be required prior to beginning any site servicing.

As noted earlier, there is a portion of the Drapers Creek 100 year flood plain on the subject property, particularly along the eastern boundary. The Applicant provided a flood plain analysis that provided topographic information and plotted the 100 year flood plain, which is 181.25 metres asl. Based on the analysis, the extents of flood plain on the subject property is less than the NPCA's mapping. The site is proposing to include a driveway access and parking within the 100 year flood plain. NPCA Policies (Section 4.2.7) allow driveways within the 100 year flood plain where the depth of flooding is no greater than 0.3 metres. Based on the flood plain analysis, NPCA staff are satisfied in principal that the parking and driveway area can be accommodated with less than 0.3 metres of flooding. NPCA staff will require detailed site grading plans to ensure that the extent and depth of flooding is in conformity with NPCA Policies.

As part of establishing the entrance along South Pelham Road, the Applicant is proposing to realign Drapers Creek. NPCA staff have no objection to this in principle subject to an NPCA Work Permit.

Based on the above, NPCA staff have no objections to the applications as they relate to NPCA policies, subject to rezoning the PSW and 15 metre buffer to an Environmental Protection zone category and the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval

NPCA staff request the following conditions be incorporated into the Conditions of Draft Plan Approval.

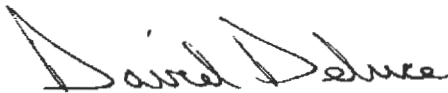
1. That the provincially significant wetland (PSW) and its associated 15 metre buffer be zoned Environmental Protection or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority.
2. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse.
3. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any stormwater outlets into Drapers Creek.
4. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and engineering analysis that examine that examine the most appropriate manner of stopping the existing stormwater pipe from draining the wetland as well as the impact of potential flooding as a result. Works to implement the aforementioned reports will require a Work Permit from the Niagara Peninsula Conservation Authority.
5. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and detailed design drawings for the proposed turnaround at the terminus of Foxtail Avenue. Installation of the turnaround will require a Work Permit from the Niagara Peninsula Conservation Authority.
6. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval a buffer restoration plan. Implementation of the restoration plan will require a Work Permit from the Niagara Peninsula Conservation Authority.
7. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
8. That the Developer install limit of work fencing along the 15 metre buffer and portions where construction encroachments are less than 15 metres, to the satisfaction of the NPCA. The limit of work fencing is to be shown on the detailed grading and construction sediment and erosion control plans, to the satisfaction of the NPCA. Any construction encroachments into the 15 metre buffer require a Work Permit from the Niagara Peninsula Conservation Authority.

9. That the Developer provide 1.5 metre high chain link fencing along the boundary of the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority.
10. That conditions 1 to 9 above be incorporated into the Development Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Development Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Conclusion

At this time, NPCA staff have no objections to the applications subject to the Conditions of Draft Plan Approval. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available as well as any notice of any case management conferences. If you have any questions, please let me know.

Regards,



David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations (ext. 224)

cc: Mr. Craig Rohe, MCIP, RPP, Upper Canada Consultants (email only)
Ms. Lindsay Earl, MCIP, RPP, Region of Niagara (email only)



Vibrant · Creative · Caring

September 3, 2019

EMAIL ONLY (rachel.larocque@welland.ca)

Rachelle Larocque
Planning Supervisor
Infrastructure and Development Services
Planning Division
60 East Main Street
Welland, ON L3B 3X4

Attention: Rachelle

**RE: Draft Plan of Condominium File No. 26CD-14-19003
Zoning By-law Amendment 2017-117 File No. 2019-02
Official Plan Amendment No. 22 File
West Side of South Pelham Road, South of Sumbler Road, north of the Sobeys Plaza**

Thank you for circulating the notices for the proposed condominium. Town staff note that the property abuts the Town of Pelham municipal boundary on the west side. Lands to the west within the Town of Pelham are designated Good General Agricultural. Complaints have been received from residential property owners in the City of Welland relating to odours produced by existing cannabis production facilities within the Town of Pelham.

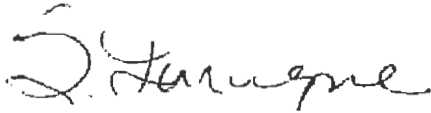
Therefore, Town staff request that the following condition of approval be included:

- That the following warning clause shall be included in the subdivision agreement and inserted in all Offers and Agreements of Purchase and Sale/Lease for each dwelling unit:
"The lands in the plan of subdivision may be exposed to noise, odour and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy these lands."

If you have any questions or concerns, please contact me.



Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Larocque". The signature is written in a cursive style with a large initial "S".

Shannon Larocque, MCIP, RPP
Senior Planner

cc: Barbara Wiens, Director of Community Planning and Development
Jason Marr, Director of Public Works

Rachelle Larocque

From: Ali Khan
Sent: August 8, 2019 12:39 PM
To: Rachelle Larocque
Subject: RE: Notice of Public Meeting - 633 South Pelham Road

Hi Rachelle,

Developer should discuss the recommendations outlined in the traffic impact study with the Region staff before proceeding with this development.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
 Supervisor Traffic, Parking & Bylaws
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184
www.welland.ca



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From: Rachelle Larocque
Sent: August 8, 2019 12:22 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Public Meeting - 633 South Pelham Road

Good afternoon,

Please find attached the notice of Public Meeting for Official Plan Amendment (OPA 22), Zoning By-law Amendment (2019-02), and Draft Plan of Vacant Land Condominium (26CD-14-19003).

Sincerely,

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
 905-980-6000 Toll-free:1-800-263-7215

Via Email Only

September 11, 2019

File No.: D.11.11.CD-19-014
 D.10.11.OPA-19-021
 D.18.11.ZA-19-103

Ms. Rachelle Larocque, MCIP, RPP
 Planning Supervisor
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street
 Welland, ON
 L3B 3X4

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
 Draft Plan of Condominium, Official Plan and Zoning By-law Amendments
 Agent: Upper Canada Consultants
 Owner: Mountainview Developments Inc.
 Southwoods - 633 South Pelham Road
 City of Welland**

Regional Planning and Development Services staff has reviewed the application and supporting studies submitted by Upper Canada Consultants on behalf of Mountainview Developments Inc. for a Plan of Condominium at 633 South Pelham Road in the City of Welland. Regional staff notes that applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted concurrently with the Draft Plan of Condominium application. Pre-consultation meetings with the applicant's Planning Consultant were held for this proposed development on June 7, 2018 and October 4, 2018 with City, Regional and Niagara Peninsula Conservation Authority (NPCA) staff in attendance.

The purpose of the Official Plan Amendment is to redesignate the portion of the property designated as Low Density Residential to a Medium Density Residential designation. Changes to the Natural Heritage Area mapping are proposed to provide consistency with the Provincially Significant Wetland boundaries as identified by the Ministry of Natural Resources and Forestry in 2014, as well as align with Niagara

CD-19-014
September 11, 2019

Peninsula Conservation Authority floodplain mapping. The lands are also the subject of a concurrent Zoning By-law Amendment for modified lot standards and Draft Plan of Vacant Land Condominium to facilitate the development of the property with 85 townhouse condominium units and one four storey condominium apartment building with 50 residential units.

As outlined below, Regional staff is generally supportive of the proposed development in principle and provides the following 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 these applications from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and Delineated Built-Up Area under A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). Further, the Regional Official Plan (ROP) designates the subject lands Urban Built-Up Area.

The PPS and Growth Plan direct growth and intensification to the settlement area and delineated built-up areas to build upon the existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and range of housing options for the current and future population. Per the ROP, urban areas are to be the focus of residential and employment intensification over the long term, to ensure efficient use of serviced lands.

Regional staff notes that the proposed condominium will provide for infill development and is considered as residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute toward the City achieving the annual 40% residential intensification targets. This development, therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

Archaeological Resources

Based on the Provincial Criteria for Assessing Archaeological Potential, this site appears to exhibit a low potential for the discovery of archaeological remains. As such, an archaeological assessment was not warranted.

Nevertheless, it is suggested that a clause be included in the condominium agreement advising that construction activities must cease should any deeply buried archaeological material be encountered during construction. An appropriate condition has been included in the attached Appendix.

Natural Heritage

An Environmental Impact Study (EIS) prepared by Beacon Environmental (dated July 2019) was submitted in support of the proposed development application as required by Regional Official Plan policies. The purpose of the EIS was to demonstrate that over the long-term there will be no negative impacts to the Core Natural Heritage System (CNHS) components identified on or adjacent to the property. Specifically, these include an Environmental Protection Area (EPA) associated with portions of the Draper's Creek Provincially Significant Wetland (PSW) Complex, an Environmental Conservation Area (ECA) associated with Significant Woodland located immediately to the west, and Draper's Creek, which is identified as Important (Type 2) Fish Habitat, located along South Pelham Road immediately to the east.

Regional Environmental Planning staff have reviewed the EIS and identified some minor discrepancies with regards to the information provided as noted below. However, staff are generally in agreement that the proposed development can be accommodated without negative impact to the Region's CNHS, provided additional potential wetland impacts are assessed and specific mitigation measures are implemented. Conditions of approval are recommended below to facilitate the implementation of such measures.

Provincially Significant Wetland

The PSW boundary identified in the EIS matches the Region's CNHS mapping which was updated to reflect the revised boundary as staked and surveyed by the Ministry of Natural Resources and Forestry (MNRF). The EIS also provides an adequate rationale for the proposed 15 m PSW buffer and recommends a Buffer Planting Plan to increase its protective function, as well as installation of chain link fencing along the buffer boundary. However, it is not clear if the "preliminary" analysis completed as part of the Wetland Surface Water Flow Assessment assessed the post-development conditions with or without existing infrastructure, which is currently understood to be located within the PSW and assists with wetland drainage. Through discussions with City staff, it is further understood that the City may wish this infrastructure to be removed or capped prior to the transfer of Block 1, but the EIS does not assess how this work may impact the wetland and post-development conditions. As such, it is recommended that prior to the City assuming ownership of Block 1, an updated analysis/assessment be submitted that confirms any existing infrastructure and potential changes to the wetland/water levels can be dealt with, without negatively impacting the wetland.

In addition, it is unclear how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer. This potential issue should also be addressed as part of the additional submission.

Significant Woodland

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The EIS notes that the "adjacent lands woodlot" (pg.16) located along the western boundary of the subject lands does not meet significance criteria and is not identified as ECA. However, this woodland is in fact identified as Significant Woodland in the Region's CNHS mapping, and has also recently been mapped as part of the Growth Plan (2019) Provincial Natural Heritage System. Nonetheless, this woodland will not be impacted by the proposed development as it lies west of the protected PSW.

Species at Risk

The EIS notes that no Species at Risk (SAR) or rare species were found to occur. The EIS refers to correspondence from the MNR, but no correspondence was included either from the MNR or the Ministry of Environment, Conservation and Parks (MECP) which is now responsible for SAR. This correspondence should be provided, and in the absence of formal MECP correspondence, the applicant should be advised to do their due diligence prior to any works onsite to ensure they are not in contravention of the *Endangered Species Act*.

Fish Habitat

The EIS notes the need for a Fisheries and Oceans Canada (DFO) Project Review for the proposed culvert works and channel realignment at Draper's Creek. It also notes that DFO will likely provide a Letter of Advice and identify specific habitat enhancement measures to ensure no serious harm to fish or fish habitat (pg.28). This correspondence should be provided for Regional review in parallel with the Niagara Peninsula Conservation Authority (NPCA) permit process.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features, including the PSW and Draper's Creek. As such, the NPCA should continue to be consulted with respect to any requirements under NPCA Regulations.

Stormwater Management

The Niagara Region staff has reviewed the Preliminary Stormwater Management Plan Southwoods, City of Welland (dated June 2019). Based on the available information, the Region notes that the development will not drain to the PSW. The Region has no objection in principal to the proposed stormwater management (SWM) plan. However, the Region requires further technical details to ensure the proposed SWM facilities are sufficient to achieve the targets and can be accommodated appropriately in the site plan. The Region's stormwater management requirements along with the Region's review comments are listed below:

- 1) The Region will require that all stormwater runoff be captured and treated to a Normal standard prior to discharge from the site.

- a. The Region has no objection in principal to the proposal of installation an end-of-pipe oil-grit separator (OGS) to meet the requirement. The Region requires the followings details:
 - i. The SWM report Section 5.2 outlines that the proposed Hydroworks HG6 will provide 71.9% TSS overall removal and capture 94.0% of the stormwater flows. In accordance with the MECP's SWM Planning & Design Manual Section 4.6.8 Technical Effectiveness, the average efficiency of the proposed unit is $67.6\% = (94\% \text{ of the runoff volume} \times 71.9\% \text{ TSS removal efficiency}) + (6\% \text{ of the volume} + 0\% \text{ efficiency})$. Please confirm the proposed OGS can achieve the required 70% TSS removal.
 - ii. The Region requires a servicing drawing showing the OGS location. In order to avoid backwater affecting the operation, the Region requires the OGS be at the downstream of the flow control structure and within the property limit.
 - iii. Please clarify if flows from catchment A16 (abut west of South Pelham Road) will be captured and treated via the OGS. The future land use includes 21 parking stalls and the access road.
- 2) The Region will require that all stormwater runoff proposed to discharge into the PSW be treated to an Enhanced standard.
 - a. Based on the available information, the Region notes that the proposed development will not drain into the PSW. Should the drainage proposal not change, the Region has no additional requirement of water quality treatment.
 - b. The Region requires an Erosion and Sediment Control (ESC) plan drawing to ensure the construction will not affect the PSW.
- 3) The Region will require that all post development peak stormwater flows be attenuated to pre-development levels for up to and including the 100 year return period storm event prior to discharge from the site.
 - a. The Region notes that the proposed SWM plan consists of the Lot and Conveyance Controls and flow attenuation measures (i.e. a dry pond and two underground storage facilities). Flows will surcharge to the storage facilities. The grading and servicing design should ensure backwater not surcharge to the ground.
 - b. The Region requires the following be addressed:
 - i. The SWM report indicate the storm event of storm sewer design and include the design sheet.
 - ii. Include the drawing to demonstrate that the outflow control structure is consistent with the requirements of the hydrologic analyses.
 - iii. Include a modeling scenario of a 24-hour design storm with SCS distribution to demonstrate that the proposed SWM storages are sufficient.

- iv. Confirm Manning's $n=0.25$ for pervious area used in the hydrology modelling. Is the value too high to represent the pre-development and particularly the post-development conditions?
 - v. Update Figure 3 to reflect the latest site plan and note the catchment of outflow uncontrolled. The 28.6% imperviousness of catchment A16 seems underestimated given the hard surfaces of the proposed land use.
 - vi. Erosion potential of the dry pond ditch inlet would be high due to the frequency of flow entering and exiting. Section 5.3 SWM Facility Maintenance should indicate the inspection and remediation measures if the ditch was eroded.
 - vii. Section 5.3 should indicate that the orifices at control structure should not be removed at any time. Revise first paragraph of section 5.3.1. The "the upstream oil/grit separator" is incorrect.
- 4) In order to mitigate the impacts of erosion on the receiving watercourse (Draper's Creek), the Region will require that stormwater runoff from the 25mm design storm event be captured and released over a period of 24 hours.
- a. The Region requires a calculation of drawdown time based on Equation 4.10 of the MECP's Design Manual to confirm if this criterion is met.
- 5) 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.
- a. The Region requires the engineering drawings be submitted to the office for review.

The Region requires a finalized SWM report associated with a letter indicating how each comment is addressed. The Region notes that a new culvert crossing Drapers Creek is to be installed. This proposal is subject to the NPCA's approval as it will alter the Regulatory floodplain.

Regional Road Allowance

The subject property has frontage along Regional Road 36 (South Pelham Road). This section of road has a substandard road allowance of approximately 20.1 meters. The designated road allowance is 26.2 meters as identified in the Regional Official Plan.

Therefore, the applicant is required to gratuitously grant the following widening to the Region:

A 3.05 meter widening across the frontage of the subject property. This is in order to achieve 13.1 meters from the original centerline of this road section. The actual width of the required widening must be confirmed by an Ontario Land Surveyor.

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- A 4.5 x 4.5 metre daylight triangle at the any intersection onto Regional Road 36 (South Pelham Road).

Region staff have reviewed the 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) and note that the required road widening is shown on the plan.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Norma Price, Law Clerk, 905-980-6000 extension 3339.
E-mail norma.price@niagararegion.ca
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000
extension 3325, E-mail: normans.taurins@niagararegion.ca

Traffic Impact Study

Regional Transportation staff have reviewed the *Traffic Impact Study (TIS)* prepared for Southwoods Estates in the City of Welland by Paradigm Transportation Solutions Limited (PTSL) (dated July 2019) and offers the following comments.

Within Section 5.1 Auxiliary Left-Turn Lanes, PTSL identifies that the northbound left-turn traffic volumes on South Pelham Road at Street A, in combination with the opposing and advancing traffic volumes, warrant the implementation of a northbound left-turn lane with a storage length of 15 metres. Within Figure 5.1 Functional Design – Northbound Left-Turn Lane at Street A, PTSL illustrates a 3.20 metre wide left-turn lane comprised of a 15.00 metre storage lane and a 24.01 metre taper lane; the taper is divided between the northbound and southbound lanes. Given the proximity of the proposed road widening to Draper's Creek, PTSL is recommending that Niagara Region consider undertaking a Schedule C Municipal Class Environmental Assessment (MCEA) in order to accommodate the road widening.

Niagara Region has reviewed the requirement for the left-turn lane. The left-turn lane warrant is well below the MTO requirement with a limited number of left-turns during the peak hour analyses. As noted in the report, additional lanes (widening) of the road

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platform may affect Draper's Creek which is located on the west side of South Pelham Road. Regional staff would ask that the TIS be amended to provide an additional review of the need for a left-turn lane in this situation. If the additional analysis determines that the left-turn lane is not warranted, then the Region will require that the Consultant provide a solution to ensure that northbound through vehicles are not physically permitted to pass the northbound left-turning vehicles via the roadway shoulder. Furthermore, the recommendation for Niagara Region to consider a Schedule C MCEA should be removed. It is the responsibility of the Developer and their Consultants to quantify the impacts of required improvements associated with the development.

Regional Permit Requirements

Prior to any construction or entrance construction taking place within the Regional road allowance, a Regional Construction and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Permit applications can be made through the following link:
<http://niagararegion.ca/living/roads/permits/default.aspx>

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 curbside on the designated pick up day, and that the following limits are not exceeded:

For the 50 Unit Apartment Building:

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

It is highly unlikely that the curbside waste collection limits will be met for this 50-unit apartment building. However, this site is eligible for Enhanced (front end bin) Collection Services provided that apartment building be developed as a condominium and that the development complies with the Region's Waste Collection Policy. Approval by the City of Welland is also required to receive the enhanced service. Please note that, if enhanced collection is approved by the City, the applicant must participate in both garbage and recycling collection.

Region staff have reviewed the 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) and note the provision of a "Waste Bin" located to the west of the 4-storey, 50-unit apartment building. If the owner/developer does not intend to utilize enhanced collection services or if the City is not agreeable with this

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arrangement, then waste collection will be the responsibility of the owner through a private contractor.

Waste collection for this development will be determined during the future site plan process.

For Townhouse Units:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per unit.

Condominium townhouse developments are able to receive internal curbside waste collection through the Region provided the developer/owner complies with the Regional Waste Collection Policy.

The townhouse blocks are eligible for Regional curbside collection, however, waste collection pads are required for the units 9-13 and 80-85. The 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) shows collection pads for these units at acceptable locations. However, to ensure that Regional waste collection vehicles can effectively maneuver the site, staff request that a Regional waste collection vehicle turning template be overlaid on the plan. Please resubmit the plan, with the turning template overlaid and details for the collection pads, to the Region for review and approval.

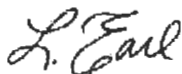
Conclusion

As the proposed applications are considered to align with the intent and direction Regional and Provincial policy, Regional Planning and Development Services staff would offer no objections to the Official Plan and Zoning By-law Amendments provided the Zoning By-law Amendment incorporates the changes to address the core natural heritage requirements (EPA zoning). Further, Regional staff offer no objections to the Draft Plan of Condominium subject to the Conditions attached in the Appendix.

Given the site specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan.

If you have any questions or wish to discuss these comments, please contact myself at ext. 3387. If you have any questions or wish to discuss the Core Natural Heritage comments, please feel free to contact Jennifer Whittard, Manager, Environmental Planning at 905-980-6000 ext. 3430 or jennifer.whittard@niagararegion.ca.

Best regards,



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Lindsay Earl, MCIP, RPP
Senior Development Planner

Attch: Appendix I - Regional Conditions of Draft Plan of Condominium Approval

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region
David Deluce, MCIP, RPP, Senior Manager, Plan Review & Regulations, NPCA

APPENDIX I
REGIONAL CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL
Southwoods - 633 South Pelham Road, Welland

1. That the following clauses shall be included in the Condominium agreement between the owners and the City of Welland:

"Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (Culture Program Unit) in London (519-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48 (1) of the Ontario Heritage Act".

"As on virtually any property in southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport (Culture Program Unit, London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)".

2. That Block 1, which includes the wetland and its 15m buffer, be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
3. That an updated analysis/assessment be submitted that confirms any existing infrastructure currently located within the wetland, and potential changes to the wetland/water levels as a result of any required infrastructure changes (i.e., removal, capping, etc.) can be appropriately dealt with, without negatively impacting the wetland. This updated assessment should also confirm how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer.
4. That the agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the EIS, including but not limited to:
 - a. Culvert and channel re-alignment design and associated mitigation measures to ensure no impacts to fish or fish habitat as approved by Fisheries and Oceans Canada (DFO);
 - b. Vegetation removals be undertaken between September 1 and mid-March, outside of the core breeding bird nesting period.

5. That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include, but not be limited to, details to protect the wetland during construction and limit downstream impacts during channel realignment and culvert replacement in accordance with DFO approval, as well as details regarding dust suppression and topsoil storage.
6. That a Landscape/Buffer Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA) or other qualified professional, be provided for Regional staff approval. The Planting Plan should identify and illustrate the location of native trees, shrubs and groundcover within the recommended 15 m wetland buffer.
7. That the agreement contain wording wherein the owner agrees to implement the approved ESC Plan and Landscape/Buffer Planting Plan.
8. That permanent fencing be provided along the length of the wetland buffer as illustrated on the Preliminary Site Servicing Plan (Upper Canada Consultants, May 27, 2019) or updated plans, as applicable. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural area.
9. That a plan be provided to the City's satisfaction that illustrates all proposed outdoor lighting to be downward facing and shielded to prevent light spillage into the adjacent wetland area.
10. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - I. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - II. Detailed erosion and sedimentation control plans;
 - III. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility; and,

11. That the Development Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
12. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
13. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the development agreement between the owner and the City.
14. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
15. That the applicant dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 36 (South Pelham Road), and 4.5 x 4.5 metre daylight triangle prior to the issuance of a building permit, to the satisfaction of Niagara Region.
16. That the following clause is included in the Condominium Agreement:

“That the owner shall not be permitted access to the subject property from Regional Road 36 (South Pelham Road) as shown on “Draft Plan of Vacant Land Condominium” (dated July 16, 2019) or subsequently approved versions by the Region.”
17. That the condominium agreement between the owner and the City of Welland contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
18. That the owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region Planning and Development Services Department.
19. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance

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Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).

20. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 9-13 and 80-85. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.

21. That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 9-13 and 80-85:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

Clearance of Conditions

Prior to granting final plan approval, the City of Welland must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of the Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to the Regional Planning and Development Services Department for verification that the appropriate clauses have been included.

Note: The Development Services Division recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

September 11, 2019

Via Email Only

Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Our File: PLPDV201900675

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan
of Condominium (Vacant Land)
Southwoods
City of Welland
Applicant: Upper Canada Consulting
File Nos.: OPA No. 22, By-law 2019-02, 26CD-14-19003**

The NPCA has received applications for Official Plan amendment (OPA), Zoning By-law amendment (ZBA), and Draft Plan of Condominium – Vacant Land (VLC) for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS), prepared by Beacon Environmental, dated July 2019, and a Floodplain Analysis, prepared by Upper Canada Consultants, dated July 18, 2019. The purpose of the applications is to establish a condominium development consisting of 85 units for townhouse dwellings and a four storey apartment building. A block of land containing a Provincially Significant Wetland (PSW) is intended to be dedicated to the City. We have reviewed the applications and offer the following comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The *NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act* (NPCA policies) provides direction for managing NPCA regulated features. The subject land contains the Draper's Creek Wetland Complex, which is a PSW and the 100 year flood plain for Drapers Creek.

The PSW is located on the western half of the subject land. The development includes a 15 metre buffer to the wetland. NPCA staff have reviewed the EIS and consider the EIS to address the criteria of NPCA Policies (Sections 8.2.3.3 and 8.2.3.4) and, therefore, have no objections to establishing a 15 metre buffer to the PSW. The EIS notes that the buffer is currently not well vegetated. As part of the EIS recommendations, a planting plan (restoration plan) to enhance the buffer function. NPCA staff support this. An NPCA Work Permit will be required to implement the restoration plan. In addition, the NPCA requires that the PSW and buffer be rezoned to an environmental protection or similar category zoning.

There are several areas of the proposed development that are close to the 15 metre buffer limit. It is likely that site servicing and construction will not be able to keep outside of the 15 metre buffer and there may be some minor encroachments during the construction phase. Given the current state of the buffer and the requirement of a buffer restoration plan, NPCA staff can accept some minor encroachment into the buffer during construction. The buffer and agreed-to encroachments are to be clearly identified through limit of work fencing installed prior to commencing site servicing. An NPCA Work Permit is required for the buffer encroachments. Note that snow storage is not permitted within the 15 metre buffer.

It is understood by NPCA staff that there is a stormwater pipe in the PSW. This pipe was installed sometime between 2006 and 2010. NPCA staff have had previous discussions with the Applicant who was amenable to addressing the issue of the pipe (i.e ensuring the pipe does not have a negative hydrologic impact on the PSW). The EIS was silent on the current impact of the pipe to the PSW and did not provide any options for addressing the pipe. NPCA staff require this to be addressed as part of the Conditions of Draft Plan Approval. There will need to be additional analysis done to determine the impact of removing the pipe (or capping the pipe if physical removal is too damaging). In addition, there will need to be an engineering analysis to determine if there would be any flooding of adjacent properties as a result of removal/capping. Conditions have been included to address this issue.

The City has indicated that a proper turnaround is required at the terminus of Foxtail Avenue and are requiring the developer to construct such turnaround. It is anticipated that the design will be some form of a hammerhead. NPCA staff have no objection in principle to this municipal infrastructure. Additional environmental work (e.g. an EIS addendum) to examine options for the turnaround and address NPCA Policies for public infrastructure (Section 8.2.4) and detailed design drawings will be required. An NPCA Work Permit will be required prior to beginning any site servicing.

As noted earlier, there is a portion of the Drapers Creek 100 year flood plain on the subject property, particularly along the eastern boundary. The Applicant provided a flood plain analysis that provided topographic information and plotted the 100 year flood plain, which is 181.25 metres asl. Based on the analysis, the extents of flood plain on the subject property is less than the NPCA's mapping. The site is proposing to include a driveway access and parking within the 100 year flood plain. NPCA Policies (Section 4.2.7) allow driveways within the 100 year flood plain where the depth of flooding is no greater than 0.3 metres. Based on the flood plain analysis, NPCA staff are satisfied in principal that the parking and driveway area can be accommodated with less than 0.3 metres of flooding. NPCA staff will require detailed site grading plans to ensure that the extent and depth of flooding is in conformity with NPCA Policies.

As part of establishing the entrance along South Pelham Road, the Applicant is proposing to realign Drapers Creek. NPCA staff have no objection to this in principle subject to an NPCA Work Permit.

Based on the above, NPCA staff have no objections to the applications as they relate to NPCA policies, subject to rezoning the PSW and 15 metre buffer to an Environmental Protection zone category and the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval

NPCA staff request the following conditions be incorporated into the Conditions of Draft Plan Approval.

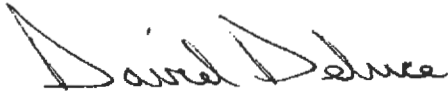
1. That the provincially significant wetland (PSW) and its associated 15 metre buffer be zoned Environmental Protection or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority.
2. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse.
3. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any stormwater outlets into Drapers Creek.
4. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and engineering analysis that examine that examine the most appropriate manner of stopping the existing stormwater pipe from draining the wetland as well as the impact of potential flooding as a result. Works to implement the aforementioned reports will require a Work Permit from the Niagara Peninsula Conservation Authority.
5. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and detailed design drawings for the proposed turnaround at the terminus of Foxtail Avenue. Installation of the turnaround will require a Work Permit from the Niagara Peninsula Conservation Authority.
6. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval a buffer restoration plan. Implementation of the restoration plan will require a Work Permit from the Niagara Peninsula Conservation Authority.
7. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
8. That the Developer install limit of work fencing along the 15 metre buffer and portions where construction encroachments are less than 15 metres, to the satisfaction of the NPCA. The limit of work fencing is to be shown on the detailed grading and construction sediment and erosion control plans, to the satisfaction of the NPCA. Any construction encroachments into the 15 metre buffer require a Work Permit from the Niagara Peninsula Conservation Authority.

9. That the Developer provide 1.5 metre high chain link fencing along the boundary of the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority.
10. That conditions 1 to 9 above be incorporated into the Development Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Development Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Conclusion

At this time, NPCA staff have no objections to the applications subject to the Conditions of Draft Plan Approval. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available as well as any notice of any case management conferences. If you have any questions, please let me know.

Regards,



David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations (ext. 224)

cc: Mr. Craig Rohe, MCIP, RPP, Upper Canada Consultants (email only)
Ms. Lindsay Earl, MCIP, RPP, Region of Niagara (email only)

Rachelle Larocque

From: Chris Chappelle
Sent: September 4, 2019 9:30 PM
To: Rachelle Larocque
Subject: Comments on FILE NO. OPA, FILE NO. 26CD-14-19003 and FILE NO. 2019-02

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

Good evening Rachelle.

The following are my comments relative to these matters:

I oppose the application to amend zoning by-law 2017-17, the official plan amendment application no. 22 and the application for draft plan of condominium-file 26CD-14-19003, as the plans as submitted create excessive density on the subject lands such that it is vastly disproportionate to the density of abutting properties.

The plan to use two storey townhouses creates a density on the developable area of this property that is inconsistent with recent Council decisions regarding townhouse condominium developments around the City that use bungalow townhouses. Existing townhouse condominium developments approved by Council, such as Elmwood Terrace, The Village on Prince Charles and Drapers Creek, represent an efficient use of land while promoting intensification, equitable distribution of density and enhanced aesthetic appeal.

As currently proposed, this development will have a detrimental impact on adjacent properties and their intended uses. The proposed rear yard setbacks and encroachments into the rear yard are of significant importance in this regard as they impact the privacy that has long been established for owners of adjacent properties. Any setback should incorporate a buffer zone to separate the new development from those existing.

Traffic in the area will also be impacted by the addition of residents of these proposed 85 townhouse condominium units and 50 residential units of the condominium apartment building. South Pelham Road is a major corridor between Welland and Pelham and the traffic flow on this Regional Road has increased substantially as the result of the developments on Webber Road. The proposed additional access to South Pelham from the development in question would be the third intersection in the span of just 350 metres between Thorold Road and Sumbler Road, creating an increased strain on an already busy section of the road. Additionally, the proposed intersection would cross a span of Drapers Creek. Given the Creek's sheer volume and rate of flow during peak periods, safeguards must be established to protect and enhance this distinctive resource of our watershed while ensuring the safety of pedestrians and cyclists travelling adjacent to the Creek.

Please contact me if you have any questions regarding my comments.

Respectfully,
 Chris Chappelle

Rachelle Larocque

From: Christopher Irwin
Sent: August 31, 2019 12:07 PM
To: Rachelle Larocque
Subject: Written Submission - Application for Draft Plan of Condominium - File 26CD-14-19003

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Hi Rachelle - please forward this written submission to Grant Munday, Manager of Development Approvals, Planning Division or the appropriate recipient(s).

Thank you,
 Chris Irwin

48 Sumbler Rd, Welland, ON L3C 3N9

To whom it may concern,

This is my written submission regarding the Application for Draft Plan of Condominium - File 26CD-14-19003, submitted on August 31st, 2019 to Rachelle Larocque via email.

As a resident of Sumbler Road (I live at 48 Sumbler Rd, Welland, ON L3C 3N9), I would like to submit the following:

Part 1 - Vehicle Access from Sumbler Road onto Regional Road 36 (South Pelham Road)

1. The intersection of Sumbler Road and South Pelham is not controlled (no traffic light).
2. The increased residential density of the proposed plan will increase traffic volumes at the intersection of Sumbler Road and South Pelham Road above current volumes.
3. Wait times to safely enter South Pelham Road from Sumbler Road are often long with current traffic volumes, and particularly during peak times (morning and evening).
4. The extra pressure on South Pelham will increase the inconvenience of waiting for vehicle users entering this intersection, and will increase the risk of vehicular collision.

Question:

- 1) Does the proposed development take into account this increased inconvenience and risk to residents using the intersection of Sumbler Road and South Pelham?
- 2) Does/can planning for this development incorporate a remedy for this extra inconvenience and risk?

Part 2 - Pedestrian access, as well as access for residents with disabilities from Sumbler Road onto Regional Road 36 (South Pelham Road)

1. There is no pedestrian/persons with disabilities infrastructure at the intersection of Sumbler Road and South Pelham.

2. The increased residential density of the proposed plan will increase traffic volumes at the intersection of Sumbler Road and South Pelham Road above current volumes.
3. Pedestrians walking onto South Pelham Road from Sumbler Road will face increased traffic volumes.
4. Wait times to safely walk across South Pelham Road from Sumbler Road are often significant with current traffic, and particular during peak times (morning and evening).
5. Crossing South Pelham, and walking down South Pelham from Sumbler Road to Thorold road is difficult and potentially dangerous currently (not wide enough and potentially slippery/uneven footing).
6. It is not possible for persons using assistive devices such as wheelchairs to use the shoulder for South Pelham Road to access services at Thorold Road (it is not wide enough and the terrain is gravel and mud).
7. The extra pressure on South Pelham will increase the inconvenience of waiting for pedestrians and persons with disabilities using this intersection
8. Pedestrians are currently at risk of being struck at this intersection today and that risk will increase with this development.
9. The width of available safe space for pedestrians walking on either side of South Pelham between Sumbler Road and Thorold road today is, in several places much less than 1 metre.

QUESTIONS:

- 1)) Does the proposed development take into account this increased inconvenience and risk to pedestrians using the intersection of Sumbler Road and South Pelham?
- 2) Does/can planning for this development incorporate a remedy for pedestrians and people with disabilities?
- 3) Is there an opportunity to provide better safety and connectedness for pedestrians and people using assistive devices using South Pelham Road for travel as part of this development?

Thank you considering these comments. I look forward to a response to my questions.

In addition to these written comments I would like to make an oral submission at the Council Hearing on September 17, 2019.

Regards,
Chris Irwin
48 Sumbler Road,
Welland, ON L3C 3N9

Rachelle Larocque

From: Derek Brunet
Sent: August 23, 2019 11:19 AM
To: Rachelle Larocque
Subject: Re: File 26CD-14-19003 and related applications

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Thank you Rachelle.

I would like to express the following concerns regarding the proposed development for discussion at upcoming meetings:

- (1) The proposed development doesn't fit the character of existing neighbourhood. It features small block townhouses and an apartment complex, while most of the neighbourhood is detached and semi-detached homes. This could result in declining home values.
- (2) Various safety concerns, namely:
 - (a) Increased traffic on Sparrow Drive and South Pelham Road
 - (b) Increased congestion at an already busy intersection (South Pelham & Thorold Road)
 - (c) Difficulty turning left onto South Pelham Road from the new proposed access road
 - (d) Increased pedestrian traffic on South Pelham Road, which has no sidewalk / shoulder

Again, thanks for your help in this matter.

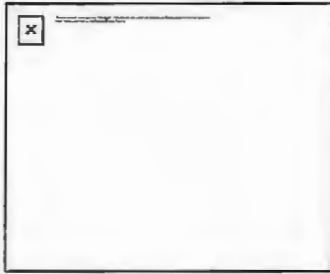
Derek Brunet
 453 Foxtail Avenue
 Welland ON L3C 7N7
 (289) 820-7908

On Tue, Aug 13, 2019 at 2:26 PM Rachelle Larocque <rachelle.larocque@welland.ca> wrote:

Good afternoon Mr. Brunet,

This email is sufficient. Information regarding the applications will be placed on the City's website. I will forward you the link once available.

Have a lovely afternoon.



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Planning Supervisor
 Planning Division
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 **Fax:** (905)735-8772
www.welland.ca



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From: Derek Brunet "-----"
Sent: August 13, 2019 1:41 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: File 26CD-14-19003 and related applications

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Hello Rachelle,

I am requesting formal notification of this application's decision and any future appeal hearings. I would also like the same information for the related Zoning By-law Amendment and Official Plan Amendment:

- Official Plan Amendment No. 22
- Zoning By-law Amendment No. 2019-02
- Plan of Vacant Land Condominium 26CD-14-19003

Please confirm that this email message is sufficient.

Thank you,

Derek Brunet

453 Foxtail Avenue

Welland ON L3C 7N7

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Rachelle Larocque

From: John marchio
Sent: September 6, 2019 12:47 PM
To: Rachelle Larocque
Subject: Re: Southwoods Development Proposal -Welland Ontario Amended E-Mail

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

Subject – Application to Amend Zoning By-Law 2017-117 (file No. 2019-02)

Application for Draft Plan of Condominium – File 26 CD- 14-19003

Official Plan Amendment Application No. 22

I am raising objections to the above applications for the following reasons:

This land is designated as existing Low Density (RL1) and should remain as Low Density (RL1). A change in zoning for the proposed number of condominiums would make the density far too high for the serviceable lands available in this area.

I do not agree with the proposed changes that would allow any setback requirements to be altered. The change in rear yard setbacks would create an unfriendly environment for the current home owners on the South Side of Sumbler Road. The change would allow the proposed condominium decks to be within 10 feet of our property line. The residents on the South Side of Sumbler Road would then be living in a fish bowl environment and would lose their privacy totally. A buffer area should be created between the houses on the South Side of Sumbler Road and the proposed new development

The proposed development does not include any park land. The developer proposes to transfer the wet lands to the city and pay cash in lieu of park land. With the number of proposed units in this area a park is a must for the health, safety and well being of the children and the families that will live in this neighbourhood. The development proposes that the streets, side yard, backyard and front yard requirements are much smaller which impacts the neighbourhood negatively. Children should not be required to walk down South Pelham Road, a high traffic road to get to a park.

The proposed development is all two storey condominiums and a 4 storey apartment building. The two storey condominiums will be units of 6 or 4. Any new developments should consider a mixture of bungalows and two storey buildings

I do not agree with the proposed changes to the parking requirements. The proposed development is asking the city to approve private roads that are much narrower and tighter than normal. These changes would create a real safety concern for all the children and families in the area. In addition, the Apartment building should and needs a loading space.

The density of the proposed development (135 units) would certainly create drainage problems for the existing residences. The run off from these additional units in such a small area which was previously designated wet lands will certainly create a drainage and flooding problem. This area was once a considered a designated wet land until a developer cut most of the trees in the area and installed an unapproved draining system to remove the water in the wet lands. The wet land area has now become much smaller.

The flood line area on South Pelham Road is also being changed. The developer tells us this is just a minor change. Is it?

South Pelham Road currently floods when there is heavy rain. Adding the run off of another 135 units will only make the problem worse. The city of Welland has a pumping station at the corner of South Pelham Road and Fitch Street. Nearly, every time it rains the pump needs servicing. This proposed development will only make this situation worse.

The proposed development is asking for the region to build an entrance off of South Pelham Road between Sobeys and existing houses. This will negatively impact Draper's Creek.

The proposed development is asking the region to expand South Pelham Road and create a turning lane into the new development. If you know the area at all, you know this will create a traffic disaster. This is a high traffic area as it is and I believe their traffic study impact is greatly understated.

In conclusion, this development should not be approved as requested without addressing the issues and concerns summarized above.

John Marchio

S1 Sumbler Road

Welland Ont.

L3C 3P1

From: John marchio
Sent: September 6, 2019 12:35 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Re: Southwoods Development Proposal -Welland Ontario

Subject – Application to Amend Zoning By-Law 2017-117 (file No. 2019-02)

Application for Draft Plan of Condominium – File 26 CD- 14-19003

I am raising objections to the above two applications for the following reasons:

This land is designated as existing Low Density (RL1) and should remain as Low Density (RL1). A change in zoning for the proposed number of condominiums would make the density far **too high** for the serviceable lands available in this area.

I do not agree with the proposed changes that would allow any setback requirements to be altered. The change in rear yard setbacks would create an unfriendly environment for the current home owners on the South Side of Sumbler Road. The change would allow the proposed condominium decks to be within 10 feet of our property line. The residents on the South Side of Sumbler Road would then be living in a fish bowl environment and would lose their privacy totally. A buffer area should be created between the houses on the South Side of Sumbler Road and the proposed new development

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and well being of the children and the families that will live in this neighborhood. The development proposes that the streets, side yard, backyard and front yard requirements are much smaller which impacts the neighborhood negatively. Children should not be required to walk down South Pelham Road, a high traffic road to get to a park.

The proposed development is all two storey condominiums and a 4 storey apartment building. The two storey condominiums will be units of 6 or 4. Any new developments should consider a mixture of bungalows and two storey buildings

I do not agree with the proposed changes to the parking requirements. The proposed development is asking the city to approve private roads that are much narrower and tighter than normal. These changes would create a real safety concern for all the children and families in the area. In addition, the Apartment building should and needs a loading space.

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The flood line area on South Pelham Road is also being changed. The developer tells us this is just a minor change. Is it? South Pelham Road currently floods when there is heavy rain. Adding the run off of another 135 units will only make the problem worse. The city of Welland has a pumping station at the corner of South Pelham Road and Fitch Street. Nearly, every time it rains the pump needs servicing. This proposed development will only make this situation worse.

The proposed development is asking for the region to build an entrance off of South Pelham Road between Sobeys and existing houses. This will negatively impact Draper's Creek.

The proposed development is asking the region to expand South Pelham Road and create a turning lane into the new development. If you know the area at all, you know this will create a traffic disaster. This is a high traffic area as it is and I believe **their** traffic study impact is greatly understated.

In conclusion, this development should not be approved as requested without addressing the issues and concerns summarized above.

John Marchio

51 Sumbler Road

Welland Ont.

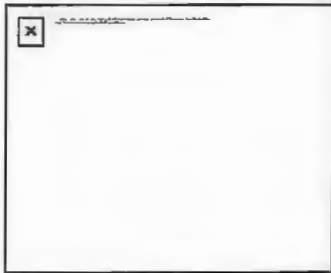
L3C 3P1

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: September 5, 2019 12:06 PM
To: John marchio
Subject: RE: Meeting Notes of Aug. 29,2019

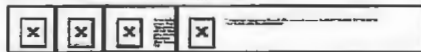
Hi John,

As I had indicated at the meeting, I will send them when they're available. I did mention at that time that they might not be completed by September 6th. They have not been typed up yet as I've been in meetings for the past two days. When they have been typed up, I will send them along.

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Planning Supervisor
 Planning Division
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 **Fax:** (905)735-8772
www.welland.ca



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From: John marchic
Sent: September 5, 2019 9:42 AM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Re: Meeting Notes of Aug. 29,2019

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Hi Rachelle

Would you please send me your notes of Southwoods Development from Aug. 29, 2019 further to our previous discussion at the meeting.

John Marchio

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: September 3, 2019 3:40 PM
To: John marchic
Subject: Automatic reply: Meeting Notes of Aug. 29,2019

I will be out of the office on Tuesday, September 3, 2019 and returning to the office on Wednesday, September 4, 2019. If you need immediate assistance, please contact Grant Munday grant.munday@welland.ca.

Sincerely,
Rachelle Larocque

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Rachelle Larocque

From: John marchio
Sent: December 4, 2019 9:18 AM
To: Grant Munday; Councillor David McLeod; Councillor Leo Van Vliet
Cc: Rachelle Larocque; Travers Fitzpatrick
Subject: Re: Southwoods Development - South Pelham Road Welland Ontario

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Good Morning :

I am following up on my previous e -mail dated Oct. 29, 2019.

Thank you again for your consideration in this matter.

John Marchio

From: John marchic
Sent: October 29, 2019 4:06 PM
To: Grant Munday <grant.munday@welland.ca>; Councillor David McLeod <david.mcleod@welland.ca>; Councillor Leo Van Vliet <leo.vanvliet@welland.ca>
Cc: Rachelle Larocque <rachelle.larocque@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: Re: Southwoods Development - South Pelham Road Welland Ontario

Good afternoon Mr. Munday

I would like to obtain the data that was utilized to come to the decision that the traffic study factors would fall within the 1% per year increase.

What are the current traffic numbers utilized and where are they sourced?

What are the increased traffic numbers for each of the development areas that I outlined in my previous e-mail?

Are all the development areas that I outlined are being considered as a total or are they being considered one at a time to arrive at the less than 1% per year?

Thank you in advance for your assistance and co-operation in this matter.

John Marchio

From: Grant Munday <grant.munday@welland.ca>
Sent: October 25, 2019 4:24 PM
To: >; Councillor David McLeod <david.mcleod@welland.ca>; Councillor Leo Van Vliet <leo.vanvliet@welland.ca>

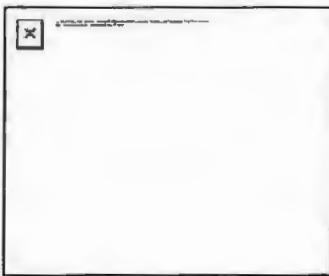
Cc: Rachelle Larocque <rachelle.larocque@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: RE: Southwoods Development - South Pelham Road Welland Ontario

John,

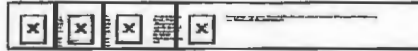
Thank you for your email. The will be added to the public record concerning this matter and will be addressed in the Final Recommendation Report to Council.

The Traffic study factors an increase of background traffic of 1% per year to a assess future traffic conditions. This would accommodate for the other developments your speaking of.

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



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From:

Sent: October 24, 2019 10:28 AM

To: Grant Munday <grant.munday@welland.ca>; Councillor David McLeod <david.mcleod@welland.ca>; Councillor Leo Van Vliet <leo.vanvliet@welland.ca>

Subject: Southwoods Development - South Pelham Road Welland Ontario

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Hi Grant:

Further to our discussion of Oct. 24, 2019, I would like to raise the following concerns with the traffic study completed for the Southwoods Development in Welland on South Pelham Road.

- The study does not take into account the building of the 3 storey condominium at 529 South Pelham Road and the it's impacts on the traffic in this area.
- The study does not take into account the development already in progress on the north east corner of South Pelham Road and Webber Road and the impact this development will have on the area
- The study does not consider the development that is proposed and approved by the city at the north west corner of South Pelham Road and Webber Road and it's impacts to this area.

- The study does not take into account the new business development at 618 South Pelham Road formerly Dave's Small engine repair.
- The study does not take into account the new development currently being built at the west corner of Quaker Road and South Pelham Road.

All of the above development massively increases traffic on South Pelham Road. It is already extremely difficult to make a left-hand turn onto South Pelham Road. Approving another side street on, so close to the Thorold Road and South Pelham would create a traffic disaster for both drivers and pedestrians.

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Reference :

Mountainview Developments Inc.

Southwoods Draft plans 633 South Pelham Rd. Welland

Welland City Council Meeting**September 17, 2019****Statutory Public Hearing in accordance with the requirements of the Planning Act**

Wetlands are among the most productive and diverse habitats on Earth and form an important part of Ontario's landscape. From the swamps and marshes in the southern part of the province to the vast peatlands in the north, wetlands play a vital role in supporting Ontario's rich biodiversity and providing essential ecosystem services on which Ontarians depend for health and well-being.

Urbanization crowds out wetlands. Over 80 percent of the wetlands near major cities have been converted to farmland or turned into urban sprawl. In southern Ontario, more than 70 percent of wetlands have disappeared altogether, gobbled up by roads, farmland, housing and industry. Wetlands are particularly vulnerable to climate change.

NPCA POLICY DOCUMENT**3.3.1 Regulated Areas**

Through section 28 of the Conservation Authorities Act and Ontario Regulation 155/06 the NPCA has the authority to regulate and approve development within its Regulated Areas. The NPCA's regulated areas are comprised of several components, including the following:

- wetlands
- other areas where development could interfere with the hydrologic function of a wetland, including areas up to 120 metres (394 feet) of all provincially significant wetlands and wetlands greater than 2 hectares in size, **and areas within 30 metres (98 feet) of wetlands less than 2 hectares in size.**

The buffer can only be reduced to 15 metres if the EIS concludes that it will have no negative effect on the PSW.

As this development is within the Urban Area, the EIS will be approved by the City of Welland rather than by the Niagara Region.

Is development more important than Welland's commitment to the environment?

"Campion said people want to move to Welland to escape seeing 'hundreds of acres of cookie-cutter houses. If we turn into that, why would we want to be here?' Throughout the entire region, he said municipalities need to protect assets, from tender fruit lands to green spaces, and wetlands." June 29, 2016 The Tribune, by Allen Benner

The correct decision is yours to make.

**Mountainview Southwoods
Environmental Impact Study
Prepared By Beacon Environmental Dated: July 2019.**

**Excerpts from EIS (in black)
Comments (in blue) by D. Labute, Sumbler Rd. Welland**

Pg. 3

1.2.4 Niagara Peninsula Conservation Authority

Ontario Regulation 155/06 (2006) Wetlands, watercourses and valleylands and their adjacent lands are regulated within the jurisdiction of the Niagara Peninsula Conservation Authority (NPCA) pursuant to Ontario Regulation 155/06. Under the Regulation the NPCA has regulatory power to prevent or restrict development within defined regulated areas. For the permitting and enforcement associated with Ontario Regulation 155/06 the NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act 2018, provides direction. For the subject lands Ontario Regulation 155/06 applies to the PSW Wetland Unit 15 and Draper's Creek and its floodplain.

2.3.6 Feature Staking

A revised boundary of boundary of the PSW Wetland Unit 15 was staked and surveyed by the MNRF in August of 2013 (see MNRF letter in Appendix 1). This revised wetland boundary is presented on the development plans prepared by UCC. No other feature staking with the NPCA or MNRF was required for this EIS.

The 2014 survey by the consulting firm did not conclude that the area qualified as a PSW and recommended that it be removed from the Region's Official Plan Re ROPA 11 in May 2016.

Has the PSW increased to its original 2009 boundary since the wetland area is wet again? The pipe appears to be clogged since winter 2017/18.

Should the boundary have been remapped for this EIS (2019) if the validity of the wetland area was questionable? Wetlands are considered an open file

Pg. 12

3.2 Vegetation Communities

Cultural communities represent vegetated areas that support a plant community that has been strongly influenced by human activities, both past and present, for example pine plantations or the naturalization of a fallow agricultural field. The subject lands have been significantly impacted by human activity, initially by clearing for agriculture, and more recently as a result of regular mowing over a number of years.

In 2012 the MNRF could not remap the PSW as requested until the mowing had stopped for 1 year. This was to enable regrowth of vegetation which could then be identified as wetland and upland plants.

The PSW was remapped in Aug 2013 by the MNRF with the drain pipe in place.

Was the drain pipe a factor in the reduction of the wetland area?

Pg. 12

3.2.2 Cultural Communities

Wetland Cultural Communities Willow Mineral Thicket Swamp (SWT2-2)

This 1.68 ha thicket swamp wetland is identified as a Wetland Unit 15 of the Provincially Significant (PSW) Draper's Creek Wetland Complex. The community has developed in long fallowed farm field and is supported by local surface water flows.

The wetland is supported by local surface water flow (snow melt and rain), a key factor in its existence.

Pg. 19

3.4 Birds

Only twenty-two (22) bird species were recorded on or directly adjacent to the subject lands and are presented in Table 4. The site supports a very low diversity of bird species, the majority of which are common urban/rural tolerant species inhabiting small woodlots, forest edges, hedgerows, thickets, fields and agricultural landscapes. The field/thicket bird community is well represented

There is no mention of geese (perched on rooftops for weeks in spring) ducks, hawks, or wild turkeys (all seen in abundance).

Pg. 22

3.5.1 Amphibians

Four species of amphibians were recorded to be breeding in the wetland thicket swamp. Code 2 chours was recorded for three species, the Chorus Frog ,Spring Peeper and Northern Leopard Frog Northern Leopard Frog Code 1 was recorded for the American Toad. All species are common to the Niagara Region (Yagi et al. 2009). **The more aquatic species, the *Green Frog* and salamanders were not recorded as the standing water associated with small ponding areas in the spring are very shallow, and no standing water is present past midsummer.**

No mention of Wood Frogs in 2019 EIS. See photo below taken at 75 Sumbler Rd. within the 30 M buffer.

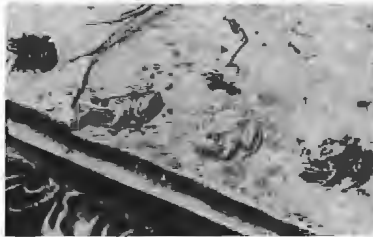
On August 19, 2019 water was still present in the PSW.

2015 EIS pg. 24 stated that "In addition, no adults for these species were noted for the property during any of the surveys conducted on the property." (May2012 to Oct 2014) "No standing water is present past May, and habitat for more aquatic species such as Green Frog (*Lithobates clamitans*) and Leopard Frog (*Lithobates pipiens*) is not present"

Wood frog Sept 8, 2019



Green frogs have been present in my yard since I moved there in 2005



Chorus Frogs, Spring Peepers, Leopard Frogs, Green Frogs , Wood Frogs and Toads have all been seen within 30 metres of the wetland

Pg. 22

3.6.1 Endangered Species of Bats

In Niagara four species of bats occur that are listed as provincially endangered and receive species and general habitat protection under the Endangered Species Act (ESA 2007), the Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), Eastern Small-footed Myotis (*Myotis leibii*) and Tri-colored Bat

(*Perimyotis subflavus*). The MNRF identified that these species may be present within wooded areas of the subject lands (Appendix 1). For these species summer roost and maternity sites are associated with trees that support cracks, crevices, holes and cavities, as well as loose bark and clusters of old leaves, including squirrel nests.

For this EIS a leaf off survey of the subject lands was conducted in early May 2019 and no snag trees were found to be associated with two small stands of trees.

Were the snag trees within the PSW or within its 30 m buffer checked?

Pg. 27

5.1 Assessment of Potential Impacts

5.1.1 Direct Impacts

For the proposed plan, the development of the land will result in the removal of 2.87 ha of Cultural Meadow (CUM1). No wetland area or woodlands will be removed. Though no physical removal of wetland will occur, ***the wetland's presence is dependent on local overland surface water flow from snow melt and rain events. Alterations of the surface water flows away from the wetland could result in either a reduction in wetland area, or the completed long-term loss of the entire wetland area.*** Beacon Environmental Impact Study 2019 Pg. 27

So, according to the above statement, removing the water runoff from the rear yards on Sumbler Rd. could cause the total destruction of the wetland!

The property at 65 Sumbler Rd feeds the wetland with natural spring water pumped into a ditch running south to the PSW (Fig 1)

Rear yard flooding Nov to May (Fig 2)



Figure 1



Figure 2

5.1.2 Mitigation for Direct Impacts

However, as works will occur within lands adjacent to Wetland Unit 15, that are regulated by the NPCA pursuant to Ontario Regulation 155/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, **permit requirements will need to be addressed with the NPCA.**

Permits to allow alterations within the PSW and the buffer zone?

Construction of roads to the edge of the buffer boundary and the digging of a dry pond along the same boundary from within the buffer?

It states that the “development is being proposed wholly outside of the PSW and proposed 15 m buffer.

Where is all the snow going to be stored? In the northwest corner? At the turning bulb at the Sparrow Drive entrance? What is stopping contaminated snow from entering the PSW buffer or the PSW?

Who will determine the elevation of the outer perimeter of the dry pond?

Will the dry pond outer perimeter surface elevation be higher than the springtime surface water level within the PSW?

Will the dry pond choke the PSW of the surface water runoff from the rear yards on Sumbler Rd? (Fig 2)

Will the dry pond alter the breeding habits/location of the amphibians?

Pg. 30

5.2.1 15 Meter Buffer Setback to Wetland Unit 15

The proposed development plan has identified a 15 m protective buffer setback from the wetland boundary and the erection of 1.5 m high chain link fence along the buffer boundary. This buffer area and fence is intended to mitigate against potential indirect impacts associated with adjacent residential land use, trampling and removal of wetland vegetation, composting and dumping waste within the wetland, and noise and visual disturbance on the wetland’s fauna. **In addition, the plan shows that a low disturbance storm water pond will be located along much of the buffer edge, with residential units directly adjacent to the buffer boundary occurring in only two locations, Unit 36 in the north, and Units 44 through 53 in the south.** At this time the buffer lands are not well vegetated, represented by open grass field (Photograph 13) and a buffer planting plan is required to increase the protective function of the buffer. **The planting plan should focus on the planting of conifer tree species to provide a year-round protective function.** The details of the planting plan are to be approved by the NPCA, Niagara Region and the City of Welland.

Does the PSW buffer zone need to be replanted? Are conifer trees the correct choice?

It is thriving well now without human interference.

Will the chain link fence extend from the southwestern corner at Foxtail Ave to the northeastern corner of the PSW buffer?

The Wetland Evaluation Report Draper’s Creek July 24, 2009 MNRF

An excellent diverse amphibian community exists throughout the wetland complex consisting of early callers as well as later calling species. This indicates the presence of temporal as well as permanent fish free areas for successful breeding and functioning dispersal mechanisms (i.e linkages).

A diverse fish community is present within the creek and connected floodplain areas.

Some small wetland units < 0.5ha are included because of amphibian or fish habitat functions. These areas were bigger when we first evaluated and were made smaller from urban development yet the functions remain important to the resident wildlife community.

These areas were bigger when first evaluated and were made smaller from urban development yet the function remains important to the resident wildlife community.

The rear yards on Sumbler Rd. from 81 down to 45 and beyond are filled with frogs (various species) all summer long. Come see for yourself. You have to move them out of the way when mowing the lawn.

The 15 metre buffer is **only a recommendation** by the Developer's Consultant. The NPCA will review and decide the buffer size.

Summary

- **Aug/Sept 2019: Six amphibian species were sighted within 30 metres of the PSW.**
- **EIS has several references to restoring, altering, buffer zone or work occurring within lands adjacent to wetland. What activities are going to occur within the buffer zone? It's not clear!**
- **Were the required surveys performed within the 30 metre buffer zone?**
- **Should a dry pond designed to gather heavy rain water overflow be positioned on the boundary of the PSW buffer zone? What damage could it do?**
- **If drainage of surface water from the rear yards on Sumbler Rd. is obstructed, what impact will it have on the PSW? *"the wetland's presence is dependent on local overland surface water flow from snow melt and rain events. Alterations of the surface water flows away from the wetland could result in either a reduction in wetland area, or the completed long-term loss of the entire wetland area."***
- **The volume of water currently in the PSW seems comparable to prior to the drain pipe installation. Is the revised boundary (2013) now questionable?**

As this development is within the Urban Area, the EIS will be approved by the City of Welland rather than by the Niagara Region.

I would like to thank the Planning staff, Infrastructure & Development Services and Welland City Council for their time and efforts to resolve the drain pipe issue within the PSW.



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December 4, 2019

To: Rachelle Larocque, BES, MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Mayor and Council
C/O Tara Stephens, City Clerk
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Re: Responses to Comments Received Regarding Southwoods

On behalf of our client Mountainview Developments Inc., please accept this letter containing responses to comments and conditions of approval provided from members of the public, council and review agencies regarding the proposed Southwoods Condominium development (City File Nos. 26CD-14-19003, OPA 22 & 2019-02)

A request was made by our client on October 1, 2019 to appear as a delegation before City Council on the evening when the applications are to be brought forward for council consideration. This request was denied by the City Clerk on October 4, 2019. While our client can respect the position of the municipality, they now feel that there is no opportunity to publically respond to many questions and statements made by both the attendees and members of Council.

To ensure that these clarifications are made available prior to a decision being made, we are copying the Mayor and Council on this submission to the Planning department and trust that it will be given due consideration prior to a decision being made on the submitted applications.

For matters pertaining to specific comments from the NPCA and Niagara Region regarding the Environmental Impact Study and Transportation Impact Study, individual response letters have been formulated by the respective qualified professionals and are provided with this submission.

If you have any questions or require any further information or copies, please contact the undersigned.

Sincerely,

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

CC: Mark Basciano, President, Mountainview Developments Inc.



Comment Response Table - Southwoods

| No. | Comment | Authority/Person | Response |
|-----|--|-------------------------------|---|
| 1 | Permits to allow alterations within the PSW and Buffer Zone | Don Labute 75 Sumbler Road | An NPCA permit is required to install the buffer planting plan and the required 1.5 m fence. Any alteration of the wetland requires approval from MNRF. No site alteration is proposed to the wetland feature. |
| 2 | Construction of Roads to the edge of the buffer boundary and the digging of a dry pond along the same boundary within the buffer. | Don Labute 75 Sumbler Road | Encroachment into the buffer may be required to complete some infrastructure works. This would be included in the scope of an NPCA work permit and subject to restoration. |
| 3 | It states that the development is being proposed wholly outside of the PSW and proposed 15 m buffer. | Don Labute 75 Sumbler Road | This is correct. No development is proposed within the feature or 15 m buffer. |
| 4 | Where is all the snow going to be stored? In the northwest corner? At the turning bulb at the Sparrow Drive entrance? What is stopping contaminated snow from entering the PSW buffer or PSW. | Don Labute 75 Sumbler Road | Snow storage areas to be determined through Site Plan. Review agencies to approve. |
| 5 | Who will determine the elevations of the outer perimeter of the dry pond | Don Labute 75 Sumbler Road | The applicant's professional engineer. This will be reviewed by City and required agencies. |
| 6 | Will the dry pond outer perimeter surface elevation be higher than the springtime surface water level within the PSW? Will the dry pond choke the PSW of the subsurface water runoff from the rear yards of Sumbler road? Will the Dry pond alter the breeding habits/ location of amphibians. | Don Labute 75 Sumbler Road | The pond will be designed and reviewed through the site plan process. |



| No. | Comment | Authority/Person | Response |
|-----|---|------------------------------------|--|
| 7 | Does the PSW buffer zone need to be replanted. Are conifer trees the correct choice? | Don Labute 75 Sumbler Road | A buffer planting plan is required and will be prepared by a qualified professional. They will select appropriate species. NPCA, City and region will all approve. |
| 8 | Will the chainlink fence extend from the southwestern corner of foxtail avenue to the northeastern corner of the PSW Buffer? | Don Labute 75 Sumbler Road | The fence is planned to be installed along the entire interface of the proposed development and Block 1. It is unclear if a fence will be required along the end of Foxtail. This can be addressed through Site Plan. |
| 9 | The EIS has several references to restoring, altering, buffer zone or work occurring within lands adjacent to the wetland. What activities are going to occur within the buffer zone. It's not clear! | Don Labute 75 Sumbler Road | The buffer zone will be planted, consistent with the recommendations of the EIS. It will be fenced off with no access gates and left to naturalize. No development, site alteration or activities of any kind are to occur in the buffer. The lands will be transferred into the ownership of the City upon registration. |
| 10 | Should a dry pond designed to gather heavy rain water overflow be positioned on the boundary of the PSW buffer zone? What damage could it do. | Don Labute 75 Sumbler Road | Locating the dry pond next to the PSW allows for the surge of stormwater to be outletted overland to a wet area. This will prevent the flooding of this development and adjacent properties. |
| 11 | The proposed development doesn't fit the character of the existing neighbourhood. It features small block townhouses and an apartment complex, while most of the neighbourhood is detached and semi-detached homes. This could result in declining home values. | Derek Brunet 435 Foxtail Avenue | The proposed dwelling types and values are in keeping with the general character of the western area of Welland. Townhomes and semi-detached dwellings are compatible and are of similar construction, height and scale. |



| No. | Comment | Authority/Person | Response |
|-----|--|------------------------------------|---|
| | | | Other Freehold Townhomes exist at the corner of Sparrow Drive and Thorold Road, with semi-detached dwellings also located on Sparrow Drive. |
| 12 | <p>Various safety concerns, namely:</p> <ul style="list-style-type: none"> a) Increased traffic on Sparrow Drive and South Pelham Road b) Increased congestion at an already busy intersection (South pelham and Thorold Road) c) Difficulty turning left onto South Pelham Road from the new proposed access road. d) Increased pedestrian traffic on South Pelham Road, which has no sidewalk/shoulder. | Derek Brunet 435 Foxtail Avenue | <p>Based on the TIS completed by Paradigm, no impacts to the existing level of service for South Pelham Road or Thorold Road are expected.</p> <p>Any existing deficiencies on South Pelham Road should be addressed by Niagara Region.</p> <p>Any sidewalks proposed within a municipal right-of-way would need to be approved by the City and/or Region. The existing Drapers Creek alignment prevents one from being provided along the western side of South Pelham Road.</p> <p>An internal gate for access/egress to the Sobeys Plaza is supported by our client.</p> |
| 13 | <p>Vehicle Access from Sumbler Road onto Regional Road 36 (South Pelham Road)</p> <ul style="list-style-type: none"> a) The intersection of Sumbler Road and South Pelham Road is not controlled (no traffic light) b) The increased residential density of the proposed plan will increase traffic volumes at the intersection of Sumbler Road and South Pelham Road above current volumes. c) Wait times to safely enter South Pelham Road from | Chris Irwin 48 Sumbler Road | <p>The comment is correct that Sumbler/South Pelham are not signal controlled.</p> <p>As part of the required Transportation Impact Study, the applicant was required to evaluate impacts on the intersection of South Pelham Road and Sumbler Road. Based on that analysis, there will be no change in the level of service at Sumbler/South Pelham.</p> |



| No. | Comment | Authority/Person | Response |
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| | <p>Sumbler are often long with current traffic volumes, and particularly during peak times (morning and evening)</p> <p>d) The extra pressure on South Pelham will increase the inconvenience of waiting for vehicle users entering this intersection, and will increase the risk of a vehicular collision.</p> <p>Does the proposed development take into account the increased inconvenience and risk to residents using the intersection of Sumbler Road and South Pelham?</p> <p>Does/can planning for this development incorporate a remedy for this extra inconvenience and risk?</p> | | <p>No access is proposed from the development onto Sumbler Road.</p> <p>The only increases in volume would be traffic leaving the site from Sparrow or South Pelham and proceeding northbound.</p> |
| 14 | <p>Pedestrian access, as well as access for residents with disabilities from Sumbler Road onto Regional Road 36 (South Pelham Road)</p> <p>a) There is no pedestrian/persons with disabilities infrastructure at the intersection of Sumbler Road and South Pelham.</p> <p>b) The increased residential density of the proposed plan will increase traffic volumes at the intersection of Sumbler Road and South Pelham Road above current volumes.</p> <p>c) Pedestrians walking onto south pelham road from sumbler road will face increased traffic volumes</p> <p>d) Wait times to safely walk across south pelham road from Sumbler road are often significant with current traffic, and particular during peak times (morning and</p> | <p>Chris Irwin 48 Sumbler Road</p> | <p>As noted, the intersection of Sumbler Road and South Pelham Road is not signalized and there is no formal, legal pedestrian crossings in place.</p> <p>Mr. Irwin's comments appear to be related to a perceived existing condition related to both regional and municipal infrastructure and are beyond the scope of the submitted applications.</p> <p>Over time the City and Region will review and assess the needs, desires and provision of pedestrian walkways to be provided.</p> <p>Development charges from this development will contribute to the provision of area sidewalks and bicycle lanes.</p> |



| No. | Comment | Authority/Person | Response |
|-----|---|------------------|----------|
| | <p>evening).</p> <p>e) Crossing South Pelham, and walking down South Pelham from Sumbler Road to Thorold Road is difficult and potentially dangerous currently (not wide enough and potentially slippery/uneven footing.</p> <p>f) It is not possible for persons using assistive devices such as wheelchairs to use the shoulder for South Pelham Road to access services at Thorold Road (it is not wide enough and the terrain is gravel and mud)</p> <p>g) The extra pressure on South Pelham will increase the inconvenience of waiting for pedestrians and persons with disabilities using the intersection</p> <p>h) Pedestrians are currently at risk of being struck at this intersection today and that risk will increase with this development</p> <p>i) The width of the available safe space for pedestrians walking on either side of South Pelham between Sumbler Road and Thorold Road today is, in several places much less than 1 metre.</p> <p>Does the proposed development take into account this increased inconvenience and risk to pedestrians using the intersection of Sumbler Road and South Pelham?</p> <p>Does/can planning for this development incorporate a remedy for pedestrians and people with disabilities?</p> <p>Is there an opportunity to provide better safety and connectedness for pedestrians and people using assistive devices using south pelham road for travel as part of this</p> | | |



| No. | Comment | Authority/Person | Response |
|-----|---|--------------------------------|---|
| | development. | | |
| 15 | As a resident of a freehold townhome on Thorold Road I am concerned about traffic use from Sparrow Access to street lights on Thorold Road at south Pelham. A study to assure safe Southwoods exit and sight lines to especially narrow roadways in the development | Ann Woods 716 Thorold Road | A traffic impact study was scoped by Niagara Region and the City of Welland and prepared by Paradigm Transportation Solutions. The report indicates no safety concerns or reduction in the level of service for any existing intersections. |
| 16 | Developer should be responsible for South Pelham road/ditch improvements and sidewalks to access plazas. | Ann Woods, 716 Thorold Road | The developer is responsible for any required works associated with a new connection to South Pelham road. A new sidewalk connection to Sobeys is supported, but will need to be provided from an internal point of the development due to the ditch along South Pelham Road. |
| 17 | ...Concerns about Drapers Creek overflowing from Fonthill to Webber Road, and potential for sewer back ups. | Ann Woods 716 Thorold Road | Stormwater management is required on site and is reviewed and approved by the City and Region. Post development stormwater flows cannot exceed predevelopment flows. |
| 18 | The high density of homes and highrise in the small area is overpopulation and less privacy. | Ann Woods 716 Thorold Road | This development is neither high density nor high rise. The proposed density fits with the surrounding area and implements the intensification policies of the Official Plan. |



| No. | Comment | Authority/Person | Response |
|-----|--|---------------------------------|---|
| 19 | A study needs to consider where all the children can access schools as well as playground. | Ann Woods, 716 Thorold Road | Children residing in this development will be allocated to the appropriate school based on the direction provided by the School Boards. The school boards have not commented on the application which indicate sthier acceptance and The planning report cites the location of the nearest public park (Maple Park). |
| 20 | Vacant Land Condo development rules would make any problems regarding the private road, sewers and drainage having to deal with a "private condo board". Who is responsible when the developer is gone?" Sue the City for the allowance? | Ann Woods 716 Thorold Road | The Condominium residents own the property and would be responsible for providing solutions to any problems. The Municipality would engage them like any other land owner if there is an issue. |
| 21 | How would high end Coyle Creek Type single homes on estate lots look here? Wetland backdrop? | Ann Woods, 716 Thorold Road | Single homes are not feasible to develop on this property given infrastructure requirements, configuration constraints and density targets. |
| 22 | A change in zoning for the proposed number of condominiums would make the density far too high for the serviceable lands in the area. | John Marchio 51 Sumbler Road | The density is a product of the zoning by-law and the built form it accommodates. Based on preliminary servicing review it is demonstrated that the development can be accommodated using existing municipal connections. |
| 23 | The change in rear yard setbacks would create an unfriendly environment for the current homeowners on the south side of Sumbler road. | John Marchio 51 Sumbler Road | There is no change in rear yard setbacks. 6.0 m is the requirement, and this is what is being provided. |



| No. | Comment | Authority/Person | Response |
|-----|--|---|--|
| | | | <p>6.0 is the current standard used in many City developments.</p> <p>The amendment clarifies where the measurement is taken from within a vacant land condo, in this case, the back face of the dwellings.</p> <p>The average setback of existing development along Sumbler road to the property line with this development is ~35 m. In total, roughly 40 metres or 130 feet of linear separation is provided.</p> |
| 24 | <p>The proposed development does not include parkland... children should not be required to walk down south Pelham road, a high traffic road to get to a park.</p> | <p>John Marchio 51 Sumbler Road</p> | <p>As this is a private development, a public park has not been included as sufficient amenity space is provided for residents.</p> <p>Paying cash in lieu of parkland is common.</p> |
| 25 | <p>Any new developments should consider a mixture of bungalows and two storey buildings.</p> | <p>John Marchio 51 Sumbler Road</p> | <p>The proposed development considers a mix of dwelling types, being townhomes and apartment dwellings. These uses are consistent with the in-effect official plan and zoning by-law. The proposed dwellings also respond to current market demand.</p> |
| 26 | <p>Do not agree with change in parking requirement... creates a safety concern for children and families in the area. Apartment needs a loading space.</p> | <p>John Marchio 51 Sumbler Road</p> | <p>The change in parking is a technical change that allows the driveways to count as parking spaces, as they should. The parking requirements from a function perspective are exceeded.</p> |



| No. | Comment | Authority/Person | Response |
|-----|--|---------------------------------|--|
| 27 | The density of the proposed development would create drainage problems for existing residences. | John Marchio 51 Sumbler Road | Drainage will be reviewed through Site Plan Agreement. New approved development cannot drain onto neighbouring properties and must also accept current drainage form abutting lands. |
| 28 | Flood area is being changed. Is this minor? | John Marchio 51 Sumbler Road | The flood plain extent is being updated to reflect actual elevations. As confirmed by the NPCA, the line in the Official Plan and Zoning By-law is incorrect and should be revised to reflect actuality. |
| 29 | Adding runoff from 135 units will make flooding worse. | John Marchio 51 Sumbler Road | The number of units proposed is irrelevant, as the built form affects drainage patterns. Site grading and drainage, including stormwater management plans will be prepared as conditions of approval and reviewed through the site plan approval process. All runoff must be contained on site and continue to accept existing neighbouring drainage. |
| 30 | The developer is asking the region to build and entrance of south Pelham road. This will impact Drapers Creek. | John Marchio 51 Sumbler Road | The developer will be responsible for providing an access to South Pelham Road. The Region is not building or paying for an entrance. A permit from the Region, NPCA and DFO are needed to permit a new crossing structure and access point to the road. |
| 31 | The development is asking the Region to expand South Pelham road. This will create a traffic disaster. | John Marchio 51 Sumbler Road | Region is not being asked to expand the road. The TIS, prepared by qualified professional, cites that the current configuration of South Pelham road |



| No. | Comment | Authority/Person | Response |
|-----------------------|--|------------------|--|
| | | | should be evaluated and that a new left turn lane is warranted to support the development. |
| 32 | Plans as submitted create excessive density on the subject land that is vastly disproportionate to the density of abutting properties. | Chris Chappelle | The subject lands are identified as an "intensification area" in the city's official plan. The developable area is designated and zoned for both low and medium density development. The proposed density is considered compatible with the surrounding area and implements the intensification policies of the Official Plan. |
| 33 | The density is inconsistent with recent council decisions regarding townhouse condominium developments that use bungalow townhomes. | Chris Chappelle | Approvals of other forms of developments on different properties is not relevant to the submitted applications. |
| 34 | Development will have a detrimental impact on adjacent properties and their intended uses. Proposed rear yard setbacks are important. Any setback should incorporate a buffer zone to separate the new development from those existing. | Chris Chappelle | The proposed setbacks conform to the requirements of the Zoning By-law. As noted, there is a 40 m separation distance between planned dwellings and existing dwellings along Sumbler Road. |
| 35 | Traffic in the area will be also impacted by the addition of residents of these proposed units. The proposed access would be the third in a span of 350 metres. | Chris Chappelle | As indicated in the submitted TIS, the proposed access will have no negative impact on the level of service of adjacent roadways. |
| TOWN OF PELHAM | | | |
| 36 | Add Warning Clause: "The lands in the plan of subdivision may be exposed to noise, odour and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy the lands. | Town of Pelham | No objection. |



| No. | Comment | Authority/Person | Response |
|------------------------|---|-------------------------------|--|
| CITY OF WELLAND | | | |
| 37 | The north section of Foxtail Avenue shall be finalized and constructed to an urban standards as per the design of Upper Canada Consultants on behalf of the developer. This will include the construction of a permanent cul-de-sac to urban standards, the extension of sidewalk to the cul-de-sac and sodding of the area boulevards to complete the street north of Thorold Road. | COW - Engineering | This has been agreed to by the developer. A engineering plan is provided with this submission. |
| 38 | The Engineering Consultant shall submit a review and design of the wetland complex to include the removal/permanent plugging of the existing drainage pipe connecting to city infrastructure. The review shall determine the impact of the pipe removal and the storm water runoff implications to surrounding residents. This shall be provided to the Engineering section for review and approval. If any further storm sewer work needs to be undertaken on the City right of way after the study has been completed, the developer shall be required to install said works at their cost. | COW - Engineering | No Objection. |
| 39 | The end of Sparrow Drive shall be completed to urban standards including curbing and sod work to finalize the development. The land on which the existing cul-de-sac sits shall be deeded to the City of Welland. | COW - Engineering | The Developer has agreed to this requirement. |
| NIAGARA REGION | | | |
| 40 | That the following clauses shall be included in the Condominium agreement between the owners and the City of Welland: "Should previously undocumented archaeological resources be discovered on the property during construction activities, | Niagara Region Condition 1 | No objection. As this is a vacant land condominium, this condition should also be included in the related, required site plan agreements as works may occur before the condominium is registered. |



| No. | Comment | Authority/Person | Response |
|-----|--|-------------------------------|--|
| | <p>construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (Culture Program Unit) in London (519-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48 (1) of the Ontario Heritage Act".</p> <p>"As on virtually any property in southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport (Culture Program Unit, London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)".</p> | | |
| 41 | That Block 1, which includes the wetland and its 15m buffer, be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection. | Niagara Region Condition 2 | The Official Plan and Zoning By-law Applications both seek to designate and zone the Wetland and 15 m buffer as EPA. |
| 42 | That an updated analysis/assessment be submitted that confirms any existing infrastructure currently located within the wetland, and potential changes to the wetland/water levels as a result of any required infrastructure changes (i.e., removal, capping, etc.) can be appropriately dealt with, without negatively impacting the wetland. This updated assessment should also confirm how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching | Niagara Region Condition 3 | No objection. |



| No. | Comment | Authority/Person | Response |
|-----|--|-------------------------------|---|
| | into the PSW buffer. | | |
| 43 | <p>That the agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the EIS, including but not limited to:</p> <ul style="list-style-type: none"> a. Culvert and channel re-alignment design and associated mitigation measures to ensure no impacts to fish or fish habitat as approved by Fisheries and Oceans Canada (DFO); b. Vegetation removals be undertaken between September 1 and mid- March, outside of the core breeding bird nesting period. | Niagara Region Condition 4 | No objection to the implementation of the recommendations of the EIS. |
| 44 | That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include, but not be limited to, details to protect the wetland during construction and limit downstream impacts during channel realignment and culvert replacement in accordance with DFO approval, as well as details regarding dust suppression and topsoil storage. | Niagara Region Condition 5 | <p>No objection.</p> <p>This Plan will be submitted as part of the Site Plan Application.</p> |
| 45 | That a Landscape/Buffer Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA) or other qualified professional, be provided for Regional staff approval. The Planting Plan should identify and illustrate the location of native trees, shrubs and groundcover within the recommended 15 m wetland buffer. | Niagara Region Condition 6 | <p>No objection.</p> <p>This plan will be prepared by Beacon.</p> |
| 46 | That the agreement contain wording wherein the owner | Niagara Region | No objection. |



| No. | Comment | Authority/Person | Response |
|-----|--|-------------------------------|--|
| | agrees to implement the approved ESC Plan and Landscape/Buffer Planting Plan. | Condition 7 | City staff will need to include this in the Condo Agreement. |
| 47 | That permanent fencing be provided along the length of the wetland buffer as illustrated on the Preliminary Site Servicing Plan (Upper Canada Consultants, May 27, 2019) or updated plans, as applicable. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural area. | Niagara Region Condition 8 | No objection. the proposed fencing will be shown on the detailed plans submission through Site Plan. |
| 48 | That a plan be provided to the City's satisfaction that illustrates all proposed outdoor lighting to be downward facing and shielded to prevent light spillage into the adjacent wetland area. | Niagara Region Condition 9 | <p>This condition cites that this matter is to be addressed to the satisfaction of the <u>City</u>.</p> <p>City staff should advise if this condition is desired, and if so, it should be structured in a manner where the City can clear it.</p> <p>In previous scenarios where the Region has requested this condition, the specification sheets for the proposed rear lighting fixtures were provided to the Chief Building Official prior to issuance of permit.</p> <p>As part of the required, related site plan agreement, the following clause, which has been approved by the Region previously, is recommended:</p> <p><i>"The owner agrees and acknowledges that prior to the issuance of a building permit, the owner shall submit proof that any lights installed along the</i></p> |



| No. | Comment | Authority/Person | Response |
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| | | | <i>wetland Boundary will be "Dark Sky" compliant or similar and not commit any light trespass onto the feature to the satisfaction of the Chief Building Official."</i> |
| 49 | <p>That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:</p> <ul style="list-style-type: none"> I. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; II. Detailed erosion and sedimentation control plans; III. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility; and, | Niagara Region Condition 10 | <p>No objection.</p> <p>The detailed stormwater management plan will be submitted with the Site Plan Application.</p> |
| 50 | That the Development Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan. | Niagara Region Condition 11 | There is no "Development Agreement" at this time. We assume this is referring to the Condominium Agreement. |



| No. | Comment | Authority/Person | Response |
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| 51 | That the owner submit a written undertaking to the Niagara Region (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner. | Niagara Region Condition 12 | No objection. This is a standard requirement and reflective of the density being proposed. |
| 52 | That the owner submit a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the development agreement between the owner and the City. | Niagara Region Condition 13 | No objection. This is a standard requirement and reflective of the density being proposed. |
| 53 | That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program. | Niagara Region Condition 14 | No objection. This will be submitted with the Site Plan application. |
| 54 | That the applicant dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 36 (South Pelham Road), and 4.5 x 4.5 metre daylight triangle prior to the issuance of a building permit, to the satisfaction of Niagara Region. | Niagara Region Condition 15 | The required road widening is shown on the Draft Plan as Block 2. The 4.5 x 4.5 m daylight triangle is not shown. This will be added in as part of Block 2. |
| 55 | That the following clause is included in the Condominium Agreement: "That the owner shall not be permitted access to the subject property from Regional Road 36 (South Pelham Road) as | Niagara Region Condition 16 | As outlined in the email from Lindsay Earl, dated September 17, 2019 and attached as Appendix II, this condition is not applicable and should be removed. |

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| No. | Comment | Authority/Person | Response |
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| | shown on "Draft Plan of Vacant Land Condominium" (dated July 16, 2019) or subsequently approved versions by the Region." | | |
| 56 | That the condominium agreement between the owner and the City of Welland contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development. | Niagara Region Condition 17 | No objection. |
| 57 | That the owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region Planning and Development Services Department. | Niagara Region Condition 18 | The TIS findings are supported by the developer. Issues with South Pelham Road must be addressed by the Regional Municipality of Niagara. |
| 58 | Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division). | Niagara Region Condition 19 | No objection. |
| 59 | That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 9-13 and 80-85. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy. | Niagara Region Condition 20 | The required waste collection pads have been shown on the conceptual site plan that was submitted with the Condominium Application. |
| 60 | That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 9-13 and 80-85: "That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance to the details outlined in the | Niagara Region Condition 21 | No objection. |

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| | Niagara Region's corporate waste collection policy." | | |
| NIAGARA PENINSULA CONSERVATION AUTHORITY | | | |
| 61 | That the provincially significant wetland (PSW) and its associated 15 metre buffer be zoned Environmental Protection or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority. | NPCA Condition 1 | The proposed official plan amendment and zoning by-law amendment will zone and designate the wetland and 15 m buffer as EPA. |
| 62 | That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse. | NPCA Condition 2 | No objection. |
| 63 | That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any stormwater outlets into Drapers Creek. | NPCA Condition 3 | No objection. |
| 64 | That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and engineering analysis that examine that examine the most appropriate manner of stopping the existing | NPCA Condition 4 | A work permit will be obtained. |

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| | stormwater pipe from draining the wetland as well as the impact of potential flooding as a result. Works to implement the aforementioned reports will require a Work Permit from the Niagara Peninsula Conservation Authority. | | |
| 65 | That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval an EIS addendum and detailed design drawings for the proposed turnaround at the terminus of Foxtail Avenue. Installation of the turnaround will require a Work Permit from the Niagara Peninsula Conservation Authority. | NPCA Condition 5 | <p>The intent of these applications has been to ensure that no development is proposed within, or in a manner that negatively impacts the wetland.</p> <p>It is unclear why the NPCA would be recommending development of roadway infrastructure within the Wetland feature, as this would trigger the need for an Environmental Assessment process and permit from the Ministry of Natural Resources and Forestry.</p> <p>The developer has agreed to undertake the rehabilitation of the Foxtail turnaround within the existing municipal right of way outside of the Wetland.</p> <p>This condition should be removed.</p> |
| 66 | That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval a buffer restoration plan. Implementation of the restoration plan will require a Work Permit from the Niagara Peninsula Conservation Authority. | NPCA Condition 6 | No objection. |

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| 67 | That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans. | NPCA Condition 7 | No objection. |
| 68 | That the Developer install limit of work fencing along the 15 metre buffer and portions where construction encroachments are less than 15 metres, to the satisfaction of the NPCA. The limit of work fencing is to be shown on the detailed grading and construction sediment and erosion control plans, to the satisfaction of the NPCA. Any construction encroachments into the 15 metre buffer require a Work Permit from the Niagara Peninsula Conservation Authority. | NPCA Condition 8 | No objection. |
| 69 | That the Developer provide 1.5 metre high chain link fencing along the boundary of the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. | NPCA Condition 9 | No objection. |
| 70 | That conditions 1 to 9 above be incorporated into the Development Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Development Agreement to the Niagara Peninsula Conservation Authority for its review and approval. | NPCA Condition 10 | The City of Welland is encouraged to review these conditions and only apply those that are relevant to the Draft plan of Condominium. NPCA Condition 5 is not supported. |

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| Members of Council | | | |
| 71 | Concern over lack of parkland being provided for the surrounding area. | | <p>The proposed development is a condominium and therefore private land. A public park should not be placed within the middle of a private property.</p> <p>Cash in lieu of Parkland is to be paid for this development.</p> <p>Block 1 is being transferred to the City of Welland. The City has the ability to undertake a study to develop a passive trail, including benches within the Wetland Block if they so choose.</p> |
| 72 | The development is too dense. | | <p>The proposed density of the property is reflective of the zoning provisions provided in By-law 2017-177.</p> <p>As noted by the manager of planning, this area is designated an intensification area and therefore is considered an appropriate area for increased density.</p> |
| 73 | Can the Wetland be remapped/re-evaluated? | | <p>The Wetland boundary was confirmed by the Ministry of Natural Resources and Forestry. This same boundary has been carried forward in the planning applications with a 15 m buffer surrounding it.</p> <p>Confirmation that the wetland boundary extent was consistent with the MNR evaluation was completed as part of the EIS by a qualified</p> |



| No. | Comment | Authority/Person | Response |
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| | | | professional. |
| 74 | There will be flooding of the Drapers Creek and impacts to the bridge at Colbeck Drive | | <p>Stormwater captured on site will be stored in oversized underground pipes. This stormwater will be treated and discharged to the Drapers Creek at a regulated flow level governed by an orifice plate. The stormwater does not flow directly, unchecked into the creek.</p> <p>Methods of control for stormwater quality and quantity is reviewed and approved by the City and Region through the detailed design process.</p> |
| 75 | Is the Fire Department satisfied with the design? | | The street network has been designed to accommodate a 14m centreline turning radii, consistent with the City's large aerial truck. |



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06 December 2019
 Project: 180244

Ms. Rachelle Larocque, MCIP, RPP
 Planning Supervisor
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street
 Welland, ON L3B 3X4

**RE: REGIONAL AND PROVINCIAL REVIEW COMMENTS
 DRAFT PLAN OF CONDOMINIUM, OFFICIAL PLAN AND ZONING BY-LAW
 AMENDMENTS
 AGENT: UPPER CANADA CONSULTANTS
 OWNER: MOUNTAINVIEW DEVELOPMENTS INC.
 SOUTHWOODS - 633 SOUTH PELHAM ROAD
 CITY OF WELLAND**

In July 2019, **Paradigm Transportation Solutions Limited** (Paradigm) prepared an update to the Transportation Impact Study (TIS)¹ for the proposed Southwood Estates residential condominium development in the City of Welland.

Niagara Region Planning and Development Services provided comments related to the subject site in a letter dated 11 September 2019 (attached). The following outlines our response to the Traffic Impact Study comments beginning on page 7 of 14. Regional comments have been numbered for clarity.

Traffic Impact Study – Comments

Comment #1. *Within Section 5.1 Auxiliary Left-Turn Lanes, PTSL identifies that the northbound left turn traffic volumes on South Pelham Road at Street A, in combination with the opposing and advancing traffic volumes, warrant the implementation of a northbound left-turn lane with a storage length of 15 metres. Within Figure 5.1 Functional Design – Northbound Left-Turn Lane at Street A, PTSL illustrates a 3.20-metre-wide left-turn lane comprised of a 15.00 metre storage lane and a 24.01 metre taper lane; the taper is divided between the northbound and southbound lanes. Given the proximity of the proposed road widening to Draper's Creek, PTSL is recommending that Niagara Region consider undertaking a Schedule*

¹ Paradigm Transportation Solutions Limited, Southwood Estates Transportation Impact Study, July 2019.

C Municipal Class Environmental Assessment (MCEA) in order to accommodate the road widening

Response. Acknowledged.

Comment #2 *Niagara Region has reviewed the requirement for the left-turn lane. The left-turn lane warrant is well below the MTO requirement with a limited number of left-turns during the peak hour analyses.*

Response. The forecast volumes warrant a left-turn lane. The design hour advancing and opposing volumes are well above the thresholds identified in the MTO left-turn lane warrant. Refer to Appendix H of the July 2019 TIS.

Comment #3. *As noted in the report, additional lanes (widening) of the road platform may affect Draper's Creek which is located on the west side of South Pelham Road.*

Response. UCC provided the input regarding the inability to expand the South Pelham Road cross-section due to the Draper's Creek. More information from UCC on this matter would be beneficial.

The existing environmental constraints related to the Draper's Creek which is located within the current South Pelham Road (Regional Road 36) allowance will significantly impact the ability to expand the road cross-section. This environmental constraint combined with the inability to provide an interim dedicated left turn lane or slip due to the insufficient road allowance and existing hydro pole locations will trigger the need for Niagara Region to consider initiating a Schedule C Class Environmental Assessment for a more comprehensive approach to the overall area traffic design.

Comment #4 *Regional staff would ask that the TIS be amended to provide an additional review of the need for a left-turn lane in this situation.*

Response. The forecast volumes warrant a left-turn lane. The design hour advancing and opposing volumes are well above the thresholds identified in the MTO left-turn lane warrant. UCC provided the input regarding the inability to expand the South Pelham Road cross-section due to the Draper's Creek.

Comment #5. *If the additional analysis determines that the left-turn lane is not warranted, then the Region will require that the Consultant provide a solution to ensure that northbound through vehicles are not physically permitted to pass the northbound left-turning vehicles via the roadway shoulder*

Response. A left-turn lane is warranted. Refer to Appendix H of the July 2019 TIS.

No capacity issues are forecast to occur at the site driveway. Refer to Table 4.3 and Table 4.4 of the July 2019 TIS. Delays are forecast to be in the LOS A range with a low v/c ratio and a queue length.



Without an auxiliary turn lane, vehicles may overtake a turning vehicle on the shoulder. This could create a safety concern for pedestrians and cyclists. Increased maintenance of the rural shoulder would also be needed due to increased wear.

To discourage the overtaking of vehicles on the shoulder, the site driveway intersection should be urbanized. Barrier curbs and sidewalks should be developed to define the travel portion of the roadway. This would likely require the relocation the existing hydro poles on the east side of South Pelham Road.

Comment #6. *Furthermore, the recommendation for Niagara Region to consider a Schedule C MCEA should be removed. It is the responsibility of the Developer and their Consultants to quantify the impacts of required improvements associated with the development.*

Response. Acknowledged.

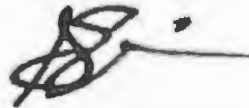
We trust that this information is responsive to the comments raised by Niagara Region Planning and Development Services. If you have any questions related to this memo, please do not hesitate to contact us if we can be of further assistance.

Thank you very much.

PARADIGM TRANSPORTATION SOLUTIONS LIMITED



Scott Catton, C.E.T.
Senior Project Manager



Stew Elkins, BES
Vice President and CRO



Attachment 1

Niagara Region

Planning and Development Services Comments



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

September 11, 2019

File No.: D.11.11.CD-19-014
 D.10.11.OPA-19-021
 D.18.11.ZA-19-103

Ms. Rachelle Larocque, MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON
L3B 3X4

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
 Draft Plan of Condominium, Official Plan and Zoning By-law Amendments
 Agent: Upper Canada Consultants
 Owner: Mountainview Developments Inc.
 Southwoods - 633 South Pelham Road
 City of Welland**

Regional Planning and Development Services staff has reviewed the application and supporting studies submitted by Upper Canada Consultants on behalf of Mountainview Developments Inc. for a Plan of Condominium at 633 South Pelham Road in the City of Welland. Regional staff notes that applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted concurrently with the Draft Plan of Condominium application. Pre-consultation meetings with the applicant's Planning Consultant were held for this proposed development on June 7, 2018 and October 4, 2018 with City, Regional and Niagara Peninsula Conservation Authority (NPCA) staff in attendance.

The purpose of the Official Plan Amendment is to redesignate the portion of the property designated as Low Density Residential to a Medium Density Residential designation. Changes to the Natural Heritage Area mapping are proposed to provide consistency with the Provincially Significant Wetland boundaries as identified by the Ministry of Natural Resources and Forestry in 2014, as well as align with Niagara

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Peninsula Conservation Authority floodplain mapping. The lands are also the subject of a concurrent Zoning By-law Amendment for modified lot standards and Draft Plan of Vacant Land Condominium to facilitate the development of the property with 85 townhouse condominium units and one four storey condominium apartment building with 50 residential units.

As outlined below, Regional staff is generally supportive of the proposed development in principle and provides the following 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 these applications from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and Delineated Built-Up Area under A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). Further, the Regional Official Plan (ROP) designates the subject lands Urban Built-Up Area.

The PPS and Growth Plan direct growth and intensification to the settlement area and delineated built-up areas to build upon the existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and range of housing options for the current and future population. Per the ROP, urban areas are to be the focus of residential and employment intensification over the long term, to ensure efficient use of serviced lands.

Regional staff notes that the proposed condominium will provide for infill development and is considered as residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute toward the City achieving the annual 40% residential intensification targets. This development, therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

Archaeological Resources

Based on the Provincial Criteria for Assessing Archaeological Potential, this site appears to exhibit a low potential for the discovery of archaeological remains. As such, an archaeological assessment was not warranted.

Nevertheless, it is suggested that a clause be included in the condominium agreement advising that construction activities must cease should any deeply buried archaeological material be encountered during construction. An appropriate condition has been included in the attached Appendix.

Natural Heritage

An Environmental Impact Study (EIS) prepared by Beacon Environmental (dated July 2019) was submitted in support of the proposed development application as required by Regional Official Plan policies. The purpose of the EIS was to demonstrate that over the long-term there will be no negative impacts to the Core Natural Heritage System (CNHS) components identified on or adjacent to the property. Specifically, these include an Environmental Protection Area (EPA) associated with portions of the Draper's Creek Provincially Significant Wetland (PSW) Complex, an Environmental Conservation Area (ECA) associated with Significant Woodland located immediately to the west, and Draper's Creek, which is identified as Important (Type 2) Fish Habitat, located along South Pelham Road immediately to the east.

Regional Environmental Planning staff have reviewed the EIS and identified some minor discrepancies with regards to the information provided as noted below. However, staff are generally in agreement that the proposed development can be accommodated without negative impact to the Region's CNHS, provided additional potential wetland impacts are assessed and specific mitigation measures are implemented. Conditions of approval are recommended below to facilitate the implementation of such measures.

Provincially Significant Wetland

The PSW boundary identified in the EIS matches the Region's CNHS mapping which was updated to reflect the revised boundary as staked and surveyed by the Ministry of Natural Resources and Forestry (MNR). The EIS also provides an adequate rationale for the proposed 15 m PSW buffer and recommends a Buffer Planting Plan to increase its protective function, as well as installation of chain link fencing along the buffer boundary. However, it is not clear if the "preliminary" analysis completed as part of the Wetland Surface Water Flow Assessment assessed the post-development conditions with or without existing infrastructure, which is currently understood to be located within the PSW and assists with wetland drainage. Through discussions with City staff, it is further understood that the City may wish this infrastructure to be removed or capped prior to the transfer of Block 1, but the EIS does not assess how this work may impact the wetland and post-development conditions. As such, it is recommended that prior to the City assuming ownership of Block 1, an updated analysis/assessment be submitted that confirms any existing infrastructure and potential changes to the wetland/water levels can be dealt with, without negatively impacting the wetland.

In addition, it is unclear how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer. This potential issue should also be addressed as part of the additional submission.

Significant Woodland

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The EIS notes that the “adjacent lands woodlot” (pg.16) located along the western boundary of the subject lands does not meet significance criteria and is not identified as ECA. However, this woodland is in fact identified as Significant Woodland in the Region’s CNHS mapping, and has also recently been mapped as part of the Growth Plan (2019) Provincial Natural Heritage System. Nonetheless, this woodland will not be impacted by the proposed development as it lies west of the protected PSW.

Species at Risk

The EIS notes that no Species at Risk (SAR) or rare species were found to occur. The EIS refers to correspondence from the MNRF, but no correspondence was included either from the MNRF or the Ministry of Environment, Conservation and Parks (MECP) which is now responsible for SAR. This correspondence should be provided, and in the absence of formal MECP correspondence, the applicant should be advised to do their due diligence prior to any works onsite to ensure they are not in contravention of the *Endangered Species Act*.

Fish Habitat

The EIS notes the need for a Fisheries and Oceans Canada (DFO) Project Review for the proposed culvert works and channel realignment at Draper’s Creek. It also notes that DFO will likely provide a Letter of Advice and identify specific habitat enhancement measures to ensure no serious harm to fish or fish habitat (pg.28). This correspondence should be provided for Regional review in parallel with the Niagara Peninsula Conservation Authority (NPCA) permit process.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features, including the PSW and Draper’s Creek. As such, the NPCA should continue to be consulted with respect to any requirements under NPCA Regulations.

Stormwater Management

The Niagara Region staff has reviewed the Preliminary Stormwater Management Plan Southwoods, City of Welland (dated June 2019). Based on the available information, the Region notes that the development will not drain to the PSW. The Region has no objection in principal to the proposed stormwater management (SWM) plan. However, the Region requires further technical details to ensure the proposed SWM facilities are sufficient to achieve the targets and can be accommodated appropriately in the site plan. The Region’s stormwater management requirements along with the Region’s review comments are listed below:

- 1) The Region will require that all stormwater runoff be captured and treated to a Normal standard prior to discharge from the site.

- a. The Region has no objection in principal to the proposal of installation an end-of-pipe oil-grit separator (OGS) to meet the requirement. The Region requires the followings details:
 - i. The SWM report Section 5.2 outlines that the proposed Hydroworks HG6 will provide 71.9% TSS overall removal and capture 94.0% of the stormwater flows. In accordance with the MECP's SWM Planning & Design Manual Section 4.6.8 Technical Effectiveness, the average efficiency of the proposed unit is $67.6\% = (94\% \text{ of the runoff volume} \times 71.9\% \text{ TSS removal efficiency}) + (6\% \text{ of the volume} + 0\% \text{ efficiency})$. Please confirm the proposed OGS can achieve the required 70% TSS removal.
 - ii. The Region requires a servicing drawing showing the OGS location. In order to avoid backwater affecting the operation, the Region requires the OGS be at the downstream of the flow control structure and within the property limit.
 - iii. Please clarify if flows from catchment A16 (abut west of South Pelham Road) will be captured and treated via the OGS. The future land use includes 21 parking stalls and the access road.
- 2) The Region will require that all stormwater runoff proposed to discharge into the PSW be treated to an Enhanced standard.
 - a. Based on the available information, the Region notes that the proposed development will not drain into the PSW. Should the drainage proposal not change, the Region has no additional requirement of water quality treatment.
 - b. The Region requires an Erosion and Sediment Control (ESC) plan drawing to ensure the construction will not affect the PSW.
- 3) The Region will require that all post development peak stormwater flows be attenuated to pre-development levels for up to and including the 100 year return period storm event prior to discharge from the site.
 - a. The Region notes that the proposed SWM plan consists of the Lot and Conveyance Controls and flow attenuation measures (i.e. a dry pond and two underground storage facilities). Flows will surcharge to the storage facilities. The grading and servicing design should ensure backwater not surcharge to the ground.
 - b. The Region requires the following be addressed:
 - i. The SWM report indicate the storm event of storm sewer design and include the design sheet.
 - ii. Include the drawing to demonstrate that the outflow control structure is consistent with the requirements of the hydrologic analyses.
 - iii. Include a modeling scenario of a 24-hour design storm with SCS distribution to demonstrate that the proposed SWM storages are sufficient.

- iv. Confirm Manning's $n=0.25$ for pervious area used in the hydrology modelling. Is the value too high to represent the pre-development and particularly the post-development conditions?
 - v. Update Figure 3 to reflect the latest site plan and note the catchment of outflow uncontrolled. The 28.6% imperviousness of catchment A16 seems underestimated given the hard surfaces of the proposed land use.
 - vi. Erosion potential of the dry pond ditch inlet would be high due to the frequency of flow entering and exiting. Section 5.3 SWM Facility Maintenance should indicate the inspection and remediation measures if the ditch was eroded.
 - vii. Section 5.3 should indicate that the orifices at control structure should not be removed at any time. Revise first paragraph of section 5.3.1. The "the upstream oil/grit separator" is incorrect.
- 4) In order to mitigate the impacts of erosion on the receiving watercourse (Draper's Creek), the Region will require that stormwater runoff from the 25mm design storm event be captured and released over a period of 24 hours.
- a. The Region requires a calculation of drawdown time based on Equation 4.10 of the MECP's Design Manual to confirm if this criterion is met.
- 5) 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.
- a. The Region requires the engineering drawings be submitted to the office for review.

The Region requires a finalized SWM report associated with a letter indicating how each comment is addressed. The Region notes that a new culvert crossing Drapers Creek is to be installed. This proposal is subject to the NPCA's approval as it will alter the Regulatory floodplain.

Regional Road Allowance

The subject property has frontage along Regional Road 36 (South Pelham Road). This section of road has a substandard road allowance of approximately 20.1 meters. The designated road allowance is 26.2 meters as identified in the Regional Official Plan.

Therefore, the applicant is required to gratuitously grant the following widening to the Region:

A 3.05 meter widening across the frontage of the subject property. This is in order to achieve 13.1 meters from the original centerline of this road section. The actual width of the required widening must be confirmed by an Ontario Land Surveyor.

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- A 4.5 x 4.5 metre daylight triangle at the any intersection onto Regional Road 36 (South Pelham Road).

Region staff have reviewed the 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) and note that the required road widening is shown on the plan.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Norma Price, Law Clerk, 905-980-6000 extension 3339.
E-mail norma.price@niagararegion.ca
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325, E-mail: normans.taurins@niagararegion.ca

Traffic Impact Study

Regional Transportation staff have reviewed the *Traffic Impact Study* (TIS) prepared for Southwoods Estates in the City of Welland by Paradigm Transportation Solutions Limited (PTSL) (dated July 2019) and offers the following comments.

Within Section 5.1 Auxiliary Left-Turn Lanes, PTSL identifies that the northbound left-turn traffic volumes on South Pelham Road at Street A, in combination with the opposing and advancing traffic volumes, warrant the implementation of a northbound left-turn lane with a storage length of 15 metres. Within Figure 5.1 Functional Design – Northbound Left-Turn Lane at Street A, PTSL illustrates a 3.20 metre wide left-turn lane comprised of a 15.00 metre storage lane and a 24.01 metre taper lane; the taper is divided between the northbound and southbound lanes. Given the proximity of the proposed road widening to Draper's Creek, PTSL is recommending that Niagara Region consider undertaking a Schedule C Municipal Class Environmental Assessment (MCEA) in order to accommodate the road widening.

Niagara Region has reviewed the requirement for the left-turn lane. The left-turn lane warrant is well below the MTO requirement with a limited number of left-turns during the peak hour analyses. As noted in the report, additional lanes (widening) of the road

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platform may affect Draper's Creek which is located on the west side of South Pelham Road. Regional staff would ask that the TIS be amended to provide an additional review of the need for a left-turn lane in this situation. If the additional analysis determines that the left-turn lane is not warranted, then the Region will require that the Consultant provide a solution to ensure that northbound through vehicles are not physically permitted to pass the northbound left-turning vehicles via the roadway shoulder. Furthermore, the recommendation for Niagara Region to consider a Schedule C MCEA should be removed. It is the responsibility of the Developer and their Consultants to quantify the impacts of required improvements associated with the development.

Regional Permit Requirements

Prior to any construction or entrance construction taking place within the Regional road allowance, a Regional Construction and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Permit applications can be made through the following link:
<http://niagararegion.ca/living/roads/permits/default.aspx>

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 curbside on the designated pick up day, and that the following limits are not exceeded:

For the 50 Unit Apartment Building:

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

It is highly unlikely that the curbside waste collection limits will be met for this 50-unit apartment building. However, this site is eligible for Enhanced (front end bin) Collection Services provided that apartment building be developed as a condominium and that the development complies with the Region's Waste Collection Policy. Approval by the City of Welland is also required to receive the enhanced service. Please note that, if enhanced collection is approved by the City, the applicant must participate in both garbage and recycling collection.

Region staff have reviewed the 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) and note the provision of a "Waste Bin" located to the west of the 4-storey, 50-unit apartment building. If the owner/developer does not intend to utilize enhanced collection services or if the City is not agreeable with this

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arrangement, then waste collection will be the responsibility of the owner through a private contractor.

Waste collection for this development will be determined during the future site plan process.

For Townhouse Units:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per unit.

Condominium townhouse developments are able to receive internal curbside waste collection through the Region provided the developer/owner complies with the Regional Waste Collection Policy.

The townhouse blocks are eligible for Regional curbside collection, however, waste collection pads are required for the units 9-13 and 80-85. The 'Site Plan for Zoning Only', prepared by Upper Canada Consultants (dated July 16, 2019) shows collection pads for these units at acceptable locations. However, to ensure that Regional waste collection vehicles can effectively maneuver the site, staff request that a Regional waste collection vehicle turning template be overlaid on the plan. Please resubmit the plan, with the turning template overlaid and details for the collection pads, to the Region for review and approval.

Conclusion

As the proposed applications are considered to align with the intent and direction Regional and Provincial policy, Regional Planning and Development Services staff would offer no objections to the Official Plan and Zoning By-law Amendments provided the Zoning By-law Amendment incorporates the changes to address the core natural heritage requirements (EPA zoning). Further, Regional staff offer no objections to the Draft Plan of Condominium subject to the Conditions attached in the Appendix.

Given the site specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan.

If you have any questions or wish to discuss these comments, please contact myself at ext. 3387. If you have any questions or wish to discuss the Core Natural Heritage comments, please feel free to contact Jennifer Whittard, Manager, Environmental Planning at 905-980-6000 ext. 3430 or jennifer.whittard@niagararegion.ca.

Best regards,



CD-19-014
September 11, 2019

Lindsay Earl, MCIP, RPP
Senior Development Planner

Atch: Appendix I - Regional Conditions of Draft Plan of Condominium Approval

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region
David Deluce, MCIP, RPP, Senior Manager, Plan Review & Regulations, NPCA

APPENDIX I
REGIONAL CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL
Southwoods - 633 South Pelham Road, Welland

1. That the following clauses shall be included in the Condominium agreement between the owners and the City of Welland:

"Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (Culture Program Unit) in London (519-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48 (1) of the Ontario Heritage Act".

"As on virtually any property in southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport (Culture Program Unit, London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)".

2. That Block 1, which includes the wetland and its 15m buffer, be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
3. That an updated analysis/assessment be submitted that confirms any existing infrastructure currently located within the wetland, and potential changes to the wetland/water levels as a result of any required infrastructure changes (i.e., removal, capping, etc.) can be appropriately dealt with, without negatively impacting the wetland. This updated assessment should also confirm how Unit 36, the proposed roadways adjacent to Units 36 and 37, and the stormwater management pond will be constructed without encroaching into the PSW buffer.
4. That the agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the EIS, including but not limited to:
 - a. Culvert and channel re-alignment design and associated mitigation measures to ensure no impacts to fish or fish habitat as approved by Fisheries and Oceans Canada (DFO);
 - b. Vegetation removals be undertaken between September 1 and mid-March, outside of the core breeding bird nesting period.

5. That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include, but not be limited to, details to protect the wetland during construction and limit downstream impacts during channel realignment and culvert replacement in accordance with DFO approval, as well as details regarding dust suppression and topsoil storage.
6. That a Landscape/Buffer Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA) or other qualified professional, be provided for Regional staff approval. The Planting Plan should identify and illustrate the location of native trees, shrubs and groundcover within the recommended 15 m wetland buffer.
7. That the agreement contain wording wherein the owner agrees to implement the approved ESC Plan and Landscape/Buffer Planting Plan.
8. That permanent fencing be provided along the length of the wetland buffer as illustrated on the Preliminary Site Servicing Plan (Upper Canada Consultants, May 27, 2019) or updated plans, as applicable. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural area.
9. That a plan be provided to the City's satisfaction that illustrates all proposed outdoor lighting to be downward facing and shielded to prevent light spillage into the adjacent wetland area.
10. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - I. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - II. Detailed erosion and sedimentation control plans;
 - III. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility; and,

11. That the Development Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
12. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
13. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the development agreement between the owner and the City.
14. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
15. That the applicant dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 36 (South Pelham Road), and 4.5 x 4.5 metre daylight triangle prior to the issuance of a building permit, to the satisfaction of Niagara Region.
16. That the condominium agreement between the owner and the City of Welland contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
17. That the owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region Planning and Development Services Department.
18. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
19. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 9-13 and 80-85. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.

20. That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 9-13 and 80-85:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

Clearance of Conditions

Prior to granting final plan approval, the City of Welland must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of the Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to the Regional Planning and Development Services Department for verification that the appropriate clauses have been included.

Note: The Development Services Division recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.



September 12, 2019

BEL 217369

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

via e-mail: craig@ucc.com

c/o Mountainview Homes
 3350 Merrittville Hwy, Unit #9
 Thorold, ON L2V 4Y6

Re: Review of Niagara Peninsula Conservation Authority and Niagara Regional Planning and Development Services Comments, Environmental Impact Study, Southwoods Vacant Land Condominium Plan, 633 South Pelham Road, City of Welland, Niagara Region

Dear Mr. Rohe:

Beacon Environmental Limited (Beacon) has completed a review of the Regional Planning and Development Services comments provided to Upper Canada Consultants (UCC) (letter via e-mail September 11, 2019) and the Niagara Peninsula Conservation Authority (NPCA) (letter via e-mail September 11, 2019) and provide the following with respect to comments on natural heritage and the Environmental Impact Study (EIS) completed by Beacon (July 2019) in support of the Southwoods Vacant Land Condominium Plan application.

Provincially Significant Wetland PSW

Both the Region and NPCA have expressed concern that construction at several locations will encroach into the 15 m buffer lands. To protect the wetland area and 15 m buffer lands during construction, Beacon identifies that an additional mitigation measure be identified as a condition as follows:

Construction Exclusion Filter Fabric and Paige Wire Fencing

To help ensure that site grading or heavy equipment does not impose on the PSW wetland area, or the 15 m buffer lands, for the duration of the construction phase paige wire fencing with filter fabric for the first 1 m should be installed along the entire east boundary of the buffer lands. For areas were encroachment into the buffer lands are required to accommodate construction works, exclusion fencing should be placed along the wetland boundary. Fencing should be installed prior to any site clearing or grading works and maintained during the entire development process. The fencing should be removed when development work is completed.

With respect to potential impacts to the 15 m buffer lands due the proximity of the required works, impacts to the existing buffer lands can be anticipated to occur. However, as noted in the EIS the

MARKHAM
 80 Main Street North
 Markham, ON L3P 1X5
 T) 905.201.7622* F) 905.201.0639

BRACEBRIDGE
 126 Kimberlay Avenue
 Bracebridge, ON P1L 1Z9
 T) 705.645.1050

GUELPH
 373 Woolwich Street
 Guelph, ON N1H 3W4
 T) 519.826.0419

PETERBOROUGH
 305 Reid Street
 Peterborough, ON K9J 3R2
 T) 705.243.7251

BARRIE
 6 Cumberland Street
 Barrie, ON L4N 2P4
 T) 705.899.4835

existing vegetation within the proposed 15 m buffer lands is meadow field habitat and not sensitive or critical adjacent lands habitat, so impacts during construction will not be significant. Also, the EIS identifies that post construction that a buffer planting plan is required to increase the protective function of the buffer. Development of this plan will be able to address any physical impacts to the buffer lands that may have occurred during construction.

The Region has commented that it is not clear if the "preliminary" analysis completed by UCC as part of the Wetland Surface Water Flow Assessment assessed the post-development conditions with or without existing infrastructure, which is currently understood to be located within the PSW and assists with wetland drainage. Further it is stated that the City may wish this infrastructure to be removed or capped prior to the transfer of Block 1, but that the EIS does not assess how this work may impact the wetland and post-development conditions. The NPCA also stated that the EIS was silent on the current impact of the pipe to the PSW and did not provide any options for addressing the pipe.

The Region has recommended that prior to the City assuming ownership of Block 1, which includes the PSW and buffer lands that an updated analysis/assessment be submitted that confirms any existing infrastructure and potential changes to the wetland/water levels can be dealt with, without negatively impacting the wetland. NPCA stated that they also required that the completion of an EIS addendum for proposed works on the exiting infrastructure in the PSW be identified as a Conditions of Draft Plan Approval.

The EIS completed by Beacon assessed the wetland and potential impacts based on exiting conditions, including existing infrastructure (pipe) in the wetland, what ever it may be, and UCC's analysis of post development surface water flows to the wetland. With respect to analysis/assessment of water levels as a result of future alterations to the existing infrastructure in the wetland, that analysis can not be completed by Beacon, and will need to be address by UCC or another retained engineering firm. With respect to future impact impacts on the wetland as a result of future works undertaken by the City on exiting infrastructure in the wetland, we believe that this assessment is the responsibility of the City, as the City will be the proponent for the works, and that the assessment of potential impacts to the PSW undertaken by the City include an assessments of the potential changes to water levels. It is noted that as per the development polices of Region's, NPCA, and Provincially Policy Statement, that development in an PSW is not permitted. Therefore, future works on the existing infrastructure in the PSW will need be addressed following the Municipal Class EA process, and can not be undertaken by Beacon as an addendum to the EIS, which is an EA document under the planning process.

NPCA also noted that the City has indicated that a proper turnaround is required at the terminus of Foxtail Avenue and are requiring the developer to construct such a turnaround. The NPCA identify that additional environmental work (e.g. an EIS addendum) is required that will examine options for the turnaround and address NPCA Policies for public infrastructure (Section 8.2.4) and that detailed design drawings will be required.

As the design for the turnaround will most likely encroach into the PSW, as noted above, the environmental assessment process that will need to be undertaken is an Municipal Class EA that will examine design options and assess impacts, not an addendum to the EIS, which is an EA document under the planning process.

Significant Woodland

The Region notes that the EIS does not identify the woodland adjacent to the western boundary of the property as ECA Significant Woodland, but that Region's Core Natural Heritage System (CNHS) does. For the EIS Beacon consulted Schedule C of the Official Plan which provides mapping of the CNHS. The Schedule C mapping is very coarse, which is often problematic, however, most of the woodland west of the property is not mapped as ECA, but some ECA is shown along the western boundary in the southern portion of the property boundary. Nevertheless, as detailed on page 16 of the EIS, the forested block on the adjacent lands to the west of the property is approximately 5 ha in size, as it is separated from other woodlands to the south by a residential development and woodland to the north by Sumbler Road. Therefore, as the area lies outside of an urban area, the woodlot does not meet the 10 ha or greater size criteria, or any other criteria as detailed in Policy 7.B.1.5 of the Official Plan. Therefore, the EIS concluded that the woodland adjacent to the property was not ECA Significant Woodland. Nevertheless, it is agreed as stated by the Region that the development as proposed will not impact on the adjacent woodland.

Species at Risk

The Region notes that the EIS refers to correspondence from the MNRF with respect to potential Species at Risk (SAR), but that no correspondence was included either from the MNRF or the Ministry of Environment, Conservation and Parks (MECP) which is now responsible for SAR.

As the Region is aware, starting in April 2019 the MECP does not respond to requests for potential occurrences of SAR for a specific area. However, for a previous project located within the limits of the City of Welland, in 2018 Beacon did correspond with the MNRF with respect to potential SAR. The MNRF provided the list of potential SAR for the City of Welland which is provided in **Appendix 1** of the EIS. However, that specific 2018 correspondence requesting SAR information from the MNRF for the other project is not provided in this EIS.

Based on existing habitat associated with the subject lands, potential SAR within the City of Welland, and detailed site surveys conducted for the subject lands over a number of years which did not identify the presence of any SAR, no SAR are expected to occur during the construction phase of the development. Therefore, preconstruction site survey of the subject lands for SAR is not identified as a requirement in the EIS. However, no one is exempted from the *Endangered Species Act* at any time.

Fish Habitat

The Region has requested that correspondence from the Department of Fisheries and Oceans (DFO) related to works in Draper's Creek be provided to the Region and NPCA. Once received, Beacon will provide UCC the DFO correspondence so that it can be forward to the Region and NPCA.

I trust the above meets your present needs. Should you have any questions or points for discussion, please do not hesitate to contact the undersigned at 416-729-0544.

Prepared by:
Beacon Environmental



Ron Huizer, B. Sc. (Honours)
Principal

Attachments

Regional Planning and Development Services letter, September 11, 2019.

Niagara Peninsula Conservation Authority letter, September 11, 2019.

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO | |
| CAO | |

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

20-42

**REPORT P&B-2020-04
JANUARY 21, 2020**

SUBJECT: PROPOSAL TO STOP UP AND CLOSE AND DECLARES SURPLUS CAROLINE AVENUE LOCATED NORTH OF SAUER STREET, SOUTH OF THE FORMER RAILWAY LANDS, NORTH OF LOUISE STREET, MCLAUGHLIN STREET, AND HILDRED STREET AND WEST OF BRADLEY AVENUE

**AUTHOUR: RACHELLE LAROCQUE, BES. M.Sc., MCIP, RPP
PLANNING SUPERVISOR**

APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND stops up and close and declares surplus to the City's needs Caroline Avenue, located north of Sauer Street, South of the Former Railway Lands, North of Louise, McLaughlin, and Hildred Streets and West of Bradley Avenue; and
2. THAT Welland City Council transfers Caroline Avenue to Centennial Construction (Niagara) Inc. in exchange for a future roadway of equal area and constructed to municipal standards, and that the developer be responsible for all costs associated with the transfer.

ORIGIN AND BACKGROUND:

The City declared surplus and sold the lands north of Sauer Street, south of the Former Railway Lands, east of Louise Street and west of Bradley Avenue in the fall of 2019. Caroline Avenue was not included in the sale as the intent was to maintain a road connection to the future Bradley Avenue from Louise Street. The successful purchaser has created a plan for the development of these lands, however, they have identified that the location of Caroline Avenue does not allow for the most efficient development of the

that the relocation of the road will allow for a better development, particularly for the block north of Caroline Avenue and south of the former Railway Lands.

In order to allow for the relocation of the road, the City must first stop up and close Caroline Avenue and declare it surplus. The City will also need to transfer the road allowance so that it can be developed with houses by the developer, and Caroline Avenue can be relocated further north on the lands that were sold to the developer. The City will receive a road allowance upgraded to City Municipal Standards at the cost of the developer, in exchange for Caroline Avenue.

FINANCIAL CONSIDERATION:

There are no financial implications related to the contents of this Report as the developer is responsible for the construction of Caroline Avenue.

OTHER DEPARTMENT IMPLICATIONS:

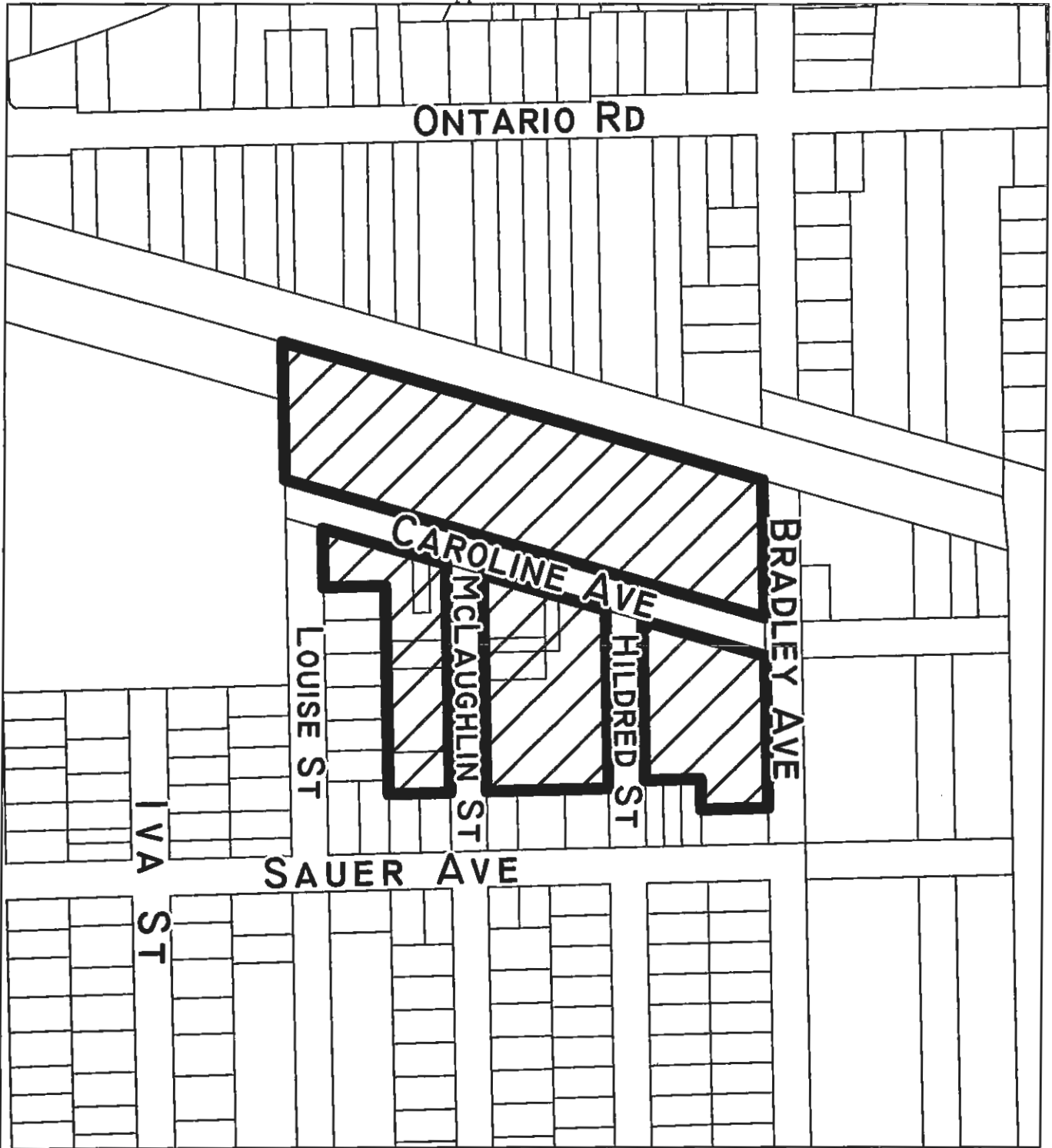
With regard to other Departments, there are no implications as a result of the contents of this Report.

SUMMARY AND CONCLUSION:

The City sold the surrounding lands in 2019 to a land developer with the intent of seeing them developed for residential purposes. The developer has requested, that for the most efficient use of the land, Caroline Avenue be moved further north. Staff are in agreement that this is appropriate, and the stopping up and closing, as well as the sale of the road allowance should proceed.

ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Aerial Photo
- Appendix III - Proposed Subdivision Plans



KEY MAP

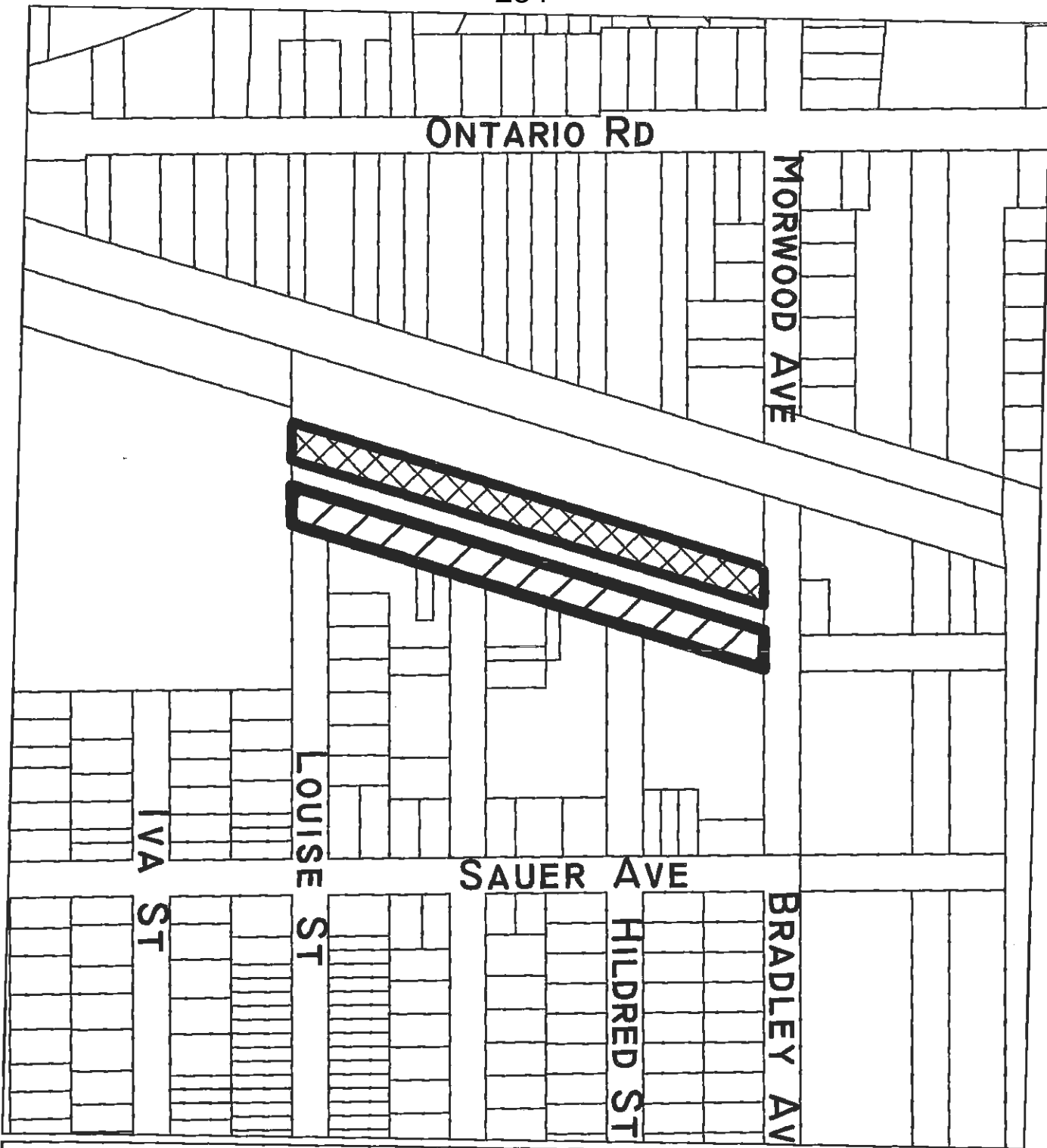
North of Sauer Avenue



SUBJECT LANDS

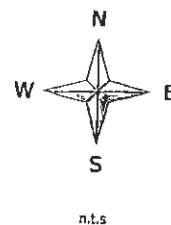


*Infrastructure and
Development Services*
Planning Division



LOCATION MAP

Caroline Avenue



Proposed Caroline Avenue
Existing Caroline Avenue



Infrastructure and
Development Services
Planning Division



AERIAL PHOTO MAP

North of Sauer Avenue



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

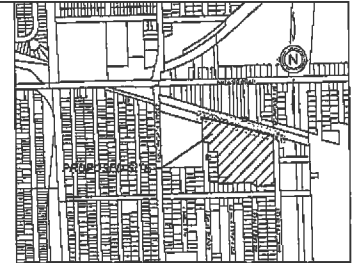
DRAFT SUBMISSION
 Subject to the conditions, if any, set forth in our letter dated _____ 20____ this plan is approved under Section _____ of the Planning Act. This _____ day of _____, 20____.

Authorized Signature _____
 THE CORPORATION OF THE CITY OF WELLAND

WATERWAY COMMONS PHASE 2

CITY OF WELLAND

DRAFT PLAN OF SUBDIVISION



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

LOT'S
MUNICIPALITY
REGION

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORISE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF WELLAND FOR APPROVAL.

CENTENNIAL DEVELOPMENTS (NIAGARA) INC. DATE _____

SURVEYOR'S CERTIFICATE

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

CHAMBERS AND ASSOCIATES DATE _____

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | d) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | e) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | f) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE

| LAND USE | LOT/BLOCK | # OF UNITS | AREA(ha) | AREA(AC) |
|-------------------------|-----------|------------|-------------|---------------|
| EDGE FAMILY RESIDENTIAL | LOT 1-38 | 38 | 3.19 | 63.9 |
| INDUSTRIAL | BLOCK 99 | | 0.21 | 4.8 |
| ROADWAY | | | 1.23 | 29.9 |
| TOTAL | | | 4.63 | 100.00 |

DEVELOPABLE AREA = 4.42ha
 DEVELOPABLE DENSITY = 23.7 units/ha




| NO. | REVISION | DATE | BY |
|-----|-------------------|------------|----|
| 0 | ISSUED FOR REVIEW | 2019-07-24 | WH |
| 1 | | | WH |



| | | |
|---------------|---------------|-------|
| DRAWING TITLE | DRAFTING | WH |
| DATE | JULY 24, 2019 | |
| PRINTED | JULY 24, 2019 | |
| SCALE | 1:750 | |
| DWG No. | 1969-DP | REV 0 |

Appendix 2361

Standard Plan File Path: \\server\projects\1969-DP\1969-DP.dwg

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO |  |
| CAO |  |

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

20-41

REPORT P&B-2020-05
JANUARY 21, 2020

SUBJECT: APPLICATION FOR TAX INCREMENT GRANT PROGRAM
COMMUNITY IMPROVEMENT PLAN FOR THE
DOWNTOWN AND HEALTH AND WELLNESS CLUSTER
2715280 ONTARIO INC.
22 AND 28 STEEL STREET (FILE NO. DHWC 2019-19)

AUTHOR: CHRISTINE ROSSETTO, B.A. (Hons.)
PLANNING ASSISTANT

APPROVING SUPERVISOR: ROSE DI FELICE, M.PI., M.Sc., MCIP, R.P.P.
MANAGER OF POLICY PLANNING

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Downtown and Health and Wellness Cluster Community Improvement Plan Application for property municipally known as 22 and 28 Steel Street for the Tax Increment Grant Program in the estimated amount of \$36,911.56; and further

THAT Welland City Council supports the circulation of this Report to Niagara Region to request the Region's participation in the Tax Increment Grant Program; and further

THAT Welland City Council directs Staff to prepare the required By-law and Agreement; and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown and Health and Wellness Cluster Incentive Program.

ORIGIN AND BACKGROUND:

A Downtown and Health and Wellness Cluster Community Improvement Plan (CIP) Incentive Application has been received for property municipally known as 22 and 28 Steel Street. A new semi-detached dwelling with 2 additional accessory units is proposed on the existing vacant lot and the Owner is seeking approval under the Tax Increment Grant (TIG) Program wherein Council approval is required. In addition, the Owner has made

Application for the Residential Grant Program and the Planning and Building Fees Grant Program under this CIP for which approval has been delegated to Staff.

The purpose of the TIG Program is to encourage rehabilitation, redevelopment, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from development/redevelopment. This Grant is based on 80% of the municipal (City and Region) property tax increase for up to 10 years following project completion where the project results in an increase in assessed value and therefore property taxes.

COMMENTS AND ANALYSIS:

The subject property is located on the west side of Steel Street and is illustrated on the attached Location Map (Appendix I). A one storey semi-detached dwelling with 2 additional accessory dwellings units is proposed. Once completed, this building will contain 4 dwelling units.

The TIG Program provides an annual grant equivalent to 80% of the increase in municipal (City and Region) property taxes that result from the project for up to 10 years. Based on the information provided, Staff has estimated the Grant to be approximately \$36,911.56 over the 10 year Grant period as shown in Appendix II. The City's contribution to this incentive has been estimated to be \$20,450.26, being approximately 55% percent of the estimated Grant. The Grant ceases when the total along with all other Grants provided equals the cost of redevelopment, or 10 years, whichever comes first.

As part of the Grant Program requirements, the proposal must comply with the City's Urban Design Guidelines (UDG) approved by Council in 2014. Staff has completed a review of the proposed development and in order to ensure conformity with the UDG, modifications to the front building elevations will be required. This includes lighting and address numbers at each entrance on the front façade and the use of 2 cladding materials (siding and one other type) on the front façade of the building.

The CIP and Program eligibility requirements for Application processing includes, among other items, the submission of 2 cost estimates for the eligible works. The requirement for 2 cost estimates is to ensure that the Owner and the City obtain the best value for their financial contribution, assist in avoiding inflated costs and assists the City to ensure that public monies are wisely and accountably spent. As well, the CIP requires the City to base any grants on the lowest cost estimate or final cost, whichever is less.

With respect to eligible costs for this Grant, the Owner has provided 2 total cost estimates from bona fide contractors for the proposed works. The lowest quote from Construction Services of Niagara is \$320,765 (excluding HST) and has been used in the estimated TIG calculation shown in Appendix II.

Niagara Region must confirm their participation in the Tax Increment Grant Program.

If Council approves this Application, the Owner will be required to enter into a Grant Agreement which will specify the terms, duration and provisions of the Grant including incorporating lighting, addressing and the use of 2 types of cladding materials as described above. As per the CIP Program requirements, the construction works cannot commence until the Agreement has been executed. This allows the City to ensure that a Grant is only issued in accordance with the approval and Incentive Program requirements.

Successful completion of this project is a requirement of the TIG Program along with the Owner being responsible for all costs of the project. General and specific Program requirements must be fulfilled as they protect the financial, liability and planning interests of the City.

The proposal meets the purpose of the CIP by stimulating private sector investment within the CIP Project Area. The new development will increase tax assessment and property tax revenues over the 10 year term of the TIG. The proposal will provide for varied housing opportunities.

Staff recommends approval of the Application for the Tax Increment Grant Program for 22 and 28 Steel Street. This financial incentive will help offset the costs of redevelopment of this property. When completed, it will result in 4 new residential dwelling units.

FINANCIAL CONSIDERATION:

The TIG Program will be administered as follows:

- Tax increment based grant program uses future tax increase (tax increment) to pay for eligible costs by way of a property tax rebate;
- Regional participation is subject to Regional Council approval; and
- Grant equals 80% of City and Region portion of property tax increase rebated annually each year for up to 10 years.

The total amount of all Grants provided through available Incentive Programs shall not exceed the total cost of redevelopment.

OTHER DEPARTMENT IMPLICATIONS:

The Legal Division will be involved in the registration of the Agreement and By-law, if applicable. The Finance Division will be involved with all financial aspects associated with the Incentive Program. The Building Division has issued a building permit for a semi-detached dwelling and will be involved with the issuance of the required Building Permits for the 2 future accessory dwelling units and any applicable Development Charge Reductions.

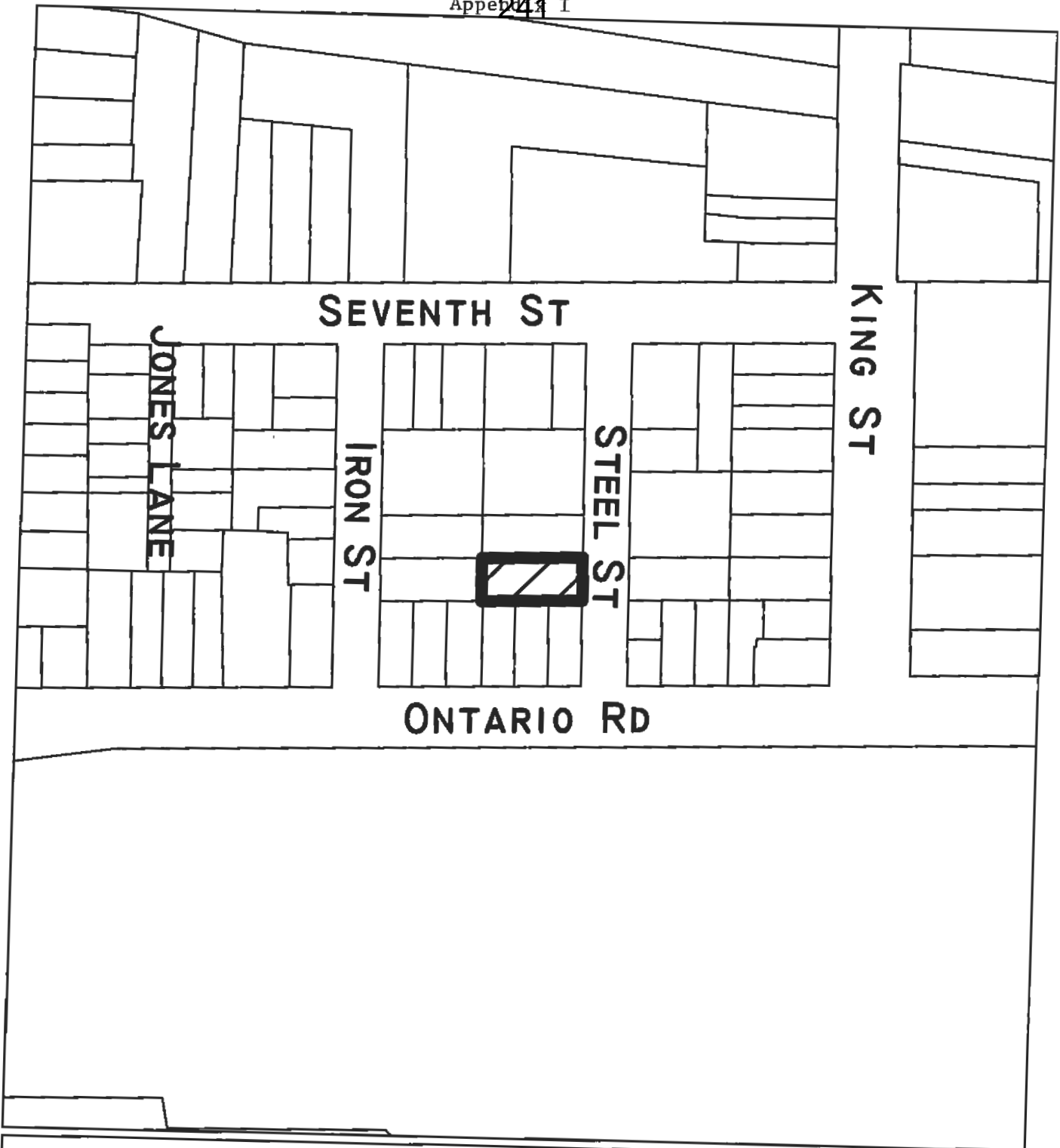
SUMMARY AND CONCLUSION:

The Owner of 22 and 28 Steel Street has requested funding under the Downtown and Health and Wellness Cluster Community Improvement Plan Incentive Program for this property. Council's implementation of the Tax Increment Grant Program facilitates redevelopment of properties in the CIP Project Area by assisting property Owners with development costs.

Staff recommends approval of the Application for the Tax Increment Grant for 22 and 28 Steel Street as discussed in this Report. The approval of this Application will provide an estimated financial incentive to the Owner of \$36,911.56 in eligible costs. The development will increase the assessed value of the property and will create 4 new residential dwelling units within the Health and Wellness Cluster.

ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Tax Increment Grant – Estimated Calculation



LOCATION MAP

22 and 28 Steel Street



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

**CITY OF WELLAND DOWNTOWN AND HEALTH AND WELLNESS CLUSTER CIP
TAX INCREMENT GRANT PROGRAM CALCULATOR
22-28 Steel Street - Estimated Grant**

| 14103900 | 2020 Before Project (RT - Residential/New Multi-Res) | Project Completion (RT-Residential/New Multi-Res) | Tax Increment | Annual Grant Payment | Total Grant Payment |
|-----------------------------------|--|---|---------------|----------------------|---------------------|
| Value | \$31,000.00 | \$351,765.00 | \$2,556.28 | \$2,045.03 | \$2,045.03 |
| Assess | \$247.05 | \$2,803.33 | \$2,057.66 | \$1,646.13 | \$1,646.13 |
| PS | \$198.86 | \$2,256.52 | N/A | | \$1 |
| Total Taxes | \$445.91 | \$5,059.85 | 80.00% | | |
| % of Tax Increment | | | | | |
| Total Annual Grant Payment | | | | | |
| Duration of Grant Payment (Years) | | | | | |
| Total Grant Payment ¹⁰ | | | | | |
| | | | | | \$36,911.56 |

valuation estimates the completed project being assessed at \$351,765 at the RT/NT rate and is based on the current 2020 assessment of the subject land plus the estimated construction cost such as estimated construction costs being added to the Before Project RT assessment. The actual post assessment value will be completed by MPAC following project completion. The existing assessment value is based on 2020 MPAC assessment. This TI Grant calculation is based on 2019 tax rates and will be subject to change as the annual tax base changes throughout the TI Grant duration. The TI Grant calculation assumes a constant tax rate, which may not be the case, and will be subject to change as the annual tax base changes.



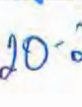
Project and project completion Assessment Values are estimates and may be subject to change.

Property Tax Rate (Residential) 0.00796933
 Property Tax (Residential) 0.00641486

estimate only and does not constitute any guarantee or assurance of a grant and should not be relied upon as such.

July 8, 2020

COUNCIL
CORPORATE SERVICES – CLERKS DIVISION

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO |  |
| CAO |  |

REPORT CLK-2020-01
JANUARY 21, 2020

20-29

SUBJECT: ANNUAL REPORT – 2019 MEETINGS OF COUNCIL

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING G.M.: STEVE ZORBAS, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER/TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2020-01, regarding the annual meetings of Council in 2019.

ORIGIN AND BACKGROUND:

On January 19, 2016, Welland City Council approved a motion that requested staff prepare an annual report that summarizes the meetings of Council for the previous year. The annual report provides information regarding the following meetings:

- Council Meetings
- General Committee Meetings
- Special Council Meetings
- Committee-of-the-Whole (In-camera) Meetings (COTW)
- Budget Review Committee (BRC) Meetings

COMMENTS AND ANALYSIS:

At the December 4, 2018 Council Meeting, Council approved report CLK-2018-18, 2019 Council Meeting Schedule for all Council and General Committee meetings.

COTW and Special Council meetings are scheduled on an as needed basis, and are not determined in Report CLK-2018-18. The BRC meeting dates are not included in the report, as the dates are determined by the Mayor, BRC Chair, Chief Administrative Officer, and the Chief Financial Officer.

Below is a comparison of the scheduled meetings compared to actual meetings of Council in 2019:

| Meeting | Scheduled Amount | Actual Amount Held |
|------------------------------------|------------------|--------------------|
| Council Meetings | 21 | 21 |
| General Committee Meeting | 18 | 9 |
| Special Council Meetings | N/A | 13 |
| Committee-of-the-Whole (In-Camera) | N/A | 30 |
| Budget Review Committee Meetings | N/A | 6 |

FINANCIAL CONSIDERATION:

N/A

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

At the request of Welland City Council, this report has been prepared to provide a summary of the actual meetings of Council held in 2019, compared to the approved 2019 Council Meeting Calendar.

As requested and approved by Council, a report will be submitted on an annual basis to Council to summarize the scheduled and actual meetings of Council for each year.



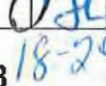
ATTACHMENTS:

Appendix I – Report CLK-2018-18 – 2019 Council Meeting Calendar.

Appendix II – 2019 Actual Meetings of Council.

Appendix III – Budget Review Committee Meetings Held in 2019.

COUNCIL
LEGISLATIVE SERVICES – CLERKS DIVISION

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO |  |
| CAO |  |

REPORT CLK-2018-18
DECEMBER 4, 2018

SUBJECT: 2019 COUNCIL MEETING CALENDAR

AUTHOR: CARMELA RADICE, ACTING CITY CLERK

**APPROVING G.M.: ROSANNE MANTESSO, GENERAL MANAGER
HUMAN RESOURCES AND LEGISLATIVE SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2018-18 regarding the 2019 Meeting Calendar for Council and establishes the Council meeting dates for 2019 as set out in Appendix I attached thereto and further;

THAT WELLAND CITY COUNCIL approves the amended start time of Council meeting to 6:00 p.m. and adjournment time to 10:00 p.m. with a one extension of curfew of one-half hour duration may be granted if Council agrees by 2/3 majority.; and further

That Welland City Council instructs the City Clerk to amend By-law 2017- 6, as being the Procedural By-law start time to 6:00 p.m. and adjournment time shall be 10:00 p.m. with a one extension of curfew of one-half hour duration may be granted if Council agrees by 2/3 majority.

ORIGIN AND BACKGROUND:

The calendar of meetings for Council is reviewed annually by staff to establish meeting dates that allow staff to plan for resources and ensure minimal conflict with other events that are scheduled throughout the year (ie. various conferences, March Break, statutory holidays, etc.).

In accordance with the Procedural By-law, Council meeting dates are established as the first and third Tuesdays of each month, subject to a revised summer schedule and changes to the schedule throughout the year by motion of Council, when required. Traditionally, General Committee Meetings are scheduled on the second and fourth Tuesdays of each month respectively; however, these meetings are held on an as-needed basis in consultation with the Mayor.

COMMENTS AND ANALYSIS:

March Break:

In 2019, the week of March 11 to 15 is March Break. Traditionally some members of Council, as well as many staff, have taken vacations with family at this time. As such, there will be no Council Meeting on Tuesday, March 12, 2019.

Summer Schedule:

Following past practice, Council Meetings during the summer months are limited to one meeting per month to allow Council and staff time to schedule and enjoy a summer vacation. The proposed summer schedule also works around the 2018 Association of Municipalities of Ontario (AMO) Conference scheduled August 18 to 22, 2019, to permit interested Council members to attend the conference.

Welland Hydro-Electric Holding Corp. Annual Shareholder Meeting:

The Annual Meeting of Welland Hydro-Electric Holding Corporation is held in the month of June; for 2019 meetings are tentatively scheduled for June 25, 2019.

As always, the Mayor will be consulted should the need for a Special Council Meeting arise during the year.

Amendment to Start and Adjournment Time

Prior statistics show that Council's meeting are running on average of two (2) to four (4) hours per night, not including Committee of the Whole (In Camera). A review of the City's Budget Review Committee meeting times was conducted and those meetings averaged the same amount of time two (2) to four (4) hours with a start time of 5:00 p.m. Research was conducted on the start times of other local municipalities with in the Region and they vary. Staff spoke with Cogeco Telecommunications Company and the amended request can be accommodated. Staff is requesting that City of Welland Council meetings be amended to commence at 6:00 p.m. and adjournment be amended to 10:00 p.m. with a one extension of curfew of one-half hour duration may be granted if Council agrees by 2/3 majority.

FINANCIAL CONSIDERATION:

There are no financial considerations other than the normal costs associated with publishing notice of meetings under the City's Procedural By-law 2017-6, Notice By-law 2013-127, and/or the By-laws of Welland Hydro, as required.

OTHER DEPARTMENT IMPLICATIONS:

Staff has reviewed the 2019 Council Meeting Calendar at a recent Corporate Leadership Team (CLT) meeting and support the schedule being proposed.

SUMMARY AND CONCLUSION:

The early planning of a meeting schedule enables staff and Council to organize their priorities for meetings and agendas. It is recommended that Council support this staff recommendation.

ATTACHMENT:

Appendix I – Schedule of 2019 Meeting Dates and various dates and events used in determining the Schedule.

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APPENDIX "I"

2019 SCHEDULE OF MEETINGS

All meetings commence at 6:00 p.m. (unless indicated otherwise on Agendas)

| <i>Date</i> | <i>Meeting</i> |
|--------------------|--|
| January 8, 2019 | General Committee |
| January 15, 2019 | Council |
| January 22, 2019 | General Committee |
| February 5, 2019 | Council |
| February 12, 2019 | General Committee |
| February 19, 2019 | Council |
| February 26, 2019 | General Committee |
| March 5, 2019 | Council |
| March 19, 2019 | Council |
| March 26, 2019 | General Committee |
| April 2, 2019 | Council |
| April 9, 2019 | General Committee |
| April 16, 2019 | Council |
| April 23, 2019 | General Committee |
| May 7, 2019 | Council |
| May 14, 2019 | General Committee |
| May 21, 2019 | Council |
| May 28, 2019 | General Committee |
| June 4, 2019 | Council |
| June 11, 2019 | General Committee |
| June 18, 2019 | Council |
| June 25, 2019 | General Committee Welland Hydro Annual Shareholder Meeting |
| July 9, 2019 | Council |
| August 6, 2019 | Council |
| September 3, 2019 | Council |
| September 10, 2019 | General Committee |
| September 17, 2019 | Council |
| September 24, 2019 | General Committee |
| October 8, 2019 | Council |
| October 15, 2019 | General Committee |
| October 22, 2019 | Council |
| October 29, 2019 | General Committee |
| November 5, 2019 | Council |
| November 12, 2019 | General Committee |
| November 19, 2019 | Council |
| November 26, 2019 | General Committee |
| December 3, 2019 | Council |
| December 10, 2019 | General Committee |
| December 17, 2019 | Council |

| Date | Meeting | Purpose | Start Time | End Time |
|------------------|------------------------|---|------------|------------|
| January 8, 2019 | General Committee | <p>DELEGATIONS Roger Ali, President & CAO and Mike Grocholsky, Member of Board of Directors, Niagara Health Foundation re: Niagara Health Foundation Update.</p> <p>STAFF REPORTS Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel – Retail Cannabis: opt-in or opt-out decision.</p> | 7:03 P.M. | 8:36 P.M. |
| January 15, 2019 | COTW | <ul style="list-style-type: none"> • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Sale of Land.</i> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Snowmobile Club Lease.</i> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (1) <i>Appointment for the Niagara Peninsula Conservation Authority.</i> - (1) <i>Non-union Vacancy.</i> | 6:01 P.M. | 6:57 P.M. |
| January 15, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws as provided in the Council agenda. | 7:02 P.M. | 10:08 P.M. |
| January 22, 2019 | Special Council – COTW | <ul style="list-style-type: none"> • For the purpose of educating or training members: <ul style="list-style-type: none"> - (1) <i>Harassment Training.</i> | 5:32 P.M. | 7:25 P.M. |
| January 22, 2019 | Special Council | <p>BY-LAWS A By-law to authorize acceptance of an offer from Centennial Developments (Niagara) Inc. for the sale of vacant land on Louise Street and Iva Street.</p> | 7:25 P.M. | 7:27 P.M. |

| | | | | |
|-------------------|-------------------|--|------------------------|------------------------|
| February 5, 2019 | COTW | <ul style="list-style-type: none"> • A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value: <ul style="list-style-type: none"> - (1) <i>Regional Governance Review update.</i> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (1) <i>Citizens Appointments for the following Committee:</i> <ul style="list-style-type: none"> - <i>Committee of Adjustment/Committee of Revision.</i> - <i>Property Standards Committee/Dog Control Appeal Committee.</i> - <i>Welland Public Library Board.</i> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. <ul style="list-style-type: none"> - (1) <i>Hunters Pointe Pumping Station.</i> • Security of the property of the municipality or local board: <ul style="list-style-type: none"> - (1) <i>City owned lands former Railway lands.</i> | 5:30 P.M. 7:21 P.M. | 6:57 P.M. 7:46 P.M. |
| February 5, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:03 P.M. | 10:53 P.M. |
| February 12, 2019 | General Committee | CANCELLED | | |
| February 19, 2019 | COTW | <ul style="list-style-type: none"> • A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value: <ul style="list-style-type: none"> - (2) <i>Regional Governance Review update.</i> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Waterway User Group Lease.</i> • Security of the property of the municipality or local board: <ul style="list-style-type: none"> - (1) <i>City owned lands north-west of 67 Colbeck Drive.</i> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (1) <i>Non-union positions.</i> | 4:45 P.M. | 6:03 P.M. |
| February 19, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 6:10 P.M. | 10:58 P.M. |

| | | | | |
|-------------------|-------------------|---|-----------|------------|
| February 26, 2019 | Special Council | <p>STAFF REPORT Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas – 2019 Interim Tax Levy. Ref. No. 19-4.</p> <p>BY-LAW A By-law to provide an Interim Tax Levy for year 2019.</p> | 7:04 P.M. | 7:08 P.M. |
| February 26, 2019 | General Committee | <p>DELEGATIONS Nora Reid, President, Central Station Education Initiative re: Lease Extension.</p> <p>Renee Delaney, Planting with Purpose re: Small scale farms teaching garden.</p> | 7:08 P.M. | 7:47 P.M. |
| March 5, 2019 | COTW | <ul style="list-style-type: none"> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and security of the property of the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Development Charges Appeal.</i> • 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: <ul style="list-style-type: none"> - (1) <i>Welland Rotary Club.</i> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (2) <i>Non-Union position.</i> - (2) <i>Citizens Appointments for the following Committee:</i> <ul style="list-style-type: none"> - <i>Town and Gown</i> - <i>Market Square Advisory Committee.</i> - <i>Arts and Culture Advisory Committee.</i> - <i>City of Welland Heritage Advisory Committee.</i> - <i>Transit Advisory Committee.</i> | 5:45 P.M. | 6:58 P.M. |
| March 5, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:05 P.M. | 10:55 P.M. |

| | | | | |
|----------------|------------------------|--|-----------|------------|
| March 19, 2019 | COTW | <ul style="list-style-type: none"> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and security of the property of the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Welland Tennis Club Lease.</i> - (2) <i>Waterway User Groups Lease update.</i> - (1) <i>Major Street, Committee of Adjustment Decision - LPAT.</i> - (1) <i>Central Fire Hall.</i> • A trade secret or scientific, technical commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value: <ul style="list-style-type: none"> - (1) <i>Global Affairs Canada for Invest Canada - Community Initiatives (ICCI).</i> | 5:55 P.M. | 7:13 P.M. |
| March 19, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:17 P.M. | 10:49 P.M. |
| March 26, 2019 | Special Council - COTW | <ul style="list-style-type: none"> • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - (2) <i>City Owned Property – potential sale of land.</i> • 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. <ul style="list-style-type: none"> - (1) <i>Bid opportunity for waterway update</i> | 6:25 P.M. | 6:55 P.M. |
| March 26, 2019 | Special Council | <p>BY-LAWS</p> <p>A By-law to authorize acceptance of tender from A.J. Stone Company Ltd. for supply and delivery of personal protective equipment used for firefighting (A.K.A. bunker gear).</p> | 6:25 P.M. | 7:01 P.M. |
| April 2, 2019 | COTW | <ul style="list-style-type: none"> • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - (3) <i>Sale of city owned lands.</i> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (2) <i>Non-union vacancy.</i> - (1) <i>City of Welland Heritage Advisory Committee.</i> | 6:25 P.M. | 6:54 P.M. |
| April 2, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:01 P.M. | 9:42 P.M. |

| | | | | |
|----------------|--------------------------|--|-----------|-----------|
| April 9, 2019 | General Committee | DELEGATIONS Walkerton Clean Water Centre re: Standard of Care Training. | 7:02 P.M. | 9:21 P.M. |
| April 16, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:04 P.M. | 8:54 P.M. |
| April 23, 2019 | Special Council - COTW | <ul style="list-style-type: none"> • Proposed or pending acquisition or disposition of land by the municipality or local board: - (1) <i>Rice Road Update.</i> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: - (2) <i>Welland Tennis Club.</i> | 6:07 P.M. | 6:56 P.M. |
| April 23, 2019 | Special Council | DELEGATION(S) 09-159 Sharon Ann Major, Bridge 18 Co Chair re: Welland Bridge 18 STAFF REPORTS Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel – Investing in Canada Infrastructure Program Application, Rural and Northern Communities Funding Stream – Dain City Canal Crossing | 7:02 P.M. | 8:14 P.M. |
| April 30, 2019 | Special Council Workshop | COUNCIL WORKSHOP – PARKS, RECREATION AND CULTURE MASTER PLAN (Facilitated session in accordance with Council Resolution 2019-457: That the Council of the City of Welland approves the request to hold a Special Council workshop on Tuesday, April 30, 2019 at 7:00 p.m. in Council Chambers, Civic Square to provide Welland City Council with the opportunity to provide input into the City's Parks, Recreation and Culture Master Plan.) | 6:46 P.M. | 8:45 P.M. |

| | | | | |
|--------------|---|--|-----------|-----------|
| May 7, 2019 | COTW – Meeting not held, council did not approve going in-camera. | <ul style="list-style-type: none"> • Education or training sessions: <ul style="list-style-type: none"> - Harold Elston, Integrity Commissioner - Legislative Procedures. • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: <ul style="list-style-type: none"> - Welland Tennis Club. • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - Construction of Fire Station #2. • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - Non union vacancy. | N/A | N/A |
| May 7, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:00 P.M. | 9:42 P.M. |
| May 14, 2019 | General Committee | <p>DELEGATIONS</p> <p>Sue Barnett, Chair/Welland Trustee, District School Board of Niagara, and Laura Byers, CEO, Education Foundation of Niagara re: Update on District School Board of Niagara Schools.</p> <p>PRESENTATIONS</p> <p>Gary Long, Chief Administrative Officer re: Strategic Priorities.</p> | 7:03 P.M. | 9:42 P.M. |
| May 21, 2019 | COTW | <ul style="list-style-type: none"> • Litigation or potential or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and <ul style="list-style-type: none"> - (3) Welland Tennis Club. • Personal matters about an identifiable individual, including municipal or local board employees; <ul style="list-style-type: none"> - (3) Non-union vacancies. - (3) Citizens appointment to the following: <ul style="list-style-type: none"> - Senior Citizens Advisory Committee - Welland Arenas Advisory Committee - Waterway Advisory Committee - Accessibility Advisory Committee - Transit Advisory Committee - Market Square Advisory Committee and - Town and Gown Committee. - (1) Personnel matters. | 5:25 P.M. | 6:57 P.M. |

| | | | | |
|---------------|------------------------|---|-----------|------------|
| May 21, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:06 P.M. | 10:02 P.M. |
| May 28, 2019 | Special Council - COTW | <ul style="list-style-type: none"> Proposed or pending acquisition or disposition of land by the municipality or local board: - (4) <i>Sale of Land.</i> | 6:45 P.M. | 6:54 P.M. |
| May 28, 2019 | Special Council | STAFF REPORT Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas – 2019 Tax Levy. | 7:00 P.M. | 7:07 P.M. |
| June 4, 2019 | COTW | <ul style="list-style-type: none"> A trade secret or scientific, technical commercial 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; - (1) <i>Waterway Emergency Preparedness Phase 1, HIRA.</i> Proposed or pending acquisition or disposition of land by the municipality or local board: - (1) <i>570 River Road Land Transfer.</i> | 6:40 P.M. | 7:05 P.M. |
| June 4, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:07 P.M. | 10:37 P.M. |
| June 11, 2019 | Special Council - COTW | <ul style="list-style-type: none"> Personal matters about an identifiable individual, including municipal or local board employees - (2) <i>Personnel matters.</i> | 5:45 P.M. | 7:04 P.M. |
| June 11, 2019 | Special Council | CONFIRMATORY BY-LAW | 7:03 P.M. | 7:04 P.M. |
| June 11, 2019 | General Committee | PRESENTATIONS Kay Matthews, Executive Director, Ontario Business Improvement Area Association (OBIAA) re: Municipal Business Improvement Area (BIA). DELEGATIONS David Heyworth, Official Plan Policy Consultant and Doug Giles, Director of Community and Long Range Planning, Niagara Region, Planning and Development Services re: Creating a new Regional Official Plan – Spring 2019 Update. Sean Norman, Senior Planner, Niagara Region, Planning and Development Services re: Natural Environment Background Study for the Regional Official Plan. | 7:06 P.M. | 9:05 P.M. |

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| June 18, 2019 | COTW | <ul style="list-style-type: none"> • Personal matters about an identifiable individual, including municipal or local board employees: - (4) <i>Citizens appointment to the following:</i> - <i>Senior Citizens Advisory Committee</i> • Proposed or pending acquisition or disposition of land by the municipality or local board: - (1) <i>Offer to sell to the City - Lots 955 - 958 inclusive, Plan 47.</i> | 6:40 P.M. | 6:50 P.M. |
| June 18, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:01 P.M. | 10:31 P.M. |
| June 25, 2019 | Special Council - COTW | <ul style="list-style-type: none"> • A trade secret or scientific, technical, commercial or financial that belongs to the municipality or local board and has monetary value or potential monetary value. - (1) <i>Gateway CIP Agreement.</i> • Under the <i>Business Corporations Act</i> – Welland Hydro-Electric Holding Corporation: - (1) <i>Welland Hydro-Electric Holdings Corporation Annual General Meeting</i> - (1) <i>Election and Confirmation of Directors, and Directors Remuneration</i> | 5:25 P.M. | 6:47 P.M. |
| June 25, 2019 | Special Council | <p>BY-LAWS</p> <p>A By-law to authorize acceptance of an offer from Walter Lucchetta for the sale of vacant land (PT TWP Lot 239 Thorold/Gadsby Avenue).</p> <p>A By-law to authorize acceptance of an offer from Lucchetta Builders Inc. for the sale of vacant land (Part 2 Plan 59R7365/Aqueduct Street).</p> <p>A By-law to enter into contract with Nexterra Substructures Inc. for the Pine Street Municipal Services Improvements.</p> <p>A By-law to enter into contract with Alfred Beam Excavating Ltd. For the River Road Industrial Subdivision.</p> | 7:00 P.M. Reconvene at 7:24 P.M. | Recessed at 7:01 P.M. 7:28 P.M. |
| June 25, 2019 | General Committee | <p>DELEGATIONS</p> <p>Paul Turner, STEP re: STEP Program.</p> <p>David Ahong B.A., CSEP-CEP and Shannon Rotteveel B.Sc., CSEP- CEP, R.Kin re: Cancer Rx: Cancer Exercise Prescription.</p> <p>Niagara Region re: Welland Water Treatment Plan Phase II upgrade.</p> | 7:29 P.M. | 10:38 P.M. |

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| | | <p>Anand Desai, Associate Planner, Monteith Brown Planning Consultant re: Parks and Recreation Master Plan.</p> <p>PRESENTATIONS Tara Stephens, City Clerk and Carmela Radice, Deputy Clerk re: Streaming/webcasting for the City of Welland.</p> | | |
| July 9, 2019 | COTW | <ul style="list-style-type: none"> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Gadsby Parklands.</i> • A trade secret or scientific, technical, commercial or financial that belongs to the municipality or local board and has monetary value or potential monetary value: <ul style="list-style-type: none"> - (2) <i>Gateway CIP Agreement update.</i> - (3) <i>Regional Governance Review update.</i> • 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: <ul style="list-style-type: none"> - (2) <i>Bid opportunity for waterway update.</i> - (1) <i>Bid opportunity for community recognition.</i> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (5) <i>Citizen appointment to the following:</i> <ul style="list-style-type: none"> - <i>Welland Public Library Board.</i> - (3) <i>Personnel Matters update.</i> | 4:40 P.M. | 6:58 P.M. |
| July 9, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:04 P.M. | 10:54 P.M. |
| August 6, 2019 | COTW | <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - (1) <i>Brownfield redevelopment opportunity.</i> | 4:35 P.M. 10:37 P.M. | 7:20 P.M. 10:57 P.M. |

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| | | <ul style="list-style-type: none"> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: <ul style="list-style-type: none"> - (2) <i>Gadsby property transaction.</i> - (1) <i>Property along the waterway.</i> • A trade secret or scientific, technical, commercial or financial that belongs to the municipality or local board and has monetary value or potential monetary value: <ul style="list-style-type: none"> - (4) <i>Regional governance Review update.</i> • 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: <ul style="list-style-type: none"> - (1) <i>Bid opportunities at the Welland International Flatwater Centre (WIFC).</i> • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Potential disposition of property.</i> - (5) <i>Purchase from and sale of property 28-40 East Main Street, City of Welland.</i> • Personal matters about an identifiable individual, including municipal or local board employees and Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: <ul style="list-style-type: none"> - (4) <i>Personnel update.</i> | | |
| August 6, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:23 P.M. | 11:00 P.M. |
| September 3, 2019 | COTW | <ul style="list-style-type: none"> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (5) <i>Personnel Matters.</i> - (4) <i>Non-Union Vacancies.</i> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: <ul style="list-style-type: none"> - (3) <i>Gadsby property transaction.</i> • A trade secret or scientific, technical, commercial or financial that belongs to the municipality or local board and has monetary value or potential monetary value: <ul style="list-style-type: none"> - (3) <i>Gateway CIP Agreement.</i> | 4:39 P.M. | 6:43 P.M. |

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| | | <ul style="list-style-type: none"> Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> (1) New tenant - Youngs Sportsplex. Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> (6) Personnel update. | | |
| September 3, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:01 P.M. | 9:51 P.M. |
| September 10, 2019 | Special Council - COTW | <ul style="list-style-type: none"> Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> (1) 300 Major Street. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality of 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: <ul style="list-style-type: none"> (1) Recreational Bid opportunities for the City of Welland. Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> (7) Personnel matters/staffing issues. | 5:40 P.M. | 7:05 P.M. |
| September 10, 2019 | Special Council | <p>STAFF REPORTS</p> <p>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.</p> <p>BY-LAW</p> <p>A By-law to authorize acceptance of a conveyance of land municipally known as 482 River Road from Welland Hydro-Electric Holding Corp.</p> | 7:08 P.M. | 7:28 P.M. |
| September 10, 2019 | General Committee | <p>DELEGATIONS</p> <p>Jonna Wolfenberg, Volunteer and Events Coordinator, Community Support Services of Niagara re: Community Support Services of Niagara update.</p> <p>Janet Handy, Executive Director, Kristen French Child Advocacy Centre Niagara re: New programming at the Kristen French Child Advocacy Centre Niagara.</p> | 7:30 P.M. | 10:28P.M. |

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| | | <p>Kelly Jones, Resident of Welland re: 2019 Terry Fox Run.</p> <p>Dan Giancola, Resident of Niagara Falls re: 4th Annual Gala – Give the boot to PTSD.</p> <p>Craig A. Rohe, Senior Planner, Upper Canada Consultants re: Canal View Condominium and the 406 South Corridor.</p> <p>PRESENTATIONS</p> <p>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.</p> | | |
| September 17, 2019 | COTW | <ul style="list-style-type: none"> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (6) Citizens appointment to the following: <ul style="list-style-type: none"> - <i>Arts and Culture Advisory Committee</i> - <i>Senior Citizens Advisory Committee</i> • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - (2) <i>New tenant - Youngs Sportsplex.</i> - (2) <i>300 Major Street.</i> | 6:30 P.M. | 7:00 P.M. |
| September 17, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:05 P.M. | 10:27 P.M. |
| September 24, 2019 | General Committee | CANCELLED | N/A | N/A |
| October 1, 2019 | COTW | <ul style="list-style-type: none"> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (1) <i>Complaint regarding an employee.</i> - (1) <i>CAO's Performance Evaluation.</i> - (3) <i>Non-Union Position.</i> • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - (3) <i>Youngs Sportsplex lease update.</i> | 5:12 P.M. | 7:05 P.M. |

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| | | <ul style="list-style-type: none"> • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: - (1) <i>Contracts within City of Welland.</i> | | |
| October 1, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:06 P.M. | 10:04 P.M. |
| October 8, 2019 | Special Council - COTW | <ul style="list-style-type: none"> • Proposed or pending acquisition or disposition of land by the municipality or local board: - (4) <i>Youngs Sportsplex lease update.</i> • Proposed or pending acquisition or disposition of land by the municipality or local board, and • A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality of 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: - (2) <i>City owned lands and recreational opportunities.</i> • Personal matters about an identifiable individual, including municipal or local board employees: - (8) <i>Personnel matters/staffing issues</i> | 5:35 P.M. | 7:06 P.M. |
| October 8, 2019 | Special Council | <p>STAFF REPORTS</p> <p>Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Pre-Approval of 2020 Capital Project for-Main Arena steam boiler replacement.</p> <p>Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Transfer of funds from capital reserve & project award, Municipal Service Centre above ground fuel tanks.</p> <p>BY-LAWS</p> <p>A By-law to enter into contract with Waterloo Manufacturing Company, Limited for the design and replacement of the main arena steam boiler.</p> <p>A By-law to enter into contract with Castle Mechanical for the supply and installation of above ground fuel tanks at the Municipal Service Centre.</p> | 7:09 P.M. | 7:23 P.M. |

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| October 15, 2019 | COTW | <ul style="list-style-type: none"> Proposed or pending acquisition or disposition of land by the municipality or local board: - (5) <i>Youngs Sportsplex lease update.</i> | 6:50 P.M. | 6:57 P.M. |
| October 15, 2019 | Council | <p>Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda.</p> <p>MEETING ADJOURNED FOLLOWING THE DELEGATION DUE TO TECHNICAL DIFFICULTIES IN COUNCIL CHAMBERS</p> | 7:01 P.M. | 7:41 P.M. |
| October 22, 2019 | Special Council - COTW | <ul style="list-style-type: none"> Personal matters about an identifiable individual, including municipal or local board employees: - (1) <i>Compensation review.</i> A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value: - (5) <i>Governance Review Update.</i> | 5:27 P.M. | 7:03 P.M. |
| October 22, 2019 | Special Council | ALL MATTERS THAT WERE NOT CONSIDERED AT THE OCTOBER 15, 2019 COUNCIL MEETING | 7:06 P.M. | 9:20 P.M. |
| October 22, 2019 | General Committee | CANCELLED | | |
| November 5, 2019 | COTW | <ul style="list-style-type: none"> Personal matters about an identifiable individual, including municipal or local board employees: - (5) <i>Non-Union vacancies.</i> - (7) Citizens appointments to the following: - <i>Waterway Advisory Committee</i> - <i>City of Welland Heritage Advisory Committee.</i> | 6:31 P.M. | 6:55 P.M. |
| November 5, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:02 P.M. | 10:35 P.M. |
| November 12, 2019 | Special Council - COTW | <ul style="list-style-type: none"> Personal matters about an identifiable individual, including municipal or local board employees: - (9) <i>Personnel matter.</i> Proposed or pending acquisition or disposition of land by the municipality or local board and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: - (1) <i>Property matter.</i> | 6:25 P.M. | 7:25 P.M. |

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| November 12, 2019 | Special Council | <p>STAFF REPORTS</p> <p>Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -Service Centre Roof Replacement Phase 1 Tender.</p> <p>Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Installation Award for - Main Arena Steam Boiler Replacement.</p> <p>BY-LAWS</p> <p>A By-law to enter into contract with Schreiber Brothers Limited for the Service Centre Roof Replacement - Phase 1.</p> <p>A By-law to enter into contract with Union Boiler Company Limited for installation of boilers at the Main Arena.</p> | 7:15 P.M. | 7:25 P.M. |
| November 12, 2019 | General Committee | <p>DELEGATIONS</p> <p>Carolyn Ryall, Director, Niagara Region Transportation Services and Frank Tassone, Associate Director, Niagara Region Transportation Engineering re: Overview of the Niagara Region Transportation Services 5 Year Forecast.</p> <p>Leslie Bellingham, Director of Development and Communications of Open Arms Mission re: Current Programs/Services and New Initiatives at Open Arms Mission.</p> | 7:26 P.M. | 9:50 P.M. |
| November 19, 2019 | COTW | <ul style="list-style-type: none"> • Proposed or pending acquisition or disposition of land by the municipality or local board: <ul style="list-style-type: none"> - (1) <i>Sale of land and development updates.</i> - (6) <i>Youngs Sportsplex update.</i> • 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: <ul style="list-style-type: none"> - (1) <i>Potential service delivery changes.</i> • Personal matters about an identifiable individual, including municipal or local board employees: <ul style="list-style-type: none"> - (10) <i>Personnel matter.</i> | 5:30 P.M. | 6:45 P.M. |




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| November 19, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:00 P.M. | 10:57 P.M. |
| November 25, 2019 | Special Council - COTW | A trade secret or scientific, technical, commercial, or financial information, that belongs to the municipality or local board and has monetary value or potential monetary value: - (4) Gateway CIP Agreement. | 6:35 P.M. | 7:10 P.M. |
| November 25, 2019 | Special Council | CONFIRMATORY BY-LAW | 7:14 P.M. | 7:15 P.M. |
| November 26, 2019 | General Committee | DELEGATIONS Sonya Wierenga, Executive Director, Rose City Kids re: Current Programs/Services at Rose City Kids. Steven Soos, Resident, re: Restoring Community Watch Groups. Tammy Maroudas, Territory Manager, Donor Relations, re: Canadian Blood Services - Boxing Day Blood Donor Clinic at Youngs Sportsplex. | 7:02 P.M. | 7:54 P.M. |
| December 3, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. Timed out due to curfew – remaining items to be discussed at a Special Council meeting on December 10, 2019. | 7:00 P.M. | 10:55 P.M. |
| December 10, 2019 | Special Council - COTW | • A trade secret or scientific, technical, commercial, or financial information, that belongs to the municipality or local board and has monetary value or potential monetary value: - (1) Extension of Banking Services. | 6:50 P.M. | 6:52 P.M. |
| December 10, 2019 | Special Council | MATTERS FROM THE DECEMBER 3, 2019 MEETING CONSIDERED. | 7:00 P.M. | 10:38 P.M. |
| December 10, 2019 | General Committee | MEETING CANCELLED DUE TO SPECIAL COUNCIL MEETING BEING HELD UNTIL 10:38 P.M. | N/A | N/A |
| December 17, 2019 | COTW | • Personal matters about an identifiable individual, including municipal or local board employees: - (11) Personnel Matter. • Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board: - (2) Property Matter. | 6:25 P.M. | 7:00 P.M. |

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| December 17, 2019 | Council | Council Reviewed Correspondence, Reports and By-laws, Agencies, Boards and Committees and notice of motions as provided in the Council agenda. | 7:05 P.M. | 11:27 P.M. |
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BUDGET REVIEW COMMITTEE MEETINGS HELD IN 2019

| No. | DATE OF MEETING | START TIME | END TIME |
|------------|------------------------|-------------------|-----------------|
| 1. | October 16, 2019 | 5:02 p.m. | 7:20 p.m. |
| 2. | October 28, 2019 | 5:01 p.m. | 10:34 p.m. |
| 3. | November 4, 2019 | 5:03 p.m. | 10:43 p.m. |
| 4. | November 11, 2019 | 5:02 p.m. | 9:40 p.m. |
| 5. | November 18, 2019 | 5:02 p.m. | 8:28 p.m. |
| 6. | November 25, 2019 | 5:02 p.m. | 9:45 p.m. |

COUNCIL
CORPORATE SERVICES – CLERKS DIVISION

| APPROVALS | |
|-----------------|---|
| GENERAL MANAGER |  |
| CFO |  |
| CAO |  |

REPORT CLK-2020-02
JANUARY 21, 2020

99-90

SUBJECT: WELLAND DOWNTOWN BUSINESS IMPROVEMENT AREA (WDBIA) – AMENDMENTS TO BY-LAW 1999-51.

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING G.M.: STEVE ZORBAS, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER/TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND amends By-law 1999-51, as amended, as follows:

Section 13. On or before the 1st day of **May** in each year, the Board shall submit its annual report for the preceding year to City of Welland, including a complete Audit of the Financial Statements of its affairs (Operations; Change in Net Debt; Financial Position and Cash Flow).

Section 17. That the Board shall not incur any long term indebtedness extending beyond the current operating year without prior authorization of its membership (two-thirds majority) **IN ATTENDANCE** at a special meeting and consequent approval of Council.

ORIGIN AND BACKGROUND:

On April 20, 1999, Welland City Council approved by-law 1999-51, to designate a certain area as an improvement area and establish a board of management for the area.

On November 19, 2019, the WDBIA made a presentation to Welland City Council regarding their 2020 budget. In addition the WDBIA provided recommendations to by-law 1999-51. Members of council were advised that staff would be reviewing the recommended changes to by-law 1999-51, and provide a staff report for consideration in the future.

COMMENTS AND ANALYSIS:

The recommended changes to by-law 1999-51, as requested by the WDBIA are as follows:

Section 13

"On or before the 1st day of September in each year, the Board shall submit its annual report for the preceding year to City of Welland, including a complete Audit of the

Financial Statements of its affairs (Operations; Change in Net Debt; Financial Position and Cash Flow)."

Section 17

"That the Board shall not incur any long term indebtedness extending beyond the current operating year without prior authorization of its membership (two-thirds majority) IN ATTENDANCE at a special meeting and consequent approval of Council."

Staff have reviewed the requested amendments to by-law 1999-51 from the WDBIA, and are recommending the board submit its annual report for the proceeding year by May each year. In addition, staff are supportive of the section 17 amendments as suggested by the WDBIA.

FINANCIAL CONSIDERATION:

None.

OTHER DEPARTMENT IMPLICATIONS:

None.




SUMMARY AND CONCLUSION:

Staff have reviewed the recommended changes as submitted by the WDBIA in relation to amendments to by-law 1999-51, and have made recommendations accordingly.

ATTACHMENT:

None.

COUNCIL
ECONOMIC DEVELOPMENT
RECREATION & CULTURE DIVISION

| APPROVALS | |
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| GENERAL MANAGER |  |
| CFO |  |
| CAO |  |

REPORT R&C-2020-01
January 21, 2020

99-90
99-99

SUBJECT: 2020 WELLAND SUMMER CONCERT SERIES

AUTHOR: SHANNON MOON, B.Comm, MBA
PURCHASING
FINANCE DIVISION, CORPORATE SERVICES

APPROVING SUPERVISOR: AMANDA DEGAZIO
ACTING MANAGER, RECREATION & CULTURE RECREATION DIVISION

APPROVING G.M.: GARY LONG, CAO

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND award the 2020 Welland Summer Concert Series to the WELLAND DOWNTOWN BIA for a two (2) year contract (2020 and 2021); and further

THAT WELLAND CITY COUNCIL approves that up to \$65,000 inclusive be provided for 2020 Welland Summer Concert Series; and up to \$65,000 inclusive be provided for 2021 Welland Summer Concert Series.

ORIGIN AND BACKGROUND:

In July 2019, City Council directed Staff to post the Welland Summer Concert Series out for Request for Proposal.

Two bids were received in September 2019:

1. Admiral Creative Group
2. Welland Downtown BIA in partnership with Niagara AV

In November 2019, Staff were directed to re-post Request for Proposal, providing up to \$65,000 annually for two year contract.

Two bids were received in December 2019:

1. Admiral Creative Group
2. Welland Downtown BIA in Partnership with PSI (formerly Niagara AV)

Staff evaluation of criteria for both proponents were equal in all categories, leaving cost as defining factor.

Admiral Creative Group provided three (3) quote options in caliper of talent with quotes (additional to \$65,000) funding ranging from:

- \$ 38,000 for option "C" talent ,defined as local and tribute band performances to
- \$ 52,000 for option "B" talent, defined as a mix of local, tribute and headlining "A" talent bands.
- \$478,000 for option "A" talent, such as Sheep Dogs, April Wine, Big Wreck to name a few.

Admiral Creative Group: \$38,000 (Cost to City)

Welland Downtown BIA provided an option that would be completely produced within \$65,000 funding requiring:

- \$0 additional dollars, providing talent such as local and tribute band performances.

BIA: \$0 (Cost to City)

OTHER DEPARTMENT IMPLICATIONS:

Recreation & Culture Staff's time will be required to coordinate the overall summer concert series calendar and ensure effective communication with all the parties.

Public Works and Parks Division will be required for any approved in-kind services.

SUMMARY AND CONCLUSION:

THAT THE COUNCIL OF THE CITY OF WELLAND approve staff recommendation to award a two (2) year contract to Welland Downtown BIA; furthermore,

THAT COUNCIL approve allocation of \$65,000 operating budget to cover the 2020 and 2021 Welland Summer Concert Series.

ATTACHMENTS

Nil

Cindy Viger

From: True Politics with Steven Soos <stevenwelland81@gmail.com>
Sent: December 15, 2019 5:42 PM
To: council; leslie.bellingham@gmail.com
Subject: Re: Out of the Cold- Welland

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

As an addition to my previous email,

The out of the cold program is also a great opportunity for more accurate data collection as it pertains to homelessness in Welland**

On Sun, 15 Dec 2019 at 17:31, True Politics with Steven Soos <stevenwelland81@gmail.com> wrote:
 Dear Welland City Council,

I am drafting this letter to express my unwavering support for an out of the cold program in Welland this winter.

Welland currently does not operate a homeless shelter; and homeless Wellanders are expected to seek out of town resources away from their support networks when they are seeking somewhere warm to stay. I do not think this is right or just. There is a lot of misconception out there that transportation is provided for these out of town resources, but that is not necessarily the case one-hundred percent of the time, and the transportation is often discretionary in nature, and dependent on the resources in which you are accessing. As a Social Service Worker by trade, I often put myself in the end user's shoes, and think how difficult it would be to wake up in a new town (also keeping in mind that most of the time individuals cannot stay at shelters during the daylight hours), that you know nothing about, where you may not know anyone. Also, what if said out of town resources are full, which they usually are, since most shelters in this Region operate at 109 percent capacity. This is a sad reality of our current social services system in Niagara Region. However, you as Councillors have the power to mitigate this uncertainty that so many end-users face. We only have to look so far as recent local news where an individual was found taking refuge in a building that caught on fire.

Niagara Regional Housing states that the average wait time for housing for a one bedroom unit in Welland is fifteen years! FIFTEEN. That's for individuals aged 16-54. For seniors, the wait for a one bedroom unit is 5.5. That's for individuals 55 or older. We certainly need a more immediate solution for those at risk in our community. So yes, permanent solutions for housing would be desirable, but what about those who are in immediate need? Please support the out of the cold program on compassionate grounds.

There is no doubt that Niagara Region is facing a homelessness, addictions and mental health crisis. This is very clear; a few months back, I spoke about this in the voice of Pelham. I've attached the link for information purposes...

<https://www.thevoiceofpelham.ca/2019/08/17/call-for-state-of-emergency-on-social-issues/>

One of the most damning statistics in this article is 144 homeless children in Niagara. It would be naïve to think that none of these children are Wellanders.

An out of the cold program is more than just a band-aid solution. Its a chance for at risk individuals to be connected to essential community resources, it's a chance for a community to rally together to support the most vulnerable in Welland, it's a chance for students/volunteers to gain invaluable experience in the social services which could assist them in fulfilling their long-term career goals, and it's a chance to work together to expand the program, and work on long-term solutions to homelessness.

Policies would also be developed to ensure the safety and well-being of everyone accessing the out of the cold program, and to ensure the ongoing safety of property, staff, volunteers, and end users. I would imagine that the NRP would be fully briefed on the out of the cold program where any serious issues or concerns arise.

As I understand, organizers will be doing fundraising, and speaking with third parties, and have already researched other out of the cold programs (ie. Niagara Falls and Hamilton), to ensure that the project is a complete success.

We are asking Welland Council to be partners in this essential project. Amendments to the municipal act years ago have allowed cities to take an active role in projects such as out of the cold (ie. social services).

Please do the right thing, and re-consider your original decision, thinking about those who are dealing with the immense challenges of homelessness and all of the underlying circumstances attached. It is becoming all to common to see individuals taking refuge in banks in our city to take shelter out of the freezing conditions. We need to put a stop to that; this isn't the Welland I know and love. The Welland I know and love supports one another unconditionally, especially in trying times.

Thank-you for your re-consideration on the matter, I look forward to the ongoing discussion around this very important topic.

With kindest regards,

Steven Soos.

--
Steven Soos,

--
Steven Soos,



City of Welland Heritage Advisory Committee
 Le Comité Consultatif du Patrimoine de la Ville de
 Welland
 60 East Main Street
 Welland, Ontario
www.wellandheritage.ca
info@wellandheritage.ca

January 3, 2020

Tara Stephens,
 City Clerk, Legislative Services
 Office of the City Clerk, Corporation of the City of Welland
 60 East Main Street Welland, ON L3B 3X4

Re: Designation of "Tugboats" Mural, 77 East Main Street, Welland

Dear Ms. Stephens:

At its meeting of November 6, 2019, the City of Welland Heritage Advisory Committee passed the following motion:

Moved by Rose Dzugan, seconded by Joanne Lynes, that the City of Welland Heritage Advisory Committee recommends to Welland City Council that the "Tugboats" Mural at 77 East Main Street be designated by the City of Welland under the Ontario Heritage Act as having cultural heritage value or interest. Carried.

Attached please find copies of the full report and Statement of Cultural Heritage Value for the Tugboats Mural.

Would you kindly bring this recommendation for designation under the Ontario Heritage Act before City Council at the earliest date possible?

With thanks,
 Sincerely,

Nora Reid, Secretary/Treasurer
 City of Welland Heritage Advisory Committee

05-50



**“TUGBOATS” MURAL
77 EAST MAIN STREET
(FACING CROSS STREET)
WELLAND, ONTARIO**

Prepared for City of Welland Heritage Advisory Committee
(Heritage Welland)

Nora A. Reid, M.A. (History of Art)

October 2019

"TUGBOATS" MURAL

77 East Main Street (facing Cross Street)
Welland ON

Prepared by Nora A. Reid, M.A.
For the City of Welland Heritage Advisory Committee
October, 2019

ARTISTIC VALUE

The mural (Figure 1) has intrinsic artistic value as part of a mural arts project in the 1980's and early 1990's that engaged the whole community of Welland. "Tugboats" was one of the chosen themes for the project.¹

The mural portrays the "Hector" tugboat, used during the 1920's to pull ships and barges through the Old Welland Canal. The Promote Welland Task Force's book, A Festival of Canadian Art, describes artist Stefan Bell's technique as realistic, using soft and subtle blending and bright colours to attract the viewer and enhance the image.

The artist's interpretation was recorded in the book as follows:

The main concern was to show the old boats of the waterways in their primary locations: 1) out in the lake; 2) going through the canals, up rivers, etc.; 3) docking for loading/unloading. The graphic bars divide the three boats in their separate situations, whereas the sky above and water below unite all the elements into one picture. The blue graphic colour that surrounds the three boats helps to frame the three pictures and accents the main colour in a seaman's life. My trademark as a painter/juggler is always to include a juggling element in every painting. So, as you notice, three juggling balls and a cigar box are painted on the wooden dock.

The mural is accessible to everyone. It becomes a public experience and they can watch the growth of the mural from beginning to end. The public becomes part of your process and you also become an entertainer or showman. The magnitude of the mural makes you aware of how insignificant you are and just as one tiny element of the mural, you, the artist, are also one tiny fragment contributing to a better world in a selfless way! ²

CONSTRUCTION

Almost all the murals were constructed using the same materials and methods. The Promote Welland Task Force set up a Quality Control Committee under Chairman Mario Ventresca of Star Painters and Decorators in Welland. This Committee did extensive research into the technical aspects of mural construction before launching the project.

First, painted or masonry walls were water blasted to remove paint or other treatments and leave a clean surface. Each wall was framed to the correct size with 16 gauge, 2" x 1 ¼" anodized aluminum angles using stainless steel drive screws. A semi-rigid expanded polystyrene insulation board named "Thermwall" manufactured by MacNaughton-Brooks was bonded to the substrate in 2'x4' sections with resin-fortified "Thermwall 1874" adhesive. More adhesive was used to attach the next layer, a specially woven and treated fiberglass mesh. The final finish consisted of an acrylic-fortified coat of white Portland cement and fine silica sand known as "Gazelle Hyde". This was troweled on to provide a seamless surface and was supposed to give a high degree of strength and crack resistance with light weight.

Acrythane paint was selected for the murals, a polyurethane acrylic isocyanate enamel used in industrial settings including for locomotives, trucks, aircraft and petroleum tankers. It was chosen for its physical and chemical properties including high gloss retention, exterior durability, solvent and mildew resistance, stone chip resistance, colour retention, fast drying and flexibility.

The artists used various methods to transfer their maquette designs to full scale. Some used gridlines, others projected the image onto the wall after dark and traced it. Still others worked freehand.³

AGE

The Tugboat mural was created during the first summer of the Festival of Arts. Artist Stefan Bell signed and dated the finished mural on September 13, 1988 (Figure 8).

ARTIST

Stefan Bell (Figure 9)

Stefan Bell is an artist who was residing in Ottawa, Ontario when the mural was painted, but currently lives in the southern U.S. He is also known as Ballini, The Great Fake

Juggling Clown. He was trained by the Ringling Brothers and Barnum and Bailey Circus. Before painting this mural, he spent 20 years as a commercial artist, designing, illustrating, building models and doing technical graphic artwork before switching his focus to fine arts.

He said that painting murals appealed to him because it gave him the opportunity to get out of the office. One of his two murals in Creston, British Columbia was the largest and most complex mural in Canada at 100 feet x 30 feet and took a year to complete. Bell has shown his work in Toronto, Vancouver and Calgary and received two Canadian Graphic Arts Awards. He also produced the first Canadian juggling magazine.⁴

HISTORICAL CONTEXT

EVENT, ACTIVITY, ORGANIZATION

Welland Festival of Arts

This mural was part of the “Festival of Arts”, a project of the “Promote Welland Task Force” started in 1988. The idea came from the mural project in Chemainus, B.C. that had made the Vancouver Island town a tourist destination. In 1986, Mike Allen, owner of the Seaway Mall, visited Chemainus and brought back the idea to Welland. He commissioned the first mural on the Seaway Mall in 1986.

In the 1980’s Welland was in the process of losing its industrial base and the unemployment rate was at 27% as compared to the national average of 11%. Added to this was the decay of the downtown core exacerbated by the establishments of malls and plazas on the City’s outskirts.⁵ In an effort to address these problems, the Promote Welland Task Force - a non-profit organization whose mandate was to promote economic growth and prosperity - took up the Chemainus idea, creating the “Festival of Arts” and raised money to execute the first 13 murals in the summer of 1988, including “Canal Construction”. Ten more were completed in 1989 and three more in 1990.⁶

Fundraising was kicked off with a full-page ad in the Welland Tribune on June 26th, 1987 that explained the plan for “permanent, exciting” murals that would become a “must see” and asked “Have you heard? Welland is on the brink of something big!” and continued over the next two and one-half years. At the start of the project there was much community support – 12 committees were established and hundreds of local volunteers helped with organization and opened their homes to the artists. Volunteers researched mural themes and locations, solicited memberships, raised funds,

researched paint, did marketing and sold souvenirs. Financial backing came in from local companies and businesses including Seaway Mall (Doral Holdings), Leon's Furniture, Canadian Tire Acceptance, John Deere, The Royal Bank, Gencorp Automotive, Shoalts Construction, Atlas Steels, Atlas Credit Union, Stelco, E.S. Fox, Lincoln Plaza, Downtown Development Board, Rose City Plaza, Casa Del Toro and Canadian Imperial Bank of Commerce. Local service clubs and other organizations contributed including the Jaycees, Legion, Masonic Association, Lions Club, Rotary Club, Moose Lodge, St. Andrew's Church, Niagara Regional Exhibition, Slovak Club, Optimist Club and Welland Area Clergy Association.⁷

All levels of government, local organizations and individuals contributed to fund the project. Total federal funding was over \$109,000. The Ontario Ministry of Culture and Communications provided a \$15,000.00 grant. The City of Welland gave \$30,000.00 and the Regional Municipality of Niagara \$1,000. ⁸

For the first murals in the summer of 1988, the Task Force chose 15 themes from local history. The Welland Public Library at 140 King Street (now the Welland Historical Museum) was one of the sites chosen for a mural.

Artists were invited to submit biographies and slides of their work and a panel of three judges - Dr. Peter Harris, Director of Rodman Hall Art Gallery, Toronto architect Terry Fitsialos and Ken Cosgrove of the Fine Arts department at Niagara College - selected 19 artists from the 42 entries from across Canada to provide maquettes (Figure 2) (small pictures of the completed work) based on one of the selected themes. The submissions were judged on artistic merit, historical accuracy and architectural suitability.⁹

The festival continued the following two years and a total of 29 murals were completed on the walls of buildings both publicly and privately owned throughout the downtown area and in the north end of the City.

Rick Woodward, Executive Director of the Festival, promoted it extensively to local groups and officials, predicting that it would become the generator of an economic renaissance here, bringing in millions of dollars in tourist revenue to the community by 1992 and making about \$64 million in direct and indirect revenue for the local economy. Ontario Chamber of Commerce director Bill Cook echoed the sentiment, predicting that "...it will attract throngs of tourists."¹⁰

There was a spike in media interest during the actual painting of the murals, with reports in print media and TV news locally, in Toronto and Buffalo, and as far away as Japan

and Latvia¹¹ and tourists, local and out-of-town, watched the process as murals were painted. Unfortunately, unlike Chemainus B.C., where the mural project brought in hundreds of thousands of visitors and injected millions of dollars into the local economy,¹² the predicted long-term tourism and economic benefits for Welland never really materialized. As Tribune writer Mark Tayti noted in May of 1997 "...the local boost in tourism was nominal and enthusiasm for the project slowly fizzled out."¹³

The long-term survival of the murals became an issue as early as 1996 (see more under CONDITION below). Rick Woodward spoke of the failure to make long term plans for the care of the murals in an article urging citizens to attend workshops seeking a solution: "Failure to take action will hurt in the long run" he said. "They reflect the stories of our forefathers, our grandparents...I think it's important we don't let this slip away from us...What's needed...is a way of creating a sense of ownership of the murals and creating events around them." He also cited the need to develop a collections management policy, budget and fund-raising initiatives.¹⁴

The Promote Welland Task Force in the first flush of creating the project in the 1980's not only failed to make long term plans for upkeep of the murals and the associated costs, but also failed to consider the fact that most of them were on privately owned buildings and could be removed at the whim of any future owner. The Task Force divested itself of any interest in maintaining the murals citing the fact that the members did not have the financial resources or the "skills and expertise" necessary.¹⁵

Two citizen workshops were held during May of 1996, organized by Tourism of Welland Niagara, to discuss the future and the maintenance of the murals. Attendees agreed on the need for a newly redeveloped "Festival of Arts" and a charitable organization that could take over "ownership" of the murals from the Task Force.¹⁶ The word "ownership" in the news articles is somewhat misleading as technically, the murals are "owned" by the owner of the building they are affixed to. "Responsibility" for their upkeep might have been a better choice of words.

In 1997, artist Bas Degroot, who painted the mural "Canal Construction" in 1988, became Chairman of a "New Festival of Arts" Committee headquartered at Seaway Mall that was organized to restore the murals, promote them better and initiate new murals and cultural projects. The new Board had about 12 members, with Susan Morin as vice-chair and Don Holland as secretary-treasurer. At the time Degroot said one mural was in such bad condition "it should be painted over". The committee aimed to first restore and preserve the murals and improve their surroundings with new lighting and signage. Other ideas were to hold workshops and guest appearances by the muralists, use them to teach Welland's heritage to school groups, hold an annual summer festival with

exhibitions, courses and special performances and stimulate the creation of new art works in the City. A membership campaign was launched with categories from \$5 to \$50 with the \$50 (platinum) donors receiving a free mural poster and limited-edition lithoprint of one of the murals.¹⁷

DeGroot wanted to shift the focus on the murals from business back to arts and culture. The week of August 23rd, 1997 saw a two-day celebration sponsored by the Welland Downtown Development Board with mural tours, a display at the Welland Museum, a children's contest, clowns, artists displaying their work, workshops and music at the Bus Terminal, but the turnout was less than well attended with only about 200 people showing up. Some restoration work on the murals continued in 1997 and 1998, with 16 of the 28 murals restored by the summer of 1998. The manager of Tourism of Welland Niagara (TOWN) offered a free "step-on-guide" to describe the murals for bus tour operators and endeavored to encourage them to stay in town for a meal at local restaurants afterward rather than heading to Niagara Falls or St. Catharines.¹⁸

The original murals painted between 1988 and 1990 cost a total of \$1 million. In 1998 the New Festival of the Arts under Degroot developed a plan to expand the existing number of murals with new, "low maintenance" ceramic and terra cotta murals. The aim was to make them much less expensive, more durable and less prone to vandalism as well as to revive interest in the murals. The new committee also suggested landscaping, parking and refreshments near the murals to encourage tourism. Concurrently, there were efforts to continue to market the murals to tourists through the City's TOWN (Tourism of Welland Niagara) agency.¹⁹

In June of 2000, the New Festival of Arts received \$45,000.00 from the Ontario Trillium Foundation to create a Festival of Arts website, an electronic photo gallery, a full colour walking tour map of the murals and to hold a national mural contest.²⁰ Since then the walking tour brochures have gone out of print and the Festival, along with any plans for the long-term upkeep or marketing of Welland's giant murals has faded into history.

PERSONS

Promote Welland Task Force Board

Members of the Board in 1988 when the Festival of Arts was initiated were
 President – Mikki Roy (Executive Director, Big Brothers Association)
 Vice-President – Connie Sonnenburg
 Secretary – Heather Rohrer (The Tribune)

Treasurer – Ivar Noren (Head of Business, Niagara College)
 Member-at-Large – John Van Kooten (Publisher, The Tribune)
 Past Chairman – Gerry Bujold (Bujold, Colburn and Donahue Insurance)

Executive Director, Festival of Arts – Rick Woodward, previously Program Director for CHOW Radio, public relations professional.²¹

ENVIRONMENT

CONTINUITY

This mural contributes to the continuity of the display of murals in the downtown area, some of which have already been lost. The loss of any further murals would diminish and be detrimental to this display of outdoor art.

LANDMARK

Along with other remaining murals in the downtown core, “Tugboats” is a conspicuous and familiar landmark in the downtown located in a high-profile area across from the Courthouse and Civic Square Municipal Building.

INTEGRITY

SITE

The 37 foot x 16 foot mural is on its original site and has not been moved. The mural is located on the east wall of 77 East Main Street and faces Cross Street.

Downtown was chosen to locate the main cluster of murals to accommodate walking tourists and for proximity to downtown businesses and the bus terminal. The site for “Tugboats”, like those of other individual murals, was chosen based on the following criteria: accessibility, parking availability, security (not in a secluded area), good lighting, and proximity to other murals.²² In an interview in the Welland Tribune of Jan. 7, 1988, Mary Anne Christoff stated “They (the murals) must be well-lighted or must allow for lights to be installed; they must be accessible to pedestrians and there must be parking nearby...” and the locations must also be “...vandalism proof...”²³

CONDITION/ ALTERATIONS

Despite the Task Force's careful selection of materials, methods and sites as described above, it was evident quite early that the carefully chosen materials were not holding up as predicted against the weather, bird droppings and vandalism. Problems with the materials and process used to paint the murals, along with damage caused by vandalism surfaced within a year. Ross Beard's mural on the liquor store showed damage from both vandals and materials failure as early as December of 1988. At the time Woodward admitted that curing of the base on the panels may have been rushed: "Maybe it would have needed another week of curing before the paint was applied..."²⁴ April of 1989 saw tempers flare at a meeting between artists, the head of the Festival Technical Committee, representatives from the manufacturers of Thermwall and the acrythane paint as to whether it was inferior materials or an unforeseen level of vandalism that caused the damage and cracking on five of the barely year old murals.²⁵ By 1996 Mary-Anne Christoff, past president of the "Promote Welland Task Force" stated that "These murals are in a mess" with a "crisis situation in some cases".²⁶

The Canadian Conservation Institute provided a report on the murals in April of 1996, citing damage such as peeling paint, bird droppings and nests, cracking and flaking, rusting screws, dirt, graffiti and deficient caulking. Severe vandalism was reported on the murals on the front and side of the Welland YMCA building and the LCBO building on East Main, with an estimate of \$10,000 for repairs earmarked by the Task Force for those alone.²⁷

Despite good intentions and some restoration work, it has been decades since any upkeep has been done on the murals. As Rick Woodward noted: "Once you make a commitment to building something you'd better make a commitment to taking care of it afterward".²⁸ Neither ongoing maintenance nor the problem of ownership has been addressed. An easement on the property title of each building where a mural was located requiring owners to retain the murals would have prevented the loss of murals like "Canal Digging" by Brian Romagnoli and "Lift Bridges" by Greg Garand.

"Tugboats" is in fair condition. The paint has kept much of its vibrancy of colour (compare Figures 1 and 5). The mural is located close to the ground and there has been significant mechanical damage to the bottom portion of the mural (Figs. 3-8) caused by the machines used by the City to plough the sidewalk. These gouges extend all the way through to the supporting material beneath. Luckily most of the damage is confined to the area of flat blue at the bottom of the mural although there are some gouges as well in areas of the painted image.

On August 12th, 2019, Wendy Baker of the Canadian Conservation Institute provided the following assessment and recommendation for restoration based on photographs sent to CCI by the author of this report:

“The paint and wall structure look very good where there has been no percussive damage. The strikes look as though they have done serious damage, however, to the underlying wall (piercing Portland cement, fiberglass mesh into the Thermwall)...I would suggest that the most complex part of the repair job will be to stabilize the wall where percussive damage has occurred- this may involve either the removal of loose fragments of Portland cement, fiberglass mesh etc. or consolidation with an appropriate adhesive. A suitable fill material will have to be found- Portland cement as per the original formulation reinforced with fiberglass mesh (TBD). I think that the same paint should be used to compensate the lost design areas. Normally, we do not counsel the use of the same paint medium as the original, however, in this case, given that the painting is subjected to extremes in temperature and lighting conditions, a paint having identical durability and surface gloss should be used. Whatever changes have occurred to the original paint surface can be duplicated on the reconstructed areas easily enough to disguise the restoration.”²⁹



"TUGBOATS" by Stefan Bell

Figure 1

"Tugboats" Mural in 1991

Source: Jerry Gibb, A Festival of Canadian Art: Welland's Giant Outdoor Murals
(Promote Welland Task Force, 1991)



Figure 2
"Tugboats" Mural in 2019
Photo: N. Reid, August 2019



Figure 3

Left side of mural, August 2019. Damage from sidewalk snowplow on blue area at bottom of painting. Photo: N. Reid



Figure 4

Right side of mural, August 2019. Damage from sidewalk snowplow bottom right. Photo: N. Reid



Figure 5

Upper part of mural, August, 2019. Photo: N. Reid



Figure 6

Middle part of Mural, August 2019. Horizontal gouges from snowplow can be seen in lower part of picture in reflections from boats in the water. Photo: N. Reid



Figure 7
Damage on lower left side of mural. Photo: N. Reid



Figure 8
Damage on lower right side of mural. Photo: N. Reid



Tribune photo/Doc Mitchell
A mural of the Welland Canal between the Main and Lincoln Street bridges will be located on the Community Futures building on West Main Street as part of the Welland Festival of Arts. Festival executive director Rick Woodward and Richard McLagen, manager of Futures, view the picture above. At right are some of the artists chosen to paint the murals. From left to right are: John Hood, Paul Elliott, Lorie Black, Ross Beard and Bae DeGroot.

Murals unveiled
City set 'to make history'

By KEN AVEY
 Tribune staff writer

WELLAND — It was an expression of confidence in the future of Welland.

City, Niagara Region, provincial and federal government officials, representatives of the Promote Welland Task Force and those involved in the project all agreed Welland Festival of the Arts '88 is about to put Welland on the national and international tourism map.

They said so during an unveiling

of the 13 murals which the Festival of Arts plans to put into the city as a boost to the local economy.

The murals will be put up on various downtown buildings during July and August.

"One of the most important things this has done is stimulate pride in this community and to get people working together," said Niagara Regional Chairman Wilbert Dick.

"There has never been anything like this," he said. "It has created a new excitement in the community and will benefit both the City of

Welland and the Niagara Region." Mayor Roland Hardy said the Festival of Arts unveiling, which took place on Merritt Island yesterday afternoon, was a boon to the city.

"This was only a dream a couple of years ago, but it is a dream which is real today," he said.

"Welland is on its way and we're going to make history. The city is moving ahead and we are seeing great improvement," said Hardy.

The artists' depictions of the murals were revealed for the first time yesterday afternoon. They depict various scenes, from ships going through the canal to the immigration of people to the city.

The theme of the murals is to combine "water-and-rail" as well as giving tribute to the ethnic population of Welland.

"Each of the paintings represents an historical page from Welland's past," said Welland-St.



A CLEARER VISION

Tanelis Kaskela, above, washes the Cordage Community mural in preparation for patch work. Artists will be on hand this week and next next, repairing the city's giant murals. STAFF PHOTO BY DIANE UJALUSKY

Figure 9
 Unveiling of maquettes for murals
 Welland Tribune June 25, 1988

Figure 10
 Restoration work on one of the Murals, September 1997
 Welland Tribune Sept. 24, 1997



STEFAN BELL,
Ottawa, Ontario

Figure 11
Artist Stefan Bell
Creator of "Tugboats" Mural
Source: A Festival of Canadian Art:
Welland's Giant Outdoor Murals



Figure 12
Festival of Arts donor recognition certificate



We want YOU!

The people of Welland ...people **vitaly** interested in the **future** of our **city**.

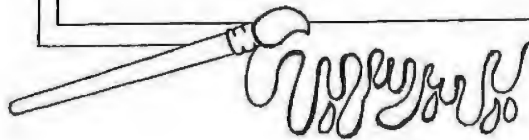
We have the start of what can only be described as the most inspired, thought provoking, undeniably riveting idea ever designed to stir the hearts and minds of our citizens. Fund raising events are springing up all over our city in support of **Welland's Festival of Art's 88**. A festival that will put **Welland on the map** in a whole new way.

By Labour day 1988 we expect to unveil our collection of **eye-catching murals**, each with a specifically developed **theme** depicting the rich heritage and history of Welland. We invite your participation in this tremendous job of researching our past with any photographs, postcards or memories you may want to share. All will be greatly appreciated!

Our office is now open for your convenience in the Seaway Mall, **call us at 788-3000** or drop in, we welcome your visit.

ERMA ETTORE

Remember, **Tourism** is a healthy industry, in fact by the year 2000 it will be the worlds largest industry. **Jobs, jobs, jobs** will be available in **Welland**, not only today but for today's youth as they enter the work force. These jobs will be in Welland. We can have a **major tourist attraction....** it's up to **us**.



October 1, 1987

Figure 13

Flyer advertising Festival of Arts, 1987

The people of Welland hold many celebrations and events throughout the year. Fellowship, heritage and good old-fashioned fun are their underlying themes. You are invited to help celebrate.



Our festivities include: The Heritage Folklore Festival, Rose Festival and Parade, The Mike Burwell Triathlon, Regattas and other water competitions, Rose City Tennis Tournament, Day on the Island, Hockey and Baseball Tournaments, Niagara Regional Exhibition, and the annual Winter Carnival to name just a few. Contact Welland Chamber of Commerce at 732-7515 for actual dates.



Come join us for Welland's Festival of Arts '88 and enjoy a truly memorable vacation.

Welland's Festival of Arts '88
Seaway Mall, 800 Niagara St. N.,
Welland, Ontario, Canada.
L3C 5Z4

Photos Courtesy of Bogner Photography.

This Brochure Funded by Unemployment Insurance Section 39 Job Creation Program.

Welland's Festival of Arts '88

A Unique Cultural
and
Historical Experience



*We're painting the town....
for you!*

**WELLAND, ONTARIO,
CANADA**

Figure 14
Festival of Arts '88 brochure

*Welland welcomes
one and all....*

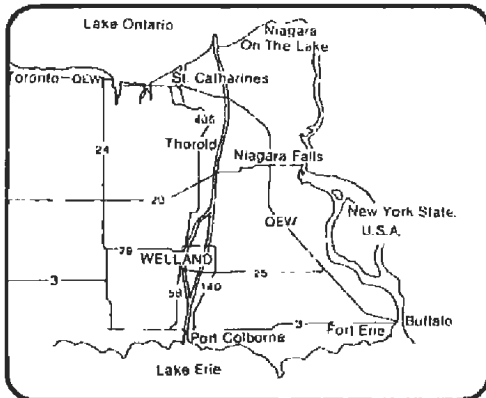
Throughout July and August 1988, you can join in the excitement of the creation of outdoor art about the Welland Canal.

The city itself will become "the canvas" where world renowned artists will create giant murals which will permanently grace exterior walls throughout the community. During this time art lovers of all ages will have the unparalleled opportunity to mingle with the specially selected painters and sculptors.

Welland is located in the heart of the Niagara Peninsula, just a short drive from Niagara Falls - one of the most popular tourist areas in the world. Historic Niagara has much to offer with many cities, towns and small villages, each with its own distinct flavour.

Famous for its canals and aqueduct system, Welland offers its visitors a unique vacation to remember.

Welland is also known as the Rose City...famous for both its public and private rose gardens. Yes, Welland has it all...delicious gourmet dining, fast foods, excellent accommodations and top notch service.



*and there's more....
much more....*

Welland is rich in history, rich in beauty and rich in recreational resources. Where else can you waterski in the heart of a downtown core? The recreational waterway offers a unique opportunity to partake in all forms of water related activities.



Swimming, boating, hiking, and picnicking are all pleasant ways to spend a summer afternoon on the grassy slopes of the canal banks. Spectators can enjoy the fast pace of power-boat racing, rowing regattas, and waterski competitions.

Ships from around the world pass through the 6.3 mile long canal bypass which features two tunnels. Considered one of the greatest engineering feats of our time, this system provides an exciting attraction.



Figure 15
Festival of Arts '88 brochure

REFERENCES

¹ Monograph, "Chosen Themes" Welland Festival of Arts, 1988. Logo of Festival of Arts in top left corner with stamp of "Seaway Mall, Welland, Ontario L3C 5Z4 788-3000 beneath. This is a list of 15 themes chosen for the artists to interpret for the first murals. Other themes included the Aqueduct – Building of etc., the Welland Canal-Welland Club 1915, Sports Today – Triathlon etc. College, Bridges – Up&Down. Port Robinson mishap etc., Downtown Welland – 1940, Welland Fair – Trolley, Tug Boats, Canal digging -Men digging by hand-Mules hauling dirt away, Founding Fathers-Opening of Canal, Tunnel with cars, train, ship going through canal, Battle of Cook's Mills, Waiting for the bridges (Cartoon), Immigrant Families and Industries – Large mural depicting different industries (Circular).

² Jerry Gibb, A Festival of Canadian Art: Welland's Giant Outdoor Murals; Promote Welland Task Force, 1991, p.p. 34-35.

³ Gibb, A Festival of Canadian Art, pp 65-67.

"Thermwall" was chosen as a base because it had been subjected to various Federal performance tests for weathering, impact resistance and bond strength with good results. The artists were provided with safety masks and goggles and were working outside but several complained of dizziness, nausea and red eyes while working with the acrythane paint. This was complicated by record high temperatures during the summer of 1988.

⁴ Gibb, A Festival of Canadian Art, p 77

⁵ Gibb, A Festival of Canadian Art, pp.5, 83,84.

⁶ Gibb, A Festival of Canadian Art, pp. 5-8.

⁷ Gibb, A Festival of Canadian Art, p. 87.

Full page ad, "Capture the Spirit" Welland Tribune June 26, 1987, pg. 10.

Another full-page ad in the Welland Tribune on Jan 2, 1988 laid out a request for donations ranging from \$5.00 (mural booster) through \$100.00 "Patron of the Arts" and unlimited "Festival Sponsor". The ad stated that the project would provide job opportunities, boost the economy and improve Welland's lifestyle.

"Festival of Arts wants to meet with community groups, clubs", Tribune, Feb. 11, 1988, p. 3.

"Festival \$15,000.00 richer thanks to John Deere", Tribune, April 28, 1988, p. 1.

"15,000 more for festival; painting to start Monday" Tribune, June 30, 1988, p. 1.
GenCorp Canada Incorporated donated.

Ernie Allen, president of Doral Holdings (owner of Seaway Mall) provided office space worth \$17,000.00 over two years. "Office space free, says Woodward", Tribune, Aug. 11, 1988 p. 3.

"Good for business: Marando. Downtown merchants urge arts fest support", Tribune Aug. 26, 1988, p. 3.

"Exciting evening caps off an energetic campaign" Tribune Dec. 15, 1988. Dream Home draw; Royal Bank donated \$15,000.00

"Boosting arts fest", Tribune Dec. 13, 1988 – Bell Canada donates \$1500.00.

"Stelpipe makes \$15,000.00 Commitment. Company a pipeline of arts fest funds". Tribune, Mar. 28, 1989

"Slovaks support festival" Canadian Slovak League Branch 23 donates \$1000.00. Tribune, Mar. 14, 1989.

During 1988 and 1989 there were 15 more similar articles in the Tribune announcing donations from local individuals, businesses and organizations.

⁸ Gibb, A Festival of Canadian Art, p. 87.

Martin Pokol, "Spinoff effect immeasurable Roy says of festival potential", Welland Tribune Feb. 2, 1988.

Ken Avey, \$81,000 boost for Arts '88", Tribune Feb. 2, 1988. Member of Parliament Allan Pietz announced an \$81,435.00 grant, \$57,810 to employ six people and \$23,625 for equipment and materials.

"City OK's arts festival funding" Tribune Mar. 16, 1988. \$15,000 grant + \$1 for every \$2 raised privately to a maximum of \$15,000.

"Pietz passes the buck, feds give arts fest \$20,000." Tribune Dec. 2, 1988. Total of \$106,000.00 donated to Festival by Federal Government through Pietz.

"332,000 for Festival of Arts", Tribune Mar. 9, 1989. A federal grant under the Community Initiative Fund to support 10 murals.

⁹ Gibb, A Festival of Canadian Art, pp. 5-7.

Monograph, "Chosen Themes" Welland Festival of Arts, 1988.

Joop Gerritsma, article, The Welland Tribune, July 1988.

¹⁰ Paul Bagnell, "A Clear View of the Future", Tribune, Jan. 19, 1988

"Praise Heaped on Arts Festival", Welland Tribune, March 15, 1988, p. 1.

¹¹ "Welland's walls tell great tales on TV newscast", Welland Tribune Aug. 2, 1990.

Article about CFTO (Toronto) news film with reporter Glenn Cochrane.

"We asked for a translation and we got it", Welland Tribune, July 24, 1989 Article about a feature article in a Japanese publication on the Festival of Arts.

"Case of the mystery festival story solved" Welland Tribune, June 20, 1990, p. 6. Article about Welland's murals appears in Latvian magazine AVOTS.

"Buffalo newspaper tells the story of Welland's murals", Tribune, Aug. 21, 1989.

"Murals could make Welland the world's largest art gallery", Toronto Star Nov. 14, 1988.

¹² Gibb, A Festival of Canadian Art, p. 5

¹³ Mark Tayti, "New committee aims to save the murals" Welland Tribune, May 22, 1997.

¹⁴ Joe Barkovich, "Arts festival plan to save murals?" Welland Tribune April 24, 1996

¹⁵ Joe Barkovich, "Task force searches for group to keep up city murals", Welland Tribune April 20, 1996

¹⁶ Brian Price, "Mural Repairs \$10,000", Welland Tribune, May 27, 1996.

"Saving Giant Murals Purpose of Meeting", Welland Tribune May 28, 1996.

¹⁷ Joop Gerritsma, "Degroot heads new arts fest" Welland Tribune Aug. 20, 1997

Tayti, "New committee aims to save the murals"

¹⁸ "A Clearer Vision", photo, Welland Tribune, September 24, 1997 shows Tannis Koskela working on restoration of The Cordage Community mural.

"Tour Welland murals during Festival of the Arts", Welland Tribune, Aug. 19, 1997.

Brad Moscato, "'Mors awareness is needed' for arts" and "Murals are 'more than just giant postcards'", Welland Tribune, August 25, 1997.

Bernd Franke, "Arts fest fading into history?", Welland Tribune, June 6, 1998.

"Arts festival will focus on downtown", Welland Tribune, Feb. 25, 1998

¹⁹ Bernd Franke, "City's murals are a work in progress, official says" Tribune, June 6, 1998.

Franke, "Arts fest fading into history?"

²⁰ "Festival gets \$45,000", Tribune, June 19, 2000.

A website with links to photos of the murals is still online at <http://wellandmurals.ca/> courtesy of local artist James Takeo.

Various videos from the Festival of Arts (Welland Murals) from 1988 and 1989 are also available on youtube. Includes us artist interviews, news footage, and promotional videos from various sources. English and French. Published by James Takeo on YouTube Nov. 6, 2015

<https://www.youtube.com/watch?v=moK51QpHzqY>

<https://www.youtube.com/watch?v=-Fm6wxzMAF8>

²¹ Gibb, A Festival of Canadian Art, p. 86.

²² Gibb, A Festival of Canadian Art, p. 6

²³ "Festival of the Arts after artist's nation-wide", Tribune, Jan. 7, 1988, p.1

²⁴ "Mural Damage: It'll cost less than \$100 to fix, Woodward says", Tribune, Dec. 10, 1988.

²⁵ Pat Barevich and Joop Gerritsma, "Tempers flare at mural meeting", Tribune, April 15, 1989, p1.

Ken Avey, "Not to blame for any deterioration: experts. Mural material the best" Tribune, April 14, 1989.

²⁶ Brian Price, "Mural repairs \$10,000", Tribune May 7, 1996.

²⁷ Joe Barkovich, "Task force searches for group to keep up city murals"

²⁸ Barkovich, "Task force searches for group to keep up city murals"

²⁹ Email, August 12, 2019. Wendy Baker, Acting Manager, Treatment and Collections: Textiles, Furniture and Fine Arts, Canadian Conservation Institute, Department of Canadian Heritage / Government of Canada to Nora Reid, Secretary/Treasurer and Researcher, City of Welland Heritage Advisory Committee.

“Tugboats” Mural Recommendation for Designation:

Criteria for Designation (from the Heritage Toolkit)

Property should have

Design or Physical Value

- Rare or unique
- High degree of craftsmanship or artistic merit
- High degree of technical/scientific achievement

Historical or Associative Value

- Direct associations with a theme, event, person, activity, organization etc. significant in the community
- Information that contributes to an understanding of a community or culture
- Reflects work of an architect, artist or builder significant to the community

Contextual Value

- Important in defining, maintaining or supporting the character of an area
- Physically, functionally or historically linked to its surroundings
- Is a landmark

This mural meets all these criteria –

Design – it is one of a kind and high degree of artistic merit

Historical/Associative Value – direct association with major community project, the “Festival of Arts”; provides understanding of community aspirations and values during that time; work of a Canadian artist chosen after country-wide competition.

Contextual Value – highly visible part of the character of the neighbourhood; located in a high traffic area downtown across from the Courthouse and Civic Square Municipal Building

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STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST
"TUGBOATS" MURAL
77 EAST MAIN STREET, WELLAND ONTARIO

Description of Property

The 37foot x 16 foot mural is on its original site and has not been moved. The mural is located on the east wall of 77 East Main Street, Welland and faces Cross Street.

Statement of Cultural Heritage Value or Interest

The mural portrays the "Hector" tugboat, used during the 1920's to pull ships and barges through the Old Welland Canal. The mural shows the tugboat in three locations: in the lake, going through the canal and docking for loading and unloading. The graphic bars divide the three scenes, while the sky above and water below unite all the elements into one picture. The blue colour that surrounds the three boats helps to frame the pictures and accents the main colour in a seaman's life. As the artist was also a trained juggler, the image includes three juggling balls and a cigar painted on the wooden dock.

The mural is the work of Canadian artist Stefan Bell, a commercial and fine artist and juggler who also painted the largest mural in Canada at Creston British Columbia and whose work was exhibited in major cities across Canada.

This mural was part of the "Festival of Arts", a project started by the "Promote Welland Task Force", a non-profit organization whose mandate was to promote economic growth and prosperity. Based on an idea borrowed from Chemainus, British Columbia, the Festival of Arts saw 26 giant murals created in the downtown and north end of the city between 1988 and 1990. Artists were selected to complete the murals from entries received from across Canada. The themes chosen for the murals were taken from local history.

It was hoped that the murals would bring in hundreds of thousands of visitors to the City and inject millions of dollars into the local economy. Funds for the project were provided by all levels of government, local businesses, industry, organizations and citizens.

Description of Heritage Attributes

Key attributes of this structure that reflects its cultural heritage value to the City of Welland include:

- The location of the mural in the heart of downtown Welland at the corner of East Main and Cross Streets across from the Welland Courthouse and the Civic Square.

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STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST
"TUGBOATS" MURAL
77 EAST MAIN STREET, WELLAND ONTARIO

- The mural's tugboat theme, depicting the "Hector" tugboat used during the 1920's to pull ships and barges through the Old Welland Canal, relates it to the 200-year history of the Canal which was central to the inception and growth of the City of Welland.
- It's size (37 feet x 16 feet) and central location make the mural a familiar landmark in the downtown core
- The mural is one of a series of giant murals in the downtown core and contributes to the continuity of the display of Festival of Arts murals in the downtown area, some of which have already been lost
- The mural is a realistic depiction that illustrates its theme with bright colours and subtle blending and has retained its original colour and vibrancy
- The mural is the work of artist and juggler Stefan Bell, whose work has been exhibited across Canada.

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Ombudsman

J. Paul Dubé, Ombudsman

January 9, 2020

BY EMAIL

Mayor and Council
c/o Tara Stephens, Clerk
60 East Main Street
Welland, Ontario L3B 3X4

Dear Mayor and Members of Council for the City of Welland:

Re: Closed meeting complaint

I am writing regarding a complaint received by my Office about a closed meeting held by council for the City of Welland on September 17, 2019. The complaint alleged that council's discussion did not fit within the "personal matters about an identifiable individual" closed meeting exception in the *Municipal Act, 2001*.

Based on the information available as referred to below, council was entitled to go into closed session on September 17 to discuss the matter raised in this complaint. Accordingly, I have determined that I will not be reviewing the complaint further. However, I would like to provide you with best practice suggestions to assist the municipality with future meetings.

Closed meeting investigator

As of January 1, 2008, the *Municipal Act, 2001* gives citizens the right to request an investigation into whether a municipality or its local boards have complied with the Act in closing a meeting to the public. Municipalities and local boards may appoint their own investigator or use the services of the Ontario Ombudsman. The Act designates the Ombudsman as the default investigator for municipalities and local boards that have not appointed their own. I am the closed meeting investigator for the City of Welland.

Review

In investigating this complaint, my Office spoke to the complainant and with city staff. My Office also reviewed the agenda, meeting minutes, and the closed session minutes and the materials that was distributed to the council members, in addition to the city's procedure by-law.

Bell Trinity Square
483 Bay Street, 10th Floor, South Tower, Toronto, ON M5G 2C9
483, rue Bay, 10^e étage, Tour sud, Toronto (Ontario) M5G 2C9
416-586-3347
416-586-9659 1-866-411-4211

I. Paul Dubé, Ombudsman

Application of the “personal matters” exception

The complainant told my Office that council for the City of Welland had an *in camera* discussion on September 17, 2019 that did not fit within the “personal matters” exception, which was cited to close the meeting to the public.

The agenda and minutes for the September 17 meeting indicate that council closed the session under section 239(2)(b) of the Act, which allows *in camera* discussions about “personal matters about an identifiable individual, including municipal or local board employees.” The agenda stated that council would be moving into closed session to discuss “Citizens appointment to the following: Arts and Culture Advisory Committee, Senior Citizens Advisory Committee.”

The closed session minutes indicate that council discussed appointments to two committees: the Arts and Culture Advisory Committee and Senior Citizens Advisory Committee.

For the “personal matters” exception to apply to an *in camera* discussion of council, it must reveal personal information about an identifiable individual. It must also be reasonable to expect that disclosing the information publicly could lead to the individual to be identified.¹ Furthermore, the qualifications of potential candidates for appointment to municipal committees, including information about work history and volunteer experience, can be considered personal matters.²

The municipality advised my Office that the council members discussed the applicants’ application and résumé, which included a description of their work history, volunteer experience and education. My Office was also informed that the discussion about the applications to the city committees lasted approximately five minutes. This discussion involved personal information about the applicants and was appropriate for consideration in closed session under the “personal matters” exception.

Resolution to proceed into closed session

The minutes for the September 17, 2019 meeting indicate that the resolution to go into closed session did not provide a description of the general nature of the matters to be considered *in camera*.

Subsection 239(4) of the *Municipal Act, 2001* requires municipalities to pass a resolution to state the fact of a closed meeting and the general nature of the topic to be discussed, before proceeding *in camera*. The Ontario Court of Appeal has recognized that, “the resolution to go into closed session should provide a general description of the issue to be discussed in a way

¹ *Ontario (Ministry of Correctional Services) v Goodis* [2008], OJ No 289 at para 69.

² *Woolwich (Township of) (Re)*, 2015 ONOMBUD 24 at para 60, online: <<https://bit.ly/36su26t>>. See also *Bracebridge (Town of) (Re)*, 2015 ONOMBUD 10, at paras 37-41, online: <<https://bit.ly/35T7cVn>>.

J. Paul Dubé, Ombudsman

that maximizes the information available to the public while not undermining the reason for excluding the public.”³

- The meeting resolution to proceed into closed session referred to the “personal matters” exception, but did not describe the general nature of the subject matter to be considered. A more descriptive resolution could have provided greater information to the public without undermining the reason for meeting *in camera*. We note that a description of the general nature of the matters to be discussed was included in the agenda for the meeting.

We spoke with city staff on November 12, 2019, who agreed that, going forward, all resolutions to proceed into closed session would contain a general description of the topics to be discussed, to the extent possible without undermining the reason for closing the meeting, in addition to the cited exception.

Conclusion

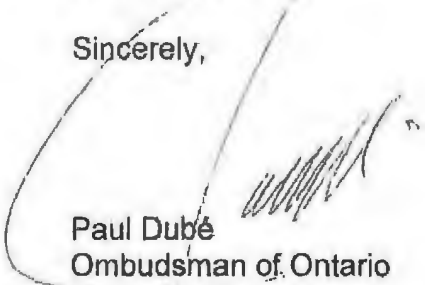
Council was entitled to go into closed session on September 17, 2019, to discuss the matter raised in this complaint under the stated exception to the open meeting rules.

To assist municipal councils, staff, and citizens, we have developed an online Digest that contains summaries of the Ombudsman’s open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s past decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the Digest to inform their discussions and decisions on whether a matter should or may be discussed in closed session, as well as issues related to open meeting procedure. Summaries of previous Ombudsman decisions may be reviewed in the Digest at www.ombudsman.on.ca/digest.

We would like to thank you and your staff for your co-operation during our review.

We ask that this letter be made public at your earliest convenience, and no later than the next council meeting.)

Sincerely,



Paul Dubé
Ombudsman of Ontario

cc: Tara Stephens, Clerk (clerk@welland.ca)

³ *Farber v. Kingston City*, [2007] O.J. No. 919, at page 151.