



COUNCIL MEETING AGENDA

Tuesday, June 6, 2023

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

All Meetings can be viewed at:

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

YourTV: The meeting will be aired live on Channel 700

1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - (5:45 P.M.)
 - 1.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES;
 1. Appointment of a City Solicitor.
 2. Citizens appointments to the following Committees:
 - Accessibility Advisory Committee
 - Active Transportation Advisory Committee
 - Arts and Culture Advisory Committee
 - Committee of Adjustment
 - Court/Committee of Revision
 - Property Standards Committee/Dog Control Appeal Committee
 - Green Advisory Committee
 - City of Welland Heritage Advisory Committee
 - LGBTQ2+ Advisory Committee.
 - 1.2 PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD:
 1. Transfer of Lands - Seaway Drive.
2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
3. OPEN COUNCIL MEETING - 7:00 P.M.
 - 3.1 NATIONAL ANTHEM

- 3.2 OPENING REMARKS
- 3.3 ADDITION/DELETIONS TO AGENDA
- 3.4 ADOPTION OF MINUTES
 - 1. Regular Council Meetings of May 2 and 16, 2023 and Special Council Meeting of May 9, 2023 .
- 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO THE AGENDA BLOCK
- 3.6 DISCLOSURES OF INTEREST
- 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM THE BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)
- 4. ORAL REPORTS AND DELEGATIONS
 - 4.1 PRESENTATIONS
 - 1. Certificate presentation by Mayor Campion to Carol Sernasie.
 - 2. Andrew Mulder, Executive Director of Land Development and Sam Badawi, Director of Land Development, LIV Developments re: Northern Reach Waterfront Residential Development Opportunities. Ref. No. 22-95
(Background information included in Council members packages)
 - 4.2 LEGISLATED PUBLIC HEARINGS/MEETINGS - NIL
 - 4.3 DELEGATIONS - NIL
 - 4.4 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEE REPORTS
 - 1. Julianne Brunet, Chief Executive Officer and Lindsay Bryan, Chair, Welland Public Library Board re: Update on its Activities. Ref. No. 04-47
(Background information included in Council members packages)
- 5. COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK
 - 5.1 CAO-2023-03 - Welland Strategic Plan - Charting our Future 2023-2026. Ref. No. 22-154 (Remove From Block)
 - 5.2 ENG-2023-19 - Disaster Mitigation and Adaptation Fund Project Applications. Ref. No. 19-114
 - 5.3 ENG-2023-20 - 2023 Road Reconstruction - Tender Award. Ref. No. 23-57 (See By-law 7.1)
 - 5.4 ENG-2023-21 - Sidewalk Condition Related Replacements & Missing Links - Tender Award. Ref. No. 23-26 (See By-law 7.2)
 - 5.5 ENG-2023-22 - Fleet Rotary Lift Replacement. Ref. No. 23-89
 - 5.6 P&B-2023-17 - City Hall 2nd Floor Office Modernization Project. Ref. No. 23-87
 - 5.7 P&B-2023-18 - Application for Condominium Exemption (File No. 26CD-14-21009) made by RPD Studios on behalf of 2826705 Ontario Inc. for lands described as Part of Lot 25, Geographic Township of Crowland, now in the City of Welland, Part 3, Plan 59R-7505, municipally known as 201 Ontario Road. Ref. No. 23-88 (See By-law 7.3)

- 5.8 P&B-2023-19 - Application for Official Plan Amendment (OPA No. 43) and Zoning By-law Amendment (2023-02) submitted by A. Arbour Consulting on behalf of PBG Group (Anthony Continelli) for lands located on the north side of Thorold Road, west of Rice Road and east of Bridlewood Drive, municipally known as 392 & 398 Thorold Road. Ref. No. 23-81 (See By-laws 7.4 & 7.5)
- 5.9 P&B-2023-20 - Application for Official Plan Amendment (OPA No. 41) and Zoning By-law Amendment (File No. 2022-01) submitted by the Biglieri Group on behalf of Preasentia Capital Corp. for lands south of Almond Street, west of Ross Street, north of Bruce Street, and east of River Road, legally described as Plan 564 Part of Lot KK and RP; 59R7294 Part 1 RP 59R8995 PT; Part 1 RP 59R16265 Parts 3; and 4; Welland, municipally known as 50 Bruce Street. Ref. No. 22-137 (See By-laws 7.6 & 7.7)
- 5.10 P&B-2023-21 - Application for Zoning By-law Amendment (File No. 2022-02) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-23001) submitted by Quartek Group Inc. on behalf of BPR Development Inc. for lands on the north side of Topham Boulevard east of the Urban Boundary between the City of Welland and Town of Pelham, west of Crerar Avenue, legally described as Thorold PT Lot 176 Plan 664 PT Lot 33 RP 59R17260 Parts 2 to 4, municipally known as 68 Topham Boulevard. Ref. No. 23-64 (See By-law 7.8)
- 5.11 P&B-2023-22 - Application for Official Plan Amendment (OPA No. 33) and Zoning By-law Amendment (2020-14) submitted by Joseph Tomaino on behalf of Lucas Lucchetta and Lucchetta Home Builders Inc. for lands on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road, and south of Hilda Street, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue. Ref. No. 21-79 (See By-laws 7.9 & 7.10)
- 5.12 CS-2023-20 - Amphitheatre and Stage Structural Assessment and Design Award. Ref. No. 99-99 (See By-law 7.11)

6. NEW BUSINESS

- 6.1 Ann-Marie Norio, Regional Clerk, Region of Niagara re: Report CSD 22-2023: 2023 Property Tax Policy, Ratios and Rates. Ref. No. 23-4

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated May 19, 2023 regarding Report CSD 22-2023: 2023 Property Tax Policy, Ratios and Rates.

- 6.2 Great Lakes and St. Lawrence Cities Initiatives re: Strengthening Water Quality and Community Resilience Through a Dedicated Water Infrastructure Funding Program. Ref. No. 20-70**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND calls on the Great Lakes and St. Lawrence Cities Initiative (Cities Initiative) to call on the Government of Canada to invest in a renewed dedicated water infrastructure funding program; and further

THAT the federal government further enhance the CCBF in the next federal-provincial agreement to ensure that municipalities have even greater access to stable, predictable and bankable infrastructure funding, including for water infrastructure projects; and further THAT the federal government work with provinces, territories, municipalities and municipal organizations, including the Cities Initiative, to identify alternate revenue tools to complement excise taxes on gasoline and diesel, as well as other revenue mechanisms that would specifically support stable and predictable funding dedicated to water infrastructure projects; and further

THAT copies of this resolution be distributed to the federal Deputy Prime Minister and Minister of Finance, Minister of Intergovernmental Affairs, Infrastructure and Communities, Minister of Environment and Climate Change, Parliamentary Secretary to the Minister of Intergovernmental Affairs, Infrastructure and Communities and Parliamentary Secretary to the Minister of Environment and Climate Change, the Premier of Ontario and Minister of Intergovernmental Affairs and Ontario Minister of Infrastructure and the Quebec Minister Responsible for Canadian Relations and the Canadian Francophonie and Minister of Municipal Affairs.

- 6.3 Residents of Quaker Road residing between St. Lawrence Drive and Towpath Road re: Request the installation of speed humps to address the issue of speeding vehicles. Ref. No. 23-22**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the petition by residents of Quaker Road residing between St. Lawrence Drive and Towpath Road, received by the Clerk's office on May 24, 2023 regarding the request for installation of speed humps to address the issue of speeding vehicles and refers the matter to staff.

7. BY-LAWS

- 7.1 A By-law to authorize entering into contract with Rankin Construction Inc. for the 2023 Road Reconstruction Project. Ref. No. 23-57**
(See Report ENG-2023-20)
- 7.2 A By-law to authorize entering into contract with CTC Contracting for the 2023 Condition Related Replacements and Missing Links Project. Ref. No. 23-26**
(ENG-2023-21)
- 7.3 A By-law to authorize exemption from Condominium Approval for lands described as Part of Lot 25 Geographic Township of Crowland now in the City of Welland, Part 3, Plan 59R-7505, municipally known as 201 Ontario Road. Ref. No. 23-88**
(See Report P&B-2023-18)
- 7.4 A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2023-02) 392-398 Thorold Road. Ref. No. 23-81**
(See Report P&B-2023-19)
- 7.5 A By-law to authorize the adoption of Official Plan Amendment No. 43. Ref. No. 23-81**
(See Report P&B-2023-19)

- 7.6 A By-law to authorize the adoption of Official Plan Amendment No. 41. Ref. No. 22-137
(See Report P&B-2023-20)
- 7.7 A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 22-01) 50 Bruce Street. Ref. No. 22-137
(See Report P&B-2023-20)
- 7.8 A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2022-02) 68 Topham Boulevard. Ref. No. 23-64
(See Report P&B-2023-21)
- 7.9 A By-law to authorize the adoption of Official Plan Amendment No. 33. Ref. No. 21-79
(See Report P&B-2023-22)
- 7.10 A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2020-14) 368 Aqueduct Street and 155 Gadsby Avenue. Ref. No. 21-79
(See Report P&B-2023-22)
- 7.11 A By-law to authorize entering into contract with Moon-Matz Ltd. for the provision of the assessment and design of professional services of the Amphitheatre and Stage. Ref. No. 99-99
(See Report CS-2023-20)
- 7.12 A By-law to repeal By-law 2023-60 being a By-law to authorize acceptance of an offer to purchase from Ajay Kahlon or Assignee for city owned lands located at 882 Schisler Road. Ref. No. 22-69
(Purchase of city owned land not proceeding).

8. NOTICES OF MOTION

- 8.1 COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES
(For the purpose of informing the public on a matter that has been discussed with staff).

8.2 NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)

- 1. (Councillor McLeod)
WHEREAS, students, parents and others users of Ross Public School have expressed concerns regarding speeding on Niagara Street .
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Region of Niagara install a pedestrian lighted crosswalk (PXO) on Niagara Street in front of Ross Public School. Ref. No. 23-22

8.3 CALL FOR NOTICES OF MOTION (TO BE INTRODUCED AT THE NEXT SCHEDULED COUNCIL MEETING)

9. CORPORATION REPORTS

9.1 MAYOR'S REPORT

9.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT

10. CONFIRMATORY BY-LAW

- 10.1 A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 6th day of June, 2023. Ref. No. 23-1

11. ADJOURNMENT

UPDATE FOR THE NORTHERN
REACH WATERFRONT
RESIDENTIAL DEVELOPMENT
OPPORTUNITY



Project History

- LIV Communities presented its vision and concept to the City of Welland in April 2021.
- Council endorsed the vision, and worked with the City to enter into a Memorandum of Understanding and Agreement of Purchase and Sale in May 2022.
- LIV has completed due diligence on the site, and Agreement of Purchase and Sale is firm.
- Closing projected for December, 2023.

Project Update

- Install erosion and sediment controls including silt fence around entire perimeter of property In progress
- Completion of preliminary mass grading design for entire property In progress
- Detailed design of storm channels, to meet NPCA storm water conveyance requirements In progress
- Submission of NPCA permit application to realign storm water flow at south end of property In progress
- Clear entire site 50% complete
- Submission of first residential site plan application In progress
- Submission of conceptual Merritt Island Bridge design. In progress
- Obtain NPCA permit for realignment of storm water flow at south end of property In progress
- Commence excess fill export Ready

Expanding Project Team





LOCK & QUAY

W E L L A N D







Central
Park

Initial
Phase

Mixed-Use
District

Pedestrian
Bridge

Woonerf

Southern
Park



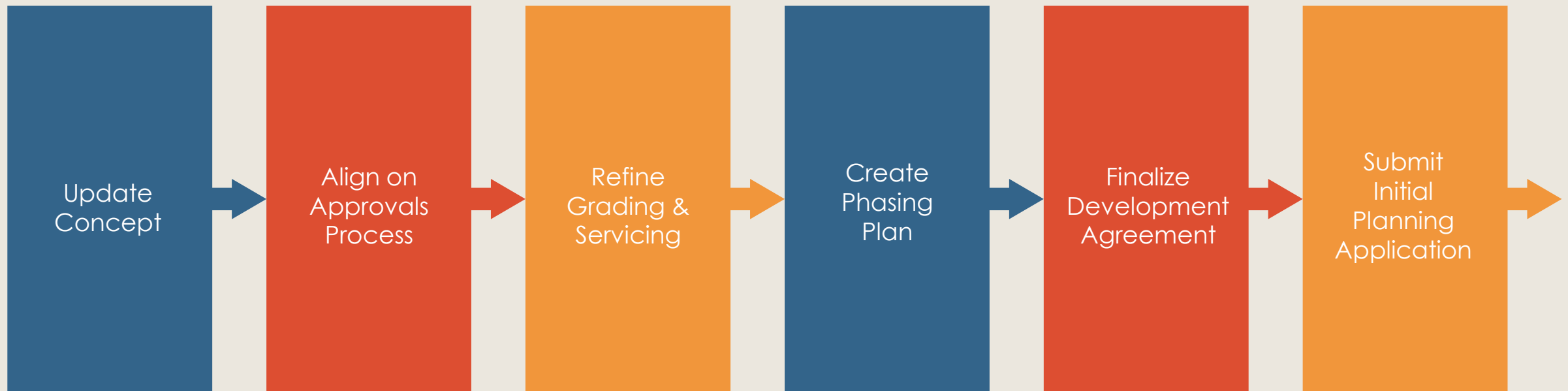


Woonerf

Pedestrian 394 Bridge



Flow Chart of Work with Staff





Site Works

- Installation of erosion & sediment control features
- Installation of access gates to permit access for earthmoving equipment
- Clearing of site, with preservation of any trees where nests were identified
- Temporary tree preservation along trail edge for visual/sound barrier





Focus for Summer/Fall 2023

- Characterize soil on site, begin to sort and export to appropriate destinations – in accordance with O.Reg 406
- Finalize concept, and create phasing/grading and servicing plans in consultation with City staff
- Clear all pre-closing requirements
- Compile materials for initial planning application and submit



Plans for 2024 and beyond

- Continue fill sorting, export to appropriate destination sites
- Complete detailed design for external servicing upgrades and implement
- Phased approval of individual development parcels
- Release to market
- Build!



Benefits

- \$1.5 billion in construction activity
- Supporting long-term local jobs in carpentry, plumbing, electricians, trucking, landscaping, surveying, geotechnical etc. etc.
- Dramatically improved pedestrian connectivity from existing neighbourhoods to the waterfront
- New mixed-use commercial destination
- Homes for over 7,000 people
- Over 7.4 ac of new parkland



LOCK & QUAY

W E L L A N D






Welland Public Library

UPDATE PRESENTATION TO CITY COUNCIL

JUNE 6, 2023

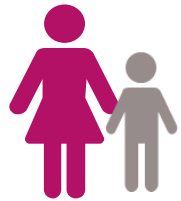


Agenda

- 
- Key Performance Indicators
 - Q1 Update
 - Coming Soon...
 - Questions?

Q1 Key Performance Indicators

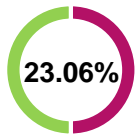
*January – March 2022 / 2023



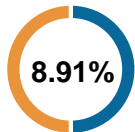
59.93% increase in
in-person visits



41.35% increase in online
visits/engagement



Increase in physical
materials circulation



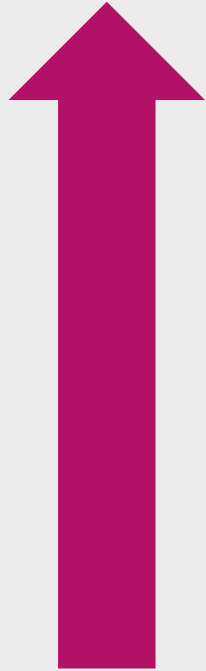
Increase in electronic
resource use



57.78% increase in
program attendance



Q1 By The Numbers ...

Metric	2019	2022	2023	Trending
Physical Materials Circulation	43,696	43,428	53,444	
Electronic Materials Use	16,578	124,778	135,897	
Total Circulation	60,274	168,206	189,341	
In-Person Visits	49,877	24,789	39,464	
Number of Programs	260	136	344	
Program Attendance	4,526	4,202	6,630	
Online Engagement	223,777	239,002	337,817	

Community Events



Mobile Closet
Event

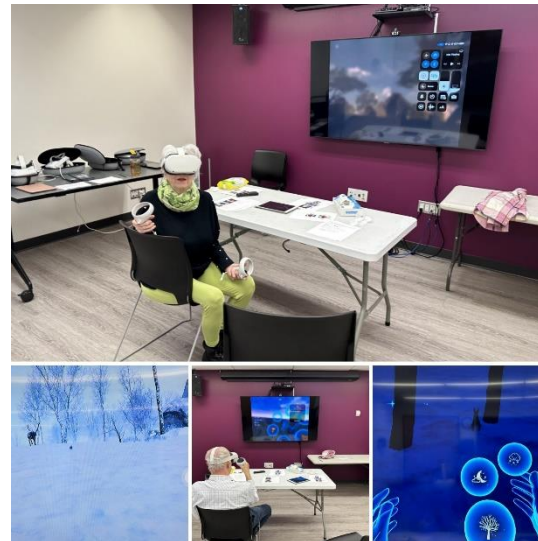
Local Authors Day
Program



One Book
One Niagara

Activities for Adults

Winter Walk



Virtual Reality Workshops for Seniors

Singer/Songwriter Sessions



Book Clubs & Author Visits

Youth Programs



Valentine's Day
Program

Storywalk
@ Seaway Mall



Practicing our
Reading @ the SPCA

Family Craft Night



March Break Highlights



Spoon Man @
Seaway Mall



Yarn
Weaving



Funny Face Pizzas
@ Diamond Trail



Hair Braiding
Workshop



Coding
With
Ozobots



Magic Show @ Civic
Square



Coming Soon

Human Library Project



1

Capture community stories through sound and video

2

Develop programs and activities to showcase our collective histories

3

Archive, commemorate and celebrate our shared experiences

Food Security Initiatives

1

Little Free Pantry Program
(Main Branch)

2

Good Food Initiative
(Diamond Trail)

3

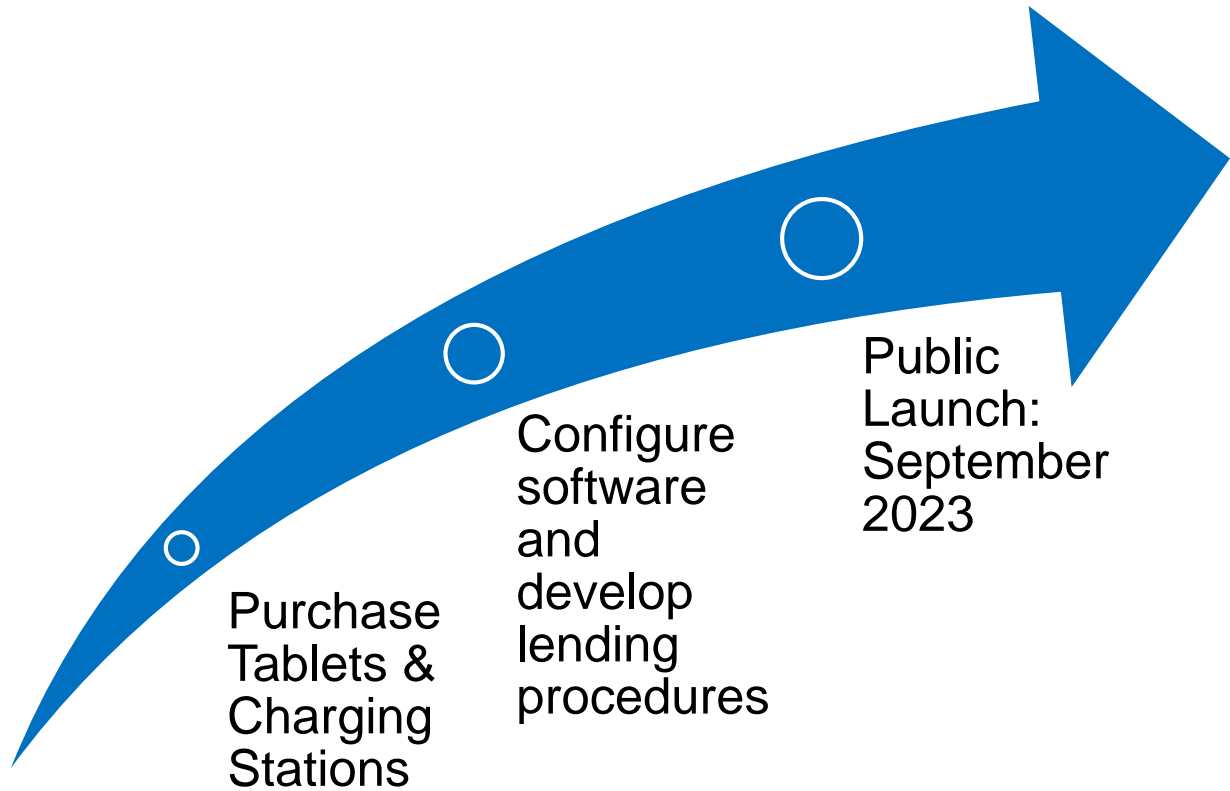
OAM Snack Station
(Main Branch)

4

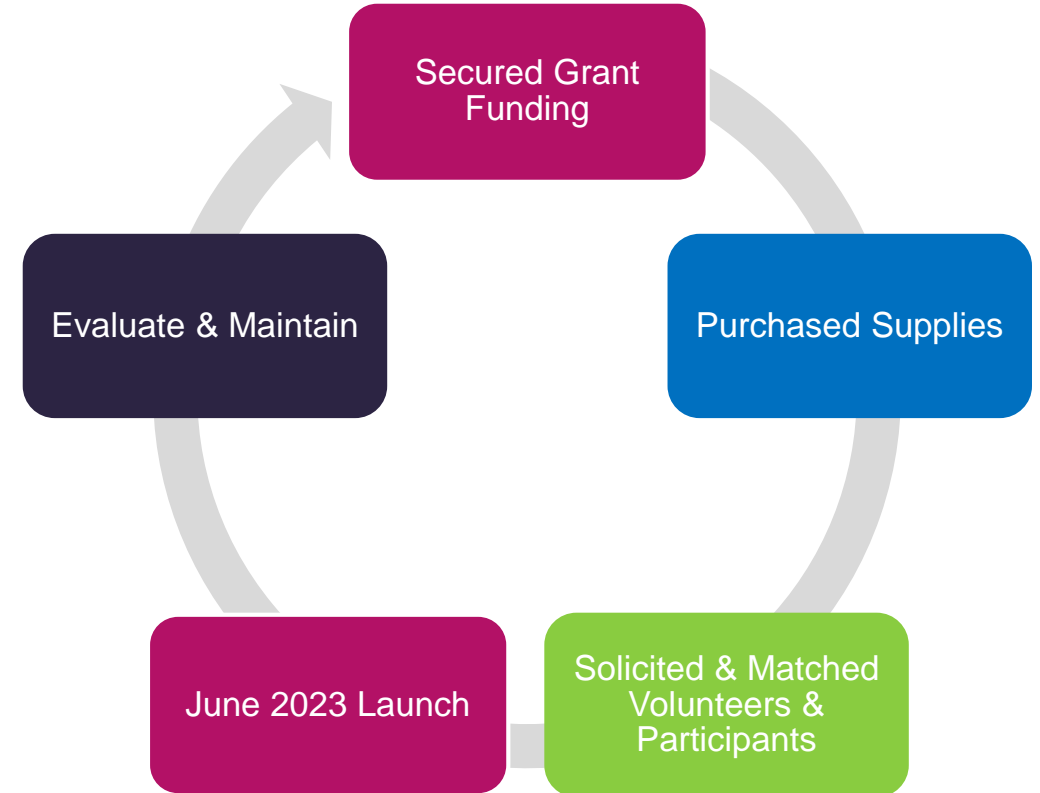
Pop Up Market / Good Food Box
Program



Tablet Lending Initiative



Reading Buddies Program



Happy 10th Anniversary Diamond Trail Library Branch

Since
opening in
2013, the
Diamond
Trail Branch
has...

Circulated over
50,000 items

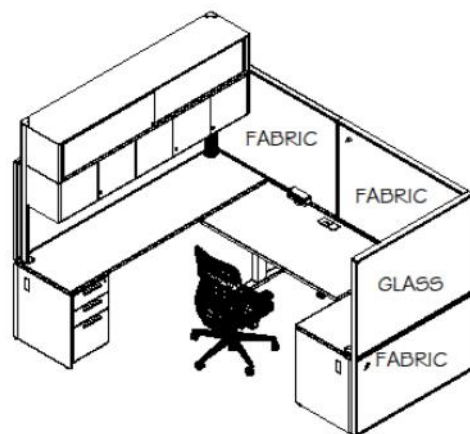
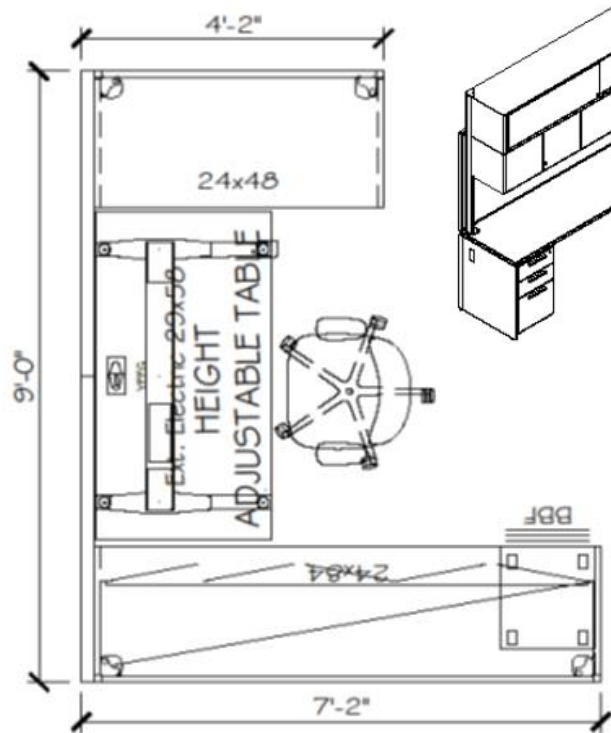
Hosted over 13,000
program attendees

Welcomed over
40,000 visitors

Responded to over
7,000 inquiries



Main Branch Improvements



15 new accessible and ergonomic workstations featuring increased storage capacity and flexible ways to work

An accessible processing station optimized to accommodate growth






A custom woodland feature for the children's area



Thank you for your
generous and continued
support!

Questions?

COUNCIL
OFFICE OF THE CAO

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT CAO-2023-03 22-154
JUNE 6, 2023

**SUBJECT: WELLAND STRATEGIC PLAN - CHARTING OUR FUTURE
2023-2026**

AUTHORS: CORPORATE LEADERSHIP TEAM (CLT)

ADAM ECKHART, Fire Chief
SHERRI-MARIE MILLAR, Director of Infrastructure Services
ROB AXIAK, Director of Community Services
GRANT MUNDAY, Director of Planning & Development Services
MARC MACDONALD, Manager of Communications
STEVEN FAIRWEATHER, CFO

APPROVING STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
DIRECTOR: CHIEF ADMINISTRATIVE OFFICER

RECOMMENDATION

THAT THE COUNCIL OF THE CITY OF WELLAND approve the Welland Strategic Plan – Charting Our Future, for the years 2023-2026 as outlined in report CAO-2023-03, and appendices.

ORIGIN AND BACKGROUND

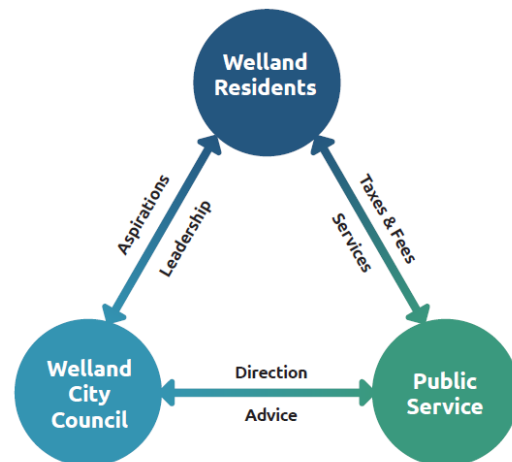
In December 2022, staff brought forward a report to Council (CAO-2022-02) requesting the creation of a City of Welland Corporate Strategic Plan. In this report, Council also approved the process by which this plan would be created. Report CAO-2022-02 identified what a strategic plan is, why it is important, and how it would be used over the next four years.

A strategic plan is a city's aspirational, future-focused, and actionable roadmap. The City of Welland's Strategic Plan results from collaborative discussions, open dialogue, and consensus building amongst Council, staff, and everyone in our community. Strategic planning is an ongoing process, which means the plan will remain live and dynamic, used daily to guide our work, advance and shape decision-making, and be reviewed and updated annually. The plan also assists city staff in their projects and initiatives by

understanding the direction of Council and how best to prioritize. Moreover, this plan will help to shape and align all city services in each department, aligned to a common vision.

Like all cities, this diagram helps to explain the relationship between Welland Residents, Welland City Council and the valued Public Services provided through city staff.

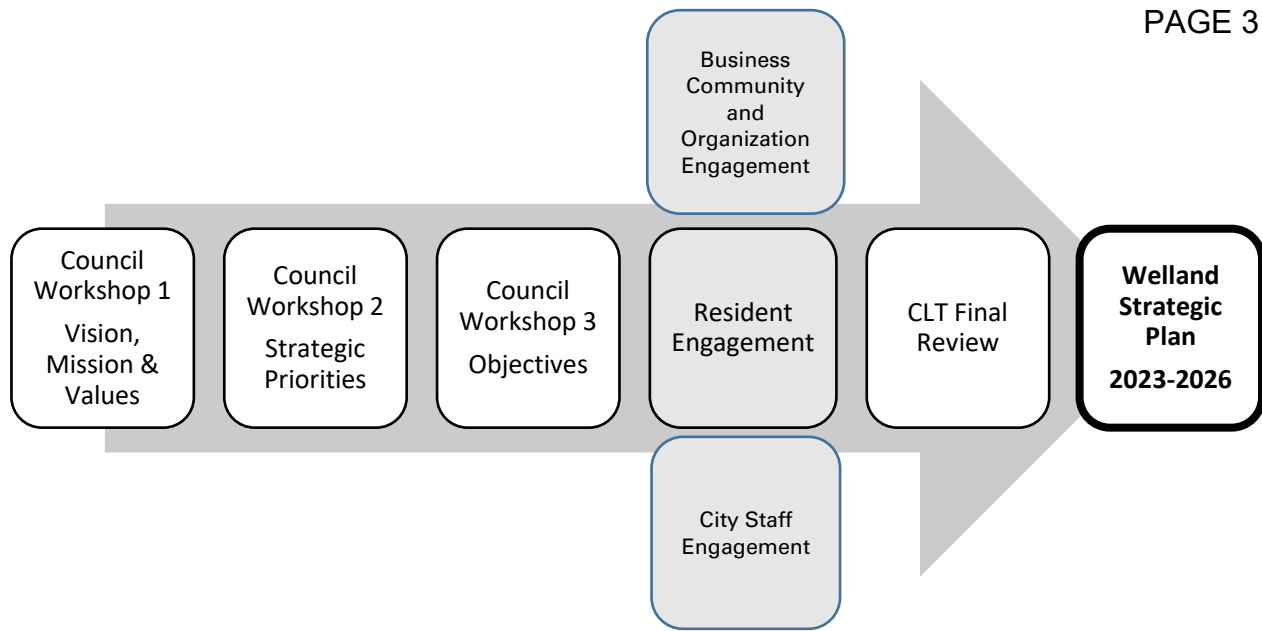
- Welland residents look for *leadership* from their elected officials while City Council provides *aspirations* for the residents of Welland.
- City Council provides *directions* to city staff, while staff provide our best *advice* to City Council.
- The Public Services provided through city staff are supported by Welland Residents through *taxation and user fees*, in exchange for valued city *services*.



This relationship illustration is included in the Strategic Plan and aids as a tool to better explain public policy, city services, and decision-making, articulating roles, and responsibilities.

COMMENTS AND ANALYSIS

As illustrated below, the roadmap leading to today involved in-depth and authentic discussions with Council through a workshop format. The three workshops hosted by the Corporate Leadership Team (CLT) focused on the three sections of a strategic plan beginning with the development of a vision, mission, and values, followed by the establishment of strategic priorities, and concluding with the creation of key objectives. This work was facilitated by CLT and created by Council to form the draft Strategic Plan.



Through a well-planned, and multi-approach engagement process, the draft Strategic Plan was then presented to three different groups (residents, businesses / organizations, and staff), asking for their insights and feedback. Residents were offered three in-person sessions with varying times and locations to provide their input, along with an online survey option. Authentic and impactful conversations were had with a wide range of individuals who attended the in-person sessions. Businesses, organizations, and agencies, along with city staff were provided with an online survey option to provide their input. In total, the resident feedback summary was 241 respondents, businesses and organizations had 20 respondents, and city staff had 30 respondents. For a grand total of 291 responses both in-person and online.

The feedback received provided some key insights into the draft Strategic Plan. A summary of the engagement sessions is shown in Appendix A of this report. In this appendix, various themes emerged which then help further refine the Strategic Plan. For example, significant feedback was provided about the mission statement, offering suggestions on how to further improve it to give it purpose and meaning, illustrating better how the City intends to get to our desired destination. The feedback was summarized, and all sections of the draft Strategic Plan were further refined ensuring the core of what Council envisioned remained.

The cumulative positivity scores for the vision, mission & values were recorded at 87%, while the positivity scores for the strategic priorities were recorded at 92% positivity. The draft objectives were shown during the in-person sessions and were also requested as a question on the online surveys to provide the top priorities the city should focus on. The feedback received is also summarized in Appendix A, which allowed the draft objectives to be further consolidated and refined, creating five (5) key objectives for each strategic priority. These objectives, summarized in the Welland Strategic Plan 2023-2026

(Appendix B), are the product of the engagement process, noted as the most important for the city to focus on.

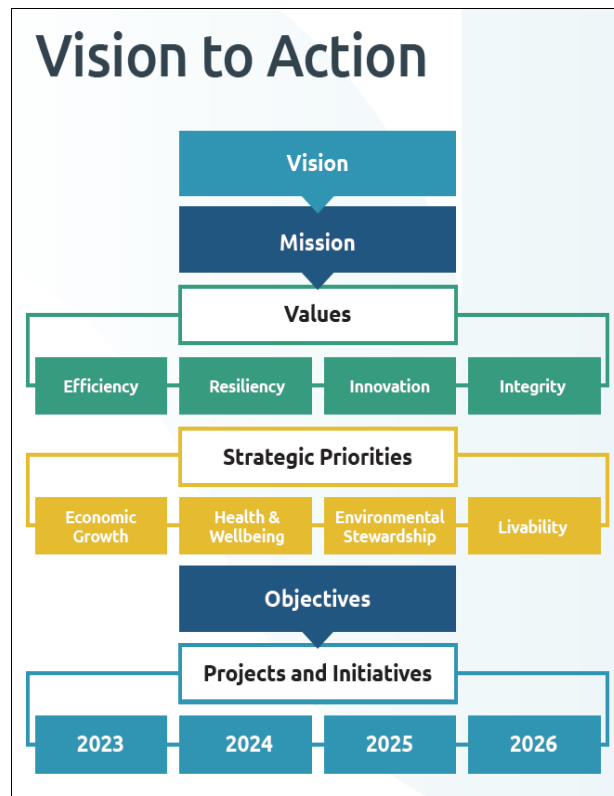
Moving forward, the objectives shown in the Strategic Plan will now support the alignment and set the direction for all the projects and initiatives that will come forward from each department and service area over the duration of this plan. In each respective year of the Strategic Plan (2023-2026), projects and initiatives will be summarized annually for Council, aligned to the objectives shown in the Strategic Plan.

Tracking Progress, Challenges and Successes

As part of the implementation of the strategic plan, staff will find opportunities to track progress, identify challenges and highlight successes. For example, as reports come forward to Council, showing the alignment with the strategic plan will become formalized. Workplan development in each department will also look to align with the Strategic Plan.

As a future strategy, staff will look to create key performance indicators to help better illustrate progress on key actions and outputs from the Strategic Plan. Key performance indicators (KPIs) are essential tools for measuring the effectiveness and progress of the Strategic Plan. They provide quantifiable metrics that allow the city to track the achievement of strategic goals and identify areas that require improvement. KPI's and other various reporting and alignment tools will be developed and brought forward to Council throughout the duration of the Strategic Plan. This may include the addition of new software to help track progress and provide dashboard capabilities to better showcase to the community our collective achievements to date.

As illustrated in the Strategic Plan and shown below, everything the city does will flow from vision to action. We will aspire to reach our vision. We will forge a path forward based on our mission. We will demonstrate our core values in everything we do, every day. As a city, we will look to stay focused on our four strategic priorities which align seamlessly with our key objectives shown in the Plan. Throughout the next four (4) years (2023-2026) various projects will come forward, moving the City from vision to action.



FINANCIAL CONSIDERATIONS

The Welland Strategic Plan was done through a Made-in-Welland approach, facilitated by the CLT. All funds used to create the Strategic Plan are within the 2023 budget allotment including human resources, supplies, equipment, etc. As we begin to move forward, alignment of the Strategic Plan with the budget process, financial reporting, policy development, and decision-making will gradually occur.

OTHER DEPARTMENT IMPLICATIONS

The Welland Strategic Plan aligns all departments and service areas into one cohesive direction. This begins with all departments aligning under the City's Vision, Mission, and Values. Establishing departmental workplans and initiatives to align with the strategic priorities is also fundamental. The CLT will track successes, challenges and gaps and look to address these with Council as they arise.

SUMMARY AND CONCLUSION

A corporate strategic plan is one of the most powerful tools within a municipality. The Plan will remain live, relevant, and dynamic for the term of Council (2023-2026). The Plan is our collective starting point and will be used as a guiding tool, to be used daily by all. It will be referenced, adhered to, and reported on, regularly. As the city continues to grow and we welcome more people into the community, it is essential for Council, the community and city staff to be in lockstep. Charting our future, the development of a strategic plan is crucial for guiding and inspiring the future direction of Welland, and our successful implementation will rely upon well-defined goals, clear action steps, and effective monitoring.

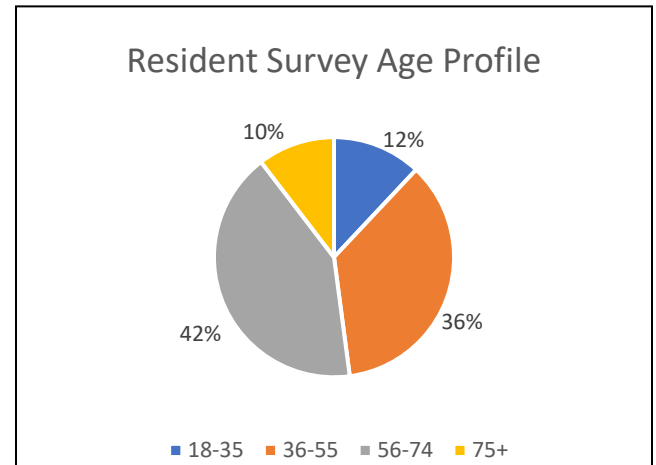
ATTACHMENTS

Appendix A: Engagement Summary

Appendix B: Welland Strategic Plan – Charting Our Future – 2023-2026

Resident Summary

- In-Person Sessions Total: 49
- On-Line Survey Total: 192
- TOTAL: 241

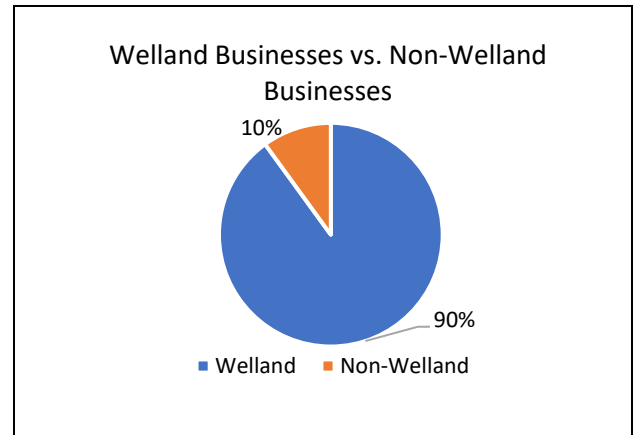


Vision, Mission, Values	<p>■ Positive ■ Negative</p>	<ul style="list-style-type: none"> • Forward Thinking and Aspirational. • Encouragement for all to live to these, every day. • Mission Statements should be clearer on how the city plans to achieve the Vision. • Strong Values and statements overall.
• Environmental Stewardship	<p>■ Positive ■ Negative</p>	<ul style="list-style-type: none"> • Visual actions so the community knows what is being done. with metrics. Evidence-based. • Invest in more trees and improve the tree canopy. • Improve the protection of trees and naturalized areas.
• Economic Growth		<ul style="list-style-type: none"> • Improve a broader understanding of the speed of growth. • Job creation is important. • Downtown revitalization is important
• Health and Well-Being		<ul style="list-style-type: none"> • Differentiate Health & Well-Being with Livability. • Create a stronger sense of identity for Welland. • The need for Doctors and Health Care Services is essential. • Need some homelessness solutions. • Opening statement needs to be clearer.
• Livability		<ul style="list-style-type: none"> • Differentiate Livability with Health & Well-Being. • Create a sense of belonging through spaces and programming. • Create more indoor and outdoor recreational facilities. • Improve trail systems. • Public access to the Canal is important. • Opening statement needs to be clearer.
General Themes	<ul style="list-style-type: none"> • General positive agreement on all 4 Strategic Priorities. Some further clarity on how each is defined should be considered. • City can only do so much. Fewer or consolidated objectives should be considered. • The need for more clarity between City Services vs. Regional Services • Meaningful Engagement early in the process 	

Welland Strategic Plan Engagement Summary

Businesses & Organizations Summary

On-Line Survey Total: 20

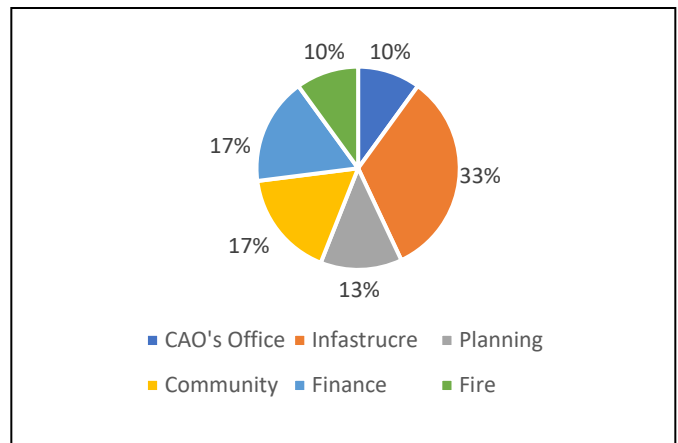


Vision, Mission, Values	<p>2% 98%</p> <p>■ Positive ■ Negative</p>	<ul style="list-style-type: none"> • Good overall • Consider the term 'future-ready' and 'community-led'. • Expand Quality of Life indicators • Mission needs to be reworked to better describe how the city plans on achieving its goals
<ul style="list-style-type: none"> • Environmental Stewardship 	<p>5% 95%</p> <p>■ Positive ■ Negative</p>	<ul style="list-style-type: none"> • Improved green spaces • Good Opening Statement
<ul style="list-style-type: none"> • Economic Growth 		<ul style="list-style-type: none"> • Enhance sporting and cultural events and tourism dollars. • Improve the downtown
<ul style="list-style-type: none"> • Health and Well-Being 		<ul style="list-style-type: none"> • Leverage the sector to help with problem-solving. • Create opportunities to attract families to live, work and play in Welland
<ul style="list-style-type: none"> • Livability 		<ul style="list-style-type: none"> • Improvement to infrastructure (roads, facilities etc.) • Improve Active Transportation and walkability throughout the city • Supportive Housing & Homelessness strategies • New recreation, sport and cultural facilities are needed to attract people to move to, and stay in Welland.
General Themes	<ul style="list-style-type: none"> • The need for Evidence-Based decision-making. • Frequent, Reliable, and Transparent communications. • Create more partnerships and build relationships. • Leverage the non-profit and other organizations to support and deliver services. • Improve cleanliness and esthetics, especially in the downtown. • Establishing a refreshed identity for Welland to draw businesses. 	

Welland Strategic Plan Engagement Summary

City Staff Summary

On-Line Survey Total: 30



Vision, Mission, Values	<p>■ Positive ■ Negative</p>	<ul style="list-style-type: none"> Excitement to move forward. Hopeful that all staff and members of Council adhere to these values and demonstrate them daily. Term 'morals' is too subjective and can be misinterpreted. Mission needs to say how we plan to get there. Should be reworked.
<ul style="list-style-type: none"> Environmental Stewardship Economic Growth Health and Well-Being Livability 	<p>■ Positive ■ Negative</p>	<ul style="list-style-type: none"> Focus on sustainability. Protection of all natural assets. Sustainability is important. Leverage and Improve Technology Become the employer of choice Differentiate Health & Well-Being with Livability Increase recreation programs and infrastructure throughout the community. Focus on Youth Leverage Volunteerism and Partnerships Differentiate Livability with Health & Well-Being Need for more affordable housing. Embrace Diversity, Inclusion and Access Upgrade/improve recreation facilities to keep up with growth. Focus on Safe Communities
General Themes		<ul style="list-style-type: none"> General concerns on the speed of growth and supportive services to keep up. Promote public confidence. Interest to move forward with new ideas. We need honest and trustworthy dialogue. Must remove silos to achieve the plan. All work together. Staffing levels must keep up with Service Expectations and Community Needs Evidence based decision making



2023 | Charting Our Future: **2026 | Welland Strategic Plan**

Land Acknowledgement

Welland is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk the Haudenosaunee and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Metis, and Inuit people from across Turtle Island that live and work in Welland today. Welland stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.



Contents

04	Message From the Mayor
05	Welland City Council
06	Introduction
07	Vision to Action
08	Vision, Mission, Values
09	Strategic Priorities
10	Objectives
15	Conclusion

Message from the Mayor

Welland's plan rooted in efficiency, innovation, integrity and resilience



As Mayor of this remarkable city, and on behalf of Council and staff, I am honoured to share our 2023–2026 Strategic Plan: Charting our Future. This plan is as thoughtful as it is comprehensive. It is a carefully curated roadmap that will guide our efforts in building a more robust and vibrant community for everyone.

Charting Welland's future is a complex task that requires collaboration to realize success. Therefore, we relied on members of Council, staff, and the community — residential, business, and industrial — to help form a cohesive and collective vision — a vision that encompasses the aspirations, dreams, and desires of every individual who calls this city their home along with the many businesses, organizations, and agencies we work in close partnership with.

In today's rapidly evolving world, it is imperative that we stay ahead of

the curve and adapt to the changing needs of our community. And so, at its core, this plan is rooted in a set of values (efficiency, innovation, integrity, and resilience) that reflect our city's diverse perspectives and expertise. This collective wisdom has shaped our priorities and will guide our actions in the coming three years.

At the City of Welland, we spark curiosity and reflect a welcoming community rich in opportunity. Our Strategic Plan reflects how we will put this into practice each and every day.

Join us as we move forward into a prosperous and exciting future.

A handwritten signature in black ink that reads "Frank Campion". The signature is fluid and cursive, with a long horizontal line extending from the end.

Frank Campion, Mayor

Welland City Council



Ward 1 Councillors

Adam Moote

Mary Ann Grimaldi



Ward 2 Councillors

David McLeod

Leo Van Vliet



Ward 3 Councillors

Sharmila Setaram

John Chiochio



Ward 4 Councillors

Tony Dimarco

Bryan Green



Ward 5 Councillors

Graham Speck

Claudette Richard



Ward 6 Councillors

Jamie Lee

Bonnie Fokkens

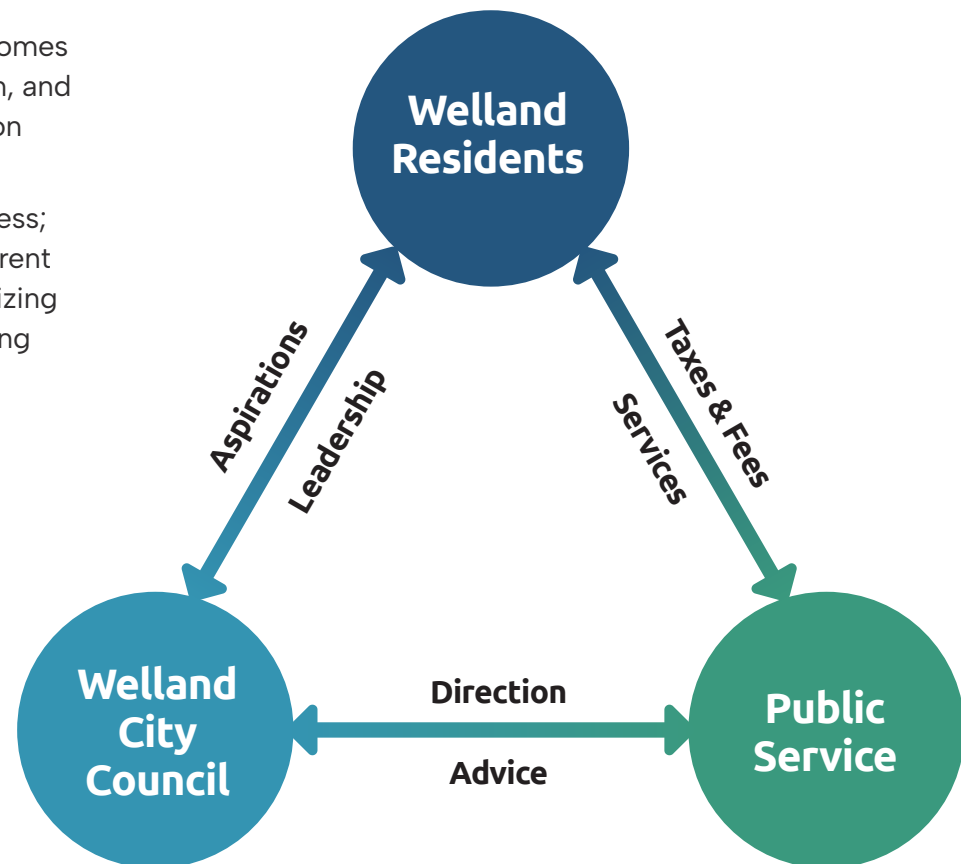
Introduction

Prioritizing the needs of the community

A Strategic Plan is a city's aspirational, future-focused and actionable roadmap. The City of Welland's Strategic Plan results from collaborative discussion, open dialogue, and consensus building amongst everyone in our community.

Our Strategic Plan comes from a multi-phased process, focusing on key components and building upon their outcomes as we move forward. Building from a strong mission, vision, and values, we identified high-level priorities before focusing on key objectives.

Successfully executing a strategic plan is an ongoing process; we will review and update it as needed throughout the current Council term. The plan also assists city staff in conceptualizing and delivering their projects and initiatives by understanding the direction of Council and what needs to be prioritized.



Vision to Action



Welland's Strategic Plan flows from vision to action. The plan includes an aspirational vision followed by a precise mission rooted within a foundation of core values.

We established strategic priorities to ensure we execute considerable focus on the sets of objectives for each priority.

Projects and initiatives will align and be reported annually throughout the next four years.

Vision, Mission, Values

Vision

To inspire and promote an active, resilient, and sustainable community delivering the best quality of life possible for all.

Mission

We will trailblaze a path toward a future-ready city founded on good governance, exceptional public service, and trustworthy public safety.

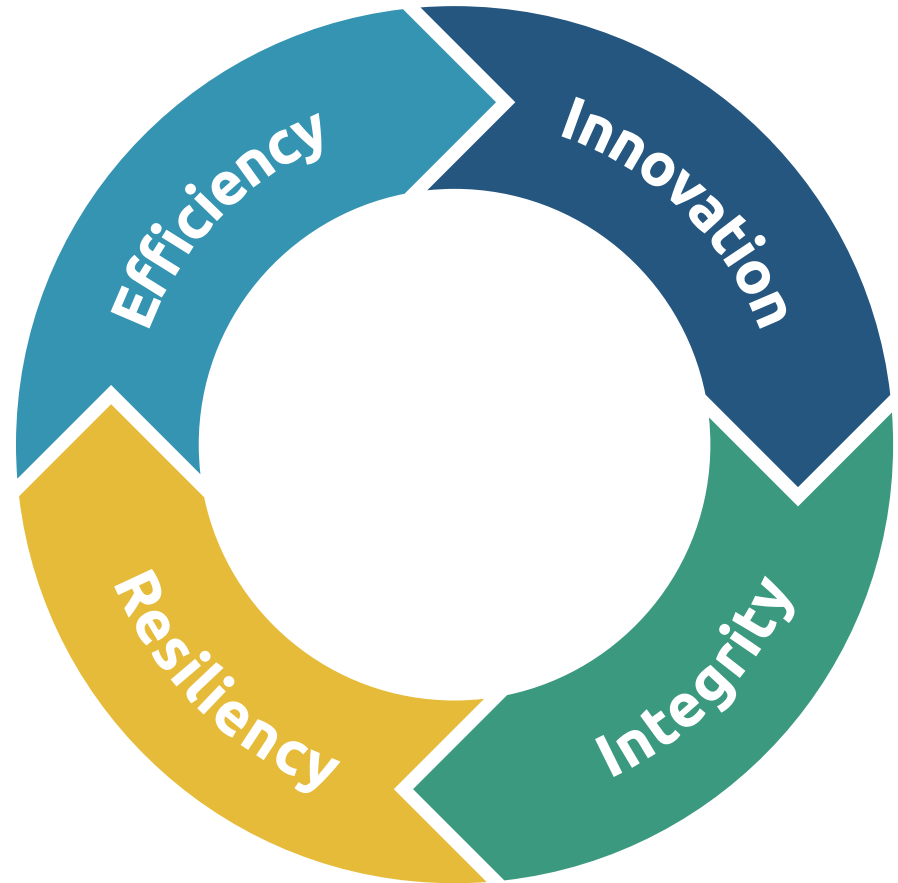
Values

Efficiency: A core value that drives our approach, emphasizes the optimization of resources, processes, and systems to maximize productivity, minimize waste, and achieve desired outcomes in a timely manner through continuous improvement.

Innovation: A fundamental value that inspires and propels us forward, fostering a culture of creativity, continuous learning, and adaptive thinking to generate ground-breaking ideas, solutions, and approaches that address complex challenges and drive meaningful progress.

Integrity: As a guide for our actions, we will emphasize honesty, accountability, and ethical behaviours, to ensure we consistently uphold the highest standards of trustworthiness, transparency, and fairness in all our endeavours.

Resiliency: To embrace our challenges and shape our future with a sense of optimism and purpose through a community-led and future-ready approach.



Strategic Priorities

Economic Growth



Environmental Stewardship



Health and Well-being



Livability



Economic Growth

Creating a diverse economy through partnerships and emerging markets to ensure sustainable growth and quality employment.

OBJECTIVES

1.1

Position Welland as an economic gateway and seek all opportunities to leverage support from senior levels of government.

1.2

Create a competitive business investment environment within a multi-sector market through supportive incentive programs and strategic infrastructure investments.

1.3

Enhance new technologies to improve efficiencies, service delivery, and economic development.

1.4

Improve city brand identity and attractiveness supporting an investment-ready and welcoming city.

1.5

Harness economic development opportunities through sustainable environmental solutions.

Projects and Initiatives:

2023 | 2024 | 2025 | 2026

Reported and summarized annually

Environmental Stewardship

Protecting the ecosystem through a responsible approach to minimize the impact on the environment through supportive decision-making, professional processes, incentives, policies, and operational practices.

OBJECTIVES

2.1

Become a leader in environmental sustainability while reducing carbon footprint and preparing for the impacts of climate change.

2.2

Deliver carbon-neutral initiatives in alignment with upper levels of government and industry best practices.

2.3

Promote and implement programs, policies, and incentives that maintain and improve the quality of the land, water, and air throughout the city including tree protections and canopy expansion.

2.4

Improve and promote abilities in waste management, waste diversion, and recycling.

2.5

Prioritize and leverage infrastructure improvements that support environmental protection and sustainability.

Projects and Initiatives:

2023 | 2024 | 2025 | 2026

Reported and summarized annually

Health and Well-being

Promoting personal health and well-being by offering an abundance of activities that meet the diverse needs and interests all while, advocating for improved health care throughout the city, and supporting the need for safety and security.

OBJECTIVES

3.1

Celebrate and enhance opportunities and activities focused on accessibility, participation, age-friendly, diversity and inclusion.

3.2

Advocate and leverage opportunities to expand healthcare services including a new hospital, additional doctors and healthcare practitioners, and supportive services for the unhoused.

3.3

Maintain and enhance community safety opportunities including prevention, preparedness, communications, promotions, and procedures making Welland a safe place to live, work and play.

3.4

Expand the inventory of recreation facilities and community-based program offerings throughout the city based on evolving needs and interests through partnerships and community engagement.

3.5

Seek opportunities and enhancements for the city to become an employer of choice within Niagara and beyond with high employee morale and satisfaction.

Projects and Initiatives:

2023 | 2024 | 2025 | 2026

Reported and summarized annually

Livability

Creating a sense of belonging while enhancing mobility by improving access to recreation and community events, ensuring adequate housing options, encouraging job growth, and improving ways to efficiently move people throughout the city.

OBJECTIVES

4.1

Enhance recreation opportunities and volunteerism throughout the city focused on the best use of green spaces, access to the recreational canal, and quality sport, recreation and culture facilities for all ages, abilities, and diverse interests.

4.2

Create a new benchmark standard on the delivery of customer service while determined to find opportunities to decrease red tape.

4.3

Promote an adequate supply of housing types that cater to a wide variety of needs by working with all levels of government, non-profit organizations, agencies, and the private sector.

4.4

Focus on active transportation through alternative transportation modes such as transit, walking, and bicycling to support complete communities while finding opportunities to improve traffic flow, safety, and accessibility.

4.5

Support residential and commercial investment in the Downtown to be an attractive destination for residents and visitors, and function as a vibrant, mixed-use neighbourhood linked to recreation and event opportunities.

Projects and Initiatives:

2023 | 2024 | 2025 | 2026

Reported and summarized annually

**“With your support,
we are confident that we
can create a better future
for all residents of Welland.”**

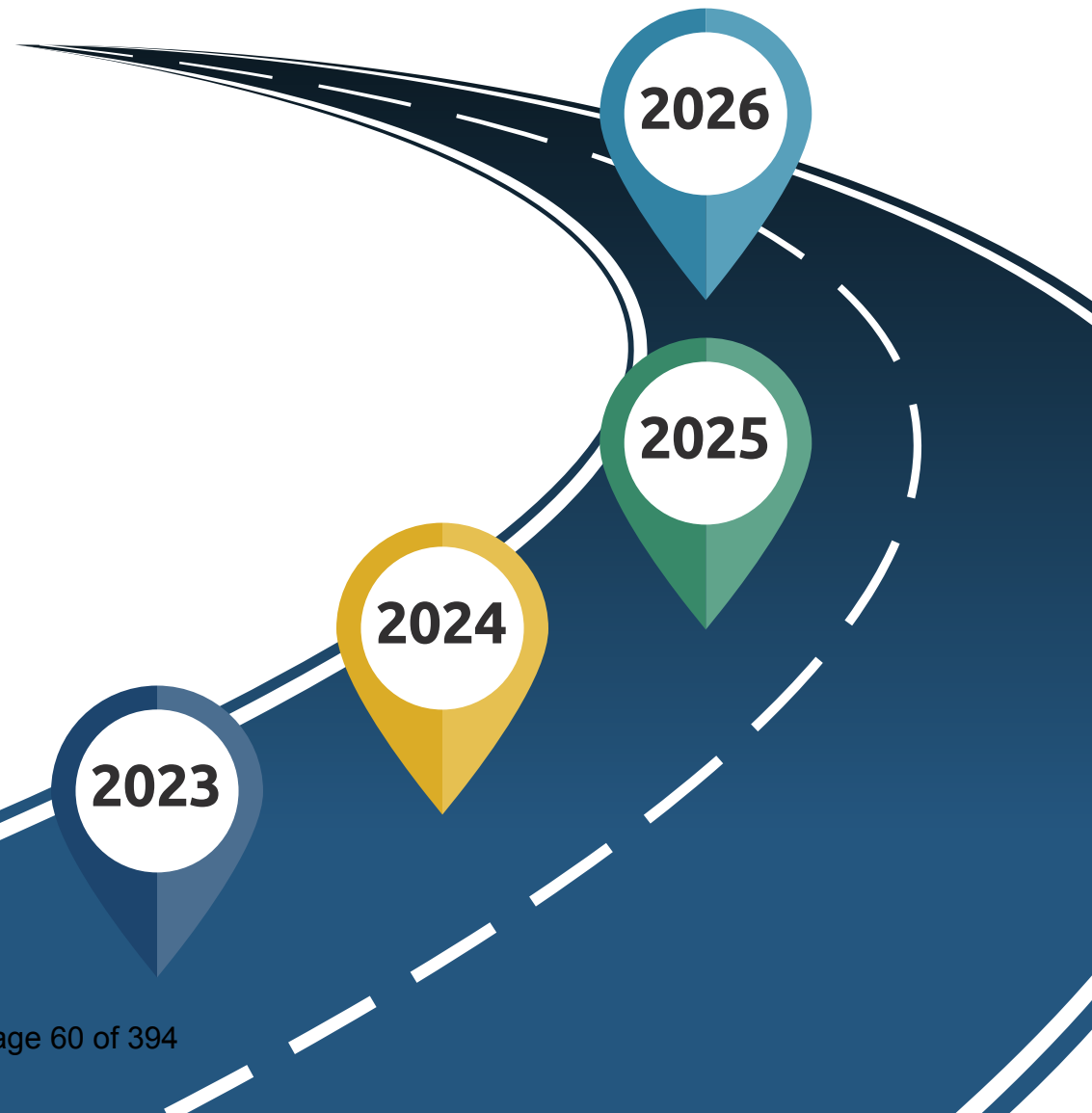
Conclusion

Working together towards a better future

We want to express our gratitude to the community for their input and collaboration in shaping the future of our great city. We have established a clear vision for the next four years and are committed to making it a reality.

Moving forward, we will focus on implementing the objectives outlined in this plan and tracking our progress toward achieving our goals. In addition, we intend to ensure that all projects and initiatives are aligned with this plan and will find opportunities to communicate our successes and challenges as we proceed forward.

We recognize this is just the beginning and have much work to do. Therefore, we invite you to continue to engage with us and provide feedback as we work together towards a more vibrant, sustainable, and prosperous community. With your support, we are confident that we can create a better future for all residents of Welland.








CITY OF
Welland



Corporation of the City of Welland
Civic Square
60 East Main St.
Welland, ON L3B 6E1
905-735-1700
www.welland.ca

Various photos in this book courtesy of Anthony Gallaccio

COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

19-114

REPORT ENG-2023-19
JUNE 6, 2023

SUBJECT: DISASTER MITIGATION AND ADAPTATION FUND PROJECT APPLICATIONS

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

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to apply to the second intake of the Disaster Mitigation and Adaptation Fund (DMAF) - small-scale project stream for the Dain City Storm Sewer Improvements projects; and further
2. THAT Council directs staff to apply to the second intake of the Disaster Mitigation and Adaptation Fund (DMAF) - small-scale project stream for the Ontario Road Trunk Sanitary Sewer project.

ORIGIN AND BACKGROUND:

Dain City Storm Sewer Improvements

The Dain City Inflow & Infiltration Investigation and Remediation Action Plan (GMBluePlan, June 2021) recommended three separate phases (stages) of projects for design and construction in the Dain City area. The proposed stages are illustrated and described in Appendix 1.

The study was initiated due to the reported history of surface flooding and drainage issues due to the flat topography and poorly draining soils, as well as the ineffective stormwater infrastructure. This, coupled with the increased severity of wet weather events due to climate change, has increased stormwater inflow and infiltration into the aging sanitary sewer infrastructure causing basement flooding and emergency pumping of sewage to the environment to provide relief within the system.

Effective collection and conveyance of stormwater runoff to an appropriate outlet through the upgrade and urbanization of local roadways with concrete curb and gutter and the addition of an efficient storm sewer network will reduce the risk of inflow and infiltration (I/I) into the sanitary network. Resiliency against the impacts of climate change and a reduced risk of basement flooding will be further achieved by the replacement of the aging sanitary sewers within the area.

The three proposed projects recommended in the Dain City area will provide the following benefits:

- Reduce hazard risk to area residents and environment.
- Replace critical at-risk infrastructure increasing asset resiliency.

- Reduce essential service interruptions from storm water flooding.
- Reduce local economic loss by reducing basement flooding.

Ontario Road Trunk Sanitary Sewer

The Ontario Road sanitary catchment in the City of Welland has a history of basement flooding and sanitary sewers surcharging during wet weather events due to undersized and aging infrastructure that is subject to high stormwater inflow and infiltration (I&I).

Within the catchment there are three (3) sanitary sewer overflows to the environment designed to release pressures within the system to reduce basement flooding and associated negative impacts to the residents during significant wet weather events.

The Ministry of Environment Conservation and Parks (MECP) has ordered the City of Welland to decommission these overflows by 2027 – the municipality has already had extensions to this deadline as we struggle to address the problem.

The catchment also faces growth pressures with not less than nine brownfield sites on Ontario Road that are prime for redevelopment, including 72 hectares of employment land. To date the City has had to turn down two (2) residential proposals and put on hold two (2) other affordable housing initiatives until sufficient sanitary sewer capacity can be secured.

The Pollution Prevention Control Plan Update and Wastewater Master Servicing Plan (GMBLuePlan, June 2022) recommended a multi-phased project for the installation of a new trunk sanitary sewer on Ontario Road. The recommendations were further defined in the draft report for the Commercial Street Area Master Servicing Plan prepared by Kerry T. Howe Engineering Limited for the Ontario Road catchment.

Due to internal funding constraints, the recommended project phases for inclusion in DMAF application are Phase 1 and Phase 2, only. The proposed phases are illustrated and described in Appendix 2. The proposed project will provide the following benefits:

- Reduces hazard risk to area residents and environment.
- Replaces critical at-risk infrastructure increasing asset resiliency.
- Enables future economic development by accommodating growth in the catchment.
- Provision of future affordable housing.
- Reduced local economic loss by reducing basement flooding.

COMMENTS AND ANALYSIS:

Recently, the federal government launched the second intake for the Disaster Mitigation and Adaptation Fund (DMAF). Communities across Canada are invited to submit projects that will protect and strengthen their communities by increasing their resilience to the socio-economic, cultural and environmental impacts of natural hazards and extreme weather events. When considering current and potential future climate change impacts. Through DMAF, the Government of Canada is making sure Canadian communities are better able to withstand damage caused by climate change and extreme weather events. These investments help keep Canadians safe, protect local businesses, and support strong local economies.

DMAF offers a large-scale (\$20 million and above) and small-scale (\$1 million - \$20 million) project stream. Staff is recommending that the City of Welland submit two applications for small-scale projects to support our I/I reduction efforts within Dain City and provide much needed sanitary sewer capacity in the Ontario Road area. Successful funding applications would accelerate the design and construction of both projects. The DMAF funding is a federal

opportunity which provides 40% reimbursement for eligible costs, resulting in a 60% cost share for the City of Welland (the City).

In 2021, the City was unsuccessful in their DMAF intake one application for the Dain City area. Staff have since reached out to the federal government for feedback regarding the previous application and have retained a consultant, WSP, to assist with the preparation of the intake two applications.

FINANCIAL CONSIDERATION:

For Dain City, additional proposed cast iron watermain replacement work, which will be coordinated with road and sewer works to reduce future costs as well as additional disruptions to residents, is not eligible for reimbursement and is to be 100% City funded.

The Dain City Storm Sewer Improvements project is to be designed and constructed in three separate stages as per the recommendations in the Dain City Inflow & Infiltration Investigation and Remediation Action Plan (GMBLuePlan, June 2021). Stage 1 was approved in the 2022 Capital Budget. The budget estimates have increased since report, ENG 2021-23 was brought to Council on September 7, 2021, due to inflation and increases to material supply costs. The anticipated budget for the Dain City area projects have been summarized in the table below.

Dain City Area Project Stages	Ineligible Costs (City Water)	Eligible Costs		Total Costs
		Federal 40%	City 60%	
Stage 1 *	\$47,780	\$529,366	\$794,049	\$1,371,195
Stage 2	\$787,500	\$3,735,060	\$5,602,590	\$10,125,150
Stage 3	\$945,000	\$3,634,920	\$5,452,380	\$10,032,300
Total Costs	\$1,780,280	\$7,899,346	\$11,849,019	\$21,528,645

** This funding is in addition to the funding approved in the 2022 Capital Budget. Funding to be updated upon results of second intake under DMAF.*

The first two phases of the Ontario Road Trunk Sanitary Sewer project are proposed to be designed and constructed under the DMAF. The anticipated budget is summarized in the table below.

Ontario Road Area Project Phases	Eligible Costs		Total Costs
	Federal 40%	City 60%	
Phase 1	\$4,693,320	\$7,039,980	\$11,733,300
Phase 2	\$1,927,080	\$2,890,620	\$4,817,700
Total Costs	\$6,620,400	\$9,930,600	\$16,551,000

Upon award/rejection of the grant application(s) under the DMAF, the Engineering and Finance divisions will return to Council with an update report and funding strategy.

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

Staff are seeking approval from Council to direct staff to apply to the second intake of the Disaster Mitigation and Adaptation Fund (DMAF) - small-scale project stream for the Dain City Storm Sewer Improvements and the Ontario Road Trunk Sanitary Sewer projects.

ATTACHMENTS:

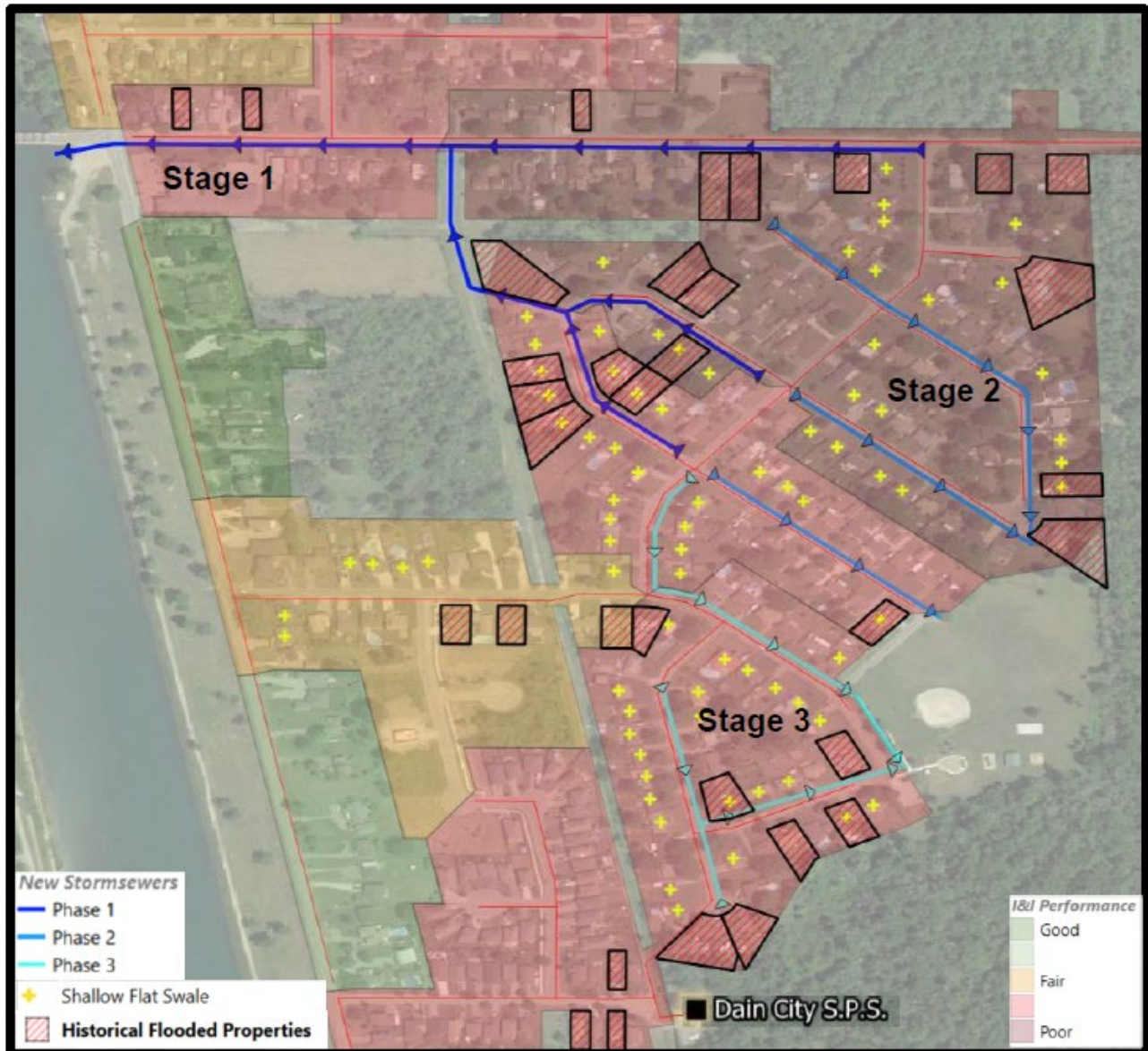
Appendix 1 – Dain City Storm Sewer Improvements – Location Plan, Proposed Projects and Staging

Appendix 2 – Ontario Road Trunk Sanitary Sewer – Location Plan, Proposed Project and Phasing

REPORT ENG-2023-19

DISASTER MITIGATION AND ADAPTATION FUND PROJECT APPLICATIONS
Appendix 1 – Dain City Storm Sewer Improvements Projects
Location Plan, Proposed Projects and Staging

Location Plan



REF: Dain City Inflow & Infiltration Investigation and Remediation Action Plan (GMBLuePlan, June 2021).

Proposed Projects and Staging

Dain City Storm Sewer Improvements – Project Descriptions
<p>Stage 1</p> <ul style="list-style-type: none"> • Logan Street New Storm Sewer (to Crescent Road) • Springfield Street (North of Crescent Road) Watermain, Sanitary and Storm Replacement, and Road Urbanization/ Reconstruction • James Street (North of Crescent Road) Watermain, Sanitary and Storm Replacement, and Road Urbanization/ Reconstruction
<p>Stage 2</p> <ul style="list-style-type: none"> • Richmond Street Watermain, Sanitary and Storm Sewer Replacement, and Road Urbanization/ Reconstruction • Springfield Street (South of Crescent Road) Watermain, Sanitary and Storm Replacement, and Road Urbanization/ Reconstruction • James Street (South of Crescent Road) Watermain, Sanitary and Storm Replacement, and Road Urbanization/ Reconstruction • Crescent Drive (North of James Street) Sanitary and Storm Sewer Replacement, and Road Urbanization/ Reconstruction • Rehabilitation of the James Street and Richmond Street Storm Outlets through Glenwood Park
<p>Stage 3</p> <ul style="list-style-type: none"> • Glenwood Parkway (South of Crescent Road) Watermain and Sanitary Sewer Replacement, New Storm Sewers, and Road Urbanization/ Reconstruction • Stanley Avenue Watermain and Sanitary Sewer Replacement, New Storm Sewers, and Road Urbanization/ Reconstruction • Crescent Drive (South of James Street) Sanitary Sewer Replacement, Installation of New Storm Sewers, and Road Urbanization/ Reconstruction • Thornton Avenue Sanitary Sewer Replacement, New Storm Sewers, and Road Urbanization/ Reconstruction

REPORT ENG-2023-19
DISASTER MITIGATION AND ADAPTATION FUND PROJECT APPLICATIONS
Appendix 2 – Ontario Road Trunk Sanitary Sewer Projects
Location Plan, Proposed Projects and Phasing



Location Plan



Proposed Projects and Phasing

Ontario Road Trunk Sanitary Sewer – Project Descriptions	
Phase 1	<ul style="list-style-type: none"> New trunk sanitary sewer on Ontario Road from the Sewage Pump Station at Memorial Drive to Southworth Street – sewer to be installed by trenchless method
Phase 2	<ul style="list-style-type: none"> New sanitary sewer on Southworth Street from Ontario Road to Simpson Street, including road reconstruction New sanitary sewer on Gatfield Drive, including road reconstruction

COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-57

REPORT ENG-2023-20
JUNE 6, 2023

SUBJECT: 2023 ROAD RECONSTRUCTION – TENDER AWARD

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

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

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of **Rankin Construction Inc.** in the amount of **\$2,423,285.00** (plus HST) being the lowest bid received for the 2023 Road Reconstruction project; and
2. THAT Council directs staff to prepare the necessary by-law and documents to execute the project; and further
3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

ORIGIN AND BACKGROUND:

Road reconstruction is undertaken annually to extend asset life and improve the quality of existing roads within the City of Welland. Roads sections are selected each year using a risk-based approach, applying criteria such as pavement condition, state of underground utilities and maintenance history.

Road reconstruction entails the full-depth excavation of the existing road structure and the replacement of both the granular road base and asphalt lifts. In all cases subdrain is added to improve drainage. An opportunity to coordinate the replacement of concrete sidewalk as part of the works serves to minimize future disruption to residents and while maximizing savings through economies of scale.

The following table summarizes the proposed scope of work for five (5) prioritized road reconstructions within the City. These lengths are illustrated on the attached location plan (see Appendix I).

Street	From/To	Width (m)	Length (m)	Proposed Work Summary
Sherwood Forest Trail	Rolling Acres Drive to Robin Hood Lane	8.0	395	Full Width Asphalt Removal Full Depth Excavation (565mm) Drainage Improvements 100mm Dia. Subdrain Full Curb Replacement Adjustment of Appurtenances 450mm - Granular 'A' Road Base 75mm HL8HS 40mm HL3HS Full Sidewalk Replacement
Maureen Avenue	Donna Marie Drive to Leonard Avenue	8.0	276	Full Width Asphalt Removal Full Depth Excavation (565mm) Drainage Improvements 100mm Dia. Subdrain Full Curb Replacement Adjustment of Appurtenances 450mm - Granular 'A' Road Base 75mm HL8HS 40mm HL3HS Full Sidewalk Replacement
Cummington Place	Leaside Drive to to East Limit	8.0	106	Full Width Asphalt Removal Full Depth Excavation (565mm) Drainage Improvements 100mm Dia. Subdrain Full Curb Replacement Adjustment of Appurtenances 450mm - Granular 'A' Road Base 75mm HL8HS 40mm HL3HS Full Sidewalk Replacement
Dieppe Street	Roosevelt Avenue to Coventry Road	8.0	235	Full Width Asphalt Removal Full Depth Excavation (565mm) Drainage Improvements 100mm Dia. Subdrain Full Curb Replacement Adjustment of Appurtenances 450mm - Granular 'A' Road Base 75mm HL8HS 40mm HL3HS Full Sidewalk Replacement
Wavell Court	Dieppe Street to North Limit	8.0	35	Full Width Asphalt Removal Full Depth Excavation (565mm) Drainage Improvements 100mm Dia. Subdrain Full Curb Replacement Adjustment of Appurtenances 450mm - Granular 'A' Road Base 75mm HL8HS 40mm HL3HS Full Sidewalk Replacement

COMMENTS AND ANALYSIS:

The tender was released on Friday, May 5, 2023, for 2 weeks on Biddingo a major Canadian tendering website and was publicly advertised and listed with the Niagara Construction Association.

Five (5) tenders were received on closing day, Friday, May 19, 2023. Submissions have been reviewed for accuracy and all have been found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding taxes, is as shown in the following table:

CONTRACTOR NAME & ADDRESS	TENDER PRICE (excl. HST)
Rankin Construction Inc. 222 Martindale Road, PO Box 1116, St. Catharines, ON, L2R 7A3	\$2,423,285.00
Niagara Concrete Forming & Finishing Ltd. 5674 Brookfield Ave, Niagara Falls, ON, L2G 5R2	\$2,573,413.00
Walker Construction Ltd. 9101 Brown Road, Niagara Falls, ON, L2H 0X1	\$2,719,300.00
Brennan Paving Limited 198 Welland Street, Port Colborne, ON, L3K 5V7	\$2,788,211.00
Alfidome Construction Niagara (1984370 Ontario Inc.) 1701 Thorold Townline Road, Niagara Falls, ON, L2E 6S5	\$2,899,896.00

Rankin Construction Incorporated, the low tenderer, is an established company having successfully completed past projects within the City and across the Niagara Region. Staff considers the firm's performance to be satisfactory in accordance with our specifications and standards and therefore recommends that Rankin Construction Incorporated be awarded the contract.

FINANCIAL CONSIDERATION:

Project costs and funding are summarized as follows:

Project Costs	Amount
2023 Road Reconstruction Low Bid	\$2,423,285.00
Material Testing and Quality Control (2%)	\$48,465.70
Subtotal	\$2,471,750.70
City's Portion of HST (1.76%)	\$43,502.81
Total Anticipated Costs	\$2,515,253.51

Project Funding	Amount
2023 Road Reconstruction (Roads) (10-320-23168)	\$2,255,000.00
2023 Road Reconstruction (Sidewalks) (10-316-23168)	\$436,300.00
2023 Road Reconstruction (Storm) (10-327-23168)	\$120,000.00
Approved Capital Funding	\$2,811,300.00

The tender price from the low bidder plus 2% for material testing and 1.76% for the City's portion of the HST is **\$2,515,253.51**. There is sufficient funding approved for this project.

OTHER DEPARTMENT IMPLICATIONS:

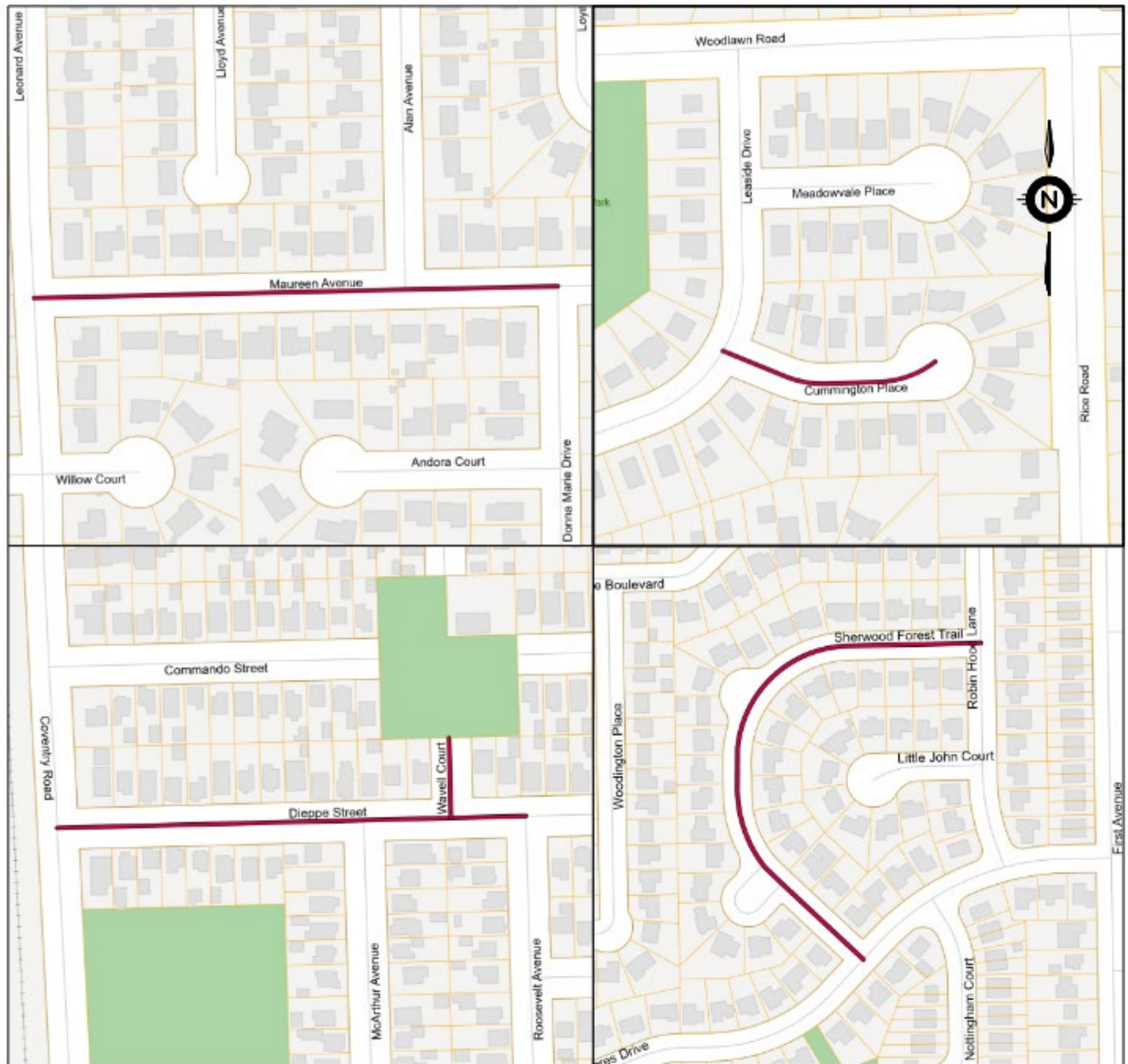
Contract administration for tendering, agreements, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal departments.

SUMMARY AND CONCLUSION:




Staff recommends the award of the 2023 Road Reconstruction contract to Rankin Construction Incorporated at the tendered price of \$2,423,285.00 (plus HST).

ATTACHMENTS:

Appendix I – 2023 Road Reconstruction: Location Plan



COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-26

REPORT ENG-2023-21
JUNE 6, 2023

SUBJECT: 2023 SIDEWALK CONDITION RELATED REPLACEMENTS & MISSING LINKS – TENDER AWARD

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

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

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of **CTC Contracting** in the amount of **\$251,741.90** (plus HST) being the lowest bid received for the 2023 Condition Related Replacements & Missing Links project; and
2. THAT Council approve the allocation of funding as outlined in this report; and
3. THAT Council directs staff to prepare the necessary by-law and documents to execute the project; and further
4. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

ORIGIN AND BACKGROUND:

Sidewalks are important municipal assets that promote active transportation, pedestrian safety and connectivity. Staff have completed a citywide sidewalk network inspection and prioritized locations requiring rehabilitation to conform to minimum maintenance standards (O.Reg. 239/02).

The 2023 sidewalk program will also include the installation of missing links which are prioritized within road allowances where connections are missing to access schools, community facilities and institutions. Using the tools available within the City's Geographic Information System (GIS), an assessment of the City's sidewalk network was completed to identify missing link sections.

The 2023 missing sidewalk links include:

- Summit Avenue – Summit Circle to Armour Drive
- Rosemount Drive – Summit Avenue to Rosemount Circle

COMMENTS AND ANALYSIS:

The tender was released on Tuesday, May 16, 2023, for 2 weeks on Biddingo a major Canadian tendering website and was publicly advertised and listed with the Niagara Construction Association.

Four (4) tenders were received on closing day, Tuesday, May 30, 2023. Submissions have been reviewed for accuracy and all have been found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding taxes, is as shown in the following table:

CONTRACTOR NAME & ADDRESS	TENDER PRICE (excl. HST)
1526957 Ontario Limited (O/A CTC Contracting) 272 Vigar Drive, Welland, ON L3B 0E2	\$251,741.90
Sacco Construction Limited 4530 Drummand Road, Niagara Falls, ON L2E 67C	\$272,455.00
Steed and Evans Limited 300 Ament Line, St Jacobs, ON N0B 2N0	\$311,500.00
Niagara Concrete Forming and Finishing Limited 5674 Brookfield Ave, Niagara Falls, ON L2G 5R2	\$491,284.00

CTC Contracting, the low tenderer, is an established company having successfully completed past projects within the City and across the Niagara Region. Staff considers the firm's performance to be satisfactory in accordance with our specifications and standards and therefore recommends that CTC Contracting be awarded the contract.

FINANCIAL CONSIDERATION:

Project costs and funding is summarized as follows:

Project Costs	Amount
2023 Sidewalk Condition Related Replacements & Missing Links Low Bid	\$251,741.90
Subtotal:	\$251,741.90
City's Portion of HST (1.76%)	\$4,430.66
Total Anticipated Costs:	\$256,172.56

Project Funding	Amount
Sidewalks - Condition Related Replacements & Missing Links (10-316-23102)	\$250,000.00
Clare Avenue Extension – East Side Sidewalks & Safety Railing (10-320-21171)**	\$80,000.00
Approved Capital Funding:	\$330,000.00

***Reallocate funds to account 10-316-23102 "Condition Related Replacements & Missing Links"*

The tender price from the low bidder plus 1.76% for the City's portion of the HST is **\$256,172.56**. There is sufficient funding approved for this project.

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

Prioritizing the rehabilitation of deficient sidewalk and addition of missing sidewalk links along highly travelled routes provides accessible, safe pedestrian connectivity.

Staff recommends awarding CTC Contracting the 2023 Sidewalk Condition Related Replacements & Missing Links contract.

ATTACHMENTS:

Appendix I – Sidewalk Missing Link Location Plan



COUNCIL
INFRASTRUCTURE SERVICES
ENGINEERING DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-89

REPORT ENG-2023-22
JUNE 6, 2023

SUBJECT: FLEET ROTARY LIFT REPLACEMENT

AUTHOR: JAMES STICCA, C.E.T.

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND authorize the purchase of a new fleet rotary lift; and
2. THAT Council pre-approves \$475,000 for a 2024 Capital project to purchase a new fleet rotary lift; and further
3. THAT Council directs staff to prepare the necessary documents to procure the unit.

ORIGIN AND BACKGROUND:

City of Welland staff maintain and repair the municipal fleet at 99 Federal Road at the Public Works Service Centre. The fleet is comprised of heavy equipment, passenger vehicles, tractors, snow removal equipment and watercraft.

Much of the equipment and infrastructure used to service the City's fleet is original to the building, constructed in 1982, including the rotary lift used to hoist heavy equipment.

The rotary lift is an in-floor unit comprised of hydraulic jacks that raise fleet vehicles to a safe working height. The jack is adjustable to match various wheelbases. The lift is critical when working on large equipment.

COMMENTS AND ANALYSIS:

Presently the rotary lift unit in service is reaching the end of its expected service life and repair parts no longer exist. The jack cylinders are beginning to pit and scour. Pitting and scouring hinders the ability of the jack to create a seal when hydraulic fluid is pressurized, placing excess strain on the hydraulic pump. Additionally, the chain mechanism used to adjust the front jack cylinder has failed and although temporary repairs have been made, the unit is becoming more difficult to maintain given its age and lack of available parts.

The increasing risk of mechanical failure of the rotary lift is a health and safety concern for the City staff that use it. Additionally, should the lift fail, staff will not be able to perform preventative maintenance, annual safety inspections and/or repairs on the municipal fleet which will negatively impact the City's ability to maintain service delivery to residents.

With the risk to safety and potential negative impact in service to residents coupled with the longer lead times for delivery of equipment post pandemic, staff are recommending the pre-approval of a 2024 capital project to purchase a new rotary lift now that could be supplied and installed by winter 2023.

FINANCIAL CONSIDERATION:

If approved, the purchase and installation of a new rotary lift would be publicly tendered in accordance with the provisions of the current Purchasing Policy. Tender documents could be made available before the end of June. The lift could be installed and in service by winter, 2023.




Staff are recommending the pre-approval of a 2024 capital project for the Fleet rotary lift replacement in the amount of \$475,000 to be funded by the Capital Surplus Reserve.

SUMMARY AND CONCLUSION:

A rotary lift is an essential piece of equipment used to perform preventative maintenance, annual safety inspections and/or repairs on the municipal fleet. There are health and safety concerns related to the increased risk of mechanical failure of the existing rotary lift which is over forty years old. Moreover, service delivery to residents would be impacted without a lift.

To that end, staff are recommending the pre-approval of a 2024 capital project to purchase a new fleet rotary lift for \$475,000 that could be in service by this winter if tendered in June 2023.

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT P&B-2023-17

JUNE 6, 2023

23-87

SUBJECT: CITY HALL 2nd FLOOR OFFICE MODERNIZATION PROJECT

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to Staples Professional in the amount of \$330,955.56 (excluding HST) for the provision and installation of workstations at Civic Square (second floor), including the dismantling and disposal of existing furnishings; and further

THAT Welland City Council approves the funding shortfall to be funded through the Building Provision reserve fund; and further

THAT Welland City Council directs purchasing staff to issue a purchase order for this acquisition.

ORIGIN AND BACKGROUND:

Staff identified a need to modernize the 2nd floor office area in order to efficiently and effectively deliver City services for a growing City while also providing appropriate workspaces. This involves redesigning the office layout and the installation of new workstations. The project will significantly increase the ability to accommodate staff. This includes the installation of “hoteling” stations to accommodate a hybrid work environment for those staff that work a home some days and those that do not require a full cubicle. During this process, staff reviewed the type of workstation required by staff to complete their roles and responsibilities. Staff reviewed various workstation options presented by vendors. Based on a review of the options presented and costing a decision was made that the workstation offered by Staples met the needs of the department and staff.

COMMENTS AND ANALYSIS:

The replacement of the workstations on the second floor in the Planning and Building Department was planned to be accomplished in two phases. The first phase of the project was to replace the workstation closest to the public counter area to address an immediate need for additional workstations. The second phase was to replace the remaining workstations on the second floor to create additional work locations for staff and ensure the workstations were right sized for staff.

The second phase of the project is now proceeding to replace and upgrade the remaining office workstations. To ensure consistency, staff reached out to Staples to obtain a quotation to complete the remaining workstations. The price quoted is comparable to previous workstation costing for phase one. Based on the quote staff wish to proceed with Staples. The cost of modernizing and redesigning the second floor layout is significantly less than expanding the footprint or size of City Hall.

FINANCIAL CONSIDERATION:

Project to be funded by: New Second Floor Cubicles & Office Furniture:10-825-23652 for \$311,000.

Capital Project #	Budget	Vendor	Price inclusive of City HST
10-825-23652	\$311,000	Staples*	\$336,780.37

*This vendor was chosen due to continuity in not only appearance but compatibility if additional pieces are required in the future.

Staff are recommending funding the project shortfall of \$25,780.37 through the Building Provision reserve fund.

OTHER DEPARTMENT IMPLICATIONS:

The installation of the new workstations will be coordinated with all departments involved to ensure there is minimal interruption to service delivery.




SUMMARY AND CONCLUSION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to Staples Professional for the provision of installation at Civic Square (second floor) and authorizes Purchasing to secure the required Work via Purchase Order.

THAT Welland City Council approves the funding shortfall to be funded through the Building Provision reserve fund.

ATTACHMENTS:

None

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

23-88

REPORT P&B-2023-18
June 6, 2023

SUBJECT: APPLICATION FOR CONDOMINIUM EXEMPTION (FILE NO. 26CD-14-21009) MADE BY RPD STUDIOS ON BEHALF OF 2826705 ONTARIO INC. FOR LANDS DESCRIBED AS PART OF LOT 25, GEOGRAPHIC TOWNSHIP OF CROWLAND, NOW IN THE CITY OF WELLAND, PART 3, PLAN 59R-7505, MUNICIPALLY KNOWN AS 201 ONTARIO ROAD

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the exemption request by RPD Studios on behalf of 2826705 Ontario Inc. for its Application for Condominium Approval of one hundred and six (106) condominium units located at 201 Ontario Road in accordance with Section 9 (7) of the Condominium Act, Chapter 4, 1998, as amended; and further,

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

ORGIN AND BACKGROUND

The City received an application for Condominium Exemption made by SPD Studios on behalf of 2826705 Ontario Inc. for one hundred and six (106) townhomes. The property is located on the north side of Ontario Road and east of King Street. The property is municipally known as 201 Ontario Road.

COMMENTS AND ANALYSIS:

Section 9 (7) of the Condominium Act provides that an Application for Condominium Approval may be exempted from Section 51 of the Planning Act

where the approval authority is of the opinion that the exemption is appropriate in the circumstances.

A full Site Plan Agreement was registered on title on April 28th, 2023 to permit the construction of one hundred and six (106) townhouse condominium units on the property. The proposed development conforms with the Official Plan and Zoning By-law. Securities were taken to ensure that the development of the site proceeded as per the approved site plans. Any requirements that would typically be reviewed through the Condominium Approval have been addressed through the Site Plan Agreement which has been registered on the title of the property. As such, staff are satisfied that exemption from Condominium Approval is appropriate as there is an approved Site Plan Agreement registered on the property.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

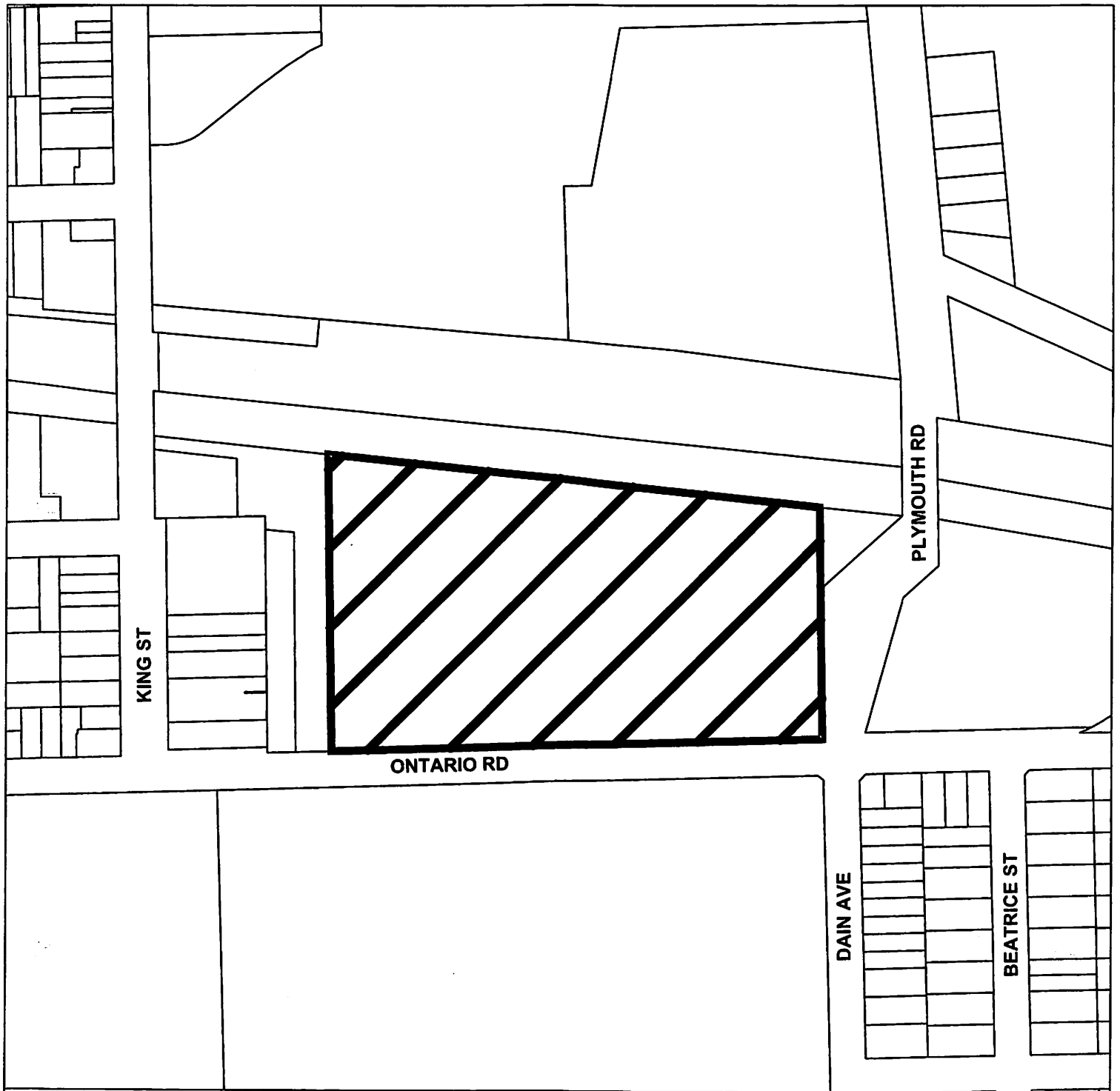
All comments from other departments were received through the Site Plan Agreement process and were addressed at that time.

SUMMARY AND CONCLUSION:

Staff recommends the exemption request for the Application for Condominium Exemption for 201 Ontario Road as all development requirements have been addressed through the Site Plan that has been registered on the Title and financial securities are in place. The proposed exemption is appropriate as it is consistent with the policies of the Condominium Act and the Planning Act which permit exemptions. The approval of the Condominium Exemption will allow the developer to move forward with obtaining the building permits to construct the condominium units.

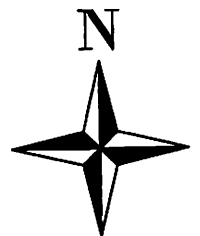
ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Approved Site Plan
- Appendix III - Draft Plan of Vacant Land Condominium



LOCATION MAP

201 Ontario Road

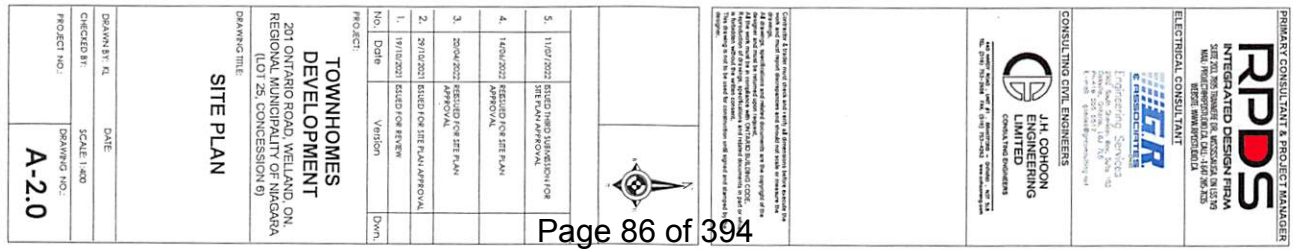


 SUBJECT LANDS



Planning & Development Services

Planning Division





DRAFT PLAN OF VACANT LAND CONDOMINIUM

PART 1 - PLAN OF SURVEY OF
PART OF LOT 25
CONCESSION 6
(GEOGRAPHIC TOWNSHIP OF CROWLAND)
CITY OF WELLS
REGIONAL MUNICIPALITY OF NIAGARA



SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THE BOUNDARIES
OF THE VACANT LAND SHOWN ON THIS
PLAN BY MANDEEP MULTANI IN DRAFT
FORM, ARE ACCURATELY AND CORRECTLY
SHOWN.

OWNER'S CERTIFICATE:
I HEREBY CONSENT TO THE FILING OF THIS
PLAN BY MANDEEP MULTANI IN DRAFT
FORM.

DATE	NAME
APRIL 27, 2023	JOHN W. BROWN
DATE	NAME
APRIL 27, 2023	JOHN W. BROWN




**ADDITIONAL INFORMATION REQUIRED
BY THE PLANNING
ACT**

- A - SEE PLAN
- B - SEE PLAN
- C - SEE PLAN
- D - SEE PLAN
- E - SEE PLAN
- F - SEE PLAN
- G - SEE PLAN
- H - SEE PLAN
- I - SEE PLAN
- J - SEE PLAN
- K - SEE PLAN
- L - NONE

**J.H. COHOON
ENGINEERING
LIMITED**
CONSULTING ENGINEERS

1000 KENNEDY ROAD, SUITE 100, MARKHAM, ONTARIO L3R 9W7
TEL: (905) 709-2000 FAX: (905) 709-2003 www.jhcohoon.com

DRAWN BY: DR DATE: 2023-04-27
CHECKED BY: RP SCALE: 1:500
PROJECT NO.: DRAWING NO.:
S-10

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

23-81

REPORT P&B-2023-19
JUNE 6, 2023

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 43) AND ZONING BY-LAW AMENDMENT (2023-02) SUBMITTED BY A. ARBOUR CONSULTING ON BEHALF OF PBG GROUP (ANTHONY CONTINELLI) FOR LANDS LOCATED ON THE NORTH SIDE OF THOROLD ROAD, WEST OF RICE ROAD AND EAST OF BRIDLEWOOD DRIVE, MUNICIPALLY KNOWN AS 392 & 398 THOROLD ROAD.

**AUTHOR: CAITLIN KOVACS, BURPI
DEVELOPMENT PLANNER**

**APPROVING SUPERVISOR: TAYLOR MEADOWS, BURPI
PLANNING SUPERVISOR - DEVELOPMENT**

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 43 to designate the lands on the north side of Thorold Road, west of Rice Road and east of Bridlewood Drive, more specifically described as Plan 13 Lot 1 to Lot 3 NP 935, Welland, municipally known as 392 and 398 Thorold Road from Low Density Residential to Special Policy Medium Density Residential.

THAT THE COUNCIL OF THE CITY OF WELLAND approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the north side of Thorold Road, west of Rice Road and east of Bridlewood Drive, more specifically described as Plan 13 Lot 1 to Lot 3 NP 935, Welland, municipally known as 392 and 398 Thorold Road from Residential Low Density 1 – RL1 to Residential Medium Density – RM.

ORIGIN AND BACKGROUND:

Application for Official Plan Amendment and Zoning By-law Amendment was submitted on February 6, 2023. The application was deemed complete on March 4, 2023.

COMMENTS AND ANALYSIS:**The Purpose**

The purpose of the Official Plan Amendment is to redesignate the subject lands from Low Density Residential to Special Policy Medium Density Residential. The purpose of the New Special Policy is to permit a Medium Density Residential built form that achieves a High Density Residential density target of 84.8 units per hectare.

The purpose of the Zoning By-law Amendment is to rezone the entirety of the property from Residential Low Density 1 – RL1 to Residential Medium Density – RM. The intention of the rezoning is to permit the desired built form of stacked townhouses.

The proposed redesignation and rezoning is to permit the development of five (5) blocks of three (3) storey stacked townhouses for a total of twenty-three (23) stacked townhouses containing sixty-nine (69) residential dwelling units. Five of the townhouses will front onto Thorold Road with the remainder being access via a private road. The parking being provided includes 69 spaces for residents, 2 accessible spaces, 7 visitor parking spaces and 18 bicycle parking spaces. All parking is anticipated to be provided via the private road. The proposal achieves a density rate of 84.8 units per net hectare of land. The proposed density rate requires the Official Plan Amendment in order to be permitted. Currently the Medium Density Residential designation permits a density rate of between 25 dwelling units per net hectare of land and 60 dwelling units per net hectare of land.

The Site

The subject site is comprised of two lots, municipally known as 392 and 398 Thorold Road. The site is rectangular in shape and is relatively flat. The site is 0.81 hectares in size with 50.15 metres of frontage along Thorold Road. The subject site is located on the north side of Thorold Road, west of Bridlewood Drive, east of Rice Road.

Surrounding Land Uses

The surrounding land uses include, to the north are low density residential uses, to the east are medium density residential (townhouses), low density residential

and commercial, to the south are commercial and low density residential uses, and to the west are low density residential uses.

Developments and Agency Comments Received

City of Welland
Infrastructure Services
Department,
Engineering Division
(May 18, 2023)

- The required fire flow for the site is to be calculated using the Fire Underwriters Survey (FUS) guidelines. The current calculations do not accurately represent the required fire flow for the site. It appears that the fire flow was calculated for the smallest building and only one floor was used. The flow should be based off the largest building on site and should include all floors. Please review and revise.
- Results from the fire hydrant testing are to be provided. The summary calculations are not sufficient to support the proposed fire flows.
- The City is still waiting for the results of the sanitary model from the consultant. Further information will be provided once the report is received.
- The stormwater design for the site is currently calculated from a 5-year post to a 5 year predevelopment level. The site is to be controlled to a 5-year post to a 2 year predevelopment level. Stormwater runoff is to be treated to an enhanced level of protection (80% TSS removal).
- In addition to the comment above, for all storm events above the 5 year the site should be controlled to match the post development levels to predevelopment levels for events up to and including the 100 year storm event.
- The site should follow the recommendations of the Niagara Region's Stormwater Management Design Guidelines including adhering to the updated Environmental Technology Verification (ETV) standards for TSS removal.
- The recommended run-off coefficient for apartment style use is 0.7 within the City's current standards. Please revise the storm drainage areas and calculations accordingly.

- City of Welland
Infrastructure Services,
Building Division
(March 23, 2023)

 - The existing drainage area plan is showing a run-off coefficient of 0.4 whereas the design sheet is using a coefficient of 0.2.
 - The Condo Corporation will need to ensure that the maintenance requirements and responsibilities regarding the proposed oil grit separator are included in the future agreement and will need to have an agreement with a company to service the separator.
 - The Functional Service Report references apartment buildings in areas of the report and should be updated to reflect the stacked townhouse built form.
 - The Functional Service Report references the National Building Code, this should be updated to the Ontario Building Code and its provisions.
 - The Functional Service Report should be updated to include a servicing plan that includes pipe sizes, servicing connections, locations of all services on the site and the location of any hydrants on the site and on Thorold Road.
- Mississaugas of the
Credit First Nation
(March 24, 2023)

 - The Mississaugas of the Credit First Nation recognizes that the proposal is on the lands of the Between the Lakes Treaty No. 3 of 1792.
 - MCFN requests to receive any Environmental Assessment reports and to be engaged on all Archeological Assessments.
- Enbridge Gas
(April 6, 2023)

 - Enbridge Gas does not object to the proposed application however, they reserve the right to amend their development conditions.
- Region of Niagara
Planning and
Development Services
(April 14, 2022)

 - Regional Staff are generally supportive of the proposed development in principle and provides the following comments:
 - Regional staff has no objection to the proposed local Official Plan Amendment and Zoning By-law Amendment from a Provincial and Regional perspective, subject to the Noise Impact Study recommendations and waste collection requirements being addressed through the Draft

Plan of Condominium and Site Plan approval for this development. The proposal is consistent with the PPS, conforms to the intent of the Growth Plan and the NOP.

- The preliminary site plan drawings submitted show the use of Earth Bins for waste collection which the Region does not currently collect, therefore waste collection for units 16-69 will be the responsibility of the owner through a private contractor and not the Niagara Region. Units 1-15 remain eligible for Regional curbside collection of garbage, recycling and organic material on Thorold Road provided that all units have a primary exterior door directly accessing ground level that is visible from the collection point, as required by Niagara Region's Waste Collection By-law.
- In accordance with NOP policy 7.4.1.6 the Local Official Plan Amendment is exempt from Regional approval as the amendment is consistent with and conforms to Provincial and Regional policies and plans
- The comprehensive Niagara Region comments are included in the appendices for further review.

Public Comments Received

A Virtual Public Information Meeting was held on Wednesday, April 12, 2023, to gain public input regarding the proposed applications. No members of the public participated at the Public Information Meeting.

The Statutory Public Meeting under the Planning Act was held on Tuesday, May 2, 2023. The Public Meeting provided an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications. No members of the public spoke in support or opposition of the proposed development.

After the Statutory Public Meeting was held, two (2) written comments were received from the public. Both comments are in opposition to the proposed development and include the following concerns:

- Insufficient parking being provided for the residents.
- Insufficient traffic analysis has been conducted for the proposed development.

Planning Analysis

Provincial and Regional Policy

The subject lands are within the Settlement Area Boundary of Welland as defined by the Provincial Policy Statement (PPS) and within the City's Built-Up Area as defined by the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). Both policy documents encourage the focus of growth and development to be within the urban area of a municipality, particularly in the form of efficient land-use patterns, being supportive of active transportation and transit use, and using existing municipal services efficiently. The application of these provisions in the evaluation of proposed developments will support healthy, livable, and safe communities. The proposed development is within the built-up area and can access existing municipal infrastructure. The proposed development is in proximity to a cycling off road trail via the Stop 19 Pathway and other active transportation infrastructure including bike lanes on Thorold Road. The proposed development would contribute to introducing a wider range of house stock, unit type, and tenure to the area.

The proposed development will encourage transit use as it is situated along bus route 502-Rice Road which connects across the city up to the Niagara College Campus and down to the Welland Plaza at Fitch Street and Prince Charles Drive. The subject lands are located within a reasonable walking distance of Gordon Street Public School, several commercial shopping plazas, several local parks, and three transit lines (502-Rice Road, 503-First Avenue, and 504-Fitch Street). The subject lands currently contains two single-detached dwellings, and the redevelopment of subject lands will allow for a more efficient use of the property, municipal resources, and provide direct investment within the local community. Regional policies are consistent with Provincial policies and encourage new growth and development to be located within urban areas and take advantage of existing municipal services.

The proposed Official Plan Amendment is consistent with Provincial Policies and Regional Policies. The proposed Official Plan Amendment seeks to redesignate the subject lands from Low Density Residential to New Special Policy Medium Density Residential. The purpose of the Official Plan Amendment is to permit and encourage new compact residential growth that will contribute to the City's intensification targets. Compact residential growth which uses available public services, makes efficient use of existing infrastructure, that promotes active transportation, and which encourages transit use is generally found to be encouraged and desirable. The development takes advantage of existing municipal services.

The proposed Zoning By-law Amendment seeks to rezone the subject lands from Residential Low Density 1 – RL1 to Residential Medium Density – RM. The intention of the proposed Zoning By-law Amendment is to permit the development of stacked townhouses on the subject lands. The development is anticipated to meet the zoning provisions of the Residential Medium Density – RM zone. The proposed Zoning By-law Amendment will permit development that is compact, can access existing municipal services, encourages active transportation, and supports transit use. Therefore, the requested Zoning By-law Amendment is consistent with Provincial and Regional policies.

City of Welland Official Plan

The subject lands are designated as Low Density Residential in the City of Welland Official Plan. The proposed Official Plan Amendment seeks to redesignate the subject land as New Special Policy Medium Density Residential. The intention for the Special Policy Medium Density Residential designation is to permit a density of up to 85 units per hectare while maintaining a medium density build form; the medium density built form desired in the proposal is 3-storey stacked townhouses.

The Medium Density Residential designation permits low-rise residential development such as triplex, four-plex, townhouse, stacked townhouse, and low-rise apartment buildings. The intention of the built form of the Medium Density Residential designation is to be low-rise dwellings that do not cause significant issues in terms of casting shadows or obstructing the views of adjacent lots. The proposed development is consistent with this as it consists of stacked townhouses with appropriate landscaping provisions on the site and between the site and adjacent properties. The surrounding area built form is predominantly single-detached dwellings, townhouses, other low-rise structures (institutional, commercial).

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

- Land use and neighbourhood character compatibility
- The subject land is located along Thorold Road between Clare Avenue and Rice Road. The surrounding built forms include single-detached dwellings, semi-detached dwellings, townhouse dwellings, and low-rise commercial buildings. Gordon Public School is located nearby the site.
- The proposed development will be 3 storey stacked townhouse. Six (6) stacked townhouses will front onto Thorold Road

with landscaping between the front doors and Thorold Road. The remaining 17 stacked townhouses are located along a private road that access Thorold Road.

- Staff find that the proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
- The lot size is similar to the surrounding residential lots and the block layout is consistent with other developments within the City including the existing townhouse development at 366 Thorold Road.
- Accessibility
- The proposed development is anticipated to provide paved sidewalks throughout the development that connect to Thorold Road.
- The proposed development provides accessible parking spaces in accordance with zoning requirements.
- Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
- The proposed development intends to provide 69 parking spaces for residents, 7 parking spaces for visitors, 2 barrier free parking spaces, and 18 bicycle parking spaces.
- Parking requirements are considered to be satisfied to the City's requirements.
- The potential for additional traffic and traffic manoeuvrability;
- Thorold Road is an arterial road within the City of Welland. The proposed development does not have any parking or unit driveways along Thorold Road. A traffic study was not requested for this proposed development. The only vehicular connection to Thorold Road is via the private street. The private street is anticipated to accommodate the residents needs and activity levels.

- The potential for transit ridership;
- Natural (including natural hazards) and built heritage conservations/ protection;
- The available capacity of municipal infrastructure; and,
- Residential intensification identified in this Plan.
- The subject lands are located in proximity to transit lines including Line 502 Rice Road, Line 503-First Avenue, and Line 504-Fitch Street. The proposal may aid in increasing transit ridership.
- There are no natural or built heritage features that have been identified on the subject lands.
- The proposed development has been reviewed by the City's Engineering Division and confirmed that the development can use existing services. The development will be subject to a Site Plan Control and any servicing deficiencies and requirements will be address through that process.
- The proposed development will assist the City in achieving the target of 75% of all new residential development being within the Built-Up Area.

The proposed Official Plan Amendment and Zoning By-law Amendment is consistent with the City's Official Plan policies for residential development. The Official Plan Amendment is also expected to support transit ridership, active transportation, and contribute to the development of complete communities. The proposed Zoning By-law Amendment will permit the proposed development and as such supports the same goals and targets as the Official Plan Amendment.

City of Welland Zoning By-law 2017-117

The subject lands are currently zoned Low Density Residential 1 – RL1. The proposed development will require a Zoning By-law Amendment to rezone the subject land to Residential Medium Density – RM. The purpose of the Zoning By-law Amendment is to facilitate the development of twenty-three (23) stacked townhouses for a total of sixty-nine (69) dwelling units. The proposed development will be subject to a Plan of Condominium and is anticipated to meet the zoning provisions of the Residential Medium Density – RM zone.

The proposed zoning amendments are supported by Staff as they are intended to promote and encourage the desired growth and development that the City. The location of the property is within walking distance of transportation corridors, transit lines, and active transportation routes. Staff are of the opinion that the proposed amendments to the Zoning By-law are appropriate and can be supported.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

All comments from City Departments and other agencies have been provided.

SUMMARY AND CONCLUSION:

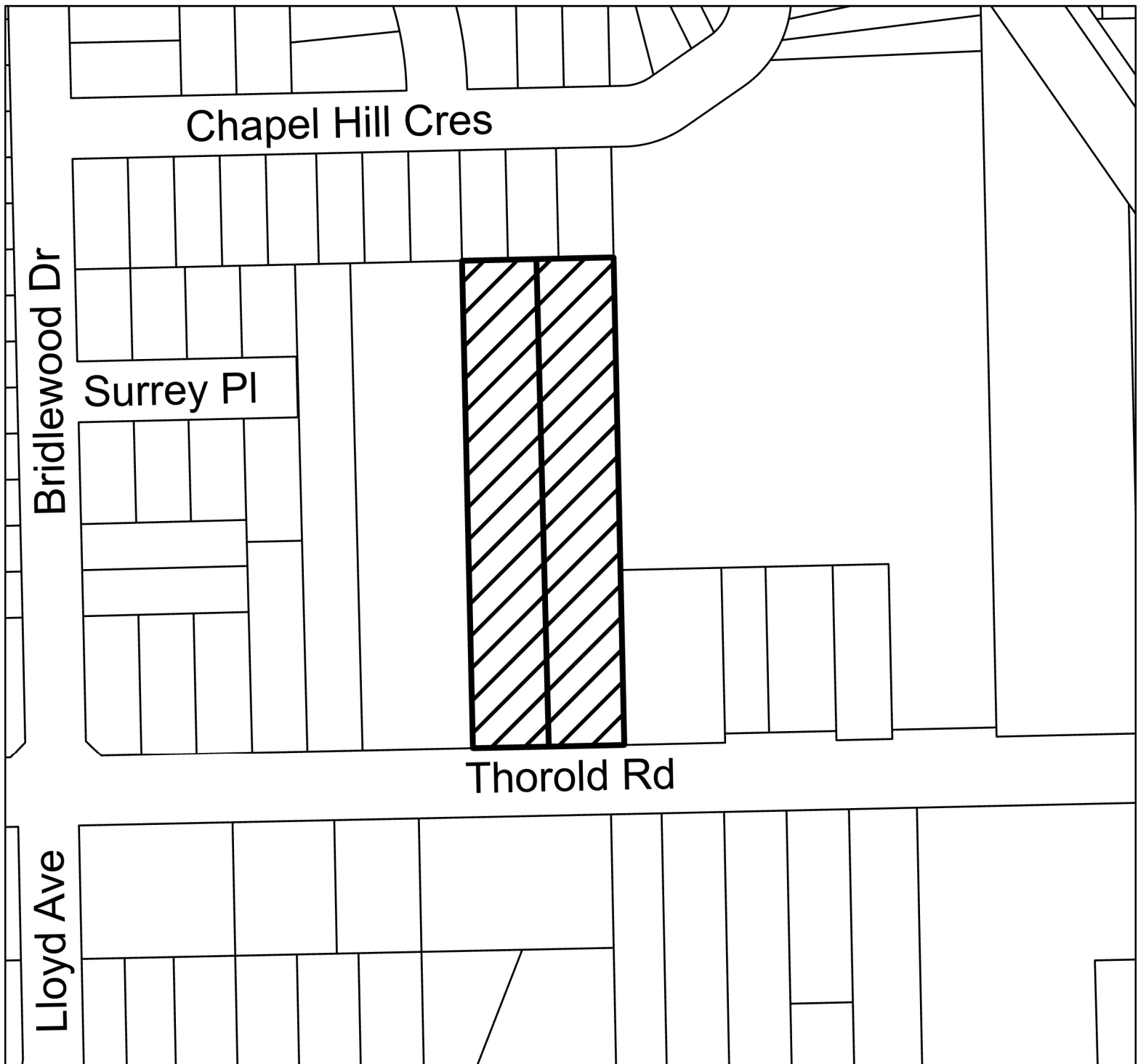
The proposed application for Official Plan Amendment and Zoning By-law Amendment to permit the development of twenty-three (23) stacked townhouses with a total of sixty-nine (69) dwelling units represents good planning because:

1. It is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and services;
3. Encourages the creation of a complete community;
4. Is transit and active transportation supportive; and,
5. Will assist the City in achieving the yearly intensification target.

ATTACHMENTS:

Appendix I	-	Key Map
Appendix II	-	Aerial Photo of Subject Lands
Appendix III	-	Conceptual Site Plan
Appendix IV	-	Relevant Correspondence
Appendix V	-	Draft Official Plan Amendment (Text only)

ZBLA 2023-02 & OPA No.43



Key Map

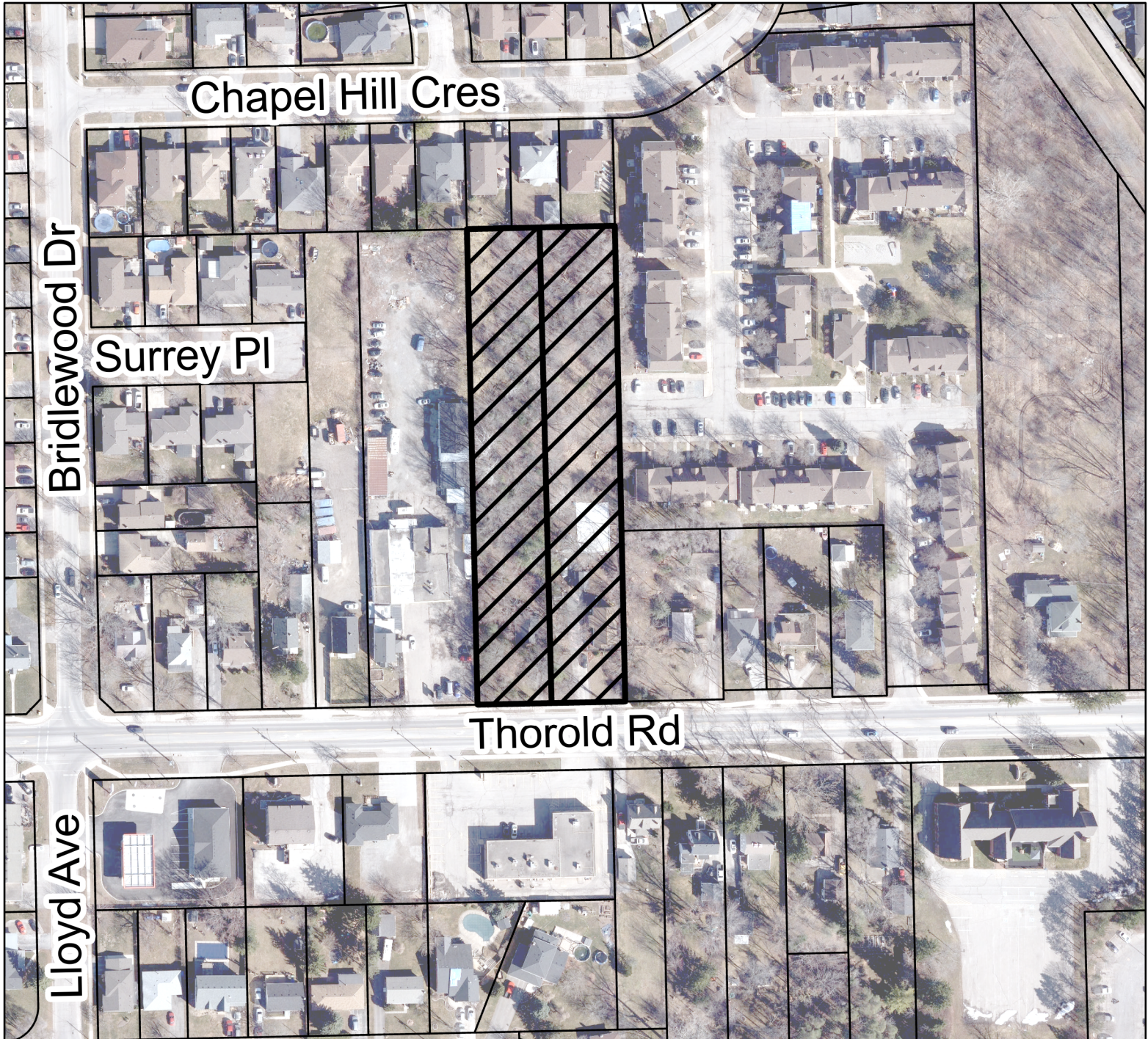
392 & 398 Thorold Road

N



**SUBJECT
LANDS**

ZBLA 2023-02 & OPA No.43



Aerial Map of Subject Lands



 SUBJECT LANDS

1100

Taylor Meadows

From: Grant Munday
Sent: May 9, 2023 7:24 PM
To: Councillor David McLeod
Cc: Caitlin Kovacs; Taylor Meadows; Steve Zorbas
Subject: RE: Thorold Rd. Townhouses

Councillor McLeod,

The City's Traffic Engineer has reviewed this proposal and it did not warrant a traffic impact study. We would consider Mr. Wilson's comments as part of our Final Recommendation Report. We would also ensure he would be sent a copy of the recommendation report and also receive a copy of the Notice of Decision.

Sincerely,



Grant Munday, B.A.A., MCIP, RPP

Director

Planning and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2240 **Fax:** (905)735-8772

www.welland.ca



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From: Councillor David McLeod <david.mcleod@welland.ca>

Sent: May 9, 2023 6:58 PM

To: Grant Munday <grant.munday@welland.ca>

Subject: Fw: Thorold Rd. Townhouses

Hi Mr. Munday,

What response can we provide Mr. Wilson to address his concerns?

Thanks,

David

From: Bill Sr. <

Sent: Monday, April 17, 2023 3:43 PM

To: Councillor Leo Van Vliet <leo.vanvliet@welland.ca>; Councillor David McLeod <david.mcleod@welland.ca>

Subject: Thorold Rd. Townhouses

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Hello Leo , David

My name is Bill Wilson.

I have lived at 381 Thorold Rd for over 30 years.

I am strongly opposed to the proposed townhouse developments on 392/398 Thorold Rd. Twenty three 3-storey units with the capacity to allow 78 vehicles with a single point of entry/exit to Thorold Rd is not feasible.

Has anyone addressed the issue of traffic congestion?

Thanks

Sent from [Mail](#) for Windows

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Taylor Meadows

From: Tim D <>
Sent: May 4, 2023 11:09 AM
To: Councillor Mary Ann Grimaldi; Councillor Adam Moote
Cc: Taylor Meadows; Caitlin Kovacs; Grant Munday; Frank Campion
Subject: Re: development at 392 and 398 Thorold Rd.

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Thanks for that Maryann, good to know where our councillors stand on the issue.

Tim D

From: Councillor Mary Ann Grimaldi <maryann.grimaldi@welland.ca>
Sent: Thursday, May 4, 2023, 11:01 a.m.
To: Tim D <>; Councillor Adam Moote <adam.moote@welland.ca>
Cc: Taylor Meadows <taylor.meadows@welland.ca>; Caitlin Kovacs <caitlin.kovacs@welland.ca>; Grant Munday <grant.munday@welland.ca>; Frank Campion <frank.campion@welland.ca>
Subject: Re: development at 392 and 398 Thorold Rd.

Good morning Tim,

Thank you for reaching out.

I must say I agree with Councillor Moote. There is a great need for housing. I agree that having a place to sleep is what takes priority. I believe that staff said nobody showed up for the public information session. As well the Province passed Bill 23. Perhaps staff can speak to that as well.

Warmest regards,

Mary Ann

Mary Ann Grimaldi
Councillor Ward 1
Corporation of City of Welland
60 East Main Street
Welland Ontario L3B 3X4
905-736-0478
www.welland.ca

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

From: Tim D <>

Sent: Thursday, May 4, 2023, 10:09 a.m.

To: Councillor Adam Moote <adam.moote@welland.ca>; Councillor Mary Ann Grimaldi <maryann.grimaldi@welland.ca>

Cc: Taylor Meadows <taylor.meadows@welland.ca>; Caitlin Kovacs <caitlin.kovacs@welland.ca>

Subject: Re: development at 392 and 398 Thorold Rd.

I understand your perspective, but respectfully disagree. You're trying to serve people outside of our community by squeezing a large complex into a busy intersection so people from outside our ward can move into our ward. I don't see how ward 1 residents benefit from this project, but your perspective is as valid as mine. Thanks for sending me to the operations staff, look forward to hearing from them.

[@maryann.grimaldi@welland.ca](mailto:maryann.grimaldi@welland.ca) can I please get your perspective on this as well?

Thanks,

Tim D

From: Councillor Adam Moote <adam.moote@welland.ca>

Sent: Thursday, May 4, 2023, 10:02 a.m.

To: Tim D <>; Councillor Mary Ann Grimaldi <maryann.grimaldi@welland.ca>

Cc: Taylor Meadows <taylor.meadows@welland.ca>; Caitlin Kovacs <caitlin.kovacs@welland.ca>

Subject: Re: development at 392 and 398 Thorold Rd.

Hi Tim,

Where the map pin and the green outline is generally the property. Taylor or Caitlin can you respond to Mr. D'Anna's questions from the previous email.

I will turn over the questions to our staff as they are the operations.

But yes, I support the development, the City, province and federal government all recognize that there is a housing crisis and that we need more housing stock in communities. I would not be serving the interests of the people of our community if I cared more about where cars park rather than where people are going to sleep at night.

Sincerely,
Adam



Adam Moote

City Councillor - Ward 1

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Cell: 905-736-3620

Phone: 905-735-1700

www.welland.ca



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From: Tim D <>

Sent: Thursday, May 4, 2023 9:43 AM

To: Councillor Adam Moote <adam.moote@welland.ca>; Councillor Mary Ann Grimaldi <maryann.grimaldi@welland.ca>

Subject: Re: development at 392 and 398 Thorold Rd.

Unfortunately I live more than 120 metres from the property so I wouldn't have known about the proposed building it if weren't for an article in the newspaper.

My concern regarding the trail may be incorrect, I think it's possible I'm envisioning the complex in a different location. I've attached a screenshot: can you confirm if my green mark up is where the units will be situated and not the red mark up? If this is the case I have no concerns regarding the trail, my apologies.

- 1) How do you notify residents of public hearings?
- 2) Will there be more public input available in coming weeks?
- 3) Just because a traffic study isn't required doesn't mean we shouldn't do one, especially given the concerns of the other councillors who do not agree with this build and the fact that a new plaza is being built on the corner of Thorold and Rice. Do you plan on getting one done?
- 4) It is not a good plan to just "hope" residents don't have two vehicles. Where do you think they will park if they do have two vehicles?
- 5) it seems you are welcoming this build and I respect your viewpoint, thanks for the quick response. I would like to know what Maryann thinks of the build as well and if you two are in alignment as our second ward 1 councillor.

Thanks

Tim D

From: Councillor Adam Moote <adam.moote@welland.ca>

Sent: Thursday, May 4, 2023, 9:11 a.m.

To: Tim D <>

Subject: Re: development at 392 and 398 Thorold Rd.

Hi Tim,

The applicant has provided more parking than required in the City's Official Plan, and I don't think it's possible to confirm one car per unit. Car ownership is a personal choice based on need and want. I know some people with no cars. I know single people with 2 cars and other recreational vehicles. Nonetheless, if you need more spaces you probably shouldn't move into a condo like this, which would also be a personal choice.

I don't know how this would impact Steve Bauer Trail, the property is 300 metres away from the Thorold Road entrance to the trail, and 150 metres away from the trail on the NE corner of the property with a subdivision in between. Could you elaborate on the concern here?

A Public Information session was held April 12, 2023 and an invitation would have been circulated to residents 120 metres surrounding the property. No one attended this in-person/virtual meeting. And the legislated Public Hearing was conducted May 2, 2023, which also no one from the public attended.

Sincerely,
Adam



Adam Moote
City Councillor - Ward 1
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Cell: 905-736-3620
Phone: 905-735-1700
www.welland.ca



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From: Tim D <>

Sent: Thursday, May 4, 2023 8:28 AM

To: Councillor Adam Moote <adam.moote@welland.ca>; Councillor Mary Ann Grimaldi <maryann.grimaldi@welland.ca>

Cc: Councillor Claudette Richard <claudette.richard@welland.ca>; Councillor Tony DiMarco <tony.dimarco@welland.ca>

Subject: development at 392 and 398 Thorold Rd.

Good morning councillors

I was reading about the proposed development across from Food Basics

I know there are many people who oppose such high density units in an area that already sees large amounts of traffic, especially considering no traffic study is even planned. I'm also not inclined to take Continelli's word regarding there only being 1 vehicle per townhouse in these types of developments. Can we confirm this? I can't help but wonder if they said similar things about the townhouses built on Silvan Drive, a road which sees multiple cars parked on the road overnight every night. I also have some questions about how this might affect the natural landscape in the Steve Bauer Trail.

Are there any planning documents available for the public? Has there been public consultation on this development and if not, when can ward 1 folks expect to have their voices heard?

I've CCed some of the councillors who seem to share the same concerns as me (and other ward 1 residents)

Thank you

Tim D'Anna

22 Silvan Crt, Welland ON, L3C6C2

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MEMORANDUM

Infrastructure Services Engineering Division

TO: Taylor Meadows,
Development Planning Supervisor

FROM: Matteo Ramundo, C.Tech
Development Technician

CC: Livia McEachern, P.Eng.
Manager of Engineering

DATE: April 11, 2023

SUBJECT: 392 and 398 Thorold Road – Official Plan and Zoning By-Law Amendment

A complete application for Official Plan and Zoning By-Law Amendment was submitted by Premium Building Group and circulated for review. Engineering have reviewed this application for any anticipated concerns related to proposed servicing and stormwater management.

The following documents were reviewed:

- Planning Justification Report, prepared by Adele Arbour Planning and Development Consulting Services, dated February 2023
- Concept Site Plan, prepared by Upper Canada Consultants, dated December 20, 2022
- Functional Servicing Report, prepared by Upper Canada Consultants, dated January 2023.

After review, Engineering has the following comments for information:

1. The required fire flow for the site is to be calculated using the Fire Underwriters Survey (FUS) guidelines. The current calculations do not accurately represent the required fire flow for the site. It appears that the fire flow was calculated for the smallest building and only one floor was used. The flow should be based off the largest building on site and should include all floors. Please review and revise.
2. Results from the fire hydrant testing are to be provided. The summary calculations are not sufficient to support the proposed fire flows.
3. The City is still waiting for the results of the sanitary model from the consultant. Further information will be provided once the report is received.

4. The stormwater design for the site is currently calculated from a 5-year post to a 5 year pre development level. The site is to be controlled to a 5-year post to a 2 year pre development level. Stormwater runoff is to be treated to an enhanced level of protection (80% TSS removal).
5. In addition to the comment above, for all storm events above the 5 year the site should be controlled to match the post development levels to pre development levels for events up to and including the 100 year storm event.
6. The site should follow the recommendations of the Niagara Region's Stormwater Management Design Guidelines including adhering to the updated Environmental Technology Verification (ETV) standards for TSS removal.
7. The recommended run-off coefficient for apartment style use is 0.7 within the City's current standards. Please revise the storm drainage areas and calculations accordingly.
8. The existing drainage area plan is showing a run-off coefficient of 0.4 whereas the design sheet is using a coefficient of 0.2.

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

April 14, 2023

Region File: D.10.11.OPA-23-0012
D.18.11.ZA-23-0026

Taylor Meadows, BURPL
Planning Supervisor - Development
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Dear Mr. Meadows:

**Re: Regional and Provincial Comments
Local Official Plan Amendment and Zoning By-law Amendment
City File: OPA No. 43 & File No. 2023-02
Agent: Adele Arbour Consulting
Owner: Anthony Continelli (PBG Group)
392 & 398 Thorold Road
City of Welland**

Regional Planning and Development Services staff has reviewed the above-noted Official Plan Amendment and Zoning By-law Amendment applications for the addresses municipally known as 392 and 398 Thorold Road in the City of Welland (the “subject lands”). Regional staff received circulation of the applications from the City on March 4, 2023, with the associated review fees received on March 7, 2023. Regional staff has also reviewed the Noise Impact Study and Planning Justification Report submitted in support of the proposed amendments.

The Official Plan Amendment and Zoning By-law Amendment are being proposed to support the proposal to construct sixty-nine (69) stacked townhouse units accessed via a private road from Thorold Road. Future submission and approval of a Draft Plan of Condominium and Site Plan Agreement are required to facilitate the development. The proposal for stacked townhouses will support the City in achieving its intensification target of 75% as set out within the Niagara Official Plan.

As discussed in the comments below, Regional staff is in support of the requested Official Plan Amendment and the Zoning By-law Amendment subject to implementing

the Noise Impact Study recommendations and Regional waste collection requirements through the Draft Plan of Condominium and Site Plan approval process.

A pre-consultation meeting was held with the Owner, Agent, and staff from the City and Region on December 15, 2022. The following comments are provided to confirm consistency and conformity with Provincial and Regional policies.

Provincial and Regional Policies

The subject lands are located within a 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS") and within the 'Delineated Built-Up Area' in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and 'Delineated Built-up Area' in the *Niagara Official Plan, 2022* ("NOP").

The PPS directs growth to Settlement Areas and encourages the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The Growth Plan contains policies that direct growth to be focused in Delineated Built-up Areas, Strategic Growth Areas, locations with existing or planned transit and areas with existing or planned public service facilities. The NOP permits a full range of uses within Built-up Areas, subject to the availability of adequate municipal services and infrastructure. The NOP sets out a minimum intensification rate of 75% for the City of Welland, meaning that a minimum of 75% of all residential units occurring annually in the City will be within Built-up Areas. The policies promote higher density development in the Built-up Area and support growth that contributes to the overall goal of providing a diverse mix of housing options to address current and future needs, which are affordable and accessible options that are suited to the needs of a variety of household incomes in Niagara.

Staff has reviewed the *Planning Justification Report* ("PJR"), prepared by Adele Arbour Planning and Development Consulting Services, and dated February 2023. The PJR identifies that the Official Plan Amendment requested will change the designation of the subject lands to Residential Medium Density with a Special Policy and the Zoning By-law Amendment requested will rezone the subject lands to Residential Medium Density. The requested amendments if approved will allow for the proposed residential development of 69 stacked townhouse units, with future approvals of Draft Plan of Condominium and Site Plan Agreement required. The proposal will support the City in achieving its minimum intensification target of 75% as set out within the NOP.

Staff note the following with respect to the PJR:

- **PJR Section 4.1:** The Region requested a Noise Impact Study to assess stationary noise impacts on the proposed development resulting from an auto repair shop adjacent to the subject lands. The PJR does not reference the policies of the PPS (Policy 1.2.6.1) respecting land use compatibility and how the

proposal is consistent with these policies considering the adjacent auto repair shop. The Noise Impact Study should be referenced where applicable throughout the PJR.

- **PJR Section 4.3:** The Niagara Official Plan (2022) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. A pre-consultation meeting was held with the Owner, Agent, and staff from the City and Region on December 15, 2022. The Region notes that the PJR references a Regional Official Plan that is no longer in force and effect. However, the intensification policies of the former Official Plan are generally maintained in the Niagara Official Plan (2022).

Should an updated PJR be required through the Draft Plan of Condominium or Site Plan applications, the Region requests that this PJR is revised to address the compatibility policies of the PPS, and to reference the policies of the Niagara Official Plan, 2022.

Section 2.2.1.1 of the NOP encourages opportunities for the integration of gentle density and a mix and range of housing options that considers the character of established residential neighbourhoods. City staff should be satisfied that the interface of the established residential uses has been addressed in the site design.

Land Use Compatibility

The PPS states that sensitive land uses (including residential) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. A Noise Impact Study was requested by Regional staff at the pre-consultation meeting to assess land use compatibility given the proximity of the subject lands to an adjacent auto repair shop.

Regional staff has reviewed the *Noise Impact Study "Townhouse Development" 392-398 Thorold Road, Welland, ON, Region of Niagara*, prepared by dBA Acoustical Consultants Inc. (dated January, 2023) submitted in support of the proposed development. The Noise Impact Study was completed to assess the noise impact from Thorold Road vehicular traffic and Conte's Collision Centre in accordance with the Ministry of Environment, Conservation, and Parks ("MECP") NPC-300 Guidelines. Vibration is not considered as there are no nearby heavy industrial operations.

A summary of the Noise Impact Study, including the findings of the recommended mitigation measures and warning clauses is provided for consideration below. The Region notes that the wrong address is cited within the report (382-398 Thorold Road), however Figure 1 (Key Plan) and the title of the report reference the correct address.

Stationary Noise Sources

The Noise Impact Study assessed the impact of stationary noise on the proposed development respecting an adjacent auto repair shop (Conte's Collision Centre). A site visit was completed on January 31, 2023 and a telephone conversation was completed with the business owner. The business owner confirmed that the auto repair shop provides auto repairs, upholstery repairs, windshield replacements, etc. All work is conducted inside of the building with all bay doors closed and no work is done outside or at nighttime. All rooftop HVAC equipment, venting equipment has acoustical shrouds and dampers that mitigate any noise that would impact residential properties in the area.

The Noise Impact Study concluded with respect to Conte's Collision Centre that "this business will not have an acoustical impact on the proposed site development".

Transportation Noise Sources

The subject lands are located in close proximity to Thorold Road, which is considered the major road noise source in the site development area. The Noise Impact Study found that nearby noise transportation noise sources will exceed MECP NPC-300 thresholds specifically for Units 1-15, which are identified as facing Thorold Road on the preliminary Site Plan submitted. As a result, the Noise Impact Study recommends that the following construction standards and site elements be used in order to achieve indoor sound levels for the proposed development that meet NPC-300 Guidelines:

- Exterior wall construction with a Sound Transmission Class ("STC") rating of 43, and exterior windows and patio door construction with an STC rating of 34, for Units 1-15, as depicted on the preliminary Site Plan.
- Exterior wall and window construction meeting the minimum non-acoustical requirements of the Ontario Building Code ("OBC") will be sufficient at all remaining dwellings.
- Units 1-15 as depicted on the preliminary Site Plan require Central Air Conditioning and Type "B" and Type "D" warning clauses.
- Units 16-33 as depicted on the preliminary Site Plan require provisions for central air conditioning and Type "C" warning clauses.
- Meeting the minimum ventilation requirements of the OBC will be sufficient for Units 34-69 as depicted on the preliminary Site Plan.

In addition, warning clauses are provided and recommended to be registered on title and inserted into all Offers and Agreements of Purchase and Sale or Lease. It is further recommended that a qualified acoustical consultant certify that the required control measures have been properly installed prior to an occupancy permit being issued.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Garbage: 2 bags/cans per unit collected every-other-week;
- Recycling: weekly blue/grey boxes or carts (unlimited);
- Organics: weekly green bins or carts (unlimited).
- Curbside Collection Only on Thorold Road

The preliminary site plan drawings submitted show the use of Earth Bins for waste collection which the Region does not currently collect, therefore waste collection for units 16-69 will be the responsibility of the owner through a private contractor and not the Niagara Region. Units 1-15 remain eligible for Regional curbside collection of garbage, recycling and organic material on Thorold Road provided that all units have a primary exterior door directly accessing ground level that is visible from the collection point, as required by Niagara Region's Waste Collection By-law. In order to be eligible for Regional curbside waste collection, the units will be required to place their waste and recycling at the curbside of the municipal streets in containers clearly marked with the respective unit numbers.

Conclusion

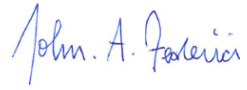
In conclusion, Regional staff has no objection to the proposed local Official Plan Amendment and Zoning By-law Amendment from a Provincial and Regional perspective, subject to the Noise Impact Study recommendations and waste collection requirements being addressed through the Draft Plan of Condominium and Site Plan approval for this development. The proposal is consistent with the PPS, conforms to the intent of the Growth Plan and the NOP.

In accordance with NOP policy 7.4.1.6 the Local Official Plan Amendment is exempt from Regional approval as the amendment is consistent with and conforms to Provincial and Regional policies and plans.

Should you have any questions related to the above comments, please contact me at john.federici@niagararegion.ca or Pat Busnello, Manager of Development Planning at pat.busnello@niagararegion.ca.

April 14, 2023

Kind regards,



John Federici, M.Pl
Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara
Region

Taylor Meadows

From: Leo Grellette
Sent: March 23, 2023 9:58 AM
To: Taylor Meadows
Cc: Jack Tosta
Subject: RE: 392 & 398 Thorold Road - OPA (File No. OPA 43) and ZBA (File No. 2023-02)

Taylor, I offer the following for consideration:

- As there is proposed to be an oil grit separator, we need to ensure that the maintenance requirements and responsibilities including the need to have an agreement with a company to service the separator are in the declaration. As an example there was no identification in the declaration where I live and it cost us several thousand dollars when we realized a separator existed and needed to be serviced. This is the responsibility of the Condo Corp as is the cleaning and inspection of the underground storage pipes for the SWM.
- The FSR references apartment buildings in areas of the report. This should be changed to reflect stacked towns to eliminate any future confusion.
- Page 8 of the FSR speaks to water supply for public protection and references the National Building Code (NBC) when speaking to Fire walls. This should be changed to the Ontario Building Code (OBC) as we do not use the NBC in our plans review process.
- The FSR does not contain a servicing plan, so we are unable to comment on the acceptability or accuracy of this part of the report. They need to provide a site servicing plan with pipe sizes and servicing connections. It should indicate the location of all services within the site as well as the location of the Hydrant on Thorold road.

Trust the above is self-explanatory.

Leo



Leo Grellette
Deputy Chief Building Official
Building
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2310
www.welland.ca
  **engageWELLAND** 

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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: Saturday, March 4, 2023 12:51 PM
Subject: 392 & 398 Thorold Road - OPA (File No. OPA 43) and ZBA (File No. 2023-02)

Afternoon,

An application for Official Plan Amendment and Zoning By-law Amendment has been submitted to the City. I have included the submission items as attachments to this email. Please review and provide comments back at your earliest convenience – preferably prior to **April 14, 2023**.

Feel free to reach out with any questions. Formal notice will be provided in the upcoming weeks.

Regards,



Taylor Meadows

Planning Supervisor - Development

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: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: April 6, 2023 2:38 PM
To: Taylor Meadows
Subject: RE: Notice of Public Meeting - 392 & 398 Thorold Road - Application for Official Plan Amendment (File No. OPA 43) and Zoning By-law Amendment (File No. 2023-02)

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!

Thank you for your circulation.

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

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

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

Regards,

Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: Thursday, March 23, 2023 11:54 AM
Subject: [External] Notice of Public Meeting - 392 & 398 Thorold Road - Application for Official Plan Amendment (File No. OPA 43) and Zoning By-law Amendment (File No. 2023-02)

CAUTION! EXTERNAL SENDER

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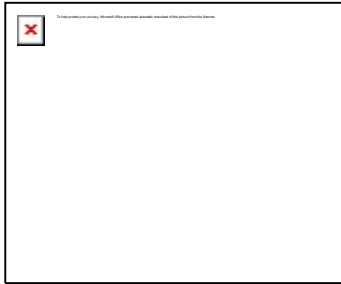
Comments are fine, but please create a polygon as there are about 69 units to be developed at the site. I have saved the concept plan in the Welland folder under the name of OPA 43, 2023-02 - Concept Plan for your reference.

Cond 1,11 (no polygon created) OPA/ZBA to facilitate th dwellings. There is an existing 1 structure on it Done

Morning,

Please find attached, the Notice of Public Meeting regarding application(s) for Official Plan Amendment (OPA No. 43) and Zoning By-law Amendment (2023-02) for lands municipally known as 392 & 398 Thorold Road.

Regards,



Taylor Meadows

Planning Supervisor - Development

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: Abby LaForme <Abby.LaForme@mncfn.ca>
Sent: March 24, 2023 11:21 AM
To: Taylor Meadows
Cc: Mark LaForme
Subject: RE: Notice of Public Meeting - 392 & 398 Thorold Road - Application for Official Plan Amendment (File No. OPA 43) and Zoning By-law Amendment (File No. 2023-02)
Attachments: Comment Response Letter, 392-398 Thorold Road Welland, March 22, 2023.pdf

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Good Morning Taylor,

Attached is a Comment Response letter regarding the 392 & 398 Thorold Road, Welland.
I am aware that this is a Zoning By-Law Amendment, but once it moves forward to the Townhouse Development, MCFN DOCA would like Archaeological and Environmental studies to be done.

Thank you

Abby (LaForme) Lee
Acting Consultation Coordinator



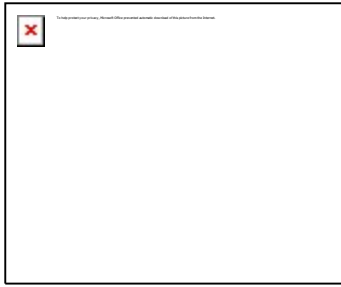
Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0
Ph: (905) 768 – 4260
Email: Abby.LaForme@mncfn.ca

From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: Thursday, March 23, 2023 11:54 AM
Subject: Notice of Public Meeting - 392 & 398 Thorold Road - Application for Official Plan Amendment (File No. OPA 43) and Zoning By-law Amendment (File No. 2023-02)

Morning,

Please find attached, the Notice of Public Meeting regarding application(s) for Official Plan Amendment (OPA No. 43) and Zoning By-law Amendment (2023-02) for lands municipally known as 392 & 398 Thorold Road.

Regards,



Taylor Meadows

Planning Supervisor - Development

Planning Division

Planning & Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

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March 24, 2023

Taylor Meadows
Planning Supervisor
Corporation of the City of Welland
RE: 392- 398 Thorold Road, Welland

Dear Taylor,

MCFN DOCA would like to submit the following comments regarding 392- 398 Thorold Road, Welland.

We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Between the Lakes Treaty No. 3 of 1792.

In light of this, the MCFN Department of Consultation and Accommodation (DOCA) must be in receipt of all Environmental Assessment reports and must be engaged for all Archaeological Assessments. This engagement includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at cost of the proponent.

Thank you



Abby (LaForme) Lee
Acting Consultation Coordinator, MCFN DOCA- Abby.LaForme@mncfn.ca

Cc: Mark LaForme, Director, MCFN DOCA – Mark.LaForme@mncfn.ca



**AMENDMENT NO. 43
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND**

June, 6, 2023

**THE CORPORATION OF THE CITY OF WELLAND B
Y-LAW NUMBER 2023-
A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 43**

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. 43 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. 43 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. 43 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 6th DAY OF JUNE 2023.

_____MAYOR

_____CLERK

**Amendment No. 43
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 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: June 6th, 2023

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

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

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 43 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, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 43 to the Official Plan of the Corporation of the City of Welland.

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

PURPOSE OF THIS AMENDMENT

The purpose of Official Plan Amendment No. 43 is to redesignate the lands shown on the attached Schedule "A" from Low Density Residential to Medium Density Residential – Special Policy.

LOCATION OF THIS AMENDMENT

The lands subject to this Amendment are located at 392 and 398 Thorold Road, Welland, legally described as Plan 13 Lot 1 to Lot 3 NP 935, in the City of Welland, Regional Municipality of Niagara.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential. There is currently a single detached dwelling on the subject lands. A proposal has been put forth to redevelop the lands to permit the construction of 69 stacked townhouse dwelling units.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" - Land Use Plan and Policies constitute Amendment No. 43 to the Official Plan of the Corporation of the City of Welland. The Official Plan for the City of Welland is hereby amended as follows:

POLICY CHANGES

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

4.2.3.20 Exemptions

4.2.3.20 J Notwithstanding the policies of Subsection 4.2.2.3.A the a density provisions for 392 and 398 Thorold Road will provide a minimum density of 25 dwelling units per net hectare of land and a maximum density of 85 dwelling units per net hectare of land.

MAP CHANGES

Item 1 - The areas indicated on the attached Schedule A as Amendment No. 43 are hereby redesignated from "Low Density Residential" to "Medium Density Residential – Special Policy" on Schedule B1 to the Official Plan.

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW
2017-117 (FILE NO. 2023-02) 392 and 398 THOROLD ROAD

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. Plan 13 Lot 1 to Lot 3 NP 935, in the City of Welland, Regional Municipality of Niagara,
shown on Schedule "A" attached hereto as "Change to RM" is hereby rezoned to RM.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 6th DAY
OF JUNE, 2023.

_____MAYOR

_____CLERK

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL

PLANNING AND DEVELOPMENT SERVICES

22-137

**REPORT P&B-2023-20
JUNE 6, 2023**

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 41) AND ZONING BY-LAW AMENDMENT (FILE NO. 2022-01) SUBMITTED BY THE BIGLIERI GROUP ON BEHALF OF PRESENTIA CAPITAL CORP. FOR LANDS SOUTH OF ALMOND STREET, WEST OF ROSS STREET, NORTH OF BRUCE STREET, AND EAST OF RIVER ROAD, LEGALLY DESCRIBED AS PLAN 564 PART OF LOT KK AND RP;59R7294 PART 1 RP 59R8995 PT; PART 1 RP 59R16265 PARTS 3; AND 4; WELLAND, MUNICIPALLY KNOWN AS 50 BRUCE STREET.

AUTHOR: CAITLIN KOVACS, BURPI
DEVELOPMENT PLANNER

**APPROVING
SUPERVISOR:** TAYLOR MEADOWS, BURPI
PLANNING SUPERVISOR - DEVELOPMENT

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 41 to designate the lands on the north side of Bruce Street, bounded by Ross Street to the east, more specifically described as Plan 564 Part of Lot KK and RP;59R7294 Part 1 RP 59R8995 PT; Part 1 RP 59R16265 Parts 3; AND 4; Welland, municipally known as 50 Bruce Street from Light Industrial and Low Density Residential to Special Policy High Density Residential.

THAT THE COUNCIL OF THE CITY OF WELLAND approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the north side of Bruce Street, bounded by Ross Street to the east, more specifically described as Plan 564 Part of Lot KK and RP;59R7294 Part 1 RP 59R8995 PT; Part 1 RP 59R16265 Parts 3; AND 4; Welland, municipally known as 50 Bruce Street from Light Industrial – L1 and Residential Low Density 2 – RL2, to Residential Medium Density – RM Site Specific to recognize a Residential Medium Density built form

while providing site specific exceptions to permit the development as proposed; and further,

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

ORIGIN AND BACKGROUND:

Application for Official Plan Amendment and Zoning By-law Amendment was submitted on August 26, 2022. The application was deemed complete on August 29, 2022.

A revised submission was received on February 10, 2023. The revised submission was made based upon the comments received from the agencies and divisions that were circulated the initial submission for review. The following changes were made:

- A reduction in units from 136 units to 122 units
- An increase in the setback and inclusion of landscaping along the west side of the site
- Changing the orientation of buildings A and B
- Changing building A to street townhouses instead of stacked townhouses
- Building A will be freehold and not part of the condominium
- Building C and D will be 20 units instead of 24 units
- Moved buildings E and F eastwards on the site
- Reduced parking along the northside of the site

The revised submission does not increase the development demand on the site and provides greater setbacks and landscaping. The changes to the proposal are considered to be minor in nature.

COMMENTS AND ANALYSIS:

Purpose

The purpose of the Official Plan Amendment is to redesignate the subject lands from Light Industrial and Low Density Residential to Special Policy High Density Residential to allow for medium density built forms while achieving the high density residential density targets. The intention of this redesignation is to permit the development of 58 stacked townhouses (116 dwelling units) and 6 street townhouses (6 dwelling units) on the subject land. The proposed development will be composed of 6 townhouse blocks, of which 5 blocks will be stacked townhouses and 1 block will be street townhouses. The blocks are located evenly across the site and required parking is provided in proximity to the blocks.

The purpose of the Zoning By-law Amendment is to rezone the entirety of the property from Light Industrial – L1 and Residential Low Density 2 – RL2 to Medium Density Residential – RM Site-Specific. The Site-Specific provisions would permit the following:

Residential Medium Density – RM Site-Specific Provisions

	<u>Required</u>	<u>Requested</u>
Rear Yard Setback	7.5 metres	3.5 metres
Exterior Side Yard Setback	4.0 metres	3.0 metres
Encroachments – Decks, Porches, Steps	1.5 metres projection into any required yard	2.5 metres projection into any required yard

Subject Site

The subject site is an irregular shape and is comprised of a large vacant portion to the north end of the site and an existing 1-storey accessory building on the south end of the site. The subject site is located on the north side of Bruce Street, with street frontage on Ross Street to the east, and no frontage onto River Road to the west; there are low rise residential buildings between the site and River Road.

Surrounding Land Uses

The surrounding land uses include, to the north an institutional use (a church); to the northeast and east (across Ross Street) are industrial uses; to the south are low density residential uses (single detached and semi-detached dwellings) with some medium density residential uses and low-rise institutional uses intermittently throughout; and to the west are low density residential uses with the Welland River to the west of those dwellings.

Developments and Agency Comments Received

City of Welland
Infrastructure Services
Department,
Engineering Division
(November, 17, 2022)

- As part of the Site Plan Agreement application, the Functional Servicing Report will need to include watermain sizing and demand calculations as per The Fire Underwriters Survey or other equivalent standard. The report should also indicate the achievable fire flow to the site.
- The existing sanitary manhole that the proposed sanitary will connect to per the FSR is from 1925. This manhole will need to be replaced as part of the servicing work.

City of Welland Fire and
Emergency Services
(March 31, 2022)

- Ensure roadways within the development are of a size that accommodates our apparatus. Ensure an adequate supply of water for firefighting purposes is

provided within this development in accordance with OBC (Ontario Building Code).

City of Welland Planning and Development Services – Traffic, Parking, and By-laws Division
(August 29, 2022)

- A Traffic Impact Study was undertaken by Paradigm Transportation Solutions Limited. The study was reviewed by the Traffic Division and the Traffic division is satisfied with the study findings.

Mississauga's of the Credit First Nations
(August 19, 2022)

- There are no objections to the development, and no questions or comments regarding the archeological assessment completed.

Welland Hydro Electric System Corp. (WHESC)
(March 31, 2022)

- Developer to enter into a subdivider's agreement with Welland Hydro Electric Systems Corp (WHESC).
- Electrical distribution design/drawings to be completed by Developers' consultant and reviewed/approved by WHESC.
- Noted Condominium development, hydro metering is to be gang-ed at the end of unit blocks. Secondary conductors will be customer owned; Welland Hydro's demarcation point to be the secondary terminal of the padmount transformer.
- The noted primary distribution shall be concrete encased throughout.
- The proposed development must meet the clearance requirements of section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.
- A blanket easement over the noted property is to be provided to WHESC.
- Point of servicing will be from the existing pole line located on the North side of Ontario Road.

Ministry of Transportation
(March 31, 2022)

- There are no Ministry of Transportation comments.

Niagara Peninsula
Conservation Authority
(March 31, 2022)

- There are no Niagara Peninsula Conservation Authority comments.

Region of Niagara
Planning and
Development Services
(March 17, 2023)

- Regional Staff are generally supportive of the proposed development in principle and provides the following comments:
- The lands are within the designated Urban Area of the City Welland, and the Built-up area. The proposed development will contribute to the City's intensification target as set out within the Regional Official Plan, as well as make better use of existing serviced urban lands.
- The applications for Official Plan Amendment and Zoning By-law Amendment to permit residential development at 50 Bruce Street are consistent with the Provincial Policy Statement and conform to the Provincial and Regional Plans.
- The subject lands are eligible to receive Regional recycling and waste collection. However, it should be noted that the Planning Rationale Report identifies using a Molok System for central waste collection and the Region does not have service available for Molok Units. If the developer plans on using the Molok System, it will be the responsibility of the owner to arrange collection through a private contractor.

Public Comments Received

A Virtual Public Information Meeting was held on Wednesday, August 31, 2022 to gain public input regarding the proposed applications. One member of the public participated in the Public Information Meeting, expressing concern over potential traffic levels, speeding and safety, as well as concern for shadows and sunlight reduction due to the height of the proposed townhomes. The comments received at the public information meeting included concerns regarding the presence and retention of trees and vegetation that is established on the western property boundary, the potential for drainage issues, concern for traffic levels and traffic safety, and the potential of increased usage of available street parking.

The Statutory Public Meeting under the Planning Act was held on Tuesday, September 20, 2022. The Public Meeting provided an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications. One resident of the neighbourhood spoke in opposition to the development. Their comments include the following concerns:

- Reduction of backyard privacy due to the encroachment of balconies, the reduction of setbacks from the property lines, and the heights of the proposed buildings
- Increased chance of flooding on neighbouring properties
- Increase in local traffic, existing local businesses already put a strain on local roads
- Limited street parking that is already considered unsafe by the local resident

Planning Analysis

Provincial and Regional Policy

The subject lands are within the Settlement Area Boundary of Welland as defined by the Provincial Policy Statement (PPS) and within the City's Built-Up Area as defined by the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). Both Policy documents encourage the focus of growth and development to be within the urban area of a municipality, particularly in the form of efficient land-use patterns, being supportive of active transportation and transit use, and using existing municipal services efficiently. The proposed development is within the built-up area and can access existing municipal infrastructure and contribute to the improvement of existing infrastructure in the area per the comments received from Engineering. The proposed development is in proximity to cycling trails and other active transportation infrastructure, existing and planned as found in the Community Trails Strategy. The proposed development would contribute to introducing a wider range of house stock, type, and tenure to the area.

The proposed development will encourage active transportation with its proximity to paved sidewalks, bicycle paths and off-road bicycle trails that connect across the City. The City of Welland Community Trails Strategy includes current and proposed cycling routes that connect the subject land to various areas of the city, parks, and other recreational areas. The subject land will encourage transit use as it is directly along bus route 508-Woodlawn Road which connects across the city all the way from Seaway Mall across to Primeway Drive and down to the Welland Downtown Transit Terminal. The Welland Downtown Transit Terminal is a prime connection node for other intraregional transit routes. The redevelopment of this land will allow for a more efficient use of the property, municipal resources, and provide direct investment within the community. Regional policies are consistent with Provincial policies and encourage new growth and development to be located within urban areas and take advantage of existing municipal services.

The proposed Official Plan Amendment is consistent with Provincial Policies and Regional Policies. The proposed Official Plan Amendment seeks to redesignate the subject land from Light Industrial and Low Density Residential to New Special Policy High Density Residential. The purpose of the Official Plan Amendment is to permit and encourage new compact residential growth that will contribute to the City's intensification targets. Compact residential growth which uses available public services, makes efficient use of existing infrastructure, that promotes active transportation, and which encourages transit use is generally found to be encouraged and desirable. The development takes advantage of some existing municipal services and will require the replacement of the watermain on Ross Street and will be extended as necessary to reach the site.

The proposed Zoning By-law Amendment will support growth that is consistent with Provincial and Regional policies. The Zoning By-law Amendment seeks to rezone the subject lands from Light Industrial – L1 and Residential Low Density 2 – RL2 to Medium Density Residential – RM Site-Specific. The proposed Zoning By-law Amendment will provide relief, where required, to permit the proposed development. The individual relief provisions provided through the Zoning By-law Amendment are minimal in scale and in conjunction are not expected to be consequential to the development or to the neighbourhood as a whole.

City of Welland Official Plan

The subject lands are designated as Light Industrial and Low Density Residential in the City of Welland Official Plan. The proposed Official Plan Amendment seeks to redesignate the subject land as New Special Policy High Density Residential. The intention for the Special Policy High Density Residential designation is to permit a density of up to 125 units per hectare while maintaining a medium density build form; the medium density built form desired in the proposal is stacked townhouses and street townhouses.

The Medium Density Residential designation permits low-rise residential development such as triplex, four-plex, townhouse, stacked townhouse, and low-rise apartment buildings. The intention of the built form of the Medium Density Residential designation is to be low-rise dwellings that do not cause significant issues in terms of casting shadows or obstructing the views of adjacent lots. The proposed development is consistent with this as it consists of both stacked townhouses and street townhouse. The surrounding area built form is predominantly single-detached dwellings, other low-rise structures (institutional, commercial, industrial), and open space.

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

- Land use and neighbourhood character compatibility
- The subject land is located 1 kilometre north of Downtown Welland. The surrounding land uses include institutional uses to the north, industrial uses to the

northwest and west, and low density residential uses to the south, southeast, and east with intermittent institutional uses, and medium density residential uses within.

- The proposed development will be majority of 3.5 storey stacked townhouses that will be located within the centre of the block between River Road and Ross Street. The street townhouses will front onto Bruce Street which will contribute to providing transition between the lower density residential and the stacked townhouses.
 - Staff find that the proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
 - The proposed development will be subject to a Draft Plan of Condominium. The lot sizes are similar to the surrounding residential lots and the block layout is consistent with other developments within the City.
- Accessibility
 - The proposed development is anticipated to provide paved sidewalks throughout the development which connect to Ross Street.
 - The proposed development provides accessible parking spaces in accordance with zoning requirements.
 - Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
 - The proposed development intends to provide 122 parking spaces for residents, 6 parking spaces for visitors, 3 barrier free parking spaces, and 30 bicycle parking space.

- The potential for additional traffic and traffic manoeuvrability;
- The potential for transit ridership;
- Natural (including natural hazards) and built heritage conservations/ protection;
- The available capacity of municipal infrastructure; and,
- Residential intensification identified in this Plan.
- Parking requirements are considered to be satisfied to the City's requirements.
- A Traffic Impact Study was undertake evaluating the local area intersections. The intersections are expected to operate at similar levels after the proposed development as currently. No changes to local lane configurations are warranted. The Traffic Division is satisfied with the submitted Study.
- The subject lands are located along transit line 508 Woodlawn Road. Line 508 connects across the City to several major shopping and employment areas, and connections to regional transit. The proposal may aid in increasing transit ridership.
- There are no natural or built heritage features that have been identified on the subject lands.
- The proposed development has been reviewed by the City's Engineering Division and confirmed that the development can use existing services; however, additional works will be required to upgrade the watermain on Ross Street. The City's Engineering Division will continue to provide comments throughout the Site Plan Agreement process and ensure the appropriate capacity and infrastructure is in place for the proposal.
- The proposed development will assist the City in achieving the target of 75% of all new residential development being within the Built-Up Area.

The proposed Official Plan Amendment and Zoning By-law Amendment is consistent with the City's Official Plan policies for residential development. The Official Plan Amendment is also expected to support transit ridership, active transportation, and contribute to the development of complete communities. The proposed Zoning By-law Amendment will permit the proposed development and as such supports the same goals and targets as the Official Plan Amendment.

City of Welland Zoning By-law 2017-117

The subject lands are currently zoned Light Industrial – L1 and Residential Low Density 2 – RL2. The proposed development will require a Zoning By-law Amendment to rezone the subject land to Residential Medium Density – RM Site-Specific. The purpose of the Zoning By-law Amendment is to facilitate the development of 116 stacked townhouse dwelling units and 6 street townhouse dwelling units. The site specific provisions would include the following:

Residential Medium Density – RM Site-Specific Provisions

	<u>Required</u>	<u>Requested</u>
Rear Yard Setback	7.5 metres	3.5 metres
Exterior Side Yard Setback	4.0 metres	3.0 metres
Encroachments – Decks, Porches, Steps	1.5 metres projection into any required yard	2.5 metres projection into any required yard

The proposed zoning amendments are supported by Staff as they are intended to promote and encourage the desired growth and development that the City. The location of the property is within walking distance of transportation corridors, transit lines, and active transportation routes. Staff are of the opinion that the proposed amendments to the Zoning By-law are appropriate and can be supported.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

All comments from City Departments and other agencies have been provided.

SUMMARY AND CONCLUSION:

The proposed application for Official Plan Amendment and Zoning By-law Amendment to permit the development of 116 stacked townhouse dwelling units and 6 street townhouse dwelling units represents good planning because:

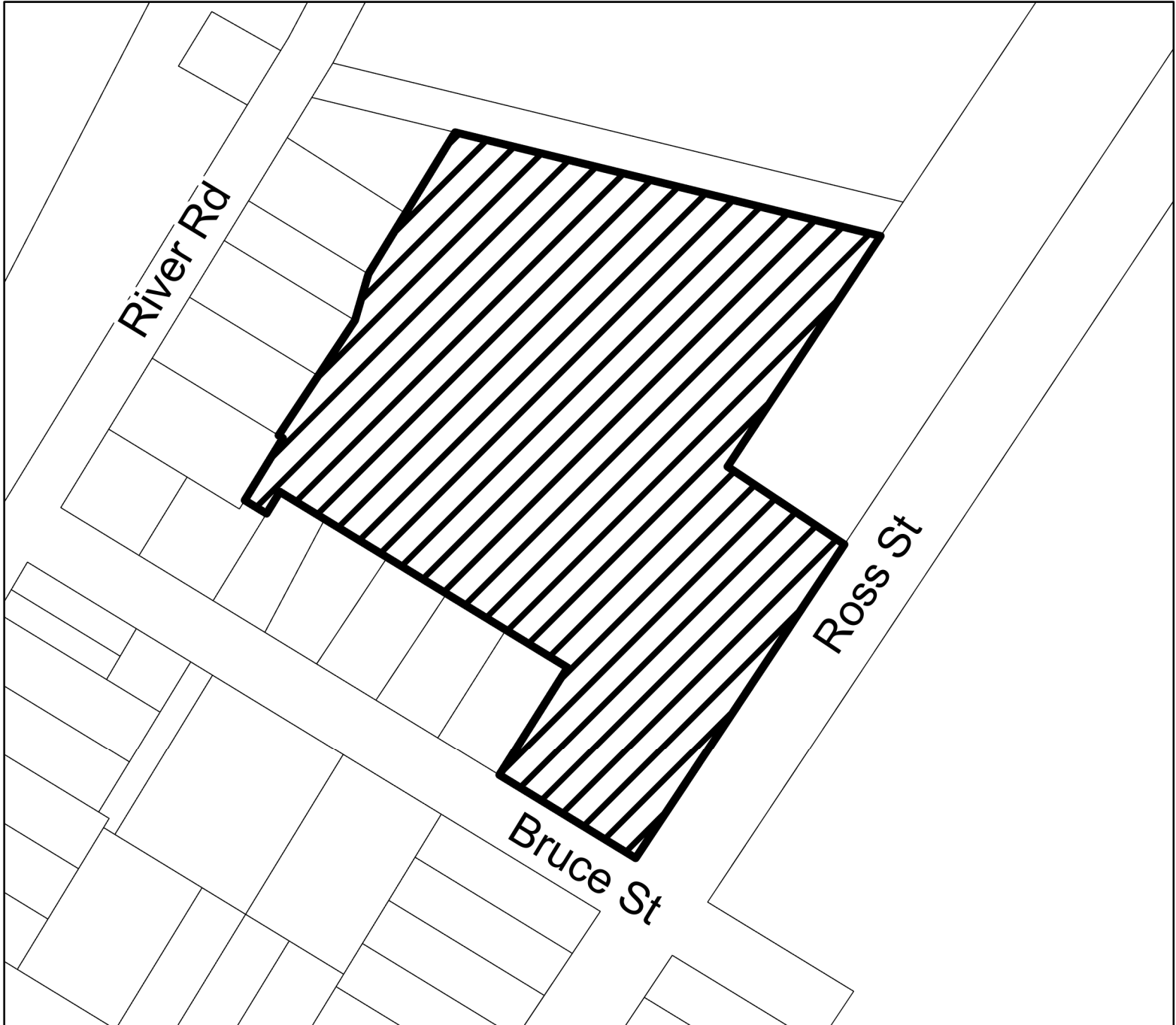
1. It is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and services;
3. Encourages the creation of a complete community;

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

ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Draft Official Plan Amendment (text only)
- Appendix IV - Conceptual Site Plan
- Appendix V - Relevant Correspondence

ZBLA 2022-01 & OPA NO. 41



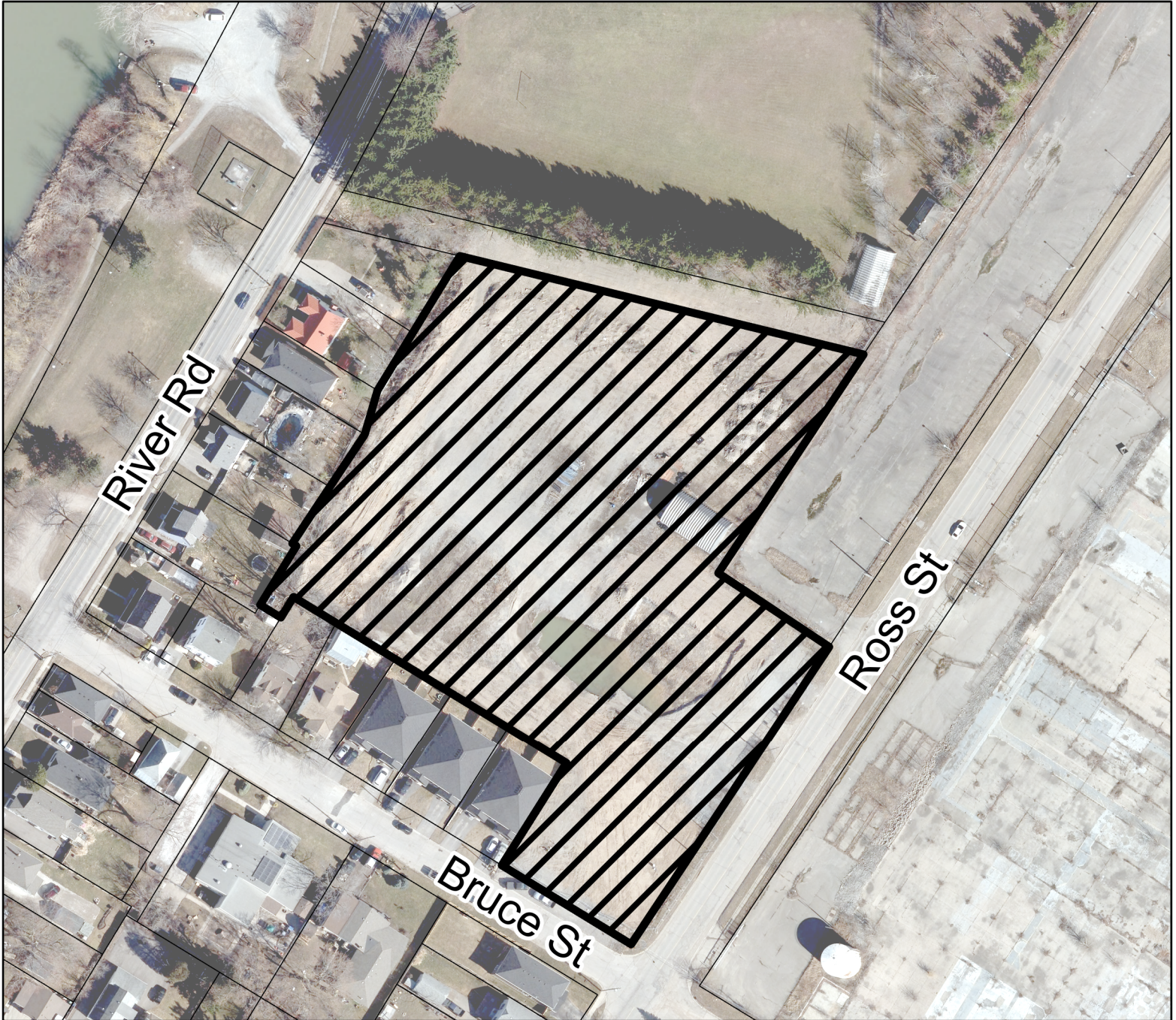
Key Map

50 Bruce Street



 **SUBJECT LANDS**

OPA No. 41 & ZBLA 2022-01



Aerial Map of Subject Lands

N



 SUBJECT LANDS

AMENDMENT NO. 41
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

JUNE 6, 2023

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2023-XX**

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 41**

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. 41 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. 41 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. 41 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
6TH OF JUNE, 2023.**

MAYOR

CLERK

**AMENDMENT NO. 41 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

PART A - THE PREAMBLE (This does not constitute part of the Amendment).....	1
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**Amendment No. 41
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 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: June 6, 2023

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

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. 41 to the Official Plan of the Corporation of the City of Welland.

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

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

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

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 41 is to re-designate the property from Light Industrial/Low Density to High Density Residential Site Specific to allow for medium density built forms while achieving the high density residential density targets. The intention of this re-designation is to permit the development of 58 stacked townhouses (116 dwelling units) and 6 street townhouses (6 dwelling units) on the subject land. The proposed development will be comprised of 6 townhouse blocks, of which 5 blocks will be stacked townhouses and 1 block will be street townhouses. The blocks are located evenly across the site and required parking is provided in proximity to the blocks.

LOCATION

The lands are located on the north side of Bruce Street, bound to the west by Ross Street, and to the east, with no direct access to it, River Road. Further east of River Road is the Welland River. More specifically described as Plan 564 Part Of Lot KK And RP;59R7294 Part 1 RP 59R8995 PT;Part 1 RP 59R16265 Parts 3; And 4; Welland, municipally known as 50 Bruce Street and is 1.38 hectares in size.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Light Industrial/Low Density Residential. This amendment is for a land use change from Light Industrial/Low Density Residential to High Density Residential within the built boundary of the City of Welland. The lands are currently mostly vacant with vacant 1-storey accessory metal building. A proposal has been put forth to redevelop the land to permit the construction of 58 stacked townhouses (116 dwelling units) and 6 street townhouses (6 dwelling units).

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 41 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. The areas indicated on the attached Schedule A as Amendment No. 41 are hereby redesignated from "Light Industrial/Low Density Residential" to "High Density Residential – Special Policy" on Schedule B1 to the Official Plan.

TEXT CHANGES

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

4.2.3.20 Exemptions

4.2.3.20 / Notwithstanding the permitted uses of Section 4.2.2.4.B the lands will be permitted to include medium density built forms.

SCHEDULE "A" LAND USE PLAN

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 41 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. 41 BY BY-
LAW 2023-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON JUNE 6, 2023

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 25, 2022. I hereby certify that the required Public Meeting was held virtually on September 20, 2022 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 6TH day of JUNE, 2023.

SCHEDULE “A” TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted September 20, 2022 concerning Amendment No. 41 to the Official Plan of the Corporation of the City of Welland .

Opposed

Melissa Jenne

In Favour

APPENDIX II - NOTICE OF ADOPTION



CITY OF WELLAND NOTICE OF ADOPTION OF AMENDMENT NO. 41 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 2022-206, being a By-law to adopt Amendment No. 41 to the Official Plan on June 6, 2023 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 41 is to redesignate the property from Light Industrial/Low Density Residential to High Density Residential – Special Policy to allow for the increase in density while maintaining a medium density built form. The amendment will permit a density of 125 units per hectare, while maintaining a medium density built form.

The Effect of the redesignation is to allow for the development of the property with a townhouse development including four blocks of stacked townhouse 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 June 26, 2023, 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.

A copy of the Amendment and Staff Report are available for inspection by the public as of June 6, 2023 at by contacting the Planning Department at devserv@welland.ca.

Dated at the City of Welland this 6th day of June, 2023.

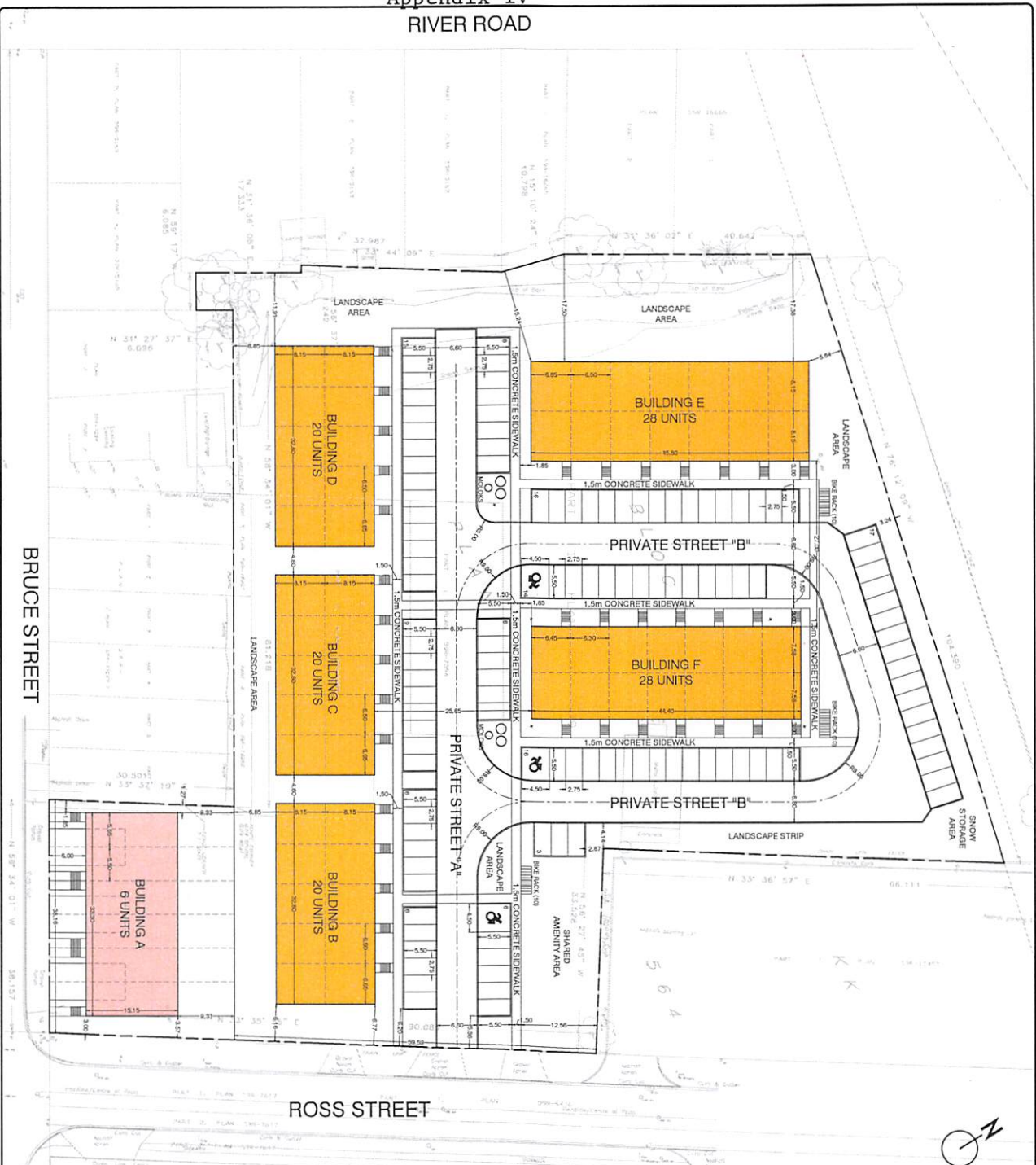
GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
PLANNING AND DEVELOPMENT SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND

APPENDIX III

- MINUTES OF PUBLIC MEETING -

APPENDIX IV - STAFF REPORT

APPENDIX V - COUNCIL RESOLUTION

[illegible]

LEGAL DESCRIPTION:
 PART OF BLOCK XX, PLAN 184
 IN THE CITY OF WELAND
 REGIONAL MUNICIPALITY OF NIAGARA
 SHOWN AS PART 1, PLAN
 598-1775

**CONCEPTUAL
SITE PLAN**

KEY PLAN:

**50 BRUCE STREET
WELAND, ON**

**DEMIAN
NIAGARA CORP.**

EXTENSIONS

NO.	DESCRIPTION	DATE	BY
1	PROJECT No.	20090	
2	DATE	December 12, 2009	
3	SCALE	1 : 200	
4	DRAWN BY		
5	CHECKED BY		

CSP-1

BIGLIERI GROUP

200 Dundas Street West, Suite 1000
 Toronto, Ontario M5G 1C5
 Tel: (416) 593-8888
 Fax: (416) 593-8889
 www.bighieri.com



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

March 17, 2023

Region File: D.10.11.OPA-22-0032
D.18.11.ZA-22-0070

Taylor Meadows
Planning Supervisor - Development
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Dear Mr. Meadows:

**Re: Regional and Provincial Comments
Proposed Official Plan Amendment
City File: OPA No.41, 2022-01
Owner: Preasentia Capital Corporation
Agent: The Biglieri Group
50 Bruce Street
City of Welland**

Regional Planning and Development Services staff has reviewed the revised Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for lands municipally known as 50 Bruce Street in the City of Welland. The OPA application proposes to re-designate the property from 'Light Industrial and Low Density Residential' to 'High Density Site Specific' in the City of Welland Official Plan, to allow for the increased density on the site. The ZBA application proposes to rezone from 'Light Industrial (L1) and Low Density Residential 2 (RL2) to 'Medium Density Residential (RM)'. The revised proposal includes the development of five 3.5-storey stacked townhouses (Buildings A-E), with a total of 122 dwelling units.

A pre-consultation meeting was held on March 31, 2022 with the Agent, City and Regional staff in attendance. Regional staff has provided comments on the 1st submission (dated October 14, 2022 and November 11, 2022, respectively). Regional staff note that the new *Niagara Official Plan* ("NOP") was approved with modifications by the Minister of Municipal Affairs and Housing, coming into effect on November 4, 2022 and replacing the *Regional Official Plan* ("ROP"). Given that this application was deemed complete by the City of Welland prior to the new plan taking effect, the policies

of the ROP continue to apply for this application. The following Provincial and Regional comments are provided to assist the City in their consideration of the application.

Provincial and Regional Policies

The subject land is located in the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), and within the 'Delineated Built-Up Area' in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and designated 'Urban Built-Up Area' in the ROP.

The PPS, Growth Plan, and ROP together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. 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, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

Until such time as the Region's municipal comprehensive review is approved by the Province and in-effect, the annual minimum intensification target for the Urban Built-Up Area contained in Chapter 4 of the ROP of 40% will continue to apply. The proposal will contribute to the City of Welland's intensification target, as it is considered to be an intensification of the subject lands in accordance with both Provincial and Regional policies.

Regional staff has reviewed the *Planning Rationale Report* ("PRR"), prepared by Biglieri Group (dated August 2022). Section 3.4.6.2 of the submitted PRR addresses the retention of jobs on-site, given that the proposal is to re-designate the majority of the land from employment to residential. Growth Plan policy 2.2.5.14 states 'outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on-site'. The PRR identifies that the previous use of the property was a lumber yard, with direct sales. The structures on-site have been demolished, but based on the size of approximately 15,000 square feet, would have supported approximately 13 jobs (based on Niagara Region's Development Charges Background Study- May 2022, employment density for industrial uses of 1,200 square feet per job). The PRR identifies that based on a calculation of 2.2 persons per unit for stacked townhouses (as identified in the Niagara Region's Development Charges Background Study), the population for the proposed development will be approximately 299 people, which at a 5-8% range is 15-24 jobs. With respect to the calculations provided in the PRR, Regional staff recommend the calculation is revised to utilize the size of the entire property, as opposed to the size of the demolished buildings, in order to determine the

full build-out potential and retention of jobs on-site. City staff should also be satisfied with the analysis provided.

Regional staff acknowledge that local compatibility considerations and interface with neighbouring land uses is a local planning matter to be addressed by City planning staff and Council. Further, staff notes that there are no environmental concerns.

Land Use Compatibility

The PPS states that sensitive land uses (including residential) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. A Noise Study and Land Use Compatibility Study was requested by Regional staff at the pre-consultation meeting to assess land use compatibility given the proximity of the subject lands to nearby industrial uses (immediately east of the subject lands).

Regional staff has reviewed the *Noise Control Feasibility and Land Use Compatibility Study*, prepared by SS Wilson Associates (dated January 11, 2023) submitted with the revised submission. The revised study was completed due to changes to the Site Plan drawing. There are no changes to the required recommendations as a result of this change. The Study was completed in order to assess on-site sound levels and land use compatibility in accordance to the Ministry of the Environment, Conservation, and Parks (“MECP”) NPC-300 Guidelines and Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” (“D-6 Guidelines”). The Study identifies the surrounding land uses as vacant lands (north), industrial lands (east), residential lands (south and west). The transportation noise sources investigated includes Ross Street, River Road, and the GIO Rail Line. The stationary noise source investigated includes the industrial operation (42 Centre Street) located east of the proposed development.

i) Transportation Noise Sources

The Study identifies that the daytime sound levels in the Outdoor Living Areas (roof top terraces and the Common Outdoor Living Area), will have acceptable outdoor sound levels, therefore no outdoor noise control measures are required. The sound levels at the outside walls of all dwelling units will exceed the recommended objective sound levels, therefore indoor noise controls (air conditioning), along with warning clauses is required.

ii) Stationary Noise Sources

The Study identifies that due to a baghouse dust collector and other miscellaneous sources of noise from the industrial operation “Valbruna Asw Inc.” (steel-making facility located at 42 Centre Street), the sound levels at the Points of Reception of concern are predicted to exceed the applicable sound level criteria for stationary noise sources (Class 1 area utilized). The Study states that due to the large size of the industry and

importance to the region, no attempts were made to investigate the application of any noise control measures within the industrial operation.

The Study further states that there is no means of constructing sound barriers or other noise controls to shield the subject development from the sources of stationary noise that would be technically or economically feasible in order to meet the limits of a Class 1 area. As such, the Study recommends the use of a Class 4 area to provide increased sound thresholds for stationary source noise impacts. The Study identifies that the majority of the receptors can meet the limits of a Class 1 area (with the exception of units along Ross Street; however, the site is unable to be comprised of two different acoustical classifications.

In accordance with NPC-300 guidelines, the decision to apply a Class 4 designation, through a formal confirmation as part of the planning approvals (e.g. special policy and/or zoning provision) is at the discretion of the land use planning authority (i.e. the City in this instance).

Staff note the recommendations of the Noise Study, including conditions and warning clauses, can be managed through the future Draft Plan of Condominium / Site Plan applications.

iii) Land Use Compatibility

The Study outlined the industry classifications, potential area of influence, and the recommended minimum setback distance as identified in MECP's D-6 Guideline. The Study identified nearby industries and their compatibility to the proposed development, including:

- Wastewater Treatment Plant, located 800 m to the proposed development (505 River Road);
- Atlas Steel / Valbruna Asw Inc. located 200 m to the proposed development (42 Centre Street);
- Stelcrete Industries Limited / Salit Steel, located 600 m to the proposed development (8-48 Centre Street);
- Niagara Water Treatment Plant, located 700 m to the proposed development (4 Cross Street);
- Can-forge, located 300 m to the proposed development (166 Major Street)
- Infinity Rubber Technology Group Inc., located 200 m to the proposed development (100 Kennedy Street);
- Valbruna Asw Inc, plant located 400 m to the proposed development (42 Centre Street); and
- Hodgson Tool Manufacturer, located 380 m to the proposed development (77 Myrtle Avenue).

The Study concludes that all above-mentioned industries are compatible and there are no concerns with respect to land use compatibility, given the noise mitigation measures and warning clauses to be included in the future units.

The Study also assesses a vacant lot at 300 Ross Street (immediately east of the proposed development) and acknowledges that the property is an employment area in the NOP. The Study highlights that the vacant lot is presently zoned 'G1 General Industrial' in the City of Welland Zoning By-law 2017-117, as amended. The study concludes that given the diversity of uses permitted in the zoning, it is not feasible to account for any additional requirements for mitigation or any contaminant on the proposed residential development based on the following factors:

- 300 Ross Street is located a distance of 25 – 155 m from the closest building façade of the subject residential development at 50 Bruce Street, which is located within the Potential Influence Area under the MECP D-6 Guideline Classes I-III. Regional staff note that the Minimum Distance Separation ("MDS") for a Class III facility is 300 m, therefore, the property is also within the MDS as outlined in the D-6 Guideline.
- As there are currently no applications for development of the vacant industrial lot, the report states that the future industry cannot be classified and the potential impact and mitigation will be dependent on the future use. Regional staff note that the D-6 Guideline recommends a worst-case scenario analysis based on zoning permissions.
- There are other established residential dwellings in the surrounding area of the vacant industrial property, which would warrant detailed assessment of future industrial uses on the vacant site.
- A Class 4 area is being proposed for the proposed residential development at 50 Bruce Street, which will allow for higher sound level limits than would otherwise be permitted; however, given the surrounding existing residential dwellings a future industrial use would need to meet the target Class 1 acoustic criteria as detailed in MECP's NPC-300 Guideline.
- Any such industrial use proposed on the vacant lot will be required to prepare and submit formal documents, such as Environmental Compliance Approvals (ECAs) to the Ministry, which is another method to deal with any future air, odour, dust, noise, or vibration contaminants caused by a future use.
- When worst case scenarios are assessed, including heavy industrial, heavy equipment sales/rental/service, these uses do have the potential to create significant negative impacts on the proposed residential development. The study states that the "general practice" for mitigation methods is to mitigate at the source of the contaminant, rather than the point of reception.

Regional staff notes, however, that while source based noise controls may be more effective and, therefore, preferable, receptor based mitigation is also appropriate in accordance with NPC-300, as the onus for achieving land use compatibility should not be exclusively the responsibility of existing and/or committed employment uses/lands. Staff also notes that MECP approval for source based control measures may be required and cautions that development of future industrial uses may require site/facility design/orientation and other considerations to ensure compatibility with the proposed residential use.

While staff acknowledge that specific mitigation is difficult to determine without knowing the exact future use, the City's Zoning By-law has a number of permitted uses that could be utilized to forecast future permissions on the vacant lot. Given the context of the site, with existing residential uses within the same, or closer distance to the vacant industrial lot, staff are generally accepting of the analysis provided.

Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to the presence of a natural watercourse within 300 m of the subject land.

A Stage 1-2 Archaeological Assessment, prepared by Archaeological Services Inc. (dated July 25, 2022) was submitted with the applications. The Stage 1 background research identified that there would typically be potential for Indigenous and Euro-Canadian archaeological sites within the subject property; however, based on the previous use of the property (lumber yard) and its subsequent demolition, it was concluded that extensive ground disturbance had taken place and it was unlikely that any intact archaeological deposits would be located. The Stage 2 field assessment, completed on July 7, 2022 determined that 96% of the property was thoroughly disturbed from previous grading, construction, and demolition activities. The remaining 4% of the property, consisting of a greenspace along the north portion of the property was subjected to a test pit survey, which confirmed that disturbance has taken place. As such, the Stage 1-2 Archaeological Assessment recommends no further archaeological assessment work is required.

Regional staff has received an acknowledgement letter from MHSTCI (dated September 13, 2022) that the Stage 1-2 Archaeological Assessments has been entered into the

Ontario Public Register of Archaeological Reports. As such, Regional staff offer no further requirements.

Site Condition

The subject lands are currently vacant and formerly used as a retail lumber/building supply centre, which is considered a commercial use as defined by the *Environmental Protection Act*. In addition, historically the property has been used for industrial purposes. The *Environmental Protection Act, 1990* and O.Reg. 153/04 require that a Record of Site Condition ("RSC") be filed on the MECP Environmental Site Registry ("ESR") prior to any change in land use to a more sensitive use (i.e. industrial/commercial to residential).

Regional staff has reviewed the *Update Phase One Environmental Site Assessment* ("ESA"), prepared by Pinchin (dated April 7, 2022). The Phase One ESA has been updated in order to support the filing of a RSC. The Phase One ESA identifies 6 on-site Potentially Contaminating Activities ("PCAs") at the Phase One property and 15 off-site PCAs within the Phase One Study Area (within 250 m of the Phase One property). The 6 on-site PCAs and 4 of the off-site PCAs resulted in 10 Areas of Potential Environmental Concern ("APECs"). Therefore, a Phase Two ESA was required to investigate the APECs identified.

Regional staff has reviewed the *Final Phase Two Environmental Site Assessment*, prepared by Pinchin (dated July 29, 2021). The consultant utilized the Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Groundwater Condition, when assessing both soil and groundwater conditions. In order to assess soil on-site, the Phase Two ESA outlines that a total of 18 boreholes were advanced, including 7 boreholes for lateral delineation of soil impacts. In order to assess groundwater, monitoring wells were installed in 7 of the boreholes to permit the collection of groundwater samples. The Phase Two ESA identified soil with concentrations of metals and/or polycyclic aromatic hydrocarbons ("PAHs"), which exceeded the Table 3 Site Condition Standards. As such, soil remediation was completed in order to reduce concentrations of metals and PAHs. Additional soil samples were collected and analyzed, resulting in all concentrations meeting the Table 3 Site Condition Standards. The Phase Two ESA concludes that no further investigation is required.

A RSC (#233631) has been filed to the MECP's ESR on July 18, 2022 in accordance with the *Environmental Protection Act, 1990* and its associated regulations, as amended. Staff find the submitted ESA work and RSC to be acceptable. The City's Chief Building Official should be satisfied that all site condition standards have been met.

Regional staff requests that a Letter of Reliance from the Qualified Professional be provided for all submitted ESA work. The Letter must indicate that, despite any limitations or qualifications included in the completed ESAs, the Region is authorized to

rely on all information and opinions provided there within. Staff notes this can be managed as a condition through the future Draft Plan of Condominium / Site Plan applications.

Stormwater Management

Regional staff has reviewed the *Functional Servicing Report*, prepared by Upper Canada Consultants (dated August 24, 2022), which includes a stormwater quality treatment plan that is to meet an enhanced protection prior to discharge to the City's storm infrastructure. The report addresses Regional comments at the pre-consultation meeting and, as such, staff has no further concerns.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner brings the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- No limit blue/grey containers (collected weekly);
- No limit green containers (collected weekly); and,
- 2 garbage containers to a max of 24 (collected bi-weekly)

If the above mentioned collection limit cannot be met, waste collection will be the responsibility of the owner through a private contractor and not Niagara Region. The *Planning Rationale Report* identifies that central waste pickup will be provided using a Molok System. The Region does not currently have service available for Molok Units. Collection will, therefore, be the responsibility of the owner through a private contractor.

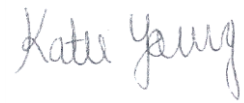
Conclusion

Regional Planning and Development Services is satisfied that, subject to the above comments including formal confirmation by City Council of the proposed Class 4 area classification, the Official Plan Amendment and Zoning By-law Amendment applications to permit a residential development at 50 Bruce Street are consistent with the PPS and conform to Provincial and Regional plans.

Regional staff note that in accordance with policies 14.E.7 and 14.E.8 of the Regional Official Plan, the Memorandum of Understanding, the Regional By-law No. 2019-73, the Official Plan Amendment as reviewed is exempt from Regional Council Approval.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca.

Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Diana Morreale, MCIP, RPP, Director of Development Approvals
Chris Pirkas, Development Approvals Technician

Taylor Meadows

From: Cheryl Swayze <>
Sent: September 26, 2022 6:46 PM
To: Taylor Meadows
Subject: Rezoning of 50 Bruce St

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Good evening Taylor,

I'm writing to raise my concerns with the rezoning of 50 Bruce St, a property three homes away from mine. Many of my neighbours, and myself, whom have lived here for 20+ years, are concerned with the consequences that will follow the rezoning. Firstly, since the construction of St-Jean-de-Brébeuf, in 2009, we have consistently lost the green space in our neighbourhood. The Smart Centre was built, Youngs Sportsplex, even the many industrial malls, storage units have all contributed to this loss; the wildlife scurry the streets because they have no other place to go. We regularly see foxes, raccoons, skunks, even deer probably wondering why we continue to take away their land, their sustenance. Furthermore, our streets are literally falling apart already from the increase in traffic, I can only imagine the wear and tear with an additional 200ish vehicles travelling the street every day. Other concerns include the water pressure and the sewer system. We have never had great water pressure, in fact when GDX caught fire in 2012, the firefighters had to get water from the river because the pressure was so terrible. We've seen many new duplexes built on the old Hicks Lumber, our water pressure remains a problem and there have been so many sewage problems in our area that home insurance has increased accordingly. I don't understand why the city doesn't approve more single family dwellings, such as the duplexes; a 3.5 storey building and a zoning by-law amendment will change our neighbourhood forever. Once one building is approved, more will be approved and our neighbourhood's infrastructure cannot take it. Not to mention, with all due respect, the city/developers do not necessarily care about the interests/sentiments of the people who live here, they care about the income it will bring. A reasonable solution would be to continue building in the neighbourhood, with 2 storey dwellings if we must continue to build. Thank you for taking the time to consider our concerns and opinions, please keep me informed to any further meetings or when a decision is made.

Cheryl Swayze
203 Ross St
Welland, ON L3B2N4

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Date: September 13, 2022

To: The City Commissioners of Welland, Ontario, Canada

Re: The August 2022 Applications to Amend the Zoning By-law 2017-117 (File No. 2022-01), and to Amend the City of Welland Official Plan (OPA No.41), for the development of the property known as 50 Bruce St. (AKA: Hicks Lumberyard property) by the Biglieri Group (BIG) for the Praesertia Capital Corp.

From: Diana Z. Gage & Gregory A. Gage of 230 River Road, Welland, Ont. L3B 2S2, telephone contact 863 873 8800

Dear Commissioners:

As homeowners within the neighborhood of the above-mentioned property, 50 Bruce Street, we are concerned parties. We choose to express our concerns in writing to you, our commissioners, trusting that our voices will be heard and that our opinions will be considered.

Through researching the information presented in the August 2022 Planning Rational application document by TBG for and representing the Praesertia Capital Corp. the current zoning of Residential Low Density 2 (RL2) Zoning is described as having the following housing unit capacity..."housing units with a minimum density of 15 dwellings per net hectare, a maximum of 24 dwellings per net hectare".

According to Merriam Webster, a hectare (symbol ha) is the metric unit of area that equals a square with 100 m. sides, and that 1 hectare (1 ha) equals 2.74 acres. The application documents states that the 50 Bruce St. property is 1.38 hectare. Therefore, the property is approximately 3.4 acres of land. Given this information, the proposed development of 136 housing units on that land is over 4 times in density to what is allowed by current zoning of RL2.

A quadrupling of current maximized housing units (currently max. 24 per ha) is grossly disproportionate to a neighborhood of traditional small lot single dwellings. If RL2 is held-up, the allotment of new housing on a 1.38 ha plot would be 33 housing units, not 136 units!

We are already a tightly packed small community, physically close to our neighbors, with many homes of 100+ year vintage. Ours is a modest neighborhood, compared to more luxurious places. We are a neighborhood of families, who know each other by sight and home, by strolling with children, by walking our pets, by visiting over fences, and even by partaking in old-fashioned porch sitting. We are, truly, a family-oriented community. We are families who know and look out for each other. We care for each other's welfare.

We believe the community will welcome more families through a 50 Bruce St. development if the development promotes family living by providing the necessary space for new residents to have more than 0.2 children! Families need adequate indoor space and outdoor living space if they are to have whole children, not 0.2 children. Thus, the proposed block buildings of densely packed dwelling units are not "alternative" family housing units, by the standards of what constitutes our family-oriented neighborhood.

According to the City of Welland, RL2 Zoning By-laws, Low Density Multiple Dwelling, housing unit structures are possible, from duplex and triplex structures to true townhouses with a max. of 8 housing units per building. Thus, there already exists the opportunity to increase our neighborhood housing density by infilling the 1.38 ha land with appropriate RL2 structures.

In closing, we find the TBG/Praesertia project proposal for 50 Bruce St. as being not accommodating for growing families, not suitable for our family-oriented neighborhood, not suitable for neighborliness, and not enhancing to our neighborly community. Please do not approve No. 2022-01.

Please encourage reasonable development for healthy families and communities.

Taylor Meadows

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: September 8, 2022 10:49 AM
To: Taylor Meadows
Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

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Thank you for your circulation.

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

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

Regards,

Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: Thursday, August 25, 2022 5:10 PM
Subject: [External] Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Afternoon,

Please find attached, the Notice of Public Meeting regarding application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41) for lands municipally known as 50 Bruce Street.

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: Tara O'Toole
Sent: August 19, 2022 10:50 AM
To: Taylor Meadows
Subject: FW: Stage 1-2 Report - 50 Bruce Street, Welland

FYI



Tara O'Toole

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

Hours: 8:30AM - 4:30PM

Phone: (905)735-1700 Ext. 2247 **Fax:** (905)735-8772

www.welland.ca



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From: Jamie Houston-Dickson <>
Sent: August 19, 2022 10:41 AM
To: Marie-Annick Prevost <Marie-Annick.Prevost@mncfn.ca>
Cc: Merve Kolcak <mkolkak@thebiglierigroup.com>; Mike Pettigrew <mpettigrew@thebiglierigroup.com>; Tara O'Toole <tara.otoole@welland.ca>; Adam LaForme <Adam.LaForme@mncfn.ca>
Subject: RE: Stage 1-2 Report - 50 Bruce Street, Welland

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Hi Marie-Annick,

Thank you for taking the time to review the report. I am pleased to hear MCFN was satisfied with the final report and that the FLR had a positive experience working with Sean and his crew.

Regards,

Jamie Houston-Dickson, MA

Associate Archaeologist | Project Manager • Planning Assessment Division



ASI • Providing Archaeological & Cultural Heritage Services

JHoustonDickson@asiheritage.ca • 416 966 1069 x269 • Fax: 416 966 9723
200-2321 Fairview Street, Burlington, Ontario, L7R 2E3 • asiheritage.ca

From: Marie-Annick Prevost <Marie-Annick.Prevost@mncfn.ca>
Sent: August 19, 2022 9:44 AM
To: Jamie Houston-Dickson <jhoustondickson@asiheritage.ca>
Cc: Merve Kolcak <mkolkac@thebiglierigroup.com>; Mike Pettigrew <mpettigrew@thebiglierigroup.com>;
tara.otoole@welland.ca; Adam LaForme <Adam.LaForme@mncfn.ca>
Subject: RE: Stage 1-2 Report - 50 Bruce Street, Welland

Aanii Jamie,

On behalf of the Mississaugas of the Credit First Nation, Department of Consultation and Accommodation, I reviewed the Stage 1-2 Archaeological Assessment report prepared by ASI for the 50 Bruce street property.

I was pleased to read that our FLR reported that your field director Sean Heafner shared information frequently and was open to feedback.

I do not have questions or comments about the archaeological work conducted or the content of the report.

We look forward to collaborating with you on future projects.

Miigwech,

Marie-Annick Prevost, Ph.D. (she/her)

Field archaeologist



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell: 905-870-5844

From: Jamie Houston-Dickson <jhoustondickson@asiheritage.ca>
Sent: Tuesday, August 16, 2022 9:00 AM
To: Adam LaForme <Adam.LaForme@mncfn.ca>
Cc: Merve Kolcak <mkolkac@thebiglierigroup.com>; Mike Pettigrew <mpettigrew@thebiglierigroup.com>;
tara.otoole@welland.ca
Subject: Stage 1-2 Report - 50 Bruce Street, Welland

Good Morning Adam,

Please find attached for your review the Stage 1 and 2 Archaeological Assessment report for the property located at 50 Bruce Street in Welland.

We kindly request that any review comments you wish to relay be provided no later than September 6, 2022, so that they may be addressed prior to submission to the Ministry.

If you have any questions, please feel free to contact me.

Regards,

Jamie Houston-Dickson, MA

Associate Archaeologist | Project Manager • Planning Assessment Division



ASI • Providing Archaeological & Cultural Heritage Services

JHoustonDickson@asiheritage.ca • 416 966 1069 x269 • Fax: 416 966 9723

200-2321 Fairview Street, Burlington, Ontario, L7R 2E3 • asiheritage.ca

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Taylor Meadows

From: melissa j <>
Sent: November 12, 2022 2:16 PM
To: Taylor Meadows
Subject: Re: 50 Bruce Street - OPA/ZBA (File No(s). OPA No. 41 & 2022-01) Additional Information

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, I would like to send a formal complaint letter regarding the Bruce St development.

My name is Melissa jenne, I live at 294 river rd in welland. My backyard backs onto the old hicks lot lumber yard. I have lived here for 11 years.

I am against the Bruce St development for a number of reasons:

1. There is already a safety concern over people speeding in the area. It's a 40km speed limit and people generally do not abide by that. These buildings will significantly impact street parking and traffic and I believe more speeding.
2. The proposed building is just over 5 meters from my back fence. The builder had announced a plan for raised balconies that can extend 2.5 meters from the building meaning I could end up with raised balconies under 3 meters from my fence directly overlooking into my backyard. There is no way I can build a privacy feature to block that. We have been renovating our backyard since coronavirus to give us more usable space and this will be making our backyard very undesirable. My resale value will be significantly impacted by essentially apartment buildings directly on our backyard.
3. There have been multiple flooding issues in our neighborhood due to new construction and an old private sewer. City of Welland workers came to my home to test and found we are connected to it. I was told they were surprised my basement wasn't flooded. Obviously I now have concerns over that exact thing happening.
4. I don't agree with all the exceptions/variances/basically changing the pre existing rules to allow a maximum amount of homes to built in the minimum amount of space. The city of Welland appears to be interested in doubling the population over the next 10 years but these changes are going to lead to over crowding/more crime/traffic and lack of Privacy/personal space.

I think this lot is better suited for 2 storey buildings based on the fact that these townhouses will tower over the whole neighborhood. Perhaps 3.5 storey buildings are more suitable to be set back further from pre existing residential areas.

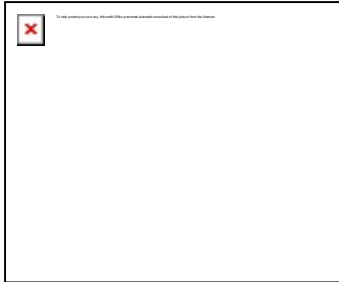
Please keep Welland beautiful and respect the homes and families that have been supporting this town through the years. Thank you

On Tue., Sep. 6, 2022, 3:55 p.m. Taylor Meadows, <taylor.meadows@welland.ca> wrote:

Hi Melissa,

Following up on our Public Information Meeting (Open House) last week, please see the following hyperlink to access additional information related to the Traffic Impact Study. Feel free to reach out 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

www.welland.ca



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MEMORANDUM

Infrastructure Services Engineering Division

TO: Taylor Meadows, BURPI
Development Planning Supervisor

FROM: Tolga Aydin, C.E.T.
Development Technologist

CC: Samantha McCauley, P.Eng.
Senior Project Manager – Development

DATE: November 17, 2022

SUBJECT: 50 Bruce Street – Official Plan and Zoning By-Law Amendment

A complete application for Official Plan and Zoning By-Law Amendment was submitted by The Biglieri Group and circulated for review. Engineering have reviewed this application for any anticipated concerns related to proposed servicing and stormwater management.

The following documents were reviewed:

- Topographic Survey, Revision 0, dated 2022, by Suda & Maleszyk Surveying Inc.
- Functional Servicing and Stormwater Management Report, Revision 0, dated August 24, 2022, by Upper Canada Consultants
- Conceptual Site Plan, Revision 0, dated July 7, 2022, by The Biglieri Group

After review, Engineering has the following comments:

1. As part of the Site Plan Agreement application, the Functional Servicing Report will need to include watermain sizing and demand calculations as per The Fire Underwriters Survey or other equivalent standard. The report should also indicate the achievable fire flow to the site.
2. The existing sanitary manhole that the proposed sanitary will connect to per the FSR is from 1925. This manhole will need to be replaced as part of the servicing work.

Taylor Meadows

From: Ali Khan
Sent: August 29, 2022 11:27 AM
To: Taylor Meadows
Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

I am satisfied with the study submitted.

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

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

From: Taylor Meadows <taylor.meadows@welland.ca>
Date: 2022-08-29 11:24 a.m. (GMT-05:00)
To: Ali Khan <ali.khan@welland.ca>
Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Hi Ali,

Following up on this, did you want to provide any comments related to the TIS?

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 29, 2022 11:23 AM
To: Ali Khan <ali.khan@welland.ca>
Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Hi Ali,

Thank you for the note.

Regards,



Taylor Meadows

Development Planner
Planning Division
Planning & Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
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From: Ali Khan <ali.khan@welland.ca>

Sent: August 29, 2022 9:41 AM

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

Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Hi Taylor,

I have no comments on this application.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.

Manager, Traffic/Parking/ Bylaws
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184
www.welland.ca



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

Sent: August 29, 2022 9:03 AM

To: Jack Tosta <jack.tosta@welland.ca>; David Hornblow <david.hornblow@welland.ca>; Samantha McCauley <samantha.mccauley@welland.ca>; Tolga Aydin <tolga.aydin@welland.ca>; Ali Khan <ali.khan@welland.ca>; Tanya Korolow <tanya.korolow@welland.ca>; Rob Axiak <rob.axiak@welland.ca>; Rory Doucette <rory.doucette@welland.ca>; Edward Zahra <edward.zahra@welland.ca>; James Sticca <james.sticca@welland.ca>
Cc: Lisa Allen <lisa.allen@welland.ca>

Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Afternoon,

Following up on the Notice below, please see the following hyperlink to access all submission items associated with these applications. Please provide any comments by **September 30, 2022**.

<https://www.dropbox.com/sh/pxe5qhhe1sxh1zb/AAAEURWJKkZbmLwldv7cTw1ua?dl=0>

Let me know if you have any questions.

Regards,



Taylor Meadows

Development Planner

Planning Division

Planning & Development Services

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From: Taylor Meadows

Sent: August 25, 2022 5:10 PM

Subject: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Afternoon,

Please find attached, the Notice of Public Meeting regarding application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41) for lands municipally known as 50 Bruce Street.

Regards,



Taylor Meadows

Development Planner

Planning Division

Planning & Development Services

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Taylor Meadows

From: Ali Khan
Sent: August 29, 2022 9:41 AM
To: Taylor Meadows
Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Hi Taylor,

I have no comments on this application.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.

Manager, Traffic/Parking/ Bylaws
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184
www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: August 29, 2022 9:03 AM
To: Jack Tosta <jack.tosta@welland.ca>; David Hornblow <david.hornblow@welland.ca>; Samantha McCauley <samantha.mccauley@welland.ca>; Tolga Aydin <tolga.aydin@welland.ca>; Ali Khan <ali.khan@welland.ca>; Tanya Korolow <tanya.korolow@welland.ca>; Rob Axiak <rob.axiak@welland.ca>; Rory Doucette <rory.doucette@welland.ca>; Edward Zahra <edward.zahra@welland.ca>; James Sticca <james.sticca@welland.ca>
Cc: Lisa Allen <lisa.allen@welland.ca>
Subject: RE: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Afternoon,

Following up on the Notice below, please see the following hyperlink to access all submission items associated with these applications. Please provide any comments by **September 30, 2022**.

<https://www.dropbox.com/sh/pxe5qhhe1sxh1zb/AAAEURWJKkZbmLwldv7cTw1ua?dl=0>

Let me know if you have any questions.

Regards,



Taylor Meadows

Development Planner
Planning Division
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From: Taylor Meadows

Sent: August 25, 2022 5:10 PM

Subject: Notice of Virtual Public Meeting - 50 Bruce Street Application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41)

Afternoon,

Please find attached, the Notice of Public Meeting regarding application for Official Plan Amendment and Zoning By-law Amendment (File No(s). 2022-01 & OPA No. 41) for lands municipally known as 50 Bruce Street.

Regards,






Taylor Meadows

Development Planner
Planning Division
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APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

REPORT P&B-2023-21
JUNE 6, 2023

SUBJECT: APPLICATION FOR ZONING BY-LAW AMENDMENT (FILE NO. 2022-02) AND DRAFT PLAN OF VACANT LAND CONDOMINIUM (FILE NO. 26CD-14-23001) SUBMITTED BY QUARTEK GROUP INC. ON BEHALF OF BPR DEVELOPMENT INC. FOR LANDS ON THE NORTH SIDE OF TOPHAM BOULEVARD, EAST OF THE URBAN BOUNDARY BETWEEN THE CITY OF WELLAND AND TOWN OF PELHAM, WEST OF CRERAR AVENUE, LEGALLY DESCRIBED AS THOROLD PT LOT 176 PLAN 664 PT LOT 33 RP 59R17260 PARTS 2 TO 4, MUNICIPALLY KNOWN AS 68 TOPHAM BOULEVARD

**AUTHOR: TAYLOR MEADOWS, BURPI
PLANNING SUPERVISOR - DEVELOPMENT**

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the north side of Topham Boulevard, east of the Urban Boundary between the City of Welland and Town of Pelham, west of Crerar Avenue, legally described as Thorold PT LOT 176 Plan 664 PT LOT 33 RP 59R17260 Parts 2 TO 4, municipally known as 68 Topham Boulevard from Residential Low Density 1 – RL1 to Residential Low Density 2 – RL2.

THAT THE COUNCIL OF THE CITY OF WELLAND approves Draft Plan of Vacant Land Condominium for lands on the north side of Topham Boulevard, east of the Urban Boundary between the City of Welland and Town of Pelham, west of Crerar Avenue, legally described as THOROLD PT LOT 176 PLAN 664 PT LOT 33 RP 59R17260 PARTS 2 TO 4, municipally known as 68 Topham Boulevard for the creation of seven (7) residential dwelling units, subject to the following conditions:

1. That the Owner enter into a Condominium Agreement with the City of Welland;

2. That no grading or construction work commence until such time as the Condominium Agreement has been entered into and financial securities are in place;
3. That the Owner shall submit full engineering design drawings to the City of Welland's Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Sediment and Erosion Control, Pre-Development and Post-Development Storm Drainage Area Plans, Sanitary Drainage Area Plan, Topographic Survey, and Landscaping Plans;
4. That the Owner shall submit a Functional Servicing Report to the City of Welland's Engineering Division for review and approval. This report shall show that the receiving sanitary sewers have sufficient capacity, and that adequate fire flows, as per the City's requirements, are provided;
5. That the Owner shall submit a Stormwater Management Brief and associated drawings demonstrating that stormwater has been managed on site to a satisfactory level that does not adversely affect the subject lands or adjacent properties;
6. That the Owner shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawings set, and any other standards that may apply;
7. That the Owner shall grant, in the Condominium Agreement, the City, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks;
8. That the Owner shall, in the Condominium Agreement, ensure that no storm, surface water, roof water, or weeping tiles, is discharged into the sanitary sewer system;
9. That the Owner shall, prior to any construction taking place within the Municipal road allowance, obtain a Site Servicing Road Occupancy Permit.

Applications must be made through the Engineering Division and the Traffic Division of City of Welland;

10. That the Owner shall complete and fully commission all internal and external servicing works, as specified by the Condominium Agreement, prior to the construction of any structures within the condominium;
11. That the Owner shall be responsible for all costs associated with servicing the development, including restoration. Restoration is to be as per City standards to existing conditions or better;
12. That the Owner shall provide confirmation that the property known municipally as #188 Milkweed Trail continues to be serviced by the sanitary sewer and watermain through the subject property;
13. That the Applicant/Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled 'Stage 1-2 Archaeological Assessment 136 Milkweed Trail', prepared by Detritus Consulting Ltd. (dated January 29, 2021) and the 'Stage 1-2 Archaeological Assessment 60 Topham Boulevard', prepared by Detritus Consulting Ltd. (dated November 2, 2022). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
14. That the condominium agreement contain the following clauses:

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

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human

remains are associated with archaeological resources. MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

15. That the Owner/Developer provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium 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/Developer;
16. That the Owner/Developer 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 condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the Owner/Developer and the City;
17. That prior to final approval for registration of this plan of Condominium, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of Environment, Conservation and Parks Approval under the Transfer of Review Program or approval through the new Consolidated Linear Environmental Certificate of Approval;
18. That the Owner/Developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling;
19. That the Owner/Developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement prior to Regional curbside waste collections services commencing;
20. The following warning shall be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for each property to survive closing:

“Purchasers are advised that a property executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to

maintain waste collection services on private roadway(s) and/or property(ies)."

21. That the Owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:

- a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/owners be responsible for official notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b. The Owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c. Canada Post's multi-unit policy, which requires that the Owner/Developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their owner expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

22. That the Owner/Developer install a streetlight which is to be located where the proposed access connects with Topham Boulevard;

23. That a subsurface Geotechnical Report prepared by a qualified geotechnical engineer will be required at the time of building permit application submission;
24. Parkland Dedication shall be established in accordance with the By-law in effect at the time of collection;
25. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to the appropriate utility or public body at no cost.
26. 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:
- Region of Niagara: 13-20
Canada Post: 21
27. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request extension to Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and further,

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

ORIGIN AND BACKGROUND

Applications for Zoning By-law Amendment and Draft Plan of Vacant Land Condominium was submitted by Quartek Group Inc. on behalf of BPR Development Inc. on November 11, 2022. The application was deemed complete on December 9, 2022.

COMMENTS AND ANALYSIS:

The Proposal

The application for Draft Plan of Vacant Land Condominium has been submitted to facilitate the creation of seven (7) residential dwellings. The development is anticipated to include four (4) single-detached dwellings and three (3) townhouse dwellings that are accessed via a private road connection from Topham Boulevard.

Application for Zoning By-law Amendment has been submitted to rezone 68 Topham Boulevard from Residential Low Density 1 – RL1 to Residential Low Density 2 – RL2. The requested rezoning is required to accommodate the proposed townhouse dwellings. The Plan proposes a built density of 20 units per hectare.

The Site

The subject lands are located at the terminus of Topham Boulevard and has a total area of 3,510 square metres. The subject lands are generally flat, have access to municipal services and are currently vacant. The lands are municipally known as 68 Topham Boulevard.

Surrounding Land Use

The surrounding land uses adjacent to the property are predominantly low density residential, the land uses to the west are open space, being the Stop 19 Pathway. Also to the west is the urban boundary between the City of Welland and the Town of Pelham.

Development and Agency Comments Received

- | | |
|--|---|
| City of Welland
Infrastructure
Services –
Engineering
Division (March
30, 2023) | - As per City of Welland requirements, a sanitary manhole will be required just inside the property line.
- Sanitary flows from #188 Milkweed Trail does not appear to be accounted for in the sanitary section of the submitted FSR. It is understood that these flows will be negligible; however, they should be included for accuracy.
- A water meter chamber with an adequately sized water meter will be required just inside the property line. Detail drawings for this meter and chamber should be included in the future drawing set submissions.
- Unit #4 appears to be missing a sanitary service connection.
- The submitted stormwater management proposal for infiltration of all site stormwater contains multiple errors and requires additional thought and details to confirm that the proposal is technically feasible. Additional detail and comments related to this are captured in the attached Appendix. |
| Region of
Niagara –
Planning and | - The property is located within a ‘Settlement Area’ under the Provincial Policy Statement, 2020 (“PPS”), in the ‘Delineated Built-Up within A Place to Grow: |

Development
Services

- Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”) and designated ‘Built-Up Area’ in the Niagara Official Plan, 2022 (“NOP”).
- The proposal for 3 townhouse and 4 single-detached dwelling ‘units’ will contribute to the 75% intensification rate within the Built-Up Area for the City of Welland.
 - Regional staff has reviewed the ‘Planning Justification Brief’, prepared by Quartek Group Inc. (dated November 2022) and is satisfied with the analysis and conclusions provided.
 - Based on the Ministry of Citizenship and Multiculturalism’s (“MCM”) Criteria for Evaluating Archaeological Potential utilized at the time of pre-consultation, the subject land has potential for the discovery of archaeological resources as it is within 300 metres of two registered archaeological sites. Given the proximity to nearby registered archaeological sites, staff requested the completion of a Stage 1-2 Archaeological Assessment and Ministry Acknowledgement Letter. Regional staff notes that the subject land is also within an “Area of Archaeological Potential” on Schedule K of NOP.
 - Regional staff has reviewed the ‘Stage 1-2 Archaeological Assessment 136 Milkweed Trail’, prepared by Detritus Consulting Ltd. (dated January 29, 2021). The Stage 1 background research indicated that the study area had moderate to high potential for the identification and recovery of archaeological resources; therefore, a Stage 2 field assessment was completed for the areas of the manicured lawn areas on-site. The investigation resulted in no identification and documentation of archaeological resources and, therefore, no further assessment is recommended.
 - Regional staff also reviewed the ‘Stage 1-2 Archaeological Assessment 60 Topham Boulevard’, prepared by Detritus Consulting Ltd. (dated November 2, 2022). The Stage 1 background research indicated that the study area had moderate to high potential for the identification and recovery of

archaeological resources and, therefore, a Stage 2 field assessment was completed for the landscaped garden beds and manicured lawns located on-site. The field assessment resulted in no identification and documentation of archaeological resources. As such, no further archaeological assessment of the study area was recommended.

- Staff has not received acknowledgement from the MCM for the completed archaeological assessments; therefore, a condition to this effect is contained within the Draft Plan Conditions.
- Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possible discovery of deeply buried archaeological resources, staff recommend that a standard archaeological warning clause be included within the Draft Plan of Condominium agreement, should any resources be uncovered during construction works.
- Servicing will be under the jurisdiction of the City of Welland and will require the construction of new water mains, storm sewers and sanitary sewers. Any new/extended sanitary and storm sewers must be reviewed by the Region under the Ministry of Environment Transfer of Review Program, or by the City through the Consolidated Linear Environmental Compliance Approval ("ECA"). Drawings with calculations for the services must be submitted to Niagara Region's Planning and Development Services department for approval.
- Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The following limits apply to this proposed development:
 - o Unlimited Blue/Grey Bin (collected weekly);
 - o Unlimited Green Bin (collected weekly); and
 - o 2 containers of Waste per unit (collected bi-weekly).
 - o Curbside collection only
- Based on the engineering drawing included in the Functional Servicing Report, prepared by Quartek

Group (dated December 2022), the proposed development is showing waste collection pads at the entrance to the development. Based on this plan, the distance for the truck to back up would be more than the allowed 15 metres, under the Procedure for Requirements for Waste Collection (C-A-002-001). The future engineering drawings shall indicate the distance of the truck movement to confirm the distance is less than 15 metres; alternatively, the proposed development could add a turn-around area at the end for curbside pickup for the new lots.

- If future plans still include waste collection pads, warning clauses will be provided for future residents.
- If the aforementioned requirements cannot be met, waste collection will be the responsibility of the owner through a private contractor and not Niagara Region.
- Regional Planning and Development Services staff are satisfied that the proposed Zoning By-law Amendment and Draft Plan of Condominium applications are consistent with the PPS and conform to Provincial and Regional policies.

City of Welland
Infrastructure
Services –
Building Division
(March 22, 2023)

- It is noted that catch basins must be cleaned out annually.
- Additional details related to the depth of footings in reference to Unit #2 and #3 will be required at the time of Building Permit, to ensure that the angle of repose is maintained.

Town of Pelham
(February 6,
2023)

- It is noted that no construction traffic is permitted to use the emergency access off Line Avenue.
- Emergency access that connects Line Avenue and Milkweed Trail is restricted to emergency vehicles only.

Enbridge Gas
Inc. (February
23, 2023)

- Enbridge Gas Inc. does not object to the proposed application(s).
- The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is

installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

- If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowance or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

Public Consultation

A Virtual/In-Person meeting was held on February 22, 2023, to gain public input regarding the proposed application(s). Approximately four (4) members of the public participated in the Public Information Meeting, in addition to the Agent. The following comments and concerns were raised at the Public Information Meeting:

- Inquiry related to garbage pickup and snow removal;
- Traffic concerns related to the potential congestion and safety issues on local roads; and,
- Concern regarding the current design of local roads in the adjacent area and their ability to accommodate increased vehicular traffic.

At the time of writing this report six (6) letters from residents have been received. In addition to the comments made at the Public Information Meeting, the following comments and concerns were raised:

- Drainage concerns that may result in environmental harm;
- Potential conflict with the existing neighbourhood as it relates to character; and,
- Parking issues as a result of the development.

The Statutory Public Meeting under the Planning Act was held on March 21, 2023. The Public Meeting provided an opportunity for the applicant to make a presentation regarding the Applications and proposal, for interested parties to make comments and/or raise concerns, and for Council Members to inquire about the Applications. Two members of the public made comments at the Public Meeting. Their comments included the following:

- Concern related to waste collection;
- Potential for parking to be utilized on the public Right-of-Way;
- Increased traffic; and,
- Increased vehicular access onto Line Avenue from Milkweed Trail.

PLANNING ANALYSIS:**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction for growth and development within the Province. All decisions must be consistent with the policies in the PPS. Settlement areas are to be the focus of growth and development. The land uses and patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for the infrastructure and public services that are planned or available, among other criteria. The PPS also encourages development which supports active transportation and support the use of transit. The lands are within an area with existing municipal services (water, sanitary, and storm). Niagara Region Transit services the area with provisions like OnDemand Transit and Route options within the City. The lands are within walking distance and are located directly beside the Stop 19 Pathway. The lands to the east are included within the City's Northwest Secondary Plan Area which is expected to increase services like transit and facilitate additional recreational options.

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

The proposal will develop the property with a low-density form of housing which is considered to be compatible with the neighbourhood, and makes more efficient use of urban, serviced lands. The proposal is consistent with the policies in the PPS.

Places to Grow Act

The A Place to Grow Plan ('Growth Plan') encourages that the vast majority of growth will be directed to settlement areas which have: a delineated built boundary; have existing or planned water and waste water systems; and, can support the achievement of complete communities. The Growth Plan further encourages growth to be located within the identified built-up area, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (schools, libraries, parks, etc.). The Growth Plan requires that 60% of all new growth, occur within the delineated built-up area.

The subject lands are within the delineated built-up area within the City of Welland. It is located adjacent to an area (Northwest Secondary Plan Area) that is anticipated to include a mix of uses and densities. Single-detached and semi-detached dwellings are located within close proximity to the property. The surrounding area is expected to include an increased presence of transit options

and will add additional recreational areas. The lands are currently bordered by the Stop 19 Pathway which provides opportunities for walking, cycling, etc. The lands have access to municipal services and will assist the City in achieving its intensification target. The lands have not been identified as an intensification area, but as the lands are within the delineated built-up area, intensification and redevelopment is encouraged.

Region of Niagara 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 Growth Plan. The Region's policies promote growth and development within urban areas that can access municipal services. The Region's policies promote the creation of livable and walkable communities that are in close proximity to services and community facilities.

The proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment will facilitate the development of the lands with seven (7) residential units which are serviced by transit options and are in close proximity to recreational opportunities.

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

City of Welland Official Plan

The subject lands are designated Low Density Residential in the City of Welland Official Plan.

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

- Land use and neighbourhood character compatibility;
- Lot pattern and configuration;
- The proposed development is considered to be consistent with the building typologies established in the surrounding lands.
- The proposed development is considered to be compatible with the surrounding neighbourhood.
- The proposed development is located on an existing lot. No additional site-specific variances are required to accommodate the proposed design.
- Lot pattern and configuration is consistent with existing

development to the south and east of the subject lands.

- Accessibility;
 - Buildings are to be designed to meet Ontario Building Code requirements. Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
 - The City's minimum parking standards are one space per unit. The required parking stalls based on the number of units, amounts to seven (7). The proposed development has provided an excess of parking for each unit and included visitor parking areas on the plan.
- Potential for additional traffic and traffic maneuverability;
 - Traffic will access the site from an entrance off of Topham Boulevard. The anticipated traffic that will be generated is not considered to adversely affect the adjacent neighbourhood.
- The potential for transit ridership;
 - There are currently no transit lines in this neighbourhood; however, it is serviced by OnDemand Transit via Niagara Region Transit, which connects riders to the closest bus route.
 - Upon development of the nearby Northwest Secondary Plan Area, additional transit options may become available.
- Natural (including natural hazards) and built heritage conservation/protection;
 - No natural or built heritage features exist on the subject lands.

- The available capacity of municipal infrastructure;
- Residential intensification targets identified in this plan.
- There is capacity in the existing infrastructure to accommodate the proposed development.
- The proposed development will assist the City in achieving the target of 75% of all new residential development being within the Built-Up Area. The proposed development of this site will contribute to achieving that goal.

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

City of Welland Zoning By-law 2017-117

The lands are currently zoned Residential Low Density 1 – RL1 in City of Welland Zoning By-law 2017-117. The lands are undeveloped and are currently vacant. The application for Zoning By-law Amendment has been submitted to amend the Zones to Residential Low Density 2 – RL2. The application will facilitate the construction of seven (7) residential units. The amended RL2 Zone will permit three (3) townhome units to be constructed on the subject lands in addition to four (4) single-detached dwellings.

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

Public Comments

Several comments were received from the public regarding the proposed application(s) related to garbage collection, and parking.

Garbage Collection

Upon receipt of the comments at the Public Information Meeting (February 22, 2023) and Statutory Public Hearing (March 21, 2023) related to the organization of garbage collection, the applicant refined their design. The proposal will ensure that Niagara Region waste collection requirements are satisfied to facilitate pick-up for the proposed development. The pads are anticipated to be screened by vegetation to minimize the visual impact to the streetscape and adjacent properties.

Parking

The proposal currently accommodates zoning requirements and is considered to be satisfactory. In addition, the development has been designed to include two (2) visitor parking stalls that will be located at the southern portion of the lands. It is noted that these visitor parking stalls are above the minimum requirements of the Zoning By-law.

FINANCIAL CONSIDERATION:

All costs associated with the development of the lands as a result of the submitted application(s) will be borne by the applicant.

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

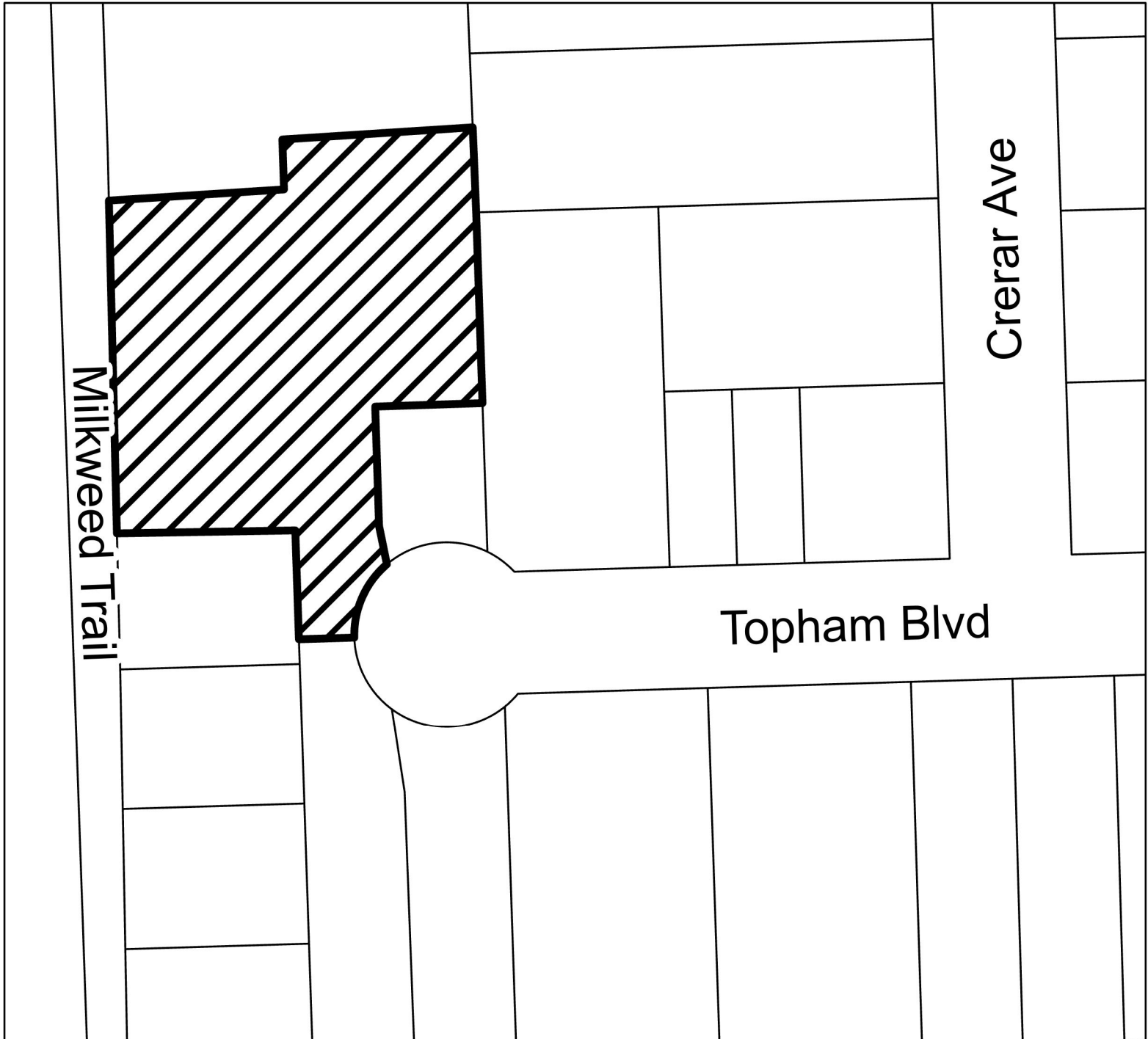
The application for Zoning By-law Amendment to rezone 68 Topham Road to Residential Low Density 2 – RL2, and the development of the property with a seven (7) unit Draft Plan of Vacant Land Condominium represents good planning because:

1. It is consistent with provincial, regional and city policies that promote infilling and intensification;
2. The property is within the City's Built Up Area, and will help the City achieve its intensification targets;
3. The proposed development is transit supportive and is in an area that includes existing servicing; and,
4. The development makes use of vacant land which can be utilized to provide a diverse and vibrant housing supply.

ATTACHMENTS:

- | | | |
|--------------|---|---------------------------------------|
| Appendix I | - | Key Map |
| Appendix II | - | Draft Plan of Vacant Land Condominium |
| Appendix III | - | Relevant correspondence |

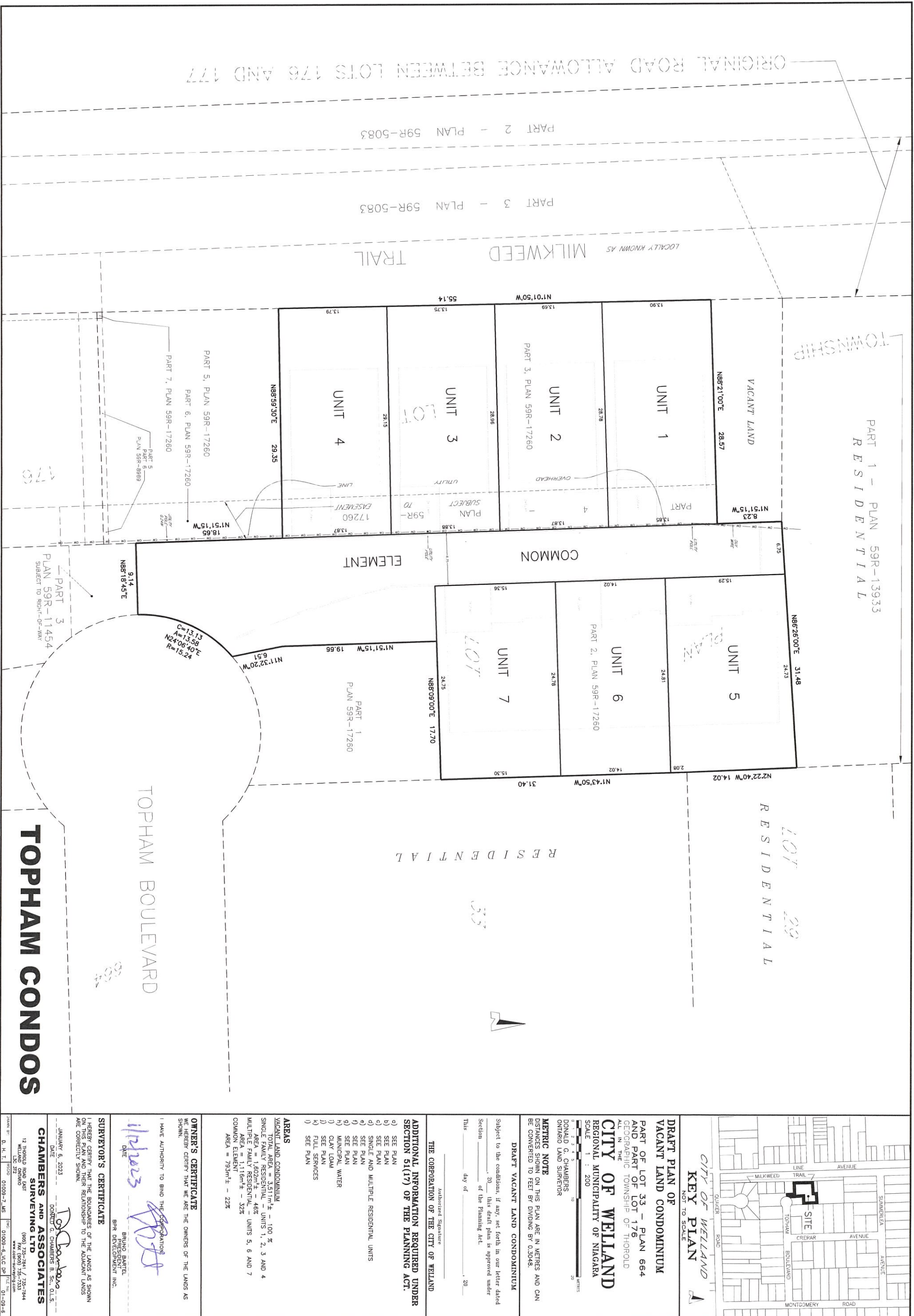
File No. 26CD-14-23001



Key Map



 SUBJECT LANDS



MEMORANDUM

**Infrastructure Services
Engineering Division**

TO: Taylor Meadows, BURPI
Development Planning Supervisor

FROM: Tolga Aydin, C.E.T.
Development Technologist

CC: Livia McEachern, P.Eng.
Manager of Engineering

Jim Harnum, B.Eng.
Project Manager – Development

DATE: March 30, 2023

SUBJECT: Draft Plan of Condominium Conditions – Engineering
68 Topham Boulevard

The documentation submitted for the Draft Plan of Vacant Land Condominium for 68 Topham Boulevard was reviewed. Corrections and/or comments made as part of this review do not relieve the Design Engineer of responsibility for conformance with local municipal standards, MECP compliance, NPCA compliance, and applicable codes and laws.

The following documents were reviewed:

- Draft Plan, dated January 12th, 2023, prepared by Chambers & Associates
- Functional Servicing and Stormwater Management Brief, dated December 2022, prepared by Quartek Group

After review, Engineering has the following comments:

1. As per City of Welland requirements, a sanitary manhole will be required just inside property line.
2. Sanitary flows from #188 Milkweed Trail don't appear to be accounted for in the sanitary section of the FSR. It is understood that these flows will be negligible; however, they should be included for accuracy.
3. A water meter chamber with an adequately sized water meter will be required just inside property line. Detail drawings for this meter and chamber should be included in the drawing set.
4. Lot #4 appears to be missing a sanitary service connection.

5. The stormwater management proposal for infiltration of all site stormwater contains multiple errors and requires additional thought and details to confirm that the proposal is technically feasible. The following comments highlight some of these concerns:
- a. Per the City's Official Plan, the site appears to be located within a Highly Vulnerable Aquifer. Accordingly, stormwater will require enhanced level protection (80% TSS removal) prior to infiltration following the ETV particle size distribution.
 - b. As infiltration is the only proposed stormwater management methodology, we will require 3-season water level monitoring to confirm seasonal groundwater elevation.
 - c. There appears to be an error in the infiltration rates. The Pinchin report identifies an infiltration rate of 10mm/hr; however, this is incorrectly converted to 0.1 m/hr. This is off by a factor of 10 and should be 0.01 m/hr. As such, the infiltration area is undersized by a factor of 10. This appears to compromise the feasibility of the design.
 - d. As the site proposes infiltration to control all stormwater for the subject property, the proponent must ensure that the 24-hour storm duration is accounted for in the stormwater storage calculations. This provides a stormwater storage depth of 120mm for the 100-year storm event per the City's design standards.
 - e. Due to the high-level nature of the stormwater calculations, depth of stormwater across the site should not be multiplied by the runoff coefficient. During major storm events, ground saturation leads to increased runoff within pervious surfaces. Calculations should be per the Niagara Region Stormwater Management Guidelines, including adjustment factor for storm events greater than the 10-year event.
 - f. Please note that all storage of stormwater for infiltration purposes must be below the frost line to ensure that the stormwater management system does not experience freezing. This means that the obvert or top of all infiltration chambers must be no less than 1.2m below ground surface.
 - g. Due to the critical operation of infiltration in managing site stormwater, a maintenance plan is required to ensure operation of the stormwater facilities under all conditions.
 - h. The City requires boreholes confirming that bedrock or groundwater elevations are not within 0.5m of the invert/base of the infiltration trenches.
 - i. Note that the infiltration galleries must be adequately spaced from the foundations. At a minimum, a cross section is required showing a 1:1 slope from the bottom edge of the infiltration galleries towards the bottom of foundation or footings. This area of influence must not intersect with the foundation or footings.
 - j. The infiltration galleries appear to be constructed quite close to the property line. Please provide context on how the construction,

installation, and maintenance of the infiltration galleries will not impact the neighbouring properties.

- k. Note that the areas provided in the FSR/SWM Report calculations do not match up with the catchments identified in the post-development drainage plan. Please ensure all calculations, drawings, and reports are consistent.

Engineering has identified the following conditions to be included in the Draft Plan of Condominium:

1. The Owner shall submit full engineering design drawings to the City of Welland's Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Sediment and Erosion Control, Pre-Development and Post-Development Storm Drainage Area Plans, Sanitary Drainage Area Plan, Topographic Survey, and Landscaping Plans.
2. The owner shall submit a Functional Servicing Report to the City of Welland's Engineering Division for review and approval. This report shall show that the receiving sanitary sewers have sufficient capacity, and that adequate fire flows, as per the City's requirements, are provided.
3. The Owner shall submit a Stormwater Management Brief and associated drawings demonstrating that stormwater has been managed on site to a satisfactory level that does not adversely affect the subject lands or adjacent properties.
4. The Owner shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawing set, and any other standards that may apply.
5. The Owner shall grant, in the Condominium Agreement, the City, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks.
6. The Owner shall, in the Condominium Agreement, ensure that no storm, surface water, roof water, or weeping tiles, is discharged into the sanitary sewer system.
7. The Owner shall, prior to any construction taking place within the Municipal road allowance, obtain a Site Servicing Road Occupancy Permit.

Applications must be made through the Engineering Division and the Traffic Division of City of Welland.

8. The Owner shall complete and fully commission all internal and external servicing works, as specified by the Site Plan Agreement, prior to the construction of any structures within the condominium.
9. The Owner shall be responsible for all costs associated with servicing the development, including restoration. Restoration is to be as per City standards to existing conditions or better.
10. The Owner shall provide confirmation that the property known municipally as #188 Milkweed Trail continues to be serviced by the sanitary sewer and watermain through the subject property.

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

March 6, 2023

Region File: D.18.11.ZA-22-0105
D.11.11.CD-23-0003

Taylor Meadows
Planning Supervisor - Development
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Dear Mr. Meadows:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment and Draft Plan of Condominium
City File: 2022-02 & 26CD-14-23001
Owner/Applicant: BPR Development Inc.
Agent: Quartek Group Inc.
68 Topham Boulevard
City of Welland**

Regional Planning and Development Services staff has reviewed the above-mentioned Zoning By-law Amendment ("ZBLA") and Draft Plan of Condominium ("DPC") applications for lands municipally known as 68 Topham Boulevard in the City of Welland. The ZBLA is required to rezone the property from the existing 'Residential Low Density 1 – RL1' zone to the 'Residential Low Density 2 – RL2' zone in the City's Zoning By-law 2017-117, as amended, to permit a proposed townhouse use. The DPC application proposes the development of 0.35 hectares of land for a vacant land condominium for the purpose of creating 7 units and a common element.

A pre-consultation meeting was held to discuss the proposal on February 17, 2022 with the Applicant, City and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist Council with their consideration of the application.

Provincial and Regional Policies

The property is located within a 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), in the 'Delineated Built-Up Area' within *A Place to Grow: Growth Plan for*

the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan") and designated 'Built-Up Area' in the *Niagara Official Plan, 2022* ("NOP").

The PPS, Growth Plan, and NOP together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. 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, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation. A Regional minimum of 60% of all residential units occurring annually will be within the Built-Up Area. The proposal for 3 townhouse units and 4 single-detached dwelling lots will contribute to the 75% intensification rate within the Built-Up Area for the City of Welland.

Regional staff has reviewed the '*Planning Justification Brief*', prepared by Quartek Group Inc. (dated November 2022) and is satisfied with the analysis and conclusions provided.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Citizenship and Multiculturalism's ("MCM") Criteria for Evaluating Archaeological Potential utilized at the time of pre-consultation, the subject land has potential for the discovery of archaeological resources as it is within 300 m of two registered archaeological sites. Given the proximity to nearby registered archaeological sites, staff requested the completion of a Stage 1-2 Archaeological Assessment and Ministry Acknowledgement Letter. Regional staff notes that the subject land is also within an 'Area of Archaeological Potential' on Schedule K of the NOP.

Regional staff has reviewed the '*Stage 1-2 Archaeological Assessment 136 Milkweed Trail*', prepared by Detritus Consulting Ltd. (dated January 29, 2021). The Stage 1 background research indicated that the study area had moderate to high potential for the identification and recovery of archaeological resources; therefore, a Stage 2 field assessment was completed for the areas of the manicured lawn areas on-site. The investigation resulted in no identification and documentation of archaeological resources and, therefore, no further assessment is recommended.

Regional staff also reviewed the '*Stage 1-2 Archaeological Assessment 60 Topham Boulevard*', prepared by Detritus Consulting Ltd. (dated November 2, 2022). The Stage 1 background research indicated that the study area had moderate to high potential for the identification and recovery of archaeological resources and, therefore, a Stage 2 field assessment was completed for the landscaped garden beds and manicured lawns located on-site. The field assessment resulted in no identification and documentation of archaeological resources. As such, no further archaeological assessment of the study area was recommended.

Staff has not received acknowledgement from the MCM for the completed archaeological assessments; therefore, a condition to this effect is contained within the attached Appendix.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possible discovery of deeply buried archaeological resources, staff recommend that standard archaeological warning clauses are included within the Draft Plan of Condominium agreement, should any resources be uncovered during construction works.

Servicing

Servicing will be under the jurisdiction of the City of Welland and will require the construction of new water mains, storm sewers, and sanitary sewers. Any new/extended sanitary and storm sewers must be reviewed by the Region under the Ministry of Environment Transfer of Review Program, or by the City through the Consolidated Linear Environmental Compliance Approval ("ECA"). Drawings with calculations for the services must be submitted to Niagara Region's Planning and Development Services department for approval.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The following limits apply to this proposed development:

- Unlimited Blue/grey bin (collected weekly);
- Unlimited Green bin (collected weekly); and
- 2 containers of Waste per unit (collected bi-weekly).
- Curbside collection only

Based on the engineering drawing included in the *Functional Servicing Report*, prepared by Quartek Group (dated December 2022), the proposed development is showing waste collection pads at the entrance to the development. Based on this plan, the distance for the truck to back up would be more than the allowed 15 m, under the

Procedure for Requirements for Waste Collection (C-A-002-001). The future engineering drawings shall indicate the distance of the truck movement to confirm the distance is less than 15 m; alternatively, the proposed development could add a turn-around area at the end for curbside pickup for the new lots.

If future plans still include waste collection pads, warning clauses will be provided for future residents.

If the above mentioned requirements cannot be met, waste collection will be the responsibility of the owner through a private contractor and not Niagara Region.

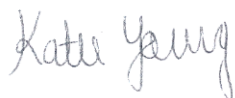
Conclusion

Regional Planning and Development Services staff is satisfied that the proposed Zoning By-law Amendment and Draft Plan of Condominium applications are consistent with the PPS and conform to Provincial and Regional policies, subject to the attached conditions being fulfilled.

If you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send a copy of the staff report and notice of Council's decision on the applications when available.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Susan Dunsmore, P.Eng., Manager of Development Engineering
Chris Pirkas, Development Approvals Technician
John Federici, Planner, Long Range Planning

Appendix
Conditions of Draft Plan of Condominium Approval
68 Topham Boulevard, Welland

1. That the Applicant/Owner receive acceptance from the Ministry Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled '*Stage 1-2 Archaeological Assessment 136 Milkweed Trail*', prepared by Detritus Consulting Ltd. (dated January 29, 2021) and the '*Stage 1-2 Archaeological Assessment 60 Topham Boulevard*', prepared by Detritus Consulting Ltd. (dated November 2, 2022). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. That the condominium agreement contain the following clauses:

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

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

3. That the Owner/Developer provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium 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/Developer.
4. That the Owner/Developer 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 condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the Owner/Developer and the City.

5. That prior to final approval for registration of this plan of Condominium, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of Environment, Conservation and Parks Approval under the Transfer of Review Program or approval through the new Consolidated Linear Environmental Certificate of Approval.
6. That the Owner/Developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling.
7. That the Owner/Developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement prior to Regional curbside waste collection services commencing.
8. The following warning shall be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for each property to survive closing:
"Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies)."

Clearance of Conditions

Prior to granting final 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 Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

68 Topham Blvd.

In this day and age it is not uncommon for individual households to have 2 plus vehicles. This undoubtedly equates to an obviously higher amount of vehicles on this quiet, peaceful circle. Including, but not limited to resident vehicles and not to be ignored are guest vehicles, delivery vehicles, regional utility vehicles, and the list goes on and on. Not only will this present issues/concerns with vehicle congestion, but also not to be forgotten, are the myriad of environmental impacts.

It is my understanding that no traffic impact research/studies have been or will be performed according to the information presented at the general meeting on February 22 2023.

The narrow, inadequately lit street, along with the complete absence of sidewalks is of tremendous concern for the residents of this quiet community. When asked why the new buildings cannot readily enter and exit Milkweed Trail, it was quickly explained that the people using the residential trail was a concern, although there is a preexisting entrance at Line Avenue. Additionally it was stated that Milkweed Trail is not a regulation road. Ironically, neither is Topham Blvd. Should plans go ahead with using Topham Blvd as the preferred roadway, would it be safe to assume that considerable improvement would be made to it? Crucial things like widening the roadway, installing more efficient and brighter lighting and sidewalks installed. It is a more than fair question giving the circumstances.

This diverse subdivision houses a lot of exercisers, dog walkers, cyclists etc. How will their safety be insured given the current conditions of Topham Blvd.? Additionally, people who don't necessarily reside in this subdivision, take the time to walk/hike there due to the quietness and relative safety of it to exercise, cycle, dog walk etc with confidence. The use of the neighbourhood is not limited to the people who live here. Safety is number one and it is a reasonable expectation that Topham Blvd would be upgraded to help ensure the health and safety of our residents and outside users. Due to the narrow size of the road, we do not have snowplows who come through. We have graders which clearly produces a completely different result in clearing. I, personally have had to jump in the ditch or go into a driveway to avoid a mishap. There is only one entrance and exit to Quaker Rd. So increased traffic will congest Montgomery Rd.

At the February 22/2023 meeting that the subdivision's newest residents will be forced to slug their garbage and recycling at the top end of Topham Blvd. This brings to mind a number of concerns. Local wildlife will most definitely get into that refuse and cause the spreading of said refuse and recycling. Who is responsible to clean that up? It is unrealistic to expect the homeowner closest to these unavoidable "messes" to have to be responsible. There are rampant raccoons, coyotes, skunks, opossums, rats and other vermin with diseases that would be responsible for this however, last I checked, this cannot be avoided without expensive refuse containers. Who is going to pay for those? Not everyone can afford suitable refuse containers.

Another large concern is drainage. Where, with all the new building construction is drainage to go. Will it simply be ignored, causing yet another environmental concern, if not addressed? The questions are virtually endless.

Respectfully submitted; Betty Patrick

February 15, 2023

TAYLOR MEADOWS
CITY OF WELLAND
60 EAST MAIN STREET
WELLAND, ON L3B 3X4

Re: 68 Topham Blvd

Dear Taylor,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

Taylor Meadows

From:
Sent: March 2, 2023 2:06 PM
To: Taylor Meadows; clerk; devserv
Cc: Councillor Adam Moote; Councillor Mary Ann Grimaldi; r_haymes@hotmail.com
Subject: Application for Draft Plan of Condominium (File No. 26CD-14-23001)

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Welland Council:

Regarding the above application for Condominium approval and changing the area zoning from Residential Low Density 1 – RL1 to Residential Low Density 2 – RL2 – the area has been zoned as it is for a reason and to carve out a small area to allow for higher density building should not be allowed.

Topham Blvd will be the primary access to this new small sub-division that is being proposed and it is a sub-standard residential road that does not meet current standards. To allow these 7 additional housing units at the end of this dead-end road will mean at least an additional 14 vehicles of traffic on Topham Blvd along with delivery vehicles, visitors, couriers, etc. There are no sidewalks on Topham Blvd and many of the current residents in the neighbourhood are seniors that take daily walks around the block. Their safety should be a priority and with the addition of the new housing units and additional traffic it will create a significant safety hazard. This historical Veterans Neighbourhood needs to be maintained as is and not be over developed in the name of intensification.

In order to access a main arterial road the additional vehicles will have to travel Topham Blvd and Montgomery Road to gain access to Quaker road. It would be much better if fewer than the 7 proposed units were constructed as allowed by Residential Low Density 1 – RL1 and then direct access given to these units on to Line Ave. to the west. These vehicles then will be on a main access road without having to travel several residential roads that are narrow with ditches and no sidewalks to reach a main artery roadway.

The whole area is bordered by Rice Road, Quaker Road and Line Ave. in the whole of this area the zoning is either Agricultural, Community Open Space, Environmental Conservation Overlay, Rural Residential or RL1 – to designate a small area of 0.35 hectares as RL2 is totally out of character with the complete fabric of this area and should not be considered as appropriate.

In the City of Welland Planning document I will cite several sections which should be given consideration and point to the fact that this development is inappropriate for the area in question:

Section 4.2.1.7 – the City will ensure protection for stable residential areas from inappropriate change and will encourage strategies which assist residential neighbourhoods in transition to revitalize, with minimal negative impacts to adjacent areas.

- This development will cause significant negative impact to the adjacent area of Topham Blvd, Crerar Ave and Montgomery Rd.

Section 4.2.3.1 – New development in existing neighbourhoods shall reinforce and improve upon the character defined by the existing built form and landscaping.

- The proposal does not meet this standard.

Section 4.2.3.6 – Infilling and intensification is encouraged throughout the City's existing built up residential area.

Intensification in residential area should address i) Land use and neighbourhood character compatibility; ii) lot pattern

and configuration; iii) accessibility; iv) parking; v) the potential for additional traffic and traffic maneuverability; vi) transit ridership; vii) Natural and built heritage conservation; etc.

- The proposal does not meet any of these requirements.

Section 6.4.2.1.F – No new development or redevelopment will be permitted which does not front on a public road of an acceptable standard of construction.

- Topham Blvd and Montgomery Road do not meet this standard they are only 5.33 meters wide which is far less than required standards. Additional vehicles that will be as a result of the additional units will create safety issues for the seniors, residents, children and special needs individuals that walk in the neighbourhood since there are ditches along side the roads and no sidewalks, therefore the proposal does not meet this standard.

I wish to participate virtually and also wish to be notified of the Decision of the City of Welland on the proposed plan of subdivision.

Thanks.

Sincerely,
George Sportel
23 Topham Blvd.
Welland

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Taylor Meadows



From: Councillor Adam Moote
Sent: January 19, 2023 11:27 AM
To: Grant Munday; Taylor Meadows
Subject: Fw: Mini sub-division west end of Topham Blvd.

Hi guys,

Any info on this?

Adam



Adam Moote
City Councillor - Ward 1
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Cell: 905-736-3620
Phone: 905-735-1700
www.welland.ca
 **engageWELLAND** 

This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

From:
Sent: Thursday, January 19, 2023 11:18 AM
To: Councillor Adam Moote <adam.moote@welland.ca>
Subject: Mini sub-division west end of Topham Blvd.

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Hi Adam – not sure if you are aware of this but I am hoping you will be able to provide us with some information. The last house on the north side of Topham Blvd and has been torn down and a new house is being built – the original lot was quite large and the developer that now owns it has sub-divided the lot. The lot for the current replacement house being built is quite small. The balance of the lot is being combined with a vacant lot immediately to the west of it which is just east of the Milkweed trail. We have heard that there is a proposal to build 7 housing units on the site (I believe 3 single family homes and 4 townhomes) We also have heard that these new homes will not use Milkweed trail for access to other major roads like Quaker Rd but that an additional trail or lane will be created to the west of the lot that is having the house currently built and it will join up at the dead end of Topham Blvd. and then that traffic will be routed to Topham then Montgomery and on to Quaker.

We have not had any notice from the city regarding this potential sub-division – would you be able to advise if indeed this is the plan or if not what is the plan – obviously we are concerned about the potential of at least and additional 14 vehicles using Topham Blvd which has no sidewalks and is a very narrow road. Also where will those additional 7 homes have to put out there garbage for pick up once complete since the garbage trucks will not be able to safely use the potential lane or trail?

Would it not be better for these new homes to have access to Milkweed trail for their egress? Or create a direct access to Line Ave vs. having those homes having to travel several residential small roads to access larger arterial roads?

Appreciate any information you will be able to provide.

Thanks

George Sportel

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Welland Council meeting – Tuesday March 21/23 – Summerlea Condominium
RL1 – To RL2

- The Summerlea Neighbourhood was established as a Veterans' settlement in the late 1940's early 1950's – in fact some veteran's spouses and more recently retired veterans' still live in the area. It is recognized as such by the City of Welland with Special Road signs defining the area as a veterans' neighbourhood.
- It is a unique historical area that needs to be preserved as RL1 zoning to maintain the important heritage of the area. Adding RL2 as a component of the area will change the fabric of the area with increased traffic which the current infrastructure is not capable of handling – the roads are sub-standard width relative to today's standards and there are no sidewalks, there are ditches alongside the roads and the increased traffic will create dangerous walking conditions for the Veteran's spouses, seniors, children and individuals with special needs that walk on the roads for daily exercise.
- I trust that all councilors have read the information that was submitted where several areas in the City's official plan have been highlighted indicating that this proposed plan does not fit with this Veterans area based on the planning guidelines – therefore I advise that you vote against this proposal as presented.
- The whole area is bordered by Line Ave, Quaker Road and Rice Road and has no RL2 zoning, it is all zoned as either Agricultural, Community Open Space, Environmental Conservation Overlay, Rural Residential or RL1.
- A plan that is based on RL1 zoning should be considered with direct access to Line Ave. vs. having additional traffic flow thru Topham Blvd and Montgomery Road which will have a very negative impact on this historical Veterans neighbourhood whose character, fabric and existing built form are a unique heritage that needs to be preserved for future generations in the City of Welland.
- Thank you.

George Sportel 23 Topham Blvd L3C 3G1

98 Montgomery Road
Welland, ON
L3C 2Y3

February 17, 2023

Mayor and Members of Council
The Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Mayor and Council Members:

RE: Application to Amend Zoning Bylaw 2017-117 (File No. 2022-02)

I have some concerns and comments with the application to rezone the RL1 designation to RL2 within the boundaries of the Summerlea Subdivision specifically to Topham Boulevard and the proposed condominium plan.

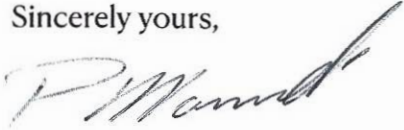
As I myself am a developer/contractor I have no issues with developing infill lots in the City of Welland. However, during the last five years numerous concerns were brought forward from the residents and the city members of committee regarding a simple severance application for semi-detached dwellings that I developed, even though the development was within the zoning requirements. These concerns should continue to stand regarding this proposal and have an even heightened stance as the zoning is being proposed to be amended. In the LPAT decision report for Case PL180435 and Paragraph 14 states- "City's traffic division noted Topham Boulevard and Crerar Avenue cannot accommodate on-street parking", where are the condominium residents going to park and where are the visitors going to park? In addition, the subdivision is not in the urban area of the City, the proposal does not meet the character of the neighbourhood and safe road access. There is only one way in and the same way out of the neighbourhood. Emergency vehicles will not be able to enter the condominium common element due to the size of the road.

For years this subdivision has been overlooked by the City of Welland regarding its capital budgets for roads, ditches and access. Should this development go forward the roads will need to be widened and ditches removed for sidewalks to be installed (which should be done according to the city's policies anyway). Who is going to pay for this?

I also would like to know that if this amendment passes, would it apply to the entire subdivision?

I would like to receive a copy of the staff report on this application and to be kept informed of any presentations. Please send to my email address at pmammoliti@cogeco.ca.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'P. Mammoliti', written in dark ink.

Pasquale Mammoliti

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 17, 2019

CASE NO(S): PL180435

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Pasquale Mammoliti
Subject:	Consent
Property Address/Description:	3 Crerar Avenue
Municipality:	City of Welland
Municipal File No.:	B001/2018WELL
LPAT Case No.:	PL180435
LPAT File No.:	PL180435
LPAT Case Name:	Mammoliti v. Welland (City)

Heard: July 12, 2018 in Welland, Ontario

APPEARANCES:

Parties

Pasquale Mammoliti

Patricia Golec

George Sportel

Participants

Julie Edwards

Rob Weatherby

Counsel

T. David Marshall

Self-represented

Self-represented

Self-represented

Self-represented

Christa Fraser Self-represented

Deanna Brown Self-represented

DECISION DELIVERED BY JUSTIN DUNCAN AND ORDER OF THE TRIBUNAL

[1] This decision follows the hearing of an appeal filed by Pasquale Mammoliti ("Appellant") from the refusal of the City of Welland ("City") Committee of Adjustment ("COA") of an application for consent to sever a property known municipally as 3 Crerar Avenue ("Subject Property") to permit the development of two semi-detached dwelling units on each of the two lots.

[2] The City did not appear at the hearing. At the outset of the hearing, the Tribunal added Patricia Golec and George Sportel as parties to the appeal and granted participant status to Julie Edwards, Rob Weatherby, Christa Fraser and Deanna Brown.

[3] The Subject Property is located at the corner of Crerar Avenue and Topham Boulevard in an existing low density residential neighbourhood known locally as the Summerlea Subdivision. The Appellant proposes to sever the Subject Property into Part 1 with an area of 695 square meters ("m²") and Part 2 with an area of 643 m². Part 1 would have a frontage of 24.04 m on Topham Boulevard while Part 2 would have a frontage of 22.24 m on Topham Boulevard. The Appellant proposes to demolish the one storey residence that currently exists on Part 1 and to demolish the garage and shed on Part 2 in order to develop semi-detached dwellings on each Part.

ISSUE

[4] Generally on an application for consent to sever the Tribunal is required to consider the following:

- a. Whether a plan of subdivision is necessary for the orderly development of the City pursuant to s. 53(1) of the *Planning Act* ("Act");
- b. Whether the application has regard to the criteria set out in s. 51(24) of the Act as required by s. 53(12) of the Act, including whether the application conforms to applicable official plans.
- c. Whether the application has regard to matters of provincial interest set out in s. 2 of the Act.
- d. Whether the proposal is consistent with the Provincial Policy Statement, 2014 ("PPS") as required by s. 3(5)(a) of the Act.
- e. Whether the application conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan") as required by s. 3(5)(b) of the Act.

EVIDENCE

Evidence of the Appellant

[5] Rachelle Larocque, planner with the City, appeared under summons and was qualified by the Tribunal to provide expert evidence in the area of land use planning. Ms. Larocque's evidence was the sole evidence relied upon by the Appellant at the hearing. Ms. Larocque explained that the Subject Property is located within the built boundary of the City, close to the boundary the City shares with the Town of Pelham. She explained that the Subject Property was created by operation of the *Veterans Land Act* and was serviced by private septic systems and wells at that time. Ms. Larocque explained that since 1984, the Subject Property and surrounding neighbourhood has been serviced by City sanitary and water services. She explained that as a result of the

public services larger lots are no longer needed in this area in order to accommodate private servicing.

[6] Ms. Larocque explained that the lot fabric in the neighbourhood around the Subject Property has changed over time and she opined that if one were to consider the neighbourhood as an area approximately 200 metres around the Subject Property that a number of smaller lots in Pelham should be considered. She explained that the lots would not require any variances from the standards set out in Zoning By-law No. 2017-117 ("Zoning By-law") to allow for the proposed consent or to accommodate the proposed semi-detached dwellings.

[7] In reviewing the PPS, Ms. Larocque explained that the area in which the Subject Property is located is subject to intensification and infill development. She opined that the application would provide for an efficient use of existing land and City services consistent with PPS policy (policy 1.1.3.2). Further, she opined that the proposal would provide for a greater range and mix of housing to meet the needs of future residents consistent with PPS policy (policy 1.4.1).

[8] Ms. Larocque next reviewed the Growth Plan. She explained that the Subject Property has been identified by the province as being located within the Delineated Built-up Area as defined by the Growth Plan. She explained that policy 2.2.2 of the Growth Plan requires that a minimum of 60% of residential growth is required to occur in the Delineated Built-up Area by 2031 and by the time of the next municipal comprehensive review and every year until 2031 50% of such growth is required in the Built-up Area.

[9] Ms. Larocque explained that the Subject Property is designated Low Density Residential in the City OP, which permits single detached, semi-detached, duplex, triplex and townhouse dwellings. She reviewed the policies contained in the City OP by reviewing the general intensification policies contained in s. 3.4. She explained that policy 3.4.4.1.D of the City's OP requires that after 2015 40% of new housing

development should occur in the Built-Up Area. She explained that this target will increase in future in order to have the City OP conform with the Growth Plan. It was Ms. Larocque's opinion that the Appellant's application is consistent with the intensification policies contained in s. 3.4 of the City's OP. Ms. Larocque also opined that the application meets the Housing and Residential policies contained in s. 4.2 of the City OP, including policies relating to the provision of a mix of type, tenure and affordability of housing, and the criteria contained in policy 4.2.3.6 for the consideration of intensification and redevelopment in the built up residential areas of the City, including neighbourhood character compatibility.

[10] With regards to the criteria in policy 4.2.3.6, Ms. Larocque reviewed each policy. She explained that the neighbourhood is comprised of small war-time houses and some very large homes and that the neighbourhood does not have a consistent character. She explained that the proposed lots exceed the area of some lots in the neighbourhood, that there is no issue of accessibility. She explained that City traffic experts have not identified any transportation issues with the proposal. She also explained that the proposal will not give rise to any heritage issues and that there is sufficient infrastructure capacity in the area to support an additional lot. She also opined that the application will contribute to the residential intensification targets contained in the City OP. In addition, Ms. Larocque reviewed the evaluation criteria contained in policy 7.9.2 of the City OP. In addition to the opinions already provided in relation to other policies, she opined that a plan of subdivision is not required as three or more lots are not being created by the application (policies 7.9.1 and 7.9.2(iii)) and that the creation of one additional lot in the area will not have an impact on the redevelopment potential of other lots (policy 7.9.2(vi)).

[11] Ms. Larocque explained that the Subject Property is zoned RL1 in the Zoning By-law. She explained that Table 7.3.1 of the Zoning By-law sets out minimum standards for lot area, frontage, front yard setback, side yard setbacks, rear yard setbacks, height, lot coverage and landscaped area for semi-detached dwellings in the RL1 zone. She

explained that these minimum standards are met by the application and that variances from the Zoning By-law will not be required.

[12] Ms. Larocque also opined that the building façade proposed by the Appellant complies with the City's urban design guidelines.

[13] Finally, Ms. Larocque opined that the application has appropriate regard for the criteria set out in s. 51(24) on the basis of the evidence she had already provided.

[14] With regards to issues raised in public comments to the COA, Ms. Larocque explained that the City's Traffic Division noted that Topham Boulevard and Crerar Avenue cannot accommodate on-street parking and that if the community identifies on-street parking issues, that this problem is a matter of enforcement of parking standards.

[15] In cross-examination, Ms. Larocque explained that the appropriate time to challenge semi-detached dwellings in the neighbourhood would have been at the time that such permissions were incorporated into the Zoning By-law when it was passed in 2017. She opined that downzoning the Subject Property to remove Zoning By-law permissions would run contrary to provincial policy and the City OP.

[16] In cross-examination, Ms. Larocque acknowledged that a future application for part lot control or severance could be made to allow the sale of part of one of the proposed semi-detached dwellings.

Evidence of the Added Parties

[17] Mr. Sportel explained that he opposes the application on the basis that the neighbourhood is not in transition and the housing stock is largely unchanging, that the Summerlea subdivision is unique and the smaller lots would be at odds with the larger lot fabric surrounding them, that the roadway is not sufficient in width and parking on the road could impede emergency vehicle access.

[18] Mr. Sportel explained that currently there are no semi-detached dwellings in the neighbourhood but there are some in-law suites.

[19] Mr. Sportel expressed the view that the City OP should be interpreted in a manner that focuses intensification in the Urban Area of the City and that the Summerlea subdivision, being outside the Urban Area, should not be subject to intensification.

[20] It was Mr. Sportel's view that the criteria for evaluation of consents contained in policy 7.9.2 are not met by the application on the basis that the proposed lots will not be consistent with the character of the neighbourhood and the issue of safe road access.

[21] Mr. Sportel also referenced a decision of the Ontario Municipal Board where the Appellant had unsuccessfully appealed from a decision of the COA refusing an application to sever the Subject Property to create three lots. Mr. Sportel explained that the Board has refused the application on the basis of incompatibility with neighbourhood character. It was Mr. Sportel's view that the character of the neighbourhood has not changed since that decision was issued two years ago. He acknowledged that although the Zoning By-law is new since that time, he expressed the view that mixed types of housing should occur elsewhere in the City. He also expressed the view that in future the expectation should be that the Appellant or a subsequent owner will seek to subdivide the two lots to create four lots in order to be able to convey the semi-detached dwellings now proposed.

[22] In cross-examination, Mr. Sportel acknowledged that 11 Crerar Ave. has not been divided into two lots to date despite there being two units within the dwelling on that property.

[23] Next, the Tribunal heard from Ms. Golec who explained that the Summerlea subdivision was created in 1948. She acknowledged that some infill development has occurred since that time with the creation of some smaller lots. Ms. Golec provided the

Tribunal with detailed data on the progress of development in the Summerlea subdivision since 1954. She provided a figure showing the number of dwellings existing in 1954 (49), added between 1955-1965 (15), and added between 1966-2017 (25) for a total of 89 residences in subdivision currently.

[24] Ms. Golec explained that the Niagara Region Official Plan ("Niagara OP") designates the Subject Property as being within the Good General Agricultural Area and outside of the Urban Boundary for the City.

[25] Ms. Golec explained that three trees will have to be removed to accommodate the proposed new dwellings on the Subject Property. She was also critical of Ms. Larocque for not characterizing the neighbourhood fully by including an analysis of setbacks, lot sizes and open space but rather, merely focusing on the standards contained in the new Zoning By-law. She explained that the average front yard setback in the subdivision is 8 m and that a reduction to 4.5 m would stand out as a signification reduction.

[26] Ms. Golec explained that she was able to determine that the City has used part-lot control by-laws in 50 instances since 2002 and she expressed concern that the Appellant could seek such a by-law in future.

[27] In summary, Ms. Golec explained that she was in opposition to the proposal for the following reasons:

- a. The Subject Property is not within the Urban Area of the City and policy 3.1 provides that urban growth is to be directed to lands within this designated area.
- b. The proposal represents inappropriate change to a stable neighbourhood.

- c. The Tribunal already recognized the stable nature of the Summerlea subdivision in Case No. PL150989.
- d. The application contravenes policy 4.2.2.2.A of the City OP as four dwelling units on 0.067 hectares ("ha") is the equivalent of 59 units per ha exceeding the maximum of 24 units per ha contained in the policy.
- e. Policy 4.2.3.1 of the City OP is not met as the application does not reinforce and improve upon the character of the neighbourhood as defined by the existing built form and landscaping.
- f. The application does not address land use and neighbourhood compatibility, parking or natural conservation/protection as described in policy 4.2.3.6 of the City OP.

[28] In cross-examination, Ms. Golec expressed the view that if single detached dwellings were developed it may be possible to retain the three trees on the Subject Property.

[29] Ms. Golec also acknowledged in cross-examination that the Zoning By-law was likely drafted in order to promote intensification in the City.

[30] Ms. Golec also acknowledged that she no longer lives in the subdivision but explained that her parents live in the area still.

[31] In cross-examination, Ms. Golec acknowledged that there are approximately eight lots in the subdivision that are either similar in size or smaller to what is proposed by the Appellant.

Evidence of the Participants

[32] Ms. Edwards explained that she is concerned that lot fabric and neighbourhood character will be adversely affected by the application. Ms. Edwards referred to a brief letter that set out the specifics of her objections to the application.

[33] Ms. Fraser owns 11 Crerar Avenue. She explained that her property was created by way of severance in 1971 and that it currently hosts a dwelling, which includes a “granny suite” of approximately 350 m². She explained that the dwelling should not be considered a semi-detached dwelling and should not be relied upon as showing that semi-detached dwellings exist in the Summerlea subdivision.

[34] Ms. Fraser also provided a series of photographs depicting the Summerlea subdivision and photos of the closest semi-detached dwellings to the Subject Property. She explained that her main concerns relate to the potential for on-street parking resulting from the proposal and flooding due to grading towards her property. In cross-examination, Ms. Fraser acknowledged that Mr. Golec’s property is higher in grade than the Subject Property and that she is not sure how the grading differs between her property and the Subject Property. She also acknowledged that a grading plan would be required by the City as part of any building permit.

[35] Ms. Brown is a real estate agent that has lived in the Summerlea subdivision for three years. She explained that the neighbourhood is unique as one of three remaining veteran neighbourhoods in Canada. She also explained that she is aware that 11 Crerar Avenue has, in the past, been marketed as a single residence with a granny flat and not as a semi-detached dwelling. Ms. Brown explained that she attended the COA hearing, where the Appellant had expressed the intention to use part lot control to sell each of the four homes that he intends to construct if the application is granted. In cross-examination, Ms. Brown acknowledged that the neighbourhood consists of various types of residential dwellings and some residences take up the entire lot width with small side yard setbacks.

Reply Evidence of Appellant

[36] In reply to the evidence provided by the other parties and the participants, the Appellant recalled Ms. Larocque. She explained that on-street parking issues will exist whether there are 1, 2 or 4 residential units on the Subject Property. She also explained that even if the lots were subdivided further, they would meet the minimum lot size standard of 300 m² contained in the Zoning By-law.

[37] With regards to the Regional OP, Ms. Larocque explained that the Region had advised the City that it had identified no interest in the application and would not be commenting.

[38] In response to questions of the Tribunal with regards to tree protection, Ms. Larocque explained that there are two trees located entirely on the Subject Property and one only partially located on it. She explained that there are recommendations in the City's staff report for planting of a boulevard tree on Topham Boulevard.

DISCUSSION, ANALYSIS AND FINDINGS

[39] To begin I note that the application before the Tribunal is for consent to sever the Subject Property to create one new lot. Although it may be that the Appellant or a future owner may apply to the City to further sever the resulting lots, that is a separate matter that would have to be considered separately on its merits based on the applicable planning policy at the time of such application. The Tribunal's focus in this decision is on the specific application before it, which is to sever the Subject Property into Part 1 with an area of 695 m² and Part 2 with an area of 643 m² as described above.

Provincial Policy Documents and Matters of Provincial Interest

[40] In considering the totality of the evidence and submissions during the hearing, there was no dispute that the proposed consent is consistent with the PPS and

conforms to the Growth Plan and has appropriate regard to matters of provincial interest set out at s. 2 of the Act. In particular, the application meets the policies contained in the PPS, the Growth Plan and s. 2 of the Act relating to efficient use of land and municipal infrastructure.

Regional and City Official Plans

[41] The Subject Property is located within the Built-Up Area but outside of the Urban Boundary of the City as shown on Schedule A of the City OP. Both the Regional OP and the City OP contain policies directing that intensification is to occur within the existing Built-Up Area of the City. In particular, policy 3.4.4.1.D of the City's OP currently requires that 40% of new housing development should occur in the Built-Up Area, a target which is required by the Growth Plan to increase to 50% following the next comprehensive review of the City OP and again to 60% after 2031.

[42] In considering the evidence, I find that the application does not give rise to any issues of non-conformity with the Regional OP.

[43] The City OP contains policies related to infill and intensification in residential areas. Policy 4.2.3.6 encourages infill development throughout the City's Built-Up Area and establishes criteria for the consideration of such development.

4.2.3.6 Infill and Intensification Development

Infilling and intensification is encouraged throughout the City's existing built up residential areas. Intensification in residential areas should address (notwithstanding the requirements for a severance, site plan or plan of subdivision):

- i. Land use and neighbourhood character compatibility;
- ii. Lot pattern and configuration;
- iii. Accessibility;
- iv. Parking requirements;
- v. The potential for additional traffic and traffic manoeuvrability;
- vi. The potential for transit ridership;
- vii. Natural (including natural hazards) and built heritage conservation / protection;

- viii. The available capacity of municipal infrastructure; and,
- ix. Residential intensification targets identified in this Plan.

Subject to a Zoning By-Law Amendment, the City may allow residential infill and intensification development to exceed the maximum building height and densities set out in this Plan by 20% without Amendment to this Plan.

[44] Policy 7.9.2 contains somewhat similar criteria by which applications for consents are to be evaluated as follows:

7.9.2 Evaluation of Consents

Applications will be evaluated on the following minimum criteria:

- i. Consistency with the Policies of this Official Plan;
- ii. Consistency with a Secondary Plan (where appropriate), or guidelines, as well as compliance with the Zoning By-law;
- iii. A Plan of Subdivision is not required;
- iv. The size and shape of the lots;
- v. The road access of the lots;
- vi. The impact of the consent on the ability of adjacent lots to be developed;
- vii. The impact of the consent on the natural environment; and,
- viii. Adequacy of municipal services and utilities.

[45] The Tribunal evaluates the criteria contained in policies 4.2.3.6 and 7.9.2 together below.

[46] There is no secondary plan in effect for the Summerlea subdivision and it was uncontested during the hearing that the application meets the standards for parking, setbacks, lot area, and lot frontage set out in the zoning by-law in the event that the Appellant decides to apply to develop either detached or semi-detached dwellings on the proposed lots.

[47] It was also uncontested that policy 7.9.1 of the City OP stipulates that a plan of subdivision is not required unless three or more new lots are proposed to be created. Further, based on the evidence of Ms. Larocque, I find that a plan of subdivision is not required for the orderly development of the Subject Property in accordance with s. 53(1) of the Act.

[48] I also find that there is adequate municipal services and utilities to service an additional lot in the area. There were no issues raised in relation to servicing by the parties, participants or by commenting agencies. With regards to road access and parking specifically, the proposed lots have access to the municipal road system with frontage on Topham Boulevard. Although the added parties and participants raised the issue of road side parking in the neighbourhood and the potential for the application to contribute to that problem, based on the evidence that the proposal would meet the Zoning requirement for on-site parking and on the basis that any illegal on-street parking is a matter of enforcement for the City, I find that the application has met the criteria for road access and parking requirements.

[49] With regards to the criteria of impact on the natural environment, the only matter raised was impact to three mature trees located on the Subject Property. Two of these trees are located wholly on the Subject Property while the remaining tree is partially located on City lands. Ms. Larocque opined that the recommended condition contained in the City Planning Division report to the COA addressed this matter. That the recommended condition provides: That the owner(s) prepay to the City of Welland \$300.00 for one boulevard tree planting to be located on Topham Boulevard (Part 2). In reviewing the correspondence contained in the document book of Ms. Golec, an email from Dave Steven, Forestry Foreman with the City's Infrastructure Services, Public Works/Parks Department indicates that his department would work with the owner to discuss options and would only permit removal of a jointly owned tree in the event that the tree is dead or poses a danger to the public as a result of damage to roots resulting from construction activities. Here, there was no evidence that either situation necessarily exists. However, the Tribunal finds that it would be reasonable, as a condition of approval, to allow for further discussions to occur between the Appellant and the City to determine if it is necessary for trees to be removed on the Subject Property to accommodate the proposed development and for the Appellant to obtain necessary approvals from the City. As a result, I find that with a revised condition, the criteria to consider impact to the natural environment has been addressed.

[50] That brings the Tribunal to the final related criteria regarding the size and shape of the lots and character of the neighbourhood. The Tribunal was provided with a large number of photographs, lot fabric information and development history for the Summerlea subdivision by the parties and the participants. In reviewing this material, I can only conclude that the Summerlea subdivision has experienced slow infill development since its creation in 1948.

[51] The lot area information provided by Ms. Larocque in her evidence describes a range of lot areas from approximately 393 m² to 4,390 m², in the area with highly variable lot sizes in between this range. There are lots in the area that are similar in size to the lots proposed by the Appellant (17 lots with areas between 665 m² to 786 m²).

[52] I agree with Ms. Golec's submission that the Tribunal's assessment of neighbourhood character should extend beyond a focus on lot fabric. In this context, I find that setbacks and housing type are also relevant considerations.

[53] The photos reveal areas of the subdivision where dwellings are fairly close to each other and other areas where there are large side yard setbacks and areas of separation between dwellings. Although Ms. Golec's evidence explained that, the proposal was for development with front yard setbacks that are less than the average for the neighbourhood, her evidence was not that the front yard setbacks would be the first to be introduced into the neighbourhood or that any adverse impact would result from such setbacks. Additionally, as set out above, the evidence was uncontested that the setback standards contained in the Zoning By-law would be met.

[54] I find that the neighbourhood character is not uniform in terms of lot size or setbacks and I find that the proposed lots would fit within the range of such characteristics in the neighbourhood.

[55] If the Appellant does eventually apply to develop semi-detached dwellings on the proposed lots, I find that this would be the first introduction of semi-detached dwellings in the Summerlea subdivision. Although much emphasis was placed on the existence of the two units within the building on 11 Crerar Avenue, based on the evidence heard, that building cannot be properly described as a semi-detached dwelling. Rather, the dwelling at 11 Crerar Avenue is best described as a single-family dwelling containing an in-law suite. The evidence was that the neighbourhood contains several such dwellings. These findings are not fatal to the application however; although there are no true semi-detached dwellings in the neighbourhood, and one might argue that the introduction of semi-detached dwellings would be out of character, there are multiple unit dwellings in the neighbourhood (houses with in-law suites). Also weighing against the added parties' and participants' submissions that semi-detached dwellings will not fit, is the City OP designation for the Subject Property, Low Density Residential, which permits semi-detached dwellings and the zoning, which similarly permits semi-detached dwellings at this location. The City OP and provincial policy contained in the PPS and Growth Plan also promote the provision of a range of housing types and more affordable housing units such as semi-detached dwellings.

[56] A previous application was made for consent to sever the Subject Property into three residential lots requiring minor variances to permit undersized lots. The applications were denied by the COA and an appeal to the Ontario Municipal Board (now the Tribunal) was dismissed (Board Case No. PL150989). Not only is the application before the Tribunal different in this case, since the previous case was decided two major changes have occurred to the applicable policy context. First, the Growth Plan has been significantly revised to place greater emphasis on intensification as a priority. Second, the City enacted a new comprehensive Zoning By-law on October 17, 2017.

[57] The Zoning By-law responds to the new policy guidance contained in the Growth Plan by establishing standards that promote the intensification policies contained in the Growth Plan. In considering the reduced number of lots now being proposed and in consideration of the greater emphasis on intensification in the Growth Plan and implemented locally through the Zoning By-law, I find that the application appropriately responds to policies and standards aimed at intensification.

[58] It is understandable that until 1984, when municipal services were extended to the subdivision, that larger lots were necessary in the neighbourhood in order to accommodate private septic and wells. Such larger lots in this area are no longer necessary from the perspective of servicing and I find that the Subject Property is appropriate for implementation of intensification.

[59] Additionally, although the Summerlea subdivision may have a special history as a subdivision created specially for returning veterans in the 1940s, it does not have any special protections in applicable land use policy that would allow the Tribunal to cast aside the intensification policy contained in the Growth Plan, the City OP, or the standards set out in the new Zoning By-law.

[60] Overall therefore, I find that the appeal should be allowed and that provisional consent to sever the Subject Property should be given.

Timing of the Tribunal's Decision on this Appeal

[61] The Appellant's appeal was received by the Tribunal on April 26, 2018. Ontario Regulation ("O.Reg.") 102/18 stipulates, at s. 1(1)4, that the time period for the disposition of the appeal of the Tribunal is not to exceed six months and, at s. 1(2)1.ii, that the Tribunal may exclude such time periods from the calculation of the six month time period that are deemed necessary to secure a fair and just determination of the appeal.

[62] In these circumstances, the Tribunal has determined that as a result of the heavy schedule of the Tribunal and reduced member resources that it has been necessary to exclude the time between the conclusion of the hearing and the date at which the Tribunal was able to begin considering the evidence and writing this decision on November 20, 2018 from the calculation of time in order to secure a fair and just determination of this appeal.

ORDER

[63] Pursuant to s. 1(2) of O. Reg. 102/18 and Rule 3.02 of the Tribunal Rules the Tribunal issues a notice of postponement excluding the time period of July 13, 2018 to November 20, 2018 from the calculation of the six-month time period contained in s. 1(1)4 of O. Reg. 102/18 in order to secure a fair and just determination of this appeal.

[64] The Tribunal orders that the appeal is allowed and provisional consent is to be given subject to the following conditions:

- a. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and a digital copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
- b. That the Owner(s) demolish the existing garage and shed located on Part 2 to the satisfaction of the City.
- c. That the Owner(s) obtain any necessary approvals/authorizations from the City of Welland for the damage or removal of trees and pay any necessary fees for the planning of street trees as deemed necessary by Public Works/Parks, Infrastructure Services.

- d. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
- e. That all conditions of consent be fulfilled within one year of the issuance of this decision.

"Justin Duncan"

JUSTIN DUNCAN
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Taylor Meadows

From: Taylor Meadows
Sent: March 3, 2023 5:00 PM
To: Canbrella Canbrella
Subject: 68 Topham Boulevard - Zoning By-law Amendment Application (File No. 2022-02)
Attachments: Re: 68 Topham Boulevard - Application for Zoning By-law Amendment (File No. 2022-02) and Draft Plan of Vacant Land Condominium (File No. 26CD-14-23001); 2023 02 09 Notice of Public Meeting Rezoning.pdf; 68 Topham Boulevard Draft Plan.pdf; File No 2022-02 & 26CD-14-23001 - key map.pdf

Robert,

The Public Information Meeting held on February 22, 2023 included comments from several residents. These comments will be summarized in an upcoming Information Report that is to be presented to Council at the upcoming Statutory Public Hearing to be held on March 21, 2023. I recommend monitoring the City's website to access the aforementioned report (via the Ageda) - which is usually posted the Friday (March 17, 2023) prior to the Council meeting. The webpage can be accessed at: <https://www.welland.ca/Council/AgendasMinutes.asp>.

Notice has been provided via mail-out which also included a copy of the proposed Draft Plan of Vacant Land Condominium (attached) for reference. Notice requirements under the Planning Act have been met as per the Ontario Regulation 545/06 (<https://www.ontario.ca/laws/regulation/060545#BK4>). Notice was published in Niagara This Week on February 9, 2023.

Thank you for comments, they have been filed and will appear in upcoming staff reports related to this application.

Regards,

Taylor Meadows
Planning Supervisor - Development
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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-----Original Message-----

From: Canbrella Canbrella <>
Sent: Friday, March 3, 2023 4:24 PM
To: Taylor Meadows <taylor.meadows@welland.ca>
Subject: Topham/Milkweed Trail Welland

WARNING: This email originated from an external sender. Official email from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Hi Taylor,

Today is the last day for comments,related to the above property.To date,as requested.I have not received any comments as requested in my previous email.I have no idea of the conceptual plan proposed.

Secondly,as discussed at the counter I did not receive any mailed informing regarding this property.

Lastly,there was no temporary signage relating to the application which is required by the planning act.

I do have concerns of this property that would impact 136Milkweed Trail Welland.

I do not approve of the design.

Sincerely,

R M Bryne

136 Milkweed Trail

Welland.

Sent from my iPhone

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https://us2.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=77878680-pl9dl_rLx-o9&r_address=ylor.meadows%40welland.ca&report=

Memo

To: Taylor Meadows, City of Welland

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Shannon Larocque, Senior Planner; Derek Young, Manager of Engineering; Nicholas Palomba, Engineering Technologist; Lucas Smith, Engineering Technologist

From: Gimuel Ledesma, Engineering Technologist

Date: February 6, 2023

RE: 68 Topham Boulevard-Milkweed Trail – ZBA, City of Welland

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

- The emergency access that connects Line Avenue and Milkweed Trails shall be used by emergency vehicles only.
- No Construction Traffic is permitted to use the emergency access off Line Avenue

Taylor Meadows

From: Ali Khan
Sent: January 30, 2023 4:18 PM
To: Taylor Meadows
Subject: RE: 68 Topham Boulevard - ZBA (File No. 2022-02) & Draft Plan of VLC (File No. 26CD-14-23001)

Hi Taylor,

Applicant/developer would be required to install a streetlight where their proposed driveway connects with Topham Blvd.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.

Manager, Traffic/Parking/ Bylaws
Planning and Development Services
Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184

www.welland.ca



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

Sent: January 30, 2023 4:07 PM

Subject: 68 Topham Boulevard - ZBA (File No. 2022-02) & Draft Plan of VLC (File No. 26CD-14-23001)

Afternoon,

The City has received application for ZBA and Draft Plan of VLC. I've included the submission items as attachments to this email for your reference. Please provide any comments by **March 3, 2023**. Let me know if any additional information is required.

Regards,



Taylor Meadows

Planning Supervisor - Development

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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February 23, 2023

Taylor Meadows, BURPI
Planning Supervisor
Infrastructure and Development Services
City of Welland
Planning Division
60 East Main Street
Welland, ON L3B 3X4

Dear Taylor,

Re: Draft Plan of Condominium, Zoning By-law Amendment
BPR Development Inc.
68 Topham Boulevard
City of Welland
File No.: 26CD-14-23001, 2022-02

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

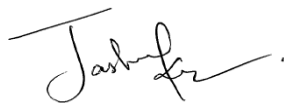
This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.




In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,



Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL

PLANNING AND DEVELOPMENT SERVICES

21-79

REPORT P&B-2023-22

June 6, 2023

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

**AUTHOR: TAYLOR MEADOWS, BURPI
PLANNING SUPERVISOR - DEVELOPMENT**

**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 (OPA No. 33) to designate the lands on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road, and south of Hilda Street, more specifically described as Part of Lot 239, former Township of Thorold, shown as Part 2 on Plan 59R-7365, Part 2 on Plan 59R-13040, and Parts 1 and 2 on Plan 59R-16468, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue from Low Density Residential and Parks, Open Space and Recreation to Medium Density Residential, Low Density Residential, Parks, Open Space and Recreation, and Core Natural Heritage; and further

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Zoning By-law Amendment (2020-14) to rezone the lands on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road, and south of Hilda Street, more specifically described as Part of Lot 239, former Township of Thorold, shown as Part 2 on Plan 59R-7365, Part 2 on Plan 59R-13040, and Parts 1 and 2 on Plan 59R-16468, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue from Residential Low Density 1 – RL1 and Neighbourhood Open Space – O1 to Site Specific Residential Low Density 2 – RL2, Site Specific Residential Medium Density - RM, and Environmental Conservation Overlay - EC.

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium were submitted by Joseph Tomaino on behalf of Lucchetta Buildings Inc. and Lucas Lucchetta on December 22, 2020 and was deemed complete on March 2, 2021. A public meeting regarding the proposed applications were held on May 4, 2021. As a result of comments from the public and outside agencies, the applicant has revised their application.

A revised application was submitted on July 21, 2022 which amended the application(s) to request redesignation of the portion of the property fronting onto Aqueduct Street to Medium Density Residential and Site Specific Residential Medium Density – RM Zoning to allow for the construction of a three-storey condominium building with 24 residential units and 27 parking spaces (two of which are barrier free spaces). The requested amendment to the Residential Medium – RM Zone is to recognize a reduced lot frontage of 16 metres, whereas 45 metres is required. One lot for a single detached residential dwelling will be created fronting onto Gadsby Avenue which will be redesignated to Low Density Residential and rezoned to Site Specific Residential Low Density 2 – RL2 to recognize a reduced rear yard setback of five (5) metres. An area of the property that is impacted by natural heritage features will be dedicated to the City for the long term preservation of the natural features. This natural heritage area will also be redesignated and rezoned to ensure no significant negative impact to the ecological or hydrological function of the area.

The Site

The lands are current vacant with the area fronting onto Aqueduct Street being manicured lawn and the lands to the rear being a wooded area with intermittent ponding.

Surrounding Land Uses

To the north lies Aqueduct Park, and further north are low density residential uses along Hilda Street and an identified “Intensification Area” in the City’s Official Plan. To the east and south are low density residential use fronting onto Gadsby Avenue. To the west are residential uses fronting onto Aqueduct Street, and further to the west are a mix of commercial uses fronting onto Niagara Street.

Agency Comments

City of Welland
Infrastructure Services
– Engineering Division
(February 9, 2023)

- The results of the hydrant flow test are to be included within a future servicing report to confirm the existing system capacity. Any improvements required to provide the necessary fire flow for this site will be the responsibility of the owner.

- The results of the FUS Calculations are based off a floor area of 871.62 square metres. This total reflects one floor, whereas, the calculations require the additional floors to be considered based off the type of construction coefficient. Review and revise to include property fire flow in upcoming reports.
- An analysis will most likely be required to assess the impact that the development will have on the existing water system. At the consultants approval, the City will have our modelling consultant complete this analysis using the City's water model and the updated Functional Servicing Report (FSR) submitted by the applicant, the cost of this work is the responsibility of the applicant.
- The calculations for stormwater management should demonstrate that stormwater flows can be controlled to pre-development levels for a 5 year up to and including a 100 year storm event. Stormwater runoff is to be treated to an enhanced level of protection (80% TSS removal as per the Niagara Region's Stormwater Management Design Guidelines).

Region of Niagara
Planning and
Development Services
(March 15, 2023)

- The subject lands are located within a 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), designated 'Delineated Built-Up Area' within *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and designated 'Urban (Built-Up) Area' in the *Regional Official Plan (ROP)*.
- Provincial and Regional plans direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. These same plans place an emphasis on intensification and infill in order to support the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are

vibrant and resilient in design. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services, infrastructure, and other policies relative to land use compatibility and environmental conservation.

- The annual intensification target contained in the ROP for the Delineated Built-Up Area in the City of Welland of 40% continues to apply. This proposal will contribute to meeting this intensification target.
- Staff acknowledges the proposal for a 3-storey 24-unit condominium building will be an intensification of the subject lands, which Provincial and Regional policy supports in principle. With that being said, local compatibility considerations and interface with neighbouring land uses is a local planning matter to be addressed by City planning staff and Council.
- Staff has reviewed the submitted *Planning Justification Report*, prepared by Joseph Tomaino, MCIP, RPP (dated July, 2022) and find it to be acceptable; however, staff notes Appendix 5: *Servicing Design Brief*, prepared by Rusit & Associates Ltd. (dated November 28, 2019) shows a different development concept than what is being proposed through these applications.
- There are currently no mapped natural heritage features on the subject property. However, based on aerial imagery available to the Region, there appeared to be a mature wooded area present on the subject property. As such, Regional environmental planning staff requested the completion of a constraints analysis to determine if the wooded area met Regional significant woodland designation criteria identified in Policy 7.B.1.5 of the ROP.
- Regional Environmental Planning staff has reviewed the supporting documents submitted in support of development applications on the subject lands located at 368 Aqueduct Street and

155 Gadsby Avenue, in the City of Welland. Specifically, the following reports were reviewed:

- *Scoped Environmental Impact Study*, prepared by 8 Trees Inc. (dated February 10, 2021);
 - *Environmental Impact Study Addendum*, prepared by 8 Trees Inc. (dated January 5, 2022);
 - *Woodland Management Plan*, prepared by 8 Trees Inc. (dated, July 16, 2022);
 - *Planning Justification Report*, prepared by Joseph Tomaino (dated July 20, 2022); and,
 - *EIS Technical Memo*, prepared by 8 Trees Inc. (dated January 26, 2023).
- In summary, based on the characterization of the subject lands contained within the various Reports, the wooded area has been confirmed to achieve Regional Significant Woodland designation criteria. As such, staff have reviewed the justification provided to ensure that the development will not result in a significant negative impact to the ecological or hydrological function of the woodland.
 - Upon review of the most recent *EIS Technical Memo*, prepared by 8 Trees Inc. (dated January 6, 2023), staff are satisfied that previous Regional comments and concerns have been adequately addressed. Specifically, the development concept has been revised to limit the amount of woodland loss to approximately 25% of the total woodland area within the subject lands. To mitigate the proposed woodland removal, numerous mitigation measures are proposed including but not limited to implementation of a Woodland Management Plan. The *Woodland Management Plan*, prepared by 8 Trees Inc. (dated July 16, 2022) and *EIS Technical Memo*, prepared by 8 Trees Inc. (dated January 26, 2023) are placed into an appropriately restrictive environmental designation and zone.

- Staff note that conditions of approval will be recommended when the future Draft Plan of Condominium and/or Site Plan is circulated for Regional review and approval.
- Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water and sanitary services for the proposed development. The Ministry of Environment, Conservation and Parks (“MECP”), Environmental Certificates Approvals (“ECA”) are required for any new or extended municipal sanitary and storm sewer services. The Region can review and approve the ECAs under the MECP Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval. ECAs could potentially also be obtained through the pending Consolidated Linear Infrastructure Environmental Compliance Approval process, at the discretion of the City of Welland.
- The applicant should be advised that there is an existing 600mm diameter Regional Trunk Watermain and 1500mm diameter Regional Trunk Sewer located along this section of Aqueduct Street. The Regional Watermain is not to be disturbed during construction activities and any proposed crossing or works within close proximity of the Regional Watermain require daylighting of the Regional Watermain as soon as possible to ensure location and adequate separation is maintained. Prior to daylighting of the watermain, Regional staff listed below need to be contacted 72 hours in advance to ensure staff are available during the daylighting.
- Regional staff also request that a note be added to the engineering drawings indicating that 72 hours in advance of construction near the Regional watermain, the contractor will contact Adrain Rittner, Area 2 Manager, Water Operations and/or Tim Peyton, Area 2 Manager, Water

Maintenance. They may be reached at the Welland Water Treatment Plant at the following number: 905-735-7420.

- Regional staff will require that detailed cross-sections of the proposed Regional watermain crossings be submitted for review and approval at the time of Draft Plan and/or Site Plan.
- 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 Garbage: 2 bags/cans per unit to a max of 24 per building (collected bi-weekly);
 - o Recycling: Unlimited blue/grey boxes or carts (collected weekly);
 - o Organics: Unlimited green bins or carts (collected weekly).
 - o Curbside Collection Only.
- The submitted site plan depicts the use of Moloks for waste collection, which the Region does not currently collect. Therefore, waste collection will be the responsibility of the owner through a private contractor and not Niagara Region.
- Regional Planning and Development Services staff offers no objection to the proposed Official Plan Amendment and Zoning By-law Amendment applications, provided the Significant Woodland and the recommended setbacks identified in the EIS Addendum (prepared by 8 Trees Inc., dated January 5, 2022) and EIS Technical Memo (Prepared by 8 Trees Inc., dated January 26, 2023) are placed into an appropriately restrictive environmental designation and zone.
- Staff note that in accordance with policies 14.E.7 and 14.E.8 of the ROP, the Memorandum of Understanding, and By-law No. 2019-73, the

Official Plan Amendment as reviewed and incorporating the restrictive environmental designation is exempt from Regional Council Approval.

Welland Hydro Electric
System Corporation
(March 26, 2021)

- Welland Hydro Electric System Corporation – WHESC does not object to the proposed application(s).
- The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing Engineering@wellandhydro.com.
- If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.
- If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.
- The proposed development must meet the clearance requirements of Section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.

Public Comments

A Public Information Meeting was held on November 2, 2022 to gain public input regarding the revised application(s) for Official Plan Amendment and Zoning By-law Amendment. Twenty (20) members of the public participated in the Public Information Meeting, in addition to the applicant and their agent. The following comments and concerns were raised at the Public Information Meeting.

- Concerns related to the submitted Environmental Impact Study (EIS) and applicable addendums to date. Questions related to the processing and review of the environmental related submissions;
- Potential harm caused by the development to the existing environmental features;
- Discussion related to proposed uses and general zoning requirements;
- Comments regarding the application process and perceived lack of information provided;
- Concern related to potential drainage issues that will result due to the development;

- Comments and questions regarding the sale of the property and the process related to the sale of surplus City lands;
- Potential parking and traffic conflicts on Aqueduct Street.

At the time of writing this report, eight (8) letters from members of the public have been submitted. Additionally, a peer-review of the EIS has been submitted by members of the public. The concerns raised in the letters are similar to those raised at the Public Information Meeting, in addition to:

- Concerns related to the proposed building and its impact on the neighbourhood;
- Privacy concerns;
- Safety of the community;
- Garbage collection and its potential to attract vermin.

The Statutory Public Meeting under the Planning Act was held on December 6, 2022. Nine (9) members of the public spoke at the Statutory Public Hearing under the Planning Act and raised similar concerns. The concerns presented will be reviewed later in this report.

COMMENTS AND ANALYSIS:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction for growth and development within the Province. All decisions must be consistent with the policies in the PPS. Settlement areas are to be the focus of growth and development. The land uses and patterns shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for the infrastructure and public services that are planned or available, among other criteria. The PPS also encourages development which supports active transportation and support the use of transit. The lands are within an area with existing municipal services (water, sanitary, and storm) and there is capacity to accommodate the development. Preliminary comments from the City's Engineering Division has identified that there is capacity in the municipal system to accommodate the proposed development. Welland Transit Route 509 has stops along Niagara Street within walking distance to the west. Aqueduct Street park is directly to the north of the subject lands, Jennifer Park is within walking distance to the east, and the Canal Parkway Trail and Welland Recreational Canal are also within walking distance to the east to provide recreational opportunities for residents.

The property is within walking distance to a range of commercial and institutional uses. There are a range of commercial uses located to the west along Niagara Street, including restaurants, retail establishments, financial institutions, and a pharmacy. To the south are additional commercial uses at the intersection of Niagara Street and Thorold Road, including a Service Ontario outlet. To the south are two elementary schools and one high school, all of which are in walking distance to the subject lands.

The PPS also requires municipalities to provide an appropriate range and mix of housing options and densities to meet current and future residential needs, for both market-based and affordable housing needs. The policies encourage all types of residential intensification, including additional residential units and redevelopment. New housing development should be directed to areas where appropriate levels of infrastructure and public service facilities are available. The proposal will create a new form of housing in the area (apartment building) which will provide a range of one-bedroom and two-bedroom units in the building.

The PPS includes policies with respect to the protection of natural heritage. The policies encourage the protection of natural features for the long term, and that the diversity and connectivity of features should be enhanced. There is an area on the property that has been identified as having natural heritage features that require the long term protection. This block will be dedicated to the City for preservation and to be connected with Aqueduct Park. The original development proposal occupied a much larger area of the subject lands, and would have encroached into the buffers of the natural heritage area. The revised submission does increase the number of units on the property, but it decreases the amount of building footprint, thereby eliminating the encroachment of the development into the sensitive natural area. As such, the proposal meets the intent of these policies in the PPS.

The subject lands are within an area with existing municipal services, are within walking distance to Welland Transit line, and are within walking distance to municipal parks, and commercial businesses. The proposal will redevelop the property with a medium density housing form which is compatible with the neighbourhood, and makes more efficient use of urban, service lands. The proposal is consistent with the policies in the PPS.

A Place to Grow Growth Plan for the Greater Golden Horseshoe

The A Place to Grow Plan (P2G) encourages that the vast majority of growth will be directed to settlement areas which have: a delineated built boundary; have existing or planned municipal water and waste water systems; and, can support the achievement of complete communities. The P2G further encourages growth to be located within the identified built-up area, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (schools, libraries, parks, etc.). The PPS also requires that 40% of all new growth, which is to be increased to 75% at the time of the next municipal comprehensive review, occur within the delineated built-up area.

The subject lands are within the delineated built-up area within the City of Welland. It is within an area with a mix of uses and densities, with commercial and institutional uses (parklands) to the north, east, and west, low density residential uses to the north, south, and east. As previously identified, the lands are within an area that is serviced with municipal transit, walking distance to municipal parks, schools, and commercial uses. The lands have access to municipal services with capacity to accommodate the proposed development. The project will assist the

City in achieving the identified intensification target of 75%. The lands have not been identified as an intensification area, but as the lands are within the delineated built-up area, intensification and redevelopment is encouraged.

The development will provide a new form of housing in the area, which will provide housing for a greater range of residents and incomes. The proposal will assist in creating a complete community, which provides for a range of housing types, is transit supportive, and encourages active transportation. The proposed applications and proposed development is consistent with the requirements in the P2G.

Region of Niagara Official Plan

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

The proposed Official Plan Amendment and Zoning By-law Amendment will facilitate the development of the property to accommodate a twenty-four (24) unit condominium building. The development will be within walking distance of transit stops, businesses and parks. The proposal will make use of existing municipal infrastructure in the area.

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

The subject lands are designated as Low Density Residential in the City's Official Plan. The application has been made to redesignate the lands from Low Density Residential and Parks, Open Space and Recreation to Medium Density Residential, Low Density Residential, Parks, Open Space and Recreation, and Core Natural Heritage. The redesignation is anticipated to accommodate the development of the lands with a twenty-four (24) unit residential building and a single-detached dwelling.

The Medium Density Residential designation permits low-rise residential development such as triplex, four-plex, townhouse, stacked townhouse and low-rise apartment buildings. The built form of the Medium Density Residential designation is not considered to result in significant impact to the adjacent neighbourhood. The proposed development is considered to be well suited for this area and will maintain a maximum height of three storeys which is consistent for all residential designations in the City. The proposed development is consistent with the City's policies for residential development, as well as guidelines for residential infilling and intensification.

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

- Land use and neighbourhood character compatibility;
- The subject lands are located in a neighbourhood which includes High Density Residential uses to the north, Community Commercial Corridor uses to the west and a mix of Low/Medium Density Residential uses within the adjacent area.
- Lot pattern and configuration;
- The proposed development is considered to be compatible with the surrounding neighbourhood.
- Accessibility;
- The proposed development is to be located on existing lot(s) Site specific amendments have been requested to address the zone provisions.
- Parking requirements;
- The buildings are to be designed to meet Ontario Building Code requirements. Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- The City's minimum parking standards are one space per unit (or, 0.3 parking spaces for each unit 50 square metres or less). The required parking stalls based on the number of units, amounts to 24 for the proposed condominium building. The proposed

development will provide 27 parking spaces, as per the submitted plans with the application(s). This is more than the minimum.

- Potential for additional traffic and traffic maneuverability;
- Traffic will access the site from an entrance off of Aqueduct Street for the twenty-four (24) unit building and Gadsby Avenue for the single-detached dwelling.
- The potential for transit ridership;
- Several transit lines currently serve the area including Route 509 and 503. Additionally, the location of the property is considered to be within walking distance of the Downtown Transit Terminal.
- Natural (including natural hazards) and built heritage conservation/protection;
- The existing natural features on the property have been identified and managed via the appropriate designation and zoning to ensure that the development will not result in a significant negative impact to the ecological or hydrological function of the feature.
- The available capacity of municipal infrastructure;
- Capacity will be confirmed and designed to the satisfaction of the City's Engineering Division.
- Future application for Site Plan Control will result in a detailed review and comment of the proposal for servicing.
- Residential intensification targets identified in this plan.
- The proposed development will assist the City in achieving the target of 75% of all new

residential development being within the Built-Up Area.

City of Welland Zoning By-law 2017-117

The lands are currently zoned Residential Low Density 1 – RL1 and Neighbourhood Open Space – O1 in the City of Welland Zoning By-law 2017-117. The application for Zoning By-law Amendment has been made to amend the Zone(s) to Site Specific Residential Low Density 2 – RL2, Site Specific Residential Medium Density - RM, and Environmental Conservation Overlay – EC to allow for the construction of a twenty-four (24) unit condominium building and a single-detached dwelling.

The application proposes to:

- Permit a reduced lot frontage for the RM Zone of 16.27 metres; whereas, 45 metres is required;
- Restrict the height of the building for the RM Zone to 11 metres (3 storeys); whereas, 20 metres (6 storeys) is permitted; and,
- Permit a reduced rear setback for the RL2 Zone of 5 metres; whereas, 6 metres is required.

The proposed development is anticipated on an existing lot with a fixed frontage, the proposed relief will address the reduced frontage as per the RM Zone requirements. Additionally, the Site-Specific RM zoning will limit the height of the building to three storeys or 11 metres.

Prior to the development of the lands, the applicant will be subject to a Site Plan Control approval process with the City. All other provisions of Zoning By-law 2017-117 can be met and exceeded. The proposed Zoning By-law Amendment is considered to be supportable.

Public Comments

Several comments were received related to the application for Official Plan Amendment and Zoning By-law Amendment. The comments are addressed further, below:

Environmental Concerns

Throughout the application process the City has received correspondence and oral submissions related to the environmental features on the property. This communication has expressed concern related to the protection of the existing environmental features and its consideration as it relates to the proposed development. It is noted that throughout the application process the applicant has submitted several reports to address potential environmental features. These submissions include the following: Scoped Environmental Impact Study, prepared by 8 Trees Inc. (dated February 10, 2021), Environmental Impact Study Addendum, prepared by 8 Trees Inc. (dated January 5, 2022), Woodland

Management Plan, prepared by 8 Trees Inc. (dated July 16, 2022), Planning Justification Report, prepared by Joseph Tomaino (dated July 20, 2022, and, EIS Technical Memo, prepared by 8 Trees Inc. (dated January 26, 2023). Upon review of the aforementioned submission items, Niagara Region Environmental Planning staff have stated satisfaction with the current proposal subject to the various management plans and measures outlined in the prepared reports. Additionally, the lands are proposed to be designated and zoned to ensure that no significant negative impact to the ecological or hydrological function of the natural features will occur.

Parkland Concerns

The two parcels of land currently zoned O1 were previously owned by the City and were declared surplus by City Council on July 17, 2017. The Economic Development Division marketed the lands for sale and presented Council with an offer to purchase the lands. The lands on Gadsby Avenue were sold to Lucas Lucchetta and the lands known as Part Township Lot 239 Thorold, Being Part 1, Plan 59R-16468 were sold to Lucchetta Builders Inc. (the owner of 368 Agueduct Street). The date of sale for both transactions was September 6, 2019.

FINANCIAL CONSIDERATION:

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

OTHER DEPARTMENT IMPLICATIONS:

Other City Divisions have been circulated the application for review and comment. Any comments received, have been included in the Recommendation Report.

SUMMARY AND CONCLUSION:

The proposed application for Official Plan Amendment and Zoning By-law Amendment to facilitate the construction of a twenty-four (24) unit condominium building and single detached dwelling is considered to represent good planning because:

1. It is consistent with provincial, regional and local policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and promotes a diverse range of housing opportunities;
3. Is transit supportive and encourages walkable communities; and,
4. Will assist the City in achieving the intensification target.

ATTACHMENTS:

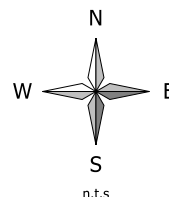
Appendix I - Key Map

- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Preliminary Site Plan
- Appendix IV - Draft Official Plan Amendment (Amendment text only)
- Appendix V - Correspondence Received



THE SUBJECT LANDS

2020-14 & OPA 33



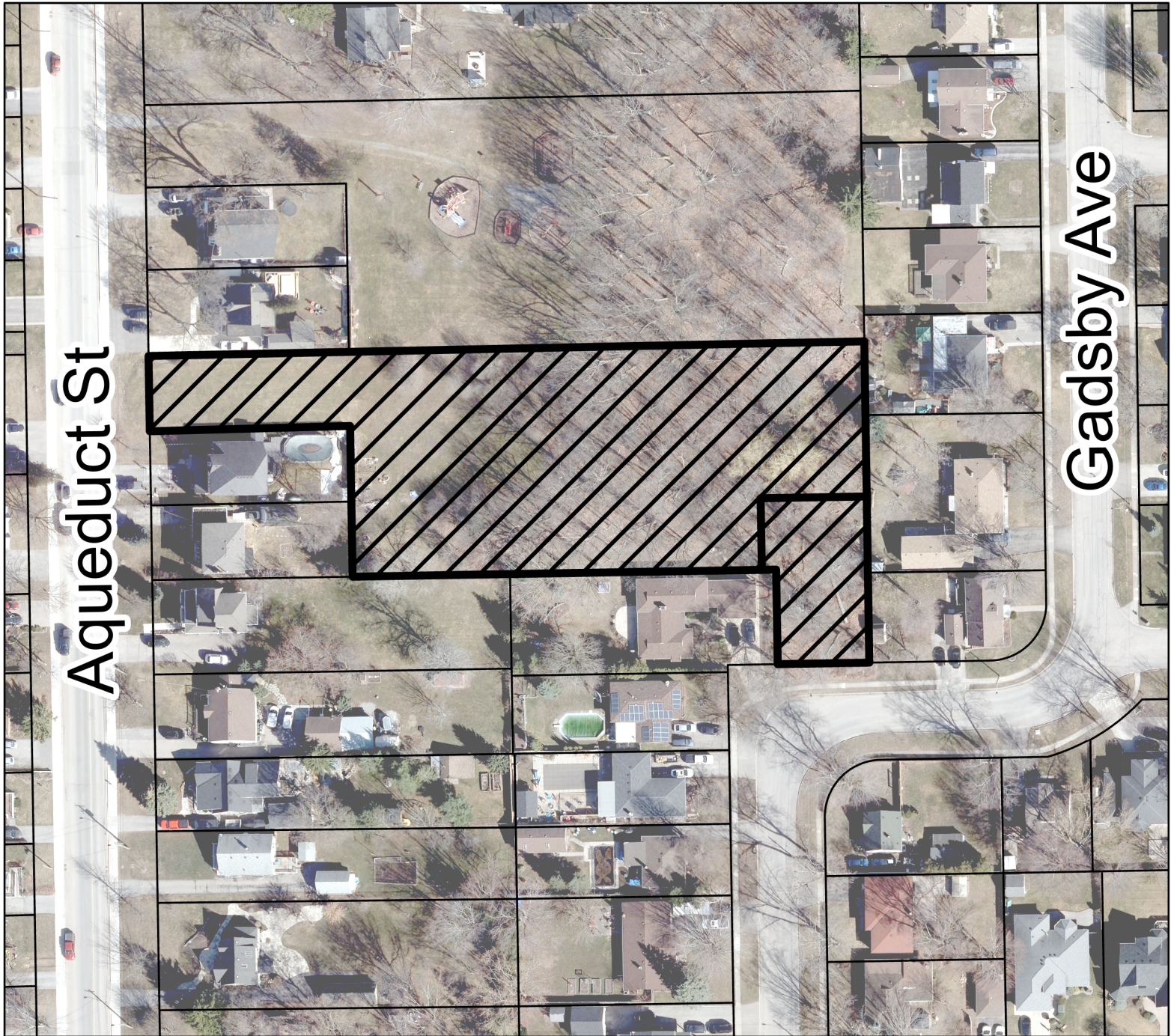
SUBJECT LANDS

Page 26



*Infrastructure and
Development Services
Planning Division*

ZBLA 2020-14 & OPA No.33

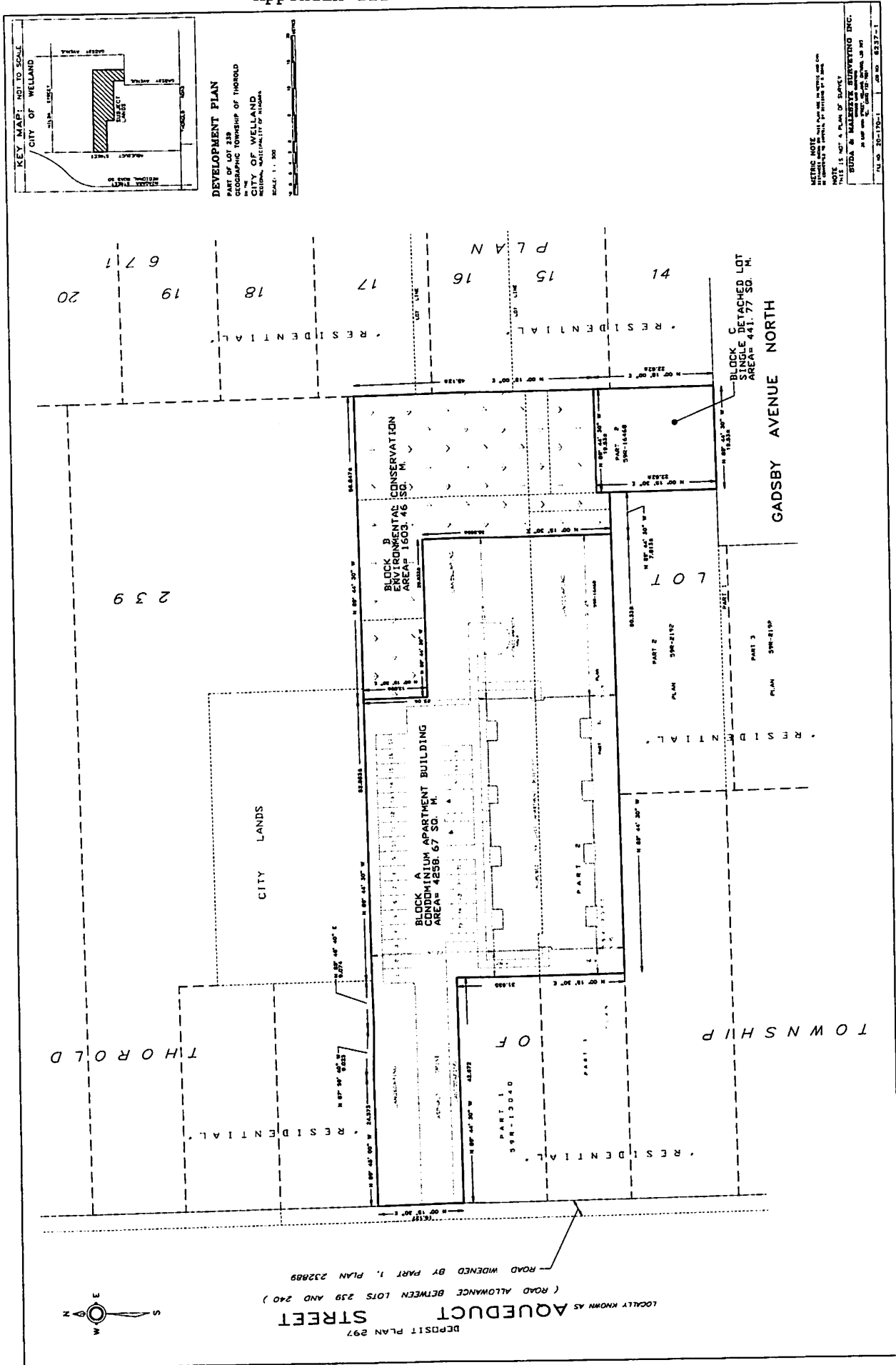


Aerial Map of Subject Lands



 SUBJECT LANDS

Appendix III



AMENDMENT NO. 33
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

June 6, 2023

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2023-XX**

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

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

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

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

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

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

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

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

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

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
6th OF JUNE, 2023.**

_____ MAYOR

_____ CLERK

Amendment No 33

to the

Official Plan

of the

Corporation of the City of Welland

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

Date:

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

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

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

 TITLE AND COMPONENTS..... 1

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

TITLE AND COMPONENTS

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

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

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

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

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 33 is to redesignate the lands shown on the attached Schedule B to Low Density Residential, Medium Density Residential and Core Natural Heritage. The purpose of the Amendment is to allow the property to be developed with a 3 storey twenty-four (24) unit apartment condominium plan accessed from Aqueduct Street and to create one lot fronting onto Gadsby Avenue for residential purposes.

LOCATION

The lands subject to this Amendment are located on the east side of Aqueduct Street, north side of Gadsby Avenue, south of Aqueduct Street Park, and north of Thorold Road. The lands are 0.63 hectares in size.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential and Parks, Open Space, and Recreation. The lands are currently vacant. A proposal has been put forth to redevelop the lands with a 3 storey 24 unit apartment building off of Aqueduct Street and one lot fronting onto Gadsby Avenue.

PART B - THE AMENDMENT

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

MAP CHANGES

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

SCHEDULE "A" LAND USE PLAN

PART C - THE APPENDICES

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

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

APPENDIX I - AFFIDAVIT

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

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 33 BY BY-
LAW 2023-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON 6th OF JUNE, 2023

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

1. I am the Director, Development and Building Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Niagara This Week Newspaper on Thursday, October 6th, 2022. I hereby certify that the required Public Meeting was held on Tuesday, December 6th, 2022 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 6th day of JUNE, 2023.

SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

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

In Support

In Opposition

APPENDIX II - NOTICE OF ADOPTION



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

Take notice that the Council of the Corporation of the City of Welland passed By-law 2023-XX, being a By-law to adopt Amendment No. 33 to the Official Plan on the 6th of June, 2023 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 33 is to redesignate the property to Low Density Residential, Medium Density Residential and Core Natural Heritage.

The Effect of the redesignation is to permit the development of the property with a twenty-four (24) unit apartment condominium plan accessed from Aqueduct Street and a single lot fronting onto Gadsby Avenue.

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

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

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

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

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

The land to which this proposed Amendment to the Official Plan applies is also the subject of a Zoning By-law Amendment 2023-XX.

A copy of the Amendment and Staff Report are available for inspection by the public as of June 2, 2023 at by contacting the Planning Department at devserv@welland.ca.

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

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

APPENDIX III

-

MINUTES OF PUBLIC MEETING -

APPENDIX IV - STAFF REPORT

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

APPENDIX V - COUNCIL RESOLUTION

MEMORANDUM

Infrastructure Services Engineering Division

TO: Taylor Meadows,
Development Planning Supervisor

FROM: Matteo Ramundo, C.Tech
Development Technician

CC: Jim Harnum, P.Eng,
Senior Project Manager - Development

Livia McEachern, P.Eng.
Manager of Engineering

DATE: February 9, 2023

SUBJECT: 368 Aqueduct Street and 155 Gadsby Avenue – Second Submission
- Official Plan and Zoning By-Law Amendment

A complete application for Official Plan and Zoning By-Law Amendment was submitted by Lucchetta Builder Inc. and circulated for review. Engineering have reviewed this application for any anticipated concerns related to proposed servicing and stormwater management.

The following documents were reviewed:

- Functional Servicing Report, prepared by Upper Canada Consultants, dated February 2023.

After review, Engineering has the following comments for information:

1. The results of the hydrant flow test are to be included within the servicing report to confirm the existing system capacity. Any improvements required to provide the necessary fire flow for this site will be the responsibility of the owner.
2. The results of the FUS calculations are based off a floor area of 871.62 square metres. This is the total area for only one floor, whereas the calculations require the additional floors to be considered based off the type of construction coefficient. Please review and revise to include the proper fire flow within the report.
3. An analysis will most likely be required to assess the impact the development will have on the existing water system. At the consultants

approval, the City will have our modelling consultant complete this analysis using the City's water model and the updated Functional Servicing Report submitted by the applicant, with the cost of this work the responsibility of the applicant.

4. The calculations for stormwater management should demonstrate that stormwater flows can be controlled to pre-development levels for a 5 year up to and including a 100 year storm event. Stormwater runoff is to be treated to an enhanced level of protection (80% TSS removal as per the Niagara Regions Stormwater Management Design Guidelines).

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

March 15, 2023

Region File: D.10.11.OPA-21-0002
D.18.11.ZA-21-0003

Taylor Meadows
Planning Supervisor - Development
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Dear Mr. Meadows:

**Re: Regional and Provincial Comments
Proposed Official Plan Amendment and Zoning By-law Amendment
Applications
City Files: OPA 33; Zoning File: 2020-14
Applicant: Lucas Lucchetta and Lucchetta Builders Inc.
Agent: Joseph Tomaino
368 Aqueduct Street and 155 Gadsby Avenue
City of Welland**

Regional Planning and Development Services staff has reviewed the above noted Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for lands municipally known as 368 Aqueduct Street and 155 Gadsby Avenue in the City of Welland. The OPA application proposes to redesignate the lands from 'Low Density Residential' and 'Parks, Open Space and Recreation' to 'Medium and Low Density Residential' and 'Core Natural Heritage' in the City of Welland Official Plan. The ZBA application proposes to rezone the lands from 'Residential Low Density 1-RL1' and 'Neighbourhood Open Space- 01' to 'Site Specific Residential Multiple- RM', Site Specific Residential Low Density 2- RL2' and 'Environmental Conservation Overlay' in the City of Welland Zoning By-law 2017-117.

The proposed development is for a 3-storey condominium building with a total of 24 residential units fronting onto Aqueduct Street and development of a single lot fronting onto Gadsby Avenue. The purpose of the Site Specific RL2 Zone is to allow for a rear yard setback of 5 m for the lot proposed at 155 Gadsby Avenue. The purpose of the site specific RM Zone is to permit a lot frontage of 16 m, whereas 45 m is required for the lot fronting onto Aqueduct Street.

A pre-consultation meeting was held on November 7, 2019 with the Applicant, City and Regional staff in attendance. Regional staff note that the new *Niagara Official Plan* (“NOP”) was approved with modifications by the Minister of Municipal Affairs and Housing, coming into effect on November 4, 2022 and replacing the *Regional Official Plan* (“ROP”). Given that this application was deemed complete by the City of Welland prior to the new plan taking effect, the policies of the ROP continue to apply for this application.

The following Provincial and Regional comments are provided to assist the City in their consideration of the application.

Provincial and Regional Policies

The subject lands are located within a ‘Settlement Area’ under the *Provincial Policy Statement, 2020* (“PPS”), designated ‘Delineated Built-Up Area’ within *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and designated ‘Urban (Built-Up) Area’ in the ROP.

Provincial and Regional plans direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. These same plans place an emphasis on intensification and infill in order to support the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in design. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services, infrastructure, and other policies relative to land use compatibility and environmental conservation.

The annual intensification target contained in the ROP for the Delineated Built-Up Area in the City of Welland of 40% continues to apply. This proposal will contribute to meeting this intensification target.

Staff acknowledges the proposal for a 3-storey 24 unit condominium building will be an intensification of the subject lands, which Provincial and Regional policy supports in principle. With that being said, local compatibility considerations and interface with neighbouring land uses is a local planning matter to be addressed by City planning staff and Council. Please see comments below with respect to ‘natural heritage’.

Staff has reviewed the submitted *Planning Justification Report*, prepared by Joseph Tomaino, MCIP, RPP (dated July 20, 2022) and find it to be acceptable; however, staff notes Appendix 5: *Servicing Design Brief*, prepared by Rusit & Associates Ltd. (dated November 28, 2019) shows a different development concept than what is being proposed through these applications.

Natural Heritage

There are currently no mapped natural heritage features on the subject property. However, based on aerial imagery available to the Region, there appeared to be a mature wooded area present on the subject property. As such, Regional environmental planning staff requested the completion of a constraints analysis to determine if the wooded area met Regional significant woodland designation criteria identified in Policy 7.B.1.5 of the ROP.

Regional Environmental Planning staff has reviewed the supporting documents submitted in support of development applications on the subject lands located at 368 Aqueduct Street and 155 Gadsby Ave, in the City of Welland. Specifically, the following reports were reviewed:

- *Scoped Environmental Impact Study*, prepared by 8 Trees Inc. (dated February 10, 2021);
- *Environmental Impact Study Addendum*, prepared by 8 Trees Inc. (dated January 5, 2022);
- *Woodland Management Plan*, prepared by 8 Trees Inc. (dated July 16, 2022);
- *Planning Justification Report*, prepared by Joseph Tomaino (dated July 20, 2022); and,
- *EIS Technical Memo*, prepared by 8 Trees Inc. (dated January 26, 2023).

In summary, based on the characterization of the subject lands contained within the various Reports, the wooded area has been confirmed to achieve Regional Significant Woodland designation criteria. As such, staff have reviewed the justification provided to ensure that the development will not result in a significant negative impact to the ecological or hydrological function of the woodland.

Upon review of the most recent *EIS Technical Memo*, prepared by 8 Trees Inc. (dated January 6, 2023), staff are satisfied that previous Regional comments and concerns have been adequately addressed. Specifically, the development concept has been revised to limit the amount of woodland loss to approximately 25% of the total woodland area within the subject lands. To mitigate the proposed woodland removal, numerous mitigation measures are proposed including but not limited to implementation of a Woodland Management Plan. *The Woodland Management Plan*, prepared by 8 Trees Inc. (dated July 16, 2022) incorporates additional tree and shrub plantings within and adjacent to the woodland and identifies restoration opportunities for the understory (e.g., approx. 100 new trees, removal of invasive species, etc.) as well as various stewardship related activities.

As such, as it relates to the proposed OPA and ZBA applications, staff offer no objection provided the Significant Woodland and the recommended setbacks identified in the *EIS Addendum*, prepared by 8 Trees Inc. (dated January 5, 2022) and *EIS Technical Memo*, prepared by 8 Trees Inc. (dated January 26, 2023) are placed into an appropriately restrictive environmental designation and zone. Staff request that the proposed OPA and ZBA schedules be circulated prior to approval so that staff can confirm that environmental planning requirements have been adequately addressed.

Staff note that conditions of approval will be recommended when the future Draft Plan of Condominium and/or Site Plan is circulated for Regional review and approval.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water and sanitary services for the proposed development. The Ministry of Environment, Conservation and Parks ("MECP"), Environmental Certificates Approvals ("ECA") are required for any new or extended municipal sanitary and storm sewer services. The Region can review and approve the ECA's under the MECP Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval. ECA's could potentially also be obtained through the pending Consolidated Linear Infrastructure Environmental Compliance Approval process, at the discretion of the City of Welland.

The applicant should be advised that there is an existing 600 mm diameter Regional Trunk Watermain and 1500 mm diameter Regional Trunk Sewer located along this section of Aqueduct Street. The Regional Watermain is not to be disturbed during construction activities and any proposed crossing or works within close proximity of the Regional Watermain require daylighting of the Regional Watermain as soon as possible to ensure location and adequate separation is maintained. Prior to daylighting of the watermain, Regional staff listed below need to be contacted 72 hours in advance to ensure staff are available during the daylighting.

Region staff also request that a note be added to the engineering drawings indicating that 72 hours in advance of construction near the Regional watermain, the contractor will contact Adrian Rittner, Area 2 Manager, Water Operations and/or Tim Peyton, Area 2 Manager, Water Maintenance. They may be reached at the Welland Water Treatment Plant at the following number: 905-735-7420.

This submission did not include an updated general servicing plan, therefore Regional staff will require that detailed cross-sections of the proposed Regional watermain crossings be submitted for review and approval at the time of Draft Plan and/or Site Plan.

Waste Collection

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

- Garbage: 2 bags/cans per unit to a max of 24 per building (collected bi-weekly);
- Recycling: Unlimited blue/grey boxes or carts (collected weekly);
- Organics: Unlimited green bins or carts (collected weekly).
- Curbside Collection Only

The submitted site plan depicts the use of Moloks for waste collection, which the Region does not currently collect. Therefore, waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region.

Conclusion

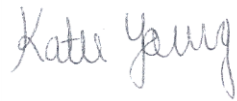
Regional Planning and Development Services staff offers no objection to the proposed Official Plan Amendment and Zoning By-law Amendment applications, provided the Significant Woodland and the recommended setbacks identified in the EIS Addendum (prepared by 8 Trees Inc., dated January 5, 2022) and EIS Technical Memo (prepared by 8 Trees Inc., dated January 26, 2023) are placed into an appropriately restrictive environmental designation and zone. Staff request that the proposed OPA and ZBA schedules be circulated prior to approval so that staff can confirm that environmental planning requirements have been adequately addressed.

Staff note that in accordance with policies 14.E.7 and 14.E.8 of the ROP, the Memorandum of Understanding, and By-law No. 2019-73, the Official Plan Amendment as reviewed and incorporating the restrictive environmental designation is exempt from Regional Council Approval.

Should you have any questions, please contact the undersigned at Katie.Young@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca

To discuss environmental planning comments specifically, please contact Adam Boudens, Senior Environmental Planner at Adam.Boudens@niagararegion.ca, or Cara Lampman, Manager of Environmental Planning at Cara.Lampman@niagararegion.ca.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Diana Morreale, MCIP, RPP, Director of Development Approvals, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region
Cara Lampman, Manager of Environmental Planning, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region

Taylor Meadows

From: Amie Lynn Clapp-Vallee <>
Sent: November 18, 2022 2:48 PM
To: Taylor Meadows
Subject: Thoughts on Aqueduct/Gadsby Development

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,

Could you please include my thoughts into the meeting regarding the Aqueduct/Gadsby Development?

I oppose the Zoning and Development plans for 368 Aqueduct Street and 155 Gadsby Avenue, City of Welland: Revised Application to Amend City of Welland Official Plan (OPA No. 33); Revised Application to Amend Zoning By-law 2017-117 (File No. 2020-14); Revised Application for Draft Plan of Standard Condominium (File No. 26CD-14-20009)

When we purchased our home, we knew there would one day be a neighboring property built next door to us. This was always a reality I knew would one day come. We chose a quiet location on a quiet street to raise our Children. Never would I imagine the possibility of a 24 Unit Condo going in next door!

I am fearful for the amount of people living so close to my backyard where my Children play every day! There could be anywhere from 48 to 72 or even 96 new people living right next door and using the Park! Another issue is due to the height of the building, there will potentially be 8 families with a clear view into my backyard where my children swim, play, and we entertain. This does not sit well with myself or my family.

The increased traffic also raises a concern for me. In addition to the extra vehicle traffic on the street, I will now be a corner lot that will have vehicles turning onto and exiting the driveway into the building at all hours of the day and night. My children play in my driveway Spring through Fall and enjoy using their basketball Net and play Ball Hockey. I am scared if someone were to have one too many drinks or be distracted, their vehicle could potentially enter my driveway and strike my children. Also, people turning in and out at nighttime will create headlights through my windows shining into my son's bedroom and my livingroom.

The overflow of parking is also an issue as only 27 spots are available. There is no way that all 24 unit will only have one car each. The extra vehicles will now be lined up and down Aqueduct Street disrupting everyone's views and making it hard to back out of

driveways with obstructed views. This will not leave much space for visitors or homeowners of existing houses to park on the street in front of their own homes.

Another point I would like to make is that I never wanted to basically back on to a parking lot where there would be noise of vehicles locking their doors with a horn beep or car alarms going off at all hours of the evening.

This is a quaint, peaceful area where all neighborhood children play. The amount of vehicle traffic is soo very dangerous near a children's park.

The thought of this actually happening makes me soo sad for anyone who currently lives nearby as we will ALL be affected by this development! This is not an area to squeeze potentially 96 people and 48 vehicles into!!!

Thank-you for letting me voice my concerns.

Amie

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

Taylor Meadows

From: Grant Munday
Sent: November 2, 2022 12:44 PM
To: Taylor Meadows
Cc: Tara Stephens
Subject: FW: A gift to the City of Welland and the Citizens of Welland, Past, Present and Future?

Please add email below to the Aqueduct Gadby Planning Application Files



Grant Munday, B.A.A., MCIP, RPP

Director
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2240 **Fax:** (905)735-8772
www.welland.ca



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From: Tara Stephens <tara.stephens@welland.ca>
Sent: November 2, 2022 12:17 PM
To: CLT <CLT@welland.ca>
Cc: Laura Bubanko <laura.bubanko@welland.ca>
Subject: FW: A gift to the City of Welland and the Citizens of Welland, Past, Present and Future?

FYI – The email below has been sent to all members of council.



Tara Stephens

City Clerk
Office of the Chief Administrative Officer
Clerk's Division
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2159 **Fax:** (905)732-1919
www.welland.ca



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From: Anna kuhar

Sent: November 1, 2022 10:38 PM

To: council <council@welland.ca>

Subject: A gift to the City of Welland and the Citizens of Welland, Past, Present and Future?

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Good Evening Your Worship Mayor Campion and Welland City Councillors:

I have included Mr Peter Bryan's letter as part of my own email. He has captured the essence of the concerns I have recently read about in the actions of my city's Mayor and City Council. It is inconceivable to me, perhaps extremely naive on my part, that a person's last wishes are now, not, being respected and honoured. Further It seems inconceivable to me that if this sale, for some reason, had to occur, that the offers of the descendants have not been honoured.

It appears by actions more so than words, that the previous administrations have shown the respect that I would have believed was simply the right thing to do.

It is my sincere hope that Your Worship and City Council will rethink the decisions you made in camera, and show the respect that has been shown up to this administration for the last wishes of the kind person who donated the land , the descendants who are fighting to honour those wishes and the citizens of Welland who support this natural habitat to remain for the present and future generations.

Respectfully,
Anna Kuhar
Ward 2

"Good morning councillors,

I am writing to ask that you reconsider (and if necessary, reverse) the sale of the Baldwin property at 155 Gadsby Ave. My understanding is that the city was given this property on condition that it remained in its "natural" state. I also understand that the decision regarding the sale of the property was made in camera. Was this process carried out away from the eyes of the public because councillors knew they were making a morally questionable decision?"

Councillors, although you may have found a "legal" way to get around the conditions of the gift of this property, I would suggest that this decision is neither morally nor ethically acceptable. Nor does this decision show the council in a good light to the citizens of the city you represent. I further suggest that this decision may well deter citizens from making future land gifts to the City of Welland.

I would ask that the council reverse its decision and refund the purchase price to the developer, along with whatever additional costs seem appropriate for the developer's inconvenience.

***Yours truly,
Peter Bryan***

Ward 3"

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November 18, 2022

Via Email to mayor@welland.ca

Reply to St. Catharines Office
THOMAS A. RICHARDSON, C.S.
905.327.6062 - Cell
tarichardson@sullivanmahoney.com

*Certified Specialist (Municipal Law – Local
Government/Land Use Planning and Development)*

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

Dear Mayor Campion and Members of Council:

**Re: 368 Aqueduct Street and 155 Gadsby Avenue, City of Welland:
Revised Application to Amend City of Welland Official Plan (OPA No. 33);
Revised Application to Amend Zoning By-law 2017-117 (File No. 2020-14);
Revised Application for Draft Plan of Standard Condominium
(File No. 26CD-14-20009)
Our File No. 122715**

We act as solicitors for Robert Parent, the owner of property located at 153 Gadsby Avenue, immediately adjacent to the above-described property, with respect to the above-referenced revised applications.

A public meeting with respect to the above applications is to be held in front of the City Council at its meeting on Tuesday, December 6, 2022. We are registered to speak on behalf of our client as are other members of the Parent family, at that meeting.

In 2021, applications were made for approval of an Official Plan amendment, a Zoning By-law amendment and a draft plan of vacant land condominium to permit the development of eight townhouses and one single-family home on the same lands. Those applications came before a public meeting on May 4, 2021. At that time, I and other members of the Parent family and neighbours made submissions to the City Council. My submissions were based upon a peer review of the Scoped Environmental Impact Study submitted in support of the original applications, which

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357.0500 f: 905.357.0501

sullivanmahoney.com

peer review was undertaken by LCA Environmental. To our knowledge, those applications have never come back before the City Council for consideration.

In October of this year, we received notice of the revised applications set out above. The development now proposed is not a series of eight townhouses plus a single-family lot, but rather, it is proposed to construct a three-storey condominium building with a total of 24 residential units, behind existing single-family dwellings fronting onto Aqueduct Street, together with a parking lot for 25 cars, and the development of a single-family lot fronting onto Gadsby Avenue. In support of these revised applications, the applicant has submitted the same Scoped EIS report dated February 10, 2021, an addendum report to the Scoped EIS report dated January 5, 2022, and a letter report dated July 18, 2022 from 8Trees Inc. Both the original Scoped EIS report dated February 10, 2021 and the addendum to the Scoped EIS report dated January 5, 2022 continue to address the original proposal of eight townhouses and one single family dwelling. (The planning justification report submitted with the revised applications contains a pre-consultation meeting form dated November 7, 2019. That pre-consultation meeting addressed a 12-unit plan of condominium fronting onto Aqueduct Street and a single lot fronting onto Gadsby Avenue. We have confirmed with staff that no further pre-consultation meeting has been held with respect to the new proposal.) It is only in the letter of July 18, 2022 that the author of the Scoped EIS report and of the addendum acknowledges that the development has changed from eight townhouses and a single-family lot to a three-storey apartment building with 24 units and a single-family lot.

As noted above, our client retained LCA Environmental to undertake a peer review of the Scoped Environmental Impact Study dated February 10, 2021. The peer review found that the Scoped Environmental Impact Study was seriously lacking in several ways. No response was made at the time to the concerns expressed in the LCA Environmental Peer Review. However, Regional environmental planning staff had reviewed the earlier development concept and the Environmental Impact Study for the subject lands and provided formal comments to the City of Welland. In those comments, the Region requested an update to the Environmental Impact Study (EIS) to address a number of concerns. The EIS Addendum that was requested will be required to confirm that the final development concept will have no significant negative impact on the core natural heritage features impacting the site according to information provided by Regional planning staff to our clients.

The addendum to the Scoped EIS report dated January 5, 2022 attempts to address some of the deficiencies found in the earlier peer review. Our client has retained Ecological & Environmental Solutions, a successor to LCA Environmental, to undertake a further peer review of the addendum to the Scoped EIS report and of the letter report dated July 18, 2022. That updated peer review of Scoped EIS Addendum, dated November 16, 2022, is enclosed herewith, together with a revised Policy Compliance Chart.

While we will make further submissions to the City Council at the public meeting to be held on December 6, 2022, we wish to make the following points now for your consideration.

1. The three documents provided by the consultant 8Trees Inc. does not screen for significant wildlife habitat as required by the Regional EIS Guidelines and as requested by Regional staff by correspondence dated April 6, 2020 and June 8, 2020.

2. No assessment of the woodland significance reflecting the presence of significant wildlife habitat has been undertaken.
3. An assessment of impacts from the revised development plan of a three-storey apartment building containing 24 apartment units together with a single-family lot has not been completed nor have any appropriate mitigation measures to address those impacts been provided.
4. In short, the EIS and the EIS addendum reports prepared by 8Trees Inc. do not satisfy the terms of reference set out by the Region and do not follow the steps of the Region of Niagara EIS Guidelines.

These deficiencies result in a proposed development which has been significantly increased in density and impacts which have not been properly assessed as required by the provisions of the Provincial Policy Statement 2020, and the Niagara Region Official Plan.

We will wish to make further submissions to the Council at the public meeting on December 6, 2022.

It will be our respectful request that Council not approve the application for City of Welland Official Plan Amendment No. 33, the application to amend Zoning By-law No. 2017-117 and the application for draft plan of standard condominium.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:



Thomas A. Richardson, C.S.
Thomas Richardson Legal
Professional Corporation

TAR:sm

Enclosures (2)

1. Ecological & Environmental Solutions Updated Peer Review of Scoped EIS Addendum dated November 16, 2022 and LCA Environmental EIS Peer Review dated April 28, 2021 (Appendix A)
2. Ecological & Environmental Solutions Revised Policy Compliance dated November 16, 2022

cc—Ms. Tara Stephens, City Clerk
cc—Mr. Taylor Meadows, Development Planner
cc—clients

Taylor Meadows

From: chrishon g <c>
Sent: November 17, 2022 8:52 PM
To: Taylor Meadows
Subject: RE: Aqueduct Gadsby Development

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!

To Council;

Regarding the three story 24 unit condominium off of Aqueduct Street in Welland, there are several reasons why I believe the area should not be rezoned to accommodate this structure.

The idea that a three-story condominium would be built behind existing houses is an infringement on the privacy of those living in the area. With the initial plan of 8 townhomes, privacy could be maintained because fences would act as sufficient barriers, not so with a structure that would go above that barrier.

Changing the zoning in one specific area that doesn't match the zoning in any other aspect of the neighbourhood just doesn't make sense and I believe it would have a negative impact of the valuation of the homes in that area. Homes that families have invested in for decades. Who wants a 24 unit apartment directly in their back yard?

This is not a common occurrence in the city.

I don't believe this is proper interpretation of 'Welland's vision of land-use' that the developer referred to in their proposal because of the impact it would have on the neighbourhood: environmentally, aesthetically, increased congestion and privacy/safety concerns, property valuation for surrounding houses.

I understand that developing housing in the region is an important thing to do, however, there are other lands available in the city that can be used to develop this type of structure that is both respectful to existing neighbours, would be a financial benefit to that neighbourhoods, will have less environmental impact and would be more practical overall.

Thank you for your time and I ask you to decline the rezoning application, as I believe it would set a precedent that would be detrimental to the citizens of this city and only benefit developers who do not have an actual stake in these neighbourhoods , especially since there are other available lands that would make more sense to the city's developmental vision.

Chrishon Gambarotto
Aqueduct St resident

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Taylor Meadows

From: Elaine Anderson <>
Sent: November 18, 2022 3:46 PM
To: Taylor Meadows
Subject: Aqueduct Park

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Dear Sir,

I am still astounded that this development was allowed to get to the planning stage. I have a full list of the documentation outlining the history of the sale of this property to the city, to when it was declared surplus, and the subsequent sale to the developer.

I am opposed to the idea of any parkland being declared surplus. My understanding is that the item wasn't even pulled to be discussed back when it was brought to council. Obviously, no one realized the significance of this sale, not only to the neighbourhood but also to the people of Welland. This is an environmentally sensitive area and I am opposed to the build.

I would like to know why the land was declared surplus and sold off. What are the rights of Wellanders now that a builder owns it?

Sincerely,
Elaine Anderson

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Taylor Meadows

From: Lori Pearson <>
Sent: November 18, 2022 1:18 PM
To: Taylor Meadows
Subject: 155 Gadsby

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I grew up living at 149 Gadsby. 60 years ago this neighbourhood became home. I lived in that area for 20 years. My brothers and I and our friends learned so much living next to the pond and forest. The stories from those days are now the stuff of legend as I tell my grandchildren about the time my brother got sucked in to the marshy area near the pond (we thought it was quicksand) and the time we found a bone in a hollow tree and charged the other kids admission to our museum to see what we firmly believed to be a dinosaur bone. I saw my first rose breasted grosbeak in those woods and yes observing the development of frogs was a yearly fascination. Shame on whatever council declared this surplus land. This is essential land. Once gone or altered it can never be reclaimed. Environmentally there is no win but to protect it. Much of the land I roamed as a child has been built on but that little piece of sacred ground stands as a testimony to an arguably better time when people valued the land for what it was rather than to exploit it for profit.

This appears to be a deal that doesn't hold up to public scrutiny. For the land to have been sold significantly below market value in return for it to remain undeveloped in perpetuity and then sold to developers is a betrayal of the system we expect accountability from. To debate in camera robs property owners of the ability to protect the value of their property (significantly enhanced by the green space).

I urge council to do the right thing and keep this forest and pond intact.

Sincerely,
Lori Pearson
177 Sutherland Crescent
Cobourg, ON. K9A 5L2

Om Mani Padme Hum

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Marion Ladouceur
356 Aqueduct St., Welland, ON, L3C 1E1

To all whom this concerns:

My concerns with regards to Lucchetta's rezoning and development plans:

- Parking: parking spaces available is 1.1% of the number of units (with only 2 for handicap and zero for visitors), which means the possibility of an estimated 20 additional vehicles having to park on the access driveway and on Aqueduct St. That becomes a safety issue for children trying to cross the street (which is already an issue with speeding cars, despite the speed bumps), as well as trying to get in and out of our driveways.
- Garbage from 24 units, will most likely attract rodents and other animals, which, in close proximity to the park, will also be a safety issue for the children using the park. They will also spread to the surrounding area, to homes that have never had this issue previously.
- Privacy will no longer exist for this neighbourhood's single homes. My property will be especially affected with the entire building backing onto my yard. Family functions on my property will have zero privacy. My quiet backyard retreat will no longer exist with a 3 story building abutting my yard.
- The impact of just the construction vehicles up and down the street on the infrastructure as well as the protected wildlife in the woods. We have lost so much of our Carolinian forest and its inhabitants with the development of Hilda St. and the new construction on that street. The Carolinian forest was a protected green-space until the construction of the Hilda St. extension access which reduced the forest area to two sections, neither of which then were large enough to qualify for the designation and protection. We have lost much of the protected species of wildlife and trees already and now we are going to lose more, until they no longer exist. The construction will end but, the environmental damage to the Vernal Pool and the Carolinian woodlot will last forever
- When Hilda St. was being planned the neighbours suggested putting the back of the houses on Hilda St and put an entrance to the 'subdivision' off Aqueduct. It wouldn't have affected traffic in and out of the existing Gadsby Ave. neighbourhood and there would be no parking issues. The city said we couldn't do it because there had to be two entrance/exits for fire, ambulance, police etc.
Going back to when the Fox Estates was built, our Carolinian "forest" (at the time) went from the S bend on Gadsby to the cemetery on Woodlawn. Again, the city said there had to be two entrance/exits and our "protected forest" was cut through to create the second entrance/exit as an extension to Hilda St. If this proposal hasn't been revised from the March 16, 2021 drawing distributed October 6, 2022, this building appears to have only one entrance/exit

Thank you for your consideration of my concerns.

Marion Ladouceur

Taylor Meadows

From: Melissa <>
Sent: November 18, 2022 11:40 PM Taylor
To: Meadows
Subject: Aqueduct/gadsby development

WARNING: This email originated from an external sender. Official email from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!
Hello Taylor

Could you please include my thoughts into the meeting regarding the Aqueduct/Gadsby Development?

I oppose the Zoning and Development plans for 368 Aqueduct Street and 155 Gadsby Avenue, City of Welland: Revised Application to Amend City of Welland Official Plan (OPA No. 33); Revised Application to Amend Zoning By-law 2017-117 (File No. 2020-14); Revised Application for Draft Plan of Standard Condominium (File No. 26CD-14-20009)

When we purchased our home 15 years ago we knew eventually there would likely be a single family home built across the street from us on the open lot. Never did we imagine an apartment with a minimum of 27 vehicles coming in and out directly across from our home. This raises both safety and privacy issues for us and our neighbours.

Firstly our personal privacy. Two of our bedrooms and our living room are at the front of our house. The living room we spend our quality family time in will now be subject to vehicle lights shining in and strangers being able to see directly into our home. Not to mention the safety of our children playing in the front yard. I can't help but worry about someone not turning correctly or sliding during winter and ending up on my front lawn possibly hitting our kids or home.

Next is street safety. It is unsafe on such an already busy street to have vehicles park in front of our homes. Us, as well as many of our neighbours already struggle to exit our driveways safely when we park on the street occasionally. The view of oncoming traffic becomes completely diminished once the overflow parking from the apartment lines our street.

Our elderly deserve safety and need it in order to stay in their homes long term. This development will make it unsafe and unrecognizable for some as they age. They depend on living in and walking around a familiar neighborhood.

A huge safety factor is there being a building (almost hidden) behind other homes and sandwiched between trees and other peoples back yards. These types of hidden areas are more likely to encourage criminal behaviour. It is too secluded and not visible enough from the road to be seen and keep people safe.

I could continue by mentioning the amount of eyes that will be able to look into the park where our children now play safely or the privacy it will take away from the backyards and homes of surrounding residents who chose this area and these homes without ever thinking they would have to worry about a development like this happening here. It just doesn't fit. It just doesn't make sense for this space and this street. It just isn't safe. A single family dwelling makes sense for this space and preserves the safety of the park. Thank you for listening. I really appreciate it.

Sent from my iPhone

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April 28, 2021

Gabrielle Parent-Doliner
153 Gadsby Avenue
Welland, ON L3C 1B1

Dear Ms. Parent-Doliner,

**Re: *Peer Review of the Scoped Environmental Impact Study (EIS)*
*368 Aqueduct Street and 155 Gadsby Avenue, City of Welland***

1.0 Introduction

LCA Environmental was retained by the landowners at 153 Gadsby Avenue in the City of Welland to complete a peer review of the Scoped Environmental Impact Study for 368 Aqueduct Street and 155 Gadsby Avenue, prepared by 8Trees Inc. (February 10, 2021). The peer review focused on the protocols used for field studies, the completeness of the EIS report, and compliance of the proposed development with Provincial, Regional, and Municipal policies and legislation. In order to obtain adequate background information for the study area, the following reports were reviewed:

- Parks, Recreation and Culture Plan – September 2006, *City of Welland*.
- Planning Justification Report for 368 Aqueduct Street & 155 Gadsby Ave – December 2020, *Joseph M. Tomaino, MCIP, RPP*.
- Scoped Environmental Impact Study for 368 Aqueduct St. x 155 Gadsby Ave – February 10, 2021, *8Trees Inc.*

In addition to the above-mentioned studies prepared for the Aqueduct Park development, LCA also reviewed The Niagara Region EIS Guidelines (2018), Regional and Municipal Official Plan documents, The Provincial Policy Statement (2020), and the Endangered Species Act (2007).

This report has been organized to follow the steps of the Region of Niagara EIS Guidelines (January 2018) to allow a fulsome assessment of the Scoped EIS Report (8Trees Inc.) in terms of completion and satisfaction of the requirements laid out by the Region. Any deficiencies in the report will be identified, as well as any inconsistencies between the findings of the field studies and recommendations identified in the report.

Step 1: Determining EIS Requirements

1.2 Pre-consultation and Scoping

According to the Pre-consultation Meeting, completed on November 7, 2019 with City of Welland, Region of Niagara, and NPCA planning staff, and Environmental Impact study was not identified in the checklist of required studies. However, the additional notes section identified that the Region of Niagara would require an Environmental Constraints report. Constraints reports are to be completed prior to development of a detailed draft plan and are guided by field studies and existing

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policies in order to best inform the type or form of suitable development relative to the existing natural heritage features and applicable policies.

An initial Environmental Constraints assessment was completed by 8Trees Inc. through desktop review and was submitted on January 13, 2020 to the Region of Niagara and NPCA. The Region reviewed the Constraints report and provided comment that it was insufficient due to a lack of field studies.

The final Scoped EIS report states that the preliminary constraints analysis and a site visit with the Region in January 2020 provided the framework for the scoped EIS. It is noted that the preliminary constraints report was not included in the Final Scoped EIS and it is unknown what the findings and recommendation of that report were.

Scoping of the EIS was completed by the Region of Niagara on January 22, 2020, following a site visit and provided the basis for a Terms of Reference (Step 2, below)

Step 2: Terms of Reference

A site visit was completed with the landowner, 8Trees Inc. and Niagara Regional staff on January 22, 2020 to identify the existing natural features on the subject property and identify the requirements for the completion of an EIS. The Region identified the potential for the woodland on and adjacent to the study area to be designated as Significant Woodlands and to contain significant habitat of Threatened or Endangered species, species of Special Concern and/or bat maternity habitat.

Field studies identified as a requirement included Ecological Land Classification, single season vegetation survey, breeding bird survey, bat surveys and a Tree Saving plan, as applicable. The Terms of Reference provided by the Region also included completion of a Species at Risk screening and assessment of Significant Wildlife Habitat, a map illustrating natural heritage features and associated constraints on the property, an impact analysis and mitigation measures.

As identified in Regional correspondence, the EIS Checklist provided by the Region satisfied the requirements for Step 2 of the EIS Guidelines and directed the consultant to follow Steps 3 – 5 for completion of the EIS report as detailed below.

Step 3: Constraints Analysis

3.1 Policy and Legislative Framework

Discussion of the policy and legislative framework was included in study Appendix D, but there was minimal discussion of their application or the implications these policies may have on development potential within the body of the EIS report.

Discussion of the Regional Policies were limited to Policies 7.B.1.3, 7.B.1.4, and 7.B.1.5 which define the natural heritage system but do not discuss how the natural heritage features limit development. Policy 7.B.1.3 defines those features which are designated as Environmental Protection Areas (EPA), but Policy 7.B.1.6 prohibits development within features which have been

designated as EPA. Similarly, policy 7.B.1.4 describes natural features which are to be designated as Environmental Constraints Areas (ECAs) including Significant Woodlands which are further defined in 7.B.1.5. However, the report does not discuss the impacts of policy 7.B.1.11 which states that unless an EIS demonstrates no negative impacts on the Core Natural Heritage system, development and site alteration are not permitted within ECAs.

Appendix D (Policies and Regulations) does not provide any Municipal planning policy context. Section 6.1.2.1 of the City of Welland Official Plan (2011) provides definitions of Core Natural Heritage features which are consistent with Regional policies 7.B.1.3 and 7.B.1.4. Welland policy 6.1.2.2 provides clarification of the application of the natural heritage policies by stating that if a previously unmapped core natural feature is identified during a study, the appropriate natural heritage policies do apply, including the presence of SAR habitat being subject to EPA policies. Policy 6.1.2.3.C prohibits development in EPA lands and restricts development in ECA lands unless no negative impacts are demonstrated.

Sufficient summary of the Provincial Policy Statement (2020) and the Endangered Species Act (ESA, 2007) were provided in Appendix D.

3.2 Literature Review

This section should provide a collection and discussion of existing information including previous studies completed for the area. The report provided an extensive list of studies and online resources which were reviewed to acquire historical and baseline information for the scoped EIS. The list included background reports such as the Niagara Areas Inventory (NPCA, 2009). However, resources which had been prepared by the City of Welland, including the Parks, Recreation and Culture plan, which provide information and strategic objectives for Aqueduct Park, were not reviewed.

Further, there was no summary of the information obtained through the review of literature, such as previously identified enhancement opportunities.. If no information was gained through the literature review, the EIS report should note that previous studies have not provided extensive evaluations of the study area.

3.2 Baseline Data Assessment

The purpose of reviewing existing natural heritage information is to identify any gaps in data that need to be assessed through field work. The baseline assessment typically includes review of existing natural heritage mapping to determine significance and online species databases to identify potential SAR which may be present in the vicinity of the property.

The review of natural heritage features identified the presence of a non-significant woodland and noted that, while it did not satisfy 2ha criteria to be considered Significant Woodlands based on size, there was potential for rare species or Species at Risk (SAR) which could result in designation as an ECA Significant Woodland.

SAR or rare birds present in the woodland would satisfy the criteria for significance. Although a review of historical bird data for the site was completed, the source used was not a complete or

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verified source. The consultant referred to the records found on the e-bird database, which can be useful but cannot be considered a complete source of birds present in the area as citizen-science resources are often not verified and do not require the use of standardized protocols. The Ontario Breeding Bird Atlas should be reviewed as a credible source for birds present within the area.

3.5 Existing Conditions

This section will be divided into the four sections to discuss the methodology and results of the studies completed as part of the Scoped EIS, including Ecological Land Classification, Vegetation Survey, Bird Surveys, and Bat Maternity Roost surveys.

3.5.1 Ecological Land Classification

The Scoped EIS report describes using Ecological Land Classification (ELC) protocols for Southern Ontario to assess the vegetation communities present on the subject property. According to Appendix B, these surveys were completed in December 2019 and May 2020. Although the ELC manual does not specify a timeframe for completion of studies, they are typically done during summer leaf on conditions so that all vegetation species present can be observed and properly identified.

Field notes in Appendix C for December 2019 describe completing tree surveys, while notes for May 22, 2020 describe completing soil cores, but neither mention the use of ELC evaluations protocols. In addition, ELC field sheets have not been provided or summarized in the Appendix and it is not clear how the vegetation communities were defined.

The report identifies three polygons, including an FODM2-4 forest in Aqueduct park, an FODM9-2 forest within the boundary of the subject property and an SWDM1-3 polygon along the east side of the property. However, according to ELC protocols, as noted in email communication from Anne Yagi to the NPCA dated January 13th, the minimum size for definition of a unique polygon is 0.5 hectares. The size of the FODM9-2 forest polygon mapped on the subject property was only 0.1742 hectares, while the FODM2-4 polygon in Aqueduct park was 0.4064 hectares. Based on the ELC protocol, the forest would appropriately be defined as one forested polygon with swamp inclusion (SWDM1-3, 0.2316 h).

The report uses the two soil cores as justification for the delineation of a second forested ecosite (FODM9-2) because the water table was higher at the location of soil core #2. However, the field notes describe selection of the soil core locations, noting soil core #1 was taken in the driest Oak forest, while core #2 was in a Pin Oak forest. Based on our interpretation of the current aerial imagery, as well as the presence of a Pin Oak Swamp (SWDM1-3) located adjacent to the upland forest, it is our assumption that soil core #2 was located in a low area which may have been part of the SWDM1-3 inclusion, and not represented of the remainder of the upland forest on the subject property. An additional soil core should have been taken to verify soil conditions.

3.5.2 Single Season Vegetation Survey

The report states that tree and shrub surveys were completed in December 2019 and May 2020. The May survey fits the appropriate timing windows for a single season vegetation surveys which was required by the Region in the Terms of Reference.

The Region also requested that screening for White Wood Aster, which is a fall-blooming species, be completed for the property. The report states that additional White Wood Aster surveys were completed in accordance with Regional Terms of Reference, but it is unclear when and how the surveys were completed. The table in Appendix B indicates that vegetation surveys were completed in June, July, and August of 2020, but the report text (*Additional Field Note*) indicates that several site visits were completed in September.

Conclusions of this section of the report indicated that White Wood Aster is likely present within the subject lands but may not have bloomed due to dry weather conditions through the summer. Further studies were recommended in 2021 to confirm presence or absence of White wood Aster. It is important to identify the location of White Wood Aster in the study area because according to the Recovery Strategy, a 50-80m radius of habitat is protected by the Endangered Species Act (2007).

3.5.3 Breeding Bird Surveys

While the breeding bird surveys completed for the subject property were completed within the appropriate timing windows (May – July), the methodology used for the study was not consistent with the standard accepted protocols from Bird Studies Canada (BSC). The report describes completing surveys in the “evening and/or morning”, indicating that the surveys were not consistent. The BSC protocol specifies that surveys for breeding birds should be completed within the first five hours following dawn. While some protocols require evening surveys, such as the protocol for crepuscular breeding birds, these protocols are mutually exclusive from the breeding bird protocols.

In addition, the methods describe making audio recordings of bird activity on the site and sending them to the avian specialist for verification of species not identified in the field. This method does not follow the point count protocol accepted for breeding bird surveys as audio recordings are not reliable to identify all species present, especially in a highly urbanized area. Surveys should be completed on site by the avian specialist so that no calls are missed and that visual confirmation can be made as necessary.

The specific dates of the bird surveys were not identified in the report; however, Table B8 in Appendix B indicates that the first survey was completed on May 22, 2020 and the second survey was completed on June 17, 2020. Upon review of the field notes from those dates, the first breeding bird survey (May 22) was conducted in the morning by taking 10 minute recordings at each survey station. Notes from the second survey date (June 17) indicate that the survey was completed in the evening concurrently with the bat surveys. The surveyors made note that they “... *heard incessant car noise all night*” and that they were informed that local bikers had been

revving their engines nearby. Such conditions would not be conducive to obtaining high quality recordings for thorough identification of bird species in the area.

3.5.4 Bat Maternity Roost Surveys

The report provides a very thorough criticism of the existing MNRF bat survey protocols for treed habitats and goes into extensive detail on the development of a new protocol which was presented to MNRF for approval. The MNRF indicated that they would require pieces of literature to support the adapted protocol and cautioned that they may not be able to accept the protocols used and substantiate results if no SAR bats were identified. However, the methodology used resulted in 8Trees Inc. confirming the presence of Little Brown Bat, as SAR with endangered designation.

The confirmation of the presence of Little Brown Bat was based on a small sample size and a probability of only 40%. Using the currently approved MNRF protocol obtains a larger sample size which provides more data and increases the accuracy of the probability calculations. As detailed in the report, many species of bats have call frequencies which can overlap, resulting in a false positive. However, audio files recorded from the surveys completed by 8Trees were sent to the MNRF, who confirmed that they were *likely* SAR bats.

In the discussion of the bat survey results, the report states that identifying bat habitat based on snag density criteria skews the identification of significant habitat in small woodlands and that quality habitat should be based on proximity to water, mature oak trees and other suitable habitat. Based on these criteria, the report identifies the vernal pool and the FODM2-9 polygon north of the subject property as significant habitat, but not the FODM9-2 polygon on the property.

The exclusion of the FODM9-2 as significant habitat for SAR bats is contradictory to the criteria defined by the report, as it contains 16 large oaks (Table 4 of the report) and is located adjacent to the large vernal pool. Additionally, in the background information for the bat maternity section, the report states that SAR bats are more susceptible to the loss of maternity habitat because of the impacts of White Nose Syndrome causing declines in SAR populations and site fidelity, emphasizing the importance of "...remnant habitat such as mature forest communities".

3.6 Assessment of Features and Functions

This section of the report should provide a summary of field results and characterization of any natural heritage features present on the subject property as well as an assessment of the size, quality, significance and sensitivity of natural heritage features.

There is, however, no discussion of the significance of results from the study area. According to the results of the studies completed, as well as provincial documentation of the Threatened White wood Aster on the adjacent public land, the presence of Species at Risk (SAR) within the woodland satisfies Regional criteria for designation of the woodland as an Environmental Conservation Area (ECA) Significant Woodland. Since the entire woodland is one feature, the full extent of the existing woodland receives ECA designation and should be delineated in the field through dripline surveys. The woodland is therefore subject to Regional policy 7.B.1.11 and Municipal policy 6.1.2.3.C. Additionally, it will be subject to the Regional Woodland Conservation By-law No.

2020-79. The presence of amphibian breeding within the vernal pool identified on Gadsby lot confirms that the woodland area meets the criteria as seasonal breeding habitat which, in turn, defines this area as significant woodland. There were no amphibian studies completed for this report and no documentation of incidental sightings or auditory verification.

Further, the presence of Endangered and Threatened species on and adjacent to the subject property is subject to Regional policy 7.B.1.3 and policy 6.1.2.2 of the City of Welland Official plan and shall receive designation of Environmental Protection Area (EPA). Verification of the location of White Wood Aster and justification of the Little Brown Bat habitat must be completed to accurately map these areas prior to approval of any zoning amendments, as the species and their habitats are protected by the Endangered Species Act (2007).

In addition to not adequately identifying the habitat of the SAR present on the subject property, there is no discussion of Significant Wildlife Habitat (SWH) within or adjacent to the study area. The Terms of Reference provided by the Region of Niagara requested that an assessment of Significant Wildlife Habitat potential on the subject land and included in the final report (email communication from Jennifer Whittard, dated June 8, 2020). The screening does not appear to have been completed and there is no discussion of SWH as part of the assessment of significance.

One of the categories of SWH includes the presence of rare vegetation communities. The Pin Oak Swamp (SWDM1-3) identified on the subject property is provincially identified as a rare community, with a status ranking of S2S3. While this community is common within the Region of Niagara, the limited northern range of Pin Oak makes the community less common throughout the province. It is important to provide this context, as the community meets the Provincial criteria for SWH, but does not necessarily represent SWH in a Regional context.

This section of the Scoped EIS report appears to follow the steps of a Tree Preservation Plan and identifies that tree protection is recommended for all “important” trees. However, there is no clear definition of what qualifies as an important tree. It goes on to state that the trees worthy of protection include trees on adjacent private and public lands, large Oak and Maple trees, and those within the SWD habitat. However, it appears that the desired development plan is guiding the identification of important trees as all of the mitigation scenarios presented result in removal of at least half a dozen large Oak trees. In the opening paragraph the author also states “*Since the woodland communities comprises about 60% of the Subject Lands, protecting every tree would significantly affect the viability of the development project (Table 1).*”

This section of the report does not adequately identify the natural heritage features present or provide an assessment of their functions. Instead the report focuses on an inventory of trees and development scenarios which may minimize, but not exclude removal of important trees.

3.7 Constraints Map

In accordance with the Niagara Region EIS Guidelines and the Terms of Reference, a constraints map should identify all natural heritage features, corridors and linkages, any established minimum buffer requirements or regulated areas.

A constraints map has not been provided which identifies clear limits to development based on the natural heritage features.

3.8 Constraints Analysis and Recommendations

The constraints analysis should be presented prior to any proposed development plans, as they are meant to guide the development of a draft plan which will preserve the ecological integrity of the natural heritage features. However, the development plan was presented in the introduction of the report.

The recommendations presented include protection of important trees, the seasonal pool and the associated flora. The extent of the seasonal pool and fauna were not described or mapped and the trees which were identified as important were also not mapped as part of constraints map. The constraints analysis is also supposed to include any established buffers, including those which are regulated by policy and those which have been established based on the findings and scientific analysis. The three scenarios for protection of important trees were all mapped, but none of the options presented protected all important trees and do not identify the required buffer to protect root zones of the trees.

Identification of a single scenario (constraint) for development must be established based on protection of the ecological integrity of the woodland and must include identification of a minimum buffer to ensure those features which are identified as important are protected in the long term, in accordance with Regional and Municipal policies.

Step 4: Ecological Impact Assessment

4.1 Description of Proposed Development

The proposed development for the subject property was presented in the introduction, on Page 2 of the report. While changes were made to the draft plan based on the recommendations of the report, the final draft plan was presented at the end of the report and showed only a reduction in the number of lots from 14 to 9, reducing the footprint within the woodland.

However, the plan, as it was presented, does not satisfy the requirements of section 4.1 of the Niagara Region EIS Guidelines, because it does not provide the level of detail necessary to identify all of the expected impacts from development. According to the Guidelines, the description of the development should include the exact location of the proposed lot boundaries, locations of the buildings and any amenity areas, roads and parking, servicing, and stormwater management plans. Site grading plans also provide important information on the degree of disturbance that can be expected to the root zones of adjacent trees.

The detailed drawing, as described above, should also be overlaid on a map of the constraints to determine where the impacts are expected to occur in relation to the natural heritage features identified.

4.2 Impact Assessment

The assessment of impacts does not address the impacts of the final development plan, but rather the plan presented at the beginning of the report, and prior to modification based on results of constraints analysis. Impacts are described at a very general level, focusing on the number of trees which would need to be removed to accommodate the development and some of the general impacts which can be expected from development within a woodland.

There is some consideration in the assessment of impacts given to the habitat of SAR which have been identified on and adjacent to the study area. It is noted that the initial proposed development would result in 100% loss of trees within the site and the vernal pool habitat, impacting SAR trees. However, it is suggested that the application of the habitat protections zone would reduce these impacts. While some impacts may be reduced, there would still be impacts to consider with the habitat protection zone scenario.

When portions of a woodland are removed and replaced with housing, there can be longer term impacts expected on significant species and their habitat. Impacts of increased occupancy can further degrade the woodland and changes in hydrology resulting from stormwater management may still result in loss of the vernal pool, having significant impacts on SAR bats. The impacts associated with the final design layout are important to characterize.

4.3 Design Changes and Mitigation Measures

Three options are again presented for design change and mitigation. However, this section of the report provides an overview of the change in development space with the different scenarios applied. All designs result in a decrease in development area, but none of the options will eliminate or further mitigate impacts which can be expected from development and the removal of a portion of the woodland or loss of the vernal pool and bat habitat identified on the single lot on Gadsby.

4.4 Ecological Restoration or Enhancement Opportunities

Ecological Restoration or enhancement opportunities that were identified include providing a brochure to adjacent landowners which provides guidance on stewardship, protection and enhancement of the park. We agree that education of the general public on the importance of the woodland and its features may help reduce negative impacts of use by the general public. Signs and development of a trail may help protect the significant species present.

4.5 Residual Environmental Impacts

No summary of residual impacts has been provided. Impacts from the initial proposed development were described and some mitigation measures were presented, however the EIS must identify what impacts can still be expected after the mitigation measures have been applied.

4.6 Monitoring

The report states that both sites (368 Aqueduct Street and 155 Gadsby Ave) should be monitoring during and after construction. However, a description of what features or functions should be monitored is not provided. A description of the goals of the monitoring, the traits being monitored, and length of a monitoring program post-construction should be provided.

Step 5: Recommendations and Conclusion

The recommendations and conclusion of the report identifies the recommended designations of EPA in the north, publicly owned portion of the woodland, and an ECA designation for the remainder of the woodland on the subject property. These designations should have been identified in assessment of features so that the correct policies could be applied to the proposed development.

It was stated in the Recommendations (Page 41) that the subject lands receive “...*an environmental conservation designation which will permit some development while protecting the seasonal pool functions and associated large trees to maintain habitat for the Little Brown Bat*”. However, designation of ECA lands in the southern portion of the woodland is not consistent with the findings of the study which states that the seasonal pool on the subject property provides important habitat for SAR bats. In accordance with Regional and Municipal policies, the area identified as seasonal pool should also receive EPA designation as SAR habitat.

The recommendations and conclusion of the Scoped EIS Report do not provide any discussion on whether the proposal is in compliance with the applicable policies and legislations. This is essential to provide rationale for a final recommendation as to whether the proposal can proceed as planned, or whether it should be subject to conditions. The policy table (attached) details all the relevant policies that should have been addressed as part of the EIS.

Summary

LCA Environmental has reviewed the Scoped EIS Study for 368 Aqueduct Street and 155 Gadsby Avenue in the City of Welland and have identified several deficiencies in the field studies completed, the assessment of significance, and the assessment of impacts. Specifically, field several field studies did not follow the accepted standard protocols, and the assessment of significance and impacts do not integrate the applicable policies or legislation. Additionally, the report did not satisfy all the requirements of the EIS guidelines including the provision of a detailed constraints map, an assessment of impacts expected from the final development plan, or a summary of policy compliance.

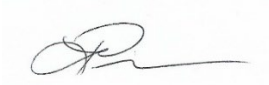
The lack of impact assessments and statements confirms that the report does not meet the test of no net negative impacts to the natural feature form and function. The descriptions detailed in the executive summary are contradictory to the report conclusions which state that the proposed development meets most of the EIS recommendations with no mention of the loss of significant habitat or non-compliance with local, regional, provincial (PPS) and federal policies (ESA).

A table detailing the applicable policies at the municipal, regional, provincial and federal levels has been attached to this report for your convenience.

LCA Environmental Consultants

We trust that the information provided in this report meets your needs. If you have any questions regarding the above information or require additional information, please contact us.

Sincerely,



Lisa Price, M.Sc.
Project Manager



Anne McDonald, BSc, EPt
Project Coordinator

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

Policy Document	Policy Section	Policy Summary	Compliance
Provincial Policy Statement, 2020	2.1 Natural Heritage	2.1.2 Diversity, connectivity, and function of natural systems should be maintained, restored, or improved.	No assessment provided in the EIS
		2.1.5 Unless no negative impacts have been demonstrated, development and site alteration are not permitted in significant wetlands, woodlands, valleylands, wildlife habitat, or areas of natural and scientific interest.	<u>Woodlands qualify as significant based on presence of two documented Species at Risk (SAR).</u>
		2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.	Not applicable
		2.1.7 Development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements	<u>Development proposal and EIS report recommendations do not comply.</u> Habitat is defined as any area directly or indirectly depended on for life processes. <u>Based on documentation of SAR bats, proposed development does not comply. Insufficient justification on why portion of woodland on property proposed for removal is not considered habitat.</u> Actual limits of defined habitat for WWA and SAR bats has been left to the discretion of MECP (?)
		2.1.8 Unless no negative impacts have been demonstrated, development and site alteration are not permitted on lands adjacent to natural heritage features and those in 2.1.5.	<u>No impacts have been assessed on final proposed development, so EIS has not demonstrated no negative impacts to natural features.</u>
Endangered Species Act, 2007	Purpose	Section 1.2 identify SAR, protect them and their habitats, and promote recovery of SAR	SAR bat and White wood aster identified on property.
	Definitions	Section 2 habitat is any area species depend, directly or indirectly on to carry out life processes, including	Habitat for bats would include entire woodlot based on presence of snags throughout.

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

		reproduction, rearing, hibernation, migration or feeding.	Habitat for White Wood Aster defined in Federal Recovery strategy as an 80m radial distance from existing population; or minimum 50m where suitable habitat doesn't extend 80m.
	Classification of Species	Section 3 Committee on the Status of species at Risk Ontario (COSSARO) uses scientific-based assessments to determine SAR classification in Ontario and designated species as: extirpated, endangered, threatened, or special concern.	
	Protection and Recovery of Species	Section 9(1) Prohibits interference or trafficking of species listed as SARO with the designation of endangered, threatened or extirpated.	Would apply to any potential removal or impact to the White Wood Aster as the actual area is not defined. Reference in the report to MECP input as to the area of protection required.
		Section 10(1) Prohibits damage or destruction to the habitat of any species listed as SARO with the designation of endangered, threatened or extirpated.	<u>The radial distance of 50 – 80m is protected as critical habitat for the White Wood Aster according to federal recovery strategy adopted by Ontario.</u>
Migratory Bird Convention Act, 1994	Prohibitions	5 Prohibits the unlawful possession or trafficking of a migratory bird or nest.	Not applicable if work done outside of breeding season
		5.1.1 Prohibits all persons and vessels from depositing of harmful substances in water or areas frequented by migratory birds (exception: 5.1.3)	Not applicable if work done outside of breeding season
		5.1.2 Prohibits all persons and vessels from depositing of harmful substances in any place where the substance could potentially enter water or areas frequented by migratory birds (exception: 5.1.3)	Not applicable if work done outside of breeding season
Niagara Region Official Plan, 2014	7.B The Core Natural Heritage System	7.B.1.1 Core Natural Heritage consists of: a) Core Natural Area, classified as either EPA or ECA; b) Potential Natural Heritage Corridors connecting the core Natural Areas;	Report recommended forest be designated as ECA, which would make it core natural heritage and impacts to the feature should be assessed as such. <u>It is not clear on how the EPA area and ECA area limits were determined other than state that an EPA designation would limit development potential</u>

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

		<ul style="list-style-type: none"> c) Greenbelt Natural Heritage and Water Resources System; and d) Fish Habitat 	
		7.B.1.3 EPAs include PSWs, ANSIs, and significant habitat of threatened and endangered species	Woodland contains habitat for SAR including WWA and SAR bat and the areas identified as habitat should be considered EPA which includes area described in federal recovery strategy as WWA critical habitat (50 – 80m radius).
		7.B.1.4 ECAs include significant woodlands, significant wildlife habitat, significant habitat of species of concern, regionally significant Life Science ANSIs, other evaluated wetlands, significant valleylands, savannahs or tallgrass prairies, and alvars	Whole woodland meets criteria for Significant. <u>May meet further designation if vernal pool is utilized by amphibians for breeding and meets Significant Wildlife habitat criteria for amphibia breeding (woodland).</u>
		7.B.1.5 significant woodlands must meet one or more of the following: <ul style="list-style-type: none"> a) Contain threatened or endangered species or species of concern b) In size, be equal to or greater than: <ul style="list-style-type: none"> i) 2ha within or overlapping Urban Area Boundaries; ii) 4ha outside Urban Areas and north of the Niagara Escarpment; iii) 10ha outside Urban Areas and south of the Escarpment; c) Contain interior woodland habitat at least 100m in from woodland boundaries, d) Contain older growth forest and be 2ha or greater in area e) Overlap or contain one or more other EPA or f) Abut or be crossed by a watercourse or water body and be 2 or more hectares in area. 	<p>The woodlands on the property (and adjacent) contain threatened or endangered species and therefore meet criteria for significance. <u>The woodland is significant as an entire unit, not the individual parts as described in the report.</u></p> <p><u>The recommendation in the report for vernal pool was to identify it as EPA. This satisfies criteria 7.B.1.5 e). Report fails to acknowledge this and the building lot on Gadsby would directly remove a portion of the identified feature.</u></p>

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

		7.B.1.6 prohibits development within natural heritage features which have been designated as Environmental Protection Areas	Report recommend EP designation north of property; no development has been proposed within EP as designated in report. However, <u>EP designations may extend onto property based on definitions of SAR habitat described above.</u>
		7.B.1.11 unless no negative impact on the Core Natural Heritage System component or adjacent land has been demonstrated, development and site alteration are not permitted within ECAs.	<u>Report has not demonstrated no negative impact, as no assessment of impacts has been made for final proposed development.</u>
		7.B.1.13 development applications in or near Potential Natural Heritage Corridors, should be designed and constructed to maintain and, where possible, enhance ecological functions of the Corridor.	No discussion in report on whether the woodland provides any corridor function or not.
NPCA Land Use Policy Document, 2018	8.2.3 Development in Areas of Interference	8.2.3.1 No development and site alteration permitted within 30m of a wetland (exception: 8.2.3.2)	No wetland identified on subject property. As described in report, vernal pool and swamp habitat does not meet size criteria for designation and evaluation under OWES protocol.
	9.2.5 Watercourse Buffer Composition	9.2.5.1 development and site alteration adjacent to a watercourse requires a natural buffer of 10-15m based on: a) 15m natural buffer for watercourses containing permanent flow, cool water, or coldwater systems or specialized aquatic or riparian habitat (not limited to fish spawning areas, habitat of SAR or species of concern, forested riparian areas or Type 1 Critical Fish Habitat); b) 10m natural buffer for watercourse containing intermittent flow, warmwater systems or general/impacts aquatic or riparian habitat, or Type 2 Important Fish Habitat or Type 3 Marginal Fish Habitat; other considerations which may impact pollution or the conservation of land	No watercourse identified in report. Policy not applicable.

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

City of Welland Official Plan, 2011	6.1.2.1 Core Natural Heritage System	6.1.2.1.E Environmental Protection Areas include: provincially significant wetlands; provincially significant Life Science ANSIs; and significant habitat of threatened and endangered species.	<u>Woodland include habitat for 2 SAR species</u> as described in Regional policies above.
		6.1.2.1.F Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tall grass prairies; alvars; and publicly owned conservation lands.	Woodland considered significant and therefore should be designated as ECA, as described in report and in accordance with Regional and Municipal policies,
	6.1.2.2 Delineation of the Core Natural Heritage System	6.1.2.2.C Where SAR habitat is identified, development is subject to EPA policies.	<u>WWA habitat and SAR bat habitat subject to EPA policies.</u>
		6.1.2.2.D If a previously unidentified Core Natural Heritage feature is identified on lands involved in an ongoing planning Application, the appropriate Core Natural Heritage System Policies apply.	Identified as EP and ECA; therefore, the appropriate policies apply.
		6.1.2.2.E Significant woodlands have one or more of the following criteria: <ul style="list-style-type: none"> i. Contain threatened or endangered species or species of concern; ii. In size, be ≥ 2 ha, if located within the UAB; iii. Contain interior woodland habitat; iv. Contain older growth forest and be ≥ 2 ha; v. Overlap or contain one or more of the other significant natural heritage features; or, vi. Abut or be crossed by a watercourse or water body 	Contain threatened and endangered species and whole woodland is, therefore, significant.

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

	6.1.2.3 Design, Development and Site Alteration	6.1.2.3.A New development should maintain, enhance or restore ecosystem health and integrity. No negative impacts should be prioritized however, if it can't be avoided, then mitigation measures shall be required.	<u>Development and EIS do not comply.</u> Negative impacts can be avoided by reducing development footprint.
		6.1.2.3.C development prohibited in EPA. Development may be permitted without an amendment to this Plan in ECAs, Natural Heritage Corridors, and on all adjacent lands if no negative impacts demonstrated.	<u>No impact assessment completed and therefore the test of no negative impact has not been demonstrated.</u> Unclear if mitigation of tree removal could offset negative impacts to the woodland, which contains old growth trees.
Niagara Region EIS Guidelines (Jan 2018)	Step 3: Constraints Analysis	Constraints analyses should be prepared prior to identifying development layout.	Development layout presented at the beginning of report in the introduction. Regional correspondence in the Appendix indicated that the initial Constraints report completed for this site did not include field evaluations and was insufficient. The Region of Niagara required that the scoped EIS and TOR be developed for the EIS.
	3.1 Policy and Legislative Framework	Shall include discussion of applicable policies and regulations and their implications	No discussion of any specific PPS policies; EIS does not include all applicable Regional policies (missing 7.B.1.6, 7.B.1.11, 7.B.1.13); No discussion of municipal policies; No summary of Endangered Species Act.
	3.7 Constraints Map; 3.8 Constraints analysis and Recommendations	Constraints mapping should identify all natural heritage features, all hydrologic features, corridors, and establish minimum buffer requirements	<u>No constraints map or analysis provided.</u> Did not provide a clear buffer requirement; provided 3 options to accommodate development, but no clear direction given.
	4.1 Description of proposed development	Should provide description of the nature, scale and purpose of proposed development. Should describe location of boundaries and proposed lots, buildings and other structures, amenity areas, parking,	No detailed description of development included. Limited to two photos (Figure 22 and Figure 23) which provide little detail, with no grading or servicing requirements.

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

		servicing, stormwater management. Must include any tree removal requirements.	<u>Stated that 31 mature oak would be removed but no discussion of rationale or impacts and no discussion on the impacts of the surrounding mature trees.</u> Recommend tree buffers set at a standard distance despite the requirements detailed in the report.
	4.2 Impact Assessment	Identify all potential impacts of proposed development to natural heritage or hydrologic features. Must integrate grading, servicing, and stormwater engineering and must describe impacts expected during, construction, and following construction over the short term and long term.	<u>No impact analysis of final proposed development.</u> Some impacts listed for initial plan presented, but they describe loss of 100% of the trees on the site and function of the vernal pool. No other, during or post-construction, impacts described. Options for mitigation of impacts included application of buffers, or a land swap with city. Neither of these options were adhered to entirely with final proposed development but EIS report described final plan as “good general adoption of EIS recommendations”
	4.5 Residual Environmental Impacts	EIS shall identify and provide a detailed scientific analysis and assessment of all residual environmental impacts reasonably expected to remain and provide conclusions as to magnitude and significance of these residual impacts.	<u>No summary of residual impacts provided.</u>
	Step 5: Recommendations and Conclusion	EIS to review residual impacts of proposed development and indicate if it complies with plans, policies, and regulations. Inconsistences should be identified. Should conclude with recommendations whether proposal should proceed as planned, or whether it should be subject to conditions.	No summary or discussion of compliance with applicable policies. No clear conclusion on whether the EIS supports the proposed plan, or whether it should be subject to conditions.

Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

Notes: much of communication with MECP was done through phone conversations not documented in the appendix. Not clear what MECP has “approved” as far as ESA requirements being fulfilled.

The definition of White Wood Aster critical habitat (*White Wood Aster Recovery Strategy*, 2019) has not been applied. Defined as 80m radius where suitable habitat exists, or 50m radius where suitable habitat does not extend.

- Also from provincial strategy:
 - o *“In cases where little or no mapping and/or documentation of plant locations or habitat features exists, but the approximate local population has been verified, the areas are identified as the ecological or landscape feature (i.e., the extent of continuous deciduous forest) where a White Wood Aster local population or subpopulation is known to occur. This case currently applies to all Ontario local populations”*

Not clear on why two distinct FOD polygons were defined. ELC sheets not provided and descriptions of soils limited to two samples. Soil sample 2 appears to be right on the edge of the SWD habitat based on air photo which would result in identification of a wetter soil than the forest north of the subject property (municipal land).

Pre-con meeting pre-dates the transition in agency review (Region to review natural heritage features). This meant in the pre-con Region did not initially identify a requirement for an EIS and there were no features to trigger NPCA review.

Planning Report dated July 20, 2004 (Report PDS-2004-30) recommends surplus designation but describes the woodland and significant and indicates that it should be maintained as a park/woodland feature. There was no reference to this study (completed by municipal parks and rec staff) in the EIS.

November 16, 2022

Gabrielle Parent-Doliner
153 Gadsby Avenue
Welland, ON L3C 1B1

Dear Ms. Parent-Doliner,

Re: Updated Peer Review of Scoped EIS Addendum
368 Aqueduct Street and 155 Gadsby Avenue, City of Welland

LCA Environmental previously provided a peer review of the Scoped Environmental Impact Study for 368 Aqueduct Street and 155 Gadsby Avenue, prepared by 8Trees Inc. (February 10, 2021). The purpose of the peer review was to assess the completeness of the EIS with respect to Terms of Reference, and compliance with existing Provincial, Regional and Municipal policies. The peer review is attached to this updated peer review as Appendix A.

An EIS addendum dated January 5, 2022 has been prepared by 8Trees Inc. to address the comments provided as part of that peer review, as well as the comments provided by Regional environmental planning staff following their review of the Scoped EIS. Ecological & Environmental Solutions (formerly associated with LCA Environmental) has been retained to review the EIS addendum to determine whether comments from the peer review have been adequately addressed. The report has again been organized to follow the steps of the Region of Niagara EIS Guidelines for ease of review.

Step 1: Determining EIS Requirements

1.2 Pre-consultation and Scoping

In our initial review, there were no concerns with regard to the scoping of the EIS report. This was completed in consultation with the Region of Niagara following an initial site visit as is standard practice.

Step 2: Terms of Reference

As discussed in the peer review dated April 28, 2021, Regional correspondence (dated April 6, 2020) confirmed that a Terms of Reference was not required to be submitted given the review of a preliminary scoped EIS prepared by 8Trees Inc. and a site visit completed by Regional staff on January 22, 2020. However, Regional staff confirmed the requirements for the Scoped EIS included the following:

- Methodology and results for field surveys, to include vegetation surveys, Ecological Land Classification, breeding bird surveys, bat surveys, and a Tree Saving Plan,
- Screening for Species at Risk and Significant Wildlife Habitat,
- Detailed analysis of Regional Policy 7.B.1.5 to determine significance of the woodland,



- A map showing the extent of all constraints and the proposed development plans,
- Impact analysis and recommended mitigation measures; and
- All agency correspondence.

Following discussions between 8Trees and the Region with regard to survey requirements, the Region provided further clarification via email on June 8, 2020. In addition to ELC and botanical surveys, the Region clarified that the survey protocol recommended to adequately assess use of the property by birds was the Ontario Breeding Bird Atlas- Guide for Participants (2001) survey protocol. Further detail on breeding bird survey requirements is also included in the EIS Scoping Checklist, completed January 22, 2020. It was noted in the April 28, 2022 peer review that the protocols used for the assessment of birds on the property did not follow the standardized protocols which were recommended by the Region. This is further discussed in Section 3.5, below.

Finally, in correspondence dated June 8, 2020, the Region re-iterated that screening for Significant Wildlife Habitat should be completed and included in the final EIS. While screening for SAR was completed and included in Appendix B of the EIS, screening for Significant Wildlife Habitat (SWH) was not included. Screening for SWH is separate from SAR Screening and typically assess the subject property against the criteria provided in the Significant Wildlife Habitat Criteria Schedules for EcoRegion 7E (MNR, 2015). This information has not been included with the EIS Addendum (January 5, 2022).

Although the requested field studies have been completed, the use of alternative methodology and the absence of a SWH screening does not fully satisfy the Terms outlined by the Region in their correspondence regarding the scope of the EIS.

Step 3: Constraints Analysis

3.1 Policy and Legislative Framework

The EIS addendum has provided additional planning context for the City of Welland with respect to zoning and existing natural heritage mapping. Based on our review of the EIS and the EIS addendum, there is limited discussion on how the policies apply to the subject lands, including how confirmation of significant woodlands would impact the constraints to development. In the initial peer review, LCA referred to specific policies, such as Regional policy 7.B.1.11, and Municipal policies 6.1.2.2 and 6.1.2.3.

The revised EIS does not include discussion of the natural heritage policies referred to in the peer review completed by LCA, or their implications for development. Policy discussion in both the EIS (February 2021) and the EIS addendum (January 5, 2022) remains limited to Regional Policy 7.B.1.5. Discussion of Policy 7.B.1.11 is important because it requires that an EIS demonstrate no negative impact for any proposed development within or adjacent to a Significant Woodland or other natural heritage features.



The EIS and EIS addendum have not provided a complete summary of all applicable policies at the Provincial, Regional or Municipal level, as is required by Section 3.1 of the EIS Guidelines (January 2018).

3.2 Literature Review

EES is satisfied that the EIS addendum report provides sufficient information regarding previous studies. We understand that for adjacent developments an EIS had not been required, and that efforts have been made to acquire access to additional reports completed by the City.

3.3 Baseline Data Assessment

As noted in the letter prepared on April 28, 2021 by LCA Environmental, a review of existing natural heritage information and identify gaps in the existing data to inform field work and the potential for Species at Risk or Significant Wildlife Habitat on the subject lands.

As stated above, EES is satisfied that the SAR screening for the property was fulsome and accurate. However, a SWH screening does not appear to have been completed. This is an important step to determine the significance of a feature by identifying whether the existing conditions support candidate SWH, and whether specific field studies should be carried out to confirm presence/absence of SWH.

In accordance with Regional Policy 7.B.1.3 and 7.B.1.5, presence of SWH within a woodland would satisfy criteria for a woodland to be considered significant. In the case of the subject property, screening for SWH would likely have identified the vernal pool as candidate amphibian breeding habitat and would require completion of additional surveys to confirm significance.

3.5 Existing Conditions

As was done in the April 28, 2021 peer review, this section will be divided into four sections to discuss the methodology and results of the studies completed as part of the Scoped EIS and EIS Addendum.

3.5.1 Ecological Land Classification

EES is satisfied that the additional soil sample taken within the woodland confirms there is a transition from generally drier, sandy conditions north of the property, to moist silty clay soils on the subject property.

It is noted, however, that there has been a significant change in the size and orientation of the SWD1-3 inclusion shown in Figure 5 of the EIS addendum (January 5, 2022) and that which was mapped in Figure 5 of the EIS, dated February 10, 2021. It is understood that additional elevation surveys were completed in an attempt to define the limits of the vernal pool. However, given that the ELC is primarily based on vegetation and informed by soils, it is

unexpected that the delineation would change so drastically. Further information regarding the changes may provide clarification on the delineation.

3.5.2 Single Season Vegetation Survey

EES is satisfied with the search effort for White Wood Aster (Threatened) and understand that several specialists have been consulted with. Though White Wood Aster was suspected by one specialist who reviewed digital photos only, it was not confirmed on the subject property or adjacent Aqueduct Park within the last two years of surveys. The report does state that Schreber's Aster was confirmed within the woodland on the adjacent Aqueduct Park property and that the species has a provincial ranking of S2 – imperiled.

Confirmation of Schreber's Aster within the woodland is an important finding for assessing the significance of a woodland feature. With a status ranking of S2, the habitat of Schreber's Aster is considered Significant Wildlife Habitat (SWH) by the Province and satisfies the fifth criterion listed under Regional policy 7.B.1.5. A woodland is significant if it *“overlap[s] or contain[s] one or more of the other natural heritage features listed in Policies 7.B.1.3 or 7.B.1.4”*.

The presence of SWH for Schreber's Aster is discussed further in Section 3.6, below.

3.5.3 Breeding Bird Surveys

Concerns have previously been raised regarding the methodology used to conduct the breeding bird surveys. Specifically, the surveys described in the Scoped EIS (February 10, 2021) included evening surveys as well as relying on the use of a recording device to be interpreted offsite by a birding expert. The methodology used is not consistent with the standardized protocols identified by the Region in the EIS Scoping, which requires two surveys at least 10 days apart between May 24 and July 10. The surveys should be completed within 5 hours after dawn and reliance on recording devices is typically not recommended.

In their EIS Addendum report, 8Trees Inc. refers to the introduction of a “recorded point count” or “digital point count” in the third atlas, for which data collection began in January 2021, and will continue for 5 years. While digital point counts do involve use of a handheld or autonomous recording unit, the units must meet required specifications to ensure quality and consistency across recordings. It is also EES' understanding that the use of autonomous recording units to document breeding bird activity is typically reserved for remote locations where access is limited.

The Ontario Breeding Bird Atlas Instructions for Point Counts (June 2021) do describe the two methods, as discussed above, however it also states that *“[f]or all methods, point counts for the atlas should be done during the peak breeding season and in the early morning hours when most birds are singing or calling most actively”*.



3.5.4 Bat Maternity Roost Surveys

Based on the information provided in EIS addendum and communication with the Ministry of Environment Conservation and Parks (January 29, 2021), EES is satisfied that bat surveys have adequately assessed and defined the existing bat habitat.

3.6 Assessment of Features and Functions

EES is of the opinion that the significance of the features on and adjacent to the subject property have not been adequately assessed. Previous concerns surrounding the presence of SAR such as White Wood Aster and bats and their associated habitat had been discussed. The EIS addendum has addressed the SAR and associated habitat and EES is satisfied with the assessment provided with regard to SAR.

However, the Scoped EIS and the EIS addendum lack an assessment of Significant Wildlife Habitat within the woodland. The EIS addendum confirms that Schreber's Aster (S2) has been confirmed within the woodland on the adjacent public park lands and that in the past it was possibly misidentified as White Wood Aster. The Significant Wildlife Habitat Criteria Schedules for EcoRegion 7E provide definitions of SWH under four broad categories: Seasonal Concentration Areas, Rare Vegetation Communities or Specialized Habitat for Wildlife, Habitat for Species of Conservation Concern, and Animal Movement Corridors.

Under habitat for Species of Conservation Concern, SWH for Special Concern and Rare Wildlife Species is defined by the presence of any Special Concern or Provincially rare (S1-S3) plant or animal species. Schreber's Aster confirms the presence of this SWH in the ELC polygon within which it was identified. As stated above, Regional Policy 7.B.1.5 states that woodlands which overlap or contain one or more of the significant natural features listed in Policies 7.B.1.3 or 7.B.1.4 are identified as Significant Woodlands. In accordance with Regional Policy 7.B.1.4, Environmental Conservation Areas include SWH.

Although the SWH would not extend onto the subject property, the woodland is one contiguous feature. The presence of two ELC polygons does not delineate two distinct woodlands, but rather some variation in habitat within the overall woodland feature. Therefore, the confirmation of SWH on the adjacent public property means that the entire woodland, including the portion on the subject property, meets the criteria for Significance.

In addition to the presence of SWH described above, the presence of the vernal pool within the woodland should likely have been identified as candidate SWH Amphibian Breeding Habitat. Studies to confirm the significance would include a combination of observational and call count surveys (Marsh Monitoring Protocol). The EIS addendum states that the seasonal pool on the subject property dries in mid/late July to October. Vernal pools which contain water until mid July are more likely to be used as breeding habitat (MNRF, 2015).

With the confirmation of Significant Woodland habitat, Policy 7.B.1.11 must be applied to the proposed development. The EIS must demonstrate that there will be no negative impact to the feature and its functions, and EES does not believe that the proposed development has met the test of no negative impact.

3.7 Constraints Map

The EIS Addendum report (January 5, 2022) provides a map of constraints as identified within the report (Figure 23). EES suggests that the constraints map may need to be revisited given the findings confirm the woodland meets the definition of Significant Woodland.

Based on comments above regarding the changes to size and orientation of the SWD1-3 inclusion, and mapping in the EIS report (February 10, 2021) showing the seasonal pool extending down to Gadsby Road, clarification is required. Although it is understood that a relative elevation survey was completed, the discrepancy between the two reports makes it unclear what the full extent of the vernal pool is during the spring and early summer when water levels are at their highest.

The mapping in the EIS dated February 10, 2021 suggests that the seasonal pool extends south to Gadsby Road. Further, Figures 15 and 21 in the EIS (February 10, 2021) suggest that the seasonal pool, as it was initially mapped, plus a 10m buffer were identified as a constraint to development. It is noted that the constraints associated with the initial seasonal pool mapping within the EIS would not support development of a proposed single-family lot on Gadsby Road.

Photo documentation (April 2021) provided by adjacent landowners shows evidence that the vernal pool continues to extend south towards Gadsby Road. EES recommends that the boundaries of the vernal pool be delineated by water levels in the spring, rather than elevation as vernal pools often extend beyond physical boundaries when water levels are at their peak.

3.8 Constraints Analysis and Recommendations

It is understood that additional constraint areas were added behind the proposed Gadsby Road lot to accommodate regrading of the edge of the seasonal pool. The purpose of regrading the pool is not clear and it seems that regrading the edge would serve to maintain the water in a smaller, contained area and will cut off potential sources of stormwater runoff from adjacent properties which currently (and historically) maintain the hydroperiod of the existing vernal pool.

Rationale for the regrading should be provided and it should be demonstrated that the grade changes will not impact the existing hydroperiod of the vernal pool or the habitat which it is currently providing.

Step 4: Ecological Impact Assessment

4.1 Description of Proposed Development

The EIS addendum report (January 5, 2022) provides a description of a development plan which had been brought forward as part of the initial development application. The proposal included eight townhomes within the open space and a portion of the woodland, as well as a single-family lot proposed along Gadsby Road. The April 28th peer review noted that important details regarding stormwater management, and site grading were not provided. These details are important in determining the extent of both direct and indirect impacts on the adjacent natural heritage features.

It is noted that an updated development plan has been submitted as part of a revised application package. A letter from 8Trees Inc. dated July 28, 2022 confirms they have reviewed the revised plan. There is no description of the revised plan, which now includes a 3-story, 24-unit building, rather than the previously proposed eight townhomes. The revised development plans do not indicate whether there is still a single lot proposed for the portion fronting on Gadsby Road. It also does not provide any detail which would be needed for an updated EIS to provide a description and thorough assessment of impacts.

4.2 Impact Assessment

The EIS addendum report provided some assessment of impact in terms of spatial changes to the existing ELC polygons and quantity of trees impacted. However, discussion surrounding longer term impacts on flora and fauna and habitat have still not been addressed.

As discussed in the April 28, 2021 peer review letter, impacts of occupancy, such as light and noise pollution and foot traffic should be explored and mitigation recommendations provided. Changes in the catchment for the vernal pool may occur as a result of stormwater management for the site. Impacts to the vernal pool could impact species which rely on it for various life stages such as birds and bats, or amphibians.

Though some impact assessment was completed within the EIS addendum, the most recent plan provided in the revised development application package is significantly different from what has previously been proposed, and the letter dated July 28, 2022 from 8Trees Inc. does not provide any discussion of impacts from the new proposal except to estimate that 10-22 edge trees will require removal.

According to the Niagara Region EIS Guidelines, impact assessment should take into consideration the physical boundaries of the development while also integrating stormwater management, grading plans, and other studies to describe and evaluate all reasonably expected environmental impacts both during and after the construction stage.



4.3 Design Changes and Mitigation Measures

The development design has been revised to limit the footprint of the building within the woodland boundary. However, plans for amenity space remain unclear and could result in further impacts to the woodland.

Although some mitigation measures were provided within the EIS addendum and a woodland management plan has been prepared to enhance the conditions of the remaining woodland, further recommendations may be appropriate following impact assessment of the revised development plan. Mitigation measures may consider management of surface runoff, lighting considerations to ensure no negative impacts to wildlife.

4.4 Ecological Restoration or Enhancement Opportunities

A Woodland Management Plan (July 16, 2022) has been prepared with the goal of improving the overall quality of the woodland. The plan identifies areas suitable for re-vegetation, which may help offset some of the trees impacted by the proposed development.

4.5 Residual Environmental Impacts

No summary of residual impacts has been provided. Impacts from the initial proposed development were described and some mitigation measures were presented, however an updated EIS, which should provide impacts of the revised development plan and recommendations to mitigate those impacts, must identify what impacts can still be expected after the mitigation measures have been applied.

4.6 Monitoring

The EIS addendum report (January 5, 2022) has recommended monitoring the vernal pool and trees for a period of three years post-construction. The proposed monitoring of trees (both those protected and those newly planted) will provide detailed assessment of the status of remaining trees going forward and EES is generally supportive of the three-year monitoring period.

For the vernal pool monitoring, physical qualities of the vernal pool may be useful to monitor to ensure there are no significant changes to water inputs and outputs, biological monitoring can provide valuable information on impacts to the function of the pond. Amphibians are more sensitive to changes in their environment and monitoring their use of the pool can provide important feedback on impacts associated with development, beyond changes in volume of water. A pre-construction baseline would need to be determined.

Step 5: Recommendations and Conclusion

The recommendations and conclusions within an EIS should summarize the impacts and mitigation to determine whether there are any residual impacts anticipated from the proposed development. It should be identified whether the plan is in compliance with applicable plans and policies, and any discrepancies should be addressed.

Ecological & Environmental Solutions

It should also be clearly stated whether the EIS indicates that the plan should move forward as proposed, or whether it should be subject to conditions (Niagara Region, 2018). The EIS addendum did not provide a summary of policy compliance or a concluding statement on the suitability of the proposed development.

The letter dated July 18, 2022 does make the statement that 8Trees Inc. fully supports the proposed changes to the development plan presented, stating that the revised development makes “*good use of non-sensitive lands for housing and helps meet the City’s goals for urban intensification while still maintaining natural amenities into the future*”. However, the statement is not supported by an assessment of impacts to the Significant Woodland or its functions. There is also no evaluation of compliance with applicable policies or summary of residual impacts.

It is EES’ assessment that the EIS and EIS addendum reports prepared by 8Trees Inc. do not satisfy the Terms of Reference set out by the Region, and do not follow the steps of the Region of Niagara EIS Guidelines.

In order to satisfy the EIS guidelines, screening for Significant Wildlife Habitat should be provided as requested by Regional staff via email correspondence (April 6, 2020 and June 8, 2020) and assessment for woodland significance should reflect the presence of SWH. An assessment of impacts and policy compliance for the revised development plan should be completed and appropriate mitigation measures to address those impacts should be provided.

If you have any questions regarding the above information or require additional information, please contact me.

Sincerely,



Anne McDonald, B.Sc., EP
Principal
Ecological & Environmental Solutions



APPENDIX A

LCA Peer Review of the Scoped Environmental Impact Study (February 10, 2021)



Policy Document	Policy Section	Policy Summary	Addressed in Addendum?	Compliance
Provincial Policy Statement, 2020	2.1 Natural Heritage	2.1.2 Diversity, connectivity, and function of natural systems should be maintained, restored, or improved	Connectivity addressed in EIS addendum	Function of natural system not adequately assessed. Presence of SWH not discussed.
		2.1.5 Unless no negative impacts have been demonstrated, development and site alteration are not permitted in significant wetlands, woodlands, valleylands, wildlife habitat, or areas of natural and scientific interest	No, woodlands not identified as Significant in report.	No. Woodlands qualify as significant based on presence of Schreber's Aster habitat. SWH for species of conservation concern.
		2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.	Not applicable	Not applicable
		2.1.7 Development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements	EIS addendum provides further discussion around the White Wood Aster surveys and bat habitat. Communication with MECP regarding bat habitat.	Yes. No SAR habitat for White Wood Aster. MECP did not identify any requirement for further protection of bat habitat.
		2.1.8 Unless no negative impacts have been demonstrated, development and site alteration are not permitted on lands adjacent to natural heritage features and those in 2.1.5.	The EIS addendum has not identified impacts of the final proposed development on natural heritage feature.	No. No negative impact has not been demonstrated. Impacts must be identified and mitigation proposed.
Endangered Species Act, 2007	Definitions	2 habitat is any area species depend, directly or indirectly on to carry out life processes, including reproduction, rearing, hibernation, migration or feeding.	Habitat has been defined. However, impacts to habitat have not been discussed.	Yes.
	Protection and Recovery of Species	9.1 Prohibits interference or trafficking of species listed as SARO with the designation of endangered, threatened or extirpated	No direct interference with SAR.	Yes.
		10.1 Prohibits damage or destruction to the habitat of any species listed as SARO with the designation of endangered, threatened or extirpated	Yes – extensive discussion surrounding bat habitat and White Wood Aster surveys.	Yes. Satisfied given discussions with MECP.
Niagara Region Official Plan, 2014	7.B The Core Natural Heritage System	7.B.1.1 Core Natural Heritage consists of: a) Core Natural Area, classified as either EPA or ECA; b) Potential Natural Heritage Corridors connecting the core Natural Areas;	Not assessed as a Core Natural Heritage feature	Addendum confirms woodland satisfies criteria for significance and should be designated as ECA Significant Woodland.

		c) Greenbelt Natural Heritage and Water Resources System; and d) Fish Habitat		
		7.B.1.3 EPAs include PSWs, ANSIs, and significant habitat of threatened and endangered species	EIS addendum confirmed no White Wood Aster habitat.	Yes – no EPA confirmed on or adjacent to subject lands.
		7.B.1.4 ECAs include significant woodlands, significant wildlife habitat, significant habitat of species of concern, regionally significant Life Science ANSIs, other evaluated wetlands, significant valleylands, savannahs or tallgrass prairies, and alvars	No - EIS addendum does not provide assessment of Significant Wildlife Habitat. EES does not agree with the assessment that amphibian study exceeds TOR. SWH screening was part of the TORs but was not included. Screening would have identified the vernal pool as candidate SWH, requiring surveys for confirmation.	No - addendum report has not identified the woodlands as ECA Significant Woodland.
		7.B.1.5 significant woodlands must meet one or more of the following: a) Contain threatened or endangered species or species of concern b) In size, be equal to or greater than: i) 2ha within or overlapping Urban Area Boundaries; ii) 4ha outside Urban Areas and north of the Niagara Escarpment; iii) 10ha outside Urban Areas and south of the Escarpment; c) Contain interior woodland habitat at least 100m in from woodland boundaries, d) Contain older growth forest and be 2ha or greater in area e) Overlap or contain one or more other EPA or ECA; f) Abut or be crossed by a watercourse or water body and be 2 or more hectares in area.	EIS addendum argues that habitat for threatened and endangered species is not present.	The woodlands on the property (and adjacent) contain significant wildlife habitat and therefore meet criteria for significance. The woodland is significant as an entire unit, not the individual parts as described in the report.

Niagara Region Official Plan	7.B.1.6 prohibits development within natural heritage features which have been designated as Environmental Protection Areas	Yes.	Yes. No development proposed within any recommended EP designations
	7.B.1.11 unless no negative impact on the Core Natural Heritage System component or adjacent land has been demonstrated, development and site alteration are not permitted within ECAs.	No.	No. Report has not demonstrated no negative impact, as no assessment of impacts has been made for final proposed development. The revised development plan will have direct and indirect impacts on the woodland and its functions, which have not been identified.
	7.B.1.13 development applications in or near Potential Natural Heritage Corridors, should be designed and constructed to maintain and, where possible, enhance ecological functions of the Corridor.	Yes – discussion on municipal corridors	Yes – no corridor present.

March 26, 2021

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

Dear Mr. Munday,

RE: Application to Amend Zoning By-law 2017-117 (File No. 2020-14)
Application to Amend City of Welland Official Plan (OPA No.33)
Application for Draft Plan of Vacant Land Condominium Approval
(File No.26CD-14-20009)

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

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

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

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

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

WHESC reserves the right to amend or remove development conditions.


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

Sincerely,



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

COUNCIL
COMMUNITY SERVICES
FACILITIES DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT CS 2023-20
JUNE 6, 2023

99-99

**SUBJECT: AMPHITHEATRE AND STAGE STRUCTURAL ASSESSMENT
AND DESIGN AWARD**

**AUTHORS: FRANK PEARSON - MANAGER OF FACILITIES OPERATIONS
AND DEVELOPMENT**

**APPROVING
DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to Moon-Matz Ltd. for the provision of the assessment and design of professional services of the Amphitheatre and Stage, as detailed in RFP23-10; and

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with Moon-Matz Ltd.

ORIGIN AND BACKGROUND:

The City of Welland Amphitheatre and Stage has been in the process of refurbishment over the last year to allow the facility to be used and enjoyed by the public. Previous works have been performed to allow this to happen. The next step of the process will include a comprehensive assessment of the Amphitheatre and Stage and a plan to ensure the facility is in good repair and extend its lifespan.

Previous works to the stage in the last year have included:

- Removal and replacement of the perimeter guard rails.
- Replacement of damaged joists
- Plywood deck removal, replacement, and painting.
- Replacement of the damaged/vandalized electrical service to the stage.

Council has previously approved funding for the rehabilitation of the Amphitheatre and Stage, with the most recent additional funding being provided in the 2023 budget, Amphitheatre & Stage Rehabilitation Phase 3 of 3: 10-447-23456.

City staff have identified several areas that require attention at the Amphitheatre and Stage, including but not limited to:

- Structural assessment of the current float system and stage loading.
- Structural assessment of the loading of the roof system.
- Structural assessment of the current anchor system at the shore.
- Structural assessment of the current anchor system in the canal.
- Comprehensive construction plan for straightening the stage and upgrades to the anchoring system at both the shore and the canal.

COMMENTS AND ANALYSIS:

The City of Welland issued RFP23-10 Assessment and Design Services for Amphitheatre Stage Rehabilitation competitively on Bidding on April 4, 2023. The city hosted a mandatory site visit on April 11, 2023, and toured the proposed site at the Amphitheatre and Stage. The proposal closed on April 25, 2023, and the City of Welland received one (1) compliant proposal submission:

<u>Provider</u>	<u>Scoring</u>
Moon-Matz Ltd.	1st

Staff from Community Services evaluated the compliant proposal on deliverables, project understandings, methodology, work plan, experience, and price. Based on these criteria, the staff is recommending Moon-Matz Ltd.

FINANCIAL CONSIDERATIONS:

As shown above, Moon-Matz Ltd. is the highest-scoring proponent and is recommended for an award by Council.

Vendor Name	Total Cost (pre-tax)	Inclusive of City Tax
Moon-Matz Ltd.	\$ 27,650.00	\$ 28,136.64

The funding source is outlined below:

Capital Projects	Budget Funding Balance
Amphitheatre & Stage Rehabilitation Phase 3 of 3: 10-447-23456	\$ 320,000.00

The remaining funds for this project will be used for the implementation and construction, based on the recommendations provided from the assessment and design.

SUMMARY AND CONCLUSION

Staff are seeking Council approval to award the professional service contract to Moon-Matz Ltd. for this facility's assessment, plan, and design. This work is important to continue the current level of service to the public and extend the lifespan of this City asset.

ATTACHMENTS:

None.

May 19, 2023

CL 7-2023, April 20, 2023

CSC 4-2023, April 5, 2023

CSD 22-2023, April 5, 2023

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2023 Property Tax Policy, Ratios and Rates

CSD 22-2023

Regional Council, at its meeting held on April 20, 2023, passed the following recommendation of its Corporate Services Committee:

That Report CSD 22-2023, dated April 5, 2023, respecting 2023 Property Tax Policy, Ratios and Rates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2023 taxation year:

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	7.50%
Commercial – Vacant Land	1.734900	7.50%
Industrial	2.630000	
Industrial – Excess Land	2.630000	7.50%
Industrial – Vacant Land	2.630000	7.50%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25.00%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **BE CIRCULATED** to the Councils of the Area Municipalities for information; and
3. That Report CSD 22-2023 **BE CIRCULATED** to the Councils of the Area Municipalities for information.

Subsequently, Regional Council, at it's meeting held on May 18, 2023, passed By-law 2023-37, being a By-law to amend By-law 2023-31, resulting in updates to Schedules A and B of By-law 2023-31.

Report CSD 22-2023, By-law No. 2023-31 (as amended) and By-law No. 2023-32 are enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2023-045

cc:

S. Doma, Senior Tax and Revenue Analyst
T. Harrison, Commissioner/Treasurer, Corporate Services
H. Furtado, Director, Financial Management & Planning/Deputy Treasurer
K. Beach, Executive Assistant to the Commissioner/Treasurer, Corporate Services

Subject: 2023 Property Tax Policy, Ratios and Rates

Report to: Corporate Services Committee

Report date: Wednesday, April 5, 2023

Recommendations

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2023 taxation year:

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
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3. That Report CSD 22-2023 **BE CIRCULATED** to the Councils of the Area Municipalities for information.

Key Facts

- The purpose of this report is to set the tax policy for 2023, which includes tax ratios, rates and other policy considerations. Tax policy accounts for property assessment

changes and affects the distribution of actual taxes paid by property owners or classes.

- The recommended tax policy for 2023, supported by Regional staff and Area Treasurers, is to maintain the status quo tax ratio adopted for the 2023 taxation year.
- This is the last year of the Council approved phase-out schedule of the commercial/industrial vacant/excess land subclass discounts from 15.00% to 7.50%.
- In order for the Area Municipalities to complete final tax billings in June, Regional by-laws need to be established no later than April.
- The analysis in Appendix 1 to Report CSD 22-2023, is based on the actual General Levy for 2022 being \$422 million. The 2023 Budget presentation excluded transit costs in the adjusted 2022 Levy of \$406 million for a consistent comparison therefore the \$7.4 million assessment growth dollars are 1.74% on approved 2022 Levy rather than 1.85% on the adjusted Levy.
- Area Municipal budgets range from decreases of 3.05% to increases of 8.46% for those that have approved budgets at this time.
- The proposed tax policy and approved Regional tax levy will result in an increase of approximately \$123 for the typical residential property with a current value assessment (CVA) of \$278,764 in 2022, for an annual Regional property tax of \$1,743.

Financial Considerations

There are no direct costs to the Region as a result of setting 2023 tax policy. There are however, taxpayer impacts as a result of tax shifts between property classes due to assessment growth and tax ratio/discount decisions. Detailed analysis of these impacts are included in the Tax Policy Study, attached as Appendix 1 to Report CSD 22-2023.

Some of the analysis will differ in format from that presented with the 2023 budget as the 2023 budget, for transparency and consistency, reflected comparisons to similar base services as the 2022 budget which required the exclusion of transit costs which have been transferred to the NTC Special Levy budget.

Readjusted 2022 Tax rates

For illustration purposes only, the 2022 tax rate calculations have been readjusted from \$422 million to \$406 million, to account for the removal of transit services. These rates

do not reflect the true 2022 notional tax rates however have been provided to reconcile the information provided in the 2023 budget to this Tax Policy report (See Table 1). Tax policy has been prepared on the unadjusted 2022 general levy as this represents the actual levy dollars collected by the Region for the 2022 year.

Table 1 – Comparison of Budget By-law to Tax Policy (in millions)

	2022 General Levy (A)	Assessment Growth \$	2023 Levy Impacts (B)	2023 Approved Levy	2023 Levy Increase (B/A)
Per 2023 Budget Presentation (excludes Transit)	\$406.1	\$7.4 or 1.85%	\$30.9	\$444.4	7.58%
Per Tax Policy (see Table 2)	\$422.3	\$7.4 or 1.74%	\$14.7	\$444.4	3.51%
Difference	(\$16.2)	\$ -	\$16.2	\$ -	4.07%

Table 1 above, provides a summary comparing the information per the 2023 Budget including the removal of \$16.2 million for Transit services to the information provided in this Tax Policy report. Assessment Growth (AG) used in the Budget By-law of 1.85% is on the revised 2022 Base Budget (excluding Transit) whereas the AG per Tax Policy of 1.74% is based on the actual unadjusted 2022 General Levy. This has resulted in the difference in tax impact of 3.51% versus 7.58% as noted above.

Analysis

The Municipal Act provides the Region with the responsibility to establish tax policy to raise levy requirements. Reassessment impacts, assessment growth and Provincial legislation can create tax shifts in burden across all property classes (see Table 2). These factors are outside the control of Niagara Regional Council and the budget process. The only opportunity to affect these is through a thorough analysis of options available for ratios and resulting impacts.

Regional staff engaged the Area Treasurers in the review of the tax study as completed by the Region's external tax consultant as well as discussed potential scenarios for 2023. Based on the feedback provided, both Regional staff and Area Treasurers are recommending to maintain the status quo tax ratio for the 2023 taxation year including

the commercial/industrial vacant/excess land subclass discount phase-out from 15.00% to 7.50%, as recommended and approved by Council in 2019 (Report CSD 3-2019). This report included recommendations on amendments to the commercial/industrial vacant unit rebate, which went from 30% to 0% between 2018 and 2021, as well as vacant/excess land subclass property tax rate reduction programs which went from 30% in 2018 to 0% by 2024. See Appendix 4 to Report CSD 22-2023 for additional details. The 2023 impact results in a benefit to the residential taxes class of 0.11%, or \$0.3 million.

The following are the key factors that support the recommendation; these are expanded on further in this report:

- The most recent update from MPAC identifies that reassessment increases could be greater for residential properties than non-residential which will shift taxes onto the residential properties.
- The BMA study demonstrates that all residential taxation categories are above the BMA study average and data provided by the Region's Affordable Housing Strategy Steering Committee indicates that many of the households in core housing need currently reside in single detached homes (included in the residential tax class).
- The Region and local area municipalities offer many incentive programs including tax increment and development charge related grants that reduce the actual tax burden experienced by some property classes in Niagara including industrial.

Analysis of Current State

1. Assessment Growth

The overall assessment growth that occurred in 2022 for the Region was \$7.4 million in tax dollars from new taxpayers equivalent to 1.74% of the \$422 million General Levy for 2022. The overall assessment growth is net of reduction in assessment due to property assessment appeals.

Table 2 summarizes the overall assessment growth that occurred in 2022 (column 3) as well as the impacts affecting each of the tax classes based on maintaining the status quo tax ratios and the adjustment to the vacant/excess land subclass discounts from 15.00% to 7.50% as per the Council approved phase-out schedule (column 4). Note this phase-out schedule was approved by the Province and has been written into Provincial

legislation. Any subsequent changes to the phase-out schedule would require Council to lobby the Province to amend the Ontario regulations 325/01. This will result in minor municipal shifts. These impacts have been summarized in Appendix 1, Table 6 and range from -0.08% (Wainfleet) to 0.09% (Niagara Falls). A negative number represents a decrease in the relative total municipal burden while a positive number represents an increase.

The residential increase noted previously of 3.41% (which is below the 2023 Regional levy impact of 3.51%) is net of the shift due to the subclass discount reduction (See Appendix 1, Table 5).

Table 2 – 2023 Tax Levy Impacts by Property Class (Status Quo Policy)

Property Class	2022 Approved Levy	Assessment Growth (AG) Impacts	Inter-class Shift*	2023 Levy Impacts (net of AG)	2023 Approved Levy (before AG)	Avg. tax % Increase
Residential	\$309,408,552	\$6,233,521	\$(332,612)	\$10,877,162	\$326,186,623	3.41%
New Multi-Res	\$1,175,386	423,470	(1,685)	\$55,130	\$1,652,301	4.55%
Multi-Residential	\$16,364,700	(261,635)	(16,956)	\$555,252	\$16,641,361	3.29%
Farm	\$3,664,646	27,338	(3,890)	\$133,894	\$3,821,988	3.55%
Managed Forest	\$25,068	(155)	(26)	\$860	\$25,747	3.33%
Commercial	\$74,469,603	771,921	203,979	\$2,598,607	\$78,044,110	3.76%
Industrial	\$14,523,388	129,748	153,965	\$491,467	\$15,298,568	4.44%
Pipelines	\$2,613,127	17,516	(2,773)	\$90,708	\$2,718,578	3.37%
Landfill	\$55,944	-	(59)	\$1,929	\$57,814	3.34%
Total	\$422,300,414	\$7,341,724	(57)	\$14,805,009	\$444,447,090	3.51%
% Increase		1.74%	0.00%	3.51%	5.24%	

* Represents a tax shift away from residential of 0.11% as a result of the decrease in vacant/excess land subclass discount from 15.00% to 7.50% as per Council approved phase-out schedule.

2. Re-Assessment Phase-In and Tax Shift

Reassessments of all properties is mandated by the Province every four years, however, as a result of COVID-19, the 2020 re-assessment has been delayed and the Province has not provided any guidance as to when the next assessment cycle will take place. Therefore, the destination values for the 2023 tax year will remain the same resulting in no tax shift impacts caused by assessment phase-in changes.

Table 3 shows the relative tax share of each tax class from 2022 to 2023. The 2023 amounts are based on the recommended tax policy. The table represents a starting point for any further ratio analysis.

Table 3 – Multi-Year Tax Distribution by Tax Class

Realty Tax Class (Taxable)	2022 Year End (As Revised)	% Share	2023 Levy (As Revised)	% Share
Residential	\$315,642,073	73.47%	\$326,186,623	73.39%
New Multi-Residential	1,598,856	0.37%	1,652,301	0.37%
Multi-Residential	16,103,065	3.75%	16,641,361	3.74%
Farm	3,691,984	0.86%	3,821,988	0.86%
Managed Forest	24,913	0.01%	25,747	0.01%
Commercial	75,241,524	17.51%	78,044,110	17.56%
Industrial	14,653,136	3.41%	15,298,568	3.44%
Pipelines	2,630,643	0.61%	2,718,578	0.61%
Landfill	55,944	0.01%	57,814	0.01%
Total	\$429,642,138	100%	\$444,447,090	100%

3. Education Rates (no change)

The education tax rates are established by the Province to meet their revenue targets for the year. Typically, the education tax rates decrease from one year to the next as the Provincial policy is to maintain revenue neutrality. In prior years, this Provincial policy has created savings in Niagara which generally assist in offsetting municipal increases. For 2023 however, the Province has maintained the education tax rates from 2022 for all classes. The Province has identified this as a priority as a result of the COVID-19 pandemic and has left the education tax rates unchanged since 2020. What this means is that with no changes in property assessment due to reassessment properties will typically pay the same dollars in education taxes as in the prior year.

4. Waste Management Rates

Waste management tax rates are also set based on the Regional tax ratios. The waste management requisition by municipality was approved through Report CSD 2-2023; however the by-law setting for the waste management rates for the 2023 requisitions are brought forward with the 2023 general tax levy by-law as the rates are based on each municipality's assessment and are dependent on the tax ratios (with the exception of Niagara-on-the-Lake). The household impacts reported with the budget were net of assessment growth and based on status quo policy so remain unchanged.

5. Transit Rates

Similar to Waste Management, Transit tax rates are also set based on the Regional tax ratios. The Transit requisition by municipality was approved through Report CSD 10-2023; however, the by-law setting for transit rates for the 2023 requisitions are also brought forward with the 2023 general tax levy by-law as the rates are based on each municipality's assessment and are dependent on the tax ratio. The household impacts reported with the budget were net of assessment growth and based on status quo policy so remain unchanged.

Tax Policy Considerations

The Region considers council priorities, the current environment, as well as utilizing several BMA tax related performance metrics as seen in Appendix 3 of Report CSD 22-2023 to assess policy options.

- Residential taxpayer - The residential class is responsible for 73.39% of the overall tax levy. Under the recommended tax policy, the tax shift away from the residential class will mitigate the overall levy increase on the class from 3.51% to 3.41% (see Table 2). In previous years, the Region has considered utilizing the tax shifts away from the residential class to implement other policy objectives such as reductions to multi-residential and commercial tax classes through reduced tax ratios (see Appendix 2). As identified in the most recent BMA study, Niagara's average household income was slightly below the BMA average (2022 – Niagara \$104,320 versus BMA average \$110,000), while Niagara's average residential property taxes (including water and wastewater) payable as a percentage of household income is above the BMA study average (2022 - Niagara 5.33% versus BMA average 4.90%). This gap between Niagara's average residential property taxes payable and the BMA average has increased from last year (2021 - Niagara 5.20% versus BMA

average 4.90%). The benefit of reducing the subclass discount for commercial/industrial vacant/excess lands from 15.00% to 7.50% will assist with narrowing the gap between Niagara and the BMA average.

- Multi-Residential Tax Class - the multi-residential tax category consists of two property tax classes. The multi-residential class is responsible for 3.74% of the overall tax levy while the new-multi-residential category (which includes multi-residential structures constructed after 2003) is responsible for 0.37%. It is important to note that new construction of purpose built rental would be in the new multi-residential class, which is taxed at the same rate as residential.

Appendix 3 to Report CSD 22-2023, provides BMA metrics related to two multi-residential structure types (Walk-up and Mid/High-Rise). The walk-up style structure was identified as above the survey average by \$253 and the high-rise structure types are below the average by \$36 for 2022.

- Industrial Tax Class - The relative tax burden averages for standard industrial for the Region is higher than the BMA survey average as provided in Appendix 3 (Niagara is taxing \$1.89/square foot, while the BMA average is \$1.59/square foot). However, this is partially offset by the many incentive programs currently offered by the Region including tax increment and development charge related grants, specifically under the Employment and Brownfield pillars, that reduce the actual tax burden experienced by some industrial properties in Niagara.
- Commercial Tax Class - This property class has the second largest share (after residential) of Regional taxes at 17.56%. Appendix 3 illustrates that Niagara taxation of office buildings is lower than the BMA average (\$2.95 tax/square foot vs. \$3.11 tax/square foot), while Niagara's taxation of motels (\$1,157 tax/unit vs. \$1,223 tax/unit) and shopping centres (\$4.17 tax/square foot vs. \$3.78 tax/square foot) are moderately below/above the BMA average, respectively. Niagara taxation of hotels (\$1,935 tax/unit) is higher than the BMA average (\$1,636 tax/unit). The Region has seen an increase in new appeals related to COVID-19 in the Commercial Tax Class which once settled may increase the overall burden experienced by properties in other classes. This property class is also eligible for Employment and Brownfield related tax increment grant programs.

2022 Property Tax Impacts

Table 4 – Regional Tax Increases for Status Quo Policy

Taxation Class	2022 Avg. CVA	2022 Adjusted Taxes	2023 Avg. CVA	2023 Regional Taxes*	\$ Increase
Residential	\$278,764	\$1,620	\$278,764	\$1,743	\$123
Multi-Residential	\$2,543,766	\$29,120	\$2,543,766	\$31,256	\$2,136
Commercial - Occupied	\$814,152	\$8,208	\$814,152	\$8,810	\$602
Industrial - Occupied	\$786,286	\$12,017	\$786,286	\$12,898	\$881
Farmland	\$400,452	\$582	\$400,452	\$624	\$42

*Based on draft rates utilizing the recommended 2023 tax policy.

Alternatives

Regional staff considered alternatives to the recommendations proposed in this report. After engaging with the Area Treasurers and reviewing the tax study and historical Regional tax ratios, it was determined to maintain the status quo tax ratio for the 2023 taxation year.

Relationship to Council Strategic Priorities

This tax policy report is aligned to Sustainable and Engaging Government.

Other Pertinent Reports

- Bill 2023-18 – 2023 Operating Budget and Tax Levy
- CSD 3-2019 – Vacancy Program Revisions to Ministry of Finance
- CSD 2-2023 - Waste Management Services Operating Budget and Requisition
- CSD 10-2023 – NTC 2023 Operating Budget Additional Information

Prepared by:

Shawn Doma
Senior Tax and Revenue Analyst
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Blair Hutchings, Manager, Revenue Planning and Strategy, Margaret Murphy, Associate Director, Budget Planning & Strategy, and reviewed by Helen Furtado, Director, Financial Management & Planning.

Appendices

Appendix 1	2023 Tax Policy Study
Appendix 2	History of Regional Tax Ratios
Appendix 3	Performance Measures
Appendix 4	History of Rebate/Subclass Reductions

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-31

A BY-LAW TO SET AND LEVY THE RATE OF TAXATION FOR REGIONAL GENERAL AND SPECIAL PURPOSES FOR THE YEAR 2023

WHEREAS the Regional Council of The Regional Municipality of Niagara (hereinafter referred to as “The Regional Corporation”) has prepared and adopted a budget including estimates of all sums it required during the year 2023 for the purposes of the Regional Corporation pursuant to Section 289 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended (hereinafter referred to as the “Municipal Act”);

WHEREAS Regional Council by By-law No. 2023-02 adopted the 2023 Waste Management Budget; and by By-law No. 2023-16 adopted the Transit Budget; and by By-law No. 2023-18 adopted the 2023 Operating Budget and Tax Levy;

WHEREAS for the purposes of raising the general levy for the Regional Corporation, the Regional Corporation shall pass a by-law directing each Lower-Tier Municipality to levy a separate tax rate, as specified in the by-law, on the assessment in each property class in the Lower-Tier Municipality rate table for the purposes of The Regional Corporation, pursuant to Section 311 (2) of the Municipal Act;

WHEREAS the tax ratios and the tax rate reductions for prescribed property classes for the 2023 taxation year have been set out in By-law No. 2023-31 of The Regional Corporation dated the 20th of April 2023;

WHEREAS The Regional Corporation is responsible for providing Waste Management services pursuant to By-laws 8280-96, 8281-96, 8282-96 and 8283-96;

WHEREAS Regional Council is desirous of imposing a special levy for Waste Management purposes and the sums required by taxation in the year 2023 for the said purposes are to be levied by separate rates by the applicable Area Municipalities as directed by Regional by-law pursuant to Subsection 311 (4) of the Municipal Act;

WHEREAS Regional Council is desirous of imposing a special levy for Transit purposes and the sums required by taxation in the year 2023 for the said purposes are

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to be levied by separate rates by the applicable Area Municipalities as directed by Regional by-law pursuant to Subsection 311 (4) of the Municipal Act;

Whereas By-law No. 2023-01 assessed a special charge for Transit purposes representing 50% of the Area Municipalities 2022 general levy for Transit;

WHEREAS Regional Council established tax rates for property classes, and other decisions consistent with setting and levying rates of taxation for regional purposes for 2023.

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

1. That for the year 2023 in The Regional Municipality of Niagara the lower-tier municipalities shall levy upon the property tax classes set out in Schedule "A" the property tax rates applicable thereto.
2. That payment of all amounts directed to be levied pursuant to the provisions of this by-law and due to The Regional Corporation shall be due and payable in the amounts and at the times shown on Schedule "B" attached to this by-law.
3. That for the year 2023 in The Regional Municipality of Niagara, the Town of Niagara-on-the-Lake be required to pay \$1,953,442 to the Regional Corporation as the charges for Waste Management purposes set out in Schedule "C". The remaining area municipalities shall levy upon the property tax classes and applicable subclasses the tax rates for Waste Management purposes set out in Schedule "C" attached to this by-law.
4. That payment of all amounts directed to be levied pursuant to the provisions of this bylaw respecting Transit and due to The Regional Corporation shall be due and payable in the amounts and at the times shown on Schedule "D" attached to this by-law.
5. That for the year 2023 in The Regional Municipality of Niagara, the area municipalities shall levy upon the property tax classes and applicable subclasses the tax rates for Transit purposes set out in Schedule "E" attached to this by-law.
6. That if a lower-tier municipality fails to make any payment or portion thereof as provided in this by-law, the lower-tier municipality shall pay to the Regional Corporation interest due on the amount in default at the rate of fifteen (15) per cent per annum from the due date of the payment until the payment is made.

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7. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA


James Bradley, Regional Chair


Ann-Marie Norio, Regional Clerk

Passed: April 28, 2023

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule A

2023 Tax Ratios, Sub-Class Reductions, and Rates

Property Classification	Tax Ratio	Sub-Class Reduction	Tax Rate by Class
Residential	1.000000		0.00623692
New Multi-Residential	1.000000		0.00623692
Multi-Residential	1.970000		0.01228673
Commercial	1.734900		0.01082043
Commercial - Excess	1.734900	7.5%	0.01000890
Commercial - Vacant	1.734900	7.5%	0.01000890
Landfill	2.940261		0.01833817
Industrial	2.630000		0.01640310
Industrial - Excess	2.630000	7.5%	0.01517287
Industrial - Vacant	2.630000	7.5%	0.01517287
Pipelines	1.702100		0.01061586
Farmland	0.250000		0.00155923
FAD 1	1.000000	25.0%	0.00467769
FAD 2	Class Ratio		Class Ratio
Managed Forests	0.250000		0.00155923

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CL 8-2023 Minute Item 18.1

Schedule B – 2023 GENERAL TAX LEVY

2023 Upper-Tier General Levy and Dates by Local Municipality (Taxable Levy Only)

Municipality	Interim Payment Due March 8, 2023	Interim Payment Due May 10, 2023	Final Payment Due August 9, 2023	Final Payment Due October 11, 2023	2023 Approved General Levy	Regional Dept.	Niagara Regional Police	Niagara Regional Housing	Niagara Peninsula Conserv Authority	Court Services
Fort Erie	6,621,553	6,621,553	7,298,171	7,298,171	27,839,448	16,011,412	11,140,723	248,019	444,764	(5,470)
Grimsby	8,068,372	8,068,372	8,823,096	8,823,096	33,782,936	19,429,714	13,519,173	300,969	539,718	(6,638)
Lincoln	6,468,734	6,468,734	7,354,448	7,354,448	27,646,364	15,900,363	11,063,455	246,299	441,680	(5,432)
Niagara Falls	22,229,296	22,229,296	24,280,244	24,280,244	93,019,079	53,498,431	37,224,149	828,698	1,486,077	(18,276)
Niagara-on-the-Lake	9,126,887	9,126,887	9,991,766	9,991,766	38,237,305	21,991,573	15,301,712	340,652	610,881	(7,513)
Pelham	4,510,329	4,510,329	4,976,594	4,976,594	18,973,845	10,912,503	7,592,907	169,036	303,127	(3,728)
Port Colborne	3,366,263	3,366,263	3,668,936	3,668,936	14,070,397	8,092,363	5,630,657	125,352	224,789	(2,765)
St. Catharines	26,961,492	26,961,492	29,456,928	29,456,928	112,836,839	64,896,298	45,154,772	1,005,252	1,802,687	(22,170)
Thorold	4,524,348	4,524,348	5,472,520	5,472,520	19,993,737	11,499,077	8,001,045	178,122	319,421	(3,928)
Wainfleet	1,580,980	1,580,980	1,744,219	1,744,219	6,650,398	3,824,870	2,661,340	59,248	106,247	(1,307)
Welland	8,756,222	8,756,222	9,838,567	9,838,567	37,189,578	21,388,989	14,882,435	331,318	594,142	(7,307)
West Lincoln	3,360,631	3,360,631	3,742,995	3,742,995	14,207,250	8,171,072	5,685,423	126,571	226,976	(2,791)
Regional Total Taxable Only	105,575,105	105,575,105	116,648,483	116,648,483	444,447,090	255,616,665	177,857,789	3,959,536	7,100,509	(87,324)

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule C – 2023 WASTE MANAGEMENT TAX RATES & LEVY

2023 Upper-Tier Special Levy (Waste Management) and Dates by Local Municipality (Taxable Levy Only)

Municipality	Interim Payment Due March 8, 2023	Interim Payment Due May 10, 2023	Final Payment Due August 9, 2023	Final Payment Due October 11, 2023	2023 Approved Special Levy
Fort Erie	813,772	813,772	899,312	899,312	3,426,168
Grimsby	596,407	596,407	664,444	664,444	2,521,701
Lincoln	500,038	500,038	569,570	569,570	2,139,217
Niagara Falls	2,090,626	2,090,626	2,373,590	2,373,590	8,928,431
Niagara-on-the-Lake	461,341	461,341	514,773	514,773	1,952,227
Pelham	376,077	376,077	413,080	413,080	1,578,314
Port Colborne	534,869	534,869	578,009	578,009	2,225,755
St. Catharines	3,220,093	3,220,093	3,502,446	3,502,446	13,445,078
Thorold	471,916	471,916	560,226	560,226	2,064,283
Wainfleet	163,802	163,802	176,976	176,976	681,556
Welland	1,200,638	1,200,638	1,320,885	1,320,885	5,043,047
West Lincoln	273,683	273,683	307,306	307,306	1,161,977
Regional Total Taxable Only	10,703,261	10,703,261	11,880,616	11,880,616	45,167,754

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule C – 2023 WASTE MANAGEMENT TAX RATES & LEVY

Fort Erie Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	3,733,901,870	0.00076757	2,866,031
New Multi-Residential	0	0.00076757	-
Multi-Residential	42,365,000	0.00151211	64,061
Commercial	248,951,864	0.00133166	331,519
Commercial - Excess	5,785,188	0.00123178	7,126
Commercial - Vacant	18,262,700	0.00123178	22,496
Landfill	0	0.00225686	-
Industrial	43,990,954	0.00201871	88,805
Industrial - Excess	1,003,541	0.00186731	1,874
Industrial - Vacant	5,853,400	0.00186731	10,930
Pipelines	17,104,000	0.00130648	22,346
Farmland	56,233,300	0.00019189	10,791
FAD 1	0	0.00057568	-
Managed Forests	982,700	0.00019189	189
Taxable Total	4,174,434,517		\$3,426,168

Grimsby Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	4,549,499,070	0.00046555	2,118,019
New Multi-Residential	0	0.00046555	-
Multi-Residential	27,616,000	0.00091713	25,327
Commercial	334,732,463	0.00080768	270,357
Commercial - Excess	9,973,525	0.00074711	7,451
Commercial - Vacant	15,654,500	0.00074711	11,696
Landfill	0	0.00136884	-
Industrial	51,384,200	0.00122440	62,915
Industrial - Excess	3,726,200	0.00113257	4,220
Industrial - Vacant	4,140,600	0.00113257	4,690
Pipelines	8,281,000	0.00079241	6,562
Farmland	89,050,695	0.00011639	10,365
FAD 1	0	0.00034916	-
Managed Forests	849,300	0.00011639	99

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Grimsby Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Taxable Total	5,094,907,553		\$2,521,701

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule C – 2023 WASTE MANAGEMENT TAX RATES & LEVY

Lincoln Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	3,535,780,219	0.00048260	1,706,368
New Multi-Residential	0	0.00048260	-
Multi-Residential	21,426,200	0.00095072	20,370
Commercial	219,839,781	0.00083726	184,063
Commercial - Excess	8,019,300	0.00077447	6,211
Commercial - Vacant	4,928,500	0.00077447	3,817
Landfill	0	0.00141897	-
Industrial	99,498,458	0.00126924	126,287
Industrial - Excess	3,187,900	0.00117405	3,743
Industrial - Vacant	6,453,000	0.00117405	7,576
Pipelines	21,675,000	0.00082143	17,804
Farmland	520,807,373	0.00012065	62,835
FAD 1	0	0.00036195	-
Managed Forests	1,188,500	0.00012065	143
Taxable Total	4,442,804,231		\$2,139,217

Niagara Falls Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	9,300,310,789	0.00059865	5,567,631
New Multi-Residential	50,630,500	0.00059865	30,310
Multi-Residential	326,799,289	0.00117934	385,407
Commercial	2,401,362,990	0.00103860	2,494,056
Commercial - Excess	36,385,098	0.00096070	34,955
Commercial - Vacant	137,025,900	0.00096070	131,641
Landfill	3,152,500	0.00176019	5,549
Industrial	107,079,192	0.00157445	168,591
Industrial - Excess	5,248,457	0.00145637	7,644
Industrial - Vacant	29,528,600	0.00145637	43,005
Pipelines	46,246,000	0.00101896	47,123
Farmland	82,041,400	0.00014966	12,278
FAD 1	0	0.00044899	-
Managed Forests	1,607,300	0.00014966	241

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As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Niagara Falls Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Taxable Total	12,527,418,015		\$8,928,431

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule C – 2023 WASTE MANAGEMENT TAX RATES & LEVY

Niagara-on-the-Lake Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	N/A	N/A	N/A
New Multi-Residential	N/A	N/A	N/A
Multi-Residential	N/A	N/A	N/A
Commercial	N/A	N/A	N/A
Commercial - Excess	N/A	N/A	N/A
Commercial - Vacant	N/A	N/A	N/A
Landfill	N/A	N/A	N/A
Industrial	N/A	N/A	N/A
Industrial - Excess	N/A	N/A	N/A
Industrial - Vacant	N/A	N/A	N/A
Pipelines	N/A	N/A	N/A
Farmland	N/A	N/A	N/A
FAD 1	N/A	N/A	N/A
Managed Forests	N/A	N/A	N/A
Taxable Total			\$1,952,227

Pelham Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	2,722,860,343	0.00051881	1,412,647
New Multi-Residential	544,000	0.00051881	282
Multi-Residential	18,604,000	0.00102206	19,014
Commercial	105,659,646	0.00090008	95,102
Commercial - Excess	674,511	0.00083258	562
Commercial - Vacant	8,227,000	0.00083258	6,850
Landfill	0	0.00152544	-
Industrial	4,436,700	0.00136447	6,054
Industrial - Excess	45,100	0.00126214	57
Industrial - Vacant	101,000	0.00126214	127
Pipelines	17,877,000	0.00088307	15,787
Farmland	164,728,000	0.00012970	21,365
FAD 1	0	0.00038911	-
Managed Forests	3,597,900	0.00012970	467

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Pelham Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Taxable Total	3,047,355,200		\$1,578,314

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule C – 2023 WASTE MANAGEMENT TAX RATES & LEVY

Port Colborne Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	1,678,627,031	0.00098660	1,656,133
New Multi-Residential	913,000	0.00098660	901
Multi-Residential	39,890,000	0.00194360	77,530
Commercial	138,428,236	0.00171165	236,941
Commercial - Excess	501,900	0.00158328	795
Commercial - Vacant	2,349,900	0.00158328	3,721
Landfill	0	0.00290086	-
Industrial	74,945,738	0.00259476	194,466
Industrial - Excess	2,735,766	0.00240015	6,566
Industrial - Vacant	6,291,400	0.00240015	15,100
Pipelines	10,846,000	0.00167929	18,214
Farmland	57,324,774	0.00024665	14,139
FAD 1	1,407,700	0.00073995	1,042
Managed Forests	838,900	0.00024665	207
Taxable Total	2,015,100,345		\$2,225,755

St. Catharines Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	12,537,454,954	0.00074316	9,317,335
New Multi-Residential	111,376,920	0.00074316	82,771
Multi-Residential	671,350,768	0.00146403	982,878
Commercial	2,014,700,274	0.00128931	2,597,573
Commercial - Excess	11,592,829	0.00119261	13,826
Commercial - Vacant	24,261,700	0.00119261	28,935
Landfill	0	0.00218508	-
Industrial	160,165,398	0.00195451	313,045
Industrial - Excess	4,609,059	0.00180792	8,333
Industrial - Vacant	17,629,100	0.00180792	31,872
Pipelines	31,291,000	0.00126493	39,581
Farmland	155,708,800	0.00018579	28,929
FAD 1	0	0.00055737	-
Managed Forests	0	0.00018579	-

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

St. Catharines Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Taxable Total	15,740,140,802		\$13,445,078

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule C – 2023 WASTE MANAGEMENT TAX RATES & LEVY

Thorold Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	2,479,354,460	0.00064394	1,596,556
New Multi-Residential	73,019,800	0.00064394	47,020
Multi-Residential	43,783,800	0.00126856	55,542
Commercial	176,570,004	0.00111717	197,259
Commercial - Excess	3,007,013	0.00103338	3,107
Commercial - Vacant	7,056,200	0.00103338	7,292
Landfill	0	0.00189335	-
Industrial	50,736,758	0.00169356	85,926
Industrial - Excess	3,394,734	0.00156655	5,318
Industrial - Vacant	18,114,900	0.00156655	28,378
Pipelines	26,768,000	0.00109605	29,339
Farmland	52,552,340	0.00016099	8,460
FAD 1	0	0.00048296	-
Managed Forests	531,400	0.00016099	86
Taxable Total	2,934,889,409		\$2,064,283

Wainfleet Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	955,662,725	0.00063918	610,841
New Multi-Residential	0	0.00063918	-
Multi-Residential	457,000	0.00125918	575
Commercial	19,289,805	0.00110891	21,391
Commercial - Excess	1,064,600	0.00102574	1,092
Commercial - Vacant	541,500	0.00102574	555
Landfill	0	0.00187936	-
Industrial	4,401,200	0.00168104	7,399
Industrial - Excess	85,300	0.00155497	133
Industrial - Vacant	132,000	0.00155497	205
Pipelines	5,988,000	0.00108795	6,515
Farmland	203,812,715	0.00015980	32,569
FAD 1	0	0.00047939	-
Managed Forests	1,758,989	0.00015980	281

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Wainfleet Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Taxable Total	1,193,193,834		\$681,556

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule C – 2023 WASTE MANAGEMENT TAX RATES & LEVY

Welland Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	4,547,937,705	0.00084575	3,846,418
New Multi-Residential	25,382,500	0.00084575	21,467
Multi-Residential	138,259,700	0.00166613	230,359
Commercial	382,602,600	0.00146729	561,389
Commercial - Excess	8,702,628	0.00135724	11,812
Commercial - Vacant	19,739,500	0.00135724	26,791
Landfill	0	0.00248673	-
Industrial	126,571,843	0.00222432	281,536
Industrial - Excess	3,647,200	0.00205750	7,504
Industrial - Vacant	9,526,300	0.00205750	19,600
Pipelines	21,774,000	0.00143955	31,345
Farmland	21,649,400	0.00021144	4,578
FAD 1	0	0.00063431	-
Managed Forests	1,172,700	0.00021144	248
Taxable Total	5,306,966,076		\$5,043,047

West Lincoln Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	1,850,967,253	0.00051010	944,178
New Multi-Residential	0	0.00051010	-
Multi-Residential	7,043,000	0.00100490	7,078
Commercial	79,449,872	0.00088497	70,311
Commercial - Excess	732,500	0.00081860	600
Commercial - Vacant	2,967,300	0.00081860	2,429
Landfill	0	0.00149983	-
Industrial	36,408,700	0.00134156	48,844
Industrial - Excess	305,200	0.00124095	379
Industrial - Vacant	1,227,000	0.00124095	1,523
Pipelines	29,148,000	0.00086824	25,307
Farmland	478,278,784	0.00012753	60,995
FAD 1	0	0.00038258	-
Managed Forests	2,581,600	0.00012753	329

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

West Lincoln Property Classification	2023 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Taxable Total	2,489,109,209		\$1,161,973

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule D – 2023 TRANSIT TAX RATES & LEVY

2023 Upper-Tier Special Charge and Special Levy (Transit) and Dates by Local Municipality (Taxable Levy Only)

Municipality	Special Charge Due March 8, 2023 (per Bylaw 01-2023)	Special Charge Due May 10, 2023 (per Bylaw 01-2023)	Final Payment Due August 9, 2023	Final Payment Due October 11, 2023	2023 Approved Special Levy
Fort Erie	313,294	313,294	1,124,650	1,124,650	2,875,888
Grimsby	62,500	62,500	777,400	777,400	1,679,800
Lincoln	33,835	33,835	679,896	679,896	1,427,461
Niagara Falls	2,032,002	2,032,002	5,248,992	5,248,992	14,561,989
Niagara-on-the-Lake	245,725	245,725	1,046,769	1,046,769	2,584,988
Pelham	45,500	45,500	513,760	513,760	1,118,519
Port Colborne	41,425	41,425	427,594	427,594	938,038
St. Catharines	3,511,000	3,511,000	7,374,451	7,374,451	21,770,900
Thorold	178,598	178,598	709,112	709,112	1,775,418
Wainfleet	-	-	124,698	124,698	249,396
Welland	869,892	869,892	2,654,548	2,654,548	7,048,878
West Lincoln	-	-	265,060	265,060	530,120
Regional Total Taxable Only	7,333,770	7,333,770	20,946,927	20,946,927	56,561,395

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule E – 2023 TRANSIT TAX RATES & LEVY

Fort Erie Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	3,733,901,870	0.00064429	2,405,716
New Multi-Residential	0	0.00064429	-
Multi-Residential	42,365,000	0.00126925	53,772
Commercial	248,951,864	0.00111778	278,273
Commercial - Excess	5,785,188	0.00103395	5,982
Commercial - Vacant	18,262,700	0.00103395	18,883
Landfill	0	0.00189438	-
Industrial	43,990,954	0.00169448	74,542
Industrial - Excess	1,003,541	0.00156740	1,573
Industrial - Vacant	5,853,400	0.00156740	9,175
Pipelines	17,104,000	0.00109665	18,757
Farmland	56,233,300	0.00016107	9,057
FAD 1	0	0.00048322	-
Managed Forests	982,700	0.00016107	158
Taxable Total	4,174,434,517		\$2,875,888

Grimsby Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	4,549,499,070	0.00031012	1,410,891
New Multi-Residential	0	0.00031012	-
Multi-Residential	27,616,000	0.00061094	16,872
Commercial	334,732,463	0.00053803	180,096
Commercial - Excess	9,973,525	0.00049768	4,964
Commercial - Vacant	15,654,500	0.00049768	7,791
Landfill	0	0.00091183	-
Industrial	51,384,200	0.00081562	41,910
Industrial - Excess	3,726,200	0.00075444	2,811
Industrial - Vacant	4,140,600	0.00075444	3,124
Pipelines	8,281,000	0.00052786	4,371
Farmland	89,050,695	0.00007753	6,904
FAD 1	0	0.00023259	-
Managed Forests	849,300	0.00007753	66

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Grimsby Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Taxable Total	5,094,907,553		\$1,679,800

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule E – 2023 TRANSIT TAX RATES & LEVY

Lincoln Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	3,535,780,219	0.00032203	1,138,627
New Multi-Residential	0	0.00032203	-
Multi-Residential	21,426,200	0.00063440	13,593
Commercial	219,839,781	0.00055869	122,822
Commercial - Excess	8,019,300	0.00051679	4,144
Commercial - Vacant	4,928,500	0.00051679	2,547
Landfill	0	0.00094685	-
Industrial	99,498,458	0.00084694	84,269
Industrial - Excess	3,187,900	0.00078342	2,497
Industrial - Vacant	6,453,000	0.00078342	5,055
Pipelines	21,675,000	0.00054813	11,881
Farmland	520,807,373	0.00008051	41,930
FAD 1	0	0.00024152	-
Managed Forests	1,188,500	0.00008051	96
Taxable Total	4,442,804,231		\$1,427,461

Niagara Falls Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	9,300,310,789	0.00097638	9,080,637
New Multi-Residential	50,630,500	0.00097638	49,435
Multi-Residential	326,799,289	0.00192347	628,589
Commercial	2,401,362,990	0.00169392	4,067,717
Commercial - Excess	36,385,098	0.00156688	57,011
Commercial - Vacant	137,025,900	0.00156688	214,703
Landfill	3,152,500	0.00287081	9,050
Industrial	107,079,192	0.00256788	274,967
Industrial - Excess	5,248,457	0.00237529	12,467
Industrial - Vacant	29,528,600	0.00237529	70,139
Pipelines	46,246,000	0.00166190	76,856
Farmland	82,041,400	0.00024410	20,026
FAD 1	0	0.00073229	-
Managed Forests	1,607,300	0.00024410	392

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Niagara Falls Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Taxable Total	12,527,418,015		\$14,561,989

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule E – 2023 TRANSIT TAX RATES & LEVY

Niagara-on-the-Lake Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	4,403,999,285	0.00042164	1,856,902
New Multi-Residential	3,041,000	0.00042164	1,282
Multi-Residential	16,745,500	0.00083063	13,909
Commercial	757,217,332	0.00073150	553,904
Commercial - Excess	15,833,678	0.00067664	10,714
Commercial - Vacant	17,756,000	0.00067664	12,014
Landfill	0	0.00123973	-
Industrial	42,423,400	0.00110891	47,044
Industrial - Excess	192,700	0.00102574	198
Industrial - Vacant	15,270,500	0.00102574	15,664
Pipelines	19,074,000	0.00071767	13,689
Farmland	564,649,916	0.00010541	59,520
FAD 1	0	0.00031623	-
Managed Forests	1,402,100	0.00010541	148
Taxable Total	5,857,605,411		\$2,584,988

Pelham Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	2,722,860,343	0.00036767	1,001,114
New Multi-Residential	544,000	0.00036767	200
Multi-Residential	18,604,000	0.00072431	13,475
Commercial	105,659,646	0.00063787	67,397
Commercial - Excess	674,511	0.00059003	398
Commercial - Vacant	8,227,000	0.00059003	4,854
Landfill	0	0.00108105	-
Industrial	4,436,700	0.00096697	4,290
Industrial - Excess	45,100	0.00089445	40
Industrial - Vacant	101,000	0.00089445	90
Pipelines	17,877,000	0.00062581	11,188
Farmland	164,728,000	0.00009192	15,142
FAD 1	0	0.00027575	-
Managed Forests	3,597,900	0.00009192	331

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Pelham Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Taxable Total	3,047,355,200		\$1,118,519

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule E – 2023 TRANSIT TAX RATES & LEVY

Port Colborne Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	1,678,627,031	0.00041580	697,973
New Multi-Residential	913,000	0.00041580	380
Multi-Residential	39,890,000	0.00081913	32,675
Commercial	138,428,236	0.00072137	99,858
Commercial - Excess	501,900	0.00066727	335
Commercial - Vacant	2,349,900	0.00066727	1,568
Landfill	0	0.00122256	-
Industrial	74,945,738	0.00109355	81,957
Industrial - Excess	2,735,766	0.00101154	2,767
Industrial - Vacant	6,291,400	0.00101154	6,364
Pipelines	10,846,000	0.00070773	7,676
Farmland	57,324,774	0.00010395	5,959
FAD 1	1,407,700	0.00031185	439
Managed Forests	838,900	0.00010395	87
Taxable Total	2,015,100,345		\$938,038

St. Catharines Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	12,537,454,954	0.00120336	15,087,072
New Multi-Residential	111,376,920	0.00120336	134,027
Multi-Residential	671,350,768	0.00237062	1,591,518
Commercial	2,014,700,274	0.00208771	4,206,110
Commercial - Excess	11,592,829	0.00193113	22,387
Commercial - Vacant	24,261,700	0.00193113	46,852
Landfill	0	0.00353819	-
Industrial	160,165,398	0.00316484	506,898
Industrial - Excess	4,609,059	0.00292747	13,493
Industrial - Vacant	17,629,100	0.00292747	51,609
Pipelines	31,291,000	0.00204824	64,091
Farmland	155,708,800	0.00030084	46,843
FAD 1	0	0.00090252	-
Managed Forests	0	0.00030084	-

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

St. Catharines Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Taxable Total	15,740,140,802		\$21,770,900

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule E – 2023 TRANSIT TAX RATES & LEVY

Thorold Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	2,479,354,460	0.00055383	1,373,141
New Multi-Residential	73,019,800	0.00055383	40,441
Multi-Residential	43,783,800	0.00109105	47,770
Commercial	176,570,004	0.00096084	169,656
Commercial - Excess	3,007,013	0.00088878	2,673
Commercial - Vacant	7,056,200	0.00088878	6,271
Landfill	0	0.00162840	-
Industrial	50,736,758	0.00145657	73,902
Industrial - Excess	3,394,734	0.00134733	4,574
Industrial - Vacant	18,114,900	0.00134733	24,407
Pipelines	26,768,000	0.00094267	25,233
Farmland	52,552,340	0.00013846	7,276
FAD 1	0	0.00041537	-
Managed Forests	531,400	0.00013846	74
Taxable Total	2,934,889,409		\$1,775,418

Wainfleet Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	955,662,725	0.00023389	223,520
New Multi-Residential	0	0.00023389	-
Multi-Residential	457,000	0.00046076	211
Commercial	19,289,805	0.00040578	7,827
Commercial - Excess	1,064,600	0.00037534	400
Commercial - Vacant	541,500	0.00037534	203
Landfill	0	0.00068770	-
Industrial	4,401,200	0.00061513	2,707
Industrial - Excess	85,300	0.00056900	49
Industrial - Vacant	132,000	0.00056900	75
Pipelines	5,988,000	0.00039810	2,384
Farmland	203,812,715	0.00005847	11,917
FAD 1	0	0.00017542	-
Managed Forests	1,758,989	0.00005847	103

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Wainfleet Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Taxable Total	1,193,193,834		\$249,396

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

Schedule E – 2023 TRANSIT TAX RATES & LEVY

Welland Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	4,547,937,705	0.00118214	5,376,299
New Multi-Residential	25,382,500	0.00118214	30,006
Multi-Residential	138,259,700	0.00232882	321,982
Commercial	382,602,600	0.00205089	784,676
Commercial - Excess	8,702,628	0.00189708	16,510
Commercial - Vacant	19,739,500	0.00189708	37,447
Landfill	0	0.00347580	-
Industrial	126,571,843	0.00310903	393,516
Industrial - Excess	3,647,200	0.00287585	10,489
Industrial - Vacant	9,526,300	0.00287585	27,396
Pipelines	21,774,000	0.00201212	43,812
Farmland	21,649,400	0.00029554	6,398
FAD 1	0	0.00088661	-
Managed Forests	1,172,700	0.00029554	347
Taxable Total	5,306,966,076		\$7,048,878

West Lincoln Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Residential	1,850,967,253	0.00023272	430,757
New Multi-Residential	0	0.00023272	-
Multi-Residential	7,043,000	0.00045846	3,229
Commercial	79,449,872	0.00040375	32,078
Commercial - Excess	732,500	0.00037346	274
Commercial - Vacant	2,967,300	0.00037346	1,108
Landfill	0	0.00068426	-
Industrial	36,408,700	0.00061205	22,284
Industrial - Excess	305,200	0.00056615	173
Industrial - Vacant	1,227,000	0.00056615	695
Pipelines	29,148,000	0.00039611	11,546
Farmland	478,278,784	0.00005818	27,826
FAD 1	0	0.00017454	-
Managed Forests	2,581,600	0.00005818	150

Bill 2023-31	Authorization Reference: CSC 4-2023 Minute Item 5.1
As amended by By-law No. 2020-37	CSC 5-2023 Minute Item 6

West Lincoln Property Classification	2023 Roll Return CVA	Tax Rate by Class	Transit Levy by Class
Taxable Total	2,489,109,209		\$530,120

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-32

A BY-LAW TO SET TAX RATIOS AND TAX RATE
REDUCTIONS FOR PRESCRIBED PROPERTY
SUBCLASSES FOR REGIONAL PURPOSES AND AREA
MUNICIPAL PURPOSES FOR THE YEAR 2023

WHEREAS pursuant to Section 308 (5) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended (referred hereinafter as “the *Municipal Act, 2001*”), The Regional Municipality of Niagara (referred hereinafter as “The Regional Corporation”) may establish the tax ratios for The Regional Corporation and the Area Municipalities;

WHEREAS the tax ratios determine the relative amount of taxation to be borne by each property class;

WHEREAS the property classes have been prescribed by the Ministry of Finance pursuant to Section 7 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;

WHEREAS pursuant to Section 313 (1) of the *Municipal Act, 2001*, The Regional Municipality of Niagara may establish tax reductions for prescribed property subclasses for The Regional Corporation and the Area Municipalities; and,

WHEREAS the property subclasses for which tax rate reductions are to be established are in accordance with Section 8 of the *Assessment Act*.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows for the 2023 taxation year:

1. That the tax ratio for property in:
 - a. The residential property class is 1.000000;
 - b. The new multi-residential property class is 1.000000;
 - c. The multi-residential class is 1.970000;
 - d. The commercial property class is 1.734900;
 - e. The industrial property class is 2.630000;
 - f. The pipelines property class is 1.702100;
 - g. The farm property class is 0.250000;

- h. The managed forest property class is 0.250000;
 - i. The landfill property class is 2.940261.
- 2. That the municipal purpose tax reduction for:
 - a. The vacant land and excess land subclasses in the commercial property class is 7.5%;
 - b. The vacant land and excess land subclasses in the industrial property class is 7.5%;
 - c. The first class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 25%;
 - d. The second class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 0%.
- 3. That for the purposes of this by-law:
 - a. The industrial property class includes all properties classified as industrial and large industrial as per Ontario Regulation 282/98;
 - b. The first class of farmland awaiting development and the second class of farmland awaiting development consists of land as defined in accordance with Ontario Regulation 282/98.
- 4. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA


James Bradley, Regional Chair


Ann-Marie Norio, Regional Clerk

Passed: April 20, 2023



GREAT LAKES AND ST. LAWRENCE
CITIES INITIATIVE
L'ALLIANCE DES VILLES
DES GRANDS LACS ET DU SAINT-LAURENT

Strengthening Water Quality and Community Resilience Through a Dedicated Water Infrastructure Funding Program

June 2023

A Resolution Submitted by XX

(Sponsor logo)

WHEREAS for the purpose of this resolution, 'water infrastructure' refers to municipal drinking water treatment plants and systems, wastewater treatment plants and lagoon systems, stormwater and combined stormwater systems, underground pipes and conveyance systems, pump stations storage facilities and other assets that contribute to safe drinking water and help maintain healthy water quality; and

WHEREAS 60% of Canada's public infrastructure is owned by local governments and yet only 10% of collected tax dollars in the country are available to municipalities; and

WHEREAS between 2016 and 2022, the Government of Canada invested more than \$4.6 billion in drinking water and wastewater infrastructure as part of the over \$46 billion invested to support infrastructure projects across the country; and

WHEREAS in 2017, the government launched the Clean Water and Wastewater Fund (CWWF) with short-term funding of \$2 billion for targeted projects that would contribute to rehabilitating water treatment and distribution infrastructure and existing wastewater and storm water treatment systems and initiatives that improve asset management, system optimization and planning for future upgrades; and

WHEREAS the CWWF was never renewed by the federal government; and

WHEREAS other than the CWWF, upgraded wastewater treatment or collection infrastructure and upgraded drinking water treatment and distribution infrastructure are among the eligible projects of the Green Infrastructure stream under the Investing in Canada Infrastructure Program, but the stream is not exclusively dedicated to water infrastructure projects; and

WHEREAS the Canada Community-Building Fund (CCBF; formerly known as the Gas Tax Fund until June 29, 2021) is a permanent, bankable and predictable source of funding provided up front, twice-a-year, to provinces and territories, who in turn flow this funding to their

municipalities to support local infrastructure priorities, including water infrastructure and drinking water among 19 different project categories; and

WHEREAS the federal government and provinces and territories will be negotiating the next agreement regarding the CCBF; and

WHEREAS the increasing use of electric vehicles in Canada will diminish the amount of excise taxes collected by federal, provincial and municipal governments on gasoline and diesel over the coming decade, with no alternate revenue sources currently identified by those entities to offset lost revenue, which could impact the viability of the CCBF and other similar programs; and

WHEREAS according to the Government of Canada's 2020 Core Public Infrastructure survey, despite the investments made by all levels of government, water and wastewater infrastructure investments have not kept up with the deterioration of existing assets as the remaining useful life of water and sewage infrastructure declined from 2017 to 2021; and

WHEREAS changes in precipitation frequency and rainstorm intensity are increasingly overwhelming municipal water infrastructure, leading to further contamination of beaches and waterways with untreated runoff and sewage, as well as causing urban flooding; and

WHEREAS we have increasing awareness of a range of contaminants of emerging concern finding their way into our source water and waste water – PFAS, microplastics, pharmaceuticals, etc. – which pose additional challenges for municipal treatment systems and a threat to ecosystem and human health; and

WHEREAS over the past few decades, the prices charged by municipalities for residential water and wastewater services in many Canadian cities have increased much faster than increases in the rate of inflation and some of the highest rates for water in Ontario are in cities and towns within the Great Lakes watershed; and

WHEREAS provinces and territories requested the Government of Canada to commit \$10 billion per year over 10 years to support infrastructure renewal, accelerate climate adaptation and sustain economic growth ahead of the federal Budget 2023; and

WHEREAS the Federation of Canadian Municipalities is also calling on the federal government for a dedicated water and wastewater fund that would invest at least \$1 billion annually

WHEREAS Budget 2023 announced that the federal government is actively reviewing Canada's continued infrastructure needs as it charts a course for future federal infrastructure programming and will provide an update on this work later this year; and

WHEREAS provision of clean, safe and affordable water resources and the principle of water equity are key priorities for the Great Lakes and St. Lawrence Cities Initiative and its members.

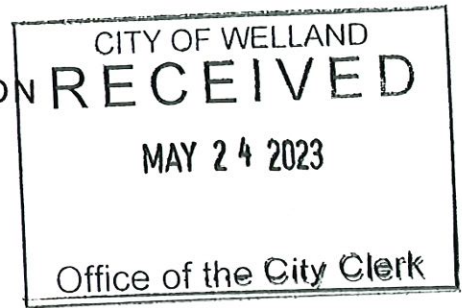
THEREFORE BE IT RESOLVED THAT the Great Lakes and St. Lawrence Cities Initiative (Cities Initiative) calls on the Government of Canada to invest in a renewed dedicated water infrastructure funding program; and

FURTHER BE IT RESOLVED THAT the federal government further enhance the CCBF in the next federal-provincial agreement to ensure that municipalities have even greater access to stable, predictable and bankable infrastructure funding, including for water infrastructure projects; and

FURTHER BE IT RESOLVED THAT the federal government work with provinces, territories, municipalities and municipal organizations, including the Cities Initiative, to identify alternate revenue tools to complement excise taxes on gasoline and diesel, as well as other revenue mechanisms that would specifically support stable and predictable funding dedicated to water infrastructure projects; and

FURTHER BE IT RESOLVED THAT copies of this resolution be distributed to the federal Deputy Prime Minister and Minister of Finance, Minister of Intergovernmental Affairs, Infrastructure and Communities, Minister of Environment and Climate Change, Parliamentary Secretary to the Minister of Intergovernmental Affairs, Infrastructure and Communities and Parliamentary Secretary to the Minister of Environment and Climate Change, the Premier of Ontario and Minister of Intergovernmental Affairs and Ontario Minister of Infrastructure and the Quebec Minister Responsible for Canadian Relations and the Canadian Francophonie and Minister of Municipal Affairs.

PRESCRIBED FORM OF PETITION



To: The Council of the City of Welland
c/o City Clerk
60 East Main Street
Welland, ON L3B 3X4

I/We the undersigned, petition the Council of the City of Welland as follows: (max-1200 characters)

The residents of Quaker Rd., residing between St. Lawrence Dr. & Towpath Rd, hereby request the installation of speed humps to address the issue of speeding vehicles. Since 2020 there has been a tremendous amount of development in the Towpath area & this has resulted in a significant increase in vehicular traffic on Quaker Road. Pick-up trucks, dump trucks, delivery trucks, unlicensed motorcycles & quads speed down this section of Quaker Rd. on a regular basis. In addition, the residents of the new developments and the Contractor's currently building new homes in the Towpath area do not care about speed limits. Although the city installed a radar at the bottom of Quaker Road this does not act as a deterrent. In fact, some drivers see it as a challenge to drive as fast as possible before the curve to Towpath Rd.. There are no sidewalks on this section of Quaker Rd. therefore residents are required to walk or bicycle on the road itself. This includes seniors, children walking to & from their designated school bus location, bicyclists, pedestrians walking their dogs, etc. We are very concerned about the risk of injury or worse to pedestrians.

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
Randy Lauder	24 Quaker Rd.	
TONY KOSKY	28 QUAKER RD	
Sue Coulombe	32 Quaker Rd.	
CONRAD W. H. THOM	32 QUAKER	
Andrey Tillah	28 Quaker rd	
SCOTT MARK	17 QUAKER RD	
Shannon Mann	17 Quaker Rd	
Gordon Brown	40 QUAKER RD	
Noreen Brown	40 QUAKER RD	NOREEN BROWN
Darrell H Hunt	16 Quaker Rd	
Julie Donaldson	16 Quaker Rd	Julie Donaldson
JEAN CHARLES	23 Quaker Rd	
Gina Isidore	21 11 11	
Ivude Bonazza	29 Quaker Rd	
Steve Bonazza	29 Quaker Rd.	




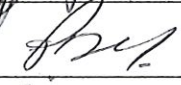
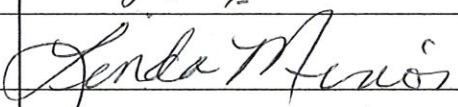
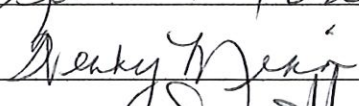

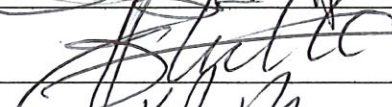

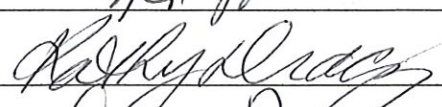
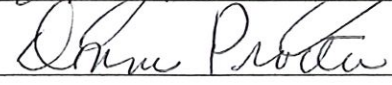
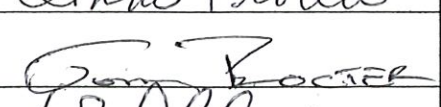
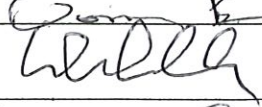
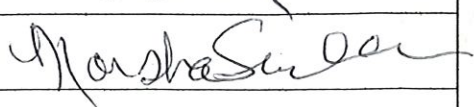
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Matt Hastic	9 Quaker Road	
Deekay Shugali	11 Quaker Road	
Brad Charette	11 Quaker Road	
Paul Menon	55 Quaker RD	
Sinda Menon	55 Quaker R	
Nesky Menon	59 Quaker R.	
DAVE EUTOII	63 Quaker RD.	
HARINDER S Shullon	67 Quaker Rd	
Kuldip Shullon	67 Quaker Rd	
Kathy Draz	71 Quaker Rd	
Denna Procter	48 Quaker Rd.	
Tom Procter	60 Quaker Rd	
Don Sumbler	64 Quaker	
Marsha Sumbler	64 Quaker Rd	
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[illegible]



Towpath Road

St. Lawrence St.

Vehicles have to brake hard
to slow down for this curve

Location of speed Radar on Quaker

Section of Quaker Road for speeding