



COUNCIL MEETING AGENDA

Tuesday, October 19, 2021

Due to COVID-19 all Meetings will be held electronically

All Meetings can be viewed at:

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

YourTV: The meeting will be aired on channel 700 on October 23, 2021 at 8:00 a.m.

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:45 p.m.)
(See yellow tab)**
 - Proposed or pending acquisition or disposition of land by the municipality or local board:
and
- Offer to purchase - Seeley Street.

- 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 October 5, 2021 and Special Council Meeting of October 12, 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**



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4.1 PRESENTATION

21-13 Carolyn Ryall, Director of Transportation Services, Pamela Miltenburg, Transportation Capital Planning Specialist, and Frank Tassone, Associate Director of Engineering, Niagara Region re: 1-5 year Transportation Capital Budget Outlook.

(Background information included in Council members packages).

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

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

21-4 Councillor McLeod, Chair, Budget Review Committee - meeting of October 12, 2021.

4.4 LEGISLATED PUBLIC MEETING PURSUANT TO SECTION 357/358 OF THE MUNICIPAL ACT, 2001.

Applicants who object to the recommendation may provide their submissions/comments in writing to clerk@welland.ca, or mail to City Clerk, 60 East Main Street, Welland, ON L3B 3X4. All submissions will be forwarded to Welland City Council.

21-4 Public Meeting pursuant to Section 357/358 of the *Municipal Act, 2001* regarding Tax Write-Offs.

(See Report FIN-2021-31 pages 167 to 169)

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



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7.2 Notices of Motion (previously submitted for discussion)

(Councillor Chiocchio)

21-22 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to install 4 way stop at Gaiser Road and South Pelham Road, and Gaiser Road and Clare Avenue; and further
THAT Traffic and Parking By-law 89-2000, Schedule “XX”, Stop Signs at Intersections be amended accordingly.

(Councillor Richard)

21-133 WHEREAS, Market Equity is a Canadian Human Right of “Equal Pay for Equal Work”; and
WHEREAS, The City of Welland Councillors experienced inequity in their remuneration for a number of years, due in part to the process at hand of voting on their own remuneration increases which could/may be deemed or perceived as a conflict in itself; and
WHEREAS, present and future Councillors of Welland are deserving of market equity in their remuneration with the process refraining from being controversial but rather fair and with equal treatment as all – that we are so proud of as Canadians; and further
THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a staff report regarding the development of a Council Compensation Review Committee, which includes a terms of reference for the committee; and further
THAT staff be directed to present the report to Council in November 2021.

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

8. CORPORATION REPORTS

8.1 Mayor’s Report

8.2 Chief Administrative Officer’s Report

9. CONFIRMATORY BY-LAW

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 19th day of October, 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:

Referred from the October 5, 2021 Council Meeting.

- 1 - 70** **P&B-2021-50** Director of Planning and Development Services, G. Munday - Application for Zoning By-law Amendment (File No. 2021-06) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-21005) submitted by Upper Canada Consultants on behalf of Mountain Homes (Niagara) Ltd. for lands located on the east side of South Pelham Road, north of Webber Road, and west of Claire Avenue, legally described as Block 2 59M-472, Geographic Township of Thorold, now in the City of Welland, Regional Municipality of Niagara, municipally known as 89 West Creek Court. Ref. No. 21-86 (See By-law 1)
- 71 - 161** **P&B-2021-59** Director of Planning and Development Services, G. Munday - Application for Official Plan Amendment (OPA No. 36) and Zoning By-law Amendment (File No. 2021-07) submitted by Better Neighbourhoods Development Consultants on behalf of Idrakoth Ltd. for lands municipally known as 800 Niagara Street. Ref. No. 21-108 (See By-laws 2 & 3)
- 2. COMMITTEE AND STAFF REPORTS**
- 1. Business Arising from Committee-of-the-Whole (closed)**
- 2. General Committee Report to Council - Nil**
- 162- 163** **3. Budget Review Committee Report to Council - October 12, 2021**
- 4. Staff Reports**
- 164 - 166** **CLK-2021-24** City Clerk, T. Stephens - 2022 Council Meeting Calendar. Ref. No. 21-29



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- | | | |
|--|----------------------------|---|
| 167 - 169
Remove From
Block | <u>FIN-2021-31</u> | Director of Finance/CFO/Treasurer, S. Fairweather - Application for Tax Write-Offs - Sections 357/358. Ref. No. 21-4 |
| 170 - 172 | <u>TRAF-2021-60</u> | Director of Development and Planning Services, G. Munday – Business Licenses - Waiving of 2022 Fees and Temporary Patios & Outdoor Displays on Public and private Property. Ref. No. 21-22 |
| 173 - 177 | <u>ENG-2021-27</u> | Director of Infrastructure Services, SM. Millar – Direct Appointment of Professional Services for Broadway Sewershed – I/I Investigation & Remediation Action Plan and Ontario SPS Sewershed (Lincoln/Coventry) – I/I Investigation & Remediation Action Plan. Ref. No. 21-135 (See By-law 4) |
| 178 - 180 | <u>ENG-2021-28</u> | Director of Infrastructure Services, SM. Millar - Winter Control Sidewalk Snow Clearing Additions. Ref. No. 21-26 |
| 181 - 187 | <u>HR-2021-07</u> | Manager of Human Resources, A. Daisley - Vaccine Status Policy. Ref. No. 20-64 |

3. NEW BUSINESS

- | | | |
|------------------|----|--|
| 188 - 189 | 1. | Gina Shaule, Administrative Assistant, Niagara Peninsula Conservation Authority re: Board Meeting Highlights - September 17, 2021. Ref. No. 21-134 |
| | | <u>RECOMMENDATION:</u>
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Board Meeting Highlights - September 17, 2021. |
| 190 - 194 | 2. | Aidan Johnson, Chair, Niagara Poverty Reduction Network (NPRN) re: NPRN Letter of Support for Integrated Transit. Ref. No. 21-13 |
| | | <u>RECOMMENDATION:</u>
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the request from the Niagara Poverty Reduction Network dated October 5, 2021 regarding NPRN Letter of Support for Integrated Transit. |
| 195 | 3. | Dennis Kalichuk, Ontario Petition For Change re: Petition - Homelessness/Mental Health/Addictions. Ref. No. 21-30 |
| | | <u>RECOMMENDATION:</u>
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the request from Ontario Petition for Change regarding Petition - Homelessness/Mental Health/Addictions. |



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**Remove From
Block**

4. Two members of Council have communicated an interest in being considered to fill the council representative vacancy on the City of Welland Heritage Committee.

Ref. No. 05-50

Those Councillors are as follows:

- Councillors Graham Speck
- Councillor John Mastroianni


RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor _____ to the City of Welland Heritage Advisory Committee for the term October 19, 2021 to November 14, 2022.

4. BY-LAWS

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

1. A By-law to amend City of Welland Zoning By-law 2017-117 (Mountainview Homes (Niagara) Ltd. – File 2021-06) 89 Westcreek Court. Ref. No. 21-86
(See Report P&B-2021-50)
2. A By-law to adopt Official Plan Amendment No. 36 (Idrakoth Ltd.) 800 Niagara Street. Ref. No. 21-108
(See Report P&B-2021-59)
3. A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2021-07) - 800 Niagara Street. Ref. No. 21-108
(See Report P&B-2021-59)
4. A By-law to enter into contract with GM BLUEPLAN Engineering Limited for the Broadway Sewershed - I/I Investigation and Remediation Action Plan and Ontario SPS Sewershed (Lincoln/Coventry) - I/I Investigation and Remediation Action Plan. Ref. No. 21-135
(See Report ENG-2021-27)

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

21-86

REPORT P&B-2021-50
OCTOBER 19, 2021

SUBJECT: APPLICATION FOR ZONING BY-LAW AMENDMENT (FILE NO. 2021-06) AND DRAFT PLAN OF VACANT LAND CONDOMINIUM (FILE NO. 26CD-14-21005) SUBMITTED BY UPPER CANADA CONSULTANTS ON BEHALF OF MOUNTAINVIEW HOMES (NIAGARA) LTD. FOR LANDS LOCATED ON THE EAST SIDE OF SOUTH PELHAM ROAD, NORTH OF WEBBER ROAD, AND WEST OF CLAIRE AVENUE, LEGALLY DESCRIBED AS BLOCK 2 59M-472, GEOGRAPHIC TOWNSHIP OF THOROLD, NOW IN THE CITY OF WELLAND, REGIONAL MUNICIPALITY OF NIAGARA, MUNICIPALLY KNOWN AS 89 WEST CREEK COURT.

**AUTHOR: TAYLOR MEADOWS, BURPI
DEVELOPMENT PLANNER**

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND APPROVES AN Amendment to Zoning By-law 2017-117, as amended, for lands on the east side of South Pelham Road, north of Webber Road and west of Claire Avenue, legally described as Block 2 59M-472, Geographic Township of Thorold, Now in the City of Welland, Regional Municipality of Niagara, municipally known as 89 West Creek Court from Residential Medium Density – RM and Institutional Health and Wellness – INSH to Site Specific Residential Medium Density – RM, Site Specific Institutional Health and Wellness – INSH and Environmental Protection Overlay – EP; and further,

THAT Welland City Council approves Draft Plan of Vacant Land Condominium for lands described as Block 2 59M-472, Geographic Township of Thorold, Now in the City of Welland, Regional Municipality of Niagara, municipally known as 89 West

Creek Court, for the creation of 69 units for block townhouse dwellings, one (1) naturalized buffer block, and one (1) daylighting triangle block, subject to the following conditions:

1. That the Owner enter into a Site Plan Agreement with the City of Welland;
2. That no grading or construction work commence until such time as the Site Plan Agreement has been entered into and financial securities are in place;
3. That the Site Plan or Condominium Agreement between the owner and the City contain a provision whereby the owner agrees to implement the approved noise mitigation measures AND ensure the required warning clauses be included in all offers and agreements of purchase and sale or lease to survive closing in accordance with the *Environmental Noise Feasibility Study* (dated June 1, 2021) prepared by Valcoustics Canada Ltd;
4. That the following clauses shall be included in the Site Plan or Condominium Agreement between the owners and the City of Welland:

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

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

5. That a Landscape Plan be prepared to the satisfaction of the Niagara Region. The Landscape Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA);
6. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and

that no grading within the 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 and a minimum of 10 metres from the dripline of any trees to be retained. The Grading Plan should also illustrate the location and installation details associated with sediment control and limit of work fencing. Limit of work fencing must be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site;

7. That permanent rear-lot fencing be provided along the boundary of the environmental block, adjacent to the wetland buffer. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas;
8. That a clause be added to the Site Plan or Condominium Agreement indicating 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;
9. 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;
10. That the Site Plan or Condominium Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan;
11. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this condominium does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner;

12. That the owner provides a written undertaking to the Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the owner and the City;
13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program;
14. That the owner/developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling;
15. That the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement;
16. If Regional Waste Collection cannot be provided, the Site Plan or Condominium Agreement between the owner and the City contain provisions that the owner shall provide a written undertaking to the Niagara Region Planning and Development Services Department acknowledging that because the site design does not meet Regional Waste Policy, garbage/recycling pick-up for the development will not be provided by the Region. Further, the following warning clause shall be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided by the condominium corporation through a private contractor and not the Region.";
17. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy;
18. That the following warning be included in the Site Plan or Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 46-52(subject to the Regional waste collection trucks reverse limits):

“That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance to the details outlined in the Niagara Region’s corporate waste collection policy.”;

19. That the owner dedicates additional lands at the north west corner of the intersection of Regional Road 29 and Clare Avenue to the Region of Niagara to achieve an ultimate daylighting triangle size of 10 metres x 10 metres;
20. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division);
21. That the Site Plan or Condominium Agreement between the owner and the City contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development;
22. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Control measures shall be maintained and in good condition for the duration of construction until all disturbed surfaces have been stabilized;
23. That the Developer provides appropriate limit-of-work fencing along the rear of Lots 36, 49, 50 and 55-69 and the boundary of the 15 metre wetland buffer for the remainder of the lots to the satisfaction of the Niagara Peninsula Conservation Authority;
24. That the Developer provide a buffer restoration plan to provide enhancements to the wetland buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Scoping of the restoration plan is to be obtained by the Niagara Peninsula Conservation Authority. Scoping of the restoration plan is to be obtained by the Niagara Peninsula Conservation Authority and is to be done through a Work Permit from the Niagara Peninsula Conservation Authority;
25. That the Developer provide 1.5-metre-high chain link fencing along the boundaries of Lots 36, 49, and 50. Fencing should also be established along the agreed upon wetland buffer in lots and as shown on applicable plans and drawings to the satisfaction of the Niagara Peninsula Conservation Authority;

26. That conditions 22 to 25 be incorporated into the Site Plan or Condominium 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 Site Plan or Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval;
27. If existing Welland Hydro-Electric System Corporation infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant;
28. If easement(s) are required by Welland Hydro-Electric System Corporation to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements;
29. The proposed development must meet the clearance requirements of the Ontario Building Code section 3.1.19.1 "Clearance to Buildings";
30. The Developer shall submit the full engineering design drawings to the City of Welland's Engineering Division for review and approval. Design drawing submission shall include servicing, grading, photometric, signage, and landscaping plans;
31. The revised sewer drainage area plans shall be submitted to the City of Welland's Engineering Division for review and approval;
32. The Developer shall be responsible for all costs associated with the development, including reinstatements to the existing condition or better;
33. 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;
34. The Developer shall conduct home condition surveys, as or if required, prior to commencement of construction;
35. The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:
 - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.

- ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any homes sales.
 - b. The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevard and sidewalks are in place in the remainder of the subdivision.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c. 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;
36. A subsurface Geotechnical report prepared by a qualified geotechnical engineer will be required at the time of building permit application submission;
37. Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-lieu 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 Site Plan or Condominium Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Site Plan or Condominium Agreement;

38. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily;

City of Welland: 1, 2, 30-34, 36, 37

Region of Niagara: 3-21

NPCA: 22-26

Canada Post: 35

39. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request extension to 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 further,

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

ORGIN AND BACKGROUND

Application for Zoning By-law Amendment and Draft Plan of Vacant Land Condominium were submitted on June 4, 2021 and were deemed completed on June 17, 2021.

The subject lands are located within a registered Plan of Subdivision – West Creek Estates (2019).

COMMENTS AND ANALYSIS:

The Proposal

The purpose of the application for Zoning By-law Amendment is to facilitate various modifications to the Residential Medium Density - RM and Institutional Health and Wellness – INSH Zone and establish an Environmental Protection Overlay to permit the construction of a sixty-nine (69) unit Plan of Vacant Land Condominium, for which the owner has also made application. The requested Site Specific Residential Medium Density – RM and Institutional Health and Wellness – INSH provisions are:

Implementation

- That the proposed townhouse shall be considered as a “Block Townhouse” and subject to the provisions contained in City Zoning By-law 2017-117, as amended.
- That all setbacks for the purpose of zoning and building permit compliance for this property shall be taken from the dwelling to internal private roadway (back of curb), existing lot lines, Block boundaries or between dwellings (as prescribed). Setbacks shall not be taken from Condominium Unit lines.

- Lot coverage shall be calculated on a comprehensive basis for the entirety of the residential developable area, and shall include common element areas.

Definitions

- That the following definition be used for Block Townhouses:
 - o “Means a dwelling unit within a building containing three or more dwelling units with frontage along a private street or parking lot, each of which has an independent entrance and does not include another dwelling type defined herein.”

Regulations for Institutional Zones – Block Townhouses

- INSH-X Zone
 - o That Block Townhomes be added as a permitted use and subject to the provisions outlined in the RM Zone of Section 7.3 of Zoning By-law 2017-117, as well as the site- specific provisions of By-law 2021-XX

Regulations for Residential Zones – Block Townhouses

- RM-X Zone
 - o Rear Yard Setback
 - a) 6.0 metres from rear wall of Block Townhouse dwelling to a lot line.
 - b) 4.8 metres from the rear wall of Unit 36 to a lot line.
 - c) 12.0 metres between rear walls of Block Townhouse Dwellings.

General Provisions – Decks

- Decks, covered or uncovered, may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 1.5m above grade.

Parking and Loading

- Notwithstanding Section 6.1.6 b), that the 0.3 metre increased width for obstructed parking spaces is not required for private garages.
- That required parking for a Block Townhouse may be permitted between the façade of the building and the private roadway.

The purpose of the application for Draft Plan of Vacant Land Condominium is to create sixty-nine (69) condominium townhouse units accessed via a private road connection from West Creek Court. The Plan proposes a built density of 31.58 units per hectare and greenfield development density of 77.58 people/jobs per hectare.

The Site

The property is located between east side South Pelham Road and the west side Clare Avenue with direct access from West Creek Court from the north. The lands are bounded to the south by Webber Road. The property is currently vacant and no development has been noted to ever occur on the site. The property is municipally known as 89 West Creek Court.

Surrounding Land Uses

A portion of the lands to the north are to be developed with residential uses, the balance of the lands include an environmental designation. Lands directly to the south feature a mix of residential uses. Property directly west is planned for a neighborhood commercial use and lands to the east include residential and environmental uses.

Development and Agency Comments Received

- | | |
|---|--|
| Welland Hydro-Electric System Corporation (August 3, 2021) | <ul style="list-style-type: none"> - Welland Hydro-Electric System Corporation (WHESC) does not object to the proposed application(s). - The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing Engineering@wellandhydro.com. - Unit type confirmation required, whether freehold or condominium. Hydro Meter locations are to be determined prior to servicing, based on unit type. - If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant. - If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements. - The proposed development must meet the clearance requirements of the Ontario Building Code section 3.1.19.1 "Clearance to Buildings". |
| City of Welland Corporate Services – Transit Division (July 23, 2021) | <ul style="list-style-type: none"> - No comments. |
| City of Welland Planning and Development Services – Traffic, | <ul style="list-style-type: none"> - No comments. |

Parking and By-laws
(July 23, 2021)
City of Welland
Infrastructure
Services – Public
Works Division (July
29, 2021)

Niagara Peninsula
Conservation
Authority (August 10,
2021)

- Development (private) is suggested to be serviced with master water meter(s) located at the property line(s) and that the watermain be looped.
- Niagara Peninsula Conservation Authority (NPCA) acknowledge that there has been a previous registered subdivision on the subject lands on August 20, 2019.
- Per NPCA policy 8.2.3.5 Proposed Development within 30 metres of a Wetland, the applicant has submitted an Environmental Impact Study in support of the proposed development. The Environmental Impact Study that was submitted is outdated; five years is generally the standard window of time used in practice for review at the NPCA. The addendum provided in May 2021 by LCA Consultants helped to provide some further information, along with a field visit conducted by NPCA staff, along with the applicant and environmental consultant on August 5th, 2021 to verify that the existing conditions on site remained consistent with what was documented in the 2008 Environmental Impact Study submitted.
- After attending the site visit, NPCA staff requested that the applicant provide a technical memo demonstrating that the hydrologic function of the wetland will be maintained during and post-construction of the proposed development. NPCA staff are satisfied that the comments provided in the "Addendum to Westcreek Estates EIS Update," Prepared by LCA Environmental Consultants dated August 6, 2021 have sufficiently addressed that the hydrologic function of the wetland will be maintained during and post construction of the proposed development, as such a water balance will not be required.
- It is noted that the "Preliminary Site Plan, West Creek Condo, City of Welland," Dwg: 2021-SP

dated September 30, 2020 printed June 2, 2021 shows the 1 in 100-year floodplain elevation.

Region of Niagara –
Environmental
Planning (August 11,
2021)

- The NPCA is supportive of the zoning of the natural buffer area along the northern lot line as EP and floodplain as EP, Environmental Protection. NPCA staff acknowledge and recognize the City of Welland for receiving the dedication of the wetland buffer area – Block 71, as part of City owned public lands in line with NPCA policy 8.2.5.
- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Drapers Creek Provincially Significant Wetland Complex (PSW), Regional Local Amendment and Type 1 (Critical) Fish Habitat. An Environmental Impact Study (EIS) was previously submitted by L Campbell & Associates (dated January 2008) in support of applications associated with the subject lands. However, as the proposed development was modified and the EIS was now outdated, staff requested the completion of an updated EIS to demonstrate that there will be no negative impact on the Regional CNHS features or their ecological functions.
- Regional Environmental Planning staff have reviewed the 'Update to 2008 EIS for Westcreek Estates Phase 1' Memo, prepared by LCA Environmental Consultants (dated May 27, 2021), and are generally in agreement that the proposed development can be accommodated in this location without significant negative impact to the CNHS. That said, staff are not satisfied with the size of the buffer width proposed adjacent to the PSW and request that the proposed Site Plan be revised to achieve a minimum average buffer width of 20 metres. Alternatively, a fulsome update to the 2008 EIS should be prepared to justify a narrower buffer width. Further, any environmental studies requested by the City of Welland or Niagara Peninsula Conservation

Authority (NPCA) will require review and approval by the Region.

Region of Niagara –
Planning and
Development
Services (August 24,
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 Greenfield Area of the City of Welland. The ROP states that the Region will require a combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas. The *Planning Justification Report* prepared by Upper Canada Consultants (dated June 2021) states that the proposed development provides for 77.59 people and jobs per developable hectare.
- Regional Staff notes that the density of this development exceeds the minimum Greenfield density target of 50 people and jobs per hectare. As such, staff offers no objection to the proposed condominium from a density perspective as it conforms with and is consistent with Regional and Provincial policies.
- Relating to the proposed design:
 - o Interface with Regional Road (Webber Road):
 - o The frontage along Webber Road includes an intersection with Clare Avenue. This is a highly visible area and it is a best practice to place built form with architectural features and details in these places. The applicant shall consider re-locating the surface parking more internal to the site and placing a block of townhomes at this intersection. If residential units will not fit within this space, then consider the design of a placemaking element that includes hardscaping (low walls, gazebo, seating area, plant material, etc.)

- Several units include side elevations that will face the Regional Road (Units #14, 25, 26, 44, 45, and 55). It is recommended that these elevations are designed with enhanced architectural details (e.g. high-quality building materials, ample glazing, wrap-around porch, etc.) This will improve “eyes on the street” for both the private window road and the Regional Road.
- Since the Private (window) road will be visible from the Regional Road, it is recommended that a landscape treatment (i.e. decorative fence and plant material) is incorporated into the 3m landscape strip along the front property line. Please submit details for any landscape features (fencing, signage, decorative walls), that will be visible from the Regional Road. Additionally, the 5m wide stormwater easement is located along the front property line. Please verify if fencing and plant material are permitted to be placed within this easement. If not, then it may be recommended that the landscape strip is increased in width and is extended beyond this easement.
- Streetscape along Regional Road (Webber Road):
 - The drawings should include the entire municipal boulevard along Webber Road including any improvements to the boulevard.
 - It is recommended that a municipal sidewalk is provided along the frontage of Webber Road and connects with the sidewalk along Clare Avenue and provide pedestrian connections from the future sidewalk along Webber Road into the development at key locations.
 - The Landscape Plan should include the following streetscape information:

deciduous street trees in a sodded boulevard. Trees should be 50mm caliper and spaced according to their size. Refer to the Region's Master Tree Planting List for species. The Landscape Plan should include an overlay of survey information and site servicing information, to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard. Please note that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials.

- Based upon the submitted elevations for Units 45-69, it appears that the garages protrude beyond the front elevation. Although the porch is designed to be extended beyond the garage, the front entrances appear to be recessed. It is a best practice to have not only the front porch but the front entrance and front elevation be placed closest to the street with the garage setback from this elevation.
- It is a best practice to provide a shared amenity space in a centralized location of the site. The size and design of the amenity space should be appropriate for the proposed number of units.
- There appears to be several pinch points where there is insufficient space to provide an on-site landscape treatment between the private roads, parking and buildings and the required naturalized buffer. This may also impact the design of site drainage, and could require more space for these features. For example: rear of Unit 36, Private road that dead-ends between Units 49 and 50, side elevation of Unit 50,

hammerhead turnaround near Unit 69, and parking space #35.

- Please verify if it is permitted to include fencing and plant material within the 5m wide storm easement located along the rear yards of Units 1-14. This may have an impact on the landscape and privacy for these units.
- Regional staff will continue to work with the applicant and will review the above details at a later stage in the approval process (Site Plan)
- Given the subject lands are fronting on a Regional Road, the development has potential to be impacted by the noise generated by vehicular traffic. As such, an *Environmental Noise Feasibility Study* (dated June 1, 2021) prepared by Valcoustics Canada Ltd. has been submitted in support of the applications. The purpose of this assessment was to assess the noise impacts from road traffic on Webber Road, South Pelham Road and Clare Avenue. The report concluded that in order for the development to meet the applicable Ministry of the Environment, Conservation and Parks (MECP) NPC-300 sound level guidelines the following mitigation measures are required:
 - o Unit 14 requires mandatory air conditioning to allow windows to remain closed for noise control purposes;
 - o The remaining units in the townhouse blocks along the west and south sides of the site (Units 1 to 13, 20 to 31 and 40 to 69) require the provision for adding air conditioning at a later date;
 - o At all dwellings, exterior wall and windows meeting the minimum non-acoustical requirements of the Ontario Building Code (OBC) will be sufficient to meet the indoor noise criteria;
 - o Sound barriers 1.8m in height are required at the rear yards of Units 7 to 14, 25, 26,

- 44, 45, 54 and 69 as shown on Figure 2 of the study; and
- Applicable warning clauses to be registered on title for certain units.
- During pre-consultation, Regional staff noted that based on the Provincial Criteria for Assessing Archaeological Potential, the subject property exhibited potential for the discovery of archaeological resources due to the lands being within 300m of a watercourse (i.e. Drapers Creek) and within 300m of registered archaeological sites.
 - An *Archaeological Assessment* (Stages 1, 2 & 3 – dated January 2008) prepared by Archaeologix Inc. was submitted in support of the applications. The Stage 2 assessment of the ploughed fields was conducted by the standard pedestrian survey at five metre intervals. The Stage 2 assessment of wooded areas was conducted by the standard shovel test pit method at five meter intervals. The Stage 2 resulted in the identification of one location producing pre-contact Aboriginal cultural material. Due to the potential significance and information potential of these sites, it was recommended that they be subject to additional Stage 3 assessment. The Stage 3 assessments of Location 1 (AfGt-174) produced only a limited amount of additional cultural material, none of which was diagnostic. The report concluded that due to the extremely sparse nature of the cultural deposits at this site, the information potential of Location 1 was judged to be low and no additional assessment is recommended.
 - In a letter dated September 11, 2008 the Ministry of Culture reviewed and accepted the Archaeological Assessment (Stages 1, 2 & 3) and the recommendations. As the Ministry was satisfied that concerns for archaeological sites have been met for the area of this development, the report has been entered into the Ontario Public Register of Archaeological Reports.

- Regional staff notes that Figure 3 in the report identifying the limit of development at the time the report was completed (2008) no longer coincides with the limit of proposed development in the current applications. The report specifically stated that the wet area along Clare Avenue was not assessed. Staff notes that this area remains small and appears to only be proposed emergency access and parking for the development. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff requires the inclusion of a standard warning clause in the condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. As such, a condition requiring the clause has been included.
- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Drapers Creek Provincially Significant Wetland Complex (PSW), Environmental Protection Area: Regional Local Amendment and Type 1 (Critical) Fish Habitat. An Environmental Impact Study (EIS) was previously submitted by L. Campbell & Associates (dated January 2008) in support of applications associated with the subject lands. However, as the proposed development was modified and the EIS was now outdated, staff requested the completion of an updated EIS to demonstrate that there will be no negative impact on the Regional CNHS features or their ecological functions.
- Regional Environmental Planning staff have reviewed the 'Update to 2008 EIS for Westcreek Estates Phase 1' Memo, prepared by LCA Environmental Consultants (dated May 27, 2021), and are generally in agreement that the proposed development can be accommodated in this location without significant negative impact to

the CNHS. Therefore, in addition to the recommendations of the EIS and supporting memo, the Region recommends that the proposed Site Plan be revised to achieve a minimum average buffer width of 20 metres in order to ensure that the proposed development meets the no negative impact test of the Provincial Policy Statement.

- As it relates to the concurrent zoning by-law amendment, Regional staff request to have the feature and associated buffer to be recognized as Environment Protection or other appropriate zone that restricts future development and/or site alteration.
- 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.
- Regional staff completed a review of the submitted Preliminary Functional Servicing Report (dated May 2021) prepared by Upper Canada Consultants and offer the following comments:
 - o It is understood that the NPCA has not required stormwater quantity control be implemented from West Creek Estates due to the location within Draper's Creek Watershed. The Region defers to the NPCA requirement regarding storm discharge to the creek. The stormwater management and grading/servicing plan shall detail how the overland flows (up to the 100-year storm), i.e. storm runoff exceed the 5-year storm sewer flow, from the development will be accommodated across the site to the creek. Erosion

- protection along the flow route may be needed.
- Webber Road (Regional Road 29) shall not be negatively impacted as a result of the development.
 - An oil/grit separator and the existing stormwater management facility will service the development to meet Enhanced standard water treatment and erosion control. The Region has no objection to this plan.
 - The Region highly recommends Low Impact Development, such as rain gardens, rooftop leader discharge to stoned infiltration trench/vegetated area, permeable pavement, etc. be incorporated in the site plan.
- Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a condition of draft plan approval, Ministry of Environment, Conservation and Parks, Environmental Certificates Approvals (ECA) are required for any new/extended municipal sanitary and storm sewer services. The Region can review and approve the ECA's under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.
 - Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner brings the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
 - No limit green containers; and,
 - 2 garbage containers per unit
 - Collection will be at the curbside only
- Condominium Townhouse Developments are eligible to receive internal curbside waste collection through the Region. In order for this service to be provided, the developer/ owner shall comply with the Niagara Region's Corporate Policy and By-laws related to curbside collection of waste and recycling and complete the Application for Commencement of Collection and Indemnity Agreement. The required forms and policy can be found at the following link: www.niagararegion.ca/waste.
 - Regional staff reviewed the submitted Draft Plan and site plan drawings along with the transportation Brief. It is unclear as to if the Regional trucks will be reversing more than a distance of 15 metres for the private road. Therefore, Regional staff ask that revised truck turning templates be submitted with dimensions to ensure the waste collection trucks will not need to reverse more than 15 metres and to confirm that waste collection pads will only be required for Units 46-52. The future site plan drawings shall show the truck turning templates and increase the number to include any units that do not meet this requirement. If the requirements of the Waste Collection Policy cannot be met then waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region.
 - A daylight triangle of 10 metres x 10 metres will be required at the corner of Regional Road 29 (Webber Road) and Clare Avenue. Regional staff are satisfied with the daylight triangle and 3 foot reserve as shown on the plans.
 - A condition requiring the daylight triangles is included. The requested daylighting triangles are to be conveyed free and clear of any mortgages,

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

- Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department.
- Note, the placement of any sign, notice or advertising device within 20m of the centreline of Webber Road will require a Regional Sign permit.
- Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Regional staff request that any agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.
- Based on the discussion above, Regional staff supports, in principle, the development of 89 West Creek Court as the proposed applications are considered to align with the intent and direction of Regional and Provincial policy. As such, Regional Planning and Development Services staff would offer no objections to the Draft Plan of Vacant Land Condominium or the concurrent Zoning By-law Amendment subject to the discussion above and the Conditions outlined. Regional staff will continue to work with the applicant through subsequent planning

applications (Site Plan) to address items including (but not limited to) urban design, landscaping and waste collection as outlined above.

Canada Post Corporation (August 3, 2021)

- This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.
- Should the description of the project change, Canada Post Corporation would appreciate an update in order to assess the impact of the change on mail service.

City of Welland Fire and Emergency Services (August 25, 2021)

- No comments.

City of Welland Planning and Development Services – Building Division (August 27, 2021)

- Staff has reviewed the information submitted, the final decision on issuance of building permit will be based on the information submitted with the building permit application to this office.
- Subject lands are located within the regulated area of Niagara Peninsula Conservation Authority therefore approval by the NPCA will be required prior to issuance of building permits.
- A subsurface Geotechnical report prepared by a qualified geotechnical engineer will be required at the time of building permit application submission.
- Construction and installation of underground site services located in the "Private Road" portion of the development will be subject to a building permit issued in a conformance with Part 7 of the 2012 Ontario Building Code.
- 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 Condominium Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before

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

A Virtual Public Information Meeting was held on July 14, 2021 to gain public input regarding the proposed application. One (1) member of the public participated in the Public Information Meeting, in addition to the Agent and owners. The following comments and concerns were raised at the Public Information Meeting:

- Potential encroachment into lands zoned Environmental Protection Overlay – EP.

At the time of writing this report no written correspondence from the public has been received in reference to the submitted applications.

The Statutory Public Meeting under the Planning Act was held virtually on August 10, 2021. No members of the public spoke. Comments and concerns discussed at the Statutory Public Meeting included:

- Inquiries regarding potential plans to include neighbourhood commercial uses within the site;
- Traffic concerns already existing on Webber Road and potential accommodation of pedestrian walkways or signalling;
- Prospect of adding a small parkette to service the adjacent area and explanation of how 'cash-in-lieu' functions within the City's Parks, Recreation and Culture Master Plan; and,
- Confirmation clarification of required parking stall widths and proposed variances being requested related to parking, to facilitate development.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction for growth and development within the Province. All decisions must be consistent with the policies in the PPS. Settlement areas are to be the focus of growth and development. The lands uses and patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for the infrastructure and public services that are planned or available, among other criteria. The PPS also encourages development which supports active transportation and support the use of transit. The lands are within an area with existing municipal services (water, sanitary, and storm) and there is capacity to accommodate the development. Welland TRANS-CAB currently serves the area with transit services slated to be enhanced and modified in the future. Transit lines along Fitch Street are also within walking distance of the property. The lands are within walking distance to two parks to the north and south, providing recreational opportunities for residents.

The block of land immediately west of the site is designated and zoned for commercial uses, which will allow people to walk to the future uses on this site.

The PPS also requires municipalities to provide an appropriate range and mix of housing options and densities to meet current and future residential needs, for both market-based and affordable housing needs. The policies encourage all types of residential intensification. New housing development should be directed to areas where appropriate levels of infrastructure and public service facilities are available. The proposal will add to the housing stock and diverse dwelling types in the area (townhomes), which will assist in facilitating smart growth. The subject lands are in an area that is zoned to accommodate mixed-use development with a variety of residential dwellings including commercial and institutional uses.

The subject lands are within an area with existing municipal services, are serviced by Welland TRANS-CAB, are within walking distance to municipal parks and future commercial or institutional uses. The proposal will develop the property with a medium density housing form which is compatible with the neighbourhood, and makes more efficient use of urban, serviced lands. The proposal is consistent with the policies in the PPS.

A Place to Grow Growth Plan for the Greater Golden Horseshoe

The A Place to Grow Plan (P2G) encourages that the vast majority of growth will be directed to settlement areas which have: a delineated built boundary; have existing or planned water and waste water systems; and, can support the achievement of complete communities. The P2G further encourages growth to be located within the identified built-up area, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (schools, libraries, parks, etc.). The P2G requires that 40% of all new growth, which is to be increased to 50% at the time of the next municipal comprehensive review, occur within the delineated built-up area.

The subject lands are within the delineated built-up area within the City of Welland. It is within an area that is planned to include a mix of uses and densities, with commercial and residential uses to the west and north. Townhomes and single-detached residential dwellings are established to the south, and a four-storey apartment building which will be breaking ground imminently. Environmental protection areas and a stormwater management pond are located to the east of Clare Avenue. As previously identified, the lands are within an area that is serviced with municipal transit and is within walking distance to municipal parks and future commercial uses. The lands have access to municipal services with capacity to accommodate the proposed development. The project will assist the City in achieving our intensification target. The lands have not been identified as an intensification area, but as the lands are within the delineated built-up area, intensification and redevelopment is encouraged.

Regional Official Plan

The lands are identified as being within the Built-Up area of the City of Welland. The policies in the Region's Official Plan are consistent with the policies found in the PPS and P2G. The Region's policies promote growth and development within urban areas that can access municipal services. The Region's policies promote the creation of livable and walkable communities that are in close proximity to services and community facilities.

The proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment will allow for the development of the property with sixty-nine (69) townhome residential units which is within walking distance of transit stops, businesses, and parks. The subject lands are visible and adjacent to a Regional Road; as such, the property will be subject to noise mitigation, urban design, stormwater management, etc. through a Site Plan Agreement process.

The proposal is consistent with the policies in the Regional Official Plan.

City of Welland Official Plan

The Subject lands are designated Medium Density Residential and Institutional in the City of Welland Official Plan.

When reviewing applications for infilling and intensification, the City of Welland's Official Plan identifies that the following criteria should be reviewed:

- Land use and neighbourhood character compatibility;
 - The subject lands are within an area of mixed residential designations including high density, medium density and low density residential areas. The area also includes future neighbourhood commercial uses that are primarily focused at the intersection of Webber Road and South Pelham Road. The proposed development is considered to be consistent with the building typologies established in the surrounding lands.
 - The proposed development is considered to be compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
 - The proposed development is located on an existing lot. Site specific amendments have been required to address the zone provisions.

- Lot pattern and configuration is consistent with existing development to the south and east of the subject lands.
- Accessibility;
 - Buildings are to be designed to meet Ontario Building Code requirements. Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
 - The City's minimum parking standards are one space per unit. The required parking stalls based on the number of units, amounts to 69. The proposed development has provided an excess of parking for each unit and included visitor parking areas throughout the plan.
- Potential for additional traffic and traffic maneuverability;
 - Traffic will access the site from two entrances off West Creek Court, directing vehicles to South Pelham Road. A Traffic Brief was prepared to address the proposed development. Additional review will take place at the time of a Site Plan Control application.
- The potential for transit ridership;
 - There are currently no transit lines in this neighbourhood; however, it is serviced by TRANS-CAB which connects riders to the closest bus route (Route 501).
 - The lands are within walking distance to route 504 along Fitch Street.
 - The City of Welland plans to add and enhance the area of the subject lands' transit service in the

coming years through initiatives like on-demand service.

- Natural (including natural hazards) and built heritage conservation/protection;
- No built heritage features exist on the subject lands. The property is located adjacent to a Provincially Significant Wetland to the east. Appropriate studies and approvals have been granted via the registered Plan of Subdivision, which the lands are within. As a result of the updated EIS addendum which was submitted, an additional area of Environmental Protection lands are being proposed on the property to create a buffer area. Although there are no features on the subject lands, they are on the adjacent lands.
- The available capacity of municipal infrastructure;
- There is capacity in the existing infrastructure to accommodate the proposed development.
- Residential intensification targets identified in this plan.
- The proposed development will assist the City in achieving the target of 40% of all new residential development being within the Built-Up Area. That intensification goal will be increased to 50%, or higher depending on the allocation identified by the Region, at the time of the next Municipal Comprehensive Review. The proposed development of this site will contribute to achieving that goal.

The Draft Plan of Vacant Land Condominium and Zoning By-law Amendment is consistent with the policies in the City of Welland Official Plan.

City of Welland Zoning By-law

The lands are currently zoned Residential Medium Density – RM and Institutional and Community Wellness – INSH in the City of Welland Zoning By-law. The lands are undeveloped and are currently vacant. The application for Zoning By-law Amendment has been submitted to amend the Zones to Site Specific Residential Medium Density – RM and Site Specific Institutional and Community Wellness – INSH and Environmental Protection Overlay -EP. The application will facilitate the construction of sixty-nine (69) residential townhome units.

Notwithstanding the provisions of Section 5 General Provisions, Section 6 Parking and Loading, and Section 7.3 Regulations for Residential Zones contained in Zoning By-law 2017-117, the following provisions are proposed to apply to the subject lands:

Implementation

- That the proposed townhouse shall be considered as a “Block Townhouse” and subject to the provisions contained in City Zoning By-law 2017-117, as amended.
- That all setbacks for the purpose of zoning and building permit compliance for this property shall be taken from the dwelling to internal private roadway (back of curb), existing lot lines, Block boundaries or between dwellings (as prescribed). Setbacks shall not be taken from Condominium Unit lines.
- Lot coverage shall be calculated on a comprehensive basis for the entirety of the residential developable area, and shall include common element areas.

Definitions

- That the following definition be used for Block Townhouses:
 - o “Means a dwelling unit within a building containing three or more dwelling units with frontage along a private street or parking lot, each of which has an independent entrance and does not include another dwelling type defined herein.”

Regulations for Institutional Zones – Block Townhouses

- INSH-X Zone
 - o That Block Townhomes be added as a permitted use and subject to the provisions outlined in the RM Zone of Section 7.3 of Zoning By-law 2017-117, as well as the site-specific provisions of the RM-X Zone.

Regulations for Residential Zones – Block Townhouses

- RM-X Zone
 - o Rear Yard Setback
 - a) 6.0 metres from rear wall of Block Townhouse dwelling to a lot line.

- b) 4.8 metres from the rear wall of Unit 36 to a lot line.
- c) 12.0 metres between rear walls of Block Townhouse Dwellings.

General Provisions – Decks

- Decks, covered or uncovered, may project a maximum of 3.75 metres into the required rear yard, provided said deck is not higher than 1.5m above grade.

Parking and Loading

- Notwithstanding Section 6.1.6 b), that the 0.3 metre increased width for obstructed parking spaces is not required for private garages.
- That required parking for a Block Townhouse may be permitted between the façade of the building and the private roadway.

All other provisions of the Zoning By-law can be met and exceeded. The proposed Zoning By-law Amendment can be supported.

Public Comments

No comments were received from the public regarding the proposed application. Discussion at the Statutory Public Hearing resulted in a inquiry related to parkland dedication.

Parkland Dedication

Parkland Dedication for the property has been proposed via 5% cash-in-lieu provision, rather than 5% of the land area. This arrangement is an allowable option under Section 51.1(1) of the Planning Act. The City is entitled to receive parkland through the land development process as prescribed by the Ontario Planning Act; up to 2% of developed industrial and commercial lands, 5% of all other developable lands. The Act also provides for alternative calculations of 1 hectare per 300 dwelling units, or some lesser rate as may be determined by the municipality; or, cash-in-lieu of the physical parkland can be collected (though at a rate of 1 hectare per 500 dwelling units is applied to the density-based standard), or a lesser rate as determined by the municipality. The City's Official Plan also includes policies with respect to the provision of parkland, or cash in lieu of parkland which are consistent with the regulations in the Planning Act. The funds received through the cash-in-lieu payment are put into a separate account and can only be used to purchasing additional lands, park maintenance and improvements, securing leases or access agreements, and other means to add parkland to the supply. A 5% cash-in-lieu option supports existing parks and prioritizes City resources to provide the best possible service to the City's residents and visitors. The provision of cash-in-lieu of parkland also ensures that the City is not provided with small, fragmented parklands which have limited programming capabilities. The collection of cash-in-lieu is consistent with Section 4.3 of the City's Parks, Recreation and Culture Master Plan.

Niagara Region Environmental Comments

It is noted that the City received comments from Niagara Region Environmental staff related to the proposed applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment. Regional staff have noted that the subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Drapers Creek Provincially Significant Wetland Complex (PSW), Regional Local Amendment and Type 1 (Critical) Fish Habitat. Regional staff were not satisfied with the size of the buffer width proposed adjacent to the Provincially Significant Wetland and requested that the Site Plan be revised to achieve a minimum average buffer width of 20 metres. Alternatively, Regional staff requested a fulsome update to a 2008 Environmental Impact Study be prepared to justify a narrower buffer width.

The City has elected not to include the proposed conditions related to the Region's position on this matter. The following will consider the justification and rationale behind this decision:

- The subject lands are located within a Plan of Subdivision (West Creek Estates) that was registered in 2018. It is noted that Niagara Region did not object or request any additional buffer at the time of this subdivision's registration. The opportunity to provide comments related to concerns regarding buffer width was at the time of registration, not at the time of development – three (3) years later.
- If the City of Welland were to include the proposed conditions associated with this issue, a dangerous precedent may be set that could have long-lasting effect. The City has identified via planning applications and studies, its developable potential for the municipality. Retroactively identifying issues such as this, could result in harm to the development potential of the City in the future.
- As reflected on the proposed plans, no development is anticipated or suggested in the current environmental buffer that was identified at the time of the original Plan of Subdivision's registration. The proposed plan has been created to reflect the outcome of the numerous studies and review that was conducted at the time of the West Creek Estates Subdivision registration.
- Lastly, the Niagara Peninsula Conservation Authority (NPCA) has provided comment on the proposed applications and did not request any increases to the established buffer. It is noted that the NPCA is delegated authority by the Province to act on matters associated with Provincially Significant Wetlands.

Council Comments

Discussion regarding the Niagara Region's environmental comments; specifically, the proposed increased buffer width between the Provincial Significant Wetland

(PSW) and the future development are addressed via the above text. The buffer width was previously established at the time of the overall Plan of Subdivision's (Westwoods on the Creek) registration in 2019. Niagara Region had the opportunity to comment and request additional environmental reports or an increase to the buffer prior to the clearance of conditions and registration. The submitted application for Draft Plan of Condominium is to address and work within the developable area as identified in the approved Plan of Subdivision for the lands. The proposed development not only meets but exceeds the expected buffer width as determined by the Plan of Subdivision. Appendix III, as attached to this report, further illustrates the proposed buffer width and established environmental block via the Plan of Subdivision. The Niagara Peninsula Conservation Authority (NPCA) has not identified an increased buffer width as a condition of approval, nor has requested further information. Staff have reviewed and given thoughtful consideration to the proposed conditions from Niagara Region, ultimately, determining to omit the proposed conditions based on increasing the buffer width from the PSW as the subdivision was recently registered and the appropriate time to ask for the additional information would have been prior to registration. Staff are concerned that this could create a negative precedent, and significantly reduce the lands identified for development in the City's urban area.

A question related to the acceptance of cash-in-lieu of parkland dedication rather than parkland for this development was raised. Staff feel that the acceptance of a cash-in-lieu payment is an appropriate method at this time rather than the physical lands as the amount of parkland that would be received would be limited in size and would have limited ability to provide parks programming. In addition to this, the City will receive Block 71 with the PSW, which may allow for limited passive recreational uses. The extents of lands to be dedicated to the City are reflected on the attached Appendix V. The area is anticipated to also include a linkage via trail systems as part of the City's Community Trails Strategy. The attached Appendix V also highlights the proximity to established parks in the area to the north and south of the subject lands. The parks are considered to be within walking distance and provide ample space for the area, with Westbrook Park being within 285 metres of the subject lands, and Gaiser Road Park being within 250 metres of the subject lands, which is considered a walkable distance.

The City's Parks, Recreation & Culture Master Plan (PRCMP) sets out the criteria which for providing parkland to residents and identifies that parks should be within a 10 minute, or 800 metre, walk for residents without having to cross a major street, waterway, or railway. The subject lands are identified as being within 800 metres of a park, and have not been highlighted as an area that new parklands should be provided. As previously identified, the subject lands are within 285 metres of Westbrook Park to the north, and can be accessed via Clare Avenue. A sidewalk connection will be created from the proposed development, which will also double as an emergency access, to the sidewalk on the west side of Clare Avenue. Westbrook Park is located 300 metres (984 feet) to the north along the sidewalk, the playground

equipment is located 360 metres (1,180 feet) from the intersection. This is well below the 800 metre walking radius identified in the PRCMP.

If the applicant were required to provide a park on the subject lands that reflected 5% of the overall area, it would be under 1,200 square metres (12,900 square feet in size). This would be approximately an eighth of the size of Westbrook park to the north, which is 8,100 square metres (87,200 square feet) in size. In addition to this, depending on the location of the park within the development, it may not be accessible to the public as this is a private condominium development. Based on the size of the park that could be created, and that Westbrook Park is easily accessible, staff continue to recommend that cash-in-lieu of parkland dedication be accepted rather than the provision of raw land. The payment received through the parkland dedication can be used to enhanced the existing Westbrook Park.

When the subject block of land was created through the registration of the West Creek Plan of Subdivision, it was identified that cash-in-lieu of parkland dedication would be taken at the time of development. The request for land through the development of this parcel would be in contravention with the existing agreement that is registered on the property. As the City has previously identified that cash-in-lieu of parkland dedication, it is not appropriate to now request the lands at this time.

Staff from the Community Services and Planning Divisions have had discussions regarding this application and how to determine when the City should be requiring land dedications or cash dedications. It has been highlighted that there should be greater communication between the two divisions earlier in the process of any development to ensure that the provision of parkland aligns with the PRCMP. It has also been identified that through the update of the City's Official Plan, the policies should be brought into alignment with the PRCMP. Planning staff will ensure that the two documents are consistent with respect to parkland provision.

FINANCIAL CONSIDERATION:

All costs associated with the development of this application will be borne by the applicant.

OTHER DEPARTMENT IMPLICATIONS:

Other City Departments have been circulated the applications for their review and comment. Their comments have been included where appropriate.

SUMMARY AND CONCLUSION:

The application for Zoning By-law Amendment to rezone 89 West Creek Court to Site Specific Residential Medium Density – RM and Site Specific Institutional

Health and Wellness – INSH, and the development of the property with a sixty-nine (69) unit Draft Plan of Vacant Land Condominium represents good planning because:

1. It is consistent with Provincial, Regional and City policies that promote infilling and intensification;
2. The property is within the City's Built-Up Area, and will help the City achieve its intensification targets;
3. The infrastructure and public services in the area can accommodate the proposed development;
4. The proposed development meets the minimum density standards in the City's Official Plan, and;
5. The development facilitates the vision and intent of the previously registered Plan of Subdivision, which the lands fall within

ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Aerial Photo
- Appendix III - Draft Plan of Vacant Land Condominium
- Appendix IV - Relevant Correspondence
- Appendix V - Environmental and Parkland Map



Location Map

89 West Creek Court

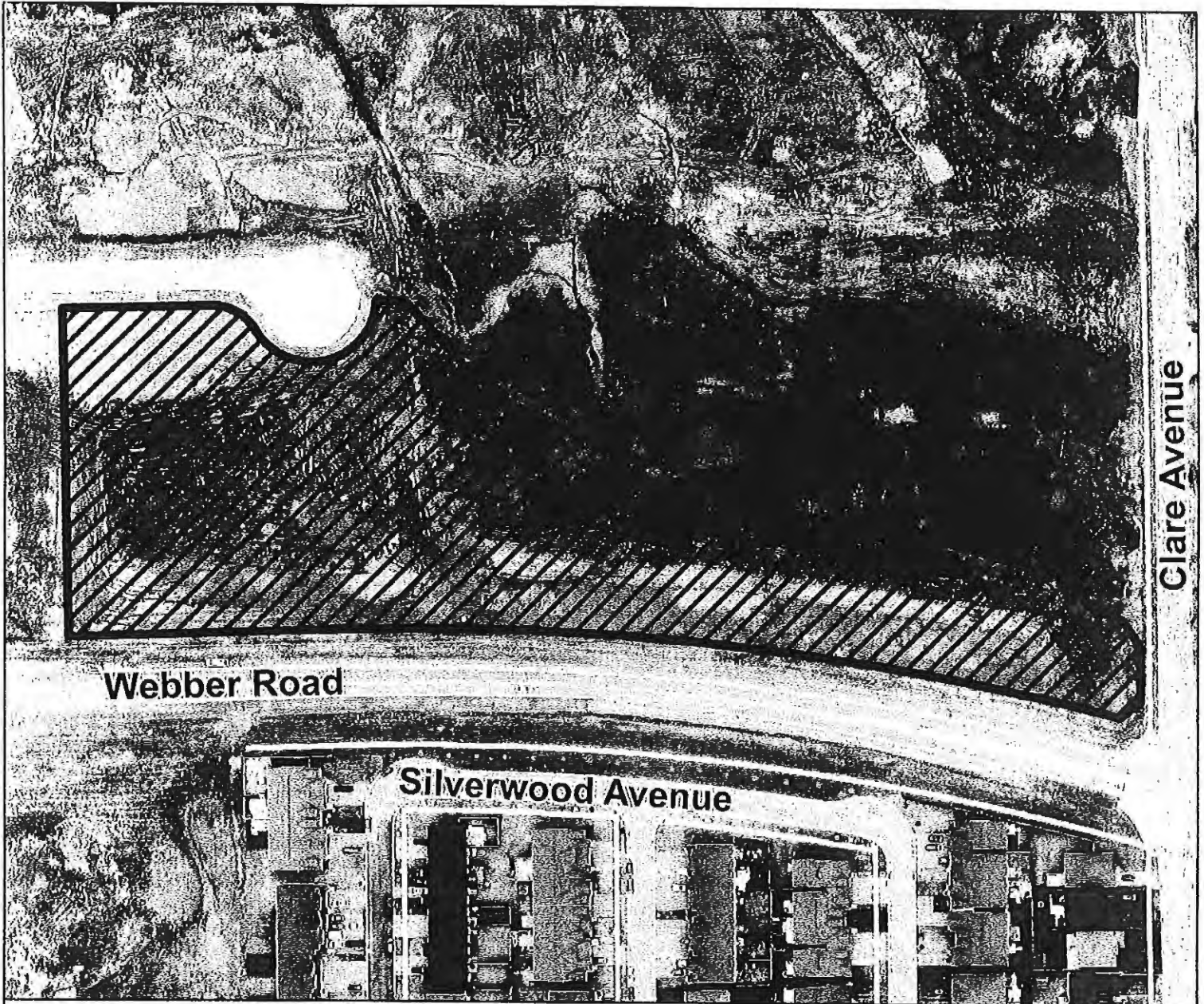


 **SUBJECT LANDS**



*Development &
Building Services*
Planning Division

26CD-14-21005 & 2021-06



AERIAL PHOTO OF THE SUBJECT LANDS



 SUBJECT LANDS



*Development &
Building Services*
Planning Division

Appendix IV

Engineering provides the following conditions for the draft plan approval of 89 West Creek Road:

1. The Developer shall submit the full engineering design drawings to the City of Welland's Engineering Division for review and approval. Design drawing submission shall include servicing, grading, photometric, signage, and landscaping plans.
2. The revised sewer drainage area plans shall be submitted to the Engineering Division for review and approval.
3. Private water main shall not loop through the development. Connection shall be from an existing stub at West Creek Court with a master meter pit at the property line, and be looped within the property.
4. Sanitary inspection maintenance hole will be required inside the property line.
5. The proponent is reminded that the proposed paved road is within the storm sewer easement in favor of the municipality, and pavement repair will be the Owner's responsibility.
6. The Developer shall be responsible for all costs associated with the development, including reinstatements to existing condition or better.
7. 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.
8. The Developer shall conduct home condition surveys as required prior to the commencement of construction.
9. Municipal roadways used for construction access, shall be kept clear of construction material, and maintained throughout construction, including dust control measures to the satisfaction of the City.
10. Applicable securities shall be submitted to the City in accordance with the vacant land condo agreement.
11. Final inspection package complete with CCTV inspection reports, mandrel test, and material testing shall be submitted to the Engineering Division.
12. Existing storm sewer and OGS unit within the easement, shall be inspected and cleaned out by the Owner after construction is complete. Ongoing maintenance of the OGS unit shall be the responsibility of the Owner.
13. The developer is required to submit as-built drawings in ACAD and PDF formats to the City's Engineering Division following construction.
14. The Engineering Division reserves the right to include additional requirements following the review of the engineering design submission.

From: [Vince Beaudoin](#)
To: [Julie VanLeur](#)
Cc: [Ray Chamberlain](#); [Taylor Meadows](#)
Subject: FW: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)
Date: July 29, 2021 10:05:52 AM
Attachments: [ZBLA Notice of Public Meeting - 89 West Creek Court 01July-2021.pdf](#)
[89WestCreek_Location.pdf](#)
[Draft Plan of Condominium Notice of Public Meeting 89 West Creek Court July01-2021.pdf](#)
[Draft Plan of Condominium - Plan 20121-DP.pdf](#)

Julie: Subsequent to review of this proposed condo development PW would suggests that the development (private) be serviced with master water meters located at the property lines and that the watermain be looped.

Please contact me if you have any questions.

Thank you.

Vince.



Vincent Beaudoin; C.E.T., C.R.S., O.R.O.

Manager of Public Works.

Public Works Division

Infrastructure Services

Corporation of the City of Welland

99 Federal Road, Welland, Ontario L3B 6C2

Hours: Mon - Fri 7:00am to 3:00pm

Phone: (905)735-1700 Ext. 3004 Fax: (905)735-6446

www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>

Sent: July 23, 2021 8:54 AM

Subject: RE: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)

Good morning,

We hope to have the 89 West Creek Court Recommendation Report to the September 7th, 2021 Council Meeting. Please provide any comments by August 10th.

Thank you,

**Taylor Meadows**

Development Planner

Planning Division

Planning & Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2246

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From: Taylor Meadows**Sent:** July 2, 2021 11:29 AM**Cc:** Rachelle Larocque <rachelle.larocque@welland.ca>**Subject:** Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)

Morning,

Please find attached, the Notice of Public Meeting regarding application for Draft Plan of Condominium (File No. 26CD-14-21005) and Zoning By-law Amendment (2021-06) for 89 West Creek Court.

Regards,

**Taylor Meadows**

Development Planner

Planning Division

Planning & Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

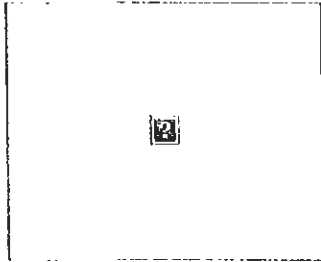
Phone: (905)735-1700 Ext. 2246

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From: [Rachelle Larocque](#)
To: [Taylor Meadows](#); [Craig Rohe \(craig@ucc.com\)](mailto:craig.rohe@ucc.com)
Subject: FW: West Creek Court, Welland-ENVI Comments
Date: August 11, 2021 1:39:22 PM

FYI



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning
 Planning and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Hours: 8:30am-4:30PM
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www.welland.ca



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From: Boudens, Adam <Adam.Boudens@niagararegion.ca>
Sent: August 11, 2021 1:38 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>; Earl, Lindsay <lindsay.earl@niagararegion.ca>
Cc: 'Sarah Mastroianni' <smastroianni@npca.ca>; Jessica Abrahamse <jabrahamse@npca.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>; Adam Aldworth <aaldworth@npca.ca>
Subject: RE: West Creek Court, Welland-ENVI Comments

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Hi Rachelle,

Lindsay is away on vacation this week. The following are Regional environmental planning comments for this application.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Drapers Creek Provincially Significant Wetland Complex (PSW), Regional Local Amendment and Type 1 (Critical) Fish Habitat. An Environmental Impact Study (EIS) was previously submitted by L Campbell & Associates (dated January 2008) in support of applications associated with the subject lands. However, as the proposed development was modified and the EIS was now outdated, staff requested the completion of an updated EIS to demonstrate that there will be no negative impact on the Regional CNHS features or their ecological functions.

Regional Environmental Planning staff have reviewed the 'Update to 2008 EIS for Westcreek Estates Phase 1' Memo, prepared by LCA Environmental Consultants (dated May 27, 2021), and are generally in agreement that the proposed development can be accommodated in this location without significant negative impact to the CNHS. That said, staff are not satisfied with the size of the buffer width proposed adjacent to the PSW and request that the proposed Site Plan be revised to achieve a minimum average buffer width of 20 metres. Alternatively, a fulsome update to the 2008 EIS should be prepared to justify a narrower buffer width. Further, any environmental studies requested by the City of Welland or Niagara Peninsula Conservation Authority (NPCA) will require review and approval by the Region.

Please let me know if you would still like to meet to discuss our comments. Regional staff are available anytime this Friday August 13th.

Thanks,
Adam

Adam Boudens
Senior Environmental Planner/Ecologist

Planning and Development Services, Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7
Phone: 905-980-6000 ext. 3770 Toll-free: 1-800-263-7215
Adam.Boudens@niagararegion.ca

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: Friday, August 6, 2021 2:01 PM
To: Earl, Lindsay <lindsay.earl@niagararegion.ca>
Cc: 'Sarah Mastroianni' <smastroianni@npca.ca>; Jessica Abrahamse <jabrahamse@npca.ca>; Boudens, Adam <Adam.Boudens@niagararegion.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>
Subject: RE: West Creek Court, Welland-ENVI Comments

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Lindsay,

Sorry for the delay getting back to you. It looks like Thursday or Friday work best for me.

Thanks,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning
 Planning and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Hours:8:30am-4:30PM
Phone:(905)735-1700 Ext. 2310 **Fax:**(905)735-8772
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From: Earl, Lindsay <lindsay.earl@niagararegion.ca>

Sent: August 4, 2021 1:23 PM

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

Cc: 'Sarah Mastroianni' <smastroianni@npca.ca>; Jessica Abrahamse <jabrahamse@npca.ca>;

Boudens, Adam <Adam.Boudens@niagararegion.ca>; Lampman, Cara

<Cara.Lampman@niagararegion.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>

Subject: West Creek Court, Welland-ENVI Comments

Further to our phone conversation at the end of last week, Regional Environmental Planning Staff have reviewed the materials submitted in support of the Draft Plan of Condominium and concurrent zoning by-law amendment applications and notes that staff have concerns regarding the size of the buffer width proposed adjacent to the PSW. As discussed, it would be beneficial to have a meeting with the commenting Agencies, yourself as well as the Agent prior to the Region submitting formal correspondence on these applications.

Cara will be back in the office next week (however I will be on vacation). Regional staff would be available to attend a meeting during the following times:

Monday August 9th 2-4 pm

Tuesday August 10th 9-10am or 11-12pm

Thursday August 12th 1-4pm

Friday August 13th any time.

Feel free to send out a meeting request so we can get this matter addressed asap, as I understand the Public Meeting is scheduled for Tuesday August 10.

Thanks in advance,

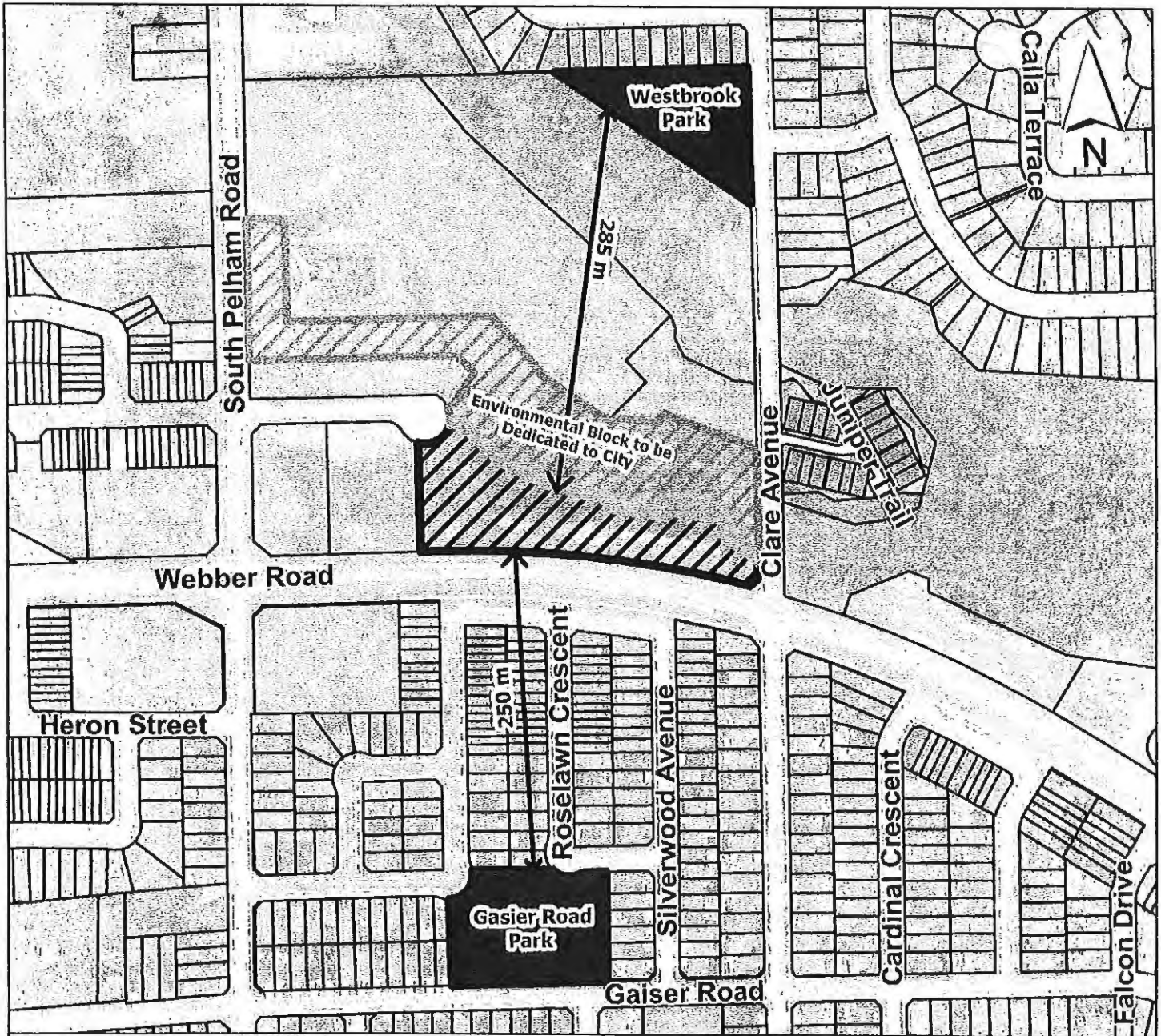
Lindsay Earl,MES, MCIP, RPP
Senior Development Planner
Planning and Development Services
Regional Municipality of Niagara
Phone: 905-685-4225 ext. 3387
Toll Free: 1-800-263-7215
Fax: 905-687-8056

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26CD-14-21005 & 2021-06



AERIAL PHOTO OF THE SUBJECT LANDS

-  SUBJECT LANDS
-  Environmental Protection Zone
-  Existing Park Land
-  Environmental Protection Zone Buffer



Development & Building Services
Planning Division



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

August 25, 2021

Our File No.: PLPDV202100990

BY E-MAIL ONLY

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

Attention: Rachelle Larocque, BES, M.Sc., MCIP, RPP - Planning Supervisor

Subject: Niagara Peninsula Conservation Authority (NPCA) Comments:
Application for Vacant Land Condominium, (ZBA & Draft Plan of Condo)
 89 West Creek Court, City of Welland
 Applicant: Upper Canada Planning and Engineering Ltd.

The NPCA has received an application for a Draft Plan of Vacant Condo and a Zoning By-Law Amendment, "West Creek Estates." The applicant has provided the following documents in support of the application, "Landscape Concept Plan," Prepared by Adesso Design Inc. dated May 17, 2021, "Preliminary FSR" Prepared by Upper Canada Planning & Engineering Ltd., dated May, 2021, "Preliminary Site Plan, West Creek Condo" Prepared by Upper Canada Planning & Engineering, printed June 2, 2021, an Environmental Impact Study Addendum, Prepared by LCA Environmental Consultants dated May 27, 2021, an EIS Update, "Addendum to Westcreek Estates EIS Update," Prepared by LCA Environmental Consultants dated August 6, 2021.

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 a Provincially Significant Wetland, a 1 in 100-year floodplain and a regulated watercourse buffer.

NPCA staff have reviewed the above stated studies and offer the following comments for your consideration:

NPCA staff acknowledge that there has been a previous registered subdivision on the subject lands on August 20th, 2019.

Per NPCA policy 8.2.3.5. Proposed Development within 30 metres of a Wetland, the applicant has submitted an Environmental Impact Study in support of the proposed development. The Environmental Impact Study that was submitted is outdated; five years is generally the standard window of time used in practice for review at the NPCA. The addendum provided in May 2021 by LCA Consultants helped to provide some further information, along with a field visit conducted by NPCA staff, along with the applicant and environmental consultant on August 5th, 2021 to verify that the existing conditions on site remained consistent with what was documented in the 2008 Environmental Impact Study submitted.

After attending the site visit, NPCA staff requested that the applicant provide a technical memo demonstrating that the hydrologic function of the wetland will be maintained during and post-construction of the proposed development. NPCA staff are satisfied that the comments provided in the "Addendum to Westcreek Estates EIS Update," Prepared by LCA Environmental Consultants dated August 6, 2021 have sufficiently addressed that the hydrologic function of the wetland will be maintained during and post construction of the proposed development, as such a water balance will not be required.

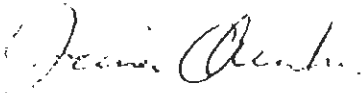
It is noted that the "Preliminary Site Plan, West Creek Condo, City of Welland," Dwg: 20121-SP dated September 30, 2020 printed June 2, 2021 shows the 1 in 100 year floodplain elevation. A second plan was submitted after the first comments were sent to the City of Welland on August 10, 2021, "West Creek Condominium, City of Welland, Site Plan, Dwg: 20121-SP, printed August 23, 2021. The NPCA has reviewed the updated plan showing the correct 1 in 100 year flood elevation. NPCA staff are satisfied that all development is located outside of the 1 in 100 year flood elevation.

The NPCA is supportive of the zoning of the natural buffer area along the northern lot line as EP and floodplain as EP, Environmental Protection. NPCA staff acknowledge and recognize the City of Welland for receiving the dedication of the wetland buffer area – Block 71, as part of City owned public lands in line with NPCA policy 8.2.5.

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. The Owner agrees that all Sediment and Control measures shall be maintained and in good condition for the duration of construction until all disturbed surfaces have been stabilized.
2. That the Developer provides appropriate limit-of-work fencing along the rear of Lots 36, 49, 50 and 55-69 and the boundary of the 15 metre wetland buffer for the remainder of the lots to the satisfaction of the Niagara Peninsula Conservation Authority.
3. That the Developer provide a buffer restoration plan to provide enhancements to the wetland buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Scoping of the restoration plan is to be obtained by the Niagara Peninsula Conservation Authority and is to be done through a Work Permit from the Niagara Peninsula Conservation Authority.
4. That the Developer provide 1.5-metre-high chain link fencing along the boundaries of Lots 36, 49, and 50. Fencing should also be established along the agreed upon wetland buffer in lots and as shown on applicable plans and drawings to the satisfaction of the Niagara Peninsula Conservation Authority.
5. That conditions 1 to 5 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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jessica Abrahamse".

Jessica Abrahamse, M.E.S.
Watershed Planner
(905) 788-3135, ext. 235

Cc: Sarah Mastroianni, Manager of Planning

From: [Ali Khan](#)
To: [Taylor Meadows](#)
Subject: RE: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)
Date: July 23, 2021 8:57:01 AM

Taylor,

I have no comments .



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



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From: Taylor Meadows <taylor.meadows@welland.ca>

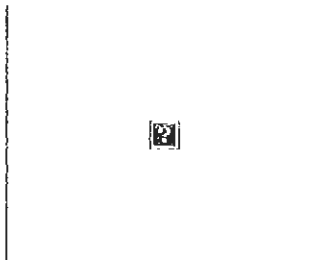
Sent: July 23, 2021 8:54 AM

Subject: RE: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)

Good morning,

We hope to have the 89 West Creek Court Recommendation Report to the September 7th, 2021 Council Meeting. Please provide any comments by August 10th.

Thank you,



Taylor Meadows
 Development Planner
 Planning Division
 Planning & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2246
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From: Taylor Meadows

Sent: July 2, 2021 11:29 AM

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

Subject: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)

Morning,

Please find attached, the Notice of Public Meeting regarding application for Draft Plan of Condominium (File No. 26CD-14-21005) and Zoning By-law Amendment (2021-06) for 89 West Creek Court.

Regards,



Taylor Meadows

Development Planner

Planning Division

Planning & Development Services

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From: [Adam Eckhart](#)
To: [Taylor Meadows](#)
Subject: Re: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)
Date: August 25, 2021 10:15:43 PM

Thanks Taylor,

I have no new comments.

Adam Eckhart MPS, BPSA, ECFO
 Fire Chief and Community Emergency Management Coordinator
 Welland Fire and Emergency Services
 636 King St., Welland, ON, L3B 3L1
 905-735-1700 ext 2400
 Fax: (905) 732-2818
www.welland.ca

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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: Wednesday, August 25, 2021 3:43 PM
To: Adam Eckhart <adam.eckhart@welland.ca>
Subject: FW: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)

Hi Adam,

Thanks again for the phone call!

Please see the attached documents relating to the proposed Draft Plan of Condominium and Zoning By-law Amendment for 89 West Creek Court. I hope to have the Recommendation Report completed by next Tuesday.

Feel free to reach out with any questions or concerns!

Take care,



Taylor Meadows
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 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2246
www.welland.ca



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From: Taylor Meadows

Sent: July 23, 2021 8:54 AM

Subject: RE: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)

Good morning,

We hope to have the 89 West Creek Court Recommendation Report to the September 7th, 2021 Council Meeting. Please provide any comments by August 10th.

Thank you,



Taylor Meadows

Development Planner

Planning Division

Planning & Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2246

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From: Taylor Meadows

Sent: July 2, 2021 11:29 AM

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

Subject: Notice of Public Meeting - 89 West Creek Court Application for Draft Plan of Condominium (File No. 26CD-14-21005) & Zoning By-law Amendment (File No. 2021-06)

Morning,

Please find attached, the Notice of Public Meeting regarding application for Draft Plan of Condominium (File No. 26CD-14-21005) and Zoning By-law Amendment (2021-06) for 89 West Creek Court.

Regards,



Taylor Meadows
Development Planner
Planning Division
Planning & Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
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From: [Edward Zahra](#)
To: [Taylor Meadows](#)
Cc: [Rachelle Larocque](#)
Subject: RE: Notice of Virtual Public Meeting Subdivision - 420 Murdock Road (File No. 26T-14-21006)
Date: July 23, 2021 9:57:19 AM

No comments from Transit, however has there been a discussion regarding whether service has been requested for this area?



Edward Zahra
 Transit Manager
 Transit Division
 Corporate Services
 Corporation of the City of Welland
 75 Federal Road, Welland, Ontario L3B 3P2
Phone: (905)735-1700 Ext. 3030
www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: July 22, 2021 4:16 PM
Cc: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Virtual Public Meeting Subdivision - 420 Murdock Road (File No. 26T-14-21006)

Afternoon,

A complete application has been submitted for Draft Plan of Subdivision approval for the lands located at the municipal address of 420 Murdock Road, Welland. Please see the attached files to review the Notice of Virtual Public Meeting.

Regards,



Taylor Meadows
 Development Planner
 Planning Division
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 60 East Main Street, Welland, Ontario L3B 3X4
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Niagara Region

Planning and Development Services

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

Via Email Only

August 19, 2021

Files: D.11.11.CD-21-0017
D.18.11.ZA-21-0062

Mr. Taylor Meadows, Development Planner
Planning and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Mr. Meadows:

**Re: Regional and Provincial Review Comments
West Creek Court Draft Plan of Vacant Land Condominium (26CD-14-21005)
Zoning By-law Amendment
Agent: Upper Canada Consultants
Owners: Mountainview Homes (Niagara) Ltd.
89 West Creek Court
City of Welland**

Regional Planning and Development Services staff has reviewed the applications submitted by Upper Canada Consultants on behalf Mountainview Homes (Niagara) Ltd. The application for Draft Plan of Vacant Land of Condominium has been made for the creation of 69 units for block townhouse dwellings, one (1) naturalized buffer block, and one (1) daylighting triangle on a block within an registered plan of subdivision municipally known as 89 West Creek Court in the City of Welland.

The concurrent Zoning By-law Amendment application has been made to change the zoning of the subject property from Residential Medium Density (RM) and Institutional Health and Wellness (INSH) to Site Specific Residential Medium Density (RM), Site Specific Institutional Health and Wellness (INSH) and Environmental Protection (EP) to permit block townhouse dwellings; establish a definition for block townhouses; and provide site specific provisions for setbacks, decks and parking.

A pre-consultation meeting with the applicant and their planning consultant was held for this proposed development on October 15, 2020, with City and Regional staff in attendance.

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

Regional and Provincial Policies

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

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

The subject lands are located within the Provincially designated Greenfield Area of the City of Welland. The ROP states that the Region will require a combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas. The *Planning Justification Report* prepared by Upper Canada Consultants (dated June 2021) states that the proposed development provides for 77.59 people and jobs per developable hectare.

Regional Staff notes that the density of this development exceeds the minimum Greenfield density target of 50 people and jobs per hectare. As such, staff offers no objection to the proposed condominium from a density perspective as it conforms with and is consistent with Regional and Provincial policies.

Proposed Design

Interface with Regional Road (Webber Rd):

The frontage along Webber Road includes an intersection with Clare Avenue. This is a highly visible area and it is a best practice to place built form with architectural features and details in these places. The applicant shall consider re-locating the surface parking more internal to the site and placing a block of townhomes at this intersection. If residential units will not fit within this space, then consider the design of a placemaking element that includes hardscaping (low walls, gazebo, seating area, plant material, etc.)

There are several units that include side elevations that will face the Regional Road (Units #14, 25, 26, 44, 45, and 55). It is recommended that these elevations are designed with enhanced architectural details (e.g. high quality building materials, ample glazing, wrap-around porch, etc.). This will improve "eyes on the street" for both the private window road and the Regional Road.

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Since the Private (window) road will be visible from the Regional Road, it is recommended that a landscape treatment (i.e. decorative fence and plant material) is incorporated into the 3m landscape strip along the front property line. Please submit details for any landscape features (fencing, signage, decorative walls), that will be visible from the Regional Road. Additionally, the 5m wide stormwater easement is located along the front property line. Please verify if fencing and plant material are permitted to be placed within this easement. If not, then it may be recommended that the landscape strip is increased in width and is extended beyond this easement.

Streetscape along Regional Road (Webber Road)

The drawings should include the entire municipal boulevard along Webber Road including any improvements to the boulevard.

It is recommended that a municipal sidewalk is provided along the frontage of Webber Road and connects with the sidewalk along Clare Avenue and provide pedestrian connections from the future sidewalk along Webber Road into the development at key locations.

The Landscape plan should include the following streetscape information: deciduous street trees in a sodded boulevard. Trees should be 50mm caliper and spaced according to their size. Refer to the attached Master Tree Planting List for species. The Landscape plan should include an overlay of survey information and site servicing information, to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard. Please note that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials.

Additional comments/suggestions

- Based upon the submitted elevations for Units #45-69, it appears that the garages protrude beyond the front elevation. Although the porch is designed to be extended beyond the garage, the front entrances appear to be recessed. It is a best practice to have not only the front porch but the front entrance and front elevation be placed closest to the street with the garage setback from this elevation.
- It is a best practice to provide a shared amenity space in a centralized location of the site. The size and design of the amenity space should be appropriate for the proposed number of units.
- There appears to be several pinch points where there is insufficient space to provide an on-site landscape treatment between the private roads, parking and buildings and the required naturalized buffer. This may also impact the design of site drainage, and could require more space for these features. For example: rear of Unit 36, Private road that dead-ends between Units 49 and 50, side elevation of Unit 50, hammerhead turnaround near Unit 69, and parking space #35.

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- Please verify if it is permitted to include fencing and plant material within the 5m wide storm easement located along the rear yards of Units 1-14. This may have an impact on the landscape and privacy for these units.

Regional staff will continue to work with the applicant and will review these final details at a later stage in the approval process (Site Plan).

Noise Feasibility

Given the subject lands are fronting on a Regional Road, the development has potential to be impacted by the noise generated by vehicular traffic. As such, an *Environmental Noise Feasibility Study* (dated June 1, 2021) prepared by Valcoustics Canada Ltd. has been submitted in support of the applications. The purpose of this assessment was to assess the noise impacts from road traffic on Webber Road, South Pelham Road and Clare Avenue. The report concluded that in order for the development to meet the applicable Ministry of the Environment, Conservation and Parks (MECP) NPC-300 sound level guidelines the following mitigation measures are required:

- Unit 14 requires mandatory air conditioning to allow windows to remain closed for noise control purposes;
- The remaining units in the townhouse blocks along the west and south sides of the site (Units 1 to 13, 20 to 31 and 40 to 69) require the provision for adding air conditioning at a later date;
- At all dwellings, exterior wall and windows meeting the minimum non-acoustical requirements of the Ontario Building Code (OBC) will be sufficient to meet the indoor noise criteria;
- Sound barriers 1.8 m in height are required at the rear yards of Units 7 to 14, 25, 26, 44, 45, 54 and 69 as shown on Figure 2 of the study; and
- Applicable warning clauses to be registered on title for certain units.

As such, an appropriate condition has been included in the Appendix in this regard.

Archaeological Resources

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Development (including the construction of buildings and structures requiring approval under the *Planning Act*) and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

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

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An *Archaeological Assessment (Stages 1, 2 & 3)* (dated January 2008) prepared by Archaeologix Inc. was submitted in support of the applications. The Stage 2 assessment of the ploughed fields was conducted by the standard pedestrian survey at five metre intervals. The Stage 2 assessment of wooded areas was conducted by the standard shovel test pit method at five meter intervals. The Stage 2 resulted in the identification of one location producing pre-contact Aboriginal cultural material. Due to the potential significance and information potential of these sites, it was recommended that they be subject to additional Stage 3 assessment. The Stage 3 assessments of Location 1 (AfGt-174) produced only a limited amount of additional cultural material, none of which was diagnostic. The report concluded that due to the extremely sparse nature of the cultural deposits at this site, the information potential of Location 1 was judged to be low and no additional assessment is recommended.

In a letter dated September 11, 2008 the Ministry of Culture reviewed and accepted the Archaeological Assessment (Stages 1, 2 & 3) and the recommendations. As the Ministry was satisfied that concerns for archaeological sites have been met for the area of this development, the report has been entered into the Ontario Public Register of Archaeological Reports.

Regional staff notes that Figure 3 in the report identifying the limit of development at the time the report was completed (2008) no longer coincides with the limit of proposed development in the current applications. The report specifically stated that the wet area along Clare Avenue was not assessed. Staff notes that this area remains small and appears to only be proposed emergency access and parking for the development. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff requires the inclusion of a standard warning clause in the condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. As such, a condition requiring the clause has been included in the Appendix.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Drapers Creek Provincially Significant Wetland Complex (PSW), Environmental Protection Area: Regional Local Amendment and Type 1 (Critical) Fish Habitat. An *Environmental Impact Study (EIS)* was previously submitted by L. Campbell & Associates (dated January 2008) in support of applications associated with the subject lands. However, as the proposed development was modified and the EIS was now outdated, staff requested the completion of an updated EIS to demonstrate that there will be no negative impact on the Regional CNHS features or their ecological functions.

Regional Environmental Planning staff have reviewed the '*Update to 2008 EIS for Westcreek Estates Phase 1*' Memo, prepared by LCA Environmental Consultants (dated May 27, 2021), and are generally in agreement that the proposed development

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can be accommodated in this location without significant negative impact to the CNHS. Therefore, in addition to the recommendations of the EIS and supporting memo, the Region recommends that the proposed Site Plan be revised to achieve a minimum average buffer width of 20 metres in order to ensure that the proposed development meets the no negative impact test of the Provincial Policy Statement.

As it relates to the concurrent zoning by-law amendment, Regional staff request to have the feature and associated buffer to be recognized as Environment Protection or other appropriate zone that restricts future development and/or site alteration.

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

Stormwater Management

Regional staff completed a review of the submitted *Preliminary Functional Servicing Report* (dated May 2021) prepared by Upper Canada Consultants and offer the following comments:

- It is understood that the NPCA has not required stormwater quantity control be implemented from West Creek Estates due to the location within Draper's Creek Watershed. The Region defers to the NPCA requirement regarding storm discharge to the creek. The stormwater management and grading/servicing plan shall detail how the overland flows (up to the 100-year storm), i.e. storm runoff exceed the 5-year storm sewer flow, from the development will be accommodated across the site to the creek. Erosion protection along the flow route may be needed.
- Webber Road (Regional Road 29) shall not be negatively impacted as a result of the development.
- An oil/grit separator and the existing stormwater management facility will service the development to meet Enhanced standard water treatment and erosion control. The Region has no objection to this plan.
- The Region highly recommends Low Impact Development, such as rain gardens, rooftop leader discharge to stoned infiltration trench/vegetated area, permeable pavement, etc. be incorporated in the site plan.

Appropriate conditions of draft approval have been included in the Appendix in this regard.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a condition of draft plan approval, Ministry of Environment, Conservation and Parks, Environmental Certificates Approvals (ECA) are required for

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any new/extended municipal sanitary and storm sewer services. The Region can review and approve the ECA's under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval. A condition is included in the Appendix in this regard.

Waste Collection

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

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

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

Regional staff reviewed the submitted Draft Plan and site plan drawings along with the transportation Brief. It is unclear as to if the Regional trucks will be reversing more than a distance of 15 metres for the private road. Therefore, Regional staff ask that revised truck turning templates be submitted with dimensions to ensure the waste collection trucks will not need to reverse more than 15 metres and to confirm that waste collection pads will only be required for Units 46-52. The future site plan drawings shall show the truck turning templates and increase the number to include any units that do not meet this requirement. If the requirements of the Waste Collection Policy cannot be met then waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region.

Regional Road Allowance

Daylight Triangles

A daylight triangle of 10 metres x 10 metres will be required at the corner of Regional Road 29 (Webber Road) and Clare Avenue. Regional staff are satisfied with the daylight triangle and 3 foot reserve as shown on the plans.

A condition requiring the daylight triangles is included in the attached Appendix. The requested daylighting triangles are to be conveyed free and clear of any mortgages,

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

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

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

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

Regional Permit Requirements

Regional Construction Encroachment Permit

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

Regional Sign Permit

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

Permit applications can be made through the following link:

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

Protection of Survey Evidence

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

Conclusion

Based on the discussion above, Regional staff supports, in principle, the development of 89 West Creek Court as the proposed applications are considered to align with the

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intent and direction of Regional and Provincial policy. As such, Regional Planning and Development Services staff would offer no objections to the Draft Plan of Vacant Land Condominium or the concurrent Zoning By-law Amendment subject to the discussion above and the Conditions outlined in the Appendix. Regional staff will continue to work with the applicant through subsequent planning applications (Site Plan) to address items including (but not limited to) urban design, landscaping and waste collection as outlined above.

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

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

Best regards,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

Attch: Appendix I – Regional Conditions of Draft Plan of Vacant Land Condominium

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

APPENDIX I
REGIONAL CONDITIONS OF DRAFT PLAN OF VACANT LAND CONDOMINIUM
89 West Creek Court, Welland

1. That the Condominium Agreement between the owner and the City contain a provision whereby the owner agrees to implement the approved noise mitigation measures AND ensure the required warning clauses be included in all offers and agreements of purchase and sale or lease to survive closing in accordance with the *Environmental Noise Feasibility Study* (dated June 1, 2021) prepared by Valcoustics Canada Ltd.
2. That the following clauses shall be included in the Condominium Agreement between the owners and the City of Welland:

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

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

3. That a revised Site Plan be prepared to the satisfaction of the Niagara Region that identifies a larger buffer width adjacent to Regional Core Natural Heritage System features.
4. That a Landscape Plan be prepared to the satisfaction of the Niagara Region. The Landscape Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
5. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the 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 and a minimum of 10 metres from the dripline of any trees to be retained. The Grading Plan should also illustrate the location and installation details associated with sediment control and limit of work fencing. Limit of work fencing must 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.

6. That permanent rear-lot fencing be provided along the boundary of the environmental block, adjacent to the wetland buffer. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
7. That a clause be added to the Condominium Agreement indicating 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.
8. 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;
9. That the Condominium Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
10. That the owner provides a written acknowledgement to the Niagara Region stating that draft approval of this condominium does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
11. That the owner provides a written undertaking to the Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for the condominium will not be assigned until

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the plan is registered, and a similar clause be inserted in the Condominium Agreement between the owner and the City.

12. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any proposed municipal sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Environment Compliance Approval under the Transfer of Review Program.
13. That the owner/developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling.
14. That the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.
15. If Regional Waste Collection cannot be provided, the Condominium Agreement between the owner and the City contain provisions that the owner shall provide a written undertaking to the Niagara Region Planning and Development Services Department acknowledging that because the site design does not meet Regional Waste Policy, garbage/recycling pick-up for the development will not be provided by the Region. Further, the following warning clause shall be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

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

16. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.
17. That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 46-52(subject to the Regional waste collection trucks reverse limits):

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 46-52 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

18. That the owner dedicates a 10m x 10m metre daylighting triangle at the corner of Regional Road 29 and Clare Avenue to the Region of Niagara.

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19. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
20. That the Condominium Agreement between the owner and the City contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

Clearance of Conditions

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

Condominium Agreement

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

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



August 3rd, 2021

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

Dear Mr. Munday,

**RE: Application for Draft Plan of Vacant Land Condominium Approval (File No. 26CD-14-21005).
 Application for Zoning By-law Amendment (File No. 2021-06)**

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

The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing Engineering@wellandhydro.com.

Please confirm unit type, whether freehold or condominium. Hydro Meter locations are to be determined prior to servicing, based on unit type.

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

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

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

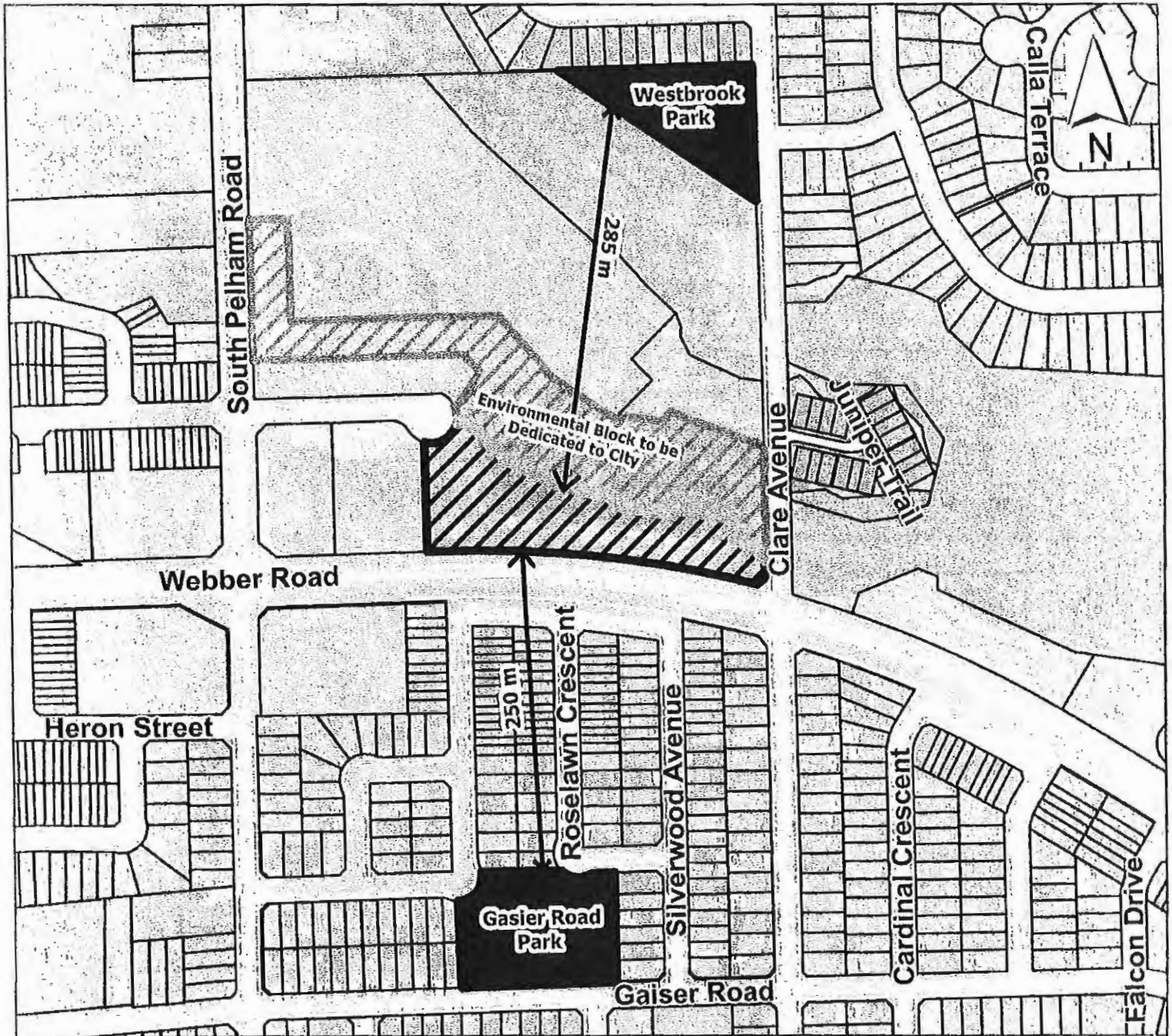
WHESC reserves the right to amend or remove development conditions.

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





Sincerely,

Kevin Carver, P. Eng., ME
 Chief Operating Officer
 WELLAND HYDRO-ELECTRIC SYSTEM CORP.

26CD-14-21005 & 2021-06




AERIAL PHOTO OF THE SUBJECT LANDS

-  SUBJECT LANDS
-  Environmental Protection Zone
-  Existing Park Land
-  Environmental Protection Zone Buffer



Development & Building Services
Planning Division

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCILPLANNING AND DEVELOPMENT SERVICES

21-108

REPORT P&B-2021-59
OCTOBER 19, 2021

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 36) AND ZONING BY-LAW AMENDMENT (FILE NO. 2021-07) SUBMITTED BY BETTER NEIGHBOURHOODS DEVELOPMENT CONSULTANTS ON BEHALF OF IDRAKOTH LTD. FOR LANDS MUNICIPALLY KNOWN AS 800 NIAGARA STREET

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

APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
PLANNING AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 36 to designate a portion of the lands on the east side of Niagara Street, south side of Lancaster Drive, west of the Welland Recreational Canal, and north side of Woodlawn Road, more specifically described as PT TWP LT 229 & 230, former City of Thorold, Parts 3, 4 on 59R-1742 and Parts 1 & 2 on 59R-2895, S/T RO345094, S/T RO357411, S/T RL734059, S/T RO778444; PCL 229-3 SEC 59 Thorold; Part 3 on 59R-2784; S/T easement in favour of Welland Hydro-Electric System Corp. over Part 1 Plan 59R-11677 & Parts 5, 6, 7, 8 & 9 on Plan 59R-8977 as in SN19072; PCL F-2 SEC M75; Blk F PL M75 except Part 1 on 59R-2986; S/T LT16884; PCL G-1 SEC M75; BLK G PL M75 except Part 1 on 59R-4566, City of Welland, municipally known as 800 Niagara Street from Regional Shopping Node to Special Policy High Density Residential with a special exception to permit a maximum height of 16 storeys and Special Policy Medium Density Residential, with a special policy to allow for a minimum density of 61 units per hectare and a maximum density of 216 units per hectare across both the Special Policy High Density Residential and the Special Policy Medium Density Residential; and further,

THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the east side of Niagara Street, south side of Lancaster Drive, west of the Welland Recreational Canal, and north side of Woodlawn Road, more specifically described as PT TWP LT 229 & 230, former City of Thorold, Parts

3, 4 on 59R-1742 and Parts 1 & 2 on 59R-2895, S/T RO345094, S/T RO357411, S/T RL734059, S/T RO778444; PCL 229-3 SEC 59 Thorold; Part 3 on 59R-2784; S/T easement in favour of Welland Hydro-Electric System Corp. over Part 1 Plan 59R-11677 & Parts 5, 6, 7, 8 & 9 on Plan 59R-8977 as in SN19072; PCL F-2 SEC M75; Blk F PL M75 except Part 1 on 59R-2986; S//T LT16884; PCL G-1 SEC M75; BLK G PL M75 except Part 1 on 59R-4566, City of Welland, municipally known as 800 Niagara Street from Site Specific Regional Shopping Node (RS-73) to Site Specific Residential Multiple Holding – RM (H) and Site Specific Residential High Holding – RH (H); and further,

THAT Welland City Council requests that prior to lifting the Holding (H) Symbol, at the request of the Owner, the proponent will be required to enter into an Agreement with the City for the provision of community benefits in return for increased height and density as provided for in the Planning Act, all to the satisfaction of the City. This Agreement is to be entered into no later than December 31, 2021;

THAT Welland City Council consents the request apply a Class 4 designation and sound level criteria for the entire site; and further,

THAT no additional meetings under the Planning Act are required as the amendments to the original application are minor, in accordance with Section 34(17) of the Planning Act.

ORIGIN AND BACKGROUND:

Application for Official Plan Amendment and Zoning By-law Amendment were submitted on June 16, 2021. The applications were deemed complete on July 13, 2021. Revised zoning provisions were provided on September 6, 2021.

COMMENTS AND ANALYSIS:

The Proposal

The purpose of the Official Plan Amendment is to redesignate the north-east portion of the property from Regional Shopping Node to Special Policy High Density Residential and Special Policy Medium Density Residential. The Special Policy area would permit an overall density across the site of a minimum of 61 units per hectare and a maximum density of 216 units per hectare. The High Density Residential Special Policy would also permit a maximum building height of 16 storeys.

The purpose of the Zoning By-law Amendment is to:

- Create site specific definitions for building height and townhouses;
- Allow for deck, porch, and stair encroachments into the front and exterior side yards;
- Create specific provisions for privacy screens and garbage and refuse storage;

- Allow for one additional employee that is not a resident to work in a home occupation;
- Eliminate the need for snow storage areas;
- Provide site specific parking provisions which allow:
 - o Required parking to be provided within 200 metres of the property, whereas the Zoning By-law currently restricts this distance to 100 metres;
 - o Allows for modified parking stall width of 2.6 metres and modifies the aisle width;
 - o Creates a parking ratio of 1 space per dwelling, except where an apartment is 60 square metres or less and then no parking spaces are required;
 - o Allows for a parking reduction of 50% where any combination of the following are provided: provision of secure on-site bicycle storage at a rate of 0.5 spaces per residential dwelling unit, or 1 space per 50 square metres of gross floor area of other uses; sites within 500 metres of a bicycle network connection or transit stop; and/or, the reservation of 1 parking stall per 50 dwelling units or less for car-share vehicles;
 - o Requires that the width of the driveway be less than the exterior width of an attached or detached garage;
 - o To allow entrance and exit ramps for parking garages to be 0 metres from the property line.
- To allow for parks and parking lots in all site specific residential zones;
- To allow accessory dwelling units, two-unit dwellings, multiple dwellings, and townhouses in the High Density Residential Zone;
- To create site specific setback provisions for the residential zones, and to eliminate the requirement for a maximum lot coverage.

Revised zoning information was provided to the City on September 6, 2021, which provided the following:

- A request for only one Special Exception Residential High – RH Zone;
- Reduction in the requested height maximum from 30 storeys to 22 storeys;
- To increase the parking ratio of no parking for apartment units 60 square metres or less, to a ratio of 0.3 spaces for apartment units of 60 square metres or less.

Based on comments received at the October 5, 2021 Council Meeting, the applicant has amended their application to have a maximum height of 16 storeys for the highest residential towers on the property, down from a maximum of 22 storeys. The proposed 16-storey height can be supported

by staff and the evaluation of the application does not change based on this height reduction.

The purpose of these applications is to redevelop the north-east portion of the Seaway Mall property, including the location of the former Target store, with approximately 1,300 dwelling units, internal streets, parks, and small-scale commercial uses. The proposal includes a mix of apartment buildings with maximum heights permitted to be 8 and 16 storeys, as well as townhouses, two unit dwellings, and accessory dwelling units.

The Site

The lands are currently developed with the Seaway Mall, as well as a number of stand-alone commercial units. There are parking areas which surround the mall completely. The total Seaway Mall property is approximately 18.1 hectares (44.7 acres) in size. The area proposed for redevelopment is approximately 6 hectares (14.8 acres). A part of the existing Seaway Mall building, the former Target Store location, will be demolished.

Surrounding Lands

The lands on the north side of Lancaster Drive are developed with a mix of low and high density residential uses. To the east are medium density residential dwellings along Willowlanding Court. To the south of the property runs Woodlawn Road and Woodlawn Cemetery. To the west are commercial uses fronting onto Niagara Street, as well as the Holy Cross Cemetery.

Development and Agency Comments Received

Enbridge Gas
(August 4, 2021)

- No objections

Welland Hydro
Electrical System Corp.
(July 26, 2021)

- In order to provide servicing for the proposed development, existing WHESC infrastructure will need to be relocated from overhead wires to underground services.
- Please provide information regarding the type of condominium development proposed. Hydro metre locations are to be determined prior to servicing, based on unit type.
- If existing WHESC infrastructure is to be relocated or temporary services are required, all costs are the responsibility of the developer.

- If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense the necessary registered easements.
 - The proposed development must meet the clearance requirements of section 3.1.19.1 of the Building Code.
- City of Welland Infrastructure Services – Engineering Division (July 28, 2021)
- No objections to the proposed Official Plan Amendment and Zoning By-law Amendment.
- City of Welland Fire and Emergency Services (September 15, 2021)
- Adequate access for fire fighting purposes as well as water supply in accordance with the Ontario Building Code will be required.
 - Significant requirements in the Ontario Building Code with respect to high buildings will be addressed at the time of permit.
 - Additional building improvements would be supported and encouraged by the Fire Department including: standpipe hose connections in stairwells, rooftop access from all interior stairwells, and radio repeaters within the building.
- Region of Niagara Planning and Development Services (August 25, 2021)
- The subject lands are located in the Provincially designated Built-Up area within the City of Welland. All residential development occurring on the subject lands will contribute to the City's intensification target of 40%, as outlined in the Regional Official Plan.
 - Regional staff notes that the proposed redevelopment of a portion of underutilized seaway mall lands is considered as infill and residential intensification within the built-up area which will make more efficient use of designated urban and serviced lands.
 - The site is well connected to the surrounding neighbourhood and is also situated close to nearby

community uses and institutional facilities. The form of housing proposed will add to the housing types and densities in the area and appears to be compatible with the surrounding neighbourhood fabric.

- Given the proximity of the development to a Regional road, there is the potential for noise impact from vehicular traffic. A Noise and Vibration analysis was undertaken for the property.
- The study identified that Blocks 1, 4, and 7 will be impacted by traffic noise, and as such, warning clauses and mitigation measures (air conditioning) will need to be put in place.
- The noise study also examined stationary noises from the existing buildings on site. It determined that if a Class 4 designation were put on the site, the sound level predictions would be below the noise level limits. With the Class 4 designation, warning clauses will need to be placed on all units, and prospective purchasers must be made aware of this designation. Regional Staff are of the opinion that alternatives to the Class 4 designation were not adequately addressed, and should the City support this designation, the Region will require that an update/addendum to the study be provided, or a peer review be completed.
- A Phase 1 Environmental Site Assessment (ESA) was completed for the property, which indicated that a Phase 2 ESA would be required. A series of soil samples were taken as part of the Phase 2 ESA, which identified contamination and that associated clean-up would be required. A full Record of Site Condition will be required prior to any residential dwellings being constructed on the site.

- There are no Core Natural Heritage features on the site, nor are there any Regional Road widenings required.
- A Traffic Impact Study was completed on behalf of the applications. No further comments are required in respect to this study.
- The Region has reviewed the preliminary servicing study provided by the applicant. No concerns with the findings in this report have been identified.
- The Region has provided comments with respect to the stormwater management report submitted in support of the applications. These recommendations will be implemented at the time of Site Plan Approval and/or Condominium approval.
- The subject property is eligible to receive curbside waste collection, as well as green bin and recycling collection.
- Based on the comments provided, Regional Staff offer no objection the proposed applications.

A Virtual Public Information Meeting was held on July 29, 2021 to gain public input regarding the proposed applications. Approximately 24 people, including the applicant and their agents, attended the meeting. The following comments and concerns were raised at the Public Information Meeting:

- Concerns with the overall height proposed for the buildings, particularly the proposed 3.5 storey townhomes that would be immediately behind the lots on Willowlanding Court;
- Drainage;
- Concerns that the pedestrian access between Willowlanding Court and the Seaway Mall would be removed;
- Condition of the retaining wall along the boundary of the properties on Willowcourt Landing and the Seaway Mall;
- Parking concerns;
- Traffic on Lancaster Drive;
- Whether the units would be rental or sold individually; and,
- Timing of construction.

At the time of writing this report, three (3) letters from neighbours have been received. In addition to the comments above, the following comments and concerns were raised:

- Property values; and,
- Fencing during construction.

The Statutory Public Meeting under the Planning Act was held virtually on August 10, 2021. A total of three (3) people spoke in opposition to the application. In addition to the comments made at the Public Information Meeting and written letters, the following additional comments were made:

- Back yards being lit from high-rise buildings; and,
- Widening of Lancaster Drive to accommodate the proposed traffic.

The comments received from the public will be commented on later in this report.

Ontario Planning Act

Section 37 of the Ontario Planning Act allows for municipalities to create community benefit charges. The charges can be used for capital costs of facilities, services, and matters required because of the development or redevelopment in the area. The Act allows for both cash and/or in-kind contributions.

City staff had previously identified that upgrades to the existing transit hub at the Seaway Mall were required, and Welland Transit is currently in the early stages of planning for the upgrades. As a result of the proposed redevelopment on the Seaway Mall property, it is anticipated that there will be an increase in transit ridership. As the proposed applications are requesting an increase in height and density, and will result in an increase in transit usage, staff have identified that a cash or in-kind contribution towards to construction of the new transit hub. The details of the requirements are discussed further in this report (City Official Plan review).

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction for growth and development within the Province. All decisions must be consistent with the policies in the PPS. Settlement areas are to be the focus of growth and development. The land uses and patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for the infrastructure and public services that are planned or available, among other criteria. The PPS also encourages development which supports active transportation and support the use of transit. Through the application of these provisions when evaluating proposed developments it will sustain healthy, livable, and safe communities.

The subject lands are within the urban serviced area of the City. Municipal infrastructure is available in the immediate area and can accommodate the proposed use. The Seaway Mall is a transit hub for the City, and provides links to

municipal transit routes, as well as Regional Transit. The development will be within walking distance to amenities (library, grocery, pharmacy, parklands, commercial, etc.) and will allow for fewer car trips to these services. As such, the development will encourage active transportation and transit use.

The area that is proposed for redevelopment is currently a vacant commercial space and unused parking areas. The proposal will redevelop these lands with a mix of medium and high density residential uses, with some minor commercial uses permitted. The redevelopment of these lands will allow for a more efficient use of the property, as well as municipal resources.

The proposal meets the intent of policies in the PPS. The lands are within the urban serviced area, is close to services, will create a pedestrian friendly community which will support active transportation as well as transit use, and is a more efficient use of the lands as they are currently underutilized.

A Place to Grow Growth Plan for the Greater Golden Horseshoe

The A Place to Grow Plan (P2G) encourages that the vast majority of growth be directed to settlement areas which have: a delineated built boundary; have existing or planned municipal water and waste water systems; and, can support the achievement of complete communities. The P2G further encourages growth to be located within the identified built-up area, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (schools, libraries, parks, etc.). The PPS also requires that 40% of all new growth, which is to be increased to 50% at the time of the next municipal comprehensive review, occur within the delineated built-up area.

The subject lands are within the delineated built-up area within the City of Welland. It is within an area with a mix of uses and densities, with additional commercial uses to the west along Niagara Street, a mix of high density and low density residential to the north, and medium density residential to the east. The lands are within walking distance to Lancaster Park immediately north and the Welland Recreational Canal to the east. The Seaway Mall has a transit hub, with connections to Regional Transit and the Port Colborne Link. The site is within walking distance to commercial, recreational, and institutional uses which will reduce the car trips needed to access these uses. The presence of the transit hub will also encourage an increase in transit usage from this location. The design of the proposed residential development has also attempted to create pedestrian oriented development.

There are municipal services within the area which can accommodate the proposed development with water, sanitary, and storm connections. The existing road networks can also accommodate the increase in traffic, but there may need to be modifications to the traffic lights at the existing intersections to address wait times. All of these intersections are controlled by the Region, and any improvements will be at their discretion.

Although the area is not identified as a strategic growth area, it is within an area with municipal services and within the built-up area, making it a focus for growth and redevelopment. The proposed redevelopment of the north-east area of the Seaway Mall will introduce a range of high and medium density residential uses. It will create a pedestrian friendly and transit-oriented development. The lands proposed for redevelopment are currently underutilized, with a minimally used parking lot and a vacant department store. The redevelopment of the site will introduce landscaping, creating green areas and parklands within the area. The proposal meets the intent of the P2G policies as it will create a complete community.

Regional Official Plan

The lands are identified as being within the Built-Up area of the City of Welland. The policies in the Region's Official Plan are consistent with the policies found in the PPS and P2G. The Region's policies promote growth and development within urban areas that can access municipal services. The Region's policies promote the creation of livable and walkable communities that are in close proximity to services and community facilities.

The proposed Official Plan and Zoning By-law Amendments will allow for the development of the property with a mix of buildings having a range of three-storeys to 16 storeys. The buildings will be within walking distance to transit stops, commercial uses, institutional uses, and parks. The subject lands front onto a Regional Road and a Traffic Impact Study (TIS) was completed to identify any impacts the development would have on their road network. Regional staff have reviewed the TIS and are satisfied with the findings therein and have not identified any further review required.

The Region is currently undertaking a review of their Official Plan and have indicated that the City of Welland will receive an intensification target of 75%. This would require the City to have a minimum of 75% of all new residential development occur within the built-up area on a yearly basis. The proposed Official Plan Amendment and Zoning By-law Amendment will assist the City in achieving this 75% target.

The proposal is consistent with the policies in the Region's Official Plan.

City of Welland Official Plan

The subject lands are designated as Regional Shopping Node in the City of Welland Official Plan. The proposal has been made to redesignate the lands to Special Policy Medium Density Residential and Special Policy High Density Residential. The application was originally made for an increase in the height in the High Density Residential designation to 30 storeys, but that has been decreased to a maximum of 16 storeys. The Special Policy that applies to both the Medium and High Density Residential designation is to permit a minimum density of 61 units per hectare and a maximum density of 216 units per hectare across the entire site. The City's current Official Plan policies allow for a maximum

height in the High Density Designation of ten (10) storeys and a maximum density of 125 units per hectare.

When reviewing applications for infilling and intensification, the City of Welland's Official Plan identifies that the following criteria should be reviewed.

- Land use and neighbourhood character compatibility;
- The subject lands are within an area of a mix of commercial and residential uses. The lands to the north are a mix of Low and High Density Residential, as well as parkland (Lancaster Park). To the east are lands that are designated as Medium Density residential and developed with one-storey townhomes. The proposal will create a transition between the lower density residential uses and the proposed high-density development, with the highest buildings proposed immediately adjacent and/or connected to the Seaway Mall, and the medium density residential adjacent to the existing residential.
- The proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
- The proposed development will be done through a Plan of Vacant Land Condominium which will create a series of blocks, parks, and road networks. The blocks will be created with a north-south and east-west road networks, with a new connection to Lancaster Drive proposed. The lot configuration is consistent with the lot fabric of the surrounding area.
- Accessibility;
- The proposed development will create pedestrian connections that are accessible throughout the development.

- The residential towers will be required to meet the accessibility requirements in the Ontario Building Code at the time of construction.
 - Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
 - The application has requested modified parking standards to promote transit use, and active transportation for residents.
 - In addition to modified parking regulations (0.3 spaces per unit 60 square metres or less, and no required spaces for accessory dwelling units), the applicant has also requested reduced parking requirements where there is an agreement for a car sharing or bicycle sharing operation on the property.
 - The applicant has also requested that parking can be provided on another site, so long as it is within 200 metres of the property.
 - The reduce parking ratios, as well as the modified parking provisions where there is a car sharing and/or bicycle sharing program on the property is intended to reduce the need for people to own a car as there will be options other than ownership provided, also, the property is in an area that provides transit connections and services are within a walkable distance.
- Potential for additional traffic and traffic manoeuvrability;
 - The traffic on Lancaster Drive will increase as a result of the proposed development, however, the road has the capacity to accommodate the increase in traffic

volumes. There have been no concerns raised by the City's Traffic division, nor the Region's with respect to the increased traffic levels. The development proposes an additional entrance onto Lancaster Drive as part of the development.

- The potential for transit ridership;
 - As previously identified, the Seaway Mall is a recognized Transit hub and the development will introduce additional residents to the area who can use transit. The proposal is also encouraging transit usage through reduced parking provisions.
 - The Traffic Impact Study completed as part of the proposal has indicated a number of ways in which transit usage could be encouraged. Two ways identified are: for the developer to provide a subsidy to the residents; and, to have the bus schedules and arrivals digitally posted in the lobby of all apartment buildings.
- Natural (including natural hazards) and built heritage conservation/protection;
 - There are no natural or built heritage features that have been identified on this property.
- The availability capacity of municipal infrastructure;
 - There is capacity in the existing infrastructure to accommodate the proposed development.
- Residential intensification targets identified in this plan.
 - The proposed development will assist the City in achieving the target of 40% of all new residential development being within the Built-Up Area. That intensification goal will be increased to 50% at the time of the next Comprehensive Review, and the proposed development of this site will contribute to achieving that goal.

Section 7.4.5 of the City's Official Plan includes policies which allows the City to request that developers provide facilities, services, or other benefits where there has been a request for an increase in height or density. As the current proposal would allow for an increase in both the height and density, this policy section in the City's Official Plan applies.

Welland Transit has been working on a project to improve the existing transit hub at the Seaway Mall, which will directly benefit this project. Staff have determined that a financial contribution of \$500,000.00 towards the construction of the new terminal would be appropriate given the preliminary cost estimates for the project. Staff have been in consultation with the applicant, and they are satisfied with this proposal. The applicant has also provided the option that they would be willing to construct the terminal using their resources in lieu of the cash contribution. City staff are supportive of this option and will provide wording in the agreement that would allow this, however, would provide a time frame within which the terminal must be constructed, or the financial contribution provided. Staff are satisfied that the intent of the bonus zoning provisions in the City's Official Plan have been maintained through this proposal.

The proposed applications for Official Plan Amendment and Zoning By-law Amendment meet the intent of the City's Official Plan. Although the requested height and densities are higher than permitted in the Official Plan, the design has been created to be sympathetic to the neighbouring residential uses, and the proposal is an efficient re-use of underutilized lands. The development is close to services and transit, and will support the creation of a complete community.

City of Welland Zoning By-law 2017-117

The lands are currently zoned Site Specific Regional Shopping Node – RS-73 which has a number of site specific permitted uses, as well as setbacks, area, and parking provisions. The proposal would not result in any change to the existing site specific to the Seaway Mall area that is not subject to the redevelopment plans.

The proposed application for Zoning By-law Amendment has requested to rezone the north-east portion of the property to two (2) separate Site Specific Residential Medium Zones and one (1) Residential High Zone with the following exceptions:

- Create site specific definitions for building height and townhouses;
- Allow for deck, porch, and stair encroachments into the front and exterior side yards;
- Create specific provisions for privacy screens and garbage and refuse storage;
- Allow for one additional employee that is not a resident to work in a home occupation;
- Eliminate the need for snow storage areas;
- Provide site specific parking provisions which allow:

- Required parking to be provided within 200 metres of the property, whereas the Zoning By-law currently restricts this distance to 100 metres;
 - Allows for modified parking stall width of 2.6 metres and modifies the aisle width;
 - Creates a parking ratio of 1 space per dwelling, except where an apartment is 60 square metres or less and then the ration is 0.3 spaces per unit;
 - Allows for a parking reduction of 50% where any combination of the following are provided: provision of secure on-site bicycle storage at a rate of 0.5 spaces per residential dwelling unit, or 1 space per 50 square metres of gross floor area of other uses; sites within 500 metres of a bicycle network connection or transit stop; and/or, the reservation of 1 parking stall per 50 dwelling units or less for car-share vehicles;
 - Requires that the width of the driveway be less than the exterior width of an attached or detached garage;
 - To allow entrance and exit ramps for parking garages to be 0 metres from the property line.
- To allow for parks and parking lots in all site specific residential zones;
 - To allow accessory dwelling units, two-unit dwellings, multiple dwellings, and townhouses in the High Density Residential Zone;
 - To create site specific setback provisions for the residential zones, and to eliminate the requirement for a maximum lot coverage; and,
 - Allow for a maximum height of **16** storeys in the High Density Residential Zone.

The proposal will create two (2) separate RM zones with differing height permissions to limit the height of buildings adjacent to the residential dwellings on Willowlanding Court. The proposal is to allow for a maximum height of 3.5 storeys adjacent to this area, with a 10 metre setback to the property line. The remainder of the RM zoned lands would have a maximum height of 8 storeys. Staff are supportive of the proposed heights as it creates a gradual increase in the height across the property, to the highest at **16** storeys for the area that will be immediately adjacent the Seaway Mall building.

The proposed reduction to the parking requirements and the proposed further reductions where there are car sharing agreements in place can be supported by staff as they are intended to eliminate the need for car ownership for all residents. The location of the property is within walking distance to services and uses that residents use on a daily basis.

Staff are of the opinion that the proposed amendments to the Zoning By-law are appropriate and can be supported.

Public Comments

A number of comments and concerns were raised regarding the applications for Official Plan Amendment and Zoning By-law Amendment. The comments mainly identified concerns with: building height, traffic, drainage, and lighting.

The concerns with respect to building height were primarily regarding the 3.5 storey buildings proposed adjacent to Willowlanding Court. The comments from the neighbours is that the proposed 3.5 storey height is incompatible with their neighbourhood, which is developed with bungalow towns. The lands to the east, although developed with bungalow towns, is designated as Medium Density Residential and zoned RM, which permits a maximum height of 6 storeys. Further to this, the current zoning on the Seaway Mall property would permit an 8 storey commercial building on the property with a smaller setback than has been proposed in the site specific amendment. The proposed 3.5 storey height is consistent with what is permitted in the City's RL1 and RL2 zones, which permits a maximum of 3 storeys. The applicant has given consideration to the typology of the housing to the east and proposed dwelling heights that are consistent with low density residential dwelling permissions. The development proposal has located the highest buildings furthest from neighbouring residential dwellings in order to create a gradual increase in height on the property. The applicant has proposed a minimum setback of 10 metres, which is greater than the minimum side yard of 0 metres in the RS Zone and 3 metres in the RM zone. Staff are of the opinion that the proposed height of 3.5 storeys is appropriate and compatible with the surrounding neighbourhood.

Comments regarding the traffic impacts as a result of the proposed development have been addressed earlier in this report. Both the City and the Region are satisfied with the findings in the Traffic Impact Study and any increase in traffic can be mitigated. The TIS also identified a number of strategies that could be implemented to reduce car trips and ownership, as well as to encourage transit use. The City supports these initiatives, which would be at the cost of the developer.

The concerns raised regarding grading and drainage will be addressed during the condominium and/or site plan approval processes. The site is currently entirely hard-paved with buildings. Any new development will be required to ensure that there are no negative impacts from the release of stormwater onto neighbouring properties. The proposal also includes trees and green spaces, which will assist in absorbing stormwater and are currently absent from the site.

As part of the Condominium and Site Plan Approval, the City will work to ensure that any lighting on the site will be pointed downward and will not be permitted to disperse onto neighbouring sites.

Class 4 Designation

The applicant has requested that a Class 4 Environmental Noise Designation for the entire site. The purpose of the request for this designation is to allow for modified noise levels for stationary noise sources at the time of new construction. The Class 4 designation has been requested as a result of the noise levels generated from the heating, ventilation, and air conditioning (HVAC) units on the Seaway Mall building. The residential blocks immediately adjacent or attached to the Mall have the greatest noise impacts, but the request has been made for the entire site to be give a Class 4 designation. The blocks fronting onto Lancaster Drive will be impacted by transportation noise, but will also still fall below the noise requirements.

The Region has provided comments that they do not object in principle to the Class 4 designation, but they have requested that further information be provided regarding alternatives to the Class 4. City staff are satisfied with approving the Class 4 request to facilitate the redevelopment of this site. Warning clauses will be put on the title of the property to advise residents of the stationary noises, and in addition to this, the units will be equipped with air conditioning units.

Staff are supportive of the Class 4 designation for this site as it will facilitate the redevelopment of this site with a range of housing types and will be a more efficient use of these underutilized lands.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

The proposed applications for Official Plan Amendment and Zoning By-law Amendment to redesignate the property to Special Exception Medium Density Residential and Special Exception High Density Residential and rezone the property to Site Specific Residential Multiple – RM and Site Specific Residential High – RH to allow for the redevelopment of property with a mix of townhouses, low rise, and high rise apartment buildings:

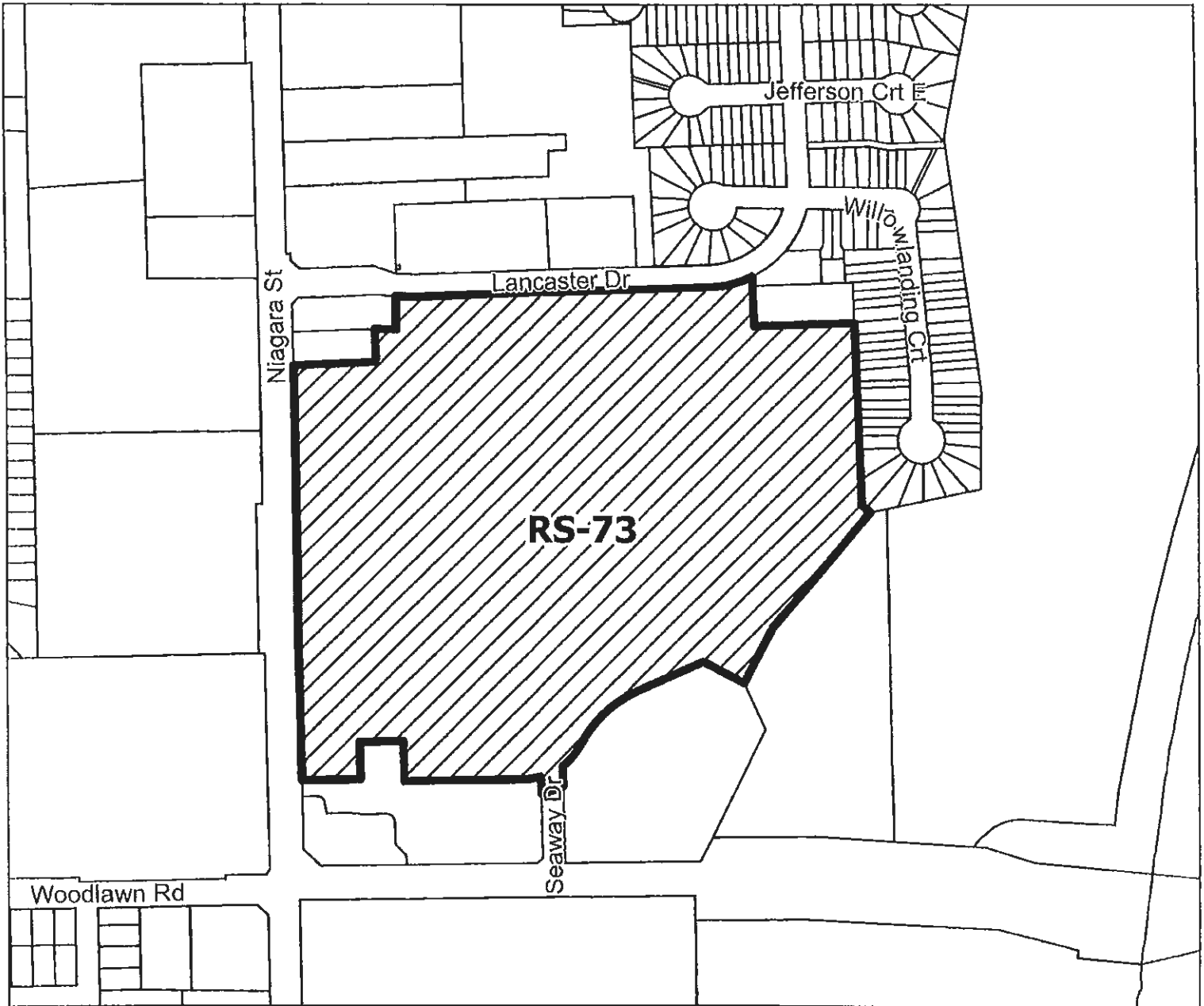
1. Is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and does not require the expansion of these services;
3. Encourages the creation of a complete community;

4. Is transit supportive; and,
5. Will assist the City in achieving the yearly intensification target.

ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Official Plan Amendment
- Appendix III - Draft Zoning By-law Amendment
- Appendix IV - Correspondence

2021-07 & OPA 36



KEY MAP



 SUBJECT LANDS



Development &
Building Services
Planning Division

AMENDMENT NO. 36
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

OCTOBER 5, 2021

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

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 36**

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. 36 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. 36 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. 36 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
5TH OF OCTOBER, 2021.**

_____ MAYOR

_____ CLERK

**AMENDMENT NO. 36 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
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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. 36 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 a portion of the lands shown on attached Schedule "A" from Regional Shopping Node to Special Policy Area Medium Density Residential and Special Policy Area High Density Residential. The purpose of the amendment is to redesignate the lands to allow for a mixed-use residential development. The Special Policy Medium Density Residential will permit a minimum density of 61 units per net hectare and a maximum density of 216 units per net hectare which will be calculated across the Special Policy Medium Density Residential and Special Policy High Density Residential designations on the subject lands. The purpose of the Special Policy High Density Residential is to permit a maximum height of 22 storeys.

LOCATION

The lands are located on the east side of Niagara Street, south side of Lancaster Drive, north of Woodlawn Road, and west of the Recreational Canal. The subject area is approximately 6 hectares in size.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Regional Shopping Node. This amendment for a land use change from commercial lands to mixed-use medium and high density residential within the built boundary of 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. 36 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedule B, Land Use Map is hereby amended by identifying a portion of the lands as Residential.
2. Schedule B1, Residential Hierarchy Land Use Map is hereby amended by identifying a portion of the lands as Medium Density Residential and High Density Residential with the special exemption.
3. Schedule B2, Commercial Hierarchy Land Use Map is hereby amended by removing a portion of the lands as Regional Shopping Node.

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 H Notwithstanding the density provisions of Section 4.2.2.3, the lands will be permitted to have a minimum density of 61 units per net hectare and a maximum density of 216 units per net hectare.

SCHEDULE "A" LAND USE PLAN

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 36 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. 36 BY BY-
LAW 2021-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON OCTOBER 5, 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, Planning and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Niagara This Week Newspaper on July 19, 2021. I hereby certify that the required Public Meeting was held virtually on August 10, 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 DAY day of MONTH, YEAR.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted August 10, 2021 concerning Amendment No. 36 to the Official Plan of the Corporation of the City of Welland.

Opposed

Linda Illes
Anne Marie Pieterse
Lynn Eager

In Favour

Kahlin Holmes, Better Neighbourhoods
Drew Toth, Idrakoth

APPENDIX II - NOTICE OF ADOPTION

**CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 36 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-, being a By-law to adopt Amendment No. 36 to the Official Plan on September 21, 2021 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 36 is to redesignate a portion of the property from Regional Shopping Node to Special Policy Medium Density Residential and Special Policy High Density Residential. The Medium Density and High Density Residential Special Exemption will allow for a minimum density of 61 units per net hectare and a maximum of 216 units per net hectare. The High Density Residential Special Policy will allow for a maximum height of 22 storeys.

The Effect of the redesignation is to allow for the development of the property with a mixed-use subdivision with a mix of two-unit, townhouse, multiple dwellings, apartment and accessory apartment dwellings, some small scale commercial.

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.

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, 2021, 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 Ontario Land 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 Ontario Land 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 Ontario Land 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 2021-07.

A copy of the Amendment and Staff Report are available for inspection by the public as of October 5, 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
PLANNING AND DEVELOPMENT SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND

APPENDIX III

-

MINUTES OF PUBLIC MEETING -

APPENDIX IV - STAFF REPORT

APPENDIX V - COUNCIL RESOLUTION

Appendix III

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW
2017-117 (FILE NO. 2021-07) 800 NIAGARA STREET

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117 on the 17th day of October, 2017;

AND WHEREAS Subsection 1 of Section 34 of The Planning Act R.S.O. 1990, Chapter P.13 provides that local Councils may pass Zoning By-laws;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend said Zoning By-law 2017-117.

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

That Schedule "A" to By-law 2017-117 be and the same is hereby amended as follows:

1. PT TWP LT 229 & 230, FORMER CITY OF THOROLD, PARTS 3, 4 ON 59R-1742 AND PARTS 1 & 2 ON 59R-2895, S/T RO345094, S/T RO357411, S/T RL734059, S/T RO778444; PCL 229-3 SEC 59 THOROLD; PART 3 ON 59R-2784; S/T EASEMENT IN FAVOUR OF WELLAND HYDRO-ELECTRIC SYSTEM CORP. OVER PART 1 PLAN 59R-11677 & PARTS 5, 6, 7, 8 & 9 ON PLAN 59R-8977 AS IN SN19072; PCL F-2 SEC M75; BLK F PL M75 EXCEPT PART 1 ON 59R-2988; S/T LT16884; PCL G-1 SEC M75; BLK G PL M75 EXCEPT PART 1 ON 59R-4566, City of Welland, shown on Schedule "A" attached hereto as "Change to RM-XX", "Change to RM-XY", "Change to RH-XX", and "Change to RH-XY" is hereby changed to RM-XX, RM-XY, RH-XX, and RH-XY.

2. That the provisions in the RM-XX, RM-XY, RH-XX, and RH-XY Zone shall be those provided for in the RM and RH Zone, save and except as follows:

- All other general provisions of By-law 2017-117, as amended, shall apply save and except for the following:
 - a. Notwithstanding Section 4, "Building Height", where height is established as a number of storeys, height means the number of storeys.
 - b. Notwithstanding Section 5.10.5, Decks, Porches, Steps:
 - i. Open or roofed Decks, Porches, and Steps may project 1.0 metres into a required front or exterior side yard.
 - ii. Stairs that lead to areas below-grade may project 1.0 metres into a required front or exterior side yard.
 - c. Notwithstanding Section 5.12.2, Privacy Screens:
 - i. Privacy screens are permitted for all uses in the RM-___ and RH-___ zones to a maximum height of 1.5 metres. Up to 1.8 m may be permitted where the upper 0.3 portion of fence is of lattice or other semi-transparent decorative woodwork.
 - d. Notwithstanding Section 5.14, Garbage and Refuse Storage and Enclosures:
 - i. Where an enclosure or private waste management container is provided in accordance with Subsection 5.14 b), the enclosure shall be associated with an area sufficient for the purposes of picking up garbage or refuse from the container.

- e. Notwithstanding Section 5.18.1, Home Occupations:
 - i. Home occupations shall be permitted in any permitted dwelling or building type in the RM-XX, RM-XY, RH-XX and RH-XY zones.
 - ii. Up to one (1) non-resident employee is permitted to be engaged in the home occupation.
 - iii. The home occupation shall not alter the exterior of the dwelling unit by virtue of its operation except it shall be permitted to display one (1) sign no larger than 40 cm x 31 cm at its entrance to indicate the business name.
- f. Notwithstanding Section 5.27, Patios, Outdoor:
 - i. Restaurant patios may be permitted in any yard, balcony or rooftop area within the RH-XY where it abuts any RM-XX, RM-XY or RM-XX Zone.
- g. Notwithstanding Section 5.39, Snow Storage Areas:
 - i. No snow storage shall be required for private streets, parking areas, or driveways within a registered Condominium Plan.
- h. Notwithstanding Section 6.1.3, Location of Required Parking:
 - i. Any required parking stall for any permitted use within the RM (H3.5), RM (H 8), RH (H 20) and RH (H 30) zone may be located:
 - i) On the same lot on which the use is located;
 - ii) On a private street or laneway within 100 m of the subject lot; or
 - iii) In a shared or district parking lot within 200 m of the subject lot, which is in a Zone which permits a parking lot.
 - ii. Any barrier-free parking space and loading space required by this By-law shall be located on the same lot on which the use is located.

Any bicycle parking space required by this By-law shall be located on the same lot on which the use is located, or within 50 m of the subject lot.

- i. Notwithstanding Section 6.16, Parking Space Dimensions:

Condition	Min. Width	Min. Depth	Minimum Access Aisle in Parking Lot, Structure or Garage
Ninety-degree (90°) parking stall	2.6	5.5	6.0
Sixty-degree (60°) parking stall	2.6	5.5	5.5
Forty-five-degree (45°) parking stall	2.6	5.5	4.5
Thirty-degree (30°) parking stall	2.6	5.5	4.5
Parallel parking stall	2.6	6.0	3.0

- j. Notwithstanding Section 6.4, Required Parking and Queuing Spaces By Use:

Use	Required Number of Spaces
Apartment dwelling less than 60 square metres in floor area	0 spaces
Accessory Dwelling	
Apartment dwelling greater than 60 square metres in floor area	
Multiple Dwelling	1 space per unit
Two-Unit Dwelling	
Townhouse Dwelling	
Art Gallery	1 stall per 50 square metres of gross

- 3 -

Restaurant floor area
Retail Establishment
Library

k. Notwithstanding Section 6.4, Required Parking and Queuing Spaces By Use:

- i. A reduction of up to 50% of required parking may be permitted where one or any combination of the following features which facilitate access to public transit, ride-sharing, or active transportation alternatives is available:
- The provision of secure on-site bicycle storage at a rate of 0.5 spaces per residential dwelling unit or 1 space per 50 square metres gross floor area of other uses.
 - Sites within 500 m of a bicycle network connection or transit stop
 - The reservation of 1 parking stall per 50 dwelling units or less for a car-share vehicle

l. Notwithstanding Section 6.9, Residential Parking Requirements:

- i. The width of a driveway must be less than the width of an attached or detached garage.

m. Notwithstanding Section 6.13, Parking Structures:

- i. Entrance and exit ramps to below-grade and above-grade parking structures or buildings are permitted within 0 metres of the property line.

n. Notwithstanding Section 7.2, Permitted Uses:

Permitted Uses	RM-XX	RM-XY	RH-XX	RH-XY
Accessory Dwelling Unit	✓	✓	✓	
Accessory Uses, Buildings, and Structures	✓	✓	✓	✓
Apartment Dwelling	✓	✓	✓	✓
Bed and Breakfast	✓	✓	✓	
Boarding and Lodging House	✓	✓	✓	
Group Home	✓	✓	✓	
Home Occupation	✓	✓	✓	
Two-Unit Dwelling	✓	✓	✓	
Multiple Dwelling ⁽¹⁾	✓	✓	✓	
Retirement Home	✓	✓	✓	✓
Street Townhouse Dwelling	✓	✓	✓	
Townhouse Dwelling (Block)	✓	✓	✓	
Parking Lot, Structure or Garage	✓	✓	✓	✓
Park	✓	✓	✓	✓
Commercial and Community Uses				
Art Gallery ⁽²⁾			✓	✓
Restaurant ⁽²⁾			✓	✓
Retail Establishment ⁽²⁾			✓	✓
Day Care Centre			✓	✓
Library				✓

(1) Includes Triplex, Fourplex, Back-to-Back Townhouse and Stacked Townhouse Dwellings

(2) Only permitted within the ground floor of a residential building to a maximum

- 4 -

of 120.7 square metres of gross floor area

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

_____MAYOR

_____CLERK

Schedule "B" to By-law 2021-_____

The provisions of the RM-109, RM-110, and RH-111 Zones shall be those provided for in the Zoning Provisions Table below:

Use	Lot (min)	Area	Lot Frontage (min)	Front Yard (min)	Side Interior (min)	Side Exterior (min)	Yard (min)	Rear (min)	Yard	To Existing RM Zone ⁿ⁾	Building Height (max)	Lot Coverage (max)	Landsc Area (r
RESIDENTIAL MEDIUM DENSITY ZONE RM-109													
Apartment			15.0 m										
Two-Unit Dwelling			6.0 m										
Multiple Dwelling		N/A	6.0 m	1.0 m	0 m	1.0 m		0.5 m		10.0 m	3.5 storeys	N/A	15
Townhouse			4.0 m/unit										
Back-to-Back Townhouse			4.0 m/unit										
RESIDENTIAL MEDIUM DENSITY ZONE RM-110													
Apartment			15.0 m										
Two-Unit Dwelling			6.0 m										
Multiple Dwelling		N/A	6.0 m	1.0 m	0 m	1.0 m		0.5 m		10.0 m	3.5 storeys	N/A	15
Townhouse			4.0 m/unit										
Back-to-Back Townhouse			4.0 m/unit										
RESIDENTIAL MEDIUM DENSITY ZONE RH-111													
Apartment			15.0 m										
Two-Unit Dwelling			6.0 m										
Multiple Dwelling		N/A	6.0 m	1.0 m	0 m	1.0 m		0.5 m		10.0 m	22 storeys	N/A	15
Townhouse			4.0 m/unit										
Back-to-Back Townhouse			4.0 m/unit										

(1) Measured from the nearest building wall to the adjacent property boundary of the RM Zone.

Appendix IV

July 26, 2021

Attention: Rachelle Larocque

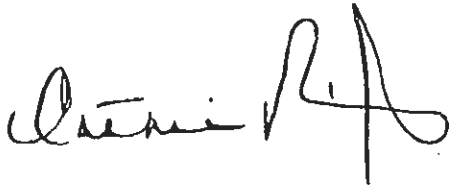
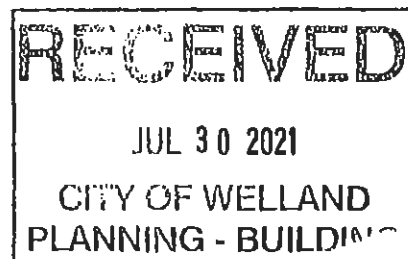
City of Welland Planning & Development Services

As per your memorandum of July 20, I wish to receive a copy of the staff report on the Application to Amend City of Welland Official Plan (OPA No. 36). As well, I request to receive a copy of the staff report on the Application to Amend Zoning By-law 2017-117 (File No. 2021-07).

Thank you.

Cathie Reid

82 Willowlandng Ct. Welland ON L3C7L7

A handwritten signature in black ink, appearing to read "Cathie Reid". The signature is fluid and cursive, with a large, stylized initial "R" at the end.

City of Welland

Planning & Development Services

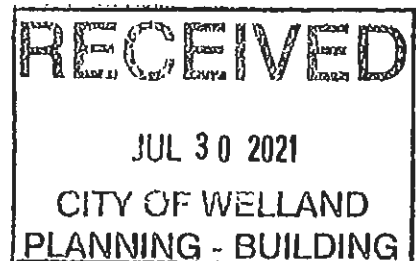
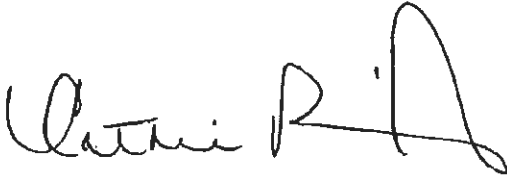
As suggested in the memorandum of July 20 I would like to request to be notified of the Decision of the City of Welland on the proposed Official Plan Amendment (OPA No. 36). I request also to be notified of the Decision of the City of Welland on the proposed Zoning By-law Amendment (File No. 2021-07).

2021-117

Thank you.

Cathie Reid

82 Willowlanding Ct. Welland ON L3C7L7



July 30, 2021

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

Re: Application to Amend Zoning Bylaw 2017-117 (File No. 2021-07)

Attention: Tara Stephens, City Clerk

Dear City Council,

As land owners adjacent to the subject lands in the above application, we share these comments for your consideration as you deliberate on the approval of this application.

Though the many concerns raised by all our neighbours and ourselves on Willowlanding Court have already been communicated to the applicants and at the recent public City Meeting of July 29, 2021, reiterating some key concerns is vital.

Firstly, given that our properties sit at a significantly lower elevation level than the proposed land to be developed, which proposed plan include structures that potentially could be built to three and one half (3.5); eight (8); twenty (20); and thirty (30) storey high is not only daunting to us, but will significantly change the dynamics of our community from its current quiet retiring characteristic with one and one half (1.5) bungalow style homes.

Secondly, we are also concerned about the increase in traffic volume that this development will introduce onto Lancaster Road and the impact this will have on the whole area for all existing homeowners, not just those of us living on Willowlanding Court. Already there is a bottle neck effect at the intersection of Niagara Street and Lancaster with current businesses and the traffic that it attracts, namely caused by the access entry into the Harvey's/Swiss Chalet establishments off of Lancaster. This will only be exacerbated by the addition of one thousand (1,000) plus dwellings.

Thirdly, the current sight line from our back yards for those living adjacent to the subject land, and front yards for those living across Willowlanding Court facing the subject land, afford us both with natural light and a skyline with a sunset in the evening. As this was one of many features that drew us to this neighbourhood, you can appreciate how saddened we are that this will no longer be our line of sight once the new structures are erected on the proposed development. Furthermore, for all of us, and especially those whose properties are adjacent to the proposed development, rely on natural light that comes in from the west. This is the only source of natural light on that side for those homeowners whose units are not end units (i.e. middle units). The loss of natural light into our homes due to both the proposed building heights and the need for tall privacy landscaping at the property line is very concerning to us. Fourthly, there exists a stone retaining wall at the back of the properties adjacent to the subject land. It is clear that that this structure was not erected properly, perhaps not even to code, as

there is nothing preventing from these stones of being pushed out and come tumbling down the embankment into our yards. The nature of the construction that will take place based on the proposed development will certainly have a negative impact on this structure and put our backyards and the safety of the homeowners at risk. Given that all engineering must be approved by the City Engineering Department within the Planning Division, we ask that the City verify the approved engineering of this structure when it was erected in 2002-04, and take any and all necessary actions to have it brought to code based on today's codes for the safety of all homeowners.

Fifthly, as homeowners we are concern about our property value during the construction of this development. Given that we were told that the magnitude of this development may take up to ten (10) to twenty-five (25) years before the whole project is totally completed, how will the developer and the City of Welland ensure that our property values will not be affected negatively should life circumstances cause any of us to have to sell our property while construction is still in progress?

Inasmuch as we all understand that things do not remain the same forever, and that land development in the city of Welland is seen by most as a positive, please know that it is not our desire to impede potential growth towards a future for this city and its people. However, we are respectfully asking that City Council in collaboration with the applicants would not only hear our concerns, but also make some adjustments as is appropriate to address these concerns for the well being of all.

Lastly, another concern that needs mention is the impact of the process of this development over the many years. In short, assuming that this application is approved by the City, and that work commences some time in 2022, none of us want to be looking at a construction site in our backyards for the next several years and beyond. We are already experiencing this with the current construction of a new apartment building on Lancaster across (north) from the subject land of this application. We therefore respectfully ask that City Council in collaboration with the applicants include as part of phase one (1) of this development (i.e. at the same time as the demolition of the old Target store and the installation of main site services), that a new fence and mature trees be erected along the east limit of the subject land adjacent to our properties so as to provide a visual barrier (block our sight of all the construction), and a physical barrier to help minimize dust and sound. It would also be during this first phase that the retaining wall concerns would have to be addressed.

On behalf of our neighbours on Willowlanding and ourselves, thank you for receiving these comments and for your consideration.

Respectfully,

Benoit and Susan Cousineau
119 Willowlanding Court
Welland, ON L3C 7L8

Martin and Lynn Eager
143 Willowlanding Court
Welland, ON L3C 7L

July 30, 2021

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

Re: Application to Amend Zoning Bylaw 2017-117 (File No. 2021-07)

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Firstly, given that our properties sit at a significantly lower elevation level than the proposed land to be developed, which proposed plan include structures that potentially could be built to three and one half (3.5); eight (8); twenty (20); and thirty (30) storey high is not only daunting to us, but will significantly change the dynamics of our community from its current quiet retiring characteristic with one and one half (1.5) bungalow style homes.

Secondly, we are also concerned about the increase in traffic volume that this development will introduce onto Lancaster Road and the impact this will have on the whole area for all existing homeowners, not just those of us living on Willowlanding Court. Already there is a bottle neck effect at the intersection of Niagara Street and Lancaster with current businesses and the traffic that it attracts, namely caused by the access entry into the Harvey's/Swiss Chalet establishments off of Lancaster. This will only be exacerbated by the addition of one thousand (1,000) plus dwellings.

Thirdly, the current sight line from our back yards for those living adjacent to the subject land, and front yards for those living across Willowlanding Court facing the subject land, afford us both with natural light and a skyline with a sunset in the evening. As this was one of many features that drew us to this neighbourhood, you can appreciate how saddened we are that this will no longer be our line of sight once the new structures are erected on the proposed development. Furthermore, for all of us, and especially those whose properties are adjacent to the proposed development, rely on natural light that comes in from the west. This is the only source of natural light on that side for those homeowners whose units are not end units (i.e. middle units). The loss of natural light into our homes due to both the proposed building heights and the need for tall privacy landscaping at the property line is very concerning to us. Fourthly, there exists a stone retaining wall at the back of the properties adjacent to the subject land. It is clear that that this structure was not erected properly, perhaps not even to code, as

there is nothing preventing from these stones of being pushed out and come tumbling down the embankment into our yards. The nature of the construction that will take place based on the proposed development will certainly have a negative impact on this structure and put our backyards and the safety of the homeowners at risk. Given that all engineering must be approved by the City Engineering Department within the Planning Division, we ask that the City verify the approved engineering of this structure when it was erected in 2002-04, and take any and all necessary actions to have it brought to code based on today's codes for the safety of all homeowners.

Fifthly, as homeowners we are concern about our property value during the construction of this development. Given that we were told that the magnitude of this development may take up to ten (10) to twenty-five (25) years before the whole project is totally completed, how will the developer and the City of Welland ensure that our property values will not be affected negatively should life circumstances cause any of us to have to sell our property while construction is still in progress?

Inasmuch as we all understand that things do not remain the same forever, and that land development in the city of Welland is seen by most as a positive, please know that it is not our desire to impede potential growth towards a future for this city and its people. However, we are respectfully asking that City Council in collaboration with the applicants would not only hear our concerns, but also make some adjustments as is appropriate to address these concerns for the well being of all.

Lastly, another concern that needs mention is the impact of the process of this development over the many years. In short, assuming that this application is approved by the City, and that work commences some time in 2022, none of us want to be looking at a construction site in our backyards for the next several years and beyond. We are already experiencing this with the current construction of a new apartment building on Lancaster across (north) from the subject land of this application. We therefore respectfully ask that City Council in collaboration with the applicants include as part of phase one (1) of this development (i.e. at the same time as the demolition of the old Target store and the installation of main site services), that a new fence and mature trees be erected along the east limit of the subject land adjacent to our properties so as to provide a visual barrier (block our sight of all the construction), and a physical barrier to help minimize dust and sound. It would also be during this first phase that the retaining wall concerns would have to be addressed.

On behalf of our neighbours on Willowlanding and ourselves, thank you for receiving these comments and for your consideration.

Respectfully,

Benoit and Susan Cousineau
119 Willowlanding Court
Welland, ON L3C 7L8
[REDACTED]

Martin and Lynn Eager
143 Willowlanding Court
Welland, ON L3C 7L
[REDACTED]

Rachelle Larocque

From:
Sent: July 21, 2021 3:49 PM
To: Rachelle Larocque
Subject: Information regarding changes at Seaway Mall

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!

Since the publication of the Welland Civic News announcement in the Tribune yesterday there has been considerable interest by residents adjacent to the Mall property.

Do we all have to register for the link to the meeting even if we only want to hear the Information Meeting proceedings. Can we not see it Live Stream like we see Council Meetings?

Thank you for any clarification you may be able to provide.

Eleanor Protz

57 Jefferson Crt . W

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Rachelle Larocque

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: August 4, 2021 7:35 AM
To: Rachelle Larocque
Subject: RE: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

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Thank you for your circulation.

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

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

Regards,

Alice Coleman
 Municipal Planning Analyst
 Long Range Distribution Planning

ENBRIDGE
 TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
 500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com
Safety. Integrity. Respect.

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: Tuesday, July 20, 2021 2:33 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: [External] Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

EXTERNAL: PLEASE PROCEED WITH CAUTION.

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

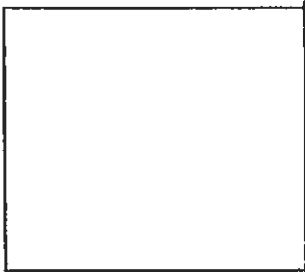
Good afternoon,

Please find attached notices of application for Official Plan Amendment and Zoning By-law Amendment for 800 Niagara Street.

Additional information can be found at the following link: https://secure-web.cisco.com/17_moUfZHykRz_IQPJY96LxuhxpXCVVB6-DyXjMExxVLcjjMHT_Lq1aFiDbQMD8qvAjtRgJLywOpWxlgyUmhJgp7ljs4i_amVA9EFtcizNfgt0Bi_0SdQ1iWoZnOvG49tsWUaHvvV3_S1kqq1XKIX2ggD2mJzjVJcKkflpNzSeHBwSKVFFdY2TBk-WF:rX2nZmscAki6hWGAfkof-3y4OU5G3hJsqT0oMkUfRpmeAaDmWQcRnKALLv93sKG9KuHRI_Ltv8bbezgRdrHZPRqym_CvIB20zJdJUhgFmcZC8rZh2AajlDUzS3hNeIR767VMldE8r4YxWosEw4vDvij0A/https%3A%2F%2Fwww.welland.ca%2FMedia%2Fnotices.asp

Required reports and studies can be found at the following link: [Seaway NE ZBA/OPA Application](#)

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Manager of Planning
Planning 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
http://secure-web.cisco.com/19NzWyl722iDqvGTprtZQ0Qx2X07BW2Jqu6Z4yKKD38HKe10fkchBbnKWq58LqYznZzX_Sz-xCHEkhqE6t97QjdlyLNAJAPNv2UvHG2Aq4N...



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Rachelle Larocque

From: Julie VanLeur
Sent: July 28, 2021 3:45 PM
To: Rachelle Larocque
Cc: Livia McEachern
Subject: RE: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Hi Rachelle,

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

Best Regards,



Julie VanLeur, C.Tech
 Engineering Technician - Development
 Infrastructure and Development Services
 Engineering Division
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2320 Fax: (905)735-7184
www.welland.ca



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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: July-20-21 2:33 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Good afternoon,

Please find attached notices of application for Official Plan Amendment and Zoning By-law Amendment for 800 Niagara Street.

Additional information can be found at the following link: <https://www.welland.ca/Media/notices.asp>

Required reports and studies can be found at the following link: [Seaway NE ZBA/OPA Application](#)

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Manager of Planning
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
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Rachelle Larocque

From: Matt Richardson
Sent: September 15, 2021 1:54 PM
To: Rachelle Larocque
Cc: Paula Albano
Subject: RE: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Rachelle,

With respect to this proposal, we would need adequate access for firefighting purposes as well as water supply in accordance with the OBC. Significant OBC requirements pertain to "high" buildings which will be dealt with at the permit stage. Additional building improvements would be supported and encouraged by the Fire Department including standpipe hose connections in stairwells, rooftop access from all interior stairwells, and radio repeaters within the building.

Further comments will occur at site plan.

Thanks,



Matt Richardson, B.A., CFEI, CCFI-C, CMM I
 Director of Fire Prevention
 Welland Fire and Emergency Services
 Corporation of the City of Welland
 636 King Street, Welland, Ontario L3B 3L1
 Phone: (905)735-1700 Ext. 2408 Fax: (905)732-2818
www.welland.ca



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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: September-15-21 12:59 PM
To: Matt Richardson <matt.richardson@welland.ca>
Subject: RE: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Hi Matt,

Sorry for the delay. Here's the site plan – there will be the formal Site Plan application later when we'll need your detailed comments as well.



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning
 Planning 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
YouChannel

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From: Matt Richardson <matt.richardson@welland.ca>
Sent: September 14, 2021 11:00 AM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: RE: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Hey Rachelle,

I don't seem to have the comments. Maybe because I spoke with you about it I thought I had sent them over. My mistake. I know what my comments will be, but the link for more information is expired. Is there a site plan for this?

Thanks,



Matt Richardson, B.A., CFEI, CCFI-C, CMM I
 Director of Fire Prevention
 Welland Fire and Emergency Services
 Corporation of the City of Welland
 636 King Street, Welland, Ontario L3B 3L1
 Phone: (905)735-1700 Ext. 2408 Fax: (905)732-2818
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YouChannel

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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: July-20-21 2:33 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Good afternoon,

Please find attached notices of application for Official Plan Amendment and Zoning By-law Amendment for 800 Niagara Street.

Additional information can be found at the following link: <https://www.welland.ca/Media/notices.asp>

Required reports and studies can be found at the following link: [Seaway NE ZBA/OPA Application](#)

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Manager of Planning
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From:
To: [Rachelle Larocque](#)
Subject: Sald Seaway Property Building application NE Section
Date: July 29, 2021 11:04:50 AM

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I am Geoffrey Grenfell , and a resident on Willowlanding court along with my wife Judith ,and we are here by making it plain that, myself and my wife do not want high rise being built on said property and we have no objections to buildings like our own street. We will be at the meeting if I am able to get on Zoom.....Respectfully Geoffrey Grenfell

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

From: [REDACTED]
To: Rachelle Larocque
Subject: Said Seaway Property Building application NE Section
Date: July 29, 2021 11:04:50 AM

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I am Geoffrey Grenfell , and a resident on Willowlanding court along with my wife Judith ,and we are here by making it plain that, myself and my wife do not want high rise being built on said property and we have no objections to buildings like our own street. We will be at the meeting if I am able to get on Zoom.....Respectfully Geoffrey Grenfell

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From: [Martin & Lynn Eager](#)
To: [Rachelle Larocque](#)
Subject: File # 2021-07 800 Niagara Street
Date: August 12, 2021 10:22:21 AM

WARNING: This email originated from an external sender. Official 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:

Unfortunately we are not familiar with all the policies and steps involved in Council approving an Amended By-law Application. Could you please explain the process as to what happens now that the particular Application was presented to Council on August 10th. What is the timeline, and when would an actual vote take place and is this public?

If possible, we would also like to be notified of the Decision of the City of Welland on the proposed Amendment.

Thank you for your assistance,

Lynn & Martin Eager
149 Willowlanding Ct.

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=28778135-7bGsd12cZ4dv&r_address=chelle.larocque%40welland.ca&report=

Rachelle Larocque

From: Anne Marie Pieterse
Sent: August 16, 2021 1:34 PM
To: drew@tothgroup.ca; Rachelle Larocque
Subject: Seaway Mall / Lancaster Drive entrance

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Further to my zoom connection at Welland City Council Meeting last Tuesday. I had no intention of speaking but felt Bridgewater Ct issues were not being addressed.

I have since had a talk with some of my neighbours on Bridgewater Ct. As you can imagine we are in shock at the extent of your Proposed Plan right in our back yard!

Especially when we had no communication from you regarding this matter. Thank you for offering to rectify this and we will await updates from you as promised.

Drew as I am sure you are aware Bridgewater Ct residents have just gone through a horribly disturbing year with 9 storey building within metres of our quiet, private, retirement residences.

In fact we are counting the days when we can once again sit out on our deck and have normal conversations without being driven inside by noise and dust! From what I am hearing this will not be the case and the END OF MY DAYS WILL BE SPENT WITH DISTURBANCES EVEN WORSE.

NOISE IN PARTICULAR STARTING AT 7AM AND CONTINUING THROUGHOUT THE DAY, SOMETIMES 7 DAYS A WEEK. NOISE HAS BEEN SO UNBEARABLE AT TIMES THAT WE CANNOT HEAR EACH OTHER TALKING ON OUR DECKS AND HAVE TO KEEP TVS ON ALL THE TIME TO DROWN OUT THE DISTURBANCE. I KNOW YOU CANNOT BUILD YOUR EMPIRE WITHOUT NOISE AND DUST.....BUT SO MANY AND SO HIGH?

Do you HAVE to build 8 storey buildings that will look right into my living and bed room? WOULD YOU SERIOUSLY CONSIDER 3.5 STORIES INSTEAD. THAT WOULD BE BAD ENOUGH, BUT AT LEAST WE WOULD CONTINUE TO SEE SOME SKY!

Our other concerns could not have been stated more profoundly than they were by Lynn and Martin Eager and we second all her concerns, particularly Lancaster Drive traffic issues and you expecting to tap into existing Infrastructure.

I am looking forward to hearing your comments on this email and thank you for taking the time to do so.

Regards, Anne Marie Pieterse, 61 Bridgewater Ct. tel.

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

Rachelle Larocque

From: Anne Marie Pieterse [REDACTED]
Sent: August 16, 2021 1:34 PM
To: drew@tothgroup.ca; Rachelle Larocque
Subject: Seaway Mall / Lancaster Drive entrance

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Our other concerns could not have been stated more profoundly than they were by Lynn and Martin Eager and we second all her concerns, particularly Lancaster Drive traffic issues and you expecting to tap into existing infrastructure.

I am looking forward to hearing your comments on this email and thank you for taking the time to do so.

Regards, Anne Marie Pieterse, 61 Bridgewater Ct. [REDACTED]

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Via E-mail Only

August 25, 2021

 Files: D.10.11.OPA-21-0041
 D.18.11.ZA-21-0085

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

Dear Ms. Larocque:

**Re: Regional and Provincial Review Comments
 Official Plan Amendment & Zoning By-Law Amendment
 Applicant: Idrakoth Ltd.
 Agent: Better Neighbourhoods Inc.
 800 Niagara Street
 City of Welland**

Regional Planning and Development Services staff has reviewed the above noted applications and supporting materials submitted by Better Neighbourhoods Inc. on behalf of Idrakoth Ltd. for an Official Plan and Zoning By-law Amendment on lands known municipally as 800 Niagara Street in the City of Welland. Staff notes that a virtual pre-consultation meeting regarding the proposed development was held on December 3, 2020 with City and Regional Staff as well as the agent for the subject property.

The concurrent Official Plan and Zoning By-law Amendment applications are required to facilitate the redevelopment of the north-east portion of the property with approximately 1300 units which include a mix of apartment buildings (mid and high-rise), townhouses, and accessory dwelling units with a height range of 2 to 30 storeys on the parcel that currently supports the Seaway Mall.

The Official Plan Amendment (OPA 36) proposes to redesignate the north-east portion of the property from Regional Shopping Node to Special Policy High Density Residential to permit a minimum density of 61 units per hectare and a maximum density of 215 units per hectare. The Zoning By-law Amendment proposes to rezone the north-east portion of the lands from Site Specific Regional Shopping Node (RS-73) to Site Specific Residential Medium Density (RM) and Site Specific Residential High Density (RH) to create two separate Site Specific Residential Medium Density Zones and two Site Specific Residential High Density zones that will increase the maximum permitted

height (3.5 storeys, 8 storeys, 20 storeys, and 30 storeys), allow for additional permitted uses, and amend the yard setback provisions.

As outlined below, Regional staff is supportive of the proposed development in principle and provides the following detailed comments to execute Regional Council's Strategic Priority to Do Business Differently. By commenting on conformity with Provincial and Regional policy, the Region maintains accountability to the public and improves transparency, and aims to assist the City in their consideration of these applications from a Provincial and Regional perspective.

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 Provincial Policy Statement (PPS).

The ROP, PPS and Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and delineated built-up areas to support intensified development and to build upon existing servicing and infrastructure. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improved social equity and quality of life, new and expanded access to multiple forms of transportation, and the provision of spaces that are vibrant and resilient in their design.

The subject land is located within the Provincially designated Built-Up Area within the City of Welland. Accordingly, all residential development occurring on the subject lands will contribute to the City's intensification target of 40%, as outlined in the ROP.

Regional staff notes that the proposed redevelopment of a portion of underutilized seaway mall lands is considered as infill and residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute toward achieving the above noted residential intensification targets. Staff supports the *Planning Justification Report* (dated June 2021) prepared by Better Neighbourhoods Inc., which indicates that the site is located at a transition point between residential uses of the Lancaster Drive subdivision and the commercial corridor of Niagara Street. The site is well connected to the surrounding neighbourhood and is also situated close to nearby community uses and institutional facilities. The form of housing proposed will add to the housing types and densities in this area and appears to be a compatible use with the surrounding neighbourhood fabric. Therefore, it is Regional staffs opinion that the proposed development conforms with and is consistent with Provincial and Regional growth management policy directions.

Noise and Vibration Study

Given the subject lands are located on a Regional Road, the development has potential to be impacted by the noise generated by vehicular traffic as well as stationary noise sources located close to this development. As such, a *Road Traffic and Stationary Noise Impact Study* (dated May 27, 2021) prepared by JJ Acoustic Engineering Ltd. has been submitted in support of the applications. The study stated that it was prepared consistent with the Ministry of Environment, Conservation and Parks (MECP) NPC-300 Environmental Noise Guidelines.

The study determined that the potential environmental noise impact from road traffic and stationary noise is significant and requires central air-conditioning, noise warning closes and requests a change to Class 4 area of designation.

Transportation Noise

The report concluded that road noise impacts were above the NPC-300 requirements. Noise mitigation measures include requirements for air conditioning and noise warning clauses for blocks 1, 4 and 7.

Stationary Noise

The stationary noise impacts from neighboring buildings to the site were evaluated and the sound level predictions were determined to be below noise limits, if a Class 4 area designation is accepted. With the Class 4 designation, the report stated that the following must be adhered to by the owner (for all buildings on site):

- Prospective purchasers should be informed that this dwelling is located in a Class 4 area through appropriate means and informed of the agreements for noise mitigation. Inclusion of Warning Clause Type F into the agreement of purchase and sale, and if possible register against title, to notify purchasers that the applicable sound level limits for these dwellings are protective of indoor areas and are based on the assumption of closed windows.
- **Warning Clause Type F:** "Purchasers/tenants are advised that sound levels due to the adjacent industry facility 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."

Class 4 Designation

Regional staff notes that the study did not adequately address alternatives to the Class 4 designation or provide other mitigation measures that the development may benefit from implementing. As such, should Welland Council entertain the idea of applying a Class 4 designation on the subject property, Regional staff would require an addendum/update to the Noise Impact Study in order to determine what reasonable mitigation measures are required to be implemented in order to achieve NPC-300

Guidelines based on the noise levels identified. Alternatively, a peer review of the Noise Impact Study should be completed at minimum.

A Class 4 designation 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 Official Plan) will be required to apply the Class 4 designation in this instance (e.g. through site specific policy provision).

Environmental Site Assessment

The PPS requires that contaminated sites be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. A *Phase One Environmental Site Assessment (ESA)* by Hallex Environmental Ltd. (dated May 14, 2020) has been submitted to address potential contamination associated with land use activities on the subject property. The study revealed potential designated substances and hazardous materials i.e.: lead-based paints, and asbestos containing materials are possible within the commercial building structure given its original age. Three (3) on-site Potentially Contaminating Activities (PCA's) have the potential to impact the subject property's soil and/or groundwater which included a commercial auto service shop, gasoline and associated product storage and a parking lot. As such, the study recommended a designated substance and hazardous material survey and a Phase Two Environmental Site Assessment be conducted.

A *Phase Two Environmental Site Assessment (ESA)* by Hallex Environmental Ltd. (dated August 17, 2020) was also submitted in support of the applications. The study conducted sixteen (16) boreholes that were advanced with nineteen (19) worst case samples chosen for laboratory analyses. The results found two (2) areas of the site where the soil was impacted by contamination associated with the former autobody shop and the application of salt throughout the parking lot. In addition, five (5) groundwater monitoring wells were installed in which samples were submitted for analyses, which indicated that all samples met the criteria for the target contaminants in the Ministry of Environment, Conservation and Parks (MECP) Table 3: Site Condition Standards.

The study recommended that excavation and removal of the metals impacted material and that the soil material within the parking lot be removed to coincide with site development and re-use plans as required.

Regional Staff notes that the previous commercial uses and associated parking lot on the subject property are defined as a commercial use under the *Environmental Protection Act*. A change in use from commercial to a more sensitive land use (i.e. residential) requires a Record of Site Condition (RSC) in accordance with O. Reg. 153/04 to be filed on the Ministry of Environment's Brownfields Environmental Site Registry for this development. As such, Regional staff concurs with the report's findings

that site remediation is necessary in order to fulfill the RSC requirements. Regional staff will be able to implement applicable conditions through future Planning Act applications (i.e. Site Plan/Condominium) in this regard.

Core Natural Heritage System

There are currently no mapped natural heritage features on the subject properties. However, based on aerial imagery available to the Region, it appears that there are wooded areas and wetlands located throughout the adjacent lands to the southeast. It is generally the Region's preference that features and buffers be assessed thoroughly through the OPA and ZBA process to ensure that features and appropriate buffers are identified and protected over the long term.

As such, the Region understands that the applicant has proposed to limit future development within 15 metres of the subject boundary to lands to south, deferring environmental review to the Site Plan stage, when greater detail of the proposed development would be available. It is also noted that the site is currently comprised of an existing parking lot. Given the current developed nature of the site, Regional Environmental Planning staff offer no objection to deferring environmental study to the Site Plan stage.

Regional Road Allowance

The subject property has frontage along Regional Road 50 (Niagara Street). The designated road allowance meets what is identified in the Regional Official Plan, therefore, Regional staff will not need to request a road widening.

Regional Permit and Transportation Requirements

Traffic Impact Study

Regional transportation staff have reviewed the submitted *Transportation Study* prepared by R.J. Burnside & Associated Limited (dated July 2021) and have no further comments.

Regional Construction Encroachment Permit

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

Regional Sign Permit

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of Niagara Street will require a Regional Sign permit. Permit applications can be made through the following link:

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

Protection of Survey Evidence

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

Servicing

Regional staff have reviewed the *Preliminary Servicing Plan* (dated June 10, 2021) and the *Functional Servicing Report* (dated June 14, 2021) both prepared by Better Neighbourhoods. The proposed flows from the development consist on 51.5 L/s outletting to Lancaster Drive and 9.4 L/s outletting to the Seaway Mall. Regional staff have no concerns with the capacity within the systems due to the additional flows.

Currently there is a crossing of the Regional forcemain proposed as well as a connection proposed to the manhole where the Regions forcemain connects to. Regional staff would ask that detailed drawings of the crossing of the Regional forcemain and the connection to the manhole be provided for review and approval. A note should also be added to the servicing plans that John MacPherson, Area 2 Wastewater Operations Manager, and Frank Vasko, Area 2 Wastewater System Maintenance Manager, should be contacted 72 hours prior to any works near the Regional forcemain. They can be reached at 905-735-2110.

Stormwater Management

The submitted *Functional Servicing Report* (dated June 14, 2021) prepared by Better Neighbourhoods shows the storm water of development will discharge to two outlets, one is on Lanscaster Drive and the other is a new outlet to the channel. Based on our review, Regional staff offers the following preliminary comments:

- It should be confirmed whether the previous developments of the site had been approved with stormwater management plans. Any outlets in the NPCA's regulated area will require work permits.
- The Region encourages sheet overland flow to the creek. Erosion protection would be required, if there would be any concentrated outflow routes.

-
- The Region requires the development meet the Enhanced standard treatment prior to discharge from the site. Where feasible, roof water should be discharged to vegetated areas to encourage water retention onsite.
 - At the time of Draft Plan/Site Plan application, the Region will require documents indicate in details how the stormwater management requirements will be met.
 - Prior to construction, the Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Waste Collection

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

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

Regional staff have reviewed the submitted materials and note that there was no detailed road designs submitted. At the time of future planning applications detailed road designs will need to be submitted for review and approval to ensure Regional waste collection will be possible.

Conclusion

Based on the discussion above, Regional Planning and Development Services staff would offer no objections to the Official Plan Amendment and Zoning By-law Amendment applications, in principle, as they are considered to align with the intent and direction of Regional and Provincial growth management policies, provided that the noise mitigation concerns are adequately addressed and are confirmed to be consistent with the Ministry's NPC-300 guidelines.

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

Regional staff remains committed to working with the applicant to move this development forward. This includes providing more detailed comments on matters including (but not limited to) Noise Mitigation, Record of Site Condition, Core Natural

Heritage System, Regional Road allowance, Servicing and Waste Collection through the future Site Plan and/or Condominium review process at a later date in order to provide the appropriate conditions of approval.

If you have any questions or wish to discuss these comments, please contact me at lindsay.earl@niagararegion.ca. Please send notice of Council's decision on these applications.

Yours truly,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

cc: Mr. Pat Busnello, Manager, Development Planning, Niagara Region



July 26th, 2021

Rachelle Larocque, Manager of Planning
 City of Welland
 60 East Main Street
 Welland, ON L3B 3X4

Dear Manager of Planning

RE: Application to Amend Zoning By-law 2017-117 (File No. 2021-07)
 Application to Amend City of Welland Official Plan (OPA No.36)

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

In order to provide servicing to the proposed development, existing WHESC infrastructure located within the noted property will require relocation from overhead to underground distribution. This required infrastructure relocation is to be completed prior to site servicing.

Please confirm unit type, whether freehold or condominium. Hydro Meter locations are to be determined prior to servicing, based on unit type.

The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing Engineering@wellandhydro.com.

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

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

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

WHESC reserves the right to amend or remove development conditions.

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

Sincerely,

Kevin Carver, P. Eng., ME
 Chief Operating Officer
 WELLAND HYDRO-ELECTRIC SYSTEM CORP.

From: [Councillor Bryan Green](#)
To: [Rachelle Larocque](#)
Subject: Re: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)
Date: July 20, 2021 2:11:46 PM

Thank you. I will attend to hear the matter, and resident feedback. If you can provide the link.
 Thanks, Bryan

From: Rachelle Larocque
Sent: July 20, 2021 1:04 PM
To: Rachelle Larocque
Subject: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Good afternoon,

Please find attached notices of application for Official Plan Amendment and Zoning By-law Amendment for 800 Niagara Street.

Additional information can be found at the following link:
<https://www.welland.ca/Media/notices.asp>

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning
 Planning 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: R/T Bodman
Sent: July 28, 2021 5:53 PM
To: Rachelle Larocque
Subject: Link to participate

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Hi we would like to join the virtual meeting tomorrow. For the application to amend city official plan.

Thank you
Tamara Bodman

Sent from my iPhone

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[https://us2.proofpointessentials.com/index01.php?mod_id=1 &mod_option=gitem&mail_id= 27509208-9dnrCzqWqqop&r_address=chelle.larocque%40welland.ca&report=](https://us2.proofpointessentials.com/index01.php?mod_id=1&mod_option=gitem&mail_id=27509208-9dnrCzqWqqop&r_address=chelle.larocque%40welland.ca&report=)

From:
To: [Rachelle Larocque](#)
Subject: Virtual Public Information Meeting
Date: July 27, 2021 6:04:45 PM

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Good evening Rachelle.

My wife Patti and I would like to participate in this virtual meeting on Thursday July 27 at 6:00 P.M.
Please provide us with the link for the meeting.

Regards,
Norris Brown

Life Is Good
Chief Optimist

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=27423480-g_NroB7QSHF4&r_address=chelle.larocque%40welland.ca&report=

From: [Cathie Reid](#)
To: [Rachelle Larocque](#)
Subject: July 29 Public Information Meeting
Date: July 26, 2021 8:11:58 AM

WARNING: This email originated from an external sender. Official 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! With regard to the Application to Amend City of Welland Official Plan (OPA No. 36) & Application to Amend Zoning By-law 2017-117 (File No. 2021-07), please provide me with a link to participate in the Virtual Public Meeting on Jul 29.

Thank you
Cathie Reid
82 Willowlanding Ct. Welland L3C 7L7

Sent from my iPad

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=27301513-VCTAK-TzZQV1&r_address=chelle.larocque%40welland.ca&report=

From: [Jim Cheshire](#)
To: [Rachelle Larocque](#)
Subject: Public Information meeting
Date: July 29, 2021 9:28:34 AM

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Hello,

As we live on Willowlanding Court, we would like to be included in the public information meeting regarding the Seaway Mall plans for residential development.
Please add us to the list for the Zoom meeting tonight.

Sincerely,
Jim and Lorraine Cheshire

Sent from my iPhone

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=27565309-RMNLW-LyU6ed&r_address=chelle.larocque%40welland.ca&report=

Rachelle Larocque

From: Jane Coleman
Sent: July 29, 2021 11:17 AM
To: Rachelle Larocque
Subject: Zoom meeting tonight

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Sent from Mail for Windows, 10

My husband & I do not have ZOOM capabilities. Please let us be entitled to an opinion on development on Seaway Mall, density, height, etc. We will get our info from neighbours.

Jane Coleman, 75 Willowlanding Crt.

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Rachelle Larocque

From: Ben Cousineau
Sent: July 29, 2021 10:28 AM
To: Rachelle Larocque
Subject: Council Meeting Re:Application to Amend Zoning Bylaw 2017-117 (File No. 2021-07)

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Good morning Ms. Larocque,

My wife and I would greatly appreciate receiving a link to allow us to participate in this evening's Virtual Public Information Meeting.

Thank you,
Benolt & Susan Cousineau

Benolt Cousineau
119 Willowlanding Court
Welland, ON L3C 7L8

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From: [\[redacted\]](#)
To: [Rachelle Larocque](#)
Subject: Re: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)
Date: July 29, 2021 9:23:24 AM

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Good Morning Rachelle

Hope all is well

Could you please pass along the link for this evenings meeting

Thanks

Councillor DiMarco

From: Rachelle Larocque
Sent: Tuesday, July 20, 2021 1:04 PM
To: Rachelle Larocque
Subject: Notice of Public Meeting - 800 Niagara Street Official Plan Amendment (OPA 36) and Zoning By-Law Amendment (2021-07)

Good afternoon,

Please find attached notices of application for Official Plan Amendment and Zoning By-law Amendment for 800 Niagara Street.

Additional information can be found at the following link:

<https://www.welland.ca/Media/notices.asp>

Sincerely,



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



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From: eleanor.protz@zovkic.com

Sent: July 21, 2021 3:49 PM

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

Subject: Information regarding changes at Seaway Mall

Do we all have to register for the link to the meeting even if we only want to hear the Information Meeting proceedings. Can we not see it Live Stream like we see Council Meetings?

Thank you for any clarification you may be able to provide.

Eleanor Protz

57 Jefferson Crt . W

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From: rfordyce.rfordyce
To: [Rachel Larocque](mailto:Rachel.Larocque)
Subject: PUBLIC INFORMATION MEETING July 29th 2021
Date: July 21, 2021 9:35:41 PM

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Please send me the link to the above noted virtual meeting.

Thanks...Ron Fordyce

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From: Mark Dzugan
To: Rachelle Larocque
Cc: public information meeting
Subject: July 21, 2021 2:00:07 PM
Date:

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Hi Rachelle, could you please include Azim and myself in the public information meeting for Thursday, July 29, 2021.

Thank you,

Mark Dzugan

Mark Dzugan:
Azim Kassam:

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From:
To: [Rachelle Larocque](#)
Subject: 800 Niagara St. Zoning File # 2021-07
Date: July 28, 2021 1:59:28 PM

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Hi Rachelle,

As residents of Willowlanding, could you please send us a link to the Public Information Meeting scheduled for tomorrow.

Thank you

Marlin & Lynn Eager
143 Willowlanding

Sent from my Epad

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=27495164-cr59qHG0u092&r_address=rachelle.larocque%40welland.ca&report=

From: [Maxine and Doug Gaylor](#)
To: [Rachelle Larocque](#)
Subject: Virtual Public Information Meeting for Thurs., July 29/21
Date: July 28, 2021 10:59:38 PM

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We wish to virtually attend the Public Information Meeting to be held on Thurs., July 29, 2021 at 6:00pm. The subject of the meeting is "Application to Amend City of Welland Official Plan (OPA No. 36)". We reside at 228 Willowlanding Court. Please forward the link to this email address

Thank you, _____

Doug and Maxine Gaylor

Sent from Mail for Windows 10

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From:
To: [Rachelle Larocque](#)
Subject: Application to Amend Zoning By-law 2017-117 (File No. 2021-07)
Date: July 27, 2021 8:39:16 PM

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Please provide me with a link to participate in meeting for above subject on July 29, 2021 at 6:30 P.M.

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Rachelle Larocque

From: David Hitchcock
Sent: July 29, 2021 11:44 AM
To: Rachelle Larocque
Subject: Zoning bylaw meeting tonight

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Hi Rachelle

Can you please add me (David Hitchcock) to the virtual meeting scheduled for tonight to discuss zone change for seaway mall property.

I live on Willowlanding Court (just behind the mall)

kind regards,

David

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

From: Linda Illes
To: [Rachelle Larocque](#)
Subject: VIRTUAL PUBLIC INFORMATION MEETING for OPA #36
Date: July 27, 2021 4:33:37 PM

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Good Afternoon Rachelle:

Please sent along the link to participate in the above named meeting.

Also please sent along the notification of Decision for this meeting and the staff report.

Regards,

Linda Illes

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

From: James Kerr
To: Rachelle Larocque
Subject: Meeting tonight
Date: July 29, 2021 9:23:36 AM

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Hi Rachelle
Please include me for the meeting tonight.

Jim & Linda Kerr
172 Willowlanding Court

Cheers, Jim

Rachelle Larocque

From: Shannon MacPhee
Sent: July 29, 2021 11:18 AM
To: Rachelle Larocque
Cc: John MacPhee
Subject: Request to Public Information Meeting TODAY (File No. 2021-07)

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Hi Rachelle,

Please send me a link to the Public Information Meeting to be held at 6pm this evening re: Application to Amend Zoning By-Law 2017-117 (Fil No. 2021-07).

Thank you,

-Shannon.

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

From:
To: [Rachelle Larocque](mailto:Rachelle.Larocque)
Subject: RE: Information regarding changes at Seaway Mall
Date: July 28, 2021 2:21:44 PM

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Dear Rachelle:

Is this the time to address my concern about the new entrance/exit just above the curve of Lancaster Dr leading to the 4 way stop sign at Bridgewater/Willowlanding?
 If it is, please register me for the Public Information Meeting tomorrow.
 Thank you,
 Eleanor

From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: Wednesday, July 21, 2021 3:53 PM
To:
Subject: RE: Information regarding changes at Seaway Mall

Hi Eleanor,

All the residents would register. At this point, we don't live stream the Public Information Meetings as they're more informal and they provide for an opportunity for residents to ask questions of the applicant in addition to making comments. I will also make the recording of the meeting available online after the meeting.

Please let me know if you have any questions.

Take care,

Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning
 Planning 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

Rachelle Larocque

From: Kathy Smith
Sent: July 29, 2021 11:43 AM
To: Rachelle Larocque
Subject: Link

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Hi Rachelle,

I would like the link for the Council meeting tonight regarding the proposed amendment.

Thanks.

Kathy Smith

Sent from my iPhone

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https://us2.proofpointessentials.com/index01.php?mod_id= &mod_option=gitem&mail_id= 27573383-xHp47fZdj8-V&r_address=chelle.larocque%40welland.ca&report=

From: [Ann Swayze](#)
To: [Rachelle Larocque](#)
Subject: Zoom meeting
Date: July 29, 2021 10:00:49 AM

WARNING: This email originated from an external sender. Official 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!

I wish to take part in the zoom meeting tonight.

Ann Swayze
105 Willowlanding Court
Welland, Ont.

Sent from my iPad

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https://us2.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1627567244-04Sf0HbKDSxO&r_address=rachelle.larocque%40welland.ca&report=1

From: Tom DeCiccio
To: [Rachelle Larocque](#)
Subject: Link to Participate in City Staff Meeting Thursday July 29th 6pm
Date: July 26, 2021 12:18:18 PM

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Hi Rachelle, can you please give us the link for the meeting this week.

Thank you.

Janis and Tom DeCiccio
149 Willowlanding Court

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**BUDGET REVIEW COMMITTEE MEETING
MOTIONS REQUIRING COUNCIL APPROVAL**

Tuesday, October 12, 2021

5:02 p.m.

Council Chambers / Virtual ZOOM Meeting

Councillor D. McLeod in the Chair

Members in Attendance: Mayor Campion, Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M. Grimaldi, J. Mastroianni, C. Richard, G. Speck, and L. Van Vliet

The following is a Summary of Motions and Recommendations from the Budget Review Committee requiring Council approval:

1. 2022 BUDGET INFORMATION REPORT AND PRESENTATION

THAT THE BUDGET REVIEW COMMITTEE receives for information the memorandum dated October 12, 2021, regarding the 2022 Tax Supported Budget, 2022-2031 Capital Budget, and 2022 Rate Supported Budget; and further

THAT the Budget Review Committee direct staff to prepare a Tax Supported Budget for 2022; and further

THAT the Budget Review Committee direct staff to target a 0% 2022 tax increase after assessment growth, and maintain service levels in 2022; and further

THAT the Budget Review Committee direct staff to present Decision Units as part of the 2022 Tax Supported Budget to support corporate strategic initiatives and new staffing requests that could not be accommodated within the Tax Supported Budget; and further

THAT the Budget Review Committee direct staff to prepare a Capital Budget and forecast for 2022-2031; and further

THAT the Budget Review Committee direct staff to present the Capital Budget by Asset Category and aligned with the Asset Management Plan; and further

THAT the Budget Review Committee direct staff to fully fund all ten years of the Capital forecast; and further

THAT the Budget Review Committee direct staff to prepare a 2022 Rate Supported Budget; and further

THAT the Budget Review Committee approves the exclusion of amortization and post-employment benefit expenses from the 2022 Budgets; and further

THAT the Budget Review Committee approve the 2022 Budget Timetable, attached as Appendix I to the 2022 Budget Call Information Report memorandum dated October 12, 2021, as amended.

21-4

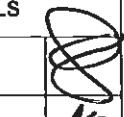


As recommended by the Budget Review Committee at its meeting of October 12, 2021.

Date Submitted: October 19, 2021

Submitted by Steven Fairweather, Director of Finance / Chief Financial Officer / Treasurer, on behalf of the Budget Review Committee.


(Signature)

COUNCIL
OFFICE OF THE CAO
CLERKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-29

REPORT CLK-2021-24
OCTOBER 19, 2021

SUBJECT: 2022 COUNCIL MEETING CALENDAR

AUTHOR: TARA STEPHENS, CITY CLERK

APPROVING
DIRECTOR: STEVE ZORBAS, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2021-24 regarding the 2022 Meeting Calendar for Council and establishes the Council meeting dates for 2022 as set out in Appendix I.

ORIGIN AND BACKGROUND:

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

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

COMMENTS AND ANALYSIS:

March Break:

In 2022, the week of March 14 to 18 is March Break. Traditionally some members of Council, as well as many staff, have taken vacations with family at this time. As such, there will be no Council Meeting on Tuesday, March 15, 2022.

Summer Schedule:

Following past practice, Council Meetings during the summer months are limited to one meeting per month to allow Council and staff time to schedule and enjoy a summer vacation. The proposed summer schedule also works around the Association of Municipalities of Ontario (AMO) Conference scheduled August 14 to 17, 2022, to permit interested Council members to attend the conference.

Welland Hydro-Electric Holding Corp. Annual Shareholder Meeting:

The Annual Meeting of Welland Hydro-Electric Holding Corporation is held in the month of June; for 2022 meetings are tentatively scheduled for June 28, 2021.

2022 Municipal Election

Alterations to the typical meeting dates for Council and/or General Committee have been made in the months of September, October and November, taking into consideration the activities in these months related to the 2022 Municipal Election.

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

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

Staff has reviewed the 2022 Council Meeting Calendar at a recent Corporate Leadership Team (CLT) meeting and support the schedule being proposed.

SUMMARY AND CONCLUSION:

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

ATTACHMENT:

Appendix I – Schedule of 2022 Meeting Dates and various dates and events used in determining the Schedule.



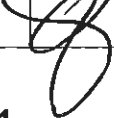
APPENDIX I

2022 SCHEDULE OF MEETINGS

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

<i>Date</i>	<i>Meeting</i>
January 11, 2022	General Committee
January 18, 2022	Council
January 25, 2022	General Committee
February 1, 2022	Council
February 8, 2022	General Committee
February 15, 2022	Council
February 22, 2022	General Committee
March 1, 2022	Council
March 8, 2022	General Committee
March 22, 2022	General Committee
April 5, 2022	Council
April 12, 2022	General Committee
April 26, 2022	General Committee
May 3, 2022	Council
May 10, 2022	General Committee
May 17, 2022	Council
May 24, 2022	General Committee
June 7, 2022	Council
June 14, 2022	General Committee
June 21, 2022	Council
June 28, 2022	General Committee /Welland Hydro Annual Shareholder Meeting
July 19, 2022	Council
August 16, 2022	Council
September 20, 2022	Council
October	NO MEETINGS SCHEDULED DUE TO 2022 MUNICIPAL ELECTION
November 1, 2022	Council
November 15, 2022	Inaugural Meeting of Council 2022-2026
November 22, 2022	General Committee
December 6, 2022	Council
December 13, 2022	General Committee
December 20, 2022	Council

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-4
REPORT FIN-2021-31
OCTOBER 19, 2021

SUBJECT: APPLICATION FOR TAX WRITE-OFFS – SECTIONS 357/358

**AUTHOR: JANET FERLAND,
TAX SPECIALIST**

**APPROVING SUPERVISOR: MICHAEL LOSTRACCO, CPA, CMA
REVENUE SERVICES MANAGER**

**APPROVING DIRECTOR: STEVEN FAIRWEATHER, CPA-CA, MPA, DPA,
DIRECTOR OF FINANCE / CHIEF FINANCIAL OFFICER / TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the write-off of taxes in the amount of \$40,175.12 as contained in Report FIN-2021-31 for the reduction or cancellation of taxes, pursuant to Sections 357 and 358 of *The Municipal Act, 2001*.

ORIGIN AND BACKGROUND:

Sections 357 and 358 provide for the cancellation, reduction or refund of taxes for conditions such as demolition, fires, class changes, errors, etc.

COMMENTS AND ANALYSIS:

Throughout the year, properties experience situations which may lead to assessment reductions. Property owners then file appeals to the Municipal Property Assessment Corporation (MPAC).

Some of the common reasons a property may experience a reduction under Sections 357 and 358 are as follows:

- ***Became Exempt*** – This situation occurs when a property is purchased by an organization that is exempt from property taxes. (City, Region, School Board)
- ***Gross or Manifest Error*** – Error or change to assessment roll by MPAC which may result from a clerical or factual error, such as transposition of figures, typographical error or creation of roll in error.
- ***Demolition*** – Property or part of property demolished.
- ***Fire*** – Property or part of property destroyed by fire.
- ***Ceased to be liable to be taxed at rate it was taxed*** – As a result of a change of event during the taxation year such as change in the use of land; an act or omission resulting in land ceasing to be in a class of property; a property is eligible to be reclassified in a different class of real property eg. Commercial to Residential.

Recommendations contained in the report are those approved by MPAC.

Appellants requesting adjustments other than those recommended in the report:

**have the right to appeal directly to the A.R.B. (Assessment Review Board)
within 35 days after Council makes its decision.**

Subsequent to Council approval, notices of decision are mailed to applicants advising them of reduction or cancellation granted and status of the tax account.

FINANCIAL CONSIDERATION:

In the normal course of operations, the City processes two or three groups of 357/358 applications throughout the year. The funds allocated in the tax write-off account accommodate these adjustments.

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.

SUMMARY AND CONCLUSION:

Approving the write-off of taxes in the amount of \$40,175.12 as contained in Report FIN-2021-31, is pursuant to Sections 357 and 358 of *The Municipal Act, 2001*.


ATTACHMENTS:

Appendix I – Application to the Council for Adjustment of Taxes for the City of Welland Under Sections 357/358 of *The Municipal Act, 2001*

APPLICATION TO THE COUNCIL FOR ADJUSTMENT OF TAXES FOR THE CITY OF WELLAND
 UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT, 2001

<u>APPLIC. NO.</u>	<u>ROLL NUMBER</u>	<u>ASSESSMENT ADJUSTMENT</u>	<u>TAX RATE</u>	<u>DOLLAR ADJUSTMENT</u>	<u>REASON</u>
20-04	50-012-02500-0000	(204,000)	0.01600192	(3,264.39)	Became Exempt
20-15	60-004-14801-0000			No Change	Repairs or Renovations preventing use
21-1	10-011-02600-0000	(383,600)	0.03435613	(13,179.01)	Demolished/Razed by fire
21-1	10-011-02600-0000	(455,400)	0.05211182	(23,731.72)	Demolished/Razed by fire
				<u>(40,175.12)</u>	

COUNCIL
DEVELOPMENT AND BUILDING SERVICES
TRAFFIC/PLANNING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2021-60
OCTOBER 19, 2021

21-22

SUBJECT: BUSINESS LICENSES – WAIVING OF 2022 FEES AND TEMPORARY PATIOS & OUTDOOR DISPLAYS ON PUBLIC AND PRIVATE PROPERTY

**AUTHOR: GRANT MUNDAY, B.A.A, MCIP, RPP
DIRECTOR PLANNING AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2021-60** Business Licenses – Waiving of 2022 Fees and Temporary Patios & Outdoor Displays on Public and Private Property; and further
2. That Council directs Staff to waive all fees associated with obtaining a business licence in 2022, excluding fire inspection fees; and further
3. THAT Council waive Road occupancy permit fees for businesses for the 2022 calendar year related to patio installation and outdoor displays; and further
4. THAT Council sets the cash-in-lieu of parking requirement for outdoor patios at \$0 per parking space for the year 2022 and that an applicant will be required to enter into an agreement with the City; and further
5. THAT Council authorizes the Interim Director of Development and Buildings Services to sign these cash-in-lieu of parkland agreements; and further
6. THAT Council waive Site Plan Exemption Fees for outdoor patios and outdoor displays for commercial businesses.

ORIGIN AND BACKGROUND:

On January 19, 2021 City Council approved Report TRAF-2021-04 (which set procedures for a restaurant to extend or create outdoor patios where feasible. Council also approved the following measures to end of 2020.

- Waive road occupancy permit fee for patios of \$150 for the 2020 calendar year,
- Waive cash-in-lieu of parking for outdoor patios,
- Waive Site Plan Exemption fee of \$4,688.00 for outdoor patios

On February 16, 2021 City Council also approved the waiving of Business License Fees and providing refunds where the fee had already been paid.

Between 2020 and 2021, Staff issued twenty-three (23) approvals for new or expanded outdoor patios on public or private properties. Four (4) of these approvals were for outdoor patios on public lands in front of a restaurant. Nineteen (19) of these approvals were for outdoor patios on private property. Most of these approvals were issued in less than 24 hours.

COMMENTS AND ANALYSIS:

Given the concerning COVID-19 and its impacts on restaurants and retail operations staff feel it is necessary to extend these measures for 2022.

On average the City of Welland issues approximately 300 business licenses each year. Below is a breakdown of the fees to be collected for 2022:

Business License Fees	\$6,940.00
Planning Fee	\$1,071.00
Building Fees	\$768.00
Total Amount Collected	\$8,779.00

Staff is recommending that Council consider waiving all fees associated with obtaining a 2022 business license, excluding fire inspection fees.

If licensing fees are waived as they were in 2021, it should be noted that all other provisions of the City of Welland Business Licensing By-law would still apply. Businesses would be required to obtain a valid license and all required inspections and applications would need to be completed.

FINANCIAL CONSIDERATION:

The loss of revenue from Road occupancy permits for patios and Site Plan Exemption Applications in 2022 is unknown at this time and will be dependent on the volume of applications. Staff have streamlined the process for these approvals to minimize processing costs and allow for a very expedited approval. The loss of revenue from cash-in-lieu parking will be negligible as this will only be a temporary.

The loss of revenue from Business Licenses will be approximately \$13,000.00. This number may fluctuate depending on the total number of new business license applications received for 2022.

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

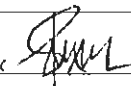


The COVID19 pandemic continues to affect our business community. In an effort to assist local businesses during these difficult times Staff is recommending the following fee waivers be continued for 2021:

- all fees associated with obtaining business licences, excluding fire inspection fees;
- road occupancy permit fee for patios of \$150,
- cash-in-lieu of parking for outdoor patios,
- Site Plan Exemption fee of \$4,688.00 for outdoor patios

ATTACHMENTS:

None

COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT ENG-2021-27
OCTOBER 19, 2021

21-135

SUBJECT: DIRECT APPOINTMENT OF PROFESSIONAL SERVICES FOR BROADWAY SEWERSHED – I/I INVESTIGATION & REMEDIATION ACTION PLAN AND ONTARIO SPS SEWERSHED (LINCOLN/COVENTRY) - I/I INVESTIGATION & REMEDIATION ACTION PLAN

AUTHOR: MATTHEW MAIN, P.ENG.
INFRASTRUCTURE AND ASSET MANAGER

APPROVING DIRECTOR: SHERRI-MARIE MILLAR, P.ENG.
DIRECTOR OF INFRASTRUCTURE SERVICES

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND authorize the direct appointment of GM BluePlan Engineering Limited to provide professional services for the **Broadway Sewershed – I/I Investigation & Remediation Action Plan** as per their proposal dated September 9, 2021 for the amount of **\$49,810.00** excluding HST; and further
2. THAT Council authorize the direct appointment of GM BluePlan Engineering Limited to provide professional services for the **Ontario SPS Sewershed (Lincoln/Coventry) – I/I Investigation & Remediation Action Plan** as per their proposal dated September 9, 2021 for the amount of **\$73,870.00** excluding HST; and further
3. THAT Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with GM BluePlan Engineering Limited to complete the described work.

ORIGIN AND BACKGROUND:

Many years of study have identified the Broadway and Ontario Road Sewage Pumping Station (SPS) sewersheds as areas prone to basement flooding due to high levels of inflow and infiltration (I/I).

Inflow is wet weather water (rainwater/snow melt) that directly enters the sanitary network through sources such as roof leaders, foundation drains, maintenance hole covers, and cross connections. Infiltration is wet weather or ground water that enters the sewer system through defective sanitary infrastructure.

High volumes of inflow and infiltration into the sanitary system increases the risk of basement flooding and releases to the environment due to sewer surcharging, results in high bills for treatment at the plant and contributes to the loss of network capacity needed to accommodate new growth.

COMMENTS AND ANALYSIS:

The reduction of extraneous flows into the sanitary network is a priority and to that end, I/I Investigation and Remedial Action Plans for the Broadway and Ontario SPS (Lincoln/Coventry) areas were proposed and approved during the 2021 budget deliberations. A similar assignment was successfully completed by GM BluePlan Engineering Limited in Dain City and presented to Council on June 22, 2021 (ENG- 2021-13).

Recognizing the quality of the deliverable, continuity of the service/reporting as well as the time savings related to retaining the same consultant to complete two additional I/I Investigation and Remedial Action Plans, staff are recommending that GM BluePlan complete the work within the Broadway and Ontario SPS (Lincoln/Coventry) areas.

Upon request, GM BluePlan submitted proposals for professional services related to the I/I Investigation and Remedial Action Plans for both the Broadway and Ontario SPS Sewersheds with similar workplans as summarized below:

Project Task List

1. Public Outreach
 - Preparation and Delivery of Materials
2. Ongoing Flow Monitoring
 - Data Collection
 - Critical Event Assessment
3. System Understanding
 - Flow analysis
 - Initial Review of Available CCTV Data
 - 3D Desktop Hydrology Assessment
 - Development of Field Investigation Program
 - Workshop and Technical Memorandum
4. Field Investigation Program
 - Curbside Drainage Surveys
 - CCTV Data Assessment
 - Smoke Testing
 - Dye Testing
 - Lateral Investigation
5. Development of Rehabilitation Action Plan
 - Develop Cost-effective Rehabilitation Action Plan
 - Final Report and Data Delivery

FINANCIAL CONSIDERATION:**Broadway Sewershed – I/I Investigation & Remediation Action Plan:**

Projects costs and funding is summarized as follows:

Project Costs	Amount
Proposal for Professional Services	\$49,810.00
Subtotal:	\$49,810.00
City's Portion of HST (1.76%):	\$876.66
Total Anticipated Project Cost:	\$50,686.66
Approved Capital Funding (10-330-21721):	\$150,000.00

The total cost for professional services including HST is \$50,686.66. The remaining funds in the account at project completion will be used to address the recommendations in the final report.

Ontario SPS Sewershed (Lincoln/Coventry) – I/I Investigation & Remediation Action Plan:

Projects costs and funding is summarized as follows:

Project Costs	Amount
Proposal for Professional Services	\$73,870.00
Subtotal:	\$73,870.00
City's Portion of HST (1.76%):	\$1,300.11
Total Anticipated Project Cost:	\$75,170.11
Approved Capital Funding (10-330-21718):	\$150,000.00

The total cost for professional services including HST is \$75,170.11. The remaining fund in the account at project completion will be used to address the recommendations in the final report.

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

The Broadway and the Ontario Road Sewage Pumping Station sewersheds are both areas that experience high volumes of inflow and infiltration that increases the risk of basement flooding and releases to the environment due to sewer surcharging, results in high bills for treatment at the plant and contributes to the loss of network capacity needed to accommodate new growth.

On the basis of past performance completing a similar project within the City, continuity of reporting and time savings expected to complete the work, staff recommends the direct appointment of GM BluePlan Engineering Limited to provide professional services for the:

- Broadway Sewershed – I/I Investigation & Remediation Action Plan
\$49,810.00 plus HST; and
- Ontario SPS Sewershed (Lincoln/Coventry) – I/I Investigation & Remediation Action Plan
\$73,870.00 plus HST.

ATTACHMENTS:

Appendix I – Location Plan

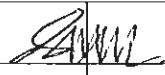


Broadway Sewershed



Ontario SPS Sewershed (Lincoln/Coventry)



COUNCIL
INFRASTRUCTURE SERVICES
PUBLIC WORKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT ENG-2021-28
OCTOBER 19, 2021

21-26

SUBJECT: WINTER CONTROL SIDEWALK SNOW CLEARING ADDITIONS

**AUTHOR: V. BEAUDOIN, C.E.T., C.R.S., O.R.O.
MANAGER, PUBLIC WORKS**

**APPROVING DIRECTOR: SHERRI-MARIE MILLAR, P.ENG.
DIRECTOR OF INFRASTRUCTURE SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the report ENG 2021-28 Winter Control Sidewalk Clearing Additions.

ORIGIN AND BACKGROUND:

The Sidewalk Snow Clearing Program was initiated in January 2006 with the intent of providing pedestrian passage along the most heavily walked routes next to the busiest arterial/collector roads including sidewalks that link pedestrians to school zones, commercial/shopping centers and medical facilities. Over the years, the program has expanded and in 2020 staff cleared a total 51.8 kms of sidewalk. (*refer to Appendix A*)

Sidewalk snow clearing by the municipality is completed in accordance with O. Reg. 239/02, Minimum Maintenance Standards (MMS). Specifically, snow on designated sidewalks is cleared to a depth of 8 centimeters within 48 hours after snow accumulation ends.

COMMENTS AND ANALYSIS:

Staff have reviewed the opportunity to add sidewalks to the 2021/2022 Sidewalk Snow Clearing program based on public feedback and in consideration of prioritizing points of interest as well as the impact of new residential/commercial developments.

By dividing the existing sidewalk snow clearing program into five (5) designated routes, it was determined that through efficiencies, approximately 14.6 additional kilometers of sidewalk could be accommodated using existing staff and equipment.

The sidewalks added to the snow clearing program for 2021/2022 are:

- 1) Clare Avenue (Lynbrook Ln - Webber Rd) both sides: 0.69 km

- 2) Webber Road (Gaiser Rd - South Pelham Rd) south side: 0.94 km
- 3) First Avenue (Thorold Rd - Quaker Rd) both sides: 4.0 km
- 4) Quaker Road (Goodwillie Dr - First Ave) south side: 0.24 km
- 5) Woodlawn Road (Clare Ave. - South Pelham Rd) north side: 0.38 km
- 6) South Pelham Road (#528 - Thorold Rd) west side: 0.4 km
- 7) Southworth Street (Lincoln St - Gordon St) west side: 2 km
- 8) Southworth Street (Lincoln St - Marc Blvd) east side: 2.3 km
- 9) Hellems Avenue (Division St - Lincoln St) both sides: 1.5 km
- 10) Plymouth Road (Lincoln St. - MacLean Pl) west side: 0.46 km
- 11) Broadway Avenue (PCD - St. Augustine Ave) south side: 0.62 km
- 12) St. Augustine Avenue (Broadway Ave - St. George St) east side: 0.42 km
- 13) St. George Street (St. Augustine Ave - Broadway Ave) east side: 0.62 km

FINANCIAL CONSIDERATION:

Funding for the above is provided for in the proposed 2022 Roads Operating Budget; Costing Center: 20-322-Winter Control.

OTHER DEPARTMENT IMPLICATIONS:

There are no other department implications with this report.

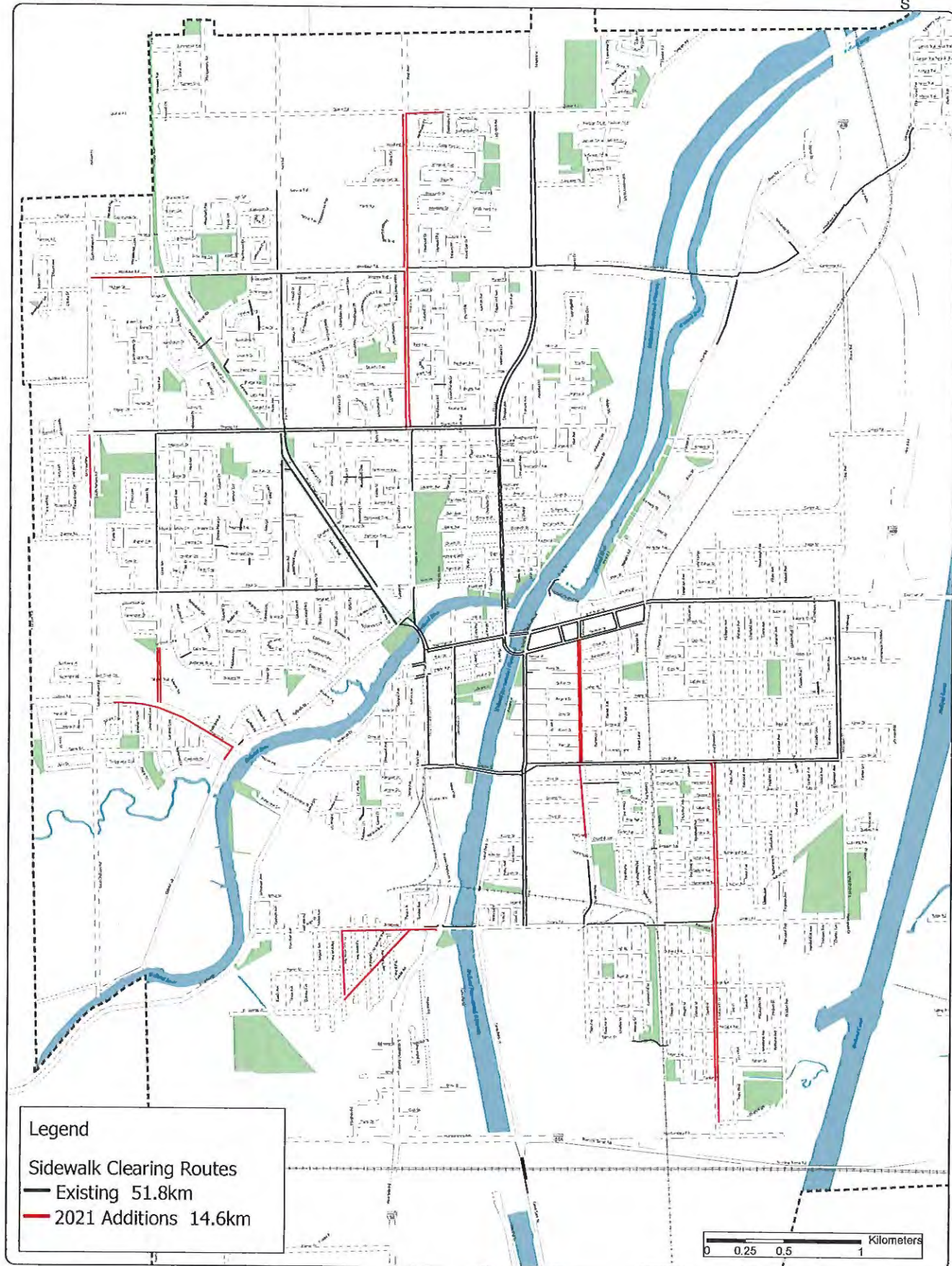
SUMMARY AND CONCLUSION:

A review of existing sidewalk snow clearing routes was undertaken with the aim of finding efficiencies and the opportunity to add new sidewalk lengths to the 2021/2022 program.

It was determined that approximately 14.6km of additional sidewalk, prioritized on the basis of public feedback, new development and points of interest, could be added to the snow clearing program with existing staff and equipment. All routes will be cleared in compliance with the Minimum Maintenance Standards (MMS).

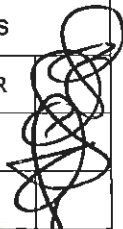
ATTACHMENTS:

Appendix A – Sidewalk Clearing Routes



Appendix A

COUNCIL
CORPORATE SERVICES
HUMAN RESOURCES

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-64

REPORT HR-2021-07
October 19, 2021

SUBJECT: VACCINE STATUS POLICY

AUTHOR: ANDREA DAISLEY, MANAGER OF HUMAN RESOURCES

APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA, CAO

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report HR-2021-07 Vaccine Status Policy, and;
2. THAT THE COUNCIL OF THE CITY OF WELLAND approves the Vaccine Status Policy

ORIGIN AND BACKGROUND:

Since the beginning of the pandemic, the City of Welland, through the MEEG team, has maintained an ongoing commitment to implement necessary public health measures and take preventative action to protect the health and safety of our employees and the residents we serve.

We continue to follow best practices to reduce the spread of COVID-19 with health and safety controls, including daily health screening, mandatory masking, physical distancing, hand hygiene, and enhanced cleaning

Public Health officials advised us that vaccination is a very effective and efficient way to prevent the spread of COVID-19. Further, vaccinations have been proven to protect individuals from severe illness and hospitalization arising from COVID-19.

The City of Toronto became the first municipality in Ontario to announce a new mandatory vaccination policy for all its employees. Since this time, many municipalities have also expressed their intention to implement vaccination policies this Fall. This includes the Niagara Region and other local municipalities.

COMMENTS AND ANALYSIS:

With the announcement of the provincial vaccine passport system, and the introduction of workplace vaccination policies among other local municipalities, a workplace vaccination policy for the City of Welland will ensure we can maintain the health and safety of our employees, and the community we serve.

The City has an obligation to take all necessary and reasonable precautions to protect our employees as outlined in the Occupational Health and Safety Act, 1990 and to create a safe working environment. We must also abide by all regulatory obligations under the Ontario Human Rights Code and safeguard personal health information in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

FINANCIAL CONSIDERATION:

Staff anticipates, with the introduction of this policy, approximately 20% of staff will be required to obtain an RAS test. The estimated cost of the RAS test in December 2021 could be \$22,400. However, the City in 2022 may have staff with an approved exemption. The cost for those with an approved exemption could be \$20,800. The funding source for the anticipated expenditures in 2021 and 2022 would be the operating contingency. There is funding available in 2021 and 2022 to fund these costs.

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

The City is committed to protecting the health, safety, and resilience of its workforce and the community by representing the overall responsibility to ensure that all necessary preventative and protective measures are taken to prevent workplace and community transmission of COVID-19

To help reduce the risk of COVID-19 transmission, this COVID-19 Vaccine Status Policy is an important measure that supports other workplace health and safety controls in place, including daily health screening, mandatory masking, physical distancing, hand hygiene, and enhanced cleaning.

This Policy is in line with Public Health guidance and acknowledges that science and public health considerations will evolve. This policy will help to keep our workplace safe as vaccines provide a high level of protection against COVID-19.

ATTACHMENTS

Appendix 1 – Vaccine Status Policy



	Title:	Vaccine Status Policy		
	Number:	HR-011		
	Revision Date:	Oct. 14, 2021	Approved by:	Council
	Revision Number:		Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

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	Title:	Vaccine Status Policy		
	Number:	HR-011		
	Revision Date:	Oct. 14, 2021	Approved by:	Council
	Revision Number:		Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

1.0 Policy Statement

The City of Welland has a duty to promote and continuously improve its working environment to support safety and health under the *Occupational Health and Safety Act*. The City is committed to protecting the health, safety, and resilience of its workforce and the community by representing the overall responsibility to ensure that all necessary preventative and protective measures are taken to prevent workplace and community transmission of SARS-CoV-2.

To help reduce the risk of COVID-19 transmission, this COVID-19 Vaccine Status Policy is an important measure that supports other workplace health and safety controls in place, including daily health screening, mandatory masking, physical distancing, hand hygiene, and enhanced cleaning.


This Policy is in line with Public Health guidance and acknowledges that science and public health considerations will evolve. The City reserves the right to amend the scope of this policy as to meet provincial and federal legislation and to rescind and reinstate restrictions if deemed necessary.

2.0 Purpose

The purpose of this policy is to outline the City of Welland's requirement regarding proof of COVID-19 vaccination and provide direction to employees, including full-time, part-time, permanent, temporary, casual, volunteers and students on providing proof of vaccination or a bona fide exemption and conditions for attending work without vaccination.


In addition, this policy applies to City Council members who wish to attend in-person meetings (including Council and Committee) at City Hall, conduct business on City property or facilities, or attend official events in their capacity as City Councillors.

This policy recognizes that those who are unvaccinated or not fully vaccinated pose a significantly increased risk of becoming seriously ill from COVID-19 and of spreading the virus to others in the workplace. Ensuring compliance with this Policy contributes to a safer workplace. It is a critical protection for other members of our community and sets a positive example for others to follow as we work together to increase our vaccination rate and drive down infections. Given the critical nature of the municipal services provided by the City to the community, vaccination is also an important measure to support workplace continuity.

	Title:	Vaccine Status Policy		
	Number:	HR-011		
	Revision Date:	Oct. 14, 2021	Approved by:	Council
	Revision Number:		Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

3.0 Definitions

- 3.1. COVID-19** – An infectious disease caused by the SARS-CoV-2 virus. Genetic variants continue to circulate around the world, are routinely monitored through laboratory studies and epidemiological investigations.
- 3.2. Fully Vaccinated Individual** – Two doses of Moderna, Pfizer-BioNTech, AstraZeneca (including CoviShield) in any combination (the full series of a COVID-19 vaccine authorized by Health Canada); one or two doses of a COVID-19 vaccine not authorized by Health Canada followed by one dose of a COVID-19 vaccine authorized by Health Canada; three doses of a COVID-19 vaccine not authorized by Health Canada.
- 3.3. Immunization** – A process by which a person becomes protected against a disease through vaccination.
- 3.4. Proof of Vaccination** – Documentation issued by the Ontario Ministry of Health, other province or territory, or international equivalent, indicating individual immunization status against the COVID-19 virus that demonstrates they are fully vaccinated.
- 3.5. Medical Exemption** – A medical exemption documented by a physician or nurse practitioner, using the Medical Exemption Form, which includes a documented medical reason for not being fully vaccinated and the effective time-period for the medical reason. Exemptions include an allergist/immunologist-confirmed, severe allergy or anaphylactic reaction to a previous dose of a COVID-19 vaccine, or to any of its components that cannot be mitigated; a diagnosed episode of myocarditis/pericarditis after receipt of a mRNA vaccine.
- 3.6. Human Rights Code Exemption** – Written proof of a bona fide Human Rights Code exemption, using the Vaccination Creed Exemption Form, is an exemption based on "creed" as per the Ontario Human Rights Code; the Code protects personal religious beliefs, practices, or observances. Personal preferences or singular beliefs do not amount to a creed for the purposes of this code.
- 3.7. mRNA Vaccine** – A vaccine that teaches cells how to make a protein that will trigger an immune response. Once triggered, the body makes antibodies. These antibodies help fight the infection if the real virus does enter the body in the future.
- 3.8. Rapid Antigen Screening** – A diagnostic test suitable for point-of-care testing that directly detects the presence or absence of an antigen. It is commonly used for the detection of SARS-CoV-2. Rapid test results generally give results in 5 to 30 minutes.

	Title:	Vaccine Status Policy		
	Number:	HR-011		
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3.9. Workplace – Any location that a City employee, or Council member, performs tasks, jobs, and projects on behalf of the City of Welland, and includes but is not limited to City facilities, parks, and job sites.

4.0 Application

This policy applies to all City of Welland employees, including full-time, part-time, permanent, temporary, casual, students, and volunteers.

All employees hired after the implementation of this policy, including unpaid students, and volunteers, will be subject to this policy as a condition of their employment or placement with the City of Welland.

Certain provisions of this policy as prescribed also apply to members of City Council who conduct business on City property, or facilities, or attend official events in their capacity as a Councillor.

Those who do not comply with this directive may be subject to disciplinary action, up to and including termination. Failure to comply also includes providing late, misleading, incomplete, or false information.

5.0 Roles and Responsibilities

5.1. Chief Administrative Officer


- Ensure consistent application of this Policy Directive.

5.2. Managers and Supervisors

- Ensure employees are familiar with this Policy Directive.
- Ensure participation of oneself and workers in the proper use of face masks, handwashing, physical distancing, and personal protective equipment regardless of vaccination status.
- Ensure workers are provided access to accurate, sufficient, and appropriate educational materials with respect to COVID-19.

5.3. Employees

- Familiarize themselves with this Policy directive.
- Work in a safe manner as required by the employer and use the prescribed safety equipment and protocols including continued and proper use of face masks, handwashing, physical distancing, and other personal protective equipment regardless of vaccination status.

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- Remain informed about accurate, sufficient, and appropriate educational materials about COVID-19, as it relates to your employment.
- Must comply with this policy and/or any division-specific policies and procedures that apply to them.
- Recognize that Canadian and international human rights laws prohibit discriminatory action, including harassment, against any persons or communities because of an association with COVID-19, perceived or otherwise.

5.4. Human Resources

- Provide accurate, sufficient, and appropriate educational materials to leaders and employees as it relates to COVID-19.
- Ensure all new employment or placement contracts for employees, students, volunteers, and members of Council include proof of COVID-19 vaccination, in compliance with this policy, as a condition of employment, unless protected by medical or human rights exemptions and cannot be reasonably accommodated.
- Ensure any personal, medical information collected from employees is directly related to, and necessary, for the achievement of the policy's goal of ensuring workplace health and safety.
- Ensure the collection of employee personal information is as limited as possible and safeguard and protect unnecessary disclosure.

5.5. Joint Health and Safety Committee or Health and Safety Representatives

- Support the regular review of this policy considering the evolving public health and legislative context and advise from Public Health experts; and make any amendments necessary, which may include additional or alternative precautions to protect the health and safety of all workers and maintain health and safe workplaces.


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6.0 Procedure

6.1. By no later than 3pm on Friday, November 19th, 2021, provide proof of vaccination, as defined in this policy, via email to vaccine@welland.ca. Proof of full vaccination shall be recorded and secured by the Human Resources Department in accordance with the applicable privacy legislation. This information will only be used to the extent necessary for implementation of this policy, for administering health and safety protocols, and infection and prevention control measures in the workplace. To be clear, only Human Resources staff will have access to this email address.

Effective Thursday, December 2nd, 2021, those who have not been fully vaccinated, including those who have provided proof of a bona fide medical or Human Rights Code exemption, and those who have not disclosed vaccination status, will be required to submit regular COVID-19 Rapid Antigen Screening (RAS), and demonstrate a negative result at a minimum of twice per week, or at more frequent intervals as required by the Employer.

- RAS testing and scheduling will be confirmed and administered through Human Resources. Those required to submit a weekly RAS result will be notified via email.
- RAS test results will be required by 3pm each Monday and Thursday. If your results have not been received by the deadline, you will not be compliant with this policy, and will be placed on an unpaid leave of absence.
- RAS results will only be considered valid if the results have been administered by an approved RAS testing location and completed within 48 hours of the submission date and time.
- If the RAS result is positive, notify HR immediately and do not report to work. A lab confirmed test will be required and the employee will be required to contact Public Health for guidance.
- RAS tests will be paid by the employer until December 31, 2021. A valid receipt must be submitted with the testing result, reimbursement will be up to a maximum of \$40. Effective January 1, 2022, only those who have an approved medical or bona fide Human Rights Code exemption will be eligible to have their RAS paid for by the employer.
- RAS tests must be scheduled and administered outside of working hours.
- The City of Welland will continue to review the RAS testing process in accordance with federal and provincial guidelines.

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6.2. In the case of two-shot vaccines an individual is considered fully vaccinated fourteen (14) days after the second dose has been administered. Employees, students, and volunteers must participate in Rapid Antigen Screening for fourteen (14) days after the second vaccination dose.

6.3. Written proof of a medical exemption, or bona fide Human Rights Code exemption may be provided as follows:

Provide proof of a medical exemption documented by a physician or nurse practitioner, using the Medical Exemption Form, which includes a documented medical reason for not being fully vaccinated and the effective time-period for the medical reason (i.e., permanent, or time-limited; if time-limited the individual must provide proof of vaccination in accordance with this procedure within 30 days of the medical reason expiring); or

Provide written proof of a bona fide Human Rights Code exemption, using the Vaccination Creed Exemption Form, which includes documented evidence to confirm the requirements for a Creed exemption for the COVID-19 vaccine, and certification from a Religious Leader.


The City will work with those who receive an exemption to ensure they are provided the appropriate resources to develop a reasonable accommodation plan.

Employees, students, or volunteers who receive an approved medical or Creed exemption will be required to follow the City of Welland protocols for Rapid Antigen Screening.

6.4. The City will comply with its obligations under the Human Rights Code and accommodate those who are legally entitled to accommodation in accordance with the City's established procedures. Everyone is encouraged to read the Ontario Human Rights Commission (Questions and Answers) summary prior to submitting an accommodation and to learn more about an individual's rights and obligations during the COVID-19 pandemic.

The City of Welland reserves the right to request additional documentation supporting the need for an exemption.

6.5. Those who provide false documents related to being vaccinated or as part of a bona fide medical or Human Rights Code exemption, will be subject to disciplinary action, up to and including termination.

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6.6. Those who are unvaccinated, or who have a bona fide medical or Human Rights Code exemption, may be required to follow additional safety and infection control measures as directed by their manager.

6.7. Members of Council

All members of Council are subject to the terms of this policy. Councillors must provide proof that they are fully vaccinated against COVID-19, in accordance with this policy, prior to being permitted to attend in-person meetings (including City Council and Committee meetings) at City Hall, conduct business on City property or facilities, or attending official events in their capacity as Councillors.


6.8. Contractors and Vendors

All contractors and appropriate liaisons having direct in-person interaction with City Staff or members of the Public while working within City owned facilities must provide proof they are fully vaccinated against COVID-19, in accordance with this policy, prior to being permitted to perform work or attend site meetings. A declaration on company letterhead attesting each employee has been fully vaccinated may also be accepted at the discretion of the appropriate City Director and / or procurement process.

7.0 Privacy

Information related to an individual’s proof of vaccination status will be held in strict confidence and used only for the specific purposes described in this Policy. After the vaccination status of an individual is confirmed, supporting documentation about an individual’s vaccination status will be permanently deleted and not retained in any format. The City will retain documentation in respect of requests for accommodation only as necessary, which will be held in strict confidence.

The City will at all times comply with applicable privacy laws. The City will also comply with all health and safety laws, which may include cooperating in the investigation of a COVID-19 outbreak.

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8.0 Compliance

The City of Welland reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.

Failure or refusal to adhere to the terms of this policy will result in an employee being placed on an unpaid leave of absence for a maximum of six (6) weeks. Vacation, lieu, or other credits may not be used during this leave of absence. Continued failure and refusal to adhere to the terms of this policy will result in further discipline up to and including dismissal.

Revision History

Date	Description of Change	Initials



Board of Directors Meeting Highlights – September 17th, 2021

On Friday September 17th, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting electronically. Highlights from the meeting included:

2021 Ducks Unlimited Canada Wetland Restoration Partnership

The Board of Directors approved the 2021 Memorandum of Agreement between Ducks Unlimited Canada (DUC) and the NPCA. Assistance from DUC will allow the NPCA to leverage funds and organizational capacity for financial efficiencies, collective impact and enhanced outcomes when implementing wetland restoration projects.

The Memorandum of Agreement will include seven (7) proposed wetland restoration projects for 2021 that will restore approximately 2.3 ha of wetlands located within the Niagara Region. DUC will contribute up to \$43,300 to the seven (7) proposed projects and the NPCA will contribute an estimated \$60,000 to the projects.

2023 NPCA Wedding Facilities Rates

The Board approved of the Proposed 2023 Wedding Fee structure and schedule for Ball's Falls Conservation Area, as well as facilities at Binbrook, Chippawa Creek and Long Beach Conservation Areas. The approved changes would enact a minor cost increase in venue rentals and set-up costs at Ball's Falls Conservation Area and for pavilion receptions at Binbrook, Long Beach and Chippawa Creek Conservation Areas.

Niagara Peninsula Aspiring Global Geopark Memorandum of Understanding

The Board of Directors was provided an update on the Niagara Peninsula Aspiring Geopark (NPAGG) and approved of a three-year term Memorandum of Understanding (MOU) between NPAGG and NPCA. The MOU grants an NPCA staff member a seat on the NPAGG board that will encourage active participation and inclusion in geopark planning and operations as well a commitment to collaborative projects. The approval of this MOU and partnership is both timely and appropriate, as the NPCA initiates operations under a new strategic plan with a goal to forge strategic partnerships.

COVID-19 Vaccination Policy

Following suit with resolutions passed by the Regional Municipality of Niagara and the City of Hamilton, the Board of Directors approved of the formation and implementation of an NPCA policy on mandatory vaccinations for NPCA staff. The NPCA COVID-19 Vaccination Policy will enhance our commitments to protecting the health and safety of NPCA staff, board and various stakeholders.

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Upon development of a COVID-19 vaccination policy, consultation will be held with relevant stakeholders including the NPCA Joint Occupational Health and Safety Committee and the local Union Leadership. The policy will apply to all staff, regardless of work location and/or role, and all staff will be educated on the policy and procedure.

2022 Operating and Capital Budget Assumptions

The Board of Directors approved the use of 2022 Operating and Capital Budget assumptions for use in the development of the 2022 Draft Budget for consultation and submission to municipal partners. Many factors such as: cost of living adjustments, inflation, operational impact of the COVID-19 pandemic and implications of Bill 229 were considered in the formation of assumptions.

Banking Policy and Investment Policy Approvals

The Board approved a formal Banking Policy to establish procedures and practices that ensure fiscally responsible and sound management of the organization's financial resources. The objective of the policy is to set goals and objectives to ensure appropriate stewardship of NPCA's cash and financial assets.

The Board also established an Investment Policy to govern the management of surplus funds and the investment portfolio of the Niagara Peninsula Conservation Authority (NPCA). This policy applies to the investment activities of the NPCA revenue funds, idle cash, reserves and funds held in trust.

Contract Award Update - Binbrook Conservation Area Septic System

The Board of Directors received an update on the capital contract award to Montague Construction Ltd. for the construction of a septic system at Binbrook Conservation Area in the amount of \$910,000 plus HST. The capital disbursement also included a 10% contingency in the amount of \$91,000, for a total capital project approval of \$1.001M plus HST.

Links to Agendas, Minutes and Video:

<https://npca.ca/administration/board-meetings>



NIAGARA POVERTY REDUCTION NETWORK

October 5, 2021

To: Fort Erie Council
 Grimsby Council
 Lincoln Council
 Niagara Falls Council
 Niagara-on-the-Lake Council
 Pelham Council
 Port Colborne Council
 St. Catharines Council
 Thorold Council
 Wainfleet Council
 Welland Council
 West Lincoln Council
 Niagara Regional Council

Cc: Wayne Gates, Niagara Falls MPP
 Jennie Stevens, St. Catharines MPP
 Jeff Burch, Niagara Centre MPP
 Sam Oosterhoff, Niagara West MPP
 Tony Baldinelli, Niagara Falls MP
 Chris Bittle, St. Catharines MP
 Vance Badawey, Niagara Centre MP
 Dean Allison, Niagara West MP

To the members of our Niagara municipal councils (cc'ing our provincial and federal representatives):

We are writing on behalf of the Niagara Poverty Reduction Network (NPRN) in order to share some feedback regarding the inter-municipal Moving Transit Forward plan that our councils will be reviewing and voting on this fall. NPRN is a collective of over 30 agencies and individuals working to wipe out poverty in Niagara through education, collaboration, and advocacy to address poverty's root causes. Our vision is for all Niagara residents to live above the poverty line, which can be achieved through our mission of Niagara residents, businesses and organizations working together to improve the quality of life in Niagara.

We appreciate your consideration of our concerns. In an acute way, we recognize that investment in Niagara transit needs to come from provincial and federal governments just as much or more than from our over-burdened municipalities. In light of this, we are particularly grateful for our councils' leadership on the relevant file. Our MPPs

NIAGARA POVERTY REDUCTION NETWORK

www.WipeOutPoverty.ca

c/o United Way Niagara

63 Church St, Suite LC1, St. Catharines, ON L2R 3C4 email: info@wipeoutpoverty.ca

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NIAGARA POVERTY REDUCTION NETWORK

and MPs are cc'd on this letter in order to also inform them of our concerns, and in hopes of hearing their feedback and relevant plans.

Thank you for the years of thought and consultation that you have put into the vital policy debate tied to the Moving Transit Forward plan. Thank you as well for your careful work in developing the plan's various pieces.

Re: Moving Transit Forward Service Plan, Financing, and Governance

The Moving Transit Forward model of improving transit through uploading, i.e. the Region uploading the existing lower-tier transit systems and combining them with the existing Regional system, is one that makes eminent sense to us, as this will improve coordination of our municipalities' scarce transit resources. We thus fully support the plan's core principle of funding transit through the Regional levy.

However, we are concerned by a principle simultaneously enshrined in the current version of Moving Transit Forward, to the effect that taxpayers in the lower tier municipalities are only to pay for the transit that their individual municipalities receive. This will severely limit the available municipal funds for transit expansion and improvement. The proposed rule will decrease the willingness of taxpayers both in the municipalities that currently use transit more and in the municipalities that currently use transit less from supporting significant new investment.

We thus urge you to consider a more collaborative financing model, pursuant to which higher-income Niagara municipalities agree to pay more for transit that their citizens are not currently using – so as to support our impoverished neighbours across the peninsula in a civic way, but also so as to encourage more transit and ridership within our higher-income communities, as taxpayers demand rightly demand better access to the transit that they pay for.

Our hope is that this direction will be fostered by the proposed Moving Transit Forward governance plan, which rightly enshrines a principle of representation from all municipalities on the regional transit governance body. Simultaneously, given the high economic and social stakes of transit policy, our hope is that councils' concerns about the exact appropriate structure of power-sharing within the governance model will not unduly delay the plan's implementation.

We appreciate the plan's proposal of a citizen advisory body within the transit governance model, separate from the primary governance committee. However, we urge you to incorporate citizens into the primary table, rather than leaving them out. This inclusion will permit our transit governance table to draw on the deep well of talent and goodwill among our communities' potential volunteers, and to leverage the lived experience of regular transit riders.

Transit and Intersectional Poverty Reduction

From an anti-poverty perspective, we strongly support the coordination of additional investment into transit for Niagara by all three levels of government, aimed at improving transit accessibility, availability, and quality. It is of course central to our analysis that transit is currently more used people in Niagara living in poverty than by non-impooverished people.

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NIAGARA POVERTY REDUCTION NETWORK

Disproportionate ridership among people living in poverty flows from the reality that many people living in poverty cannot afford a car and/or gas (notwithstanding the fact that a car is generally essential in order to live anywhere in Niagara, even including the peninsula's denser/more urban areas).

As you know, better transit is key to developing our regional economy as a whole and to linking people to jobs. But our status quo in Niagara is insufficient transit (at both the lower tier/local and peninsular inter-municipal levels) and insufficiently coordinated transit (between our lower and upper tiers). The result is too many people unable to get to work opportunities in a reasonable amount of time, and/or simply unable to get to work opportunities at all.

The economic fall-out of this problem is of course felt most keenly by the low-income families and individuals who most rely on transit. Significantly, we note that the fall-out is intersectional: Indigenous, racialized, female, LGBTQ2S+, and/or disabled Niagarans are more likely to be impoverished than white, male, and/or cisgender Niagarans, due to systemic bigotry, and thus rely more on transit. On many levels, then, the Moving Transit Forward plan is justified from the perspective of human rights.

Transit and Public Health

Better transit is also important from the perspective of improving local health, for all people. In order to get to transit, people have to walk – a small but significant benefit. More use of transit would also be good from the perspective of decreasing emissions from our cars and slowing climate change – developments that would have positive implications for public health. Further, using transit is good from the perspective of mental health. It is certainly less stressful to travel by bus or train, than to drive on our increasingly congested roads.

Transit Improvement: A Positive Feedback Loop

It was observed at our NPRN Roundtable that it will be vital, precisely from an anti-poverty perspective, for our councils to develop Moving Transit Forward as a plan to make transit more appealing to people of all income levels. In reality and in public perception, transit in Niagara is currently a mode of transportation mostly for the impoverished. While the inconvenience and frequent non-availability of Niagara transit is the primary reason why higher-income people use Niagara transit much less frequently, the brand and image of Niagara transit as “the mode of the impoverished” are also a factor.

In a negative, circular way, the current result of this systemic discouragement of higher-income riders is less investment in Niagara transit, by all levels of government. Higher-income taxpayers are less likely to support investment in systems that they do not use and do not see themselves or their children using in the future. In order for Moving Transit Forward to be truly successful, then, it will have to improve the brand and image of transit. The way to achieve this (now in a positive, circular way) is to be more available and more coordinated.

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NIAGARA POVERTY REDUCTION NETWORK

Investment to achieve the necessary next stages of improvement will thus require courage and foresight on your part as council members. We are thus particularly grateful for your consideration. In light of the above, we add only that, as transit improves through the investments that you are contemplating, more taxpayers of all income levels will be able to use transit. Public support for even more investment in transit from all three levels of government will thus grow too. We urge you to embrace this positive, cascading effect.

More taxpayers across Niagara support significantly better funded and coordinated transit than is widely known. It is our privilege to speak for some of those citizens through this letter. We are grateful to you for considering their priorities.

Thank you to all of you for your leadership in these challenging, unprecedented days. The fact that our councils are prioritizing discussion of how to improve transit, as part of our pandemic recovery, is a cause for real celebration and hope.

Please feel free to reach out to NPRN regarding any aspect of this letter. We look forward to your feedback.

Best,

Aidan Johnson
(they/them/Mx)
Chair, Niagara Poverty Reduction Network

Jennifer Gauthier
(she/her/Ms)
Vice-Chair, Niagara Poverty Reduction Network



NIAGARA POVERTY REDUCTION NETWORK

NPRN Member Organizations:

Alzheimer Society of Niagara	St. Barnabus Anglican Church
Ample Labs	Town of Fort Erie
Bethlehem Housing and Support Services	United Way Niagara
CARP Niagara	Welland Public Library
Community Care of West Niagara	Women's Place of South Niagara
Community Care of St. Catharines	YMCA
Credit Canada Debt Solutions	
Cultivating Hope Foundation	
District School Board of Niagara	
ETFO Niagara Occasional Teachers	
Goodwill Niagara	
John Howard Society of Niagara	
Niagara Catholic District School Board	
Niagara College	
Niagara Community Foundation	
Niagara Community Legal Clinic	
Niagara Falls Community Health Centre	
Niagara Furniture Bank	
Niagara Region Anti-Racism Association	
Positive Living Niagara	
Salvation Army Fort Erie	
Social Justice Research Institute, Brock University	
Start Me Up Niagara	

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October 1, 2021

To: The Honourable Premier of Ontario Doug Ford:

Re: Petition – Homelessness / Mental Health / Addictions

In advance of the presentation of our **ONTARIO PETITION FOR CHANGE** to the Legislature this month, I wanted to connect with you and pass along a few more specific ideas of changes and improvements that I believe would truly benefit all residents of Ontario. I've also written to Ministers C. Elliott and M. Tibollo and c.c.'d MPP Jeff Yurek.

As I've previously stated, the intent of the *Roadmap To Wellness* is very commendable, as is the Ontario rebuilding plan to create the "Health Care system of the future". However, history and performance suggest that it's quite likely that our current methods of care will continue to provide poor outcomes, resulting in worsening crises at the end of the decade long implementation of the RTW. But I also believe that a ground-breaking successful strategy of care is well within our grasp.

I wanted to take this opportunity to offer a bit more of a specific suggestion to go along with the petition. I'd like to suggest an extended in-person gathering of a number of Ontario key players from our fields of health; homelessness concerns; mental health; and addictions. A moderated meeting where the participants are collectively presented with a "blank slate", and virtually build a system of care that is animated step-by-step by *needs*. A system of care that provides an easily accessible pathway of care and healing for every situation, scenario and individual. Following the development of the plan, we would of course then need to retro-fit our current infrastructure, facilities, agencies, organizations and institutions to suit. Speaking personally, I believe that an increased role from our Ontario Hospital network and the creation of "EMPATH-like" intake facilities would fill large gaps in our current system.

An Ontario group of experts in these fields could certainly come to a consensus, and develop a plan and philosophies that could be world leading.

Among others, I would suggest that this conference could include Hon C. Elliott; Hon M. Tibollo; Hon M. Fullarton; Hon S. Clark; Matthew Anderson; Kat Matthews OBIAA; a Police Chief rep (C. Herridge); a Mayoral rep (Joe Preston); Margaret Eaton CMHA; Camille Quenneville CMHA; Karim Mamdani ON Shores. Personally I think there would be benefit to working cooperatively with the opposition parties as well and receive input from MPPs Horwath, Gelinas and Fraser.

On behalf of all residents of Ontario, and petition signees, I thank you for hearing our petition and thank you in advance for your response. Please feel free to contact me at any time if you have any questions or if I can be of service.

Yours sincerely,

Dennis Kalichuk

ONTARIO PETITION FOR CHANGE

<https://www.denniskalichuk.com/ontario-petition-for-change.html>

21-30

Background Material

To

Council Members'

Agenda

TRANSPORTATION SERVICES

CAPITAL PROJECTS - 5 YR OVERVIEW



Agenda

- 1-5 Year Capital Forecast
- 10 Year Capital Outlook
- Safety Initiatives
- Regional Vision



Capital Budget Allocation

Niagara Region's Capital Budget is broken down into four (4) main areas:

- Network Expansion
- Intersection Improvement Program
- Roads Rehabilitation Program
- Structure Rehabilitation Program



Program Definitions

➤ **Network Expansion** includes the construction of new roads, and the widening of existing roads to accommodate growth and development as part of the Region's 10-Year Capital Roads Program identified in the Transportation Master Plan.

➤ **Intersection Improvement Program** involves modifications to improve the safety of the intersection, such as adding turn lanes and curbs, resurfacing the road and changing pavement markings, installing new traffic signals, and creating roundabouts.

➤ **Roads Rehabilitation Program** involves reconstruction of roads to address deteriorating pavement conditions and improve the cross section. This may include new buried infrastructure, curb and gutter and active transportation.

➤ **Structure Rehabilitation Program** Will include one of the following strategies: **Bridge Rehabilitation** involves the modification, alteration or improvement of existing bridges on Regional Roads. The work is performed to correct deficiencies that will extend the service life or increase the load carrying capacity. **Bridge Replacement** involves the replacement of existing bridge structures that have reached the end of their service life.



I-5 Year Capital Forecast Network Expansion

Regional Road 27 East Main Street From Highway 140 to Moyer Road

Status
Pre-Environmental Assessment



RR 27 (East Main Street) looking east from Darby Rd



I-5 Year Capital Forecast Network Expansion

Regional Road 54 Rice Road From Merritt Road to Quaker Road

Status
EA Underway



Rice Rd looking south to Quaker Rd intersection



Rice Rd looking north to Merritt Rd



I-5 Year Capital Forecast Network Expansion

Regional Road 54 Rice Road From Quaker Road to Thorold Road

Status
Future Project



RR 54 (Rice Road) looking north to Quaker Road



I-5 Year Capital Forecast Roads Rehabilitation Program

Regional Road 27 Main St West From Prince Charles Dr to Niagara St

Status

Cost share Partner on City Project



RR 27 (Main St West) looking east to Queen St

I-5 Year Capital Forecast Roads Rehabilitation Program

Regional Road 41 Woodlawn Rd From RR54 Rice Rd to RR36 South Pelham Rd

Status
Future Project



RR41 Woodlawn Rd looking west to RR36 South Pelham Rd



I-5 Year Capital Forecast Structure Rehabilitation Program

Lincoln Street Bridge Structure Divesture

Status
Future Project

Roadway over bridge looking east



Lincoln St Bridge – north elevation



I-5 Year Capital Forecast Structure Rehabilitation Program

Ontario Street Bridge Structure Divesture

Status
Future Project

Roadway over bridge looking east



Ontario St Bridge – south elevation

I-5 Year Capital Forecast Structure Rehabilitation Program

South Pelham St Culvert

Status
Future Project

Roadway over culvert looking southeast



South Pelham St Culvert – west elevation



I-5 Year Capital Forecast Structure Rehabilitation Program

Woodlawn Road Bridges

Status
Future Project

Woodlawn Road Bridge – looking east



Woodlawn Road Bridge – south elevation



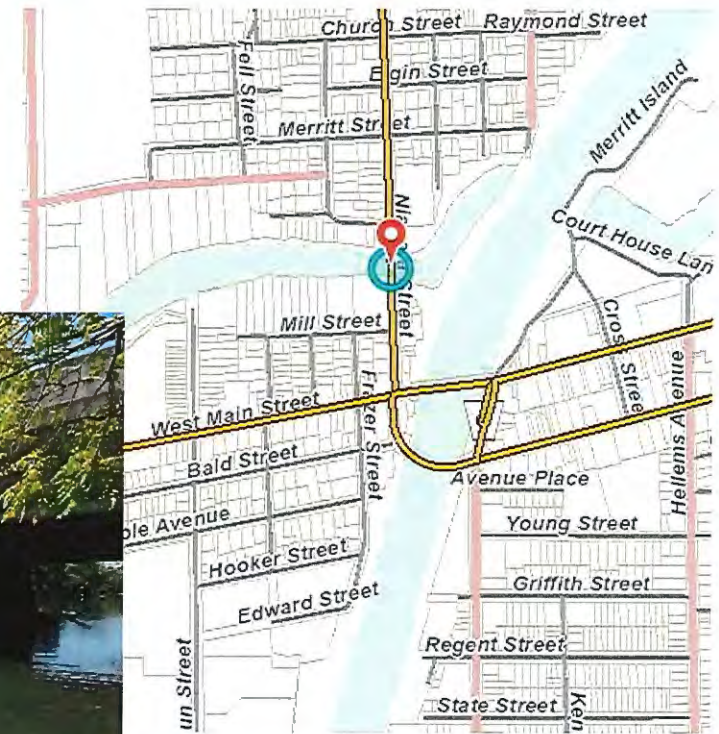
I-5 Year Capital Forecast Structure Rehabilitation Program

Niagara Street Bridge

Status

Design Phase

Niagara Street Bridge – looking north



Niagara Street Bridge – south west elevation



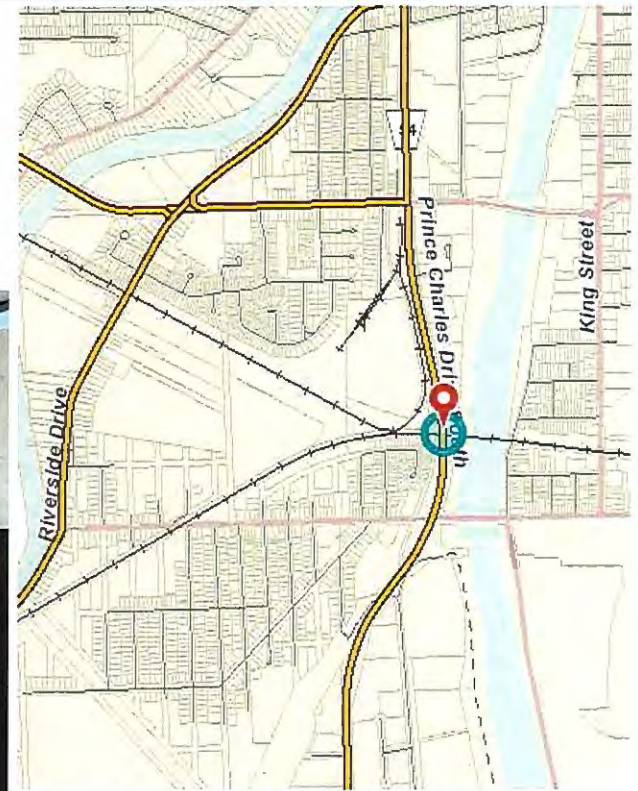
6-10 Year Capital Forecast Structure Rehabilitation Program

Prince Charles Drive Bridge

Status
Future Project



Prince Charles Drive Bridge – looking north



Prince Charles Drive Bridge – west elevation



6-10 Year Capital Forecast Structure Rehabilitation Program

Nidel's Bridge

Status
Future Project



Nidel's Bridge – looking north

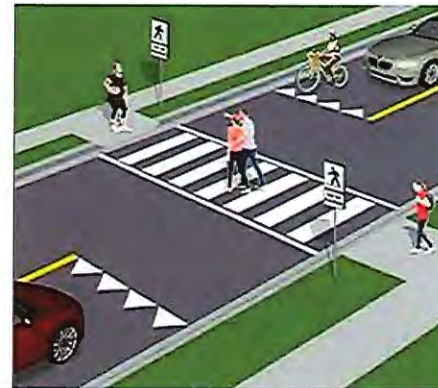


Nidel's Bridge – east elevation



Safety Initiatives

- Vision Zero Road Safety Program
- Pavement Line Marking and Crosswalks
- Speed Display Trailer
- Sign Installations



Automated
Speed Enforcement



Regional Vision

- Complete Streets
- Regional Wayfinding
- Niagara-Hamilton Trade Corridor





Thank-you



Please reply to Niagara Falls

By Electronic Mail to: tara.stephens@welland.ca
October 13, 2021

City of Welland
60 East Main Street
Welland, Ontario, L3B 3X4

Attention: Ms. Tara Stephens & Members of City Council

Dear Ms. Stephens & Members of City Council:

Re: **Our client: Mountainview Homes (Niagara) Ltd.**
File #: 2021-06 & 26CD-14-21005
Property: Block 2, 59M-472
Address: 89 West Creek Court

We act as solicitors for Mountainview Homes (Niagara) Ltd. in the above matter.

We understand that this matter is back before City Council for a 3rd time at its October 19, 2021 meeting. We further understand that certain members of Council are opposing the imposition of a condition wherein the City would accept a 5% cash-in-lieu of parkland dedication and would rather have a dedication of parkland for this site.

It is our considered opinion that the only option legally available to the City is cash-in-lieu given that the subject land is the whole of a block in a registered plan of subdivision (Block 2, 59M-472) and is subject to a Subdivision Agreement between the City and the Developer of the Subdivision registered as Instrument SN599517 on August 23, 2019.

We draw your attention to Page 22 of the Agreement “Special Conditions”, paragraph 7 (a copy of which is attached for your easy reference), which states as follows:

“The Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City Requirements”.

Respectfully, the City cannot impose a requirement that there now be a dedication of parkland in the face of what has previously been contractually agreed to by the City and by our client as evidenced by the aforementioned Subdivision Agreement registered on title to the subject lands.

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

sullivanmahoney.com



Official Counsel

We trust that the above adequately sets out our position in this matter.

Yours truly,

SULLIVAN MAHONEY LLP



Rocco Vacca

RV/cc

Encl.

c.c. Rachelle Larocque (rachel.larocque@welland.ca)

c.c. client

SPECIAL CONDITIONS

1. The Owner agrees that no grading or construction work shall commence on site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title.
2. The Owner shall grant all necessary Easements required for utility and servicing purposes to the appropriate Authorities free of all encumbrances.
3. The Owner shall grant permanent Easements, free and clear of all encumbrances, to the City of Welland over Block 2 as Part 1 on Plan 59R-16508 for stormwater management purposes.
4. The Owner shall transfer Blocks 3, 4, and 7 on Plan 59M-472 being 0.3 metre Reserves, to the City of Welland free of all encumbrances for access control purposes.
5. The Owner shall transfer Blocks 5 and 6 on Plan 59M-472 being 0.3 metre reserve, to the Region of Niagara free of all encumbrances for access control purposes. (Letter dated November 8, 2017 from the Niagara Region Planning and Development Department has cleared this condition)
6. The Owner agrees that Blocks 8, 9, and 10 on Plan 59M-472 being daylighting triangles and Part 1, Plan 59R-12207 being a daylighting triangle be transferred to the Region of Niagara free of all encumbrances to be dedicated as part of the roadway system. (Letter dated November 8, 2017 from the Niagara Region Planning and Development Department has cleared this condition)
7. The Owner shall pay Cash-in-lieu of Parkland Dedication based upon current City Requirements.
8. The Owner shall pay to the City of Welland for the installation of trees, upon execution of the Subdivision Agreement, \$8,700.00 along West Creek Court, \$5,400.00 along South Pelham Road and \$18,600.00 along Webber Road for the installation of trees within road allowances by City forces.
9. The Owner shall provide a Geotechnical Subsurface Investigation Study prepared by a qualified Geotechnical firm, to the City which must make recommendations on the use of the site for the construction of houses/buildings.
10. The Owner shall acknowledge within sixty (60) days of Draft Plan Approval of this Subdivision that Draft Approval does not include a commitment of servicing allocation by the Region of Niagara as this servicing allocation will be assigned at the time of final approval of the Subdivision for registration purposes.
11. The Owner shall provide the City of Welland and the Region of Niagara with a written undertaking that all Offers and Agreements of Purchase and Sale, which may be negotiated prior to registration of this Subdivision, shall contain a clause clearly indicating that a servicing allocation for this Subdivision will not be assigned until the Plan is granted Final Approval for registration. (Letter dated November 8, 2017 from the Niagara Region Planning and Development Department has cleared this condition.)
12. The Owner shall submit two (2) copies of a Noise Study at the time of Site Plan Approval to evaluate impacts from traffic along Webber Road (Regional Road No. 29) and South Pelham Road (Regional Road No. 36) to the Region of Niagara for review and approval. The Study is