



## **COUNCIL MEETING AGENDA**

**Tuesday, February 4, 2020  
7:00 P.M.**

**COUNCIL CHAMBERS – CIVIC SQUARE**

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- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:40 p.m.)  
(See yellow tab)**
  - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board:
    - *Niagara Central Airport Commission.*
  
- 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**

Regular Council Meeting of January 21, 2020 (*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)**
  
- 4. ORAL REPORTS AND DELEGATIONS**
  - 4.1 PRESENTATIONS**

Plaque presentation by Mayor Campion to Dr. Dan Patterson for years of service as President of Niagara College.

**19-78** Gary Long, Chief Administrative Officer, Vince Beaudoin, Manager, Public Works, and Glen Walker, Executive Director, Positive Living Niagara re: Safe Needle Disposal.



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### **4.2 DELEGATION(S) (maximum 5/10/5 policy)**

**19-94** Scott Sutton re: 155 Gadsby Avenue petition.  
(pages 255 to 268).

### **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)**

**(Councillor Speck)**

**20-22** THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to investigate safety concerns at the intersection of Golden Boulevard east and west and Hagar Street and prepare a report with recommendations to increase safety.

**(Councillor Chiocchio)**

**10-76** THAT THE COUNCIL OF THE CITY OF WELLAND enhances the Community Improvement Plans for the Downtown and Health and Wellness Cluster to include the following streets: Young, Griffith, State, Alberta and Park Streets; and further

THAT Welland City Council directs staff to review and report back the official plan amendment for designating these areas in the CIP boundaries.

**(Councillor Chiocchio)**

**20-22** THAT THE COUNCIL OF THE CITY OF WELLAND directs staff investigate and report to Council the dedication of 10 city parking spots behind City Hall paid parking to the Peters Group owner of 3 Cross Street at a yearly charge.



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**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**

**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 4<sup>th</sup> day of February, 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:**

**Referred from the January 21, 2020 Council Meeting.**

- 1 - 190**      **P&B-2020-08** 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

#### **2. COMMITTEE AND STAFF REPORTS**

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

- 191 - 192**      **2. General Committee Report to Council - January 14 and 28, 2020.**

- 193 - 195**      **FIN-2020-01** Manager of Budgets and Financial Reporting/Deputy Treasurer, E. Pankoff - 2020 Permissive Grants. Ref. No. 20-5

##### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2020 Permissive Grants attached to Report FIN-2020-01 as Appendix I.

- 196 - 200**      **FIN-2020-02** Manager of Budgets and Financial Reporting/Deputy Treasurer, E. Pankoff - Low Income Senior Water/Wastewater Rebate Program. Ref. No. 20-37

##### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Low Income Seniors Water/Wastewater Rebate as outlined in Report FIN-2020-02.





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**3. Budget Review Committee Report to Council - Nil**

**4. Staff Reports**

<b>201 - 202</b> Remove From Block	<b><u>CAO-2020-01</u></b>	Chief Administrative Officer, G. Long - Safe Needle Disposal - Update. Ref. No. 19-78
<b>203</b>	<b><u>CLK-2020-03</u></b>	City Clerk, T. Stephens - Lottery License. Ref. No. 20-3
<b>204 - 205</b>	<b><u>FIN-2020-03</u></b>	Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - 2020 Interim Tax Levy. Ref. No. 20-4
<b>206 - 210</b>	<b><u>ENG-2020-03</u></b>	Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Bridge Rehabilitation - Highway 58 CNR & CPR Overhead Bridge. Ref. No. 20-50
<b>211 - 221</b>	<b><u>ENG-2020-06</u></b>	Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Regional Niagara 2020 Waste Collection Contract - Proposed Changes & Welland Enhanced Collection Services. Ref. No. 16-109
<b>222 - 237</b>	<b><u>ENG-2020-07</u></b>	Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Maple Park & Memorial Park Splash Pad Contract Award. Ref. No. 20-19 (See By-law 1)
<b>238 - 239</b>	<b><u>ENG-2020-08</u></b>	Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - 2020 Water Meter Replacement/Upgrade Program. Ref. No. 04-124 (See By-law 2)
<b>240 - 245</b>	<b><u>P&amp;B-2020-07</u></b>	Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Tax Increment Grant Program and all other Incentive Programs - Community Improvement Plan for the Downtown and Health and Wellness Cluster - Karie Constantino - 163 Division Street (File No. 2019-10). Ref. No. 20-51
<b>246 - 248</b>	<b><u>EDO-2020-01</u></b>	Gen. Mgr., Economic Development, Recreation and Culture, D. Degazio - Agreement of Purchase and Sale for 3.5 Acres of vacant City owned lands on Downs Drive in the new River Road and Downs Drive Industrial Park. Ref. No. 18-36 (See By-law 3)
<b>249 - 251</b>	<b><u>EDO-2020-02</u></b>	Gen. Mgr., Economic Development, Recreation and Culture, D. Degazio - Agreement of Purchase and Sale for 2.6 Acres of vacant City owned lands on Downs Drive in the new River Road and Downs Drive Industrial Park. Ref. No. 18-36 (See By-law 4)
<b>252 - 254</b>	<b><u>EDO-2020-03</u></b>	Gen. Mgr., Economic Development, Recreation and Culture, D. Degazio - Agreement of Purchase for vacant City owned lands on the south-east corner of First Street and Plymouth Road. Ref. No. 17-94 (See By-law 5)



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#### **3. NEW BUSINESS**

- 255 - 268** 1. Signed petition by residents re: Zoning at 155 Gadsby Avenue. Ref. No. 19-94  
Remove From  
Block

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the petition from residents received by the Clerk's office on January 14, 2020 regarding 155 Gadsby Avenue and refers the matter to staff.

- 269 - 270** 2. Bill Matson, City Clerk, City of Niagara Falls re: Homelessness. Ref. No. 20-39

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of Niagara Falls dated January 14, 2020 regarding homelessness.

- 271 - 275** 3. Ann-Marie Norio, Regional Clerk, Region of Niagara re: Report CSD 1-2020: Approval of Interim Levy Dates and Amounts. Ref. No. 20-4

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated January 24, 2020 regarding Report CSD 1-2020: Approval of Interim Levy Dates and Amounts.

- 276 - 295** 4. Ann-Marie Norio, Regional Clerk, Region of Niagara re: Report PDS 1-2020: New Niagara Official Plan - Public Consultation Summary. Ref. No. 19-70

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated January 24, 2020 regarding Report PDS 1-2020: New Niagara Official Plan - Public Consultation Summary.

#### **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 A.B.C. Recreation Ltd. for Splash Pads and Amenities at Maple Park and Memorial Park. Ref. No. 20-19  
(See Report ENG-2020-07)
2. A By-law to authorize a change order to the existing contract with Neptune Group (Canada) Ltd. to extend the water meter replacement/upgrades through year 2020; and to amend By-law 2019-84. Ref. No. 04-124  
(See Report ENG-2020-08)



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3. A By-law to authorize acceptance of an offer from 603697 Ontario Limited for sale of vacant land on Downs Drive (River Road and Downs Drive Industrial Park).  
Ref. No. 18-36  
(See Report EDO-2020-01)
4. A By-law to authorize acceptance of an offer from E.N.K. Construction Management Ltd. for sale of vacant land on Downs Drive (River Road and Downs Drive Industrial Park). Ref. No. 18-36  
(See Report EDO-2020-02)
5. A By-law to authorize acceptance of an offer from Habitat for Humanity Niagara for sale of vacant land at Plymouth Road and First Street (Part Block U Plan 564, part road allowance between Lots 24 and 25 Concession 4). Ref. No. 17-94  
(See Report EDO-2020-03).

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

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

19-105

**REPORT P&B-2020-08  
FEBRUARY 4, 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 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.

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 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:

*"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

Bell Canada  
(August 19, 2019)

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.

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.

#### **Council Comments**

**A number of questions regarding the wetland, particularly regarding the mapping and size. The PSW was evaluated in 2014 by the Ministry of Natural Resources and Forestry staff as a result of an appeal to the Ontario Municipal Board regarding the proposed development of the subject site. That appeal was made to allow the proposed development at that time to entirely eliminate the PSW. The decision of the OMB was that the wetland boundary, as mapped, was appropriate and the OMB does not have the authority to remove the PSW. The OMB decision has been**

provided as an appendix to this report for Council to review the investigation into the PSW that was previously completed.

A number of questions regarding the potential for the size of the wetland to increase were also raised once the pipe is removed or plugged, and if the PSW could be reevaluated prior to the development application moving forward. There was also the question as to whether the pipe could be plugged and then the development could be evaluated. The development of the property is the impetus for the pipe removal as the City has no ability to otherwise require the developer to remove or plug it. One of the conditions of draft plan approval that have been required by the City is that the developer not only plugs the pipe, but also evaluates what will happen to the water that is now captured in the wetland area.

Questions were also asked regarding whether the PSW should be reevaluated now, or after the pipe is plugged to determine the extents of the wetland. The PSW was originally evaluated in 2009 by the MNR at the cost and request of the NPCA. This was completed as part of a larger review of all of the wetlands within Niagara. The PSW was re-evaluated in 2015 as part of the Ontario Municipal Board Hearing. In discussions with the NPCA regarding the need to reevaluate the wetland on the subject lands, it was advised that the reevaluation would need to be done at the larger wetland complex area, which extends beyond the property lines and could encompass a significantly larger area. This would require a considerable amount of work, as well as costs, which would likely be borne by the City to undertake this investigation. The reevaluation of the wetlands in this complex could result in an increase in their size, but could also result in a decrease in the size, providing additional lands for development.

It should be emphasized, that the subject applications are not proposing to remove the wetland, but rather develop on the surrounding lands. The applicant has completed an EIS, which has been reviewed by the City, Region, and NPCA, including the on-staff biologist at the NPCA. All three agencies have reviewed the findings of the EIS and are satisfied that the buffer can be reduced to 15 metres, which is permitted by policies. The proposed planting buffer, fencing requirements and distance from the proposed dwellings to the wetland all create a situation where the 30 metre buffer can be reduced to 15 metres. In addition to this, the City has permitted the reduction to the PSW buffer for other developments along the Drapers Creek watershed area. The proposal here is consistent with other approvals of Council.

A question was raised regarding the acceptance of cash-in-lieu of parkland dedication rather than parkland for this development. Staff feels that it is appropriate to accept the cash-in-lieu payment at this time rather than the physical lands as the amount of parkland that would be received would be limited in size and would have limited ability to provide parks programming. In addition to this, the City will receive Block 1 with the PSW, which may allow for limited passive recreational uses. There are areas within the 15 metre buffer area that could be used as naturalized parklands, as well as working with the NPCA there may be opportunities to provide passive walking trails, boardwalks or lookouts. The City will explore these options with the NPCA to determine the extent to which any passive recreational uses can be located within Block 1. Staff have provided the proposed landscape plan as an attachment to this report which identifies the boundaries of the PSW, a 3 metre buffer, and the 15 metre buffer on the plan. The plan also shows

**the proposed plantings that will occur within the stormwater dry-pond area which will provide a buffer between the proposed dwellings and the buffer.**

**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:

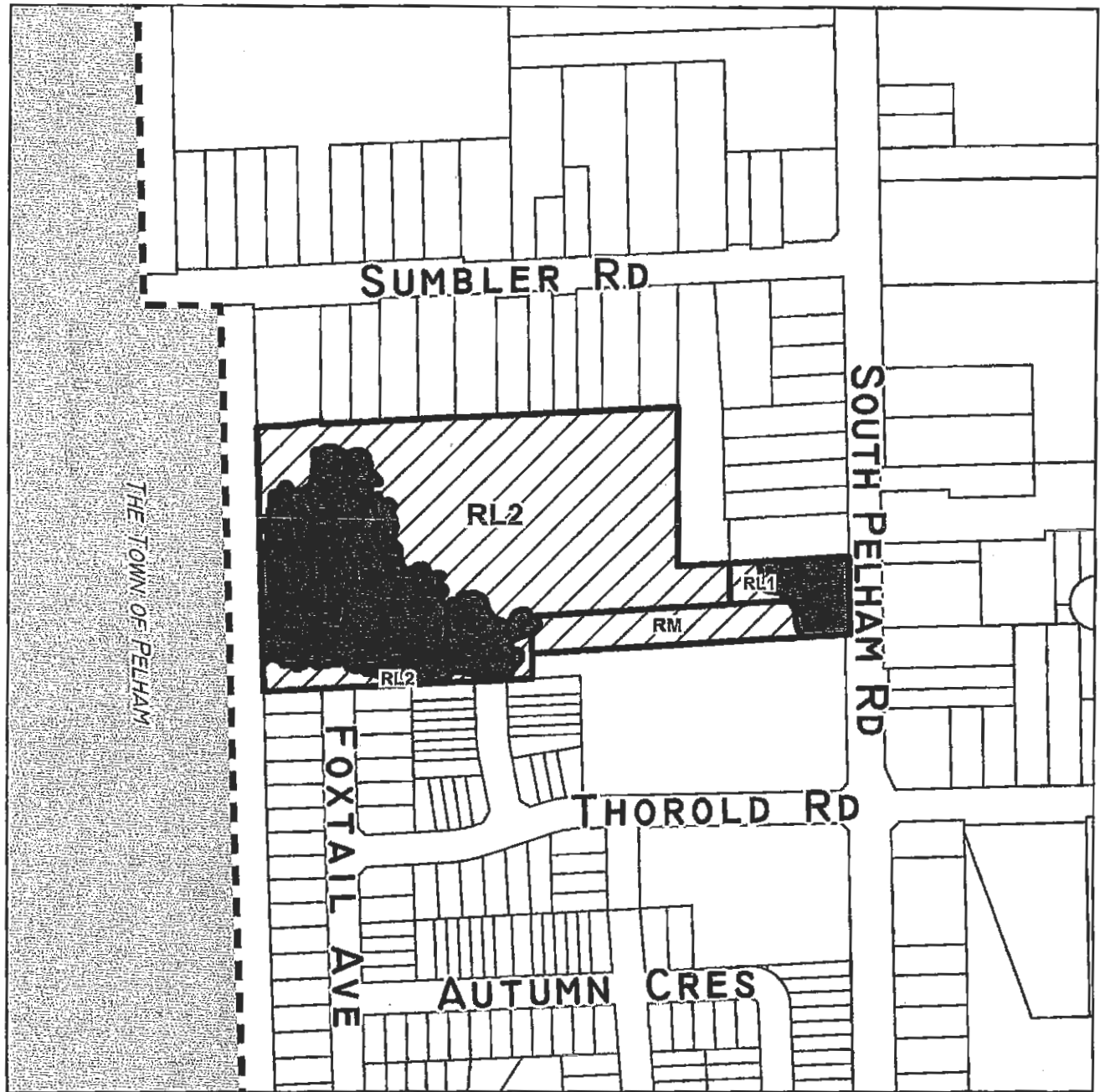
1. Is consistent with Provincial, Regional, and City policies which promote infilling and the efficient use of land within the City's Urban Area;
2. Create a walkable and complete community;
3. Protects environmental lands from development; and,
4. Efficiently uses public services and facilities.

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
<b>Appendix VII</b>	-	<b>Ontario Municipal Board Decision PL150694</b>
<b>Appendix VIII</b>	-	<b>Southwoods Condominium – Concept Landscape Plan</b>

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



## KEY MAP

-  EP
-  EC
-  SUBJECT LANDS



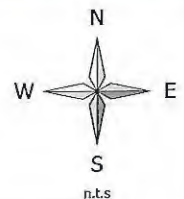
Infrastructure and  
Development Services  
Planning Division





## AERIAL PHOTO OF THE SUBJECT LANDS

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



*Infrastructure and  
Development Services  
Planning Division*





**AMENDMENT NO. 23**  
**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. 23**

**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. 23 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. 23 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. 23 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. 23**  
**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. 23 TO THE OFFICIAL PLAN OF THE  
CORPORATION OF THE CITY OF WELLAND**

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

### **TITLE AND COMPONENTS**

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 23 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. 23 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. 23 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. 23 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 X<sup>th</sup> day of February, 2020.

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**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. 23 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. 23 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. 23 to the Official Plan on January 21, 2020 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 23 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

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**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. Rachele 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**

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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.



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## **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 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.

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- 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.

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- 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](mailto: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](mailto: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.

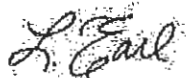
## **Conclusion**

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](mailto: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



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

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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.

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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,

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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.

CD-19-014  
September 11, 2019

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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**

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**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](http://www.welland.ca)

   YourChannel

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**From:** Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)>  
**Sent:** January-14-20 11:49 AM  
**To:** Matt Richardson <[matt.richardson@welland.ca](mailto: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](mailto:planninganddevelopment@bell.ca)

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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](mailto: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](mailto: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](mailto: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](mailto: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 Foxtall 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](http://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)



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 cursive script, appearing to read "S. Larocque".

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](http://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,

**Niagara  Region****Planning and Development Services**

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

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**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. Rachele 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**

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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.

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## **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.

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- 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](mailto: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](mailto: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.

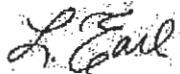
## Conclusion

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](mailto: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

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

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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.

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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,



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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. Rachele 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.

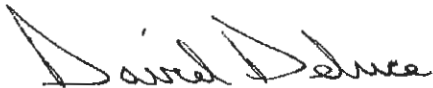
1. That the provincially significant wetland (PSW) and its associated 15 metre buffer be zoned Environmental Protection or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority.
2. That the Developer obtain a Work Permit 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

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

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

**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 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.

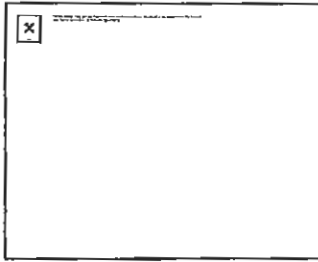
Derek Brunet  
453 Foxtail Avenue  
Welland ON L3C 7N7  
(289) 820-7908

On Tue, Aug 13, 2019 at 2:26 PM Rachelle Larocque <[rachelle.larocque@welland.ca](mailto: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

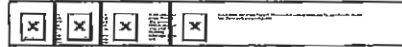
Corporation of the City of Welland

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 <[redacted]>

**Sent:** August 13, 2019 1:41 PM

**To:** Rachelle Larocque <rachelle.larocque@welland.ca>

**Subject:** File 26CD-14-19003 and related applications

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

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**

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**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

51 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

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 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.

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

51 Sumbler Road

Welland Ont.

L3C 3P1

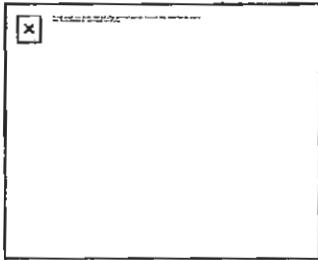
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**From:** Rachelle Larocque <rachelle.larocque@welland.ca>  
**Sent:** September 5, 2019 12:06 PM  
**To:** John marchio  
**Subject:** RE: Meeting Notes of Aug. 29,2019

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 6<sup>th</sup>. 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  
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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](mailto:grant.munday@welland.ca).

Sincerely,  
Rachelle Larocque

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**Rachelle Larocque**

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**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>

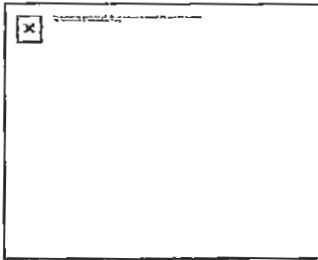
**Cc:** Rachelle Larocque <rachelle.larocque@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>  
**Subject:** RE: Southwoods Development - South Pelham Road Welland Ontario

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**

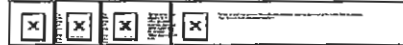
Manager of Development Approvals  
 Planning Division

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

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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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DON LABUTE COMMENTS  
RECEIVED SEPTEMBER 6, 2019

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.

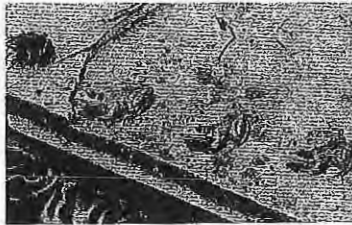
On August 19, 2019 water was still present in the PSW.

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

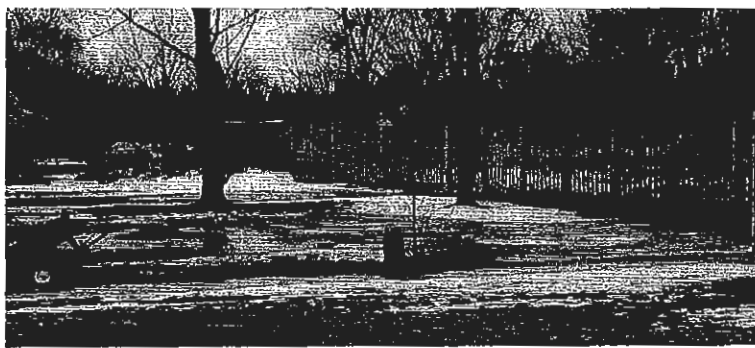


Figure 2

### 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.**



Appendix VI  
**UPPER CANADA  
 CONSULTANTS**  
 ENGINEERS / PLANNERS

Upper Canada Planning  
 & Engineering Ltd.  
 3-30 Hannover Drive  
 St. Catharines, ON L2W 1A8  
 T: 905-888-8400  
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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**

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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"> <li>a) Increased traffic on Sparrow Drive and South Pelham Road</li> <li>b) Increased congestion at an already busy intersection (South pelham and Thorold Road)</li> <li>c) Difficulty turning left onto South Pelham Road from the new proposed access road.</li> <li>d) Increased pedestrian traffic on South Pelham Road, which has no sidewalk/shoulder.</li> </ul>	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"> <li>a) The intersection of Sumbler Road and South Pelham Road is not controlled (no traffic light)</li> <li>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.</li> <li>c) Wait times to safely enter South Pelham Road from</li> </ul>	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
	<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 Fonhill 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 patters.  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.
<b>TOWN OF PELHAM</b>			
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
<b>CITY OF WELLAND</b>			
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.
<b>NIAGARA REGION</b>			
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"> <li>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);</li> <li>b. Vegetation removals be undertaken between September 1 and mid- March, outside of the core breeding bird nesting period.</li> </ul>	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	No objection.  This Plan will be submitted as part of the Site Plan Application.
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	No objection.  This plan will be prepared by Beacon.
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 is 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	This condition cites that this matter is to be addressed to the satisfaction of the <u>City</u> .  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.  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.  As part of the required, related site plan agreement, the following clause, which has been approved by the Region previously, is recommended:  <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>



No.	Comment	Authority/Person	Response
			<p>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."</p>
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"> <li>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;</li> <li>II. Detailed erosion and sedimentation control plans;</li> <li>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,</li> </ul>	<p>Niagara Region Condition 10</p>	<p>No objection.</p> <p>The detailed stormwater management plan will be submitted with the Site Plan Application.</p>
50	<p>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.</p>	<p>Niagara Region Condition 11</p>	<p>There is no "Development Agreement" at this time. We assume this is referring to the Condominium Agreement.</p>



No.	Comment	Authority/Person	Response
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.



No.	Comment	Authority/Person	Response
	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.



No.	Comment	Authority/Person	Response
	Niagara Region's corporate waste collection policy."		
<b>NIAGARA PENINSULA CONSERVATION AUTHORITY</b>			
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.





No.	Comment	Authority/Person	Response
	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.



No.	Comment	Authority/Person	Response
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.





No.	Comment	Authority/Person	Response
<b>Members of Council</b>			
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
			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)<sup>1</sup> 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*

<sup>1</sup> 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**



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**Niagara  Region**


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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

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**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**

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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.



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## **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.

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- 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.

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- 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](mailto: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](mailto: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](mailto:jennifer.whittard@niagararegion.ca).

Best regards,



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September 11, 2019

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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



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

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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.

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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,

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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.



**BEACON**  
ENVIRONMENTAL

GUIDING SOLUTIONS IN THE NATURAL ENVIRONMENT

September 12, 2019

BEL 217369

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

via e-mail: [craig@ucc.com](mailto: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 where 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

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80 Main Street North  
Markham, ON L3P 1X5  
T) 905.201.7622 ✪ F) 905.201.0639

BRACEBRIDGE  
126 Kimberley 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) 705.999.4935

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.

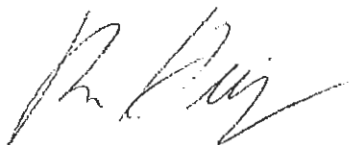
Based on existing habitat associated with the subject lands, potential SAR within the City of Welland, and detailed site surveys conducted for the subject lands over a number of years which did not identify the presence of any SAR, no SAR are expected to occur during the construction phase of the development. 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.



**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** November 15, 2016

**CASE NO(S):**

PL150694

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Arber Developments Ltd. and Hert Inc.
Subject:	Request to amend the Official Plan - Refusal of request by the City of Welland
Existing Designation:	Core Natural Heritage System, Low Density Residential and Medium Density Residential
Proposed Designated:	Low Density Residential and Medium Density Residential
Purpose:	To permit the development of a subdivision consisting of single detached and multiple residential units
Property Address/Description:	633 South Pelham Road
Municipality:	City of Welland
Approval Authority File No.:	15-73
OMB Case No.:	PL150694
OMB File No.:	PL150694
OMB Case Name:	Arber Developments Ltd. v. Welland (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Arber Developments Ltd. and Hert Inc.
Subject:	Application to amend Zoning By-law No. 2667 - Refusal of Application by the City of Welland
Existing Zoning:	Rural Agricultural Zone (RA), Highway Commercial Zone (C4) and Single-Detached Dwelling - Second Density Zone (R2)
Proposed Zoning:	Site Specific Single-Detached Dwelling - Third Density Zone (R3) and Multiple Dwelling - Third Density Zone (RM3)
Purpose:	To permit the development of a subdivision consisting of single detached and multiple residential units

Property Address/Description: 633 South Pelham Road  
 Municipality: City of Welland  
 Municipality File No.: 15-73  
 OMB Case No.: PL150694  
 OMB File No.: PL150697

**PROCEEDING COMMENCED UNDER** subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Arber Developments Ltd. and Hert Inc.  
 Subject: Proposed Plan of Subdivision  
 Property Address/Description: 633 South Pelham Road  
 Municipality: City of Welland  
 Municipal File No.: 15-73  
 OMB Case No.: PL150694  
 OMB File No.: PL150698

**Board Rule 107 states:**

**107. Effective Date of Board Decision** A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

**Heard:** April 25 to 29, 2016 in Welland, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Arber Developments Ltd. and Hert Inc.	M. Melling and K. Sliwa
City of Welland	T. Hanrahan
Region of Niagara	S. Chisholm
Don Labute	Self-represented

**DECISION OF THE BOARD DELIVERED BY J.V. ZUIDEMA**

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**INTRODUCTION**

[1] A five day hearing had been scheduled further to a Pre-Hearing Conference (“PHC”). At that PHC, the Board, differently constituted, recognized the parties and participant and following that, issued a Procedural Order which was to govern the proceedings.

[2] By way of some background to this matter, the information contained in the Board’s file set out that Arber Developments Ltd. and Hert Inc. (“Appellants”) applied to the City of Welland (“City”) to permit the development of a subdivision consisting of single detached and multiple residential units. The property in question is located at 633 South Pelham Road (“subject property”) in the City.

[3] The applications sought the following:

- a. an amendment to the City’s Official Plan (“OP”) to redesignate the subject lands to Low Density Residential and Medium Density Residential from Core Natural Heritage System, Low Density Residential and Medium Density Residential;
- b. to rezone the subject lands from the existing Rural Agricultural Zone (RA), Highway Commercial Zone (C4) and Single-Detached Dwelling - Second Density Zone (R2) to Site Specific Single-Detached Dwelling - Third Density Zone (R3) and Multiple Dwelling - Third Density Zone (RM3); and
- c. to permit a Plan of Subdivision consisting of thirty-nine (39) lots for single-detached dwellings, 2 Blocks for multiple residential units, 1 Block for future residential, 1 Block for a proposed Storm Water Management Facility and 1 Block for a road widening.

[4] City Council refused the application for an official plan amendment, the application for rezoning and the draft plan of subdivision approval. The Appellants then appealed those decisions to this Board pursuant to subsections 22(7), 34(11) and 51(39) of the *Planning Act*.

[5] The Planning Report recommended that the applications be denied stating that on the subject lands is a Provincially Significant Wetland ("PSW"). Further the report stated that neither the Niagara Peninsula Conservation Authority ("NPCA") nor the Ministry of Natural Resources and Forestry ("MNR") have indicated that the designation can be removed, and as a result the applications could not be supported in its current configuration.

#### **Motions to Adjourn**

[6] Shortly before the hearing was to begin, the Region of Niagara ("Region") and the City respectively filed complimentary Motions to Adjourn. The Motions were not served in accordance with the Board's *Rules of Practice and Procedure* ("Rules") as ten days' notice had not been provided. The motions were supported by Mr. Labute, a party to these proceedings. It was opposed by Counsel for the Appellants.

[7] Following hearing submissions from all Counsel and Mr. Labute, and evidence from witnesses Ms. Morgan Casciani and Mr. Grant Munday, both Affiants to the Motion material, I provided an oral decision dismissing the Motions and directing that the hearing proceed. These Motions consumed the first day.

[8] My oral ruling was substantially as noted below.

- a. Motions to Adjourn brought by the Region and by the City were supported by Mr. Labute and opposed by the Appellants. These two Motions are denied and my reasons are as follows:

- i. The facts are that this hearing was scheduled on consent and

reflected in a Procedural Order issued by the Board a number of months ago.

- ii. The Board controls its processes pursuant to the *Statutory Powers Procedure Act*. That exercise of control and jurisdiction of its procedure is reflected in the Board's Rules.
- iii. The Board's Rules are explicit as they relate to adjournments and the Rules clearly state that adjournments are only granted in the most exceptional cases, especially when adjournments are made without the standard notice requirements, specifically ten days minimum for formal motions.
- iv. No emergency circumstance was alleged by the Moving Parties.
- v. The cornerstone for the request for this particular adjournment is founded on the Province's response to ROPA 11 which response was sent to the Region on or about April 15, 2016, just ten days before this hearing was to begin.
- vi. The Region asserts that it needs the adjournment in order to review the new information from the Province. "Niagara Region needs an opportunity to review the new material from the Province. This review will inform what, if any changes to Niagara Region's case preparation are required." Reference is made to paragraph 11 of Exhibit 3, tab 2, Affidavit of Casciani.
- vii. That new information is attached at Exhibit "D" to Ms. Casciani's affidavit.
- viii. When one reviews this correspondence the MNRF confirms a position it has held for some time, namely that a portion of the

subject property sought for removal from the Region's Environmental Protection Area ("EPA") is part of the Draper's Creek Provincially Significant Wetland Complex. That position has been maintained by the MNRF since 2009.

- ix. That stance has been re-addressed in 2012 and 2013 and on both occasions, the PSW status was confirmed.
- x. Even with the review done further to the Beacon 2015 Environmental Impact Statement ("EIS"), the Province's position remains the same in connection with this PSW.
- xi. With respect, there is nothing new which would justify adjourning this hearing process.
- xii. The Region also asserts that it needs time to assess whether it will need to summon additional witnesses. Reference is made to paragraph 12, Exhibit 6, tab 2.
- xiii. While the affidavit identifies the possibility of this, no such confirmation was provided by Mr. Stephen Chisholm. In fact, his office's earlier correspondence states that the Region will not be calling a witness from the MNRF. Reference is made to page 85 Exhibit 6, tab 21. This email was sent out following the filing of ROPA 11.
- xiv. The City presents virtually identical grounds for its motion citing that it needs an opportunity to review the new material and consider the need for new witnesses. Reference is made to paragraph 7, Exhibit 5, tab 1. Nowhere in the materials are potential new witnesses or disciplines of witnesses identified.

- xv. Mr. Munday affirms in his affidavit “that the main issue in this proceeding is with respect to the determination of whether a Provincially Significant Wetland (“PSW”) exists on the subject lands and the jurisdiction of the Board to make that decision.” Reference is made to paragraph 7, Exhibit 5, tab 2.
  
- xvi. The issue of whether the subject lands contain a PSW has been known for some time given that the Region identified it as early as December 2015. Reference is made to page 6, Exhibit 7, tab 2.
  
- xvii. I am not satisfied that the Region and the City have adequately addressed the prejudice against the Appellants for the adjournment requested. In fact, I do not recall any submissions from them on this particular issue. The Board is required to balance the interests of all parties in its proceedings.
  
- xviii. In this instance, I am not persuaded that an adjournment outweighs the prejudice to the Appellants. For the foregoing reasons, the Board orders that the Motions are dismissed and reserves the right to further elaborate my reasons when I provided a written disposition reflecting this oral decision.

[9] Following the ruling, there was some discussion on whether or not the Region would be bringing a follow-up Motion on the Board's jurisdiction in connection with the potential removal of the PSW but in the end, that Motion was not pursued. The Board then proceeded with the hearing.

### **PSW Threshold Issue**

[10] The parties on consent, sought to phase this hearing with having a threshold issue adjudicated and decided first, as that would presumably set the stage for the remaining planning case. Specifically, the request to structure the hearing in this

manner was requested and acceded to by all the parties.

[11] As such, I was asked by the Appellants to make a finding that the wetland units situated on the subject property were not part of the Draper's Creek Provincially Significant Wetland Complex hereinafter sometimes simply referred to as the PSW complex.

[12] The specific relief sought by the Appellants was to have this threshold issue decided first and follow with a direction to proceed to the next phase of the hearing which would address the planning merits.

[13] To be clear, the starting point for this threshold issue is that the wetland units currently on the subject property ARE part of the PSW complex. The Appellants are trying to establish that those units should not be recognized as part of the PSW. The question is not to determine the status of those units as if they were not evaluated already – they have been evaluated and have been determined to be part of a PSW complex.

[14] For this first phase, I heard overview evidence from Mr. Munday on behalf of the City. Mr. Munday is a professional land use Planner with the City. His evidence was simply to provide the geographical and historical context of the matters before the Board. No opinion evidence was provided at this stage. He provided no planning recommendation.

[15] I then heard from Mr. Ron Huizer who was qualified and accepted as an expert in the areas of biology, wetland evaluation in Ontario and environmental impact assessment. In a nutshell, his evidence was that removal of the wetland units on the subject property would not negatively affect the status of the remainder of the complex. In other words, the Draper's Creek PSW complex would remain, just without the three small wetland units currently situated on the subject property.

[16] Mr. Huizer was candid in his presentation of his data and his application of the



Ontario Wetland Evaluation System ("OWES"). He was forthright to explain that his testimony was being provided in his capacity as a biologist and wetland evaluator.

[17] Mr. Huizer was not a Planner and on a few occasions, his answers reiterated that he could not provide evidence on policy or planning issues. For example, he testified that MNRF holds the data files for wetland evaluations and those are "open" files which meant that the Province accepts updates on evaluations or existing PSW's.

[18] When asked about the policy associated with MNRF's control and jurisdiction on the identification of PSW's, Mr. Huizer stated that he could not comment on the policy or the planning rationale behind them.

[19] I value Mr. Huizer's candour and meaning no disrespect, appreciate that his understanding of land use planning was limited. In fact, on one occasion, Mr. Huizer stated that he believed ROPA 11 was one of the matters before this Board which was factually incorrect.

[20] To be clear, the specific matters before the Board are three planning instruments: a local OPA, a ZBA and a plan of subdivision. The Board's responsibility to adjudicate planning matters goes beyond a dispute between the parties. There are numerous Board decisions and considerable jurisprudence which direct the Board to ensure that the broader public interest is met.

[21] The decision on the threshold issue feeds into these three planning instruments but it does not and should not substitute for the necessary evidence, analysis and determination of those planning documents.

[22] Presumably if the determination on the threshold issue is in favour of the Appellants' position (that the three wetland units should be removed from the PSW complex), then the three planning instruments would be judged and proceed as proposed with development proposed over the areas where the wetland units are situated.

[23] If however, the Board determines that the wetland units should remain as currently recognized as part of the PSW complex, then presumably the planning instruments would require amendment as the development concept would have to be adjusted to reflect the Board's decision.

[24] In either scenario, the initial determination has a material effect on how those planning instruments will be treated. There is no denying this fact.

[25] There is also no denying that the concept of a Provincially Significant Wetland is not just a scientific one. While the science provides inputs of functional assessment, size and point scores to name a few, the notion of a natural feature or features being recognized and protected by having it labelled as a "Provincially Significant Wetland" is linked to provincial policy.

[26] Specifically, the 2014 Provincial Policy Statement ("2014 PPS") defines "Significant" in relation to wetlands as "an area identified as provincially significant **by** the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time." [bold emphasis added] [see Exhibit 2, tab 2, page 33]

[27] In this case, the Board's initial determination would be made without the benefit of any planning opinion evidence. This in my estimation undermines and impedes the Board's responsibility to assess whether the public interest is being met and whether the resulting impact to the planning instruments represents good and proper planning.

[28] While it may have been convenient to the Appellants to segment its case to have a technical threshold issue determined at the outset, doing so bears a risk. To be clear, I cannot ignore that by accepting Mr. Huizer's recommendation to remove the three wetland units from the PSW complex has a direct effect on and correlation to the planning instruments.

[29] I also cannot accept that a determination based on technical and scientific data is

only that. The reality is that this interim decision affects and has an implicit control on the planning instruments. The net effect of a decision to remove the three wetland units is a *de facto* decision to rezone and redesignate without the benefit of planning advice.

[30] Specifically the Appellants did not proffer an expert planning witness to provide evidence that Mr. Huizer's scientific conclusions and implementation thereof, represent good planning and are in the public interest. They wanted to address this at a later phase of the hearing. With respect, such an approach is unacceptable and unduly binds the Board.

[31] Without the benefit of evidence to support Mr. Huizer's recommendations on a planning and policy basis, I must proceed with caution and cannot accede to the Appellant's request.

[32] Further, to address the issues of this case in a piece-meal fashion undermines and erodes the responsibility of the Board to ensure the public interest is met.

[33] To connect my findings to the specific evidence before me, I refer to the Ontario Wetland Evaluation System Southern Manual, 3<sup>rd</sup> Edition, Version 3.3 from 2014 ("Wetland Manual") used by Mr. Huizer in his data collection [found at Exhibit 2, tab 12]. At pages 317 and 318 of this Wetland Manual, guidance is provided on how one is to view the wetland evaluation file held by the then Ministry of Natural Resources ("MNR").

[34] At page 317, it states:

A wetland evaluation must be considered an "open file". Any change to the wetland boundaries (e.g., deletions/additions) after the evaluation file has been **approved** must be documented in the file (e.g., maps showing rationale for boundaries changes). Full documentation of size/boundary changes will facilitate future review and update of the files. [bold emphasis added]

[35] At page 318, it states:

NOTE: Existing wetland boundaries, regardless of their age remain in effect until they are revised and those revisions are **approved** by the

MNR. [bold emphasis added]

[36] Here is where the policy of the Wetland Manual intersects with the application of the technical information. Mr. Huizer was not able to satisfactorily address the rationale for this process or how appeals to this Board were to replace the authority of the MNR as articulated in the Wetland Manual.

[37] From the materials contained in the joint document brief, the Appellant Hert Inc. through its consultant Ms. Jennifer Vida, a professional Planner, certainly was aware of the requirement that MNRF was to provide approval to remove PSW wetland units from the property.

[38] I refer now to the Pre-consultation Meeting Form of the City dated September 18, 2014 and signed by a representative for Hert Inc. wherein it states “need MNR [as it was then] to agree to eliminate, reduce PSW, a wetland evaluation will be required.” [see pg. 427 of Exhibit 2]

[39] The authority to remove or reduce or otherwise amend the PSW on the subject property was again confirmed through correspondence from the Niagara Peninsula Conservation Authority (“NPCA”) in its letter dated May 22, 2015 to the City Planner, Mr. Munday and copied to Ms. Vida.

[40] In that letter, Mr. David Deluce, a registered professional Planner with the NPCA states:

Despite the applicant’s rationale for reclassifying the wetland on the property as non-PSW, the NPCA does not have the legal ability [to] [*sic*] declassify a PSW. This is the role of the Ministry of Natural Resources and Forestry (MNRF). Our understanding is that the applicant approached the MNRF to redefine the PSW boundaries in October 2013, however, the MNRF did not declassify the wetland as a PSW. Given this, the NPCA cannot support the applications as submitted since NPCA policy does not permit new development within a PSW. Should the applicant resolve this issue by either revising the proposed plan (to protect the PSW and provide an appropriate buffer) or having the MNRF remove the PSW classification from the wetland, the NPCA would be in a better position to consider supporting the applications. Please note that if the draft plan is revised to stay of the PSW, the EIS will need to be updated to provide an appropriate buffer from the PSW. [see page 696 of

Exhibit 2]

[41] In this case, the applicant did neither but rather sought through the Board's process to have the PSW removed but without the benefit of planning analysis. For these reasons amongst others noted below, I cannot accept Mr. Huizer's recommendation.

### **Scientific Assessment**

[42] Aside from my reservations noted above, I was also not fully satisfied with Mr. Huizer's analysis with respect to the existence of two items: frogs calls and purple loosestrife.

[43] The existence of purple loosestrife is an indicator of a wetland. Through cross-examination by Mr. Thomas Hanrahan, Mr. Huizer conceded that he relied upon the Environmental Impact Statement prepared by Beacon Environmental ("Beacon EIS") to come to his recommendations with respect to the PSW. Mr. Huizer was not the biologist who prepared this EIS. He used the data from this EIS as an input to formulate his own professional opinions.

[44] Mr. Huizer could not adequately explain why the EIS indicated that purple loosestrife is facultative which was at odds with the information from the MNR staff that purple loosestrife is an obligate wetland plant "which means it needs to live in a wetland area and is a wetland indicator plant as identified in OWES." [see Exhibit 2, tab 30, page 757]

[45] So the disconnect between Mr. Huizer's conclusions stemming from his clients' EIS and that from MNR staff, left me with some uncertainty on the scientific foundation associated with this particular wetland plant.

[46] Then there was Mr. Huizer's interpretation of data compiled by another biologist. Again, during Mr. Hanrahan's cross-examination, Mr. Huizer could not comment on the level of expertise or approach taken by that other biologist as reflected in the field notes.

[47] The handwritten notes were referenced by Mr. Huizer in his testimony and filed as Exhibit 15. Mr. Huizer was not sure if this biologist heard or saw other listed frogs at a code 3 level.

[48] Therefore, because of this uncertainty and at the Board's request, Ms. Michelle Martin, an MNRF Biologist and author of the field notes attended. The Board had some questions arising from her notes and in particular, the existence and number of Western Chorus Frogs or other frogs on the subject property.

[49] Mr. Huizer testified that he had listened to the audio recordings produced by Mr. Labute, an unrepresented party to these proceedings who was scheduled to testify and those of Ms. Martin, with whom Mr. Huizer deals routinely. Mr. Huizer concluded that following his review of the audio recordings, he believed that the Western Chorus Frog and the Peeper Frog were at code 1 or 2 levels, not code 3 even though Ms. Martin's field notes stated: "Code 3 abundance Western Chorus Frogs mainly."

[50] Firstly, I recognize that Ms. Martin was produced on very short notice. Secondly, I appreciate that Mr. Hare, counsel with the Ministry of Municipal Affairs and Housing attended to support this witness. The Board thanks both Mr. Hare and Ms. Martin for their assistance.

[51] Ms. Martin attended because there was uncertainty as to what her notes really meant and because Mr. Huizer's had relied upon to those notes and audio tapes in his testimony. In response to the Board's question, Mr. Huizer indicated that he had not contacted Ms. Martin to get clarification of her field notes.

[52] What resulted was testimony from Mr. Huizer that was somewhat speculative and this prompted my request to hear from Ms. Martin. No other biologist was slated to be called by either the Region or the City. While Mr. Huizer had done his own independent field work, his results did not mesh neatly with that of Ms. Martin as reflected in her notes.

[53] Ms. Martin clarified her notations to state that she could hear Western Chorus Frogs at a code 3 level; the Spring Peeper was at code 2. Other than the Western Chorus Frog, she could not identify another wildlife species listed in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E January 2015 [found at Exhibit 2, tab 14, page 424]. Had there been two or more of the listed frogs or toads, then the area would have been recognized as Significant Wildlife Habitat.

[54] Significant Wildlife Habitat is one of the criteria for wetland evaluations.

[55] Mr. Labute's audio recordings of frog calls taken on or about April 1, 2016 however were also different to Ms. Martin's. Mr. Huizer reviewed those recordings to conclude that he heard Spring Peeper Frogs and Western Chorus Frogs, both a code 2 levels. Spring Peeper Frogs are not on the list noted above as they are abundant throughout Ontario.

[56] So in the end, Mr. Huizer testified that he heard two species of frogs at code 2 levels; for Ms. Martin, it was the Western Chorus Frog at code 3 and the Spring Peeper at code 2; and Mr. Labute filed video files which captured the frog calls over a number of days at different times and under various weather conditions to which he could not classify the species or code.

[57] Unfortunately these conflicting conclusions coupled with the uncertainty associated with the deductions on the purple loosestrife, cause me to question Mr. Huizer's recommendations.

[58] I also could not understand why Mr. Huizer would provide testimony based on field notes of another biologist when he had not contacted that biologist to fully understand and appreciate the meaning of those notes, especially when he stated he knew Ms. Martin and deals with her routinely in his work. Again, I was left with some doubt concerning the reliability of this evidence.

[59] As such, I needed to proceed with caution before removing wetland units from a

PSW complex.

[60] Therefore given my reservations on the scientific assessment coupled with the effect of the interim decision on a policy basis, I do not find it is appropriate to remove the three wetland units currently on the subject property from the PSW complex.

*"J.V. Zuidema"*

J.V. ZUIDEMA  
VICE-CHAIR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
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**GENERAL COMMITTEE REPORT TO COUNCIL**

On Tuesday, January 14, 2020, the General Committee met with the following members in attendance: Chair, D. McLeod, F. Campion, J. Chiocchio, T. DiMarco (until 8:37 p.m.), B. Fokkens (until 8:48 p.m.), B. Green, J. Larouche (until 8:40 p.m.), A. Moote, G. Speck, L. Spinosa (until 7:24 p.m.) and L. Van Vliet (until 8:30 p.m.).

The General Committee recommends Council approval on the following matters:

**CORPORATE SERVICES****20-5**

THAT THE COUNCIL OF THE CITY OF WELLAND approves a Permissive Grant for the Feast of the Assumption in the amount of \$2,310.

**20-5**

THAT THE COUNCIL OF THE CITY OF WELLAND provide \$3,000 to South Niagara Rowing Club.

**20-5**

THAT THE COUNCIL OF THE CITY OF WELLAND provide the Welland Pickleball Club with \$2,000 for a defibulator/first aid kit and advertising.

Respectfully submitted by



TARA STEPHENS  
City Clerk

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GENERAL COMMITTEE REPORT TO COUNCIL

On Tuesday, January 28, 2020, the General Committee met with the following members in attendance: Chair, C. Richard, F. Campion, T. DiMarco, B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche, D. McLeod, A. Moote, G. Speck, L. Spinosa and L. Van Vliet.

**The General Committee recommends Council approval on the following matters:**

**CORPORATE SERVICES**

**20-5**

THAT THE COUNCIL OF THE CITY OF WELLAND provide \$3,000.00 to Dain City Recreation Committee.

**20-5**

THAT THE COUNCIL OF THE CITY OF WELLAND provide \$20,000.00 to Pathstone Foundation.

**20-5**

THAT THE COUNCIL OF THE CITY OF WELLAND approves all items remaining on page 3 and the remaining \$1,900.00 be allocated to reserve for use in future, for permissive grants.

**20-37**

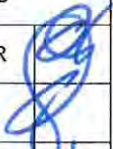

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Low Income Senior Water/Wastewater Rebate Program.

Respectfully submitted by



TARA STEPHENS  
City Clerk

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

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-5

**REPORT FIN-2020-01**  
**JANUARY 14, 2020**

**SUBJECT: 2020 PERMISSIVE GRANTS**

**AUTHOR: ELIZABETH PANKOFF, MBA, CPA, CGA,  
MANAGER OF BUDGETS AND FINANCIAL  
REPORTING/DEPUTY TREASURER**

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

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2020 Permissive Grants attached to Report FIN-2020-01 as Appendix I.

**ORIGIN AND BACKGROUND:**

In accordance to the *Municipal Act, 2001*, Section 290 (1) requires a municipality each year to adopt a budget.

**COMMENTS AND ANALYSIS:**

At the December 3, 2019 Council meeting, Council approved the City's 2020 Tax and Rate Supported Operating & Capital Budgets. For the 2020 budget year, Council approved \$276,142 for Permissive Grants. A summary of the organizations requesting Permissive Grants are attached as Appendix I.

**FINANCIAL CONSIDERATION:**

The 2020 staff-recommended funding is guided by the 'Grants and Special Assistance Policy', approved by Council. All late applications have been included in the "Summary of 2020 Grant Applications" Appendix 1. The CFO has reviewed all applications received as of January 6, 2020. Recommendation for funding support are based on the following:

1. Services provided to the City of Welland.
2. Council approved Permissive Grant Policy.
3. Council approved budget \$276,142.
4. Historical Funding Support.

**OTHER DEPARTMENT IMPLICATIONS:**

N/A.

**SUMMARY AND CONCLUSION:**

It is recommended that Council approves the 2020 Permissive Grants attached to Report FIN-2020-01 as Appendix I.

**ATTACHMENTS:**

Appendix I – Summary of 2020 Grant Applications

Summary of 2020 Grant Applications													
Organization	Date Submitted	Purpose	2020 Grant Amount Requested	2020 Staff Recommended	15% of Operating Costs	2019 Grant Amount Requested	2019 Approved	2018 Grant Amount Requested	2018 Approved	Complies to Policy	>30% of funding by other levels of gov't	Financial Statements Received	Grant received over the past 3 consecutive years
1 Dain City Recreation Committee	Sept 17/19	Existing Level of Service for 2 events	\$3,000	\$3,000	n/a					N	unknown	N	N
2 Faith Welland Outreach	Sept 18/19	Maintain existing level of service/expand programming	\$27,000	\$27,000	\$19,721	\$27,000	\$27,000	\$23,000	\$23,000	N	N	Y	Y
3 On Board	Sept 24/19	annual event	\$1,000	\$1,000	n/a					N	unknown	N	N
4 Feast of the Assumption	Sept 25/19	Annual Event	\$2,310	\$2,310	n/a	\$2,225	\$2,200	2018	2018	N	unknown	N	N
5 Zombie Walk - Welland	Sept 27/19	Annual fundrasing for food banks	\$2,500	\$2,500	n/a					N	unknown	N	N
6 Welland Pickleball Club**	Sept 27/19	Purchase of defibrillator/first aid kit & advertising	\$3,500	\$2,000	418					N	unknown	N	N
7 Rose City Kids Ministry	Sept 27/19	maintain existing level of service	\$20,000	\$5,000	\$89,043	\$30,000	\$5,000	\$25,000	\$25,000	N	N	Y	Y
8 Paroisse Sacre Coeur	Sept 28/19	continued launch of new program	\$4,000	\$2,000	n/a	\$4,200	\$2,000	\$0	\$0	N	Unknown	N	N
9 Visual Artists of Welland	Sept 28/19	maintain existing level of service & capital expenditures	\$7,000	\$1,500	\$1,217	\$7,000	\$1,500			N	N	N	N
10 Pathstone Foundation	Sept 30/19	To establish Walk-in-clinic in Welland	\$20,000	\$20,000	\$242,770					N	unknown	Y	N
11 Welland Floatfest Festival	Sept 30/19	To continue annual event	\$15,000	\$10,000	\$7,304	\$15,000	\$10,000	\$16,023	\$13,000	N	N	Y	Y
12 Welland Rose Festival	Sept 30/19	Annual Events	\$100,000	\$70,000	\$15,578	\$80,000	\$70,000	\$65,733	\$60,000	N	N	Y	Y
13 Niagara Safety Village	Sept 30/19	Maintain existing level of service & expand camp	\$6,000	\$6,000	\$22,290	\$6,000	\$6,000	\$6,000	\$6,000	N	Y	Y	Y
14 Open Arms Mission	Sept 30/19	Capital Exp \$19,975 / service expansionn \$11,075	\$31,050	\$31,050	\$51,190	\$45,000	\$45,000	\$48,775	\$45,000	N	N	Y	Y
15 La Boite a Soleil	Sept 30/19	2 Skate-a-thons (Feb 9/20 & Dec 6/20) Annual Events & new programming	\$5,000	\$346	\$513,230	\$346	\$346	306	306	N	Y	N	Y
16 The Hope Centre	Oct 2/19	Maintain existing level of service	\$65,000	\$65,000	\$173,330	\$65,000	\$65,000	\$65,000	\$60,000	N	Y	Y	Y
17 Welland Heritage Council & Multicultural Centre	Oct 2/19	Dragon Boat Festival/Multicultural Festival	\$8,775	\$8,775	\$254,670	\$8,775	\$8,000	\$5,773	\$5,773	N	Y	Y	N
18 Royal Canadian Legion Br. 4	Oct 15/19	Annual Events - Nov 8, 2020 & Nov 11, 2020 Remembrance Day	\$500	\$500	\$45,293	\$5,500	\$5,500	\$5,395	\$5,395	N	N	Y	Y
19 City of Welland Heritage Advisory Committee	Oct 28/19	Maintain existing level of service	\$13,235	\$13,235	\$1,985	\$13,235	\$13,235	\$13,235	\$13,235	N - >15%of operating costs	N	N	Y
20 Femmes du Feu Creations	Nov 11/19	Support New Program	\$5,000		\$3,737					N - >15%of operating costs	unknown	Y	N
21 South Niagara Rowing Club	Oct 1/19	Shoe Program - to retrofit row boats	\$3,000	\$3,000				\$5,000	\$0	N-Project budget not provided	N	Y	N
<b>Total</b>			\$342,870	\$274,216		\$309,281	\$260,781	\$281,258	\$258,727				
<b>Council Approved 2020 Budget Difference</b>				\$276,142									
				-\$1,926									

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

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-37

**REPORT FIN-2020-02**  
**JANUARY 28, 2020**

**SUBJECT:           LOW INCOME SENIOR WATER/WASTEWATER REBATE PROGRAM**

**AUTHOR:           MIKE LOSTRACCO,  
REVENUE SERVICES MANAGER**

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

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Low Income Seniors Water/Wastewater Rebate Policy as outlined in Report FIN-2020-02.

**ORIGIN AND BACKGROUND:**

The City currently has three water/wastewater rebate programs. On October 13, 2015, Welland City Council approved the administration of the Special Assistance Program (refer to Appendix I) for the Water/Wastewater accounts by the Hope Centre. The intention of this program is to assist residential property owners on a fixed income that experience difficulties with payment of their water/wastewater bill. This program is aimed at offering assistance to those customers who meet to the established criteria.

On December 22, 2015, Welland City Council approved the High Water Leak Adjustment Policy (refer to Appendix II). This program offers financial assistance to homeowners who experience higher than normal water/wastewater billings resulting from leaks arising from internal plumbing issues. Certain criteria must be met in order to qualify.

On November 13, 2017, Welland City Council approved the Low Income Senior Water/Wastewater Rebate Program. This program offers financial assistance to low consumption low-income seniors.

**COMMENTS AND ANALYSIS:**

A request was made during Budget deliberations to update the criteria needed to qualify for the program. Staff is proposing to:

1. Raise the maximum annual consumption limit from 50m<sup>3</sup> to 75m<sup>3</sup>
2. Raise the rebate from \$100 to \$300.

The rest of the criteria would remain the same:

- Age 65 or older
- Assessed owner of a residential property in the City of Welland for at least one year
- Property is used as a primary residence
- In receipt of monthly Guaranteed Income Supplement

Refer to Appendix III for the proposed Low Income Seniors Water/Wastewater Rebate Policy.

**FINANCIAL CONSIDERATION:**

The proposed 2020 Water/Wastewater Rate Supported budget includes \$40,000 in each Water and Wastewater budget to accommodate the existing three rebate programs.

**OTHER DEPARTMENT IMPLICATIONS:**

N/A

**SUMMARY AND CONCLUSION:**

Staff recommends that the Council of the City of Welland approves the Low Income Seniors Water/Wastewater Rebate Policy as outlined in report FIN-2020-02.

**ATTACHMENTS:**

Appendix I – Special Assistance Program – Water and Wastewater  
Appendix II – High Water Leak Adjustment Policy  
Appendix III – Proposed Low Income Seniors Water/Wastewater Rebate Policy



## HIGH LEAK ADJUSTMENT POLICY

Purpose of this policy is to provide relief to homeowners that have an unusually high water/wastewater bill due to a leak of some kind.

- Consumption must exceed 2 times the average consumption
- Request must be within 60 days following the issuance of the high bill
- Proof of repair must be provided
- Adjustment will be credited to the homeowner's Water & Wastewater account, no refunds
- 1 leak adjustment per 2 years and no more than 2 leak adjustments over 10 years
- Adjustment capped at \$1,000
- Not applicable for the filling of pools, hot tubs, gardening, watering lawns or other outside activities

## **SPECIAL ASSISTANCE PROGRAM – WATER/WASTEWATER**

The intention of this program is to assist residential property owners on a fixed income that experience difficulties with the payment of their water/wastewater bill.

- Program is offered through the Hope Centre
- Applicant will complete applicable forms which will be reviewed & approved by the Hope Centre
- Upon approval, the City will apply the approved payment to the customer's Water/Wastewater bill
- The City will pay the Hope Centre a 10% administration fee
- Maximum of \$500 per every 2 years for each individual who meets the criteria

## PROPOSED LOW-INCOME SENIOR WATER/WASTEWATER REBATE PROGRAM

The intention of this program is to address the impact of water/wastewater rates charged to the low consumption, low-income residential customers.

- Application based: Received no later than May 1 for consumption of the prior year
  - eg. 2018 applications to be received no later than May 1, 2019
- Applicant/Spouse must be 65 years old or older.
- Applicant assessed owners – renters not eligible.
- Property must be personal residence.
- Applicant/Spouse in receipt of monthly guaranteed income supplement pursuant to Part II of the Old Age Security Act (Canada)
- The annual water/wastewater consumption must be **75 m<sup>3</sup>** or less for the application year.
- Upon approval, the City will apply the annual rebate of **\$300** to the applicant's water/wastewater billing account

**COUNCIL**  
**OFFICE OF THE CAO**

APPROVALS	
GENERAL MANAGER	
CFO	[Signature]
CAO	[Signature]

19-78

**REPORT CAO-2020-01**  
**FEBRUARY 4, 2020**

**SUBJECT: SAFE NEEDLE DISPOSAL – UPDATE**

**AUTHOR: GARY LONG, CAO**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the staff recommendation to redirect the funding for purchase of additional sharps containers and related costs in the amount of \$7,500 funded by the Corporate Contingency Account to be utilized for communications and community outreach in partnership with key stakeholders.

**ORIGIN AND BACKGROUND:**

Over the past year, City staff have been working collaboratively with local agencies on a coordinated approach to safe needle disposal in our community. The Mayor and CAO's office have organized and facilitated roundtable meetings with Positive Living Niagara, the Office of Jeff Burch MPP, John Howard Society, Niagara Public Health, the Hope Centre, Harm Reduction Society, and Niagara Regional Police. Mayor Campion and City staff from Engineering, Public Works/Parks, Human Resources, Administration, and Corporate Communications have attended these meetings.

This report is a follow up to the May 21<sup>st</sup> and September 17<sup>th</sup> staff reports presented to Council. At the September 17<sup>th</sup> meeting, Council approved a staff recommendation to purchase additional sharps containers and related items in the amount of \$7,500. Based on dialogue with key stakeholders, staff would like to revisit this expenditure and propose alternatives that will support current outreach programs and have more impact.

**COMMENTS AND ANALYSIS:**

Since the September 17<sup>th</sup> meeting, the City received two needle collection kiosks and two cases of biohazard replacement liners at no cost from Niagara Public Health. The City entered into a Memorandum of Understanding (MOU) with the Region that outlines the roles and responsibilities of both parties. We appreciate Niagara Public Health's participation to date and their donation of the two needle kiosks.

They have been installed by Public Works in locations that were determined based on the data collection and mapping by Public Works staff on where they find higher concentrations of discarded needles. Public Works staff have been trained and have "sharps kits" in their vehicles and are continuing with their weekly monitoring and sweeps of public spaces.

The CAO, the Manager of Public Works, and the Public Works General Foreman have had several conversations with Glen Walker, the Executive Director of Positive Living Niagara, on whether the purchase and installation of additional sharps containers is the best of use of resources.

Mr. Walker informed us that the Niagara Region's rate of return of used needles has increased from 70% to 85%. Therefore, the number of discarded needles has decreased considerably as they are being returned safely. This return rate is much higher compared with other regions and municipalities.

Positive Living Niagara are in Welland almost daily to deliver and pick up needles. In speaking with Mr. Walker, Council may want to consider redirecting a portion or all of the \$7,500 approved on September 17<sup>th</sup> for sharps containers into communications and community outreach. A pilot project was established in St. Catharines between the City and the Downtown BIA that has focused on conducting regular community sweeps by peers living in the area. They pick up needles and connect with people who are discarding materials and offer information on disposal and local supports and services they could access. The agency also offers information and educational sessions to local businesses on harm reduction. In Welland, as a result of the roundtable meeting with the Mayor and CAO, Positive Living Niagara piloted a project where a peer worker checked local hot spots weekly for discarded materials.

A collection portal was established by Niagara Region and Public Works staff have made arrangements to access this portal and participate in information sharing (ie. location of individual sharps, "hot spots" of high concentration of sharps).

It should be noted that the Association of Municipalities of Ontario (AMO) is waiting to receive a response from the Ministry of Health regarding their report entitled "Addressing the Opioid Emergency in Ontario". The Province is developing a Mental Health and Addictions Strategy and in Niagara, mental health addictions services are being reviewed by the LHIN.

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

City staff from the Mayor and CAO's office, Engineering, Public Works/Parks, Human Resources, Administration, and Corporate Communications will continue to work together to support the City's involvement in this issue and to work with local agencies as part of a broader community action plan.

#### **FINANCIAL CONSIDERATION:**

At the September 17<sup>th</sup> meeting, Council approved a staff recommendation to contribute \$7,500 for the purchase of sharps containers and related equipment and that this be funded from the Corporate Contingency Account.

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

Discarded needles, and the safe handling and disposal of these needles, has become a challenging issue for many communities. The City of Welland and local agencies have been meeting to coordinate efforts. It is recommended, based on discussions with staff and key stakeholders who are working with individuals with addictions every day, that funding for peer outreach, community education and awareness would be beneficial instead of additional sharps containers.

#### **ATTACHMENT:**

N/A.

**20-03****REPORT CLK-2020-03**

The following organization has applied for Lottery Licensing and is presented to City Council for approval.

**NAME****ADDRESS**

Sisters of the Sacred Heart  
Of Ragusa

1 Edward Street  
Welland, Ontario  
L3C 5H2

Respectfully submitted by Tara Stephens, City Clerk





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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application for lottery licensing for Sisters of the Sacred Heart of Ragusa.

**COUNCIL**  
**CORPORATE SERVICES**  
**FINANCE DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-4

**REPORT FIN-2020-03**  
**FEBRUARY 4, 2020**

**SUBJECT: 2020 INTERIM TAX LEVY**

**AUTHOR: MIKE LOSTRACCO,  
REVENUE SERVICES MANAGER**

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

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the due dates for the 2020 Interim Municipal Tax Levy as follows:

**First Installment due: March 2, 2020**

**second Installment due: May 4, 2020**

and further;

THAT Welland City Council approves the amounts to be levied, in accordance with Section 317 of *The Municipal Act, 2001*, that being 50% of the total levy for the year 2019.

**ORIGIN AND BACKGROUND:**

While the final tax billing usually occurs in mid-year, the municipality requires operating funds well before that time. *The Municipal Act, 2001* recognizes this fact and makes the appropriate provision.

**COMMENTS AND ANALYSIS:**

In order for the municipality to meet its financial requirements until the final tax rate is established, it is necessary to request an interim tax levy.

Section 317 of *The Municipal Act, 2001* authorizes a local municipality to pass a by-law levying amounts on rateable property in the local municipality not exceeding 50% of the previous year's taxes.

Municipal expenditures in the form of payroll, debt charges, operating supplies, and capital projects along with Regional and School Board requisitions begin to accrue on January 1 of each year.

While monthly utility billings and pre-authorized payment programs provide the City with some cash inflows during this period, these amounts are well short of the cash demands of municipal operations. The interim levy provides the liquidity necessary to avoid costly temporary borrowings, which would otherwise be required.

**FINANCIAL CONSIDERATION:**

The absence of an interim levy would result in additional carrying costs associated with interim borrowing.

**OTHER DEPARTMENT IMPLICATIONS:**

Not applicable.

**SUMMARY AND CONCLUSION:**

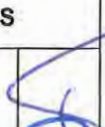

In order to meet the City's financial obligations while awaiting final billing, staff recommends that Council approve the interim tax levy.

**ATTACHMENTS:**

N/A.



**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20 50

**REPORT ENG-2020-03**  
**FEBRUARY 4, 2020**

**SUBJECT: BRIDGE REHABILITATION - HIGHWAY 58 CNR & CPR OVERHEAD BRIDGE**

**AUTHOUR: MATTHEW MAIN A.Sc.T., E.I.T.  
ENGINEERING DESIGN SUPERVISOR**

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

**RECOMMENDATION:**

THAT Council receive, for information, Report ENG-2020-03, BRIDGE REHABILITATION - HIGHWAY 58 CNR & CPR OVERHEAD BRIDGE

**ORIGIN AND BACKGROUND:**

The CNR and CPR overhead bridge is located in the south end of Welland just south of the Highway 58 and Highway 58A intersection on Highway 58.

In summer 2019, AIA Engineering and Planmac Engineering (Engineering Consultants) representing the Ministry of Transportation (MTO) contacted the City regarding the temporary closure and detour route to rehabilitate the bridge. City staff was asked to provide comment and feedback regarding the closure and detour route. Both a location plan and detour plan are attached for reference.

The initial construction plan presented to the City included a complete closure of the bridge during the rehabilitation work and detouring northbound and southbound traffic to Highway 140. The construction was proposed to take place sometime in the year 2020 between May and September.

**COMMENTS AND ANALYSIS:**

City staff reviewed the proposed construction and bridge closure and brought forth the following comments and feedback:

- The proposed work and detour route has a major impact to traffic and the residents who live in the south end Welland. This is especially since the former Forks Road Bridge was removed in 2019. (***The Consultants were not aware of the Forks Road Bridge removal***).

- The complete closure of the bridge would increase emergency response time by the City Fire Department forcing them to use the detour route.
- The closure would also affect other agencies and stakeholders which need to be consulted with before the work is completed. This included student transportation services, other emergency services and the various user groups that use that roadway and surrounding area for athletic events.
- Although the road and bridge asset are not owned or operated by the City of Welland, City staff cannot endorse a plan to close the bridge during the rehabilitation work

City Staff participated in conference calls and a meeting with the Engineering Consultants, and the MTO to discuss the project. Four alternate solutions were developed to improve the traffic conditions during construction and eliminate any issues with Emergency Services response times. The Engineering Consultant and MTO reviewed each alternative solution and provided the City with comments and their preferred solution.

The alternatives are found below complete with comment from the MTO:

**Option 1 - One northbound lane going through Hwy 58 bridge and detour southbound traffic to Highway 140:**

MTO reviewed the Option 1 and determined this option is the preferred one considering the factors of safety, traffic impact and cost while comparing with other options.

To address the City's concerns regarding school bus impact and traffic impact, MTO will use premium materials and double the working crews to reduce the number of working days required during construction. The staging and detour for the Highway 58 bridge will be constrained within the school's summer break period between the end of June to the end of August in 2021.

For emergency services, emergency vehicles will be able to go through the bridge from both directions with a traffic signal pre-emption installed at the Hwy 58/Hwy 58A intersection.

**Option 2. Both northbound and southbound traffic going through single lane using signalization on Highway 58 bridge + detour option: (City staff preferred option)**

MTO modelled the option. The main concern with this option is public safety. The Hwy58/Hwy58A intersection is very close to the bridge. It will require a long traffic signal cycle at Hwy58/Hwy58A intersection, which is between 2 minutes to 3 minutes per signal cycle. When there is normal traffic volume during daytime, vehicles will follow the road rules. The problem is at night-time when no construction workers are on-site and there is very low traffic volume. When drivers see long red light without coming traffic, they may lose patient considering the traffic light is not working and run through red light. That may result a head-on conflict with oncoming traffic from another direction on the single lane bridge.

Therefore, from safety perspective, the Option 2 is not a good option.

**Option 3. Take another detour through third party property (CP rail or Seaway's land):**

MTO's consultant (AIA) contacted CP for the proposed detour crossing at CP rail. CP rejected the option. MTO did not contact the Seaway, but based on the experience dealing with the Seaway, they will not accept a temporary road crossing on their land either. Building a temporary detour is not cost effective for the purpose of bridge rehabilitation.

**Option 4. Delay the Hwy 58 bridge rehab until the Forks lift bridge is back to service:**

MTO could not postpone the rehabilitation of Hwy 58 Bridge without knowing the exact schedule of the Forks Road bridge replacement. It is difficult for MTO to analyze the risk of bridge condition deteriorating over time without knowing the rehab schedule.

As stated in the MTO analysis, they determined **Option 1 - One northbound lane going through Highway 58 Bridge and detour southbound traffic to Highway 140** was their preferred solution. Although this option does not solve all the traffic issues caused by the bridge rehabilitation work, it is the safest option based on the MTO's engineering analysis. The City has informed the MTO any major developments regarding the construction of the new Forks Road Bridge would be forwarded to them to incorporate into their rehabilitation timelines.

**OTHER DEPARTMENT IMPLICATIONS:**

The proposed bridge rehabilitation will affect City services during construction that uses Highway 58. This includes but not limited to the Fire Department, Transit, and Public Works. The MTO has proposed signal pre-emption to accommodate the movement of emergency vehicles, but the other departments will need to adjust their operations based on the rehabilitation schedule and the detour route. The MTO will be in contact with the City once the rehabilitation work is tendered and the contract is awarded.

**SUMMARY AND CONCLUSION:**

The MTO will be completing rehabilitation work on the CNR and CPR overhead bridge located on Highway 58. The work is scheduled for the summer months in 2021.

The bridge will be open to northbound traffic but closed to southbound traffic during construction. Southbound traffic will need to use the MTO's provided detour route. Emergency vehicles will have northbound and southbound access across the bridge during construction by using their traffic signal pre-emption systems. All other City services will need to incorporate the detour route into their operation during construction.

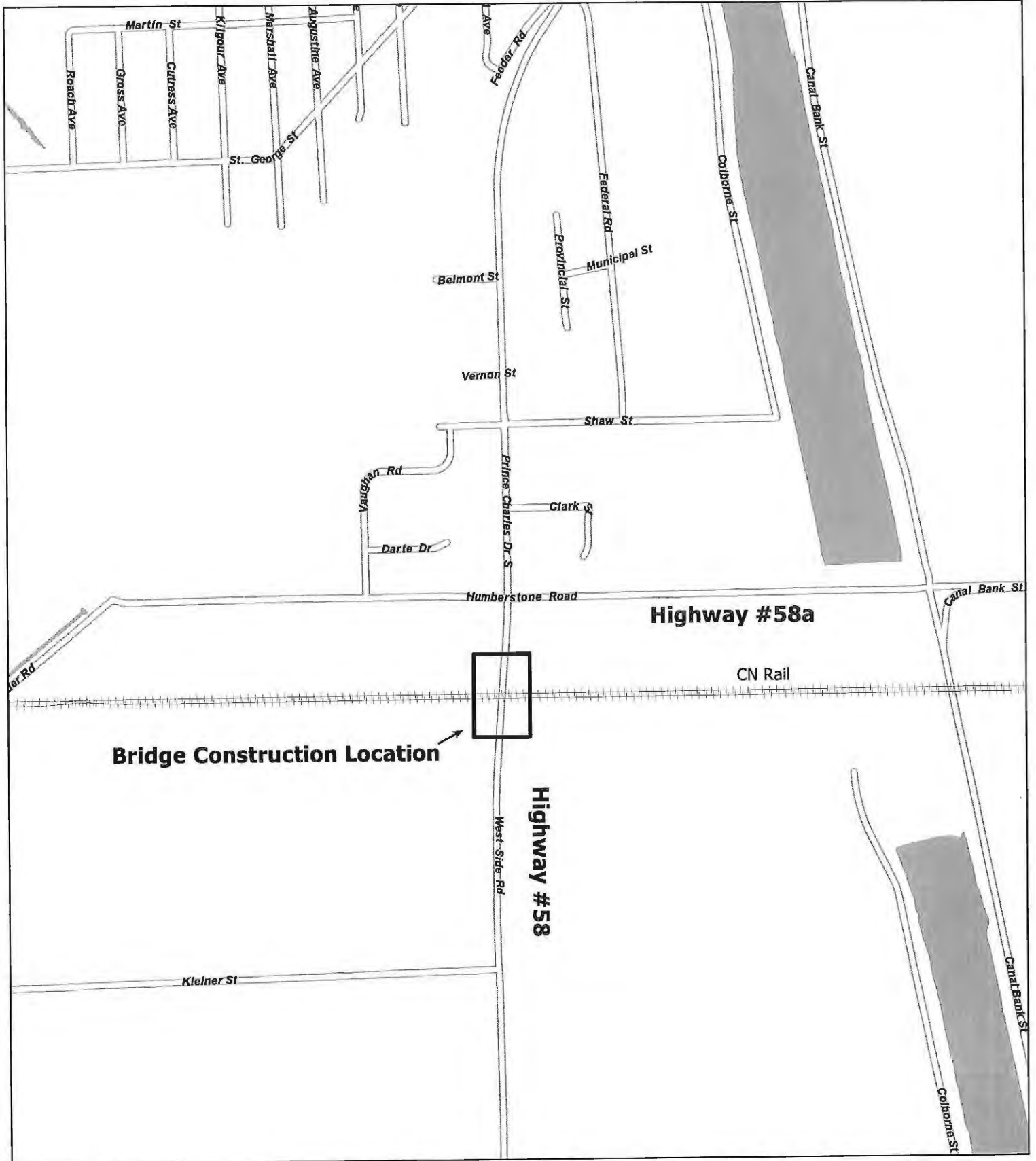
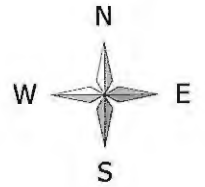
The MTO's preferred solution does not solve all traffic issues due to the bridge rehabilitation work, but it provides the safest solution at this point based on their engineering analysis.

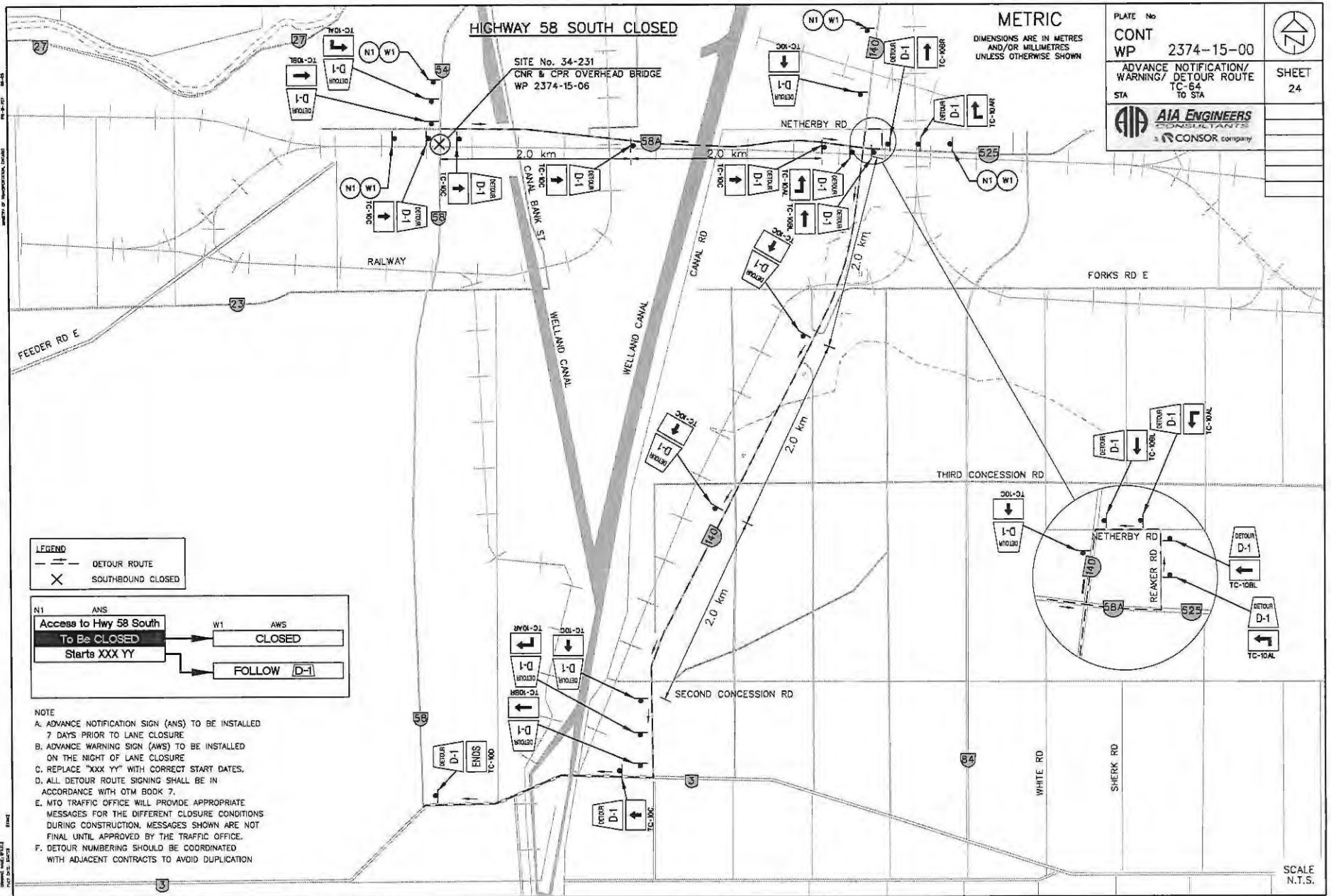
The City has informed the MTO any major developments regarding the construction of the new Forks Road Bridge would be forwarded to them to incorporate it into their rehabilitation work timelines.

**ATTACHMENTS:**

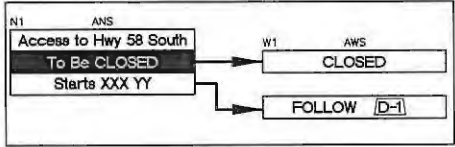
Attachment 1: Location and Detour  
Attachment 2: Detour Plan

Attachment 1: Location Plan N.T.S.





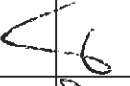


**LEGEND**  
 - - - - - DETOUR ROUTE  
 X SOUTHBOUND CLOSED



- NOTE**
- A. ADVANCE NOTIFICATION SIGN (ANS) TO BE INSTALLED 7 DAYS PRIOR TO LANE CLOSURE
  - B. ADVANCE WARNING SIGN (AWS) TO BE INSTALLED ON THE NIGHT OF LANE CLOSURE
  - C. REPLACE "XXX YY" WITH CORRECT START DATES.
  - D. ALL DETOUR ROUTE SIGNING SHALL BE IN ACCORDANCE WITH OTM BOOK 7.
  - E. MTO TRAFFIC OFFICE WILL PROVIDE APPROPRIATE MESSAGES FOR THE DIFFERENT CLOSURE CONDITIONS DURING CONSTRUCTION. MESSAGES SHOWN ARE NOT FINAL UNTIL APPROVED BY THE TRAFFIC OFFICE.
  - F. DETOUR NUMBERING SHOULD BE COORDINATED WITH ADJACENT CONTRACTS TO AVOID DUPLICATION

SCALE  
N.T.S.

**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2020-06  
FEBRUARY 4, 2020

**SUBJECT: REGIONAL NIAGARA 2020 WASTE COLLECTION CONTRACT – PROPOSED CHANGES & WELLAND ENHANCED COLLECTION SERVICES**

**AUTHOUR: TRAVERS FITZPATRICK, GENERAL MANAGER  
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

**RECOMMENDATIONS:**

1. THAT Welland City Council confirms its request to Regional Niagara for Enhanced Waste Disposal services for Containerized Garbage Collection at Multi-Residential (MR) Properties (11 in total) at an annual cost of \$7,429.29 (inclusive of net HST);
2. THAT Welland Council confirms its request to Regional Niagara for Optional Enhanced Service – Every- Other -Week Bulky Goods Collection at MR with seven (7) or more units & Mixed-Use (MU) properties with one (1) or more units and which receive the Region's base service at an annual cost of \$95,825.55 (inclusive of net HST);
3. THAT Welland Council Accepts the Optional Enhanced Service for In-Ground Collection at Public Spaces/Parks to collect garbage, Blue/Grey Box/Cart, and Green Bin/Cart materials (for example MOLOK, Earth Bins) from in-ground containers at a cost of \$76.32/stop for crane collection and \$55.97/stop for front-end collection (both prices inclusive of net HST); and
4. That the City Clerk advise Regional Niagara accordingly.

**ORIGIN AND BACKGROUND:**

On 22 January, 2019 General Committee received and approved Report ENG-2019-02 which dealt with proposed changes to waste collection services for the City of Welland under a new proposed waste collection contract with Regional Niagara. (A copy of that report is attached hereto.) Council approved the recommendation from General Committee on 5 February, 2019.

The upshot of the report was to request the continuation of existing levels of service for waste collection services for the residents of Welland.

In addition, Council requested enhanced waste collection services for the collection of large/bulk items from multiple residential (7 units plus) and mixed use properties (ICI) with

a residential component. The report identified some 233 buildings or properties falling into this category. (See page 5 of attached Report ENG-2019 – 02).

**COMMENTS AND ANALYSIS:**

By letter dated December 10, 2019 Regional Niagara has requested that the City of Welland confirm its request for enhanced and optional enhanced waste collection services under the Region's new waste collection contract. (A copy of that letter is attached hereto.)

An optional enhanced service not included in the original menu of services offered includes the Optional Enhanced Service for In-Ground Collection at Public Spaces/Parks to collect garbage, Blue/Grey Box/Cart, and Green Bin/Cart materials (for example MOLOK, Earth Bins) from in-ground containers.

The City has at least two (2) such containers located on Merritt Island. It is the opinion of the writer that the City should avail itself of this service as it is calculated that the cost of such service offered by the Region is less than the cost of having City equipment City forces undertake such collection services.

**FINANCIAL CONSIDERATIONS:**

The annual costs for the Region's Waste Collection service is charged back to local area municipalities based upon the municipality's percentage of the total Regional household count. For Welland the 2019 waste management levy totalled \$3,963,974

**OTHER DEPARTMENT IMPLICATIONS:**

None

**SUMMARY AND CONCLUSION:**

This Report confirms Council's decision of 22 January, 2019 concerning Waste Collection and the enhanced collections services as reported to Council in January, 2019. An additional enhanced service not previously offered is being requested relative to the collection of the City's MOLOK garbage containers on Merritt Island.

The Region's new waste collection contract commences on 19 October, 2020.

**ATTACHMENTS:**

**Appendix 1** - ENG-2019-02 Region of Niagara 2020 Waste Collection Contract – Proposed Changes & Welland Enhanced Collection Services.

**Appendix 2** – Letter from Regional Niagara dated 10 December, 2019. Confirmation of Welland's Enhanced and Optional Enhanced Services for Niagara Region's New Waste Management Collection Contract



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

APPROVALS	
GENERAL MANAGER	
CFO	
GAO	

**REPORT ENG-2019-02**  
**JANUARY 22, 2019**

**SUBJECT: REGION OF NIAGARA 2020 WASTE COLLECTION  
CONTRACT - PROPOSED CHANGES AND WELLAND  
ENHANCED COLLECTION SERVICES**

**AUTHOR: ERIK NICKEL, P. ENG.,  
GENERAL MANAGER, INFRASTRUCTURE AND  
DEVELOPMENT SERVICES / CITY ENGINEER**

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**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND approve REPORT ENG-2019-02 regarding Region of Niagara 2020 Waste Collection Contract – Proposed Changes and Welland Enhanced Collection Services; and further,

THAT Welland City Council approve of recommendations 1 through 8 as follows:

1. That every-other-week garbage collection be implemented for all residential properties and for those Industrial, Commercial and Institutional properties and Mixed Use properties located outside Designated Business Areas as a base service. Current garbage container limits would double for all properties, on an every-other-week basis. The recycling and organic bin collection for all properties shall remain weekly collection. Those Industrial, Commercial and Institutional properties and Mixed Use properties located inside the Designated Business Areas would continue to receive weekly garbage, recycling and organics collection as a base service.
2. That switching to clear bags be approved.
3. That the establishment of a four (4) item limit per residential unit, per collection, for large item collection at Low Density Residential properties be approved as a base service.
4. That the appliance and scrap metal pick-up be discontinued at Low Density Residential properties.
5. That the number of garbage bags/containers for Industrial Commercial and Institutional properties and Mixed Use properties inside Designate Business Areas be reduced from seven (7) to four (4) per week, as a base service.



6. That the number of garbage bags/containers for Mixed Use properties outside Designate Business Areas be reduced from six (6) to four (4) per week, or eight (8) containers per week under every-other-week garbage collection, as a base service.
7. That the City's enhanced service and extra payment for front-end garbage collection at multi-residential properties (currently a total of 12 containers) continue.
8. That pricing of a new enhanced service for large item collection (parallel to the service approved for Low Density Residential properties) to those households in Multi Residential buildings with seven (7) or more residential units and Mixed Use properties with one (1) or more residential unit, that receive the Region's base curbside or enhanced front-end garbage collection service, be included in the upcoming Regional tender.

and further,

THAT Welland City Council direct the Clerk to inform the Region of the City's position on the proposed waste collection service changes.

**ORIGIN AND BACKGROUND:**

The Region of Niagara oversees all aspects of Waste Management for the Local Area Municipalities (LAM).

This includes, but is not limited to, curbside collection of waste, recycling and organics collection as well as the disposal of these materials (Landfill sites, household hazard waste, recycling facility and organic processing locations).

The annual cost for the Region's Waste Management is charged back to the LAM's based on the municipality's percentage of the total Regional households. For Welland, the 2018 waste management levy totalled \$3,898,322.

The Region is preparing for a new collection contract that will be awarded in 2020 and will start in 2021. Prior to the approval of the new contract and its proposed changes, the Region is consulting with Niagara residents, businesses, the local municipalities and other stakeholders.

Responses by the local municipalities to the Region are required by February 20, 2019 in order to achieve their proposed tender award scheduled for 2020.

**COMMENTS AND ANALYSIS:**

The proposed options being considered by Niagara Region for the 2021 contract are categorized into base collection options and enhanced collections options.

Terminology used throughout to describe the different property sectors are as follows:

LDR – Low Density Residential property (i.e.: 1 to 6 residential units)

MR – Multi Residential property (greater than 6 residential units)

IC&I – Industrial, Commercial and Institutional property

MU – Mixed Use property (i.e. IC&I with a residential component)

Inside DBAs – Property is located within the Designated Business Areas (includes most of the Downtown BIA and North Welland BIA - see appendix I and II for maps)

Outside DBAs – Property is located outside of the Designate Business Areas

### Base Collection Options

1. Every-other-week (EOW) garbage collection for all properties located outside DBAs. Properties located inside DBA's will continue with weekly service.

Weekly collection of recycling and organics to continue for all properties both inside and outside of DBA's. Garbage container limit would double for those with EOW collection.

Many Ontario municipalities (i.e.: Barrie, Durham, Halton, Markham, Ottawa, Toronto, Vaughn, Peel and Waterloo) already provide EOW garbage collection.

The benefits of EOW garbage collection include:

- Increased participation/capture rates in diversion programs (i.e.: recycling and organics) to extend lifespan of Niagara Region's landfill site. Diversion rates increased between 6% and 16% in those municipalities that implemented EOW garbage collection.
- Potential cost avoidance. Based on the Region of Waterloo's implementation of EOW garbage collection in 2017, their annual contract savings were approximately \$1.5 million.

2. Mandatory use of clear bags for garbage with optional opaque privacy bag (i.e. grocery bag) within the clear bag for all sectors.

The intent of this change is to improve source separation (and waste diversion rates) and increase enforcement/awareness of what is placed inside the garbage bag by allowing the collection person to identify recycling, organics and unacceptable materials in the bag and then not picking up that bag.

However, recent concerns about plastic bags is seen by the Region as beneficial to make a positive step to take plastic bags out of our waste stream.

3. Establishment of a four (4) item limit per residential unit, per collection, for large item collection at LDR properties.

Currently, there is no limit on the number of large items that can be set out per residential unit, per collection. The proposed four-item limit will meet the set-out

needs, as most residents set out an average of less than two (2) items per collection.

4. Discontinuation of appliances and scrap metal collection at LDR properties.

These items can be recycled, at no cost, at Niagara Region's Drop-off Depots, or at scrap metal dealers. Only 6% of Niagara's LDR properties are currently using the curbside collection of appliances and scrap metal. Many of these items are scavenged before the Region's collection contractor is able to collect them.

5. Change weekly garbage container limits for IC&I and MU properties located inside DBAs from seven (7) containers to four (4) containers per property.

This would standardize the base collection limits across similar sectors as well as increase participation in the Region's diversion programs. The average number of garbage containers placed out per week at IC&I and MU properties inside DBAs across the region is two (2).

The Region's historic audits for the North Welland BIA (See Appendix I, page 2) indicates the average number of garbage bags/containers set out is 1.4 (ICI) and 3.9 per pick-up day.

The same audit for the Downtown BIA (See Appendix II, Page 2) indicates the average number of garbage bags/containers set out is 2.1 (ICI) and 2.7 (MU) per pick-up day.

6. Change weekly garbage container limits for MU properties located outside DBAs from six (6) to four (4) containers under weekly collection, or to eight (8) containers under EOW garbage collection.

This would standardize the base collection limits across similar sectors, as well as increase participation in the Region's diversion programs. The average number of garbage containers placed out per week at MU properties outside DBAs across the region is two (2)

#### Enhanced Collection Options

7. Continuation of collection of the twelve (12) multi-residential (MR) recycling cart and garbage disposal dumpsters located at eight (8) condominium complexes at a cost to the municipality of \$16,214.89 (2018).
8. Provision of a new enhanced service for large item collection to those households in MR buildings and MU properties that receive the Region's base curbside or enhanced front-end garbage collection service.

These properties must be participating in the Region's diversion programs (i.e.: recycling and organics), in order to qualify to receive this service.

This service would be provided in a manner that is parallel to the approved service for the LDR sector.

Applies to the following properties:

Property Type	No. of Buildings/Properties
Curbside MU with one or more residential units	175
Curbside MR with 7+ residential units	50
Front-End MU with one or more residential units	0
Front-End MR with 7+ residential units	8
<b>Total</b>	<b>233</b>

9. Any other additional enhanced collection options such as additional garbage container limits, increased garbage or recycling collection frequency, street litter, front-end garbage, etc.

Other additional enhanced collection options requested by Welland City Council will come at an increased cost to the Municipality over-and-above the base service collection cost.

Upon request, Regional Staff are willing to include other options in the upcoming tender, in order to obtain pricing. These items will come back to Welland Council for approval.

The explanation and reason for the proposed changes are fully explained in Attachment III to this Report (FAQ for Proposed Collection Service Options for Welland's Designated Business Areas).

Based on discussion with the Region, changes three (3), five (5), six (6), are based on audits of actual numbers of large items/appliances or bags/containers actually put out and should have little to no impact to users, but will provide a reduction in the quantities to be tendered in the 2021 contract.

#### **FINANCIAL CONSIDERATION:**

Overall, if accepted by Regional Council, the proposed base service changes will help reduce Waste Management costs in the new collection tender to the LAMs and our taxpayers. Other municipalities that implemented EOW garbage collection realized annual contract savings between \$200,000 and \$12 million, depending on the size of their contract and other contract changes that were implemented. For example, Region of Waterloo's annual contract savings by switching over to EOW garbage collection was \$1.5 million.

The 2018 Enhanced Collection Services to the City were \$16,214.89. Additional costs would be incurred for the new enhanced service for bulky goods collection to those households in MR buildings with seven (7) or more residential units and MU properties with one (1) or more residential unit, that receive the Region's curbside base garbage collection or that receive the Region's enhanced front-end garbage collection service.

We should assume that the 2021 Waste Collection contract will see an overall increased cost due to inflation and wages; however, the proposed base service recommendations listed below will help reduce this increase.

**OTHER DEPARTMENT IMPLICATIONS:**

There are no other department implications caused as a result of this report.

**SUMMARY AND CONCLUSION:**

It is recommended that the following Regional proposed collection changes to the 2021 collection contract be approved by Welland City Council:

1. That every-other-week (EOW) garbage collection be implemented for all residential properties and for those IC&I and MU properties located outside DBAs as a base service. Current garbage container limits would double for all properties, on an EOW basis. The recycling and organic bin collection for all properties shall remain weekly collection. Those IC&I and MU properties located inside the DBAs would continue to receive weekly garbage, recycling and organics collection as a base service.
2. That switching to clear bags be approved.
3. That the establishment of a four (4) item limit per residential unit, per collection, for large item collection at LDR properties be approved as a base service.
4. That the appliance and scrap metal pick-up be discontinued at LDR properties.
5. That the number of garbage bags/containers for IC&I and MU properties inside DBAs be reduced from seven (7) to four (4) per week, as a base service.
6. That the number of garbage bags/containers for MU properties outside DBAs be reduced from six (6) to four (4) per week, or eight (8) containers per week under EOW garbage collection, as a base service.
7. That the City's enhanced service and extra payment for front-end garbage collection at multi-residential properties (currently a total of 12 containers) continue.
8. That pricing of a new enhanced service for large item collection (parallel to the service approved for LDR properties) to those households in MR buildings with seven (7) or more residential units and MU properties with one (1) or more residential unit, that receive the Region's base curbside or enhanced front-end garbage collection service, be included in the upcoming Regional tender.

**Public Works**

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7  
 Tel: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-685-0013  
 niagararegion.ca

Tuesday, December 10, 2019

VIA EMAIL

Tara Stephens  
 City Clerk  
 City of Welland  
 60 East Main Street  
 Welland, ON L3B 3X4

Dear Ms. Stephens:

**Confirmation of Welland's Enhanced and Optional Enhanced Services for Niagara Region's New Waste Management Collection Contract**

I am writing to request the City of Welland's confirmation of Enhanced and Optional Enhanced Services to be included at the start of Niagara Region's new Waste Management Collection Contract (the new contract), which commences on October 19, 2020.

In follow-up to the resolution made at the City of Welland's February 5, 2019 Council meeting (Report ENG 2019-02 -- Region of Niagara 2020 Waste Collection Contract), Niagara Region has obtained pricing for the City's requested Enhanced and Optional Enhanced Services for the new contract.

There were a number of factors, which contributed to an overall increase in the costs from the previous contract, including: labour, insurance, fuel, and vehicle/technology costs. Municipalities across the Province have experienced price increases ranging from 20% to 114%. Additionally, the current collection provider was approximately \$4 million less annually than the next lowest bidder in 2009.

**1) Requested Enhanced Services Provided to the City of Welland:**

Provided below is a summary of Niagara Region's new contract costs to provide the City of Welland with its requested Enhanced Services. Pricing submitted by the contractor is subject to a diesel fuel price adjustment at the contract commencement date, to offset fluctuations from the time of the RFP submission. Annually thereafter, starting one (1) year after the contract commencement date, per annum prices are subject to a Consumer Price Index (CPI) adjustment and diesel fuel price adjustment.

Requested Enhanced Services	Total Number of Bins	Submitted Annual Price (excluding HST)
<b>Containerized Garbage Collection at Multi-Residential (MR) Properties</b> • Collection varies from one (1) to two (2) days-per-week, depending on location.	11	\$7,300.80

**2) Optional Enhanced Service - Every-Other-Week Bulky Goods Collection at MR with Seven (7) or more units and Mixed-Use (MU) Properties with One (1) or more units:**

Niagara Region's new contract cost to provide the City of Welland with Every-Other-Week (EOW) call-in curbside collection of designated bulky goods from MR buildings with seven (7) or more units and MU properties with one (1) or more residential unit, which receive the

Region's Base curbside collection of garbage OR containerized garbage collection service, would be **\$94,168.19 per year, excluding HST.**

**3) Optional Enhanced Service - In-Ground Collection at MR, Industrial, Commercial & Institutional (IC&I) and MU Properties:**

Niagara Region's new contract cost to provide the City of Welland with collection of garbage, Blue and Grey Box/Cart materials, and Green Bin/Cart materials from in-ground containers (e.g. MOLOK, Earth Bins) at MR, IC&I, MU, Public Space Litter and Public Space Recycling bin properties would be **\$75.00 per stop (based on crane collection) or \$55.00 per stop (based on front-end collection), excluding HST.**

Appendix 1 provides a comparison of the 2019 annual pricing vs. the first year pricing of the new contract, including Net HST but excluding diesel fuel price adjustment, which will be made at the commencement date, for the requested Enhanced and Optional Enhanced Services. Annually thereafter, starting one (1) year after the contract commencement date, per annum prices are subject to a Consumer Price Index (CPI) adjustment and diesel fuel price adjustment.

**Confirmation of Enhanced and Optional Enhanced Services for New Contract:**

Please confirm the list of Enhanced and Optional Enhanced Services the City of Welland would like included at the start of Niagara Region's new contract.

For your information, if any Enhanced and Optional Enhanced Services are selected for implementation in future years, the pricing will hold for the term of the contract, subject to annual Consumer Price Index (CPI) escalations.

Please provide your response to **Brad Whitelaw**, Program Manager, Waste Policy & Planning, at **905-980-6000 ext. 3316** or [brad.whitelaw@niagararegion.ca](mailto:brad.whitelaw@niagararegion.ca) by no later than **Friday, January 31, 2020**, or earlier if possible. If this date cannot be accommodated, please advise the alternative date the City will confirm these services.

If you have any questions, please call me at (905) 980-6000 ext. 3204.

Sincerely,



Catherine Habermehl,  
Director, Waste Management Services

c. Travers Fitzpatrick, Acting General Manager / City Engineer Infrastructure and Development Services

**Appendix 1 – Summary of Pricing for Enhanced and Optional Enhanced Services**

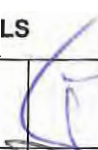


<b>Requested Enhanced Service</b>	<b>Total Number of Bins</b>	<b>2019 Annual Price (incl. Net HST)</b>	<b>Submitted Annual Price <sup>(1)</sup> (incl. Net HST)</b>
<b>Containerized Garbage Collection at Multi-Residential (MR) Properties</b> <ul style="list-style-type: none"> <li>Collection varies from one (1) to two (2) days-per-week, depending on location.</li> </ul>	11	\$6,455.82	\$7,429.29
<b>Optional Enhanced Service</b>		<b>2019 Annual Price (incl. Net HST)</b>	<b>Submitted Annual Price <sup>(1)</sup> (incl. Net HST)</b>
<b>Bulky Goods Collection at MR and MU Properties</b> <ul style="list-style-type: none"> <li>EOW call-in curbside collection of designated bulky goods from MR buildings with seven (7) or more units and MU properties with one (1) or more residential unit, which receive the Region's Base curbside collection of garbage OR containerized garbage collection service</li> </ul>		n/a	\$95,825.55
<b>In-Ground Collection at MR, IC&amp;I and MU Properties</b> <ul style="list-style-type: none"> <li>Collect garbage, Blue and Grey Box/Cart, and Green Bin/Cart materials from in-ground containers (for example, MOLOK, Earth Bins) at MR, IC&amp;I and MU properties, public space litter and recycling bins.</li> </ul>		n/a	\$76.32 per stop (crane coll'n) \$55.97 per stop (front-end coll'n)

## Note:

- 1) Pricing submitted by the contractor is subject to a diesel fuel price adjustment at the contract commencement date, to offset fluctuations from the time of the RFP submission. Annually thereafter, starting one (1) year after the contract commencement date, per annum prices are subject to a Consumer Price Index (CPI) adjustment and diesel fuel price adjustment.



**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-19  
**REPORT ENG-2020-07**  
**FEBRUARY 4, 2020**

**SUBJECT: MAPLE PARK & MEMORIAL PARK SPLASH PAD  
 CONTRACT AWARD**

**AUTHOUR: GAGE STEPHENS  
 PROJECT MANAGER FACILITIES**

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

**RECOMMENDATIONS:**

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the proposal from A.B.C. Recreation Ltd. of Paris, Ontario, as detailed in Report ENG-2020-07 for the Design, Supply and Installation of a New Splash Pad and Amenities at Maple and Memorial Parks; and
2. THAT Council authorizes the Mayor and City Clerk to execute the necessary by-laws and agreements to enter into a contract with A.B.C. Recreation Ltd.

**ORIGIN AND BACKGROUND:**

Maple Park is located on South Pelham Road, South of Thorold Road in the south-central section of the City. This community park is undergoing many changes and additions. Currently the park is home to one of the community Olympic size swimming pools, a wading pool, has a large passive park area, playground and two (2) baseball diamonds.

Memorial Park is located in the southeast end of the City on Memorial Park Drive, adjacent to the active Welland Canal. This park offers families a wonderful environment to meet, play and hold family reunions. Amenities include a splash pad, wading pool and community pool, five pavilions, numerous softball fields and children's play area.

The 2020 approved capital budget identifies the demolition and replacement, in the same location, of the existing splash pad at Memorial Park and installation of a new splash pad at Maple Park, on the Clare Avenue frontage of the Park. After a detailed investigation and design phase the project is ready for award and construction.

**COMMENTS AND ANALYSIS:**

In September of 2019 a Request for Proposal (RFP) was issued for the design, supply and installation of the new splash pad at Maple Park and the demolition of existing splash pad and reinstallation of a new splash pad at Memorial Park. As part of this RFP, two design concepts for each park were supplied.

A site meeting was held on October 10, 2019, and was attended by multiple contractors. RFP submissions for the project closed on October 22, 2019, and two (2) firms submitted proposals.

The proposals were scored based on experience, quality of past work, design innovation, spray features, schedule and price. Before financial submissions were opened, each member of the staff Project Implementation Team completed independent technical evaluations of all proposals. The following table lists the contractors in order of rank after scoring was complete.

PROPOSAL RANKING	NAME	ADDRESS
1st	A.B.C. Recreation Ltd.	65 Curtis Ave. N. Paris, ON N3L 3W1
2nd	Yard Weasels	8146 Side Rd 15, Fergus, ON N1M 2W4

Evaluations were thoroughly considered and rated many aspects relevant to the quality of the product including long-term maintenance requirements, service ability, warranty, and the proponents experience elsewhere. All RFP submissions were required to include two (2) unique design concepts for evaluation. Combining the innovative design concepts, along with the technical and financial scoring in accordance with the methodology outlined in the RFP, the winning submission was found to be that of A.B.C. Recreation Ltd.

Staff recommend awarding both projects to A.B.C. Recreation Ltd., as per its submission of Design Concept two (2) at Maple Park and Design Concept two (2) at Memorial Park.

**The Maple Park** design concept was selected as it incorporates a unique site layout, while also including zones for various age groups. The inclusion of age group zones enhances the user experience, and promotes safety, as it directs similarly aged children to specific areas of the splash pad. Also included in both Design Concept two (2) from A.B.C. Recreation Ltd., are site amenities such as benches, a pedestal style shaded picnic table, and plantings. The total cost of Design Concept two (2), from A.B.C. Recreation Ltd., is \$349,730.00 (excluding taxes) as summarized below.

Description	Design Concept 2
Base Price – Complete Splash Pad Maple Park Concept 2	\$349,730.00
Furnishings: Benches, shade tables accessible shade table	Included in price
Water Servicing (Estimated)	\$0.00
<b>TOTAL (Including Net HST)</b>	<b>\$ 355,855.25</b>

Public Works staff installed a water service to the property line of the park in late 2019, construction of the pad is expected to begin in mid-April. The splash pad will take sixteen (16) weeks, which includes the lead time to order and manufacture the equipment. Equipment will be ordered immediately upon award of this contract in order to minimize the total project length.

Staff recommend Design Concept two (2) at **Memorial Park** for many of the same reasons as stated above. The design incorporated a unique layout while also including zones for

various age groups, which promotes safety. Various amenities such as benches, picnic tables with umbrellas for shade and decorative landscaping that will improve the overall image of the park. Staff is acquiring drawings and estimates for the installation of water service at Memorial Park which will be installed in the spring of 2020. The existing splash pad is scheduled to be removed in September 2020 after the season closure. Installation of the new splash pad will start after demolition of the old pad but will be weather dependent. The expected completion of the installation of the new pad is May 2021. The total cost of Design Concept two (2), from A.B.C. Recreation Ltd., is \$327,372.00 (excluding taxes) as summarized below.

Description	Design Concept 2
Base Price – Complete Splash Pad Memorial Park Concept 2	\$327,372.00
Furnishings: Benches, shade tables accessible shade table	Included in price
Demolition Of Existing Splash Pad	\$7,188.00
Water Servicing (Estimated)	\$30,000
<b>TOTAL (Including Net HST)</b>	<b>\$ \$370,446.22</b>

A.B.C Recreation Ltd has provided design concepts that are safe, visually appealing, durable, and work with the overall aesthetic of the park, this in conjunction with their long standing history of working with municipalities, warranty coverage and service quality will provide the City with a quality product for park patrons for years to come.

#### **FINANCIAL CONSIDERATION:**

The approved 2020 Capital Budget includes allocation under Parks, for the replacement of the Memorial Park Splash Pad and installation of Splash pad at Maple Park, in the amount of \$450,000.00 each (Memorial account 10-410-20140, Maple account 10-410-20141).

The proposed contract price, plus estimated water servicing, is expected to be within the overall project budget as outlined below.

Description	Price
<b>Maple Park, Budget (10-410-20141)</b>	<b>\$450,000.00</b>
Design Concept 2 Base Bid	\$ 349,730.00
City's Share of HST (1.76%)	\$6,155.25
Water Servicing (Estimated)	\$0.00
<b>TOTAL</b>	<b>\$355,885.25</b>
<b>Memorial Park, Budget (10-410-20140)</b>	<b>\$450,000.00</b>
Design Concept 2 Base Bid	\$327,372.00
Removal Of Old Pad	\$7,188.00
City's Share of HST (1.76%)	\$5888.22
Water Servicing (Estimated)	\$30,000
<b>TOTAL</b>	<b>\$370,446.22</b>

**OTHER DEPARTMENT IMPLICATIONS:**

The request for proposals has been done in compliance with the City's Purchasing Policy. The Legal Department will review the contract documents and prepare the necessary by-laws.

**SUMMARY AND CONCLUSION:**

The existing splash pad at Memorial Park is due for replacement in order to update and modernize the park with improved levels of service for the community. The installation of a splash pad at Maple Park will add to the amenities at the park, catering to water centric outdoor children's activities and provide a safe, enjoyable park experience for families of all ages.

These Parks are destination parks of Welland and attract a large number of users who seek a variety of recreation activities. The proposed design of the Splash Pads for both parks, as submitted by A.B.C Recreation Ltd., incorporate a variety of water play elements that will meet the needs of multiple age groups, along with supplying a unique and visually appealing product to compliment the surrounding amenities.

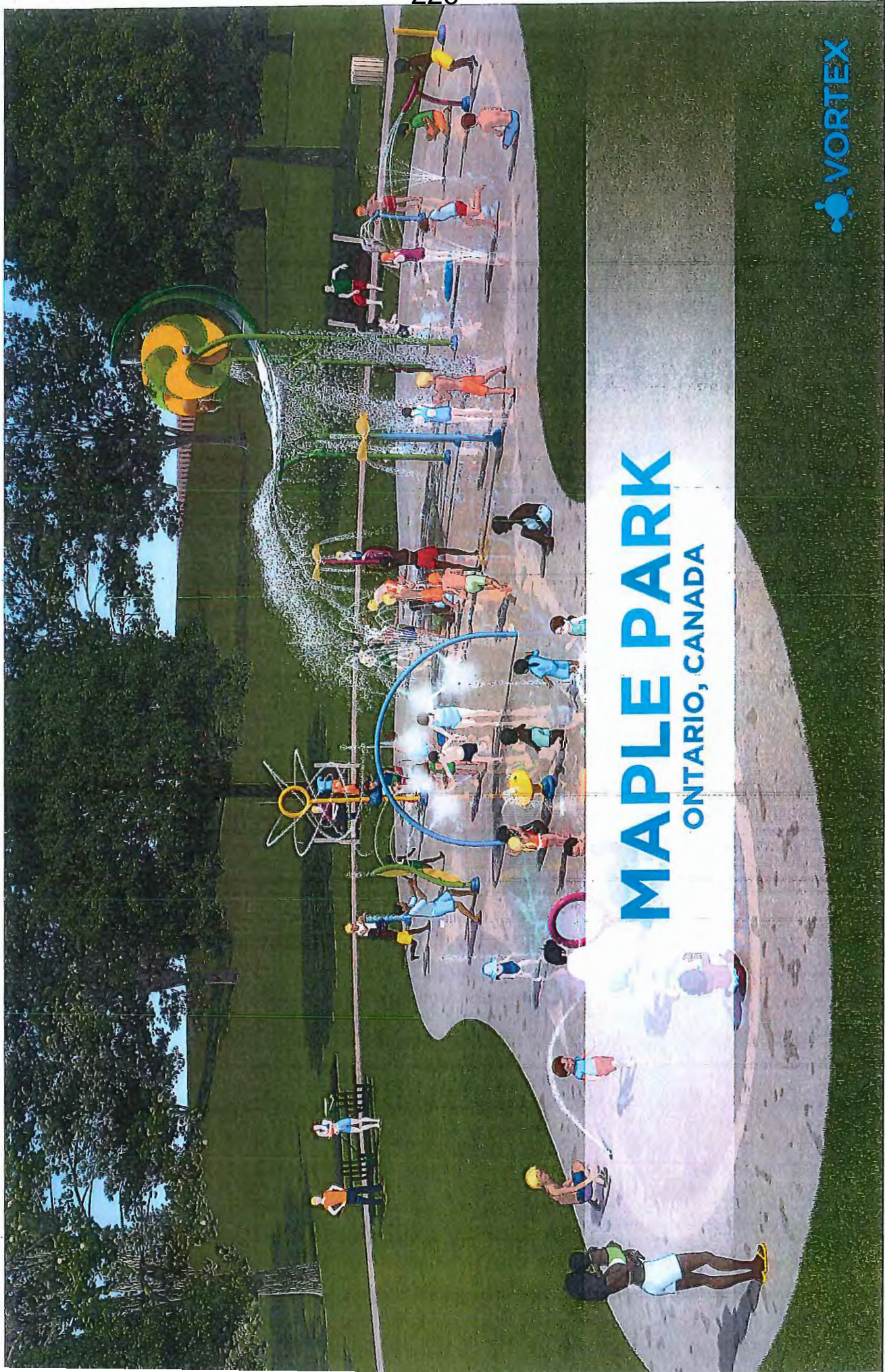
Staff recommends awarding the contract to A.B.C. Recreation Ltd., to perform the work for the replacement of the splash pads at both Maple Park and Memorial Park.

**ATTACHMENTS:**

Appendix I – A.B.C. Recreation Ltd., Design and Renderings Maple Park Design Concept 2.

Appendix II – A.B.C. Recreation Ltd., Design and Renderings Memorial Park Design Concept 2





# MAPLE PARK

ONTARIO, CANADA











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**SPLASHPAD®**  
VIEW 1

**MAPLE PARK, ONTARIO, CANADA**  
Version B - 34111







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SPLASHPAD®  
VIEW 4

MAPLE PARK, ONTARIO, CANADA  
Version B - 34111





# SPLASHPAD® COMPONENTS

Total area: 3854 ft<sup>2</sup> (358 m<sup>2</sup>)  
 Spray area: 2627 ft<sup>2</sup> (244 m<sup>2</sup>)

REF	PRODUCT	QTY	GPM	LPM
1	Bollard Activator N°3 VOR 0611	3	0	0
2	Bamboo Ring VOR 7787	1	2	7.6
3	Wave VOR 0327	2	11	41.6
4	Jet Stream N°1 VOR 7512	5	12.5	47.3
5	Waterbug N°2 VOR 7581	1	6	22.7
6	Playsafe Drain N°1 VOR-1001.4000	3	0	0
7	Sunspray N°1 VOR 7578	1	12.5	47.3
8	Seaweed N°2 VOR 7780	1	4.5	17
9	Water Bloom N°1 VOR 0522	1	9	34.1
10	Aqualien Flower N°2 VOR 1331	2	6	22.7
11	Gateway Arch VOR 547	1	8	28.4
12	Superwave VOR 0136	1	30	113.6
13	Fountain Spray N°1 VOR 7513	3	5	18.9
14	Tube N1 VOR 0220	2	8	30.3
TOTAL WATER FLOW		27	114.5	431.5



Colored concrete and Environment are for illustration purpose only and not supplied by Vortex. Not for construction

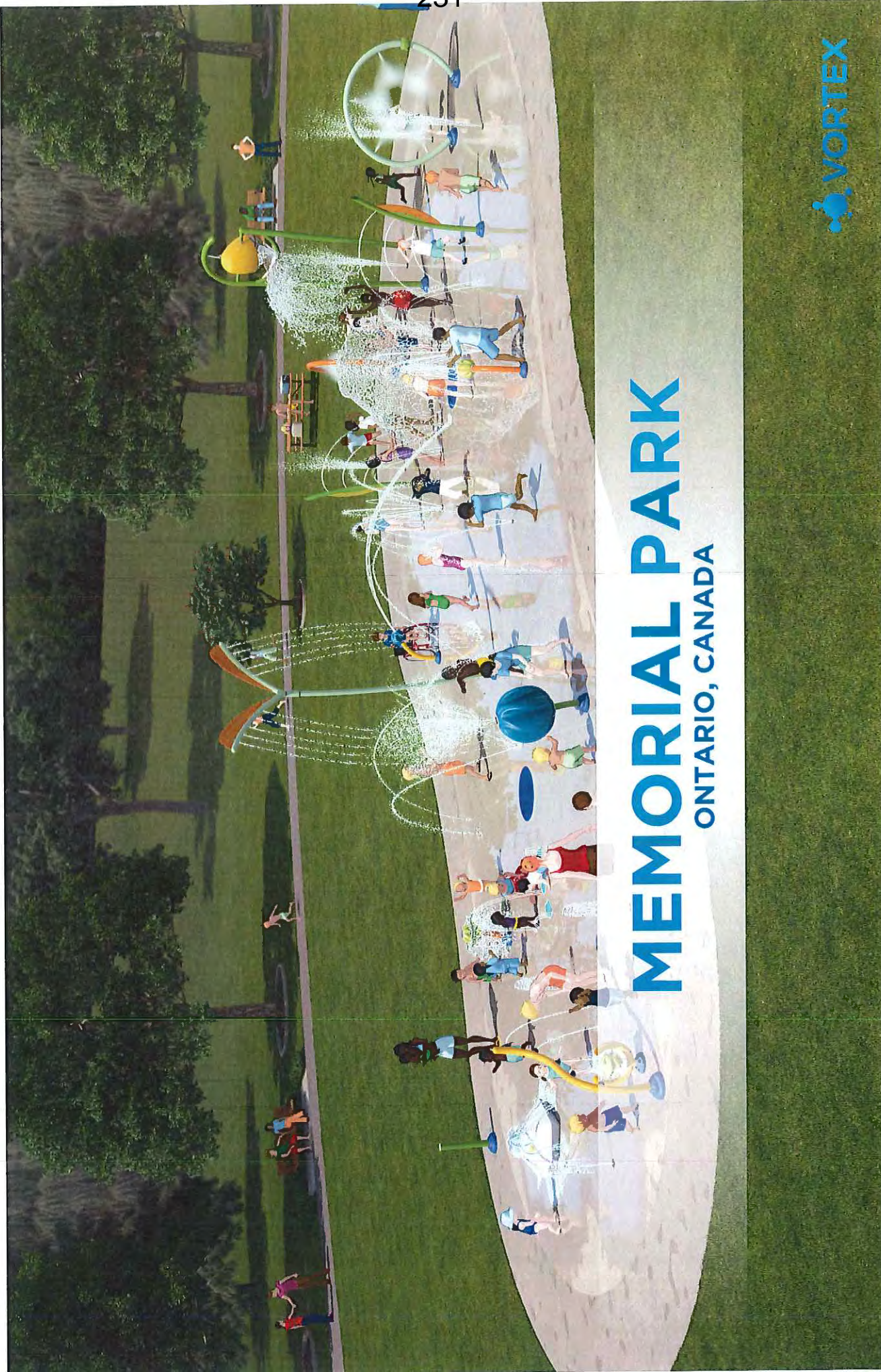
SPLASHPAD®  
 DETAILS



MAPLE PARK, ONTARIO, CANADA  
 Version B - 34111





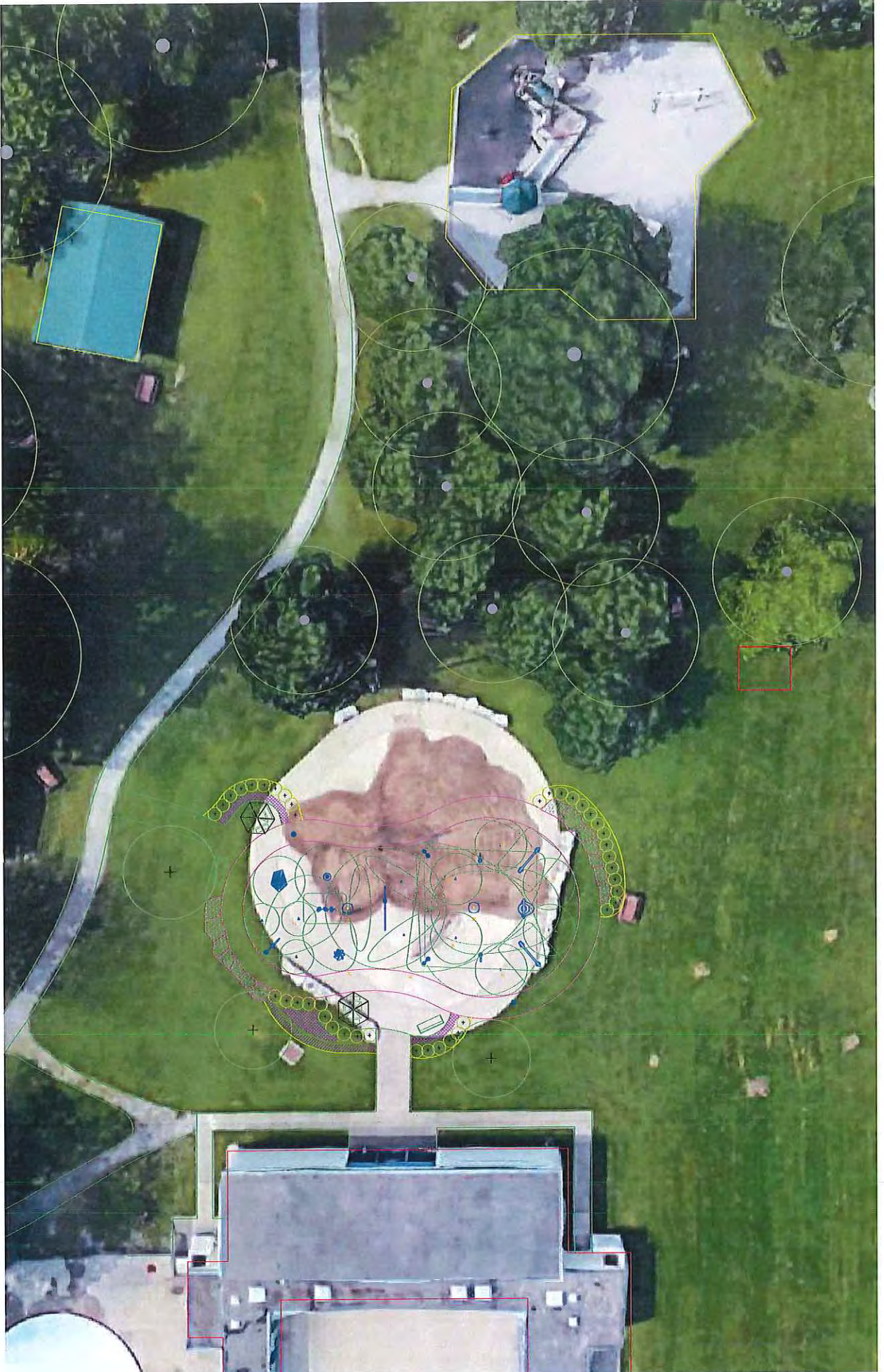


# MEMORIAL PARK

ONTARIO, CANADA











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**SPLASHPAD®**  
VIEW 1

**MEMORIAL PARK, ONTARIO, CANADA**  
Version B - 24675



-PAGE 3-

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**SPLASHPAD®**  
VIEW 2

**MEMORIAL PARK, ONTARIO, CANADA**  
Version B - 24675







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**SPLASHPAD®**  
VIEW 3

**MEMORIAL PARK, ONTARIO, CANADA**  
Version B - 24675







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**SPLASHPAD®**  
VIEW 4

**MEMORIAL PARK, ONTARIO, CANADA**  
Version B - 24675





## SPLASHPAD® COMPONENTS

Total area: 3502 ft<sup>2</sup> (325 m<sup>2</sup>)  
 Spray area: 2421 ft<sup>2</sup> (225 m<sup>2</sup>)

REF	PRODUCT	QTY	GPM	LPM
1	Alto N°1 VOR 7130	1	6.5	24.6
2	Bamboo Stem N°1 VOR 7724	2	8	30.3
3	Bobble N°1 VOR 7232	1	6	22.7
4	Bollard Activator N°3 VOR 0611	2	0	0
5	Directional Jet N°2* VOR 0321	3	4.5	17
6	Fountain Spray N°2 VOR 7676	4	12	45.4
7	Helico VOR 7790	1	17	64.3
8	Helio N°3 VOR 7238	1	3	11.4
9	Hop N°2 VOR 7134	1	10	37.9
10	Jet Stream No.2 VOR 0325	3	12	45.4
11	Luna Cannon N°1 VOR 7235	2	13	49.2
12	Luna N°3 VOR 7234	1	6.5	24.6
13	Orbit Single VOR 0532	2	15	56.8
14	Playsafe Drain N°1 VOR-1001.4000	2	0	0
15	Twinsplash VOR 7242	1	12	45.4
16	Water Bloom N°2 VOR 0329	2	18	68.1
TOTAL WATER FLOW		QTY	GPM	LPM
		29	143.5	543.1



SPLASHPAD®  
DETAILS



-PAGE 8-

MEMORIAL PARK, ONTARIO, CANADA  
Version B - 24675

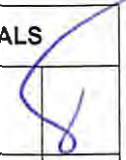


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COUNCIL

INFRASTRUCTURE AND DEVELOPMENT SERVICES  
PUBLIC WORKS DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2020-08  
FEBRUARY 4, 2020

**SUBJECT: 2020 WATER METER REPLACEMENT / UPGRADE PROGRAM**

**AUTHOUR: VINCENT 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**

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**RECOMMENDATIONS:**

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the issuance of a change order to the existing 2019 water meter replacement / upgrade contract between the Corporation of the City of Welland and Neptune Technologies Group to extend the existing contract through 2020 at a total price of \$ 400,000.00;
2. THAT Council directs the City Clerk to the necessary documents to enter into this change order with *Neptune Technologies Group*; and
3. THAT Council authorizes the Mayor and Clerk to execute the necessary by-laws and agreements.

**ORIGIN AND BACKGROUND:**

The City continues to move forward with upgrading and improving the technology and quality of service provided for with the use of water meters. Having completed the Industrial, Commercial and Multi-Residential upgrades and two rounds of Single Family Home replacement the adopted small bite / long term approach to water meter lifecycle replacement and universal RF (radio frequency) water meter reading continues to provide significant customer benefit and level of service improvements.

**COMMENTS AND ANALYSIS**

To date the City has replaced and or retrofitted approximately 2500 meters. Our present inventory of meters older than 15 years is 1808. The approved funding for the 2020 project will allow for the replacement retrofit of approximately 1025 meters. This number is projected to be approximately 4022 in 2021 as the majority of meters where installed in 2006 as part of the overall metering initiative. The change order process is a standard

industry practice and will allow Neptune to carry on with its work with little to no disruption to the program.

**FINANCIAL CONSIDERATION:**

Item	Budgeted Amount	Tender
2020 Capital Water/Waste Water Budget ( 10-330-20221) (10-910-20221)	\$400,000.00	Change order

***Neptune Technologies Group has agreed to hold 2019 prices***

**OTHER DEPARTMENT IMPLICATIONS**




This project will be administered by the Public Works Division of the Infrastructure Services Department in consultation with the Finance Department.

**SUMMARY AND CONCLUSION:**

The change order process is the most effective and efficient manner to proceed. The Neptune Technologies Group presently has an established warehouse located in the city and their staff is ready to be deployed to complete the proposed works.

**ATTACHMENTS:**

N/A

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

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

20-51

**REPORT P&B-2020-07  
FEBRUARY 4, 2020**

**SUBJECT: APPLICATION FOR TAX INCREMENT GRANT PROGRAM  
AND ALL OTHER INCENTIVE PROGRAMS  
COMMUNITY IMPROVEMENT PLAN FOR THE  
DOWNTOWN AND HEALTH AND WELLNESS CLUSTER  
KARIE CONSTANTINO  
163 DIVISION STREET (FILE NO. 2019-10)**

**AUTHOR: TRAVERS FITZPATRICK  
GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

**RECOMMENDATION:**

That Council approve the Tax Increment Grant estimated at \$12,312.87 (based on the \$107,000 costs provided in the Application) and approval of all other Incentive Programs totaling an estimated \$67,500 for the completed conversion of the commercial building at 163 Division Street into two (2) dwelling units.

**ORIGIN AND BACKGROUND:**

A Downtown and Health and Wellness Cluster Community Improvement Plan (CIP) Incentive Application was received on June 24, 2019 for property municipally known as 163 Division Street. This Application was reviewed by Staff and deemed to be incomplete as required information was not provided and deemed ineligible given that the project was commenced prior to Council approval of the Grant.

The building located on the property was formerly used for commercial purposes and was converted into 2 dwelling units. The Owner is seeking approval under the TIG Program wherein Council approval is required.

The Owner is also seeking approval under all other Incentive Programs wherein Staff has been delegated approval by Council by its approval of By-law 2016-104. All Incentive Programs, like the TIG Program, are subject to fulfilling various requirements outlined in the CIP and each individual Program.

**COMMENTS AND ANALYSIS:**

The subject property is located on the south side of Division Street and is shown on the attached Location Map (Appendix I). The two (2) storey formerly commercial building has

been converted into two (2) dwelling units, each unit being approximately 1,065 square feet in area.

In order to qualify for grant approval eligibility program requirements must be fulfilled. These requirements are in place to ensure consistency in Application review and in the treatment of all Applicants pursuing the Incentive Programs. The CIP and all Incentive Program eligibility requirements for Application processing includes, among other items, the submission of two (2) cost estimates for all the eligible works to ensure that the Owner and the City obtain the best value for their financial contribution. As well, the CIP requires the City to base any grants on the lowest total cost estimate or final cost, whichever is less. In this particular case two (2) estimates were not provided for all works.

Staff initially met with the Owner (and the Owner's husband) at a Pre-Application meeting held in September of 2018. At this meeting the proponents were advised of all CIP and Program requirements including eligibility requirements, submission requirements and the Council approval process. Such requirements include, but are not limited to, an eligible project, compliance with zoning, obtaining City/City Council approval prior to commencement of the works and entering into a Grant Agreement with the City.

Based on Staff's review of the Application and documentation submitted, the Owner has not fulfilled the requirements of the CIP nor all other Incentive Programs. A Staff review has found a number of shortcomings associated with the project, CIP eligibility criteria and the Application itself. Some shortcomings being:

- Contrary to the CIP the Owner commenced and completed the conversion of the commercial building into 2 dwelling units prior to Council approval and consideration of the tax grant for this project.
- The work commenced without the required Building Permit;
- An incentive application submitted on June 24, 2019 was incomplete with respect to absence of total costs for all eligible works under the Program, absence of 2 total cost estimates for all eligible works and absence of required documentation.
- The building inspection was completed on July 4, 2019 for the completed conversion of the building into two (2) residential dwelling units.

Frontline review and program administration staff cannot recommend approval of the Application for the Tax Increment Grant Program for 163 Division Street as not all CIP and all other Incentive Program requirements have been fulfilled. However, after a meeting with senior staff, on February 27, 2019 a conditional permit was issued to the owners. The writer is also advised that the owners were told they could proceed with work. Because of the conflicting advice from staff the writer is recommending approval of the applications.

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. In order to provide Council with a cost estimate an amount of \$107,000 for the 2 dwelling units provided by the Owner in the Application was used. Based on the \$107,000 provided in the Application for the 2 dwelling units, Staff has estimated the Grant to be approximately \$12,312.87 over the 10 year Grant period as shown in Appendix II. The City's contribution to this incentive has been estimated to be \$6,821.75, being approximately 55% percent of the estimated Grant. Niagara Region must confirm its participation in the TIG Program for

its portion of taxes. This amount represents an estimate only. The reassessment by MPAC will provide a true value of the property assessment used to determine the ultimate Grant.

The Building Improvement Grant Program provides a grant equal to 50% of the cost of eligible interior and exterior building and maintenance works to a maximum of \$12,500 per property/project.

The Façade Improvement Grant Program provides a grant equal to 50% of the cost of eligible front façade improvement works to a maximum of \$12,500 per property/project and eligible rear/side façade improvement works to a maximum of \$7,500 per project/property.

The Residential Grant Program provides a grant equal to the cost of rehabilitating existing or constructing new residential units based on \$15.00 per square foot of habitable floor space, to a maximum of \$15,000 per unit and a maximum of 4 units per property. Therefore, the Program provides a Grant to a maximum of \$60,000 per property/project.

The Planning and Building Fees Grant Program provides a Grant equivalent to the fees paid on planning, development and building permits for eligible projects that have taken advantage of the other incentive programs to a maximum of \$5,000 per property/project.

The Table below identifies Program requirements as well as the maximum amount of incentive which can be attained when requirements for each Program are fulfilled.

Incentive Program	Maximum Grant Amount	CIP and Program Requirements
Building Improvement Grant	\$12,500	Submission Requirements: Complete application, 2 cost estimates, legal documents, before photos, architectural drawings/design plans, site plan.
Façade Improvement Grant	\$12,500 and \$7,500	
Residential Grant	\$30,000 (estimated)	Eligibility Requirements: Proposed project/works must be eligible, compliance with Zoning By-law, receive City/Council approval prior to commencement of the project, and enter into Grant Agreements prior to commencement of the project.
Planning and Building Fees Grant	Maximum \$5,000	
Total	\$67,500	

Should Council approve this Application, the Owner will be required to enter into Grant Agreements which will specify the terms, duration and provisions of the Grants.

#### **FINANCIAL CONSIDERATION:**

Based on \$107,000 provided by the Owner in the Application if Council approves the Application, the total amount of the TIG has been estimated at \$12,312.87.

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 maximum Building Improvement Grant is \$12,500. The maximum Façade Improvement Grant is \$20,000. The maximum Residential Grant is estimated at \$30,000. The maximum Planning and Building Fees Grant is \$5,000.

**OTHER DEPARTMENT IMPLICATIONS:**

Should Council approve the Application, the Legal Division will be involved in the registration of the Agreements and By-law, if applicable and the Finance Division will be involved with all financial aspects associated with the Incentive Program.

**SUMMARY AND CONCLUSION:**

The Owner of 163 Division Street has requested funding under the Downtown and Health and Wellness Cluster CIP for all Incentive Programs for this property. Due to deficiencies noted in this Report, front line and program administration cannot recommend approval. However, due to the issuance of a conditional and information provided to the owners, the writer recommends approval of the application based upon the information provided to program staff.

**ATTACHMENTS:**

- |             |   |   |
|-------------|---|---|
| Appendix I  | - | Location Map                                |
| Appendix II | - | Tax Increment Grant – Estimated Calculation |



# LOCATION MAP

163 Division Street



**SUBJECT LANDS**



*Infrastructure and  
Development Services  
Planning Division*



**CITY OF WELLAND DOWNTOWN AND HEALTH AND WELLNESS CLUSTER CIP  
TAX INCREMENT GRANT PROGRAM CALCULATOR  
163 Division Street - Estimated Grant**

Roll 271904000810600	2020 Before Project (CT)	Project Completion (RT Residential/New Multi-Res)	Tax Increment	Annual Grant Payment	Total Grant Payment
Assessment Value	\$247,000.00	\$354,000.00			
Municipal Taxes	\$1,968.42	\$2,821.14	\$852.72	\$682.17	\$6,821.75
Regional Taxes	\$1,584.47	\$2,270.86	\$686.39	\$549.11	\$5,491.12
<b>Total Taxes</b>	<b>\$3,552.89</b>	<b>\$5,092.00</b>	N/A		
		<b>% of Tax Increment</b>	<b>80.00%</b>		
		<b>Total Annual Grant Payment</b>	<b>\$1,231.29</b>		
		<b>Duration of Grant Payment (Years)</b>	<b>10</b>		
		<b>Total Grant Payment<sup>10</sup></b>	<b>\$12,312.87</b>		

This TIG calculation estimates the completed project being assessed at **354,000 at the RT rate** and is based on the current 2020 Assessment of subject land plus the estimated construction costs at **\$107,000**. The actual post assessment value will be completed by MPAC following project completion. The existing "Before Project" assessment value is based on actual 2020 MPAC assessment. This TIG calculation is based on 2019 tax rates and will be subject to change as the annual tax base changes throughout the TIG period. This TIG calculation assumes a constant tax rate, which may not be the case, and will be subject to change as the annual tax base changes.




Both before project and project completion Assessment Values are estimates and may be subject to change.

Welland Property Tax Rate (Residential)	0.00796933
Regional Property Tax (Residential)	0.00641486
Welland Property Tax Rate (Commercial Occupied Land)	0.01382600
Regional Property Tax Rate (Commercial Occupied Land)	0.01112914

<sup>10</sup> This is an estimate only and does not constitute any guarantee or assurance of a grant and should not be relied upon as such.

Dated: January 22, 2020

**COUNCIL**  
**ECONOMIC DEVELOPMENT OFFICE**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

18-36

**REPORT EDO-2020-01**  
**February 4, 2020**

**SUBJECT: AGREEMENT OF PURCHASE AND SALE FOR 3.5 ACRES OF VACANT CITY OWNED LANDS ON DOWNS DRIVE IN THE NEW RIVER ROAD AND DOWNS DRIVE INDUSTRIAL PARK**

**AUTHOR: LINA DECHELLIS, ECONOMIC DEVELOPMENT OFFICER**

**APPROVING G.M.: DAN DEGAZIO, GENERAL MANAGER, ECONOMIC DEVELOPMENT, RECREATION AND CULTURE**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase 3.5 acres of land on Downs Drive in our new River Road and Downs Drive Industrial Park.

THAT Welland City Council directs staff to prepare all the necessary documentation and by-laws relative to the transfer; and further

THAT the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer; and further

THAT Welland City Council directs staff to deposit the revenues from the sale of these lands into the Economic Development Reserve Fund.

**COMMENTS AND ANALYSIS:**

At its meeting of March 6, 2018 Council approved the creation of a new industrial park located on River Road and Downs Drive to ensure the City has an inventory of serviced industrial land.

At its meeting of April 24, 2018 Council declared surplus to the City's needs lands located north of Ross Street and Downs Drive, east of River Road and south of the Young's Sportsplex soccer fields.

The City has received an offer from 603697 Ontario Limited to purchase 3.5 acres of these lands located on Downs Drive.

**OTHER DEPARTMENT IMPLICATIONS:**

Clerks and Legal Divisions are involved to complete the sale of the property.

**FINANCIAL CONSIDERATION:**

603697 Ontario Limited has made an offer to purchase 3.5 acres on Downs Drive in the new industrial park which is scheduled to close on March 19, 2020.

**SUMMARY AND CONCLUSION:**

At their November 19, 2019 Committee of the Whole meeting Council directed staff to proceed with the Offer to Purchase from 603697 Ontario Limited for 3.5 acres of city-owned lands on Downs Drive in our new industrial park.

**ATTACHMENT:**

Appendix 1 – Key Map





OPTION 19






Infrastructure and  
Development Services  
Planning Division





**COUNCIL**  
**ECONOMIC DEVELOPMENT OFFICE**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

18-36

**REPORT EDO-2020-02**  
**February 4, 2020**

**SUBJECT: AGREEMENT OF PURCHASE AND SALE FOR 2.6 ACRES OF VACANT CITY OWNED LANDS ON DOWNS DRIVE IN THE NEW RIVER ROAD AND DOWNS DRIVE INDUSTRIAL PARK**

**AUTHOR: LINA DECHELLIS, ECONOMIC DEVELOPMENT OFFICER**

**APPROVING G.M.: DAN DEGAZIO, GENERAL MANAGER, ECONOMIC DEVELOPMENT, RECREATION AND CULTURE**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase 2.6 acres of land on Downs Drive in our new River Road and Downs Drive Industrial Park.

THAT Welland City Council directs staff to prepare all the necessary documentation and by-laws relative to the transfer; and further

THAT the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer; and further

THAT Welland City Council directs staff to deposit the revenues from the sale of these lands into the Economic Development Reserve Fund.

**COMMENTS AND ANALYSIS:**

At its meeting of March 6, 2018 Council approved the creation of a new industrial park located on River Road and Downs Drive to ensure the City has an inventory of serviced industrial land.

At its meeting of April 24, 2018 Council declared surplus to the City's needs lands located north of Ross Street and Downs Drive, east of River Road and south of the Young's Sportsplex soccer fields.

The City has received an offer from E.N.K Construction Management Ltd. to purchase 2.6 acres of these lands located on Downs Drive.

**OTHER DEPARTMENT IMPLICATIONS:**

Clerks and Legal Divisions are involved to complete the sale of the property.

**FINANCIAL CONSIDERATION:**

E.N.K. Construction Management Ltd. has made an offer to purchase 2.6 acres on Downs Drive in the new industrial park, which is scheduled to close on April 15, 2020.

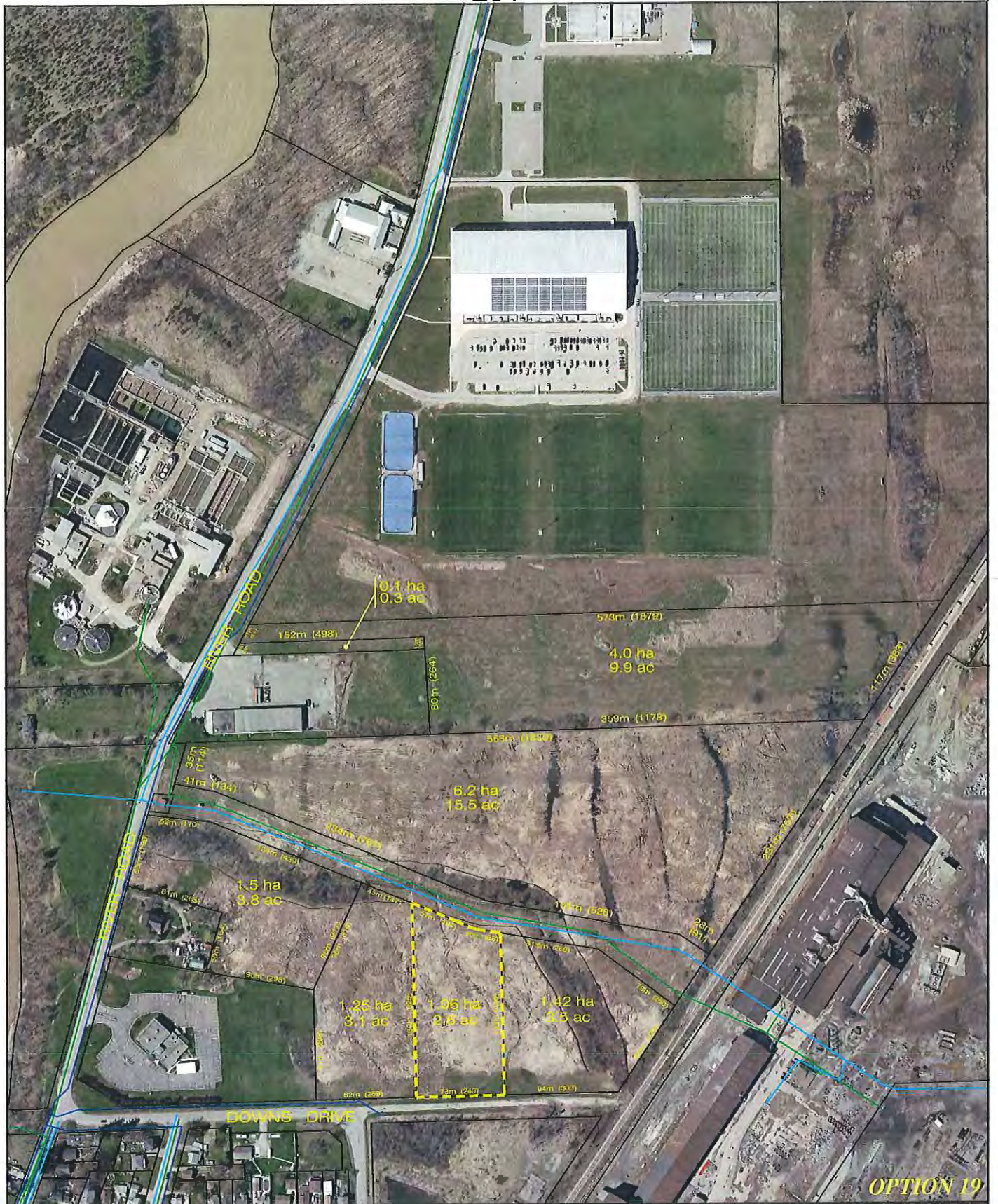
**SUMMARY AND CONCLUSION:**

At their November 19, 2019 Committee of the Whole meeting Council directed staff to proceed with the Offer to Purchase from E.N.K. Construction Management Ltd. for 2.6 acres of city-owned lands on Downs Drive in our new industrial park.

**ATTACHMENT:**

Appendix 1 – Key Map





**OPTION 19**



**Infrastructure and  
Development Services  
Planning Division**





**COUNCIL**  
**ECONOMIC DEVELOPMENT OFFICE**

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

17-94

**REPORT EDO-2020-03**  
**February 4, 2020**

**SUBJECT: AGREEMENT OF PURCHASE AND SALE FOR VACANT CITY OWNED  
LANDS ON THE SOUTH-EAST CORNER OF FIRST STREET AND PLYMOUTH  
ROAD**

**AUTHOR: LINA DECHELLIS, ECONOMIC DEVELOPMENT OFFICER**

**APPROVING G.M.: DAN DEGAZIO, GENERAL MANAGER, ECONOMIC DEVELOPMENT,  
RECREATION AND CULTURE**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase .42 acres of land on the South-East Corner of First Street and Plymouth Road.

THAT Welland City Council directs staff to prepare all the necessary documentation and by-laws relative to the transfer; and further

THAT the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer; and further

THAT Welland City Council directs staff to deposit the revenues from the sale of these lands into the Economic Development Reserve Fund.

**COMMENTS AND ANALYSIS:**

At its meeting of July 25, 2017 Council declared surplus to the City's needs lands located on the South-East Corner of First Street and Plymouth Road.

The City has received an offer from Habitat for Humanity Niagara to purchase these lands.

**OTHER DEPARTMENT IMPLICATIONS:**

Clerks and Legal Divisions are involved to complete the sale of the property.



**FINANCIAL CONSIDERATION:**

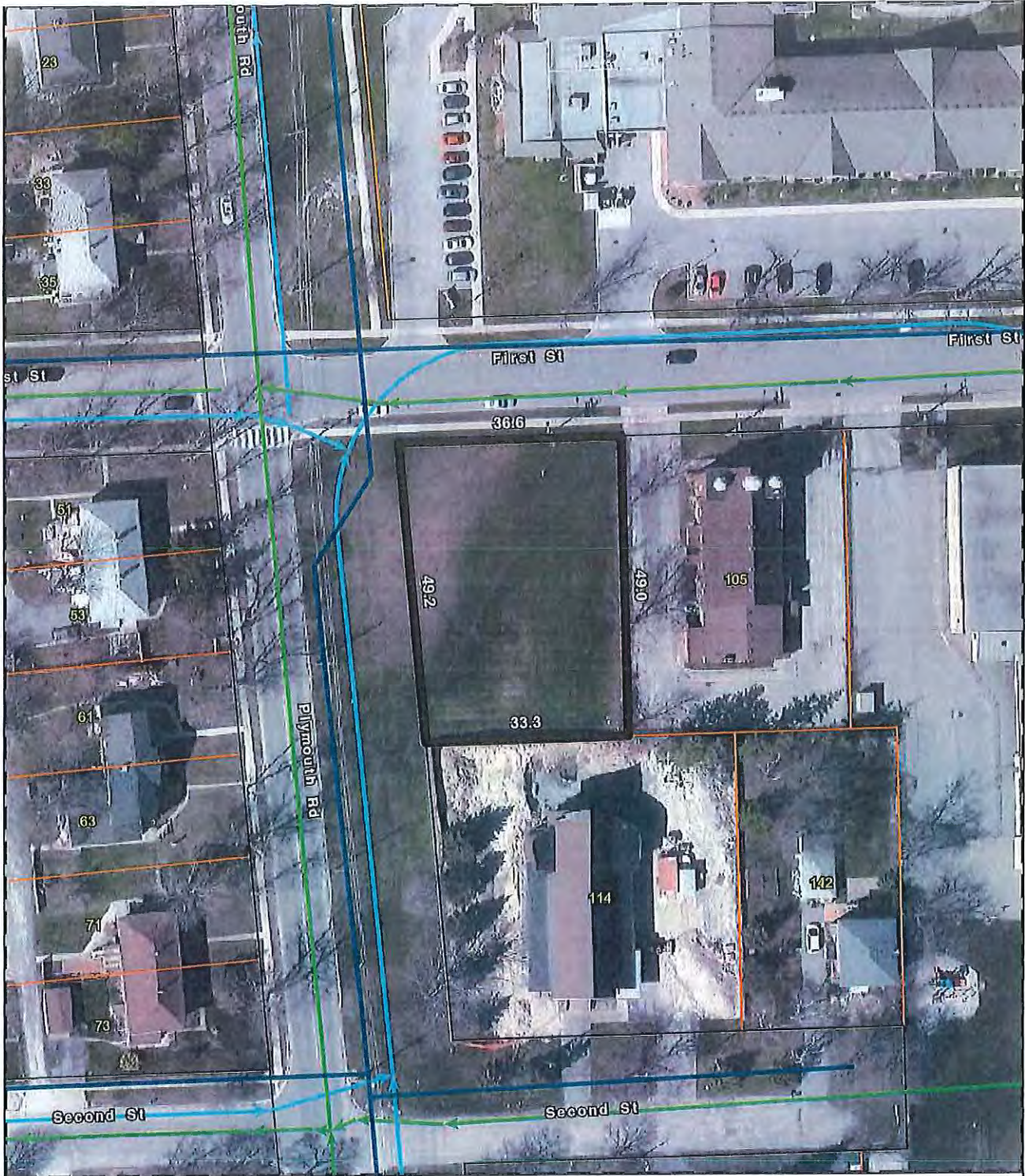
Habitat for Humanity Niagara has made an offer to purchase these lands which is scheduled to close on April 30, 2020.

**SUMMARY AND CONCLUSION:**

At their January 14, 2020 Committee of the Whole meeting Council directed staff to proceed with the Offer to Purchase from Habitat for Humanity Niagara for these city owned lands.

**ATTACHMENT:**

Appendix 1 – Key Map



# LOCATION MAP

FIRST ST (1713.9 sq. m)



125 Civic Address Number	40.4 Property Dimension (metres)
EPA	Sanitary Sewer
ECA	Storm Sewer
Municipal Boundary	Combined Sewer
Subject Lands	Water Mains



Infrastructure and Development Services  
Planning Division



To: The Council of the City of Welland c/o City Clerk  
60 East Main Street  
Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows:

**Petition Text:** There be no change to the zoning at 155 Gadsby Avenue, which is currently zoned as open space. In order to protect the general area's flora and fauna (vernal spring/pond, Carolinian forest, and resident and migratory wildlife) which is located on the 368 Aqueduct property zoned as residential.

Printed Name	Printed Address	Signature
DOUGLAS GEDDIE	153 GADSBY	D Geddie
JOHN MORGAN	149 GADSBY	[Signature]
JACK HODGSON	3 WHITWORTH ST	[Signature]
KAREN HODGSON	3 WHITWORTH	Karen Hodgson
FAYE GAGNE	149 GADSBY	[Signature]
GEORGE KUZLE	118 GADSBY	Geo Kuzle
RICK LEE	67 VIRGINIA	Rick Lee
NICK ROUSSOS	59 VIRGINIA	[Signature]
KATHY SCHUKUS	59 VIRGINIA	Kathy Schukus
Robin Waldie	45 VIRGINIA	[Signature]
Andrew Waldie	45 VIRGINIA	Andrew Waldie
MARILYN GOODMAN	45 VIRGINIA	Marilyn Goodman
WAYNE MILIE	36 VIRGINIA	[Signature]

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the City of Welland and that all information contained in this petition will be available for viewing by the public and may be reproduced in a future Council Agenda.

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60 East Main Street  
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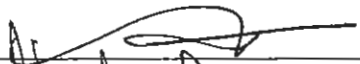

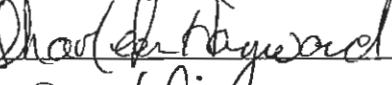
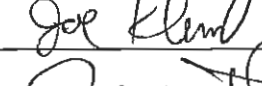
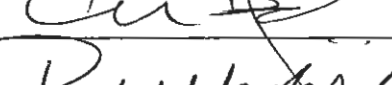


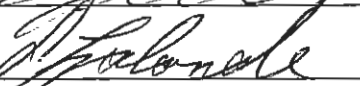
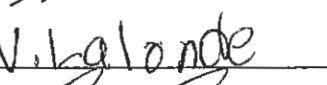
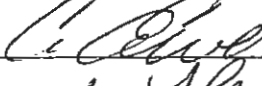
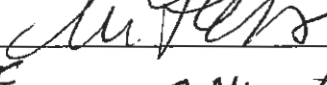
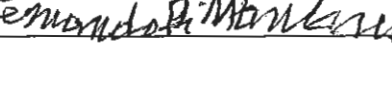
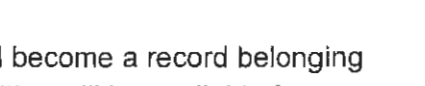
Printed Name	Printed Address	Signature
PATRICIA MILLER	36 Virginia St	P. Miller
Juanita Reid	44 Virginia St	Juanita Reid
Monica D'Angelo	52 Virginia St	Monica D'Angelo
FRANK D'ANGELO	52 VIRGINIA ST.	Frank D'Angelo
TIM ROBB	56 VIRGINIA ST	Tim Robb
Doreen Hammond	80 VIRGINIA ST	Doreen Hammond
Grace Sciarra	64 Virginia St	Grace Sciarra
Tina Turner	139 Gadsby Ave	Tina Turner
Paul Turner	139 Gadsby Ave.	Paul Turner
JEFF PESTEU	GREAT OAK DR	Jeff Pesteu
Phyllis Flegg	19 VIRGINIA ST.	Phyllis Flegg
Nancy Bullett	10 Valerie Ct	Nancy Bullett
Lisette Hammond	18 VALERIE CRT	Lisette HAMMOND

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the City of Welland and that all information contained in this petition will be available for viewing by the public and may be reproduced in a future Council Agenda.

To: The Council of the City of Welland c/o City Clerk  
60 East Main Street  
Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows:

**Petition Text:** There be no change to the zoning at 155 Gadsby Avenue, which is currently zoned as open space. In order to protect the general area's flora and fauna (vernal spring/pond, Carolinian forest, and resident and migratory wildlife) which is located on the 368 Aqueduct property zoned as residential.

Printed Name	Printed Address	Signature
Gabrielle Parent-Doliner	23C 101 153 Gadsby Avenue	
Peter Hayward	15 Valerie Court	
Sharleen Hayward	15 Valerie Court.	
JOE KLEIN	7 VALERIE CRT	
ANDREW BARRY	10 VIRGINIA ST	
Rachelle Noël	7 Virginia St	
GERARD MCINTYRE	3 VIRGINIA	
Joy Shatto	8 VIRGINIA ST.	
JAMIE LALONDE	12 VIRGINIA ST.	
Victor Lalonde	12 Virginia St.	
NAROLYN EWEN	32 Virginia St	
Mark Flegg	19 Virginia St	
F. Di MARANTONIO	THOROLD RD #64	

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Printed Name	Printed Address	Signature
Genevieve Parent	153 Gadsby Ave	Gen Parent
Michael D'Orzio	147 Gadsby	M. D'Orzio
Deborah D'Orazio	147 Gadsby	D. D'Orazio
	<del>147 Gadsby</del>	<del>D. D'Orazio</del>
JOHN BOROS	115 GADSBY AVE. N.	John Boros
Dylan Ryellman	50 Theold RD	Dylan Ryellman
JEFF WATSON	275 Aqueduct St	Jeff Watson
Bruce Corning	110 GADSBY AVEN	Bruce Corning
Sherri Johnson	114 Gadsby Ave	Sherri Johnson
Orlando Nobrega	124 Gadsby Ave	Orlando Nobrega
Cynthia Stevens	124 Gadsby Ave	C. Stevens
Paul Tkach	150 Gadsby Ave	Paul Tkach
Eline Parent	153 Gadsby Ave	Eline Parent

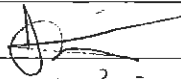

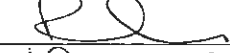
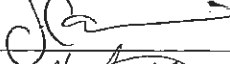
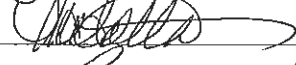
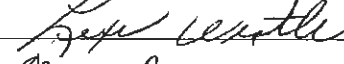
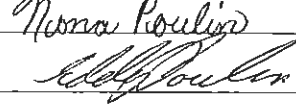
By signing this petition, I hereby acknowledge that this petition will become a record belonging to the City of Welland and that all information contained in this petition will be available for viewing by the public and may be reproduced in a future Council Agenda.

PRESCRIBED FORM OF PETITION

To: The Council of the City of Welland  
 c/o City Clerk  
 60 East Main Street  
 Welland, ON L3B 3X4

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PRINTED NAME	PRINTED ADDRESS	SIGNATURE
James Turpin	254 Aqueduct St	
Laura Turpin	254 Aqueduct St	
Patrick Carew	9 Birchmount ave	
Jocelyn Carew	9 Birchmount ave.	
Mary Totten	1070 ONTARIO RD.	
ALEXA WINTRE	1068 ONTARIO RD	
Nona Poulin	1066 Ontario Road	Nona Poulin
Eddy Poulin	1066 Ontario Road	

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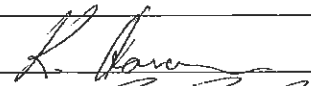

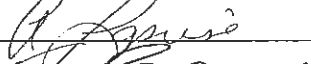

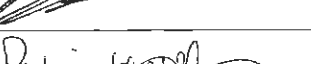

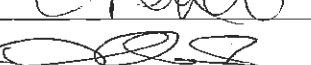
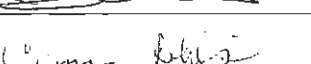
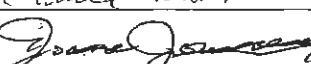
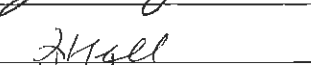
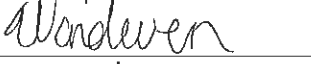
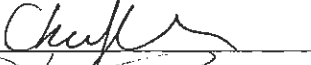
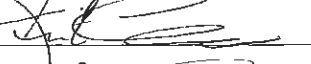
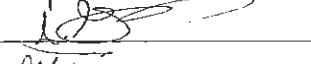

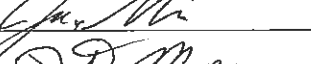
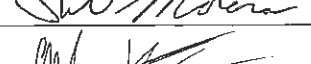
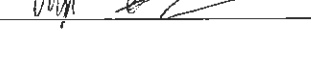
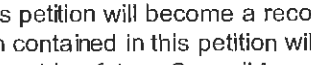


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 c/o City Clerk  
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PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Kim HOBAN	PREV. 95 SHOTWELL WELLAND CURRENT 783 RD CONS. BETHEL	
Blake GIBOUX	475 Wright St Welland	
Alain Laprise	42 Rice Rd Welland	
Tania Bubnick	188 Alberta St Welland	
MICHAEL Van DeLan	27 DONNA MARIE DR Welland ON	
Robin McLean	RR #1 Bigger Rd. P.O. Box 100	
Christine Kube	835 David St. Welland	
D. Gorsini	41 Riversdale Dr Welland	
C. Salkaus	117 Rolling Acres Welland	
Joanne Journey	18 Hooker St Welland, ON	
Linsey Hill	473 Wright St. Welland ON	
Taylor Vandevor	20 Royal Oak Dr. Welland ON	
Sheikh MBAYE	85 CHAPEL Hill Cres Welland	
Keish Caw	27 Donna Marie Welland	
Stephanie Giantsopoulos	128 Briarsdale Cres. Welland	
Jeremy Simons	55 Maple Lane Welland	
JOE LABRIE	480 Leonard Ave. Welland	
PETER MONTAGNA	163 DRAPERS ST. WELLAND	
Cheryl Harrison	117 Silvan Drive Welland	

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PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Andrew Nicholls	140 Dorothy St Welland, ON	Andrew Nicholls
Danielle Nicholls	140 Dorothy St Welland	Danielle Nicholls
FRANK GUALTIERI	89 Chapel Hill Cres Welland	Frank Gualtieri
KINDY GILBY-GUALTIERI	89 Chapel Hill Cres Welland	C. Kilty-Gualtieri
Adam Paisley	85 Lakeshore Rd west Port Colborne	Adam Paisley
Sarah Parsons	31 Cady St Welland, ON	Parsons
Curtis Jones	203-17 East Main St Welland, ON	W. Curtis Jones
Alyssa Gilby	7-266 Division St Welland ON	Alyssa Gilby
MUHAMMAD CHATTA	366 THOROLD RD B WELLSLAND	mu chatta
Taylor LaMattina	B-31 Harrison Ave Welland, ON	Taylor LaMattina
Wayne Benick	# 238 Cutress Ave. Welland	WB
Kaitlin Garside	46 Grove St Welland	Kaitlin Garside
Angelo Csakercsi	62 Macomb Drive Welland ON	AR
ALI MCKELLAR	4385 7th RD, STEVENSVILLE ON.	Ali McKellar
Sara Jansen	28 Elgin St, E Welland ON	Sara Jansen
Shannon Cormeau	841 Netherby Rd Welland ON	Shannon Cormeau
Denis Bilobean	108 Larchwood Cir Welland ON	Denis Bilobean
Lucas Hinerer	266 Division St. Welland	Lucas Hinerer
Ruth Hillman	184 Elmview St. Welland Apt 120	R Hillman

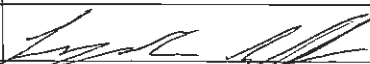
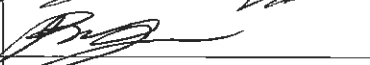
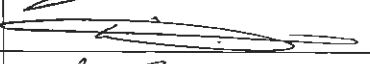
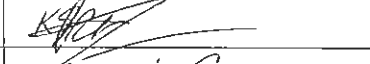

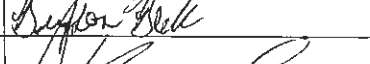


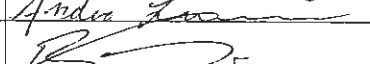

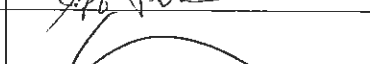
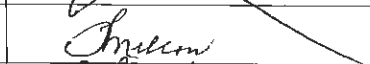

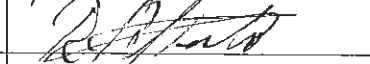
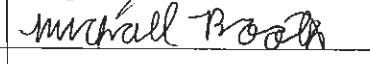
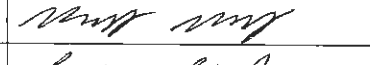
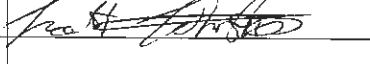
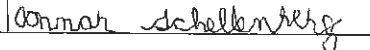
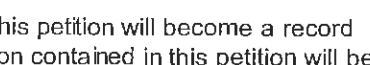
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Lyndon Delp	85 Viger Dr.	
Raymond Jensen	377 Lincoln St	
TAVIS HEVNER	41 Wilton Ave	
Kurt Streitfeld	38 Woodcroft cres.	
Brian Kozak	145 Denistoun	
Benson Beck	111 CHAPEL HILL CRES	
Alexandra Bernard	45 Nellis Rd	
George Audinman	21 Leaside Dr	
Andre Laroursiere	108 STATE ST.	
Brach Templain	60 Crescent Dr	
JEFF PULLAM	433 FITCH ST.	
RON LOSTROCCO	ST GREEN POINT	
FRANK MELLONI	9 VINEMOUNT DR.	
ROB COMAE	476 LEONARD AVE	
R DIPICARD	1771 PENNSYLVANIA RD	
Michael Booth	301 Lincoln Street	
Zachary Furry	301 Lincoln Street	
Scott Johnston	72 Foxtail Ave	
Connor Schellenberg	47 Mayfair Dr.	

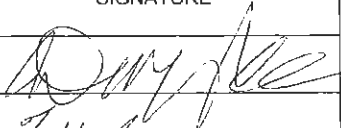
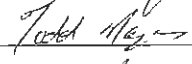
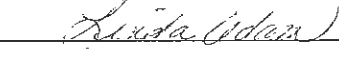



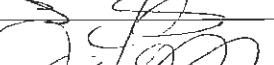
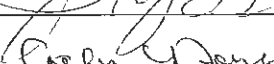
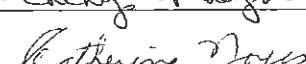
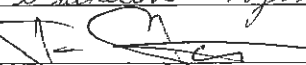
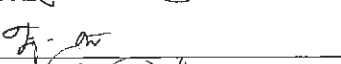
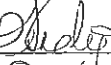
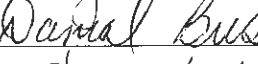
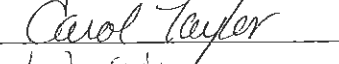
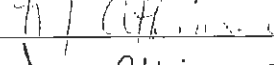
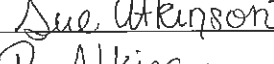
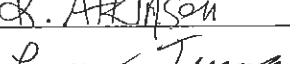
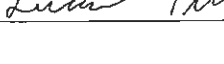
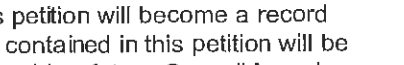
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PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Theodora Bregan	579 Clare Ave	
TODD NOYES	8 MCGILL ST.	
LINDA ADAM	31 WYCHWOOD RD	
BRAD NOYES	620 NIAGARA	
APRIL JACOBI	41 EDMOND AVE	
ROB NOYES	620 NIAGARA ST	
Jim Sackowly	18 Aqueduct St	
Janet Topal	115 South Pelham	
Cathy Noyes	620 Niagara St.	
CATHERINE NOYES	620 NIAGARA ST	
Tim Stares	71 Regent St	
Fern Robins	176 Wilton	
Shirley Roberts	176 Wilton Ave	
DANIEL Busch	620 Niagara St.	
Carol Taylor	16 Zimmer Lane	
Melissa Atkinson	367 Aqueduct	
Susan Atkinson	53 Chantler Rd	
Rhonda Lever	407 Riversidedr	
Luke Timmins	367 Aqueduct St	

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PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Alison Balind	161 Gadsby Ave., Welland	<i>Alison Balind</i>
Scott Sutton	161 Gadsby Ave, Welland	<i>Scott Sutton</i>
Lawren Beaudoin	70 Commercial St, Welland	<i>Lawren Beaudoin</i>
Dylan Durant	70 Commercial St, Welland	<i>Dylan Durant</i>
Kelsey Roach	411 East Main St, Welland	<i>KR</i>
Kelly Bol	382 Victory Ave, Welland	<i>Kelly Bol</i>
Dottie Cronshaw	171 Gadsby Ave	<i>Dottie Cronshaw</i>
DION BELVEU	175 GADSBY AVE	<i>Dion Belveu</i>
Liz Russell	179 Gadsby Ave	<i>Liz Russell</i>
Kate Russell	179 Gadsby Ave	<i>K Russell</i>
Naim + Nancy <sup>Lesard</sup> <sub>Lesard</sub>	187 Gadsby Ave	<i>N. Lesard</i>
<del>ALFONSO TORRES</del>	191 GADSBY AVE	<del><i>Alfonso Torres</i></del>
Wynny Lynch	186 Gadsby Ave	<i>Wynny Lynch</i>
Cam Sutherland	12 Ann St	<i>Cam Sutherland</i>
JOE LOBLAN	160 ANN ST	<i>Joe Loblan</i>
DOUG MATHEWS	38 ANN ST	<i>Dou Mathews</i>
Ann Mathews	38 Ann St	<i>Ann Mathews</i>
Julie Hennicken	37 Ann St	<i>Julie Hennicken</i>
C. Terrosit	25 Ann St	<i>C. Terrosit</i>



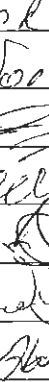


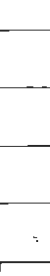





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JAMES NAPPER	21 ANN ST	
SHAWN McLUENNA	20 RITA ST	
Fred Sullivan	24 Rita	Fred Sullivan
Edith Wood	32 Rita St	Wood
LE Wood	"	LE Wood
B. Szpurko	41 Rita St.	B. Szpurko
M. Scarso	41 Rita St	
DENIS ASSELTINE	33 RITA ST	
Gloria Horak	29 Rita St	
TIM HORNAK	207 GADSBY AV	Tim Hornak
FRANK Leina	196 GADSBY	
Karlijn Burt	13 Patricia Ave	Burt
Mike Prator	13 Patricia Ave	
Kevin Poulin	1066 Ontario Rd	
Jay Bassi	7 Hilda St	
Cheri Clapp Valle	372 Aqueduct St.	Cheri Clapp Valle
DWIGHT CLAP	352 Aqueduct St.	Dwight Clapp
Angel Clapp	352 Aqueduct St.	
John Timmins	352 Aqueduct St	

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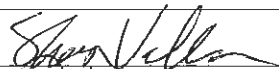
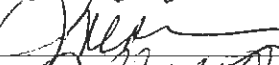
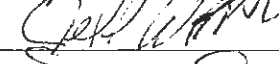
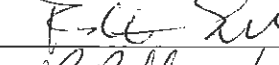
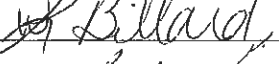
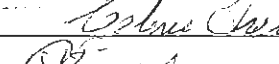
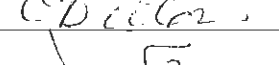
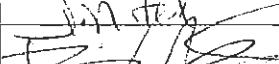
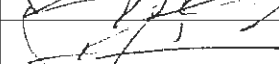
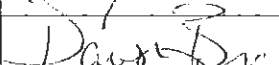
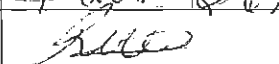

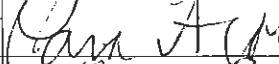
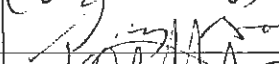

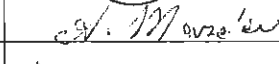
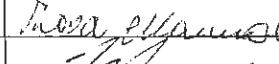
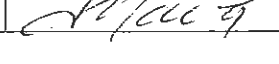
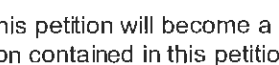


## PRESCRIBED FORM OF PETITION

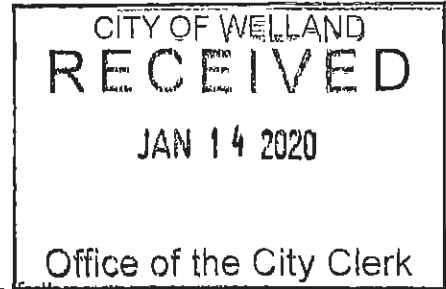
To: The Council of the City of Welland  
 c/o City Clerk  
 60 East Main Street  
 Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows:

Petition Text: There be no change to the zoning at 155 Gadsby Avenue, which is currently zoned as open space. In order to protect the general area's flora and fauna (vernal spring/pond, Carolinian forest and resident and migratory wildlife) which is located on the 368 Aqueduct property zoned as residential.

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Shawn Valle	372 Aqueduct.	
Marion Ladouceur	356 Aqueduct St	
<del>John P. G. G.</del>	375 Aqueduct	
Retha Suter	354 Aqueduct	
Lisa Billard	330 Aqueduct St	
Coline Chénier	328 Aqueduct	
Carla Beton	314 Aqueduct	
John Fox	311 Aqueduct	
David Alexander	322 Aqueduct St	
Jeffrey	331 Aqueduct St	
David Bennett	335 Aqueduct St	
Robert White	357 Aqueduct St	
John Bowers	371 Aqueduct	
Tara Avolio	373 Aqueduct	
Gordy Bowring	23 Hilda St	
Kim Christoff	28 Hilda St.	
A. MARGAROWICZ	32 HILDA ST	
ROSA MAMMOLIT	39 HILDA ST	
FRANK NAVA	27 HILDA ST.	

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the City of Welland and that all information contained in this petition will be available for viewing by the public and may be reproduced in a future Council Agenda.



To: The Council of the City of Welland c/o City Clerk  
 60 East Main Street  
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Printed Name	Printed Address	Signature
Jodi Fitzgerald	60 Thorold Rd E	Jodi Fitzgerald
Dustin Laramée	56 Thorold ave	Dustin Laramée
Robert Evans	54 Thorold ave	Robert Evans
Robert Barnt	133 Gadsby Ave	Robert Barnt
Dan Doliner	119 Euclid Ave. Toronto	Dan Doliner

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the City of Welland and that all information contained in this petition will be available for viewing by the public and may be reproduced in a future Council Agenda.



# The City of Niagara Falls, Ontario

## Resolution

January 14, 2020

No. 3

**Moved by: Councillor Lori Lococo**

**Seconded by: Councillor Carolynn Ioannoni**

**WHEREAS** Niagara Regional government has recognized the needs of Niagara's homeless in this council's strategic plan.

**WHEREAS** faced with growing service demands and inadequate funding, Niagara Regional council has repeatedly placed a spotlight on these needs and additionally increased its own funding to address local homelessness and poverty.

**WHEREAS** despite highlighting disparities, the current Provincial homelessness funding formula has not evolved to address changing economic conditions across the province, or reflect local need. Funding allocations should be aligned with a mix of indicators to reflect community need, such as population, caseloads on social assistance (Ontario Disability Support Program and Ontario Works), and deep core need as examples.

Municipality	Population – 2016 Census	2019/2020 Funding Allocation	Funding Per Capita
Windsor	398,953	\$10,703,752	\$26.83
Hamilton	536,917	\$19,645,911	\$36.59
Waterloo	535,154	\$10,682,886	\$19.96
Region of Niagara	447,888	\$7,847,786	\$17.52

**WHEREAS** Niagara is similar to much of southern Ontario whereby our shelter system is operating at over 100 per cent capacity consistently. However, where Niagara differs is the significant change in our rental vacancy rates, putting increasing pressures on shelters, as individuals and families cannot exit the system to affordable rental and housing options. Specifically, vacancy rates that would support singles demonstrate a significant challenge to find housing.

Primary Rental Market Vacancy Rates (Niagara Falls)

	2015	2016	2017	2018
Bachelor	unknown	0.0	0.0	unknown
1 Bedroom	2.0	3.6	1.8	unknown

Note: unknown means insufficient or unreliable data for that type of unit for that period.

**WHEREAS** lower vacancy rates, combined with rising house prices and a significant senior's population, have further challenged the homelessness system in Niagara, along with the community agencies that deliver support services in partnership with the Region.

**THEREFORE BE IT RESOLVED** That the City of Niagara Falls asks that the homelessness funding be reviewed by the Provincial government as well as the Regional Municipality of Niagara to align to local indicators of need (population, core housing, social) through a realignment of existing funding, or through allocations of new/future funding.

**AND FURTHER** that a copy of this resolution be sent to the Minister of Municipal Affairs and Housing, Steve Clark, MPP Wayne Gates, MPP Sam Oosterhoff, MPP Jennie Stevens, MPP Jeff Burch, Niagara Regional Council, Niagara Region Commissioner Community Services Adrienne Jugley, Niagara Region Chair Jim Bradley, Niagara Region Acting CAO Ron Tripp and all Local Area Municipalities of Niagara.

**AND The Seal of the Corporation be hereto affixed.**

Carried Unanimously



**WILLIAM G. MATSON  
CITY CLERK**



**JAMES M. DIODATI  
MAYOR**

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

January 24, 2020

CL 2-2020, January 23, 2020  
 CSC 1-2020, January 15, 2020  
 CSD 1-2020, January 15, 2020

*Local Area Municipalities***SENT ELECTRONICALLY**

**RE: Approval of Interim Levy Dates and Amounts  
 CSD 1-2020**

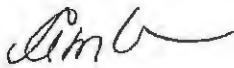
Regional Council, at its meeting of January 23, 2020, approved the following recommendation of its Corporate Services Committee:

That Report CSD 1-2020, dated January 15, 2020, respecting Approval of Interim Levy Dates and Amounts, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the interim amounts for the Regional levy **BE APPROVED** by Regional Council in the amounts shown in Appendix 1 to Report CSD 1-2020;
2. That the Regional Clerk ensures that the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
3. That Report CSD 1-2020 **BE CIRCULATED** to the Councils of the local area municipalities for information.

A copy of Report CSD 1-2020 is enclosed for your information

Yours truly,


 A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio  
 Regional Clerk

:kl

CLK-C 2020-008

**Subject:** Approval of Interim Levy Dates and Amounts

**Report to:** Corporate Services Committee

**Report date:** Wednesday, January 15, 2020

### Recommendations

1. That the interim amounts for the Regional levy **BE APPROVED** by Regional Council in the amounts shown in **Appendix 1**;
2. That the Regional Clerk ensures that the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
3. That report CSD 1-2019 **BE CIRCULATED** to the Councils of the local area municipalities for information.

### Key Facts

- The purpose of this report is to approve the interim levy amounts and due dates.
- Section 316 of the Municipal Act provides that the council of an upper-tier municipality may requisition an amount equivalent to 50% of the prior year's approved levy from each area municipality in order to continue core services prior to the adoption of budget estimates for the year.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph a.) provides that prior to Council's approval of the Operating Budget bylaw, a current year's expenditures may be incurred if a budget for a similar item existed in the previous year's operating budget and the expenditures is at the same service level as the prior year and does not exceed 50% if the amount appropriated in the previous year's operating budget.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph b.) provides that prior to Council's approval of the Capital Budget Bylaw, expenditures for new capital projects may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).
- Interim levy dates are consistent with the prior years. The local area municipalities were consulted and no alternative dates are considered.

### Financial Considerations

The interim levy amounts to be requisitioned from the local area municipalities totals \$182,862,828 (General Levy) and \$17,664,148 (Waste Management) for a total of \$200,526,976 or 50% of the 2019 levied amounts. The interim levy will provide sufficient

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cash flows for current year Region operations until approval of the 2020 operating budget and levy amounts.

### **Analysis**

The authority to incur expenditures by Regional departments, boards and agencies is granted by Regional Council through the annual approved operating budget as prescribed by the Municipal Act. Prior to the an annual budget being adopted by Regional Council, bylaw 2017-63 as approved by Regional Council provides that Regional departments, boards and agencies may incur expenses up to 50% of their prior year's operating budget in order to maintain business as usual for Regional services.

Further to this, Section 316 of the Municipal Act authorizes Council through a bylaw to provide an interim levy equivalent to 50% of the prior year's approved estimates (subject to certain adjustments) before the adoption of budget estimates for the year. It has been the Region's past practice to levy an interim levy in order to fund Regional services prior to the approval of the annual budget and final levy amounts.

Expenditures for new capital projects prior to Council's approval of the 2020 consolidated capital budget bylaw may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).

### **Alternatives Reviewed**

Alternative thresholds were not considered as the interim levy of 50% permitted by the Municipal Act will generally ensure cash inflows in the shorter term are able to accommodate the level of expenditures. The Municipal Act does not have a requirement to approve a spending limit in advance of the budget approval however the practice has been adopted by the Region through bylaw 2017-63.

### **Relationship to Council Strategic Priorities**

Not Applicable.

### **Other Pertinent Reports**

Not Applicable.



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**Prepared by:**  
Rob Fleming, MBA  
Senior Tax & Revenue Analyst  
Corporate Services

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**Recommended by:**  
Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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

*This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer*

## **Appendices**

Appendix 1            Interim Levy Payments and Dates

Page 4

## Appendix 1 - Interim Levy Payments and Dates

<b>General Levy</b>			
<b>Municipality</b>	<b>March 11, 2020</b>	<b>May 13, 2020</b>	<b>Total Interim Levy</b>
Fort Erie	5,726,046	5,726,046	11,452,091
Grimsby	6,852,188	6,852,188	13,704,377
Lincoln	5,341,710	5,341,710	10,683,420
Niagara Falls	19,292,739	19,292,739	38,585,479
Niagara-on-the-Lake	7,863,682	7,863,682	15,727,363
Pelham	3,790,363	3,790,363	7,580,725
Port Colborne	2,979,336	2,979,336	5,958,671
St. Catharines	24,269,932	24,269,932	48,539,864
Thorold	3,636,661	3,636,661	7,273,323
Wainfleet	1,377,324	1,377,324	2,754,648
Welland	7,460,447	7,460,447	14,920,894
West Lincoln	2,840,987	2,840,987	5,681,975
<b>Total</b>	<b>91,431,414</b>	<b>91,431,414</b>	<b>182,862,828</b>

<b>Waste Management Special Levy</b>			
<b>Municipality</b>	<b>March 11, 2020</b>	<b>May 13, 2020</b>	<b>Total Interim Levy</b>
Fort Erie	669,137	669,137	1,338,273
Grimsby	462,426	462,426	924,851
Lincoln	400,600	400,600	801,200
Niagara Falls	1,732,600	1,732,600	3,465,200
Niagara-on-the-Lake	386,227	386,227	772,453
Pelham	301,185	301,185	602,370
Port Colborne	442,770	442,770	885,540
St. Catharines	2,718,320	2,718,320	5,436,640
Thorold	368,883	368,883	737,766
Wainfleet	136,860	136,860	273,720
Welland	990,994	990,994	1,981,988
West Lincoln	222,074	222,074	444,149
<b>Total</b>	<b>8,832,074</b>	<b>8,832,074</b>	<b>17,664,148</b>

<b>Total General &amp; Waste Management Interim Levy</b>			
<b>Municipality</b>	<b>March 11, 2020</b>	<b>May 13, 2020</b>	<b>Total Interim Levy</b>
Fort Erie	6,395,182	6,395,182	12,790,364
Grimsby	7,314,614	7,314,614	14,629,228
Lincoln	5,742,310	5,742,310	11,484,620
Niagara Falls	21,025,339	21,025,339	42,050,678
Niagara-on-the-Lake	8,249,908	8,249,908	16,499,816
Pelham	4,091,548	4,091,548	8,183,095
Port Colborne	3,422,106	3,422,106	6,844,211
St. Catharines	26,988,252	26,988,252	53,976,504
Thorold	4,005,544	4,005,544	8,011,088
Wainfleet	1,514,184	1,514,184	3,028,368
Welland	8,451,441	8,451,441	16,902,882
West Lincoln	3,063,062	3,063,062	6,126,123
<b>Total</b>	<b>100,263,488</b>	<b>100,263,488</b>	<b>200,526,976</b>

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

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January 24, 2020

CL 2-2020, January 23, 2020  
PEDC 1-2020, January 15, 2020  
PDS 1-2020, January 15, 2020

**Local Area Municipalities****SENT ELECTRONICALLY**

**RE: New Niagara Official Plan – Public Consultation Summary  
PDS 1-2020**

Regional Council, at its meeting of January 23, 2020, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 1-2020, dated January 15, 2020, respecting New Niagara Official Plan – Public Consultation Summary, **BE RECEIVED** for information and **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report PDS 1-2020 is enclosed for your information

Yours truly,



Ann-Marie Norio  
Regional Clerk

:me

CLK-C 2020-011

19-70

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**Subject:** New Niagara Official Plan - Public Consultation Summary

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, January 15, 2020

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### **Recommendations**

1. That Report PDS 1-2020 **BE RECEIVED** for information; and
2. That a copy of Report PDS 1-2020 **BE CIRCULATED** to the Local Area Municipalities.

### **Key Facts Key Facts**

- Consultation on the new Niagara Official Plan takes place at four different levels as outlined in this report.
- Significant stakeholder and public input has been received on the structure and contents of new Niagara Official Plan and on the key findings of the background studies that will inform the Official Plan.
- This report provides a summary of the input received to date through public surveys, stakeholder input, direct public input and the Planning Advisory Committee.

### **Financial Considerations**

Council approved the resources to complete the new Niagara Official Plan (NOP) over a 5 year period as part of the 2017 Budget Process, predominantly funded through Development Charges.

### **Analysis**

Public and stakeholder input is an important component of the Niagara Official Plan process and is required in to provide input into the preparation of planning policy and to provide a mechanism for Council to gauge public sentiment.

There are four different consultation formats where input has been received to date, details of which are as follows:

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## **1. Public Surveys**

The key themes that the public identified as being important to address were identified through Imagine Niagara (October 2013 – June 2014) and confirmed through Shape Niagara (March – August 2018). Together both of these surveys involved significant community outreach and generated thousands of responses. A summary of the important themes of these initiatives is shown in Appendix 1.

A Special Meeting of Council was also held in July 2018 to hear input on the need for a new Official Plan and what planning matters it could address. A more detailed summary of public comments can be found in Appendix 2.

## **2. Stakeholder Input**

The Official Plan is being informed by various background studies/reports which have involved the input of relevant stakeholder groups. For example, the Natural Environment and Water Systems (NE&WS) background work involved meetings with environmental, agricultural and developer stakeholder groups. These groups will have further opportunity to provide input into the evaluation of options for the NE&WS. Local municipal planning staff also participate via Technical Advisory Groups and are updated on background work.

Local Councils have been updated on the new Niagara Official Plan process and the status of supporting background work twice to date. In general, local Council concerns or questions focused on: bringing local Official Plans in to conformity with the Regional Official Plan; affordable housing; natural heritage and water resource protection; urban boundary expansions; employment land conversions; protecting agricultural land and recognizing the importance of agriculture.

Discussions are ongoing with Indigenous groups.

## **3. Direct Public Input**

Four Public Information Centres (PICs) were held to inform the public and gather input on key findings of the background studies. The PICs were held at Regional Headquarters, Niagara Falls, Grimsby and Fort Erie.

In general, the input provided by the public was confirming as to what planning staff believe to be the relevant planning issues, challenges and opportunities.

Key attendance and input highlights from the PICs are as follows:

- 161 people attended the four PICs;
- Each PIC had a few attendees from outside the host municipality, ranging from four to 9.
- The attendee distribution was about 70% urban and 30 % rural
- Over 200 comments were received; and
- 61 survey results were received;

### *Interactive PIC Board Input*

A variety of interactive boards were placed around the room at the open houses to seek input on each of the topic areas. The first activity board (**Figure 1**) asked participants to place a sticker beside their top three priorities for the new Niagara Official Plan. The top priorities overall were protecting the natural environment, transportation improvements, and more housing options.

**Figure 1 – What is most important to you?**

Priorities	Sticker Tally
Protecting the natural environment (e.g. woodlands, wetlands)	32
Transportation improvements (e.g. transit cycling)	26
More housing options (e.g. affordable housing)	25
Access to open space, waterfronts and natural areas	21
Supporting jobs and economic prosperity (e.g. tourism)	19
Protecting farmland and supporting the agricultural industry	17
Infrastructure for growth (e.g. sewer, water, stormwater)	14
Sustainable development and planning for climate change	11
Conserving cultural heritage and archaeological resources	9
Community planning and urban design	9

Participants were also asked if anything was missing from the list. The majority of the comments related to the priorities identified in some capacity. However, some notable examples of additional priorities included poverty reduction, accessibility and inclusion.

The other activity boards asked participants to identify the biggest challenges and opportunities relative to various themes. Key challenges and opportunities are identified in **Figure 2** below. A more detailed summary of comments is included in Appendix 3.

**Figure 2 – What are our biggest challenges and opportunities?**

<b>Theme</b>	<b>Biggest Challenge</b>	<b>Biggest Opportunity</b>
<b>Growing Region</b> (growth, development & housing)	<ul style="list-style-type: none"> <li>• Low-density development and uneven growth</li> <li>• Lack of diversity in housing types and affordable options, including for seniors and youth</li> </ul>	<ul style="list-style-type: none"> <li>• Higher-density development, including in proximity to GO Transit stations</li> <li>• More housing options (row housing, semi-detached, apartment buildings, etc.)</li> </ul>
<b>Vibrant Region</b> (urban design & cultural resources)	<ul style="list-style-type: none"> <li>• Development occurring without proactive, comprehensive plans, such as secondary plans, and appropriate archaeology assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure plans are in place to guide development in order to achieve design excellence and conserve archaeological resources</li> </ul>
<b>Competitive Region</b> (employment, agriculture & resources)	<ul style="list-style-type: none"> <li>• Limited public transit to access employment opportunities</li> <li>• Impacts of resource extraction on the natural environment, including our water resources</li> </ul>	<ul style="list-style-type: none"> <li>• Boost employment and tourism through public transit, including the GO train</li> <li>• Strong policies to manage resource extraction and final rehabilitation</li> </ul>
<b>Connected Region</b> (transportation & infrastructure)	<ul style="list-style-type: none"> <li>• Ensuring infrastructure (transportation, water, wastewater, sewer) has the capacity to support growth</li> </ul>	<ul style="list-style-type: none"> <li>• Fast, efficient and accessible public transit network and complete streets that accommodate all road users</li> </ul>
<b>Sustainable Region</b> (natural environment & climate change)	<ul style="list-style-type: none"> <li>• Loss of trees and other natural features</li> <li>• Adapting to impacts of extreme weather events, such as flooding</li> </ul>	<ul style="list-style-type: none"> <li>• Stronger protections for the natural environment</li> <li>• Meaningful action on climate change across all sectors</li> </ul>

**Digital Survey**

For those that participated in the digital survey the following planning themes were ranked in order of importance: more transportation options; more housing options for all ages and incomes; more jobs; protecting the natural environment; preserving farmland; and planning for climate change. There was no one dominant planning theme. Further planning for the other themes all impact climate change.



The top three planning objectives confirmed for managing growth were: directing growth to strategic locations; using our land and resources wisely; and ensuring growth is supported by infrastructure.

The natural environment, open space and scenery was significantly more valued than other reasons for enjoying the agricultural and rural areas such as wineries, events and tourism; access to a variety of local food; recreation opportunities; jobs and economic opportunities.

### ***Urban Boundary (Settlement Area) Expansions***

A variety of requests to expand urban boundaries were submitted as part of the Municipal Comprehensive Review/new Niagara Official Plan process, as well as part of the Comprehensive Provincial Plan review in 2017.

<b>Source of Request</b>	<b>Number of Requests</b>	<b>Area (ha)</b>	<b>Number in Greenbelt</b>
Greenbelt Review	34	558	34
Municipal Council Request	6	1,136	1
Private Land Owner	35	592	16
<b>Summary</b>	<b>76</b>	<b>2,286*</b>	<b>51</b>

\* 2,150 ha - accounting for overlap between municipal and private requests

At the time the above-referenced submissions were received, urban boundaries could be expanded **only** through the Region's Municipal Comprehensive Review/new Niagara Official Plan process. Earlier this year, the Province amended the Growth Plan to allow the consideration of expansions up to 40 Ha, and boundary adjustments, in certain cases and subject to specific criteria, outside of the Official Plan process.

The Region's review of expansion requests is linked to the analysis of lands needs and will be reported further in 2020. In many cases, requests for urban expansions cannot be accommodated because they are located in the Greenbelt Area which automatically disqualifies consideration. Land owners who have made requests in these areas will be notified accordingly.

#### **4. Planning Advisory Committee**

To date, the Planning Advisory Committee (PAC), consisting of eight citizens with a professional/academic background, has been providing input on visioning, directives and background information that will inform the development of the new Niagara Official Plan.

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## Alternatives Reviewed

The public consultation is following a consultation framework approved by Council in March 2019.

## Relationship to Council Strategic Priorities

This report highlights the various consultation steps to date on the new Niagara Official Plan as well as a summary of public input received to date. This process is important to address Council's priority as a Sustainable Engaging Government. The new Niagara Official Plan addresses Council's other priorities, being: Supporting Businesses and Economic Growth; Healthy and Vibrant Community; and Responsible Growth and Infrastructure Planning.

## Other Pertinent Reports

PDS 9-2019 New Official Plan Consultation Timeline Framework  
PDS 33-2019 Growth Management Program Update for New Official Plan  
CWCD 421-2019 New Niagara Official Plan Updates

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### Prepared by:

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### Recommended by:

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Commissioner of Planning and  
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### Submitted by:

Ron Tripp, P.Eng.  
Acting, Chief Administrative Officer

*This report was prepared in consultation with Lindsey Savage, Senior Planner; Karen Costantini, Planning Analyst; and reviewed by Doug Giles, Director of Community and Long Range Planning.*

## Appendices

Appendix 1	Important themes- Imagine Niagara and Shape Niagara
Appendix 2	Summary of Public Comments- Special Council Meeting
Appendix 3	Detailed summary of PIC Comments

**Appendix 1 – Priority Themes from Imagine Niagara and Shape Niagara**

<p align="center"><b>Imagine Niagara (2013-14) Municipal Comprehensive Review – Official Plan</b></p>	<p align="center"><b>Shape Niagara (2018) Council Strategic Plan</b></p>
<p><b>8 priority themes, in order of importance:</b></p> <ol style="list-style-type: none"> <li>1. Growing the economy</li> <li>2. Employment</li> <li>3. Natural environment</li> <li>4. Rural and agriculture</li> <li>5. Infrastructure</li> <li>6. Transportation</li> <li>7. Managing growth</li> <li>8. Engagement</li> </ol> <p><b>Gap areas</b></p> <ul style="list-style-type: none"> <li>• Emergency services</li> <li>• Youth retention</li> <li>• Community and social services</li> <li>• Culture</li> <li>• Health services</li> </ul>	<p><b>17 priority themes, in order of importance:</b></p> <ol style="list-style-type: none"> <li>1. Jobs and economic prosperity</li> <li>2. Transportation connecting people to jobs and services</li> <li>3. Supporting populations in need through employment, affordable housing, transit</li> <li>4. Environmental responsibility and sustainable development</li> <li>5. Accountable and collaborative government</li> <li>6. Active transportation</li> <li>7. Preserving Niagara's natural assets</li> <li>8. Infrastructure in support of growth</li> <li>9. Affordable housing</li> <li>10. Quality of life and public safety</li> <li>11. Equitable access to regional services</li> <li>12. Water and waste management</li> <li>13. Tourism as an economic driver</li> <li>14. Communication and engagement with the community</li> <li>15. Youth and young family retention</li> <li>16. Responsible spending</li> <li>17. Mental health services</li> </ol>

## Appendix 2 – Overview of Comments from July 6, 2018 Special Council Meeting

### Overview

- Requests to re-designate certain lands, remove certain lands from the Greenbelt Plan, and bring certain lands into the urban boundary
- Concerns regarding loss of tender fruit production in favour of grape production and cannabis, as well as illegal dumping on prime farmland
- Concerns regarding endangered special, ash die-off, Environment Impact Study review process, loss of forests, and climate change impacts
- Importance of watershed planning and protection of local fisheries
- Concerns regarding impacts of de-designating urban lands and the speed and location of development
- Importance of transparent consultation process and ensuring adequate time and care in the development of the new Niagara Official Plan

### Key Themes

#### **Requests to re-designate certain lands**

- Request to re-designate certain lands from Agriculture to Rural in Pelham
- Request to re-designate certain lands in Thorold, Niagara Falls and Pelham from Good General Agriculture to Tender Fruit and Grape

#### **Requests to remove certain lands from the Greenbelt Plan**

- Request to remove certain lands from the Greenbelt Plan in Grimsby and St. Catharines that is not considered to be viable farmland
- Concern that the Greenbelt Plan is not sufficiently flexible to address on-the-ground realities of farming and agricultural viability

#### **Requests to include certain lands within the urban boundary**

- Request for certain lands in Niagara Falls to be included in the urban boundary

#### **Protection of agricultural land and tender fruit production**

- Concerns regarding loss of tender fruit production in favour of grape production and cannabis in Niagara-on-the-Lake
- Concern regarding illegal dumping on farmland and in environmental features and areas
- Agricultural and environmental policies are closely linked, particularly when it comes to watershed planning

**Protection of the natural environment**

- Need to address endangered species within Niagara Region
- There should be an automatic review peer review process for Environmental Impact Studies
- Ash die-off should not be used to remap Environmental Conservation Areas
- Concerns regarding impacts of illegal dumping and garbage dumps on drainage patterns
- Concern regarding loss of forests and impacts on climate change
- Request for watershed planning both inside and outside of the urban boundary and protection of local fisheries

**Growth Management**

- Concern regarding the speed of development in Grimsby and high-rise condominiums being built in appropriate locations
- If de-designation of urban lands takes place, it should be done on protected wetlands at the urban boundary

**Other Comments**

- Stakeholder consultations should be based on formal committee that are transparent
- Need to take considerable care to develop the new Niagara Official Plan to ensure it is an improvement over the status quo

**Summary of Comments from July 6, 2018 Special Council Meeting**

<b>File No.</b>	<b>Type of Representation*</b>	<b>Name(s)</b>	<b>Organization</b>	<b>Municipality</b>	<b>Summary of Comments</b>
CL-C 36-2018	Written submission & presentation	Gloria J Katch Andy Nero	Residents	Pelham	<ul style="list-style-type: none"> <li>Request for properties located at 1155 and 1307 Rice Road in the Town of Pelham to be re-designated from agriculture to rural in the new Official Plan</li> <li>This should be part of the Region taking a closer look at the east side of Rice Road</li> </ul>
CL-C 37-2018	Written submission	Irene Murray Sue Bates Michelle Wallis	Residents	Niagara-on-the-Lake	<ul style="list-style-type: none"> <li>Concerns regarding depletion of tender fruit production in favour of grape production in NOTL, as well as cannabis production in specialty crop areas- the best farmland in Canada</li> </ul>
CL-C- 38-2018	Written submission	Marco Marchionda	Marcasa Homes Inc.	Grimsby	<ul style="list-style-type: none"> <li>Request for information regarding his property at 548 Main Street West in Grimsby as well as the 25 acres that surrounds his property</li> <li>Indicates his property is located within the Greenbelt Plan but Grimsby Town staff would like to see the land developed</li> </ul>
CL-C- 41-2018	Written submission	Ray and Liz Kowalik	Residents	St. Catharines	<ul style="list-style-type: none"> <li>Request for property located at 1406 Third Street in St. Catharines to be removed from the Greenbelt Plan specialty crop designation</li> <li>The property is not viable farmland due to the small parcel size (resulting from MTO expropriation for the Highway 406 overpass) and salt damage</li> <li>Concerns that Greenbelt Plan lacks the flexibility required to address on-the-ground realities of farming and agricultural viability</li> </ul>

File No.	Type of Representation*	Name(s)	Organization	Municipality	Summary of Comments
CL-C-43-2018	Written submission & presentation	Dr. John Bacher	Preservation of Agricultural Lands Society	N/A	<ul style="list-style-type: none"> <li>• The need for a new Regional Official Plan is questionable</li> <li>• Agricultural and environmental policies are closely linked</li> <li>• Prospect of de-designation of lands within the urban boundary is disturbing; if de-designation of urban lands takes place, it should be done on protected wetlands at the urban boundary</li> <li>• Stakeholder consultations should be based on formal committees that are transparent</li> <li>• Comments on agricultural policy – lands between the Niagara Escarpment and Highway 20 mapped as Good General Agriculture in Thorold, Niagara Falls and Pelham should be designated as Tender Fruit and Grape</li> <li>• Comments on environmental policies – need to address endangered species; there should be an automatic peer review process for Environmental Impact Studies; ash die-off should not be used to remap Environmental Conservation Areas</li> <li>• Do not rush the Official Plan process; need to take considerable care to develop the plan</li> </ul>
CL-C-45-2018	Written submission	S.A. Branscombe	River Realty Development	Niagara Falls	<ul style="list-style-type: none"> <li>• Request for 63 acres of River Realty-owned lands in northwest Niagara Falls to be included in the urban boundary</li> </ul>
CL-C-46-2018	Written submission	Matt Johnston	Urban Solutions	Grimsby	<ul style="list-style-type: none"> <li>• Request for 2.37 ha of land in Grimsby to be removed from the Greenbelt Plan</li> </ul>



File No.	Type of Representation*	Name(s)	Organization	Municipality	Summary of Comments
n/a	Written submission	Gauruv Lall	Remax Escarpment Realty	Grimsby	<ul style="list-style-type: none"> <li>Request to remove 18 acres from the Greenbelt Plan to develop the site (e.g. potential for residential development).</li> </ul>
n/a	Written submission	George Trifunovic Philip Trifunovic Mike Trifunovic Peter Trifunovic	Resident	Grimsby	<ul style="list-style-type: none"> <li>Request to build the Livingston Avenue extension and remove all properties that have been divided into two parcels by the extension from the Greenbelt Plan</li> <li>This includes 21 acres of land located at 468 Main Street West in Grimsby</li> </ul>
n/a	Written submission	Sandra Horvath Nancy McKay Tom Smith	Christ Our Saviour Lutheran Church	Grimsby	<ul style="list-style-type: none"> <li>Request to remove property located at 448 Main Street West in Grimsby from the Greenbelt Plan and complete the Livingston Avenue extension</li> </ul>
n/a	Written submission & presentation	Jean Grandoni	Resident	Niagara Falls	<ul style="list-style-type: none"> <li>Re-designate land between Niagara Falls and Thorold and between the Welland River and the Niagara Escarpment from Good General to Tender Fruit and Grape</li> <li>Illegal dumping – stop illegal dumping on prime farmlands and in floodplains, creeks and creek valleys, drainage ditches, etc.</li> <li>Climate change – illegal dumping and garbage dumps alters drainage patterns; climate change is further impacted by cutting down forests; need stronger forestry protection</li> <li>Watershed planning – need watershed planning inside and outside the urban boundary; no diversions should occur; fisheries are forgotten local food supply</li> </ul>
n/a	Written submission	Chris Jack	Resident	Grimsby	<ul style="list-style-type: none"> <li>Slow down development, preserve farmland and do not build high-rise condos in places they do not belong in what used to be the fruit belt</li> </ul>

File No.	Type of Representation*	Name(s)	Organization	Municipality	Summary of Comments
					<ul style="list-style-type: none"> <li data-bbox="1270 289 1789 358">• Concerns about lack of community consultation, traffic and crime</li> </ul>

## Appendix 3A – Summary of Interactive Board Comments

Theme	Biggest Challenges	Biggest Opportunities
<b>Growing Region</b>	<ul style="list-style-type: none"> <li>• Protecting farmland and the natural environment, including water resources (e.g. our aquifer)</li> <li>• Planning for climate change and extreme weather events (e.g. flooding)</li> <li>• Sprawling, low-density development</li> <li>• Ensuring intensification/density planning is done right</li> <li>• Uneven growth and inconsistent development strategies</li> <li>• Achieving a mix of housing and employment uses that allows people to work where they live</li> <li>• Building complete communities for residents and visitors year-round, not just in the summer months</li> <li>• Lack of diversity in housing types, including rental housing and affordable options for seniors, persons with disabilities and youth</li> <li>• Lack of affordable retirement homes</li> <li>• Concerns regarding the impact of investor activity and home-sharing (e.g. Airbnb) on the rental housing stock and housing affordability</li> <li>• Limited transportation options for seasonal workers and youth</li> <li>• Not enough proactive, comprehensive community planning (e.g. secondary plans, masterplans)</li> </ul>	<ul style="list-style-type: none"> <li>• Higher density, mixed use development in areas supported by infrastructure and services</li> <li>• More apartment buildings, row housing, semi-detached dwellings, tiny homes and multi-ownership housing to expand affordable housing options</li> <li>• Ensure affordable housing and support services are mixed into our communities rather than isolated</li> <li>• Zoning to support residential intensification and home-based businesses</li> <li>• Prioritize brownfield redevelopment over greenfield development</li> <li>• Build the GO Transit Stations and undertake associated transportation improvements</li> <li>• More housing options in proximity to Niagara's GO Transit Stations</li> <li>• Implement Niagara Region's Transportation Master Plan to support development and attract a diverse labour pool</li> <li>• Protect the natural environment and build sustainable, healthy, liveable communities</li> <li>• Plan for climate change by preserving greenspace, building bike lanes and supporting transit</li> <li>• Nature-based tourism</li> <li>• Opportunities associated with rehabilitated quarries (e.g. housing, recreation, ecotourism)</li> <li>• Prepare secondary plans and master plans in consultation with the community for orderly growth</li> </ul>
<b>Vibrant Region</b>	<ul style="list-style-type: none"> <li>• "Not in my backyard" (NIMBY) mentality</li> </ul>	<ul style="list-style-type: none"> <li>• Address NIMBYism</li> <li>• Protect the environment and cultural and archaeological resources</li> </ul>

Theme	Biggest Challenges	Biggest Opportunities
	<ul style="list-style-type: none"> <li>• Political support for design excellence rather than large-scale development</li> <li>• Low-density development</li> <li>• Large-scale development occurring without secondary plans</li> <li>• Following and enforcing by-laws</li> <li>• Assessing important archaeological sites in an appropriate manner</li> <li>• Paying for services should the population base decline</li> </ul>	<ul style="list-style-type: none"> <li>• Incorporate Niagara's natural assets into urban design plans</li> <li>• Plant more trees to shade streets</li> <li>• Support and leverage the growth of culture and the arts in Niagara</li> <li>• Develop vibrant community hubs</li> <li>• Support intensification and improve the mix of housing and employment uses to allow people to work where they live</li> <li>• Build GO Train Stations that are easily accessible for vehicles, bikes and pedestrians</li> <li>• Ensure that regional plans recognize and leverage the strengths and success of individual communities within Niagara</li> <li>• Leverage the expertise of urban design staff at Niagara Region</li> </ul>
<b>Competitive Region</b>	<ul style="list-style-type: none"> <li>• Loss of industry as the economy transitions</li> <li>• Limited public transit</li> <li>• High volume of commuters</li> <li>• Expansive parking lots that act at heat sinks</li> <li>• Protecting water resources</li> <li>• Concern regarding aggregate extraction deep into the aquifer</li> <li>• Concern that aggregate companies are not following regulations and are not held accountable (threat of aquifer contamination and negative impact on farmland)</li> <li>• Concern regarding fill in wet quarries and impact on the aquifer</li> <li>• Concern regarding wet quarries being converted to garbage dumps</li> <li>• Importation of fill from the Greater Toronto Area</li> </ul>	<ul style="list-style-type: none"> <li>• Protect a sufficient supply of employment lands across the region</li> <li>• Build GO Transit Stations and undertake associated transportation improvements to boost tourism</li> <li>• Increase density at GO Transit Stations</li> <li>• Implement Niagara Region's Transportation Master Plan to support development</li> <li>• Explore regional rail service</li> <li>• Develop Fort Erie QEW Corridor</li> <li>• Limit importation of fill from the Greater Toronto Area</li> <li>• Prohibit fill in wet quarries</li> <li>• Recycle aggregate resources</li> <li>• Limit the amount of quarrying that can occur in a given area</li> <li>• Explore opportunities for community development in proximity to rehabilitated quarries</li> </ul>

Theme	Biggest Challenges	Biggest Opportunities
		<ul style="list-style-type: none"> <li>• Explore creative opportunities to reuse depleted quarries, such as outdoor theatres or concert venues</li> <li>• Transform depleted quarries into geo-parks</li> <li>• Protect the natural environment and support eco-tourism</li> <li>• Promote international events in Niagara, such as ploughing matches, automotive exhibitions, and natural resource summits</li> <li>• Attract employment, educational and residential opportunities by capitalizing on Niagara's strengths, such as agriculture, natural environment, resources, new urban development, etc.</li> <li>• Attract green technology and internet technology businesses</li> <li>• Develop a regional employment program that addresses marketing the Region, housing for students and seasonal workers and transportation</li> </ul>
<b>Connected Region</b>	<ul style="list-style-type: none"> <li>• Making necessary infrastructure investments</li> <li>• Ensuring transportation infrastructure has capacity to support new development</li> <li>• Limited transportation options for aging population</li> <li>• Need densities to support transit</li> <li>• Need more cycling lanes within and between communities that are separated from traffic</li> <li>• Raw sewage overflows</li> <li>• Water quality at beaches</li> <li>• Protecting our drinking water</li> <li>• Need to recognize the role of existing wetlands and dangers of</li> </ul>	<ul style="list-style-type: none"> <li>• Implement Niagara Region's Transportation Master Plan</li> <li>• Build the GO Transit Stations and make associated transportation improvements (e.g. Livingston Ave. and Casablanca Blvd. in Grimsby)</li> <li>• Rethink rail service in Niagara to address climate change</li> <li>• Better connections between GO Transit stations and local transit</li> <li>• Connect smaller municipalities with nearby city centres through transit</li> <li>• Improve bus connections</li> <li>• Make bus travel faster and more efficient to improve ridership</li> <li>• Provide bus passes free of charge</li> <li>• Direct intensification to areas that support transit</li> </ul>

Theme	Biggest Challenges	Biggest Opportunities
	<p>disrupting the course of water flows, especially in light of climate change</p>	<ul style="list-style-type: none"> <li>• Build complete streets and improve active transportation</li> <li>• Reduce commute times</li> <li>• Challenges and opportunities associated with a possible Mid-Peninsula Highway</li> <li>• Sewage lagoons can double as wetlands and waterfowl habitat</li> <li>• Adopt bolder vision for Water and Wastewater Master Servicing Plan</li> </ul>
<p><b>Sustainable Region</b></p>	<ul style="list-style-type: none"> <li>• Urban sprawl</li> <li>• Urban boundary expansions</li> <li>• Protecting drinking water</li> <li>• Waterfront development</li> <li>• Increase in algae making beaches unsafe to swim</li> <li>• Flooding and storm damage to waterfronts</li> <li>• Shoreline erosion (e.g. Lake Erie)</li> <li>• Loss of forest cover and natural features due to development</li> <li>• Concern that aggregate companies are not following regulations which impacts the natural environment</li> <li>• Inappropriate development</li> <li>• Challenge to achieve open creek conveyance (rather than pipes)</li> <li>• Illegal dumping in natural areas</li> <li>• Impact of infrastructure development on the natural environment (e.g. in Greenbelt)</li> </ul>	<ul style="list-style-type: none"> <li>• Protect the natural environment, including natural features and areas within smaller communities and urban areas</li> <li>• Reduce tree-cutting for development, as trees sequester carbon and absorb water</li> <li>• Park naturalization and green roofs</li> <li>• Low impact development standards</li> <li>• Increase buffers for lakeshores, wetlands, and watercourses and naturalize the buffers</li> <li>• Connect natural features and areas within a natural heritage system</li> <li>• Purchase and protect land that can serve as linkages between natural features and areas</li> <li>• Protect vulnerable areas from recreational uses that may damage natural features</li> <li>• Establish targets relative to the protection of natural environment (e.g. tree canopy target)</li> <li>• Eliminate invasive phragmites</li> <li>• Replant areas that have been cleared due to ash borer</li> <li>• Identify flood zones and prohibit development in flood-prone areas</li> <li>• Develop a water usage plan</li> </ul>

Theme	Biggest Challenges	Biggest Opportunities
		<ul style="list-style-type: none"> <li>• Ensure that sustainability and climate change is central to all chapters of the Official Plan</li> <li>• Go beyond provincial minimum requirements for climate change, which are inadequate</li> <li>• Set strong greenhouse gas reduction targets, including targets for net-zero communities</li> <li>• Use natural features and areas to mitigate and adapt to climate change</li> <li>• Prioritize sustainable development to address climate change</li> <li>• Electric vehicle infrastructure</li> <li>• More transit and cycling infrastructure</li> <li>• Relief roads to reduce congestion and pollution on the QEW</li> <li>• Ensure scientific studies guide planning and development</li> <li>• More recycling and community involvement</li> <li>• Electrify more of the Niagara River</li> </ul>



## Appendix 3B – Written Submissions

### Overview of Top Three Themes

#### Protection of the natural environment

- Concerns regarding loss of environmental features and wildlife habitat
- Need a mapped natural heritage system and stronger environmental policies to protect the natural environment and plan for climate change
- Any references to biological offsetting should be eliminated from the plan
- Establish an Environmental Advisory Committee
- Hold meetings with environmentalists at more accessible locations (e.g. Fort Erie, Niagara Falls, St. Catharines)
- Importance of scenic conservation (e.g. scenic by-ways)

#### Managing growth and housing

- Need to use our land wisely and limit the number of single-detached dwellings, parking lots and big box smart centre plazas
- Concerns regarding lack of affordable housing
- Concerns that “Not In My Backyard” (NIMBY) opposition from residents and councillors is limiting the development of affordable housing
- Concerns regarding social impacts of higher-density development

#### Ensuring infrastructure supports growth

- Concerns regarding sewage overflows in extreme weather events and sewage flowing into Lake Ontario
- Should bury all hydro wires
- Expand GO Train service in Niagara
- Make improvements to Casablanca Blvd. and expand Livingston Ave. in Grimsby
- Request to add a portion of Highway 122 between Garrison Road and Dominion Road in Fort Erie to the Bikeways Master Plan
- Need infrastructure and political coordination and alignment to meet the aggressive population and employment numbers for Niagara Region
- Need to ensure infrastructure can adapt to the impacts of climate change
- Requests to include specific requirements relating to TransCanada Pipelines infrastructure in the new plan