



COUNCIL MEETING AGENDA

**Tuesday, May 4, 2021
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 May 6, 2021 at 9:00 p.m.**

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:30 p.m.)
(See yellow tab)**
 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - *Welland/Advantage Cannabis.*
 - *349 Ridge Road.*
 - *Innio Update.*

- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (7:00 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 April 20, 2021 (*Previously Distributed*).
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
 - 3.6 DISCLOSURES OF INTEREST**
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**

- 4. ORAL REPORTS AND DELEGATIONS**
 - 4.1 PRESENTATION(S) - Nil**
 - 4.2 DELEGATION(S) (maximum 5/10/5 policy) - Nil**



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

4.4 LEGISLATED PUBLIC HEARINGS PURSUANT TO THE *PLANNING ACT*

21-79 A Complete Application has been made by JOSEPH TOMAINO on behalf of LUCAS LUCCHETTA and LUCCHETTA BUILDERS INC. to rezone lands legally described as Part of Lot 239, former Township of Thorold, shown as Part 2 on Plan 59R-7365, Part 2 on Plan 59R-13040, and Parts 1 and 2 on Plan 59R-16468 for lands at 368 Aqueduct Street and 155 Gadsby Avenue from the existing RESIDENTIAL LOW DENSITY 1 – RL1 and NEIGHBOURHOOD OPEN SPACE - O1 to SITE SPECIFIC RESIDENTIAL LOW DENSITY 2 - RL2 and ENVIRONMENTAL CONSERVATION OVERLAY in Zoning By-law 2017-117. The purpose of the Amendment is to allow for a rear yard setback of 5 metres for the lot proposed at 155 Gadsby Avenue, and to permit a lot frontage of 4 metres whereas 6 metres is required for each semi-detached dwelling unit. The application for Zoning By-law Amendment has been made to allow for the future development of an eight (8) unit Draft Plan of Vacant Land Condominium off of Aqueduct Street and the development of a single lot fronting onto Gadsby Avenue. The Official Plan designation is LOW DENSITY RESIDENTIAL and PARKS, RECREATION AND OPEN SPACE. Applications for Official Plan Amendment (OPA No. 33) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-20009) were submitted in conjunction with the application for Zoning By-law Amendment.
(See Report P&B-2021-20 pages 14 to 36)

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

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

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

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



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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 4th day of May, 2021. Ref. No. 21-1

10. ADJOURNMENT



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AGENDA BLOCK

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

2. COMMITTEE AND STAFF REPORTS

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

1 - 3	<u>EDO-2021-03</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Agreement of Purchase and Sale for 3.5 Acres of Vacant City Owned Lands on Downs Drive in River Road and Downs Drive Industrial Park. Ref. No. 18-36 (See By-law 1)
4 - 8	<u>FIN-2021-15</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - 2020 Year-End Report. Ref. No. 21-4
9 - 13	<u>P&B-2021-19</u>	Director of Planning & Development Services, G. Munday - Community Improvement Plan Incentive Applications - Quarterly Summary Report for Fourth Quarter of 2021. Ref. No. 11-108
14 - 36 Remove From Block	<u>P&B-2021-20</u>	Director of Planning & Development Services, G. Munday - Application for Official Plan Amendment (2020-14), and Draft Plan of Vacant Land Condominium (26CD-14-20009) submitted by Joseph Tomaino on behalf of Lucchetta Builders Inc. and Lucas Lucchetta for lands on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road, and south of Hilda Street, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue. Ref. No. 21-79



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- 37 - 41** **P&B-2021-21** Director of Planning & Development Services, G. Munday - Application for Redline Revision to Draft Plan of Subdivision made by National Homes on behalf of 2676903 Ontario Inc. for lands on the east side of Kingsway, south of Forks Road, and west of the Welland Shipping Canal, with no municipal address. Ref. No. 21-80
- 42 - 187** **P&B-2021-23** Director of Planning & Development Services, G. Munday - Application for Official Plan Amendment (OPA No. 30), Zoning By-law Amendment (2020-09), and Draft Plan of Subdivision (26T-14-20007) made 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, north of Forks Road, south of the Townline Tunnel, legally 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, and 635 Canal Bank Street. Ref. No. 20-97 (See By-laws 2 & 3)

3. NEW BUSINESS

- 188 - 189** 1. Grant Bivol, Clerk/Board Secretariat, Niagara Peninsula Conservation Authority re: Explore partnership opportunities with municipalities to map, build and enhance trail connections. Ref. No. 21-81

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority dated April 22, 2021 to explore partnership opportunities with municipalities to map, build and enhance trail connections.

- 190 - 197** 2. Grant Bivol, Clerk/Board Secretariat, Niagara Peninsula Conservation Authority re: Report No. FA-25-21: Expanding the Greenbelt Proposal - NPCA Comments. Ref. No. 21-82

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority dated April 22, 2021 regarding Report No. FA-25-21: Expanding the Greenbelt Proposal - NPCA Comments.



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- 198 - 200 3. Kelly Jones, Chair, Welland Downtown Business Improvement Area (WDBIA) re: Approval of its proposed 2021 Budget. Ref. No. 99-90/21-4

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the 2021 budget from the Welland Downtown Business Improvement Area Board as recommended by their board in the amount of \$114,820.00; and further
THAT Welland City Council authorizes the Director of Corporate Services, Chief Financial Officer/Treasurer to make arrangements to levy an amount of \$114,820.00 against the business operations within the defined area on condition that the required financial statements are submitted to the satisfaction of the City Treasurer.

- 201 - 213 4. Ann-Marie Norio, Regional Clerk, Region of Niagara re: Report PDS 19-2021: Combined Sewer Overflow (CSO) Control and Wet Weather Management (WWM) Program - 2021 Funding Recommendations. Ref. No. 21-83

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 26, 2021 regarding Report PDS 19-2021: Combined Sewer Overflow (CSO) Control and Wet Weather Management (WWM) Program - 2021 Funding Recommendations.

4. BY-LAWS

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

1. A By-law to authorize acceptance of an offer from 603697 Ontario Limited for sale of 3.5 acres of vacant city-owned land on Downs Drive (River Road and Downs Drive Industrial Park). Ref. No. 18-36
(See Report EDO-2021-03)
2. A By-law to amend City of Welland City of Welland Zoning By-law 2017-117 (555 Canal Bank Development GP Inc. - File No. 2020-09) 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.
Ref. No. 20-97
(See Report P&B-2021-23)



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3. A By-law to Adopt Official Plan Amendment No. 30 (555 Canal Bank Development GP Inc.) 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. Ref. No. 20-97
(See Report P&B-2021-23)
4. A By-law to authorize the appointment of Burt Lamoureux as Deputy Fire Chief for the Welland Fire and Emergency Department; and to Repeal By-law 2016-134.
Ref. No. 21-15
(A By-law to appoint a Deputy Fire Chief).
5. A By-law to enter into contract with Rankin Construction Inc. for the 2021 Road Resurfacing - Top Lift Asphalt Tender. Ref. No. 21-50
(See Report ENG-2021-09 from March 23, 2021 Special Council Meeting).
6. A By-law to authorize 439 King Street Welland Inc. to construct a wood deck for public ownership along east side of Welland Recreational Canal, south of Lincoln Street.
Ref. No. 99-99
(See Report P&B-2021-13 from March 2, 2021 Council Meeting)
7. A By-law to authorize a change order to the existing contract with Neptune Technology Group (Canada) Limited to extend the water meter replacement/upgrades through year 2021; and to amend By-law 2019-84. Ref. No. 04-124
(See Report ENG-2021-08 from March 23, 2021 Special Council Meeting).

COUNCIL
ECONOMIC DEVELOPMENT OFFICE

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

18-36

REPORT EDO-2021-03
May 4, 2021

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

AUTHOR: LINA DECHELLIS, MANAGER OF ECONOMIC DEVELOPMENT

**APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
INTERIM CAO/DIRECTOR OF CORPORATE SERVICES, CHIEF
FINANCIAL OFFICER/TREASURER**

RECOMMENDATIONS:

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

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

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

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

COMMENTS AND ANALYSIS:

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

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

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

OTHER DEPARTMENT IMPLICATIONS:

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

FINANCIAL CONSIDERATION:

603697 Ontario Limited has made an offer to purchase 3.5 acres on Downs Drive in the new industrial park which is scheduled to close on May 31, 2021.

SUMMARY AND CONCLUSION:

At their March 2, 2021 Committee of the Whole meeting Council directed staff to proceed with the Offer to Purchase from 603697 Ontario Limited for 3.5 acres of city-owned lands on Downs Drive in our new industrial park.

ATTACHMENT:


Appendix 1 – Key Map



Infrastructure and
Development Services
Planning Division



CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT FIN-2021-15
MAY 4, 2021

21-4

SUBJECT: 2020 YEAR-END REPORT

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

**APPROVING
DIRECTOR:** STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
INTERIM CAO / DIRECTOR, CORPORATE SERVICES / CHIEF
FINANCIAL OFFICER / TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Year-End report up to and including December 31, 2020 (FIN-2021-15); and further

THAT Welland City Council approves that the 2020 Tax Supported Budget forecasted surplus (to be \$3,017,822 drafted and unaudited) be allocated to the Capital Surplus Reserve Fund: and further

THAT Welland City Council approves that the 2020 Rate Supported Budget forecasted surplus (to be \$1,107,224 unaudited and estimated) be allocated to the Water/Wastewater Reserve Fund.

ORIGIN AND BACKGROUND:

The year-end report is intended to provide Council with information and details pertaining to the Operating Budget performance. The information contained within the report is general and summarized.

COMMENTS AND ANALYSIS:

Scheduled delivery of year-to-date financial information, often referred to a variance report, is aligned with the Corporation's fiscal year (January 1 to December 31) and is delivered on a quarterly basis. The attached Year-End Report includes figures up to and including December 31, 2020, and is delivered following the closure of accounts and final accounting processes.

The City ended 2020 with a net draft unaudited surplus of \$3,017,822 in the Tax Supported Operating Budget, and a surplus of \$1,107,224 in the Water and Wastewater Budget.

The draft unaudited year-end surplus for 2020 is due to the positive variances for tax supplemental revenue, investment income, and building permit revenues.

In addition, cost containment initiatives were put in place by the City's Corporate Leadership Team (CLT) such as:

- Reduced conferences for all departments
- Reduced corporate promotions
- Reduced corporate professional development
- Salary savings due to temporary layoffs for part-time, full-time staff, summer students, etc.
- Reduced 2020 charge backs to Water/Wastewater budgets to mitigate the negative financial impact on the 2020 Water/Wastewater Budget.

FINANCIAL CONSIDERATION:

There are no financial considerations associated with the preparation of the year-end report other than those highlighted. Financial implications and budget impacts are discussed within the report.

OTHER DEPARTMENT IMPLICATIONS:

All departments are involved in the development of the year-end report. The year-end variance report is reviewed and monitored collectively through CLT on a regular basis.

SUMMARY AND CONCLUSION:

The year-end report is an important management tool. It also provides useful and timely information to Council to assist in decision-making, accountability, and tracking of budget performance.

ATTACHMENTS:

Appendix I – Q4 2020 Yearend Variance by Cost Center
Appendix II – Current Investment Holdings as of December 31, 2020

Q4-2020 Year-End Variance by Costing Center



Costing Center Name	Year End Variance
20-110-MAYOR'S OFFICE	\$19,337.56
20-111-COUNCILLORS	(\$37,774.23)
20-112-CITY MANAGER / CAO	\$23,441.10
20-120-CLERKS	\$146,974.64
20-125-COMMUNICATIONS	\$24,386.50
20-130-FINANCE	(\$154,421.18)
20-131-INFORMATION SERVICES	\$28,161.45
20-134-TAXATION / GENERAL REVENUE	\$3,352,530.81
20-135-GENERAL EXPENDITURES	(\$2,417,465.32)
20-139-GRANTS	\$279,789.62
20-140-LEGAL	(\$141,418.63)
20-150-HUMAN RESOURCES	\$131,451.51
20-210-FIRE	(\$152,924.73)
20-310-ENGINEERING - ADMINISTRATION	(\$127,432.60)
20-315-STREETLIGHTING	(\$41,053.56)
20-316-SIDEWALKS	\$39,050.74
20-320-ROADWAYS	\$51,248.18
20-321-TRAFFIC CONTROL	\$2,147.89
20-322-WINTER CONTROL	\$255,603.73
20-323-FLEET	(\$95,581.76)
20-325-PUBLIC WORKS	(\$453,253.06)
20-327-STORM SEWERS	\$99,636.65
20-350-CROSSING GUARDS	\$161,180.14
20-380-PARKING	(\$98,724.40)
20-405-RECREATION - PROGRAMS/SERVICES	\$556,123.00
20-410-PARKS / OPEN SPACES	\$179,040.31
20-412-PLAYING FIELDS	\$5,051.69
20-415-URBAN FORESTRY	\$228,635.89
20-420-CEMETERIES	\$24,482.86
20-430-FAC-MTCE/LABOUR	\$72,860.39
20-432-FAC-ARENA	\$34,354.74
20-434-FAC-WELLNESS CENTRE	\$79,819.95
20-436-FAC-MARKET	\$49,110.24
20-438-FAC-SWIMMING POOL	\$213,323.35
20-439-FAC-CIVIC SQUARE	(\$37,830.58)
20-442-FAC-COURTHOUSE	\$0.00
20-444-FAC-SERVICE CENTRE	(\$22,535.00)
20-445-FAC-YSP RIVER ROAD	(\$878,720.29)
20-446-FAC-QUAKER RD BALL DIAMONDS	(\$18,540.09)
20-447-FAC-RECREATIONAL CANAL LANDS	(\$102,030.67)
20-448-FAC-COOKS MILLS HALL	\$10,055.89
20-449-FAC-140 KING ST MUSEUM	\$31,446.85
20-450-FAC-HOOKER STREET	\$8,778.63
20-452-FAC-C.L. PINARD CTR	\$5,915.01
20-454-FAC-ANCILLARY BLDGS	\$6,987.99
20-457-FAC-TRANSIT TERMINAL	\$8,864.43
20-458-FAC-WELLAND TRANSIT	\$24,116.48

Costing Center Name	Year End Variance
20-459-FAC-FIRE HALLS	\$25,671.38
20-461-FAC-CHIPPAWA PK COMMUNITY CTR	(\$23,741.80)
20-510-PLANNING & DEVELOPMENT SERVICE	(\$44,579.79)
20-520-BUILDING & LICENSING	\$207,207.21
20-525-BY-LAW ENFORCEMENT	\$116,914.21
20-710-ECONOMIC DEVELOPMENT	\$183,082.13
20-810-TRANSIT - ADMINISTRATION	\$49,240.72
20-812-TRANSIT - BUS DRIVERS	\$165,403.28
20-814-TRANSIT - MAINTENANCE	\$440,545.34
20-816-TRANSIT - INTER MUNICIPAL SERV	\$346,940.68
20-820-HANDI TRANS - ADMIN	(\$6,789.15)
20-824-HANDI TRANS - BUS DRIVERS	\$149,181.84
20-826-HANDI TRANS - MAINTENANCE	\$34,543.83
Projected Tax Supported Year-end Variance	\$3,017,822.00
25-910-WATER WORKS	\$923,844.00
30-330-WASTEWATER	\$183,380.00
Projected Rate Supported Year-end Variance	\$1,107,224.00

**Current Investment Holdings of the Corporation of the City of Welland
As of December 31, 2020**

<u>Investment Name</u>	<u>Category</u>	<u>Rate</u>	<u>Amount</u>	<u>% Total Investment Portfolio</u>	<u>Individual Organization %</u>
Reserves					
NBC S&P/TSX Index Deposit	Corporation	1.00%	1,200,065.75	1.52%	1.52%
National Bank Fixed Income Securities/Funds	Corporation	VAR	1,527,375.00	1.94%	3.24%
TD Mortgage Corp GIC	Corporation	3.18%	3,815,920.80	4.85%	4.85%
Meridian Cr. Union GICs	Corporation	2.68%	6,731,139.15	8.55%	30.14%
First Ontario GICs	Corporation	2.70%	16,700,000.00	21.21%	21.21%
BMO Wealth Management	Corporation	VAR	964,500.00	1.22%	2.60%
Canal Lands					
National Bank of Canada Ext Step	Corporation	VAR	1,205,973.67	1.53%	1.53%
NBC Extendible Step Up Deposit	Corporation	VAR	630,618.59	0.80%	0.80%
Royal Bank of Canada Preferred Shares	Corporation	VAR	839,000.00	1.07%	1.07%
Operating					
National Bank Equities & Equity Funds	Corporation	VAR	1,025,600.00	1.30%	3.24%
National Bank Notes	Corporation	VAR	1,977,000.00	2.51%	2.51%
BMO Wealth Management	Corporation	VAR	1,083,680.00	1.38%	2.60%
Meridian Cr. Union GICs	Corporation	2.50%	5,000,000.00	6.35%	30.14%
Meridian Cr. Union GICs	Corporation	2.68%	7,000,000.00	8.89%	30.14%
Meridian Cr. Union GICs	Corporation	2.20%	5,000,000.00	6.35%	30.14%
Woodlawn Cemetery Trust Fund					
Royal Bank Extendible Step Up	Corporation	2.40-4.0%	8,000.00	0.01%	0.05%
Scotiabank Cash & Savings Accelerator	Corporation		53,624.94	0.07%	0.07%
Doans Ridge Trust Fund					
Royal Bank Extendible Step Up	Corporation	2.40-4.0%	28,000.00	0.04%	0.05%
Cash & Cash Equivalents			21,764,872.54	27.64%	
Airport Loan	Corporation	3.5% + 4.30%	181,715.44	0.23%	
Hydro Promissory Note/Financing	Corporation	4.30%	2,000,000.00	2.54%	
2020 Draft Unaudited Total of all Investments			78,737,085.88	100.00%	

Category Summary Legend		
Corporations		
NBC S&P/TSX Index Deposit	1,200,065.75	1.52%
National Bank of Canada Ext Step	1,205,973.67	1.53%
NBC Extendible Step Up Deposit	630,618.59	0.80%
Royal Bank Extendible Step Up	36,000.00	0.05%
TD Mortgage Corp GIC	3,815,920.80	4.85%
Scotiabank Cash & Savings Accelerator	53,624.94	0.07%
Royal Bank of Canada Preferred Shares	839,000.00	1.07%
Bruton Investment Group-National Bank	2,552,975.00	3.24%
First Ontario GICs	16,700,000.00	21.21%
National Bank Notes	1,977,000.00	2.51%
Meridian Cr Union GICs	23,731,139.15	30.14%
BMO Wealth Management	2,048,180.00	2.60%
Airport Loan	181,715.44	0.23%
Hydro Promissory Note/Financing	2,000,000.00	2.54%

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

11-108

COUNCIL
DEVELOPMENT AND BUILDING SERVICES

REPORT P&B-2021-19
May 04, 2021

SUBJECT: COMMUNITY IMPROVEMENT PLAN INCENTIVE APPLICATIONS – QUARTERLY SUMMARY REPORT FOR FOURTH QUARTER OF 2021

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

**APPROVING SUPERVISOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
MANAGER OF PLANNING**

**APPROVING G.M.: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR DEVELOPMENT AND BUILDING SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2021-19 being a quarterly summary Report of approved Community Improvement Plan Incentive Applications between January 1, 2021 and March 31, 2021.

ORIGIN AND BACKGROUND:

Council delegated, by By-law, Community Improvement Plan (CIP) Incentive Grant Approvals to Staff and adopted procedures for the processing of the Applications subject to this Delegated Authority. This Report deals with the Incentive Applications that were approved in the first quarter of 2021.

COMMENTS AND ANALYSIS:

Two Community Improvement Plan Incentive Applications within the Downtown and Health and Wellness Cluster Project Area were approved in the first quarter of 2021. There were no Brownfield Incentive Applications received or approved in the first quarter of 2021.

The following Table outlines the Grant details for the two applications approved under the Downtown and Health and Wellness Cluster CIP. Appendices I and II identify the location of the two properties.

LOCATION, INCENTIVE PROGRAM AND TYPE OF WORK	ESTIMATED PROJECT COST OR FEES	MAXIMUM ELIGIBLE GRANT	CITY PORTION OF GRANT	REGIONAL PORTION OF GRANT
268 East Main Street Building Improvement Grant Program <ul style="list-style-type: none"> • Foundation, stair and drainage repairs 	\$4,525.00	\$2,262.50	\$1,131.25	\$1,131.25
77 Division Street Building Improvement Grant Program <ul style="list-style-type: none"> • new roof for church building 	\$62,995.00	\$12,500.00	\$6,250.00	\$6,250.00
TOTAL	\$67,520.00	\$14,762.50	\$7,381.25	\$7,381.25

During the first quarter of 2021, a total of 11 general and specific inquiries were received; two pre-Application meetings were held by Staff; and two Incentive applications were approved.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

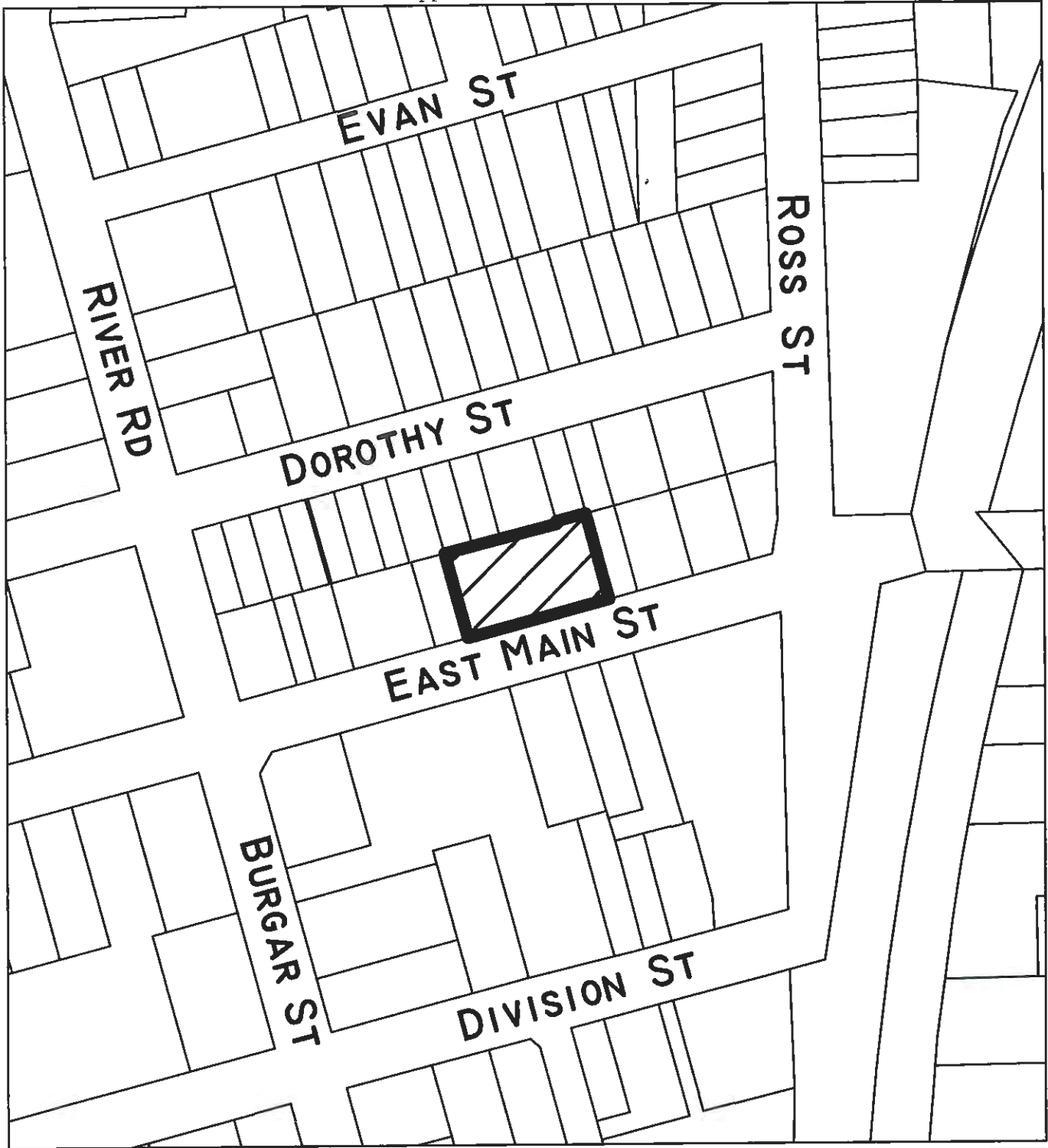
The Finance Division, upon completion of these projects, will be involved with all financial aspects associated with the issuance of the Grants.

SUMMARY AND CONCLUSION:

Council delegated CIP Incentive Grant Approvals to Staff. As part of the approval procedures contained within the Delegation By-law, a Report outlining the Incentive Grant Applications that have been approved is to be prepared for Council's information on a quarterly basis. As noted in this Report, a total of two CIP Incentive Applications were approved in the first quarter of 2021.

ATTACHMENTS:

- Appendix I - Location Map showing 268 East Main Street
- Appendix II - Location Map showing 77 Division Street



LOCATION MAP

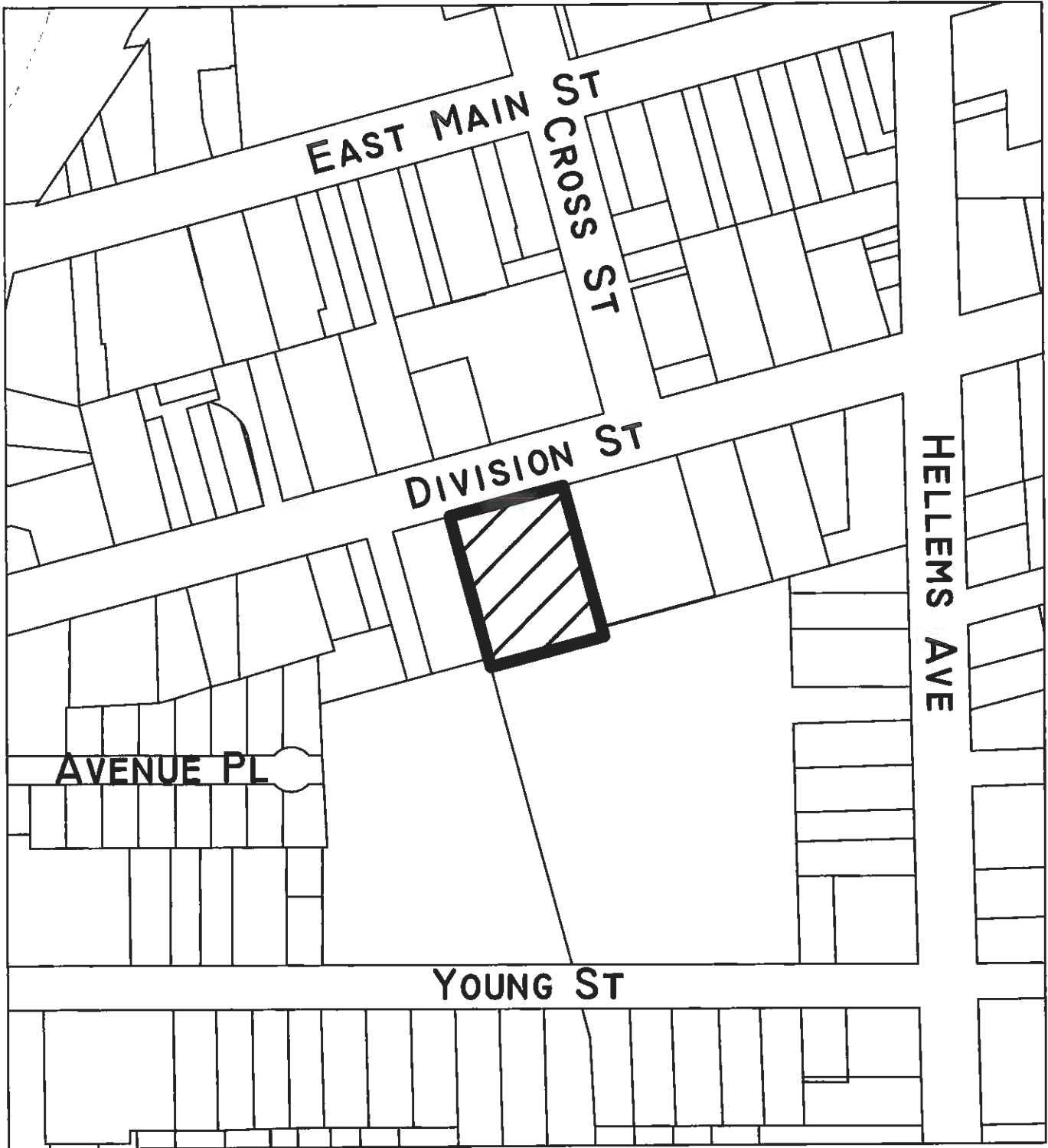
268 East Main Street



SUBJECT LANDS



*Infrastructure and
Development Services
Planning Division*



LOCATION MAP




77 Division Street



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

21-79

COUNCIL
DEVELOPMENT AND BUILDING SERVICES

REPORT P&B-2021-20
MAY 4, 2021

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 33), ZONING BY-LAW AMENDMENT (2020-14), AND DRAFT PLAN OF VACANT LAND CONDOMINIUM (26CD-14-20009) SUBMITTED BY JOSEPH TOMAINO ON BEHALF OF LUCCHETTA BUILDERS INC. AND LUCAS LUCCHETTA FOR LANDS ON THE EAST SIDE OF AQUEDUCT STREET, NORTH SIDE OF GADSBY AVENUE, NORTH OF THOROLD ROAD, AND SOUTH OF HILDA STREET, MUNICIPALLY KNOWN AS 368 AQUEDUCT STREET AND 155 GADSBY AVENUE

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

**APPROVING G.M.: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF DEVELOPMENT AND BUILDING
SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report No. P&B-2021-20 regarding applications for Official Plan Amendment (OPA No. 33), Zoning By-law Amendment (2020-14), and Draft Plan of Vacant Land Condominium (26CD-14-20009) for lands on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road, and south of Hilda Street, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue.

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium were submitted by Joseph Tomaino on behalf of Lucchetta Buildings Inc. and Lucas Lucchetta on December 22, 2020 and was deemed complete on March 2, 2021. With reference to Appendix I and II, the subject lands are location on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road, and south of Hilda Street, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue.

With reference to Appendix III, The purpose of the application for Official Plan Amendment is to redesignate the property to Low Density Residential and Core Natural Heritage from the existing Low Density Residential and Parks, Recreation, and Open Space.

The application for Zoning By-law Amendment has been made to rezone the lands from Residential Low Density 1 – RL1 and Neighbourhood Open Space – O1 to Site Specific Residential Low Density 2 – RL2 and Environmental Protection Overlay. The requested site specific amendments are:

- To allow a lot frontage of 4 metres whereas 6 metres is required for a semi-detached dwelling; and,
- To allow a rear yard setback of 5 metres for the proposed single detached dwelling on Gadsby Avenue.

With reference to Appendix IV, the application for Draft Plan of Vacant Land Condominium is to develop an eight (8) unit plan of condominium with access from Aqueduct Street. There will be a mix of townhouse and semi-detached dwellings. One lot will be created fronting onto Gadsby Avenue for a single-detached dwelling. One block of environmental lands will be dedicated to the City for the long-term preservation of the features and be added to Aqueduct Street Park.

COMMENTS AND ANALYSIS:

A virtual Public Information Meeting was held on March 15, 2021 to gain public input regarding the proposed applications. Eleven (11) members of the public participated in the Public Information Meeting, in addition to the applicant and their agent. The following comments and concerns were raised at the Public Information Meeting:

- Questions regarding the Environmental Impact Statement that was submitted and impact on natural area;
- Questions regarding the number of trees that will be removed;
- Questions regarding the sale of the lands;
- Questions regarding possible fencing and locations, as well as waste collection;
- Concerns with impact on traffic on Aqueduct Street

At the time of writing this report, six (6) letters from members of the public have been submitted. The concerns raised in the letters are similar to those raised at the public meeting, in addition to:

- Concerns with the compatibility of the proposed townhomes with the neighbouring houses;
- Privacy concerns;

- Whether the City's Parks Division was consulted in the land sale;
- If there is adequate servicing capacity available.

The Statutory Public Meeting under the Planning Act is being held virtually on May 4, 2021. The Public Meeting provides an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications.

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

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

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

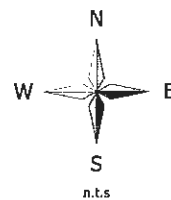
ATTACHMENTS:

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



THE SUBJECT LANDS

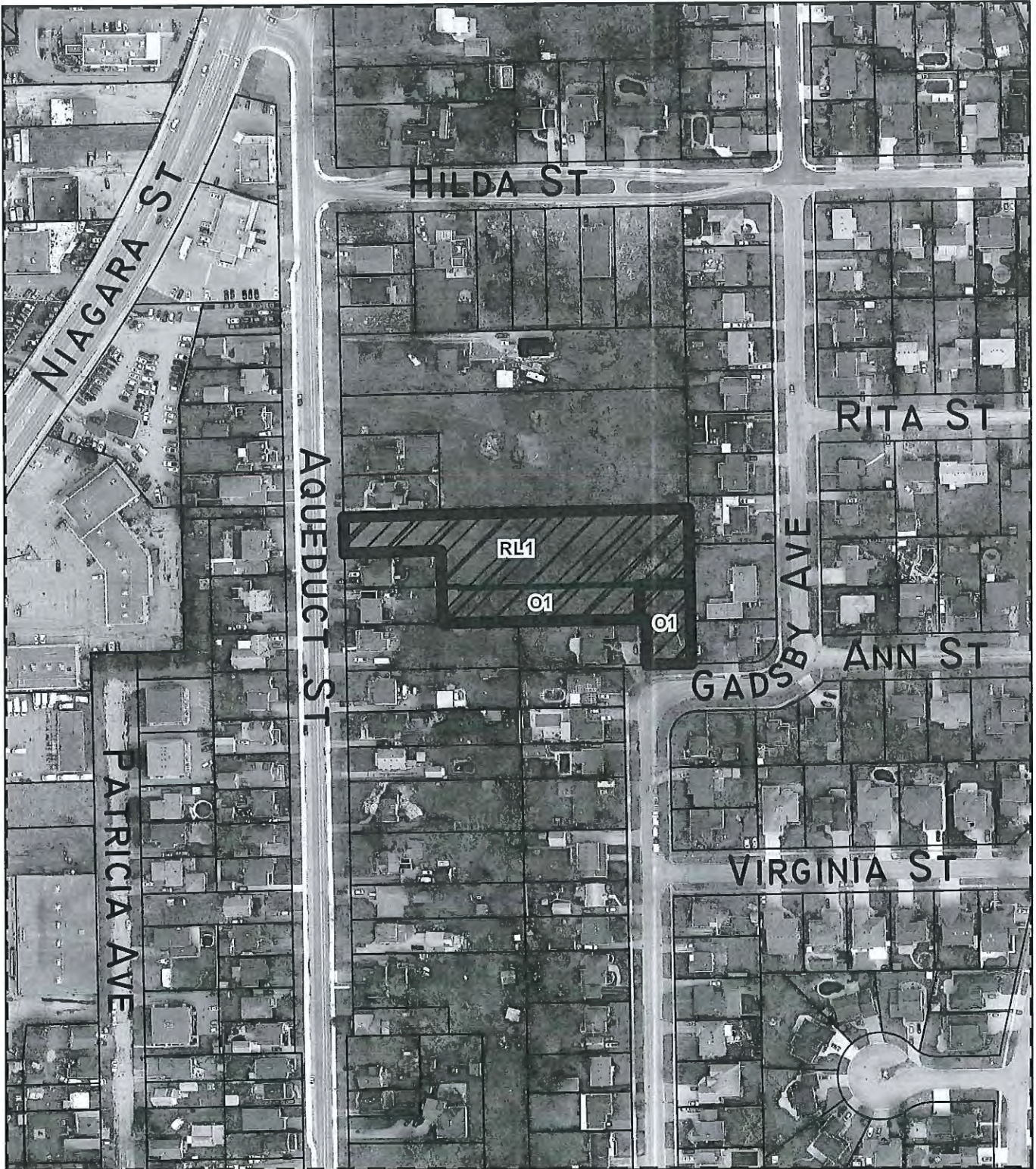
2020-14 & OPA 33



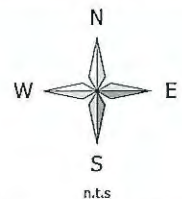
 **SUBJECT LANDS**



*Infrastructure and
Development Services*
Planning Division



**AERIAL PHOTO OF
THE SUBJECT LANDS**
2020-14 & OPA 33



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

Appendix III

AMENDMENT NO. 33

to the

OFFICIAL PLAN

of the

CORPORATION OF THE CITY OF WELLAND

DAY MONTH, 2021

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2021-XX**

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 33**

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

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

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

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

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

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. 33 to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

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

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 33 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 33 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS DAY DAY OF MONTH, 2021.

_____MAYOR

_____CLERK

Amendment No. 33
to the
Official Plan
of the
Corporation of the City of Welland

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

Date:

GRANT MUNDAY, B.A.A., MCIP, RPP
INTERIM DIRECTOR
DEVELOPMENT AND BUILDING SERVICES
THE CORPORATION OF THE CITY OF WELLAND

**AMENDMENT NO. 33 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

PART A - THE PREAMBLE (This does not constitute part of the Amendment).....	1
TITLE AND COMPONENTS.....	1
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PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 33 to the Official Plan of the Corporation of the City of Welland.

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

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

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

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 33 is to redesignate the lands shown on the attached Schedule B to Low Density Residential and Core Natural Heritage. The purpose of the Amendment is to allow the property to be developed with an eight (8) unit plan of vacant land condominium accessed from Aqueduct Street and to create one lot fronting onto Gadsby Avenue for residential purposes.

LOCATION

The lands subject to this Amendment are located on the east side of Aqueduct Street, north side of Gadsby Avenue, south of Aqueduct Street Park, and north of Thorold Road. The lands are 0.1824 hectares in size.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential and Parks, Open Space, and Recreation. The lands are currently vacant. A proposal has been put forth to redevelop the lands with a draft plan of condominium off of Aqueduct Street and one lot fronting onto Gadsby Avenue.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 33 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedule A, City Structure Map is hereby amended by identifying additional Environmental Conservation Areas on the property.
2. Schedule B, Land Use Map is hereby amended by identifying the lands as Residential and Core Natural Heritage.
3. Schedule B1, Residential Hierarchy Land Use Map is hereby amended by identifying the lands as Low Density Residential and Core Natural Heritage.
4. Schedule C, Core Natural Heritage System Map is here by amended by identifying the Environmental Conservation Areas on the property.
5. Schedule C1, Components of the Natural Heritage System Map is hereby amended by identifying the additional Environmental Conservation Areas on the property.

25

3

SCHEDULE "A" LAND USE PLAN

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 33 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

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

APPENDIX I - AFFIDAVIT

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

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 33 BY BY-
LAW 2021-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON DAY MONTH, 2021

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

1. I am the Director, Development and Building 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, March 25, 2021. I hereby certify that the required Public Meeting was held on Tuesday, May 4, 2021 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 MONTH, 2021.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted concerning Amendment No. 33 to the Official Plan of the Corporation of the City of Welland.

In Support

In Opposition

APPENDIX II - NOTICE OF ADOPTION

**CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 33 TO THE
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND**

Take notice that the Council of the Corporation of the City of Welland passed By-law 2021-XX, being a By-law to adopt Amendment No. 33 to the Official Plan on DAY MONTH, 2021 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 33 is to redesignate the property to Low Density Residential and Environmental Conservation.

The Effect of the redesignation is to permit the development of the property with an eight (8) unit plan of vacant land condominium accessed from Aqueduct Street and a single lot fronting onto Gadsby Avenue.

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

Any person or agency may appeal, to the Local Planning Appeal Tribunal, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than DATE, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$1,100.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

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

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

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

The land to which this proposed Amendment to the Official Plan applies is also the subject of a Zoning By-law Amendment 2020-14.

A copy of the Amendment and Staff Report are available for inspection by the public as of MONTH DAY, 2021 at by contacting the Planning Department at devserv@welland.ca.

Dated at the City of Welland this DATE day of MONTH, YEAR.

GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
DEVELOPMENT AND BUILDING SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND

APPENDIX III

- MINUTES OF PUBLIC MEETING -

APPENDIX IV - STAFF REPORT

NOTE: Incorporate additional written comments received after date of report.

APPENDIX V - COUNCIL RESOLUTION

34

26

SCHEDULE "A" - LAND USE PLAN



**SCHEDULE "A" TO AMENDMENT NO. 33
TO THE OFFICIAL PLAN OF THE CORPORATION OF
CITY OF WELLAND**

LAND USE PLAN

**NOTE: THIS SCHEDULE FORMS PART OF AMENDMENT NO. 33
TO THE OFFICIAL OF THE COPORATION OF THE CITY OF WELLAND
AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT**



**LANDS DESIGNATED TO
LOW DENSITY RESIDENTIAL**

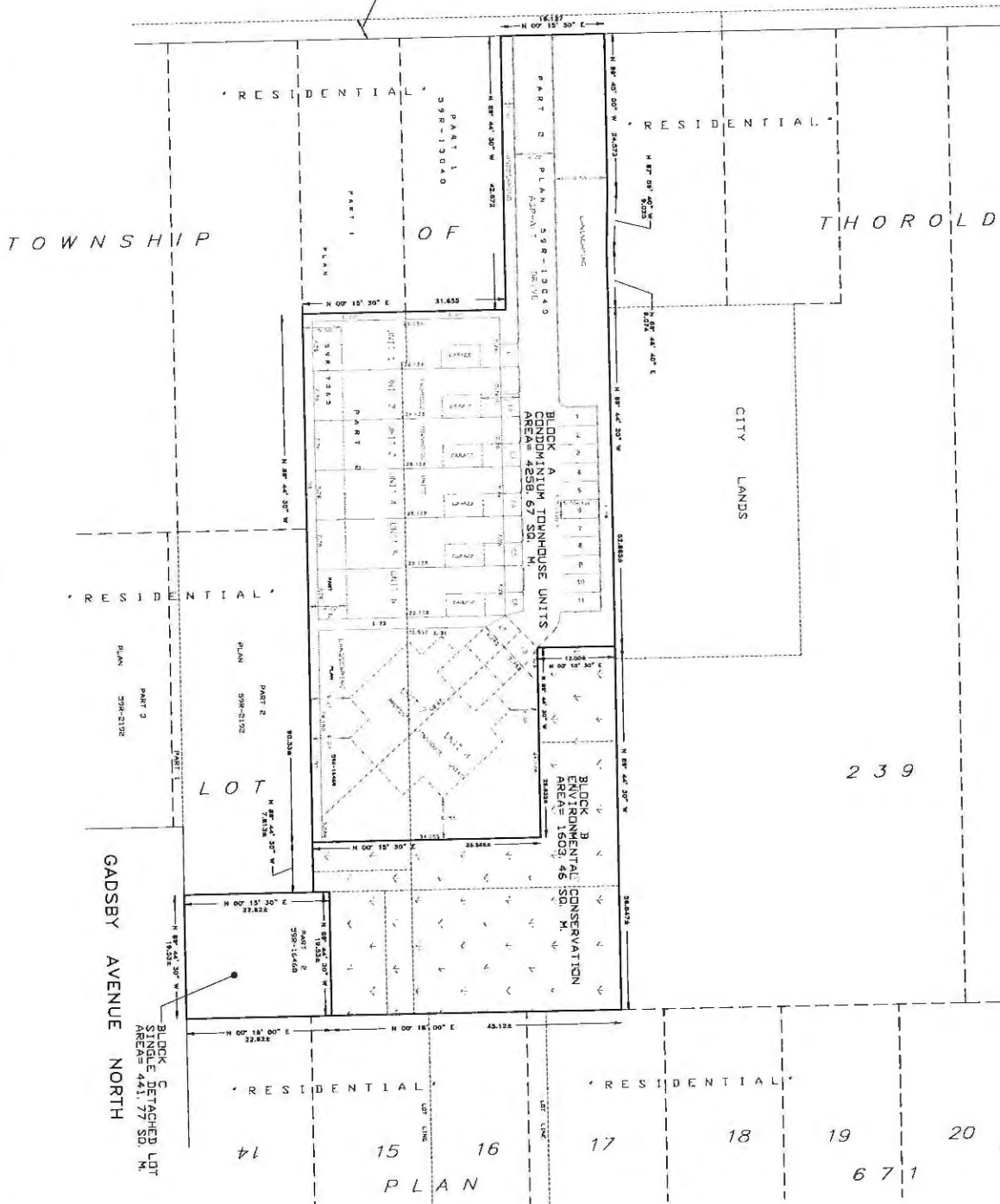
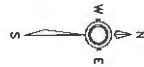


**LANDS DESIGNATED TO
CORE NATURAL HERITAGE**



*Infrastructure and
Development Services
Planning Division*

DEPOSIT PLAN 297
 LOCALLY KNOWN AS **AQUEDUCT STREET**
 (ROAD ALLOWANCE BETWEEN LOTS 239 AND 240)
 ROAD WIDENED BY PART 1, PLAN 232889

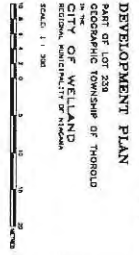


239




14 15 16 17 18 19 20
 PLAN 671

METRIC NOTE
 ALL DIMENSIONS ARE IN METERS AND MILLIMETERS UNLESS OTHERWISE SPECIFIED.
 1 METER = 1000 MILLIMETERS

SUDA & MALESKY ARCHITECTURE INC.
 24 GADSBY AVENUE NORTH, WELLSBORO, ONTARIO, CANADA
 TEL NO. 226-170-11 FAX NO. 6237-11



DEVELOPMENT PLAN
 PART OF LOT 239
 GEOGRAPHIC TOWNSHIP OF THOROLD
 CITY OF WELLAND
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE: 1:200

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL
DEVELOPMENT AND BUILDING SERVICES

21-80

REPORT P&B-2021-21
MAY 4, 2021

SUBJECT: APPLICATION FOR REDLINE REVISION TO DRAFT PLAN OF SUBDIVISION MADE BY NATIONAL HOMES ON BEHALF OF 2676903 ONTARIO INC. FOR LANDS ON THE EAST SIDE OF KINGSWAY, SOUTH OF FORKS ROAD, AND WEST OF THE WELLAND SHIPPING CANAL, WITH NO MUNICIPAL ADDRESS

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

**APPROVING GM: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR DEVELOPMENT AND BUILDING SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND Red-line Draft Plan for the Fusion Homes Phase 3 Plan of Subdivision (File No. 26T-14-10002) developed by 2676903 Ontario Inc., more specifically described as Part of Lots 141 to 143, 204 to 206, 215 to 222, 236 to 238, 241 to 245, 247 and 256 to 258; Lots 207 to 214, 223 to 234 and 248 to 250; Part of Blocks E, G and H; University Crescent; Part of Glenwood Parkway, Inway Drive and Woodland Drive; Lane between Lots 247 and 248; and Part of Lot 25, Concession 4 being Part of Part 1, 59R-12696, former Township of Humberstone, now in the City of Welland, based on a plan prepared by Cassidy and Company and dated April 14, 2021, subject to the following additional condition of approval:

1. That the Owner dedicate Block 22 to the City of Welland free and clear of all encumbrances for parkland purposes.

ORIGIN AND BACKGROUND:

The Fusion Homes Plan of Subdivision (File 26T-14-10002), consisting of a range of 200-215 dwelling units, being a mix of single and semi-detached dwellings, as well as open space blocks. Draft Plan Approval was given to the development by order of the Ontario Municipal Board on January 28, 2014. Development of the site has occurred in three phases, with the first phase of seven (7) lots fronting onto Forks Road being registered. The second phase, being a block for a vacant land condominium at the end of Glenwood Parkway was given Draft Plan Approval in 2020. The final phase will consist of 179-196 dwelling units off of the Kingsway.

The request for redline revision has been made to remove the proposed walkways which connected to the St. Lawrence Seaway lands to the east and the natural environment lands to the north. The proposal will also define a block layout at the south of the development and dedicate parklands at the south. The total number of units in the development will remain in the same range as was originally approved in 2014.

COMMENTS AND ANALYSIS:

As previously identified, the first phase of this development has been registered and the second phase received Draft Plan of Vacant Land Condominium in 2020. The final two phases were recently sold by Fusion Homes to Queensville Development (2676903 Ontario Inc.). It is the intent of the current owner to begin construction of Phase 3 as soon as possible, but some minor modifications to the plan were required.

The request has been made to remove the proposed walkways that are shown as well as to modify the block lines at the southern end of the development and create municipal parklands. It was unclear what the intent of the walkways was when the plan was originally approved as one of the walkways leads to St. Lawrence Seaway lands and the other leads to environmental conservation lands that are owned by the City. The inclusion of these walkways could encourage trespassing onto the Seaway lands and into areas that are intended to remain in a naturalized state.

The definition of the blocks at the south end of the development will ensure the creation of parkland along the Welland Shipping Canal to provide people with a viewing location. It will also ensure that there is public park space within the development. One new condition has been included to ensure that the parkland is dedicated to the City when the subdivision is registered.

The proposed modification were circulated internally only as the proposed changes were minor in nature. No objections were identified.

FINANCIAL CONSIDERATION:

All costs associated with the development of these lots will be the sole responsibility of the builder and developer.

OTHER DEPARTMENT IMPLICATIONS:

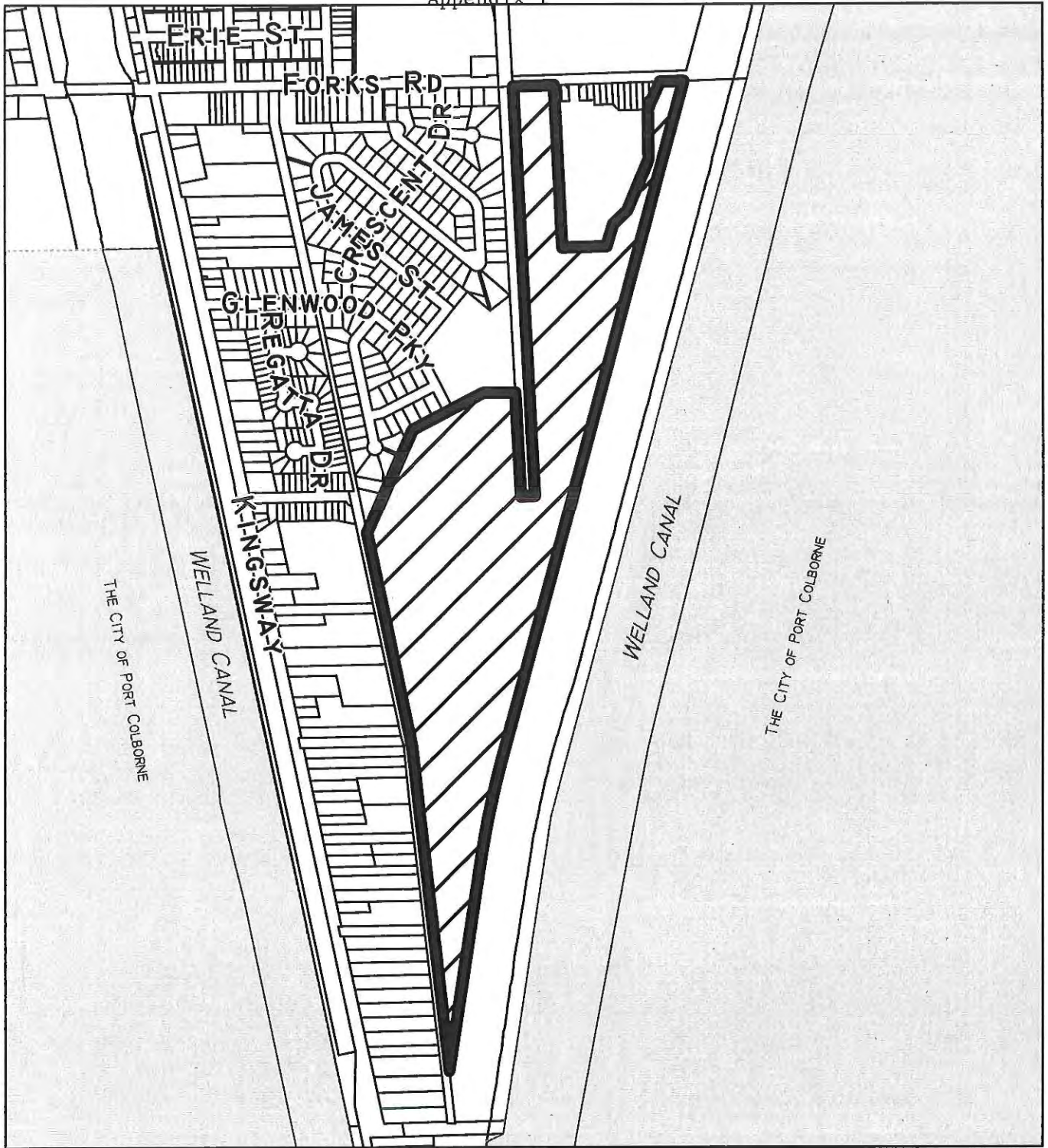
Where appropriate and received, comments from other departments have been included as part of this report.

SUMMARY AND CONCLUSION:

The lands are designated for Low Density Residential development and within a Draft Approved Plan of Subdivision and the subject Redline Revision will allow for this development to proceed.

ATTACHMENTS:

- Appendix I - Location Sketch
- Appendix II - Redline Revision to Draft Plan of Subdivision



KEY MAP

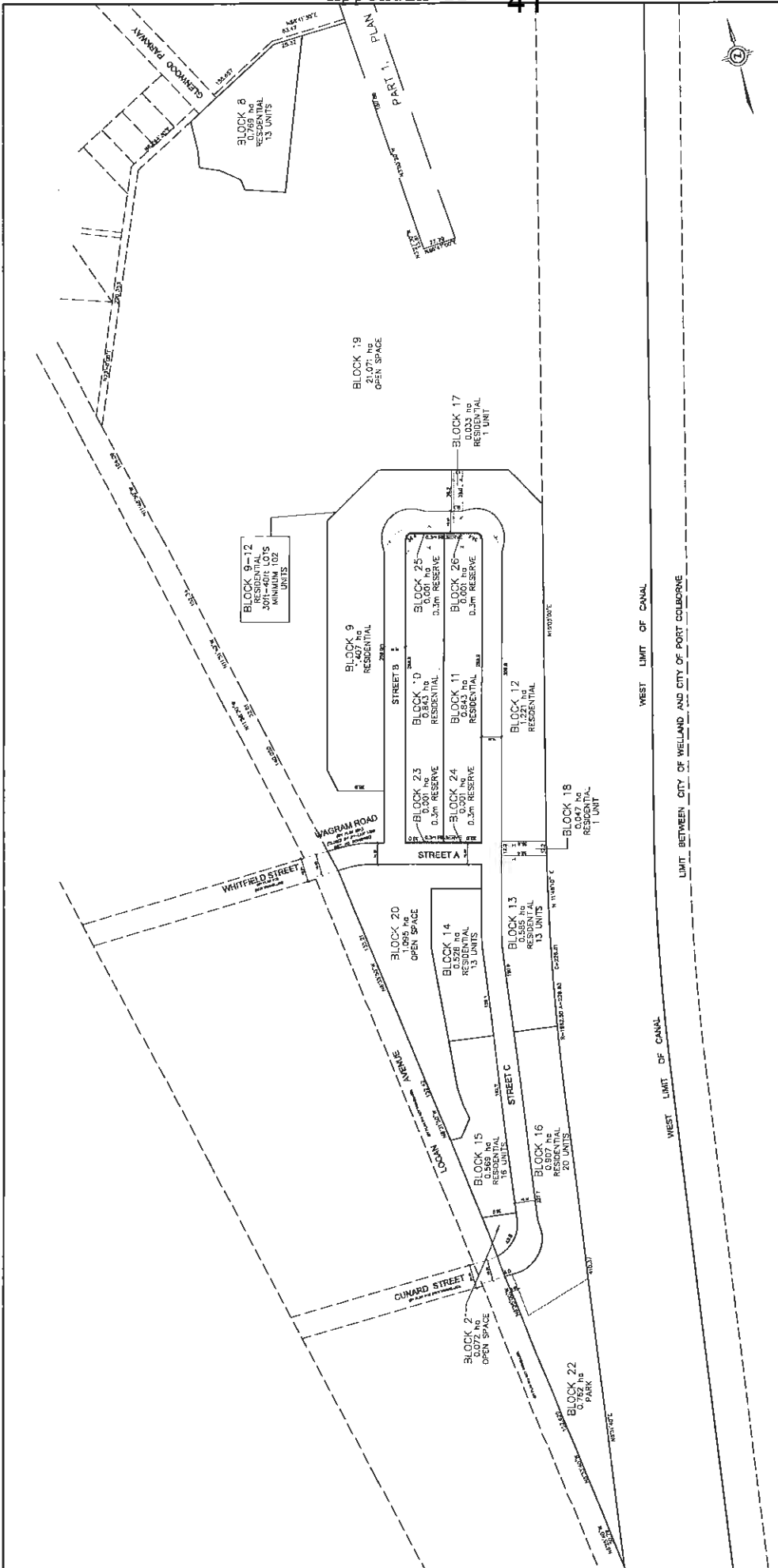
26T-14-10002



SUBJECT LANDS



*Infrastructure and
Development
Services*
Planning Division



DRAFT PLAN OF SUBDIVISION

PT L.T. 23, CON 4 & PT L.TS 215 TO 218 INCL., PT L.TS 244, 245, 247, 268, 292, 274, 276, 277, 311, 312 & 313; L.TS 141 TO 214 INCL., 219 TO 243 INCL., 248 TO 267 INCL., & 278; PT BUXS H & J; BUXS E, G, & RESERVE BUXE; WOODLAND DRIVE, TANGLEWAY STREET & WAGRAM ROAD FULLY CLOSED BY BYLAW 1326, R.O. (2482); PT GLENWOOD PARKWAY, INWAY DRIVE, VARSITY CRESCENT & UNIVERSITY CRESCENT (ALL CLOSED BY BYLAW 1329, R.O. (2482)); ALL LINES BTWN LOTS 145 & 146, 150 & 151, 157 & 158 & 247 & 248, PT LINES BTWN LOTS 266 & 266 (ALL LINES CLOSED BY BYLAW 1329, R.O. (2482)); REGISTERED PLAN 82 NOW KNOWN AS PLAN 621, FORMERLY TOWNSHIP OF HUNTERSTONE; P.TS 1, 3 & 4 S.W. 1/4, T.4W, R.10E, S.17N, P.T. 2 66R (12668 AS IN S.W. 1/4, S.17N, R.10E, S.17N); CITY OF WELLMAND, REGIONAL MUNICIPALITY OF NIAGARA

KEY MAP - N.T.S.

BENCHMARK

INFORMATION REQUIRED
 UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1990, C.P. 13 AS AMENDED

- (a) - AS SHOWN
- (b) - AS SHOWN
- (c) - AS SHOWN
- (d) - AS LISTED BELOW
- (e) - AS SHOWN
- (f) - AS SHOWN
- (g) - AS SHOWN
- (h) - MUNICIPAL SANITARY AND STORM SEWERS
- (i) - NONE

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

SIGNED:
 Alan Harwood, O.L.S.
 225 Bessie St., Niagara, Ontario

DATE: _____

OWNER'S CERTIFICATE
 I CONSENT TO THE FILING OF THIS PLAN IN DRAFT FORM

SIGNED:
 Charles Ong
 2676903 Ontario Inc.

DATE: _____

LOTS/BLKS	LAND USE	AREA	POTENTIAL # OF UNITS
BLOCKS 8-14	SINGLE DETACHED	8,196	1,141-158
BLOCKS 15-16	SINGLE DETACHED	1,478	1-36
BLOCKS 17-18	SINGLE DETACHED	0,060	2
BLOCKS 19-21	OPEN SPACE	22,236	
BLOCK 22	PARK	0,762	
	ROADS	2,006	
BLOCKS 23-26	0.3m RESERVES	0,004	
TOTAL		32,812	1,179-196

DRAFT SUBDIVISION
 Subject to the conditions, if any, set forth in our letter dated _____ this draft plan is approved under Section _____ of the Planning Act.
 This _____ day of _____

Authorized Signature
 THE CORPORATION OF THE CITY OF WELLMAND

1	REVISED FOR TOWN COUNCIL	MAILED FOR REGULAR REVIEW	APRIL 21, 2021	01
2	MAILED FOR REGULAR REVIEW		APRIL 21, 2021	02
3	MAILED FOR CLIENT REVIEW		APRIL 21, 2021	03
4	MAILED FOR CLIENT REVIEW		APRIL 21, 2021	04
5	MAILED FOR CLIENT REVIEW		APRIL 21, 2021	05



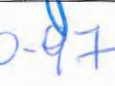
City of Wellmand
 2676903 Ontario Inc.

DRAFT
 PLAN OF SUBDIVISION

DATE: April 21, 2021
 SCALE: 1:1500
 PLAN NO: 2019-54

88 HANCOCK DRIVE
 SUITE 114
 NIAGARA FALLS, ONTARIO
 L7E 5K5
 PH: (905) 319-1072
 FAX: (905) 319-1088

S1

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL
DEVELOPMENT AND BUILDING SERVICES

REPORT P&B-2021-23
MAY 4, 2021

20-97

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 30), ZONING BY-LAW AMENDMENT (2020-09), AND DRAFT PLAN OF SUBDIVISION (26T-14-20007) MADE 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, NORTH OF FORKS ROAD, SOUTH OF THE TOWNLINE TUNNEL, LEGALLY 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, AND 635 CANAL BANK STREET

AUTHOR: TAYLOR MEADOWS
DEVELOPMENT PLANNER

APPROVING SUPERVISOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
MANAGER OF PLANNING

APPROVING G.M.: GRANT MUNDAY, B.A., MCIP, RPP
DIRECTOR OF DEVELOPMENT AND BUILDING SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 30 to redesignate lands 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 from General Industrial, Special Policy Area #4, and Core Natural Heritage to Low Density Residential with a special exception to permit a minimum density of 15 units per hectare and a maximum density of 54 units per hectare; Community Commercial Corridor; Parks, Open Space, and Recreation; and Core Natural Heritage; and further

THAT Welland City Council directs Staff to circulate a copy of Report P&B-2021-23 to Niagara Region advising of its adoption of Official Plan Amendment No. 30; and further,

THAT Welland City Council requests that Niagara Region Council approve Official Plan Amendment No. 30 for the City of Welland; and further,

THAT Welland City Council approves approves Zoning By-law Amendment 2020-09 to Zoning By-law 2017-117 for lands on the east side of Canal Bank Street, north of Forks Road, and south of the Townline Tunnel, 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 from Temporary Site Specific Low Density Residential 2 – T-RL2-100 and the underlying General Industrial – G1 and Environmental Conservation Overlay – ECA to Site Specific Residential Low Density 2 – RL2; Site Specific Community Commercial Corridor – CC2; Parks, Open Space, and Recreation; Neighbourhood Open Space – O1; and Holding Site Specific Institutional – INS1; and further,

THAT Welland City Council consents the request apply a Class 4 designation and sound level criteria on the first row of lots adjacent to the CN Rail (operated by GIO Rail Holding Inc.) which includes Block 43 and part of Block 41, 44, 45, 59, 60, and 61

THAT Welland City Council approves Draft Plan of Subdivision for lands 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 the creation of 62 blocks for residential dwellings, one (1) block for mixed use commercial; one (1) school block; four (4) blocks for parks and walkway purposes; four (4) blocks for open space purposes; and one (1) block for stormwater management purposes, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That the Official Plan Amendment (OPA No. 30) receives final approval from the Region of Niagara.
3. That the Zoning By-law Amendment (File No. 2020-09) receives final approval.
4. That no grading or on-site works commence prior to the registration of a subdivision agreement on the property unless the Owner obtains a Site Alteration Permit from the City.
5. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.

6. That the Owner dedicates to the City, Blocks 67 and 70 free and clear of all encumbrances for parkland purposes.
7. That the Owner dedicates to the City, Blocks 68 and 69 free and clear of all encumbrances for walkway purposes.
8. That the Owner dedicates to the City, Blocks 66, 71, 72, and 73 free and clear of all encumbrances for open space and environmental protection purposes.
9. That the Owner dedicates to the City, Block 65 for Stormwater Management purposes.
10. That the Owner pay a tree planting fee of \$300 per lot at the time of subdivision agreement.
11. The Developer shall do a master servicing study of the area which will include a future proposed watermain connection to Humberstone Road and the impact it will have on the area. This will take into consideration the proposal for another watermain connection to ensure the safety of supply for the Dain City residents, past and future. A proposal shall be submitted for the alignment and design of the extension.
12. The Developer shall be responsible for the full relocation and realignment of Canal Bank Street fronting the property at their cost and any associated costs in removing the existing roadway to provide for a waterfront park.
13. The Developer shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards and any other applicable standards that may apply.
14. The Developer shall be responsible for any abandonments of infrastructure that is replaced by new installations where the old infrastructure is not required or abandoned.
15. Any peer reviews or modelling required for the development shall be at the developers cost, if required, at the City's discretion.
16. The Developer shall be responsible for any applications and costs to other governing agencies, i.e. the Niagara Peninsula Conservation Authority, the St. Lawrence Seaway Authority etc. for permits required for works on their lands.
17. Applicable securities shall be submitted to the City in accordance with the Subdivision Agreement.
18. The Developer shall submit a comprehensive Storm Water Management Report for review and approval by the City of Welland.
19. That the Owner obtain a Record of Site Condition (RSC) for the property from the Ministry of Environment, Conservation and Parks.

20. That the Owner submit a Geotechnical Investigation which must be implemented at the time of Building Permit.
21. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the mixed-use employment block designated as community commercial corridor ("Employment Block") shall have no less than 280,000 sq. ft. of space for employment uses to remain accommodated on site, in accordance with the *Revised Final Report-Employment Area Market Review and Lands Needs Study 475, 555 and 675 Canal Bank Street, Welland* (dated February 24, 2021) prepared by IBI Group.
22. That the Subdivision Agreement between the owner and the City contain appropriate provisions stating that the Employment Block is of City and Regional interest since it represents the space retained in accordance with Growth Plan (2020) policy. The Employment Block must be comprehensively planned to achieve the minimum required space. The minimum space area will be calculated on future *Planning Act* applications within the mixed-use employment block, in which the Region will comment through circulation.
23. That the Subdivision Agreement between the owner and the City contain appropriate provisions stating that the future development proposed within the Employment Block shall be considered with regard to the *Mixed-Use Block & Dain City Economic Cluster* report (dated August 28, 2020) and the *Urban & Architectural Design Guidelines* (revised March 26, 2021) prepared by Armstrong Planning and Project Management, or other documents deemed acceptable by City and Regional staff.
24. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the owner agrees to implement the approved *Urban & Architectural Design Guidelines* (revised March 26, 2021) prepared by Armstrong Planning and Project Management to the satisfaction of the City of Welland.
25. That the following clauses shall be included in the Subdivision Agreement between the owners and the City of Welland:
 - a. "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".
 - b. "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)".

26. 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.
27. 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 July 2020).
28. 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:
 - a. "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".
29. 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 August 31, 2020).
30. That the owner submit a detailed noise study prior to final registration of the western and northern portions of the Subdivision adjacent to Highway #58A/CN Rail corridor and Canal Bank Street to determine noise impact based on road and rail traffic information, grading information and lotting and phasing information available at that time.
31. That the Subdivision Agreement between the owner and the City contain provisions whereby the owner agrees to construct an acoustic barrier (earth berm and noise barrier) with minimum heights, as shown in Figure 8 in the *Noise and Vibration Feasibility Study* prepared by HGC Engineering (dated August 31, 2020).

32. That the City of Welland formally consent to apply a Class 4 designation and sound level criteria on the first row of lots adjacent to the CN Rail (operated by GIO Rail Holding Inc.) which includes Block 43 and part of Block 41, 44, 45, 59, 60, and 61.
33. That the following warning clause be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for the properties with a Class 4 designation:
 - a. "Purchasers/tenants are advised that sound levels due to the adjacent industry and rail operations are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."
34. 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.
35. That the Subdivision Agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Section 5.0 of the *Environmental Impact Study* (EIS) prepared by Terrastory Environmental Consulting Inc. (dated September 2020) and on pages 6 & 7 of the *EIS Addendum* prepared by Terrastory Environmental Consulting Inc. (dated April 6, 2021), including but not limited to:
 - a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.
 - b. That construction activity occurring during the active bat season (i.e., between May 1 and September 31) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance to rare bat species.
 - c. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.

- d. That Block 66 remain in natural, self-sustaining vegetation, with the exception of a public trail and railway acoustic berm.
 - e. That the identified terrestrial crayfish chimney location and adjacent suitable habitats within the Designated Watercourse be surveyed for the presence of crayfish chimneys prior to fill placement or other disturbances. Should any chimneys be identified at that time, efforts to capture terrestrial crayfish individuals shall occur which may involve physical excavation of burrows or use of an alternative methodology determined by a qualified Ecologist. Should individuals be found they shall be relocated in accordance with a Relocation and Monitoring Plan, prepared to the satisfaction of the Niagara Region.
 - f. That all locations of Tapered Rush proposed for development be surveyed for the presence of individuals of this species during the growing season and prior to fill placement or other disturbances. Any individuals required to be relocated shall be relocated in accordance with a Relocation and Monitoring Plan, prepared to the satisfaction of the Niagara Region.
 - g. That no construction materials or equipment be located, even on a temporary basis, within Blocks 66, 72 and 73, or their buffers.
 - h. That all municipal street trees planted within 120 m of Open Space Blocks 66, 72 and 73 be restricted to the species recommended in the EIS Addendum.
36. That permanent rear-lot fencing be provided adjacent to the natural heritage features (i.e. Blocks 66, 72 and 73), to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
37. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. The plan should incorporate the recommendations found in section 5.3.1 of the EIS prepared by Terrastory Environmental Consulting Inc. dated September 2020. All ESC 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.
38. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for

stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.

39. That a Tree Saving Plan (TSP) be provided to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.
40. That a Wetland and Woodland Restoration and Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in Sections 5.3.6 and 5.4 of the EIS prepared by Terrastory Environmental Consulting Inc. dated September 2020. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Landscape/Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
41. That a Comprehensive Trails Plan be prepared to the satisfaction of the Niagara Region (should a trail system be proposed). The plan should incorporate the recommendations found in section 5.3.1 and 5.3.4.2 of the EIS prepared by Terrastory Environmental Consulting Inc., dated September 2020.
42. That the developer provide securities to the City of Welland in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the Subdivision Agreement include provisions whereby the developer agrees that the City may draw on the Letter of Credit, if required, to ensure installation of the plantings/restoration works.
43. That a Relocation and Monitoring Plan be prepared to the satisfaction of the Niagara Region that identifies a suitable relocation site for any terrestrial crayfish and/or Tapered Rush individuals required to be relocated and assess the success of the relocation efforts (should any individuals be captured and relocated). Monitoring shall include a two-year period post-relocation. These requirements can be incorporated in the Ecological Monitoring Plan.
44. That a fish/wildlife collection authorization be secured from the Ministry of Natural Resources and Forestry (MNRF) to facilitate elimination of the Stormwater Pond.
45. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings

and invasive species removals. The Report should be addressed to the Region's Senior Environmental Planner through devtplanningapplications@niagararegion.ca by September 1st of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note: At a minimum, the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.

46. That the Dain East Subdivision draft plan conditions/Subdivision Agreement be updated in order to ensure that the proposed restoration works north of the subject lands are installed to the satisfaction of the Niagara Region.
47. That a Photometric Plan be provided to the satisfaction of the Niagara Region that illustrates all proposed street lighting be downward facing and shielded to prevent light spillage into the surrounding natural area. The Plan should be Dark Sky Association (IDA) compliant.
48. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Saving Plan, Wetland and Woodland Restoration and Enhancement Plan, Comprehensive Trails Plan, Relocation and Monitoring Plan, Ecological Monitoring Plan and Photometric Plan.
49. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by 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.
50. That the owner provides a written undertaking to 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.
51. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.

52. That verification of the available capacity in the Dain City Sewage Pumping Station and Ontario Street Sewage Pumping Station sewershed be completed prior to final registration of each phase of the development to the satisfaction of Niagara Region.
53. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
- a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility; and
 - d. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.
54. That the owner submit a stormwater management outlet profile to Niagara Region Planning and Development Services for review and approval. The plan shall ensure that the outlet does not negatively impact upon the proposed Regional forcemain.
55. 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.
56. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to the curb side collection of waste and recycling throughout all phases of development. If developed in phases, where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

57. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval.
58. That a Limit of Work Fence be shown on the Grading Plan, 15 m where forest/woodland or thicket vegetation communities form the greatest limit of the Slough Forests and 30 m where wetland communities form the greatest extent of the Slough Forests to the satisfaction of the NPCA.
59. That the Draft Plan be revised to include the delineated boundaries of the natural heritage features on site and the required buffers associated with those features as recommended within the EIS.
60. That Blocks 66, 72, and 73 be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
61. That the Developer provide a Wetland Restoration and Enhancement Plan to indicate how the loss of the 0.312 ha of unevaluated wetlands are to be compensated for to the satisfaction of the Niagara Peninsula Conservation Authority. This plan must show that the wetlands are being compensated at a minimum 1:1 ratio in terms of wetland form and function. Scoping of the Restoration and Enhancement Plan is to be obtained from the Niagara Peninsula Conservation Authority and implementation of the Wetland Restoration/Enhancement Plan is to be done through an NPCA Work Permit.
62. That the Developer obtain Work Permits from the Niagara Peninsula Conservation Authority prior to removal of the existing wetlands on the subject lands and prior to construction of the proposed new wetlands within the NPCA regulated buffer areas. In support of the Work Permit applications, the following will be required:
 - a. A detailed compensation plan that indicates the design of the proposed wetland, construction methodology, material details, etc. (the Developer is to scope this requirement with the Niagara Peninsula Conservation Authority staff prior to submitting a Work Permit application);
 - b. A detailed monitoring plan; and
 - c. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
63. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer, or regulated watercourse (the Welland Recreational Canal) including but not limited to any proposed comprehensive trail system and

Stormwater outfall. In support of the Work Permit applications, the following information may be required:

- a. A buffer planting plan.
 - b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Locally Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
64. That the Developer provide 1.5-metre-high chain link fencing along the boundaries of Block 72 and 73. Fencing should also be established along the boundary of Block 66 to the satisfaction of the Niagara Peninsula Conservation Authority.
65. 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.
66. 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.

67. 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.

68. 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: 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56

Niagara Peninsula Conservation Authority: 57, 58, 59, 60, 61, 62, 63, 64

Canada Post Conditions: 65, 66, 67

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

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

ORIGIN AND BACKGROUND:

Complete applications for Official Plan Amendment (OPA No. 30), Zoning By-law Amendment (2020-09), and Draft Plan of Subdivision (26T-14-20007) were submitted on September 14, 2020 and were deemed complete on December 15, 2020. Application for Regional Official Plan Amendment were submitted in conjunction with the City applications.

COMMENTS AND ANALYSIS:

The Proposal

The application for Draft Plan of Subdivision has been made to create between 832 to 870 residential units consisting of single-detached, semi-detached and townhomes. A mixed-use block (4 hectares), commercial, office, retail, service/light industrial uses, an elementary school, parks/open space and a stormwater management pond are also proposed. The subject lands are approximately 74 hectares in size.

The application for Official Plan Amendment has been made to redesignate the lands from General Industrial and Core Natural Heritage System to Special Policy Area Residential, Commercial, Core Natural Heritage System and Parks, Open Space and Recreation. The purpose of the Special Exception for the Low-Density Residential lands on the property to allow for a minimum density of 26 dwelling units per hectare and a maximum of 54 dwelling units per hectare. The existing special policy on the lands for John Deere will be removed.

The application for Zoning By-law Amendment has been made to rezone the lands currently Zoned Temporary Site-Specific Low Density Residential 2 - T-RL2-100 with the underlying zone of General Industrial - G1 and an Environmental Conservation Overlay -EC. The proposed Zoning Bylaw Amendment seeks to rezone the lands to allow residential (Site-Specific Residential Low Density 2 - RL2), community commercial (Site-Specific Community Commercial Corridor - CC2) and open space zoning (Neighbourhood Open Space - OS1 and Community Open Space - OS2). The requested site specific Residential Low Density 2 – RL2 provisions are:

SINGLE DETACHED DWELLING (8m) – THROUGH LOT		
	Request	Required
Lot Area	180 square metres	270 square metres
Lot Frontage	8m	9m
Front Yard	2m (5)	4.5m (house) 6m (garage)
Side Yard (interior)	0.6m and 1.2m (4)	1m
Side Yard (exterior)	1m	1m
Rear Yard	4.5m and 6.0m (1)	6m
Building Height	13.5m (3)	11m (3 storeys)
Lot Coverage	N/A	50%
Landscaped Area	N/A	20%

SINGLE DETACHED DWELLING (8m)		
	Request	Required
Lot Area	220 square metres	270 square metres
Lot Frontage	8m	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)	11m (3 storeys)
Lot Coverage	50%	50%
Landscaped Area	20%	20%

SINGLE DETACHED DWELLING (10m)		
	Request	Required

Lot Area	275 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)	11m (3 storeys)
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)	11m (3 storeys)
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)	1.0m (2)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3)	11m (3 storeys)
Lot Coverage	60%	50%
Landscaped Area	20%	20%

Footnotes:

- (1) 6.0m to garage
- (2) No interior side yards are required where 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) The "Front Yard" of a through-lot abuts Canal Bank Street

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

- The definition of landscaping is amended to include walkways
- Notwithstanding Section 4, "Lot Line, Front" for any through lot abutting Canal Bank Street the front lot line shall be Canal Bank Street
- Open or roofed porches and stairs may project 2.5m into any required front or exterior side yard and 3.0m into any rear yard for Detached Dwelling, Two-Unit Dwelling and Street Townhouses
- Decks may project a maximum of 3.75m into the required rear yard for Detached Dwelling, Two-Unit Dwelling and Street Townhouse
- Open or roofed decks, including rooftop decks, may be located on the first, second and/or third floor for Detached Dwelling, Two-Unit Dwelling and Street Townhouses
- Open or roofed porches and stairs may project 1.5m into any required front or exterior side yard and 3.75m into any rear yard for a Detached Dwelling (Through-Lot)
- Open or roofed decks, including rooftop decks, may be located on the first and/or second and/or third floor for a (Detached Dwelling Through-Lot)
- Decks may project a maximum of 3.75m into any rear yard for a Detached Dwelling (Rear-Lane)
- Privacy Screens to be permitted on decks and balconies for single-detached and single-detached through-lot dwellings subject to a maximum height from platform of 2m and the following setbacks:
 - Street – 2.0m
 - Side Lot Line – 0.6m and 1.2m (a minimum of 0.6m on one side and minimum of 1.2m on the other side)
 - Rear Lot Line – 1.0m
- Parking stalls are not to required to provide an additional 0.3m where stalls are located abutting or near an obstruction
- Single Detached, Single Detached Through-Lot, and Two-Unit Dwellings with parking stalls located within a garage shall have a min. width of 3.0m and a min, length of 6.0m. Stairs, to a maximum of 3 risers shall be permitted to encroach into this parking space
- Street Townhouse Dwellings with parking stalls located within a garage shall have a min. width of 3.0m and a min. length of 6m. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space

- The maximum number of dwelling units per block are as identified on the Draft approved Plan of Subdivision; the total number of new lots within the subdivision shall not exceed 870 lots [for greater clarity this number does not include blocks being conveyed to the City of Welland, including but not limited to Open Space, Park and stormwater management ponds and does not include any commercial or residential lots to be created within the mixed-use block]

A Holding Provision has been requested on the block where a proposed school will be located. The purpose of the Holding Site Specific Institutional zoning is to allow for a school to be placed on the lands. The Niagara District Catholic School Board (NDCSB) will be provided with five (5) years after registration to purchase the property and construct a school. If the NDCSB does not purchase the property within the five (5) years provided, the lands can be used for residential dwellings and will be subject to the site-specific provisions of the RL2 Zone.

Lastly, Special Exception zoning is requested to address the areas Zoned Community Commercial Corridor:

- In addition to the uses permitted in the Community Commercial Corridor, the following uses shall also be permitted: Supermarket, Retail Centre, Retirement Home, Hotel, Assembly Hall, Research & Development Establishment, Art Gallery, Commercial Parking Lot, Parking Structure or Garage, and Street Townhouses

The Site

The subject lands are located on the north side of Forks Road, east of the Welland Recreational Canal, west of the CN railway line, and south of the Townline Tunnel. The lands are currently vacant with the former buildings of the property razed. The land was previously occupied by the John Deere Manufacturing Plant.

Surrounding Land Uses

The lands to the north include active rail lines and Townline Tunnel Road (Highway 58A). To the west is the Welland Recreational Canal, agricultural lands, and Highway 58. To the east is the CN Canal Sub Rail Line (operated by Gio Rail) and other lands owned by the applicant (401 Canal Bank Street); further east is the Welland Shipping Canal. To the south east is Verbio Diesel Canada (biodiesel plant), and directly south is the predominantly residential community of Dain City.

Agency Comments

Niagara Peninsula
Conservation Authority
(January 29, 2021)

- The subject lands contain Locally Significant Wetlands and watercourses.
- The Slough Forests identified in the northern and southern portions of the site are described as complexes of deciduous woodland and deciduous swamp where pre-settlement landform character and vegetation have largely persisted.
- Typically, these larger areas of unevaluated wetlands must be evaluated using the OWES protocol and supported by MNRF/NPCA prior to being able to support a proposal.
- In this case, it is acknowledged that these areas are not adversely impacted by this proposal and appropriate buffer widths have been placed on these unevaluated wetlands to ensure their protection.
- The NPCA recommends that an OWES evaluation of these wetlands be completed to determine their significance, it will not be a Draft Plan condition at this point.
- Should future development or site alternations be proposed in these areas, further evaluations and reviews by the NPCA may be required at that stage.
- It should be noted that these unevaluated wetland features are still considered regulated features by the NPCA and are subject to current NPCA policies.
- The Slough Forest wetland complexes are to be preserved based on the proposed Draft Plan, there are several wetland areas outside of these systems proposed to be removed.
- These communities (0.312 ha) are proposed to be offset through wetland creation/enhancement.
- There appears to be sufficient room outside of other regulated areas to accommodate the wetland compensation/restoration, the NPCA is supportive of this approach in principle.
- It should be noted that in accordance with NPCA policies, the compensation must be at a minimum 1:1 ratio in terms of both form and function of the wetlands to be removed.

- A detailed restoration/compensation plan will be required for review and approval by the NPCA.
 - NPCA is supportive of proposed buffer widths. These buffers shall be indicated on the Draft Plan.
 - The NPCA has no objection to the removal of the watercourses present on the property that were constructed as an attempt to drain the Slough Forests. They were constructed artificially and serve no benefit to the wetland.
 - NPCA notes that there is an outlet proposed to drain into the Welland Recreational Canal, there is no objections to this design, however a work permit from the NPCA will be required to undertake these works.
 - NPCA staff have no objections to the application as it relates to NPCA policies and have included a number of conditions of Draft Plan Approval to be included.
- Welland Hydro (April 29, 2021)
- A Connection Impact Study has been completed in reference to the proposed development. The need for an additional circuit has been identified. The developer has been provided a copy of the completed study and is aware of the requirement.
- City of Welland Infrastructure and Development Services – Traffic Division (March 29, 2021)
- The recommendations outlined in the submitted TIS are satisfactory
- City of Welland Infrastructure and Development Services – Building Division (March 31, 2021)
- Based on the information submitted, Building Division has no objection to the application at this time.
 - 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 a more sensitive use such as institutional, parkland, residential, agricultural or other use. A building permit cannot be issued until the RSC is filed and accepted by the MOE.

- At the time of submission of building permit applications, a subsurface Geotechnical Investigation report outlining recommendations on the suitability of the soil for the construction of the type of building(s) proposed will be required. The report must reference subsurface information to geodetic elevations.
- 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 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
- Due to the proximity of residential dwellings, consideration for neighbouring properties shall be given when construction processes generate dust and vibration.
- Approval must be obtained from the NPCA for the proposed development within the screening area.
- Fire and Emergency staff note that the overall Plan appears to be satisfactory. Confirmation is required to ensure that the appropriate turning radii throughout the proposed development are accommodating of the City's Fire and Emergency Services vehicles. Adequate number and frequency of hydrants are to be provided and in compliance with municipal standards. Staff note that the proposed width of some roads may require parking restrictions to address narrow designs which could hinder the movement of equipment should parking be permitted.
- DBSN Staff developed enrolment projections for this proposed residential development, along with the future residential development to the east, and

City of Welland –
Welland Fire and
Emergency Services
(April 15, 2021)

- | | |
|---|--|
| District School Board of Niagara (March 30, 2021) | <p>determined a new elementary school would be warranted to serve the Dain City area.</p> <ul style="list-style-type: none"> • DBSN 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 |
| CP Rail (November 20, 2020) | <ul style="list-style-type: none"> • CP's approach to development in the vicinity of railways are encapsulated in the recommended guidelines prepared in collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. • The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. • Should the development proposal receive approval, CP respectfully requests that the recommended guidelines are followed. |
| Conseil scolaire Viamonde (February 4, 2021) | <ul style="list-style-type: none"> • No objections. |
| Hydro One Networks Inc. (December 3, 2020) | <ul style="list-style-type: none"> • No comments or concerns at this time. |
| District School Board of Niagara (March 30, 2021) | <ul style="list-style-type: none"> • The Dain City area is currently boundaried to McKay PS and Port Colborne High School in the City of Port Colborne. DSBN staff developed enrollment projections for this proposed residential development, along with future residential development to the east, and determined a new elementary school site would be warranted to serve Dain City. A school site has been identified in the 'Dain East' subdivision. • DSBN has no objections to the applications. Board requests that as a condition of Draft Plan Approval sidewalks be constructed within the |

development to facilitate student travel to school/bus stops.

Ministry of
Transportation
(November 30, 2020)

- In principle, no objections to the applications.
- Subject lands are within the ministry's permit control limit (extends up to 800m from MTO lands); hence, ministry permits will be required (e.g. grading/servicing, building and land use, etc.). Please make the proponent aware that MTO permits will need to be secured prior to the commencement of any on-site works.
- If applicable, setbacks will be a minimum of 14.0m from all ministry lands. No features which are essential to the overall viability of the site are permitted within the MTO 14.0m setback area. Essential features include, but are not limited to, buildings/structures (above or below grade), required parking spaces (required per the municipal zoning by-law), retaining walls, utilities (includes parking lot lighting) , stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14 m setback area and must be set back a minimum of 3m from the MTO property line.
- As part of the subdivision application process, MTO will most likely impose lighting, drainage and traffic draft plan conditions. Any required highway improvements as a result of the subject application will require the proponent to enter into a legal agreement with MTO. Proponent will be 100% responsible for all associated costs.

Region of Niagara
Planning and
Development Division
(April 26, 2021)

- 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 subject lands are located within the Provincially designated Built-up Area of the City of

Welland. Accordingly the proposed residential growth will count towards the City's annual residential intensification target of 40% and therefore, generally conforms with and is consistent with Provincial and Regional growth management policy directions.

- Regional staff notes that the (proposed) uses permitted in the CC2 zone includes mini storage. Staff are of the opinion that uses such as these are not exclusively “job generating” and should one be proposed, it would significantly reduce the remnant area available within the “space to be retained for a similar number of jobs” which is required as part of this land use change proposal. As such, staff suggest that these type of uses be prohibited on site.
- Regional staff offers no objection to the information provided with respect to the unit types, counts, and density identified in the Planning Rationale Report (dated September 4, 2020) and the Planning Rationale Report Addendum (dated April 7, 2021) both prepared by Armstrong Planning & Project Management.
- City staff has confirmed that each Phase of the subdivision will be registered separately as development progresses on site. As such, the applicant shall submit supporting documentation required to address items including but not limited to; detailed noise study, servicing capacity, stormwater management and curb side collection of waste and recycling in order for Regional staff to clear draft plan conditions prior to registration of each Phase.
- Through the Region's Employment Strategy work, Regional staff determined that City of Welland has an appropriate supply of Employment Area lands

to support growth to 2051 and that the subject lands are not an Employment Area, as defined under the Growth Plan, even with the removal of the subject lands through the land use change.

- As the ROPA application is not considered a conversion of employment area, it is being processed as a land use change of employment land where Policy 2.2.5.14 of the Growth Plan is applicable:

“Outside of Employment Areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.”

- The above policy is critical in how the Region reviews and considers the proposed amendment. As such, the proposed applications identify 285,000 square feet of space to be accommodated on site. Regional staff has reviewed and accepted the Revised Final Report-Employment Area Market Review and Lands Needs Study (dated February 24, 2021) prepared by IBI Group and notes that this policy requirement has also been adequately incorporated into the local Official Plan Amendment along with a condition of draft plan approval.
- The design of this mixed-use community is thoughtfully planned and will add vibrancy to this area of Welland. This new neighbourhood provides some variation in housing in the centre of the plan that will be ringed by open spaces and the Recreational Canal. The community design of streetscapes and parks and the architectural design of the buildings strive and reach a high quality of design excellence – the condition for an enticing and unique new neighbourhood can benefit the City and the Region.

- Regional staff has reviewed the proposed Dain West Subdivision Urban & Architectural Design Guidelines by Armstrong Planning & Project Management (revised March 26, 2021) as well as the revised draft plan and notes that this submission has generally addressed the Region's initial urban design comments. As such, an appropriate condition has been included.
- As the subject brownfield property did not meet the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) criteria for evaluating archaeological potential, and does not exhibit potential for archaeological findings, 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.
- Regional staff are aware that previous Environmental Assessments were completed on the subject lands along with a Risk Assessment (RA) and Record of Site Condition (RSC) filed in 2004. However, as O.Reg. 153/04 has been amended, since the filing of these reports, additional studies have been completed to update and supplement the data from the previous reports. A Preliminary Phase One Environmental Site Assessment (ESA) by EXP Services Inc. (dated March 29, 2019) has been submitted to address potential contamination associated with land use activities on the subject property.
- Based on the findings of the study, the report noted that the site was listed as a registered waste

generator and listed for spill incidents, the facility included several existing or former above-ground or underground storage tanks, fill material of unknown environmental quality was brought to the site, a former railway track was located on site, and a former railyard associated with a spill incident, an oil refining and production industry and a transformer substation located on adjacent properties. The report concluded that given these areas of potential environmental concern (APECs) on the subject property a Phase Two ESA which includes additional soil and groundwater sampling and chemical analysis testing is required prior to filing a RSC.

- A Phase Two Environmental Site Assessment (ESA) by EXP Services Inc. (dated August 20, 2019) was submitted to assess the areas of potential environmental concern as outlined above. The study sampled boreholes along with new and previously installed monitoring wells and found a number of soil and groundwater parameters to be above the applicable Ministry of Environment, Conservation and Parks (MECP) (2011) Table 3 standards. Based on the findings, a delineation program is recommended to determine the extent of impacts in soil and groundwater along with a potential remedial program to address on-site impacts. Upon completion of the remedial program, the Phase Two will be updated for the filing of the RSC. 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 (as amended) filed on the Ministry of Environment's Brownfields Environmental Site Registry for this development. Therefore, an appropriate condition of draft plan approval.

- A Land Use Compatibility-Air Quality Assessment prepared by SLR Consulting Canada Ltd. (dated July 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, Conservation and Parks (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 report concluded that the proposed design (which includes an Open Space block) acts as a buffer between the development and the industrial uses. As such, 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, appropriate conditions are included ... indicating 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.
- The subject lands are situated adjacent to both an industrial facility operational railway lines to the east and south, 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 August 31, 2020) was submitted in support of the applications.

- Regional staff notes that the applicant 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.
- 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 for the Draft Plan of Subdivision) will be required to apply the Class 4 designation in this instance.
- 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. 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.
- Overall, the results of the assessment indicate that it is feasible to achieve the MECP/CN sound level

guidelines at the proposed residential development provided the following recommendations for noise control are implemented and are:

- The dwelling units closest to the rail lines at the north will require forced air ventilation
 - The dwelling units closest to Canal Bank Street will require central air conditioning systems and upgraded building constructions and windows to address road traffic sound levels.
 - Warning clauses for all residential units within 300 m of the rail lines identifying presence of the rail lines and that sound from railway operations may at time be audible and that railway operations may change in the future.
 - A detailed traffic noise study should be conducted prior to the registration of the western and northern portion of the subdivision for the lands adjacent to Highway #58a/CN rail and Canal Bank Street to determine the noise impact based on road and rail traffic information and grading, lotting and phasing information available at that time.
 - The first row of lots adjacent to the CN rail are assessed based on Class 4 designation and sound level criteria.
 - A berm/barrier constructed to shield two-storey homes along the eastern portion of the property.
 - Warning clauses for all residential lots with exposure to Verbio Diesel Canada informing future residents of the presence of the industrial operations and that those operations could change in the future.
- Regional Environmental Planning staff are satisfied that the EIS and EIS Addendum demonstrates that the development can be accommodated without significant negative impact to the natural features, provided that the mitigation measures outlined in the EIS and EIS

Addendum are implemented, and provided that all required authorizations are received from applicable regulatory agencies. As such, conditions of draft approval are included.

- Staff note that the Local Official Plan schedule should align with the Regional Official Plan schedule for the ECA and EPA mapping. Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should continue to be consulted with respect to their comments and permit requirements pursuant to Ontario Regulation 155/06.
- As a condition of draft plan approval, the Region must review and approve any new/extended 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 the Region for review and approval.
- The Regional Dain City Sewage Pumping Station (SPS) and forcemain service the area for Dain City which includes these lands ... As noted in the Preliminary Servicing Capacity Assessment Report by WSP Canada Group Ltd. (dated August 28, 2020), reduction of these wet weather flows is essential in order to provide adequate servicing capacity for development.
- There is currently a construction project underway to replace the entire Dain City SPS forcemain ... It is anticipated that the new forcemain will be able to service the ultimate build out of Dain City as currently proposed.

- The new forcemain is being constructed along the current alignment of Canal Bank Road which, based on the draft plan, will be realigned to allow for a park along the canal. The Region will require an easement over the proposed forcemain alignment for future access and maintenance.
- A sustainability upgrade project for the Dain City SPS is currently underway in the design phase with construction forecasted for 2022. The goal of the upgrades is to increase efficiency with completely new generator, pumps, controls, electrical and roof ... After this upgrade, future increases in capacity will likely require only the changing of pumps and possibly the pump MCC.
- It will be important to understand the timing and phasing of the proposed development to ensure that the future upgrade of capacity at Dain City SPS can be appropriately timed and budgeted for. The sanitary flows at the Dain City SPS will be monitored on a continual basis and an upgrade to the capacity will be implemented in the future depending on actual flows received.
- Based on WSP's report, a recent City of Welland study required that existing wet weather flow in the system would need to be reviewed prior to proposed flows for this draft plan being added to the system. The report acknowledges that the calculated wet weather flow for the site would remove enough wet weather flow to address this requirement. The Region will require verification that the calculated flows being removed match the actual flows being removed from the system. The Region would recommend that post development flow monitoring be required in the Subdivision Agreement to ensure that each phase of the development is meeting the expected targets. As

such, appropriate conditions have been included with respect to servicing.

- Niagara Region staff have reviewed the 'Preliminary Stormwater Management Plan Dain West (dated August 2020)' and the conceptual servicing/grading plan all by Upper Canada Consultants.
- Staff offers the following comments:
 - The Niagara Region will require stormwater runoff from the development be captured and treated to an Enhanced standard prior to discharge to a recreational water.
 - The stormwater management (SWM) plan proposes a wet pond to settle down sediment/contaminants from the entire development area to meet an Enhanced level of protection. The Niagara Region has no objection in principle to this approach to meet the requirement.
 - The proposed pond outlet is to cross the Regional water forcemain on Canal Bank Street. The Region requires a minimum 0.5 m separation between the forcemain invert and storm pipe obvert. Details of storm pond outlet will be required prior to approval.
 - The Niagara Region will not require stormwater peak flow control if the development will discharge to the Canal directly. The Region would suggest overland flows from the development be directed to a series of existing culverts crossing Canal Bank Street to minimize overland flows crossing the road.
 - The drainage area to the GIO Rail culvert crossing will decrease from the existing 36.19ha to the proposed 16.89ha. With respect to the culvert hydraulic conditions, the Region has no objection to this proposal.

- The 'Water Balance Assessment (dated July 10, 2020 by Exp)' requires roof leaders disconnected from the storm sewer system across the Site to meet the post-to-pre water balance. The Region requires clarification whether building roofs of Blocks 63 (mixed use) & 64 (school) are required to be disconnected and what specific measures and criteria are.
- The Region requires the following be addressed in the final SWM plan:
 - Update the site soil and groundwater conditions based on the Geotechnical Investigation Report. The SWM pond may need a layer to cut off water exchange, as the monitored groundwater table is 1.2-1.8 m below grade.
 - Use an appropriate imperviousness (40%~50%) in the modelling to reflect the SWM block (2.24 ha) hydrologic character, which will contain a permanent pool.
 - Supply information (water level in the existing ditch, topography survey, etc.) to justify the proposed rim elevation of the ditch inlet is appropriate, in order to prevent Northern Slough Forest from being over-drained in the future.
 - Include the specific requirements regarding roof leader disconnection for mixed use and school blocks.
- Regional Transportation staff have reviewed the Dain West Draft Plan of Subdivision – Traffic Impact Study by WSP (dated July, 2020) ... the Region offers no comment regarding the recommendations for signalization at several intersections (warranted or not).

- The proposed subdivision 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 appropriate limits are met.
- The Draft Plan of Subdivision was reviewed for the potential for Regional waste collection services to be provided throughout the subdivision, however, further review will be required once the engineering design for the roads has been finalized and the final drawings submitted. In order to receive Regional curbside waste collection services, the proposed road network will need to be in compliance with Niagara Region's Corporate Waste Collection Policy. As such conditions with respect to waste management have been included.
- Through our detailed review of these applications, which is the culmination of a collaborative process involving the proponent and City and Regional staff, the Region is supportive, in principle, of the redevelopment of 475-635 Canal Bank Street as the proposed applications are considered to align with the intent and direction of Regional and Provincial policy and will provide for the remediation and clean-up of this underutilized brownfield site. As such, Regional Planning and Development Services staff would offer no objections to the Draft Plan of Subdivision or the concurrent Official Plan and Zoning By-law Amendments subject to the discussion above and the Conditions.
- Regional Staff has reviewed and revised the draft local Official Plan Amendment to ensure consistency with the ROPA application. Once the Region receives notice of adoption from the City, the local OPA (30) will be brought forward with ROPA 19 concurrently for Regional Council's

consideration. Staff notes that the corresponding mapping schedules for both OPA 30 and the zoning by-law should align with the Regional Official Plan schedule for the ECA and EPA mapping.

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.

Planning staff are of the opinion that the proposal for Draft Plan of Subdivision for the purposes of developing the lands 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 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 and within the built boundary.
- The lands are within an area that has available municipal servicing and is connected by Canal Bank Street to the west.

Accommodating an appropriate range of housing, including affordable housing;

- The proposal includes a mix of single detached, semi-detached, and townhouse dwellings.
- Staff are of the opinion that the proposed development will provide a range of housing options. Although no affordable housing has been identified, the proposed development reflects a compact urban form that offers a variety of housing types and lot sizes. Additionally, accessory dwelling units provides an opportunity to provide affordable housing.

- Avoiding development patterns which may cause environmental and public safety concerns;

 - The lands that will be zoned and designated for commercial will also permit apartment units above the permitted commercial units. Although no apartment units have been identified, the permissions for this additional form of housing will be in place.
 - The applicant has undertaken an Environmental Impact Study which has identified a number of Core Natural Heritage features on the site. These features will be protected for the long terms in blocks which will be dedicated to the City for their long-term preservation. All development will occur outside of the Core Natural Heritage area.
 - The applicant has also undertaken an Environmental Assessment of the property to determine if there were any contaminating activities on the property previously. As a result of this study, some clean-up of the site will be required in order to achieve a Record of Site Condition (RSC) for the property.
- Avoiding land use patterns which would prevent the efficient expansion of settlement areas;

 - The lands are within the urban area and built-up area of the City of Welland and have access to municipal water, sanitary and roads.
 - The development of these lands will not prevent any adjacent lands from developing in the future. The lands are
 - The proposed Plan of Subdivision facilitates an efficient use of lands within the City's serviced settlement area. No expansions to the urban area will be required to facilitate the proposed development.
- Promoting land use patterns which support transit and intensification to create cost-effective developments;

 - The Dain City area is currently not serviced with a transit line; however, it 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 in the future.
 - The lands are located within the urban area of the City. Municipal water, sanitary, storm sewers

and accessible municipal roads all service these lands.

Improving accessibility for persons with disabilities;

- The development will require that a minimum of one side of each street will include sidewalks, which will improve accessibility for persons with disabilities throughout the neighbourhood. Sidewalks on both sides of the street will be required for arterial and collector roads, as well as roads that lead to destinations, such as schools, parks, etc.

Ensuring that infrastructure and public service facilities are available to support the development;

- The public infrastructure is available in the immediate area with capacity to accommodate the proposed development. Municipal services will be extended along the proposed new roads.
- Social services will be able to accommodate the increase in population created by the development of these lands. The City's Flatwater Centre and proposed recreational facility is located to the north of the development, as well as the Welland Canal Recreational Trail, which will provide additional recreational opportunities for future residents.
- Additionally, the proposed Plan has identified and designated areas for the inclusion of a potential school site, recreation trails, parklands, etc.

Promoting development and land use patterns which support biodiversity; and,

- The proposed subdivision design includes blocks that will be preserved for natural heritage purposes to protect the species that are found within these areas. Block 66 on the Draft Plan has been identified as Open Space, but will also act as a wildlife corridor to allow for the movement of species from the blocks at the north of the development (Block 73) access the natural environment block at the south of the development (Block 72). This will encourage the movement of species through these areas and will not create unconnected islands of environmental areas.

Prepare for the regional and local impacts of climate change

- Measures to address the impacts of climate change will be reviewed through the detailed design of the stormwater management plan for the proposed development
- Additionally, the proposed Plan has identified and designated areas for the inclusion of a potential school site, recreation trails, parklands, etc.

Section 1.3 Employment of the PPS includes policies to promote economic development and competitiveness. This section also includes policies which dictate how and when the redesignation of employment lands to non-employment uses can be considered. The applicable policies are reviewed in the table below:

1.3.2.5 ... lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;

- The lands have not been identified as part of a Provincially Significant Employment Zone (PSEZ) and have been vacant for over ten years
- The applicant has applied for an Amendment to the Region's Official Plan, in addition to the application for Amendment to the City's Official Plan. The purpose of the amendments to these plans are to allow for the residential development of the lands. Niagara Region is currently completing a Municipal Comprehensive Review which reviews all of the lands within the Region. As there has been a site specific amendment requested, the outcome of these applications will

be incorporated into the final Municipal Comprehensive Review document.

- The property is not located in an area identified for strategic investment or within a strategic employment area as identified by the City or by the Region. As a result, the application can be made outside of a Municipal Comprehensive Review. The applicant has identified that there is a need for the residential use of these lands, and has identified that the same number of jobs can be accommodated in the Commercial blocks that have been identified.
 - The City has identified areas elsewhere in the City as the focus for employment growth in the City.
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- The proposed Plan seeks to provide space for approximately 800 jobs (located on-site); including, a 4-hectare mixed-use block with proposed zoning to allow retail, commercial, service, office, light industrial and an elementary school.
 - The mixed-use block provides enough space on site to provide a similar amount of jobs that were present when the John Deere Manufacturing Plant was in operation.
 - Uses may include a variety of offices, restaurants, hospitality (boutique hotel), recreational services, etc.
- c) existing or planned infrastructure and public service facilities are available to
- Sanitary, water and storm infrastructure are available and existing for the subject lands and there is capacity to accommodate the proposed development.

- accommodate the proposed uses.
- The property is located within a built-up area of the City.
 - Any identified upgrades and proposed new roads will be provided to accommodate the proposed uses will be at the cost of the developer, including the realignment of Canal Bank Street. The reconstruction of the Forks Road Bridge will also occur in conjunction with the development of this site, as well as the Dain West property.

The proposed applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision are consistent with the policies found in the PPS.

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

The proposed development is within the Built-Up Area of the Growth Plan for the Greater Golden Horseshoe (P2G). The P2G promotes the creation of a complete community, where residents can access services and uses that are required to support their everyday needs, as well as to promote active transportation and a mix of uses. The proposed development will include parklands, walkways, and active streets. Walking and cycling will be encouraged throughout the area. A school site is also included in the proposed development that will be walkable and accessible for the Dain City community.

Section 2.2.2 Delineated Built-up Areas of the P2G considers how growth is to be managed and organized. The applicable policies related to this Section are considered below:

- 2.2.2.1 By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
- Niagara Region is currently completing a municipal comprehensive review. The Region has confirmed that the subject lands will be redesignated to 'Urban Area.'
- a) a minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;
- The proposed development will support and satisfy the minimum targets for intensification within the City's delineated built-up area.
- 2.2.2.3 All municipalities will develop a strategy to achieve the minimum
- The subject lands are within the City's built-up area. Development

intensification target and intensification throughout delineated built-up areas, which will:

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
 - b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
 - c) encourage intensification generally throughout the delineated built-up area;
 - d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
 - e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
 - f) be implemented through official plan policies and designations, updated zoning and other supporting documents.
- on-site is considered intensification and contributes to the City's intensification target.
 - As per the City's Official Plan, growth is to be directed to lands within the urban area boundary that have access to servicing. The Plan identifies several areas to focus intensification including along the Welland Recreational Waterway.
 - The subject lands are consistent with the type, scale and organization of development as identified in the City's Official Plan. The vision for development in the Welland Recreational Waterway is satisfied through the proposed development.
 - The lands are identified as being within the built-up area as per local and regional Official Plans.
 - The proposed development includes a variety of land uses including residential, community commercial, office, limited light industrial, parks, open spaces and an elementary school. A Zoning By-law Amendment application has been submitted to address the proposed uses. The overall development will support the creation of a complete community.
 - Public service facilities and infrastructure currently exist in the area. The proposed subdivision is an efficient use of these items.
 - Submitted Official Plan Amendment and Zoning By-law Amendment applications to facilitate required development should they be approved.

Additionally, the P2G comments on lands identified as Employment Areas under Section 2.2.5. The following will consider relevant policies:

2.2.5.10 ... until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would:

a) satisfy the requirements of policy 2.2.5.9 a), d) and e) – which are:

a) there is a need for the conversion;

d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and

e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.

b) maintain a significant number of jobs on those lands through the establishment of development criteria; and

c) not include any part of an employment area identified as a provincially significant employment zone unless the part of the employment area is located within a

- Niagara Region is currently completing a municipal comprehensive review. The results of this review are not yet available at the time of preparing this report. It is noted that the proposal does not seek a conversion but rather a redesignation of lands. Although a conversion is not being sought, the following policies are considered for context and reference.

- The subject lands are not considered to be a strategic location for employment or employment investment. The proposed development supports intensification and minimum targets for the City of Welland. Infrastructure and public services are currently present in the area.

- The proposed development is projected to provide a comparable number of jobs through a 4.0-hectare mixed-use block. The block will provide a variety of retail, commercial, office, light industrial uses in addition to a proposed elementary school and work-from-home opportunities.

- The lands are not identified as a provincially significant employment zone (PSEW).

major transit station area as delineated in accordance with the policies in subsection 2.2.4.

As stated, approximately four hectares of the development has been identified as a mixed-use block. This block will accommodate a variety of uses that will support the existing and potential population in the area. Medical offices, banks, restaurants, grab-and-go retail, daycare, tourist-related businesses, etc. will have the opportunity to be located in the block. The block's design is projected to support enough space for up to 700 jobs. Additionally, 100 community-based jobs could potentially be added via work-from-home situations and an elementary school.

The applications for Official Plan Amendment and Zoning Bylaw Amendment provide opportunity to construct varied and diverse housing typologies. The range of housing accommodates a mixture of incomes to be included in the development. Lot sizing and geometry provides adequate amenity space for residents and contributes to greater housing choices.

The proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-Law Amendment meets the intent and purpose of the P2G.

Region of Niagara Official Plan

The lands are identified as being within the Built-Up Area in the Region's Official Plan (ROP) and designated as Employment Land. The property is identified as a brownfield as per its previous use as the John Deere Manufacturing Plant. Regional policies promote the redevelopment of brownfield sites into mixed-use areas that include variety of employment, institutional, entertainment, recreational and residential uses. The proposed development includes such a variety of uses including, a 4-hectare mixed-use block, elementary school, parks and open space, storm-water management pond and residential opportunities.

The development is supportive of a complete community by providing compact, mixed-use, transit supportive and an active transportation-friendly community. The proposal represents good intensification within the Built-Up Area. Regional policies identify an intensification target for the City of Welland, requiring 40% of all residential development within the City occurs within the Built-Up Area. The proposed subdivision supports this intensification target by providing up to 370 dwellings, a 4-hectare mixed-use site and an elementary school.

The proposed development is designed to preserve and protect two existing significant woodland features (Niagara Region). An Environmental Impact Statement (EIS) has been prepared which provides a comprehensive biophysical characterization of the site, identifies potential for adverse effects on the natural environment and natural heritage features of the site. The EIS also includes recommendations for mitigation and enhancement measures that will result in no overall net impact on natural features (onsite). These mitigation and enhancement

measures are included in the conditions of Draft Plan approval, and the cost of these works will be at the expense of the developer.

The proposed applications support the creation of sustainable complete communities that efficient use land, resources and existing infrastructure. Additionally, the development supports compact transit-friendly development, intensification within the Built-Up area, conservation of natural resources and good urban design. The applications meet the intent of the Region's Official Plan.

City of Welland Official Plan

The subject lands are located within the Built-Up area of the City. The lands are designated as "General Industrial" and "Core Natural Heritage System". The site is identified as "Area 4: Former John Deere Site and Adjacent Lands" as per the Official Plan's Area Specific Policy Areas. The proposed applications will result in the Area 4: Former John Deere Site and Adjacent Lands section being removed from the Official Plan. Based on the review completed by Armstrong Planning and IBI Group, it has been determined that the development is anticipated to provide similar number of jobs that were once maintained on the property. The permissions of the proposed Community Commercial Corridor Designation (discussed below) will still allow for the implementation of the 'vision' of the specific policy area (Area 4: Former John Deere Site and Adjacent Lands). The proposed Community Commercial Corridor Designation allows for a range of commercial and light industrial uses. Additionally, the intent of the design within the area is maintained and expanded upon as reflected in the Urban & Architectural Guidelines that have been prepared.

The requested Official Plan Amendment is to address the following:

- To redesignate the lands shown on Schedule "A" from General Industrial and Core Natural Heritage System to Special Policy Area Residential, Commercial, Core Natural Heritage System and Parks, Open Space and Recreation;
- To redesignate the lands to allow a mixed-use subdivision; and,
- To allow for an increase in the density of the site to a minimum of 15 units per hectare to a maximum of 54 units per hectare

The purpose of this redesignation is to support development of a mixed-use residential subdivision within the Built-Up area of the City. The proposed Official Plan Amendment will redesignate employment land (General Industrial) to accommodate a range of various designations. Note, the proposed mixed-use block is projected to include a variety of employment types and has been designed to provide space for a similar number of jobs that were available when the John Deere Manufacturing Plant was operating. Additionally, the property is not identified for strategic investment by the Region or City and is not part of a Provincially Significant Employment Zone (PSEZ). Although not necessary to satisfy the process, the Region is also amid a Municipal Comprehensive Review (MCR) and and a Regional Official Plan Amendment has been made proposing to

re-designate the subject site as “Urban Area”. As a Regional Official Plan is also required, the Region is the approval authority for the proposed amendment.

The requested increase to density allowed on site is appropriate as it will allow for a range of housing sizes and a diverse building typology stock. The proposed development includes several park areas and includes walking trails throughout the site. Although the density request is higher than what is permitted, ample amenity area is provided as part of the development. The lands are also within walking distance to public amenities, such as the Welland Recreational Waterway, the Welland Canal Recreational Trail, the City’s Flatwater Centre, and other public spaces. The proposed maximum density reflects a compact urban form that facilitates a diverse built area and potential to offer housing to a range of incomes, which is encouraged in the City’s Official Plan.

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

- | | |
|--|--|
| Provincial and Regional policies and plans; | <ul style="list-style-type: none"> • 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 Provincial Policy Statement. 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 plans; | <ul style="list-style-type: none"> • The proposed development 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 support the intensification target for the City of Welland as identified by the Region. The target (40% of all residential development within the City occurring within the Built-Up Area) is achieved through the construction of up to 870 new dwellings, a 4-hectare mixed-use site and an elementary school. |

- Whether the amendment creates an inappropriate precedent; and,

 - 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.
- The City, neighbourhood and immediate area impacts of the proposed land use change

 - The redesignation of these lands will not create an inappropriate precedent. The proposed development promotes key community strategic directions and makes use of existing infrastructure, transit, etc. Additionally, natural features present in the area are preserved and protected
 - The proposed amendment will not impact any of the neighbouring uses. The property is currently vacant, and the proposed development will complement the adjacent Dain City East subdivision

The Official Plan also includes policies related to infill and intensification. Proposals for development should satisfy the criteria under Section 4.2.3.6 of the Plan which encourages infill development throughout the City's Built-up Area. The proposed development addresses the criteria in this Section as follows:

- Land use and neighbourhood character compatibility

 - The proposed subdivision contributes to the character of Dain City which is predominately a residential area. The development is of a similar form and mix of uses. Building typology and design is to be controlled by Urban Design and Architectural Guidelines
- Lot pattern and configuration

 - The subdivision is proposed to be designed in a radial grid with integrated trail networks that provide simple connections and safe movement. The lot pattern and configuration are proposed to be similar to the recently approved 'Dain City East' subdivision. Additionally, the design is consistent with the established residential neighbourhood in Dain City

Accessibility

- The lands are located in Dain City, on a peninsula, at the south end of Welland. At present, street access is provided via Canal Bank Street which provides entry and exit to the entirety of Dain City. As per announcement from the provincial government in 2020, a reconstruction of Forks Road bridge is anticipated which will provide a second connection to Dain City and the proposed development.
- Canal Bank Street is proposed to be widened to 30.0m along the full extent of the site. This widening will be sufficient to welcome transit (bus routes) to service the area in the future.
- Sidewalks will be provided on a minimum of one side of all roads, and both sides on arterials roads.
- Any additional accessibility measures will be included in the design of the homes at the discretion of the homeowner.

Parking

- The site has been designed to accommodate a variety of different parking accommodations. Most homes include garage and driveway parking in addition to opportunities for on-street parking. The mixed-use area has planned for a sufficient amount of parking to adequately supply the proposed uses.

The potential for additional traffic and traffic maneuverability

- A Traffic Impact Study has been undertaken to identify required upgrades to facilitate the proposed growth in Dain City. This study ensures additional traffic demands and constraints are addressed to ensure a well-functioning network.
- Traffic improvements have been identified along Forks Road, as well as the realignment of Canal Bank Street. These improvements will be at the cost of the developer.

The potential for transit ridership

- The proposed growth will intensify an already built-up area and contribute to transit ridership potential. The adjustments to Canal Bank Street will be inclusive of future bus route connections.
- The area is currently only serviced by the TransCab service.

Natural and built heritage conservation/protection

- A Restoration and Enhancement Plan has been prepared to outline how the proposed development addresses NPCA policies and protects, enhances and/or replaces natural heritage features. The Plan of Subdivision has identified several areas to be designated as Parks, Open Space and Recreation, and Core Natural Heritage System.
- The blocks that have been identified as Core Natural Heritage will be dedicated to the City for the long term preservation of the features. The dedication will occur after the restoration plantings and requirements identified by the NPCA and the Region have been completed.

The available capacity of municipal infrastructure; and,

- Sanitary, water and storm infrastructure are available and existing for the subject lands and there is capacity to accommodate the proposed development.
- The property is located within a built-up area of the City with existing municipal services.
- Any identified upgrades and proposed new roads will be provided to accommodate the proposed uses; will be at the cost of the developer, including the realignment of Canal Bank Street. The reconstruction of the Forks Road Bridge will also occur in conjunction with the development of this site, as well as the Dain West property.

Residential intensification targets identified in this (Official) Plan

- The proposed development supports and facilitates the residential intensification targets identified in the Official Plan

The Official Plan provides criteria specifically related to Plans of Subdivision to be considered. The following will evaluate and review these criteria:

- Section 7.6.2 i) Availability of servicing without undue financial commitment by the City;
- Any identified upgrades and proposed new roads will be provided to accommodate the proposed uses will be at the cost of the developer, including the realignment of Canal Bank Street. The reconstruction of the Forks Road Bridge will also occur in conjunction with the development of this site, as well as the Dain West property.
- ii) Suitable provision of municipal services including, but not limited to, public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;
- Sanitary, water and storm infrastructure are available and existing for the subject lands and there is capacity to accommodate the proposed development.
 - The property is located within a built-up area of the City.
 - Community uses like parks, schools and other community facilities have been included within the proposed Draft Plan of Subdivision and will be provided by the developer.
- iii) Exposure to noise, air pollution and other negative impacts, along with suitable mitigation measures;
- Consideration of existing industries, road and rail traffic noise, air and pollution have been addressed via an Air Quality Assessment and Noise & Vibration Feasibility Study.
 - As a result of the Noise & Vibration Feasibility Study it has been determined that MECP/CN sound level guidelines at the proposed residential and mixed-use development can be facilitated provided certain recommendations are met.
 - These recommendations are to be included in the conditions of Draft Plan of Subdivision approval.
 - Lands adjacent to the Canal Sub Rail line have been designated Class 4 acoustical environment. Recommendations to mitigate impact from the road and rail include use of forced air ventilation systems and the provision for future installation of

central air conditioning systems, upgraded building construction (insulation, window construction, etc.), noise warnings in Agreements of Purchase/Sale and the construction of a berm along the CN Canal Sub rail line (Gio Rail). These recommendations are to be included as conditions of Draft Plan of Subdivision approval.

- vi) Integration with surrounding land uses;
 - The proposed development assists to complete the Dain City neighbourhood. The Plan of Subdivision is compatible with surrounding land uses (proposed and existing).

- v) Integration with the transportation network;
 - A Traffic Impact Study has been undertaken to identify required upgrades to facilitate the proposed growth in Dain City. This study ensures additional traffic demands and constraints are addressed to ensure a well-functioning network.
 - Traffic improvements have been identified along Forks Road, as well as the realignment of Canal Bank Street. These improvements will be at the cost of the developer.

- vi) Impacts to, and mitigation of, negative impacts on the natural environment;
 - A Restoration and Enhancement Plan has been prepared to outline how the proposed development addresses NPCA policies and protects, enhances and/or replaces natural heritage features. The Plan of Subdivision has identified several areas to be designated as Parks, Open Space and Recreation, and Core Natural Heritage System.
 - The blocks that have been identified as Core Natural Heritage will be dedicated to the City for the long term preservation of the features. The dedication will occur after the restoration plantings and requirements identified by the NPCA and the Region have been completed.

- vii) Optimization of the supply, means of supplying, efficient
 - The proposed development represents a compact form and structure and use of

- use and conservation of energy;
- viii) The provision of appropriate urban design and landscaping for the proposed development;
- ix) Compliance with applicable City guidelines; and,
- x) Exposure to nearby air pollution and mitigation of impacts
- active transportation to support a mitigation of greenhouse gas emissions and promote improved air quality
 - The submitted application includes an Urban & Architectural Design Guidelines document. Review of the document confirms that appropriate urban design and landscaping are proposed for the development of the property. The guides are to be included in the conditions of Draft Plan of Subdivision approval.
 - The proposed development is considered to be in compliance with applicable City guidelines
 - In accordance with D-6 Guidelines, a review of the existing industries surrounding the adjacent site was undertaken. As per the review, it was determined that the adjacent Class II industry (Verbio Diesel Canada) will not be of concern to the proposed development from an air pollution impact perspective.

Planning staff are of the opinion that the proposed Official Plan Amendment, Zoning-Bylaw Amendment and 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 Temporary Site-Specific Residential Low Density 2 - T-RL2-100 with the underlying zone of General Industrial - G1 and an Environmental Conservation Overlay - EC. The proposed Zoning Bylaw Amendment seeks to rezone the lands to allow Site-Specific Residential Low Density 2 - RL2, Site Specific Community Commercial Corridor - CC2, and Community Open Space - OS1 and Neighbourhood Open Space - OS2. Additionally, the Zoning By-Law Amendment will rezone a portion of the lands to Site-Specific Holding Institutional - INSH. The purpose of the Holding Site Specific Institutional zoning is to allow for a school to be placed on the lands. The Niagara District Catholic School Board (NDCSB) will be provided with five (5) years after registration to purchase the property and construct a school. If the NDCSB does not purchase the property within the five (5) years provided, the lands can be used for residential dwellings and will be subject to the site-specific provisions of the RL2 Zone.

The current Temporary Site-Specific T-RL2-100 zoning is a Temporary-Use By-Law that permits the uses in the RL2 Zone, save and except for the site-specific provisions:

2. All other general provisions By-law 2017-117, as amended, shall apply save and except for the following:
 - a. Notwithstanding Section 4, "Landscaping" in how it relates to Landscape Area (minimum) means the open, unobstructed space, at grade which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping which may include fountains, reflecting pools or similar areas, but does not include any access driveway or ramp, parking lot, rooftop area without a green roof or any open space beneath or within any building or structure but does include a walkway.
 - b. Notwithstanding Section 5.10.5 Decks, Porches, Steps
 - i. Open or roofed porches and stairs may project 2.5 metres into any required front or exterior side yard and 3.0 metres into any rear yard, provided the structure is not higher than 3.0 metres from grade.
 - ii. Decks may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 3.0 metres above-grade.
 - c. Notwithstanding Section 6.1.6 Parking Space Dimensions, the following shall apply:
 - i. Section 6.1.6b) shall not apply;
 - d. Notwithstanding Section 6.9.1 Residential parking Requirements, Single-Detached, Two-Unit dwellings the following shall apply:
 - i. The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space.

The T-RL2-100 zoning is set to expire on October 6th, 2023. The Temporary-Use By-Law will remain in place until the expiration date.

The Zoning By-Law Amendment application requests site-specific zoning that is reflected as follows:

SINGLE DETACHED DWELLING (8m) – THROUGH LOT		
	Request	Required
Lot Area	180 square metres	270 square metres
Lot Frontage	8 m	9m
Front Yard	2m (5)	4.5m (house) 6m (garage)

Side Yard (interior)	0.6m and 1.2m (4)	1m
Side Yard (exterior)	1m	1m
Rear Yard	4.5m and 6.0m (1)	6m
Building Height	13.5m (3)	11m (3 storeys)
Lot Coverage	N/A	50%
Landscaped Area	N/A	20%

SINGLE DETACHED DWELLING (8m)		
	Request	Required
Lot Area	220 square metres	270 square metres
Lot Frontage	8m	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)	11m (3 storeys)
Lot Coverage	50%	50%
Landscaped Area	20%	20%

SINGLE DETACHED DWELLING (10m)		
	Request	Required
Lot Area	275 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)	11m (3 storeys)
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)	11m (3 storeys)
Lot Coverage	50%	50%

Landscaped Area	20%	20%
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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)	1.0m (2)	1m
Side Yard (exterior)	1m	1m
Rear Yard	6m	6m
Building Height	13m (3)	11m (3 storeys)
Lot Coverage	60%	50%
Landscaped Area	20%	20%

Footnotes:

- (1) 6.0m to garage
- (2) No interior side yards are required where 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) The "Front Yard" of a through-lot abuts Canal Bank Street

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

- The definition of landscaping is amended to include walkways
- Notwithstanding Section 4, "Lot Line, Front" for any through lot abutting Canal Bank Street the front lot line shall be Canal Bank Street
- Open or roofed porches and stairs may project 2.5m into any required front or exterior side yard and 3.0m into any rear yard for Detached Dwelling, Two-Unit Dwelling and Street Townhouses
- Decks may project a maximum of 3.75m into the required rear yard for Detached Dwelling, Two-Unit Dwelling and Street Townhouse
- Open or roofed decks, including rooftop decks, may be located on the first, second and/or third floor for Detached Dwelling, Two-Unit Dwelling and Street Townhouses
- Open or roofed porches and stairs may project 1.5m into any required front or exterior side yard and 3.75m into any rear yard for a Detached Dwelling (Through-Lot)
- Open or roofed decks, including rooftop decks, may be located on the first and/or second and/or third floor for a (Detached Dwelling Through-Lot)

- Decks may project a maximum of 3.75m into any rear yard for a Detached Dwelling (Rear-Lane)
- Privacy Screens to be permitted on decks and balconies for single-detached and single-detached through-lot dwellings subject to a maximum height from platform of 2m and the following setbacks:
- Street – 2.0m
- Side Lot Line – 0.6m and 1.2m (a minimum of 0.6m on one side and minimum of 1.2m on the other side)
- Rear Lot Line – 1.0m
- Parking stalls are not to required to provide an additional 0.3m where stalls are located abutting or near an obstruction
- Single Detached, Single Detached Through-Lot, and Two-Unit Dwellings with parking stalls located within a garage shall have a min. width of 3.0m and a min. length of 6.0m. Stairs, to a maximum of 3 risers shall be permitted to encroach into this parking space
- Street Townhouse Dwellings with parking stalls located within a garage shall have a min. width of 3.0m and a min. length of 6m. Stairs, to a maximum of 3 risers, shall be permitted to encroach into this parking space
- The maximum number of dwelling units per block are as identified on the Draft approved Plan of Subdivision; the total number of new lots within the subdivision shall not exceed 870 lots [for greater clarity this number does not include blocks being conveyed to the City of Welland, including but not limited to Open Space, Park and stormwater management ponds and does not include any commercial or residential lots to be created within the mixed-use block]

Additionally, Special Exception zoning is requested to address the areas Zoned Community Commercial Corridor:

- In addition to the uses permitted in the Community Commercial Corridor, the following uses shall also be permitted: Supermarket, Retail Centre, Retirement Home, Hotel, Assembly Hall, Research & Development Establishment, Art Gallery, Commercial Parking Lot, Parking Structure or Garage, and Street Townhouses

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 recommend the approval of the requested amendments. The proposed Site Specific Residential requests are also consistent with the current provisions in the Dain East Plan of Subdivision.

Public Comments:

Only one letter from the public was received from Verbio Biodiesel. Verbio raised concerns that the proposed residential uses could impact their operation and

planned future expansions. Their letter identifies that they understand that the applicant has requested a Class 4 Noise Designation on the property, and they request that this designation be placed on the entire property, as well as warning clauses. Subsequent meetings were held between Verbio and the agent for the applicant, Armstrong Planning and Project Management. As a result of these meetings, it was identified that the proposed residential construction would not impact the ability for Verbio to expand their facility, and their concerns would be satisfied. As a result, City staff can support the request for Class 4 designation of the property.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

Other departments and agencies were circulated the applications for review and comment. Where provided, their comments have been included.

SUMMARY AND CONCLUSION:

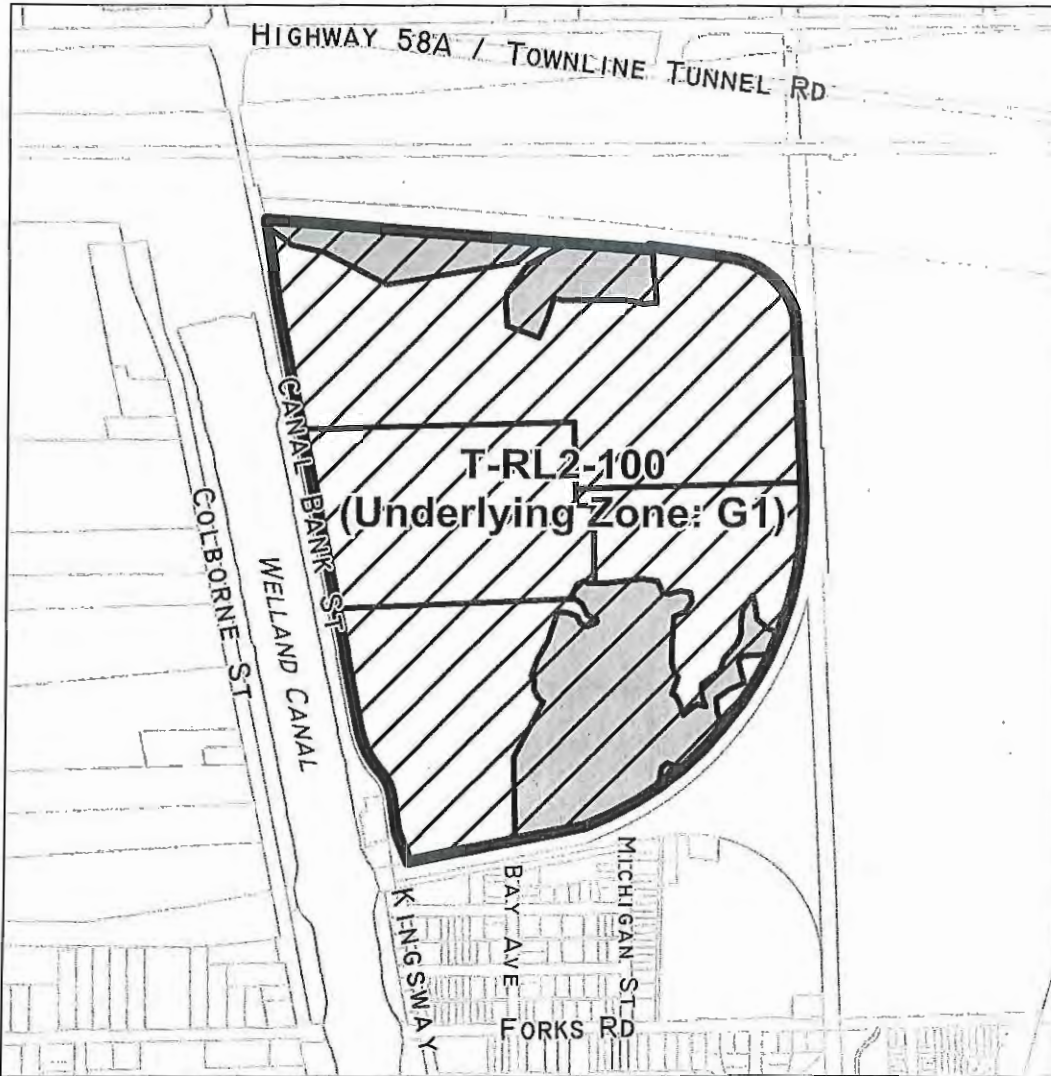
The proposed application for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for the creation of 62 blocks for residential dwellings, one (1) block for mixed use commercial; one (1) school block; four (4) blocks for parks and walkway purposes; four (4) blocks for open space purposes; and one (1) block for stormwater management purposes, represents good planning because:

1. Is consistent with Provincial, Regional and City policies;
2. Will create a complete community with a mix of residential, employment, institutional, and parklands;
3. Will maintain a similar number of jobs on the property as were previously on the property;
4. Uses existing municipal infrastructure and does not require the expansion of these services; and,
5. Will preserve the natural heritage features on the site.




ATTACHMENTS:

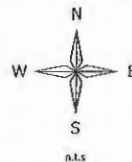
- Appendix I - Location Map
- Appendix II - Aerial Photo of Property
- Appendix III - Draft Plan of Subdivision
- Appendix IV - Draft Official Plan Amendment
- Appendix V - Correspondence

Appendix I
2020-09, OPA 30 & 26T-14-20007



KEY MAP

-  EP
-  EC
-  SUBJECT LANDS






Infrastructure and
Development Services
Planning Division

Appendix II



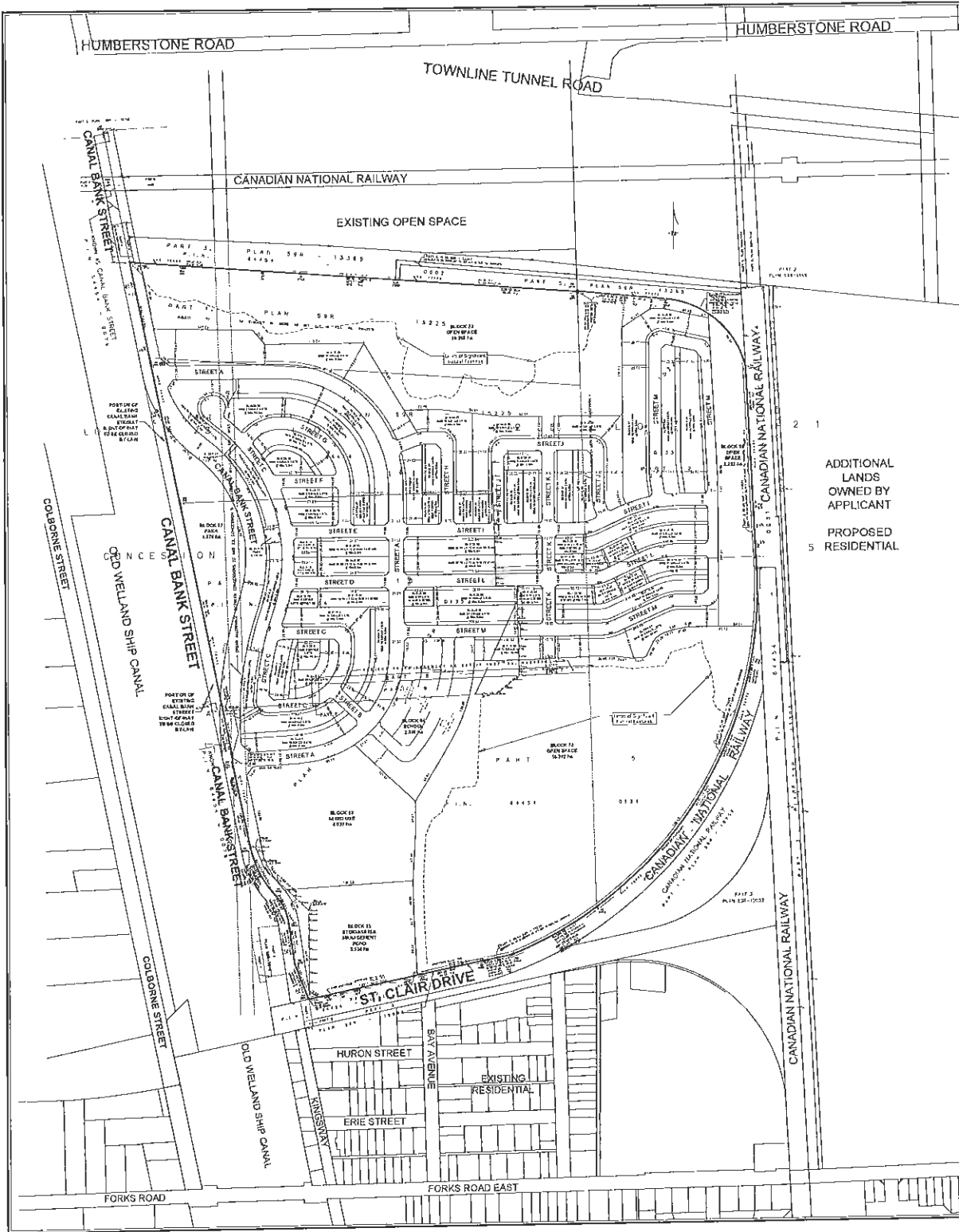
AERIAL PHOTO OF THE SUBJECT LANDS

-  EP 2020-09, OPA 30 & 26T-14-20007
-  EC
-  SUBJECT LANDS



*Infrastructure and
Development Services
Planning Division*

Appendix III



KEY PLAN
 N.T.S.
 ADDITIONAL INFORMATION
 Registered Plan Section 5010
 City of Welland, Welland 1992, 2013

SCHEDULE OF LAND USE

Proposed Land Use	Units	Reference	Area (0.1a)
Residential Single 10.0m	54	B.L.S. 1002201-02	2,052
Residential Single 5.0m	54	B.L.S. 1002201-01 B.L.S. 1002201-03 B.L.S. 1002201-04 B.L.S. 1002201-05	15,447
Residential Rear Access Single 5.0m	60	B.L.S. 1002201-01	1,877
Residential Townhouse 5.5m	202	B.L.S. 1002201-01 B.L.S. 1002201-02 B.L.S. 1002201-03 B.L.S. 1002201-04 B.L.S. 1002201-05	8,711
Mixed Use Below 1	1	B.L.S. 1002201-01	4,002
Summative Management Fund	1	B.L.S. 1002201-01	2,543
Public	1	B.L.S. 1002201-01	2,912
Waterway	1	B.L.S. 1002201-01	1,000
Open Space	1	B.L.S. 1002201-01	26,791
TOTAL	870		74,730

2 1
 5
ADDITIONAL LANDS OWNED BY APPLICANT
PROPOSED RESIDENTIAL

Proposed Summary Yield

Proposed Unit Mix	Unit Count with Alternate 5.0m Townhouse Units	Unit Count with Alternate 5.5m Semi-Detached Units
Residential Single 10.0m	54	54
Residential Single 5.0m	54	54
Residential Rear Line Access Single 5.0m	60	60
Residential Townhouse 5.5m	202	202
Residential Semi-Detached 5.5m		104
TOTAL	870	832

NOTES: 1. Based on the City of Welland's 2013 Official Plan, the proposed units are intended to be used for residential purposes. 2. The proposed units are intended to be used for residential purposes. 3. The proposed units are intended to be used for residential purposes. 4. The proposed units are intended to be used for residential purposes. 5. The proposed units are intended to be used for residential purposes.

5		
4		
3		
2		
1	200 Units of Proposed Unit Mix	March 22, 2021
0	REVISION	DATE

REVISIONS

OWNERS CERTIFICATE
 WE, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE THE SURVEYOR TO PREPARE AND SIGN A DRAFT PLAN OF SUBDIVISION FOR RECORD.
 SIGNED: [Signature] DATE: MARCH 22, 2021

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE SUBJECT LANDS AND THEIR RELATIONSHIP TO THE ADJACENT LOTS ARE ACCURATELY AND COMPLETELY SHOWN ON THIS PLAN.
 SIGNED: [Signature] DATE: MARCH 22, 2021

DAIN CITY WEST DRAFT PLAN OF SUBDIVISION
 PART LOTS 21, 22 AND 23 CONCESSION 5, PART OF THE ROAD ALLOWANCE BETWEEN LOTS 22 AND 23 CONCESSION 5, (CLOSED BY BY-LAW #85, INST. NO. HJ8243) GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, THE CITY OF WELLAND REGIONAL MUNICIPALITY OF NIAGARA

armstrong
 CONSULTANTS

DESIGN: [Signature] SCALE: 1:2000
 APPROVED: [Signature] DATE: February 23, 2021 PROJECT NO: 20-2699-00
 DRAWING NO: Dain City West Subdivision.dwg PHASES 1-2

Appendix IV

AMENDMENT NO. 30
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

MAY 4, 2021

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2021-**

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 30**

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

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

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

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

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

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

1. That the Corporation of the City of Welland hereby adopts Official Plan Amendment No. 30 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 30 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.
3. That Staff is hereby authorized and directed to forward the decision and required materials to the Region of Niagara for approval in accordance with Section 17(23) of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
4TH DAY OF MAY, 2021.**

_____MAYOR

_____CLERK

ii

Amendment No. 30
to the
Official Plan
of the
Corporation of the City of Welland

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on May 4, 2021 and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Date:

GRANT MUNDAY, B.A.A.
DIRECTOR
DEVELOPMENT AND BUILDING SERVICES
THE CORPORATION OF THE CITY OF WELLAND

**AMENDMENT NO. 30 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

PART A - THE PREAMBLE (This does not constitute part of the Amendment) 1
 TITLE AND COMPONENTS..... 1

PART B - THE AMENDMENT 2
 SCHEDULE "A" LAND USE PLAN..... 4

PART C - THE APPENDICES 5
 APPENDIX I - AFFIDAVIT 6
 SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT..... 7
 APPENDIX II - NOTICE OF ADOPTION 8
 APPENDIX III - MINUTES OF PUBLIC MEETING - 10
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 APPENDIX V - COUNCIL RESOLUTION..... 106

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

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 30 to the Official Plan of the Corporation of the City of Welland.

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

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

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

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 30 is to redesignate the lands shown on attached Schedule "A" from Special Policy Area, General Industrial and Core Natural Heritage System to Special Policy Area Low Density Residential, Community Commercial Corridor, Core Natural Heritage System and Parks, Open Space, and Recreation. The purpose of the amendment is to redesignate the lands to allow for a mixed-use subdivision. The Special Policy Low Density Residential will permit a minimum density of 15 units per net hectare and a maximum density of 54 units per net hectare. The uses permitted in the Low Density Residential and Commercial designation shall be those permitted in the Special Policy Area.

LOCATION

The lands are located on the north side of St. Clair Drive, west of the CN Canal Sub Rail Line, south of Highway 58A, and east of the Welland Recreational Canal. The lands are approximately 74 hectares in size.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated General Industrial and Core Natural Heritage System. This amendment for a land use change from employment lands to mixed-use residential is required to retain space for a similar number of jobs to remain accommodated on site, in accordance with Policy 2.2.5.14 of the *A Place to Grow, Growth Plan for the Greater Golden Horseshoe ("Growth Plan")* dated August 2020 in order to permit the proposed residential subdivision within the built boundary in the City of Welland.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 30 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedule A, City Structure Map is hereby amended by identifying additional Environmental Conservation and Environmental Protection Areas on the property.
2. Schedule B, Land Use Map is hereby amended by identifying the lands as Residential, Commercial, and Core Natural Heritage, as well as identifying the special exemption on the property. The Area Specific Policy 4 designation will also be removed from this property.
3. Schedule B1, Residential Hierarchy Land Use Map is hereby amended by identifying a portion of the lands as Low Density Residential and Core Natural Heritage with the special exemption.
4. Schedule B2, Commercial Hierarchy Land Use Map is hereby amended by adding the Community Commercial Corridor area to the map and identifying the special exemption on the property.
5. Schedule C, Core Natural Heritage System Map is here by amended by identifying additional Environmental Conservation and Environmental Protection Areas on the property.
6. Schedule C1, Components of the Natural Heritage System Map is hereby amended by identifying the additional Environmental Conservation Areas on the property.

TEXT CHANGES

1. The Official Plan of the City of Welland is hereby amended by adding the following:

4.2.3.20 Exemptions

- 4.2.3.20 F Notwithstanding the density provisions of Section 4.2.2.2, the lands will be permitted to have a minimum density of 15 units per net hectare and a maximum density of 54 units per net hectare.

The mixed-use employment block designated as community commercial corridor ("Employment Block") shall have no less than 280,000 sq. ft. of space for employment uses to remain accommodated on site, as was concluded in the *Revised Final Report-Employment Area Market Review and Lands Needs*

Study 475, 555 and 675 Canal Bank Street, Welland (dated February 24, 2021) prepared by IBI Group.

The Employment Block is of City and Regional interest since it represents the space retained in accordance with Growth Plan (2020) policy. The Employment Block must be comprehensively planned to achieve the minimum required space. The minimum space area will be calculated on future *Planning Act* applications within the mixed-use employment block, in which the Region will comment through circulation.

Future development proposed within the Employment Block shall be considered with regard to the *Mixed-Use Block & Dain City Economic Cluster* report (dated August 28, 2020) and the *Urban & Architectural Design Guidelines* (revised March 26, 2021) prepared by Armstrong Planning and Project Management, or other documents deemed acceptable by City and Regional staff

SCHEDULE "A" LAND USE PLAN

DRAFT

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 30 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

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

APPENDIX I - AFFIDAVIT

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

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 30 BY BY-
LAW 2021-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON MAY 4, 2021

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

1. I am the Director, Development and Building 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 January 21, 2021. I hereby certify that the required Public Meeting was held virtually on March 2, 2021 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, 2021.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted March 2, 2021 concerning Amendment No. 30 to the Official Plan of the Corporation of the City of Welland .

Opposed

No one

In Favour

Amanda Kosloski, Armstrong Planning & Project Management

APPENDIX II - NOTICE OF ADOPTION

CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 30 TO THE
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND

Take notice that the Council of the Corporation of the City of Welland passed By-law 2021-XX, being a By-law to adopt Amendment No. 30 to the Official Plan on May 4, 2021 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 30 is to redesignate a portion of the property from General Industrial, Core Natural Heritage, and Special Policy Area 4 to Special Exemption Low Density Residential, Special Exemption Community Commercial Corridor, Core Natural Heritage System, and Parks, Open Space, and Recreation. The Low Density Residential Special Exemption will allow for a minimum density of 15 units per net hectare and a maximum of 54 units per net hectare. The Community Commercial Corridor Special Exemption Area will identify Dain City Square a Community Commercial Node and be planned to accommodate up to 280,000 square feet of commercial space (including limited light industrial) and allow residential uses on the ground floor.

The Effect of the redesignation is to allow for the development of the property with a mixed-use subdivision with a mix of single detached, semi-detached, townhouse, apartment and accessory apartment dwellings, commercial, mixed use blocks, as well as parks, stormwater management facilities, natural environment blocks, and potentially an elementary school.

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

The Region of Niagara is the approval authority for this proposed Official Plan Amendment. Any person or public body will be entitled to receive notice of the decision of the Council of the Region of Niagara if a written request to be notified of the decision is made to the Region of Niagara Planning and Development Services at 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7.

The land to which this proposed Amendment to the Official Plan applies is also the subject of a Zoning By-law Amendment (File No. 2020-09) and Draft Plan of Subdivision (26T-14-20007).

A copy of the Amendment and Staff Report are available for inspection by the public as of April 30, 2021 on the City of Welland website www.welland.ca/council/AgendasMinutes.asp.

Dated at the City of Welland this DATE day of MONTH, 2021.

GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
DEVELOPMENT AND BUILDING SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND

APPENDIX III

- *MINUTES OF PUBLIC MEETING* -

DRAFT

APPENDIX IV - STAFF REPORT

DRAFT

APPENDIX V - COUNCIL RESOLUTION

Vickie Lafleur

From: Irene McDonald
Sent: April 29, 2021 10:24 AM
To: Vickie Lafleur
Subject: FW: Notice of Applications - 475, 555, 635 Canal Bank

From: CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>
Sent: November 27, 2020 3:02 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: RE: Notice of Applications - 475, 555, 635 Canal Bank

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,

RE: Notice of Applications - 475, 555, 635 Canal Bank

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

<http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

Crystal Watts



CP Proximity_Ontario
CP_Proximity-Ontario@cpr.ca
 7550 Ogden Dale Road SE, Building 1
 Calgary AB T2C 4X9

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: Friday, November 27, 2020 8:45 AM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Applications - 475, 555, 635 Canal Bank

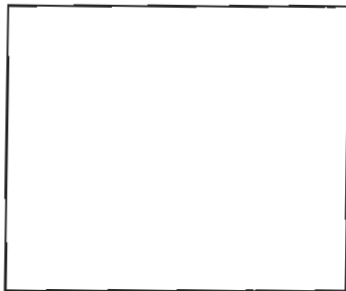
This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Good morning,

Please find notice of applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. These applications were also submitted in conjunction with a Regional Official Plan Amendment. If you require digital copies of any of the documents to begin your review, please let me know and I will forward them to you.

This is not intended to be the formal circulation as part of the Planning Act, but is intended to provide you information to start your review.

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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Rachelle Larocque

From: Stojc, Daniel <stojcd@csvgiamonde.ca>
Sent: February 4, 2021 11:36 AM
To: Rachelle Larocque
Subject: RE: [EXTERNE] - Notice of Public Meeting - 475, 555, 635 Canal Bank Street OPA, ZBA and Draft Plan of Subdivision

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 morning Rachelle,

The Conseil scolaire Viamonde has no comment regarding the OPA, ZBA and Draft Plan of Subdivision for 475, 555, 635 Canal Bank Street.

Also, would it be possible to update our Board's point of contact to have notices sent directly to our Planning department?

If possible, have all future municipal circulations (OPA, ZBA, etc.) sent to : planification@csvgiamonde.ca
 And please remove the following email address from your distribution list: bertrandm@csvgiamonde.ca

If you are unable to do this, could you please redirect me to the point of contact for these types of demands?

Kind regards,

Daniel Stojc
Superviseur de la planification | Supervisor of Planning
 116 Cornelius Parkway | Toronto, On. | M6L 2K5
 Bureau | Office : 416-614-5932
 Cell. : 647-631-2498
 Visitez notre site web à www.csvgiamonde.ca



Conseil scolaire Viamonde

tout est

De : Ladouceur, Miguel <ladouceurm@CSViamonde.ca>

Envoyé : 20 janvier 2021 15:58

À : Stojc, Daniel <stojcd@csvgiamonde.ca>

Objet : TR: [EXTERNE] - Notice of Public Meeting - 475, 555, 635 Canal Bank Street OPA, ZBA and Draft Plan of Subdivision

Miguel Ladouceur

Directeur de l'immobilisation, de l'entretien et de la planification / Director of Building, Maintenance and Planning
 Conseil Scolaire Viamonde

116 Cornelius Parkway, Toronto, Ontario M6L 2K5

Bureau : 416 614-5917

Cellulaire : 416 949-1091

De : Bertrand, Martin <bertrandm@csviamonde.ca>

Envoyé : 20 janvier 2021 15:56

À : Ladouceur, Miguel <ladouceurm@CSViamonde.ca>

Objet : Fwd: [EXTERNE] - Notice of Public Meeting - 475, 555, 635 Canal Bank Street OPA, ZBA and Draft Plan of Subdivision

Atr

Martin Bertrand
 Directeur de l'éducation
 Conseil scolaire Viamonde

Début du message transféré :

De: Rachelle Larocque <rachelle.larocque@welland.ca>

Date: 20 janvier 2021 à 15:54:44 HNE

À: Rachelle Larocque <rachelle.larocque@welland.ca>

Objet: [EXTERNE] - Notice of Public Meeting - 475, 555, 635 Canal Bank Street OPA, ZBA and Draft Plan of Subdivision

Good afternoon,

Please find attached the Notices of Public Meeting regarding the properties at 475, 555, and 635 Canal Bank Street.

Sincerely,

[http://www.welland.ca/_sg/WellandLogo170.png]<<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.welland.ca%2F&data=04%7C01%7Cbertrandm%40csviamonde.ca%7C71b66d5485664ce8dd9308d8bd84e93b%7C67edb56b8ca34cfa85efbff154c7ecd4%7C0%7C0%7C637467728841125663%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAilCjQljojV2luMzliLjBTil6lk1haWwiLCjXVCI6Mn0%3D%7C1000&sdata=hClmqA8Dz6%2FfogAZPuExzlrDCDLrHicUqBUff%2BpuUNY%3D&reserved=0>>

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

Interim Manager of Planning

Development and Building 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<<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.welland.ca%2F&data=04%7C01%7Cbertrandm%40csviamonde.ca%7C71b66d5485664ce8dd9308d8bd84e93b%7C67edb56b8ca34cfa85efbff154c7ecd4%7C0%7C0%7C637467728841135661%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAilCjQljojV2luMzliLjBTil6lk1haWwiLCjXVCI6Mn0%3D%7C1000&sdata=yTvVSh6Dc0iZs2lD7UD0cnWy0SNTFjs%2BMw6VSGri55M%3D&reserved=0>>

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Rachelle Larocque

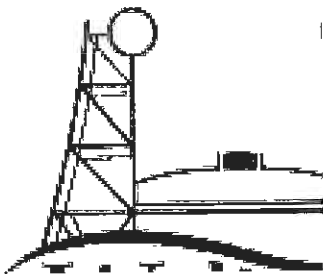
From: Scott Richardson
Sent: January 25, 2021 8:38 AM
To: Rachelle Larocque
Cc: Julie VanLeur
Subject: RE: Notice of Public Meeting - 475, 555, 635 Canal Bank Street OPA, ZBA and Draft Plan of Subdivision

Rachelle,

Please accept these comments as our submission for draft plan approval. If there's anything I am forgetting or you would like to see changed please let me know. These are also provided without the knowledge of other agreements or requirements for Empire Homes to provide infrastructure at their costs.

1. The Developer shall do a master servicing study of the area which will include a future proposed watermain connection to Humberstone Road and the impact it will have on the area. This will take into consideration the proposal for another watermain connection to ensure the safety of supply for the Dain City residents, past and future. A proposal shall be submitted for the alignment and design of the extension.
2. The Developer shall be responsible for the full relocation of Canal Bank St fronting the property at their cost and any associated costs in removing the existing roadway to provide for a waterfront park.
3. The Developer shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards and any other applicable standards that may apply.
4. The Developer shall be responsible for any abandonments of infrastructure that is replaced by new installations where the old infrastructure is not required or abandoned.
5. Any peer reviews or modelling required for the development shall be at the developers cost, if required, at the City's discretion.
6. The Developer shall be responsible for any applications and costs to other governing agencies, i.e. the Niagara Peninsula Conservation Authority, the St. Lawrence Seaway Authority etc for permits required for works on their lands.
7. Applicable securities shall be submitted to the City in accordance with the Subdivision agreement.
8. The Developer shall submit a comprehensive Storm Water Management Report for review and approval by the City of Welland and the Niagara Peninsula Conservation Authority.

Regards,



C. Scott Richardson, C.E.T.
 Project Manager - Development
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Hours: Mon to Fri - 8:30am - 4:30pm
 Phone: (905)735-1700 Ext. 2222
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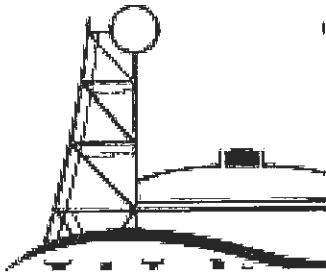
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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: January 20, 2021 3:47 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Public Meeting - 475, 555, 635 Canal Bank Street OPA, ZBA and Draft Plan of Subdivision

Good afternoon,

Please find attached the Notices of Public Meeting regarding the properties at 475, 555, and 635 Canal Bank Street.

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Interim Manager of Planning
Development and Building 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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250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
 Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

January 29, 2021

Our File No.: PLSUB202001040

BY E-MAIL ONLY

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

Attention: Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP Interim Manager of Planning

**Subject: Niagara Peninsula Conservation Authority (NPCA) Comments:
 Application for OPA, ZBA and Draft Plan of Subdivision Application
 555 Canal Bank Street, Dain West Subdivision
 City of Welland
 Applicant: Armstrong Planning and Project Management**

The NPCA has received an application for a Draft Plan of Subdivision, "Dain East Subdivision." The applicant has provided the following documents in support of the application, "Dain West Developments, Welland City Water and Wastewater Servicing – Preliminary Capacity Assessment" Prepared by WSP, dated August 28th, 2020, "Dain City West Draft Plan of Subdivision," Prepared by Armstrong Planning, dated July 9th, 2020, "Preliminary Stormwater Management Plan, Dain West, City of Welland" Prepared by Upper Canada Consultants, dated August 2020, "Phase Two Environmental Site Assessment" Prepared by EXP Services Inc., dated August 20th, 2019, "Environmental Impact Statement, Plan of Subdivision Application, 475/555/635 Canal Bank Street ("Dain West") City of Welland" Prepared by Terrastory Environmental Consulting Inc. dated September 2020, "Pre and Post – Development Specific Water Balance Assessment" Prepared by EXP Services Inc. dated July 10th, 2020.

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 Locally Significant Wetlands and watercourses.

The NPCA has reviewed the above stated studies and offer the following comments for your consideration:

The Slough Forests identified in the northern and southern portions of the site are described as complexes of deciduous woodland and deciduous swamp where pre-settlement landform character and vegetation have largely persisted. These communities are described as providing high quality habitat for a variety of species of conservation concern. Typically, these larger areas of unevaluated wetlands must be evaluated using the OWES protocol and supported by MNRF/NPCA prior to being able to support a proposal. In this case, it is acknowledged that these areas are not adversely impacted by this proposal and appropriate buffer widths have been placed on these unevaluated wetlands to ensure their protection. As such, while the NPCA does recommend that an OWES evaluation of these wetlands be completed to determine their significance, it will not be a Draft Plan condition at this point. Should future development or site alterations be proposed in these areas, further evaluations and reviews by the NPCA may be required at that stage. It should be noted that these unevaluated wetland features are still considered regulated features by the NPCA and are subject to current NPCA policies.

While the Slough Forest wetland complexes are to be preserved based on the proposed draft plan, there are several wetland areas outside of these systems proposed to be removed. These communities account for a total area of 0.312 ha and are proposed to be offset through wetland creation/enhancement. As there appears to be sufficient room outside of other regulated areas to accommodate the wetland compensation/restoration, the NPCA is supportive of this approach in principle. It should be noted that in accordance with NPCA policies, the compensation must be at a minimum 1:1 ratio in terms of both form and function of the wetlands to be removed. A detailed restoration/compensation plan will be required for review and approval by the NPCA. This has been added to the Draft Plan conditions.

Buffers to the Slough Forests have been proposed as follows: 15 m where forest/woodland or thicket vegetation communities form the greatest limit of the Slough Forests and 30 m where wetland communities form the greatest extent of the Slough Forests. These buffer widths are supported by the Site-Specific Water Balance Assessment and Hydrogeological Investigation reports. These reports document a maximum expected radius of groundwater influence from construction activities to be 9.1 m. As such, the NPCA is supportive of the proposed buffer widths. These buffers shall be indicated on the Draft Plan. A Draft Plan condition has been added to address this.

The EIS has identified that many of the watercourses present on the property were constructed as an attempt to drain the Slough Forests. The condition of these watercourses is documented in detail in the EIS and the NPCA attended the site on November 20, 2020 to verify their condition. The NPCA has no objection to the removal of these features from the landscape as they were constructed artificially and serve no benefit to the wetland.

The NPCA notes that there is an outlet proposed to drain into the Welland Recreational Canal, there is no objections to this design, however a work permit from the NPCA will be required to undertake these works.

To conclude, NPCA staff have no objections to the application as it relates to NPCA policies, subject to the Conditions of Draft Plan Approval below.

Conditions of Draft Plan Approval

1. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval.
2. That a Limit of Work Fence be shown on the Grading Plan, 15 m where forest/woodland or thicket vegetation communities form the greatest limit of the Slough Forests and 30 m where wetland communities form the greatest extent of the Slough Forests to the satisfaction of the NPCA.

3. That the Draft Plan be revised to include the delineated boundaries of the natural heritage features on site and the required buffers associated with those features as recommended within the EIS.
4. That Blocks 72 and 72 be zoned Environmental Protection or an equivalent category that provides an appropriate level of protection, to the satisfaction of the NPCA.
5. That the Developer provide a Wetland Restoration and Enhancement Plan to indicate how the loss of the 0.312 ha of unevaluated wetlands are to be compensated for to the satisfaction of the Niagara Peninsula Conservation Authority. This plan must show that the wetlands are being compensated at a minimum 1:1 ratio in terms of wetland form and function. Scoping of the Restoration and Enhancement Plan is to be obtained from the Niagara Peninsula Conservation Authority and implementation of the Wetland Restoration/Enhancement Plan is to be done through an NPCA Work Permit.
6. That the Developer obtain Work Permits from the Niagara Peninsula Conservation Authority prior to removal of the existing wetlands on the subject lands and prior to construction of the proposed new wetlands within the NPCA regulated buffer areas. In support of the Work Permit applications, the following will be required:
 - a. A detailed compensation plan that indicates the design of the proposed wetland, construction methodology, material details, etc. (the Developer is to scope this requirement with the Niagara Peninsula Conservation Authority staff prior to submitting a Work Permit application);
 - b. A detailed monitoring plan; and
 - c. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
7. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer, or regulated watercourse (the Welland Recreational Canal) including the but not limited to any proposed comprehensive trail system and Stormwater outfall. In support of the Work Permit applications, the following information may be required:
 - a. A buffer planting plan.
 - b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Provincially Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
8. That the Developer provide 1.5-metre-high chain link fencing along the boundaries of Block 72 and 73. Fencing should also be established along the boundary of Blocks 41 and 61 with Block 66 to the satisfaction of the Niagara Peninsula Conservation Authority.
9. That conditions 1 to 8 above be incorporated into the Subdivision Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

I hope this information is helpful. Please provide a copy of any staff reports for Committee/Council consideration. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica Abrahamse".

Jessica Abrahamse, M.E.S.
Watershed Planner, NPCA

cc:
Ms. Rachelle Larocque, MCIP, RPP, City of Welland
Mr. Amanda Koloski MCIP, RPP, Armstrong Planning (email only)
Mrs. Lindsay Earl, MCIP, RPP, Region of Niagara (email only)
Ms. Sarah Mastroianni, NPCA (email only)
Mr. Adam Aldworth, NPCA (email only)

Rachelle Larocque

From: Dolly.Shetty@HydroOne.com on behalf of LandUsePlanning@HydroOne.com
Sent: December 3, 2020 1:26 PM
To: Rachelle Larocque
Subject: Niagara - TOWNLINE TUNNEL RD & CANAL BANK ST, WELLAND - 555 Canal Bank - 26T-14-20007 - draft plan of subdivision

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Hello,

We are in receipt of Application 26T-14-20007 dated November 30, 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' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

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If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty

Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road (R32)

Markham, ON | L6G 1B7

Email: Dolly.Shetty@HydroOne.com



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From: DE RANGO Dennis <Dennis.DERANGO@HydroOne.com>
Sent: Monday, November 30, 2020 8:34 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>
Subject: FW: Notice of Applications - 475, 555, 635 Canal Bank

From: Rachelle Larocque [<mailto:rachelle.larocque@welland.ca>]
Sent: Friday, November 27, 2020 10:45 AM
To: Rachelle Larocque
Subject: Notice of Applications - 475, 555, 635 Canal Bank

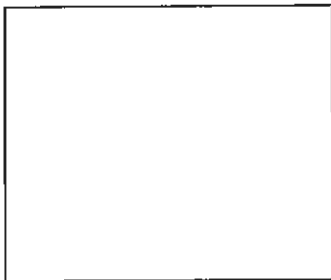
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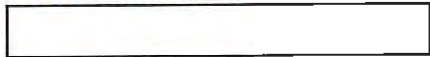
Please find notice of applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. These applications were also submitted in conjunction with a Regional Official Plan Amendment. If you require digital copies of any of the documents to begin your review, please let me know and I will forward them to you.

This is not intended to be the formal circulation as part of the Planning Act, but is intended to provide you information to start your review.

Take care,



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

From: Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>
Sent: November 30, 2020 11:51 AM
To: Rachelle Larocque
Cc: Boucetta, Alexandra (MTO); Saulnier, Kyle (MTO)
Subject: RE: Notice of Applications - 475, 555, 635 Canal Bank

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Morning Rachelle,

Thank you for your circulating this application to our attention.

As per our discussion, we will only be providing preliminary comments at this time as the subject application(s) are incomplete.

Ministry (MTO) comments are as follows:

- In principle, we have no objection to the proposed Zoning By-law/Official Plan Amendments and the Draft Plan of Subdivision application.
- Subject lands are within the ministry's permit control limit (extends up to 800m from MTO lands); hence, ministry permits will be required (e.g. grading/servicing, building and land use, etc..). Please make the proponent aware that MTO permits will need to be secured prior to the commencement of any on-site works.
- If applicable, setbacks will be a minimum of 14.0m from all ministry lands. No features which are essential to the overall viability of the site are permitted within the MTO 14.0m setback area. Essential features include, but are not limited to, buildings/structures (above or below grade), required parking spaces (required per the municipal zoning by-law), retaining walls, utilities (includes parking lot lighting), stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14 m setback area and must be set back a minimum of 3m from the MTO property line. Information regarding the application process, forms and the policy can be found at the link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

- As part of the subdivision application process, MTO will most likely impose lighting, drainage and traffic draft plan conditions. Any required highway improvements as a result of the subject application will require the proponent to enter into a legal agreement with MTO. Proponent will be 100% responsible for all associated costs.

- The following materials will most likely need to be submitted by the proponent to support MTO's draft plan conditions:
 - One (1) digital copy of the subdivision;
 - One (1) digital copy of the civil engineering plans, stamped and signed by a Professional Engineer of Ontario;
 - One (1) digital copy of a Stormwater Management Report, stamped and signed by a Professional Engineer of Ontario;
 - One (1) digital copy of the Traffic Impact Study, prepared by a RAQS qualified consultant, stamped and signed by a Professional Engineer of Ontario.
 - One (1) digital copy of the Landscape Plans.
 - One (1) digital copy of the Illumination Plan and associated materials. The Illumination Plan is to include:
 - To-scale plan showing the site location and the highway
 - Lighting layout showing pole/luminaire locations and orientation
 - Luminaire installation info such as mounting height, orientation angle, shielding info, etc.
 - Luminaire material info including catalog info and photometric data file
 - Lighting calculation plan showing horizontal illuminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum

Regarding light trespass onto MTO right-of-way, it is Central Region practice to have zero light trespass onto MTO right-of-way.

Please ensure that the MTO 14.0 m setback line is clearly and accurately illustrated on all plans. Also, non-essential parking within the 14 m setback must be clearly identified with a note on all plans.

All plans/materials and/or technical submissions must adhere to MTO standards.

- I will be the MTO contact for this site moving forward. Please continue to circulate all future correspondence to my attention.

I trust that this is satisfactory at this time. Please do not hesitate to contact me if you have any questions.

Take care,
 Ted Lagakos
 Senior Project Manager (Niagara/Hamilton)
 Highway Corridor Management Section - Central Operations

Ministry of Transportation
 159 Sir William Hearst Avenue, 7th Floor
 Toronto, ON M3M 0B7

Phone: 416-268-3932

E-Mail: ted.lagakos@ontario.ca

Web: www.mto.gov.on.ca/english/engineering/management/corridor



From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: November 27, 2020 10:45 AM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Applications - 475, 555, 635 Canal Bank

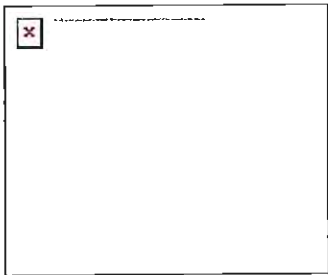
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Good morning,

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This is not intended to be the formal circulation as part of the Planning Act, but is intended to provide you information to start your review.

Take care,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Planning Division
Infrastructure and Development Services
Corporation of the City of Welland
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Via Email Only

February 23, 2021

Files: D.13.11.ROPA-20-0002
D.10.11.OPA-20-0025
D.18.11.ZA-20-0060
D.11.11.SD-20-0035Amanda Kosloski, RPP
VP, Planning & Project Management
Armstrong Planning & Project Management
1600 Steeles Avenue West, Suite 318
Vaughan, ON, L4K 4M2

Dear Ms. Kosloski:

**Re: Preliminary Regional and Provincial Review Comments
Regional Official Plan Amendment
Local Official Plan and Zoning By-law Amendments
Draft Plan of Subdivision
Agent: Armstrong Planning & Project Management
Applicant: 555 Canal Bank Developments GP Inc.
475-635 Canal Bank Street
City of Welland**

Regional Planning and Development Services staff has reviewed the applications and supporting studies submitted by Armstrong Planning & Project Management on behalf of 555 Canal Bank Developments GP Inc. The Regional Official Plan Amendment (ROPA 19) will consist of mapping changes to remove the subject employment lands from the Gateway Economic Centre designation on Schedule G2 in order to facilitate the change in land use from employment to residential. The applications propose a mixed-use subdivision that would allow for a maximum development of 870 residential dwelling units consisting of a mix of detached dwellings, semi-detached dwellings and townhouse dwellings, a 4.0-hectare mixed-use employment block, a stormwater management pond, an elementary school, parks and open space on approximately 74 hectares of land.

Concurrent applications for a local Official Plan Amendment (OPA) 30, a Zoning By-law Amendment and Draft Plan of Subdivision have also been submitted to the City of Welland. The local and Regional Official Plan Amendments will be processed concurrently.

Through our review of these applications, which is the culmination of a collaborative process involving the proponent and City and Regional staff, the Region is supportive, in principle, to the redevelopment of these lands. As such, Regional staff offer the following preliminary comments from a Regional and ~~Provincial~~ Provincial perspective to assist in identifying the required revisions to the plans/studies submitted in support of these applications.

Regional and Provincial Policies

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

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

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

Regional Official Plan Amendment

The ROPA proposes to remove the employment land designation from Schedule G2 to facilitate the redevelopment of the subject lands from vacant industrial (previously John Deere) to a residential and mixed-use subdivision.

It was also determined through staff's review of the technical studies that an additional amendment is required to refine/delineate the boundaries of the existing "Environmental Conservation Area" and add "Environmental Protection Area" to the subject lands on Schedule C.

Local Official Plan Amendment

The local Official Plan Amendment proposes to change the designation of the property from the existing Special Policy Area #4, General Industrial and Core Natural Heritage to Special Policy Area Low Density Residential, Special Policy Area Community Commercial Corridor, Open Space and Recreation and Core Natural Heritage in the City of Welland Official Plan. The purpose of the Amendment in the Low Density Residential Special Policy designation is to allow for a maximum density of 54 units per

net hectare. The Community Commercial Corridor Special Policy is to allow, in addition to the uses permitted in this designation: supermarket, retail centre, retirement home, hotel, assembly hall, research and development establishment, art gallery, commercial parking lot, parking structure or garage, and street townhouses.

Zoning By-law Amendment

The Zoning By-law Amendment Application proposes to rezone the property from the existing temporary Site Specific Residential Low Density 2 with the underlying General Industrial (G1) and Environmental Conservation Overlay (EC) to a Site Specific Residential Low Density 2 (RL2), Site Specific Community Commercial Corridor (CC2), Neighbourhood Open Space (O1), Environmental Conservation Overlay (EC), and Holding Site Specific Institutional (INS1).

The zoning will provide site specific provisions for lot coverage, frontage, area, setbacks and building height. It also amends the definition of 'Landscaping' to include walkways; to allow parking spaces in garages to be a minimum size of 3 metres by 6 metres (etc.) and that the maximum number of units per block will be identified on the Draft Plan of Subdivision, but the number of new lots created shall not exceed 870 lots, not including parkland, open space, and stormwater management blocks.

The purpose of the Site Specific Zoning is to allow supermarket, retail centre, retirement home, hotel, assembly hall, research and development establishment, art gallery, commercial parking lot, parking structure or garage, and street townhouses in addition to the uses already permitted in the CC2 Zone, as well as to eliminate the maximum lot coverage and create specific front yard provisions. The purpose of the Holding Special Exception Institutional Zone is to allow for an Elementary School on the property, however, if the option for the construction of a school is not realized within five years of registration of the subdivision, the lands can be developed with residential uses, subject to the site specific Residential Low Density 2 provisions.

Regional staff notes that the uses permitted in the CC2 zone includes mini storage. Staff are of the opinion that uses such as these are not exclusively "job generating" and should one be proposed, it would significantly reduce the remnant area available within the "space to be retained for a similar number of jobs" which is required as part of this land use change proposal. As such, staff request that this use be prohibited on site.

Draft Plan of Subdivision

Regional staff offers no objection to the information provided with respect to the unit types, counts, density and the proposed Phasing plan in the *Planning Justification Report (PJR)* prepared by Armstrong Planning (dated September 4, 2020). In order to adequately address the appropriate phasing of the development, future conditions of draft plan approval will be provided at a later date.

Employment Land Needs Assessment –Policy Review

Through the Region's Employment Strategy work, Regional staff determined that City of Welland has an appropriate supply of Employment Area lands to support growth to 2051 and that the subject lands are not an Employment Area under the *Growth Plan* even with the removal of the subject lands through the land use change.

As the ROPA application is not considered a conversion of employment area, it is being processed as a land use change of employment land where Policy 2.2.5.14 of the *Growth Plan* is applicable:

“Outside of Employment Areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.”

The above policy is critical in how the Region reviews and considers the proposed amendment. As such, the proposed applications identify 285,000 square feet of space to be accommodated on site. This requirement will be incorporated into the draft Official Plan Amendments.

Regional staff are expecting the consultant to re-issue the correct version/calculations within the Employment Land Needs Assessment. Regional staff have provided those comments directly to the consultant and are therefore not repeated here.

Urban Design

The design of this mixed-use community is thoughtfully planned and will add vibrancy to this area of Welland. This new neighbourhood provides some variation in housing in the centre of the plan that will be ringed by open spaces and the Recreational Canal. If the community design of streetscapes and parks and the architectural design of the buildings strive and reach a high quality of design excellence – the condition for an enticing and unique new neighbourhood can benefit the City and the Region. Staff has prepared urban design comments below to provide suggestions on how to encourage the design to include more principles and means for achieving a complete community.

Comments on overall subdivision from PJR

2.0 Proposed Development - Table 1 (page 10)

The table describes the breakdown of residential units as follows: 870 units, with less than 25% attached units (semi's and towns). In order to achieve a more compact form contributing to a complete community with a greater mix of housing options, it is encouraged that the amount of semi-detached and townhome units are increased. From an urban design perspective there are opportunities where a more intensified housing form is appropriate and should be considered. For instance, around the elementary school – such as the Block just east of the school site. Another opportunity can be the

integration of townhouse forms within the central section of the through-lot ribbon fronting onto Canal Bank Street.

In addition, the degree of architectural variation between a 10m min lot width and an 8m min. lot width is limited and visually negligible. Consider an 11m min lot width for RL2 zoning as this can provide for a greater degree of architectural variation and house plan types. A wider minimum lot size will decrease yield within this designation which can be offset through the integration of denser forms within the plan.

Figure 5: Draft Plan (page 45)

Street Network: Consider revising the cul-de-sac along the north end of Street C to a more connected network, such as a crescent street. Alternatively, the plan can be rearranged so as to remove the bulb and terminate Street "C" and the intersection with Street "G" forming a large parcel which may be appropriate for a medium density apartment building or a townhouse condominium. This can enhance the range of housing options whilst optimizing the use of land.

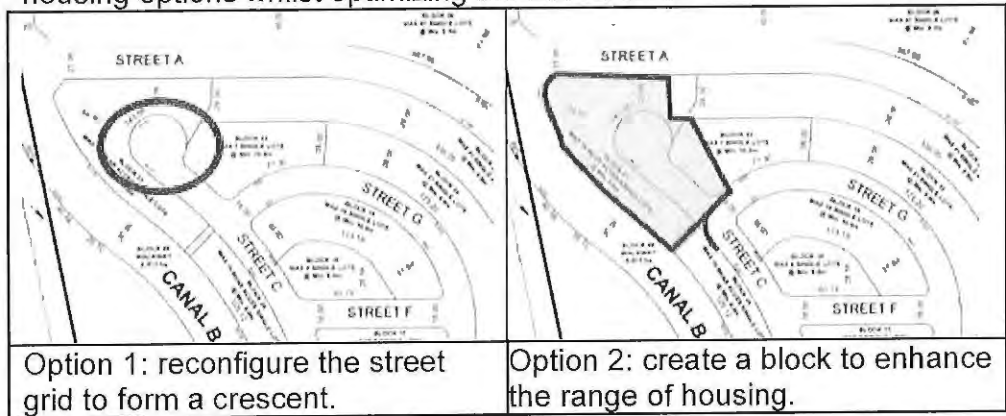


Figure 10: Land Use (page 50)

Canal Street Blocks and Land Uses: It is recommended that the through-lot designation of homes fronting onto Canal Bank Street (shown in yellow with hatching) is extended along the entire frontage of Canal Street (towards Street A) so as to avoid the potential of a back-lotting condition at either Canal Bank Street or Street "C".

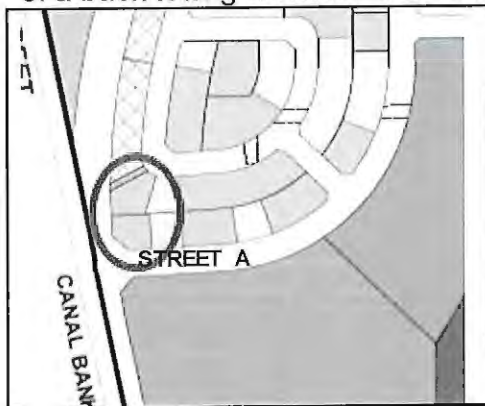


Figure 6: Open Space and Trail Plan (page 46)

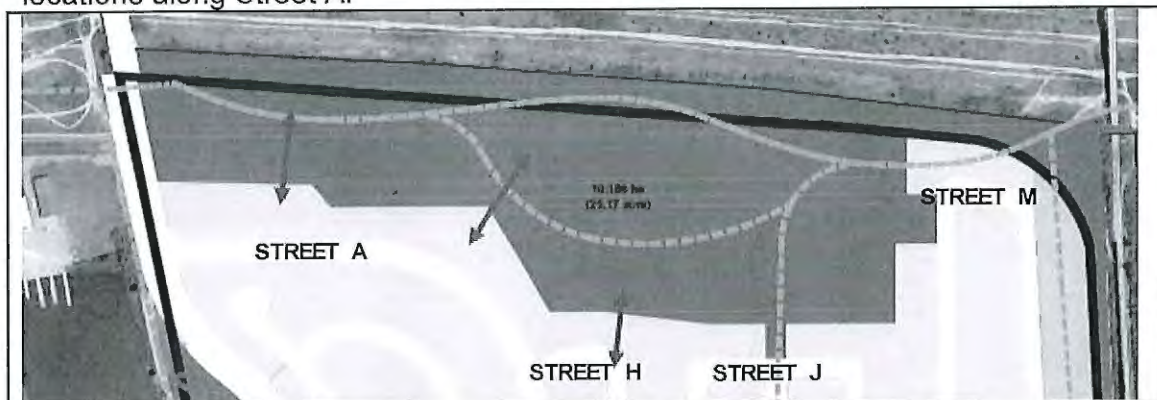
The Stormwater Management Block provides an opportunity to serve an additional function as passive open space. It is recommended that a conceptual plan is created that includes a walking trail network, in addition to the one trail that is shown. This could overlap with the required maintenance path used to maintain this facility.

**Comments on Urban Design and Architectural Guidelines (August 24, 2020)**3.2 Gateways and Community Entrances (page 4)

This section describes potential materials, formats, themes and scales. However, the conceptual design of gateways is not included. Please also provide a plan for the number and location of gateways.

4.0 Parks and Open Space System (pages 4-5)

This section notes that "parks and open spaces should be connected by a network of trails through green spaces and public rights-of-way". Consider providing additional connections to Open Space Block 73. Currently, there are only two connection proposed (from Streets J and M). Other connection points could include Street H, and 2 locations along Street A.

5.0 Community Architecture (page 6)5.1 Design Principles of Residential Architecture

- The fourth bullet point recommends wrap around porches for corner lots. This should be expanded to note that any elevation facing a street should include an enhanced facade including ample glazing and architectural detailing.

5.1.1 Low Density Development (page 7)

- Consider adding a guideline about the proportion of garage door width compared to the overall width of the façade.
- Consider adding a guideline that promotes a variety of garage door types.

5.1.1.2 Townhome Design (page 7)

- Consider adding a guideline that defines the maximum length/units of a townhome block in order to promote a pedestrian scale to the built form.

5.1.1.4 Covered Front Porches (page 9)

- Consider adding a guideline that requires front porches to be designed to accommodate outdoor seating.

5.1.1.6 Roof Designs (page 9)

- Consider adding a guideline about creating a variety of rooflines along the street in order to create an overall rhythm and composition. This is a typical component of architectural guidelines. Variation is a best practice that achieves visually diverse streetscapes that provide a rewarding built environment that enhances walkability and placemaking.

5.1.2 Priority Lot, Architectural Guidelines (pages 10-11)

- Figure 1 does not cover the entire Draft Plan. It should be expanded to illustrate the whole subdivision.
- Additionally, only 2 types of priority lots are mentioned: Corner lots and Terminus lots. There are several more types of priority lots that are contained within this subdivision:
 - Community gateway dwellings (at entrances to the subdivision)
 - Upgraded side and/or rear elevations (units flanking or backing onto parks and open space)
 - Dwellings facing parks (Canal Street plus Street M)
 - Through Lots (Canal Street and Street C interface)

Consider providing additional design guidelines for:

- Fencing
- Utility and meter locations (e.g. AC units, gas & hydro meters)

5.2 Principles for Commercial (page 13)

5.2.1 Architectural

- Consider adding additional design guidance that Elevations facing public streets should have active front entrances (not back of house uses) with vision glass (not spandrel glass or graphic panels).

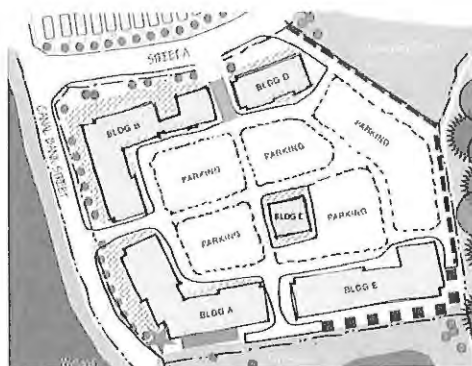
5.2.3 Parking & Vehicular Access (pages 13-14)

- Consider revising the guideline that addresses the siting of loading and services areas plus utility meters to state that these elements should not face a public street.
- Consider adding a guideline that the design of the internal vehicular network has the look and feel of a street network, rather than a parking lot. In other words, these internal driveways should include a pedestrian network consisting of sidewalks, and planting areas for deciduous (shade) trees.

Staff suggest adding a section within the guidelines to provide relevant design guidance for achieving architectural variation. This is a typical component of architectural guidelines that provides criteria for how building elevations along a streetscape can be varied through architectural style, form, materials, colours, roof-lines, and accenting. Such criteria is an important aspect of ensuring that house plans and elevations are not duplicated and repeated which limits the degree of architectural interest and diminishes the potential for an authentic sense of place. Variation is a best practice that achieves visually diverse streetscapes that provide a rewarding built environment that enhances walkability and placemaking.

Comments on Mixed-Use Block and Dain City Economic Cluster Letter, prepared by Armstrong Planning (August, 2020)

The concept has addressed previous urban design comments. The suggestions below may assist in improving the site design:



- Provide an appropriate landscape strip between the proposed driveway from Street A that leads to Building E. This will provide a separation to the school site and woodlot. This space will be used for drainage, snow storage and will also provide a visual buffer to the school site. See dashed red line.

- Remove the westerly vehicular entrance from Street A and replace with a garbage/loading/service area for Buildings B and D. This will improve the public realm and will have less of an impact on parking. See orange rectangle.
- Page 5: Building A includes the daycare use. It is recommended that this use is not included along the frontage of Canal Street. A more active commercial use is recommended for this frontage. Please also revise the concept to reflect the concept sketch on Page 14, which indicates an outdoor play area. Ensure that it is visually and physically buffered from the loading area between Buildings A and E. See pink rectangle.
- Please also indicate conceptually a gateway or placemaking element at the south corner of Building A. See blue star.
- Page 6: Building D is described, but does not include how many proposed storeys. Please clarify.
- Page 6-7: Based upon the description of uses for Building E (light industrial, workshops, warehouses, etc.) it may be beneficial to include a driveway along the rear of the building for roll up doors, and loading activities. See purple dashed line.

Environmental Site Assessment

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. Regional staff are aware that previous Environmental Assessments were completed on the subject lands along with a Risk Assessment (RA) and Record of Site Condition (RSC) filed in 2004. However, as O.Reg. 153/04 has been amended, since the filing of these reports, additional studies have been completed to update and supplement the data from the previous reports. A *Preliminary Phase One Environmental Site Assessment (ESA)* by EXP Services Inc. (dated March 29, 2019) has been submitted to address potential contamination associated with land use activities on the subject property.

Historical documents and previous reports noted that the Site was formerly occupied by John Deere (a farm equipment manufacturing operation from 1911 to 2009). Based on the findings of the study, the report noted that the site was listed as a registered waste generator and listed for spill incidents, the facility included several existing or former above-ground or underground storage tanks, fill material of unknown environmental quality was brought to the site, a former railway track was located on site, and a former railyard associated with a spill incident, an oil refining and production industry and a transformer substation located on adjacent properties. The report concluded that given these areas of potential environmental concern (APECs) on the subject property a Phase Two ESA which includes additional soil and groundwater sampling and chemical analysis testing is required prior to filing a RSC.

A *Phase Two Environmental Site Assessment (ESA)* by EXP Services Inc. (dated August 20, 2019) was submitted to assess the areas of potential environmental concern as outlined above. The study sampled boreholes along with new and previously

installed monitoring wells and found a number of soil and groundwater parameters to be above the applicable Ministry of Environment, Conservation and Parks (MECP) (2011) Table 3 standards.

Based on the findings, a delineation program is recommended to determine the extent of impacts in soil and groundwater along with a potential remedial program to address on-site impacts. Upon completion of the remedial program, the Phase Two will be updated for the filing of the RSC.

Environmentally Sensitive Features

The report noted that there are environmental conservation areas at the north and southeast corner of the property and that lands within 30 metres would be considered environmentally sensitive and therefore subject to MECP Table 1 standards. However, the report stated that only lands beyond 30 metres are considered part of the site and would be subject to the future filling of the RSC (therefore Table 3 standards would apply).

Regional staff would request that a graphic representation (map) be provided from the consultant that aligns the environmental conservation area features (north and southeast corner) with the 30 metre setback and the draft plan of subdivision overlay to justify using the MECP Table 3 standards and not Table 1.

Land Use Compatibility

A Land Use Compatibility-Air Quality Assessment prepared by SLR Consulting Canada Ltd. (dated July 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, Conservation and Parks (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 required to meet the MECP guidelines for air quality contaminants at their property line. The MECP does not require industries to assess their emission at elevated points off site if a receptor does not exist at that location. The report concluded that while the introduction of the mixed-use employment block could trigger the facility to re-assess compliance at new receptor locations, the current proposal of low rise commercial buildings are not anticipated to trigger compliance issues for the facility.

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 in the opposite direction away from the proposed development.

The report concluded that the proposed design (which includes an Open space block) acts as a buffer between the development and the industrial uses. As such, 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.

Noise and Vibration

The subject lands are situated adjacent to both an industrial facility operational railway lines to the east and south, 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 August 31, 2020) was submitted in support of the applications.

Class 4 Designation

Regional staff notes that the applicant 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 easterly lot line immediately adjacent to the rail line. Regional staff notes that the Noise Assessment has been prepared based on Class 4 dBA thresholds.

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 for the draft plan of subdivision) will be required to apply the Class 4 designation in this instance.

Transportation Noise

Based on the Consultants evaluation, sound level predictions were made at the worst-case location. With no mitigation, future sound levels are expected to exceed MECP guideline limits at some of the dwellings within the development. The recommendations to address the excesses are outlined below.

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. 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.

Overall, the results of the assessment indicate that it is feasible to achieve the MECP/CN sound level guidelines at the proposed residential development provided the following recommendations for noise control are implemented;

- The dwelling units closes to the rail lines at the north will required forced air ventilation
- The dwelling units closest to Canal Bank Street will require central air conditioning systems and upgraded building constructions and windows to address road traffic sound levels.
- Warning clauses for all residential units within 300 m of the rail lines identifying presence of the rail lines and that sound from railway operations may at time be audible and that railway operations may change in the future.
- A detailed traffic noise study should be conducted prior to the registration of the western and northern portion of the subdivision for the lands adjacent to Highway #58a/CN rail and Canal Bank Street to determine the noise impact based on road and rail traffic information and grading, lotting and phasing information available at that time.
- The first row of lots adjacent to the CN rail are assessed based on Class 4 designation and sound level criteria.
- A berm/barrier constructed to shield two-storey homes along the eastern portion of the property.

- Warning clauses for all residential lots with exposure to Verbio Diesel Canada informing future residents of the presence of the industrial operations and that those operations could change in the future.

Core Natural Heritage System

Regional Environmental Planning staff have reviewed the supporting documentation submitted in support of the development applications and offer the following;

In summary, staff are satisfied with the survey methods and effort supporting the submitted EIS work, however additional analysis and supporting documentation is requested to ensure no significant negative impact to the natural heritage system. Additional meetings between agency staff and subsequently with the applicant would be helpful in ensuring the next submission is adequate in addressing comments and fulfilling the following requirements.

An *Environmental Impact Study* (EIS) prepared by Terrastory Environmental Consulting Inc. (September 2020) was submitted in support of the proposed development as required by Regional and Local Official Plan (OP) policies. The purpose of the EIS was to demonstrate that, over the long-term, there will be no significant negative impact to the Core Natural Heritage System (CNHS) components or adjacent lands. The EIS confirmed the presence of Environmental Conservation Area (ECA) throughout the subject lands associated with Significant Woodland, Significant Wildlife Habitat (SWH) and unevaluated wetlands. The EIS also indicates that potential and confirmed habitat of Endangered species is present within the subject lands as well as potential fish habitat (subject to DFO confirmation).

Environmental Planning staff have reviewed the EIS and are generally in agreement that the proposed development can be accommodated in this location without a significant negative impact to the CNHS. Staff note that the level of survey effort and documentation of features impacting the subject lands was comprehensive. Staff also acknowledge that a Trails Plan will be proposed at a future application stage and note that additional environmental studies will likely be required to support that Plan.

As it relates to the removal of Significant Woodland on the property, the EIS has predominately addressed any concerns but staff require additional information to confirm that the test of no negative impact is achievable. Additional details are provided below. In summary, based on our review of the EIS and supplementary information, several concerns were identified that need to be addressed in an EIS Addendum. The following items are required to be addressed in any forthcoming submissions.

Outstanding Concerns

1. Staff request additional details as it relates to the proposed configuration of Linear Park Block 66. Staff are concerned that the width currently proposed for Block 66 may not be adequate given the future uses proposed (e.g., Railway Acoustic Berm, Natural Trail, Anuran movement corridor, etc.). To alleviate staff concerns, a preliminary design/restoration plan is requested that outlines the extent of the required footprint for the Railway Acoustic Berm (e.g., height, width, etc.), a preliminary design for a future

pedestrian trail, and details related to the construction of Anuran breeding habitat (i.e., location of constructed vernal pools). In addition, staff require assurance that any potential conflicts between wildlife and the proposed adjacent road network (Street M) have been adequately considered, including the identification of mitigation measures, if deemed necessary. The Region does not support wetland creation within a Park Block.

2. A main function of the woodland area proposed for removal is a movement corridor. Staff are concerned that the proposed wildlife linkage function between Block 73 and Block 66 is currently impeded by the residential use proposed for Block 41. Staff request that modifications to the Draft Plan be considered in this area. Specifically, the elimination of Block 41, realignment of Street M, and possibly a slight reduction to Blocks 42 and 43 would enhance the wildlife corridor function in this portion of the subject lands.

3. Figure 7 of the EIS (Draft Plan of Subdivision and Conceptual Restoration and Enhancement Areas) does not currently propose restoration or enhancement of the lands located directly north of Block 41 (within the Applicant Owned Easement). Staff request clarification of why this area has not been included. The same comment applies to the buffer lands directly adjacent to Blocks 72 and 73 that are not currently identified in Figure 7 for restoration or enhancement. In addition, staff request that the future restoration and enhancement plan include Park Block 67 and all lands adjacent to the Welland Recreational Canal within the applicant's ownership.

4. Staff request that the proposed zoning of Blocks 72 and 73 be changed from Open Space to a more appropriate environmental conservation zone (e.g., EPA). Block 66 should also be changed from Open Space to a more appropriate environmental conservation zone (e.g., ECA) to better reflect the restorative linkage function proposed in this area. Further, the habitat extent of the Endangered Spoon-leaved Moss in Block 72 is required to be zoned EPA.

5. The EIS indicates that correspondence from the Department of Fisheries and Oceans (DFO) is required to determine the extent of Fish Habitat on the subject lands. Staff require a copy of all agency correspondence and/or confirmation that the DFO self-assessment concluded that the project will result in no harm to fish habitat.

6. Restoration is currently proposed in the Applicant Owned Easement located directly north of the subject lands. Staff request additional details as it relates to the legal ability to protect this area from future incompatible uses.

7. The EIS Addendum should include additional opportunities to enhance the subject lands and mitigate potential future negative impacts. Specifically, guidance related to street lighting (i.e., lighting that meets Dark Sky Friendly environmentally responsible lighting guidelines) and street tree requirements (i.e., predominately native species that complement the adjacent vegetation communities) as well as opportunities to educate land owners about the sensitivity of the natural features in their neighbourhood should be identified.

8. All future submissions should include a section that addresses how the test of no negative impact is being achieved as it relates to the removal of Significant Woodland on

the subject lands. Specifically, a compensation ratio should be identified that indicates both the total amount of woodland being removed and the total amount of woodland being restored/enhanced on the subject lands. A characterization of both should also accompany this section to aid staff in determining whether the proposed compensation ratio is sufficient.

Additional information is requested to confirm that the proposal will not have significant negative impacts on the CNHS. An EIS Addendum (with changes clearly identified to facilitate review, preferably in the form of a comment matrix) is requested to address the concerns summarized above.

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, the NPCA should be consulted with respect to the PSW and unevaluated wetlands and requirements under the NPCA Regulations. If NPCA comments regarding the PSW and unevaluated wetlands differ from those above, NPCA comments should take precedence.

Archaeology

As the subject brownfield property did not meet the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) criteria for evaluating archaeological potential, and does not exhibit potential for archaeological findings, 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

General Site Servicing

Regional staff note that servicing will be under the jurisdiction of the City of Welland and will require the construction of water, sanitary and storm services for the proposed development area. As a condition of draft plan approval, the Region must review and approve any new/extended 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 the Region for review and approval.

Regional Services

The Regional Dain City Sewage Pumping Station (SPS) and forcemain service the area for Dain City which includes these lands. The Dain City sanitary system is impacted by significant peak wet weather flows. The City has started a sanitary flow monitoring program to analyze where inflows are occurring and what measures are required to

reduce inflow to help alleviate past flooding to the Dain City Pumping Station. As noted in the FSR, reduction of these wet weather flows is essential in order to provide adequate servicing capacity for development.

There is currently a construction project underway to replace the entire Dain City SPS forcemain which is being completed in five (5) phases. Phases 1 and 2 have been completed and Phase 3 is underway which will see the forcemain completed to the Canal Bank Bridge. The remaining two phases are currently scheduled to be completed in 2021, pending budget approvals. It is anticipated that the new forcemain will be able to service the ultimate build out of Dain City as currently proposed.

The new forcemain is being constructed along the current alignment of Canal Bank Road which, based on the draft plan, will be realigned to allow for a park along the canal. The Region will require an easement over the proposed forcemain alignment for future access and maintenance.

Additionally, a sustainability upgrade project for the Dain City SPS is currently underway in the design phase with construction forecasted for 2022. The goal of the upgrades is to increase efficiency with completely new generator, pumps, controls, electrical and roof. This upgrade will result in a firm capacity of 115 l/s (same as the existing ECA at this time). Currently the average dry weather flow to the station is approximately 5 L/s. After this upgrade, future increases in capacity will likely require only the changing of pumps and possibly the pump MCC.

As noted above, there is currently some capacity for development at the Dain City SPS with an average dry weather flow of 5 L/s and a firm capacity of 115 L/s available. It will be important to understand the timing and phasing of the proposed development to ensure that the future upgrade of capacity at Dain City SPS can be appropriately timed and budgeted for. The sanitary flows at the Dain City SPS will be monitored on a continual basis and an upgrade to the capacity will be implemented in the future depending on actual flows received.

Based on the FSR reviewed, a recent City of Welland study required that existing wet weather flow in the system would need to be reviewed prior to proposed flows for this draft plan being added to the system. The report acknowledges that the calculated wet weather flow for the site would remove enough wet weather flow to address this requirement. The Region will require verification that the calculated flows being removed match the actual flows being removed from the system. The Region would recommend that post development flow monitoring be required in the subdivision agreement to ensure that each phase of the development is meeting the expected targets (see example flow monitoring conditions in the attached appendix). As such, the FSR should also be revised to address the following:

- Sewage generation flow rate should be to City standards and not the Regional standards;

- Current C of A for Dain City SPS is 115 l/s, not 94
- Existing FM is 300mm, not 250mm

Additionally, the Niagara Region has just commenced the 2021 Water & Wastewater Master Servicing Plan (MSP) which will review the anticipated development across all of Niagara to the year 2051 and the required infrastructure improvements, staging, and timing of projects to support the growth. This 2021 W&WW MSP will consist of reviewing and analyzing all Regional water and wastewater infrastructure including the Dain City SPS and the downstream infrastructure to the Welland Wastewater Treatment Plant.

Stormwater Management

Niagara Region staff have reviewed the 'Preliminary Stormwater Management Plan Dain West (dated August 2020)' and the conceptual servicing/grading plan all by Upper Canada Consultants. Based on our review of this document, staff offers the following comments:

- 1) The Niagara Region will require stormwater runoff from the development be captured and treated to an Enhanced standard prior to discharge to a recreational water.
 - The stormwater management (SWM) plan proposes a wet pond to settle down sediment/contaminants from the entire development area to meet an Enhanced level of protection. The Niagara Region has no objection in principle to this approach to meet the requirement.
 - The proposed pond outlet is to cross the Regional water forcemain on Canal Bank Street. The Region requires a minimum 0.5 m separation between the forcemain invert and storm pipe obvert. Details of storm pond outlet will be required prior to approval.
- 2) The Niagara Region will not require stormwater peak flow control if the development will discharge to the Canal directly. The Region would suggest overland flows from the development be directed to a series of existing culverts crossing Canal Bank Street to minimize overland flows crossing the road.
- 3) The drainage area to the Gio Rail culvert crossing will decrease from the existing 36.19ha to the proposed 16.89ha. With respect to the culvert hydraulic conditions, the Region has no objection to this proposal.
- 4) The 'Water Balance Assessment (dated July 10, 2020 by Exp)' requires roof leaders disconnected from the storm sewer system across the Site to meet the post-to-pre water balance. The Region requires clarification whether building roofs of Blocks 63 (mixed use) & 64 (school) are required to be disconnected and what specific measures and criteria are.
- 5) The Region requires the following be addressed in the final SWM plan:
 - Update the site soil and groundwater conditions based on the Geotechnical Investigation Report. The SWM pond may need a layer to cut off water exchange, as the monitored groundwater table is 1.2-1.8 m below grade.

- Use an appropriate imperviousness (40%~50%) in the modelling to reflect the SWM block (2.24 ha) hydrologic character, which will contain a permanent pool.
- Supply information (water level in the existing ditch, topography survey, etc.) to justify the proposed rim elevation of the ditch inlet is appropriate, in order to prevent Northern Slough Forest from being over-drained in the future.
- Include the specific requirements regarding roof leader disconnection for mixed use and school blocks.

Traffic Impact Study

Regional Transportation staff have reviewed the *Dain West Draft Plan of Subdivision – Traffic Impact Study* by WSP (dated July, 2020). Regional staff acknowledge a majority of the study roadways are under the jurisdiction of the Ministry of Transportation or the City of Welland. While there will inevitably be an increase in traffic along several of Niagara Region's roadways, it appears manageable and the corresponding intersections are not under Niagara Region's jurisdiction. It seems that all traffic signals involving Niagara Region's roadways also involve the Ministry of Transportation Ontario's roadways. As a result, the Region offers no comment regarding the recommendations for signalization at several intersections (warranted or not).

Waste Management

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

Proposed Residential Lots:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage bag/can.

The draft plan of subdivision was reviewed for the potential for Regional waste collection services to be provided throughout the subdivision, however, further review will be required once the engineering design for the roads has been finalized and the final drawings submitted. In order to receive Regional curbside waste collection services, the proposed road network will need to be in compliance with Niagara Region's Corporate Waste Collection Policy.

Regional staff note in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy.

The required forms and policy can be found at the following link:
www.niagararegion.ca/waste

Conclusion

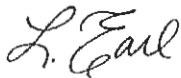
Based on the discussion above, Regional staff supports, in principle, the redevelopment of 475-635 Canal Bank Street through the Regional Official Plan Amendment and concurrent Draft Plan of Subdivision, Local Official Plan and Zoning By-law Amendment Applications. Regional staff notes that it is important to ensure that the design of the proposed development reflects the City's future vision for Dain City and surrounding area.

Through these preliminary comments, the Region has indicated that further technical studies and/or designs relating to the employment land needs calculations, natural heritage features, urban design/road networks and servicing etc. will need to be submitted in support of the applications and that the design layout of the draft plan may warrant additional changes. Regional staff will provide more detailed comments including required draft plan conditions at a later date.

The Region appreciates the opportunity to comment on these applications and notes that staff continues to be available to work with the City and applicant throughout this process. As such, the Region respectfully requests that any revised Draft Plan designs and any additional technical studies be circulated to our office for Regional review and comment.

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

Best regards,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

Attch: Appendix 1- Example of Flow Monitoring Conditions

cc: Pat Busnelllo, MCIP, RPP, Acting Director, Development Approvals, Niagara Region
Susan Dunsmore, P.Eng., Manager, Development Engineering, Niagara Region
Rachelle Larocque, MCIP, RPP, Interim Manager of Planning, City of Welland
David Deluce, MCIP, RPP, Manager, Plan Review & Regulation, Niagara Peninsula
Conservation Authority

Appendix I- Example of Flow Monitoring Conditions:

The City and Region will be implementing flow monitoring conditions in the agreement to ensure that flow monitoring of the site provides evidence that no additional wet weather flow is being received by the sanitary system once the site has been developed.

This is an example of the potential conditions that will be included in the subdivision/condominium agreement for this development:

Sanitary Sewer Flow Monitoring Program

1. Prior to release of the securities, the City will review all inspection testing for the completed sanitary sewers. Inspections may include:
 - a) Video inspections;
 - b) Mainline sewer and manhole leak testing results;
 - c) Field reviews;
 - d) Daily inspection reports, including as-built location records, by the Consulting Engineer;
 - e) Other requirements as determined by the Director of Municipal Works including, but limited to, flow monitoring.

2. Unacceptable results based on the above requirements may result in the refusal of the release of the securities by the Director of Municipal Works. If the Director of Municipal Works determines, based on reasonable criteria, that a particular sanitary sewer system is not functioning satisfactorily, the Owner shall, at its own expense, if required in writing by the City, rehabilitate or reinstall the particular sanitary sewer system components which do not function satisfactorily. Region/City may require a flow monitoring verification at the downstream end of the sanitary sewer system to be implemented by a contractor from the Regional/Municipal approved contractors list to verify there is no additional wet weather flow impacting the sanitary system. Release of securities will not be issued until the Director of Municipal Works deems that flows are acceptable.

Expectations for the flow monitoring program may be as follows:

1. The flow monitor shall remain in place until at least three (3) significant rainfall events are captured after occupancy of all buildings within the applicable phase of the development. City and Regional staff will review the flow monitoring report prior to assumption of the services to determine if additional flow monitoring is required. If the wet weather flows exceed the permissible short term allowance, the flow

monitor shall remain in place for a period of no less than six (6) months after remedial works have been completed or at least three (3) significant rainfall events were captured to prove, to the satisfaction of the Director of Municipal Works, the newly constructed infrastructure is within acceptable capacity limits.

For information classification of significant event criteria:

- Greater than 5 mm rain depth;
- Peak intensity of more than 10 mm/h;
- Significant I/I response, which is seen as high system flow during rainfall and elevated flow after the rain;

The calculations that are submitted in the brief and once reviewed and approved by both City and Regional staff will set the target flow rates that the flow monitoring will be compared and analyzed against after construction has taken place.

Via Email Only

April 26, 2021

Files: D.13.11.ROPA-20-0002
 D.10.11.OPA-20-0025
 D.18.11.ZA-20-0060
 D.11.11.SD-20-0035

Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning
 Development and Building Services
 Corporation of the City of Welland
 60 East Main Street,
 Welland, Ontario L3B 3X4

Dear Ms. Larocque,

**Re: Regional and Provincial Review Comments
 Regional Official Plan Amendment
 Local Official Plan and Zoning By-law Amendments
 Draft Plan of Subdivision
 Agent: Armstrong Planning & Project Management
 Applicant: 555 Canal Bank Developments GP Inc.
 475-635 Canal Bank Street
 City of Welland**

Regional Planning and Development Services staff has reviewed the applications and supporting studies submitted by Armstrong Planning & Project Management on behalf of 555 Canal Bank Developments GP Inc. The applications propose a mixed-use subdivision that would allow for a maximum development of 870 residential dwelling units consisting of a mix of detached, semi-detached and townhouse dwellings, a 4.0-hectare mixed-use employment block, a stormwater management pond, an elementary school, parks and open space on approximately 74 hectares of land.

The Regional Official Plan Amendment (ROPA 19) will consist of mapping changes to remove the subject employment lands from the Gateway Economic Centre designation on Schedule G2 in order to facilitate the change in land use from employment to residential. As well as refine/delineate the boundaries of the existing "Environmental Conservation Area" and add "Environmental Protection Area" to the subject lands on Schedule C of the Regional Official Plan.

Concurrent applications for a local Official Plan Amendment (OPA 30), a Zoning By-law Amendment and Draft Plan of Subdivision have also been submitted to the City of

Welland. The local and Regional Official Plan Amendments will be processed concurrently.

Preliminary Regional review comments were provided to the City on February 23, 2021. Since that time, the applicant has revised the proposed layout of the Draft Plan of Subdivision (updated March 22, 2021) which resulted in minor revisions to Blocks 41 & 73 to adequately address the limit of the core natural heritage features with Block 66 reclassified as Open Space. The applicant has also provided additional supplementary information with respect to the employment land needs study, environmental impact study, urban design, and the planning justification. Regional staff have reviewed the revisions and documents and offer the following comments to assist the City in their consideration of these applications from a Regional and Provincial perspective.

Regional and Provincial Policies

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

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

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

Local Official Plan Amendment

The local Official Plan Amendment proposes to change the designation of the property from the existing Special Policy Area #4, General Industrial and Core Natural Heritage to Special Policy Area Low Density Residential, Special Policy Area Community Commercial Corridor, Open Space and Recreation and Core Natural Heritage in the City of Welland Official Plan. The purpose of the Amendment in the Low Density Residential Special Policy designation is to allow for a maximum density of 54 units per net hectare. The Community Commercial Corridor Special Policy is to allow, in addition to the uses permitted in this designation: supermarket, retail centre, retirement home, hotel, assembly hall, research and development establishment, art gallery, commercial parking lot, parking structure or garage, and street townhouses.

Zoning By-law Amendment

The Zoning By-law Amendment Application proposes to rezone the property from the existing temporary Site Specific Residential Low Density 2 with the underlying General Industrial (G1) and Environmental Conservation Overlay (EC) to a Site Specific Residential Low Density 2 (RL2), Site Specific Community Commercial Corridor (CC2), Neighbourhood Open Space (O1), Environmental Conservation Overlay (EC), and Holding Site Specific Institutional (INS1).

The zoning will provide site specific provisions for lot coverage, frontage, area, setbacks and building height. It also amends the definition of 'Landscaping' to include walkways; to allow parking spaces in garages to be a minimum size of 3 metres by 6 metres (etc.) and that the maximum number of units per block will be identified on the Draft Plan of Subdivision, but the number of new lots created shall not exceed 870 lots, not including parkland, open space, and stormwater management blocks.

The purpose of the Site Specific Zoning is to allow supermarket, retail centre, retirement home, hotel, assembly hall, research and development establishment, art gallery, commercial parking lot, parking structure or garage, and street townhouses in addition to the uses already permitted in the CC2 Zone, as well as to eliminate the maximum lot coverage and create specific front yard provisions. The purpose of the Holding Special Exception Institutional Zone is to allow for an Elementary School on the property, however, if the option for the construction of a school is not realized within five years of registration of the subdivision, the lands can be developed with residential uses, subject to the site specific Residential Low Density 2 provisions.

Regional staff notes that the uses permitted in the CC2 zone includes mini storage. Staff are of the opinion that uses such as these are not exclusively "job generating" and should one be proposed, it would significantly reduce the remnant area available within the "space to be retained for a similar number of jobs" which is required as part of this land use change proposal. As such, staff suggest that these type of uses be prohibited on site.

It has also been determined through our review that certain features within the Core Natural Heritage System shall be placed in an appropriate protective zone category and that the Official Plan and Zoning By-law Amendments adequately incorporate these features. This is discussed further in this letter under Core Natural Heritage System comments below.

Draft Plan of Subdivision

Regional staff offers no objection to the information provided with respect to the unit types, counts, and density identified in the *Planning Rationale Report* (dated September 4, 2020) and the *Planning Rationale Report Addendum* (dated April 7, 2021) both prepared by Armstrong Planning & Project Management.

The report stated that the development of the subject site will be phased in such a way as to compliment development of the approved Dain East Subdivision.

City staff has confirmed that each Phase of the subdivision will be registered separately as development progresses on site. As such, the applicant shall submit supporting documentation required to address items including but not limited to; detailed noise study, servicing capacity, stormwater management and curb side collection of waste and recycling in order for Regional staff to clear draft plan conditions prior to registration of each Phase. These items are discussed in more detail below.

Employment Land Needs Assessment –Policy Review

Through the Region’s Employment Strategy work, Regional staff determined that City of Welland has an appropriate supply of Employment Area lands to support growth to 2051 and that the subject lands are not an Employment Area, as defined under the *Growth Plan*, even with the removal of the subject lands through the land use change.

As the ROPA application is not considered a conversion of employment area, it is being processed as a land use change of employment land where Policy 2.2.5.14 of the *Growth Plan* is applicable:

“Outside of Employment Areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.”

The above policy is critical in how the Region reviews and considers the proposed amendment. As such, the proposed applications identify 285,000 square feet of space to be accommodated on site. Regional staff has reviewed and accepted the *Revised Final Report-Employment Area Market Review and Lands Needs Study* (dated February 24, 2021) prepared by IBI Group and notes that this policy requirement has also been adequately incorporated into the local Official Plan Amendment along with a condition of draft plan approval included in the attached Appendix.

Urban Design

The design of this mixed-use community is thoughtfully planned and will add vibrancy to this area of Welland. This new neighbourhood provides some variation in housing in the centre of the plan that will be ringed by open spaces and the Recreational Canal. The community design of streetscapes and parks and the architectural design of the buildings strive and reach a high quality of design excellence – the condition for an enticing and unique new neighbourhood can benefit the City and the Region.

Regional staff has reviewed the proposed Dain West Subdivision *Urban & Architectural Design Guidelines* by Armstrong Planning & Project Management (revised March 26,

2021) as well as the revised draft plan and notes that this submission has generally addressed the Region's initial urban design comments. As such, an appropriate condition has been included in the attached Appendix.

Archaeology

As the subject brownfield property did not meet the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) criteria for evaluating archaeological potential, and does not exhibit potential for archaeological findings, 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. An appropriate condition of draft approval has been included in the attached Appendix.

Environmental Site Assessment

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. Regional staff are aware that previous Environmental Assessments were completed on the subject lands along with a Risk Assessment (RA) and Record of Site Condition (RSC) filed in 2004. However, as O.Reg. 153/04 has been amended, since the filing of these reports, additional studies have been completed to update and supplement the data from the previous reports. A *Preliminary Phase One Environmental Site Assessment (ESA)* by EXP Services Inc. (dated March 29, 2019) has been submitted to address potential contamination associated with land use activities on the subject property.

Historical documents and previous reports noted that the Site was formerly occupied by John Deere (a farm equipment manufacturing operation from 1911 to 2009). Based on the findings of the study, the report noted that the site was listed as a registered waste generator and listed for spill incidents, the facility included several existing or former above-ground or underground storage tanks, fill material of unknown environmental quality was brought to the site, a former railway track was located on site, and a former railyard associated with a spill incident, an oil refining and production industry and a transformer substation located on adjacent properties. The report concluded that given these areas of potential environmental concern (APECs) on the subject property a Phase Two ESA which includes additional soil and groundwater sampling and chemical analysis testing is required prior to filing a RSC.

A *Phase Two Environmental Site Assessment (ESA)* by EXP Services Inc. (dated August 20, 2019) was submitted to assess the areas of potential environmental concern as outlined above. The study sampled boreholes along with new and previously installed monitoring wells and found a number of soil and groundwater parameters to be above the applicable Ministry of Environment, Conservation and Parks (MECP) (2011) Table 3 standards. Based on the findings, a delineation program is recommended to

determine the extent of impacts in soil and groundwater along with a potential remedial program to address on-site impacts. Upon completion of the remedial program, the Phase Two will be updated for the filing of the RSC. 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 (as amended) 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 July 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, Conservation and Parks (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 required to meet the MECP guidelines for air quality contaminants at their property line. The MECP does not require industries to assess their emission at elevated points off site if a receptor does not exist at that location. The report concluded that while the introduction of the mixed-use employment block could trigger the facility to re-assess compliance at new receptor locations, the current proposal of low rise commercial buildings are not anticipated to trigger compliance issues for the facility.

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 in the opposite direction away from the proposed development.

The report concluded that the proposed design (which includes an Open Space block) acts as a buffer between the development and the industrial uses. As such, 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, appropriate conditions are included in the Appendix

indicating 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.

Noise and Vibration

The subject lands are situated adjacent to both an industrial facility operational railway lines to the east and south, 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 August 31, 2020) was submitted in support of the applications.

Class 4 Designation

Regional staff notes that the applicant 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 easterly lot line immediately adjacent to the rail line. Regional staff notes that the Noise Assessment has been prepared based on Class 4 dBA thresholds.

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 for the Draft Plan of Subdivision) will be required to apply the Class 4 designation in this instance.

Transportation Noise

Based on the Consultants evaluation, sound level predictions were made at the worst-case location. With no mitigation, future sound levels are expected to exceed MECP guideline limits at some of the dwellings within the development. The recommendations to address the excesses are outlined below.

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. 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.

Overall, the results of the assessment indicate that it is feasible to achieve the MECP/CN sound level guidelines at the proposed residential development provided the following recommendations for noise control are implemented and are included in the attached Appendix;

- The dwelling units closest to the rail lines at the north will require forced air ventilation
- The dwelling units closest to Canal Bank Street will require central air conditioning systems and upgraded building constructions and windows to address road traffic sound levels.
- Warning clauses for all residential units within 300 m of the rail lines identifying presence of the rail lines and that sound from railway operations may at time be audible and that railway operations may change in the future.
- A detailed traffic noise study should be conducted prior to the registration of the western and northern portion of the subdivision for the lands adjacent to Highway #58a/CN rail and Canal Bank Street to determine the noise impact based on road and rail traffic information and grading, lotting and phasing information available at that time.
- The first row of lots adjacent to the CN rail are assessed based on Class 4 designation and sound level criteria.
- A berm/barrier constructed to shield two-storey homes along the eastern portion of the property.
- Warning clauses for all residential lots with exposure to Verbio Diesel Canada informing future residents of the presence of the industrial operations and that those operations could change in the future.

Core Natural Heritage System

Regional Environmental Planning staff have reviewed the following supporting documentation submitted in support of the applications:

- *Environmental Impact Study* by Terrastory Environmental Consulting Inc.(dated September 2020),

- *Environmental Impact Study Addendum* by Terrastory Environmental Consulting Inc. (dated April 6, 2021),
- Dain City West Draft Plan of Subdivision by Armstrong Planning & Project Management (dated February 23, 2021),
- Pre and Post-Development Site Specific Water Balance Assessment by EXP Services Inc. (dated July 10, 2020),
- Preliminary Stormwater Management Plan – Dain West by Upper Canada Consultants (dated August 2020), and
- Planning Rationale Report by Armstrong Planning & Project Management, dated March 26, 2021.

The updated reports were submitted in response to Regional comments provided to Armstrong Planning & Project Management via email on January 13, 2021, which included 8 items identified by environmental planning staff in need of additional information and clarification.

In summary, Regional Environmental Planning staff are satisfied that the EIS and EIS Addendum demonstrates that the development can be accommodated without significant negative impact to the natural features, provided that the mitigation measures outlined in the EIS and EIS Addendum are implemented, and provided that all required authorizations are received from applicable regulatory agencies. As such, conditions of draft approval are included in the attached Appendix.

Staff note that the Local Official Plan schedule should align with the Regional Official Plan schedule for the ECA and EPA mapping.

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

Servicing

General Site Servicing

Regional staff note that servicing will be under the jurisdiction of the City of Welland and will require the construction of water, sanitary and storm services for the proposed development area. As a condition of draft plan approval, the Region must review and approve any new/extended 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 the Region for review and approval.

Regional Services

The Regional Dain City Sewage Pumping Station (SPS) and forcemain service the area for Dain City which includes these lands. The Dain City sanitary system is impacted by significant peak wet weather flows. The City has started a sanitary flow monitoring program to analyze where inflows are occurring and what measures are required to reduce inflow to help alleviate past flooding to the Dain City Pumping Station. As noted in the *Preliminary Servicing Capacity Assessment Report* by WSP Canada Group Ltd. (dated August 28, 2020), reduction of these wet weather flows is essential in order to provide adequate servicing capacity for development.

There is currently a construction project underway to replace the entire Dain City SPS forcemain which is being completed in five (5) phases. Phases 1 and 2 have been completed and Phase 3 is underway which will see the forcemain completed to the Canal Bank Bridge. The remaining two phases are currently scheduled to be completed in 2021, pending budget approvals. It is anticipated that the new forcemain will be able to service the ultimate build out of Dain City as currently proposed.

The new forcemain is being constructed along the current alignment of Canal Bank Road which, based on the draft plan, will be realigned to allow for a park along the canal. The Region will require an easement over the proposed forcemain alignment for future access and maintenance.

Additionally, a sustainability upgrade project for the Dain City SPS is currently underway in the design phase with construction forecasted for 2022. The goal of the upgrades is to increase efficiency with completely new generator, pumps, controls, electrical and roof. This upgrade will result in a firm capacity of 115 l/s (same as the existing ECA at this time). Currently the average dry weather flow to the station is approximately 5 L/s. After this upgrade, future increases in capacity will likely require only the changing of pumps and possibly the pump MCC.

As noted above, there is currently some capacity for development at the Dain City SPS with an average dry weather flow of 5 L/s and a firm capacity of 115 L/s available. It will be important to understand the timing and phasing of the proposed development to ensure that the future upgrade of capacity at Dain City SPS can be appropriately timed and budgeted for. The sanitary flows at the Dain City SPS will be monitored on a continual basis and an upgrade to the capacity will be implemented in the future depending on actual flows received.

Based on WSP's report, a recent City of Welland study required that existing wet weather flow in the system would need to be reviewed prior to proposed flows for this draft plan being added to the system. The report acknowledges that the calculated wet weather flow for the site would remove enough wet weather flow to address this requirement. The Region will require verification that the calculated flows being removed match the actual flows being removed from the system. The Region would recommend that post development flow monitoring be required in the Subdivision Agreement to ensure that each phase of the development is meeting the expected

targets. As such, appropriate conditions have been included in the attached Appendix with respect to servicing.

Additionally, the Niagara Region has just commenced the 2021 Water & Wastewater Master Servicing Plan (MSP) which will review the anticipated development across all of Niagara to the year 2051 and the required infrastructure improvements, staging, and timing of projects to support the growth. This 2021 W&WW MSP will consist of reviewing and analyzing all Regional water and wastewater infrastructure including the Dain City SPS and the downstream infrastructure to the Welland Wastewater Treatment Plant.

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 - Update the site soil and groundwater conditions based on the Geotechnical Investigation Report. The SWM pond may need a layer to cut off water exchange, as the monitored groundwater table is 1.2-1.8 m below grade.

- Use an appropriate imperviousness (40%~50%) in the modelling to reflect the SWM block (2.24 ha) hydrologic character, which will contain a permanent pool.
- Supply information (water level in the existing ditch, topography survey, etc.) to justify the proposed rim elevation of the ditch inlet is appropriate, in order to prevent Northern Slough Forest from being over-drained in the future.
- Include the specific requirements regarding roof leader disconnection for mixed use and school blocks.

The appropriate conditions have been included in the attached Appendix with respect to Stormwater management for this development.

Traffic Impact Study

Regional Transportation staff have reviewed the *Dain West Draft Plan of Subdivision – Traffic Impact Study* by WSP (dated July, 2020). Regional staff acknowledge a majority of the study roadways are under the jurisdiction of the Ministry of Transportation or the City of Welland. While there will inevitably be an increase in traffic along several of Niagara Region's roadways, it appears manageable and the corresponding intersections are not under Niagara Region's jurisdiction. It seems that all traffic signals involving Niagara Region's roadways also involve the Ministry of Transportation Ontario's roadways. As a result, the Region offers no comment regarding the recommendations for signalization at several intersections (warranted or not).

Waste Management

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

Proposed Residential Lots:

- No limit blue/grey containers;
- No limit green containers; and,
- 2 garbage bags/cans bi-weekly.

The Draft Plan of Subdivision was reviewed for the potential for Regional waste collection services to be provided throughout the subdivision, however, further review will be required once the engineering design for the roads has been finalized and the final drawings submitted. In order to receive Regional curbside waste collection services, the proposed road network will need to be in compliance with Niagara

Region's Corporate Waste Collection Policy. As such conditions with respect to waste management have been included in the attached Appendix.

The required forms and policy can be found at the following link:
www.niagararegion.ca/waste

Conclusion

Through our detailed review of these applications, which is the culmination of a collaborative process involving the proponent and City and Regional staff, the Region is supportive, in principle, of the redevelopment of 475-635 Canal Bank Street as the proposed applications are considered to align with the intent and direction of Regional and Provincial policy and will provide for the remediation and clean-up of this underutilized brownfield site. As such, Regional Planning and Development Services staff would offer no objections 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.

Regional Staff has reviewed and revised the draft local Official Plan Amendment to ensure consistency with the ROPA application. Once the Region receives notice of adoption from the City, the local OPA (30) will be brought forward with ROPA 19 concurrently for Regional Council's consideration. Staff notes that the corresponding mapping schedules for both OPA 30 and the zoning by-law should align with the Regional Official Plan schedule for the ECA and EPA mapping.

Please send notice of Council's decision on these applications and a copy of the amendments as adopted for our files. If you have any questions or wish to discuss these comments, please contact me at lindsay.earl@niagararegion.ca.

Best regards,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

Attch: Appendix - Regional Conditions of Draft Plan of Subdivision

cc: Diana Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region
Pat Busnello, MCIP, RPP, Manager, Development 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 SUBDIVISION
475-635 Canal Bank Street, Welland

1. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the mixed-use employment block designated as community commercial corridor ("Employment Block") shall have no less than 280,000 sq. ft. of space for employment uses to remain accommodated on site, in accordance with the *Revised Final Report-Employment Area Market Review and Lands Needs Study 475, 555 and 675 Canal Bank Street, Welland* (dated February 24, 2021) prepared by IBI Group.
2. That the Subdivision Agreement between the owner and the City contain appropriate provisions stating that the Employment Block is of City and Regional interest since it represents the space retained in accordance with Growth Plan (2020) policy. The Employment Block must be comprehensively planned to achieve the minimum required space. The minimum space area will be calculated on future *Planning Act* applications within the mixed-use employment block, in which the Region will comment through circulation.
3. That the Subdivision Agreement between the owner and the City contain appropriate provisions stating that the future development proposed within the Employment Block shall be considered with regard to the *Mixed-Use Block & Dain City Economic Cluster* report (dated August 28, 2020) and the *Urban & Architectural Design Guidelines* (revised March 26, 2021) prepared by Armstrong Planning and Project Management, or other documents deemed acceptable by City and Regional staff.
4. That the Subdivision Agreement between the owner and the City contain appropriate provisions whereby the owner agrees to implement the approved *Urban & Architectural Design Guidelines* (revised March 26, 2021) prepared by Armstrong Planning and Project Management to the satisfaction of the City of Welland.
5. 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)”.

6. 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.
7. 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 July 2020).
8. 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”.
9. 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 August 31, 2020).
10. That the owner submit a detailed noise study prior to final registration of the western and northern portions of the Subdivision adjacent to Highway #58A/CN Rail corridor and Canal Bank Street to determine noise impact based on road and rail traffic information, grading information and lotting and phasing information available at that time.
11. That the Subdivision Agreement between the owner and the City contain provisions whereby the owner agrees to construct an acoustic barrier (earth berm and noise barrier) with minimum heights, as shown in Figure 8 in the *Noise and Vibration Feasibility Study* prepared by HGC Engineering (dated August 31, 2020).
12. That the City of Welland formally consent to apply a Class 4 designation and sound level criteria on the first row of lots adjacent to the CN Rail (operated by GIO Rail Holding Inc.) which includes Block 43 and part of Block 41, 44, 45, 59, 60, and 61.

13. That the following warning clause be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for the properties with a Class 4 designation:

“Purchasers/tenants are advised that sound levels due to the adjacent industry and rail operations are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.”

14. 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.

15. That the Subdivision Agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Section 5.0 of the *Environmental Impact Study* (EIS) prepared by Terrastory Environmental Consulting Inc. (dated September 2020) and on pages 6 & 7 of the *EIS Addendum* prepared by Terrastory Environmental Consulting Inc. (dated April 6, 2021), including but not limited to:

- a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.
- b. That construction activity occurring during the active bat season (i.e., between May 1 and September 31) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance to rare bat species.
- c. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
- d. That Block 66 remain in natural, self-sustaining vegetation, with the exception of a public trail and railway acoustic berm.
- e. That the identified terrestrial crayfish chimney location and adjacent suitable habitats within the Designated Watercourse be surveyed for the presence of crayfish chimneys prior to fill placement or other disturbances. Should any chimneys be identified at that time, efforts to capture terrestrial crayfish individuals shall occur which may involve physical excavation of burrows or

- use of an alternative methodology determined by a qualified Ecologist. Should individuals be found they shall be relocated in accordance with a Relocation and Monitoring Plan, prepared to the satisfaction of the Niagara Region.
- f. That all locations of Tapered Rush proposed for development be surveyed for the presence of individuals of this species during the growing season and prior to fill placement or other disturbances. Any individuals required to be relocated shall be relocated in accordance with a Relocation and Monitoring Plan, prepared to the satisfaction of the Niagara Region.
 - g. That no construction materials or equipment be located, even on a temporary basis, within Blocks 66, 72 and 73, or their buffers.
 - h. That all municipal street trees planted within 120 m of Open Space Blocks 66, 72 and 73 be restricted to the species recommended in the EIS Addendum.
16. That permanent rear-lot fencing be provided adjacent to the natural heritage features (i.e. Blocks 66, 72 and 73), to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
17. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. The plan should incorporate the recommendations found in section 5.3.1 of the EIS prepared by Terrastory Environmental Consulting Inc. dated September 2020. All ESC 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.
18. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
19. That a Tree Saving Plan (TSP) be provided to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.
20. That a Wetland and Woodland Restoration and Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in Sections 5.3.6 and 5.4 of the EIS prepared by Terrastory Environmental Consulting Inc. dated September 2020. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as

appropriate. The Landscape/Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).

21. That a Comprehensive Trails Plan be prepared to the satisfaction of the Niagara Region (should a trail system be proposed). The plan should incorporate the recommendations found in section 5.3.1 and 5.3.4.2 of the EIS prepared by Terrastory Environmental Consulting Inc., dated September 2020.
22. That the developer provide securities to the City of Welland in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the Subdivision Agreement include provisions whereby the developer agrees that the City may draw on the Letter of Credit, if required, to ensure installation of the plantings/restoration works.
23. That a Relocation and Monitoring Plan be prepared to the satisfaction of the Niagara Region that identifies a suitable relocation site for any terrestrial crayfish and/or Tapered Rush individuals required to be relocated and assess the success of the relocation efforts (should any individuals be captured and relocated). Monitoring shall include a two-year period post-relocation. These requirements can be incorporated in the Ecological Monitoring Plan.
24. That a fish/wildlife collection authorization be secured from the Ministry of Natural Resources and Forestry (MNRF) to facilitate elimination of the Stormwater Pond.
25. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The Report should be addressed to the Region's Senior Environmental Planner through devtplanningapplications@niagararegion.ca by September 1st of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note: At a minimum, the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.

26. That the Dain East Subdivision draft plan conditions/Subdivision Agreement be updated in order to ensure that the proposed restoration works north of the subject lands are installed to the satisfaction of the Niagara Region.
27. That a Photometric Plan be provided to the satisfaction of the Niagara Region that illustrates all proposed street lighting be downward facing and shielded to prevent

light spillage into the surrounding natural area. The Plan should be Dark Sky Association (IDA) compliant.

28. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Saving Plan, Wetland and Woodland Restoration and Enhancement Plan, Comprehensive Trails Plan, Relocation and Monitoring Plan, Ecological Monitoring Plan and Photometric Plan.
29. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by 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.
30. That the owner provides a written undertaking to 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.
31. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
32. That verification of the available capacity in the Dain City Sewage Pumping Station and Ontario Street Sewage Pumping Station sewershed be completed prior to final registration of each phase of the development to the satisfaction of Niagara Region.
33. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans;
 - c) Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and

- external to the subdivision) planned to be serviced by the stormwater management facility; and
- d) That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.
34. That the owner submit a stormwater management outlet profile to Niagara Region Planning and Development Services for review and approval. The plan shall ensure that the outlet does not negatively impact upon the proposed Regional forcemain.
35. 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.
36. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to the curb side collection of waste and recycling throughout all phases of development. If developed in phases, where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

Clearance of Conditions

Prior to granting final plan approval of any Phase of this development, 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 each Phase of 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.

MEMORANDUM

File No. ROPA-20-0002; OPA-20-0025; SD-20-0035; ZA-20-0060

Subject: 475/555/635 Canal Bank Street (“Dain West”) Development, Welland, Preliminary EIS Review

Date: January 13, 2021

To: Amanda Kosloski, Armstrong Planning & Project Management

From: Adam Boudens, Senior Environmental Planner/Ecologist

Please accept these preliminary comments from the Niagara Regional Environmental Planning Division.

Regional Environmental Planning staff have reviewed the following supporting documentation submitted in support of an Official Plan Amendment (OPA), Regional OPA (ROPA), Draft Plan of Subdivision (SD), and Zoning By-law Amendment (ZA) for the Dain West development project in the City of Welland.

- Environmental Impact Study by Terrastory Environmental Consulting Inc., dated September 2020;
- Dain City West Draft Plan of Subdivision by Armstrong Planning & Project Management, dated July 9, 2020;
- Pre and Post-Development Site Specific Water Balance Assessment by EXP Services Inc., dated July 10, 2020;
- Preliminary Stormwater Management Plan – Dain West by Upper Canada Consultants, dated August 2020; and
- Planning Rationale Report by Armstrong Planning & Project Management, dated September 4, 2020.

In summary, staff are satisfied with the survey methods and effort supporting the submitted EIS work, however additional analysis and supporting documentation is requested to ensure no significant negative impact to the natural heritage system. A meeting between agency staff and subsequently with the applicant would be helpful in ensuring the next submission is adequate in addressing comments and fulfilling the following requirements.

Comments

Core Natural Heritage System

An Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc. (September 2020) was submitted in support of the proposed development as

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475/555/635 Canal Bank Street ("Dain West") Development, City of Welland
EIS Review, January 13, 2021

required by Regional and Local Official Plan (OP) policies. The purpose of the EIS was to demonstrate that, over the long-term, there will be no significant negative impact to the Core Natural Heritage System (CNHS) components or adjacent lands.

The EIS confirmed the presence of Environmental Conservation Area (ECA) throughout the subject lands associated with Significant Woodland, Significant Wildlife Habitat (SWH) and unevaluated wetlands. The EIS also indicates that potential and confirmed habitat of Endangered species is present within the subject lands as well as potential fish habitat (subject to DFO confirmation).

Environmental Planning staff have reviewed the EIS and are generally in agreement that the proposed development can be accommodated in this location without a significant negative impact to the CNHS. Staff note that the level of survey effort and documentation of features impacting the subject lands was comprehensive. Staff also acknowledge that a Trails Plan will be proposed at a future application stage and note that additional environmental studies will likely be required to support that Plan.

As it relates to the removal of Significant Woodland on the property, the EIS has predominately addressed any concerns but staff require additional information to confirm that the test of no negative impact is achievable. Additional details are provided below.

In summary, based on our review of the EIS and supplementary information, several concerns were identified that need to be addressed in an EIS Addendum. The following items are required to be addressed in any forthcoming submissions.

Outstanding Concerns

1. Staff request additional details as it relates to the proposed configuration of Linear Park Block 66. Staff are concerned that the width currently proposed for Block 66 may not be adequate given the future uses proposed (e.g., Railway Acoustic Berm, Natural Trail, Anuran movement corridor, etc.). To alleviate staff concerns, a preliminary design/restoration plan is requested that outlines the extent of the required footprint for the Railway Acoustic Berm (e.g., height, width, etc.), a preliminary design for a future pedestrian trail, and details related to the construction of Anuran breeding habitat (i.e., location of constructed vernal pools). In addition, staff require assurance that any potential conflicts between wildlife and the proposed adjacent road network (Street M) have been adequately considered, including the identification of mitigation measures, if deemed necessary. The Region does not support wetland creation within a Park Block.
2. A main function of the woodland area proposed for removal is a movement corridor. Staff are concerned that the proposed wildlife linkage function between Block 73 and Block 66 is currently impeded by the residential use proposed for

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Block 41. Staff request that modifications to the Draft Plan be considered in this area. Specifically, the elimination of Block 41, realignment of Street M, and possibly a slight reduction to Blocks 42 and 43 would enhance the wildlife corridor function in this portion of the subject lands.

3. Figure 7 of the EIS (Draft Plan of Subdivision and Conceptual Restoration and Enhancement Areas) does not currently propose restoration or enhancement of the lands located directly north of Block 41 (within the Applicant Owned Easement). Staff request clarification of why this area has not been included. The same comment applies to the buffer lands directly adjacent to Blocks 72 and 73 that are not currently identified in Figure 7 for restoration or enhancement. In addition, staff request that the future restoration and enhancement plan include Park Block 67 and all lands adjacent to the Welland Recreational Canal within the applicant's ownership.
4. Staff request that the proposed zoning of Blocks 72 and 73 be changed from Open Space to a more appropriate environmental conservation zone (e.g., EPA). Block 66 should also be changed from Open Space to a more appropriate environmental conservation zone (e.g., ECA) to better reflect the restorative linkage function proposed in this area. Further, the habitat extent of the Endangered Spoon-leaved Moss in Block 72 is required to be zoned EPA.
5. The EIS indicates that correspondence from the Department of Fisheries and Oceans (DFO) is required to determine the extent of Fish Habitat on the subject lands. Staff require a copy of all agency correspondence and/or confirmation that the DFO self-assessment concluded that the project will result in no harm to fish habitat.
6. Restoration is currently proposed in the Applicant Owned Easement located directly north of the subject lands. Staff request additional details as it relates to the legal ability to protect this area from future incompatible uses.
7. The EIS Addendum should include additional opportunities to enhance the subject lands and mitigate potential future negative impacts. Specifically, guidance related to street lighting (i.e., lighting that meets Dark Sky Friendly environmentally responsible lighting guidelines) and street tree requirements (i.e., predominately native species that complement the adjacent vegetation communities) as well as opportunities to educate land owners about the sensitivity of the natural features in their neighbourhood should be identified.
8. All future submissions should include a section that addresses how the test of no negative impact is being achieved as it relates to the removal of Significant Woodland on the subject lands. Specifically, a compensation ratio should be identified that indicates both the total amount of woodland being removed and the total amount of woodland being restored/enhanced on the subject lands. A

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characterization of both should also accompany this section to aid staff in determining whether the proposed compensation ratio is sufficient.


Conclusion

At this time, Environmental Planning staff cannot recommend conditions of approval as additional information is requested to confirm that the proposal will not have significant negative impacts on the CNHS. An EIS Addendum (with changes clearly identified to facilitate review, preferably in the form of a comment matrix) is requested to address the concerns summarized above.

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, the NPCA should be consulted with respect to the PSW and unevaluated wetlands and requirements under the NPCA Regulations. If NPCA comments regarding the PSW and unevaluated wetlands differ from those above, NPCA comments should take precedence.

We look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner/Ecologist at 905-980-6000 ext. 3770 or adam.boudens@niagararegion.ca should you have any questions or like to arrange a meeting. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Kind regards,



Adam Boudens
Senior Environmental Planner/Ecologist

905-980-6000 ext. 3770
adam.boudens@niagararegion.ca

cc: Lindsay Earl, Niagara Region
Cara Lampman, Niagara Region
Rachelle Larocque, City of Welland
Tristan Knight, Terrastory Environmental Consulting Inc.



DISTRICT SCHOOL BOARD OF NIAGARA

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

March 30, 2021

Grant Munday, B.A.A., MCIP, RPP
Interim Director
Development and Building Services
City of Welland
60 East Main Street, Welland ON, L3B 3X4

Re: Applications for Draft Plan of Subdivision Approval (File No. 26T-14-20007), Official Plan Amendment (OPA No. 30), and Zoning By-law Amendment (2017-117) Dain West Subdivision

Dear Mr. Munday,

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for Draft Plan of Subdivision, an Official Plan Amendment, and a Zoning By-law Amendment for the lands known as 475, 555, and 635 Canal Bank Street in the Dain City area of Welland.

The draft plan of subdivision proposes to subdivide 74 hectares of land into 62 blocks for 832 - 870 residential units, one block for mixed use purposes, one school block, eight (8) blocks for open space, recreation, parks, and trail purposes; and one stormwater management block. The Official Plan Amendment and Zoning By-law Amendment applications would put in the appropriate designations and regulations to facilitate the residential subdivision 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. DSNB staff developed enrolment projections for this proposed residential development, along with the future residential development to the east, and determined a new elementary school would be warranted to serve the Dain City area. An approximately 3.3 hectare (8 acre) school site was included as part of the "Dain East" subdivision application.

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,



Sue Mabee, MCIP, RPP
Supervisor of Planning Services



VERBIO Diesel Canada Corporation,
1 St Clair Dr, Welland, ON L3B 6A7

Ms. Rachelle Larocque
Interim Manager of Planning
Development and Building Services
Corporation of the City of Welland
60 East Main Street,
Welland, ON
L3B 3X4

Lee Whitley
President
Phone: (866) 306-4777 ext 4000
Fax: (905) 714-463
Mobile: (289) 783-4711
lee.whitley@verbio.ca
www.verbio.ca

Welland, February 18, 2021

Re: Application to Amend Zoning By-Law of Dain City West File No. 2020-09 (formerly John Deere property)

Dear Ms. Laroque;

Thank you for the information sharing virtual meeting you hosted on Thursday, February 11th, 2021. Verbio Diesel Canada would like to comment on a few topics that were raised during this virtual meeting and I'd ask that you share them on Verbio Diesel Canada's behalf at the Statutory Public Hearing on Tuesday, March 2, 2021.

As is the case with the Dain City East application, Verbio would request that the City of Welland declare the proposed development will be subject to the Class 4 Noise Criteria outlined in the Provincial NPC-300 Environmental Noise Guidelines. Verbio Diesel Canada respectfully asks for this noise classification so to not interfere with the Verbio plant expansion plans with the new sub-divisions being in very close proximity to the Verbio Diesel Canada facility.

Verbio Diesel Canada would also ask that a similar warning clause be registered against all the titles of the new land in the new development.

Verbio Diesel Canada would ask at this time to be included and participate in any discussions regarding the Class 4 designation as well as any noise reduction measures/berms of said properties and to request a copy of the Staff Report when completed.

Verbio Diesel Canada would also ask for a plan on the road construction both during and following completion of the sub-division to emphasize that there will be no disruption to both employee vehicles or delivery vehicles to the Verbio Diesel Canada facility.

Thank you again for the opportunity to discuss these matters both with the City of Welland as well as with Armstrong Planning. We look forward to further constructive and productive discussion.



Yours truly,

Verbio Diesel Canada Corporation

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Lee Whitley
President

Cc: Amada Kosloski, Armstrong Planning

Vickie Lafleur

From: Irene McDonald
Sent: April 29, 2021 10:24 AM
To: Vickie Lafleur
Subject: FW: Notice of Applications - 475, 555, 635 Canal Bank

From: CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>
Sent: November 27, 2020 3:02 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: RE: Notice of Applications - 475, 555, 635 Canal Bank

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,

RE: Notice of Applications - 475, 555, 635 Canal Bank

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

<http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

Crystal Watts



CP Proximity_Ontario
CP_Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: Friday, November 27, 2020 8:45 AM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Applications - 475, 555, 635 Canal Bank

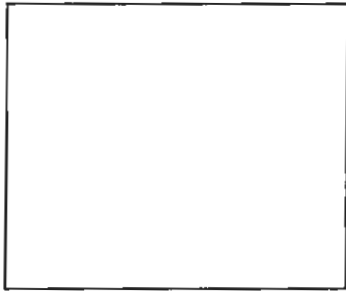
This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Good morning,

Please find notice of applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. These applications were also submitted in conjunction with a Regional Official Plan Amendment. If you require digital copies of any of the documents to begin your review, please let me know and I will forward them to you.

This is not intended to be the formal circulation as part of the Planning Act, but is intended to provide you information to start your review.

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.ca

April 22, 2021

Mayor Campion and Council
City of Welland
60 East Main Street
Welland, ON
L3B 3X4

SENT ELECTRONICALLY

Dear Mayor Campion and Council,

Please be advised that at its meeting of April 16, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority adopted the following as Resolution No. FA-75-21:

*Moved by Board Member Mackenzie
Seconded by Board Member Huson*

WHEREAS the public has shown a strong desire and need to be out in nature in the NPCA watershed and across Ontario and it has been demonstrated that being in nature benefits our physical and mental health;

WHEREAS the Province and the Region of Niagara have identified that the population of Niagara is expected to grow by 226,000, or 50% by 2051;

WHEREAS the popularity of the present community-connecting trails like the Friendship Trail, Niagara River Waterfront Trail, Seaway Canal Trail, Dofasco Trail and the Gord Harry Trail is well documented;

WHEREAS there are a large number of unopened road allowances and abandoned rail lines and other possible corridors that are presently not accessible to the public that have the capability of making physical connections between the municipalities in Niagara and with Hamilton and Haldimand County;

WHEREAS Conservation Authorities including the NPCA have been shown to be agencies that can plan for and develop trails throughout their watersheds;

NOW, THEREFORE BE IT RESOLVED:

1. **THAT** NPCA, being the agency with 2,845 ha of public land connecting Niagara, Hamilton and Haldimand, **CONVENE** a forum to bring agencies and municipalities in its watershed together to facilitate planning and development of an inter-jurisdictional trails network connecting municipalities, neighbourhood, employment areas, and nature destinations.
2. **THAT** NPCA municipalities **BE ENCOURAGED** to adopt, through official plan updates, expanded trail networks using publicly owned corridors, abandoned rails lines, and other opportunities.

21-81

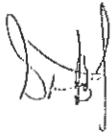
3. **THAT** NPCA staff **EXPLORE** formal partnership opportunities with municipalities to map, build, and enhance trail connections.

4. **AND FURTHER THAT** a copy of this motion **BE CIRCULATED** to the local and regional municipalities within NPCA's jurisdiction.

CARRIED

Should you have any questions on this matter, please feel free to contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Sincerely,



Grant Bivol
Clerk / Board Secretariat



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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

April 22, 2021

Mayor Campion and Council
City of Welland
60 East Main Street
Welland, ON
L3B 3X4

SENT ELECTRONICALLY

Dear Mayor Campion and Council,

Please be advised that at its meeting of April 16, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following as Resolution No. FA-71-21:

*Moved by Board Member Beattie
Seconded by Board Member Rapley*

1. **THAT** Report No. FA-25-21 RE: *Expanding the Greenbelt Proposal – NPCA Comments* **BE RECEIVED.**
2. **THAT** staff **BE AUTHORIZED** to provide the NPCA's comments on the *Expanding the Greenbelt Proposal to the Environmental Registry of Ontario and partner municipalities in Welland River and Twenty Mile Creek watershed* **BE ADVISED.**
CARRIED

Accordingly, attached for your reference is NPCA Report No. FA-25-21 RE: Expanding the Greenbelt Proposal – NPCA Comments along with related correspondence to the Minister of the Environment, Conservation and Parks RE: Environmental Registry of Ontario Posting 019-3136. Should you have any questions on this matter, please feel free to contact David Deluce, Senior Manager, Planning & Regulations at ddeluce@npca.ca or 905-788-3135 extension 224.

Sincerely,

Grant Bivol
Clerk / Board Secretariat

Encl.

21-82



Report To: Board of Directors

Subject: Expanding the Greenbelt Proposal – NPCA Comments

Report No: FA-25-21

Date: April 16, 2021

Recommendation:

1. **THAT** Report No. FA-25-21 RE: Expanding the Greenbelt Proposal – NPCA Comments **BE RECEIVED**.
2. **THAT** staff **BE AUTHORIZED** to provide the NPCA's comments on the Expanding the Greenbelt Proposal to the Environmental Registry of Ontario and partner municipalities in Welland River and Twenty Mile Creek watershed **BE ADVISED**.

Purpose:

The purpose of this report is to inform the Board of an initiative by the Province to expand the Greenbelt and the NPCA's comments on this initiative.

Background:

On February 17, 2021, the Ministry of Municipal Affairs and Housing (MMAH) posted a notice on the Environmental Registry of Ontario launching a consultation on expanding the size of the Greenbelt Plan Area and enhancing the 'quality' of the Greenbelt. Two priority areas have been identified by the ministry:

1. Lands in and around the Paris Galt Moraine, which is a physiographic area currently located outside the Greenbelt in Waterloo Region and Brant and Wellington Counties;
2. Ideas for adding, expanding and further protecting Greenbelt Urban River Valleys.

Principles articulated by MMAH for potential expansions include expansions that:

- Support existing Greenbelt Plan objectives, vision and goals of providing permanent protection to the agricultural land base and ecological and hydrological features, areas and functions occurring on the landscape and providing for the inclusion of publicly owned lands in urban river valleys.
- Connect physically and/or functionally to the current Greenbelt by building upon the natural heritage, water resource and agricultural systems approach of the Greenbelt Plan and should

be directly connected or have a strong functional connection to not create unconnected islands of Greenbelt land.

While the province's focus is on the two priority areas highlighted above, they have also indicated they would consider input regarding other potential areas to grow the Greenbelt as well as other priorities that should be considered. It should be noted that the Province is not considering any land removals, land exchanges or policy changes at this time. Comments are requested by the close of the consultation period on April 19, 2021.

Note that Conservation Ontario has solicited comments from Conservation Authorities, to which the NPCA provided comments on March 29, 2021.

Discussion:

There is a portion of the Greenbelt within the NPCA Watershed (see Appendix 1), however, the two geographic areas of focus for growth are not located within the NPCA Watershed. As such, staff offered no comments on the merits of including those geographic areas. The other component of the Greenbelt that the Province is focusing on is Urban River Valleys. There is one existing designated Urban River Valley in the NPCA Watershed (Lower Twelve Mile Creek in St. Catharines).

The Province introduced Urban River Valleys into the Greenbelt Plan added in the 2017 update as a way to bring river valleys into urban areas outside of the Greenbelt. The goal of including these new features was to provide additional connections between the Greenbelt area and the Great Lakes and to protect natural and open space lands. Another important consideration is that the policies for Urban River Valleys only applies to publicly owned lands. Many of the existing watercourses in the municipalities that are outside the Greenbelt area are far removed from a direct connection to the Great Lakes, thus would not be suitable as an Urban River Valley.

In lieu of recommending new Urban River Valleys, staff recommended in comments to Conservation Ontario that consideration be given to extending the Greenbelt Natural Heritage System along the Welland River Valley and Twenty Mile Creek Valley. Both of these systems have their headwaters in the Greenbelt and are significant hydrologically and in a natural heritage context. Incorporating them into the Greenbelt Natural Heritage System would help in protecting these important systems.

The Greenbelt Natural Heritage System (NHS) is a Provincial framework derived from coarse data. While this was a good start at the time, this is an opportunity to refine the NHS and fill in gaps that are missing, not just in Niagara but across the entire Greenbelt area. Conservation Authorities, such as the NPCA, have helpful data available to help identify gaps in the NHS and should be approached for such data.

Financial Implications:

There are no financial implications to the recommendations of this report.

Links to Policy/Strategic Plan

Commenting on Provincial Policy initiatives supports the Strategic Plan's Mission Statement "to implement our *Conservation Authorities Act* mandate by remaining a responsive, innovative, accountable and financially sustainable organization" by "working in collaboration with our partners in conservation".

Related Reports and Appendices:

Appendix 1 – Map of the Greenbelt in the NPCA's Watershed.

Appendix 2 – NPCA Comments to Conservation Ontario

Authored by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Reviewed and Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

Consultation on growing the size of the Greenbelt

(ERO#019-3136)

Consultation Table

Please submit comments to Nicholas Fischer (CO) by March 29th, 2021

(mailto:nfischer@conservationontario.ca)

Name: David Deluce, MCIP, RPP – Senior Manager, Planning & Regulations

Conservation Authority:

As a reminder, please submit one comment table per CA. Thank you.

Consultation on growing the size of the Greenbelt	
Discussion Questions	CA Comments
What are your thoughts on the initial focus area of the Study Area of the Paris Galt Moraine?	This is outside of our watershed, therefore, we have no comments
What are the considerations in moving from a Study Area to a more defined boundary of the Paris Galt Moraine?	This is outside of our watershed, therefore, we have no comments
What are your thoughts on the initial focus area of adding, expanding and further protecting Urban River Valleys?	While we are supportive in principle to adding more Urban River Valleys, we don't have a lot of contiguous, open channel rivers running through our Urban Areas that would be suitable candidates for inclusion.
Do you have suggestions for other potential areas to grow the Greenbelt?	The NPCA recommends including the valley system for Twenty Mile Creek and the Welland River within the Greenbelt NHS. The headwater areas of both these rivers is already within the Greenbelt NHS. In the case of Twenty Mile Creek, the lower reach is also part of the Greenbelt NHS. It does not make sense for the middle reach to not be included.
How should we balance or prioritize any potential Greenbelt expansion with the other provincial priorities mentioned above? (see ERO posting for priorities)	It is acknowledged that growth management is important but equal importance must be placed on protecting the natural heritage system and water recourses systems of the Greenbelt and Growth Plan.
Are there other priorities that should be considered?	No further comments.

General Comments

<i>Consultation on growing the size of the Greenbelt (ERO#019-3136)</i>	No further comments.
---	----------------------



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

April 19, 2021

Honourable Jeff Yurek
Minister of the Environment, Conservation and Parks
College Park 5th Floor
777 Bay Street
Toronto, ON M7A 2J3

RE: Environmental Registry of Ontario Posting 019-3136

Dear Minister Yurek,

Thank you for the opportunity to provide comments towards the provincial "Consultation on growing the size of the Greenbelt". The Niagara Peninsula Conservation Authority (NPCA) offers the following general comments on the proposal. Please note that in addition to these comments, the NPCA also echoes the comments on this proposal that have been provided by Conservation Ontario.

While the NPCA is supportive in principle to adding more Urban River Valleys, the Niagara watershed does not contain many contiguous, open channel rivers running through our Urban Areas that would be suitable candidates for inclusion. There is one existing designated Urban River Valley in the NPCA Watershed (Lower Twelve Mile Creek in St. Catharines).

In lieu of recommending new Urban River Valleys, the NPCA recommends that consideration be given to extending the Greenbelt Natural Heritage System along the Welland River Valley and Twenty Mile Creek Valley. These two systems have their headwaters in the Greenbelt and are significant, both hydrologically and in a natural heritage context. In the case of Twenty Mile Creek, the lower reach is also part of the Greenbelt Natural Heritage System. It does not make sense for the middle reach to not be included. Incorporating both watercourses into the Greenbelt Natural Heritage System would help in protecting these important systems.

It is acknowledged that while growth management is important, equal importance must be placed on protecting the natural heritage system and water resources systems of the Greenbelt and Growth Plan. Thank you for the opportunity to comment on this proposal. For any questions or clarity on these matters, kindly contact CAO Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,

A handwritten signature in black ink that reads "David Deluce".

David Deluce, MCIP, RPP
NPCA Senior Manager, Planning & Regulations



Welland Downtown Business Improvement Area

60 East Main Street

Welland ON L3B 3X4

April 20th, 2021

City of Welland

60 East Main Street

Welland ON 3X4

Attention: Tara Stephens City Clerk

RE: Welland Downtown BIA 2021 Operating Budget

Dear Mrs. Stephens:

The following motion was made at the General Meeting of the WDBIA for the month of November 2020 following presentation from the Finance and Audit committee of the Board.

"BE IT RESOLVED that the Board of Management of the Welland Downtown Business Improvement Area accept the proposed budget and request the 2021 levy in the amount of \$114,820."

Motion carried unanimously. **Please note that the 2021 budget is based on cash flow**

Further we enclosed a copy of the Budget approved by the Board for reference and presentation to council for ratification.

Respectfully yours,

Kelly Jones

WDBIA CHAIR

chair@downtownwelland.ca

Encl.

99-90
21-4

REVENUE

Member Levy	114,820.00
HST Rebate	5,500.00
Retained Earnings	72,300.00

Total Revenue **192,620.00**

EXPENSES

Audit and Professional Fees	3,500.00
Conferences and Meetings	500.00
Insurance	1,900.00
Internet & Phone	960.00
Memberships	350.00
Office Supplies	667.00
Rent	4,800.00
Bookkeeping	4,200.00
Administration	5,815.00
Web	300.00
Office 365	350.00
Zoom Meetings	200.00

Total Expenses **23,542.00**

BEAUTIFICATION

Permits	175.00
Planters	6,200.00
Baskets	10,285.00
Maintenance	22,000.00
Seasonal	10,000.00
Flags Program	8,500.00
BIA Street Crew	5,000.00
Administration	15,691.00

Total Beautification **77,851.00**

INITIATIVES

Training	2,500.00
Arts Initiative	5,000.00
Administration	15,300.00

Total Initiatives **22,800.00**

Promotional

Administration / Promotion 14,645.00

Total Promotional **14,645.00**

Governance	250.00	
Long Term Debt	7,500.00	
Total Expenses	146,588.00	
Net Operating	46,032.00	5,038.00

Administration

Office of the Regional Clerk

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

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

www.niagararegion.ca

April 26, 2021

CL 8-2021, April 22, 2021
 PEDC 4-2021, April 14, 2021
 Report PDS 19-2021, April 14, 2021

DISTRIBUTION LIST***SENT ELECTRONICALLY***

Combined Sewer Overflow (CSO) Control and Wet Weather Management (WWM)
 Program – 2021 Funding Recommendations
 Report PDS 19-2021

Regional Council, at its meeting held on April 22, 2021, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 19-2021, dated April 14, 2021, respecting Combined Sewer Overflow (CSO) Control and Wet Weather Management (WWM) Program – 2021 Funding Recommendations, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the thirty-four (34) Local Area Municipal projects under the 2021 Combined Sewer Overflow (CSO) Control / Wet Weather Management (WWM) Cost Sharing Program, as identified in Appendix 1 of Report PDS 19-2021, **BE APPROVED** in the amount of \$3,252,976;
2. That Regional staff **PREPARE** and **EXECUTE** the respective partnership funding agreements with the Local Area Municipalities (LAM) for qualifying projects to reflect the terms and conditions set out in Appendix 2 and Appendix 3 of Report PDS 19-2021; and
3. That the local Municipal partners **BE ADVISED** of the results of Regional funding support, as outlined in Appendix 1 of Report PDS 19-2021.

21-83

Combined Sewer Overflow (CSO) Control and Wet Weather Management (WWM)
Program – 2021 Funding Recommendations

April 26, 2021

Page 2

A copy of Report PDS 19-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:kl

CLK-C 2021-067

Distribution List

- Town of Grimsby
- Town of Fort Erie
- Town of Lincoln
- City of Niagara Falls
- Town of Niagara-on-the-Lake
- Town of Pelham
- City of Port Colborne
- City of St. Catharines
- City of Welland
- Town of West Lincoln
- I. Stetic, Project Manager, Planning and Development Services
- D. Giles, Acting Commissioner, Planning and Development Services
- N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: Combined Sewer Overflow (CSO) Control and Wet Weather Management (WWM) Program – 2021 Funding Recommendations

Report to: Planning and Economic Development Committee

Report date: Wednesday, April 14, 2021

Recommendations

1. That the thirty-four (34) Local Area Municipal projects under the 2021 Combined Sewer Overflow (CSO) Control / Wet Weather Management (WWM) Cost Sharing Program, as identified in Appendix 1 of Report PDS 19-2021, **BE APPROVED** in the amount of \$3,252,976;
2. That Regional staff **PREPARE AND EXECUTE** the respective partnership funding agreements with the Local Area Municipalities (LAM) for qualifying projects to reflect the terms and conditions set out in Appendix 2 and Appendix 3 of Report PDS 19-2021; and
3. That the local Municipal partners **BE ADVISED** of the results of Regional funding support, as outlined in Appendix 1 of PDS 19-2021.

Key Facts

- The purpose of this report is to provide background information to support the approval of the 2021 Local Area Municipal projects under the CSO Control / WWM Program.
- The Combined Sewer Overflow (CSO) Control Cost Share Program has been in place since 2007 and is intended to facilitate shared funding with the local Municipal partners to help mitigate the impacts of wet weather events on the Region-wide sanitary system and the environment. As a result, the Region benefits from this program by gaining capacity at regionally owned trunks, sewage pump stations and wastewater treatment plants, which in return, could be used for growth without oversizing Regional infrastructure.
- Representatives of the CSO/WWM Working Group developed administrative procedures and criteria to support this Program and to rank project submissions by local Municipalities in accordance with the guiding principles.

-
- The Region supports this approach and has included funding annually in its budget. For 2021, an amount of \$4,000,000 was budgeted in the Region's Wastewater Operating Budget.
 - The total of eligible projects submitted by local Municipal partners for 2021 was \$3,252,976.
 - Although the total requested amount is less than the approved program budget of \$4,000,000 by \$747,024 for 2021, the need to address wet weather issues in sanitary collection systems remains high.

Financial Considerations

A gross budget of \$4,000,000 has been approved as part of the 2021 Wastewater Operating Budget for the CSO Control Cost Share program. Funding for this program is partially provided through the Development Charges (50%).

The thirty-four (34) eligible projects considered for funding under the 2021 CSO Control Program totaled \$3,252,976. As the total requested amount is less than the approved program budget of \$4,000,000 by \$747,024 for 2021, these existing funds will remain available for the remainder of 2021 in order to accommodate any unforeseen or not yet approved projects requested by LAM. If the funds are still unused by year-end, the 50% funded by DC revenues (\$373,512) will remain unrecognized and the 50% funded through the water wastewater requisition (\$373,512) will be recognized as surplus through the 2021 financial reporting process. Appendix 1 presents thirty-four (34) municipal projects being recommended for funding in full.

Included in the recommended projects list is a \$15,000 support contribution for the Guidelines to Undertaking Flow Monitoring in New Construction for the reduction of I/I. This project is directly aligned with the WWM strategic approach benefiting both, Region and LAM. In support of this work, each municipality signed a written consent agreeing that the contribution be taken from the CSO Control Funding Program. This agreement was confirmed again for 2021 by the Working Group.

During mid-2021, Regional staff in collaboration with the local Municipal partners, will review the approved local budgets for the CSO related projects. This will insure that a consideration is given for a potential acceptance of the in-year applications should the increase in demand continue.

In addition to the \$4,000,000 approved in the 2021 Wastewater Operating Budget, there are currently \$22,105,628 of previously approved and active CSO projects at December

31, 2020. Of that amount, \$8,672,415 has been paid to Local Area Municipalities at December 31, 2020 for qualifying CSO projects. As a result, there are \$13,433,213 in commitments to 11 municipalities for approved but unspent CSO projects at December 31, 2020 as shown in Appendix 4.

Analysis

Thirty-four (34) applications were received from ten (10) local Municipalities. Five (5) applications from Fort Erie, one (1) from Grimsby, two (2) from Lincoln, eight (8) from Niagara Falls, two (2) from NOTL, one (1) from Pelham, three (3) from Port Colborne, three (3) from St. Catharines, eight (8) from Welland and one (1) from West Lincoln.

Regional staff reviewed and evaluated thirty-four (34) eligible projects and incorporated all of them into the final recommendation list presented in Appendix 1.

The requested funding for all qualified projects totaled \$3,252,976 including a \$15,000 support contribution to Municipal I/I Collective research project, which was endorsed by all local Municipal partners. The total requested funding of \$3,252,976 is \$747,024 less than the 2021 approved budget of \$4,000,000.

Previously the CSO Control Working Group adjusted the funding options structure for the eligible CSO cost share projects during 2018 and 2019. This adjustment incorporated a weighted approach of a growth component into the evaluation matrix and a change of funding priorities for different types of work. Appendix 2 shows the Funding Options.

Local Municipalities are encouraged to apply during 2021 for new eligible CSO projects as they are able to do so. Similar to other jurisdictions across Ontario, wet weather flows continue to negatively impact sanitary infrastructure resulting in potential basement flooding, overflows to the environment, and reduced capacity for future growth. The removal of wet weather flow and Inflow & Infiltration reduction is important work that needs on-going focus and support over the long term to be successful.

Alternatives Reviewed

No alternatives were reviewed at this time.

Relationship to Council Strategic Priorities

This report was brought forward by Regional Staff, supported by the CSO/WWM Working Group and by the Public Works Officials as the Responsible Growth and Infrastructure Planning priority in establishing objectives of Environmental Sustainability & Stewardship and Maintenance of Existing Infrastructure.

Other Pertinent Reports

- PW4.S06.0, September 2, 2014 – Combined Sewer Overflow (CSO) Control & Wet Weather Management Policy
- PDS 12-2020, April 8, 2020 – Combined Sewer Overflow (CSO) Control and Wet Weather Management Program – 2020 Funding Recommendations")

Prepared by:

Ilija Stetic, B.Sc., PMP, CET
Project Manager
Planning and Economic Development

Recommended by:

Doug Giles, MES, BUP
Commissioner (Acting)
Planning and Economic Development

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Phill Lambert, P. Eng., Director, Infrastructure Planning & Engineering, Lyndsey Ferrell, Program Financial Specialist, and reviewed by Dan Ane, Manager Program Financial Support.

Appendices

Appendix 1	Recommended 2021 CSO Control Program Funding Requests
Appendix 2	Funding Options
Appendix 3	CSO Control / WWM Policy Funding Conditions

Appendix 4

Summary of CSO Project Remaining Budget Encumbrance by
Municipality by 2020 Year-End

Appendix 1: Recommended 2021 CSO Control Program Funding Requests

Municipality	Project Title	Regional	Requested	Recommended
		Share	Funding	Funding
		%	\$	\$
Grimsby	Investigative Work in the Roberts Rd. and Lake St. SPS Catchments	50	43,393	43,393
Fort Erie	Flow Monitoring Pre/Post - Targeted Areas	50	15,000	15,000
	Sanitary CCTV - Targeted Areas	50	157,500	157,500
	Thunder Bay Trenchless Sewer Rehabilitation (TBTR19)	30	75,000	75,000
	Trenchless Repairs - Targeted Area (TRSA21)	30/60 ¹	162,000	162,000
	Catherine SPS I/I Reduction	30	12,857	12,857
Lincoln	Glenbrook Dr Sewer Replacement (D & C)	30/30/60 ¹	257,400	257,400
	Beamsville, Vineland, Jordan: Sewer Rehab Project (D & C and post F/M)	30/30/60 ¹	284,970	284,970
Niagara Falls	Corwin Area Sewer Separation Implementation Plan (Study)	50	50,000	50,000
	Dixon St Sewer Separation (Design)	40	17,316	17,316
	George St/ Fraser St Sewer Separation EA (Study)	50	50,000	50,000
	Hodgson Subdivision Sewer Separation Strategy (Study)	50	50,000	50,000
	Sanitary Sewer Rehabilitations Project Yr 2	30	300,000	300,000
	South NF I&I Remedial Program Ph 2	60/30 ¹	135,000	135,000
	St. Peter Ave Sewer Separation (Construction)	40	122,400	122,400
	Valley Way Area Sewer Separation (Study)	50	50,000	50,000
Niagara-on-the-Lake	Mississauga Beach Study	50	75,000	75,000
	Dorchester North Repairs	30	45,000	45,000
Pelham	Sanitary I&I Study Program- Planned Replacements and Rehab	30	30,000	30,000
Port Colborne	Investigation of Innovative Stormwater Management Solutions-Omer Area	50/60 ¹	80,100	80,100
	Investigation & Remediation - I&I Contributors Omer Area	50/60 ¹	108,000	108,000
	Inflow and Infiltration Public Education Campaign	50	15,000	15,000
St. Catharines	Greenmeadow / Wood St Sewer Separation (Design)	50	142,000	142,000
	Carlton/Ontario Catchment Investigation and CSO Reduction Study	50	75,000	75,000
	Wastewater and Stormwater Model Development	50	90,000	90,000
Welland	Broadway Area I&I Reduction	50	75,000	75,000
	Merritt St Sewer Separation	40/60 ¹	104,160	104,160
	Commercial Ontario Area MSP Trunk Sewer	50/50/60 ¹	78,000	78,000
	Lincoln Conventry I&I Reduction	50	75,000	75,000
	Welland River Inflow & Check Valves	50/60 ¹	57,000	57,000
	Dain City I&I Reduction	30/50/50 ¹	220,000	220,000
	Parkdale Place Sewer Separation	40/60 ¹	41,680	41,680
Margaret Nye Gadsby Sewer Separation	40/60 ¹	84,200	84,200	
West Lincoln	I&I Study and Remedial Action Plan	30	60,000	60,000
Guideline to Undertaking Flow Monitoring in New Construction for I/I reduction ²		100	15,000	15,000
Total			3,252,976	3,252,976

Note 1: Funding % share is dependent on specific project component and related work. Projects combined different works resulting in different Regional share. See Appendix 3 for a specific project cost share split.

Note 2: This collective project is for the reduction of I/I in new construction for the benefit of both, Region and Municipal partners.

CSO Control Program Funding Options

Project Category No.	Project Types	100% Funding Amount Priorities	Region %	Municipality %
1.	Sewer Separation	40%		
Work Examples	Disconnection of road drainage		40	60
	Disconnection of private		60	40
	Disconnection of road, previous disconnection of private or opposite		50	50
2.	Studies	15%		
Work Examples	PPCP as per the PPCP guide		50	50
	I&I and extraneous flow investigation including cctv/smoke dye testing ¹		50	50
	Mandatory flow monitoring - pre and post		60	40
	Investigative work on municipal/private side		50	50
	Public education/water conservation and efficiency measures		50	50
	Sewer use by-law development/update and municipal policies		50	50
3.	Source Control - Private Side	20%		
Disconnection of roof leaders to be done by homeowners/municipalities as a prerequisite for other works on the private side.				
Work Examples	Disconnection of roof leaders		60	40
	Disconnection of weeping tiles from sanitary including applicable works		60	40
	Disconnection of private sump pumps		60	40
	Backflow preventer installation on sanitary		40	60
4.	Conveyance and Flow Control/Storage	15%		
Work Examples	Real time control for detention		60	40
	In-line flow controllers design and construction (e.g. weirs)		60	40
	Off-line conveyance and pumping design and construction		60	40
	In-line/ off-line storage		40	60
5.	Repair/ Rehabilitation/ Replacement of Sewers	10%		
Estimated $\geq 50\%$ flow reduction during WW events				
Work Examples	Repair of sanitary/ manholes - gel sealing, spot repairs		30	70
	Spot repair lining		30	70
	Full length liner		30	70

Note 1: CCTV inspection - only site/project specific. Regular city wide inspections should be part of municipal O&M.

CSO Control Program Terms and Funding Conditions

The terms and conditions under which funding will be offered to the successful applications, include the following:	
1	<i>Amount of Funding, Studies</i> - The Region shall contribute 50% of total study costs for the PPCP and I&I studies, and 60% for the Pre and Post Flow monitoring projects provided the Region participates on a committee overseeing the study and the study covers the entire area tributary to the Wastewater Treatment Plant(s) and includes both local and Regional infrastructure.
2	<i>Amount of Funding, Design & Construction projects</i> – The Region shall contribute defined percentage of the cost based on the Funding Options matrix, provided that; the facility or measure is supported by a recommendation from a current CSO study, life cycle cost comparisons of alternative solutions were undertaken and the Region agrees with the cost comparisons, the Region agrees with the ‘best overall solution’, and the Region participates on a committee overseeing the design.
3	<i>Third Party Funding</i> – The Region's funding shall be net of any third party funding approved for the project. If third party funding is obtained after Regional funding approval, the amount of Regional funding will be adjusted to be net of any third party funding. Payment of the funding to the Area Municipality shall be based on actual expenditures incurred up to the maximum amount approved by Regional Council based on the budget submitted with the application.
4	<i>Project Lead Studies</i> – Lead by either the Area Municipality or the Region based on a mutual agreement prior to initiation of study.
5	<i>Project Lead Design & Construction</i> – A project located in the Area Municipal wastewater system shall be managed by the Area Municipality while a project in the Regional wastewater system shall be managed by the Region. On a case-by-case basis the Region may consider managing a project in the local system, if requested by the Area Municipality.
6	<i>Ownership and Operation of Assets</i> – The ownership and operation of all new and existing assets shall remain the responsibility of the current owner. The Area Municipality, on a case by case basis, may request the Region to operate and maintain an existing or new CSO control facility on behalf of the Area Municipality on a direct charge back basis.
7	<i>Follow up Flow Monitoring</i> – On a case-by-case basis, the Region may include a condition or approval of funding that requires follow up flow monitoring to assess project's effectiveness.
8	<i>Expiry of Funding</i> – Funding of a project by the Region may expire if the local Area Municipality does not invoice the Region within three (3) years of the date of funding approval by Regional Council. Also, if an Area Municipality decides not to proceed with a project, the Region may revoke funding. The Region may also withdraw funding for future phases if a project does not proceed on a continuous basis toward completion.
9	<i>Indemnity</i> – The Region, or its directors, officers, employees, agents or consultants will not be held liable as a result of providing funding for any project.
10	<i>Regional Recognition</i> – The Area Municipality is to ensure that the Region is to be acknowledged in all advertising and publicity related to the project for which funding was provided.

11	<i>Project Deliverables</i> – The Region shall receive copies of all project deliverables, including, but not limited to, reports, flow monitoring data, hydraulic modelling files, GIS layers/data, and technical memorandums.
12	<i>Funding Agreement</i> - A letter formalizing the funding in accordance with the Region's CSO Funding Policy will be issued to the Area Municipality for signature and used as the agreement to the terms and conditions of the funding.

Appendix 4: Summary of CSO Project Remaining Commitments by Municipality at 2020 Year-End

Municipality	Year						Grand Total
	Pre-2016	2016	2017	2018	2019	2020	
Fort Erie	\$ 8,729	\$ 123,301		\$ 308,990	\$ 783,839	\$ 138,500	\$ 1,363,359
Grimsby	1,503,293	13,521				288,000	1,804,814
I/I Collective Research					5,720	15,000	20,720
Lincoln		13,521	2,100	312,182	389,400		717,203
Niagara Falls	112,728	11,074	320,207	101,663	410,929	1,185,613	2,142,214
Niagara-on-the-Lake				115,292	52,000	100,286	267,578
Pelham	5,173			50,000	15,000		70,173
Port Colborne		186,460	98,684				285,144
St. Catharines	803,618	1,018,842	128,082	314,001	1,243,200	364,500	3,872,243
Thorold	158,050	176,277		299,465			633,792
Welland	148,980	62,000		876,659	528,765	448,000	2,064,404
West Lincoln		13,521				178,048	191,569
Grand Total	\$ 2,740,571	\$ 1,618,516	\$ 549,074	\$ 2,378,252	\$ 3,428,852	\$ 2,717,948	\$ 13,433,213