



COUNCIL MEETING AGENDA

**Tuesday, October 6, 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 October 8, 2020 at 9:00 p.m.

**1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:35 p.m.)
(See yellow tab)**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *Valbruna ASW Inc.*
- 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;
 - *Lincoln Street Dock Area - Future RFP.*

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 September 15, 2020 and Special Council Meetings of September 21 and 22, 2020 (*Previously Distributed*).

3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK

3.6 DISCLOSURES OF INTEREST

3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)



COUNCIL MEETING AGENDA – Page 2

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4. ORAL REPORTS AND DELEGATIONS

4.1 PRESENTATION(S)

20-4 Carol Nagy, Executive Director, Hospice Niagara re: Funding Request for Residential Hospice Niagara Expansion, Welland location.

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

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

4.4 PUBLIC MEETING PURSUANT TO CITY OF WELLAND BY-LAW 2013-127

05-120

20-38 Public Meeting to increase permit fees under Section 7 of the *Building Code Act*.

(See Report P&B-2020-46, pages 17 to 60)

Peter Simcisko, Manager, Watson and Associates Economists Inc. to speak to the subject matter.

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

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

7.2 Notices of Motion (previously submitted for discussion)

(Councillor Speck)

20-14 THAT THE COUNCIL OF THE CITY OF WELLAND reconsiders the approved motion of council regarding Council Remuneration as outlined in staff Report CLK-2020-16: Remuneration of Council.



COUNCIL MEETING AGENDA – Page 3

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(Councillor Fokkens)

02-160 THAT THE COUNCIL OF THE CITY OF WELLAND approves that effective in 2022 with the newly elected Council, elected Council Members will serve an equal share as Council representatives on City Sub Committees and Committees of Council.

(Councillor Moote)

20-19 WHEREAS in 1994 the original developer had intended the property municipally known as 113 Michael Drive in the Michael Estate to be dedicated to the City of fulfill their provincially legislated parkland dedication requirements, and
WHEREAS, the land is still designated as Residential in the City's Official Plan and zoned Residential Low Density 1 in the City of Welland's Zoning By-law and
WHEREAS this land has never been redesignated and rezoned as parkland as originally intended, and further
WHEREAS this neighbourhood is underserved in parkland as identified in 2019 Parks and Recreation Master Plan commissioned by the City of Welland.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.

(Councillor McLeod)

20-14 WHEREAS Council's primary function is to best serve the people it represents; and
WHEREAS from time to time Council may be faced with difficult decisions, which may appear to be contrary to its primary function; and
WHEREAS sometimes there can be a better option to achieve a desired result that is more in tune with those that Council represents.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND annual salary of a Councillor be reduced by \$6675 in 2020; and further that the salary of a Councillor increase by \$2225 in 2021, \$2225 in 2022 and \$2225 in 2023.



COUNCIL MEETING AGENDA – Page 4

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(Councillor Speck)

20-24 WHEREAS the composition of Welland's senior management is changing rapidly.

THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to start the Request for Quote (RFQ) to retain an executive search firm to find a suitable replacement for the Chief Administrative Officer; and further

THAT the process is to begin immediately.

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 6th day of October, 2020. Ref. No. 20-1

10. ADJOURNMENT



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Page No.

AGENDA BLOCK

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

Referred from the September 1, 2020 Council Meeting.

1- 16 **CLK-2020-18** Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Updates to the Outstanding Council Resolutions Lists. Ref. No. 02-160

2. COMMITTEE AND STAFF REPORTS

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

2. General Committee Report to Council - Nil

3. Budget Review Committee Report to Council - Nil

4. Staff Reports

17 - 60
Remove From
Block **P&B-2020-46** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Development Engineering, Planning Division, Building Permits and Inspection Services Fee Review - Statutory Public Meeting. Ref. No. 05-120/20-38

61 - 70 **P&B-2020-47** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Temporary Use By-law (File No. 2020-07) submitted by Armstrong Planning and Project Management on behalf of 555 Canal Bank Developments GP Inc. for lands located on the east side of Canal Bank Street, south of Highway 58A, west side of the Welland Shipping Canal, and north of Forks Road, specifically described as Part of Lots 21, 22, 23, Concession 5, former township of Humberstone, Part of the Road Allowance between Lots 22 and



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Page No.

- 23, Concession 5 (Closed), Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 on 59R-15225, City of Welland, municipally known as 475, 555, 635 Canal Bank Street. Ref. No. 20-97 (See By-law 1)
- 71 - 137** **P&B-2020-48** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Redline Revision to Draft Plan of Subdivision (File No. 26T-14-06002), Official Plan Amendment (OPA No. 25) and Zoning By-law Amendment (File No. 2020-01) submitted by Armstrong Planning and Project Management on behalf of 555 Canal Bank Developments GP Inc. for lands on the north side of Forks Road, east of the railway tracks, south of the Townline Tunnel, and west of the Welland Shipping Canal, municipally known as 401 Canal Bank Street. Ref. No. 20-94 (See By-laws 2 & 3)
- 138 - 159** **P&B-2020-49** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Tax Increment Based Rebate Program, City of Welland Niagara Gateway Economic Zone and Centre Community Improvement Plan, 603697 Ontario Limited, 100 Downs Drive. Ref. No. 18-36 (See By-law 4)
- 160 - 238** **P&B-2020-50** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Official Plan Amendment (OPA No. 28) Zoning By-law Amendment (2020-26) 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 (See By-laws 5 & 6)
- 239 - 240** **CAO-2020-04** Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas and Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick and Gen. Mgr., Economic Development, Recreation and Culture, D. Degazio - Human Resources Committee. Ref. No. 16-61
- 241 - 243** **CLK-2020-22** Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - 2021 Council Meeting Calendar. Ref. No. 20-29
- 244 - 246** **CLK-2020-23** Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Integrity Commissioner. Ref. No. 02-160/12-96



COUNCIL MEETING AGENDA INDEX – Page 3

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Page No.

- 247- 249** **TRAF-2020-05** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Parking Permit Request: Lot behind Civic Square. Ref. No. 20-22
- 250 - 252** **TRAF-2020-06** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Update to Traffic and Parking By-law 89-2000. Ref. No. 20-22 (See By-law 7)
- 253 - 256** **R&C-2020-05** Gen. Mgr., Economic Development, Recreation & Culture, D. Degazio and Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Memorial Park Redevelopment Plan Update. Ref. No. 20-19
- 257 - 260** **R&C-2020-06** Gen. Mgr., Economic Development, Recreation & Culture, D. Degazio and Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick and Interim CAO/Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Phase 3 Waterfront Development - Swimming Feature. Ref. No. 99-99

3. NEW BUSINESS

- 261 - 263** 1. Petition signed by residents of Caithness Drive re: Turning an established residential area from single family homes to duplexes. Ref. No. 20-106

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the signed petition from the residents of Caithness Drive regarding turning an established residential area from a single family homes to duplexes; and further THAT Welland City Council refers this petition to Planning staff for review.

- 264 - 265** 2. Monique Finley, Chair, Welland Food Drive re: Welland Food Drive 2020. Ref. No. 20-28

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the written delegation from the Welland Food Drive, regarding the 2020 Welland Food Drive.



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Page No.

4. BY-LAWS

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

1. A Temporary Use By-law to City of Welland Zoning By-law 2017-117 (555 Canal Bank Developments GP Inc. - File 2020-07) 47, 555, 635 Canal Bank Street.
Ref. No. 20-97
(See Report P&B-2020-47)
2. A By-law to amend City of Welland Zoning By-law 2017-117 (555 Canal Bank Developments GP Inc., - File 2020-01) 401 Canal Bank Street. Ref. No. 20-94
(See report P&B-2020-48)
3. A By-law to authorize the adoption of Official Plan Amendment No. 25
Ref. No. 20-94
(See report P&B-2020-48)
4. A By-law to authorize execution of an agreement for Tax Increment Grant Program (Community Improvement Plan) and Rebate of the Site Plan Control Exemption Fee for 100 Downs Drive (File No. CIP 2020-01). Ref. No. 18-36
(See Report P&B-2020-49)
5. A By-law to amend City of Welland Zoning By-law 2017-117 (ROWT Inc. - File 2020-06) 395 and 401 South Pelham Road. Ref. No. 20-93
(See Report P&B-2020-50)
6. A By-law to authorize the adoption of Official Plan Amendment No. 28.
Ref. No. 20-93
(See Report P&B-2020-50)
7. A By-law to amend By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland (Schedule "I" - Municipal/Private Property). Ref. No. 20-22
(See Report TRAF-2020-06)
8. A By-law to authorize the appointment of Cindy Viger as Acting Deputy Clerk of the Corporation of the City of Welland and to repeal By-laws 2020-9, 2019-129, 2018-117, 2017-122, 2017-12, 2012-99, 2010-129, 2007-4, 2006-55, 2002-183.
Ref. No. 20-24
(Appointment of an Acting Deputy Clerk)

COUNCIL
CORPORATE SERVICES – CLERKS DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-18
OCTOBER 6, 2020

02-160

SUBJECT: UPDATES TO THE OUTSTANDING COUNCIL RESOLUTIONS LIST

AUTHOR: TARA STEPHENS, CITY CLERK

**APPROVING G.M.: STEVE ZORBAS, INTERIM CAO/GENERAL MANAGER,
CORPORATE SERVICES, CFO/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.

As directed by Welland City Council on September 1, 2020, updates regarding completed items have been included within this staff report.

"Appendix III" lists completed council resolutions from 2019.

"Appendix IV" lists completed council resolutions as of August 4, 2020.

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 III – Completed Council Resolutions for 2019.

APPENDIX IV – Completed Council Resolutions as of August 4, 2020.

APPENDIX I

Items to be removed from the Outstanding Council Resolution List

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
02-85 16-26	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.	Status: In progress. To Complete:	
99-99	Economic Development	May 3, 2016	Report regarding potential alternatives to expand the use of 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.	Status: In progress. To Complete: R&C-2017-06 - October 4, 2017 was received for information.	
99-99	CAO	April 18, 2017	Staff to undertake a process and develop timelines to dissolve the Welland Recreational Canal Corporation as outlined by legal counsel.	Status: In progress. To Complete:	
17-2	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.	Status: In progress. To Complete: 2nd quarter, 2019.	
04-124/18-4	Corporate Services	February 20, 2018	Report regarding identifying alternative funding sources to adequately address water meter replacement in 2018.	Status: In progress. To Complete:	

APPENDIX I

Items to be removed from the Outstanding Council Resolution List

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
18-14	Corporate Services	February 20, 2018	Staff to review the Councillors Travel and Corporate Business Expense Policy to include costs if Council or a Councillor should require the need to seek a professional legal opinion while performing his or her duties as a councillor.	Status: In progress. To Complete:	
18-20	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.	Status: In progress. To Complete: General Committee May 2018.	
18-73	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.	Status: In progress. To Complete: Working with Regional staff over the next 5 years.	
09-15218-2	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.	Status: In progress. To Complete: 2nd quarter, 2019.	

APPENDIX II

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

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
09-159	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. January 15, 2019 Council meeting: Council approves and recommends that Niagara Regional Council be requested to fund Phase 1 costs of \$4 million for demotion, pier testing and detailed design of the Forks Road Bridge, as recommended by the Budget Review Committee at its meeting of January 14, 2019.	Status: In progress. To Complete: March 19, 2019 - Council approved demolition of Forks Road Bridge. Next steps to be considered in the future.	
19-28	Infrastructure and Development Services Engineering Division	March 5, 2019	Request for a Community Teaching Garden to staff for study and review.	Status: In progress. To Complete:	
19-22	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.	Status: In progress. To Complete:	
99-110	Economic Development	May 7, 2019	Report regarding naming the trails along the waterway.	Status: In progress. To Complete:	
19-75	Corporate Services	May 21, 2019	Report on suitable replacements for paper by becoming paper free by the end of the year 2019.	Status: In progress. To Complete:	

APPENDIX II

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

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
10-123	CAO	July 9, 2019	Report to create a Housing Affordability Task Force for Council.	Status: In progress. To Complete:	
19-28	CAO	July 9, 2019	Report regarding a partnership between all 4 Service Clubs to a General Committee meeting.	Status: In progress. To Complete:	
19-88	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. To Complete:	
99-99	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. To Complete:	
19-103	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. To Complete:	

APPENDIX II

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

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
19-108	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. To Complete:	
19-22	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.	Status: In progress. To Complete:	
19-122	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.	Status: In progress. To Complete:	
08-48	Infrastructure and Development Services Planning Division	February 18, 2020	Refers back to staff a report regarding an Occupancy Standards By-law.	Status: In progress. To Complete:	
19-85	Corporate Services	February 18, 2020	Refers back to staff Report HR-2020-03: Anti-Nepotism Policy.	Status: In progress. To Complete:	
19-94	Infrastructure and Development Services Planning Division	February 18, 2020	Refers back to staff matter regarding the petition from residents from 155 Gadsby Avenue.	Status: In progress. To Complete:	

APPENDIX II

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

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
20-22	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.	Status: In progress. To Complete:	
20-77	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.	Status: In progress. To Complete:	
20-78	Corporate Services	June 16, 2020	Report for the 2022 municipal election that the number of City Councillors be reduced from the current twelve to eight and the number of city wards be increased from the current six to eight and one Councillor be elected to each ward.	Status: In progress. To Complete:	
02-160	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.	Status: To Complete:	
11-108	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.	Status: To Complete:	

APPENDIX II

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

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
99-90 99-90	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>	

APPENDIX III

COMPLETED COUNCIL RESOLUTIONS FOR 2019

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
14-19	Corporate Services	December 16, 2014	Staff to complete a five year business plan for the Welland Arena first, the Welland Community Wellness Complex, the Youngs Sportsplex, the Baseball Stadium and the Welland International Flatwater Centre.	Status: In progress. To Complete: July 2018 Updated Business Plan is underway.	R&C-2018-07 June 26, 2018 Complete
04-92	Infrastructure and Development Services Engineering Division	November 21, 2017	Investigate the removal of a chain linked fence in front of the Welcome to Welland sign on Woodlawn Road.	Status: In progress. To Complete: Regional Road - Region advised they would not remove it.	N/A
18-22	Infrastructure and Development Services Traffic Division	February 20, 2018	Report regarding parking restriction signage at the bottom end of White Avenue to approximately the pathway leading to the housing complex to the first General Committee Meeting in April 2018. Went to the May 15th Council Meeting to defer to staff for a report to a General Committee meeting.	Status: Completed To Complete:	TRAF-2018-11 June 19, 2018 Complete
16-61	Human Resources	March 6, 2018	Policy that addresses the City's staff interaction and customer service with the residents so to provide an environment that is free of discrimination, harassment and intimidation to the next Human Resources Committee meeting.	Status: Completed. To Complete:	September 25, 2018 verbal report by Council Grimaldi

APPENDIX III

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
16-61	Human Resources	March 6, 2018	Policy to post internally and externally all non-union new, replacement or vacant positions.	Status: Completed. To Complete:	September 25, 2018 verbal report by Council Grimaldi
18-55	Infrastructure and Development Services Planning Division	March 6, 2018	Refers Report P&B-2018-09: Application for approval for a condominium conversion - 156 Fitch Street (Prince Court) for a report back to the second Council Meeting in May 2018.	Status: Completed To Complete:	P&B-2018-33 June 26, 2018 Complete
18-56	Infrastructure and Development Services Planning Division	March 6, 2018	Refers Report P&B-2018-10: Application for approval for a condominium conversion - 158 Fitch Street (Princess Manor) for a report back to the second Council Meeting in May 2018.	Status: Completed To Complete:	P&B-2018-34 June 26, 2018 Complete
18-68	Corporate Services	May 8, 2018	Explore the possibilities of building new Pickleball Courts and report back with costs and any funding opportunities through grants.	Status: Completed To Complete:	CAO-2018-08 R&C-2018-08 September 25, 2018 Complete
18-68	Corporate Services	May 8, 2018	Refers the petition to staff for a report back to General Committee regarding new outdoor pickleball courts.	Status: Completed. To Complete:	CAO-2018-08 R&C-2018-08 September 25, 2018 Complete
18-22	Infrastructure and Development Services Traffic Division	June 5, 2018	Report regarding 2 hour free parking on the east side of King Street between Third Street and Fourth Street.	Status: Completed. To Complete:	TRAF-2018-12 June 19, 2018 Complete
18-45	Corporate Services & Human Resources	June 5, 2018	Defers Report FIN-2018-12: Awarding Multi-Year Contract for General Insurance: Municipal Insurance coverage for duration of July 1, 2018 through June 30, 2020 with a one year option to renew to the next Council Meeting.	Status: Completed. To Complete:	FIN-2018-12 June 19, 2018 Complete

11

APPENDIX III

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
99-90	Infrastructure and Development Services Traffic Division	June 19, 2018	Report regarding implementing a pilot sidewalk and parking spot patio program.	Status: Completed. To Complete:	TRAF-2018-19 December 18, 2018 Complete
18-22	Infrastructure and Development Services Traffic Division	June 19, 2018	Report with recommendations for a 2 hour parking restriction between 7:00 a.m. and 5:00 p.m. on the east side of Canal Bank Street between Fourth Street and Fifth Street.	Status: Completed To Complete:	TRAF-2018-15 August 28, 2018 Complete
06-156	Infrastructure and Development Services Traffic Division	July 24, 2018	Refers to staff presentation by Vincent Librock, OWREB certified wildlife custodian/operator of a sanctuary for exotics and pet store regarding the City's exotic animals By-law for a report back to a General Committee meeting.	Status: In progress. To Complete:	TRAF-2018-20 December 18, 2018 Complete
16-109	Infrastructure and Development Services Engineering Division	June 5, 2018	Report WMPSC-C-9-2018: Local Area Municipality Comments on the proposed collection service changes and enhanced collection services for the next collection contract. Staff to provide comment to the Niagara Region Waste Management, Public Works Department.	Status: Completed. To Complete:	ENG-2019-02 February 5, 2019 Complete
17-54	Infrastructure and Development Services Planning Division	March 7, 2017	Prepare a report on the naming of laneway located south of Lincoln Street West, between Prince Charles Drive and King Street leading to the Welland scuba park and swimming dock.	Status: To Complete: unable to be completed, the laneway is not a designated road.	N/A
19-22	Infrastructure and Development Services Traffic Division	June 4, 2019	Create a By-law limiting the number of bird feeders in a municipal yard.	Status: Complete. To Complete:	TRAF-2019-13 September 3, 2019 Complete

APPENDIX III

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
17-19	Infrastructure and Development Services Planning Division	January 16, 2018	Report to Council by the end of May 2018 to investigate a Tree By-law under the Municipal Act 2001 or the Planning Act.	Status: Completed. To Complete:	P&B-2019-23 September 17, 2019 complete
17-76	Legislative Services	September 25, 2018	Staff to review in 3 months Report CLK-2018-16: Update Webcasting for the City of Welland.	Status: In progress. To Complete: September 10, 2019 presentation to General Committee.	Motion Lost at the General Committee Meeting of September 10, 2019.
19-22	Infrastructure and Development Services Traffic Division	March 5, 2019	Staff to explore options to a city-wide remedy for excessive speeding on Welland streets.	Status: Completed. To Complete:	TRAF-2019-14 November 5, 2019 Complete
19-14	Human Resources	April 2, 2019	Establish a committee to review the remuneration of Welland City Council.	Status: Completed. To Complete:	CLK-2019-19 November 5, 2019 Complete
19-19	Corporate Services Recreation and Culture Division	February 5, 2019	10-year Parks, Recreation & Culture Master Plan be submitted to Council for consideration.	Status: Completed. To Complete:	R&C-2019-08 August 6, 2019 Complete

APPENIDIX IV

COMPLETED COUNCIL RESOLUTIONS AS OF AUGUST 4, 2020

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
18-23	Infrastructure and Development Services Traffic Division	January 15, 2019	Review all By-laws and Property Standards as they relate to unoccupied homes. Staff to report back to Council within 120 days.	Status: Completed. To Complete:	P&B-2020-06 Jan. 21/20
19-5	Corporate Services	April 2, 2019	Review and make recommendations to update the Grants & Special Assistance policy and presented to Council before September 2019. Went to the Special Council of October 22, 2019 to be referred to the next Council Meeting.	Status: Completed. To Complete:	FIN-2020-01 Jan. 14/20
19-76	Infrastructure and Development Services Planning Division	May 21, 2019	Report on Climate action plan with the goal of mitigating the City's impact on climate change and preparing for its anticipated effect.	Status: Completed. To Complete:	ENG-2020-09 Feb. 18/20
18-87	Infrastructure and Development Services Planning Division	June 4, 2019	Request a full review of the Zoning By-law requirements as they relate to the Medical Marijuana Purposes Regulations (MMPFs) and to ensure the City policies are in line with current Provincial and Federal Legislation and best practices.	Status: Completed. To Complete:	By-law 2019-162 December 17/19 Completed
19-4	Corporate Services	June 18, 2019	Report on options to apply the 2018 tax supported budget for forecasted surplus.	Status: Completed. To Complete:	FIN-2019-25 Dec. 17/19
05-50	Infrastructure and Development Services Planning Division	July 9, 2019	Appoint an individual from the Planning Division to act as a staff liaison on the City of Welland Heritage Advisory Committee.	Status: Completed. To Complete:	P&B-2020-11 Feb. 18/20

APPENIDIX IV

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
17-19	Infrastructure and Development Services Planning Division	September 17, 2019	Staff to consult with public, agencies and other stakeholders regarding tree preservation.	<u>Status:</u> Completed. <u>To Complete:</u>	P&B-2020-12 Feb. 18/20
99-99	Economic Development	October 1, 2019	Staff to investigate the installation of an inflatable water park similar to others in Ontario and options to be set up for the 2020 summer season at Lincoln Street docks.	<u>Status:</u> Completed. <u>To Complete:</u>	R&C-2020-02 May 5/20
19-27	Corporate Services Clerk's Division	October 22, 2019	Staff to provide a report regarding the Terms of Reference of the Welland Rose Festival Inc.	<u>Status:</u> Completed <u>To Complete:</u>	CLK-2020-04 Feb. 18/20
19-105	Infrastructure and Development Services Planning Division	January 21, 2020	Refers back to staff Report P&B-2020-03: Application for Official Plan Amendment (OPA 22), Zoning by-law Amendment (File No. 2019-02) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-19003), 633 South Pelham Road to report back as soon as possible.	<u>Status:</u> Completed. <u>To Complete:</u>	P&B-2020-08 Feb. 18/20
20-13	Corporate Services	May 19, 2020	Report detailing the staffing and cost savings realized by the temporary transit service reductions; and further THAT this report be included in the Council Meeting scheduled for June 2, 2020.	<u>Status:</u> Completed. <u>To Complete:</u>	TRANS-2020-08 June 2, 2020
20-64	CAO	June 2, 2020	Report on how to temporarily allow outdoor service space and patios for restaurants to maintain social distancing between tables during the reopening phases post pandemic.	<u>Status:</u> Completed. <u>To Complete:</u>	TRAF-2020-03 June 2, 2020

APPENIDIX IV

REF. NO.	REFERRED TO	ORIGINAL NOTIFICATION	SUBJECT	STATUS AND/OR DATE TO COMPLETE	COMPLETION DATE
20-27	Corporate Services	July 7, 2020	Staff to establish a line item in our City's budget to fund our City's Welland Rose Festival; and further THAT this budget allocation be established at the amount of \$90,000 per year and will increase annually at the rate of inflation to the Budget Review Committee.	<u>Status:</u> Completed <u>To Complete:</u>	FIN-2020-17 July 7, 2020

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
BUILDING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT P&B-2020-46
OCTOBER 6, 2020

05-120
20-38

SUBJECT: DEVELOPMENT ENGINEERING, PLANNING DIVISION,
BUILDING PERMITS AND INSPECTION SERVICES FEE
REVIEW – STATUTORY PUBLIC MEETING

AUTHOR: JACK TOSTA, CBCO, CPSO
CHIEF BUILDING OFFICIAL

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report 2020-46 as information.

ORIGIN AND BACKGROUND:

In 2018 operating budget, Council approved the Building Division to undertake a comprehensive building permit and inspection services fee review. As part of that process, the review was expanded to include the Development Engineering and Planning Division fees. The purpose of the review is to ensure conformity with legislation while balancing the City's need to recover service delivery costs and stakeholder interests.

Through the City's Request for Proposal process, staff retained Watson Associates Economists in Q1 2019 to undertake the comprehensive review of Development Engineering, Planning Division, Building Permits and Inspection Services fees. The review by Watson Associates began in Q2 2019 and was recently completed, resulting in recommendations based on the findings discovered throughout the review process.

As part of the process, staff held two separate stakeholder engagement sessions providing opportunities for input and feedback on the details of the study. The first session was held in February of 2020 which consisted of a high-level description of the purpose and intent of the study. The second stakeholder session was held on September 3, 2020, which provided information on the findings and recommendations for fee adjustment.

The purpose of the statutory public meeting is to provide industry stakeholders, the public, and Council with an overview of the review exercise including methodology and recommendations to solicit feedback.

COMMENTS AND ANALYSIS:

Section 7 of the *Building Code Act* allows municipalities to pass by-laws requiring payment of fees for application and issuance of building permits. The fees must not exceed the anticipated reasonable cost of administration and enforcement (including direct and indirect costs). The *Act* also allows for a creation of *Building Code Act* reserve funds to accommodate economic fluctuations.

Current Service Delivery Model

The Building Division is responsible for the intake, plan review, issuance of building permits, and undertaking inspections in accordance with the Ontario Building Code. In 2014 BMA report identified that the Building Division was operating in an annual deficit cycle and that opportunities such as full cost recovery was not being realized. In response, staff have been implementing a 5% per year fee increase to bridge the gap between the deficit and cost recovery. To date, this approach has been effective however further review was necessary to ensure that this approach was undertaken in a manner that is not contrary to the *Building Code Act*.

Costs of Administration

The costs of administering the Building Division include several key expenditures that are considered to be fixed costs that cannot be adjusted, such as salaries and benefits. Furthermore, the response to service demand is legislated by the Building Code and dictates the staffing levels that must be maintained in order to conform to mandatory timeframes for service delivery. Funding for staffing levels is derived from permit fees which are related to the direct costs of the operating budget.

Building Code Act Compliance

The Ontario Building Code sets out the legislated process to increase building permit fees. This process requires the municipality to hold a public meeting, issue a 21 day notice, provide an estimate of the costs of administering and enforcing the *Ontario Building Code Act*, indicate the amount of the proposed fee or the changes to the existing fee schedule, and to include the rationale for imposing or changing a fee.

The Building Code allows for the creation of a reserve fund to offset year to year fluctuations in the local economy. The creation and maintenance of a reserve fund will also provide certainty in the annual operating budget.

FINANCIAL CONSIDERATION:

The financial considerations will be presented at a future recommendation report to Council, currently targeted for Q4 2020.

OTHER DEPARTMENT IMPLICATIONS:

The comprehensive fee review process includes the Building, Planning, and Development Engineering divisions of the Development and Infrastructure Department.

SUMMARY AND CONCLUSION:

In the 2018 operating budget, staff proposed a comprehensive building permit and inspection services fee review to increase revenues. The purpose of this initiative is to ensure legislative conformity, provide for reasonable cost recovery, maintain financial sustainability without negatively impacting the tax base, reflect industry best practices, and recommend fee structure improvements. This approach will help to establish a long-term cost recovery model and set a reserve fund policy. Watson Associates have been retained to undertake this work, including stakeholder engagement. Staff will deliver a recommendation report, updated Building By-law, and 2021 Rates and Fees By-law for Council's consideration in Q4 2020.

ATTACHMENTS:

Appendix I - Watson Associates presentation



Development Engineering, Planning Division, Building Permits and Inspection Services Fee Review

Stakeholder Consultation

City of Welland

September 3, 2020

Introduction



- The City of Welland (City) has retained Watson & Associates Economists Ltd. (Watson) to undertake a comprehensive review of fee structures for Development Engineering, Planning Division, and Building Permit and Inspection Services
- The review is being undertaken with regard for:
 - Conformity with legislation and defensibility
 - Balancing the City's need to maximize cost recovery with stakeholder interests, affordability and competitiveness
 - Industry best practices

Agenda



1. Legislative Context
2. Methodology
3. Findings
4. Proposed Fees
5. Development Impact Survey
6. Next Steps
7. Q&A/Discussion

Legislative Context

Legislative Context and Trends

Building Permit Fees



- Building Permit Fees are governed by the *Building Code Act, s. 7*
 - Allows municipalities to pass a by-law requiring the payment of fees on applications for and issuance of building permits
 - The fees must not exceed the anticipated reasonable costs of administration and enforcement (including direct and indirect costs)
 - Allows for the creation of *Building Code Act* reserve funds
 - Reporting and public process requirements

Legislative Context and Trends

Planning Application Fees



- Governed by s.69 of the *Planning Act*
 - Recovery of anticipated costs of processing by type of application
 - No public process required in setting fees
 - Fees may be paid under protest and appealed to the Local Planning Appeal Tribunal (LPAT)
 - LPAT decision suggests fee structures should recognize marginal costs attributes of planning application processes
 - Municipalities continue to develop fee structure in response and to improve cost recovery levels

Legislative Context and Trends

Engineering and Other Fees



- *Municipal Act*, s. 391 governs fees and charges for all other services (e.g. engineering fees)
 - Fees and charges may be imposed by a municipality or local board on persons for:
 - Services or activities provided by or on its behalf;
 - Costs payable for services/activities or by other municipalities/boards; and
 - Use of municipal property.
 - Fees may include costs related to administration, enforcement, and capital

Methodology

Full Cost Definition



- Full cost recovery activity-based costing definitions:
 - **Direct costs** – operating and capital asset replacement costs (e.g. share of City Hall and City vehicles) associated with individuals directly participating in the service delivery activities.
 - **Indirect costs** – operating costs associated with individuals supporting direct service departments. Includes support functions (e.g. HR, IT, facility maintenance) and corporate support functions (e.g. City Manager/CAO, Mayor & Council, Finance, and Legal)

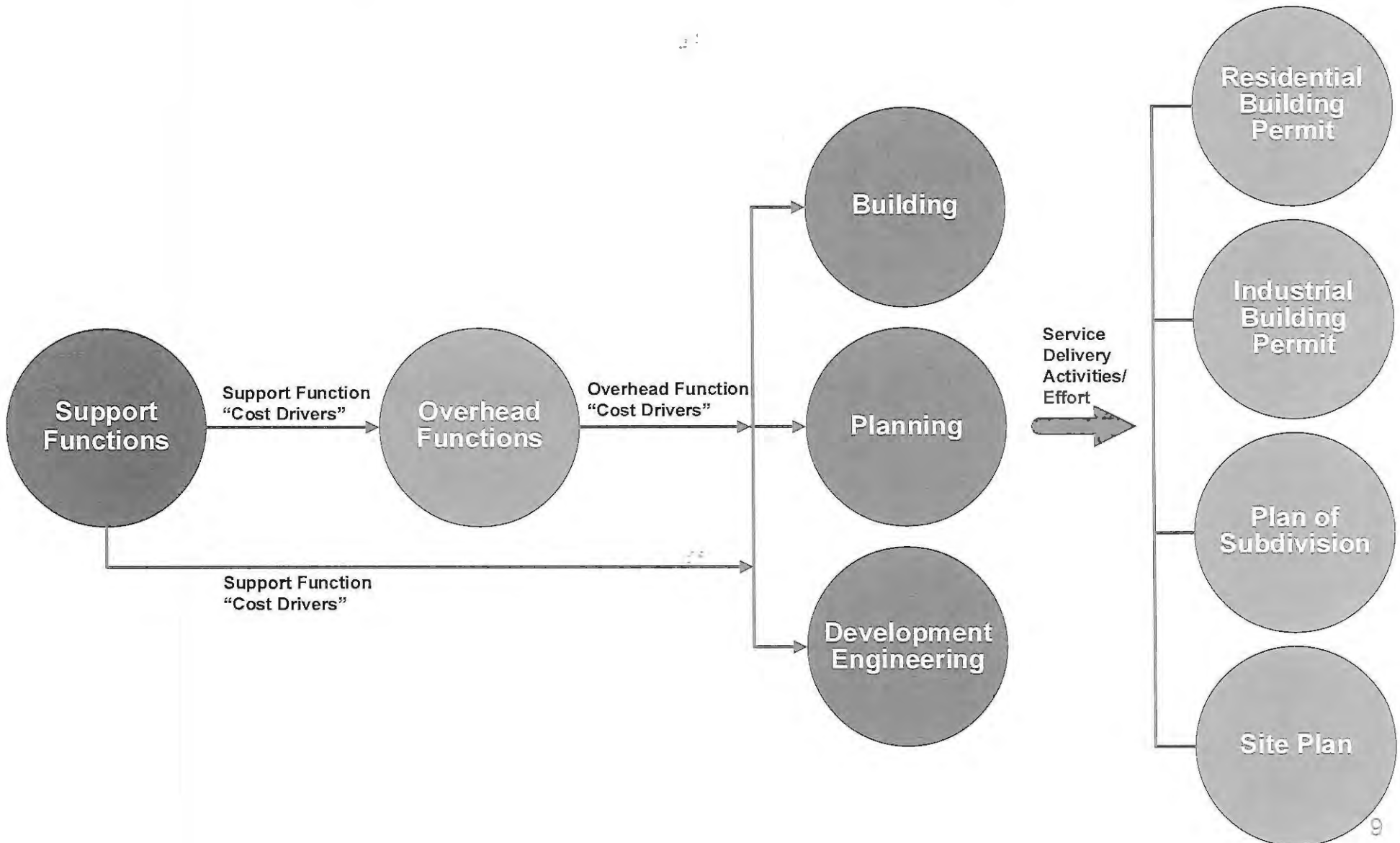
Activity-Based Costing Methodology



Indirect Costs

Direct Costs

User Fee Costing Categories

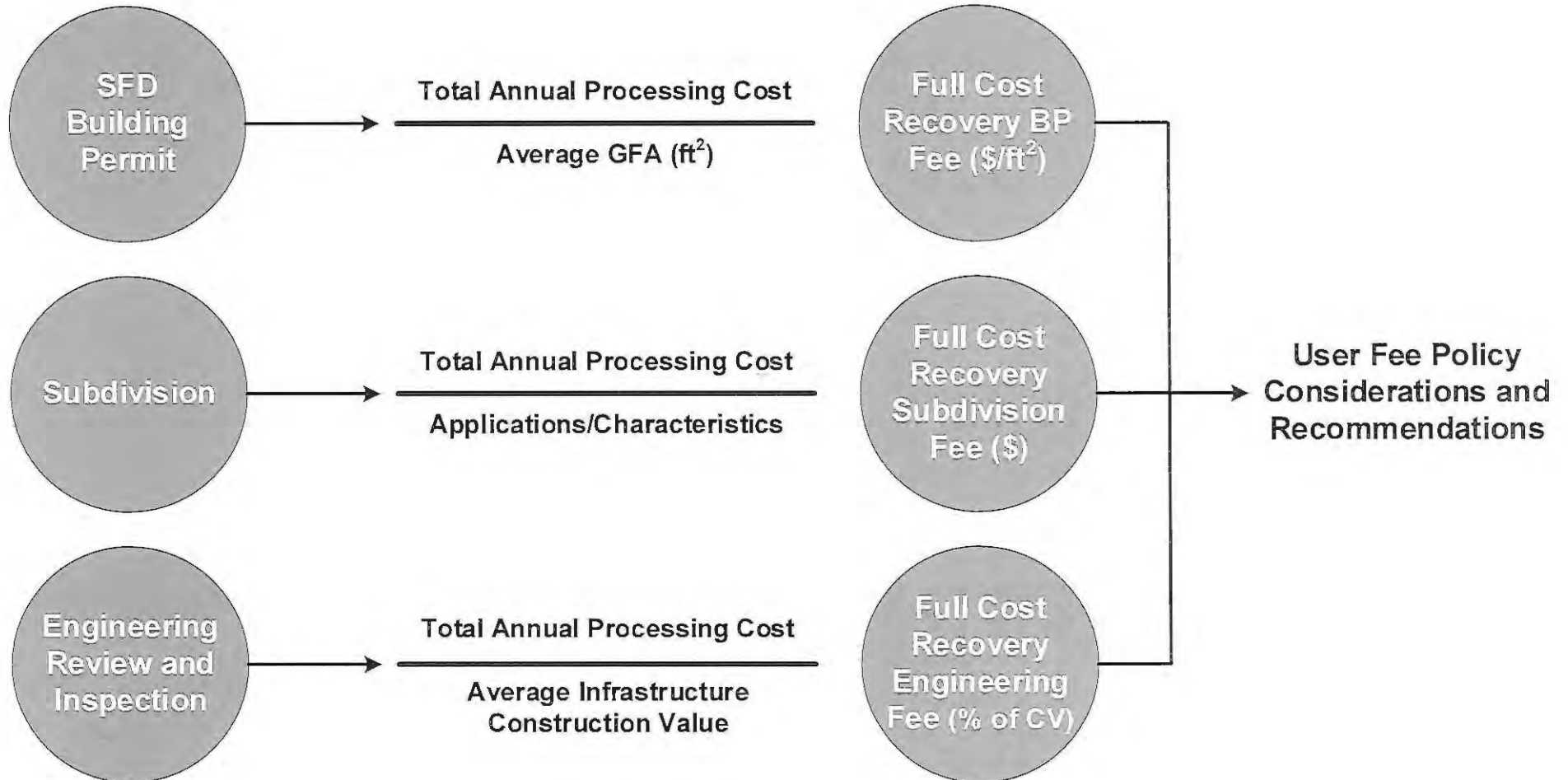


Fee Structure Design



USER FEE COSTING CATEGORIES

CHARGING CHARACTERISTICS



Building Code Stabilization Reserve Fund

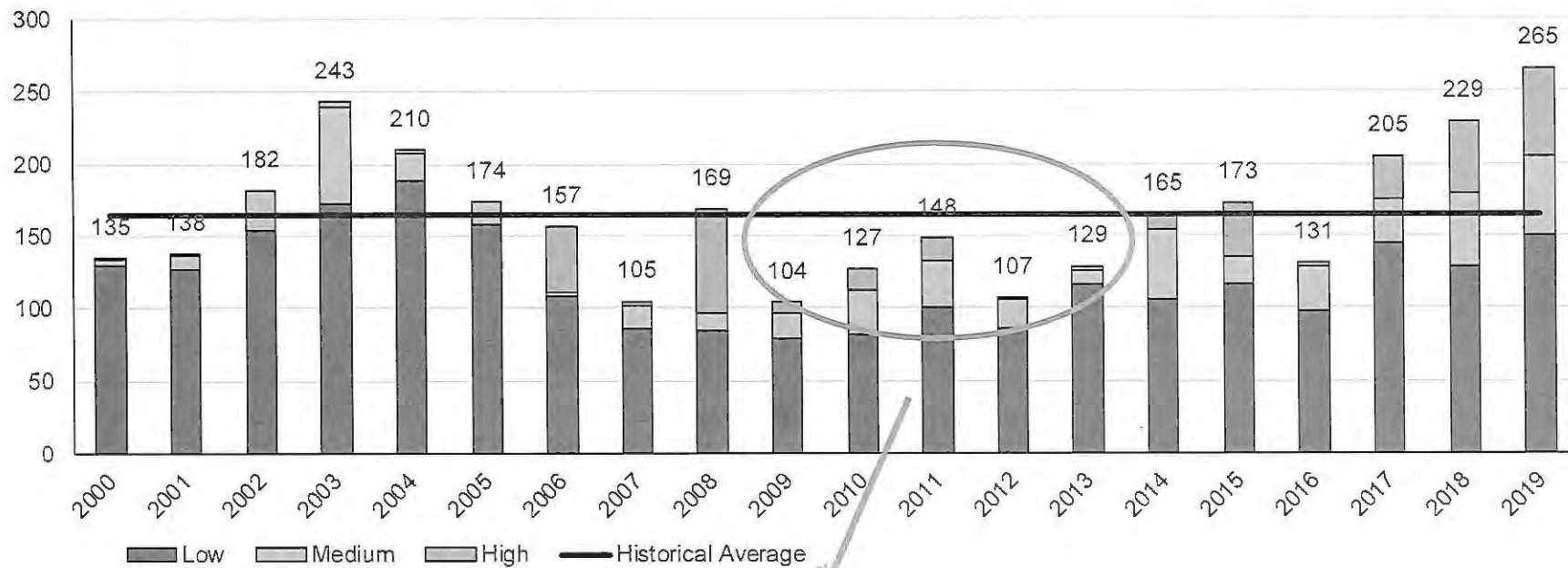


- Building Code Act regulations allow for the creation of a Reserve Fund to manage Building Code responsibilities
 - Intended to cover periods of reduced building permit activity
 - Municipalities often set desired Reserve Fund balance based on a target multiple of annual direct costs
 - Target multiple is often based on most recent major decline in building permit activity relative to long-term averages

Building Code Stabilization Reserve Fund Example – Setting of Reserve Fund Target



Sample Building Permit Activity (New Residential Construction), 2000-2019



Building Permit Reserve Fund Target

Permits Lost Over 2009-2013 Period	209
Multiple of Average Annual Permit Volume	1.27

Costing Categories

Building



- Group A New/ Addition
- Group B New/ Addition
- Group C SFD/ Semi/ Town New/ Addition
- Group C Multi-Res New/ Addition
- Group C Prefabricated Home New/ Addition
- Group C Accessory Dwelling
- Group D/ E New/ Addition (Finished)
- Group D/ E New/ Addition (Shell)
- Group F New/ Addition (Finished)
- Group F New/ Addition (Shell)
- Farm/ Greenhouse
- Tent/ Temporary Structure
- Minor Residential
- Residential Alterations
- Non-Residential Alterations
- Fire Code Retrofit
- Underpinning Foundations
- Internal Fixtures

Costing Categories

Building (cont.)



- Site Servicing
- Life Safety Systems
- Mechanical/ HVAC
- Retaining Walls/ Pedestrian Bridges/ Crane Runways
- Energy Generating Structures
- Demolition
- Conditional Permit
- Alternative Solution
- Change of Use
- Septic System (Class 4 New)
- Septic System (Class 4 Repair)
- Septic System (Non-Class 4 Repair)
- Occupancy Permit
- Permit Transfer

Costing Categories

Planning



- Official Plan Amendment
- Zoning By-law Amendment
- Removal of Holding Symbol
- Site Plan Control Application
- Site Plan Exemption
- Subdivision
- Extension to Draft Plan Approval
- Condominium
- Part Lot Control
- Development Agreement
- Front-Ending Agreement
- Certificate of Compliance
- Minor Variance
- Consent/Severance
- Change of Address

Costing Categories

Development Engineering and Pre-consultation Meeting



- Development Engineering
 - Engineering Works Site Plan
 - Engineering Works Subdivision
- Pre-consultation Meetings

Findings

Capacity Utilization



- At current staffing levels and average annual volume of activity:
 - Planning department is utilized 26% in processing planning applications
 - Building department is utilized 92% in processing building permits

38

Department	FTEs in Model	Planning Applications		Pre-Consultation Meetings		Dev. Engineering Applications		Building Permits		Total	
		Utilized Capacity	Utilized FTEs	Utilized Capacity	Utilized FTEs	Utilized Capacity	Utilized FTEs	Utilized Capacity	Utilized FTEs	Utilized Capacity	Utilized FTEs
Building & Licensing	7.75	1%	0.08	1%	0.09	0%	-	92%	7.11	94%	7.28
Planning & Development	7.25	26%	1.87	2%	0.16	0%	-	0%	-	28%	2.03
Engineering	19.00	0%	-	1%	0.14	3%	0.57	0%	-	4%	0.71
Fire	1.00	0%	-	3%	0.03	0%	-	21%	0.21	24%	0.24
Legal	1.00	4%	0.04	0%	-	0%	-	1%	0.01	5%	0.05
Traffic/Parking/By-law	1.00	0%	-	3%	0.03	0%	-	0%	-	3%	0.03
Public Works	1.00	0%	-	3%	0.03	0%	-	0%	-	3%	0.03
Transit	1.00	0%	-	3%	0.03	0%	-	0%	-	3%	0.03
Information Services	1.00	0%	-	0%	-	0%	0.00	0%	-	0%	0.00
Total	40.00		1.99		0.50		0.58		7.33		10.39

Cost Recovery Analysis Planning



- Current planning application fees provide 42% cost recovery
- Proposed fees would increase cost recovery level to 87%

Cost Component	
Direct Costs (SW&B) ^A	\$ 208,335
Direct Costs (non-SW&B) ^A	\$ 129,384
Total Direct Costs	\$ 337,719
Indirect Costs	\$ 185,086
Total Direct and Indirect Costs	\$ 522,804
Capital Replacement Cost	\$ 19,278
Grand Total Costs	\$ 542,082
Indirect Costs as % of Total	34%
Average Annual Revenue	\$ 227,013
Cost Recovery Level (total costs)	42%

^A "SW&B" = Salaries, Wages and Benefits



Cost Recovery Analysis

Pre-consultation Process

- No cost recovery for the pre-consultation process currently
- Recommendation is for the City to maintain the current approach

Cost Component	
Direct Costs (SW&B) ^A	\$ 61,653
Direct Costs (non-SW&B) ^A	\$ 17,641
Total Direct Costs	\$ 79,294
Indirect Costs	\$ 24,223
Total Direct and Indirect Costs	\$ 103,516
Capital Replacement Cost	\$ 3,156
Grand Total Costs	\$ 106,672
Indirect Costs as % of Total	23%
Average Annual Revenue	\$ -
Cost Recovery Level (total costs)	0%

^A "SW&B" = Salaries, Wages and Benefits

Cost Recovery Analysis Building



- Current building permit fees provide 102% cost recovery
- The City does not currently have an established stabilization reserve fund for Building services
 - Accounting for the annual reserve fund contribution, the cost recovery level is 91%
- Proposed fees would increase cost recovery level to 100%

Cost Component	
Direct Costs (SW&B) ^A	\$ 700,990
Direct Costs (non-SW&B) ^A	\$ 64,599
Total Direct Costs	\$ 765,588
Indirect Costs	\$ 167,245
Total Direct and Indirect Costs	\$ 932,833
Capital Replacement Cost	\$ 79,580
Grand Total Costs	\$ 1,012,413
Indirect Costs as % of Total	17%
Average Annual Revenue	\$ 1,032,239
Cost Recovery Level (total costs)	102%
Annual Reserve Fund Contribution	\$ 126,244
Grand Total Costs (incl. RF contribution)	\$ 1,138,657
Cost Recovery Level (total costs)	91%

^A "SW&B" = Salaries, Wages and Benefits

Cost Recovery Analysis Engineering



- Current planning application fees provide 103% cost recovery
 - While Subdivision fees recover 106% of costs, Site Plan fees only recover 36% of costs
- Proposed fees would increase cost recovery level to 106%
 - Subdivision fees remain at current levels and Site Plan fees are increased to full cost recovery levels

Cost Component	
Direct Costs (SW&B) ^A	\$ 60,430
Direct Costs (non-SW&B) ^A	\$ 5,652
Total Direct Costs	\$ 66,082
Indirect Costs	\$ 19,227
Total Direct and Indirect Costs	\$ 85,309
Capital Replacement Cost	\$ 2,574
Grand Total Costs	\$ 87,883
Indirect Costs as % of Total	22%
Average Annual Revenue	\$ 90,650
Cost Recovery Level (total costs)	103%

^A "SW&B" = Salaries, Wages and Benefits

Proposed Fees

Current vs Proposed Fees

Planning Applications



Description	Current Fee	Proposed Fee
Official Plan Amendment	\$ 3,460	\$ 8,585
Zoning By-law Amendment	\$ 3,460	\$ 8,585
Concurrent Official Plan and Zoning By-law Amendment	\$ 5,087	\$ 12,623
Removal of Holding Symbol	\$ 884	\$ 1,537
Temporary Use By-law	\$ 3,460	\$ 8,585
Site Plan Control Application (including preparation and registration of Agreement)	\$ 2,401	\$ 8,192
Site Plan Exemption	\$ 768	\$ 4,688
Minor Change to Site Plan Agreement	\$ 1,225	\$ 7,478
Site Plan Resubmission (3 or More)		\$ 1,500
Processing of Subdivision Application/Development Agreements (including preparation and registration of Agreement)	\$ 7,343	\$ 14,256
each Phase over one	\$ 1,343	\$ 2,607
per Lot or Block excluding 0.3 metre reserves	\$ 61	\$ 117
Subdivision Fee for each Plan Registration greater than 1 dealing with the same Draft Plan	\$ 2,637	\$ 5,120
Modification to Draft Plan Conditions Involving Circulation	\$ 1,696	\$ 1,836
Extension to Draft Plan Approval	\$ 2,653	\$ 2,873
plus per lot or block	\$ 107	\$ 116
Processing of Short Form Subdivision Agreement	\$ 1,072	\$ 2,081

Current vs Proposed Fees

Planning Applications (cont.)



Description	Current Fee	Proposed Fee
Processing of Condominium Application/Exemption Request (including preparation and registration of Agreement)	\$ 7,344	\$ 15,111
Processing Part Lot Control By-law (including registration)	\$ 883	\$ 2,604
Processing Servicing/Development Agreement (including preparation and registration of Agreement)	\$ 2,048	\$ 8,420
Processing Front-Ending Agreement (including preparation and registration of Agreement)	\$ 2,048	\$ 8,451
Certificates of Compliance	\$ 156	\$ 324
Minor Variance/Change of Use Application	\$ 1,108	\$ 750
Consent to Sever / Validation of Title	\$ 1,460	\$ 3,348
Concurrent Minor Variance and Consent	\$ 1,931	\$ 3,082
Rescheduling of Consent or Minor Variance Application	\$ 754	\$ 1,729
Change of Conditions for Consent	\$ 560	\$ 1,284
Change of Address Requests	\$ 201	\$ 417
Written Information Letter	\$ 119	\$ 247

Current vs Proposed Fees

Building Permits



Description	Charging Parameter	Current Fee	Proposed Charging Parameter	Proposed Fee
Minimum Permit Fee	Flat	\$ 144	Flat	\$ 164
A. CONSTRUCTION - NEW BUILDINGS, ADDITIONS, ALTERATIONS				
Group A (Assembly Occupancies)				
New & Additions	\$/ft ²	\$ 1.91	\$/ft ²	\$ 2.07
Alterations/Renovations	\$/ft ²	\$ 0.50	\$/ft ²	\$ 0.63
Group B (Detention, Care and Treatment, and Care Occupancies)				
New & Additions	\$/ft ²	\$ 2.22	\$/ft ²	\$ 2.22
Alterations/Renovations	\$/ft ²	\$ 0.50	\$/ft ²	\$ 0.63
Group C (Residential Occupancies)				
New & Additions				
Detached, Semi-Detached, Townhouse, and Rowhouse	\$/ft ²	\$ 1.45	\$/ft ²	\$ 1.45
Multi-Unit, Apartments, Hotels, and Other	\$/ft ²	\$ 1.18	\$/ft ²	\$ 1.29
Alterations/Renovations	\$/ft ²	\$ 0.34	\$/ft ²	\$ 0.63
Accessory Dwelling Unit	\$/ft ²	\$ 0.20	\$/ft ²	\$ 0.41
Garage, Deck, Shed, & Sunroom	\$/ft ²	\$ 0.50	Flat	\$ 164
Group D/E (Business, Personal Services, and Mercantile Occupancies)				
New & Additions				
Finished	\$/ft ²	\$ 1.53	\$/ft ²	\$ 1.90
Shell	\$/ft ²		\$/ft ²	\$ 1.38
Alterations/Renovations	\$/ft ²	\$ 0.50	\$/ft ²	\$ 0.63
Group F (Industrial Occupancies)				
New & Additions				
Finished	\$/ft ²	\$ 0.92	\$/ft ²	\$ 1.65
Shell	\$/ft ²	\$ 0.50	\$/ft ²	\$ 0.50
Alterations/Renovations	\$/ft ²	\$ 0.50	\$/ft ²	\$ 0.63

Current vs Proposed Fees

Building Permits (cont.)



Description	Charging Parameter	Current Fee	Proposed Charging Parameter	Proposed Fee
Miscellaneous (Other)				
Designated Structures				
Retaining Walls	\$/linear ft	\$ 2.50	\$/linear ft	\$ 10.00
All Other Designated Structures	Flat	\$ 144	Flat	\$ 921
Farm Building/Accessory Building/Greenhouse	\$/ft ²	\$ 0.24	\$/ft ²	\$ 0.55
Public Pool	Flat	\$ 493	Flat	\$ 493
Roof	\$/ft ²	\$ 0.10	\$/ft ²	\$ 0.10
Shoring and/or Building Excavation			\$/linear ft	\$ 10.00
Underpinning Existing Foundation			\$/linear ft	\$ 10.00
B. STAND ALONE & MISCELLANEOUS WORK				
Tents/Temporary	\$/ft ²	\$ 0.10	Flat	\$ 255
Demolition				
One-family Dwelling/Building <3,000 ft ² GFA	Flat	\$ 144	Flat	\$ 245
Other Demolitions	\$/ft ²	\$ 0.05	\$/ft ²	\$ 0.14
C. LIFE SAFETY SYSTEMS				
Electromagnetic Locking Device			Per Item	\$ 336
Commercial Kitchen Exhaust Hood, Dust Collectors, Fire Alarm, Spray Booth, Sprinkler System, or Standpipe & Hose System			Flat (incl. 4 devices) + \$/device greater than 4	\$ 1,341 + \$ 336 (> 4)
D. MECHANICAL				
New/Alterations to HVAC Standalone				
House	Flat	\$ 144	Flat	\$ 255
Other than House	\$/ft ²	\$ 0.08	\$/ft ²	\$ 0.14
E. PLUMBING				
Site Servicing/Private Water Lines			\$/linear ft	\$ 2.42
Plumbing Fixtures (incl. Backflow Prevention Devices and Backwater Valves)	\$/fixture	\$ 9.79	\$/fixture	\$ 15.50

Current vs Proposed Fees

Building Permits (cont.)



Description	Charging Parameter	Current Fee	Proposed Charging Parameter	Proposed Fee
F. ON-SITE SEWAGE SYSTEM				
Construction of a Septic System				
Class 4	Flat	\$ 1,150	Flat	\$ 958
Other than Class 4	Flat	\$ 690	Flat	\$ 864
G. OTHER FEES				
Certified Model Home Service	Flat	\$ 144	Flat	\$ 400
Fast Track Service In addition to the regular permit fee payable for the entire project.		\$365 + \$99/hr	Flat + \$/hr over 4 Hours	\$ 492 + \$ 123/hr
Alternative Solution Application			Flat + \$/hr over 4 Hours	\$ 500 + \$ 123/hr
Change of Use Permit	Flat	\$ 144	Flat	\$ 255
Transfer of permit	Flat	\$ 144	Flat	\$ 255
Occupancy Permit (of unfinished building)	Flat + Time	\$144 + \$99/hr	Flat	\$ 260
Partial Permits/Staged Construction				
Foundation Stage including Underground Site Services	Flat + Appl. Fee %	\$ 378 + 16%	Flat + Appl. Fee %	\$ 348 + 25% of applicable fee
Superstructure				
Interior Finishing				
Completion				
Conditional Permit	Flat	\$ 752	Flat	\$ 1,159
Amendment to Conditional Permit Agreement			Flat	\$ 348
H. SIGNS				
Ground Signs exceeding 7.5 Min Height			\$/ft ²	\$ 0.98
Projecting Sign weighing more than 115 kg				
Projecting Sign attached to a parapet				

Current vs Proposed Fees

Development Engineering

Description	Charging Parameter	Current Fee	Proposed Fee
Site Plan	% of C.V.	0.5%	1.4%
Subdivision			
Cost of Works - Less Than \$100,000	% of C.V.	4.0%	4.0%
Cost of Works - \$100,000 - \$500,000	% of C.V.	3.5%	3.5%
Cost of Works - More Than \$500,000	% of C.V.	3.0%	3.0%

Development Impact Survey

Comparison of Development Cost Impacts



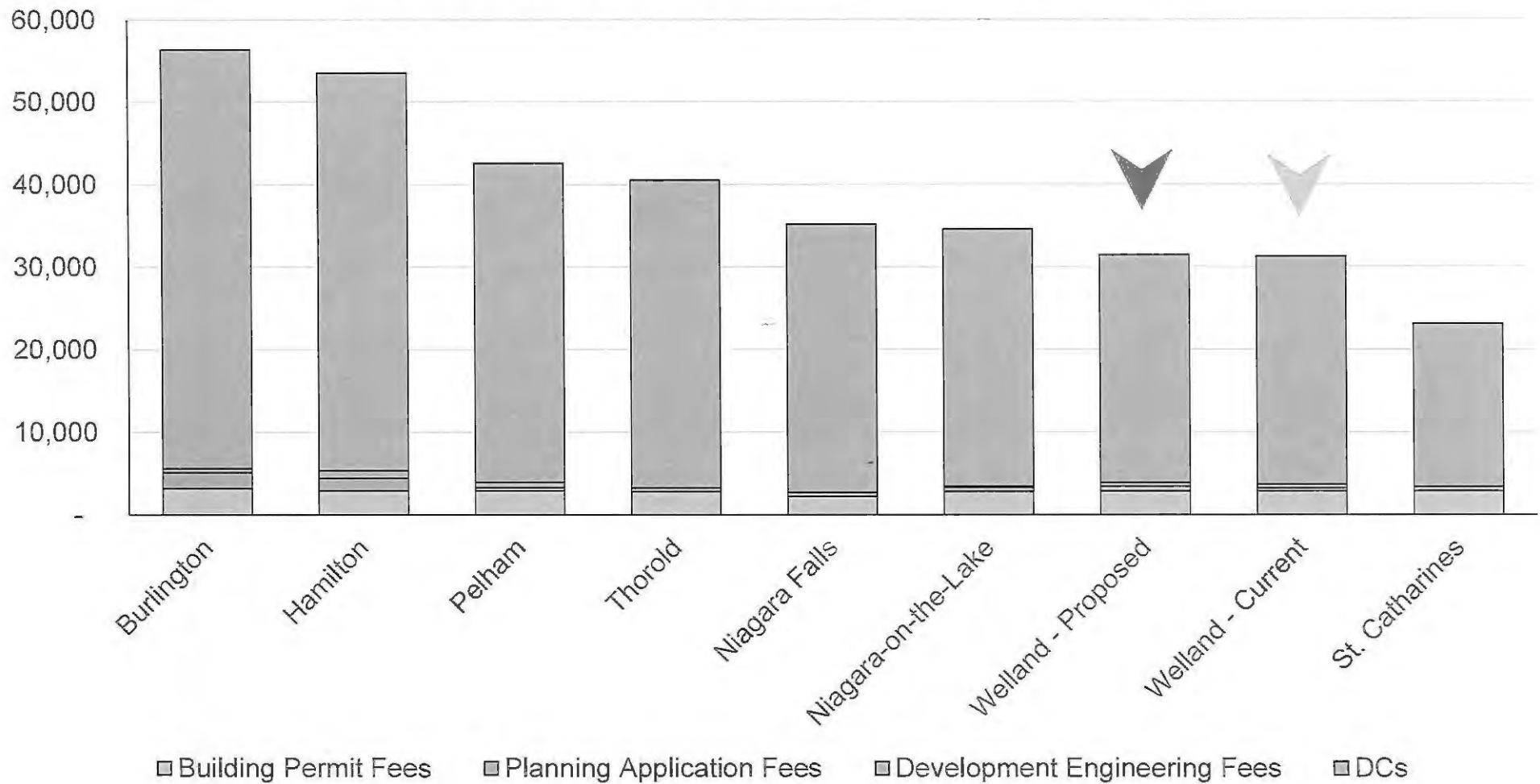
- Development cost impact comparisons were prepared for the following application scenarios:
 - Residential Subdivision Development
 - Residential Townhouse Development
 - Multi-Residential Condominium Development
 - Residential Deck Development
 - Retail Development
 - Industrial Development

Development Impact Survey

Residential Single-Family Home Subdivision



Residential Subdivision Development - Average Cost per Unit
 (100 SFD's, 186 m² GFA each, \$ 1,550,000 cost of works)



52

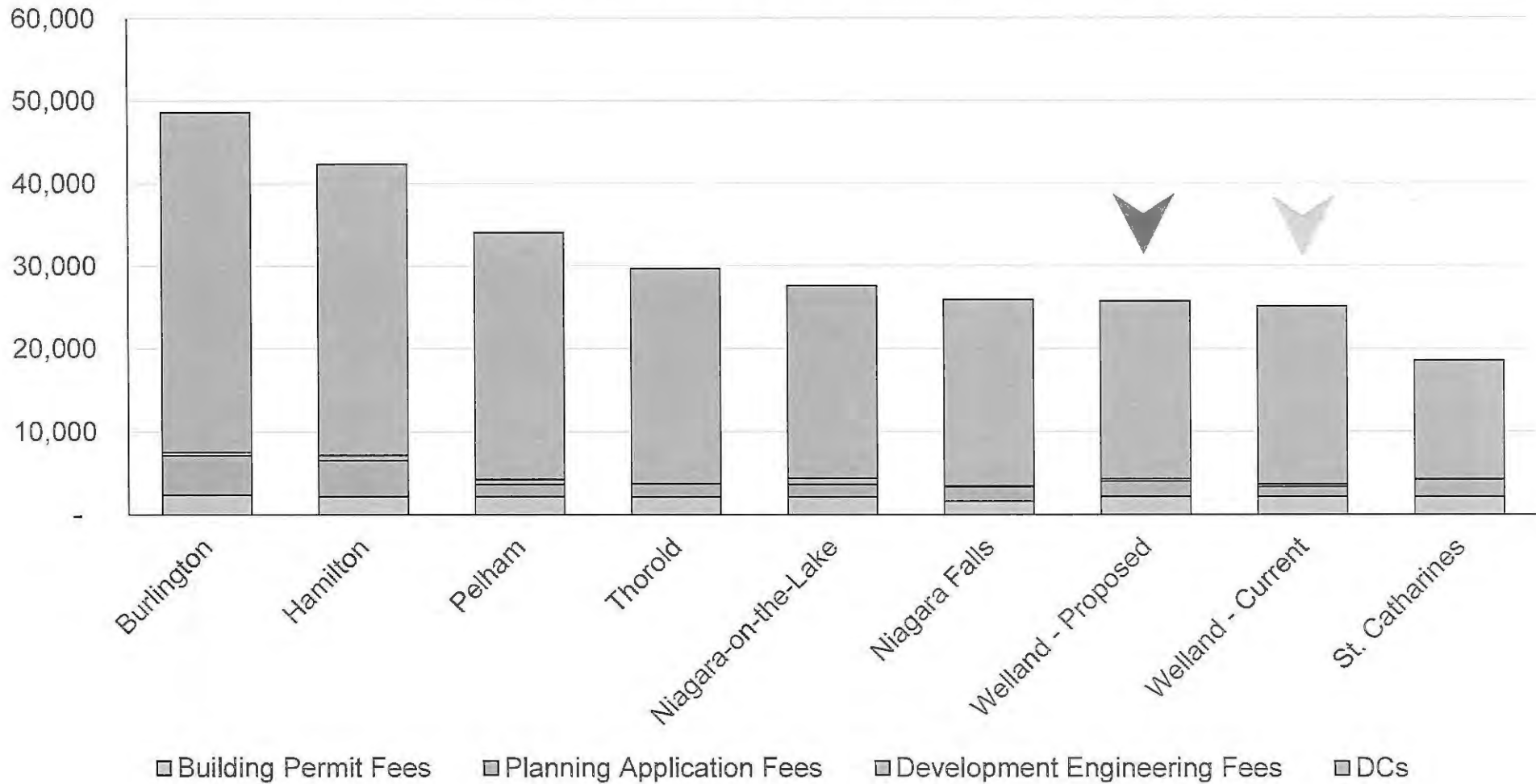
Planning Applications include Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision.

Development Impact Survey

Residential Townhome Subdivision



Residential Townhome Development - Average Cost per Unit
 (25 Townhomes, 139 m² GFA each, \$ 200,000 cost of works)

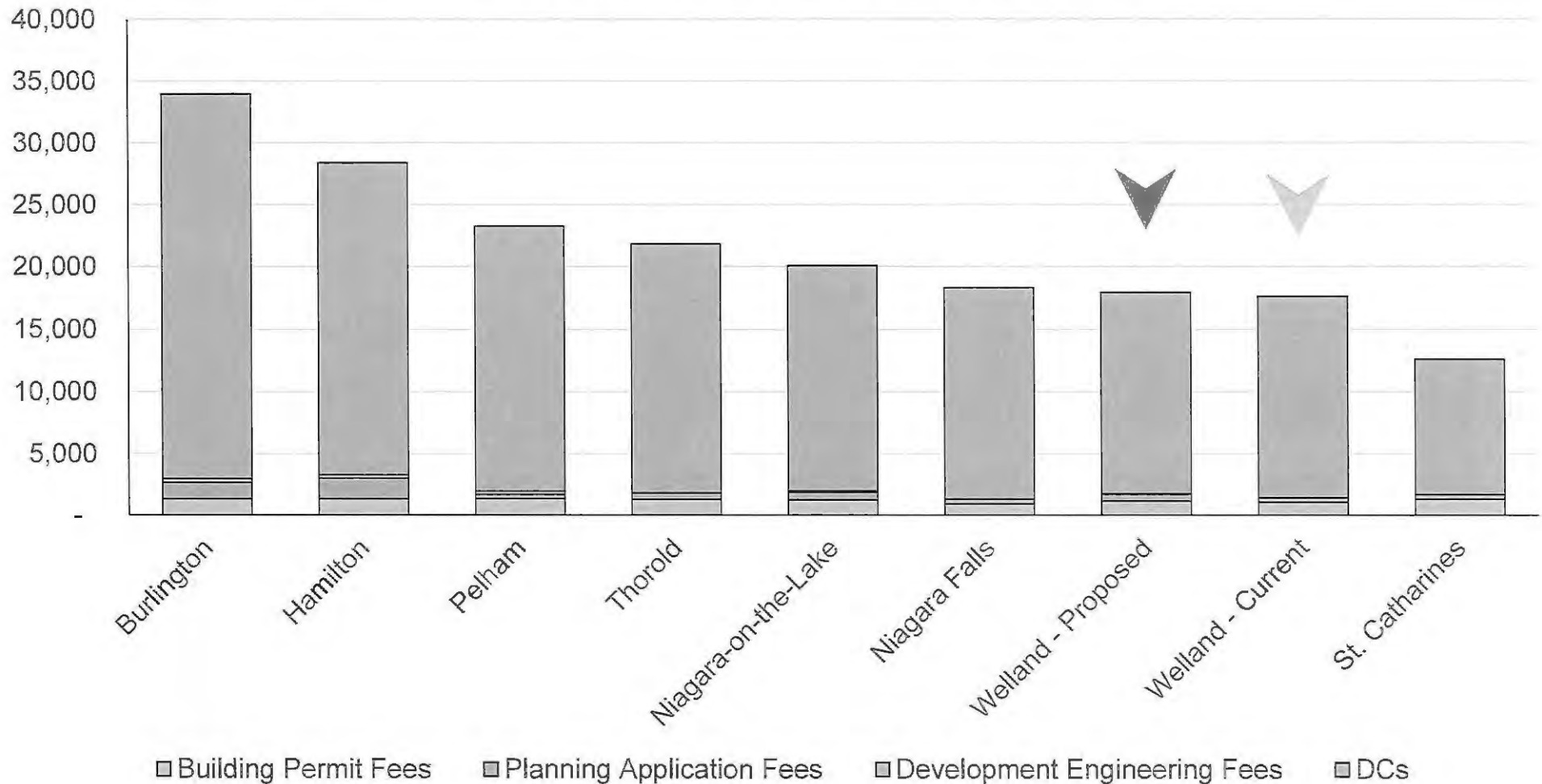


Development Impact Survey

Residential Condominium Development



Residential Condominium Development - Average Cost per Unit
 (100 Units, 84 m² GFA each, \$ 410,000 cost of works)



54

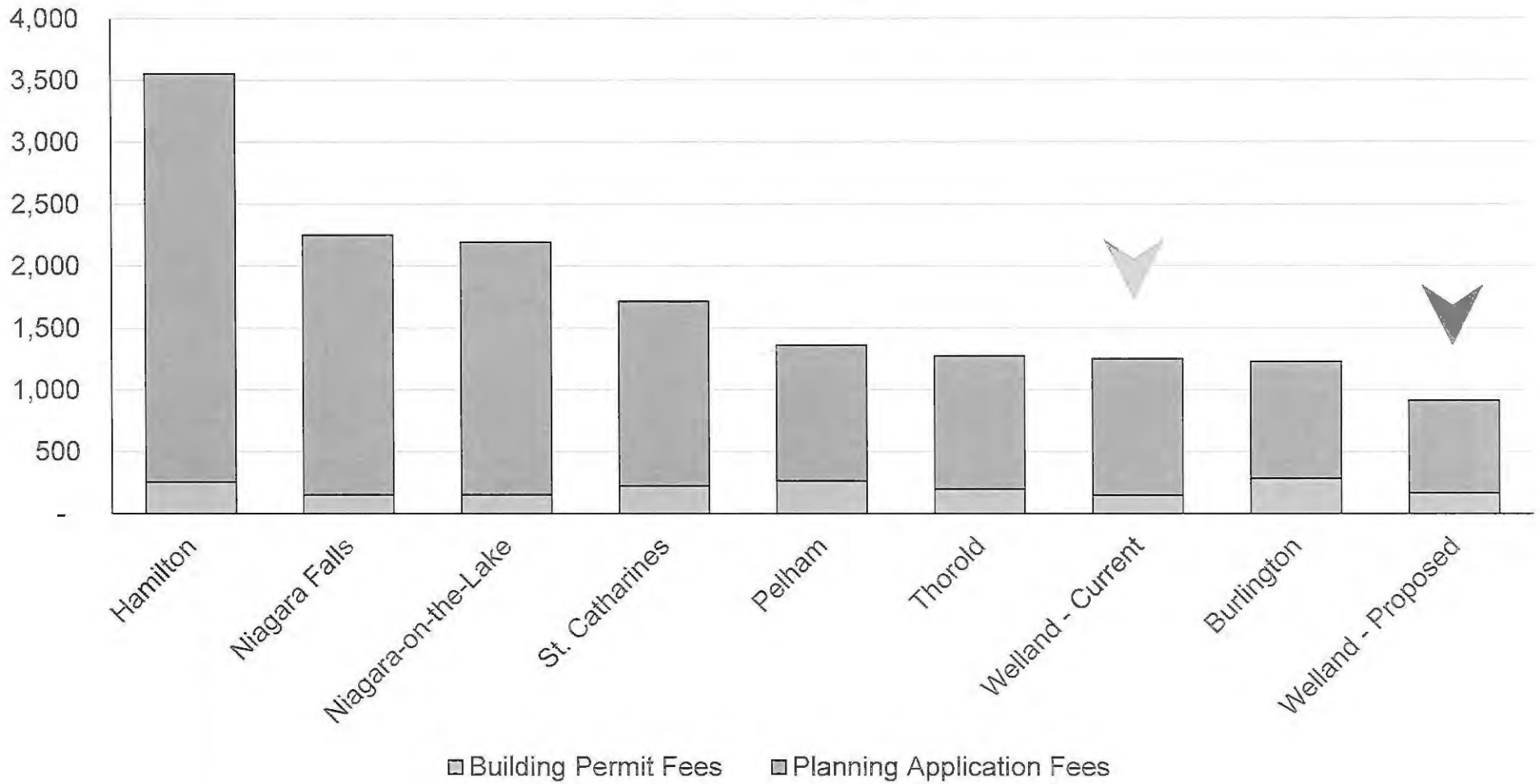
Planning Applications include Official Plan Amendment, Zoning By-law Amendment, Site Plan, and Plan of Condominium.

Development Impact Survey

Residential Deck Application



Deck Application
(150 ft² GFA)



55

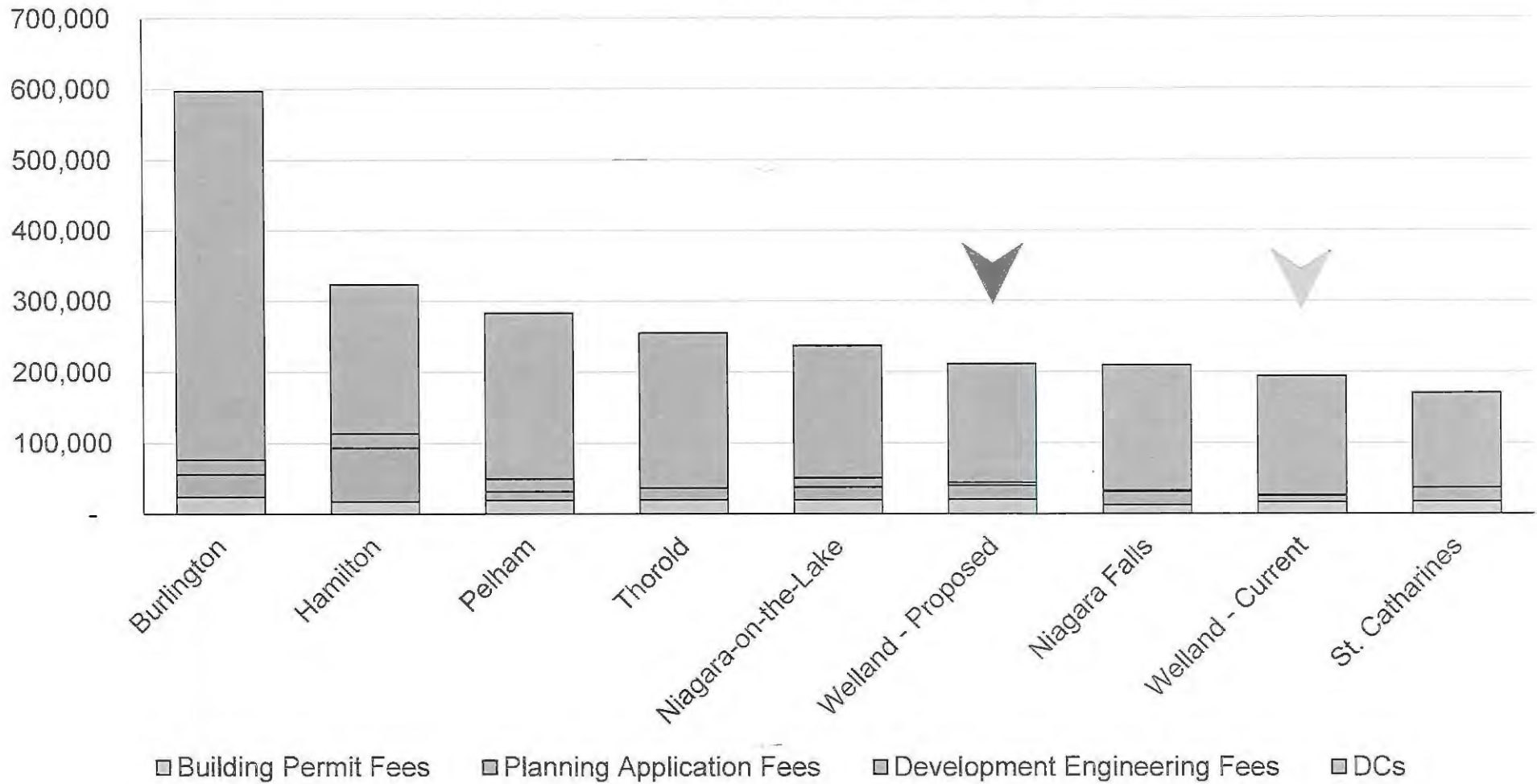
Planning Applications include Minor Variance.

Development Impact Survey

Retail Development



Retail Development
(1,000 m² GFA, \$ 275,000 cost of works)



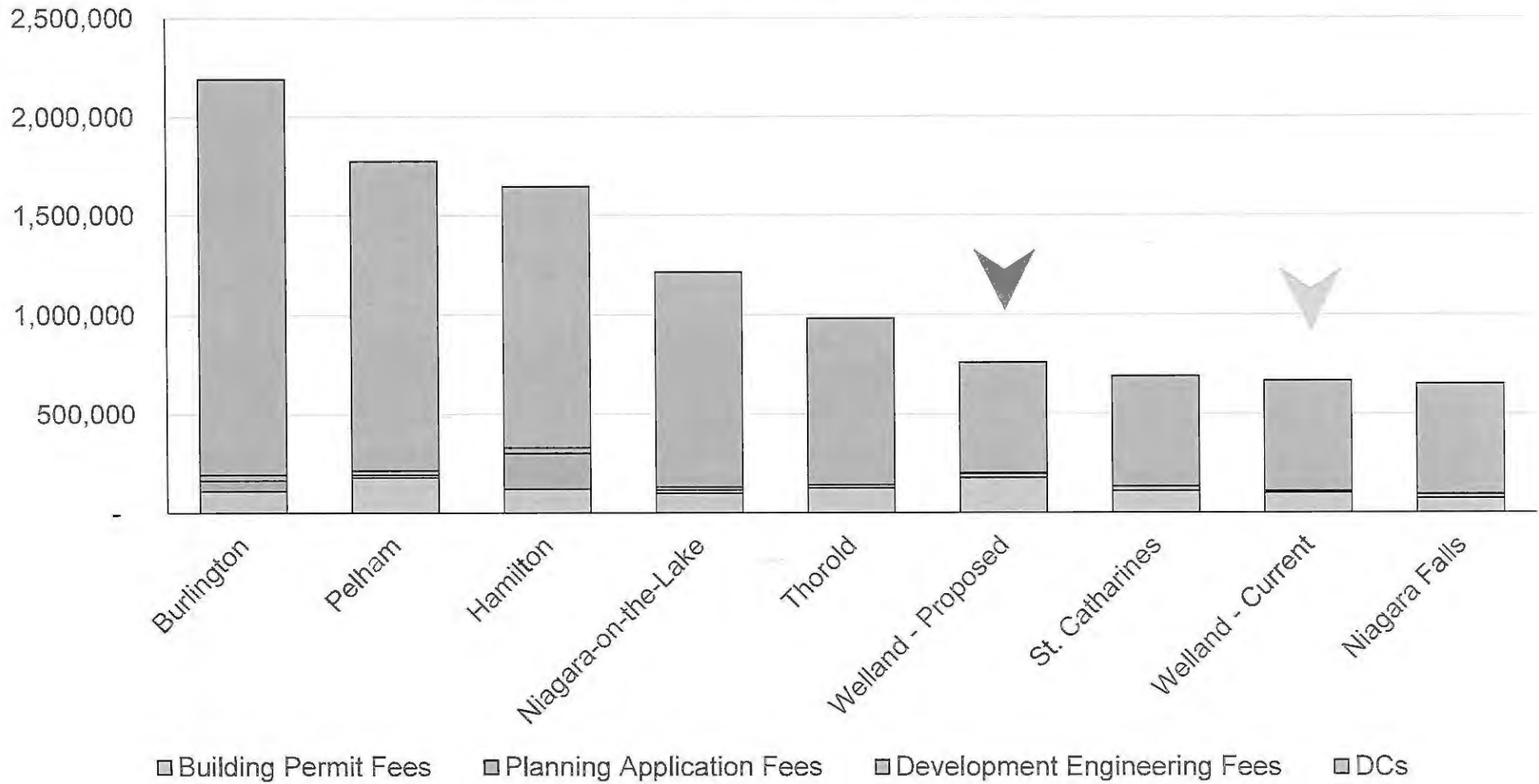
56

Development Impact Survey

Industrial Development



Industrial Development
(10,000 m² GFA, \$ 400,000 cost of works)



57

Planning Applications include Zoning By-law Amendment and Site Plan.

Next Steps

Next Steps

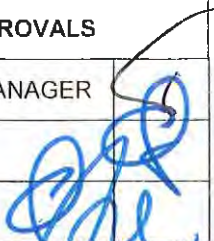


- Receive feedback from development industry stakeholders
- Present report and recommendations to Council on October 6th



Thank You!

Questions/Comments?

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-47
OCTOBER 6, 2020

20-97

SUBJECT: APPLICATION FOR TEMPORARY USE BY-LAW (FILE NO. 2020-07) SUBMITTED BY ARMSTRONG PLANNING AND PROJECT MANAGEMENT ON BEHALF OF 555 CANAL BANK DEVELOPMENTS GP INC. FOR LANDS LOCATED ON THE EAST SIDE OF CANAL BANK STREET, SOUTH OF HIGHWAY 58A, WEST SIDE OF THE WELLAND SHIPPING CANAL, AND NORTH OF FORKS ROAD, SPECIFICALLY DESCRIBED AS PART OF LOTS 21, 22, 23, CONCESSION 5, FORMER TOWNSHIP OF HUMBERSTONE, PART OF THE ROAD ALLOWANCE BETWEEN LOTS 22 AND 23, CONCESSION 5 (CLOSED), PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 ON 59R-15225, CITY OF WELLAND, MUNICIPALLY KNOWN AS 475, 555, 635 CANAL BANK 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:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves an application for Temporary Use By-law for lands described as being on the east side of Canal Bank Street, south of Highway 58A, west of the Welland Shipping Canal, and north of Forks Road, more specifically described as Part of Lots 21, 22, 23, Concession 5, former Township of Humberstone, part of the Road Allowance between Lots 22 and 23, Concession 5 (closed), Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 on 59R-15225, City of Welland, municipally known as 475, 555, 635 Canal Bank Street for a maximum of three (3) years; and further,

2. THAT, Welland City Council authorizes the Mayor and Clerk to enter into a Temporary Use Agreement with the Owners to ensure that the model homes and sales office are removed upon the expiration of the Temporary Use By-law.

ORIGIN AND BACKGROUND:

The Proposal

Application for a Temporary Use By-law with site specific zone provisions was submitted by Armstrong Planning and Project Management on behalf of 555 Canal Bank Developments GP Inc. on June 9, 2020 and was deemed complete on July 8, 2020.

The application has been made for a Temporary Use By-law to allow for the construction of up to eight (8) model homes and a sales office to be constructed on the property for a maximum of three years. The applicant has also requested a number of site specific provisions be associated with the temporary use, which are the same as those requested on the Dain East Subdivision property, but are listed as follows:

SINGLE DETACHED DWELLING (8m)		
	Request	Required
Lot Area	224 square metres	270 square metres
Lot Frontage	8 m	9 m
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (4)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	50%	50%
Landscaped Area	20%	20%

SINGLE DETACHED DWELLING (10m)		
	Request	Required
Lot Area	280 square metres	270 square metres
Lot Frontage	10 m	9 m
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (4)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	50%	50%
Landscaped Area	20%	20%

Unless an extension to the temporary use by-law is provided, the model homes and sales office must be removed in three years and the lands will revert back to the existing G1 Zoning.

The Site

The lands are the location of the former John Deere factory and are currently vacant with a number of natural heritage areas on the north and southern portions of the property.

Surrounding Land Use

To the north runs Highway 58A and the townline tunnel. To the east runs a railway line, and further east is the Dain East Plan of Subdivision. To the south is a mix of industrial and residential uses. To the west is the south end of Welland Recreational Canal.

COMMENTS AND ANALYSISDevelopment and Agency Comments Received

City of Welland
Infrastructure and
Development Services –
Building Division
(August 17, 2020)

- Staff has reviewed the information submitted, and while a decision on issuance of building permit will be based on the information submitted with the building permit application, the following comments are provided:
- In order to obtain a building permit, a Record of Site Condition (RSC) must be filed with the MOECP 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 lands are located on the former John Deere industrial site which is defined as Industrial Use in Ontario Regulation 153/04: Records of Site Condition- Part XV.1 of the Act.
- The proposed development involves construction of Residential Model Homes and a sales office which are defined as residential use. Therefore, the proposal would result is a Change of Use from Industrial Use to Residential Use (more sensitive use) and subject to compliance with section 168.3.1 of the *Environmental Protection Act* with

respect to construction of a building to be used in connection with a change of use of a property.

- Section 168.3.1 of the *Environmental Protection Act* is defined as applicable law in the Ontario Building Code therefore compliance with applicable law is required prior to issuance of building permits.
- A subsurface Geotechnical report will be required prior to submission of building permit applications.

City of Welland
Infrastructure and
Development Services –
Engineering Division
(August 14, 2020)

- No objection.

Welland Hydro and
Electrical System Corp.
(August 18, 2020)

- Currently there is no distribution infrastructure fronting onto Canal Bank Street if the model homes require electrical servicing.
- Servicing from the overhead line that runs north/south along the railway tracks would be an option, but Welland Hydro limits the length of Secondary Conductors to 125 metres.
- Assuming the model homes will front on Canal Bank Street, it would be approximately 800-900 metres away from the pole line, and would require primary servicing. A railway crossing would also be required, which is possible, but will take some time to arrange with the Railway Owner/Operator.
- High level, this build would require somewhere between 15-20 new poles, plus wire, hardware, and a transformer.

A virtual Public Open House was held on August 27, 2020 to gain public input regarding the proposed applications. Three (3) members 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:

1. Will lighting be provided around the proposed temporary use, and who will pay; and,
2. Are the model homes permanent, or will they remain in the future.

At the time of writing this report, no letters have been submitted from members of the public regarding the application.

The Statutory Public Meeting under the Planning Act was held on September 15, 2020. No members of the public participated in the meeting.

Provincial Policy

The Planning Act, through Section 39, allows Council to pass a by-law to authorize the temporary use of land, buildings, or structures for any purpose set out that is otherwise prohibited by the By-law. The By-law shall define the area to which it applies, and specify the period of time for which the use is authorized, which shall not exceed three years from the date of passing. Extensions to the by-law are permitted for not more than three years each.

The applicant has made an application for the construction of eight (8) model homes and a sales office for a maximum of three (3) years, in accordance with the provisions in the Planning Act. The purpose of the Temporary Use is to allow for the land sales as part of the Dain East Subdivision to be located on this property as it has better accessibility and visibility. There are also considerable earthen works required to the Dain East site before any model home and sales office construction can occur. As the subject lands are in the same ownership, the applicant has made the request for the temporary location of the model homes and sales office on the subject lands to start land sales.

The Provincial Policy Statement and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe do not contemplate temporary uses as the intent of these documents is to guide planning and land uses over the long term that are permanent in nature. Upon the expiry of the temporary use by-law, the lands will be required to be used as per the underlying zone.

Region of Niagara Official Plan

The subject lands are identified as being Employment in the Region's Official Plan. The purpose of the application for Temporary Use is not to redesignate the lands, but to temporarily allow for a use that is not permitted in the By-law. Residential uses are not permitted on employment lands, however, the application has not been made to permanently allow for residential uses. As such, the policies in the Regional Official Plan are not offended.

City of Welland Official Plan

The City of Welland's Official Plan designates the property as General Industrial. The General Industrial Designation allows for a range of processing, manufacturing, assembly, fabrication, research and development, etc. uses. As with the Regional Official Plan policies, the proposed temporary use by-law is not

an application that will permanently change the permitted uses on the property, but for a maximum of three (3) years, unless an extension is granted by Council.

The OP includes policies regarding Temporary Use By-laws. Council may pass by-laws to authorize the temporary use of land, buildings, or structures for a purpose that is otherwise prohibited by the plan so long as the general intent and purpose of the Official Plan is maintained. As outlined above, the intent and purpose will not be impacted as the use will temporarily be placed on the property for convenience purposes as the Dain East property has soil issues and is not as accessible at this time.

The Official Plan lists a number of considerations to have regard for when reviewing these applications:

- Compatibility of the proposed use with surrounding land uses;

 - The lands to the north, east, and west are currently a transportation corridor, vacant residential land and a railway line, and the recreational canal, respectively. The lands to the south are developed with a mix of residential and industrial uses. The proposed temporary model homes and sales office will not have any impact on the surrounding lands as they are proposed to be located in the centre of the property away from any neighbouring uses.

- Any requirement for temporary buildings or structures in association with the proposed use;

 - The proposal has been made to allow for eight temporary model homes and a sales office. Site specific residential zoning provisions have also been requested for the temporary uses to be consistent with the zone amendments requested on the Dain East Subdivision site.

- Any requirement for temporary connection to municipal services and utilities;

 - The model homes are proposed to be dry, which will not require connection to municipal services. Based on the comments from Welland Hydro, the extension of electrical services will be required.

- The potential impact of the proposed use on transportation facilities and traffic in the immediate area;

 - The proposed use will have limited impact on the roads in the immediate area.

- | | |
|---|---|
| Access requirements for the proposed use; | • The property has direct access to Canal Bank Street. |
| Parking requirements for the proposed use, and the ability to provide adequate parking on-site; | • A parking area has been included the plan for the proposed temporary use. As the property is currently vacant, ample parking can be provided. |
| Any potential long-term impacts associated with the proposed temporary use. | • No long term impacts are anticipated with the proposed temporary use. The applicant will be required to receive a Record of Site Condition prior to the construction of the temporary model homes, as per Ministry of Environment Conservation and Parks. |

Upon review of the criteria in the City's Official Plan, the proposed Temporary Use By-law can be recommended for approval by Planning staff.

City of Welland Zoning By-law 2017-117

The lands are currently zoned as General Industrial – G1 in the City's Zoning By-law. This zone allows for a range of industrial uses. The proposed Temporary Use By-law will not impact the underlying zoning on the property, but will temporarily allow for model homes and a sales office with site specific provisions. Upon the expiry of this Temporary Use By-law, the uses are required to be removed, and any uses must comply with the zone requirements of the G1 Zone.

FINANCIAL CONSIDERATION:

The City will require that the applicant enter into a Temporary Use Agreement with the City, which will include a security payment, to ensure that the model homes and sales office are removed at the expiration of the Temporary Use By-law.

OTHER DEPARTMENT IMPLICATIONS:

This application has been circulated to other departments for their review and comment. Where comments have been provided, they have been included in this report.

SUMMARY AND CONCLUSION:

The application for Temporary Use By-law to allow the construction of a maximum of eight (8) model homes and a sales office with site specific provisions, for a maximum of three (3) years can be supported as:

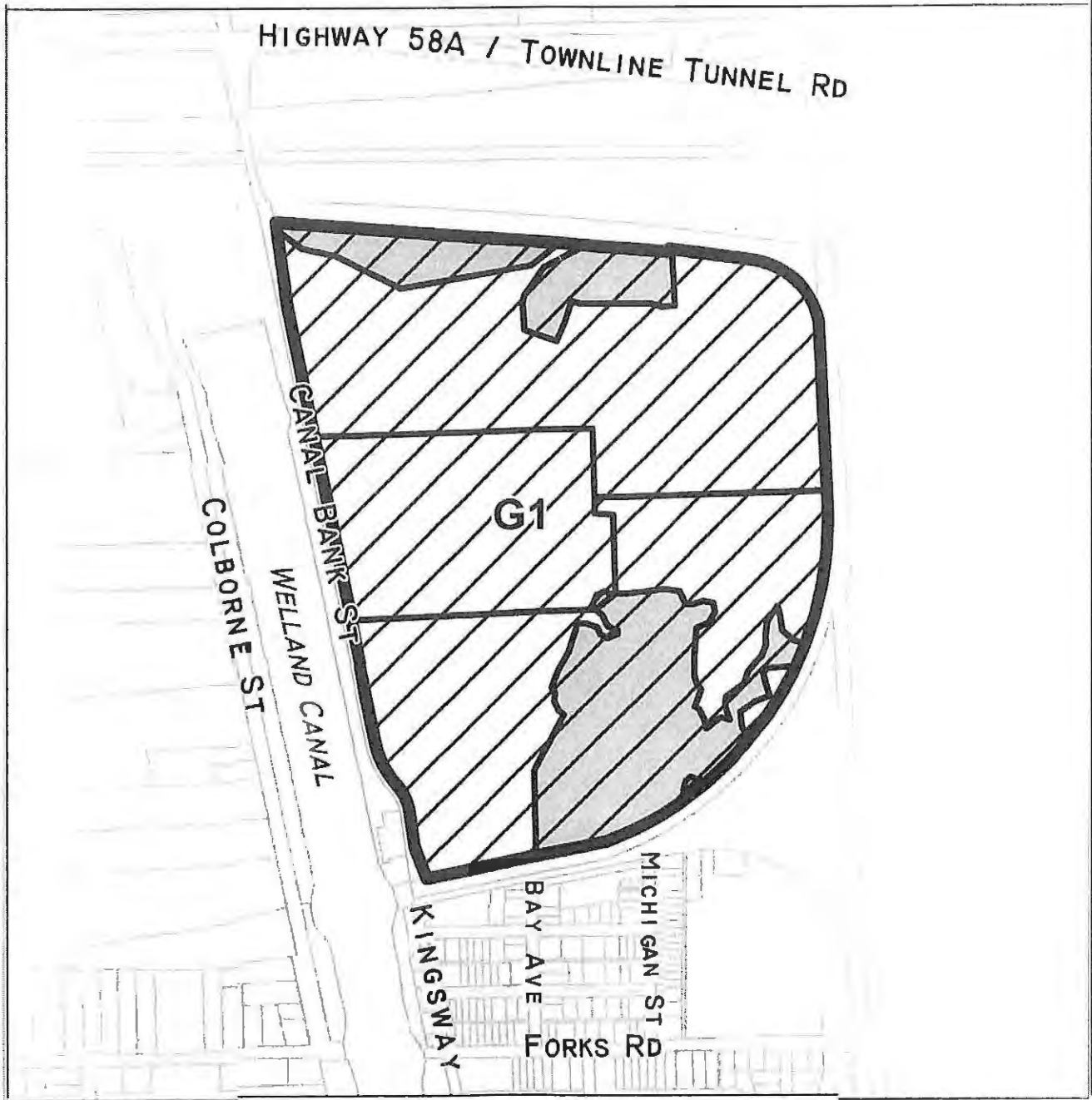
1. Is consistent with the City's Official Plan policies regarding Temporary Uses;
2. Is consistent with the Ontario Planning Act; and,

3. Will expire after three years and industrial uses will be only uses permitted.




ATTACHMENTS:

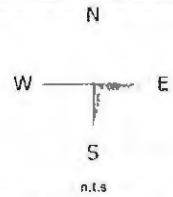
- Appendix I - Location Map
- Appendix II - Draft Site Plan

2020-07



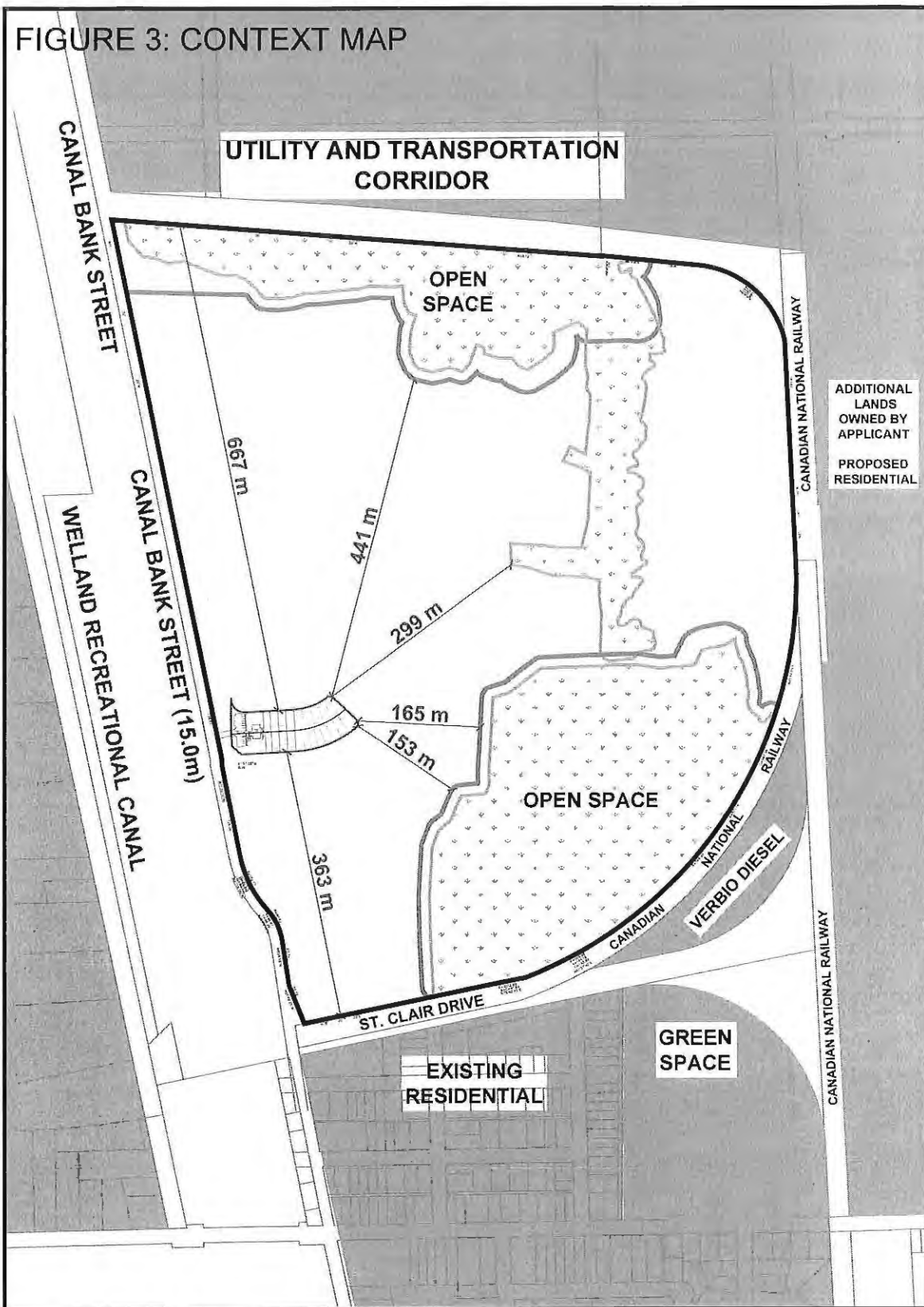
LOCATION MAP

-  EP
-  EC
-  SUBJECT LANDS




Infrastructure and
Development Services
Planning Division

FIGURE 3: CONTEXT MAP



Proposed Sales Office	Subject Site
Proposed Model Homes	Greatest Limit of the Recommended Natural Features Setback
Natural Heritage Features	

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2020-48
OCTOBER 6, 2020

SUBJECT: APPLICATION FOR REDLINE REVISION TO DRAFT PLAN OF SUBDIVISION (FILE NO. 26T-14-06002), OFFICIAL PLAN AMENDMENT (OPA NO. 25), AND ZONING BYLAW AMENDMENT (FILE NO. 2020-01) SUBMITTED BY ARMSTRONG PLANNING AND PROJECT MANAGEMENT ON BEHALF OF 555 CANAL BANK DEVELOPMENTS GP INC. FOR LANDS ON THE NORTH SIDE OF FORKS ROAD, EAST OF THE RAILWAY TRACKS, SOUTH OF THE TOWNLINE TUNNEL, AND WEST OF THE WELLAND SHIPPING CANAL, MUNICIPALLY KNOWN AS 401 CANAL BANK 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:

1. THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 25 to designate the lands described as being on the north side of Forks Road, east of the railway tracks, south of the Townline Tunnel and west of the Welland Shipping Canal, more specifically described as being Part of Lots 20, 21, 22, and 23, Part of Road Allowance between Lots 20 and 21 and Lots 22 and 23, Concession 5, geographic Township of Humberstone, City of Welland, municipally known as 401 Canal Bank Street, as Special Exception Low Density Residential and Parks, Open Space, and Recreation; and,
2. THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the north side of Forks Road, east of the railway tracks, south of the Townline Tunnel and west of the Welland Shipping Canal,

more specifically described as being Part of Lots 20, 21, 22, and 23, Part of Road Allowance between Lots 20 and 21 and Lots 22 and 23, Concession 5, geographic Township of Humberstone, City of Welland, municipally known as 401 Canal Bank Street from Site Specific Residential Low Density 2 – RL2-58, Community Open Space – O2, and Neighbourhood Open Space – O1 to Site Specific Residential Low Density 2 – RL2 and Neighbourhood Open Space – O1, and a Holding Site Specific Residential Low Density 2 – RL2; and further;

3. 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,
4. THAT Welland City Council approves Redline Revision to Draft Plan of Subdivision for lands described as being on the north side of Forks Road, east of the railway tracks, south of the Townline Tunnel and west of the Welland Shipping Canal, more specifically described as being Part of Lots 20, 21, 22, and 23, Part of Road Allowance between Lots 20 and 21 and Lots 22 and 23, Concession 5, geographic Township of Humberstone, City of Welland, municipally known as 401 Canal Bank Street, for the development of the site with a mix of single-detached, semi-detached, and townhouse dwellings, not to exceed 1405 residential lots, subject to the following conditions which will replace conditions (a)-(ii) (inclusive) of the original Draft Plan of Subdivision Approval:
 1. That the owner enter into a Subdivision Agreement with the City of Welland to be registered on title.
 2. That no construction work shall commence on site until such time as the Subdivision Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title.
 3. That no grading work shall commence on site until such time as a the Subdivision Agreement or a Site Alteration Permit has been entered into, and any financial securities are in place.
 4. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances.
 5. That any required 0.3 metre reserve(s) be transferred to the City of Welland, free of all encumbrances, for phasing, development, and access control purposes.
 6. That Blocks 123, 124, and 125 be dedicated to the City free and clear of all encumbrances for parkland purposes.

7. That Blocks 128, 129, 130, 131, 132, 133, 134, and 135 be dedicated to the City free and clear of all encumbrances for walkway and open space purposes.
8. That the Owner be responsible for the costs of constructing a walking path through Blocks 128, 129, 130, 131, 132, 133, and 134 to the satisfaction of the City.
9. That the Owner dedicate to the City, free and clear of all encumbrances, Block 127 for stormwater management purposes, upon the construction, including any landscaping, to the satisfaction of the City.
10. That the Owner shall provide a one (1) year maintenance period for the Stormwater Management Facility after assumption by the City. Prior to assumption, the Owner shall be responsible for clearing all sedimentation from the Stormwater Management Facility, and all maintenance.
11. That the Owner shall agree, in the Subdivision Agreement, to implement the recommendations and/or mitigating measures respecting the proposed development resulting from all conditions to the satisfaction of the City of Welland and the required agencies.
12. The City may request a review of any study in relation to the impacts to the City of Welland Water and Sewer system through their model, the cost of which shall be borne by the Owner.
13. That the Owner provide a detailed landscaping plan for the Stormwater Management block for review and approval by the City of Welland prior to registration of Phase 1 of the Plan of Subdivision. Such design is to incorporate passive open space and native plantings, where appropriate.
14. That the Owner will be responsible for the costs of any required upgrades to water, sanitary, and storm sewers along Forks Road (from the intersection with Kingsway east to their property) as required to service the development.
15. That the Owner will be responsible for upgrading Forks Road to a two-lane urban cross-section, including sidewalks and streetlighting within the existing Forks Road right of way from the intersection with Kingsway east to their property.
16. That the Owner shall provide a Geotechnical Investigation Study, prepared by a qualified Geotechnical Firm, to the satisfaction of the City, which must make recommendations on the use of this site for the construction of houses/buildings.

17. That the Owner shall submit an updated Traffic Impact Study to the satisfaction of the City, prior to the registration of any phases beyond Phase 1.
18. That the Owner pay \$300 per lot for the planting of trees at the time of registration, or the current Tree Planting Fee in place at the time of Registration.
19. That following completion of any site remediation, the owner 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's written acknowledgement of the filing of the RSC.
20. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved mitigation measures as outlined in *Land Use Compatibility-Air Quality Assessment* prepared by SLR Consulting Canada Ltd. (dated March 2020).
21. That the following warning clause be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"the lands in the plan of subdivision may be exposed to reduced air quality and/or odour, dust or vibration impacts from nearby industrial operations that may interfere with some activities of the owners/tenants who occupy these lands."
22. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved noise mitigation measures as outlined in the *Noise and Vibration Feasibility Study* prepared by HGC Engineering (dated May 14, 2020).
23. That the owner submit a detailed noise study prior to final registration of Phase 3 of the subdivision.
24. That the City of Welland formally consent to apply a Class 4 designation on the subject lands for the purpose of Noise Mitigation.
25. That the adjacent landowners be notified that the proposed development (a new noise-sensitive use) will be subject to the Class 4 Noise Criteria outlined in the Provincial NPC-300 Environmental Noise Guidelines.

26. That the Subdivision Agreement contains provisions whereby the owner agrees to provide confirmation from the respective Consultants/Agencies as to the final design of the berm/noise barrier as a required form of mitigation as outlined in the supporting studies.
27. That the following clauses shall be included in the Subdivision Agreement between the owners and the City of Welland:
- “Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Heritage, Sport, Culture, and Tourism Industries in London (519-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48(1) of the Ontario Heritage Act”.*
- “As on virtually any property in southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Heritage, Sport, Culture, and Tourism Industries (London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392).*
28. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department 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.
29. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department 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.
30. 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 Environment, Conservation, and Parks, Environment Compliance Approval under the Transfer of Review Program.

31. 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 Climate Change 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 Planning and Development Services Department 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.
32. 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 Condition above.
33. That the owner/developer ensure, throughout all phases of the 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.
34. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.
35. That the owner shall 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 Mail Box.

- b. That the developer/owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

36. The owner further agrees to:

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

37. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.0 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.

38. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 4.0 metres above top-of-rail. Acoustic fence to be constructed without any openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.

39. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by the vibration conditions in excess of 0.14 mm/sc RMS between 4 Hz and 200 Hz. The monitoring system should be capable

- of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
40. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line with CN Rail.
 41. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have any rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
 42. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the railway and be substantiated by a drainage report to the satisfaction of the Railway.
 43. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
 44. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
 45. Provide any and all necessary easements to Welland Hydro at the sole cost of the Owner.
 46. 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: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34

Canada Post Conditions: 35, 36

CN Rail/GIO Rail: 37, 38, 39 40, 41, 42, 43, 44

Welland Hydro: 45

ORIGIN AND BACKGROUND:

Applications for Redline Revision to Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment were submitted by Armstrong Planning and Project Management on behalf of 555 Canal Bank Developments GP Inc. on March 12, 2020 and were deemed complete on March 20, 2020.

COMMENTS AND ANALYSIS:

The Proposal

The purpose of the redline revision is to include lands that were provided as a 300 metre buffer area to the industrial lands to the west. As the industrial uses to the west have ceased, the applicant is now requesting to include these lands for residential purposes. The lands now proposed for residential development were included as part of the original plan of subdivision, but were removed as a result of objections raised by John Deere. The current draft plan proposes the creation of a 731-984 residential units. The proposed Redline Revision proposes to create 1368-1404 residential uses, with a mix of singles, semi-detached dwellings, and townhouse dwellings. Parklands, a stormwater management block, and potentially a school site are also proposed through the redline revision.

The application for Official Plan Amendment has been made to remove the Parks, Open Space, and Recreation designation on the lands that were identified as being part of the buffer lands to the former John Deere Site and re-designate them as Low Density Residential. The request was also made to provided a Special Exception for the Low Density Residential lands on the property to allow for a minimum density of 29 dwelling units per net hectare and a maximum of 58 dwelling units per net hectare.

The application for Zoning By-law Amendment has been made to rezone the lands currently part of the industrial buffer area from Neighbourhood Open Space – O1 and Community Open Space – O2, as well as to amend the site specific zone provisions in the Residential Low Density 2 RL2-58 Zone. The proposal would rezone all of the residential areas to Site Specific Residential Low Density 2 – RL2 and the parklands and stormwater management block to Community Open Space – O2. The requested site specific Residential Low Density 2 – RL2 provisions are:

SINGLE DETACHED DWELLING (8m)		
	Request	Required
Lot Area	224 square metres	270 square metres
Lot Frontage	8 m	9m
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (4)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	50%	50%
Landscaped Area	20%	20%

SINGLE DETACHED DWELLING (10m)		
	Request	Required
Lot Area	280 square metres	270 square metres
Lot Frontage	10 m	9m
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (4)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	50%	50%
Landscaped Area	20%	20%

SEMI-DETACHED DETACHED DWELLING		
	Request	Required
Lot Area	300 square metres for each dwelling and 150 square metres for each unit	400 square metres for each dwelling and 200 square metres for each unit
Lot Frontage	11m for each dwelling, 5.5m for each unit	12m for each dwelling and 6m for each unit
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	1m (2)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	50%	50%
Landscaped Area	20%	20%

STREET TOWNHOUSE 3-STOREY		
	Request	Required
Lot Area	N/A	N/A
Lot Frontage	5.5m/unit	6m/unit
Front Yard	3.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (2)	1m
Side Yard (exterior)	1m	1m

Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	60%	50%
Landscaped Area	20%	20%

- (1) 6.0m to garage
- (2) No interior side yards are required here the lot line is the dividing line between attached units
- (3) 3 storeys
- (4) A minimum of 0.6 metres on one side and a minimum of 1.2 metres on the other
- (5) Lots that are directly adjacent to a railway right of way cannot be greater than 2 storeys or 11m in height

In addition to specific zone provisions for the dwelling types, the following amendments have been requested to the General Provisions in the Zoning By-law:

- The definition of landscaping is amended to include walkways.
- Opened or roofed porches and stairs may project 2.5 metres into any required front or exterior side yard and 3 metres into any rear yard, provided the structure is not higher than 3 metres above grade. The Zoning By-law currently only permits an encroachment of 1.5 metres provided the structure is not greater 1.5 metres above grade.
- Decks may project a maximum of 3.75 metres into the rear yard, provided said deck is not higher than 3.0 metres above grade. The Zoning By-law currently only permits an encroachment of 3 metres provided the structure is not higher than 1.5 metres above grade.
- The parking space within a garage shall have a minimum width of 3 metres and a minimum length of 6 metres. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space. The Zoning By-law currently requires a minimum parking space within a garage to be 3.35 metres and does not allow encroachments into the parking area. This will be provided for all types of dwellings.
- That the maximum number of dwelling lots per block will be identified on the draft approved plan of subdivision. The total number of new lots within the subdivision shall not exceed 1,405 lots (this does not include blocks being conveyed to the City of Welland for parks, stormwater management, etc.)

Since the submission of the application, discussions with the District School Board of Niagara have occurred and they have identified that a school site on the property of 7 acres is required. A Holding Provision has been requested on the block where the proposed school will be located. The purpose of the Holding is to ensure that the site remains for school purposes for a maximum of five years after the registration of Phase 2. The Holding will be lifted if one of the following occurs:

- A letter from the District School Board of Niagara or the Niagara District Catholic School Board provide a letter stating that a school site is no longer needed;
- A period of five (5) years has elapsed from the date of registration of the plan of subdivision in which the lands are registered.

If the lands are not developed for a school purposes, they will be developed with single detached, semi detached, or townhouse dwellings, in accordance with the site specific zone amendments on the property.

The Site

The lands are located on the north side of Forks Road, west of the Welland Shipping Canal, east of the CN railway line, and south of the Townline Tunnel. The lands are currently vacant and has been covered with fill from the excavation of the Welland By-pass Canal. The land was previously used for an automobile wrecking yard.

Surrounding Land Uses

To the north lies a Hydro One Corridor, and further north the Townline Tunnel and Highway 58A. To the east is the Welland Shipping Canal. The lands to the south are currently being developed with residential dwellings. To the west is an active railway line, residential uses, and industrial lands. The Verbio Diesel plant is located to the west and is still in operation, the vacant former John Deere Lands are also located directly to the west of the subject lands.

Agency Comments

Enbridge Gas Inc.
(May 16, 2020)

- No objection to the proposed applications.
- The applicant shall contact Enbridge Gas to determine gas availability, service, and meter installation details, and to ensure all gas piping is installed prior to the commencement of site landscaping 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.

Canada Post
Corporation
(April 30, 2020)

City of Welland
Infrastructure and

- No objections to the proposal. Conditions have been requested.
- No objections to the application. Revised conditions have been provided.

Development Services
– Engineering Division
(September 29, 2020)

GIO Rail
(August 21, 2020)

- No objections to the proposed design.
- This section of track is considered principal branch line, and the CN requirements applicable to that classification of track would apply here.
- These requirements include a standard 15 metre setback, as well as berm, fencing, and vibration testing requirements. Conditions have been requested and included.

City of Welland
Infrastructure and
Development Services
– Traffic Division
(April 16, 2020)

- The TIS for Phase 1 is satisfactory.
- A Traffic Brief (level of service analysis) for the intersection of Kingsway/Forks Road be submitted for year 2027, or incorporated into the TIS for the remaining phases. The update should assume that Forks Road Bridge is in place.

District School Board of
Niagara
(July 15, 2020)

- DSBN staff developed enrolment projections for this proposed residential development, along with future residential development to the west, and determined a new elementary school would be warranted to serve the Dain City area.
- DSBN planning staff has completed a review and has no objections to the application. Board staff request that, as a condition of approval, sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations.

Welland Electrical
Corporation
(April 17, 2020)

Hydro System

- No objection to the proposed applications. Servicing details shall be determined through consultation with WHESC.
- The proposed development must meet the clearance requirements of section 3.1.19.1 “Clearance to Buildings” of the Ontario Building Code. Conditions have been requested.

Region of Niagara –
Planning and
Development Services
(June 26, 2020)

- The Region's Official Plan requires a combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas.
- The information provided by the applicant proposes a density of 72.9 people and jobs per hectare with a rate of 7% work from home jobs. Regional Staff note that 7% appears high for Welland, and it is likely closer to 5-5.5%. The applicant's calculation also excluded the stormwater management and parks and open space areas, whereas the Region includes them. The Region calculates the density to be closer to 55 persons and jobs per hectare. This meets the minimum density requirement.
- Regional staff understand that soil testing conducted has identified contamination as a result of past land use. Prior to any development occurring on the property, a Record of Site Condition will be required.
- A Land Use Compatibility Assessment was completed which identified Verbio Diesel as an industry that will have potential impacts on the proposed development. Mitigation measures have been implemented by locating the stormwater management pond close to the industrial uses, as well as a sound berm.
- Regional Staff have also reviewed the Noise and Vibration Analysis which measured noise and vibration levels created by stationary operations (industrial), and traffic (both car and rail). Conditions regarding how to implement the mitigation measures have been included.
- The property does not exhibit a high potential for archaeological materials as it was significantly graded/alterd with the construction of the Welland Canal.

- The Region reviewed the servicing requirements for the proposed development and identified that it falls within the Dain City Sewage Pumping Station sewer shed. A high level review of the station was completed, but it did not examine individual properties. There are currently limitations with the operating capacity of the pumping station, and both dry and wet weather flows exceed the capacity. An on-going project to replace the forcemain is ongoing and has projects scheduled for 2020 and 2021. The City and Region are also working together to reduce wet weather flows into the system. The Region has added this project to their projected flows.
- The Region has no objection to the stormwater management plan.
- Waste collection will be done by the Region's Waste Collection services.
- The Region has no objections to the applications, and has provided conditions to be included as part of the Draft Plan Approval.
- While a final decision to issue a building permit will be based on the information submitted with the building permit application, we 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 MOECP.
 - A subsurface Geotechnical report prepared by a qualified geotechnical engineer will be required at the time of building permit application review.

City of Welland
Infrastructure and
Development Services
– Building Division
(September 25, 2020)

- 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 dwellings will be subject to protection from backflow requirements of article 7.4.6.4. Division B of 2012 Ontario Building Code.

A virtual Public Open House was held on August 27, 2020 to gain public input regarding the proposed applications. Three (3) members 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:

- Questions and concerns with the soil removal on-site and whether Forks Road will be used as it is currently in not good shape;
- Questions regarding the density request;
- Access to the site and whether it will all be from Forks Road;
- Reason for removing the 300 metre buffer;
- Will the pumping station be able to accommodate the proposed development; and,
- If there would be a walking trail connection between the two developments.

At the time of writing this report, no letters have been submitted from members of the public regarding the applications.

The Statutory Public Meeting under the Planning Act is being held virtually on September 15, 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. No members of the public participated in this 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. As these lands are currently within an approved Draft Plan of Subdivision, the assessment of the subdivision's compliance with Section 51(24) of the Planning Act has been completed, and has been deemed to comply. Planning staff are of the opinion that the proposal to include the additional lands as developable area is consistent with this section of the Planning Act.

Provincial Policy Statement

The PPS provides the general planning guidance for development within the Province. All planning decisions must conform and not conflict with the these policies.

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 Forks Road to the South.
 - Due to the presence of John Deere to the west, a portion of the lands were removed from the developable area to provide a 300 metre buffer to the edge of the John Deere property. The lands that were removed were redesignated as Open Space and a series of cul-de-sacs were created at the end of the road connections. The lands that were included as part of the buffer area were there on a temporary basis, and it was anticipated that should the industrial uses change or cease, the lands would be included into the developable area.
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- The proposed revision to the Plan of Subdivision, as well as the associated Official Plan Amendment and Zoning By-law Amendment will increase the developable area of the property and will more efficiently allow development to proceed.
 - The proposal includes a mix of single detached, semi-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.
 - The lands are not impacted by any natural heritage features that would impact the development.
 - The applicant will be required to complete a Record of Site Condition for the property as a portion of the lands at the south of the property were used as part of an auto wrecking yard.
 - The lands were also filled with the materials that were excavated with the Welland By-Pass Canal was constructed. This has resulted in substantial amount of fill on the property that will need to be removed to allow for the development to
- accommodating an appropriate range of housing, including affordable housing;
 - avoiding development patterns which may cause environmental and public health and safety concerns;

occur, as well as to ensure foundation stability for future houses.

- avoiding land use patterns which would prevent the efficient expansion of settlement areas;
 - promoting land use patterns which support transit and intensification to create cost-effective developments;
 - improving accessibility for persons with disabilities;
 - ensuring that infrastructure and public service facilities are available to support the development;
 - 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 and have been draft approved for residential development since 2006.
 - The development of these lands will not prevent any adjacent lands from developing in the future.
 - The Dain City area is currently not serviced with a transit line, but is serviced by the Trans-Cab Service. The development of this property will be designed to create a road network that would support transit in the future, should there be a need.
 - 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 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.
 - 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.
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- The social services (schools, libraries, parks, etc.) can accommodate the increase in population created by the development of these lands.
 - The proposed plan includes a block that could be used as a school site in the future which will provide a community service, as well as parklands have been provided to provide recreational areas for future residents.
 - There are no natural heritage features that have been identified on the property. The agent for the applicant has identified that the area around the stormwater management pond will be planted with native species.
 - 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 stormwater management pond has been incorporated to collect water during rain events from the site. This pond will be naturalized to become a feature within the development and passive recreational trails will be constructed through the stormwater management block.
 - promoting development and land use patterns which support biodiversity; and,
 - prepare for the regional and local impacts of climate change.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The lands are identified as being within the Greenfield Area of the City of Welland. All development within the Greenfield Area is required to meet a minimum density of 50 persons and jobs per hectare. Based on the information provided, the proposed development will meet and exceed the minimum, and provide at least 55 units and jobs per hectare. The additional lands will assist in achieving the minimum density requirement.

The P2G promotes the creation of a complete community, where residents can access all of the services and uses that are required to support their every day needs, as well as to promote active transportation and a mix of uses. The inclusion of the additional lands into the developable area will allow for the inclusion of additional parklands, and well as a walkway through the railway corridor. Sidewalks will be provided on a minimum of one side of the street, and both sides on main arterial roads. This will encourage walking and cycling through the development. A condition of the draft plan approval has also been included that will require the applicant to upgrade Forks Road, which will include sidewalk connections to other areas within Dain City. The redline revision will also allow for a school site to be included which will be within walking distance for students within this neighbourhood, and areas to the south.

No blocks of commercial uses have been proposed, but the City's Zoning By-law does allow for home-based businesses which will allow for employment opportunities. The school block will also create an employment opportunity within the development.

The proposed redline revision to the subdivision and associated Official Plan Amendment and Zoning By-law Amendment will allow for a range of housing types and sizes. The range of housing options will be to provide opportunities for a range of incomes to move into the development. The range in lot sizes will maintain an appropriate amenity area for residents, but will provide greater housing choices.

The proposed application for Redline Revision, Official Plan Amendment and Zoning By-law Amendment meets the intent of the P2G.

Region of Niagara Official Plan

The lands are identified as being within the Urban Area of Welland in the Region's Official Plan (ROP). The ROP includes policies for Greenfield developments similar to those in the P2G that encourage the creation of compact, complete communities. The policies encourage a range of land uses, including residential, commercial, institutional, and recreation where the size of the property can accommodate this mix. The policies encourage construction to be in a grid pattern, and ensure that there are municipal services available. The proposed expansion in the development area will create additional parklands, as well as create a population that will require a new school site to be included in the area.

The inclusion of the additional lands as developable area will create grid-pattern roads, which are only partially proposed currently as a grid-pattern with nine (9) cul-de-sacs where the lands were removed from the original Draft Plan of Subdivision to create the 300 metre setback to the former John Deere lands. The inclusion of these lands will create a more logical road pattern and eliminate all of the cul-de-sacs.

The inclusion of the additional lands will continue to achieve the 50 persons and jobs per hectare requirement and will help to create a complete community. The proposed applications meet the intent of the Region's Official Plan.

City of Welland Official Plan

The lands are currently zoned Low Density Residential in the City's Official Plan and are identified as being Greenfield Development Area. Prior to the current Official Plan, the lands were subject to Official Plan Amendment 119 which allowed a minimum of 23 units per hectare and a maximum of 31 units per hectare. This special amendment was not carried into the Official Plan in 2010. The request being made at this time is for the following:

- To redesignate the lands shown as Parks, Open Space, and Recreation that were used as a 300 metre setback to the former John Deere Lands to Low Density Residential; and,
- To allow for an increase in the density of the site to a minimum of 29 units per hectare to a maximum of 58 units per hectare.

The purpose of the redesignation is to allow for the development of the entire site for residential purposes at a higher density than is currently permitted. The proposed OPA will bring lands that were designated as Parks, Open Space, and Recreation, but held by a private owner, into the developable area. It should be noted that the designation placed on the buffer lands were intended to be a place-holder until development would be permitted on the lands in the future. As the John Deere operation on the lands to the west has ceased for some time, the owner has moved forward with the plan to develop these additional lands, at the same time as increasing the minimum density in the area.

The increase in density is appropriate as it will allow for a range of housing sizes and types, and will assist the developer in achieving the 50 persons and jobs per hectare target. The development includes a number of park areas, as well as a proposed walking trail along the railway lands. Although the density requested is higher than what is permitted, ample amenity area has been provided as part of the development, with the main parkland being constructed as part of Phase 1. The increase in density will also allow for a range of lot sizes to provide options for a range of incomes.

The City's OP includes criteria that should be considered when reviewing an application for Official Plan Amendment. They are:

- Provincial and Regional policies and plans; • The lands are identified as being within the Greenfield Area within the A Place to Grow Plan and Region's Official Plan. These plans require a minimum density for development, which can

be achieved with the inclusion of the additional lands in the development area.

- The lands are within the urban area of Welland, which is promoted as the focus for growth and development within the City, as per the guidance of the PPS. The development of these lands will not require the uneconomical extension of services, nor will it require an expansion to the City's urban boundary.
- The proposed Official Plan Amendment meets the intent of the provincial plans and the Region's Official Plan.

The vision, strategic directions, and goals of this plan;

- The City's Official Plan includes a number of strategic objectives that can be achieved through the development of this property. The amendment will help create a complete, sustainable, safe, healthy, and accessible City. The development is consistent with the strategic directions of the plan.
- The proposed development will achieve the minimum density targets that have been set in the City's Official Plan. The requested amendment has been made to redesignate lands, as well as to increase the permitted units per hectare to 31-58 units per hectare versus 15-24 units per hectare. This increase in the number of units per hectare will assist in meeting the requirement of 50 jobs and persons per hectare for greenfield developments.
- The proposed Official Plan Amendment to both redesignate lands and to increase the density permitted for low density residential developments is appropriate and meets with the vision, strategic objectives, and goals.

Whether the amendment creates an inappropriate precedent; and,

- The redesignation of these lands will not create an inappropriate precedent. The lands to be redesignated to residential were initially included

as part of the plan of subdivision, but were removed from the developable area as a result of objections by John Deere. As the John Deere factory has ceased operation, the current owner has now requested that the lands be made available for residential development as the setback is no longer required. Staff are of the opinion that this will not create a precedent as the lands were originally slated for residential development and this Official Plan Amendment reinstates the original plan.

- The City, neighbourhood and immediate area impacts of the proposed land use change
- The proposed amendment will not impact any of the neighbouring uses as the industrial uses on the John Deere lands have ceased. The property was already approved for residential development.

Planning staff are of the opinion that the proposed Official Plan Amendment, Zoning By-law Amendment, and Redline Revision to the Draft Plan of Subdivision comply with the policies in the City's Official Plan.

City of Welland Zoning By-law 2017-117

The lands are currently Zoned Community Open Space (O1), Neighbourhood Open Space (O2), and Site Specific Low Density Residential 2 (RL2-58) in Zoning By-law. The Site Specific RL2-58 indicated the number of units per block that were permitted, with a minimum and a maximum number of units. The proposed amendment will completely eliminate the RL2-58 from the Zoning By-law and replace it with the new exceptions to permit the development. The proposal is to rezone the property to Site Specific Residential Low Density 2 – RL2 and Community Open Space – O1. This will allow the property to be developed with residential uses, parks, and a stormwater management block. Through the circulation of this application, the need for a school site was also identified by the District School Board of Niagara. The City's Zoning By-law has regulations which will allow for school sites to be located in any zone, so long as they are operated by a school board under the Province. The applicant has requested that a holding symbol be placed on a portion of the property where the school is proposed to be located.

The site specific requests that have been made are as follows:

SINGLE DETACHED DWELLING (8m)		
	Request	Required
Lot Area	224 square metres	270 square metres

Lot Frontage	8 m	9m
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
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	Request	Required
Lot Area	280 square metres	270 square metres
Lot Frontage	10 m	9m
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (4)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	50%	50%
Landscaped Area	20%	20%

SEMI-DETACHED DETACHED DWELLING		
	Request	Required
Lot Area	300 square metres for each dwelling and 150 square metres for each unit	400 square metres for each dwelling and 200 square metres for each unit
Lot Frontage	11m for each dwelling, 5.5m for each unit	12m for each dwelling and 6m for each unit
Front Yard	4.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	1m (2)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	50%	50%
Landscaped Area	20%	20%

STREET TOWNHOUSE 3-STOREY		
	Request	Required
Lot Area	N/A	N/A
Lot Frontage	5.5m/unit	6m/unit
Front Yard	3.5m and 6m (1)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (2)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3, 5)	11m
Lot Coverage	60%	50%

Landscaped Area	20%	20%
-----------------	-----	-----

(6) 6.0m to garage

(7) No interior side yards are required here the lot line is the dividing line between attached units

(8) 3 storeys

(9) A minimum of 0.6 metres on one side and a minimum of 1.2 metres on the other

(10) Lots that are directly adjacent to a railway right of way cannot be greater than 2 storeys or 11m in height

In addition to specific zone provisions for the dwelling types, the following amendments have been requested to the General Provisions in the Zoning By-law:

- The definition of landscaping is amended to include walkways.
- Opened or roofed porches and stairs may project 2.5 metres into any required front or exterior side yard and 3 metres into any rear yard, provided the structure is not higher than 3 metres above grade. The Zoning By-law currently only permits an encroachment of 1.5 metres provided the structure is not greater 1.5 metres above grade.
- Decks may project a maximum of 3.75 metres into the rear yard, provided said deck is not higher than 3.0 metres above grade. The Zoning By-law currently only permits an encroachment of 3 metres provided the structure is not higher than 1.5 metres above grade.
- The parking space within a garage shall have a minimum width of 3 metres and a minimum length of 6 metres. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space. The Zoning By-law currently requires a minimum parking space within a garage to be 3.35 metres and does not allow encroachments into the parking area. This will be provided for all types of dwellings.
- That the maximum number of dwelling units per block will be identified on the draft approved plan of subdivision. The total number of new lots within the subdivision shall not exceed 1,405 lots (this does not include blocks being conveyed to the City of Welland for parks, stormwater management, etc.)

The applicant has also requested that specific wording be included to permit a school site on a block within the development, with a Holding provision placed on the block. The Holding provision will be removed if the school boards provide letters that the site is no longer needed for a school site, or five years has lapsed. If the site is no needed for a school, then the underlying blocks will remain and the lands can be developed for single detached, semi-detached, and/or townhouse dwellings.

Staff are of the opinion that the proposed amendments to the Zoning By-law are appropriate and will allow for the development of the property in accordance with Provincial, Regional, and City standards. Any future purchasers will be aware of the lot sizes, frontages, etc. and will choose to purchase the property based on this information. The variety in lot sizes will also allow for a range of affordability within the development. Staff can recommend the approval of the requested amendments.

FINANCIAL CONSIDERATION:

All costs associated with the development of this property will be the responsibility of the developer. The applicant has applied for funding through the City's Brownfield CIP program to assist with the clean-up of the property.

OTHER DEPARTMENT IMPLICATIONS:

Where comments have been provided by other departments, they have been included.

SUMMARY AND CONCLUSION:

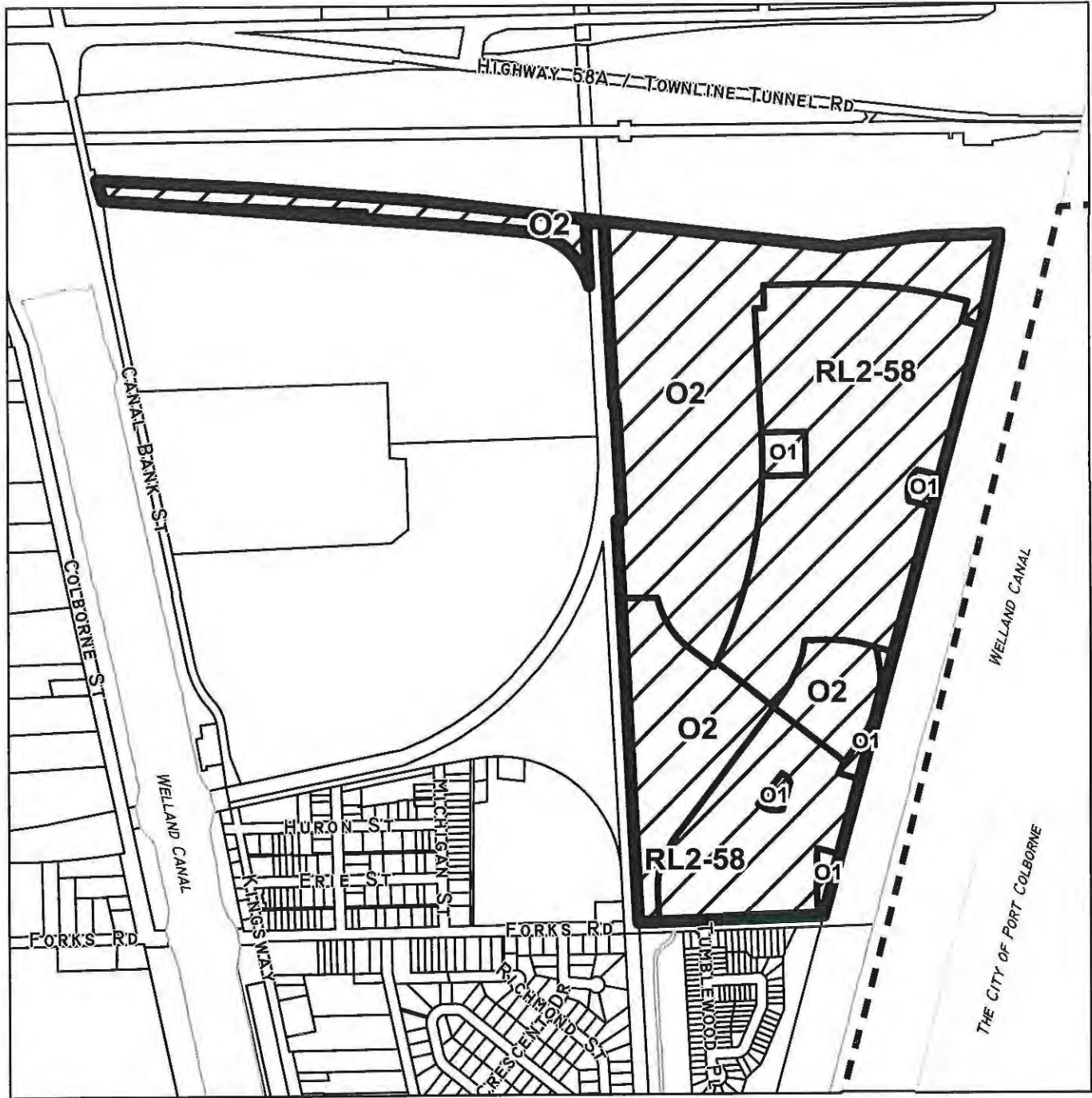
The proposed application for Official Plan Amendment, Zoning By-law Amendment and Redline Revision to Draft Plan of Subdivision, represents good planning because:

1. Is consistent with Provincial, Regional and City policies;
2. Meets and exceeds the minimum density requirement of 50 persons and jobs per hectare;
3. Uses existing municipal infrastructure and does not require the expansion of these services;
4. Will help achieve a complete community.




ATTACHMENTS:

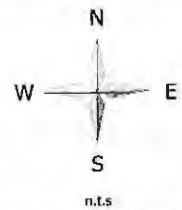
- Appendix I - Key Map
- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Draft Redline Revised Plan of Subdivision
- Appendix IV - Current Draft Approved Plan of Subdivision
- Appendix V - Draft Official Plan Amendment (Excerpt only)
- Appendix VI - Correspondence

2020-01, 26T-14-06002 & OPA 25

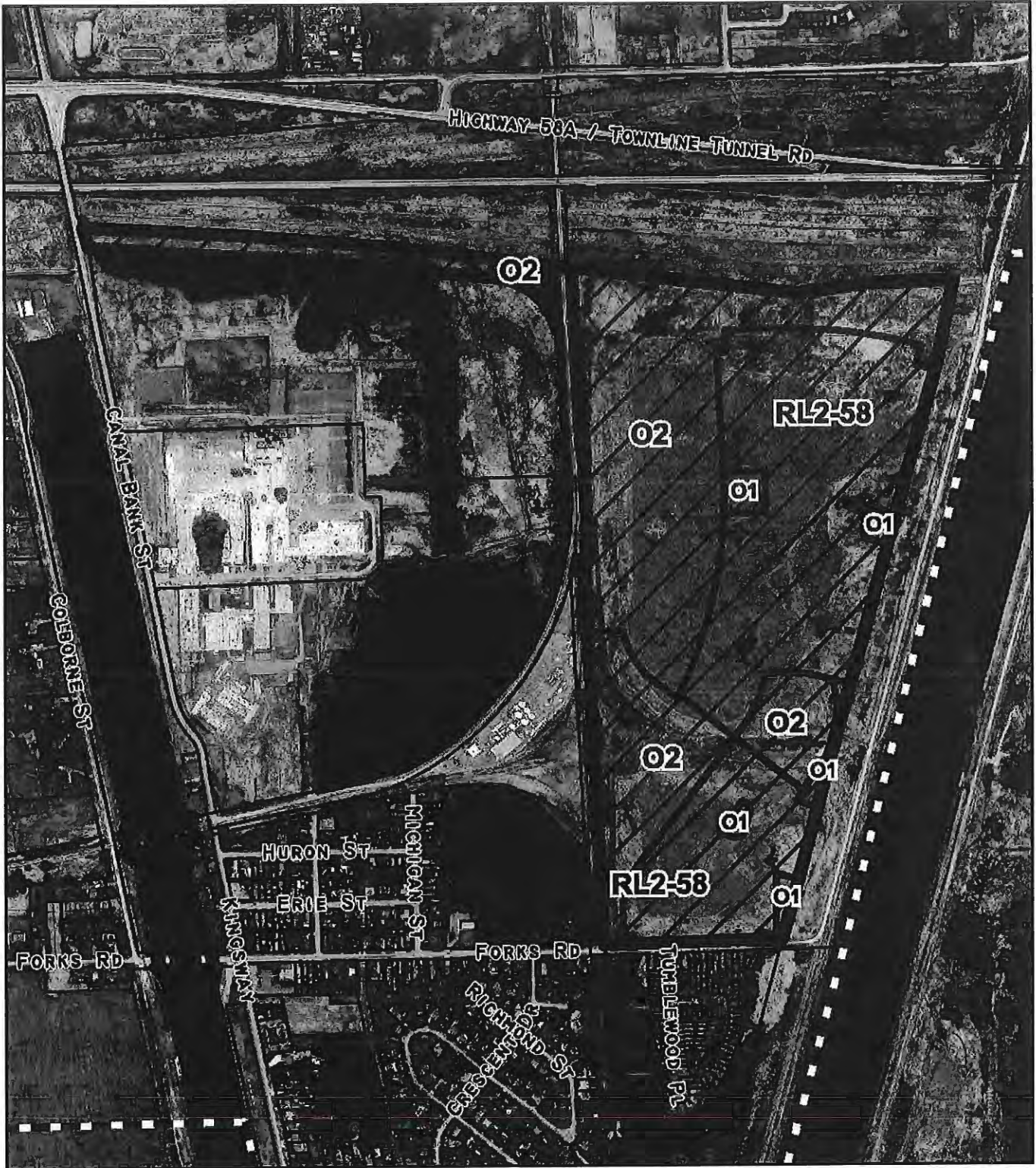


KEY MAP

-  EP
-  EC
-  SUBJECT LANDS



Infrastructure and
Development Services
Planning Division



AERIAL PHOTO OF THE SUBJECT LANDS



EP 26T-14-06002, 2020-01 & OPA 25

EC

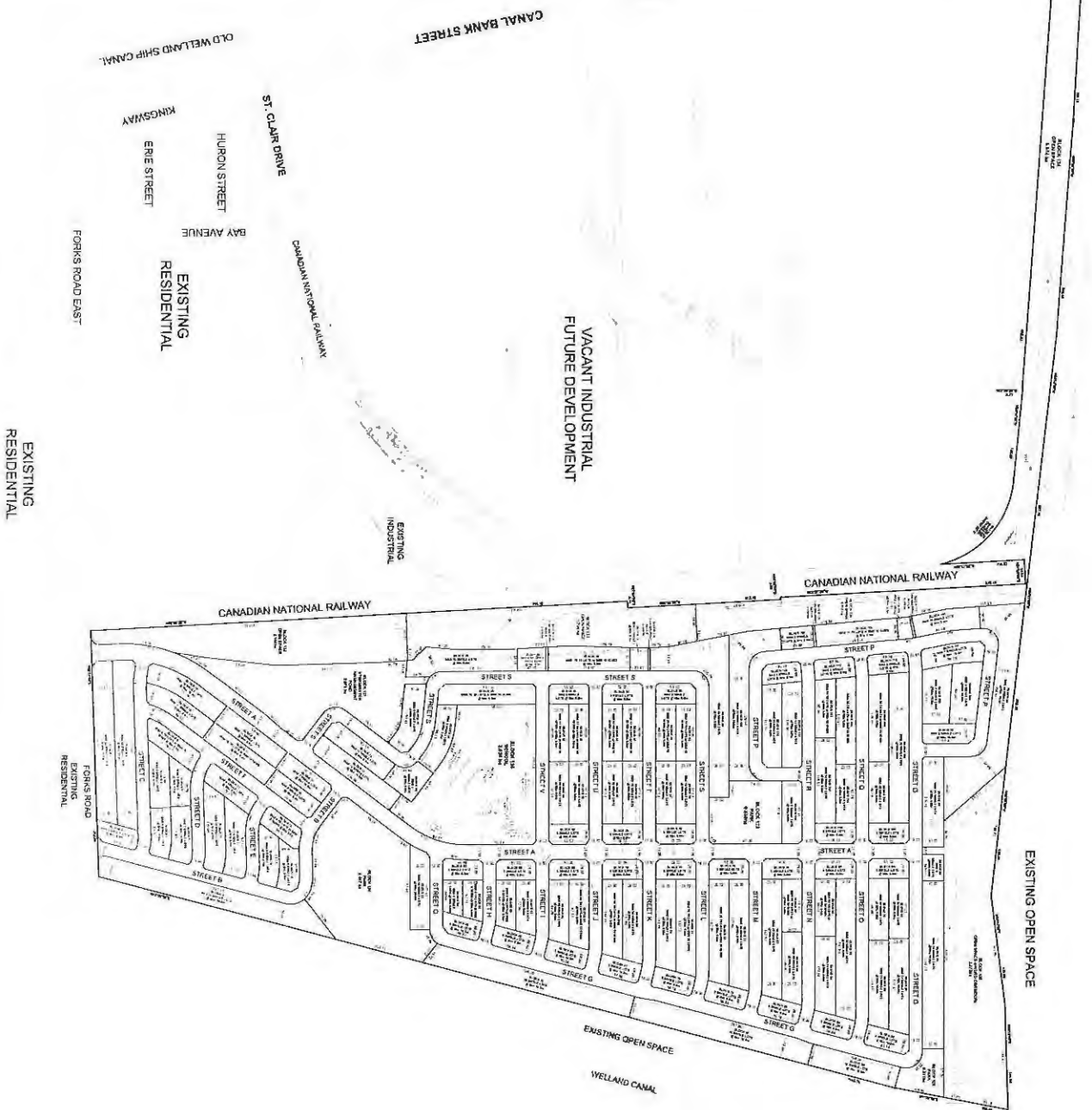
SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

TOWNLINER TUNNEL ROAD

CANADIAN NATIONAL RAILWAY



KEY PLAN

ADDITIONAL INFORMATION

- 1. OWNER: [Name]
- 2. PROJECT: [Name]
- 3. DATE: [Date]
- 4. SCALE: [Scale]

SCHEDULE OF LAND

TOTAL SITE AREA: 72.1

Proposed Land Use:

Residential Single-Family

Residential Medium-Density

Residential High-Density

Commercial

Industrial

Public

Other

Proposed

Existing

Proposed Unit Mix

Residential Single-Family

Residential Medium-Density

Residential High-Density

Commercial

Industrial

Public

Other

TOTAL

REVISIONS

NO. 1

DATE

DESCRIPTION

OWNER'S CERTIFICATE

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

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DESCRIPTION

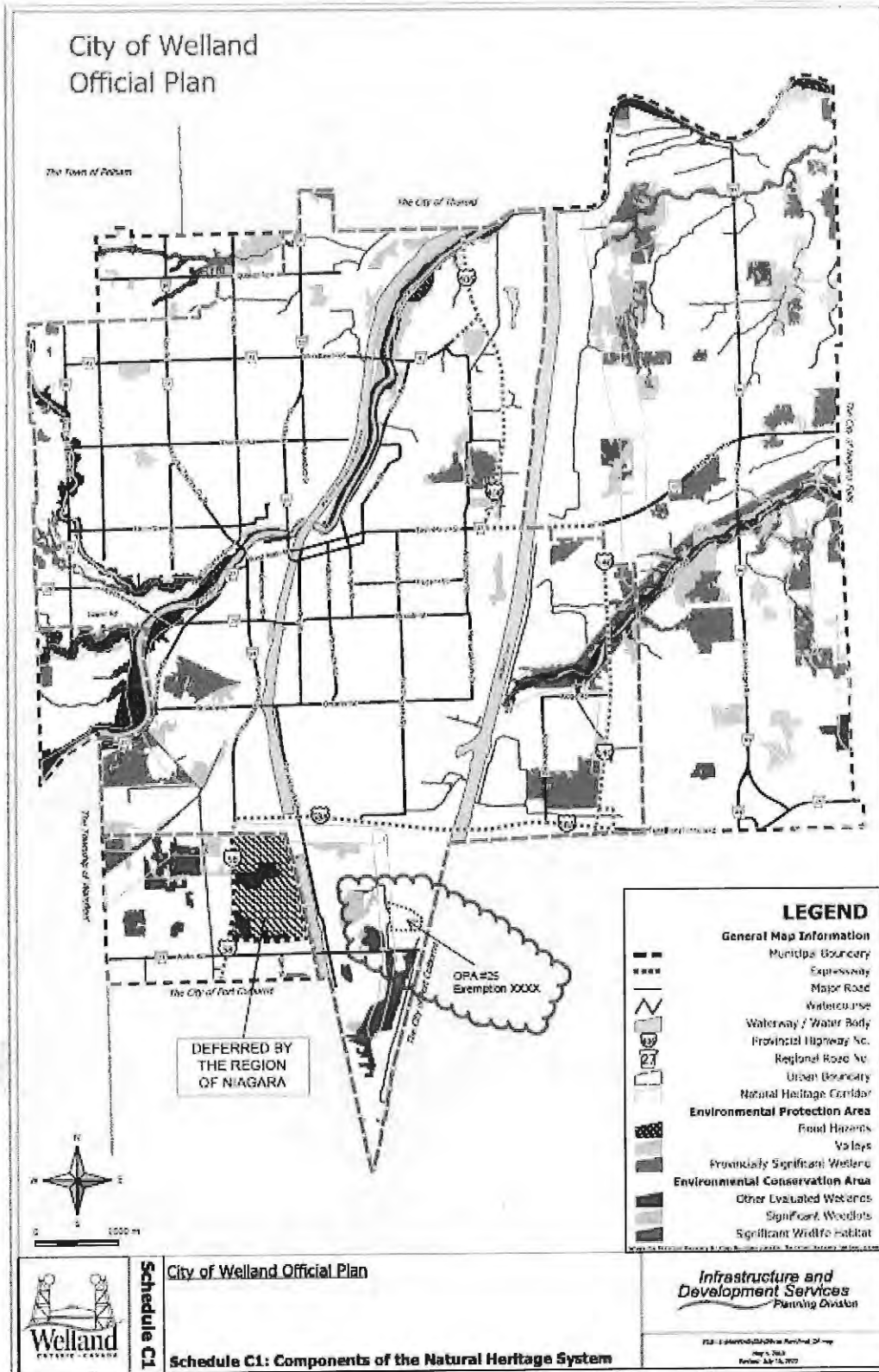
DATE

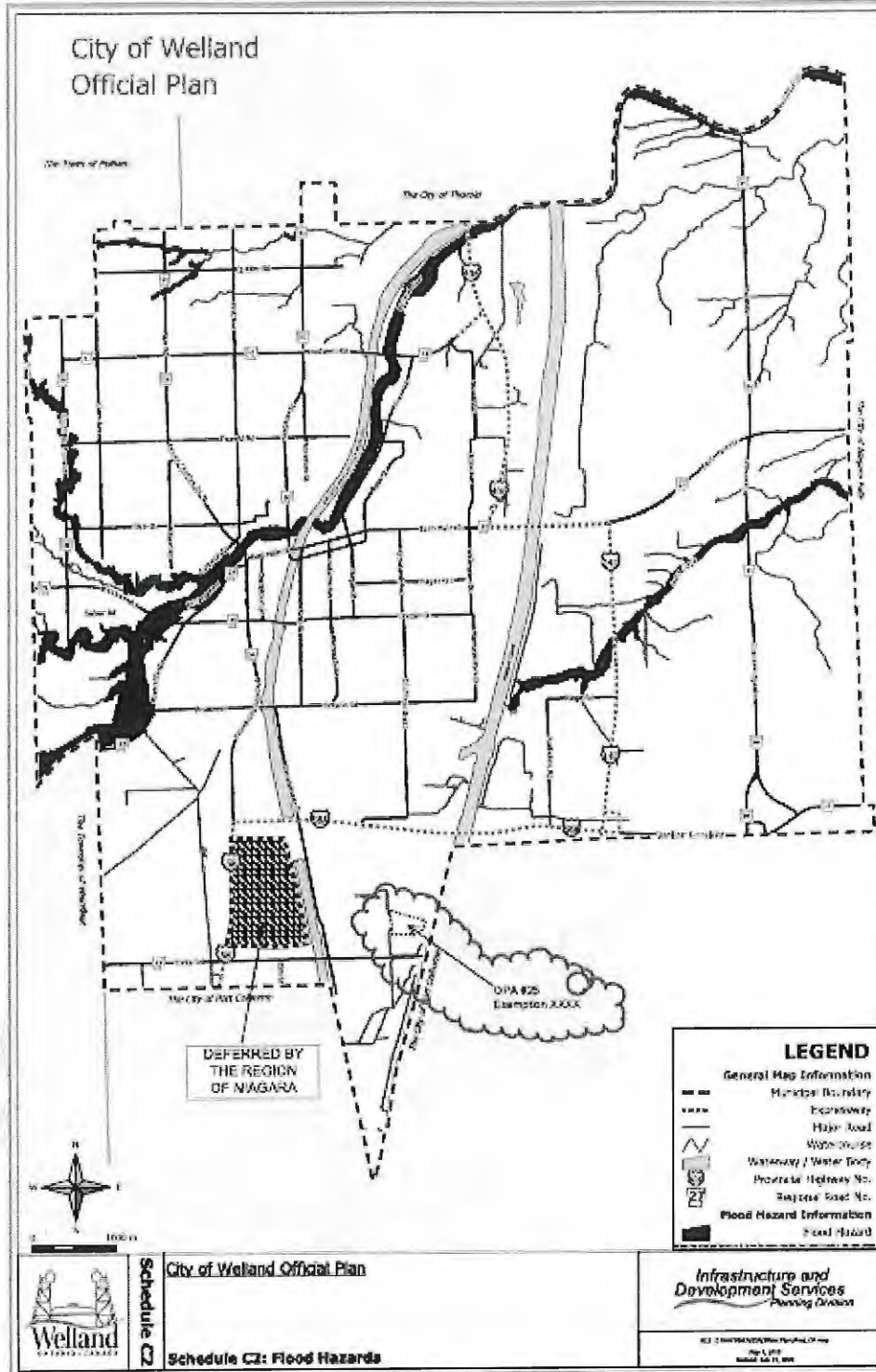
DESCRIPTION

DATE

DESCRIPTION

DATE





PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 25 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

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

DRAFT

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. 25 BY BY-
LAW 2020- PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON MONTH DATE, 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, August 13, 2020. I hereby certify that the required Public Meeting was held virtually on Tuesday, September 15, 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 day of MONTH, 2020.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted September 15, 2020 concerning Amendment No. 25 to the Official Plan of the Corporation of the City of Welland .

DRAFT



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

May 16, 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, Official Plan Amendment, Zoning By-law Amendment
Dain City (Dain East) Subdivision
Forks Road & Seaway Service Road
City of Welland
File No.: 26T-14-06002, OPA No.25, 2020-01

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

enbridgegas.com
Safety. Integrity. Respect.



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3
CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3
POSTESCANADA.CA

April 30th, 2020

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

Re: **DAIN CITY DRAFT PLAN OF SUBDIVISION**

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



INTERDEPARTMENTAL MEMORANDUM
INFRASTRUCTURE & DEVELOPMENT SERVICES
ENGINEERING DIVISION

To: Rachelle Larocque, BES, M.Sc., MCIP, RPP, Planning Supervisor
From: C. Scott Richardson, C.E.T., Development Supervisor
Date: September 29, 2020
Subject: Dain East Subdivision Development Comments

Rachelle,

The City's Engineering has no objections to the applications. A full engineering review will be done at the time of submission for Final Approval. We request the following conditions be included, and replaced with the original Draft Plan of Subdivision Conditions:

1. That no grading or construction work shall commence on site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title unless approved by the City in writing;
2. That the Owner provide a detailed landscaping plan for the Stormwater Management Facility, if required, for review and approval by the City of Welland prior to final approval of the Plan of Subdivision. Such design is to incorporate passive open space as appropriate;
3. That Block 95 be transferred to the City of Welland, free of all encumbrances, for Stormwater Management purposes only after the Owner has constructed the required Stormwater Management Facility, including any required landscaping, to the satisfaction of the City and the Owner has improved the remainder of Block 95 to the satisfaction of Community Services;
4. That the Owner shall provide a one (1) year maintenance period for the Stormwater Management Facility after assumption by the City. Prior to assumption, the Owner shall be responsible for clearing all sedimentation from the SWMF and all maintenance;
5. That the Owner shall agree, in the Subdivision Agreement, to implement the recommendations and/or mitigating measures respecting the proposed development resulting from all conditions to the satisfaction of the City of Welland and the required

agencies. The City may request a review of any study in relation to the impacts to the City of Welland Water and Sewer system through their model, the cost of which shall be borne by the Owner;

6. That the Owner will be responsible for the costs of any required upgrades to water, sanitary, and storm sewers along Forks Road (from the intersection with Kingsway east to their property).

Regards,

Scott Richardson

Scott

Rachelle Larocque

From: Scott Richardson
Sent: August 14, 2020 2:57 PM
To: Rachelle Larocque
Cc: Julie VanLeur
Subject: RE: Notice of Public Meeting - Official Plan Amendment (OPA No 25), Zoning By-law Amendment (2020-01), and Redline Revision to Draft Plan of Subdivision (26T-14-06002)

Rachelle,

Engineering has no objection to the OPA, red line revision and rezoning of the property in question.

Regards,

**C. Scott Richardson, C.E.T.**

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



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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: August 13, 2020 4:23 PM
To: Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; kevin_paul@cpr.ca; Ashley Grigg <cityclerk@portcolborne.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; bertrandm@csviamonde.ca; Richard Dalton <richard.dalton@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Mabee, Sue <Sue.Mabee@dsbn.org>; McPhee, Michelle <Michelle.McPhee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Tanya Lamb <tanya.lamb@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Paula Albano <paula.albano@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Dennis.DERANGO@HydroOne.com; Scott Richardson <scott.richardson@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Vince Beaudoin <vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; Fyffe, Hugh (MTO) <Hugh.Fyffe@ontario.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; David Deluce <ddeluce@npca.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; plan@niagararegion.ca; dpresley@mhbcpplan.com; Aaron White <aaron.white@giorail.com>; Dan Degazio <dan.degazio@welland.ca>; Kevin Carver <kcarver@wellandhydro.com>; Luna Shrourou <LShrourou@smartcentres.com>
Cc: Amanda Kosloski <amanda@armstrongplan.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; Grant Munday <grant.munday@welland.ca>; clerk <clerk@welland.ca>

Subject: Notice of Public Meeting - Official Plan Amendment (OPA No 25), Zoning By-law Amendment (2020-01), and Redline Revision to Draft Plan of Subdivision (26T-14-06002)

Good afternoon,

Attached please find Notice of Public Meeting for Official Plan Amendment, Zoning By-law Amendment, and Redline Revision to Draft Plan of Subdivision for 401 Canal Bank.

Notice of applications was circulated in April, 2020. If you provided comment previously, you do not need to provide further comment.

Sincerely,



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

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

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

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Rachelle Larocque

From: Aaron White
Sent: August 21, 2020 1:16 PM
To: Rachelle Larocque
Subject: RE: Notice of Public Meeting - Official Plan Amendment (OPA No 25), Zoning By-law Amendment (2020-01), and Redline Revision to Draft Plan of Subdivision (26T-14-06002)
Attachments: Rail Line Classification.pdf; PBL.pdf

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!

Good Afternoon Rachelle,

I don't recall if GIO submitted their requirements for this project or not. I don't see any issue with the proposed design.

This section of track is considered principal branch line, and the CN requirements applicable to that classification of track would apply here. I have attached those requirements.

These requirements include a standard 15m setback, as well as berm, fencing and vibration testing requirements.

If there are any questions, please let me know.

Thanks,



AARON WHITE

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: August 13, 2020 4:23 PM
To: Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; kevin_paul@cpr.ca; Ashley Grigg <cityclerk@portcolborne.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; bertrandm@csviamonde.ca; Richard Dalton <richard.dalton@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Mabee, Sue <Sue.Mabee@dsbn.org>; McPhee, Michelle <Michelle.McPhee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Tanya Lamb <tanya.lamb@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Paula Albano <paula.albano@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Dennis.DERANGO@HydroOne.com; Scott Richardson <scott.richardson@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Vince Beaudoin <vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; Fyffe, Hugh (MTO) <Hugh.Fyffe@ontario.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; David Deluce <ddeluce@noca.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; plan@niagararegion.ca; dpresley@mhbcpplan.com; Dan Degazio <dan.degazio@welland.ca>; Kevin Carver <kcarver@wellandhydro.com>; Luna Shrourou <LShrourou@smartcentres.com>
Cc: Amanda Kosloski <amanda@armstrongplan.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; Grant Munday

<grant.munday@welland.ca>; clerk <clerk@welland.ca>

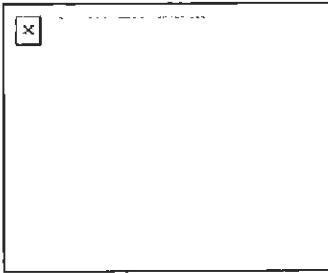
Subject: Notice of Public Meeting - Official Plan Amendment (OPA No 25), Zoning By-law Amendment (2020-01), and Redline Revision to Draft Plan of Subdivision (26T-14-06002)

Good afternoon,

Attached please find Notice of Public Meeting for Official Plan Amendment, Zoning By-law Amendment, and Redline Revision to Draft Plan of Subdivision for 401 Canal Bank.

Notice of applications was circulated in April, 2020. If you provided comment previously, you do not need to provide further comment.

Sincerely,



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

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

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

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PRINCIPAL BRANCH LINE REQUIREMENTS

- A. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.0 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
- B. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 4.0 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- C. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- D. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- H. The Owner shall enter into an Agreement stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- I. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

**Railway Properties**

1 Administration Rd
Concord, ON L4K 1B9

Telephone: 905-760-5007
Fax: 905-760-5010

The following information generally describes CN's internal classification system. For confirmation of the classification for a particular rail line, please contact CN directly.

Principal Main Line

- traffic volume generally exceeds 10 trains per day
- high speeds, usually exceeding 80 kph (50 mph)
- includes heavy trains with 3 or 4 locomotives per train, commuter and passenger trains

Secondary Main Line

- traffic volume generally exceeds 10 trains per day
- high speeds, usually exceeding 80 kph (50 mph)
- trains generally of light to moderate weight with 3 or 4 locomotives per train
- majority of traffic may be commuter and passenger trains

Principal Branch Line

- regular scheduled traffic, usually less than 5 trains per day
- low speeds, generally limited to 50 kph (30 mph)
- trains generally of light to moderate weight with 1 or 2 locomotives per train but may include heavier trains with more units

Secondary Branch Line

- intermittent, unscheduled traffic, usually less than 1 train per day
- low speeds, generally limited to 50 kph (30 mph)
- trains generally of light to moderate weight with 1 locomotive per train

Spur Line

- unscheduled traffic on a demand basis
- low speeds, limited to 24kph (15 mph)
- trains generally of light to moderate weight with 1 locomotive per train

Rachelle Larocque

From: Kevin.Balkaran@HydroOne.com on behalf of LandUsePlanning@HydroOne.com
Sent: August 17, 2020 8:39 AM
To: Rachelle Larocque
Subject: Welland - 401 Canal Bank - 26T-14-06002

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Hello,

We are in receipt of your Plan of Subdivision application, 26T-14-06002 dated August 13, 2020. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

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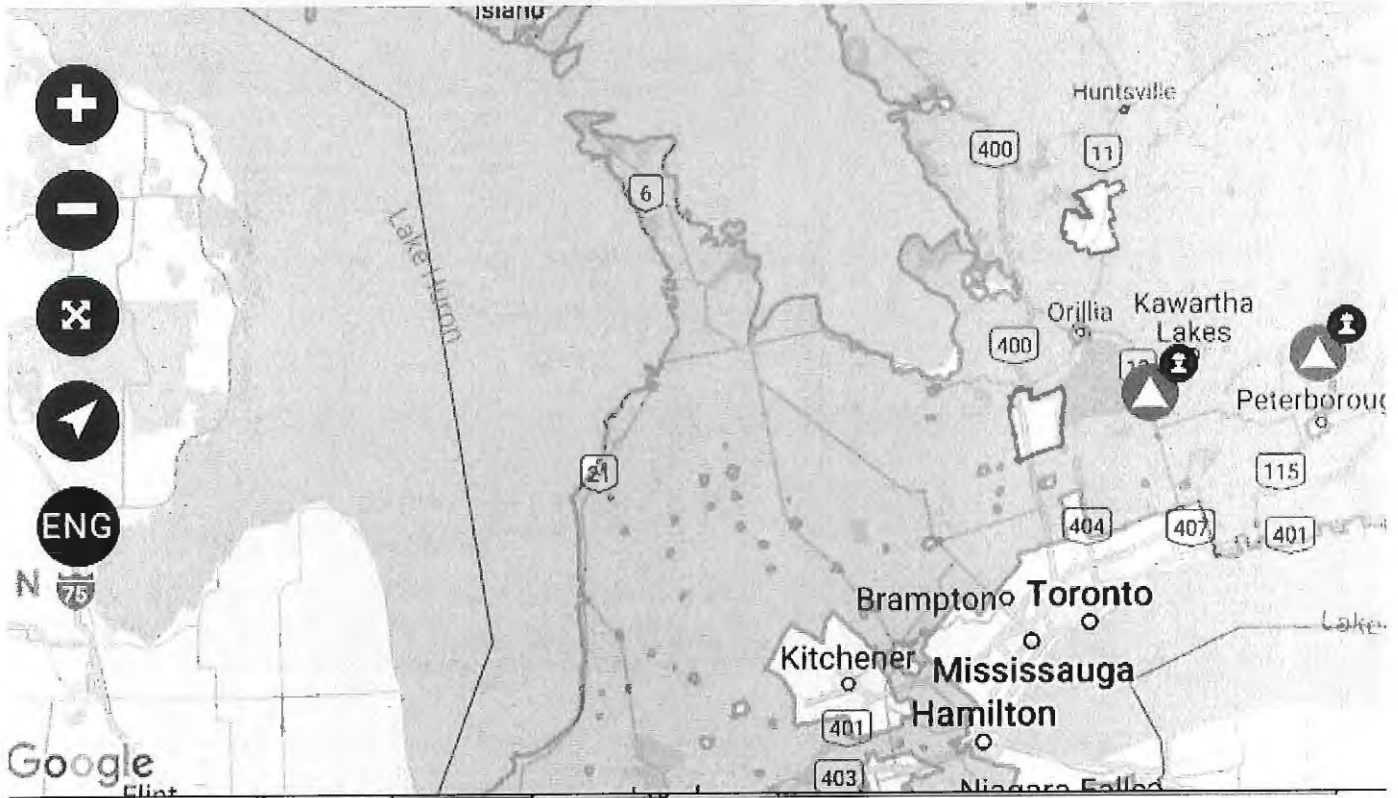


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If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Kevin Balkaran

University Co-Op Student, Real Estate Department
185 Clegg Road
Markham, ON L6G 1B7

Kevin.Balkaran@HydroOne.com

www.HydroOne.com

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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

June 26, 2020

Files: D.11.11.SD-20-0010
 D.10.11.OPA-20-0007
 D.18.11.ZA-20-0020

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

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
 Draft Plan of Subdivision- Redline Revision
 Official Plan and Zoning By-law Amendments
 Agent: Armstrong Planning & Project Management
 Applicant: 555 Canal Bank Developments GP Inc.
 401 Canal Bank Street
 City of Welland**

Regional Planning and Development Services staff has reviewed the application and supporting studies submitted by Armstrong Planning & Project Management on behalf of 555 Canal Bank Developments GP Inc.. The application for Official Plan Amendment is to re-designate lands associated with the former buffer area from the John Deere factory from Open Space & Recreation to Low Density Residential, as well as to increase the permitted density from 31 units per hectare to 58 units per hectare to allow for a mix of single-detached, semi-detached, and townhouse dwellings. The Zoning By-law Amendment has been made to rezone the lands associated with the former buffer area to Site Specific Residential Low Density 2 (RL2-58), and to amend the existing RL2-58 Zone on the property to allow for reduced lot frontages.

Regional staff notes that the vacant subject lands received draft approval in 2006 and were revised via redline revision in 2007 for a residential development with up to 982 residential units, which has received subsequent extensions until September 2020. The current submission to redline the existing subdivision to amend the site area to include lands that used to fall within the 300m buffer from the John Deere factory, which will

SD-20-0010, OPA-20-0007, ZA-20-0020
June 26, 2020

allow for the creation of 1369 to 1405 residential units at full buildout. At this time, it appears that the subdivision will be registered in 3 phases. The preliminary phasing plan has been set out based on the logical phasing of services and to be able to respond appropriately to changing market demands as each phase is built. It is our understanding that phasing may change over time as the plan evolves.

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 Greenfield Area of the City of Welland. The ROP states that the Region will require a combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas. The *Planning Justification Report* prepared by Armstrong Planning (dated March 12, 2020) states that the revised draft plan will provide a density of 72.9 people and jobs per hectare with a rate of 7% work from home jobs. However, Regional staff notes that 7% appears high for Welland and would consider 5-5.5% more appropriate. The consultants calculation was also limited to the subdivision area minus exclusions (of stormwater management and parks and open space areas), where the Region calculates the density based on the total subdivision area consistent with the Growth Plan. As such, the Region calculates that the density of this development falls in the range closer to 55 people and jobs per hectare and not the 72.9 as provided.

Regional Staff notes that with the redline revision to the draft plan, the density of this development has increased and meets the minimum Greenfield density target of 50 people and jobs per hectare. As such, staff offers no objection to the proposed redline revision from a density perspective as the proposed development is considered to align with Regional and Provincial policies.

Environmental Site Assessment

SD-20-0010, OPA-20-0007, ZA-20-0020
June 26, 2020

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use.

Regional staff understand that soil testing conducted on site has identified contamination as a result of past land use (including the construction of the Welland Shipping Canal, an old railway line on site and a former auto wreckage yard). The *Planning Justification Report* states that the site was previously owned by the federal government and was used to support construction of the Welland Shipping Canal (a stockpile of waste material generated from the excavation of the canal). A by-product of the canal excavation is a significant amount of peat that is buried throughout the site. It is the intent of the owner to remove the peat at the same time as remediation is taking place as both require the removal of soils from the site.

Further, a Phase 2 Environmental Site Assessment was completed by EXP (dated June 5, 2019) and has previously been submitted to the City in support of applications to participate in the City's brownfield remediation incentive programs. Regional staff notes that the Environmental Site Assessments were not submitted to our office as part of the review for these development applications. As such, copies of the Environmental Site Assessments will be required to be submitted for our review including a copy of the Record of Site Condition (RSC) in accordance with O. Reg. 153/04 filed on the Ministry of Environment's Brownfields Environmental Site Registry for this development. Therefore, an appropriate condition of draft plan approval has been included in the attached Appendix.

Land Use Compatibility

A *Land Use Compatibility-Air Quality Assessment* prepared by SLR Consulting Canada Ltd. (dated March 2020) was submitted in support of the development applications. The report reviewed the existing industries surrounding the proposed development with respect to air quality in accordance with the Ministry of the Environment and Climate Change (MECP) D-6 Guidelines. The report identified that Verbio Diesel Canada is a renewable fuel facility located immediately to the west of the subject property. The facility produces biodiesel and high-grade glycerin. This facility has been identified as a Class II industry based on a review of the industrial activities associated with their sector type. The report notes that the subject property is located within the recommended 300 metre area of influence from the Class II facility. Within their current Environmental Compliance Approval (ECA) the biodiesel facility is expected to emit fugitive odours from the facility as well as from fixed stationary sources. Within the ECA it is stated that the facility should not exceed one odour unit at a sensitive point of reception. However, historical wind frequency analysis shows that the wind frequencies are predominantly from the west and southwest. This would indicate that the wind may be directed from the Verbio Diesel facility towards the proposed development at a greater rate than the existing residences located nearby.

As such, mitigation strategies have been applied to the site layout with the addition of the following:

SD-20-0010, OPA-20-0007, ZA-20-0020
June 26, 2020

- Setback from the biodiesel facility with the stormwater management pond located between Verbio Diesel and the proposed development; and
- A berm constructed eight meters in height, which will provide for increased separation and reduced line of sight to the biodiesel facility along the westerly property line.

With the appropriate setback and mitigation in place, the report concluded that the surrounding Class II industry is not anticipated to be of concern from an air quality perspective.

Regional staff notes that continued use and potential future expansion of the industrial use may occur, which may lead to additional land use compatibility concerns regarding air quality, odour, noise or vibration. Staff notes that any new or expanding industrial development will have to satisfy MECP's requirements with respect to any air emissions through their ECA. As such, it is recommended that all offers of Purchase, Sale or Lease for the development include a warning clause noting the existing and potential future expansion of the industrial use. As such, appropriate conditions of draft approval to address land use compatibility have been included in the attached Appendix.

Noise and Vibration

The subject lands are situated adjacent to both an industrial facility operational railway lines to the west and north, and a Provincial Highway (#58A) to the north. As these uses represent significant sources of noise and vibration, a *Noise and Vibration Feasibility Study* prepared by HGC Engineering (dated May 14, 2020) was submitted in support of the applications.

Class 4 Designation

Regional staff has worked with the City prior to submission of this Study to evaluate the most appropriate solutions for noise mitigation to ensure that required mitigation would not compromise the layout/design of the proposed development.

Only portions of the site are proposed to be designated as a Class 4 acoustical environment which includes the first row of dwellings at the far westerly lot line immediately adjacent to the rail line. Regional staff notes that the Noise Assessment has been prepared based on Class 4 dBA thresholds.

Transportation Noise

Based on the Consultants evaluation, sound level predictions were made at the worst-case location (residence at the north west corner of the site) which could be exposed to noise from the rail to the west, rail to the north and Hwy #58A to the north. With no mitigation, future sound levels are expected to exceed MECP guideline limits by a minor amount. However, the report states that development in this area (Phase 3) will not

occur for some time and that a detailed noise study should be completed prior to the registration of this phase of the draft plan.

The report also indicates that transportation based noise can be sufficiently mitigated through building façade construction meeting the minimum requirements of the Ontario Building Code to achieve the indoor noise guideline criteria of the MECP, along with the provision of air conditioning in all units and warning clauses.

Ground Bourne Vibration

The results of the study indicated that the measured levels of ground-bourne vibration are below the perceptibility limits and vibration isolation measures or warning clauses are not required for this development.

Industrial (Stationary) Source Noise

The report confirmed that the majority of the noise sources from the adjacent Verbio Diesel facility are contained within the main building. The consultant noted that the existing Environmental Compliance Approval indicates the facility is operating in compliance with the MECP's sound level limits at the closest noise sensitive receptors (including the proposed homes on the subject property). An acoustic earth berm and noise barrier will provide beneficial acoustical shielding for future dwellings from the industrial operation, in which the sound level predictions will be well within the MECP's sound level criteria. In addition, other mitigation measures (warning clauses) have been recommended to protect the proposed development from noise impacts.

Regional staff notes that a Class 4 status must be agreed to by the land use approval authority (the City of Welland and/or Niagara Region), which provides increased dBA thresholds for stationary source noise impacts. As such, the City (as the approval authority) will be required to apply the Class 4 designation in this instance.

Regional staff have included conditions in the Appendix regarding the recommended noise mitigation measures, as well as recommended Class 4 designation requirements.

Staff further notes that the mitigation requirements between the studies submitted (the Noise and Vibration Feasibility Study and the Land Use Compatibility Assessment) as well as other agency requirements (e.g. CN Rail) may have similar, different or conflicting requirements with regards to construction details of the berm, noise barrier etc. As such, Regional staff will need clarification from the respective consultants confirming the final construction design of such mitigation measures.

Core Natural Heritage System

Regional Environmental Planning staff have reviewed the updated documents and notes that there are no mapped natural heritage features located on the subject lands and the adjacent wetland/woodland are separated from the proposed development by

an existing road (Forks Road) and rail corridor (Canadian National Railway). In addition, the *Planning Justification Report*, prepared by Armstrong Planning (dated March 12, 2020) indicates that potential natural heritage corridors on the property will be maintained adjacent to the rail corridor and Welland Shipping Canal, and zoned Open Space. As such, there are no additional Environmental Planning comments/requirements with respect to the Core Natural Heritage System.

Environmental Planning staff recommend that the City of Welland consider requiring the Open Space blocks, SWM block and Park blocks be vegetated predominately with native vegetation that complements the adjacent vegetation communities. Staff would be happy to review any Landscape Plans required for this application, if requested.

Archaeology

As the subject lands have been significantly graded/alterd from the construction of the Welland Canal, the property does not exhibit potential for archaeological findings. As such, the requirement for the completion of an Archaeological Assessment is not warranted. However, in order to address any potential discoveries during development, Regional staff will request that standard warning clauses be included in the Subdivision Agreement regarding deeply buried archaeological resources and human remains.

Servicing

Regional technical staff has reviewed the following documents submitted in support of the planning applications:

- Functional servicing report, prepared by Upper Canada Consultants, dated March 2020.
- Draft Plan of Subdivision, prepared by Armstrong Planning, dated February 20, 2020.
- Stormwater Management Plan 401 Canal Bank Street (dated March 2020) by Upper Canada Consultants

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, the Region must review and approve any new/extended sanitary and storm sewer services 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.

Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Welland relative to the existing infrastructure capacity. The Region has reviewed the recently completed Mater Servicing Plan (MSP) and provide the following comments:

- This property falls within the Dain City Sewage Pumping Station (SPS) sewer shed, this sewer shed has been allocated growth out to 2041 in consultation and collaboration with the City of Welland. This study was completed at a high level and did not allocate capacities to individual properties.
- Currently the MSP has not identified any upgrades to the Dain City Sewage Pumping Station. The existing operating capacity of the station is 94 L/sec, and all current and future calculated dry and wet weather flows exceed the capacity of the station. As well, the measured wet weather flows in the system are greater than the calculated flows and the City and Region are working together to reduce the wet weather flows in the system. There is an on-going project for the replacement of the forcemain for operational issues for the Dain City SPS which has projects scheduled for 2020 and 2021. Once the forcemain is completed the SPS will have the capacity to accommodate the anticipated growth in the sewer shed.
- The Region has added the projected flows to the existing flows. We would ask that if the development is going to be phased that the flows be broken done with the estimated timing for the phasing to better understand how the timing of the SPS and FM projects work with the potential additional flow.

A copy of the Region's Master Servicing Plan can be accessed through the following link: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

Stormwater Management

The Niagara Region staff have reviewed the *Stormwater Management Plan 401 Canal Bank Street* (dated March 2020) by Upper Canada Consultants. Based on our review staff offers the following comments:

- 1) The Niagara Region will require stormwater runoff from the development be captured and treated to a Normal standard prior to discharge from the site.
 - The Niagara Region has no objection in principle to the proposed wet pond and an oil-grit-separator to meet water treatment requirements. However, the percentage of impervious land use indicated in Table 4 and Figure 4 is different. Please revise accordingly to ensure the permanent pool is sufficient.
 - The sizing of the oil-grit-separator for catchment B51 (to Forks Road) will require updates with processing the development details. An imperviousness of 25% would be underestimated to reflect the development of detached lots and the roadway.
 - Please revise typo 'A40, A50, A51' on the Report Figure 5.
- 2) Prior to construction, the Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Waste Management Services

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

- 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 policy can be found at the following link: www.niagararegion.ca/waste

Based on the current policy the Region will require that detailed plans showing the dimensions and radii of the proposed road network and curbs be provided as well as an indication of the phasing of the development prior to final approval. Given that phasing is planned, it appears that the proposed road networks do not provide for through streets. As such, Regional staff will require that a revised draft plan, which indicates appropriate temporary turnarounds, be 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 (see attached design templates).

Conclusion

Based on the discussion above, Regional staff supports, in principle, the development of 401 Canal Bank Street as the proposed applications are considered to align with the intent and direction of Regional and Provincial policy. As such, Regional Planning and Development Services staff would offer no objections to the redline revision to the Draft Plan of Subdivision or the concurrent Official Plan and Zoning By-law Amendments subject to the discussion above and the Conditions outlined in the Appendix.

Staff has reviewed the draft Official Plan Amendment and notes that given the site specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and the Regional Official Plan.

If you have any questions or wish to discuss these comments, please contact me at Lindsay.earl@niagararegion.ca.

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

SD-20-0010, OPA-20-0007, ZA-20-0020
June 26, 2020

Best regards,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

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

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Diana Morreale, MCIP, RPP, Director, Development Approvals, 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
401 Canal Bank Street, Welland

1. 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's written acknowledgement of the filing of the RSC.
2. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved mitigation measures as outlined in *Land Use Compatibility-Air Quality Assessment* prepared by SLR Consulting Canada Ltd. (dated March 2020).
3. That the following warning clause be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"The lands in the plan of subdivision may be exposed to reduced air quality and/or odour, dust or vibration impacts from nearby industrial operations that may interfere with some activities of the owners/tenants who occupy these lands".
4. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved noise mitigation measures as outlined in the *Noise and Vibration Feasibility Study* prepared by HGC Engineering (dated May 14, 2020).
5. That the owner submit a detailed noise study prior to final registration of Phase 3 of the Subdivision.
6. That the City of Welland formally consent to apply a Class 4 designation on the subject lands for the purposes of Noise Mitigation.
7. That the adjacent landowners be notified that the proposed development (a new noise-sensitive use) will be subject to the Class 4 Noise Criteria outlined in the Provincial NPC-300 Environmental Noise Guidelines.
8. That the Subdivision Agreement contains provisions whereby the owner agrees to provide confirmation from the respective Consultants/Agencies as to the final design of the berm/ noise barrier as a required form of mitigation as outlined in the supporting studies.
9. That the following clauses shall be included in the Subdivision Agreement between the owners and the City of Welland:

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

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

10. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department 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.
11. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department 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.
12. 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.
13. 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 and Climate Change 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 Planning and Development Services Department for review and approval:
 - i. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;

- ii. Detailed erosion and sedimentation control plans;
 - iii. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
14. 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 Condition above.
15. 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.
16. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.

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.



DISTRICT SCHOOL BOARD OF NIAGARA

191 Carlton St. ▪ St. Catharines, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ dsbn.org

July 15, 2020

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

Re: Application for Redline Revision to the Dain City (Dain East) Draft Plan of Subdivision (26T-14-06002); Official Plan Amendment (OPA No. 25); and Zoning By-law Amendment (2020-01)

Dear Mr. Munday,

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for a Redline Revision to the Dain City (Dain East) Draft Plan of Subdivision; an Official Plan Amendment; and a Zoning By-law Amendment for the lands known as 401 Canal Bank Street in the Dain City area of Welland. The lands were originally approved by Council for a residential subdivision in 2006 with extensions granted until September 2020. The planning applications are being submitted to generally reinstate the original (2006) residential approvals that allowed for the development of the whole site.

The draft plan of subdivision proposes a mix of single detached dwellings, semi-detached dwellings and townhouses along with parks and open space, a stormwater management pond, and the associated roads on an approximately 72 hectare site. The number of dwellings proposed will be 1,369 units or 1,405 units depending on unit type. The Official Plan Amendment and Zoning By-law Amendment applications would put in the appropriate designations and regulations to facilitate the development accordingly.

The Dain City area is currently boundaried to McKay PS (elementary) and Port Colborne High School (secondary) in the City of Port Colborne. DSBN staff developed enrolment projections for this proposed residential development, along with future residential development to the west, and determined a new elementary school would be warranted to serve the Dain City area. We have had discussions with Armstrong Planning about our school needs and we understand that the applicant will be submitting a draft plan of subdivision application for the lands to the west. We advised Armstrong Planning that the DSBN would request an approximately 3.3 hectare (8 acre) school site be included as part of the future "Dain West" subdivision applications.

DSBN planning staff has completed its review and has no objections to the applications. Board staff request that, as a condition of approval, sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations.

If you have any questions, feel free to contact me at ext. 54225.

Yours truly,

A handwritten signature in black ink that reads "Sue Mabee". The signature is written in a cursive, flowing style.

Sue Mabee, MCIP, RPP
Supervisor of Planning Services



Rachelle Larocque

From: Ali Khan
Sent: April 16, 2020 3:51 PM
To: Rachelle Larocque
Subject: RE: Notice of Applications - Dain City Draft Plan of Subdivision Redline Revision, Official Plan Amendment (OPA 25) and Zoning By-law Amendment (2020-01) - 401 Canal Bank Street

Hi Rachelle,

I am satisfied with the TIS submitted for Ph 1. However , a traffic brief (level of service analysis) for the intersection of Kingsway/Forks Road be submitted for year 2027, assuming that the Forks road bridge will be in place.

Regards
 Ali Khan

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

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

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Date: 2020-04-16 3:14 p.m. (GMT-05:00)
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>, Aaron White <aaron.white@trilliumrailway.com>
Cc: Grant Munday <grant.munday@welland.ca>
Subject: Notice of Applications - Dain City Draft Plan of Subdivision Redline Revision, Official Plan Amendment (OPA 25) and Zoning By-law Amendment (2020-01) - 401 Canal Bank Street

Good afternoon,

Please find attached the Notice of Application for a Redline Revision to Draft Plan of Subdivision (File No. 26T-14-06002), Official Plan Amendment (OPA 25), and Zoning By-law Amendment (2020-01) for 401 Canal Bank Street. Should you require additional information, please do not hesitate to contact me.

Sincerely,



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

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

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

www.welland.ca



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April 17, 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 Redline Revision to the Dain City (Dain East) Draft Plan of Subdivision (26T-14-06002); Official Plan Amendment (OPA No. 25); and, Zoning By-Law Amendment (2020-01)

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.

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

Based on an initial review of the draft plan titled: "DAIN CITY EAST – DRAFT PLAN OF SUBDIVISION", it is likely that easements will be required in order to electrically service the development. Easements may be required on Blocks 32, 101, 106, and 129 to facilitate access into this portion of the development with primary distribution assets (subject to change pending final design). Additionally, the proposed road allowance width in some sections of the development may necessitate blanket easements to cover any requirement for distribution equipment on private property. Any easement(s) required by WHESC to service this development or any future adjacent developments, will be registered by the Applicant at their expense.

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.

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2020-49
OCTOBER 6, 2020

**SUBJECT: APPLICATION FOR TAX INCREMENT BASED REBATE PROGRAM CITY OF WELLAND NIAGARA GATEWAY ECONOMIC ZONE AND CENTRE COMMUNITY IMPROVEMENT PLAN
603697 ONTARIO LIMITED
100 DOWNS DRIVE**

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

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application for the City of Welland Niagara Gateway Economic Zone and Centre Community Improvement Plan Incentive Program for the property known municipally as 100 Downs Drive in the City of Welland for the Tax Increment Based Rebate Program in the estimated amount of \$357,855.94 over ten (10) years and rebate of the Site Plan Control Application Fee of \$2,401.00; and further

THAT Welland City Council directs Staff to prepare the required by-law(s) and agreement(s); and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy the conditions related to participation in the Tax Increment Based Rebate Program.

ORIGIN AND BACKGROUND:

On March 4, 2014, the Council of the day passed By-law 2014-30 which adopted the City of Welland Niagara Gateway Economic Zone and Centre Community Improvement Plan (Welland Gateway CIP). The purpose of the Gateway CIP is to provide a comprehensive framework for the introduction and implementation of financial incentive programs and municipal leadership actions designed to attract investment and development of employment lands within the City. Three (3)

Incentive Programs are available to applicants within the project area. This report deals with the Tax Increment Based Program (TIBR) and the Planning Application Fee Grant Program.

This report is the thirteenth (13th) application for the TIBR under the Welland Gateway CIP.

The City of Welland received the complete application from 603697 Ontario Limited on September 25, 2020 for the Gateway CIP Incentive Programs for property municipally known as 100 Downs Drive. With reference to Appendix I, the property is located on the north side of Downs Drive, east of River Road and is part of the City developed River/Downs Industrial Subdivision. The subject lands are located within the Welland Gateway CIP area and are identified as a Strategic Location for Investment.

Tax Increment Based Rebate (TIBR) Program:

The purpose of the TIBR is to stimulate new, sustainable investment by existing and new businesses on employment lands within the City of Welland in the form of development, redevelopment, construction, reconstruction, rehabilitation or adaptive reuse of buildings and properties. The TIBR provides an annual tax increment based rebate payment equal to a percentage of the municipal (City and Regional) property tax increase generated by the project.

The percentage of the annual rebate is based on the following:

- a. economic performance; and
- b. environmental/design performance of the project

The rebate would be paid over a ten (10) year timeframe if the project is located in one of the Strategic Locations for Investment areas identified in the Gateway CIP. The timeframe is five (5) years for projects located outside the Strategic Locations for Investment. The TIBR Program would not require the City to allocate new or additional funds for implementation. The increased tax generated by new development is paid upfront and then a percentage would be returned to the owner as a tax increment rebate. The subject property is eligible for a ten (10) year TIBR.

COMMENTS AND ANALYSIS:

With reference to Appendix II the owner (603697 Ontario Limited) is proposing to construct a 1,188 square metre (12,787.53 square feet) industrial building with 1,188 square metre (12,787.53 square feet) craneway. The construction of this facility will result in a total private sector investment of approximately \$8,261,918.00. This includes the following projected expenses over a five (5) year period:

- Land Acquisition \$489,900.00
- Site Preparation \$325,000.00

- Building Permit Construction Value \$2,497,018.00
- Value of Equipment to be purchased/installed \$450,000.00
- Operational Costs (i.e. salaries, administration, etc.) \$4,500,000.00

The application also indicates that the proposed facility will create between 10 and 19 full-time equivalent (FTE) jobs in Welland.

The owner has made application for the TIBR Program. The purpose of these Incentive Programs is to provide financial incentives to help offset the costs of the development or redevelopment of employment lands identified in the Welland Gateway CIP. It is likely that without the benefit of these financial incentive programs, private sector investment may not occur. The construction of this facility will likely result in an increase the municipal tax base and assist with revitalizing the economy by creating direct and indirect jobs and through the construction and equipping of the proposed works.

Applications for the TIBR are evaluated using the following scoring matrix:

1. Economic Performance

A maximum of fifteen (15) points are available for the Economic Performance. Points are awarded based on the number of full-time or full time equivalent (FTE) jobs created/retained by the proposed business, and the proposed construction value.

With reference to Appendix III, the proposed development scores two (2) points for construction value since the total construction value is \$2,497,018.00 and scores six (6) points for the creation of between ten (10) to nineteen (19) jobs in Welland. The total estimated points for economic performance is eight (8).

2. Environmental Design Performance

A maximum of five (5) points is available for the environmental design performance of a project with points awarded based on level of Leadership in Energy and Environmental Design (LEED) certification achieved by the project or conformity of the project with the Region's Smart Growth Design Criteria (see Appendix IV).

The proposed development meets six (6) of the six (6) Smart Growth Design Criteria. The total estimated points for Environmental Performance is five (5). The program requires that a minimum of three design criteria be met to receive any points for environmental performance. The following chart provides a brief overview on how the proposed development meets one of the Smart Growth Design Criteria.

DESIGN PRINCIPLE(S)	DEVELOPMENT FEATURE	PROPOSED DEVELOPMENT
Foster Attractive Urban Communities and a Sense of Place	Architectural Design	The proposed building facades facing the street will provide architectural design treatments which include colour and material variations, windows and articulations in the wall plane.
Context Sensitive	Cycling Infrastructure	The site will provide 4 bicycle parking spaces which meets the requirement in the City's Zoning By-law.
Pedestrian-Friendly Public Realm	Site Design	The entrance faces the road and is connected to the road by a walkway. Off Street trails/walkways are not provided as it would not increase accessibility to the site given its location.
Environmentally Sustainable	Energy Conservation	The property and building includes facilities for recycling waste and will utilize LED lighting and motion/occupancy sensors to help manage energy use, the building also includes a significant number of large windows which will provide natural lighting within the building for daylight harvesting.
	Water Consumption Reduction	The landscaping will utilize drought tolerant native species.

The proposed development scores as follows when applying the above-noted criteria:

Economic Performance	Construction Value = \$2,497,018.00 (2 pts) + Number of FTE's = 10-19 (6 pts)	8
Environmental Design	6/6 Smart Growth Design Criteria	5
Total Estimated Points		13

With reference to Appendix III, the Total Estimated Points of thirteen (13) equals a 65% TIBR for the City of Welland and Niagara Region portions of the property tax for a period of ten (10) years.

The TIBR for the development as proposed is estimated to be as follows:

	100 Downs Drive - Vacant Land	Total Pre-Project Taxes	Project Completion	Tax Increment
Assessment Value¹	\$489,900.00	\$489,900.00	\$2,986,918.00	
Municipal Taxes^{2,4}	\$7,140.70	\$7,140.70	\$62,195.46	\$55,054.76
Regional Taxes^{3,5}	\$5,911.60	\$5,911.60	\$51,490.05	\$45,578.44
Provincial Taxes^{6,7}	\$6,123.75	\$6,123.75	\$37,336.48	
			Total	\$100,633.20
			% of Tax Increment⁸	65.00%
			City Grant Payment	\$35,785.59
			Regional Grant Payment	\$29,625.99
			Total Grant Payment	\$65,411.58
			Duration of Grant Payment (5 or 10 Yrs)⁹	10
			Total Grant Payment¹⁰	\$357,855.94

The calculations in the above chart are estimates and may change. For example, the Pre-Development and Project Completion Assessment value could be higher or lower. Also the tax rate assessment may change over time.

Staff recommends approval of the application for a Tax Increment Based Rebate as outlined above.

The proposal meets and exceeds the goals and objectives of the CIP by attracting private sector investment in Welland, creating jobs, promoting environmental stewardship and increasing the municipal tax base. No rebate payments will be

made until a number of conditions have been met, including but not limited to the following:

- A signed agreement between the City, the Region and the owner;
- Compliance with the Site Plan Control Agreement (in process)
- Yearly confirmation of number of FTE jobs; and
- Full payment of municipal taxes.

The TIBR and site plan fee rebate combined with the City's aggressive approach to attracting new development and promoting the City are critical components in assisting the owner to invest in Welland and the Region of Niagara as a whole.

FINANCIAL CONSIDERATION:

One of the goals of a Community Improvement Plan is to increase the long-term assessment base and property tax revenues for the City of Welland and the Region.

While the TIBR will provide a significant financial incentive to the owner to locate in the City of Welland, the City and the Region are estimated to receive approximately \$7,140.70 and \$5,911.60 respectively in property taxes per year.

The total amount of the TIBR for this project shall not exceed the cost of developing the land.

The TIBR for the City of Welland will be administered as follows:

- Tax Increment Based Rebate Program uses future tax increase (tax increment) to pay for eligible development costs by way of a property tax rebate; and
- Rebate equals 65% of the City portion of property tax increase rebated annually each year for 10 years

OTHER DEPARTMENT IMPLICATIONS:

The Economic Development Division will continue to be actively involved in all aspects of this project to ensure timely approval processes and coordination among the City, Region and Province.

The Finance Division will be involved with all financial aspects associated with this program.

The Engineering Division will be involved in reviewing the completion of engineering works on site.

The Planning Division will be responsible for processing any future development approval applications.

The Building Division will be responsible for processing any Building Permit Applications for the proposal.

The Legal Division will be involved in the registration of the by-law(s) and agreement(s).

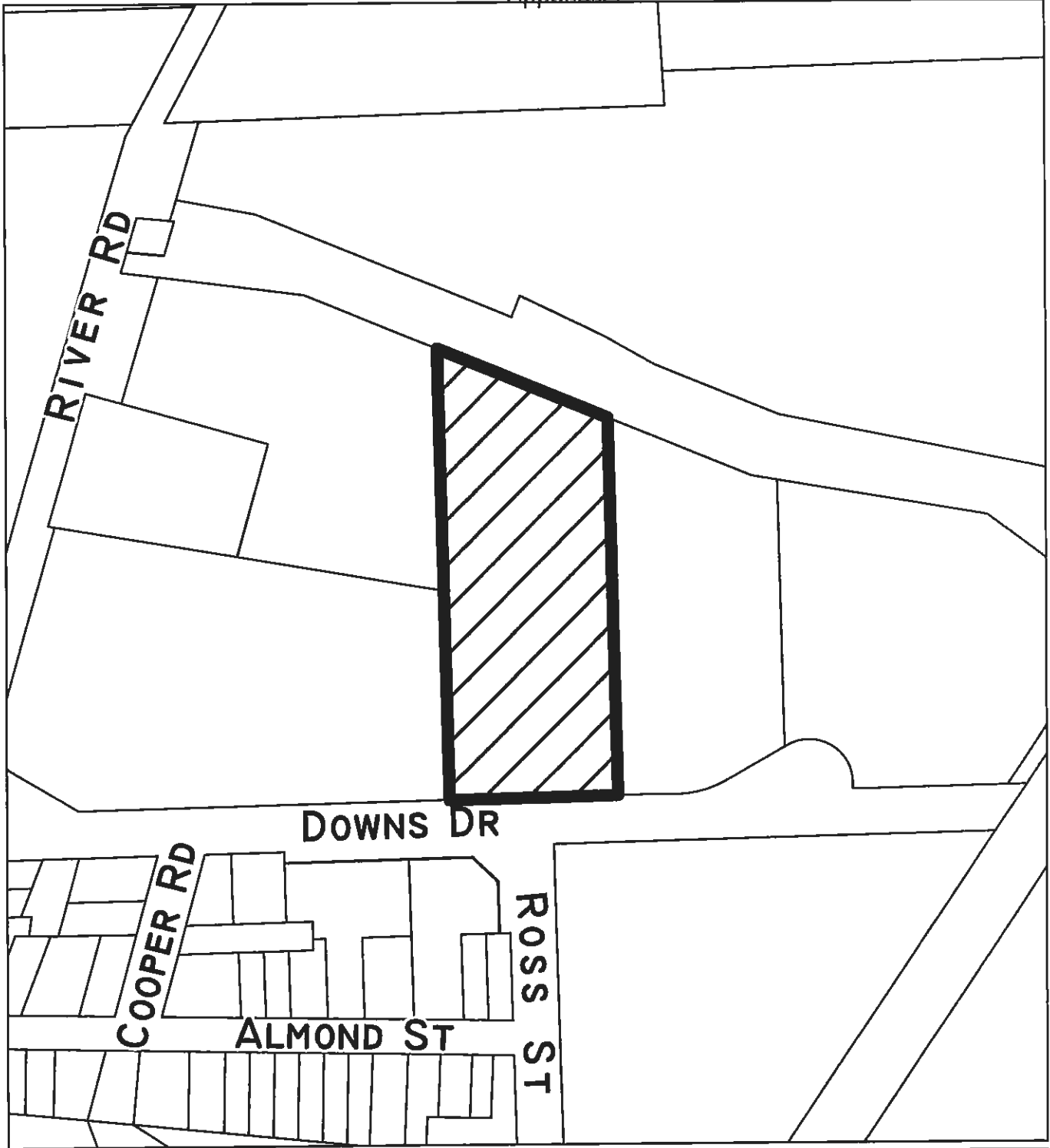
SUMMARY AND CONCLUSION:

The owner of 100 Downs Drive has made an application requesting funding under the Welland Gateway CIP Incentive TIBR Program for a proposed industrial building and craneway.

Staff recommends approval of the TIBR for 100 Downs Drive. The approval of the applications will provide an estimated financial incentive of \$357,855.94 over a ten (10) year period. The development may generate up to approximately \$\$2,497,018.00 in additional assessed value, create ten (10) to nineteen (19) FTE jobs and a total private sector investment of \$8,261,918.00. The proposal meets and exceeds the goals and objectives of the Gateway CIP and represents a significant investment into the City of Welland and the Region of Niagara as a whole.

ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Proposed Plans
- Appendix III - Scoring Matrix
- Appendix IV - Smart Growth Design Criteria



LOCATION MAP

100 Downs Drive



SUBJECT LANDS

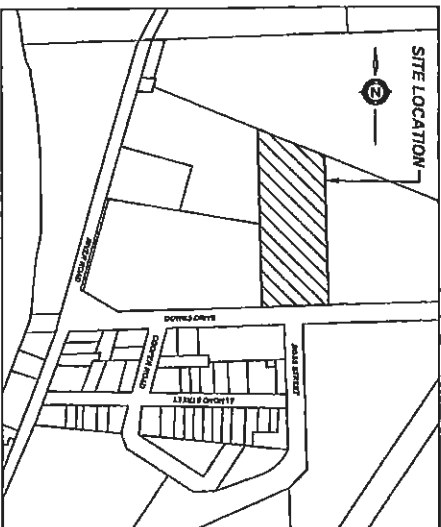


*Infrastructure and
Development Services*
Planning Division

THE CORPORATION OF THE CITY OF WELLAND

KUBES STEEL #100 DOWNS DRIVE, WELLAND

JUNE 2020



LOCATION PLAN (NTS)

UCC PROJECT #2037



DRAWING INDEX

DATE	2020-06-10	2020-06-10
BY	2020-06-10	2020-06-10
REVISED BY	2020-06-10	2020-06-10
DATE	2020-06-10	2020-06-10
BY	2020-06-10	2020-06-10
REVISED BY	2020-06-10	2020-06-10

DATE	2020-06-10	2020-06-10
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REVISED BY	2020-06-10	2020-06-10



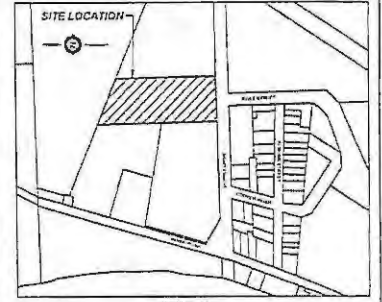
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WV	PROP WATER MAIN	4	WATER DOOR
WV	CE WATER METER CHAMBER	4	OVER HEAD DOOR
WV	PROP WATER METER CHAMBER	4	PROP OVER HEAD DOOR
WV	CE EFFLUENT	4	PROP OVER HEAD DOOR
WV	PROP EFFLUENT	4	PROP OVER HEAD DOOR
WV	CE GARDENING	4	PROP OVER HEAD DOOR
WV	PROP GARDENING	4	PROP OVER HEAD DOOR
WV	CE DOUBLE GARDENING	4	PROP OVER HEAD DOOR
WV	PROP DOUBLE GARDENING	4	PROP OVER HEAD DOOR
WV	CE STORM MANHOLE	4	PROP OVER HEAD DOOR
WV	PROP STORM MANHOLE	4	PROP OVER HEAD DOOR
WV	CE SANITARY MANHOLE	4	PROP OVER HEAD DOOR
WV	PROP SANITARY MANHOLE	4	PROP OVER HEAD DOOR
WV	CE WOOD POLE	4	PROP OVER HEAD DOOR
WV	PROP WOOD TRANSFORMER	4	PROP OVER HEAD DOOR
WV	CE LIGHT STAND	4	PROP OVER HEAD DOOR
WV	PROP LIGHT POLE	4	PROP OVER HEAD DOOR

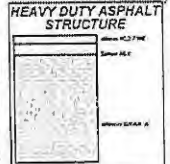
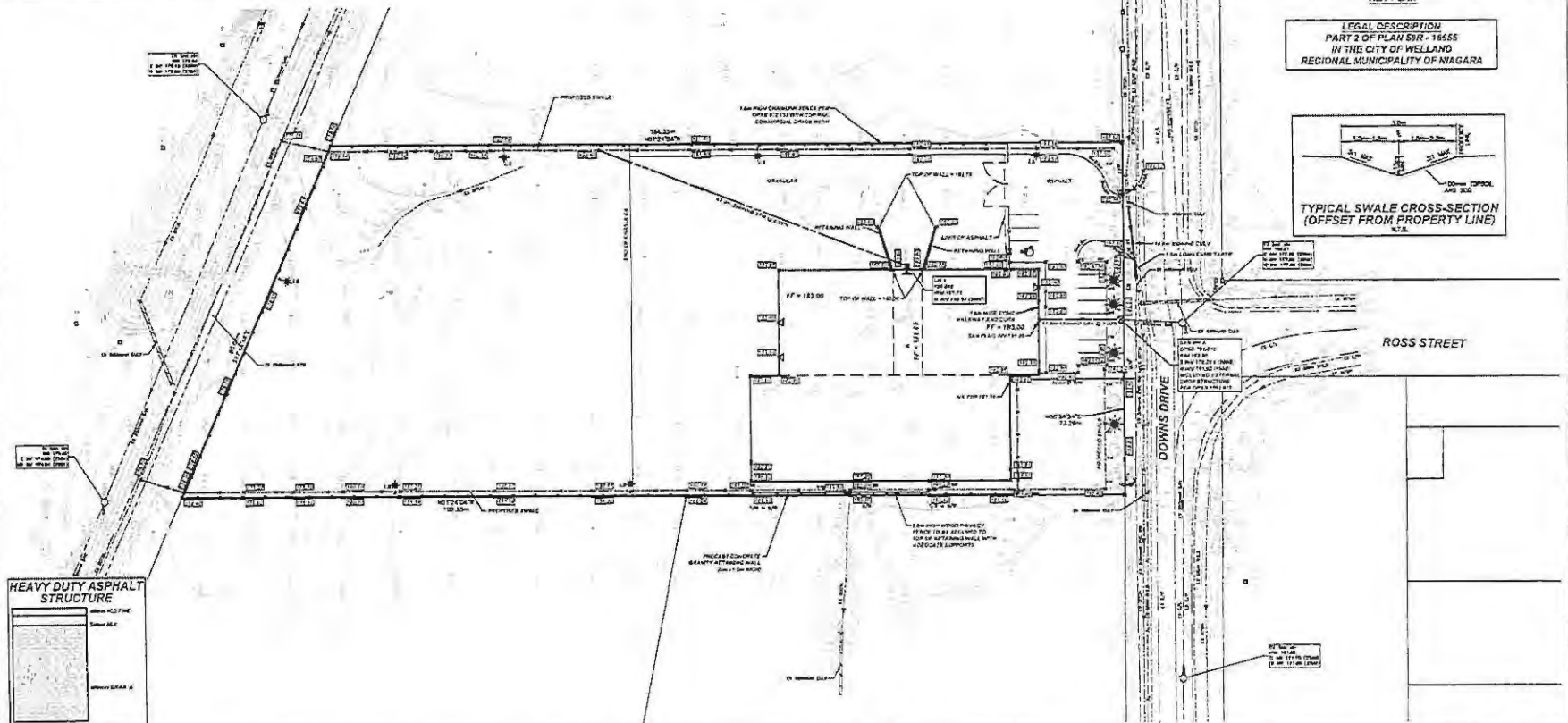
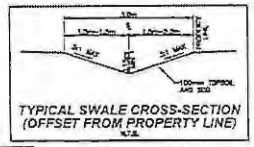
- GENERAL**
1. ALL DIMENSIONS AND FINISHES MUST BE VERIFIED PRIOR TO CONSTRUCTION. IF THERE IS ANY DISCREPANCY THE CONTRACTOR IS TO NOTIFY THE ENGINEER IMMEDIATELY.
 2. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES BEFORE CONSTRUCTION. ALL WORK TO BE DONE ON ANY UTILITIES LOCATED TO THE EAST OF THE SITE OR WITHIN THE STREET LINES MUST BE LOCATED BY THE CONTRACTOR AND REPORTED PRIOR TO CONSTRUCTION. WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE LOCATION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 3. ALL UNDERGROUND SERVICES MATERIALS AND INSTALLATIONS TO BE IN ACCORDANCE WITH THE LATEST CPSS & CPSS STANDARDS AND CITY OF WELLAND STANDARDS AND SPECIFICATIONS.
 4. ALL DISTURBED AREAS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER UNLESS OTHERWISE SPECIFIED.
 5. ALL CHANNELED SWALES, EXCEPT THE LINES OF THE SITE, DETERMINED BY THE CONTRACTOR SHALL BE REINFORCED WITH 150MM TYPICAL AND SOG.
 6. CHANNELED SWALES SHALL NOT ADJACENTLY AFFECT DRAINAGE PATTERNS OF ADJACENT LOTS.
 7. ALL GRADERS TO BE WITHIN 200 MM MAX. ELEVATION AT PROPERTY LINE AND WITHIN THE SITE.
 8. ALL ASPHALT AREAS TO BE GRADED AT A MINIMUM OF 0.5% SLOPE.
 9. CONCRETE REINFORCEMENT TO BE 100MM THICK ON 100MM THICK COMPACTED GRANULAR FILL.

- WATERMAIN**
1. ALL WATER SERVICE MATERIALS AND CONSTRUCTION METHODS MUST CONFORM TO CURRENT SPECIFICATIONS FOR THE MUNICIPALITY OF WELLAND.
 2. WATER SERVICE TO HAVE A MINIMUM COVER OF 1.5M WITH A MINIMUM TYPICAL SPACING OF 300M FROM OTHER UTILITIES.
 3. WATER SERVICE TO BE 300MM HDPE BOWEN 180 INCLUDING THREE TIMES MINIMUM AND LOCATING PROTECTION FOR CITY OF WELLAND STANDARDS OR APPROVED EQUAL.
 4. BEDDING FOR WATER SERVICE AS PER CPSS 802.015.
- SANITARY**
1. ALL SANITARY SERVICE MATERIALS AND CONSTRUCTION METHODS MUST CONFORM TO CITY OF WELLAND STANDARDS AND SPECIFICATIONS AND CPSS.
 2. SANITARY SERVICE SHALL BE PVC DOWNS CSA 813.02. BEDDING AS PER CPSS 802.015 (SPECIAL) "A".
 3. SANITARY SERVICE CONNECTION TO INCLUDE CITY APPROVED SINKS, INCLUDING DOWN INTO EXISTING SERVICE.
 4. SANITARY MAN AND DRAIN SHALL BE 150MM INCLUDING SINKS AND TRAP LAYERS. MANHOLE, PUMP, SINK, DRAIN FOR CPSS 802.015 AND 802.016 (SPECIAL) "A".
- STORM**
1. ALL STORM SERVICE PIPE TO BE HDPE BLACK 180MM WALL (CHALLENGER 3000) OR APPROVED EQUAL.
 2. BEDDING AS PER CPSS 802.015 (SPECIAL) "A".
 3. OUTWASH FOR CPSS 802.015 & DRAIN FOR CPSS 802.015 WITH SOG TRAPS ON THE DR OUTLET PIPE.

THIS SCHEDULE
TO AGREEMENT BETWEEN: 6036672 ONTARIO LIMITED
AND THE CITY OF WELLAND DATED:
CITY OF WELLAND APPROVAL STAMP



LEGAL DESCRIPTION
PART 2 OF PLAN S18 - 19455
IN THE CITY OF WELLAND
REGIONAL MUNICIPALITY OF NIAGARA

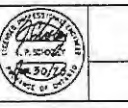


NO.	REVISION	DATE
1	ISSUED FOR APPROVAL	2023-08-10
2	ISSUED FOR CONSTRUCTION	2023-08-10

NOTES

1. THE APPROXIMATE LOCATION OF UTILITIES, WATER MAINS, AND OTHER UNDERGROUND SERVICES IS SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES BEFORE CONSTRUCTION. ALL WORK TO BE DONE ON ANY UTILITIES LOCATED TO THE EAST OF THE SITE OR WITHIN THE STREET LINES MUST BE LOCATED BY THE CONTRACTOR AND REPORTED PRIOR TO CONSTRUCTION. WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE LOCATION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
2. ALL CONSTRUCTION MUST COMPLY WITH THE LATEST CPSS & CPSS STANDARDS AND CITY OF WELLAND STANDARDS AND SPECIFICATIONS.

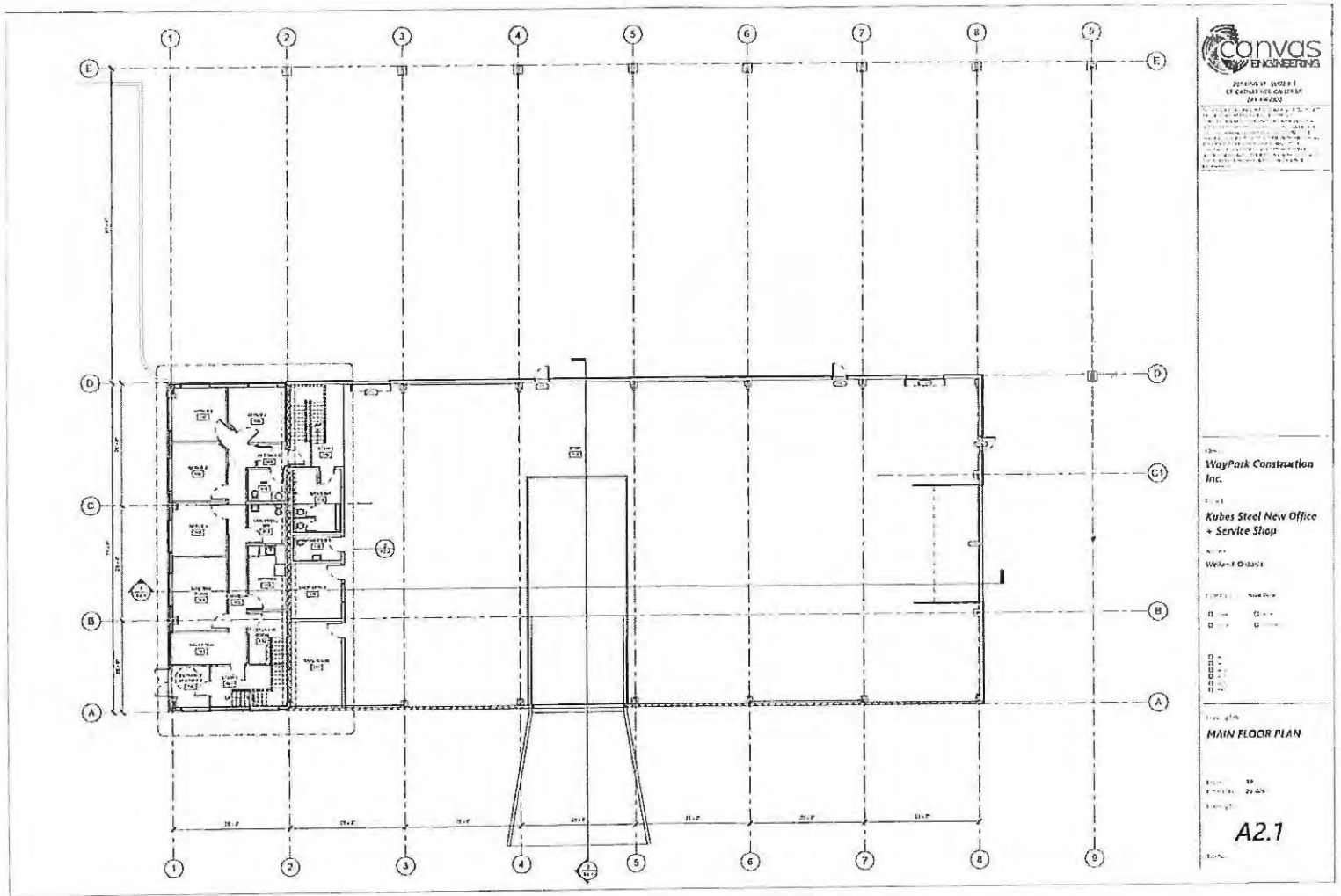
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APPROVED BY	DATE

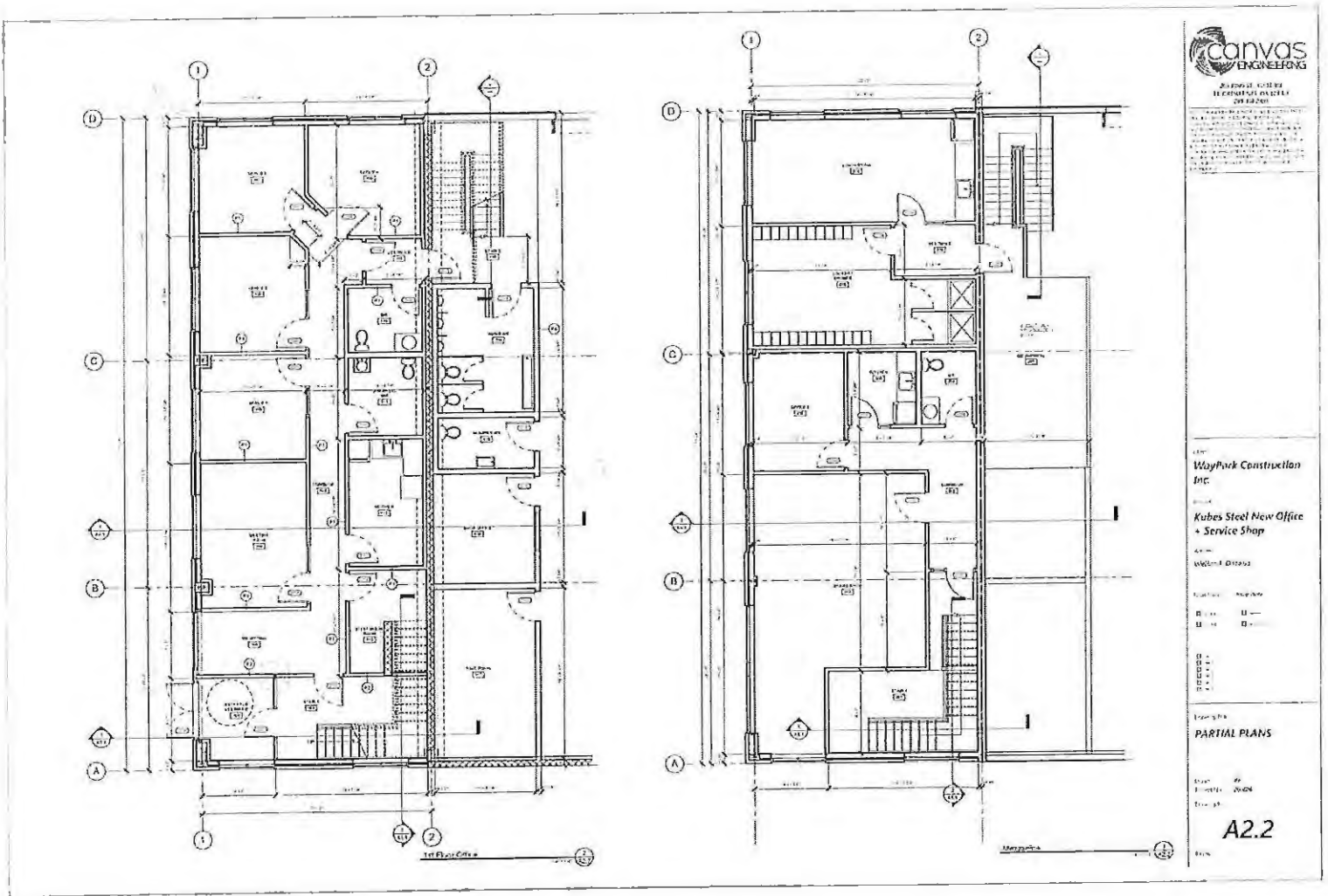


KUBES
UPPER CANADA CONSULTANTS
KUBES STEEL 6036672 ONTARIO LIMITED
930 AVONDALE STONEY CREEK, ON L0E 5H3

KUBES STEEL
100 DOWNS DRIVE, WELLAND
SITE SERVING AND GRADING PLAN

APPROVAL FILE NO.	2023
DATE	2023-08-10
SCALE	AS SHOWN
PROJECT	2023-SSGP





REGISTERED PROFESSIONAL ENGINEERS
 IN THE PROVINCE OF ONTARIO
 REG. NO. 123456789
 1000 SHEPPARD AVENUE EAST
 SUITE 1000
 SCARBOROUGH, ONTARIO M1S 1T5
 TEL: (416) 291-1234
 FAX: (416) 291-5678
 WWW: www.canvaseng.com

Client:
WayPark Construction Inc.

Project:
Kubes Steel New Office + Service Shop

Location:
 12345 Main Street

Scale:
 1/4" = 1'-0"

Sheet:
 A2.2

Project No.
PARTIAL PLANS

Date:
 2024

Drawn by:
 J. Smith

Checked by:
 M. Jones

Scale:
 1/4" = 1'-0"

Sheet:
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Date:
 2024

Drawn by:
 J. Smith

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 M. Jones

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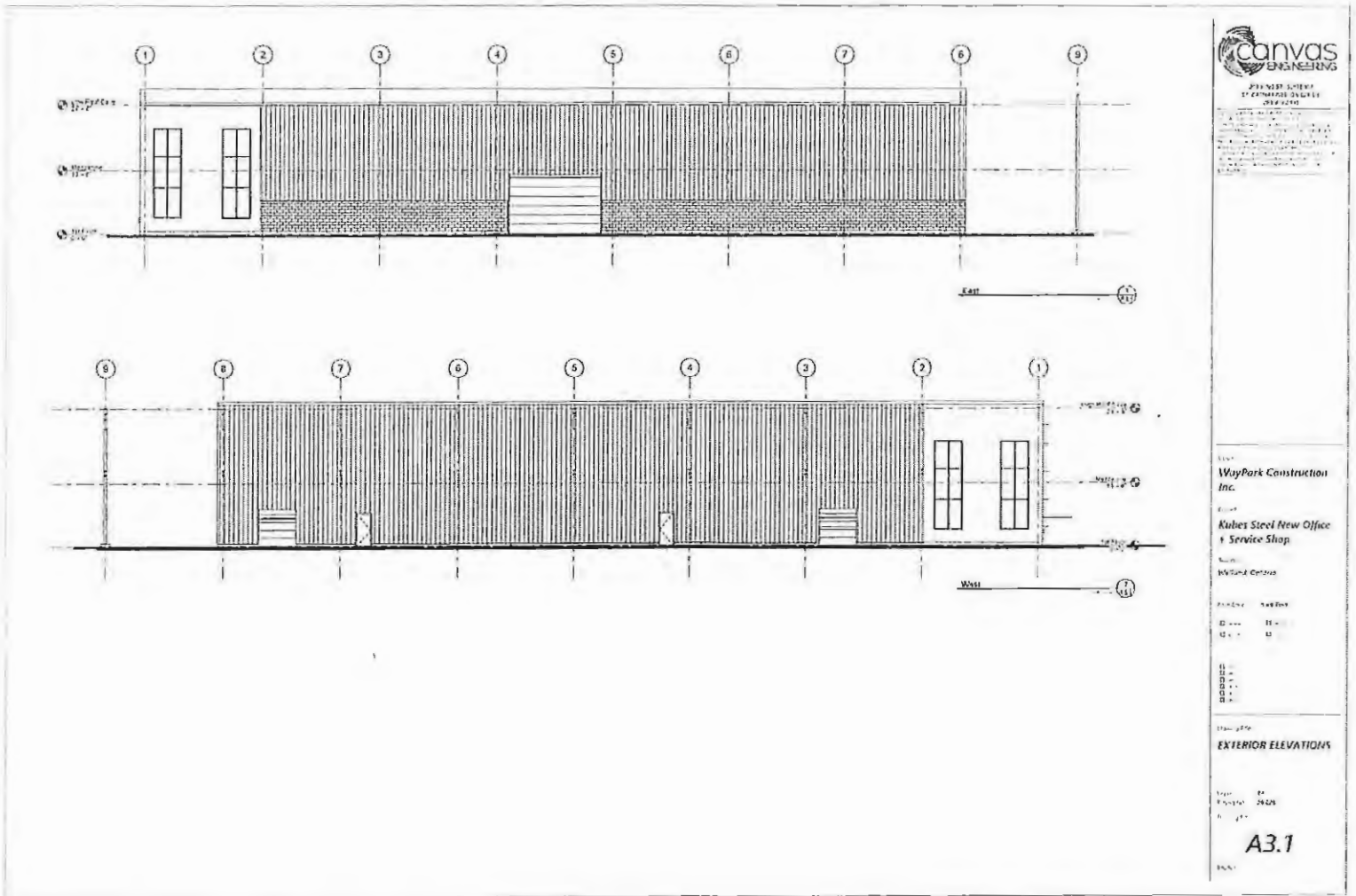
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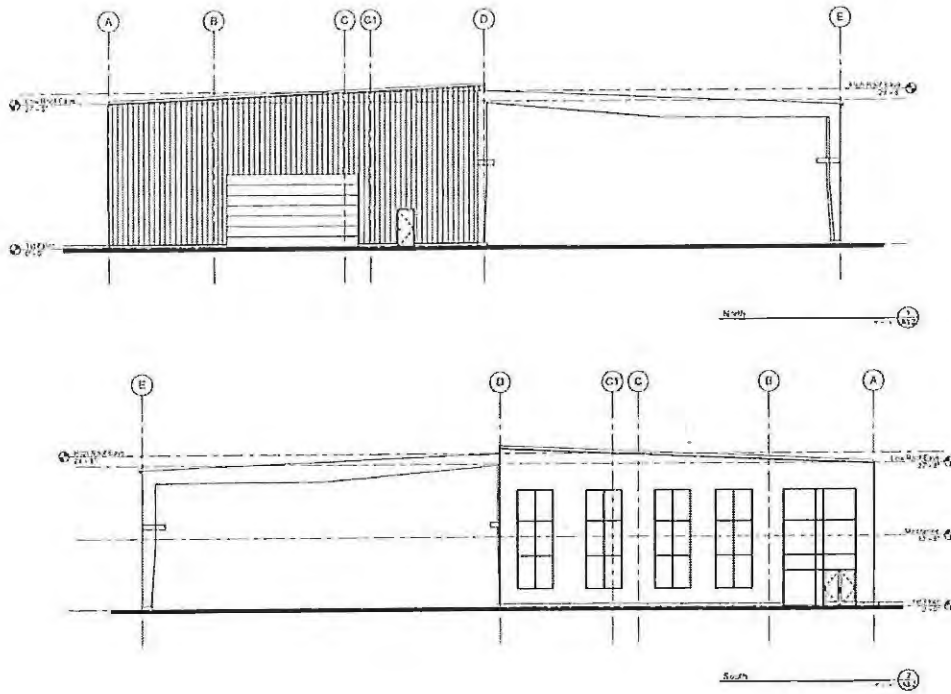
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 J. Smith

Checked by:
 M. Jones

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 1/4" = 1'-0"

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Canvas ENGINEERING

REGISTERED ENGINEERS
IN CALIFORNIA AND SEVERAL OTHER STATES

By: **WayPark Construction Inc.**

Project: **Kubes Steel New Office + Service Shop**

Location: **Walton County**

Scale: **As Shown**

Sheet: **11**

Total: **13**

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EXTERIOR ELEVATIONS

Drawn by: **AK**

Checked by: **AK**

Date: **11/11/11**

Scale: **As Shown**

Sheet: **A3.2**

Total: **13**

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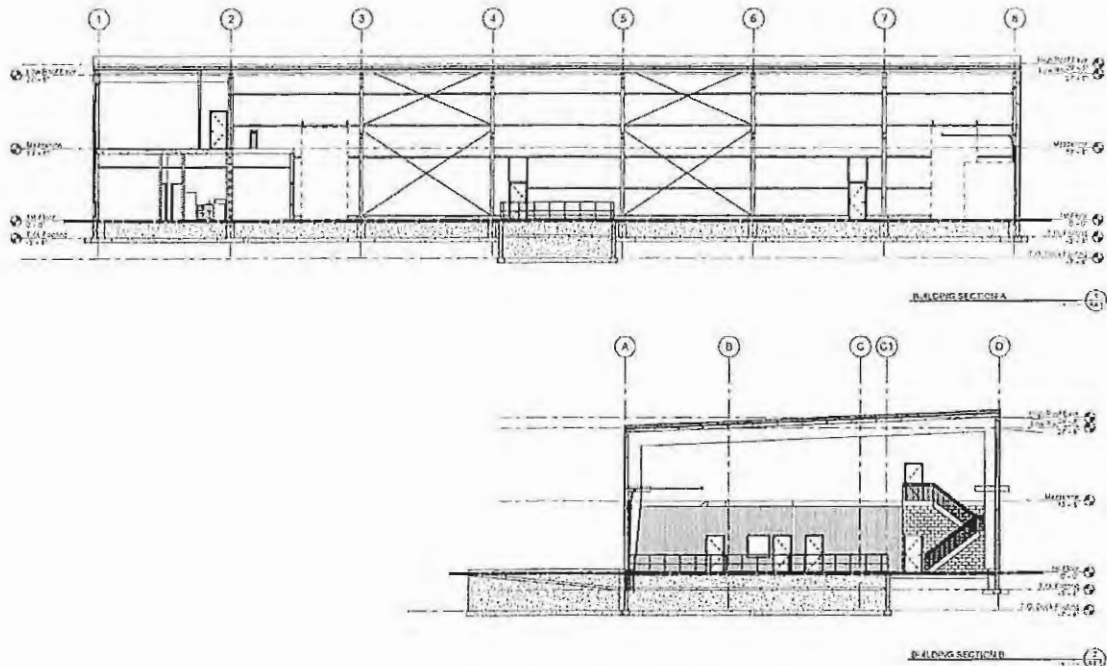
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REGISTERED ENGINEERS
 REGISTERED ARCHITECTS
 REGISTERED PROFESSIONAL ENGINEERS
 REGISTERED PROFESSIONAL DESIGNERS
 REGISTERED PROFESSIONAL PLANNERS
 REGISTERED PROFESSIONAL SURVEYORS
 REGISTERED PROFESSIONAL VALUERS
 REGISTERED PROFESSIONAL WRITERS

Client: **WayPark Construction Inc.**

Project: **Kubus Steel New Office + Service Shop**

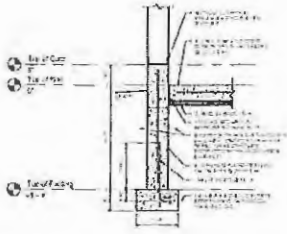
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1/16" = 1'-0"

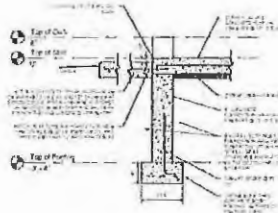
BUILDING SECTIONS

Date: **11/11/2020**
 Project No: **20120**
 Drawing No: **154**

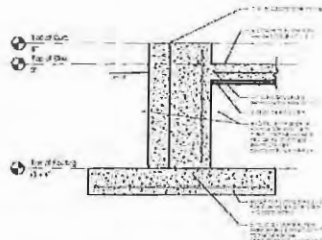
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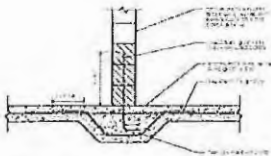
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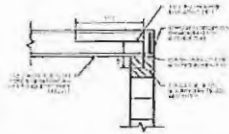
2 Concrete Apron Section Detail
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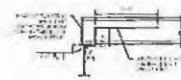
3 Pier and Footing Section Detail
3/4" = 1'-0"



4 Masonry Wall to Concrete Slab Connection Detail
3/4" = 1'-0"



5 Hollow Core Slab to Masonry Wall Connection Detail
3/4" = 1'-0"



6 Hollow Core Slab to Steel Beam Connection Detail
3/4" = 1'-0"



20050111-0001
170x75 Pre-Eng Steel Foundation Design
WSP-1-01

Owner
170x75 Pre-Eng Steel Foundation Design
WSP-1-01

Details
S1.2

APPENDIX 1: SCORING

Economic Performance (Applicant score will be a combination of points for Construction Value AND Full Time Jobs Created/Retained)

Construction Value	Points
\$200,000-	1
\$1,999,999	
\$2,000,000-	2
\$9,999,999	
\$10,000,000-	3
\$39,999,999	
\$40,000,000 +	4

Full Time Jobs Created/Retained	Points
1-9	5
10-19	6
20-34	7
35-50	8
51-74	9
75-100	10
100+	11

Environmental Design Performance (Applicant may choose either LEED OR Smart Growth options)

Level of Lead Certification	Points
Certified	2
Silver	3
Gold	4
Platinum	5

Region Smart Growth Design Criteria	Points
Conforms with 3/6	2
Conforms with 4/6	3
Conforms with 5/6	4
Conforms with 6/6	5



APPENDIX 1: SCORING

TIBG Funding Structure

Total Score	TIGB Level
0-7	No Grant
8	40%
9	45%
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20	100%

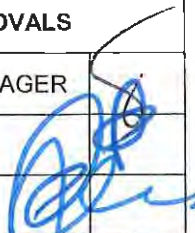


APPENDIX 2: SMART GROWTH CRITERIA

Design Principle(s)	Development Feature	Design Criteria
Foster Attractive Urban Communities and a Sense of Place	Site Design	<ul style="list-style-type: none"> On-site parking predominantly located at the side or rear of the building Parking located in front of the building does not occupy more than 50% of the lot frontage and in depth does exceed 2 parking bays plus a single access lane
	Architectural Design	<ul style="list-style-type: none"> Building facades facing the street provide architectural design treatments which include colour and material variations, windows and articulations in the wall plane <p>Development provides appropriate number of bicycle parking, storage facilities and change room facilities that exceed the minimum zoning by-law or if no requirements, meets the following:</p> <ul style="list-style-type: none"> 1 per 500 m² of gross floor area; 80% of the spaces Class 1 and 20% Class 2 A shower/change facility is required for each gender if the gross floor area of the development is 20,000 m² or more
Context Sensitive	Cycling Infrastructure	<p>To provide for a relationship to the street, the development includes ALL of the following:</p> <ul style="list-style-type: none"> An entrance faces the road and is connected to the road by a walkway; and Off-street trails/walkways are provided if possible to minimize travel distances (e.g. connecting cul-de-sacs, connecting to transit stops, access to public spaces) and/or contribute to broader community trail systems.
Pedestrian-Friendly Public Realm	Site Design	<p>To conserve energy and reduce greenhouse gas emissions, the development includes on-site collection storage facilities for recyclable waste and ONE of the following features:</p> <ol style="list-style-type: none"> Garden roof/green roof; or Open grid paving or use of high-albedo materials (for roof or ground treatment); or Energy is generated on site from renewable energy sources (i.e. wind, solar, geothermal or through cogeneration); or Other suitable methods as approved by the Municipality and Region.
	Energy Conservation	<p>Apply at least one of the following strategies to reduce water consumption:</p> <ul style="list-style-type: none"> Use of drought-tolerant native species; Use of captured rainwater; Use of recycled wastewater; Use of other non-portable water sources such as stormwater; Use of air-conditioning condensate; Use of foundation drain water.
Environmentally Sustainable	Water Consumption Reduction	

*Note: These are only the Employment Land Development Smart Growth Criteria. For full Smart Growth Criteria, refer to the Smart Growth Application Process and Criteria Guidebook: <https://www.niagararegion.ca/business/property/reductions.aspx>



APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2020-50
OCTOBER 6, 2020

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:

1. THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 28 to designate the lands described as Part of Lot 1, Concession 13, former Town of Pelham, Parts 1 and 2 on 59R-15268, City of Welland, municipally known as 395 and 401 South Pelham Road as Medium Density Residential and Core Natural Heritage ; and further
2. THAT Welland City Council approve Zoning By-law Amendment to Zoning By-law 2017-117 for lands described as Part of Lot 1, Concession 13, former Town of Pelham, Parts 1 and 2 on 59R-15268, City of Welland, municipally known as 395 and 401 South Pelham Road to zone the lands as Site Specific Residential Multiple – RM and Environmental Protection Overlay; and further,

3. THAT Welland City Council approves application for Draft Plan of Vacant Land Condominium for lands described as Part of Lot 1, Concession 13, former Town of Pelham, Parts 1 and 2 on 59R-15268, City of Welland, municipally known as 395 and 401 South Pelham Road for the development of the site with 35 condominium townhouse dwellings, subject to the following conditions:
1. That the Owner enter into a Site Plan Agreement with the City of Welland.
 2. That the Owner enter into a Condominium Assumption agreement with the City.
 3. That no grading or on-site works commence prior to the registration of a site plan agreement on the property.
 4. That all necessary easements required for utility purposes be granted to the appropriate Authority, free and clear of all encumbrances.
 5. That the Owner pay 5% cash-in-lieu of parkland dedication in accordance with City policy, or in accordance with any subsequent community benefits charges.
 6. That the owner dedicates Block 38 to the City of Welland, free and clear of all encumbrances.
 7. That the following clause be included in the Site Plan Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

“Due to the proximity of the Municipal Sewage Pumping Station, Purchasers/Tenants are advised that periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development.”
 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 as well as an addendum to the Planning Justification Report or alternatively a separate Urban Design letter to address issues of compatibility and transition to the satisfaction of the Niagara Region.
 9. That the Site Plan 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 the following clauses shall be included in the Site Plan 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.”

11. That the Site Plan Agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found on Page 10 of the EIS Update (prepared by Myler Ecological Consulting, dated April 2020), including, but not limited to:

- a. That prior to site alteration and construction, tree protective fencing and silt fencing be placed at the limit of development.
- b. That a 1.5m high permanent chain link fence will be installed at the limit of development. The location of the fence and installation details should be identified in final plans. In addition, a “no gate” bylaw should be implemented to reduce human encroachment and limit the movement of pets into the adjacent natural area.
- c. That tree and vegetation removal shall be completed between October 1st and March 15th, outside both breeding bird nesting season in accordance with the federal *Migratory Birds Convention Act* and the summer bat active period.
- d. That no construction materials or equipment be located, even on a temporary basis, within the buffers of the PSW.

- e. That all proposed outdoor lighting shall be downward facing and shielded to prevent light spillage into the surrounding natural areas, where possible.
12. 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.
13. That a Grading Plan be provided to the satisfaction of the Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the PSW, Significant Woodland and/or their buffers will occur.
14. That a comprehensive Restoration Planting Plan be prepared, to identify and illustrate the location of additional native trees, shrubs, and/or groundcover to be planted within the Woodland Restoration Area and the PSW buffer area at the northern 1/3 of the site, as appropriate.
15. A Tree Saving Plan be submitted to the Niagara Region for review and approval as required under Regional Official Plan Policy 7.B.1.19. The Tree Savings Plan shall generally be prepared in accordance with Section 1.36 of the Region of Niagara Tree and Forest Conservation By-law, or its' successor.
16. That the PSW, Significant Woodland, and buffers be Zoned Environmental Protection (EP) or similar zoning which achieves the same level of protection.
17. Prior to any construction taking place within the Regional Road Allowance, the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
18. That the owner dedicates two 4.5 metre x 4.5 metre daylighting triangle at each side of Regional Road 36 and the internal driveway.
19. That the owner agrees, through the Condominium 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. That 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. That the owner/developer ensure that all streets and development blocks can provide an access in accordance with Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling.
22. That the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application of Commencement of Collection and Indemnity Agreement.
23. If Regional Waste Collection cannot be provided, the Site Plan Agreement between the owner and the City contain provisions that the owner shall provide a written undertaking to the Niagara Region Planning and Development Services Department acknowledging that because the site design does not meet Region Waste Policy, garbage/recycling pick-up for the development will not be provided by the Region. Further, the following warning clause shall be included in the Site Plan Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling Unit:

"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided by the Condominium Corporation through a private contractor and not the Region."

24. That in order to accommodate Regional Waste Collection Service, waste collection pads are required to be provided by the applicant for the units 1-4, 11-18, and 30-33. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.
25. That the following warning be included in the Site Plan Agreement and inserted in all offers and Agreements of Purchase and Sale or lease for units 3-4, 12-16 and 28-31:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 3-4, 12-16, and 28-31. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

26. That the owner shall submit a written acknowledgement to the Niagara Region Planning and Development Services Division, stating that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.

27. That the owner shall submit a written undertaking to the Niagara Region Planning and Development Services Division, stating that all offers and Agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Site Plan Agreement between the owner and the City of Welland.
28. That prior to final approval for registration of this Plan of Condominium, the owner shall submit design drawings (with calculations) for any new municipal sanitary and storm sewers required to service this development and obtain the necessary ministry of the Environment Compliance Approval under the Transfer of Review Program.
29. That the Site Plan 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 following clause be included in the Site Plan Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:
 - a. *“Purchasers/Tenants are advised that this property has frontage on a roadway designated as being within the Regional Niagara Bicycle Network Plan. If the bicycle route is currently not established and identified with signage, it is the intent of the Regional Municipality of Niagara to make provisions for doing so and this may involve additional pavement width, elimination of on-street parking, etc., if required on this street section.”*
31. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing, and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;

- c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility.
32. That the Site Plan Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s).
33. That the PSW and buffer be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
34. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
35. That limit of work fencing be shown on the grading plan along the limit of developable area 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.
36. That the Developer provide a 1.5 metre high chain link fence along the limit of developable area, to the satisfaction of the Niagara Peninsula Conservation Authority.
37. 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.
38. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. that the home/business mail delivery will be from a designated Centralized Mail Box.

- b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

39. The owner further agrees to:

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

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

Region of Niagara Conditions: 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32

Canada Post Conditions: 38, 39

Niagara Peninsula Conservation Authority: 33, 34, 35, 36, 37

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

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

ORIGIN AND BACKGROUND:

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

COMMENTS AND ANALYSIS:**The Proposal**

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.

The Site

The lands are located on the west side of South Pelham Road, north of Webber Road and at the terminus of Fitch Street. The lands are currently vacant.

Surrounding Land Uses

The lands to the north, west, and south are currently developed with low density residential uses. The lands to the east are used as part of a church, with more residential uses on the north side of Fitch Street.

Agency Comments

- | | |
|---|--|
| <p>City of Welland Infrastructure and Development Services – Engineering Division
(August 14, 2020)</p> | <ul style="list-style-type: none"> • Engineering has no objection to the OPA or ZBA for this proposed development. Comments for the design will be provided at the site plan stage. |
| <p>Canada Post Corporation
(June 17, 2020)</p> | <ul style="list-style-type: none"> • No objection to the application. Conditions have been requested for Draft Plan Approval. |
| <p>District School Board of Niagara
(July 24, 2020)</p> | <ul style="list-style-type: none"> • No objections to the application. Board staff request, that as a condition of approval, sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations. |

- At this time, future students from this area would attend Fitch St. Public School and Welland Centennial Secondary School.
- Niagara Conservation Authority
(August 17, 2020)
- Peninsula
- The western half of subject lands contain the Drapers Creek Wetland Complex, which is a Provincially Significant Wetland (PSW). The NPCA policies require a minimum buffer of 30 metres for new lot creation from wetlands, however, this may be reduced as low as 15 metres where it has been demonstrated that there will be no negative impact to the wetland.
 - NPCA reviewed the original plan with 37 residential units and expressed concern with the original proposed buffer of 15 metres. At the time, NPCA concerns revolved around maintaining wetland hydrology and potential construction encroachment into the 15 metre buffer.
 - The revised plan now incorporates a buffer that is nearly 30 metres at all points of the development with only small reductions of the 30 metre buffer.
 - The Zoning By-law Amendment proposes to rezone the PSW and buffer to Environmental Protection. NPCA staff has no objection to this.
 - Based on this information, the NPCA has no objection to the applications and has requested a number of Conditions of Draft Plan Approval.
- Niagara Region Planning and Development Division
(August 21, 2020)
- Services
- The lands are located within the Urban Area of Welland, and within the Provincially designated Built-Up Area. The development will count towards the City's annual residential infill intensification target of 40%.

- The proposed townhouse development will make more efficient use of designated urban land and existing services, and are a compatible addition to the neighbourhood.
- Regional Staff have identified that the site is within close proximity to a City owned municipal sanitary pumping station. It was identified that the pumping station is rarely used, except during significant rain events, due to combined sewers in the area. As such, a condition of a warning clause has been requested to notify purchasers of the potential for noise and/or odour emissions.
- Urban design comments were provided and recommend that landscaping be provided along the South Pelham Road frontage, as well as ensuring that the lots fronting onto South Pelham Road have facades that address the street.
- Regional staff are satisfied with the mitigation measures and recommendations outlined in the EIS update and revised Plans. They sufficiently address Provincial and Region environmental policies. Staff do not object to the development proposal, provided that all of the mitigation measures outlined are implemented.
- Additional information will need to be provided to the Region's Transportation Staff at the time of Site Plan Approval with respect to the proposed entrance.
- The Region will require daylight triangles at the new entrance, and have requested upgrades to the frontage along South Pelham be completed to reconstruct it to an urban cross-section.

- The Region has been unable to determine if the proposed private roadways will have the required turning radii to allow for Regional Waste Collection to occur within the development. Region staff will require that a drawing with the truck turning template shown to be provided through the site plan process.
- The construction of new water, sanitary and storm services for the proposed development will require Ministry of Environment Conservation and Parks Environmental Certificates of Approval through the transfer of review program.
- Region staff supports the applications as they are considered to align with the intent and direction of Regional and Provincial Policy. As such, no objections are provided. Conditions of Draft Plan Approval have been included.

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 the 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, four (4) 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 under the Planning Act was held virtually on September 1, 2020. Four (4) people spoke in opposition to the applications. The comments and concerns raised at the meeting were similar to those presented in the Public Information Meeting and in the letters submitted.

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:

- | | |
|--|--|
| <p>(a) The protection of ecological systems, including natural areas, features, and functions;</p> | <ul style="list-style-type: none"> • The proposal has been made to locate all of the proposed dwellings outside of the 30 metre wetland buffer, and all development (roads, parking spaces, etc. outside of the 15 metre wetland buffer. The habitat of a species at risk (eastern flowering dogwood) is also on the subject lands. The development will not impact this habitat, and the development falls outside of the required buffer area. The proposed development will protect and preserve the natural environment for the long term preservation of the features. |
| <p>(b) the protection of agricultural resources of the Province;</p> | <ul style="list-style-type: none"> • The subject lands are not part of the City's Agricultural lands. |
| <p>(c) the conservation and management of natural resources and the mineral resource base;</p> | <ul style="list-style-type: none"> • There are no negative impacts to any natural resources on this property. |
| <p>(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;</p> | <ul style="list-style-type: none"> • 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, the built boundary and part of an intensification area and will not require an expansion to the urban area, has connections to existing roads and services.
- (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, health, social, cultural and recreational facilities;
 - The District Niagara School Board has provided comments that there is capacity within existing schools to accommodate future students.
 - Memorial Park is located to the north of the subject property.
 - 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 only condominium townhouses due to the limited developable area on the property. The proposed development creates an alternative form of housing in the area, providing additional options for residents.
 - 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.
 - Any connections to existing infrastructure, such as the construction of the water, sanitary, and storm sewers, will be at the cost of the developer and not the City.
- (m) the co-ordination of planning activities of public bodies;
 - 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 concerns raised from neighbouring property owners regarding flooding, environment, and access to the site.
 - The site will be provided with a dry storm pond, which will capture any stormwater during rain events and slowly release it back into the environment. The development on this site will be required capture its stormwater and not flood neighbouring properties.
 - The environmentally sensitive areas on the property will be preserved for the long term through the proposal as the features will be placed in a block that will be dedicated to the City. No development will occur in this block.
 - The concern with the intersection of Fitch Street and South Pelham Road was presented as a concern. The applicant has aligned the

driveway so that it meets with Fitch Street, but it will not be a public road. A Traffic Impact letter was also submitted with the application which identified that there are no traffic issues that will be created through the development of this property. Any improvements to South Pelham Road, such as urbanization, is dependent on the Region initiating such a project.

- (o) the protection of public health and safety;
 - The proposed development has aligned the access to the site with the end of Fitch Street to ensure that there is safe access to the site and there will be no traffic conflicts.
 - 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 site will have private roads and are not required to include sidewalks. The Region has requested that sidewalk be part of an urbanization of the frontage along South Pelham Road. City Staff are recommending that a cash payment for the sidewalks be provided for the future urbanization be provided by the owner, rather

than completing the urbanization of South Pelham Road in a piecemeal fashion as is being proposed by the Region.

- Public Transit line 504 runs along South Pelham Road and 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
- The City has incorporated elements from the Urban Design Guidelines into the Zoning By-law to ensure

that are of high quality, safe, accessible, attractive and vibrant;

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. It is also identified as a intensification area in the City Official Plan.
 - 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 are no developments in the immediate area for this plan to conform with.
 - The application has been made to redesignate the developable portion of the property to Medium Density Residential which permits triplex, fourplex, townhouse, stacked townhouse, and low rise apartment dwellings. The proposed

development complies with the Official Plan.

- The suitability of the land for the purposes for which it is to be subdivided;
- 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 for residential development. The development of these lands is appropriate.
- If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- There are no affordable housing units proposed as part of this condominium. 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 established highway system in the vicinity and adequacy of them;
- The proposed internal roadways will be private, and are not required to be constructed to municipal standards. The roadways will only need to meet the Building Code requirements.
- The dimensions and shapes of the proposed lots;
- The lots are predominantly rectangular in shape with varying widths and depths. Common element areas are located along the rear of the lots, as well as the roads, dry pond, visitor parking, and greenspace.
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the
- The environmental protection block (Bock 38) will continue to be in an

buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

Environmental Protection Overlay Zone which will restrict any development on these lands. All of the proposed lots and dwellings are located 30 metres away from the features, and all development will occur 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, a Provincially Significant Wetland and a Species at Risk have both been identified on the property. Both of these features will be located within Block 38, which 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 District School Board of Niagara has provided comment that area schools have the capacity to accommodate additional students from this site.

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

- There is one block 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 site will be subject to Site Plan Control.

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

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

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

Region of Niagara Official Plan

The property is located within the City's Urban Area according to the Region's Official Plan. The Region's policies promote growth and development within urban areas that can access municipal services. The Region's policies promote the creation of livable and walkable communities that are in close proximity to services and community facilities. The development will connect to existing municipal infrastructure, and is within walking distance to commercial businesses and institutional uses. A Traffic Impact Study has been completed to review any impacts that the proposed development will have on South Pelham Road and to identify if any upgrades are required. The report identified that no upgrades are required to accommodate this development. However, Staff are recommending that the Applicant pay their fair share of the cost of urbanizing South Pelham Road.

The subject lands have been identified as having Core Natural Heritage features as identified in the Region's Official Plan. The lands are identified to have an Environmental Protection Area (EP) and a potential Natural Heritage Corridor. As previously noted, an EIS was completed for the property, which reviewed the natural heritage features on the property and examined the impact the development would have on these features. The EIS has identified that woodland restoration plantings should occur within the 30 metre setback to the PSW to ensure that there are no negative impacts on the features, and to provide a naturalized buffer. The Region has reviewed the EIS and has generally been in support of the findings, as well as requesting conditions which will ensure that the recommendations of the EIS are implemented. The Region is supportive of the City being given the PSW block to ensure that the natural environment is protected for the long term. As such, the application meets the intent of the Region's Official Plan policies.

City of Welland Official Plan

The subject lands are currently designated Low Density Residential, Medium Density Residential, and Core Natural Heritage, more specifically identified as a Provincially Significant Wetland and Natural Heritage Corridor. The request for Official Plan Amendment has been made to re-designate the Low Density Residential to Medium Density Residential, and to modify the Core Natural Heritage to increase the area designated. This will ensure that the provincially

significant wetland, and the habitat of the species at risk, are protected for the long term preservation of the features.

The request to re-designate the Low Density Residential areas of the property to Medium Density Residential is to allow for development of this property with the number of townhouse units proposed. The density of the proposed development exceeds the allowable density in the Low Density designation, but is within the range of density for the Medium Density designation at 37 units per hectare. The proposed density and housing type are permitted within the Medium Density designation, and are appropriate for the area.

The City's Official Plan has policies which provide guidance for infilling and intensification projects. These criteria are:

- 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 residential uses. To the east are two church properties and associated uses on the south side of Fitch Street and low density residential uses on the north side of Fitch Street. The church properties are zoned INS1 which permits a range of institutional uses up to four storey in height. To the south and west are low density residential uses and environmental conservation lands.
- The proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
- The lots are predominantly rectangular in shape with varying widths and depths. Common element areas are located along the rear of the lots, as well as the roads, dry pond, visitor parking, and greenspace. Site specific amendments have been requested to provide guidance and to allow for amended zone provisions.

- Accessibility;
- 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. A total of 17 visitor spaces have also been provided.
- Potential for additional traffic and traffic manoeuvrability;
- Traffic will access the dwellings proposed from a private driveway, which will have one access onto South Pelham Road. This will not be a municipally maintained road.
- The driveway access has been aligned with Fitch Street to make a safer intersection.
- A Traffic Impact Brief was completed as part of the submission for this application. No improvements were recommended at the intersection of Fitch Street and South Pelham Road, nor along South Pelham Road as a result of this development.
- The potential for transit ridership;
- Welland City Transit line 504 runs along South Pelham Road and Fitch Street in front of this property. A bus stop is within walking distance along Fitch Street. The development of this site will increase the population in the area, and may increase transit ridership.
- Natural (including natural hazards) and built heritage conservation/protection;
- As previously identified, the lands are impacted by a Provincially Significant Wetland and habitat of a Species at Risk. These areas will not be developed, but the blocks will be dedicated to the City for the

long-term preservation of the natural environment.

- The availability capacity of municipal infrastructure;
- Residential intensification targets identified in this plan.
- 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.

The requested modifications to the Core Natural Heritage Mapping has been made to reflect current information. The requested changes to the mapping have been made to increase the area that is currently identified as Core Natural Heritage to protect the PSW, as well as the habitat of the Species at Risk. Staff are supportive of this amendment to ensure that the lands are protected for long-term preservation.

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

When reviewing applications for Official Plan Amendment, the City's Official Plan includes criteria that must be considered at the time of application. They are:

- Provincial and Regional policies and plans;
- The lands are identified as being within the Built-Up Area within the A Place to Grow Plan and Region's Official Plan. These plans encourage infilling and intensification that takes advantage of existing services. The proposal is an infilling application at a higher density than surrounding areas.

- The lands are within the urban area of Welland, which is promoted as the focus for growth and development within the City, as per the guidance of the PPS. The development of these lands will not require the uneconomical extension of services, nor will it require an expansion to the City's urban boundary.
- The proposed Official Plan Amendment meets the intent of the provincial plans and the Region's Official Plan.

The vision, strategic directions, and goals of this plan;

- The City's Official Plan creates a number of strategic objectives that can be achieved through the development of this property. The amendment will help create a complete, sustainable, safe, healthy, and accessible City. The development is consistent with the strategic directions of the plan.
- The proposed development will achieve the minimum intensification targets that have been set in the City's Official Plan of 40% of all new residential development being intensification.
- The proposed Official Plan Amendment to redesignate the entire property to Medium Density Residential and to increase the Natural Environment Area meets with the vision, strategic objectives, and goals.

Whether the amendment creates an inappropriate precedent; and,

- The redesignation of these lands will not create an inappropriate precedent. The lands are partially designated as Medium Density Residential currently, as well as Low Density Residential and Natural Environment Area. The proposal has been made to simply extend the Medium Density Designation across the entire property. The proposal does not create an inappropriate precedent.

The City, neighbourhood and immediate area impacts of the proposed land use change • The proposed amendment will not impact any of the neighbouring uses as the surrounding uses are residential and institutional.

In reviewing the policies of the City's Official Plan, the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium meets the intent of the policies.

City of Welland Zoning By-law 2017-117

The lands are currently zoned Residential Low Density 1 – RL1, Residential Medium – RM, Site Specific Residential Medium – RM, and Environmental Protection Overlay – EP. The request has been made to rezone the property to Site Specific Residential Multiple and Environmental Protection Overlay. The site specific amendments requested are:

- That the townhouse units be considered as a "Block Townhouse" and are subject to those provisions;
- That all setbacks for the purpose of zoning and building permit compliance for this property shall be taken from the dwelling to internal private roadway, existing lot lines, and Block boundaries. Setbacks shall not be taken from Condominium Unit lines.
- Lot coverage shall be calculated on a comprehensive basis for the entirety of the residential development area, and shall not include Block 36.
- To add the definition of Block Townhouse as follows: Means a dwelling unit within a building containing three or more dwelling units with frontage along a private street or parking lot, each of which has an independent entrance and does not include another dwelling type defined herein.
- To allow for a front yard setback of 6.0 m from South Pelham Road to Units 1-4 & Units 30-35. All other units will have a front yard setback of 4.5 metres (house) and 6 metres (garage) to be measured to the private road.
- A rear yard setback of 6.0 m from rear wall of any Block Townhouse dwelling to any lot line.
- A 1.5 metre setback from the rear lot line to the side wall of Unit 16.
- Decks, covered or uncovered, may project a maximum of 3.75 metres into any required yard, provided said deck is not higher than 1.5m above grade.
- That required parking for a Block Townhouse may be permitted between the façade of the building and the private roadway.

Many of the requested amendments to the Zoning By-law have been requested to provide interpretation guidance at the time of Building Permit as the property is a plan of condominium with common element areas in addition to ownership areas. The requested amendments are appropriate to permit the development of the

property. The amendments will allow for the orderly development of the property, and will protect the environmentally sensitive areas from development.

Public Concerns

Neighbours raised a number of concerns regarding the proposed development on the property. The first concern raised is with respect to traffic at the intersection of Fitch Street and South Pelham Road, as well as the lack of pedestrian facilities along South Pelham Road. This is an issue that has been identified to the Region through a number of applications by the City. South Pelham Road is a Regional Road, and any urbanization projects are their responsibility. Staff have identified the need to urbanize South Pelham Road due to the number of new developments through this area, but upgrades have not been scheduled to begin until after 2040. Staff recognize that there are concerns for pedestrian and cyclist movements through this area, however, these upgrades are at the discretion of the Region. It has also been noted that a Traffic Impact Study was completed for this project, and it was identified that no upgrades would be required, and specifically, signalization was not warranted at this time.

The second concern raised is with respect to flooding through the area and the potential for the new development to increase the flood risk in the area. The development has undertaken a preliminary stormwater management plan that has been reviewed by City and Region Staff, and a full Stormwater Management Review will be required to be completed prior to the final approval. The development will be required to ensure that post development flows off of the site are the same as pre-development flows. The proposal includes a dry pond in the centre of the development, which will capture water during storm events and then slowly release to the storm system. The development will not be permitted to proceed unless it can be shown that the stormwater can be dealt with and managed in a controlled manner and not impact neighbouring properties.

The final main area of concern that was raised was with respect to the natural environment. An EIS was completed for the property, and then a subsequent update to the EIS was completed based on unauthorized tree removal by trespassers. The EIS identified the features on the property that are required to be protected and recommended a woodland restoration program be undertaken by the applicant to improve the natural area within the 30 metre buffer area to the wetland. The area where the development is proposed is predominantly open lawn with the foundation of a former building. The proposed development will be contained in the existing open area, with a small number of trees along the boarder that may require removal. The existing natural area will be left intact, and the proposed naturalization plan will improve the buffer between the development area and the wetland area.

FINANCIAL CONSIDERATION:

All costs associated with the development of the property will be the responsibility of the developer. All long term costs associated with the maintenance of the

private roads and services will be the responsibility of the condominium association.

OTHER DEPARTMENT IMPLICATIONS:

Where comments have been received from other departments, they have been included in this report.

SUMMARY AND CONCLUSION:

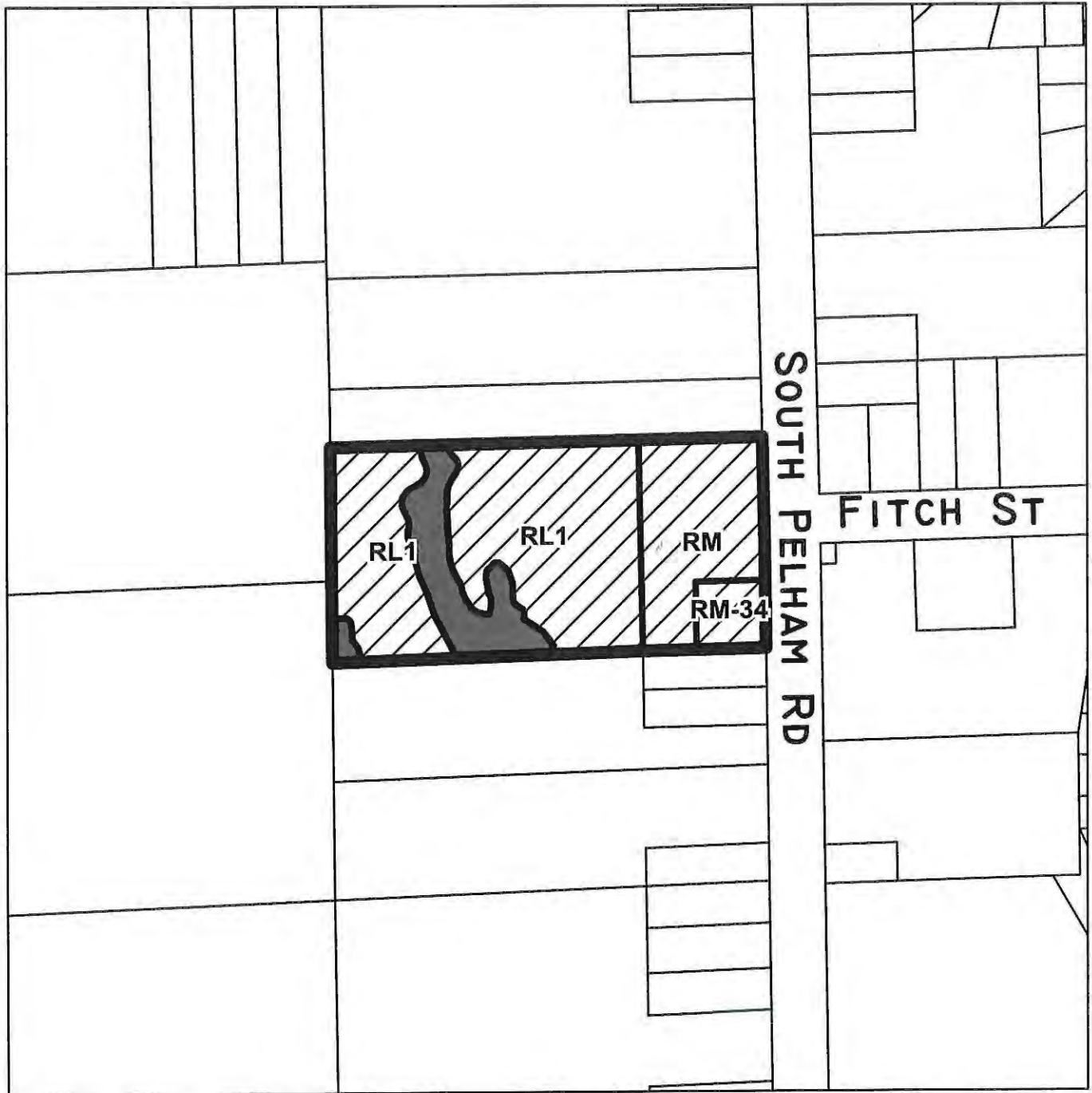
The proposed applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium for the creation of 35 condominium townhouses, one common element block, and one block for environmental conservation purposes, represents good planning because:

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. Will provide long term protection and enhancement of natural heritage features; and,
4. Will assist the City in achieving the yearly intensification target.




ATTACHMENTS:

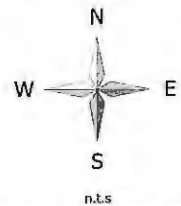
- Appendix I - Location map
- Appendix II - Draft Plan of Vacant Land Condominium
- Appendix III - Draft Official Plan Amendment (excerpts)
- Appendix IV - Correspondence

2020-06 & 26CD-14-20005



KEY MAP

-  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 .

DRAFT



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3
CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3
POSTESCANADA.CA

June 17, 2020

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

Re: **395 & 401 South Pelham Road**

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

Rachelle Larocque

From: Annie Skerlak <adskerlak@gmail.com>
Sent: August 18, 2020 1:10 PM
To: Rachelle Larocque
Subject: By-law 2017-117 (File No. 2020-06) & Application for Draft Plan of Vacant Land Condominium Approval (File No. 26CD-14-20005). - Questions

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Hi Rachelle

Here are my questions regarding the proposed amendment to By-law 2017-117 (File No. 2020-06) and the Application for Draft Plan of Vacant Land Condominium Approval made by Upper Canada Consultants on behalf of ROWT Inc. (File No. 26CD-14-20005).

1. a) Has a study been completed to assess the impact on existing infrastructure, specifically sewers ?
 b) Will this new development tie into the existing sewer system ?
 c) Will the pump house at the corner remain in operation ? During heavy rainfall city workers are present to mitigate the impact, pumping out water.
2. a) Could the type of construction and use of heavy machinery potentially cause damage to nearby homes ?
 b) If there is damage will the builder be held accountable ?
3. Has a study been completed to assess the water management of the area ? There is a creek nearby that fills up quickly during heavy rainfall.
 Will this proposal negatively impact this ?
4. a) Has a traffic study been completed ?
 b) Will there be traffic lights installed at the intersection ?
 c) Will construction traffic make use of Fitch street or South Pelham road or both ?
5. Why does ROWT INC. not have an online presence ?
6. What other development projects has ROWT INC. completed and where ?
7. What is the length of this project ?

I would also like to be notified of the Decision of the City of Welland on the proposed Zoning By-law Amendment and the proposed plan of condominium.

Thank you.
 Annie

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Rachelle Larocque

From: Tara Stephens
Sent: September 3, 2020 1:11 PM
To: Rachelle Larocque
Cc: Margaret Corbett
Subject: FW: application to Amend Zoning By-Law 2016-117 File No 2020-06 for properties 395/401 South pelham Road

See below.

Take care,

Tara Stephens
 City Clerk
 Clerk's Division
 Corporate Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2159
 Fax: (905)732-1919

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-----Original Message-----

From: Sean Bagnulo <sean@bickleshardware.com>
Sent: September-03-20 11:50 AM
To: Margaret Corbett <margaret.corbett@welland.ca>; clerk <clerk@welland.ca>
Subject: application to Amend Zoning By-Law 2016-117 File No 2020-06 for properties 395/401 South pelham Road

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To: City of Welland, Planning Supervisors and all parties involved in the application to Amend Zoning By-Law 2016-117 File No 2020-06 for properties 395/401 South pelham Road

In addition to our oral submission at the September 1 public meeting. I wanted to be sure I submitted my main concerns in writing which are

- 1) Safety Concerns
- 2) Quality of Life
- 3) Property Value and Resale
- 4) Environmental Concerns

We wish to be notified of all matters and decisions Of the city of welland on the proposed zoning by law amendment 2017-117 file number 2020-06 and of the proposed official plan amendment. In addition a copy of the staff report on the same matter.

If possible could you please have our representing council member for our ward contact us.

Thank you

Sean Bagnulo and Monica Bagnulo
 385 South Pelham Road
 905 658 2356

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=99148190-V7xQiTg6CxMs&r_address=erk%40welland.ca&report=

Rachelle Larocque

From: Margaret Corbett
Sent: September 9, 2020 9:02 AM
To: Grant Munday; Rachelle Larocque
Subject: FW: application to Amend Zoning By-Law 2016-117 File No 2020-06 for properties 395/401 South pelham Road

Good morning:

Would one of you please follow-up with the email below?

Regards,

Margaret Corbett, B.A.(Hons), M.A.
 Deputy Clerk
 Clerks Division
 Corporate Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2280
 Fax: (905)732-1919

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 If you have received this email in error, please contact the sender immediately and delete all copies.

-----Original Message-----

From: Sean Bagnulo <sean@bickleshardware.com>
 Sent: September 3, 2020 11:50 AM
 To: Margaret Corbett <margaret.corbett@welland.ca>; clerk <clerk@welland.ca>
 Subject: application to Amend Zoning By-Law 2016-117 File No 2020-06 for properties 395/401 South pelham Road

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To: City of Welland, Planning Supervisors and all parties involved in the application to Amend Zoning By-Law 2016-117 File No 2020-06 for properties 395/401 South pelham Road

In addition to our oral submission at the September 1 public meeting. I wanted to be sure I submitted my main concerns in writing which are 1) Safety Concerns
 2) Quality of Life
 3) Property Value and Resale
 4) Environmental Concerns

We wish to be notified of all matters and decisions Of the city of welland on the proposed zoning by law amendment 2017-117 file number 2020-06 and of the proposed official plan amendment. In addition a copy of the staff report on the same matter.

If possible could you please have our representing council member for our ward contact us.

Thank you

Sean Bagnulo and Monica Bagnulo
385 South Pelham Road
905 658 2356

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=99148190-V7xQiTg6CxMs&r_address=rgaret.corbett%40welland.ca&report=

To: Rachelle Larocque, Planning Supervisor, City of Welland

From: Peter and Susan Catti,

Date: August 26, 2020

Subject: Application to Amend Zoning By-law 2017-117 (File No. 2020-06)

Dear Ms. Larocque:

This correspondence is in response to the application to Amend Zoning By-law 2017-117 (File No. 2020-06) for the properties at 395/401 South Pelham Road, Welland. Further to our phone conversation of August 24, 2020 this will elaborate on our concerns. As property owners adjacent to the proposed site we are communicating our concerns regarding the proposal. They are as follows:

- 1) Safety
- 2) Quality of Life
- 3) Property Value and Resale
- 4) Environment

Safety for all taxpaying homeowners in the City of Welland should be paramount. As most residents are well aware, South Pelham Road was previously a quiet rural route for decades. Over the past 20 years with increasing expansion of development this rural route now serves as a direct artery for motorists from Highway 20 to Webber Road where significant expansion has taken place and continues at a rapid rate. Motorists routinely speed at 100/120 km/hr ignoring and violating the law, jumping amber and red lights, running stop signs, driving aggressively with complete disregard for traffic laws and road safety. We have seen illegal passing, and motorcyclists performing wheelies while driving the distance from Webber Road to the church across the street, to name a few. Shockingly, this behaviour appears to go unmonitored and not enforced by police. The complaints must be innumerable Neighbours have been subjected to road rage as they reduce speed to enable turns into their own driveways, we have narrowly escaped collisions and witnessed countless near misses. Motorists have driven into oncoming lanes as we turn into our driveway so as not to hamper their own illegal speeding. The addition of the development will add to the congestion, traffic, driver aggression, and decrease safety for current South Pelham residents, not to mention other motorists. Referencing the plan provided, we will be unable to see oncoming traffic coming north beyond unit 28 when exiting our driveway causing us to creep to the street line in an effort to ensure safety. Backing out is a death wish unless you are adrenaline seeking and enjoy high-risk behaviours. Any left turn exiting our driveway is increased risk of accident, injury and possible death. Motorists are oblivious that children reside and play on South Pelham Road.

The route is now heavily used by commercial and construction vehicles. Gunning engines, screeching tires from speeders and late-on-the-break distracted drivers is a daily occurrence. The area with or without sidewalks will put pedestrians at risk. The installation of a traffic-light at the corner of South Pelham and Fitch will pose its own challenges, whether its making a left turn or impatient motorists accelerating trying to beat the light, risk to safety will increase. The presence of a signal will cause traffic to back up in front of existing driveways, an additional risk to safety as we exist our property. Add to this any number of distractions, (cell phone use, Bluetooth, eating, unruly children, DWUI) and you have a disaster waiting to happen. Access for Emergency vehicles in case of medical or fire is essential. We chose to purchase property next to agricultural land to avoid increase risk to fire induced by human activity, which spreads rapidly throughout townhouses. One only needs to reference the July 27, 2020 incident in Hamilton's Stoney Creek neighbourhood where the loss of 11 townhouses resulted in financial, residential, and emotional devastation to the residents.

Secondly, quality of life will be compromised by the existing development. According to the proposed plan, structure 28 will impose a 19.4 metre wide wall extending 2-3 stories high with a wooden fence from the front property line extending passed the facade of our residence into the backyard. The structure obstructs view of the road to gauge oncoming traffic when exiting the driveway and is no replacement for green space. Our north window will overlook a road allowance then followed by 4 additional townhouses, 2-3 stories, mere metres from our property peering down into our entire backyard. A 6 ft. wooden fence quickly becomes an eyesore in a brief period of time. This can easily be seen by driving down Webber, Woodlawn, Rice Road, and even at the newly constructed Mapleview Terrace Condominiums where the fence is less than a year old, unsightly and rapidly deteriorating. There will be the persistent din of construction as infrastructure and housing are developed for an untold period of time. Dust for those with allergies will be intolerable. Following the completion of the project we will continue to experience loss of solitude and privacy for the duration of our residence. In question is the uncertainty of home improvements. We have replaced 2/3 of the existing fence with custom fabricated steel with 1/3 left to complete. The remaining 1/3 buttresses along the proposed wooden fence. The cost of this project is estimated at \$16,000 in labour and material. If we forego completing the 1/3 we are left with a wooden eyesore, the design and material of which is incongruent with the yard.

Thirdly, impacted is property value and resale potential of 389 South Pelham Road. The excessive traffic is a deterrent to potential buyers. Resale appeal was based on green space and visual access to natural heritage area, privacy, and accessibility to the property. All these aspects are compromised in our resale value and appeal to perspective prospectors. There are buyers who are adamantly opposed to viewing properties where privacy is an issue. The encroachment of the development will be the contributing factor to decreased resale potential and will mitigate our property equity.

Fourthly, are the environmental issues. The City of Welland is well acquainted with flooding in Ward 3 as evidenced by the pump house at the corner of South Pelham and Fitch Street. Many a current homeowner break out in hives at the forecast of any persistent rainfall in a

short period of time. The loss of property, belongings, finances, and emotional toll has been incalculable to these residents in years past. Drainage, ability for rainwater to be absorbed will be mitigated by the development increasing risk to future losses as in the past. Several years ago a previous owner of the proposed site changed the grade of the land and redirected run-off to our property. The same potential exists if the developer changes the grade. Preservation of the natural watershed, wildlife, vegetation, and the ecosystem is paramount. Coyotes have been pushed from their natural dens as development expands forcing the animals onto our property, attacking and killing neighbour's pets and placing residents at risk to rabies. Warnings have been issued to parents with toddlers not to leave their children unattended in the yard for fear of attack.

All that said, what to do? We clearly understand that the City of Welland and Council are under pressure from the Provincial Ivory Tower and the "Wizard of Oz" powers to be, beating their chests for rural communities to open up vacant parcels of land for housing development in an effort to ease the urban density in the GHTA. Let's all at once in unison say, "damn those bullies and leave our quiet rural community the heck alone." We now absorb the burden of GTA's own poor urban planning. I can not believe that there is a single member of council, who in good conscience, believes whole-heartedly that approval of this development is right for this site, because it is not. While the city and council search for ways to grow the city and replace lost revenues from the mass exodus of industry one hopes it will not be at the flagrant disregard of the individual taxpayers whose property is quite often their most valuable asset at retirement. Developers as well have families for whom they provide, support, and have obligations. As a retired couple and a couple of old geezers we want to be good neighbours and work in coordination with the developer and the city within realistic options to preserve the safety, privacy, property value, and the environment.

We offer the following considerations as options and possibilities: The existence of a larger buffer zone between our property line and the development. The consideration of eliminating unit #28 for safety, quality of life, and property value. That a more substantial privacy barrier, such as Tuf-Barrier or Durisol be substituted for a wooden fence, that the height of the structures not exceed two stories. If these are not options, is the developer willing to make an offer for our property so that buyers who purchase townhouses at South Pelham Road and those that run parallel to our property will have additional green space for the duration of their residence as we have enjoyed over the past 36 years.

In this day and age, there still remain developers who are conscientious, empathic, environmentally concerned, and sincere in their efforts to provide affordable, aesthetically pleasing housing, conducive with the environment while being perspicaciously aware of the impact on existing property owners whose homes border their developments. We hope the developer is akin to these values and beliefs. Thank you for your time and attention.

Sincerely,



Peter and Susan Catti

ADDENDUM

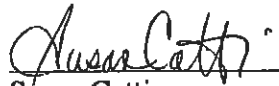
To: Ms. Rachelle Larocque
From: Peter and Susan Catti,
Date: August 26, 2020
Subject: Application to Amend Zoning By-law Amendment 2017-117 (File No. 2020-06)
and Application to Amend City of Welland Official Plan (OPA No.28)

We wish to be notified of the decision of the City of Welland on the proposed Zoning By-law Amendment, 2017-117 (File No. 2020-06) and on the proposed Official Plan Amendment (OPA No. 28).

We wish to receive a copy of the staff report on the Application to Amend Zoning By-law 2017-117 (File No. 2020-06) and on the proposed Official Plan Amendment (OPA No. 28)



Peter Catti



Susan Catti

Rachelle Larocque

From: Scott Richardson
Sent: August 14, 2020 3:09 PM
To: Rachelle Larocque
Subject: RE: Notice of Public Meeting - Official Plan Amendment, Zoning By-law Amendment & Draft Plan of Vacant Land Condominium

Rachelle,

Engineering has no objection to the OPA or ZBA for this proposed development. Comments for the design will be provided at the site plan 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
www.welland.ca

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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: August 6, 2020 5:01 PM
To: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; 'Morreale, Diana' <Diana.Morreale@niagararegion.ca>; randy.leppert@cogeco.com; hunter-perreaultg@csviamonde.ca; planification@cscmonavenir.ca; plan@niagararegion.ca; Dave Stuart <dave.stuart@welland.ca>; Mabee, Sue <Sue.Mabee@dsbn.org>; McPhee, Michelle <Michelle.McPhee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Scott Richardson <scott.richardson@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Vince Beaudoin <vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; mmm@mmm.ca; David Deluce <ddeLUCE@npca.ca>; Kevin Carver <kcarver@wellandhydro.com>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Shannon Larocque <SLarocque@pelham.ca>; njbozzato@pelham.ca; Richard Dalton <richard.dalton@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Paula Albano <paula.albano@welland.ca>; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; dpresley@mhbcpplan.com
Subject: Notice of Public Meeting - Official Plan Amendment, Zoning By-law Amendment & Draft Plan of Vacant Land Condominium

Good afternoon,

Attached are the Notices for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for 395-401 South Pelham Road. These applications were previously circulated for information. If you provided comments at that time, there is no need to provide further comment.

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

www.welland.ca



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NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.on.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: PLPDV202000388

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan
of Condominium (Vacant Land)
395 & 401 South Pelham Road
City of Welland
Applicant: Upper Canada Consultants (Craig Rohe)
File Nos.: OPA No. 28, 2020-06 and 26T-14-20005**

The NPCA has received applications for Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and a Draft Plan of Condominium – Vacant Land (VLC) for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS), prepared by Myler Consulting, dated April 2020 and a functional servicing report (FSR), prepared by Upper Canada Consultants, dated April 2020. The purpose of the application is to establish a residential Condominium consisting 37 units for residential townhouses. The OPA and ZBA will provide the appropriate land use designation and regulations to facilitate the VLC. 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 Drapers Creek Wetland Complex, which is a Provincially Significant Wetlands (PSW).

The western half of the subject lands is occupied by a PSW. Section 8.2.3.4 of the NPCA's Policies requires a minimum buffer of 30 metres for new lot creation from wetlands, however, this may be

reduced as low as 15 metres where it has been demonstrated that there will be no negative impact to the wetland. NPCA staff reviewed the original plan for 37 units and expressed concern with the original proposed buffer of 15 metres. At that time, NPCA concerns revolved around maintaining wetland hydrology and potential construction encroachment into the 15 metre buffer of one of the units. The Applicant has since revised the Condominium to eliminate two units, which addresses the NPCA concerns (the revised VLC consists of 35 units). The revised plan now incorporates a buffer that is nearly 30 metres at all points of the development with only small reductions of the 30 metre buffer. As such, NPCA staff are satisfied that the VLC is consistent with the NPCA's Policies.

The ZBA proposes to rezone the PSW and buffer to Environmental Protection. NPCA staff have no objection to this.

Based on the above, NPCA staff have no objections to the revised applications as they relate to NPCA policies, subject to the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval


1. That the PSW and buffer be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
2. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
3. That limit of work fencing be shown on the grading plan along the limit of developable area 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.
4. That the Developer provide 1.5 metre high chain link fencing along the limit of developable area, to the satisfaction of the Niagara Peninsula Conservation Authority.
5. 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.
6. That Conditions 1 to 5 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,

A handwritten signature in black ink that reads "David Deluce". The signature is written in a cursive style with a large initial 'D'.

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)

August 21, 2020

City of Welland
Planning and Building Division
60 East Main Street
Welland, ON
L3B 3X4

Attention: City Council

Dear Sir or Madam:

**RE: Application for Draft Plan for Vacant Land Condominium Approval
(File No. 26CD-14-20005)
Application to Amend Zoning By-Law 2017-117 (File No. 2020-06)
Application to Amend City of Welland Official Plan (OPA No. 28)**

Further to the Public Information Meeting held by City Staff on August 20th, 2020 at 6:00 p.m. I have the following concerns I wish brought forward to City Council's attention for the September 1, 2020 at 7:00 pm Statutory Public Hearing.

1. Traffic Lights.

- a) There will be children in this development that will require "safe" passage across South Pelham Road to walk to the two elementary schools located on Fitch Street or stand outside the development waiting for their school bus.
- b) Due to the lack of speed enforcement on South Pelham and Fitch Streets and "current volumes", making a left-hand turn from Fitch to South Pelham can be dangerous. While a traffic study has been conducted, did the traffic study project the 70 + vehicles that will be entering and exiting the new development? Did the traffic study project the volume of traffic with the two new developments at the corners of Webber and South Pelham Roads that will increase the volume of traffic on South Pelham Road?

The Developer will already be excavating the property for the purposes of construction, they might as well work with the City and have traffic lights installed. This will also help with the truck traffic that will be on premise using South Pelham and Fitch Streets during construction.

2. Sidewalk.

a) A sidewalk should be considered while the developer is already there creating the apron and curbs for entry to the development. **The Developer can work with the Region on this important matter.** Again, children will be using the intersection to cross the street to go to school or stand waiting for the bus, and residents may wish to walk to the local shops on South Pelham/Thorold Roads or cross the street to Maple Park safely. **There is no sidewalk on either side of South Pelham Road for these purposes.**

3. Overflow from holding pond

a) The Draft Plan of Vacant Land Condominium and the Key Maps provided do not clearly define that there is a holding pond for site drainage or storm water.

The Planner brought this up in the Public Meeting last evening. I was surprised to hear the City will allow the developer to carve up South Pelham and Fitch Streets to run a storm sewer from the holding pond to Draper's Creek on Fitch Street and/or require the developer to address the water bridge over the creek.

i) **What written assurances to the land owners abutting this waterway will the City of Welland provide; to and including insurance coverage if the creek (which creek is already used when the pumping house has to offset the deluge of water when there is a storm) to flood damage? Some homeowners abutting the creek are unable to obtain flood insurance.**

ii) **The NPEC has been approached in the past requesting the maintenance of the creek to remove garbage, debris, old trees, etc., to no avail. Will the NPEC be held accountable to the abutting landowners, along with the City, if the creek overflows due to the additional stresses put upon it by the diversion of water from the holding pond?**

4. Parking

While I appreciate the Planner's information that sufficient parking has been provided for the residents and their visitors at the development. I disagree on how the developer has addressed it. The Planner advised that residents will not have sufficient yard space to store their goods in a rear yard shed. Therefore, their "single car garages" will become some people's storage spaces. In some cases, single car garages are too small to fit some models of cars and allow the car doors to be opened.

a) Can the developer provide double car garages with double car pad parking?

I understand from the Planner that the developer has also allowed for one vehicle on the parking pad outside the garage. 35 Units, usually 2 cars per Unit, is 70 vehicles for the residents. Approximately 35 of those vehicles will not be able to utilize the single car garage because of the vehicle size and/or the use of the garage for storage.

b) Again, can the developer provide double car garages with double car pad parking?

Now the Planner said there will be, I believe, 19 visitor parking spots. Visitor parking spots are for visitors, not residents. I can assure the Planner that once the vacant land condo board is established, the owners on the board will be "hard pressed" to allow 35 additional owner's cars to use the visitor parking, so where will the visitors park or the additional residents cars?

The answer is at the church across the street. Parking is not permitted on South Pelham or Fitch Streets. I hope and trust the City does not change the parking situation on Fitch Street to accommodate the overflow cars because we are on a bus route, bike lanes will be affected and it is used as a main through street.

c) How will the church cope financially with enforcing illegal parking in their lot or the liability insurance required should someone be injured while parking on their private property?

5) Construction Damage

a) The City Representative stated that any damage to homes during construction would need to be addressed with that contractor directly by the homeowners. If the City and/or the Developer hire third party contractors to dig up Fitch Street to install the storm sewer pipe and adjoining land owners homes, driveways or property are damaged during construction, then the homeowners should be a party to the decision as to who is chosen to complete the work. As homeowners, we can then conduct our due diligence regarding the third-party contractor, to ensure they have adequate insurance coverage to repair and/ or replace anything damaged back to its original state with respect to our homes, driveways and property. **As homeowners, how can you launch a lawsuit against a third party contractor or their insurer when you are not part of the contract? As a homeowner, how could you possibly afford to take the financial stress of taking on the City/Developer/Third Party contractor in a lawsuit to return your home, driveway and property back to its original state?**

Regards,




Rachelle Larocque

From: Pippa Turner
Sent: August 21, 2020 12:24 PM
To: Rachelle Larocque
Subject: FW: Submission for Statutory Public Hearing - September 1, 2020 File No(s) 26CD-14-20005, 2020-06 and (OPA) No. 28
Attachments: August 21, 2020 City of Welland Letter.pdf

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Good afternoon Ms. Larocque,
 Did you receive my email of this morning with attachment?
 Thank you kindly,

Pippa Turner L.A.W. Freelancer
Senior Law Clerk
Residential & Commercial Real Estate/Development Law

 905-536-1539  NEW FAX 289-820-7279  pturner@lawfreelancer.ca

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From: Pippa Turner
Sent: August 21, 2020 8:57 AM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Submission for Statutory Public Hearing - September 1, 2020 File No(s) 26CD-14-20005, 2020-06 and (OPA) No. 28

Good morning Ms. Larocque,
 Please find attached my submission in .pdf format for the September 1, 2020 Statutory Public Hearing.
 Thank you for your time and consideration.

Pippa Turner L.A.W. Freelancer

Senior Law Clerk
Residential & Commercial Real Estate/Development Law

905-536-1539 NEW FAX 289-820-7279 pturner@lawfreelancer.ca

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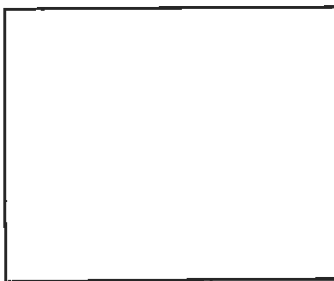
From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: August 20, 2020 7:01 PM
To: Pippa Turner
Subject: RE: Link for Public Information Meeting - August 20, 2020 / Additional Questions

Hi Pippa,

You can email me all the written comments – I'm writing the report, so it makes it easier for me to receive the comments.

Thank you for the additional comments below – and than you for participating – I'm sure it will be much easier on the 1st when you have a mic!

Enjoy your evening,



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
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www.welland.ca



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From: Pippa Turner <pturner@lawfreelancer.ca>
Sent: August 20, 2020 6:55 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: RE: Link for Public Information Meeting - August 20, 2020 / Additional Questions

I did not want to take up too much time from the meeting for Application No. 2017-117 (File No. 2020-06), to allow others to ask questions.

You mentioned we must provide written submissions to City Council by August 21, 2020, can those submissions be directed to your attention?




Again, I am very concerned regarding the re-direction of any water from the development site to Draper's Creek on Fitch St. We have contacted NPEC in the past about fallen trees, debris, etc., and general maintenance, to no avail. A flood of this creek will certainly cause thousands of dollars of damage to the homes nearby, and some owners cannot get flood insurance, who would be responsible for said damage?

Lastly, we have now learned that Fitch Street will be dug up to accommodate the developments new storm drain. 😞 Will this impact the sidewalks and driveways of the homes near South Pelham & Fitch. I need to know before I install a new driveway and the City/Developer come by and dig it up. I would be extremely upset. I have been trying to save, as you can appreciate driveways are expensive. I had to dig up the driveway this year because I almost broke my wrist twice last Winter shoveling it, as it was in such bad shape.

Thank you for your time.

P.S. I will have a new mic by the 1st of September 2020, darn technology. 😊

Pippa Turner L.A.W. Freelancer
Senior Law Clerk
Residential & Commercial Real Estate/Development Law

 905-536-1539  NEW FAX 289-820-7279  pturner@lawfreelancer.ca

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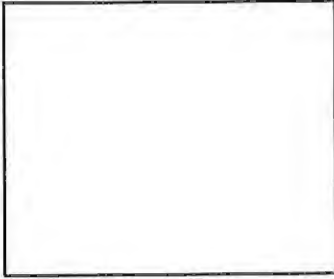
From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: August 19, 2020 3:43 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Link for Public Information Meeting - August 20, 2020

Good afternoon,

The link to the meeting tomorrow night is located below. There are two items on the agenda, when the item that you're interested in is finished, feel free to log off.

Join Microsoft Teams Meeting

Sincerely,



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



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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

August 21, 2020

Files: D.11.11.CD-20-0009
D.10.11.OPA-20-0011
D.18.11.ZA-20-0026

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

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
Draft Plan of Vacant Land Condominium (26CD-14-20005) and
Official Plan (OPA 28) and Zoning By-law Amendments
Agent: Upper Canada Consultants
Owners: ROWT Inc.
395-401 South Pelham Road
City of Welland**

Regional Planning and Development Services staff has reviewed the applications submitted by Upper Canada Consultants on behalf of ROWT Inc. The application for Draft Plan of Condominium has been made for the creation of 35 residential townhouse units on 0.987 hectares of land for a condominium for the purposes of, one common element block, and a 1.026 hectare block for environmental preservation purposes on the subject property municipally known as 395-401 South Pelham Road in the City of Welland.

The purpose of the concurrent Official Plan Amendment (OPA No. 28) 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 in order to allow for the development of the property with the residential townhouse condominium development. The application for the Zoning By-law Amendment has been made to rezone the subject property 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. The purpose of the Amendment will 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.

A pre-consultation meeting with the applicant and their planning consultant was held for this proposed development on May 3, 2018, 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%.

Staff notes that the proposed development of 35 residential townhouse unit condominium is considered as infill and residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute toward achieving the above noted residential intensification targets. The form of housing proposed will add to the housing types and densities in this area. The townhouse units appear to be a compatible addition to the neighbourhood, given the surrounding land uses of low density residential and community uses. The applications therefore, generally conforms with and are consistent with Provincial and Regional growth management policy directions.

Land Use Compatibility

Regional staff has reviewed the *Planning Justification Report* (PJR) prepared by Upper Canada Consultants (dated April 2020) and notes that the subject property is located within close proximity to a City owned municipal sanitary pumping station located at the intersection of South Pelham Road and Fitch Street.

The report stated that City staff has confirmed that this is a seldom used station that comes online in significant rainfall events, due to existing combined sewers in the area. The station has not been subject of any odour complaints, likely due to the significant dilution of sanitary materials by stormwater. Further, the small pump inside does generate some noise, but only during significant events, similarly it is only active during extreme weather events.

Given the above information, Regional staff notes that land use compatibility concerns regarding the municipal sanitary pumping station remain low. However, staff would recommend the inclusion of a warning clause notifying the purchasers of the potential noise or odour emissions. An appropriate clause has been included in the attached Appendix.

Proposed Design

Regional Urban Design staff have reviewed the submitted materials and offer the following comments:

Streetscape along Regional Road (South Pelham Rd)

Staff notes that street trees in sod should be provided, where they will not conflict with existing or proposed utilities and services (both above and below grade). If street trees cannot be accommodated, then an enhanced landscape treatment will be requested on private lands. Further, if a municipal sidewalk is planned for this road, then pedestrian connections from the sidewalk to the development should also be provided. The applicant shall be made aware that at the site plan stage, a streetscape and landscape plan that depicts the municipal boulevard along the Regional Road will be required.

Interface with Regional Road:

Staff notes that the PJR states that:

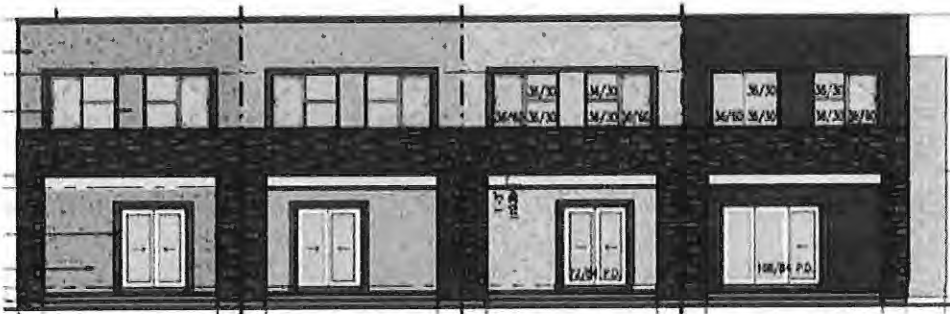
In its preliminary form, the development demonstrates an emphasis on urban design along South Pelham Road, and an integration of robust landscaping to provide thematic connectivity with the natural areas to the west. The proposed form is consistent with Regional and City urban design objectives.
--

And:

Units adjacent to South Pelham Road will be constructed to appear as if they are facing the roadway to contribute to the achievement of the City's urban design goals and to frame the street.
--

And:

As proposed, the visible streetscape along South Pelham Road will be framed by two-storey townhouse dwellings. These dwellings will be stylised in a manner that has the functional rear yards contain elements such as windows, and doors. Substantial landscaping will be used to ensure privacy for the functional rear yard amenity areas. Figure 13 is a conceptual design of the street facing portion of the two storey buildings that will frame South Pelham Road.



Regional staff notes that this layout indicates that the townhomes fronting on the Regional Road (Units 1-3 and 30-37) will be back-lotted (back yards face the street). This is strongly discouraged as it is not a best practice in urban design. It is recommended that the applicant explore providing an alternative design where all units fronting on the Regional Road include front entrances, porches and walkways that address the street. The back yards should be located internal to the site. At the site plan stage, a revised building elevation for those facades that are visible from the Regional Road will be required.

Additional Suggestions:

The PJR states that *“Physical separation is provided from adjacent properties through setbacks and landscaping, whereas no development exists across the street from the property.”* However, the report does not demonstrate how this is achieved. In order to address issues of compatibility and transition, it is recommended that an addendum to the Planning Justification Report be submitted with the building elevations or alternatively a separate letter to outline how these urban design matters will be addressed. For example:

- The design of infill developments typically takes into consideration the existing building setbacks along the street. Please clarify.
- It is recommended that building setbacks (North and south side property lines) are increased for any units abutting existing single family dwellings. This is a best practice in urban design and is intended to provide an appropriate and compatible transition to these existing residences. It will also accommodate large scale plant material and drainage.
- It is also recommended that these units provide an appropriate transition in building height to the existing single detached dwellings.

Archaeology

During pre-consultation, Regional staff noted that the Archaeological Potential of the site remained low. However, Regional staff recommends the inclusion of a standard warning clause in the Condominium 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 attached Appendix.

Core Natural Heritage System

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Draper's Creek Provincially Significant Wetland (PSW) Complex. The *Environmental Impact Study (EIS) Update* prepared by Myler Ecological Consulting (dated April 2020), submitted in support of the development application confirms this assessment, and also identifies Habitat of Endangered Species, Significant Woodland and Candidate Significant Wildlife Habitat on the properties.

Regional Environmental Planning staff have reviewed the EIS Update to verify that the findings, proposed mitigation measures, and recommendations are sufficient to satisfy Regional and Provincial environmental policies. The EIS Update was required to address Niagara Region and NPCA comments that were provided on the original EIS that was completed by Beacon Environmental in 2016, which was submitted in support of a previous, separate proposal.

Preliminary concerns associated with the EIS Update were provided to the applicant's agents during a meeting on June 23, 2020. To address these comments, revised plans were submitted to the Region on July 24, 2020.

In summary, staff are satisfied that the results, proposed mitigation measures, and recommendations identified in both the EIS Update and Revised Plans 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 Update and further described below are implemented.

Provincially Significant Wetland (PSW)

The Draper's Creek PSW Complex is located within the subject lands. The EIS Update and Revised Plans recommend a 30 m buffer for the majority of the PSW. Points of relief are required including a 28.16 m buffer at the north end of the proposed development to accommodate fencing, maintenance of Unit 16 and HVAC/utility systems. A second area of reduced buffer is located adjacent to the visitor parking lots to accommodate a straight fence alignment.

The EIS Update refers to the Functional Servicing Report (prepared by Upper Canada Consulting, dated April 2020) which confirms that existing conditions of drainage towards the woodland and wetland will be maintained.

Staff are satisfied that the proposed buffers, along with additional mitigation measures, will sufficiently ensure that impacts to the PSW are adequately mitigated.

Significant Woodland

The EIS Update indicates that “timber theft” occurred after the original EIS was completed in 2016. As such, the Significant Woodland was re-delineated as part of the EIS Update. The re-delineation resulted in a decrease in Significant Woodland.

The development limit is outside of the Significant Woodland dripline in the southern two-thirds of the site. Intrusion into the Significant Woodland will occur in the northern one-third of the site, but will be compensated through the proposed Woodland Restoration Area (as shown in the EIS Appendix titled ‘Development Concept’). The Restoration Area is located within the southern two-thirds of the site, between the Significant Woodland dripline and the limit of development located within the 30 m PSW buffer. The area of Significant Woodland intrusion is approximately 594m², while the Woodland Restoration Area is approximately 806 m².

Staff are satisfied that the proposed PSW buffer, Woodland Restoration Area and additional mitigation measures, will sufficiently ensure that impacts to the Significant Woodland are adequately mitigated.

Species at Risk (SAR)

The EIS Update found two additional Eastern Flowering Dogwood specimens in addition to what was reported in the original EIS completed by Beacon Environmental, for a total of five specimens. Under the *Endangered Species Act* (ESA 2007, as amended) Ontario Regulation 242/08, Section 24.2, Subsection 2(1) identifies that the regulated habitat for the protection of a Flowering Dogwood tree is the terrestrial area within 20 metres of the stem of the tree. The EIS Update establishes the required 20 metre buffer around each specimen, and indicates that the 30 m PSW buffer and proposed Woodland Restoration Area will also provide additional protection. Further, the EIS Update appropriately indicates that the portion of the woodland that overlaps with the regulated habitat of Eastern Flowering Dogwood would satisfy the EPA definition criterion of “Significant Habitat of Endangered Species”.

Regional comments on the original EIS also expressed concerns with *Ambystoma* salamanders and SAR bats. The results of the EIS Update found these concerns to not be valid for the subject properties and Regional staff are satisfied with the Report conclusions in this regard.

Staff are satisfied that the proposed PSW buffer and Woodland Restoration Area will adequately ensure that impacts to Eastern Flowering Dogwood are sufficiently mitigated.

Significant Wildlife Habitat (SWH)

The EIS Update states that the woodland is Candidate SWH for Amphibian Breeding Habitat and Bat Maternity Colonies. Staff are satisfied that these features will be protected by the proposed PSW buffer and Woodland Restoration Area, and by removing trees outside of the bird and bat nesting/roosting season.

Summary

Regional Environmental Planning staff are satisfied that the EIS demonstrates that the development can be accommodated without negative impact to the CNHS, provided that the mitigation measures outlined in the EIS, and additional mitigation measures outlined in the conditions are implemented.

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 potential Work Permit requirements pursuant to Ontario Regulation 155/06.

Technical Review

Niagara Regional technical staff offer the following comments based on the review of the following drawings/reports submitted in support of the proposed development applications:

- *Draft Plan of Vacant Land Condominium*, prepared by Upper Canada Consultants (dated April 23 2020);
- *Site Plan*, prepared by Upper Canada Consultants (dated April 21, 2020);
- *Functional Servicing Report (FSR)*, prepared by Upper Canada Consultants (dated April 2020).

Regional Permit Requirements

Regional staff has reviewed the site plan and notes that the location of the driveway is acceptable. Regional transportation staff ask that during the site plan stage that the detailed plans be revised to show:

- The curb at the north of the driveway entrance be terminated at the culvert line;
- A stop sign and painted stop bar be included at the exit;
- Adjust the Manhole at the middle of the entrance to the final grade;
- Remove and replace the culvert;
- New culvert to be HDPE and ditches to be realigned and grade the boulevards. Culvert length is to be approximately the same length as the one indicated on the site plan mark up;
- The culvert at the south of the entrance is to be removed.

For additional detail on the comments noted above please refer to the site plan mark up provided.

Regional Construction Encroachment Permit

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

Regional Sign Permit

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of South Pelham Road will require a Regional Sign permit.

Permit applications can be made through the following link:

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

Regional Road Allowance

Regional staff notes 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 (south of Fitch Street) is part of the Niagara Region's Bicycle Network and therefore the urbanization for the road will include the required pavement for bike lanes as previously required on other sections of South Pelham.

Daylight Triangles

Daylight triangles of 4.5 metres x 4.5 metres will be required at the entrance of the internal driveway's entrance on South Pelham Road. Regional staff ask that the daylight triangles be shown on the development plans.

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

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

- Norma Price, Law Clerk: norma.price@niagararegion.ca (Inquiries -specific to the transfer of property to the Region)
- Normans Taurins, Manager, Surveys & Property Information: normans.taurins@niagararegion.ca

Waste Collection

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

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

Condominium Townhouse Developments are eligible to receive internal curbside waste collection through the Region. In order for this service to be provided, the developer/owner shall comply with the Niagara Region's Corporate Policy and By-laws related to curbside collection of waste and recycling and complete the Application for Commencement of Collection and Indemnity Agreement. The required forms and policy can be found at the following link: www.niagararegion.ca/waste.

Regional staff reviewed the submitted Draft Plan and site plan drawings and notes that it is unclear if the units fronting the private road would be able to receive Regional curbside collection. The required turning radii for waste collection trucks does not appear to meet the requirements. In order to increase the efficiency of the waste/recycling trucks on the proposed plan the truck will only loop into the site and around the centre road. Therefore all waste collection pads must be located on the centre loop and waste collection pads will be required for Units 1-4, 11-18 and 30-33. The future site plan drawings shall modify the locations of the pads and increase the number to include all units noted.

In order to determine if on-site waste collection can be provided in a safe manner and to identify any additional units requiring waste collection pads, Region staff request revised plans be submitted overlaid with the Regional Waste Collection truck turning template indicating the required collection route and showing the vehicle entering and exiting the site from both travelled directions. The areas required for turning movements and curbside collection should be free and clear of any parking spaces or obstructions. If the requirements of the Waste Collection Policy cannot be met then waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region.

Site 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 Certificates 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.

Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. We would 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.

Stormwater Management

The Niagara Region staff have reviewed the *Functional Servicing Report 401 South Pelham Road* (dated April 2020) by Upper Canada Consultants. Based on our review of the submitted FSR, the Region has no objection in principles to the preliminary stormwater management plan. The Region will require a Stormwater Management Report and engineering drawings that address the following requirements and comments be submitted for review and approval.

- 1) Niagara Region will require stormwater runoff be captured and treated to a Normal standard as the minimum acceptable water treatment prior to discharge from the site.
 - a. The Region has no objection to installation of one oil-grit separator (OGS) structure to meet this requirement. The Region is satisfied with the information included with respect to inspection and maintenance of SWM facilities.
- 2) Niagara Region will require stormwater peak flows be attenuated to pre-development flow levels for all design storms up to and including the 100-year storm prior to discharge from the site.
 - a. The Region is supportive of the peak flow control plan to install a dry pond and internal storm pipes to restrict the site outflows to Drapers Creek.
 - b. This report indicates that the post-development 5- and 100-year flow from the main portion of the development (i.e catchment A20, 0.75 ha) will be controlled to pre-development flow levels prior to outlet to the proposed storm

sewer on Fitch Street to the Drapers Creek Culvert. The Region will require the SWM report include:

- Description and details how the site can capture the 100-year flow from catchment A20 (refer to FSR Figure 2) into the storage facilities without overland flow to South Pelham Road/Fitch Street.
 - Increase the storage volume to lower the 5-year water head over the orifice so that the outflow released can match the allowable rate.
 - Correction to the errors of existing peak flows in FSR Table 2.
- c. Region staff considers the results of the consultant's approach of Modified Rational Method underestimates the storage requirement. The rainfall intensity and peak flow at $T_c=10$ minutes are incorrect on the calculation sheet, as well as the interval volume of 5-year storm (refer to the Report Appendix B). To ensure the site is not negatively impacted during the 100-year storm and the site outflows are not beyond the target rates, the Region will require the storage requirement be verified through another method (e.g. hydrologic modelling) or inclusion of justification and reference that confirm the storage requirement is sufficient.
- 3) Prior to construction, the Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Conditions requiring submission of a detailed SWM plan and associated plans that address the above noted comments, as well as inclusion of a clause in the Condominium Agreement requiring implementation of said plan is included in the Appendix.

Conclusion

Based on the discussion above, Regional staff supports, in principle, the development of 395-401 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 and Development Services staff would offer no objections to the Draft Plan of Condominium or the concurrent Official Plan and Zoning By-law Amendments subject to the discussion above and the Conditions outlined in the Appendix.

Regional staff have reviewed the draft Official Plan Amendment and schedule and note that changes to the Core Natural Heritage System Designation have been adequately identified. 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.

CD-20-0009
August 21, 2020

Page 12 of 17

If you have any questions or wish to discuss these comments, please contact me at 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.

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

Best regards,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

Attch: Appendix – Regional Conditions of Draft Plan of Condominium

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
REGIONAL CONDITIONS OF DRAFT PLAN OF CONDOMINIUM
395-401 South Pelham Road, Welland

1. That the following clause be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

“Due to the proximity of the Municipal Sewage Pumping Station, Purchasers/ Tenants are advised that periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development.”

2. That prior to final registration of the plan, the applicant shall submit a conceptual site plan with building elevations and a streetscape/landscape plans for the section along the Regional Road as well as an addendum to the Planning Justification Report or alternatively a separate Urban Design letter to address issues of compatibility and transition to the satisfaction of the Niagara Region.
3. That the Condominium 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.
4. That the following clauses shall be included in the Condominium 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.”

5. That the Condominium Agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found on Page 10 of

-
- the EIS Update (prepared by Myler Ecological Consulting, dated April 2020), including but not limited to:
- a. That prior to site alteration and construction, tree protection fencing and silt fencing be placed at the limit of development.
 - b. That a 1.5 m high permanent Chain link Fence will be installed at the limit of development. The location of the fence and installation details should be identified in final plans. In addition, a “no gate” bylaw should be implemented to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
 - c. That tree and vegetation removal shall be completed between October 1st and March 15th, outside both the breeding bird nesting season in accordance with the federal *Migratory Birds Convention Act* and the summer bat active period.
 - d. That no construction materials or equipment be located, even on a temporary basis, within the buffers of the PSW.
 - e. That all proposed outdoor lighting shall be downward facing and shielded to prevent light spillage into the surrounding natural areas, where possible.
6. 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.
 7. 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, Significant Woodland and/or their buffers will occur.
 8. That a comprehensive Restoration Planting Plan be prepared, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the Woodland Restoration Area and PSW buffer area at the northern 1/3 of the site, as appropriate.
 9. A Tree Saving Plan be submitted to the Niagara Region for review and approval as required under Regional Official Plan Policy 7.B.1.19. The Tree Saving Plan shall generally be prepared in accordance with Section 1.36 of the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008 or it's successor?).
 10. That the PSW, Significant Woodland and buffers be zoned Environmental Protection (EP) or similar zoning which achieves the same level of protection.
 11. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).

-
12. That the owner dedicates two 4.5 metre x 4.5 metre daylighting triangles at each side of Regional Road 36 and the internal driveway.
 13. That the owner agrees, through the Condominium 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.
 14. 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).
 15. That the owner/developer ensure 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.
 16. That the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.
 17. If Regional Waste Collection cannot be provided, the Condominium Agreement between the owner and the City contain provisions that the owner shall provide a written undertaking to the Niagara Region Planning and Development Services Department acknowledging that because the site design does not meet Regional Waste Policy, garbage/recycling pick-up for the development will not be provided by the Region. Further, the following warning clause shall be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided by the Condominium Corporation through a private contractor and not the Region."
 18. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 1-4, 11-18 and 30-33. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.
 19. That the following warning be included in the Condominium Agreement and inserted in all offers and Agreement of Purchase and Sale or lease for units 3-4, 12-16 and 28-31:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 3-4, 12-16 and 28-31. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

20. That the owner shall submit a written acknowledgement to the Niagara Region Planning and Development Services Division, stating that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
21. That the owner shall submit a written undertaking to the Niagara Region Planning and Development Services Division, stating that all offers and Agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the owner and the City of Welland.
22. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for any new municipal sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.
23. That the Condominium 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.
24. That the following clause be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"Purchasers/Tenants are advised that this property has frontage on a roadway designated as being within the Regional Niagara Bicycling Network Plan. If the bicycle route is currently not established and identified with signage, it is the intent of the Regional Municipality of Niagara to make provisions for doing so and this may involve additional pavement width, elimination of on-street parking, etc., if required on this street section."
25. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:

-
- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans;
 - c) Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility.

26. That the Condominium Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.

Clearance of Conditions

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

Condominium Agreement

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

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



DISTRICT SCHOOL BOARD OF NIAGARA

191 Carlton St. ▪ St. Catharines, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ dsbn.org

July 24, 2020

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

Re: Application for Official Plan Amendment (OPA 28), Zoning By-law Amendment (2020-06) and Draft Plan of Vacant Land Condominium (26CD-14-20005) – 395 & 401 South Pelham Road

Dear Mr. Munday,

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for a Draft Plan of Vacant Land Condominium, an Official Plan Amendment and a Zoning By-law Amendment. The Draft Plan of Vacant Land Condominium proposes the creation of 37 townhouse units and one block of natural environment area. The accompanying applications for Official Plan Amendment and Zoning By-law Amendment propose to redesignate and re-zone the lands accordingly to permit the development.

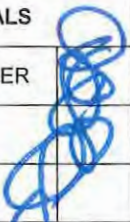
DSBN Planning staff has completed its review and has no objections to the application. Board staff request that, as a condition of approval, sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations. At this time, future students from this area would attend Fitch St PS (Gr. JK-8), and Welland Centennial Secondary School (Gr. 9-12).

If you have any questions, feel free to contact me by email at sue.mabee@dsbn.org

Yours truly,

Sue Mabee, MCIP, RPP
 Supervisor of Planning Services

COUNCIL
CORPORATE SERVICES

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CAO-2020-04
OCTOBER 6, 2020

16-61

SUBJECT: HUMAN RESOURCES COMMITTEE

AUTHOR: STEVE ZORBAS, INTERIM CAO, GENERAL MANAGER
CORPORATE SERVICES, CFO/TREASURER

APPROVING G.M.: STEVE ZORBAS, INTERIM CAO / GENERAL MANAGER
CORPORATE SERVICES / CFO / TREASURER
TRAVERS FITZPATRICK, GENERAL MANAGER
INFRASTRUCTURE AND DEVELOPMENT
DAN DEGAZIO, GENERAL MANAGER, ECONOMIC
DEVELOPMENT, RECREATION AND CULTURE

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves the amendment to the composition of the Human Resources Committee to include all members of Council; and further
2. THAT Welland City Council approves that all confidential Human Resource matters will be presented to Council as a whole; and further
3. THAT Welland City Council approves that policies relating to standard operating procedures, with no financial impact, shall be reviewed and approved by the Executive Committee; and further
4. THAT Welland City Council approves that all positions approved in the budget that become vacant, can be filled at the discretion of the Executive Committee, and in accordance with the Hiring Policy; and further
5. THAT Welland City Council approves that educational workshops with members of Council and the Executive Committee shall occur quarterly.

ORIGIN AND BACKGROUND:

The Human Resources Committee was formed in 2003 and is responsible for reporting and recommending policies to Council on various HR matters, as well as the Chair is to be included on the hiring panel for CAO. The Committee consists of three (3) members of Council and the Mayor.

COMMENTS AND ANALYSIS:

The Committee is responsible for review and recommendations only. Policies created through this Committee are brought back to Council as a whole for discussion and approval. Over time, other policies have been implemented that address a number of the Committee responsibilities, creating redundancies.

The hiring policy provides guidelines for hiring staff, the approvals required and clarifies Council involvement in the recruitment of General Manager positions. The Budget Review Committee reviews and approves new staffing requests brought forward by staff annually. Requiring staff to obtain additional approval from Council when positions become vacant is redundant.

FINANCIAL CONSIDERATION:

N/A

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

Supported by current policies and Budget Review Committee, it is recommended that the composition of the Human Resources Committee include Council as a whole.

ATTACHMENT:

N/A

COUNCIL
CORPORATE SERVICES – CLERKS DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-22
OCTOBER 6, 2020

20-29

SUBJECT: 2021 COUNCIL MEETING CALENDAR

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING G.M.: STEVE ZORBAS, INTERIM CAO/GENERAL MANAGER,
CORPORATE SERVICES, CFO/TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2020-22 regarding the 2021 Meeting Calendar for Council and establishes the Council meeting dates for 2021 as set out in Appendix 1.

ORIGIN AND BACKGROUND:

The calendar of meetings for Council is reviewed annually by staff to establish meeting dates that allow staff to plan for resources and ensure minimal conflict with other events that are scheduled throughout the year (ie. various conferences, March Break, statutory holidays, etc.).

In accordance with the Procedural By-law, Council meeting dates are established as the first and third Tuesdays of each month, subject to a revised summer schedule and changes to the schedule throughout the year by motion of Council, when required. Traditionally, General Committee Meetings are scheduled on the second and fourth Tuesdays of each month respectively; however, these meetings are held on an as-needed basis in consultation with the Mayor.

COMMENTS AND ANALYSIS:

March Break:

In 2021, the week of March 15 to 19 is March Break. Traditionally some members of Council, as well as many staff, have taken vacations with family at this time. As such, there will be no Council Meeting on Tuesday, March 16, 2021.

Summer Schedule:

Following past practice, Council Meetings during the summer months are limited to one meeting per month to allow Council and staff time to schedule and enjoy a summer vacation. The proposed summer schedule also works around the Association of Municipalities of Ontario (AMO) Conference scheduled August 15 to 18, 2021, to permit interested Council members to attend the conference.

Welland Hydro-Electric Holding Corp. Annual Shareholder Meeting:

The Annual Meeting of Welland Hydro-Electric Holding Corporation is held in the month of June; for 2021 meetings are tentatively scheduled for June 22, 2021.

As always, the Mayor will be consulted should the need for a Special Council Meeting arise during the year.

FINANCIAL CONSIDERATION:

There are no financial considerations other than the normal costs associated with publishing notice of meetings under the City's Procedural By-law 2017-6, Notice By-law 2013-127, and/or the By-laws of Welland Hydro, as required.

OTHER DEPARTMENT IMPLICATIONS:

Staff has reviewed the 2021 Council Meeting Calendar at a recent Corporate Leadership Team (CLT) meeting and support the schedule being proposed.

SUMMARY AND CONCLUSION:

The early planning of a meeting schedule enables staff and Council to organize their priorities for meetings and agendas. It is recommended that Council support this staff recommendation.

ATTACHMENT:




Appendix I – Schedule of 2021 Meeting Dates and various dates and events used in determining the Schedule.

2021 SCHEDULE OF MEETINGS

All meetings commence at 7:00 p.m. (unless indicated otherwise on Agendas)

<i>Date</i>	<i>Meeting</i>
January 12, 2021	General Committee
January 19, 2021	Council
January 26, 2021	General Committee
February 2, 2021	Council
February 9, 2021	General Committee
February 16, 2021	Council
February 23, 2021	General Committee
March 2, 2021	Council
March 9, 2021	General Committee
March 23, 2021	General Committee
April 13, 2021	General Committee
April 21, 2021	Council
April 27, 2021	General Committee
May 4, 2021	Council
May 11, 2021	General Committee
May 18, 2021	Council
May 25, 2021	General Committee
June 1, 2021	Council
June 8, 2021	General Committee
June 15, 2021	Council
June 22, 2021	General Committee /Welland Hydro Annual Shareholder Meeting
July 6, 2021	Council
August 3, 2021	Council
September 7, 2021	Council
September 14, 2021	General Committee
September 21, 2021	Council
September 28, 2021	General Committee
October 5, 2021	Council
October 12, 2021	General Committee
October 19, 2021	Council
October 26, 2021	General Committee
November 2, 2021	Council
November 9, 2021	General Committee
November 16, 2021	Council
November 23, 2021	General Committee
December 7, 2021	Council
December 14, 2021	General Committee
December 21, 2021	Council

COUNCIL
CORPORATE SERVICES – CLERKS DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-23
OCTOBER 6, 2020

05-160
12-96

SUBJECT: INTEGRITY COMMISSIONER

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING G.M.: STEVE ZORBAS, INTERIM CAO/GENERAL MANAGER,
CORPORATE SERVICES, CFO/TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information staff report CLK-2020-23: Integrity Commissioner, and
THAT Welland City Council directs staff to proceed with a Request for Proposal to engage an Integrity Commissioner; and further
THAT Welland City Council initiate a \$200 filing fee for any resident submitting a complaint, will be refunded if the complaint is found to be valid.

ORIGIN AND BACKGROUND:

An Integrity Commissioner is an independent and impartial position that reports directly to Council and whose powers and duties are set out in the *Municipal Act, 2001*. Currently, Section 223.4 of the *Municipal Act, 2001* provides that an Integrity Commissioner may conduct an inquiry into allegations about whether a member of council or local board has contravened the Code of Conduct. The Integrity Commissioner has broad powers to conduct that inquiry and to obtain access to relevant information and documents from the Municipality. Following the inquiry, Council may act upon the Integrity Commissioner's findings including imposing reprimands and suspending members of Council.

COMMENTS AND ANALYSIS:

Under Bill 68, all municipalities are required to appoint an Integrity Commissioner, who does not need to be an employee of the municipality. A municipality may choose to utilize the Integrity Commissioner from another municipality.

In addition to responsibility for the Code of Conduct and the procedures and rules regarding ethical behavior currently present in the *Municipal Act, 2001*, the Integrity Commissioner's portfolio include:

- Investigations concerning the compliance of members of council and of local boards with sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act (MCIA).
- Requests from members of council and of local boards for advice respecting their obligations under the Code of Conduct applicable to the member.
- Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behavior of members.
- Requests from members of council and of local boards for advice respecting their obligations under the MCIA.
- The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality or local board's Codes of Conduct and the MCIA (from section 223.3(1) as amended).

Additionally, Bill 68 includes time restrictions on when electors can make a complaint to the Integrity Commissioner. Generally, such a complaint must be made within six (6) weeks of the issue coming to the attention of the elector. However, in election years, no applications can proceed in the period of time from nomination day to voting day in a regular election. If an elector wishes to proceed with an application that falls within six weeks before the restricted time frame, they may apply to the Integrity Commissioner within the six-week period after voting day.

Inquiry by a Commissioner: Section 223.4.1

On March 1, 2019, Section 223.4 the *Municipal Act, 2001* was amended to add Section 223.4.1. This new section sets out an additional mechanism by which the public can make a complaint against a member of council or local board that relates to the prohibitions concerning pecuniary interests of members. The section reads:

An elector (as defined in the Municipal Conflict of Interest Act) or a person acting in the public interest, may make a complaint to an integrity commissioner where he/she believes there has been a contravention of sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act by a member of council or member of a local board.

If the Integrity Commissioner decides to conduct an inquiry into an allegation of a contravention of sections 5, 5.1 or 5.2 of the MCIA they can have a public meeting to discuss the inquiry. Upon completion of the inquiry, the Integrity Commissioner can, if they consider it appropriate, apply to a judge under section 8 of the MCIA for a determination as to whether the member of council or local board has contravened the MCIA. The costs of applying to a judge are to be paid by the municipality or the local board as applicable. This change is very significant. Previously, only an elector could bring an application to a judge under the MCIA.

Staff is recommending Council approve proceeding with a Request for Quote for the appointment of an Integrity Commissioner for a 3 year term, commencing on January 1, 2021 to December 31, 2024.

FINANCIAL CONSIDERATION:

\$20,000 has been included in the 2021 budget for Integrity Commissioner inquiries.

OTHER DEPARTMENT IMPLICATIONS:

CLT has reviewed and support the recommendation.




SUMMARY AND CONCLUSION:

This staff report has been prepared to recommend staff proceed with an RFQ for the appointment of an Integrity Commissioner.

ATTACHMENT:

N/A

247
COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2020-05
OCTOBER 6, 2020

SUBJECT: PARKING PERMIT REQUEST: LOT BEHIND CIVIC SQUARE

AUTHOUR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.
SUPERVISOR, TRAFFIC, PARKING & BY-LAWS

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

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information **REPORT TRAF-2020-05** PARKING PERMIT REQUEST: LOT BEHIND CIVIC SQUARE; and
2. That Welland City Council authorize staff to issue five parking permits in Municipal Lot 1 Area C at a monthly cost of \$ 100.00 per permit to Peters Group.

ORIGIN AND BACKGROUND:

At the February 18, 2020 meeting of Council, the following motion was passed:

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

At the March 10, 2020 meeting of Council, the following motion was passed:

“THAT THE COUNCIL OF THE CITY OF WELLAND refer back to staff for a report to come to General Committee allowing five (5) parking spots”.

COMMENTS AND ANALYSIS:

There are 70 parking spots in Lot 1 Area C. Currently, the City does not issue parking permits for this lot to the general public. The main reason for not issuing permits in this lot is because it is one of the busiest parking lots in the City and is primarily used by patrons attending the Library, Civic Square and the Courthouse. In addition, patrons coming to the downtown core for longer than two hours also utilize this parking lot.

However, as per the motion passed by City Council, staff has explored the option of issuing five (5) permits to Peters Group in Lot 1, Area C. Staff is recommending that five (5) permits be issued to Peter's group at a monthly rate of \$100.00 per permit. Staff will monitor the parking demand and supply situation and if this lot becomes very busy staff will report back to City Council.

FINANCIAL CONSIDERATION:

Subject to Council approval, issuing five permits at a rate recommended by staff will result in additional revenue (between October 2020 and December 2020) of \$1500.00.

OTHER DEPARTMENT IMPLICATIONS:

N/A

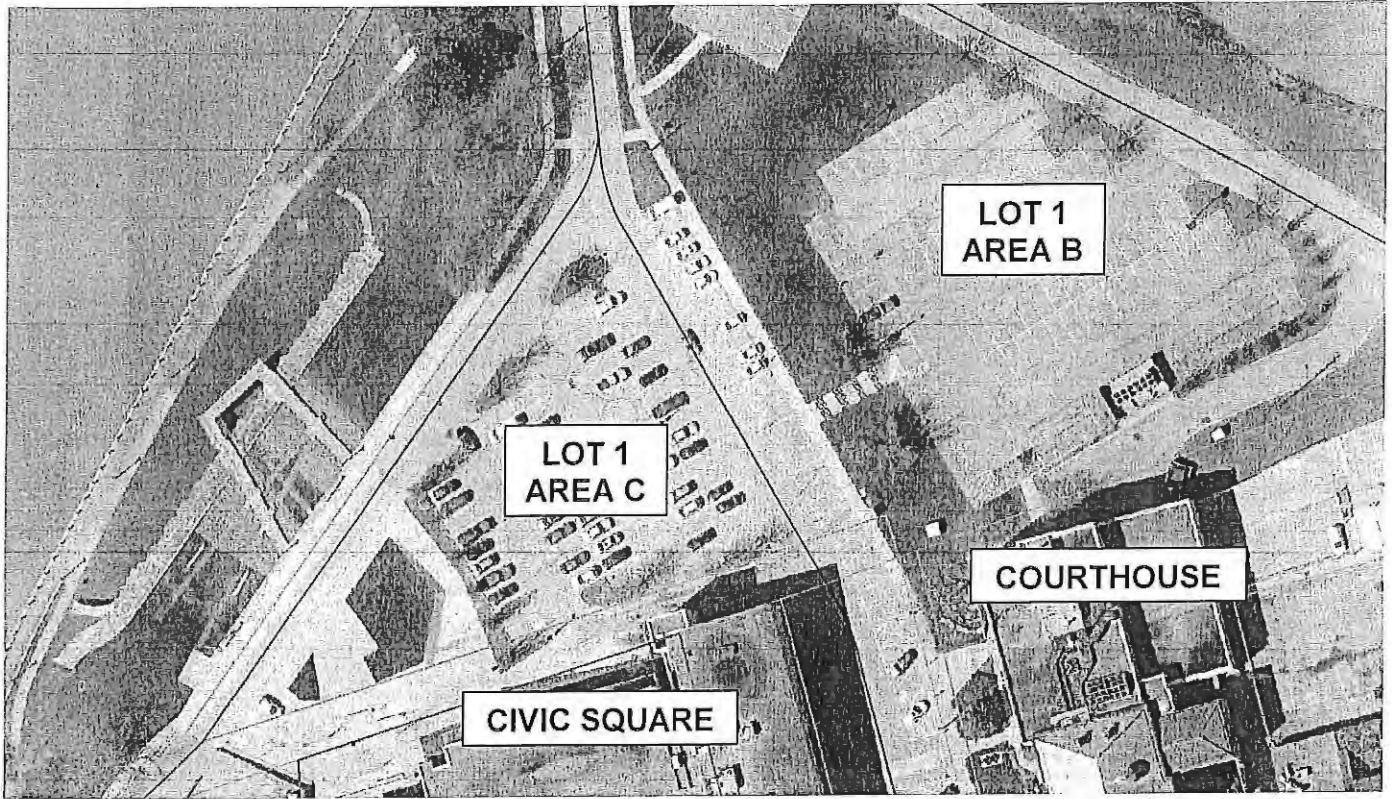
SUMMARY AND CONCLUSION:

Staff has explored the option of issuing five (5) permits to Peter's Group as per the Council motion. Staff is recommending a monthly permit be issued at a rate of \$100.00 per month. Staff will monitor the parking demand and supply situation in this lot and if this lot becomes very busy staff will report to City Council.

ATTACHMENTS:


Appendix 1

APPENDIX I



Lot Name	# of Parking Spaces
Lot 1, Area B	92
Lot 1, Area C	70

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2020-06
 OCTOBER 6, 2020

20-22

SUBJECT: UPDATE TO TRAFFIC AND PARKING BY-LAW 89-2000

**AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.
 SUPERVISOR, TRAFFIC, PARKING & BY-LAWS**

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

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2020-06** Update to Traffic and Parking By-law 89-2000; and further
2. THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

ADD the following to Schedule "I" – MUNICIPAL/ PRIVATE PROPERTY:

SKETCH No.	LOCATION	COMMON NAME
No Sketch	153 SOUTHWORTH STREET NORTH	FIRESIDE RESTAURANT

ORIGIN AND BACKGROUND:

On this occasion, **SCHEDULE "I"** of the Traffic and Parking By-law will be affected.

SCHEDULE "I" – Municipal/ Private Property

An amendment is required to include the above noted property to the City of Welland Municipal/ Private Property Schedule of By-law 89-2000:

This will allow Parking Enforcement Officers to enter onto private lands at the request of the property owner to issue a penalty notice and/ or remove unauthorized vehicles. Authorization letter have been attached as Appendix I.

COMMENTS AND ANALYSIS:

The proposed amendments to the Traffic and Parking By-law is necessary to define the traffic and parking regulations on municipal and private property.

FINANCIAL CONSIDERATION:

As properties are added to the Municipal/ Private Property Schedule a slight increase to parking ticket revenue can be expected.

OTHER DEPARTMENT IMPLICATIONS:

Legal Services and the Clerks Department would be required to update the By-laws with the changes noted in this report.

SUMMARY AND CONCLUSION:

To ensure the appropriate regulations and wording of By-law 89-2000, Staff recommends the modifications as outlined in this report.

The addition to the Municipal/ Private Property schedule is at the request of the property owner. Private property owners are experiencing difficulties with illegally parked vehicles on their property and the best solution to solve their problems would be to join our Traffic and Parking By-law and request enforcement when required.

ATTACHMENTS:

Appendix I – Authorization Letter, 153 Southworth Street North

AUTHORIZATION LETTER

Parking Enforcement Unit as AGENTS



September 11, 2020

The Corporation of the City of Welland

60 East Main Street – City Hall

L3B 3X4

Attention: James Cronshaw, MLEO(C)

Senior By-law Enforcement Officer

Re: Authorization for Private Property Tagging and/or Towing (Municipal Address)**153 Southworth Street N, Welland ON L3B 1X1**

Steve Cote and Tammy Holt-Cote are owners of 641989 Ontario Inc O/A Fireside Restaurant at 153 Southworth Street North, Welland ON L3B 1X1 and request the City of Welland to control unauthorized parking at the above noted address as per Traffic and parking By-law 89-2000.

The following person(s) have been designated with signing privileges:

1. Steve Cote Owner
2. Tammy Holt-Cote Owner

A copy of this letter and identification will be produced each time a Parking Enforcement Officer arrives to enforce the offence of "Park on Private Property without the owners' consent" or "Park on Private Property in contravention of Traffic and Parking By-law 89-2000".

We understand that you require a "FORM 2" to be fully completed for each and every enforcement attendance by one of the above authorized persons, who will call 905.735.1700 Ext 2250 or 2113 for enforcement.

Signage is affixed to permanent post approximately 6' high and are located on both sides of each entrance/Ext of the property. The sign indicates:


Private Property
Unauthorized vehicles will be Tagged and/or towed at owner's expense
City of Welland By-law 89-2000

If further information is required, please call Steve Cote 905.736.3292 or Tammy Holt-Cote 905.734.2176

Sincerely,

Two handwritten signatures in black ink. The first signature is "Tammy Holt-Cote" and the second is "Steve Cote".

COUNCIL
ECONOMIC DEVELOPMENT
RECREATION AND CULTURE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-19

REPORT R&C-2020-05
OCTOBER 6, 2020

SUBJECT: MEMORIAL PARK REDEVELOPMENT PLAN UPDATE

AUTHORS RICHARD DALTON, MANAGER, RECREATION & CULTURE DIVISION

PETER BOYCE, MANAGER, PARKS, PLANNING & MAINTENANCE

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

TRAVERS FITZPATRICK, GENERAL MANAGER, INFRASTRUCTURE & DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receive for information report R&C-2020-05 Memorial Park Development Plan Update

ORIGIN AND BACKGROUND:

Memorial Park is a significant recreational hub within the City of Welland; the park has a long and rich history as a centre for baseball, t-ball and softball; aquatic use including swimming, splash pad and wading pool; and recreational use of ample parkland and pavilions by residents and visitors.

In 2017 Council approved the undertaking of a "Memorial Park Master Plan" which was conducted by OMC Landscape Architecture and presented to Council on July 25, 2017.

In 2018 a city-wide 10-year "Parks, Recreation & Culture" was conducted by Monteith Brown & Associates which was approved by Council on August 6th, 2019. The public consultation for the 2018 City Master Plan provided additional public input regarding the most pressing needs for development of Memorial Park.

In 2018 the 10 year Capital budget was updated to include funding for the first four phases of a seven phase development plan for Memorial Park. Phases 1, 2, and 3 of the development plan were approved by Council during budget deliberations for the 2018, 2019, and 2020 budgets respectively, along with replacement of the splash pad which was pre-approved for the 2020 capital budget.

This report provides an update on the current status of the development plan for Memorial Park, including works completed to date and recommended priority investments for the 2021-2024 capital budgets.

COMMENTS AND ANALYSIS:

The required investments in Memorial Park can be broadly categorized as addressing the following needs:

1. Improved parking
2. Addition of pathways through the park
3. Enhanced entry points for pedestrians and vehicles
4. Addition of trees and landscaping throughout the park
5. Construction of facilities to support use of the sport fields, including new washroom, storage space, and comfort station

With these priorities in mind, and drawing from data collected from the two Master Plan reference documents the following updated vision for Memorial Park is presented:

Status	Phase	Components	Project Status	Budget Amt.
Approved	Phase 1	Removal and fill of pond, drainage improvements	Anticipated completion Spring 2021	\$390,000
Approved	Phase 2	Park Drainage Plan (required) Improved parking lot adjacent to M2 and M3 Improved parking lot adjacent to M4	Not started	\$700,000
Approved	Phase 3	Baseball lighting upgrades: Remove & replace poles/lights at M2, Install poles/lights at M3	Tender awarded	\$737,000
Approved	Phase 3.5	Splash Pad Replacement	Anticipated completion Spring 2021	\$450,000

Status Ctd.	Phase Ctd.	Components Ctd.	Project Status Ctd.	Budget Amt. Ctd.
Proposed	Phase 4	Baseball lighting upgrades: Remove & Replace poles/lights at M1 Install poles/lights at M4	NA	\$700,000
Proposed	Phase 5	Facility investments: comfort station with washrooms on West side to support baseball, softball, and T-Ball, including storage space, office and meeting space	NA	\$500,000
Proposed	Phase 6	Park trails, swale's, tree planting, landscaping and enhancement of park entrances	NA	\$600,000
Proposed	Phase 7	Additional enhancements to parking, more pathways through park, further addition of trees and landscaping	NA	\$300,000

Additional phases beyond the seven identified above may be appropriate and required to complete a full Park redevelopment. The Parks, Recreation, & Culture Master Plan is due to be reviewed in 2024, at which time additional public input into the progress of developing Memorial Park will be accepted help clarify and prioritize any additional future investments in Memorial Park.

FINANCIAL CONSIDERATION:

No financial implications will result from acceptance of this report.

The recommended capital investments detailed in this report will be presented as part of the proposed 10-year capital budget during the 2021 budget process.

OTHER DEPARTMENT IMPLICATIONS:

None at this time.

Significant collaboration is required between Engineering, Public Works, Parks, Recreation, and Purchasing to complete each approved phase of the development plan.

SUMMARY AND CONCLUSION:

The development of Memorial Park is separated into seven phases, each of which will focus on improving one or more of the deficiencies as identified by public input during two Master Plan processes. Staff propose to include the phases as described in this report in the proposed 10-year Capital Budget, to be presented for Council consideration during the 2021 budget process.

ATTACHMENTS

None

COUNCIL
ECONOMIC DEVELOPMENT
RECREATION AND CULTURE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT R&C-2020-06
OCTOBER 6, 2020

SUBJECT: PHASE 3 WATERFRONT DEVELOPMENT- SWIMMING FEATURE

AUTHORS VINCE BEAUDOIN, MANAGER, PUBLIC WORKS DIVISION

RICHARD DALTON, MANAGER, RECREATION & CULTURE DIVISION

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

TRAVERS FITZPATRICK, GENERAL MANAGER, INFRASTRUCTURE & DEVELOPMENT SERVICES

STEVE ZORBAS, ACTING CAO/GENERAL MANAGER CORPORATE SERVICES, CFO/TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorize staff to proceed with issuing an RFP for purchase and installation of a "Waterfront Swimming Feature" as described in Report R&C-2020-06; and further,

That Welland City Council approves the funding of this project from the Strategic Initiatives capital project, account 10-710-17095

ORIGIN AND BACKGROUND:

Development and maximization of the recreational and economic impact of Welland Recreational Waterway has been a significant priority of the City of Welland for a number of years. A consistent focus of discussion at Council and in the community has been the need of a safe, supervised swimming feature along the Waterway which a variety of residents can enjoy, including families with young children. The Waterway has

a deep “v” shaped profile and is quite deep – almost 30 ft. in the centre. As such, swimming safety is a significant concern as Welland’s population increases and more residents and visitors are attracted to spend time near the water. There are currently no supervised swimming areas along the Waterway in Welland; several docks are in place to provide residents with unsupervised swimming opportunities.

This report brings forward a vision for a new seasonal swimming feature. The pool is designed as one cell with a swimming area of 10 meters x 14 meters and 1.2 meters in depth. It comes complete with accessible decking, a railing, floor and walls. It is of modular design with installation taking place in early summer, and removal in early fall for winter storage (refer to appendix A for detailed drawings).

COMMENTS AND ANALYSIS:

Staff propose to locate the pool along the bank of the recreational waterway, at the southernmost end of the proposed Rotary Park, in the area currently known as Lincoln St. Docks.

The initial water installation would take place at the Welland International Flatwater Centre (WIFC) where the unit is stored in a 2,400 ft² storage building, steel clad/wood frame construction. The storage building would be located adjacent to the Shaw Street entrance of the WIFC. The sections of the swimming feature will be assembled in sections, the floated from the WIFC to the seasonal install location near Lincoln St. Docks, and anchored in place for the duration of the swimming season.

On conclusion of the season, staff will float the installation back to the WIFC for dismantling, cleaning, and storage for the winter months.

Business Plan

Admissions: The new swimming feature is proposed to offer free admission for both residents and visitors, in line with Welland’s existing three outdoor pools facilities

Programming: Commencing in 2021, some limited programming, including “aquasize”, adult lane swim, and swimming lessons will potentially be offered at the Floating Pool through the City of Welland Recreation & Culture Division. These programs will generate modest revenue.

Facility Investment (initial capital): costs to receive and install pool for 1st season

Item	Projected Cost	Notes
Swimming Feature Cost	\$405,000	Purchase of modular structure
Equipment - Install/removal	\$110,000	Telehandler & power washing units for install and cleaning
Building – Storage	\$350,000	40’60’ heated auxiliary building

Item Ctd.	Projected Cost Ctd.	Notes Ctd.
Anchoring	\$30,000	Caissons
Security	\$30,000	Fencing & security cameras
Water safety	\$6,000	Floating boom
Labour	\$60,000	Assembly, installation in place, facility operating staff, for 3 months
Landscape and site amenities (shade/seating)	\$50,000	Benches, shade features
Engineering	\$50,000	Engineering
Customs and Duty	\$50,000	Government
Sub Total	\$1,141,000	
15% contingency	\$171,150	
Net HST	\$64,442	
Total	\$1,376,592	

Operating Costs (annual): Initial capital costs to receive and install pool for 1st season

Item	Projected Cost	Notes
Lifeguards	\$67,000	640h annually, 5 guards on site; 1 ambassador controlling admissions
Training	\$6,000	Full waterfront safety training for 12 staff
Maintenance	\$10,000	Annual maintenance/repair costs
Total	\$83,000	

Capital Reinvestment (periodic):

Item	Projected Cost	Notes
Modular replacement	\$10,000	Replacement of sections as required every two years

Capital re-investment: The usable life of the Floating Pool is 20 years, at which time it would be subject to replacement. Given an anticipated replacement investment of \$10,000 each two years for modular sections; a complete overhaul of the Feature at year 20 is projected to be less than 50% of the total initial cost of the pool, or \$200,000.

Growth: The use of the Floating Pool will be capped at a proscribed number of bathers, as provided by Niagara Region Public Health. Since the system is modular, additional sections can be added to expand the size of the pool, subject to Council approval of resulting additional operating costs. Theoretically the modular nature of the pool can support expansion to an arbitrarily large size.

Additional notes:

- Oversight of the Floating Pool programming as well as Lifeguards and associated training processes will fall within the City of Welland Recreation & Culture Division through annual aquatics program.
- Waste collection for this feature will fall within the existing Parks maintenance program
- Provision of washrooms and access to Water, change rooms, as well as food truck vendors to be provided on site through nearby Boat Rental Facility and amenities planned for in “Rotary Club of Welland Park”
- Opportunity to create a “Let’s Chat” seating area, in partnership with the Welland Senior Citizens Advisory Committee; promoting and enhancing intergenerational communication and sharing at the Park

FINANCIAL CONSIDERATION:

The initial investment in year 1 for purchase and installation of the Swimming Feature is anticipated to be \$1,376,592; the funding source will be Strategic Initiatives, account 10-710-17095.

Operating costs for year 1 are anticipated to be \$83,000; should council approve the recommendation in this report, Operating costs for year 1 will be presented as a decision unit during the 2021 budget process.

Annual operating costs, for both lifeguarding and maintenance starting year 2 are projected at \$143,000. Capital reinvestment is anticipated to be \$10,000 every two years, with an “overhaul” of the Feature planned for year 20 with a cost of \$200,000.

OTHER DEPARTMENT IMPLICATIONS:

Significant collaboration between a number of Departments will be required to complete the installation of the Swimming Feature, including, Parks, Recreation & Culture, Public Works, and Purchasing.

SUMMARY AND CONCLUSION:

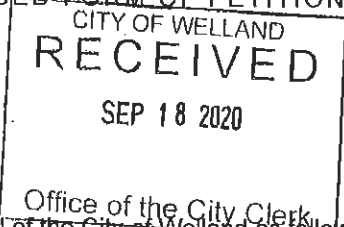
The proposed Swimming Feature is designed to provide a safe area for residents, families, and young kids to enjoy supervised swimming in the pristine Recreational Waterway. The hard surface floor, presence of lifeguards, and proximity to the Lincoln St. Docks/Rotary Club of Welland Park, all combine to make this a recreational destination for residents and visitors alike.

ATTACHMENTS

None

PRESCRIBED FORM OF PETITION

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



City Plan
 7.2.1.4

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

Protect an established residential area from a single family home turning into duplexes. Our quiet street with no sidewalks, and long term homeowners enjoy the peaceful neighborhood, safe & secure knowing our neighbours & narrow roads and

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Lindsay Loube	19 CAITHNESS DRIVE Welland, ON L3C 4Z3	[Signature]
Tyler W. Loube	19 CAITHNESS DRIVE Welland, ON L3C 4Z3	[Signature]
Mike Homimack	38 Caithness Drive Welland ON L3C 4Z4	[Signature]
Cecile Jones	24 CAITHNESS DRIVE Welland ON L3C 4Z4	Cecile Jones
MICHAEL JONES	24 CAITHNESS DRIVE WELLAND ON L3C 4Z4	[Signature]
CRAIG DAVIS	26 CAITHNESS DRIVE WELLAND ON L3C 4Z4	[Signature]
MONIKA JARECKA	28 CAITHNESS DR WELLAND ON L3C 4Z4	Monika Jarecka
GREG SZYMANSKI	"	[Signature]
K MacLean	34 Caithness Dr	[Signature] Karl MacLean
N. Slade	36 Caithness Dr	[Signature]
D+B Remigio	32 Caithness Dr	Barb Remigio
BONNIE JAVOR	30 CAITHNESS DR	[Signature]
JULIUS J. JAVOR	30 CAITHNESS DR.	[Signature]
LORNE BEAMER	4 CAITHNESS DR.	Lorne Beaman
Amanda Gibbs	17 Caithness Dr.	[Signature]
ED MARTIN	9 CAITHNESS DR	[Signature]
SEAN SHANNON	5 CAITHNESS DR	[Signature]
Colleen Stewart	16 Caithness Dr	[Signature]
A. YATULIS	6 CAITHNESS DR.	[Signature]

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

sewers cannot handle more traffic
and more people.

#37 and #23 Carthness Dr. are
turned into upper and lower units,
#23 (still in the process).

#37 Carthness Dr. always having
multiple cars around a bend on
the road, and furniture on the
front lawn.

The pride of ownership keeps
the street respectably middle class

PRESCRIBED FORM OF PETITION

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

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

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Cathy Simon	1 Caithness Dr	C. Simon
Tiffany Ethier	7 Caithness Dr	T. Ethier
RAFFAELE PAPES	12 CAITHNESS DR	R. Papes
KATHY DITTORE	15 CAITHNESS DR.	K. Ditto
Olivia Vaccaro	22 Caithness Dr	O. Vaccaro
Jen + Dan Bouchard	18 Caithness Dr.	J. Bouchard
CHRIS WILKINS	13 CAITHNESS DR	C. Wilkins
Achim Hering	40 Caithness Dr.	A. Hering
Carolyn Halls	20 Caithness Dr.	C. Halls
Deborah Lee	11 Caithness Dr.	D. Lee
Jeffrey Beadle	25 Caithness Dr.	J. Beadle
Kathrine Hommuck	28 SECOND ST	K. Hommuck

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

Welland Food Drive 2020 on(line)

For over 27 years, The Welland Food Drive has provided millions of pounds of groceries for local Food Banks to distribute to those in need in the Welland Community. The Salvation Army, Open Arms Mission, and The Hope Centre rely on the generosity of the community to ensure that those facing food insecurity are able to have access to healthy and nutritious emergency food. However, as with most things in 2020, this year will look significantly different.

The committee faced a difficult decision in deciding the format for the 2020 effort. The Welland Food Drive is crucial to the local Food Banks. They count on our community donating over 100,000 pounds of food every year. The Food Banks simply couldn't afford to cancel the 2020 Food Drive. With so much uncertainty on the path the virus will take over the next few months, the committee needed to make a change to ensure the health and safety of the hundreds of volunteers that regularly lend their time to this annual "Foodraiser". Therefore, for this year only, they have decided to hold the Food Drive virtually.'

The committee has set a lofty goal of raising \$100,000 through this year's effort, a number that is based on the 100,000 pounds of food regularly collected at The Welland Food Drive. Agencies are facing a growing demand in their Food Banks, and, unfortunately, the outlook for the next 12-18 months looks grim.

The Food Banks have the ability to stretch the dollar by buying in bulk, and partnering to order most needed items. For every dollar donated to The Welland Food Drive, the Food Banks can stretch it into \$3 worth of food.'

One thing people will notice that is new this year is an opportunity for Welland based businesses to 'sponsor' the Food Drive. Welland businesses truly care about those most vulnerable in our community. This a great opportunity to provide sponsorship funds, money that will be used to purchase more food for those in need. The committee is currently searching for a local business who would proudly become a Community Champion with a \$5,000 gift in support of the Food Drive. \$5000 represents enough funding for our 3 Food Banks to purchase enough eggs for three months.

The committee is disappointed that they won't be able to collect food in person this year, however the need is increasing. This may be the most important Food Drive in our history.

5,177 – Number of people in Welland facing Food Insecurity

193,790 lbs – Amount of food distributed by the 3 partner Food Banks since the beginning of Covid 19

\$100,000 – Goal of 2020 Welland Food Drive

100,000 lbs – Amount of food donated at Welland Food Drive annually

To donate online, visit www.wellandfooddrive.com

Or mail your donation directly to one of the local food banks.

For more information contact:

Monique Finley

moniquemfinley@outlook.com

October 6, 2020

Media Release

'Covid 19 forces Welland Food Drive to move online'

For over 27 years, The Welland Food Drive has provided millions of pounds of groceries for local Food Banks to distribute to those in need in the Welland Community. The Salvation Army, Open Arms Mission, and The Hope Centre rely on the generosity of the community to ensure that those facing food insecurity are able to have access to healthy and nutritious emergency food. However, as with most things in 2020, this year will look significantly different.

Monique Finley, chair of The Welland Food Drive, said the committee faced a difficult decision in deciding the format for the 2020 effort. 'The Welland Food Drive is crucial to the local Food Banks. They count on our community donating over 100,000 pounds of food every year. As much as we enjoy the community spirit and camaraderie of the in person model, we just can't afford to chance the cancelation of the 2020 Food Drive. With so much uncertainty on the path the virus will take over the next few months, we needed to make a change to ensure the health and safety of the hundreds of volunteers that regularly lend their time to this annual "Foodraiser". Therefore, for this year only, we have decided that we have to hold the Food Drive virtually.'

The committee has set a lofty goal of raising \$100,000 through this year's effort, a number that is based on the 100,000 pounds of food regularly collected at The Welland Food Drive. 'Agencies are facing a growing demand in their Food Banks, and, unfortunately, the outlook for the next 12-18 months looks grim.', explained Finley. 'However, Food Banks have the ability to stretch the dollar further than you or I by buying in bulk, and partnering to order most needed items. For every dollar donated to The Welland Food Drive, the Food Banks can stretch it into \$3 worth of food.'

One thing people will notice that is new this year is an opportunity for Welland based businesses to 'sponsor' the Food Drive. 'We know that Welland businesses truly care about those most vulnerable in our community. This is just an opportunity to provide sponsorship funds, money that will be used to purchase more food for those in need. As an example, we may have a local business who would proudly become a Community Champion with a \$5,000 gift in support of the Food Drive. That represents enough funding for our 3 Food Banks to purchase enough eggs for three months.' explained Finley. 'We are disappointed that we won't be able to collect food in person this year, however the need is increasing. This may be the most important Food Drive in our history.'

5,177 – Number of people in Welland facing Food Insecurity

193,790 lbs – Amount of food distributed by the 3 partner Food Banks since the beginning of Covid 19

\$100,000 – Goal of 2020 Welland Food Drive

100,000 lbs – Amount of food donated at Welland Food Drive annually

To donate online, visit www.wellandfooddrive.com

Or mail your donation directly to one of the local food banks.

For more information contact:

Monique Finley

moniquemfinley@outlook.com

(289) 968-0565