



## **COUNCIL MEETING AGENDA**

**Tuesday, September 1, 2020  
7:00 P.M.**

**Due to COVID-19 and the closure of the Civic Square  
All Electronic Meetings can be viewed at:**

**City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>**

**YourTV: The meeting will be aired on channel 700 on September 3, 2020 at 9:00 a.m.**

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### **1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:30 p.m.) (See yellow tab)**

- A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the complete position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - *Update regarding developments.*
- Proposed or pending acquisition or disposition of land by the municipality or local board;
  - *Commercial Leases - Welland Arena, Youngs Sportsplex, Market Square and Quaker Road Sports Complex.*
- Personal matters about an identifiable individual, including municipal or local board employees; and
  - *Identifiable individual.*
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - *Update on TO2015 and Elite legal proceedings.*

### **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 August 4, 2020 and Special Council Meeting of August 18, 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**



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### **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 PRESENTATION(S) - Nil**

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

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

### **4.4 LEGISLATED PUBLIC HEARINGS PURSUANT TO THE *PLANNING ACT***

**20-92** A complete application has been made by QUARTEK GROUP INC. on behalf of 1969578 ONTARIO INC. for Draft Plan of Vacant Land Condominium Approval for lands described as Part of Block 4 Registered Plan 59M-473, City of Welland, municipally known as 69 Denistoun Street. The subject lands are designated Urban Area in the Regional Official Plan, as High Density Residential in the City of Welland Official Plan, and zoned Site Specific High Density Residential - RH-41 by By-law 2010-117. The application proposes the development of 1.33 hectares of land for a vacant land condominium for the purposes of creating 43 condominium townhouses and one common element block.  
**(See Report P&B-2020-35, pages 13 to 18)**

**20-93** Complete applications have been made by UPPER CANADA CONSULTANTS on behalf of ROWT INC. for Draft Plan of Vacant Land Condominium Approval for Official Plan Amendment (OPA 28) and to rezone lands described as Part Lot 1, Concession 13, former Township of Pelham, Parts 1 & 2 59R-15268 for lands at 395 and 401 South Pelham Road from the existing Residential Low Density 1 - RL1, Residential Multiple - RM, Site Specific RM-34, and Environmental Protection Overlay - EP to Site Specific Residential Multiple – RM and Environmental Protection Overlay in Zoning By-law 2017-117. The purpose of the amendment is to rezone the property to Site Specific Residential Multiple and Environmental Protection Overlay to provide zoning guidance and interpretation, create a definition for block townhouses; require a front yard setback of 6 metres to South Pelham Road; allow a 2.6 metre rear yard setback (Unit 18); allow covered and uncovered decks to encroach into the rear yard 3.75 metres; to allow for a required parking space to be located between the façade and the street line; and, to allow parking spaces within 3 metres of the street line. The official Plan designation is Low Density Residential, Medium Density Residential, and Core Natural Heritage.  
**(See Report P&B-2020-36, pages 19 to 27)**



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- 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 Green)**

**20-14 THAT THE COUNCIL OF THE CITY OF WELLAND reconsiders un-amended staff Report CLK-2020-16: Remuneration of Council with an effective date of July 1, 2020.**
    - 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 1<sup>st</sup> day of September, 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 - Nil**

**2. COMMITTEE AND STAFF REPORTS**

- 1. Business Arising from Committee-of-the-Whole (closed)**
- 2. General Committee Report to Council - Nil**
- 3. Budget Review Committee Report to Council - Nil**
- 4. Staff Reports**

<b>1 - 8</b>	<b><u>CLK-2020-18</u></b>	Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Updates to the Outstanding Council Resolutions Lists. Ref. No. 02-160
<b>9 - 12</b>	<b><u>CLK-2020-19</u></b>	Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Council Composition and Ward Boundaries. Ref. No. 20-78
<b>13 - 18 Remove From Block</b>	<b><u>P&amp;B-2020-35</u></b>	Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Draft Plan of Vacant Land Condominium (File No. 26CD-14-20006) submitted by Quartek Group on behalf of 1969578 Ontario Inc. for lands on the west side of Denistoun Street, north of West Main Street, east of Prince Charles Drive, and south of the Welland River, municipally known as 69 Denistoun Street. Ref. No. 20-92



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|--|-------------------------------|---|
| <b>19 - 27</b><br>Remove From<br>Block | <b><u>P&amp;B-2020-36</u></b> | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Official Plan Amendment (OPA NO. 28) Zoning By-law Amendment (2020-06) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-20005) submitted by Upper Canada Consultants on behalf of Rowt Inc. for lands on the west side of South Pelham Road, north of Webber Road and at the terminus of Fitch Street, municipally known as 395 & 401 South Pelham Road. Ref. No. 20-93   |
| <b>28 - 113</b>                        | <b><u>P&amp;B-2020-37</u></b> | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Zoning By-law Amendment (File No. 2020-03) and Draft Plan of Subdivision (File No. 26T-14-20003) submitted by Upper Canada Consultants for lands Part Lot 258, former Township of Thorold, Part 1 on Plan 69R-16195, Part 1 on Plan 59R-7834 and Part 1 on Plan 59R-7994, except 59M-472, City of Welland, municipally known as 320 South Pelham Road. Ref. No. 20-89 (See By-law 1) |
| <b>114 - 142</b>                       | <b><u>P&amp;B-2020-38</u></b> | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Official Plan Amendment OPA NO. 27) and Zoning By-law Amendment (File No. 2020-04) submitted by Joseph Tomaino on behalf of 2694686 Ontario Inc. for lands on the east side of Patricia Avenue, north of Thorold Road and west of Aqueduct Street, municipally known as 12 Patricia Avenue. Ref. No. 20-86 (See By-laws 2 and 3)   |
| <b>143 - 145</b>                       | <b><u>ENG-2020-29</u></b>     | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - WIFC Drainage Improvements - Award of Tender. Ref. No. 09-75 (See By-law 4)  |
| <b>146 - 149</b>                       | <b><u>ENG-2020-32</u></b>     | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Memorial Park Sports Field Lighting Replacement - Tender Award. Ref. No. 20-19 (See By-law 5)  |
| <b>150 - 153</b>                       | <b><u>ENG-2020-33</u></b>     | Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Plymouth Park Sports Field Lighting Replacement - Tender Award. Ref. No. 20-19 (See By-law 6)  |



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

- 154 - 156** 1. Lisa Palano-D'Alfonso, CUPE - Ontario Regional Office re: Request to declare October 22, 2020 as "Early Childhood Educator Appreciation Day". Ref. No. 20-6

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND declares October 22, 2020 as "Early Childhood Educator Appreciation Day" in the City of Welland.

- 157 - 172** 2. Nora Reid, President, Central Station Education Initiative re: Presentation by Central Station Education Initiative, leased property at 30 Hellems Avenue. Ref. No. 20-15

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Central Station Education Initiative, leased property at 30 Hellems Avenue; and further  
That Welland City Council refers to the Budget Review Committee for review and consideration.

#### **4. BY-LAWS**

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

1. A By-law to amend City of Welland Zoning By-law 2017-117 (File 2020-03) 320 South Pelham Road. Ref. No. 20-89  
(See Report P&B-2020-37)
2. A By-law to amend City of Welland Zoning By-law 2017-117 (File 2020-04) 12 Patricia Avenue. Ref. No. 20-86  
(See Report P&B-2020-38)
3. A By-law to adopt Official Plan Amendment No. 27. Ref. No. 20-86  
(See Report P&B-2020-38)
4. A By-law to enter into contract with Anthony's Excavating Central Inc. for the WIFC Drainage Improvements. Ref. No.09-75  
(See Report ENG-2020-29)



## **COUNCIL MEETING AGENDA BLOCK – Page 4**

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5. A By-law to enter into contract with Nadelec Contracting Inc. for the Memorial Park Sports Field Lighting Replacement Project. Ref. No.20-19  
(See Report ENG-2020-32)
6. A By-law to enter into contract with Nadelec Contracting Inc. for the Plymouth Park Sports Field Lighting Replacement Project. Ref. No. 20-19  
(See Report ENG-2020-33)
7. A By-law to authorize the appointment of Steve Zorbas as Interim Chief Administrative Officer of the Corporation of the City of Welland. Ref. No. 20-24  
(Direction provided to proceed in Committee-of-the-Whole at the Committee-of-the-Whole meeting of August 18, 2020).

**COUNCIL**  
**CORPORATE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-18  
SEPTEMBER 1, 2020

*02-160*

**SUBJECT: UPDATES TO THE OUTSTANDING COUNCIL RESOLUTIONS LIST**

**AUTHOR: TARA STEPHENS, CITY CLERK**

**APPROVING G.M.: STEVE ZORBAS, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER/TREASURER**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report CLK-2020-18, Updates to the Outstanding Council Resolutions List; and further THAT Welland City Council approves removing all items included in "Appendix I" from the Outstanding Council Resolution List.

**ORIGIN AND BACKGROUND:**

The Outstanding Council Resolutions List outlines items that have been referred to staff and committee by council. All outstanding items have been placed into two detailed appendices.

"Appendix I" lists outstanding items from 2016 to 2018.

"Appendix II" lists outstanding items from 2019 to present.

**COMMENTS AND ANALYSIS:**

The Corporate Leadership Team (CLT) has reviewed the Outstanding Council Resolutions List and recommends that all items listed in "Appendix I" be removed from the Outstanding Council Resolution List.

In addition, CLT and staff will continue to process items listed in "Appendix II".

**FINANCIAL CONSIDERATION:**

There is no financial impact associated with this recommendation.



**OTHER DEPARTMENT IMPLICATIONS:**

CLT has reviewed and support the recommendation.

**SUMMARY AND CONCLUSION:**

This staff report has been prepared to recommend updates and changes to the Outstanding Council Resolution List.

**ATTACHMENT:**

APPENDIX I – Items to be removed from the Outstanding Council Resolution list.

APPENDIX II – Item to remain on the Outstanding Council Resolution list.

## APPENDIX I

### Items to be removed from the Outstanding Council Resolution List

REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETE DATE
Infrastructure and Development Services Engineering Division and Corporate Services	July 19, 2016	Draft Sidewalk Policy that focuses on the creation of new sidewalks and the improvement and maintenance of existing sidewalks.	<u>Status:</u> In progress. <u>To Complete:</u>	
Economic Development	May 3, 2016	Report regarding potential alternatives to expand the use or waterway by the general public. Defers Report R&C-2017-08: Public Consultation Process - 'Go Quiet By-law' & Alternative Uses of the Waterway to the General Committee meeting on September 26, 2017.	<u>Status:</u> In progress. <u>To Complete:</u> R&C-2017-06 - October 4, 2017 was received for information.	
CAO	April 18, 2017	Staff to undertake a process and develop timelines to dissolve the Welland Recreational Canal Corporation as outlined by legal counsel.	<u>Status:</u> In progress. <u>To Complete:</u>	
Infrastructure and Development Services Traffic Division	September 19, 2017	Refers back to staff for report regarding Section 8 Schedule 3 Food Vehicle, Section 7 Schedule 2 Food Premises and Exemption Section 10 Schedule 4 Hawker and Peddler from By-law 2011-173. Went to the May 15th Council Meeting to be deferred to staff for a report to a General Committee meeting.	<u>Status:</u> In progress. <u>To Complete:</u> 2nd quarter, 2019.	
Corporate Services	February 20, 2018	Report regarding identifying alternative funding sources to adequately address water meter replacement in 2018.	<u>Status:</u> In progress. <u>To Complete:</u>	

## APPENDIX I

### Items to be removed from the Outstanding Council Resolution List

Corporate Services	February 20, 2018	Staff to review the Councilors Travel and Corporate Business Expense Policy to include costs if Council or a Councilor should require the need to seek a professional legal opinion while performing his or her duties as a councillor.	<b>Status:</b> In progress. <b>To Complete:</b>	
Economic Development	April 17, 2018	Defers appointing 1 Council Member to the SEART Committee to the second General Committee meeting in May with the terms of reference.	<b>Status:</b> In progress. <b>To Complete:</b> General Committee May 2018.	
Infrastructure and Development Services Engineering Division	May 8, 2018	Develop a long term program together with the Region of Niagara over the next 5 years to reduce inflow/infiltration within the Dain City Catchment Area.	<b>Status:</b> In progress. <b>To Complete:</b> Working with Regional staff over the next 5 years.	
Infrastructure and Development Services Traffic, Planning, Building and Fire Divisions	June 5, 2018	Report on an education strategy to the public, tenants and landlords regarding rental housing.	<b>Status:</b> In progress. <b>To Complete:</b> 2nd quarter, 2019.	

**APPENDIX II**

**Items to be remain on the Outstanding Council Resolution List – As of August 17, 2020**

REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETE DATE
Infrastructure and Development Services Engineering Division	January 15, 2019	Signed petition regarding the replacement of the Dain City Bridge and refers the matter to staff. <b>January 15, 2019</b> Council meeting: Council approves and recommends that Niagara Regional Council be requested to fund Phase 1 costs of \$4 million for demolition, pier testing and detailed design of the Forks Road Bridge, as recommended by the Budget Review Committee at its meeting of January 14, 2019.	<u>Status:</u> In progress. <u>To Complete:</u> March 19, 2019 - Council approved demolition of Forks Road Bridge. Next steps to be considered in the future.	
Infrastructure and Development Services Engineering Division	March 5, 2019	Request for a Community Teaching Garden to staff for study and review.	<u>Status:</u> In progress. <u>To Complete:</u>	
Infrastructure and Development Services Traffic Division	April 2, 2019	Staff to investigate installing Way Finding Signs in the Downtown and Health and Wellness Cluster areas with a report to Council by August 1, 2019.	<u>Status:</u> In progress. <u>To Complete:</u>	
Economic Development	May 7, 2019	Report regarding naming the trails along the waterway.	<u>Status:</u> In progress. <u>To Complete:</u>	
Corporate Services	May 21, 2019	Report on suitable replacements for paper by becoming paper free by the end of the year 2019.	<u>Status:</u> In progress. <u>To Complete:</u>	

## APPENDIX II

### Items to be remain on the Outstanding Council Resolution List – As of August 17, 2020

CAO	July 9, 2019	Report to create a Housing Affordability Task Force for Council.	Status: In progress. <u>To Complete:</u>
CAO	July 9, 2019	Report regarding a partnership between all 4 Service Clubs to a General Committee meeting.	Status: In progress. <u>To Complete:</u>
CAO	July 9, 2019	Create a "Downtown Vacancy Mitigation Action Plan" between the City, Business, Community and applicable stakeholders that addresses vacancy rates in our downtown areas.	Status: In progress. <u>To Complete:</u>
Infrastructure and Development Services Planning Division	September 3, 2019	Staff to start a public consultation process on the design of a new park area and that a report to include public replacement of the current park infrastructure and enhancements due to the loss of parkland come to General Committee by the end of 2019.	Status: In progress. <u>To Complete:</u>
Infrastructure and Development Services Planning Division	September 17, 2019	Report on possible enhancements to the public notification process for Committee of Adjustment hearings. Went to the October 1, 2019 Council meeting requesting that subsequent report be provided outlining costs for the two options provided.	Status: In progress. <u>To Complete:</u>
Economic Development	October 1, 2019	Report on costs and feasibility on installing a dock to aid in the launch of motor boats onto the Welland River from the River Road launch site.	Status: In progress. <u>To Complete:</u>

## APPENDIX II

### Items to be remain on the Outstanding Council Resolution List – As of August 17, 2020



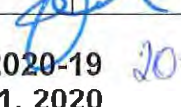
Infrastructure and Development Services Traffic Division	October 22, 2019	Requesting a By-law be established which would not allow people to attend large functions with their dogs back to staff for a report.	<u>Status:</u> In progress. <u>To Complete:</u>	
Infrastructure and Development Services Traffic Division	December 17, 2019	Staff to provide a by-law that deals with short term rentals and all associated licensing and administration.	<u>Status:</u> In progress. <u>To Complete:</u>	
Infrastructure and Development Services Planning Division	February 18, 2020	Refers back to staff a report regarding an Occupancy Standards By-law.	<u>Status:</u> In progress. <u>To Complete:</u>	
Corporate Services	February 18, 2020	Refers back to staff Report HR-2020-03: Anti-Nepotism Policy.	<u>Status:</u> In progress. <u>To Complete:</u>	
Infrastructure and Development Services Planning Division	February 18, 2020	Refers back to staff matter regarding the petition from residents from 155 Gadsby Avenue.	<u>Status:</u> In progress. <u>To Complete:</u>	
Infrastructure and Development Services Traffic Division	March 3, 2020	Directs staff investigate and report to Council regarding providing 10 city parking spots behind City Hall paid parking to the Peters Group owner of 3 Cross Street at a yearly charge.	<u>Status:</u> In progress. <u>To Complete:</u>	

## APPENDIX II

### Items to be remain on the Outstanding Council Resolution List – As of August 17, 2020

Infrastructure and Development Services Traffic Division	June 16, 2020	Report to reimburse part or all of the fee paid by the owner (with guidelines similar to the rodent control program to be adhered to) and the amount be capped and for a certain period to time.	<u>Status:</u> In progress. <u>To Complete:</u>	
Corporate Services	June 16, 2020	Report for the 2022 municipal election that the number of City Councilors be reduced from the current twelve to eight and the number of city wards be increased from the current six to eight and one Councilor be elected to each ward.	<u>Status:</u> In progress. <u>To Complete:</u>	
Human Resources Division	July 7, 2020	Staff to update the Code of Conduct Policy to include a Code of Conduct for staff to Council and update the Council and staff Relationship Policy to include reference to the revised code of conduct in the roles and Responsibilities of Staff.	<u>Status:</u> <u>To Complete:</u>	
Infrastructure and Development Services Planning Division	July 7, 2020	Staff to separate Report P&B-2020-25: Delegation to Staff of Various Approvals Under the Planning Act into 4 separate reports.	<u>Status:</u> <u>To Complete:</u>	
Corporate Services	July 7, 2020	Defer Report CAO-2020-03: Welland Summer Concert Series to the August 4, 2020 Council Meeting to have staff present at the meeting.	<u>Status:</u> In progress. <u>To Complete:</u>	

**COUNCIL**  
**CORPORATE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-19  
 SEPTEMBER 1, 2020

20-78

**SUBJECT: COUNCIL COMPOSITION & WARD BOUNDARIES**

**AUTHOR: TARA STEPHENS, CITY CLERK**

**APPROVING G.M.: STEVE ZORBAS, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER/TREASURER**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2020-19, regarding council composition and ward boundaries; and further THAT Welland City Council provide direction to staff on next steps regarding council composition and the number of wards.

**ORIGIN AND BACKGROUND:**

On June 16, 2020, council passed a motion requesting staff to prepare a report regarding reducing the number of councillors to eight (8) and the number of wards be increased to eight (8) for the 2022 municipal election.

In addition, council requested the process include an engagement survey for residents, business owners and community partners.

**COMMENTS AND ANALYSIS:**

***Council Composition***

In 1917, the City of Welland was established and was composed of six (6) members of council and a mayor. In 1918, council increased by two (2) members of council for a total of eight (8) councillors and a mayor. By 1961, council was then composed of 12 members and a mayor.

Section 217 (1) of the *Municipal Act, 2001*, authorize[s] a local municipality to change the composition of its council subject to five enumerated rules:

1. There shall be a minimum of five members, one of whom shall be the head of council;
2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*;



3. The head of council shall be elected by general vote;
4. The members, other than the head of council, shall be elected by general vote or wards by any combination of general vote and wards;
5. The representation of a local municipal on the council of any upper-tier municipality shall not be affected by the by-law of the local municipality under this section.

A by-law adopted by council to reduce or increase their council composition is not open to appeal to the Local Planning Appeal Tribunal (LPAT).

### ***Council Composition Review***

The composition of local councils in Ontario varies widely. The council composition within the Niagara Region is summarized below:

<b>Municipality</b>	<b>Population*</b>	<b>Number of Councillors</b>
Fort Erie	30,710	6 – 6 wards
Grimsby	27,314	8 – 4 wards
Lincoln	23,787	8 – 4 wards
Niagara Falls	88,071	8 – at large
Niagara-on-the-Lake	17,511	10 – at large
Pelham	17,110	6 – 3 wards
Port Colborne	18,309	8 – 4 wards
St. Catharines	133,113	12 – 6 wards
Thorold	18,801	8 – at large
Wainfleet	6,372	4 – at large
Welland	52,293	12 – 6 wards
West Lincoln	14,500	6 – 3 wards
*Data was collected from 2016 Census.		

### ***Ward Boundary Changes***

In 2005, a ward boundary review was conducted. The City Clerk recommended the ward boundaries be re-divided into six (6) equally populated wards.

In Ontario, the *Municipal Act, 2001*, section 222 of the *Act* provides council with the power to divide or re-divide the municipality into wards, or dissolve any wards which may already exist within the municipality, provided such actions are completed through a by-law.

The following process is mandated by the *Municipal Act, 2001* and must be completed before the changes may come into effect:

- Within 15 days of the passage of a by-law, the municipality must give notice to the public of the passing of the by-law and the manner in which the by-law may be appealed, including the last day for filing a notice of appeal;

- The notice must provide 45 days after the passage of the by-law for an individual to file a notice of appeal with the Municipal Clerk;
- Any appeals received must be delivered to LPAT within 15 days after the last day available for filing a notice of appeal;
- LPAT shall hear any appeals received and may make an order affirming, amending or repealing the by-law;
- Once the by-law is passed, the new ward boundaries come into force during the next regular election, if:
  - no appeals are lodged;
  - the appeals are withdrawn prior to January 1<sup>st</sup> the year of an election, or;
  - the appeals are heard by the Tribunal and an order is issued to affirm or amend the by-law before January 1<sup>st</sup> in the year of an election;
- Or after the second regular election in all other situations, unless the by-law is repealed by the Tribunal.

A review of electoral boundaries is not subject to a stipulated schedule, to a standardized process or to established criteria. Furthermore, despite a statement in the *Act*, that the Minister “may prescribe criteria”, none actually exists. Therefore, it is up to each municipal council to determine when a review should occur, to set the terms of reference for the review, including the process to be followed, and to establish criteria or guiding principles to evaluate the municipality’s electoral system.

It is reasonable to consider whether the present ward boundaries are still valid for the city. Three factors normally trigger a ward boundary review:

1. If the population of the municipality has changed by more than ten percent since the present ward boundaries are set, it is time to review them.
2. If the present ward boundaries were set as part of an amalgamation, it is time to examine their continuing relevance as the new municipality matures.
3. If the population of at least one of the wards varies by more than twenty-five percent from the average population of all wards, it is time to review present ward boundaries.

### **FINANCIAL CONSIDERATION:**

\$40,000 - \$60,000 for consultant to conduct ward boundary review. To be funded through the 2020 Corporate Contingency Account.

Normal costs associated with publishing notice of meetings under the City's Procedural By-law 2017-06, Notice By-law 2013-127, as required.

**OTHER DEPARTMENT IMPLICATIONS:**


N/A

**SUMMARY AND CONCLUSION:**

At the request of Welland City Council, this report has been prepared to allow for discussion among the members regarding council composition and a ward boundary review.

**ATTACHMENTS:**

None

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2020-35  
SEPTEMBER 1, 2020

**SUBJECT:** APPLICATION FOR DRAFT PLAN OF VACANT LAND CONDOMINIUM (FILE NO. 26CD-14-20006) SUBMITTED BY QUARTEK GROUP ON BEHALF OF 1969578 ONTARIO INC. FOR LANDS ON THE WEST SIDE OF DENISTOUN STREET, NORTH OF WEST MAIN STREET, EAST OF PRINCE CHARLES DRIVE, AND SOUTH OF THE WELLAND RIVER, MUNICIPALLY KNOWN AS 69 DENISTOUN STREET

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

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

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

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report No. P&B-2020-35 regarding application for Draft Plan of Vacant Land Condominium (File No. 26CD-14-20006) for lands on the west side of Denistoun Street, north of West Main Street, east of Prince Charles Drive, and south of the Welland River.

**ORIGIN AND BACKGROUND:**

Application for Draft Plan of Vacant Land Condominium was submitted by Quartek Group on behalf of 1969578 Ontario Ltd. on April 30, 2020 and was deemed complete on May 13, 2020.

The purpose of the application for Draft Plan of Vacant Land Condominium is to develop the site with 43 condominium townhouse dwelling units and one common element block. The lands will be accessed from Denistoun Street, with no vehicular connections to West Main Street or Prince Charles Drive. The proposed townhouse units are all proposed to be two storeys in height and constructed on a private, internal road.

**COMMENTS AND ANALYSIS:**

A virtual Public Open House was held on August 20, 2020 to gain public input regarding the proposed applications. Three (3) member of the public participated in the Information Meeting, in addition to agent for the applicant and the applicant. The following comments and concerns were raised at the Public Information Meeting:

- Fencing between adjacent uses;
- Garbage collection;
- Parking along Denistoun Street;
- Timing of new housing construction;
- State of disrepair of the current construction site and the former sales centre needs to be addressed; and
- What will the new units look like.

At the time of writing this report, one (1) letter has been submitted from a member of the public regarding the application. The comments in the letter were the same as those that were raised at the Public Information Meeting.

The Statutory Public Meeting under the Planning Act is being held virtually on September 1, 2020. The Public Meeting provides an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications.

The report is intended to provide Council with background information on the Applications. Staff will bring a Recommendation Report for Council's consideration at a future meeting.

**FINANCIAL CONSIDERATION:**

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

**OTHER DEPARTMENT IMPLICATIONS:**

Other City Departments have been circulated the application for review and comment. Any comments, requirements, and/or recommendations received will be incorporated into the final Recommendation Report.

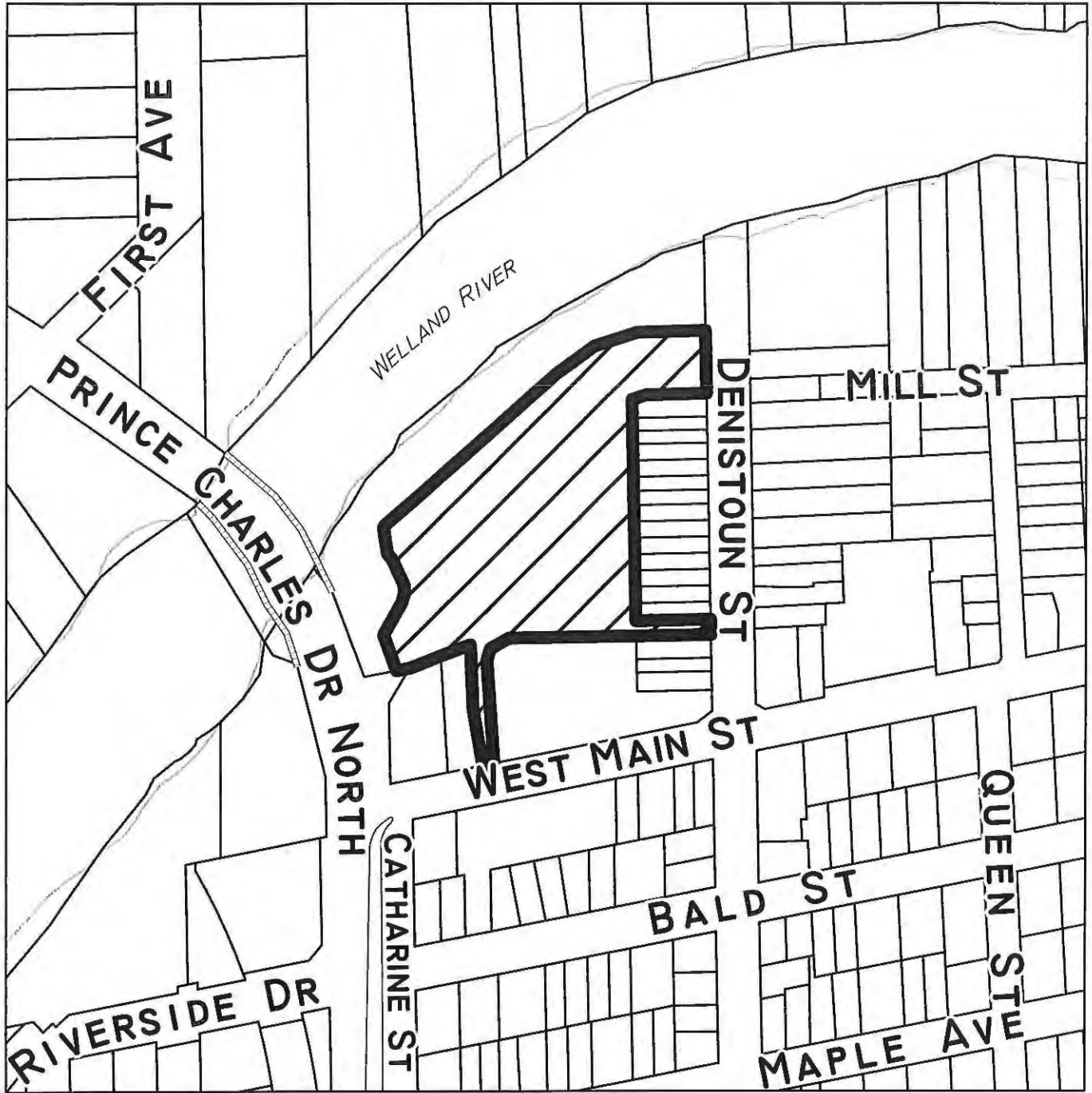
**SUMMARY AND CONCLUSION:**

The Planning Act requires a Statutory Public Meeting to be held to provide an opportunity for public input and discussion regarding the Applications. This report is intended to provide background information for the Public Meeting.

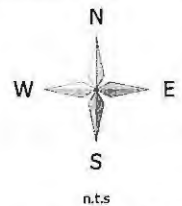
**ATTACHMENTS:**

- Appendix I - Key Map
- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Proposed Draft Plan of Vacant Land Condominium

# 26CD-14-20006



## KEY MAP



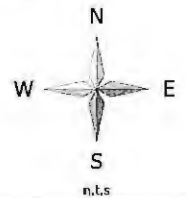
**SUBJECT LANDS**



*Infrastructure and  
Development Services*  
Planning Division



**AERIAL PHOTO OF  
THE SUBJECT LANDS**  
26CD-14-20006

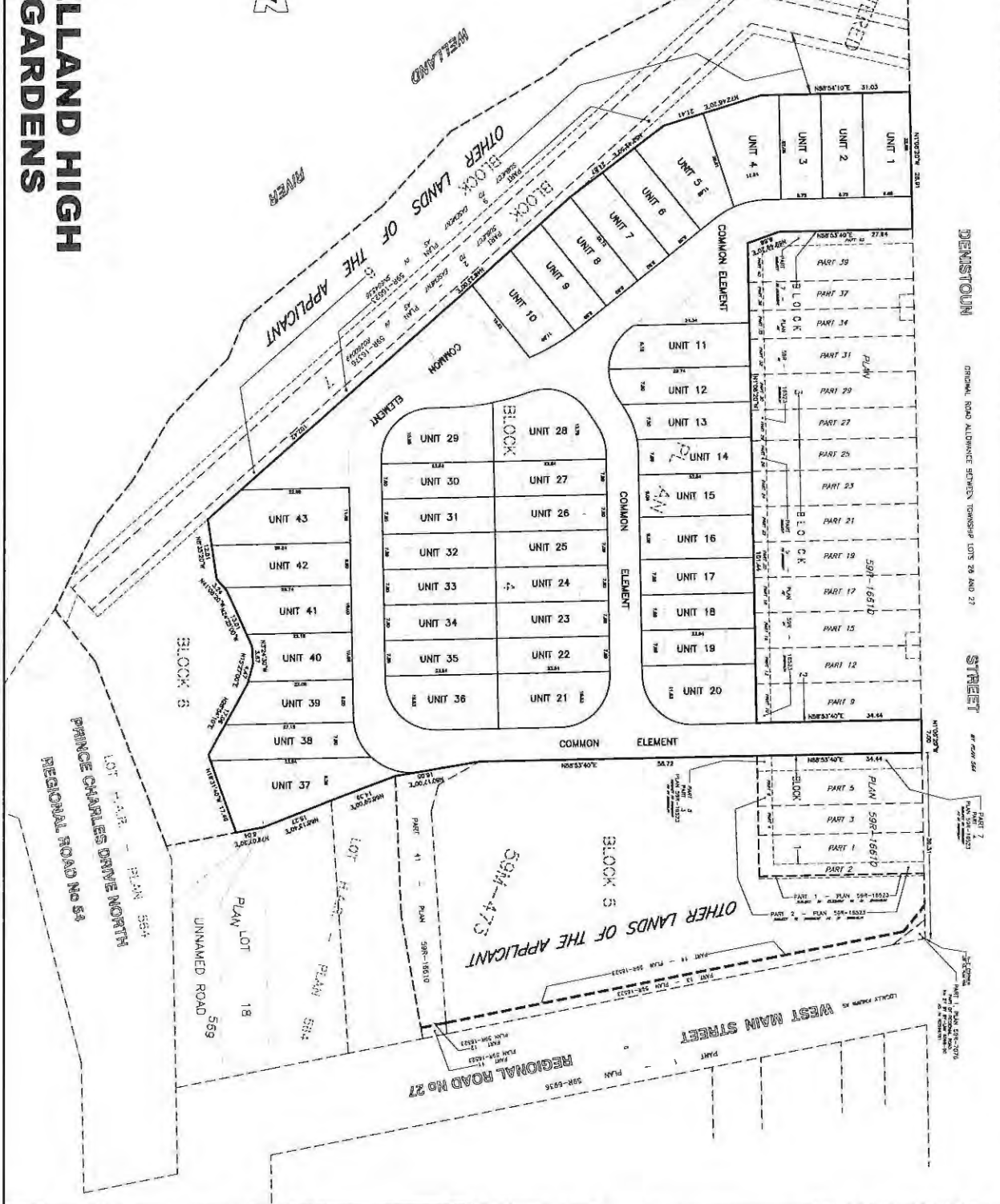


**SUBJECT LANDS**



*Infrastructure and  
Development Services*  
Planning Division





**KEY**

**DRAFT PLAN OF VACANT LAND PART OF BLOCK REGISTERED PLAN CITY OF REGIONAL NUMBER SCALE 1:400**

**CHAMBERS SURVEYING**  
14, Spring Road  
Melbourne, Victoria 3000  
Tel: 03 9412 1111  
Fax: 03 9412 1112

**APRIL 30, 2008**  
DATE

**SUBMITTER'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAN AND THE INFORMATION CONTAINED THEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.


**OWNER'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN.

**LEGAL NOTE**  
THIS PLAN AND THE INFORMATION CONTAINED THEREIN ARE NOT TO BE CONSIDERED TO BE A CONTRACT TO BE BOUND BY IT.

**ABSTRACT**  
TOTAL AREA = 13,282 SQM  
TOTAL AREA = 3,200 SQM  
COMMON ELEMENTS AREA = 3,200 SQM  
AREA = 3,200 SQM

**LEGEND**

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APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2020-36  
SEPTEMBER 1, 2020

20-93

**SUBJECT:** APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 28), ZONING BYLAW AMENDMENT (2020-06), AND DRAFT PLAN OF VACANT LAND CONDOMINIUM (FILE NO. 26CD-14-20005) SUBMITTED BY UPPER CANADA CONSULTANTS ON BEHALF OF ROWT INC. FOR LANDS ON THE WEST SIDE OF SOUTH PELHAM ROAD, NORTH OF WEBBER ROAD, AND AT THE TERMINUS OF FITCH STREET, MUNICIPALLY KNOWN AS 395 & 401 SOUTH PELHAM ROAD

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

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report No. P&B-2020-36 regarding applications for Official Plan Amendment (OPA No. 28), Zoning By-law Amendment (2020-06), and Draft Plan of Vacant Land Condominium (File No. 26CD-14-20005) for lands on the west side of South Pelham Road, north of Webber Road, and at the terminus of Fitch Street, municipally known as 395 & 401 South Pelham Road.

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium was submitted by Upper Canada Consultants on behalf of ROWT Inc. on April 24, 2020 and was deemed complete on May 13, 2020.

The purpose of the application for Official Plan Amendment is to redesignate the property from the existing Low Density Residential, Medium Density Residential, and Core Natural Heritage to Medium Density Residential and Core Natural Heritage. The proposed amendment will not cause any reductions to the Core

Natural Heritage Areas, but will result in the increase in the area of the property that is within this designation. The proposed amendment will allow the residentially designated area to be developed with Medium Density Residential uses.

The application for Zoning By-law Amendment has been made to rezone the lands from Residential Low Density 1 – RL1, Residential Medium Density – RM, Site Specific Residential Medium Density – RM-34, and Environmental Protection Overlay – EP to Site Specific Residential Medium Density – RM and Environmental Protection Overlay – EP. The requested site specific amendments to the Zoning By-law are:

- To provide interpretation and guidance for measuring setbacks and lot coverage at the time of Building Permit;
- To provide a definition for Block Townhouses;
- To allow a front yard setback of 6 metres from South Pelham Road (units 1-4 and 28-35);
- To allow a front yard setback of 4.5 metres to the dwelling and 6 metres to the garage, to be measured from the private roadway;
- To allow a rear yard setback of 6 metres from rear wall of any block townhouse dwelling to any lot line;
- To allow a rear yard setback of 2.6 metres from the rear lot line to the side wall of Unit 18, whereas 6 metres is required;
- To allow decks, covered and uncovered, to encroach into the rear yard 3.75 metres so long as the decks are no more than 1.5 metres above grade, whereas 3 metres is permitted; and,
- That required parking may be permitted between the façade of the building and the private roadway, and to allow these parking spaces to be within 3 metres of the street line, whereas required parking spaces are not permitted between the façade of the building and the street line, and must be greater than 3 metres from the street line.

The requested amendments have been made to develop the site with condominium townhouse development outside of the natural heritage features. The proposed rezoning will increase the area on the property that is currently within the Environmental Protection Overlay zone.

The purpose of the application for Draft Plan of Vacant Land Condominium is to develop the site with 35 condominium townhouse dwelling units, one common element block with visitor parking and a dry pond, and one environmental protection block that will be dedicated to the City for long term protection of the features. At the time of submission, the applicant proposed the creation of 37 condominium townhouse units, but this was reduced by two units as a result of preliminary comments made by the Region of Niagara and the Niagara Peninsula Conservation Authority. The reduction of the two units will ensure that

development occurs outside the required buffer to the Provincially Significant Wetland. The units will all gain access to the site from a private, internal road which will have access to South Pelham Road. The access to the site has been designed to align with the intersection with Fitch Street.

**COMMENTS AND ANALYSIS:**

A virtual Public Open House was held on August 20, 2020 to gain public input regarding the proposed applications. Two (2) members of the public participated in the Information Meeting, in addition to agent for the applicant and the applicant. The following comments and concerns were raised at the Public Information Meeting:

- Servicing and any impacts on the pumping station at the corner of Fitch Street;
- Stormwater management and flooding concerns;
- Potential for street lights at the intersection of South Pelham Road and Fitch Street;
- How will construction traffic access the site; and,
- Onsite parking and if it is adequate for the proposed number of dwelling units.

At the time of writing this report, three (3) letters have been submitted from members of the public regarding the applications. The comments in the letter were the same as those that were raised at the Public Information Meeting, in addition, the following comments were also provided:

- Loss of privacy in the rear yard with new adjacent residential uses;
- Damage to neighbouring properties as a result of construction;
- Lack of sidewalks along South Pelham Road; and,
- Noise from construction and future residences.

The Statutory Public Meeting under the Planning Act is being held virtually on September 1, 2020. The Public Meeting provides an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications.

The report is intended to provide Council with background information on the Applications. Staff will bring a Recommendation Report for Council's consideration at a future meeting.

**FINANCIAL CONSIDERATION:**

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

**OTHER DEPARTMENT IMPLICATIONS:**

Other City Departments have been circulated the application for review and comment. Any comments, requirements, and/or recommendations received will be incorporated into the final Recommendation Report.

**SUMMARY AND CONCLUSION:**

The Planning Act requires a Statutory Public Meeting to be held to provide an opportunity for public input and discussion regarding the Applications. This report is intended to provide background information for the Public Meeting.




**ATTACHMENTS:**

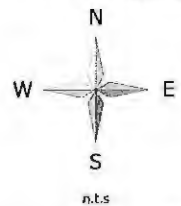
- Appendix I - Key Map
- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Draft Official Plan Amendment (Amendment text only)
- Appendix IV - Proposed Draft Plan of Vacant Land Condominium

# 2020-06 & 26CD-14-20005



## KEY MAP

-  EP
-  EC
-  SUBJECT LANDS

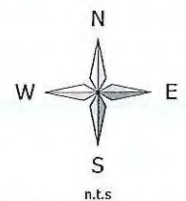


Infrastructure and  
Development Services  
Planning Division



# AERIAL PHOTO OF THE SUBJECT LANDS

26CD-14-20005 & 2020-06



EP

EC

SUBJECT LANDS



*Infrastructure and  
Development Services  
Planning Division*

**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. 28 BY BY-  
LAW 2020-XX PASSED BY COUNCIL OF THE  
CORPORATION OF THE CITY OF WELLAND  
ON DAY, MONTH, 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 Niagara This Week on August 6, 2020. I hereby certify that the required Public Meeting was held on September 1, 2020 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 day of X, 2020.

\_\_\_\_\_



**SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT**

List of individuals who made oral submission in support of the application at the Statutory Public Meeting conducted September 1, 2020 concerning Amendment No. 28 to the Official Plan of the Corporation of the City of Welland.



APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

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

REPORT P&B-2020-37  
SEPTEMBER 1, 2020

20-89

**SUBJECT: APPLICATION FOR ZONING BY-LAW AMENDMENT (FILE NO. 2020-03) AND DRAFT PLAN OF SUBDIVISION (FILE NO. 26T-14-20003) SUBMITTED BY UPPER CANADA CONSULTANTS FOR LANDS PART LOT 258, FORMER TOWNSHIP OF THOROLD, PART 1 ON PLAN 59R-16195, PART 1 ON PLAN 59R-7834 AND PART 1 ON PLAN 59R-7994, EXCEPT 59M-472, CITY OF WELLAND, MUNICIPALLY KNOWN AS 320 SOUTH PELHAM ROAD**

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

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

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

**RECOMMENDATION:**

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves Application for Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the east side of South Pelham Road, west side of Clare Avenue, north of Webber Road, and south of Fitch Street, more specifically described as Part Lot 258, Former Township of Thorold, Part 1 on Plan 59R-16195, Part 1 on Plan 59R-7834, and Part 1 on Plan 59R-472, in the City of Welland, municipally known as 320 South Pelham Road from Residential Low Density 2 – RL2 and Environmental Protection Overlay to Site Specific Residential Low Density 2 – RL2 and Environmental Conservation Overlay; and further,
2. THAT no additional meetings under the Planning Act are required as the amendments to the original application are minor, in accordance with Section 34(17) of the Planning Act; and further,
3. THAT Welland City Council approves Draft Plan of Subdivision for lands described as Part Lot 258, Former Township of Thorold, Part 1 on Plan 59R-16195, Part 1 on Plan 59R-7834, and Part 1 on Plan 59R-472, in the City of

Welland, municipally known as 320 South Pelham Road, for the creation of 54 lots for single detached dwellings, ten (10) blocks for multiple attached dwellings, and three (3) blocks for environmental conservation purpose, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or on-site works commence prior to the registration of a subdivision agreement on the property.
3. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.
4. That the Owner dedicate to the City of Welland, free and clear of all encumbrances, Blocks 65, 72, and 73 for environmental conservation purposes.
5. That the developer pay Cash in Lieu of Parkland Dedication, as per City By-law, at the time of Building Permit.
6. That the Owner install speed humps along Westcott Road, at their cost, in accordance with TAC guidelines.
7. That the Owner pay to the City a tree planting fee of \$300 per lot, or minimum fee at time of registration.
8. That prior to final registration of the plan, the applicant shall submit a conceptual site plan with building elevations and a streetscape/landscape plan for the section along the Regional Road indicating any proposed entry features, fencing or landscape elements along this frontage to the satisfaction of the Niagara Region.
9. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the owner agrees to implement the approved building elevations and streetscape/landscape plan for the section along the Regional Road to the satisfaction of the Niagara Region.
10. That following completion of any site remediation, the owners shall file a Record of Site Condition (RSC) on the Ministry of the Environment, Conservation, and Parks (Brownfields) Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended and that the owner provide the Niagara Region and the City with copies of the Environmental Site Assessment and site remediation reports as well as

a copy of the Ministry of the Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.

11. That the owner submit the required archaeological assessments prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism, Culture Industries for review and approval with a copy provided to the Niagara Region. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry, through the Niagara Region, confirming that all archaeological resource concerns have been met.

12. That the following clauses shall be included in the Subdivision Agreement between the owners and the City of Welland:

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

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

13. That the Subdivision Agreement between the owners and the City of Welland contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Sections 6.1 and 6.2 of the EIS (prepared by Beacon Environmental, dated December 2019), including but not limited to:

- a. Along the perimeter of the EPA lands (Block 65, 72 and 73) a 1.5 metre high chain link fence will be constructed. The location of the fence should be detailed in final plans for subdivision. In addition, a "no gate" bylaw should be implemented to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
- b. To the extent possible, all proposed outdoor lighting be downward facing and shielded to prevent light spillage into the surrounding natural area.

- c. That prior to site alteration and construction, filter fabric and paige wire fencing be installed at the buffers of the EPA lands (Block 65, 71 and 72).
  - d. That detailed sedimentation and erosion control plans be prepared for review and approval by the Region. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
  - e. No construction materials or equipment is to be located, even on a temporary basis, within the buffers of the PSW and fish habitat.
  - f. Any required vegetation removal should be conducted in a manner to avoid impacts to nesting birds that may be utilizing habitats on the property. The breeding bird period for this area is generally March 15 to August 31. That Blocks 65, 71 and 72 be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
14. That a Buffer/Edge Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs, and/or groundcover to be planted within the Provincially Significant Wetland buffer, as appropriate.
15. That a Restoration Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the realigned portion of the West Branch of Draper's Creek buffer, as appropriate.
16. That documentation showing the approval of the creek alignment be obtained from DFO and provided to Regional Staff.
17. That proof of compliance with the ESA with respect to the removal of the Barn Swallow habitat be obtained from MECP and provided to Regional staff.
18. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the PSW, Fish Habitat and/or their buffers will occur, with the exception of the realigned portion of the Wet Branch of Draper's Creek and its buffer.
19. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision 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 subdivision) planned to be serviced by the stormwater management facility.
20. That the Subdivision 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.
21. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
22. That the Owner provides a written undertaking to the Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the owner and the City.
23. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings (with calculations) for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program.
24. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall

provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.

25. That the applicant dedicates a 4.5 metre by 4.5 metre daylight triangle at the corner of Regional Road 36 (South Pelham Road) and Westcott Road to the Regional Municipality of Niagara.
26. That the owner agrees, through the subdivision agreement with the City, to pay for the required road upgrades for Regional Road 36 (South Pelham Road) such as curbing, drainage, bike lanes, sidewalk, and lighting to the satisfaction of the Niagara Region.
27. The Niagara Region will require detailed engineering plans be submitted for review and approval for the proposed urbanization of Regional Road 36 (South Pelham Road).
28. Prior to any construction taking place within the Regional Road Allowance, the owner shall obtain a Regional Construction Encroachment and Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
29. That the subdivision agreement between the owner and the City 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.
30. That the Draft Plan be modified such that Lots 33, 34, 36, 37, and 38 do not encroach into the 15 metre buffer, to the satisfaction of the NPCA.
31. That Blocks 65, 72, and 73 be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
32. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
33. That limit of work fencing be shown on the grading plan along all portions of Blocks 65, 72, and 73 that abut a residential lot and that no grading occur beyond this point, to the NPCA's satisfaction. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are revegetated or otherwise stabilized.



34. That the Developer provide a 1.5 metre high chain link fence along all portions of Blocks 65, 72, and 73 that abut a residential lot, to the satisfaction of the Niagara Peninsula Conservation Authority.
35. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer restoration/enhancement work. In support of the Work Permit application, the following information will be required:
  - a. A planting plan providing details about species, planting densities and locations.
  - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
36. That the owner 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 Mailbox.
  - b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mailbox 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 Mailbox 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 Mailboxes
  - 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. 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:

Region of Niagara Conditions: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

Canada Post Conditions: 35, 36, 37

Niagara Peninsula Conservation Authority: 30, 31, 32, 33, 34, 35

39. 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

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:**

A Complete Application for Draft Plan of Subdivision and Zoning By-law Amendment were submitted on April 2, 2020 and were deemed complete on April 21, 2020.

#### **COMMENTS AND ANALYSIS:**

##### *The Proposal*

The application for Draft Plan of Subdivision has been made to create 54 lots for the development of single-detached dwellings, ten (10) blocks for multiple attached dwellings (townhouses), and two (2) blocks for environmental conservation purposes. A road connection will be created from South Pelham Road to Clare Avenue.

The original application for Zoning By-law Amendment was been made to rezone the lands from Residential Low Density 2 – RL2 and Environmental Protection Overlay to Site Specific Residential Low Density 2 – RL2 and Environmental Protection Overlay to permit the following:

- Allow for decks, covered and uncovered to project a maximum of 3.75 metres into the required rear yard, so long as the decks are no higher than 1.5 metres above grade, whereas a maximum of 3 metres is permitted;

Based on agency comments, the following additional amendments to the Zoning By-law were requested:

- Allow for a minimum rear yard setback of 5 metres for lots 32-38 (inclusive), whereas 7 metres is required; and,
- That on corner lots the daylighting triangle will not be considered as the front yard.

The request for the reduction to the rear yard setback for lots 32-38 (inclusive) was made as a result of preliminary comments from the Niagara Peninsula Conservation Authority (NPCA). The proposed lot lines were encroaching into the required 15 metre setback to the Provincially Significant Wetland. As such, the proposed lot lines needed to be shifted to the south to be outside of the wetland and a reduction to the rear yard setbacks for these lots was required.

In addition to this, the City has identified corner lots have caused some issues with zone compliance for the front yard setback as the daylighting triangle becomes the shortest frontage along a road, and therefore is the front yard. As a solution to this issue, staff are recommending that an additional amendment is included to identify that the daylighting triangle will not be considered the front yard.

The proposed additional amendments to the Zoning By-law, and the modification to the proposed Draft Plan of Subdivision are minor in nature and are required to reflect agency comments. As such, no further Public Meeting is required to review these changes and staff support the proposal.

#### The Site

The subject lands are currently developed with a single detached dwelling and associated accessory structures. The property was formerly used as part of a home-based landscaping business. The landscaping operation has ceased on the property, and the house on the property will be removed if the Draft Plan of Subdivision is approved. The lands are impacted by Draper's Creek and associated wetlands and floodplain, as well as a tributary of Draper's Creek and associated floodplain.

#### Surrounding Land Uses

The lands to the north are used for residential and institutional uses, with a residential subdivision (Vanier Estates) to the north along Clare Avenue, a City Park fronting on Clare Avenue and the Wellspring Community Church fronting onto South Pelham Road. The lands to the east are developed with residential dwellings, City owned environmental protection lands including the continuation of Draper's Creek. To the south are lands that are part of the West Creek Plan of Subdivision that are currently undeveloped, but are zoned for residential, commercial and institutional uses. The lands are currently vacant, and five (5) of the proposed multiple dwelling blocks will front onto West Creek Court that was constructed as part of the West Creek Subdivision. To the west are residential lands that are part of the Sparrow Meadows Phase 7 Plan of Subdivision that are currently under construction as well as two residential properties, one that is vacant and one that is currently developed with a single detached dwelling.

Agency Comments

Enbridge Gas Inc.  
(May 5, 2020)

- Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.
- The applicant shall contact Enbridge Gas Inc.'s Customer Connections Department to determine gas availability, service, and meter installation details 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.

City of Welland Infrastructure  
and Development Services  
Department – Building  
Division  
(July 20, 2020)

- Staff has reviewed the information submitted, and while a final decision on the 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:
- 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 will be required at the time of building permit application submission.

- 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.
  - The proposed dwelling units will be subject to water meter fees in accordance with City of Welland Fees and Charges bylaw.
  - The proposed residential units will be required to be served by backwater valve devices in accordance with the Protection from Backflow requirements of the Ontario Building Code.
- Niagara Peninsula Conservation Authority  
(August 17, 2020)
- The subject lands contain the Main Branch and West Branch of Drapers Creek, the 100 year flood plain for the Main Branch of Drapers Creek, and the Drapers Creek Wetland Complex, which is a Provincially Significant Wetland (PSW).
  - Much of the Draft Plan of Subdivision abuts the PSW. The Applicant is proposing a 15 metre buffer for most lots from the PSW (there are several lots that have buffers smaller than 15 metres – this is discussed further). The NPCA's Policies require a minimum of 30 metre setback for new lot creation, however, this buffer requirement may be reduced to 15 metres where certain criteria have been met.
  - NPCA staff have reviewed the Environmental Impact Study (EIS) submitted and are satisfied that a 15 metre buffer (in conjunction with

mitigation measures described in the recommended Conditions of Draft Plan Approval) is appropriate for this particular development. There are five lots (Lots 33, 32, 36, 37, and 38) that encroach into the 15 metre buffer). NPCA staff are unable to support this encroachment as it does not maintain NPCA Policy. NPCA note that the Applicant has been made aware of this and will be revising the Draft Plan of Subdivision accordingly.

- The main road allowance through the proposed subdivision, Westcott Road, has two points where the wetland buffer is approximately 12 metres and 7.5 metres (near the intersection with Clare Avenue). The two pinch points are the result of the need to align the road with the existing entrance from Draper's Creek Condominium on the east side of Clare Avenue.
- NPCA staff have reviewed the EIS and are satisfied that there will be no negative impact to the overall PSW as a result of the road location.
- The applicant is proposing to realign the West Branch of Drapers Creek to provide an improved channel design and facilitate a better subdivision design. NPCA staff support this and note that an NPCA Work Permit was previously issued for the watercourse realignment in 2019.
- The 100 Year Flood Plain for Drapers Creek is largely contained inside the PSW, and does not impact any of the proposed lots.
- The NPCA have no objections to the application as it relates to NPCA policies, subject to the following conditions:

1. That the Draft Plan be modified such that Lots 33, 34, 36, 37, and 38 do not encroach into the 15 metre buffer, to the satisfaction of the NPCA.
2. That Blocks 65, 72, and 73 be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
3. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
4. That limit of work fencing be shown on the grading plan along all portions of Blocks 65, 72, and 73 that abut a residential lot and that no grading occur beyond this point, to the NPCA's satisfaction. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are revegetated or otherwise stabilized.
5. That the Developer provide a 1.5 metre high chain link fence along all portions of Blocks 65, 72, and 73 that abut a residential lot, to the satisfaction of the Niagara Peninsula Conservation Authority.
6. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer restoration/enhancement work. In support of the Work Permit application, the following information will be required:

- a. A planting plan providing details about species, planting densities and locations.
  - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
7. That Conditions 1 to 6 above be incorporated into the Subdivision 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 Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Region of Niagara Planning  
and Development Services  
(June 29, 2020)

- The lands are within the Welland Urban Area, where development is directed to occur, where there is appropriate servicing and infrastructure available. The proposed residential growth will count towards the City's annual residential intensification target of 40%.
- The subject property fronts onto South Pelham. Regional staff notes that prior to final registration of the plan, a streetscape/landscape plan for the section along the Regional Road will be required. Please include deciduous street trees in sod on the plan, ensuring that proposed street trees don't conflict with existing or proposed drainage ditches, services, or utilities. Please indicate any proposed entry features, fencing, or landscape elements along the frontage on the plan.
- There are 3 residential lots with frontage onto the Regional Road. Regional staff request that a conceptual site plan and building



elevations be submitted for review and comment. The Region encourages the design to include a front door facing the Regional road, with ample glazing and architectural details.

- The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. A Phase 1 Environmental Site Assessment (ESA) which identified that there were potentially contaminating activities previously on the site. As such, a Phase 2 ESA and Record of Site Condition will be required for the property.
- A Stage 1-2 Archaeological Assessment was submitted in support of the applications. The Stage 1 Assessment identified the high potential on the site for identification of archaeological items, and therefore, a Stage 2 was conducted. No archaeological resources were found on the site as a result of the Stage 2 study, and no further investigations were recommended. Standard warning clauses have been included in the event that deeply buried resources are found.
- The property contains and is adjacent to portions of the Core Natural Heritage System. The applicant has submitted an Environmental Impact Study in support of the applications. Regional staff are in agreement with the findings of the EIS, and have included implementation conditions as part of the Draft Plan Approval of this subdivision.
- Region staff have reviewed the Functional Servicing Report that was submitted. The Region will require that detailed grading, storm servicing, stormwater management, and construction sediment erosion control

drawings be submitted for their review and approval. Conditions to this effect have been included.

- Site servicing is under the jurisdiction of the City of Welland and will require the construction of new water, sanitary, and storm services for the proposed development. As a condition of draft plan approval, Ministry of Environment, Conservation, and Parks Environmental Compliance Approvals (ECA) are required for any new/extended municipal sanitary and storm sewer services. The Region can review and approve the ECA's under the Ministry of Environment Transfer of Review Program.
- The Draft Plan of Subdivision was reviewed for the potential for Regional waste collection services to be provided throughout the subdivision. Staff note that prior to final approval, Regional staff will require detailed plans showing the dimensions and radii of the proposed road network and curbs.
- This section of South Pelham Road has sufficient road allowance, and as such, no road widening is required. The applicant is required to gratuitously grant 4.5 metre by 4.5 metre daylight triangles at the intersection of Westcott Road and South Pelham Road.
- Regional staff supports, in principle, the development of these lands, subject to the following conditions:
  1. That prior to final registration of the plan, the applicant shall submit a conceptual site plan with building elevations and a streetscape/landscape plan for the section along the Regional Road indicating any proposed entry features, fencing or

landscape elements along this frontage to the satisfaction of the Niagara Region.

2. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the owner agrees to implement the approved building elevations and streetscape/landscape plan for the section along the Regional Road to the satisfaction of the Niagara Region.
3. That following completion of any site remediation, the owners shall file a Record of Site Condition (RSC) on the Ministry of the Environment, Conservation, and Parks (Brownfields) Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended and that the owner provide the Niagara Region and the City with copies of the Environmental Site Assessment and site remediation reports as well as a copy of the Ministry of the Environment, Conservation and Park's written acknowledgement of the filing of the RSC.
4. That the owner submit the required archaeological assessments prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism, Culture Industries for review and approval with a copy provided to the Niagara Region. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry, through the Niagara Region, confirming that all archaeological resource concerns have been met.
5. That the following clauses shall be included in the Subdivision Agreement

between the owners and the City of Welland:

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

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

6. That the Subdivision Agreement between the owners and the City of Welland contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Sections 6.1 and 6.2 of the EIS (prepared by Beacon Environmental, dated December 2019), including but not limited to:
  - a. Along the perimeter of the EPA lands (Block 65, 71 and 72) a 1.5 metre high chain link fence will be constructed.

The location of the fence should be detailed in final plans for subdivision. In addition, a "no gate" bylaw should be implemented to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

- b. To the extent possible, all proposed outdoor lighting be downward facing and shielded to prevent light spillage into the surrounding natural area.
- c. That prior to site alteration and construction, filter fabric and paige wire fencing be installed at the buffers of the EPA lands (Block 65, 71 and 72)
- d. That detailed sedimentation and erosion control plans be prepared for review and approval by the Region. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
- e. No construction materials or equipment is to be located, even on a temporary basis, within the buffers of the PSW and fish habitat.
- f. Any required vegetation removal should be conducted in a manner to avoid impacts to nesting birds that may be utilizing habitats on the property. The breeding bird period for this area is generally March 15 to August 31. That Blocks 65, 71 and 72 be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.

7. That a Buffer/Edge Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs, and/or groundcover to be planted within the Provincially Significant Wetland buffer, as appropriate.
8. That a Restoration Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the realigned portion of the West Branch of Draper's Creek buffer, as appropriate.
9. That documentation showing the approval of the creek alignment be obtained from DFO and provided to Regional Staff.
10. That proof of compliance with the ESA with respect to the removal of the Barn Swallow habitat be obtained from MECP and provided to Regional staff.
11. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the PSW, Fish Habitat and/or their buffers will occur, with the exception of the realigned portion of the West Branch of Draper's Creek and its buffer.
12. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision 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 subdivision) planned to be serviced by the stormwater management facility.
13. That the Subdivision 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.
14. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
15. That the Owner provides a written undertaking to the Niagara Region stating that all Offers and Agreements of

Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the owner and the City.

16. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings (with calculations) for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program.
17. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
18. That the applicant dedicates a 4.5 metre by 4.5 metre daylight triangle at the corner of Regional Road 36 (South Pelham Road) and Westcott Road to the Regional Municipality of Niagara.
19. That the owner agrees, through the subdivision agreement with the City, to pay for the required road upgrades for Regional Road 36 (South Pelham Road)



such as curbing, drainage, bike lanes, sidewalk, and lighting to the satisfaction of the Niagara Region.

20. The Niagara Region will require detailed engineering plans be submitted for review and approval for the proposed urbanization of Regional Road 36 (South Pelham Road).
21. Prior to any construction taking place within the Regional Road Allowance, the owner shall obtain a Regional Construction Encroachment and Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
22. That the subdivision agreement between the owner and the City 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.

City of Welland Infrastructure and Development Services – Traffic, Parking & By-laws Division  
(April 12, 2020)

- That speed humps be installed at the Developer's cost, per TAC guidelines, on Westcott Road.
- Please contact the City of Welland Traffic, Parking & By-laws Division for streetlight specifications.

Welland Hydro Electric System Corp.  
(April 14, 2020)

- No objections to the proposed applications.
- The applicant shall contact Welland Hydro Electrical System Corp (WHESC) to determine servicing details and requirements.
- If existing WHESC infrastructure is required to be relocated or temporary Hydro service is

required, all costs are the responsibility of the applicant.

- If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.
- The proposed development must meet the clearance requirements of section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.
- This development will receive mail service to centralized mail facilities provided through our Community Mailbox Program. The following conditions are requested to the satisfaction of the Manager of Engineering and Canada Post:

Canada Post Corporation  
(April 30, 2020)

1. Include in 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 Mailbox.
- 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.

2. The owner further agrees to:

- a. Work with Canada Post to determine and provide temporary suitable Centralized Mailbox 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 Mailboxes.
  - 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.
- Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail services.

A virtual Public Information Meeting was held on July 23, 2020. No members of the public participated. The Statutory Public Meeting under the Planning Act was held on August 4, 2020. No members of the public participated in that meeting.

#### Provincial Policy

Section 51(24) of the *Planning Act* requires that all proposals for Plans of Subdivision regard must be had for to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- (a) The protection of ecological systems, including natural areas, features, and functions;
- The proposal has been made to locate all development outside of the regulated environmental areas. A minimum of a 15 metre buffer will be created to the features (wetland, floodplain, and watercourse). Encroachments into the 15 metre are required for the road construction, but all new residential development will be maintain the buffer.
  - The proposal includes improvements to the West Branch of Drapers Creek, including realignment and native plantings, to improve and maintain the health of the watercourse.
  - Nesting structures for Barn Swallows are also proposed to be constructed within the marshland associated with the Main Branch of Drapers Creek to replace habitat that will be removed as part of the development (open shed and out building).
- (b) the protection of agricultural resources of the Province;
- The subject lands are not part of the City's Agricultural lands.
- (c) the conservation and management of natural resources and the mineral resource base;
- There are no negative impacts to any natural resources on this property.
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- The property is not impacted by any features of architectural, cultural, historical, archaeological, or scientific interest.
- (e) the supply, efficient use and conservation of energy and water;
- The proposal does not include any information regarding energy and

water conservation methods that will be implemented at the time of construction. The Ontario Building Code includes requirements for energy efficiency that must be incorporated into all new home construction.

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
  - 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 developer will be responsible for extending the water, sanitary, and storm sewers to service the new development, in addition to constructing the municipal road network. There is available capacity within the municipal system to accommodate the proposed development.
- (g) the minimization of waste;
  - The property will be serviced by regional waste collection.
- (h) the orderly development of safe and healthy communities;
  - The property is within the urban boundary and will not require an expansion to the urban area, has connections to existing roads, and will be provided with sidewalks.
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
  - 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.
- (i) the adequate provision and distribution of educational,
  - The area school boards have not provided comment regarding this

- health, social, cultural and recreational facilities;
- application, however, schools in the area have capacity to accommodate new students.
- A City park is located directly north of the subject lands along Clare Avenue which will provide local recreational opportunities.
  - Health, social, and commercial facilities are located along South Pelham Road and Fitch Street to the north of the property.
- (j) the adequate provision of a full range of housing, including affordable housing;
- The proposed development includes a mix of single detached and townhouse dwellings, providing a range of lot sizes for the single detached lots.
  - No affordable housing units have been identified in the plan, but each lot is permitted to have one accessory dwelling unit, which can be considered an affordable housing option.
- (k) the adequate provision of employment opportunities;
- 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.
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- 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.

- (m) the co-ordination of planning activities of public bodies;
    - Any upgrades to infrastructure, such as the construction of the water, sanitary, and storm sewers, as well as the roads, will be at the cost of the developer and not the City.
    - All relevant agencies have been circulated the application and their comments have been included, where appropriate.
  - (n) the resolution of planning conflicts involving public and private interests;
    - There have been no conflicts identified between public and private interests.
  - (o) the protection of public health and safety;
    - The City's Traffic, Parking & Bylaws Division identified that there may be through traffic that will use the new road connecting Clare Avenue to South Pelham Road as a short-cut. In order to prevent this from occurring, and potentially eliminate speeding along this road, speed humps will be required.
    - The development will be constructed to Municipal Standards which will ensure that there is an adequate supply of water for fire fighting purposes.
  - (p) the appropriate location of growth and development;
    - 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 built boundary, and represent an infilling opportunity.

- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- The road connection between South Pelham Road and Clare Avenue will have sidewalks on a minimum of one side of the street. The sidewalks will provide a connection to Clare Avenue, which will allow pedestrians to access the park to the north, or Gaiser Park to the South.
  - Public Transit line 504 runs to the north along Fitch Street and is within walking distance.
  - The Region of Niagara has requested that the applicant upgrade the section of South Pelham Road in front of their property to urban standards (including bike lanes, sidewalks, lighting, curbs, etc.) at their costs. City staff do not support this as it creates islands of bike lanes and sidewalks. It forces cyclists and pedestrians into the roadway when the infrastructure ends, creating a dangerous situation. City staff have recommended that the Region take a cash payment for this infrastructure to be constructed in the future as a block. City Staff and Region of Niagara Staff will be discussing this further, which may result in a change in conditions in the future. It should also be noted that the agent for the applicant has also provided correspondence that they do not support the piecemeal reconstruction of South Pelham Road and encourage a full reconstruction of this block.



- (r) the promotion of built form that,
- (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- The City has incorporated elements from the Urban Design Guidelines into the Zoning By-law to ensure that developments are oriented to the street and pedestrian friendly.

Section 51(24) of the *Planning Act* sets out the following criteria to be considered when reviewing a draft plan of subdivision, as follows:

- Whether the proposed subdivision is premature or in the public interest;
- The lands are within the City's identified Built-Up area, which is to be the focus of infill and intensification. The proposed development of these lands will help the City achieve the yearly intensification goals, as set by the Province.
  - There is infrastructure in the area which the subject development can be serviced from. As previously identified, the developer will be responsible for constructing the services and roads
  - The proposed development will not result in the uneconomical expansion of municipal services as they are already constructed in the area.
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- There is an existing Plan of Subdivision to the north, south and west of the property, and a plan of condominium to the east. There are houses proposed to front on the existing West Creek Court to the south and is compatible with the proposed uses in this area. The design of the new through road between South Pelham Road and

Clare Avenue has been designed to line up with the driveway access to the existing condominium development on the east side of Clare Avenue. There will be no connections with the subdivisions to the north due to the location of Drapers Creek which creates a natural barrier between the two developments. No connections to the subdivision to the west are proposed.

The suitability of the land for the purposes for which it is to be subdivided;

- The lands are designated as Low Density Residential which permits single detached, semi-detached, and townhouse dwellings. The proposed subdivision complies with the Official Plan.

If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

- The subject lands are accessible by the municipal road network and can connect to municipal infrastructure. The lands are within the urban boundary of the City of Welland, and are designated as Low Density Residential. The development of these lands is appropriate.
- There are no affordable housing units proposed as part of this subdivision. The City of Welland's Official Plan and Zoning By-law do permit accessory dwelling units to be created, which will provide alternative housing options which may be deemed more affordable.

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

- All of the proposed roads will be constructed to minimum City Standards. South Pelham Road is a Regional Road that is currently a

established highway system in the vicinity and adequacy of them;

rural cross-section in this area. Clare Avenue is a City street that is an urbanized road with sidewalks. Both of these roads have the capacity to accommodate the potential increase in traffic.

The dimensions and shapes of the proposed lots;

- The lots are predominantly rectangular in shape with 15 metre frontages and varying depths due to the natural environment areas along the rear yards. There are a number of lots that are an irregular shape due to the natural environment blocks, but they meet minimum frontage and area requirements.

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;

- The environmental protection blocks (65, 72, and 73) will continue to be in an Environmental Protection Overlay Zone which will restrict any development on these lands. All of the proposed lots are located outside of the feature, and outside of the 15 metre buffer area. None of the lands proposed for residential development will have restrictions placed on them.

Conservation of natural resources and flood control;

- As previously mentioned, the West Branch of Drapers Creek and the Main Branch of Drapers Creek will both be located within blocks that will be dedicated to the City for the long term environmental protection. No development will occur in these areas.

The adequacy of utilities and municipal services;

- The property has access to municipal water, sanitary and storm sewers. As previously identified,

the developer will be responsible for the cost of extending municipal water, sanitary, and storm sewers to these lands.

The adequacy of school sites;

- The local school boards have not provided comment with respect to this development. It is staff's understanding that there is capacity within existing school sites to accommodate future students from this development.

The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

- There are three blocks to be dedicated to the City for the long-term environmental conservation and protection. The developer will be providing 5% of the value of the lands through a cash-in-lieu of parkland dedication.

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 Ontario Building Code includes requirements for energy conservation, which will be incorporated at the time of Building Permit.

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.

- The individual townhouse blocks will be subject to Site Plan Exemption at the time of development.

Section 3 of the Planning Act requires that all decisions affecting planning matters shall be consistent with policy statements issued under the Act and conforms with provincial plans. The relevant policy statement is the Provincial Policy Statement (PPS). The relevant provincial plan is A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G).

Provincial Policy Statement (PPS) 2020

The PPS provides the guiding principles for the entire province. The PPS promotes the creation of healthy, livable and safe communities. In planning staff's opinion, the applications are consistent with the PPS.

The PPS promotes the creation of healthy, livable and safe communities. These are created and sustained by:

- the promotion of efficient development patterns;
- The lands are within the urban, serviced area of the City of Welland.
- The lands are within an area that has available municipal servicing and is connected by two opened and maintained roads.
- Due to previous activities on the site, there is the potential for contamination and as such a Record of Site Condition was required. The development of these lands will also result in the clean-up of a brownfield site.
- accommodating an appropriate range of housing, including affordable housing;
- The proposal includes a mix of single detached and townhouse dwellings.
- The zoning on the property allows for semi-detached and duplex dwellings in addition to singles and towns. The City also permits one accessory dwelling unit per property.
- Staff are of the opinion that the proposed development will provide a range of housing options. Although no affordable housing has been identified, accessory dwelling

units provide a more affordable housing type.

- avoiding development patterns which may cause environmental and public health and safety concerns;
- As previously identified, the lands are impacted by natural heritage features.
  - These features will all be contained in blocks that will be dedicated to the City for the long-term preservation of these features.
  - The west branch of Drapers Creek will be realigned as part of the development, which will also include the replanting of native species. The development will also create barn swallow habitat to replace buildings that were on the property that barn swallows were found to be nesting in.
- avoiding land use patterns which would prevent the efficient expansion of settlement areas;
  - The lands are within the urban area of the City of Welland, and the proposed Plan of Subdivision is within an existing built-up area.
  - The development of these lands will not prevent any adjacent lands from developing in the future.
  - The subject lands are the last developable parcel to be developed near the intersection of Webber Road and South Pelham Road
- promoting land use patterns which support transit and intensification to create cost-effective developments;
  - The subject Plan of Subdivision is considered an infilling and intensification project within the City as it's an undeveloped parcel in a predominantly developed area.

- The lands are also within the urban area of the City, and can access municipal water, sanitary, and storm sewers, as well as is accessed by existing municipal roads.
  - The closest Welland Transit line runs along Fitch Street north of the subject lands. The proposed development has the potential to increase transit ridership in the area.
- improving accessibility for persons with disabilities;
  - The development will require that a minimum of one side of each street will include sidewalks, which will improve accessibility for persons with disabilities throughout the neighbourhood.
  - Any additional measures to include accessibility measures will be included through the building of the individual homes.
- ensuring that infrastructure and public service facilities are available to support the development;
  - The public infrastructure is available in the immediate area with capacity to accommodate the proposed development. Municipal services will be extended along the proposed new roads.
  - The social services (schools, libraries, parks, etc.) can accommodate the increase in population created by the development of these lands.
- promoting development and land use patterns which support biodiversity; and,
  - As previously mentioned, the realignment of the West Branch of Drapers Creek will result in native plantings that will increase the

biodiversity in the area. The lands that are impacted by natural heritage features will remain protected for the long term.

- prepare for the regional and local impacts of climate change.
- Measures to address the impacts of climate change will be reviewed through the detailed design of the stormwater management plan for the proposed development.
- As part of the development, a dry pond has been incorporated to provide water storage to ensure that peak storm events do not all rush into the system at the same time, and the release of water is controlled over time.

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G)*

The subject lands are located within the identified Build Up area as identified in the P2G. The P2G encourages that the vast majority of new growth occur within the serviced built-up area of settlement areas, and within the identified built-up area. The P2G also requires that a minimum of 40% of all new residential development be within the built-up area through infilling and intensification, which will be increased to 50% at the time of the next municipal comprehensive review. The subject proposal is within the delineated Built Up area of the City, and will help achieve intensification goals and targets for the City. As previously identified, servicing is available in the immediate area, and has capacity to accommodate the proposed development. The Plan of Subdivision is considered an infilling opportunity and meets the intent of these policies in the P2G.

The P2G also encourages the creation of complete communities, where the day-to-day needs of residents can be met within walking or cycling distance for residents, reducing the need for car trips. The lands are within walking distance to parks and commercial businesses. The lands are also within walking distance to a Welland Transit Route. The development of these lands is consistent with the policies of the P2G as it will contribute to a complete community being created.

*Region of Niagara Official Plan*

The lands are identified as being in the Urban Area of Welland in the Region's Official Plan. The policies in the Region's Official Plan (ROP) are similar to those found in both the PPS and the P2G. The policies encourage infilling and intensification, taking advantage of existing infrastructure and creating communities that provide for the needs of residents. The policies in the Regional



Plan support developments that take advantage of existing infrastructure, are transit supportive, and provide a range of uses.

The proposed subdivision will develop underutilized lands within the urban boundary that have access to municipal services and roads. The development has been designed to integrate with the existing neighbourhoods to the east and south. It will encourage active transportation through the development by creating linkages through road connections and sidewalks.

The development proposes a mix of single detached dwellings and townhouse dwellings. Each of these dwelling types is permitted to have an accessory apartment, and the zoning on the lands will allow for semi-detached and triplex dwellings in addition to singles and towns. The lands are within an area of mixed residential, future commercial, and future institutional uses, and the proposed residential development is appropriate in this area.

The development has been designed to be both pedestrian and transit friendly. Sidewalks will be provided on a minimum of one side of the street to encourage active transportation. The roads have been designed to meet minimum municipal standards. A transit route runs to the south along Fitch Street and is within walking distance of the proposed dwellings.

The proposed development meets the intent of the Regional Official Plan.

#### City of Welland Official Plan

The lands are designated as Low Density Residential by the City of Welland Official Plan. This designation allows for single detached, semi-detached, duplex, triplex, and townhouse dwellings with a minimum density of 15 units per hectare and a maximum of 24 units per hectare. The proposed density of the development is 24 units per hectare, which falls within the minimum density requirements of the City's Official Plan.

The lands are within the Urban Area of the City of Welland, and within the identified Built Up Area. The City's policies identify that residential and employment intensification will be encouraged throughout the City as it provides an opportunity for economic growth, reduces the amount of greenfield land needed, takes advantage of serviced but underutilized lands, and helps improve the vibrancy of the City. Intensification is encouraged throughout the Built Up Area, with a number of focal areas identified, being the Downtown, brownfield sites, and along transit corridors. Although the subject lands have not been identified as an 'Intensification Area' it is within the Built Up Area, and intensification is still supported. The City has targeted 40% of all new residential growth to be within the Built Up Area, which will increase to 50% at the time of the next Municipal Comprehensive Review to be consistent with the P2G. The proposed development will assist the City in achieving this intensification target.

The City's OP also includes a list of criteria that should be examined when infilling and intensification applications are made to the City. The criteria are examined in the chart below:

- Land use and neighbourhood character compatibility;
- The subject lands are within an area of a mix of uses. The lands to the north are developed with a low-density plan of subdivision with a mix of single detached and townhouse dwellings off of Clare Avenue. Lands to the north that front onto South Pelham Road are used for institutional uses (churches). To the east is a private townhouse condominium development as well as single detached dwellings fronting onto Clare Avenue. To the south are lands that are zoned and designated for commercial and institutional uses. Lands on the south side of Webber Road are designated and zoned for high-density residential development, as well as an existing low-density residential subdivision. Lands to the west are currently under development with a low-density residential development, with one block of commercial at the north-west intersection of Webber Road and South Pelham Road.
- The proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
- The majority of the proposed lots are rectangular in shape and have a frontage of 15 metres (singles) and 6 metres (towns). There are a number of lots that are an irregular shape due to the natural environment areas that run behind the lots and the road pattern. All of the proposed lots will meet the minimum frontage and area requirements in the City's Zoning By-law.

- The lots will all front onto opened, maintained roads that will be dedicated to the City.
- Accessibility;
  - The proposed road will have sidewalks on a minimum of one side of the street, which will encourage walking.
  - Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
  - The City's minimum parking standards are one space per unit. All proposed dwelling units will be required to meet this minimum, through the provision of parking within a garage or on a driveway.
- Potential for additional traffic and traffic manoeuvrability;
  - Traffic will access the dwellings proposed along Westcott Road and Woodbine Circle from either South Pelham Road or Clare Avenue. To address the potential for cut-through traffic, the City's Traffic, Parking and By-laws Division has requested a condition that traffic humps be installed to ensure that traffic speeds are appropriate through the proposed residential area. The proposed townhouse dwellings along West Creek Court will be accessed from South Pelham Road.
  - Westcott Road has been designed so that it aligns with the driveway to the private condominium development to minimize traffic conflicts.
  - The development of these lands will result in the increase of traffic through the area, however, it can be accommodated in the

existing road networks without improvements.

- The potential for transit ridership;
  - Natural (including natural hazards) and built heritage conservation/protection;
  - The availability capacity of municipal infrastructure;
  - Residential intensification targets identified in this plan.
- A Welland City Transit line runs to the north of the property along Fitch Street. The development of this site will increase the population in the area, and may increase transit ridership.
  - As previously identified, the lands are impacted by: Drapers Creek (Main Branch and West Branch), floodplains, and Provincially Significant Wetlands. These areas will not be developed, but the blocks will be dedicated to the City for the long-term preservation of the natural environment.
  - There is capacity in the existing infrastructure to accommodate the proposed development.
  - The proposed development will assist the City in achieving the target of 40% of all new residential development being within the Built-Up Area. That intensification goal will be increased to 50% at the time of the next Comprehensive Review, and the proposed development of this site will contribute to achieving that goal.

Section 7.6.6, the Implementation Section of the OP outlines the minimum criteria that should be used when reviewing new applications for plans of subdivision. They are:

- Consistency with the Official Plan, Secondary Plan and any other applicable plans and policies;
- The lands are designated as Low Density Residential and Core Natural Heritage by the City's Official Plan. The proposed development meets the minimum density requirements of the Low Density Residential Designation and the Core

Natural Heritage Features are not proposed to be developed.

Availability of services without undue financial commitment by the City;

- The requirement municipal services (water, sanitary, and storm) are available in the area. It will be the responsibility of the developer to extend the services to the property line to service this development.

Suitable provision of municipal services, including, but not limited to: public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;

- The proposed subdivision has access to South Pelham Road, Clare Avenue, and West Creek Court, which are all municipally maintained roads.
- The site will be developed in accordance with municipal standards, which will require that street widths and road patterns that will accommodate emergency service vehicles and waste collection vehicles.
- The lands can be provided with municipal services.
- Parkland dedication will be provided through cash-in-lieu, but the lands are within walking distance to parklands to the north and Gaiser Road Park to the south.

Exposure to noise, air pollution and other negative impacts, along with suitable mitigation measures;

- There are no adjacent uses that would create negative impacts from noise or air pollution.

Integration with surrounding land uses;

- The proposed subdivision is proposed for entirely residential uses, with home occupations being permitted through the Zoning By-law. The development is consistent with the surrounding neighbourhood.

Integration with the transportation network;

- The proposed road network will run between South Pelham Road and Clare Avenue. The connection on Clare Avenue will align with the private condominium driveway on the east side of the street to

minimize traffic conflicts. West Creek Court is under construction as part of the West Creek Plan of Subdivision.

- Impacts to, and mitigation of, negative impacts on the natural environment;
  - As previously identified, Drapers Creek (Main Branch and West Branch) run through the property. The development will realign the West Branch of Drapers Creek and will result in naturalized plantings and improvements. The natural heritage features will be put into blocks to protect them from future development.
  
- Optimization of the supply, means of supplying, efficient use, and conservation of energy;
  - There are no energy efficient measures that have been identified or proposed as part of the redevelopment of this property. All buildings will need to comply with the Building Code requirements for energy efficiency.
  
- The provision of appropriate urban design and landscaping for the proposed development;
  - The houses will be required to comply with the City of Welland Zoning By-law, which includes components of the City's Urban Design Guidelines.
  
- Compliance with applicable City guidelines;
  - The proposed development will also be required to comply with the City's Municipal Standards to ensure that the infrastructure and development of the site complies with the engineering requirements of the City.
  
- Exposure to nearby air pollution and mitigation of impacts.
  - There are no pollution causing industries within the area of influence, as outlined by the Ministry of Environment.

The proposed development meets the intent of the City's Official Plan.

*City of Welland Zoning By-law 2017-117*

The lands are currently zoned Residential Low Density 2 – RL2 and Environmental Protection Overlay. The Residential Low Density 2 Zone permits: single detached, semi-detached, townhouse, two-unit, and multiple, dwellings, as well as accessory uses and accessory dwelling units. In addition to the application for Draft Plan of

Subdivision Approval, an application for Zoning By-law Amendment has also been submitted to:

- Allow for rear yard decks to encroach into the rear yard 3.75 metres, whereas 3 metres is permitted – so long as the deck is not higher than 1.5 metres above grade;
- Allow for a rear yard setback of 5 metres for Lots 32-38, whereas 6 metres is required; and,
- On corner lots, the daylighting triangle will not be considered the lot frontage for setback purposes.

The request for the reduction of the rear yard setback for Lots 32-38 is as a result of comments from the Niagara Peninsula Conservation Authority which required that the lot lines be outside of the 15 metre wetland buffer area. This resulted in a modification of the draft plan, and a request for the reduced rear yard. The interpretation of lot frontage with respect to daylighting triangles was also included as a result of ongoing interpretation issues. The recognition that the daylighting triangle is not the front yard ensures that all future corner lots can meet the minimum setbacks without needing future variances.

The proposed additional modifications to the Zoning By-law are minor in nature and therefore no further public meeting regarding the applications is required. Based on the information provided, the draft plan of subdivision meets the minimum requirements of the City's Zoning By-law.

**FINANCIAL CONSIDERATION:**

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

**OTHER DEPARTMENT IMPLICATIONS:**

All other City Departments and outside agencies have been circulated for review and comment. Where appropriate, their comments have been included as part of this report.

**SUMMARY AND CONCLUSION:**

The proposed application for Draft Plan of Subdivision for the creation of 54 single detached dwelling lots, 10 blocks for townhouse dwellings, and three blocks for environmental conservation purposes, represents good planning because:

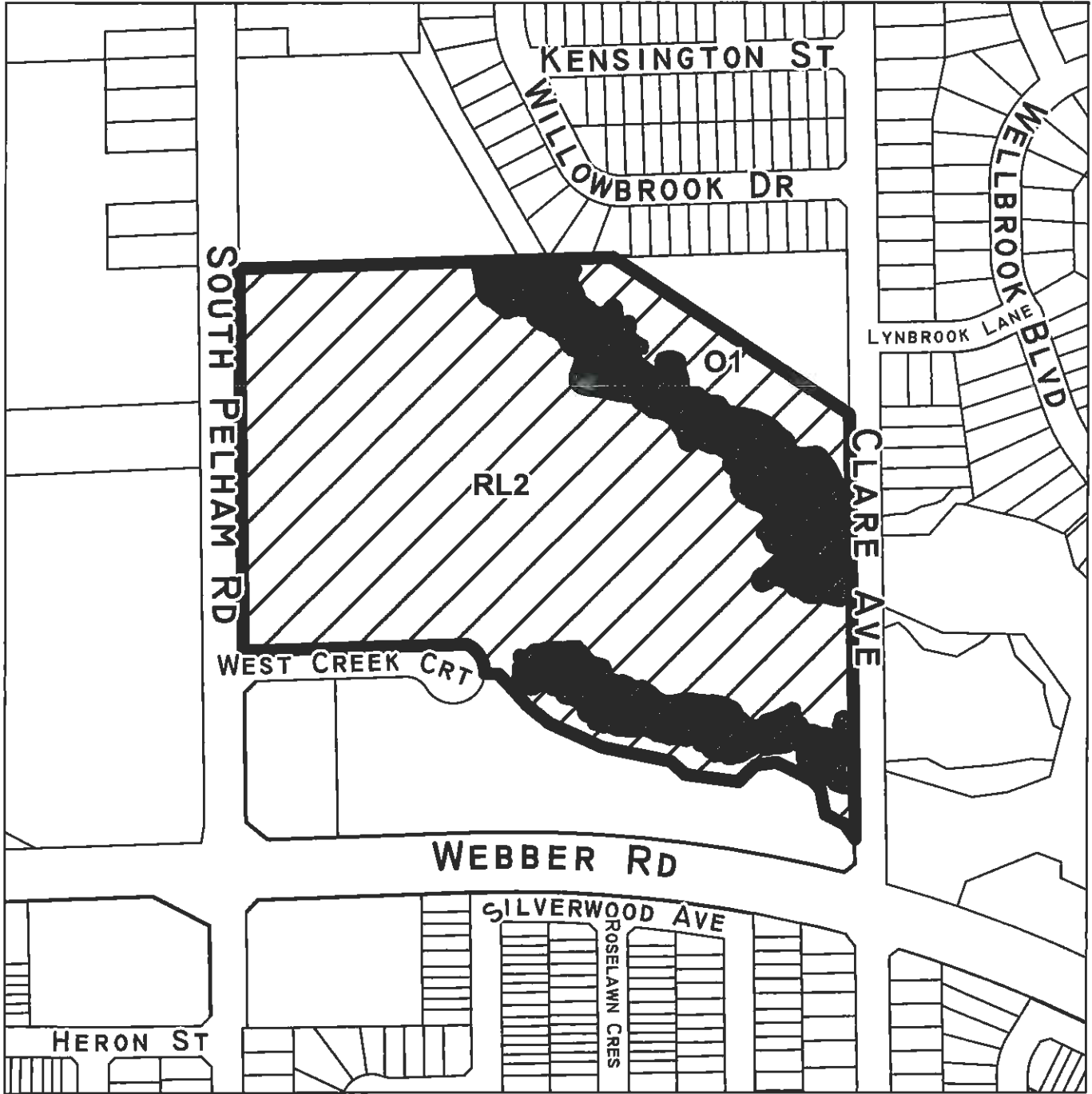
1. Is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and does not require the expansion of these services;
3. Is consistent in character and form with neighbouring developments;
4. Will provide long term protection and enhancement of natural heritage features; and,
5. Will assist the City in achieving the yearly intensification target.

**ATTACHMENTS:**

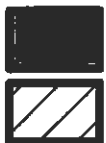
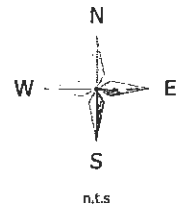
- Appendix I - Key Map
- Appendix II - Aerial Photo
- Appendix III - Draft Plan of Subdivision
- Appendix IV - Correspondence



Appendix 74  
**2020-03**



# KEY MAP

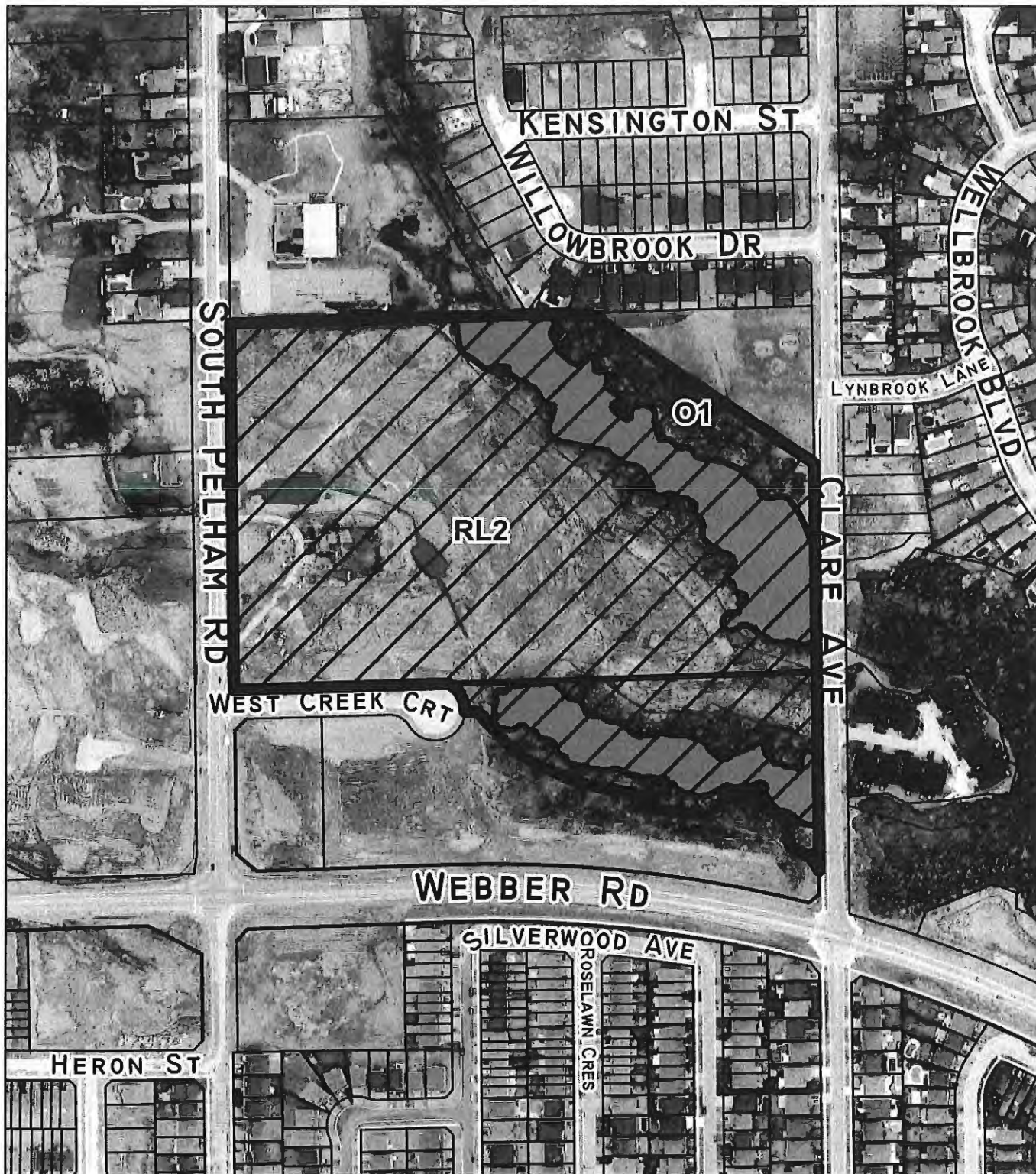


EP

SUBJECT LANDS

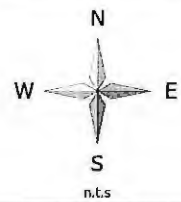


Infrastructure and  
Development Services  
Planning Division



# AERIAL PHOTO OF THE SUBJECT LANDS

2020-03



-  EP
-  SUBJECT LANDS



*Infrastructure and Development Services*  
Planning Division





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

May 5, 2020

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

Dear Rachelle,

Re: Draft Plan of Subdivision – Westwoods on the Creek  
1970047 Ontario Inc. and Maria & Peter Nieuwesteeg  
320 South Pelham Road  
City of Welland  
File No.: 26T-14-20003

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [CustomerConnectionsContactCentre@Enbridge.com](mailto:CustomerConnectionsContactCentre@Enbridge.com) to determine gas availability, 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.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,

Alice Coleman  
Municipal Planning Analyst  
Long Range Distribution Planning

**ENBRIDGE GAS INC.**

TEL: 416-495-5386

[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)

500 Consumers Rd, North York, ON, M2J 1P8

[enbridgegas.com](http://enbridgegas.com)

**Safety. Integrity. Respect.**



**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

August 25, 2020

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

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

**DATE:** July 20, 2020

**SUBJECT:** Application to Amend Zoning By-law 2017-117 (File No. 2020-03)  
 - 320 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. Subject development is located within 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.

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



**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

August 25, 2020

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

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

**DATE:** July 20, 2020

**SUBJECT:** Application for Draft Plan of Subdivision Approval(Westwoods on the Creek)  
 - 320 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 will be required at the time of building permit application submission.
4. 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.
5. The proposed dwelling units will be subject to water meter fees in accordance with City of

RE:

August 25, 2020

Welland Fees and Charges bylaw.

6. The proposed residential units will be required to be served by backwater valve devices in accordance with the Protection from Backflow requirements of the Ontario Building Code.

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



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

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

April 30, 2020

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

Re: Westwoods (on the Creek)

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)



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

August 17, 2020

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: PLSUB202000386

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
 Applications for Zoning By-law Amendment and Draft Plan of Subdivision  
 Westwood on the Creek  
 City of Welland  
 Applicant: Upper Canada Consultants (Craig Rohe)  
 File Nos.: 2020-03 and 26T-14-20003**

The NPCA has received applications for Zoning By-law Amendment (ZBA) and a Draft Plan of Subdivision (DPS) for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS), prepared by Beacon Environmental, dated December 2019 and a functional servicing report (FSR), prepared by Upper Canada Consultants, dated March 2020. The purpose of the application is to establish a residential subdivision consisting of 54 lots for single detached homes, 10 blocks for multi-residential, two blocks for Provincially Significant Wetlands (PSW) and one block for a realigned watercourse. The ZBA will provide the land use regulations to facilitate the DPS. 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's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain the Main Branch and West Branch of Drapers Creek, the 100 year flood plain for the Main Branch of Drapers Creek, and the Drapers Creek Wetland Complex, which is a PSW.

Much of the DPS abuts the PSW. The Applicant is proposing a 15 metre buffer for most lots from the PSW (there are several lots that have buffers smaller than 15 metres – this is discussed further

below). Section 8.2.3.4 of the NPCA's Policies require a minimum 30 metre setback for new lot creation, however, this buffer requirement may be reduced to 15 metres where the criteria of Section 8.2.3.3 are addressed. NPCA staff have reviewed the EIS and are satisfied that a 15 metre buffer (in conjunction with mitigation measures described in the recommended Conditions of Draft Plan Approval) is appropriate for this particular development. There are five lots (Lots 33, 34, 36, 37 and 38) that encroach into the 15 metre buffer). NPCA staff are unable to support this encroachment as it does not maintain NPCA Policy. A revision to the DPS is required to ensure all lots maintain the 15 metre buffer. NPCA note that the Applicant has been made aware of this and will be revising the DPS accordingly. A Condition of Draft Plan Approval has been included to address this.

The main road allowance through the DPS, Westcott Road, has two points where the wetland buffer is approximately 12 metres and 7.5 metres (near the intersection with Clare Avenue) Section 8.2.3.2 (a) of the NPCA Policies speaks to public infrastructure within 30 metres of a wetland and allows for this in accordance with the criteria of Section 8.2.4. This requires the completion of either a comprehensive EIS or an Environmental Assessment and establishing that there are no valid alternative locations for the infrastructure.

In the present application, the two pinch points are the result of the need to align the road with the existing entrance from the Draper's Creek Condominium on the east side of Clare Avenue. The City requires that the Westcott Road be positioned in the location proposed to ensure proper traffic safety and avoid having an intersection with offset roads. In addition, Westcott road is aligned with existing infrastructure in the road to facilitate efficient connection to municipal services. NPCA staff accept this rationale for the proposed location of the road. The two pinch points are near the connection with Clare Avenue. NPCA staff have reviewed the EIS and are satisfied that there will be no negative impact to the overall PSW as a result of the road location. As such, NPCA staff are satisfied the requirements of Section 8.2.4 have been met.

The applicant is proposing to realign the West Branch of Draper's Creek to provide an improved channel design and facilitate a better subdivision design. NPCA staff support this and note that an NPCA Work Permit was previously issued for the watercourse realignment in 2019 (Permit No. 201900903). To our understanding, the realignment has not yet taken place. Should the Permit expire before the work is complete, the Applicant will need to reapply before undertaking any of the watercourse alteration.

The 100 Year Flood Plain for Draper's Creek is largely contained inside PSW and does not impact any of the proposed lots. As such, NPCA staff are satisfied that the applications meet Section 4.2 of the NPCA's Policies, which pertain to flood plains.

NPCA staff request that the PSW and realigned watercourse (Blocks 72, 73 and 65 respectively) be zoned Environmental Protection or similar category. In addition, the EIS proposes several mitigation measures to ensure there will be no negative impact to the PSW. NPCA staff incorporated these mitigation measures into Conditions of Draft Plan Approval below.

Based on the above, NPCA staff have no objections to the application as it relates to NPCA policies, subject to the recommended Conditions of Draft Plan Approval.

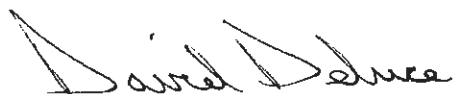
### Conditions of Draft Plan Approval

1. That the Draft Plan be modified such that Lots 33, 34, 36, 37, and 38 do not encroach into the 15 metre buffer, to the satisfaction of the NPCA.
2. That Blocks 65, 72 and 73 be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
3. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
4. That limit of work fencing be shown on the grading plan along all portions of Blocks 65, 72 and 73 that abut a residential lot and that no grading occur beyond this point, to the NPCA's satisfaction. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
5. That the Developer provide 1.5 metre high chain link fencing along all portions of Blocks 65, 72 and 73 that abut a residential lot, to the satisfaction of the Niagara Peninsula Conservation Authority.
6. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer restoration/enhancement work. In support of the Work Permit application, the following information will be required:
  - a. A planting plan providing details about species, planting densities and locations.
  - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
7. That Conditions 1 to 6 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 objection to the applications subject to the above Conditions. 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 notices of Case Management Hearings. If you have any questions, please let me know.

Regards,



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

cc: Craig Rohe, M.Pl., MCIP, RPP, Upper Canada Consultants (email only)  
Mr. Lindsay Early, MCIP, RPP, Region of Niagara (email only)  
Ms. Jessica Abrahamse, NPCA (email only)  
Mr. Adam Aldworth, NPCA (email only)

**Rachelle Larocque**

---

**From:** David Deluce <ddeluce@npca.ca>  
**Sent:** August 14, 2020 3:27 PM  
**To:** Craig Rohe  
**Cc:** Adam Aldworth; Martin Heikoop; 'Ron Huizer'; Rachelle Larocque  
**Subject:** RE: Westwood on the Creek - Confirmation of 15 metre buffer

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Hi Craig,

Further to our conversation this afternoon, I've discussed the encroachments into the NPCA's required 15 metre buffer with my Director and can offer our decision on these. The NPCA maintains that the encroachments of Lots 33, 34, 36, 37 and 38 into our required 15 metre buffer is contrary to NPCA policy and we will be requesting that this be revised. I will include a condition of draft plan approval to this effect and not require a new plan to be submitted ahead of the Council meeting.

With respect to the road encroachments, I appreciate the challenges presented by the location of the existing entrance to the Draper's Creek Condo on the east side of Clare Ave. and the need to align Westcott Road with the intersection. It is also my understanding that the location of Westcott Road allows for proper alignment with existing infrastructure. With public infrastructure, there is more flexibility in our policies but we still need to make absolute certain that there are no alternatives to the proposed road allowance. Given the reasons provided for the location of the road and the fact that the encroachment into the buffer is mainly at the existing intersection, I can support the road encroachment for this particular circumstance.

I hope this information is helpful. I will be providing comments to the City by the end of the day August 17. If you have any questions, please let me know.

Regards,

**David Deluce, MCIP, RPP**  
**Senior Manager, Planning & Regulations**  
 Niagara Peninsula Conservation Authority (NPCA)  
 250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
 905-788-3135, ext. 224  
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[www.npca.ca](http://www.npca.ca)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

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To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

**From:** Craig Rohe <craig@ucc.com>  
**Sent:** July 24, 2020 2:09 PM  
**To:** David Deluce <ddeluce@npca.ca>; Rachelle Larocque <rachelle.larocque@welland.ca>  
**Cc:** Adam Aldworth <aaldworth@npca.ca>; Martin Heikoop <MHeikoop@ucc.com>; 'Ron Huizer' <rhuizer@beaconenviro.com>  
**Subject:** RE: Westwood on the Creek - Confirmation of 15 metre buffer

Hi David,

Attached, please see a cropped plan showing the pinch points cited in the EIS.

As can be seen, there are minor encroachments around Lots 33 to 38 ranging between 1.58 metres to 2.29 metres. There is another encroachment as well along the south side of Westcott Road which ranges between 2.88 metres and 7.56 metres.

Based on my conversations with Beacon, their analysis remains unchanged that these reductions in the buffer are supportable given the mitigation measures proposed. Regional staff have also provided comments confirming the same, stating that:

*"Staff are satisfied that the proposed buffers, in addition to the proposed Buffer/Edge Planting Plan, will sufficiently ensure that impacts to the PSWs are adequately mitigated."*

From a planning perspective, it is our hope that NPCA staff will agree that these deviations are in fact minor and technical and uphold the intent of the NPCA's policies. I am of the opinion that this relief is appropriate and will help ensure the best plan is put forward from a development, connectivity and conservation standpoint. Additionally, please see that the rear lot lines sit at an elevation of roughly 1 metre or more above the identified feature itself.

The relief required allows for appropriate and consistent lotting fabric, a safe, straight and well designed roadway and intersection (Westcott/Clare) and for the direct connection of in-road services to existing manholes in Clare Avenue, at the terminus of Westcott Road. It also allows for the achievement of development densities that are in alignment with the City's Official Plan.

Please review this submission and call me to discuss if you have any questions.

Respectfully submitted, C.

**Craig A. Rohe, M.Pl., MCIP, RPP**  
 Senior Planner  
**Upper Canada Consultants**  
 3-30 Hannover Drive  
 St. Catharines, ON. L2W 1A3

Tel: (905) 688-9400 ext. 506  
 Mobile: (289) 969-3556  
 Fax: (905) 688-5274

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**From:** David Deluce <[ddeluce@npca.ca](mailto:ddeluce@npca.ca)>  
**Sent:** July 24, 2020 9:41 AM  
**To:** Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)>; Craig Rohe <[craig@ucc.com](mailto:craig@ucc.com)>  
**Cc:** Adam Aldworth <[aaldworth@npca.ca](mailto:aaldworth@npca.ca)>  
**Subject:** RE: Westwood on the Creek - Confirmation of 15 metre buffer

Thanks Rachelle. Craig, I looked through the EIS and found the section where it references the buffer less than 15 metres. This does present a problem for us supporting. Once you have a drawing for me we should talk further.

Rachelle – I will get comments by the end of the day (and it may be literally the end of the day) but they will not be supportive at this time. We can see if something can be worked out in time for the recommendation report.

Thanks.

**David Deluce, MCIP, RPP**  
**Senior Manager, Planning & Regulations**  
 Niagara Peninsula Conservation Authority (NPCA)  
 250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
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**From:** Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)>  
**Sent:** July 24, 2020 8:27 AM  
**To:** David Deluce <[ddeluce@npca.ca](mailto:ddeluce@npca.ca)>; Craig A. Rohe ([craig@ucc.com](mailto:craig@ucc.com)) <[craig@ucc.com](mailto:craig@ucc.com)>  
**Cc:** Adam Aldworth <[aaldworth@npca.ca](mailto:aaldworth@npca.ca)>  
**Subject:** RE: Westwood on the Creek - Confirmation of 15 metre buffer

Hi David,



It will likely only be a recommendation report to the August 4<sup>th</sup> meeting, but I would like to bring a recommendation report to the August 18<sup>th</sup> meeting – so if I could get the comments by the first week of August, that would be great. This is assuming that they would be supportive comments.

Take care,



**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:** David Deluce <[ddeluce@npca.ca](mailto:ddeluce@npca.ca)>  
**Sent:** July 23, 2020 9:20 PM  
**To:** Craig A. Rohe ([craig@ucc.com](mailto:craig@ucc.com)) <[craig@ucc.com](mailto:craig@ucc.com)>  
**Cc:** Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)>; Adam Aldworth <[aaldworth@npca.ca](mailto:aaldworth@npca.ca)>  
**Subject:** Westwood on the Creek - Confirmation of 15 metre buffer

I'm writing up our comments for the above development in Welland. Our biology comments as well as comments from the Region are suggesting that there are pinch points in the 15 metre buffer where it is less than 15 (along Lots 33-36 and part of Westcott Road near Clare Ave.). Unfortunately, there's no drawing in the EIS that measures the distance of the lot lines to the wetland to confirm a 15 metre buffer. Do you guys have a drawing that confirms all lots are 15 metres from the wetlands? This is the only thing we have issue with at the moment; I'm otherwise able to provide conditions of DPA. Can you guys get a drawing over sometime Friday? If the pinch points are present, we'll have to discuss further.

Rachelle, what would be the latest we could give you comments?

**David Deluce, MCIP, RPP**  
**Senior Manager, Planning & Regulations**  
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found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

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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**

June 29, 2020

File: D.11.11.SD-20-0012

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  
Westwoods on the Creek Draft Plan of Subdivision (26T-14-20003) and  
Zoning By-law Amendment  
Agent: Upper Canada Consultants  
Owners: 1970047 Ontario Inc. and Maria & Peter Nieuwesteeg  
320 South Pelham Road  
City of Welland**

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Regional Planning and Development Services staff has reviewed the applications submitted by Upper Canada Consultants on behalf of 1970047 Ontario Inc. and Maria & Peter Nieuwesteeg. The application for Zoning By-law Amendment has been made to allow covered or uncovered decks to encroach 3.75 metres into the rear yard, so long as they are no higher than 1.5 metres above grade, whereas the Zoning By-law only permits an encroachment of 3.5 metres. The application for Draft Plan of Subdivision has been made for the creation of 54 lots for single-detached dwellings and 10 blocks for townhouse dwellings on the subject property municipally known as 320 South Pelham Road in the City of Welland.

A pre-consultation meeting with the applicant and their planning consultant was held for this proposed development on May 16, 2019, with City, Regional and Niagara Peninsula Conservation Authority (NPCA) staff in attendance.

Regional staff have reviewed the submitted materials and offer the following comments to assist the City in their consideration of these applications from a Regional and Provincial perspective.

## Regional and Provincial Policies

The subject lands are located within the Welland Urban Area, as designated in the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2020 Provincial Policy Statement (PPS).

The ROP, PPS and a Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of land uses, employment opportunities, and are active-transportation and transit supportive.

The subject lands are located within the Provincially designated Built-up Area of the City of Welland. Accordingly the proposed residential growth will count towards the City's annual residential intensification target of 40% and therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

## Proposed Design

### Streetscape along Regional Road 36 (South Pelham Rd):

The subject property fronts onto South Pelham Road (Regional Road 36). Regional staff notes that prior to final registration of the plan, a streetscape /landscape plan for the section along the Regional Road will be required. Please include deciduous street trees in sod on the plan, ensuring that proposed street trees don't conflict with existing or proposed drainage ditches, services or utilities (both above and below grade). Also, please indicate any proposed entry features, fencing or landscape elements along this frontage on the plan. If a municipal sidewalk is required along this frontage, then please also indicate this feature on the plan.

### Interface with Regional Road:

There are 3 residential lots (street towns) with frontage onto the Regional Road: 2 along Westcott Road and 1 along West Creek Court. As noted in the pre-consultation comments, Regional staff request that a conceptual site plan and building elevations be submitted for review and comment. The Region encourages the design to include a front door facing the Regional road, with ample glazing and architectural detailing. Additionally, any fencing proposed for these lots should include high quality materials and detailing.

### Additional Comments and Suggestions:

The *Planning Justification Report* by Upper Canada Consultants (dated April 2020) notes that 54 single family dwellings are proposed plus 44 street towns. With respect to the proposed single family dwellings (along Westcott Road and Woodbine Circle), the applicant is encouraged to include a wider range of housing types, such as semi-detached dwellings.

Staff notes that the plan proposes 2 cul-de-sac roads. It is a best practice in community design to create an interconnected network of roads, bike paths and sidewalks. This is beneficial to motorists, cyclists, pedestrians, emergency services and waste collection services. Additionally, Westcott Road could be designed to have gentle curves in the road to address the potential for speeding along the straightaway portion (between lots 3-31).

## **Environmental Site Assessment**

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. To address this requirement, a *Phase One Environmental Site Assessment* (ESA) by Wood Environment and Infrastructure Solutions (dated March 31, 2020) has been submitted to address potential contamination associated with land use activities on the subject property.

Based on the findings of the study, the subject property is currently occupied by residential and commercial land uses (landscaping contractor). Four potentially contaminating activities (PCAs) have been identified, which results in areas of potential environmental concern (APECs) on the subject property. These include: the importation of fill material of unknown quality; the storage, maintenance, fuelling and repair of equipment; vehicles and material used to maintain transportation systems; and, salt manufacturing, processing and bulk storage. As such, a Phase Two ESA is recommended.

Regional Staff notes the change in use from commercial (landscaping contractor) to a more sensitive land use (i.e. residential) requires a Record of Site Condition (RSC) in accordance with O. Reg. 153/04 as amended to be filed on the Ministry of Environment, Conservation and Parks's Brownfields Environmental Site Registry for this development. As such, an appropriate condition of draft plan approval has been included in the attached Appendix to address the future study requirements and filing of the RSC, which staff understand to be currently underway.

## **Archaeology**

During pre-consultation, Regional staff noted that based on the Provincial Criteria for Assessing Archaeological Potential, the subject property exhibited potential for the discovery of archaeological resources due to the lands being within 300m of a watercourse (i.e. Drapers Creek) and within 300m of a registered archaeological site.

A *Stage 1-2 Archaeological Assessment* prepared by Detritus Consulting Ltd. (dated June 26, 2018) was submitted in support of the applications. The Stage 1 background research indicated that portions of the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. These areas of potential were limited to the manicured lawn, derelict field and treed area spanning the Study

SD-20-0012  
June 29, 2020

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Area. The subsequent Stage 2 investigation consisted of a standard test pit survey at five metre intervals across the manicured lawn and woodlot. In areas determined to be disturbed such as the derelict field, test pitting was conducted at 10m intervals. The Stage 2 resulted in the identification and documentation of no archaeological resources. Given the results of the Stage 2 assessment, the report concluded that no further archaeological assessment of the Study Area is recommended. In a letter dated November 26, 2019 the Ministry of Heritage, Sport, Tourism, and Culture Industries acknowledged the information contained in the report and the recommendations. The report has been entered into the Ontario Public Register of Archaeological Reports.

Staff notes that the report indicated that the remaining portion of the development area was not subject to archaeological assessment and is recommended for further work (Figure 4), which includes a portion of the road allowance and lots 28-34. As such, a *Stage 1-2 Archaeological Assessment, Triangle Lands*, prepared by Detritus Consulting Ltd. (dated March 30, 2020) was also submitted in support of the applications. The Stage 1 background research indicated that the entire Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. The subsequent Stage 2 investigation consisted of a standard test pit survey at five metre intervals across the Study Area. The Stage 2 resulted in the identification and documentation of no archaeological resources. Given the results of the Stage 2 assessment, wherein no archaeological material was encountered, no further archaeological assessment of the Study Area is recommended.

Staff notes that the archaeological report must be submitted to the Ministry of Heritage, Sport, Tourism, and Culture Industries for review and satisfy Provincial criteria prior to any development activity on the subject property. As such, the required condition to receive final acceptance from the Province for the archaeological work is included in the Appendix.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff also recommends the inclusion of a standard warning clause in the subdivision agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition requiring the clause has been included in the Appendix.

## **Core Natural Heritage System**

The property located at 320 South Pelham Road, City of Welland, contains and is adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property consists of Environmental Protection Area (EPA) associated with Draper's Creek Provincially Significant Wetland (PSW) Complex. In addition, Draper's Creek traverses the site and provides Critical (Type 1) and Important (Type 2) Fish Habitat. The *Environmental Impact Study* (EIS) submitted in support of the development application confirms this assessment.

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Regional Environmental Planning staff have reviewed the *EIS* by Beacon Environmental (dated December 2019), as well as the *EIS Addendum* also by Beacon Environmental (dated May 29, 2020) to verify that the findings, proposed mitigation measures, and recommendations are sufficient to satisfy Regional and Provincial environmental policies.

In summary, staff is satisfied that the results, proposed mitigation measures, and recommendations identified in the *EIS* and *EIS Addendum* sufficiently address Provincial and Regional environmental policies. Therefore, staff do not object to the development proposal, provided all required authorizations are received from applicable regulatory agencies and the mitigation measures identified in the *EIS* and further described below are implemented.

### Aquatic Habitat

#### *Draper's Creek – Main Branch*

The Ministry of Natural Resources and Forestry (MNRF) has classified the Main Branch of Draper's Creek as Important (Type 2) fish habitat. However, the *EIS* suggests the Main Branch is more appropriately classified as Type 1 Fish Habitat, which is further justified in the *EIS Addendum*. Environmental Planning staff support the reclassification of this reach of the Main Branch, limited to the property, as Type 1 Fish Habitat.

Based on MNRF fish sampling records and field assessments completed by Beacon Environmental staff, the *EIS* indicates that the species expected to occur in the vicinity of the subject lands are limited to cyprinids and smaller centrarchids. As such, the *EIS* proposes a minimum 15 m buffer for the main branch of Draper's Creek, which is deemed to be sufficient to protect the feature against general disturbance impacts. Staff is satisfied that this buffer width, along with the proposed Buffer/Edge Planting Plan, is sufficient to ensure impacts to Critical (Type 1) fish habitat are mitigated.

#### *Draper's Creek – West Branch*

The MNRF has classified the West Branch of Draper's Creek as Critical (Type 1) fish habitat. The *EIS* indicates that this watercourse has been significantly altered by channelization and the creation of two on-line ponds. As such, the *EIS* suggests the West Branch is more appropriately classified as Type 2 Fish Habitat, which is further justified in the *EIS Addendum*. Environmental Planning staff support the reclassification of this reach of the West Branch, limited to the property, as Type 2 Fish Habitat.

Backpack electrofishing conducted by Beacon identified four common fish species that are not sensitive to disturbance. The *EIS* concludes that this section of the West Branch supports a low diversity and low productivity warmwater fishery.

A 250 m section of the West Branch, from the upstream South Pelham Road culvert to where the watercourse meets the downstream PSW, is proposed for realignment. A 300 m long channel is proposed in its place, which will be contained within a 30 m wide

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corridor (Block 65) and designated EPA. The proposed Creek Realignment plan, included as Appendix 5, shows a sinuous morphology, native tree and shrub plantings, and a floodplain seed mix. The *EIS* states that the design will maintain the flood plain function of the creek and will ensure no increase in downstream erosion. A minimum 10 m setback is proposed for the realigned portion of the West Branch. The section of the West Branch that is contained within the PSW (at the southeast corner of the property), will additionally be protected by a 15 m wetland buffer.

Staff consider the proposed creek realignment an improvement to fish habitat and are satisfied that the proposed 10 m buffer is sufficient to ensure impacts to Type 2 fish habitat are mitigated. A work permit for the realignment has been obtained from NPCA (November 2019) and was included in the *EIS Addendum*.

#### Provincially Significant Wetland (PSW)

The Draper's Creek PSW Complex is located within the subject lands. An assessment of the PSW boundaries was undertaken by an Ontario Wetland Evaluation System (OWES) certified biologist, following the OWES assessment protocol, which resulted in a small adjustment to the boundary of the PSW located at the south-west corner of the subject lands. Section 3.7 of the *EIS* states that the MNRF confirmed the boundary change. A copy of this correspondence has been included in the *EIS Addendum*.

The *EIS* recommends a 15 m buffer for the southern boundary of the PSW associated with the Main Branch of Draper's Creek, and a 15 m buffer for the northern boundary of the PSW associated with the West Branch of Draper's Creek. Exceptions to this include lots 33-36 and two small areas near Claire Road (required for road construction), where a reduced buffer of 13-14 m is proposed. Staff are satisfied that the proposed buffers, in addition to the proposed Buffer/Edge Planting Plan, will sufficiently ensure that impacts to the PSWs are adequately mitigated.

#### Species at Risk (SAR)

Field surveys identified two active Barn Swallow nests, one in an open shed, and one under the eave of an outback building. These buildings represent nesting habitat for this Threatened Species and represent protected habitat pursuant to the regulations of the *Endangered Species Act* (ESA 2007). Replacement nesting structures are proposed within the floodplain marsh associated within the Main Branch of Draper's Creek. Staff are satisfied that the construction of these nesting structures is sufficient to ensure impacts to Barn Swallow are mitigated. Correspondence from the Ministry of Environment, Conservation and Parks (MECP), confirming that *Endangered Species Act* requirements have been adequately addressed, will be recommended as a Condition of Approval.

#### Summary

Regional Environmental Planning staff is satisfied that the *EIS* and *EIS Addendum* demonstrates that the development can be accommodated without negative impact to



the natural features, provided that the mitigation measures outlined in Sections 6.1 and 6.2 of the *EIS* are implemented, and provided that all required authorizations are received from applicable regulatory agencies. Recommended conditions are included in the Appendix.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should continue to be consulted with respect to their comments and permit requirements pursuant to Ontario Regulation 155/06.

## **Stormwater Management**

Niagara Region staff have reviewed the *Functional Servicing Report Westwoods on the Creek* by Upper Canada Consultants (dated March 2020) . Based on our review on this report, the Region offers the following comments:

1. The Region has no objection that stormwater peak flow attenuation is not required in-line with the Central West Area Planning and Quantity Servicing Review (Upper Canada Consultants, 1999) recommendations.
2. The Region will require that stormwater runoff from the development be captured and treated to an Enhanced standard prior to discharge from the site.
  - a) The Region has no objection to the proposed installation of an oil-grit-separator (OGS) Hydroworks HG8 to service the major portion of the development. The OGS is adequately sized to meet the criterion.
  - b) The Region acknowledges that the proposed Blocks 60 to 64 on West Creek Court is included in the drainage area to an approved OGS facility. Additional water treatment measures are not required.

Prior to the construction, the Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval. A condition relative to SWM is included in the Appendix.

## **Servicing**

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a condition of draft plan approval, Ministry of Environment, Conservation and Parks Environmental Compliance Approvals (ECA) are required for any new/extended municipal sanitary and storm sewer services. The Region can review and approve the ECA's under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval. A condition is included in the Appendix in this regard.

## **Waste Management Services**

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

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage containers per property
- **Collection will be at the curbside only**

Region staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The required policy can be found at the following link: [www.niagararegion.ca/waste](http://www.niagararegion.ca/waste)

The Draft Plan of Subdivision was reviewed for the potential for Regional waste collection services to be provided throughout the subdivision. Staff note that prior to final approval, Regional staff will require detailed plans showing the dimensions and radii of the proposed road network and curbs. Also, if there is phasing of the development, Regional staff will require a revised draft plan that indicates appropriate temporary turnarounds provided wherever a through street is not maintained. The proposed development and required turning facilities need to meet the requirements of Niagara Region's Corporate Waste Collection Policy. Conditions for waste collection are included in the Appendix.

## **Regional Road Allowance**

The subject property has frontage along Regional Road 36 (South Pelham Road). The designated road allowance is 26.2 meters as identified in the Regional Official Plan. This section of road has a sufficient road allowance, and as such, no road widening is required. However, the applicant is required to gratuitously grant the following to the Region:

- A 4.5m by 4.5m daylight triangles at the intersection of Westcott Road and Regional Road 36 (South Pelham Road)

A condition requiring the daylight triangles is included in the Appendix. The requested triangles are to be conveyed free and clear of any mortgages, liens or other encumbrances, and are to be described by Reference Plan. The triangle 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.

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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)

## **Regional Road**

Regional staff note that, in accordance with previous requirements for developments with frontage along South Pelham Road (Regional Road 36), the Region will require that the road section fronting the development be upgraded to an urban cross-section to the satisfaction of the Niagara Region. All fees associated with the required road upgrades will be the responsibility of the owner.

South Pelham Road is part of the Niagara Regions Bicycle Network and therefore the urbanization for the road will include bike lanes.

Prior to any entrance construction/alteration or servicing works within the South Pelham Road (RR 36) road allowance, a Regional Construction Encroachment and Entrance Permit must be obtained from the Transportation Services Division of the Regional Public Works Department. Applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Conditions are included in the Appendix to address these requirements.

## **Protection of Survey Evidence**

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Regional staff request that any agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

## **Conclusion**

Based on the discussion above, Regional staff supports, in principle, the development of 320 South Pelham Road as the proposed applications are considered to align with the intent and direction of Regional and Provincial policy. As such, Regional Planning

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and Development Services staff would offer no objections to the Draft Plan of Subdivision or the concurrent Zoning By-law Amendment subject to the discussion above and the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments, please contact me at [lindsay.earl@niagararegion.ca](mailto:lindsay.earl@niagararegion.ca). If you have any questions regarding the core natural heritage comments, please contact Cara Lampman, Manager, Environmental Planning at [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

Please send notice of Council's decision on these applications.

Best regards,



Lindsay Earl, MES, MCIP, RPP  
Senior Development Planner

Attch: Appendix I – Regional Conditions of Draft Plan of Subdivision

Cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P.Eng., Manager, Development Engineering, Niagara Region  
David Deluce, MCIP, RPP, Manager, Plan Review & Regulation, Niagara Peninsula Conservation Authority

**APPENDIX I**  
**REGIONAL CONDITIONS OF DRAFT PLAN OF SUBDIVISION**  
**Westwoods on the Creek, 320 South Pelham Road, Welland**

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1. That prior to final registration of the plan, the applicant shall submit a conceptual site plan with building elevations and a streetscape/landscape plan for the section along the Regional Road indicating any proposed entry features, fencing or landscape elements along this frontage to the satisfaction of the Niagara Region.
2. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the owner agrees to implement the approved building elevations and streetscape/landscape plan for the section along the Regional Road to the satisfaction of the Niagara Region.
3. That following completion of any site remediation, the owners shall file a Record of Site Condition (RSC) on the Ministry of the Environment, Conservation and Parks [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended and that the owner provide the Niagara Region and the City with copies of the Environmental Site Assessment and site remediation reports as well as a copy of the Ministry of the Environment, Conservation and Park's written acknowledgement of the filing of the RSC.
4. That the owner submit the required archaeological assessments prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism, Culture Industries for review and approval with a copy provided to the Niagara Region. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry, through the Niagara Region, confirming that all archaeological resource concerns have been met.
5. That the following clauses shall be included in the Subdivision Agreement between the owners and the City of Welland:

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

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site*

*is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

6. That the Subdivision Agreement between the owners and the City of Welland contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Sections 6.1 and 6.2 of the EIS (prepared by Beacon Environmental, dated December 2019), including but not limited to:
  - a. Along the perimeter of the EPA lands (Blocks 65, 71 and 72) a 1.5 m High Chain link Fence will be constructed. The location of the fence should be detailed in final plans for subdivision. In addition, a “no gate” bylaw should be implemented to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
  - b. To the extent possible, all proposed outdoor lighting be downward facing and shielded to prevent light spillage into the surrounding natural area.
  - c. That prior to site alteration and construction, filter fabric and paige wire fencing be installed at the buffers of the EPA lands (Blocks 65, 71 and 72)
  - d. That detailed sedimentation and erosion control plans be prepared for review and approval by the Region. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
  - e. No construction materials or equipment is to be located, even on a temporary basis, within the buffers of the PSW and fish habitat.
  - f. Any required vegetation removal should be conducted in a manner to avoid impacts to nesting birds that may be utilizing habitats on the property. The breeding bird period for this area is generally March 15 to August 31. That Blocks 65, 71 and 72 be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
7. That a Buffer/Edge Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the Provincially Significant Wetland buffer, as appropriate.
8. That a Restoration Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the realigned portion of the West Branch of Draper’s Creek buffer, as appropriate.
9. That documentation showing the approval of the creek alignment be obtained from DFO and provided to Regional staff.
10. That proof of compliance with the ESA with respect to removal of the Barn Swallow habitat be obtained from MECP and provided to Regional staff.

10. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the PSW, Fish Habitat and/or their buffers will occur, with the exception of the realigned portion of the West Branch of Draper's Creek and its buffer.
11. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision 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 subdivision) planned to be serviced by the stormwater management facility.
12. That the Subdivision 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.
13. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
14. That the owner provides a written undertaking to the Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the owner and the City.
15. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program.

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16. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
17. That the applicant dedicates a 4.5m by 4.5m daylight triangles at the corner of Regional Road 36 (South Pelham Road) and Westcott Road to the Regional Municipality of Niagara.
18. That the owner agrees, through the subdivision agreement with the City, to pay for the required road upgrades for Regional Road 36 (South Pelham Road) such as curbing, drainage, bike lanes, sidewalk and lighting to the satisfaction of the Niagara Region .
19. The Niagara Region will require detailed engineering plans be submitted for review and approval for the proposed urbanization of Regional Road 36 (South Pelham Road).
20. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
21. That the subdivision agreement between the owner and the City 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.

### **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.

### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Subdivision 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.



**Rachelle Larocque**

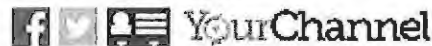
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**From:** Ali Khan  
**Sent:** April 12, 2020 12:34 PM  
**To:** Rachelle Larocque  
**Subject:** RE: Notice of Application - Draft Plan of Subdivision and Rezoning - 320 South Pelham Road

For streetlights on Westcott , their consultant should contact me for specifications.



**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:** Ali Khan  
**Sent:** April 12, 2020 12:32 PM  
**To:** Rachelle Larocque <rachelle.larocque@welland.ca>  
**Subject:** RE: Notice of Application - Draft Plan of Subdivision and Rezoning - 320 South Pelham Road

Hi Rachelle,

I previously asked for speed humps installation at Developers cost per TAC guidelines on Westcott Road.

Regards,



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**From:** Rachelle Larocque

**Sent:** April 9, 2020 4:26 PM

**To:** Jack Tosta <[jack.tosta@welland.ca](mailto:jack.tosta@welland.ca)>; CARRIGAN, Andrew <[andrew.carrigan@canadapost.postescanada.ca](mailto:andrew.carrigan@canadapost.postescanada.ca)>; [randy.leppert@cogeco.com](mailto:randy.leppert@cogeco.com); [planification@cscmonavenir.ca](mailto:planification@cscmonavenir.ca); [hunter-perreaultg@csviamonde.ca](mailto:hunter-perreaultg@csviamonde.ca); Amanda Degazio <[amanda.degazio@welland.ca](mailto:amanda.degazio@welland.ca)>; Dave Stuart <[dave.stuart@welland.ca](mailto:dave.stuart@welland.ca)>; Sue Mabee <[Sue.Mabee@dsbn.org](mailto:Sue.Mabee@dsbn.org)>; McPhee, Michelle <[Michelle.McPhee@dsbn.org](mailto:Michelle.McPhee@dsbn.org)>; Municipal Planning <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; Brian Kennedy <[brian.kennedy@welland.ca](mailto:brian.kennedy@welland.ca)>; Tanya Lamb <[tanya.lamb@welland.ca](mailto:tanya.lamb@welland.ca)>; Scott Richardson <[scott.richardson@welland.ca](mailto:scott.richardson@welland.ca)>; Sherri-Marie Millar <[sherri-marie.millar@welland.ca](mailto:sherri-marie.millar@welland.ca)>; Ali Khan <[ali.khan@welland.ca](mailto:ali.khan@welland.ca)>; [mmm@mmm.ca](mailto:mmm@mmm.ca); [scott.whitwell@ncdsb.com](mailto:scott.whitwell@ncdsb.com); [info@niagarahomebuilders.ca](mailto:info@niagarahomebuilders.ca); [plan@niagararegion.ca](mailto:plan@niagararegion.ca); Lindsay Earl <[lindsay.earl@niagararegion.ca](mailto:lindsay.earl@niagararegion.ca)>; [dpresley@mhbcplan.com](mailto:dpresley@mhbcplan.com); Dan Degazio <[dan.degazio@welland.ca](mailto:dan.degazio@welland.ca)>; [eng@wellandhydro.com](mailto:eng@wellandhydro.com)

**Cc:** Grant Munday <[grant.munday@welland.ca](mailto:grant.munday@welland.ca)>

**Subject:** Notice of Application - Draft Plan of Subdivision and Rezoning - 320 South Pelham Road

Good afternoon,

Attached is the Notice of Applications for Westwood on the Creek Plan of Subdivision and Application for Zoning By-law Amendment. If you require additional information, please let me know.

Sincerely,



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

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

**Hours:** 8:30am-4:30PM

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

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



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## Rachelle Larocque

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**Cc:** Grant Munday <grant.munday@welland.ca>  
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Sincerely,



**Rachelle Larocque, BES, M.Sc., MCIP, RPP**  
Planning Supervisor  
Planning Division  
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60 East Main Street, Welland, Ontario L3B 3X4  
**Hours:** 8:30am-4:30PM  
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   **YouChannel**

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April 14, 2020

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

Dear Mr. Munday,

**RE: Application for Zoning By-law Amendment (2020-03) and Draft Plan of Subdivision (26T-14-20003) – 320 South Pelham Road (Westwoods on the Creek)**

Welland Hydro Electric System Corp. (WHESC) does not object to the proposed applications(s).

The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing [Engineering@wellandhydro.com](mailto:Engineering@wellandhydro.com).

If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.

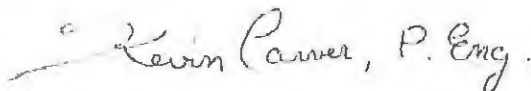
If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.

The proposed development must meet the clearance requirements of section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.

WHESC reserves the right to amend or remove development conditions.

If you require further information, please contact our Engineering Department.

Sincerely,



Kevin Carver, P. Eng., ME  
Director of Engineering & Operations  
**WELLAND HYDRO-ELECTRIC SYSTEM CORP.**

**Rachelle Larocque**

---

**From:** Craig Rohe <craig@ucc.com>  
**Sent:** August 25, 2020 11:38 AM  
**To:** Rachelle Larocque; 'Vaughn Gibbons'  
**Cc:** Grant Munday; Sherri-Marie Millar; Scott Richardson; Martin Heikoop; Travers Fitzpatrick; Earl, Lindsay; 'Susan Dunsmore'; phill.lambert@niagararegion.ca  
**Subject:** RE: 320 South Pelham - Regional Road Urbanization Conditions  
**Attachments:** 0914\_001.pdf

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Hi Rachelle,

We have consulted with our client Vaughn Gibbons on this matter and would like to provide his position on the Region's request for a reconstruction of South Pelham Road along the frontage of the subject lands.

Mr. Gibbons is willing to extend the curb along the east side of South Pelham Road for the portion across from Sparrow Meadows Phase 7. I have attached markup showing the general area.

It is Mr. Gibbon's position that the roadway in its current state is substandard and that the balance of the roadway that fronts along the subject lands should be subject to an Environmental Assessment due to the several items that will need to be addressed, including:

- Master Storm Drainage / Quantity and Quality Controls
- Drapers Creek West Branch and Road Crossing
- Existing residential and business access
- Any other infrastructure/utility upgrades, including roadway lighting (etc.)

It is Mr. Gibbon's opinion that this should be a Development Charge project undertaken by the Region or municipality as it will have a benefit to the whole community.

We therefore respectfully request that this Regional condition of approval not be applied to his applications.

Respectfully submitted.

**Craig A. Rohe, M.Pl., MCIP, RPP**  
Senior Planner  
**Upper Canada Consultants**  
3-30 Hannover Drive  
St. Catharines, ON. L2W 1A3

Tel: (905) 688-9400 ext. 506  
Mobile: (289) 969-3556  
Fax: (905) 688-5274  
Email: [craig@ucc.com](mailto:craig@ucc.com)  
Web: [www.ucc.com](http://www.ucc.com)

**From:** Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>  
**Sent:** August 21, 2020 7:38 AM  
**To:** Rachele Larocque <rachele.larocque@welland.ca>; Earl, Lindsay <lindsay.earl@niagararegion.ca>  
**Cc:** Grant Munday <grant.munday@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Craig Rohe <craig@ucc.com>; Martin Heikoop <MHeikoop@ucc.com>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; Lambert, Phill <Phill.Lambert@niagararegion.ca>  
**Subject:** RE: 320 South Pelham - Regional Road Urbanization Conditions

Hello Rachele,

I just wanted to follow up quickly before I went on vacation. Phill and UCC have worked hard on urbanizing the section south of here with the two developments that have abutted South Pelham. There is currently no projects in the capital budget for this section of road. So as was done in the past we will continue to work with the developers engineer to come up with an urbanized section on their frontage that will work. In the case of bike lanes we did add the pavement as far as possible but will not mark them as bike lanes until the appropriate time.

If would like to discuss further I can follow up with you early next week.

Thank you  
 Susan

**From:** Rachele Larocque <rachele.larocque@welland.ca>  
**Sent:** Wednesday, August 19, 2020 12:26 PM  
**To:** Earl, Lindsay <lindsay.earl@niagararegion.ca>  
**Cc:** Grant Munday <grant.munday@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Craig Rohe (craig@ucc.com) <craig@ucc.com>; Martin Heikoop <MHeikoop@ucc.com>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>  
**Subject:** 320 South Pelham - Regional Road Urbanization Conditions

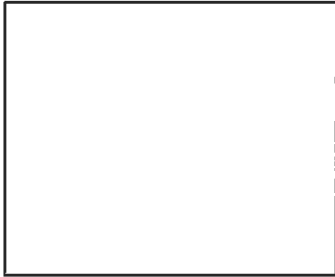
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Hi Lindsay,

In reviewing the Region's conditions regarding the subdivision at 320 South Pelham Road (Westwoods on the Creek) I have some concerns. The Region is requesting that the portion of road in front of the development be urbanized by the property owner, including the installation of bike lanes and sidewalks. This seems premature unless the Region is intending to upgrade this entire block of South Pelham Road from Fitch Street south to Webber Road. This will also create a dangerous situation for cyclists and pedestrians because it does not connect to any other facilities – and when the sidewalk and bicycle lane ends the users will be either forced back into traffic or onto the narrow shoulder of the road. I would suggest that if the Region wants to see this area urbanized, which would be supported by the City, it be done in a comprehensive manner and not piecemeal as it is currently being done. It would make more sense for the owner to be required to contribute a

cash payment to be held in reserve for when the entire road block is upgraded rather than complete the works now.

Please let me know if you have any questions.



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



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APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

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

REPORT P&B-2020-38  
 SEPTEMBER 1, 2020

20-86

**SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 27) AND ZONING BY-LAW AMENDMENT (FILE NO. 2020-04) SUBMITTED BY JOSEPH TOMAINO ON BEHALF OF 2694686 ONTARIO INC. FOR LANDS ON THE EAST SIDE OF PATRICIA AVENUE, NORTH OF THOROLD ROAD AND WEST OF AQUEDUCT STREET, MUNICIPALLY KNOWN AS 12 PATRICIA AVENUE**

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

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

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

**RECOMMENDATION:**

1. THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 27 to designate a portion of the lands on the east side of Patricia Avenue, north of Thorold Road, and west of Aqueduct Street, more specifically described as Lots 17 and 18 Plan 649, City of Welland, municipally known as 12 Patricia Avenue from Low Density Residential to site specific Community Commercial Corridor; and further,
2. THAT Welland City Council Approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the east side of Patricia Avenue, north of Thorold Road, and west of Aqueduct Street, more specifically described as Lots 17 and 18 Plan 649, City of Welland, municipally known as 12 Patricia Avenue from Residential Low Density 1 – RL1 to Site Specific Community Commercial Corridor – CC2.

**ORIGIN AND BACKGROUND:**

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted on April 2, 2020. The applications were deemed complete on April 21, 2020.

## **COMMENTS AND ANALYSIS:**

### **The Proposal**

The purpose of the Official Plan Amendment is to redesignate the property from Low Density Residential to Community Commercial Corridor with a special exemption to allow for only warehousing uses. The application for Zoning By-law Amendment is to rezone the property from Residential Low Density 1 – RL1 to site specific Community Commercial Corridor – CC2 to allow for only warehousing uses on the property. The purpose of the applications for Official Plan Amendment and Zoning By-law Amendment are to allow the property to be used for a warehouse facility. This is currently an auto parts retailer and the proposed warehouse will be used to store auto parts. 12 Patricia Avenue is currently being used for parking and loading related to 26 Thorold Road. The existing house is currently being used for warehousing. The use of the subject lands for this purpose has existed prior to October 17, 2017 and therefore has a legal non-conforming status.

### **The Site**

The lands are located on the east side of Patricia Avenue, north of Thorold Road, and west of Aqueduct Street. The lands currently have a single detached dwelling that is currently being used as part of the warehousing operation and gravel area on the property. The dwelling will be demolished as a result of these applications.

### **Surrounding Land Uses**

The lands are within an area of mixed use, with commercial uses along Thorold Road, and residential uses along Patricia Avenue. The subject lands are intended to be used for warehousing purposes for the commercial operation on the lot directly south. Which is currently used as an auto parts retailer.

### **Development and Agency Comments Received**

City of Welland Infrastructure & Development Services – Engineering Division (July 3, 2020)	<ul style="list-style-type: none"> <li>No objection or requirements for the Official Plan Amendment and Zoning By-law Amendment for this property. Comments will be provided at Site Plan Application.</li> </ul>
City of Welland Infrastructure and Development Services – Traffic Division (April 20, 2020)	<ul style="list-style-type: none"> <li>The applicant will need to acquire a road occupancy permit for any new driveways.</li> </ul>
Region of Niagara Planning & Development Services (April 30, 2020)	<ul style="list-style-type: none"> <li>The subject lands are within the Welland Urban Area, as defined in the Regional Official Plan (ROP). A full range of residential and commercial uses are permitted in this designation subject to the</li> </ul>

	<p>availability of adequate municipal services and infrastructure.</p> <ul style="list-style-type: none"> <li>• The property is designated and zoned low density residential in the City's Official Plan and Zoning By-law, and currently being used as a detached dwelling and parking lot associated with the adjacent automobile parts and service shop. Although the property has frontage of Patricia Avenue, it is recognized that the property functions with 26 Thorold Road as one lot.</li> <li>• Staff notes that the requested amendments have been submitted to recognize an existing operation and allow for the construction of a warehouse to be used for the storage of automobile parts on the subject property. It is important to note that the site specific zoning also incorporates a 10.2 metre northerly side yard setback from the nearest residential area to reduce any land use conflict. As such, Regional staff considers the amendments to generally align with the direction of Regional and Provincial policy.</li> <li>• Niagara Region provides curb-side waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy.</li> <li>• The Region will require at the time of Site Plan submission that water quality treatment to a Normal standard be implemented if the existing gravel area on site is to be paved. If the site is to have no increase in paved area, the Region has no stormwater management requirements for the proposed development.</li> </ul>
<p>Enbridge Gas Inc. (April 21, 2020)</p>	<ul style="list-style-type: none"> <li>• No objection.</li> </ul>
<p>Welland Hydro Electrical Company (April 21, 2020)</p>	<ul style="list-style-type: none"> <li>• No objection.</li> </ul>

A virtual Public Open House was held on July 15, 2020 to gain public input regarding the proposed applications. One (1) member of the public participated in the Information Meeting, in addition to agent for the applicant. The following comments and concerns were raised at the Public Information Meeting:

- Location of loading doors;
- Fencing and screening from the warehouse;
- What would be located within the buffer area;
- Drainage on the site and storm water.

At the time of writing this report, one (1) letter has been submitted from a member of the public regarding the applications. The comments in the letter were the same as those that were raised at the Public Information Meeting.

The Statutory Public Meeting under the Planning Act was held on August 4, 2020. One member of the public intended on participating in the meeting, but had technological problems that prevented their participation. A copy of the draft Site Plan was sent to this individual for review and comment prior to the recommendation being presented to Council.

#### Provincial Policy

The Provincial Policy Statement (PPS) identifies that settlement areas shall be the focus of growth and development. The subject lands are within the settlement boundary of the City of Welland. The PPS encourages a mix of densities and land uses within these areas, and encourages that a mix of employment opportunities be provided to promote economic development and competitiveness. The lands are in an area with existing municipal services (water, sanitary, and storm) and are on a transit line (Route 509). The proposed applications are consistent with the policies in the PPS as they are creating employment uses in an area of mixed use development, that is on municipal services, and close to transit routes. The proposed site specific amendments will ensure that there is an appropriate buffer between the proposed commercial uses and the existing residential uses to minimize any negative impacts. City staff are of the opinion that the applications are consistent with the policies in the PPS.

The lands are within the designated Built-up Area of the City of Welland according to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G). The P2G encourages a range of land uses, including a mix of residential and employment uses, to provide services and jobs for residents. The P2G encourages the creation of complete communities, which provide for the daily needs of residents within walking or cycling distance, thereby reducing the dependence on cars. The lands have access to municipal services and are on Welland Transit Route 509 and within walking distance to Route 503. The proposal is to redevelop an existing lot to allow for the expansion of an existing commercial operation, with the potential to increase the number of employees. The P2G encourages both residential and employment growth within communities

to provide a range of housing and job opportunities for residents. The proposed applications meet the intent of the P2G.

*Region of Niagara Official Plan*

The lands are designated as being part of the Urban Area of the City of Welland in the Region's Official Plan. The Region's OP, much like the policies of the PPS and the P2G encourage that urban areas be the focus of growth and development for residential and employment uses.

*City of Welland Official Plan*

The lands are currently designated as Low Density Residential in the City's Official Plan, and are within the City's Urban Area. The proposal has been made for a site specific amendment to redesignate the lands to Community Commercial Corridor and permit only warehousing uses on the property. The application has been made to include the site specific amendments to limit the potential for negative impacts being felt by the residential uses to the north. The lands are within an area of mixed use development, with the lands along Thorold and Niagara Street being designated for commercial uses, while residential uses are located along Patricia and Douglas Avenues.

The City's OP encourages infilling and intensification within the urban serviced area of the City by redeveloping existing underutilized lots. The proposed applications will redevelop these lands to allow a new use, allowing an existing business to expand. The proposed applications meet the intent of the City's policies encouraging infilling and intensification.

Policy 4.4.3.8 of the Official Plan identifies criteria that should be used when considering proposals to amend the Official Plan to create additional commercial areas. The criteria are as follows:

- How the proposed amendment implements the Objectives set forth in this Plan;
- The Official Plan encourages that there be an appropriate distribution of commercial areas through the City, and to ensure that future growth in an orderly manner, to promote a range of commercial uses, to promote intensification, and to balance the supply of land with the demand.
  - The subject lands are within an area that has a mix of residential and commercial uses, and are directly adjacent to lands that are designated and zoned for commercial uses. The proposal to put these lands into a commercial designation is appropriate and consistent with the neighbourhood. The

proposed redesignation to a commercial use will allow an existing commercial operation to expand.

- The need for the proposed use;
- The applicant has provided information that their operation at 26 Thorold Road can no longer accommodate their storage needs, and therefore requires an additional building.
  - The subject lands are directly north and can accommodate the building size needed to allow the business to continue to grow, and will not require the owner to relocate the business elsewhere in the City.
- Location, size, and scale of the proposed development;
- The proposed building will be smaller than the current buildings on 26 Thorold road, being approximately 348 square metres (3,750 square feet). The proposed building has been located on the property to provide a minimum northerly side yard setback of 10 metres, maximizing the distance the new building is from the residential uses to the north. The development is consistent with the scale of the existing commercial operation to the south.
- Potential for compatibility issues;
- As previously identified, the proposed building will be situated on the site to maximize the setback between the residential uses to the north and the new commercial building. It should be noted that the existing dwelling that is on the property is being used for some storage associated with the commercial operation on 26 Thorold Road, as well as a parking area. The proposed building will result in the demolition of this building.

- As part of the public process, concerns were raised regarding the compatibility with the residential uses to the north, privacy concerns, and concerns with noise from deliveries. The proposed setback of 10 metres to the northerly side yard will ensure that there is an appropriate buffer area between the two uses. The applicant has identified that they are willing to put up a privacy fence in compliance with the Fence By-law (which allows a maximum height of 2.5 metres in a commercial zone). The applicant has also confirmed that deliveries will continue to come to the 26 Thorold Road address, although, a loading space is identified on the draft Site Plan to conform to Zone requirements.
  
- Potential market impacts and the potential for adverse effects on the City's planned commercial structure;

  - There is no potential for negative impact on the City's planned commercial structure if the application to redesignate these lands to commercial from residential. The reason the request has been made is to allow for the existing business to grow at their current location. There is a greater potential for a negative impact to the City if the expansion is not permitted as it may result in the business needing to relocate to another municipality if suitable lands are not found within Welland.
  
- The potential for negative impacts on the natural environment; and,

  - There are no natural environment features on the property. The proposed development of the site for commercial purposes will have no impact on the natural environment.
  
- The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use.

  - The lands have access to Patricia Avenue, which is a municipally maintained road. The property is approximately 31 metres from the intersection with Thorold Road, which will provide connections throughout the City, as well as to adjacent municipalities. The lands are within walking distance to bus routes, and can access sidewalks along Thorold Road.

There is no cycling infrastructure immediately in front of the property, but there are options for transit and pedestrians, as well as vehicular trips, to the site.

The applications meet the intent of the City's Official Plan, and the proposed site specific policy will limit any negative impacts on neighbouring residential uses. As such, City staff can recommend the approval of this application.

City of Welland Zoning By-law 2017-117

The lands are currently zoned Residential Low Density 1 – RL1 in the City of Welland Zoning By-law 2017-117. The application has been made to rezone the property to Site Specific Community Commercial Corridor – CC2. The site specific provisions have been requested to:

- Allow warehousing uses only on the property;
- Require a northerly side yard setback for all buildings of 10 metres to provide an appropriate setback to neighbouring residential uses; and,
- Permit a rear yard setback of 2.5 metres, whereas 3 meters is required.

The request for these site specific amendments have been made to ensure that there is appropriate setback between the existing residential uses and the proposed warehouse use. Planning staff are of the opinion that the proposed site specific amendments are appropriate. The property is currently being used in conjunction with the commercial use at 26 Thorold Road for parking and storage of materials. The application for Official Plan Amendment and Zoning By-law Amendment will formalize the use of the property for warehousing and commercial purposes.

Noise By-law 2015-23

Staff were also asked to review the City's Noise By-law in relation to vehicles unloading at the subject lands and the lands to the south. Staff are of the opinion that unloading of a delivery vehicle would not be in violation of this By-law provided it is being done in a reasonable manner. The loading of loading of delivery vehicle would need to be done in a manner which does not create noise. The sound and noise from a vehicle engine with a muffler is not in violation of this By-law.

Neighbour Comments

Comments were received from the neighbour to the north with concerns regarding:

- Location of loading doors;
- Fencing and screening from the warehouse;
- What would be located within the buffer area;
- Drainage on the site and storm water.



After the Public Information Meeting and the Public Meeting the comments were provided to the applicant and their agent for review and comment. A Site Plan was provided to the neighbour to show the location of the building, parking, and access doors to the building. The applicant has also identified that they are willing to construct a privacy fence along the shared property line, up to a maximum height of 2.5 metres (maximum height in a non-residential zone). This information was provided to the neighbour, who has identified that they are satisfied with the building location and the fencing.

**FINANCIAL CONSIDERATION:**

All financial considerations associated with the development of the subject lands will be the responsibility of the owner.

**OTHER DEPARTMENT IMPLICATIONS:**

City Departments and outside agencies were circulated copies of the applications for review and comment. Where comments were provided, they have been included as part of this report.

**SUMMARY AND CONCLUSION:**

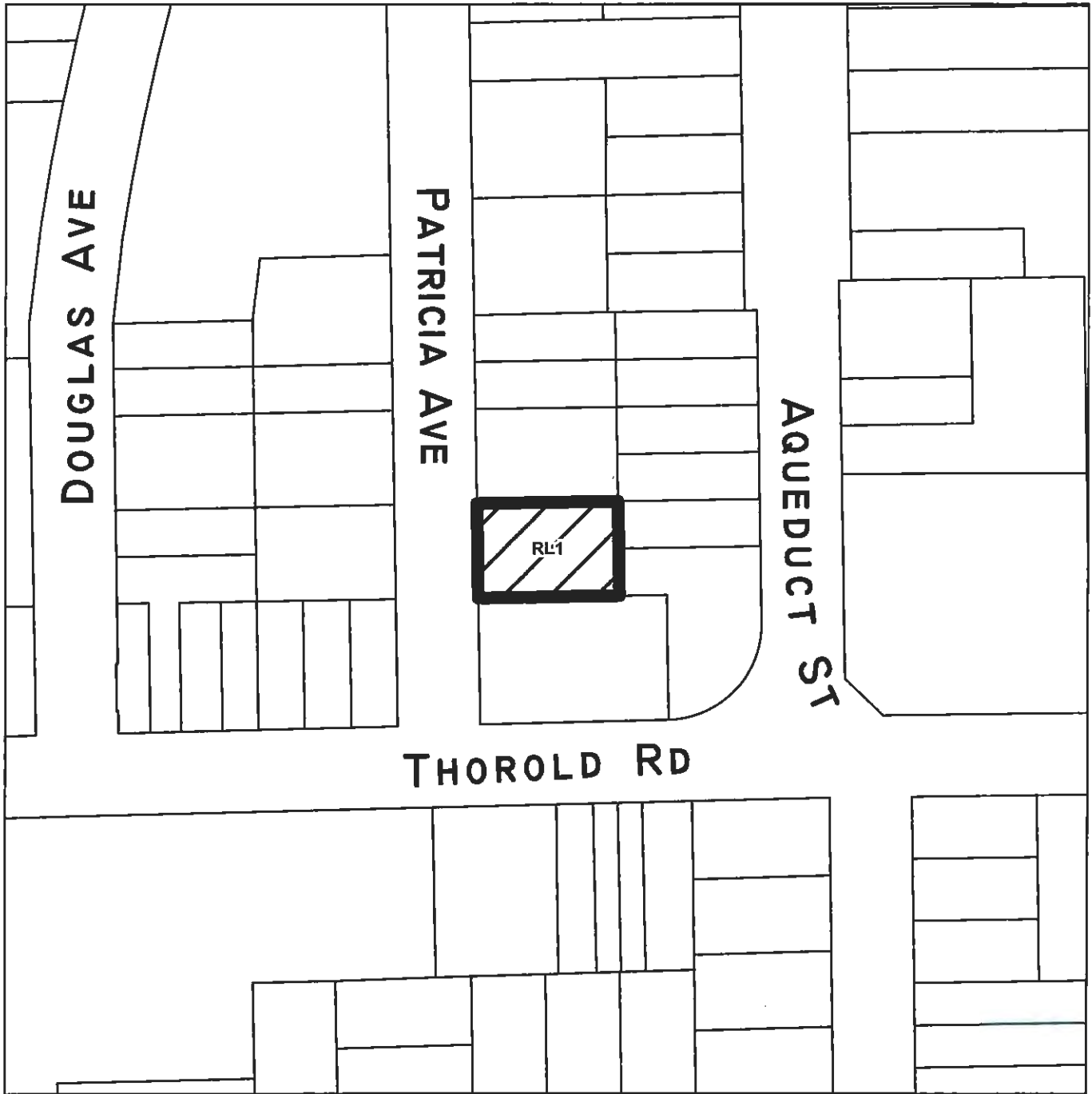
The application for Official Plan Amendment to re-designate the Lands from Low Density Residential to Special Exception Community Commercial Corridor to allow for the property to be used only for warehousing uses and Zoning By-law Amendment to rezone the lands from Residential Low Density 1 – RL1 to Site Specific Community Commercial Corridor – CC2 to allow for warehousing uses only, a northerly side yard setback of 10 metres, and a rear yard of 2.5 metres, is appropriate as:

- Allows for the expansion of an existing commercial operation;
- Is within an area of mixed commercial and residential uses;
- Is consistent with Provincial, Regional, and City policies;
- Appropriate buffering will be provided to adjacent residential uses.

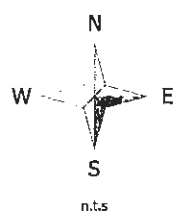
**ATTACHMENTS:**

- |              |   |   |
|--------------|---|---|
| Appendix I   | - | Location Map                            |
| Appendix II  | - | Draft Site Plan                         |
| Appendix III | - | Draft Official Plan Amendment (excerpt) |
| Appendix IV  | - | Correspondence                          |

# 2020-04 & OPA 27



## KEY MAP



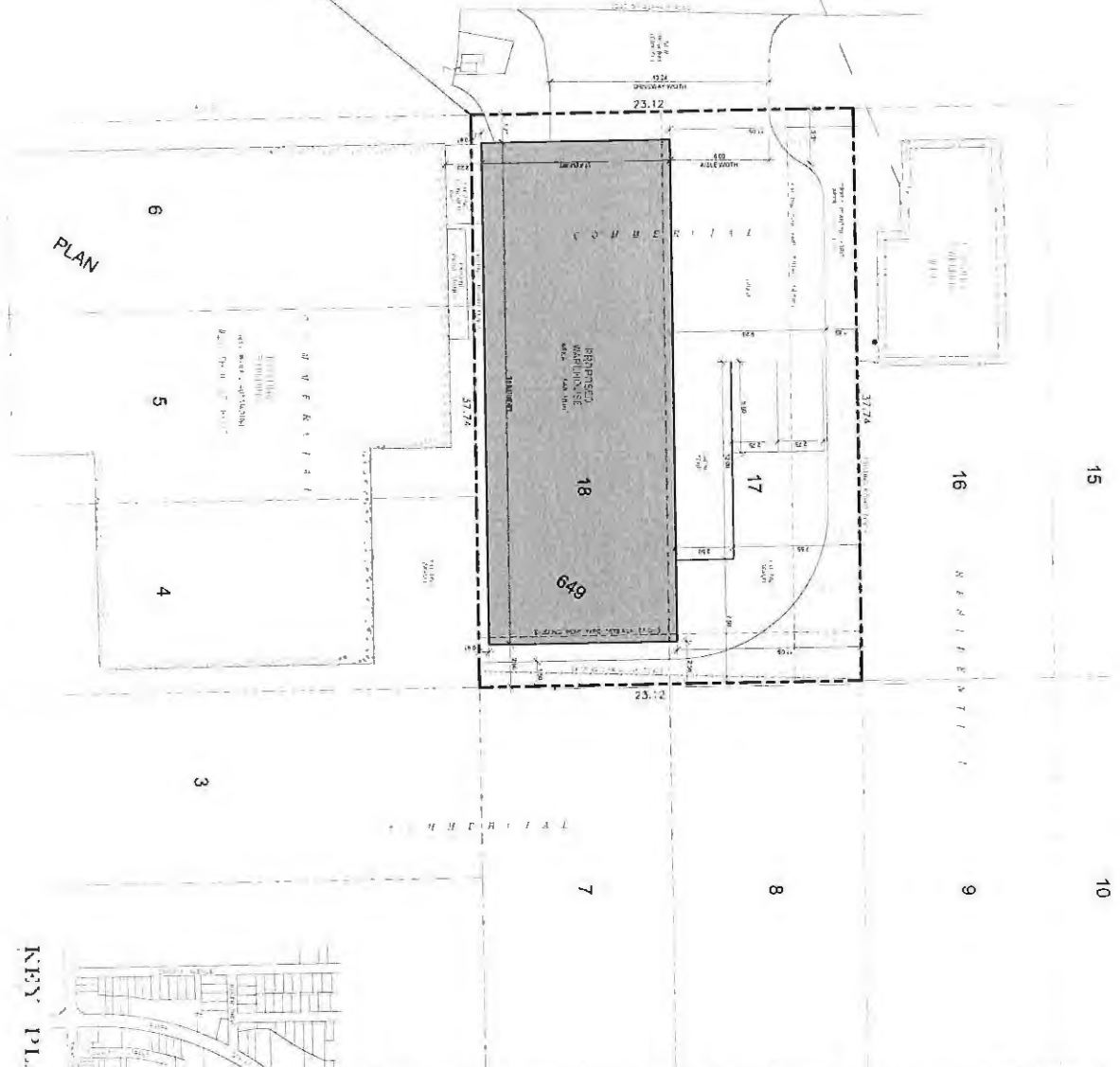
 **SUBJECT LANDS**



*Infrastructure and  
Development Services*  
Planning Division

PATRICIA AVENUE

THOROLD ROAD



15  
10  
9  
8  
7

16  
17  
18

6  
5  
4  
3

PLAN

KEY PLAN

**SITE STATISTICS**

LOT AREA	10,311 m <sup>2</sup>
PROPOSED BUILDING COVERAGE	+ 1,614 m <sup>2</sup> (15.6%)
PROPOSED LANDSCAPE AREA	+ 115.4 m <sup>2</sup> (1.1%)
TOTAL PARKING SPACES PROVIDED	10
PROPOSED MAX. DRIV. HEIGHT	11.50 METERS (37.91')
PROPOSED GROSS FLOOR AREA	1,614 m <sup>2</sup>
GROUND FLOOR	+ 1,614 m <sup>2</sup>

**SETBACKS**

PROPOSED SETBACKS	
FRONT SETBACK	11.71 m
REAR SETBACK	2.50 m
NORTH SIDE SETBACK	3.11 m
SOUTH SIDE SETBACK	3.00 m

**BUILDING DESCRIPTION**  
 GROUP P3 - INDUSTRIAL WAREHOUSE (LOW FIRE LOAD)  
 MUNICIPAL ADDRESS  
 12 PATRICIA AVENUE  
 WELAND, ONTARIO

**LAND ZONING**  
 CC2 - COMMUNITY COMMERCIAL CORRIDOR

**GENERAL NOTES**

1. ALL WORK SHOWN IN THIS CONSTRUCTION RECORDATION AND REMAIN OF FINANCIAL SERVICES OF THE TOWN OF WELAND AT THE SOLE RISK OF THE OWNER.
2. THIS PLAN AND PERMITS AND DRAWINGS SHOW ONLY THE PLANNED AREAS AND DO NOT SHOW THE EXISTING UTILITIES OR SERVICES. THE OWNER IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND SERVICES IN ACCORDANCE WITH THE TOWN OF WELAND BY-LAW 2011-01-01 AND THE TOWN OF WELAND BY-LAW 2011-01-01.
3. ALL WORKING DRAWINGS AND PERMITS SHALL BE PROVIDED TO THE TOWN OF WELAND AT THE SOLE RISK OF THE OWNER.

**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. 27 BY BY-  
LAW 2020- PASSED BY COUNCIL OF THE  
CORPORATION OF THE CITY OF WELLAND  
ON SEPTEMBER 1, 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 Niagara This Week Newspaper on Thursday, July 2, 2020. I hereby certify that the required Public Meeting was virtually held on Tuesday, August 4, 2020 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 DATE<sup>th</sup> day of MONTH, 2020.

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**SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT**

List of individuals who made oral submission at the Statutory Public Meeting conducted August 4, 2020 concerning Amendment No. 27 to the Official Plan of the Corporation of the City of Welland.

In Support  
Joe Tomaino

DRAFT

**Rachelle Larocque**

---

**From:** Municipal Planning <MunicipalPlanning@enbridge.com>  
**Sent:** April 21, 2020 7:54 AM  
**To:** Rachelle Larocque  
**Subject:** RE: Notice of Application - 12 Patricia Avenue Official Plan Amendment and Zoning By-law Amendment

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Thank you for your circulation.

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

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

Alice Coleman  
Municipal Planning Analyst  
Long Range Distribution Planning

**ENBRIDGE GAS INC.**  
TEL: 416-495-5386  
500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com  
**Safety. Integrity. Respect.**

---

**From:** Rachelle Larocque <rachelle.larocque@welland.ca>  
**Sent:** Monday, April 20, 2020 2:36 PM  
**To:** Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; hunter-perreaultg@csmiamonde.ca; Amanda Degazio <amanda.degazio@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Sue Mabee <Sue.Mabee@dsbn.org>; McPhee, Michelle <Michelle.McPhee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Brian Kennedy <brian.kennedy@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; info@niagarahomebuilders.ca; plan@niagararegion.ca; Lindsay Earl <lindsay.earl@niagararegion.ca>; dpresley@mhbcpplan.com; Dan Degazio <dan.degazio@welland.ca>; eng@wellandhydro.com; Matt Richardson <matt.richardson@welland.ca>; Paula Albano <paula.albano@welland.ca>;

Sherry-Marie Millar <sherry-marie.millar@welland.ca>

Cc: Grant Munday <grant.munday@welland.ca>

Subject: [External] Notice of Application - 12 Patricia Avenue Official Plan Amendment and Zoning By-law Amendment

**EXTERNAL: PLEASE PROCEED WITH CAUTION.**

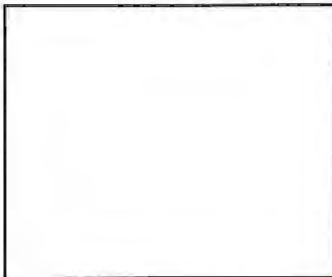
This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good afternoon,

Please find attached the Notice of Application for Official Plan Amendment and Zoning By-law Amendment for 12 Patricia Avenue.

Please let me know if you have any questions.

Take care,



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

Planning Supervisor

Planning Division

Infrastructure and Development Services

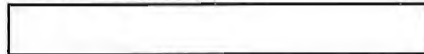
Corporation of the City of Welland

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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**Rachelle Larocque**

---

**From:** Scott Richardson  
**Sent:** July 3, 2020 8:34 AM  
**To:** Rachelle Larocque  
**Subject:** RE: Formal Notice of Public Meeting - 12 Patricia Avenue

Rachelle,

Engineering has no objection or requirements for the OPA and ZBA for this property. Comments will be provided at the official site plan application stage.

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  
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**From:** Rachelle Larocque <rachelle.larocque@welland.ca>  
**Sent:** July 2, 2020 5:24 PM  
**To:** Grant Munday <grant.munday@welland.ca>; Irene McDonald <irene.mcdonald@welland.ca>; Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; hunter-perreaultg@csviamonde.ca; Richard Dalton <richard.dalton@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Mabee, Sue <Sue.Mabee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Matt Richardson <matt.richardson@welland.ca>; Paula Albano <paula.albano@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Vince Beaudoin <vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; plan@niagararegion.ca; propanelicensing@tssa.org; dpresley@mhbcpplan.com; Dan Degazio <dan.degazio@welland.ca>; Kevin Carver <kcarver@wellandhydro.com>  
**Subject:** Formal Notice of Public Meeting - 12 Patricia Avenue

Good afternoon,

Please find attached the formal Notice of Public meeting for Official Pan Amendment and Zoning By-law Amendment. Informal request for comments was circulated on April 20, 2020. If you have already provided comments, there is no further need to do so.



Take care,



**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

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**Planning and Development Services**

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

---

**Via Email Only**

April 30, 2020

Files: D.10.11.OPA-20-0010  
D.18.11.ZA-20-0025

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  
Official Plan and Zoning By-law Amendments  
Agent: Joseph M. Tomaino  
Applicant: 2698646 Ontario Inc.  
12 Patricia Avenue  
City of Welland**

---

Regional Planning and Development Services staff has reviewed the above noted applications and supporting materials submitted by Joseph M. Tomaino on behalf of 2698646 Ontario Inc. for the lands known as 12 Patricia Avenue in the City of Welland. The application for Official Plan Amendment has been made to redesignate the lands from Low Density Residential to Site Specific Community Commercial Corridor to permit warehousing on the property. The application for Zoning By-law Amendment has been made to rezone the lands from Residential Low Density 1 (RL1) to Site Specific Community Commercial Corridor (CC2) to allow the property to be used for a warehouse facility only.

A pre-consultation meeting for the proposal was held on September 19, 2019, with staff from the City and Region in attendance. The applications were received by Regional staff on April 20, 2020. In support of the applications, a Planning Justification Report prepared by Joseph M. Tomaino (dated April 6, 2020) was submitted and reviewed by Regional staff.

The following comments are provided from a Regional and Provincial perspective to assist the City in considering these applications.

## **Provincial and Regional Policies**

The subject property is located within the Welland Urban Area, as defined by the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2014 and 2020 Provincial Policy Statement (PPS). The subject property is also located within the Provincially designated Built Boundary for the City of Welland. A full range of residential and commercial uses are permitted in this designation subject to the availability of adequate municipal services and infrastructure.

The ROP, 2014/2020 PPS and the 2019 *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (Growth Plan) together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of uses, employment opportunities, and high quality public open spaces.

The subject property is designated and zoned low density residential in the City's Official Plan and Zoning By-law; however, the lands are currently being used by a single detached dwelling and parking lot associated with the adjacent automobile parts and service shop. The proposed Official Plan designation and Zoning aligns with those on adjacent properties throughout the Thorold Road and Niagara Street commercial corridor. Although the property has frontage on Patricia Street, it is recognized that the property functions with 26 Thorold Road as one lot.

Staff notes that the requested amendments have been submitted to recognize an existing operation and allow for the construction of a warehouse to be used for the storage of automotive parts on the subject property. It is important to note that the site specific zoning also incorporates a 10.2 m northerly side yard setback from the nearest residential area to reduce any land use conflict. As such, Regional staff considers the amendments to generally align with the direction of Regional and Provincial policy.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposed development 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:

- No limit blue/grey containers;
- No limit green containers; and,
- 4 garbage containers.

OPA-20-0010, ZA-20-0025  
April 30, 2020

---

## **Stormwater Management**

Niagara Region staff has no objection to the Official Plan and Zoning By-law Amendments with respect to stormwater management. The Region will require at the time of Site Plan submission that water quality treatment to a Normal standard be implemented if the existing gravel area on site is to be paved. If the site is to have no increase in paved area, the Region has no stormwater management requirements for the proposed development.

## **Conclusion**

In conclusion, Regional Planning and Development Services staff would offer no objection to the proposed Official Plan and Zoning By-law Amendments from a Provincial and Regional perspective, subject to the satisfaction of any local requirements.

Given the site specific nature of the amendment, Regional staff notes that in accordance with the Memorandum of Understanding and exemption policies in the Regional Official Plan, the proposed Official Plan Amendment is exempt from Regional Council approval.

Should you have any questions concerning the above noted comments, please contact me at extension 3387. Please send notice of Council's decision on these applications.

Best regards,



Lindsay Earl, MES, MCIP, RPP  
Senior Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Approvals, Niagara Region

**Rachelle Larocque**

---

**From:** Ali Khan  
**Sent:** April 20, 2020 2:43 PM  
**To:** Rachelle Larocque  
**Subject:** RE: Notice of Application - 12 Patricia Avenue Official Plan Amendment and Zoning By-law Amendment

Hi Rachelle,

They will need to acquire a R.O.P for driveway. Please ask them to contact Mark Slade.

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:** April 20, 2020 2:36 PM  
**To:** Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; hunter-perreaultg@csviamonde.ca; Amanda Degazio <amanda.degazio@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Sue Mabee <Sue.Mabee@dsbn.org>; McPhee, Michelle <Michelle.McPhee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Brian Kennedy <brian.kennedy@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; info@niagarahomebuilders.ca; plan@niagararegion.ca; Lindsay Earl <lindsay.earl@niagararegion.ca>; dpresley@mhbcplan.com; Dan Degazio <dan.degazio@welland.ca>; eng@wellandhydro.com; Matt Richardson <matt.richardson@welland.ca>; Paula Albano <paula.albano@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>  
**Cc:** Grant Munday <grant.munday@welland.ca>  
**Subject:** Notice of Application - 12 Patricia Avenue Official Plan Amendment and Zoning By-law Amendment

Good afternoon,

Please find attached the Notice of Application for Official Plan Amendment and Zoning By-law Amendment for 12 Patricia Avenue.

Please let me know if you have any questions.

Take care,



**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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April 21, 2020

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

Dear Mr. Munday,

**RE: Application for Official Plan Amendment (OPA 25) and Zoning By-Law Amendment  
(2020-04) – 12 Patricia Avenue (Hill Boles Automotive).**

Welland Hydro Electric System Corp. (WHESC) does not object to the proposed applications(s).

The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing [Engineering@wellandhydro.com](mailto:Engineering@wellandhydro.com).

If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.

If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.

The proposed development must meet the clearance requirements of section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.

WHESC reserves the right to amend or remove development conditions.

If you require further information, please contact our Engineering Department.

Sincerely,

Kevin Carver, P. Eng.

Kevin Carver, P. Eng., ME  
Director of Engineering & Operations  
**WELLAND HYDRO-ELECTRIC SYSTEM CORP.**





**Rachelle Larocque**

---

**From:** Jim Pearson  
**Sent:** July 17, 2020 2:18 PM  
**To:** Rachelle Larocque  
**Subject:** Re: public meeting,to be held by city staff,at 6pm thursday ,july 16, 2020.Concerning rezoning of 12 patricia ave welland ont. i live at 14 patricia ave and have received a letter of notice to this change and wish to take part in the meeting . Thanks from

**WARNING:** This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

From jim pearson ,concerns to request for zoning change to 12 Patricia ave Welland,#1-undue hardship that will or could result from large delivery trucks,transports backing in just feet from 14 patricia ave ,especially in morning hours ,such as anywhere between 12 midnight and 430 am as is the case right now,The placement of bay doors , service doors or service dock on north side of warehouse will have a very large impact on the quality of life at 14 patricia ave, and all residents within 500 feet of warehouse. # 2--If this is allowed to proceed , my property as well as surrounding properties will drastically be reduced . #3--What kind of buffer is being asked for? If buffer is to be a parking lot or a driveway,large trucks will use this as a turnaround area even if deliveries are not in buffer area,so then my concerns are what effects will the heavy truck traffic have on my yard or foundation from vibration next to warehouse driveway/parking lot.Also any excess noise.A larger warehouse only means much more traffic and more noise.The house at 12 patricia has helped block a good portion of noise the delivery truck produce now ,but once that house is demolished the noise level will increase a lot..In the meeting on july 16th,it was noted that 12 patricia was being used as a warehouse currently ,for the 20 years i have been here .never seen any deliveries to or from 12 patricia ave, always thought this was used as office .Only ever seen gardening equipment come out of rear doors.Besides obviously it was never zoned for warehouse use .

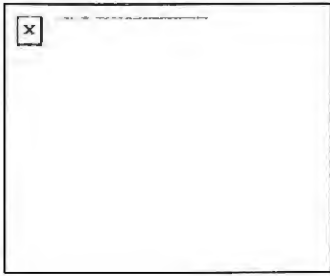
On Fri, Jul 17, 2020 at 11:10 AM Jim Pearson > wrote:  
Great, thank you.

On Fri, Jul 17, 2020 at 8:52 AM Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)> wrote:

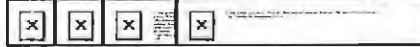
Good morning Jim,

An email is absolutely fine. No need to mail a letter.

Take care,



**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:** Jim Pearson  
**Sent:** July 17, 2020 7:15 AM  
**To:** Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)>  
**Subject:** Re: public meeting,to be held by city staff,at 6pm thursday ,july 16, 2020.Concerning rezoning of 12 patricia ave welland ont. i live at 14 patricia ave and have received a letter of notice to this change and wish to take part in the meeting . Thanks from

On Tue, Jul 14, 2020 at 1:08 PM Jim Pearson <[redacted]> wrote:

afternoon Rachelle,I have installed a web cam and mic so i hope i will be able to participate better on thursday night,okay.

On Mon, Jul 13, 2020 at 11:23 AM Jim Pearson <[redacted]> wrote:

Thank you, I will do that.

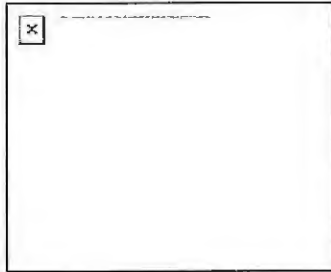
On Mon, Jul 13, 2020 at 10:19 AM Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)> wrote:

Hi Jim,

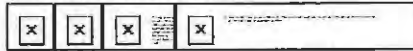
You will still be able to hear if you don't have a webcam or microphone. There's also a feature that you can type in any questions that you have and we'll be able to answer them for you.

Please let me know if you have any questions.

Take care,



**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  
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**From:** Jim Pearson  
**Sent:** July 13, 2020 9:36 AM  
**To:** Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)>  
**Subject:** Re: public meeting, to be held by city staff, at 6pm thursday, July 16, 2020. Concerning rezoning of 12 patricia ave welland ont. I live at 14 patricia ave and have received a letter of notice to this change and wish to take part in the meeting. Thanks from

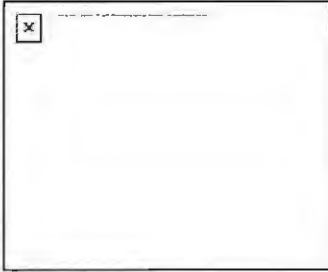
On Mon, Jul 6, 2020 at 3:08 PM Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)> wrote:

Hi Jim,

I will send you the link later this week. Thank you for reaching out.

If you have any questions, or want to submit written comments, please feel free to contact me.

Take care,



**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  
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**From:** Jim Pearson  
**Sent:** July 6, 2020 2:50 PM  
**To:** Rachelle Larocque <[rachelle.larocque@welland.ca](mailto:rachelle.larocque@welland.ca)>  
**Subject:** public meeting,to be held by city staff,at 6pm thursday ,july 16, 2020.Concerning rezoning of 12 particia ave welland ont. i live at 14 patricia ave and have received a letter of notice to this change and wish to take part in the meeting . Thanks from ...

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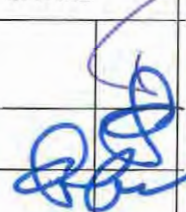
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**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

09-75

**REPORT ENG-2020-29**  
**SEPTEMBER 1, 2020**

**SUBJECT: WIFC DRAINAGE IMPROVEMENTS – AWARD OF TENDER**

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

**APPROVING MANAGER: SHERRI-MARIE MILLAR, P.ENG.  
MANAGER OF ENGINEERING**

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

**RECOMMENDATIONS:**

1. THAT COUNCIL accepts the tender of **Anthony's Excavating Central Inc.** in the amount of **\$165,343.00** (plus HST) being the lowest of five (5) tenders received for the WIFC Drainage Improvements tender;
2. THAT Council directs staff to prepare the necessary by-law and documents to execute the project; and
3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

**ORIGIN AND BACKGROUND:**

Completed in 2014, the Welland International Flatwater Centre (WIFC) is a water-based recreational facility that includes two buildings, specifically a three-level Timing Tower and a two-storey Athlete Centre that contains an indoor training tank. Following construction, both structures have been subject to water infiltration through their respective foundation walls.

In 2018 a contractor was hired to waterproof the buildings, by sealing and injecting conduit penetrations through the perimeter foundation walls, as a means of mitigating water infiltration. An engineering consultant was retained in 2019 to design site drainage improvements to ensure that surface runoff is directed away from the building foundations in addition to addressing erosion prone areas within the lower granular parking lot and along the bank of the canal.

The drainage improvements that make up this project include the construction of a drainage channel, drainage swales and site grading that will divert surface runoff away from the buildings and reduce the risk of erosion.

Eliminating water infiltration into the WIFC buildings will serve to improve the function and lifespan of the overall facility.

**COMMENTS AND ANALYSIS:**

The tender for the drainage improvement works was released on Monday July 20, 2020 and was publicly advertised and listed with the Niagara Construction Association, and as well, posted with a major Canadian tendering website for two (2) weeks.

Five (5) tenders were received on closing day, Tuesday August 4th, 2020. Submissions have been reviewed for accuracy and verify they are in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy. One tender was disqualified for submitting an informal bid.

The summary of all the tenders received, excluding taxes, is as shown in the following table:

<b>CONTRACTOR NAME &amp; ADDRESS</b>	<b>TENDER PRICE (excl. HST)</b>
<b>Anthony's Excavating Central Inc.</b> 5377 Elcho Road, Wellandport, ON L0R 2J0	<b>\$165,343.00</b>
<b>Norjohn Contracting &amp; Excavating</b> 9101 Brown Road, Niagara Falls, ON L2H 0X1	<b>\$178,214.00</b>
<b>CRL Campbell Construction and Drainage Ltd.</b> 401 Enterprise Drive, Welland, ON L3B 6H8	<b>\$194,051.03</b>
<b>Stevensville Lawn Services Inc.</b> 2821 Stevensville Road, Stevensville. ON L0S 1S0	<b>\$223,917.00</b>
<b>O'Hara Trucking and Excavating</b> 71 Berryman Avenue, St Catharines, ON L2R 0A2	<b>Non-compliant Submission</b>

Anthony's Excavating Central Inc., the low tenderer, is an established company having successfully completed past projects within the City and across the Niagara Region. Staff considers the firm's performance to be satisfactory in accordance with our specifications and standards and therefore recommends that Anthony's Excavating Central Inc. be awarded the contract.

**FINANCIAL CONSIDERATION:**

A breakdown of both the cost and funding structures for this project is summarized in the following tables.

<b>WIFC Drainage Improvements – Project Costs</b>	<b>Amount</b>
WIFC Drainage Improvements - Construction	\$165,343.00
Material Testing and Quality Control (2%)	\$3,306.86
Subtotal:	\$168,649.86
City's Portion of HST (1.76%)	\$2,968.23
<b>Total Anticipated Costs:</b>	<b>\$171,618.10</b>

<b>Project Funding Breakdown</b>	<b>Amount</b>
WIFC Timing Tower Waterproofing & Drainage Improvements – Construction (10-447-18032)	\$321,000.00
WIFC Waterproofing ( <i>Completed in 2017</i> )	(\$94,000)
<b>Total Approved Funding:</b>	<b>\$227,000.00</b>

The tender price from the low bidder plus 2% for material testing and 1.76% for the City's portion of the HST is approximately **\$172,000.00**. There is sufficient funding approved for this project.

**OTHER DEPARTMENT IMPLICATIONS:**

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

**SUMMARY AND CONCLUSION:**

The WIFC's foundation walls have been subject to water infiltration. Foundation waterproofing and site drainage improvements will serve to mitigate the issue and improve the function and lifespan of the facility.

The proposed work in this tender will improve drainage by diverting water away from the building foundations as well as reducing the risk of erosion at the site. The work includes the construction of a drainage channel, drainage swales and site grading.

Staff recommends awarding Anthony's Excavating Central Inc. the WIFC Drainage Improvements contract.



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

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2020-32  
 SEPTEMBER 1, 2020

20-19

**SUBJECT:** MEMORIAL PARK SPORTS FIELD LIGHTING REPLACEMENT – TENDER AWARD

**AUTHOR:** GAGE STEPHENS  
 FACILITIES MAINTENANCE MANAGER

**APPROVING MANAGER:** SHERRI-MARIE MILLAR, P.ENG.  
 MANAGER OF ENGINEERING

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

**RECOMMENDATIONS:**

1. THAT COUNCIL accepts the tender of **Nadelec Contracting Inc.** in the amount of **\$356,200.50** (plus HST) being the lowest of five (5) tender submissions received for the Memorial Park Sports Field Lighting Replacement project;
2. THAT Council directs staff to prepare the necessary by-laws and documents to execute the project; and further
3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

**ORIGIN AND BACKGROUND:**

Memorial Park is located on Memorial Park Drive between Lincoln Street to the north and Ontario Street to the south. Adjacent to the Welland Canal, this park is a well used by residents who enjoy the available amenities, including a swimming pool, splash pad, playground equipment, baseball diamonds and large open leisure spaces.

The current lighting system at the M2 ball diamond is at the end of its useful life and as a result, players regularly experience system shutdown due to overheating during the summer months. Currently the M3 diamond does not currently have lights and as such is not able to accommodate evening games.

In January 2020, MTBW was retained to undertake the design of the M2 diamond lighting and electrical system replacements as well as the design of a new lighting and electrical system for M3. The proposed lighting systems replacement at M2 will improve player experience while the introduction of lighting to the M3 diamond will provide another option to user groups for evening games, therefore increasing participation.

These lighting upgrades received funding approval through the 2020 budget deliberations and is supported by recommendations within the Parks, Recreation & Culture Master Plan, specifically, confirming needs of the baseball user groups within the Memorial Park Master Plan and to continue development in sports parks and investment in outdoor aquatics and

fitness infrastructure. The user groups were consulted and lighting these diamonds was their recommendation to the City.

**COMMENTS AND ANALYSIS:**

A tender was released on July 29, 2020 for the removal and replacement of the existing, lighting system at M2 and the installation of a new lighting system at M3. The project will also replace the main electrical supply cabinets and infrastructure, as well as provide future lighting service to the M4 diamond.

The tender was publicly advertised, forwarded to the Niagara Construction Association and posted with a major Canadian tendering website for three (3) weeks.

Sixteen (16) firms picked up full tender documents and five (5) proposals were received on closing day, Friday, August 14, 2020.

The tender submissions were reviewed for accuracy and found to be compliant with both the City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding tax, is as follows:

<b>Contractor Name and Address</b>	<b>Tender Price (excluding HST)</b>
<b>Nadelec Contracting Inc.</b> PO Box 416 Milton, ON L9T 4Y9	<b>\$356,200.50</b>
<b>Wiens Underground Electric Ltd.</b> 231 East West Line RR#3, Niagara-on-the-Lake, ON L0S 1J0	<b>\$503,531.25</b>
<b>Procon Constructors – Electric</b> 401 Enterprise Dr, Welland, ON L3B6H8	<b>\$534,400.00</b>
<b>Weinmann Electric Ltd.</b> 211 Courtwright St, Fort Erie, ON L2A 2R9	<b>\$580,611.00</b>
<b>Fairway Electrical Services</b> 1104 Fiddlers Green Rd, Ancaster, ON L9G 3L1	<b>\$643,338.50</b>

Nadelec Contracting Inc. is an established company having successfully completed projects across the Niagara Region and within the City, including the installation of the lighting at the Youngs Sports Complex in 2019. Staff considers the firm's performance to be satisfactory in accordance to our specifications and standards and therefore recommends that Nadelec Contracting Inc. be awarded the contract.

Work on this contract is expected to commence by mid September 2020.

**FINANCIAL CONSIDERATION:**

A breakdown of the anticipated costs for this project including the approved funding is shown in the following table.

<b>Budget Breakdown</b>	<b>Amount</b>
MTBW Consultant Fees – Design, Tender Package & Contract Administration	\$19,500.00
Installation of New Lighting System (Nadelec Contracting Inc)	\$356,200.50
Subtotal:	\$375,700.50
City's Portion of HST (1.76%):	\$6,612.33
<b>Total Anticipated Project Cost:</b>	<b>\$382,312.83</b>
<b>Approved Capital Funding (10-410-20048):</b>	<b>\$700,000.00</b>

There is sufficient approved funding to complete this project.

**LINK TO ASSET MANAGEMENT PLAN:**

In addition to supporting recommendations within the Parks, Recreation & Culture Master Plan which speak to continued development in sports parks and investment in outdoor aquatics and fitness infrastructure, this project aligns with strategies outlined in the 2015 City of Welland Comprehensive Asset Management Plan (AMP) and 2016 Addendum, by reducing risk exposure to the City and its customers by ensuring that assets are managed in a manner that matches the risk that their failure represents to the delivery of services.

**OTHER DEPARTMENT IMPLICATIONS:**

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

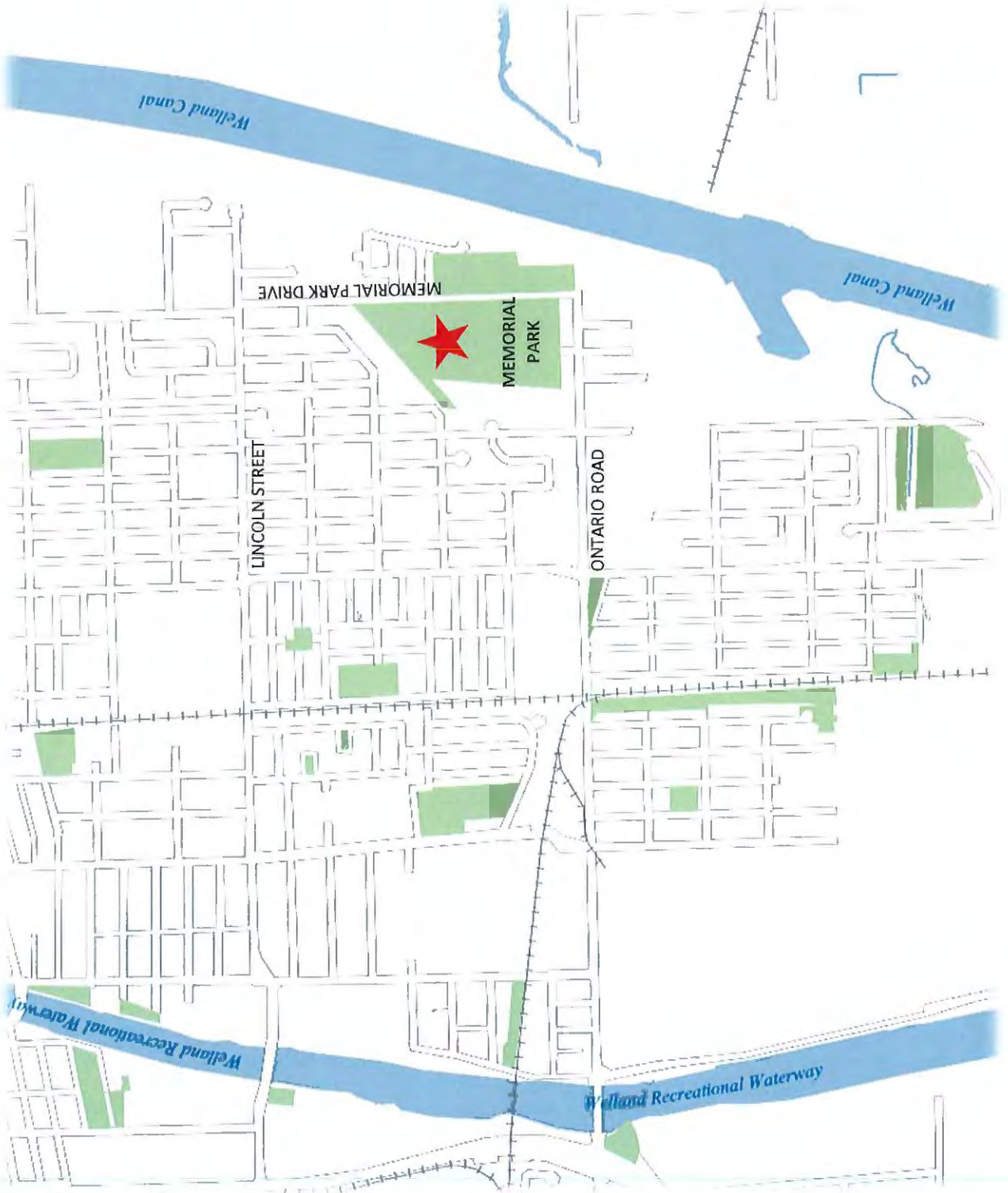
**SUMMARY AND CONCLUSION:**

The new lighting systems at two Memorial Park ball diamonds is an investment in outdoor sports fields and fitness infrastructure. The replacements of the aging lights at the M2 diamond is expected to improve the player experience while the introduction of lighting to the M3 diamond will provide another option to user groups for evening games and in turn increase participation.


Staff recommends awarding the Memorial Park Sports Field Lighting Replacement contract to the low bidder, Nadelec Contracting Inc. of Milton Ontario.

**ATTACHMENTS:**

Appendix 1 – Site Plan



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

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2020-33  
 SEPTEMBER 1, 2020

20-19

**SUBJECT:** PLYMOUTH PARK SPORTS FIELD LIGHTING REPLACEMENT – TENDER AWARD

**AUTHOR:** GAGE STEPHENS  
 FACILITIES MAINTENANCE MANAGER

**APPROVING MANAGER:** SHERRI-MARIE MILLAR, P.ENG.  
 MANAGER OF ENGINEERING

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

**RECOMMENDATIONS:**

1. THAT COUNCIL accepts the tender of **Nadelec Contracting Inc.** in the amount of **\$164,000.00** (plus HST) being the lowest of five (5) tender submissions received for the Plymouth Park Sports Field Lighting Replacement project;
2. THAT Council directs staff to prepare the necessary by-laws and documents to execute the project; and further
3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

**ORIGIN AND BACKGROUND:**

Plymouth Park is located on Plymouth Road between Lincoln Street to the north and Ontario Road to the south. It is a popular park for soccer play and well used by Plymouth Park Soccer Club.

The existing sports field lighting system on the soccer pitch has reached the end of its useful life and beginning to fail; one light pole fell over during this past winter. The existing lighting system can not support the users needs in the current condition.

In January 2020, MTBW was retained to undertake the design of new sports field lighting for the park, including all associated electrical requirements. The proposed design will bring the lighting up to current standard, support user group participation and improve player experience.

These lighting upgrades received funding approval through the 2020 budget deliberations and is supported by recommendations within the Parks, Recreation & Culture Master Plan by ensuring that programs are reaching low income populations and to continue development in sports parks and investment in outdoor aquatics and fitness infrastructure.

**COMMENTS AND ANALYSIS**

A tender was released on July 29, 2020 for the removal and replacement of the existing, lighting system at the Plymouth Park soccer pitch. The tender was publicly advertised, forwarded to the Niagara Construction Association and posted with a major Canadian tendering website for three (3) weeks.

Fifteen (15) firms picked up full tender documents and five (5) proposals were received on closing day, Friday, August 14, 2020.

The tender submissions were reviewed for accuracy and found to be compliant with both the City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding tax, is as follows:

<b>Contractor Name and Address</b>	<b>Tender Price (excluding HST)</b>
<b>Nadelec Contracting Inc.</b> PO Box 416 Milton, ON L9T 4Y9	<b>\$164,000.00</b>
<b>Stolk Construction Ltd.</b> 11 Petersburg Cir, Port Colborne, ON L3K 5V5	<b>\$224,319.00</b>
<b>Weins Underground Electric Ltd.</b> 231 East West Line RR#3, Niagara-on-the-Lake, ON L0S 1J0	<b>\$239,262.25</b>
<b>Procon Constructors Inc. – Electrical</b> 401 Enterprise Dr. Welland, ON, L3B 6H8	<b>\$249,000.00</b>
<b>Weinmann Electric Ltd.</b> 211 Courtwright St, Fort Erie, ON L2A 2R9	<b>\$264,311.00</b>

Nadelec Contracting Inc. is an established company having successfully completed projects across the Niagara Region and within the City, including the installation of the lighting at the Youngs Sports Complex in 2019. Staff considers the firm's performance to be satisfactory in accordance to our specifications and standards and therefore recommends that the firm be awarded the contract.

Work on this contract is expected to commence by mid September 2020.

**FINANCIAL CONSIDERATION:**

A breakdown of the anticipated costs for this project including the approved project funding is shown in the following table.

<b>Budget Breakdown</b>	<b>Amount</b>
MTBW Consultant Fees – Design, Tender Package & Contract Administration	\$12,700.00
Installation of New Lighting System (Nadelec Contracting Inc.)	\$164,000.00
Subtotal:	\$176,700.00
City's Portion of HST (1.76%):	\$3,109.92
<b>Total Anticipated Project Cost:</b>	<b>\$179,809.92</b>
<b>Available Capital Budget (10-410-20132):</b>	<b>\$200,000.00</b>

There is sufficient approved funding to complete this project.

**LINK TO ASSET MANAGEMENT PLAN:**

In addition to supporting recommendations within the Parks, Recreation & Culture Master Plan which speak to continued development in sports parks and investment in outdoor aquatics and fitness infrastructure, this project aligns with strategies outlined in the 2015 City of Welland Comprehensive Asset Management Plan (AMP) and 2016 Addendum, by reducing risk exposure to the City and its customers by ensuring that assets are managed in a manner that matches the risk that their failure represents to the delivery of services.

**OTHER DEPARTMENT IMPLICATIONS:**

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

**SUMMARY AND CONCLUSION:**

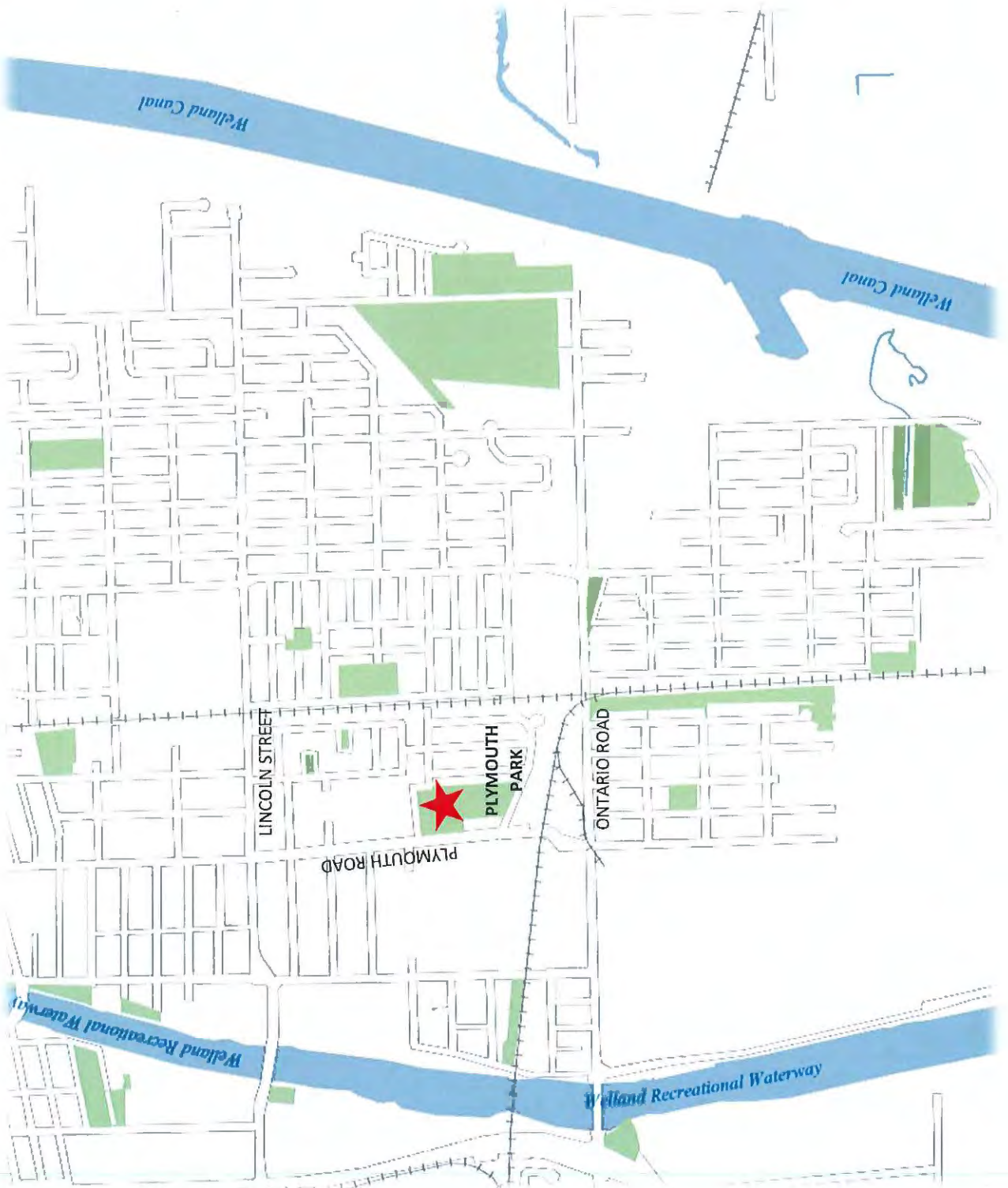
The new Plymouth Park soccer pitch lighting system is an investment in outdoor sports fields and fitness infrastructure and will replace the existing deficient lighting system that has not only reached the end of its service life but has experienced a major failure.

Staff recommends awarding the Plymouth Park Sports Field Lighting Replacement contract to the low bidder, Nadelec Contracting Inc. of Milton Ontario.

**ATTACHMENTS:**

Appendix 1 – Site Plan

REPORT ENG-2020-33  
APPENDIX I – PLYMOUTH PARK SPORTS FIELD LIGHTING REPLACEMENT







July 15, 2020

**Re: 20<sup>th</sup> Annual Child Care Worker and Early Childhood Educator Appreciation Day, October 22, 2020**

To Ontario mayors and councils,

**We are writing to ask that you and your council proclaim and participate in Child Care Worker & Early Childhood Educator Appreciation Day on Thursday, October 22, 2020.** This day recognizes the commitment, hard work and dedication of Early Childhood Educators (ECEs) and staff who work with young children. Each year, the day is proclaimed by The Ontario Coalition for Better Child Care (OCBCC), the Canadian Union of Public Employees (CUPE), municipalities and school boards across Ontario, and is marked by hundreds of child care centres, unions, and allies.

This year's Child Care Worker and Early Childhood Educator Appreciation Day is especially important as we recover from COVID-19. Child care centres are the cornerstone of our economic recovery and function to ensure that parents have the support they need to fully participate in the workforce.

If your council does not issue official proclamations, there are many ways for your municipality to participate in celebrating this important day:

- Your council sponsors a public announcement;
- Display our posters and distribute our buttons; and
- Organize events and contests for the day or have councilors or the mayor participate in events hosted by child care centres.

A sample proclamation and document outlining additional ways to recognize this important day is attached.

We would love to acknowledge municipalities who choose to celebrate child care workers and ECEs across Ontario on October 22, 2020. Please let us know how your municipality is participating in the appreciation day and we will add you to our list of proclamations and celebrations.

Please direct any correspondence on proclamations and/or celebration activities to the attention of Carolyn Ferns, by mail: Ontario Coalition for Better Child Care, 489 College St., Suite 206, Toronto, ON M6G 1A5, or by email at: [carolyn@childcareontario.org](mailto:carolyn@childcareontario.org).

Thank you for your consideration.

**Sheila Olan-Maclean**  
President, OCBCC

**Fred Hahn**  
President, CUPE Ontario Division



20<sup>TH</sup> ANNIVERSARY | OCTOBER 22, 2020

## CHILD CARE WORKER AND EARLY CHILDHOOD EDUCATOR APPRECIATION DAY



This day recognizes the commitment, hard work and dedication of Early Childhood Educators (ECEs) and staff who work with young children. Each year, the day is proclaimed by The Ontario Coalition for Better Child Care (OCBCC), the Canadian Union of Public Employees (CUPE), municipalities and school boards across Ontario, and is marked by hundreds of child care centres, unions, and allies.

**This year's theme is Rising Up!**

### Tips to Recognize and Celebrate the Day!

Everyone	Municipalities	School Boards	Child Care Centres
<p><b>Show child care workers your appreciation on social media:</b></p> <ul style="list-style-type: none"> <li>• Share photos of how you're celebrating the day</li> <li>• Share an event prior to the date to raise awareness</li> <li>• Write a kind message about a child care provider you know</li> <li>• Use the hashtag #ECEappreciation and tag us @ChildCareON</li> </ul>	<ul style="list-style-type: none"> <li>• Place an ad in the local newspaper promoting the day</li> <li>• Nominate staff from local child care centres to be recognized by the Mayor</li> <li>• Encourage local councillors to tour child care centres to find out more about this important work</li> <li>• Organize a community-wide celebration to recognize individual staff, centres, and programs</li> </ul>	<ul style="list-style-type: none"> <li>• Insert the day on the October calendar</li> <li>• Arrange to have the day announced on the PA</li> <li>• Encourage classes of students to visit the child care centre</li> <li>• Set up a Wall of Fame where parents have the opportunity to say thank you to staff</li> <li>• Place our poster on school bulletin boards</li> </ul>	<ul style="list-style-type: none"> <li>• Host a pizza lunch for staff</li> <li>• Give staff members a certificate of appreciation.</li> <li>• Have every staff in the centre vote on one child care champion of the year</li> <li>• Set up a board near the entrance of the centre where parents may write thank-you notes</li> <li>• Place our poster on the main doors</li> </ul>

\* Contact the OCBCC to order posters and buttons by Thursday, October 1, 2020 to ensure timely delivery.

Ontario Coalition for Better Child Care  
Phone: 416-538-0628  
Email: info@childcareontario.org

# **20<sup>th</sup> Annual Child Care Worker & Early Childhood Educator Appreciation Day**

**October 22, 2020**

## **Proclamation**

**Whereas** years of research confirms the benefits of high quality child care for young children's intellectual, emotional, social and physical development and later life outcomes; and

**Whereas** child care promotes the well-being of children and responds to the needs of parents and the broader community by supporting quality of life so that citizens can fully participate in and contribute to the economic and social life of their community; and

**Whereas** trained and knowledgeable Early Childhood Educators and child care staff are the key to quality in early learning and child care programs and champions for children;

**Therefore Be It Resolved** that October 22, 2020 be designated the 20th annual "Child Care Worker & Early Childhood Educator Appreciation Day" in recognition of the education, dedication and commitment of child care workers to children, their families and quality of life of the community.



Update from Central Station Education Initiative Spring 2020

Re: Leased property at 30 Hellems Avenue, "Central Fire Station".

To: Mayor and Members of City Council, City of Welland

Background: The Central Station Education Initiative has in the last year made several applications for capital funding to restore Central Fire Station, a designated Heritage building, to move forward the revitalization of the building as an incubator hub with business/not for profit rentals on the second and third floors and a public heritage display on the first as per our Business Plan approved by City Council.

Last August with City support we applied to Canadian Heritage Building Communities Through Arts and Heritage Legacy Fund for \$ 500,000 in capital funding for restoration. This grant is only available during the 100<sup>th</sup> anniversary of this heritage designated building.

Our application demonstrated the City's support through leasing the building to us for \$1 a year. We estimated the value of the lease at \$5000 per month or \$170,000 over the 3-year project period and provided supporting documentation (attached).

Current: We received a letter from the Legacy Fund (attached) stating that the application was denied for the sole reason that such applications must demonstrate "tangible and meaningful support" from the municipality and the level of the City's support was deemed insufficient to meet this criterion.

We spoke to Sandy Pike, Policy and Program Consultant at the Legacy Fund by telephone. Ms. Pike stated that the lease was not sufficient to demonstrate City support because the City had let their own heritage building deteriorate over 10 years from 2006 therefore it was not in leasable condition (no leasable value).

She also stated that "Everything else about the project looks really great" and, estimated that a minimum \$100,000 contribution from the City for the three-year project would likely be accepted by the Fund, allowing us to receive the grant. Central Fire Station is 100 years old this year. This Legacy Grant is only available for an anniversary year (i.e. at 100 or 150 years) and we were encouraged to re-apply with demonstrable City support.

Ask: The City of Welland's Official plan, part 6.6.2.9 states: "Partnership Funding for Heritage - Council shall endeavour to obtain funds for the conservation and restoration of buildings through all available sources with the assistance of applicable agencies..."

We therefore respectfully request that the Council commit to including in their budget a minimum of \$34,000 per year over the next three years to allow us to obtain this \$500,000 grant, restore this City owned heritage building, provide jobs for contractors and invest in the economic revitalization of the Hellems/Division Street area.

20-15



Update to Mayor and City Council from Central Station Education Initiative 2020

Supporting documents

1. Letter from Véronique LeMaire, Department of Canadian Heritage Feb. 13, 2020 re: Central Station Education Initiative application to Legacy Fund Component of Building Communities through Arts and Heritage.
2. Email from Phillippe Doyon, Canadian Heritage, June 9, 2020 re: necessity for tangible City of Welland support for Legacy Fund application to be reconsidered.
3. Original letter of support for application by Central Station Education Initiative to Legacy Fund from Mayor Campion June 6, 2019
4. Estimate of actual in-kind value of City's lease on 30 Hellems Avenue, Central Fire Station, over project period of 34 months provided to Legacy Fund.
5. Revised letter of support for application by Central Station Education Initiative to Legacy Fund from Mayor Campion October 18, 2019
6. Copy of City of Welland Official Plan, Sections pertaining to Heritage Resources and Designated Properties. Part 6.6 Arts Culture and Heritage. Ref: 6.6.2.9 Partnership Funding for Heritage.
7. Copy of City of Welland Sports and Culture Infrastructure Capital Reserve Fund Policy (FIN-001-0013). Ref: Part d) page 2.



Canadian  
Heritage

Patrimoine  
canadien

February 13, 2020

Ms. Nora Reid  
President  
Central Station Education Initiative  
19 Rosemount Drive  
Welland, Ontario  
L3C 2H4

Dear Ms. Reid,

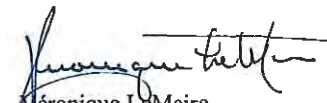
Your request for financial assistance under the *Legacy Fund Component of the Building Communities through Arts and Heritage* program for the "Central Fire Station Revitalization" project has been considered by the Department of Canadian Heritage.

I regret to inform you that, following a review of your application for funding, the national review committee determined that we are not able to fund your project. Applications submitted by non-profit organizations must demonstrate tangible and meaningful support from the municipality. The level of support provided by the City of Welland was deemed insufficient to meet this criterion, in comparison with similar projects.

Should you wish to discuss this further, please contact Sandy Pike, Policy and Program Consultant, by telephone at 709-691-3803 or by e-mail at [sandy.pike@canada.ca](mailto:sandy.pike@canada.ca).

Although we are unable to contribute to your project, we do wish you every success in the future.

Sincerely,



Véronique LeMaire  
A/Director  
Community Engagement Directorate

c.c. Sandy Pike, Policy and Program Consultant

Canada 



**From:** Doyon, Philippe (PCH) <philippe.doyon@canada.ca>  
**Sent:** June 9, 2020 3:28 PM  
**To:** Nora Reid <nora\_a\_reid@hotmail.com>  
**Subject:** RE: Central Fire Station Revitalization Legacy Grant - re-applying

Hello Ms. Reid,

Yes, you can re-submit your application for funding to the Legacy Fund. Your organization will have until the anniversary date, on December 17, 2020, to re-submit its application.

However, your application will not be considered complete until we receive the confirmation of tangible support from the City of Welland.

As mentioned in our last exchange in April, the City can deliver the total amount of its cash support over the 3 year project period. It could also provide its funding only during the second or third year of the project.

Best regards,

Philippe Doyon  
Patrimoine canadien | Canadian Heritage  
[philippe.doyon@canada.ca](mailto:philippe.doyon@canada.ca)  
819-953-0438



**OFFICE OF THE MAYOR  
FRANK CAMPION**

60 East Main Street,  
Welland, Ontario  
L3B 3X4  
Phone 905-735-1700  
Fax 905-735-1543

Legacy Fund  
Building Communities Through Arts and Heritage  
Department of Canadian Heritage  
Building Communities Through Arts and Heritage  
15 Eddy Street, 8th Floor  
Gatineau, Quebec  
K1A 0M5

June 6, 2019

To Whom It May Concern:

Please accept this as our letter of support for the application to the Legacy Fund from the Central Station Education Initiative for the Central Fire Station Revitalization Project.

We endorse this as the only capital project in this municipality associated with the 100<sup>th</sup> anniversary of the opening of Central Fire Station in 2020.

We also certify that the City of Welland is providing no cash or in-kind support to the Central Fire Station Revitalization Project.

Sincerely,



Mayor Frank Campion

Cc: Nora Reid, President  
Central Station Education Initiative



CENTRAL FIRE STATION WELLAND ONTARIO  
ESTIMATE OF IN-KIND VALUE OF RENT WAIVED BY CITY OF WELLAND

DURING PROJECT PERIOD MARCH 1, 2020 THROUGH DECEMBER 17, 2022

Number of months during Project period: 34

Determination of average cost of rent per square foot in downtown Welland (see advertisements attached below)

No. of square feet in Central Fire Station = 9917

Cost of rent for Central Fire Hall @ \$5000 per month = \$170,000.

Estimate of rental cost per month for Central Fire Station based on listing below at The Cotton Mill Complex, best comparable property in urban area of Welland.

Provided by Grant Little, ReMax Welland  
Grant Little  
Sales Representative  
The Kim Robinson Team  
RE/MAX Welland Realty LTD., Brokerage  
(905) 246-4765:



\$4,750.00 (per month)

Active

[129 Hagar Street #6A/B](#)

Welland, ON L3B 5V9

**Multi-Unit**Other**5,964**Sq Ft

Versatile 5964 sq. ft. office & industrial/commercial unit for lease at The Cotton Mill Complex



OFFICE OF THE MAYOR  
FRANK CAMPION

60 East Main Street  
Welland, Ontario  
L3B 3X4  
Phone: 905-735-1700  
Fax: 905-735-1543

October 18, 2019

Legacy Fund  
Building Communities Through Arts and Heritage  
Department of Canadian Heritage  
15 Eddy Street, 8th Floor  
Gatineau, Quebec  
K1A 0M5

To Whom It May Concern:

Please accept this as our letter of support for the application to the Legacy Fund from the Central Station Education Initiative for the Central Fire Station Revitalization Project.

We endorse this as the only capital project in this municipality associated with the 100<sup>th</sup> anniversary of the opening of Central Fire Station in 2020.

To show our support the City has entered into a long term lease agreement with the Central Station Education Initiative for \$1 per year.

Sincerely,

Frank Campion  
Mayor

Cc.: Nora Reid, President  
Central Station Education Initiative

*Bridging the past, present and future*

## **SUMMARY OF SECTIONS OF THE CITY OF WELLAND OFFICIAL PLAN REGARDING HERITAGE RESOURCES AND DESIGNATED HERITAGE BUILDINGS**

**Official Plan of the Corporation of the City of Welland pg. 20:**

### **2.7 A PROUD AND ATTRACTIVE CITY**

#### **2.7.1 Background**

Proud and attractive cities value their built heritage; preserve their cultural resources and work to develop new cultural initiatives and programs.

The key to unlocking Welland's past is through its built and cultural heritage – and the key to its future is by celebrating this heritage and providing avenues for cultural expression.

#### **2.7.2 Strategic Directions**

- i. Welland will be a leader in promoting city pride and attractiveness.
- ii. Welland will protect elements of its built and cultural heritage through the means provided by the Ontario Heritage Act and by involving Heritage Welland in the land use planning process, whenever necessary.
- iii. Welland will encourage efforts which support the celebration, commemoration, expression, and modern interpretation of its heritage and culture, including providing venues for heritage and cultural events.

**Page 38:**

#### **4.1.1.4 To Preserve, Enhance and Promote the Historic Character of the Downtown**

The City supports the enhancement of the historic character of its Downtown through the use of design criteria.

**Page 152:**

### **6.6 ARTS, CULTURE AND HERITAGE**

#### **6.6.1 Planning Objectives**

##### **6.6.1.1 Maintain and Enhance our Cultural and Heritage Resources and Landscapes**

The City will encourage the conservation, protection, and enhancement of the City's cultural heritage resources, including landscapes, archaeological sites, important views and vistas, buildings and structures of historic, cultural, and architectural value.

##### **6.6.1.2 Encourage Quality Design**

The City will encourage growth and development which promotes the protection and sympathetic treatment and use of heritage resources.

### **6.6.1.3 Recognize Districts with Cultural Heritage Attributes**

The City will encourage the protection and awareness of the rich heritage of the City's Downtown area as well as the various ethnic cultures and neighbourhoods.

### **6.6.1.4 Increase the Profile of and Support for Arts and Culture**

The City recognizes the social and economic benefits of supporting arts and cultural initiatives and aims to greatly increase the City's profile in this area.

### **6.6.2 Policies**

#### **6.6.2.1 General Conservation**

Conservation of landscapes, important views and vistas, sites, buildings or structures of cultural heritage, historical, architectural, or archaeological merit shall be encouraged throughout the City, wherever possible.

#### **6.6.2.2 Advisory Committee**

Heritage Welland shall be consulted on matters relating to heritage resources.

#### **6.6.2.3 Heritage Inventory**

The City shall maintain an inventory of buildings of architectural and/or historic interest for the purposes of designating, by By-law, selected properties for preservation and protection from alteration pursuant to the Ontario Heritage Act.

#### **6.6.2.4 Use of Heritage Designations**

Heritage features shall be appropriately designated using relevant provincial legislation including the Ontario Heritage Act, the Planning Act, the Municipal Act and other applicable statutory legislation in order to preserve and enhance the City's heritage resources.

#### **6.6.2.5 Heritage Designations for Specific Properties**

Individual properties and areas of unique cultural, architectural and historical significance may be recognized through designation pursuant to the Ontario Heritage Act.

#### **6.6.2.6 Heritage Designations for Districts**

Special studies may be undertaken for districts having heritage potential. Should an area represent a group of significant sites, buildings or structures, or period of the City's history, a Heritage Conservation District may be established pursuant to the Ontario Heritage Act. All new development within a Heritage Conservation District will be required to maintain the character of the area.

#### **6.6.2.7 Conservation Easements**

The use of a conservation easement registered on title of a property is encouraged if designation under the Ontario Heritage Act is not appropriate.

### **6.6.2.8 Alteration of Heritage Properties**

Alterations may be made to properties designated by By-law as having historical significance provided that the alterations do not affect the reasons for the designation, are in keeping with the Policies of this Plan, and meet the requirements of the Zoning By-law, other City By-laws and applicable municipal and provincial policies and codes.

### **6.6.2.9 Partnership Funding for Heritage.**

Council shall endeavour to obtain funds for the conservation and restoration of buildings through all available sources with the assistance of applicable agencies such as the Ontario Heritage Foundation.

### **6.6.2.10 Regard for Heritage Resources during Development**

All new development shall have regard for heritage resources by conserving, accommodating and incorporating heritage resources in development and 154 May 2010 redevelopment proposals. Existing landmark or heritage trees, tree lines, hedge lines, or fence lines shall be considered, evaluated, and where possible, integrated in the design of any development or redevelopment.

### **6.6.2.11 Retention of Designated Heritage Properties**

Designated properties shall be retained as part of any new development or redevelopment to ensure that the heritage value of the building and/or lands is not compromised.

### **6.6.2.12 Public Works Compatibility with Heritage Resources**

Consideration shall be given to the effects of public works and development on buildings, infrastructure, sites and areas of historical, architectural, scenic or archaeological importance prior to the approval of public works and proposals for development. At the discretion of the Manager of Planning and Development Services, emergency repairs to infrastructure within buildings, sites and areas of historical, architectural, scenic or archaeological importance may not require a permit.

### **6.6.2.13 Roadway Changes and Heritage Resources**

In the extending of streets and other necessary road improvements, including realignment and widening, consideration shall be given to the impact of such extensions or improvements on heritage resources, especially the character of streetscapes.

### **6.6.2.14 Archaeological Resource Assessment**

A minimum Stage 1 Archaeological Assessment will be required and submitted to the Province and the Region of Niagara for review where development is proposed on lands with archaeological potential.

**CITY OF WELLAND  
POLICY**

<b>Policy Title:</b> Sports and Culture Infrastructure Capital Reserve Fund Policy	
<b>Date of Approval:</b> November 20, 2012	<b>Policy Number:</b> FIN-001-0013
<b>Lead Role:</b> GM, Corporate Services/City Treasurer	<b>Support Role:</b> GM, Infrastructure Services/City Engineer
<b>Cross Reference:</b>	<b>Next Review Date:</b> Annually
<b>Council File Number:</b> 12-89	

**POLICY STATEMENT**

On September 21, 2010, the Council of the City of Welland approved by resolution that all net revenues derived from the lease and royalty payments from the Atlas Landfill Site Remediation Project be committed to a Sports and Culture Infrastructure Capital Reserve Fund and to assist, if needed, the start-up of funding of the River Road Multi-Sports Complex and the PanAM TO2015 Games projects.

**PURPOSE**

The purpose of this policy is to further define the permitted revenues and expenses for the Sports and Culture Infrastructure Capital Reserve Fund within the context of the original approved direction of Council.

**DEFINITIONS**

**SPORTS** – Includes all forms of passive and active recreational and competitive events.

**CULTURE** – Refers to values, customs, heritage and traditions that characterize the community. Culture also includes arts, which refers to the creative arts, in all forms of expression.

**REVENUE GUIDELINES**

Revenue sources consist of lease and royalty payments net of expenses from the Atlas Landfill Remediation Project and annual interest income allocations.

**EXPENDITURE AND ALLOCATION CRITERIA**

Appropriate expenditures are significant City of Welland park improvements, significant City of Welland Sports and Cultural facility improvements, and Sports and Cultural property acquisitions.

Capital expenditures/allocations should meet one or more of the following criteria:

- a) Capital item should be included in the City's 10-Year Capital Forecast. This is to ensure that new requests do not 'leap frog' capital items already identified and waiting for funding in the 10-Year Forecast.

### Sports and Culture Infrastructure Capital Reserve Fund Policy

- b) Replacement playground equipment which is not eligible or if there is no available funding under the Planning Act Reserve Fund. Minimum expenditure amount should be \$25,000.
- c) New Sports and Cultural facilities - New swimming pool, new ball diamond, or new arena are a few examples of appropriate capital expenditures. The minimum expenditure amount towards a new facility should be \$100,000. This will ensure a reasonable contribution amount to the new facility.
- d) Sports and Cultural facility improvements - Roof replacements, unplanned or unscheduled HVAC system replacements, accessibility improvements, re-use of historic City facilities such as the historic Division Street Firehall, or new/upgrade of mechanical equipment are a few examples of appropriate capital expenditures for Sports and Cultural facility improvements. The minimum expenditure amount towards a facility improvement should be \$50,000.
- e) Arts and Cultural capital expenditures – For example, acquisition of artwork or sculptures, for location on City-owned lands or in City-owned facilities. The minimum expenditure amount should be \$1,000.
- f) Restore Welland Recreation Canal (WRC) Trust Fund – for capital expenditures that could have been funded by the municipal budget.
- g) Future WRC Capital projects

As this reserve fund is to fund needed but unfunded sports and cultural facility improvements as well as to provide back-up funds for the River Road Multi-Sports Complex and the PanAM TO2015 Games projects, fifty percent (50%) of the annual royalty revenue receipts should be retained in the fund for these purposes. As the River Road Multi-Sports Complex and the PanAM TO2015 Games projects are completed and become sustainable, the requirements to retain fifty percent (50%) of the annual royalty revenues should be reviewed on an annual basis.

The amount retained in the fund for needed but unfunded sports and cultural facility improvements should be built up to \$2,000,000 level and maintained at this amount. Schedule 1 includes the revenues recorded to date and forecast to end of lease term.

The use of funds will be approved through the annual Capital Budget process or by report to Council.

#### **PROJECT RECOGNITION OF FUNDING SOURCE**

For each project that receives funding from the Sports and Culture Infrastructure Capital Reserve Fund, there shall be identifying recognition that funding was derived from the Atlas Landfill Remediation Project. This recognition should be in the form of a plaque or sign displayed on the property.

*Example: The Memorial Park Pool Pump House and Equipment Improvements were made possible through the City of Welland's Sports and Culture Infrastructure Capital Reserve Fund.*

Sports and Culture Infrastructure Capital Reserve Fund Policy

*This fund is the result of lease and royalty revenues paid to the City for the remediation of the former Atlas Landfill Site - an economic development and environmental partnership between the City of Welland and Walker Industries.*

**ADMINISTRATION**

Corporate Services – Finance Division will be responsible for keeping this policy up to date.

**Attachments:**

Schedule I – Sports and Culture Infrastructure Reserve Fund Revenues Received and Projections

Schedule I(i) – Sports and Culture Infrastructure Reserve Fund Maximum Royalty Amount

Schedule II – Sports and Culture Infrastructure Reserve Fund Revenues Received to Date



SCHEDULE I

**Sports and Culture Infrastructure Reserve Fund  
Revenues Received & Projections**

<u>Year</u>	<u>Lease</u>	<u>Royalties***</u>	<u>Other</u>	<u>Total</u>	<u>Royalties @ 50%</u>	<u>Cumulative Total</u>
2010	75,000	0	444 \$	75,444	0	0
2011	207,632	717,635	16,858 \$	942,124	\$ 358,817	\$ 358,817
2012 **	224,625	320,652	0 \$	545,277	\$ 160,326	\$ 519,143
2013*	235,850	563,355	0 \$	799,205	\$ 281,678	\$ 800,821
2014*	247,675	563,355	0 \$	811,030	\$ 281,678	\$ 1,082,499
2016*	260,100	563,355	0 \$	823,455	\$ 281,678	\$ 1,364,176
2016*	273,125 (i)	563,355	\$	836,480	\$ 281,678	\$ 1,645,854
2017*	286,788 (i)	563,355	\$	850,143	\$ 281,678	\$ 1,927,532
2018*	301,143 (i)	563,355	\$	864,498	\$ 281,678	\$ 2,209,209
2019*	316,200 (i)	563,355	\$	879,555	\$ 281,678	\$ 2,490,887
2020*	<u>203,688 (i)</u>	<u>281,678</u>	<u>\$</u>	<u>485,365</u>	\$ 140,839	\$ 2,631,726
<b>Total</b>	<b><u>\$2,631,824</u></b>	<b><u>\$5,263,452</u></b>	<b><u>\$17,302</u></b>	<b><u>\$7,912,578</u></b>		

**Notes**

\*\*\*Based on total tonnage capacity of 3.8 million tonnes and conservative royalty rate.

\*\* Some Estimated Lease and Royalty Revenues (estimates for October to December 2012).

\* Estimated Lease and Royalty Revenues

(i) - These lease revenue amounts are not included in lease payments received based on the scenario of the Landfill reaching capacity in 2015 (Sum of (i)'s equals \$1,380,942). (See Report FIN-2012-22 Financial Consideration Section).

See Schedule I(i) for estimated maximum royalty revenues with gradual completion of the the contract over the term with the annual increases in the royalty rates.

## SCHEDULE (i)

**Sports and Culture Infrastructure Reserve Fund  
Forecasted "Maximum" Royalty Amount**

<u>Year</u>	<u>Royalties***</u>
2010	0
2011	717,635
2012	320,652
2013	563,355
2014	591,931
2015	620,507
2016	653,166
2017	685,824
2018	718,482
2019	755,223
2020	<u>395,982</u>
<b>Total</b>	<b><u>\$6,022,757</u></b>

**Notes**

\*\*\*Based on total tonnage capacity of 3.8 million tonnes and royalty rate increasing on the contract anniversary date. Based on same amount of tonnage filled each year from 2013 to 2019 and remaining tonnage filled in 2020.

SCHEDULE II

**Sports and Culture Infrastructure Reserve Fund  
Revenues Received to Date**

Lease Revenue Rec'd to Sept 2012	Royalties Rec'd to Sept 2012	Other Revenues	Total Revenues to Sept 2012	Expenses Incurred to Date	Commitments made and Expenses not yet incurred	Uncommitted Amount
\$449,382	\$953,719	\$17,302	\$1,420,402	\$291,924	\$325,976	\$802,502