



COUNCIL MEETING AGENDA

Tuesday, November 16, 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 November 20, 2021 at 8:00 a.m.

1. **COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:25 p.m.)**
(See yellow tab)
 - A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and
 - *Grand Canal and Welland Community Wellness Complex Reciprocal Agreement.*
 - Personal matters about an identifiable individual, including municipal or local board employees;
 - *ATU Negotiations Update.*

2. **ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 p.m.)**

3. **OPEN COUNCIL MEETING (7:00 p.m.)**
 - 3.1 **NATIONAL ANTHEM**
 - 3.2 **OPENING REMARKS**
 - 3.3 **ADDITIONS/DELETIONS TO AGENDA**
 - 3.4 **ADOPTION OF MINUTES**

Regular Council Meeting of November 2, 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)**



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4. ORAL REPORTS AND DELEGATIONS

4.1 PRESENTATION(S)

10-123 Drew Toth and Leslie Bellingham, Members, Welland Affordable Housing Task Force re: Welland Affordable Housing Task Force.
(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) – Nil

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

05-120

21-38 Public Meeting to Increase Permit Fees under Section 7 of the *Building Code Act*.

(See Report P&B-2021-66 pages 74 to 78)

4.5 LEGISLATED PUBLIC HEARINGS/MEETINGS - Nil

5. COMMITTEE-OF-THE-WHOLE (OPEN)

(to discuss items removed from Agenda Block)

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

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

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



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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 16th day of November, 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 November 2, 2021 Council Meeting

1 - 73 **P&B-2021-62** Director of Planning & Development Services, G. Munday - Application for City Wide Zoning By-law Amendment (File No. 2021-09) submitted by the City of Welland - Cannabis Production Facilities. Ref. No. 18-87
(See By-laws 1 & 2)

2. COMMITTEE AND STAFF REPORTS

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

2. General Committee Report to Council - Nil

3. Budget Review Committee Report to Council - Nil

4. Staff Reports

74 - 78 **P&B-2021-66** Director of Planning & Development Services, G. Munday - Proposed Increases for Building Permits and Inspection Services Fees - Statutory Public Meeting. Ref. No. 05-120/21-38
Remove From Block

79 - 94 **P&B-2021-67** Director of Planning & Development Services, G. Munday - Request to Remove Heritage Designation for 20 Evan Street.
Ref. No. 21-140



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|------------------|--------------------------------|---|
| 95 - 97 | <u>P&B-2021-68</u> | Director of Planning & Development Services, G. Munday - Application for Condominium Exemption (File No. 26CD-14-21007) made by 842701 Ontario Limited for lands described as Part of Lot 254 former Township of Thorold being Part 1 on Plan 59R6482, City of Welland, municipally known as 547 Thorold Road.
Ref. No. 03-147 |
| 98 - 106 | <u>P&B-2021-69</u> | Director of Planning & Development Services, G. Munday - Request for Extension to Draft Plan Approval – Fusion Homes Phases 2 & 3 - 1695525 Ontario Inc. (File 26T-14-10002) south of Forks Road, east of Kingsway and west of the Welland By-Pass Canal.
Ref. No. 21-142 |
| 107 - 111 | <u>F&ES-2021-09</u> | Fire Chief & Community Emergency Management Coordinator, A. Eckhart - Fire Station 1 Environment Stewardship.
Ref. No. 21-15 |
| 112 - 113 | <u>R&C-2021-23</u> | Director of Community Services, R. Axiak - 2022 Concerts on the Canal Series. Ref. No. 99-90/99-99 (See By-law 3) |
| 114 - 117 | <u>ENG-2021-29</u> | Director of Infrastructure Services, SM. Millar - 2021 Culvert Replacement Program Tender Award. Ref. No. 21-136 (See By-law 4) |
| 118 - 122 | <u>CLK-2021-25</u> | City Clerk, T. Stephens - Council Compensation Review Committee.
Ref. No. 21-133 |

3. NEW BUSINESS

- 123 - 124** 1. Gina Shaule, Administrative Assistant, Niagara Peninsula Conservation Authority re: Board of Directors Meeting Highlights - October 15, 2021. Ref. No. 21-143

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority regarding Board of Directors Meeting Highlights - October 15, 2021.



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- 125 - 141** 2. Memorandum from Tara Stephens, City Clerk re: Updates to LGL-2021-01, Appendix 1- 2022 Fees and Charges for all divisions from Budget Review Committee meeting of October 26, 2021. Ref. No. 21-38 (See By-law 5)

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the memorandum identifying updates to LGL-2021: Annual Review of Fees and Charges for Various Services and Use of Municipal Facilities/Amendment to By-law 2006-193 - Appendix I-2022 Fees and Charges for all divisions.

3. Council to appoint Councillor John Mastroianni to the Accessibility Advisory Committee. Ref. No. 02-85

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor John Mastroianni to the Accessibility Advisory Committee for the term November 16, 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 (City of Welland - File No. 2021-09) Cannabis. Ref. No. 18-87
(See Report P&B-2021-62)
2. A By-law to amend By-law 9973, being a By-law respecting Site Plan Control in the City of Welland to address Cannabis Production Facilities. Ref. No. 18-87
(See Report P&B-2021-62)
3. A By-law to By-law to authorize entering into an agreement with the Welland Downtown Business Improvement Area to produce and manage the 2022 Concerts on the Canal Series. Ref. No. 99-90/99-99
(See Report R&C-2021-23)
4. A By-law to authorize entering into contract with Nexterra Substructures Inc. for the 2021 Culvert Replacement Program. Ref. No. 21-136
(See Report ENG-2021-29)



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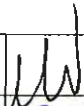


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5. A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the municipality to establish rates effective January 1, 2022; and to repeal By-laws 2020-131 and 2020-148. Ref. No. 21-38
(Approved at Budget Review Committee on October 26, 2021)
6. A By-law to establish and regulate fees and charges for the Fire Department.
Ref. No. 21-15
(Approved at Budget Review Committee on October 26, 2021)
7. A By-law to amend By-law 2019-138, being a By-law to appoint certain Members of Council as Vice Mayor for the period from December 1, 2021 to November 14, 2022.
Ref. No. 21-12
(Update to Vice Mayor appointment By-law)

APPROVALS	
DIRECTOR	
CFO	
CAO	

18-87

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

REPORT P&B-2021-62
NOVEMBER 16, 2021

SUBJECT: APPLICATION FOR CITY WIDE ZONING BY-LAW AMENDMENT (FILE NO. 2021-09) SUBMITTED BY THE CITY OF WELLAND – CANNABIS PRODUCTION FACILITIES

**AUTHOR: NICOLAS AIELLO
POLICY PLANNER**

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-62 for information; and further,

THAT Welland City Council approves an Amendment to Zoning By-law 2017-117 to amend the provisions for Medical Marihuana Facilities now referred to as Cannabis Production Facilities; and further,

THAT Welland City Council approves an amendment to Site Plan Control By-law 9973 to address Cannabis Production Facilities.

ORIGIN AND BACKGROUND:

On December 17, 2019, Welland City Council passed a notice of motion to enact an Interim Control By-law (ICB 2019-162) which would prohibit the use of land, buildings or structures for cannabis cultivation, production, and processing operations for a period of one (1) year. The motion also directed City Staff to conduct a full review of the current Zoning By-law requirements as they related to

cannabis operation purposes and to ensure that the City's policies are in-line with current Provincial and Federal legislation and municipal best practices.

As per Section 38(1) of the Planning Act, as amended, municipalities are permitted to put a temporary freeze on new land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year. On December 15, 2020, Council passed a By-law to extend ICB 2019-162 to December 17, 2021, to allow for a more comprehensive review to be undertaken. Should the ICB expire before the municipality passes a new a zoning by-law amendment, the zoning provisions in place prior to the implementation of the ICB will automatically come back into effect.

On August 10, 2021, Council approved the following recommendations in Report P&B-2021-43:

- 1) THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-43 for information; and further,
- 2) THAT Welland City Council direct staff to commence the process of amending the City's Zoning By-law 2017-117 to further amend the provisions for Medical Marihuana Facilities now referred to as Cannabis Production Facilities; and further,
- 3) THAT Welland City Council direct staff to address Cannabis Production Facilities in the City's Official Plan Update, including but not limited, to policies regarding Site Plan Control; and further,
- 4) THAT Welland City Council direct staff to commence the process of amending the City's Site Plan Control By-law 9973 to address Cannabis Production Facilities.

The purpose of this report is to provide Council with a recommended course of action for regulating cannabis production.

COMMENTS AND ANALYSIS:

The Proposal

The purpose of the Zoning By-law Amendment is to update the Medical Marihuana regulations in the City of Welland Zoning By-law 2017-117 and replace them with Cannabis Production Facility regulations. The proposal will also amend the City's existing Site Plan Control By-law to include Cannabis Production Facilities as operations that are subject to Site Plan Control as agricultural buildings.

Agency and Public Comments Received

Region of Niagara
Planning and
Development Services
(September 14, 2021)

The proposed draft ZBA regulations set specific development criteria required for the development of Cannabis Production Facilities in Agricultural and Industrial/ Employment Zones. The draft by-law also proposes changes to the definitions with the addition of a definition "Cannabis Production Facility" and "Air Treatment Control System". The Region supports the addition of Cannabis Production Facilities as a permitted use within the A1 and RE Zone as Regional staff consider cannabis production an agricultural use under Provincial and Regional policies.

However, Regional staff notes that the clause restricting the cultivation to a wholly enclosed buildings and that they be equipped with air treatment control within the permitted zones may result in prohibiting outdoor cannabis cultivation (specifically the A1 and RE Zones). The Region would caution the City against creating policies that restrict and/or prohibit the types of crops that can be planted in the ground outside versus those that can be grown indoors. Both Regional Council and the Region's Agricultural Policy and Action Committee have been consistent with requests and comments to the Province that all commodity groups be treated equally. By creating policy sets that identify individual crop types, there can be implications that result in disadvantages to growers and operators within the agricultural sector.

The Region supports the City's requirement for the use of site plan control to allow the City to address specific development criteria (such as lighting, odour impact analysis).

A Virtual Public Information meeting was held on June 3, 2021. Those opposed detailed concerns regarding the associated odour, setback distances, enforcement, hoop houses and permits to grow through ACMPR. Some individuals also mentioned that they would not be as concerned with facilities if the nuisances associated with potential odour could be mitigated. Some solutions were proposed

such as technical and monitoring requirements by the facilities and the potential need for a nuisance by-law.

In addition, another information meeting was held on September 9, 2021 to gain public input regarding the proposed application. The following comments and concerns were raised at the Public Information Meeting:

- Whether the proposed 150 metre separation distance can be increased;
- Whether there be any requirements for odour control and policing odour control;
- The need for a nuisance and odour control by-law; and,
- Agreeance with the proposed zoning policy, however should be paired with a nuisance by-law.

At the time of writing this report, **twelve (12)** letters from individuals have been received. Exclusive to the matter above, the following comments and concerns were raised:

- Concerns regarding perceived air contamination;
- Provision of a zone solely for Cannabis Production Facilities;
- Concerns regarding Cannabis Production Facilities not being a typical agricultural use;
- Concerns regarding light pollution;
- The need for proper zoning;
- Difficulty mitigating perceived nuisances for outdoor uses however not for indoor;
- Licenced facilities having greater nuisance measures in place than designated growers;
- Enhanced measures used by licenced facilities to mitigate perceived nuisances;
- Providing a definition for Sensitive Use
- Requiring facilities to install air monitoring equipment;
- Concerns regarding odour and odour from other municipalities;
- Concerns regarding the public engagement process;
- Concerns regarding the current federal regulations;
- Allowing the public to comment through the Site Plan Control Process;
- Agreeance with 150 metre separation distance, however making it apply to all zones but industrial;
- Lack of industrial area due to 150 metre separation distance;
- Lack of justification for 150 metre separation distance;
- Requiring meaningful enforcement of perceived nuisances;
- Requiring a minimum height provision for required planting strips; and,
- Concerns regarding lots of record and legal-non conforming lots.

Further, Staff created a Your Channel page which included a Comment/Idea Board. This information was presented to Council in an August 10, 2021 Staff Report (P&B-2021-43).

The Statutory Public Meeting under the Planning Act was held on September 21, 2021. The comments and concerns raised at the Statutory Public Meeting were the same as those at the Public Information Meetings and in the letters submitted, with the exception of the comment to circulate neighbours within a required radius as part of the Site Plan Control Process for Cannabis Production Facilities.

Policy and Legislative Framework

The Cannabis Act

The Cannabis Act is the Federal legislation which establishes rules and standards pertaining to the production of legal cannabis products. The primary regulations under the Cannabis Act are regarding land use and development, including: the issuing of cultivation and production licenses to producers; physical security measures required for Cannabis Production Facilities; packaging standards; and, good production practices. There are a number of licenses that can be applied for under the Act, including: Cultivation, Processing, Analytical Testing, Sale, Research, and Cannabis Drug License as seen in Figure 1. The issuing of each license is accompanied by a number of production standards producers must abide by, depending on the scale of the license issued.

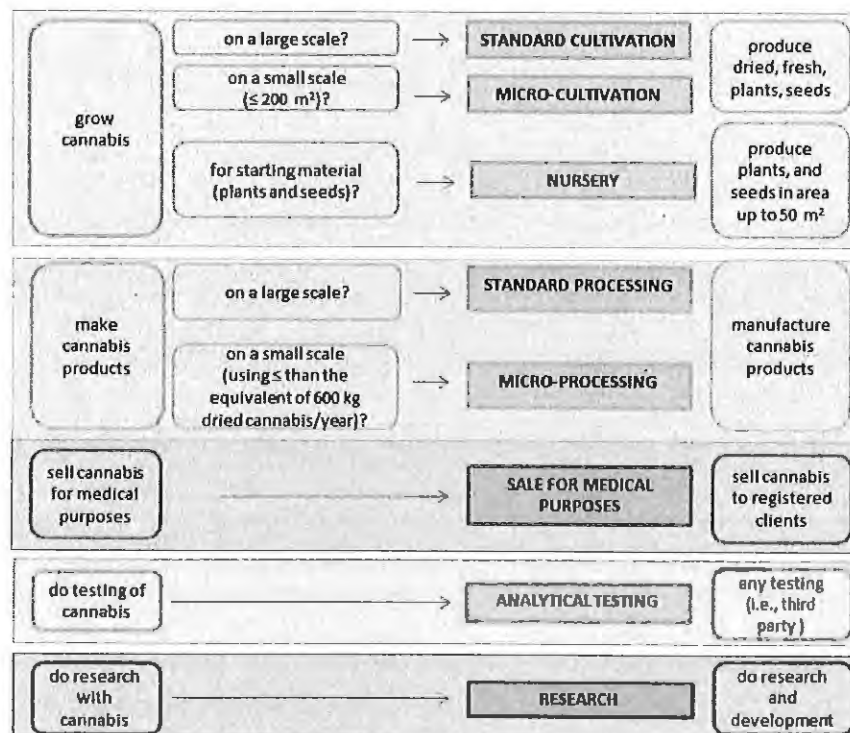


Figure 1: Cannabis Licensing Application Guide

Licensed applicants are required to provide Health Canada with proof that they have provided written notice to their local municipality, fire authority, and police force of their intention to become a licensed producer prior to being licensed. A

licence holder must also notify the local municipality if the licence is granted, suspended, revoked, reinstated or amended. In addition, applications to Health Canada require a range of information including company details, site ownership, key personnel, and specific facility and operating requirements. As it applies to site and land use regulations, the application requires information regarding site details, physical security and good production practice measures.

A Good Production Practices Report based on the Good Production Practices Guide for Cannabis must be submitted as part of the licencing application process that clearly demonstrates how requirements relating to the following will be met:

- Storage
- Building
- Air Filtration and Ventilation Systems
- Water Supply
- Lighting

In regards to security measures, producers with standard licenses are required to design their site in order to prevent unauthorized access. This includes constructing a defined perimeter which contains all operational and storage areas. The perimeter may take the form of the exterior walls of the facility, a fence, or other means. The perimeter must be monitored by a visual recording device capable of recording any unauthorized access attempt. The entrance and exits to the growth area must also be monitored by a visual recording device and operation and storage areas must have an intrusion and movement detection system. For growing areas, intrusion into but not movement within needs to be monitored. The security measures for micro-cultivation, micro processing and nurseries are somewhat less stringent, requiring only physical barriers to the site and storage areas.

One key requirement is the installation of air filtration devices throughout facilities to prevent the escape of odours caused by cultivation and production. This requirement applies to any building where cannabis is produced, packaged, labelled and stored and applies to both standard cultivation and micro-cultivation. There are no specific technical requirements for the form or type of air filtration system; the guide simply requires implementation of a system that successfully blocks the escape of odours. However, it is not clear what is considered an appropriate level of odour mitigation and what constitutes a "strong odour".

The Cannabis Act also permits licenses issued under the previous Access to Cannabis for Medical Purposes Regulations (ACMPR) to continue. The ACMPR allows individuals or designated growers to register to produce a specific amount of cannabis for their own medical purposes as prescribed by their health care practitioner, referred to as "designated medical growth". Production is allowed both indoors and outdoors at the registered person's place of residence, land owned by the registered person or land owned by another with authorization from the owner. An individual may grow for medical purposes for up to two people, either themselves and one other person, or for two other people. Medical growth for up

to four people can occur in one location, if two people who are designated to grow for others pair up and grow in one co-location.

Under the Act, the personal growth of cannabis is also allowed with a permission of up to 4 plants per residence.

Farming and Food Production Protection Act, 1998

The Farming and Food Production Protection Act in Ontario is an Act that serves to protect the agricultural use of land. Under the Act, the term "agricultural operation" is defined to include:

"the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister"

And

"the processing by a farmer of the products produced primarily from the farmer's agricultural operation"

From these definitions, the cultivation of cannabis, as well as the processing of the same, where legal through the licensing process, appears to be captured in the definition of agricultural operation.

Under Section 6 of the Act, the Act states,

"No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation."

Accordingly, any restriction on the cultivation of cannabis may need to stand up to the test of whether "normal farm practices" have been restricted. The Act defines "normal farm practice" as a practice that:

"is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances,

Or

makes use of innovative technology in a manner consistent with proper advanced farm management practices;..."

The Planning Act

Section 34 of the Planning Act provides for the enactment of Zoning By-laws to restrict the use of land and/or prohibit the construction, locating, or use of buildings for such purposes as defined in the Zoning By-law. Subsection 41(3) of the Planning Act provides that a local municipality may designate a Site Plan Control

area by reference to one or more land use designations contained in a by-law passed pursuant to Section 34.

The Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS), which provides direction for planning in Ontario, supports the viability of rural areas and agricultural uses in municipalities and seeks to balance economic growth and prosperity.

Policy 1.1.4.1 states in part that healthy, integrated and viable rural areas should be supported by:

- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and
- providing opportunities for economic activities in prime agricultural areas. Section 2.3 of the PPS contains policies applying to agricultural areas.

Section 2.3.1 states that prime agricultural areas shall be protected for long-term agricultural use. Policy 2.3.3.1 states that agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in prime agricultural areas, and that proposed uses are to be compatible with, and shall not hinder, surrounding agricultural operations. According to Policy 2.3.3.2, in accordance with provincial standards, all types, sizes and intensities of agricultural uses and farm practices shall be promoted in prime agricultural areas.

The PPS provides the following definition for 'agricultural use':

"the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment".

The PPS defines 'on-farm diversified uses' as the following:

"uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products."

The Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2020, includes policies for an Agricultural System, which has been mapped by the Province, along with specific policies. This Plan does not provide more specific detail with respect to permitted

uses in Prime Agricultural Areas. Under subsection 1.2.1, a guiding principle of the Growth Plan is to:

“provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.”

In addition, the Growth Plan aims to:

“support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.”

Region of Niagara Official Plan

Regional staff have indicated in respect to Cannabis Production Facilities that Provincial and Regional policies permit agricultural uses, agriculture-related uses and on-farm diversified uses within the Agricultural areas as well as value-added uses (i.e., agriculture-related uses and on-farm diversified uses) provided such uses are compatible with, and do not hinder, surrounding agricultural operations. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Regional policies also encourage municipalities to promote a mix of employment opportunities to provide for a competitive and diversified economic base within employment areas.

The Niagara Region Official Plan also sets out a number of objectives aimed at maintaining a sustainable agricultural industry. The plan notes that a wide range of crops are important in maintaining the agricultural industry's diversity. Objective 5.A.7 supports uses that enable farming and farmers to:

- a) Become more competitive, sustainable and environmentally friendly;
- b) Adapt to new and changing markets;
- c) Diversify into and take advantage of new agricultural opportunities;
- d) Improve the understanding of agriculture by the general public; and
- e) Broaden operations to diversity economic activity and add value to their primary products.

City of Welland Official Plan

The Welland Official Plan does not make any direct reference to marihuana/marijuana, cannabis nor cannabis facilities.

Agricultural and Rural Area

The policies of the Agricultural Area are outlined in Section 5 of the Official Plan. The planned function of the Agricultural designation is to provide land for farming

and agriculturally-related activities and to protect the City's prime agricultural lands.

According to the Official Plan, the predominant use of land in the Agricultural Area will be for agriculture of all types, which include, among others:

- Normal Farm Practices
- Nurseries and greenhouses
- value-added agricultural uses

Section 5.1.1.4 of the Plan addresses recognizes the changing nature of the agricultural industry and supports the principle of farm diversification activities which contribute to the long term economic sustainability of the agricultural industry.

Section 5.1.3.6 of the Plan supports value added agricultural activities which allow the agricultural industry to:

- i. Become more competitive, sustainable and environmentally friendly;
- ii. Adapt to new and changing markets;
- iii. Diversify into and take advantage of new agricultural opportunities;
- iv. Improve the understanding of agriculture by the general public; and,
- v. Broaden operations to diversify economic activities and add value to primary products.

The Rural Employment Designation as part of Section 5.2 is intended to provide farm or resource related places of work on lands which do not require municipally provided sanitary or water services. Permitted uses include, among others:

- shipping/receiving
- processing of agricultural products and goods / materials supporting farm operations

Employment Areas

The City has three different Employment designations: General Industrial Area, Light Industrial Area, and Gateway Economic Centre.

According to the Official Plan, the General Industrial Area permits, among other uses: processing, manufacturing, assembly, fabrication, research and development, and laboratories. The Plan states "General Industrial Areas near sensitive land uses will incorporate buffering, massing, and screening, as well as controls for noise, vibration, odour, dust / debris, and light emissions which minimize impacts on the nearby sensitive uses."

The Light Industrial Area permits, among other uses: light-manufacturing, light-assembly, and research and development.

The Gateway Economic Centre permits, among other uses: facilities related to shipping and receiving, warehouses, major offices, light manufacturing, light assembly, laboratories, and research and development.

City of Welland Zoning By-law 2017-117

Currently in Zoning By-law 2017-117, Cannabis Production Facilities, referred to as Medical Marihuana Facilities provides that:

In the Urban Area of the City, a Medical Marihuana Processing Facility (MMPF) is a permitted use in the L1 – Light Industrial Zone, the G1 – General Industrial Zone, and the GEC – Gateway Economic Centre Zone. In these zones, an MMPF is subject to the following additional restrictions in Zoning By-law 2017-117:

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted
- c) Loading spaces must be in a wholly enclosed building.
- d) Lot must be 70.0 metres from:
 - i) A Residential use or Zone;
 - ii) An institutional use or Zone; and/or
 - iii) A day nursery use or Zone that permits a day nursery.

Outside the Urban Area of the City, an MMPF is a permitted use in the A1 – Agricultural Zone and the RE – Rural Employment Zone. An MMPF in these zones is subject to the following requirements:

- Front Yard Setback = 10m
- Side Yard Setback = 15m
- Rear Yard Setback = 15m
- Maximum Height = 11m
- Maximum Lot Coverage = 25%

Minimum Landscaping Requirement = 3m landscaping strip along front lot line.

The purpose of the Amendment to the Zoning By-law is to further address the use by updating the definition for Medical Marihuana Production Facilities to Cannabis Production Facilities. This includes updating it to include all licensed and designated growth facilities under the Cannabis Act and any type of use permitted to grow more than four cannabis plants. A definition for Air Treatment Control Systems is also proposed. Facilities would be permitted in both Agricultural and Industrial/Employment Zones. More specifically the Agricultural (A1), Rural Employment (RE), Light Industrial (L1), General Industrial (G1), and Gateway Economic (GEC) Zones.

The proposed definition for Cannabis Production Facilities would read as follows:

“Cannabis Production Facility” shall mean any premises or part of a premises used for all or any of the cultivation, processing, destruction, sale,

shipping, analytical testing, and research of cannabis which is authorized by a valid registration certificate and document for designated person issued by the Federal Minister of Health or a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, or any successor thereto and the Industrial Hemp Regulations, SOR/2018-145, as amended, or any successor thereto under the Cannabis Act, S.C. 2018, c. 16, as amended, or any successor thereto. A Cannabis Production Facility shall also mean any premises or part of a premises permitted to cultivate more than four cannabis plants.

Staff are of the opinion that the definitions of “Cannabis Production Facilities” is appropriate and poses no conflict with applicable federal or provincial legislation. The proposed definition is intended to make clear that the proposed policy applies to any form of licensed facility regulated by the Cannabis Act and any other facility that is permitted to produce more than four cannabis plants. Therefore, all forms of production including those permitted under Access to Cannabis for Medical Purposes Regulations (ACMPR) known as designated medical growth will be provided for.

The proposed definition for Air Treatment Control reads:

“Air Treatment Control System” shall mean a system designed and sized accordingly in comparison to the facility by a qualified person that filters air to prevent the escape of emissions, including but not limited to odours, pollen, and dust associated with use, to the outdoors or any other property.

As described in a prior section of this report, the Cannabis Regulations mandates Good Production Practices, including a requirement that Cannabis Production Facilities “be equipped with a system that filters air to prevent the escape of odours associated with cannabis plant material to the outdoors”. And “provides natural or mechanical ventilation with sufficient air exchange to provide clean air and to remove unclean air in order to prevent the contamination of the cannabis or thing that will be used as an ingredient”. The responsibility to monitor and force compliance with the Good Production Practices rests with Health Canada alone, individual municipalities are not afforded any authority.

With respect to the citizen concern relating to the requirement that the system be designed to “the most up to date industry standards”, it is staff’s opinion that this wording would lead to concerns regarding what is interpreted as the most up to date standards, whereas a qualified person who is deemed to be an expert in the field would know the appropriate type of technology and specifications to achieve the systems desired effect.

The amendment which can be viewed in detail in Appendix IV further proposes that Cannabis Production Facilities in Industrial Zones:

- a) Must be in a wholly enclosed building
- b) Outdoor storage is not permitted.

- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.
- e) Must maintain a minimum setback of 15 metres from all lot lines.
- f) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- g) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- h) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act.
- i) Any building or structure or part thereof used for cannabis production facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - i. A Residential Zone;
 - ii. An Institutional Zone

In Agricultural Zones:

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted.
- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.
- e) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- f) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- g) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act.
- h) Any building or structure or part thereof used for cannabis production facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - i. A Residential Use or Zone;
 - ii. An Institutional Use (**definition is provided for in the City's Zoning By-law**).

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10
Zones/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaping (min)
A1, RR, RE									
Cannabis Production Facility	40.0 ha	30.0 m	15.0 m	15.0 m	15.0 m	15.0 m	11.0 m	25%	3.0 m

Staff offer the following explanation in relation to the proposed provisions intended to regulate the use:

Indoor Requirement

With respect to requiring facilities to be in a wholly enclosed building, the Cannabis Act and regulations allows for both indoor and outdoor cultivation of cannabis. Any other uses under the Act, such as processing and packaging are not permitted outdoors. There are currently odour reduction requirements for indoor cultivation, however, it is not possible to control odour from outdoor cultivation in the same manner.

While the Cannabis Act does not explicitly prescribe a role for municipalities, guidance provided by Health Canada is clear that local by-laws, including zoning by-laws, apply to Cannabis Production Facilities. The majority of Ontario municipalities permit the indoor cultivation of cannabis within their zoning by-laws, in agricultural, and employment or industrial zones.

150 Metre Separation Distance

The most common method of mitigating land use concerns is the establishment of setbacks and Site Plan Control. This approach is evident throughout the Province where municipalities have imposed setbacks as low as 70 metres and as high as 300 metres where no air treatment control system is in place. It is staff's opinion that the absence of federal and provincial legislation and regulations governing setbacks from sensitive uses allows for the municipal establishment of setback provisions for Cannabis Production Facilities. That being said, the setback cannot be so large as to prohibit the use and the City must have a reasonable justification for its imposition.

While the Ministry of the Environment Conservation and Parks (MECP) does not provide specific guidance on separation distances for cannabis uses in general, staff have determined the appropriate distance by reviewing the provincial D6 Guideline: Compatibility between Industrial Facilities and Sensitive Land Uses. Based on the review of provincial Guidelines, Cannabis Production Facilities would be comparatively similar to a Class II Facility under the Guideline, which is defined to emit frequent and occasionally intense odours and require a 70 metre setback, which is currently what is permitted in the City's Zoning By-law. Based on further review of other municipalities, a 150 metre separation distance was most commonly used for facilities that were equipped with Air-Treatment Control Systems thus allowing for a greater buffer should odours occur. This distance is further supported, given that:

- only indoor production is proposed;
- air treatment control is mandatory; and

- the use would not be exempt from Site Plan Control to mitigate or eliminate potential nuisances.

Furthermore, any distance greater than a 150 metre setback virtually eliminates the possibility of a Cannabis Production Facility from being accommodated in Agricultural Zones and most Industrial Zones as seen in the map in Appendix I. Consequently, any greater distance may frustrate the purposes of the Cannabis Act and be vulnerable to being declared invalid. The creation of policies that essentially eliminate a use due to being so restrictive is considered not to be a good planning practice.

Non-Complying Agricultural Lots

With respect to the citizen concern relating to establishment of Cannabis Production Facilities on non-complying agriculturally zoned lots (i.e. lot <40 hectares), there seems to be some confusion with what is permitted and not permitted in the Zoning By-law. Section 5.24 of the Zoning By-law clearly states:

A non-complying lot that existed on the date of the passing of this By-law, and which does not comply with the minimum lot frontage and/or minimum lot area regulations of this By-law, may be used and buildings erected thereon for purposes permitted in the applicable Zone.

This provision applies to all zones and all uses City wide. The provisions for lot area and lot frontages only apply to the creation of new lots (i.e. consents) and not existing lots of record. Should Section 5.24 be removed, new agricultural and agricultural related uses as an example would no longer be permitted on lots less than 40 hectares. Through a desktop analyses, Staff have determined that there are only five lots within the agricultural zones with an area equal to or greater than 40 hectares (as seen in the Map in Appendix II). Therefore, any proposed uses, including Agricultural/Agricultural Related uses, Agri-Tourism, Farm Labour Residence, Greenhouses, and Market Gardens in addition to Cannabis Production facilities would only be permitted as of right on these five parcels and the remainder would need Minor Variances or Zoning By-law Amendments to be permitted. This provision applies to all uses permitted in the applicable zone, and applies to all zones in the City's By-law. As such, Cannabis Production Facilities are permitted in the Agricultural and Industrial Zones. Requiring any new permitted use on a property that is undersized (shed, barn, dwelling, etc.) to apply for a Minor Variance or Zoning By-law Amendment would be unnecessary, expensive, and contrary to the provisions in the Planning Act, City of Welland Official Plan, and City of Welland Zoning By-law. It is important to note that these planning approvals are not guarantee. Existing lots that are deficient in minimum lot area or frontage would still be required to meet the setback and lot coverage requirements for any new structures and buildings. If the City were to require all future uses to meet minimum lot criteria, residents would be required to undertake a Planning application to Council or the Committee of Adjustment for any new construction on a property, despite meeting all other zone provisions.

Staff CommentSite Plan

The City's Site Plan Control By-law 9973 is recommended to be updated to require that Cannabis Production Facilities, including licenced facilities and designated medical growth facilities, be subject to Site Plan Control. The By-law amendment can be viewed in Appendix V. Currently, only Cannabis Facilities in Industrial Zones would be subject to Site Plan Control, whereas facilities in agricultural zones would not. Updating the existing the By-law would read as follows:

8) Notwithstanding the foregoing, the following forms and classes of development and construction shall be exempt from Site Plan Control:

(ii) all buildings on farm operations, except Cannabis Production Facilities;

Requiring cannabis facilities to fall under this process would allow the City more control in ensuring sites are designed in a way that mitigate the potential impacts and nuisances based on standards specific to the City. Through the site plan process, the City can enter into a site plan agreement with the proponent of the proposed land use, providing a mechanism for the City to enforce the mitigation efforts and take action if the mitigation requirements outlined in the agreement are not honored.

In Staff's opinion, notifying the public of a proposed Cannabis Production Facility that meets all of the zoning requirements through the Site Plan Control Process is not warranted as this is not a requirement that the City applies to any other proposed Industrial or Agricultural uses. Should the facility require a planning approval that includes a public process mandate such as a Zoning By-law Amendment, Official Plan Amendment, or Minor Variance, the Public will be notified and have the opportunity to participate in the process.

Required Studies

Through Site Plan Control, cannabis related uses will be required to prepare and submit supporting studies, as determined through pre-consultation which will include, but not be limited to:

Study Requirement	Potential Issue to be Addressed
Odour Impact Analyses	Air Quality/Odour
Noise Study	Noise
Traffic/Parking Impact Analysis	Traffic
Stormwater Management Plans	Stormwater run-off
Hydrogeological Study	Water supply/ Groundwater impacts
Private Servicing Plans	Wastewater/septic feasibility
Environmental Impact Study	Environmental Impacts

Lighting/Photometrics plan	Lighting
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Issues such as odour, traffic, water quality and quantity, lighting, and environmental impacts will be addressed through these studies and ultimately through the site plan design and agreement.

Air Treatment Control

As detailed, air filtration and ventilation systems are a requirement of licenced production facilities where cannabis is produced, packaged, labelled and stored. The Cannabis Act Regulations and licencing application process requires demonstration of air filtration and ventilation systems that filter air to prevent the escape of odours. However, the Health Canada Good Production Practices Guide provides no specific technical requirements for the form or type of air filtration system; it simply requires implementation of a system that successfully blocks the escape of odours. Further, odour control systems are not a federal requirement for growing for personal or delegated medical use.

That being said, Staff are recommending that all facilities require air treatment control. Staff will require certification from a Professional Engineer or Industrial Hygienist that the systems are installed and operational. These measures can be carried out through the Site Plan Control Process and would give the City some assurance that odours will be controlled as committed.

Information Webpage

In conjunction with the approving the proposed Zoning By-law Amendment, Staff will create a webpage containing information about how Cannabis is provided for at various government levels. The webpage will contain links and contact information to various different government agencies that have jurisdiction within the Cannabis matter.

Nuisance By-Law

Some municipalities such as the Town of Pelham, Town of Leamington, Town of Lincoln, City of Hamilton and Town of Kingsville have implemented nuisance by-laws in relation to Cannabis Production Facilities and other Odorous Industries. Some have created standalone By-laws while others have amended their existing Public Nuisance By-laws to address the perceived nuisances associated with cannabis production. Offences under these By-laws are dealt with under an Administrative Monetary Penalty System (AMPS).

With respect to the public concern and request by council for Staff to consider a Nuisance By-law for the regulation of Cannabis Production Facilities, Staff have performed a review of and reached out to several municipalities in regards to their own By-laws.

City of Hamilton

Hamilton passed a Public Nuisance By-law on April 22, 2020 to prohibit a variety of nuisances including the odour and light from the cultivation of cannabis plants. Such odour is prohibited if it creates a nuisance to any person or to the public generally. The wording of the By-law is very broad and captures all manners of cannabis cultivation without exception. Upon further review it has been expressed that enforcement has been challenging without an objective method to measure odour and very few by-law charges have been laid with an unknown success rate.

Hamilton staff have expressed that they are unable to enforce large scale licensed facilities under the Cannabis Act due to Health Canada having their own enforcement procedures; any concerns regarding Licensed Facilities are forwarded to Health Canada. That being said, designated growers can fall under Hamilton's policy however the success rate of applying a charge is unknown.

Town of Lincoln

The Town of Lincoln revised their Public Nuisance By-law on April 19, 2021 to include changes to the sections related to Lighting and Odour, more specifically Light-Trespass and Obnoxious Odour. In regards to Odour Nuisances, the By-law clearly states:

11. No person shall cause, create or permit the emission of an obnoxious odour from their property so as to be or to cause a Nuisance to any person or to the public generally and discernable on another property.

12. Exemption: nothing within this By-law shall contradict those practices deemed to be part of normal farm practice as identified and accepted within the Normal Farm Practices Protection Act and OMAFRA.

Lincoln staff have expressed that their By-law can only apply to designated growth facilities under the ACMPR. Licensed Facilities cannot be enforced by the municipality's nuisance By-law because of Health Canada already having their own enforcement procedures. To date, the Town of Lincoln has not laid any charges under their By-law.

Town of Pelham

The Town has had an Odorous Industries Nuisance Bylaw since March 23, 2020. The wording of the by-law is broad enough to encompass all forms of cannabis cultivation (including designated growth and licensed facilities) other than the cultivation of up to four plants in a dwelling house as authorized by the Cannabis Act.

The by-law is unique in that it employs what seems to be an objective standard: an "odour unit." Odour units are measured using a "Nasal Ranger." Upon Staff's review, it seems that Pelham is one of the only municipalities that implements this practice.

Pelham's By-law defines an Odour Unit as:

A measure of the number of dilutions required to render a sample to the detection threshold, commonly expressed as an odour concentration (OU/m³) and one (1) Odour Unit is defined as the point where 50% of a normal population could just detect that an odour is present. Measurement of the strength of an odour or Odour Units is facilitated using a laboratory or field olfactometer;

Cannabis odours are limited to 6 odour units at any point along the property line or less if a sensitive use is in the vicinity. Air filtration systems are required throughout a facility where cannabis is present to prevent the escape of an "obnoxious odour" that causes an "adverse effect".

It is understood that Pelham has purchased Nasal Rangers at a cost of \$5,000 each. The Town's by-law enforcement officers underwent extensive training on how to operate the Nasal Rangers and monthly testing is also required.

Also unique, the Town's By-law requires that facilities pay for an ongoing neighbourhood ambient odour monitoring program conducted by independently trained and competent odour practitioner(s) selected by the Town.

Upon conversations with Pelham staff, City Staff have learned that Pelham's entire By-law is subject to court challenges and is to be heard by the Normal Farm Practices Protection Board.

Regarding the use of "nasal ranger", Staff have learned that Pelham's By-law Enforcement Division perform regular testing at the property lines of facilities. The rangers however do not produce odour readings that would violate the By-law even when an odour is present. Further, Pelham has not laid any charges to date that fall under the Nuisance-By-law.

Town of Leamington

Leamington has had a Cannabis Regulation By-law since 2018. The Town's by-law requires a "Part I Cannabis Facility" and a "Part II Cannabis Facility" to have an "odour Premises where designated persons grow medical cannabis for registered persons fall within the definition of a Part II Cannabis Facility. Premises used to grow medical cannabis for one or more people other than the registered owner are also considered a Part II Cannabis Facility. Such premises must be located in an industrial zone.

A registered person who grows cannabis only on property they own and only for their own medical purposes is not captured by the by-law.

The enforceability of Learnington's By-law is currently before the Superior Court of Justice and the Normal Farm Practices Protection Board. The Superior Court of Justice will not be considering the matter until September, 2021 yet no decisions have been made to date.

The City of Windsor and the Town of Georgian Bluffs

Both municipalities have considered implementing some sort of Nuisance By-law tailored towards Cannabis Facilities. Upon their review, both municipalities have chosen to wait for the decisions of the Superior Court of Justice and Normal Farm Practices Protection Board.

Federation of Canadian Municipalities (FCM)

The FCM also provides guidance for Nuisance By-laws and Enforcement Issues with respect to odours in their Municipal Guide to Cannabis Legalization. In their guide, they state:

As local governments anticipate an increase in nuisance complaints with legalized cannabis, odour issues rank among their top concerns—and these are notoriously difficult to regulate and remediate.

Because odours are hard to quantify objectively in terms of strength or character, setting regulatory standards is challenging. While some odour testing labs exist in Canada, their usefulness for regulatory purposes is questionable, and testing can be onerous and expensive. Even if and when the quantification of odour can be satisfactorily addressed, an odour's source can be challenging to prove to the standard needed in court.

Proactive approaches to cannabis-related odour and nuisance abatement are therefore preferable. For example, odour impact assessments and control plans might be included in requirements for rezoning applications or development approvals in circumstances where these are authorized and warranted.

Zoning setbacks, landscaping, buffer or similar requirements may be considered for certain types of facilities that are anticipated to cause odour or other nuisances. This is in addition to the basic locational criteria that have traditionally restricted problem activities to their own special zones.

Staff Consideration for a Nuisance By-law

Staff recommend against the policy formulation and the creation of nuisance by-laws to address odour and light abatement at this time for the following reasons:

Firstly, if the Normal Farm Practices Protection Board determines that the perceived nuisances stemming from Cannabis Production Facilities is considered

a normal farm practice, the City cannot pass a by-law to regulate their use. If the Superior Court determines that the use of a Nuisance By-law contradicts applicable legislation, there may be limitations in what type of enforcement the City can provide. The rulings regarding other municipalities' by-laws will provide more direction for Staff in this regard.

Secondly, through Staff's review, it is our opinion that a Nuisance By-law will not be effective in mitigating the perceived nuisances of Cannabis Production Facilities. With or without a device to measure odour, the provision of such monitoring and enforcement is subjective and proves challenging to lay a charge. Proactive approaches to perceived nuisances and nuisance abatement are therefore preferable. Utilizing tools such as Site Plan Control, studies and control plans at the development stage, air treatment technology, buffers, and zoning would be more effective in nuisance mitigation. It should be noted that Staff's proposal is not unlike what many other municipalities have recently been proposing regarding the perceived concerns around Cannabis Production Facilities. Further, very few Ontario municipalities have implemented Nuisance By-laws for this land use and of those reviewed by Staff, it can be evidenced that their applicability and effectiveness are unclear.

FINANCIAL CONSIDERATION:

There are no financial impacts associated with this report.

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

Staff are recommending a Zoning By-law Amendment to Zoning By-law 2017-117 to further amend the provisions for Medical Marijuana Facilities now referred to as Cannabis Production Facilities. Facilities will continue to be permitted in the permitted in both Agricultural and Industrial/Employment Zones. More specifically the Agricultural (A1), Rural Employment (RE), Light Industrial (L1), General Industrial (G1), and Gateway Economic (GEC) Zones with further provisions.

Also recommended is an amendment to Site Plan Control By-law 9973 to address Cannabis Production Facilities.

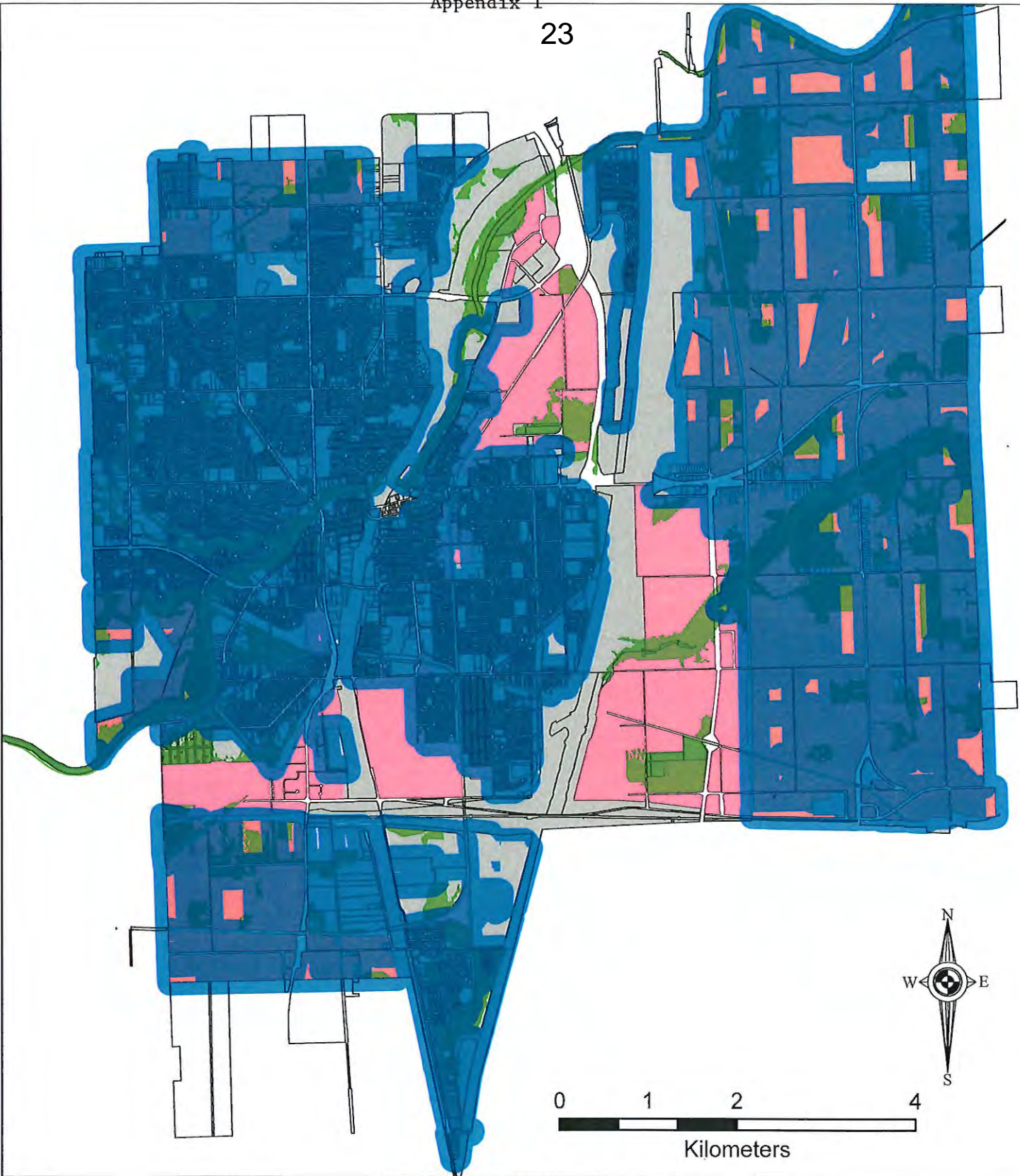
Staff are not recommending implementing a Nuisance By-law to address the perceived nuisances of Cannabis Production Facilities at this time.

Staff are of the opinion that the proposed Zoning By-law Amendment is appropriate for addressing concerns regarding cannabis within the City. The Zoning By-law Amendment meets Planning Act requirements and is consistent with the Provincial

Policy Statement, the Growth Plan, the Regional Official Plan and the City's Official Plan.

ATTACHMENTS:

- Appendix I - Regulation of Cannabis – Permitted Zones
- Appendix II - <40 Ha Agricultural Parcels Restriction
- Appendix III - Relevant Correspondence
- Appendix IV - Zoning By-law Amendment
- Appendix V - Site-Plan Control By-law Amendment

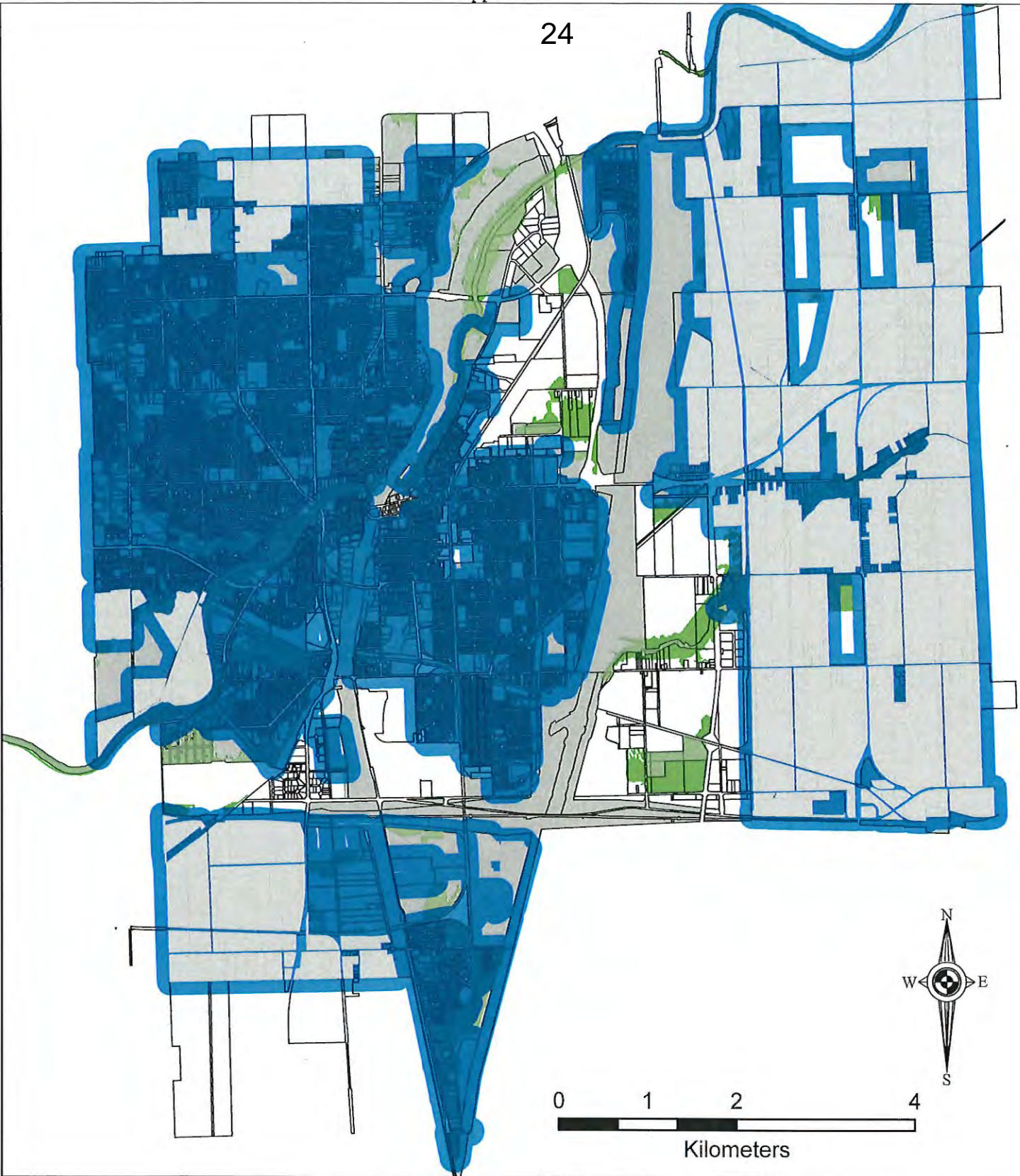


Regulation of Cannabis 150 Metre Buffer

-  150 Metre Cannabis Buffer
-  Core Natural Heritage
-  GEC, L1, G1
-  A1, RE
-  Property Parcels
-  Non Permitted Zones



Planning & Development Services
Planning Division



Regulation of Cannabis 150 Metre Buffer

-  150 Metre Cannabis Buffer
-  Core Natural Heritage
-  Property Parcels
-  Non Permitted Zones
(Including Agricultural and Rural Employment < 40 HA)



Planning & Development Services
Planning Division

Via E-mail Only

September 16, 2021

Files: D.18.11.ZA-21-0094

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

Dear Mr. Aiello:

**Re: Regional and Provincial Review Comments
Zoning By-Law Amendment (City File No. 2021-09)
Cannabis Production Facilities
City of Welland**

The City of Welland is proposing to amend Zoning By-law 2017-117 to further address Cannabis Production Facilities. The amendment would include updating the definition for Medical Marihuana Production Facilities to Cannabis Production Facilities and updating it to apply to all licensed facilities under the Cannabis Act and any type of use permitted to grow more than four cannabis plants. Indoor Cannabis Production Facilities would be permitted in both Agricultural and Industrial/Employment Zones. More specifically the Agricultural (A1), Rural Employment (RE), Light Industrial (L1), General Industrial (G1), and Gateway Economic (GEC) Zones. City staff is recommending a 150 metre separation distance from sensitive land uses.

The City is concurrently proposing to amend Site Plan Control By-law 9973 to address Cannabis Production Facilities to specify that the cannabis production land use including licensed facilities and designated medical growth, are not exempt from site plan control.

Regional staff offer the following information with respect to the City's proposed Cannabis Production Facilities regulations.

Provincial and Regional Policies

Provincial and Regional policies permit agricultural uses, agriculture-related uses and on-farm diversified uses within the Agricultural areas. The Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (GP), Greenbelt Plan (GP), and Niagara Region Official Plan (ROP) all consider the growing of crops as well as

associated on-farm buildings and structures to be an agricultural use, including value-retaining facilities. Provincial and Regional policies also permit value-added uses (i.e., agriculture-related uses and on-farm diversified uses) provided such uses are compatible with, and do not hinder, surrounding agricultural operations. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has published "Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas" (OMAFRA Guidelines) to assist in evaluating compatibility and appropriateness of agriculture-related uses and on-farm diversified uses in Prime Agricultural Areas.

Provincial and Regional policies also encourage municipalities to promote a mix of employment opportunities to provide for a competitive and diversified economic base within employment areas.

The Niagara Region Official Plan also sets out a number of objectives aimed at maintaining a sustainable agricultural industry. The plan notes that a wide range of crops are important in maintaining the agricultural industry's diversity. Objective 5.A.7 supports uses that enable farming and farmers to:

- a) Become more competitive, sustainable and environmentally friendly;
- b) Adapt to new and changing markets;
- c) Diversify into and take advantage of new agricultural opportunities;
- d) Improve the understanding of agriculture by the general public; and
- e) Broaden operations to diversify economic activity and add value to their primary products.

The proposed draft ZBA regulations set specific development criteria required for the development of Cannabis Production Facilities in Agricultural and Industrial/ Employment Zones. The draft by-law also proposes changes to the definitions with the addition of a definition "Cannabis Production Facility" and "Air Treatment Control System". The Region supports the addition of Cannabis Production Facilities as a permitted use within the A1 and RE Zone as Regional staff consider cannabis production an agricultural use under Provincial and Regional policies.

However, Regional staff notes that the clause restricting the cultivation to a wholly enclosed buildings and that they be equipped with air treatment control within the permitted zones may result in prohibiting outdoor cannabis cultivation (specifically the A1 and RE Zones). The Region would caution the City against creating policies that restrict and/or prohibit the types of crops that can be planted in the ground outside versus those that can be grown indoors. Both Regional Council and the Region's Agricultural Policy and Action Committee have been consistent with requests and comments to the Province that all commodity groups be treated equally. By creating

policy sets that identify individual crop types, there can be implications that result in disadvantages to growers and operators within the agricultural sector.

The Region supports the City's requirement for the use of site plan control to allow the City to address specific development criteria (such as lighting, odour impact analysis).

Conclusion

In the opinion of Regional Planning and Development Services staff, Provincial and Regional policies permit the growth and cultivation of cannabis as an agricultural use.

Should you have any questions concerning the above noted comments, please contact Pat Busnello, Manager, Development Planning at pat.busnello@niagararegion.ca.

Please send notice of Council's decision on this application.

Yours truly,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

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

Hello Nick, and Planning Staff,

As a member of the neighbourhood of Matthews Rd, you are probably aware of the stand that these residents took against the attempt of one of our own neighbours to build a Medical Marijuana Facility on our street. Overnight, we captured the attention of not only, our immediate neighbours and those living within a few kilometers, but even including Port Colborne and Niagara Falls residents. Attending and filling City Hall to capacity twice, we managed, with the city councillor's votes to bring about the interim control bans now in place.

While we understand there is a possible need for these MMFs, the issue has always been, where do we allow them to operate? If you research on Google, hundreds of complaints from home owners/townships/communities can easily be found in Canada and in the States. People who have been impacted by the assault of skunky smell DAILY because a Facility came to town. No one is happy. Their lives are changed forever, their homes devalued, if they even consider moving from the neighbourhoods they once loved and called home. This is the issue. Why are our community neighbours who pay their taxes and support this community, the ones to suffer DAILY?

In our case, being in a rural area, we are very near many Agricultural plots of land that could easily become Marijuana sites without proper planning by the city. Also, in our case we live close to a new food manufacture/packaging company. Although they are situated in an industrial zone, they were heard saying they would not want to be close to a MMF which could possibly contaminate the air they require to operate their food business. Is it possible these MMFs require their own specific zone? And if so, the placement would have to be away from residents and even commercial, industrial zones. MMFs are currently allowed in Agriculture zones, but MMFs are NOT your typical crop. They are massive greenhouse operations, with concrete floors, paved driveways and parking lots and secured by high metal fences. Do they really require land that should be used for food planting now, and for future generations? Yes, there are floral greenhouses that are large. Their issue is noise and traffic, probably during the day. MMFs are smelly, night and day, they light up our night skies, they need fans running constantly. MMFs need to neutralize the smell. What others chemicals are they using to do this, and will there be adverse effects from those chemicals?

Proper zone planning is key. Continuous, regular monitoring and inspections for compliance (air, safety, maintenance of equipment) are extremely necessary. Pelham has had its issues for years now, only recently hiring a company to monitor the smell using expensive equipment. Who pays for that? The residents? What a shame! Big business comes to town, makes our little communities stink and we suffer and have to pay for that.

Sincerely,

Karen Young

From: Theresa Ettore
Sent: May 18, 2021 9:33 AM
To: Gillian Bulbeck
Subject: RE: more concerns

Good morning Gillian and thank you for your email.

I am happy to pass your email onto Mayor Campion. If you wish to send him an email directly you can send it to mayor@welland.ca

Attached is the media release that was issued on May 5th re: **Seeking Public Engagement For Cannabis Production Land Use Review**. If you have any further questions or comments you can direct them to Nicolas Aiello, Policy Planner if you would like. Nicolas's email is nicolas.aiello@welland.ca

Kindest regards,



Theresa Ettore
 Executive Assistant to the Mayor
 Office of the Mayor
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2101 **Fax:** (905)735-1543
www.welland.ca



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From: Gillian Bulbeck <gillian.bulbeck@welland.ca>
Sent: May 17, 2021 6:17 PM
To: Theresa Ettore <theresa.ettore@welland.ca>
Subject: more concerns

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!

Ms. Ettore,

Since I do not have any email address for the mayor, I am sending this to you since you seem to be the one who has to respond to his emails. My manager informed me last week that the city of Welland wants it's residents feedback on a grow op facility being built in Welland. She receives news updates from 610 and saw this article. I am curious to know when you will be contacting ALL the residents of this city to get their feedback. I do not get the paper, I do not listen to the news and I don't do social media, so when was

I going to hear about this? Is this another tactic to keep the residents in the dark? The same way you still allow weed shops to pop up everywhere? Oh, in regards to those places, maybe you can enlighten me as to why they all have dark windows so you can't see inside them. That in itself a huge red flag as far as I'm concerned! And the one that's opening on South Pelham? TOKE????? I do hope you have young children or grandchildren that will ask you what that means.

Back to the "facility" the city plans on allowing here. I am 100% against it, as I am sure you know at this point. Have you not learned anything from Pelham? Are you hoping that everyone will just give in and say, oh well, it's just the way the world is going? Has the city of Welland town council ever thought of being different to everyone else and say NO to yet another facility? I guess the city has joined the tolerance bandwagon. Have you ever stopped to think that this would have been considered atrocious and unthinkable just 20 to 30 years ago?

I am pretty sure the city is going ahead regardless of what people say about it. If there is one thing I have learned over the years is that anyone in "power" lies and does not care about what the people who pay the taxes think. Even if 98% of the residents said no to this, the city would still do it because it's all about money. The almighty dollar.

Regardless of what I may think, I am sure there are many other people who want to know about this. When we get a rate increase with hydro, gas or cable TV, we get a notification that this will happen as they are responsible companies. Is the city planning on putting a notification in everyone's mailbox? I certainly hope people are going to know about this.

As I have said before, I am tired of paying taxes to city that really does not care about me or my health. Just a few years ago I could go for a walk and actually breathe in fresh air. FRESH AIR. That is what we should all be entitled to breathe in. Now I cannot go for a walk without smelling that stench everywhere I go. And you want to put a facility here? Have you ever driven down Foss Road or Highway 20?

Please forward this on to Frank Campion. I actually voted for him thinking he might change this city for the good but I am sad to say I am disappointed in how this city is turning out.

Regards,

Gillian Bulbeck-a Welland taxpayer

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December 15, 2020

Letter to City Council at the City of Welland

City Councillors
60 East Main Street
Welland, ON, L3B3X4
council@welland.ca

Dear Councillors of the City of Welland,

My name is Eleanor Pineau, and I am the COO of the company, U Cann Grow Inc – a construction, consulting, and operational management firm for the cannabis industry.

I would like to take this time to briefly comment on the upcoming vote on the Interim Control By-law (ICB) 2019-162 regarding Medical Marihuana Facilities, on December 15th, 2020.

I understand that it has been recommended by staff to extend this ICB for an additional year to allow for further research on the impacts of this industry operating in the City of Welland.

In our experience, there is a lot of misinformation/misunderstanding around the various cannabis licenses available from the Federal government. As an example, I wanted to bring to your attention that the current federal regulations regulating the commercial cannabis industry are the **Cannabis Regulations (2018)** and not the **Medical Marihuana Purposes Regulations (MMPRs)** as indicated in the Council Meeting Agenda. There are great and important distinctions between the two. In fact, the MMPR regulations were released in 2013 and replaced by the Access to Cannabis for Medical Purposes Regulations (ACMPR) license in 2016. These licenses, as indicated in their title, are used exclusively for personal, medical use - not commercial. Unfortunately, these licenses are the ones generally responsible for the concerns raised by the public - odour and light pollution.

We feel it is important to maintain this distinction between ACMPR licenses and commercial cannabis licenses under the Cannabis Regulations.

Where there are no regulations pertaining to light and odour emissions, security concerns, and sanitation under the ACMPR licenses, there are extensive standards for these under the Cannabis Regulations. These regulations are designed to protect the immediate community.

For example, we use carbon air filtration systems in each of our grow rooms. These systems continually scrub the air of odourous particles. Each room is also sealed to limit air exchange both within the facility, but also any exhaust. All exhaust fans have custom-made filters to add another layer of air purification before the air leaves the building. Furthermore, the ambient facility air is constantly scrubbed using carbon air filters. We have chosen to use these carbon air filtration systems because they are the same that have been used for decades on the illicit market, where secrecy was of utmost importance. As such, the logic that 1 out of 3 people in Canada grow cannabis in their basement but their neighbours have had no idea, provides evidence of the system's efficiency.

December 15, 2020

Lastly, and what should really be the first point, is that we design, build, and operate all cannabis operations enclosed in industrial buildings. This immediately solves any concerns of light pollution, and greatly facilitates implementing odour mitigation and security systems.

At U Cann Grow, we focus on the commercial licenses issued under the Cannabis Regulations and therefore adhere to these light, odour, security, and sanitation standards. We are confident that we can support the cannabis industry in the City of Welland while working harmoniously with all stakeholders.

In fact, we'd like to invite some City Representatives to our sites in St Catharines. This will allow for a visual demonstration as to how these systems work, and how we've mitigated public concern.

Please also note, that at the recommendation from Staff at the City of St Catharines, we will be organizing a not-for-profit association called the Niagara Region Cannabis Association (possibly as an extension of the Niagara Industrial Association – NIA). The purpose here is to work synergistically with all industry stakeholders to create a thriving cannabis industry.

Please feel free to email me at eleanor@ucg-fl.ca or call at (905) 646-2000 if you have any questions or comments.

Have a FINE day,



Eleanor Pineau
COO
U Cann Grow Inc.
eleanor@ucg-fl.ca
(905) 646-2000
www.ucanngrow-fl.ca



June 3, 2021

Municipal Zoning for Cannabis

We understand that Welland is currently in the process of forming their zoning by-laws in regard to commercial cannabis operations. As such, we at U Cann Grow, wanted to provide some industry-specific knowledge around the subject that we believe will provide great support to the formation of these bylaws.

I'd first like to introduce ourselves: we are U Cann Grow – a company specializing in the design, build, licensing, and operation of **indoor cannabis micro-cultivation** facilities. We have built and licensed multiple facilities and have worked alongside numerous municipalities. We operate across Ontario, working with many different municipalities and their respective by-laws as well as land authorities such as those that govern the environment and conservation. Our team of architects and engineers work at the forefront of new government-mandated HVAC requirements, allowing us to design and build nuisance-free facilities. That means we have systems in place that mitigate the risk of odour, light and noise pollution that are common in the cannabis industry. Part of the reason why we're able to build and operate nuisance-free cannabis facilities is because we work exclusively with INDOOR facilities rather than outdoor farming or greenhouses.

I want to distinguish between the currently available cannabis licenses from Health Canada.

	Micro Cultivation and Processing	Standard Cultivation and Processing	ACMPR (Access to Cannabis for Medical Purposes Regulations)
Commercial or Personal	Commercial	Commercial	Personal*
Canopy limit	2,152sf for cultivation and 600kg for processing. Micro facilities are generally under 8,000sf.	No limits. Example: Canopy Growth in NOTL is 1 million square feet of greenhouse	Limit is on the license – based on medical need
Indoor/outdoor	Both	Both	Both
Security requirements	Medium – Part 4 of CR	High – Part 4 of CR	None
Odour pollution	Section 85 of CR	Section 85 of CR	None
Light pollution	None	None	None

*ACMPR licenses are for personal medical use – restricting/regulating these is against Charter Rights.

We understand that the majority of concerns from the public stem from odour and light issues. I want to stress that the ability to mitigate odour and light pollution in outdoor cultivations (including greenhouses), is incredibly difficult. However, in indoor operations, the solutions are much simpler and effective. And in Micro indoor facilities, it is even more effective.

U Cann Grow strictly focuses on indoor cultivation. This way, we are able to mitigate odour and light concerns.

June 3, 2021

Other notable concerns raised by the public generally include security, traffic, and noise pollution. I've outlined each of these common public concerns below, and how operating in indoor, micro facilities mitigates each concern.

Odour	<p>We have developed a system with multiple redundancies to clean the air of odorous molecules. First, we use carbon air filters that scrub the air of odours directly inside each grow room. These rooms are sealed to prevent the escape of odours. Any air transfer from inside the room to the ambient facility will occur only when a door is opened to the grow room. When this happens, a small flow of air will move into the ambient facility where we have additional carbon air filters scrubbing the air clean. On the building exhaust, we install custom and carbon air filters to further cleanse the air of any particulates and odours that would cause a nuisance to neighbours. As you can visualize, our systems have 3 layers of redundancy to mitigate any risk of odour escaping the facility and causing a nuisance to neighbours.</p> <p>We have operating facilities that prove this model functions.</p> <p>It's important to remember that Micro facilities are very small (limited to 2,152sf of canopy space). This means that the density of odour molecules is far less than those experienced from Standard operations.</p>
Light	<p>Light pollution is never a problem in our projects because we grow entirely indoors. Both for security reasons and light pollution reasons, there are no windows where cannabis is present. Furthermore, no greenhouses are used. In sum, there is never any light pollution coming from indoor cannabis facilities.</p>
Security	<p>Health Canada regulates security requirements for micro-cultivation facilities. We secure our sites with an alarm and CCTV system, including door contacts, motion sensors, and glass breaks if necessary. The buildings are constructed of durable materials able to withstand unauthorized entry and this too is described to Health Canada during the license application process.</p>
Traffic	<p>As Micro operations are quite small, there will not be increases in traffic to whichever property is in question. The shipments coming to the property, generally only for nutrients and grow medium, would arrive on a maximum frequency of once per month, but more realistically it would be every 4-6 months. The trucks used for these deliveries are generally regular mail shipping vehicles, but there are times where a 40' trailer is used for skids of grow medium, as an example. Shipments leaving the facility would also be completed on a monthly basis, utilizing a vehicle no larger than that of a Purolator truck.</p> <p>In comparison to the Standard cannabis operators, like Canopy and Aurora, their shipments occur every day or every other day, all with large 40' to 53' trucks.</p> <p>In terms of public traffic, it is only once a farmgate retail license is obtained through the province that there would be any increase in public traffic to the area.</p>

June 3, 2021

Noise	In cultivation, we do not use any large machinery that create a lot of noise, so like the light concern, noise is not a concern in our operations. This could be a concern if you're looking at a large Standard Processor that processes huge quantities of cannabis using vats like they do in the alcohol industry.
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Other information

Structure designation	A2 – we do not use chemicals like what is encompassed in the F designations.
Waste	How we deal with cannabis waste is regulated by Health Canada under the Cannabis Regulations. There is no toxic waste generated.

If you have any questions or comments, we would appreciate opening a more fluid dialogue around how to best regulate the cannabis industry on a municipal level. You can contact email us at contact@ucg-fl.ca or call us at (905) 646-2000.

Have a FINE day,

Eleanor Pineau
COO

Nicolas Aiello

From:
Sent: June 4, 2021 8:38 AM
To: Nicolas Aiello
Subject: Re: June 3 Cannabis meeting

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Good morning Nicolas, thanks for the opportunity to take part in yesterday's virtual meeting. I don't envy your or Rachael's task as it seems to me that other levels of government are restricting just what the City can do.

If I may, I would like to express a major concern that I have which relates to the noxious emissions and current best practices. As you know, Pelham has what appear to be fairly good bylaws to control odors released into the air. However, these do not seem to be working. In the case of Redican, they appear to have installed all of the required filtration systems, yet they constantly release noxious odors into the air. I have notified Pelham bylaws officers and the Mayor of this, yet as of now nothing has reduced the emissions which assault us almost daily. Perhaps one solution for Welland may be to require cannabis producers operating under City jurisdiction to install air monitoring equipment at their location which can alert the City to any out of range emissions and thereby allow the City to require immediate compliance.

Finally, if possible could I be informed of any future meetings. Thank you for your time and effort.

Ray Parry

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Nicolas Aiello

From: James Tupmar
Sent: June 3, 2021 5:39 PM
To: Nicolas Aiello
Subject: Comments to the Cannabis Production Land Use Review and Policy Formulation Meeting

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Hello:

My name is Jim Tupman and I live at 344 Hillsdale Rd in Welland. I'm a relative newcomer to this city, having lived the previous 42 years in Niagara- on-the-Lake.

I tell people that I "escaped" from NOTL, only semi-humorously, because my wife and I really did feel that we were driven out of the town, our once happy life there having been destroyed by the advent of a new industry, and the serious errors made by the town council, when dollar signs crowded out their common sense.

Since our arrival here, we have been delighting in a variety of aspects of Welland, of which we knew little. I cite, for example, the sights and smells of the large Farmer's Market, recalling memories of the one which once lay at the centre of Kitchener as I was growing up there.

More, we have enjoyed the parks: Chippawa park near our home and Lovely Merritt Island. We have ridden our bicycles along the pretty parkland trails beside the Old Welland Canal from Townline Road to the northern tip of Merritt Island, marveling all the while at the vision and courage of those who fought to retain the old canal, when the Ontario Dept of Highways wanted to drain the canal and build Highway 406 down its former course.

Some of these decisions must have been very difficult with the financial loss created by the closure of major industries such as Atlas Steel and John Deere. One can certainly understand the financial appeal of welcoming the marijuana farming industry.

This thought brings us to the one shocking drawback which we discovered in Welland: the abysmal stench emanating from a cannabis production facility on Foss Road. We can seldom drive into Fonthill to visit our granddaughters without being assailed by this horrible skunk-like odour. We have noticed it as far east as Rice Road, and occasionally even in our own backyard, a few kilometers to the southeast.

That's one grow-op, and now there are proposals for more!

In NOTL , a beautiful organic community set within miles of orchards, someone decided to try planting a vineyard. Within less than 50 years, almost all orchards disappeared and wineries sprang up like mushrooms. Vineyards brought the need for wind machines on frosty nights (essentially the roar of helicopters outside one's windows) and propane powered cannons in the daytime to scare away the birds. The wineries, in turn, vying for business, set up outdoor concert venues with highly amplified sound echoing through the residential streets. All this brought in a plethora of tawdry shops and hordes of tourists, until the roads into this emporium were plugged.

One industry did this damage. I don't want to see a similar cataclysm here in Welland. Right now, city fathers rejoice in projections of rapid growth in population, with the new housing and tax income which will result. The present rapid rise in real estate values, can and will reverse itself if the city becomes unbearable due to the stench of cannabis production.

Welland has come too far in overcoming the damage of the old industries and remaking itself into a lovely community of parks and waterways to throw away this progress on the promise of tax income from cannabis growing. Despite some promises of stifling the stench, note that nobody has discovered a method—it may well be impossible.

Unlike the avaricious NOTL council, please be proactive in putting Welland and its residents first. Ban the pot farms and save the community.

Your children will thank you.

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Date: September 22, 2021

Report on Municipal Zoning for Cannabis

I want to start off by acknowledging the real concerns brought forth by citizens, industry partners, government, law enforcement, and all other stakeholders. For example, odour emissions are disruptive, just as mushroom farm odours are disruptive to those around them. And light pollution injures all living beings, like plants, birds, and other animals, not just humans.

These are valid concerns and U Cann Grow has stepped up to the challenge to solve these problems, and that's why I'm sending this report to you today. Our goal is to be a community partner both through the re-education of stakeholders regarding cannabis and its impacts, and through actual operations of facilities, providing proof of concept and community integration.

Below, I go through the most common concerns brought forth by stakeholders, and discuss each point through the lens of INDOOR cultivation (in **industrial zones**, not agricultural/rural):

1. **Odour:** Odour is the most common concern. Firstly, I must describe the plant lifecycle, so you have an understanding as to when odour is produced by cannabis plants. Just like roses or lilacs, cannabis only smells when the flower opens. This means that as a seedling and vegetative plant, cannabis does not produce odour. Therefore, cannabis businesses operating as a Nursery, would not produce odour. In a cultivation site, where cannabis is being grown for the flower, odour will be produced. Odour is produced in the last few weeks of the flowering cycle (flowering cycle spans 8-12 weeks; at the earliest, odour is produced at week 4. However, the odour production may not be significant.) and continues to emit odour molecules once dried.
 - In the case of cannabis flower cultivation, there are many systems that can be put in place to prevent the escape of odours to the outside, each with redundancies.
 - i. For example, carbon air filters scrub the air directly inside each Flowering grow room. These rooms are also sealed to prevent the escape of odours. Any air transfer from inside the room to the ambient facility would occur only when a door is opened to the Flowering room. When this happens, a small flow of air will move into the ambient facility where additional carbon air filters scrub the air clean. On the building exhaust, carbon air filters are installed to further cleanse the air of any odours that would cause a nuisance to neighbours. Our engineer has also developed closed-HVAC systems where the air from the Flowering rooms never exchanges with ambient facility air or outdoor air. Instead, the air is constantly recirculated and cleaned through in-HVAC filtration. Our systems have successfully mitigated any risk of odour escaping the industrial facility and causing a nuisance to neighbours and complies with section 85 of the Cannabis Regulations.
 - ii. One of our facilities in St Catharines abuts residential zones and there have been no complaints of odour. We have had government officials inspect the premises during a cultivation cycle, and have received no corrective action.
 - Because cannabis is a new industry, no buildings exist that already comply with section 85 of the CR. As such, renovations will need to be made to existing buildings intended to be used for cannabis flower cultivation. As a result, through the use of building permits and site plan control, as recommended by staff, the municipality can ensure that stamped engineered drawings are used to perform any renovations, and therefore would comply with section 85.
2. **Separation Distances:** it is true that 150m separation distance is the most common distance used by other municipalities. However, there is very little justification for this setback compared to any other separation

Date: September 22, 2021

distance. It is often claimed that the setback will aid in odour mitigation, however, we all know that this won't impact odour mitigation in the slightest. We've all driven down the QEW or have sat in Pelham and smell cannabis odour coming from the large cannabis facilities kilometers away. Another example is that I lived about 4km – as the bird flies – from a mushroom farm, and if the wind was blowing right, I could smell it. Whether the smell was offensive or not is besides the point. What will mitigate odour issues is air filtration and ventilation technology, not setbacks.

- With this, a 150m setback in industrial zones in Welland, provides little property that would be suitable for a cannabis business. Instead, business owners will have to setup on Agricultural land where odour control is incredibly difficult. We advise that the setback distance for industrial zones remain unchanged from 70m so as to encourage cannabis business setup here, rather than in agricultural zones. Industrial zones also have no light pollution (discussed later).
 - Lastly, it is understood that under the D6 guidelines, a 150m setback is recommended for truck noises, indoor production noises, and worker shifts. It is advisable to consider the size of the cannabis operation when considering these D6 points. **Micro** cannabis facilities are very quiet and have very little traffic, whereas **Standard** cannabis facilities have much more and may warrant this 150m setback.
3. **Light Pollution:** operating in an industrial building would prevent the escape of light because as per Health Canada's regulations, having windows into the facility (other than the front entry way or non-production areas), would go against the security requirements. For outdoor cultivation, I recommend requiring black-out curtains, and I would require this for all agricultural operations, not just cannabis, but that's a different discussion.
 4. **Crime & Enforcement:** As part of the license application to Health Canada, it is required to inform the police of the applicants' intent to operate a federally licensed cannabis business. We greatly appreciate this because if ever we need support, our local law enforcement is already aware of our operations and what kind of perpetrators may be on scene. Crime is much easier to control with legal facilities as opposed to illegal.
 5. **Property Value:** although there is no specific data that speaks to the influence of a cannabis company being in proximity to residences or other zones and its effect on property value, we believe, that like having an LCBO, Walmart, or Tim Hortons close to housing, cannabis business will also increase surrounding housing values. Of course, this is contingent on limiting potential negative impacts of the business – but as I'm outlining here, all concerns either don't actually exist or can be remedied through indoor, industrial cannabis operations.
 6. **Traffic Impacts:** Micro Cannabis and Nurseries will generally have small, infrequent shipments/deliveries (about once every week or 2) from SUV-sized vehicles, up to a 20' truck. A Standard Cultivator, like Canopy or Aurora, will have much more frequent shipments/deliveries. If a cannabis business gets a farmgate retail license approved by the province, then traffic would increase because now you'll have the public coming to purchase product directly from the site, just like NOTL fruit stands and wineries.
 7. **Environmental Impacts:** It's true that there is no evidence that cannabis causes any more environmental impacts than any other crop. Further to this, in indoor agriculture, the use of water, fertilizers, and pesticides is reduced by 90% compared to outdoor or greenhouse agriculture. This is because water recatchment systems can be used as opposed to letting the inputs drain into the ground or evaporate into the atmosphere. Therefore, this style of agriculture – that's indoors – would actually reduce the environmental impact compared to typical agricultural practices.

Date: September 22, 2021

Conclusion

In conclusion, I'd like to present some zoning by-law recommendations to you, as an industry member.

Currently, municipalities have not yet taken into consideration the different sectors within the cannabis industry.

These are relatively new, since 2018, with the establishment of new licenses from the sole Medical License.

Nurseries are different from Cultivation sites, Processing is different from Cultivation, and Micro is different from Standard. In order to implement a comprehensive zoning by-law, we need to address each type of federal license.

My recommendations in terms of zoning amendments are as follows:

- For indoor agriculture: As part of site plan control, I would specifically request Engineered drawings with engineer's stamp that states cannabis odour will not escape the building to disrupt surrounding community members.
 - For a nursery, this should not be required because nurseries do not produce cannabis odour. Recall that odour is only emitted by cannabis plants during the flowering phase – nurseries do not produce flowering plants.
- Industrial zone setbacks should be 70m to sensitive land use.
- Light impact studies should not be required for indoor operations since there would never be any agricultural light escaping the building. However, for outdoor cultivation, blackout curtains should be mandated.
- Environmental studies should not be a requirement under site plan control for Nursery or Cultivators but may be important for Processors.

Make **industrial zones** for cannabis production more appealing than agricultural zones since stakeholder concerns can be fully addressed with **indoor** cannabis business.

Lastly, I want to leave on this note: we must be careful in regulating the cannabis industry too much because, if there's no place to go, they'll stay where they are. What I mean can be exemplified by what happened in Lincoln: the Town of Lincoln set new zoning bylaws that allow for cannabis, but then when you read them, there actually isn't any property within the municipal boundaries that would comply with the new bylaws. Specifically, this came from the setback requirements. I find that many people want to come over to the legal market from the illicit market, but if the laws outright prevent them, then they will continue operating illegally, and we know how difficult it is to regulate and police them.

I would like to leave off by inviting you to one or two of our cannabis cultivation facilities for a tour.

Thank you very much for your consideration.

Have a FINE day,

Eleanor Pineau
COO and Director of U Cann Grow and FINE Cannabis
eleanor@ucg-fl.ca

Concerned Residents of Welland
Welland, ON L0S 1K0

Thursday, September 9, 2021

Nicolas Aiello - City Planner, Tara Stephens - City Clerk
City of Welland, Civic Square, 60 East Main Street
Welland, ON L3B 3X4
nicolas.aiello@welland.ca
clerk@welland.ca

Dear Mr. Aiello & Ms. Stephens,

Please accept the following letter as our written submission regarding the proposed changes to Zoning By-law 2017-117 and our request to participate in the statutory public hearing to be held by council on September 21, 2017.

We represent the group of Welland residents who presented to council in December 2019 regarding the numerous issues related to cannabis facilities. We stressed at the time that the issues around cannabis were complex and that it was critical that Welland take the time to develop thorough and effective regulations. While the development on Matthews Road that was our immediate focus at the time is no longer under active consideration, the group remains very concerned with the devastating impacts that improperly regulated cannabis developments can have on communities like ours across Welland. We appreciate the time you have taken to prepare the draft recommendations and would like to provide the following comments and suggestions which include suggestions on the overall approach

Community Engagement

We appreciate the efforts by the City and commend staff for the work they have done in developing the proposed regulations. While we want the focus of our comments to be constructive suggestions regarding the proposals, we feel compelled to express concerns about the ineffectiveness of the community engagement process. Considering this issue twice overflowed council chambers as well as a public community meeting called on 24 hours' notice, the limited responses that were received should raise questions about the effectiveness of the engagement process the city is using. We stress that concern within the community has *not* diminished despite the nearly two-year delay since numerous citizens presented and communicated with the city and councilors regarding the importance of this issue. In spite of repeated follow-up inquiries made regarding the status of the cannabis issue and offers to actively participate, no direct outreach to any of these residents has been made by the City. The engagement process appears to depend heavily on the city's "Your Channel" site which few residents are aware of, and which is not very evident on the City's website. There is nothing on the City's homepage advertising the process and even a key word search of the City's website for "cannabis" returns only a couple of media release notices which do not reference the "Your Channel" site. While there is a link to "Your Channel" on the City's homepage, there is nothing to explain what "Your Channel" is or any reference to the City's efforts on the Cannabis issue or the request for community

input. Further indication was the extremely limited attendance at the June virtual public meeting. While many residents were simply unaware of the meeting, there were also problems getting admitted to the meeting. We waited for over 30 minutes to be “admitted” to the meeting before finally being admitted. We acknowledge and appreciate that staff took the time to repeat their presentation entirely for us and hear our concerns and comments but wonder how many other residents could not access the meeting or simply gave up and left before being admitted. By contrast, other municipalities highlight the issue directly on their website and have proactively, rather than passively, engaged with residents and some, like Pelham, formed advisory committees to actively involve residents and benefit from the wealth of knowledge they possess. We recommend the City highlight the issue directly on the City’s website with direct links to the information and making it clear they are seeking input. We also recommend the City more actively seek community engagement including following up with direct communication with those residents that have communicated with council or the city on the issue and by asking local news organizations to publish stories detailing the City’s efforts and the request for community input.

We also recommend, as we suggested to staff at the June public meeting, that the City engage with the Niagara Regional Police (NRP) to learn what problems they have been experiencing with Cannabis facilities. We have spoken directly with the lead NRP officer who coordinates with the OPP and RCMP on cannabis. They have experienced a dramatic increase in problems related to cannabis facilities. Like many municipalities and residents, they are very frustrated by the lack of enforcement by Health Canada and other federal and provincial agencies and the lack of effective regulations they can use to address the problem. We have been told of many problems with illegal activity hiding behind licensed sites. With Health Canada refusing to enforce compliance or delegate enforcement, police are often left with limited authority to act unless they can catch illegal shipments in transit. The NRP staff indicated an eagerness to work with municipalities and, while municipalities can hardly make up for all failures at the federal and provincial level, we believe that staff and Council can only benefit by hearing first-hand what issues the NRP has been dealing with as the City seeks to develop effective regulations.

Key Principals

Critical lessons learned from the experience of other municipalities include:

1. The existence of federal regulations (including requirement for air filtration) has been completely ineffective and municipalities should not rely on them.
2. Zoning regulations and site control are critical but only one component of an effective framework and must be accompanied by effective nuisance and odor bylaws.
3. Regulations that lack effective measures with meaningful penalties to ensure compliance will be ineffective and leave municipalities and residents frustrated.

We strongly recommend that Welland develop a nuisance and odor bylaw to address the most critical problems with developments that create such negative impact on the community. These regulations must include serious penalties to ensure compliance. The experience of other communities shows that while facilities may show great control measures on paper during development, once they are operating it is very difficult to address problems when those controls are not implemented or are ineffective.

Proposed Zoning Amendments

We agree with the majority of staff's recommendations regarding the zoning and site control but offer the following comments and recommendations.

Site Control

We believe strongly that all cannabis developments should be subject to a site control process to allow site and development specific issues to be addressed on a case-by-case basis. Considering the wide impact that cannabis developments have had, we recommend that all residents and property owners within 5km of such developments are notified of the proposed development and provided and opportunity to comment during the site control process. Finally, any site control agreement should provide the city with meaningful remedies for non-compliance including significant economic penalties. We suggest the City obtain security deposits for developments that could be released once a development demonstrates light and odour controls are operational and effective. We also recommend that, in addition to the light impact from growing operations, the impact of street lighting be considered. The Matthews Rd development proposed adding 8 streetlights to a quiet rural street lined with residents who value being able to observe the night sky. The issue of light pollution is a growing concern both across Canada and globally with various dark skies initiatives and Welland should be a leader in protecting its rural residential settings.

Minimum Setback & Planting

We agree with the recommendation for 150m setbacks but recommend they apply to all properties not in industrial zones and at the this setback is not limited to sensitive land uses. Absent this, the regulation would effectively limit what a rural landowner can do on his lot in the future (i.e. build a home on the portion of his property adjacent to such a development). We also believe the 3 metre planting strip stipulation should include minimum height requirements.

Existing Lot of Record Loophole

When considering the proposed Matthews Rd cannabis development in 2019, Welland planning staff were of the opinion that, as an existing lot of record, the site was exempt from the frontage and lot coverage requirements in the existing zoning by-law. While we strongly disagreed with staff's opinion and provided legal opinions to the contrary, we believe it is important that council now eliminate this potential loophole. While it makes sense to exempt existing uses on existing lots of record, it seems illogical to pass such critical regulations but not apply them to new uses or developments on an existing lot of record. This would not preclude a landowner applying for a zoning amendment if they felt this unduly restricted an existing lot, but exempting existing lots completely from critical requirements eviscerates the regulations. In the case of the Matthews Rd proposal, staff's interpretation was that the development was exempt from the requirement and so was set to be approved by staff with no review by council in spite of the fact the site was no where close to the site coverage requirements council placed in the current zoning bylaw. It is critical that council eliminate this possibility.

Conclusion

Again, we would like to acknowledge and commend the efforts of staff to develop these important regulations and hope that you find our comments and recommendations helpful.

Sincerely,

Concerned Residents of Matthews Rd

Lori & Fred May, Matthews Rd, Welland

Karen & Bob Young Matthews Rd, Welland

Kim Laraby & Tim Hall, Matthews Rd, Welland

Alison & Chris Wills, Matthews Rd, Welland

Holly & Simon Kock, Matthews Rd, Welland

cc: Mayor Frank Campion, Councillor Brian Green, Councillor Tony DiMarco, Councillor Graham Speck

From:
To: [Nicolas Aiello](#)
Subject: Re: Report P&B-2021-43: Regulation of Cannabis Production Facilities - August 10, 2021 Welland Council Meeting
Date: August 7, 2021 1:00:17 PM

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Hi Nicolas, thank you for sending me this. After reading through the Report I was really impressed with the obvious amount of work and thought that has gone into it. Overall I cannot disagree with the findings and recommendations. While I understand the reasoning, the one area which really concerned me relates to setbacks of 150 and 70 meters. These are simply not enough. We live approximately one kilometre from the Redcan operation and at times we and our neighbours lives are an absolute misery due to the noxious emissions. I would urge Staff and Council to look for any way that they can to increase setbacks in order to avoid ruining Welland residents wellbeing and peaceful enjoyment of our City.

Sincerely

Ray Parry

On 2021-08-06 4:22 pm, Nicolas Aiello wrote:

Good Afternoon,

Please be advised that Staff Report P&B-2021-43 regarding the Regulation of the Cannabis Production Land Use in Welland will be presented to Welland City Council on Tuesday August 10, 2021.

To view the report, please see the below Council Agenda link and refer to Pages 213-238.
<https://www.welland.ca/Council/c2021/SCA20210810.pdf>

If you have any questions, please do not hesitate to contact me.

Kind regards,



Nicolas Aiello
 Policy Planner
 Development and Building Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2132 **Fax:** (905)735-8772
www.welland.ca



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Nicolas Aiello

From: Aleksandar Dimitrijevic
Sent: November 2, 2021 2:26 PM
To: Nicolas Aiello
Subject: Written submissions for Council re Proposed Bylaw for Cannabis Production Facilities

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Good afternoon Nicholas,

I would like to make written submissions to the City of Welland Council regarding the proposed zoning bylaw amendment for cannabis production facilities.

I attended the public meeting on September 21 2021. I would like to bring the following item the attention of Council: pre-existing (legal nonconforming) properties have not been specifically addressed by the proposed zoning bylaw amendment. These properties would include facilities licensed by Health Canada under the former ACMPR regulations and the current Cannabis Regulations. Based on our conversation, you advised that if a legal nonconforming property wanted to expand their existing facility, they would be subject to the new zoning bylaw if that expansion resulted in a 25%+ increase in size. Certain legal nonconforming properties may not be able to expand under the new zoning bylaw. This would unfairly disadvantage and limit the potential growth of these properties. Licences from Health Canada are site specific- meaning you cannot simply transfer a licence from one address to another. Furthermore, given the amount of time and financial capital required to establish a cannabis production facility (in addition to the steep increase in real estate values over the last several years), it would not be feasible or economically viable to find another property. Legal nonconforming properties should be able to expand under the former bylaw and not be capped at 25%.

Sincerely,

Aleksandar Dimitrijevic

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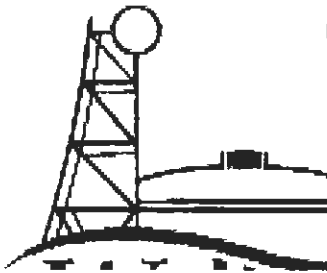
Nicolas Aiello

From: Tara Stephens
Sent: November 2, 2021 5:55 PM
To: Grant Munday; Nicolas Aiello
Cc: CLT
Subject: FW: Urgent: Comments on Welland Cannabis Zoning Amendment

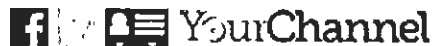
Importance: High

Hi Grant and Nick:

Please see email below.



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



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From: Tom May
Sent: November 2, 2021 5:54 PM
To: Tom May <tnmay61@hotmail.com>; mayor <mayor@welland.ca>; Councillor Tony DiMarco (Home) <tyker39@cogeco.ca>; Councillor Bryan Green <bryan.green@welland.ca>; Councillor Graham Speck <graham.speck@welland.ca>; Councillor Adam Moote <adam.moote@welland.ca>; Councillor Mary Ann Grimaldi <maryann.grimaldi@welland.ca>; Councillor David McLeod <david.mcleod@welland.ca>; Councillor Leo Van Vliet <leo.vanvliet@welland.ca>; Councillor John Chiocchio <john.chiocchio@welland.ca>; Councillor John Mastroianni <john.mastroianni@welland.ca>; Councillor Tony DiMarco <tony.dimarco@welland.ca>; Councillor Claudette Richard <claudette.richard@welland.ca>; Councillor Bonnie Fokkens <bonnie.fokkens@welland.ca>; Councillor Jim Larouche <jim.larouche@welland.ca>; clerk <clerk@welland.ca>
Cc: May Fred; Laraby Kim; Wills Chris
 Kock Holly; Young Karen
Subject: RE: Urgent: Comments on Welland Cannabis Zoning Amendment
Importance: High

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Dear Mayor Campion,

It has just come to our attention that the actual zoning bylaw and site control bylaw amendments are being voted on tonight and yet have not been made public or been provided to council. We had assumed, apparently incorrectly, that since the actual by-laws have not been made public that council would only be voting on the final report from staff. While the staff report describing what the by-laws are supposed to contain has been made public, it is preposterous that the actual by-laws have not been made public. Even a quick review of the Ontario Government's website make clear that "Before council passes a zoning bylaw, it must first give as much information as possible to the public." How can Welland possibly maintain that they are meeting this standard when the actual bylaw is not provided to the public or even to council prior to the vote. How can anyone suggest revisions when the actual by-law is not even made public. This makes one wonder what exactly the city is afraid of. Further, it opens the city up to legitimate appeals and challenges. Staff have ignored the concerns raised during the public process and have not provided the public any opportunity to review or comment on the actual by-laws or even provided them to council members prior to them being voted on. We strongly request that any vote on the proposed zoning and site control bylaws be deferred until the actual by-laws being passed are made public.

Tom May on behalf of the Concerned Residents of Matthews Road.

From: Tom May

Sent: November 2, 2021 2:19 PM

To: Frank Campion <mayor@welland.ca>; TONY DIMARCO <tyker39@cogeco.ca>; Bryan Green <bryan.green@welland.ca>; Graham Speck <graham.speck@welland.ca>; adam.moote@welland.ca; maryann.grimaldi@welland.ca; david.mcleod@welland.ca; Councillor Leo Van Vliet <leo.vanvliet@welland.ca>; john.chiocchio@welland.ca; John.Mastroianni@welland.ca; Councillor Tony DiMarco <tony.dimarco@welland.ca>; claudette.richard@welland.ca; bonnie.fokkens@welland.ca; jim.larouche@welland.ca; Tara Stephens <clerk@welland.ca>

Cc: May Fred
Kock Holly

Laraby Kim <
Young Karen <

Wilis Chris
< May Tom

Subject: Urgent: Comments on Welland Cannabis Zoning Amendment

Mayor Campion and Councillors,

We are writing on behalf of the broad group of Welland citizens that has presented to council regarding cannabis regulations. We have reviewed staff's submission for tonight's council meeting regarding the proposed zoning and site control amendments to address cannabis production facilities and would like to offer a few brief but focused comments. Our comments are summarized below and also contained in the attached pdf file on pages 49, 51, 52 and 56. The sections we are commenting on are highlighted and our comments are on separate pages following each referenced page.

- 1) **Site Plan Approval:** Site plan approval remains delegated to staff with no notice to neighbors or council. We feel it is absolutely critical that neighbors and council be notified of these developments and be provided an opportunity to raise any concerns regarding the light and odor mitigation concerns. Other municipalities and the Niagara Escarpment Commission require notice to adjacent neighbors as part of the site plan approval process. It is not an unreasonable requirement and without it, this is all done in secret behind closed doors and neither the adjacent residents, council or the community knows about it until construction begins. Considering the tremendous problems that have occurred across numerous jurisdictions despite theoretical federal requirements for air filtration, allowing these developments without any even any notice to the community is inviting outrage from voters when something goes wrong. You have taken two years to develop controls that your are going to tell the community will protect them yet they don't even have a right to know of a proposed development in their community. Pelham went further and does not allow Cannabis facilities "as a right" and so requires a formal zoning

amendment for all developments to ensure a fully public process around these developments. While we prefer that approach, the proposed site plan approval process is workable provided it provides for notice to adjacent landowners and council. Consider that other agencies and departments are provided an opportunity to review and comment on the site plan and yet staff proposes that those most effected, the immediate neighbors, are not even notified or offered an opportunity to comment on the site plan. We believe there is simply no justification for not providing for notice to adjacent residents and that passing a regulation that leaves residents entirely in the dark is both patently unfair and certain to result in broad outrage.

- 2) **Setbacks:** The setbacks restrictions only apply to “residential use” and “institutional use” but it’s not clear what is included in institutional use. What about uses such as churches, schools, parks, playgrounds, daycares or children’s day camps? We believe there needs to be a broad definition of sensitive land uses rather than simply institutional use.
- 3) **Existing Lots of Record:** The exemption on minimum lot area and frontage for existing lots of record should only apply to existing uses and should not apply to a change of use. Absent this, the lot size and frontage requirements are meaningless. Staff estimates that only 5 existing lots meet the 40 hectare minimum lot size requirement for agriculture so the minimum lot size would apply to all but these 5 lots if it does not apply to existing lots of record. If a lot is currently used for agriculture it would not be a change in use to continue general agriculture. However, since a Cannabis Production Facility is a separate defined use, the requirement would apply to the change in use. Staff note that the change would require a minor variance or zoning amendment if it applied the restriction applied to existing lots of record. This would only be the case for a change in use and should not be an unreasonable restriction since 1) all kinds of things require a minor variance and 2) it would only apply to a change of use not an existing use. This is a broader issue then just cannabis. The zoning bylaw has various minimum lot sizes for different uses but under staff’s interpretation, they would never apply to any change of use provided it was a lot of record on the date the bylaw is passed. If you accept staff’s position on this, what is the point of the size requirement when it will not apply to a new development on any existing lot of record? It seems entirely reasonable to exempt the restriction to existing uses but apply it to any change of use.
- 4) **Light and Nuisance Odor Bylaw:** Staff notes that the effectiveness of light and odor bylaws is yet to be determined and may be impacted by various pending challenges. While we acknowledge that the outcome of these challenges should be considered in developing a nuisance bylaw, we strongly disagree with staff’s suggestion that relying solely on prospective mitigation plans and Health Canada Enforcement will be more effective. In fact, as case after case across numerous Ontario municipalities has shown, there is overwhelming evidence that staff’s recommended approach is entirely ineffective. While there remain legitimate question on how to best craft an effective nuisance bylaw, there is no question that absent such measure, Welland will be powerless to take any action against a development that fails to effectively mitigate light and odor and Health Canada has thus far refused to take any action. We believe council should direct staff to develop a light and nuisance odor bylaw once the outcome of the pending decisions are known.

We appreciate the efforts staff has made in developing these proposals and believe the changes we recommend above are reasonable and will substantially improve the effectiveness of the new regulations. They will certainly result in much stronger support and acceptance from the community.

Thank you for your thoughtful consideration of our comments and suggestions.

Sincerely,

Concerned Residents of Matthews Rd

Lori & Fred May, Matthews Rd, Welland

Alison & Chris Wills, Matthews Rd, Welland

Karen & Bob Young Matthews Rd, Welland

Holly & Simon Kock, Matthews Rd, Welland

Kim Laraby & Tim Hall, Matthews Rd, Welland

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- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.
- e) Must maintain a minimum setback of 15 metres from all lot lines.
- f) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- g) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- h) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act.
- i) Any building or structure or part thereof used for cannabis production facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - i. A Residential Zone;
 - ii. An Institutional Zone

In Agricultural Zones:

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted.
- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.
- e) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- f) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- g) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act.
- h) Any building or structure or part thereof used for cannabis production facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - i. A Residential Use or Zone;
 - ii. An Institutional Use

Staff offer the following explanation in relation to the proposed provisions intended to regulate the use:

Indoor Requirement

With respect to requiring facilities to be in a wholly enclosed building, the Cannabis Act and regulations allows for both indoor and outdoor cultivation of cannabis. Any other uses under the Act, such as processing and packaging are not permitted outdoors. There are currently odour reduction requirements for indoor cultivation, however, it is not possible to control odour from outdoor cultivation in the same manner.

T/Author: Tom Subject: Highlight Date: 2021-11-02 1:49:31 AM

What does institutional use include? Schools? Parks? Daycare? Children's camps?

I suggest defining sensitive land use with a broad definition.

With respect to the citizen concern relating to establishment of Cannabis Production Facilities on non-complying agriculturally zoned lots (i.e. lot <40 hectares), there seems to be some confusion with what is permitted and not permitted in the Zoning By-law. Section 5.24 of the Zoning By-law clearly states:

A non-complying lot that existed on the date of the passing of this By-law, and which does not comply with the minimum lot frontage and/or minimum lot area regulations of this By-law, may be used and buildings erected thereon for purposes permitted in the applicable Zone.

This provision applies to all zones and all uses City wide. The provisions for lot area and lot frontages only apply to the creation of new lots (i.e. consents) and not existing lots of record. Should Section 5.24 be removed, new agricultural and agricultural related uses as an example would no longer be permitted on lots less than 40 hectares. Through a desktop analyses, Staff have determined that there are only five lots within the agricultural zones with an area equal to or greater than 40 hectares (as seen in the Map in Appendix II). Therefore, any proposed uses, including Agricultural/Agricultural Related uses, Agri-Tourism, Farm Labour Residence, Greenhouses, and Market Gardens in addition to Cannabis Production facilities would only be permitted as of right on these five parcels and the remainder would need Minor Variances or Rezoning to be permitted.

Staff Comment

Site Plan

The City's Site Plan Control By-law 9973 is recommended to be updated to require that Cannabis Production Facilities, including licenced facilities and designated medical growth facilities, be subject to Site Plan Control. Currently, only Cannabis Facilities in Industrial Zones would be subject to Site Plan Control, whereas facilities in agricultural zones would not. Updating the existing the By-law would read as follows:

8) Notwithstanding the foregoing, the following forms and classes of development and construction shall be exempt from Site Plan Control:

(ii) all buildings on farm operations, except Cannabis Production Facilities;

Requiring cannabis facilities to fall under this process would allow the City more control in ensuring sites are designed in a way that mitigate the potential impacts and nuisances based on standards specific to the City. Through the site plan process, the City can enter into a site plan agreement with the proponent of the proposed land use, providing a mechanism for the City to enforce the mitigation efforts and take action if the mitigation requirements outlined in the agreement are not honored.

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T Author: Tom Subject: Highlight Date: 2021-11-02 2:57:22 AM

Based on staff's interpretation, any permitted use would be allowed on all of these lots as a right regardless of how the lot size or frontage. As staff points out, this would apply to all but 5 lots and regardless of the use including a change in use. This clearly leaves the lot size and frontage completely meaningless restrictions. If this loophole is eliminated it would simply mean that a minor variance or rezoning is required which happens all the time on all kinds of issues. I feel strongly the exemption should be limited to existing uses and not apply to a change of use. If a landowner wants to change the use then a minor variance can be granted if the lot size is acceptable.

In Staff's opinion, notifying the public of a proposed Cannabis Production Facility that meets all of the zoning requirements through the Site Plan Control Process is not warranted as this is not a requirement that the City applies to any other proposed Industrial or Agricultural uses. Should the facility require a planning approval that includes a public process mandate such as a Zoning By-law Amendment, Official Plan Amendment, or Minor Variance, the Public will be notified and have the opportunity to participate in the process.

Required Studies

Through Site Plan Control, cannabis related uses will be required to prepare and submit supporting studies, as determined through pre-consultation which will include, but not be limited to:

Study Requirement	Potential Issue to be Addressed
Odour Impact Analyses	Air Quality/Odour
Noise Study	Noise
Traffic/Parking Impact Analysis	Traffic
Stormwater Management Plans	Stormwater run-off
Hydrogeological Study	Water supply/ Groundwater impacts
Private Servicing Plans	Wastewater/septic feasibility
Environmental Impact Study	Environmental Impacts
Lighting/Photometrics plan	Lighting

Issues such as odour, traffic, water quality and quantity, lighting, and environmental impacts will be addressed through these studies and ultimately through the site plan design and agreement.

Air Treatment Control

As detailed, air filtration and ventilation systems are a requirement of licenced production facilities where cannabis is produced, packaged, labelled and stored. The Cannabis Act Regulations and licencing application process requires demonstration of air filtration and ventilation systems that filter air to prevent the escape of odours. However, the Health Canada Good Production Practices Guide provides no specific technical requirements for the form or type of air filtration system; it simply requires implementation of a system that successfully blocks the escape of odours. Further, odour control systems are not a federal requirement for growing for personal or delegated medical use.

That being said, Staff are recommending that all facilities require air treatment control. Staff will require certification from a Professional Engineer or Industrial Hygienist that the systems are installed and operational. These measures can be carried out through the Site Plan Control Process and would give the City some assurance that odours will be controlled as committed.

Page: 16

1 | Author: Tom Subject: Highlight Date: 2021-11-02 2:20:33 AM

I believe Site Plan Approval is delegated to staff so a major cannabis development could be approved with no notice to council of any member of the public including immediate neighbors. No-one including neighbors or council would even know until construction started which would be too late to raise concerns. With no specific requirement for the air filtration system other than it be designed by a qualified person which could potentially be any engineer or hvac person which no specific qualification in controlling cannabis, it is entirely unacceptable that there not be any public notice of a potential development. I believe this issue may be the most critical in the entire proposal.

1 | Author: Tom Subject: Highlight Date: 2021-11-02 2:24:29 AM

Considering the complete failure of the required air mitigation on so many facilities, it is imperative that the public and particularly neighbors, be provided an opportunity to review and raise any concerns regarding these studies. This is exactly why this should absolutely not be done in secret behind closed doors leaving neighbors and council to be surprised.

1 | Author: Tom Subject: Highlight Date: 2021-11-02 2:27:16 AM

Again, this is all done in secret behind closed doors with no ability for council or the public to raise concerns. When it fails, the city and staff should expect to be sued.

testing labs exist in Canada, their usefulness for regulatory purposes is questionable, and testing can be onerous and expensive. Even if and when the quantification of odour can be satisfactorily addressed, an odour's source can be challenging to prove to the standard needed in court.

Proactive approaches to cannabis-related odour and nuisance abatement are therefore preferable. For example, odour impact assessments and control plans might be included in requirements for rezoning applications or development approvals in circumstances where these are authorized and warranted.

Zoning setbacks, landscaping, buffer or similar requirements may be considered for certain types of facilities that are anticipated to cause odour or other nuisances. This is in addition to the basic locational criteria that have traditionally restricted problem activities to their own special zones.

Staff Consideration for a Nuisance By-law

Staff recommend against the policy formulation and the creation of nuisance by-laws to address odour and light abatement at this time for the following reasons:

Firstly, if the Normal Farm Practices Protection Board determines that the perceived nuisances stemming from Cannabis Production Facilities is considered a normal farm practice, the City cannot pass a by-law to regulate their use. If the Superior Court determines that the use of a Nuisance By-law contradicts applicable legislation, there may be limitations in what type of enforcement the City can provide. The rulings regarding other municipalities' by-laws will provide more direction for Staff in this regard.

Secondly, through Staff's review, it is our opinion that a Nuisance By-law will not be effective in mitigating the perceived nuisances of Cannabis Production Facilities. With or without a device to measure odour, the provision of such monitoring and enforcement is subjective and proves challenging to lay a charge. Proactive approaches to perceived nuisances and nuisance abatement are therefore preferable. Utilizing tools such as Site Plan Control, studies and control plans at the development stage, air treatment technology, buffers, and zoning would be more effective in nuisance mitigation.

FINANCIAL CONSIDERATION:

There are no financial impacts associated with this report.

OTHER DEPARTMENT IMPLICATIONS:

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

Page: 20

T | Author: Tom Subject: Highlight Date: 2021-11-02 2:40:16 AM

What evidence can staff provide that this approach will be effective when in spite of the requirement for air filtration in federal legislation, odor and light continues to be such a problem across all of these municipalities. As the saying goes, "the definition of insanity is continuing to do the same thing and expect a different outcome". Continuing to count on a plan that on paper shows an air filtration system to actually control odor and not give yourself any tools to address its failure is, i respectfully suggest, insane.

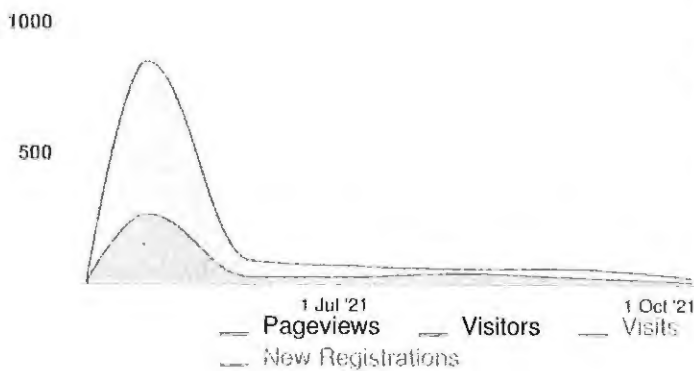
Project Report

26 April 2018 - 12 October 2021

YourChannel Welland Cannabis Production Land Use Review



Visitors Summary

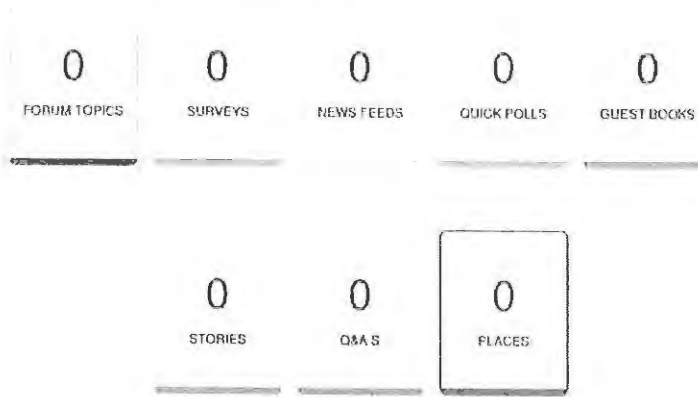


Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
471	114	
NEW REGISTRATIONS		
10		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
30	163	345

Aware Participants	345	Engaged Participants	30		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	345	Contributed on Forums	0	0	0
Informed Participants	163	Participated in Surveys	0	0	0
Informed Actions Performed	Participants	Contributed to Newsfeeds	0	0	0
Viewed a video	0	Participated in Quick Polls	0	0	0
Viewed a photo	0	Posted on Guestbooks	0	0	0
Downloaded a document	19	Contributed to Stories	0	0	0
Visited the Key Dates page	11	Asked Questions	0	0	0
Visited an FAQ list Page	0	Placed Pins on Places	0	0	0
Visited Instagram Page	0	Contributed to Ideas	30	0	0
Visited Multiple Project Pages	132				
Contributed to a tool (engaged)	30				

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Ideas	Thoughts and Idea Board	Archived	101	30	0	0

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Key Dates	Key Data	11	14
Document	Medical Marihuana - Interim Control By-law.pdf	6	6
Document	City of Welland - Industrial and Agricultural-Rural Zoning.pdf	6	7
Document	Cannabis Act (S.C. 2018, c. 16)	5	5
Document	Medical Marihuana - Interim Control By-law extension.pdf	4	5
Document	FINAL PB-2021-43 - Regulation of Cannabis	3	3
Document	COW-Cannabis Presentation: Public Info Meeting - Sept 9	2	2
Document	Cannabis Production Land Use Review Public Open House Slides.pdf	2	2

IDEAS

Thoughts and Idea Board

Visitors (6/24)	Contributors (6/0)	CONTRIBUTIONS (12/1)
<p>05 May 21</p> <p>Sciller11</p> <p>VOTES: 4 UNVOTES: 0</p>	<p>Unpleasant smell</p> <p>I think this will reduce the value of any homes that will be down wind or near any facility. I personally would never purchase a home near one. Permitting such a facility on the outskirts, northeast or east of town to be considered.</p>	
<p>05 May 21</p> <p>E Ugolini</p> <p>VOTES: 6 UNVOTES: 0</p>	<p>The smell that comes from the greenhouses needs to be vented, filtered differently than it is now.</p> <p>Fumes, smell are horrible</p>	
<p>05 May 21</p> <p>RebeccaEaton</p> <p>VOTES: 3 UNVOTES: 0</p>	<p>Absolutely Not!!</p> <p>For those of us who get migraine headaches from the smell it would be atrocious. There are areas in Pelham I avoid because of the production allowed there. Welland should focus on being a city for well to do, working class, family orientated people. Instead of promoting this how about Welland do something with the the NRPS to clean up the many drug houses in Welland and get them out of our residential zones. Furthermore let's have Welland focus on cleaning up the criminal porch pirates who rob from hard working people. If you want to attract people to Welland this is where you need to start.</p>	
<p>05 May 21</p> <p>Cvk</p> <p>VOTES: 3 UNVOTES: 0</p>	<p>Foul Smelling and Security Issues</p> <p>These greenhouses and production facilities are very foul smelling, so new air filtration would need to be designed to keep the smell from escaping. There are also potential security issues if these facilities are moved within city limits because of what the product is.</p>	

IDEAS

Thoughts and Idea Board

<p>05 May 21</p> <p>WellandResSM</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	3	0	<p>Consideration for Residents has to be the top priority!</p> <p>Many in Welland are impacted by the Pelham site. Many times a day and night you have to go inside because of the heavy stench. We cannot have our windows open at night. Even with windows closed the smell seeps into the house, you get into your car and all you can smell is cannabis, children waiting for school buses in the early morning subject to the heavy smell. When the growing operation opens their vents this smell can travel many kilometers but for those closer it is extremely bothersome and concerning. Health Canada does not care at all so our town must look after its taxpayers. Regulations for proper filtering, containment, venting must be put in place before any new facilities are allowed as well as processes to ensure those regulations are followed and if they are not the proper fines applied.</p>
VOTES	UNVOTES				
3	0				
<p>05 May 21</p> <p>pbryan3</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	4	0	<p>We don't need more cannabis production facilities.</p> <p>In the Niagara Peninsula, we are seeing more and more agricultural land being turned into growing facilities for cannabis. If we are going to erect more greenhouses then they should be for the production of food, not recreational drugs.</p>
VOTES	UNVOTES				
4	0				
<p>05 May 21</p> <p>bbiller</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>6</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	6	0	<p>NO MORE!!!</p> <p>Sick and tired of the skunk like smell wafting all over the city. Disgusting and ruins outdoor enjoyment of properties.</p>
VOTES	UNVOTES				
6	0				
<p>05 May 21</p> <p>Barbarapc</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	1	0	<p>Prohibit Cannabis Production in Welland Permanently!</p> <p>Unlike food, wine and ornamental horticulture production, there is absolutely nothing to recommend in the production of cannabis for anyone who has the misfortune of being anywhere near one of these production centres. They are filthy. Both the light and air pollution are vile. There are no positives for the citizens of Welland in permitting our land to be used in the production of cannabis.</p>
VOTES	UNVOTES				
1	0				
<p>05 May 21</p> <p>Mario Fifthfret</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	1	0	<p>Absolutely no cannabis in Welland area!!</p> <p>Very against any cannabis growing or other cannabis activity in Welland or surrounding area!!!!</p>
VOTES	UNVOTES				
1	0				
<p>05 May 21</p> <p>Lbryan9</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	1	0	<p>Cannabis growing ties up land that we need to restore to food production, more important for all, not so me, as land is lost to development.</p> <p>We all need food. We don't all need cannabis.</p>
VOTES	UNVOTES				
1	0				

IDEAS

Thoughts and Idea Board

<p>05 May 21</p> <p>MikeS</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	1	0	<p>Welland can either get in front of production or try to catch up, it's here to stay let's give it a chance here in Welland.</p> <p>Welland has lots of land available for production, the wine industry has been a leader for so many years , funny no one complains of the fertilizer sprayed continuously there, let's get in front of this huge opportunity it already here anyway and it's going to stay, let's get our community employed rather than our children having to move away for employment. There are an abundance of other businesses that develop as a result of these horticulture buildings let's take this huge employment opportunity and make it grow along with the Cannabis industry, out with the old thinking in with the new , Welland can use as many employment opportunities as can come to our wonderful city . Let's be a leader in the industry if not someone else will capitalize as our city can only offer stores vs manufacturing in this new day and age , btw if it was a wine producer or beer producer there is always a smell however technology is finding ways to tone it down now if only some of the farmers at certain times can learn the same. Other areas would welcome this with open arms..as there's is taxes and employment opportunities in numerous levels.</p>
VOTES	UNVOTES				
1	0				
<p>05 May 21</p> <p>WellandResSR</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	2	0	<p>How can business's be allowed to pollute the air I breathe?</p> <p>I understand that these greenhouses can be built such that there is no smell as the discharged air is scrubbed clean. Let's start by forcing the existing greenhouses to install this technology? And NEVER allow new installations without this technology.</p>
VOTES	UNVOTES				
2	0				
<p>05 May 21</p> <p>RougeNoir</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	2	0	<p>You need to find a way to keep the smell out of the air. We should all be able to enjoy fresh air and not the horrid stench of cannabis.</p>
VOTES	UNVOTES				
2	0				
<p>05 May 21</p> <p>CVE</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	1	0	<p>No...Don't do it!</p> <p>Residents did not buy and build in the country on what now are close to million dollar properties, to smell marijuana 24/7. In addition, they pay huge taxes for very little service(s). Don't anger the masses that elected you because voters remember. Make the decision that is best for the community and let them live "smell" free!</p>
VOTES	UNVOTES				
1	0				
<p>05 May 21</p> <p>MySay</p> <table border="1"> <thead> <tr> <th>VOTES</th> <th>UNVOTES</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>0</td> </tr> </tbody> </table>	VOTES	UNVOTES	0	0	<p>Why would Welland consider angering the residents by doing this? Haven't we learned enough by the Pelham facility which we can smell BYW! NO</p> <p>Absolutely Not....No!</p>
VOTES	UNVOTES				
0	0				

IDEAS

Thoughts and Idea Board

<p>05 May 21</p> <p>tanshaw</p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	1	0	<p>Customer Complaints</p> <p>We are a long established business in Welland since 1980. My customers are complaining about the stench from across the street. Why have my concerns not been addressed? If our store was producing a chemical or any other smell that wafted all over the area, I wonder if the city would ignore complaints from all my neighbors like they have with all our complaints against this production facility? Why is it that because its cannabis, they let it go?</p>
VOTES	UNVOTES				
1	0				
<p>06 May 21</p> <p>sgtspeed</p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	0	0	<p>The problem is the smell, there is lots of land in Welland, we have a dump that smells with no complaints, find a like spot for this use.</p>
VOTES	UNVOTES				
0	0				
<p>06 May 21</p> <p>James A</p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	0	0	<p>Welland Council take heed: block the profit seeking promoters of a cannabis development before irreversible damage is done to your community</p>
VOTES	UNVOTES				
0	0				
<p>07 May 21</p> <p>fz7m0d</p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	0	0	<p>If the odors that emanate from these types of operations can't be eliminated, they don't belong anywhere within miles of residential areas.</p>
VOTES	UNVOTES				
0	0				
<p>07 May 21</p> <p>lynn</p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	1	0	<p>I understand the need for Welland to diversify their portfolio, but haven't we learned from other municipalities?</p> <p>The factory that processed the green bin waste on Rusholme was outside of the residential area, but still several complaints due to smell and ultimately closure. Keep it out of Welland.</p>
VOTES	UNVOTES				
1	0				
<p>08 May 21</p> <p>Symone50</p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	0	0	<p>Absolutely not</p> <p>There's plenty of evidence from other municipalities. The stench is horrible. Do you really want that in the air when we host a portion of the Canada games, rowing etc. It would be embarrassing. Stores I have no problem with. But growers and the consequences of it doesn't seem to fit with what the City has been trying to do in the last 10 years. It won't produce more jobs. A lot of it automatic and what about the increase of crime? A whole slew of issues.</p>
VOTES	UNVOTES				
0	0				

IDEAS

Thoughts and Idea Board

<p>09 May 21</p> <p>lmdbeaudoin</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>Something has to be done about the smell. It's horrible. There has to be something that can be done about this.</p>
<p>10 May 21</p> <p>bjasmine</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>I'm all for it, provided that any grow near residences has very strong odor control.</p>
<p>17 May 21</p> <p>Lindave</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>These facilities create harsh odor. Therefore they need to be in industrial areas ONLY and at least 5 km. away from any residential space.</p>
<p>22 May 21</p> <p>Kellie</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>The smell from grow-ops for Marijuana is foul and should be bylaws in place that these businesses must have adequate filtration systems.</p> <p>NOT LIKE THE SMELL FROM PELHAM!</p>
<p>25 May 21</p> <p>Ann H</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>Instead of seeing nothing but the dollar signs, Welland should take a page from the Pelham book with all the complaints about foul smells and</p>
<p>28 May 21</p> <p>ucg-f1</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>If we make it too hard for cannabis people to grow legally, they'll just do it illegally and unregulated.</p> <p>I'd rather have eyes on it and regulate the odour and light pollution.</p>
<p>28 May 21</p> <p>ucg-f1</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>Odour Mitigation</p> <p>If we limit cannabis facilities to only grow indoors, then odour can be eliminated. There's a lot of new HVAC systems out there that control odour. The reason we're all smelling cannabis all the time is from the ACMPR grows (which have no regulations on odour) and outdoor commercial grows, not from indoor commercial grows.</p>

IDEAS

Thoughts and Idea Board

23/07/21

Shortstacks

I'm all for the idea it will create jobs for the city which is much needed.

VOTES

UNVOTES

0

0

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW
2017-117 (City of Welland – FILE 2021-09)

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 By-law 2017-117 be and the same is hereby amended as follows:

1. Section 4 Definitions is amended by deleting the definition for "Medical Marihuana Production Facility" and adding and alphabetically inserting new definitions as follows:

"Cannabis Production Facility" shall mean any premises or part of a premises used for all or any of the cultivation, processing, destruction, sale, shipping, analytical testing, and research of cannabis which is authorized by a valid registration certificate and document for designated person issued by the Federal Minister of Health or a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, or any successor thereto, and the Industrial Hemp Regulations, SOR/2018-145 under the Cannabis Act, S.C. 2018, c. 16, as amended, or any successor thereto. A Cannabis Production Facility shall also mean any premises or part of a premises permitted to cultivate more than four cannabis plants.

"Air Treatment Control System" shall mean a system designed and sized accordingly in comparison to the facility by a qualified person that filters air to prevent the escape of emissions, including but not limited to odours, pollen, and dust associated with use, to the outdoors or any other property.

2. Section 12.2 Permitted Uses is amended by replacing the words "Medical Marihuana Production Facility" and alphabetically inserting to the existing Table 12.2.1: Permitted Uses in Industrial Zones the following:

Table 7.2.1: Permitted Uses in Industrial Zones

Column 1	Column 2	Column 3	Column 4	Column 5
Permitted Uses	L1	G1	GEC	X
Cannabis Production Facility	✓	✓	✓	

3. Section 12.4 Additional Regulations is amended by deleting Section 12.4.5 and replacing with Section 12.4.5 as follows:

12.4.5 Cannabis Production Facility

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted.
- c) Loading spaces must be in a wholly enclosed building
- d) Must be equipped with an air treatment control system.
- e) Must maintain a minimum setback of 15 metres from all lot lines.
- f) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- g) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- h) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act; and
- i) Any building or structure or part thereof used for Cannabis Production Facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - i. A Residential Zone;
 - ii. An Institutional Zone

4. Section 13.2 Permitted Uses is amended by replacing the words "Medical Marihuana Production Facility" and alphabetically inserting to the existing Table 13.2.1: Permitted Uses in Agricultural Zones the following:

Table 13.2.1: Permitted Uses in Agricultural Zones

Column 1	Column 2	Column 3	Column 4
Permitted Uses	A1	RR	RE
Cannabis Production Facility	✓		✓

5. Section 13.3 Regulations for Agricultural Rural Zones is amended by replacing the words "Medical Marihuana Production Facility" and alphabetically inserting to the existing Table 13.3.1: Regulations for Agricultural Rural Zones:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10
Zones/Uses	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Side Yard Exterior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaping (min)
A1, RR, RE									
Cannabis Production Facility	40.0 ha	30.0 m	15.0 m	15.0 m	15.0 m	15.0 m	11.0 m (1)	25%	3.0 m (2)(4)

6. Section 13.4 Additional Regulations is amended by renumbering Section 13.4.5 as Section 13.4.6 and adding Section 13.4.5 as follows:

13.4.5 Cannabis Production Facility

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted.
- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.

- e) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- f) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- g) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act; and
- h) Any building or structure or part thereof used for Cannabis Production Facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
 - i. A Residential Use or Zone;
 - ii. An Institutional Use

7. That By-law 2017-117 in its entirety is hereby amended by deleting "Medical Marihuana Production Facility" in all places and replaced with "Cannabis Production Facility".

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 16th DAY OF NOVEMBER, 2021.

_____MAYOR

_____CLERK

Appendix **v73**

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2021-

BY-LAW TO AMEND CITY OF WELLAND BY-LAW 9973,
BEING A BY-LAW RESPECTING SITE PLAN CONTROL IN
THE CITY OF WELLAND

WHEREAS on the 3rd day of November, 1992 the City of Welland adopted
City of Welland By-law 9973 respecting Site Plan Control within the City of Welland;

AND WHEREAS the Council of the Corporation of the City of Welland deems
it necessary and advisable to amend By-law 9973 to address Cannabis Production Facilities
in Agricultural Zones.

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

1. That Section 8 of By-law 9973 be amended by deleting Clause 8 (ii) and
replacing with Clause 8 (ii) as follows:

8) Notwithstanding the foregoing, the following forms and classes of
development and construction shall be exempt from Site Plan Control:




(ii) all buildings on farm operations, except Cannabis Production Facilities;

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL
THIS 16th DAY OF NOVEMBER, 2021.

_____ MAYOR

_____ CLERK

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
BUILDING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

05-120/21-38

REPORT P&B-2021-66
NOVEMBER 16, 2021

SUBJECT: PROPOSED INCREASES FOR BUILDING PERMITS AND INSPECTION SERVICES FEES – STATUTORY PUBLIC MEETING

**AUTHOR: JACK TOSTA, CBCO, CPSO
 CHIEF BUILDING OFFICIAL**

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report 2021-66 as information.

ORIGIN AND BACKGROUND:

In 2020, Building Division completed the comprehensive review of building permit and inspection services fees. The review resulted in recommendations based on findings discovered through the review process, to ensure conformity with legislation while balancing the City's need to recover service delivery costs and stakeholder interests.

The recommendations proposing fee increases to move all building permit fees towards full recovery levels, were approved by Council and came into effect on January 1, 2021.

In 2021 on April 27 and September 7, Council approved the Cost of living increases for all union and non-union staff ranging from 1.5% - 2.5% respectively.

Additionally, in accordance with Section 6.11 of the City of Welland Building By-law 2020-140, the fee rates contained in Schedule A of the bylaw, are to be indexed to the Consumer Price Index(CPI) of Ontario as of December 31 and are to be adjusted annually on February 1.

Staff are therefore proposing a 3% increase for all building permit and inspection services fees to maintain full recovery as previously recommended in the 2020 Fee Review Study.

The purpose of the statutory public meeting is to provide industry stakeholders, the public, and Council with an overview of the proposed increases to building permit and inspection fees and recommendations to solicit feedback.

COMMENTS AND ANALYSIS:

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

The 2020 fee review study which was conducted by Watson Associates, provided recommendations based on projections for financial performance to ensure compliance with the *Building Code Act*. The projections were based on current building permit fees with annual inflationary adjustments and forecasted volumes of building activity.

Building Code Act Compliance

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

The Building Code allows for the creation of a reserve fund to offset year to year fluctuations in the local economy. The City currently maintains a reserve fund for this purpose.

FINANCIAL CONSIDERATION:

The proposed 3% fee increases are intended to offset the inflationary costs thus ensuring full cost recovery and enable staff to maintain the recommended annual contributions towards the funding of the *Building Code Act* reserve fund.

While the proposed increases will impact the users of the services associated with these fees, there are no financial impacts on the general tax levy. The fees will ensure the City can process Building Permits within the prescribed timelines.

OTHER DEPARTMENT IMPLICATIONS:

There are no other department implications being anticipated as the Building Division is the only department that is fully funded impacted by any changes in total revenues collected through the permit issuance process.

SUMMARY AND CONCLUSION:

The proposed changes to the building permit and inspection services fees are being introduced in compliance with the legislated process prescribed in the Building Code.

The increases are intended to offset the anticipated costs of administration and enforcement of the *Building Code Act* and to ensure full cost recovery approved by Council in 2020. The fees will ensure the City is able to process the permits in a timely manner.

There are no financial impacts on the operating costs for any other municipal departments and furthermore there will be no impact on the tax levied operating budget. The purpose of this initiative is to ensure legislative conformity, provide for reasonable cost recovery and maintain financial sustainability without negatively impacting the tax base. This is supported by the peer review previously undertaken by the Watson Associates. Staff will deliver a recommendation report, and 2022 Schedule "A" of Building Bylaw 2020-140 for Council's consideration at the upcoming meeting of Council.

ATTACHMENTS:




Appendix I - Draft Schedule "A" of Building Bylaw 2020-140

Appendix I
Schedule "A"

Description	Charging Parameter	Fee	2022
Minimum Permit Fee	Flat	\$ 164	169
A. CONSTRUCTION - NEW BUILDINGS, ADDITIONS, ALTERATIONS			
Group A (Assembly Occupancies)(1)			
New & Additions	\$/ft ²	\$ 2.07	2.15
Alterations/Renovations	\$/ft ²	\$ 0.63	.65
Group B (Detention, Care and Treatment, and Care Occupancies)			
New & Additions	\$/ft ²	\$ 2.22	2.30
Alterations/Renovations	\$/ft ²	\$ 0.63	.65
Group C (Residential Occupancies)			
New & Additions			
Detached, Semi-Detached, Townhouse, and Rowhouse	\$/ft ²	\$ 1.45	1.50
Multi-Unit, Apartments, Hotels, and Other	\$/ft ²	\$ 1.29	1.35
Alterations/Renovations	\$/ft ²	\$ 0.63	.65
Accessory Dwelling Unit	\$/ft ²	\$ 0.41	.45
			1.69
Garage, Deck, Shed, & Sunroom	Flat	\$ 164	
Group D/E (Business, Personal Services, and Mercantile Occupancies)			
New & Additions			2.00
Finished	\$/ft ²	\$ 1.90	
Shell	\$/ft ²	\$ 1.38	1.45
Alterations/Renovations	\$/ft ²	\$ 0.63	.65
Group F (Industrial Occupancies)			
New & Additions			
Finished	\$/ft ²	\$ 1.65	1.70
Shell	\$/ft ²	\$ 0.50	.55
Alterations/Renovations	\$/ft ²	\$ 0.63	.65
Miscellaneous (Other)			
Designated Structures			
Retaining Walls	\$/linear ft	\$ 10.00	10.30
All Other Designated Structures	Flat	\$ 921	949
Farm Building/Accessory Building/Greenhouse	\$/ft ²	\$ 0.55	.60
Public Pool	Flat	\$ 493	508
Roof	\$/ft ²	\$ 0.10	.15
Shoring and/or Building Excavation	\$/linear ft	\$ 10.00	10.30
Underpinning Existing Foundation	\$/linear ft	\$ 10.00	10.30
B. STAND ALONE & MISCELLANEOUS WORK			
Tents/Temporary(2)	Flat	\$ 255	263
Demolition			263
One-family Dwelling/Building <3,000 ft ² GFA	Flat	\$ 245	
Other Demolitions	\$/ft ²	\$ 0.14	.15
Description	Charging Parameter	Fee	
C. LIFE SAFETY SYSTEMS			
Electromagnetic Locking Device	Per Item	\$ 336	346.10

Appendix I
Schedule "A"

Commercial Kitchen Exhaust Hood, Dust Collectors, Fire Alarm, Spray Booth, Sprinkler System, or Standpipe & Hose System	Flat (incl. 4 devices) + \$/device greater than 4	\$ 1,341 + \$ 336 (> 4)	1382 +346 (> 4)
D. MECHANICAL			
New/Alterations to HVAC Standalone House	Flat	\$ 255	263
Other than House	\$/ft ²	\$ 0.14	.15
E. PLUMBING			
Site Servicing/Private Water Lines	\$/linear ft	\$ 2.42	2.50
Plumbing Fixtures (incl. Backflow Prevention Devices and Backwater Valves)	\$/fixture	\$ 15.50	16
F. ON-SITE SEWAGE SYSTEM			
Construction of a Septic System Class 4	Flat	\$ 958	987
Other than Class 4	Flat	\$ 864	890
G. OTHER FEES			
Certified Model Home Service	Flat	\$ 400	412
Fast Track Service (3) In addition to the regular permit fee payable for the entire project.	Flat + \$/hr over 4 Hours	\$ 492 + \$ 123/hr	507 + 127/hr
Alternative Solution Application	Flat + \$/hr over 4 Hours	\$ 500 + \$ 123/hr	5.15 + 127/hr
Change of Use Permit	Flat	\$ 255	263
Transfer of permit	Flat	\$ 255	263
Occupancy Permit (of unfinished building)	Flat	\$ 260	268
Partial Permits/Staged Construction Foundation Stage including Underground Site Services	Flat + Appl. Fee %	\$ 348 + 25% of applicable fee	
Superstructure			359 + 25% of applicable fee
Interior Finishing			
Completion			
Conditional Permit	Flat	\$ 1,159	1194
Amendment to Conditional Permit Agreement	Flat	\$ 348	359
H. SIGNS			
Ground Signs exceeding 7.5 Min Height	\$/ft ²	\$ 0.98	
Projecting Sign weighing more than 115 kg			1.05
Projecting Sign attached to a parapet			

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-140

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

REPORT P&B-2021-67
NOVEMBER 16, 2021

**SUBJECT: REQUEST TO REMOVE HERITAGE DESIGNATION FOR
20 EVAN STREET**

**AUTHOR: NICOLAS AIELLO
POLICY 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 receives Report P&B-2021-67 for information;

THAT Welland City Council refuse the request to repeal the Heritage Designation By-law 1992-9888;

THAT Welland City Council direct staff to send a copy of Council's resolution to Jenny Schultz and the City of Welland Heritage Advisory Committee;

ORIGIN AND BACKGROUND:

On August 24, 2021, the City received an official request from the owner of 20 Evan Street to remove the heritage designation on the property which was then forwarded to the Heritage Committee for review and comment. On October 13, 2021 Clerks staff received a response from the Heritage Committee regarding this request.

The property, known as the Raymond-Gross-MacClellan House is designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18 as amended. Therefore, in accordance with the Ontario Heritage Act (OHA) under Section 32(1)

an owner can apply to Council to repeal a designating by-law. Should Council not make a decision within 90 days on the request from the time of the request (expiring November 22, 2021), Council shall be deemed to have consented to the application. This process is illustrated in the chart in (Appendix III). The stated reason for the owner's request to repeal the heritage designation By-law on the property was due to difficulty obtaining insurance and re-mortgaging for the property as a result of the designation.

The reasons for designation of the property as per By-law 1992-9888 include but are not limited to:

Historic

- The property once was a portion of land owned by Colonel Lorenzo Clarke Raymond that was purchased in 1910. Other noted owners of the property include Arthur J.J. Brennan, Douglas D. Gross, and Thomas J. Darby.

Architectural

- The house is built in an Edwardian Classical Style and constructed between 1911-1915.
- Specific features of interest include but is not limited to contrasting stone trim below the windows, projecting eaves without supporting brackets and double entrance doors with full length glass panels edges, front entrance vestibule in Italian marble and German tile, light oak flooring, hand carved stone fire places, leaded stained glass windows and Doulton porcelain fixtures.

COMMENTS AND ANALYSIS:

The Planning Department has reviewed the request to repeal the designation by-law for 20 Evan Street and can offer the following comments and analysis.

On August 24, 2021 an official request was submitted to the City by the owner of 20 Evan Street, Jenny Schultz, to repeal the heritage designation on the property. The stated reasoning for removing the designation is due to difficulty obtaining insurance and re-mortgaging for the property, due to it being designated under the Ontario Heritage Act. Ms. Schultz states in her letter that she was in contact with Heritage Committee several months ago. She also states that her insurance broker explained that insurance companies are hesitant to cover designated properties due to past issues regarding partial claims and trying to fix and match the damaged areas. The entire letter can be viewed in Appendix I.

Part of the process in the event of receiving a request to repeal a heritage designation by-law by the owner, is to consult with the municipal heritage committee. As such, The Welland Heritage Advisory Committee has provided a

detailed report in regards to this matter which was received by Staff on October 13th. To view the entire report, please see Appendix II.

Some important details from the Committee's report with regards to this matter include:

- The Ontario Heritage Act should have no effect on an owner's ability to obtain insurance or a mortgage;
- This was the first owner of a designated property to indicate to the Committee of these types of difficulties;
- The Committee surveyed five local banks and mortgage lenders regarding this matter and found the following:
 - Most banks and lenders have never heard of a Heritage Designation being a detriment, but cited several factors such as value, condition of property and location that could affect obtaining a mortgage.
- With regard to the Designation affecting the ability to obtain insurance:
 - Under the Heritage Act, there are no additional requirements with regards to insurance coverage.
 - Some uninformed insurance companies may believe that the Act requires that heritage attributes of a property need to be replicated in the event that they are destroyed however this is not the case, as the heritage value in the property lies in the fact that the features are original.
 - Should the owner wish to include a provision that heritage attributes be replicated if lost, they should discuss this with their insurance company.
 - All insurance is based on the replacement cost of the building with materials of like kind and quality, whether the building is new or a century, regardless of whether the building is designated or not.
 - Therefore, the idea that the replacement cost can be reduced if the designation is removed is wrong.
 - Property insurance will be affected by the condition of the property and factors such as poor maintenance. Some insurance companies will not insure properties of a certain age, whether or not they are designated.
 - Designation should not increase insurance premiums as it does not place any additional requirements on the insurer. It is up to the discretion of property owners to add additional coverage, such as "replacement cost" coverage, for important features of the property in case of damage. This can be done whether or not the property is designated.

In relation to the above, the Heritage Advisory Committee recommends that:

Based on the information contained within the Reasons for Designation of Designating By-law 1992-9888 which detail extremely high quality materials used in its construction and its important historical significance to Welland, that the City of Welland Heritage Advisory Committee strongly recommends to Welland City Council that 20 Evan Street remain a designated property under the Ontario Heritage Act.

In addition to the Committee's research, Staff have conducted their own research in regards to the subject matter.

The Ministry of Heritage, Sport, Tourism and Culture, formerly the Ministry of Tourism, Culture and Sport states in their 2012 publication on Insurance and Heritage Properties that premiums should not go up as a result of a heritage designation. A variety of other reasons cause insurance companies to increase premiums for older buildings if there is a higher level of risk, such as services (outdated wiring, old heating systems, etc.). Further, some companies do not insure buildings over a certain age. Designation itself, however, does not place additional requirements on the insurer and therefore should not affect your premiums.

The intent of designation is to preserve the historic, physical, contextual or other community heritage value of a property. If a building on a heritage property is completely or partially destroyed, the designation by-law does not oblige the owner to replicate any lost heritage attributes. A replacement building, for example, can be of a different design.

The Ministry goes on to say that if the owner wants the original features of the property replaced, the owner should be sure to obtain the necessary amount of insurance coverage

The Insurance Bureau of Canada states the following steps may reduce your heritage property's insurance risk:

- Ensure your property is compliant with relevant building codes.
- Consider replacing old-style knob-and tube wiring (the risk of a fire is increased if the wiring is overloaded, deteriorated or damaged). Although some insurance companies will not insure properties with knob-and-tube wiring, some may give you time to have it removed. Others may offer coverage upon inspection to ensure its safety.
- Update and/or upgrade your roof, heating system (forced air gas or electric) and plumbing (galvanized cast iron to copper and/or PVC. Install sewer backflow valves.
- If the property is a row house or semidetached of any age or designation, insurers may be interested in proof of an adequate fire-break between the homes.
- Install home burglar and fire alarm systems.

- If your property has an oil tank, ensure it is inspected and maintained regularly.

Rights of the Property Owner and/or the Public

The Ontario Heritage Act outlines the rights of property owners and other members of the public, where they do not agree with the decision of Council on Heritage matters. In the case of a request to repeal the Heritage Designation By-law, the decision of Council is appealable to the Conservation Review Board (CRB). The CRB is an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers matters such as the proposed designation of a property, applications for the repeal of a by-law on a specific property and applications to alter a heritage by-law. The CRB, through the prehearing process and mediation efforts, will attempt to settle the dispute where appropriate. Where a case does not settle and proceeds to hearing, after the hearing, the CRB will provide a recommendation on the matter to the Municipal Council who have the **final decision** (or in some cases the Minister of Tourism, Culture and Sport). This process is detailed in the chart in Appendix III.

Similar Case

The Town of Parry Sound received a similar request from a designated property owner to repeal their designation by-law due to their insurance policy. Specifically in this case the homeowner could not find a company willing to insure their designated home and felt that they must have the designation removed in order to re-new their homeowner insurance policy.

The Town of Parry Sound Council felt that “the ability to obtain property insurance is critical to security of accommodation. It is considered a sufficient reason to remove the designation from the property.” The decision of Council was to repeal the designation by-law. An objection to Council's decision was made by a local citizen. The objection was received by the CRB and a hearing was held.

The role of the CRB is to be objective and weigh the evidence to make a final recommendation to Council. The objector was able to provide documentation demonstrating the viability of insurance locally for older houses. The town chose not to present any case and the CRB concluded the Town did not act within the spirit of the Act. As such, the recommendation of the CRB was not to repeal the designation by-law. That begin said, Parry Sound Council decided against the CRB and repealed the by-law.

The City of Welland Official plan

One of the City's strategic directives of the City's Official Plan is to protect elements of its built and cultural heritage through the means provided by the Ontario Heritage Act and by involving Heritage Welland in the land use planning process, whenever necessary.

The City's Official Plan also contains the following policies, among others in regards to preserving heritage features with Welland:

6.6.1.1 Maintain and Enhance our Cultural and Heritage Resources and Landscapes The City will encourage the conservation, protection, and enhancement of the City's cultural heritage resources, including landscapes, archaeological sites, important views and vistas, buildings and structures of historic, cultural, and architectural value.

6.6.2.1 General Conservation

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

6.6.2.4 Use of Heritage Designations

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

As such, Staff's recommendation is for Council to not repeal the Heritage Designation By-law for 20 Evan Street is consistent with policies in the Official Plan.

FINANCIAL CONSIDERATION:

There are no financial impacts associated with this report.

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

The City received a letter from Jenny Schultz, dated August 24, 2021 requesting to de-designate her home on 20 Evan Street, known as the Raymond-Gross-MacClellan House due to difficulty obtaining insurance and re-mortgaging for the property due to it being designated under the Ontario Heritage Act.

A requirement of the Act is to consult with the municipal heritage committee upon receiving a request to repeal a heritage By-law. As such, The Welland Heritage Advisory Committee has provided a detailed report in regards to this matter which was received by Staff on October 13, 2021. The Committee's report recommends to Council that 20 Evan Street remain a designated property under the Ontario Heritage Act. In accordance with the OHA, the City has within 90 days to make a decision on the application which is set to expire on November 22, 2021.

This is the first such request the City and the Heritage Advisory Committee has received of this nature. Staff note that to de-designate a home based on insurance premiums would set a dangerous precedent for the municipality. Moreover, repealing the By-law would not be in line with the City's policies and previous recommendations for similar cases by the Conservation Review Board (CRB).

Due to the reasoning provided in the report and the limited timeframe under the Act (90 days, expiring November 22), City Staff recommend that Council refuse to repeal the heritage designation By-law No. 1992-9888 for 20 Evan Street and that a copy of Council's resolution be sent to Jenny Schultz and the City of Welland Heritage Advisory Committee.

ATTACHMENTS:

- Appendix I - Letter Request to Repeal Heritage Designation By-law
- Appendix II - Heritage Advisory Committee Report
- Appendix III - Designating By-law Repeal Process
- Appendix IV - Ministry of Tourism, Culture and Sport Publication

To: City Clerk of Welland

I would like to have the historical designation on 20 Evan St. removed.

I am having a very difficult time with insurance because of the designation. There is only 1 insurance company that will insure my house and they are charging me a fee that is about 3 times higher than normal. Just in the last year, they raised my insurance \$1200 and I have no options so I must pay. I am now paying \$5936 per year plus tax which totals \$6707.68.


The insurance company has told my broker that they will not be accepting new policies with heritage designations in the future. This means I would not be able to sell my house easily if needed to in the future as the new owners would not be able to get insurance.

When I went to renew my mortgage this past year, not all lenders will give a mortgage for a designated property. Therefore, I was not able to get the best rate, as some companies would not mortgage a designated property.

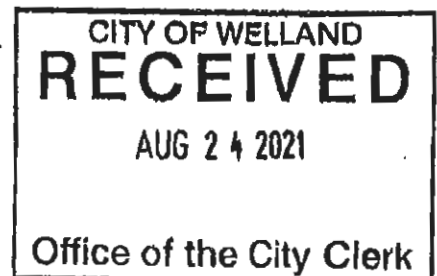
When I asked Nora Reid several months ago about insurance and mortgages, the companies she gave me to check out either did not insure residences, or were not able to get me insurance as well. She said banks and insurance companies should not be discriminating because of the heritage designation, but the reality is they can, and they are. When my broker questioned some of the companies, they said the reasoning is they have run into problems in the past when there is a partial claim with having to try and fix and match the damaged areas. This is why they don't insure designated properties any more.

I don't want to take history away, I love all the old features in my home and will do anything to preserve them. I just don't want to be financially penalized and discriminated against anymore for having a heritage home.

Thanks Jenny Schultz



FILE COPY



Stacey Coleman

From: Stacey Coleman
Sent: January 19, 2021 9:58 AM
To:
Cc: 'nora.reid@WELLANDheritage.ca'; Laura Bubanko
Subject: Repealing Heritage Designation - 20 Evan Street - Raymond-Gross-MacLellan House

Good morning Jenny,

I hope this email finds you well.

I understand from Nora Reid that you wish to have the heritage designation repealed on your property located at 20 Evan Street in Welland.

I would like to request that you put your request in form of a letter addressed to our City Clerk at City Hall. Please note all particulars in your request as to what you are requesting and provide any background or supporting documentation for your request. Once we receive your letter it will be forwarded to Council for their consideration.

If you have any questions please feel free to contact us and I will do my best to answer them.

Take care and have a great day.

Stacey

**Stacey Coleman**

Vital Statistics and Customer Service Clerk II
 Clerk's Division
 Corporate Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2154 Fax: (905)732-1919

www.welland.ca

 YourChannel

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City of Welland Heritage Advisory Committee
Le Comité Consultatif du Patrimoine de la Ville de
Welland
60 East Main Street
Welland, Ontario
www.wellandheritage.ca
info@wellandheritage.ca

October 10, 2021

Report to Welland City Council
From: City of Welland Heritage Advisory Committee

Re: 20 Evan Street, "The Raymond-Gross-Maclellan House"
Designated June 16, 1992. Bylaw no. 1992-9888.
Built 1911-1915

Request from Jenny Schultz, owner of 20 Evan Street to remove Designation on the property under the Ontario Heritage Act

Please find included below

- 1) Recommendation from City of Welland Heritage Advisory Committee
- 2) "Reasons for Designation" from Bylaw 1992-9888
- 3) Background information - correspondence with owner including information provided to owner from Ontario Ministry of Heritage, Culture, Tourism and Sport Industries, Insurance Bureau of Canada and survey finding that designation under the Heritage Act per se does *not* prevent owners from obtaining insurance or mortgages on a property. These can be affected by other factors including age, location and condition, whether or not the property is designated.

1. Recommendation from Committee:

The City of Welland Heritage Advisory Committee passed the following motion for recommendation to Council at its regular meeting of October 6, 2021:

"Moved by Tia De Agazio, seconded by Tom Higginbotham, that based on the information contained within the Reasons for Designation of Designating Bylaw 1992-9888 which detail the extremely high quality of materials used in its construction and its important historical significance to Welland, that the City of Welland Heritage Advisory Committee strongly recommends to Welland City Council that 20 Evan Street *remain* a designated property under the Ontario Heritage Act. Carried."

2. Reasons for Designation from Bylaw 1992-9888:

In 1910, Colonel Lorenzo Clarke Raymond, K.C., purchased two blocks of land where the subject house is situated. Colonel Raymond, the son of Lorenzo Dulmage Raymond, Q.C., succeeded his father as County Attorney in 1891, a position he held for the next 50 years. L. Clarke Raymond was appointed Colonel of the 44th Battalion of the Militia in 1897 and was created King's Counsel in 1908. Colonel Raymond was the first President of the Welland Club when it was founded in 1910.

In January 1925, Colonel Raymond sold the house to Arthur J.J. Brennan, a pharmacist who purchased the J. Hamilton Bugar drugstore at 7 East Main Street. Mr. Brennan was a member of the High School Board for many years, was elected to City Council in 1918 and became Mayor in 1919. In 1929, Douglas D. Gross purchased the house. His father, John Franklin Gross, was a member of the School Board, Town Councillor in 1855 and 1887, a liberal Member of Provincial Parliament from 1900 to 1905 and appointed City Solicitor in 1913. Douglas Gross succeeded his father as City Solicitor until his death in 1933. The house was subsequently sold to another solicitor, Thomas J. Darby, who was appointed to the Bench as a judge for Lincoln County in 1945. He was alderman for Welland in 1936, 1937, 1938 and 1940-41.

The house, built in an Edwardian Classical style, was constructed between 1911 and 1915. Some of the exterior features, such as the open porches, have been altered over the years. Typical elements include the contrasting stone trim below the windows, projecting eaves without supporting brackets and double entrance doors with full length glass panels edges with etched patterns.

The front entrance vestibule is finished in Italian marble and German tile. Light oak flooring in the lower and upper halls, living room, dining room and bedrooms is laid in concentric patterns with strips of dark oak or mahogany laid near the edge in elaborate designs. Two hand-carved stone fireplaces grace the living room and the north-west bedroom. The main floor, including the dining room and hallway, contains wood paneling of oak and gumwood. The living room has panelled posts, French doors and 12 inch mahogany baseboards. The breakfast room adjoining the kitchen has unique embossed, tooled leather and oak panelling. There are several leaded stained glass windows on the second floor. The ensuite bathrooms contain Doulton porcelain fixtures. Doorknobs through the house are of brass and cut glass in a pear shape.

3. Background:

On June 30, 2020, the City of Welland Heritage Advisory Committee received an email from the City Clerk asking for assistance with a request from Jenny Schultz, owner of 20 Evan Street, asking to remove the designation from this property. The stated reason for the owner's request was that she was finding it difficult to obtain insurance or a mortgage on the property due to the designation.

Information available from the Ontario Ministry of Heritage, Culture, Tourism and Sport Industries and the Insurance Bureau of Canada indicates that Designation under the

Ontario Heritage Act should have no effect on an owner's ability to obtain insurance or a mortgage. This has been readily available for several years on the City website's Heritage Welland page.

This was the first owner of a designated property to indicate to the Committee that they had any difficulty with this. Before responding, Committee Chair J. Mastroianni requested the Secretary to survey a group of local banks and mortgage lenders about this, five of which were contacted.

On July 23, 2020, the Committee Secretary replied to owner J. Schultz in an email which included the following:

Having a Designated Property should have no effect on obtaining insurance or a mortgage.

With regard to Heritage Designation and mortgages: I have spoken with several banks and lenders and most have never heard of Heritage Designation being a detriment, but cited several factors such as value, condition of property and location that could affect obtaining a mortgage.

With regard to whether Heritage Designation should affect your ability to obtain insurance:

- Under the Ontario Heritage Act there are no additional requirements with regard to insurance coverage. Some uninformed insurance companies may believe that the Act requires that heritage attributes of a property need to be replicated in the event that they are destroyed. This is not the case, as the heritage value in the property lies in the fact that the features are original. Should the property owner wish to include a provision that heritage attributes be replicated if lost, they should discuss this with their insurance company.

All insurance is based on the replacement cost of the building with materials of like kind and quality, whether the building is new or a century old, regardless of whether the building is designated or not. Therefore the idea that replacement cost can be reduced if the designation is removed is wrong. This is backed up by the Insurance Bureau of Canada. For more information please see the Ontario Ministry of Culture's info sheet "Insurance and Heritage Properties": www.mtc.gov.on.ca/en/publications/Heritage_Insurance.pdf

- Designation should not affect home insurance rates. Property insurance will be affected by the condition of the property and factors such as poor maintenance. Some insurance companies will not insure properties of a certain age, whether or not they are designated.

Designation should not increase insurance premiums as it does not place any additional requirements on the insurer. It is up to the discretion of property owners to add additional coverage, such as "replacement cost" coverage, for important features of the property in case of damage. This can be done whether or not the property is designated.

- from the Insurance Bureau of Canada and Ecclesiastical Insurance:
<https://ecclesiastical.ca/wp-content/uploads/2013/08/BR019-19Sep10-Insuring-Heritage-Buildings.pdf>
<http://www.IBC.ca/on/home/heritage-properties>

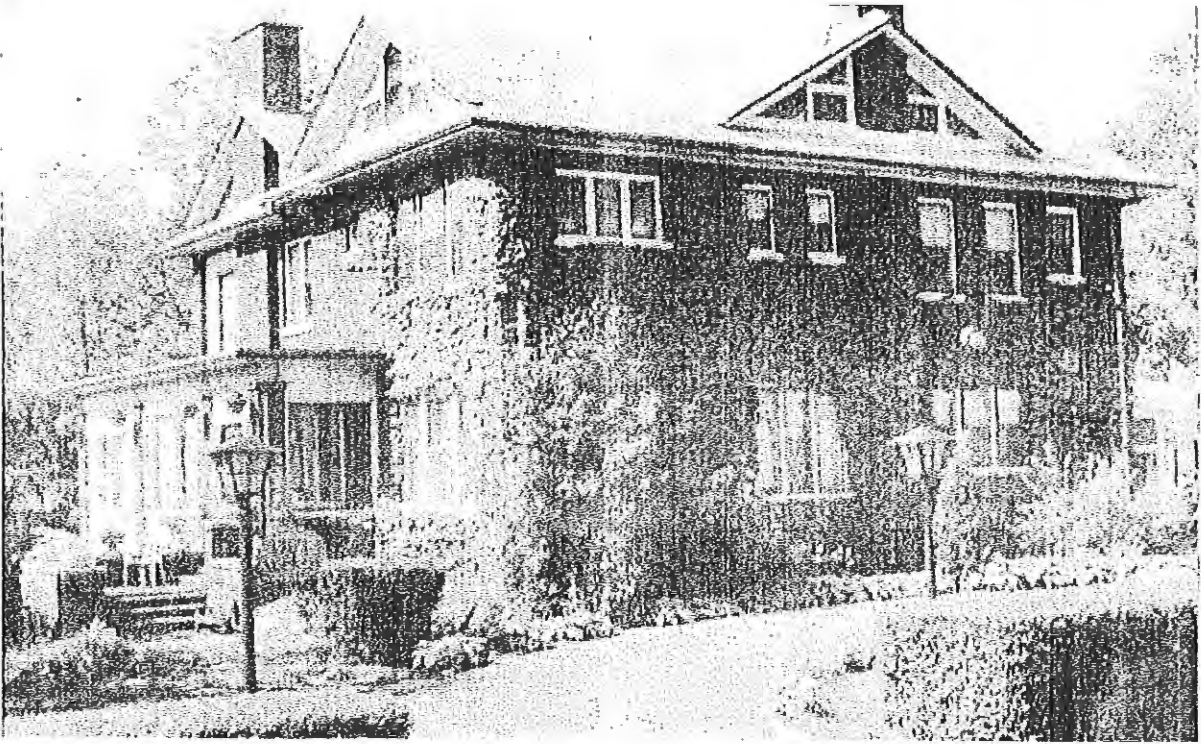
I would like to suggest that you might wish to contact a few different mortgage lenders and insurers before considering the drastic step of de-designation.

Owner Jennie Shultz responded by email on July 28th, 2020, thanking the Committee for its response but stating that she had contacted four insurance companies and was unable to obtain insurance and would like to be advised of the process to follow for de-designation.

This was discussed by the Committee at its meeting of Nov. 4, 2020, and the Committee's Secretary was advised to forward to the owner the relevant sections from the Ontario Heritage Act detailing the process of de-designation, which was done on November 10, 2020.

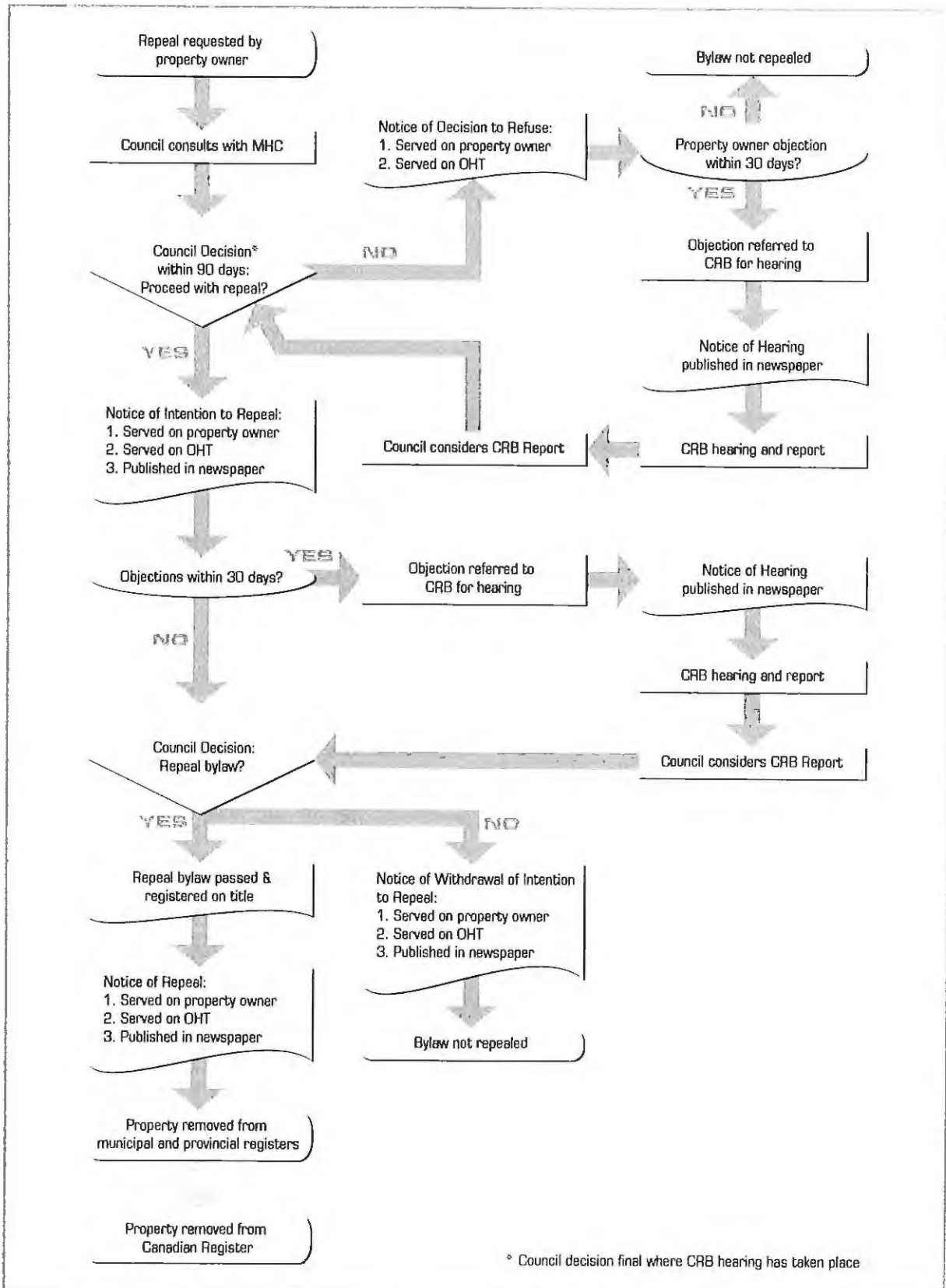
On December 28, 2020, the Committee received an email from the owner asking to start the process of de-designation of 20 Evan Steet. This was forwarded by the Committee Secretary to City Clerk Tara Stephens the same day. The City Clerk replied to the Secretary on Jan. 4, 2021, indicating that staff would respond.

On September 12, 2021, the Committee received a letter from the owner forwarded from the City Clerk's Dept. requesting the removal of the Heritage Designation. As required under the Ontario Heritage Act, the Committee discussed this at its regular meeting of October 6, 2021 and made the recommendation motion above.



20 Evan Street
The Raymond-Gross-Maclellan House

5. Repeal of Designating Bylaw, Owner's Initiative (Section 32 of the Ontario Heritage Act)





August 2012

Insurance and Heritage Properties

Will heritage designation make my property insurance premiums go up?

Your premiums should not go up as a result of a heritage designation. A variety of other reasons cause insurance companies to increase premiums for older buildings if there is a higher level of risk, such as services (out-dated wiring, old heating systems, etc.). In fact, some companies do not insure buildings over a certain age. Designation itself, however, does not place additional requirements on the insurer and therefore should not affect your premiums.

What happens if a building is destroyed by fire, or some other accident? Would it have to be rebuilt as it was?

The intent of designation is to preserve the historic, physical, contextual or other community heritage value of a property. If a building on a heritage property is completely or partially destroyed, the designation by-law does not oblige the owner to replicate any lost heritage attributes. A replacement building, for example, can be of a different design.

What if I *want* the original features of my property to be replicated in case of damage?

If this is what you want, make sure you're properly covered. Insurance coverage for this depends on the degree of risk you and your insurance company are prepared to share. The age, quality and condition of your building will affect what coverage is available and the premium charged.

"Replacement cost" coverage requires prior insurance appraisal of the building. It generally provides for the property to be repaired or replaced with like kind and quality up to the amount stated in the policy. If available, guaranteed replacement cost coverage can provide for replication of original historical detailing and other important features that have been lost or damaged – whether or not a property is designated. Some insurance companies even offer a special type of "by-law endorsement" coverage. If you have a designated property, it is advisable to share your designation by-law with your insurer in order to be certain that heritage attributes are properly covered by your policy.

You can also obtain coverage for "actual cash value" (ACV). The ACV is the calculated cost of replacing the property with something of like kind after taking depreciation into account. When you arrange the insurance, be sure to speak with your insurance representative about the basis of your claims settlement. It is important to understand what you can expect if the building were to be completely or partially destroyed by an insured peril.

As with any insurance plan, it's best to research the various insurance providers in order to find the most competitive rate and best service from your insurer.

If you have further questions, you can contact the Insurance Bureau of Canada Consumer Information Centre at 416-362-9528 or 1-800-387-2880 (Direct Lines) Consumer Officer(s) available Mon. to Fri. 8:00 am to 6:00 pm. Voice mail is available 24hr.

What is heritage designation?

Designation is a way for owners to express pride in the heritage value of their property, and for the community to protect and promote awareness of its local history. The Ontario Heritage Act enables municipalities to designate properties of cultural heritage value or interest through a by-law.

Designation can apply to individual properties or to a whole neighbourhood or district. If a property or district is designated, it gains public recognition as well as protection from demolition or unsympathetic alteration so that the heritage attributes of the property can be conserved.

If my property is designated, do I have to restore the property to its original design or appearance?

Heritage designation does not require you to restore your building to its original appearance. The designation by-law identifies the heritage attributes that are considered important, and council approval is required for changes that will affect those attributes.

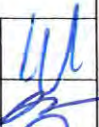


If you want to restore any lost or missing features, you should discuss your project first with the Municipal Heritage Committee or appointed municipal staff person. They can best advise on the proposed work and its likely impact on your property – especially if this involves the removal of any important feature from a later period.

Do I need permission for general maintenance?

General maintenance work, such as repainting of exterior trim, replacement or repairs to an existing asphalt roof, or alterations and repairs to property features that are not covered by the designation by-law do not usually require *heritage* approvals. However, you may still need a *building* permit. Check with your local building department.

Who decides whether the work is acceptable or not?

Council is responsible for deciding on applications for a heritage permit, unless this power has been delegated to municipal staff. Normally the Municipal Heritage Committee will review applications for changes to the property and provides advice to staff and council. Staff and committee members can advise you on how to ensure that the changes you want to make won't detract from the property's heritage attributes.

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILPLANNING AND DEVELOPMENT SERVICES

03-147

REPORT P&B-2021-68
NOVEMBER 16, 2021

SUBJECT: APPLICATION FOR CONDOMINIUM EXEMPTION (FILE NO. 26CD-14-21007) MADE BY 842701 ONTARIO LIMITED FOR LANDS DESCRIBED AS PART OF LOT 254 FORMER TOWNSHIP OF THOROLD BEING PART 1 ON PLAN 59R6482, CITY OF WELLAND, MUNICIPALLY KNOWN AS 547 THOROLD ROAD

AUTHOR: TARA O'TOOLE, B.A. (Hons.)
DEVELOPMENT PLANNING SUPERVISOR

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the exemption request by 842701 Ontario Limited, for its Application for Condominium Approval for converting an existing commercial building into four (4) individual condominium units located at 547 Thorold Road in accordance with Section 9 (7) of the Condominium Act, Chapter 4, 1998, as amended; and further,

That Staff be authorized to prepare any necessary By-laws.

ORIGIN AND BACKGROUND:

The City received an application for Condominium Exemption made by 842701 Ontario Limited to convert an existing commercial building into four (4) individual condominium units on September 10, 2021. The application was deemed complete on October 12, 2021. The property is located on the south side of Thorold Road, west of Clare Avenue, and east of South Pelham Road, and municipally known as 547 Thorold Road.

COMMENTS AND ANALYSIS:

Section 9 (7) of the Condominium Act provides that an Application for Condominium Approval may be exempted from Section 51 of the Planning Act where the approval authority is of the opinion that the exemption is appropriate in the circumstances.

A full Site Plan Agreement was registered on title on June 21st, 2004. The building was constructed per the approved Site Plan. All issues regarding servicing, grading, parking, landscaping, and zoning compliance were reviewed at the time of Site Plan Approval. The proposal met the requirements of the City's Zoning By-law and Engineering Standards. The City no longer holds any securities as the works have been completed to the City's satisfaction.

The owners have now applied to convert the property and building to a condominium in order to permit the sale of the individual units in the building. Any requirements that would typically be reviewed through the Condominium Approval have been addressed through the Site Plan Agreement which has been registered on the title of the property. As such, staff are satisfied that exemption from Condominium Approval is appropriate as there is an approved Site Plan on the property.

FINANCIAL CONSIDERATION:

All costs associated with the proposal will be borne by the Applicant.

OTHER DEPARTMENT IMPLICATIONS:

All comments from other departments were received through the Site Plan Exemption process and were addressed at that time.

SUMMARY AND CONCLUSION:

Staff recommends the exemption request for the Application for Condominium Exemption for 547 Thorold Road as all development requirements have been addressed through the Site Plan that has been registered on the Title. The proposed exemption is appropriate as it is consistent with the policies of the Condominium Act and the Planning Act which permit exemptions.

ATTACHMENTS:

Appendix I – Location Map

South Pelham Road

Thorold Road



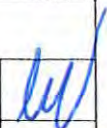
Location Map

547 Thorold Road

 **SUBJECT LANDS**



Planning & Development Services
Planning Division

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILPLANNING AND DEVELOPMENT SERVICES

21-142

REPORT P&B-2021-69
NOVEMBER 16, 2021

**SUBJECT: REQUEST FOR EXTENSION TO DRAFT PLAN
APPROVAL – FUSION HOMES PHASES 2 & 3 – 1695525
ONTARIO INC. (FILE 26T-14-10002) SOUTH OF FORKS
ROAD, EAST OF KINGSWAY AND WEST OF THE
WELLAND BY-PASS CANAL**

**AUTHOR: TARA O'TOOLE, B.A. (Hons.)
DEVELOPMENT PLANNING SUPERVISOR**

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

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves an Extension to Draft Plan Approval for the Fusion Homes Subdivision Phases 2 & 3 (File: 26T-14-10002) for two (2) years to January 15, 2024; and,

1. That the following revisions to conditions be added:
 - **Condition 6** - That the Owner agrees to implement the recommendations of the Geotechnical Engineering Report, ~~prepared by LVM, dated November 23, 2010~~, to be prepared by the Owner's Geotechnical Engineering through the Subdividers Agreement including any applicable warning clauses:
 - **Condition 7** – REMOVE
2. That the following condition be replaced with:
 - **Condition 21** –That prior to approval of the final plan, the owners shall submit to Niagara Region and the City of Welland an updated/ revised Phase 1 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with current Ministry of Environment, Conservation and Parks standards. Upon completion of the Phase 1, a Phase 2 Environmental Site Assessment report, if

necessary, or Soil Sampling Investigation report and any subsequent reports, if applicable, shall be submitted to Niagara Region and City of Welland.

That Welland City Council approves a policy amendment to allow for Fusion Homes Phases 2 & 3 to be provided with an Extension to Draft Plan of Subdivision Approval for two (2) years which exceeds the one (1) year extension provided through Policy SER-012-0014.

ORIGIN AND BACKGROUND:

The Fusion Homes Subdivision (File: 26T-14-10002) originally consisted of a 200 to 215 residential unit subdivision that will be made up of seven (7) lots for single-detached dwellings, seven (7) blocks for between 143 to 158 single-detached dwellings, two (2) blocks for approximately fifty (50) semi-detached dwellings, three (3) blocks for open space, and two (2) blocks for walkways. Phase 1, being comprised of seven (7) lots was registered in October 2018. Phase 2, being a Plan of Condominium, was given Draft Plan Approval on November 10, 2020 by Welland City Council. Phase 3 consists of 143-158 single detached and 50 semi-detached dwellings with access onto Kingsway has not been registered, and therefore will need to be extended, or it will lapse. Phase 3 of the development was redline revised in May 2021 to realign a number of the blocks and to identify parklands. Furthermore, the extension is to provide sufficient time to complete the engineering drawing approval process for the project and clearance of draft plan of subdivision conditions. Also, this extension will permit more time to complete further geotechnical investigation of the Phase 3 lands, initiate the sales program, and associated site grading and stormwater plans required for the project.

The applicant has requested that Draft Plan approval be provided for an additional two (2) years, despite Policy SER-012-0014 which only permits extensions to Draft Plan Approval to be provided for up to one year. To allow for a two-year extension to Draft Plan Approval, an amendment to the policy is also required.

COMMENTS AND ANALYSIS:

Draft Plan Approval is scheduled to lapse on January 15, 2022. Staff was provided with a request for Extension of Draft Plan Approval on September 29, 2021. The applicant has outlined that they have registered Phase 1 of the development, and Phase 2 would be moving forward to Council for approval. The Phase 2 condominium was subsequently approved by Council on November 10, 2020. The extension is to provide sufficient time to complete the engineering drawing approval process for the project and clearance of draft plan of subdivision conditions. Also, this extension will permit more time to complete the sales program and additional studies. Given that it may take some time for engineering approvals and clearance of conditions, an extension of two (2) years has been requested.

In accordance with the Memorandum of Understanding amongst the local municipalities, Niagara Region and the Niagara Peninsula Conservation Authority (NPCA), all requests for Extensions to Approvals of Draft Plans of Subdivision are to be circulated to the Region and NPCA for comment. This is to ensure that any Conditions of Draft Plan Approval comply with current policies.

The Niagara Region provided comments on November 8, 2021. The applicant requested that Condition 21 be amended to address the requirement of an RSC as there has been no change in land use. Therefore, submission of a Phase 1 Environmental Site Assessment and soil sampling investigation will suffice to address the suitability of the fill material for residential development. Furthermore, the Niagara Region have no objections to an extension for up to two (2) years. At the time of writing this report, comments from the NPCA had not been received. At the time of writing this report, comments from the NPCA have not been received. However, the NPCA has existing conditions of approval which will continue to apply to this Draft Plan extension.

The applicant has identified in their timelines that Phases 2 and 3a will be registered by the end of 2022 but have requested a two-year extension to ensure that they have adequate time if unforeseen issues arise regarding the geotechnical works or delays receiving clearances from outside agencies. Staff are willing to support the two (2) year extension to provide the applicant an opportunity to proceed with their timeline. If the applicant is not able to meet their timelines, they will be required to reapply for an extension, and staff will review the merits of an additional extension at that time.

The intent of the draft plan approval extension policy was to ensure that approved developments moved forward over time rather than sitting idle. The Owner has developed Phase 1 of the Subdivision, is in the process of developing Phase 2 and are working on meeting the conditions of approval for Phase 3. In this case the extension seems appropriate.

FINANCIAL CONSIDERATION:

All costs associated with the development of this property will be borne by the Developer.

OTHER DEPARTMENT IMPLICATIONS:

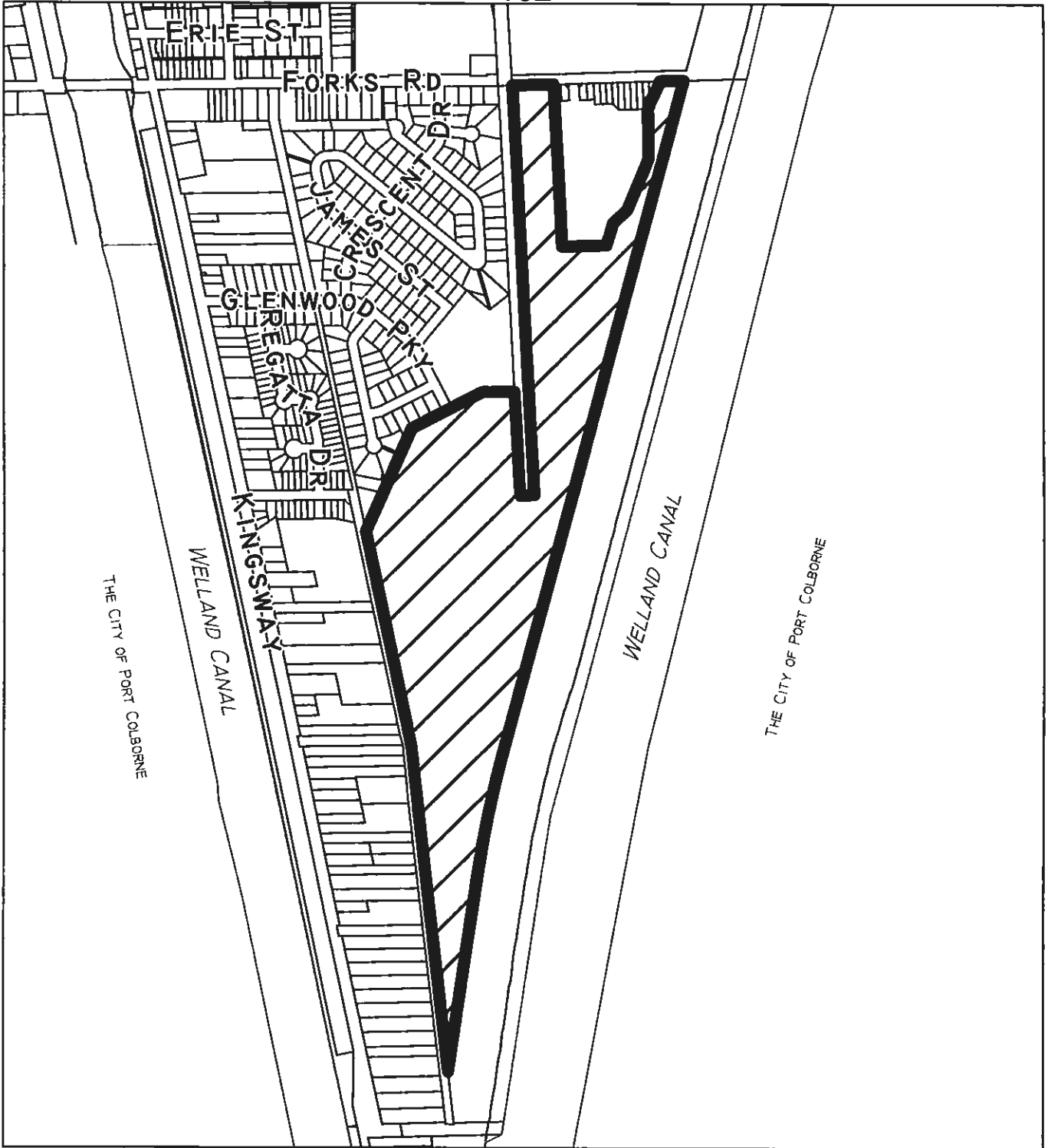
There are no implications to other Departments related to this request for Extension of Draft Plan Approval.

SUMMARY AND CONCLUSION:

Staff recommends a two (2) year extension to the Fusion Homes Draft Plan Approval to January 15, 2024.

ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Request for Draft Plan Extension
- Appendix III - Agency Comments



KEY MAP

26T-14-10002



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

2676903 Ontario Inc.
291 Edgeley Boulevard, Suite 1
Concord, Ontario
L4K 3Z4

September 29, 2021

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

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

RE: File 26T-14-10002
Draft Plan of Subdivision approval – 2 year extension request

Dear Rachelle,

Further to our meeting on September 24, 2021, we are writing to request a 2 year extension to the Draft Plan of Subdivision Approval for the project above. As noted during our meeting we have submitted the detailed engineering drawings for approval by the City on September 20, 2021 and we will also be pursuing required approvals from the other agencies.

The purpose of the extension is to provide sufficient time to complete the engineering drawing approval process for the project and clearance of draft plan of subdivision conditions. We are also requesting this extension to permit time to complete the sales program and associated site grading required for the project. We will be applying to the City for a Site Alteration Permit for site grading purpose.

Enclosed please find the associated fee required to apply for this extension.

Should you have any questions please feel free to let me know

Sincerely,



Charles Geng
President
2676903 Ontario Inc.

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

November 10, 2021

Region File: D.11.11.SD-21-0044

Ms. Tara O'Toole
Development Planning Supervisor
Planning and Development Services
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Dear Ms. O'Toole:

**Re: Regional and Provincial Comments
Two Year Extension Request – Draft Plan of Subdivision Approval
Applicant: 2676903 Ontario Inc.
Agent: Upper Canada Consultants (c/o William Heikoop)
City File: 26T-14-10002
Kingsway Subdivision (formerly Fusion Homes / Dain City), West Side of
Welland Canal and East of Canal Bank Street Part of Lots 24, 25 & 26,
Concessions 4 & 5
City of Welland**

Regional Planning and Development Services staff has reviewed the National Homes request for a two-year extension of Draft Plan Approval for above noted subdivision. The request for extension and review fees were received on November 9, 2021. The following Provincial and Regional comments are offered to assist the City in considering the current extension request.

The applicant has indicated that the original draft approval become effective in January 2014 with subsequent extensions. It is our understanding that the most recent one-year extension of Draft Approval granted by the City, is set to expire on January 15, 2022.

It is the Region's practice to consider up to two-year extensions to Draft Plan Approval. This allows for regular review of the proposal in light of the most recent policies and/or infrastructure considerations and to modify and/or update conditions of approval if necessary. In reviewing this request, it is our understanding that the extension will allow for sufficient time for the applicant to complete the engineering drawing approval process for the project and clearance of Draft Plan of Subdivision conditions. The

extension will also permit additional time to complete the sales program and associated site grading required for the project.

Site Condition

Regional staff have reviewed the Conditions of Draft Plan Approval, as well as the updated "Phase One Environmental Site Assessment" ("ESA") prepared by Peritus (dated May 1, 2020), as well as applicable provisions of the *Environmental Protection Act* and O. Reg. 153.04, as amended. The updated ESA confirms that the site was subject to stockpiling of native soil excavated during construction of the Welland Canal By-pass in 1973 and was in agricultural use prior to that. The updated ESA also "*confirmed there were no significant changes to the Site and surrounding properties that could lead to new sources of contamination*" (i.e. since completion of the original Phase One).

Based on staff's review, it appears that stockpiling of native soil does not constitute "landfilling"/disposal of waste as set out in the Environmental Protection Act, and therefore, the site would not be defined as a "waste disposal site" (i.e. industrial use) under the regulation. As such, staff agree that there is no change in the use of the land that would have required filing of a Record of Site Condition in accordance with O. Reg. 153/04. On this basis, staff recommend that the City amend Condition 21 of the Conditions of Draft Plan Approval as follows:

"Condition 21: That prior to approval of the final plan, the owners shall submit to Niagara Region and the City of Welland an updated/ revised Phase 1 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with current Ministry of Environment, Conservation and Parks standards. Upon completion of the Phase 1, a Phase 2 Environmental Site Assessment report, if necessary, or Soil Sampling Investigation report and any subsequent reports, if applicable, shall be submitted to Niagara Region and City of Welland."

Conclusion

Based on the above discussion, Regional Planning and Development Services staff is satisfied that the request for a 2-year extension of the Kingsway Subdivision will not compromise Regional and Provincial interests. As the applicant is working towards finalizing engineering drawing approval process, Regional staff have no objection to a further extension of Draft Plan Approval for up to two-years subject to updating Condition 21 of the Draft Plan Approval as set out in this letter.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send notice of Council's decision on this application.

D.11.11.SD-21-0044
November 10, 2021



Respectfully,

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

Alexander Morrison, MCIP, RPP
Senior Development Planner

cc: Mr. Pat Busnello, Manager of Development Planning, Niagara Region
Ms. Susan Dunsmore, Manager of Development Engineering, Niagara Region

COUNCIL
FIRE AND EMERGENCY SERVICES

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT F&ES-2021-09
NOVEMBER 16, 2021

01-15

SUBJECT: FIRE STATION 1 ENVIRONMENTAL STEWARDSHIP

AUTHOR: ADAM ECKHART, MPS, BPSA, ECFO
FIRE CHIEF AND COMMUNITY EMERGENCY MANAGEMENT
COORDINATOR

APPROVING DIRECTOR: ADAM ECKHART, MPS, BPSA, ECFO
FIRE CHIEF AND COMMUNITY EMERGENCY MANAGEMENT
COORDINATOR

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives this report for information.

ORIGIN AND BACKGROUND:

Energy Efficient Fire Station

The City of Welland allocated 400 East Main St, an 8 acre Brownfield site and former home to Atlas Steels as the future home of the City's Fire Department Headquarters. Work is currently underway and progressing well. This building will be very modern and energy efficient. The Corporation will see a comparative reduction in operating costs, long-term savings, and a reduced demand on the energy systems for years to come. Project estimates anticipate that the building will achieve a 75% greater performance than the National Energy Code's minimum. Making the building one of the most energy efficient Fire Stations in Canada. Staff are working on various Grants to support the design, construction and energy use of this station and hope to bring a report to Council in the future on this.

Addressing the Brownfield

Upon completing an Environmental Assessment, the property was determined to be a Brownfield site. Soil contaminates ranged from heavy contaminates to light, including building materials. The heavy contaminates that were discovered have been properly and safely removed from the site using traditional remediation methods. The remaining substrates, contaminated with concrete, steel and other mild residuals is permitted to remain on site. Keeping these soils on the property has reduced the site remediation costs significantly for the Corporation.

Concrete Repurposing

Staff identified early into the project that a large quantity of concrete and other building materials was on the property. During these early planning stages, an assessment of the concrete determined that it could be repurposed on-site. Rough cost estimates determined that crushing the concrete on-site would be cost-effective and support the project in many ways. The crushed concrete would be sized for future aggregate use on-site and reduce the need to truck stone and fill to meet the project needs. This diverted 5,000 cubic meters of concrete from landfills, reducing dumping fees, trucking costs, and material purchasing.

The Berm - Soil Retention

Soils excavated from the pond and project work will be piled on the site, at the rear of the training grounds as shown in the diagram attached. This berm will be seeded with native species to support local habitat. Keeping the soil on site will result in significant savings and divert thousands of tons of soil from the landfill. The design and shape of the berm has a nice appearance and creates a natural visual backdrop behind the fire station and training tower. The elevation of the berm and plants will create an additional sound barrier too.

The Berm - Natural Habitat – NPCA and Niagara College

Niagara Peninsula Conservation Authority (NPCA) and Niagara College will help with naturalizing the berm. In addition to the hydro-seeding Niagara College has accepted the site as a Field Project for the Ecosystem Restoration Students. Students will first visit the berm this fall, and over the winter months will develop a plan to add native plants to create a pollinator friendly habitat, in support of NPCA Resolution No. FA-147-2021 Native Pollinator Habitat. The students will work with the Fire Chief to design a natural space, help to secure funding, and implement the revitalization efforts.

Land reclamation and Phytoremediation

The overall goal is to reclaim the berm and remaining areas with the exposed substrate using native plant species and prevent the site from being overgrown with invasive/weed species. The plant community will stabilize the berm surface substrates, eliminate erosion, improve site aesthetics, and provide habitat for insects, birds and other organisms accessing the fenced-in berm. Consideration will also be given to any need or future potential for contaminant movement through techniques such as Phytoremediation.

Stormwater management pond – environmental and financial benefits

The site is responsible for the retention of stormwater. A pond is necessary to capture the rainwater and limit the release to ensure that neighbouring properties are not flooded. The pond has been designed to handle a 1 in 100-year storm surge event. It will have a standing water level that will provide water for fire department use. Water used in firefighter training will be recirculated to the pond and used repeatedly. This will reduce the demand for the drinking water supply and ultimately lowering the cost to the Municipality. The pond will also provide an access point for pumper testing, allow staff to conduct its pumper capacity testing, and reduce the need for outside contractors. The water will also support local habitat and vegetation.

Pond Firefighter Training

The pond will also support firefighter training in water and ice rescue operations. The pond has been designed to replicate three main landscape features within our community: the shipping canal banks, bridge/bank/docks, and a low slope entry point like a ramp. Parts of the pond have been shaped to support training scenarios that will provide for realistic simulations and help to prepare firefighters to serve the community. Having the pond setup for these simulations will provide a safe and readily available training ground, reducing the travel and assembly times and providing for ample parking and nearby resources to support training. Firefighters will be centrally located while training and available to respond immediately without needing to manage equipment.

Communicating our plan to our neighbours

In June, I provided a letter to each resident and property owner on Patterson Ave. Including a sketch of what the fire station and the property will look like in the future. I drew their attention to the Green Berm, and the Memorial Gardens which will be visible from Patterson Ave. I encouraged them to contact me with any concerns, and I have not heard from anyone as of yet. Staff are excited to see the final product.

COMMENTS AND ANALYSIS:

Efforts continue to construct a fire station that is energy efficient, and staff are continuing to seek financial incentives to support the environmental benefits. The design of the building will provide for a healthy, comfortable work environment that supports the health and well-being of the firefighters within.

The efforts listed above will serve the community for many years. It is environmentally and economically respectful and considers the mid and long-term challenges of providing a cost-effective service to the community.

These designs and programs will offer a long-term benefit to the community, providing for energy efficient and sturdy buildings, while lowering the operating costs of fire stations across the City.

FINANCIAL CONSIDERATION:

NIL

OTHER DEPARTMENT IMPLICATIONS:

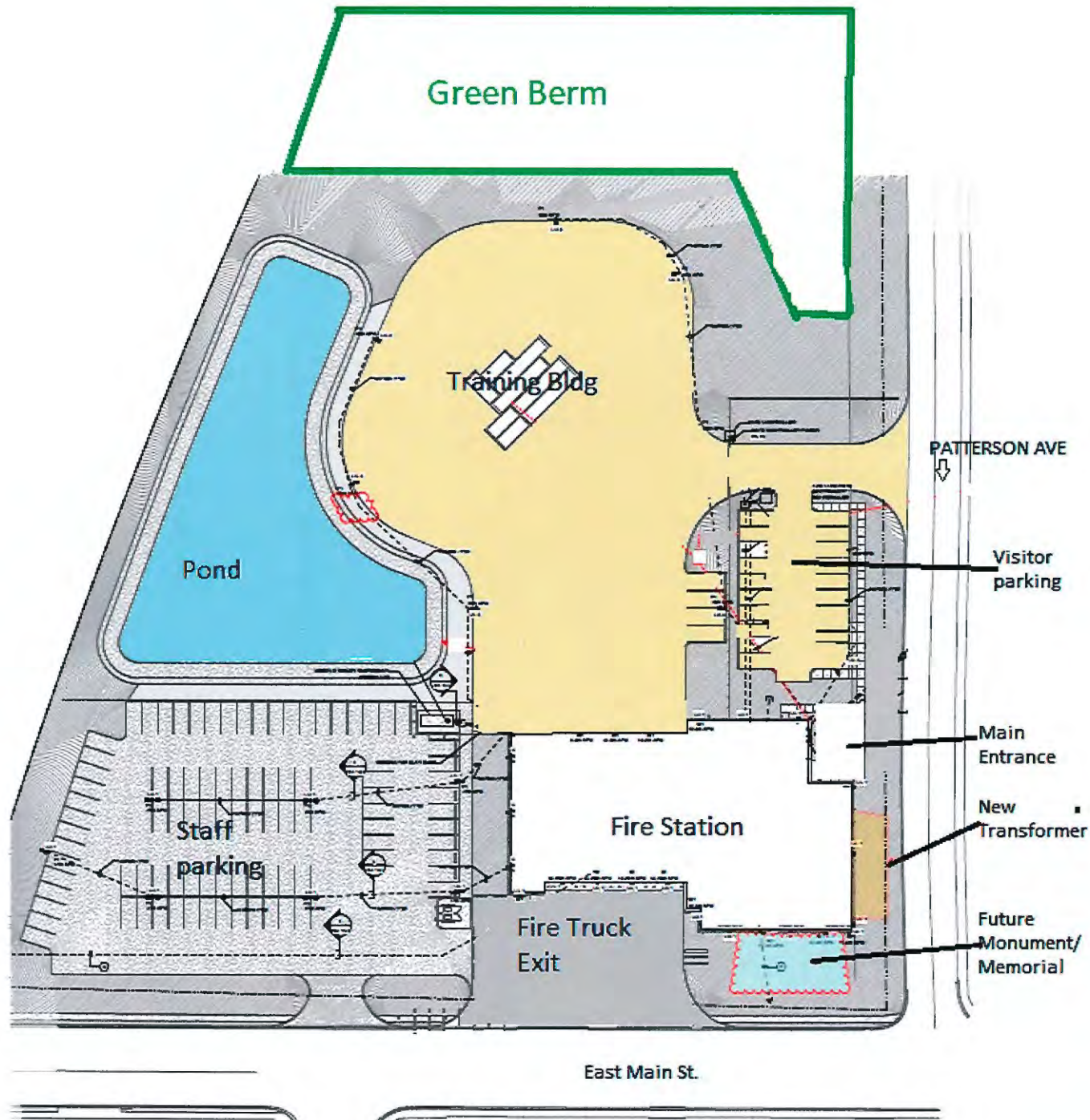
NIL

SUMMARY AND CONCLUSION:


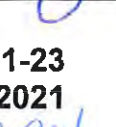
Welland Council, residents, and staff should be aware and be proud of the multi-faceted approach to repurpose and remediate a former industrial site into an industry leading example of environmental and energy stewardship. Reclaiming Brownfields can be a complicated and costly venture. The City of Welland has shown great stewardship, and progressive practices to restore a prime piece of real estate in the core of the City. Serving as an example to investors, Brownfield owners, and developers that Welland is creative, engaged, and always searching for opportunities to support the environment, economic health, and well-being of our community.

ATTACHMENTS:

400 East Main St. Site plan



COUNCIL
COMMUNITY SERVICES
RECREATION & CULTURE DIVISION

APPROVALS	
DIRECTOR	VA
CFO	
CAO	

REPORT R&C-2021-23
NOVEMBER 16, 2021

99-90/
99-99

SUBJECT: 2022 CONCERTS ON THE CANAL SERIES

AUTHOR: ERIN CARL, WIFC DEVELOPMENT OFFICER

APPROVING DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND authorize staff to enter into a contract with the Welland Downtown Business Improvement Area (WDBIA) for the 2022 Concerts on the Canal Series; and

THAT Welland City Council directs the City Clerk to prepare all the necessary and appropriate by-laws to enter into an agreement with the WDBIA; and further

THAT Welland City Council approves the release of a Request for Proposal (RFP) to be issued in 2022 to provide a new and robust Concerts on the Canal series.

ORIGIN AND BACKGROUND:

In January 2020, City Council approved the successful RFP (Report # R&C-2020-01) to the Welland Downtown BIA to provide a summer concert series for 2020 and 2021. Due to the pandemic and the provincially mandated cancellation of all public gatherings and events, an agreement was not executed.

Staff and the Downtown BIA have since been in discussions on a what concert series could look like in 2022. It was expressed that there are still many unknowns and uncertainties as related to the pandemic and any related regulatory requirements that may be in effect over the summer months. As a result, our collective recommendation to Council is:

- To enter into agreement for 1 year to support a modified summer concert series on the canal.
- To pool our collective resources to support this initiative, including co-planning / programming the series based on all regulatory requirements.
- For the City to provide budgeted funds allotted to this series at \$40,000 in cash and \$25,000 of in-kind support.
- For the Welland Downtown BIA to provide \$30,000, being a 2020 anonymous donor contribution, to fund and support the Concerts on the Canal series for the 2022 season.

The above has been discussed with the Downtown BIA as a cooperative approach to dealing with this type of event series, post pandemic in 2022. Some of the rationale for our collective recommendation are:

- The uncertainty of various variables as related to the pandemic and regulatory requirements.
- The existing agreement was not completed prior to the pandemic. Replicating the existing terms and extending it by two years would be difficult to do with the continued uncertainty. Co-planning a modified 1-year series allows for more flexibility and adjustment as we proceed into next year.
- To provide investment from both the city and the Downtown BIA demonstrates a cooperative partnership approach.
- Planning and implementing this one-year series, provides a good base of information to support a future longer-term RFP.

In addition, this report also requests permission by Council to issue an RFP for a concert series for a five (5) year period with an optional 5-year extension. It is staff's intention to issue this RFP mid-summer 2022, post any covid regulatory requirements to provide more certainty and clarity for any organization looking to bid on this opportunity.

FINANCIAL CONSIDERATIONS:

The City of Welland will provide budgeted funds allotted to this series at \$40,000 in cash and \$25,000 of in-kind support and the Welland Downtown BIA to provide \$30,000, being a 2020 anonymous donor contribution, to fund and support the Concerts on the Canal series for the 2022 season. The 2021 funds have been accrued to support this 2022 go-forward plan.

OTHER DEPARTMENT IMPLICATIONS:

Recreation & Culture Staff's time will be required to coordinate the overall summer concert series calendar and ensure effective communication with all the parties. This series will continue to be vetted through the Special Events Application Review Team (S.E.A.R.T) to ensure that all necessary permits, permissions, and insurance requirements are in place to ensure the safety of all is well managed.




SUMMARY AND CONCLUSION:

Due to the many unknowns and uncertainties related to the on-going pandemic and any related regulatory requirements which may be in effect over the 2022 summer months, staff are recommending entering into an agreement with the Welland Downtown BIA by 1 year to support a modified summer concert series on the canal.

ATTACHMENTS

None.

COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-136

REPORT ENG-2021-29
November 16, 2021

SUBJECT: 2021 CULVERT REPLACEMENT PROGRAM – TENDER AWARD

**AUTHOR: ERIK METSA, C.E.T.
PROJECT MANAGER**

**APPROVING MANAGER: LIVIA MCEACHERN, P.ENG.
MANAGER OF ENGINEERING**

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of **Nexterra Substructures Inc.** in the amount of **\$317,072.70** (plus HST) being the lowest of six (6) bid submissions received for the 2021 Culvert Replacement Program; and further
2. THAT Council directs staff to prepare the necessary by-law and documents to execute the project; and further
3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

ORIGIN AND BACKGROUND:

The existing culvert crossings at River Road, Colbeck Drive, and Ridge Road have reached the end of their useful life. The project will involve a full replacement of culverts at all three locations including approximately 90 meters of storm sewer from the River Road culvert through River Road Park into the outlet at the Welland River.

The opportunity to package these culvert replacements together will maximize construction efficiencies and savings through economies of scale.

COMMENTS AND ANALYSIS:

The tender for the works was released on Tuesday October 19, 2021, for 2 weeks to Biddingo a major Canadian tendering website and was publicly advertised and listed with the Niagara Construction Association.

There were six (6) tenders received on closing day, Tuesday November 2, 2021. Submissions have been reviewed for accuracy and five (5) have been found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

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

Contractor Name and Address	Tender Price (excluding taxes)
Nexterra Substructures Inc. 7226 Reixinger Road, Niagara Falls, ON L2G 0R9	\$317,072.70
Rankin Construction Inc. 20 Corporate Park Drive, St. Catharines, ON L2S 3W2	\$377,425.00
Demar Construction Inc. 2140 Allanport Road, Allanburg, ON L0S 1A0	\$381,258.70
Peters Excavating Inc. 3 Cross Street, Welland, ON L3B 5X6	\$395,272.00
CRL Campbell Construction & Drainage Ltd. 11675 Burnaby Road, Wainfleet, ON L0S 1V0	\$413,950.00
Greenspace Construction 50 Carroll Street, Toronto, ON M4M 3G3	Noncompliant

Nexterra Substructures Inc. of Niagara Falls, Ontario, the lowest compliant tenderer, is an established company and has been successful with similar work for the City and other Regional municipalities in recent years. Staff considers the firm's performance to be satisfactory in accordance with City specifications and standards, and therefore recommends that the firm be awarded the contract.

Work on this contract is expected to begin fall 2021 and be complete prior to the winter.

FINANCIAL CONSIDERATION:

Project costs and funding is summarized as follows:

Project Costs	Amount
2021 Culvert Replacement Program, Low Bid	\$317,072.70
Material Testing and Quality Control (2%)	\$6,341.45
Subtotal:	\$323,414.15
City's Portion of HST (1.76%)	\$5,692.09
Total Anticipated Costs:	\$329,106.24

Project Funding	Amount
River Road Storm Sewer / Ditch (Storm Sewer) (10-327-21367)	\$300,000.00
Colbeck Storm Culvert (Storm Sewer) (10-327-20321)	\$150,000.00
Ridge Road Storm Culvert (Storm Sewer) (10-327-20331)	\$150,000.00
Approved Capital Funding:	\$600,000.00

The tender price from the low bidder plus 2% for material testing and 1.76% for the City's portion of the HST is approximately **\$329,106.24**. There is sufficient funding approved for this project.

OTHER DEPARTMENT IMPLICATIONS:

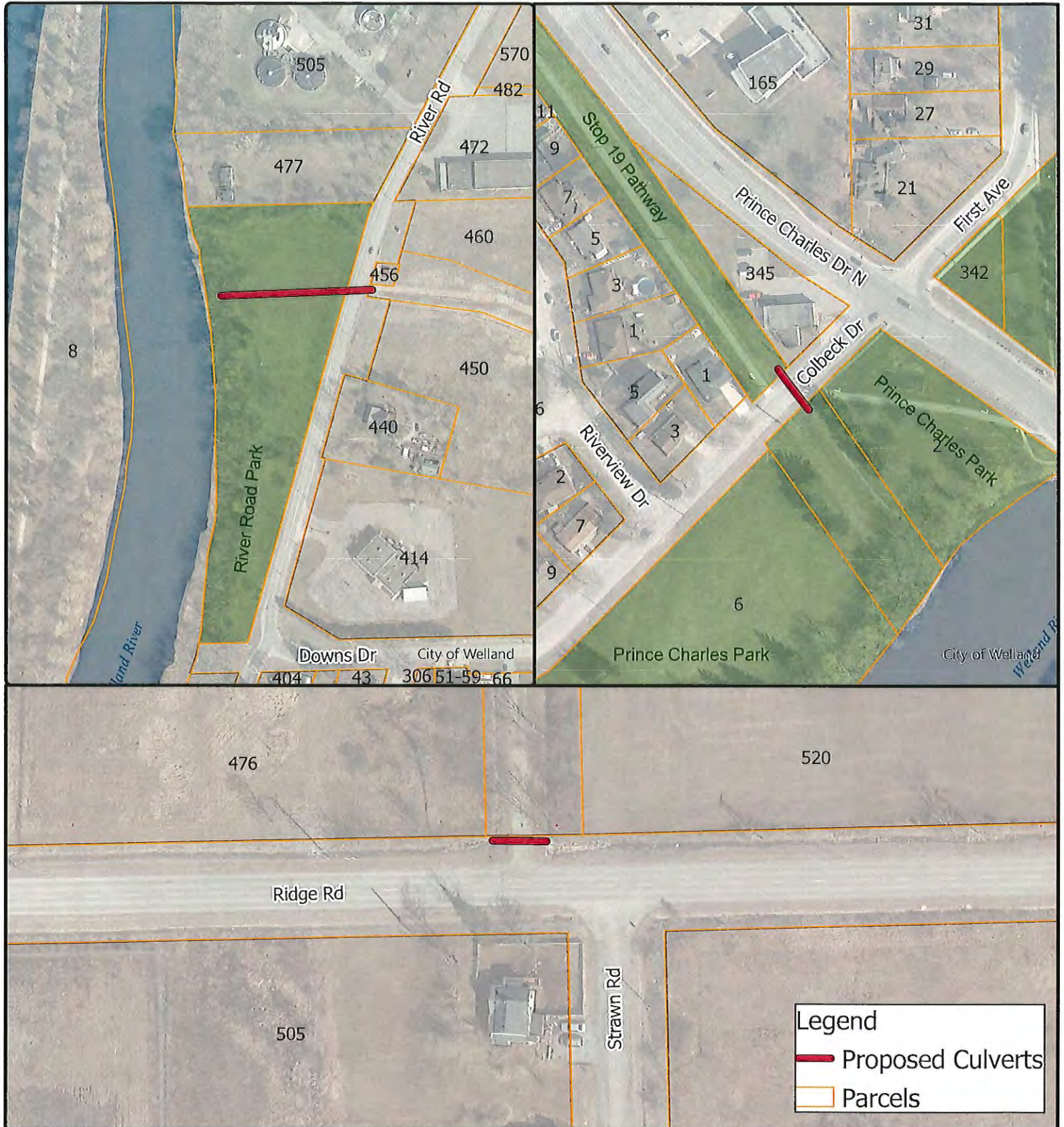
Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal Services departments.

SUMMARY AND CONCLUSION:

Staff recommends the awarding of the 2021 Culvert Replacement Program contract to Nexterra Substructures Inc. at the tendered price of \$317,072.70 (plus HST)

ATTACHMENTS:




Appendix I - 2021 Culvert Replacement Location Plan



Appendix I – 2021 Culvert Replacement Location Plan

The information contained in this map may represent unintended errors or distortions of fact and the City of Welland (the City) makes no representations or warranties, express or implied, as to the accuracy or completeness of the data and all information should be verified independently. This map is not a legal plan of survey. Depictions of property lines and other features are provided for schematic purposes and should be used for reference only. No part of these drawings, or information, or hard copies made from them may be reproduced and/or distributed without written permission from the City. Copyright © 2021 The Corporation of the City of Welland and its Suppliers.

COUNCIL
OFFICE OF THE CAO
CLERKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-133

REPORT CLK-2021-25
NOVEMBER 16, 2021

SUBJECT: COUNCIL COMPENSATION REVIEW COMMITTEE

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-2021-25; Council Compensation Review Committee; and THAT Welland City Council approves the establishment of a Council Compensation Review Committee for the 2022 to 2026 Term of Council; and THAT Welland City Council approves the Terms of Reference as attached as "Appendix I"; and further THAT Welland City Council directs the City Clerk to begin recruitment for the Council Compensation Review Committee in January 2022.

ORIGIN AND BACKGROUND:

On November 2, 2021, Welland City Council approved a motion directing staff prepare a report regarding the development of an Council Compensation Review Committee and Terms of Reference.

COMMENTS AND ANALYSIS:

Many Ontario municipalities have established committees related to the review of council compensation. The purpose of establishing the committee is to allow for an objective third party review of council remuneration and expenses.

A Council Compensation Review Committee would be responsible for the review of the remuneration and benefits paid to council members for the upcoming term of office being November 2022 to November 2026.

The committee would not have any decision-making capacity or delegated authority, except to direct staff to assist with the administrative support including the gathering of information and resource materials to assist the group with this review.

FINANCIAL CONSIDERATION:

There are no financial considerations.

OTHER DEPARTMENT IMPLICATIONS:

Administrative support from the Office of the City Clerk, Human Resources and Finance Divisions.

SUMMARY AND CONCLUSION:

At the request of Welland City Council, staff have prepared this report and Terms of Reference to provide an overview of the responsibilities if a Council Compensation Review Committee was established.

ATTACHMENT:

Appendix I – Council Compensation Review Committee – 2022 to 2026 Terms of Council - Terms of Reference.



**Council Compensation Review Committee
2022 to 2026 Term of Council
Terms of Reference**

1. Purpose

The purpose of the committee shall be to review the remuneration and benefits to be paid to the City of Welland Council Members (the “council”) for the term of office November 15, 2022 to November 14, 2026.

2. Mandate

The mandate of the committee is to produce an independent report with recommendations for the level of total compensation for Council for the term of office commencing November 15, 2022.

3. Delegated Authority

The committee does not have any delegated authority except to direct staff to assist with administrative support including the gathering of information and resources materials to assist the committee with its review.

4. Committee Composition

The membership of the committee will be comprised as follows:

- five (5) citizen members, two (2) of which are business representatives from within the business community.

For the purposes of these Terms of Reference, “citizen member” means a member of the committee other than a member of council and “business representatives” means owners or operators of businesses operating in the City of Welland.

Each committee meeting will also be attended by the City Clerk and Manager of Human Resources, or their designate.

Only members of the committee may vote on any issue.

5. Appointment of Members to the Committee

All members of the committee will be interviewed and appointed by a staff panel consisting of the Director of Finance/Treasurer/CFO, Manager of Human Resources and the City Clerk. No appointments to the committee will be made by Members of Council.

6. Subcommittees

The committee may establish subcommittees, as needed, to consider specific issues and only members of the committee may be members of any subcommittee.

7. Term of Office

The committee shall terminate upon acceptance of the committee's final report by Council, which shall be completed on or before March 31, 2022. If a member resigns or is unable to continue to serve, a replacement may be appointed.

In the event of a vacancy by death, resignation or from any other cause other than the expiration of the term for which the member was appointed, such vacancy may be dealt with by a staff panel consisting of the Director of Finance/Treasurer/CFO, Manager of Human Resources and the City Clerk.

8. Lead Department/Reporting Relationship

The lead department for the committee shall be the City Clerk.

9. Administration of the Committee

Members of the committee will serve without remuneration other than reimbursement of expenses approved by the Director of Finance/Treasurer/CFO or his/her designate incurred in the performance of committee duties. The committee will elect a Chairperson at its first meeting.

10. Quorum

Quorum shall be a majority of the members of the committee.

11. Meeting Schedule

The committee will meet at least monthly, with the specific dates and times for meetings to be determined by the committee at its first meeting. Additional meetings may be called by the Chairperson. The Chairperson can cancel any meeting.

Meetings of the committee shall not conflict with regular meetings of committee of the Whole and regular meetings of Council.

Committee members are expected to attend all regularly scheduled meetings. In the event a member is unable to attend a meeting, the member must contact and advise the Chairperson in advance. If a member has been absent for three (3) consecutive regularly scheduled meetings and has failed to advise the Chairperson in advance, the member shall be deemed to have abandoned his or her appointment and the office shall be considered vacant.

12. Staff Resources

The staff liaison to the committee will be the City Clerk or their designate.

The City Clerk and the Manager of Human Resources or their designate must be present at all meetings of the Committee.

In the event a matter within the mandate of the committee arises between meetings, staff will consult with the Chairperson and the matter will be placed on the agenda for the next meeting for ratification.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Board of Directors Meeting Highlights – October 15th, 2021

On Friday October 15th, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting electronically. Highlights from the meeting included:

Discussion Paper from the NPCA's Public Advisory Committee

Jackie Oblak, Chair of the NPCA's Public Advisory Committee (PAC) presented for the Board's consideration, a series of key issues and opportunities identified by her Committee specific to their representative sectors and relative to natural systems in the watershed and to the NPCA as a whole. The Board directed that staff investigate the points raised by the PAC and report back.

Niagara Peninsula Conservation Foundation

Tom Insinna, Chair of the Niagara Peninsula Conservation Foundation (NCPF) appeared as a delegation to formally present the Foundation's 2020 Annual Report and to highlight the accomplishment and achievements of the NCPF during the past year. The Annual Report is posted at <https://niagaraconservationfoundation.com/> and donations to the Foundation can also be received via this website.

Watershed Planner / Open Data Hub

Brian Lee, NPCA GIS Administrator provided a demonstration of the NPCA's open data portal which is available for public use. The portal can be found at the following link: <https://gis-npca-camaps.opendata.arcgis.com/>.

NPCA Water Well Decommissioning Grant Program Outreach Strategies

The Board of Directors received a report on the NPCA's Water Well Decommissioning Grant Program. The Board was informed of the preliminary strategies in place to increase landowner awareness and involvement in the program. These strategies included: information on the NPCA website, cross-promotions on the City of Hamilton and City of Haldimand websites, outreach through the NPCA's restoration program, and public awareness through septic installers and well drillers. More information on the program is available at <https://npca.ca/well-decommissioning>.

The Board was also informed of additional outreach opportunities planned including cross-promotions with Niagara Region and local municipalities, distribution of information materials through local channels such as libraries, distribution to landowners as appropriate, and circulation through the planned media campaign scheduled for this fall.

NPCA Strategic Plan: 2021-2031

The NPCA achieved a significant milestone at this meeting with Board approval of the Strategic Plan 2021-2023, reaffirming the NPCA's commitment to the mandate and purpose of Conservation Authorities in Ontario. The strategic plan process was led by staff under the direction of the C.A.O. with Board Strategic Planning Committee oversight. Extensive input from watershed residents, stakeholders and environmental non-government organizations was received and incorporated with support from the consulting firm of StrategyCorp. Each of the strategic priorities detailed in the plan had specific, measurable, attainable, realistic, and timely goals as well as comprehensive performance metrics to measure the success of the organization's activities.

The Board was briefed on the next steps for the 2021-2031 Strategic Plan that included the development of an operational plan that sets out specific actions to enable the NPCA to meet its goals in collaboration with its communities and partners from 2021 to 2031. As work progresses, outcomes will be monitored and shared publicly through the NPCA's Annual Reports.

Update to NPCA Conservation Authorities Act Section 28 Hearing Procedures

Following the changes made by Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, the Board of Directors directed that the NPCA's Conservation Authorities Act Section 28 Hearing Procedures be updated based on the amended Conservation Ontario Model Hearing Guidelines.

NPCA Staff will be bringing forward the updated NPCA CA Act Section 28 Hearing Procedures as part of the Administrative By-law, to be updated by the end of 2021, as per Provincial requirements resulting from the Conservation Authorities Act regulatory changes. NPCA Staff will also be collaborating with Conservation Ontario to develop appropriate training materials for the Board of Directors regarding hearing procedures in the future.

Links to Agendas, Minutes and Video:

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

**CITY OF WELLAND**

Office of the City Clerk

60 East Main Street, Welland, ON L3B 3X4

Phone: 905-735-1700 ext. 2159 Fax: 905-732-1919

E-mail: clerk@welland.ca

www.welland.ca

MEMORANDUM**Date:** November 16, 2021**To:** Mayor and Members of City Council**From:** Tara Stephens, City Clerk **Re:** Updates to LGL-2021-01, Appendix I - 2022 Fees and Charges for all divisions from Budget Review Committee meeting of October 26, 2021.

On October 26, 2021, the Budget Review Committee (BRC) approved the fees and charges set out in appendices I and II of staff report LGL-2021-01 – Annual Review of Fees and Charges for Various Services and Use of Municipal Facilities/Amendment to By-law 2006-193, as amended.

Following the approval of appendix I at the October 26th BRC meeting, additional updates were made to the document, which are as follows:

- Transit Section, page 5 – addition of the council approved rate for ODSP 31-Day Pass of \$50.00. (Approved by Council on November 2, 2021).
- Page 10 – “Care & Maintenance: Markers and Monuments” have been updated to “PERPETUAL CARE & MAINTENANCE (Fees are governed by the Bereavement Association of Ontario - BAO)”.
- Page 16 – Account Number 33055 - Parking Permit rates remain the same in 2022 as in 2021. (Approved by BRC on October 26, 2021).

The updates mentioned above are outlined in the attached document in orange.

Recommendation:

THAT THE COUNCIL OF THE CITY OF WELLAND receive for information the memorandum identifying updates to LGL-2021: Annual Review of Fees and Charges for Various Services and Use of Municipal Facilities/Amendment to By-law 2006-19 - Appendix I - 2022 Fees and Charges for all divisions

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
CLERKS	20-120-00000				
LICENCES AND PERMITS	340020	LOTTERY ADMINISTRATION	INCL. HST	\$ 25.00	\$ 25.00
		LOTTERY LICENCE - 3% of actual prize value (min. \$15.00)			
		BINGO HALL CRITERIA	INCL.HST	\$ 500.00	\$ 500.00
		OPERATING TELETHEATRE BETTING LICENCE (OTB)	INCL.HST	\$ 75.00	\$ 75.00
	340030	MARRIAGE LICENCE		\$ 125.00	\$ 130.00
	320230	MARRIAGE REHEARSAL	INCL.HST	\$ 50.00	\$ 50.00
	320230	CITY HALL ROOM RENTAL FOR MARRIAGES	INCL.HST	\$ 75.00	\$ 75.00
		ADMIN FEE FOR CIVIL MARRIAGES BY CITY CLERK OR DESIGNATE	INCL.HST	\$ 100.00	\$ 100.00
		MARRIAGE CEREMONY BY CLERK DURING BUSINESS HOURS	INCL.HST	\$ 150.00	\$ 150.00
		MARRIAGE CEREMONY BY CLERK OFF SITE	INCL.HST	\$ 200.00	\$ 200.00
		WITNESS FOR MARRIAGE CEREMONIES (CITY-STAFF WITNESS/FEE PER WITNESS)	INCL.HST	\$ 25.00	\$ 25.00
RENTAL		GAZEBO	INCL.HST	\$ 75.00	\$ 75.00
	320290	PROVINCIAL BURIAL PERMITS	INCL.HST	\$ 20.00	\$ 22.50
	320320	CERTIFIED COPIES	INCL. HST	\$ 15.00	\$ 15.00
	320310	PHOTOCOPYING PER SHEET		\$ 0.25	\$ 0.25
MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT	320310	APPLICATION FEE		\$ 5.00	\$ 5.00
		PHOTOCOPIES - PER SHEET		\$ 0.20	\$ 0.20
		USB, CD OR DIGITAL RECORD (PDF)		\$ 10.00	\$ 10.00
		MANUAL SEARCH - EACH 15 MINUTES		\$ 7.50	\$ 7.50
		PREPARING A RECORD FOR DISCLOSURE - EACH 15 MINUTES		\$ 7.50	\$ 7.50
		DEVELOPING A COMPUTER PROGRAM - EACH 15 MINUTES		\$ 15.00	\$ 15.00
COMMISSIONER	320320	COMMISSIONER'S FEE			
		- IF APPLICATION COMPLETED	INCL. HST	\$ 15.00	\$ 15.00
		- IF APPLICATION NOT COMPLETED	INCL. HST	\$ 20.00	\$ 20.00
	320320	MUNICIPAL CLEARANCE APPLICATION	INCL. HST	\$ 15.00	\$ 15.00
	320310	COPY OF STREET INDEX			
		- Printed copy for City	INCL. HST	\$ 5.00	\$ 5.00
		- Printed copy for Individual Ward	INCL. HST	\$ 2.50	\$ 2.50
		USB, CD OR DIGITAL RECORD (PDF)	INCL. HST	\$ 15.00	\$ 15.00
MAPS	320460	WARD MAPS			
		- City Colour (approximately 3' x 4')	INCL. HST	\$ 20.00	\$ 20.00
		- City Colour (11" x17")	INCL. HST	\$ 15.00	\$ 15.00
		- City Colour (8.5" x 11")	INCL. HST	\$ 7.50	\$ 7.50
		- City Photocopy (8.5"x 11") Black & White	INCL. HST	\$ 2.50	\$ 2.50

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
		- Ward Colour (11" x 17")	INCL. HST	\$ 15.00	\$ 15.00
		- Ward Colour (8.5"x 11")	INCL. HST	\$ 7.50	\$ 7.50
		- Ward Photocopy (8.5"x 11") Black & White	INCL. HST	\$ 2.50	\$ 2.50
OTHER	320460	CITY PINS	INCL. HST	\$ 2.00	\$ 2.00
		CITY PENS	INCL. HST	\$ 3.00	\$ 3.00
		FLAGS - CITY OF WELLAND		\$ 50.80	\$ 50.80
LEGAL	20-140-00000				
	320360	AGREEMENT (LEASE/ENCROACHMENT)	INCL. HST	\$ 346.00	\$ 350.00
		RENEWAL AGREEMENT/AMENDING AGREEMENT/ASSUMPTION AGREEMENT/CIP AGREEMENT/MISC. AGREEMENTS	INCL. HST	\$ 187.00	\$ 190.00
		EASEMENT/RELEASE OF EASEMENT/RELEASE OF SITE PLAN AGREEMENT/APPLICATION GENERAL	INCL. HST	\$ 159.00	\$ 160.00
	320360	INHIBITING ORDER (FOR NEW PLAN OF SUBDIVISION INCLUDES DELETION UPON COMPLIANCE)*	INCL. HST	\$ 346.00	\$ 350.00
		NOTE: fees for the Legal Division include land registration, if applicable			
FINANCE	20-130-00000				
	330020	NSF CHARGES		\$ 35.00	\$ 35.00
	320340	TAX REGISTRATION		Actual fees charged plus 15%	Actual fees charged plus 15%
		- AFTER FINAL NOTICE		Actual fees charged plus 15%	Actual fees charged plus 15%
		- SALE BY TENDER/ AUCTION		\$ 1,700.00	\$ 1,700.00
		- PREPARATION OF EXTENSION AGREEMENT		\$ 500.00	\$ 500.00
	320350	TAX CERTIFICATES		\$ 50.00	\$ 60.00
		WATER CERTIFICATES		\$ 40.00	\$ 60.00
	320351	OWNERSHIP CHANGES (TAX)		\$ -	\$ 20.00
		NEW ROLL NUMBER		\$ -	\$ 30.00
	320460	TAX/WATER BILL REPRINT		\$ 7.00	\$ 7.00
	320470	NEW WATER ACCOUNTS		\$ 25.00	\$ 35.00
	320460	TAX/ WATER PAYMENT CONFIRMATION LETTER		\$ 25.00	\$ 25.00
	320870	TAXES- ADDITIONS TO THE ROLL		\$ 50.00	\$ 50.00
	320880	VERBAL CONFIRMATIONS- TAX & WATER		\$ 35.00	\$ 35.00

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
	320470	WATER READING RECHECK FEE (refundable if found that initial read was incorrect)		\$ 75.00	\$ 75.00
		- fee is applicable to residential homeowners after receipt of two metered water billings			\$ -
	320470	SPECIAL METER READS		\$ 30.00	\$ 30.00
	330060	- INTEREST CHARGES ON OVERDUE GENERAL ACCOUNTS RECEIVABLES REMAINING UNPAID FOR MORE THAN 30 DAYS FROM THE DATE OF THE INVOICE		1.25%/MONTH	1.25%/MONTH
FIRE	20-210-00000				
	320370	INSPECTIONS	all fees plus HST		
		Occupant Load Calculation		\$ 124.00	
		Property File Search Letter		\$ 145.00	
		Incident Verification Letter		\$ 75.00	
		LCBO License Review		\$ 156.00	
		On site inspection Residential, single dwelling		\$ 250.00	
		On site inspection Residential, duplex		\$ 354.00	
		Onsite inspection Residential 3 to 6 units		\$ 396.00	
		On site inspection of each additional Residential unit over 6 units (low-rise)		\$ 20.00	
		On site inspection of mid-rise Residential - 4 to 6 storeys		\$ 541.00	
		On site inspection Residential high-rise per Residential unit per floor above 6 stories		\$ 20.00	
		On site inspection Commercial and Industrial first 900m2 (10000 sq ft)		\$ 468.00	
		On site inspection Commercial and Industrial each additional 450m2 (5000 sq ft)		\$ 94.00	
		On site inspection Bed and Breakfast and Compliance report		\$ 250.00	
		On site inspection of Multi Unit Hotels and Motels (low-rise)		\$ 541.00	
		Private Home Day Care Inspections, 5 children or less		\$ 250.00	
		Day Care Centres, more than 5 Children		\$ 354.00	
		Vulnerable Occupancy, Care Occupancy up to 10 residents, Inspection and Compliance Report		\$ 666.00	

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
		Vulnerable Occupancy, Care Occupancy up to 11+ residents, Inspection and Compliance Report		\$ 760.00	
		Vulnerable Occupancy, Registered Retirement Home, Inspection and Compliance Report		\$ 1,280.00	
		Vulnerable Occupancy, Care and Treatment Facility, Inspection and Compliance Report		\$ 1,186.00	
		Second & each additional Fire Safety Plan revision		\$ 94.00	
		Refreshment Vehicle Inspection (No Suppression System)		\$ 103.00	
		Refreshment Vehicle Inspection (Suppression System Required)		\$ 156.00	
		Inspection of Storage Tanks		\$ 738.00	
		Inspection of Trade Shows, Special Functions		\$ 302.00	
		Single station Smoke Alarm & Installation		\$ 17.70	
		Single station Carbon Monoxide Alarm & Installation		\$ 26.55	
		Single station Combination Smoke and Carbon Monoxide Alarm & Installation		\$ 35.40	
		Burning Permit with a 6 month or less expiration date (as per By-law 2011-85)		\$ 37.00	
		Burning Permit with a 12 month or less expiration date (as per By-law 2011-85)		\$ 37.00	
		Review of Burning Safety Plan (Burning Permit additional) (as per By-law 2011-85)		\$ 42.00	
		Non-Compliant Open-Air Burning (3 occurrences within 12 months)		\$ 125.00	
MISCELLANEOUS	320460	Third and subsequent False Alarm (other than mischief) in a 12 month period for each attending Fire Dept. Vehicle (MTO rates)		\$ 485.00	
		Administrative Services-Per Hour		\$ 56.00	
		Fire Prevention Officer Request for Assistance, Hourly Rate		\$ 94.00	
		Director of Fire Prevention Request for Assistance, Hourly Rate		\$ 111.00	
		Fire Extinguisher Training		\$ 448.00	
		Extra Costs: Cost recovery plus 15% administrative overhead for any extraordinary costs incurred relating to firefighting, overhaul, investigation, or securing a property.			
		Including the costs of specialists, consumables, equipment, machinery, damages to public infrastructure.			

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
		Paid Duty: The greater of Costs plus 15% administration overhead, or \$485.00 per hour (as established by MTO) or portion thereof in ½ hour increments for each staffed fire department vehicle.			
PERMITS	320850	Fire Works Display Approval (as per By-law 2003-127)		\$ 322.00	
TRANSIT	20-810-00000				
	320480	ADVERTISING ON BUSES,SHELTERS, BENCHES - CHARGED PER CONTRACT			
	320730	CHARTERS			
		-BOTH CONVENTIONAL AND WELLTRANS CHARTERS (MINIMUM 2 HOURS) HOURLY RATE =		\$ 108.15	\$ 108.15
	320740	FARES			
		ADULT/SENIOR/STUDENT		\$ 3.00	\$ 3.00
		CHILDREN 6 - 12 YEARS (ACCOMPANIED BY ADULT)		No Charge	No Charge
		6-12 YEARS (inclusive)		\$ 1.50	\$ 1.50
		5 AND YOUNGER (ACCOMPANIED BY ADULT)		NO CHARGE	NO CHARGE
		Day Pass (unlimited trips in one day)		\$ 8.00	\$ 8.00
		TRANSCAB TRANSFER		\$ 1.25	\$ 1.25
		TRANSCAB PASS (10 RIDE)		\$ 12.50	\$ 12.50
		MONTHLY PASS			
		ADULTS (19 to 64 inclusive)		\$ 85.00	\$ 85.00
		ODSP 31- Day Pass			\$ 50.00
		SENIOR (65 and beyond)		\$ 65.00	\$ 65.00
		SECONDARY STUDENT		\$ 75.00	\$ 75.00
		(13 to 18 inclusive)			
		INTER MUNICIPAL SERVICE			
		PORT COLBORNE LINK		\$ 4.00	\$ 4.00
		ECONO PASS (10 RIDES)		\$ 35.00	\$ 35.00
	320740	5 AND YOUNGER (ACCOMPANIED BY ADULT)		NO CHARGE	NO CHARGE

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
		10 RIDE ECONO PASS			
		ADULTS (19 to 64 inclusive)		\$ 25.00	\$ 25.00
		SENIOR (65 and beyond)		\$ 21.00	\$ 21.00
		STUDENT (13 to 18 inclusive)		\$ 22.00	\$ 22.00
		DAY PASS (unlimited trips in one day)		\$ 8.00	\$ 8.00
		MONTHLY PASS			
		ADULTS (19 to 64 inclusive)		\$ 85.00	\$ 85.00
		SENIOR (65 and beyond)		\$ 65.00	\$ 65.00
		SECONDARY STUDENT (13 to 18 inclusive)		\$ 75.00	\$ 75.00
	320730	CHARTERS			
		-ALL CHARTERS (MINIMUM 2 HOURS) HOURLY RATE =		\$ 108.15	\$ 108.15
WELL-TRANS	20-820-00000				
	320740	CASH FARES			
		ADULT/SENIOR/STUDENT		\$ 3.00	\$ 3.00
		CHILDREN 6 - 12 YEARS (ACCOMPANIED BY ADULT)		No Charge	No Charge
		6-12 YEARS (inclusive)		\$ 1.50	\$ 1.50
INFRASTRUCTURE SERVICES - ENGINEERING		REQUEST FOR WRITTEN LIMITED INFORMATION LETTER/BUSINESS/LICENSE		\$ 164.00	\$ 169.00
		- PLUS \$108.00/HR FOR EVERY HR. OF CITY STAFF TIME		\$ 104.00	\$ 108.00
	20-310-00000				
	320380	TENDER FEES		\$ 50.00	NO CHARGE
		FEES CHARGED TO DEVELOPERS' LANDS, AND ARE DUE PRIOR TO REGISTERING 'SUBDIVISION AGREEMENTS'			
	20-000-00000	1) A FEE BASED ON THE ACTUAL COST OF ALL THE WORKS (EXCEPT HYDRO ELECTRICAL INSTALLATIONS) FOR EXAMINATION, RECOMMENDATION AND FINAL APPROVAL OF PLANS & SPECIFICATIONS CARRIED OUR BY THE CITY AS FOLLOWS:			
	290720				
		<u>COST OF WORKS</u>		<u>% FEE</u>	<u>% FEE</u>
		LESS THAN \$100,000		4.0%	4.0%
		\$100,000 - 500,000		3.5%	3.50%
		MORE THAN 500,000		3.0%	3.00%

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
	20-000-00000	2) A FEE FOR CONSTRUCTION INSPECTION (TO BE FURNISHED BY INFRASTRUCTURE SERVICES OF THE CITY), AS FOLLOWS:			
	290720	FEE IS 3% OF ESTIMATED COST OF ALL THE WORKS (EXCEPT HYDRO ELECTRICAL INSTALLATIONS)		3.0%	3.0%
	20-000-00000	3) SERVICE CHARGES/FEES			
	290720	FEES CHARGED TO DEVELOPERS' LANDS, AND ARE DUE PRIOR TO REGISTERING THE 'SITE PLAN CONTROL AGREEMENT'			
		A) A FEE BASED ON THE COST ESTIMATE OF PROPOSED WORKS PROVIDED BY THE ENGINEERING CONSULTANT FOR THE DEVELOPER COVERING ALL PROPOSED WORKS IN RELATION TO THE SITE PLAN CONTROL AGREEMENT FOR EXAMINATION, RECOMMENDATION			
		<u>COST OF WORKS</u>			
		1.40% OF THE COST ESTIMATE AS SUBMITTED FOR CONSTRUCTION.		1.40%	1.40%
SANITARY SEWERS	30-330-00000				
	310490	NEW CONSTRUCTION FEE		\$ 300.00	\$ 400.00
WATERWORKS	25-910-00000				
	310490	NEW CONSTRUCTION FEE		\$ 300.00	\$ 400.00
	310600	WATER HAULAGE MONTHLY FIXED CHARGE		\$ 125.00	\$ 140.00
		-WATER HAULAGE VARIABLE RATE		\$1.41/m3	\$1.467/ma
	310620	WATER METER INSPECTION FEE		\$ 50.00	\$ 50.00
	320390	EXTERNAL SERVICES			
		WATERMAIN TAP > 2" (GREATER THAN 50mm)	PREPAID	\$ 460.00	\$ 460.00
	320760	TURN OFF/ON			
		-DURING WORKING HOURS		\$ 90.00	\$ 90.00
		-AFTER HOURS/SATURDAY/SUNDAY/HOLIDAYS		\$ 235.00	\$ 235.00
	320390	METER REMOVAL/INSTALLATION			
		-DURING WORKING HOURS	+HST	\$ 100.00	\$ 100.00
		-AFTER HOURS/SATURDAY	+HST	\$ 60.00	\$ 60.00
		-SUNDAY/HOLIDAY	+HST	\$ 100.00	\$ 100.00
	25-000-00000				
	290260	METER TESTING (REFUNDABLE IF METER DEFICIENT)	PREPAID	\$ 150.00	\$ 150.00
	290260	FLOW TEST @ PROPERTY LINE (\$500 DEPOSIT REQUIRED)			
		-IF CITY PROBLEM	PREPAID	\$ 20.00	\$ 20.00
		-IF OWNER PROBLEM	PREPAID	\$ 500.00	\$ 500.00

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
WATERMAIN SAMPLING & TESTING		CHARGE PER WATERMAIN SECTION FOR EACH SUBSEQUENT SET OF TWO CONSECUTIVE BACTERIOLOGICAL SAMPLES AFTER FIRST TWO FAILED ATTEMPTS		\$ 750.00	\$ 750.00
WATER METERS	25-910-00000				
	320390	WATER METER PURCHASE/ INSTALLATION			
		- 5/8"	PREPAID	\$ 520.00	\$ 520.00
		-3/4"	PREPAID	\$ 629.00	\$ 629.00
		-1"	PREPAID	\$ 1,200.00	\$ 1,200.00
		-1 1/2"	PREPAID	\$ 1,500.00	\$ 1,500.00
		-2"	PREPAID	\$ 1,650.00	\$ 1,650.00
		-3"	PREPAID	\$ 4,900.00	\$ 4,900.00
CEMETERIES	20-420-00000				
	320460	PROVINCIAL LICENCE FEE	+HST	\$ 12.00	\$ 12.00
GRAVE OPENINGS	320590	BURIALS			
		-ADULT WEEKDAY	+HST + LICENCE FEE	\$ 655.00	\$ 668.00
		-NON-RESIDENT ADULT WEEKDAY	+HST + LICENCE FEE	\$ 983.00	\$ 1,003.00
		-INFANT WEEKDAY	+HST + LICENCE FEE	\$ 379.00	\$ 387.00
		-NON-RESIDENT INFANT WEEKDAY	+HST + LICENCE FEE	\$ 571.00	\$ 583.00
		-CREMATION (Greens Provided) WEEKDAY	+HST + LICENCE FEE	\$ 379.00	\$ 387.00
CEMETERIES		-NON-RESIDENT CREMATION (Greens Provided) WEEKDAY	+HST + LICENCE FEE	\$ 571.00	\$ 583.00
		-ADULT SATURDAY	+HST + LICENCE FEE	\$ 793.00	\$ 809.00
		-NON-RESIDENT ADULT SATURDAY	+HST + LICENCE FEE	\$ 1,188.00	\$ 1,212.00
		-INFANT SATURDAY	+HST + LICENCE FEE	\$ 451.00	\$ 460.00
		-NON-RESIDENT INFANT SATURDAY	+HST + LICENCE FEE	\$ 677.00	\$ 691.00
		-CREMATION (Greens Provided) SATURDAY	+HST + LICENCE FEE	\$ 451.00	\$ 460.00

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
		-NON-RESIDENT CREMATION (Greens Provided) SATURDAY	+HST + LICENCE FEE	\$ 677.00	\$ 691.00
		-ADULT HOLIDAY/SUNDAY	+HST + LICENCE FEE	\$ 930.00	\$ 949.00
		-NON-RESIDENT ADULT HOLIDAY/SUNDAY	+HST + LICENCE FEE	\$ 1,394.00	\$ 1,422.00
		-INFANT HOLIDAY/SUNDAY	+HST + LICENCE FEE	\$ 761.00	\$ 777.00
		-NON-RESIDENT INFANT HOLIDAY/SUNDAY	+HST + LICENCE FEE	\$ 1,138.00	\$ 1,161.00
		-CREMATION (Greens Provided) HOLIDAY/SUNDAY	+HST + LICENCE FEE	\$ 761.00	\$ 777.00
		-NON-RESIDENT CREMATION (Greens Provided) HOLIDAY/SUNDAY	+HST + LICENCE FEE	\$ 1,138.00	\$ 1,161.00
GRAVE SALES		*On all grave sales an amount not less than 40% of the total selling price must be invested in the Care & Maintenance Reserve Fund.			
	320600	INTERMENT RIGHTS (LAND ACQUISITION)			
		-SINGLE ADULT GRAVE- FLAT MARKER	+HST	\$ 865.00	\$ 883.00
		-NON-RESIDENT SINGLE ADULT GRAVE- FLAT MARKER	+HST	\$ 1,302.00	\$ 1,330.00
CEMETERIES		-SINGLE ADULT GRAVE (MONUMENT-Woodlawn only)	+HST	\$ 1,027.00	\$ 1,048.00
		-NON-RESIDENT SINGLE ADULT GRAVE (MONUMENT- Woodlawn only)	+HST	\$ 1,542.00	\$ 1,574.00
		-DOUBLE ADULT GRAVE PLOT (MONUMENT SECTION)	+HST	\$ 2,057.00	\$ 2,099.00
		-NON-RESIDENT DOUBLE ADULT GRAVE PLOT (MONUMENT SECTION)	+HST	\$ 3,082.00	\$ 3,146.00
		-SINGLE INFANT GRAVE (Section "L" only)	+HST	\$ 385.00	\$ 393.00
		-NON-RESIDENT SINGLE INFANT GRAVE (Section "L" only)	+HST	\$ 572.00	\$ 585.00
		-CREMATION PLOT (Woodlawn only)	+HST	\$ 385.00	\$ 393.00
		-NON-RESIDENT CREMATION PLOT (Woodlawn only)	+HST	\$ 572.00	\$ 585.00
FOUNDATIONS/MARKERS		*The following charges are the same for residents as non-residents.			
	320610	POURING FOUNDATIONS PER CUBIC FT OF CONCRETE (Poured 5 feet deep)	+HST	\$ 29.00	\$ 29.00
		SETTING OF A FLAT MARKER ON A GRAVE	+HST	\$ 96.00	\$ 96.00
		SETTING OF FOUR CORNER MARKERS ON A GRAVE	+HST	\$ 96.00	\$ 96.00

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
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Department	Account #	Description	HST	2021 RATES	2022 RATES
		DISINTERMENT CHARGES	+HST	\$ 1,060.00	\$ 1,082.00
PERPETUAL CARE & MAINTENANCE (Fees are governed by the Bereavement Association of Ontario - BAO)		FLAT MARKER OVER 172 SQUARE INCHES	+HST	\$ 50.00	\$ 100.00
		UPRIGHT MONUMENT UP TO 4 FEET IN HEIGHT OR LENGTH	+HST	\$ 100.00	\$ 200.00
		UPRIGHT MONUMENT EXCEEDING 4 FEET IN HEIGHT OR LENGTH	+HST	\$ 200.00	\$ 400.00
	Notes:	- Double depth burials are not permitted.			
		- A maximum of four cremations will be permitted to be buried on top of an adult single grave.			
		- Device and tents are not provided by Welland Parks and Recreation.			
		- Greens are available for cremations only.			
		- Burial fees are based upon actual date of interment			
	340540	Site Alteration		\$ 300.00	\$ 300.00
		(For Permits issued to properties outside the City urban boundary)			
		Site Alteration		\$ 50.00	\$ 50.00
		(For Permits issued to properties inside the City urban boundary)			
LICENSING	340010	LICENSING DIVISION FEES			
		Fireworks - sale of - Application Fee		\$ 30.00	\$ 30.00
		Fireworks - sale of - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Fireworks - sale of - Yearly Renewal Fee		\$ 30.00	\$ 30.00
		Food Premises - Application Fee		\$ 30.00	\$ 30.00
		Food Premises - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Food Premises - Yearly Renewal Fee		\$ 30.00	\$ 30.00
		Food Vehicle - Application Fee		\$ 30.00	\$ 30.00
		Food Vehicle - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Food Vehicle - Yearly Renewal Fee		\$ 30.00	\$ 30.00
LICENSING		Hawker and Peddler - Application Fee		\$ 30.00	\$ 30.00
		Hawker and Peddler - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Hawker and Peddler - Yearly Renewal Fee		\$ 30.00	\$ 30.00

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2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
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Department	Account #	Description	HST	2021 RATES	2022 RATES
		Outdoor Entertainment Event - Application Fee		\$ 30.00	\$ 30.00
		Outdoor Entertainment Event - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Outdoor Entertainment Event - Yearly Renewal Fee		\$ 30.00	\$ 30.00
		Pawnbroker - Application Fee		\$ 30.00	\$ 30.00
		Pawnbroker - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Pawnbroker - Yearly Renewal Fee		\$ 30.00	\$ 30.00
		Personal Service Establishment - Application Fee		\$ 30.00	\$ 30.00
		Personal Service Establishment - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Personal Service Establishment - Yearly Renewal Fee		\$ 30.00	\$ 30.00
		Public Garage - Application Fee		\$ 30.00	\$ 30.00
		Public Garage - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Public Garage - Yearly Renewal Fee		\$ 30.00	\$ 30.00
		Donation Collection Bin - Application Fee		\$ 30.00	\$ 30.00
		Donation Collection Bin - By-law Inspection Fee		\$ 35.00	\$ 35.00
		Donation Collection Bin - Yearly Renewal Fee		\$ 30.00	\$ 30.00
		Donation Collection Bin - Deposit Fee		\$ 255.00	\$ 255.00
PET SHOP		Pet Shop - Application Fee		\$ 60.00	\$ 60.00
		Pet Shop - By-law Inspection Fee		\$ 30.00	\$ 30.00
		Pet Shop - Yearly Renewal Fee		\$ 30.00	\$ 30.00
WEED CUTTING	320660	WEED CUTTING (LOT SIZE IN SQUARE METRES)			
		0 – 700 sqm *		\$ 295.00	\$ 295.00
		700 – 1400 sqm *		\$ 345.00	\$ 345.00
		1400 – 2500 sqm *		\$ 395.00	\$ 395.00
		2500 – 4200 sqm *		\$ 495.00	\$ 495.00
		GREATER THAN 4200 sqm *		\$ 595.00	\$ 595.00
		To be adjusted according to tendered contract			
		* Additional \$200.00 Admin Fee charged on all weed cutting			

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*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
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Department	Account #	Description	HST	2021 RATES	2022 RATES
SIGN RECLAIM FEES	330360	SIGN RECLAIM FEES			
		MOBILE SIGN		\$ 75.00	\$ 75.00
		SIGN OVER 3 SQM IN AREA		\$ 50.00	\$ 50.00
		SIGN 1 - 3 SQM IN AREA		\$ 25.00	\$ 25.00
		SIGN UNDER 1 SQM IN AREA		\$ 10.00	\$ 10.00
		LIMITED EASEMENT AGREEMENT		\$ 300.00	\$ 300.00
		REQUEST FOR REGULATORY BY-LAW EXEMPTION			
		COUNCIL APPROVAL AND BY-LAW AMENDMENT		\$ 400.00	\$ 400.00
		CITY MANAGER OR GENERAL MANAGER APPROVAL		\$ 100.00	\$ 100.00
		REQUEST FOR WRITTEN LIMITED INFORMATION LETTER		\$ 20.00	\$ 20.00
		- PLUS \$63/HR FOR EVERY HR. OF CITY STAFF TIME			
		DISCHARGE ORDER FROM TITLE		\$ 442.00	\$ 442.00
		APPEAL FEE FOR PROPERTY STANDARDS/DOG APPEAL HEARING		\$ 621.00	\$ 634.00
	320640	ENFORCEMENT ADMIN FEE (CITY PERFORMS REMEDIAL WORK WHERE PERSON IS IN DEFAULT)		\$ 200.00	\$ 200.00
		PLUS \$63/HR FEE FOR ADMIN WORK IN EXCESS OF TWO HOURS		\$63.00/Hr	\$63.00/Hr
METER TAMPERING	320740	Meter Tampering Fee			
		Residential		\$ 500.00	\$ 500.00
		Commercial		\$ 1,000.00	\$ 1,000.00
METER TAMPERING		Industrial		\$ 5,000.00	\$ 5,000.00
		Double the initial fee on more than one occurrence			
INTEGRATED SERVICES - PLANNING	20-510-00000				
	320650				
		Official Plan Amendment	+ REGIONAL FEE	\$ 8,585.00	\$ 8,843.00
		Zoning By-law Amendment	+ REGIONAL FEE	\$ 8,585.00	\$ 8,843.00
		Concurrent Official Plan and Zoning By-law Amendment	+ REGIONAL FEE	\$ 12,623.00	\$ 13,002.00
		Removal of Holding Symbol		\$ 1,537.00	\$ 1,584.00
		Temporary Use By-law		\$ 8,585.00	\$ 8,843.00
		Site Plan Control Application	+ REGIONAL FEE	\$ 8,192.00	\$ 8,438.00

*Proposed Fee Increases for 2022 are highlighted yellow

2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
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Department	Account #	Description	HST	2021 RATES	2022 RATES
		Site Plan Exemption		\$ 4,688.00	\$ 4,829.00
		Minor Change to Site Plan Agreement		\$ 7,478.00	\$ 7,703.00
		Site Plan Resubmission (3 or More)		\$ 1,500.00	\$ 1,545.00
		Processing of Subdivision Application/Development Agreements	+ REGIONAL FEE	\$ 14,256.00	\$ 14,684.00
		each Phase over one		\$ 2,607.00	\$ 2,686.00
		per Lot or Block excluding 0.3 metre reserves		\$ 117.00	\$ 121.00
		Subdivision Fee for each Plan Registration greater than 1 dealing		\$ 5,120.00	\$ 5,274.00
		Modification to Draft Plan Conditions Involving Circulation	+ REGIONAL FEE	\$ 1,836.00	\$ 1,892.00
		Extension to Draft Plan Approval	+ REGIONAL FEE	\$ 2,873.00	\$ 2,960.00
		plus per lot or block		\$ 116.00	\$ 120.00
		Processing of Short Form Subdivision Agreement		\$ 2,081.00	\$ 2,144.00
		Processing of Condominium Application/Exemption Request	+ REGIONAL FEE	\$ 15,111.00	\$ 15,564.00
		Processing Part Lot Control By-law (including registration)		\$ 2,604.00	\$ 2,683.00
		Processing Servicing/Development Agreement		\$ 8,420.00	\$ 8,673.00
		Processing Front-Ending Agreement		\$ 8,451.00	\$ 8,705.00
		Certificates of Compliance		\$ 324.00	\$ 334.00
		Minor Variance/Change of Use Application	+ REGIONAL FEE	\$ 750.00	\$ 773.00
		- LPAT Appeal - Primary Appeal		\$ 400.00	\$ 412.00
		Consent to Sever / Validation of Title	+ REGIONAL FEE	\$ 3,348.00	\$ 3,449.00
		- LPAT Appeal - Primary Appeal		\$ 400.00	\$ 412.00
		Concurrent Minor Variance and Consent		\$ 3,082.00	\$ 3,175.00
		Rescheduling of Consent or Minor Variance Application		\$ 1,729.00	\$ 1,781.00
		Change of Conditions for Consent		\$ 1,284.00	\$ 1,323.00
		Change of Address Requests		\$ 417.00	\$ 430.00
		-LPAT COST RECOVERY FOR A THIRD PARTY APPEAL		\$ 6,656.00	\$ 6,856.00
		* Niagara Peninsula Conservation Authority Fees (if applicable) - See Planning staff for details			
	330360	Written Information Letter		\$ 247.00	\$ 255.00
	330150	PUBLICATIONS			
		-ZONING BY-LAW 2667 (office consolidation)	+HST	\$ 28.00	\$ 29.00

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2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
		-OFFICIAL PLAN AMENDMENTS	+HST	\$ 23.00	\$ 24.00
		-ZONING MAP	+HST	\$ 27.00	\$ 28.00
		-OFFICIAL PLAN MAP (office consolidation)	+HST	\$ 33.00	\$ 34.00
		-STREET MAP	+HST	\$ 28.00	\$ 29.00
		- 11" X 17" MAP	+HST	\$ 13.00	\$ 14.00
		-CUSTOM MAPS/AIR PHOTOS (Includes preparation time and output)	+HST	\$95 PER HOUR in 15 min. intervals	\$98 PER HOUR in 15 min. intervals
		-AIR PHOTO (2'x3') no custom work	+HST	\$ 33.00	\$ 34.00
		-REPORTS PER SHEET	+HST	\$ 0.45	\$ 0.50
	320300	COMPLIANCE LETTERS		\$ 156.00	\$ 334.00
INTEGRATED SERVICES - BUILDING					
	20-520-00000				
LICENCES	340040	Master Plumber Licencing- new		\$ 60.00	\$ 62.00
		renewal, examination and reciprocal		\$ 30.00	\$ 31.00
		Journeyman Licence- new and renewal		\$ 15.00	\$ 16.00
	320370	-INSPECTIONS/ PLAN EXAMINATION FEES (Ref. schedule "F" of Building By-Law)			
		-After hours inspection requests (min. \$386.00)		\$105.00/hr (min. \$375.00)	\$109.00/hr (min. \$386.00)
		-After hours plan examination requests (min. \$386.00)		\$105.00/hr (min. \$375.00)	\$109.00/hr (min. \$386.00)
		Inspection Cancelled or not ready		\$ 105.00	\$ 108.00
	340500	- BUILDING WITHOUT A PERMIT BASED ON % (Ref. section 6.3 of Building By-Law)			
	290120	Refund (Ref. section 6.9 of Building By-Law)			
	330150	PHOTOCOPYING PER PAGE		\$ 0.45	\$ 0.50
		-ANNUAL BUILDING REPORT	+HST	\$ 7.25	\$ 7.50
		-DRAWINGS PER SHEET	+HST	\$ 4.75	\$ 4.90
	330360	SPATIAL SEPARATION AGREEMENT		\$ 890.00	\$ 917.00
		- PLUS \$294 PER PROPERTY IN EXCESS OF TWO		(plus \$285.00 per property in excess of two)	(plus \$294.00 per property in excess of two)
		LIMITED EASEMENT AGREEMENT		390	\$ 402.00
		REQUEST FOR REGULATORY BY-LAW EXEMPTION			

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2022 FEES AND CHARGES

BY-LAW 2006-193, AS AMENDED
APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
		- COUNCIL APPROVAL AND BY-LAW AMENDMENT		620	\$ 639.00
		- CHIEF ADMINISTRATIVE OFFICER OR GENERAL MANAGER APPROVAL		\$ 155.00	\$ 160.00
		REQUEST FOR WRITTEN LIMITED INFORMATION LETTER/BUSINESS/LICENSE		\$ 164.00	\$ 169.00
		PLUS \$108/HR FOR EVERY HR. OF CITY STAFF TIME		\$ 104.00	\$ 108.00
		DISCHARGE ORDER FROM TITLE		\$ 512.00	\$ 528.00
		ENFORCEMENT ADMIN FEE (CITY PERFORMS REMEDIAL WORK WHERE PERSON IS IN DEFAULT) -WORK PREFORMED ON BUILDING		\$ 311.00	\$ 321.00
	320640	- OTHER WORK		\$ 272.00	\$ 281.00
	340530	SIGN PERMIT APPLICATION		\$ 164.00	\$ 169.00
TRAFFIC	20-321-00000				
PARKING PERMITS	33047	LOT 1 - COURTHOUSE	+HST	\$ 50.00	\$ 55.00
	33048	LOT 2 - MARKET SQUARE		NO CHARGE	NO CHARGE
	33050	LOT 5 - PARK STREET	+HST	\$ 35.00	\$ 40.00
	33052	LOT 6 - FIRE HALL	+HST	\$ 35.00	\$ 40.00
	33053	LOT 7 - DIVISION	+HST	\$ 35.00	\$ 40.00
	33054	LOT 8 - PLYMOUTH	+HST	\$ 35.00	\$ 40.00
	33054	LOT 9 - CHURCHILL	+HST	\$ 35.00	\$ 40.00

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2022 FEES AND CHARGES

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APPENDIX I

Department	Account #	Description	HST	2021 RATES	2022 RATES
	33055	ON STREET RESIDENTIAL PARKING PERMITS	+HST	\$ 35.00	\$ 35.00
		(first permit registered at designated address - no charge)			
PARKING PERMITS	33055	Additional Permits	+HST	\$20.00 PER YEAR	\$20.00 PER YEAR
	33055	Lost or Stolen Permits	+HST	\$20.00 PER YEAR	\$20.00 PER YEAR
	33055	Snow Removal Permits	+HST	\$40.00 PER YEAR	\$40.00 PER YEAR
	20-321-00000				
	320390	ROAD OCCUPANCY PERMITS - GENERAL		\$ 150.00	\$ 150.00
		ROAD OCCUPANCY PERMITS - SITE SERVICING		\$ 300.00	\$ 300.00
PARKING MACHINES	20-380-00000	PARKING MACHINES		\$ 1.50	\$ 2.00
BY-LAW ENFORCEMENT	50-525-00000				
	340010	VACANT BUILDING REGISTRY FEE - INITIAL REGISTRATION	INCL.HST	\$ 200.00	\$ 200.00
	340010	VACANT BUILDING - INSPECTION FEE	INCL.HST	\$ 282.00	\$ 282.00
	320640	WORK CARRIED OUT BY CITY - PER EVENT	INCL.HST	\$282.00 PLUS \$94.00 per hour for administration work in excess of 2 hours	\$282.00 PLUS \$94.00 per hour for administration work in excess of 2 hours

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*Proposed Fee Increases for 2022 are highlighted yellow

Background Material

To

Council Members'

Agenda

Municipal Policy Recommendations to Increase the Supply of Affordable Housing in Welland



A report prepared by the Welland Affordable Housing Task Force
for Welland City Council

November 2021

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Report author: Elise Gatti, PhD

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Introduction

Affordable Housing in Niagara: “A Wicked Problem”

Communities in the Niagara Region are facing the “wicked problem of affordable housing” (Heritz, 2020, p. 1). For too many households, acceptable housing is out of reach. Today, 16% of Welland’s households are in “core housing need”. This means they are living in housing that is deemed unaffordable, unsafe, and/or too small for the number of people in their household.

The issue of core housing need has many facets in Welland and Niagara: Rising rents and home prices; low vacancy rates; conversion of long-term housing into short-term rentals for students and tourists; the rise in contract work (i.e., the “gig economy”); and stagnating wages, particularly among service sector workers (CANCEA, 2019b). If the status quo continues, one in four (21%) of Welland’s households will be in core need by 2041 (CANCEA, 2019b).

Why Should Welland Care About Affordable Housing?

The wicked problem of lack of affordable housing affects both individual households and the community-at-large. For the adults and children facing housing insecurity, there are negative consequences to mental and physical health (Mahamoud et al., 2012; Waterston et al., 2015). Lack of affordable housing also costs the local economy as well as a community’s quality of life and image. Conversely, affordable housing for low and moderate income households is associated with increased local spending and employment, and with employee attraction and retention (Cox & He, 2016; Wardrip et al., 2011).

Core Issue: Lack of Supply

While core housing need is a multifaceted problem, at the core of the issue is a lack of supply. Canada’s housing supply and costs are largely directed by the market principle of supply and demand. According to the Canada Mortgage and Housing Corporation (CMHC), “[w]hen the housing sector is efficient and well-functioning, the marketplace should be able to meet most people’s housing needs” (CMHC, 2021). While the marketplace successfully supplies housing for nearly 80% of Canadian households, a significant number of households are left out (CMHC, 2021).

This national statistic holds true for the Region of Niagara and Welland. The demand for affordable housing in Welland is now vastly higher than available housing. In particular, there is a severe imbalance between the sizes of dwelling units needed and those that are affordable. Ignoring the 20% or so of households who cannot find housing in the private market comes with too many costs, both to those who lack acceptable housing and the broader community. Addressing unmet housing needs requires the collaboration of the public, non-profit and private sectors. The **Welland Affordable Housing Task Force** represents such a collaboration.

Welland Affordable Housing Task Force

On June 25, 2019, Strategy to End Poverty in Niagara (STEP Niagara) (www.stepniagara.com) made a presentation to Welland City Council in General Committee. The presentation provided an overview of STEP programs and identified recent challenges related to affordable housing in the Niagara Region. Following the presentation, Welland City Council provided support and agreed a Housing Affordability Task Force should be created.

The **Welland Affordable Housing Task Force's** purpose is:

To provide Welland City Council with evidence-based recommendations for municipal actions that will increase the supply of diverse market and non-profit rental and ownership housing options for low- and middle-income households in Welland.

The scope of the Task Force does not include recommending specific projects or development partners to the City of Welland.

Since February 2020, more than 20 dedicated individuals have met regularly on a near monthly basis to collectively explore the issue of new affordable housing development and to research policy recommendations (see *Appendix A*). Task Force members contributed knowledge and experience gained from a variety of relevant backgrounds, including nonprofit housing development, private real estate development, land use planning, anti-poverty advocacy, housing policy, Welland City Council, Niagara Regional Council, municipal government, and the private sector (see *Appendix B*).

The Potential of Municipal Government

While the solution to this wicked problem requires action from all stakeholders involved in the development of housing, municipal government is ideally situated to be the catalyst for change. This is because communities have the power to set development regulations within the limits set by provincial legislation. A municipality can use its land use planning policies and development controls to exert considerable influence over a critical aspect of the housing supply, namely the density and types of housing forms that are built. Municipal governments can also partner with other stakeholders by supplying municipal land and expediting planning approvals, as well as providing other incentives to for-profit and not-for-profit developers motivated to build affordable housing projects. These ideas were explored by the **Welland Affordable Housing Task Force**.

The Need for Partnerships

While a municipality can enact policies that support affordable housing development, it cannot act alone. It is essential that federal and provincial levels of government become active partners with municipalities by providing funding and technical support.

Report Organization

The report is organized into three parts:

The first part—**Key Terms**—introduces the key concepts that are central to a discussion about municipal affordable housing policy.

Understanding and acknowledging key concepts and relevant data is essential to formulating a policy response to any societal problem. The second part—**Data**—provides metrics about available housing forms and prices, the households most in need, the types of housing currently lacking, and the price of affordable housing. This section also assesses current City of Welland policies aimed at increasing affordable housing.

The third section—**Recommendations**—provides two types of recommendations. First, we recommend six concrete policies that the City of Welland should immediately adopt. And second, we suggest a series of complementary actions that can be taken to support the recommended affordable housing policies.

Background

Key Terms

This section defines the essential terms used in this report to discuss affordable housing policy.

▸ Describing Facets of Housing

Housing refers to the physical space in which a person or a collection of people (i.e., a household) reside. In this report, the following definitions are used when describing different aspects of housing, specifically **housing tenure**, **dwelling unit**, **housing form**, and **density**. These definitions may be different from definitions provided by governments.

Housing Tenure	Refers to the relationship of the occupant to the property. In Canada, typical housing tenures include ownership, tenancy, condominium, cooperative, and social housing.
Dwelling Unit	Refers to a unit of housing occupied by a single household. A dwelling unit is often described in terms of how many bedrooms it contains (e.g., bachelor, 3-bedroom). A building may be composed of a single dwelling unit (e.g., single-detached, mobile home) or multiple dwelling units (e.g., townhouse, apartment building).
Housing Form	Also called building type. Refers to the configuration of a building that contains dwelling units. Common housing forms (or types) in Canada include single-detached, semi-detached, townhouse, rowhouse, medium-rise apartment building, high-rise apartment building, and mobile home. Housing form is one factor in housing density.
Density	Density is typically expressed as the number of dwelling units per hectare of land. Welland's <i>Official Plan</i> defines low density residential as between 15 and 24 dwelling units per net hectare of land (du/ha); medium density as 25–60 du/ha; and high density as 61–125 du/ha. Density is influenced by the size and number of dwelling units in housing forms. Other factors that contribute to density are parking ratios, setbacks, and open space requirements. "Invisible" density can be achieved in neighbourhoods with traditionally low density housing forms (e.g., single-detached homes) through a policy allowing attached or detached accessory dwelling units (e.g., laneway homes, "granny flats" above garage). (For a presentation on the links between affordable housing and density, see Sharma et al. (2010).)

› What is Affordable Housing?

Affordable housing encompasses both temporary and permanent housing of all tenure types (rental, ownership, co-operative ownership), and housing developed by the public, private and non-profit sectors (CMHC, 2021). Affordable housing should *not* be confused with social housing, which refers to rent subsidized housing administered by government or non-profit agencies, and with emergency housing for people experiencing homelessness.

The concept of affordable housing links two pieces of data: A household's ability to pay for housing (household income), and the cost of shelter (rent or purchase price plus the cost of utilities, insurance, etc.). Households in need of affordable housing typically fall into low or moderate income categories.

› Operationalizing Affordable Housing, Low Income Household and Moderate Income Household Concepts

In Canada, affordable housing is generally understood to be a shelter that costs no more than 30% of a household's gross (before tax) income. However, when it comes to setting targets and policies for affordable housing, it is necessary to *operationalize* the concepts of **affordable housing**, **low income household** and **moderate income household**. (To operationalize a concept simply means defining it in a way so that it can be measured in units and therefore monitored and evaluated in relation to policy goals.)

We recommend that the City of Welland as part of the Official Plan review replace the current definitions of housing and income in Welland's Official Plan with the Niagara Region's operational definitions below.

We recommend this for two reasons: First, the Region's operational definitions more accurately reflect the concepts they intend to represent. For example, the City of Welland's current definition of affordability is pegged to average regional rents or home sale prices when it should be linked to household incomes. Welland's definition of shelter costs is limited to rent or sales prices whereas the Niagara Region's definitions are based on rent or sales price plus operational costs, such as utilities and insurance. The latter comprehensive definition more accurately reflects the real cost of shelter.

A second reason for adopting the Region's definitions is that Welland's land use policies must legally conform to Regional policies. Adopting the same terminology allows for better integration of policies. "Speaking the same language" could also facilitate potential funding arrangements and partnerships.

Low Income Household

A household in the 1st, 2nd, or 3rd income decile. The Niagara Housing Statement identifies low income households in Niagara as those with total annual earnings of less than \$39,800.

Moderate Income Household	A household in the 4th, 5th, or 6th income decile. The Niagara Housing Statement identifies moderate income households in Niagara as those with total annual earnings of \$39,800 to \$84,300.
Affordable Market Housing	The least expensive of: a) purchase price results in annual accommodation costs (mortgage payments, property taxes, condominium fees, costs of electricity, heat, water and other municipal services) which do not exceed 30% of gross annual household income for low and moderate income households; or b) purchase price is at least 10% below the average purchase price of a resale unit in the regional market area. Note that when ownership prices are higher, affordable ownership will be determined using calculation I.
Affordable Rental Market Housing	Total shelter cost (rent plus utilities) that does not exceed 30% of gross annual household income for low and moderate income households.

› Understanding Housing Need

The CMHC uses three standards to describe acceptable and unacceptable housing (Waterston et al., 2015):

- Adequate housing is not in need of major repairs
- Suitable housing meets the National Occupancy Standard requirements for number of bedrooms for the size and make-up of the household
- Affordable housing is shelter that does not cost more than 30% of gross household income

When housing meets all three criteria, it is considered acceptable. When it fails to meet at least one of these standards, it is deemed **unacceptable**.

In the 1980s, the CMHC developed the core housing need indicator as a means of identifying households in need of housing support. A core housing need household is defined as a household living in unacceptable housing (i.e., does not meet all three criteria above) that "would have to spend 30% or more of their gross household income to access acceptable housing in their community" (Waterston et al., 2015, p. 404).

The concept of core housing need refers only to households who already have housing. It does not include the homeless population. Core housing need is determined by asking two questions: First, does the housing meet all three criteria for acceptable housing as set out in the definition above (i.e., adequate, suitable, affordable)? And if not, does the household have to spend 30% or more of their gross income to access acceptable housing? If the answer is "yes", then the household is in core housing need.

An example of a household that is in core need is a household that cannot afford to live in an adequate (i.e., in good repair) home. An example of a household that is *not* in core housing is a

3-person household that can afford to live in a home that meets National Occupancy Standards—in this case, that has two bedrooms—but chooses not to (e.g., chooses to live in a tiny home).

The concept of core housing need is related to vulnerability in the sense that a household that lacks housing choice has a greater exposure to harm caused by financial instability, crowding and housing in disrepair. Other factors related to housing, such as unsafe neighbourhoods, poor water and indoor air quality, and inaccessibility issues for individuals with disabilities, are not taken into account in this report (Waterston et al., 2015).

› Using Income Deciles

One way to examine income disparity is to compare the mean income (average) to the median income (middle point) in a population. The average individual income in the Niagara Region is \$41,591, while the median income is \$31,433 (CANCEA, 2019b).

Another way to see how income is distributed is to sort incomes into deciles. Income deciles are obtained by dividing a population into 10 equal-sized groups from the lowest to highest income. Each decile contains 10% of the households in a given population. The Niagara Region uses deciles to define low and moderate income households. Income deciles can be used by municipalities and affordable housing advocates to set targets for development and monitor progress. The income deciles for Welland are presented in the next section.

Data

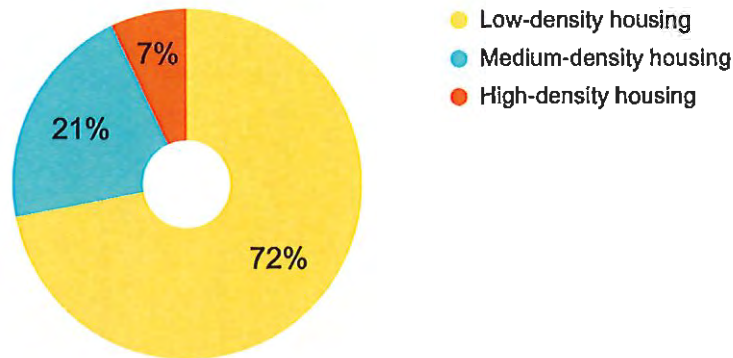
We discovered through an analysis of Welland's housing data that:

- There is a shortage of dwelling units that are suitable for small households
- Rents have outpaced wage growth
- Vacancy rates are very low for the most needed dwelling unit types
- Ownership housing prices have risen rapidly

› Most Existing and Recently Built Dwelling Units Are Not Suitable for Small Households

As Figure 1 shows, Welland's current housing stock is largely made up of single-detached homes ("low density"), which tend to have at least two bedrooms. Single-detached homes make up 72% of the housing stock. Semi-detached and row houses ("medium density") make up 21%, and apartment units ("high density") make up just 7% of Welland's dwelling units. However, 29% of households in Welland have just one person, 37% have two people, and 34% have 3 or more people (Statistics Canada, 2017). In other words 72% of Welland's housing stock is made up of single-detached homes while 66% of households have just one or two people.

Fig. 1. Distribution of Housing Based on Density Types, Welland



One reason for this mismatch is that 65% of Welland's occupied housing stock was built before 1980 (Statistics Canada, 2017) and households used to have more people in them. But times have changed. Canadian households have been steadily shrinking for more than a century, and single-person households now outnumber couples with children in Canada (Pope, 2015), including in Welland. The growth in single person households is one factor fuelling the real estate market (Pope, 2015). In Canada, more than 60% of adults aged 60 to 69 live in single-detached houses designed for families with children (Statistics Canada, 2011). While this may be a preference for many, options for seniors interested in downsizing to smaller dwelling units are very limited in Welland.

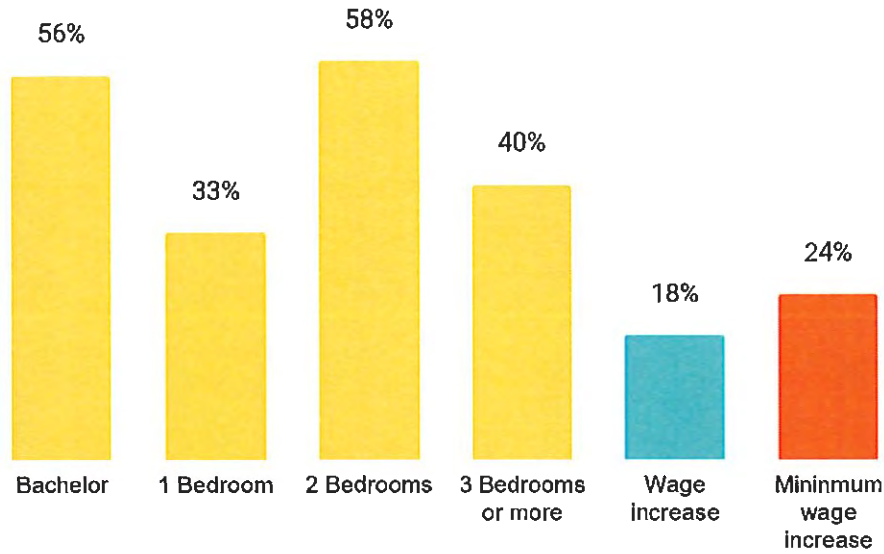
The current proportion of detached homes in Welland can only be partially explained by historical demographics. Another reason is that municipal housing policies in Ontario have not kept up with changing demographics. According to the *CMHC Starts and Completion Survey for 2010–2020*, a majority of the 1,490 dwelling units completed in Welland since 2010 were single-detached homes (64%), followed by semi-detached or row (28%), and apartment units (7%). Furthermore, only 152 rental units were built between 2010 and 2020 (10% of all units), and just 104 rental units were in apartments—the housing form most suitable to single person households. Also notable, no co-operative housing units were completed in Welland during this time (CMHC, 2021).

› Rapidly Rising Rents, Low Vacancies

According to the *CMHC Rental Market Survey* conducted in October 2020, the mean rent for a bachelor apartment in Welland at that time was \$710. The mean rents for a 1-bedroom unit was \$862; a 2-bedroom unit was \$1,048; and a 3-bedroom or larger unit was \$1,184 (row houses/apartments only) (CMHC, 2021).

As shown in Figure 2, rents in the primary rental market have risen dramatically in Welland since 2010 (CMHC, 2021). Rents for bachelor units and 2-bedroom units have both increased more than twice as fast as the hourly wage across all industries in Ontario (Statistics Canada, 2021) and the minimum wage (Government of Ontario, 2021; Government of Ontario, 2014).

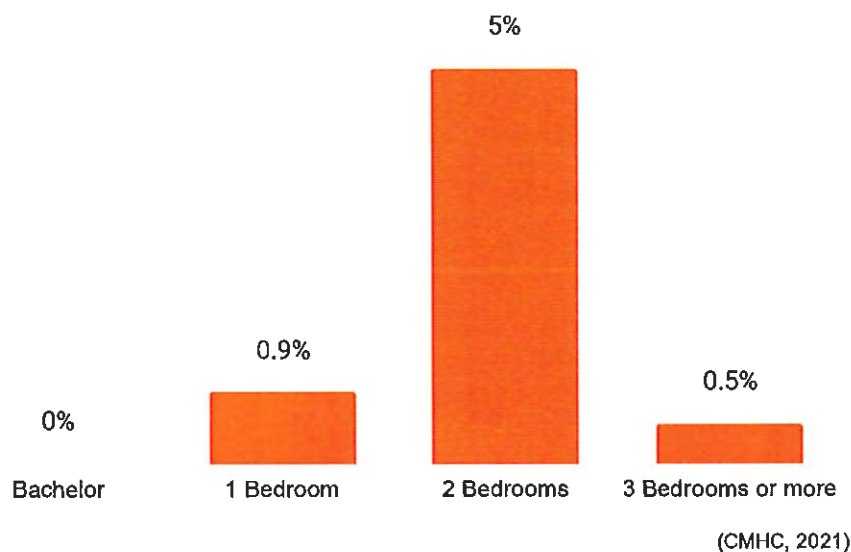
Fig. 2. Rent Increases vs. Wage Increases (2010 to 2020), Welland



(CMHC, 2021; Government of Ontario, 2020; Government of Ontario, 2014; Statistics Canada, 2021)

The CMHC data also highlight an issue with vacancy rates in Welland. As of October 2020, the vacancy rates were under 1% for bachelor units, 1-bedroom units, and units with 3 bedrooms or more. The lack of supply of needed dwelling unit types combined with the lack of provincial rent control legislation and increased demand from smaller households have resulted in Welland's rents far outpacing wage growth since 2010 (Fig. 3).

Fig. 3. Vacancy Rates in Primary Rental Market, Welland (2010 to 2020)



▸ Rising Ownership Housing Prices

Home ownership has traditionally been viewed as an accessible and central means for wealth accumulation. The stability of home ownership has also been associated with positive outcomes for individuals, families and communities (Rohe & Lindblad, 2013). Households in the moderate income deciles (annual income of between \$39,800 and \$84,299) have traditionally been in the position to become homeowners. However, entry-level ownership is less and less of an option for many Canadians (Nelles, 2018). Canada's house prices have nearly tripled the growth in household income since 2000, leading to a "middle-income housing affordability crisis" (Cox & He, 2016, p. 5).

We reviewed home sale prices for Niagara. According to RE/MAX (McNutt, 2020):

- The average residential sales price in Niagara rose by 19% in 2020
- The average home sales price in 2020 was \$533,198
- Prices are expected to rise by another 12% in 2021
- The current price for an entry-level market home is between \$350,000 and \$450,000

Quantifying the Need for Affordable Housing: Core Need Households in Welland

In order to quantify the need for affordable housing in Welland, we looked at both the number and composition of households that are in core housing need. We found that:

- Core need households need of housing with shelter costs under \$995 a month
- The great majority (83%) of core need households are composed of a single person
- Affordability (as opposed to suitability or adequacy) is the main obstacle to finding acceptable housing

▸ Core Need Households: 16% of Welland's Households

Data regarding households in core need in the Niagara Region are provided below in Table 1 (CANCEA, 2019b). These numbers track closely with incomes in Welland. There are 3,569 core need households in Welland (16% of all households). The vast majority of core needs households have incomes under \$40,000. The maximum affordable monthly shelter cost for this level of income is \$995.

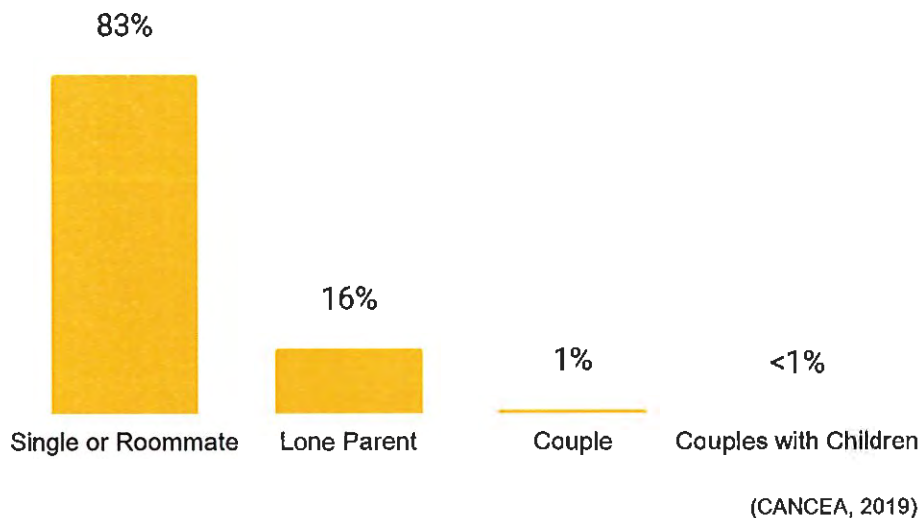
Decile	Household Income Level (annual)	Number of Households in Core Need	% of Core Need Households	% of all Households in Welland	Maximum Affordable Shelter Cost (monthly)
Low Income					
1	Less than \$19,399	1,400	39%	6%	\$485
2	\$19,400–\$29,499	1,205	34%	5%	\$737
3	\$29,500–\$39,799	843	24%	4%	\$995
Moderate Income					
4	\$39,800–\$52,699	121	3%	1%	\$1,317
5	\$52,700 to \$68,399	0	-	-	\$1,710
6	\$68,400 to \$84,299	0	-	-	\$2,107
High Income					
7	\$84,300 to \$101,199	0	-	-	\$2,530
8	\$101,200 to \$122,199	0	-	-	\$3,055
9	\$122,200 to \$155,899	0	-	-	\$3,897
10	\$155,900 or more	0	-	-	>\$3,897
		3,569	100%	100%	

(CANCEA, 2019b)

› Dwelling Units for Small Households Most in Need

A landmark housing analysis prepared by the Canadian Centre for Economic Analysis (CANCEA) for the Niagara Region provides the most recent available data on core housing needs for the City of Welland (CANCEA, 2019a; CANCEA, 2019b). As shown in Figure 4 below, the majority of core need households are single people living alone or with roommates (83%), followed by lone parents (16%).

Fig. 4. Composition of Core Housing Needs Households, Welland

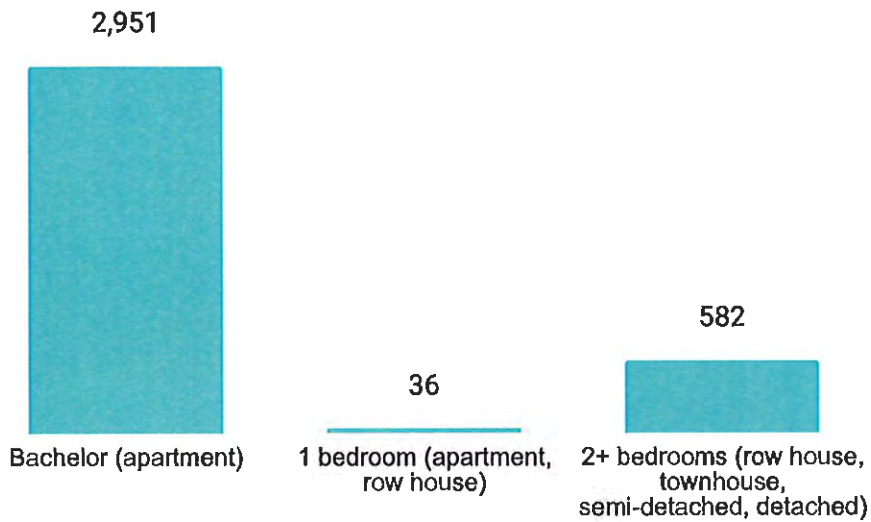


Of the three criteria which determine core housing need (i.e., affordability, suitability, adequacy—see section **Key Terms & Data**), affordability is the main challenge in Niagara Region (CANCEA, 2019b). Nearly a third (29%) of all renters in Niagara are in core housing need.

Households generally look for adequate and suitable housing at the most affordable price. This is especially the case for low income and moderate income households. For example, a low income single person is likely to search for a bachelor or 1-bedroom home whereas a couple with two children will look for a home with two or three bedrooms.

Figure 5 displays the types of housing forms (based on matching number of bedrooms to household composition) most needed by core housing need households in Welland. Currently, there are 2,951 single-person core need households who need adequate housing in an apartment-type dwelling unit. There are 582 lone-parent and couples with children core need households who are suited to a unit with 2 or more bedrooms (e.g., in row houses, townhouses, semi-detached or detached buildings), and 36 couples with no children who are best suited to a 1-bedroom unit (e.g., in apartments or row houses). These numbers provide the City of Welland with an indication of the housing forms that are most urgently needed in Welland.

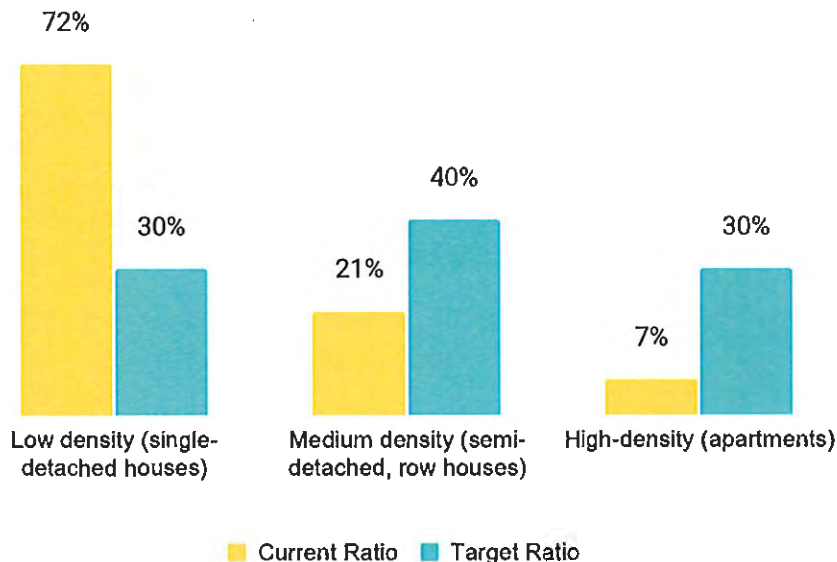
Fig. 5. Housing Forms Needed by Core Housing Need Households, Welland



› Addressing the Gap: New Targets for Housing Form Ratios

As previously discussed, Welland's housing stock is dominated by low density, single-detached homes while the demographics require medium and high density dwelling units with zero to two bedrooms. In order to meet changing demographics and expand the number of much-needed smaller dwellings units (e.g., apartments and 1-bedrooms), Welland needs to shift the ratio of housing stock. Figure 6 compares the current ratio of housing forms in Welland to the 2041 target ratio set out in CANCEA's *Niagara Region Growth Scenario Analysis: 2018–2041* (CANCEA, 2019a).

Fig. 6. Current vs. Target Housing Form Ratios Welland



And in order to address the affordability gap, a significant proportion of new units (~40%) should have total shelter costs under \$500 a month (for single person households). Another ~40% should cost between \$500 and \$750 a month, and ~25% should cost between \$750 and \$1,000. While these estimates are not perfect and should be reviewed by the City of Welland, they provide an impression of the scale of magnitude of change that is needed in order to ensure that all Wellanders are living in adequate housing that is suitable, adequate and affordable.

› Can the Private Housing Market Build Affordable Housing?

In Table 1, we showed that 73% of Welland households experiencing core housing need earn less than \$29,500 per year. The maximum total shelter costs that this group can afford is \$737 per month. As we indicated in the **Data** sub-section "Rapidly Rising Rents", the average rent for a

bachelor was \$710 in 2020 (median not available). The median rent for a 1-bedroom was \$862 (not including full shelter costs).

What we learned through the **Welland Affordable Housing Task Force** process is that private developers are unlikely to be able to build dwelling units with market rents less than \$750 a month. Therefore, in order to provide housing for 73% of Welland's core housing needs population, rent support is needed.

The City of Welland does not subsidize housing. Currently, low income households in Niagara may qualify for community housing provided by Niagara Regional Housing (NRH). However, the wait times are lengthy, particularly for small households. The average wait times for Niagara Regional Housing located in Welland in the fourth quarter of 2019 ranged from 2.5 years for a 3-bedroom unit for households with dependents to 15 years for a 1-bedroom (NRH, 2020). Increasing the supply of NRH or other forms of subsidized housing appears to be key to addressing Welland's households in core housing need.

The policy recommendations proposed by the Welland Affordable Housing Task Force do not address this issue. However, **until this piece of the puzzle is solved, a significant portion of core housing need households will be unable to move into acceptable housing.** Therefore, the issue of rent subsidy should be explored by the City of Welland and affordable housing advocates.

City of Welland's Housing Policies: Review

As part of the Task Force's process, we reviewed current housing and development policies as set out in Welland's *Official Plan* (Dillon Consulting Ltd., 2010) and *Zoning By-Law*. Taking steps to promote the development of affordable housing is consistent with Welland's *Official Plan's* strategic directions to become a "Complete Community". A Complete Community aims to "meet all people's needs for daily living throughout an entire lifetime by providing... community infrastructure, including affordable housing" (Dillon Consulting Ltd, 2010, p. 13). Affordable housing is also one of four key areas of poverty reduction highlighted in the *Proclamation for the Elimination of Poverty*, signed by Welland City Council in 2007 (City of Welland, 2007).

› Section 4.2.3.10 Affordable Housing

In June 2019, an amendment was made to the Official Plan to include an Affordable Housing Section (Dillon Consulting Ltd., 2010, pp. 51-2). Most significantly, the policy sets a target for "30% of all new housing units constructed over the long term to consist of affordable housing units" (p. 51). The section also sets conditions for preventing the demolition or conversion of existing residential properties, and states the City's interest in participating in multi-sectoral partnerships to "ensure that a sufficient supply of housing is provided which is affordable to low and moderate income households" (p. 51). This section is a critical addition to the Official Plan. However, "long term" is not defined, and no mechanisms for data collection and progress reporting are included in the policy.

› Intensification and Diversification Policies

A number of policies are included in the Official Plan with the aim of intensifying development (below).

- 4.1.3.9 Bonusing (Downtown Welland only)
- 4.2.3.6 Infill and Intensification Development
- 4.2.3.8 Conversion of High Density Residential Sites
- 4.2.3.18 Bonus Zoning

Other policies are intended to diversify the range of housing options:

- 4.2.3.9 Live/Work Opportunities
- 4.2.3.13 Accessory Dwelling Units
- 4.2.3.14 Garden Suites
- 4.2.3.15 Student Accommodation

Welland was recognized as a regional innovator when it adopted a secondary suite policy in 2010. The policy was aimed at helping older residents stay in their homes longer by providing them with a source of rental income at home (Heritz, 2020). While the addition of secondary suites such as Accessory Dwelling Units and Garden Suites has led to an increase in the supply of smaller dwelling units, their affordability is unknown as municipalities cannot place caps on rent.

› Zoning By-Law

In 2017, Welland approved a new *Comprehensive Zoning By-Law* that removed the single-detached dwelling zoning category to facilitate what has been called "gentle density"—medium-density housing compatible in scale with single-family homes forms located within and on the periphery of existing neighbourhoods" (Webber, 2019, p. 4). The new *By-Law* also eliminated a number of other barriers to the creation of affordable housing, including: removing limits to minimum dwelling unit size restrictions; exempting housing providers who build government housing from certain zoning requirements; reducing required parking spaces for units less than 50 square metres to .3 spaces per dwelling unit; reducing setback requirements to facilitate greater density; and increasing the number of land zoned for medium, high and mixed-use zoning. Collectively, these actions represent an important innovation in the context of Ontario, and will lead to an increase in the diversity of types of housing forms being built.

To summarize the above, the Affordable Housing Section clearly sets out the City's intention with regard to significantly increasing affordable housing. It follows that housing intensification and diversification policies should increase the supply of smaller dwelling units. However, there remain tools that have not been adopted, and the purpose of this Task Force is to suggest new

opportunities. Above all, as emphasized in the Affordable Housing Section of the Official Plan, to increase the supply of affordable housing, the City will need the participation of community partners.

▸ **Official Plan 2021**

Welland has an opportunity to again be a regional leader by integrating more robust affordable housing policies in the next Official Plan, which is scheduled to be revised beginning in 2021. While the new Zoning By-Law represents an important leap forward in terms of creating a more diverse mix of housing forms, more can be done to specifically target the provision of affordable housing. Support from provincial and federal governments will also be necessary.

Welland City Council is aware of the pressing for affordable housing development in Welland. That is why they turned to STEP Niagara to create the **Welland Affordable Housing Task Force**. The Task Force is honoured to have been given this responsibility and is pleased to make the following recommendations to Welland City Council.

Recommendations to Welland City Council

Overview

As a reminder, the purpose of the Task Force was to *provide Welland City Council with evidence-based recommendations for municipal actions that will increase the supply of diverse market and non-profit rental and ownership housing options for low- and middle-income households in Welland.*

Excluded from our focus was social housing (e.g., government-owned housing, subsidized cooperative housing, and supported housing). Emergency shelters and transition housing were also outside of our work scope. We also did not address individual affordable housing projects.

In the summer and fall of 2020, the **Welland Affordable Housing Task Force** reviewed dozens of documents and gathered suggestions from Task Force members in order to identify potential policy recommendations to Welland City Council. Through this process, 24 potential recommendations were identified. The Task Force chose six key recommendations for immediate implementation. These recommendations aim to increase the supply of affordable rental and ownership housing in Welland using two, non-regulatory strategies:

- Making land available for affordable housing by reserving public lands for affordable housing
- Incentivizing affordable housing projects by reducing the costs of development associated with the municipal development approval process

Key Recommendations

1. **Affordable Housing Community Improvement Plan (CIP)**
2. **Priority Review**
3. **Density Bonus**
4. **Municipal Land Bank**
5. **Inventory of Unused Community Lands**
6. **Affordable Housing Reserve Fund**

Key Recommendations

1. *Affordable Housing Community Improvement Plan (CIP)*

- a. Development Fee Deferral
- b. 10-year Tax Waiver
- c. Tax Increment Grant (TIG)
- d. Priority Review

An Affordable Housing Community Improvement Plan (CIP) is a suite of municipal policies that encourage affordable housing within a designated geographic area. Section 28 of *The Planning Act, 1990* delegates the power to municipalities to create CIPs in order to spur targeted change in desired areas. The financial incentives are intended to encourage private sector investment and rehabilitation by reducing development costs.

Within the Affordable Housing CIP, we recommend the following incentive policies be applied to eligible projects:

- a) a **Development Fee Deferral** for development charges as per the Development Charges Act, 1997;
- b) a **10-year Municipal Tax Waiver** for public and non-market affordable rental housing construction; and
- c) an **Affordable Housing Tax Increment Grant (TIG) Program** in which the City of Welland would reimburse eligible projects (e.g., those that supply housing for Niagara Region income deciles 1 through 6) up to 80% of a municipal tax increase for the first five years, and decreasing the grant amount incrementally for the next five years.
- d) **priority review** for affordable housing projects (see next recommendation)

2. *Priority Review*

Welland ranks among the municipalities with the fastest development approval times in Ontario. However, we recommend that affordable housing projects (as defined by the City of Welland) be subject to a **priority review** process in order to reduce the costs associated with the time it normally takes for decisions related to planning policies (e.g., Official Plan, zoning by-law amendments, and plans of subdivision). A **priority review** process would both streamline and prioritize planning applications that include a predetermined amount or proportion of affordable housing units. The Association of Municipalities of Ontario describes this as a "one-window 'concierge service' to fast track priority proposals" (AMO, 2019, p. 17).

Municipalities can also provide developers with specific advice so that they can expedite the process (e.g., submitting fully completed applications, preparing quality comprehensive site plans, and timely building inspections). The **priority review** can be part of the Affordable Housing Community Improvement Plan (CIP) as well as be a stand alone incentive.

3. Community Benefits Charge

We recommend that the City of Welland use a **community benefits charge** to leverage funding from developers in exchange for increased height and density limits.

4. Municipal Land Bank

A **municipal land bank** is an inventory of municipally-owned, “shovel-ready” land located in areas that are suitable for affordable housing projects (e.g., close to services and public transit). This recommendation urges the City of Welland to take an “affordable housing first” approach to surplus city-owned properties by making suitable land available at a discount to developers of affordable housing. The City may also consider providing long-term leases of public lands for non-profit housing projects. Available properties will be “shovel-ready”, meaning that the City has taken necessary administrative, legal and financial steps—as well as addressed common risks of land development, such as environment and archaeological reviews—to ensure that construction can begin quickly.

Having a **municipal land bank** allows municipalities to take advantage of opportunities presented by private and non-profit proposals, as well as higher-level government housing programs. When considering eligible affordable housing projects, the City of Welland may want to prioritize certain types of projects for certain properties (e.g., tiny home developments).

5. Inventory of Unused Community Lands

While the municipal land bank would activate surplus municipal lands for affordable housing projects, the City of Welland can also create an **inventory of unused community lands**—properties that are privately-owned. The inventory would provide the City with a means to engage the community to identify vacant or underused privately-owned lands that are suitable for affordable housing development (e.g., large properties owned by faith-based groups).

6. Affordable Housing Reserve Fund

An affordable housing reserve fund can be used to assist new and existing affordable housing projects not on public property by giving or lending money and guaranteeing borrowing. The reserve fund would be built through community amenity contributions provided by property developers when City Council grants development rights through rezoning, through revenues collected from the land transfer tax, and through other available means.

Actions to Support Affordable Housing

1. Leverage Funding from Higher Levels of Government

Municipalities alone cannot ensure that all community members are acceptably housed. The City of Welland should identify all potential sources of funding from higher levels of government and leverage resources ("all-of-government approach"). This includes consulting the National Housing Strategy, a 10-year \$55 billion plan to generate the types of housing most needed by Canadians. The Strategy details information about funding and financing opportunities to build new affordable housing and to renew or renovate existing affordable housing stock, as well as resources for community housing providers (CMHC, 2021).

2. Adopt Niagara Region's Operational Definitions

As part of the Official Plan review, the City of Welland should adopt the Niagara Region's operational definitions for low income household, moderate income household, affordable market housing, and affordable rental market housing. Affordable housing prices should include the cost of operating and maintaining a home (i.e., full shelter cost). Definitions of affordable housing should be coupled with household income, not property sale prices or market rent prices.

3. Use Core Needs to Establish Affordable Housing Targets

Use the CMHC's core needs concept to establish affordable housing targets. This way, any shifts in decile incomes are irrelevant because the measure of affordability is linked to income level, not housing market prices and rents.

4. Set Measurable Criteria for Affordable Housing Projects

Set measurable criteria for affordable housing projects in order to identify proposals that will be eligible for support from the City of Welland.

5. Set Explicit Targets for Affordable Housing Forms

In order to continue shifting the housing form ratio from single detached homes with 3 or more bedrooms to smaller dwelling unit types that accommodate single and two-person households, the City of Welland should set concrete targets for smaller dwelling unit types via a feasible mechanism.

6. Use Available Data to Inform Construction Targets

City planning staff should use core housing need data, rental market and home sales price data when setting affordable housing construction targets, including in the Affordable Housing Community Improvement Plan.

7. Create an Online Affordable Housing Information Portal for Developers

Create a clearinghouse of grants and other resources for affordable housing projects, and have a staff person assigned to answer questions from interested developers. Consider partnering with the Niagara Region in order to encourage development across Niagara.

8. Address “Inadequate” Housing

While the report is focused on affordability, housing that is considered inadequate on the basis of needing major repairs is also an issue. The City should continue to enforce the existing *Property Standards By-Law* to ensure that rental housing is in good repair.

9. Link Affordable Housing to Multi-Modal Transportation

Transportation can represent a significant cost to households. Affordable housing should be located in areas that are serviced by public transportation and where walking and cycling is safe and enjoyable.

10. Include a Green Housing Provision

While municipalities cannot require standards that are higher than the provincial Building Code, the City of Welland should consider requiring that projects receiving municipal support are designed and constructed in an energy-efficient manner so as to reduce total shelter costs.

11. Monitor, Evaluate, and Update Affordable Housing Targets

In order to evaluate the effectiveness of affordable housing policies, create a monitoring structure and update policies every 3 to 5 years.

12. Integrate Affordable Housing Goals and Policies into the Next Official Plan

Welland’s Official Plan was adopted in 2010, and revised as recently as 2019. A new Official Plan process will start in 2021/2022 and is an important opportunity to integrate policies to increase the supply of affordable housing, as well as reflect changes to Provincial and Regional policies. In its current iteration, the Official Plan does not contain an analysis of affordable housing needs. The new Plan should match current and forecasted with current and forecasted new residential development. For example, the current Plan estimates the construction of 1,250 new medium and high density residential units between 2021 and 2031. This target is insufficient to meet the current Core Housing Needs in Welland (3,569 households).

13. Inclusionary Zoning

One recommendation that we hoped to include but were unable to is Inclusionary Zoning. Inclusionary Zoning is the single most effective municipal tool for increasing the supply of affordable housing because it allows municipalities to require a portion of affordable rental housing units in new developments. In this way, affordable housing is treated as essential to a building, much like proper ventilation and fire safety measures.

However, the *More Homes, More Choice Act, 2019* amendment to Ontario’s *Planning Act, 1990* severely restricted the use of Inclusionary Zoning. As a result, this tool is not available to Welland

at this time. Should it be available to the City of Welland, then we recommend that it be adopted. In the meantime, Welland City Council should consider passing a resolution calling on the Province to reverse the section of the *More Homes, More Choice Act, 2019* amendment.

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Appendices

Appendix A: Welland Affordable Housing Task Force Process



Appendix B: Welland Affordable Housing Task Force Members

Co-Chairs

Anthony Gatti, STEP Niagara, Registered Psychotherapist (Retired)
Paul Turner, STEP Niagara, Niagara Catholic School Board (Retired)

Task Force Members

John Braithwaite, Hope Centre
Joe Caruso, City of Welland
Barbara Deruiter, STEP Niagara
Fraser Elliott, Bosch Rexroth
Bev Foster, Bosch Rexroth
Marvin Ingebrigsten, City of Welland
Muhammad Ali Khan, City of Welland
Jamie Leitch, City of Welland
Marco Magazzeni, Niagara Catholic District School Board
Adam Moote, Welland City Council (Ward 1)
Grant Munday, City of Welland
John Osczypko, Gateway Residential & Community Support Services
Jeffrey Sinclair, Niagara Region
Leslie Bellingham, Raising the Roof
Josie Faccini, Community Member
Gage Stephens, City of Welland
Drew Toth, Toth Group
Leanna Villella, Niagara Regional Council (Welland)
Sean Vout, Gateway Residential & Community Support Services
Wayne Olson, Community Member
Nate Dirks, Southridge Community Church

Volunteer Consultant

Elise Gatti, PhD



Welland Affordable Housing Task Force

**Recommendations to Increase the Supply of Affordable Housing in Welland
November 2021**

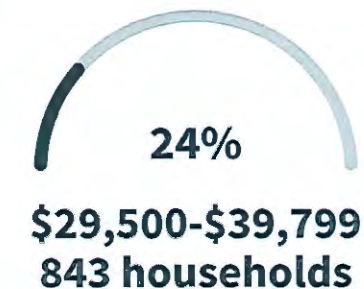
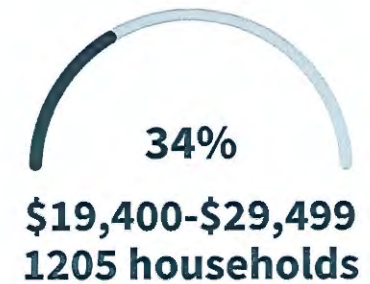
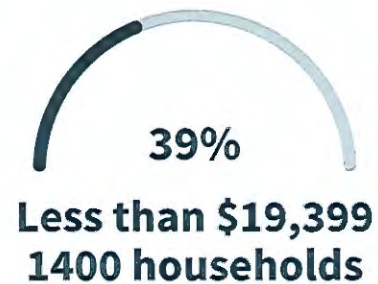
The Issue at Hand

Core housing need in Welland

Table 11. Income deciles and core need households in Welland

Decile	Household Income Level (annual)	Number of Households in Core Need	% of Core Need Households	% of all Households in Welland	Maximum Affordable Shelter Cost (monthly)
Low Income					
1	Less than \$19,399	1,400	39%	6%	\$485
2	\$19,400-\$29,499	1,205	34%	5%	\$737
3	\$29,500-\$39,799	843	24%	4%	\$995
Moderate Income					
4	\$39,800-\$52,699	121	3%	1%	\$1,317
5	\$52,700 to \$68,399	0	-	-	\$1,710
6	\$68,400 to \$84,299	0	-	-	\$2,107
High Income					
7	\$84,300 to \$101,199	0	-	-	\$2,530
8	\$101,200 to \$122,199	0	-	-	\$3,055
9	\$122,200 to \$155,899	0	-	-	\$3,897
10	\$155,900 or more	0	-	-	>\$3,897
		3,569	100%	100%	

(CANCEA, 2019b)



Welland Affordable Housing Task Force

PROCESS



TIMELINE

2019 Winter

2020 Spring/Summer

2020 Fall/2021 Winter/Spring

2021 Spring/Summer

The Results

Current policies

Opportunity for leadership

**What The City of Welland
can do**



Recommendations

01

**Affordable
Housing CIP**

02

**Density
Bonuses**

03

**Community
Benefit
Charges**

04

**Affordable
Housing
Reserve Fund**

05

**Municipal Land
Bank**

In summary, we recommend a sub-committee be formed to put these recommendations into practice

QUESTIONS?

