



# **COUNCIL MEETING AGENDA**

**Tuesday, December 6, 2022**

**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>**

**and**

**YourTV Live on Channel 700**

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- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - (6:00 P.M.)**
  - 1.1 PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD:**
    1. Division and Cross Streets.
    2. Gadsby Avenue.
  - 1.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD:**
    1. Lincoln Street Update.
- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)**
- 3. OPEN COUNCIL MEETING AT 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 Meeting of November 1, 2022 and Special Council Meetings of November 15 and November 16, 2022.
  - 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 LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT**

1. Revised applications have been made by Joseph Tomaino on behalf of Lucas Lucchetta & Lucchetta Builders Inc. to redesignate lands legally described as Part of Lot 239, former Township of Thorold, shown as Part 2, on Plan 59R-7365, Part 2 on Plan 59R-13030 and Parts 1 and 2 on Plan 59R-16468 for lands at 368 Aqueduct Street and 155 Gadsby Avenue from the existing RESIDENTIAL LOW DENSITY 1 - RL1 and NEIGHBOURHOOD OPEN SPACE - O1 to SITE SPECIFIC RESIDENTIAL MULTIPLE - RM, SITE SPECIFIC RESIDENTIAL LOW DENSITY 2 - RL2, and ENVIRONMENTAL CONSERVATION OVERLAY in zoning by-law 2017-117. The purpose of the Site Specific RL2 Zone is to allow for a rear yard setback of 5 metres for the lot proposed at 155 Gadsby Avenue. The purpose of the site Specific RM is to permit a lot frontage of 16 metres whereas 45 metres is required for the lot fronting onto Aqueduct Street. The application for Zoning By-law amendment has been made to allow for the future development of a three-storey condominium building with a total of 24 residential units fronting onto Aqueduct Street and the development of a single lot fronting onto Gadsby Avenue. The Official Plan designation is LOW DENSITY RESIDENTIAL AND PARK, RECREATION AND OPEN SPACE. Revised applications for Official Plan Amendment (OPA No. 33) and Draft Plan of Standard condominium (File No. 26CD-14-20009) were submitted in conjunction with the revised application for Zoning By-law Amendment. Ref. No. 21-79

1. Staff report to be considered following the conclusion of the public meeting.

**P&B-2022-56 - Application for Official Plan Amendment (OPA No. 33) and Zoning By-law Amendment (3030-14) submitted by Joseph Tomaino on behalf of Lucchetta Builders Inc. and Lucas Lucchetta for lands on the east side of Aqueduct Street, north side of Thorold Road, south of Hilda Street, Municipally known as 368 Aqueduct Street and 155 Gadsby Avenue). Ref. No. 21-79**

#### **4.2 PRESENTATIONS**

1. Rob Axiak, Director of Community Services re: Corporate Strategic Plan. Ref. No. 22-154

##### **(Background information included in Council Members packages)**

1. Staff report to be considered following the conclusion of the presentation by staff.

**CAO-2022-02 -Development of a City of Welland Corporate Strategic Plan (CSP). Ref. No. 22-154**

#### **4.3 DELEGATIONS - NIL**

#### **4.4 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEE REPORTS:**

1. Councillor Fokkens, Chair, Budget Review Committee - meeting of November 28, 2022.

#### **5. BUDGET REVIEW COMMITTEE REPORT TO COUNCIL - November 28, 2022**

#### **6. COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK**

- 6.1 CAO-2022-03 - Update on Municipal Transfer Agreement and 2023 Regional Transit Levy Update. Ref. No. 22-13 (See By-law 8.1)



- 6.2 CS-2022-33 - Memorial Park Pool Tender Award. Ref. No. 22-19 (See By-law 8.2)
- 6.3 CS-2022-34 - Provision of Land For Future Recreation Facility. Ref. No. 22-19
- 6.4 P&B-2022-53 - Proposed Increases for Building Permits and Inspection Services Fees and Introduction of New Fees. Ref. No. 05-120 (See By-laws 8.3 & 8.4)
- 6.5 P&B-2022-57 - Lay Out, Establish and name the 0.3 Metre Reserve - Block 95, Plan 59M-176 (Woodlawn Estates Phase IV Subdivision). Ref. No. 22-155 (See By-law 8.5)
- 6.6 FIN-2022-19 - Travel and Corporate Expense Policy Update - FIN-001-0011. Ref. No. 22-14
- 6.7 TRAF-2022-54 - Flashing Beacon On Stop Signs. Ref. No. 22-22

## **7. NEW BUSINESS**

- 7.1 Two members of Council have communicated an interest in being considered to fill three (3) Council representatives vacancy on the Niagara Central Airport Commission. Ref. No. 13-50 (Remove From Block)

Those Councillors are as follows:

Councillor Leo Van Vliet  
Councillor Graham Speck  
Councillor Jamie Lee  
Councillor Adam Moote

### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillors \_\_\_\_\_ to the Niagara Central Airport Commission for the term December 6, 2022 to November 14, 2026.

- 7.2 Grant Bivol, Niagara Peninsula Conservation Authority Clerk re: Land Securement Strategy Deadline Extension. Ref. No. 22-140

### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Niagara Peninsula Conservation Authority dated October 28, 2022 regarding the Land Securement Strategy Deadline Extension.

- 7.3 Ann-Marie Norio, Regional Clerk, Region of Niagara re: Motion Respecting Active Transportation and Migrant Workers. Ref. No. 22-153

### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated November 11, 2022 regarding Motion Respecting Active Transportation and Migrant Workers.

- 7.4 Ann-Marie Norio, Regional Clerk, Niagara Region re: Appointments to the Niagara Transit Commission Board. Ref. No. 22-13 (Remove From Bock)

### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated November 11, 2022 regarding appointments to the Niagara Transit Commission; and further

THAT Welland City Council appoints Councillor Leo Van Vliet to the Niagara Transit Commission Board for the 2022-2026 Term of Council.

## **8. BY-LAWS**

- 8.1 A By-law to authorize execution of the Municipal Transfer Agreement with the Region of Niagara. Ref. No. 22-13  
(See Report CAO-2022-03)
- 8.2 A By-law to authorize entering into contract with Niacon Limited for the construction of the Memorial Park Pool. Ref. No. 22-19  
(See Report CS-2022-33)
- 8.3 A By-law to amend By-law 2020-140, being a By-law under the Building Code Act respecting Construction, Demotion, Change of Use, Occupancy, Transfer of Permits and Inspections. Ref. No. 05-120  
(See Report P&B-2022-53)
- 8.4 A By-law to amend By-law 2020-140, being a By-law under the Building Code Act respecting Construction, Demotion, Change of Use, Occupancy, Transfer of Permits and Inspections. Ref. No. 05-120  
(See Report P&B-2022-53)
- 8.5 A By-law to Lay Out, Establish and name Block 95, Plan 59M-176 being a 0.3 Metre Reserve for the City of Welland as Wellandvale Drive. Ref. No. 22-155  
(See Report P&B-2022-57)
- 8.6 A By-law to amend By-law 2022-70 being a By-law to regulate swimming pool enclosures within the City of Welland. Ref. No. 22-19
- 8.7 A By-law to provide an Interim Tax Levy for year 2023. Ref. No. 22-4
- 8.8 A By-law to exempt certain lands from Part-Lot Control - Lots 19, 20 21 and 22, Registered Plan 969, Parts 1 to 3 (inclusive), 59R-17451, City of Welland (34 Pietz Avenue). Ref. No. 22-156  
(Approved by By-law 2020-143)
- 8.9 A By-law to exempt certain lands from Part-Lot Control - Lot 259, Registered Plan 937, Parts 1 and 2, 59R-17468, City of Welland (304 & 308 Chaffey Street). Ref. No. 22-157  
(Approved by By-law 2020-143)
- 8.10 A By-law to exempt certain lands from Part-Lot Control - Block 28, Registered Plan 59M-486, Parts 1 to 15 (inclusive), 59R-17475, City of Welland (289, 295, 391, 411, 419, 431 Perth Trail) and (578, 600, 606, 612 Turnberry Trail). Ref. No. 22-158  
(Approved by By-law 2020-143)
- 8.11 A By-law to exempt certain lands from Part-Lot Control - Lot 739 and Part Lot 738, Registered Plan 939, being Part 1 on 59R-17491, City of Welland; Lot 737 and Part Lots 736 and 738, Registered Plan 939, being Part 2 on 59R17491, City of Welland (827-835 David Street). Ref. No. 22-159  
(Approved by By-law 2020-143)
- 8.12 A By-law to authorize the appointment of Cindy Viger as Acting Deputy Clerk of the Corporation of the City of Welland. Ref. No. 22-10

**9. NOTICES OF MOTION**

- 9.1 COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES
- 9.2 NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)

1. (Councillor Van Vliet)  
WHEREAS The City of Welland has been known historically for their world class manufacturing expertise. This resulted in the highest quality production of steel, graphite products, hydraulic components, and agricultural equipment; and  
WHEREAS thousands of Welland residents have been employed in these facilities; and  
WHEREAS generations of Welland residents have participated in the production of world class products; and further  
WHEREAS the Province of Ontario has enacted Resource Recovery and Circular Economy legislation.  
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND recognizes the efforts of generations of Welland Residents employed in these industries and supports all efforts to recover all such items that may be repurposed. These efforts will increase the economic growth of Welland, employment opportunities, and aid in the environmental cleanup of such lands currently deemed brownfields. Ref. No. 22-97
2. (Councillor DiMarco)  
WHEREAS, to qualify for upper level of government funding a municipality must show that they are growing; and further  
WHEREA, the City of Welland has done such and to this point has far exceeded its numbers to qualify for such funding.  
NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to immediately temporarily suspend the issuing of building permits for new residential builds but continue to make available permits that pertain to additions to current structures or renovations to such; and further  
THAT Welland City Council directs city staff to focus on the needs and improvements in our city of current various infrastructure including but not limited to our parks, sidewalks, roadways and water/sewer infrastructure. Ref. No. 05-120
3. (Councillor Green)  
Whereas, the City of Welland has a growing inventory of public art throughout the city; and  
Whereas, this public art, tells a story of Welland's history; and further  
Whereas, at present the City of Welland does not have a policy on the preservation, restoration and maintenance of public art nor does the City have a comprehensive inventory of public art throughout the City.  
NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND that a comprehensive inventory of public art be assembled to include art located on both private and public lands in conjunction with the Arts & Culture Committee and the Heritage committee; and  
THAT a public art creation, preservation, restoration and maintenance policy be created in conjunction with the Arts & Culture committee and the Heritage committee; and further  
THAT policy contain a funding model for the 10 year capital budget. Ref. No. 05-141

4. (Councillor Leo Van Vliet)  
THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to investigate the pros and cons of mountable curbs as opposed to standard curbs; and further THAT staff also identify the price variation between the two types of curbs. Ref. No. 22-151
5. (Councillor Van Vliet)  
WHEREAS, Councillor computers/laptops are supplied by the City of Welland; and further  
WHEREAS, Welland City Council allows for in-person and virtual attendance.  
NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requires all members of Council to bring their computers/laptops to all meetings of Council when attending in person in the Council Chamber, in order to participate in the meeting. Ref. No. 02-160

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

**10. CORPORATION REPORTS**

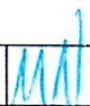

**10.1 MAYOR'S REPORT**

**10.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT**

**11. CONFIRMATORY BY-LAW**

**11.1 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 December, 2022.**

**12. ADJOURNMENT**

APPROVALS	
DIRECTOR	
CFO	
CAO	

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**

11-79

**REPORT P&B-2022-56**  
**DECEMBER 6, 2022**

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

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

**APPROVING SUPERVISOR:** TARA O'TOOLE, BA  
DEVELOPMENT PLANNING SUPERVISOR

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

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report No. P&B-2022-56 regarding applications for Official Plan Amendment (OPA No. 33) and Zoning By-law Amendment (2020-14) for lands on the east side of Aqueduct Street, north side of Gadsby Avenue, north of Thorold Road and south of Hilda Street, municipally known as 368 Aqueduct Street and 155 Gadsby Avenue.

**ORIGIN AND BACKGROUND:**

Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium were submitted by Joseph Tomaino on behalf of Lucchetta Buildings Inc. and Lucas Lucchetta on December 22, 2020 and was deemed complete on March 2, 2021. A Public Meeting regarding the proposed applications was held on May 4, 2021. As a result of comments from the public and external agencies, the applicant has revised their applications for Official Plan



Amendment and Zoning By-law Amendment and withdrawal of application for Draft Plan of Vacant Land Condominium.

Revised applications for Official Plan Amendment and Zoning By-law Amendment were submitted on July 21, 2022. The Official Plan Amendment seeks to redesignate the portion of the subject lands fronting onto Aqueduct Street to Medium Density Residential to facilitate the construction of a twenty-four (24) unit residential building with twenty-seven (27) parking stalls (two (2) barrier free). The requested amendment to Zoning By-law 2017-117 seeks to rezone the property (fronting onto Aqueduct Street) to Site-Specific Residential Medium Density – RM and recognize a reduced lot frontage of 16 metres whereas 45 metres is required. The lands fronting onto Gadsby Avenue are requested to be redesignated (OPA) Low Density Residential and rezoned (ZBA) to Site-Specific Residential Low Density – RL1 to facilitate a reduced rear yard setback of 5 metres whereas 7.5 metres is required. Additionally, an area of the Subject Lands that is impacted by natural heritage features seeks to be redesignated (OPA) to Core Natural Heritage and rezoned (ZBA) to Environmental Conservation Overlay – EC. This area will be dedicated to the City for long-term preservation of the natural features.

#### **COMMENTS AND ANALYSIS:**

A Virtual Public Information Meeting was held on November 2, 2022 to gain public input regarding the revised applications 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 is being held virtually on December 6, 2022. The Public Meeting provides an opportunity for the Applicant to make a presentation regarding the applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the applications.

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

The following questions were presented by Councillor Green to Staff and can be discussed in open session of Council

- 1) We know council could deny the application to change the zoning on the lands from open space... Could this be justified based on the land transfer agreement it was noted "For parkland" and these lands were noted in a past parks & rec plan for expanded parkland. Could the city use this as justification to expropriate the lands?

A land transfer document would not be considered by Staff in formulating a recommendation report on Planning Applications as it is not a Planning Policy.

- 2) To my understanding the province is changing LPAT where the municipality has to pay the developer legal fee's, if they win appeal. Do we know how this will be implemented. Will items denied prior to implementation face the old or new rules?

There has always been the potential that an Applicant could be awarded costs (including legal fees) from an Appellant by the Ontario Land Tribunal (OLT). While Staff is still reviewing the approved Bill 23 and its implications for planning in Welland, Staff's initial assessment is that it does not impact how these applications are considered by Staff or Council.

- 3) Council can approve the proposal as is?



The answer to this will be contained in the Staff recommendation report which will be considered at a future Council Meeting in Open Session once staff have considered all comments received.

**FINANCIAL CONSIDERATION:**

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

**OTHER DEPARTMENT IMPLICATIONS:**

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

**SUMMARY AND CONCLUSION:**

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

**ATTACHMENTS:**

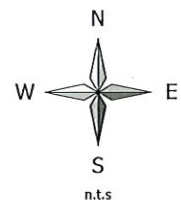
- Appendix I - Key Map
- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Draft Official Plan Amendment (Amendment text only)
- Appendix IV - Preliminary Site Plan
- Appendix V - Correspondence





# THE SUBJECT LANDS

2020-14 & OPA 33



**SUBJECT LANDS**



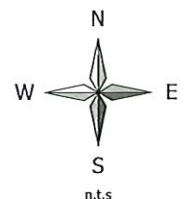
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Infrastructure and  
Development Services  
Planning Division





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



**SUBJECT LANDS**





**AMENDMENT NO. 33**  
**to the**  
**OFFICIAL PLAN**  
**of the**  
**CORPORATION OF THE CITY OF WELLAND**

**DAY MONTH, 2022**

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

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

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

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

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

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

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

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

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

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

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS  
DAY OF MONTH, 2022.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

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

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

Date: .....

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

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

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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 2021-XX PASSED BY COUNCIL OF THE  
CORPORATION OF THE CITY OF WELLAND  
ON DAY MONTH, 2022

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 X day of MONTH, 2022.

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**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 2022-XX, being a By-law to adopt Amendment No. XX to the Official Plan on DAY MONTH, 2022 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 2022-33.

A copy of the Amendment and Staff Report are available for inspection by the public as of MONTH DAY, 2022 at by contacting the Planning Department at [devserv@welland.ca](mailto:devserv@welland.ca).

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

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

**APPENDIX III**

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**MINUTES OF PUBLIC MEETING -**

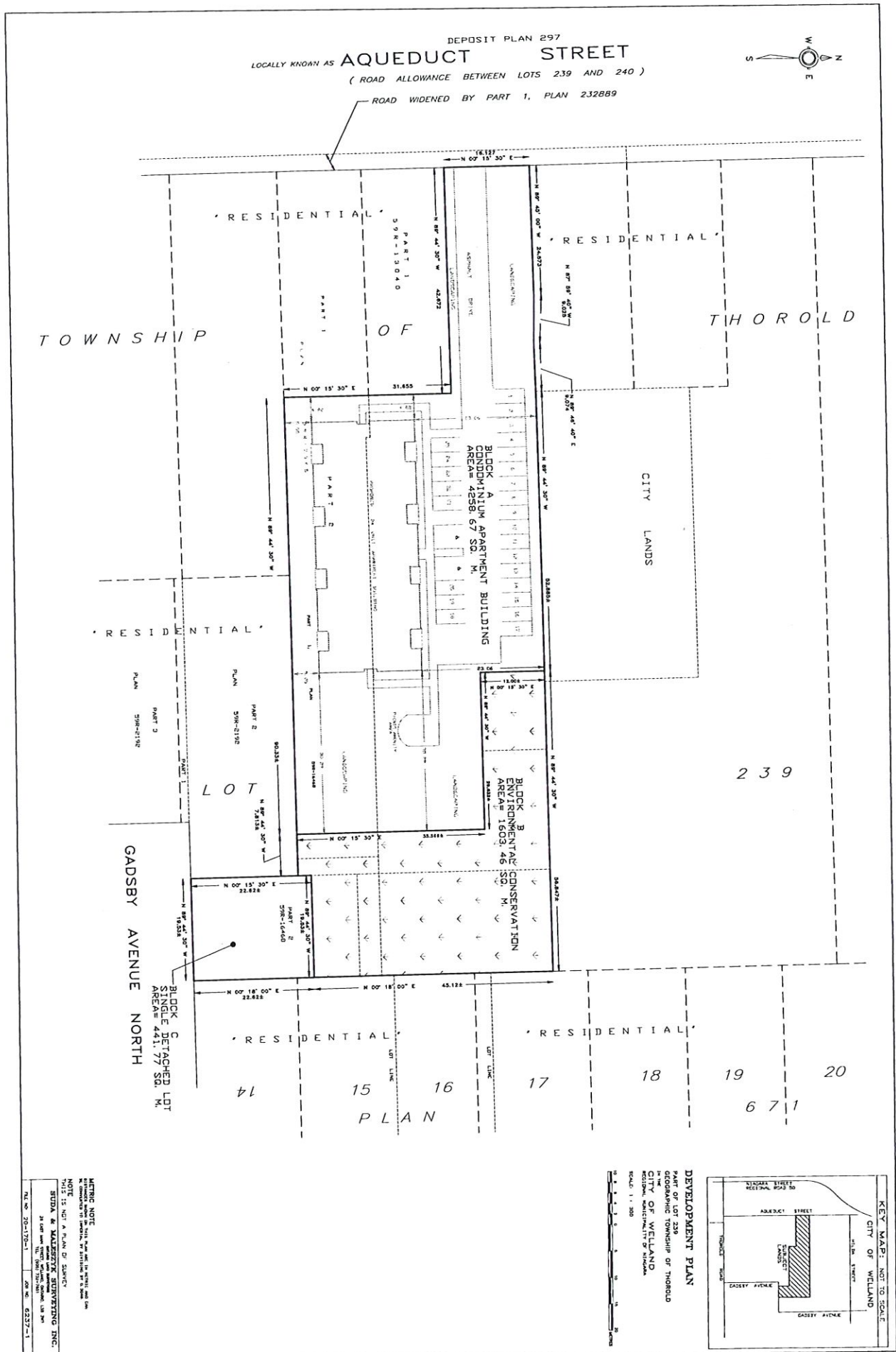
**APPENDIX IV - STAFF REPORT**

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



***APPENDIX V - COUNCIL RESOLUTION***





## ***LCA Environmental Consultants***

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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***

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### **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

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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 13<sup>th</sup>, 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.



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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.



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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.



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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.	Woodlands qualify as significant based on presence of two documented Species at Risk (SAR).
		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	Development proposal and EIS report recommendations do not comply.  Habitat is defined as any area directly or indirectly depended on for life processes. 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.  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.	No impacts have been assessed on final proposed development, so EIS has not demonstrated no negative impacts to natural features.
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	<b>Section 3</b> 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	<b>Section 9(1)</b> 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.
		<b>Section 10(1)</b> Prohibits damage or destruction to the habitat of any species listed as SARO with the designation of endangered, threatened or extirpated.	The radial distance of 50 – 80m is protected as critical habitat for the White Wood Aster according to federal recovery strategy adopted by Ontario.
Migratory Bird Convention Act, 1994	Prohibitions	<b>5</b> Prohibits the unlawful possession or trafficking of a migratory bird or nest.	Not applicable if work done outside of breeding season
		<b>5.1.1</b> 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
		<b>5.1.2</b> 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	<b>7.B.1.1</b> 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

		<p>c) Greenbelt Natural Heritage and Water Resources System; and</p> <p>d) Fish Habitat</p>	
		<p><b>7.B.1.3</b> EPAs include PSWs, ANSIs, and significant habitat of threatened and endangered species</p>	<p>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).</p>
		<p><b>7.B.1.4</b> 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</p>	<p><u>Whole woodland meets criteria for Significant. May meet further designation if vernal pool is utilized by amphibians for breeding and meets Significant Wildlife habitat criteria for amphibia breeding (woodland).</u></p>
		<p><b>7.B.1.5</b> significant woodlands must meet one or more of the following:</p> <ul style="list-style-type: none"> <li>a) Contain threatened or endangered species or species of concern</li> <li>b) In size, be equal to or greater than: <ul style="list-style-type: none"> <li>i) 2ha within or overlapping Urban Area Boundaries;</li> <li>ii) 4ha outside Urban Areas and north of the Niagara Escarpment;</li> <li>iii) 10ha outside Urban Areas and south of the Escarpment;</li> </ul> </li> <li>c) Contain interior woodland habitat at least 100m in from woodland boundaries,</li> <li>d) Contain older growth forest and be 2ha or greater in area</li> <li>e) Overlap or contain one or more other EPA or</li> <li>f) Abut or be crossed by a watercourse or water body and be 2 or more hectares in area.</li> </ul>	<p>The woodlands on the property (and adjacent) contain threatened or endangered species and therefore meet criteria for significance. The woodland is <u>significant</u> as an entire unit, not the individual parts as described in the report.</p> <p>The recommendation in the report for vernal pool was to <u>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

NPCA Land Use Policy Document, 2018		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.
	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	<p><b>6.1.2.1.E</b> Environmental Protection Areas include: provincially significant wetlands; provincially significant Life Science ANSIs; and significant habitat of threatened and endangered species.</p> <p><b>6.1.2.1.F</b> 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.</p>	Woodland include habitat for 2 SAR species as described in Regional policies above.
	6.1.2.2 Delineation of the Core Natural Heritage System	<p><b>6.1.2.2.C</b> Where SAR habitat is identified, development is subject to EPA policies.</p> <p><b>6.1.2.2.D</b> 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.</p> <p><b>6.1.2.2.E</b> Significant woodlands have one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>i. Contain threatened or endangered species or species of concern;</li> <li>ii. In size, be <math>\geq 2</math> ha, if located within the UAB;</li> <li>iii. Contain interior woodland habitat;</li> <li>iv. Contain older growth forest and be <math>\geq 2</math> ha;</li> <li>v. Overlap or contain one or more of the other significant natural heritage features; or,</li> <li>vi. Abut or be crossed by a watercourse or water body</li> </ul>	<p>WWA habitat and SAR bat habitat subject to EPA policies.</p> <p>Identified as EP and ECA; therefore, the appropriate policies apply.</p> <p>Contain threatened and endangered species and whole woodland is, therefore, significant.</p>
			Woodland considered significant and therefore should be designated as ECA, as described in report and in accordance with Regional and Municipal policies,

## Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

	6.1.2.3 Design, Development and Site Alteration	<p><b>6.1.2.3.A</b> 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.</p> <p><b>6.1.2.3.C</b> 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.</p>	<p>Development and EIS do not comply. Negative impacts can be avoided by reducing development footprint.</p> <p>No impact assessment completed and therefore the test of no negative impact has not been demonstrated. Unclear if mitigation of tree removal could offset negative impacts to the woodland, which contains old growth trees.</p>
	Step 3: Constraints Analysis	<p>Constraints analyses should be prepared prior to identifying development layout.</p>	<p>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.</p>
Niagara Region EIS Guidelines (Jan 2018)	3.1 Policy and Legislative Framework	<p>Shall include discussion of applicable policies and regulations and their implications</p>	<p>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.</p>
	3.7 Constraints Map; 3.8 Constraints analysis and Recommendations	<p>Constraints mapping should identify all natural heritage features, all hydrologic features, corridors, and establish minimum buffer requirements</p>	<p>No constraints map or analysis provided. Did not provide a clear buffer requirement; provided 3 options to accommodate development, but no clear direction given.</p>
	4.1 Description of proposed development	<p>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,</p>	<p>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.</p>



## Aqueduct and Gadsby EIS Peer Review – Policy Compliance Requirements

		servicing, stormwater management. Must include any tree removal requirements.	<p>Stated that 3 l mature oak would be removed but no discussion of rationale or impacts and no discussion on the impacts of the surrounding mature trees.</p> <p>Recommend tree buffers set at a standard distance despite the requirements detailed in the report.</p>
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.	<p>No impact analysis of final proposed development. 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”</p>
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.	<p>No summary of residual impacts provided.</p>
Step 5: Recommendations and Conclusion		EIS to review residual impacts of proposed development and indicate if it complies with plans, policies, and regulations. Inconsistencies should be identified. Should conclude with recommendations whether proposal should proceed as planned, or whether it should be subject to conditions.	<p>No summary or discussion of compliance with applicable policies.</p> <p>No clear conclusion on whether the EIS supports the proposed plan, or whether it should be subject to conditions.</p>

## 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.



**SULLIVAN | MAHONEY**  
LAWYERS

November 18, 2022

Via Email to [mayor@welland.ca](mailto:mayor@welland.ca)

Reply to St. Catharines Office  
THOMAS A. RICHARDSON, C.S.  
905.327.6062 - Cell  
[tarichardson@sullivanmahoney.com](mailto: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

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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

## *Ecological & Environmental Solutions*

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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***

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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,



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- 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 (MNRF, 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





## *Ecological & Environmental Solutions*

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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”.





## *Ecological & Environmental Solutions*

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### 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 28<sup>th</sup> 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*

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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.
		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.
		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.
Endangered Species Act, 2007	Definitions	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.
	Protection and Recovery of Species	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.
Niagara Region Official Plan, 2014	7.B The Core Natural Heritage System			

		<p>c) Greenbelt Natural Heritage and Water Resources System; and d) Fish Habitat</p> <p>7.B.1.3 EPAs include PSWs, ANSIs, and significant habitat of threatened and endangered species</p> <p>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</p> <p>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.</p>	<p>EIS addendum confirmed no White Wood Aster habitat.</p> <p>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.</p> <p>EIS addendum argues that habitat for threatened and endangered species is not present.</p>	<p><b>Yes</b> – no EPA confirmed on or adjacent to subject lands.</p> <p><b>No</b> - addendum report has not identified the woodlands as ECA Significant Woodland.</p> <p>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.</p>
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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.



**Planning and Development Services**

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

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**Via Email Only**

November 18, 2022

Region File: D.10.11.OPA-21-0002  
D.18.11.ZA-21-0003

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

Dear Mr. Meadows:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment, 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**

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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.

In summary, Regional Planning and Development Services staff requires additional technical information to confirm the proposal will not have a significant negative impact on the Region's Core Natural Heritage System and, therefore, whether the proposed development conforms to Provincial and Regional plans and is consistent with Provincial policies. Upon satisfactorily addressing the Region's requirements in this regard, Regional staff would be in a position to confirm exemption of the Official Plan Amendment from Regional Council Approval.

## **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 that 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 below comments with respect to environmental concerns under '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**

Regional Environmental Planning staff has completed a review of 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:

- *Site Plan*, prepared by Jason Pizzicarola Design – Architects Inc. (dated May 25, 2022);
- *Woodland Management Plan and Landscape Plan*, prepared by 8 Trees Inc. (dated July 18, 2022);
- *Planning Justification Report*, prepared by Joseph Tomaino (dated July 20, 2022);
- *Scoped Environmental Impact Study*, prepared by 8 Trees Inc. (dated February 10, 2021); and,
- *Environmental Impact Study Addendum*, prepared by 8 Trees Inc. (dated January 5, 2022).

In an effort to expedite this file, staff offer the following comments which should be addressed in a Technical Memo.

A Technical Memo is required to ensure that the development concept being proposed has been adequately assessed from a natural heritage perspective. Staff note that the previous Environmental Impact Study ("EIS") Reports were based on a different development concept than the one being proposed now. Although the Woodland Management Plan and Landscape Plan Memo prepared by 8 Trees Inc., states support of the new concept, it does not include a comprehensive assessment of impacts, and does not include any recommendations or mitigation measures. Staff require an updated Report to ensure that the test of no negative impact to the feature is achievable and that all potential negative ecological and hydrological impacts can be sufficiently mitigated.

The Technical Memo should be accompanied with an update to the Tree Preservation Plan ("TPP") to quantify the number of trees proposed for removal to facilitate the development. The updated TPP should be based on the total footprint of development,



including all grading required, and include the location of tree protection fencing as well as a tree inventory that includes species names and DBH. The TPP should be prepared by a certified arborist or Registered Professional Forester. Implementation of the TPP will be recommended as a condition of approval.

Staff note that the proposed Site Plan differs from the development concept included in the Woodland Management Plan and Landscape Plan prepared by 8 Trees Inc. Specifically, the Site Plan proposed amenity space east of the condo building, including a picnic amenity area and landscaping, and the Woodland Management Plan shows a walking trail that meanders through the retained woodland. Please ensure that all updated Reports and Figures are based on the same development concept. If the amenity area is intended to be retained as woodland, the Environmental Conservation zone should be updated to include this area. Conversely, if it is not, an update to the EIS is required.

The Woodland Management Plan and Landscape Plan Memo proposes numerous woodland enhancement and stewardship action items for adjacent lands, including City owned parkland. Staff offer no objection to the recommendations, however, it doesn't appear that any permissions have been obtained to date. Staff require confirmation that the City of Welland and adjacent landowners agree in principle to support the recommendations included in the Memo. Please include a more robust preliminary Restoration Plan in the requested Technical Memo. The final details can be worked out as a condition of approval, but staff require assurance that any proposed restoration and/or enhancement activities are implementable. Staff recommend that the applicant work with park staff from the City of Welland to ensure that their concerns are sufficiently addressed. Please include written confirmation from City staff in the Technical Memo indicating their support of the Restoration Plan.

As it relates to the lot identified as 155 Gadsby Ave, the previous EIS Reports characterized a vernal pool and vernal pool constraint area overlapping with the existing lot boundaries. The EIS Addendum (dated January 5, 2022), includes an assessment of impacts in this area and proposes protection of a 15 m setback from adjacent oak trees and a 5 m setback from the vernal pool. Staff offer no objection to the setbacks proposed and will recommend that the feature and identified buffers be placed into an appropriately restrictive environmental designation and zone. Regional staff recommend standard mitigation measures be implemented at the building permit stage.

## **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.

## **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

At this time, Regional Planning and Development Services staff requires additional technical information to confirm the proposal will not have a significant negative impact on the Region's Core Natural Heritage System. Staff is available to work with the applicant and is open to meeting to further discuss comments.

Given the above technical information required, 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, staff is unable to exempt the Official Plan Amendment from Regional Council Approval at this time. Upon satisfactorily addressing the Region's requirements, Regional staff would be in a position to confirm exemption of the Official Plan Amendment from Regional Council Approval.

Should you have any questions, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca)

To discuss environmental planning comments specifically, please contact Adam Boudens, Senior Environmental Planner at [Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca), or Cara Lampman, Manager of Environmental Planning at [Cara.Lampman@niagararegion.ca](mailto:Cara.Lampman@niagararegion.ca).

Kind regards,



Katie Young, 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

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**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

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**From:** Melissa  
**Sent:** November 18, 2022 11:40 PM  
**To:** Taylor 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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[https://us2.proofpointessentials.com/index01.php?mod\\_id\[\]&mod\\_option=gitem&mail\\_id\[\]68832814-4x81YazXaeHX&r\\_address=ylor.meadows%40welland.ca&report=](https://us2.proofpointessentials.com/index01.php?mod_id[]&mod_option=gitem&mail_id[]68832814-4x81YazXaeHX&r_address=ylor.meadows%40welland.ca&report=)

## 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

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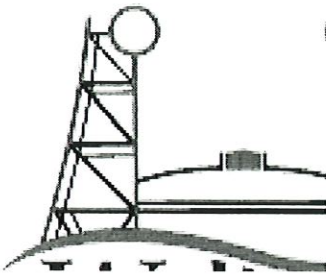


## Taylor Meadows

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**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](http://www.welland.ca)

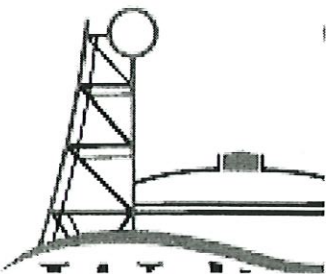


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**From:** Tara Stephens <[tara.stephens@welland.ca](mailto:tara.stephens@welland.ca)>  
**Sent:** November 2, 2022 12:17 PM  
**To:** CLT <[CLT@welland.ca](mailto:CLT@welland.ca)>  
**Cc:** Laura Bubanko <[laura.bubanko@welland.ca](mailto:laura.bubanko@welland.ca)>  
**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](http://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?

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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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## Taylor Meadows

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**From:** chrishon g  
**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

**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!

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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# Development of a City of Welland - Corporate Strategic Plan

- Objective: To develop a Corporate Strategic Plan approved by City Council by the end of Q.1 2023 – (4 Year Plan 2023-2026). Companion Report CAO-2022-02
  - To utilize CLT to facilitate the process, allowing City Council to remain visionary and set direction.
  - To complete this task in 3 separate workshops with Council, followed by community engagement, and summarized in final report to Council in May 2023
  - To create an opportunity for CLT to align and plan with City Council, focused on this one collective objective.
  - Creating a collective vision for the City that aligns with the One Team - One Welland Approach



# What is a Corporate Strategic Plan?

- A roadmap for the broader community, council, and the administration.
- It identifies what we aspire to be and outlines our plan on how we intend to get there.
- Highlights the collective mission and values of our city in our effort to meet our vision.
- Guides all municipal initiatives to ensure alignment and ultimate success.
- Strategic planning is one of the most important tools that a municipality can use to bring together residents, members of Council, and municipal staff.



# CORPORATE STRATEGIC PLAN

## City's Official Plan

Asset  
Management  
Plan

Recreation,  
Sport &  
Culture Master  
Plan

Community  
Trails Strategy

Transportation  
Master Plan

Economic  
Development  
Plan

Fire Master  
Plan

Business  
Improvement  
Plans

Bylaws

Workplans

Budgets

Policies

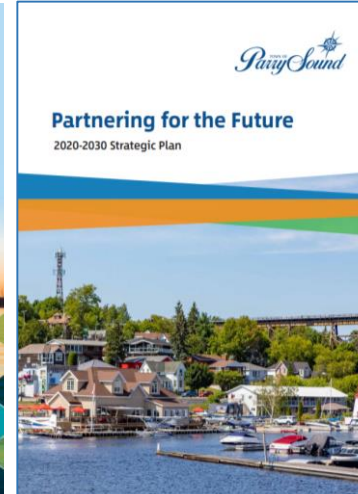
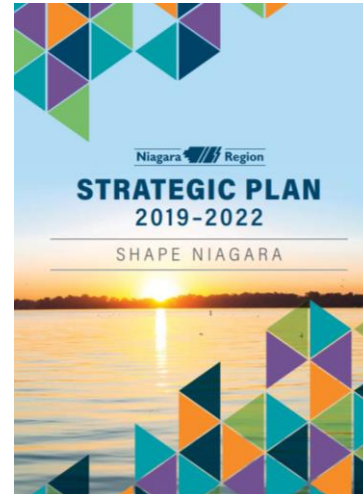
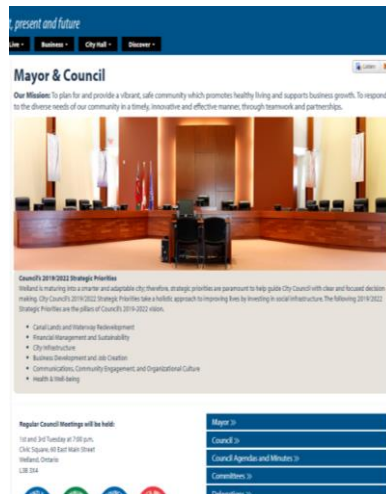
Projects

Initiatives

# City of Welland Strategic Plan

## WELLAND

## OTHER EXAMPLES / COMPARABLE



[Mayor & Council  
\(welland.ca\)](http://www.welland.ca)

[2019-2022 Council's  
Strategic Plan \(oakville.ca\)](http://oakville.ca)

[Niagara Region Strategic  
Plan 2019-2022](#)

[ParrySound Strategic-  
Report 2020.pdf](#)

[2018-2022-Strategic-  
Priorities---FINAL.pdf  
\(stratford.ca\)](#)

<https://london.ca/site/s/default/files/2020-09/2019%20Strategic%20Plan.pdf>



# 3 Main Sections of the Strategic Plan



- Long Term Vision, How we operate, and what are our core values as a City
- Broad Pillars of the organization. Typically, 4-6 Strategic Priorities, which all objectives & goals would align to.
- Specific Goals and Actions the city will undertake to achieve the strategic priorities.

# How will we accomplish this?



# Workshop Sessions

- Will be hosted in the Community Room.
- Workshop format with smaller groups of councilors, having facilitated discussion with a member of CLT at each table.
- Focused conversation around the three main sections of a CSP.
- Information will be gathered by CLT and documented, in preparation for next workshop date.
- Use of current 'Strategic Priorities' and other municipal Corporate Strategic Plans.





# *Questions?*

A goal  
without a  
plan is just  
a wish.

- Antoine de Saint-Exupéry



*Bridging the past, present and future*

**COUNCIL**  
**OFFICE OF THE CAO**

APPROVALS	
DIRECTOR	LG.
CFO	
CAO	

22-154

**REPORT CAO 2022-02**  
**DECEMBER 6, 2022**

**SUBJECT:** DEVELOPMENT OF A CITY OF WELLAND CORPORATE STRATEGIC PLAN (CSP)

**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

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

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approve the development of a City of Welland Corporate Strategic Plan for the new term of Council 2022-2026 as outlined in report CAO-2022-02.

**ORIGIN AND BACKGROUND:**

It is recommended that the City of Welland Corporate Strategic Plan (CSP) have a date range of four (4) years (2023-2026) yet transcend far beyond the four years through Council's vision. A four-year period will allow for all to focus on areas of priority while foreseeing a longer-term vision for the City of Welland.

**What is a Corporate Strategic Plan (CSP)?**

A CSP is a roadmap for the broader community, council, and the administration. It identifies what we aspire to be and outlines our plan on how we intend to get there. A CSP highlights the collective mission and values of our city in our effort to meet the aspirational vision set by city council. This document will guide all municipal initiatives to ensure alignment and ultimate success of the corporation. Strategic planning is one of the most important tools that a municipality can use to bring together residents, members of council, and municipal staff.

To help provide context of a CSP to other important plans and strategies within the city, figure 1 below highlights the relationship and overarching reach of a CSP.



Fig. 1



It is important to highlight a few factors as related to Fig. 1:

- A CSP provides a high-level overview of the corporation that is aspirational and forward-looking.
- All plans and initiatives within the city, beginning with the City's Official Plan, are all aligned with, and connected too, the CSP.
- All subsequent plans and strategies, including both the operating and capital budgets, would align to the CSP. For example, when a project or initiative is introduced in the capital budget, it must align with a particular departmental plan, and ultimately align with the CSP.

To provide a wide cross section of strategic plan examples from other municipalities, below are a few hyperlinks of strategic plans for your reference and to benchmark. These plans are provided as examples and will be used as part of the development of a City of Welland Corporate Strategic Plan.

- [Town of Oakville](#)
- [Niagara Region](#)
- [Town of Parry Sound](#)
- [City of Stratford](#)
- [City of London](#)

#### What are the Benefits of a CSP for the City of Welland?

1. It allows Welland to be proactive rather than reactive.

A CSP will allow Welland to foresee our future and to prepare accordingly. Through strategic planning, we can anticipate certain favourable and unfavourable scenarios before they happen

and take necessary precautions to avoid them. With a strong strategic plan, we can be proactive rather than reacting to situations as they arise. Being proactive will allow us to keep up with the ever-changing trends and remain the top municipality in Niagara, and beyond.

2. It creates a sense of aspirational vision and direction.

A strategic plan will help to define our direction, as provided by City Council, and aid in the establishment of realistic goals and objectives that are in line with our vision, mission, and values. A strategic plan offers a much-needed foundation from which an organization can grow, evaluate its success, and establish boundaries for efficient decision-making.

3. It increases operational efficiency.

A strategic plan will provide the administration with a roadmap to align the organization's functional activities to achieve our collective goals. It will guide management discussions and decision-making to establish resource needs, service levels, and budget requirements to accomplish these objectives, thus increasing operational efficiency. It is the glue that connects all departments and aligns us with the direction provided by City Council.

4. It will help to establish our place and position in the overall market.

Through a CSP, the City of Welland can gain valuable insights on municipal and market trends, and ensure alignment with upper tier, provincial, and federal mandates. It will allow City Council and the administration to prepare for and plan our next steps on what will work best for the City of Welland, allowing us to become the known leader with a lens on our community and residents.

5. It sends a signal to the business and development community of our intentions.

A strategic plan will help to inform the business community of the City of Welland's economic intentions and objectives, creating market energy to invest in Welland, and to support our community needs and interests. For businesses and industries that are currently here, it provides insights and perspectives on our way forward with a keen interest to align and grow so all can prosper.

**So, what is currently guiding the City of Welland today?**

Below represents what the City of Welland currently has in place, which highlights the City's council-approved mission and strategic priorities. This information will be used as our collective starting point for the development of a 2023-2026 Corporate Strategic Plan.

*"Our Mission:*

*To plan for and provide a vibrant, safe community which promotes healthy living and supports business growth. To respond to the diverse needs of our community in a timely, innovative, and effective manner, through teamwork and partnerships.*

*Council's Strategic Priorities*

*Welland is maturing into a smarter and adaptable city; therefore, strategic priorities are paramount to help guide City Council with clear and focused decision making. City Council's 2019/2022 Strategic Priorities take a holistic approach to improving lives by investing in social infrastructure.*



*The following 2019/2022 Strategic Priorities are the pillars of Council's 2019-2022 vision.*

- *Canal Lands and Waterway Redevelopment*
- *Financial Management and Sustainability*
- *City Infrastructure*
- *Business Development and Job Creation*
- *Communications, Community Engagement, and Organizational Culture*
- *Health & Well-being*

### **COMMENTS AND ANALYSIS:**

The City of Welland Corporate Strategic Plan will follow a similar format as other municipal plans. This includes three main sections shown below (1,2,3), introduced by a city preamble / overview, and concluded through next steps including annual progress reporting and update requirements. The chart below highlights the basic structure of a CSP.

Preamble	1	2	3	Conclusion
An overview of the city and our elected officials	<b>Vision, Mission, and Values</b>	<b>Strategic Priorities / Areas of Focus</b>	<b>Objectives, Goals and Actions</b>	Identifying process for next steps and annual reporting

1. The City of Welland's Corporate Strategic Plan will be guided by three fundamental elements: **our Vision, our Mission, and our Values.**
  - Our vision is aspirational and is the desired future state. It describes a future view of our community that we are committed to achieve.
  - Our mission describes both our purpose and our practices. It acknowledges that the City serves multiple stakeholders, with importance of their interests. Our mission also speaks directly to our employees. Without them the tremendous effort and contributions could not be realized.
  - Our values are founded on our collective vision, mission, and values that guide all our actions and decisions. These values reflect what we expect from Council, the broader community, and the administration.
2. The **Strategic Priorities or Areas of Focus** are broad pillars of the organization. For example, Environmental Stewardship or 'Good Governance' could be used as pillars of the corporation. Typically, strategic plans have between 4-6 Strategic Priorities / Areas of Focus, which align to the objectives and goals of the corporation. The City of Welland Strategic Priorities previously mentioned in this report will be used as our collective starting point when creating and refreshing priorities / areas of focus for the 2023-2026 CSP.
3. **Objectives, Goals and Actions** are specific targets that have a beginning and an end date. For example, to 'Update the Fire Master Plan', or to 'Create Service Levels for Parks', or to 'Develop a Tree Canopy Strategy' or to 'Develop a Transportation Master Plan'. These objectives, goals, and actions would be clearly scoped to ensure Council, the community, and



the administration understand the initiative with associated timelines and milestones which demonstrate how they are aligned to which area of focus.

### **So how will we accomplish developing a CSP?**

Staff are recommending a workshop format with both City Council and the community. The Corporate Leadership Team (CLT) will provide guidance and facilitate the workshops, capturing the information heard by Council and the community. It is recommended that this workshop be developed in-house through a One Team, One Welland approach.

Ambitiously, staff are recommending the completion of the CSP by Q1 / Q2 of 2023. Staff will host three council workshops; one each in January, February, and March, followed by community engagement to review the draft and provide comment and input. Engagement will reach residents, the business / development community, and various service providers / agencies.

The three workshop dates with Council will focus on the three sections of a CSP, as noted above and summarized below:

<b>Workshop #1</b>	<b>Workshop #2</b>	<b>Workshop #3</b>
Vision, Mission, Values	Strategic Priorities / Areas of Focus	Objectives / Goals / Actions
<b>January</b>	<b>February</b>	<b>March</b>

During the month of April, engagement will commence, with an expected report and the final approval by City Council in May / June 2023. The Corporate Leadership Team (CLT) is eager to work with members of Council on the creation of a made-in-Welland, CSP.

### **FINANCIAL CONSIDERATIONS:**

The City of Welland CSP is recommended to be facilitated by the CLT, resulting in no consulting fees to be spent. Staff time will be assigned and dedicated to this undertaking, with nominal expenses for any print materials and the production of the final document.

### **OTHER DEPARTMENT IMPLICATIONS:**

It is anticipated that all departments will be fully engaged throughout the process, with executive leadership provided through the office of the CAO.

### **SUMMARY AND CONCLUSION**

A Corporate Strategic Plan is one of the most powerful tools within a municipality. It sets an aspirational vision, aligns staff and resourcing, and sets targets. It provides opportunity for updates and is meant to be proactive. Areas of focus provide stability and direction for all when actions and objectives need to be created. It is intended for staff and council to complete this important guiding document early in 2023 and for the document to remain live, relevant, and active for the term of council up to 2026.

### **ATTACHMENTS:**

None.



## BUDGET REVIEW COMMITTEE MEETING MOTIONS REQUIRING COUNCIL APPROVAL

Monday, November 28, 2022

5:01 p.m.

Council Chambers / Virtual ZOOM Meeting

**Councillor B. Fokkens in the Chair**

**Members in Attendance:** Mayor Campion, Councillors J. Chiocchio, T. DiMarco, B. Green, M. Grimaldi, J. Lee, D. McLeod, A. Moote, C. Richard, S. Setaram, G. Speck, and L. Van Vliet

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

### **1. 2022 BUDGET INFORMATION REPORT**

THAT THE BUDGET REVIEW COMMITTEE receives for information the memorandum dated November 28, 2022, regarding the 2023 Tax Supported Budget, 2023-2032 Capital Budget, and 2023 Rate Supported Budget; and further

THAT the Budget Review Committee direct staff to prepare a Tax Supported Budget for 2023; and further

THAT the Budget Review Committee direct staff to target an overall 2023 tax increase that minimizes impact to taxpayers while maintain existing service levels of those in 2022; and further

THAT the Budget Review Committee direct staff to present Decision Units as part of the 2023 Tax Supported Budget to support corporate strategic initiatives and new staffing requests that could not be accommodated within the Tax Supported Budget; and further

THAT the Budget Review Committee direct staff to prepare a Capital Budget and forecast for 2023-2032; and further

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

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

THAT the Budget Review Committee direct staff to prepare a 2023 Rate Supported Budget; and further

THAT the Budget Review Committee approves the exclusion of amortization and post-employment benefit expenses from the 2023 Budgets; and further

THAT the Budget Review Committee approve the 2023 Budget Timetable, attached as Appendix I to the 2023 Budget Call Information Report memorandum dated November 28, 2022.

As recommended by the Budget Review Committee at its meeting of November 28, 2022.

Date Submitted: November 30, 2022

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

A handwritten signature in blue ink, reading "Steven Fairweather", is positioned above a horizontal line.

(Signature)



**COUNCIL**  
**OFFICE OF THE CAO**

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

**REPORT CAO-2022-03**  
**DECEMBER 6, 2022**

**SUBJECT:** UPDATE ON MUNICIPAL TRANSFER AGREEMENT AND 2023 REGIONAL TRANSIT LEVY UPDATE *20-13*

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

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

---

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receive for information this report and provide direction to staff regarding Council's previous position on the items still in dispute; and further,

THAT Welland City Council directs the Mayor and Clerk to execute the Municipal Transfer Agreement (MTA) even though the MTA still contains disputed items related to Future Employee Benefits – Retired Employees and Current and Future Employee Benefits – Active Employees; and further,

THAT Welland City Council executes the necessary by-laws for the Mayor and Clerk to sign the MTA; and further,

THAT Welland City Council directs staff to include within the Land Lease Agreements to be executed, the annual rental charge of \$56,000 per annum with an annual indexing mechanism; and further,

THAT Welland City Council directs staff to seek legal advice on the methodology applied to compute the 2023 levy allocation for transit operating costs, and then report back to Council on the results.

**ORIGIN AND BACKGROUND:**

Staff created this report to provide Welland City Council with an update on the status of the Municipal Transfer Agreement (MTA) and outstanding issues and provide information on the 2023 Budget and requisition for the Niagara Transit Commission as contained in Report NTC 20-2022.

At a closed meeting on October 13, 2022, staff provided Council with an update on the MTA specifically related to the outstanding items still in dispute. At this meeting, Council did provide direction to staff on the outstanding items.

The City received the final draft copy of the MTA on November 10, 2022. The Region is seeking to have the MTA executed by all parties on or before December 1, 2022 to facilitate a smooth

transition. The final draft of the MTA still contains some outstanding issue not in alignment with the direction provided to staff by Council.

### **COMMENTS AND ANALYSIS:**

The direction provided by Council to staff on terms and conditions to be considered within a Municipal Transfer Agreement (MTA) were:

1. All City of Welland Transit assets would be transferred to the Niagara Transit Commission (NTC).
2. All local municipalities would receive a payment-in-lieu-of-taxes (PIL) on all facilities transferred.
3. All Union and Non-Union staff would be transferred to the NTC.
4. NTC would be responsible for all termination costs for any Union or Non-Union Staff.
5. The NTC would be responsible for all employee costs for all Transit employees (current and retired).
6. All employment obligations would be the responsibility of the NTC (unused vacation entitlements, sick entitlements, WSIB, post-employment obligations, etc.)

Staff, based on these directions, has been working since March 2022 with Regional staff and solicitors on the development of an MTA. During these ongoing discussions there have been several changes to the agreement. The latest draft agreement received by the City was on November 10, 2022.

As staff we do not have the authority to sign the MTA, we are reporting back to Council on the outstanding issues and seeking Council's direction on how to proceed. The remaining unresolved issues in relation to Council direction are noted below:

1. All City of Welland Transit assets would be transferred to the Niagara Transit Commission (NTC).

The MTA in Section 2.1 states that all assets, except buildings, will be transferred to the NTC. Buildings will be transferred to the Region.

**RESOLVED:** Although this is not fully aligned with Council's original direction, staff can support this clause within the MTA.

2. All local municipalities would receive a payment-in-lieu-of-taxes (PIL) on all facilities transferred.

The MTA in Appendix A, Section 1 (b) states PIL will only be paid where applicable. Based on legislation, since the facilities are to be placed in the name of an exempt organization, a PIL would not be applicable.

It is staff's understanding that the other local municipalities agree with this condition and agree with no fee within the land lease agreement.

Based on a review of the two facilities to be transferred to the NTC and the current assessed value, the anticipated PIL would be approximately \$56,000.

**UNRESOLVED:** Staff is seeking Council direction on this issue. The MTA in Article XI provides for a Dispute Resolution and Venue process which could be utilized for this issue.

3. All Union and Non-Union staff would be transferred to the NTC.

The MTA in Section 7.4 (e) indicates the NTC will not be required to make offers to any particular non-union employee or to all non-union employees. It has now been amended to read these offers will be made 14 days prior to the closing date of



January 1, 2023. However, the NTC has already made these offers to non-union employees. As offers have been presented and accepted by employees, this 14-day clause will have no impact on these offers.

**RESOLVED:** Non-union transit staff not uploaded to the NTC will continue their employment with the City. Although this is not fully aligned with Council's original direction, staff can support this clause within the MTA.

4. NTC would be responsible for all termination costs for any Union or Non-Union Staff

The MTA in Sections 7.4 (e) and 4.13 (d) indicates the NTC will not be responsible for any Transit staff terminated because of the upload to the NTC. It also proposes in Appendix A, Section 7, that should an employee in receipt of an offer from the NTC refuse the offer, the local municipality would be responsible for the employee.

THE NTC presented offers to non-union staff in October 2022. The City has been advised the offers presented have all been accepted except for one.

The union staff will transfer to the NTC based on the collective agreement.

**RESOLVED:** Non-union transit staff not uploaded to the NTC will continue their employment with the City. Although this is not fully aligned with Council's original direction, staff can support this clause within the MTA.

5. The NTC would be responsible for all employee costs for all Transit employees (Current and Retired)

The MTA in Section 7.4 deals only with the transferred employees. The retired transit employees would continue to be the responsibility of the local municipalities.

Staff has attempted to estimate the potential cost exposure related to this requirement. Currently, the City has 13 retired Transit employees receiving post-employment benefits. These employees are in receipt of health coverage benefits to age 65 and retire life insurance to age 70. The estimated exposure to the City is approximately \$92,000 for health benefits and approximately \$60,000 for life insurance, for a total exposure of approximately \$152,000.

**UNRESOLVED:** Staff is seeking Council direction on this issue. The MTA in Article XI provides for a Dispute Resolution and Venue process which could be utilized for this issue.

6. All employment obligations would be the responsibility of the NTC (Unused vacation entitlements, sick entitlements, WSIB, Post employment obligations, etc.)

The MTA contemplates local municipalities will be responsible for all costs related to employees prior to the transfer to the NTC. The items contemplated are noted in section 7.4 (f) which are including, without limitation, all wages, salary, bonus, employee benefits (Current plus post-employment) and vacation pay.

Vacation pay is further explained in section 7.6 of the MTA note below:

Vacation. As at the close of business on the day immediately prior to the Closing Date, each of the Municipalities shall accrue as a liability in its accounts, an aggregate amount (the "Vacation Amount") equal to all accrued and unpaid vacation pay earned or accrued by the Transferred Employees up to the Closing Date and provide the Transit Commission with a list of the Transferred Employees specifying such amounts for each such Transferred Employee on or before the Closing Date. Each Municipality shall transfer the Vacation Amount to the Transit Commission subject to adjustment for any amounts paid out to Transferred Employees prior to the employment of such Transferred Employee with the Transit Commission.



Subject to compliance with applicable law, with respect to each Transferred Employee, the Transit Commission shall allow the Transferred Employee to take vacation time equal to the portion of the Vacation Amount applicable to the Transferred Employee in accordance with the Transit Commission's policies.

The MTA in Schedule 2.3 (e) sets out a Formula for Shared Liability Arising from Amalgamation Regarding Employee Future Benefits (EFBs). Within this schedule it states:

It is agreed by Niagara Region and the LAMs (the "Parties") that any funding of the EFBs obligation at December 31, 2022, as a result of this Formula will be attributed back to the applicable LAM by Niagara Region through a transit special levy. To this end, the LAMs' share of the EFB funding formula shall be incorporated into the NTC annual operating budget, as a transfer to reserve, and form part of the requisition of each of the respective LAMs. The remaining balance of any EFB costs will be funded as incurred or through a future reserve funding strategy and included in the NTC operating budgets to be allocated to the special levy requisitions of all municipalities based on service hours.

Staffs understanding of Council's direction was that all employee-related benefit costs would be the responsibility of the NTC. However, the current MTA places some responsibility for these costs on the local municipalities. Staff has attempted to determine what the estimated potential impact to the City would be of this condition. Noted below is a table identifying to the best of our abilities what this cost may be per category for active employees:

Description	Amount	Comment
Wages (Regular & Overtime)	\$0	All wages related to Union and Non-Union employees will be paid by the City as worked prior to Dec 31, 2022
Benefits (Claims)	\$0	City will settle all benefit related claims for health & dental for expenditures incurred prior to Dec 31, 2022. Any employees off on LTD will continue under City's existing plan
WSIB	\$0	Any employees for which a claim happened prior to Dec 31, 2022, will be covered under the City WSIB
<b>Post-retirement Benefits – Active Employees</b>		
Health Coverage	\$80,000	Based on current employees, the City estimates 10 employees would qualify for post-employment health benefits. The split of these costs between the City and NTC is based on years of service with City, divided by total years of service to age 65 times cost
Life Insurance	\$66,000	Based on current employees the City estimates 10 employees would qualify for life insurance benefit. The estimate is based on current information that shows 57% of this group would pass before the age of 70. The split of these costs between the City and NTC is based on years of service with City divided by total years of service to age 65 times cost

<b>Post-Retirement Benefits - Retired Employee</b>		
Heath Coverage	\$92,000	This assumes City is responsible for all costs
Life Insurance	\$57,000	The estimate is based on current information that shows 57% of this group would pass before the age of 70
<b>Other Items</b>		
Vacation Pay Accrual	\$168,000	The vacation pay accrual is only applicable to Union staff as they earn their 2023 vacation entitlement based on 2022 vacation earnings.
Sick Leave	\$0	Any sick leave balances are paid at out by Dec 31, 2022.
<b>Total Estimated Exposure</b>	<b>\$463,000</b>	

**UNRESOLVED:** Staff is seeking Council direction on this issue. The MTA in Article XI provides for a Dispute Resolution and Venue process which could be utilized for this issue.

Welland City Council has been supportive of Regional Transit as found in the motion passed by Council during the two thirds majority vote (Copy of motion attached as APPENDIX A). This motion made some requests for amendments to the information presented during the two thirds vote. One of the requests was for the Region to update the costing to 2022. However, the City was unsuccessful in obtaining any amendments.

To keep the MTA process moving forward towards signing, City staff presented an option to the Region whereby the MTA could be signed and the items in dispute identified above would be referred to mediation.

The Region provided an email response to this request denying this as an option for the MTA (Copy of email response attached as APPENDIX B).

Based on the Region's response, staff sought legal direction regarding the ability to amend the MTA. Staff were advised that any amendments the City wishes to make to the MTA, at a minimum both the NTC and the City would need to agree to such amendments, and to the extent that such amendments impacted the other parties to the MTA, then such other parties would also need to agree to the amendments. The items in dispute were presented to the Transit Steering Committee and were rejected.

The result is once the City signs the MTA, the City cannot seek to amend the MTA for items in dispute, or to exempt the City from certain provisions of the MTA. These types of unilateral amendments would not be enforceable.

The latest final draft of the MTA agreement still does not fully align with Council's direction. This report highlights the issues still in dispute.

## **2023 REGIONAL TRANSIT LEVY UPDATE**

Staff was provided with a copy of the motion and report (NTC 20-2022) of the Niagara Transit Commission (NTC), from its meeting held on November 1, 2022, where the 2023 Regional Transit Levy was approved. Copy of report is attached as APPENDIX C.



The implications to Welland residents of the NTC decision for funding of local service transit is an approved budget of \$5,667,602 for 2023. In 2022, the City's net levy for transit was \$3,479,566. The increase in costs allocated to Welland represents approximately a 62.88% increase.

In the development of the allocation of costs there are a few issues staff wish to bring to Council's attention:

#### 1. The Allocation Method Utilized for Local Service

The methodology presented to local municipalities on the allocation of local transit service costs during the triple majority vote was presented as follows:

"Niagara Region Transit (NTC) service costs transferred to the Commission will continue to be allocated to the Special Levy based on municipal share of Regional assessment and the local transit service costs will be allocated to the Special Levy based on service hours."

The Municipal Act, 1997 in section 326 provides for by-laws regarding Special Services. The NTC is utilizing this section to introduce special levies for transit. In Regional report LNTC-C 3-2021 on page 9 it makes reference to the Municipal Act Section 326(2) (b) for the authority for the utilization of this method. Section 326 (2) (b) states:

326 (2) In this section,

- (a) "benefit" means a direct or indirect benefit that is currently available or will be available in the future; ("advantage")
- (b) "special service" means a service or activity of a municipality or a local board of the municipality that is,

During the triple majority vote the Transit allocation methodology presented a 2023 operating budget projection of \$46.4 million (Local \$29.4 Regional \$17.1). The details were presented in report LNTC-C 3-2021, APPENDIX 4 of the report. Copy of APPENDIX 4 is attached as APPENDIX D.

The NTC report (NTC 20-2022) presents a 2023 operating budget of \$56.98 million. This revised budget represents a 22.8% increase over the budget presented in the triple majority report.

The breakdown of the budget in the NTC report can be found in Table 1. Table 1 indicates a budget of \$55.05 million (Local \$32.70, Regional \$16.65, and Local Direct \$5.7). Table 1 fails to include the One-Time Levy of \$1.93 million.

The methodology followed by the NTC is different from than that presented in the triple majority vote as it has now introduced two additional allocation methods (Local Direct Municipal Allocation and One-Time Levy).

In 2023, the NTC applied three different cost allocation methods to allocate cost to local municipalities. The additional two methodologies were only applied to St. Catharines, Niagara Falls, and Welland. The cost allocation methodologies applied were Service Hours, Local Direct Municipal Allocation, and One-Time Levy. The implications of these cost allocation methodologies to Welland are:

- i. Service hours for a portion (\$4,104,835)
- ii. Local Direct Municipal Allocation (\$1,275,000) (This represented 2022 funding included in the operating budget from Safe Restart Funding (\$500,000) and Provincial Gas Tax (\$775,000))
- iii. One-Time Levy (\$287,767)



**ISSUE:** The Direct Municipal Allocation and One-Time Levy method where methods not previously presented by the Region to Local Municipalities.

## 2. Local Direct Municipal Allocation

The Local Direct Municipal Allocation method has been applied to St. Catharines, Niagara Falls and Welland. The amount allocated through this process is \$5,699,974 to the municipalities noted above. The amount allocated to the City of Welland is \$1,275,000. Based on 2022 budget this amount represents the Safe Restart Funding (\$500,000) and Provincial Gas Tax (\$775,000).

There are some concerns with NTC implementing this new allocation method not previously presented to local municipalities. The report indicates the NTC believes the methods used by St. Catharines, Niagara Falls, and Welland to mitigate the 2022 farebox decline was done with unsustainable reserves. The comment made in the report was:

"In 2022, municipalities saw a decline in farebox revenues, which many mitigated with one-time use of reserves totaling \$5.7 million. These reserves were funded from PGT or Safe Restart Funding (SSRF) which is not sustainable given the SSRF was a one-time provincial contribution and PGT is only \$6.8 million annually. Therefore, these one-time sources of funding have been removed from the 2023 NTC budget and the budget reflects the decline in revenue."

The comment is correct in relation to the choice of funding sources. In relation to each funding source staff provide the following:

### i. Safe Restart Funding (SSRF)

The SSRF funding utilized by the City in 2022 was designed to help provide a source of funding to offset the lost fare box revenue due to COVID-19. The loss of this source of funding should not be allocated directly to the three municipalities. If transit was still at the lower tier, staff would have presented options to mitigate this impact. The report did not present these options. This revenue adjustment should have been part of normal operation and allocated based on the original service hours allocation model.

Should the province in 2023 introduce additional Safe Restart Funding (SRA for a Phase 4), how will the NTC allocate this funding? Will it be allocated back as a Direct Municipal Allocation?

### ii. Provincial Gas Tax

The report is allocating to each of the three municipalities the portion of gas tax funding utilized in their 2022 operating budgets. However, the NTC report indicates the 2023 budget will continue to use \$1.61 million in Provincial Gas Tax (PGT) for operating budget.

With the upload of transit to the NTC, the gas tax funding is not anticipated to be reduced as it is based on ridership which has increased in 2022. These funds can be utilized for operating or capital. The decision of how to allocate these funds was made by the NTC. The decision of the NTC is to shift this funding from operating to capital. The 2023 utilization of gas tax at a minimum should have been allocated as a reduction against the three municipalities.

### iii. Revenue Increase in 2023

The rationale for the use of the Direct Municipal Allocation was due to the utilization of one-time funding by the three municipalities to offset the decline in farebox revenue due to COVID-19. However, the 2023 budget proposes an increase in farebox recovery of \$500,000.

These funds should have been allocated first to the estimated increase in each of the three municipalities farebox revenue to reduce this Direct Municipal Allocation before being utilized to reduce the remaining costs allocation based on local service hours.

Since the NTC, through the budget process, developed the local service budget, the cost included in the Local Direct Municipal allocation should have formed part of normal operation and allocated based on original service hours allocation model.

**ISSUE:** The Direct Municipal Allocation method was not previously presented by the Region to Local Municipalities.

### 3. One-Time Levy

In addition, a one-time special levy of \$1,931,540 estimated in accordance with the MTA for employment obligations associated with transferred and terminated employees, will be levied for 2023, bringing the total special levy for the NTC for 2023 to \$56,984,490. This special levy will fund a portion of the employment obligations associated with employees transferred to the NTC. The remaining costs of the employment related liabilities will either be adjusted by the NTC in future year levies or be included in the NTC base budget in accordance with the terms of the approved MTA.

The City of Welland does not have any terminated employees as it relates to the MTA or this One-Time Levy. Therefore, there should be no costs for termination included in this levy amount.

These types of costs in a normal acquisition of a business would be factored into the purchase price. In this situation, the NTC is not compensating the local municipalities to acquire their transit business but has placed a motion to assume the operations of transit within the region of Niagara. Therefore, these costs should have been uploaded to the NTC and apportioned based on the original service hours allocation model.

**ISSUE:** The One-Time Levy Allocation method was not previously presented by the Region to Local Municipalities.

The introduction of the Local Direct Municipal Allocation and the One-Time Levy methods appear to be outside of the allocation methods presented during the triple majority vote. Staff are seeking direction from Council to see if they wish staff to obtain a legal opinion on the validity of the introduction of two additional allocation methods not presented as part of the triple majority vote. If the direction of council is yes staff would report back to council on the legal opinion.

### **FINANCIAL CONSIDERATION:**

There is no financial impact to the City, however there is an impact to Welland residents through the 2023 Regional Levy.



The implications to Welland residents of the NTC decision for funding of local service transit is an approved budget of \$5,667,602 for 2023. In 2022 the City's net levy for transit was \$3,479,566. The increase in costs allocated to Welland represents approximately a 62.88% increase.

#### **OTHER DEPARTMENT IMPLICATIONS:**

City departments providing administrative support to transit have been consulted. With the upload of transit, this administrative support will no longer be required but will not result in any savings to the City.

#### **SUMMARY AND CONCLUSION:**

Staff are seeking the following directions from Council:

THAT THE COUNCIL OF THE CITY OF WELLAND receive for information this report and directs staff to maintain councils' previous position on the items still in dispute; and further,

THAT Welland City Council directs the Mayor and Clerk to execute an amended Municipal Transfer Agreement (MTA) invoking the dispute resolution process identified in Article XI of the MTA and request mediation for the disputed items as noted below:

1. The Land Lease – the annual rent to be charged be set at \$56,000 with an annual indexing mechanism
2. Future Employee Benefits – Retired Employees
3. Future Employee Benefits – Active Employees;

and further,

THAT Welland City Council executes the necessary by-laws for the Mayor and Clerk to sign the MTA; and further,

THAT Welland City Council directs staff to seek legal advice on the methodology applied to compute the 2023 levy allocation for transit operating costs and then report back to council on the results.

#### **ATTACHMENTS:**

APPENDIX A – Council Resolution on two thirds Majority Vote

APPENDIX B – Email Response from Region on proposed amended MTA referring items in dispute to the dispute resolution process identified in Article XI

APPENDIX C – 2023 Budget Requisition – Niagara Transit Commission Report NTC 20-2022

APPENDIX D – LNTC-C 3-2021 APPENDIX 4 of the report



*Spick*



# RESOLUTION

RESOLUTION NO. 2021 -

MOVED BY: Chiocchio  
SECONDED BY: McLeod

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

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

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

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

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

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

...continued...



# RESOLUTION

RESOLUTION NO. 2021 -

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

COUNCILLORS	YEAS	NAYS
LAROCHE	✓	
GREEN	✓	
SPECK	✓	
CHIOCCHIO	✓	
MCLEOD	✓	
<del>DIMARCO</del>	<del>✓</del>	<del>✓</del>
RICHARD	✓	
GRIMALDI	✓	
MASTROIANNI	✓	
FOKKENS	✓	
MOOTE	✓	
VAN VLIET	✓	
MAYOR GAMPION		

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

*Recorded vote requested.*

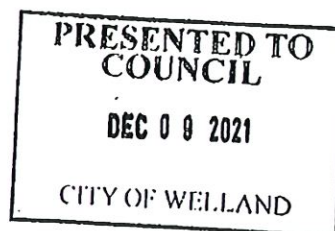
CARRIED



LOST



NOT PUT





**From:** Zvaniga, Bruce <Bruce.Zvaniga@niagararegion.ca>  
**Sent:** November 22, 2022 2:15 PM  
**To:** Steve Zorbas  
**Cc:** Tripp, Ron; Jason Burgess; Dave Oakes (doakes@stcatharines.ca); Stout, Carla  
**Subject:** Transit MTA - Outstanding Matters for City of Welland

**Importance:** High

**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!

Dear Steve,

I am writing further to our telephone conversation of Friday November 18, regarding the Municipal Transfer Agreement (MTA), necessary to complete the transfer of assets and personnel to the Niagara Transit Commission (NTC) from Niagara Region, Niagara Falls, St. Catharines Transit Commission/St. Catharines and Welland in order support the NTC maintaining current transit service levels when it assumes operational responsibility for regional transit on January 1, 2023.

Firstly, I would like to express my appreciation for your cooperation and quick assistance in requesting the claim history information from your insurer on Friday.

As you know, after months of discussion and collaboration, the final draft of the MTA was provided to the municipalities on November 10 and we are seeking to have it executed by all parties on or before December 1, in order to facilitate a smooth transition.

Based on our conversation, I understand that you are prepared to execute the MTA on behalf of the City of Welland subject to the following three issues of concern to your Council proceeding to mediation:

1. Payment by NTC of rent in the amount of ~ \$50,000 per year for the use of the transit properties (aka the PIL alternative)
2. Payment by NTC of retiree benefits to age 65 and life insurance to age 70 for 12 existing retirees of Welland transit (Welland would continue to pay the provider(s) but would bill the expense back to NTC)
3. No financial responsibility for payment on the part of Welland for any vacation accrual by employees transferring to the NTC (covered by budgeted part-time employees).

I tabled this approach at yesterday's meeting of the Transit Commission Steering Committee (TCSC).

The TCSC considered your request and determined that we are not in a position to agree to the proposal for mediation.

The MTA, including its treatment of the above items (e.g. no payment of rent; LAMs responsible for pre-December 31 2022 costs, including retirees), is based on the principles contained in the term



sheet that formed the foundation of the triple majority approval, and subsequent Regional Council approval and direction to the TCSC (whereby the Region/NTC agreed to share some employee-related costs with the LAMs, subject to certain terms and conditions).

As these matters are not in alignment with Regional Council's direction to us, we do not have the authority to negotiate them.

In addition, your proposal could result in inconsistent treatment of these issues among our municipal partners St. Catharines, Niagara Falls and Fort Erie, which in our view is not supportable.

We hope that this provides clarity regarding our position; and trust that we can rely on your cooperation in advancing the completion of the MTA.

I understood from our conversation that you intend to report to Welland City Council regarding the MTA at the December 6 meeting. I am available to discuss how we can move this forward to execute the MTA and ensure uninterrupted transit service operation with the startup of NTC operations.

Bruce

**Bruce Zvaniga, P.Eng.**  
Chair, Transit Commission Steering Committee  
Commissioner Public Works

Niagara Region  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7  
Mobile: 905-327-8613  
Office: 905-980-6000 ext. 3288 Toll free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)



cc: Ron Tripp, CAO Niagara Region  
Jason Burgess, CAO Niagara Falls  
David Oakes, CAO St. Catharines  
Carla Stout, General Manager NTC

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

November 11, 2022

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

2023 Budget and Requisition – Niagara Transit Commission  
Report NTC 20-2022

The Niagara Transit Commission, at its meeting held on November 1, 2022, passed the following motion:

That Report NTC 20-2022, dated November 1, 2022, respecting 2023 Budget and Requisition – Niagara Transit Commission, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2023 Niagara Transit Commission (NTC) gross operating budget of \$75,975,876 and net budget of \$55,052,950 as per Appendix 1 of Report NTC 20-2022, **BE APPROVED**;
2. That the net budget of \$55,052,950 **BE APPORTIONED** between the local municipalities as per Appendix 2 determined in accordance with the methodology approved in PW 55-2021 and subject to update based on final 2023 current value assessment;
3. That the additional special levy estimate of \$1,931,540 **BE LEVIED** on the municipalities in accordance with Appendix 2 subject to final update in accordance with the Municipal Transfer Agreement (MTA);
4. That the 2023 Niagara Transit Commission budget **BE FORWARDED** to Regional Council Budget Review Committee of the Whole (BRCOTW) on January 19 for approval and subsequent calculation of the Special Levy tax rates for each municipality;
5. That in order to ensure continuity of transit services on January 1, 2023, the General Manager **BE AUTHORIZED** to implement the organizational chart endorsed in Confidential Report NTC 17-2022, which now reflects the Shared Services strategy approved in Confidential Report NTC 18-2022, all of which is accommodated within the \$36,762,584 labour related cost included in the 2023 Operating Budget; and
6. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report NTC 20-2022 is attached for your information.

Yours truly,



Ann-Marie Norio  
Regional Clerk  
CLK-C 2022-145

CC: Carla Stout, General Manager, Niagara Transit Commission  
Leah Tracey, Executive Assistant/Communications Advisor



Subject: 2023 Budget and Requisition – Niagara Transit Commission

Report to: Niagara Transit Commission Board

Report date: Tuesday, November 1, 2022

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## Recommendations

1. That the 2023 Niagara Transit Commission (NTC) gross operating budget of \$75,975,876 and net budget of \$55,052,950 as per Appendix 1 **BE APPROVED**;
2. That the net budget of \$55,052,950 **BE APPORTIONED** between the local municipalities as per Appendix 2 determined in accordance with the methodology approved in PW 55-2021 and subject to update based on final 2023 current value assessment;
3. That the additional special levy estimate of \$1,931,540 **BE LEVIED** on the municipalities in accordance with Appendix 2 subject to final update in accordance with the Municipal Transfer Agreement (MTA);
4. That the 2023 Niagara Transit Commission budget **BE FORWARDED** to Regional Council Budget Review Committee of the Whole (BRCOTW) on January 19 for approval and subsequent calculation of the Special Levy tax rates for each municipality;
5. That in order to ensure continuity of transit services on January 1, 2023, the General Manager **BE AUTHORIZED** to implement the organizational chart endorsed in Confidential Report NTC 17-2022, which now reflects the Shared Services strategy approved in Confidential Report NTC 18-2022, all of which is accommodated within the \$36,762,584 labour related cost included in the 2023 Operating Budget; and
6. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

## Key Facts

- The purpose of this report is to seek Board approval of the 2023 operating budget, which is the first of the new Niagara Transit Commission (NTC) in accordance with Article 7 of the Municipal Service By-law (MSB).
- Due to the many limitations in supporting the operation being live January 1, 2023, the 2023 budget is based on a consolidation of the 2022 operating budgets of the local area municipalities with adjustments for capital strategies, inflation, and one-time funding based on the assumptions used in the past as described in the Analysis.

- In addition to the approval of the budget, the report estimates the one-time 2023 levy for employment obligations of the employees transferred from the Cities of Niagara Falls and Welland and the St. Catharines Transit Commission. The funds are estimated in accordance with the proposed terms of the MTA which is in the process of being finalized and will be set aside in reserve and used in accordance with the terms of the MTA once finalized.
- There is no new capital budget being proposed for the NTC for 2023. However, there are currently 38 capital projects in-flight approved by the Cities of Niagara Falls and Welland and the St. Catharines Transit Commission that will be transferred to and completed by the NTC in accordance with proposed terms of the MTA (including the need for Provincial/Federal consent as applicable for the transfer of any related funding agreements). The NTC will also complete any reporting and compliance requirements associated with Provincial and Federal funding contributions for these transferred capital projects.
- The NTC budget will be presented to Regional Council on January 19, 2023 for consideration and approval in accordance with the Council approved timetable in accordance with Article 7.3 of the MSB.

## Financial Considerations

The recommended 2023 Operating budget is provided in Appendix 1 with gross expenses of \$75,975,876 and a net special levy of \$55,052,950. The 2023 NTC budget is based on the 2022 base budgets of the twelve local area municipalities with adjustments as follows:

**Table 1 (Millions): 2022 Base Budgets in Comparison to 2023 NTC Budget**

<b>Special Levy Requisition Component</b>	<b>Local – Service Hour Allocation</b>	<b>Regional – Assessment Allocation</b>	<b>Local – Direct Municipal Allocation</b>	<b>Total</b>
2022 Base Budget	\$29.33	\$16.16		<b>\$45.50</b>
Inflation Estimate	0.99	0.47		<b>1.47</b>
Capital Reserve Strategy	2.17			<b>2.17</b>
2022 On-Demand Service Enhancements	0.46			<b>0.46</b>
Debt Servicing	0.24	0.02		<b>0.26</b>
2022 Farebox Decline Mitigated with Unsustainable Reserves			5.70	<b>5.70</b>
Farebox Recovery	(0.50)			<b>(0.50)</b>
<b>Total</b>	<b>\$32.70</b>	<b>\$16.65</b>	<b>\$5.70</b>	<b>\$55.05</b>



The estimate previously provided with the Triple Majority process was based on 2020 transit budgets and was estimated at a \$48,568,788 net special levy. The increase of \$6,484,162 is due to the following:

**Table 2 (Millions): Triple Majority Strategy in Comparison to 2023 NTC Budget**

<b>Special Levy Requisition Component</b>	<b>Local – Service Hour Allocation</b>	<b>Regional – Assessment Allocation</b>	<b>Local – Direct Municipal Allocation</b>	<b>Total</b>
Financial Strategy Estimate	\$31.52	\$17.05		<b>\$48.57</b>
Inflation / Savings	0.49	(0.40)		<b>0.09</b>
Deferred Provincial Gas Tax Phase-out	(0.32)			<b>(0.32)</b>
Service Enhancements	1.28			<b>1.28</b>
Debt Servicing	0.24			<b>0.24</b>
2022 Farebox Decline Mitigated with Unsustainable Reserves			5.70	<b>5.70</b>
Farebox Recovery	(0.50)			<b>(0.50)</b>
<b>Total</b>	<b>\$32.70</b>	<b>\$16.65</b>	<b>\$5.70</b>	<b>\$55.05</b>

In addition, a one-time special levy of \$1,931,540 estimated in accordance with the MTA for employment obligations associated with transferred and terminated employees, will be levied for 2023, bringing the total special levy for the NTC for 2023 to \$56,984,490. This special levy will fund a portion of the employment obligations associated with employees transferred to the NTC. The remaining costs of the employment related liabilities will either be adjusted by the NTC in future year levies or be included in the NTC base budget in accordance with the terms of the approved MTA.

## **Analysis**

This first budget of the NTC has been prepared in accordance with the provision of the Municipal Service By-law and specifically Article 7.2 and prepared in accordance with the policies in Schedule A of the By-law in particular the Budget Planning By-law.



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## Operating Budget

As noted above, the 2023 NTC budget is a consolidation of 2022 local area municipal budgets with adjustments for inflation, capital financing and previous one-time uses of funding.

- Inflation: A 2% inflationary adjustment has been made to 2022 base budgets. In addition, inflationary adjustments have been made as per the terms of contractual agreements that dictate the prescribed calculation of inflation for 2023 assumed contracts.
- Capital: Capital needs of the NTC are significant, which requires a balance between operational budget affordability and capital sustainability. The triple majority strategy included the strategy to build up capital reserves and reserve PGT entirely for capital for long-term asset sustainability. The following strategies are included in the proposed 2023 budget, however a \$10.5 million gap in funding exists for the 10 year forecast and therefore capital will be realigned to available funding.
  - a) Phasing in \$6.5 million of required annual transfers to capital reserve over 3 years (\$2.17 million in 2023) as per triple majority strategy.
  - b) Continue to use \$1.61 million in Provincial Gas Tax (PGT) for operating budget. Triple majority strategy had started to phase this out of operating for capital in 2023 however due to other pressures the phase out is proposed to begin in 2024 instead offering savings of \$320,000.
  - c) In 2022, municipalities saw a decline in farebox revenues, which many mitigated with one time use of reserves totaling \$5.7 million. These reserves were funded from PGT or Safe Restart Funding (SSRF) which is not sustainable given the SSRF was a one-time provincial contribution and PGT is only \$6.8 million annually. Therefore, these one-time sources of funding have been removed from the 2023 NTC budget and the budget reflects the decline in revenue.

Additional items creating pressure in the 2023 budget are:

- Service enhancements adopted by the local area municipalities since 2020 and including 2022 in year enhancements.
- Changes in estimate of debt servicing costs for capital financing decisions made by the local area municipalities since 2020.

The budget includes labour related costs that accommodate the approved organization chart and corporate and administrative services supported by a shared services agreement that will be entered into with the Region. In accordance with the Budget Planning By-law the staff complement in Table 3 is provided for in the recommended

NTC budget and includes both headcount (number of employees which may include part time employees) as well as full time equivalents which converts headcount based on full time hours for each position as per the Budget Planning By-law. Modification to the staff complement in future budgets will be considered in accordance with Budget Planning By-law Section 4.8:

**Table 3: NTC Staff Complement**

Function	Head Count	Full Time Equivalents Temporary	Full Time Equivalents Permanent
Administration	5	0	5
Planning & Performance	27	1	23
Fleet	63	1	59.7
Operations	343	0	321.4
Shared Services	16	3.3	12.1
<b>Totals</b>	<b>454</b>	<b>5.3</b>	<b>421.20</b>

### Capital Budget

The capital forecast below includes 'in-flight' capital projects totaling \$69.26 million gross and zero net that are being transferred to the NTC in accordance with the MTA as well as the ten year total of capital projects driving the capital financing strategy built into the operating budget. The ten year forecast will be part of future year budgets for approval as the NTC will focus efforts in 2023 on the 'in-flight' projects transferred. All of the strategies noted above are required to support the following ten year forecast but still result in a \$10.5 million funding gap which will require modification to the capital forecast if funding does not become available:

**Table 4 (Millions): NTC Capital Forecast**

Source	Gross 2023	10 year forecast 2024-2033	Total
In-flight	\$52.26		\$52.26
Additional Niagara Falls	2.00		2.00
In Flight Welland Facility		15.00	15.00
<b>TOTAL IN FLIGHT PROJECTS</b>	<b>\$54.26</b>	<b>\$15.00</b>	<b>\$69.26</b>
10 Year forecast		189.58	189.58
Growth forecast	0.00	40.80	40.80
<b>TOTAL GROSS CAPITAL</b>	<b>\$54.26</b>	<b>\$245.38</b>	<b>\$299.65</b>



Source	Gross 2023	10 year forecast 2024-2033	Total
Total External Funding (ICIP/PGT/DC's)	(54.26)	(169.90)	(224.16)
<b>Net FUNDING (Reserves)</b>	<b>\$0.00</b>	<b>\$75.49</b>	<b>\$75.49</b>

Note: Capital forecast table has removed 2034 for the forecast horizon as depicted in the presentation at the Niagara Transit Commission Special Meeting September 27, 2022.

The table above specifically itemizes two in-flight projects separately. One project being a Niagara Falls project for farebox harmonization still requiring additional provincial approval and the other a project for the existing Welland transit operations facility where timing has been modified to a future year to allow for a full facilities needs assessment and review to be completed by the NTC in 2023.

Any modification to the capital strategies included in the operating budget will increase the current funding gap and will jeopardize the NTC's ability to meet the Municipal contribution portions of the required Investing in Canada Infrastructure Program (ICIP) projects (see report NTC 19-2022 Investing in Canada Infrastructure Program – Intake 3). The NTC has been lobbying the Federal government for \$10.1 million for one-time transition capital and consulting projects to help fill some of the funding gaps.

The Region's recently approved DC by-law will support growth capital costs effective January 1, 2023 when the local area municipalities will cease to collect development charges for transit.

### Opportunities and Risks

Throughout 2023, as staff are brought on board and the NTC becomes operational, a line by line review of the NTC's budget will be completed so that any mitigation opportunities in addition to the following are incorporated into future NTC budgets:

- Service level increases deferred to 2024 as per the triple majority strategy
- Increased farebox revenues by \$0.5 million in increased 2023 farebox revenues
- Using \$1.61 million in PGT for operating, phasing out over 3 years starting in 2024

As with any budget, there are risks that need to be managed throughout the year. The following risks are highlighted specific to the NTC:

- Increased student demand driving increases in service and costs



- 
- Inflation in excess of 2% such as fuel and insurance, however, it is recommended that real inflationary pressures be managed post budget once operational staff onboard and the NTC has line of sight to all pressures and opportunities
  - Cost of insurance and claims costs due to changes in deductibles and differences in municipal funding practices
  - Strategic supports not having adequate resourcing
  - PGT used in operating limits the NTC's capital program

### **Alternatives Reviewed**

No additional alternatives are provided other than those noted above regarding phasing of capital funding. In 2023 a line by line review of the NTC's budget will be completed and may identify alternative mitigation strategies for use in 2024.

### **Other Pertinent Reports**

N/A

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**Prepared by:**  
Helen Chamberlain, CPA, CA  
Director, Financial Management and  
Planning/Deputy Treasurer

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**Recommended by:**  
Carla Stout  
General Manager

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**Submitted by:**  
Bruce Zvaniga  
Commissioner  
Public Works

This report was prepared in consultation with Heather Talbot, Financial and Special Projects Consultant, Corporate Services, Matt Greenfield, Program Financial Specialist, Corporate Services, and Donna Gibbs, Director, Legal and Court Services, Corporate Services.

## **Appendices**

Appendix 1	2023 NTC Operating Budget by Operating Expenditure
Appendix 2	2023 NTC Requisition by Municipality

**2023 NTC Operating Budget by Operating Expenditure**

<b>Operating Expenditure</b>	<b>Total \$M</b>
Labour Related Costs	36,762,584
Administrative	2,559,299
Operational and Supply	16,169,149
Equipment, Vehicles, Technology	9,182,304
Transfers to Capital Reserve	2,166,667
Debt	2,206,673
Shared Services	6,929,201
Total Gross Expenses	75,975,876
Revenues	(19,909,420)
Transfers from 2022 Encumbrance Reserve	(1,013,506)
Total Net Special Levy	55,052,950
One-Time Levy Estimate	1,931,540
2023 Special Levy	56,984,490



# niagara transit commission

## 2023 NTC Requisition by Municipality

Municipality	Service Hour Allocation	Regional Assessment Allocation <sup>1</sup>	Direct Municipal Allocation	Total Net Special Levy	One-Time Levy	2023 Special Levy
St. Catharines	13,927,190	4,253,082	2,370,000	20,550,272	1,220,633	21,770,905
Niagara Falls	9,000,394	3,506,595	2,054,974	14,561,963	423,140	14,985,103
Welland	4,104,835	1,381,264	1,275,000	6,761,099	287,767	7,048,866
Niagara-on-the-lake	1,145,274	1,439,735	0	2,585,009		2,585,009
Port Colborne	407,022	531,016	0	938,038		938,038
Pelham	407,022	711,489	0	1,118,510		1,118,510
Thorold	1,061,711	713,700	0	1,775,411		1,775,411
Fort Erie	1,831,377	1,044,527	0	2,875,904		2,875,904
Grimsby	407,022	1,272,758	0	1,679,779		1,679,779
Lincoln	407,022	1,020,420	0	1,427,442		1,427,442
West Lincoln	0	530,128	0	530,128		530,128
Wainfleet	0	249,394	0	249,394		249,394
<b>Total</b>	<b>32,698,867</b>	<b>16,654,109</b>	<b>5,699,974</b>	<b>55,052,950</b>	<b>1,931,540</b>	<b>56,984,490</b>

<sup>1</sup> Estimate based on 2022 Municipal assessment and is subject to update for final 2023 current value assessment.

LNTC-C 3-2021

Appendix 4 - Year 1 2023 Transit Consolidation 12 Special Levy


June 30, 2021

Original Strategy		Baseline				12 Special Levy			
		2020 Net Transit Budget			% of Service Hours	2023 Operating Budget Projection			2023 Capital Strategy (Yr1)
General Levy		Local Portion	Regional Portion	Total		Local Portion	Regional Portion	Total	
12.0	St. Catharines <sup>4</sup>	13.1	4.2	17.3	44%	12.9	4.4	17.3	0.9
9.8	Niagara Falls <sup>4</sup>	8.6	3.5	12.1	30%	8.7	3.6	12.3	0.6
3.8	Welland <sup>2,4</sup>	3.1	1.4	4.4	11%	3.3	1.4	4.7	0.2
4.0	NOTL <sup>3</sup>	0.4	1.4	1.8	2%	0.5	1.5	2.0	0.0
1.5	Port Colborne <sup>3</sup>	0.3	0.5	0.8	2%	0.5	0.5	1.0	0.0
2.0	Pelham <sup>3</sup>	0.2	0.7	0.9	1%	0.4	0.7	1.1	0.0
1.9	Thorold	0.6	0.7	1.3	3%	1.0	0.7	1.7	0.1
2.9	Fort Erie <sup>3</sup>	1.1	1.0	2.1	5%	1.4	1.1	2.5	0.1
3.5	Grimsby <sup>3</sup>	0.3	1.2	1.5	1%	0.4	1.3	1.7	0.0
2.8	Lincoln <sup>3</sup>	0.2	1.0	1.2	1%	0.4	1.0	1.4	0.0
1.5	West Lincoln	0.0	0.5	0.5	0%	0.0	0.5	0.5	0.0
0.7	Wainfleet	0.0	0.2	0.2	0%	0.0	0.3	0.3	0.0
46.4	Total	27.8	16.4	44.2	100%	29.4	17.1	46.4	2.2
Incremental Regional Levy to be offset at Municipal level									
						7.3%			
55%	Conventional	89%	55%	77%	85%	85%	55%	74%	85%
45%	Alternative	11%	45%	23%	15%	15%	45%	26%	15%

1. 2023 Net Operating costs are based on inflationary adjustment for all other LAMS + removal of \$0.3M in PGT used for Operating expenditures
2. Welland Local Transit Cost above is different than transit costs reported in Welland tax levy as the City recovers 15% corporate overhead in its charge to Region for NRT services included in the Regional tax levy; these costs would not be uploaded at time of consolidation.
3. On-Demand/Local Transit investment increasing between 2020 and 2023
4. Transit expenditures include debt payments



**COUNCIL**  
**COMMUNITY SERVICES DEPARTMENT**  
**FACILITIES DIVISION**

APPROVALS	
DIRECTOR	UG
CFO	
CAO	

22-19

**REPORT CS 2022-33**  
**DECEMBER 6, 2022**

**SUBJECT: MEMORIAL PARK POOL TENDER AWARD**

**AUTHOR: FRANK PEARSON, MANAGER OF FACILITIES OPERATIONS & DEVELOPMENT**

**APPROVING: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES**

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to NIACON Limited for the construction of the Memorial Park Pool at a total cost of \$ 6,451,566.93 + applicable HST; and further

THAT Welland City Council approves the amended budget to \$6,570,000 as outlined in the financial considerations section of this report; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into a contract with NIACON Limited to be signed by the Mayor and City Clerk.

**ORIGIN AND BACKGROUND:**

Memorial Park Pool was built in the late 1950's and after over 60 years of operation, this location continues to be the busiest outdoor public pool in Welland, attracting over 14,000 visits during the 2022 season. The revitalization of this pool continues to be a top priority given the age of the facility, the current condition and most importantly the needs within the community.

A 2016 building condition assessment and 2020 pool condition assessment indicate that significant capital investments are needed to update and maintain the current facility. In 2021 Welland City Council approved the design services to replace the existing Memorial Park Pool.

The City of Welland approved the appointment of Architects Tillman Ruth Robinson (ATRR) through RFP 2021-04 for the design of the proposed Memorial Park Pool. On Thursday, July 22, 2021, the City of Welland engaged in a prequalification process (RFPQ21-01) for the selection of General Contractors for the construction of the Memorial Park Pool facility. Six (6) contractors responded to the prequalification with



submissions and were evaluated by Community Services Staff, selecting four (4) successful contractors.

1. Aquicon Construction Co. Ltd.
2. Chandos Construction
3. Merit Contractors Niagara Ltd.
4. NIACON Limited

### **COMMENTS AND ANALYSIS:**

On June 28, 2022 staff returned to council with the recommendation to close and not award the tender for memorial pool (report CS 2022-21), as the bid amounts came in over budget and we were unsuccessful with our grant application to Green & Inclusive Community Building Grant. Our intention at this time was to re-apply to the second intake opportunity, in hopes that the pool project would be reconsidered. After several discussions with intake program Director, it was relayed to the city staff that the possibility of a successful award would not be likely. They gave two reasons for this including; a very competitive intake program with over 500 applications, and the scope of the project was too narrow (e.g., single purpose facility only operational for a few months of the year).

Staff then proceeded to investigate the current construction market conditions and planned to put this project back out to market at the right time, looking to yield more competitive pricing than what was seen in June 2022. This strategy worked as the pricing difference from the last closed tender process to this process was close to 1 million dollars favourable.

While exploring the market conditions and re-tendering this project, staff worked with the Finance department to investigate alternate city funding sources, since this entire project would now be required to be paid for fully, through city funds. The project was originally intended to be funded 60% from the federal government and 40% from the city. The allocation of city funding sources can be found in the financial section of this report.

Furthermore, a change in the length of construction time was also reconsidered as compressing to the original 10-month schedule came with a premium price and significant risk to not be completed in time as this is an outdoor project. The reissued tender allowed for a 16-month construction period going from January 2023 to June 2024. This means the pool would not be operational for the summer 2023 season.

The two (2) remaining City of Welland pools, Maple Park, and Rosie Smith, will remain operational for the 2023 season. Temporary washroom facilities will be rented and provided for the Memorial Park Splash Pad for the public who will continue to use that park amenity.

**FINANCIAL CONSIDERATION:**

As shown below, NIACON Limited is the lowest compliant bid and is recommended for an award by Council.

Vendor Name	Total Cost (pre-tax)	Inclusive of City Tax
<b>NIACON Limited</b>	<b>\$ 6,451,566.93</b>	<b>\$ 6,565,114.51</b>
Merit Contractors Niagara Ltd.	\$ 6,874,000.00	\$ 6,994,982.40
Aquicon Construction Co. Ltd.	\$ 8,932,500.00	\$ 9,089,712.00

Project to be funded by the Pre-Approved Memorial Park Pool Revitalization capital project – 10-438-22475. Funding breakdown is outlined below:

	Funding Sources	Funding Amounts
1	Reserve Fund - CCBF	\$1,594,345
2	Memorial Park Ball Diamond Uncommitted Balance: 10-410-20048	\$ 300,000
3	Strategic Initiatives Uncommitted Balance: 10-710-17095	\$1,700,000
4	Reserve Fund – Capital Surplus	\$1,975,655
5	Land Sales	\$1,000,000
	<b>Total</b>	<b>\$6,570,000</b>

**OTHER DEPARTMENT IMPLICATIONS:**

Not applicable.

**SUMMARY AND CONCLUSION:**

The replacement of the existing Memorial Park Pool facility is essential to maintain and improve our current service levels to the public. While the city's grant application was not awarded, improved construction market conditions and an adjusted construction schedule helped to make this project a reality. It is recommended to award RFT 22-11 to NIACON Limited, as the lowest and compliant bid to complete this project.



**ATTACHMENTS:**

Renderings of proposed Memorial Park Pool.





**COUNCIL**  
**COMMUNITY SERVICES**  
**RECREATION, SPORT, AND CULTURE DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

2219  
**REPORT CS 2022-34**  
**DECEMBER 6, 2022**

**SUBJECT:           PROVISION OF LAND FOR FUTURE RECREATION FACILITY**

**AUTHORS:           AMANDA DEGAZIO, MANAGER OF BUSINESS AND  
                          COMMUNITY SERVICES**

**APPROVING  
DIRECTOR:          ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES**

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approve the removal of the surplus lands designation as shown in Appendix A, to be reserved for a future recreation facility.

**ORIGIN AND BACKGROUND:**

The City of Welland continues to grow with population expected to increase significantly over the next 10 years, exceeding 80,000 people by 2031. It is important that the city begins to plan for future recreational facilities today, to align with this rapid population growth. The land shown as the hatched-line section in Appendix A (12.6 Acres, #482), is an ideal space to house a new recreation facility, particularly an arena facility.

The Community Services Department works with a variety of Sport User Groups and Recreation Providers. Organizations are looking to expand based on need and demand, and in some instances, have outgrown their current location(s). For example, staff have heard from our main hockey provider for more ice time and better-quality facilities, yet capacity of prime-time hours have been fully allotted. The organization has no further room to grow based on the current capacity utilization of the arenas.

As related to arena usage in southern Ontario, the average provision of an ice rink per capita is roughly 1 rink per 20,000 residents. This helps generally explain the current capacity situation within the city's 2-arena portfolio versus that of the needs of our community.

Also, needs and requirements within a facility have also evolved over time. Groups are looking for larger changerooms, full sized ice, and added amenities such as walking tracks and better temperature controls (e.g. summer arena floor use). In addition to sport and user groups, the needs of residents also continue to evolve as new residents call

Welland home. Staff are beginning to forecast these needs and are looking for spaces / properties around the city, where recreation infrastructure can continue to grow. Below are initiatives underway in the Community Services Department as we begin to navigate what the future of recreation, sport, and culture here in Welland, looks like:

- Undergoing Facility Condition Assessments to help forecast how long our existing infrastructure will last, highlighting the investments required to continue to maintain these assets.
  - At the present time, the two arenas have far surpassed lifespan and are at the point where significant capital investment will be required should council want to retain these assets.
- Assessing Sport User groups needs and capacity utilization rates, working and planning closely with all organizations.
- Logging new and emerging needs as related to Recreation, Sport and Culture
- Completing an Arena Feasibility Study in 2024, as noted in the Capital Forecast
- Seeding future capital dollars for a new double pad arena, with opportunity to expand pads to four pads, over time.
- Updating the Parks, Recreation and Culture Master Plan to include new growth targets and added facility inventory
- Completing annual user satisfaction surveys and key performance measures to help better measure how much we are doing, how well are we doing, and is anyone better off.

### **COMMENTS AND ANALYSIS:**

As we plan for the future recreation spaces, it is important to have council approve a shovel ready project in anticipation for any governmental infrastructure intake programs. Prior to having a project designed and ready for intake, we need to ensure we have the land available to build.

As shown in Appendix A, this parcel of land within the River Road Industrial Park would be an ideal space for a future recreation facility expansion. The parcel of land is ideal for a multi-pad arena (up to four pads), with parking and amenities such as a walking track and multipurpose rooms. A city owned and operated gymnasium, or outdoor cricket pitch could also be a consideration within this space. The needs of the community will identify what is needed at the time of design. At this point it would be prudent for council to remove the land currently as surplus and reserve this 12.6 acres for a future recreation facility designated for multitude of recreational purposes. Should an ice facility be chosen for this space, the facility could start with 2 pads, yet be designed to include 4 pads to be introduced over time, for example.

Also, important to note is the proximity to Youngs Sportsplex, major roads and close access to highways, making this property a prime location for an expanded sports and recreation campus in Welland. A future facility would look to be built in this location between 2030 and 2035, with funds seeded in the capital budget. Should intake



programs become available sooner, the city will consider updating this time frame and reporting back to council.

Discussion about this future project will also include extensive community engagement. Discussions would occur with the Arena Advisory Committee, user groups, and residents throughout the years to plan, design and fund this project.

## **FINANCIAL CONSIDERATIONS**

As related to the provision of land identified in this report and in Appendix A, there is no current expense to consider as this land is currently owned by the city.

Seeded in the 2024 capital forecast, is the request to complete an Arena Feasibility Study including preliminary design. In subsequent years after 2024, detailed design and costing would then be completed for this new facility. As previously noted, it would be expected that this facility would be built and is shown in the capital forecast (2032), and in the community benefits charge (CBC) study, valued at \$45,000,000. For a facility of this magnitude, the city would expect and anticipate upper-level funding which aligns with a typical formula of 1/3 for the Municipality, Province, and Federal levels. The city's portion would potentially derive from development charges and other funding sources.

Another opportunity to generate funds for this type of future project would be the sale of the existing lands that the arenas are currently situated should council consider the future sale of these lands. Consideration by council on any future sale and decommissioning of the current arenas would be brought forward for to council for discussion and decision with fulsome information including the current condition of the assets and the required dollars to continue to maintain them. Also, a variety of properties on the propped lands on River Road zoned as industrial lands abutting this parcel of land (noted as #460 in Appendix A), once sold could also be leveraged to help fund this future facility.

In future budgets, staff will look to establish a new "Arena Reserve" fund to add incremental funding annually to ensure funding available for the city's share of this new facility.

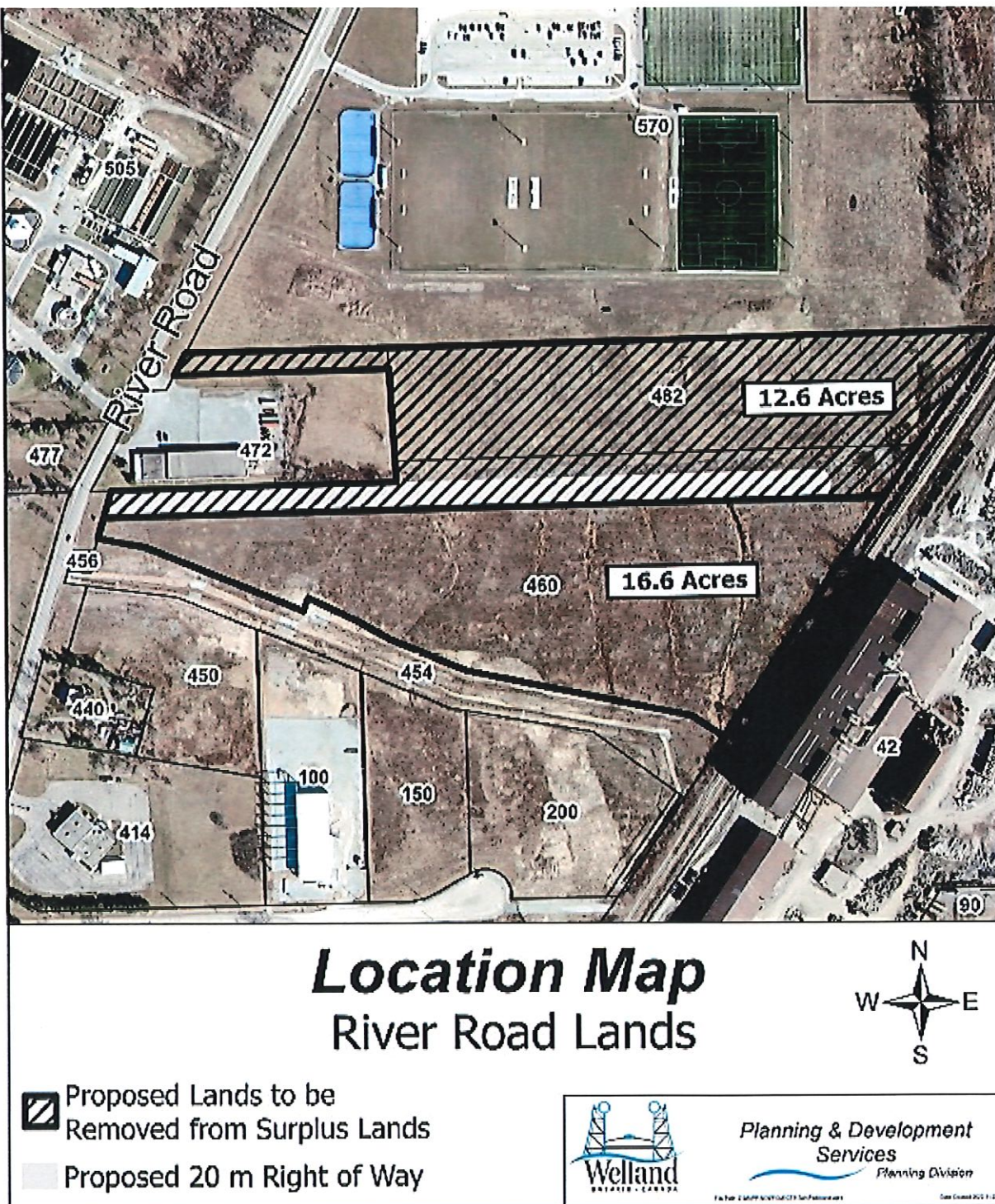
## **SUMMARY AND CONCLUSION**

This report is about future planning and to ensure land is available for use as the city continues to grow. Uses of this space will be determined through various studies and reviews, beginning with a feasibility study scheduled in 2024. The recommendation of this report identifies the reservation of the parcel of land shown in Appendix A for a future recreation facility.

## **ATTACHMENTS:**






Appendix A





**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**  
**BUILDING DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

05-120

REPORT P&B-2022-53  
DECEMBER 6, 2022

**SUBJECT:                    PROPOSED INCREASES FOR BUILDING PERMITS AND  
INSPECTION SERVICES FEES AND INTRODUCTION OF  
NEW FEES.**

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

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

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**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receive report P&B-2022-53;  
and

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

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

**ORIGIN AND BACKGROUND:**

Since 2020, Building Division has been operating on a complete cost recovery basis by  
ensuring that the direct and indirect operating costs do not exceed the total amount of  
revenue derived from building permit fees.

The Ontario Building Code Act requires that fees must not exceed the anticipated  
reasonable cost of providing the service and establishes the cost justification test at a  
global Building Code Act level.

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

### **COMMENTS AND ANALYSIS:**

The 2022 Consumer Price Index has been established at 7% effective August 2022. To address the inflationary increases of the operating costs, staff are proposing a 7% increase to the current building permit fees contained in Schedule "A" of Building Bylaw 2020-140 as amended. Example:

Description	Charging Parameter	Current Fee	Proposed Fee
Minimum Permit Fee	Flat	\$ 169	\$ 181
Garage, Deck, Shed, & Sunroom	Flat	\$ 169	\$ 181

This increase will offset the previously Council approved Cost of living increases to all union and non-union staff which ranged from 1.5% - 2.5% respectively.

### **Proposed Additional Fee**

Section 6.4 of Building Bylaw entitled Additional Fee and Penalty, prescribed the conditions where additional fees are applicable for commencing construction prior to issuance of a building permits.

Staff are proposing an additional inspection fee where more than two (2) inspections are required due to construction being incomplete or not in compliance with the Building Code or a building is occupied before an occupancy inspection has been requested and completed as required by Section 11 of the Building Code Act.

The additional inspection time that is necessary for staff to re attend the construction site reduces the amount time that is available to carry out inspection on sites which have been prepared and are ready for inspection.

Therefore, staff are proposing a minimum fee of \$181.00 which forms part of Schedule "A" of the Bylaw by amending Section 6.4 to include the following:

"6.4 (a) An additional inspection fee as set out in Schedule "A" shall apply and must be paid prior to each inspection being undertaken on any building where:

- (i) due to construction being incomplete or not in compliance with the Building Code;
- (ii) a building is occupied before notice required under Section 11 of the Act was given to the Chief Building Official "

This inspection fee is intended to recover the additional cost of re inspections that are required when construction is not in compliance with the Building Code or work is not ready to be inspected at the time of inspection. Also, cost recovery is warranted due the



additional time that is necessary to complete the investigation of illegally occupied buildings.

### **Legislative Compliance**

On November 1, 2022, staff held a statutory public meeting to provide industry stakeholders, the public, and Council with an overview of the proposed increases to building permit and inspection fees and recommendations to solicit feedback.

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

### **FINANCIAL CONSIDERATION:**

The proposed 7% fee increases are intended to offset the previously approved cost of living expenses thus ensuring full cost recovery and enable staff to maintain the recommended annual contributions towards the funding of the Building Code Act reserve fund.

While the proposed increases will impact the users of the services associated with these fees, there are no financial impacts on the general tax levy.

### **OTHER DEPARTMENT IMPLICATIONS:**

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

### **SUMMARY AND CONCLUSION:**

Staff are recommending a 7% increase to all fee rates contained in Schedule "A" of Building Bylaw 2020-140 to ensure legislative conformity, provide for reasonable cost recovery, maintain financial sustainability without negatively impacting the tax base, and reflect industry best practices.

### **ATTACHMENTS:**

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

Appendix I  
Schedule "A"

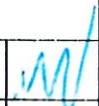


Description	Charging Parameter	Fee 2022	Fee 2023
Minimum Permit Fee	Flat	\$ 169	\$ 181
<b>A. CONSTRUCTION - NEW BUILDINGS, ADDITIONS, ALTERATIONS</b>			
<b>Group A (Assembly Occupancies)(1)</b>			
New & Additions	\$/ft <sup>2</sup>	\$ 2.15	\$ 2.30
Alterations/Renovations	\$/ft <sup>2</sup>	\$ 0.65	\$ .70
<b>Group B (Detention, Care and Treatment, and Care Occupancies)</b>			
New & Additions	\$/ft <sup>2</sup>	\$ 2.30	\$ 2.45
Alterations/Renovations	\$/ft <sup>2</sup>	\$ 0.65	\$ .70
<b>Group C (Residential Occupancies)</b>			
New & Additions			
Detached, Semi-Detached, Townhouse, and Rowhouse	\$/ft <sup>2</sup>	\$ 1.50	\$ 1.60
Multi-Unit, Apartments, Hotels, and Other	\$/ft <sup>2</sup>	\$ 1.35	\$ 1.45
Alterations/Renovations	\$/ft <sup>2</sup>	\$ 0.65	\$ .70
Accessory Dwelling Unit	\$/ft <sup>2</sup>	\$ 0.45	\$ .50
Garage, Deck, Shed, & Sunroom	Flat	\$ 169	\$ 181
<b>Group D/E (Business, Personal Services, and Mercantile Occupancies)</b>			
New & Additions			
Finished	\$/ft <sup>2</sup>	\$ 2.00	\$ 2.15
Shell	\$/ft <sup>2</sup>	\$ 1.45	\$ 1.55
Alterations/Renovations	\$/ft <sup>2</sup>	\$ 0.65	\$ .70
<b>Group F (Industrial Occupancies)</b>			
New & Additions			
Finished	\$/ft <sup>2</sup>	\$ 1.70	\$ 1.85
Shell	\$/ft <sup>2</sup>	\$ 0.55	\$ .60
Alterations/Renovations	\$/ft <sup>2</sup>	\$ 0.65	\$ .70
<b>Miscellaneous (Other)</b>			
Designated Structures			
Retaining Walls	\$/linear ft	\$ 10.30	\$ 11
All Other Designated Structures	Flat	\$ 949	\$ 1,016
Farm Building/Accessory Building/Greenhouse	\$/ft <sup>2</sup>	\$ 0.60	\$ .65
Public Pool	Flat	\$ 508	\$ 544
Roof	\$/ft <sup>2</sup>	\$ 0.15	\$ .20
Shoring and/or Building Excavation	\$/linear ft	\$ 10.30	\$ 11
Underpinning Existing Foundation	\$/linear ft	\$ 10.30	\$ 11
<b>B. STAND ALONE &amp; MISCELLANEOUS WORK</b>			
Tents/Temporary(2)	Flat	\$ 263	\$ 282
Demolition			
One-family Dwelling/Building <3,000 ft <sup>2</sup> GFA	Flat	\$ 263	\$ 282
Other Demolitions	\$/ft <sup>2</sup>	\$ 0.15	\$ .20



Schedule "A"

Description	Charging Parameter	Fee 2022	Fee 2023
<b>C. LIFE SAFETY SYSTEMS</b>			
Electromagnetic Locking Device	Per Item	\$ 346.10	\$ 370
Commercial Kitchen Exhaust Hood, Dust Collectors, Fire Alarm, Spray Booth, Sprinkler System, or Standpipe & Hose System	Flat (incl. 4 devices) + \$/device greater than 4	\$ 1,382 + \$ 370 (> 4)	\$ 1,479 +\$ 396 (> 4)
<b>D. MECHANICAL</b>			
New/Alterations to HVAC Standalone House	Flat	\$ 263	\$ 282
Other than House	\$/ft <sup>2</sup>	\$ 0.15	\$ .16
<b>E. PLUMBING</b>			
Site Servicing/Private Water Lines	\$/linear ft	\$ 2.50	\$ 2.70
Plumbing Fixtures (incl. Backflow Prevention Devices and Backwater Valves)	\$/fixture	\$ 16	\$ 17
<b>F. ON-SITE SEWAGE SYSTEM</b>			
Construction of a Septic System Class 4	Flat	\$ 987	\$ 1,056
Other than Class 4	Flat	\$ 890	\$ 952
<b>G. OTHER FEES</b>			
Certified Model Home Service	Flat	\$ 412	\$ 441
Fast Track Service (3) In addition to the regular permit fee payable for the entire project.	Flat + \$/hr over 4 Hours	\$ 507 + \$ 127/hr	\$ 543+ \$ 136/hr
Alternative Solution Application	Flat + \$/hr over 4 Hours	\$ 515 + \$ 127/hr	\$ 551 + \$ 136/hr
Change of Use Permit	Flat	\$ 263	\$ 282
Transfer of permit	Flat	\$ 263	\$ 282
Occupancy Permit (of unfinished building)	Flat	\$ 268	\$ 287
Partial Permits/Staged Construction Foundation Stage including Underground Site Services	Flat + Appl. Fee %	\$ 359 + 25% of applicable fee	
Superstructure			\$ 384+ 25% of applicable fee
Interior Finishing			
Completion			
Conditional Permit	Flat	\$ 1,194	\$ 1278
Amendment to Conditional Permit Agreement	Flat	\$ 359	\$ 384
<b>H. SIGNS</b>			
Ground Signs exceeding 7.5 Min Height	\$/ft <sup>2</sup>	\$ 1.05	
Projecting Sign weighing more than 115 kg			\$ 1.15
Projecting Sign attached to a parapet			



APPROVALS	
DIRECTOR	
CFO	
CAO	

22-155

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**

**REPORT P&B-2022-57**  
**DECEMBER 6, 2022**

**SUBJECT:** LAY OUT, ESTABLISH AND NAME THE 0.3 METRE  
RESERVE – Block 95, PLAN 59M-176 (WOODLAWN  
ESTATES PHASE IV SUBDIVISION)

**AUTHOR:** TAYLOR MEADOWS BURPI  
DEVELOPMENT PLANNER

**APPROVING  
SUPERVISOR:** TARA LYNN O'TOOLE, BA  
DEVELOPMENT PLANNING SUPERVISOR

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

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes Staff to prepare the necessary By-law(s) to lay out, establish and name the 0.3 metre Reserve described as Block 95, Plan 59M-176 as Wellandvale Drive.

**ORIGIN AND BACKGROUND:**

In order for the City to control access for lands accessible via Wellandvale Drive, the City maintained a 0.3 metre reserve along the frontage of the block adjacent to the eastern boundary of Wellandvale Drive. This allowed the City to limit the access points onto City roads prior to the build-out of the adjacent lands. The purpose of limiting the access was to ensure an orderly and preferred development of the area.

**COMMENTS AND ANALYSIS:**

The extension of Wellandvale Drive has been constructed, as well as servicing being completed and installed. The Owner of the subject lands has completed and registered a Plan of Subdivision to facilitate twenty-five (25) residential lots. To enable these 25 lots to enjoy clear and unencumbered access, the 0.3 metre reserve needs to be lifted to allow for an access to Wellandvale Drive. City staff have reviewed the proposed connection as part of the Subdivision process and did not identify any concerns with the proposal. As such, it is now an appropriate time

to lift the 0.3 metre reserve to allow for unencumbered access to the recently created residential lots.

**FINANCIAL CONSIDERATION:**

All costs associated with the redevelopment of this property, including servicing and entrance permits, will be borne by the owner.

**OTHER DEPARTMENT IMPLICATIONS:**

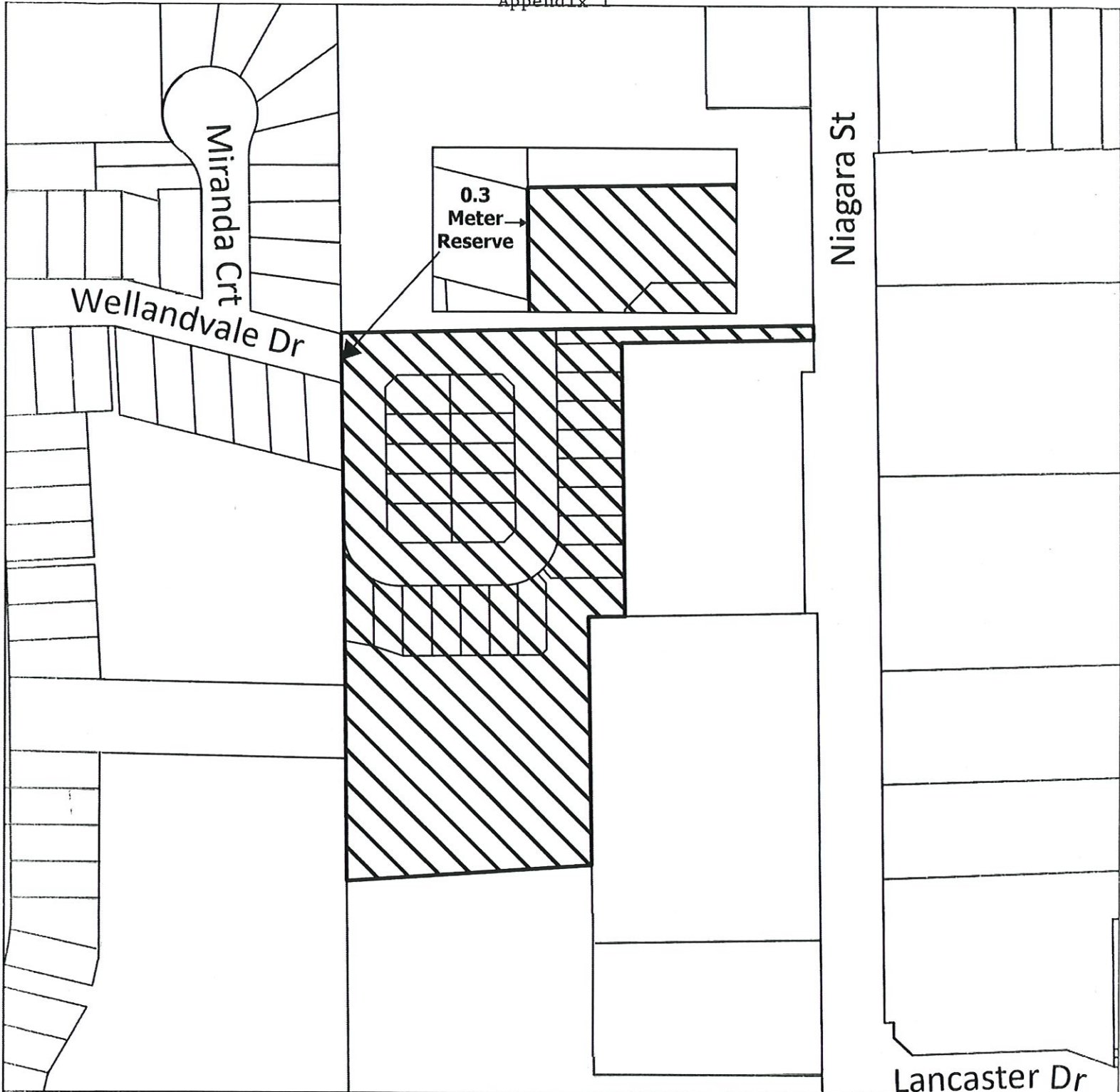
There are no implications to other Divisions as a result of the Recommendations of this Report.

**SUMMARY AND CONCLUSION:**

The existing 0.3 metre reserve was put in place to control access to the block at the eastern boundary of Wellandvale Drive. As the subject lands have gone through the Subdivision process and are completed the registration of the Agreement, it is appropriate to lift the 0.3 metre reserve (Block 95, Plan 59M-176) to enable access to the residential lots. All costs with the redevelopment of this site will be borne by the applicant.

**ATTACHMENTS:**

Appendix I - Key Map



# KEY MAP

897 Niagara Street






**SUBJECT LANDS**





**COUNCIL**  
**FINANCE DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

22-14  
**REPORT FIN-2022-19**  
**DECEMBER 6, 2022**

**SUBJECT: TRAVEL AND CORPORATE EXPENSE POLICY UPDATE – FIN-001-0011**

**AUTHOR: ELIZABETH PANKOFF, MANAGER OF BUDGETS & FINANCIAL REPORTING/DEPUTY TREASURER**

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

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receive for information and approve the updates to the Travel and Corporate Expense policy – FIN-001-011.

**ORIGIN AND BACKGROUND:**

The Travel and Corporate Expense policy – FIN-001-011 was original approved by council on March 25, 2008. To ensure policies remain current it is best practice to review a policy on a regular basis.

**COMMENTS AND ANALYSIS:**

Staff reviewed the Travel and Corporate Expense policy – FIN-001-011. Based on this review staff are recommending some minor changes to the policy as follows:

1. In the Transportation section under Point 2 clarified the requirement for a rate quote,
2. In the Mileage section:
  - a. Under Point 1 established a process of how the mileage rate for the city would be adjusted,
  - b. Under Point 2 referenced to the CRA "Prescribed Rates" utilizing the average of the two rates.
3. In the Accommodation section under Point 4 changed General Manager to Director,
4. In the Meals section:
  - a. Under Point 1 did some clean up on the language related to per diem requirements,
  - b. Under Point 2 adjusted to only require receipts when not in receipt of a per diem,
  - c. Under Point 2 & 4 the receipt must indicate who the purchase was for.
5. In the Hospitality section under Point 1 did some clean up on the language,
6. In the Administration – Approval:
  - a. Under Point 3 clarified the need for the receipt to provide the business's HST number,
  - b. Under Point 5 changed City Manager's Office to CAO

7. In Cash Advances section:
  - a. Under Point 2, 3 & 4 identified the required form to be completed ("City of Welland – Expense/Reimbursement Form)
  - b. Under Point 3 specified the form must be received 96 hours prior to 1<sup>st</sup> day of travel.
8. In the Claims Periods section:
  - a. Under Point 3 revised date for yearend submissions due date to January 15<sup>th</sup>,
  - b. Under Point 4 identified the required form to be completed ("City of Welland – Expense/Reimbursement Form).
9. In Section SCHEDULE 'A':
  - a. The per diem rate was the same for Mayor, Council and Staff so the rate has been consolidated to one rate for all,
  - b. Some clean up on the language related to per diem requirements
10. In the Stipend section some clean up on the language has been done.

The changes to the Travel and Corporate Expense policy – FIN-001-011 have been tracked in the attached copy of the revised policy in Appendix "A".

**FINANCIAL CONSIDERATION:**

There are no financial impacts from the revised policy.

**OTHER DEPARTMENT IMPLICATIONS:**

Feedback to the revised Travel and Corporate Expense policy – FIN-001-011 has been received from all departments.

**SUMMARY AND CONCLUSION:**

Staff recommends that Council receive for information and approve the revised Travel and Corporate Expense policy – FIN-001-011.

**ATTACHMENTS:**

APPENDIX "A" – Draft Revised Travel and Corporate Expense policy – FIN-001-011.



## CITY OF WELLAND

## POLICY

<b>Policy Title:</b> Travel and Corporate Expense Policy	
<b>Date of Approval:</b> March 25, 2008	<b>Policy Number:</b> FIN-001-0011
<b>Lead Role:</b> Treasurer, Department Heads	<b>Support Role:</b> Supervisors/Managers
<b>Cross Reference:</b> By-law 2008-36, Policies HUM-001- 0008, HUM-001-0014, HUM-001-0015	<b>Next Review Date:</b> January 1, 2028
<b>Council File Number:</b> 08-14	<b>Revision Date:</b> December 6, 2022

**Policy Statement:**

Any employee, member of Council, the Mayor, and any employee contractor of subsidiary organizations of the Corporation of the City of Welland (the "Corporation") when attending events or activities related to the City's business and affairs may be reimbursed for travel, accommodation, and reasonable miscellaneous expenses incurred. Volunteer members of boards, committees, task forces, etc. are not eligible for expense reimbursement.

**Purpose:**

To establish standards and procedures for travel and related expenses when participating in, or travelling to, an activity of interest to the City.

**Scope:**

This policy shall apply to all City of Welland employees both union and non-union, the Mayor, all members of Council, contract employees of subsidiary organizations and all part-time, summer/co-op students. Any activity from which expenses are being sought shall conform to related policies.

**Procedure:**

Any person captured under this policy may incur expenses such as travel costs, mileage, conference and convention registration, and parking charges among other things while conducting City business.

Wherever and whenever possible it is encouraged that City of Welland facilities and venues be offered to host meetings to provide promotional opportunities and limit travel related expenses.

Expenses will be reimbursed providing they are reasonable in nature and amount, are properly supported with documentation, and have been approved by an authorized department head. Both the claimant and Treasurer shall consider the following parameters, limitations, and exclusions as detailed below.

## Travel and Corporate Expense Policy FIN-001-0011

### POLICY DETAILS:

#### GENERAL:

- 1) It is understood that all persons captured under this policy will utilize the most practical and economical means to conduct City business. It is recognized, however, that no person will be grossly inconvenienced when conducting City business, or coordinating travel and transportation for City business.

#### TRANSPORTATION:

- 1) The most economical means will be used when travelling to, and from, a destination when conducting business. Car-pooling is encouraged, and only the driver may claim mileage.
- 2) When personal motor vehicle travel exceeds 500 km round trip, the lesser of a car rental or total mileage shall be claimed. Travelers are responsible for obtaining a rate quote from an automobile rental company. The rate quote must be provided to obtain reimbursement.
- 3) When traveling by air, bus, or rail, the City shall pay the most economical rate. Receipts must be provided for reimbursement.

#### MILEAGE: also see Transportation

- 1) Personal mileage rates are set/reset in accordance with CRA "Prescribed Rates" utilizing the average of the two rates.
- 4)2) May be claimed when using a personal motor vehicle when conducting City business.
  - i. Employees with Council approved car allowances may not claim mileage for city business within the Region of Niagara border.
  - ii. Employees without car allowances may claim mileage when using a personal vehicle for city business and related travel at ~~as~~ per/km rate approved by Council in accordance with CRA "Prescribed Rates" utilizing the average of the two rates.
  - iii. Members of Council may claim mileage when using a personal vehicle for city business and related travel outside the City border at ~~as~~ per/km rate approved by Council in accordance with the average of the CRA "Prescribed Rates".

#### PARKING AND SHUTTLE/TAXI:

- 1) Reimbursable when incurred while on City business.
- 2) Parking lots providing receipts are preferred over metered parking.
- 3) The City will not reimburse for illegal parking, or fines issued for expired meters.
- 4) Taxi and shuttle charges may be claimed with supporting receipts.

#### ACCOMMODATION:

- 1) Hotel accommodations shall be reimbursed for single-occupancy rate only.



## Travel and Corporate Expense Policy FIN-001-0011

- 2) Conference rates shall take preference if/when available.
- 3) Business telephone calls, faxes, postage, and other business incidentals necessarily incurred and included on the hotel bill shall be allowed for reimbursement, and are not included in the per diem.
- 4) The department General Manager Director must approve requests for accommodation ~~the night before~~ for a one (1) day event, or for overnight stays beyond 150kms (one way) from Welland.\*

\* Exception may be provided for accommodation the night before an event, which occurs inside the defined GTA (one way travel is less than 150km from Welland).

### **CONFERENCE AND SEMINAR REGISTRATIONS:**

- 1) Eligible persons under this policy shall be reimbursed for registration and associated costs.
- 2) Spouses, partners, and/or other guests may not claim registration, related fees, or spousal packages.

### **MEALS:**

- 1) A per diem amount as prescribed in Schedule A shall be provided to persons covered under this policy when travelling on City business and only when overnight accommodation is required. A per diem will not be provided for same day meetings, events or workshops, ~~and the like except as allowed under 'ACCOMMODATION'~~. The per diem is intended to cover meals and incidentals not provided/supplied while attending the event. ~~Alcohol is not considered part of the per diem, and the City will not reimburse for consumption of alcohol either personally, or when hosting a guest or guests. Mileage is not considered part of the per diem. See HOSPITALITY, MILEAGE~~
- 2) Receipts for all food and meals shall be ~~maintained up to and exceeding the per diem amount irrespective of whether a per diem is provided. Should the per diem be exceeded, receipts must be provided for reimbursement. No other document will be accepted for reimbursement, .e.g. credit card statements. Required when you are not in a receipt of a per diem. All meal receipts must indicate who the purchase was for.~~
- 3) Councillors or Staff attending conferences, seminars, etc. can claim expenses for meals not provided in the cost of registration, and outside the per diem allotment only if #2 above is satisfied.
- 4) Councillors, Staff, or employees of agencies of the City will not be reimbursed for alcoholic beverages. SEE HOSPITALITY. All meal receipts must indicate who the purchase was for.
- 5) A per diem rate will be set by Council from time to time.

### **HOSPITALITY:**

- 1) The City recognizes that the infrequent use of alcohol at certain City-hosted, or attended, corporate functions, or events, may serve a legitimate business expense. ~~purpose insofar as it~~



## Travel and Corporate Expense Policy FIN-001-0011

~~is reasonable and does not contravene the zero tolerance alcohol and substance abuse use policy.~~

- 2) At the discretion of attending (present) Mayor, Council, or department head these expenses may be allowed provided the budget is respected. Approval and authorization for expenses of this nature will be provided by the senior most official present at the event.
- 3) Any claim of this nature must be fully supported by clearly itemized receipts.

### **NOT REIMBURSABLE:**

The following will not be reimbursed by the City as an expense. The list is inclusive, but not restricted to:

- 1) Personal entertainment and miscellaneous activities including but not limited to personal services, adult entertainment, movies, personal use videos/DVD's, sporting events, sight-seeing tours, theatre, or golf tournaments and games related to a conference or seminar, AGM, etc. All other activities and services not listed are at the discretion of the City Treasurer.
- 2) Fines, tickets, or chargeable infractions.
- 3) Sundry or miscellaneous items including but not limited to dry cleaning, confections, souvenirs, personal reading material, personal care products, duty free items; car washes.
- 4) Lost, stolen, or damaged items.
- 5) Insurance coverage or repair expenses for privately owned vehicles.
- 6) Expenses related to damages to uninsured rental cars or privately owned vehicles.
- 7) Interest charges levied on overdue invoices or credit card statements.

### **ADMINISTRATION:**

#### **APPROVAL:**

- 1) Each department is responsible for budgeting appropriate funds for expenses associated with City business, training, conferences, and related activities.
- 2) Department heads are responsible for approving staff attendance and expense claims.
- 3) Expense claims shall be submitted with original, itemized receipts, if applicable. Credit card receipts showing amount totals only or credit card statements are not acceptable substitutes as they do not provide the business's HST number.
- 4) Conference, program, work shop agendas are required for processing of all requests

## Travel and Corporate Expense Policy FIN-001-0011

- 5) Council claims shall be submitted through the ~~City Manager's Office~~ CAO's Office. The Mayor and each Councillor is responsible for preparation & submission of their respective expense claim. The ~~Nominating Committee~~ CAO is responsible for approving the claims of the Mayor and Council members.
- 6) Travel arrangements, and per diems will be processed in a timely manner. Per diem requests will be processed if received earlier than 96 hours before the event otherwise the traveller is required to use own funds and seek appropriate reimbursement in accordance with this policy

### **CASH ADVANCES: also see Per Diem**

- 1) Per Diem cash advances are not provided for events, conferences, workshops, etc. that do not require overnight accommodation. SEE ACCOMMODATION.
- 2) A per diem rate shall be available as a cash advance only if submitted on the "~~Joint-Cash Advance/Conference Attendance~~" form "City of Welland – Expense/Reimbursement Form" to the Department Head for approval, ~~no later than 96 hours before the 1st day of travel.~~
- 3) The Finance Department will only process the approved "City of Welland – Expense/Reimbursement Form" if received 96 business hours prior to the 1 day of travel. ~~approved Cash Advances if the approved form is received 48 hours prior to the 1st day of travel.~~
- 4) Upon return, the claimant shall complete ~~Schedule B~~ the "City of Welland – Expense/Reimbursement Form" with all documentation and applicable receipts of expenses and submit the form for either a refund to the City or for the claimant.

### **CLAIM PERIODS:**

- 1) Expense claims can be made at any time within the calendar/fiscal year, but the claimant may hold expense claims until the total amount claimed exceeds \$50.00.
- 2) Claims exceeding \$50.00 must be submitted no later than the end of fiscal quarter immediately following the quarter in which they were expended.
- 3) Expenses incurred in December must be submitted no later than January 15 of the immediate next fiscal year.
- 4) Any and all claims must be submitted on the completed ~~Schedule B of this policy~~ City of Welland – Expense/Reimbursement Form, or as issued by the Finance Department.

### **AUDIT:**

- 1) Travel records, conference attendance, and other source documents may be subject to audit from time to time at the discretion of the Treasurer and without advanced notice.



## Travel and Corporate Expense Policy FIN-001-0011

### COMPLIANCE:

- 1) The City Treasurer reserves the right to deny claims not in conformance with any part of this policy.
- 2) It is the responsibility of the employee, members of Council, and Mayor to comply with this policy and for supervisors/managers to ensure employees comply, are aware, and adhere to, the standards of this Policy.
- 3) Failure to comply may result in reimbursement being denied, and more serious compliance issues dealt with through the Discipline Policy.

### SCHEDULE "A"

#### Per Diems

	<del>MAYOR</del> Per Diems	<del>COUNCIL</del>	<del>STAFF</del>
BREAKFAST AND BREAK	\$10	<del>\$10</del>	<del>\$10</del>
LUNCH AND BREAK	\$20	<del>\$20</del>	<del>\$20</del>
SUPPER	\$45	<del>\$45</del>	<del>\$45</del>
MAX. PER DIEM/DAY	\$75	<del>\$75</del>	<del>\$75</del>

Per diems are intended to be used when travelling on City business, and when overnight attendance is required.

~~A per diem will not be provided for same day meetings, events or workshops and the like. A single day per diem is available if ACCOMMODATION (section 4) is satisfied.~~

The per diem is intended to cover meals not provided/supplied while attending the event. ~~Alcohol is not considered part of the per diem, and the City will not reimburse for consumption of alcohol either personally or when hosting a guest or guests.~~ Mileage is not considered part of the per diem, and will be claimed separately. A per diem may be reduced if meals are included in conference, workshop, etc. by an amount equivalent to the provided meal as shown in the schedule. A registration form and program agenda must accompany the request for per diem or expenses.

### STIPEND

The Mayor and Council only receive a stipend in conjunction with a per diem. A stipend is designed to acknowledge and recognize the attendance at an activity and additional commitment of time by the individual.

Stipends are provided separate to the expense claims. A stipend claim may be processed separate to the per diem and expense claim providing if requested 96 hours ahead of the event in advance of the scheduled event.

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**  
**TRAFFIC DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

20-22

**REPORT TRAF-2022-54**  
**DECEMBER 06, 2022**

**SUBJECT:** FLASHING BEACON ON STOP SIGNS

**AUTHOR:** MARK SLADE  
TRAFFIC AND PARKING TECHNICIAN

**APPROVING  
MANAGER:** MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.  
MANAGER, TRAFFIC, PARKING & BY-LAWS

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

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**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2022-54 Flashing Beacon on Stop Signs.**

**ORIGIN AND BACKGROUND:**

At the Council Meeting on November 03, 2022, the following motion was approved:

THAT Welland City Council refers back to staff to install a flashing red light at the stop signs at the intersection of Golden Boulevard West and Hagar Street.

**COMMENTS AND ANALYSIS:**

City staff follows Ontario Traffic Manual Book 5 for installation of beacons on Stop Signs. As per OTM Book 5, in addition to the STOP sign, where necessary for increased emphasis, a supplementary red flashing beacon may be used to reinforce a STOP sign. Such flashing beacons may be mounted directly above the STOP sign itself.

To date, staff have installed nine (First Avenue/Fitch Street- First Avenue/Trent Avenue- First Avenue/Linrose Avenue-Kingsway /Forks Road- Endicott Terrace/ Colbeck Drive- River Road/McMaster Avenue Ross Stret/McMaster Avenue-Elm Street/Forks Road and Golden Boulevard East/ Hagar Street) of these beacons in the City where complaints have been received regarding poor stop control



compliance, intersections with crash history or visibility issues. None of the flashing beacons installed required Council approval .

Staff reviewed five-year collision data for this location. This data revealed a total of eight (8) collisions at the intersection of Golden Boulevard West and Hagar Street. Installation of flashing red beacons on the stop signs would assist in catching driver attention, improve stop control compliance and reduce collision risk. It is recommended that flashing beacons be mounted on stop signs located at the intersection of Golden Boulevard West and Hagar Street.

**FINANCIAL CONSIDERATION:**

Flashing beacons installation will be absorbed by the operating budget.

**OTHER DEPARTMENT IMPLICATIONS:**

N/A

**SUMMARY AND CONCLUSION:**

To further enhance the awareness of stop conditions upon approach to the intersection of Golden Boulevard West and Hagar Street red flashing beacons are recommended to be installed above the existing STOP signs. Flashing beacons will assist in achieving stop sign compliance and reducing collisions risk.

**ATTACHMENTS:**

N/A

October 28, 2022

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

**SENT ELECTRONICALLY**

Dear Mayor Campion and Council,

Please be advised that at its meeting of October 21, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following as Resolution No. FA-90-2022:

*Moved by Member Leah Feor  
Seconded by Member Brenda Johnson*

**THAT** staff **BE DIRECTED** to extend the deadline for comment on the Final Land Securement Strategy to November 18, 2022 in order to provide sufficient time for stakeholders to undertake a review and provide comments.

**CARRIED**

The NPCA Board and staff are committed to working with municipalities to further land securement objectives that are beneficial for watershed residents and visitors. The NPCA looks forward to strengthening our relationships with our member municipalities and enhancing the valuable system of protected spaces in the region.

The Land Securement Strategy will not be the only avenue for municipal councils and staff to influence and help shape the NPCA's land securement activities. NPCA staff will be responding to recent changes to the Conservation Authorities Act and associated Regulations by developing a Conservation Areas Strategy and related land securement policies and practices. Much of this work is not due for completion until the end of 2024. NPCA staff welcome input from all of our municipal partners on this work. There will be ample opportunity for Councils and staff to participate in meetings, workshops and engagement sessions. Further details on opportunities to provide input will be forthcoming in 2023.

Please share this information with the appropriate staff and kindly reach out to Eric Baldin, Manager of Land Planning, prior to November 18, 2022, to set up a meeting or provide feedback on the final Land Securement Strategy document. Mr. Baldin can be reached by email at [ebaldin@npca.ca](mailto:ebaldin@npca.ca) or by phone at 905-788-3135, extension #283.

Sincerely,



Grant Bivol  
NPCA Clerk



November 11, 2022

**CL 17-2022, September 22, 2022**

**LOCAL AREA MUNICIPALITIES**

**NORFOLK COUNTY**

**ESSEX COUNTY**

**SENT ELECTRONICALLY**

Motion Respecting Active Transportation and Migrant Workers

Regional Council, at its meeting held on September 22, 2022, passed the following motion:

Whereas approximately 4,000 seasonal workers from Mexico, Central America, and the Caribbean spend up to eight months a year living and labouring in Niagara, forming the backbone of Niagara's billion-dollar agricultural industry;

Whereas the population of these farmworkers is significant, being roughly equal in number to the population of people aged 20 to 65 who live in the township of Wainfleet;

Whereas seasonal agricultural workers are not only our constituents, work colleagues, neighbours, and friends, they have inherent rights and freedoms to travel freely and safely in this community that must be recognized and supported;

Whereas migrant workers and other travellers face numerous transportation barriers that restrict their ease of movement including, but not limited to, lack of access to various modes of transportation and housing and workplaces in rural settings that are isolated and along rural roads that do not have dedicated space for pedestrians or cyclists to separate them from vehicle traffic; and

Whereas most migrant farm workers are vulnerable road users who walk or use bicycles as their primary modes of transportation and are at statistically higher risk of injury and death on Niagara's roads.

**NOW THEREFORE BE IT RESOLVED:**

1. That Niagara Region **DEMONSTRATE** leadership in addressing migrant workers' historic and ongoing exclusions by supporting their rights to safe mobility in and around Niagara;

2. That Niagara Region **ESTABLISH** policies and protocols that ensure migrant workers are included in consultations related to transportation plans, as well as other Regional initiatives that affect them, and that barriers to consultation, such as language, work hours, and lack of transportation be recognized and addressed;
3. That Niagara Region **ADOPT** policies to improve the participation, mobility and safety of migrant workers;
4. That Niagara Region **LEVERAGE** its data on farm businesses and migrant worker residences, garnered by virtue of its agreement with the federal government through the Seasonal Agricultural Workers Program, for consultation and transportation planning purposes;
5. That Niagara Region and the 12 Local Area Municipalities **CONTINUE** to work together on implementing active transportation initiatives that link both regional and municipal roads, as identified in Transportation's Bikeways Master Plan in the Transportation Master Plan, to allow for a continuous network for all road users; and
6. That this motion **BE CIRCULATED** to all local area municipalities in Niagara and the Counties of Essex and Norfolk.

Yours truly,



Ann-Marie Norio  
Regional Clerk

CLK-C 2022-143



**Administration**

Office of the Regional Clerk

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

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

November 11, 2022

**LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY****Re: Appointments to Niagara Transit Commission Board**

In accordance with Regional By-law 2022-38, being a By-law to Establish the Niagara Transit Commission as a Municipal Service Board, it is requested your Council recommend a nominee(s) for appointment by Regional Council to the Niagara Transit Commission Board for the 2022-2026 term of Council.

In keeping with the Governance Strategy developed through the triple-majority process, please consider the following:

- Nominees must be an elected official, either a local or Regional Councillor; and
- Each municipally should forward the appropriate number of nominees in accordance with the 15 member board composition outlined in Report PW 55-2021 as follows:
  - (3) St. Catharines
  - (2) Niagara Falls
  - (1) All Other Municipalities

In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas such as business, finance, strategic planning, or transit operations. Meetings are typically being held once a month on a Tuesday afternoon.

All Commission Board Members will undergo mandatory orientation following appointment and prior to commencing their duties. The Orientation will include topics such as the role of Board and its relationship to the Region, diversity and equity, fiduciary duty, Code of Conduct, open meetings and other legislative requirements.

If you require additional information, please feel free to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio

Regional Clerk

CLK-C 2022-144