

NOTICE

THE MAYOR HAS CALLED

A SPECIAL MEETING OF COUNCIL

AT 5:00 P.M.

THURSDAY, DECEMBER 9, 2021

IN COMMITTEE-OF-THE-WHOLE (IN-CAMERA)

TO DISCUSS THE FOLLOWING:

- 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;
 - *Notre Dame Rowing Club Lease.*
- PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD; and
 - *81 Doan's Ridge Road.*
 - *33 & 35 Hellems Avenue.*
- PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES.
 - *Negotiations Update - UNIFOR and USW (Volunteer Firefighters).*
 - *Benefits update.*

**FOLLOWED BY SPECIAL COUNCIL IN OPEN SESSION
TO CONSIDER CORRESPONDENCE, REPORTS AND BY-LAWS.**

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>

Tara Stephens, City Clerk



SPECIAL COUNCIL MEETING

Thursday, December 9, 2021

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- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (5:00 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;
 - *Notre Dame Rowing Club Lease.*
 - Proposed or pending acquisition or disposition of land by the municipality or local board:
 - *81 Doan's Ridge Road*
 - *33 & 35 Hellems Avenue.*
 - Personal matters about an identifiable individual, including municipal or local board employees.
 - *Negotiations Update - UNIFOR and USW (Volunteer Firefighters).*
 - *Benefits update.*

- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)**

- 3. OPEN SPECIAL COUNCIL MEETING FOLLOWING COMMITTEE-OF-THE-WHOLE (IN-CAMERA)**
 - 3.1 ADDITIONS/DELETIONS TO AGENDA**
 - 3.2 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) TO BE ADDED TO BLOCK**
 - 3.3 DISCLOSURES OF INTEREST**
 - 3.4 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**

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



SPECIAL COUNCIL MEETING AGENDA – Page 2

Thursday, December 9, 2021

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

21-4 Councillor McLeod, Chair, Budget Review Committee - meeting of November 22, 2021.

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. 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 9th day December, 2021.
Ref. No. 21-1

8. ADJOURNMENT



SPECIAL COUNCIL MEETING AGENDA

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AGENDA BLOCK

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

2. COMMITTEE AND STAFF REPORTS

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

1- 2 2. Budget Review Committee Report to Council - November 22, 2021

3. Staff Reports

TRANS-2021-19 Director of Finance/Chief Financial Officer/Treasurer,
S. Fairweather - Inter Regional Transit Update. Ref. No. 21-13
**(Report to be distributed to Members of Council by Tuesday,
December 7 @ 4:30 p.m.)**

3 - 6 P&B-2021-70 Director of Development and Planning Services, G. Munday -
Proposed Increases for Building Permits and Inspection Services
Fees. Ref. No. 21-38 (See By-law 1)

7 - 45 P&B-2021-71 Director of Development and Planning Services, G. Munday -
Application for Draft Plan of Subdivision (26T-14-21004) made by
Upper Canada Consultants on behalf of Silverstar Developments
Inc. for lands located on the west side of Clare Avenue, north of
Woodlawn Road, east of South Pelham Road, south of Heritage
Lane, legally described as Part of Lot 237, geographic Township of
Thorold, in the City of Welland, Regional Municipality of Niagara,
without any municipal address. Ref. No. 21-122

46 - 100 P&B-2021-72 Director of Development and Planning Services, G. Munday -
Application for Official Plan Amendment (OPA No. 35), Zoning
Bylaw Amendment (2021-05) Submitted by IBI Group on behalf of
Hamount Investments Ltd. for lands on the east side of Rose
Avenue, north of Thorold Road, west of Rice Road, municipally
known as 3, 11, 17 Rice Road 306, 308 Thorold Road and 12 Rose
Avenue. Ref. No. 21-123 (See By-laws 2 & 3)



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101 - 105	<u>ENG-2021-33</u>	Director of Infrastructure Services, SM. Millar - Towpath Municipal Drain - Withdrawal from Petition. Ref. No. 08-65
106 - 109	<u>ENG-2021-34</u>	Director of Infrastructure Services, SM. Millar - Direct Appointment of Professional Services for Construction Inspection of the Dain East Subdivision. Ref. No. 21- 154 (See By-law 4)
110 - 112	<u>FIN-2021-39</u>	Director of Finance/Chief Financial Officer/Treasurer, S. Fairweather - Continued Provision of Health, Dental, LTD, STD, ADD and Loss of Life Benefits. Ref. No. 98-152
113 - 114	<u>F&ES-2021-11</u>	Fire Chief & Community Emergency Management Coordinator, A. Eckhart - Naloxone Administration for the Welland Fire and Emergency Services Department. Ref. No. 21-15
115 - 117	<u>EDO-2021-08</u>	Manager of Economic Development, L. DeChellis - Agreement of Purchase and Sale for City Owned lands located at the southeast corner of Classic Avenue and Lewis Street. Ref. No. 21-150 (See By-law 5)
118 - 119	<u>R&C-2021-26</u>	Director of Community Services, R. Axiak - Supply of Security Services. Ref. No. 21-145 (See By-law 6)
120 - 122	<u>R&C-2021-27</u>	Director of Community Services, R. Axiak, and Adam Eckhart, Fire Chief and Community Emergency Management Coordinator, and Steve Zorbas, Chief Administrative Officer - Ammonia Refrigeration Plant Equipment Removal. Ref. No. 98-82

3. NEW BUSINESS

- 123** 1. Kevin Carver, President & CEO, Welland Hydro-Energy Services Corp. and Chair, Welland Solar Joint Venture Management Committee re: Removal and appointment of secondary person from the City of Welland to the Joint Venture Management Committee. Ref. No. 99-43/12-114

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND removes Dan Degazio as a member of the Welland Solar Joint Venture Management Committee; and further **THAT** Welland City Council appoints the Director of Finance/CFO/Treasurer, Steven Fairweather as the second member to the Joint Venture Management Committee as recommended by the Joint Venture Management Committee.



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- 124** 2. Dave Burkholder, Head Coach, Welland Jr. Canadians Hockey Club re: Request to declare December 12, 2021 as “Mark Forster Day”. Ref. No. 21-6

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND declares December 12, 2021 as “Mark Forster Day” in the City of Welland.

3. Council to appoint Councillor Leo Van Vliet as Integrated Services Chair.
Ref. No. 21-12

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Leo Van Vliet as Integrated Services Chair for the term December 9, 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 By-law 2020-140, being a By-law under the *Building Code Act* respecting construction, demolition, change of use, occupancy, transfer of permits and inspections. Ref. No. 21-38
(See Report P&B-2021-70)
2. A By-law to amend City of Welland Zoning By-Law 2017-117 (Hamount Investments Ltd. - File 2021-05) 3, 11, 17 Rice Road, 306, 308 Thorold Road and 12 Rose Avenue. Ref. No. 21-123
(See Report P&B-2021-72)
3. A By-law to authorize the adoption of Official Plan Amendment. No. 35.
Ref. No. 21-123
(See Report P&B-2021-72)
4. A By-law to authorize entering into contract with Ellis Engineering Inc. for Professional Services for Construction Inspection of the Dain East Subdivision. Ref. No. 21-154
(See Report ENG-2021-34)
5. A By-law to authorize acceptance of an offer from Nick Mete for the sale of City-owned lands at the southeast corner of Classic Avenue and Lewis Street.
Ref. No. 21-150
(See Report EDO-2021-08)



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- 6.** A. By-law to authorize acceptance of proposal and to enter into contract with Cantec Security Services Inc., for Security Guard and Patrol Services at Welland Civic Square, Public Works, Local Facilities and Pool Facilities. Ref. No. 21-145
(See Report R&C-2021-26)
- 7.** A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-17092, Lot 6, Plan 59R-468 (4 & 6 Hilda Street), City of Welland.
Ref. No. 21-149
(Approved by By-law 2020-143)
- 8.** A By-law to exempt certain lands from Part-Lot Control - Parts 1-4 (Inclusive) on Plan 59R-17108, Lots 109 and 110, Plan 937 (246, 249, 253, 257, Dain Avenue) City of Welland. Ref No. 21-151
(Approved by By-law 2020-143).
- 9.** A By-law to exempt certain lands from Part-Lot Control - Parts 1 - 6 (Inclusive) on Plan 59R-17123, Part of Lot 130, Plan NS-17 (383, 385, 387, and 389 First Avenue), City of Welland. Ref No. 21-152
(Approved by By-law 2020-143).
- 10.** A By-law to exempt certain lands from Part-Lot Control - Part 1-104 (Inclusive) on Plan 59R-16968, Lots 216 to 223 (inclusive), Lots 232 to 258 (inclusive), Lots 226 to 275 (inclusive), Plan 937 (343-421 Beatrice Street (inclusive), 305-420 Chaffey Street (inclusive), and 352-412 Alberta Street (inclusive)), City of Welland. Ref No. 21-153
(Approved by By-law 2020-143).



BUDGET REVIEW COMMITTEE MEETING MOTIONS REQUIRING COUNCIL APPROVAL

Monday, November 22, 2021

5:04 p.m.

Council Chambers/Virtual Zoom Meeting

Councillor D. McLeod in the Chair

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

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

1. BOARD PRESENTATIONS

THAT THE BUDGET REVIEW COMMITTEE receives for information the presentation made by the Welland Public Library; and approves and recommends to Council for approval that Welland Public Library be given a grant in the amount of \$2,336,115 for 2022.

THAT THE BUDGET REVIEW COMMITTEE receives for information the presentation made by the Welland Historical Museum; and approves and recommends to Council for approval that the Welland Historical Museum be given a grant in the amount of \$232,719 for 2022.

THAT THE BUDGET REVIEW COMMITTEE receives for information the presentation made by Rose City Kids; and approves and recommends to Council for approval that Rose City Kids be given a grant in the amount of \$25,000 for 2022.

THAT THE BUDGET REVIEW COMMITTEE receives for information the presentation provided by the Niagara Safety Village; and approves and recommends to Council for approval that Niagara Safety Village be given a grant in the amount of \$6,000 for 2022.

THAT THE BUDGET REVIEW COMMITTEE receives for information the presentation by Open Arms Mission; and approves and recommends to Council for approval that Open Arms Mission be given a grant in the amount of \$45,000 for 2022.

THAT THE BUDGET REVIEW COMMITTEE receives for information the presentation made by the City of Welland Heritage Advisory Committee; and approves and recommends to Council for approval that the City of Welland Heritage Advisory Committee be given a grant in the amount of \$14,108 for 2022.

THAT THE BUDGET REVIEW COMMITTEE receives for information the presentation made by Niagara College; and approves and recommends to Council for approval that Niagara College be given a grant in the amount of \$50,000 each year for 5 years beginning in 2022, for a total of \$250,000.

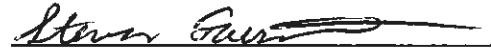
2. 2022 PERMISSIVE GRANTS

THAT THE BUDGET REVIEW COMMITTEE approves and recommends to Council for approval that Feast of the Assumption be given a permissive grant in the amount the amount of \$2,310.

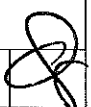

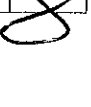
As recommended by the Budget Review Committee at its meeting of November 22, 2021.

Date Submitted: December 9, 2021

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


(Signature)

SPECIAL COUNCIL
OFFICE OF THE CAO

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT TRANS-2021-19
DECEMBER 9, 2021

**SUBJECT: INTER REGIONAL TRANSIT UPDATE – TAXPAYER
TRANSPARENCY, FINANCIAL ACCOUNTABILITY AND FAIR
REPRESENTATION**

AUTHOR: STEVE ZORBAS, CAO

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report PW-55-2021 – Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission from the Niagara Region; and

THAT Welland City Council recognize the request for local area municipalities to pass resolutions consenting to the By-law No. 2021-96 of the Regional Municipality of Niagara, being a By-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems, provided the following outstanding issues are addressed:

- a) City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.
- b) The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,
- c) Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,
- d) That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle.

THAT Welland City Council requests the local area municipalities (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, West Lincoln) present the following amended resolution to their councils for consideration:

“That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region, only if the following conditions are addressed:

- a. City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.**
- b. The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,**
- c. Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,**
- d. That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle; and further**

That a copy of this resolution be sent to the Niagara Region and local municipalities.”

ORIGIN AND BACKGROUND:

The Regional Municipality of Niagara and area municipalities have been investigating the option to form a consolidated transit authority. Regional Council, at its meeting held on November 25, 2021, passed the following resolution:

“That Report PW 55-2021, dated November 25, 2021, respecting Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission, BE RECEIVED and the following recommendations BE APPROVED.

For the Regional motion to move forward requires a triple majority vote of the local municipal councils within Niagara Region. Each municipal council will need to pass their own motion either in support or rejecting the regional motion.

To facilitate this process the Regional Municipality of Niagara has forwarded to each municipal clerk a copy of the By-law and Report PW 55-2021 (APPENDIX I) along with a request that their councils consider adopting the following resolution, and advise the Regional Clerk of the results of that consideration, no later than January 31, 2022:

“That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate, and maintain a consolidated passenger

transportation system for the Niagara Region”.

COMMENTS AND ANALYSIS:

City staff articulated concerns in updated reports presented to City Council on October 20, 2020, April 13, 2021, and September 7, 2021, all of which can be summarized in the items below:

- a) Update the financial model to reflect Welland, St. Catharines, Niagara Falls and Niagara Inter-Regional Transit operating costs based upon Council approved 2022 Transit Budgets including:
 - i Assumptions regarding PGT funding (OPTA has forecasted a reduction and Welland has assumed a 25% reduction for 2022 Transit Budget) and ridership levels forecasted to be reduced to 70% pre-COVID
 - ii Assumptions regarding Safe Restart Funding
 - iii Both items (PGT and SRA Funding) are currently being lobbied by Ontario Public Transit Association (OPTA)
 - iv Proposed annual lease payments to be made to the City of Niagara Falls for the WEGO Transit Facility
- b) Updated 5-year Transit Capital Budgets (2022-2026) for Welland, St. Catharines, Niagara Falls and Niagara Inter-Regional Transit. Transit capital costs and allocation percentages proposed to allocate these costs to lower-tiered Municipalities and further;
- c) Updated Capital assets schedules for Welland, St. Catharines, Niagara Falls and Niagara Region summarizing assets including but not limited to revenue fleet, non-revenue vehicles and facilities

Referencing Report PW 55-2021, dated November 25, 2021, the concerns expressed from Welland City Council have yet to be addressed. In addition to the aforementioned, as one of the major transit service providers for Niagara Region, the governance structure for the City of Welland does not show equality through one (1) seat. Welland City Council continues to support regional transit, and the lack of representation does not demonstrate reciprocation.

Transit Debenture Debt – Existing and Proposed

The City of Niagara Falls, City of St. Catharines, and City of Welland at the end of December 2020 had outstanding debenture debt related to local transit operation. Upon amalgamation of the local transit operations into one Transit Authority the outstanding debenture debt would be uploaded to this new Transit Authority. The details of this outstanding debenture debt as at December 31, 2020, as provided by regional staff, is as follows:

Municipality	Debt Year Ending	Annual Debt Payment	Long Term Debt Annual Debentures
Niagara Region Transit	2029	\$1,329,049	\$11,000,000
St. Catharines Transit	2024/2027	\$140,315	\$1,021,635
Niagara Fall Transit	2031	\$382,013	\$3,446,822
Welland Transit	2022/2027/2029	Varies by year see attached schedule	\$1,292,652
Niagara-on-the-Lake			
Port Colborne			
Pelham			
Thorold			
Fort Erie			
Grimsby			
Lincoln			
West Lincoln			
Wainfleet			

Staff are not aware of plans by the City of Niagara Falls or the City of St. Catharines to issue new debenture debt in 2020, 2021 or 2022.

However, the City of Welland has a transit capital project for the New Operation Facility that has been budgeted in 2020 and 2021 requiring the issuance of debenture debt of \$2,680,000. City of Welland Council has approved the debenture debt to be issued for the New Operations Facility to be a 30-year debenture. Upon approving the debenture debt Council also approved the service costs for this debenture issue would be funded by future Provincial Gas Tax Dollars (PGT). Thereby having no tax rate implications to City of Welland residents. Upon amalgamation the City's PGT funding would first be allocated to the debt servicing for this project before being used for other purposes.

Welland's staff's understanding from discussions with regional staff was all debenture debt for operating and capital at the time of amalgamation would be rolled up and shared proportionately based on the service hours within each municipality over total service hours.

To confirm the approach that the new Transit Authority would utilize on amalgamation, since the City of Welland had planned to issue new debenture debt, staff put this question to regional staff. Noted below is the response received:

"The financial strategy being based on Municipal 2020 Net operating budgets and Municipal debt (which was minimal for all large operators) assumed both would be consolidated and allocated based on service hours. Under the MTA, Cummings Principle and the assumption that all assets would remain under the use of Municipal transit services, the incremental debt Municipalities incur in 2021 & 2022

directly related to specific transit assets may be subject to a different Municipal allocation than outlined in the Financial Strategy.”

Staff recommend that:

- a) the debenture information should be updated to the end of December 2022 to capture information on new debenture debt issued or to be issued related to ongoing approved capital within each municipality as this will have impact on the operating and capital costs of the amalgamated transit authority,
- b) the regional staff confirm how all current and future debenture debt will be treated upon amalgamation, since all transit assets are assumed to be uploaded to the amalgamated entity, operating costs allocated based on service hours, and why would the outstanding debt upon amalgamation not be treated in the same way. The assets to which the debt relates are being utilized by the new transit entity and therefore the servicing costs form part of the operating expense for the amalgamated entity.

Transit Assets

The of City of Niagara Falls, City of St. Catharines, and City of Welland provided information related to transit assets based on December 31, 2020. The asset information provided by each municipality has been shared amongst the local municipalities by the region. Noted below is this information at a very summarized level:

Municipality	TCA Cost	TCA Net Book Value
Niagara Region Transit	\$14,245,039	\$11,977,088
St. Catharines Transit	\$72,101,162	\$33,200,645
Niagara Fall Transit	\$56,927,350	\$31,541,321
Welland Transit	\$14,314,809	\$8,454,518
Niagara-on-the-Lake		
Port Colborne		
Pelham		
Thorold		
Fort Erie		
Grimsby		
Lincoln		
West Lincoln		
Wainfleet		

REVISED

The value of the asset mix needs to be broken out by asset types such as conventional buses, para transit buses, vehicles, equipment, and facilities. Once this is done it will allow the City of Welland and the other municipalities to determine the state of the assets

and the average cost of the transit fleet per vehicle. The information will assist each municipality to determine the action to be taken regarding the asset transfer.

The Regional Transit Authority has assumed that on amalgamation of the assets of City of Niagara Falls, City of St. Catharines, and City of Welland's assets related to transit will be transferred based on the Cummings Principle. The Cummings Principle, as a means, to upload assets, is not favourably accepted. The principle's premise is to transfer assets (and related outstanding liabilities) from one municipality to another with no additional compensation. However, as there is no legal obligation upon the City to surrender its assets (Appendix II), the City will not be doing so.

Staff believe there is a fairer way to transfer these assets. As seen by the table above, each municipality has a different NBV in total for their transit assets. Staff are requesting that this valuation be updated to December 31, 2022, to capture any changes in the assets and that the assets be broken down into costing for conventional buses, para-transit buses, non-revenue vehicles, equipment, and facilities. With this revised information, a final determination of how the assets should be transferred to the new amalgamated Transit Authority can be made.

Staff believe the fair way to transfer conventional buses, paratransit buses and non-revenue vehicles is:

That municipalities be compensated for their Transit Fleet based on the net book value as of December 31, 2022, and of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle. Staff recommends:

- a) Each municipality determines the Net Book value for their transit fleet as at December 31, 2022 broken down by conventional buses, para-transit buses, vehicles,
- b) Each municipality determines the number of vehicles in each category,
- c) Each municipality then determines the average NBV for each vehicle in each category,
- d) Each municipality be compensated by category for the difference between the lowest municipal valuation per vehicle and their municipalities valuation per vehicle.

FINANCIAL CONSIDERATION:

Financially, as Niagara municipalities discuss and finalize their 2022 budgets, the City of Welland again asks that the transit information be updated from 2020 to 2022 so everyone can review these budgets from a transit capital and operating perspective. The pandemic has put great stress on transit budgets, and without knowing the future of government grants, it is difficult to assess what type of financial burden will be placed on the taxpayer for this new Transit Authority.

The consolidated transit system is heralded as an overall financial benefit; however, without recognizing the reflection in current ridership – which the proposed model does not do with pre-pandemic numbers – the model is flawed and may prove to be a financial liability on taxpayers. In addition, the current transit environment does not reflect the transit environment outlined in the current proposal.

The financial model used by the region needs to be updated to reflect the impacts the pandemic has had on transit operations. Staff are requesting the region to update APEENDIX III and APEENDIX IV with budgeted 2022 information to reflect the current state of transit operations in 2022, The updated appendices will allow municipalities to determine the impact of regional transit on their respective municipality.

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

There are still several outstanding issues that the City of Welland Council has requested to be addressed prior to passing the motion proposed by the Region. Staff are requesting Council to pass the following motion:

THAT THE COUNCIL OF THE CITY OF WELLAND supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit systems provided the following outstanding issues are addressed:

- a) City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.
- b) The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,
- c) Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,
- d) That municipalities be compensated for their Transit Fleet based on the net book value valuation as of December 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle; and further

That Welland City Council direct the City Clerk to forward a copy of this recommendation and staff report the Niagara Region and all lower tier Niagara Municipalities for consideration and support.

ATTACHMENTS:

APPENDIX I – Region of Niagara’s Local Area Municipalities Report
APPENDIX II – Cummings Principle – Legal Opinion

APPENDIX III – Proposed Allocation of Future Amalgamated Welland, Niagara Falls and St. Catharines Transit Operating, Capital and Debt Expenses (12 Special Levy Option)
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APPENDIX I



Administration

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November 30, 2021

CL 22-2021, November 25, 2021

PW 55-2021, November 25, 2021

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

RE: PW 55-2021 - Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

Regional Council, at its meeting held on November 25, 2021, passed the following resolution:

That Report PW 55-2021, dated November 25, 2021, respecting Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **ENACT** a By-law pursuant to section 189 of the Municipal Act, 2001, and substantially in the form attached as Appendix 1 of Report PW 55-2021, to provide The Regional Municipality of Niagara with the exclusive authority to establish, operate and maintain an intra-municipal passenger transportation system for the Region (having previously received inter-municipal authority), and such By-law, if adopted, to come into force and effect on January 1, 2023, provided that:
 - 1.1. a majority of the councils of the local area municipalities pass resolutions consenting to the By-law; and
 - 1.2. the total number of electors in the local municipalities that have passed resolutions in support of the By-law form a majority of all electors in the region of Niagara as established in the revised list of electors for the municipal election held in the year 2018;

2. That, subject to the adoption of the aforementioned By-law, a copy of the By-law and Report PW 55-2021 **BE FORWARDED** to the clerks of the 12 local area municipalities with a request that their councils consider adopting the following resolution, and advise the Regional Clerk of the results of that consideration, no later than January 31, 2022:

“That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region”.

3. That subject to the adoption of the aforementioned By-law, the Chief Administrative Officer and General Manager of the future Transit Commission **BE AUTHORIZED** to negotiate municipal asset transfer agreements with the City of Niagara Falls, City of St. Catharines, and City of Welland, on the basis of the principles in Appendix 3 of Report PW 55-2021 and in a form satisfactory to the Director, Legal and Court Services; and
4. That subject to the adoption of the aforementioned By-law, the Chief Administrative Officer **BE DIRECTED** to report back to Regional Council early in 2022 on the creation of a Regional Transit Commission, as described in Report PW 55-2021 and the attached appendices, and recommending the roles and responsibilities of the Commission.

A copy of PW 55-2021 and By-law 2021-96 are enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2021-182

Distribution List

M. Robinson, Director, GO Transportation Office
B. Zvaniga, Interim Commissioner, Public Works
N. Coffey, Executive Assistant, Commissioner, Public Works

Subject: Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

Report to: Regional Council

Report date: Thursday, November 25, 2021

Recommendations

1. That Regional Council **ENACT** a By-law pursuant to section 189 of the *Municipal Act, 2001*, and substantially in the form attached as Appendix 1 of Report PW 55-2021, to provide The Regional Municipality of Niagara with the exclusive authority to establish, operate and maintain an intra-municipal passenger transportation system for the Region (having previously received inter-municipal authority), and such By-law, if adopted, to come into force and effect on January 1, 2023, provided that:
 - 1.1. a majority of the councils of the local area municipalities pass resolutions consenting to the By-law; and,
 - 1.2. the total number of electors in the local municipalities that have passed resolutions in support of the By-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
2. That, subject to the adoption of the aforementioned By-law, a copy of the By-law and Report PW 55-2021 **BE FORWARDED** to the clerks of the 12 local area municipalities with a request that their councils consider adopting the following resolution and advise the Regional Clerk of the results of that consideration, no later than January 31, 2022:

“That the Council of (name of municipality) consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region ”
3. That subject to the adoption of the aforementioned By-law, the Chief Administrative Officer and General Manager of the future Transit Commission **BE AUTHORIZED** to negotiate municipal asset transfer agreements with the City of Niagara Falls, City of

St. Catharines, and City of Welland, on the basis of the principles in Appendix 3 and in a form satisfactory to the Director, Legal and Court Services.

4. That subject to the adoption of the aforementioned By-law, the Chief Administrative Officer **BE DIRECTED** to report back to Regional Council early in 2022 on the creation of a Regional Transit Commission, as described in this report and the attached appendices, and recommending the roles and responsibilities of the Commission.

Key Facts

- The purpose of this report is to seek Regional Council authority to create a single, consolidated transit system, that would formally integrate all existing Regional and local transit systems, and that will bring dramatic benefits to the residents of Niagara:
 - Creating a single branded system that can take riders anywhere in the Region, for a single fare, that will break down jurisdictional barriers and connect communities;
 - Leveraging and supporting GO rail and bus expansion;
 - Developing and supporting the economy, job retention, and creating and driving tourism;
 - Being environmentally sustainable and reducing traffic congestion;
 - Supporting accessibility; and
 - Providing better value and service to the taxpayers of Niagara.
- Regional Council approval to move forward with consolidation represents the first step in a required triple-majority process that will be followed by seeking similar authorization from each of Niagara's twelve municipalities, as set out in section 189 of the Municipal Act, 2001.
- Should triple-majority be achieved, the new Transit Commission will be created and would begin operation on January 1, 2023.
- The Linking Niagara Transit Committee (LNTC) has endorsed the proposed governance model for the consolidation of transit (September 29, 2021),

comprised of a comprehensive financial, Board composition, and service strategies.

- These combined strategies for the new Transit Commission reflect extensive consultation, including: two rounds of consultation with local municipalities, as well as engagement with interested parties from across Niagara and the public.
 - The recommended strategies reflect the consensus recommendation of the Governance Steering Committee (GSC), balancing the input and feedback received from all parties. The City of Welland has identified ongoing concerns, which are discussed in the companion memorandum to this report.
- Now is the opportunity to take the final step towards the establishment of a consolidated system. Only through a single Commission model – a single decision making authority for transit – can the benefits of these next steps be realized.

Financial Considerations

Should triple-majority approval be achieved, the financial strategy outlined in this report and in further detail in [LNTC-C 3-2021](#) proposes the Region upload the Municipal levy funding of the baseline local transit service net expenditure to the Regional levy, using the combined 2020 transit budgets at \$27.8M and estimated to be \$29.4M in 2023.

The upload to the new Transit Commission will occur in a single year 2023, following which the Regional Council approved budget of the Commission will be apportioned to each of the LAMs using twelve Special Levies, one for each municipality. All existing Niagara Region Transit (NRT) service costs transferred to the Commission will continue to be allocated to the Special Levy based on municipal share of Regional assessment and the local transit service costs will be allocated to the Special Levy based on service hours. Tax bills will show a separate LAM regional transit levy so this is clear for all property owners. An insert in the tax bill will explain to property owners that the Special Levy is not an additional charge, but instead reflects the upload of responsibility for transit, and the tax space associated with the cost of transit also moves to the Region.

The 2023 estimated baseline operating budget of the new Transit Commission will represent a 7.3% increase to the Regional budget resulting from the local transit service costs being shifted from LAMs to the Commission budget; to be levied by the Region. This increase is expected to be offset by equal and concurrent reductions to municipal

budgets to minimize the property taxpayer impact from transit consolidation. In addition, the establishment of a new transit capital reserve, requires an additional 0.5% (\$2.2M) increase to the 2023 Regional budget.

Note that all financial modeling is estimated based on 2020 budgets and would be adjusted prior to 2023 to reflect most recent financials, including final asset inventories and debt to be assumed by the Commission. Future growth and service strategies are subject to future budget approvals and will directly impact the proportion of costs a municipality is apportioned.

Analysis

Moving Transit Forward

The vision for a single regional transit agency for Niagara is a long-standing one, with a significant series of previous milestones having been achieved dating back well more than a decade.

Recent milestones include the formation of the inter-municipal transit working group (IMTWG) in 2015, the Niagara Transit Service Delivery and Governance Strategy Report (*Dillon Report*, 2017), unanimous triple majority approval in 2017 granting the Region legal jurisdiction to move NRT from a pilot to permanent operation – along with unanimous municipal approval to proceed to develop a new governance system for a consolidated transit system for all of Niagara, the establishment of LNTC, the 2017 MOU between Niagara's four major transit properties that endorsed a consolidated transit system in principle, and the completion of the Niagara Transit Governance Study (NTGS) in 2020.

LNTC has now developed and endorsed the final recommended governance proposal, comprised of the financial, Board composition, and service strategies as outlined in this report, and supported the initiation of the required triple-majority approval process.

Now is the opportunity to take that final step towards the establishment of that consolidated system, one that is anticipated to bring dramatic benefits to the residents of Niagara by:

- ✓ Creating **one unified transit system** for Niagara.
- ✓ Breaking down barriers and **connecting communities**, ensuring all residents in Niagara have access to transit.
- ✓ **Expanding and enhancing service** – with new, longer, and consistent operating hours.
- ✓ **Connecting to GO Transit** as service is expanded and enhanced in the near future.
- ✓ **Supporting business and economic development** by connecting employers with new customers and employees with new opportunities.
- ✓ **Driving Tourism** by connecting people to all the destinations and activities that Niagara has to offer.
- ✓ Connecting **Seniors** to their community – to access services, see family and friends, and maintain independence.
- ✓ Establishing **one single fare** that takes you anywhere in the Region, with a new payment system.
- ✓ Being **innovative**, using new methods to serve communities like on-demand transit.
- ✓ Having **one schedule**, with one website and one app to help you plan your trip.
- ✓ Creating a more **accessible and equitable** system by ensuring all residents have similar access to service.
- ✓ Supporting the **environment** by reducing greenhouse gas emissions and support future moves to a zero-emission fleet.
- ✓ Ensuring that **Students and Youth** can get to school, participate in extra-curricular activities, or access a job.
- ✓ Ensuring it is **funded fairly**, with residents only paying for the service they receive directly.
- ✓ Delivering **better value for the taxpayer** through the more efficient delivery of service and eliminating duplication.
- ✓ Providing access to **Health Care**, and improving social determinants of health.
- ✓ Ensuring **maximization of capital** resources.
- ✓ Ensuring consistent, reliable and **accessible infrastructure** which enables all riders to equitably access transit.

It is only through the move to one consolidated agency these outcomes can be achieved.

Significant work has been done to improve, integrate, and coordinate the existing systems in Niagara, and consolidation will mean a larger and combined resource pool, which will support efficiencies that cannot be otherwise achieved as separate entities duplicating efforts, and which will then be reinvested into the network to enhance service.

Operational integration under the current status quo can only go so far before decisions require political authority to make meaningful change – which creates inconsistencies, inequity, and disconnected operations. Only through a single Commission model – a single decision making authority for transit – can the benefits of these next steps be realized. Whether aligned fare policies (i.e. single fare), fare exemptions (i.e. Niagara-wide low income pass), single unified system branding on fare technology or fleet, addressing inconsistent service hours, or an ongoing lack of consistency in capital improvements – these benefits can only be achieved with a single governance model to ensure the consistency, reliability and frequency transit riders expect can be realized.

Under the status quo, if one Council is not aligned for investments, the system is out of sync. This is what has led to the inconsistencies that plague today's system. The IMTWG has made incredible strides to harmonize as much as possible, but obvious gaps and confusion to those using the system prevail.

Building Niagara

A move to a consolidated Region-wide transit agency is critical for ensuring that Niagara remains a competitive destination for people and businesses, and is able to retain those already here.

Regional transit systems have been established in a number of peer jurisdictions previously: Waterloo, Durham and York Regions in terms of bringing together local transit systems to a combined Region wide system for example, as well as those de-facto Region-wide systems established through municipal amalgamations such as in Hamilton.

These jurisdictions have all seen significant growth not only in transit ridership, driven by both the consolidation and expanded investment into the transit network, but also in terms of the associated benefits from transit such as business development and the expansion of their post-secondary institutions.

Niagara Region is experiencing significant and rapid growth. People and businesses coming to Niagara are often relocating from areas such as the GTA with existing transit systems, and accordingly are bringing with them the expectation that a robust transit system will be in place in their new home.

The move to a consolidated transit system will address this expectation - ensuring that Niagara is able to not only meet and support the growth that is already in place but to continue to meet it in the future, including an projected 19% increase in population and 16% growth in employment by 2031 (2019 Municipal Growth Plan). This growth will come from many areas, including: recent trends of relocation from the GTA, newcomers to Canada, the expansion of GO transit to Niagara, as well as the growth of institutions such as Brock University, Niagara College, and new facilities such as the Niagara South Hospital.

Establishing a consolidated transit system is critical to meeting the evolving needs of existing residents, as well as ensuring that Niagara remains an attractive and competitive place to attract new growth.

Creating a Consolidated Transit System - Triple Majority Approval

Creating authority for one consolidated transit system in Niagara will require triple-majority approval of a by-law to transfer to the Region the legislative authority to operate intra-municipal transit service in Niagara (the Region having received inter-municipal authority previously in 2017).

Triple majority support consists of:

- A majority of all votes on upper-tier council [Regional Council];
- A majority of all the lower-tier [LAM] councils passing resolutions consenting to the by-law; and
- The total number of electors in the lower-tier [LAM] municipalities that have passed resolutions consenting to the by-law form a majority of the electors in the upper-tier municipality.

This report is the first step in this process and the represents the Regional approval to move forward into a consolidated system. Should the recommendations of this report be adopted, each of Niagara's LAMs will then be asked to subsequently consider the by-law through the remainder of 2021.

Should triple-majority be achieved, an approximate one-year period would be required to establish the new Transit Commission and to prepare for the assumption of day-to-day operations on January 1, 2023. In the interim, the existing transit systems would continue to operate and deliver service while the Region will take steps to ensure a smooth transition. As outlined in the Municipal Transfer Agreement term sheet (Appendix 3), no additional changes in operation or new assets would be on-boarded after June 30, 2022 in order to provide a 'steady-state' for the final period prior to operations turnover. Changes made between 2021 and June 30, 2022 will alter the previously estimated special levies for each municipality.

The [Transition Plan of the NTGS](#) outlines the major milestones required to establish the Commission during this one-year period, with further discussion later in this report regarding some of the immediate next steps should triple-majority be achieved.

Final Governance, Service Standards, and Financial Strategies

The creation of a regional transit municipal service board to serve as the new Transit Commission, Board composition for the Commission, service standards, and financial strategies comprise the governance proposal for the new Transit Commission, outlining how the new agency would be established and the terms and conditions in which it will ultimately function.

These strategies have been summarized in the sections below, with reference provided to previous reports that provide additional detail where applicable.

Extensive Consultation

The aforementioned strategies were developed and articulated originally as part of the NTGS consultants study, as well as through the work of both local and Regional staff such as the Area CAOs and Treasurers. Since that time, they have been refined through significant engagement and consultation, including:

- **Two Rounds of Municipal Consultation** – Local municipal Councils reviewed the initial proposed strategy and provided feedback on both the original NTGS recommendations and associated financial model; followed by a second opportunity for further feedback based on the revised strategies developed by the GSC in response to the first round of engagement. The proposal was presented to Council of all local municipalities in public session providing an opportunity for members of council and the public to provide input. Significant change occurred

from the initial proposal to the subsequent revised strategies. This was a direct result of the municipal feedback.

A companion memorandum (CL-C 86-2021) has been prepared that outlines the outstanding discussion points raised by the City of Welland and how these items were acknowledged, weighed, considered and responded to throughout the current process.

- **Interested Party Consultation** - Following the LAM discussions, a series of workshops were conducted with interested parties from across Niagara, representing organizations or demographics who either rely on transit or with a mandate that is closely related to transit. Example attendees included members of environmental and accessibility advisory committees, local business leaders and Chambers of Commerce, institutional administrators, and other advocates.

The purpose of these sessions was to ensure that these groups had the latest information regarding the consideration of a consolidated transit system, and had an opportunity to provide feedback prior to the finalization of the proposal.

These sessions were organized thematically, covering a wide variety of topics such as the environment, seniors, youth, business and tourism, post-secondary institutions, diversity and inclusiveness, libraries, health services, and accessibility.

- **Public Consultation** – in September 2021, a website was launched (movingtransitforward.ca) that provided an overview of the proposal for a consolidated transit system, as well as details on the core strategies of the governance model. A survey asked for feedback from the public on the proposed models:

A total of 2,251 individuals took the survey. Respondents included representation from all Niagara municipalities, representing a mix of both transit and non-transit users (38% monthly or more frequent, 44 % non-transit users). Consistent support was expressed for all three of the governance strategies, with 'support' or 'strong support' being indicated by:

- 79% of respondents for the financial strategy;
- 82% of respondents for the Board composition structure; and

- 85% of respondents for the services standards strategy.

The details results of the public consultation survey are including in Appendix 2.

Board Composition Strategy

The LNTC has endorsed and recommends the creation of a 15-member elected Transitional Commission Board, to be comprised of either Regional or local councillors, supported by a 20-member Public Advisory Committee as shown in Figure 1 below.

The Region would be represented by the Regional Chair or the CAO (or their delegate) as ex-officio attendees to ensure that answers to questions concerning Regional operations and matters that impact the Region related to the Commission can be responded to for the Board in a timely way.

Figure 1 - GSC Recommended Board Structure

Transitional Transit Commission Board	Public Advisory Committee
<p>(15) Total Elected Official Representatives</p> <ul style="list-style-type: none"> • (3) St. Catharines • (2) Niagara Falls • (1) Welland • (1) Fort Erie • (1) Grimsby • (1) Lincoln • (1) Niagara-on-the-Lake • (1) Pelham • (1) Port Colborne • (1) Thorold • (1) Wainfleet • (1) West Lincoln <p><i>Members recommended by local Councils; appointed by Regional Council.</i></p>	<p>(20) Total Public Interested Party Representatives</p> <ul style="list-style-type: none"> • (12) Niagara Residents (one per Municipality) • (2) Members representing Accessibility Advisory Committees or other Accessibility Stakeholders • (2) Post-Secondary Representatives (1 student union representative from Brock University and 1 from Niagara College) • (1) Member representing Niagara's Chambers of Commerce • (1) Senior Issues Stakeholder • (1) Youth Issues Stakeholder • (1) Transit Commission General Manager (ex-Officio) <p><i>Resident members recommended by local Councils; all members appointed by the Transit Commission Board.</i></p>

In the development of this recommendation, the GSC considered feedback from all 12 municipalities regarding the overall size, elected composition, and share of representation of the Transitional 15-member Commission Board.

This recommendation balances that input: ensuring that all local municipalities have direct representation during the transition period, providing additional representation to municipalities on the basis of ridership, while respecting the total size of the Board.

The mandate of the Transitional Board will end with the establishment of a future permanent Board structure that will coincide with next municipal election cycle (2026) after the creation of the Commission.

This will be preceded by an external third party review of the Transitional Board structure and governance that will revisit and make recommendations regarding the total Board size, and representation. The Municipal Transfer Agreements discussed later in this report include a specific requirement that this external review, examining alternative Board structures, takes place.

The GSC has maintained the position that the establishment of a hybrid governing model (councillors and independent experts) remains a preferred outcome for the future permanent Board structure and should be strongly considered during this review. Recent recommendations made as part of the Collingwood Judicial Inquiry suggest that the boards of municipally owned corporations should be composed of directors with a variety of experiences and backgrounds, skills and qualifications. These recommendations apply equally to municipal service boards.

Service Standards Strategy

Developed by the transit leaders in Niagara, the Service Standards Strategy, provided as [Appendix 5](#) to *LNTC-C 3-2021*, outlines a three-phased approach to the standardization and enhancement of transit service across Niagara to achieve consistent, equitable access to transit for all Niagara residents and communities:

Figure 2 - Niagara Service Standards Strategy Overview



- **Phase 1 – Standardized Operating Hours Across Niagara** – a move to one set of consistent operating hours to ensure all residents in Niagara have the same level of availability of transit in their community and the ability to make consistent connections across Niagara. Proposed hours are 6 a.m. to midnight (Monday to Saturday), and 7 a.m. to 9 p.m. (Sundays and Holidays). This would represent over 45,000 new annual service hours across Niagara to create this equity and availability in each municipality.
- **Phase 2 – Combine Specialized and Demand-Responsive Services** - combining specialized transit (accessible or Para-transit) with other existing demand-responsive (on-demand) services. The combination of specialized and demand-responsive transit into one combined service delivery model offers an opportunity to both improve the service residents receive, while more efficiently deploying the resources available to the Commission.
- **Phase 3 – Network Review and Growth** - undertaking a detailed network review study that would look for future opportunities to expand and enhance Niagara’s transit footprint and significantly grow ridership in the long-term.

The new Transit Commission will also evaluate the performance of its services on a continual basis – starting right from its creation and in parallel with this strategy. At a minimum, there will be an annual performance review of required changes and service

enhancements, which may include evaluation of route performance, ridership, new housing/commercial development, customer feedback, and opportunities to implement existing expansion priorities such as those identified in municipal transit and transportation master plans, in keeping with industry best practices.

Financial Strategy

The recommended financial strategy proposes that all LAM transit service budgets be uploaded to the Commission in the 2023 budget year, as well as the Region's existing transit budget to be consolidated by the Commission and to be assessed to the LAMs by way of special levies to be approved annually by the Region as part of the budget process:

- The 2023 estimated Commission baseline service budget will require a 7.3% increase due to the transfer of local transit costs to the Regional budget with expected equal and concurrent reductions to municipal budgets therefore minimizing the net residential impact.
- Service levels are different in each municipality; therefore, the Region proposes that twelve Special Levies be adopted in 2023. Each Special Levy will allocate 65% of 2023 net transit costs based on service hours, with all current existing NRT services continuing to be allocated to the Special Levy based on local share of Region-wide assessment.

The full Financial Strategy is described in the Financial Considerations section of [LNTC-C 3-2021](#) and associated Appendices [1](#), [2](#), [3](#) and [4](#).

Over the course of 2022 it will also be necessary for all municipalities to review and make any necessary adjustments to Fees and Charges by-laws, Development Charges By-laws and other related administrative by-laws to ensure a smooth transition effective on January 1, 2023. A further report will be required to address these matters. Also, matters related to insurance coverage will need to be addressed.

Creating the Commission – Next Steps

Should triple-majority be achieved, an approximate one year transition period would commence during which the Commission would be established in advance of the assumption of day-to-day operations on January 1, 2023. The NTGS identified a total of five phases of transition (Approval, Commission Establishment, Commission Setup,

Service Launch, Enhancement), with *Phase 2 – Commission Establishment* and *Phase 3 – Commission Setup* intended to be achieved during this one year period before the assumption of operations.

Significant work and resources will be required to achieve the transition of operational responsibility on January 1, 2023. This will including the establishment of the Commission as a Municipal Services Board, appointment of the Commission Board, the completion of the Municipal Transfer Agreements, and the transfer of staff and assets. Each of these tasks will require significant coordination between Regional staff, municipal staff, and Commission staff when in place, with additional resources and support to be sought through external consulting assignments to be funded as part of the previously identified transition costs.

The purpose of this section is to provide an overview of some of the major activities of this transition period, including where future decisions of Regional Council will be sought.

Legal Establishment of the Commission as a Municipal Services Board

Following triple-majority, work will be required to formally establish the Transit Commission as a Municipal Services Board of the Region, through section 196 to 198 of the *Municipal Act, 2001* (the “Act”).

A transit commission established under the *Act* is subordinate to Regional Council, unlike an independent board, like the Police Services Board or Board of Health, which are created under different legislation. At the same time, it is a body corporate, and so is independent from the Region in its day-to-day operations.

Regional Council will determine the roles and responsibilities of the Commission, governance structure including the board structure and membership as well as determine if committees are needed. Regional Council will also determine the budgetary process, financial management, transfer of assets and reporting structure of the transit commission. Policies respecting the sale or disposition of land, hiring of employees and procurement of goods and services are mandatory under s. 270(2) of the Act. The Commission would normally establish its own procedure by-law, policies respecting employees, procurement, asset management and board compensation however for efficiency could consider leveraging Regional services and policies. It would also appoint its own Auditor. The role of the Region’s auditor in providing oversight will need to be determined as well. To note, the entities consolidated

financially with the Niagara Region being Court Services, Niagara Regional Housing and Niagara Regional Police all leverage the Region's auditors which creates significant efficiency and cost savings.

As a "local board" the *Municipal Freedom of Information and Protection of Privacy Act* will apply to the transit commission and it will require a Code of Conduct. Its budget will be approved by Regional Council as part of the annual budget approval process. What if any corporate support services will be provided by the Region also needs to be considered (and may be the subject of a future agreement between the Region and the Commission, similar to the "shared services" agreement in place between the Region and NRH for example).

The proposed organization of the new Transit Commission will be accomplished through the passage of a by-law by Regional Council at a future date that will create the Board and formalize aspects of the Board composition strategy such as the number of Commission Board representatives and eligibility of persons to hold office as Board members.

That by-law will further establish the relationship between the Commission and the Region, including their financial and reporting relationship. Transitional reports to implement these operational or structural components of the new Commission would be brought to Regional Council as needed during the transition period (2022). Terms of Reference for both the Commission Board and Public Advisory Committee will also be developed and brought forward for Council approval.

Municipal Transfer Agreements

A series of agreements will be required with each of Niagara Falls, St. Catharines, and Welland regarding the manner in which the existing assets used to deliver transit in Niagara would transfer to the new Transit Commission. These Municipal Transfer Agreements (MTAs) will also include principles for the transfer of personnel, guarantees regarding the minimum levels of service to be provided in municipalities in the future, and formalize the requirement that the governance review takes place.

A recommendation of this report is that the CAO, and the General Manager of the new Transit Commission once appointed, be authorized to negotiate these agreements, on the basis of the terms that are outlined in Appendix 3.

The principles outlined in this term sheet represent the consensus recommendations of the CAO GSC reflecting discussion, comments, and input received throughout the multi-year initiative to consolidate transit. The term sheets further include schedules that identify the assets that are to be transferred, as well as the current debt financing to be assumed by the Region as part of the financial strategy.

WEGO

Contained within the MTAs are principles related to the exclusion of WEGO from the initial consolidation of transit in Niagara. This approach has been taken as WEGO is delivered by the Niagara Parks Commission, a Provincial Crown agency, in partnership with the City of Niagara Falls. As such there are a series of pre-existing agreements regarding the operation of the system and the maintenance facility (paid for in part through Provincial funding) that would make consolidation of WEGO with the wider system challenging as part of the initial triple-majority exercise. WEGO also provides a specific a tourism-focused service that is unique from the other public transit systems in Niagara.

It is therefore anticipated that in the early days of the Commission that WEGO service will continue to be delivered as a partnership between the City of Niagara Falls and the Niagara Parks Commission. Accordingly, the WEGO fleet and the WEGO transit facility will remain with the City of Niagara Falls and not be transferred to the Commission.

Transit operators currently employed by the City of Niagara Falls in the joint delivery of Niagara Falls Transit and contracted WEGO routes will transfer to the Commission, with the Commission and the City of Niagara Falls entering into a service agreement, on the basis of an hourly fee, for the provision of operators to deliver the continued contracted City of Niagara Falls WEGO routes.

The initial exclusion of WEGO from consolidation does not preclude its future integration once the Commission has been fully established and/or as existing agreements between the Niagara Parks Commission and the City of Niagara Falls come to term. It also does not preclude agreements being entered into related to WEGO concerning operations in Niagara Falls, at any time.

Appointment of the Commission Board and Public Advisory Committee

Following the legal establishment of the Commission as a Municipal Services Board, the process to appoint members to the Transitional Commission Board and Public Advisory

Committee will commence. As outlined within the Board composition strategy, each municipality will be asked to forward to Regional Council a recommendation for both an elected representative on the Commission Board and a public or citizen representative for the Advisory Committee. Skills matrices and evaluation criteria will be developed for the other public members of the Advisory Committee, with an application process following the existing Regional process for appointment to advisory boards and committees.

The final approval for appointing members to both the Commission Board and the Public Advisory Committee will rest with Regional Council, reflecting the role of the Commission as an agency of the Region.

Recruitment of General Manager and Transition of Staff

An open competition will be held for the position of General Manager of the new Commission, anticipated to be supported through the use of an executive search consultant. The appointment of a General Manager would subsequently be ratified by the Commission Board once established.

The General Manager, along with a working group led by the Regional Treasurer/Commissioner Corporate Services, will finalize the organizational structure and compliment of the new Commission for Regional Council approval. The preliminary organizational structure included in the NTGS will serve as the starting point for this discussion.

An external HR consultant vendor will be sought to support the transition of existing employees to the new Commission, and provide additional capacity to Regional staff to facilitate tasks such as the finalization of the organizational structure, development of job descriptions, and other human resources and labour relations components.

Appendix 4 outlines a high level overview of a series of Human Resources and Labour Relations considerations that are applicable to the transfer of staff to the new organization.

Consistent with these requirements and as outlined within the MTA Term Sheet, all full-time and part-time unionized employees employed by the existing transit entities as of June 30, 2022 will automatically transfer to the Commission.

Non-unionized employees will either be directly offered a position with the new Commission where there is anticipated to be a substantially similar role established, or have the opportunity to apply for new roles within the Commission. Any municipal corporate support personnel (i.e. those whose full time role with a municipality includes transit work as a portion of their duties) will remain with the municipality. Any municipal non-union staff who are not offered a position with the new Commission will remain the responsibility of the municipality.

The integration of the three existing Amalgamated Transit Union (ATUs) Locals will take place in through negotiation and in accordance with the defined provincial process as outlined under the *Public Sector Labour Relations Transition Act, 1997* and by the Ontario Labour Relations Board.

Alternatives Reviewed

The NTGS considered a series of alternative governance models for the consolidated transit system, including that of a partial Commission or Regional Division. The Full Commission was recommended on the basis of the level of independence and anticipated benefits arising from a defined budget envelope being set by Regional Council. Additional detail regarding the evaluation of the alternative governance models is contained within the final NTGS report, which was presented as [Appendix 2](#) to *LNTC-C 4-2020*.

Numerous alternative financial models, Board compositions, and service enhancement timelines have been considered throughout the process: both originally within the NTGS and as input and feedback has been received by municipalities. These considerations have included:

- 11 different alternative Special Levy financial models, including ones that considered divisions between conventional and on-demand systems, in addition to the single General Levy originally proposed;
- Alternative Commission Board structures including those that maintained a smaller total Board size; that included public members to retain a hybrid model; that grouped smaller LAMs into rotating seats; and
- Both shorter and longer timelines for the implementation of service enhancements and the external network review.

The original guiding principles of 'Customer Driven', 'Unconventional Solutions', 'Integrated', 'Economically Responsible', and 'Fair' were used throughout to evaluate alternatives. The final strategies and governance model represent the consensus recommendation of the GSC.

Relationship to Council Strategic Priorities

The proposed consolidation of transit services across Niagara into a consolidated transit entity directly aligns with the Council Strategic Priority: Responsible Growth and Infrastructure Planning (Objective 3.1) through advancing regional transit and facilitating the movement of people and goods.

Other Pertinent Reports

LNTC-C 5-2021	Niagara Transit Governance – Phase 2 Consultation Results and Triple-Majority Initiation
LNTC-C 3-2021	Niagara Transit Governance - Revised Strategies Reflecting Phase 1 Municipal Consultation
LNTC-C 2-2021	Niagara Transit Governance – Governance Steering Committee Update
LNTC-C 1-2021	Niagara Transit Governance – Detailed Phase 1 Consultation Summary
PW-9 2021	Niagara Transit Governance Study – Niagara Region Considerations
LNTC-C 6-2020	Councillor Information Request – Niagara Transit Governance – Local Area Municipality Engagement
LNTC-C 4-2020	Niagara Region Transit Governance Study
CAO 8-2017	Niagara Region's Transit Service Delivery and Governance Strategy
LNTC-C 21-2018	Inter-Municipal Transit (IMT) Service Implementation Strategy

Prepared by:

Matt Robinson
Director
GO Implementation Office

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in significant consultation with Scott Fraser, Transportation Lead GO Implementation, Heather Talbot, Financial & Special Projects Consultant – Financial Management and Planning; the Governance Steering Committee comprised of the CAOs from all thirteen (13) municipalities across Niagara; and reviewed by; Matt Robinson, Director, GO Implementation Office; Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer; Todd Harrison, Commissioner of Corporate Services/Treasurer.

Appendices

- | | |
|------------|---|
| Appendix 1 | Draft By-law No. 96-2021 of the Regional Municipality of Niagara |
| Appendix 2 | Online Resident Survey Results – Moving Transit Forward |
| Appendix 3 | Municipal Transfer Agreements – Summary Term Sheet |
| Appendix 4 | External Legal Overview: Regional Transit Integration: Labour Relations and Employment Processes and Implications |

Bill No.

Authorization Reference:
Minute Item 5.1

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A
CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term "consolidated passenger transportation system" shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

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5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

DRAFT

Appendix 2 Online Resident Survey Results – Moving Transit Forward

Introduction

In order to gauge wider community feedback on the proposed model for consolidation, a brief online survey was created and administered as part of the overall communications strategy.

The Moving Transit Forward survey was hosted online through a dedicated project website, available at www.MovingTransitForward.ca, as well as through municipal public engagement platforms such as BangTheTable. The survey was live from Sept. 21 – Oct. 1, 2021, and was open to all Niagara residents.

Brief Analysis

The survey gathered feedback from over 2,000 individuals from across Niagara. Approximately 56 per cent of respondents identified as regular transit users, which aligns with a general understanding of the ridership base in Niagara.

Geographically, the makeup of respondents by municipality proportionally reflects the population breakdown in Niagara, with more respondents from larger municipalities, and fewer from smaller municipalities.

Overall the survey results show strong approval among Niagara residents for each of the three main components of the proposed transit model, with the Governance Structure, Service Level Standards, and Financial Model all receiving approval levels of 79 per cent or higher.

Through the open-ended comment box, residents shared further feedback regarding the model and transit in general. Common themes included a need to move forward with the proposal as quickly as possible, and concerns that consolidation may negatively impact transit services or taxes in the respondent's own local municipality.

Methodology

Being an online, voluntary and self-identifying survey, the results present an anecdotal picture of residents' views on the proposed model for consolidated transit. This was not a scientific survey, and results should not be viewed as statistically valid. However, previous research conducted by the Region has shown our online survey results tend to be consistent with residents views.

Respondents were asked to identify where they lived, how often they used transit, and if they approved of or opposed the proposed Governance Structure, Financial Model and Service Standards Strategy. Residents were educated on the basics of the proposal through information and videos on the website, as well as a brief explanation within the survey itself.

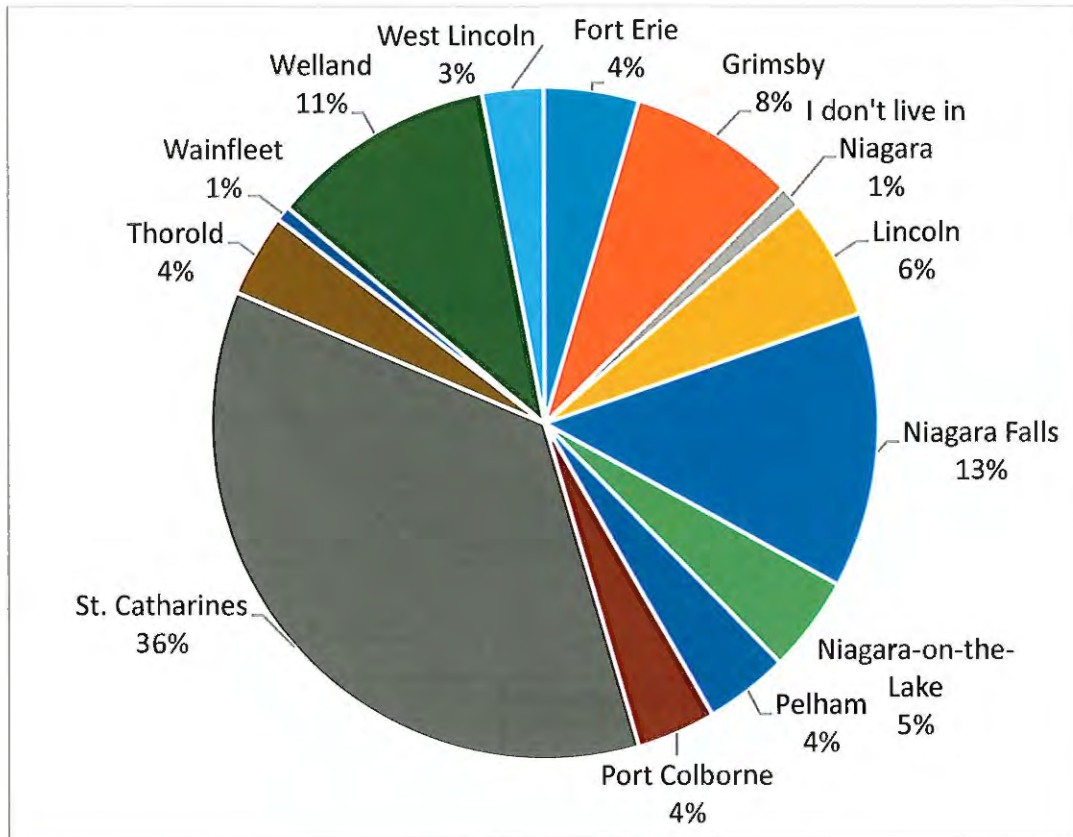
Respondents were also given the opportunity to add any additional comments about public transit in Niagara, and were invited to share their email address to be kept up-to-date as the project continues.

Number of respondents

A total of 2,251 individuals took the survey. Of those, 1,772 answered all questions in the survey, while the remainder only answered some. 789 respondents submitted comments through the survey, and 527 wished to receive further updates via email.

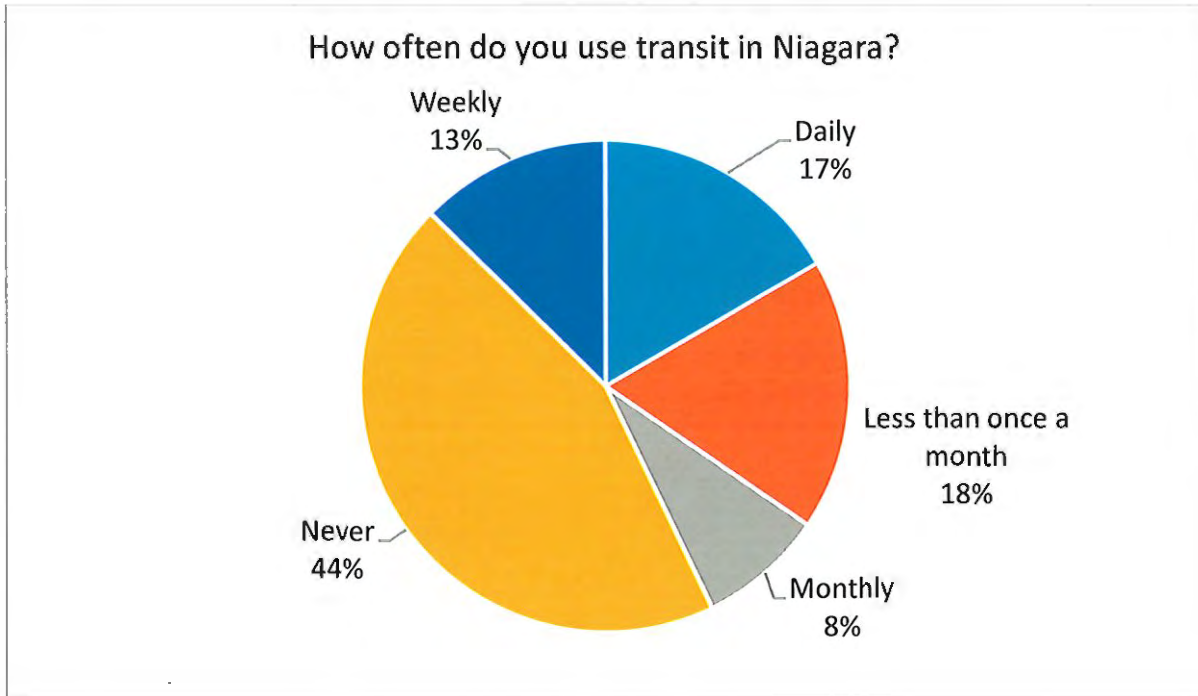
Survey questions and responses

1. Which municipality do you live in?

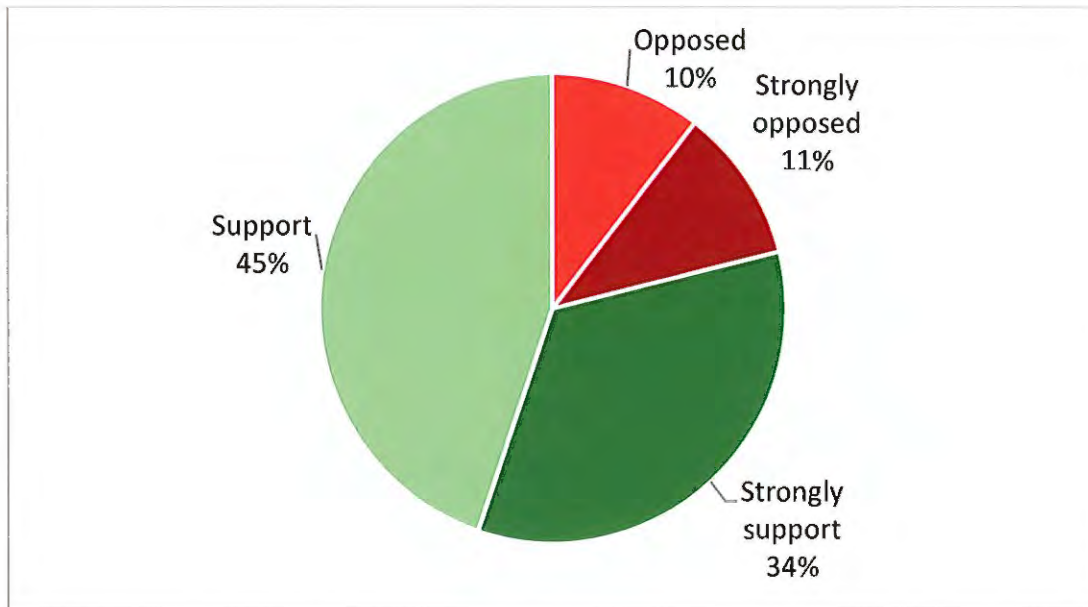


Local area municipality	Number of respondents
Fort Erie	102
Grimsby	180
I don't live in Niagara	24
Lincoln	132
Niagara Falls	295
Niagara-on-the-Lake	103
Pelham	91
Port Colborne	84
St. Catharines	798
Thorold	89
Wainfleet	16
Welland	243
West Lincoln	66

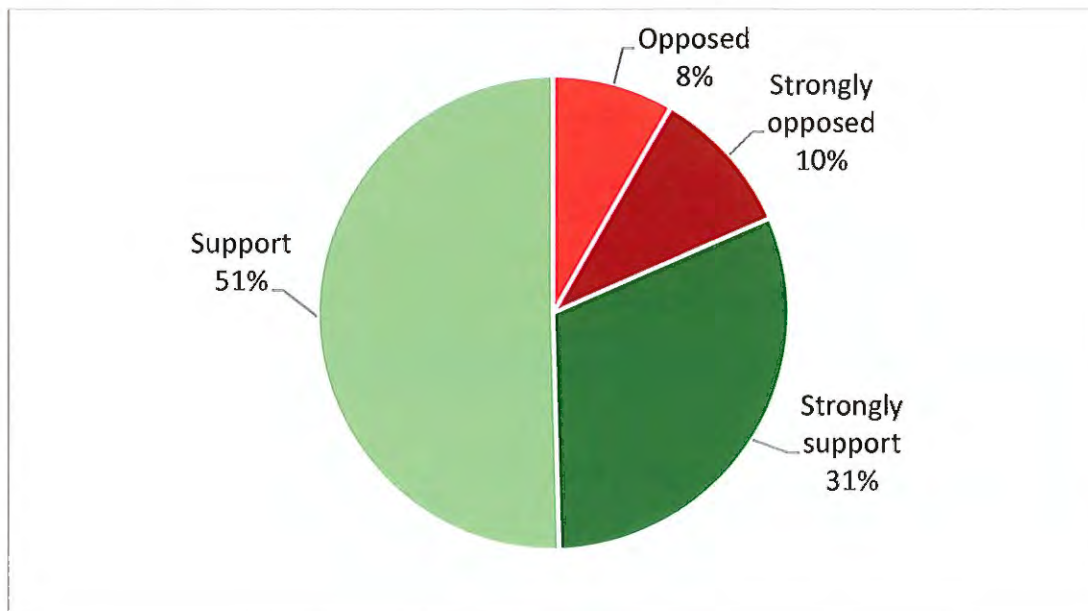
2. How often do you use transit in Niagara?



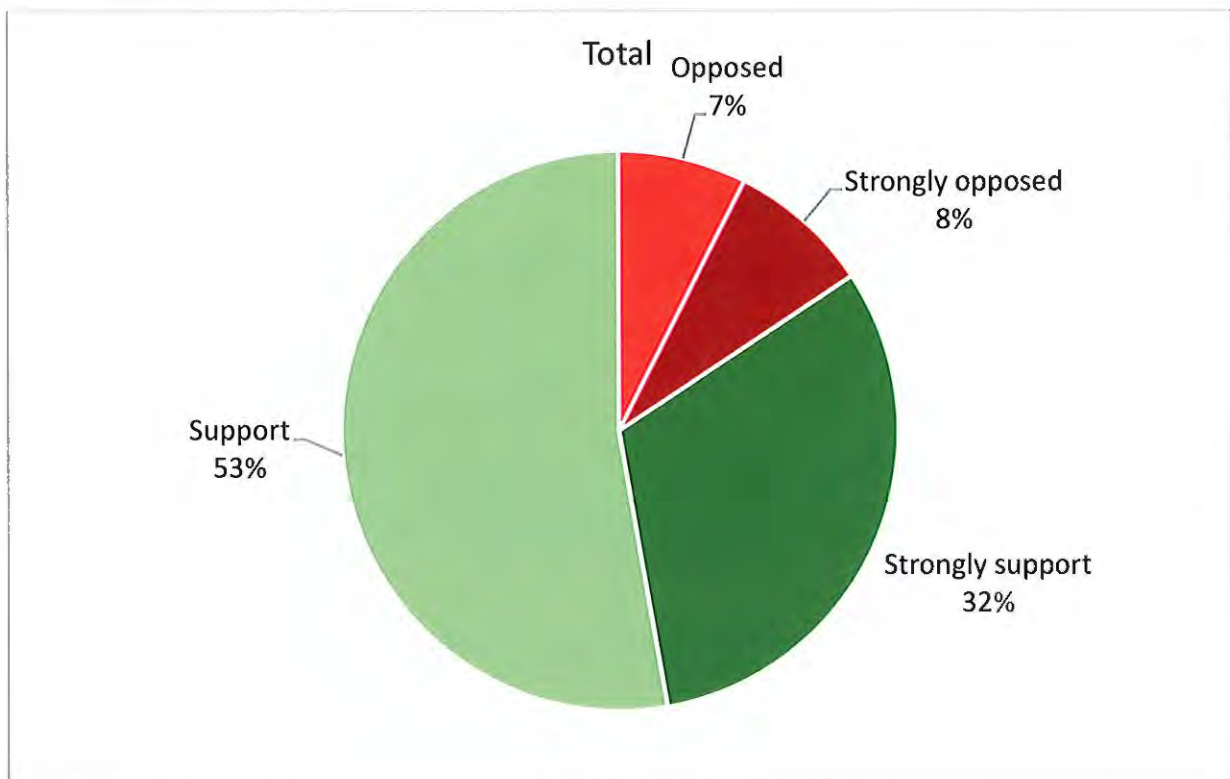
3. What is your level of support / opposition for the proposed financial strategy?



4. What is your level of support / opposition for the proposed governance structure?



5. What is your level of support / opposition for the Service Standards Strategy?



6. Open-ended comments

Residents shared a variety of comments about the proposed model, future service needs, and transit in general. Some of the more prominent themes among the comments included:

- Many respondents emphasized that any future service change must include expanded service hours, especially on Sundays and later into the evening
- A strong feeling that transit consolidation needs to happen as soon as possible, and is already long overdue
- Residents in smaller municipalities were concerned that they would have to shoulder the costs of service in larger urban municipalities. Conversely, residents in large municipalities like St. Catharines were worried that consolidation would result in a lower level of service in their community.

- Many respondents want to ensure that the future service particularly meets the needs of individuals with disabilities, seniors, and others who are unable to drive
- Respondents wish to see transit riders and Niagara residents strongly represented in the proposed governance model. Others, however, felt that there were too many representatives proposed.
- Respondents emphasized that the consolidated service must link effectively with the GO network in order to effectively link Niagara with the rest of the GTHA.
- Many respondents were supportive of the proposal, but did not want to see any cost increases to the taxpayer
- Respondents saw an opportunity for the model to incorporate green technology and environmentally friendly practices, emphasizing the positive effect such a system could have toward protecting Niagara's natural environment

Appendix 3 – Summary Term Sheet Municipal Transfer Agreements

The following is the proposed package of terms for the Municipal Transfer Agreements, which will guide the transfer of existing transit assets and personnel to the newly formed Transit Commission, subject to triple-majority approval, and to be negotiated individually between The Regional Municipality of Niagara and the City of Niagara Falls, City of St. Catharines, and City of Welland respectively.

The principles outlined in this term sheet represent the consensus recommendations of the CAO Governance Steering Committee, reflecting discussion, comments, and input received throughout the multi-year initiative to consolidate transit.

Note that all financial modeling was estimated based on 2020 budgets, assets, and debt levels. The final Financial Strategy will be adjusted prior to 2023 to reflect new assets and debt incurred and will be based on budget levels no less than 2020 operating budgets. Schedule A and B to this term sheet reflect the most recent estimates by municipalities - asset inventories and debt to be assumed by the Commission will be updated and finalized as part of the completion of the full Municipal Transfer Agreements.

Asset Transfer

- 1) Existing local transit assets, including but not limited to bus fleet, service vehicles, service equipment, and transit service facilities purchased or acquired prior to June 30, 2022 will transfer to the Transit Commission at no cost or, for the exclusive use of transit service delivery, in accordance with the Cummings Principle (the transfer of assets from one municipality to another at no additional compensation, because the municipal taxpayer has already paid for them).
 - a) Land on which transit service facilities reside will be retained by the local municipality, and the Region will conduct a Phase 2 environmental assessment.
 - b) Payment-in-lieu of taxes will be provided by the Commission to the local municipality, where applicable.
 - c) Transit service facilities with shared-use municipal components will transfer to the Commission, and be subject to an agreement to lease back at a nominal rate to the municipality those areas of the facility used for non-transit purposes.
 - d) Should the Commission no longer require a transferred asset to exclusively deliver transit services, the ownership of that asset will be transferred back to the original municipality.

- 2) The Commission will commit that existing fleet vehicles delivering local service within a municipality will continue to be utilized exclusively within that municipality for the remainder of their existing service life.
- 3) Local municipalities will make available to the Commission for inspection and condition assessment all transit assets prior to transfer, and will share all related documents related to the assets including information respecting insurance claims. The Commission will be under no obligation to assume assets deemed, at its discretion, to not be in suitable condition for transfer or to not be required to meet the future operational requirements of the Commission. The schedule of assets, specifically the asset count and with the corresponding cost to be transferred by each municipality is included as Schedule A to this document.
- 4) Any ongoing or in-progress capital improvement or acquisition projects will remain the responsibility of the municipality until completed and the asset transferred to Commission only upon completion at zero cost.
- 5) Local municipalities will disclose any agreements entered into related to transit operations in whole or in part, and that will extend beyond December 31, 2022. Copies will be provided to the Region.

Personnel Transfer

- 6) All current full-time, part-time, and union permanent staff, employed directly and fully in transit by local municipalities and hired prior to June 30, 2022, will transfer to the Commission.
- 7) Non-unionized employees will either be directly offered a position with the new Commission where there is anticipated to be a substantially similar role established, or have the opportunity to apply for new roles within the Commission. Where a non-unionized employee does not ultimately transfer to the Commission, they will remain employees of the Municipality in accordance with the *Public Sector Labour Relations Transition Act, 1997*.
- 8) Those employees whose full-time role with a municipality supports transit work as a only portion of their duties (i.e. corporate support personnel not fully employed in transit) will remain with the municipality.
- 9) The integration of the three existing Amalgamated Transit Unions (ATUs) will take place in accordance with the defined provincial process as outlined under the *Public Sector Labour Relations Transition Act, 1997* and by the Ontario Labour Relations Board.

Transit Operations

- 10) The Commission will assume full and exclusive operational responsibility for the delivery of transit on January 1, 2023.
- 11) The Commission will commit to maintain existing local service levels in each municipality, defined as a minimum of the budgeted 2020 local service hours, for a minimum of 7 years or unless otherwise consented to by the municipality.
- 12) The Commission will seek to establish a single common fare as identified in the financial model.
- 13) Municipalities will support the Commission in the placement of on-road transit infrastructure such as transit stops and shelters as required by facilitating their location.

WEGO

- 14) Niagara Region or the Transit Commission will negotiate and enter into an agreement with the Niagara Parks Commission and City of Niagara Falls such that authority for the delivery of the WEGO transit service will remain with the Niagara Parks Commission, in partnership with the City of Niagara Falls.
- 15) WEGO fleet and the WEGO transit facility will remain with the City of Niagara Falls and not be transferred to the Commission, unless otherwise agreed to by the parties as part of any future assumption of WEGO operations by the Commission.
- 16) The Niagara Parks Commission and City of Niagara Falls will continue to provide WEGO service for those routes currently delivered by each agency.
 - a) Transit operators currently employed by the Niagara Parks Commission in the delivery of WEGO service will not transfer to the Commission.
 - b) Transit operators currently employed by the City of Niagara Falls in the joint delivery of Niagara Falls Transit and contracted WEGO routes will transfer to the Commission.
 - c) The Commission and the City of Niagara Falls will enter into a service agreement, on the basis of an hourly fee, for the provision of operators to deliver the continued contracted City of Niagara Falls WEGO routes.

Transitional Period

- 17) A transitional 'steady-state' period will commence on July 1, 2022, beyond which municipalities will commit to make no additional operational, capital, or personnel changes beyond those previously budgeted, unless otherwise agreed to by the Commission, acting reasonably. This will include:

- a) The continued delivery of transit operations through December 31, 2022, including the maintenance of service levels in place as of June 30, 2022;
 - b) The assumption of additional or unplanned capital expenditures;
 - c) The undertaking of additional debt unless otherwise agreed to and may be subject to a different Municipal allocation than outlined in the Financial Strategy;
 - d) The onboarding of additional non-union or unionized staff; and
 - e) Continued adherence to asset management plans and the state-of-good repair of assets to be transferred to the Commission.
- 18) Assets, personnel, or debt acquired, on-boarded, or assumed by a municipality during this transition period will not transfer to the Commission, unless otherwise agreed to by the parties and the Region of Niagara.

Budgets

- 19) The transit budget associated with the transfer of local operating costs to the Region's twelve special levy model may be offset by equal and concurrent reductions to local Municipal budgets and levies to minimize the residential taxpayer impact from transit consolidation where possible.
- 20) Previously approved intergovernmental funding allocations for capital improvements related to transit will continue to be directed to the identified approved projects and initiatives within the original receiving municipality, until such time as the funding program commitments are satisfactorily met. . This includes any obligation referenced in paragraph 4.
- 21) Debt previously undertaken by municipalities to fund the purchase of transit assets will transfer to the Commission in accordance with Schedule B to this document.
- 22) Any financial assets or liabilities at December 31, 2022 will be accrued by the municipality in accordance with Public Sector Accounting Standards, and other than reserves and debt will remain the responsibility of the municipality at transition.
- 23) The assumption of any costs, operating contracts and debt by the Commission as at the transition date are subject to audit by the Region at the Region's discretion to confirm compliance with transition terms and obligations assumed by the Commission as at January 1, 2023.
- 24) Municipalities will be responsible to maintain and fund all 2022 operating costs from their 2022 transit operating budgets, inclusive of staff costs, until the Commission establishes its first budget in 2023.

- 25) Municipalities will provide an accurate record of claims history for a period of five (5) years before June, 2022 to assist the Commission in obtaining liability insurance coverage.

Commission Governance

- 26) The Commission must undertake a full governance review by an external third party and report back to Regional Council for decision by 2025. The implementation of the future permanent Board structure will coincide with the 2026 municipal election.
- 27) The Commission will obtain Officers and Director's and all other insurance coverage as soon as it is established.
- 28) The Commission will obtain Officers and Director's and commercial general liability insurance coverage as soon as it is established and all other insurance coverage required for the operation of a transit commission before January 1, 2023. The Commission is authorized to obtain competitive bids by reaching out to the insurers that currently provide coverage to the existing transit operations instead of issuing a Request for Proposals.
- 29) The Commission will appoint a General Manager to oversee the transition and who will report to the Commission Board.

Existing Agreements and Documentation

- 30) Existing agreements between municipal transit agencies and senior levels of government or third-party suppliers or contractors will transfer or be assigned subject to the provision of paragraph 22, to the Commission, subject to the specific requirements of those contracts. Where agreements cannot be assigned or transferred to the Commission, the originating municipality will retain responsibility, subject to adjustment at a later date.
- 31) Responsibility for existing legal claims or legal liabilities, or those initiated or founded in allegations related to the operations by the municipalities prior to the transfer of operational responsibility to the Commission on January 1, 2023 will remain with the municipalities.
- 32) Municipalities will provide and transfer applicable documentation, operating procedures, maintenance records, employee records or other materials necessary for the transition to the Commission.

Negotiation of Agreements and Dispute Resolution

- 33) The parties commit to the negotiation of the full municipal transfer agreements by no later than March 31, 2022.

34) Where direct discussion between the Region and municipalities does not satisfactorily resolve any issues, an independent mediator and/or arbitrator will be required to provide dispute resolution services, including binding decisions where agreement cannot be otherwise achieved between the parties. Costs for mediation or arbitration will be split between the Region and municipality.

Schedules

Schedule A – Municipal Assets for Transfer

Schedule B – Municipal Debt for Transfer

Schedule A – Municipal Assets for Transfer

Schedule A and B to this term sheet reflect current estimates - asset inventories and debt to be assumed by the Commission will be updated and finalized as part of the completion of the full Municipal Transfer Agreements.

Asset Category	Vehicle Count (Conventional & Specialized)	Acquisition Price	Accumulated Amortization	Current Net Book Value	Useful Life
Niagara Region					
Bus	30	\$14,245,039	\$2,267,951	\$11,977,088	10
St. Catharines					
Bus	91	\$46,362,278	\$26,987,076	\$19,375,202	12
Service Trucks	20	\$1,420,081	\$892,997	\$527,084	6
Land*		\$1,182,244	\$712,282	\$469,962	16
Facilities		\$11,475,701	\$3,987,557	\$7,488,144	22
Equipment		\$5,136,651	\$2,791,006	\$2,345,645	13
Technology		\$6,524,206	\$3,529,598	\$2,994,608	7
Sub-Total		\$72,101,162	\$38,900,517	\$33,200,645	
Niagara Falls					
Bus	47	\$24,135,770	\$15,423,652	\$8,712,118	12
Service Trucks	11	\$364,599	\$261,191	\$103,408	6
Land*		\$2,202,049	\$498,047	\$1,696,315	32
Facilities		\$21,832,585	\$3,724,925	\$18,107,660	24
Equipment		\$2,946,597	\$1,808,621	\$1,137,976	13
Technology		\$5,445,750	\$3,661,905	\$1,783,845	7
Sub-Total		\$56,927,350	\$25,378,341	\$31,541,321	

Asset Category	Vehicle Count (Conventional & Specialized)	Acquisition Price	Accumulated Amortization	Current Net Book Value	Useful Life
Welland					
Bus	22	\$7,438,333	\$2,563,944	\$4,874,389	12
Service Trucks	7	\$239,417	\$181,198	\$58,220	6
Land*		-	-	-	0
Facilities		\$4,329,238	\$2,089,308	\$2,239,930	21
Equipment		\$990,578	\$492,992	\$497,586	6
Technology		\$1,317,243	\$532,850	\$784,393	7
Sub-Total		\$14,314,809	\$5,860,291	\$8,454,518	

* In accordance with the principles outlined above, land will not transfer to the Commission and will remain with the original municipality.

Schedule B – Municipal Debt for Transfer
Balances as of December 31st, 2020*

	Debt year ending	Average Annual Debt Payment**	Long Term Debt	By-law Reference
Niagara Region Transit	2029	\$1,334,694	\$10,752,991	2019-59
St. Catharines Transit	2024/ 2027	\$73,824	\$481,635	2017-53, 2019-59
Niagara Falls Transit		\$0	\$0	
Welland Transit	2029	\$146,108	\$1,171,493	2012-73, 2017-51, 2019-14
Niagara-on-the-Lake				
Port Colborne				
Pelham				
Thorold				
Fort Erie				
Grimsby				
Lincoln				
West Lincoln				
Wainfleet				
		\$2,019,804	\$17,803,923	

*Final debt figures for transfer will be established as part of the negotiation of the full Municipal Transfer Agreements. The Region will not be required to transfer any debt above those totals identified in Schedule 'B' above unless otherwise agreed to and may be subject to a different Municipal allocation than outlined in the Financial Strategy.

**Includes principal and interest

*Prepared for the Regional Municipality of Niagara
(to be shared with Regional CAOs)
by Rae Christen Jeffries LLP
Privileged and Confidential*

Regional Transit Integration: Labour Relations and Employment Processes and Implications

Overview

You have asked us to provide a high level overview of how the amalgamation of three existing transit operations into one new entity might take place from a labour and employment perspective and to also highlight any potential issues, risks, or concerns.

We have had a chance to review the relevant law, legislation, and predecessor collective agreements but have not been provided with any employment contracts for review.

This overview is provided for the Regional Municipality of Niagara. We recommend that each of the existing transit units obtain individual legal advice regarding many of the issues raised below.

Factual Background

St. Catharines Transit Commission, Niagara Falls Transit, and Welland Transit are the three main transit units in the Niagara Region. St. Catharines Transit Commission is a stand alone entity and Niagara Falls Transit and Welland Transit are departments in their respective municipalities.

The Region is considering amalgamating these three entities, in addition to inclusion of the remaining nine municipalities without established unionized transit services, into one new Transit Commission.

Each of the three entities has unionized and non-union employees. The unionized employees at each entity are represented by three separate locals of the Amalgamated Transit Union ("ATU"), under three separate collective agreements, each with different terms and conditions of employment. St. Catharines Transit Commission is the largest entity, with more employees than the other two entities combined.

Each of the three collective agreements contemplates amalgamations, mergers, and/or successor rights. That said, these clauses add very little in terms of new obligations (on top of any obligations arising from statute and the common law). One requires 30 days' notice; one requires that the predecessor employer make every reasonable effort to protect the interests of the bargaining unit employees. In general, the clauses reiterate the state of the law: that the new Transit Commission must recognize the predecessor collective agreements and the ATU's bargaining rights.

Lastly, we understand that the WEGO service will stay with Niagara Falls Transit, with the operators either maintaining their employment with Niagara Falls Transit or having their employment transferred to the new Transit Commission but still working on the WEGO service.

The Amalgamation Itself: How Does it Occur from An Employment/Labour Relations Perspective

The new Transit Commission will need to pick an Amalgamation Date that will serve as the start date for the employees who are offered employment at the new Transit Commission.

Non-Union Employees

Non-union positions at the new Transit Commission may be filled with new external hires or with employees from the predecessor entities, or a combination of both. This can be determined through job competitions involving only external candidates, only predecessor entity candidates, or a combination of both. Or, the new Transit Commission can simply appoint/make an offer to an existing predecessor entity employee without a competition.

Typically, the majority of non-union employees in the new Transit Commission would come from the ranks of the predecessor entities in order to maintain knowledge transfer and to reduce severance costs, but there is no legal requirement for the new Transit Commission to retain any non-union employee.

Non-union employees from the predecessor entities who are offered employment at the new Transit Commission (either following a competition or without one) should be given two letters simultaneously, ideally at least eight weeks prior to the Amalgamation Date: the first letter is from their existing employer terminating their employment as of the Amalgamation Date, and it should refer to and enclose a second letter from the new Transit Commission offering employment as of the Amalgamation Date. The second letter should indicate the new job title (if any), any changes in terms and conditions of employment, and how the prior employment at the transit unit will be treated at the new Transit Commission for the purpose of various entitlements such as vacation and future termination of employment. This second letter may also include transitional information regarding issues such as pension, vacation, lieu time etc.

Employees from the predecessor entities should be given significant time (at least two weeks) to accept or reject this offer of employment in writing. Those who reject the offer of employment will be the responsibility of the relevant existing transit unit (unless otherwise agreed), but it likely can be successfully argued that they have failed to mitigate their damages and their entitlement is limited to their *Employment Standards Act, 2000* ("ESA") entitlements (this may be affected by any applicable language in any employment contract). Most employees tend to accept offers of this nature as long as the employee is provided with substantially the same terms and conditions of employment.

Some non-union employees from the predecessor entities may not be offered employment with the new Transit Commission. The termination of employment or reassignment of these employees would be the responsibility of the existing transit unit (unless otherwise agreed) and their entitlements would depend on any applicable contractual language and/or the common law.

Unionized Employees

As a basic principle, the new Transit Commission will inherit the existing Union(s) and collective agreements of the predecessor entities. While it need not retain all the unionized employees if it needs fewer employees than the combined existing complement (employees could be, for example, laid off by the predecessor entities prior to the amalgamation), it will be required to fill its complement of unionized employees with the existing unionized employees (i.e. it cannot hire externally for unionized positions unless it has already inherited all the existing unionized employees).

As soon as possible prior to the Amalgamation Date, the employees and the ATU Locals should be informed in writing of the Amalgamation Date and that the employment of the unionized employees who

are employed with the predecessor entity on the Amalgamation date will be transferred to the new Transit Commission. In order to avoid or narrow potential litigation either at arbitration or the Ontario Labour Relations Board ("OLRB") (likely under the *Public Sector Labour Relations Transition Act, 1997* ("PSLRTA"), negotiations should commence as soon as possible with the ATU Locals regarding:

- Whether all the employees will transfer and, if not, what options will be provided to any non-transferring employees.
- What the appropriate bargaining unit will be (the new Transit Commission should take the position that all employees should be in one bargaining unit, but the details at the edges of that unit will require negotiation).
- Who will represent the employees in the new bargaining unit (presumably one of the existing ATU Locals).
- What the terms and conditions of employment will be in the short term, prior to the negotiation of a new collective agreement (the collective agreements flow through, but items such as the grievance procedure and layoffs/recall are typically immediately harmonized – the parties could agree to something like the Composite Agreement that exists under the *PSLRTA*).
- Any immediate transition issues such as treatment of seniority.

In a situation such as this, where there is one Union (albeit with multiple Locals), it is possible (and perhaps even likely) that all of the above could be negotiated without the need for any litigation or OLRB application. However, if such negotiations are not fully successful, one of the Local Unions or the new Transit Commission could make an Application to the OLRB to resolve outstanding issues.

Primary Issues, Risks, Costs, Concerns

1. **Timing:** There are potentially significant cost savings and labour relations goodwill to be gained by providing significant notice of the Amalgamation Date to the employees and the Unions. Two months would be a minimum (to deal with *ESA* notice issues), but up to 12 months would be ideal in order to allow time for discussions/negotiations to narrow issues in dispute and make the transition as seamless as possible.
2. **Logistics:** There are many different logistical issues related to the new Transit Commission obtaining employees that will have to be considered and planned for, so they are in place by the Amalgamation Date, including but not limited to, setting up payroll, benefits, and pension, training, assignment of work, determining reporting structures, etc.
3. **Terminations of Employment (non-union):** Each non-union employee from a predecessor entity who is not offered employment will be entitled to pay in lieu of notice either at common law or in accordance with an employment contract (if valid).
4. **Layoffs (unionized employees):** Each unionized employee who is not offered employment will need to be laid off in accordance with the terms of the applicable collective agreement.
5. **Recognition of Service/Seniority:** For both union and non-union employees, there are costs associated with prior service whether they be ongoing (vacation) or potential (future termination).

6. Reconciling Seniority (unionized employees): There will be three separate seniority lists that need to be amalgamated.
7. Reconciling/Harmonizing Terms and Conditions of Employment (unionized employees): There will be three different wage grids, vacation entitlements, public holiday entitlements, benefits, pension, etc. All of this will need to be reconciled in a first post-transition collective agreement. This will potentially be costly.
8. WEGO: The exact nature of the arrangement regarding WEGO should be determined as soon as possible as it could result in complications regarding the status of the Niagara Falls Transit collective agreement and the employees operating the WEGO service.
9. Litigation: There may be litigation (arbitration or OLRB, or both) regarding any of the above union issues if they cannot be all agreed upon. For the non-union employees, there could be litigation over any of the terminations of employment.

October 5, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-96

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A
CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

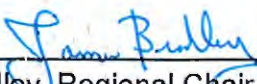
WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term “consolidated passenger transportation system” shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: November 25, 2021

APPENDIX II

AIRD BERLIS

John Mascarin
Direct: 416.865.7721
E-mail: jmascarin@airdberlis.com

December 2, 2021

File No.: 168699

Steve Zorbas
Chief Administrative Officer
The Corporation of the City of Welland
60 East Main Street
Welland, Ontario
L3B 3X4

Dear Mr. Zorbas:

**Re: Niagara Region Transit – Transfer of Powers
Compensation for Transfer of Public Assets**

We have been asked to provide a summary of our opinion on the application of the “Cumming Principle” with respect to the transfer of public transit assets arising out of a proposed transfer of powers from the lower-tier municipalities in the Regional Municipality of Niagara (“Region”) to the Region.

We understand that the Region has cited the “Cumming Principle”, a concept where assets are transferred without consideration in relation to a municipal amalgamation, for application in the proposed transfer of public transit powers to the Region.

The “Cumming Principle” is taken from a report dated January 20, 1953 from the Chair of the Ontario Municipal Board with respect to the amalgamation of the then City of Toronto. The concept arose in relation to a specific public hearing for a contested amalgamation process under a former statutory regime. The result of this process was a specific provincial statute that addressed the transfer of assets for no compensation in the creation of the former regional government for the Municipality of Metropolitan Toronto.

The principle has not been specifically incorporated into the statutory framework for the transfer of power between lower- and upper-tier municipalities set out in sections 188 to 193 of the *Municipal Act, 2001*. The statutory provisions are silent on the issue of asset transfer and any compensation flowing therefrom. There is nothing in the *Municipal Act, 2001* that expressly directs that the transfer of assets follows automatically without compensation where a transfer of power occurs.

There is no express legal requirement nor recognition of the “Cumming Principle” contained within the *Municipal Act, 2001* with respect to the transfer of a power from a lower-tier to an upper-tier municipality. To reduce the “Cumming Principle” to a simple statement that no compensation should be provided to a municipality that transfers significant assets to another municipality with respect to a transfer of powers is inappropriate.

In fact, it is our interpretation of the Cumming Principle that it appears that appropriate financial adjustments should be made where a municipality suffers a deprivation of assets resulting from a transfer to another municipality.

In summary, it is our opinion that the transfer of powers provisions of the *Municipal Act, 2001* do not specifically address the transfer of assets where a power is transferred from a lower-tier to an upper-tier municipality. No reasonable interpretation of the legislation provides that the assets underlying a given service must be transferred without compensation.

It is our view that the City of Welland is entitled to seek compensation for its assets and property. We understand that such transfers are commonly accommodated by an asset transfer agreement or other financial compensation arrangement between the municipalities where a power is transferred.

Yours truly,

AIRD & BERLIS LLP



John Mascarin

JM/AG/tp

APPENDIX III

**Proposed Allocation of Future Amalgamated Welland, Niagara Falls and St. Catharines Transit Operating, Capital and Debt Expenses
(12 Special Levy Option)**

Municipality	% of Service Hours Update	\$\$\$ Allocation based on Approved 2022 Transit Budget
St. Catharines	44%	To be calculated
Niagara Falls	30%	To be calculated
Welland	11%	To be calculated
NOTL	2%	To be calculated
Port Colborne	2%	To be calculated
Pelham	1%	To be calculated
Thorold	3%	To be calculated
Fort Erie	5%	To be calculated
Grimsby	1%	To be calculated
Lincoln	1%	To be calculated
West Lincoln	0%	To be calculated
Wainfleet	0%	To be calculated

Total	100%
<i>Conventional</i>	85%
<i>Alternative</i>	15%

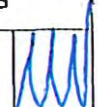


**amended chart from Council Report TRANS 2021-15 Appendix IV*

APPENDIX IV

**PROPOSED ALLOCATION OF EXISTING AND FUTURE
INTERREGIONAL TRANSIT (OPERATING, CAPITAL AND DEBT) EXPENSES**

Municipality	% of General Levy	\$\$\$ Allocation based on Region Approved 2022 Operating, Capital and Debt Expenses
Fort Erie	6.21%	To be calculated
Grimsby	7.63%	To be calculated
Lincoln	6.03%	To be calculated
Niagara Falls	21.08%	To be calculated
NOTL	8.66%	To be calculated
Pelham	4.23%	To be calculated
Port Colborne	3.21%	To be calculated
St. Catharines	25.84%	To be calculated
Thorold	4.13%	To be calculated
Wainfleet	1.51%	To be calculated
Welland	8.29%	To be calculated
West Lincoln	3.17%	To be calculated
TOTALS	100%	To be calculated

SPECIAL COUNCIL
PLANNING AND DEVELOPMENT SERVICES
BUILDING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

21-38

REPORT P&B-2021-70
DECEMBER 9, 2021

SUBJECT: PROPOSED INCREASES FOR BUILDING PERMITS AND INSPECTION SERVICES FEES

AUTHOR: JACK TOSTA, CBCO, CPSO
CHIEF BUILDING OFFICIAL

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report P&B-2021-70; and

THAT Welland City Council approves the recommended fees contained in the attached Appendix I; and further

THAT Welland City Council directs the City Clerk to amend By-law 2020-140 with the updated Schedule "A".

ORIGIN AND BACKGROUND:

In 2020, Building Division completed the comprehensive review of building permit and inspection services fees. The result of the review provided recommendations for fee increases that would move all building permit fees towards full recovery levels.

These recommendations were approved by Council and came into effect on January 1, 2021.

The building permit fees were also recommended to be adjusted annually to account for inflationary increases. This requirement is further supported by Section 6.11 of the City of Welland Building Bylaw 2020-140 which requires the rates that are included in Schedule A of the Bylaw to be indexed to the Consumer Price Index (CPI) of Ontario as of December 31.

COMMENTS AND ANALYSIS:

In 2021, Council approved the Cost of living increases to all union and non-union staff which ranged from 1.5% - 2.5% respectively. Staff are therefore recommending a 3% increase for all building permit and inspection services to ensure full cost recovery compliance with the Building Bylaw.

On November 16, 2021, staff held a statutory public meeting 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.

During the meeting, staff presented an estimate of the costs of administrating and enforcing the *Ontario Building Code Act*, indicated the amount of the proposed fees and provided the rationale for changing fees. There were no comments or objections received from the audience or Council.

FINANCIAL CONSIDERATION:

The proposed 3% fee increases are intended to offset the previously approved cost of living expenses 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.

OTHER DEPARTMENT IMPLICATIONS:

There are no other department implications being anticipated since the Building division is fully funded by fees collected through the permit issuance process.

SUMMARY AND CONCLUSION:

Staff are recommending a 3% increase to all fee rates contained in Schedule "A" of Building Bylaw 2020-140 to ensure legislative conformity, provide for reasonable cost recovery, maintain financial sustainability without negatively impacting the tax base, and reflect industry best practices.

ATTACHMENTS:




Appendix I - 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
			169
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	515 + 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	

SPECIAL COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

21-122

REPORT P&B-2021-71
DECEMBER 9, 2021

SUBJECT: APPLICATION FOR DRAFT PLAN OF SUBDIVISION (26T-14-21004) MADE BY UPPER CANADA CONSULTANTS ON BEHALF OF SILVERSTAR DEVELOPMENTS INC. FOR LANDS LOCATED ON THE WEST SIDE OF CLARE AVENUE, NORTH OF WOODLAWN ROAD, EAST OF SOUTH PELHAM ROAD, SOUTH OF HERITAGE LANE, LEGALLY DESCRIBED AS PART OF LOT 237, GEOGRAPHIC TOWNSHIP OF THOROLD, IN THE CITY OF WELLAND, REGIONAL MUNICIPALITY OF NIAGARA, WITHOUT ANY MUNICIPAL ADDRESS

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

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves a Plan of Subdivision for lands on the west side of Clare Avenue, north of Woodlawn Road, east of South Pelham Road, south of Heritage Lane, more specifically described as Part of Lot 237, Geographic Township of Thorold, in the City of Welland, Regional Municipality of Niagara, without any municipal address, for the development of seven (7) lots of residential development and two (2) blocks, one (1) block will be reserved for future residential development and the remaining block will be for a 0.3 metre reserve for access and control purposes which will be given to the City, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland that is to be registered on title.
2. That no grading or onsite works be commenced prior to the registration of a subdivision agreement on the property.

3. All construction must be in accordance with the City of Welland Municipal Standards as amended.
4. That all necessary easements required for utility purposes be granted to the appropriate Authority, free and clear of all encumbrances.
5. That a subsurface Geotechnical report prepared by a qualified geotechnical engineer is provided at the time of a building permit application submission.
6. That the Owner pay 5% cash-in-lieu of parkland dedication in accordance with City policy, or in accordance with any subsequent community benefits charges.
7. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
8. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
9. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculation] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.
10. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
11. That the subdivision agreement contain a provisions whereby the owner agrees to preserve parts of Lots 6 and 7 solely for a temporary turnaround until such time that the through-connection is provided.
12. That the temporary easement shall remain until a suitable connection is established, and the turnaround circle constructed at the time of the development, be in accordance with City of Welland standards.

13. That the Owner will be responsible to construct the roadway to City of Welland urban standards, including sidewalks on both sides of the road as per the adjacent subdivision design.
14. That the Developer shall be responsible for all costs associated with the development, including reinstatements of all affected existing municipal infrastructure, to as good or better condition.
15. That the Developer shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards and any other applicable standards that may apply.
16. That the Developer shall conduct home condition surveys prior to the commencement of construction.
17. That prior to construction, the contractor shall submit all documents required by the City, in accordance with the development agreement.
18. That Municipal roadways used for construction access, shall be kept clear of construction material, and maintained throughout construction, including dust control measures to the satisfaction of the City. The proposed construction route shall be provided to the City for review and approval.
19. The Engineering Division reserves the right to include additional requirements following the review of the engineering design submission.
20. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily;

Niagara Region: 7, 8 , 9 , 10, 11

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

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

ORGIN AND BACKGROUND

Application for Approval of a Draft Plan of Subdivision for lands on the west side of Clare Avenue, north of Woodlawn Road, east of South Pelham Road, south of Heritage Lane was received on June 22, 2021 and was deemed completed on July 28, 2021.

The purpose of the application for Draft Plan of Subdivision is to facilitate the development and creation of seven (7) lots for residential development and two (2) blocks. One (1) block will be reserved for future residential development and the

remaining block will be for a 0.3 metre reserve for access and control purposes which will be given to the City.

The application will permit the development of seven (7) single detached dwellings fronting onto a proposed extension of Stoneybrook Crescent and one (1) block to be saved for future residential use at a later date when a viable connection becomes available. The proposed development is expected to meet minimum density requirements once the entirety of the property is developed.

COMMENTS AND ANALYSIS:

The Proposal

The Application has been submitted to create seven (7) lots and two (2) blocks for residential purposes. One (1) block will be saved for future residential use. One (1) block will be for a 0.3 metre reserve for access and control purposes which will be given to the City.

The Site

The lands are located on the west side of Clare Avenue, north of Woodlawn Road, east of South Pelham Road, south of Heritage Lane.

Surrounding Uses

The land uses to the north, south, east and west are residential, being a mix of single detached dwellings and townhomes. The lands to the north also include open space (Winfield Park).

Development and Agency Comments

Canada Post Corporation (August 30, 2021)

- CPC has no comments or conditions regarding this application.
- If approved, these units would be served via CPC upgrading the existing community mailbox site located adjacent to 15 Heritage Lane.

City of Welland Infrastructure Services
– Engineering Division (September 21, 2021)

- The Developer shall submit the full engineering design drawings to the City of Welland's Engineering Division for review and approval.
- Provide a copy of a recent topographical survey to the Engineering Division.

City of Welland - Fire and Emergency Services (September 1, 2021)

- Submit stormwater management brief for the proposed development.
- An ECA is required for the extension of the sewer and water mains.

Region of Niagara Planning and Development Services (September 9, 2021)

- Ensure adequate water supply for firefighting purposes is provided in accordance with Municipal Standards
- If a turnaround facility is to be provided, consideration should be made for the size of Fire Department apparatus.
- Subject lands are located within the Welland Urban Area, as designated in the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2020 Provincial Policy Statement (PPS).
- The subject lands are located within the Provincially designated Built-up Area of the City of Welland, designated Low Density Residential in the City's OP and zoned Residential Low Density 1 – RL1. Accordingly the proposed infill development of 7 lots and a block for future development will count towards the City's annual residential intensification target of 40% and therefore, the development generally conforms with and is consistent with Provincial and Regional growth management policy directions.

- The Region has no stormwater management comments. The Region will defer to the City review to ensure their infrastructures will not be negatively impacted as a result of the development.
- Site Servicing will be under the jurisdiction of the City of Welland and will require the construction of new sanitary and storm services for the proposed development. As a condition of draft plan approval, the Region must review and approve any new/extended sanitary sewer services under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to the Region for review and approval.
- Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:
 - o No limit blue/grey containers

- No limit green containers; and,
 - 2 garbage containers per unit (Bi-weekly)
 - Collection will be at the curbside only
- Regional staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste
- At this time detailed road designs have not been submitted for the required temporary turnaround. Once plans are submitted with the inclusion of the required temporary turnaround as well as the detailed road designs, Regional staff will be in a better position to comment on the waste collection for the subdivision. It should be noted that if the limits cannot be met, that waste collection will be the responsibility of the owner through a private contractor. As such, appropriate conditions for waste collection are added.
- Regional staff supports, in principle, the development of 7 new lots and 1 block for future residential use as the proposed application is considered to align with the intent and direction of Regional and Provincial policy. As such,

Regional Planning and Development Services staff would offer no objections to the Draft Plan of Subdivision subject to the discussion above and the Conditions outlined.

City of Welland Corporate Services – Transit Division (September 27, 2021)

- No comments from Transit Division.

District School Board of Niagara (DBSN) (September 30, 2021)

- DBSN planning staff offer no objections to the applications. At this time, future students from this area would attend Gordon PS (Gr. JK-8), and Welland Centennial Secondary School (Gr. 9-12).

City of Welland Planning and Development Services – Building Division (September 29, 2021)

- A final decision on issuance of building permit will be based on the information submitted with the building permit application to this office.
- A subsurface Geotechnical report will be required at the time of building permit application submission.
- Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the City of Welland shall establish the value of land for each lot, prior to execution of the Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building

Restrictions of the Subdivision Agreement.

- Municipal addressing approved by the Planning Division will be required prior to submission of building permit applications.
- Construction fencing will be required in accordance with the City of Welland Building By-law 2020-140.
- Based upon the submitted information, no features on or adjacent to the subject lands meet the definition of a wetland due to the lack of wetland vegetation.
- The NPCA has no objections to the proposed development.

Niagara Peninsula Conservation Authority (November 29, 2021)

Public Comments Received

The Application was circulated to City Divisions, as well as outside agencies and members of the public in accordance with the requirements of the Planning Act. A Public Information Meeting was held on September 1, 2021. One (1) member of the public participated in the Public Information Meeting, in addition to the Agent. The following comments and concerns were raised:

- Discussion related to the proposed lotting arrangement and proposed layout of the parcel fabric.

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

The Statutory Public Meeting under the Planning Act was held on September 21, 2021. No comments were received in reference to the application.

Planning Analysis

Provincial Policy

Section 51 (24) of the *Planning Act* requires that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- No significant ecological systems exist on the property.
- The lands are not currently zoned or designated for agricultural uses.
- There are no natural resources on this property.
- No Archeological Assessment was required for this property. The lands were most recently considered to be vacant and unused.
- The proposal does not include any information regarding energy and water conservation methods that will be implemented at the time of construction. The construction of the homes will be required to meet the Ontario Building Code which contains energy efficiency requirements.
- The property is within the City's Urban Area and can be supplied with municipal infrastructure. There are no capacity issues that will be created as a result of this development.
- The property will be serviced by regional waste collection.
- The property is within the Urban Boundary and will not require an expansion to the Urban Area.
- The development is not designed to accessibility standards, it will be the responsibility of the individual property owners to incorporate any accessibility measures into the house designs

- District School Board of Niagara (DSBN) planning staff offer no objections to the application. Future students can be accommodated at existing educational facilities.
- The proposed development does not include any affordable housing units; however, each dwelling could contain an accessory dwelling unit, which would provide additional affordable housing units in the City.
- As the development is entirely residential, there are no employment opportunities that will be created. The City's Zoning By-law does permit home occupations, and therefore, there may be home based businesses that will be established in the neighbourhood. Additionally, work-from-home opportunities may be utilized.
- Development of the lands will lead to an increase in tax revenues to the City, which will contribute to the overall financial benefit of the City. The development will not require the expansion of municipal services beyond where they are currently available.
- All relevant agencies have been circulated the application and their comments have been included, where appropriate.
- One neighbour offered several comments related to the

application. Comments were considered via public information meetings to satisfy all inquires.

- No known risks to public health and safety have been identified.
- The property is within the City's serviced urban boundary. The development of these lands will utilize undeveloped lands within the City's urban boundary and represent an infilling opportunity.
- The subject lands are located within walking distance from two transit lines (504 and 502) along Woodlawn Road. Sidewalks are available in the area.
- The proposal has been made for the creation of seven (7) residential lots and one (1) residential block. The existing neighbourhood is a mixture of single detached dwellings, as well as townhouse dwellings. The proposed residential development will be consistent with the character of the existing neighbourhood.
- The subject lands are accessible by the municipal road network and can connect to municipal infrastructure. The lands are within the Urban Boundary of the City of Welland and are designated as Low Density Residential. The development of these lands is appropriate, and the required studies have been completed

Whether the proposed subdivision is premature or in the public interest;

Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

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

The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highways system in the vicinity and the adequacy of them;

ensure that there will be no negative impacts.

- The subject lands represent a portion of the remaining lands in this area to be developed as an extension of the original plan of subdivision. The previously constructed road network and infrastructure was designed to accommodate and facilitate the future growth of the subject lands.
- The proposed plan of subdivision is consistent with the surrounding Plans of Subdivision. The development meets the intent and purpose of the Official Plan.
- The proposed Plan of Subdivision fulfills the original vision of a previously registered plan of subdivision in the area.
- The lands are within the Urban Boundary and have access to municipal services. The developable area of the proposed lots are outside of any environmental or culturally constrained areas.
- The lands are accessed directly from Stoneybrook Crescent (east) via Heritage Lane to the north. Stoneybrook Crescent and Heritage Lane are City maintained roads. All roads can accommodate the traffic that will be created by seven (7) residential lots and one (1) residential block.

The dimensions and shapes of the proposed lots;

- The proposed lots fronting onto Stoneybrook Crescent all have a minimum frontage of 13.19 metres and are rectangular in shape. The future residential development block will feature lots of similar size and shape. The lots meet the minimum size and frontage requirements in the City's Zoning By-law.

The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
Conservation of natural resources and flood control;

- No restrictions are proposed for the land to be subdivided or the buildings proposed to be erected on it.
- No known natural resources exist on the property. A preliminary Functional Servicing Report (FSR) and a Stormwater Management Plan has been prepared. No quantity control is determined to be necessary for the development.

The adequacy of utilities and municipal services;

- There is capacity in the existing municipal infrastructure to accommodate this development.

The adequacy of school sites;

- The school sites within the City can accommodate the additional students.

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

- The development will not provide any land within the proposed subdivision that is to be conveyed or dedicated for public purposes. The development will be subject to a 5% cash-in-lieu of parkland that will be in accordance with the

Planning Act. Winfield Park is located to the north of the lands, and approximately 350 metre walking distance from where the park is located.

The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

- Energy conservation measures have not been outlined in the plan that has been submitted. The Ontario Building Code includes requirements for energy conservation, which will be incorporated at the time of Building Permit.

The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

- The development as currently proposed will not be subject to Site Plan Control.

The Provincial Policy Statement (PPS) provides the general guidance for planning matters, and all decisions must be consistent with the policies in the PPS. The PPS encourages the creation of healthy, livable and safe communities, and identifies that settlement areas should be the focus of growth and development. The subject lands are within the settlement boundary of the City of Welland.

The proposed development meets the intent of the policies of the PPS to accommodate intensification and infilling throughout the settlement area, and to provide a range of housing options. The proposed development is an opportunity for infilling within the urban boundary. The proposed dwellings are compatible in form with the neighbouring residential area, as well as in density.

The subject lands are located within the identified Built-Up Area as identified in the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G). The P2G encourages that the vast majority of new growth occur within the serviced built-up area of settlement areas, and within the identified built-up area. The P2G also requires that a minimum of 40% of all new residential development be within the built-up area through infilling and intensification, which will be increased to 50% at the time of the next municipal comprehensive review. The subject proposal is within the delineated Built-Up Area of the City and will help achieve intensification goals and targets for the City. As previously identified, servicing is available in the immediate area, and has capacity to accommodate the proposed development.

The Plan of Subdivision is considered an infilling opportunity and meets the intent of these policies in the P2G.

Region of Niagara Official Plan

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

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

The development will be designed to be pedestrian friendly. Sidewalks will be provided on both sides of the street to encourage active transportation. The roads have been designed to meet minimum municipal standards.

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

City of Welland Official Plan

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

The lands are within the Urban Area of the City of Welland, and within the identified Built-Up Area. The City's policies identify that residential and employment intensification will be encouraged throughout the City as it provides an opportunity for economic growth, reduced the amount of greenfield land needed, takes advantage of serviced but underutilized lands, and helps improve the vibrancy of the City. Intensification is encouraged throughout the Built-Up Area, with a number of focal areas identified, being Downtown, brownfield sites, and along transit corridors. Although the subject lands have not been identified as an 'Intensification Area' it is within the Built Up Area, and intensification is still supported. The City has targeted 40% of all new residential growth to be within the Built UP Area, which will increase to 75% at the time of the next Municipal Comprehensive Review to be consistent with the P2G. The proposed development will assist the City in achieving this intensification target.

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

- Land use and neighbourhood character compatibility;
 - The subject lands are within a predominantly low density residential area. The lands to the north, west, and east are developed with a low density plan of subdivision. Parcels to the south include low density residential development.
 - The proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
 - The lots are proposed to be rectangular in shape and have frontage of approximately 12.0 metres to 13.19 metres (singles). The additional block will be developed at a later date and it is anticipated to reflect similar frontages. All lots will be required to meet the Zone minimums. All of the proposed lots will meet the minimum frontage and area requirements in the City's Zoning By-law.
 - The lots will all front onto opened, maintained roads that will be dedicated to the City.
- Accessibility;
 - The proposed road will have sidewalks on both sides of the street, which will encourage safe pedestrian movement through the neighbourhood.
 - Any other accessibility features incorporated into the individual dwellings will be at the

discretion of the individual property owners.

- Parking requirements;
 - The City's minimum parking standards are one space per unit. All proposed dwelling units will be required to meet this minimum, through the provision of parking within a garage or on a driveway.
- Potential for additional traffic and traffic manoeuvrability;
 - Traffic will access the dwellings via the extension of Stoneybrook Crescent from Heritage Lane.
 - The development of these lands will result in the increase of traffic through the area; however, it can be accommodated in the existing road networks without improvements.
- The potential for transit ridership;
 - There are currently two (2) transit lines (504 and 502) within walking distance of the subject lands.
- Natural (including natural hazards) and built heritage conservation/protection;
 - No known natural or built heritage features are identified on the subject lands.
- The available capacity of municipal infrastructure;
 - There is capacity in the existing infrastructure to accommodate the proposed development.
- Residential intensification targets identified in this plan.
 - The proposed development will assist the City in achieving the target of 40% of all new residential development being within the Built-Up Area.

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

- | | |
|---|--|
| <p>Consistency with the Official Plan, Secondary Plan and any other applicable plans and policies;</p> | <ul style="list-style-type: none"> - The lands are designated as Low Density Residential by the City's Official Plan. The proposed development is anticipated to meet the minimum density requirements once all available lands are developed. |
| <p>Availability of services without undue financial commitment by the City;</p> | <ul style="list-style-type: none"> - The required municipal services (water, sanitary, and storm) are available in the area. It will be the responsibility of the developer to extend the services to the property line to service this development. |
| <p>Suitable provision of municipal services, including, but not limited to: public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;</p> | <ul style="list-style-type: none"> - The proposed subdivision is expected to have access to Stoneybrook Crescent via the extension of the road (Stoneybrook Crescent). - The site will be developed in accordance with municipal standards, which will require that street widths and road patterns will accommodate emergency service vehicles and waste collection vehicles. - The lands can be provided with municipal services. - Parkland dedication will be provided through cash-in-lieu. The lands are within walking distance to Winfield Park and the Stop 19 Pathway. |

- | | |
|---|--|
| Exposure to noise, air pollution and other negative impacts, along with suitable mitigation measures; | - There are no adjacent uses that would create negative impacts from noise or air pollution. |
| Integration with surrounding land uses; | - The proposed subdivision is to be entirely residential uses, with home occupations being permitted through the Zoning By-law. The development is consistent with the surrounding neighbourhood. |
| Integration with the transportation network; | - The proposed road will be the extension of Stoneybrook Crescent which connects to Heritage Lane. The new road will be constructed to municipal standards and will become a City owned street. |
| Impacts to, and mitigation of, negative impacts on the natural environment; | - No known natural environment features are present on the subject lands. |
| Optimization of the supply, means of supplying, efficient use, and conservation of energy; | - There are no energy efficient measures that have been identified or proposed as part of the redevelopment of this property. All buildings will need to comply with the Building Code requirements for energy efficiency. |
| The provision of appropriate urban design and landscaping for the proposed development; | - The houses will be required to comply with the City of Welland Zoning By-law, which includes components of the City's Urban Design Guidelines. |
| Compliance with applicable City guidelines; | - The proposed development will also be required to comply with the City's Municipal Standards to ensure that the infrastructure |

and development of the site complies with the engineering requirements of the City.

- Exposure to nearby air pollution and mitigation of impacts.
- There are no pollution causing industries within the area of influence, as outlined by the Ministry of Environment.

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

City of Welland Zoning By-law 2017-117

The lands are zoned Residential Low Density 1 – RL1 in the Zoning By-law 2017-117. The proposed lots meet all the minimum requirements. All future dwellings will be required to meet the minimum requirements. No amendment to the current zoning has been requested.

FINANCIAL CONSIDERATION:

Any costs associated with the development of this subdivision will be the responsibility of the owner.

OTHER DEPARTMENT IMPLICATIONS:

Other agencies and divisions have been circulated the file for review and comment. Where appropriate, their comments and conditions have been included as part of this report.

SUMMARY AND CONCLUSION:

The proposed application for Draft Plan of Subdivision to develop the lands with seven (7) lots and one (1) block for residential purposes and one (1) block for a 0.3 metre reserve, represents good planning because:

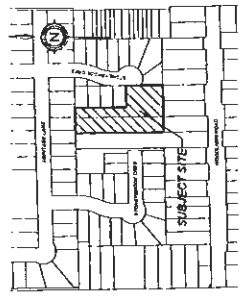
1. It is consistent with Provincial, Regional and City policies regarding intensification and efficient use of land and resources within the Urban Area.
2. Provides additional housing that contributes to the City's housing stock and supply
3. Represents an organized and logical development while being compatible to neighbouring areas.

Staff recommend the Application of Draft Plan of Subdivision be approved, subject to the conditions contained in the Recommendations section of this report.

ATTACHMENTS:

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

STONEYBROOK SUBDIVISION CITY OF WELLAND



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART OF LOT 237
GEORGE STREET, CITY OF WELLAND
IN THE CITY OF WELLAND
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS DRAFT PLAN OF SUBDIVISION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE SUBDIVISION ARE CORRECTLY SHOWN.

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

LAND USE SCHEDULE

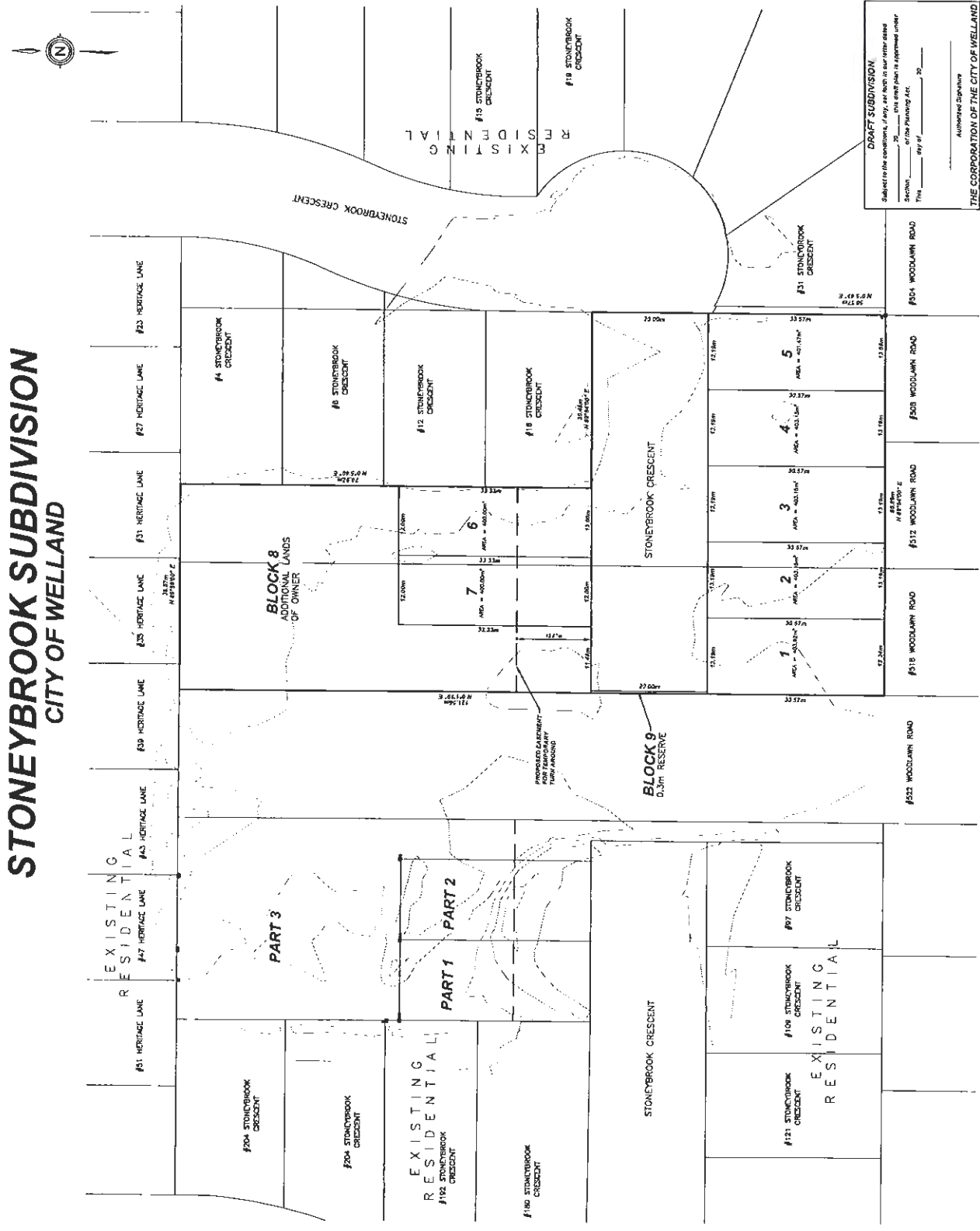
LAND USE	LOT/BLK/SECTION	AREA (SQ. METERS)
1. RESIDENTIAL	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	100.00
2. COMMERCIAL		0.00
3. INDUSTRIAL		0.00
4. AGRICULTURAL		0.00
5. OPEN SPACE		0.00
6. UTILITIES		0.00
7. TOTAL		100.00

NO.	REQUIREMENT	COMPLIANCE
1	1. THE PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT.	YES
2	2. THE PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 51(18) OF THE PLANNING ACT.	YES
3	3. THE PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 51(19) OF THE PLANNING ACT.	YES
4	4. THE PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 51(20) OF THE PLANNING ACT.	YES
5	5. THE PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 51(21) OF THE PLANNING ACT.	YES
6	6. THE PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 51(22) OF THE PLANNING ACT.	YES
7	7. THE PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 51(23) OF THE PLANNING ACT.	YES

UPPER CANADA CONSULTANTS
CONSULTANTS

DRAFT PLAN OF SUBDIVISION

THE CORPORATION OF THE CITY OF WELLAND



DRAFT SUBDIVISION
Subject to the conditions, if any, set forth in our letter dated _____, this draft plan is prepared under Section _____ of the Planning Act.
This _____ day of _____, 2021.
Authorizing Signature

THE CORPORATION OF THE CITY OF WELLAND

DATE PLOTTED: 2021-06-17 10:00 AM

From: [CARRIGAN, Andrew](#)
To: [Taylor Meadows](#)
Subject: RE: Notice of Virtual Public Meeting Subdivision - Stoneybrook Crescent Subdivision (File No. 26T-14-21004)
Date: August 30, 2021 10:59:28 AM

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!

Hi Taylor,

CPC has no comments or conditions regarding this application. If approved, these units would be served via CPC upgrading the existing community mailbox site located adjacent to 15 Heritage Lane.

Thanks

From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: August-19-21 8:36 AM
Cc: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: Notice of Virtual Public Meeting Subdivision - Stoneybrook Crescent Subdivision (File No. 26T-14-21004)

This email is from an EXTERNAL sender. Please be CAUTIOUS, particularly with links and attachments. | Ce courriel est d'un expéditeur EXTERNE. Soyez PRUDENT, en particulier avec des liens et des pièces jointes.

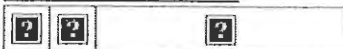
Morning,

A complete application has been submitted for Draft Plan of Subdivision approval for the lands located at the eastern end of Stoneybrook Court, on the north side of the street, in Welland. Please see the attached files to review the Notice of Virtual Public Meeting.

Thank you,



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



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DISTRICT SCHOOL BOARD OF NIAGARA

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

September 30, 2021

Taylor Meadows, BURPI
Development Planner
Development and Building Services
City of Welland
60 East Main Street
Welland ON, L3B 3X4

Re: Application for Draft Plan of Subdivision Approval (File No. 26T-14-21004)
Stoneybrook Crescent

Dear Mr. Meadows,

Thank you for circulating the District School Board of Niagara (DSBN) the above noted application for Draft Plan of Subdivision for lands located at the eastern end of Stoneybrook Court, on the north side of the street. The application proposes to subdivide 0.5854 hectares of land for 7 single detached dwelling lots and 1 block will be reserved for future residential development.

DSBN planning staff has completed its review and has no objections to the applications. At this time, future students from this area would attend Gordon PS (Gr. JK-8), and Welland Centennial Secondary School (Gr. 9-12).

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

Yours truly,

A handwritten signature in cursive script that reads 'Sue Mabee'.

Sue Mabee, MCIP, RPP
Supervisor of Planning Services

Engineering provides the following conditions for the draft plan approval of the proposed 7 residential lots, Stoneybrook Crescent:

1. The Developer shall submit the full engineering design drawings to the City of Welland's Engineering Division for review and approval.
2. Provide a copy of a recent topographical survey to the Engineering Division.
3. Submit storm water management brief for the proposed development
4. An ECA is required for the extension of the sewer and water mains.
5. The temporary easement shall remain, and the turnaround circle constructed at the time of the development, to City of Welland standards.
6. The Owner will be responsible to construct the roadway to City of Welland urban standard, including sidewalks on both sides of the road as per the adjacent subdivision design.
7. The Developer shall be responsible for all costs associated with the development, including reinstatements of all affected existing municipal infrastructure, to as good or better condition.
8. The Developer shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards and any other applicable standards that may apply.
9. The Developer shall conduct home condition surveys prior to the commencement of construction.
10. Prior to construction, the contractor shall submit all documents required by the City, in accordance with the development agreement.
11. Municipal roadways used for construction access, shall be kept clear of construction material, and maintained throughout construction, including dust control measures to the satisfaction of the City. The proposed construction route shall be provided to the City for review and approval.
12. The Engineering Division reserves the right to include additional requirements following the review of the engineering design submission.

Taylor Meadows

From: Matt Richardson
Sent: September 1, 2021 8:04 AM
To: Taylor Meadows
Cc: Paula Albano
Subject: RE: Notice of Virtual Public Meeting Subdivision - Stoneybrook Crescent Subdivision (File No. 26T-14-21004)

Taylor,

For this proposal, my comments are as follows:

-Ensure adequate water supply for firefighting purposes is provided in accordance with Municipal Standards

-If a turnaround facility is to be provided, consideration should be made for the size of Fire Dept. apparatus.

Thanks,



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



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: August-25-21 3:43 PM
To: Matt Richardson <matt.richardson@welland.ca>
Subject: Notice of Virtual Public Meeting Subdivision - Stoneybrook Crescent Subdivision (File No. 26T-14-21004)

Afternoon,

A complete application has been submitted for Draft Plan of Subdivision approval for the lands located at the eastern end of Stoneybrook Court, on the north side of the street, in Welland. Please see the attached files to review the Notice of Virtual Public Meeting.

Thank you,



Taylor Meadows
Development Planner
Planning Division
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From: [Jessica Abrahamse](#)
To: [Taylor Meadows](#)
Cc: [William Heikoop](#)
Subject: RE: Stoneybrook
Date: November 29, 2021 1:05:42 PM

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!

Hi Taylor, my weekend was great! Hope yours was too.

I had a chance to review the photos submitted by Upper Canada Consulting Inc. and based on the photos and air photos this pond does not meet the definition of a wetland due to the lack of wetland vegetation. The NPCA has no objections to the proposed development.

Let me know if you require anything further or would like to discuss.

With Best Regards,

Jessica Abrahamse M.E.S.
Watershed Planner

250 Thorold Road West, 3rd Floor
Welland, On
L3C 3W2
(905) 788-3135 Ext. 235
jabrahamse@npca.ca
www.npca.ca
[NPCA Mapping Tool](#)

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

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

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

From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: November-29-21 12:21 PM

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

September 9, 2021

File: D.11.11.SD-21-0029

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

Dear Mr. Meadows:

**Re: Regional and Provincial Review Comments
Stoneybrook Draft Plan of Subdivision (26T-14-21004)
Agent: Upper Canada Consultants
Owners: Silverstar Developments Inc.
Pt Lt 237 Stoneybrook Court
City of Welland**

Regional Planning and Development Services staff has reviewed the application submitted by Upper Canada Consultants on behalf of Silverstar Developments Inc. The application for Draft Plan of Subdivision has been made for the creation of 7 lots for single-detached dwellings and 1 block to be reserved for future residential development on a 0.5854 ha vacant parcel located at the end of Stoneybrook Court in the City of Welland.

A pre-consultation meeting with the planning consultant was held for this proposed development on March 4, 2021, with City, Regional and Niagara Peninsula Conservation Authority (NPCA) staff in attendance.

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

Regional and Provincial Policies

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

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

The subject lands are located within the Provincially designated Built-up Area of the City of Welland, are designated Low Density Residential in the City's Official Plan and zoned Low Density 1-RL1. Accordingly the proposed infill development of 7 lots and a block for future development will count towards the City's annual residential intensification target of 40% and therefore, the development generally conforms with and is consistent with Provincial and Regional growth management policy directions.

Stormwater Management

Due to the scope, nature and location of the development, the Region has no stormwater management comments. The Region will defer to the City review to ensure their infrastructures will not be negatively impacted as a result of the development.

Servicing

Regional staff would note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new sanitary and storm services for the proposed development. As a condition of draft plan approval, the Region must review and approve any new/extended sanitary sewer services under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval. Appropriate conditions are included in the Appendix in this regard.

Waste Management Services

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

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

SD-21-0029
September 9, 2021

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

At this time detailed road designs have not been submitted for the required temporary turnaround. Once plans are submitted with the inclusion of the required temporary turnaround as well as the detailed road designs, Regional staff will be in a better position to comment on the waste collection for the subdivision. It should be noted that if the noted limits cannot be met that waste collection will be the responsibility of the owner through a private contractor. As such, appropriate conditions for waste collection have been included in the attached Appendix.

Conclusion

Based on the discussion above, Regional staff supports, in principle, the development of 7 new lots and 1 block for future residential as the proposed application is considered to align with the intent and direction of Regional and Provincial policy. As such, Regional Planning and Development Services staff would offer no objections to the Draft Plan of Subdivision subject to the discussion above and the Conditions outlined in the Appendix.

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

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

Best regards,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

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

Cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region

APPENDIX I
REGIONAL CONDITIONS OF DRAFT PLAN OF SUBDIVISION
Stoneybrook Subdivision, Pt Lt 237 Stoneybrook Crescent, Welland

1. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
2. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
3. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.
4. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection prior to Regional curbside waste collection services commencing.
5. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
6. That the subdivision agreement contain a provision whereby the owner agrees to preserve parts of Lots 6 and 7 solely for a temporary turnaround until such time that the through-connection is provided.

Clearance of Conditions

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

Subdivision Agreement

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

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

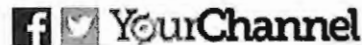
Taylor Meadows

From: Edward Zahra
Sent: September 27, 2021 8:39 AM
To: Taylor Meadows
Subject: RE: Notice of Virtual Public Meeting Subdivision - Stoneybrook Crescent Subdivision (File No. 26T-14-21004)

No comments for transit



Edward Zahra
 Transit Manager
 Transit Division
 Corporate Services
 Corporation of the City of Welland
 75 Federal Road, Welland, Ontario L3B 3P2
Phone: (905) 735-1700 Ext. 3030
Mobile: (905) 658-8660
www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: September 24, 2021 4:11 PM
Subject: RE: Notice of Virtual Public Meeting Subdivision - Stoneybrook Crescent Subdivision (File No. 26T-14-21004)

Afternoon,

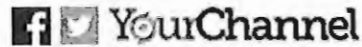
We hope to have the Stoneybrook Crescent Subdivision Recommendation Report to the October 19, 2021 Council meeting. Please provide any comments by October 5, 2021.

Regards,



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

www.welland.ca



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From: Taylor Meadows

Sent: August 19, 2021 8:36 AM

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

Subject: Notice of Virtual Public Meeting Subdivision - Stoneybrook Crescent Subdivision (File No. 26T-14-21004)

Morning,

A complete application has been submitted for Draft Plan of Subdivision approval for the lands located at the eastern end of Stoneybrook Court, on the north side of the street, in Welland. Please see the attached files to review the Notice of Virtual Public Meeting.

Thank you,



Taylor Meadows

Development Planner

Planning Division

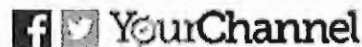
Planning & Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2246

www.welland.ca



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City of Welland
Infrastructure and Development Services
 Planning and Building Division
 60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2251 | **Fax:** 905-735-8772
Email: devserv@welland.ca | www.welland.ca

November 30, 2021

TO: Taylor Meadows, B.A.A
 Development Planner

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

DATE: September 29, 2021

SUBJECT: Draft Plan of Subdivision - Stoneybrook Crescent

Staff has reviewed the information submitted and while a final decision on issuance of building permit will be based on the information submitted with the building permit application to this office, we wish to offer the following comments:

- A subsurface Geotechnical report prepared will be required at the time of building permit application submission
- Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the City of Welland shall establish the value of land for each lot, prior to execution of the Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Subdivision Agreement.
- Municipal addressing approved by the Planning Department will be required prior to submission of building permit applications.
- Construction fencing will be required in accordance with the City of Welland Building Bylaw 2020-140.

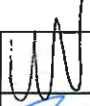


If you have any questions regarding the above comments, please do not hesitate to contact me.

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RE:

November 30, 2021

APPROVALS	
DIRECTOR	
CFO	
CAO	

SPECIAL COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

21-123

REPORT P&B-2021-72
DECEMBER 9, 2021

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 35), ZONING BYLAW AMENDMENT (2021-05) SUBMITTED BY IBI GROUP ON BEHALF OF HAMOUNT INVESTMENTS LTD. FOR LANDS ON THE EAST SIDE OF ROSE AVENUE, NORTH OF THOROLD ROAD, WEST OF RICE ROAD, MUNICIPALLY KNOWN AS 3, 11, 17 RICE ROAD 306, 308 THOROLD ROAD AND 12 ROSE AVENUE

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

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 35 to designate a portion of lands on the east side of Rose Avenue, north of Thorold Road, west of Rice Road, more specifically described as Lots 150, 152, 153, 154, 207, 208, and Part of Lot 151 and Lot 209, Registered Plan 655 (Geographic Township of Thorold), City of Welland, Regional Municipality of Niagara, municipally known as 3, 11, 17 Rice Road and 12 Rose Avenue from Low Density Residential to Community Commercial Node; and further,

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the east side of Rose Avenue, north of Thorold Road, west of Rice Road, more specifically described as Lots 148, 149, 150, 152, 153, 154, 207, 208, 209 and of Part of Lot 151 Registered Plan 655 (Geographic Township of Thorold), City of Welland, Regional Municipality of Niagara, municipally known as 3, 11, 17 Rice Road 306, 308 Thorold Road and 12 Rose Avenue from Residential Low Density 1 – RL1 (3,

11, 17 Rice Road and 12 Rose Avenue) and Community Commercial Node 1 – CC1 (306 and 308 Thorold Road) to Site Specific Community Commercial Node 1 – CC1.

ORGIN AND BACKGROUND

Application for Official Plan Amendment and Zoning By-law Amendment were submitted on May 12, 2021. The applications were deemed complete on June 7, 2021. Revised zoning provisions were provided on August 9, 2021.

COMMENTS AND ANALYSIS:

The Proposal

The purpose of the Official Plan Amendment is to redesignate a portion of the property from Low Density Residential to Community Commercial Node. An Official Plan Amendment is required to re-designate 3, 11, 17 Rice Road and 12 Rose Avenue from Low Density Residential to Community Commercial Node in order to permit the proposed retail and restaurant uses on the subject land. It is noted that 306 and 308 Thorold Road already are designated Community Commercial Node and can support the proposed development.

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

- Permit a minimum interior side yard setback of 1.0 metres adjacent to an institutional zone whereas 4.5 metres is required; and,
- Permit a maximum exterior side yard setback of 22.5 metres whereas a maximum of 17.5 metres is permitted; and,
- Permit a minimum interior side yard setback of 1.5 metres adjacent to a residential zone whereas 4.5 metres is required; and,
- Permit a minimum number of loading spaces to be 1 space whereas 3 spaces are required; and,
- Permit a minimum setback of a loading space from a public street to be 2.8 metres whereas 3 metres is required.

The purpose of these applications is to redevelop the subject lands with three (3) mercantile buildings comprised of retail and restaurant uses. The lands will also include parking areas, Molok waste systems, a loading space, and drive-thru. Two buildings will include two units for potential occupancy, another building is anticipated to include a restaurant/drive-thru.

The Site

The subject lands currently include developed residential uses consisting of single-detached dwellings, commercial uses, and vacant lands. The development include frontage onto Rice Road, Rose Avenue and Thorold Road. The total area of the property is approximately 3,678 square metres.

Surrounding Lands

The lands are within a well-established mixed-use neighbourhood. The residential area to the north is predominately made up of low-density residential dwellings. Directly adjacent to the west of the subject lands on the same block there is a commercial building. On the opposite side of Rose Avenue there is a single detached dwelling, commercial buildings with a pizza restaurant and the Steve Bauer Trail. To the east of the subject lands on the opposite side of Rice Road is a commercial plaza consisting of various uses. To the south of the subject lands on the opposite side of Thorold Road is a gas bar and additional commercial uses.

Development and Agency Comments Received

- | | | |
|--|---|--|
| City of Welland
Corporate Services –
Transit Division
(October 27, 2021) | - | No concerns from the Transit Division. Service is offered on Rice Road for context. |
| City of Welland –
Welland Fire and
Emergency Services
(September 1, 2021) | - | The Fire Division has no comments germane to this application. Comments are to be provided via the Site Plan Agreement process. |
| City of Welland –
Infrastructure Services
(November 2, 2021) | - | Comments are to be provided via the Site Plan Agreement process. |
| City of Welland –
Planning and
Development Services
– Building Division
(October 27, 2021) | - | Comments are to be provided via the Site Plan Agreement process. |
| Region of Niagara
Planning and
Development Services
(September 14, 2021) | - | <ul style="list-style-type: none"> - Regional staff are supportive of the proposed development in principle. - Staff notes that the surrounding neighbourhood is characterized by a mix of land uses including commercial, institutional, and residential uses. The proposed development of three stand-alone commercial buildings appear to be compatible uses within the surrounding context, and encourages investment and employment within the City of Welland. Further, the property is located within the urban area where existing infrastructure is available to service the proposed development. As such, staff are satisfied that the redevelopment of the subject |

property is consistent with both Regional and Provincial policies.

- Regional staff are satisfied that the mitigation measures outlined in the Noise Study seem feasible and can be implemented through the redevelopment as proposed. As such, staff offer no objection to the findings and recommendations of the study and will provide the appropriate conditions to be included through the future Site Plan Agreement on the subject property under separate cover at a later date.
- The subject property has frontage along Regional Road 54 (Rice Road). Regional engineering staff have reviewed the submitted plans for the project and the following comments should be addressed to ensure the entrance changes will not effect the building envelope and ultimately the zoning setbacks:
 - o Entrance radii appear large, they only need to be large enough to accommodate the design vehicles (garbage or fire route in this case, 6-8m);
 - o Entrance radius shall not encroach beyond lot line;
 - o Proposed sidewalk along Rice Road should be setback (1.5m min.) to provide boulevard space for signs, utility poles and snow storage; and,
 - o The daylight triangles shown are not to the satisfaction of the Region, please ensure all widenings and daylight triangles are shown clearly on the plans.
- Regional staff have reviewed the *Transportation Impact Brief* dated July 16, 2021) by IBI Group and notes the access was shifted north 17m from the original proposed location. However, safety concerns still remain due to the following reasons:
 - o The Brief has highlighted that current drivers turning westbound right at

Thorold Road and Rice Road intersection are likely already accustomed to other vehicles slowing down to enter the existing access for 30 Rice Road but usually the slowing vehicles turning right into the existing plaza do not wait a long time to enter the access while vehicles turning left will completely stop waiting for a gap to enter the access and might wait for a long time. This situation increases collision potential.

- With the proposed development additional to the existing plaza (30 Rice Road), the number of vehicles turning right and left at this conflict area will increase and usually vehicles traveling through the channel lane turn fast and do not slow if there are no pedestrians on sight due to the bigger curvature size. Therefore, collisions are expected more in this conflict area.
 - Queue analysis shows 95th percentile peak hour queues from Rice and Thorold intersection will extend to the access. This means we can expect them to extend beyond the access in the future as volumes increase.
- The City should be advised that the Region can only support the access IF left-turns to/from the proposed development are restricted by constructing a mountable curb island and *No Left Turn* sign is implemented. Staff notes that a median is not a possible solution as it creates a similar or worse problem for the existing plaza (30 Rice Road) on Thorold Road. Regional staff will provide the City with updated conditions of development approval for the Site Plan Agreement once this issue has been adequately addressed to the satisfaction of the Region.
 - Based on the aforementioned information, Regional Planning and Development Services

staff would offer no objections to the Official Plan Amendment and Zoning By-law Amendment applications, in principle, as they are considered to align with the intent and direction of Regional and Provincial growth management policies, provided that the transportation access concerns on the Regional road are adequately addressed (i.e. site design changes/revised setbacks should be reflected through the Zoning By-law Amendment if necessary).

- Given the site-specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities, and Regional Official Plan.
- Regional staff will continue to work with the applicant via the Site Plan Agreement process to comment on matters including (but not limited to) Noise Mitigation, Regional Road allowance, Transportation Access and Urban Design.

Public Comments Received

A Public Information Meeting was held by Staff on September 8, 2021. Approximately ten (10) residents attended the meeting and raised concerns regarding:

- Property value compensation;
- Increased crime and drunk driving;
- Increased drug use;
- Drainage issues related to the demolition of existing buildings;
- Increased volume of vehicles on Rose Avenue;
- Potential for an increase in traffic collisions at the intersection of Rice Road and Thorold Road;
- Potential for rodent or pest control problems due to the presence of restaurants.

At the time of writing this report two (2) letters from residents have been received. In addition to the comments made at the Public Information Meeting, the following comments and concerns were raised:

- Noise issues, especially in the evening hours; and,

- Loitering.

Three (3) members of the public spoke at the Statutory Public Hearing under the Planning Act and raised similar concerns. The concerns presented by the neighbours will be reviewed later in this report.

Planning Analysis

Provincial Policy

The Provincial Policy Statement (PPS) provides policy direction for growth and development within the province. All decisions must be consistent with the policies in the PPS. Settlement areas are to be the focus of growth and development. The land uses and patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for the infrastructure and public services that are planned or available, among other criteria.

The subject lands are within the urban serviced area of the City. Municipal infrastructure is available in the immediate area and can accommodate the proposed use. The development will encourage active transportation as the property can be accessed from the existing trail to the east, and is served with sidewalks. The location is on a transit line (502) which will also encourage transit use. The redevelopment of these lands will allow for a more efficient use of the property, as well as municipal resources.

The proposal meets the intent of the policies in the PPS. The lands are within the urban serviced area, adds to a diverse land use inventory, and makes an efficient use of the lands.

The A Place to Grow Plan (P2G) encourages that the vast majority of growth be directed to settlement areas which have: a delineated built boundary; have existing or planned municipal water and waste water systems; and, can support the achievement of complete communities. The property is within the designated Built Boundary of Welland identified in the P2G. The P2G encourages growth to be located within the identified built-up area, strategic growth areas, etc.

Provincial planning policies promote a mix of uses, and the redevelopment of underutilized properties. The conversion of the subject lands from Residential to Commercial is consistent with the policies found in the PPS and P2G. It is noted that the PPS and P2G offer no discouragement regarding the conversion of residential land uses to commercial or employment land uses.

Niagara Region Official Plan

The lands are identified as being within the Built-Up area of the City of Welland. The policies in the Region's Official Plan are consistent with the policies found in

the PPS and P2G. The Region's policies promote growth and development within urban areas that can access municipal services.

The Region's Official Plan (ROP) promote employment opportunities and encourages municipalities to plan for commercial uses. The proposed development will create short and long term employment opportunities for the City. The ROP promotes active transportation and transit supportive development. The proposal includes bike racks, crosswalks, depressed curbs, and connections to the new municipal sidewalk along Rice Road, which also includes a transit stop. These features will be constructed through the Site Plan Approval process.

The proposed development meets the intent of the Region's Official Plan and is consistent with the policies associated with the document.

City of Welland Official Plan

A portion of the subject lands are designated as Low Density Residential in the City of Welland Official Plan. The balance of the subject lands are designated as Community Commercial Node. The proposal has been made to redesignate the subject lands designated as Low Density Residential to Community Commercial Node. The application for redesignation has been submitted to facilitate the development of the lands with commercial uses (restaurants and retail).

The City's Official Plan encourages infilling and intensification of commercial uses. Considerations related to (but not limited) compatibility, infrastructure availability and traffic are to be addressed as part of development approvals. It is noted that the subject lands are also processing a Site Plan Agreement application which is expected to resolve any concerns related to compatibility, traffic, etc.

The City's Official Plan directs where proposed amendments are made to designate additional commercial areas or permit expansions, the City shall consider the following:

<p>i. How the proposed amendment implements the Objectives set forth in this Plan;</p>	<p>The objectives of the Commercial designation are to provide for the growth and distribution of commercial uses. New commercial uses should also minimize negative impacts on neighbouring uses. The proposal allows for the facilitation of a commercial use. Compatibility concerns have been actively addressed via the development approval process. Additionally, the subject lands are processing a Site Plan Agreement which is expected to</p>
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	address any additional compatibility, noise, traffic, etc. concerns.
ii. The need for the proposed use;	The adjacent area is currently developed with a mix of land uses; including, commercial uses. The proposed development is expected to assist in the City's intensification target. Additionally, the development will provide short and long-term employment opportunities in the City.
iii. Location, size and scale of the proposed development;	The subject lands, as previously outlined, include lands designated both Community Commercial Node and Low Density Residential. The designation of the lands as Community Commercial Node is consistent with existing land uses in the area. The subject lands are comparable to existing commercial plazas adjacent to the proposed development. The total area of the lands is approximately 3678m ² . There are three individual building being proposed for the property in addition to driveways, landscaping, walkways, etc. The buildings are not anticipated to exceed one storey in height and will not negatively impact the surrounding neighbourhood in terms of size, scale and location.
iv. Potential for compatibility issues;	Several neighbours have raised concerns regarding the compatibility of the proposed development, citing concerns about; noise, traffic, drug use, and rodent or pest problems. The property has carried out a Noise Study and identified necessary mitigation measures to address any outstanding issues. Traffic concerns have been refined via consultation with the public and Niagara Region to ensure that the development is designed to the best possible standards. Further details and additional items related to the site design is to be captured at the time of the Site Plan Agreement.

v. Potential market impacts and the potential for adverse affects on the City's planned commercial structure;	The subject lands are expected to add to a diverse commercial stock in the City. No negative impact to the City's planned commercial structure is expected.
vi. The potential for negative impacts on the natural environment	The property is not impacted by any natural environment features.
vii. The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use.	The property is located on a transit line (502) and is adjacent to an active transit stop. Pedestrian and cycling options are available.

City of Welland Zoning By-law 2017-117

The lands are currently zoned Residential Low Density 1 – RL1 and Community Commercial Node 1 – CC1. The proposal seeks to rezone the property to a Site Specific Community Commercial Node 1 – CC1 zoning.

The proposed application for Zoning By-law Amendment is requested to rezone the property with five site specific zoning provisions to permit the proposed development, they are to:

- Permit a minimum interior side yard setback of 1.0 metres adjacent to an institutional zone whereas 4.5 metres is required; and,
- Permit a maximum exterior side yard setback of 22.5 metres whereas a maximum of 17.5 metres is permitted; and,
- Permit a minimum interior side yard setback of 1.5 metres adjacent to a residential zone whereas 4.5 metres is required; and,
- Permit a minimum number of loading spaces to be 1 space whereas 3 spaces are required; and,
- Permit a minimum setback of a loading space from a public street to be 2.8 metres whereas 3 metres is required.

Staff are supportive of the proposed variances to Zoning By-law 2017-117 as it facilitates a favourable site layout and design while minimizing any negative impacts on the adjacent neighbourhood.

The proposed reduction of the number of Loading Spaces is supported as each of the three proposed buildings will have access to the Loading Space for use. The intent of the Zoning By-law is not effected by the decreased number of required Loading Spaces.

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

Public Comments

A number of comments and concerns were raised regarding the applications for Official Plan Amendment and Zoning By-law Amendment. The comments are addressed further, below:

Noise Issues

The applicant has submitted a Noise Study as part of the package submitted for Official Plan Amendment, Zoning By-law Amendment, and Site Plan Agreement. The purpose of the study was to ensure that the proposed development does not cause a nuisance to adjacent residential uses. Several mitigation measures were deemed to be required as per the outcome of the study. The following measures are required:

- A 1.5 metre tall and 15 metre long noise barrier located alongside the drive-through lane on the west side blocking line of sight for residences to the west;
- Implementation of a no-idling policy for the site. When unloading/loading is to occur vehicle engines must be switched off; and,
- Locating the HVACs for the retail stores as far south as possible away from residences to the north.

To facilitate the development, these mitigation measures will be incorporated in the design of the site and buildings. Based on the findings of the Noise Study and comments from Niagara Region, staff are of the opinion that the proposed development is feasible from a noise perspective.

Traffic Concerns

The applicant has prepared and submitted a Traffic Impact Brief to address traffic concerns related to the development. No outstanding traffic issues have been identified as it relates to the proposed development. Additionally, the applicant has been engaged in ongoing conversations with Niagara Region staff and City of Welland staff to determine the best design outcomes for the development. The design of the site has been revised to take into account the various comments received from the public thus far.

It is noted that additional traffic related issues are to be further addressed via the Site Plan Agreement process. Staff are of the opinion that the Traffic Impact Brief and various discussions with Niagara Regional staff have yielded a favourable outcome for the traffic design of the property.

Drainage Concerns

Some neighbours voiced concern related to the potential grading and drainage issues that may result due to the current buildings on the subject lands being

demolished. It is noted that any grading and drainage plans are to be reviewed by City and Regional staff prior to the registration of the Site Plan Agreement for the property. Any new development will be required to ensure that there are no negative impacts from the release of stormwater onto neighbouring properties.

Rodent/Pest Concerns and Increased Garbage Pollution

Some members of the public have voiced their opinion that the development may attract unwanted rodents/pests in the area; or, cause an increase in garbage being littered in the area. The applicant has confirmed via their submitted site plans and information that the property will be installed with a Molok waste collection product. The waste collection system is expected to be picked up on a regular basis and utilize a private collection company to do so. It is noted that this arrangement is considered to be a superior method than traditional waste collection. Staff are of the opinion that the proposed waste collection methods will satisfy the needs of the commercial developments and prevent any nuisances related to littering or rodents/pests.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

The proposed applications for Official Plan Amendment and Zoning By-law Amendment to redesignate the property to Community Commercial Node and rezone the property to Site Specific Community Commercial Node – CC1 represents good planning based upon the following:

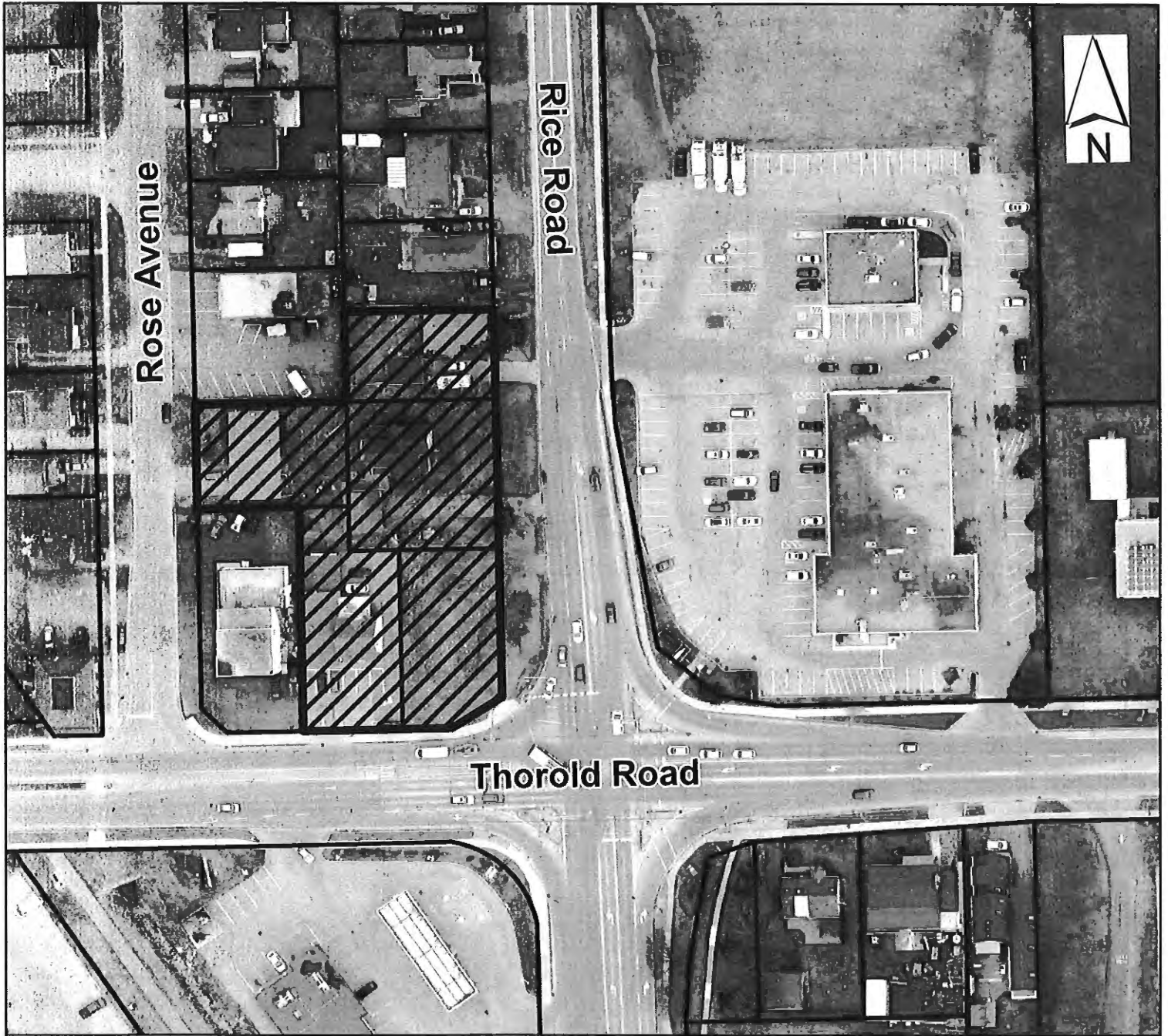
1. Is consistent with Provincial, Regional and City policies which encourage intensification and commercial development within the identified Built-Up Area;
2. Uses existing municipal infrastructure and does not require the expansion of these services;
3. Encourages a complete community;
4. Is transit supportive;
5. Provides viable employment opportunities for the City of Welland;
6. Is to be screened from neighbouring residential uses.

Therefore, staff recommends that the subject lands be redesignated to Community Commercial Node and rezoned to Site Specific Community Commercial Node to permit the proposed uses.

ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Aerial Photo of the Subject Lands
- Appendix III - Site Plan
- Appendix IV - Relevant Correspondence
- Appendix V - Draft Official Plan Amendment
- Appendix VI - Draft Plan of Zoning By-law Amendment

OPA No.35 & 2021-05



AERIAL PHOTO OF THE SUBJECT LANDS

 SUBJECT LANDS



*Development &
Building Services*
Planning Division

Taylor Meadows

From: Jack Tosta
Sent: October 27, 2021 2:52 PM
To: Taylor Meadows
Subject: RE: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

No comments



Jack Tosta
Chief Building Official
Infrastructure & Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2242
www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: October 27, 2021 9:02 AM
To: Jack Tosta <jack.tosta@welland.ca>
Subject: RE: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

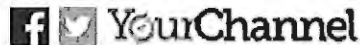
Morning Jack,

We hope to have a Recommendation Report to Council for the above files around mid-November. Please forward any comments at your earliest convenience.

Regards,



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



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From: Taylor Meadows
Sent: August 26, 2021 8:30 AM
Subject: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

Morning,

A complete application has been submitted for Official Plan Amendment and Zoning By-law Amendment for lands located at 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue, Welland. Please see the attached files to review the Notice of Virtual Public Meeting.

Regards,



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Taylor Meadows

From: Livia McEachern
Sent: November 2, 2021 3:37 PM
To: Taylor Meadows
Subject: RE: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

Hi Taylor,
 Julie has noted that comments were provided at first site plan circulation. There are no additional comments at this time.
 Thank you.



Livia McEachern, P.Eng.
 Manager of Engineering
 Infrastructure Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905) 735-1700 Ext. 2208
www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: October 27, 2021 9:05 AM
Subject: RE: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

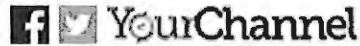
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Regards,



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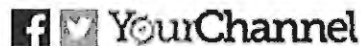
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Regards,



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From: [Matt Richardson](#)
To: [Taylor Meadows](#)
Cc: [Paula Albano](#)
Subject: RE: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue
Date: September 1, 2021 8:06:01 AM

Taylor,

The Fire Dept. has no comments. Other issues can be addressed at Site Plan.

Thanks,



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



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

Sent: August-26-21 8:30 AM

Subject: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

Morning,

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Regards,

Taylor Meadows
 Development Planner
 Planning Division
 Planning & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2246
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Via E-mail Only

September 14, 2021

Files: D.10.11.OPA-21-0020
D.18.11.ZA-21-0036Mr. Taylor Meadows, BURPI
Development Planner
Planning and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Mr. Meadows:

**Re: Regional and Provincial Review Comments
Official Plan Amendment & Zoning By-Law Amendment
Applicant: Hamount Investments Ltd.
Agent: IBI Group
3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue
City of Welland**

Regional Planning and Development Services staff has reviewed the above noted applications and supporting materials submitted by IBI Group on behalf of Hamount Investments Ltd. for an Official Plan and Zoning By-law Amendment on lands known municipally as 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue in the City of Welland. Staff notes that a virtual pre-consultation meeting regarding the proposed development was held on February 2, 2021 with City and Regional Staff as well as the agent and applicant.

The Official Plan Amendment (OPA 35) proposes to redesignate the properties from the existing Low Density Residential to Community Commercial Node in City Welland Official Plan. The concurrent Zoning By-law Amendment proposes to rezone the properties from the existing Residential Low Density 1 – RL1 and Community Commercial Node – CC1 to Site Specific Community Commercial Node – CC1 in Zoning By-law 2017-117. The purpose of the Amendments is to permit the development of the property with three stand-alone commercial buildings, including one drive-through restaurant establishment.

Regional staff have provided the City preliminary comments on the proposed Site Plan Application in our correspondence dated August 24, 2021. The following comments are to be read in conjunction with those comments, as more details will be required prior to

the Region providing final detailed conditions of development approval to be included with the future Site Plan Agreement.

As outlined below, Regional staff is supportive of the proposed development in principle and provides the following comments to assist the City in their consideration of these applications from a Provincial and Regional perspective.

Regional and Provincial Policies

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

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

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

As per the *Planning Justification Report* (dated July 27, 2021) prepared by IBI Group, the subject properties contain a single detached dwelling, two garages, and a two and half storey mixed use residential/commercial building. The owner is proposing to demolish the existing buildings and redevelop the subject lands with two retail commercial buildings and a fast food restaurant with a drive-through.

Staff notes that the surrounding neighbourhood is characterized by a mix of land uses including commercial, institutional and residential uses. The proposed development of three stand-alone commercial buildings appear to be compatible uses within the surrounding context, and encourages investment and employment within the City of Welland. Further, the property is located within the urban area where existing infrastructure is available to service the proposed development. As such, staff are satisfied that the redevelopment of the subject property is consistent with both Regional and Provincial policies.

Noise Study

Given the subject lands are to be redeveloped for commercial purposes, the noise generated on site may have the potential to impact existing sensitive land uses located on adjacent properties. As such, a *Noise Study letter* (dated July 20, 2021) prepared by RWDI has been submitted in support of the applications. The study stated that it was prepared consistent with the Ministry of Environment, Conservation and Parks (MECP) NPC-300 Environmental Noise Guidelines.

The study determined that the potential environmental noise impact from the drive-thru speaker, idling cars, idling trucks and roof top mechanical equipment is expected to exceed applicable sounds level limits for daytime, evening and night time periods and requires the following mitigation measures to be implemented on site;

- 1.5 m tall and 15 m long noise barrier located alongside the drive-thru lane on the west side blocking line of sight for the residences to the west;
- Implementation of a no-idling policy for the site. When unloading/loading is to occur vehicle engines must be switched off; and,
- The HVACs must be positioned in such a way to be as far away from noise sensitive receptors.

Regional staff are satisfied that the mitigation measures proposed seem feasible and can be implemented through the redevelopment as proposed. As such, staff offer no objection to the findings and recommendations of the study and will provide the appropriate conditions to be included through the future Site Plan Agreement on the subject property under separate cover at a later date.

Regional Road Allowance

The subject property has frontage along Regional Road 54 (Rice Road). Regional engineering staff have reviewed the submitted plans for the project and the following comments should be addressed to ensure the entrance changes will not effect the building envelope and ultimately the zoning setbacks:

- Entrance radii appear large, they only need to be large enough to accommodate the design vehicles (garbage or fire route in this case, 6-8m);
- Entrance radius shall not encroach beyond lot line;
- Proposed sidewalk along Rice Road should be set back (1.5m min) to provide boulevard space for signs, utility poles and snow storage; and
- The daylight triangles shown are not to the satisfaction of the Region, please ensure all widening's and daylight triangles are shown clearly on the plans.

Transportation Impact Study

Regional staff have reviewed the *Transportation Impact Brief* (dated July 16, 2021) by IBI Group and notes the access was shifted north 17m from the original proposed location. However, safety concerns still remain due to the following reasons:

1. The Brief has highlighted that current drivers turning westbound right at Thorold Road and Rice Road intersection are likely already accustomed to other vehicles slowing down to enter the existing access for 30 Rice Road but usually the slowing vehicles turning right into the existing plaza do not wait a long time to enter the access while vehicles turning left will completely stop waiting for a gap to enter the access and might wait for a long time. This situation increases collision potential.
2. With the proposed development additional to the existing plaza (30 Rice Road), the number of vehicles turning right and left at this conflict area will increase and usually vehicles traveling through the channel lane turn fast and do not slow if there are no pedestrians on sight due to the bigger curvature size. Therefore, collisions are expected more in this conflict area.
3. Queue analysis shows 95th percentile peak hour queues from Rice and Thorold intersection will extend to the access. This means we can expect them to extend beyond the access in the future as volumes increase.

The City should be advised that the Region can only support the access IF left-turns to/from the proposed development are restricted by constructing a mountable curb island and *No Left Turn* sign is implemented. Staff notes that a median is not a possible solution as it creates a similar or worse problem for the existing plaza (30 Rice Road) on Thorold Road. Regional staff will provide the City with updated conditions of development approval for the Site Plan Agreement once this issue has been adequately addressed to the satisfaction of the Region.

Conclusion

Based on the discussion above, Regional Planning and Development Services staff would offer no objections to the Official Plan Amendment and Zoning By-law Amendment applications, in principle, as they are considered to align with the intent and direction of Regional and Provincial growth management policies, provided that the transportation access concerns on the Regional road are adequately addressed (i.e. site design changes/revised setbacks should be reflected through the Zoning By-law Amendment if necessary).

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

Regional staff remains committed to working with the applicant to move this development forward. This includes providing more detailed comments on matters

including (but not limited to) Noise Mitigation, Regional Road allowance, Transportation Access and Urban Design through the future Site Plan review process at a later date in order to provide the appropriate conditions of approval.

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

Yours truly,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

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

Via E-mail Only

September 14, 2021

Files: D.10.11.OPA-21-0020
D.18.11.ZA-21-0036Mr. Taylor Meadows, BURPI
Development Planner
Planning and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

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Yours truly,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

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

Taylor Meadows

From: Edward Zahra
Sent: October 27, 2021 2:57 PM
To: Taylor Meadows
Subject: RE: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

I don't see any concerns for Transit.

Service is offered on Rice rd for context.



Edward Zahra
 Transit Manager
 Transit Division
 Corporate Services
 Corporation of the City of Welland
 75 Federal Road, Welland, Ontario L3B 3P2
 Phone: (905) 735-1700 Ext. 3030
 Mobile: (905) 658-8660
www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: October 27, 2021 9:18 AM
Subject: RE: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

Morning,

We hope to have a Recommendation Report to Council for the above files around mid-November. Please forward any comments at your earliest convenience.

Regards,



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



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From: Taylor Meadows

Sent: August 26, 2021 8:30 AM

Subject: Notice of Virtual Public Meeting Official Plan Amendment (File No. OPA No. 35) and Zoning By-law Amendment (File No. 2021-05) - 3, 11 & 17 Rice Road, 306 & 308 Thorold Road and 12 Rose Avenue

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Regards,



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



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Taylor Meadows

From: Dan.Sandra Stam
Sent: September 12, 2021 7:05 PM
To: Taylor Meadows
Subject: RE: 3, 11, 17 Rice Road 306, 308 Thorold Road and 12 Rose Avenue (File No. OPA No. 35 & 2021-05) - Key Dates

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!

I just want to remind the city that as citizens of Rose Ave we are really worried and concerned about the extra traffic that this new commercial development will add onto Rose Ave. We already have vehicles flying down our road when there is an accident at the corner of Rice Rd and Thorold Rd. There is a few families with young children that live right in the immediate area.

Sent from Mail for Windows

From: Taylor Meadows
Sent: September 9, 2021 11:56 AM
Subject: 3, 11, 17 Rice Road 306, 308 Thorold Road and 12 Rose Avenue (File No. OPA No. 35 & 2021-05) - Key Dates

Morning,

As requested, please see below to review the Key Dates associated with the above files:

- **September 14, 2021** – Written comments must be received by this date, to be included in the Staff Report.
- **September 17, 2021** – Request emailed to the City Clerk (clerk@welland.ca) requesting to participate in the Statutory Public Meeting.
- **September 21, 2021** – Statutory Virtual Public Meeting (7:00pm)

Additionally, the Traffic Study related to the proposed development can be accessed via the hyperlink below (see drop-down menu):

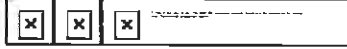
<https://www.welland.ca/Media/notices.asp>

Feel free to reach out via phone call or email with any additional questions.

Regards,



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

From: Heather Simpson
Sent: September 13, 2021 1:54 PM
To: Taylor Meadows
Subject: Re: 3, 11, 17 Rice Road 306, 308 Thorold Road and 12 Rose Avenue (File No. OPA No. 35 & 2021-05) - Key Dates

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!

Hi Taylor here are my written comments to include in the Staff Report.

I live at 8 Donald Ave, Welland and disagree with the plans to build 3 restaurants at the corner of Rice Rd and Thorold Road. My reasons are listed below.

Entrance and exit onto Rose Ave. We live in a quiet neighborhood, traffic flow will increase tremendously.

We already have cars racing down Rose Ave to beat the light at the intersection of Rice and Thorold.

The intersection is already a high collision intersection with accidents happening on a regular basis.

The entrance into Tim Hortons on Rice Rd is already an issue with traffic backing up as it goes from a two lane to one lane before the entrance.

Noise will increase especially the evening hours.

Loitering is always a concern. I work at the Rexall Plaza on Thorold Rd and we have had issues with loitering and drug deals and use behind the building. I personally have had to pick up used needles.

The value of our homes will decrease.

Concern over garbage containers and rodents.

I think everyone would agree on council that they would not want a KFC or any other fast food resaurant being built in their quiet neighborhood.

Heather Simpson

From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: Thursday, September 9, 2021 11:56 AM
Subject: 3, 11, 17 Rice Road 306, 308 Thorold Road and 12 Rose Avenue (File No. OPA No. 35 & 2021-05) - Key Dates

WARNING: This email originated from outside of the organization. Use caution when clicking links or opening attachments.

Morning,

As requested, please see below to review the Key Dates associated with the above files:

- **September 14, 2021** – Written comments must be received by this date, to be included in the Staff Report.
- **September 17, 2021** – Request emailed to the City Clerk (clerk@welland.ca) requesting to participate in the Statutory Public Meeting.

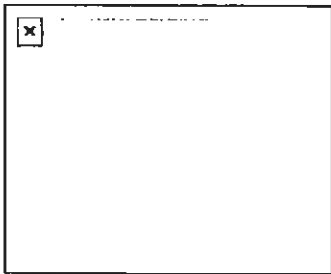
- **September 21, 2021** – Statutory Virtual Public Meeting (7:00pm)

Additionally, the Traffic Study related to the proposed development can be accessed via the hyperlink below (see drop-down menu):

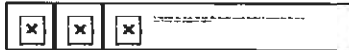
<https://www.welland.ca/Media/notices.asp>

Feel free to reach out via phone call or email with any additional questions.

Regards,



Taylor Meadows
Development Planner
Planning Division
Planning & Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2246
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AMENDMENT NO. 35
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

DECEMBER 9, 2021

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

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 35**

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

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

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

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

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

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. 35 to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

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

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 35 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 35 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
9TH OF DECEMBER, 2021.**

_____MAYOR

_____CLERK

Amendment No. 35
to the
Official Plan
of the
Corporation of the City of Welland

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on December 9, 2021 and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Date:

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

**AMENDMENT NO. 35 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

PART A - THE PREAMBLE (This does not constitute part of the Amendment).....	1
TITLE AND COMPONENTS.....	1
 PART B - THE AMENDMENT	2
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 PART C - THE APPENDICES	3
APPENDIX I - AFFIDAVIT	4
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PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 35 to the Official Plan of the Corporation of the City of Welland.

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

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

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

PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment No. 35 is to re-designate the lands municipally known as 3, 11, 17 Rice Road, and 12 Rose Avenue from Residential to Commercial on Schedule B of the Official Plan for the City of Welland and remove 3, 11, 17 Rice Road, and 12 Rose Avenue from the Low Density Residential designation on Schedule B1 and add them to the Community Commercial Node designation on Schedule B2 of the Official Plan for the City of Welland to permit retail and restaurant commercial uses.

LOCATION

The subject lands are located on a block within the northwest quadrant of the City of Welland that is bound by Rose Avenue to the west, Thorold Road to the south, Rice Road to the east, and Lacy Avenue to the north.

BASIS

The subject lands are within the Urban Area Boundary and Built-up Area for the City of Welland and currently designated Residential and Low Density Residential in the Official Plan for the City of Welland. This amendment will permit the re-designation of the subject lands to support commercial development within the built boundary in the City of Welland. The subject lands are an ideal location for community commercial uses, as they are located a strategic location which is adjacent to existing retail, restaurant, and personal service commercial uses, and where two Arterial roads intersect.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following map referred to as Schedule "A", constitutes Amendment No. 35 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedule B, Land Use Map is hereby amended by identifying the lands as Commercial.
2. Schedule B1, Residential Hierarchy Land Use Map is hereby amended by removing the lands as Low Density Residential
3. Schedule B2, Commercial Hierarchy Land Use Map is hereby amended by identifying the lands as Community Commercial Node

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 35 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

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

APPENDIX I - AFFIDAVIT

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

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 35 BY BY-
LAW 2021-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON DECEMBER 9, 2021

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

1. I am the Director, Planning and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Niagara This Week Newspaper on August 26, 2021. I hereby certify that the required Public Meeting was held virtually on September 21, 2021 by the Council of the Corporation of the City of Welland.
3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule "A" to this Affidavit.
4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.
5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland
in the Regional Municipality of Niagara,
this DAY day of MONTH, YEAR.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted September 21, 2021 concerning Amendment No. 35 to the Official Plan of the Corporation of the City of Welland .

Opposed

Dan Stam

Sandra Stam

Bob Pettigrew

In Favour

Julia Redfearn, IBI Group

Scott Arbuckle, IBI Group

APPENDIX II - NOTICE OF ADOPTION

**CITY OF WELLAND
NOTICE OF ADOPTION OF
AMENDMENT NO. 35 TO THE
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND**

Take notice that the Council of the Corporation of the City of Welland passed By-law 2021-XX, being a By-law to adopt Amendment No. 35 to the Official Plan on December 9, 2021 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 35 is to redesignate the property from residential to commercial.

The Effect of the redesignation is to allow for the development of the property with three commercial buildings

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

Any person or agency may appeal, to the Ontario Land Tribunal, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than December 29, 2021, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Ontario Land Tribunal Act in the amount of \$1,100.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

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

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

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

The land to which this proposed Amendment to the Official Plan applies is also the subject of a Zoning By-law Amendment 2021-05.

A copy of the Amendment and Staff Report are available for inspection by the public as of December 9, 2021 at by contacting the Planning Department at devserv@welland.ca.

Dated at the City of Welland this 9th day of December, 2021.

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

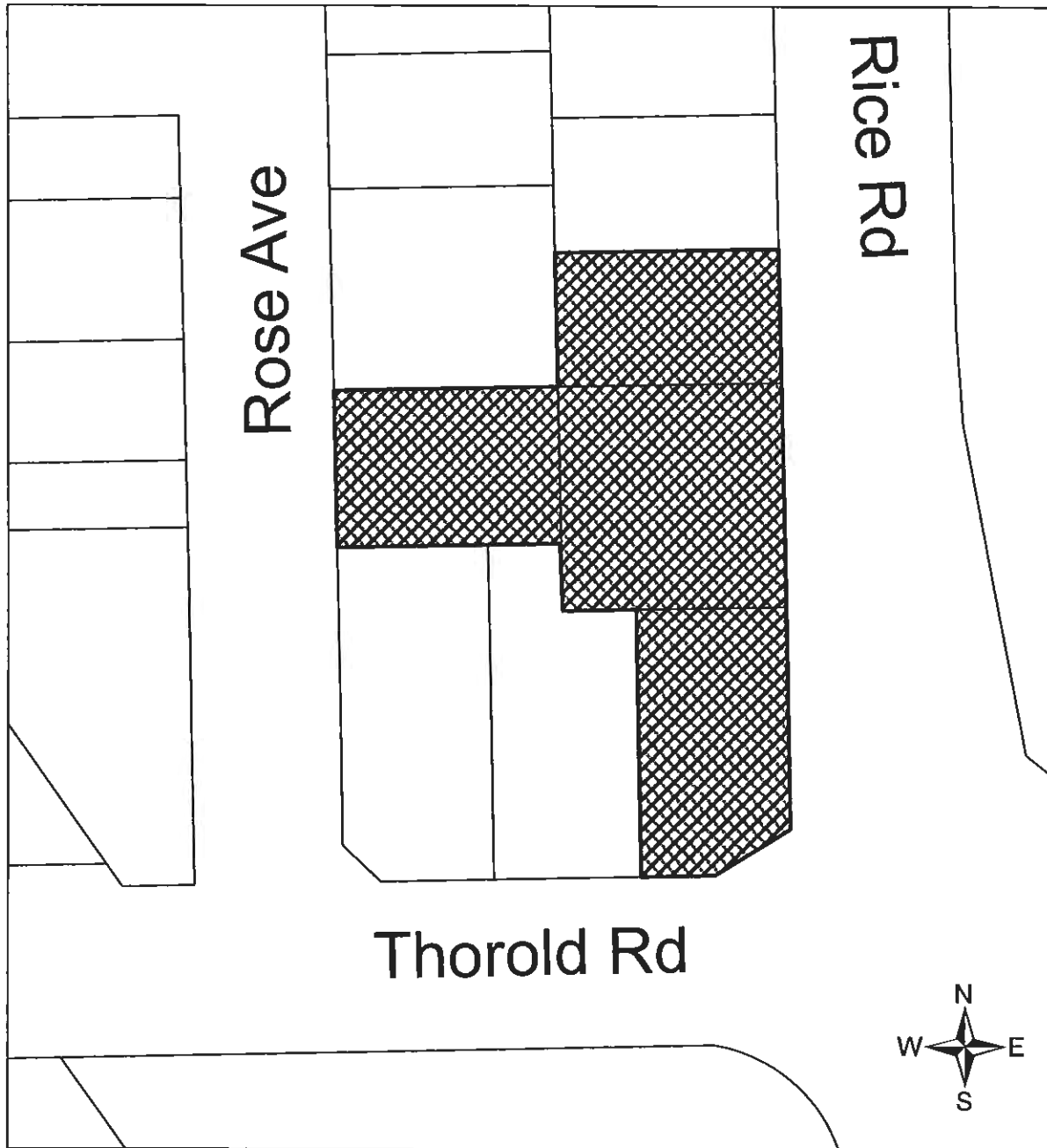
APPENDIX III

- MINUTES OF PUBLIC MEETING -

APPENDIX IV - STAFF REPORT

APPENDIX V - COUNCIL RESOLUTION

SCHEDULE "A"⁹⁸ LAND USE PLAN



SCHEDULE "A" TO AMENDMENT NO. 35
TO THE OFFICIAL PLAN OF THE COPORATION OF
CITY OF WELLAND

LAND USE PLAN

NOTE: THIS SCHEDULE FORMS PART OF AMENDMENT NO. 35
TO THE OFFICIAL OF THE COPORATION OF THE CITY OF WELLAND
AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT

SUBJECT LANDS

1. To be removed from Residential Designation and added to Commercial designation on Schedule B
2. To be removed from Low Density Residential designation on Schedule B
3. To be added to Community Commercial Node designation on Schedule B2



Planning & Development Services
Planning Division

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW 2017-117 (HAMOUNT INVESTMENTS LTD. – FILE 2021-05) 3, 11, 17 RICE ROAD, 306, 308 THOROLD ROAD AND 12 ROSE AVENUE

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

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

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

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

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

1. Lot 148, 149, 150, 152, 153, 154, 207, 208, 209 and Part of Lot 151 Registered Plan 655 (Geographic Township of Thorold), City of Welland, Regional Municipality of Niagara and shown on Schedule "A" attached hereto as "Change to CC1-112" is hereby rezoned to CC1-112.

2. That the uses permitted in the CC1-112 Zone be those permitted in the CC1 Zone.

3. That the provisions of the CC1-112 Zone shall be those provided for in the CC1 Zone, save and except as follows:

Minimum Interior Side Yard Setback Adjacent to Institutional Zone 1.0 metres

Minimum Interior Side Yard Setback Adjacent to Residential Zone 1.5 metres

Maximum Exterior Side Yard Setback 22.5 metres

4. That the provisions of the Parking and Loading Regulations of By-law 2017-117, as amended, shall apply save and except as follows:

Minimum Number of Loading Spaces 1 Space

Minimum Setback of a Loading Space From a Public Street 2.8 metres

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

_____ MAYOR

_____ CLERK




Rose Ave

Rice Rd

Thorold Rd

 CC1 Change to CC1-112

 RL1 Change to CC1-112

**THIS IS SCHEDULE "A" TO BY-LAW 2021- 05 PASSED THE 9th DAY OF
DECEMBER 2021**

SKETCH SHOWING

**FILE NO. 2021-05. 3, 11, 17 RICE ROAD, 306 & 308 THOROLD ROAD &
12 ROSE AVE, REFER TO LEGAL DESCRIPTION IN THE ATTACHED BY-
LAW**

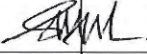

MAYOR _____

CLERK _____



Planning & Development Services
Planning Division

SPECIAL COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT ENG-2021-33
DECEMBER 9, 2021 08-65

SUBJECT: TOWPATH MUNICIPAL DRAIN – WITHDRAWL FROM PETITION

AUTHOR: MATTHEW MAIN, P.ENG.
INFRASTRUCTURE AND ASSET 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 receives for information the report ENG-2021-33 Towpath Municipal Drain – Withdrawal from Petition.

ORIGIN AND BACKGROUND:

On December 11, 2017, the City Clerk received a Petition for Drainage Works for the lands known as 1110 Hansler Road within the City of Welland. Welland City Council accepted this petition on December 19, 2017, and appointed GM BluePlan Engineering Limited (GMBP) as the Drainage Engineer on March 5, 2018.

As part of the engineering works, GMBP completed a technical memorandum that included an on-site topographic survey, hydraulic calculations for a series of design options, design drawings, construction cost estimates, and assessment tables. On April 12, 2019, the work was presented to the Petitioner and his consultants, Upper Canada Consultants (UCC) and K. Smart Associates Limited, as well as the Niagara Peninsula Conservation Authority (NPCA) and the City of Thorold.

The Petitioner requested to pause the project in 2019 and again in 2020 to discuss drainage alternatives with the Ministry of Transportation Ontario (MTO) and the NPCA. Project extensions were granted by Welland City Council on March 19, 2019, and again on August 4, 2020.

On October 7, 2021, the City received a Notice of Withdrawal from Petition. It is understood through discussions with the Petitioner's representatives that a drainage solution has been established to support the development of the subject lands. Therefore, continuation through the Drainage Act process is no longer required.

As per Section 9(4) and 43 of the Drainage Act, the petition has been determined by the appointed Engineer deficient and fees and disbursements incurred up to this point shall be assessed to the original petitioner.

FINANCIAL CONSIDERATION:

The fees and disbursements incurred up to this point and amount owing by the Petitioner are summarized in the table below.

Description	Cost
Engineering Fees and Disbursements	\$70,789.74
MTO Highway Permit	\$520.00
Total Cost of Municipal Drainage Petition	\$71,309.74
Less Amount Previously Paid by Petitioner	(\$69,409.37)
Outstanding Amount Owing by Petitioner	\$1,900.37

When the time extension was granted in 2020 the Petitioner paid the City for all costs incurred to that date. The outstanding amount of \$1,900.37 will be invoiced by the City to the Petitioner.

OTHER DEPARTMENT IMPLICATIONS:

The Clerks Department will remain involved to finalize the withdrawal of the Municipal Drainage Petition and ensure the required steps are followed in accordance with the Municipal Drainage Act R.S.O. 1990.

The Finance Department will be required to prepare the invoice to the Petitioner for the outstanding costs incurred.

SUMMARY AND CONCLUSION:

In 2017 the City Clerk received a Petition for Drainage Works for the lands known as 1110 Hansler Road within the City of Welland. At that time Council appointed an Engineer who prepared a technical memorandum outlining multiple options and costs to create a new drain under the Municipal Drainage Act. The Petitioner requested and was granted time extensions in 2019 and 2020 to meet with the MTO and NPCA to review alternative solutions and a drainage resolution was determined.

On October 7, 2021, the City received a Notice of Withdrawal from Petition. All outstanding fees and disbursements incurred will be charged to the Petitioner.

ATTACHMENTS:

Appendix I: Towpath Drain Area

Appendix II Engineer's Letter regarding the Towpath Drain dated October 20, 2021

Property on Petition with NPCA Regulated Areas

Appendix I



1: 5,000



This map is for illustrative purposes only. Information contained hereon is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY

NAD_1983_UTM_Zone_17N

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Legend

- Corporate Watershed Divide N
- Regulated Floodplains
 - Advisory (CWR)
 - Regulated
- Shoreline Flood & Erosion
 - Erosion Top of Slope Features
 - Stable
 - Unstable
- Regulated Wetlands
- Wetland Allowance
- Watershed Planning Areas
- NPCA Member Municipalities
- Parcels
- Waterbodies
- Watercourses
- SWOOP_2015
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Notes

Appendix II



PEOPLE | ENGINEERING | ENVIRONMENTS

October 20, 2021

Our File: 518020

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

Re: Towpath Municipal Drain

Dear Mayor Campion and Members of Council,

Enclosed is our final report on the Towpath Municipal Drain.

A Petition for Drainage Works by Owners for new drainage works under of the Drainage Act, R.S.O. 1990 was submitted to the City of Welland. GM BluePlan Engineering Limited was subsequently appointed to prepare a Drainage Report for the Towpath Drain by Municipal Council at the March 6th, 2018 council meeting.

Since the award date, we have assembled and reviewed all background information, prepared a Plan of Watershed and held an On-Site Meeting as required under Section 9(1) of the Drainage Act. The meeting was held on May 3rd, 2018, at which time the project history to date was reviewed and the petitioner, Alfredo Constabile of 800460 Ontario Ltd., explained that the petition was submitted to support development through adjustment of the current floodplain on the 1110 Hansler Road subject lands.

Following the on-site meeting GM BluePlan proceeded under the Drainage Act and completed an on-site topographic survey, completed hydraulic calculations for a series of design options, prepared design drawings, construction cost estimates and assessment tables all leading to a draft design and technical memo. A design review meeting was held with affected parties on April 12th, 2019 to present the draft design and solicit feedback before finalizing the drainage report. Comments were received by the parties and recorded. Of the design options presented there was general concern with the magnitude of estimated construction costs involved to provide the requested 1-in-100 year level of service through ditch reconstruction and the replacement of several existing culverts along the drain.

Through his representatives and following the design review meeting, the petitioner stated that they had engaged in discussions with both the Ministry of Transportation (MTO) and the Niagara Peninsula Conservation Authority (NPCA) and requested additional time to evaluate drainage options outside of the Drainage Act. Work to advance the petition request and associated drainage report was subsequently paused through the remainder of 2019 and 2020.

On October 7th, 2021, the City received the enclosed Notice of Withdrawal from Petition signed by Alfredo (Fred) Constabile of 800460 Ontario Ltd. It is understood through discussions with the petitioner's representatives that a



drainage solution has been established that will support the development of the subject lands and continuing the Drainage Act process is no longer required.

As per Section 9(4) and 43 of the Drainage Act, we find that the petition is now insufficient, and that fees and disbursements incurred up to this point shall be assessed proportionally to the original petitioners. The fees, including disbursements to date total \$69,565.39. These costs do not include HST and shall be assessed as shown below:

Roll No.	Property Description	Landowner	Amount
271901000110150	1110 Hansler Road, Welland	800460 Ontario Ltd.	\$69,565.39 + HST

We trust that the above is satisfactory. Attached for your information is a copy of the Notice of Withdrawal from Petition signed by Mr. Constabile and a final invoice for GM BluePlan's engineering services. This invoice amount is included within the total amount noted above. Should you have any questions or concerns, please do not hesitate to contact our office.

Yours truly,

GM BLUEPLAN ENGINEERING LIMITED

Per:

A handwritten signature in blue ink that reads 'Brad Bunke'.

Brad Bunke, P.Eng

Branch Manager, Partner

SPECIAL COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	<i>JM</i>
CFO	<i>[Signature]</i>
CAO	<i>[Signature]</i>

21-154

REPORT ENG-2021-34
DECEMBER 9, 2021

SUBJECT: DIRECT APPOINTMENT OF PROFESSIONAL SERVICES FOR CONSTRUCTION INSPECTION OF THE DAIN EAST SUBDIVISION

**AUTHOR: 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 authorize the direct appointment of Ellis Engineering Inc. to provide professional services for **Construction Inspection of the Dain East Subdivision** as per their fee proposal dated November 29, 2021, for **\$151,600.00** plus HST; and further
2. THAT Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Ellis Engineering Inc. to complete the described work.

ORIGIN AND BACKGROUND:

Prior to January 1st, 2021, the City collected a fee in the value of five (5) percent of the costs of water works within new subdivisions, meant to cover staff time to field inspect watermain commissioning and related works. The remainder of the infrastructure installations were inspected by the Developer's forces and only spot inspected by the City's Development Technician.

During the fees and charges review completed in late 2020, staff recommended, and Council approved a change to the new development construction inspection fee, specifically that three (3) percent of the total costs of the servicing infrastructure be charged to developers in order that the City could retain full-time inspection to be undertaken on the municipality's behalf and to our standards.

The contracting out of inspection services provides flexibility in that they can be increased/decreased to reflect the volume of servicing construction underway at any given time and it further frees existing staff to concentrate on engineering drawing reviews, approvals and administration of new development proposals.

Improperly installed infrastructure can lead to unnecessary future expenses for the City through infiltration into the wastewater system, leaking watermains and costly premature repairs/replacement of these assets.

COMMENTS AND ANALYSIS:

Ellis Engineering Inc. (EEI) is a consulting firm based out of St. Catharines and has been serving municipal clients in the Niagara Region since 1993. In addition to engineering design services, the firm provides construction services such as contract administration and field inspection.

The Developer's consultant, Upper Canada Consultants, has estimated construction will take 120 working days and have proposed work through the winter months with a December 2021 start. Given the immediate need for full-time inspection and recognizing EEI's experience in undertaking this type of work coupled with their availability to dedicate the necessary resources to the assignment, staff are recommending the direct appointment of Ellis Engineering Inc. for inspection services within the Dain East Subdivision.

FINANCIAL CONSIDERATION:

Anticipated inspection fees and funding sources are summarized in the table below.

Description Fees	Fees
Inspection Fees as per Proposal dated Nov 29, 2021	\$151,600.00
City's Portion of HST (1.76%):	\$2,668.16
Total Anticipated Inspection Fees	\$154,268.20
<i>Collected Inspection Fees (Including HST)</i>	<i>\$264,318.13</i>

The total cost for professional services for Inspection of the Dain East Subdivision, including the City's portion of HST (1.76%), is **\$154,268.20**, based on the 120 of working days as estimated by the Developer's consultant.

There may be construction delays related to winter weather and/or material supply that will result in an increase in the number of working days. However, the fees collected from the Developer will be sufficient to cover any additional inspection requirements including those associated with the scheduling of Certified Water Operators for watermain commissioning processes.

OTHER DEPARTMENT IMPLICATIONS:

Public Works will complete watermain sampling and testing in accordance with the City's water commissioning practices.

SUMMARY AND CONCLUSION:

Given the need for full-time construction inspection and recognizing Ellis Engineering Inc.'s experience in undertaking this type of work coupled with their availability to dedicate the necessary resources to the assignment, staff are recommending the direct appointment of Ellis Engineering Inc. for the provision of inspection services within the Dain East Subdivision.

ATTACHMENTS:

Appendix I – Ellis Engineering Inc. Fee Proposal for Professional Inspection Services dated November 29, 2021

DATE OF ESTIMATE: NOVEMBER 29, 2021

ELLIS Engineering Inc.

Breakdown of Estimated Fees

CITY OF WELLAND

Note: Fees do not include H.S.T.

Dain East - Phase 1 Contract 'A'

Subdivision Development

(ELLIS Job No. 1044)

Site Inspection (Based on 120 Working Days Construction Period)

ACTIVITY	PERSON	HOURS	RATE	COST
Site Inspector	RE/JM	1200	85	\$102,000
Project Engineer	ASK	240	125	\$30,000
Project Manager	ASK	60	145	\$8,700
Quality Control Review of Drawing and Report	RE	30	230	\$6,900
Disbursements	-	-	-	\$4,000

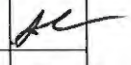


Total Fees for Total duration fo 120 Working Days: \$151,600

Personnel and Position

Hourly Rate

Site Inspector: Robert Ellis (RE) / Jordan Marcella (JM) 10 hrs per working day	\$85
Project Engineer: Arih Struger-Kalkman (ASK) 1 hr per working day	\$125
Project Manager: Duane VanGeest (DV) 0.5hr per working day	\$145
Quality Control: Brian Ellis (BE) 0.25hr per working day	\$230

SPECIAL COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

98-152

REPORT FIN-2021-39
DECEMBER 9, 2021

SUBJECT: CONTINUED PROVISION OF HEALTH, DENTAL, LTD, STD,
ADD AND LOSS OF LIFE BENEFITS

AUTHORS: ADAM BERES, MANAGER OF FLEET, EQUIPMENT & PURCHASING
ANDREA DAISLEY, MANAGER OF HUMAN RESOURCES

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves and supports staff recommendations to continue the use of Green Shield Canada for the provision of health and dental group benefits for a three-year term with two optional plus one-year extensions.

THAT THE COUNCIL OF THE CITY OF WELLAND approves and supports staff recommendations to continue the use of Sun Life for the provision of short-term disability (STD), long-term disability (LTD) Accidental Death and Dismemberment (ADD) and Loss of Life Insurance for a three-year term with two optional plus one-year extensions.

THAT Welland City Council directs the City Clerk to provide appropriate by-laws to support the recommendations

ORIGIN AND BACKGROUND:

The provision of group benefits is exempt from procurement competition in accordance with Schedule "A" of the City's Purchasing policy under the Other Professional and Special Services paragraph. As this is the case, Green Shield Canada and Sun Life have been the City's current group benefits provider for approximately twenty years. Both providers have been growing their program with new features coming online throughout their contracts, and further explained through recent presentations.

Both contracts are traditionally renewed on an annual basis. This year, prior to renewal, staff took the opportunity to investigate if there may be an economy of scale if the vendors were consolidated with a single provider for all services, rather than having two.

COMMENTS AND ANALYSIS:

Green Shield Canada presently manages (on behalf of the staff of the City of Welland) the following categories of services:

- Prescription Drugs
- Dental
- Extended Health Services, which includes
 - Hospital Accommodation
 - Hearing and Vision Care
 - Medical Items and Services
 - Emergency Transportation

Sun Life presently manages (on behalf of the staff of the City of Welland) the following categories of services:

- Short Term Disability
- Long Term Disability
- Accidental Death and Dismemberment
- Loss of Life insurance

Both providers offer the potential to provide a full range of these combined categories of services which staff considered may provide an economy of scale, and potential ease from an administrative standpoint through possible consolidation. Both vendors were asked to provide financial proposals for a full service offering for staff to consider. Staff suggested the agreement would be for a three-year term with two additional one-year extensions if both parties agreed in effort to secure stable pricing within the market. Upon receipt and review of the financial schedules, staff asked both providers to submit their Best and Final Offer (BAFO) seeking potential value-added services if available. Both participants were aware the outcome could be to provide all categories, or the outcome could be status quo with the different provider of each category.

FINANCIAL CONSIDERATION:

The financial comparison between the two providers revealed a competitive offering if either of the providers were to provide both categories of services. It was further revealed, however that Green Shield offered a competitive advantage for the Health and Dental Benefits and similarly, Sunlife offered a competitive advantage for the STD, LTD, ADD and Loss of Life coverage.

From the BAFO, Green Shield is offering a reduced rate off the Administration fees effective January 1, 2022 and guarantee this reduced fee for a period of three years (versus the typical one-year annual amount) This resulted in an annual savings of \$8,997, or \$26,991 over the three-year guarantee.

The BAFO also provided a cost avoidance in form of the Stop Loss fees would stay consistent for one additional year which equates to \$608 annually or \$1216 over the two-year guarantee.

Sun Life is offering rate guarantees for 36 months for Loss of Life, ADD and LTD and an overall \$4,448 reduction in monthly premiums.

OTHER DEPARTMENT IMPLICATIONS:

This recommendation will have minimal impact on other departments however will be coordinated through Human Resources

SUMMARY AND CONCLUSION:




THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendations put forth by staff to continue the services of both Green Shield Canada and Sun Life for the appropriate categories of services outlined within this report for a term of three years with two additional one-year optional extensions if mutually agreeable.

THAT Welland City Council directs the City Clerk to provide appropriate by-laws to support these recommendations.

ATTACHMENTS:

None.

SPECIAL COUNCIL
FIRE AND EMERGENCY SERVICES

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT F&ES-2021-11
DECEMBER 9, 2021

21-15

SUBJECT: NALOXONE ADMINISTRATION FOR THE WELLAND FIRE AND EMERGENCY SERVICES DEPARTMENT.

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorize the Fire Chief to equip firefighters with Naloxone for the treatment of individuals suffering opioid overdoses.

ORIGIN AND BACKGROUND:

Welland Fire & Emergency Services currently responds to medical emergencies as per the Establishing and Regulating By-law and in accordance with the Tiered Response Agreement with Niagara Region Emergency Medical Services.

Welland Fire and Emergency Services responds to approximately 1,500 medical assistance calls annually. A growing portion of these medical responses are believed to be overdose incidents. The Niagara Region has identified 150 Opioid related deaths in 2020, and the monthly average in 2021 has increased to 14.

Opioids are natural (opium) or synthetic substances (duplicating chemical structure of opium) used to reduce pain in clinical settings; they are also produced and consumed non-medically. Opioid narcotics include heroin, morphine, oxycodone (OxyContin®), hydrocodone (Vicodin®), fentanyl and carfentanil (Wildnil®). Clinically, opioids are used for pain management. However, opioid-related harms such as addiction and overdose frequently occur during non-clinical use. Opioids affect the part of the brain that controls breathing. Strong opioids, like fentanyl, are contaminating the illegal drug supply and causing high rates of overdoses and death.

Naloxone is a tool in reversing opioid overdoses. It is a safe and effective medication used to temporarily block the effects of an opioid overdose. Naloxone works to reverse the effects of respiratory depression, meaning slowed or stopped breathing, caused by opioids for 30-90 minutes. Due to the possibility that an individual may experience overdose symptoms after the Naloxone has worn off and to address any underlying issues, medical attention and treatment is still required following Naloxone administration.

COMMENTS AND ANALYSIS:

Given the risks to citizens and responders due to overdose calls, it is recommended that Welland Fire & Emergency Service personnel be trained to carry and administer Naloxone (Narcan®), as required.

Three Fire departments in Niagara carry Naloxone and are provided the necessary kits and training through the Province of Ontario. The local Medical Director, Dr. Doug Munkley has authorized the use of Naloxone by way of policy to the Firefighter Medical Assistance program, authorized by the Tiered Response Agreement.

The Province of Ontario supplies first responders with Naloxone kits through the Ontario Provincial Naloxone Program at no cost to the participating emergency services. The training of firefighters will be completed during regular training hours.

FINANCIAL CONSIDERATION:

Costs will be captured within the current allocations of the Fire Department. No cost increase to the department is forecasted.

OTHER DEPARTMENT IMPLICATIONS:

Discussion with staff from our Community Services Division and Library about public access Naloxone are in the early stages and they are not captured in this initiative.




SUMMARY AND CONCLUSION:

Appropriate and timely overdose treatment can save lives. The firefighter naloxone program offered by the Province of Ontario will provide the resources and training needed, supporting this initiative at no cost to the City of Welland. Welland firefighters will be better equipped to respond to opioid overdose related medical emergencies with the availability of Naloxone.

ATTACHMENTS:

NIL

COUNCIL
SPECIAL MEETING
OFFICE OF THE CAO
ECONOMIC DEVELOPMENT OFFICE

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-150

REPORT EDO-2021-08
DECEMBER 9, 2021

**SUBJECT: AGREEMENT OF PURCHASE AND SALE FOR CITY OWNED LANDS
LOCATED AT THE SOUTHEAST CORNER OF CLASSIC AVENUE AND
LEWIS STREET**

AUTHOR: LINA DECHELLIS, MANAGER OF ECONOMIC DEVELOPMENT

APPROVING DIRECTOR: STEVE ZORBAS, CAO

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase city owned lands located at the Southeast Corner of Classic Avenue and Lewis Street; and further

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

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

THAT Welland City Council directs staff to transfer the proceeds of the sale into the Economic Development Reserve Fund.

ORIGIN AND BACKGROUND:

At its meeting of August 10, 2021, Council declared surplus to the City's needs lands located on the Southeast Corner of Classic Avenue and Lewis Street.

This parcel has been advertised in the Civic Corner on November 11 and 18, posted on surplus lands section of the city website and a for sale sign was erected on the site on November 3.

Offers were being accepted until 4:30 p.m. on November 22, 2021. Two offers were submitted to staff by 4:30 p.m. on November 22, 2021.

COMMENTS AND ANALYSIS:

At the November 23 Committee of the Whole Council meeting staff recommended proceeding with the Agreement of Purchase and Sale with the higher purchase price with a closing date of December 16, 2021.

OTHER DEPARTMENT IMPLICATIONS:

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

FINANCIAL CONSIDERATION:

The proceeds of the sale will be transferred into the Economic Development Reserve Fund.

SUMMARY AND CONCLUSION:

At their November 23, Committee of the Whole meeting Council directed staff to proceed with the Agreement of Purchase and Sale with the higher purchase price for city-owned lands located at the Southeast Corner of Classic Avenue and Lewis Street.

ATTACHMENT:

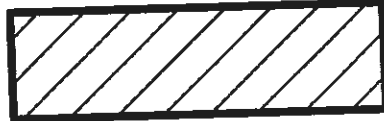
Appendix 1 – Key Map

117

Classic Avenue

Hughes Avenue

Lewis Street



Location Map




Classic Avenue and Lewis Street

 SUBJECT LANDS



Planning & Development
Services
Planning Division

SPECIAL COUNCIL
COMMUNITY SERVICES
RECREATION & CULTURE

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-145

REPORT R&C 2021-26
DECEMBER 9, 2021

SUBJECT: SUPPLY OF SECURITY SERVICES

AUTHOR: FRANK PEARSON, FACILITIES MAINTENANCE SUPERVISOR

APPROVING DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to Cantec Security Services for the provision of required security services, as detailed in RFP21-15; and

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Cantec Security Services

ORIGIN AND BACKGROUND:

The current Security Services contract will expire at the end of December 2021. The City's Purchasing department issued a Request for Proposal for the provision of security services to determine the contractor who will be responsible for the next three (3) year contract with two available extensions of one year should the City and Provider be of mutual agreement.

COMMENTS AND ANALYSIS:

Proposals for RFP21-15 Security Guard and Patrol Services for the City of Welland was solicited on Friday, October 22nd, 2021. The City hosted a mandatory site visit to the required and optional sites was completed on Friday, October 29th, 2021, and five (5) compliant proposals were received on Friday, November 12th, 2021, at 2:00pm, for review and evaluation.

<u>Provider</u>	<u>Scoring</u>
1. Cantec Security Services	1 st Place
2. Garda Canada Security Corporation	4 th Place
3. Neptune Security Services	3 rd Place
4. Paladin Security	2 nd Place
5. Signal 88 Security	5 th Place

Required services for Year-Round Services at the Welland Civic Square and City of Welland Public Works, along with Seasonal Services at the Maple Park Pool, Memorial Park Pool & Rosie Smith Pool were considered.

Provisional pricing for Security Services was requested for Short Notice/Special Events.

Optional pricing was provided for Seasonal Services for patrols at the Amphitheater and the Skate Park, for consideration.

Staff from Community Services evaluated the compliant proposals and recommend Cantec Security Services for award with their cost-effective approach and methodology.

FINANCIAL CONSIDERATION:

REQUIRED SECURITY SERVICES – Welland City Hall, Local Facilities - (Library, Market Square, Transit Station, Boardwalk behind City Hall) Public Works & Three (3) Pool Facilities

Vendor Name	Total Cost (pre-tax)	Inclusive of City Tax
Cantec Security Services – Year 1	\$173,197	\$176,245
Cantec Security Services – Year 2	\$174,564	\$177,636
Cantec Security Services – Year 3	\$177,373	\$180,495

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.

SUMMARY AND CONCLUSION:

Staff is seeking Council approval to award the three (3) year Security Services contract for the City of Welland to Cantec Security Services.

ATTACHMENTS:

None

SPECIAL COUNCIL
COMMUNITY SERVICES
RECREATION & CULTURE

APPROVALS	
DIRECTOR	<i>VA.</i>
CFO	<i>[Signature]</i>
CAO	<i>[Signature]</i>

REPORT R&C 2021-27
DECEMBER 9, 2021 *98-92.*

SUBJECT: AMMONIA REFRIGERATION PLANT EQUIPMENT REMOVAL

AUTHORS: FRANK PEARSON, FACILITIES SUPERVISOR

APPROVING DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES, and ADAM EKHART, FIRE CHIEF AND COMMUNITY EMERGENCY MANAGEMENT COORDINATOR, and STEVE ZORBAS, CAO

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to discontinue the operation of the Civic Square Skating Rink; and further

THAT THE COUNCIL OF THE CITY OF WELLAND approve the removal of the existing ammonia refrigeration plant chemicals and equipment as described in this report, and for this work to be charged to the Capital Surplus Reserve Account.

ORIGIN AND BACKGROUND:

Currently the civic square has a small outdoor refrigerated ice surface that operates in the winter months and acts as a reflection pond during the summer months.

Several concerns and comments received over the past number of years about this space have been noted, and include:

- Increasing risk from the ammonia refrigeration plant located in the basement of an administrative building, which is also the City's Emergency Operations Centre.
- The aging equipment will continue to require increasing resources to ensure its performance and the safety of occupants within the building.
- Lack of participation/use of the ice surface in the winter months, the weather conditions impact the surface of the ice, making it less attractive for skating.
- Overall cleanliness of the reflection pond
- Potential health & safety issues with an ice surface in the winter and a trip/fall hazard into the reflection pond in the spring, summer & fall

As part of the opportunity to further enhance the Civic Square space for better community use and animation is upon city council for consideration, as identified in section 4.3.2 of the Welland Parks, Recreation & Culture Master Plan 2019, the proposed design includes for the removal of the ice surface & reflection pond, therefore, there is no need for the refrigeration equipment.

The Ontario Fire Code requires that the plant/chiller have direct access from outside of the building – exit door. The existing layout of the chiller mechanical room utilizes a common hallway for the egress from the room.

If the ammonia ice making equipment were to remain operational, the City of Welland would need to invest additional capital funds to meet the current Ontario Fire Code and create a direct access/egress to the exterior from the facility equipment room. This would be a costly approach and one staff do not recommend.

Ammonia is a deadly chemical required in the chiller unit. The system is a sealed unit and requires special care and qualified technicians. Similar to the arena, system maintenance requires staff to be wearing specialized safety equipment to protect them from a potential ammonia leak. The unfortunate events of October 17, 2017 at the municipal arena in Fernie BC, resulting in the fatalities of three (3) municipal workers, as the result of a leaking ammonia system, reinforces the risk of operating ice making equipment in an occupied administration building. It is in the City's best interest to remove this hazard as soon as possible.

COMMENTS AND ANALYSIS:

As part of the revitalization design of civic square, an important consideration is the removal and full decommissioning of the artificial skating rink and reflection pond from the footprint. Maintaining this amenity for very little use, while managing the risk of operating an ammonia-based plant from the lower level of an administration building was also a key consideration in determining the removal of this feature. The refrigeration system has remained idle for the last couple of years due to covid and will not be operational for this upcoming season.

The City of Welland is engaging with the Ontario Recreation Facilities Association Inc. (ORFA) to determine the best and safest way to proceed with this equipment, noting that the system is approximately 16 years old and will be coming to the end of its lifecycle within 10 years. For the interest of community safety, it is the recommendation by both the Director of Community Services of the City of Welland, and the Welland Fire Chief to have this hazard removed as soon as possible.

The removal of the hazardous chemicals should be completed while the Welland City Hall building is empty. Following the approval of this report, it is the intention to have the chemicals removed from the system during the 2021 holiday shutdown, pending the availability of qualified contractors to complete this work.

As previously mentioned, an outstanding balance of \$97,500.00 still exists with the B.I.A for their original contribution for the ice-skating rink when originally built. It is staff's intention to sell the refrigeration system and apply the proceeds to pay a portion of this debt down. Staff are anticipating the value of the equipment to be between 15k to 20k. The remaining debt owing from the B.I.A will then be written off.

FINANCIAL CONSIDERATIONS:

The preliminary cost to drain and properly dispose of the ammonia, brine, and compressor oil from the ice plant equipment, in order to decommission and make the system safe has been quoted at \$17,859.00 plus the city's portion of HST.

The removal of the ice making system / equipment will require the complete disassembling of the equipment in order to remove the equipment from the mechanical room and reassembly of the equipment once it has been removed. This work has been quoted to cost upwards of \$50,000.00 plus the city's portion of HST, based on the complexity of the removal.

The costs identified above to remove and dispose of the chemicals from the system, and to remove and dismantle the equipment is suggested to be paid for from the Capital Surplus Reserve Account (staff recommend total allocation of approximately \$70,000).

As mentioned, staff will look to resell the ice making equipment, estimated to be worth \$15k to 20k with the proceeds from the sale to fund a portion of the outstanding balance of the B.I.A contribution. The remaining balance owing will then be written off as uncollectable.

CONCLUSION

The removal of the ammonia refrigeration plant equipment is recommended as it is a health & safety concern and the need for the ice surface is minimal due to the lack of participation. Community Services will be submitting an additional report for the decision for the final design of the Civic Square Revitalization in the first quarter of 2022. At this time, staff are looking for permission from council to safely remove and dispose of this hazard as soon as possible and permanently conclude outdoor ice skating at Civic Square.

ATTACHMENTS:

No Attachments



Welland Hydro-Energy Services Corp.
P.O. BOX 280, 950 EAST MAIN ST.
WELLAND ON L3B 5P6

November 30, 2021

Mayor Campion & Welland City Council
City of Welland
60 East Main Street
Welland, Ontario, Canada
L3B 3X4

RE: REMOVAL AND APPOINTMENT OF SECONDARY PERSON FROM THE CITY OF WELLAND TO THE JOINT VENTURE MANAGEMENT COMMITTEE

Dear Mayor Campion and Welland City Council,

On September 22, 2015 a contractual joint venture known as "Welland Solar Joint Venture" created by a Joint Venture Agreement between the City of Welland and Welland Hydro Energy Services Corp. was executed. Article 5.4 (Initial Appointment) within the Joint Venture Agreement appoints initial members to the Management Committee from both the City of Welland and Welland Hydro Energy Services Corp. The current members appointed for the City are the Chief Administrative Officer, Steve Zorbas and the Director of Economic Development, Dan Degazio. At this time the City does not have an individual appointed to the position of Director of Economic Development, therefore a vacancy on the Management Committee for the City member exists.

Article 5.3 (Removal and Replacement) of the Joint Venture Agreement allows for each party of the City of Welland and Welland Hydro Energy Services Corp., by written notice to the other, to remove and replace its members. The Management Committee is asking that City Council consider the replacement of the Director of Economic Development position as a second member to the Management Committee with the Director of Finance, and appoint Mr. Steven Fairweather as the second City member to the Joint Venture Management Committee as per Article 5.3.

If you require further information regarding this matter, please feel free to contact Mr. Zorbas or myself, kcarver@wellandhydro.com.

Kindest Regards,

Kevin Carver, P.Eng.

Kevin Carver, P.Eng., ME
President & CEO, Welland Hydro Group of Companies
(Chair, Welland Solar Joint Venture Management Committee)

CC: Steve Zorbas
Steven Fairweather
Tara Stephens

99-93
12-114



Welland Jr. Canadians Hockey Club

P.O. Box 179 Port Robinson, Ontario L0S 1K0

Office: 905-384-9597 Email: wellandjrcanadians@gmail.com

Web site: www.wellandjrcanadians.com

November 27, 2021

City of Welland

On December 12, 2021, the Welland Jr B Canadians will begin building a team alumnus to honour Mark Forster by retiring his sweater number 12 in a pregame ceremony. Mark had an illustrious career with the Welland Jr. B hockey club as both a player and a coach. He was one of the all-time best players in the franchise's rich history.

As a Welland resident, Mark was always well respected and good in the community helping many young players, both on and off the ice.

A fundraising 'meet-and-greet' will be held on Saturday, December 11th at the Casa Dante in Welland. Forster has asked that the team use any proceeds from the fundraiser to help the less fortunate in the community at Christmas.

The Welland Jr. B Canadians are requesting that the Welland City Council proclaim Sunday, December 12, 2021, as Mark Foster Day in the City of Welland to help us make this be a memorable event for both the city and Mark on what will be a great evening.

Thanks,

Dave Burkholder
Head Coach

Louis M. Savona
G.M. / Owner

Owner: Louis Savona Cell: (905) 650-8842 Bus.: (905)-384-9597
E-mail: wellandjrcanadians@gmail.com

21-6