

**City of Port Colborne
Council Meeting Agenda**

Date: Monday, January 11, 2021
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

- 1. Call to Order**
- 2. National Anthem**
- 3. Proclamations**
- 4. Adoption of Agenda**
- 5. Disclosures of Interest**
- 6. Approval of Minutes**
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- 7. Staff Reports**
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9. Presentations

- 9.1. Jonathan Hack, Director at Sierra Planning and Management - Road Ends Study
- 9.2. Bill Myers, Supervisor of Customer Service and Strategic Projects - Modernization Project Update

10. Delegations

In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at www.portcolborne.ca/en/city-hall/speaking-before-council.aspx, email deputyclerk@portcolborne.ca or phone 905-835-2900, ext. 115.

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12.	Regional Councillor's Report	
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19.3.	By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne (6855/03/21)	460
20.	Confidential Items	
	Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.	
20.1.	Minutes of the closed session portion of the December 14, 2020 Council Meeting	
20.2.	Chief Administrative Office Report 2021-16, Potential Disposition of City Owned Land	
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- 20.4. Chief Administrative Office Report 2021-17, Potential Disposition and Acquisition of Land
- 20.5. Chief Administrative Office Report 2021-12, Potential Acquisition of Land
- 20.6. Chief Administrative Office Report 2021-14, Potential Acquisition of Land
- 20.7. Chief Administrative Office Report 2021-19, Human Resources Update

21. Procedural Motions

22. Information items

23. Adjournment

**City of Port Colborne
Special Council Meeting 35-20 – Public Hearing
Minutes**

Date: December 14, 2020

Time: 6:30p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)

Staff Present: D. Aquilina, Director of Planning & Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk
C. Roome, Planning Technician (via Zoom)
D. Schulz, Planner (via Zoom)

Also in attendance was one member of WeeStreem.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. 278 Moved by Councillor Bagu
Seconded by Councillor Bodner

That the agenda dated December 14, 2020 be confirmed, as
circulated.

CARRIED

3. Disclosures of Interest:

Nil.

4. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-186, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 168 and 176 Elm Street, File D14-02-20

(i) Purpose of Meeting:

David Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to present a proposed Zoning By-law Amendment and comments from circulated agencies and the public.

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City's Website through the regular Council Agenda.

As of the date of the meeting, staff had received the following correspondence from members of the public:

Jennifer Brooks – 115 Kent Street

- Would like to be notified of any decisions related to this application.
- Concerns related to parking and greenspace for the apartment building.

Patricia and Julius Premi – 171 Alexandra Street, Port Colborne

- In favour of the proposed Zoning By-law Amendment.

The following agency has provided comment.

Regional Municipality of Niagara:**Conclusion**

In conclusion, the proposal is consistent with the PPS and conforms to Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective.

Planning Staff will include the Region's comment in full in their recommendation

Report.

(iii) Explanation of Procedure to be Followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-186 and read any correspondence received from circulated agencies and the public.

(iv) Presentation of Application for Zoning By-law Amendment:

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning from I – Institutional to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business while recognizing the existing location of the building, and allowing for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion from an institutional building into a 22-unit apartment building with a hall and office space on the property.

(v) Comments of Applicant:

Steven Rivers provided comments about the application. Mr. Rivers spoke to the under-utilized nature of the existing use, the studies that have been completed and the phases of development.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councilor Danch asked what the timeline of the phases would be. Mr. Rivers responded that phase one would likely start in the beginning of the new year with phase two starting near the end of 2021.

Councilor Beauregard questioned how much parking would be provided. Mr. Schulz responded that there would be 23 available spaces. Councillor Beauregard then questioned if that will be enough with the hall at capacity. Mr. Rivers responded that the hall would be demolished as a part of phase Three.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated, “if you wish to be notified of the approval of the zoning by-law

amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

(ix) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 6:50 p.m.

5. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-187, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 599 Main Street West, File D14-06-20

(i) Purpose of Meeting:

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City’s Website through the regular Council Agenda.

As of the date of the meeting, staff had received the following correspondence from members of the public:

Lisa St. Amand –

- Would like to be notified of any decisions related to this application.
- Would like to reserve the right to appeal any future decision if necessary.
- Requests that ongoing proceedings between the property owner at 599 Main St W and adjacent landowners and businesses be addressed prior to any further excavation.
- Requests that a stop work on heavy excavation equipment be included.

The following agency had provided comment.

Regional Municipality of Niagara:

There are no Provincial or Regional interests with the Zoning By-law Amendment.

(iii) Explanation of Procedure to be followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-187 and read any correspondence received from circulated agencies and the public.

(iv) Presentation of Application for Zoning By-law Amendment:

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning on a portion of the property (Phase 2 on the approved site plan, Part 3 on the consent application survey sketch) from Highway Commercial (HC) to HC-57, a special provision of the Highway Commercial (HC) zone that recognizes the lot frontage and front yard requirements of the Zoning By-law to satisfy a condition of a consent application under application B07-20-PC.

(v) Comments of Applicant:

Mr. Rivers spoke about the technical nature of this application and that as a result of the stormwater management requirements, Phase 2 was left with no frontage.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councillor Wells questioned if the Northern edge of the property allowed enough space for emergency vehicles. Mr. Schulz responded that those dimensions had already been reviewed and approved during Phase 1.

Councillor Bagu questioned if the construction of services or excavation would damage the neighboring properties on Merritt Parkway. Mr. Schulz responded that the services were already in place. Mr. Rivers added that the construction would be slab on grade. Councillor Danch questioned if there would be any hoe ramming and if that process may damage neighboring properties. Mr. Rivers responded that there may be some, but not a lot and that neighbors have the chance of legal recourse through the courts if damage occurs.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.

(x) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 7:10 p.m.

6. Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 7:10 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

**City of Port Colborne
Regular Council Meeting 36-20
Minutes**

Date: December 14, 2020

Time: 7:10 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)

Staff Present: D. Aquilina, Director of Planning and Development (via Zoom)
B. Boles, Director of Corporate Services/Treasurer (via Zoom)
T. Cartwright, Fire Chief (via Zoom)
A. Grigg, Director of Community and Development (via Zoom)
S. Lawson, Deputy Chief (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
G. Long, Manager of Strategic Initiatives (via Zoom)
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)

Also in attendance was one member from WeeStreem.

1. Call to Order:

Mayor Steele called the meeting to order.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters informed Council of the Region's recent Budget Review Committee meeting, where under the Agencies, Boards and Commissions, the Niagara Regional Housing and the Niagara Peninsula Conservation Authority came in at 2% guidance for their budgets, and the Police came in at 4.3% guidance. She reported that at the upcoming Regional Council meeting, there will be a CAO

Recruitment Committee formed. The Regional Councillor further informed Council and the public that for waste collection over the holidays, the only change will be for residents whose collection day lands on a Friday, as it will be switched to the subsequent Saturday. Regional Councillor Butters added that when garbage is to be collected in Port Colborne, households are permitted 2 extra bags or bins of garbage. She indicated that Christmas tree collection is from January 11 to January 15 on the regular garbage collection day. The Regional Councillor concluded her report by wishing everyone a Merry Christmas and a safe holiday.

2. Introduction of Addendum Items:

Additions:

By-law No. 6851/101/20, Being a By-law to Authorize Entering into an Agreement with Nyon Oil Inc. Re: Fire Safety & Risk Management

3. Confirmation of Agenda:

No. 279 Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That the agenda dated December 14, 2020 be confirmed, as amended.

CARRIED

4. Disclosures of Interest:

Councillor Beauregard has declared a conflict of interest on item 1 (Planning and Development Department, Planning Division, Report No. 2020-157, Subject: Meadow Heights Subdivision Agreement Amendment – Phase 2, Stage 1), item 3 (Planning and Development Department, Planning Division, Report No. 2020-184, Subject: Recommendation Report for the Removal of Holding Symbol, Nyon Oil Inc.), item 4 (Chief Administrative Officer, Project Management Office, Report No. 2020-188, Subject: Affordable Housing Project and Partnership with Port Cares) as well as By-law Nos. 6848/98/20 (Being a By-law to Authorize Entering into an Amendment to Subdivision Agreement between The Corporation of the City of Port Colborne and 1399908 Ontario Inc.), 6849/99/20 (Being a By-law to Amend Zoning By-law 6575/30/18 respecting Land legally Described as Part of Lots 16, 17, 18 and 19, and Part of the Road Allowance between Lots 16 and 17, Part of the Road Allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail Lane, west of Highway 140 and east of Canal Road in the City of Port Colborne) and 6851/101/20 (Being a By-law to Authorize Entering into an Agreement with Nyon Oil Inc. Re: Fire Safety & Risk Management) as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to these items. Councillor Beauregard refrained from discussing and voting on items 1, 3, 4 and By-law Nos. 6848/98/20, 6849/99/20 and 6851/101/20.

5. Adoption of Minutes:**No. 280**

Moved by Councillor F. Danch
Seconded by Councillor E. Beauregard

- (a) That the minutes of the regular meeting of Council 34-20, held on November 23, 2020, be approved as presented.

CARRIED

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 5, 7, 11, 13, 14, and 15.

7. Approval of Items Not Requiring Separate Discussion:**No. 281**

Moved by Councillor A. Desmarais
Seconded by Councillor D. Kalailieff

That Items 1 to 15 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:**6. Corporate Services Department, Finance Division, Report No. 2020-182, Subject: Cancellation, Reduction or Refund of Realty Tax**

Council Resolved:

That the applications received pursuant to Section 357/358 of the *Municipal Act, 2001*, as amended, numbered 2020-100, 2020-200, and 2020-300 be approved to cancel or reduce taxes in the total amount of \$11,327.51.

8. Niagara Region Re: Support for Niagara's Businesses through the Second Wave of the COVID-19 Pandemic

Council Resolved:

That the resolution received from Niagara Region Re: Support for Niagara's Local Businesses through the Second Wave of the COVID-19 Pandemic, be received for information.

9. Town of Lincoln Re: Public Health Measures Re: Ontario COVID-19 Response Framework

Council Resolved:

That the resolution received from the Town of Lincoln Re: Public Health Measures regarding Ontario COVID-19 Response Framework, be received for information.

10. Niagara Region Re: Miller's Creek Marina/Resort Development

Council Resolved:

That the resolution received from Niagara Region Re: Miller's Creek/Resort Development, be received for information.

12. Township of Amaranth, City of Belleville, City of Brantford, Municipality of Meaford and Prince Edward County Re: Bill 218 Supporting Recovery and Municipal Elections Act, proposed changes to the Municipal Elections Act

Council Resolved:

That the resolutions received from Various Municipalities Re: Bill 218 Supporting Recovery and Municipal Elections Act, proposed changes to the Municipal Elections Act, be received for information.

CARRIED

8. Delegations/Presentations:

- (a) Lisa Wagter, Program Manager, Christian Horizons Group, Port Colborne Re: Invoice received for False Alarms at 408 Barrick Road, request invoice to be waved

Lisa Wagter, Program Manager, Christian Horizons Group, Port Colborne reiterated her request to Council with respect to waiving the Invoice received for False Alarms at 408 Barrick Road.

No. 282 Moved by Councillor F. Danch
Seconded by Councillor H. Wells

That the \$100.00 administrative fee outlined on the City's Invoice No. IVC003051 issued to Christian Horizons 4278, be waived.

CARRIED

No. 283 Moved by Councillor E. Beauregard
Seconded by Councillor D. Kalailieff

That the Fire Chief be directed to bring forward a report to Council outlining all invoices issued to Christian Horizons Group, Port Colborne.

CARRIED

- (b) Grace Church, 895 Empire Road, Sherkston Re: Request to use The Sherkston Community Centre

No. 284 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That Grace Church be permitted to temporarily use Sherkston Community Centre for Sunday morning worship services.

CARRIED

9. Councillors' Items:

Staff Responses to Previous Councillors' Enquiries

(a) Fire Safety Message (Cartwright)

The Fire Chief expressed gratitude towards the Mayor for including a fire safety message in the Mayor's Report. He additionally extended gratitude toward all of staff for assisting the Fire and Emergency Services Department during this past year. The Fire Chief concluded his message by asking the community to be mindful of fire safety during the holidays and wished everyone a Merry Christmas.

(b) Comments on Report No. 2020-124 (Aquilina)

The Director of Planning and Development informed Council that Report No. 2020-124, Subject: Recommendation Report for Official Plan & Zoning By-law Amendment Mineral Aggregate Resources & Mineral Aggregate Operation Zone was pulled from the December 14, 2020 Council Meeting agenda in order for staff to review and address comments received from Council and the public. He further reported that this report will be brought forward at the January 25, 2021 Council meeting.

(c) Update on Light Installation (Grigg)

The Director of Community and Economic Development informed Council that the decorative lights for the Main Street and Downtown areas have been

delivered and are currently being installed. She further reported that the installation process should be completed by the end of the week.

(d) Sand Accumulation at Eagle Marsh Drain (Shypowskyj)

The Acting Director of Engineering and Operations informed Council that the majority of sand that has accumulated at the Eagle Marsh Drain has been brought in by a few significant storms that have occurred over the past couple of years. He explained that the storms have changed the shoreline causing the City's operational duties to react and change. The Acting Director of Engineering and Operations reported that in the interim, staff will continue to clear the outfalls in discussions with the Ministry in order to determine the best path forward. Lastly, he informed Council that the Drainage Superintendent is working towards completing an Engineer's Report for the Eagle Marsh Drain including the outfall and that it can be expected for completion by the spring of 2022 with construction to follow.

Councillors' Issues/Enquiries

(a) Illegal Dumping along Friendship Trail (Beauregard)

In response to Councillor Beauregard's inquiry regarding the reoccurring issue of illegal dumping along the Friendship Trail, specifically along Durham Street, the Director of Community and Economic Development informed Council that staff have witnessed an increase of illegal dumping since the change of the Region's collection schedule. She further reported that staff has been in contact with the Region, whose staff have been conducting inspections. The Director indicated that the Downtown core has experienced an increase in dumping as well. She offered the suggestion of pursuing this issue from an enforcement perspective by installing portable cameras. Councillor Wells stated to Council that cameras are not as useful as the intended purpose since there is no facial recognition and therefore, there is no way of identifying the individual doing the crime. Councillor Wells suggested the purchasing of cameras may not be helpful.

(b) Streetlight Flashing at Charlotte and West Streets (Danch)

In response to Councillor Danch's request to have a flashing streetlight at the corner of Charlotte Street and West Street be repaired, the Acting Director of Engineering and Operations informed the Councillor that a work order will be submitted in order to have the issue corrected.

(c) Path at H.H. Knoll Lakeview Park (Danch)

Councillor Danch expressed appreciation towards Community and Economic Development staff for paving the path along H.H. Knoll Lakeview Park.

(d) Lights in Downtown and Main Street Areas (Danch)

In response to Councillor Danch's inquiry regarding how many lights have been installed in the Main Street and Downtown areas, the Director of Community and Economic Development informed Council that there is a total of 40 lights.

(e) Short-term Rentals Update (Bodner)

Councillor Bodner informed Council that he has received inquiries with respect to how the City is proceeding with the matter of short-term rentals. Councillor Bodner reported that the City has assigned a staff member to investigate licenses and permits. Councillor Bodner further reported that this staff member would like the public to complete the Business Licensing Survey which can be found on the City's website at <https://portcolborne.ca/en/city-hall/applications-licences-and-permits.aspx> and provide comments on short term rentals in the City. The City Clerk informed Council that the web link will be shared on the City's social media accounts and there will also be an advertisement in the newspaper. The City Clerk indicated that if any member of the public wants to complete the survey but doesn't have access to a computer or the internet, then they can call City Hall to arrange for a copy to be sent to them.

(f) Downtown BIA Annual General Meeting (Kalailieff)

Councillor Kalailieff informed Council that the Downtown BIA recently held its Annual General Meeting and that Betty Konc, the Chair of the Downtown BIA, handed in her resignation. Councillor Kalailieff reported that the Downtown BIA is now recruiting for a new Chair and wished the former Chair all the best.

(g) Thank you to Staff (Kalailieff)

Councillor Kalailieff expressed appreciation towards all of City staff for their hard work this past year and wished everyone a safe and Merry Christmas. She further commended the City's COVID steering group for ensuring all precautionary measures are in place for the New Year.

(h) Sidewalk Repair List (Desmarais)

In response to Councillor Desmarais' inquiry regarding whether Council will receive a copy of the sidewalk repair list, the Acting Director of Engineering and Operations informed Council that the maintenance contracts haven't typically been shared in the past, but they can be. The Acting Director of Engineering and Operations further indicated that the maintenance contracts ordinarily include smaller repairs that get prioritized throughout the year based on the severity of the issue and therefore, it is a living document.

(i) Thank you to Staff (Desmarais)

Councillor Desmarais expressed gratitude towards staff, especially the Emergency Operations Centre and management teams, for keeping everyone safe during the pandemic. She concluded by wishing all a Merry Christmas and a Happy New Year.

(j) Ditch at end of Barrick Road (Bruno)

Councillor Bruno expressed appreciation towards the City staff involved in clearing out the ditch at the end of Barrick Road. Councillor Bruno indicated that the ditch hadn't been cleared out in 40 years and reiterated his gratitude towards the Drainage Superintendent and Operations for completing this work.

(k) Transition into Outlook (Bruno)

Councillor Bruno commended Information Technology staff for coordinating the seamless transition into the Outlook e-mail system.

(l) New Website Rollout (Bruno)

Councillor Bruno expressed appreciation towards the City Clerk and the Supervisor - Customer Service & Strategic Projects for all the hard work put into the rollout of the City's new website.

(m) Merry Christmas and Happy New Year (Bruno)

Councillor Bruno wished staff, Council and citizens a Merry Christmas and a Happy New Year.

10. Consideration of Items Requiring Separate Discussion:**1. Planning and Development Department, Planning Division, Report No. 2020-157, Subject: Meadow Heights Subdivision Agreement Amendment – Phase 2, Stage 1****No. 285**

Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That Council approve the amendments made to the Meadow Heights Subdivision Agreement between the City and 1399908 Ontario Inc. attached as Appendix A to Planning & Development Department, Planning Division Report No. 2020-157; and

That the Mayor and Clerk be authorized to sign the amended Meadow Heights Subdivision Agreement to be registered on title to the lands.

CARRIED

2. Planning and Development Department, Planning Division, Report No. 2020-183, Subject: Community Improvement Plan Grant Policy

No. 286 Moved by Councillor H. Wells
Seconded by Councillor F. Danch

That 138 Main Street be approved for a \$20,000 matching grant under the Façade Improvement Program; and

That the Director of Planning and Development continue to review and approve CIP incentive applications up to an amount of \$10,000 through delegated authority.

CARRIED

3. Planning and Development Report, Planning Division, Report No. 2020-184, Subject: Recommendation Report for the Removal of Holding Symbol, Nyon Oil Inc.

No. 287 Moved by Councillor D. Kalailieff
Seconded by Councillor H. Wells

That Council approve the draft Zoning By-law amendment, attached as Appendix A to Planning and Development Department, Planning Division, Report No. 2020-184, to remove the "H" Holding Provision from lands as depicted on Schedule "A" to the Draft By-law.

CARRIED

4. Chief Administrative Officer, Project Management Office, Report No. 2020-188, Subject: Affordable Housing Project and Partnership with Port Cares

No. 288 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That Council declares Chestnut Park, and the land between Chestnut Park and Lockview Park as surplus;

That Council hereby approves in principle the affordable housing project proposed by Port Cares;

That Council agrees to transfer the Chestnut Park property to Port Cares for \$1 pending the completion of a mutually satisfactory agreement;

That the Director of Community and Economic Development prepare a Lockview Park revitalization plan; and

That the Director of Planning and Development be directed to proceed with a rezoning application, a survey, and a development agreement.

CARRIED

5. Department of Chief Administrative Officer, Report No. 2020-191, Subject: COVID-19 Update #8

No. 289

Moved by Councillor M. Bagu

Seconded by Councillor E. Beauregard

That Chief Administrative Officer Report No. 2020-191, Subject: COVID-19 Update #8, be received for information; and

That By-law Enforcement staff be directed to implement a more rigorous enforcement plan for violations of the Province's COVID Orders that provides for charges to be laid against individuals and businesses that have repeated violations of these orders.

Moved in amendment by Councillor R. Bodner

Seconded by Councillor G. Bruno

That the main motion be amended by striking out the second paragraph and adding the following thereto:

"That By-law Enforcement staff be directed to implement a more rigorous enforcement plan for violations of the Province's COVID Orders that provides for charges to be laid against individuals and businesses that have repeated or severe violations of these orders."

CARRIED

The vote was then called on the main motion, as amended, as follows:

That Chief Administrative Officer Report No. 2020-191, Subject: COVID-19 Update #8, be received for information; and

That By-law Enforcement staff be directed to implement a more rigorous enforcement plan for violations of the Province's COVID Orders that provides for charges to be laid against individuals and businesses that have repeated or severe violations of these orders.

CARRIED

7. Community and Economic Development Department, Parks and Recreation Division, Report No. 2020-189, Subject: Canadian Experiences Fund Grant Update – Project No. 2020-30

No. 290

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That Project No. 2020-30 Supply and Installation of Solar Lighting at H.H. Knoll Lakeview Park be awarded to R&B Electric Solutions Inc. of Welland, Ontario, for the total tender price of \$121,000.00, plus applicable taxes.

That a by-law to authorize entering into the contract agreement be approved.

CARRIED

11. City of Hamilton Re: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations

No. 291

Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the City of Hamilton Re: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the City of Hamilton Re: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations, be supported.

CARRIED

13. Township of Howick Re: Amendments to the Tile Drain Loan Program (Resolution No. 276/20)

No. 292 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the Township of Howick Re: Amendments to the Tile Drain Loan Program, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Township of Howick Re: Amendments to the Tile Drain Loan Program, be supported.

CARRIED

14. Township of Howick Re: Amending the Tile Drainage Installation Act (Resolution No. 288/20)

No. 293 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the Township of Howick Re: Amending the Tile Drainage Installation Act, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Township of Howick
Re: Amending the Tile Drainage Installation Act, be supported.

CARRIED

15. Municipality of Southwest Middlesex Re: Drainage Matters on Canadian National Railway Lands

No. 294

Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That the resolution received from the Municipality of Southwest Middlesex Re: Drainage Matters on Canadian National Railway Lands, be received for information.

Moved in amendment by Councillor H. Wells
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "received for information" and adding the word "supported".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Municipality of Southwest Middlesex Re: Drainage Matters on Canadian National Railway Lands, be supported.

CARRIED

Notice of Motion

Councillor Bodner provided notice of his intention to introduce a motion at the January 11, 2021 Council meeting with respect to reconsidering Engineering and Operations Department, Engineering Division, Report No. 2020-146, Subject: Michener Municipal Drain Meeting to Consider.

11. Proclamations:

None.

12. Minutes of Boards, Commissions & Committees:

No. 295 Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

- (a) Minutes of the Port Colborne Historical and Marine Museum Board meeting of October 20, 2020.

CARRIED

13. Consideration of By-laws:

No. 296 Moved by Councillor A. Desmarais
Seconded by Councillor D. Kalailieff

That the following by-laws be enacted and passed:

6848/98/20	Being a By-law to Authorize Entering into an Amendment to Subdivision Agreement between The Corporation of the City of Port Colborne and 1399908 Ontario Inc.
6849/99/20	Being a By-law to Amend Zoning By-law 6575/30/18 respecting Land legally Described as Part of Lots 16, 17, 18 and 19, and Part of the Road Allowance between Lots 16 and 17, Part of the Road Allowance between Lots 18 and 19, in the City of Port Colborne, Regional Municipality of Niagara. The property is municipally known as the Nyon Oil lands generally south of the CN Rail Lane, west of Highway 140 and east of Canal Road in the City of Port Colborne
6851/101/20	Being a By-law to Authorize Entering into an Agreement with Nyon Oil Inc. Re: Fire Safety & Risk Management

CARRIED

No. 297

Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

That the following by-laws be enacted and passed:

6850/100/20	Being a By-law to Authorize Entering Into a Contract Agreement with R&B Electric Solutions Inc. Re: Project No. 2020-30, Supply and Installation of Solar Lighting at H.H. Knoll Lakeview Park
6852/102/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of December 14, 2020

CARRIED

14. Council in Closed Session:

Motion to go into Closed Session – 9:25 p.m.:

No. 298

Moved by Councillor M. Bagu
Seconded by Councillor H. Wells

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the November 23, 2020 Council Meeting.
- (b) Planning and Development Department Report No. 2020-185, concerning an Appeal of Committee of Adjustment Decision A15-19-PC, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e), litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- (c) Chief Administrative Officer, Project Management Office, Report No. 2020-190, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board (surplus lands).

CARRIED

Motion to Rise With Report:

No. 299 Moved by Councillor Bagu
Seconded by Councillor Wells

That Council do now rise from closed session with report at
approximately 10:50 p.m.

CARRIED

15. Disclosures of Interest Arising From Closed Session:

Mayor Steele noted that Councillor Beauregard declared a pecuniary interest regarding item (b) and (c) and the Councillor left the closed meeting during discussion of these items.

16. Report/Motions Arising From Closed Session:

- (b) **Planning and Development Department Report No. 2020-185, concerning an Appeal of Committee of Adjustment Decision A15-19-PC, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(e), litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Chief Administrative Officer, Project Management Office Report No. 2020-190, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board (surplus lands)**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

17. Adjournment:

Mayor Steele adjourned the meeting at approximately 10:51 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AL/cm



MAYOR'S REPORT

DECEMBER 14, 2020 COUNCIL MEETING

COVID-19 UPDATE

Good evening and welcome to our virtual council meeting.

Joining me in the council chambers tonight are our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden, and a member of Wee Stream who is live streaming this meeting for us.

Our city councillors and various city directors are each attending from home.

Based on the Province of Ontario's Response Framework in dealing with COVID-19, Niagara remains in the orange – restrict stage as defined by this framework. We need to continue to work hard so no further restrictions are put in place as is evidenced in other areas of the province. Remember the precautions you have taken over the past nine months, continue to save lives.

We emphasize the need for social distancing, hand washing and face coverings where social distancing can't be maintained or where required by the Region's face covering by-law.

We ask that you continue to support our local businesses through this Christmas season.

Holiday Drive-Through Toy Drive

I would like to thank everyone who participated in the Holiday Drive-Through Toy Drive held on Saturday, November 28th.

The Port Colborne Fire and Emergency Services Team and Port Cares have gathered all the donations and they are sure to bring a smile to many families this holiday season. This was the best year they've had since starting this Toy Drive five years ago.

Fire Safety

Over the past week, our fire fighters have dealt with several structural fires in the city. I would like to extend our appreciation to our fire fighters and those who provided assistance from Wainfleet, Welland, Niagara Falls and Fort Erie for their hard work.

Our thoughts go out to those who have been impacted by these fires and we urge everyone to use caution and be fire smart in their homes and buildings.

Prevention is the gift that keeps on giving this holiday season. Port Colborne Fire and Emergency Services would like to remind residents to be fire safety smart, especially during this festive time:

- Keep decorations at least 3 ft from open flames and heat sources
- Never leave cooking unattended
- Never leave a space heater unattended and turn it off if leaving the room or going to sleep
- Water Christmas trees daily and discard them when they are dry and begin dropping needles
- Inspect all decorations to make sure they do not have any frayed or pinched wires
- Install smoke alarms and carbon monoxide detectors on every level of your home; be sure to test the alarms every month
- Don't think it can't happen to you! Be safe this holiday season.

Christmas Card Colouring Contest

I received over a hundred pictures with Christmas images drawn by the children of Port Colborne for use on this year's Christmas card.

I want to thank everyone who submitted a picture.

For the front of the card, we selected a picture drawn by Madelyn Goulding, a grade 6 student at DeWitt Carter School.

For the inside of the card we selected four pictures. They were drawn by:

Ellie Cizmar, a Grade 6 student from St. John Bosco School
Natalie Walker, a Grade 3 students from St. John Bosco School
Peyton Thususka, a Grade 3 student at DeWitt Carter School
Kieran Rhoddy, a Grade 7 student at Oakwood School

Since we couldn't bring the children into the council chambers, last Friday, I met up with each of them to present them with a copy of their drawing and a framed Christmas Card. We have a short video to play to you now.

Holiday Decorating Contests

I would like to thank all homeowners and businesses for lighting up our city for Christmas this year.

Driving around the city, you can see the extra effort everyone has put out to make our city shine.

Voting will take place on Facebook and we encourage everyone to vote for their favourite property before December 19th.

Winners will be announced on social media next Monday.

New Year's Eve

This New Year's Eve will be a time to celebrate with family.

Our traditional New Year's Eve celebration at the Vale Health & Wellness Centre has been put on hold with plans to return next year to bring in 2022.

We encourage you to start new traditions within your family as we all stay together and apart.

Library Surprise Bags

You expressed your gratitude for your library, now the library would like to thank you.

Swing by the library and pick up your surprise gift bag of gently used books during curbside hours 11 a.m. to 3 p.m. Monday-Saturday.

Each bag is labelled with a brief description of your surprise books. Please choose only one. Available while quantities last.

All surprise gift bags have been quarantined for 4 days and were packed by staff wearing gloves.

Website

The city has been working on developing a new website which we will be launching tomorrow. I encourage you to check it out for all the news and information you are looking for.

We know there will be some technical issues to work out and ask for your patience as we work through these over the next few weeks.

Closing

We continue to work together and remain vigilant in fighting the COVID-19 virus.

Our number one priority is the health and safety of our staff and citizens.

Please stay safe and be kind.



Subject: Transit Enhancement Opportunity

To: Council

From: Corporate Services Department

Report Number: 2021-15

Meeting Date: January 11, 2021

Recommendation:

That Corporate Services Department Report 2021-15 be received;

That the City of Port Colborne request the Region of Niagara to submit a service order to Via Mobility LLC to amend its master terms agreement for the deployment of a turnkey, on-demand transit service to include the service area of Port Colborne and the integration and alignment of the Port Colborne service into the Niagara Regional Transit (NRT) OnDemand mobile application; and

That subject to approval by the Niagara Region's Public Works Committee and Council:

- Port Colborne Transit be integrated into the NRT OnDemand program (including related Provincial Gas Tax Funding) as outlined in this report;
 - The City of Port Colborne provide funding to the Niagara Region as outlined in this report;
 - The City of Port Colborne extend its appreciation to the City of Welland for their long-standing service as the City of Port Colborne Transit provider and for that contract to stop when the OnDemand service begins;
 - The City of Port Colborne extend its warmest thank you to the Port Colborne Transit Advisory Committee for their previous service and for that committee to be dissolved;
 - The Chief Administrative Officer and Director of Corporate Services / Treasurer be authorized to sign and execute the necessary documents to complete the approved recommendations in this report.
-

Purpose:

This report proposes service level enhancements to the current Port Colborne Transit program. It proposes moving from a fixed-route model to an on-demand model that

provides transit services to the whole City of Port Colborne (the “City”), increases the days of operation by one day per week, and the hours of service per day from 11 hours to 15 hours.

Background:

The City of Welland has been the long-standing service provider of a fixed route transit system in the City. The current route is identified in Appendix A. In 2019, the current service had approximately 35 individual riders per day (note 2019 numbers were used as COVID-19 impacted 2020 comparatives). At the time of writing this report the City is operating month to month with the City of Welland as the previous contract has expired.

On November 25, 2019 the Niagara Region presented a proposal for Niagara Region Transit (“NRT”) OnDemand to City Council. As an outcome of that meeting, staff were directed to review transit options.

The NRT OnDemand system has since been launched in the Town of Grimsby, Town of Lincoln, Town of Niagara-on-the-Lake, Town of Pelham, Township of Wainfleet, and the Township of West Lincoln.

Recent discussions with the Niagara Region identified they are currently in contract discussions with their service provider (VIA Mobility LLP) and, should the City wish to join, the City could do so in the June 2021 timeframe.

As Council is aware, Niagara Region and the local area municipalities have been engaged in a multi-year transit governance study to determine the feasibility and desirability of consolidating transit services under a single entity. A transition that, if approved, could happen between 2022 and 2023. Staff understand the Niagara Region will present the plan to the Councils of local area municipalities in the first half of 2021.

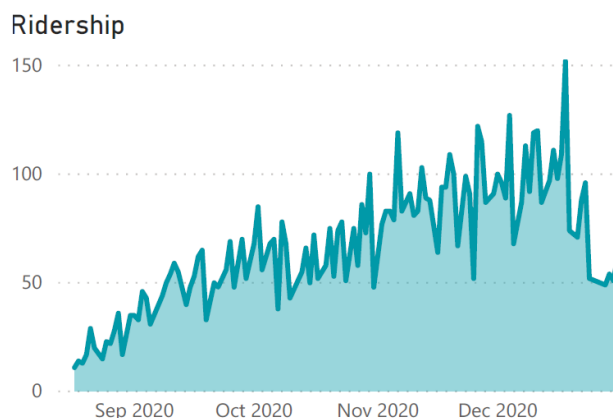
Salient to any amalgamation planning City Staff understand the service being offered at the time of consolidation will be the service that is continued with no new service additions being considered by the new transit entity for a number of years thereafter as it focuses on transitioning the operation of the service and seeks to undergo a network evaluation and design process.

Discussion:

In presenting this report City Staff identify that the City of Welland has been and continues to be a tremendous partner in providing transit to the City.

The NRT OnDemand system is currently in full operation in a number of municipalities in the Niagara Region as identified above. The website for the service is as follows: www.niagararegion.ca/transit/on-demand/default.aspx.

The following chart highlights the growth in usage of the current NRT OnDemand system in the other municipalities identified above. Staff highlight this growth has occurred despite the COVID-19 pandemic.



Key comparisons of the current and proposed NRT OnDemand options are provided in chart form below:

	Current	NRT OnDemand
Area Served	Appendix A – Limited / Fixed	Appendix B – All of Port Colborne (including Fort Erie Crystal Beach Area)
Number of Days	Monday - Friday (5 days)	Monday – Saturday (6 days)
Number of Hours	7am to 6pm (11 hours)	7am 10pm (15 hours)
Route adjustments^	Lead time required	Dynamic
Data	Limited	Significant
Boarding location	Bus stop or flag stop on route	Estimated average walk 55 - 80 m from location submitting pick-up request from (Wheelchair accessible trips will be door-to-door)
Pick-up time	Per pre-published schedule	Estimated 8 minutes or less from request pick-up time (assuming daily volume doubles from 2019 levels)
How to get a ride	Go to bus stop or flag a bus at pre-determined time	Use app or call phone number
Ride Sharing	Yes	Yes

^ The dynamic/full City coverage provided by the OnDemand system is something that ensures no matter how or where the City grows going forward the Transit system can accommodate.

The proposal from the Niagara Region is to manage the entire program, including Provincial Gas Tax reporting. Through their service provider, they proposed the use of

two vehicles for the City. As the City would be part of the larger network, should demand spike at certain times vehicles from other locations could be redirected to support those higher demand times.

Pricing of the current and OnDemand option are similar from the rider's perspective. The following table of fares enables trips that begin and end with the City of Port Colborne:

	Current (lasted updated 2018)			NRT OnDemand		
	Cash Fare	10-ride Card	Monthly Pass	Cash Fare	10-ride Card	Monthly Pass
Adults	\$3.00	\$25.00	\$85.00	\$3.00	\$27.00	\$85.00
Seniors (65+)	\$3.00	\$21.00	\$65.00	\$3.00	\$22.50	\$65.00
Elementary and High School	\$3.00	\$21.00	\$75.00	\$3.00	\$22.50	\$65.00
Children	\$1.50 (12 and under riding alone) Free (12 and under riding with paying adult)			5 and under free (Note: As of February 1 st , 2021 the child age for Regional service will change to 12 and under)		

Niagara Region also offer fares that permit intermunicipal travel using the existing fixed route network of Niagara Region Transit, such as Route 25 (Port Colborne Link). The fare table below permits riders to travel anywhere in Niagara.

	OnDemand		
	Cash Fare	10-ride Card	Monthly Pass
Adults	\$6.00	\$45.00	\$160.00
Seniors (65+)	\$5.00	\$40.00	\$130.00
Elementary and High School	\$5.00	\$40.00	\$130.00
Children	5 and under free (Note: As of February 1 st , 2021 the child age for Regional service will change to 12 and under)		

Financial Implications:

The financial implications of the current service level and the estimated financial impact of the new OnDemand service level are identified in the chart below:

	2021 – Current	2021 – OnDemand*	2022 – OnDemand*^
Current Net Levy Impact of Transit~	\$135,700	\$135,700	\$135,700
Increase cost for increase level of service with OnDemand	N/A	\$252,400	\$375,000
	\$135,700	\$388,140	\$510,700
City of Port Colborne	N/A	\$126,200	\$187,500
Niagara Region	N/A	\$126,200	\$187,500
	N/A	\$252,400	\$375,000

~ The gross cost before Provincial Gas Tax revenue and user fees is \$303,700. The net cost in the budget was \$165,700. The net cost above of \$135,700 reflects the projected revenue of approximately \$30,000 in a non-COVID period.

* The figures above assume no change in usage from the 2019 level and that Niagara Region through its Public Works Committee and Council, approve matching funding as part of their intermunicipal transit mandate since a connection to Fort Erie Transit would be established (anticipated in the Crystal Beach area). Through discussions with Niagara Region, staff understand the Niagara Region already has these funds budgeted and are financially involved with the NRT OnDemand programs in other local area municipalities. As noted the recommendation to this report is contingent on funding approval from the Niagara Region.

^ These figures are in present value dollars and may be subject to increases close to inflation. These will be dependent on negotiations between the Niagara Region and their service level provider.

These increased costs are not anticipated to have a permanent impact on the City's portion of the tax levy if the local area municipalities transit systems are consolidated into one transit entity.

For this reason, staff propose the following funding option:

- For 2021 the estimated funding requirement of \$126,200 be funded from the transit reserve that currently has a balance of \$150,000. Staff identified this

potential reserve usage in Report 2020-144, Reserve and Reserve Fund Policy dated October 13, 2020.

- For 2022, the remainder of the transit reserve would be used, and any additional funding would be internally funded from the stabilization reserve. These funds would be replenished/repaid by maintaining the current net transit levy budget up to \$135,700 in subsequent years after uploading the transit system to a regional transit entity. After the balance funded from the stabilization reserve is repaid, the net transit levy amount would be removed from the City's budget.

The risk to this funding model is the uploading process takes longer, does not happen or the City is asked to fund the regional transit entity on a go forward basis (which, at the time of writing this report, staff understand to not be the case). If the transition takes one year longer into 2023 staff propose the same funding strategy in 2022 be used (internally fund from reserves). If the transition takes longer than 2023 and/or does not gain approval staff will review other funding options and/or options to adjust service levels. The levy impact of \$187,500 (2022 estimated cost) is approximately 0.9%.

For greater clarity, staff identify the funding model identified above is based on estimates and are subject to change. If Council approves this report, Council is approving a 50/50 cost share of the increased cost of the OnDemand service with Niagara Region (which will offset the costs of the connection to Fort Erie Transit) and that the City's portion be paid first from the transit reserve and second from the stabilization reserve, to be repaid by maintaining the levy post consolidation until the stabilization reserve is repaid.

Conclusion:

The City has a unique opportunity at this time to set its level of service with the cooperation of the Niagara Region prior to the anticipated creation of a consolidated regional transit entity.

Appendices:

- a. Current Transit Route
- b. Proposed Service Map (Port Colborne going into Fort Erie Crystal Beach Area)

Respectfully submitted,

Bryan Boles

Director of Corporate Services / Treasurer

905-835-2900 ext. 105

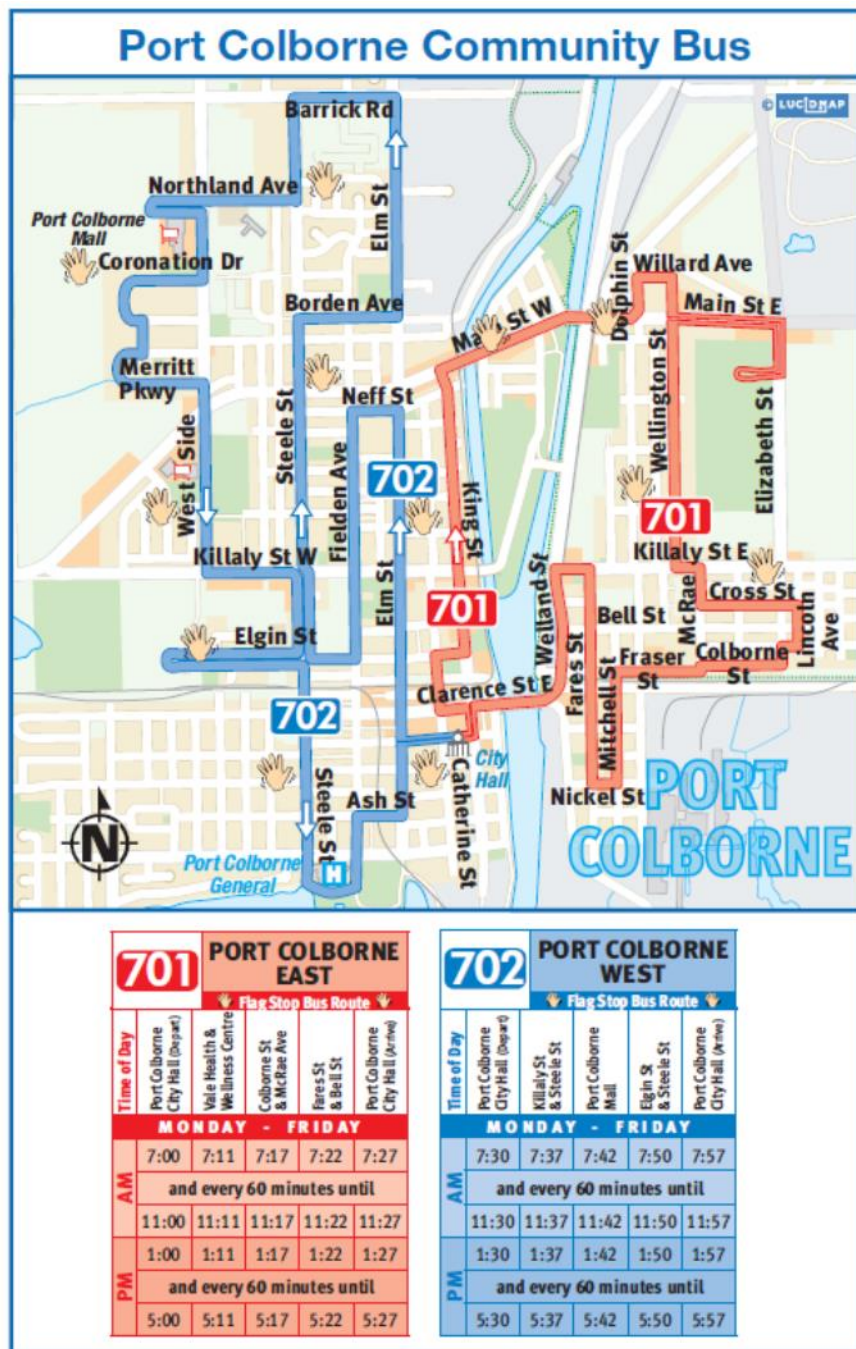
Bryan.Boles@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

Report 2021-15 Appendix A

Current Transit Route



Please see City of Port Colborne or Welland Transit web site for fare structure information for Port Colborne Community and Link bus services

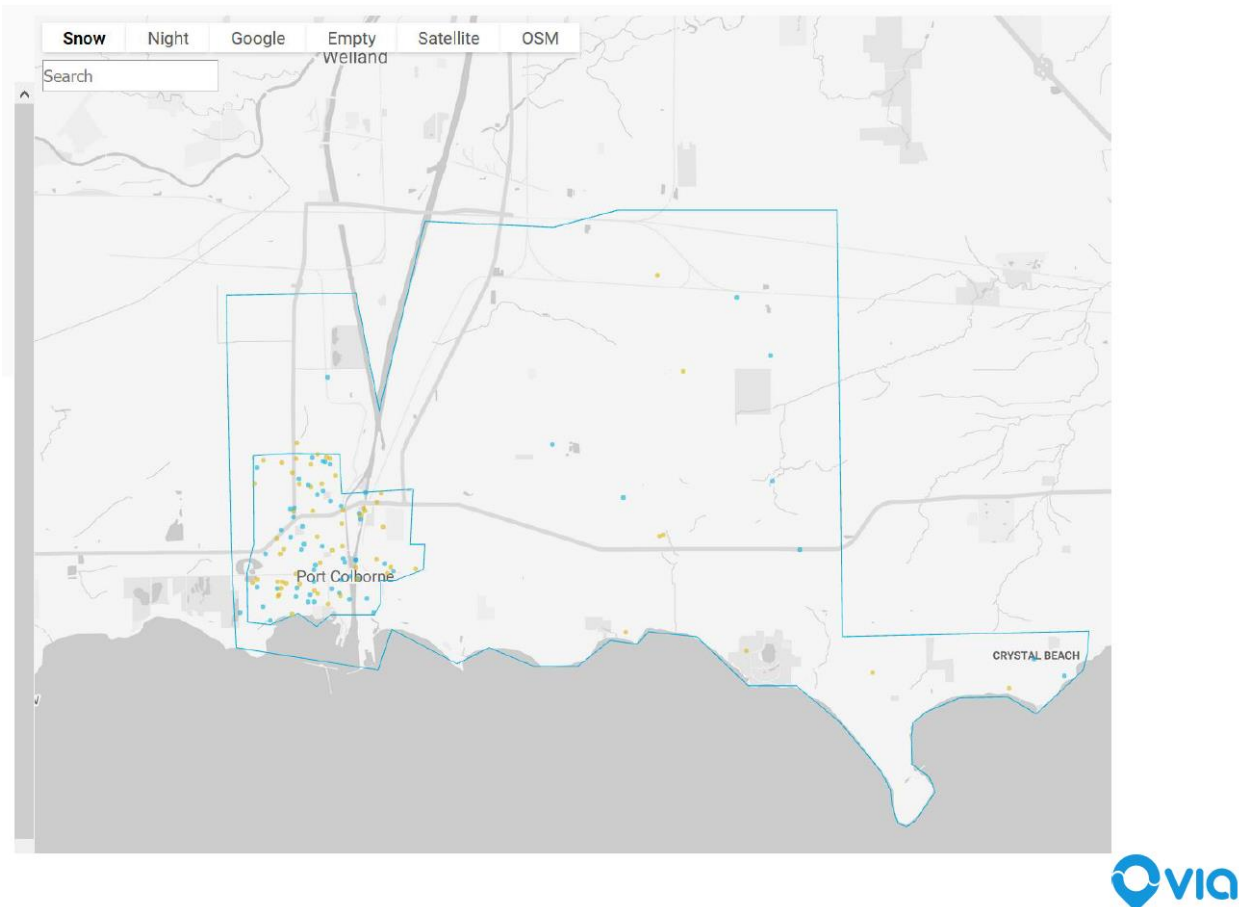


Flag Stop for Port Colborne only

You can board the bus by waving to the driver as the bus approaches. Look for the waving hand symbol on the maps, which highlights areas where Flag Stop is in effect.

Report 2021-15 Appendix B

Proposed Service Map (Port Colborne going into Fort Erie Crystal Beach Area)



Note the map above was created by the Niagara Region's service provider. The Service area is outlined by the blue line around the City. An additional blue line around the more densely populated area of the City highlights where the greater portion of rides are anticipated. The dots being blue and yellow indicate algorithmic pick-up and drop-off examples used to calculate the average wait time of 8 minutes and walking distance to a pick-up location of 55m to 80m.

Most importantly this map highlights this transit proposal would service all of the City and not just the central urban area.

Subject: Delegated Authority for Conditional Building Permit for SouthPort Condo Inc.

To: Council

From: Chief Administrative Office

Report Number: 2021-20

Meeting Date: January 11, 2021

Recommendation:

That Council delegates authority to the Chief Building Official to issue a conditional permit agreement for the SouthPort Condo Inc. property.

Purpose:

To delegate to the Chief Building Official the authority to enter into a conditional permit agreement for the SouthPort Condos project as outlined in Section 8(3.1) of the Building Code Act.

Background:

SouthPort Condos Inc. has applied for a foundation-only building permit to allow them to commence construction while the plans for the above grade structure are finalized. SouthPort Condos Inc. has filed their application for a Record of Site Condition with the Ministry of Environment, Conservation and Parks (MECP) and is expecting approval by the end of February. Also, the site plan agreement is awaiting the securities to be paid and the agreement to be registered on title to the property.

In order for the Chief Building Official (CBO) to issue the permit, it must comply with all applicable laws. The Building Code Act does allow the CBO to issue a permit that does not comply with applicable law if it can be demonstrated that a delay in construction will create a hardship and that compliance with the applicable law will follow. Port Colborne's CBO has followed this practice in the past to facilitate construction of complex projects of a commercial, industrial, or multi-residential nature in order to facilitate construction processes.

Discussion:

In order for the CBO to proceed with the issuance of a conditional permit, the applicant (in this case the SouthPort Condos Inc.) must enter into an agreement with the City pursuant to the Building Code Act. Such an agreement requires the approval of Council.

By proceeding with a conditional permit, SouthPort Condos Inc. will be required to assume all risk for commencing construction in advance of the Record of Site Condition being received from the MECP and the Site Plan Agreement being registered on title. In the event that the record of site condition and registration of the site plan agreement on title is not completed, SouthPort Condos Inc., at their own cost, will be required to take steps to restore the site to the pre-construction condition and/or otherwise bring the development into compliance with the law.

Financial Implications:

There are no financial implications for the City as a result of approval, as the financial restoration responsibility if compliance is not met falls to the applicant.

Conclusion:

Staff recommends delegating the authority for the approval of entering into a conditional permit agreement in order to ensure that development proceeds in a timely manner.

Respectfully submitted,

Scott Luey

Chief Administrative Officer

905-835-299 x306

Scott.Luey@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

Subject: Medical Cannabis Grow Operations

To: Council

From: Planning and Development Department

Report Number: 2021-07

Meeting Date: January 11, 2021

Recommendation:

That Planning and Development Department Report 2021-07 be received; and

That Council support the correspondence received from the Regional Municipality of Niagara Police Services Board attached as Appendix A; and

That Council support the correspondence item attached as Appendix B from the Township of Blandford-Blenheim regarding Cannabis Production.

Purpose:

The purpose of this report is to provide Council with information regarding challenges faced with Medical Cannabis Facilities in Ontario and specifically, the City of Port Colborne.

Background:

At its November 9th meeting, the City of Port Colborne Council passed the following motion:

“That the Director of Planning and Development be directed to investigate the basis of the resolutions received from the Township of Asphodel–Norwood, Township of Blandford-Blenheim, Town of Lincoln, Norfolk County, Northumberland County, Re: Cannabis Grow Operations as well as the City of Clarence-Rockland Re: Cannabis Retail Stores and prepare a report to bring forward to Council that includes input from the letter received from the Town of East Gwillimbury and the letter the Mayor has written to the Niagara Regional Police Services Board.”

The above motion served as a response to the correspondence received from municipalities across Ontario and challenges faced with regards to the regulation of Medical Cannabis Facilities.

Planning and Development staff has reviewed the correspondence received from the municipalities and can confirm that the majority of the concerns raised have been witnessed first-hand by City Planning and By-law Enforcement staff.

As Council is aware, the former City of Port Colborne Zoning By-law 1150/97/81 was amended in 2014 to regulate and incorporate standards for the locating and situating of Medical Marihuana Production Facilities. The By-law permitted Medical Marihuana Production Facilities licensed under the Federal Government's Marihuana for Medical Purpose Regulations (MMPR) which were in place at the time. Facilities were permitted in Agricultural and Rural zones subject to conditions including lot size, lot coverage, separation distances, lighting, parking and servicing. Around the same time as the Zoning By-law Amendment, the City's Site Plan Control By-law was also amended to require new facilities to be taken through the Site Plan Control process to ensure the conditions included in the Zoning By-law were properly implemented.

Through the legalization of recreational cannabis in 2018, Federal cannabis regulations drastically changed. In response to this, Council passed an Interim Control By-law (ICBL) for a period of one year on November 26, 2018, to allow staff to review the new legislation and bring forward updated zoning regulations. The ICBL acted as a freeze for all marihuana/cannabis as it prevented the establishment of any new facilities in Port Colborne. After an extension to the ICBL, Council, along with staff's recommendation, amended the Zoning By-law and Official Plan on January 27, 2020, with the regulations that are currently in place today. The current By-law provides similar restrictions as the 2014 amendment; however, it has removed reference to "medical marihuana production facility" and replaced it with "cannabis production facility" which covers both medical and commercial cannabis facilities. It has also provided further opportunities for facilities to be established in Industrial zones, rather than just Agricultural and Rural zones.

Discussion:

Planning and By-law Enforcement staff have been tasked with the enforcement of the regulations passed under the Zoning By-law and have dealt with numerous complaints regarding cannabis facilities. Planning staff note that since the regulations were put in place, the City has received only one application for a new facility, which has since been abandoned. A reoccurring statement in the resolutions received by the fellow municipalities note that medical grow operations are constantly being established with approval from Health Canada but with little to no consultation with local municipalities. It is clear there is a significant disconnect between Health Canada and municipalities in Ontario. Complaints are consistently received for new facilities in Port Colborne that are established without any approvals or consultation with the City.

The City of Port Colborne is also in receipt of a letter from the Niagara Region Police Services Board, written by the Acting Board Chair, William C. Steele, and the Chief of Police, Bryan R. MacCulloch. With respect to the letter issued by the board, staff concur that there is a lack in difficulty that exists for properties to obtain approval from Health Canada. This allows these facilities to be established in plain sight under the protection of Health Canada and the Canadian Charter of Rights and Freedoms. Under the current legislation, other than Zoning By-law regulations, there is little the municipality or police can do to prevent or stop these facilities from obtaining their Health Canada approval. Commercial cannabis facilities in comparison have strict rules that must be followed prior to the issuance of their license. One of the first requirements for an applicant beginning the commercial license process is to obtain a letter from the municipality as confirmation that the selected site is suitable for a cannabis facility. Additionally, a site plan agreement must be in place between the City and proponent before the license is finally issued by the Federal Government.

As part of the November 9th motion by Councillor Wells, Councillor Bodner requested that staff investigate the basis of the court proceedings by the Town of East Gwillimbury. Staff has contacted the representative for the Town and have gathered the following information regarding their ongoing court proceedings:

1. Legal action was taken by the Town on July 8, 2020;
2. Contraventions of the *Municipal Act*, *Building Code Act*, and the Town's Zoning By-law;
3. Multiple cease and desist orders were sent to the property owner for the operation of a facility outside of a permitted zone in the Town's Zoning By-law, and for buildings and structures constructed without the benefit of a Building Permit;
4. An Interim Control By-law (ICBL) is currently in place which only allows new facilities to be established in Industrial zones, which the subject property is not;
5. The property owner's have failed to comply with stop work orders and cease the operation of their facility;
6. An application was made to the Ontario Superior Court of Justice;
7. No hearing date has been set for the case yet, however the Town is hopeful that it will be scheduled in January;
8. The case will be publicly accessible.

The East Gwillimbury case is another example of a cannabis facility with a medical license that received permission from Health Canada prior to the municipality having any input.

Internal Consultations:

Planning and By-law Enforcement have had numerous internal discussions regarding the issue of cannabis in the community. Planning and By-law staff have highlighted the

specific issues the City of Port Colborne has been having with existing facilities. Staff note that the majority of complaints are related to the following concerns:

1. The odours released from the facility;
2. Number of plants being grown at the property;
3. Concerns about increased crime in the area;
4. The property is not zoned correctly to permit cannabis growing operation;
5. Light trespassing on neighbouring properties throughout the night;
6. Properties are not required to enter into a site plan agreement with the municipality.

In staff's review of these complaints and concerns, the issues always come back to land use compatibility. The City's only mechanism to control land use compatibility issues between cannabis facilities and neighbouring properties is through the Zoning By-law. However, this mechanism is consistently overridden by the Federal Government and Health Canada when licenses are issued.

Financial Implications:

There are no financial implications at this time.

Conclusion:

Based on the correspondence from the fellow municipalities in Ontario and the issues faced in the City of Port Colborne, staff recommend that Council endorse the Police Services Board letter attached as Appendix A and the resolution received from the Township of Blandford-Blenheim attached as Appendix B.

Appendices:

- a. Regional Municipality of Niagara Police Services Board letter
- b. Township of Blandford-Blenheim resolution
- c. Other correspondence received from Ontario municipalities

Respectfully submitted,

David Schulz

Planner

(905) 835-2900 ext. 202

David.Schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD

5700 VALLEY WAY, NIAGARA FALLS, ONTARIO L2E 1X8

Tel: (905) 688-4111 Fax: (289) 248-1011
E-mail: psb@niagarapolice.ca
Website: www.niagarapolice.ca

November 4, 2020

DELIVERED BY EMAIL

The Honourable Patty Hajdu
Minister of Health
patty.hajdu@parl.gc.ca

Dear Minister Hajdu:

RE: Medical Cannabis Grow Operations - Public Safety Concerns

We are writing on behalf of the Regional Municipality of Niagara Police Services Board and the Niagara Regional Police Service to request Health Canada address proper regulation of the cannabis industry, specifically with designated medical growers who are operating outside of their medical designations.

The *Federal Cannabis Act* controls the production, distribution, sale and possession of cannabis in Canada, including the application and licensing of personal and commercial medical cannabis production, which should be compliant with local municipal by-laws according to criteria set out for applicants in the process administered by Health Canada as the agency responsible for approval of cannabis production facilities.

Our concerns are for the significant number of operations growing for personal medical use under the certificate/registration system set up by Health Canada. Under the legislation, an adult individual is eligible to produce cannabis for their own medical purposes. The amount permitted to grow for personal use is contingent upon the maximum daily amount prescribed by a medical practitioner and whether or not the plants are going to be grown inside, outside or a combination of both. Health Canada's regulations govern the growing of medical cannabis and allow an individual to designate another individual to grow it on their behalf.

A maximum of four (4) certificates for growing medical cannabis for personal purposes are permitted per property. As a result, a significant amount of medical cannabis may be grown on a property for personal medical use. Designated growers are permitted to grow up to 500 plants per individual license, or potentially 2,000 plants. Further, Health Canada treats the certificates as medical information and as such, operators are not required to provide their certificates to municipalities or police, which prevents municipalities or the police from determining if an operation is legally permitted or not. This is exacerbated by minimal oversight or concern from Health Canada.

Police enforcement efforts across southern Ontario, including Niagara, indicate that many growers are producing well in excess of the maximum licensed number of plants. It has become clear that the excess being produced by designated growers is being funneled to the illicit market which is mostly controlled by organized crime.

This was well documented during a large-scale, multijurisdictional illicit cannabis growing investigation in August of this year, where police seized over an estimated \$42 million in drugs, equipment, weapons and other items. This included 101,049 illegal cannabis plants; 1,921 pounds of illegal cannabis bud; 21 pounds of illegal cannabis shatter and three pounds of illegal cannabis hash.

Unfortunately, this is not an uncommon occurrence. In July 2020, Niagara Regional Police made arrests and seizures at a large illicit cannabis operation in the City of St. Catharines with over 17,000 plants. The investigation resulted in the arrest of eleven people, with an estimated \$34 million in cannabis plants. In 2018, Niagara Regional Police arrested one individual for growing over 1,000 plants at an estimated worth of over \$1 million. In 2017, Niagara Regional Police busted two large medical grow operations that were operating under fraudulent Health Canada medical licenses for personal or designated use. In 2016, an individual was arrested with 500 plants and in 2015 the Niagara Regional Police arrested another person with over 1,000 plants that was also valued at just over one million dollars.

It is apparent that criminal enterprises are abusing the Health Canada registration, using it as a loophole to grow well over the allotted amount. These organized crime groups have been exploiting Health Canada medical, personal and designate cannabis production, instead growing the plants to sell illegally. Health Canada has strict rules governing licensing, odour, security, light pollution, chemical contamination, fire hazards and the like for federally-licensed grow facilities, however; no such oversight applies to personal and designated growers.

We are therefore urging the Federal Government to expand the legislative framework to provide greater oversight to address public safety concerns with the personal and designated medical growers who are operating outside the boundaries of their medical designations.

These unlicensed operations have become a significant concern for residents in the Niagara Region and our local municipalities from both a health and safety lens as well as from a land use and building code situation. Local municipal governments have responsibility for the enforcement of local by-laws and ensuring life-safety compliance with fire and building code regulations, but Health Canada has no process in place to share licensing information with local authorities about the location of medical cannabis production facilities. **By way of copy, we are calling on Niagara's MPs and MPPs for support, and urging the Niagara Region and Councils of its 12 local municipalities to call on the Federal Government to put in place the needed controls and oversight permissions that will provide safety, health and personal comfort to all residents of Niagara.**

Minister, we need your help to get these issues under control. We are asking that Health Canada take action against operations that cross the line into criminality. Police resources are stretched and the need to establish criminality limits police ability to respond to these operations that are causing such concern. Police enforcement is an important tool but we need other ways to manage the growing problems these unlicensed operations are creating. We need Health Canada to implement practices that will improve the sharing of information regarding cannabis certificates with police and municipalities, outline requirements for compliance with municipal zoning by-laws, include appropriate monitoring and inspections, and consider the need to revisit the formula for determining the maximum number of plants permitted under a certificate.

The Board and Police Service would certainly be willing to further engage with Ministry personnel in an effort to share our experiences and work collaboratively to increase the effectiveness of the legislation and enhance public safety.

Your consideration of the concerns raised in this letter would be greatly appreciated and we look forward to your response.

Yours truly,



William C. Steele
Acting Board Chair



Bryan R. MacCulloch, M.O.M.
Chief of Police

Copies to:

The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness
The Honourable David Lametti, Minister of Justice and Attorney General of Canada
MP Dean Allison, Niagara West
MP Chris Bittle, St. Catharines
MP Tony Baldinelli, Niagara Falls
MP Vance Badawey, Niagara Centre

President Micki Ruth, Canadian Association of Police Governance
Chief of Police Bryan Larkin, President, Canadian Association of Chiefs of Police

The Honourable Christine Elliott, Deputy Premier and Minister of Health
The Honourable Doug Downey, Attorney General
The Honourable Sylvia Jones, Minister of the Solicitor General

MPP Sam Oosterhoff, Niagara West
MPP Jennie Stevens, St. Catharines
MPP Wayne Gates, Niagara Falls
MPP Jeff Burch, Niagara Centre

Chair Patrick Weaver, Ontario Association of Police Services Boards
Chief of Police Paul Pedersen, President, Ontario Association of Chiefs of Police

Regional Chair Jim Bradley and Members of Council, Niagara Region
Mayor Dave Bylsma and Members of Council, Town of West Lincoln
Mayor Frank Campion and Members of Council, City of Welland
Mayor Jim Diodati and Members of Council, City of Niagara Falls
Mayor Betty Disero and Members of Council, Town of Niagara-on-the-Lake
Mayor Sandra Easton and Members of Council, Town of Lincoln
Mayor Kevin Gibson and Members of Council, Township of Wainfleet
Mayor Jeff Jordan and Members of Council, Town of Grimsby
Mayor Marvin Junkin and Members of Council, Town of Pelham
Mayor Wayne Redekop and Members of Council, Town of Fort Erie
Mayor Walter Sendzik and Members of Council, City of St Catharines
Mayor Bill Steele and Members of Council, City of Port Colborne
Mayor Terry Ugolini and Members of Council, City of Thorold

Board Members, Niagara Police Services Board



Township of Blandford-Blenheim

47 Wilmot Street South
Drumbo, Ontario N0J 1G0

Phone: 519-463-5347
Fax: 519-463-5881
Web: www.blandfordblenheim.ca

October 13, 2020

Emailed to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.

Re: Unlicensed and unmonitored cannabis grow operations

Please be advised that at the Regular Meeting of Council on October 7th, 2020, the Council of the Township of Blandford-Blenheim passed the following resolution:

Resolution Number: 2020-14

Moved by: Councillor Nancy Demarest

Seconded by: Councill Bruce Banbury

“That Whereas unlicensed and unmonitored cannabis grow operations have increasingly become a problem in communities in Ontario as well as across the Country; and,

Whereas these operations are allowed to establish with little or no consultation with the local community and municipalities are often only made aware of their existence after conflicts arise with neighboring land owners; and,

Whereas loopholes in existing Federal legislation allow these large scale grow op’s to establish and operate without any of the regulations or protocols that licensed and monitored operations need to adhere to,

BE IT RESOLVED that the Council of the Township of Blandford-Blenheim urges the Federal Government to amend the legislation under which these facilities operate to ensure the safety and rights of the local communities in which they are situated are respected; and,

That this resolution be forwarded to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.”

Regards,

Sarah Matheson
Deputy Clerk
Township of Blandford-Blenheim

Office of the Mayor
Rodger Bonneau

October 7, 2020

Sent via E-mail

Re: Cannabis Production

Dear Ministers, Members of Parliament, and Members of Provincial Parliament,

Please be advised that the Council for the Corporation of the Township of Asphodel-Norwood passed the following resolution at its regular meeting of September 22, 2020:

Motion No. 239/20 | Moved by: Councillor Walsh | Seconded by: Deputy Mayor Burt

WHEREAS the Ontario Federation of Agriculture has adopted the position that licenced cannabis production for medical and/or recreational-use purposes should be considered a farming activity;

AND WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

AND WHEREAS Section 7 of the Cannabis Act requires that any person who intends to submit an application for a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis must provide written notice to: a) The local government, b) The local fire authority, and c) The local police force or the Royal Canadian Mounted Police detachment responsible for providing policing services to the area in which the site is referred to in the application;

AND WHEREAS Section 35(1) of the Act requires a holder of a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis to provide a written notice to the local authorities within 30 days of issuance, amendment, suspension, reinstatement or revocation of a licence and provide a copy of said notice to the Minister; and

FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood requests a governing body in cannabis production that:

1. Takes a unified approach to land use planning restrictions;
2. Enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region;
3. Communicates more readily with local governments; and
4. Provides local governments with more support.

AND FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood will forward this motion to the following partners: All municipalities in Ontario, the MP and MPP of Northumberland-Peterborough South, the MP and MPP of Peterborough-Kawartha, the Minister of Agriculture, Food and Rural Affairs, and the Minister of Agriculture and Agri-Food with the request that they enact legislation to support local governments with land use management and enforcement issues.

Thank you for your time and consideration.

Sincerely,



Rodger Bonneau, Mayor
Township of Asphodel-Norwood

- c. E. Hardeman, Minister of Agriculture, Food and Rural Affairs
M. Bibeau, Minister of Agriculture and Agri-Food
D. Piccini, MPP Northumberland-Petrborough South
P. Lawrence, MP Northumberland-Petrborough South
D. Smith, MPP Peterborough –Kawartha
M. Monsef, MP Peterborough-Kawartha
All municipalities in Ontario



Township of Blandford-Blenheim

47 Wilmot Street South
Drumbo, Ontario N0J 1G0

Phone: 519-463-5347
Fax: 519-463-5881
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October 13, 2020

Emailed to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.

Re: Unlicensed and unmonitored cannabis grow operations

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Resolution Number: 2020-14

Moved by: Councillor Nancy Demarest

Seconded by: Councill Bruce Banbury

“That Whereas unlicensed and unmonitored cannabis grow operations have increasingly become a problem in communities in Ontario as well as across the Country; and,

Whereas these operations are allowed to establish with little or no consultation with the local community and municipalities are often only made aware of their existence after conflicts arise with neighboring land owners; and,

Whereas loopholes in existing Federal legislation allow these large scale grow op’s to establish and operate without any of the regulations or protocols that licensed and monitored operations need to adhere to,

BE IT RESOLVED that the Council of the Township of Blandford-Blenheim urges the Federal Government to amend the legislation under which these facilities operate to ensure the safety and rights of the local communities in which they are situated are respected; and,

That this resolution be forwarded to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.”

Regards,

Sarah Matheson
Deputy Clerk
Township of Blandford-Blenheim

October 27, 2020

Municipality of Tweed
(Sent via email)
clerk@tweed.ca

RE: SUPPORT RESOLUTION FROM THE MUNICIPALITY OF TWEED, CANNABIS PRODUCTION FACILITIES, THE CANNABIS ACT AND HEALTH CANADA GUIDELINES

Please be advised that Council for the Corporation of the Town of Lincoln at Special Council Meeting held on October 26, 2020, endorsed and passed the following motion in support of the Municipality of Tweed's motion (attached) regarding Cannabis Production Facilities, the Cannabis Act and Health Canada Guidelines that was passed on August 25, 2020.

Moved by: Councillor J.D. Pachereva; Seconded by: Councillor Paul MacPherson

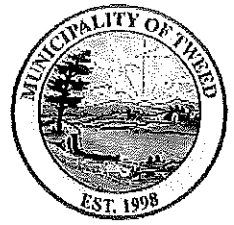
THAT Council support the correspondence item as attached from the Municipality of Tweed regarding Cannabis Production.

CARRIED

Sincerely,

Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

cc: Prime Minister of Canada
Health Canada
Premier of the Province of Ontario
Minister of Municipal Affairs and Housing
Ontario Provincial Police
Association of Municipalities of Ontario
All municipalities within the Province of Ontario



Resolution No.

343.

Title:

County of Hastings and County of Lennox & Addington

Date:

Tuesday, August 25, 2020

Moved by

J. Flieler

Seconded by

J. Palmateer

WHEREAS the Government of Canada passed the *Cannabis Act S.C. 2018, c. 16* legislation legalizing properties to grow a maximum of 4 plants without a licence; and

WHEREAS Health Canada issues licences for medicinal cannabis production that are specific to set properties without municipal consultation and regardless of land use zoning by-laws; and

WHEREAS pharmaceutical companies and industries are required to follow strict regulations and governing legislation to produce medicinal products including *Narcotic Control Regulations C.R.C., c 1041* and *Controlled Drugs and Substances Act (Police Enforcement) Regulations SOR/9-234*; and

WHEREAS Municipalities are authorized under the *Planning Act, R.S.O. 1990, C. P 13* to pass a comprehensive zoning by-law that is in compliance with the appropriate County Official Plan which must be in compliance with the Provincial Policy Statement, Under *The Planning Act, 2020*; and

WHEREAS the Provincial Policy Statement, Official Plan and Zoning By-Law in effect for each area is designed to secure the long-term safety and best use of the land, water and other natural resources found in that area's natural landscape; and

WHEREAS the Municipality of Tweed has passed *Comprehensive Zoning By-Law 2012-30* and further amended it by the *Cannabis Production By-Law 2018-42*, limiting cannabis production facilities to rural industrial zoned lands with required setbacks from residential zoned properties; and

WHEREAS the Municipality of Tweed has not been consulted by Health Canada prior to the issuance of licences for properties not in compliance with the Municipal zoning by-laws for a cannabis production facility; and

WHEREAS the Province needs to amend legislation to establish a new Provincial Offence Act fine regime that creates an offence(s) when unlicensed cannabis operations break planning and environmental regulations, ignore Building Code requirements and build without a permit at a fine of at least \$100,000 per offence;

NOW THEREFORE BE IT RESOLVED THAT the Municipality of Tweed requests that immediate action be taken by all levels of government for medical cannabis licencing to follow similar regulations and guidelines as all other pharmaceutical industries;

AND FURTHER, that the Association of Municipalities of Ontario advocate with the Federation of Canadian Municipalities for advocacy to the Government of Canada for similar regulations and guidelines for medical cannabis licencing in alignment with other pharmaceutical industries;

AND FURTHER, that the distribution of medical cannabis be controlled through pharmacies in consistency of all other medications;

AND FURTHER, that Health Canada withhold licencing until the potential licence holder can provide evidence of acceptable zoning of the intended property in question;

AND FURTHER, that licenced locations be disclosed in advance to the municipalities hosting the licenced locations; and

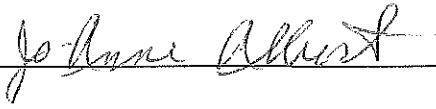
AND FURTHER, that this resolution be circulated to the Prime Minister of Canada, Health Canada, the Premier of the Province of Ontario, the Minister of Municipal Affairs and Housing, the Ontario Provincial Police, the Association of Municipalities of Ontario, and all upper, lower and single tier municipalities within the Province of Ontario.

Carried

Defeated by a Tie

Defeated

Mayor



October 26, 2020

The Right Honourable Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Health Canada
Address Locator 0900C2
Ottawa, Ontario
K1A 0K9

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Toronto ON M7A 1A1

Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Queen's Park Building
777 Memorial Avenue
Orillia, ON
L3V 7V3

Dear Right Honourable Prime Minister Trudeau and Premier Ford,

Re: Illicit Cannabis Operations

At their meeting of October 20, 2020 Norfolk County Council approved Resolution No. 6 of the Council-In-Committee meeting of October 13, 2020 which reads as follows:

Res. 6

WHEREAS illicit cannabis grow operations are a significant issue in many municipalities in Ontario;

AND WHEREAS there are often significant negative impacts from illicit cannabis operations upon surrounding communities and residents;

AND WHEREAS the intent of legalizing cannabis was to eliminate the 'black market' not allow it to expand with relative impunity;

AND WHEREAS Norfolk County estimates that there are approximately 70 cannabis operations in our municipality;

THEREFORE BE IT RESOLVED,

THAT the Mayor issue a letter to the Prime Minister of Canada, Premier of Ontario, Health Canada and the Ontario Provincial Police;

AND THAT Norfolk County Council request that solutions to the current crisis which may include but are not limited to; better regulation and tracking of the prescription of cannabis in Canada by doctors, increased regulatory and enforcement presence by Health Canada, increased OPP resources, increased funding to municipalities to deal with complaints and By-Law issues generated by illicit cannabis grow operations;

AND FURTHER THAT a copy of the submission by Debbie France be attached to the Mayor's letter.

Your attention to this important issue is appreciated.

Yours Truly,

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

Mayor Kristal Chopp
Norfolk County

cc. Toby Barrett- MPP Haldimand-Norfolk
Diane Finley – MP Haldimand-Norfolk
All Ontario Municipalities

Cannabis Reference Material

Table of contents

- 1) General knowledge
- 2) Cannabis land use reports
- 3) Municipalities not permitting Cannabis grow ops on Agricultural lands
- 4) Municipal Panel & Roundtable Discussion with Local & Provincial Law Enforcement
- 5) Police Intervention - Massive illegal cannabis operation shut down
- 6) Police Intervention - Cannabis production allegedly fueling synthetic drug production labs
- 7) Police Intervention – raids involving production exceeding limits
- 8) Police Intervention - raids at the US/Canada border
- 9) Federal MP's who are actively requesting Health Canada to solve Cannabis issue
- 10) Municipal guide to Cannabis legislation (by FCM)
- 11) The final report of the task force on Cannabis legalization and regulation
- 12) Municipalities who have refused requests for exceptions to bylaws
- 13) Court cases - Bylaw violation
- 14) Nuisance bylaw amendment - Cannabis Odour
- 15) Municipalities that have requested assistance from Province

Note: The list of links in this document is a small representation of information mostly connected to news articles that show there are significant issues connected to Marijuana Cultivation in Agricultural areas throughout the Province of Ontario. We encourage anyone viewing this document to search and reach out in their municipality to discover how the issues are unfolding in the Municipality they call home. Further investigation is likely to uncover similar issues in areas throughout the Province of Ontario and across the Country. We expect that further investigation is likely to uncover other elected officials who have been actively trying to find solutions for the constituents they were elected to serve. We encourage anyone viewing this information to connect with the author of the letter that accompanies this list or they can email their contact information and concerns to debbiefrance@live.ca and a representative of this group will reply to help address their concerns.

Cannabis Articles

1) *General knowledge*

Article: Gaping hole in pot legislation is hitting Norfolk hard (Ontario Farmer Jan 24, 2020)
(Perhaps best article to understand entire issue)

<https://www.ontariofarmer.com/features/gaping-hole-in-pot-legislation-is-hitting-norfolk-hard/>

Article: Change is in the wind (Ontario Planners June 1, 2018)
(Outlines challenges for Municipalities from a planning perspective)

<https://ontarioplanners.ca/blog/planning-exchange/june-2018/change-is-in-the-wind>

Cannabis Reference Material

Article: Stench among concerns as Bradford council hears about cannabis cultivation in Holland Marsh (Barrie Today Jun 14, 2020)
(Outlines common complaints amongst those living nearby grow ops)
<https://www.barrietoday.com/local-news/bradford-council-hears-from-public-about-cannabis-cultivation-in-holland-marsh-2433271>

Article: County council concerned by marijuana licences (Belleville Intelligencer June 25, 2020)
<https://www.intelligencer.ca/news/local-news/county-council-concerned-by-marijuana-licences>

2) Cannabis land use reports

Article: Final Land Use Study on Cannabis Production in The Town of Pelham
(Explains potential issues between Municipal By-laws & Farm & Food Protection Act relating to Cannabis) Review sections... 3.1, 3.2, 3.3, 3.5, 3.7 to understand potential issues
<https://pelham-pub.escribemeetings.com/filestream.ashx?DocumentId=21743>

3) Municipalities not permitting Cannabis grow ops on agricultural lands

Article: Brighton sets limits on where cannabis production facilities can locate (Northumberland news Apr 9, 2019)
<https://www.northumberlandnews.com/news-story/9274359-brighton-sets-limits-on-where-cannabis-production-facilities-can-locate/>

Article: Prime agricultural land no place for cannabis, Oro-Medonte coalition says (Simcoe May 31, 2020)
<https://www.simcoe.com/news-story/10001301-prime-agricultural-land-no-place-for-cannabis-oro-medonte-coalition-says/>

4) Municipal Panel & Roundtable Discussion with Local & Provincial Law Enforcement

Article: East Gwillimbury Cannabis Production Facilities Panel Discussion OPP & YRP discuss organized crime's active involvement in Cannabis production and the risks that it poses to residents (YouTube video)
<https://youtu.be/Oisv7MEIV14>

Article: Hastings-Lennox & Addington Roundtable on Illicit Cannabis Operations – Fed MP Derek Sloan
<https://www.facebook.com/watch/?v=3216967588368948&extid=jTObBPn7swAbfxrz>

5) Police Intervention - Police shut down massive illegal cannabis operation, seize more than 100k plants (CBC News Aug 21, 2020)

Article: <https://www.cbc.ca/news/canada/hamilton/project-woolwich-cannabis-niagara-1.5695691>

Cannabis Reference Material

6) Police Intervention - Cannabis production allegedly fueling synthetic drug production labs (Project Moon)

Article: More than \$45m in drugs and cash seized as twin drug gangs dismantled in York Region
(CP24 Aug 8, 2019)

<https://www.cp24.com/news/more-than-45m-in-drugs-and-cash-seized-as-twin-drug-gangs-dismantled-in-york-region-1.4541063>

7) Police Intervention – raids involving production exceeding limits

St. Catharines

Article: Niagara police bust \$34m illegal cannabis operation (Global News July 1, 2020)

<https://globalnews.ca/news/7128873/niagara-illegal-cannabis-grow-op/>

King Township

Article: Police seize \$4.7m in illegal drugs after search of former Joe's Garden property in King
(York Region Oct 7, 2019)

<https://www.yorkregion.com/news-story/9633352-police-seize-4-7m-in-illegal-drugs-after-search-of-former-joe-s-garden-property-in-king/>

Article: 8 charged after \$400k worth of 'excess cannabis' found on King Township grow-op
(CBC News Oct 2, 2018)

<https://www.cbc.ca/news/canada/toronto/eight-charged-marijuana-trafficking-cannabis-farms-york-region-1.4847114>

Article: Police bust marijuana grow op in King Township worth \$6.5m, seize 4,000 plants
(CTV News Aug 3, 2018)

<https://toronto.ctvnews.ca/police-bust-marijuana-grow-op-in-king-township-worth-6-5m-seize-4-000-plants-1.4039863>

Stouffville

Article: Police bust cannabis grow op in excess of licence limits near Aurora
(YorkRegion Jan 29, 2019)

<https://www.yorkregion.com/news-story/9148816-police-bust-cannabis-grow-op-in-excess-of-licence-limits-near-aurora/>

8) Police Intervention - Cannabis busts at US/Canada border

Article: Canadian resident arrested in relation to massive cannabis bust at U.S. border
(Global News June 16, 2020)

<https://globalnews.ca/news/7070697/canadian-involved-significant-drug-seizure-u-s-border/>

Cannabis Reference Material

9) Federal MP's mentioned in articles who are actively requesting Health Canada to solve Cannabis issue

Article: MP Finley brings the issue of unlicensed large-scale marijuana producers to Parliament (Norfolk Today July 27, 2020) - **Fed MP Diane Finley**
<https://www.norfolktoday.ca/2020/07/27/96986/>

Article: Stomp out cannabis criminality: Sloan (Quinte News July 2, 2020) - **Fed MP Derek Sloan**
<https://www.quintenews.com/2020/07/02/stomp-out-cannabis-criminality-sloan/>

Article: 'Stinks like 10000 skunks': Tottenham residents want more potent restrictions for medical-marijuana growers (Simcoe Feb 11, 2020) - **Fed MP Terry Dowdall**
<https://www.simcoe.com/news-story/9844540--stinks-like-10-000-skunks-tottenham-residents-want-more-potent-restrictions-for-medical-marijuana-growers/>

10) Municipal guide to Cannabis legislation (by FCM)

<https://fcm.ca/en/resources/municipal-guide-cannabis-legalization>

11) The final report of the task force on Cannabis legalization and regulation

<https://hoban.law/2017/01/the-final-report-of-the-task-force-on-cannabis-legalization-and-regulation/>

12) Municipalities who have refused requests for exceptions to bylaws

Article: Marijuana setback relief denied (Simcoe Reformer May 29, 2019)
<https://www.simcoereformer.ca/news/local-news/marijuana-setback-relief-denied>

Article: Council officially denies the marijuana micro-cultivation facility (NewTecTimes March 6, 2020)
<http://newtectimes.com/?p=24388>

13) Court cases - Bylaw/Zoning violations

Article: Cannabis producer pleads guilty to violating bylaw (Simcoe Reformer Feb 20, 2020)
<https://www.simcoereformer.ca/news/local-news/cannabis-producer-enters-guilty-plea>

Article: East Gwillimbury takes medical marijuana facility to court (York Region Aug 12, 2020)
<https://www.yorkregion.com/news-story/10134439-east-gwillimbury-takes-medical-marijuana-facility-to-court/>

Cannabis Reference Material

14) Nuisance bylaw amendment - Cannabis odour

Article: Council enacts nuisance by-law addressing cannabis odour concerns

(Bradford Today Jun 19, 2020)

<https://www.bradfordtoday.ca/local-news/council-enacts-nuisance-by-law-addressing-cannabis-odour-concerns-2441245>

Article: Hamilton targets large-scale personal grow operations with nuisance bylaw amendment

(Global News Apr 23, 2020)

<https://globalnews.ca/news/6857506/city-of-hamilton-nuisance-bylaw-amendments-personal-grow-operations-cannabis/>

Article: Nuisance bylaw to deal with cannabis odour coming soon to Lincoln

(Niagara This Week Aug 3, 2020)

<https://www.niagarathisweek.com/news-story/10128119-nuisance-bylaw-to-deal-with-cannabis-odour-coming-soon-to-lincoln/>

Article: Pelham gives stamp of approval on odour bylaw to deal with cannabis operations

(Niagara This Week Mar 27, 2020)

<https://www.niagarathisweek.com/news-story/9918340-pelham-gives-stamp-of-approval-on-odour-bylaw-to-deal-with-cannabis-operations/>

Article: Niagara area town buys \$5,000 device to measure weed smell after repeated complaints from residents (Timmins Today Jul 7, 2020)

<https://www.timminstoday.com/around-ontario/ontario-niagara-area-town-buys-5000-device-to-measure-weed-smell-after-repeated-complaints-from-residents-2545977>

15) Municipalities that have requested assistance from Province

Article: Council supports request for more control over cannabis production in municipalities

(Bradford Today May 22, 2020)

<https://www.bradfordtoday.ca/local-news/council-supports-request-for-more-control-over-cannabis-production-in-municipalities-2366228>



Northumberland
County

Resolution

Moved By _____

Agenda
Item 8a

Resolution No.
2020-10-21-321

Last Name Printed Cane

Seconded By _____

Council Date: October 21, 2020

Last Name Printed Henderson

"Now Therefore Be It Resolved That Northumberland County Council provide support for the resolution adopted by the Township of Asphodel Norwood regarding their request that:

- a governing body be created to regulate cannabis production; and
- the governing body take a unified approach be taken to land use planning restrictions; and
- the governing body enforce the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region; and
- the governing body communicates more readily with local governments; and
- the governing body provides local government with more support; and

Further Be It Resolved That Northumberland Council forward this resolution to all municipalities in Ontario, MP Philip Lawrence and MPP David Piccini (Northumberland-Peterborough South), the Minister of Agriculture, Food and Rural Affairs, requesting that legislation be enacted to support local governments with cannabis land use management and enforcement issues."

Recorded Vote
Requested by _____

Councillor's Name

Carried


Warden's Signature

Deferred _____

Warden's Signature

Defeated _____

Warden's Signature



October 22, 2020

The Honourable Rod Phillips
Ministry of Finance
Frost Building South
7th Floor
7 Queen's Park Cres.
Toronto, Ontario M7A 1Y7
rod.phillips@pc.ola.org

The Honourable Doug Downey
Ministry of the Attorney General
11th Floor
720 Bay St.
Toronto, ON M7A 2S9
doug.downey@pc.ola.org

Subject : Cannabis retail stores

Dear Ministers,

On behalf of the City of Clarence-Rockland, I am hereby requesting that the regulations governing the establishment of cannabis retail stores be amended in order to instruct the Alcohol and Gaming Commission to consider over-concentration as an evaluation criterion, and provide added weight to the comments of a municipality concerning matters in the public interest when considering the application of new stores.

Please find attached a certified true copy of Resolution #2020-191 adopted by the Council of the City of Clarence-Rockland on October 19, 2020, requesting a modification to the regulations governing the establishment of cannabis retail stores.

We trust that this request will be given serious consideration.

Sincerely,

Guy Desjardins, Mayor

CC: All Ontario Municipalities

Encl.



CORPORATION OF THE CITY OF
CLARENCE-ROCKLAND
REGULAR MEETING

RESOLUTION

Resolution: 2020-191
Title: Member's resolution presented by Councillor Mario Zanth and seconded by Councillor Samuel Cardarelli regarding cannabis stores
Date: October 19, 2020

Moved by Mario Zanth
Seconded by Samuel Cardarelli

WHEREAS as the regulator for private cannabis retail in Ontario, the Alcohol and Gaming Commission of Ontario (AGCO) has the authority to license, regulate and enforce the sale of recreational cannabis in privately run stores in Ontario; and

WHEREAS on December 17, 2018, Council agreed to 'opt-in' to the Provincial direction to allow Cannabis Retail to occur in the City of Clarence-Rockland; and

WHEREAS Council considers a matter of public interest to include a 150 metre distance separation from other Licensed Cannabis Stores, as the Board of Health has noted concerns that excessive clustering and geographic concentration of cannabis retail outlets may encourage undesirable health outcomes, and Economic Development and Planning are concerned that over-concentration may cause undesirable impacts on the economic diversity of a retail streetscape including the distortion of lease rates, economic speculation, and the removal of opportunity for other commercial businesses; and

WHEREAS cannabis retail is a new and unproven market, and no studies or precedent exists to determine the number or distribution of stores that can reasonably be supported by the local economy, and it is therefore prudent to establish the means by which the AGCO, with input from a municipality, can regulate over-concentration as the cannabis retail market evolves; therefore

BE IT RESOLVED THAT Council directs the Mayor, on behalf of City Council, to write the Honourable Rod Phillips, Minister of Finance of Ontario, and the Honourable Doug Downey, Attorney General of Ontario, requesting the Ministry to modify the regulations governing the establishment of cannabis retail stores to instruct the Alcohol and Gaming Commission to consider over-concentration as an evaluation criteria, and provide added weight to the comments of a municipality concerning matters in the public

interest when considering the application of new stores; and

BE IT RESOLVED THAT a copy of this resolution be forwarded to the other municipalities in Ontario.

CARRIED

Maryse St-Pierre
Deputy Clerk



RÉSOLUTION

Résolution: 2020-191
Titre: Résolution de membre présentée par le conseiller Mario Zanth et appuyée par le conseiller Samuel Cardarelli concernant les commerces de vente de cannabis
Date: le 19 octobre 2020

Proposée par Mario Zanth
Appuyée par Samuel Cardarelli

ATTENDU QU'en tant qu'organisme de réglementation de vente privée de cannabis en Ontario, la Commission des alcools et des jeux de l'Ontario (CAJO) a le pouvoir d'octroyer des licences, de réglementer et de faire respecter la vente de cannabis à des fins récréatives dans les magasins privés de l'Ontario

ATTENDU QUE le 17 décembre 2018, le Conseil a accepté de se conformer à la directive provinciale afin de permettre la vente au détail de cannabis dans la Cité de Clarence-Rockland ; et

ATTENDU QUE le Conseil considère qu'il est d'intérêt public d'inclure une distance de 150 mètres de séparation par rapport aux autres magasins de cannabis agréés, étant donné que le Conseil de la santé a pris note des préoccupations selon lesquelles le regroupement et la concentration géographique excessifs des points de vente de cannabis au détail peuvent encourager des résultats indésirables pour la santé, et que le ministère du développement économique et de la planification craint qu'une concentration excessive ne provoque des effets indésirables sur la diversité économique d'un paysage de rue de vente au détail, notamment la distorsion des taux de location, la spéculation économique et la suppression de possibilités pour d'autres entreprises commerciales

ATTENDU QUE la vente au détail de cannabis est un marché nouveau et non éprouvé, et qu'il n'existe aucune étude ni aucun précédent pour déterminer le nombre ou la répartition des magasins qui peuvent raisonnablement être soutenus par l'économie locale, et qu'il est donc prudent d'établir les moyens par lesquels l'AGCO, avec l'aide d'une municipalité, peut réguler la surconcentration au fur et à mesure de l'évolution du marché de la vente au détail de cannabis; par conséquent

QU'IL SOIT RÉSOLU QUE le conseil municipal demande au maire, au nom du conseil municipal,

d'écrire à l'honorable Rod Phillips, ministre des Finances de l'Ontario, et à l'honorable Doug Downey, procureur général de l'Ontario, pour demander au ministère de modifier les règlements régissant l'établissement de magasins de vente au détail de cannabis afin de donner instruction à la Commission des alcools et des jeux de considérer la surconcentration comme un critère d'évaluation, et de donner plus de poids aux commentaires d'une municipalité concernant les questions d'intérêt public lorsqu'elle examine la demande de nouveaux magasins; et

QU'IL SOIT RÉSOLU QU'une copie de cette résolution soit acheminée aux autres municipalités de l'Ontario.

ADOPTÉE

Maryse St-Pierre
Greffière adjointe

**Subject: Recommendation Report for Zoning By-law Amendment
D14-02-20, 168 and 176 Elm Street**

To: Council

From: Planning and Development Department

Report Number: 2021-09

Meeting Date: January 11, 2021

Recommendation:

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Department Report 2021-09 be approved, rezoning the subject property from I - Institutional and R4 – Fourth Density Residential to R4-56; and

That Planning and Development staff be directed to prepare and circulate the Notice of Passing in accordance with the *Planning Act*.

Purpose:

To provide Council with a recommendation regarding a Zoning By-law Amendment application by Steven Rivers on behalf of Hometown Properties Inc. for the property municipally known as 168 and 176 Elm Street.

Background:

The application for Zoning By-law Amendment accompanied by a Planning Justification Report proposes to change the zoning from I – Institutional and R4 – Fourth Density Residential to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business while recognizing the existing location of the building, and allow for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion from an institutional building into a 22-unit apartment building with a hall and office space.

Discussion:

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on November 24, 2020. Public notice signs were posted on the property on or before November 24, 2020. Meeting details have been provided along with the Council Agenda on the City's website.

The Public Meeting was held on December 14, 2020 where staff and the applicant presented the application to Council and members of the public.

At the time of writing this report, staff has received the following correspondence from the public, City divisions and commenting agencies:

Patricia and Julius Premi – 171 Alexandra Street, Port Colborne

- In favour of the proposed Zoning By-law Amendment

Jennifer Brooks – 115 Kent Street

- Concerns related to parking and greenspace on the proposed property

Niagara Region

"The proposal is consistent with the PPS and conforms to the Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional perspective."

The full comment from the Niagara Region has been attached to this report as Appendix B.

Planning Division

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation include residential, neighbourhood, commercial and community facilities and institutional uses.

The Official Plan designation is not proposed to be changed as a result of this application; however, this proposal is supported through the following policies in section 2.4.3 Intensification and Infill:

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.

This proposal is located in the Urban Area and is compatible with surrounding uses.

c) The objectives of the intensification policies of this Plan are to:

- i) Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- ii) Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;

This proposal is located directly adjacent to the Downtown and will support the Downtown by intensifying the area. The mixed-use building will provide much needed rental units to the City of Port Colborne and will be located near transit. Finally, the apartment building will help achieve the City's intensification target of 15% in the Built Up/Urban area.

City of Port Colborne Zoning By-law 6575/30/18

The subject parcel is zoned **Institutional (I)** and **Fourth Density Residential (R4)**. The I zone permits public apartment buildings; community garden; cultural facility; cemetery; day care; dwelling, accessory; food vehicle; long term care facility; place of assembly/banquet hall; place of worship; public uses; social service facility; and uses, structures and buildings accessory thereto. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings; public apartment buildings; and uses, structures and buildings accessory thereto.

The application for Zoning By-law Amendment proposes to change the zoning of the property from I – Institutional and R4 – Fourth Density Residential to R4-56, a special provision of the Fourth Density Residential zone which will permit the conversion into a 22-unit apartment building with accompanying hall and office space. A number of special provisions have been requested and outlined below and in the Draft Zoning By-law Amendment attached as Appendix A:

a)	Minimum Front Yard	4.5 metres
b)	Minimum Interior Side Yard	1.5 metres
c)	Minimum Corner Yard	1.5 metres
d)	Minimum Rear Yard	1.5 metres
e)	Maximum Lot Coverage	25 %
f)	Maximum Height	As existing
g)	Max Gross Floor Area	1450 square metres
h)	Minimum Landscape Area	25 %
i)	Minimum Floor Area / Unit	35 square metres
j)	Minimum Number of Parking Spaces	23 spaces
k)	Landscape Buffer Between the Edge of any Parking Area Abutting a Public Road	0 metres
l)	Landscape Buffer Between the Edge of any Parking Area Abutting a Residential Zone	1.5 metres

- m) Minimum Setback of a Building for the Purpose of Human Habitation to a Functioning Railway Right-of-way 1.5 metres

Adjacent Zoning and Land Use

Northwest City rail line	North Charlotte Street	Northeast Charlotte Street/Elm Street
West City rail line	Applicant's Property	East Elm Street
Southwest City rail line	South Residential dwellings Zoned: R4	Southeast Elm Street

Comment and Discussion

This proposal for 168 and 176 Elm Street is an example of an adaptive reuse development that is supported at a Provincial, Regional, and Local planning perspective. Such developments help revitalize neighbourhoods and, in this case, can add much needed rental units to the market. Staff would like to note that the developer is required to work with existing building conditions to facilitate the proposal. The setback reductions requested in the Zoning By-law Amendment are for the existing building, and no new construction will be built closer to the property lines.

As requested by Planning Staff, the applicant has submitted a Planning Justification Report analyzing Provincial, Regional, and City planning policies. The Report has been attached as Appendix C to this report. Some concerns regarding parking were raised by Council and members of the public (see Appendix D for Public Meeting minutes). As noted in the Planning Justification Report, the proposal will maintain more than one space per apartment unit. Staff find this to be reasonable for the site. The applicant noted that the hall will be removed as part of phase three of the project to allow for the remaining apartment units. Staff will ensure of this through the Site Plan Control process.

Further, the Site Plan Control process will ensure the site has adequate servicing, lighting, landscaping and screening. The process engages numerous staff from the City departments as well as stakeholders from the Niagara Region and other agencies. The construction cannot occur until an agreement between the City and property owner is registered on title. The preliminary site plan of the property has been attached as Appendix E.

Financial Implications:

This proposal will increase the tax base for the property and will be subject to the Development Charges By-law.

Additionally, the subject property is located within the boundaries of the Downtown Central Business District Community Improvement Plan (Downtown CIP). The Downtown CIP offers a number of incentives and grants for the property. No formal application has been made at this time; however, the property owner is eligible for the residential grant program for the new residential units proposed, planning and building fee grants (50% reduction in fees, no application required) and the tax increment grant. The tax increment grant program offers a grant equal to 80% of the increase in municipal property taxes for up to 10 years after the project completion. The project must result in an increase in assessment and property taxes to be eligible. The Niagara Region provides matching incentives.

Conclusion:

In conclusion, Planning staff does not have any concerns with this Zoning By-law Amendment as it conforms with Provincial, Regional, and City policies. Therefore, staff recommends that the Zoning By-law Amendment be approved.

Appendices:

- a. Zoning By-law Amendment
- b. Niagara Region Comment
- c. Planning Justification Report
- d. Draft Public Meeting Minutes from December 14, 2020
- e. Preliminary Site Plan

Respectfully submitted,

David Schulz

Planner

(905) 835-2900 ext. 202

David.Schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Lots 121 to 123 on Plan 12, and Part of Lots 368 and 369 on Plan 16, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 168 and 176 Elm Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A7” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Institutional (I) and Fourth Density Residential (R4) to R4-56.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-56

Notwithstanding the provisions of the Fourth Density Residential Zone, the following special regulations shall apply:

a)	Minimum Front Yard	4.5 metres
b)	Minimum Interior Side Yard	1.5 metres
c)	Minimum Corner Yard	1.5 metres
d)	Minimum Rear Yard	1.5 metres
e)	Maximum Lot Coverage	25 percent
f)	Maximum Height	As existing
g)	Max Gross Floor Area	1450 square metres
h)	Minimum Landscape Area	25 percent
i)	Minimum Floor Area / Unit	35 square metres
j)	Minimum Number of Parking Spaces	23 spaces

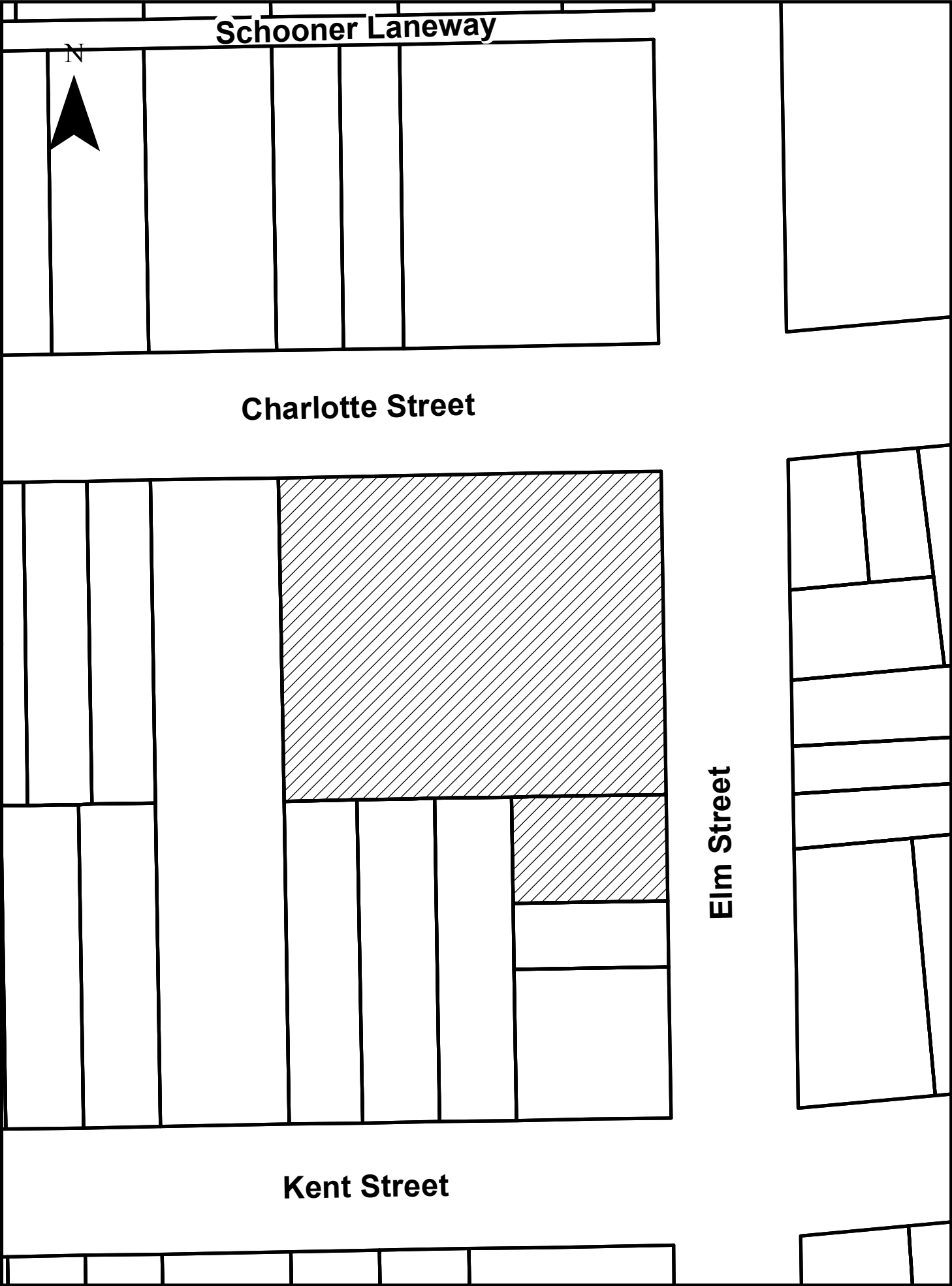
- | | | |
|----|---|------------|
| k) | Landscape Buffer Between the Edge of any Parking Area Abutting a Public Road | 0 metres |
| l) | Landscape Buffer Between the Edge of any Parking Area Abutting a Residential Zone | 1.5 metres |
| m) | Minimum Setback of a Building for the Purpose of Human Habitation to a Functioning Railway Right-of-way | 1.5 metres |

4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, ____.

William C Steele
Mayor

Amber LaPointe
Clerk



This is Schedule "A" to By-law number _____

Passed _____, 2021

Mayor

Clerk



Lands to be rezoned from Institutional (I) to R4-56

January 2020

File number: D14-02-20

Drawn by: City of Port Colborne

Planning Division

Planning and Development Services

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

Via Email Only

December 11, 2020

File No.: D.18.07.ZA-20-0082

David Schulz
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Schultz:

**Re: Provincial and Regional Comments
Zoning By-law Amendment Application
Owner: Hometown Properties Inc.
Agent: Steven Rivers
Address: 168 and 176 Elm Street, City of Port Colborne
City File No.: D14-02-20**

Regional Development Planning staff has reviewed the information circulated with the application for Zoning By-law Amendment, which proposes to change the zoning from – Institutional (I) to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business, while recognizing the existing location of the building and allowing for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion of an existing institutional building into a 22-unit apartment building with a hall and office space.

A pre-consultation meeting was held on November 22, 2018, at Port Colborne City Hall with City and Regional staff, as well as the agent. Regional staff received the application by email on November 24, 2020, and fees were received December 11, 2020. Regional staff provides the following comments to assist the City in their consideration of the application from a Provincial and Regional perspective.

Provincial and Regional Growth Management Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and within the Delineated Built-Up Area under the Growth Plan for the

Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. Growth management policies state that until the Region completes the municipal comprehensive review, it is approved, and in effect, the annual minimum intensification target contained in the Regional Official Plan (ROP) for the Delineated Built-Up Area (40%) will continue to apply. The City's portion of this intensification target is 15%.

The subject lands are designated Urban Area (Built-Up Area) in the ROP. A full range of residential, commercial and industrial uses is permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

The proposal satisfies the intent of Provincial growth management policies by converting a vacant institutional building into additional apartment units, thereby increasing the availability of housing in this neighbourhood and contributing to the City's intensification target. The proposal will facilitate future development within the Urban Built-Up Area, making more efficient use of the land and existing services. The proposal aligns with Regional growth management policies by utilizing the existing building/infrastructure on the property and providing additional housing in the neighbourhood.

Record of Site Condition

At the preconsultation meeting, Regional staff noted that a Record of Site Condition (RSC) was required to change from a church to a residential use, in accordance with the *Environmental Protection Act (EPA)* and amendment in place at the time of the meeting. Since the meeting, the *EPA* has been amended to include additional exemptions from filing a Record of Site Condition. Specifically, O. Reg. 407/19 changed the definitions of community use and institutional use, which resulted in a change of use from a place of worship (formerly community use, now institutional use) to residential being exempt from filing an RSC; therefore, RSC is no longer required.

Noise and Vibration

The subject lands are adjacent to a Trillium rail line. The Provincial Policy Statement (PPS) calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses and major facilities (including transportation corridors) are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, To implement these policies, the Ministry of

Environment, Conservation and Park (MECP) Noise Guidelines (NPC-300) and the Federation of Canadian Municipalities/Railway Association of Canada's "Guidelines for New Development in Proximity to Railway Operations" (May 2013) are to be applied in the land use planning process to prevent or minimize future land use problems.

Trillium has provided current data for the rail line, and indicated that based on the low volume and speed of rail cars at this location a noise and vibration study is not necessary at this location. Based on this, Regional staff have no concerns relative to noise and vibration for this development.

Servicing

Regional staff note that there is an existing Regional Forcemain located along this section of Charlotte Street, which is not to be disturbed during any construction works related to the proposed development.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. Regional staff note that the proposed development 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:

- 8 blue/grey carts collected weekly;
- 8 green carts collected weekly; and,
- 8 garbage bags/cans collected every-other-week.

Regional staff have reviewed the preliminary Site Plan and acknowledge that the development is proposing to install earth bins for the purpose of waste storage and collection. The applicant should be advised that the subject property is not eligible for enhanced Regional collection services beyond the standard Regional curbside collection, which is subject to the above noted limits. Please note that waste collection beyond the Regional curbside collection limits or from an on-site storage container would be the responsibility of the owner through a private contractor and not the Niagara Region.

Conclusion

In conclusion, the proposal is consistent with the PPS and conforms to Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or Britney.fricke@niagararegion.ca.

Please send a copy of the staff report from the City and notice of Council's decision on this application when available.

Kind regards,

A handwritten signature in dark ink, appearing to read "Britney Fricke". The signature is fluid and cursive, with the first name being more prominent.

Britney Fricke, MCIP, RPP
Senior Development Planner

cc: Rob Alguire, Development Approvals Technician, Niagara Region

REVISED PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT

For

Hometown Properties

Re:

An Apartment Building

168 and 176 Elm Street

Roll Nos: 271101002121100 and 271101002106200

Port Colborne, Regional Municipality of Niagara



Prepared By:

South Coast Consulting

Land Use Planning and Development Project Management

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REVISED PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT
A Mixed Use Office and Apartment Building
168 & 176 Elm Street
Roll Nos: 271101002121100 and 271101002106200
Port Colborne, Regional Municipality of Niagara

PURPOSE, LOCATION & DESCRIPTION

The purpose of this Revised Preliminary Planning Policy Justification Report is to review a revised proposal to redevelop the Subject Properties with a total lot area of about 3,460 square metres and 70 metres of frontage on Elm Street and 60 metres of frontage on Charlotte Street in the City of Port Colborne for an Apartment Building with 22 residential units ranging size from 38 to 89 square metres, several with adjacent patios or balconies, as illustrated in *Annex 1, Conceptual Site Plan and Floor Plans*. The dimensions of the Subject Properties are illustrated on *Figure 1, Subject Properties*. The Phases of the residential units will have the gross floor area and number of bedrooms illustrated in *Figure 2, Unit Gross Floor Area, Number of Bedrooms & Phases*.

Figure 1: SUBJECT PROPERTIES			
	Lot Frontage on Elm Street in Metres	Lot Frontage on Charlotte Street in Metres	Lot Area in Square Metres
168 Elm Street	17.42m	-	425.94sqm
176 Elm Street	50.25m	60.43	3033.99sqm
Total	67.67m	60.43	3458.93.18sqm

In addition to the residential units the building will accommodate *Personal Service Business* (consultation or information service provided by a professional realtor) *Home Based Business accessory use* and private recreational space / party room and washrooms accessory use for the tenants.

The Subject Properties, illustrated in *Annex 3, Subject Properties*, have an existing institutional building which will be redeveloped for the proposed uses and a two storey single detached dwelling that will be demolished to provide parking for the third phase.

Figure 2: UNIT GROSS FLOOR AREA, NUMBER OF BEDROOMS & PHASES		
Unit	Floor Area (square metres)	Bedrooms
Phase 1		
1	41	1
2	41	1
3	38	1
4	40	1
Phase 2		
5	71	1
6	78	1
7	62	1
8	62	1
9	59	1
Phase 3		
10	51	1
11	51	1
12	51	1
13	45	1
14	50	1
15	41	1
16	48	1
17	72	1
18	56	1
19	89	2
20	72	2
21	49	1
22	58	1

The Subject Properties are proposed to be **rezoned from the Institutional (I) Zone and Fourth Density Residential Zone to a Fourth Density Residential (R4-X) Zone – Special**. Several zoning provision changes are required including:

- Reducing the minimum front yard requirement from 9 to 4.8 metres to recognize the existing setback;
- Reducing the minimum interior side yard requirement from 3 to 1.0 metres to recognize the existing setback;

- Reducing the minimum corner side yard from 7.5 to 1.5 metres to recognize the existing setback;
- Reducing the minimum rear yard from 6 to 1.5 metres to recognize the existing setback;
- Increasing the maximum lot coverage from 40 to 50 percent to recognize the existing coverage;
- Reducing the minimum floor area for residential units from 50 to 35 square metres;
- Reducing the total minimum number of required parking spaces from 30 to 23 (10 for Phases 1 and 2 and 13 for Phase 3);
- Reducing the landscape buffer provided between the edge of any parking area and an abutting road lot line from 3 to 0 metres;
- Reducing the landscape buffer provided between the edge of any parking area and an abutting residential lot line from 3m to 0.6 metres; and
- Reducing setback of a building for the purposes of human habitation from a functioning railway right-of-way from 15 to 1.7 metres.

The proposal is reviewed against the policies of the: Provincial Policy Statement (PPS); Growth Plan for the Greater Golden Horseshoe (Growth Plan); Region of Niagara Official Plan (ROP); City of Port Colborne Official Plan (PCOP); and the provisions of the City of Port Colborne Zoning By-Law (PCZB).

On 2018-11-22 the City of Port Colborne hosted a pre-application consultation meeting to discuss the proposed development. Staff of the City's Planning and Engineering departments attended. The meeting established an application for and Zoning B-law Amendment and Site Plan Control were required to proceed with the proposal. An Environmental Site Assessment (Phases 1 and 2) is also required to support the development applications.

The Subject Properties are located within the *Built-up Area* of the City and **designated Urban Residential** in the Port Colborne Official Plan as illustrated on *Figure A4.3, City Official Plan Schedule A, City Wide Land Use Excerpt*, in *Annex 4, Excerpts from Relevant Documents*.

The Port Colborne Zoning By-law zones the Subject Properties "Institutional" and "Residential Fourth Density R4". A Zoning By-law Amendment is proposed to rezone the Subject Properties to a "Residential Fourth Density (R4-X) Zone - Special" to permit the development concept illustrated in the *Conceptual Site Plan and Floor Plans* in *Annex 1*.

SURROUNDING LAND USES

The neighbourhood of the Subject Properties is an older established area and can be considered 100% developed. Neighbourhood land uses are commercial, residential, and institutional. Commercial uses are primarily located along major roadways. Residential uses are located in the interior, with a mix of older established low-density houses with some low-rise apartment buildings. The main feature of the neighbourhood is the Welland Canal, along the entire east boundary. The neighbourhood includes several parks, the Welland Canal Parkway Trail, the Port Promenade, the Roselawn Centre, the Port Colborne Historical and Marine Museum, the Port Colborne Library, and the typical mix of retail uses and dining establishments found in a vibrant downtown.

In terms of street improvements, Elm Street and Charlotte Street both have curbing, and sidewalks. A large shopping plaza is located at the northeast corner of this intersection, offering food, pharmacy, and healthcare. The area has oversized sidewalks for pedestrian traffic, with upgrades to streetscaping along Elm Street. The Subject Properties abut existing urban residential and commercial mixed uses and the City's railway as illustrated on the *Figure 2: Adjacent Land Use Schematic*.

The development of the Subject Properties as residential use is compatible with the institutional, commercial, and residential mix of land uses context of the surrounding area.

**Figure 2:
ADJACENT LAND USE SCHEMATIC**

Use – Rail Line & Residential
OP – Downtown Commercial
Zone – Unzoned & R2

Use – Institutional and Commercial
OP – Downtown Commercial
Zone – DC

Use - Commercial
OP - Downtown Commercial
Zone – DC

Use – Rail Line & Residential
OP - Urban Residential
Zone – Unzoned & R2

Subject Properties
OP – Urban Residential
Zone – I & R4

Use - Residential
OP - Downtown Commercial & Urban Residential
Zone – R4

Use – Rail Line & Residential
OP - Urban Residential
Zone – Unzoned & R2

Use - Residential
OP - Urban Residential
Zone – R4

Use - Residential
OP - Urban Residential
Zone – R4

RELEVANT POLICY SUMMARY

Good planning practice directs that the plan and its policies are not written in stone. Policies such as those of the PPS, Growth Plan, ROP, and PCOP reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and Port Colborne is about development. Protecting and preserving resources is important but, land use planning is primarily about promoting and encouraging appropriate development and complete communities. There are aspects of control to protect valuable and sensitive resources, such as significant cultural and natural heritage features from negative impacts from nearby uses, but the primary purpose is guiding development.

The guidance of development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the Guide) states *the Act*, among other things promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The Guide further states, *the Act* provides the basis for preparing official plans and planning policies that will guide future development. The Guide states the PPS provides policy direction that will help build strong communities by protecting, among others, agricultural resources. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

Provincial Policy Statement

Settlement areas such as the Port Colborne are to be the focus of growth and development, and their vitality and regeneration is to be promoted. Land use patterns within *settlement areas* are to be based on, among other things, densities and a mix of land uses which; efficiently use land and resources, and efficiently use the *infrastructure* and *public service facilities* planned or available.

The proposal addresses the PPS directions by developing a residential building within the *settlement area* at a density and mix of land uses which efficiently use land and resources and the *infrastructure* and *public service facilities* available.

Growth Plan

The Growth Plan requires population and employment growth to be accommodated by directing a significant portion of new growth to the *built-up areas* such as Port Colborne through *intensification*. The Growth Plan directs development in the *Built-up Area* through *intensification* at high density to support sustainability, therefore:

- Protecting and preserving prime agricultural land in prime agricultural areas;
- Reducing automobile dependence by transit supportive development; and
- Encouraging complete communities with a range of housing types.

The proposal addresses the Growth Plan directions by developing a residential building within the urban area and providing the City a range of housing types and affordability accessible to a range of household incomes.

Official Plans

Growth and development is to be focused within urban areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Similar to the PPS, the ROP promotes the efficient use of land and the minimization of conflict between incompatible uses as a Strategic Objective and building compact, mixed use, transit supportive, *active transportation friendly* communities in the *Built-up Area* such as Port Colborne. The objectives of the ROP Growth Management Policies include directing the majority of growth and development to existing *Urban Areas* and promoting the efficient use of existing municipal sewage and water services.

The proposal helps create a compact, mixed use, transit supportive, active transportation friendly community in the Port Colborne urban area making efficient and sustainable use of existing municipal sewage and water services.

The Vision for the City of Port Colborne is among other things continue to provide the opportunity for a mix of residential accommodations accommodating households with diverse social and economic characteristics, needs and desires; ensuring new *development* is accessible by all members of the community, and developing the community in a way which optimizes existing Municipal and Regional infrastructure.

The Growth Management Strategy is to, among other things, support infill and *intensification*, subject to the applicable policies, in the Urban Residential designation, and support compact and transit supportive *development* within the *built boundary*.

Housing Strategic Planning Policies include that new housing development should:

- Be located in the urban area to make use of existing infrastructure and facilities;
- Be accessible to medical facilities, shopping, and any future public transportation system;
- Be close to or be developed with on-site parks and open space;
- Incorporate design features for an aging population;
- Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings; and

- Be close to or be developed with social and recreational facilities. (Policy 2.4.2.1a)

The *intensification* of this proposal will count towards the municipality's 15% *intensification* target. An objective of the intensification policies is to revitalize and support the downtown by promoting intensification. Intensification sites should match the pre-established building character of adjacent buildings. Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.

The PCOP designates the Subject Properties **Urban Residential** - land primarily used for residential purposes. High Density Residential uses are to be developed as apartment buildings ranging in density from 70 to 100 units per net hectare. While the proposal is less than 70 units per hectare at approximately 66 units per hectare, it is a medium density apartment building promoted in the Housing Strategic Planning policies. As directed by the PCOP policies, the proposal has frontage on an arterial roads, ground-oriented residential uses on the main floor, and is in proximity to public transit and active transportation routes.

The proposal is for a transit supportive, active transportation friendly use of an existing underutilized building in the Port Colborne urban area at a residential density of 66 units per hectare making it an efficient and sustainable use of existing municipal sewage and water services on the Elm and Charlotte Street arterial roads and the Port Colborne West Bus Route.

The urban design guidelines encourage:

- the maintenance of the established building line for the front yard setback;
- corner buildings side elevations to be given equal design treatment as the main street façade;
- the building identity at corner locations to be reinforced by taller building elements such as towers, entrance structures or roof elements;
- buffering including grassed areas and appropriate planting of trees and shrubs and / or the provision of other suitable screening materials;
- Service and loading areas to be oriented to the rear of the building; and
- All parking areas to be placed at the rear of buildings and accessed from side streets to maintain a continuous building edge and a pedestrian-friendly street environment. Given the coverage of the existing building and the narrow side and rear yards, not all parking can be located at the rear of the building. Much of the area at the rear of the existing building is taken up by the loading space.

All proposed development within 500 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the municipality and / or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the municipality and/or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the municipality and the Region, in consultation with the appropriate railway.

The City may provide for exemptions to the required parkland dedication if special features are being preserved in which the City has an interest.

The City has expressed an interest in preserving the courtyard on the Subject Properties. An exemption to the required parkland dedication is appropriate given its location to the nearby King George Memorial Park, New Life in the City Park, and the Port Promenade.

An Official Plan Amendment is not required because the uses permitted in the proposed zoning by-law amendment are commonly found in the **Urban Residential** designation and in both the “Residential” and “Intuition Zones”.

Zoning By-Law

The Subject Properties are zoned “**Institutional - I**” which permits, among other uses, a public apartment building and “**Fourth Density Residential – R4**”, which permits, among other uses, apartment buildings.

The zoning provisions proposed for the “Residential Fourth Density (R4-X) Zone – Special” recommended will provide a high quality, well designed development incorporating good urban design principles. The provisions provide a comprehensive approach to the design and retain a defined character within the development. The site specific measures will not impact the ability to provide adequate open space or parking for the residential units.

A zoning By-law amendment is recommended to permit the residential use similar to others located in the **Urban Residential** designation in the City.

POLICY AND ISSUES REVIEW

The City of Port Colborne Council has the authority to approve zoning by-law amendments if they implement the policies of the Official Plan. *Settlement areas* such as the Port Colborne where the Subject Properties are located are to be the focus of growth and development, and their vitality and regeneration is to be promoted. The proposal

satisfies the ROP intend to build more sustainable, *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*, to maximize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner. The PCOP encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

The proposal is efficient development, *intensification*, and optimization of the use of land and public investment in *infrastructure*, a strong theme throughout the PPS, ROP, and PCOP. The proposal is in an area where redevelopment is encouraged in these planning documents. It is efficient *development* optimizing the use of land, resources, and public investment in existing infrastructure, and public service facilities. As a residential development in a mixed use area there are no conflicts with surrounding uses. It's location near the City Hall bus stop is transit supportive. The location provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.

There are a several positive policy supported aspects of the proposal:

- It is an intensified residential use of an existing underutilized building within an existing urban mixed use area, providing housing type and choice alternatives in downtown Port Colborne on the Elm and Charlotte Streets arterial road and transit corridors.
- It is compact redevelopment efficiently utilizing urban land, existing services, and municipal infrastructure.
- It provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.
- It is a high quality, compact, orderly, built form that will help the City meet intensification target.
- Its design places windows and balconies overlooking pedestrian routes and parking areas providing for "eyes on the street" and maintains pedestrian access to the nearby park maintaining connectivity;
- It has a strong relationship to both Charlotte and Elm Streets and upper floor units are emphasized through the use of pronounced building elements including dormers. The primary building entrances clearly address both streets.
- Handicapped parking is located near the main entrance.
- Through the addition of an apartment building in this location:
 - housing variety is achieved;
 - a range of housing types is provided promoting variety and diversity;
 - residential density is increased promoting transit use and municipal sustainability; and
 - residential uses are located near a park and trail system.

Planning Goals, Objectives, and Policies Satisfied

The City of Port Colborne Council has the authority to approve zoning by-law amendments if they implement the policies of the PCOP. *Settlement areas* such as the Port Colborne are to be the focus of growth and development, and their vitality and regeneration is to be promoted. The ROP intends to build more sustainable, *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*, to maximize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner. The PCOP encourages *residential intensification* and *redevelopment* in areas that have sufficient existing or planned *infrastructure*.

The proposal:

- provides a mix of residential accommodations accommodating households with diverse social and economic characteristics, needs, and desires;
- ensures new *development* is accessible by all members of the community;
- optimizes existing infrastructure use;
- is *intensification*;
- is transit supportive *development* within the *built boundary*;
- is accessible to medical facilities;
- is close to and designed with on-site open space;
- incorporates design features for an aging population;
- provides housing forms suitable for an aging population;
- is close to social and recreational facilities;
- counts towards the municipality's 15% *intensification* target;
- assists with the revitalization and supports the downtown;
- matches the pre-established building character of adjacent buildings; and
- provides linkages and connections to existing pedestrian and bicycle networks.

The proposal is for a transit supportive, active transportation friendly use of an existing underutilized building in the Port Colborne urban area at a residential density of 66 units per net hectare making it an efficient and sustainable use of existing municipal sewage and water services on the Elm and Charlotte Street collector roads and the Port Colborne West Bus Route.

The proposal complies with the Urban Residential designation because it:

- is *intensification*;
- maintains of the established building line for the front yard setback;
- is a corner building with side elevations given equal design treatment as the main street façade;
- identities and reinforces the corner location through taller building elements such as towers, entrance structures or roof elements; and
- orients service and loading areas to the rear of the building.

The City has expressed an interest in preserving the courtyard on the Subject Properties. An exemption to the required parkland dedication is appropriate given its location close to the nearby King George Memorial Park, New Life in the City Park, and the Port Promenade.

Efficient Development

This development is focused within the urban area. It is appropriate development helping the City meet the full range of current and future needs, while achieving efficient development and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

The proposal is a higher density redevelopment and *intensification* of an under-utilized existing building optimizing the use of land, resources, and public investment in infrastructure and public service facilities. It minimizes the undesirable effects of development, including impacts on air, water, and other resources. The apartment building:

- provides a diversified residential opportunity meeting the identified needs in Niagara and balancing both urban development and the conservation of natural resources by redeveloping in a rejuvenating a built-up urbanized location;
- makes efficient use of land; and
- has no significant land use conflicts.

The proposal increases the efficiency of the use of existing municipal infrastructure and increases the municipality's sustainability by building a compact, mixed use, transit supportive, *active transportation friendly* development in the *Built-up Area*.

This proposal is a short walk from City Hall transit stop in an area where intensification is encouraged.

As a primarily residential development in a mixed use area there are no conflicts with surrounding uses and no impact on natural resources.

The apartment building facilitates the efficient use of community and engineering services, does not create an undue financial hardship on the municipality, and increases the City's robustness and ability to accommodate infrastructure and services maintenance.

The proposal is primarily an intensified residential use on the periphery of the downtown mixed use area. It provides for a range of housing alternatives in downtown on the Charlotte and Elm Streets arterial roads. It is compact development efficiently utilizing urban land, existing services, and municipal infrastructure. The location provides safe and

easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.

Efficient development, intensification, and optimizing the use of land and public investment in infrastructure that result from this proposal is a strong theme throughout the PPS, ROP, and PCOP. The proposal is in an area where redevelopment is encouraged in these planning documents. As a residential redevelopment in an existing mixed use area there are no conflicts with surrounding uses. The location near the City Hall bus stop is transit supportive.

High Quality Urban Design

The proposal is a high quality, compact, orderly, built form that will help the City meet intensification targets. The building design places windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street” and maintains pedestrian access to the nearby park maintaining connectivity.

The building has a strong relationship to both Charlotte and Elm Streets as encouraged by the Region of Niagara Model Urban Design Guidelines. Upper floor units are emphasized through the use of pronounced building elements including dormers. The primary building entrances clearly address the streets.

The required handicapped parking space is located near a main entrance.

The proposal is a high quality, compact, orderly, built form that will help the City meet intensification targets. The building design places windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street” and maintains pedestrian access to the nearby park maintaining connectivity.

The building has a strong relationship to Charlotte and Elm Streets and upper floor units are emphasized through the use of pronounced building elements including dormers. The primary building entrances clearly address the streets. The required handicapped parking space is located near a main entrance. Through the addition of an apartment building in this location:

- Housing variety is achieved;
- A range of housing types is provided promoting variety and diversity;
- Residential density is increased promoting transit; and
- Residential uses are located near the park and trail system.

The building maintains the favourable streetscape and community character. The proposal maintains a sense of identity through rational and sensitive treatment of architectural features, forms, massing, and layout, compatible and homogeneous with the existing architecture in downtown Port Colborne.

Streetscape and Established Community Character

Since there are only limited exterior changes (the addition of dormers) to the building, the streetscape and community character are maintained. At grade access to the ground floor units is provided as recommended by the Niagara Region Model Urban Design Guidelines and the PCOP Urban Residential policy for High Density Residential Housing.

The unchanged facades and structure of the building maintains the favourable streetscape and community character. The proposal maintains a sense of identity through rational and sensitive treatment of architectural features, form, massing, and layout, compatible and homogeneous with the existing architecture facades in downtown Port Colborne. At grade access to the ground floor units is provided as recommended by the Niagara Region Model Urban Design Guidelines and the PCOP Urban Residential policy for High Density Residential Housing.

Affordable Housing

The PPS requires planning authorities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by:

- establishing and implementing minimum targets for the provision of housing *affordable to low and moderate income households*. The Region of Niagara in consultation with the local municipalities may identify a higher target(s) for these lower-tier municipalities;
- permitting and facilitating:
 - all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
 - all forms of *residential intensification*, including second units, and *redevelopment*.

Niagara Region staff advise that in the current market conditions where housing costs (rental and ownership) are increasing rapidly the least expensive calculation of affordability will be calculated as: Housing for which the purchase price results in annual accommodation costs (mortgage payments, property taxes, condominium fees, along with the costs of electricity, heat, water and other municipal services) which do not exceed 30% of gross annual household income for low and moderate income households. Using this calculation the maximum affordable housing cost for low-income households is \$995/month (calculated as 30% of the maximum annual household income for all households in the first to third income deciles). Using the same calculation the maximum affordable housing cost for moderate income households is \$2,107/month (calculated as 30% of the maximum annual household income for all households in the forth to sixth income deciles).

It is important to note that the Niagara Region set's a more strict calculation for affordable housing by requiring that housing be affordable for households in core housing need. This calculation is in alignment with Niagara's 10-Year Housing and Homelessness Action Plan. Since the maximum household income for households in core housing need in Port Colborne is \$52,700, the maximum affordable housing cost for moderate income households is \$1,317 (calculated as 30% of \$52,700, the maximum income for the fourth income decile, as there are no households in Port Colborne in core housing need in the fifth or sixth income deciles). At this cost level, Port Colborne needs 49 units for people living on their own, 13 units for single parents, 2 units for couples, and 3 units for couples with children. Units provided at higher costs would not be affordable for any households in Port Colborne in core housing need. (Source: Statistics Canada; Niagara Region; CANCEA)

The threshold rent for moderate income affordable rental housing in Niagara is \$2,110.00 monthly.

The threshold rent for low income affordable rental housing in Niagara is \$995.00 monthly.

Municipal Servicing

A municipal servicing study is not required and a stormwater management plan was not required for quantity control given the existing development and small size of the Subject Properties.

Reduced Parking Standard

A review of Parking Standards Contained Within The City Of Vaughan's Comprehensive Zoning Bylaw stated seniors-oriented housing typically generates a lower parking demand per unit due to the smaller family sizes and a lower vehicle ownership rate. Studies from have shown that the average auto ownership for such dwellings is about 30% of the average for typical condominiums. A detailed study of parking rates for seniors housing facilities also found substantially lower parking allocation by dwelling unit, with decreasing parking demand based on the level of care provided. The Review recommended the proposed senior citizens dwelling parking standards presented in the [*Table A5.1: Proposed Senior Citizens Dwelling Parking Standards*](#) in [*Annex 5*](#). The Table compares zoning provisions reviewed as part of Review and includes the City of Port Colborne.

A review of relevant literature indicates a parking standard of between 0.4 to 0.7 spaces per unit for a senior's assisted living housing is adequate. Parking is adequate for the tenants some of whom may not have private vehicles. The proposed development is on a bus route providing mobility for those without private vehicles. Planning Staff noted for a commercial to residential intensification project compromises are sometimes required

to support adaptive reuse proposals for rental housing. It is not uncommon for municipalities to allow reduce parking requirements for smaller-scale rental housing redevelopments. It is important to note reasonable rental prices can be achieved by offering a number of options for renters. For example, some renters may not require a parking space which could be reflective on the overall unit price. As the Owner has acquired a nearby property for additional parking spaces, parking concerns have been addressed adequately. Greater importance should be placed upon the number of rental units entering the market than the number of parking spaces provided on site, some of which may not even be used.

Need

A total of 6,016 households (10,641 individuals) are on the affordable housing waitlist in Niagara as of 2013-12-31 (seniors - 2,240; households with no dependents - 1,765; families - 2,011). Within the past three years, the waitlist has grown by nine per cent with the biggest increase coming from seniors and families. Wait times range from 1.25 years to almost ten years, and vary according to the location of the units and the number of selections made by the household. The current stock of over 7500 affordable housing units is not keeping pace with the growth of the wait list. Furthermore, just under half of the current affordable housing stock is between 30- and 60 years old. This means a growing amount of resources will need to be invested in maintaining the current stock and cannot be used to create new affordable housing.

In 2013, 626 households were housed. Despite this the number of households currently on the waiting list for affordable housing continues to be a challenge. Since 2002 the waiting list in Niagara has increased by 42 per cent. The greatest increase started during the 2009 recession and has left a lasting impact on the affordable housing system.

(Sourced 2019-04-25 <https://www.niagararegion.ca/social-services/technical-report/current-need-report.aspx>)

As of 2017-09, there were 4,923 households on the Centralized Waiting List in Niagara. This represents 10, 2017 people waiting for Rent-Geared-to-Income housing across Niagara. In Port Colborne the Wait Time for seniors (55 and older) was Six years.

(Sourced 2019-04-25 <http://www.livinginniagarareport.com/housing-shelter-2017/affordable-housing-and-homelessness-prevention-2/>)

At its meeting of 2019-02-11 City Council passed the following:

Whereas access to adequate housing is a fundamental human right (paragraph 25(1) of the United Nations Universal Declaration of Human Rights, and Ontario Human Rights Commission – Human Rights Perspective on Housing Supply, January 2019); and

Whereas Port Colborne is fast approaching a housing crisis with alarming occupancy rates, soaring housing costs and stagnating incomes (Ontario Association of Food Banks, Quarterly Report, September 2018, Port Colborne Primary Rental Market Statistics, 2016, Key Housing Indicators for Port Colborne, July 5, 2017 and Where Will We Live - Ontario's Rental Housing Crisis, May 2018); and

Whereas the Senior Citizens Advisory Committee and the Social Determinants of Health Committee, both being committees of this council have each placed housing as a priority to their mandate; and

Whereas designing and implementing a poverty reduction strategy has been included in the Port Colborne Strategic Plan (CAO Report No.:2015-47); and

Whereas adequate and affordable housing has been directly linked to poverty reduction (Wellesley Institute, Poverty Is a Health Issue: It's time to address housing and homelessness, Oct 10, 2013)

Therefore be it resolved that The Corporation of the City of Port Colborne does acknowledge that housing is a human right and that municipal government has a role to play in the gradual realization of this right for all residents of Port Colborne; and

That the Director of Planning and Development be directed to engage with stakeholders to create a coordinated municipal affordable housing strategy for the city of Port Colborne with the goal to establish a definition for the term "affordable housing" and to create affordable housing options across the housing continuum, with a report due back to this council to include a high-level view of timelines and targets on or before May 27, 2019.

(Source 2019-09-09 <http://portcolborne.ca/fileBin/library/02-11-19-03%20regular.pdf>)

Train Noise and Vibration

Exterior Insulation and Finish System (EIFS) insulation wall construction and triple pane windows on the west side will mitigate the sound that may be produced by the rail line. These features will be considered during the Site Plan Control Approval process.

Reduced Unit Size

The minimum floor area reduction is a minor change from what is currently permitted and permits lower rental price units, sensitive infilling and efficient use of existing infrastructure. No negative impact is anticipated. Planning Staff noted for a commercial to residential intensification project, eliminating the minimum unit size is something municipalities have begun to do to proactively support diverse styles of housing and to provide choice in the size and price to the rental market. The Ontario Building Code sets out requirements for minimum living area and room sizes the building will still have to comply with. If the requirements cannot be met, a reduction in the number of units may be necessary.

Environmental Site Assessment

A Designated Substance Survey, dated 2019-06-28, by CERTI Environmental Consultants, Environmental Assessments & Audits Division, states:

The following are significant recommendations:

- Removal of asbestos containing Floor tiles and Mastic Adhesive in the building must be removed following Type 1 Asbestos Removal Procedures (Ontario Regulation 278/05).
- Removal of the asbestos containing Pipe Elbows in the boiler room must be removed following Type 2 Glove Bag Removal Procedures (Ontario Regulation 278/05).
- Removal of the asbestos containing stipple ceiling finishes in the second level stairwell, second level ceiling, and North Wing Rooms must be removed following Type 3 Asbestos Removal Procedures (Ontario Regulation 278/05).
- Removal of the asbestos containing transite ceiling in the second level hallway must be removed following Type 1 Asbestos Removal Procedures (Ontario Regulation 278/05).
- Paint samples from the Second Floor Wall (green paint), Second Floor Ceiling (beige paint), and MacGillivery Hall Wall (Beige paint). are considered lead containing. Removal of lead paint must follow Type 2B Lead Removal Procedures.
- Test any items not surveyed or concealed items uncovered by remediation or demolition activities.

A Phase I Environmental Site Assessment (ESA), dated 2020-09-26, by CERTI Environmental Consultants, Environmental Assessments & Audits Division, states, based on the results of the groundwater-sampling program, there are no environmental concerns with Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's) at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10).

Groundwater concentrations of Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's), at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10) are within MOE Criteria Levels (Table 6, Residential/Institutional, Ontario Regulation 153/04 and 511/09).

A Phase II Environmental Site Assessment (ESA), dated 2020-09-30, by CERTI Environmental Consultants, Environmental Assessments & Audits Division, states, based on the results of the groundwater-sampling program, there are no environmental concerns with Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's) at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10).

Groundwater concentrations of Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's), at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10) are within MOE Criteria Levels (Table 6, Residential/Institutional, Ontario Regulation 153/04 and 511/09).

ZONING RELIEF REQUIRED

Zoning relief is required to

- the minimum front yard requirement from 9 to 4.8 metres to recognize the existing setback;
- Reduce the minimum interior side yard requirement from 3 to 1.5 metres to recognize the existing setback;
- Reduce the minimum corner side yard from 7.5 to 1.5 metres to recognize the existing setback;
- Reduce the minimum rear yard from 6 to 1.8 metres to recognize the existing setback;
- Increase the maximum lot coverage from 40 to 50 percent to recognize the existing coverage;
- Reducing the minimum floor area for residential units from 50 to 35 square metres;
- Reduce the minimum number of required parking spaces from 33 to 23;
- Reducing the landscape buffer provided between the edge of any parking area and an abutting road lot line from 3 to 0 metres;
- Reduce the landscape buffer provided between the edge of any parking area and an abutting residential lot line from 3m to 0.6 metres along the south lot line; and
- Reduce setback of a building for the purposes of human habitation from a functioning railway right-of-way from 15 to 1.7 metres.

SITE PLAN CONTROL

The City requires all residential developments with five or more dwelling units to enter into a Site Plan Agreement with the City. The agreement ensures the development is built and maintained as approved, ensures safe and efficient access, ensures proper drainage and landscaping is in place, and protects adjacent properties from incompatible development. Construction cannot occur until this agreement is in place.

This Agreement should include a warning clauses to advise future residents of potential noise, emissions and odour impacts from the nearby railway line owned by the City. Drainage requirements will be reviewed and addressed through the Site Plan application process.

OPINION

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the *Planning Act*, PPS; Growth Plan; ROP; and PCOP;
- Permits the proposed residential use; and
- Is good planning.

Council can be confident that the proposed Zoning By-law Amendment changing the property from Institutional and Fourth Density Residential to Fourth Density Residential with special provisions to permit a 22-unit apartment building is consistent with the City's Official Plan as well as Provincial and Regional policies. Special provisions are in place to recognize existing conditions while also supporting an adaptive reuse proposal that aims to add much-needed rental units into the market. The applicant is required to enter into a Site Plan Agreement ensuring the development is built and maintained as approved by the City

CLOSING

This report is intended solely for Hometown Properties (the "Client") in providing the City of Port Colborne this Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed office and residential redevelopment at 176 Elm Street. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other

representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

Steven Rivers

South Coast Consulting

Land Use Planning and Development Project Management

Steven Rivers, MCIP, RPP

189 Clare Avenue

Port Colborne, Ontario L3K 5Y1

Phone: 905-733-8843

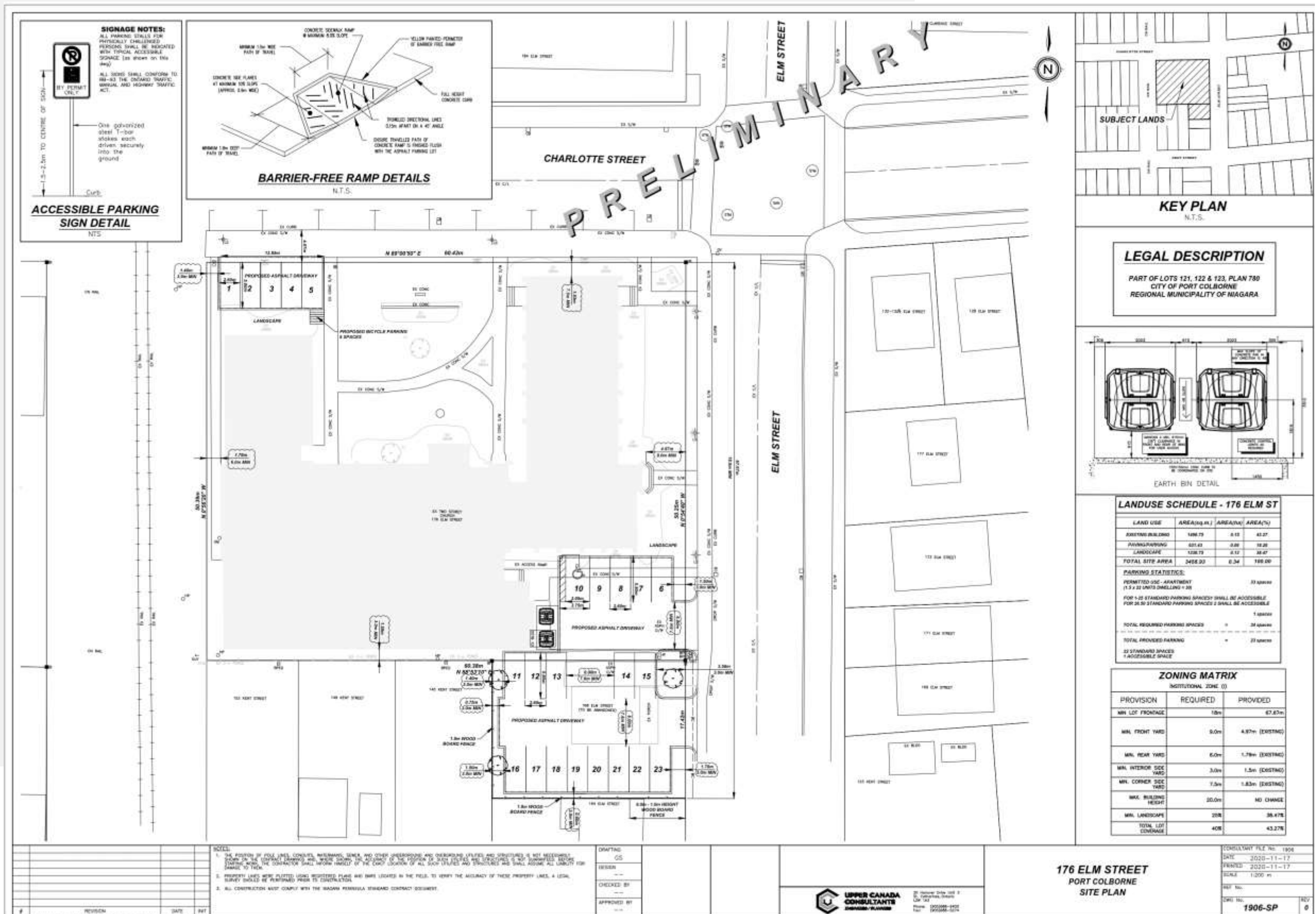
Email: info@southcoastconsulting.ca

2020-11-17

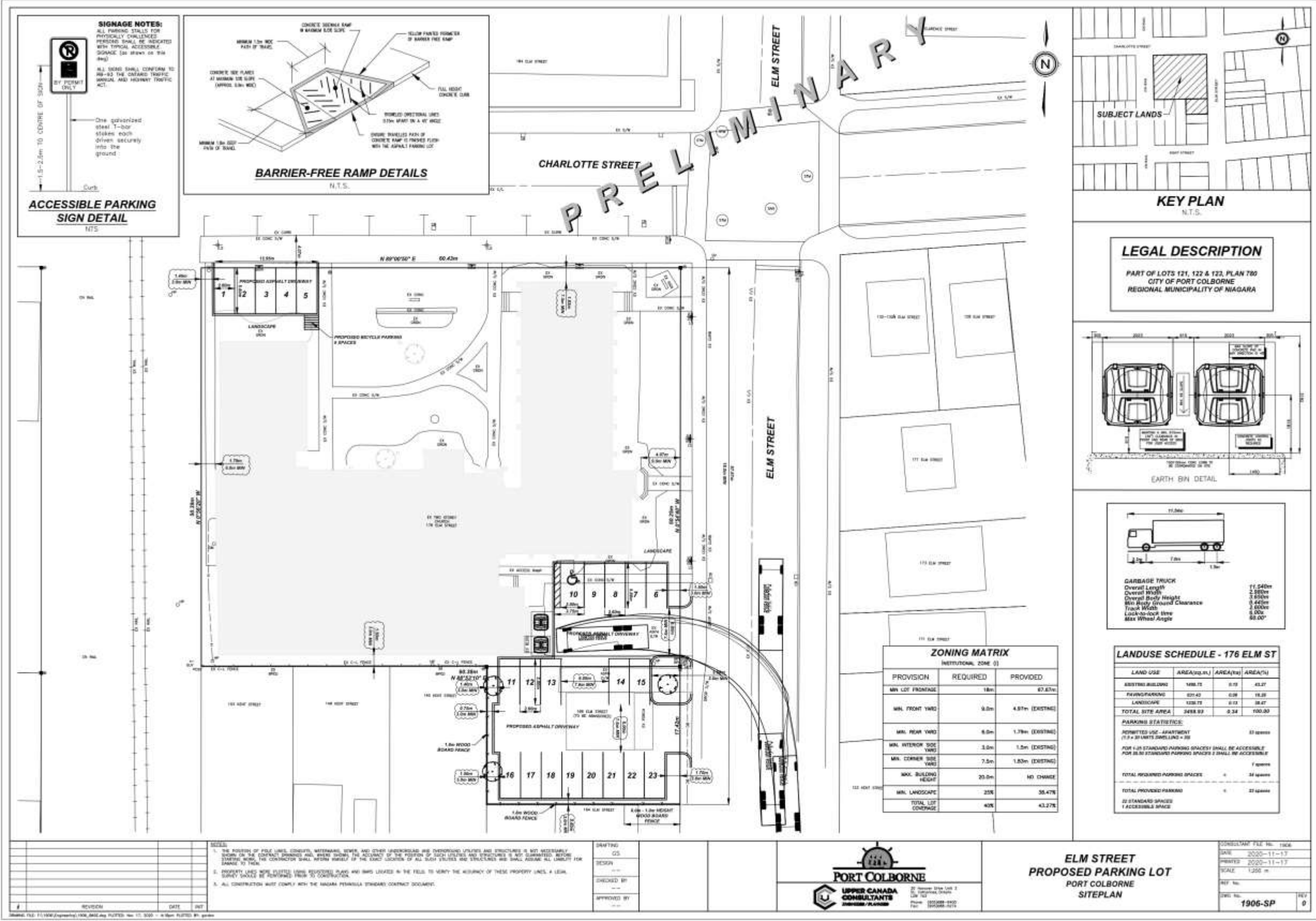
PROVISION / USE	I ZONE REQUIREMENT	R4 ZONE REQUIRMENT	PROPOSED	COMMENT
Apartment Building	-	Permitted	The residential and place of assembly uses are provide for in both the “Institutional Zone” and the “Residential Fourth Density Zone”. Satisfied – no change	
Public Apartment Building	Permitted	Permitted		
Place of Assembly / Banquet Hall	Permitted	Permitted-		
Min Lot Area	125sqm/unit (2500sqm)	125sqm/unit (2500sqm)	3033.99SQM	Satisfied – no change
Min Frontage	18m	18m	50M	Satisfied – no change
Min Front Yard	9m	9m	4.8M	Existing
Min Interior Side Yard	3m	n/a	1.5	Existing
Min Corner Side Yard	7.5m	7.5m	1.5	Existing
Min Rear Yard	6m	6m	1.8	Existing
Max Lot Coverage	40%	40%	50%	Existing
Max Height	20m	20m	Existing	Existing
Min Landscape Area	25%	25%	25%	Satisfied – no change
Min Floor Area / Unit	50sqm	50sqm	38sqm	The minimum floor area reduction is a minor change from what is currently permitted and permits lower rental price units, sensitive infilling and efficient use of existing infrastructure. No negative impact is anticipated. Planning Staff noted for a commercial to residential intensification project, eliminating the minimum unit size is something municipalities have begun to do to proactively support diverse styles of housing and to provide choice in the size and price to the rental market. The Ontario Building Code sets out requirements for minimum living area and room sizes the building will still have to comply with. If the requirements cannot be met, a reduction in the number of units may be necessary.
Parking				
Apartment Building, Public	1 space per 3 units (7 + 1 accessible required)	1 space per 3 units (7 + 1 accessible required)	23	Parking is adequate for the tenants some of whom may not have private vehicles. The proposed development is on a bus route providing mobility for those without private vehicles. Planning Staff noted for a commercial to residential intensification project compromises are sometimes required to support adaptive reuse proposals for rental housing. It is not uncommon for municipalities to allow reduce parking requirements for smaller-scale rental housing redevelopments. It is important to note reasonable rental prices can be achieved by offering a number of options for renters. For example, some renters may not require a parking space which could be reflective on the overall unit price. As the Owner has acquired a nearby property for additional parking spaces, parking concerns have been addressed adequately. Greater importance should be placed upon the number of rental units entering the market than the number of parking spaces provided on site, some of which may not even be used.
Apartment Building	1.5 spaces/unit (33 required)	1.5 spaces/unit (33 required)		
Location	Required parking shall be provided on the same lot as the use requiring the parking; or On any lot that is not a road or lane and is presently zoned to permit parking and is located within 46 metres of the lot occupied by the building or structure or use for which the parking spaces are required.			
A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) in accordance with the following . . .				
Abutting a Public Road	3m	3m	0	The reduced setback is required to accommodate as much residential parking as possible and still retain the courtyard the City has expressed interest in
Abutting a Residential Zone	3m	3m	1.2	The reduced setback is what has existed for some time with no apparent negative impacts and is required to accommodate as much residential parking as possible and still retain the courtyard the City has expressed interest in
Required Bicycle Parking				
Residential with 10 or more units	6 Spaces plus 1 for every additional 10 units > 20		7	Satisfied – no change
Place of Assembly / Banquet Hall	1 space per 1000sqm gross floor area			Satisfied – no change
Setback from rail right-of-way				
No building for the purpose of human habitation shall be constructed any closer than 15m to any functioning railway right-of-way			1.7	Existing – mitigation can be included at site plan control approval

ANNEX 1A

CONCEPTUAL SITE PLAN & FLOOR PLANS



Pending agency, municipal, and public comments





#176 ELM STREET PORT COLBORNE , ONT.		
g. curnock and associates		
481 SCOTT STREET 2ND FLOOR, SUITE 200 PORT COLBORNE, ONT. L2A 4A7		
PHONE : (905) 535-8821 g.curnock.ca gca@gcurnock.ca		
MAIN FLOOR PLAN		
DRAWN BY:	GENA CURNICK	SHEET 1 OF 4
CHECKED BY:		DRAWN BY:
DATE:	NOV 20 / 2020	5730
SCALE:	1/8" = 1'-0"	



FIRST FLOOR PLAN



SECOND FLOOR PLAN

#176 ELM STREET
PORT COLBORNE , ONT.

g. curnock
and associates

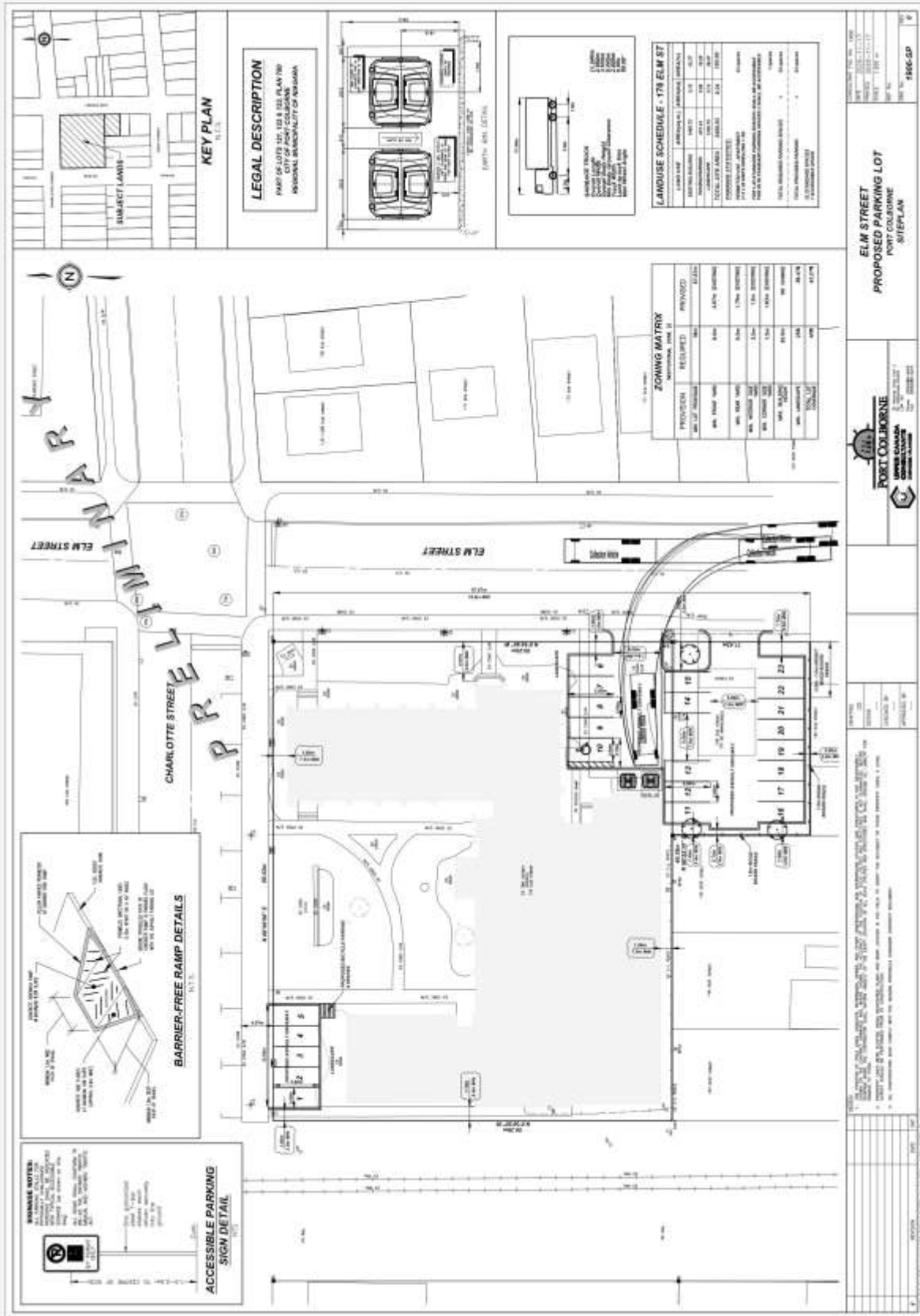
451 SCOTT STREET
22nd FLOOR
TORONTO, ONT. M5G 1B7
PHONE : (416) 593-8821
g.curnock@gacon.ca

SECOND FLOOR PLAN

DESIGNED BY	ALAN CURNACK	CHECKED BY
DATE	NOV 10 / 2019	SCALE
SCALE	1/8" = 1'-0"	5730

ANNEX 1B

CONCEPTUAL SITE PLAN & FLOOR PLANS



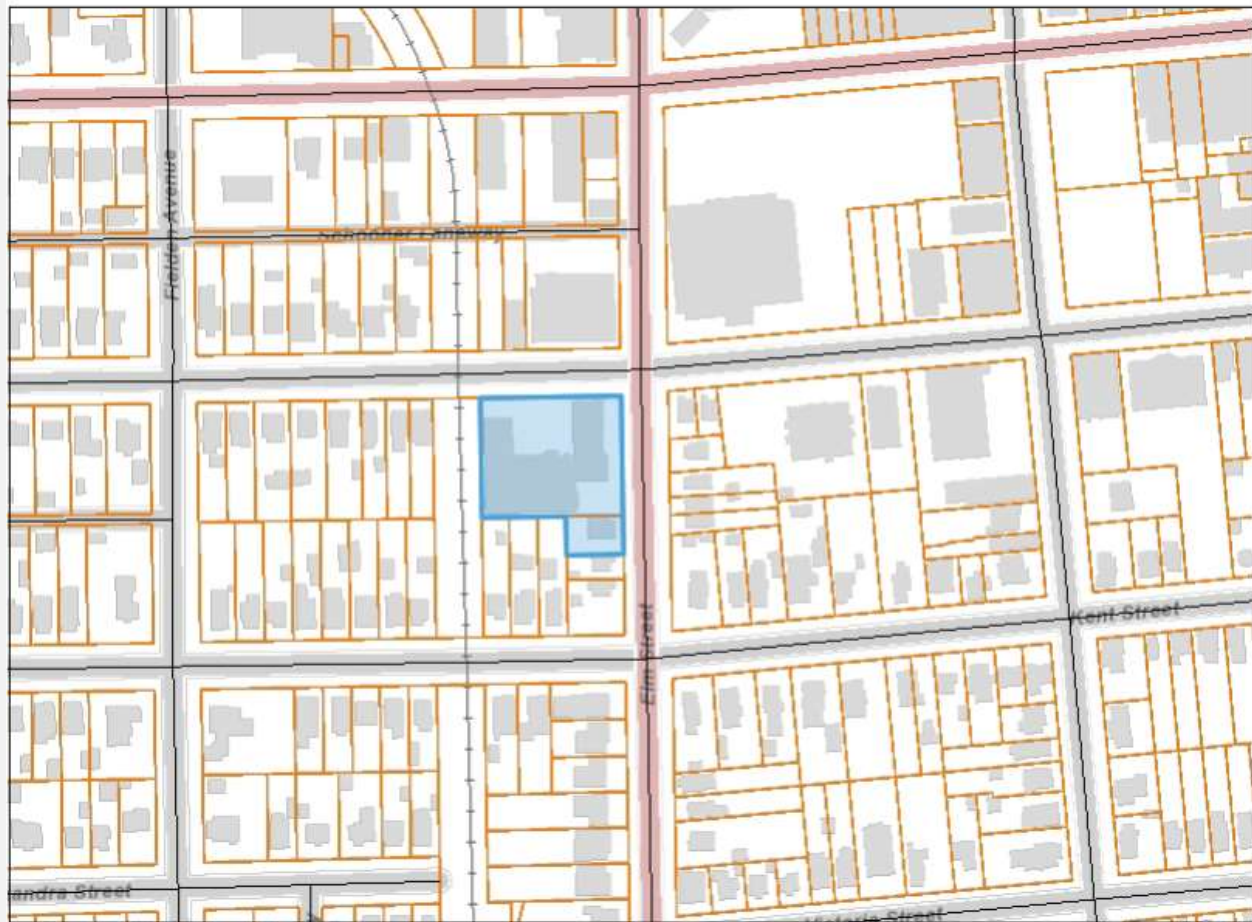




ANNEX 2

SURVEY

ANNEX 3
SUBJECT PROPERTIES



0.1 0 0.06 0.1 Kilometers

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



ANNEX 4

EXCERPTS FROM RELEVANT DOCUMENTS

THE PLANNING ACT

A purpose of the *Act* is to promote sustainable economic development in a healthy natural environment (sect. 1.1(a)). Provincial interests include the orderly development of safe and healthy communities (sect. 2(h)); and location of growth and development (sect. 2(p)), among others.

Official Plan

Section 16 of the *Planning Act* states an official plan shall contain, goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it. It may also contain a description of the measures and procedures to attain the plan's objectives and a description of the measures and procedures for informing and obtaining the views of the public on a proposed amendment to either an official plan or zoning by-law.

Section 21 of the *Act* states City Council may initiate an amendment to Official Plan. Section 24 states that where an official plan is in effect, no by-law shall be passed that does not conform the official plan. Section 2 of the *Planning Act* states Council shall have regard to matters of provincial interest such as the:

- Orderly development of safe and healthy communities;
- Adequate provision of employment opportunities; and
- Appropriate location of growth and development.

Sections 3(5) (a) and (b) state decisions of Council shall be consistent with the policy statements issued by the Minister and with the provincial plans that are in effect.

Zoning

Section 34 of the *Planning Act* states a zoning by-law may be passed by Council for a number of purposes including prohibiting **the use of land**, except for such purposes set out in the by-law and except if the land was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose. That section goes on to state that any by-law passed under this section or a predecessor of this section may be amended to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed. If a person applies for an amendment to a by-law passed under this section or a predecessor of this section he or she shall provide the prescribed information and material to Council.

THE PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2014 (PPS) came into effect April 30, 2014 and applies to this application. It includes the following definitions:

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act,

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield* sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield* sites.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2.

Preamble

The Preamble to the PPS says it “provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.”

A basic principle of policy led land use planning iterated in the PPS is that **when more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.”**

An important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the PPS, some policies set out **positive directives**, such as “settlement areas shall be the focus of growth and development.” Other policies set out **limitations and prohibitions**, such as “*development* and site alteration shall not be permitted.” Other policies use **enabling or supportive language**, such as “*should*,” “*promote*” and “*encourage*.”

The PPS says the policies represent minimum standards and planning authorities and decision-makers may go beyond these minimum standards to address matters of importance unless doing so would conflict with any policy of the Provincial Policy Statement.”

Vision

The Provincial Policy Statement focuses growth and development within settlement areas. It recognizes that the wise management of land use change may involve directing, promoting, or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land and public investment in infrastructure and public service facilities and minimize the undesirable effects of development, including impacts on air, water and other resources.

Policies

The PPS policies for **Building Strong Healthy Communities** say Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and **promoting efficient land use and development patterns**. Efficient land use and development patterns **support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth**. **Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.** (Policy 1.1.1a)

Settlement Areas

The PPS says the vitality of settlement areas is critical to the long-term economic prosperity of our communities. It is in the interest of all communities to **use land and resources wisely, to promote efficient development patterns** (Section 1.1.3) and **Settlement areas shall be the focus of growth and development**, and their **vitality and regeneration shall be promoted**. (Policy 1.1.3.1)

GROWTH PLAN OF THE GREATER GOLDEN HORSESHOE

Brownfield Sites undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (PPS, 2020)

Intensification The development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.(PPS,2020)

To facilitate implementation of A Place to Grow: Growth Plan for the Greater Golden Horseshoe O. Reg. 311/06 has been modified. Any matter commenced, but where a decision(s) remains to be made as of May 16, 2019 is subject to the policies of A Place to Grow. The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles, among others:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

Population and employment growth will be accommodated by directing vast majority of new growth to the *settlement areas* [such as Port Colborne] that have a *delineated built boundary* [such as the City of Port Colborne]. (Policy 2.2.1.2.a) defined as the limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in this Plan.

Where and How to Grow

The Growth Plan is about accommodating forecasted growth in *complete communities*.

These are communities that are well designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. *Complete communities* support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting. They also support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form.

To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH. Some larger urban centres, such as Toronto, have already met some of the minimum targets established in this Plan, while other communities are growing and intensifying at a different pace that reflects their local context.

As in many thriving metropolitan regions, many communities in the *GGH* are facing issues of housing affordability, which are being driven primarily by sustained population growth and factors such as a lack of housing supply with record low vacancy rates. This Plan helps to address this challenge by providing direction to plan for a range and mix of housing options, including second units and *affordable* housing and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities. There is also a need for stakeholders to work collaboratively to find opportunities to redevelop sites using more age-friendly community design.

Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4. (Policy 2.2.1.1)

Applying the policies of this Plan will **support** the achievement of **complete communities** that:

- Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- **Provide a diverse range and mix of housing options, including** second units and **affordable housing**, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- Expand **convenient access** to:
 - a range of **transportation options, including options for the safe, comfortable and convenient use of active transportation**;
 - *public service facilities*, co-located and integrated in community hubs;
 - **an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities**; and
 - healthy, local, and affordable food options, including through urban agriculture;
- provide for a more **compact built form** and a vibrant public realm, including public open spaces;
- mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- integrate green infrastructure and appropriate low impact development. (Section 2.2.1.4)

Until the next *municipal comprehensive review* is approved and in effect, the annual minimum *intensification* target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply. (Policy 2.2.2.2)

All municipalities will develop a strategy to achieve the minimum *intensification* target and *intensification* throughout *delineated built-up areas*, which will, among other things:

- identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- encourage intensification generally throughout the delineated built-up area;
- ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- be implemented through official plan policies and designations, updated zoning and other supporting documents. (Policy 2.2.3.3)

By the time the *next municipal comprehensive review* is approved and in effect, and for each year thereafter, the applicable minimum intensification target is a minimum of 50 per cent of all residential development occurring annually within Niagara will be within the delineated built-up area. (Policy 2.2.2.1a).

Until the next *municipal comprehensive review* is approved and in effect, the annual minimum intensification target contained in the ROP will continue to apply. (Policy 2.2.2.2)

All municipalities will develop a strategy to achieve the minimum *intensification* target and intensification throughout *delineated built-up areas*, which will:

- identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
- identify the appropriate type and scale of development in *strategic growth areas* and transition of built form to adjacent areas;
- encourage *intensification* generally throughout the *delineated built-up area*;
- ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
- be implemented through official plan policies and designations, updated zoning and other supporting documents. (Policy 2.2.2.3)

Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.2.1 where it is demonstrated that this target cannot be achieved and that the alternative target will be appropriate given the size, location and capacity of the *delineated built-up area*.

The Minister may permit an alternative to the target established in policy 2.2.2.1. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.2.1 will apply.

Upper-tier municipalities, in consultation with lower-tier municipalities, will, through a *municipal comprehensive review*, provide policy direction to implement the Growth Plan, including:

- identifying minimum *intensification* targets for lower-tier municipalities based on the capacity of *delineated built-up areas*, including the applicable minimum density targets for *strategic growth areas* in the Growth Plan, to achieve the minimum *intensification* target in the Growth Plan;
- identifying minimum density targets for *strategic growth areas*, including any *urban growth centres* or *major transit station area* in accordance with this Plan;
- identifying minimum density targets for *employment areas*;
- **identifying minimum density targets for the *designated greenfield areas* of the lower-tier municipalities, to achieve the minimum density target for the upper- or single-tier municipality;**

- allocating forecasted growth to the horizon of the Growth Plan to the lower-tier municipalities in a manner that would support the achievement of the minimum *intensification* and density targets in this Plan; and
- addressing matters that cross municipal boundaries. (Policy 5.2.3.2)

The minimum *intensification* and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan. (Policy 5.2.5.1)

The minimum *intensification* and density targets in the Growth Plan or established pursuant to the Growth Plan will be identified in upper- and single-tier official plans. Any changes to the targets established pursuant to this Plan may only occur through a *municipal comprehensive review*. (Policy 5.2.5.2)

For the purposes of implementing the minimum *intensification* and density targets in the Growth Plan, upper- and single-tier municipalities will, through a *municipal comprehensive review*, delineate the following in their official plans, where applicable:

- *delineated built-up areas*;
- *urban growth centres*;
- *major transit station areas*;
- *employment areas*;
- other *strategic growth areas* for which a minimum density target will be established; and
- *excess lands*. (Policy 5.2.5.3)

The identification of *strategic growth areas*, *delineated built-up areas*, and *designated greenfield areas* are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any *development* on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes. (Policy 5.2.5.8)

The *delineated built boundary* has been issued for the purpose of measuring the minimum *intensification* target in the Growth Plan. The conceptual *delineated built-up area* shown on Schedules 2, 4, 5, and 6 is for information purposes. For the actual delineation, the *delineated built boundary* that has been issued by the Minister should be consulted. (Policy 5.2.7.3)

The *designated greenfield areas* shown on Schedules 2, 4, 5, and 6 are conceptual. Actual *designated greenfield areas* will be delineated in applicable official plans. (Policy 5.2.7.4)

REGIONAL OFFICIAL PLAN

In speaking to the contents of official plan the *Planning Act* says an official plan shall contain, (a) goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, built, and natural environment of the municipality or part of it (Section 16.(1)(a)) and may contain, a description of the measures and procedures proposed to attain the objectives. (Section 16.2(a))

A Strategic Objective to the ROP is recognizing the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources. a) *A choice of housing and employment locations*. b) *Development and efficient use of lands within the existing urban boundaries first*. c) Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots). d) *Minimization of conflicts between incompatible land uses*. (ROP Strategic Objective 2.1)

Another Strategic Objective is to facilitate and maintain a pattern of distinctive and identifiable urban communities. (SO 2.2) A third relevant Strategic Objective is to improve regional self-reliance through long-range economic development planning and economic diversification. a) Attraction of more employment through existing or new firms. . . . (ROP SO 2.2)

Similar to the PPS, the ROP recognizing efficient use of land and minimizing conflict between incompatible uses as Strategic Objectives.

The ROP has a number of defined terms including:

Brownfield Sites are undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (Provincial Policy Statement, 2005)

Built-up Area means all land within the built boundary.

Built Boundary means the limits of the developed Urban Areas as defined by the Minister of Infrastructure in accordance with Policy 2.2.3.5 in the Provincial Growth Plan for the Greater Golden Horseshoe.

Complete Communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

Density Targets The density target for the Urban Growth Centre is defined in Policy 4.G.10.2. The density target for Designated Greenfield Areas is defined in Policy 4.C.7.2.

Development means the creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure,

Intensification means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; or
- d) The expansion or conversion of existing buildings.

Redevelopment means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Urban Areas means those areas shown as being within the Urban Areas Boundaries as defined by this Official Plan.

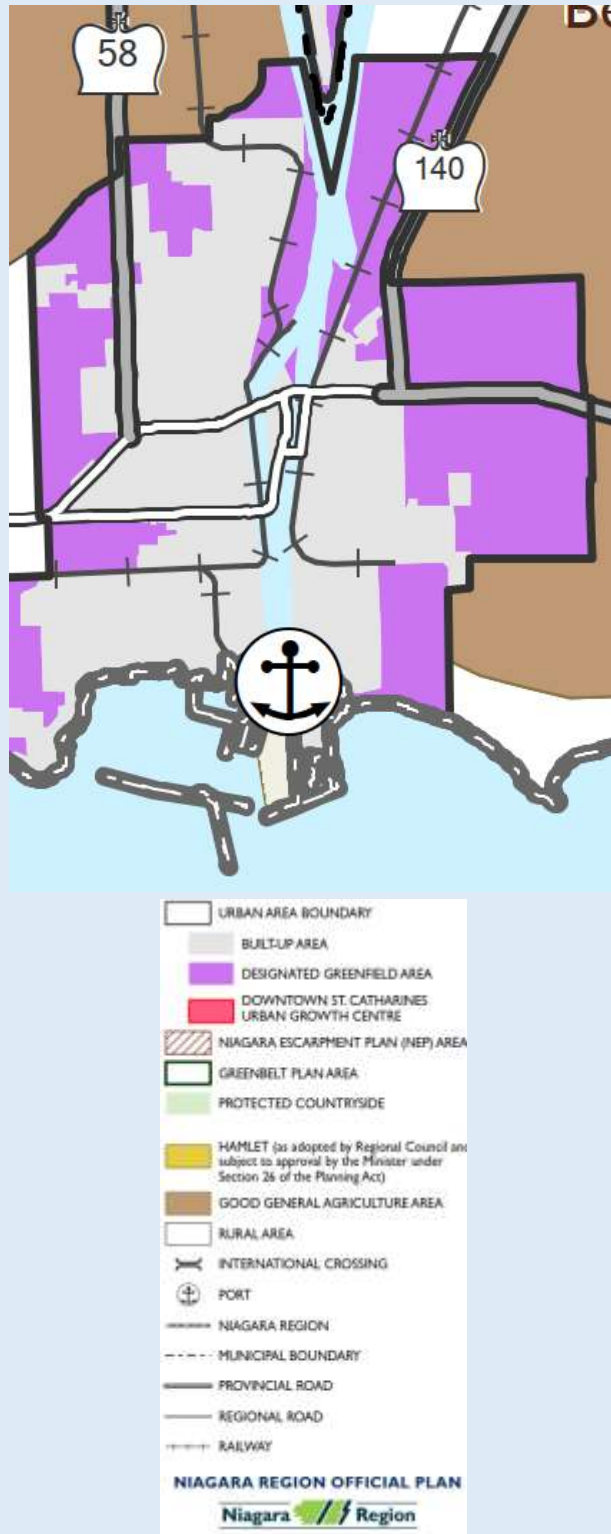
As illustrated on *Figure A4.1, Regional Plan Schedule A, Regional Structure Excerpt*, the ROP designates the Subject Properties **Built-up Area** within the **Urban Area Boundary**. The Objectives of the ROP for Managing Growth include (4.A.1.2) *directing a significant portion of Niagara's future growth to the Built-up Area through intensification*; (4.A.1.3) *directing intensification to local municipally designated intensification areas*; and (4.A.1.6) *building compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas*.

Managing Growth

The objectives of the Growth Management Policies of the ROP are to: *Direct the majority of growth and development to Niagara's existing Urban Areas*. (Objective 4.A.1.1) . . . Ensure the availability of sufficient employment land to accommodate long term growth in Niagara to the year 2031, (Objective 4.A.1.9) and direct growth in a manner that *promotes the efficient use of existing municipal sewage and water services*. (Objective 4.A.1.12) Again as with the PPS

The ROP directs the majority of growth to *urban areas* but seeks to ensure the availability of sufficient employment land and promotes the efficient use of existing municipal sewage and water services.

Figure A4.1
Regional Plan Schedule A
REGIONAL STRUCTURE EXCERPT



***Intensification* includes all forms of development that occur within the Built-up Area** as identified on Schedule A of the ROP. The Region will **promote intensification** by:

- a) Providing a Regional framework for measuring *intensification*.
- b) Supporting *infrastructure* development and improvements in Local Municipally Designated Intensification Areas where upgrades or improvements to Regional *infrastructure* works are required.
- c) Working with local municipalities to develop *intensification* strategies including but not limited to coordination between growth management and the maintenance and expansion of utility *infrastructure*, both in terms of technological advancement and service provision
- d) Monitoring *intensification* rates across the Region on an annual basis. (Policy 4.C.1.1)

By the year 2015 and for each year thereafter, **a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up Area** of Niagara's communities. (Policy 4.C.3.1)

The rate of *intensification* occurring in Niagara will be measured by calculating the total number of residential units created on an annual basis within the *Built-up Areas* of Niagara in relation to the total number of units created within Niagara Region. (Policy 4.C.3.2)

Beginning in 2009, the Region will track residential *intensification* rates on an annual basis and prepare an annual report. The Region will work closely with local municipalities to determine the preferred method for tracking residential *intensification* rates. (Policy 4.C.3.3)

The [Port Colborne] residential *intensification* target is considered to be [the] minimum standard. (Policy 4.C.4.1)

[Port Colborne] will develop its own residential *intensification* target and strategy, which may equal or exceed the minimum standard, and incorporate the target into its official plan. - Residential Intensification Target (percent of total annual development) – City of Port Colborne - 15% (Policy 4.C.4.2)

The preamble to Section 4G, Urban Growth, states Niagara aspires to build sustainable, *complete communities*. Such communities serve the needs of the present local population, without compromising the potential needs of future generations. Niagara's approach to building such communities addresses social, environmental, economic and cultural aspects of land use planning. **Niagara will build more sustainable, *complete communities* by, among other things making efficient use of land, resources and *infrastructure*.**

Objective 4G.1, in Our Common Objectives, is to build compact, vibrant, sustainable, integrated and *complete communities* and Objective 4G.4 is to *maximize the use of existing and planned infrastructure to support growth in a compact and efficient manner.*”

Policy 4.G.8.1 states *Built-up Areas* are lands located within Urban Areas which have been identified by the provincial government that *will be the focus of residential and employment intensification and redevelopment* within the *Region* over the long term.

THE CITY OFFICIAL PLAN

Affordable In the case of ownership housing, the least expensive of:

- a) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- b) Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;

In the case of rental housing, the least expensive of:

- a) A unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- b) A unit for which the rent is at or below the average market rent of a unit in the regional market area.

Brownfield sites Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Development The creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure but does not include:

- a) Activities that create or maintain infrastructure authorized under an environmental assessment process; or
- b) Works subject to the Drainage Act.
- c) The carrying out of agricultural practices on land that was being used for agricultural uses on the date the Plan came into effect.

Intensification The *development* of a property, site or area at a higher density than currently exists through:

- a) *Redevelopment*, including the reuse of *brownfield* sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

Redevelopment The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites

The Vision for the City of Port Colborne is among other things continue to provide the opportunity for a mix of residential accommodations accommodating households with diverse social and economic characteristics, needs and desires; ensure new *development* is accessible by all members of the community, and develop the community in a way which optimizes existing Municipal and Regional infrastructure.

The Growth Management Strategy is to, among other things, direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services, support infill and *intensification*, subject to the applicable policies, in the Urban Residential designation, and support compact and transit supportive *development* within the *built boundary*.

To support the Strategic Direction of Enhancing Quality of Life the City promotes a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by, among other things, promoting *residential intensification* in the urban area with a flexible approach encouraging a mix of housing types and densities appropriate to location and incorporating active living considerations for both recreation and utilitarian purposes through support for such items as cycling and walking facilities and other means that promote healthy, active lifestyles.

A Housing Strategic Planning Policy is that new housing development should:

- i. Be located **in the urban area to make use of existing infrastructure and facilities**;
- ii. Be **accessible to medical facilities, shopping and any future public transportation system**;
- iii. Be **close to** or be developed with on-site parks and **open space**;
- iv. **Incorporate design features for an aging population**;
- v. Use **housing forms suitable for an aging population such as at-grade housing** or medium density apartment buildings;
- vi. Provide for a range of smaller lots and homes suitable to smaller households; and
- vii. Be **close to or be developed with social and recreational facilities**. (Policy 2.4.2.1a)

The City will work with other levels of government, the private sector, community and non-profit groups to ensure that sufficient affordable rental and ownership housing is provided (Policy 2.4.2.2a) and opportunities shall be made available for the provision of affordable housing within new intensified or infill developments. (Policy 2.4.2.2e)

Intensification and Infill

The identification and *intensification* of residential and employment areas and corridors within the *built boundary* of the City is directed by the Provincial Growth Plan. *Intensification* supportive policies will offer opportunities to promote economic development, reduce the consumption of greenfield land, meet the municipality's intensification target of 15% and maximize the efficiency of existing *infrastructure*. Intensified *development* is compact, mixed-use and transit-supportive in nature, which reflects the vision of this plan.

As identified on Schedule A1, *intensification* will be encouraged specifically within local intensification areas which include the Downtown and Main Street West Development throughout the entire *Built-up area*, which will count towards the municipality's 15% *intensification* target, shall occur in accordance with the applicable policies of this Plan. (Policy 2.4.3)

The majority of the Municipality's *intensification* will be accommodated within the Urban Area where the development is compatible with the surrounding uses. (Policy 2.4.3a)

The Municipality supports the intensification through accessory dwellings and garden suites, provided that development is consistent with the applicable policies of this Plan. (Policy 2.4.3b)

The objectives of the intensification policies of this Plan are to:

- Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;
- Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;
- Provide a policy framework that supports a limited amount of infilling throughout the Hamlet and Rural areas; and
- Provide policies that allow for accessory dwelling units and garden suites. (Policy 2.4.3c)

Intensification Target

The Municipality will plan to achieve an intensification target of 15%. (Policies 2.4.3.1a)

Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area. (Policies 2.4.3.1b)

Design Guidelines

Infill and intensification sites should match the pre-established building character of adjacent buildings. (Policy 2.4.3.2a)

Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan. (Policy 2.4.3.2b)

Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks. (Policy 2.4.3.2c)

The design of infill and intensification development should be consistent with all other applicable policies of this Plan. (Policy 2.4.3.2d)

Urban Residential

As illustrated on *Figure A4.2, Official Plan Schedule A, Port City Wide Land Use Excerpt*, the property is **designated Urban Residential**. The areas identified on Schedule A as Urban Residential are those lands that are **primarily used for residential purposes** and represent the existing and planned *built-up areas* within the *Urban Area Boundary*. **The predominant uses for lands designated Urban Residential shall include**, but not be limited to; **residential uses**; neighbourhood commercial uses such as a convenience store, beauty salon, post office, and doctor's office all of limited size; cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas. (Policy 3.2)

As illustrated on *Figure A4.3, Official Plan Schedule D, Transportation Excerpt*, the property **abuts the Elm and Charlotte Streets Arterial Roads**.

Medium Density Residential will:

- **Be developed at a density ranging from 35 to 70 units per hectare as Townhouses; Stacked townhouses; triplexes; and/or Fourplexes;**
- **Be encouraged adjacent to arterial or collector roads; and**
- **Be subject to Site Plan Control. (Policy 3.2.1a)**

Figure A4.2
Official Plan Schedule A
CITY WIDE LAND USE EXCERPT

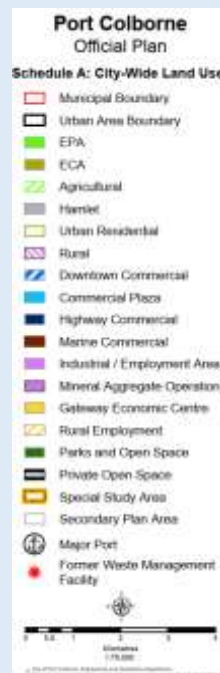


Figure A4.3
Official Plan Schedule D
TRANSPORTATION



High Density Residential will:

- Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;
- Have frontage on an arterial or collector road;
- Have commercial or ground-oriented residential uses on the main floor;
- Be oriented on the site to minimize shadows on adjacent low and medium density residential *development*;
- Be encouraged to be developed in proximity to public transit and active transportation routes; and
- Be subject to Site Plan Control. (Policy 3.2.1c)

As illustrated on *Figure A4.4, Official Plan Schedule A1, Greenfields*, the Subject Properties is **located in a designated Intensification Area**. *Intensification will be encouraged* in the Urban Area in accordance with the provisions of Section 2.4.3 of this plan, and *intensification* that will require modifications to the building that detract from the overall character of the neighbourhood will not be permitted. (Policy 3.2.2)

Intensification and Infill

Intensification will be encouraged in the Urban Area in accordance with the provisions of Section 2.4.3 of this plan, as well as Intensification that will require modifications to the building that detract from the overall character of the neighbourhood will not be permitted. (Policy 3.2.2a)

Housing Design Guidelines

Townhouses and multiple-unit housing should:

- Be aligned parallel to the street from which the principal entrance should be visible and accessible;
- Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements; and
- Be consistent with the placement and character of the surrounding built form where an infill development. (Policy 3.2.3.3a)

Development Adjacent to Railways

All proposed development within 500 metres of a railway right-of-way **may be required to undertake noise studies**, to the satisfaction of the municipality and /or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. (Policy 3.16.8a)

Figure A4.4
Official Plan Schedule A1
GREENFIELDS



Port Colborne

Official Plan

Schedule A1: Greenfields

-  Municipal Boundary
-  Urban Area Boundary
-  Built Boundary
-  Designated Greenfield Area
-  Intensification Area

All proposed development within 75 metres of a railway right-of-way **may be required to undertake vibration studies**, to the satisfaction of the municipality and/or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified. (Policy 3.16.8b)

All proposed development adjacent to railways **shall ensure that appropriate safety measures such as setbacks, berms and security fencing** are provided to the satisfaction of the municipality and the Region, in consultation with the appropriate railway. (Policy 3.16.8c)

Height and/or Density Incentives

The Zoning By-law may authorize **increases in the height and density of residential development** above that permitted in the Zoning By-law in return for the provision of rental housing. (Policy 11.1.3a)iii)

No residential development will be granted for a bonus density greater than 20 percent above the maximum density provided in the parent Zoning By-law; or for a bonus height greater than three (3) storeys above the maximum density provided in the parent Zoning By-law. (Policy 11.1.3a)iii)

Exemptions from Parkland Dedication

The City may provide for **exemptions to the required parkland dedication** if:

- Privately-owned open space is made available through a co-operative use agreement and which would fill a leisure need identified by and to the satisfaction of the City;
- The developer is a not-for-profit corporation or charitable organization as defined by Revenue Canada; or
- Special features are being preserved in which the City has an interest. (Policy 11.5.2a to c)

THE ZONING BY-LAW

The Subject Properties is **zoned “Institutional - I” and “Residential Fourth Density R4” START HERE** which permits, among other uses, a Public Apartment Building; a Place of Assembly / Banquet Hall; and accessory uses, structures and buildings. The R4 Zone permits, among other residential uses, Apartment Buildings; Apartment Buildings, Public; and uses, structures and buildings accessory thereto and the CD Zone permits, among other uses, Apartment Buildings; Apartment Buildings, Public; Offices; and uses, structures and buildings accessory thereto.

The Zoning By-law provides the following definitions:

Apartment Building: means a building divided vertically and horizontally, or horizontally into five or more dwelling units each with its own entrance either separately or from a common vestibule, stairway or hallway.

Apartment Building, Public: means a building divided vertically and horizontally, or horizontally into five or more dwelling units each with its own entrance either separately or from a common vestibule, stairway or hallway, that has been erected, owned and / or is maintained by a public agency or non-profit charitable organization.

Table A4.1: ZONING CHART

Table A4.1: ZONING CHART			
PROVISION / USE	I ZONE REQUIREMENT	R4 ZONE REQUIRMENT	PROVIDED/PROVIDED
Uses			
Apartment Building	-	Permitted	Apartment Building and Place of Assembly / Banquet Hall
Public Apartment Building	Permitted	Permitted	
Place of Assembly / Banquet Hall	Permitted	-	
Zone Requirements			
Min Lot Frontage	18m	18m	50m
Min Front Yard	9m	9m	4.9m existing
Min Interior Side Yard	3m	n/a	1.5m existing
Min Corner Side Yard	7.5m	7.5m	1.5m existing
Min Rear Yard	6m	6m	1.8m existing
Max Lot Coverage	40%	40%	50% existing
Maximum Height	20m	20m	existing
Min Landscape Area	25%	25%	25%
Min Floor Area / Unit	50sqm	50sqm	38sqm

Parking Standards			
Apartment Building	1.5 spaces/unit 30	1.5 spaces/unit 30	24
Place of Assembly / Banquet Hall*	Min 1 space/20sqm gfa 14 spaces	Min 1 space/20sqm gfa 14 spaces	
Abutting a Public Road	3m	3m	0m
Abutting a Residential Zone	3m	3m	1.2m existing
Required Bicycle Parking			
Residential Buildings with 10 or more dwelling units	6 Spaces plus 1 for every additional 10 dwelling units above 20 8	6 Spaces plus 1 for every additional 10 dwelling units above 20 8	7
Place of Assembly / Banquet Hall	1 space per 1000 square metres gross floor area 1	1 space per 1000 square metres gross floor area 1	

- No building for the purpose of human habitation shall be constructed any closer than 15m to any functioning railway right-of-way. (1.7m requested – existing setback)
- No open storage of refuse shall be permitted anywhere within the zoned area except:
 - Where refuse is to be collected within an 18 hour period after such refuse has been placed in an outdoor location;
 - Where the area used for the open storage of refuse or a refuse container is enclosed by a wall or an opaque fence not less than 1.8m in height; or
 - In any Residential Zone, where such refuse is contained completely within a structure or in a receptacle specifically intended for such purpose and having walls or sides and door or lid.
- A parking space, bicycle parking space, or parking area is permitted within any yard but is not permitted within a required landscape buffer, a landscape open space area or a sight triangle.
- Required parking spaces shall have adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas, or similar area . . . no part of this access is to be used for the temporary parking or storage of any motor vehicle.
- Driveways shall have a minimum unobstructed width of 7.5m where two-way traffic is permitted and 3m where only one-way direction of traffic flow is permitted.

- In the case of expansion of a building or structure that legally does not meet the parking requirements, the parking standards related to the expansion must be adhered to, but the parking deficiency of the original building or structure does not have to be corrected and can remain legally.

ANNEX 5

DETAILED RELEVANT POLICY & DESIGN REVIEW

Good planning practice directs:

- That the plan and its policies are not written in stone.
Policies such as those of the PPS, ROP, and PCOP reviewed here, are to be used to try to reach a goal. They are not a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies of a plan may not be and, based on good planning practice, don't have to be satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.
- Consideration of all of the relevant policies.
As an example, only reviewing and evaluating the implications of the PPS's Agriculture policies does not provide a full planning analysis of a proposal. The PPS policies on: Settlement Areas, Rural Areas, Employment, and Long Term Economic Prosperity must also be considered. While the Agriculture policies may be most relevant, the others cannot be ignored. All of the policies together must be considered in any recommendation.

POLICY AND DESIGN REVIEW

Municipal Servicing

A municipal servicing study was not required and a stormwater management plan was not required for quantity control given the existing development and small size of the Subject Properties.

Reduced Parking

Senior Housing Trip Generation And Parking Demand Characteristics, by Stephen B. Corcoran, P.E. (M) a, presented at the Institute of Transportation Engineers 66th Annual Meeting, concluded the peak parking demand at most senior facilities occurs midday with an average peak demand of 0.40 vehicles per dwelling unit for residents, employees, and visitors. Mother's Day is the highest parking day of the year with many facilities short of spaces for that one day.

Review of Parking Standards Contained Within The City Of Vaughan's Comprehensive Zoning Bylaw, by IBI Group, March, 2010, stated seniors-oriented housing typically generates a lower parking demand per unit due to the smaller family sizes and a lower vehicle ownership rate. Studies from Toronto and California have shown that the average auto ownership for such dwellings is about 30% of the average for typical condominiums. A detailed study of parking rates for seniors housing facilities in a Lower Mainland Community (British Columbia) also found substantially lower parking allocation by dwelling unit, with decreasing parking demand based on the level of care provided.

The Review recommended proposed senior citizens dwelling parking standards are presented in Exhibit 4-4 [reproduced below as *Table A5.1: Proposed Senior Citizens Dwelling Parking Standards*. Key elements of the proposed standards include:

- Three categories are proposed for senior citizens dwellings including independent, supportive, and nursing home. This allows the lower parking demand at supportive residences to be incorporated into the parking standards.
- As for multi-unit residential developments, proposed standards for independent senior citizens dwellings are specified by the size of the unit (i.e., the number of bedrooms) to make minimum requirements more reflective of actual demand.
- The proposed minimum parking requirements for independent senior citizens dwellings are reduced from existing requirements to reflect current planning goals and building practices in Vaughan. Minimum requirements are set approximately 30 percent below proposed multi-unit requirements reflecting the commonly observed differences in auto ownership. Similarly, the proposed visitor parking requirement is reduced to 0.2 spaces per unit. For high-order transit hubs the recommended visitor parking requirement is 0.15 spaces per unit, reflecting the high level of transit service in these areas. Further reductions are allowed based on good transit access, shuttle service, and unbundling of tenant parking from the price of a unit.
- Reflecting existing and/or proposed mix of residential and commercial/service uses and improved transit service in High-Order Transit Hubs, Local Centres, and Primary Centres/Primary Intensification Areas, minimum requirements are reduced in these areas.
- No maximum parking limits are proposed. This reflects that some seniors may have difficulty using transit, walking, or cycling due to physical mobility constraints.

This review of relevant literature indicates that a parking standard of between 0.4 to 0.7 spaces per unit for a seniors assisted living house use is adequate.

Planning Staff noted for a commercial to residential intensification project compromises are sometimes required as a result of adaptive reuse proposals for rental housing. It is not uncommon for municipalities to allow a reduction in parking requirements for smaller-scale rental housing developments. It is important to note that reasonable rental prices can be achieved by offering a number of options for renters. For example, some renters may not require a parking space which could be reflective on the overall unit price. As the Owner has acquired a nearby property for additional parking spaces, parking concerns have been addressed adequately. Greater importance should be placed upon the number of rental units entering the market than the number of parking spaces provided on site, some of which may not even be used.

Reduced Unit Size

Planning Staff noted for a commercial to residential intensification project that eliminating the minimum unit size from the Zoning By-law is something municipalities across Ontario have begun to do in order to proactively support diverse styles of housing, providing

choice in size and price to the rental market. The Ontario Building Code sets out requirements for minimum living area and room sizes that the building will still have to comply with. In the event that the requirements cannot be met, a reduction in the number of units may be necessary.

Train Noise & Vibration

The Guidelines for New Development in Proximity to Railway Operations prepared for The Railway Association of Canada and the Federation of Canadian Municipalities, dated May 2013 states areas in proximity to railway operations are challenging settings for new development, and in particular, for residential development. It is often difficult to reconcile the expectation and concerns of residents with railway operations. For this reason, developments must be carefully planned so as not to unduly expose residents to railway activities as well as not to interfere with the continued operation of the corridor itself, or the potential for future expansion, as railways play an important economic role in society that must be safeguarded.

This report strongly recommends that municipalities should take a proactive approach to identifying and planning for potential conflicts between rail operations and new developments in proximity to railway corridors. Prior to the receipt of an application for a specific project, the municipality should have already have identified key sites for potential redevelopment, conversion, or future rail crossings, and will have generated site-specific policies to manage such future change. To further assist municipalities and other stakeholders, this report provides a comprehensive set of guidelines for use when developing on lands in proximity to railway operations. The intent of the guidelines is to:

- promote awareness around the issues (noise, vibration, safety) and mitigation measures associated with development near railway operations, particularly those associated with residential development;
- promote greater consistency in the application of relevant standards across the country;
- establish an effective approvals process for new residential development, infill, and conversions from industrial/commercial uses that allows municipal planners to effectively evaluate such proposals with an eye to ensuring that appropriate sound, vibration, and safety mitigation is secured; and
- enhance the quality of living environments in close proximity to railway operations.

Table A5.1
PROPOSED SENIOR CITIZENS DWELLING PARKING STANDARDS

Land Use	Description	Existing Standard	Proposed Standards						
			Base	High-order Transit Hubs		Local Centres		Primary Centres and Primary Intensification Corridors	
			Min	Min	Max	Min	Max	Min	Max
Senior Citizens Dwelling - Independent	Bachelor/1 bedroom	1 per unit	0.6	0.45	-	0.5	-	0.5	-
	2 Bedrooms		0.8	0.6	-	0.7	-	0.7	-
	3+ Bedrooms		0.95	0.4	-	0.45	-	0.45	-
Senior Citizens Dwelling - Supportive		1 per unit	0.5	0.4	-	0.45	-	0.45	-
Senior Citizens Nursing Home		0.5/bed	0.25/bed	0.25/bed	-	0.25/bed	-	0.25/bed	-
Visitor*	Applies to all SC dwelling types		0.2	0.15	-	0.2	-	0.2	-

*Applied per bed in the case of nursing homes.

The report builds on the 2004 FCM/RAC Proximity Guidelines and is intended for use by municipalities and provincial governments, municipal staff, railways, developers, and property owners when new developments in proximity to railway operations are proposed. Information has been assembled through a comprehensive literature/best practices review from national and international sources as well as a consultation process involving planners, architects, developers, and other professionals from across Canada, the USA, and Australia, as well as members of RAC and FCM.

In addition to the detailed guidelines, the report offers a set of implementation tools and recommendations that are meant to establish a clear framework for the dissemination, promotion, and adoption of the guidelines; as well as suggested improvements to the development approval process. A key recommendation is for a new development assessment tool, called a Development Viability Assessment, which will allow municipal planners to better evaluate proposals for residential development in areas where standard mitigation cannot be accommodated due to site constraints.

In a communication from Aaron White, General Manager of Railway Administration / GIO RMS for Trillium Railway, dated 2019-09-14 advised Trillium, as a CN short line licensee, requires what CN would require for the particular classification of track.

This Subject Properties is located adjacent to Trillium's Government Spur. All track within Port Colborne city limits is actually owned by the City and Trillium operate it on behalf of CN.

Trillium classifies this section of track as a "Spur Line" per the CN definition - Spur Line means unscheduled traffic on a demand basis, low speeds, limited to 24kph (15 mph), and trains generally of light to moderate weight with 1 locomotive per train.

"Spur Line" requirements for development include:

- Safety setback of dwellings from the railway rights-of-way to be a minimum of 15 metres.
- The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the

design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

- Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- The Owner may be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the Subject Properties in favour of CN.

Normal operation on this line has two train movements a day, one southward and one northward at less than 10 miles per hour. It is somewhat busier in the winter months due to ADM switching to rail from vessels while the Canal is closed. That’s not to say that traffic will not increase, but even if it does, the track will still remain classified as a “Spur Line”.

Trillium advises, the Region and City have more stringent requirements for vibration and noise, which don’t take into consideration the volume of rail traffic operating on the line. At this classification, Trillium doesn’t require it, but know from experience that new residents next to rail operations will complain to the municipalities about noise coming from the railway, even when warned ahead of time. There are residences along both sides of this rail corridor, and Trillium is not aware of ever receiving a formal noise complaint. There is an anti-whistling policy in place in Port Colborne, and sounding the horn in a residential area is typically what generates the most complaints to Trillium.

A previous impact assessment under the same conditions (OZA Inspections Ltd., letter report to MacDonald Zuberec Ensslen Architects Inc., re Proposed Bank Site, 184 Clarence Street, Port Colborne, dated 2002-11-12 in [Annex 7](#), states the slow speed of the trains is favourable to low ground vibration levels in the vertical plane, even at close proximity. Trillium’s main concern is negative vibration impact on the proposed structure. The limits established to minimize disturbance to humans should be considered ultra conservative relative to structural integrity. No specific building component specification is required to mitigate vibration levels. OZA concluded train vibration levels are within the criteria specified.

The OZA letter requirements were based on CN North America Principal Main Line Requirements compared to the CN Spur Line Requirements provided by Trillium in [Annex 8, CN SPUR LINE REQUIREMENTS](#).

Exterior Insulation and Finish System (EIFS) insulation wall construction and triple pane windows on the west side will mitigate the sound that may be produced by the rail line.

EVALUATION SUMMARY & COMMENTS

There are a many positive aspects of the proposal. It is an intensified residential use within the existing mixed use area providing a range of housing alternatives in downtown Port Colborne on the Elm and Charlotte Streets primary transportation corridors. It is compact development efficiently utilizing urban land, existing services, and municipal infrastructure. The location provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.

The proposal is a high quality, compact, orderly, built form that will help the City meet intensification targets. The building design places windows to overlook pedestrian routes and parking areas encouraging “eyes on the street” and maintains pedestrian access to the nearby park maintaining connectivity. The building has a strong relationship to both Elm and Charlotte Streets. The primary building entrances clearly address the streets. Handicapped parking spaces are located near the main entrance. Through the development of an apartment building in this location:

- Housing variety is achieved on the street and block;
- A range of housing types is provided to promoting variety and diversity;
- Residential density is increased promoting transit; and
- Residential uses are located near a park and trail system.

A review of relevant literature indicates that a parking standard of between 0.95 parking spaces per unit for a seniors use is adequate.

ANNEX 6

PRE-CONSULTATION AGREEMENT



Pre-Consultation Agreement

City of Port Colborne Department of Planning and Development
Niagara Region Development Services
Niagara Peninsula Conservation Authority

Persons intending to make an application for a proposed development are required to consult with planning City staff and Agency staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-Consultation Meeting Date: November 22nd

Local Municipal Contact: Evan Acs

Phone: 905-835-2901 ext 202

Email: planner@portcolborne.ca

Site Address: 176 Elm Street

Roll Number: 27 11 010 021 062 00

Land Area 33, 106 sq ft

Owner Contact Information:

Owner Name: _____

Phone Number: _____ **Email:** _____

Agent Contact Information:

Agent Name: Michael Smith

Phone Number: 905-650-4741 **Email:** michaels@royalpage.ca

Principal Contact: ☐ Owner ☒ Agent

Application Type:

- | | |
|---|---|
| <input type="checkbox"/> Regional Official Plan Amendment | <input type="checkbox"/> Consent (Land Severance) |
| <input type="checkbox"/> Local Official Plan Amendment | <input checked="" type="checkbox"/> Zoning By-law Amendment |
| <input type="checkbox"/> Draft Plan of Subdivision | <input checked="" type="checkbox"/> Site Plan Control |
| <input type="checkbox"/> Draft Plan of Condominium | <input type="checkbox"/> Other |
| <input type="radio"/> Vacant Land & Common Element | |
| <input type="radio"/> Conversion | |
| <input type="radio"/> Other | |

1. Brief description of proposed development:
Convert old church building into ?? unit apartment building.
2. Existing Regional Official Plan Designation: Built-up area
Conformity with Regional Official Plan land use designations and policies?
☐ Yes ☐ No ☐ Unknown
If 'No', what is the nature of the amendment needed?

3. Check All Applicable:
☐ Brownfield ☐ Greenfield ☐ Built-up ☐ Local CIP Area
4. Development Charges:
☐ Regional By-law 62-2012 ☐ Local By-law 6131/97/14
5. Existing Local Official Plan Designation: Urban Residential
Conformity with Official Plan land use designations and policies?
☒ Yes ☐ No ☐ Unknown
If 'No', what is the nature of the amendment needed?

6. Existing Zoning: Institutional
Conformity with existing zoning?
☐ Yes ☒ No ☐ Unknown
If 'No', what is the proposed zoning:
Rezoning to R4, special provisions may be required.
7. Is property located in Intake Protection Zone?
☐ No ☐ IPZ 1 ☒ IPZ 2
8. Is Property recognized under Ontario Heritage Act?
☒ No ☐ Registry ☐ Designated

Page 2

9. Is Site Plan approval required?

☒ Yes ☐ No

10. Fees Required at time of Submission of the Application

Application	City of Port Colborne	Niagara Region	Niagara Peninsula Conservation Authority	Other Fees
Regional Official Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment				
Plan of Subdivision				
Plan of Condominium				
Consent				
Site Plan Agreement				
Zoning by-law and Site Plan Control	\$5,500	\$1,250		
TOTAL				

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

11. Additional Agencies to be contacted:

☐ Hydro

☐ Enbridge/Pipelines

☐ Ministry of Environment

☐ CN/Trillium Rail

☐ Seaway

☐ Ministry of Transportation

☐ Niagara Peninsula Conservation Authority

☐ Other

12. Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Electronic Digital	Paper	
			Planning Justification Report			
			Conceptual Site Plan, Subdivision Plan			
			Draft Regional Official Plan Amendment			
			Draft Local Official Plan Amendment			
			Land Use/Market Needs*			
			Urban Design/Landscape Plans			
			Archaeology Assessment			
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Tree Inventory Preservation Plan			
			Floodplain and Hazard Lands Boundary Plan			
			Geotechnical			
X	X		Environmental Site Assessment – Phase I and II			
			Air Quality/Noise & Vibration Study*			
			Agricultural Impact Assessment			
			Farm Operation and Ownership			
			Minimum Distance Separation I & II			
			Mineral Aggregate Resources			
			Municipal Servicing Study			
			Phasing Plan			
			Sensitive Land Use Report			
			Slope Stability Report			
			Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Hydrogeological Study and Private Servicing Plans*			
			Soil report			
			Financial Impact Assessment*			
			Shadow Analysis			
			Shoreline Study/Dynamic Beach			
			Risk Management Study			
			Gas Well Study/Gas Migration Study			
			Wind Study*			
			Other*			

13. Additional Comments:

Zoning by-law amendment required for private multi-unit residential. Staff will work with applicant to identify any required special provisions to recognize conversion of existing building into residential use.

Site plan control required. Please refer to site plan control handbook for requirements.

Preferred parking solution is for lot in court yard. Parking must meet parking requirements from zoning by-law in terms of sizing. Zoning by-law amendment can reduce the number of required parking spots from 1.5 per apartment unit.

14. Site Visit:

15. Incentive Programs:

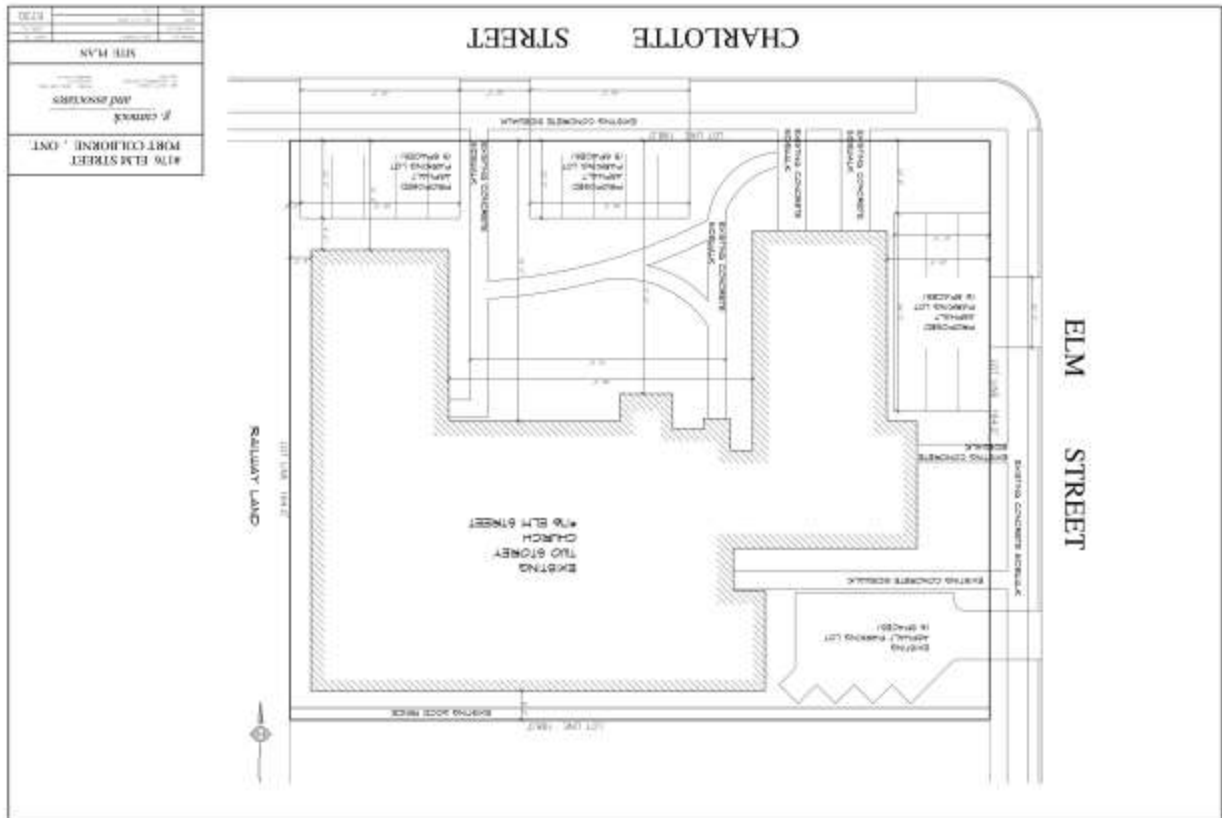
Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the preconsultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.
4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.

6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.

Signatures:

<u>EVAN ACS</u> Planning Staff	<u>Evan ACS</u> (signature)	<u>November 22/2018</u> Date
<u>HEATHER MAHON</u> Planning Staff	<u>H. Mahon</u> (signature)	<u>Nov 22/18</u> Date
_____ Building Staff	_____ (signature)	_____ Date
<u>Alana VanderVeen</u> Engineering Staff	<u>Alana VanderVeen</u> (signature)	<u>Nov 22, 2018</u> Date
<u>Brian Kostuk</u> Engineering Staff	<u>B. Kostuk</u> (signature)	<u>Nov. 22, 2018</u> Date
_____ Regional Staff	_____ (signature)	_____ Date
_____ NPCA Staff	_____ (signature)	_____ Date
_____ Fire Staff	_____ (signature)	_____ Date
_____ Canadian Niagara Power	_____ (signature)	_____ Date
<u>Glen Curnock</u> Agent	<u>G. Curnock</u> (signature)	<u>Nov. 22/2018</u> Date
<u>MICHAEL SMITH</u> Owner	<u>M. Smith</u> (signature)	<u>Nov 22/18</u> Date
_____ Owner	_____ (signature)	_____ Date





Re: Port Colborne PreCon Agenda (Nov 22) 
Brian Kostuk to: Evan Acs

11/22/2018 11:26 AM

Hi Evan,

I spoke with Darlene about 46-52-60 Adelaide Street. She said according to the bylaw the three separate water services can remain as-is.

Also, she informed me that 176 Elm Street currently has a 1-1/2 inch water line with a 1 inch meter.

Thanks,

Brian Kostuk, C.Tech.
Design Technologist

City of Port Colborne
1 Killaly Street West
Port Colborne, Ontario L3K 6H1
Telephone: 905-835-2901, Ext. 222
Mobile: 905-380-8403
Fax: 905-835-6800
Email: briankostuk@portcolborne.ca

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying, or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax, or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

Evan Acs

Greetings, Find attached the agenda for the No...

11/16/2018 04:22:19 PM

From: Evan Acs/Port_Notes
To: adele.labbe@niagararegion.ca, Aimee.Alderman@niagararegion.ca, Alana Vander Veen/Port_Notes@Port_Notes, Amy Dayboll/Port_Notes@Port_Notes, Brian Kostuk/Port_Notes@Port_Notes, craig.stratychuk@bell.ca, clampman@npca.ca, developmentreview@Port_Notes, Dan Aquilina/Port_Notes@Port_Notes, ddeluce@npca.ca, EDO, Evan Acs/Port_Notes@Port_Notes, Heather Mahon/Port_Notes@Port_Notes, jeff.hoover@cnpower.com, Robert.Alguire@niagararegion.ca, steven.miller@niagararegion.ca, Scott Lawson/Port_Notes@Port_Notes, Sherry Hanson/Port_Notes@Port_Notes, Steven.Chappell@bell.ca, Steve Shypowskyj/Port_Notes@Port_Notes, susan.dunsmore@niagararegion.ca, Todd Rogers/Port_Notes@Port_Notes
Date: 11/16/18 04:22 PM
Subject: Port Colborne PreCon Agenda (Nov 22)

Greetings,

Find attached the agenda for the November 22nd preconsultation meeting in Port Colborne.

Evan Acs, MA, MSc
Planner
Planning & Development Department

City of Port Colborne
66 Charlotte Street

ANNEX 7

OZA INSPECTIONS LTD., LETTER REPORT TO MACDONALD ZUBEREC
ENSSLEN ARCHITECTS INC., RE PROPOSED BANK SITE, 184 CLARENCE
STREET, PORT COLBORNE, DATED 2002-11-12

OZA Inspections Ltd.

A Division of the OZA Group

P.O. Box 271
Grimsby, ON L3M 4G5
Toll Free 1-800-667-8263
Tel (905) 945-5471
Fax (905) 945-3942
email oza@ozagroup.com
www.ozagroup.com

November 12, 2002

MacDonald Zuberec Ensslen Architects Inc.
39 Queen Street
St. Catharines, ON
L2R 5G6

ATTN: Michael Zuberec
RE: Train Vibration Impact Study
Proposed Bank Site
148 Clarence Street, Port Colborne, ON
Our File No.: 10373

1.0 INTRODUCTION

At the request of MacDonald Zuberec Ensslen Architects Inc, OZA Inspections Ltd. has completed an impact assessment of ground borne vibration from rail traffic relative to the above captioned project. Evaluation of train vibration levels is a condition implied by the City of Port Colborne, necessary for building permit approval. This requirement is imposed to satisfy Trillium Railway Company Limited (hereafter referred to as Trillium) standards for developments in close proximity to their facilities.

This study will determine and assess vibration impact from the Trillium line and, if necessary, recommend mitigation measures for compliance with standards.

2.0 SITE DESCRIPTION

The proposed development is located on the south side of Clarence Street in the downtown area of the City of Port Colborne. Trillium right of way borders the

Page 1 of 4

Nov. 14. 2002 1:16PM

MACDONALD ZUBEREC ENSSLEN ARCH

No. 9859 P. 2/8

proposed site to the west, and consists of one track, classified as a government spur for access to the ADM grain elevators in the Port Colborne harbor. Site plan is attached as Figure 1. Commercial use borders Trillium to the west of the line, with a combination of commercial and residential use north and south. The track elevation is consistent with the surrounding area.

A one storey, 4,300 square foot bank structure is planned for the property. See the attached site plan, Figure 1, for reference. The structure proposed measures 10 metres to the center-line of the Trillium track at the closest point. The proposed site use is not considered a sensitive land use, as defined by the Ministry of the Environment(MOE).

3.0 RAIL VIBRATION ASSESSMENT

3.1 CRITERIA

The MOE proposes train vibration limits within the threshold of human perception for residential or other "sensitive" land uses. The Canadian National Railway and Canadian Pacific Railway specify the same criteria, with a limit set at 0.14 mm/s RMS velocity, at frequencies between 4 hz and 200 hz. A copy of the CN specification is attached in Appendix A. CN considers an RMS velocity of 0.2 mm/s to be a significant problem. Trillium has accepted these guidelines in previous assessment.

3.2 PROCEDURE

There is no accepted prediction method for rail vibration, therefore on site testing is required to determine actual ground borne vibration levels. Measurements were carried out utilizing OZA model GPS-3 seismograph instrumentation (s/n 6111), capable of measuring and recording velocity in the specified frequency range. The seismograph was calibrated December 24, 2002, and in accordance with manufacturer specification. Measurement of a minimum of 5 train pass-by's, including all types of train traffic, is recommended. The measurement location was set along the line of the closest proposed section of the building relative to the rail line. The sensors were secured to the ground via spiking, with the sod removed.

Page 2 of 4

8/3/8 P. 3/8

MACDONALD ZUBEREC ENSSLEN ARCH

NOV 14 2007 11:10AM

3.3 TRAIN TRAFFIC

Rail traffic data was provided by Trillium verbally, summarized as follows: Maximum activity consists of one train travelling northerly into the ADM grain elevator, and returning southward on a daily basis. Train size ranges between 12 and 15 cars with 1 locomotive, moving slowly at an approximate speed of 5 mph. This data was consistent with observation made during the study period.

3.4 MEASUREMENT RESULTS

Vibration levels from six freight trains, travelling in both the north and south directions, with hoppers empty and under load, were measured. The RMS velocities of the vertical axis have been calculated in accordance with CN standards. The measurement results are summarized in Table 1. The RMS velocity was calculated using an averaging time constant of 1 second. An actual vibration time history report for a passenger train pass-by is attached in Appendix B.

TABLE 1 - VIBRATION SUMMARY:

Date	Time	No. Engines	No. Cars	Dir.	RMS Velocity (mm/s)
November 6, 2002	13:33	1	16	North	0.025
	13:54	1	15	South	0.060
November 7, 2002	13:30	1	15	North	0.023
	13:51	1	9	South	0.030
November 11, 2002	14:42	1	16	North	0.026
November 12, 2002	07:53	1	9	South	0.049

3.5 ASSESSMENT OF COMPLIANCE

The maximum RMS value for the study period, measured in the vertical direction was 0.06 mm/s. This level is well within the specified criteria of 0.14 mm/s for residential development, and therefore is more than acceptable for the planned land use.

3.6 DISCUSSION OF RESULTS

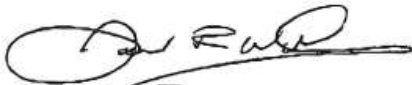
The slow speed of the trains is favorable to low ground vibration levels in the vertical plane, even at close proximity. Trillium's main concern is negative vibration impact on the proposed structure. The limits established to minimize disturbance to humans should be considered ultra conservative relative to structural integrity. No specific building component specification is required to mitigate vibration levels.

4.0 CONCLUSION

OZA Inspections Ltd. has conducted a detailed train vibration impact assessment for the proposed new bank building at 148 Clarence Street in the town of Port Colborne, Ontario. Based on measurements recorded throughout the study period, train vibration levels are within the criteria specified.

Respectfully submitted,

OZA Inspections Ltd.



David Williams
Senior Technician

Reviewed by,



David W. Seberras, P.Eng

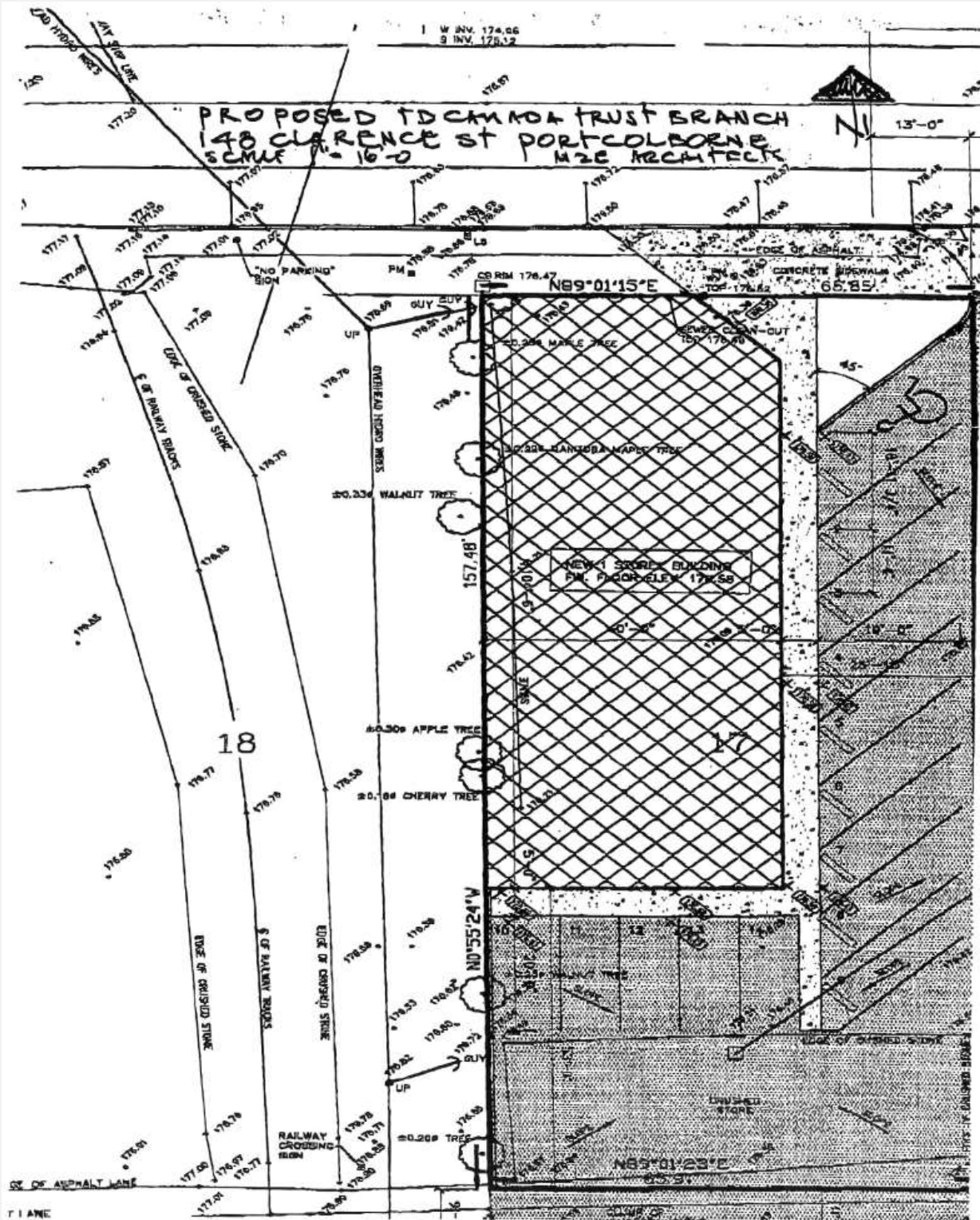


FIGURE 1

No. 9859 P. 6/8

MACDONALD ZUBEREC ENSLEEN ARCH

Nov. 14, 2002 1:17PM

APPENDIX A



PRINCIPAL MAIN LINE REQUIREMENTS

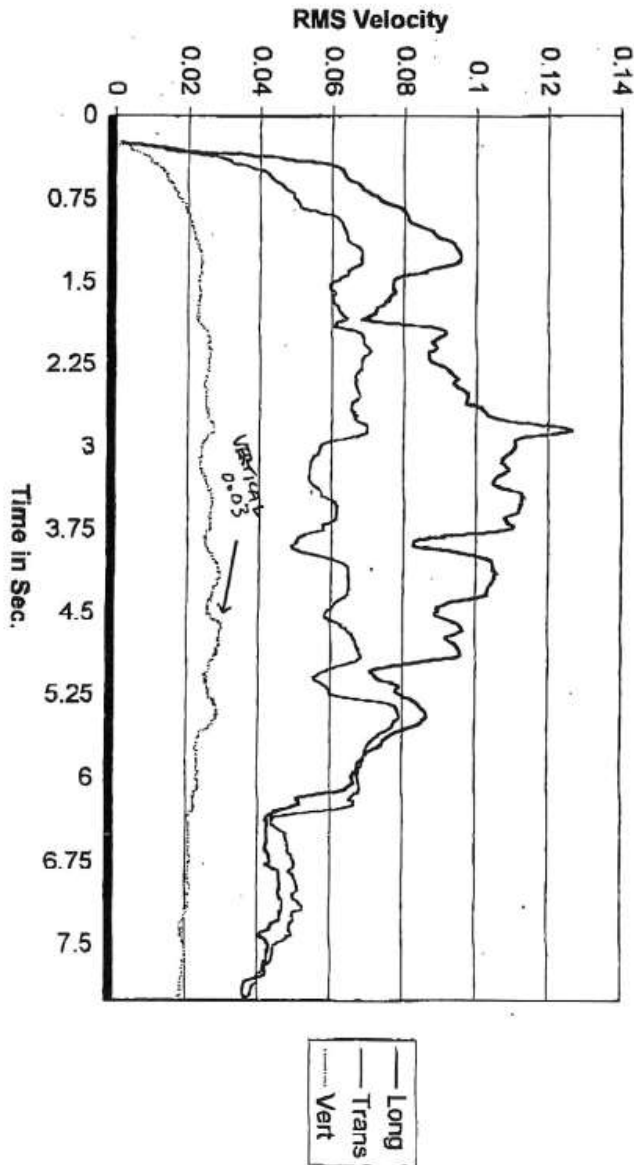
- A. Safety setback of dwellings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
- B. Noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. The Railway may consider other measures recommended by an approved Noise Consultant satisfactory to the Railway.
- * C. Ground-borne vibration transmission to be estimated through site testing and evaluation to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- D. The Owner shall install and maintain at his own expense a chain link fence of minimum 1.83 metre height along the mutual property line.
- E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN North America.
- H. The Owner enter into an Agreement stipulating how CN North America's concerns will be resolved and will pay CN North America's reasonable costs in preparing and negotiating the agreement.

8/7 P. 9859 No.

MACDONALD ZUBEREC ENSSLEN ARCH

Nov. 14. 2002 1:18PM

APPENDIX B



Data Summary

Unit SN.	Event Time	RMS Period	RMS Max	Units of Measure
6111	Nov 07/2002 1:51:33 PM	1.00 Seconds	0.1263	MM/PS

ANNEX 8

CN SPUR LINE REQUIREMENTS



Railway Properties
1 Administration Rd
Concord, ON L4K 1B9

Telephone: 905-760-5007
Fax: 905-760-5010

SPUR LINE REQUIREMENTS

- A. Safety setback of dwellings from the railway rights-of-way to be a minimum of 15 metres.
- B. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- C. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- D. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- E. The Owner may be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

March 2002

ANNEX 9

DESIGNATED SUBSTANCE SURVEY, PHASE I ENVIRONMENTAL SITE
ASSESSMENT, AND PHASE II ENVIRONMENTAL SITE ASSESSMENT

PROVIDED UNDER A SEPARATE COVER

ANNEX 10

DRAFT ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND THE CITY OF PORT COLBORNE ZONING BY-LAW

WHEREAS the Council of the Corporation of the City of Port Colborne adopted By-law

AND WHEREAS the Council of the Corporation of the City of Port Colborne deems it expedient to amend said Zoning By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. That the City of Port Colborne Zoning By-law is hereby amended.
2. That Schedule 'B' to the City of Port Colborne Zoning By-law, as amended, is hereby further amended as shown on Schedule 'A' attached hereto and forming part of this By-law.
3. Notwithstanding the provisions of the Fourth Density Residential (R4) Zone, the following regulation shall apply:
 - a) Minimum Front Yard 4.5 metres
 - b) Minimum Interior Side Yard 1.5 metres
 - c) Minimum Corner Yard 1.5 metres
 - d) Minimum Rear Yard 1.5 metres
 - e) Maximum Lot Coverage 25 %
 - f) Maximum Height As existing
 - g) Max Gross Floor Area 1450 square metres
 - h) Minimum Landscape Area 25 %
 - i) Minimum Floor Area / Unit 35 square metres
 - j) Minimum Number of Parking Spaces 23 spaces
 - k) Landscape Buffer Between the Edge of any Parking Area Abutting a Public Road 0 metres
 - a. Landscape Buffer Between the Edge of any Parking Area Abutting a Residential Zone 1.5 metres

- b. Minimum Setback of a Building for the Purpose of Human Habitation to a Functioning Railway Right-of-way 1.5 metres

READ A FIRST, SECOND AND THIRD TIME AND PASSED \ BY COUNCIL THIS
_____ DAY OF _____, 2020.

_____ MAYOR

_____ CLERK

**City of Port Colborne
Special Council Meeting 35-20 – Public Hearing
Minutes**

Date: December 14, 2020

Time: 6:30p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)

Staff Present: D. Aquilina, Director of Planning & Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk
C. Roome, Planning Technician (via Zoom)
D. Schulz, Planner (via Zoom)

Also in attendance was one member of WeeStreem.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. Moved by Councillor Bagu
Seconded by Councillor Bodner

That the agenda dated December 14, 2020 be confirmed, as circulated or as amended.
CARRIED.

3. Disclosures of Interest:

Nil.

4. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-186, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 168 and 176 Elm Street, File D14-02-20

(i) Purpose of Meeting:

David Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to present a proposed Zoning By-law Amendment and comments from circulated agencies and the public.

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City's Website through the regular Council Agenda.

As of the date of this meeting, staff has received the following correspondence from members of the public:

Jennifer Brooks – 115 Kent Street

- Would like to be notified of any decisions related to this application.
- Concerns related to parking and greenspace for the apartment building.

Patricia and Julius Premi – 171 Alexandra Street, Port Colborne

- In favour of the proposed Zoning By-law Amendment
The following agency has provided comment.

Regional Municipality of Niagara:**Conclusion**

In conclusion, the proposal is consistent with the PPS and conforms to Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective.

Planning Staff will include the Region's comment in full in their recommendation

Report.

(iii) Explanation of Procedure to be Followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-186 and read any correspondence received from circulated agencies and the public.

(iv) Presentation of Application for Zoning By-law Amendment:

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning from I – Institutional to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business while recognizing the existing location of the building, and allowing for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion from an institutional building into a 22-unit apartment building with a hall and office space on the property.

(v) Comments of Applicant:

Steven Rivers provided comments about the application. Mr. Rivers spoke to the under-utilized nature of the existing use, the studies that have been completed and the phases of development.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councilor Danch asked what the timeline of the phases would be. Mr. Rivers responded that phase one would likely start in the beginning of the new year with phase two starting near the end of 2021.

Councilor Beauregard questioned how much parking would be provided. Mr. Schulz responded that there would be 23 available spaces. Councillor Beauregard then questioned if that will be enough with the hall at capacity. Mr. Rivers responded that the hall would be demolished as a part of phase Three.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.

(ix) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 6:50 p.m.

5. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-187, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 599 Main Street West, File D14-06-20

(i) Purpose of Meeting:

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City's Website through the regular Council Agenda.

As of the date of this meeting, staff has received the following correspondence from members of the public:

Lisa St. Amand -

- Would like to be notified of any decisions related to this application.
- Would like to reserve the right to appeal any future decision if necessary.

- Requests that ongoing proceedings between the property owner at 599 Main St W and adjacent landowners and businesses be addressed prior to any further excavation.
- Requests that a stop work on heavy excavation equipment be included.

The following agency has provided comment.

Regional Municipality of Niagara:

There are no Provincial or Regional interests with the Zoning By-law Amendment.

(iii) Explanation of Procedure to be followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-187 and read any correspondence received from circulated agencies and the public.

(iv) Presentation of Application for Zoning By-law Amendment:

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning on a portion of the property (Phase 2 on the approved site plan, Part 3 on the consent application survey sketch) from Highway Commercial (HC) to HC-57, a special provision of the Highway Commercial (HC) zone that recognizes the lot frontage and front yard requirements of the Zoning By-law to satisfy a condition of a consent application under application B07-20-PC.

(v) Comments of Applicant:

Mr. Rivers spoke about the technical nature of this application and that as a result of the stormwater management requirements, Phase 2 was left with no frontage.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councillor Wells questioned if the Northern edge of the property allowed enough space for emergency vehicles. Mr. Schulz responded that those dimensions had already been reviewed and approved during Phase 1.

Councillor Bagu questioned if the construction of services or excavation would damage the neighboring properties on Merritt Parkway. Mr. Schulz responded that the services were already in place. Mr. Rivers added that the construction would be slab on grade.

Councillor Danch questioned if there would be any hoe ramming and if that process my damage neighboring properties. Mr. Rivers responded that there may be some, but not a lot and that neighbors have the chance of legal recourse through the courts if damage occurs.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.

(x) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjourn

Mayor Steele adjourned this Public Hearing at approximately 7:10 p.m.

6. Adjournment:

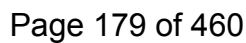
No. Moved by Councillor
Seconded by Councillor

That the Council meeting be adjourned at approximately 7:10 p.m.
CARRIED.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.



**Subject: Recommendation Report for Zoning By-law Amendment
D14-06-20, 599 Main Street West**

To: Council

From: Planning and Development Department

Report Number: 2021-13

Meeting Date: January 11, 2021

Recommendation:

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Department Report 2021-13 be approved; and

That Planning and Development staff be directed to prepare and circulate the Notice of Passing in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a Zoning By-law Amendment application by Steven Rivers on behalf of 2493207 Ontario Inc. for the property municipally known as 599 Main Street West.

Background:

The application for Zoning By-law Amendment accompanied by a planning justification report (Appendix B) proposes to change the zoning on a portion of the property (Phase 2 on the approved site plan, Part 3 on the concurrent consent application) from Highway Commercial (HC) to HC-57, a special provision of the Highway Commercial (HC) zone that recognizes the lot frontage and front yard requirements of the Zoning By-law to satisfy an anticipated condition of a consent application under application B07-20-PC.

Discussion:

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on November 24, 2020. Public notice signs were posted on the property on or before November 24, 2020. Meeting details have been provided along with the Council Agenda on the City's website.

A Public Meeting was held on December 14, 2020 where staff and the applicant presented the application to Council and members of the public.

At the time of writing this report, staff has received the following correspondence from the public, City divisions and commenting agencies:

Lisa St. Amand

- Would like to be notified of any decisions related to this application.
- Would like to reserve the right to appeal any future decision if necessary
- Requests that ongoing proceedings between the property owner at 599 Main St W and adjacent landowners and businesses be addressed prior to any further excavation
- Requests that a stop work on heavy excavation equipment be included

Erica Horton – 33 Merritt Parkway

- Has drainage issues in her backyard since the construction of phase one
- Has issues with people walking through her property and would like the fence to be extended south toward the highway

Niagara Region

There are no Provincial or Regional interests with the Zoning By-law Amendment.

Planning Division

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the subject property as **Highway Commercial**. Land uses in the Highway Commercial designation shall include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and/or drive-through facilities; and accessory uses to the aforementioned uses, including a residence for a caretaker. For lands having frontage on Main Street East between the Welland Canal and Elizabeth Street, a mix of uses including both commercial and residential uses are permitted in accordance with the appropriate policies.

The Official Plan designation is not proposed to be changed as a result of this application.

City of Port Colborne Zoning By-law 6575/30/18

The subject parcel is zoned **Highway Commercial (HC)**. The HC zone permits an animal care establishment; brew pub; car wash; convenience store; day care; drive-thru facility; dwelling, accessory; food vehicle; hotel; motor vehicle repair garage; motor vehicle sales/rental service centre; motor vehicle gas station; office; personal service business; place of assembly/banquet hall; place of worship; public use; recreation facility; restaurant, fast food, full service, take-out; retail building construction and supply; service commercial; and uses, structures and buildings accessory thereto.

The application for Zoning By-law Amendment proposes to change the zoning of the property from HC – Highway Commercial to HC-57, a special provision of the Highway Commercial zone which will recognize the lot frontage and front yard requirements of the Zoning By-law to allow the property to be severed under consent application B07-20-PC.

The requested special provisions have been outlined below and in the Draft Zoning By-law Amendment attached as Appendix A:

- a) Notwithstanding any provisions of this By-law to contrary, the lands indicated in Schedule A to this By-law (Phase 2 in the approved Site Plan Agreement) shall be deemed a lot.
- b) Notwithstanding any provisions of this By-law to the contrary, the frontage of the lands indicated on Schedule A to this By-law, shall be deemed to be the frontage of Phase 1 of the approved Site Plan Agreement.
- c) Notwithstanding any provisions of this By-law to the contrary, the front lot line for the lands indicated on Schedule A to this By-law shall be deemed to be the front lot line of Phase 1 of the approved Site Plan Agreement.
- d) Notwithstanding any provisions of this By-law to the contrary, the front yard for the lands indicated on Schedule A to this By-law shall be deemed to be the front yard of Phase 1 of the approved Site Plan Agreement.

Adjacent Zoning and Land Use

North-west Residential dwellings Zoning: R1	North Residential dwellings Zoning: R1	North-east Residential dwellings Zoning: R1
West Vacant residential/commercial land Zoned: Residential Development and Highway Commercial	Subject property	East Commercial property Zoned: Highway Commercial
South-west Main Street West	South Main Street West	South-east Main Street West

Comment and Discussion

Staff would like to note that no physical changes are proposed to the existing site plan approved in 2018. The property has obtained its approval for both Phase 1 and 2 of the development shown in the sketch attached as Appendix C. The Site Plan Agreement addresses servicing, lighting, site access and design, landscaping, screening and other physical attributes for the future development of Phase 2.

Planning staff has reviewed the correspondence received from members of the public regarding this application. It is noted that ongoing legal proceedings between this property and neighbouring properties will continue in the future. However, it is the opinion of staff that the proceedings should not impact the current application, which is simply a technical amendment to permit the severance of the property.

In response to the comments from Erica Horton, staff feel that this is more of a trespassing issue. Staff note there is additional landscaping that will be required through the construction of Phase 2 which will act as a buffer. In reference to the drainage concerns, Engineering staff will ensure that Phase 2 is graded in accordance with the approved site plan to relieve the drainage issues. There are additional swales and grading required for Phase 2 that will encourage flows toward the stormwater management pond as designed. Again, staff are of the opinion that these issues are addressed through other mechanisms and should not impact this application for the technical Zoning By-law Amendment.

Financial Implications:

There are no financial implications.

Conclusion:

After reviewing all the material related to this application including public comments, the Planning Justification Report, planning policies and applicable By-laws, Planning staff is in a position to recommend the approval of this application for Zoning By-law Amendment.

Appendices:

- a. Zoning By-law Amendment
- b. Planning Justification Report
- c. Severance Sketch

d. Draft Public Meeting Minutes from December 14, 2020

Respectfully submitted,

David Schulz

Planner

(905) 835-2900 ext. 202

David.Schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lot 31, Concession 2, in the former Township of Humberstone, now the City of Port Colborne, Regional Municipality of Niagara; municipally known as 599 Main Street West.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Highway Commercial (HC) to HC-57.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

HC-57

Notwithstanding the provisions of the Highway Commercial Zone, the following special regulations shall apply:

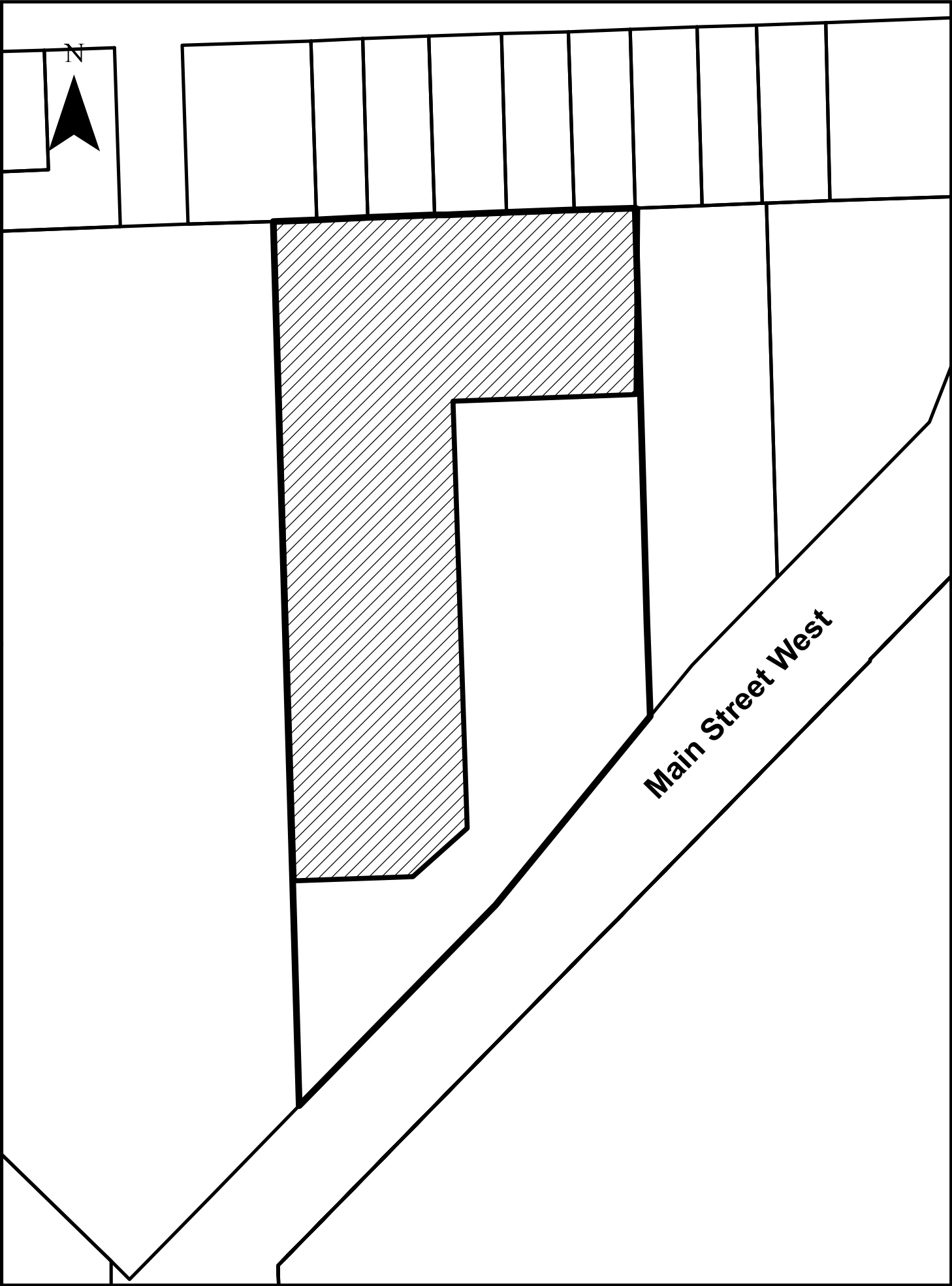
- a) Notwithstanding any provisions of this By-law to contrary, the lands indicated in Schedule A to this By-law (Phase 2 in the approved Site Plan Agreement) shall be deemed a lot.
- b) Notwithstanding any provisions of this By-law to the contrary, the frontage of the lands indicated on Schedule A to this By-law, shall be deemed to be the frontage of Phase 1 of the approved Site Plan Agreement.
- c) Notwithstanding any provisions of this By-law to the contrary, the front lot line for the lands indicated on Schedule A to this By-law shall be deemed to be the front lot line of Phase 1 of the approved Site Plan Agreement.

- d) Notwithstanding any provisions of this By-law to the contrary, the front yard for the lands indicated on Schedule A to this By-law shall be deemed to be the front yard of Phase 1 of the approved Site Plan Agreement.
- 4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
- 5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, ____.

William C Steele
Mayor

Amber LaPointe
Clerk



Lands to be rezoned from Highway Commercial (HC) to HC-57

THIS IS SCHEDULE "A" TO BY-LAW NO _____

PASSED _____, 2021

MAYOR

CLERK

NOVEMBER 2020

FILE NO D14-06-20

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

**PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT
For**

Ritesh Malik

Re:

**Roll No: 271103003813615
599 Main Street West / Regional Road 3
City of Port Colborne, Regional Municipality of Niagara**

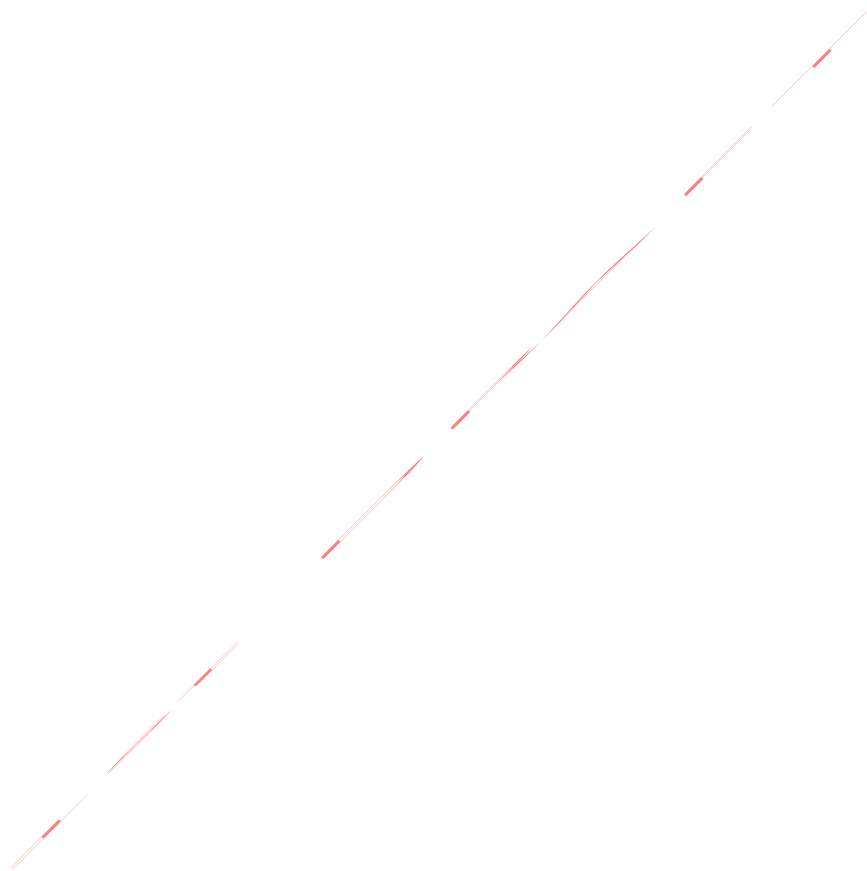


Prepared By:
South Coast Consulting
Land Use Planning and Development Project Management

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PLANNING JUSTIFICATION REPORT
Roll No: 271103003813615
599 Main Street West / Regional Road 3
City of Port Colborne, Regional Municipality of Niagara

PURPOSE, LOCATION, AND DESCRIPTION

This purpose of the Preliminary Planning Policy Justification Report is to review proposed Consent for Severance as illustrated in *Annex 1, Draft Severance Sketch and Approved Site Plan* and Zoning By-law Amendment applications for Phase 2 of the Site Plan Control Approved development of the 2.24 hectares Subject Parcel with about 155 metres of frontage on Main Street West / Regional Road 3 in the City of Port Colborne as illustrated in *Annex 1, Draft Severance Sketch and Approved Site Plan*. The proposal is reviewed against the policies of the: Provincial Policy Statement (PPS); Growth Plan for the Greater Golden Horseshoe (Growth Plan); Region of Niagara Official Plan (ROP); City of Port Colborne Official Plan (PCOP); and the provisions of the City of Port Colborne Zoning By-Law.

The Subject Property is being developed and construction for Phase 1, as illustrated in *Annex 1, Draft Severance Sketch and Approved Site Plan*, and *Figure 2, Site Statistics* is substantially complete. Adjacent uses are commercial, single detached dwellings and an open field as illustrated on *Figure 1, Surrounding Land Use Schematic*.

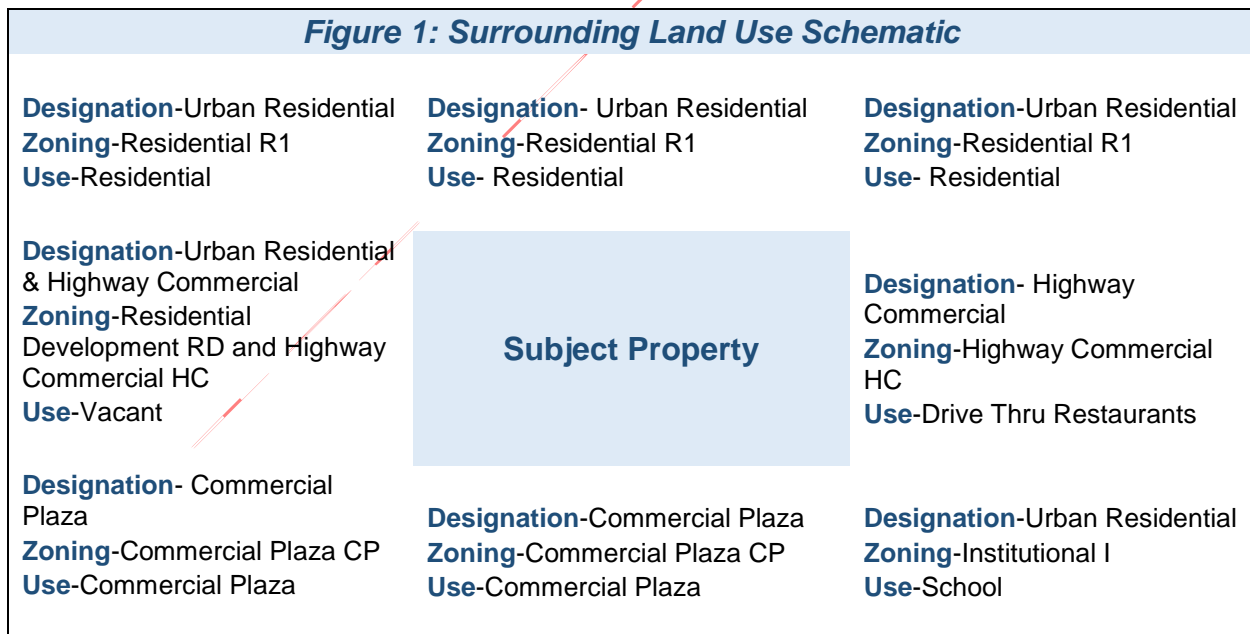


Figure 2: Parcel Statistics* (as per Quartek Drawing No. 17203-SS-1 by Lanthier and Gilmore)									
Severed Parcel (Part 3)					Retained Parcel (Part 1)				
	Parcel	Building 1	Pad 2	Pad 3	Parcel	Building A	Building B	Building C	Building D
Existing Use	Vacant	Vacant	Vacant	Vacant	Commercial	Covered gas pumps	Commercial and restaurant	Car wash	Garbage enclosure
Proposed Use	Commercial	Commercial	Commercial	Commercial	Commercial	No change	No change	No change	Auto service
Building Type	n/a	One storey	One storey	One storey	n/a	Canopy	One storey	One storey	One storey
Lot Frontage (m)	155.24	n/a	n/a	n/a	155.24	n/a	n/a	n/a	n/a
Lot Depth (m)	195.09	n/a	n/a	n/a	261.97	n/a	n/a	n/a	n/a
Lot / Floor Area sqm)	21490	3048			8623.3	273.6	471	105	208.03
Setback (m)									
Existing/Proposed (South) Front Lot Line	n/a	98.0	20.4	55.0	n/a	11.1	36.1	73.2	85.9
Existing/Proposed (North) Rear Lot Line	n/a	5.0	149.4	124.7	n/a	80.4	49.9	12.4	32.2
Existing/Proposed East Side Lot Line	n/a	15.9	22.1	20.4	n/a	8.4	6.0	6.0	24.7
Existing/Proposed West Side Lot Line	n/a	10.8	12.9	11.0	n/a	14.2	17.5	42.6	27.8
Existing/Proposed Height	n/a	One storey	One storey	One storey	n/a	One storey	One storey	One storey	One storey

* Part 2 Road Widening

POLICY REVIEW SUMMARY

Good planning practice directs that the plan and its policies are not written in stone. Policies such as those of the PPS, Growth Plan, ROP, and PCOP reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and Port Colborne is about development. Protecting and preserving resources and mitigating negative impacts is important but, land use planning is primarily about promoting and encouraging appropriate development and complete communities. There are aspects of control to protect valuable resources and sensitive uses such as significant cultural and natural heritage features from negative impacts of nearby uses but, the primary purpose of land use planning is guiding development.

The guidance of development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the Guide) states *the Act*, among other things promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The Guide further states, *the Act* provides the basis for preparing official plans and planning policies that will guide future development.

The Guide states the PPS provides policy direction that will help build strong communities by protecting, among others, agricultural resources. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

Provincial Policy Statement

Settlement areas such as Port Colborne are to be the focus of growth and development, and their vitality and regeneration is to be promoted. Land use patterns within *settlement areas* are to be based on, among other things, densities and a mix of land uses which; efficiently use land and resources, and efficiently use, the *infrastructure* and *public service facilities* planned or available.

Growth Plan

The Growth Plan requires population and employment growth to be accommodated by directing a significant portion of new growth to the *built-up areas* such as Port Colborne.

Official Plans

The ROP designates the Subject Property *Designated Greenfield Area*, the PCOP designates it *Highway Commercial*.

Growth and development is focused within urban areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Similar to the PPS, the ROP recognizes the efficient use of land and the minimization of conflict between incompatible uses as a Strategic Objective and the building of compact, mixed use, transit supportive, *active transportation friendly* communities in the *Designated Greenfield Areas* such as Port Colborne. The objectives of the ROP Growth Management Policies include directing the majority of growth and development to existing *Urban Areas* and promoting the efficient use of existing municipal sewage and water services.

The PCOP's goals are to facilitate the efficient use of community and engineering services and to ensure development does not create an undue financial hardship on the municipality. A PCOP objective is to **increase the efficiency**.

Areas identified as Highway Commercial represent areas of existing and future commercial *development* near arterial roads and highways. The predominant uses for land designated Highway Commercial include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and / or drive-through facilities. Commercial uses more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics, and professional offices are not be permitted. New Highway Commercial uses are encouraged to be grouped in a planned development strip development is discouraged. **A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.**

Consent for land conveyances are only be granted where they will not compromise the orderly development of land or the general public interest. In commenting to the Committee of Adjustment, the City will ensure the size, configuration and location of the proposed consent is appropriate for the use proposed considering the municipal services available; and the lot size and proposed use conform to the provisions of the Zoning By-law are considered.

Zoning By-Law

The Subject Property is zoned “**Highway Commercial - HC**”. The HC Zone permits a number of commercial uses.

DETAILED REVIEW

Good planning practice directs:

- That **the plan and its policies are not written in stone.**
Policies such as those of the PPS, ROP, and PCOP reviewed here, are to be used to try to reach a goal. They are not a set of threshold measures where the inability to meet every policy results in a proposal's failure. **All of the policies of a plan may not be and, based on good planning practice, don't have to be satisfied as though they are zoning by-law regulations.** If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.
- **Consideration of all of the relevant policies.**
As an example, only reviewing and evaluating the implications of the PPS's Agriculture policies does not provide a full planning analysis of a proposal. The PPS policies on: Settlement Areas, Rural Areas, Employment, and Long Term Economic Prosperity must also be considered. While the Agriculture policies may be most relevant, the others cannot be ignored. All of the policies together must be considered in any recommendation.

Growth and development is focused within urban areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety (ROP Strategic Objective 2.1, ROP Policy 1.1.1a, and ROP Objective 4.A.1.9).

Efficient development patterns optimize the use of land, public investment in, and public service facilities. Efficient development patterns also minimize the undesirable effects of development, including impacts on air, water, and other resources. **Recognizing the diversified opportunities and needs in Niagara and balancing both urban development and the conservation of natural resources by providing a choice of development locations, the efficient use of lands, and the minimization of conflict is the Strategic Objective of the ROP.**

Similar to the PPS, the ROP recognizes the efficient use of land and the minimization of conflict between incompatible uses as a Strategic Objective. A PCOP Objective is to **increase the efficiency of the use of existing municipal infrastructure.** An Objective of the ROP is building **compact, communities in the Built-up Area** such as Port Colborne.

The PCOP suggests commercial redevelopment be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood's existing or proposed fabric. Assessment in relation to community character could include:

- The scale of the activity;

- The orientation of the development to adjacent land uses; and,
- The capacity of the development to operate compatibly with housing.

Commercial development projects should be designed to be transit and active transportation friendly.

Parking requirements for commercial uses should be carefully considered and evaluated to ensure that an adequate, but not excessive, amount of parking space is provided.

The PCOP states the predominant uses for Commercial Plaza land includes, but not be limited to; retail stores; offices; restaurants; service businesses; movie theatres; and places of amusement or recreation. Commercial uses more appropriate in the areas designated Downtown Commercial such as retail stores with less than 500 square metres of floor area, banks, medical clinics, and small professional offices are not be permitted.

Adequate off-street parking are required in well-organized, landscaped and well-illuminated parking areas or structures and a minimum number of driveways to the site will be allowed and configured for maximum safety.

Buffering must be provided between the commercial establishment and other land uses, including grassed areas and appropriate planting of trees and shrubs and / or the provision of other suitable screening materials.

Parking and landscaping for commercial establishments should be designed with:

- Screening between parking areas and residential properties.
- Buffers at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.
- Landscaped islands at the end of all parking aisles.
- Parking aisles with a length of more than 15 stalls broken up with landscaped islands planted with hardy, strongly branched and salt tolerant trees.
- Large parking areas up with linear pedestrian only sidewalks planted with a consistent row of trees.
- The placement of sidewalks oriented to link building entrances.
- Parking for bicycles consistent with professionally recognized design guidelines.

Figure 3, Policy and Urban Design Review Matrix provides a review of relevant policy and urban design guidelines and *Figure 4, Zoning Provision Compliance and Justification Matrix* provides a summary of compliance with the Zoning provisions and justification for changes.

Figure 3: Policy and Urban Design Review Matrix

Criterion	Yes	No
Planned development	✓	
Adequate off-street parking facilities	✓ As per approved Site Plan	
Minimum number of driveways	✓ One (1) as per approved Site Plan	
Drive-through aisles be defined	✓ As per approved Site Plan	
Gas stations incorporating a retail store use will locate a retail store entrance and windows to the street	✓ As per approved Site Plan	
Building entrances and display windows should be oriented to street frontages	✓ As per approved Site Plan	
A minimum of 40% of the main street frontage of a given property should be defined by building edge	✓ As per approved Site Plan	
No front yard parking should be permitted for those portions of the building frontage constituting the minimum 40%.	✓ As per approved Site Plan	
Commercial garbage receptacles will be adequately screened or in an enclosed storage area contiguous with the building	✓ As per approved Site Plan	
Efficient development pattern	✓ Existing vacant lot development	
Avoids significant resources	✓ No nearby resource land	
Avoids sensitive areas	✓ No nearby sensitive areas	
Buffering to mitigate conflict	✓ Minimum rear yard and landscaping provided	
Transit supportive	✓ Near transit route	

Appropriate scale	✓ Maximized building development on the lot	
Appropriate orientation to adjacent land uses	✓ Oriented to Main Street West / Regional Road 3 arterial road	
Compatible with housing	✓ No commercial uses fronting on residential uses	
Reuse of brownfield or greyfield		✓
Use provided for in the PCOP	✓	
Less than 500 sqm	✓	
Access driveways minimized	✓ Single shared access to all uses	
Landscaping	✓	
<ul style="list-style-type: none"> Screening shall be provided between parking areas and adjacent residential properties 	✓ Landscape screening provided abutting residential use and zone	✓ None required abutting commercial zone
<ul style="list-style-type: none"> Buffers shall be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting 	✓ Minimum rear yard and landscaping provided abutting residential uses and zone	
<ul style="list-style-type: none"> Landscaped islands shall be placed at the end of all parking aisles 		✓ Not required by Site Plan Approval
<ul style="list-style-type: none"> Parking aisles with a length of more than 15 stalls shall be broken up with landscaped islands 		✓ Not required by Site Plan Approval
<ul style="list-style-type: none"> All parking islands shall be planted with hardy, strongly branched and salt tolerant trees 		✓ Not required by Site Plan Approval
Bicycle Parking		✓ Not on bike route. High traffic volume and vehicle turning movements makes bicycle / pedestrian access unsafe

Stormwater Management

The storm sewer system for the entire commercial development is intertwined between Phases 1 and 2, and a stormwater management (SWM) facility for peak flow control to service the entire site is located in Phase 1. The lot severance will impact the overall SWM plan for the entire area because the existing SWM plan is being maintained, ownership and maintenance of the required infrastructure servicing the entire site is ensured, with easements being granted for the stormwater management system as necessary. If the lot severance will not alter the overall SWM plan for the entire site. No changes to approved Site Plan proposed

Figure 4: Zoning Provision Compliance and Justification Matrix

Regulation	Zone Requirements	Proposed Requirements		Comment
		Phase 1 (Part 1)	Phase 2 (Part 3)	
Minimum Lot Frontage	27m	155.24m	155.24m	No change
Minimum Lot Area	0.14ha	8623.3sqm	21490sqm	No change
Maximum Lot Coverage	33%	85%	85%	No change
Minimum Front Yard	9m	11.1m	20.4m	No change
Minimum Interior Side Yard	5m	6m	10.8m	No change
Minimum Rear Yard	5m	12.4m	5.0m	No change
Requirement for a Lot	Notwithstanding anything contained in this By-law, a parcel which is situated in any zone, and which lacks either the required lot frontage or lot area, or both the lot frontage and lot area for the lot in the respective zone, is and shall be deemed to be a lot provided that: All other requirements of the applicable zone are complied with, and where said parcel qualified under this section as a deemed lot, said deemed lot may be used for the purposes as permitted in the zone in which it is located, notwithstanding that it does not comply with the area and frontage requirements of that zone; and	No change	Notwithstanding any provisions of this By-law to the contrary Phase 2 shall be deemed to be a lot	The purpose of requiring minimum lot area and frontage is to ensure the parcel of land is adequate for development. Since the proposed Zoning By-law Amendment requires lot area for Phase 2 to be that in the approved site plan agreement and the frontage to be that of Phase 1, Phase 2 will be able to accommodate the proposed development. Since a recommended Consent for Severance condition requires a joint blanket easement for among other things access, parking and services there is no need for Phase 2 to have frontage on a public road
Lot Frontage on Roads	No person shall construct a building or structure or otherwise use any lot unless the lot fronts on an improved road or lane	No change	Notwithstanding any provisions of this By-law to the contrary the frontage for Phase 2 of the development of this property shall be deemed to be the frontage of Phase 1	The purpose of requiring frontage on a public road is to ensure access and services to the lot. Since a recommended Consent for Severance condition requires a joint blanket easement for among other things access, parking and services there is no need for Phase 2 to have frontage on a public road

Front Lot Line	The lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot	No change	Notwithstanding any provisions of this By-law to the contrary the front lot line of for Phase 2 of the development of this property shall be deemed to be the front lot line of Phase 1	To ensure the lot frontage requirement is satisfied
Front Yard	That yard that extends across the full width of the lot between a front lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20	No Change	Notwithstanding any provisions of this By-law to the contrary the front yard for Phase 2 of the development of this property shall be deemed to be the front yard of Phase 1	To ensure the front yard requirement is satisfied

SUMMARY

The City of Port Colborne Council has the authority to approve the Zoning By-law Amendment and the Committee of Adjustment has the authority to approve a consent for severance if they implement the policies of the Official Plan.

Settlement areas such as Port Colborne are to be the focus of growth and development, and their vitality and regeneration is to be promoted.

The ROP intends to build more sustainable, *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*, to maximize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner.

This proposal an example of development supported from Provincial, Regional and local planning perspectives. Such developments provide additional commercial opportunities to serve the needs of residents and the travelling public. The Planning Justification Report analyzed Provincial, Regional, and local planning policies.

Policy 3.8 identifies area designated Highway Commercial as areas of existing and future commercial *development* within the Urban Area which cater primarily to the travelling public, in proximity to arterial roads and highways. The predominant uses for land designated Highway Commercial include, among others, restaurants with take-out and / or drive-through facilities; and accessory uses requested by the Zoning By-law Amendment Application.

Policy 3.8.1b) directs commercial uses that would be more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics and professional offices to the Downtown Commercial area however the additional uses requested for this location are found in other locations outside the Downtown Commercial areas. The proposed additional use do not negatively impact surrounding land uses.

As encouraged by Policy 3.8.1c) the new Highway Commercial uses requested are grouped in a planned development.

The adequate off-street parking facilities, required by Policy 3.8.1d) are provided in well-organized, landscaped and well-illuminated parking areas.

Policy 3.8.1e)'s minimum number of driveway entrances configured for maximum safety is satisfied.

As required by Policy 3.8.1.2a) the design guidelines for Commercial Plaza are satisfied and as required by Policy 3.8.1.2b) drive-through aisles are defined. Policy 3.8.1.2g)'s requirement that as stations incorporating a retail store use locate a retail store entrance and windows to the street is satisfied.

Buffering is provided between the commercial establishment and other land uses, including grassed areas and appropriate planting of trees and shrubs and the provision of other suitable screening materials in the form of fencing as required by Policy 3.7.2.1a).

Building entrances and display windows are oriented to street frontages as required by Policy 3.7.2.1b).and a canopies encouraged as a means of weather protection for pedestrians by Policy 3.7.2.1g is provided.

Commercial garbage receptacles are adequately screened or in an enclosed storage area contiguous with the building as required by Policy 3.7.2.1i), the parking and landscaping is designed in accordance with Policy 3.7.2.2a), and the service and loading areas are oriented to the rear of the building as required by Policy 3.7.2.2b).

As provide for in Policy 11.7.2a) this consent may be granted because it does not compromise the orderly development of land or the general public interest, and as required by Policy 11.7.2b) it does not propose the creation of more than two new lots.

As provide for in Policy 11.7.2c) the new lot created will be within the Urban Residential designation subject to the policies of Section 3.2.4.

As required by Policy 11.7.2c) the policies for infill and intensification of Section 2.4.3 are satisfied, the size, configuration, and location of the proposed consent is appropriate for the use proposed considering the municipal services available, and the lot size and proposed use conform to the provisions of the Zoning By-law, as recommended.

To permit the phased development of the Subject Property the requested Zoning By-law amendment should define Phase 2 as a lot and the frontage for Phase 2 of the should be deemed to be the frontage of Phase 1. The purpose of requiring minimum lot area and frontage is to ensure a parcel of land is adequate for development. Since the proposed Zoning By-law Amendment requires lot area for Phase 2 to be that in the approved site plan agreement and the frontage to be that of Phase 1, Phase 2 will be able to accommodate the proposed development. Since a recommended Consent for Severance condition requires a joint blanket easement for among other things access, parking and services there is no need for Phase 2 to have frontage on a public road.

The purpose of requiring frontage on a public road is to ensure access and services to the lot. Since a recommended Consent for Severance condition requires a joint blanket easement for among other things access, parking, and services there is no need for Phase 2 to have frontage on a public road.

To permit the phased development of the Subject Property the requested Zoning By-law amendment should deem the frontage for Phase 2 to be the frontage of Phase 1 to ensure the lot frontage and front yard requirements are satisfied.

The recommended Zoning changes do not create a negative impact.

OPINION

The proposed development generally conforms with the provisions of the *Planning Act*, PPS; Growth Plan; and the objectives of the ROP; PCOP; the Bridgeburg Secondary Plan and the recommended Dominion – Gordon- Parker – Burleigh Tertiary Plan. The Subject Property is in the Port Colborne Urban Area which enables its residential development. To enable residential development more dense than single detached dwellings official plan and zoning by-law amendments are required to permit either a plan of subdivision or condominium.

RECOMMENDATION

The PCZB zones the Subject Property “**Highway Commercial - HC**”. The HC Zone permits a number of commercial uses. A Zoning By-law Amendment is required. See *Figure 3: Zoning Provision Compliance and Justification Matrix*, for recommended amendments required to the zoning provisions. They include:

- Deeming Phase 2 to be a lot;
- Deeming the frontage for Phase 2 to be the frontage of Phase 1;
- Deeming the front lot line of for Phase 2 to be the front lot line of Phase 1; and
- Deeming the front yard for Phase 2 to be the front yard of.

CLOSING

This report is intended solely for Ritesh Malik (the “Client”) in providing The City of Port Colborne this requested Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed commercial development at 599 Main Street West. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered Steven Rivers’ professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client’s and recipient’s sole risk, without liability to Steven Rivers. The Client shall defend, indemnify

and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

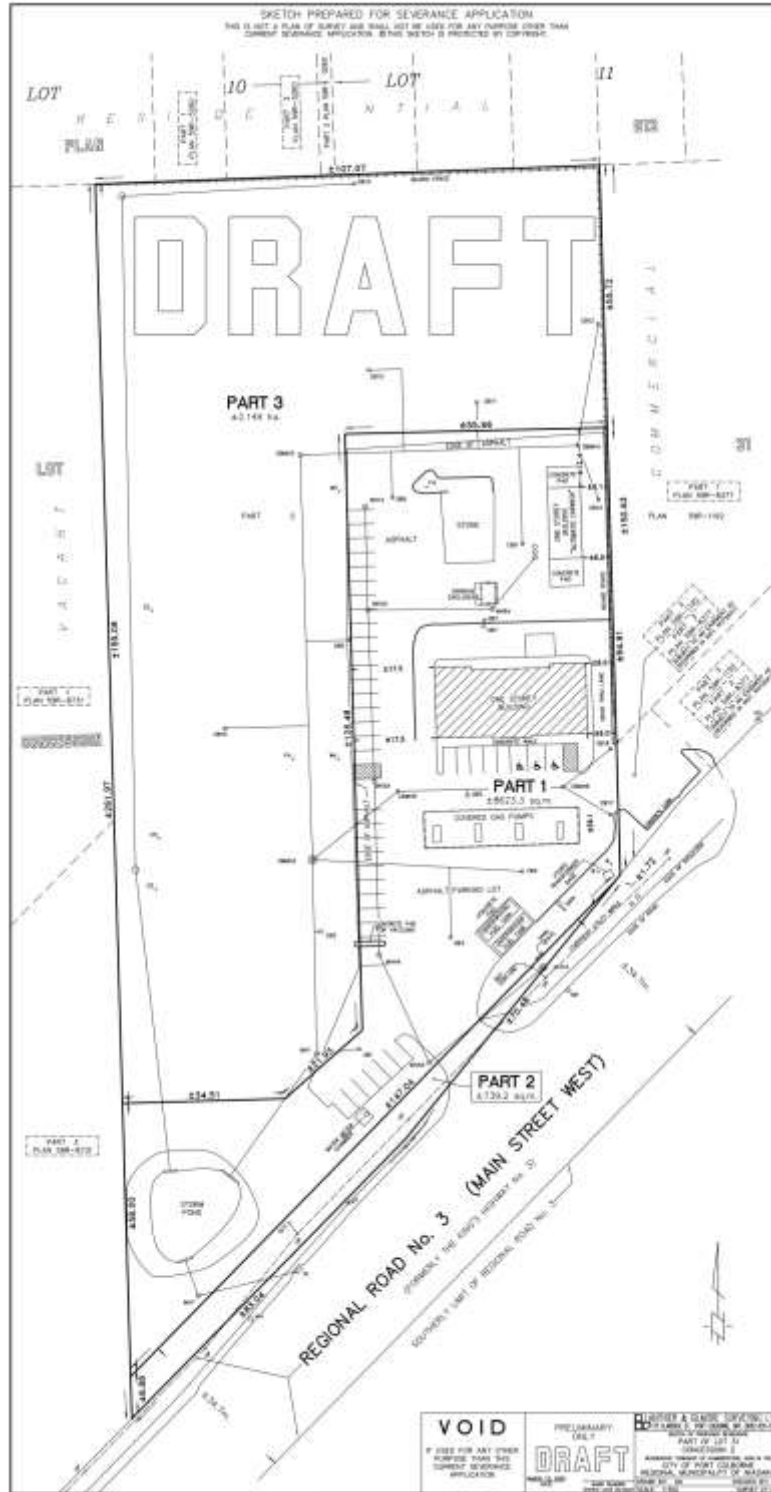
Steven Rivers

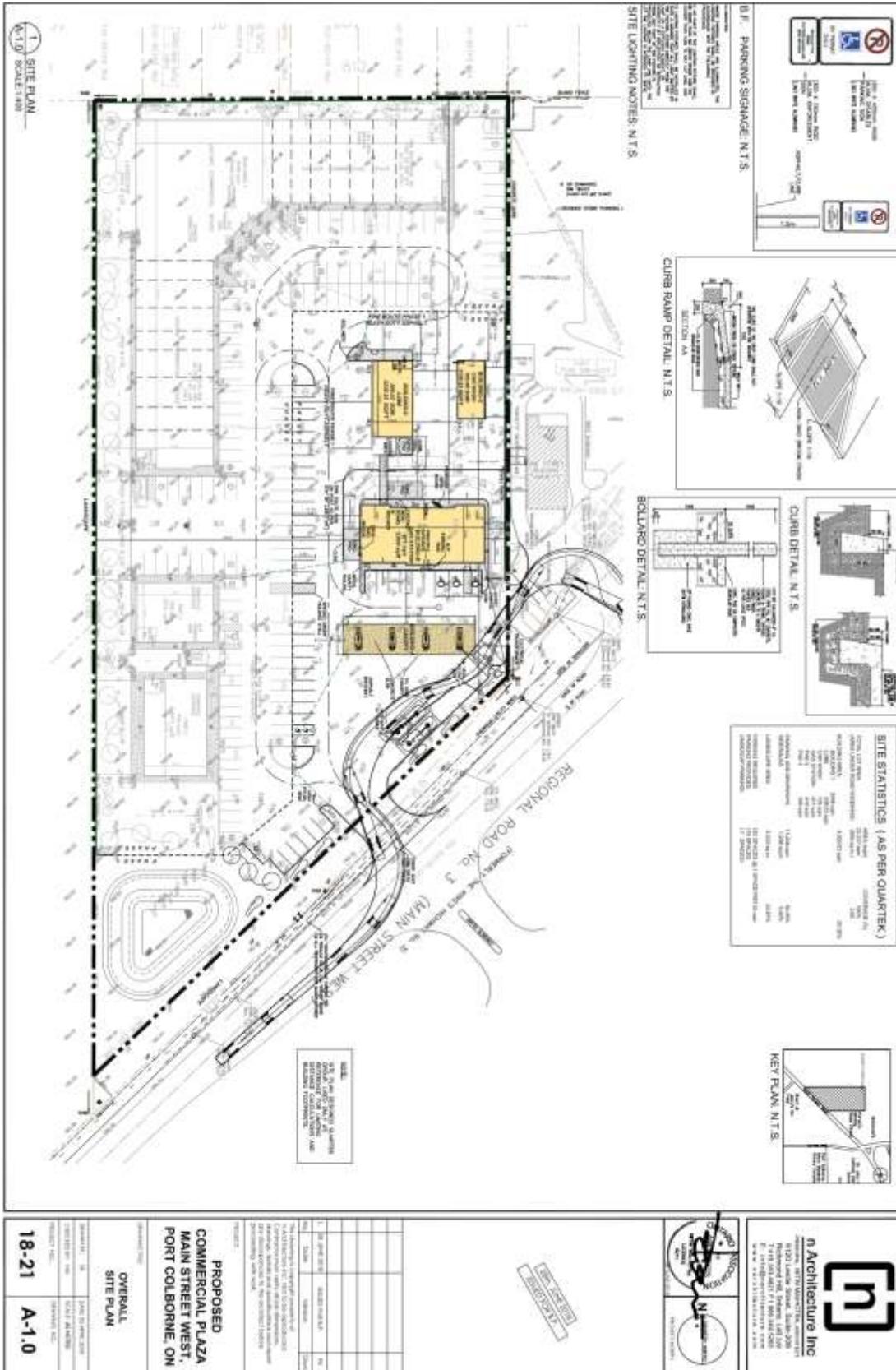
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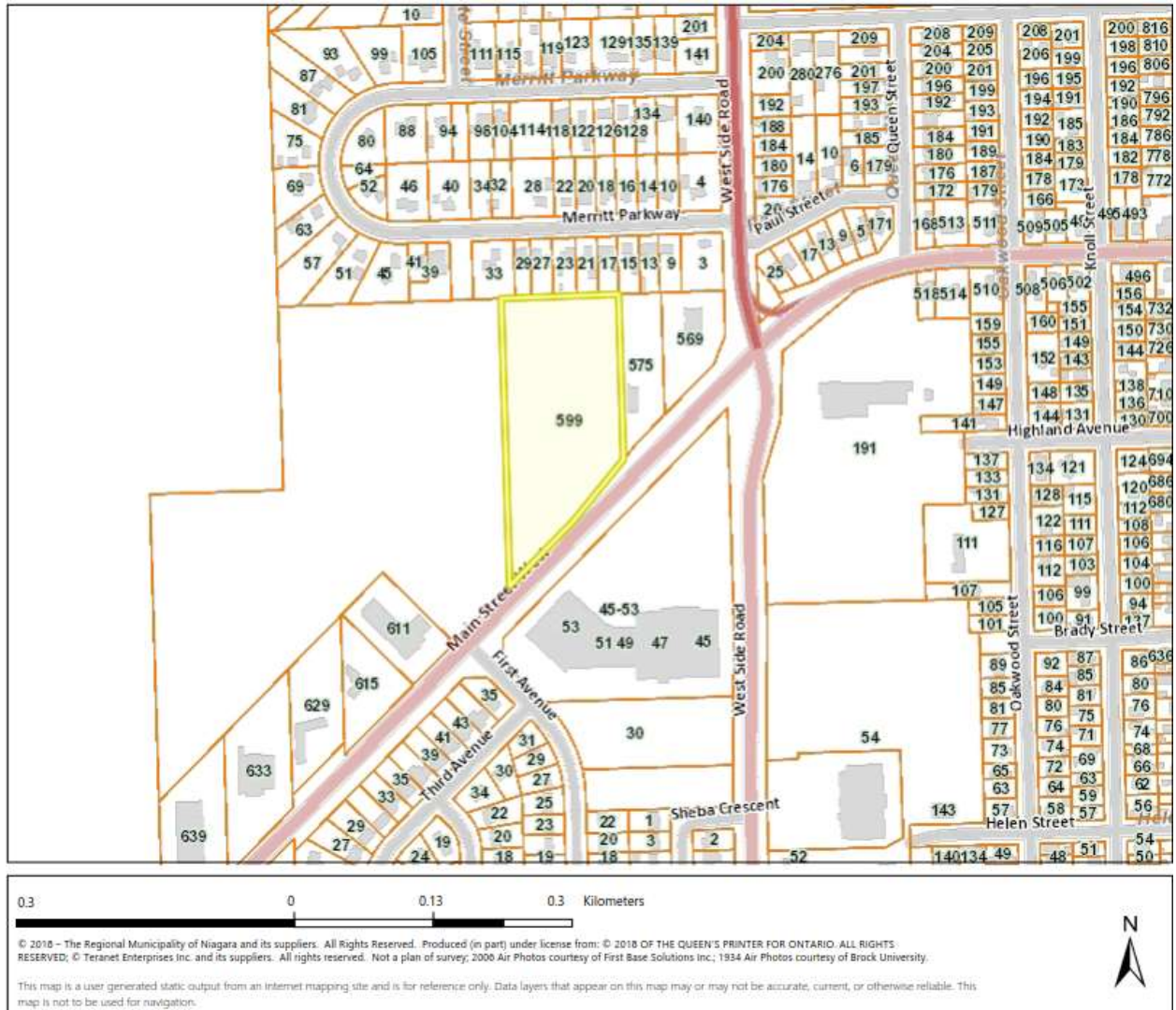
ANNEX 1

DRAFT SEVERENCE SKETCH AND APPROVED SITE PLAN





ANNEX 2 SUBJECT PROPERTY



ANNEX 3

EXCERPTS FROM RELEVANT DOCUMENTS

THE PLANNING ACT

One of the purposes of the *Act* is to promote sustainable economic development in a healthy natural environment (sect. 1.1(a)). Provincial interest include the: protection of natural areas, features and functions (sect 2(a)); orderly development of safe and healthy communities (sect. 2(h)); and; location of growth and development (sect. 2(p)), among others.

Official Plan

Section 16 of the *Planning Act* states an official plan shall contain, goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it. It may also contain a description of the measures and procedures to attain the plan's objectives and a description of the measures and procedures for informing and obtaining the views of the public on a proposed amendment to either an official plan or zoning by-law.

Section 21 of the *Act* states City Council may initiate an amendment to Official Plan. Section 24 states that where an official plan is in effect, no by-law shall be passed that does not conform the official plan. Section 2 of the *Planning Act* states Council shall have regard to matters of provincial interest such as the:

- orderly development of safe and healthy communities;
- adequate provision of employment opportunities; and
- Appropriate location of growth and development.

Sections 3(5) (a) and (b) state decisions of Council shall be consistent with the policy statements issued by the Minister and with the provincial plans that are in effect.

Zoning

Section 34 of the *Planning Act* states a zoning by-law may be passed by Council for a number of purposes including prohibiting the use of land, except for such purposes set out in the by-law and except if the land was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose. That section goes on to state that any by-law passed under this section or a predecessor of this section may be amended to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed. If a person applies for an amendment to a by-law passed under this section or a predecessor of this section he or she shall provide the prescribed information and material to Council.

Consent for Severance

A land severance is the authorized separation of a piece of land to form a new lot or a new parcel of land. This is commonly known as a consent and is required to create and sell a portion of a property. The Committee of Adjustment of the Town has the authority under the *Planning Act* (Sections 50 and 54) to consent to convey land if it implements the policies of the OP.

The *Planning Act* specifies factors which must be taken into account. Under Section 50.1(24) **consideration must be given to**, among other matters, to the **health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality** and to:

- (a) the effect of development of the proposed severance on **matters of provincial interest** as referred to in section 2;
- (b) whether the proposed severance is **premature or in the public interest**;
- (c) whether the severance **conforms to the official plan** and adjacent plans of subdivision or severances, if any;
- (d) the **suitability of the land** for the purposes for which it is to be severed;
- (e) the number, width, location and proposed grades and elevations of **highways**, and the adequacy of them, and the highways linking the highways in the proposed severance with the established highway system in the vicinity and the adequacy of them;
- (f) the **dimensions and shapes** of the proposed lots;
- (g) the **restrictions** or proposed restrictions, if any, on the land proposed to be severed or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of **utilities and municipal services**;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed severance that, exclusive of highways, is to be **conveyed or dedicated for public purposes**;
- (l) the extent to which the severance's design optimizes the available supply, means of supplying, efficient use and **conservation of energy**; and
- (m) the interrelationship between the **design** of the proposed severance and **site plan control matters** relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act

Section 50.1(25) give the Committee of Adjustment authority to impose such conditions to the approval of a consent that in the opinion of the Committee are reasonable, including a requirement:

- (a) that **land be dedicated or other requirements met for park** or other public recreational purposes under section 51.1;
- (b) that such **highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated** as the approval authority considers necessary;

- (c) that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;
- (d) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be **dedicated to provide for the widening of the highway** to such width as the approval authority considers necessary; and
- (e) That the owner of the land proposed to be severed enter into one or more **agreements** with a municipality.

Section 50.1(26) agreements to be imposed as a condition to the approval of a consent and the agreements may be registered against the land to which it applies and that the municipality or the committee may enforce the provisions of the agreement against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

THE PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement applies to this application. It includes the following definitions:

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include: a) activities that create or maintain infrastructure authorized under an environmental assessment process; b) works subject to the Drainage Act; or c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2.

Preamble

The Preamble to the PPS says it “. . . provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.”

A basic principle of policy led land use planning iterated in the PPS is that **“When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.”**

Another important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the PPS, “Some policies set out **positive directives**, such as “settlement areas shall be the focus of growth and development.” Other policies set out **limitations and prohibitions**, such as “*development* and site alteration shall not be permitted.” Other policies use **enabling or supportive language**, such as “*should*,” “*promote*” and “*encourage*.”

The PPS says “The policies . . . represent minimum standards.” and “. . . planning authorities and decision-makers may go beyond these minimum standards to address matters of importance . . . unless doing so would conflict with any policy of the Provincial Policy Statement.”

Vision

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas. It recognizes that the wise management of land use change may involve directing, promoting, or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land and public investment in infrastructure and public service facilities and minimizes the undesirable effects of development, including impacts on air, water and other resources.

Policies

The PPS policies for **Building Strong Healthy Communities** say Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and **promoting efficient land use and development patterns**. Efficient land use and development patterns support sustainability by **promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth**. **Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the**

financial well-being of the Province and municipalities over the long term. (Policy 1.1.1a)

Settlement Areas

The PPS says the vitality of settlement areas is critical to the long-term economic prosperity of our communities. . . . It is in the interest of all communities to **use land and resources wisely, to promote efficient development patterns** . . . (Section 1.1.3) and **Settlement areas shall be the focus of growth and development**, and their **vitality and regeneration shall be promoted**. (Policy 1.1.3.1)

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan does not replace municipal official plans, but works within the existing planning framework to **provide growth management policy direction**. Provincial plans and official plans provide a framework for comprehensive, integrated, and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment, and economic growth, for the long term.

The Growth Plan is the Ontario government's initiative to plan for growth and development in Ontario in a way that supports economic prosperity, protects the environment and helps communities achieve a high quality of life. Through the Growth Plan, **regional growth plans are developed to guide government investments**.

Population and employment growth will be accommodated by, among other things:

- **directing development to settlement areas**, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas; and
- **Directing major growth to settlement areas that offer municipal water and wastewater systems** and limiting growth in settlement areas that are serviced by other forms of water and wastewater services. (Policy 2.2.2.1.)

Applying the policies of this Plan will **support** the achievement of **complete communities** that:

- a) **feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;**
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) **provide a diverse range and mix of housing options, including second units and affordable housing**, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand **convenient access** to:
 - i. a range of **transportation options, including options for the safe, comfortable and convenient use of active transportation;**
 - ii. *public service facilities*, co-located and integrated in community hubs;

- iii. **an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;** and
- iv. healthy, local, and affordable food options, including through urban agriculture;
- e) ensure the **development of high quality compact built form**, an attractive and vibrant *public realm*, including public open spaces, through site design and urban design standards;
- f) **mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities;** and
- g) **Integrate green infrastructure and low impact development.** (Section 2.2.2.4)

REGIONAL OFFICIAL PLAN

In speaking to the contents of official plan the *Planning Act* says an official plan shall contain, (a) goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, built, and natural environment of the municipality or part of it . . . (Section 16.(1)(a)) and . . . may contain, a description of the measures and procedures proposed to attain the objectives. (Section 16.2(a))

A Strategic Objective to the ROP is to recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources. a) A choice of housing and employment locations. b) **Development and efficient use of lands within the existing urban boundaries first.** c) Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots). d) **Minimization of conflicts between incompatible land uses.** (ROP Strategic Objective 2.1)

Another Strategic Objective is to facilitate and maintain a pattern of distinctive and identifiable urban communities. . . . (SO 2.2) A third relevant Strategic Objective is to improve regional self-reliance through long-range economic development planning and economic diversification. a) Attraction of more employment through existing or new firms. . . . (ROP SO 2.2)

Similar to the PPS, the ROP recognizes diversified opportunities for employment locations and the efficient use of land; minimization of conflict between incompatible uses as Strategic Objectives.

The ROP has a number of defined terms including:

Active Transportation means any form of self-propelled (non-motorized) transportation that relies on the use of human energy such as walking, cycling, inline skating or jogging.

Built Boundary means the limits of the developed Urban Areas as defined by the Minister of Infrastructure in accordance with Policy 2.2.3.5 in the Provincial Growth Plan for the Greater Golden Horseshoe.

Complete Communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

Density Targets The density target for the Urban Growth Centre is defined in Policy 4.G.10.2. The density target for Designated Greenfield Areas is defined in Policy 4.C.7.2.

Designated Greenfield Area means the area within a settlement area that is not Built-up Area

Development means the creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure

Employment Area means areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Intensification means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of *brownfield sites*;
- b) the development of vacant and / or underutilized lots within previously developed areas;
- c) infill development; or
- d) The expansion or conversion of existing buildings.

Urban Areas means those areas shown as being within the Urban Areas Boundaries as defined by this Official Plan.

As illustrated on *Figure A3.1, Regional Official Plan Schedule A - Regional Structure Excerpt*, the ROP designates the Subject Property **Designated Greenfield Area** within the **Urban Area Boundary**. The Objectives of the ROP for Managing Growth include (4.A.1.2) directing a significant portion of Niagara's future growth to the *Built-up Area* through *intensification*; (4.A.1.3) directing intensification to local municipally designated *intensification* areas; and (4.A.1.6) building compact, mixed use, transit supportive, *active transportation friendly communities* in the *Built up Area* and in *Designated Greenfield Areas*.

**Figure A3.1: Regional Official Plan Schedule A
Regional Structure Excerpt**



Commercial Areas

Municipalities are encouraged to develop policies which carefully balance the supply of commercial space with the demand for commercial goods and services, placing a particular emphasis on commercial retail goods and services. (Policy 3.D.2)

The Region encourages local municipalities to revise their planning policies and zoning by-laws to support the redevelopment of greyfield areas into mixed uses areas. The Region strongly supports such redevelopment as an alternative to the establishment of new commercial areas. (Policy 3.D.6)

New commercial development or redevelopment should be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood's existing or proposed fabric. Assessment in relation to community character could include:

- a) The scale of the activity;
- b) The orientation of the development to adjacent land uses; and,
- c) The capacity of the development to operate compatibly with housing. (Policy 3.D.10)

Commercial development and redevelopment projects should be designed to be transit and active transportation friendly. (Policy 3.D.11)

Parking requirements for commercial uses should be carefully considered and evaluated to ensure that an adequate, but not excessive, amount of parking space is provided. Parking requirements should include provision for secure and sheltered bicycle parking and pedestrian walkways. Municipalities are encouraged to study, assess and develop updated parking standard for commercial areas. (Policy 3.D.12)

Intensification and Greenfield Growth

Designated Greenfield Areas will be planned as compact, complete communities (meeting people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided) by:

- Where permitted by scale, accommodating a range of land uses including residential, commercial, institutional, recreational, employment and other uses;
- Where limited by scale or configuration, making a significant contribution to the growth of the respective *Urban Areas* as a complete community;
- Providing opportunities for integrated, mixed land uses;
- Creating street patterns that are fine grain and in grid pattern, supporting transit and *active transportation* within the area and to adjacent areas;

- Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas;
- Ensuring that the provision of municipal servicing is in accordance with the water and wastewater servicing master plans. (Policy 4.C.5.1)

The *Region* will require a minimum combined gross density target of 50 people and jobs per hectare across all *Designated Greenfield Areas*, excluding the features within the Environmental Protection Areas and Environmental Conservation Areas in the Region's Core Natural Heritage System and any non-developable features designated in local official plans. (Policy 4.C.6.1)

The Region, working in collaboration with local municipalities, will identify minimum *Greenfield density targets for local municipalities* which will achieve the overall Regional *density target* set out in policy 4.C.6.1. (Policy 4.C.6.2)

In order to achieve the planned minimum greenfield density target, official plans shall:

- Adopt minimum and maximum residential and employment densities in local Official Plans, including distinctions between net and gross density;
- Include policies for achieving higher residential and employment densities in greenfield areas;
- Include policies for achieving a mix of housing types and residential densities in greenfield areas; and
- Develop greenfield development guidelines to support local policy direction for greenfield areas. (Policy 4.C.7.1)

The Region will monitor the combined 50 people and jobs per hectare target. (Policy 4.C.7.2)

Managing Growth

The objectives of the Growth Management Policies of the ROP are to: *Direct the majority of growth and development to Niagara's existing Urban Areas*, (Objective 4.A.1.1) ensure the availability of sufficient employment land to accommodate long term growth in Niagara to the year 2031, (Objective 4.A.1.9) and direct growth in a manner that *promotes the efficient use of existing municipal sewage and water services*. (Objective 4.A.1.12)

The ROP directs the majority of growth to *urban areas* but seeks to ensure the availability of sufficient employment land and promotes the efficient use of existing municipal sewage and water services.

The preamble to Section 4G, Urban Growth, states Niagara aspires to build sustainable, *complete communities* by, among other things making efficient use of land, resources and *infrastructure*.

Objective 4G.1, in Our Common Objectives, is to build compact, vibrant, sustainable, integrated and *complete communities* and Objective 4G.4 is to *maximize the use of existing and planned infrastructure to support growth in a compact and efficient manner.*

THE CITY OFFICIAL PLAN

Highway Commercial Development

As illustrated on *Figure A3.2, Official Plan Schedule A, Port Colborne Land Use Plan Excerpt*, the property is **designated Highway Commercial**. Areas identified as Highway Commercial represent areas of existing and future commercial *development* within the Urban Area which cater primarily to the travelling public, in proximity to arterial roads and highways. The predominant uses for land designated Highway Commercial include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and / or drive-through facilities; and accessory uses. (Policy 3.8)

Any new or expanding development in the Highway Commercial area is subject to Site Plan Control. (Policy 3.8.1a)

Commercial uses that would be more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics and professional offices are not be permitted. (Policy 3.8.1b)

New Highway Commercial uses grouped in a planned development are encouraged and extensive strip development is discouraged. (Policy 3.8.1c)

Adequate off-street parking facilities, including consideration for bicycles, are required in well-organized, landscaped and well-illuminated parking areas or structures. (Policy 3.8.1d)

A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety. (Policy 3.8.1e)

New and expanding Highway Commercial uses may be required to submit a Traffic Impact Assessment, prepared by a qualified professional which identifies the potential traffic generated by the development, methods of mitigating any potential impacts and any improvements that may be required to the existing road network in order to accommodate the proposed development. (Policy 3.8.1g)

New and expanding Highway Commercial uses may be required to submit a Market Study, prepared by a qualified professional, to demonstrate that the proposed commercial floor space is warranted. (Policy 3.8.1h)

**Figure A3.2: Official Plan Schedule A
Land Use Plan Excerpt**



- Municipal Boundary
- Urban Area Boundary
- EPA
- ECA
- Agricultural
- Hamlet
- Urban Residential
- Rural
- Downtown Commercial
- Commercial Plaza
- Highway Commercial
- Marine Commercial
- Industrial / Employment Area
- Mineral Aggregate Operation
- Gateway Economic Centre
- Rural Employment
- Parks and Open Space
- Private Open Space
- Special Study Area
- Secondary Plan Area
- Major Port
- * Former Waste Management Facility

Highway Commercial uses are subject to the design guidelines for Commercial Plaza as specified in Section 3.7.2. (Policy 3.8.2a)

Drive-through aisles should be defined by curbing and planted areas instead of painted demarcations, however, an alternate route should be provided such that a vehicle is able to escape the drive-through lane in an emergency without having to reverse through the drive-through aisle. (Policy 3.8.1.2b)

Entrances to hotels and motels should be built to a minimum setback and incorporate an awning or canopy extending to the sidewalk. (Policy 3.8.1.2c)

Entrances to hotels and motels should incorporate a pick-up and drop-off area at the street line and orient all other parking to the side and rear. (Policy 3.8.1.2d)

Restaurant facilities in hotels and motels should be built to a minimum setback and have windows that relate directly to the adjacent street. (Policy 3.8.1.2e)

Display pedestals for vehicles at car dealerships will be located close to the building and not at the street line. (Policy 3.8.1.2bf)

Gas stations incorporating a retail store use will locate a retail store entrance and windows to the street. (Policy 3.8.1.2g)

Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council. (Policy 3.8.1.2H)

Buffering shall be provided between the commercial establishment and other land uses. This shall include grassed areas and appropriate planting of trees and shrubs and/or the provision of other suitable screening materials. The types of trees and shrubs will be subject to the approval of the Director of Planning and Development Services. (Policy 3.7.2.1a)

Building entrances and display windows should be oriented to street frontages, and a minimum of one major building entrance should front directly onto the main street frontage. (Policy 3.7.2.1b)

Buildings should be built to a minimum setback at intersections to help frame the streets. (Policy 3.7.2.1c)

A minimum of 40% of the main street frontage of a given property should be defined by building edge. (Policy 3.7.2.1d)

No front yard parking should be permitted for those portions of the building frontage constituting the minimum 40%. (Policy 3.7.2.1e)

Where large setbacks can be justified for large commercial stores, smaller commercial buildings (i.e. restaurants, banks) should be located at the street edge. (Policy 3.7.2.1f)

Canopies and awnings are encouraged as a means of weather protection for pedestrians. (Policy 3.7.2.1g)

The building identity at corner locations will be reinforced by taller building elements such as towers, entrance structures or roof elements (i.e. skylights and dormers) (Policy 3.7.2.1h)

Commercial garbage receptacles will be adequately screened or in an enclosed storage area contiguous with the building. (Policy 3.7.2.1i)

Parking and landscaping for commercial establishments should be designed as follows:

- Screening shall be provided between parking areas and adjacent residential properties.
- Buffers shall be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.
- Landscaped islands shall be placed at the end of all parking aisles.
- Parking aisles with a length of more than 15 stalls shall be broken up with landscaped islands.
- All parking islands shall be planted with hardy, strongly branched and salt tolerant trees.
- Large parking areas shall be broken up with linear pedestrian only sidewalks planted with a consistent row of trees.
- The placement of sidewalks shall be oriented to link building entrances.
- Parking for bicycles shall be included, which shall be consistent with professionally recognized design guidelines. (Policy 3.7.2.2a)

Service and loading areas shall be oriented to the rear of the building. (Policy 3.7.2.2b)

Consent to Sever

The plan of subdivision shall be considered as the main method of providing lots in the City. Consent for land conveyances shall only be granted where they will not compromise the orderly development of land or the general public interest. (Policy 11.7.2a)

Development which proposes the creation of lots requiring construction of a new public road, the execution of a development or which proposes the creation of more than two new lots should not proceed by way of consent. (Policy 11.7.2b)

New lots shall only be created by way of consent within:

- The Urban Residential designation subject to the policies of Section 3.2.4;
- The Hamlet designation subject to the policies of Section 3.3.4;
- The Rural designation subject to the policies of Section 3.4.4; and
- The Agricultural designation subject to the policies of Section 3.5.3. (Policy 11.7.2c)

In commenting to the Committee of Adjustment, the City will ensure the following factors are considered:

- Where applicable, the policies for infill and intensification, Section 2.4.3 of this Plan;
- *The size, configuration and location of the proposed consent should be appropriate for the use proposed considering the municipal services available*, or where municipal services are not available, the adequacy of potable water supply and suitability of the soil and site conditions for the installation and long-term operation of a private waste disposal system, subject to the approval of the Niagara Region Public Health Department and Niagara Region Public Works Department; and
- *The lot size and proposed use of the proposed consent should conform to the provisions of the Zoning By-law*, where applicable. (Policy 11.7.2c)

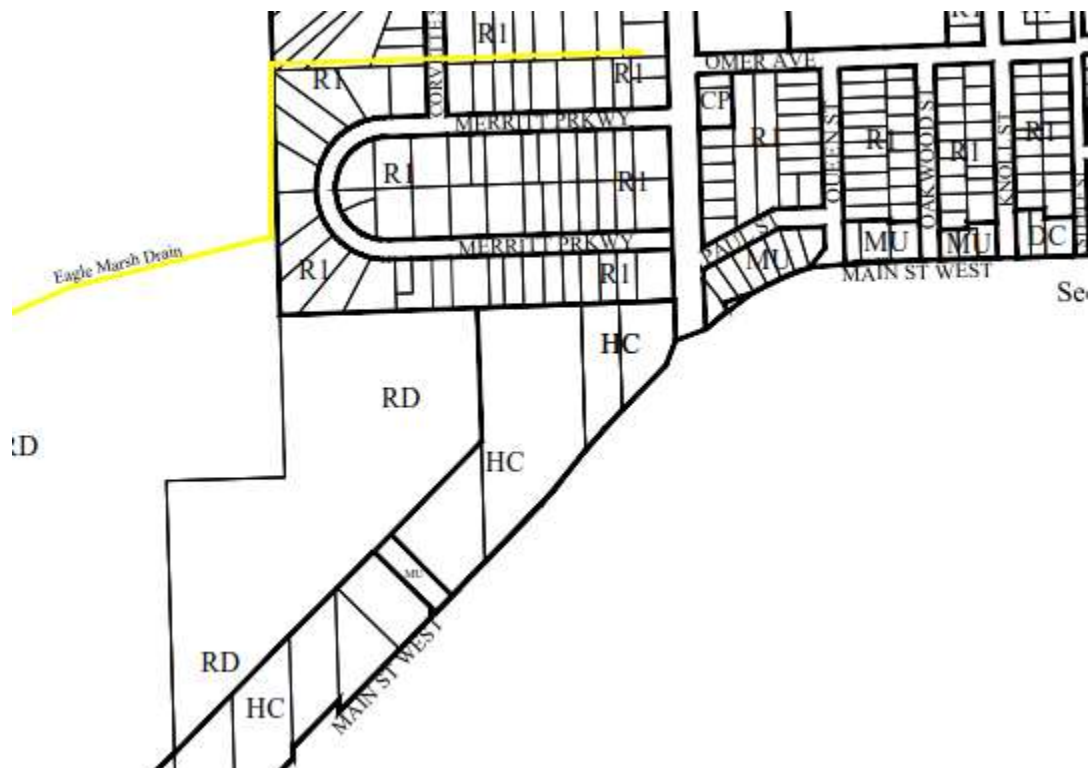
THE ZONING BY-LAW

As illustrated on *Figure A3.3, Zoning Map Schedule “A8” Excerpt* to The City of Port Colborne Zoning By-law the Subject Property is **zoned “Highway Commercial HC”** which permits:

- Animal Care Establishment;
- Brew Pub;
- Car Wash;
- Convenience Store;
- Day Care;
- Drive-Thru Facility;
- Dwelling, Accessory
- Food Vehicle;
- Hotel;
- Motor Vehicle Repair Garage;
- Motor Vehicle Sales/Rental Service Centre;
- Motor Vehicle Gas Station;
- Office;
- Personal Service Business;
- Place of Assembly/Banquet Hall;

- Place of Worship;
- Public Use;
- Recreation Facility;
- Restaurant, Fast Food;
- Restaurant, Full Service;
- Restaurant, Take-Out;
- Retail Building Construction and Supply;
- Service Commercial; and
- Uses, structures and buildings accessory thereto

Figure A3.3: Zoning Map Schedule “A8” Excerpt



ZONING CHART

PROVISION	HC ZONE REQUIRMENTS
Min Lot Area	0.14 hectares
Min Lot Frontage	27 metres
Min Front Yard	9 metres
Min Interior Side Yard	5 metres
Min Rear Yard	5 metres
Max Lot Coverage	85 percent
Requirement for a Lot	Notwithstanding anything contained in this By-law, a parcel which is situated in any zone, and which lacks either the required lot frontage or lot area, or both the lot frontage and lot area for the lot in the respective zone, is and shall be deemed to be a lot provided that: All other requirements of the applicable zone are complied with, and where said parcel qualified under this section as a deemed lot, said deemed lot may be used for the purposes as permitted in the zone in which it is located, notwithstanding that it does not comply with the area and frontage requirements of that zone
Lot Frontage on Roads	No person shall construct a building or structure or otherwise use any lot unless the lot fronts on an improved road or lane
Lot	All contiguous land under one ownership
Front Lot Line	The lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot
Rear Lot Line	lot line furthest from and opposite the front lot line but if there is no such line, that point furthest from and opposite the front lot line
Interior Side Lot Line	The lot line other than a front lot line, a corner lot line or a rear lot line
Front Yard	That yard that extends across the full width of the lot between a front lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20

ANNEX 4
PRE-CONSULTATION AGREEMENT



Pre-Consultation Agreement

City of Port Colborne Department of Planning and Development
Niagara Region Development Services
Niagara Peninsula Conservation Authority

Persons intending to make an application for a proposed development are required to consult with planning City staff and Agency staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-Consultation Meeting Date: August 27th, 2020

Local Municipal Contact: David Schulz

Phone: 905-835-2901 ext 202

Email: planner@portcolborne.ca

Site Address: 599 Main St. W.

Roll Number: 27 11 030 038 136 15

Land Area 5.5 ac

Owner Contact Information:

Owner Name: 2493207 ONTARIO INC – Ritesh Malik

Phone Number: 647-225-8411

Email: Ritesh@riteshmalik.com

Agent Contact Information:

Agent Name: Steven Rivers

Phone Number: 905-733-8843

Email: Steven.p.rivers@gmail.com

Principal Contact: ☐ Owner ☒ Agent

Application Type:

- | | |
|---|--|
| <input type="checkbox"/> Regional Official Plan Amendment | <input checked="" type="checkbox"/> Consent (Land Severance) |
| <input checked="" type="checkbox"/> Local Official Plan Amendment | <input checked="" type="checkbox"/> Zoning By-law Amendment |
| <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Site Plan Control |
| <input type="checkbox"/> Draft Plan of Condominium | <input type="checkbox"/> Other: Easements in favour of both parcels and vice versa |
| <input type="radio"/> Vacant Land & Common Element | |
| <input type="radio"/> Conversion | |

1. Brief description of proposed development:
Severance of Phase 1 from Phase 2 in the site plan agreement. Zoning By-law Amendment required to address the requirements for a lot and proposed uses. Official Plan Amendment required to allow the uses commonly found in the Downtown Commercial area in the Highway Commercial area.
-
2. Existing Regional Official Plan Designation: Built-up Area
Conformity with Regional Official Plan land use designations and policies?
☒ Yes ☐ No ☐ Unknown
If 'No', what is the nature of the amendment needed?

3. Check All Applicable:
☐ Brownfield ☐ Greenfield ☐ Built-up ☐ Local CIP Area
4. Development Charges:
☐ Regional By-law 2017-98 ☐ Local By-law 6131/97/14
5. Existing Local Official Plan Designation: Highway Commercial
Conformity with Official Plan land use designations and policies?
☐ Yes ☒ No ☐ Unknown
If 'No', what is the nature of the amendment needed?
Proposed added uses do not conform. Policy change required
-
6. Existing Zoning: Highway Commercial
Conformity with existing zoning?
☐ Yes ☒ No ☐ Unknown
If 'No', what is the proposed zoning:
Zoning will need to be amended to allow for the lot creation not on a public road and other lot requirements, as well as to add new proposed uses in the HC zone.
-
7. Is property located in Intake Protection Zone?
☒ No ☐ IPZ 1 ☐ IPZ 2

8. Is property recognized under Ontario Heritage Act?

☒ No ☐ Registry ☐ Designated

9. Is Site Plan approval required?

☐ Yes ☒ Only if changes proposed

10. Fees Required at time of Submission of the Application

Application	City of Port Colborne	Niagara Region	Niagara Peninsula Conservation Authority	Other Fees
Regional Official Plan Amendment				
Local Official Plan Amendment and Zoning By-law Amendment (combined)	\$7,803			
Zoning By-law Amendment				
Plan of Subdivision				
Easement	\$1,144			
Consent	\$1,665	\$620		
Site Plan Agreement				
Other: Combine Consent and ZBA				
TOTAL	\$10,612	\$620		

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

11. Additional Agencies to be contacted:

☐ Hydro ☐ Enbridge/Pipelines ☐ Ministry of Environment
☐ CN/Trillium Rail ☐ Seaway ☒ Ministry of Transportation
☐ Niagara Peninsula Conservation Authority ☐ Other

12. Required Information and Studies to be submitted with the Application(s). Application will not be deemed complete until all requested information and studies are submitted. Studies identified with an asterisk will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Electronic Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality/Noise & Vibration Study*			
			Archaeology Assessment			
			Conceptual Site Plan, Subdivision Plan			
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Environmental Site Assessment Phase 1			
			Farm Business Plan*			
			Farm Operation and Ownership			
			Financial Impact Assessment*			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans*			
			Land Use/Market Needs*			
			Landscape Plan			
			Mineral Aggregate Resources			
			Minimum Distance Separation I & II			
			Municipal Servicing Study			
			Phasing Plan			
X			Planning Justification Report			Reviewing local planning documents
			Risk Management Study			
			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study/Dynamic Beach			
			Slope Stability Report			
			Soil report			
			Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Tree Inventory Preservation Plan			
			Urban Design			
			Wind Study*			
			Other: Record of Site Condition (can be dealt with later)			

13. Additional Comments:

- Easements and Zoning By-law Amendments can be applied for concurrently with the Consent application or can be dealt with as a condition of consent.
- Planning Justification Report analyzing local policies and by-laws is required. Please identify why the consent is required for the property.
- The fire route will need to be reconsidered as it was designed for the entire property
- Official Plan Amendment required for the additional uses requested. Policy 3.8.1 b) speaks to the uses not being permitted.
- Only one easement application required in addition to severance application.
- Severance/easement sketch required from an Ontario Land Surveyor

Regional comments to follow this document.

14. Site Visit:

15. Incentive Programs:

Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal

application. If an application is not submitted within one year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.

4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Section 1.0.1 of *The Planning Act* states "Information and material that is required to be provided to a municipality or approval authority under this Act shall be made available to the public." With the filing of an application, the applicant confirms that the Municipality and Region may release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.

Signatures:

_____ Planning Staff	_____ (signature)	_____ Date
_____ Planning Staff	_____ (signature)	_____ Date
_____ Building Staff	_____ (signature)	_____ Date
_____ Engineering Staff	_____ (signature)	_____ Date
_____ Engineering Staff	_____ (signature)	_____ Date
_____ Regional Staff	_____ (signature)	_____ Date
_____ NPCA Staff	_____ (signature)	_____ Date
_____	_____	_____

CNP Staff	(signature)	Date
_____ Fire Staff	_____ (signature)	_____ Date
_____ Owner/Agent	_____ (signature)	_____ Date
_____ Owner/Agent	_____ (signature)	_____ Date
_____ Owner/Agent	_____ (signature)	_____ Date
_____ Owner/Agent	_____ (signature)	_____ Date
_____ Owner/Agent	_____ (signature)	_____ Date
_____ Owner/Agent	_____ (signature)	_____ Date

599 Main Street West – Severance & Site Plan

The subject property is within the settlement area of the Provincial Policy Statement (PPS), Delineated Built-up Area of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and Urban (Built-up) Area of the Regional Official Plan (ROP). Main Street West is Regional Road 3; the existing road allowance in this area is deficient of the recommended policy width and a road widening ranging from 0.8 metres at the eastern limit to 7.3 metres at the western limit is required (this was required with the previous site plan application for Phase 1). No additional access is to be permitted for the subject property, and an easement will need to be granted for shared access. Prior to any works within the Regional Road allowance, a Regional Construction Encroachment and Entrance permit will be required. The storm sewer system for the entire commercial development is intertwined between Phases 1 and 2, and a stormwater management (SWM) facility for peak flow control to service the entire site is located in Phase 1. Please provide an update on how the lot severance may impact the overall SWM plan for the entire area. If the existing SWM plan is being maintained, ownership and maintenance of the required infrastructure servicing the entire site must be ensured, with easements being granted for the stormwater management system as necessary. If the lot severance is to alter the overall SWM plan for the entire site, the Region would require an updated SWM plan for each phase. Regional staff understands that waste collection for the subject property is to be provided through a private contractor and not Niagara Region.

Fee: \$620 (consent review)



REQUIRED WIDENING TO ACHIEVE A WIDTH OF 17.35 METERS FROM CENTERLINE OF THE ROAD ALLOWANCE FOR MAIN STREET WEST IN PORT COLBORNE

IR-15-222

LOT
R
PLAN

PART 1
PLAN 59R-8731

CONCESSION

PART 3
 PLAN 59R-8731

PART 3
±2.149 ha.

PART 2
±739.2 sq.m.

PART 2
± 739.2 sq.m.

(MAIN STREET WEST)

WAY No. 3)

VOID

IF USED FOR ANY OTHER
PURPOSE THAN THIS
CURRENT SEVERANCE
APPLICATION

PRELIMINARY
ONLY

OCT. 6, 2020
MARCH 13, 2021
DATE

BLANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5477

SKETCH OF PROPOSED SEVERANCE
**PART OF LOT 31
CONCESSION 2**

GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW IN THE
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

DRAWN BY: CM CHECKED BY: MG
SCALE: 1:500 SURVEY 21-541

**City of Port Colborne
Special Council Meeting 35-20 – Public Hearing
Minutes**

Date: December 14, 2020

Time: 6:30p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)

Staff Present: D. Aquilina, Director of Planning & Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk
C. Roome, Planning Technician (via Zoom)
D. Schulz, Planner

Also in attendance was one member of WeeStreem.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. Moved by Councillor Bagu
Seconded by Councillor Bodner

That the agenda dated December 14, 2020 be confirmed, as circulated or as amended.
CARRIED.

3. Disclosures of Interest:

Nil.

4. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-186, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 168 and 176 Elm Street, File D14-02-20

(i) Purpose of Meeting:

David Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to present a proposed Zoning By-law Amendment and comments from circulated agencies and the public.

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City's Website through the regular Council Agenda.

As of the date of this meeting, staff has received the following correspondence from members of the public:

Jennifer Brooks – 115 Kent Street

- Would like to be notified of any decisions related to this application.
- Concerns related to parking and greenspace for the apartment building.

Patricia and Julius Premi – 171 Alexandra Street, Port Colborne

- In favour of the proposed Zoning By-law Amendment
The following agency has provided comment.

Regional Municipality of Niagara:**Conclusion**

In conclusion, the proposal is consistent with the PPS and conforms to Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective.

Planning Staff will include the Region's comment in full in their recommendation

Report.

(iii) Explanation of Procedure to be Followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-186 and read any correspondence received from circulated agencies and the public.

(iv) Presentation of Application for Zoning By-law Amendment:

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning from I – Institutional to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business while recognizing the existing location of the building, and allowing for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion from an institutional building into a 22-unit apartment building with a hall and office space on the property.

(v) Comments of Applicant:

Steven Rivers provided comments about the application. Mr. Rivers spoke to the under-utilized nature of the existing use, the studies that have been completed and the phases of development.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councilor Danch asked what the timeline of the phases would be. Mr. Rivers responded that phase one would likely start in the beginning of the new year with phase two starting near the end of 2021.

Councilor Beauregard questioned how much parking would be provided. Mr. Schulz responded that there would be 23 available spaces. Councillor Beauregard then questioned if that will be enough with the hall at capacity. Mr. Rivers responded that the hall would be demolished as a part of phase Three.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.

(ix) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 6:50 p.m.

5. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-187, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 599 Main Street West, File D14-06-20

(i) Purpose of Meeting:

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City's Website through the regular Council Agenda.

As of the date of this meeting, staff has received the following correspondence from members of the public:

Lisa St. Amand -

- Would like to be notified of any decisions related to this application.
- Would like to reserve the right to appeal any future decision if necessary.

- Requests that ongoing proceedings between the property owner at 599 Main St W and adjacent landowners and businesses be addressed prior to any further excavation.
- Requests that a stop work on heavy excavation equipment be included.

The following agency has provided comment.

Regional Municipality of Niagara:

There are no Provincial or Regional interests with the Zoning By-law Amendment.

(iii) Explanation of Procedure to be followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-187 and read any correspondence received from circulated agencies and the public.

(iv) Presentation of Application for Zoning By-law Amendment:

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning on a portion of the property (Phase 2 on the approved site plan, Part 3 on the consent application survey sketch) from Highway Commercial (HC) to HC-57, a special provision of the Highway Commercial (HC) zone that recognizes the lot frontage and front yard requirements of the Zoning By-law to satisfy a condition of a consent application under application B07-20-PC.

(v) Comments of Applicant:

Mr. Rivers spoke about the technical nature of this application and that as a result of the stormwater management requirements, Phase 2 was left with no frontage.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councillor Wells questioned if the Northern edge of the property allowed enough space for emergency vehicles. Mr. Schulz responded that those dimensions had already been reviewed and approved during Phase 1.

Councillor Bagu questioned if the construction of services or excavation would damage the neighboring properties on Merritt Parkway. Mr. Schulz responded that the services were already in place. Mr. Rivers added that the construction would be slab on grade.

Councillor Danch questioned if there would be any hoe ramming and if that process my damage neighboring properties. Mr. Rivers responded that there may be some, but not a lot and that neighbors have the chance of legal recourse through the courts if damage occurs.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.

(x) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjourn

Mayor Steele adjourned this Public Hearing at approximately 7:10 p.m.

6. Adjournment:

No. Moved by Councillor
Seconded by Councillor

That the Council meeting be adjourned at approximately 7:10 p.m.
CARRIED.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

December 22, 2020

CL 23-2020, December 17, 2020

BRCOTW 3-2020, November 26, 2020

CSD 65-2020, November 26, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2021 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition CSD 65-2020

Regional Council, at its meeting held on December 17, 2020, approved the following recommendations of Budget Review Committee of the Whole:

That Report CSD 65-2020 – REVISED, dated November 26, 2020, respecting 2021 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2021 Water & Wastewater net operating base budget increase of \$1,229,624 or 1% for Operating and \$1,229,417 or 1% for Capital Financing over the 2020 operating budget **BE APPROVED** in accordance with the 2021 budget planning strategy;
2. That the 2021 Water Operations gross operating budget of \$47,038,985 and net budget in the amount of \$46,656,372 as outlined in Appendix 7 of Report CSD 65-2020 for the Water Budget, Rates and Requisition **BE APPROVED**;
3. That the proposed fixed water requisition shown in Table 4 of Report CSD 65-2020, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
4. That the Region's proposed 2021 variable water rate of \$0.611, shown in Table 5 of Report CSD 65-2020, to be effective January 1, 2021 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;

5. That the 2021 Wastewater Operations gross operating budget of \$82,409,557 and net budget in the amount of \$78,774,320 as outlined in Appendix 7 of Report CSD 65-2020 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;
6. That the proposed 2021 fixed wastewater requisition as shown in Table 6 of Report CSD 65-2020, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;
7. That the 2021 wastewater monthly bills **INCLUDE** the reconciliation for the 2019 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Table 7 of Report CSD 65-2020;
8. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
9. That a copy of Report CSD 65-2020 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 65-2020 and By-law Nos. 2020-92 and 2020-93 are enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2020-244

cc: H. Chamberlain, Director, Financial Management & Planning, Deputy Treasurer
T. Harrison, Commissioner, Corporate Services, Treasurer
K. Beach, Executive Assistant, Corporate Services

Subject: 2021 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition

Report to: Budget Review Committee of the Whole

Report date: Thursday, November 26, 2020

Recommendations

1. That the 2021 Water & Wastewater net operating base budget increase of \$1,229,624 or 1% for Operating and \$1,229,417 or 1% for Capital Financing over the 2020 operating budget **BE APPROVED** in accordance with the 2021 budget planning strategy;
2. That the 2021 Water Operations gross operating budget of \$47,038,985 and net budget in the amount of \$46,656,372 as outlined in Appendix 7 for the Water Budget, Rates and Requisition **BE APPROVED**;
3. That the proposed fixed water requisition shown in Table 4 of Report CSD 65-2020, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
4. That the Region's proposed 2021 variable water rate of \$0.611, shown in Table 5 of Report CSD 65-2020, to be effective January 1, 2021 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;
5. That the 2021 Wastewater Operations gross operating budget of \$81,409,557 and net budget in the amount of \$78,774,320 as outlined in Appendix 7 of Report CSD 65-2020 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;
6. That the proposed 2021 fixed wastewater requisition as shown in Table 6 of Report CSD 65-2020, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;

-
7. That the 2021 wastewater monthly bills **INCLUDE** the reconciliation for the 2019 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Table 7 of Report CSD 65-2020;
 8. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
 9. That a copy of Report CSD 65-2020 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The proposed Water net budget represents a \$0.7 million increase, or 1.60% over 2020; the proposed Wastewater net budget represents a \$1.7 million increase, or 2.24% over 2020, for a combined Water & Wastewater Budget increase of 2% as shown in Table 1.
- The budget is representative of the 2021 budget planning strategy of 2.00% for base budget expenditure (1% for operating and 1% for enhanced capital financing) before COVID-19 expenditures.
- Staff have deferred the 2021 request for a 5.15% increase that supports the Council approved Safe Drinking Water Act (SDWA) Financial Plan in order to comply with 2021 budget planning strategy.
- Incorporated in the 2% increase for the 2021 operating budget is the requirement for the operating and debt servicing cost associated with the proposed South Niagara Falls Wastewater treatment facility. This has been accommodated with a reduction in the transfer to the capital reserve which will be re-established through future commitments to the 5.15% increase in accordance with the SDWA Financial Plan.
- The requisition methodology conforms to Councils approved cost recovery methodology from 2011, which was reaffirmed through report CSD 61-2015, on July 2, 2015. The methodology apportions to the LAMs water at 75% variable rate and 25% as a fixed component and wastewater 100% fixed.
- The proposed variable water rate is increased to \$0.611 (2020 = \$0.602) attributed to the budget increase with no projected change in water flows for 2021.
- ***The municipal requisitions have been corrected for an error in one quarter of a year's actual water and wastewater flows incorporated within the three year average.***

Financial Considerations

The Water and Wastewater Division's proposed 2021 net budget amount of \$125.40 million represents a \$2.5 million net increase or 2% (1% for base operating and 1% for enhanced capital financing) from the 2020 budget, as shown in Table 1. The total net cost related to the Wastewater program is \$78.7 million, representing a net increase of \$1.7 million, or 2.24% from 2020. The remaining \$46.7 million relates to the Water program, which has increased by \$0.7 million, or 1.60% from 2020. The proposed gross budget and comparison to the 2020 net budget are outlined in Table 1.

Table 1 – Summary of Proposed Water and Wastewater Budget ('\$000)

Water & Wastewater 2021 Budget Summary	Water	Wastewater	Total
2020 Net Requisition	45,921	77,021	122,942
2021 Budget:			
Total Operating Expenses	22,225	47,913	70,138
Business Support	1,828	3,296	5,124
Reserve Transfer & Debt Charges	22,527	29,430	51,957
2021 Gross Budget Total - Before Enhanced Capital Financing	46,580	80,639	127,219
Enhanced Capital Financing (1%)	459	770	1,229
2021 Gross Budget Total	47,039	81,410	128,449
Less: Revenues*	(352)	(2,572)	(2,924)
Less: Safe Restart Funding*	(31)	(93)	(124)
2021 Net Requisition	46,656	78,744	125,401
Percentage Change	1.60%	2.24%	2.00%

*Revenue amounts presented in this table do not include revenue amounts in water and wastewater shared services (included as an offset in total operating expenses).

Analysis

The 2021 Water and Wastewater budgets were developed giving consideration to historical results (2019 actuals, 2020 forecast), operational concerns, legislative compliance, standard operating procedures, impacts as a result of COVID-19 and cross-divisional and corporate business support costs. In Table 2, the increases/pressures identified for 2021 are \$3.0 million before recommended mitigation measures totaling \$1.6 million.

Table 2 – Summary of Proposed Water and Wastewater Budget with Pressures and Mitigations ('000)

Water & Wastewater 2021 Budget Summary	Water \$	Wastewater \$	Total \$	Total %
2020 Net Requisition	45,921	77,021	122,942	
Gross Increase/Pressures	599	2,376	2,975	
Base Subtotal	46,520	79,396	125,916	2.42%
Mitigations	(292)	(1,328)	(1,620)	
Safe Restart Funding	(31)	(93)	(124)	
Net Operating Increase	276	954	1,230	
Base Total	46,197	77,974	124,172	1.00%
Enhanced Capital Financing	459	770	1,229	1.00%
2021 Net Requisition	46,656	78,744	125,401	2.00%

Council previously adopted a 5.15% increase as per the SDWA financial plan. This would have allowed for a budget increase of \$6.3 million, however, the budget planning strategy only allowed for a 2% increase or \$2.5 million: 1% for base operating (\$1.2 million) and 1% for enhanced capital financing (\$1.2 million). Given the largely fixed cost nature of the operations (i.e., chemicals, utilities, property tax, previously approved debt charges) staff needed to identify mitigations options within the very small budget of discretionary spending so not to impact the daily operations of the services. Of the total requisition amount of \$125M for 2021 approximately 94% of the total amount is fixed as it relates to treatment of water and wastewater and capital financing. The remaining 6% can be classified as discretionary expenditures that does not specifically relate to water/wastewater treatment (i.e., CSO grants, certain building maintenance such as snow removal and grass cutting). The proposed mitigations will decrease the net requisition increase from 2.42% or \$3 million to the budget planning strategy amount of 2% or \$2.5 million.

The increases/pressures to the budget of \$3.0 million are largely due to the following:

- Utilities (Gross: \$0.8 million; Net: \$0.4 million) – The gross increase aligns with overall corporate utility assumptions for 2021. Utility rebates of \$0.4 million have also been budgeted. This is an increase of 3.6% in the overall utility budget.
- Chemical Costs (\$0.5 million) – The pressure is representative of various chemical contracts being renewed in 2021 plus additional anticipated chemical usage at the existing Niagara Falls WWTP to meet compliance objectives. This is an increase of 12.1% in the overall chemicals budget.

-
- Base Capital financing (\$0.5 million) – 1% or \$0.5 million increase in base funding for capital to address infrastructure backlog.
 - External Legal (\$0.3 million) – External legal fees are anticipated to increase as a result of on-going legal issues associated with previously completed capital works which cannot be accommodated within the existing base budget of \$34,000.
 - Property Taxes (\$0.3 million) – Annual inflationary increases on property taxes plus the on-boarding of the previously unbudgeted new NOTL treatment facility. This is an increase of 12.5% in the overall property tax budget
 - Bio-Solids (\$0.2 million) – Expected increases in volumes and contract per unit rates as initiated in 2020. This is an increase of 3.23% in the combined bio-solids budget for cake disposal, land application and sludge haulage.
 - Compensation (\$0.1 million) – annual increases as per current labour contracts and policies.
 - Business Support/Department Allocations (\$0.2 million) – increase in allocations from other departments (i.e. integrated services, facilities, finance, insurance, etc.)
 - Repair & Maintenance (-\$0.2 million) – decrease in repair and maintenance as a result of reduced spend in 2020 (excluding the impacts of increase R&M Grounds as a result of student deferral – see below).

The mitigations of \$1.6 million are comprised of the following discretionary expenses:

- CSO Program Deferral (-\$1.0 million) - The 2020 annual budget for this program is \$4.0 million with \$2.0 million funded from the rate requisition and \$2.0 million funded from Development Charges. Deferring half of the 2021 CSO would provide \$1.0 million relief on the proposed 2021 wastewater requisition. The \$1.0 million program cost represents 1.27% on the 2021 wastewater requisition and 0.80% on the combined 2021 water/wastewater requisition. The Region currently has \$16 million in commitments (as at y/e 2019) to 10 LAMs for approved but unspent CSO projects which will be maintained. Deferring half of the 2021 CSO funding may allow municipalities to complete historical projects that remain outstanding anticipating they too may experience some budget pressures due to the current economic environment but will allow some projects to proceed in 2021.
- Student Position Deferral (Gross: -\$0.4 million; Net: -\$0.2 million) – Student positions supplement staff resources to enable staff to focus on special projects.

As well they are responsible for grass cutting which will now be completed by the contractor.

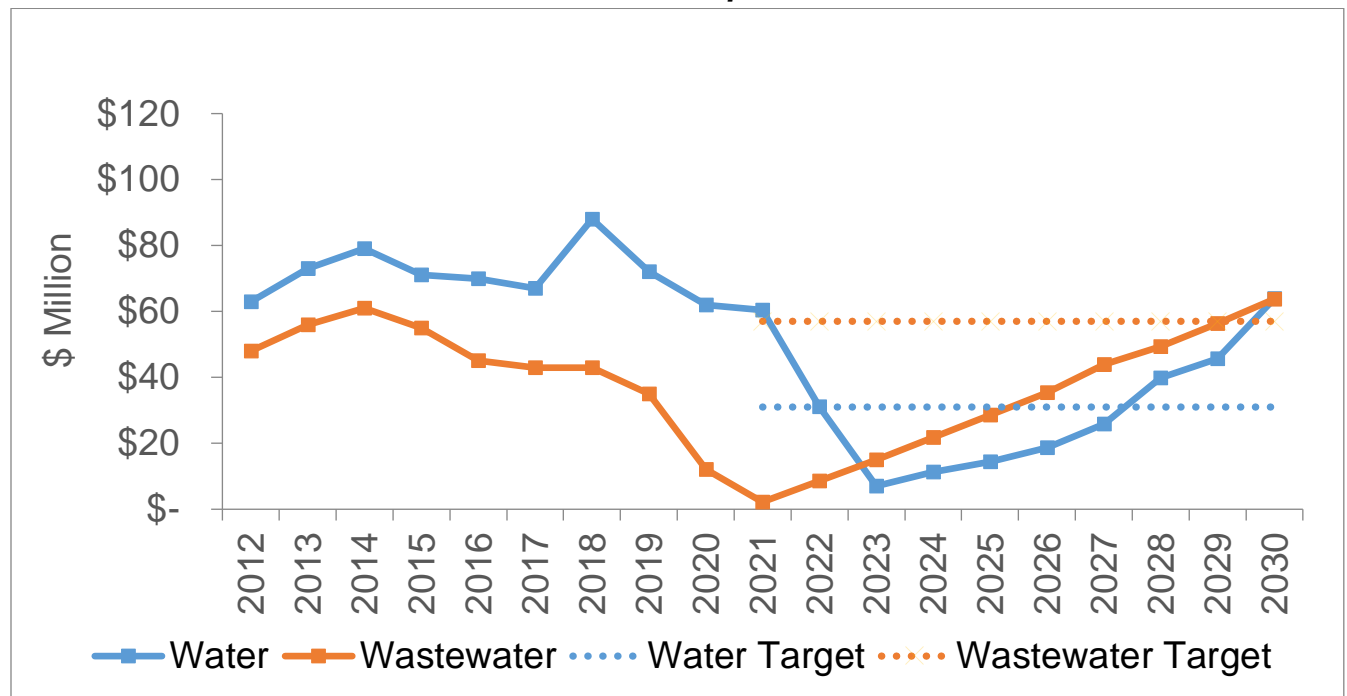
- Water Wagon/Water Festival Deferral (-\$0.2 million) – Deferral of both the water wagon and in person water festival activities (continued virtually in 2020/21) for 2021 as a result of COVID-19 restrictions.
- Salary Gapping (-\$0.2 million) – Staff have implemented a salary gapping strategy which estimates the savings due to staff turnover at 1% of the proposed personnel budget.

The proposed one-time mitigations provided above (deferrals of half the 2021 CSO program, student positions, Water wagon/festival, and conferences) will create additional pressures in 2022 to re-instate the programs, however these are anticipated to be accommodated within the 5.15% SDWA Financial Plan previously approved by Council.

Reserve Management - Capital/Infrastructure

The proposed 2021 budget planning strategy of 2% recommended 1% for base services and 1% for capital financing enhancement. As a result, staff are deferring the Council approved SDWA Financial Plan combined water/wastewater increase of 5.15% for 2021. Staff will be recommending that the financial plan be reinstated for 2022 in order to address both the asset renewal backlog as well as the Region's annual funding gap of \$77 million (10 year Average Annual Renewal Investment – AARI) that had been identified in the 2017 Council approved comprehensive Asset Management Plan (AMP).

As per the capital financial strategy, staff proposed as a guiding principle that a minimum reserve balance of 2% of the current asset value be maintained. The dotted lines on the chart below illustrate the 2% target compared to the forecasted reserve balance for each year. The Reserve balance has been decreasing to support the necessary backlog of infrastructure renewal. The strategy is to replenish the reserve with the 5.15% increase each year in accordance with the financial plan. The transfer to reserve is being temporarily reduced to accommodate the new South Niagara Falls WWTP debt charges and operating costs budget within a 2% overall budget increase. However, until the plant is operational, this budget will continue to fund pay-as-you-go capital projects (in accordance with the Budget Planning By-law) to invest in critical infrastructure similar to the transfer to capital reserve.

Chart 1 – Forecasted Water and Wastewater Capital Reserve Balances**South Niagara Falls Wastewater Treatment Facility**

As identified in report PW 39-2020 – South Niagara Falls Update, the SNF WWTP capital projects and required debt financing can be accommodated within a 2% rate increase in 2021 with the following key strategies:

- Temporary reduction in the transfer to the WW capital reserve to accommodate increased debt charge budget (\$3.8 million). To be used for pay-as-you-go infrastructure until SNF WWTP debt is required;
- Use of plant operations and maintenance budget to fund pay-as-you-go infrastructure until the plant is operational (\$5.3 million operating costs net of savings); and
- 5.15% combined requisition increase from 2022 – 2028 is required to re-establish the transfers to capital reserves to \$40 million from \$21 million in 2020 to support the asset management plan.

For 2021, the capital projects funded from the total SNF WWTP operating and debt charge budget amounts of \$9.1 million can be found in Appendix 1.

Table 3 below provides a reconciliation of the wastewater operations (net), capital reserve contributions and the debt charge amounts. The impacts of the SNF WWTP have been accommodated in the base budget by decreasing the transfer to the capital reserve.

Table 3 – Reconciliation of the Wastewater Operating Budget with Consideration to the SNF WWTP

Wastewater Operating Budget	Operating (Net)	Reserve Contributions	Debt Charge	Total
2020 Approved Net Budget	\$47,908	\$20,963	\$8,150	\$77,021
<i>Changes SNF WWTP:</i>				
Reduction in transfer to Reserve to increase Debt Charge Budget	0	(3,814)	3,814	0
Reduction in transfer to Reserve to increase for net Plant Operating Expenses	5,265	(5,265)	0	0
Temporary Budget allocation to Capital Until SNF WWTP Operational	(5,265)	\$9,079	(\$3,814)	0
2021 Net Budget Impact After SNF WWTP	47,908	20,963	8,150	77,021
% Increase due to SNF WWTP	0.00%	0.00%	0.00%	0.00%
<i>Changes 2021 Net Budget:</i>				
Base Budget Change	636	(379)	697	953
Capital Financing Enhancement – 1%	0	770	0	770
2021 Net Budget	48,544	21,354	8,847	78,744
% Increase total Wastewater	1.33%	1.87%	8.55%	2.24%

COVID-19 Impacts

Staff have identified \$0.1 million in COVID-19 related expenditures that will be funded from Safe Restart funding for 2021 water and wastewater operations. These amounts primarily relate to enhanced cleaning and social distancing measures for Regional staff.

Water and wastewater flow volumes from municipalities have also declined due to business related shutdowns due to COVID-19. However relative to the three-year average, water flows are only down 1.3% as of September 2020. As the 2020 water and

wastewater flows are part of the 3-year average used for the 2021 water and wastewater fixed requisitions this reduction will impact the distribution of costs across the municipalities. This has caused municipalities that have had relatively consistent flows over the 3-year average to be allocated a greater share of the fixed requisition. For the wastewater fixed charge, any variations in the 3-year average for 2021 relative to actual flows will be incorporated in the year-end reconciliation in the 2023 wastewater billing (as is the 2019 reconciliation in the 2021 requisition). For the water fixed amount, there is no year-end reconciliation. Area municipalities may be eligible to claim these fluctuations as COVID-19 related impacts for Provincial funding.

Water Requisition

Fixed Water Requisition

As per Council's approved methodology, \$11,664,093 (25%) of the net Water budget will be recovered from fixed monthly requisitions to the local municipalities based on historical flows. The historical water flows and percentages utilized are included in **Appendix 2 and 3**. This annual amount based on the historical flows is then divided by 12 to determine the monthly charge to be billed to each of the services LAMs starting January 1, 2021. Also included as part of **Appendix 2**, is the annual impact on the fixed water requisition between 2020 and 2021 for each LAM. Table 4 summarizes the fixed amounts to be billed to each LAM based on the above methodology.

Table 4—Fixed Water Requisition for 2021 Net Budget

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.63%	\$889,684	\$74,140
Grimsby	5.42%	\$632,039	\$52,670
Lincoln	4.13%	\$482,303	\$40,192
Niagara Falls	25.35%	\$2,956,366	\$246,364
Niagara-on-the-Lake	5.67%	\$660,794	\$55,066
Pelham	2.25%	\$262,062	\$21,839
Port Colborne	5.05%	\$589,592	\$49,133
St. Catharines	26.65%	\$3,107,935	\$258,995
Thorold	3.74%	\$436,004	\$36,333
Welland	12.42%	\$1,448,698	\$120,725
West Lincoln	1.70%	\$198,626	\$16,552
Total	100.00%	\$11,664,093	\$972,008

Table 4 – Fixed Water Requisition for 2021 Net Budget-REVISED

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.58%	\$883,772	\$73,648
Grimsby	5.46%	\$637,160	\$53,097
Lincoln	4.16%	\$485,166	\$40,431
Niagara Falls	25.27%	\$2,947,840	\$245,653
Niagara-on-the-Lake	5.73%	\$668,598	\$55,716
Pelham	2.25%	\$262,088	\$21,841
Port Colborne	5.05%	\$589,416	\$49,118
St. Catharines	26.55%	\$3,097,272	\$258,106
Thorold	3.78%	\$441,389	\$36,782
Welland	12.42%	\$1,448,636	\$120,720
West Lincoln	1.74%	\$202,756	\$16,896
Total	100.00%	\$11,664,093	\$972,008

Variable Water Rate

The remaining \$34,992,279 (75%) will be charged through the variable rate. The recommended variable rate of \$0.611 per cubic metre as outlined in Table 5 is based on a water forecast using the past three year average flows plus an anticipated growth factor. Despite above average growth for the Region in recent years the flow estimates are still volatile and are dependent on weather conditions. The resulting estimate for 2021 is an overall volume consistent with the amount used for the 2020 budget. An overview of the water trends and related risk is outlined in more detail in **Appendix 3**. The proposed variable water rate increase is \$0.009 (1.53%) (2020 = \$0.602) which is attributed only to the budget increase. Any variation in water flows that result from COVID-19 will be mitigated at 2021 year-end with Safe Restart funding held in the taxpayer relief reserve.

Table 5 – Variable Water Rate for 2021 Net Budget

2021 Variable Water Rate	
Variable Allocation (75% x \$46,656,372)	\$34,992,279
2021 Water Flow Forecast (m ³)	57,250,000
Variable Rate (\$/m ³)	\$0.611

Wastewater Requisition

The wastewater net requisition is recovered 100% from fixed monthly requisitions to the local municipalities, apportioned based on the historical three year average flows. The annual amount is divided by twelve to determine the monthly charge to each of the serviced LAMs starting January 1, 2021. The historical wastewater flows and apportionments are included in **Appendix 4** as well as the comparison of the fixed wastewater requisition amount between 2020 and 2021 for each LAM. Table 6 provides the fixed amounts to be billed to each LAM based on the above methodology.

Table 6 – Fixed wastewater Requisition for 2021 Net Budget

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	10.39%	\$8,184,943	\$682,079
Grimsby	4.63%	\$3,643,091	\$303,591
Lincoln	3.82%	\$3,010,169	\$250,847
Niagara Falls	18.76%	\$14,775,188	\$1,231,266
Niagara-on-the-Lake	4.05%	\$3,188,847	\$265,737
Pelham	1.84%	\$1,449,600	\$120,800
Port Colborne	6.06%	\$4,771,502	\$397,625
St. Catharines	29.06%	\$22,884,473	\$1,907,039
Thorold	5.24%	\$4,126,205	\$343,850
Welland	14.45%	\$11,376,462	\$948,038
West Lincoln	1.69%	\$1,333,840	\$111,153
Total	100.00%	\$78,744,320	\$6,562,027

Table 6 – Fixed wastewater Requisition for 2021 Net Budget -REVISED

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	10.25%	\$8,073,792	\$672,816
Grimsby	4.40%	\$3,463,418	\$288,618
Lincoln	3.84%	\$3,027,278	\$252,273
Niagara Falls	18.70%	\$14,728,945	\$1,227,412
Niagara-on-the-Lake	4.06%	\$3,193,230	\$266,103
Pelham	1.83%	\$1,442,578	\$120,215
Port Colborne	6.10%	\$4,805,270	\$400,439
St. Catharines	29.20%	\$22,996,058	\$1,916,338
Thorold	5.30%	\$4,173,480	\$347,790

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Welland	14.57%	\$11,476,001	\$956,333
West Lincoln	1.73%	\$1,364,268	\$113,689
Total	100.00%	\$78,744,319	\$6,562,027

As per Council's approved cost recovery methodology, the 2021 monthly Wastewater charges will include reconciliation of the 2019 Wastewater requisition payments. Municipal 2019 rebates or charges will be based on their respective share of actual flows versus the estimated share used to initially allocate the 2019 charges. This reconciliation results in a total of \$1,944,713 in payments to, and \$1,944,713 in rebates from, the local municipalities. Tables outlining the calculation of the reconciliation have been included as **Appendix 5**, and the total charge including the 2021 requisition and 2019 reconciliation by local municipality has been included as **Appendix 6**.

Table 7 – Wastewater Reconciliation for 2019 included in 2021 Requisition

Municipality	Reconciliation (\$)	Monthly Rebate (\$)	Monthly Payment (\$)
Fort Erie	(298,910)	(24,909)	
Grimsby	(246,320)	(20,527)	
Lincoln	(65,291)	(5,441)	
Niagara Falls	(1,272,205)	(106,017)	
Niagara-on-the-Lake	62,552		5,213
Pelham	(61,986)	(5,165)	
Port Colborne	381,960		31,830
St. Catharines	661,502		55,125
Thorold	450,909		37,576
Welland	311,092		25,924
West Lincoln	76,697		6,391
Total	(0)	(162,059)	162,059

Risks & Opportunities

- Water/wastewater flows are weather dependant and therefore subject to fluctuations that are outside the Region's control.
- COVID-19 has also caused reductions in water flows. Any variation in water flows as a result of COVID-19 will be offset at year-end 2021 with Safe Restart funding (taxpayer relief reserve).

- Unanticipated equipment and underground infrastructure failure may impact operating expenditures.
- Although additional capital financing has been included in the 2021 water and wastewater operational budget it is short of the SDWA financial plan recommended combined increase of 5.15%. This planned reduction in capital financing limits financial flexibility until the budget fully addresses the asset management plan/SDWA.

Alternatives Reviewed

Council may approve an additional increase of 3.15% over 2020 to maintain the previously adopted SDWA Financial Plan for a combined aggregate increase of 5.15%. This alternative is **NOT RECOMMENDED** but would be supported by Staff if Council direction is provided. This increase would generate an additional \$3.9 million in funds for 2021 that could be used to maintain the program mitigations (including the CSO program) and further enhance infrastructure funding.

Relationship to Council Strategic Priorities

The 2021 Water and Wastewater proposed budgets support Council's strategic priorities of organizational excellence, by meeting or exceeding legislative requirements and having 42% of the total program costs related to infrastructure renewal and replacement.

Other Pertinent Reports

CSD 21-2017	Asset Management Plan
PDS 37-2016	Niagara 2041 Growth Strategy – Local Municipal Growth Allocations
PW 22-2017	2016 Water & Wastewater Master Servicing Plan Update
PW 5-2019	Safe Drinking Water Act Financial
PW 39-2020	South Niagara Falls WWTP Update

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Appendices

Appendix 1	2021 Wastewater Capital Projects Funded with SNF WWTP Operating and Debt Charge Budget Amounts
Appendix 2	<i>Water Flows and Fixed Water Requisition by Local Area Municipality - REVISED</i>
Appendix 3	Water Volume Analysis
Appendix 4	<i>Wastewater Flows and Fixed Wastewater Requisition by Local Area Municipality - REVISED</i>
Appendix 5	2019 By-law Wastewater Reconciliation
Appendix 6	<i>Fixed Wastewater Requisition including Reconciliation by Local Area Municipality - REVISED</i>
Appendix 7	2021 Water and Wastewater Schedule of Revenues and Expenditures by Object of Expenditure

2021 Wastewater Capital Projects Funded with SNF WWTP Operating and Debt Charge Budget Amounts

- Mill St. Area Sanitary Improvements - \$825,000
- East Side Pump Station Forcemain Replacement - \$1,500,000
- Laboratory and Sampling Equipment Upgrade Program - \$100,000
- Campden Pump Station Upgrades - \$1,200,000
- Rolling Acres Pump Station Upgrades and Forcemain replacement - \$300,000
- George Street SPS Upgrade - \$2,600,000
- Spring Gardens Pumping Station Upgrades and Forcemain Replacement - \$350,000
- Royal Manor Pump Station Upgrades and Forcemain Replacement - \$300,000
- Nickel St Pumping Station Upgrades - \$300,000
- Fares St Pumping Station Upgrades - \$300,000
- Arena Pumping Station Upgrades - \$300,000
- Region Wide Sludge Septic Haulage Program - \$1,000,000
- Nigh Rd Pumping Station Upgrade - \$300,000

Water Flows and Fixed Water Requisition by Local Area Municipality**Table 1 – Water Flows by Municipality**

Municipality	3-Year Avg. per 2020- By-law		3-Year Avg. per 2021- By-law	
	Megalitres	%	Megalitres	%
Fort Erie	4,686	8.06%	4,355	7.63%
Grimsby	3,258	5.60%	3,094	5.42%
Lincoln	2,315	3.98%	2,361	4.13%
Niagara Falls	15,424	26.53%	14,471	25.35%
Niagara-on-the-Lake	3,147	5.41%	3,235	5.67%
Pelham	1,266	2.18%	1,283	2.25%
Port Colborne	3,093	5.32%	2,886	5.05%
St. Catharines	15,350	26.41%	15,213	26.65%
Thorold	2,076	3.57%	2,134	3.74%
Welland	6,653	11.45%	7,091	12.42%
West Lincoln	862	1.48%	972	1.70%
Total	58,130	100%	57,096	100%

Table 1 - Water Flows by Municipality - REVISED

Municipality	3-Year Avg. per 2020 By-law		3-Year Avg. per 2021 By-law	
	Megalitres	%	Megalitres	%
Fort Erie	4,478	7.84%	4,308	7.58%
Grimsby	3,027	5.30%	3,106	5.46%
Lincoln	2,254	3.94%	2,365	4.16%
Niagara Falls	14,989	26.23%	14,370	25.27%
Niagara-on-the-Lake	3,105	5.43%	3,259	5.73%
Pelham	1,178	2.06%	1,278	2.25%
Port Colborne	3,037	5.31%	2,873	5.05%
St. Catharines	15,148	26.51%	15,099	26.55%
Thorold	2,127	3.72%	2,152	3.78%
Welland	6,932	12.13%	7,062	12.42%
West Lincoln	874	1.53%	988	1.74%
Total	57,149	100%	56,860	100%

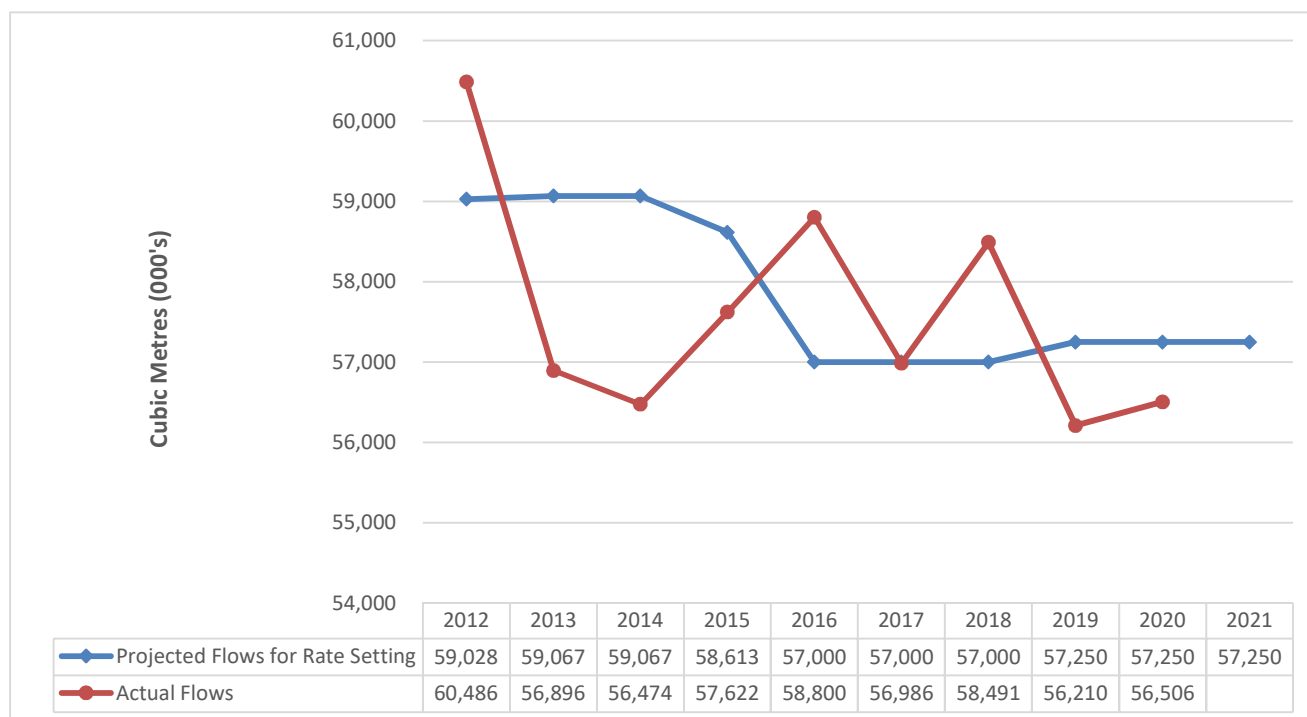
Table 2 – Fixed Water Requisition by Municipality

Municipality	Fixed Requisition			
	2020 (\$000)	2021 (\$000)	Difference	
			\$000s	%
Fort Erie	900	890	(10)	-1.11%
Grimsby	608	632	24	3.94%
Lincoln	453	482	30	6.52%
Niagara Falls	3,011	2,956	(55)	-1.82%
Niagara-on-the-Lake	624	661	37	5.95%
Pelham	237	262	26	10.78%
Port Colborne	610	590	(20)	-3.35%
St. Catharines	3,043	3,108	65	2.14%
Thorold	427	436	9	2.06%
Welland	1,393	1,449	56	4.03%
West Lincoln	176	199	23	13.11%
Total	11,480	11,665	184	1.60%

Table 2 - Fixed Water Requisition by Municipality - REVISED

Municipality	Fixed Requisition			
	2020 (\$000)	2021 (\$000)	Difference	
			\$000s	%
Fort Erie	900	884	(16)	-1.76%
Grimsby	608	637	29	4.78%
Lincoln	453	485	32	7.15%
Niagara Falls	3,011	2,948	(63)	-2.10%
Niagara-on-the-Lake	624	669	45	7.20%
Pelham	237	262	26	10.79%
Port Colborne	610	589	(21)	-3.38%
St. Catharines	3,043	3,097	54	1.79%
Thorold	427	441	14	3.32%
Welland	1,393	1,449	56	4.03%
West Lincoln	176	203	27	15.46%
Total	11,480	11,664	184	1.60%

Water Volume Analysis



The 2020 actual flows are estimate to finish the year approximately 1.3% lower than project flows. The forecasted water usage in 2020 is estimated to total to 56,506 ML.

The water volume forecast for 2021 has been prepared giving consideration to historical trends and current considerations.

The volume forecast for 2021 is above the 3-year calendar average of 57,069 ML and below the 5-year average of 57,399 ML. This includes 2018 which were more typical summer weather years. 2016 experienced drought conditions during the summer. 2017 and 2019 experienced very wet summers. The 2020 flows are impacts by a dry summer and COVID-19 shutdowns. The 2021 estimate reflects no change over previous year's projection.

COVID-19 volatility may continue into 2021. Any variation in flow as a result of COVID-19 that has a negative impact on variable water revenue will be mitigated with Provincial Safe Restart funding.

Wastewater Flows and Fixed Requisition By Local Area Municipality**Table 1 - Wastewater Flows by Municipality**

Municipality	3-Year Avg. per 2020 By-law		3-Year Avg. per 2021 By-law	
	Megalitres	%	Megalitres	%
Fort Erie	7,931	10.44%	7,679	10.39%
Grimsby	3,688	4.86%	3,418	4.63%
Lincoln	2,907	3.83%	2,824	3.82%
Niagara Falls	14,901	19.62%	13,861	18.76%
Niagara-on-the-Lake	3,141	4.14%	2,992	4.05%
Pelham	1,360	1.79%	1,360	1.84%
Port Colborne	4,480	5.90%	4,476	6.06%
St. Catharines	21,608	28.45%	21,469	29.06%
Thorold	3,845	5.06%	3,871	5.24%
Welland	10,858	14.30%	10,673	14.45%
West Lincoln	1,220	1.61%	1,251	1.69%
Total	75,938	100%	73,874	100%

Table 1 - Wastewater Flows by Municipality - REVISED

Municipality	3-Year Avg. per 2020 By-law		3-Year Avg. per 2021 By-law	
	Megalitres	%	Megalitres	%
<i>Fort Erie</i>	<i>7,931</i>	<i>10.44%</i>	<i>7,712</i>	<i>10.25%</i>
<i>Grimsby</i>	<i>3,688</i>	<i>4.86%</i>	<i>3,308</i>	<i>4.40%</i>
<i>Lincoln</i>	<i>2,907</i>	<i>3.83%</i>	<i>2,892</i>	<i>3.84%</i>
<i>Niagara Falls</i>	<i>14,901</i>	<i>19.62%</i>	<i>14,069</i>	<i>18.70%</i>
<i>Niagara-on-the-Lake</i>	<i>3,141</i>	<i>4.14%</i>	<i>3,050</i>	<i>4.06%</i>
<i>Pelham</i>	<i>1,360</i>	<i>1.79%</i>	<i>1,378</i>	<i>1.83%</i>
<i>Port Colborne</i>	<i>4,480</i>	<i>5.90%</i>	<i>4,590</i>	<i>6.10%</i>
<i>St. Catharines</i>	<i>21,608</i>	<i>28.45%</i>	<i>21,966</i>	<i>29.20%</i>
<i>Thorold</i>	<i>3,845</i>	<i>5.06%</i>	<i>3,987</i>	<i>5.30%</i>
<i>Welland</i>	<i>10,858</i>	<i>14.30%</i>	<i>10,962</i>	<i>14.57%</i>
<i>West Lincoln</i>	<i>1,220</i>	<i>1.61%</i>	<i>1,303</i>	<i>1.73%</i>
<i>Total</i>	<i>75,938</i>	<i>100%</i>	<i>75,218</i>	<i>100%</i>

Tables 2 – Fixed Wastewater Requisition by Municipality

Municipality	Fixed Requisition			
	2020 (\$000)	2021 (\$000)	Difference	
			\$000s	%
Fort Erie	8,044	8,185	141	1.75%
Grimsby	3,740	3,643	(97)	-2.60%
Lincoln	2,949	3,010	61	2.09%
Niagara Falls	15,114	14,775	(338)	-2.24%
Niagara-on-the-Lake	3,185	3,189	3	0.11%
Pelham	1,379	1,450	71	5.12%
Port Colborne	4,544	4,772	227	5.00%
St. Catharines	21,916	22,884	968	4.42%
Thorold	3,900	4,126	226	5.81%
Welland	11,012	11,376	364	3.31%
West Lincoln	1,238	1,334	96	7.78%
Total	77,021	78,744	1,724	2.24%

Tables 2 - Fixed Wastewater Requisition by Municipality - REVISED

Municipality	Fixed Requisition			
	2020 (\$000)	2021 (\$000)	Difference	
			\$000s	%
<i>Fort Erie</i>	<i>8,044</i>	<i>8,074</i>	<i>30</i>	<i>0.37%</i>
<i>Grimsby</i>	<i>3,740</i>	<i>3,463</i>	<i>(277)</i>	<i>-7.40%</i>
<i>Lincoln</i>	<i>2,949</i>	<i>3,027</i>	<i>79</i>	<i>2.67%</i>
<i>Niagara Falls</i>	<i>15,114</i>	<i>14,729</i>	<i>(385)</i>	<i>-2.54%</i>
<i>Niagara-on-the-Lake</i>	<i>3,185</i>	<i>3,193</i>	<i>8</i>	<i>0.25%</i>
<i>Pelham</i>	<i>1,379</i>	<i>1,443</i>	<i>64</i>	<i>4.61%</i>
<i>Port Colborne</i>	<i>4,544</i>	<i>4,805</i>	<i>261</i>	<i>5.75%</i>
<i>St. Catharines</i>	<i>21,916</i>	<i>22,996</i>	<i>1,080</i>	<i>4.93%</i>
<i>Thorold</i>	<i>3,900</i>	<i>4,173</i>	<i>274</i>	<i>7.02%</i>
<i>Welland</i>	<i>11,012</i>	<i>11,476</i>	<i>464</i>	<i>4.21%</i>
<i>West Lincoln</i>	<i>1,238</i>	<i>1,364</i>	<i>127</i>	<i>10.24%</i>
Total	77,021	78,744	1,724	2.24%

2019 By-law Wastewater Reconciliation

Wastewater Flows (Mega Litres)		
Municipality	Prior 3-Yr Avg	2019 By-Law Period Actual Flows ¹
Fort Erie	7,348	7,931
Grimsby	3,216	3,345
Lincoln	2,745	3,013
Niagara Falls	14,247	14,624
Niagara-on-the-Lake	2,864	3,286
Pelham	1,309	1,404
Port Colborne	3,944	4,846
St. Catharines	20,064	23,261
Thorold	3,420	4,333
Welland	10,025	11,602
West Lincoln	1,125	1,348
Total	70,306	78,992

Wastewater Fixed Allocation Percentages			
Municipality	Prior 3-Yr Avg	2019 By-Law Period Actual Flows ¹	Difference
Fort Erie	10.5%	10.0%	-0.4%
Grimsby	4.6%	4.2%	-0.3%
Lincoln	3.9%	3.8%	-0.1%
Niagara Falls	20.3%	18.5%	-1.8%
Niagara-on-the-Lake	4.1%	4.2%	0.1%
Pelham	1.9%	1.8%	-0.1%
Port Colborne	5.6%	6.1%	0.5%
St. Catharines	28.5%	29.4%	0.9%
Thorold	4.9%	5.5%	0.6%
Welland	14.3%	14.7%	0.4%
West Lincoln	1.6%	1.7%	0.1%
Total	100.0%	100.0%	0.0%

Wastewater Fixed Allocation charge (\$000)			
Municipality	2019 By-Law Charges ^{1,2}	Charges Based on Actual Flows ¹	Underpayment/ (Overpayment) ³
Fort Erie	\$ 7,596	\$ 7,297	\$ (299)
Grimsby	3,324	3,078	(246)
Lincoln	2,837	2,772	(65)
Niagara Falls	14,728	13,455	(1,272)
Niagara-on-the-Lake	2,961	3,023	63
Pelham	1,354	1,292	(62)
Port Colborne	4,077	4,459	382
St. Catharines	20,741	21,402	662
Thorold	3,536	3,986	451
Welland	10,363	10,675	311
West Lincoln	1,163	1,240	77
Total	\$ 72,680	\$ 72,680	\$ (0)

Sum of Overpayment:	(1,944,714)
Percentage of Requisition	2.68%

Notes:

1. 2019 By-Law period consists of the 12 month period from January 2019 to December 2019
2. Charges paid excluded payments made/rebates received for 2017 reconciliation.
3. Underpayments/(Overpayments) based on comparing 2 difference allocation methodologies (3-yr average vs. actual flows during By-law period).

Fixed Wastewater Requisition Including Reconciliation by Municipality Comparison

Municipality	Requisition		Reconciliation Payment / (Refund)		Total Charge (Requisition + Reconciliation)			
	2020 By-Law	2021 By-Law	2020 (2018 Rec.)	2021 (2019 Rec.)	2020 By-Law	2021 By-Law	Difference	
	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	%
Fort Erie	8,044	8,185	(190)	(299)	7,854	7,886	32	0.40%
Grimsby	3,740	3,643	73	(246)	3,813	3,397	(416)	-10.92%
Lincoln	2,949	3,010	23	(65)	2,972	2,945	(27)	-0.91%
Niagara Falls	15,114	14,775	(711)	(1,272)	14,402	13,503	(899)	-6.24%
Niagara-on-the-Lake	3,185	3,189	115	63	3,300	3,251	(49)	-1.48%
Pelham	1,379	1,450	(84)	(62)	1,295	1,388	92	7.11%
Port Colborne	4,544	4,772	160	382	4,704	5,153	449	9.55%
St. Catharines	21,916	22,884	448	662	22,364	23,546	1,182	5.28%
Thorold	3,900	4,126	301	451	4,200	4,577	377	8.97%
Welland	11,012	11,376	(192)	311	10,820	11,688	868	8.02%
West Lincoln	1,238	1,334	57	77	1,294	1,411	116	8.99%
Total	77,021	78,744	-	-	77,021	78,744	1,724	2.24%

Fixed Wastewater Requisition Including Reconciliation by Municipality Comparison - REVISED

Municipality	Requisition		Reconciliation Payment / (Refund)		Total Charge (Requisition + Reconciliation)			
	2020 By-Law	2021 By-Law	2020 (2018 Rec.)	2021 (2019 Rec.)	2020 By-Law	2021 By-Law	Difference	
	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	%
Fort Erie	8,044	8,074	(190)	(299)	7,854	7,775	(79)	-1.01%
Grimsby	3,740	3,463	73	(246)	3,813	3,217	(596)	-15.63%
Lincoln	2,949	3,027	23	(65)	2,972	2,962	(10)	-0.33%
Niagara Falls	15,114	14,729	(711)	(1,272)	14,402	13,457	(946)	-6.57%
Niagara-on-the-Lake	3,185	3,193	115	63	3,300	3,256	(44)	-1.35%
Pelham	1,379	1,443	(84)	(62)	1,295	1,381	85	6.57%
Port Colborne	4,544	4,805	160	382	4,704	5,187	483	10.27%
St. Catharines	21,916	22,996	448	662	22,364	23,658	1,293	5.78%
Thorold	3,900	4,173	301	451	4,200	4,624	424	10.09%
Welland	11,012	11,476	(192)	311	10,820	11,787	967	8.94%
West Lincoln	1,238	1,364	57	77	1,294	1,441	147	11.34%
Total	77,021	78,744	-	-	77,021	78,744	1,724	2.24%

Object of Expenditure	2020 Water Budget Total (\$)	2020 Wastewater Budget Total (\$)	2020 Combined Total (\$)	2021 Water Budget Total (\$)	2021 Wastewater Budget Total (\$)	2021 Combined Total (\$)	Combined Total Variance (\$)	Total Combined Variance (%)	Note
A_40000AB Compensation	7,954,489	10,773,458	18,727,947	7,672,587	10,588,464	18,261,051	(466,896)	(2.5%)	(1)
A_41000AB Administrative	594,726	742,955	1,337,681	492,196	1,086,665	1,578,861	241,180	18.0%	(2)
A_44000AB Operational & Supply	1,759,425	10,854,079	12,613,504	2,078,986	11,499,124	13,578,110	964,606	7.6%	(3)
A_50000AB Occupancy & Infrastructure	5,639,309	11,340,226	16,979,535	5,999,040	12,032,768	18,031,808	1,052,273	6.2%	(4), (5)
A_52000AB Equipment, Vehicles, Technology	1,175,515	3,301,033	4,476,548	1,157,143	3,129,063	4,286,206	(190,342)	(4.3%)	(5)
A_56000AB Partnership, Rebate, Exemption	10,000	4,000,000	4,010,000	10,000	2,000,000	2,010,000	(2,000,000)	(49.9%)	(6)
A_75100AC Transfers To Funds	19,786,216	20,962,502	40,748,718	20,698,763	17,539,843	38,238,606	(2,510,112)	(6.2%)	(7)
A_60000AC Allocation Between Departments	629,912	862,801	1,492,713	610,620	913,076	1,523,696	30,983	2.1%	(8)
A_60260AC Allocation Within Departments	4,164,914	6,503,657	10,668,571	4,204,379	6,664,250	10,868,629	200,058	1.9%	(8)
Gross Expenditure Subtotal	41,714,506	69,340,712	111,055,217	42,923,714	65,453,253	108,376,967	(2,678,250)	(2.4%)	
A_30000AB Taxation	(45,920,957)	(77,020,694)	(122,941,651)	(46,656,372)	(78,744,319)	(125,400,691)	(2,459,040)	2.0%	
A_32400AB By-Law Charges & Sales	(12,000)	(1,409,278)	(1,421,278)	(12,000)	(1,505,443)	(1,517,443)	(96,165)	6.8%	
A_34950AB Other Revenue	(367,663)	(2,074,294)	(2,441,957)	(339,663)	(1,066,894)	(1,406,557)	1,035,400	(42.4%)	(6)
A_75000AC Transfers From Funds	-	-	-	(30,950)	(92,900)	(123,850)	(123,850)	-	(9)
Gross Revenue Subtotal	(46,300,620)	(80,504,266)	(126,804,886)	(47,038,985)	(81,409,556)	(128,448,541)	(1,643,655)	1.3%	
Net Expenditure (revenue) before indirect allocations	(4,586,114)	(11,163,555)	(15,749,669)	(4,115,271)	(15,956,303)	(20,071,574)	(4,321,905)	27.4%	
A_70000AC Indirect Allocation	1,942,566	2,879,953	4,822,519	1,766,598	3,205,914	4,972,512	149,993	3.1%	
A_70200AC Capital Financing Allocation	2,643,548	8,283,602	10,927,150	2,348,673	12,750,389	15,099,062	4,171,912	38.2%	(7)
Allocation Subtotal	4,586,114	11,163,555	15,749,669	4,115,271	15,956,303	20,071,574	4,321,905	27.4%	
Net Expenditure (revenue) after indirect allocations	0	0	0	0	0	0	0	0	

Notes:

- (1) Includes compensation pressure for existing water/wastewater staff complement of \$0.1M less mitigation impacts of student position deferrals, waterfestival/wagon deferral and salary gapping totaling \$(0.5M).
- (2) Includes external legal pressure of \$0.3M less impacts by waterfestival/wagon deferral \$(0.1M) .
- (3) Includes pressures related to chemicals of \$0.5M and Bio-solid of \$0.2M.
- (4) Includes pressures related to utilities of \$0.8M and property taxes of \$0.3M less utilities rebate of \$(0.4M).
- (5) Includes decrease in R&M of \$(0.2M).
- (6) Includes 1/2 deferral of the 2021 CSO funding of \$(2M). Corresponding decrease in Development Charge revenue of \$1M.
- (7) Includes base capital financing increase of \$0.5M, enhanced capital financing of \$1.2M and impacts of SNF WWTP with net impact of \$0.
- (8) Includes pressure related to business support/department allocation (i.e., self supported operations) of \$0.2M.
- (9) Safe Restart Funding of \$0.1M to offset COVID-19 related expenditures.

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-92

A BY-LAW TO ADOPT THE 2021 WATER BUDGET AND TO
SET THE REQUISITION TO BE CHARGED FOR WATER
SUPPLIED TO LOWER-TIER MUNICIPALITIES FOR THE
PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2021

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on person for costs payable by it for services or activities provided or done by or on behalf of any other municipality; and

WHEREAS water supplied to the lower-tier municipalities is a service provided by the Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region.

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

1. That the 2021 Water Gross Operating Budget of \$47,038,986 and Net Operating Budget of \$46,656,373 be and hereby is adopted.
2. That 75% of the Net Operating Budget, \$34,992,280 be recovered from the lower-tier municipalities based on actual metered water flows multiplied by the Region's annually set uniform water rate.
3. That the rate payable by the lower-tier municipalities for treated water supplied by the Regional Waterworks system shall be established at \$0.611 for every cubic meter supplied to each lower-tier municipality for the period of January 1, 2021 to December 31, 2021.
4. That 25% of the Net Operating Budget, \$11,664,093 be apportioned to the lower-tier municipalities based on their proportionate share of the Region's total three year average historical flows.


5. That the lower-tier municipalities be requisitioned during the period January 1, 2021 to December 31, 2021 as follows:

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.58%	883,772	73,648
Grimsby	5.46%	637,160	53,097
Lincoln	4.16%	485,166	40,431
Niagara Falls	25.27%	2,947,840	245,653
Niagara-on-the-Lake	5.73%	668,598	55,716
Pelham	2.25%	262,088	21,841
Port Colborne	5.05%	589,416	49,118
St. Catharines	26.55%	3,097,272	258,106
Thorold	3.78%	441,389	36,782
Welland	12.42%	1,448,636	120,720
West Lincoln	1.74%	202,756	16,896
Total	100.00%	11,664,093	972,008

6. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2021 for the monthly requisition. Such monthly invoices shall continue thereafter until the December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount of each such invoices to the Treasurer of the Regional Corporation on or before the last business date of the month in which such invoice is submitted.
7. That in the event of default of payment of any monies payable under this by-law by a lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.
8. That this by-law shall come into force and effect on January 1, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA


James Bradley, Regional Chair


Ann-Marie Norio, Regional Clerk

Passed: December 17, 2020

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-93

A BY-LAW TO SET THE REQUISITIONS TO BE CHARGED
FOR WASTEWATER RECEIVED FROM THE LOWER –
TIER MUNICIPALITIES FOR THE PERIOD OF JANUARY 1,
2021 TO DECEMBER 31, 2021

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on person for costs payable by it for services or activities provided or done by or on behalf of any other municipality,

WHEREAS wastewater received from the lower-tier municipalities is a service provided by the Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region; and

WHEREAS the Council of the Regional Municipality of Niagara passed By-Law No. 119-2011 which indicated that, consistent with the wastewater reconciliation methodology described in PWA 87-2011, a reconciliation adjustment will commence with the 2013 Budget.

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

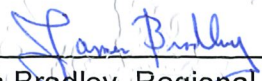
1. That the 2021 Wastewater Gross Operating Budget of \$82,409,557 and Net Operating Budget of \$78,744,319 be and hereby is adopted.
2. That the 2021 budgeted net wastewater operating budget be apportioned to the lower-tier municipalities based on their proportionate share of the Region's total three year average historical wastewater flows.
3. That the 2021 wastewater bills also include reconciliation of the 2019 net requisition allocated based on actual wastewater flows versus the estimated flows.


4. That the lower-tier municipalities be requisitioned during the period January 1, 2021 to December 31, 2021 as follows:

Municipality	2021 Net Budget Allocation (\$)	2019 Reconciliation (\$)	Total (\$)	Monthly (\$)
Fort Erie	8,073,792	(298,910)	7,774,882	647,907
Grimsby	3,463,418	(246,320)	3,217,098	268,092
Lincoln	3,027,278	(65,291)	2,961,987	246,832
Niagara Falls	14,728,945	(1,272,205)	13,456,740	1,121,395
Niagara-on-the-Lake	3,193,230	62,552	3,255,783	271,315
Pelham	1,442,578	(61,986)	1,380,592	115,049
Port Colborne	4,805,270	381,960	5,187,230	432,269
St. Catharines	22,996,058	661,502	23,657,560	1,971,463
Thorold	4,173,480	450,909	4,624,389	385,366
Welland	11,476,001	311,092	11,787,093	982,258
West Lincoln	1,364,268	76,697	1,440,965	120,080
Total	78,744,319	-	78,744,319	6,562,026

5. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2021 for the monthly requisition. Such monthly invoices shall continue thereafter until December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount on each such invoice to the Treasurer of the Regional Corporation on or before the last business day of the month in which such invoice is submitted.
6. That in the event of default of payment of any monies payable under this by-law by the lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.
7. That this by-law shall come into force and effect on January 1, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA


James Bradley, Regional Chair


Ann-Marie Norio, Regional Clerk

Passed: December 17, 2020

December 22, 2020

CL 23-2020, December 17, 2020
BRCOTW 3-2020, November 26, 2020
CSD 66-2020, November 26, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2021 Waste Management Operating and Rate Requisition Budget
CSD 66-2020

Regional Council, at its meeting held on December 17, 2020, approved the following recommendations of the Budget Review Committee of the Whole:

That Report CSD 66-2020, dated November 26, 2020, respecting 2021 Budget-Waste Management Services Operating Budget and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2021 Waste Management Services net operating budget increase of \$1,745,162 or 4.50% inclusive of mitigations and reserve funding **BE APPROVED**;
2. That the 2021 Waste Management Services gross operating budget of \$62,873,938 and net budget of \$40,566,763 as per Appendix 3 of Report CSD 66-2020, **BE APPROVED**;
3. That the net budget amount of \$40,566,763 **BE APPORTIONED** between the local municipalities in accordance with the methodology approved in PWA 55-2011 as per Appendix 1 as amended;
4. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
5. That a copy of Report CSD 66-2020 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 66-2020 and By-law No. 2020-94 are enclosed for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann-Marie' followed by a stylized flourish.

Ann-Marie Norio
Regional Clerk

CLK-C 2020-245

cc: H. Chamberlain, Director, Financial Management & Planning, Deputy Treasurer
T. Harrison, Commissioner, Corporate Services, Treasurer
K. Beach, Executive Assistant, Corporate Services

Subject: 2021 Budget-Waste Management Services Operating Budget and Requisition

Report to: Budget Review Committee of the Whole

Report date: Thursday, November 26, 2020

Recommendations

1. That the 2021 Waste Management Services net operating budget increase of \$1,548,984 or 3.99% inclusive of mitigations and reserve funding **BE APPROVED**;
2. That the 2021 Waste Management Services gross operating budget of \$62,677,760 and net budget of \$40,370,586 as per Appendix 3 of Report CSD 66-2020, **BE APPROVED**;
3. That the net budget amount of \$40,370,586 **BE APPORTIONED** between the local municipalities in accordance with the methodology approved in PWA 55-2011 as per Appendix 1;
4. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
5. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The proposed Waste Management Service (WMS) net budget represents a \$1.5 million increase, or 3.99% over 2020 as shown in Table 1.
- The proposed 2021 WMS operating base budget after proposed mitigations is above the budget planning strategy for 2021 of 2% before COVID-19 expenditures. Due to operating cost pressures of 15.3% primarily attributed to the first full year of the new collection contract, the budget does not include enhanced capital financing as per the budget planning strategy.
- In recognition that the budget planning strategy proposed 2021 increase be limited to 2%, the budget includes a Stabilization Reserve draw of \$3.4M which is able to reduce the budget increase to \$1.5 million or 3.99%.
- In 2020, staff forecasted a 9.8% increase each year for 2020 through to 2022 (increased to 9.9% in 2020 and 10.7% for 2021 and 2022 as a result of additional enhanced services as directed by Council). This strategy included significant use of

the Waste Management Stabilization reserve funding over this same period to mitigate the pressure associated with the new collection contract award.

- Assessment growth for the Region and Area Municipalities has not been finalized however estimated assessment growth by municipality is summarized in Appendix 1. The Region's year-to-date overall assessment growth (as of November 3, 2020) is 1.33% for 2020, resulting in the net requisition increase to be approximately 2.66% (3.99% less 1.33%) with an average typically residential annual impact of \$3.85.
- The net requisition amount has been allocated in accordance with the methodology approved in PWA 55-2011. The impacts by municipality in Appendix 2 are affected by the budget increase as well as growth in households and the enhanced services (as requested and selected by each LAM)

Financial Considerations

The gross budget proposed for 2021 totals \$62.7 million with a net budget of \$40.4 million, which is a \$1.5 million or a 3.99% increase over 2020 as outlined in Table 1. The significant driver of the annual increase is the new collection contract for which 2021 is the first full year. The proposed 2021 budget does not include any increases as a result of program changes or new staffing initiatives. In an effort to meet Budget Planning Strategy, staffing levels for 2021 have decreased by one-temporary FTE and 7.2 student FTE positions from 2020 due to budget mitigation proposals described further on in this report.

A schedule providing the revenues and expenditures for 2020 and 2021 is included as Appendix 3. This appendix includes the 2020 budget and the 2021 budget including the percentage change for comparison.

Table 1 – 2021 Waste Management Gross & Net Budget ('000)

	2020	2021	2022	2023
Total Operating Expenditures	50,653	56,957	58,810	60,194
Business Support	1,624	1,586	1,604	1,656
Capital Transfer to Reserve & Debt Charges	4,948	4,136	4,190	4,190
Gross Budget	57,225	62,678	64,604	66,040
Less: Revenues	-16,800	-18,735	-19,303	-21,356
Net Budget Requisition – Before Reserve Funding	40,425	43,942	45,301	44,684
Safe Restart Funding:				
<i>COVID-19 Related Expenditures</i>	0	-126	0	0
WM Stabilization Reserve:				
<i>One-Time Items (2020)</i>	-1,194	0	0	0
<i>New Collection Contract Mitigation (2020-2022) / Replenishment Strategy (2023)</i>	-410	-3,446	-901	601
Net Budget Requisition – After Reserve Funding	38,822	40,371	44,400	45,285
Percentage Change		3.99%	9.98%	1.99%

Analysis

The 2021 WMS budget represents an increase of 3.99% over the approved 2020 net operating budget. In Table 2, the increases/pressures for 2021 are \$5.9 million before recommended mitigation measures totaling \$4.3 million.

Table 2 – Summary of Proposed Waste Management Budget with Pressures and Mitigations ('000)

Waste Management 2021 Budget Summary	Total \$	Total %
2020 Net Requisition	38,822	
Gross Increase/Pressures	5,938	
Operating Subtotal	44,760	15.3%
Mitigations	(4,263)	
COVID-19	(126)	
Net Operating Increase	1,549	
2021 Net Requisition	40,371	3.99%

Increases/Pressures/Mitigation

The budget planning strategy of a 2% increase would provide for \$0.8 million additional funding for 2021 operating expenditures. Given the largely fixed cost nature of the operations (i.e., contract services, etc.) mitigation options focused on discretionary items that do not significantly impact the daily operations of the services.

Recommended mitigations reduce the increase as much as possible without introducing risk in the future years due to lack of available reserves. The proposed mitigations will decrease the net requisition increase from 15.3% or \$5.9 million as identified in Table 2.

Approximately 51% of the gross budget is related to the waste collection followed by 24% for waste diversion, 19% for disposal operations and processing, with the remaining 6% of the budget for administration, policy and planning. As much of the program is delivered through partnerships with private service providers, 85% of the operating-related costs (before capital financing and business support) are in the form of outsourced costs (alternative service delivery) and are subject to contract escalations and conditions. Of total expenses, only approximately 3% are considered discretionary.

The 2021 net budget pressures of \$5.9 million and are largely comprised of the following:

- New Collection Contract (\$6.6 million) – The new contract came into effect October 2020 with the first full year in 2021.
- Recyclable Purchases (\$0.6 million) – due to increase in recycling commodity prices on Haldimand and Waterloo contracts based on recent trend.
- Compost Processing (\$0.4 million) – additional tonnage estimate for compost material plus inflationary increase to per unit processing rate
- 2020 Reserve Funding (\$0.9 million) – one-time draws from stabilization reserve in 2020 to mitigate requisition increase.
- End Market Revenue (-\$0.4 million) – projected increase in 2021 material rates based on Q3 2020 actuals and projected trends.
- Debt Charges (-\$0.8 million) – outstanding debt obligation associated with a previously completed capital works project has been satisfied in 2020.
- Resource Productivity & Recovery Authority (-\$1.3 million) – Increase in funding as a result of the forecasted recovery percentage and historical financial results in 2019 for which the 2021 funding is based on.
- Bag Tag Revenue Fee Increase (-\$0.1 million) – anticipated increase in sales based on trending due with no increase in per unit price.

External Disposal Services (-\$0.2 million) – reduction in landfill disposals as a result of the move to every other week waste collection under the new collections contract. The mitigations to the 2021 budget are -\$4.3 million and are comprised of the following:

- New Collection Contract Reserve Funding (-\$3.4 million) – The 2020 budget proposed a three-year mitigation plan to assist in phasing in the increased costs of the new collection contract. The 2021 budget, recommends similar reserve funding from the WM stabilization reserve to reduce the annual increase.
- Student Positions Deferral & Salary Gapping (-\$0.3 million) – Students supplement staff resources to enable staff to focus on special projects. Also included is a newly implemented salary gapping strategy, which estimates the savings due to staff turnover at approximately 1% of the proposed personnel budget.
- Eliminate Free Containers Exchange Program (-\$0.1 million) – elimination of free exchanged bins will see additional revenue from bin sales for the Region.
- Defer Tip Fee Exemption for Charities (-\$0.2 million) until 2022– Charities currently receive an exemption from tip fees at Region facilities.
- Defer Mattress Recycling Program and Diversion of Construction and Demolition Wood Products until 2022 (-\$0.2 million) – programs that support diversion of these materials from landfills.

Reserve Management

The operating budget includes a \$4.1 million transfer to reserves consistent with CSD 70-2017 - Waste Management Reserve Strategy, which included a strategy to fund waste management capital needs and landfill liability for closure and post-closure care. Waste Management reserve contributions are as follows:

- \$2.7 million to the Waste Capital Reserve – to fund open landfill site and MRF capital.
- \$1.5 million to the Landfill Liability Reserve – to fund the liability related to existing closed landfill site capital, and Humberstone and NR12 post-closure operating and capital, estimated at \$61.3 million in 2019. This will provide for operating revenues currently generated from operation of the landfills to address disposal costs in the future when the Region no longer has open landfills generating tipping fee revenue.
- No contributions to the Waste Stabilization Reserve – the Reserve strategy called for an end to stabilization reserve contributions of \$0.4 million in 2021 as it was anticipated that the Reserve would reach the desired target balance (before mitigation usage).

Report CSD 70-2017 - Waste Management Reserve Strategy showed the WMS capital reserve in a positive position over the proceeding 10-year capital forecast period. The reserve is projected to be at \$2.1 million by the end of 2020 (net of capital commitments pending for the Environmental Centre Expansion of \$7.9 million) and to decrease to \$0 by the end of 2022 which limits the capital program each year to pay-as-you-go until the reserve is replenished in the future.

As noted in Table 3, the existing post-closure landfill liability is \$61.3 million. The projected balance of the Landfill Liability reserve for the end of 2020 is estimated at \$10.6 million, which is not adequate to address the future liability. As such, the contribution to the reserve continues as outlined above so that the Region is in a suitable position for the future.

As previously identified in Table 1, funding from the WMS stabilization reserve totalling \$3.4 million is proposed to mitigate the impacts of the new collection contract. The reserve funding is part of a multi-year strategy, which was originally presented with the 2020 budget deliberations. As noted in Table 3, the proposed strategy to utilize the WM stabilization reserve will reduce the reserve to near zero by the end of 2022. This approach does have risk, as there will be no stabilization funding available in the future to mitigate one-time pressures or in-year deficits, therefore contributions to the stabilization reserve will be evaluated each year. In the absence of reserve balances to fund year-end deficits, increases to future budgets will be required. The current multi-year budget includes \$0.6 million to partially replenish the stabilization reserve in 2023

Table 3 – WMS Forecasted Reserve Balances and Targets (\$M)

Reserve	Projected 2020 YE Balance	Projected 2021 YE Balance	Projected 2022 YE Balance	Projected 2023 YE Balance	Target Reserve Balance
Waste Capital Reserve	\$2.1	\$2.3	\$0.0	\$0.0	\$7.0
Landfill Liability Reserve	\$10.6	\$9.6	\$8.4	\$8.8	\$61.3
Waste Stabilization Reserve	\$5.1	\$1.7	\$0.8	\$1.4	\$5.7 to \$8.6
Total	\$17.8	\$13.5	\$9.1	\$10.1	\$74-77

COVID-19 Impacts

Staff have identified \$0.1 million in COVID-19 related expenditures that will be offset from Safe Restart funding for 2021 waste management operations. These amounts primarily relate to enhanced cleaning and social distancing measures.

2021 Waste Management Requisition

The net requisition amount will be allocated in accordance with the methodology approved in PWA 55-2011. As such, base WMS costs will be apportioned based on the 2019 percentage of residential units in each municipality, while the enhanced collection services and associated disposal costs will be apportioned to the requesting municipalities.

The year-over-year increase in requisition amount by municipality before assessment growth equates to an increase ranging from 3.57% to 5.23% with an average increase of 3.99%, as outlined in Appendix 1.

The net requisition changes by municipality after year-to-date assessment growth (as at November 3, 2020) of 1.33% ranges from 0.27% to 4.24%. This range is the result of the differences in household growth between local area municipalities as well as net assessment growth. The WM levy is collected as a special levy with the Region establishing the tax rates for each municipality (with the exception of NOTL). Note that these are average impacts and the actual impact will vary on each individual property based on year-over-year assessment change relative to the average assessment change attributed to growth.

Appendix 2 provides the impacts of the WMS requisition for 2021 in comparison to 2020 on a cost per typical residential unit basis by area municipality. The 3.99% increase on the budget will impact the average residential property between \$0.36 to \$6.88 annually depending on the municipality (average annual impact of \$3.85).

Waste Management staff are reviewing the allocation methodology utilized for the WMS requisition between area municipalities. The current methodology was reaffirmed by Council in 2011 and has not been reviewed since that time. As part of the review, staff will engage the local area municipalities and review relevant legislation. No change will be proposed for 2021.

Risks & Opportunities

The proposed budget, like any budget, has a number of risks, as well as opportunities, which include:

- Recycling Commodity Prices –The market for commodities fluctuations. The 2021 commodity process are based on current market trends.

- Uncertainty around the Waste Free Ontario Act and the transition to extended producer responsibility and the impacts on the recycling facility.
- Other Price Risks – the collection contract with the private sector contains a number of contract adjustments related to fuel prices and CPI. If these factors exceed the forecast, that could have a material impact on the budget.
- Counterparty risk related to the waste collection contract for services that represents 49% of WMS's 2021 total gross operating costs.
- Reserve mitigation – utilize the Waste Management Stabilization Reserve to phase-in the pressure from the new collection contract that started in October 2020. This is projected to decrease reserve to a balance of \$0.8 million by the end of 2022. This may limit staff's ability to mitigate budget pressures as they arise (i.e. decreased end-market revenues) and could therefore result in increased pressure on future year budgets.
- Other mitigation measures – there are risks associated with all mitigations and details are included in supplementary business cases.

Alternatives Reviewed

None.

Relationship to Council Strategic Priorities

The 2021 WMS budget supports responsible growth and infrastructure planning and supports Council's objective of environmental sustainability and stewardship.

Other Pertinent Reports

PWA 55-2011 – Waste Management Services Financing Study

CSD 70-2017 – Waste Management Reserve Strategy

WMPSC-C 33 – 2018 Waste Management Tipping Fees

PW 61-2019 – Base Level Service for Waste Management Collection Contract

PW 65-2019 – Confidential – Pricing of Successful Proponents and Review of Optional Services for WM Collection Contract

Prepared by:

Helen Chamberlain, CPA, CA
Director, Financial Management &
Planning/Deputy Treasurer

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared by Rob Fleming, Senior Tax & Revenue Analyst, in consultation with Dan Ane, Manager, Program Financial Support and Reviewed by Margaret Murphy, Associate Director, Budget Planning & Strategy, Catherine Habermehl, Director, Waste Management Services.

Appendices

Appendix 1	Proposed 2021 Requisition by Municipalities
Appendix 2	2021 WM Requisition for Typical Residential Property by Municipality
Appendix 3	Waste Management – Schedule of Revenues and Expenditures

Proposed 2021 Requisition by Municipality

Municipality	2020 Charges (\$000)	2021 Requisition (\$000)	Difference		Growth Impact %	
			Increase/ (Decrease) (\$000)	% Increase/ (Decrease)	Taxable Assessment Growth (%)*	Net Increase/ (Decrease) (%)
Fort Erie	\$ 2,954	\$ 3,067	\$ 114	3.85%	1.69%	2.15%
Grimsby	\$ 2,121	\$ 2,220	\$ 100	4.70%	0.46%	4.24%
Lincoln	\$ 1,770	\$ 1,845	\$ 75	4.21%	2.71%	1.50%
Niagara Falls	\$ 7,615	\$ 7,915	\$ 300	3.94%	1.22%	2.72%
Niagara-on-the-Lake*	\$ 1,682	\$ 1,750	\$ 68	4.02%	1.23%	2.78%
Pelham	\$ 1,343	\$ 1,400	\$ 58	4.30%	2.91%	1.38%
Port Colborne	\$ 1,946	\$ 2,032	\$ 85	4.39%	1.70%	2.69%
St. Catharines	\$ 11,816	\$ 12,254	\$ 437	3.70%	0.41%	3.30%
Thorold	\$ 1,642	\$ 1,728	\$ 85	5.19%	4.91%	0.27%
Wainfleet	\$ 601	\$ 622	\$ 22	3.60%	1.28%	2.32%
Welland	\$ 4,355	\$ 4,511	\$ 155	3.57%	1.49%	2.08%
West Lincoln	\$ 975	\$ 1,026	\$ 51	5.23%	1.18%	4.04%
Total	\$ 38,822	\$ 40,371	\$ 1,549	3.99%	1.33%	2.66%

* NOTL assessment growth value on increase in residential units NOT CVA (as per NOTL requisition methodology).

* Total taxable assessment growth percentage of 1.33% represents Niagara actual growth for 2020 as of November 3, 2020

Change in Residential Units - 2021 Budget over 2020 Budget

Municipality	Residential Units 2020 Budget	Residential Units 2021 Budget	Difference	
			Increase/ (Decrease)	% Increase/ (Decrease)
Fort Erie	15,697	15,792	95	0.61%
Grimsby	11,175	11,297	122	1.09%
Lincoln	9,305	9,363	58	0.62%
Niagara Falls	38,306	38,496	190	0.50%
Niagara-on-the-Lake	8,605	8,711	106	1.23%
Pelham	7,064	7,097	33	0.47%
Port Colborne	10,304	10,313	9	0.09%
St. Catharines	59,879	60,012	133	0.22%
Thorold	8,510	8,608	98	1.15%
Wainfleet	3,220	3,231	11	0.34%
Welland	23,293	23,415	122	0.52%
West Lincoln	5,399	5,462	63	1.17%
Total	200,757	201,797	1,040	0.52%

2021 WM Requisition For Typical Residential Property by Municipality

Municipality	2020 Final		2021 Draft ³			Annual		Monthly
	CVA ¹	WM taxes	CVA ¹	WM Tax Rate	WM taxes	\$	%	\$
Fort Erie	216,145	\$ 152.17	216,145	0.00071891	\$ 155.39	\$ 3.22	2.12%	\$ 0.27
Grimsby	400,088	\$ 163.11	400,088	0.00042489	\$ 169.99	\$ 6.88	4.22%	\$ 0.57
Lincoln	364,773	\$ 159.96	364,773	0.00044494	\$ 162.30	\$ 2.34	1.46%	\$ 0.19
Niagara Falls	262,988	\$ 139.79	262,988	0.00054585	\$ 143.55	\$ 3.76	2.69%	\$ 0.31
Niagara-on-the-Lake ²								
Pelham	364,292	\$ 172.61	364,292	0.00048019	\$ 174.93	\$ 2.32	1.35%	\$ 0.19
Port Colborne	207,501	\$ 185.74	207,501	0.00091878	\$ 190.65	\$ 4.91	2.64%	\$ 0.41
St. Catharines	259,643	\$ 172.94	259,643	0.00068792	\$ 178.61	\$ 5.68	3.28%	\$ 0.47
Thorold	228,358	\$ 138.12	228,358	0.00060641	\$ 138.48	\$ 0.36	0.26%	\$ 0.03
Wainfleet	273,324	\$ 159.72	273,324	0.00059775	\$ 163.38	\$ 3.66	2.29%	\$ 0.30
Welland	214,079	\$ 165.85	214,079	0.00079062	\$ 169.26	\$ 3.40	2.05%	\$ 0.28
West Lincoln	323,030	\$ 145.97	323,030	0.00046995	\$ 151.81	\$ 5.83	4.00%	\$ 0.49

¹ 2020 and 2021 average CVA based on average value from 2020 tax policy study. No change from 2020 to 2021 as a result of Provincial one year delay of new assessment cycle.

² NOTL charge to residents based on fixed household amount.

³ 2021 draft WM rates based on 2020 tax policy, 2021 draft requisition amounts and 2021 estimated returned roll assessment values.

Object of Expenditure	2020 WMS Budget Total (\$)	2021 WMS Budget Total (\$)	Total Variance (\$)	Combined Variance (%)	Note
A_40000AB Compensation	3,923,106	3,574,470	(348,636)	(8.9%)	(1)
A_41000AB Administrative	1,296,112	746,504	(549,608)	(42.4%)	
A_44000AB Operational & Supply	42,447,824	49,749,724	7,301,900	17.2%	(2)
A_50000AB Occupancy & Infrastructure	1,453,183	1,620,477	167,294	11.5%	
A_52000AB Equipment, Vehicles, Technology	1,214,097	1,150,164	(63,933)	(5.3%)	
A_56000AB Partnership, Rebate, Exemption	188,906	0	(188,906)	(100.0%)	(3)
A_75100AC Transfers To Funds	4,135,500	4,135,500	0	0.0%	
A_60000AC Allocation Between Departments	129,808	115,321	(14,487)	(11.2%)	
Gross Expenditure Subtotal	54,788,537	61,092,161	6,303,624	11.5%	
A_30000AB Taxation	(38,821,603)	(40,370,585)	(1,548,982)	4.0%	
A_32400AB By-Law Charges & Sales	(11,609,056)	(12,269,077)	(660,021)	5.7%	(4)
A_34950AB Other Revenue	(5,190,883)	(6,466,388)	(1,275,505)	24.6%	(5)
A_75000AC Transfers From Funds	(1,603,653)	(3,571,710)	(1,968,057)	122.7%	(6)
Gross Revenue Subtotal	(57,225,194)	(62,677,760)	(5,452,564)	9.5%	
Net Expenditure (revenue) before indirect allocations	(2,436,657)	(1,585,599)	851,058	(34.9%)	
A_70000AC Indirect Allocation	1,498,760	1,507,622	8,862	0.6%	
A_70200AC Capital Financing Allocation	937,897	77,977	(859,920)	(91.7%)	(7)
Allocation Subtotal	2,436,657	1,585,599	(851,058)	(34.9%)	
Net Expenditure (revenue) after indirect allocations	0	0	0	0	

Notes:

- (1) includes mitigations of student position deferral and salary gapping of \$(0.3M).
(2) Includes pressures related to the new collection contract first full year of \$6.6M, recycling purchases of \$0.6M, compost processing of \$0.4M less the savings associated with external disposal services of \$(0.2M).
(3) Includes proposed mitigation impacts associated with eliminating tip fee exemption for charities of \$(0.2M).
(4) Includes increased revenue associated with the elimination of free container exchange of \$(0.1M), bag tag sales volume increase of \$(0.1M) and end market recycling revenue of \$(0.4M).
(5) Includes increase in revenue from the resource productivity and recovery authority of \$(1.3M).
(6) Includes proposed stabilization reserve mitigation measure of \$(3.4M) for 2021 less one-time stabilization reserve draw in 2020 of \$0.9M.
(7) Includes decrease as a result of satisfying outstanding debt obligation of \$(0.8M).

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-94

A BY-LAW TO ADOPT THE 2021 WASTE MANAGEMENT
BUDGET FOR THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS subsection 289 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, requires that an upper-tier municipality shall in each year prepare and adopt a budget; and,

WHEREAS the Council of the Regional Municipality of Niagara adopted its 2021 Waste Management Budget as described herein.

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

1. That the 2021 Waste Management Gross Operating Budget of \$62,873,938 and Net Operating Budget of \$40,566,762 be and hereby adopted.
2. That the 2021 budgeted net waste management operating budget be apportioned to the lower-tier municipalities as follows:

Municipality	2021 Net Budget Allocation (\$)
Fort Erie	\$3,082,869
Grimsby	\$2,231,474
Lincoln	\$1,854,069
Niagara Falls	\$7,952,522
Niagara-on-the-Lake	\$1,758,444
Pelham	\$1,407,325
Port Colborne	\$2,041,737
St. Catharines	\$12,311,983
Thorold	\$1,735,985
Wainfleet	\$625,493
Welland	\$4,533,407
West Lincoln	\$1,031,454
Total	\$40,566,762

3. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: December 17, 2020

Administration

Office of the Regional Clerk

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www.niagararegion.ca

December 21, 2020

CL 23-2020, December 17, 2020

PEDC 10-2020, December 9, 2020

PDS 33-2020, December 9, 2020

Local Area Municipalities

Niagara Peninsula Conservation Authority

Greenbelt Foundation

SENT ELECTRONICALLY

RE: Ecological Land Classification Mapping Project

Regional Council, at its meeting of December 17, 2020, approved the following recommendation of its Planning & Economic Development Committee:

That Report PDS 33-2020, dated December 9, 2020, respecting Ecological Land Classification Mapping Project, **BE RECEIVED** and **BE CIRCULATED** to the Area Municipalities, the Niagara Peninsula Conservation Authority (NPCA) and the Greenbelt Foundation.

A copy of Report PDS 33-2020 is enclosed for your information.

Yours truly,



Ann-Marie Norio

Regional Clerk

:me

CLK-C 2020-223

Distribution List:

K. Constantini, Planning Analyst

D. Giles, Acting Commissioner, Planning & Development Services

N. Oakes, Executive Assistant to the Commissioner, Planning & Development Services

Subject: Ecological Land Classification Mapping Project

Report to: Planning and Economic Development Committee

Report date: Wednesday, December 9, 2020

Recommendations

1. That Report PDS 33-2020 **BE RECEIVED** for information; and
2. That Report PDS 33-2020 **BE CIRCULATED** to the Area Municipalities, the Niagara Peninsula Conservation Authority (NPCA) and the Greenbelt Foundation.

Key Facts

- This purpose of this report is to inform Council of the process, and completion of, the Region-wide Ecological Land Classification (ELC) mapping project.
- This project was undertaken in collaboration with the Niagara Peninsula Conservation Authority (NPCA) and with funding from the Greenbelt Foundation through the *Resilient Greenbelt* funding stream.
- ELC is a provincially-accepted approach for mapping natural features. In addition, this project included a field verification exercise which involved participation from Local and Regional planning staff and staff from the NPCA.
- The ELC mapping exercise was undertaken primarily to support the environment work program for the new Niagara Official Plan. However, the data will also have supplementary uses by the Region's environmental planning team and the NPCA.
- The ELC mapping is not the natural heritage system for the Region. ELC is a data source that will form the basis for several of the features included in the natural heritage system.

Financial Considerations

The costs associated with the ecological land classification mapping project were accommodated within the Council approved project budget for the Niagara Official Plan, with additional funding from the Greenbelt Foundation under the *Resilient Greenbelt* funding stream.

Analysis

As part of the new Niagara Official Plan, maps and schedules are being updated for all sections of the Plan. These mapping updates require inputs from numerous data sources.

In Niagara, there are several sources of natural heritage mapping, including Provincial, NPCA as well as Regional datasets. Each serving a different purpose and each with a different level of accuracy. Updates to several of these individual datasets are required to move forward with the mapping of the natural heritage and water resource systems.

Accurate inventory and assessment of natural areas and features is critical to environmental planning and processes. PDS 32-2019 (November 6, 2019) recommended that an ELC mapping dataset was the preferred option for identifying natural areas and information across the Niagara Region, as this method has a range of benefits associated with natural environment planning.

Beginning in 2006, the NPCA initiated the “Natural Areas Inventory” (NAI) project, in coordination with the Region, local naturalist clubs, and area municipalities. A major element of the project was the completion of comprehensive ELC ‘community series’ level mapping of natural areas. Updates to this data set continued through 2012, however, the bulk of the mapped data was derived from 2006 aerial imagery analysis. Natural environments are dynamic and constantly changing; as a result, significant changes to the landscape including development and succession since 2006 are not reflected in the dataset.

An update to the NAI data using high-resolution aerial imagery formed the approach for this project. A consultant was retained in spring of 2020, and the project has recently been completed. The NPCA has collaborated and provided technical feedback on this project, and Regional staff intend to provide a copy of the final data to the NPCA for their use.

Ecological Land Classification Approach

The ELC system is an industry-accepted methodology, which provides a comprehensive and consistent approach to describing, inventorying, and analyzing vegetation communities. ELC mapping is required to be completed by a certified ecologist or other practitioner.

ELC mapping can be undertaken at several different scales. For this exercise, the community series level was determined to be appropriate for the mapping update. This level of ELC is the most detailed level of characterization that can be produced from aerial imagery interpretation without the requirement of site visits at each location.

Simplified, the community series interpretative process involves creating a polygon-based spatial dataset, then analyzing and imbedding the polygons with classification codes representative of the feature. Coding for the community series is assigned through analysis of substrates, topographic features, history, cover values, and plant form and classified as one of 62 distinct community series types.

Field Verification Program

Community series level ELC does not require in-field site analysis. However, this project endeavoured to go beyond the minimum requirement and include a field verification component to foster an education of the ELC methodology and ensure a higher degree of confidence in the data amongst our local and agency partners.

A field verification exercise was completed between August 24 and September 21, 2020, within each municipality, and included verification of features inside and outside of urban boundaries. Each community was observed for characteristics including species present, wetland tolerance of species present, canopy cover, presence of standing water, presence of coniferous trees and evidence of disturbance or succession. The verification program was carried out under 2 frameworks:

1. Multi-Agency Collaborative Field Exercise

12 field sessions were held in a collaborative group setting which engaged Regional, NPCA and local staff from the 12 municipalities. These sessions generated participation from local planning staff in 11 of the 12 sessions, NPCA staff at 11 of the 12 sessions, and multiple Regional staff and ELC certified consultant team members. Overall, 25 different individuals participated in 1 or more of these sessions.

Local planning staff were invited ahead of time to identify any naturalized areas in their municipality for field review. Additional sites were selected with consideration for ease of access, parking safely, and allowing space for socially distant discussion with a group of 5 to 8. Municipal site visits included a variety of community types to provide a varying overview of the possible natural features present across the landscapes.

2. Consultant Field Exercise

The project consultant completed several additional field exercises. Field verification sites were selected from a randomized subset of the data with consideration of site accessibility and from polygons within 25m of a road with a low interpretation rating, meaning, those polygons in the spatial dataset that had been tagged as having lesser confidence in the community series code assignment from aerial photo interpretation.

Results

More than 27,000 polygons were derived or updated, across the Niagara Region through the mapping exercise. Fifty-four different community series classifications were identified covering a total of 51,618ha of land. The majority composition of the naturalized areas were; Swamp (49.46%), Forest (21.27%), Meadow (8.09%), Thicket (6.7%), Marsh (5.79%) and Woodlands (2.72%). Composition of natural areas, and the percentage of overall municipal area covered by the dataset, varied by municipality. The following table identifies the total area of land (ha), and the corresponding percentage of total land area within each municipality that was classified through the data.

Municipality	Area Classified (ha)	% of Municipality
Niagara Falls	7862.64	36.69%
Port Colborne	4044.73	32.58%
St. Catharines	1400.98	14.00%
Thorold	2889.29	32.59%
Welland	2457.37	28.99%
Fort Erie	6065.36	36.34%
Grimsby	1888.98	27.41%
Lincoln	3357.84	20.28%
Niagara-on-the-Lake	1775.71	13.17%
Pelham	3906.79	30.74%
Wainfleet	6618.89	30.18%
West Lincoln	9007.85	23.14%

Region-wide, the data identified 18.8% (35,515 ha) of the Region is 'wooded' communities with canopy cover (woodland, forest, swamp, plantation, treed). Additionally, 15.6% of the Region is wetland cover. It should be noted that this includes treed wetlands, which are included under woodland cover, and as a result, the two coverage types should not be expected to equal the total natural cover for the Region. It is also of note, that some direct comparisons of changes from the original dataset to the

updated data product are not possible due to several differences in the community coding methodology and classifications used, as well as the spatial difference between the Region's land area and the NPCA regulation area.

During the field exercise, 1,233 polygons representing 47 distinct community series interpretations were verified across the Region. The final accuracy rate for the verified polygons was 86.5%. The completion of the field review reaffirms that aerial interpretation is accurate at this level, and provides context for planning and policy decisions. The accuracy rating for the field exercise was expected to be lowered by the significant amount of polygons selected for review based on a low interpretive rating from the mapping exercise. Other factors influencing the accuracy rating included under estimation of absolute cover type as a result of analyzing spring imagery, and change in series code based on the cover type (e.g. mixed woodland to coniferous woodland).

Intended Use

The ELC dataset will provide a wealth of natural areas identification information. As previously noted, the ELC mapping itself is not the natural heritage system for the Region; it is a data source that will form the basis for several of the features that need to be mapped in the new Niagara Official Plan. No policies are developed based on the ELC dataset alone. For example, this dataset will provide the spatial information required to identify woodlands in the Region, but criteria still need to be determined and applied to derive significant woodlands. The data also has the capability to be used to identify additional features such as non-significant woodlands, non-evaluated wetlands, grasslands, etc.

Regional environmental planning review functions, including stormwater management review, will benefit and make use of the updated dataset for review of development files and when making land-use planning related decisions. In addition, staff will use the mapping when developing supporting guidelines and strategies targeted at enhancing the Region's natural heritage system. The mapping will also be frequently used by the Regional Forester to support decision-making, and can be considered as a candidate for the Region's open data initiative.

The NPCA intends use the data and derived statistic information to support their restoration program to aid prioritization and project targeting to areas that support clearly defined ecological objectives for the landscape. Additionally, the data will provide input and decision support value to the NPCA's land acquisition strategy, and will be used to update the Watershed Report card, which will be published again in early 2022.

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

This report is being brought forward in alignment with Objective 3.2 Environmental Sustainability and Stewardship:

“A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.”

Other Pertinent Reports

- PDS 32-2019 - Natural Environment Work Program – Phases 2 & 3: Mapping and Watershed Planning Discussion Papers and Comprehensive Background Study
- PDS 3-2020 – Ecological Land Classification Mapping Update
- PDS 26-2020 - Natural Environment Work Program – Phase 4: Identification and Evaluation of Option

Prepared by:

Karen Costantini M.A.
Planning Analyst
Planning and Development Services

Recommended by:

Doug Giles, BES, MUP
Acting Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Sean Norman, MCIP, RPP, Senior Planner, and reviewed by Erik Acs, MCIP, RPP, Manager, Community Planning, and Isaiah Banach, Acting Director, Community and Long Range Planning.

December 21, 2020

CL 23-2020, December 17, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

**RE: Motion – Creation of a Lobbyist Registry for the Region of Niagara
Minute Item 11.1**

Regional Council, at its meeting held on December 17, 2020, passed the following motion:

WHEREAS access to local government is an essential element of democratic governance;

WHEREAS lobbying by honest and appropriate means is a legitimate activity;

WHEREAS it is reasonable for Members of Council and the public at large to know the nature and amount of legitimate lobbying of local government;

WHEREAS Section 223.9 of the Municipal Act, 2001, authorizes the Region of Niagara to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby the Region of Niagara's public office holders;

WHEREAS Section 223.11 of the Municipal Act, 2001 authorizes the Region of Niagara to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the Region of Niagara with respect to the Lobbyist Registry; and

WHEREAS Sections 8, 9, and 10 of the Municipal Act, 2001 authorize the Region of Niagara to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 10(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations.

NOW THEREFORE BE IT RESOLVED:

1. That Council **DIRECT** staff to research and report back with recommendations for the creation and maintenance of a Lobbyist Registry, which should include a regular, transparent reporting process and contains a jurisdictional scan for best practices from other municipal governments in Ontario, such as Toronto, Ottawa, Hamilton, Brampton, Peel Region, Vaughan, and Collingwood; and
2. That this motion **BE CIRCULATED** to Niagara's 12 local area municipalities.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2020-243

Administration

Office of the Regional Clerk

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December 21, 2020

CL 23-2020, December 17, 2020
PEDC 10-2020, December 9, 2020
PDS 35-2020, December 9, 2020

Local Area Municipalities
Niagara Peninsula Conservation Authority

SENT ELECTRONICALLY

RE: Niagara Official Plan – Consultation Update

Regional Council, at its meeting of December 17, 2020, approved the following recommendation of its Planning & Economic Development Committee:

That Report PDS 35-2020, dated December 9, 2020, respecting Niagara Official Plan – Consultation Update, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, and the Niagara Peninsula Conservation Authority (NPCA).

A copy of Report PDS 35-2020 is enclosed for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk
:me

CLK-C 2020-224

Distribution List: D. Heyworth, Official Plan Policy Consultant
D. Giles, Acting Commissioner, Planning & Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning & Development Services

Subject: Niagara Official Plan - Consultation Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, December 9, 2020

Recommendations

1. That Report PDS 35-2019 providing an update on consultation for the Niagara Official Plan since March 2020 **BE RECEIVED** for information; and
2. That Report PDS 35-2020 **BE CIRCULATED** to the Local Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

Key Facts

- The purpose of this report is to provide Council with an update on consultation which has taken place on the Niagara Official Plan since the last update provided in March 2020.
- The consultation strategy for the Niagara Official Plan is multi-layered, and includes consultation with the public, stakeholders, local planning departments and decision-makers.
- Overall, most participants have shown an interest in several topic areas of the Official Plan and recognized the interrelationships between topic areas.
- Our engagement showed that managing growth is the key challenge and opportunity. This includes recognizing the heterogeneous communities in Niagara while accommodating the growth that is coming; create thriving complete resilient communities; assist in addressing affordable housing and aging-in-place; address our changing climate and protect our significant natural heritage and water systems.

Financial Considerations

Council approved the resources to complete the New Official Plan over a 5 year period as part of the 2017 Budget Process.

The completion of the necessary background studies and preparation of the Niagara Official Plan along with appropriate consultation will require significant staff resources.

Analysis

Public Consultation

The Planning Department had to reconsider the delivery of consultation given the COVID pandemic. However, the use of virtual consultation methods along with the ability for citizens to call staff for discussion has been successful.

Since the last consultation update, public consultation has occurred through virtual Public Information Centres (PICs) and on-line surveys.

On-line surveys are demonstrating that they reach a broader audience and gather input from a wider demographic and participation across all municipalities. Virtual PICs allow attendees to bringing forward questions and discussion on specific topics of interest resulting in more detailed discussion. Together, both of these formats are attracting more participation and complementing each other.

Virtual PICs

During the months of September/October 2020, six virtual PICs were held on key topic areas of the Official Plan. The following metrics are associated with these PICs:

PICs	Attendance	Questions
Natural Heritage System Options	68	64
Water Resource System Options and Watershed Planning	55	40
Growth Management (Regional structure, land needs, growth allocations, settlement area boundary review, housing)	79	41
Employment lands, Urban Design, District & Secondary Plans	35	7
Agriculture, Aggregates and Archeological Master Plan	57	15
Transportation, Servicing, and Storm Water	38	44

PICs	Attendance	Questions
TOTAL	332	211

Sessions lasted from approximately 90 minutes to two hours. Each session started with a staff and/or consultant presentation of 30-60 minutes followed by questions and answers. Participants could ask questions by typing and submitting questions or by calling-in. A recording of each virtual PIC, a copy of the presentation, and a table with input received in comment form and answers to questions that could not be provided during the sessions due to time constraints or need for further analysis are also posted on the Niagara Official Plan webpage.

A summary of the input received at the virtual public webinars is provided in two formats. The first is an outline of key themes raised through questions/comments for each session attached as **Appendix “1”**. The second is the detailed questions and comments (as submitted) received for each of the six sessions attached as **Appendix “2”**.

We highlight the following overall themes:

- Many participants are interested in several topic areas of the Niagara Official Plan recognizing the interrelationships between topic areas.
- There is some understanding that growth management, infrastructure and the natural environment cannot be considered in isolation of each other. This is essential to understanding the Niagara Official Plan, and we will need to strengthen this message moving forward.
- The role of regional versus local planning for various policy sections will need to be clarified moving forward.
- Managing growth properly is the key to good planning for all the interrelated topics of the Niagara Official Plan.
- A comprehensive consultation report will be provided in the next several months for the Natural Environment Work Program that analyses the input received through the virtual PICs along with all the other input received through the 2nd Point of Engagement in greater detail.

Online Surveys

Two online surveys, an Employment Policy Survey and Growth Management Survey have been conducted. Surveys were available online for approximately 1 month and were promoted through social media and stakeholder e-mailing to gather input.

Employment Policy Survey

There were 97 respondents to the Employment Policy Survey with participation largely reflective of the stakeholders consulted through the Region's Employment Strategy work. All municipalities were represented in terms of responses relative to location of residence and work.

Key themes extracted from the survey are provided in **Appendix "3"**. Many of these themes extend beyond the scope of the land use policy parameters of the Niagara Official Plan. However survey results will be shared with the Region's Economic Development and Transportation Divisions. The land use related themes are as follows and will be addressed by the employment program for the Official Plan:

- Niagara should prioritize municipal servicing and infrastructure for employment uses, including proactively providing servicing to vacant employment sites to make them more marketable.
- Employment development and redevelopment should be integrated within existing communities wherever possible and should blend with community character.
- Employment uses should be located with similar employment uses.
- Niagara's commuters have limited transportation options to get to work and would consider using an alternative means of travel, other than private vehicle, to get to work if it were reasonable and accessible.
- Niagara should encourage employers to promote transportation demand management practices and reduce surface parking spaces where possible.
- Employer needs, such as physical assets and building space, may shift as a result of the COVID-19 pandemic.
- Jobs that have transitioned to work-from-home jobs as a result of the COVID-19 pandemic may remain as such after the pandemic.

Growth Management Survey

The recent Amendment 1 to the Growth Plan resulted in the need for further feedback on key areas of the Growth Management Program from members of the public, local area municipalities, public agencies, and key stakeholders. One component of this was gathering input through the Growth Management Survey. A total of 217 participants responded to the survey and a total of 102 comments were received. Respondents were asked to rank key growth management and select preferred options between various growth management scenarios.

This item is covered in greater detail in a separate Report PDS 33-2020 (and the accompanying presentation) planned for December 9, 2020 Planning and Economic Development Committee.

Future Surveys

There will be other surveys conducted on major topic areas of the Official Plan. Regional Planning Staff have recently released a survey seeking feedback on the goals and objectives of the Niagara Watershed Plan project which is also being prepared in support of the Niagara Official Plan.

Report PDS 9-2020 was provided to Planning Committee in March 2020. This report summarized public consultation to date but also provided preliminary statements and key policy directives to acquire future public input on. Public input via a survey will be gathered on these statements in November/December 2020 so that Council can consider them as guidance in the finalization of key policy directives for the Niagara Official Plan.

Planning Advisory Committee

Planning staff gather input from an 8 member Planning Advisory Committee comprised of citizens with professional expertise in business, agriculture, environment, engineering and planning. The Committee last met virtually in September 2020 for updates and discussion on growth management, natural environment heritage and water system options as well as the then-planned PICs.

Stakeholder Engagement

Area Planners

Throughout September and early October, Regional Planning Staff met, individually, with all 12 local Planning Directors and Planning Staff to discuss growth management matters relating to land needs assessment and methodology, growth allocations, employment areas, settlement area boundary review and regional structure. These 12 one-on-one meetings also included an update and discussion on the Natural Environment Work Program including the identification and evaluation of natural heritage and water system options.

Stakeholder Groups

During the time that the virtual PICs were being undertaken, Regional staff were also undertaking the 2nd Point of Engagement for the Natural Environment Work Program which included: the PICs; virtual stakeholder workshops with the development, agricultural and environmental stakeholders; meetings with local planning staff; presentations to Provincial Planning Staff; presentation to the Planning Advisory Committee (PAC); presentation to the Agricultural Planning and Action Committee; presentation to the NPCA Board , PAC, and Staff; and Presentations to Niagara Escarpment Commission and Niagara Parks Commission staff. This results of this 2nd Point of Engagement will be presented to Council in January under a separate cover.

Regional planning staff have also discussed the growth management and natural environment work programs with the Niagara Homebuilders' group.

There was a presentation on the Niagara Official Plan and the natural heritage and water system options to Team Niagara representing the Economic Development Officers in the Region in November 2020.

Indigenous Consultation

Planning staff have twice met with Indigenous groups on the Niagara Official Plan. A sharing portal has been established to share background information on the Niagara Official Plan. Consultation with Indigenous Groups will continue on the expressed topic areas of interest.

Decision Making Bodies

In the first quarter of 2021, Regional Planning staff plan to organise online workshops with Regional Councillors and Planning Directors for each municipality to discuss growth management, natural environment and other areas of interest. This will provide an opportunity for decision-makers to have detailed discussion with staff on these matters.

To date, Planning staff have twice made presentations to local Councils on the Niagara Official Plan. In the second half of 2021, there will be a third round of presentations to local Councils on the Niagara Official Plan on Official Plan policy directions. Local municipalities are encouraged to inform their citizens to listen in on the presentations.

Official Plan Moving Forward

An Official Plan progress report is scheduled for January 2021. This report will outline how different sections of the Official Plan will be reported on going forward given the interrelationships of the sections of the Plan.

A key theme is the interrelated nature of the sections of the Regional Official Plan and managing growth. Managing growth is the challenge and opportunity to: recognize the heterogeneous communities in Niagara while accommodating the growth that is coming; create thriving complete resilient communities; assist in addressing affordable housing and aging in place; and protect our significant natural heritage and water systems.

Alternatives Reviewed

There are many approaches to consultation. The consultation strategy for the Niagara Official Plan is being done virtually because of the pandemic and is incorporating: topic specific, public sessions and public surveys; virtual workshops with stakeholders groups; Indigenous consultation; and virtual workshops with local and regional council members. Consultation has been and will continue to be a fluid process moving into the next stage of policy formulation stage.

Relationship to Council Strategic Priorities

Consultation on the Niagara Official Plan is an important process in supporting Council's priority as a Sustainable Engaging Government. The Plan will address Council's other priorities, being: Supporting Businesses and Economic Growth; Healthy and Vibrant Community; and Responsible Growth and Infrastructure Planning.

Other Pertinent Reports

PDS 1-2020 New Niagara Official Plan-Public Consultation Summary
PDS 33-2019 Growth Management Program Update for New Official Plan
PDS 9-2019 New Official Plan Consultation Timeline Framework
CWCD 421-2019 New Niagara Official Plan Updates

Prepared by:

Dave Heyworth
Official Plan Policy Consultant
Planning and Development Services

Recommended by:

Doug Giles, BES, MUP
Acting Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager, Community Planning, and Isaiah Banach, Acting Director, Community and Long Range Planning.

Appendices

Appendix 1	Key Themes from Virtual PICs
Appendix 2	Submitted PIC Questions and Comments
Appendix 3	Employment Policy Survey Themes

Appendix 1 - Key Themes

Natural Heritage Systems Options-Key Themes

- Advocacy for the most protective options and that environmental protection be prioritized above other land-use planning objective of the Region and the new Official Plan.
- Request for clarification on the steps of the work program including why mapping at this stage of the work program only being conceptual and misconceptions regarding the identification of a preferred option. ;
- Concerns related to the prioritization of environmental protection versus developable urban land.
- The importance of addressing climate change and biodiversity loss
- Questions and comments on the goals and objectives of the Official Plan and Natural Environment Work Program as well as discussion on canopy, tree, and vegetative cover in the Region
- Questions related to who pays for environment impact studies and determines significance of features associated with development applications.
- Reinforcement for the protection of appropriate buffers and linkages
- Recommendation that tree planting and other private landowner stewardship policies be included in the new Official Plan

Water Resource System Options and Watershed Planning-Key Themes

- Concern over the implementation of policies for unmapped features and timing of when system mapping would be available.
- Requests to prevent ground water contamination by policies that regulate the types of development on highly vulnerable aquifers.
- The importance of integrating watershed planning and growth management was stressed from the perspectives of protecting water quality and natural features in the urban area and reducing sprawl.

Growth Management (Regional Structure, Land Needs, Growth Allocations, Settlement Area Boundary Review and Housing)-Key Themes

- Questions on the methodology for growth allocation
- How the environmental policy review and watershed planning will inform the growth management work.

- The relationship between targets and growth and whether growth can be halted if targets are exceeded.
- Concerns over protecting established neighbourhoods from intensification.
- Concern over urban expansions and how they are assessed through the preparation of the Niagara Official Plan
- Clarification on the definition of “affordable” housing and that planning for “age in place” includes providing housing for the older and younger age demographics.

Employment Lands, Urban Design, District and Secondary Plans-Key Themes

- Clarification on the role different employment areas serve.
- The suitability of brownfields relative to future employment or conversion to other uses.
- The role of heritage building in urban design.

Agricultural/Rural Lands, Mineral Aggregate Resources, Archaeology-Key Themes

- Questions on site specific issues on expected or submitted aggregate applications in Niagara Falls, Fonthill and Port Colborne.
- Questions around the administration of the Archaeological Management Plan.
- Clarification as to how development can take place on some agricultural lands and not on others.
- Clarification on the region’s approach to identifying prime agricultural areas.

Infrastructure-Water and Wastewater, Storm Water, Transportation-Key Themes

- The relationship between development charges and provision of infrastructure.
- Question regarding the use of low impact development standards for storm water management.
- Questions on transit route planning and the provision of housing along transit routes.
- Site specific questions pertaining to existing or planned treatment plants.
- Incorporating cycling in planning for streets and at a broader community level.

Appendix 2 - Submitted Webinar Questions and Comments

Wednesday, September 23, 2020

Natural Environment - Natural Heritage System
Submitted Questions
When you consider your recommendation, I would ask you to consider: Do you in your work and life, simply do what is the minimum so that you do as little as possible OR do you do what is right to do (3C) and work to have the best possible scenario, problem solving, and outcome, now and for the future?
why are we talking about conceptual? is there a reason that the proposed mapping is not completed and not conceptual????
only conceptual?
Enhancement areas "MAYBE" used but these are not saved or mandated in 3B and can be ignored. Is that correct?
Without the linkages in place, you will have heat sinks and heat islands which will quickly make the natural areas dehydrate or swamp. Are you aware of what destruction has occurred in Oakville and other towns/cities when linkages within the natural water courses and natural vegetation areas was not considered or maintained?
How can you not map the required federal and provincial requirements with what you have now? Without that mapping of the current situation, there can be complete destruction and then is it 'oh sorry' we made a mistake. You need to map what is there currently for any habitat including fish.
In the introduction of your technical report you note that this work is essential for the preservation of the Region's natural heritage and water resources. What I was not able to find is a stated goal/objective for the natural environment component of the new OP. What is the stated goal?
I was also not able to find any performance criteria for the various options. So how will you evaluate if the policies are resulting in the desired outcomes for recommended options and shouldn't these performance criteria be included at this stage of evaluating options?
How does this planning relate to the current development in many communities throughout the region?
Covid 19 has shown us how important natural areas are to our health and well-being. These natural areas need to be where people live. Which option, 3b or 3c, do you feel would best ensure that these natural areas are protected.
In the North South background paper there was some discussion about moving from the 30 per cent forest cover goal to 23 per cent. What was suggested was York Region. Since the goal is to accomplish more forest cover this seems to be defensible. However, I am going to suggest some additional safeguards. One is that plantations, should be considered part of forest cover. Another is that there be periodic reviews perhaps annually to determine if success is actually being made in Niagara in increasing forest cover.
Why not map fish habitat?
Why isn't fish habitat being mapped?
Environment Canada says that a minimum of 30% forest cover is required for human and environmental health, currently Niagara has only 17.5% coverage. How do we end up with each of the options? Please choose 3C, the other options are inadequate.
The background paper is opposed to specific policies for Short Hills Provincial Park. However, this could provide a means to link and expand the various natural areas outside the park. Could such policies be put into the plan to enhance other significant natural areas such as the Wainfleet Bog and Humberstone Marsh?

How would buffer sizes be determined? They often seem to be arbitrarily set
What priority will Linkages have within the Settlement Areas where there is an underlying designation (ie. residential) and proposed development, to ensure that there is no detrimental effect to the integrity of the complete NHS? Will the Region set the minimum buffer width that local municipalities must include or consider in their OP's for site specific applications?
Last night Mr. Norman mentioned that 3C was restrictive. Could you explain why and to whom was it restrictive.
How will you address the scope and scale of a proposal and studies. It seems that the "studies" could be differentiated. For example, a garage for 1 car is very different than a greenhouse.
Who determines what features in a woodlot are considered SIGNIFICANT and what else can be done to ensure that wooded land and wetlands don't change their designaiton based on a developers desires.
Further to Sean's first response, in consideration of balance across the Region from various perspective (Environmental, Social, Economic, etc.) have you considered how the options for 3A/B/C, will freeze lands more lands than are currently available for development and speed up the need for urban boundary expansions into the rural areas in several of the Region's municipalities?
Could polices be reviewed to require peer reviews of development applications that impact the Natural Heritage System? Right now having such reviews is at the discretion of the regional planning commissioner.
Where fish spawning areas are eliminated/disturbed by development, what possible measures may the developer be required to do.
how would these options impact the streams running through Niagara on the Lake e.g. One,Two and Three Mile Creek and also the historic Paradise grove Grove
When you say that climate change is being considered throughout the overall plan (mentioned with one of the very first slides that includes a pie chart) are you saying that the region's current research and understanding on climate change (climate change discussion paper 2019) is a primary guiding principal? If so, why hasnt this been made clear on this slide in regards to all aspects of the plan?
Concerning enhancement areas in the map you showed as an example, enhancement areas largely occurred around the edges of woodlands. Wlould this not suggest that the buffers were not large enough to protect these natural areas. Therefore, why go for the minimum requirments for buffer? Make buffers manditory as suggested in 3C. Go for option 3C which are most protective of the natural areas.
If a developer is altering the tree canopy, is that same developer responsible for tree planting and restoration in the said subdivision?
Your consultant stated that this is the development of concepts. If that is true, why have you included preliminary preferred options in the Technical report that was presented to the PEDC/Council? It appears that you are narrowing the choices before you receive feedback/input from the consultation process.
The minimum buffer approach in agricultural areas could take agricultural land out of production. How will these competing interests be addressed?
Considering NHS and WRS as continuous systems, linkages are essential to analysis, protection and enhancement of features and must include settlement areas. I support 3C.
Have other municipalities chosen an equivalent to 3C? Should Niagara not select the best option?
Have you confirmed that the Provincial Natural Heritage System mapping is correct? Will these be done?
Does this planning also take into consideration current pollution whether industrial, residential, agricultural - how to exacerbate / improve?
If climate change is the over arching concern shouldn't a 30% canopy cover be a primary consideration?

Regarding the forest cover issues. Since agriculture plants also provide some of the environmental benefits of forest cover, how is Niagara's agriculture considered in assessing the required forest cover? Clearly there is substantial benefit to both air quality and wildlife species of having so much agriculture in the region, whether it is fruit trees or even vineyards.

Have the municipalities in the Region shown support toward any one of the Options and do they have any concern about losing money from development charges as this roles out and how that will impact tax payers?

Will the site specific studies be paid for by the developer? If so that introduces an extreme bias as reported in the Auditor Generals report on the NPCA. Do any of these options provide 100% protection for significant woodlands/wetlands/wildlife habitat/flooding mitigation?

How will cumulative effects be considered as proposals are assessed over time?

Is the goal of the NHS and WRS to provide the best protection for natural and water resources or to provide flexibility for developers?

In response to your comment tha Niagara should be exempt from striving for a 30% canopy because the cause is farming; Given that agriculture is important and it would take a fair bit of time that we really don't have to adjust how that is done to be more environmentally responsible, then doesn't it then make sense to limit all that housing deveolpment that is currently encroaching not only on green spaces but also on farm lands? The fact that farming is responsible for our low level canopy should not be used as the excuse, but should be seen as a challenge to be over come.

In the Technical report, under the evaluation criteria Ensure protection of the natural environment system, you state that Option 3C best ensures the protection of a region-wide N.H.S, including within settlement areas. If there is an option that ensures the best protection and provides a resilient and I would add healthy and sustainable natural environment why shouldn't we pursue that option (i.e Option 3c)?

In section 5.0 (page 53) of the technical report you identify preliminary preferred options based on the criteria noted on the prior pages. I assume the coloured circles are your recommendation for each specific evaluation criteria. Option 3C has 3 green circles and option 3B only has 2 and ¾, so can you help us understand the rationale for recommending Option 3B as a preliminary preferred option?

There is constant reference to promoting development in Urban Areas. However, we know that Urban areas are continuous areas, which include sensitive areas. Why is there an implication that the sensitive areas are open for development simply because they are zoned Urban?

Where can we find the provincial NHS mapping?

Reagarding Discussion Question #2: Why are we provided with two non-option options (1 and 2), two bare minimum options (3a and 3b) and only one substantial option (3C)? Why are there not more options that do more than the bare minimum?

In the cover letter supporting the Technical Report, it states, "The preliminary preferred options are the recommendations of the Consultant team and are supported by the professional opinion of Regional Planning Staff. The preliminary preferred options still require the input of the public, stakeholders, and Indigenous groups." My question is – you have already recommended preliminary options, so what type of information/input might cause you to reevaluate your recommended preliminary options?

This is so that you have my verbal question in writing - thanks.

Going beyond minimum standards

Major question - How much tree planting will be involved?

Sub question to that - Will there be Carolinian Forest included in that?

Tree planting is an excellent way of helping climate change such as,

- a carbon sink - whether a small area or a large area,
- the mental health that greenery provides residents (regardless of who or where the resident is) - and particularly within settlement areas (trees reduce heat sinks, trees help drainage, etc),
- improves wildlife as well as bird, wildlife, & fish habitats,
- improves shorelines (whether rivers, lakes, etc) as well as wetlands
- improves maintenance within agricultural lands,

to name a couple.

Essentially, is there a tree planting program?

Submitted Comments

Your maps are not clear. growth areas are a line across the map, but not an enclosed area identified. It is not clear what the growth plan area is.

You say your goal is to set DIRECTION. Your technical report says "Option 3C best represents a FORWARD thinking SYSTEMS APPROACH ..." Why would you choose anything BUT the BEST, forward-directed Option (C)?

Sometimes an area used for recreation and/or active transport may not include key natural heritage features and so not acquire planning protection. I would suggest that such areas should be added to the list

Given that the provincial standards are inadequate and constantly are being loosened in a time when the concerns and need for environmental action are increasing, how could any option other than 3c be a serious consideration? I see with my own eyes in Thorold the massive development taking place. For example, there is a proposal to develop 77.9 hectare parcel of land on the northside of Chippawa Parkway. I see development taking place on Beverdams road which is in the middle of wetlands. When do we get to hear the take of the indigenous community. Our canopy is only 17.5%. We need to do better and that must take priority over development especially in green field spaces.

I believe there is an oversight in not recognizing the Province's Growth plan is significantly flawed. It's a one-size-fits-all approach that fails to recognize regional geography, and limitations. Niagara Region is a perfect example that crystallizes the Province's Growth plan's deficiencies. Geographically, we are an island, surrounded on three sides by Water, which constricts, and conflicts with our ability to grow responsibly, as it pertains to rapid real estate growth, and population growth. This puts enormous pressure on local Environment features, and is currently being realized in Niagara.

How do you mitigate Municipalities with independent agendas? Who have no climate plan, and who are willing to work to overrule PPS and best practices?

(apparently this format restricts the length of questions/comments, so I will continue after the cut-off)

I appreciate the amount of time and effort that has gone into this. But why are these the only options presented? From the perspective of Environmental Conservation during a Climate Crisis, and with all due respect, none of these options are optimal or acceptable. I humbly request that staff go back to the drawing board and present a plan that more effectively addresses the urgency, and imminent impact of climate change. I cannot stress enough, that first and foremost, this needs to be visualized through the lens of climate change with applicable sense of urgency. This must be the top priority to preserve what we all love about Niagara. We cannot blunder our way through this, as recent Developer Violations at Thundering Waters clearly demonstrate. The options currently being presented and recommended by staff are not the best options for the Environment. And the most protective options offered, are at best a weak compromise, if our Natural Heritage is to be properly protected for future generations.

Not just regarding fish habitat there is a lot of problem with lands which could be corrected through Significant Wildlife Habitat designations. Mapping of these lands right now is largely limited to deer wintering areas. It seems that a lot of work has to be done.

regarding forest cover the NPCA did a study which should a large area in agriculturally zoned lands which is actually reverting to forests naturally. I don't know what the actual percentage of the landscape this is. From looking at these maps it seems quite substantial. If this area was known the goal of 30 per cent might seem more realistic. These lands will likely become mature forests eventually if the agricultural designations are maintained and the land is not urbanized.

the city of Toronto has a very good approach and it posted on the website. Hamilton is working on a Biodiversity plan. can this approach be utilized!!

Bill 68 requires municipalities to demonstrate how they will maintain, protect and enhance the tree canopy and natural vegetation in the municipality. The option that best meets this (3C) should be strongly considered by the Region.

Please ensure that all questions and answers, and those that cannot be answered within the time allotted, are answered and posted on the Region's website with the PIC background documents for full transparency.

Thank you!

Regarding Peer review the current system on relying on provincial agencies has recently been weakened by the reduction in the commenting role of the Ministry of Natural Resources and Forestry. (MNRF) Also two letters by MNRF which were critical of environmental work by developer proponents in the case of Thundering Waters were never released to council or the public. I also received them with the help of the now disbanded Local Planning Review Support Center. This pattern would seem to show that a stronger provision in the regional plan needs to be added regarding peer review.

Regarding claims that protection of natural areas would create pressures to expand urban boundaries most of these lands are already protected to some degree and excluded from development potential. The exclusion of lands as enhancement areas would likely be limited in scale. The urban boundaries are quite large, especially because of the expansion in Fort Erie just south of Niagara Falls (Douglas Town) which came out of a judicial battle and has yet it seems to be recognized in urban boundary capacity.

Paradise Grove is a good example of a savannah habitat. These need to be recognized and protected in the official plan review. Right now protected ECA lands are all forests.

How do I get on this committee (committees)? You seem to not have a member-of-the-public (or members). Despite the importance of experts, the public probably needs to be involved here - not just at public meetings like today. My email is janetashleypollock@gmail.com
Great discussion. Thank you.
Thank you - a good & informative meeting.

Thursday, September 24, 2020

Natural Environment - Water Resource System

Submitted Questions

is modeling growth upwards in a livable style like Singapore has done being considered?

I'm a newcomer to Niagara. I'd like to know why we have development on top of highly sensitive aquifers and what impact that has.

when are you be able to provide the full mapping on not only the watershed mapping and the natural heritage system ?How can one comment on this without the true facts?

also have you looked at what the correlation is between the growth numbers that have been put forth by the province and the impacts of those numbers to these proposals?

I am not sure why you are seeking input from the general public at this evidently very preliminary stage of the proceedings. After sitting through almost three of these presentations, I conclude that either I am not intelligent or that these sessions are not useful to the average lay person. I would need several introductory tutorial in order to begin to understand what you all have been saying. I feel you are talking mostly to yourselves though there may be other listeners who do understand you. I think that the presentations are extremely conceptual (as you acknowledge), highly abstract, consisting mostly of "motherhood" statements, while admitting that nothing definitive is being proposed. I get no idea of what is being proposed on the ground, area by area so that I can tell you what I feel about it. Basically, will you tell me you will stop the further destruction of Niagara's natural resources? Simplistic question???

Question: I guess I am not allowed to ask verbally on Zoom? Why is there no recognition of the need to PROTECT OUR AQUIFER in the South Coast of Niagara??? The need to protect human drinking water is paramount. Sorry Ron Schenckenberger, there is NO concern of developers to protect our AQUIFERS.

how to deal with past construction for example culverts etc. that have negatively affected the flow rate. This is definitely been the case at the 12 mile creek located in reach 8 the east tributary from Tremont Dr to Highway 406. This has caused accelerated erosion on the embankments near existing large apartment buildings putting over 300 or more tenants at risk. What will be done about this?

Why would we exclude settlement areas? - Aren't those artificial boundaries for watershed planning as some of the features and indeed the impacts to the watershed extends into settlement areas.

Did I hear you correctly that WRS Option 2A will map floodplains outside of the settlement areas, but not with them?

As development continues, is it not important to require all subsequent development proposals to undergo cumulative impact assessments?

In terms of identifying and informing healthy aquatic and terrestrial ecosystems would various Marsh Amphibian/Bird Monitoring surveys; Breeding Bird Surveys which have been conducted for decades be of use?

What solutions are being put forward at the 12 mile creek that have been negatively affected of the watershed in the area and erosion of the embankments. Specifically Reach 8 of the east tributary from Tremont Dr and Highway 406 have been negatively affected by accelerated flow rates. This has been caused by culvert construction for example that have caused accelerated erosion that has put some apartment buildings at risk (over 300-400 tenants). The City and the Region is aware of these problems for last twenty (20) years.

How polluted are we?

My sense is that this is being done to increase the population in the Niagara Region. This is due to people not being able to afford to live in the GTA. This means increase pollution and traffic on our highways. This pollution etc. impacts our water. This completion of this planning is a long way off - and developers are moving as fast as they can to develop areas that may be sensitive to our water. Will the province's desire to increase population in the Niagara region overtake the common sense that should result from this work?

The NPCA Watershed report card shows surface water quality with a "D" rating. Furthermore, this has been rated "D" since at least 2012 - which WRS option 2A or 2B will provide the greatest improvement in water quality?

What is going to be done to deal with new commercial and residential developments that are being proposed that will have negative long term effect on the water tributaries? There are many examples of garbage and pollution created by these developments but there has been no controls put in place to ensure our Niagara watercourse are maintained. What operational risk controls will be put in place to ensure there is no overdevelopment near the Niagara watercourses and flood plains. Also, will there be substantial penalties and enforcement put in place?

There was a substantial inventorying of natural areas, validated by field studies, called Nature for Niagara's Future - has this information been incorporated into your work?

There are streams that go through car wreckage yards in Niagara Falls and Fort Erie. Should not these streams be diverted from these areas to avoid future contamination?

It is excellent that the Region is taking a progressive stance with respect to meeting the policies outlined in the PPS 2017 for the Growth Plan and Greenbelt Plan. Thank you for acknowledging the NPCA and the RAP program as a valuable partner. Karst formations were mentioned as an area of potential future study, as a hazard area will the NPCA be involved with this study? Will a copy of the slide presentations be available after the meeting?

Last evening you mentioned that Fish Habitat would not be mapped, but there would be some sort of policy protection. How can policies be implemented to protect something that isn't mapped?

There are a lot of Karst areas in Smithville within the area being proposed for expansion. Are these areas being excluded from potential development, since Karst can be pathways for contamination.

Considering the Niagara Region's past performance and failing grade. Why wouldn't the best choice be to protect our Natural Heritage and Water Resources be paramount?

What do you see as the major long-term differences - impact-wise - between Options 2A and 2B?

Submitted Comments

Can't hear - please get closer to mike!

Comment - not question:

Ontario government has a watershed flow assessment tool - <https://www.ontario.ca/page/watershed-flow-assessment-tool>

as does Brock University

as does Ministry Northern Development and Mines, Ontario Geological Survey

Apologies, Karen, should have said, Brock University Earth Sciences

<p>Sidestepping drinking water, wastewater management, etc & their infrastructure ...</p> <p>How good are our water resources in Niagara region?</p> <p>Will the following be considered?</p> <ul style="list-style-type: none"> - as in recreation - fishing, swimming, shorelines/beaches, etc - as in flood control, water table - as in utilization by agriculture, industry, the Welland Canal, and urban developers - as in utilization by the indigenous population (hunting, fishing rights) - as in "how many exceptions?" - particularly ones that aren't efficient or safe or climate-friendly <p>and so on.</p> <p>It seems we haven't had a good report card score for a long time - we're pretty polluted.</p> <p>Really like the Goals & Objectives.</p>
<p>Reference material suggests that 2B is the better choice for water resources system for region-wide features because it includes settlement areas.</p> <p>It is essential to choose the best Option 2B which includes linkages in the settlement areas, appropriate for a continuous hydraulic/hydrologic WRS</p> <p>2B provides better protection for small linkages and features in and out of settlement areas as well as buffers.</p>
<p>I am concerned about the orange coloured areas marked for watershed studies based on future urban expansions. This is the first time I have learned of any urban expansions being considered through this plan review. On a need basis there is no reason for any urban expansions since this is supposed to be calculated on a regional basis. An attempt a few years ago to have an urban expansion in the Smithville area was rejected by the province since the rationale of a separate western need area was rejected by the province as a violation of both the Growth Plan and the PPS.</p>
<p>We NEED Niagara Region to protect our drinking water. Without CLEAN drinking water there is no reason for jobs...</p>
<p>The one area that I see an urban expansion concern is the Douglastown area of Fort Erie. This is because this area was essentially imposed by the province through the courts. A watershed plan re urban growth would be a helpful form of damage control.</p>
<p>Please suggest possible responsible uses for exhausted aggregate quarries where quarrying has been done into an aquifer.</p>
<p>Not sure how to speak in this call?</p>
<p>I was also shocked to see urban expansion areas proposed for north west Niagara Falls. Urban needs could be served within the urban boundaries in the Chippawa area. This is one of the reasons that the region is going ahead with the new sewage treatment plant here, so that infrastructure capacity problems in south Niagara Falls do not stop growth on lands which are appropriately zoned.</p>
<p>There was no discussion of strategies to clean up ground water contamination. This is a serious problem. Such situations on lands such as the former General Motors site are a big barrier to needed intensification. Seeing clean up costs as part of a strategy to curb ground water pollution is an important way to get action on this problem</p>
<p>appreciated you bringing forth my questions , however i never recieved an answer or commitment of when the mapping would be available.</p> <p>and to blame the provincial government is certainly a kop out!!!</p>
<p>I witnessed illegal dumping in Niagara Falls. This is known to the city council but nothing seems to be done about it. Could stopping such actions be part of a strategy to protect ground water.</p>
<p>I think that because contamination / pollution seems to be quite a concern, this portion of planning should address this issue. Please don't ignore your public.</p>

Wednesday, October 7, 2020

Growth Management
Submitted Questions
How does the Region decide how much growth is allocated to any given municipality?
The planning is focusing on established communities. regions such as Wainfleet has no "established communities and based on your definitions will be excluded from the planning. West Lincoln also has minimal growth planned. Are these communities going to have support to maintain their infrastructure needs to allow the projected growth in the designated areas?
Are these current webinars available for future viewing?
will the reports to council in winter 2020/ 2021 confirm the amount of land needed for growth AND identify the locations where urban expansion is recommended?
thank you for an informative presentation, truly appreciate the detailed. Given how the focus is on creating complete communities, what is the region's plan on creating community benefit agreements with developers to ensure the communities where development happens receive the localized benefits they need specifically to their neighbourhood. Does the region have an official community benefit agreement policy as a strategy to include inclusive growth?
With regards to the housing growth needs versus employment land growth requirements, has it been taken into consideration that many residents coming to Niagara are retirees?
How is Specialty agriculture defined?
with 3 different mapping proposals , what would be the change in settlement areas and numbers between all three mapping proposals and whe will we see full and concise mapping instead of what has been proposed.
I am curious about how the environmental policy review will inform the urban land needs study specifically? Can you provide more information on how the impacts of the proposed policy framework and policies will be quantified?
As Planners determine the vacant land inventoryj/parcels within their own municipalities, and that information is provided to the Region to assist in developing allocation targets and density (# of persons per household/etc) of those parcels, what role does the Council of the municipal have in this process and can a Council request reconsideration of the allocation given to it? As the allocations to municipalities are "minimum targets", does a municipality have any ability to slow or stop development if targets are achieved earlier than 2051? As required in Amendment 1 of the Growth Plan, how are market forces now a requirement in determining land needs methodology and allocations within municipalities?
At the Natural Heritage session there were a number of identified areas where urban boundary expansion are taking place. One was Smithville, which I noted could result in negative environmental impacts because of the presence of Karst formations. There were at least two other urban boundary expansions which were identified. Two of these were in western Niagara Falls. Could all the areas where these expansions are being considered be mapped be clearly identified tonight. Could it be clearly indicated how people can be involved in what I believe from the previous meeting the watershed planning excercies which are guiding these excercies.
secondary question is: what is the region's community engagement strategy in hearing resident voices from equity seeking communities: BIPOC, persons without homes, etc.
when is the urban boundary line will be finalized?

Following up on the question by John Bacher, does the Region not have the authority to defer ALL urban expansion considerations to a date after the finalization on the Official Plan? I believe it should have this authority and as such NOT permit any expansions before that date.
How will the Niagara Region expect to reach the goals outlined by the province - and how well will the Niagara Region meet the goals
that is population goals supported by bi-partisan
Even though the province is predicting our growth related to an aging population.....is there any thought, activity, strategy to adjust this prediction to have a more "complete community" that include the younger demographic.
Talk about using the current infrastructure efficiently: the main water supply pipe is on Vansickle road, and the Niagara Health St.Catharines Centre had built for many years. Is any growth plan around the West end of St.Catharines around the Hospital?
Niagara-on-the-Lake is a very special place and as such has in the past been given a target of 15% intensification over about 26 years . However over the last five+ years we have been told that this is a minimum number of units and therefore we have seen staff recommendations and Council approvals of lots close to sensitive natural areas and in the Old Town Established residential areas quite regularly. My question is how do we protect our built and natural areas from these types of development as required under the heritage act and through provincial and regional and local environmental policies?.Gracia Janes
contamination of brownfields is a major barrier to good planning. Could strategies be developed to address these problems including financial assistance from senior levels of government? In the past there was no serious effort to estimate brownfield capacity. While the 30 year planning effort normally encourages sprawl, if it is assumed that some time in this period brownfields will be cleaned up it would encourage better planning.
How will you / do you define 'affordable' with regards to housing. It is a relative term. , so how do you plan to define and
re-define as you move through the years, and across the various municipalities.
With respect to my question.... Well I presented these concerns to the regions over a DECADE ago!!!! A lot of property owners have. What is the hold up with respect to getting some traction on this?
What are we DOING to keep these younger people here. Housing?? what about jobs strategy ??
Sorry i cant voice talk in. But, I would like to know how the Region of Niagara will allow building that is necessary to meet the provincial goals. We have to build
Can Mr.Giles explain the difference between HOUSING AFFORDABILITY and AFFORDABLE HOUSING one is subsidized and one isnt?
how will the region work with developers and builders to achieve housing affordability and remove roadblocks and delays that add to the cost of housing. More affordability =less affordable housing!!!
Submitted Comments

When the Niagara Region in the past was determining if any urban boundary expansion in the past, it determined this on a region wide basis. It seems that now already it has been determined that certain municipalities based on their own needs will need expansion. This seems to be a negation of region based planning. It seems to preclude encouraging filling in urban boundaries in municipalities like Fort Erie and Port Colborne before any urban boundary expansion takes place in Niagara.

There is an area known as Douglas Town in Fort Erie, which I believe has a lot of land for potential urban expansion. This is because a court over ruled municipal efforts to restrict growth here. Since land owners appear to have a right already to develop here, it would appear that watershed studies are urgently needed to restrain it in an orderly way. This area could also be a good alternative to urban expansions which would permit new site alterations on farmland and natural habitats.

We feel the lower level tiers of municipal govt are being resisting development that is needed to meet affordable housing needs

Jobs is what matters!!

there are aggressive needs, the province has dictated this

we have to meet the needs as dictated

only by box

this is a great need to meet the needs of the community

The Ontario Human Rights Commission has targeted NIMBY communities that refuse to allow 'undesirable' residents. This needs to change and we need to be inclusive

Thank you everyone. Excellent webinar.

Thursday, October 8, 2020

Employment Lands, Urban Design, District and Secondary Plans
Submitted Questions
It appears that heritage planning at regional level is moribund. Could concern with design, be a way to revitalize it?
The employment land map that showed three areas (Core plus two others). Could you explain how this was analyzed; are these are all employment areas? Or will some that were described as Innovation/Knowledge have more flexibility in uses (especially mixed use)?
With regards to employment land requirements, are the previously utilized (but now vacant and abandoned) buildings/lands being considered for future use rather than remain in their current state and develop new areas?
is it preferred different types of employment (e.g. technology based companies vs tradition) be kept separate and grouped together or have a mix of employment types in an area?
Submitted Comments
One way that urban design could be used is to protect historic estate lots in Niagara on the Lake. Apart from heritage benefits these protect tree cover and the One Mile Creek. Regional guidelines could protect these areas in Niagara on the Lake, and perhaps similar areas in other parts of region where they exist.
I am from St. Catharines which still is governed by an obsolete 1965 transportation study. It would appear that design approach would be a way to make transportation less automotive centered by reducing street widths for example.
Thank you - short session tonight.

Tuesday, October 20, 2020

Rural and Agriculture, Mineral Aggregate Resources, Archaeology	
Submitted Questions	
How does the upcoming brown road proposal by walker in south end Niagara Falls fit with regional official plan. And will rehabilitation of winding down Taylor quarry be a likely requirement of approval of new quarry?	
Regarding the Fonthill Kame, can you please outline how the new Official Plan will recognize and embed the Area of Natural and Scientific Interest (ANSI) for the Fonthill Kame?	
What long term protection will the vulnerable aquifer thst stretches under Wainfleet, Port Colborne and Fort Erie from minineral aggregate operations	
How will the Agricultural Policies impact lot creation?	
Question in regards to AMP program. Which indigenous parties have being consulted in development of this plan as well are developers part of your consultation to gain their insight and recommendations.	
In the presentation was it mentioned that the NR was using an agricultural consultant to help develop the official plan? If so, what firm or person is the consultant?	
The new MNRF amendments have taken away the authority of local municipalities to restrict the depth of quarrying/pit excavation. However, the Municipalities still have the responsibility to protect the environment, including the groundwater/aquifers. Will the NOP recognize the difference between operations above, and below the groundwater table, i.e. recognizing that there are "dry pits" and "wet pits" and that they require different policies.	
with respect to the archaeological mapping will there be a list of what types and age of artifact that will require designation	
What role would the Region play in the process if archaeological features are discovered during construction? And will the archeological map be open to fine-tuning as time goes on?	
How will the proposed AMP impact normal farm practices	
I am so confused. Please explain the process of equitable application of the protection of prime agricultural area. We have prime tender fruit land at the bottom of the escarpment in Grimsby demolished for condensed housing, while useless clay land is being protected on top of the escarpment. We then see hamlets being allowed in some of the useless clay land area while other landowners, within the same area and with the same soil quality, being prohibited from land use change. This results in some taxpayer/landowners being disadvantaged financially without any clear equitable rationale.	
Would you please give the E mail address for the panelists.	
Has the Region considered completing a LEAR study, like other municipalities in the GGH have, instead of relying on the Provinces LEAR?	
Does the Region consider Cannabis production to be an agricultural use? Will it allow zoning by-laws that conflict with the Farm and Food Production Protection Act?	

Submitted Comments
Comment - really like that agriculture has been doing and will be doing diversity.

Wednesday, October 21, 2020

Infrastructure, Water and Wastewater, Stormwater, Transportation
Submitted Questions
If I understand the NOP goal (enviornmental protections) why doesn't the Region map aquafers in our rural areas - well systems are risk for groundwater contamination or removing protective covers in quarries in our rural communities
Will the aquifer used by rural residents in Wainfleet, Port Colborne and Fort Erie be identified as a drinking water source in the ammended ROP?
Mr.Lambert, the new waste water treatment plant proposal costing comes in at 345 million dollars can you let me know how the costs would be recovered for this ? I.E benifit to exsisting and new growth I.E DC charges knowing that we are eliminating many pumping stations
Will the new Official Plan address the large increase in demand on water, effluent management and solid waste management created by the growth of the cannabis industry in the Region?
As far as quality of water being supplied to our homes, is that something that is handled by the individual municipalities, or is that something that falls under the Region?
Is there any water /wastewater servicing proposed for Wainfleet and is the capacity there for the build out of Rolling Meadows development in South Thorold?
thank you. Transit - does the plan support expansion of Regional transit routes? If so, what is the timing for expansion?
when the new waterwater treatment plant will start to function?
Why are there so many barriers to getting vegetative swales instead of conventional curbs and gutters? There is also a problem such in the old Town of Niagara on the Lake of these swales being converted to concrete curbs despite community opposition.
How could more progress be achieved in getting more roof gardens to reduce storm water runoff in Niagara. Some municipalities, notably Toronto has by-laws to encourage this. Could this be started in Niagara?
Can you share what the current impact our waste "sewage" water has on our lakes?
Can you explain how the development of the new OP will take into account the need to reduce carbon emissions in order to mitigate climate change?
How does the Regional plan promote housing options that allow for better public transit / active transportation?
Will Wainfleet be required to contribute to the cost of urban wastewater plans? There is no benefit to us!
Transit - does the plan support expansion of Regional transit routes? If so, what is the timing for expansion?
Does your mapping include the businesses that are licenced to take water, the amount allowed and if discharged, to where is it discharged and in what condition?
Parking lots are big generators of storm water. Could an effort be made to have some of this volume go into swales and other vegetative areas. Right now vegetative areas around parking lots do not receive water flow from them.
Are there plans to amalgamate the existing local transit operations with the current regional system and to establish a single transit service, similar to what has occurred in Durham and Waterloo for example?
Provincial policy restricts expansion of the water / sanitary network to certain situations - How often are these situations invoked to justify expansion? (e.g. Adjacent to settlement areas)

a biodiversity planning such as the City of Toronto can create needed habitats for storm water management in a natural way. riverine and buffers and stream edge and marshes, wetlands would help meet needed native habitats, will this be fully built in to the strategy????
Are there any current requirements for residential developers to include cycle and walking paths in their plans to make communities more sustainable?
How is the odor from waste water treatment plants monitored. Is there new technology to reduce the odor in the future?
Once the Official Plan has been finalized, is the language for directing each municipality 'shall', 'should', or a mix of both? (similar to what the region saw from the province)
Could the new sewage treatment plant in Niagara Falls have a forested buffer to reduce potential odour problems?
In Portland swales have been found to be complimentary to bicycle lanes. Could such an approach be developed in Niagara?
Has there been any talk from a regional level about removing/reducing parking minimums, or enforcing parking maximums, region wide? Is the region encouraging this?
how does the TMP corralate with the other parts of the OP considering we have no clear and concise mapping with regards to natural heritage areas and watershed mapping
Are local transit systems reassessing their schedules so a more reliable system is established to coincide with the increased schedules and investment of Regional Transit?
What is the process when a property in St Catharines has a change in the zoning and the property owner was not advised of this prior to the change? The property zoning had a negative effect on the value of the property and assessed value did not decrease. What should the property owner do to have this addressed and who should be contacted?
Is the Port Dalhousie water treatment plant going to be updated to handle the future increase in population due to the condominium growth in Port Dalhousie?
Is the cycling plan same as walking / hiking? Particularly (hopefully) if the routes are interconnected throughout the region.
What is the position of the group in regards to affordable rental development versus condominium development?
Is there a mechanism for community or organizations to make specific recommendations to the future OP?
Is the region considering any depaving innitiatives as a means of improving biodiversity, permeability, and even food security (through urban farming)?
Will the group allocate funds for site specific damages to properties caused by the water shed and man made solutions that had a negative effect on a property? Or at least perform research
Do you actually have a committe made up of public members that you consult with - talk out with?
How often do you hold these forums?
Is there a defined list of waste water projects for the region based on priority
Is this the first time I heard of a specific Growth Management session?
Submitted Comments
We are pleased that there are no plans to expand water/waste water system in Wainfleet . Have spent considerable money to keep our septic systems up to date and do not support having to pay for additional waster water infrastructure that is not needed
All of the documents that are being sent out to individuals should be posted for others to review

Hurray more forums!!! I appreciate all your work on this plan and allowing the community to have a voice.

Appendix 3 - Key Themes from Employment Policy Survey

Key Themes from Employment Policy Survey

- “Jobs”, “Economic Diversity”, and “Skilled Labour Workforce” are the most commonly prioritized employment themes, with “Jobs” being consistently ranked as the highest priority amongst all themes.
- Niagara is a good place for skilled labour jobs, but its employers do not offer competitive wages compared to employers in the GTHA.
- Niagara must do more to attract employers that require skilled labour jobs and offer competitive working wages.
- Niagara is a good area to locate a new business and has amenities and infrastructure that is attractive to employers.
- Niagara should harness its existing economic strengths, while diversifying its economy by attracting new employers and economic sectors that it is typically not known for.
- Niagara must proactively plan for short- and long-term employment needs, including strategically protecting lands outside of urban areas for future employment opportunities.
- If given the choice, people would rather work in Niagara than in the GTHA.
- People who live in Niagara did not move here for its unique employment or economy, as job opportunities in Niagara can be found elsewhere in the GTHA.
- Niagara should prioritize municipal servicing and infrastructure for employment uses, including proactively providing servicing to vacant employment sites to make them more marketable.
- Employment development and redevelopment should be integrated within existing communities wherever possible and should blend with community character.
- Employment uses should be located with similar employment uses.
- Niagara’s commuters have limited transportation options to get to work and would consider using an alternative means of travel, other than private vehicle, to get to work, if it were reasonable and accessible.
- Niagara should encourage employers to promote transportation demand management practices and reduce surface parking spaces where possible.
- Employer needs, such as physical assets and building space, may shift as a result of the COVID-19 pandemic.
- Jobs that have transitioned to work-from-home jobs as a result of the COVID-19 pandemic may remain as such after the pandemic.

December 9, 2020

Honourable Christine Elliott
Minister of Health
5th Floor - 777 Bay St.
Toronto, ON M7A 2J3

Sent via email: christine.elliott@pc.ola.org

**Re: Hospice Workers
Our File 10.57.99**

Honourable Minister,

At its meeting held on November 30, 2020, St. Catharines City Council approved the following motion:

“WHEREAS Hospice Niagara, and hospices across this province, provide a number of critical services needed by Ontario and Niagara residents including: end of life Hospice Residence care; in-Home Palliative Care; Day Hospice; Bereavement Support; and Education and Consultation; and

WHEREAS these services provide a central role in decreasing hospital emergency department volume, incidents of hallway medicine and costly hospital admissions for palliative and end-of-life care; and

WHEREAS Hospice care is the only health service whose health care workers are not fully funded by the Province and hospices and provincial organizations have requested that this funding be provided as delegations before the Standing Committee regarding Bill 3, the Compassionate Care Act;

THEREFORE BE IT RESOLVED that the City of St. Catharines recommends that Ontario's Health Ministry accept Hospice Niagara's request and start fully funding all hospice health care workers fully, and right away; and

BE IT FURTHER RESOLVED that this motion be forwarded directly to the Minister of Health Christine Elliot, all Niagara MPPs, the Region of Niagara and all Niagara municipalities.”

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

Cc Chris Bittle, MP - St. Catharines, Chris.Bittle@parl.gc.ca
Vance Badawey, MP - Niagara Centre, Vance.Badawey@parl.gc.ca
Dean Allison, MP - Niagara West, dean.allison@parl.gc.ca
Tony Baldinelli, MP - Niagara Falls, Tony.Baldinelli@parl.gc.ca
Niagara Region
Niagara Area Municipalities

December 9, 2020

The Honourable Doug Ford, M.P.P.
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Sent via email: premier@ontario.ca

**Re: Ontario Gas Fired Power Plants
Our File 35.31.99**

Dear Premier Ford:

At its meeting held on November 30, 2020, St. Catharines City Council approved the following motion:

“WHEREAS the City of St. Catharines strategic plan focuses on livability and increased environmentally friendly initiatives; and

WHEREAS the Government of Ontario is planning to increase reliance on gas-fired electricity generation from Ontario's gas-fired power plants, which is anticipated to increase greenhouse gas pollution by more than 300% by 2025 and by more than 400% by 2040; and

WHEREAS Canada's temperature is rising more than double the rate of the rest of the world (which is in alignment with climate models and projections impacting northern climates most significantly); and

WHEREAS the Province of Ontario will adversely impact more than a third of the greenhouse gas reductions it achieved by phasing-out its dirty coal-fired power plants due to a power plan built around ramping up gas-fired generation to replace the output of the Pickering Nuclear Station (scheduled to close in 2024); and

WHEREAS alternative options are available to reversing short sighted cuts to energy efficiency programs and stop under-investing in this quick to deploy and low-cost resource, which include maximizing our energy efficiency efforts by paying up to the same price per kilowatt-hour (kWh) for energy efficiency measures as we are currently paying for power from nuclear plants (e.g., up to 9.5 cents per kWh); and

WHEREAS the Province of Ontario should continue to support renewable energy projects that have costs that are below what we are paying for nuclear power and work with communities to make the most of these economic opportunities; and

WHEREAS the Province of Ontario has alternative options to increasing gas-fired electricity generation, such as the Province of Quebec's offer to receive low-cost 24/7 power from its water powered reservoir system as a possible alternative; and

WHEREAS, other municipalities such as Hamilton, Kitchener, and Halton Hills have called on the Province of Ontario to phase out gas fired power plants by 2030 for cleaner, renewable energy; and

THEREFORE BE IT RESOLVED that the City of St. Catharines requests the Government of Ontario to place an interim cap of 2.5 mega tonnes per year on our gas plants' greenhouse gas pollution and develop and implement a plan to phase-out all gas-fired electricity generation by 2030 to ensure that Ontario meets its climate targets; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Premier of Ontario, to the local MPPs, the Association of Municipalities of Ontario (AMO), the Niagara Region, local area municipalities and the municipalities of Hamilton, Halton Hills and Kitchener.”

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

Cc Jennifer Stevens, MPP - St. Catharines, JStevens-CO@ndp.on.ca
Jeff Burch, MPP - Niagara Centre, JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Association of Municipalities of Ontario, amo@amo.on.ca
Niagara Region
Niagara Area Municipalities
City of Hamilton
City of Halton Hills
City of Kitchener



The City of Niagara Falls, Ontario

Resolution

No. 10

November 17, 2020

Moved by: Councillor Wayne Campbell

Seconded by: Councillor Victor Pietrangelo

WHEREAS According to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to “any situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property.”

WHEREAS Approximately 625 residents- including 144 children in Niagara, were counted as homeless (March 2018), with shelter occupancy operating at 109.4 percent capacity

WHEREAS Niagara EMS reported 335 suspected opiate overdoses (Jan-June 2019).

WHEREAS Some Niagara-area municipalities have had services such as mental health removed from their Hospitals, and whereas Niagara is severely lacking in mental health and addiction services

THEREFORE BE IT RESOLVED that the City of Niagara Falls request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction.

FURTHERMORE, the Niagara Regional Council, Niagara Region Public Health and Social Services, Premier of Ontario, the provincial Minister of Health, Minister of the Attorney General, Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, as well as the Prime Minister of Canada, all regional municipalities and all local area municipalities within the Niagara Region be copied on this resolution.”

AND The Seal of the Corporation be hereto affixed.

CARRIED

WILLIAM G. MATSON
CITY CLERK

JAMES M. DIODATI
MAYOR

December 17, 2020

Dean Allison, MP
4994 King Street, PO Box 880
Beamsville, ON L0R 1B0
Dean.allison@parl.gc.ca

AND

Sam Oosterhoff, MPP
4961 King Street
Beamsville ON L0R 1B0
Sam.oosterhoff@pc.ola.org

Attention: Dean Allison, MP and Sam Oosterhoff, MPP

Re: Support for 988 Crisis Line

At their regular meeting of December 14, 2020, Council of the Town of Pelham received a Motion put forth by Councillor Haun and seconded by Councillor Stewart calling for support for the 988 Crisis Line and endorsed the following:

WHEREAS there is a call for the Federal government to adopt 988, a National three-digit suicide and crisis hotline;

AND WHEREAS the ongoing COVID-19 pandemic has increased the demand for suicide prevention services by 200 per cent;

AND WHEREAS existing suicide prevention hotlines require the user to remember a 10-digit number and go through directories or be placed on hold;

AND WHEREAS in 2022 the United States will have in place a national 988 crisis hotline;

AND WHEREAS Pelham Town Council recognizes that it is a significant and important initiative to ensure critical barriers are removed to those in a crisis and seeking help;

NOW THEREFORE BE IT RESOLVED THAT Pelham Town Council endorses this 988 crisis line initiative;

and that Staff be directed to send a letter indicating such support to the local MP, MPP and local area municipalities to indicate our support.

On behalf of Council, we thank you for receiving our correspondence of support for this important initiative.

Yours very truly,



(Mrs.) Nancy J. Bozzato, Dipl.M.M., AMCT
Town Clerk

/sl

cc. Councillor Lisa Haun
Local Area Municipalities



City of Welland
Corporate Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | Fax: 905-732-1919
Email: clerk@welland.ca | www.welland.ca

December 3, 2020

File No. 20-117

SENT VIA EMAIL

City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Attention: Amber Lapointe, City Clerk

Dear Ms. Lapointe:

Re: December 1, 2020 – WELLAND CITY COUNCIL

At its meeting of December 1, 2020, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of Port Colborne dated November 5, 2020 regarding Resolution - Designating the Vulnerable Aquifer Schedule B of Official Plan as a Source Water for Rural Residents of Port Colborne.”

Yours truly,

Tara Stephens
City Clerk

TS:bl

Bridging the past, present and future

December 15, 2020

Mayor William Steele and Members of Port Colborne Council
City of Port Colborne
66 Charlotte Street, Port Colborne
Ontario, L3K 3C8

Dear Mayor Steele and Members of Council,

Last evening marked the start of a wonderful partnership that will serve the community of Port Colborne for generations to come. On behalf of Port Cares' Board of Directors, our staff, volunteers and last but not least the hundreds of local families and individuals we assist, we commend Council for your leadership and advocacy and extend sincerest thanks and appreciation for contributing the land for the housing project – the most critical major step to enable the realization of greatly needed affordable housing in our local community.

By working together to create affordable housing in Port Colborne, there is no doubt that we will collectively create a livable, dynamic, and supportive neighbourhood where seniors alongside young families can live in a safe and secure environment enabling all to grow and thrive. While there is much work to do in the coming months, Port Cares is enthusiastic about the opportunity to nurture a collective vision for this development and the overall neighbourhood with the City of Port Colborne.

In closing, we look forward to working in partnership. Thank you all for your leadership and compassion.

Stay safe, Stay well,



Christine Clark Lafleur
Executive Director
Port Cares



Mike Bendia
Chair, Board of Directors
Port Cares

Jennefer Driver

December 22, 2020

I am writing this in regards to the article about City of Port Colborne donating the Chestnut Park to Port Cares. That is such a beautiful gesture for the City of Port Colborne but I would like to bring up some very important issues on this.

I just moved to Port Colborne one year ago and chose a house right across from the park. I had other options, such as in other cities but chose Port Colborne as I heard many good things about it. I chose this house because of the location and the park. I have watched children play and families use this park a lot and my own daughter and I have enjoyed this park so much as well. It is now going to be taken away and there is really not a park close within walking distance and a park through a city's planning should be within a certain walking distance. There is one across the bridge but that is not feasible as the bridge is up very often for the water way traffic.

I am completely in support for Port Cares and low income housing and have donated many times to help out but looking through Port Colborne, I have noticed that there is actually many other lots that are suitable and actually may be more beneficial compared to Chestnut Park. For example, there is one located just down the street from Port Cares which I believe would be more suitable.

I look at it from this point of view, you are building a low income housing to help those that do not have much and most times. They don't have the luxury of owning vehicles so most of the time they are commuting on foot or buses. If they are in an area such as Chestnut Street, where is the closest access to stores for groceries or necessities? Where can they walk too? In the location that is close to Port Cares in downtown, look at the amenities the individual would have. Would that not be better suited for families in low income?

I understand this concept very much as I have had my own experiences affected in living in these situations and having amenities within walking distance was very important.

I am asking the council and the city to please, take a good look at this before making the final decisions. With being a homeowner that would be affected with the decision that will be made, I was disappointed with not being informed about this happening and having a chance to help bring ideas to the table. With this said, I hope to have some feedback on these issues.

Memorandum

To: Mayor Steele and Members of Council

From: Councillor Ron Bodner

Date: January 11, 2021

**Re: Reconsideration of Engineering and Operations Department,
Engineering Division, Report No. 2020-146, Subject: Michener
Municipal Drain Meeting to Consider**

I will be asking for Council to approve charging only a percentage of two past engineering reports for the Michener Drain. The City has already paid these invoices but are charging the full cost to the watersheds of each of the three drains. We will only be dealing with the money allocated to the Michener Drain in my motion. I am just waiting for Paul Marsh, the current Engineer, to confirm the exact percent and dollar amount.

Rationale for considering:

The first Engineering company, Wiebe Eng., started the Report and declared bankruptcy before they finished.

The second Engineering company, AMEC, did a draft but informed the City that it did not want to continue and quit without a Final Report.

The third and present Engineering company, EWA Engineering (Paul Marsh), has finished the Report.

There are no issues with the full cost of the third Engineering company being charged to the watershed of the Michener Drain.

I believe that only a percentage of the first two Engineering company Reports that the present Engineer was able to use should be charged to the watershed of the Michener Drain. It is not the fault of the people in the watershed that two companies hired by the City did not finish the work they were hired to do.

Thank you for your consideration,

Councillor Ron Bodner
Ward 4

Report Number: 2020-146**Date: October 26, 2020****SUBJECT: Michener Municipal Drain Meeting to Consider****1. PURPOSE**

This report, prepared by Alana Vander Veen, Drainage Superintendent, and authorized by Steve Shypowskyj, Acting Director of Engineering and Operations, is a follow-up to Council's direction to proceed to the "Meeting to Consider", regarding the final delivery of the Michener Municipal Drain Engineer's Report, prepared by EWA Engineering Inc. The purpose of this report is to provide Council with the requisite procedure pertaining to the October 26, 2020 Meeting to Consider and the subsequent Court of Revision.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Further to Engineering and Operations Department, Engineering Division Report No. 2020-73, which presented Council with a history, background and summary of events leading up to the delivery of the final version of the Engineer's Report, the following update is provided.

Following Council's decision, staff completed a mailing of the Engineer's Report and notification to all properties and/or entities in the watershed that would be affected by this drainage works, stating the date of filing of the Engineer's Report with the City Clerk; the name of the drainage works; and the date and time of the Council meeting at which the Engineer's Report would be considered. This mailing was completed pursuant to the requirements of Sections 41(1) & 41(2) of the *Drainage Act R.S.O. 1990* (the Act).

3) STAFF COMMENTS AND DISCUSSIONS

At this meeting, Council will be provided with a verbal presentation by the Engineer of record, Paul Marsh, P. Eng., of EWA Engineering Inc., outlining the intricacies of the Michener drainage works.

The property owners who were notified under Sections 41(1) & 41(2) of the Act have been provided an opportunity to submit any questions or concerns regarding the design or any gross errors in the Engineer's Report prior to the Council meeting. Should the Meeting to Consider reveal any errors in the Engineer's Report, Council may refer the report back to the Engineer for reconsideration. However, under no circumstances is Council to refer the Report back to the Engineer regarding assessments. Concerns related to assessment are a function of the Court of Revision, which is legislated to occur within 60 days of the Meeting to Consider.

As per Section 97 of the Act with respect to the Court of Revision, three members are to be appointed by the Council of the City of Port Colborne. The three members appointed do not have to be standing members of the current Council; however, they must be eligible to run for Council within this municipality. A recommendation to that effect is contained in the recommendation section of this report.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do nothing.

This is not an option as it is a mandate under the Act to ensure that Municipal Drain Reports are up to date for future maintenance.

b) Other Options

An up-to-date Engineer's Report allows for drain maintenance and roadside ditching programs, which allows staff to provide a reasonable level of service moving forward. All upfront administration and financing is borne by the City of Port Colborne. Once the report is adopted and the construction is completed, the financing or cost of the project will be expensed to the City of Port Colborne property owners, according to the assessment schedule contained in the report. There will be some assessment to the general levy for City-owned roads and properties within the watershed.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

The Municipal Drain Maintenance Strategic Planning is currently in progress. This project complies with all City legislative requirements.

6) ATTACHMENTS

Appendix A - A copy of the Engineer's Report containing plan and profile of the Michener Municipal Drain

7) RECOMMENDATION

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Michener Municipal Drain Engineer's Report, dated May 7, 2020, prepared by Paul Marsh, P. Eng. of EWA Engineering Inc., under Section 78, Chapter D.17 of the *Drainage Act R.S.O. 1990*;

That staff be directed to advance the Michener Municipal Drain Engineer's Report to that of the Court of Revision, as per Section 46(1), Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Councillor _____, Councillor _____ and Councillor _____ be appointed as a members of the Michener Municipal Drain Court of Revision and Councillor _____ be appointed as an alternate to be tentatively scheduled for December 9, 2020.

8) SIGNATURES

Prepared on October 6, 2020

Reviewed by:



Alana Vander Veen
Drainage Superintendent



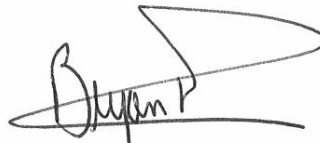
Steve Shypowskyj
Acting Director of Engineering &
Operations

Reviewed and respectfully submitted by:

Reviewed by:



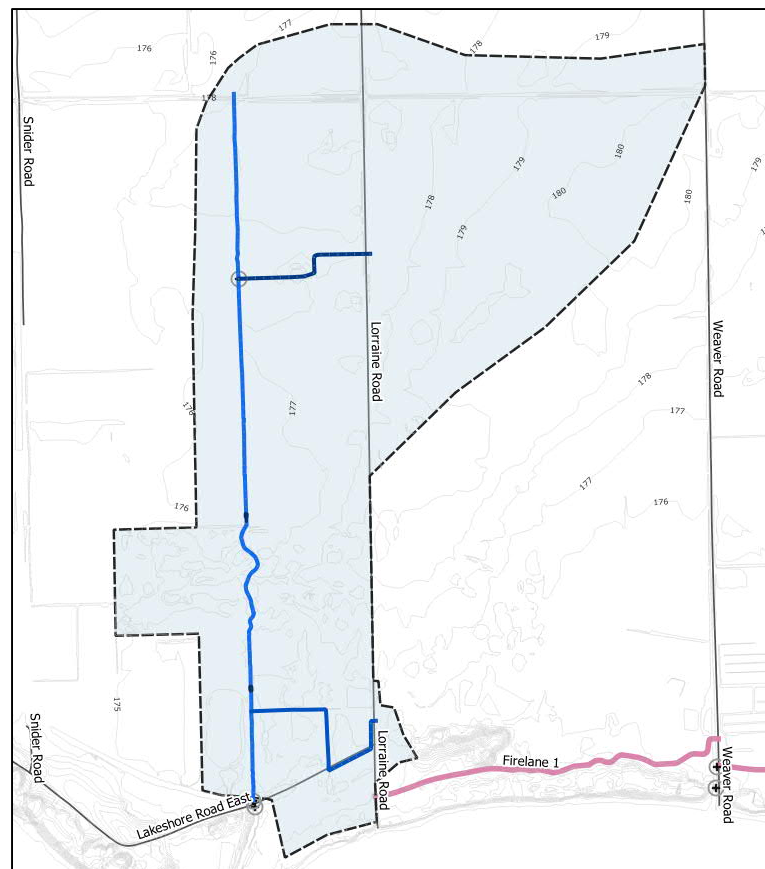
Scott Luey
Chief Administrative Officer



Bryan Boles
Director of Corporate Services / Treasurer



Michener Municipal Drain Report



May 7, 2020

Project No: EWB-189999

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EWA Engineering Inc.

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May 7, 2020

Attention: Alana Vander Veen
Drainage Superintendent
City of Port Colborne
1 Killaly Street West
Port Colborne, Ontario
L3K 6H1
alanavanderveen@portcolborne.ca

Dear Ms. Vander Veen:

We are pleased to present our final report for the Michener Drain.

From the first point of opportunity to work with the City of Port Colborne, this assignment has been interesting and challenging. We prepared several options and analysis in consultation with yourself and local residents to identify a preferred solution that we expect will meet the projects's requirements.

This Drain has a significant history behind it and the previous work done by other Engineering companies created a unique challenge to compose a final report based on new analysis of opportunities for maintaining the drain and improving it.

Our report identifies design improvements that will increase the drain's function through maintenance activities, through maintenance of design grade and implementation of flow control structures at key points. The addition of two new Branch Drains from the City's Section 4 petitions have been achieved through design documents, assessment schedules and future maintenance provisions.

Thank you for relying on EWA Engineering for this assignment.

Yours truly,



Paul C. Marsh, P.Eng.

Principal Engineer
EWA Engineering Inc.

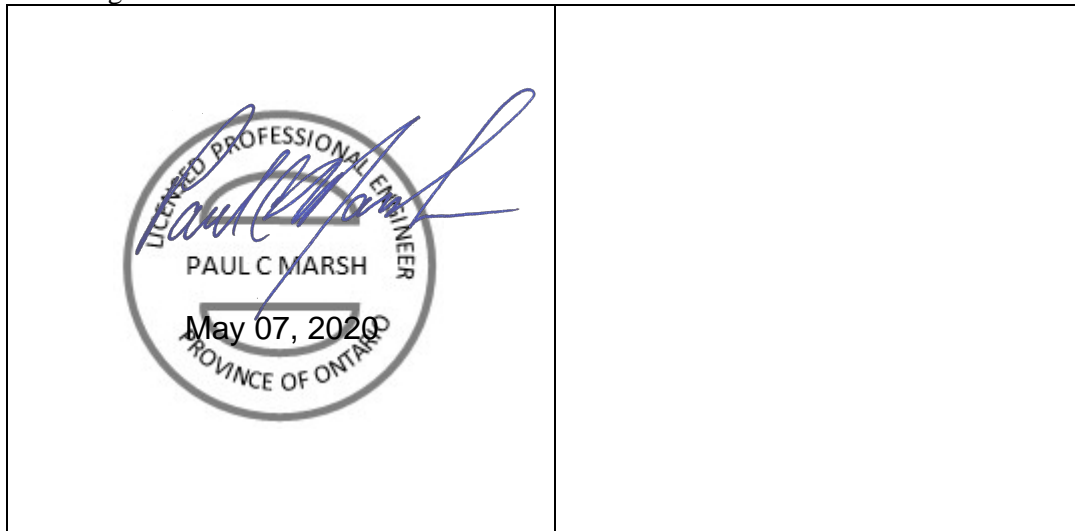
Revision and Version Tracking

Title: Michener Drain Report
Submission Date: May 7, 2020

Version #	Issued As:	Prepared by	QA/QC	Editor	Date:
103	Adjusted for Final	P.Marsh	AVA/CL	P.Marsh	May 6, 2020
102	Issued as Final	P.Marsh	AVA	P.Marsh	March 31, 2020
101	Revised as Final	P.Marsh			Jan. 31, 2020
100	Issued as Final	P.Marsh			October 9, 2019
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The conclusions, analysis and interpretations are based on the data and information available and in the condition and accuracy provided. EWA Engineering assumes no responsibility for data provided by others and has not reviewed nor verified the reliability, accuracy or representation of the data provided.

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1 Executive Summary

The Michener Municipal Drain is located in the Eastern portion of the City of Port Colborne. It has an outlet into the Wignell Drain, immediately north of Lakeshore Rd. East and the drain currently ends just north of the Friendship Trail.

The City of Port Colborne retained Paul Marsh, P.Eng of EWA Engineers Inc. to prepare a Drainage Report under the Drainage Act R.S.O. 1990 for the Michener Drain.

The report includes a description of all work, and associated plans, cost estimates, and assessment schedules for the proposed work on the existing Michener Drain as well as for the proposed Branch Drains. The report has been prepared in accordance with the requirements of the Drainage Act, Chapter D.17 of the Revised Statutes of Ontario, Sections 4 and 78.

The proposed improvement work for the Michener Drain is prepared as a Section 78 (1.1) of the Drainage Act. The works are described as maintenance; including the rebuild of a sedimentation basin south of the golf course property.

The identification of the 2 existing channels as Branch Drains are being prepared under Section 4 of the Drainage Act.

This report has identified a series of drain improvements that include drain maintenance to ensure suitable channel design flows are achieved. The drain improvements have been developed through plan and profile drawings.

The following are summary descriptions of the planned improvements:

1. A specific program of work for channel improvement for the Michener Drain involving vegetation removal and re-grading to design grade line from 0+700 to 1+700. The existing grade line is being confirmed by grading work instead of being altered.
2. Spot Vegetation removal and basic maintenance at the outlet. Re-instatement of the identified sediment basin shown in the RVA drawings of Nov. 1996.
3. Inclusion of an original private drain as part of the Municipal Drain identified as Michener Branch Drain #2. This drain ensures the Lorraine Rd. Culvert CS-101 has a suitable outlet. Clearing and confirmation of grades are planned west of the existing pond. Upstream of the pond is minimum except spot clearing of fallen trees impacting the drain.
4. An original private drain previously crossing farmland is to be converted to Michener Branch Drain #1 that provided an outlet to roadway culverts on Lorraine Rd. and Lakeshore Rd. East. The proposed drain is to be open channel with a bottom tile for portions of the drain. The tile has a lower road crossing elevation with Lakeshore Rd. East culvert remaining for storm roadway runoff.

The following is a summary of the project financial values as prepared in the attached Assessment Schedule included in Appendix C.

Table 1 Michener Drain Costs

Items	Costs
Estimated Costs	\$ 93,860.80
Eligible Administration Costs	\$ 87,990.88
Calculated Allowances	\$ 17169.64
Total:	\$ 199,021.32

The Michener Drain is organized into three distinct catchment areas as follows:

- Branch Drain #1 serving 9.0Ha with a total open and closed conduit drain length of 505m.
- Branch Drain #2 serving 30.7Ha with an open channel drain 344m.
- Michener Drain serving 94.8Ha, (134.59Ha total catchment) with an open channel drain with several private crossings over 1728m in length.

Assessment Summary is as follows:

Benefit Assessment (Section 22)

Michener Branch Drain #1	\$3,673.00
Michener Branch Drain #2	\$4,845.00
Michener Drain	\$ 0.00
Total - Benefit Assessment (Section 22)	\$8,518.00

Outlet Liability Assessment (Section 23)

Michener Branch Drain #1	\$29,827.28
Michener Branch Drain #2	\$26,463.48
Michener Drain	\$119,512.13
Total - Outlet Liability Assessment (Section 23)	\$175,802.89

Special Benefit Assessment (Section 24)

Michener Branch Drain #1	\$0.00
Michener Branch Drain #2	\$0.00
Michener Drain	\$6,110.00
Total - Special Benefit Assessment (Section 24)	\$6,110.00

Special Assessments (Section 26)

Michener Branch Drain #1	
City of Port Colborne	\$6,590.43
Enbridge	\$2,000.00
Michener Branch Drain #2	\$ 0.00
Michener Drain	\$ 0.00
Total - Special Assessments (Section 26)	\$8,590.43

Total Assessment of Costs \$199,021.32

This report and the proposed improvements are based on instructions from the City of Port Colborne and in consultation with the local landowners. The cost of these improvements is shared across all areas that use the Drain by way of allowances and assessments consistent with the Drainage Act of Ontario.

2 Introduction

The City of Port Colborne retained Paul Marsh, P.Eng of EWA Engineers Inc. to prepare a Drainage Report under the Drainage Act R.S.O. 1990 for the Michener Drain.

In addition to the Michener Drain Report, there are other Drain Reports being prepared concurrently and they are:

- Wignell Drain, outlets to Lake Erie across Lakeshore East Rd. and proceeds northerly for 7.2km.
- Port Colborne Drain, outlets to the Wignell at 2+062 South of the Friendship Trail and proceeds northerly for 3.3km ending at or near the Second Concession Rd.

This report includes a description of all work, and associated plans, cost estimates, and assessment schedules for the proposed work on the existing Michener Drain as well as for the proposed Branch Drains. The report has been prepared in accordance with the requirements of the Drainage Act, Chapter D.17 of the Revised Statutes of Ontario, Sections 4 and 78.

The proposed improvement work for the Michener Drain is prepared as a Section 78 (1.1) of the Drainage Act. The works are described as maintenance; including the rebuild of a sedimentation basin south of the golf course property.

The identification of the 2 existing channels as Branch Drains is prepared as a Section 4 of the Drainage Act based on a petition for sufficient outlet by the Road Authority, which is the City of Port Colborne. The petition forms for Section 4 are available on request to the City of Port Colborne, Drainage Superintendent A. Vander Veen.

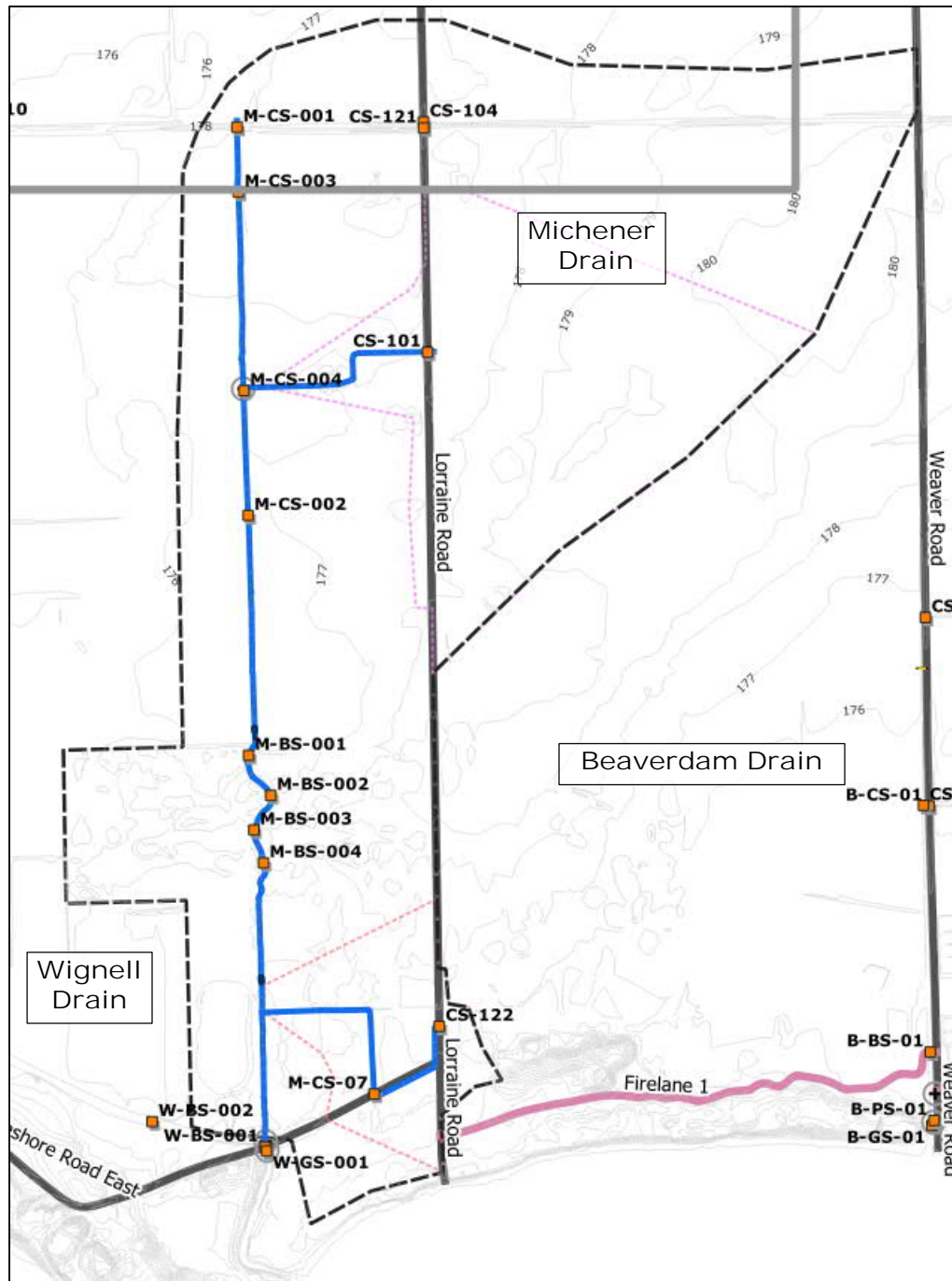


Figure 1 Municipal Drains - Michener Boundary

2.1 Objective

The Michener drain dates back as far as 1855 with the most current report dating back to July 28, 1978 which was adopted through Bylaw #773/89/78. The objective of this new report is to maintain the existing drain in a State of Good

Repair (SOG). The drain has been impacted by changes in land use practices that affect their function. The drain capacity is degraded through growth of vegetation within the banks of the drain.

There are specific new channels proposed to improve drain function.

2.2 Drain History and Past Reports

The Michener Drain Engineer's Report is prepared as follows:

- Baseline Drainage Report; provides an assessment of current drainage problems and identifies the extent of the drainage area to be serviced by the municipal drain. Baseline report includes a history of drainage and presents past design information such as grade lines.
- Wignell Watershed Assessment Report; provides an assessment of existing capacity through the use of hydrologic and hydraulic modelling which identifies the options for resolving problems and recommends a preferred option to improve drainage.

The final Engineer's Report is composed of the two previous reports along with supporting documentation and final drainage cost estimates and assessment schedules.

2.3 Michener Drain Watershed

The Michener Drain Watershed is composed of a single distinct municipal drain that outlets to the Wignell Drain just north of Lakeshore Rd. East. The Michener Drain is 1728m open channel with a predominate top width of 2.5m, with the lower portion dominated by golf course operations and the upper portion agriculture land uses. The Michener drain serves an area of 135 hectares based on the defined drain boundary, refer to Figure 1 Municipal Drains - Michener Boundary.

The watershed boundary is north of the Friendship Trail with a high point of 178m. The upper portion of the drain is a narrow fringe of drainage area north of the Friendship Trail extending eastwards to Weaver Rd. The Michener outlet is just north of Lakeshore Rd East at the Wignell drain and is influenced by the change in Lake Levels. The recorded average lake level is given as 174.15. The lake level fluctuates and for 2018 and 2019 had monthly averages as high as 174.7m, which is higher than average and influences the water surface profile through the Michener Drain.

- Watershed average fall (slope) is given as 0.22% or 2.2m per 1000m
- Drain average fall (slope) is given as 0.13% or 1.30m per 1000m

This slope characterises the Michener drain as low slope or slow watershed. The Michener drain can be segregated into a few distinct geographic areas.

- Outlet; this area starts at station 0+000 chainage marker and is the outlet to the Wignell drain. The outlet is influenced by the water surface elevation in the Wignell drain and is defined by significant vegetation growth for the drain's first 50m.
- From station 0+050 to 0+300 Drain reach to outlet. This portion of the drain lies below the golf course and is a ditch with defined banks that runs to the outlet. Bank full or top width is approximately 4m.
- From station 0+300 to 0+695 Golf course; this reach is heavily managed by the golf course. Includes, pumping to reverse flow to irrigation ponds, changed bridge to culvert, vegetation removal, etc.
- From station 0+695 to 1+728 main drain ends; largely agriculture on either side of the drain but with an identified regulated wetland to the West starting at 1+000 and the drain is vegetated with undergrowth between banks and either side. Above 1+400, the drain has agricultural fields on either side.

Portions of the drain have become overgrown, degrading the performance of the drain throughout the drainage area. Along with physical changes to the Drain needed for continued service have necessitated a new Engineer's report be prepared under Section 78 of the Drainage Act R.S.O. 1990 and that the City petition for new works on this drain under Section 4 of the Drainage Act R.S.O. 1990.

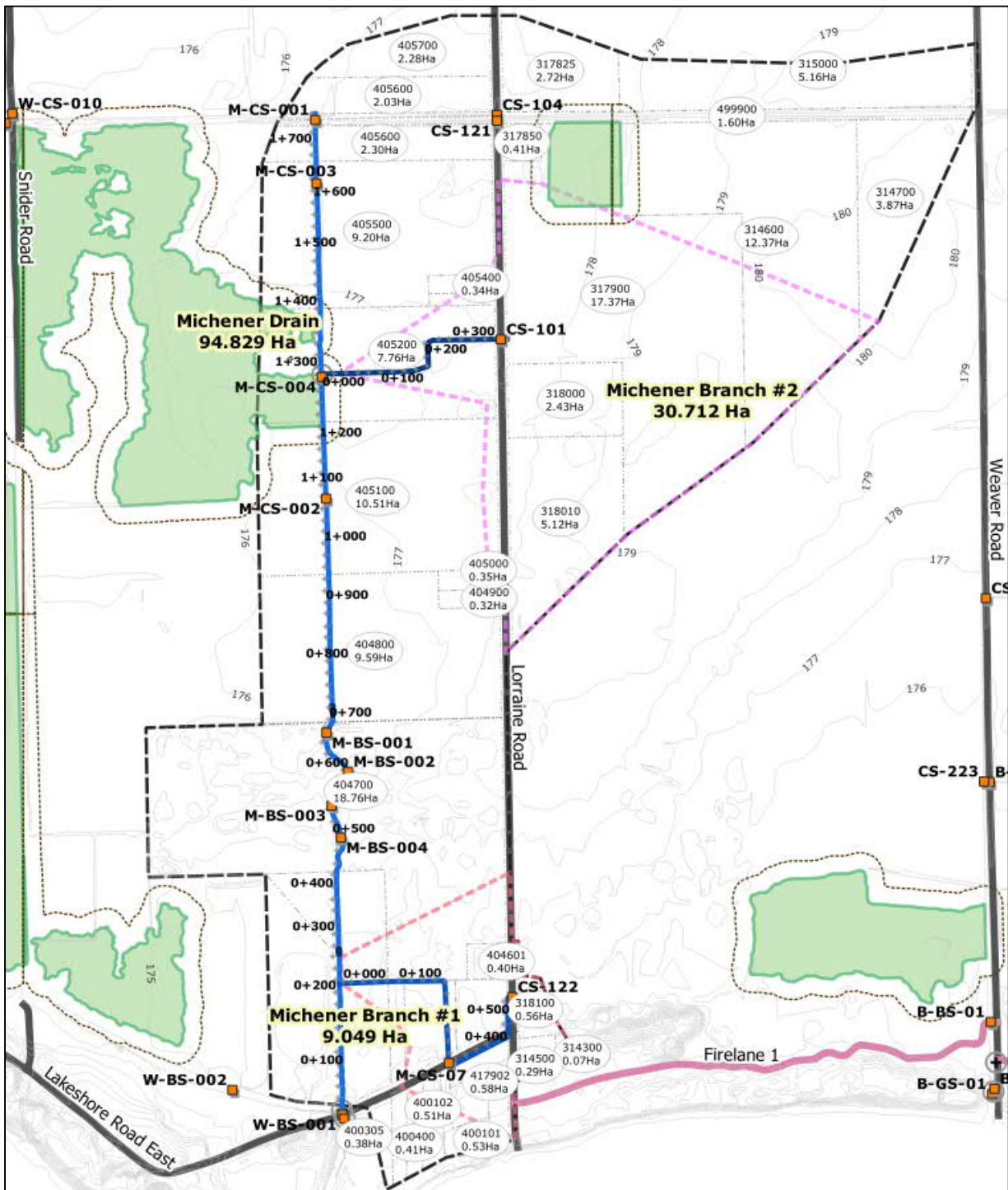


Figure 2 Michener Drain and Proposed Branches

A large format map is included in Appendix A that includes the Wetland boundaries and 30m buffer.

3 Design Considerations

The analysis of the Wignell Watershed is based on Hydrologic and Hydraulic analysis to predict runoff flow requirements and to match channel capacity. Water monitoring and gauge measurements have not been practiced in the past and thus calibration or validation of the computer based model results is limited to historical anecdotal comparisons.

3.1 Watershed Characterization and Use

The Michener Drain Watershed is characterized through land use as a design consideration in the following ways:

1. The upper portion of the drain land use is Agriculture with mainly row crops; soya, corn or cereal grains grown. The design service level for agricultural land is flooding with low velocities and drainage of ponding areas of 48 to 72 hours. Drainage is provided to improve working time and to avoid long term submergence leading to crop drowning.
2. Fringe or rural residential is the other major land use with estate lots with houses, buildings, wells and septic beds. Urban expectations of no ponding on residential lots in rural areas can not be met without extensive costs. Acceptable flooding without damage to property contents is the reasonable design service level similar to Agricultural service levels.
3. Whiskey Run Golf Course (WRGC) makes up a significant portion of the drainage area and the golf course operations affect the drain through irrigation and crossings. The WRGC has several permits to take water granted from the MOE that operate on the Wignell Drain but impact the Michener Drain. Past practice indicates the golf course conducted works on the Drain and may have impacted the identified sedimentation pond shown on the plans that were issued to introduce a sinusoidal pattern into the Drain, (Plan dated Nov. 15, 1996)
4. Michener Outlet. The primary design service level for the outlet is merely to have a positive slope to the Wignell Drain with clear and clean flow path to the outlet.

3.2 Former drain changes

The Michener Drain has been in use for a very long time. Over that time, changes have occurred and been abandoned. The description of these changes can be referenced in the Baseline Report.

4 Drain Works Recommendations

4.1 Design Criteria

Channel size is confirmed to be based on a 1 in 5 year return period storm, which is expressed as a design storm as follows:

- 5-year cumulative storm with a total rainfall amount of **68.90 mm** using a SCS Type II **24-hr** storm distribution.

The design storm is used to forecast a predicted runoff for identified catchments. Each channel section is designed to convey this runoff.

There are areas that owners have identified as wet and needing drainage. These problem areas are identified for service with underground based piping. Tile Polyethylene Pipe (PE Tile) is below an open channel, which will have conveyance for the design storms. The PE Tile does not meet these design storm criteria but provides post storm drainage in those problem areas. The design storm was based on the IDF curves for Port Colborne.

4.2 Description of the Works

The following presents a program of proposed improvement works for the Michener Drain. As a program, some works are staged at various times and may not proceed in a step by step manner but on a as and when available basis that best meets environmental and regulatory requirements.

4.2.1 Michener Drain Flow Improvement

The primary function of the proposed works for the Michener drain is maintenance of channel section and reduction of flow restrictions. This is for two key restoration efforts as follows:

Restoration works #1 is the removal of vegetation between top of bank to top of bank. This removal is targeted at tree and shrub growth that limits or could obstruct primary flow paths. Every effort to retain trees, not in the channel, and under story growth will be made to reduce environmental impacts of the maintenance work. A work zone is required for the channel improvements and this will be minimized but will remove trees and understory growth.

Restoration works #2 is to remove any deposition humps or deviations that are impeding flow. This does not include any changes to grades that were previously over excavated, past the calculated grade line, but does include channel bank

stabilization where slips or excessive erosion is evidenced during the restoration works #1. Channel restoration is done from one side with effort to reduce existing stable bank cover damage on the opposite side of the work zone.

Most of the proposed work for the Michener Drain is to re-establish the original drain capacity and function through the cutting of trees and vegetation that has grown up through the drain. The following figure illustrates a typical cross-section view of the work and work zone required to do the work.

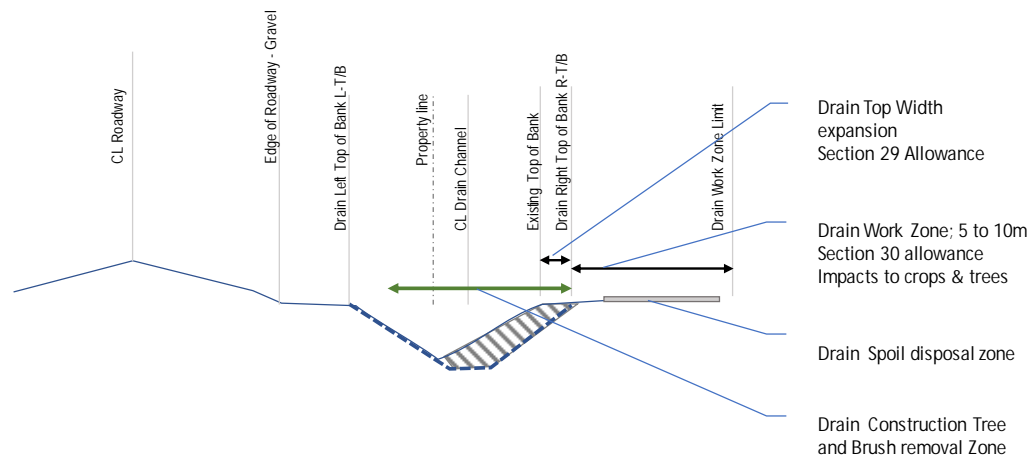


Figure 3 Typical Drain Work and Work Zones

With the main work program the original drain is cleaned down to the proposed grade line and a specific capacity is achieved through removal of soil to the design bottom width and one bank. It is beneficial to only disturb one bank and leave low vegetation in place. Trees through the drain top of bank (T/B) to top of bank (T/B) are removed leaving stump and roots in place if the removal negatively impacts the grade.

Living trees that are removed from the work zone are eligible for the canopy preservation program, replacement of 2 saplings for each removed tree with a DBH of 150mm or greater. Trees within the established banks, top of bank to top of bank, are not eligible unless for a new drain or a re-located drain.

4.2.2 Michener Branch Drains

There are two proposed branch drains identified on the design plans. Branch Drain #1 is an existing channel that flows water from East of Lorraine Rd. and South of Lakeshore Rd East that is clearly visible in the 1934 aerial photography of the area. This originally was an open channel that served an agricultural use, which has now converted to rural residential and golf lands.

Branch Drain #2 is an existing channel that provides outlet to lands East of Lorraine Rd. This channel has existed for a long time and is also visible in the

1934 aerial photo showing the existing pond midway between the outlet and Lorraine Rd. on a bend in the drain. Evergreen Trees outside the top of bank have been planted along the portion East of the pond and West of Lorraine Rd. The large mature trees are outside of the existing top of banks and will remain. One tree has toppled and the roots impact the channel definition, which is to be addressed by cleaning of this section of drain to re-establish the channel.

4.2.3 Municipal Crossings

The drain crossings, Private and Right of Way are shown in Figure 1. Lorraine Rd. presents a barrier to sheet overland flow and the road authority has established several road crossing culverts. These are not part of the drain as their flow is collected within the roadside or Right of Way and there after is conveyed to an outlet. There are three key municipal crossings.

- Lorraine Rd. Culvert CS-101 is an existing culvert currently outlets through a private drain, which the Road Authority has requested be made a Branch Drain (#2) to ensure a SOGR is achieved for the outlet.
- Lorraine Rd. Culvert CS-122 is an existing culvert that outlets flows from the East to Michener through an existing open channel. This is proposed as Michener Branch Drain #1
- Lakeshore Rd. East. Culvert M-CS-007 is an existing roadway culvert that has been the subject of conflict for drainage performance between north and south property owners. This culvert outlets to the open channel drain and is to be converted into a buried pipe to Michener Branch Drain #1.

The Friendship Trail, formerly CNR, is a significant barrier to overland flow and there is a major culvert crossing for flows to pass through the Trail into the Drain. The culvert crossing the Friendship Trail is identified as part of the Drain, while the channels to the North are considered part of the Friendship Trail ROW and not part of the drain.

4.2.4 Private Crossings

There are several private crossings identified on the Main Branch of the Drain as it bisects the agricultural lands. There are also four crossings identified through the golf course lands. The golf course crossings are predominately bridge decks with minimal piers and a replaced new CSP culvert that is undersized and to be replaced by double wall HDPE culvert sized for the design flow.

The farm immediately north of the Golf course has possessed a crossing that is identified as too narrow and fallen into disrepair. The farmer is or has established a fording located to the north property limits. This is to be replaced with a combination sediment basin and crossing located at the South limit of the farm north of the golf course.

4.2.5 Utility Conflicts & Coordination

Utility conflicts may exist with Gas lines and telecommunication lines as identified by the exchange of utility information. In particular, the placement of the proposed Ditch Inlets along Lorraine Rd. and Lakeshore Rd. East are to be field placed to minimize utility conflicts. Re-grading of the Roadside swales are to be positive to the Ditch Inlet.

4.2.6 Plans, Profiles & Specifications

The proposed Michener Drain works are described in the attached Plans, Profile drawings and Specific Design Drawing and Standard Detail Drawings attached as Appendix A.

Project Specifications are attached in Appendix B.

4.3 Construction and Constructability

The following describes the specific requirements for drain construction.

4.3.1 Vegetation Removal

Vegetation, specifically trees are to be cut down outside of any bird nesting periods. The remaining stumps are to remain in place unless they obstruct flow or they are Ash trees with re-growth from the lower trunk already established. In those cases, the stump will be ground down to match the existing channel section.

Tree removal within the Top of Bank to Top of Bank is to be 100 percent; however, tree removal within the work zone is at the discretion of the drainage superintendent while making every effort to preserve trees where possible. Where trees are removed in the work zone, they qualify for the tree replacement program as per the tree qualifying criteria.

Where a mature tree is already established and is an individual tree, it can remain on the work zone adjacent to the drain provided there is a working space to provide future maintenance to the drain.

Trees with a DBH greater than 150mm and alive, such trees will be replaced with 2 trees as saplings for future growth in lieu of a damage allowance for the existing tree that is removed. The tree that is removed will be provided to the owner as stacked branches adjacent to the drain and outside of the working zone along with the trunk. The owner shall be wholly responsible for the wood once cut.

New trees can be planted adjacent to a drain following two key criteria:

- The trees are planted back from the top of bank, (the exact distance is determined by tree type and local conditions).
- The trees are planted with adequate space to provide future maintenance access for the drain. Grouping of planted trees is encouraged given that the spacing of the trees and the arrangement permits future maintenance. This is accomplished by providing an angled approach along the tree edge line to the drain and increasing the tree plant density only as the distance from the drain increases.
- Individual hardwood trees may be allowed every 25m. Trees of any type shall not be planted within 6m of an existing drain (solid tile, wrap joints) or 4.5m from existing open drain.
- In certain circumstances where an owner owns property on both sides of the open drain, upon consultation with the Drainage Superintendent, a windbreak may be permitted on one side. On existing drains where windbreaks exist, costs due to trucking material will be the direct responsibility of the owner and not the upstream ratepayers.
- Replacement Trees will be selected from a list of available preferred species at the time of construction for owners eligible for replacements to select their preferred species. Species will be from the identified list of Carolinian species typical for the Region. Owners can select any location for the planting of replacement trees excepting within the work zone.

4.3.2 Spoil Material

Where specified, excavated spoil material shall be disposed of and levelled at a minimum of 2.5 m from the top of bank to ensure that sediment does not re-enter the drain. Spoil placed next to the drain shall be spread to permit access across the berm area and shall be placed to a maximum height of 0.6m. Spoil excavated along existing travelled road allowances, and on private property where requested, shall be disposed of by the Contractor off site. The cost of spoil trucked from the property shall be borne by the benefiting property owner.

Spoil shall be disposed of as noted in the description of the proposed work. Generally, the spoils will be disposed of adjacent to the drain unless otherwise specified. Should any property owner require that all or a portion of the spoil be trucked away from their property, the cost of trucking spoils shall be assessed 100% to the property owner requesting same and will not form part of the total cost of the drainage works. The cost of trucking away spoils from any future maintenance work will be assessed directly to the property owner requesting the same. Debris from vegetation removal will be disposed of in accordance with agreement of the property owner. Debris removal from the site is possible where the owner of the land agrees to pay for the removal.

With respect to the reaches of drain that are within travelled municipal road allowances, the spoil will be trucked away during both the initial construction

and any future maintenance work where there is no opportunity to dispose of the material on site.

Access channels shall be provided through the levelled spoil material at every location where existing drainage outlets are visible and/or identified during construction by the Drainage Superintendent. The invert of the access channels shall be consistent with the drain cross-section at that location.

Spoil excavated from the drain shall be levelled in a manner that is suitable for cultivation of crops where crops were previously cultivated. Where the drain is adjacent to a grassed area maintained by the owner, the spoil shall be levelled and re-seeded with grass so that the area is restored to a like or better condition than prior to construction.

4.3.3 Sediment Control Basins

The addition of sedimentation basins to the Michener Drain in two locations is done to assist with controlling sediment during maintenance and re-grading to the identified design grade line. Post – Construction these basins remain and continue to provide sedimentation control during precipitation events.

Sediment basins are to be constructed at the locations and to the specifications indicated on the attached drawings. The Contractor will maintain these sediment basins during construction, as directed by the Engineer and/or his designate. The basins are considered to be part of the Municipal Drain and will be maintained in future by the Municipality at the expense of all upstream land and roads owners herein assessed as shown on the attached assessment schedule. Properly maintained sediment basins reduce the incidents of drain maintenance clean out and therefore reduce overall maintenance costs for property owners. It is anticipated that basins will be inspected annually for an assessment of sediment depth and sediment removed where that depth exceeds half the constructed depth.

4.3.4 Revegetation

Drain banks and exposed soil areas within areas disturbed during the maintenance of the drain are to be seeded as quickly as possible by the contractor.

The drain banks should be seeded as quickly as possible after excavation of the existing and proposed channels, and the spoil should be seeded on the day of leveling. Seeding should take place in a manner that optimizes seed germination and establishment of vegetation prior to mid October and after late April.

Seed mixture used shall be applied at a rate of 40 kg/ha in the following proportions:

Creeping red fescue	20 kg	50%
Perennial rye grass	8 kg	20%
Birdsfoot trefoil	12 kg	30%
Total	40 kg/ha	100%

Through the golf course, the owner may choose an alternate re-seeding mix and/or restoration method at their preference and cost.

Where working zone adjacent to the drain is grass and this is affected by construction, this area shall be reseeded with a suitable grass mix to restore to a like or better condition.

4.3.5 Private Drain Connections

Where private connections are made to the Municipal Drain, the connections are to be compliant with the City of Port Colborne's standards connection designs. This includes the following connection types:

- Open channel connection – minimal allowance for grade and freeboard.
- Surface water flows – rip rap rock requirements for reducing or amending sites of potential or evident erosion.
- Tile drain connections – use of PE pipe to connect to a receiving channel.
- Berm and Orifice Flow Control - connections designed to control runoff to specified rates of flow.

Private connections are owned and the landowner is responsible for their construction and maintenance. Where a deficiency is identified by the Drainage Superintendent or Engineer, the landowner is to make good the connection. The landowner can accept to have work done by the City on their behalf to make good the connection based on a 50/50 cost sharing basis. Where the City identifies a deficiency and the repairs are not made by the landowner by the next cycle of drain maintenance, the City can make the required repairs and 100% of the cost will be assessed to the landowner.

4.4 Future Maintenance and Repair Provisions

The Drainage Act, Chapter D.17, Sections 74 through 84 governs future maintenance, improvement and repair to any Drainage Works constructed under a By-Law passed under this Act, or any predecessor of this Act.

Upon completion of the Michener Drain works prescribed in the Engineer's Report, the City of Port Colborne will be responsible for future maintenance of the drain with the cost assessed to the upstream lands and roads using the Assessment Schedule in Appendix C, and pro-rating the assessment based on the actual cost using the Outlet Liability Assessment – Section 23. Special Benefit or Special Assessment, Section 24 or Section 26, shall not apply to maintenance work except where maintenance works are related to culvert/bridge replacement or upgrades.

4.5 Summary of Construction

The following table provides a list of construction activities by property starting from the outlet and proceeding upstream.

Michener Drain

Property / Owner / Drain Side	From STA	To STA	Work Description	Access & Disposal
404301 570466 ONTARIO LTD West side	0+004	0+407.5	0+010 to 0+110, 100m of individual tree removal from T/B to T/B 0+260 to 0+268 Construct Sediment Basin - SD-03a) 0+268 to 0+407.5 Re-grade to Design Grade Line 0+000 to 0+215 BW = 1.0m SS=1.5 TW = 4.0m 0+215 to 0+400 BW = 0.8m SS=1.5 TW = 3.8m	Work zone is 10m on the West Side of the Drain. Tree Removal as required for access. Level spoil West Side of Drain
404700 WHISKEY RUN GOLF CLUB LTD Both Sides	0+407.5	0+695.3	0+428 to 0+695.3 sinusoidal channel BW=0.6m SS=1.5 TW=1.5m Preserve existing Bridge Decks through construction Replace existing 500mm CSP with 600mm HDPE	Work Zone is 10m. Side to be determined in cooperation with Golf course. Restore to pre-construction condition.
404800 SPITERI CHARLES Both Sides	0+695.3	0+947	0+705.8 to 0+715.8 Farm Crossing culvert 0+715.8 to 0+723.8 Construct Sediment Basin 0+723.8 to 0+947 Clear vegetation from T/B to T/B and as required in work zone. BW = 1.m SS =1.5m TW = 4m	Work zone is 10m on the East Side of the Drain. Level Spoil on East side. Restore to cultivated field condition. Allowance for damage.
405100 VALE CANADA LIMITED Both Sides	0+947	1+206	0+947 to 1+206 Clear vegetation from T/B to T/B and as required in work zone. BW = 1.m SS =1.5m TW = 4m	Work zone is 10m on the East Side of the Drain. Level Spoil on East side. Restore to cultivated field condition. Allowance for damage.
405200 VALE CANADA LIMITED Both Sides	1+206	1+399.5	1+206 to 1+280 Clear vegetation from T/B to T/B and as required in work zone. BW = 1.m SS =1.5m TW = 4m 1+280 to 1+286 Culvert to remain as is. 1+290 Branch #2 Confluence 1+290 to 1+399.5 BW=0.6m SS=1.5 TW=3.4m	Work zone is 10m on the East Side of the Drain. Level Spoil on East side. Restore to cultivated field condition. Allowance for damage.
405500 ADAMS KEVIN JAMES Both Sides	1+399.5	1+649	Clean and Re-grade to Design Grade Line 1+399.5 to 1+614 BW=0.6m SS=1.5 TW=3.4m 1+614 to 1+624 Replace existing culvert with 600mm HDPE with rip rap headwall.	Work zone is 10m on the East Side of the Drain. Level Spoil on East side. Allowance for damage.

Michener Drain

Property / Owner / Drain Side	From STA	To STA	Work Description	Access & Disposal
				Restore to cultivated field condition.
405600 PORT COLBORNE CITY Both Sides	1+649	1+170	Clean and Re-grade to Design Grade Line 1+649 to 1+170 BW=0.4m SS=1.5 TW=3.4m	Work zone is 10m on the East Side of the Drain. Level Spoil on East side. Restore to cultivated field condition. Allowance for damage.
ROW Friendship Trail	1+170	1+729	Existing Culvert to remain as is. Drain Ends north Side of Trail Crossing	Access to East work zone from Friendship Trail.

Michener Branch #1 Drain

Property / Owner / Drain Side	From STA	To STA	Work Description	Access & Disposal
404303 MASON MARTHA JEANNE Both Sides	0+000	0+085	Clean and re-grade to design grade line. BW = 0.4m SS = 1.5 TW = 1.5m	10m Work Zone is on the South Side Restore to pre-construction condition.
404700 WHISKEY RUN GOLF CLUB LTD North Side	0+085	0+217	Clean and re-grade to design grade line. BW = 0.4m SS = 1.5 TW = 1.5m	10m Work Zone is on the South Side – no impact
404400 LEON JOHN South Side	0+085	0+110	Clean and re-grade to design grade line. BW = 0.4m SS = 1.5 TW = 1.5m	10m Work Zone is on the South Side Restore to pre-construction condition.
404500 NICHOLLS LARRY JAMES South Side of Branch #1 with Branch #1 crossing from North to South.	0+110	0+302	67m Open Channel to be cleared of vegetation, cleaned to the design grade line. 0+177 Catchbasin (CB-01) with standard top grate; outlet to open channel with grate. Connect existing PE 150mm tile outlet to CB-01 (from sump pump) 0+178 to 0+302 Branch #1 PE 200mm Tile with filter sock below open channel drain with side slope 3:1 and BTW = 0.6m.	10m Work Zone for Branch #1 for 67m South side. North South Branch #1 Tile and channel is 10m Work Zone on East Side. Restore all to pre-construction condition.

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Property / Owner / Drain Side	From STA	To STA	Work Description	Access & Disposal
Lakeshore Rd. East Right of Way	0+302	0+324.4	1 - CB-02 (OPSD 700.020) 0+128 & 0+145 200mm PE Tile crossing Lakeshore Rd. E and connect to CB-02 and CBDI-03 1 - CBDI-03 with OPSD 403.010 Existing culvert to remain as is.	Road Crossing to be backfilled with unshrinkable fill and restored to pre-construction condition with asphalt to City of Port Colborne Standards. Grade roadside swales to DICB.
400200 DOOLITTLE ROY W III From ROW - North Side	0+325	0+437	Buried 150mm PE Tile Drain on the ROW property line	City to grade roadside swale to CBDI-03 and CB-04. All work from Road allowance and restored to pre-construction condition.
Lakeshore Rd. East and Lorraine Rd. ROW.	0+437	0+437	1-CB-04 (OPSD 700.0.20) Catchbasin at SW corner of intersection. Top of grate set below edge of road.	City to grade roadside swale to CB-04.
Lakeshore Rd. East Right of Way.	0+437	0+458.6	Buried 150mm PE Tile Drain on the ROW property line. Backfill with U-shrink material under Road portion of ROW	City to restore road crossing.
404600 WINGER LLOYD JAMES JUNIOR From ROW - East side	0+458.36	0+505.5	DI-05 Ditch Inlet with precast concrete headwall and grate.	City to grade roadside swale from Culvert CS-122 to Ditch Inlet @ 0.20%
400101 LEON LOU ANN South Side	0+000	0+018	Branch #1 Buried 150mm PE Tile Drain on the ROW property line	Branch #1 Work Zone is from the ROW. City to grade roadside swale. Restore all to pre-construction condition.
400102 WEEBADUARACHCHIGE ASELA South Side	0+018	0+51	Branch #1 Buried 150mm PE Tile Drain on the ROW property line	Branch #1 Work Zone is from the ROW. City to grade roadside swale. Restore all to pre-construction condition.
400400 MATHESON GARY South Side	0+051	0+60	Branch #1 Buried 150mm PE Tile Drain on the ROW property line Drain Ends with PE cleanout.	Branch #1 Work Zone is from the ROW. City to grade roadside swale. Restore all to pre-construction condition.

Michener Branch #2 Drain

Property / Owner	From STA	To STA	Work Description	Access & Disposal
405200 VALE CANADA LIMITED Both Sides	0+000	0+337.2	0+000 to 0+126 Clear Vegetation and re-grade to Design Grade Line. BW = .4m SS = 1.5 TW = 2.95m 0+126 to 0+180 Pond to remain as is. 0+180 to 0+232 Clear Vegetation and re-grade to Design Grade Line 0+232 to 0+337.2 Spot Tree Removal As Directed.	0+000 to 0+180 North Side 10m Work Zone. Spoil spread adjacent to drain. 0+180 to 0+232 West Side 10m Work Zone. Spoil spread adjacent to drain. 0+232 to 0+337.2 South Side Work Zone. Restoration to cultivated field condition.
Lorraine Rd. Right of Way	0+337.2	0+357.2	Existing Culvert to remain as is. City of Port Colborne responsible for maintenance.	

5 Drainage Works Financing

5.1 Cost of Works

As required by the Drainage Act, Chapter D.17, Section 59(1), Council may call a meeting if the contract price exceeds 133 percent of the estimated construction costs.

5.1.1 Admin & Engineering Costs

At present there are no Administration costs identified with the Michener Drain.

There are three primary engineering costs related to these works for the Michener Drain. There are costs from three separate engineering companies working to prepare the report.

Wiebe Engineering was first hired to prepare the report. Wiebe was paid \$92,511.44 for work completed on the Wignell, Michener and Port Colborne Drains. A portion of this fee, allocated by area of the drain, is charged to the Michener Drain. (See Table 2 Drain Area Ratios)

Amec Foster Wheeler (formerly Amec and now Wood Plc) was appointed to conclude the report after Wiebe Engineering. They prepared a draft of the report, invoiced and were paid \$67,147.23 but they did not finalize the report and ceased to work on the project.

These costs have been allocated to the respective drains using a drain area ratio as per the following table.

Table 2 Drain Area Ratios

Drain	Area, Ha	Area Ratio
Michener Drain Area	135	12.02%
Port Colborne Drain Area	345	30.78%
Wignell Drain Area	641	57.20%
Total:	1121	

The result is a cost allocation to Michener for the portion of engineering fees for each of the two previous engineers.

The fees for EWA Engineering Inc. are recorded for the fees in the preparation of each individual report.

5.1.2 Capital Construction Cost

The estimated cost of construction is shown in the following table.

Table 3 Michener Estimated Cost of Construction

	Sub-Total Costs	Total Cost
Michener Branch Drain #1	\$30,271.50	
Michener Branch Drain #2	\$3,325.00	
Michener Drain	\$32,147.50	
Michener General Construction Costs	\$14,968.00	
Michener Contingency	\$13,148.80	
Estimated Cost of Construction		\$93,860.80

5.2 Maintenance & Program Costs

Included in the estimated cost of construction are allocations for costs related to drain maintenance works including vegetation removal and re-grading.

The Michener Main Branch is a section 78 maintenance project to clean and re-grade to the established design grade line shown on the profile drawing, M.P1. The grade line is based on the AMEC survey of what is already in place for the existing culverts. This work is to be assessed according to the construction schedule prepared and shown as Table 8 Michener Drain Assessment Schedule of Costs

The Michener Branch #1 is a Section 4 drain improvement project to provide sufficient outlet for the Lorraine Rd. and Lakeshore Rd. culverts. The Lakeshore Rd. culvert becomes part of the drain, while the Lorraine Rd. culvert remains a roadway culvert. An allowance is made to landowners for the value of the existing drain channels.

The Michener Branch #2 is a Section 4 drainage petition by road authority to provide sufficient outlet for the Lorraine Rd. culvert, which remains a roadway culvert. An allowance is made to the landowner for the value of the existing drain channel. The pond will become part of the drain but is to remain as is.

5.3 Principles of Assessment

The following are general and specific principles used to assess costs for the Michener Drain according to the Regulations formed under the Drainage Act using our understanding of the Act and seeking the most fair methods to share costs to landowners within the Michener Drain Watershed.

1. Assessments are a method to calculate a contributing property's share of drainage works, hereafter referred to as a Drain.
2. Each Drain is defined by a fixed point of commencement that traverses to a fixed Outlet, which may be a receiver or another Drain.

3. A property contributes to a drainage work if any portion of the property contributes a runoff flow directly or indirectly to the Drain.
4. A Drain is any constructed or existing natural method of conveyance or stormwater management function that moves or controls water from one point of collection to a discharge point, an Outlet.
5. The use of a property; farming, residential, or vacant does not define benefit of the Drain. The benefit of a drain is realized equally among all properties with runoff to the Drain.
6. An excess or additional benefit is realized for any property or group of properties for which a higher standard of drainage service is required for the specific use of a property for which a higher value is realized.

As an example, where a market garden farm requires additional pumping for either irrigation or reducing the water surface in the drain, then the additional costs for that are borne by the benefitting lands.

7. Similarly, where a property or group of properties is provided with a lower standard of drainage service or where such property or properties provides a stormwater management function within the drainage works of the Drain, the value of the lower service or function is determined at a rate commensurate with the benefit to the drain.

As an example, where a property converts a portion of their lands (or the entire property) to a wetland or other stormwater management feature that reduces the peak flow of the runoff, thereby reducing or enhancing the capacity of the Drain to improve drainage and reduce flooding, then a commensurate benefit is realized to the volume of water removed from the runoff hydrograph.

Where the volume of detained runoff is small relative to the capacity of the drain, this contribution is deemed to be negligible. Where the volume detained is below 1% of the total runoff volume for the Drain, there is no real benefit realized for an individual Stormwater Management Feature.

8. The capacity of the Drain is determined based on a hydrologic model forecast of precipitation based runoff. Therefore each property realizes a drain benefit based on the proportion of predicted runoff for their property. Predicted runoff is a product of the following attributes, which are determined for each property:

- a. Area contributing to runoff;
- b. Land use as it relates to runoff;
- c. Land topography;
- d. Proportion of hard surfaces vs soft surfaces as they relate to infiltration; and
- e. Stormwater management features specially built to reduce the rate of runoff.

9. A benefit is realized for a property that causes a physical change in the Drain works to serve a particular use or surface water benefit to the property.

An example of this is a culvert, which provides access to a property across a drain.

10. A benefit/assessment is realized for Municipal, Regional or Provincial lands held as Rights of Way that cause or require additional infrastructure, effort or costs related to the Drain. (Section 26)

11. Where a cost to the drain is realized through effort during construction or otherwise for the protection of flora, fauna or quantity, quality of stormwater runoff, this cost is born proportionally amongst all watershed contributing owners at the same rate as established for Drain benefit.

12. For the Michener Drain and the works being considered, a channel already exists and the proposed assessment is to recognize a service or benefit that already exists and is being confirmed to exist through an allowance under Section 31.

13. Utilities that require additional works, changes in design or protection during construction, those costs are borne by the owner of the utility.

While efforts within the drain design and assessment have been made to address water quality as well as quantity, there are limits within the Drainage Act. The following assessment table is proposed for using those regulations within the Drainage Act to address drainage works.

Benefit (Section 22)

This Assessment is based on the creation of land value through the creation of a new or additional drainage system. The Michener Drain works consists primarily of maintenance; cleaning and clearing.

For this reason, there is not a Benefit Assessment proposed on the main branch of the Michener Drain. However, for the two Branch Drains, a Section 22 benefit does exist and is recognized.

Outlet Liability (Section 23)

This is the primary basis for the assessment of the maintenance and drain works. Assessment is based on each individual property's contributing runoff. This is determined from the area flowing to the drain and from the runoff factor C. The runoff factor C is the Rational Method for predicting peak runoff and does not predict volume of runoff (note special benefit used for Site Specific SWM facilities).

The C factor for assessing property runoff is selected based on the property zoning. Where a property is not currently farmed but is zoned for farming, then a C factor is selected based on the potential use of the property. C factors are not adjusted for variations in Residential properties. Residential properties with or without buildings are assigned the same C factor. Thus, the C factor is not a current prediction of runoff for an individual property but a Factor to assess the

potential runoff based on the property's potential use in the present and in the future. The following Table of property codes will be used for the determination of C Factor values used in the Runoff Outlet Factor assessment.

PropCode	CATEGORY	DESCRIPTION	C-Factor Low	C-Factor High
100	LAND	Vacant residential land not on water	10	25
105	LAND	Vacant commercial land		
110	LAND	Vacant residential/recreational land on water		
200	FARM	Farm property without any buildings/structures	20	55
201	FARM	Farm with residence - with or without secondary structures; no farm outbuildings		
210	FARM	Farm without residence - with secondary structures; with farm outbuildings		
211	FARM	Farm with residence - with or without secondary structures; with farm outbuildings		
221	FARM	Farm with residence - with commercial/industrial operation	12	50
228	FARM	Farm with gravel pit	20	50
230	FARM	Intensive farm operation - without residence		
231	FARM	Intensive farm operation - with residence		
234	FARM	Large scale poultry operation	20	55
244	FARM	Managed forest property, residence not on water	20	30
260	FARM	Vacant residential/commercial/ industrial land owned by a non-farmer with a portion being farmed	20	55
261	FARM	Land owned by a non-farmer improved with a non-farm residence with a portion being farmed		
301	RESIDENTIAL	Single family detached (not on water)	15	40
302	RESIDENTIAL	More than one structure used for residential purposes with at least one of the structures occupied permanently		
303	RESIDENTIAL	Residence with a commercial unit		
313	RESIDENTIAL	Single family detached on water year round residence		
322	RESIDENTIAL	Semi-detached residence with both units under one ownership two residential homes sharing a common center wall.		
332	RESIDENTIAL	Typically a Duplex residential structure with two self-contained units.		
334	RESIDENTIAL	Residential property with four self-contained units		
383	RESIDENTIAL	Bed and breakfast establishment		
391	RESIDENTIAL	Seasonal/recreational dwelling - first tier on water	20	65
392	RESIDENTIAL	Seasonal/recreational dwelling - second tier to water		
405	COMMERCIAL	Office use converted from house		
410	COMMERCIAL	Retail - one storey, generally under 10,000 s.f.	12	35
421	COMMERCIAL	Specialty automotive shop/auto repair/ collision service/car or truck wash		
441	COMMERCIAL	Tavern/public house/small hotel		
490	COMMERCIAL	Golf course	45	85
510	INDUSTRIAL	Heavy manufacturing (non-automotive)		
518	INDUSTRIAL	Smelter/ore processing		
520	INDUSTRIAL	Standard industrial properties not specifically identified by other industrial Property Codes	*	*
590	INDUSTRIAL	Water treatment/filtration/water towers/pumping station	*	*
593	INDUSTRIAL	Gravel pit, quarry, sand pit	40	65
597	INDUSTRIAL	Railway right-of-way		
598	INDUSTRIAL	Railway buildings and lands described as assessable in the Assessment Act		
605	INSTITUTIONAL	School (elementary or secondary, including private)	35	50
702	SPECIAL PURPOSE	Cemetery	35	65

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PropCode	CATEGORY	DESCRIPTION	C-Factor Low	C-Factor High
710	SPECIAL PURPOSE	Recreational sport club - non commercial (excludes golf clubs and ski resorts)	35	85
715	SPECIAL PURPOSE	Racetrack - auto	45	85
735	SPECIAL PURPOSE	Assembly hall, community hall	30	85
	ROW	Single lane Municipal Roadway	75	95
	ROW	unopened road allowance	65	85
	ROW	Regional or MTO	90	98

* C factor values are situationally assigned based on land use.

The following drain features are part of the whole system and are paid for through the outlet assessment:

- Channel Clearing and Re-grading
- Sediment Basins

In addition to assessed costs considered for special benefits, there is also recognition for stormwater management facilities within the watershed that reduce the peak flow used to determine the outlet assessment. These facilities that may already exist in the watershed and are recognized as having a benefit in the reduction of peak flow by determining the available volume is greater than the 24 hour peak flow volume predicted for the 1:100 year design storm.

- Site Specific Stormwater Management (SWM) Facilities
 - o Wetlands,
 - o Ponds, (natural and stormwater)
- Natural occurring features
 - o Kettle lakes, and
 - o Bog lands.
- Artificial runoff capture; such as Quarry lands or other features that collect runoff but do not outlet it to the Drain during the peak flow of the event.

Table 4 Section 23 Runoff Factor Determination - QRF Ratio

Area Ha	Soil Type	Gradient	Land Factor	Runoff Factor 'C'	QRF	SWM	SWMF	QRF-SWMF	QRF Ratio
2.176	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	COMMERCIAL	17	2.41	0	0	2.41	0.1760
1.201	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	15	1.18	0	0	1.18	0.0857
1.084	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	ROW - paved 2 lane	85	6.01	0	0	6.01	0.4382
0.848	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	15	0.83	0	0	0.83	0.0605
0.729	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	15	0.71	0	0	0.71	0.0521
0.560	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	15	0.55	0	0	0.55	0.0400
0.517	NM - Sandy well drained	0.20%	LAND	12	0.41	0	0	0.41	0.0295

QRF is a predicted runoff factor based on the following variables:

- Area, Ha – each property's connected area
- Runoff Factor 'C' – Coefficient of Runoff of generally accepted values
 - Soil Type – from Niagara Soil Report
 - Gradient – General Value from NPCA contours
 - Land Factor – reflects the impact of landuse on Runoff

$$\text{QRF} = 0.0028 * \text{Runoff Factor 'C'} * \text{Avg Intensity mm/hr} * \text{Area, Ha}$$

QRF-SWMF is the adjusted Runoff Factor used to represent the impact of owner implemented stormwater management facilities.

- SWM is the reduction achieved by the stormwater management facility as determined by the Drainage Engineer / Drainage Superintendent.
- SWMF is the reduction in QRF to be applied.
- $\text{QRF-SWMF} = \text{QRF} - \text{SWMF}$

QRF Ratio is QRF-SWMF divided by the Sum of all QRF-SWMF for each cost allocated area. The QRF Ratio is the value for each property contribution to the outlet liability cost as a portion of all other contributors.

QRF-SWMF and QRF Ratio is to be used for all future Maintenance assessments.

Special Benefit (Section 24)

The following are assessed costs considered special benefits:

- Culverts,
- Fording's,
- Closed Conduit conveyance (piped flow).

The cost of a culvert is assessed against the property owner based on the incremental cost of the drain. So a new culvert is paid for by the owner less the cost of drain construction on a per metre basis. The drain per metre construction cost will be estimated for the report but the actual cost will be used to calculate the final value.

The proposed closed conduit to provide an outlet for the Lorraine Rd. culvert crossing is assessed in the same manner, as an increase in costs above what would be realized for an open channel in the same location.

Culverts construction costs are shared between the land owner and the rest of the watershed on a 50/50 split basis. Construction costs are based on the City's typical design standard. Additional costs, headwalls, etc. are at the owners cost unless required by the Engineer to meet requirements.

Special Assessment (Section 26)

There are special assessments, as recognized under the Act, for public (not private) roads and utilities that have or require additional costs to the drainage system.

In addition to the projected assessments for Right of Way lands as determined by the outlet assessment, any other costs for road crossings or protection of utilities during construction are assessed to the road owner or utility owner.

An example is the Ditch Inlets proposed for construction on the Michener Branch Drain #1. Also in Michener Branch #1 is a \$2,000 cost to protect or possibly move the gas line when the 200mm Tile crosses Lakeshore Rd. E. This cost is assigned to the utility owner, Enbridge.

These costs are additional effort during construction to protect or meet site supervision requirements by the utility. Also included are costs to move infrastructure, if required by site conditions. Actual costs will be assigned to the project as this is merely an estimate of costs during design.

5.3.1 Allowances:

1. Where a Drain assessment schedule already exists and a prior maintenance and assessment schedule is known to exist, then a Schedule 29 allowance is accepted and recognized through a past report and schedule unless it can be shown otherwise.
2. Where a Drain is re-aligned to a new path, then a Section 29 allowance for land taken is recognized. This can be amended by the restoration of any lands to the same owner by the same re-alignment. Thus, a net allowance can be recognized where that is shown to be the case.
3. Where previously no Drain was recognized but already existed as a flow path, then a Section 31 allowance can be realized along with a one time creation of a current and future easement for Drain maintenance activities as a Section 29 allowance. This is specifically for the creation of Branch Drains.
4. All property valuations are based on the same basic valuation, as per the Schedule of Costs.
5. Any tree or feature placed within a drainage works right of access for maintenance is not eligible for compensation in any form. Trees within the work zone are eligible for the 2 for 1 tree replacement program.

Section 29 Allowance

(One time payment for land taken)

Where a Drain already exists and has had maintenance in the past, then a work zone is assumed to already exist and a one time payment for the work zone easement has been made. No further payment for a work zone or easement is deemed to be required based on the pre-existing work zone regardless of whether that is known to exist or shown to exist in an explicit reference in a previous Engineer's report.

Where a Drain re-alignment or a Branch Drain is proposed, then a Section 29 allowance is determined. The determination is based on a 10m work zone running parallel to one side of the drain commencing at the Top of Bank. The side from which work is done is determined by the Drainage Engineer and shown on the Plans for Construction. In the case of a close conduit the work zone can be reduced to a 5m zone or a 10m zone with 5m on each side. The value is based on a single value of land figure as shown in the Schedule of Costs and because the access is intermittent with the owner retaining ownership and access / use of the land for farming or otherwise, then a factor in the assessment value of land is applied. Since the work zone is likely to be occupied on a 10 year cycle for maintenance a 1/10 factor is to be applied using the land purchase value.

Where a buffer is established that restricts use of the land adjacent to the drain in favour of permanent vegetation, then a full payment for land taken based on the value established is made. For a buffer, a registered easement on title is recommended.

Section 30 Allowance

(Payment for damages during construction)

This allowance is to compensate landowners for economic damages due to construction and recognizes two types of injury. Immediate loss of crop as a result of working corridor for construction and longer term damage to crops as a result of spoil spreading.

For the Michener Drain, we will award an allowance where work on the drain, such as maintenance, damages crops which can not be restored. Compensation in the form of an allowance does not apply to grass or any other ornamental feature that is restored to similar condition as existed pre-construction. Compensation is paid for the work zone width multiplied by the length affected at the rate of \$4,300 per Hectare.

For any trees removed for construction that have a greater diameter than 150mm at breast height, (DBH) a compensation program of replacement saplings is proposed. Where a tree is removed and 2 trees of a variety native to the area are planted outside the work zone as compensation, then no award for damage is made.

A damage allowance for fences can be paid where the fence is not restored. In any of the planned work for the Michener Drain, fences are to be restored to a like or better condition and no allowance for payment is planned.

Section 31 Allowance

(Incorporate a Private Drain)

This type of allowance is to credit the construction effort of a private drain as it relates to the private drain being incorporated into a municipal drain.

This can be applied to the following:

- Michener Branch Drain #1 (portions) includes the open channel portion and the inclusion of the PE tile drain in the channel bottom.
- Michener Branch Drain #2.

The value of the private drain is dependent on condition and contribution to the function of the Drain. For valuation purposes, the cost to construct a similar channel would be made based on the Schedule of Prices. The cost to maintain it would be subtracted.

Section 32 Allowance (Insufficient Outlet)

This provides compensation to affect owners for whom lands are not sufficiently drained by the service level provided by the Drain or where lands are discharged into instead of having a sufficient outlet.

There are no occurrences of this within the Michener Drain.

Section 33 Allowance (Loss of Access)

Where a re-aligned Drain crosses property and cuts off access, an allowance can be granted. There are no known such occurrences.

5.3.2 General Instructions to Property Owners, Road Authorities and Public Utilities

The principles of the Drainage Act are:

- Drainage is a collective good that benefits all landowners. However, drainage doesn't have to benefit all landowners equally.
- All landowners cooperatively fund the drainage works proposed. There is no direct financial government role in the drainage works other than administrative.
- Landowners are assessed a financial share of the cost for the drainage works based on their respective drainage benefit.
- All drainage costs are born by landowners including allowances.
- Drainage is provided on the basis of an identified service level for a specified size of storm. The standard storm, 1 in 2 year frequency, for basic open channel design is 49.8mm over 24 hours. For a closed conduit design storm, the rational method is used for a peak capacity determined for a 121.1mm storm over 24 hours. A storm of a larger size or intensity

may cause flooding. Tile placed in the bottom of an open channel is provided for drainage and not conveyance.

For more details, refer to the Wignell Watershed Hydrology and Hydraulics Report.

A best effort has been made to compose a fair and reasonable assessment of costs to each portion of the contributing lands.

5.3.3 Grants

Owners of qualifying agricultural land are presently eligible for a grant of up to one-third of the cost of their assessment from the Ontario Ministry of Agriculture and Food. This grant would be applied for by the City of Port Colborne, and applied to the property owners' assessment at the time of final billing. The Assessment Schedule in Appendix C indicates lands provided by the municipality, qualify for the agricultural land use rebate. The final determination of eligibility is the decision of the Ontario Ministry of Agriculture and Food. To be eligible for a grant, the property owner must have a Farm Property Class Tax Rate or in combination with the Managed Forest Tax Incentive Program or the Conservation Land Tax Incentive Program for the lands to be drained by the Michener Drain.

For additional information on the Agricultural Drainage Infrastructure Program refer to the OMAFRA website at www.omafra.gov.on.ca.

5.4 Michener Drain Maintenance

From the Michener Outlet to the upstream limit of the drain at the Friendship Trail, basic drain maintenance is required. There is spot vegetation removal at the outlet to ensure a clear and free flowing discharge at the outlet but no re-grading is planned.

From 0+100 to 1+716, the existing grade needs to be checked and confirmed for matching the design grade and any high points removed. There are likely to be low points, which will remain. Vegetation removal is planned from 0+700 to 1+700. Work through the golf course is expected to be coordinated with the owner to reduce impact to the course.

Added to the cost of maintenance is the full engineering and administration costs less any costs directly assigned to specific Section 22, Section 24 benefit assessments.

With the Runoff Ratio, there is a Stormwater Management Facility reduction in Section 23 that can be applied for those properties that can demonstrate a runoff amendment structure that reduces peak flow contributions to the drain subject to evaluation and confirmation by the Drainage Superintendent and the Engineer.

For the purposes of the submission of the report, no SWMF assessments are recognized and the individual property owners can make a request for assessment and this will be recognized by the Engineer on project completion.

5.4.1 New Drain Crossings

The original bridge surveyed by AMEC on the golf course property was later changed to a 500mm CSP at some point and is to be replaced with a properly sized culvert at the landowner's expense.

A new farm access crossing is identified at 0+710 and is a combination crossing and sediment basin. The cost of the crossing is 50% owner and 50% outlet benefit. The sediment basin is a cost shared among upstream landowners.

The existing crossing located at 1+615 is to be re-constructed on grade to ensure clear and free flowing inlet and outlet. The re-constructing of a new culvert is to be 50% owner and 50% outlet benefit.

5.4.2 Sediment Basins

The original sediment basin constructed south of the golf course is no longer visible as being an intact drainage structure. It will be reconstructed as part of the Drain Maintenance works in the location shown on the plans and as per the proposed Sediment Basin Standard drawings (M.GD-10).

The sediment basin associated with the crossing structure located at 0+710 is to be a modified version of the M.GD-10.

The cost of constructing sediment basins are shared among upstream landowners through a Section 23 assessment. However, the sediment basin on the golf course property was shown to exist in the Wiebe Drawing from November 15, 1996 and the reconstruction is 100% allocated to the Whiskey Run Golf Course as a Section 24 Special Benefit.

5.5 Allowance and Assessment Schedules

The Assessments calculations in Tables are included in Appendix C. The following sections provide a summary reporting of those calculations.

5.5.1 Drain Allowances

5.5.1.1 Michener Drain

The improvement of the Michener Drain using Section 78 is to perform drain maintenance using an updated schedule and to achieve enhanced stormwater management functions.

The channel will require an allowance under Section 29 for land taken as well as a work zone allowance for future access. The original land required for the drain is recognized by previous report and an assumed work zone of 5m. An additional 5m of work zone to a total of 10m is achieved through a Section 29 allowance based on purchase price of agricultural land as per the Schedule of Costs times the 1/10 ratio.

A section 30 allowance is recognized for the damage to crops during construction and is paid at the rate of \$4,300 per hectare applied to the 10m work zone.

No other allowances are recognized for the maintenance of this existing drain.

Table 5 Michener Allowances

Drain	Section 29	Section 30	Section 31	Section 32	Section 33
Michener	\$2,107.81	\$1,253.69	\$0.00	\$0.00	\$0.00
Sub-Total of Allowances:					\$3,361.50

Additional to these costs will be Administration and Engineering Costs related to the design.

5.5.1.2 Michener Branch Drain #1

As the drainage channel has existed and been providing drainage service since before 1934 when it is clearly visible in the aerial photograph, recognizing the channel with formal status under the drainage act ensures that future maintenance can be performed to ensure adequate outlet is realized for the upstream areas.

This existing channel should have been recognized in previous drain reports but may not have been established under the drainage act if deemed a private drain not crossing multiple properties. Since that time, several small properties have segregated the original property and recognition of the channel as a municipal drain under the Act is requested by the City of Port Colborne to recognize sufficient outlet for road drainage across properties. The branch drain is an addition to the existing drainage recognized through Section 4 of the Act as requested by the road authority for sufficient outlet.

The previous channel will require an allowance under Section 29 for land taken as well as a work zone allowance for future access. Additional allowance for the original cost of construction is also identified by the Act under Section 31, which is being awarded to current property owners when originally incurred by the agricultural property owner.

Table 6 Michener Branch #1 Allowances

Drain	Section 29	Section 30	Section 31	Section 32	Section 33
Michener Branch #1	\$3,510.25	\$0	\$2,393.	\$0	\$0
Sub-Total of Allowances:					\$ 5,903.25

Additional to these costs will be Administration and Engineering Costs related to the design.

5.5.1.3 Michener Branch Drain #2

Existing channel services as an outlet for upstream area East of the Lorraine Rd. with a cross culvert identified as CS-101

Pond to remain as is without additional work or cleaning. Lower reach of the drain to be cleared of vegetation between banks and as required or needed to clear and clean to the design grade.

Allowance calculated for land taken and for the original cost of construction, valued today.

Table 7 Michener Branch #2 Allowances

Drain	Section 29	Section 30	Section 31	Section 32	Section 33
Michener Branch #2	\$2,513.80	\$1,621.10	\$3,770.00	\$0	\$0
Sub-Total of Allowances:					\$7,904.90

Maintenance works for channel restoration are assessed across upstream landowners on a runoff factor basis, see Section 23.

No Section 30 allowance for damages to existing crops is anticipated for the work proposed.

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5.5.2 Michener Drain Assessment Tables

The planned construction works for Michener and Branch Drains have been calculated and assessed as shown in the following 3 tables.

Table 8 Michener Drain Assessment Schedule of Costs

Michener Drain Assessment of Costs				Schedule Assessed Costs				Total Allowance	Net
				Benefit Section 22	Outlet Liability Section 23	Special Benefit Section 24	Total Assessment		
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	0.07	\$0.00	\$67.30	\$0.00	\$67.30	\$0.00	\$67.30
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	0.29	\$0.00	\$273.17	\$0.00	\$273.17	\$0.00	\$273.17
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	12.37	\$0.00	\$11,703.24	\$0.00	\$11,703.24	\$0.00	\$11,703.24
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	3.87	\$0.00	\$3,664.77	\$0.00	\$3,664.77	\$0.00	\$3,664.77
VANDEBELD GRACE ELIZABETH	CON 1 PT LOT 19 PT LOT 20	271104000315000	5.16	\$0.00	\$5,156.99	\$0.00	\$5,156.99	\$0.00	\$5,156.99
HOCKLEY BRENDA LEE	CON 1 PT LOT 20	271104000317825	2.72	\$0.00	\$2,719.58	\$0.00	\$2,719.58	\$0.00	\$2,719.58
GRIST WILLIAM JOSEPH	CON 1 PT LOT 20 RP59R 11429;PART 1	271104000317850	0.41	\$0.00	\$405.81	\$0.00	\$405.81	\$0.00	\$405.81
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	17.37	\$0.00	\$16,431.47	\$0.00	\$16,431.47	\$0.00	\$16,431.47
NERO FELICE	CON 1 PT LOT 20	271104000318000	2.43	\$0.00	\$1,971.61	\$0.00	\$1,971.61	\$0.00	\$1,971.61
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	5.12	\$0.00	\$3,874.95	\$0.00	\$3,874.95	\$0.00	\$3,874.95
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	0.56	\$0.00	\$423.89	\$0.00	\$423.89	\$0.00	\$423.89
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	0.36	\$0.00	\$270.29	\$0.00	\$270.29	\$0.00	\$270.29
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	0.53	\$0.00	\$402.79	\$0.00	\$402.79	\$0.00	\$402.79

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Michener Drain Assessment of Costs				Schedule Assessed Costs				Total Allowance	Net
				Benefit Section 22	Outlet Liability Section 23	Special Benefit Section 24	Total Assessment		
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	0.51	\$0.00	\$443.04	\$0.00	\$443.04	\$0.00	\$443.04
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	0.36	\$0.00	\$270.07	\$0.00	\$270.07	\$0.00	\$270.07
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	0.38	\$0.00	\$672.86	\$0.00	\$672.86	\$0.00	\$672.86
FRAME JOHN DOUGLAS	CON 1 PT LOT 21 PLAN 59R;9880 PRTS 2 & 3	271104000400305	0.38	\$0.00	\$670.47	\$0.00	\$670.47	\$0.00	\$670.47
MATHESON GARY	CON 1 PT LOT 21	271104000400400	0.41	\$0.00	\$502.43	\$0.00	\$502.43	\$0.00	\$502.43
570466 ONTARIO LIMITED	HUMBERSTONE CON 1 PT LOT 22;RP 59R13926A	271104000404300	0.00	\$0.00	\$0.41	\$0.00	\$0.41	\$0.00	\$0.41
570466 ONTARIO LTD	CON 1 PT LOT 21	271104000404301	4.79	\$0.00	\$5,822.18	\$0.00	\$5,822.18	\$0.00	\$5,822.18
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	3.07	\$0.00	\$3,730.03	\$0.00	\$3,730.03	\$0.00	\$3,730.03
LEON JOHN	CON 1 PT LOT 21	271104000404400	0.44	\$0.00	\$477.52	\$0.00	\$477.52	\$0.00	\$477.52
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	1.22	\$0.00	\$1,154.45	\$0.00	\$1,154.45	\$0.00	\$1,154.45
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	0.85	\$0.00	\$801.78	\$0.00	\$801.78	\$0.00	\$801.78
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	0.40	\$0.00	\$492.23	\$0.00	\$492.23	\$0.00	\$492.23
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP;59R8112 PAR	271104000404700	18.76	\$0.00	\$18,766.31	\$4,110.00	\$22,876.31	\$0.00	\$22,876.31
SPITERI CHARLES	CON 1 PT LOT 21	271104000404800	9.59	\$0.00	\$11,660.28	\$1,250.00	\$12,910.28	\$0.00	\$12,910.28
TALBOT JASON JONATHAN ARTHUR	CON 1 PT LOT 21	271104000404900	0.32	\$0.00	\$384.13	\$0.00	\$384.13	\$0.00	\$384.13
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	0.35	\$0.00	\$422.55	\$0.00	\$422.55	\$0.00	\$422.55
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	10.51	\$0.00	\$12,788.68	\$0.00	\$12,788.68	\$0.00	\$12,788.68
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	7.76	\$0.00	\$7,756.27	\$0.00	\$7,756.27	\$0.00	\$7,756.27

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Michener Drain Assessment of Costs				Schedule Assessed Costs				Total Allowance	Net
				Benefit Section 22	Outlet Liability Section 23	Special Benefit Section 24	Total Assessment		
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	0.24	\$0.00	\$236.25	\$0.00	\$236.25	\$0.00	\$236.25
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	0.34	\$0.00	\$340.10	\$0.00	\$340.10	\$0.00	\$340.10
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	9.20	\$0.00	\$9,205.38	\$750.00	\$9,955.38	\$0.00	\$9,955.38
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	2.30	\$0.00	\$2,299.86	\$0.00	\$2,299.86	\$0.00	\$2,299.86
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	2.03	\$0.00	\$2,026.41	\$0.00	\$2,026.41	\$0.00	\$2,026.41
MOSKALYK JOHN JOSEPH	CON 1 PT LOT 21	271104000405700	2.28	\$0.00	\$2,285.09	\$0.00	\$2,285.09	\$0.00	\$2,285.09
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	0.58	\$0.00	\$580.43	\$0.00	\$580.43	\$0.00	\$580.43
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	1.60	\$0.00	\$1,599.13	\$0.00	\$1,599.13	\$0.00	\$1,599.13
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	0.69	\$0.00	\$688.34	\$0.00	\$688.34	\$0.00	\$688.34
City of Port Colborne	Lorraine Rd. from Lake edge to Killaly St. East	Lorraine ROW	3.25	\$0.00	\$7,290.84	\$0.00	\$7,290.84	\$0.00	\$7,290.84
City of Port Colborne	Lakeshore Rd. East west of Lorraine	Lakeshore Rd. E ROW	0.56	\$0.00	\$1,277.26	\$0.00	\$1,277.26	\$0.00	\$1,277.26
City of Port Colborne	Weaver Rd. N of Friendship Trail	Weaver Rd. ROW	0.12	\$0.00	\$310.71	\$0.00	\$310.71	\$0.00	\$310.71
				\$0.00	\$142,321.33	\$6,110.00	\$148,431.33	\$0.00	\$148,431.33

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Table 9 Michener Branch #1 Assessment Schedule of Costs

Michener Branch #1				Assessed Costs				Total Allowance	Net
Owner	Legal Text	Roll No	Area	Benefit Section 22	Outlet Liability Section 23	Special Assessment Section 26	Total Assessment		
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP;59R8112 PAR	271104000404700	2.176	\$237.50	\$6,096.20	\$0.00	\$6,333.70	\$1,077.23	\$5,256.47
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	1.201	\$975.00	\$2,691.00	\$0.00	\$3,666.00	\$2,842.74	\$823.26
CofPC	Lakeshore Rd. East ROW	ROW	0.556	\$535.00	\$5,294.96	\$6,590.43	\$12,420.38	\$0.00	\$12,420.38
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	0.848	\$430.50	\$1,424.32	\$0.00	\$1,854.82	\$0.00	\$1,854.82
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	0.729	\$200.00	\$1,634.46	\$0.00	\$1,834.46	\$1,590.74	\$243.73
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	0.560	\$0.00	\$1,255.02	\$0.00	\$1,255.02	\$0.00	\$1,255.02
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	0.517	\$0.00	\$695.64	\$0.00	\$695.64	\$0.00	\$695.64
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	0.405	\$45.00	\$680.10	\$0.00	\$725.10	\$0.00	\$725.10
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	0.357	\$280.00	\$479.76	\$0.00	\$759.76	\$0.00	\$759.76
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	0.295	\$0.00	\$660.60	\$0.00	\$660.60	\$0.00	\$660.60
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	0.289	\$0.00	\$647.01	\$0.00	\$647.01	\$0.00	\$647.01
LEON JOHN	CON 1 PT LOT 21	271104000404400	0.205	\$70.00	\$459.96	\$0.00	\$529.96	\$392.54	\$137.42
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	0.134	\$82.50	\$300.46	\$0.00	\$382.96	\$0.00	\$382.96
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	0.122	\$37.50	\$272.75	\$0.00	\$310.25	\$0.00	\$310.25
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	0.071	\$150.00	\$159.39	\$0.00	\$309.39	\$0.00	\$309.39
MATHESON GARY	CON 1 PT LOT 21	271104000400400	0.042	\$22.50	\$94.24	\$0.00	\$116.74	\$0.00	\$116.74

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Michener Branch #1				Assessed Costs				Total Allowance	Net
Owner	Legal Text	Roll No	Area	Benefit Section 22	Outlet Liability Section 23	Special Assessment Section 26	Total Assessment		
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	0.012	\$0.00	\$33.13	\$0.00	\$33.13	\$0.00	\$33.13
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	0.000	\$0.00	\$0.75	\$0.00	\$0.75	\$0.00	\$0.75
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW	0.689	\$607.50	\$6,947.53	\$0.00	\$7,555.03	\$0.00	\$7,555.03
Enbridge						\$2,000.00	\$2,000.00		\$2,000.00
				\$3,065.50	\$22,879.76	\$8,590.43	\$42,090.71	\$5,903.25	\$36,187.46

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Table 10 Michener Branch #2 Assessment Schedule of Costs

Owner	Legal Text	Roll No	Area	Benefit Section 22	Outlet Liability Section 23	Total Assessment	Total Allowance	Net
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	5.108	\$0.00	\$2,278.34	\$2,278.34	\$0.00	\$2,278.34
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	3.545	\$0.00	\$3,255.29	\$3,255.29	\$0.00	\$3,255.29
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	2.799	\$845.00	\$2,570.32	\$3,415.32	\$7,904.90	-\$4,489.58
NERO FELICE	CON 1 PT LOT 20	271104000318000	2.431	\$0.00	\$2,870.63	\$2,870.63	\$0.00	\$2,870.63
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	14.499	\$0.00	\$11,411.96	\$11,411.96	\$0.00	\$11,411.96
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW	1.380	\$4,000.00	\$3,257.92	\$7,257.92	\$0.00	\$7,257.92
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	0.554	\$0.00	\$407.12	\$407.12	\$0.00	\$407.12
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	0.154	\$0.00	\$181.95	\$181.95	\$0.00	\$181.95
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	0.096	\$0.00	\$113.61	\$113.61	\$0.00	\$113.61
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	0.075	\$0.00	\$59.15	\$59.15	\$0.00	\$59.15
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	0.058	\$0.00	\$42.93	\$42.93	\$0.00	\$42.93
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	0.012	\$0.00	\$14.26	\$14.26	\$0.00	\$14.26
				\$4,845.00	\$26,463.48	\$31,308.48	\$7,904.90	\$23,403.58

5.5.3 Michener Drain Maintenance Schedules

The following are maintenance schedules for use with future maintenance work conducted in each of the Drain catchments.

5.5.3.1 Michener Drain Maintenance Schedule

The following is the Maintenance Assessment table for assigning future maintenance costs using Section 23, refer to Appendix C for the calculations.

Table 11 Michener Drain Maintenance Assessment Schedule

Owner	Legal Text	Roll No	Area Ha	QRF	SWM	SWMF	QRF-SWMF	QRF Ratio
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	0.071	0.16	0	0	0.16	0.0005
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	0.289	0.66	0	0	0.66	0.0019
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	12.371	28.25	0	0	28.25	0.0822
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	3.874	8.85	0	0	8.85	0.0257
VANDEBELD GRACE ELIZABETH	CON 1 PT LOT 19 PT LOT 20	271104000315000	5.156	12.45	0	0	12.45	0.0362
HOCKLEY BRENDA LEE	CON 1 PT LOT 20	271104000317825	2.719	6.56	0	0	6.56	0.0191
GRIST WILLIAM JOSEPH	CON 1 PT LOT 20 RP59R 11429;PART 1	271104000317850	0.406	0.98	0	0	0.98	0.0029
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	17.369	39.66	0	0	39.66	0.1155
NERO FELICE	CON 1 PT LOT 20	271104000318000	2.431	4.76	0	0	4.76	0.0139
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	5.120	9.35	0	0	9.35	0.0272
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	0.560	1.02	0	0	1.02	0.0030
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	0.357	0.65	0	0	0.65	0.0019
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	0.532	0.97	0	0	0.97	0.0028
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	0.512	1.07	0	0	1.07	0.0031
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	0.357	0.65	0	0	0.65	0.0019
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	0.383	1.62	0	0	1.62	0.0047
FRAME JOHN DOUGLAS	CON 1 PT LOT 21 PLAN 59R;9880 PRTS 2 & 3	271104000400305	0.382	1.62	0	0	1.62	0.0047
MATHESON GARY	CON 1 PT LOT 21	271104000400400	0.413	1.21	0	0	1.21	0.0035
570466 ONTARIO LIMITED	HUMBERSTONE CON 1 PT LOT 22;RP 59R13926A	271104000404300	0.000	0.00	0	0	0.00	0.0000
570466 ONTARIO LTD	CON 1 PT LOT 21	271104000404301	4.787	14.05	0	0	14.05	0.0409
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	3.067	9.00	0	0	9.00	0.0262
LEON JOHN	CON 1 PT LOT 21	271104000404400	0.442	1.15	0	0	1.15	0.0034
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	1.220	2.79	0	0	2.79	0.0081
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	0.848	1.94	0	0	1.94	0.0056
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	0.405	1.19	0	0	1.19	0.0035
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP;59R8112 PAR	271104000404700	18.764	45.30	0	0	45.30	0.1319
SPITERI CHARLES	CON 1 PT LOT 21	271104000404800	9.586	28.14	0	0	28.14	0.0819

City of Port Colborne
Michener Drain Report

Owner	Legal Text	Roll No	Area Ha	QRF	SWM	SWMF	QRF- SWMF	QRF Ratio
TALBOT JASON JONATHAN ARTHUR	CON 1 PT LOT 21	271104000404900	0.316	0.93	0	0	0.93	0.0027
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	0.347	1.02	0	0	1.02	0.0030
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	10.514	30.87	0	0	30.87	0.0899
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	7.756	18.72	0	0	18.72	0.0545
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	0.236	0.57	0	0	0.57	0.0017
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	0.340	0.82	0	0	0.82	0.0024
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	9.204	22.22	0	0	22.22	0.0647
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	2.300	5.55	0	0	5.55	0.0162
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	2.026	4.89	0	0	4.89	0.0142
MOSKALYK JOHN JOSEPH	CON 1 PT LOT 21	271104000405700	2.285	5.52	0	0	5.52	0.0161
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	0.580	1.40	0	0	1.40	0.0041
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	1.599	3.86	0	0	3.86	0.0112
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	0.688	1.66	0	0	1.66	0.0048
City of Port Colborne	Lorraine Rd. from Lake edge to Killaly St. East	Lorraine ROW	3.250	17.60	0	0	17.60	0.0512
City of Port Colborne	Lakeshore Rd. East west of Lorraine	Lakeshore Rd. E ROW	0.563	3.08	0	0	3.08	0.0090
City of Port Colborne	Weaver Rd. N of Friendship Trail	Weaver Rd. ROW	0.121	0.75	0	0	0.75	0.0022
			134.55				343.51	1.0000

5.5.3.2 Michener Branch Drain #1 Maintenance Schedule

The following is the Maintenance Assessment table for assigning future maintenance costs using Section 23, refer to Appendix C for the calculations.

Table 12 Michener Branch Drain #1 Maintenance Schedule

Owner	Legal Text	Roll No	Area Ha	QRF	SWM	SWMF	QRF-SWMF	QRF Ratio
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP:59R8112 PAR	271104000404700	2.176	3.55	0	0	3.55	0.2044
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	1.201	1.57	0	0	1.57	0.0902
City of Port Colborne	Lakeshore Rd. East ROW	ROW	0.556	3.08	0	0	3.08	0.1775
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	0.848	0.83	0	0	0.83	0.0478
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	0.729	0.95	0	0	0.95	0.0548
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	0.560	0.73	0	0	0.73	0.0421
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	0.517	0.41	0	0	0.41	0.0233
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	0.405	0.40	0	0	0.40	0.0228
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	0.357	0.28	0	0	0.28	0.0161
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	0.295	0.38	0	0	0.38	0.0221
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	0.289	0.38	0	0	0.38	0.0217
LEON JOHN	CON 1 PT LOT 21	271104000404400	0.205	0.27	0	0	0.27	0.0154
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	0.134	0.17	0	0	0.17	0.0101
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	0.122	0.16	0	0	0.16	0.0091
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	0.071	0.09	0	0	0.09	0.0053
MATHESON GARY	CON 1 PT LOT 21	271104000400400	0.042	0.05	0	0	0.05	0.0032
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	0.012	0.02	0	0	0.02	0.0011
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	0.000	0.00	0	0	0.00	0.0000
City of Port Colborne	ROW	Lorraine Rd. ROW	0.689	4.05	0	0	4.05	0.2329
			9.208	17.37	0.00	0.00	17.37	1.00

5.5.3.3 Michener Branch Drain #2 Maintenance Schedule

The following is the Maintenance Assessment table for assigning future maintenance costs using Section 23, refer to Appendix C for the calculations.

Table 13 Michener Branch Drain #2 Maintenance Schedule

Owner	Legal Text	Roll No	Area Ha	QRF	SWM	SWMF	QRF- SWMF	QRF Ratio
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	5.108	5.67	0	0	5.67	0.0885
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	3.545	8.09	0	0	8.09	0.1264
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	2.799	8.22	0	0	8.22	0.1283
NERO FELICE	CON 1 PT LOT 20	271104000318000	2.431	3.17	0	0	3.17	0.0495
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	14.499	28.38	0	0	28.38	0.4431
CofPC	ROW	Lorraine ROW	1.380	8.10	0	0	8.10	0.1265
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	0.554	1.01	0	0	1.01	0.0158
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	0.154	0.25	0	0	0.25	0.0039
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	0.096	0.16	0	0	0.16	0.0025
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	0.075	0.15	0	0	0.15	0.0023
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	0.058	0.11	0	0	0.11	0.0017
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	0.012	0.04	0	0	0.04	0.0006
City of Port Colborne	ROW	Weaver Rd. ROW	0.121	0.71	0.00	0.00	0.71	0.01
			30.833	64.05	0.00	0.00	64.05	1.00

6 Michener Drain Report Conclusions

This report has identified a series of drain improvements that include drain maintenance to ensure suitable channel design flows are achieved. The drain improvements have been developed through plan and profile drawings.

The following are summary descriptions of the planned improvements:

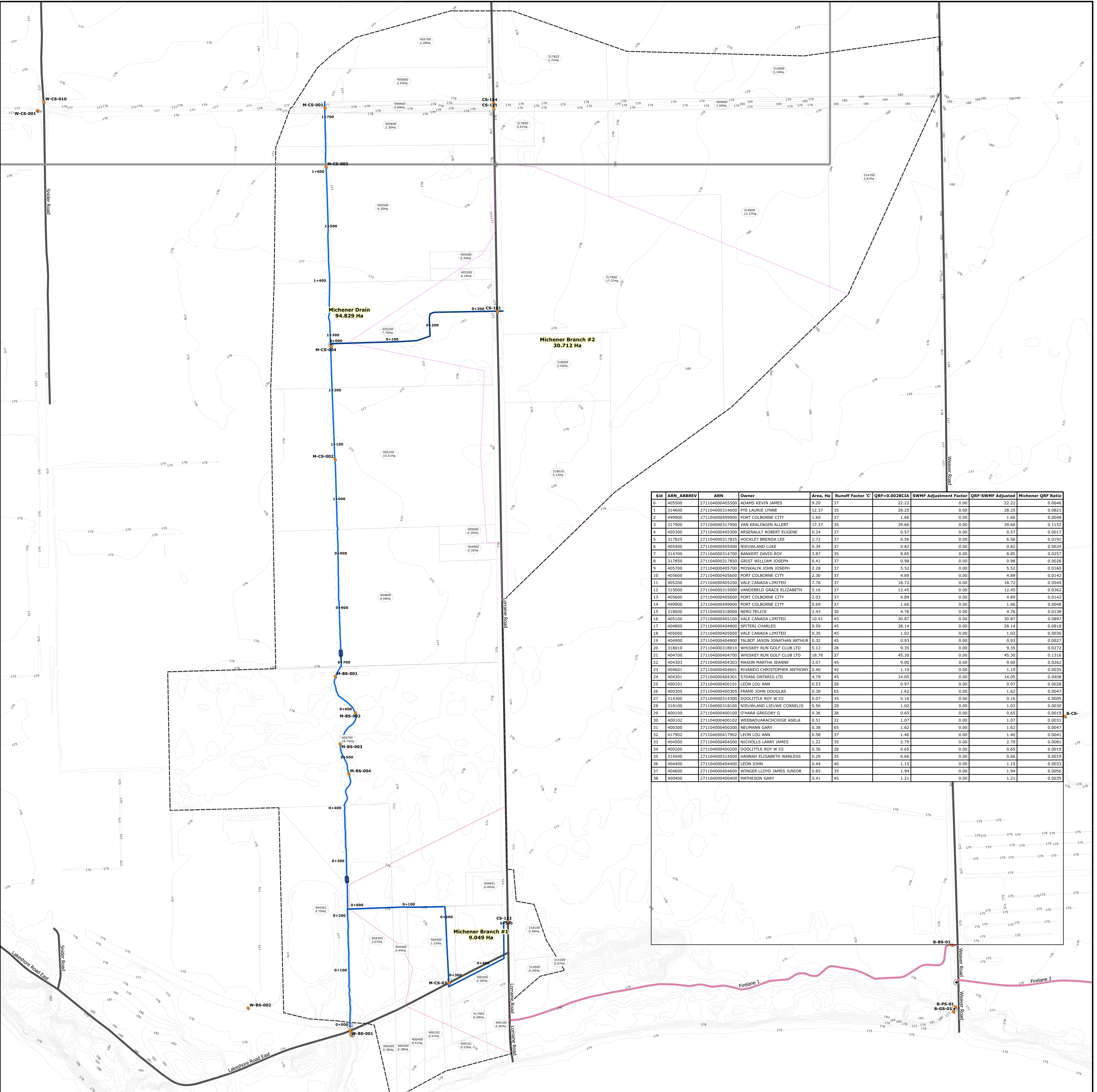
1. Spot Vegetation removal and basic maintenance at the outlet.
2. A specific program of improvement for the Michener Drain involving vegetation removal and re-grading to design grade line from 0+700 to 1+728.
3. An original private drain is to be converted to Michener Branch Drain #1 supplementing the existing roadway culvert on Lakeshore Rd. East and providing a suitable outlet for the culvert crossing Lorraine Rd. for the Section 4 petition by Road Authority. The cost of the bottom tile in channel swale and other improvements are shared with the City of Port Colborne, and the local benefitting landowners. The cost sharing is on a per metre basis for landowners and on the basis of area runoff as calculated. The Ditch Inlets and tile roadway crossing costs are 100% assigned to the City. An allowance is set aside for the possible construction impacts related to the gas line on Lakeshore Rd. E and such costs will be borne by the gas utility owner.
4. Inclusion of an original private drain as part of the Municipal Drain identified as Michener Branch Drain #2. This drain ensures the Lorraine Rd. Culvert CS-101 has a suitable outlet on the basis of a Section 4 Road Authority petition. Clearing and re-grading to design grade is planned west of the existing pond. Upstream of the pond minimal works is proposed except spot clearing of fallen trees impacting the newly identified Branch drain. No change is planned to the existing pond.

Construction of these works is to be recognized as a Section 29 allowance for land access, which has been assumed to already be in place for the main branch of the Michener for top width and a 5m allowance and is introduced for Branch #1 and Branch #2. Damages for construction, Section 30 allowances, are implemented for economic harm for crop damage from construction work impacts for farming properties only. All other construction impacts are to be restored to an equal or better condition.

Assessment is based on a shared benefit for the increased construction costs for the underground pipe works on Michener Branch #1 and allocated as a Section 22 adjacent benefit. Assessment for works related to Michener Branch #2 is Section 23 outlet benefit/liability. Assessment for the Michener Main Drain is based on Section 23 with special benefit assessed for new culvert works. The proposed new sediment basin is a Section 23 outlet liability benefit along with the overall construction costs.

This report and the proposed improvements are based on instructions from the City of Port Colborne and the local landowners. The cost of these improvements are shared across all areas that drain into the Drain by way of allowances and assessments consistent with the Drainage Act of Ontario.

Appendix A: Plans, Profiles



Sta	ARN_ABBREV	ARN	Owner	Area, Ha	Runoff Factor 'C'	QRF=0.0028C1A	SWHF Adjustment Factor	QRF-SWHF Adjusted	Michener QRF Ratio
0	405500	271104000405500	ADAMS KEVIN JAMES	9.20	37	22.22	0.00	22.22	0.0646
1	314600	271104000314600	PYE LAURIE LYNN	12.37	35	28.25	0.00	28.25	0.0821
2	499900	271104000499900	PORT COLBORNE CITY	1.60	37	1.66	0.00	1.66	0.0048
3	317900	271104000317900	VAN KRALINGEN ALLERT	17.37	35	39.66	0.00	39.66	0.1152
4	405300	271104000405300	ARSENIAULT ROBERT EUGENE	0.24	37	0.57	0.00	0.57	0.0017
5	317825	271104000317825	HOCKLEY BRENDA LEE	2.72	37	6.56	0.00	6.56	0.0191
6	405400	271104000405400	NIEUWLAND LUKE	0.24	37	0.62	0.00	0.62	0.0024
7	314700	271104000314700	BANKERT DAVID ROY	3.87	35	8.85	0.00	8.85	0.0257
8	317850	271104000317850	GRIST WILLIAM JOSEPH	0.41	37	0.98	0.00	0.98	0.0028
9	405700	271104000405700	MOSKALYK JOHN JOSEPH	2.28	37	5.52	0.00	5.52	0.0160
10	405600	271104000405600	PORT COLBORNE CITY	2.30	37	4.89	0.00	4.89	0.0142
11	405200	271104000405200	VALE CANADA LIMITED	7.76	37	18.72	0.00	18.72	0.0544
12	315000	271104000315000	VANDERBELD GRACE ELIZABETH	5.18	37	12.45	0.00	12.45	0.0362
13	405600	271104000405600	PORT COLBORNE CITY	2.03	37	4.89	0.00	4.89	0.0142
14	499900	271104000499900	PORT COLBORNE CITY	0.69	37	1.66	0.00	1.66	0.0048
15	318000	271104000318000	NERO FELICE	2.43	30	4.76	0.00	4.76	0.0138
16	405100	271104000405100	VALE CANADA LIMITED	10.51	45	30.87	0.00	30.87	0.0897
17	404800	271104000404800	SPTERI CHARLES	9.59	45	28.14	0.00	28.14	0.0818
18	405000	271104000405000	VALE CANADA LIMITED	0.35	45	1.02	0.00	1.02	0.0030
19	404900	271104000404900	TALBOT JASON JONATHAN ARTHUR	0.32	45	0.93	0.00	0.93	0.0027
20	318010	271104000318010	WHISKEY RUN GOLF CLUB LTD	5.12	28	9.35	0.00	9.35	0.0272
21	404700	271104000404700	WHISKEY RUN GOLF CLUB LTD	18.76	37	45.30	0.00	45.30	0.1316
22	404303	271104000404303	MASON MARTHA JEANNE	3.07	45	9.00	0.00	9.00	0.0262
23	404601	271104000404601	RIVANDO CHRISTOPHER ANTHONY	0.40	45	1.19	0.00	1.19	0.0035
24	404301	271104000404301	570466 ONTARIO LTD	4.79	45	14.05	0.00	14.05	0.0408
25	400101	271104000400101	LEON LOU ANN	0.53	28	0.97	0.00	0.97	0.0028
26	400305	271104000400305	FRAME JOHN DOUGLAS	0.38	65	1.62	0.00	1.62	0.0047
27	314300	271104000314300	DOOLITTLE ROY W III	0.07	35	0.16	0.00	0.16	0.0005
28	318100	271104000318100	NIEUWLAND LIEUWE CORNELIS	0.56	28	1.02	0.00	1.02	0.0030
29	400100	271104000400100	O'HARA GREGORY G	0.36	28	0.65	0.00	0.65	0.0019
30	400102	271104000400102	WEEBADUARACHCHIGE ASELA	0.51	32	1.07	0.00	1.07	0.0031
31	400300	271104000400300	NEUHANN GARY	0.38	65	1.62	0.00	1.62	0.0047
32	417902	271104000417902	LEON LOU ANN	0.58	37	1.40	0.00	1.40	0.0041
33	404500	271104000404500	NICHOLLS LARRY JAMES	1.22	35	2.79	0.00	2.79	0.0081
34	400200	271104000400200	DOOLITTLE ROY W III	0.36	28	0.65	0.00	0.65	0.0019
35	314500	271104000314500	HANNAH ELISABETH WANLESS	0.29	35	0.66	0.00	0.66	0.0019
36	404400	271104000404400	LEON JOHN	0.44	40	1.15	0.00	1.15	0.0033
37	404600	271104000404600	WINGER LLOYD JAMES JUNIOR	0.85	35	1.94	0.00	1.94	0.0056
38	400400	271104000400400	MATHESON GARY	0.41	45	1.21	0.00	1.21	0.0035

- MapBook_Index2500

crossings

Michener Branch #1

Mich_prop

All_Drain_Parcel_Roads

MUN

PRIV

Michener sediment basin entities

Michener branches entities

0-michener drain #1 text

0-michener drain #2 text

0-michener drain main text

0-michener drain #1

0-michener drain #2

0-michener drain #2 text

0-michener drain main

0-michener drain main text

drain_benchmarks

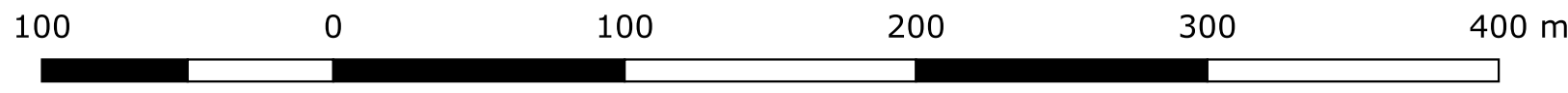
Contours

Mich_catch

DrainC

Michener Drain

Michener Branch #2



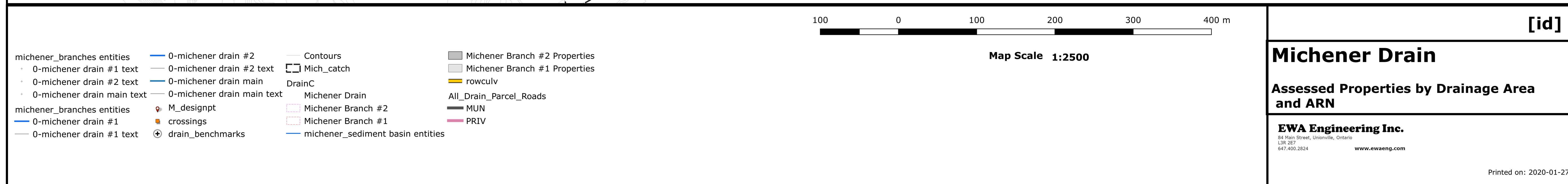
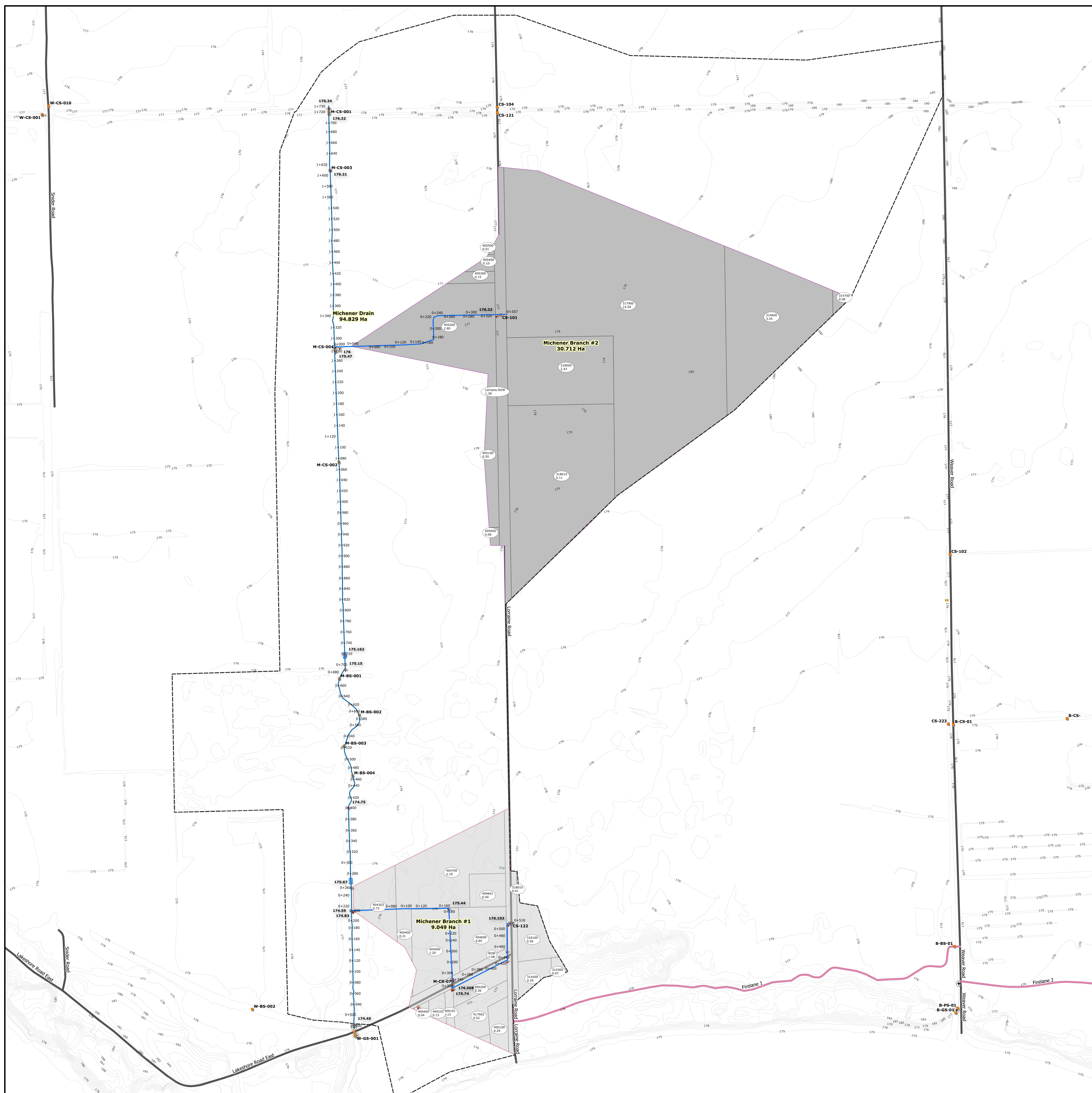
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Michener Drain

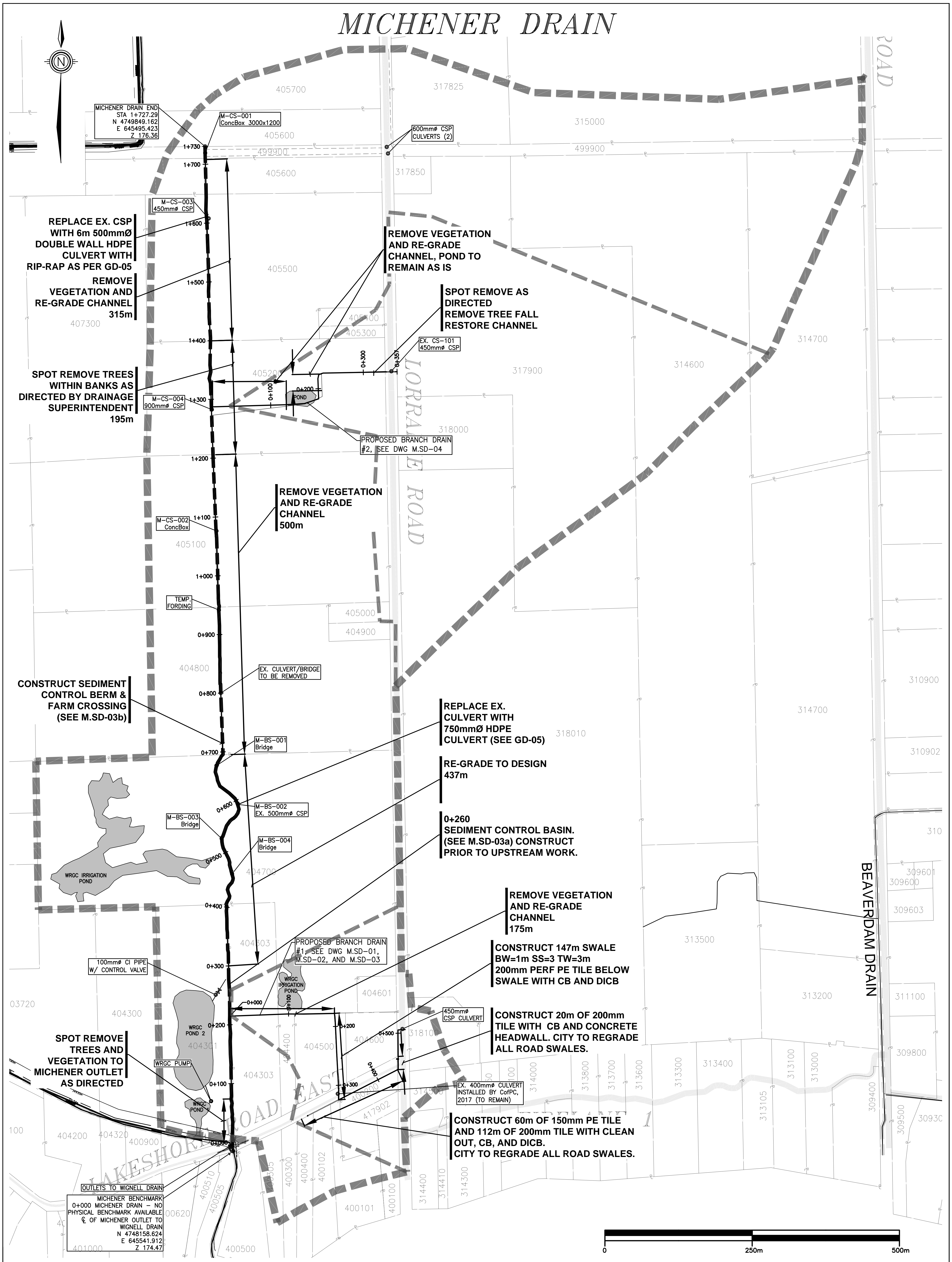
Assessed Properties by Drainage Area and ARN

EWA Engineering Inc.
84 Fish Street, Windsor, Ontario
N9A 2E7
416-200-2824
www.ewaeng.com

Printed on: 2020-03-30



MICHENER DRAIN



NOTES:

- DIMENSIONS ARE IN METRES UNLESS OTHERWISE NOTED
- CATCHMENT BOUNDARIES ARE BASED ON THE NPCA DIGITAL ELEVATION MODEL (DEM) 2010
- SPECIFIC POINTS IN THE SURFACE ARE BASED ON THE FOLLOWING SURVEYS:
 - DRAIN CROSSINGS & SPOT CHANNELS AMEC SURVEY, 2013
 - AS CONSTRUCTED SURVEY BY CoPC, 2016 STATION 0+000-1+940
 - SUPPLEMENTARY SURVEY BY CoPC, 2018
 - WEIBE ENGINEERING SURVEY, 2008

PLAN VIEW LEGEND:

- DRAINAGE AREA BOUNDARY
- SUB-DRAINAGE AREA BOUNDARY
- DRAIN CENTERLINE
- PROPOSED DRAIN CENTERLINE
- DRAIN CHAINAGE
- SITE SPECIFIC DETAIL I.D.
- BOUNDARY OF AREA CAPTURED IN SITE DETAIL
- DRAINAGE WORK PROPOSED
- DRAINAGE WORK COMPLETED - TO BE ASSESSED

PROFESSIONAL ENGINEER
PAUL C. MARSH
04/14/2020
PROVINCE OF ONTARIO

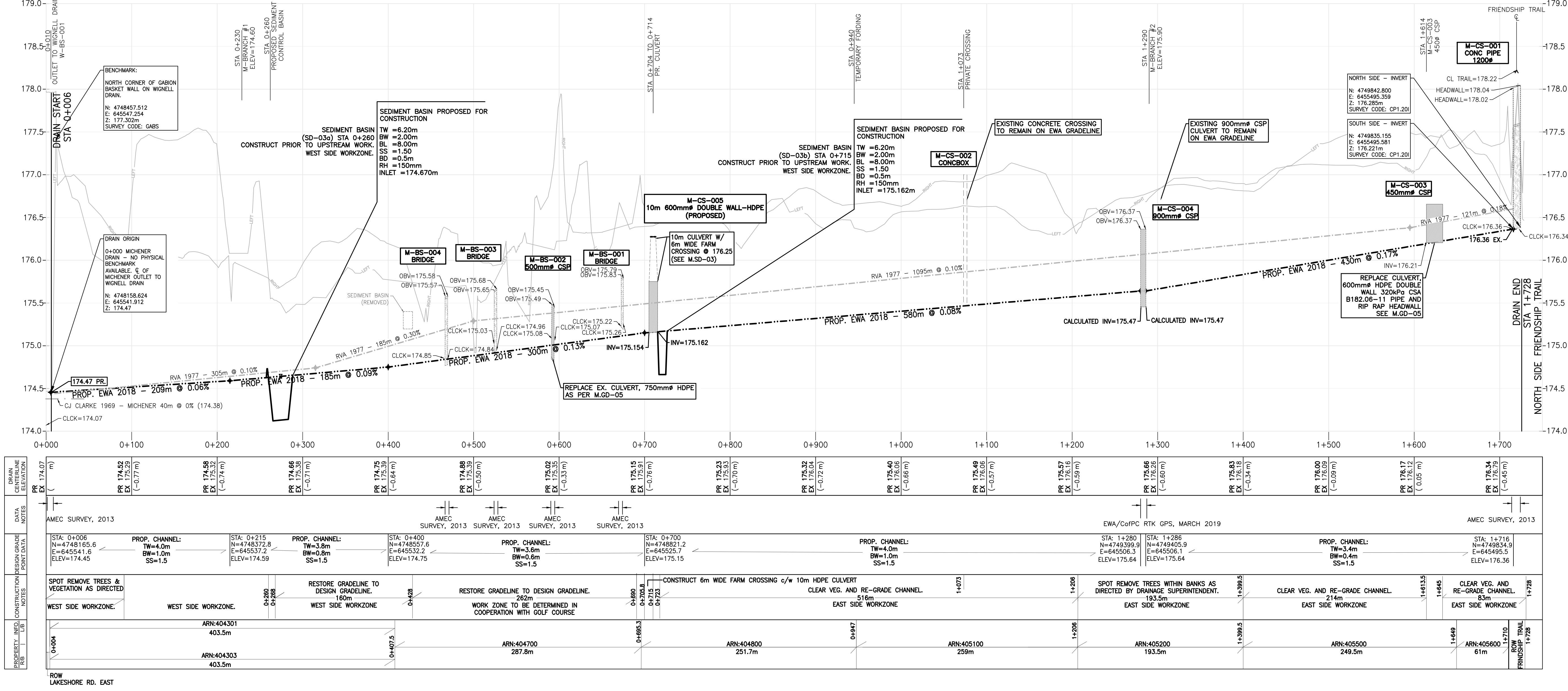
NO.	REVISION DESCRIPTION	DATE
1	ISSUED FOR REPORT	April 15, 2020

Paul C. Marsh, P.Eng. Principal Engineer
EWA Engineering Inc.
84 Main Street, Unionville, Ontario
L3R 2E7
647.400.2824
www.ewaeng.com

City of Port Colborne
Michener Municipal Drain

DRAWN BY :	APPROVED BY :	PROJECT NO. :	DRAWING NO. :
DAC	PCM	183927	M.PLAN
DESIGNED BY :	DATE :	SCALE :	
PCM	14-Apr-20	F.T.P.	

MICHENER DRAIN: STA 0+000 to 1+750



- NOTES:**
- DIMENSIONS ARE IN METRES UNLESS OTHERWISE NOTED
 - CATCHMENT BOUNDARIES ARE BASED ON THE NPCA DIGITAL ELEVATION MODEL (DEM) 2010
 - SPECIFIC POINTS IN THE SURFACE ARE BASED ON THE FOLLOWING SURVEYS:
 - DRAIN CROSSINGS & SPOT CHANNELS AMEC SURVEY, 2013
 - AS CONSTRUCTED SURVEY BY CoPC, 2016 STATION 0+000-1+940
 - SUPPLEMENTARY SURVEY BY CoPC, 2018
 - WEIBE ENGINEERING SURVEY, 2008

THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.

BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR ANY DAMAGE DONE TO THEM.

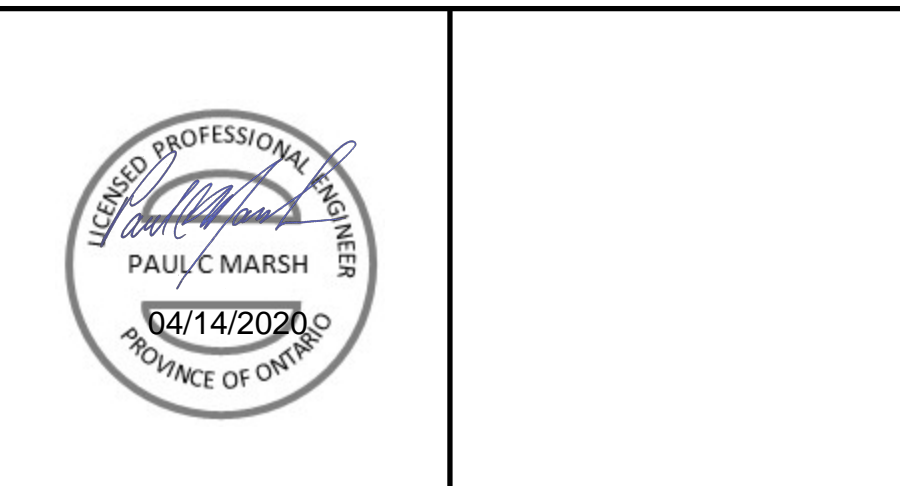
- SPATIAL DATA:**
- DTM DATA FROM NIAGARA PENINSULA CONSERVATION AUTHORITY
 - HORIZONTAL DATUM: UTM NAD83-CSR5 ZONE 17N
 - VERTICAL DATUM: CGVD28-1978
 - ACCURACY: ABSOLUTE HORIZONTAL AND VERTICAL POSITIONAL ACCURACIES OF ±0.5m

LEGEND

	EXISTING DITCH BOTTOM (NPCA DEM DATA)
	EXISTING DITCH BOTTOM (SURVEYED)
	HISTORICAL GRADELINE
	PROPOSED DRAIN GRADELINE-EWA, 2018
	LEFT BANK
	RIGHT BANK
	EXISTING DRAIN SECTION
	EXISTING STRUCTURE DETAILS
	ASSUMED EXISTING STRUCTURE DETAILS
	EXISTING DRAIN ELEVATION
	PROPOSED DRAIN CENTERLINE ELEVATION
	PROPOSED DRAIN ELEVATION (WHERE MATCHES EXISTING ELEVATION)
	DATA POINT FROM HISTORICAL DESIGN GRADELINE

1	ISSUED FOR BASELINE REPORT	MAY 2019
NO.	REVISION DESCRIPTION	DATE

MICHENER MUNICIPAL DRAIN PROFILE



CITY OF PORT COLBORNE

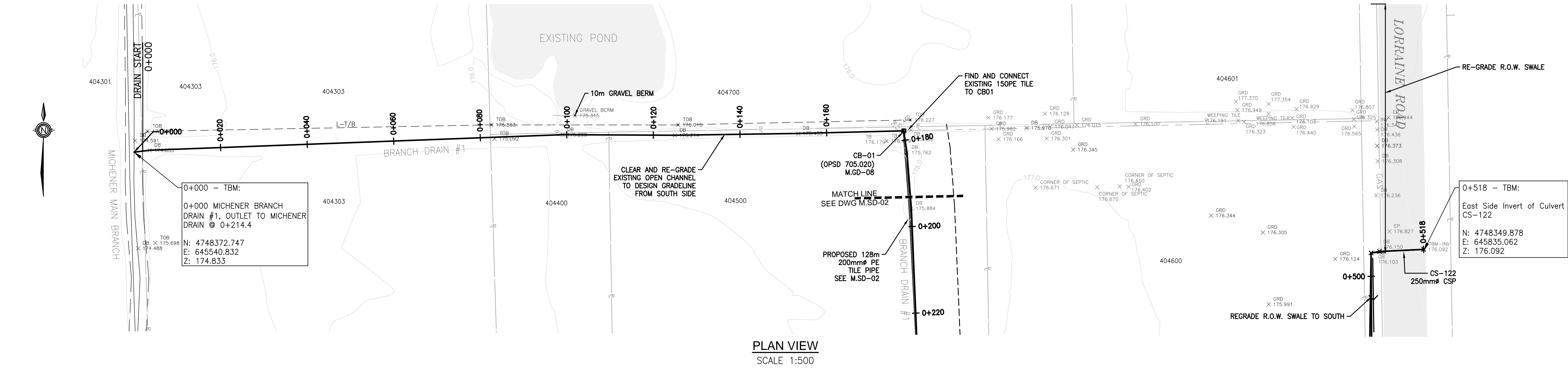
Paul C. Marsh, P.Eng. Principal Engineer

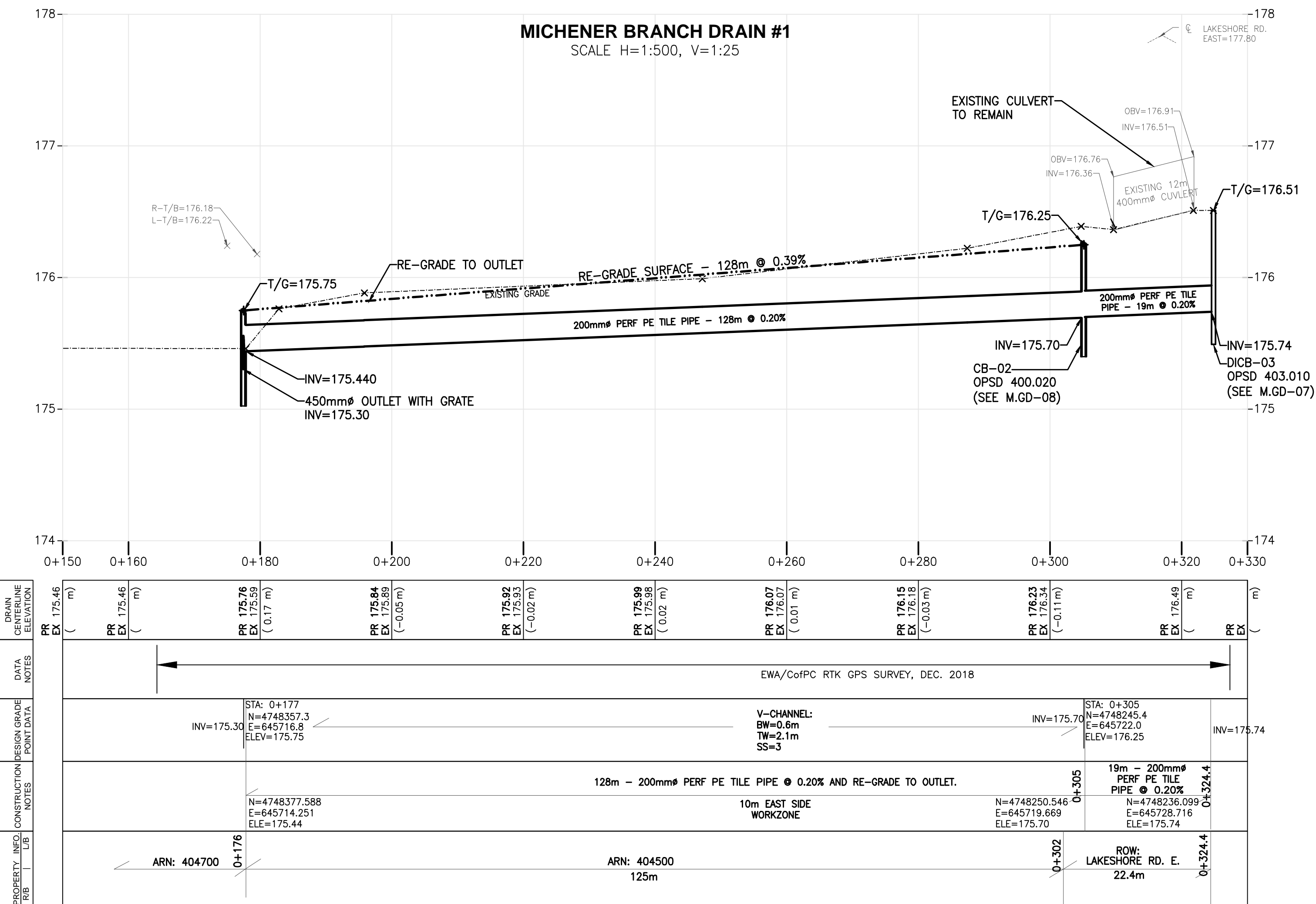
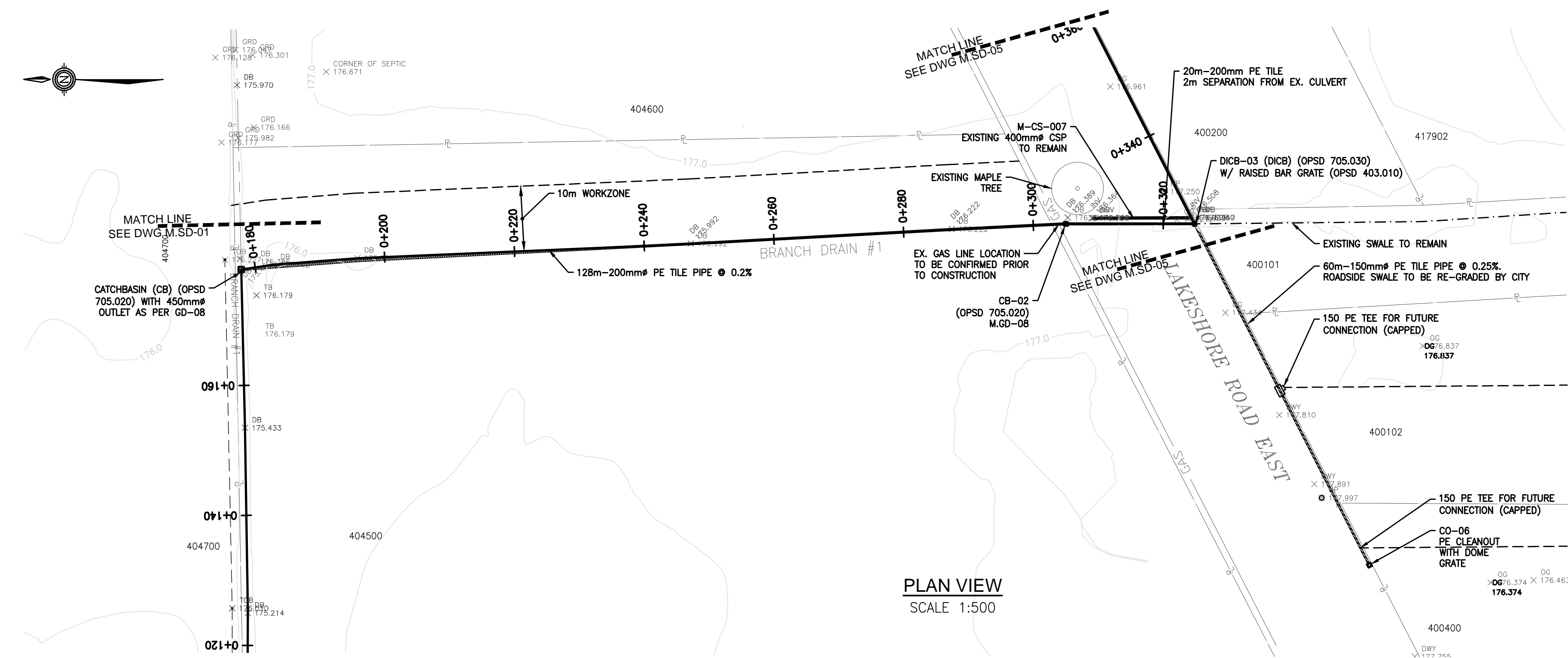
EWA Engineering Inc.

84 Main Street, Unionville, Ontario
L3R 2E7
647.400.2824

www.ewaeng.com

DRAWN BY : DAC	APPROVED BY : PCM	PROJECT NO. : -	DRAWING NO. : M.P1
DESIGNED BY : PCM	DATE : 14-Apr-20	SCALE : H=1:2500 V=1:25	





- NOTES:**
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 - VERTICAL DATUM: CGVD28-1978
 - ACCURACY: ABSOLUTE HORIZONTAL AND VERTICAL POSITIONAL ACCURACIES OF $\pm 0.5m$

LEGEND	
	EXISTING DITCH BOTTOM (NPCA DEM DATA)
	EXISTING DITCH BOTTOM (SURVEYED)
	HISTORICAL GRADELINE
	PROPOSED DRAIN GRADELINE-EWA, 2018
	LEFT BANK
	RIGHT BANK
	EXISTING DRAIN SECTION
	EXISTING STRUCTURE DETAILS
	ASSUMED EXISTING STRUCTURE DETAILS
	EXISTING DRAIN ELEVATION
	PROPOSED DRAIN CENTERLINE ELEVATION
	PROPOSED DRAIN ELEVATION (WHERE MATCHES EXISTING ELEVATION)
	DATA POINT FROM HISTORICAL DESIGN GRADELINE R/A, 1979

1	ISSUED FOR REPORT	JAN/31/2020
NO.	REVISION DESCRIPTION	DATE



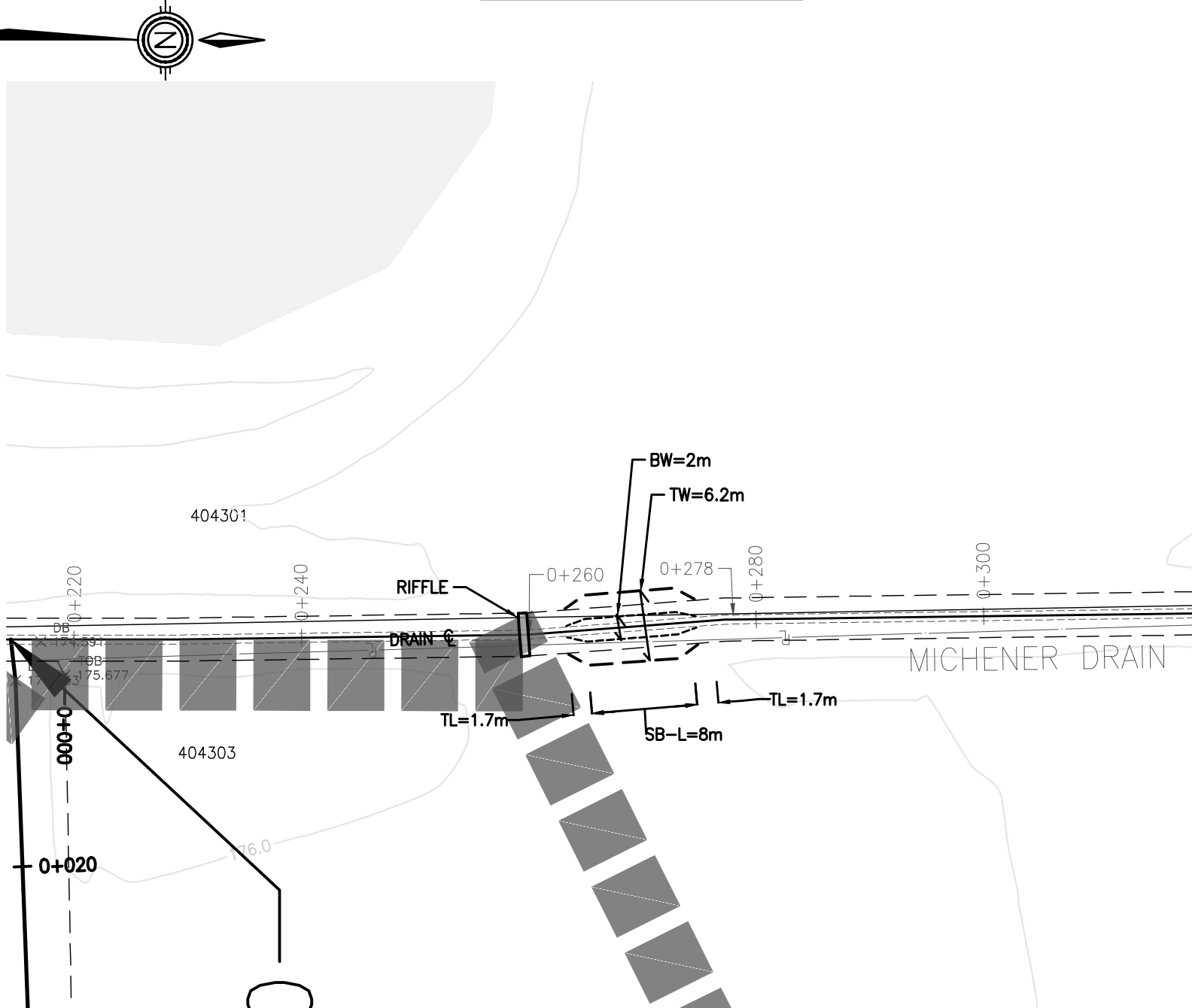
MICHENER MUNICIPAL DRAIN SPECIFIC DETAIL

CITY OF PORT COLBORNE

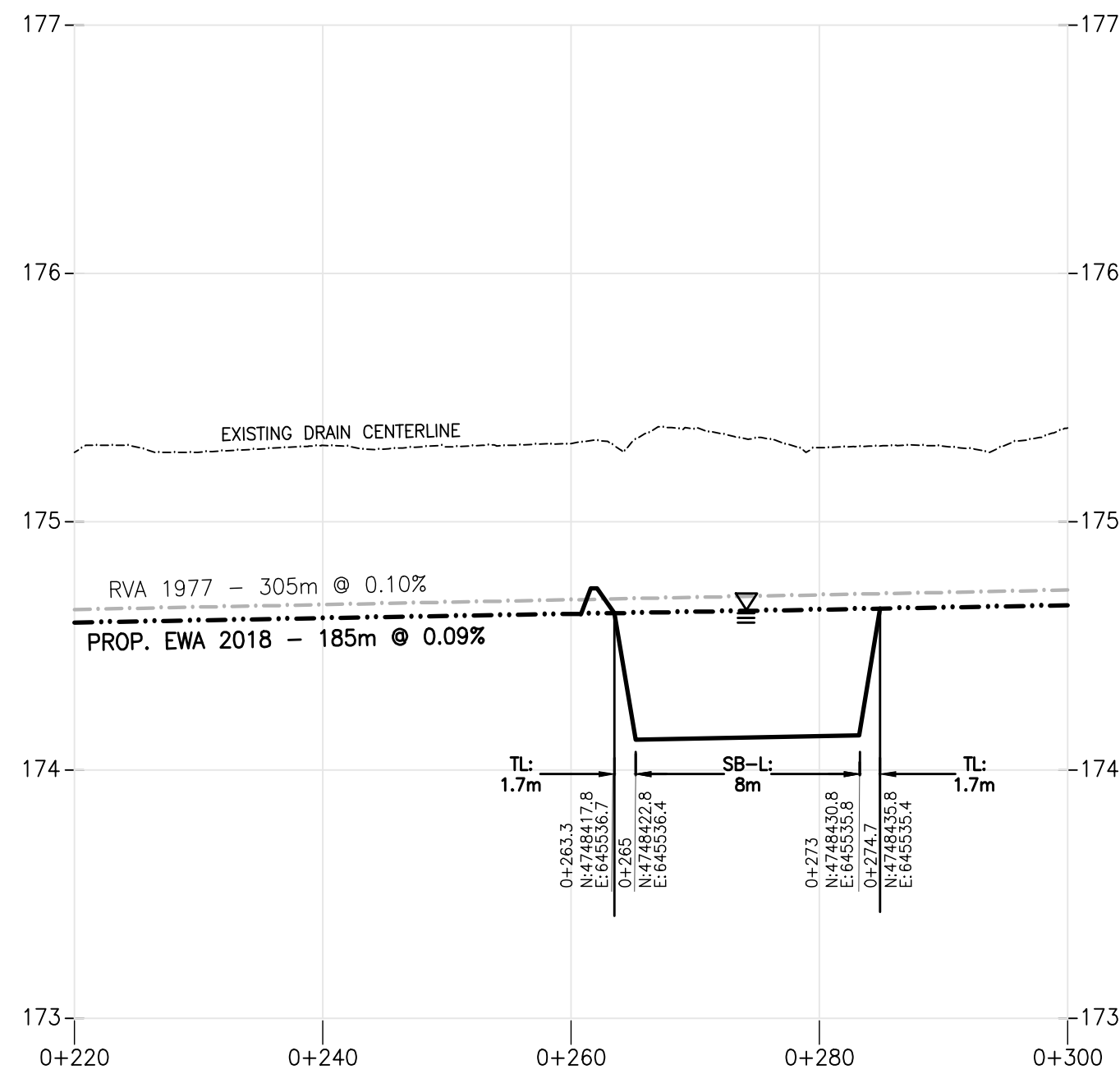
Paul C. Marsh, P.Eng. Principal Engineer
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647.400.2824 www.ewaeng.com

DRAWN BY : DAC	APPROVED BY : PCM	PROJECT NO. : 189399	DRAWING NO. : M.SD-02
DESIGNED BY : PCM	DATE : 14-Apr-20	SCALE : AS SHOWN	

M.SD-03a



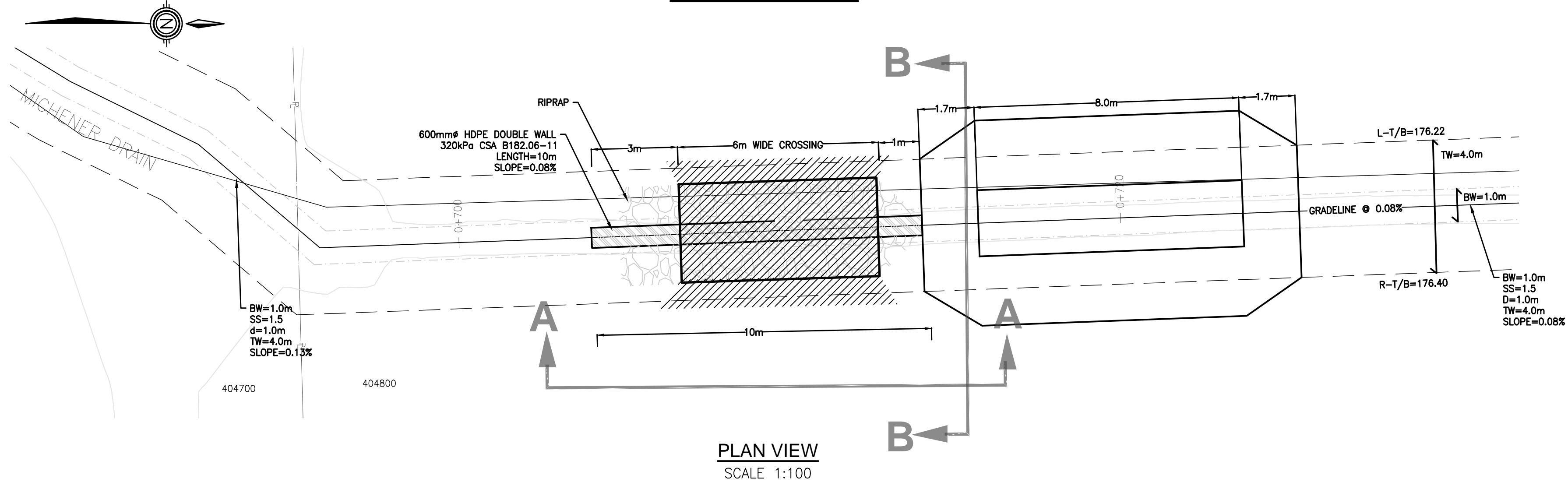
PLAN VIEW
SCALE 1:500



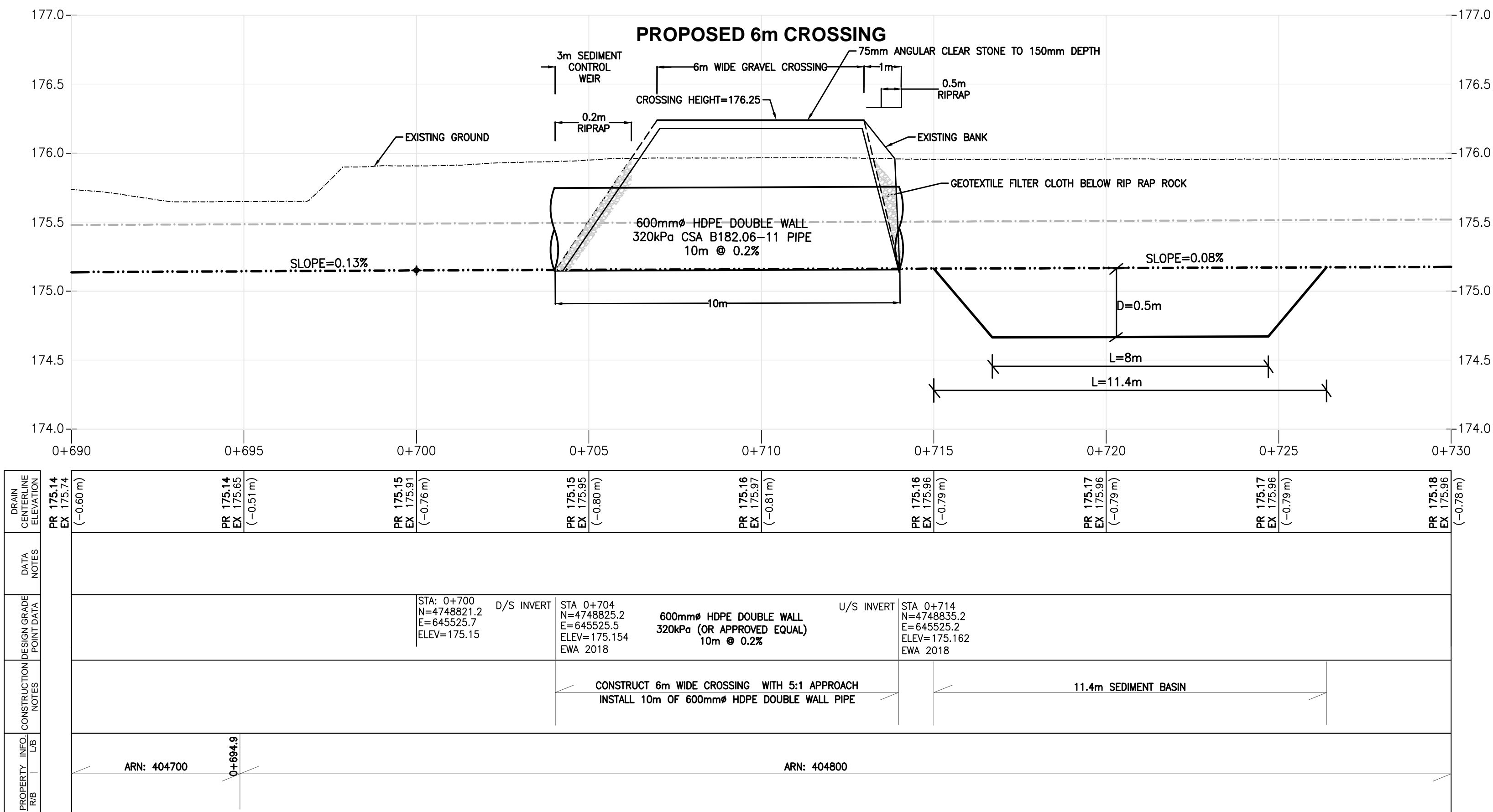
PROPERTY	INFO	CONSTRUCTION	DESIGN GRADE	POINT DATA	DATA	NOTES
PR	174.59	EX	175.28	(-0.69m)		
PR	174.61	EX	175.31	(-0.70m)		
PR	174.63	EX	175.33	(-0.69m)		
PR	174.65	EX	175.35	(-0.69m)		
PR	174.66	EX	175.36	(-0.71m)		
STA: 0+274.7 N=4748432.536 E=645535.678 ELE=174.670						
CONSTRUCT SEDIMENT BASIN (GD-10) STA 0+280 TW=6.2m SB=2.0m ADJACENT TO SEDIMENT BASIN TW=1.5 SB=0.3m RH=150mm						
ARN:404301						
ARN:404303						

PROFILE VIEW
SCALE H=1:500, V=1:25

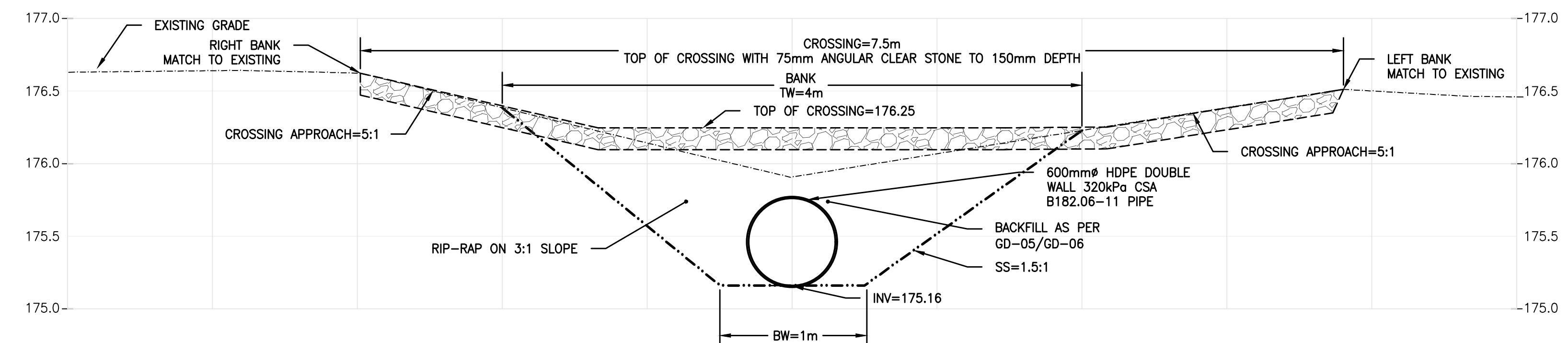
M.SD-03b



PLAN VIEW
SCALE 1:100



SECTION A-A
SCALE H=1:100, V=1:25



SECTION B-B
SCALE 1:25

NOTES:

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- ACCURACY: ABSOLUTE HORIZONTAL AND VERTICAL POSITIONAL ACCURACIES OF $\pm 0.5m$

LEGEND

	EXISTING DITCH BOTTOM (NPCA DEM DATA)
	EXISTING DITCH BOTTOM (SURVEYED)
	HISTORICAL GRADELINE
	PROPOSED DRAIN GRADELINE-EWA, 2018
	LEFT BANK
	RIGHT BANK
	EXISTING DRAIN SECTION
	EXISTING STRUCTURE DETAILS
	ASSUMED EXISTING STRUCTURE DETAILS
	EXISTING DRAIN ELEVATION
	PROPOSED DRAIN CENTERLINE ELEVATION
	PROPOSED DRAIN ELEVATION (WHERE MATCHES EXISTING ELEVATION)
	DATA POINT FROM HISTORICAL DESIGN GRADELINE

1	ISSUED FOR REPORT	JAN/31/2020
NO.	REVISION DESCRIPTION	DATE

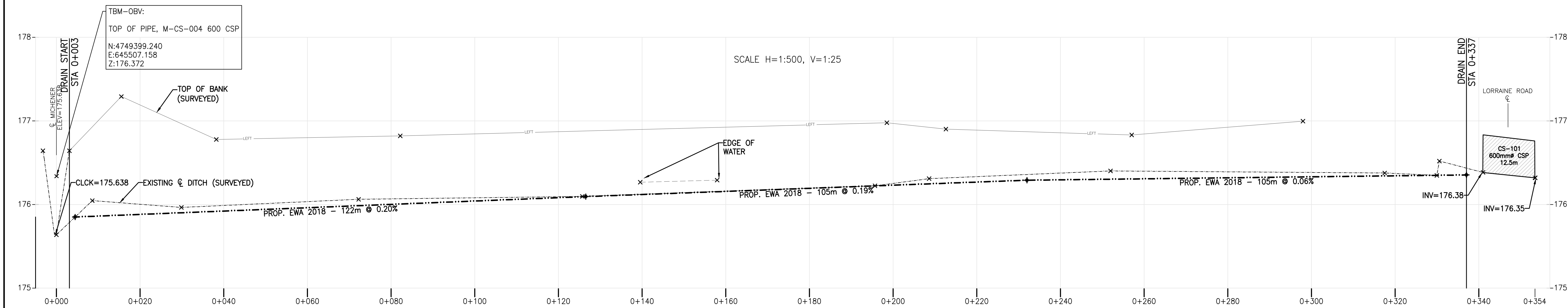
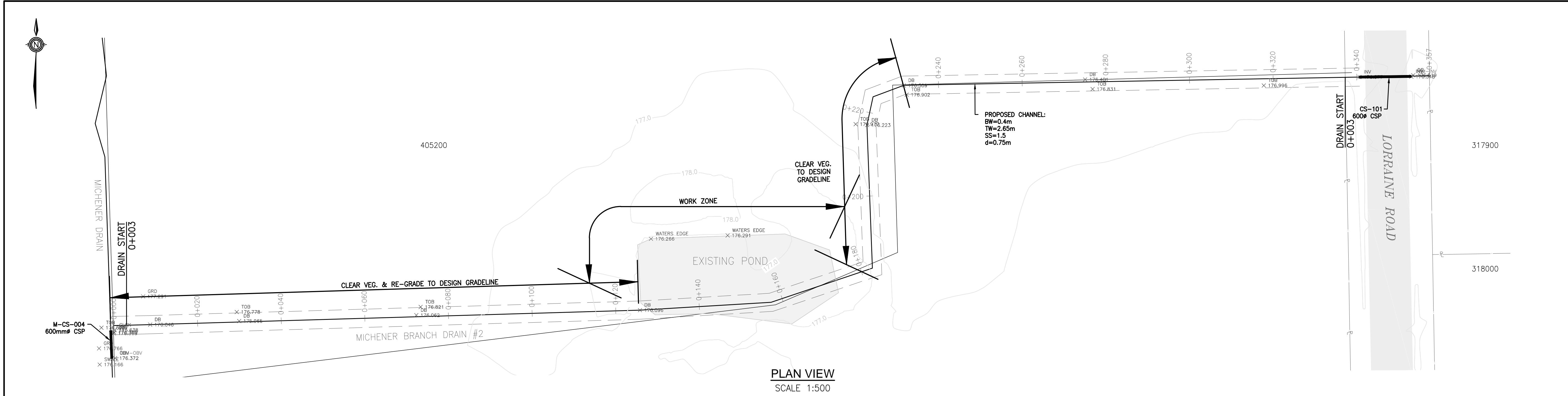


MICHENER MUNICIPAL DRAIN SPECIFIC DETAIL



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EWA Engineering Inc.
84 Main Street, Unionville, Ontario
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647.400.2824 www.ewaeng.com

DRAWN BY : DAC	APPROVED BY : PCM	PROJECT NO. : 189399	DRAWING NO. : M.SD-03
DESIGNED BY : PCM	DATE : 14-Apr-20	SCALE : N/A	



PROPERTY INFO	CONSTRUCTION NOTES	DESIGN GRADE POINT DATA	DATA NOTES	DRAIN CENTERLINE ELEVATION
PR 175.64 EX 175.64 (0.00 m)	0+000 CLEAR VEGETATION AND RE-GRADE TO DESIGN GRADELINE. NORTH SIDE WORKZONE	STA: 0+004 N=4749407.0 E=645506.8 ELEV=175.85 EWA 2018 EX. OPEN CHANNEL: BW=0.4m TW=2.95m d=0.85m SS=1.5	EWA/CoPC RTK GPS SURVEY, DEC. 2018	PR 175.68 EX 175.68 (-0.12 m)
				PR 175.92 EX 175.92 (-0.07 m)
				PR 175.96 EX 175.96 (-0.07 m)
				PR 176.00 EX 176.00 (-0.07 m)
				PR 176.04 EX 176.04 (-0.04 m)
				PR 176.08 EX 176.08 (-0.01 m)
				PR 176.12 EX 176.12 (0.00 m)
				PR 176.16 EX 176.16 (0.00 m)
PR 176.19 EX 176.19 (0.00 m)	0+180 POND TO REMAIN AS IS NORTH SIDE WORK ZONE	STA: 0+127 N=4749410.8 E=645633.8 ELEV=176.09 EWA 2018 EX. OPEN CHANNEL: BW=0.4m TW=2.95m d=0.85m SS=1.5		PR 176.19 EX 176.19 (0.00 m)
				PR 176.23 EX 176.23 (-0.02 m)
				PR 176.27 EX 176.27 (-0.07 m)
				PR 176.29 EX 176.29 (-0.09 m)
				PR 176.31 EX 176.31 (-0.09 m)
				PR 176.33 EX 176.33 (-0.07 m)
				PR 176.35 EX 176.35 (-0.05 m)
				PR 176.37 EX 176.37 (-0.03 m)
PR 176.40 EX 176.40 (0.00 m)	0+337.2 SPOT TREE REMOVAL AS DIRECTED SOUTH SIDE WORKZONE.	STA: 0+337 N=4749466.1 E=645793.9 ELEV=176.35 EWA 2018 EX. OPEN CHANNEL: BW=0.4m TW=2.95m d=0.85m SS=1.5		PR 176.33 EX 176.33 (-0.05 m)
				PR 176.34 EX 176.34 (-0.03 m)
PR 176.37 EX 176.37 (-0.03 m)				PR 176.37 EX 176.37 (-0.03 m)
PR 176.40 EX 176.40 (0.00 m)				PR 176.40 EX 176.40 (0.00 m)
ARN: 405200 340m				
20m ROW: LORRAINE RD.				

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LEGEND

---	EXISTING DITCH BOTTOM (NPCA DEM DATA)
-x-x-	EXISTING DITCH BOTTOM (SURVEYED)
---	HISTORICAL GRADELINE
---	PROPOSED DRAIN GRADELINE-EWA, 2018
---	LEFT BANK
---	RIGHT BANK
---	EXISTING DRAIN SECTION
---	EXISTING STRUCTURE DETAILS
---	ASSUMED EXISTING STRUCTURE DETAILS
---	EXISTING DRAIN ELEVATION
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---	DATA POINT FROM HISTORICAL DESIGN GRADELINE RIA, 1979

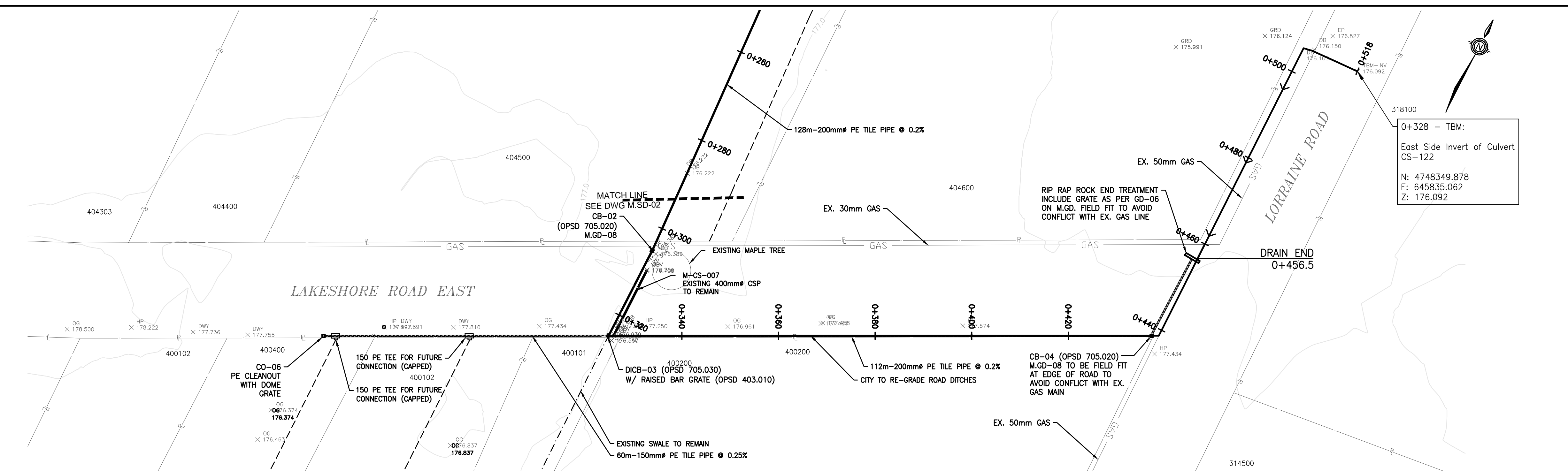
1	ISSUED FOR REPORT	JAN/31/2020
NO.	REVISION DESCRIPTION	DATE

MICHENER MUNICIPAL DRAIN SPECIFIC DETAIL

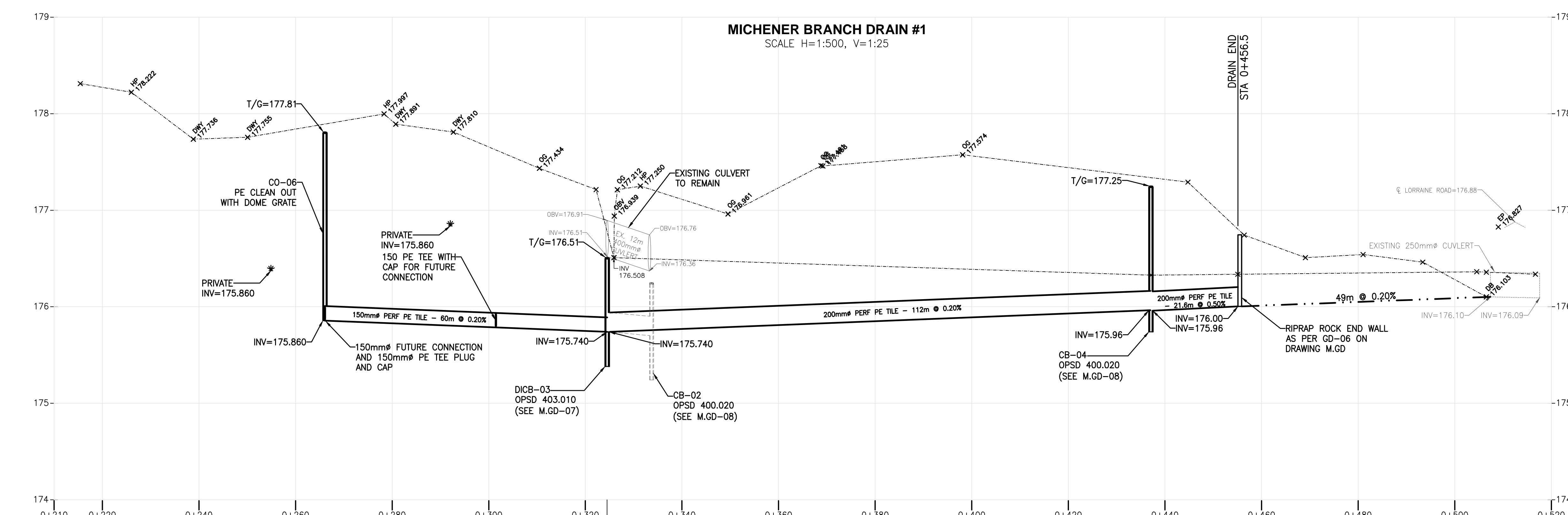
CITY OF PORT COLBORNE

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EWA Engineering Inc.
84 Main Street, Unionville, Ontario
L3R 2B7
647.400.2824
www.ewaeng.com

DRAWN BY : DAC	APPROVED BY : PCM	PROJECT NO. : 189399	DRAWING NO. : M.SD-04
DESIGNED BY : PCM	DATE : 14-Apr-20	SCALE : AS SHOWN	



PLAN VIEW
SCALE 1:500



PROPERTY INFO	CONSTRUCTION NOTES	DESIGN DATA	DATA NOTES	DRAIN ELEVATION
30m ARN: 400102	0+000 60m - 150mm PERF PE TILE PIPE @ 0.20% AND RE-GRADE TO OUTLET.	STA: 0+060 N=4748203.639 E=645669.745 ELE=175.86	PR 177.74 EX 176.45 (-0.079.6)	PR 178.27 EX 176.45 (-0.079.6)
31m ARN: 400400	0+060 112m - 200mm PERF PE TILE PIPE @ 0.20% AND RE-GRADE TO OUTLET.	STA: 0+325 N=4748230.424 E=645722.024 ELE=175.74	PR 177.84 EX 176.49 (-0.046.6)	PR 177.84 EX 176.49 (-0.046.6)
33m ARN: 400102			PR 177.92 EX 176.49 (-0.015.6)	PR 177.92 EX 176.49 (-0.015.6)
18m ARN: 400101			PR 177.66 EX 176.42 (-0.015.6)	PR 177.66 EX 176.42 (-0.015.6)
112m ARN: 400200			PR 177.23 EX 176.42 (-0.015.6)	PR 177.23 EX 176.42 (-0.015.6)
68m LORRAINE ROAD R.O.W.			PR 177.50 EX 176.42 (-0.015.6)	PR 177.50 EX 176.42 (-0.015.6)
			PR 177.65 EX 176.39 (-0.015.6)	PR 177.65 EX 176.39 (-0.015.6)
			PR 177.44 EX 176.35 (-0.015.6)	PR 177.44 EX 176.35 (-0.015.6)
			PR 177.32 EX 176.33 (-0.015.6)	PR 177.32 EX 176.33 (-0.015.6)
			PR 176.89 EX 176.34 (-0.015.6)	PR 176.89 EX 176.34 (-0.015.6)
			PR 176.54 EX 176.35 (-0.015.6)	PR 176.54 EX 176.35 (-0.015.6)
			PR 176.28 EX 176.35 (-0.015.6)	PR 176.28 EX 176.35 (-0.015.6)
			PR 176.03 EX 176.09 (-0.015.6)	PR 176.03 EX 176.09 (-0.015.6)

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	PROPOSED DRAIN GRADELINE-EWA, 2018
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	RIGHT BANK
	EXISTING DRAIN SECTION
	EXISTING STRUCTURE DETAILS
	ASSUMED EXISTING STRUCTURE DETAILS
	EXISTING DRAIN ELEVATION
	PROPOSED DRAIN CENTERLINE ELEVATION
	PROPOSED DRAIN ELEVATION (WHERE MATCHES EXISTING ELEVATION)
	DATA POINT FROM HISTORICAL DESIGN GRADELINE RIA, 1979

1	ISSUED FOR REPORT	MAY/06/2020
NO.	REVISION DESCRIPTION	DATE

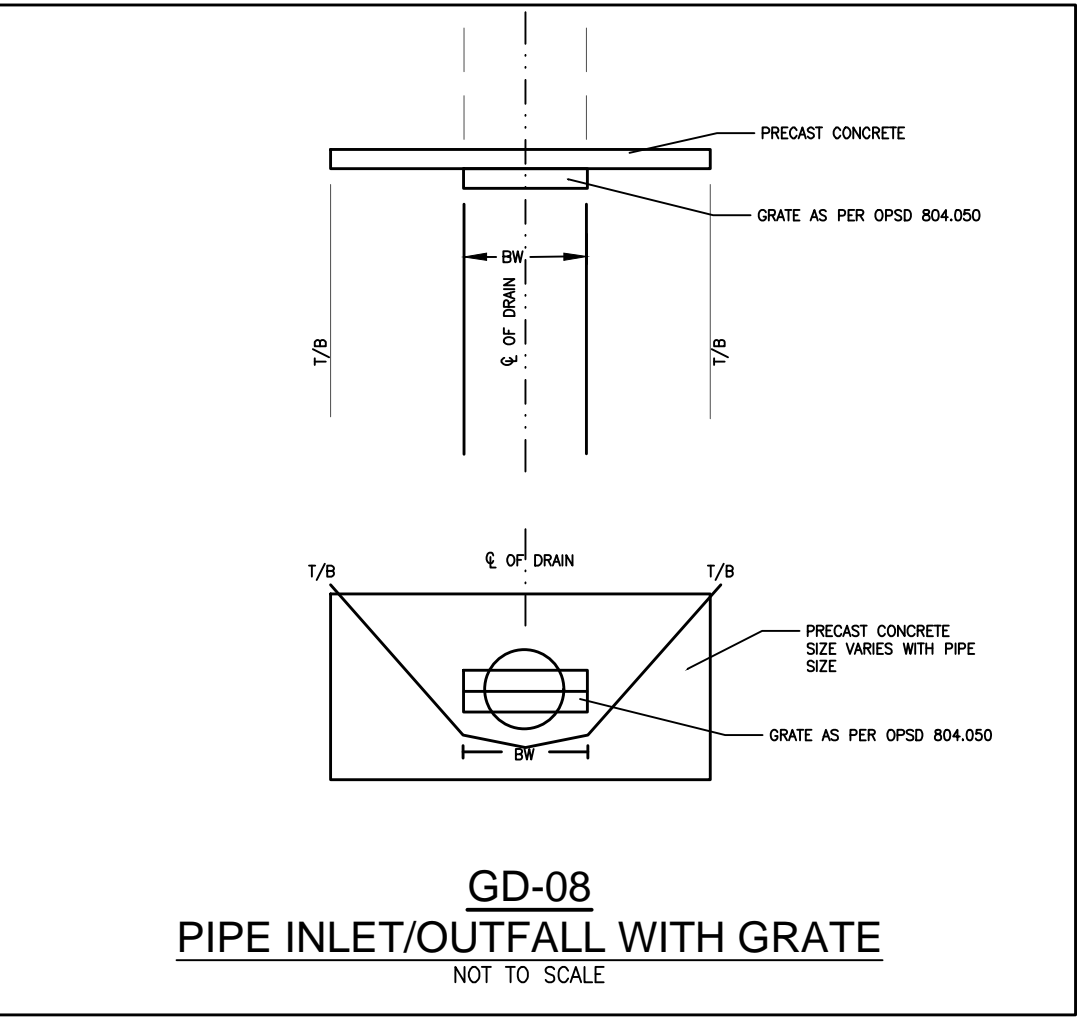
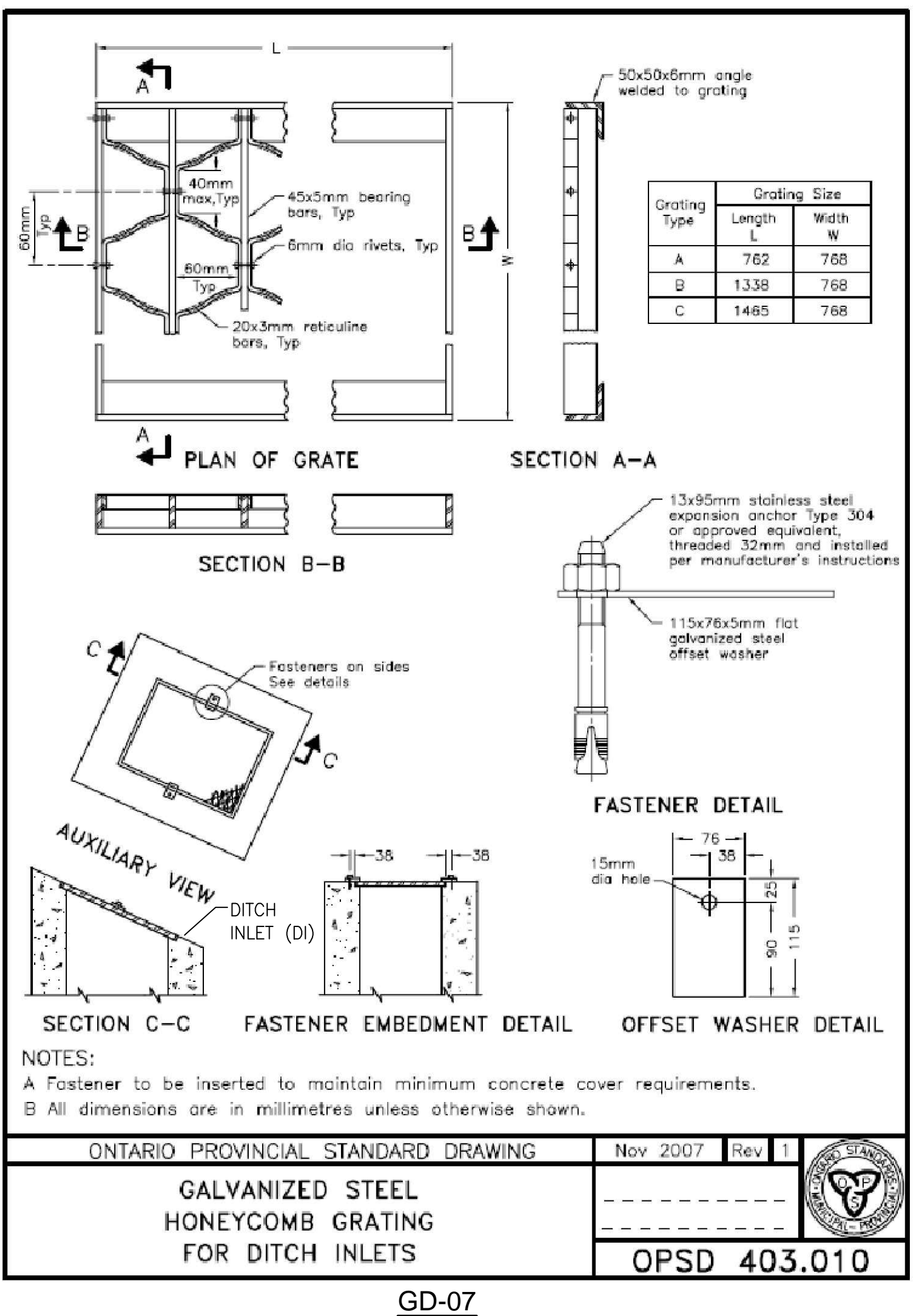
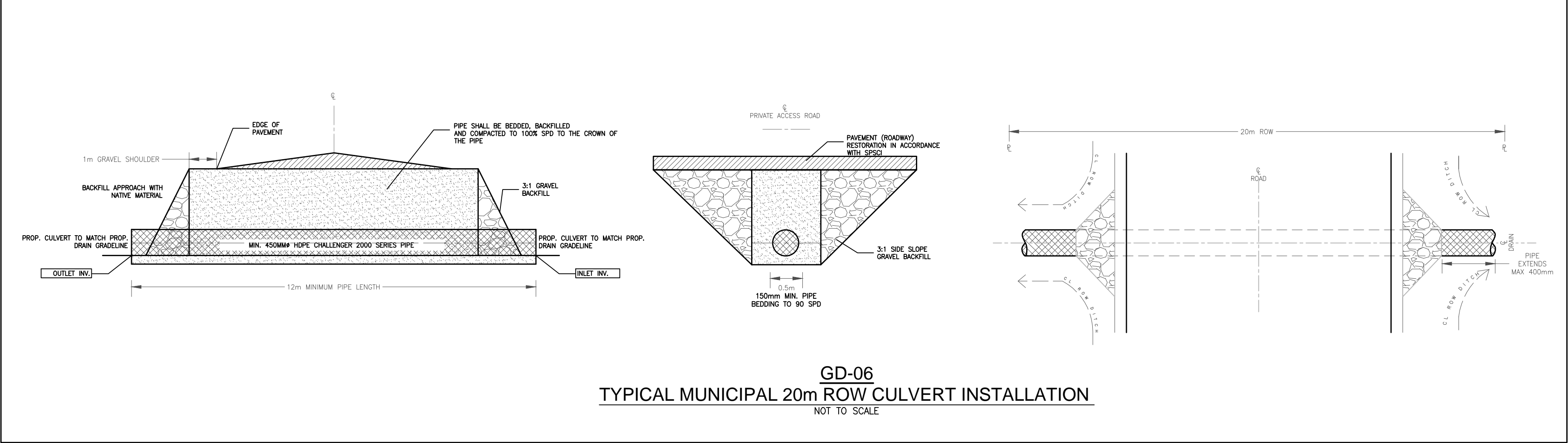
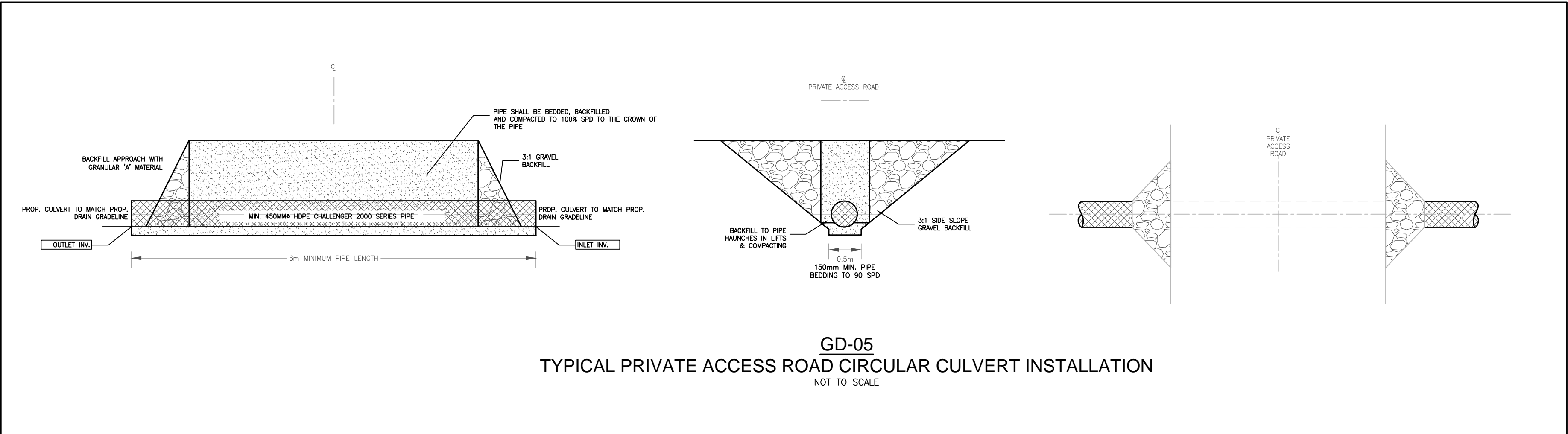
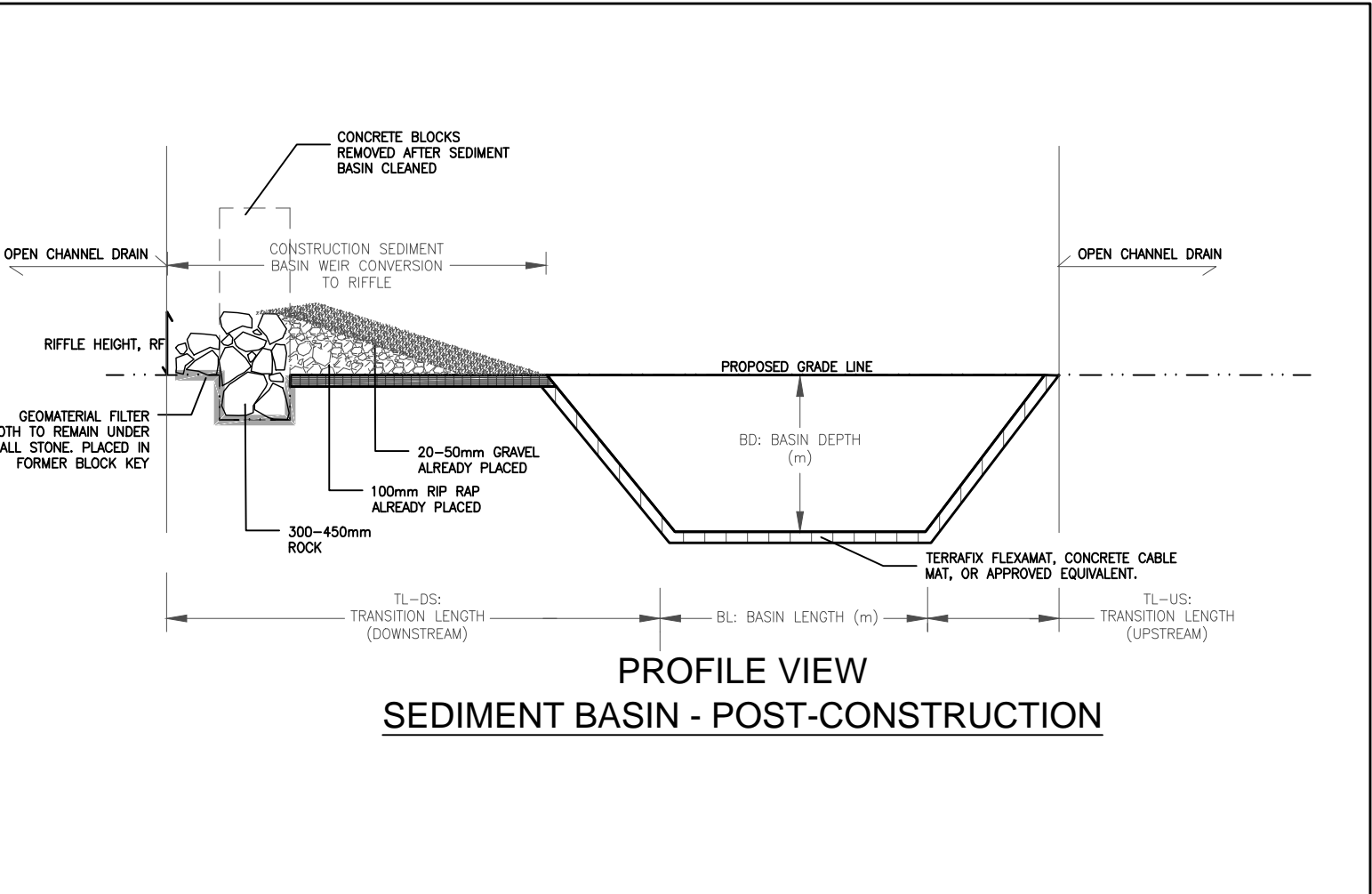
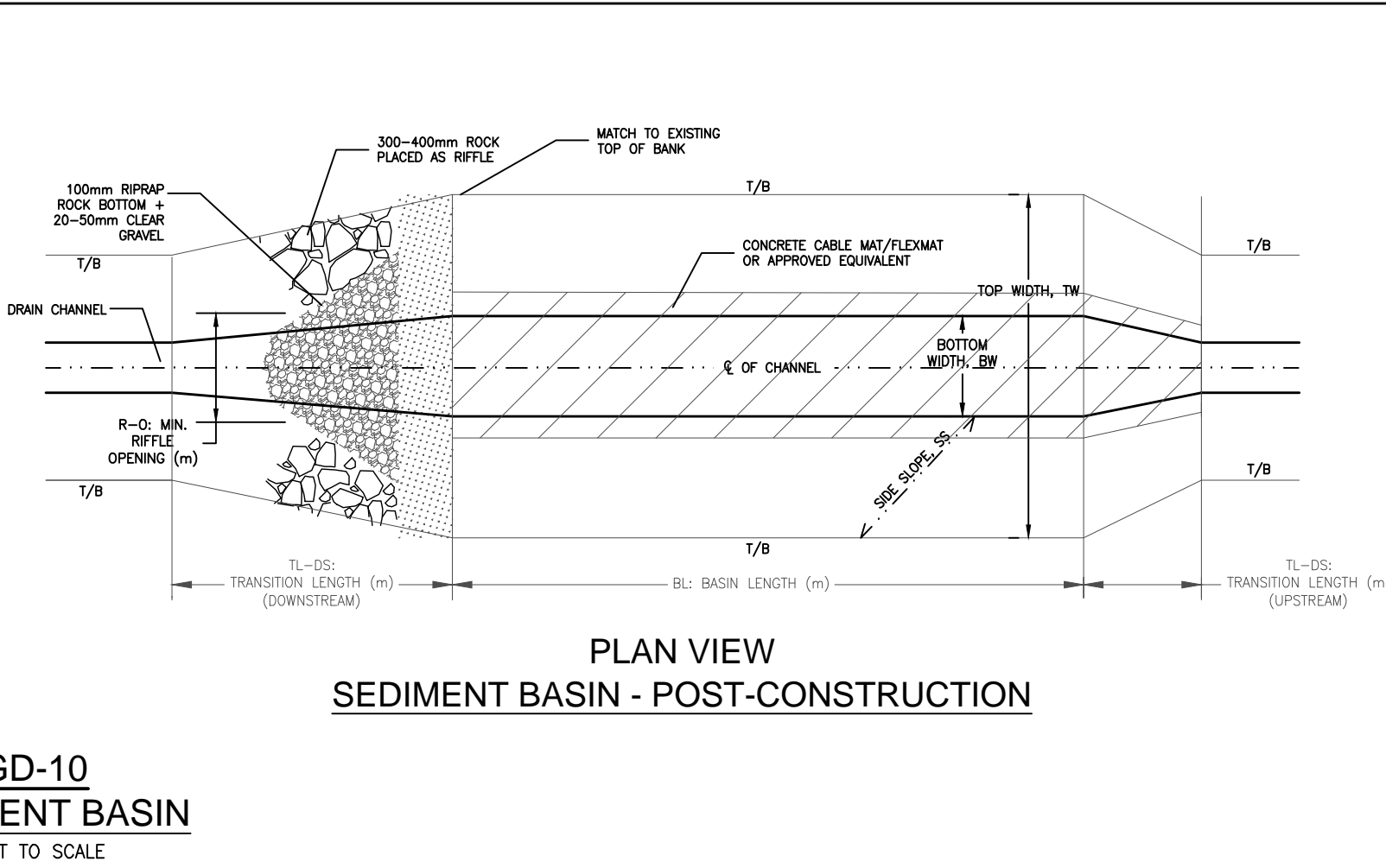
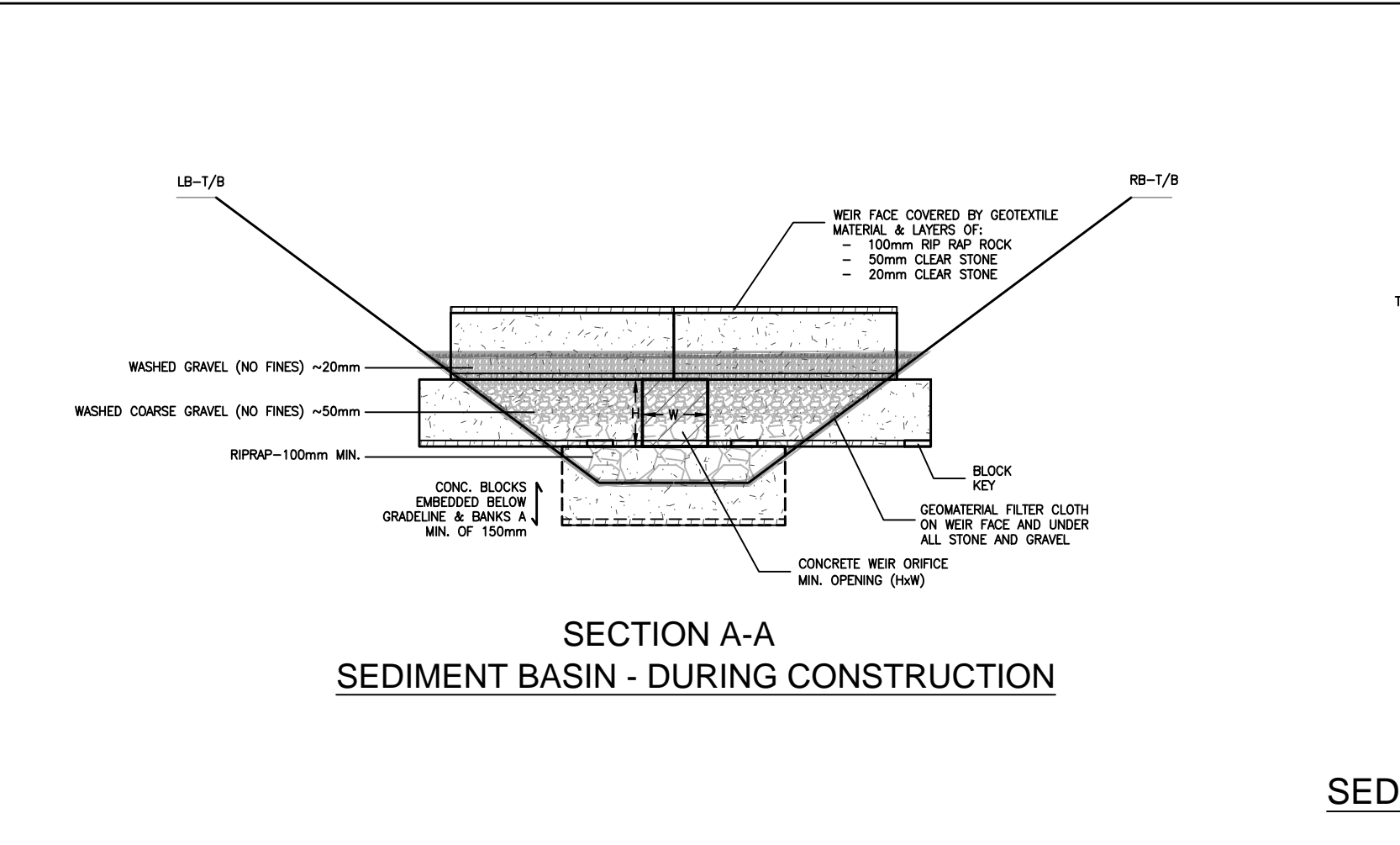
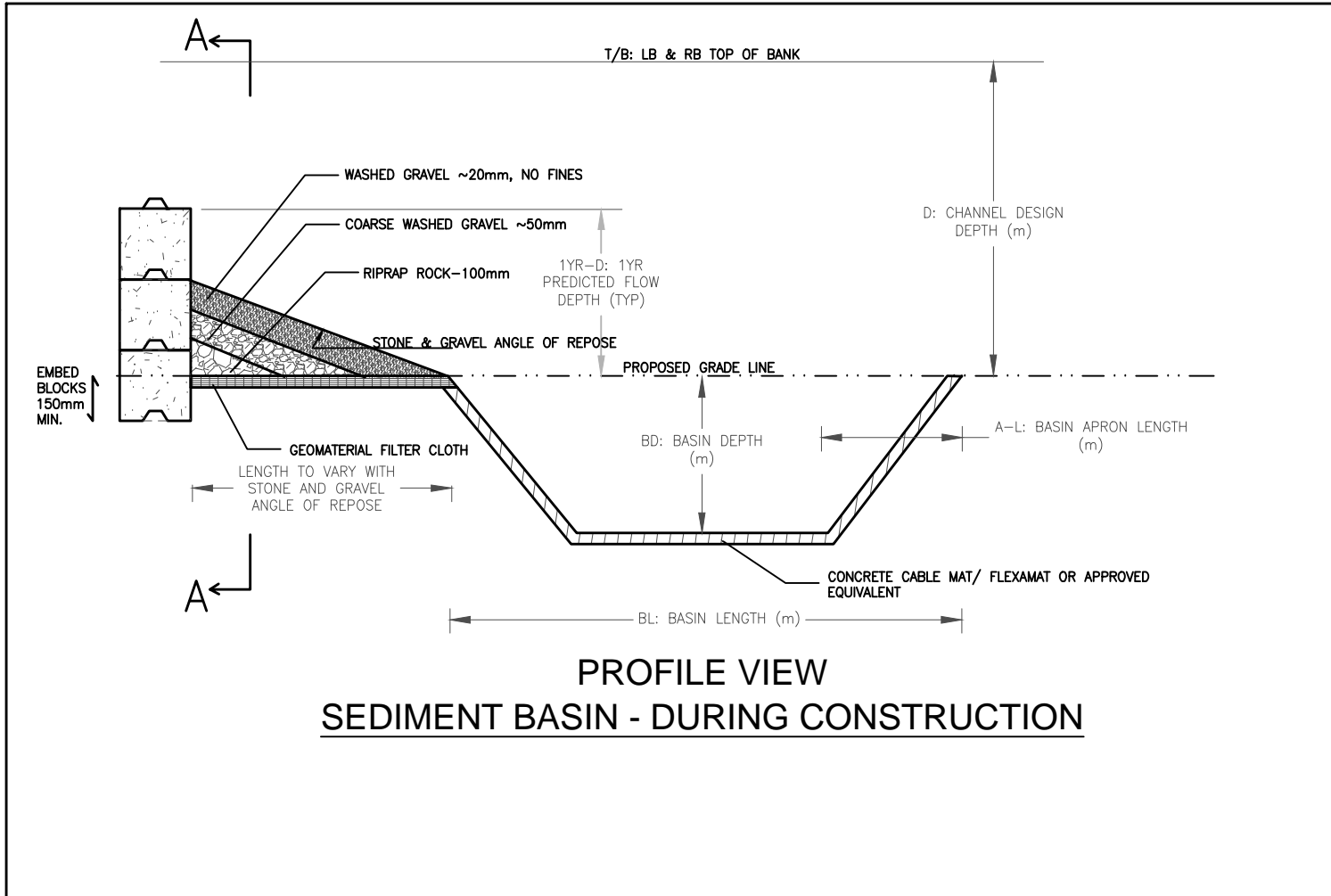
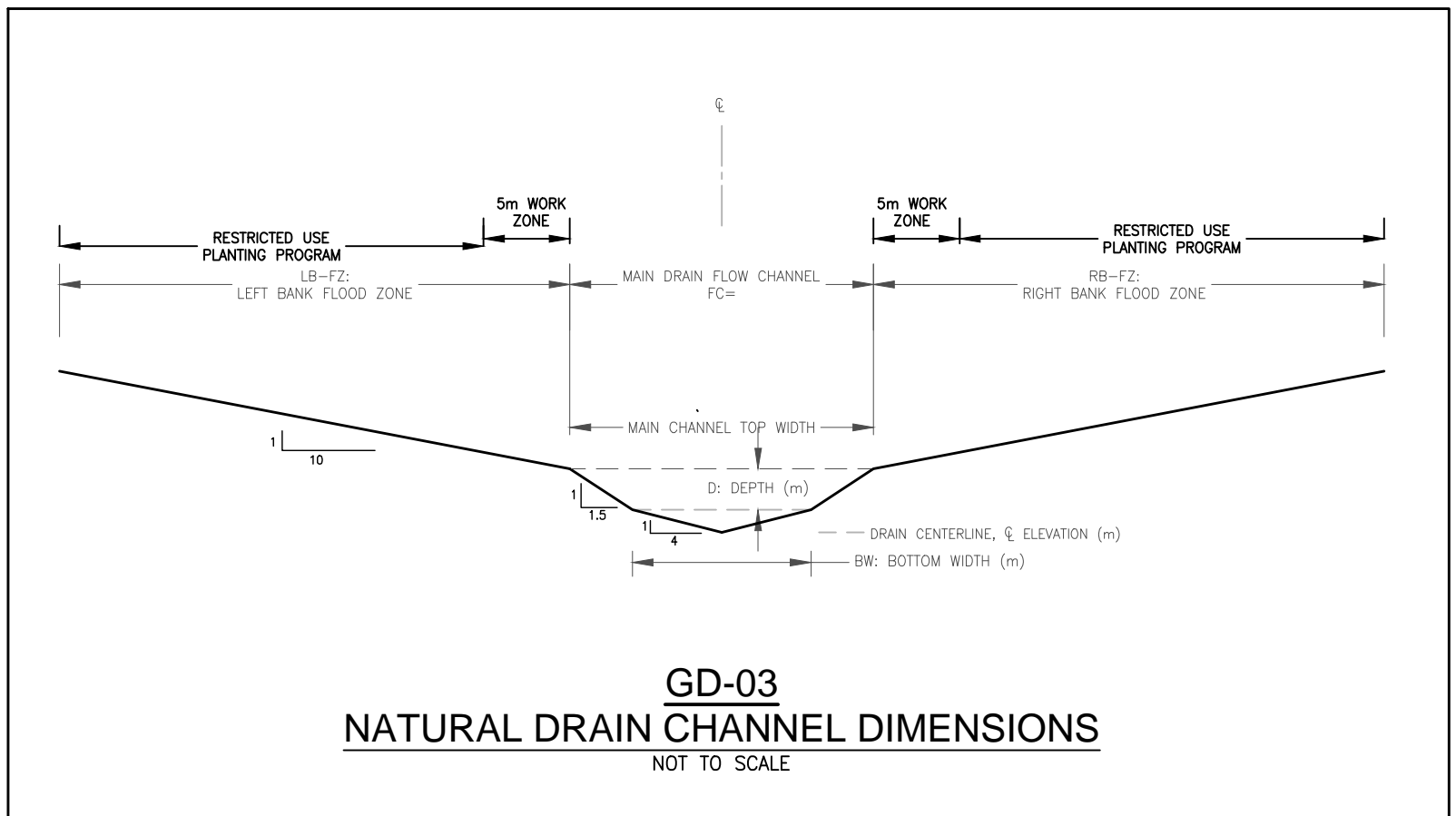
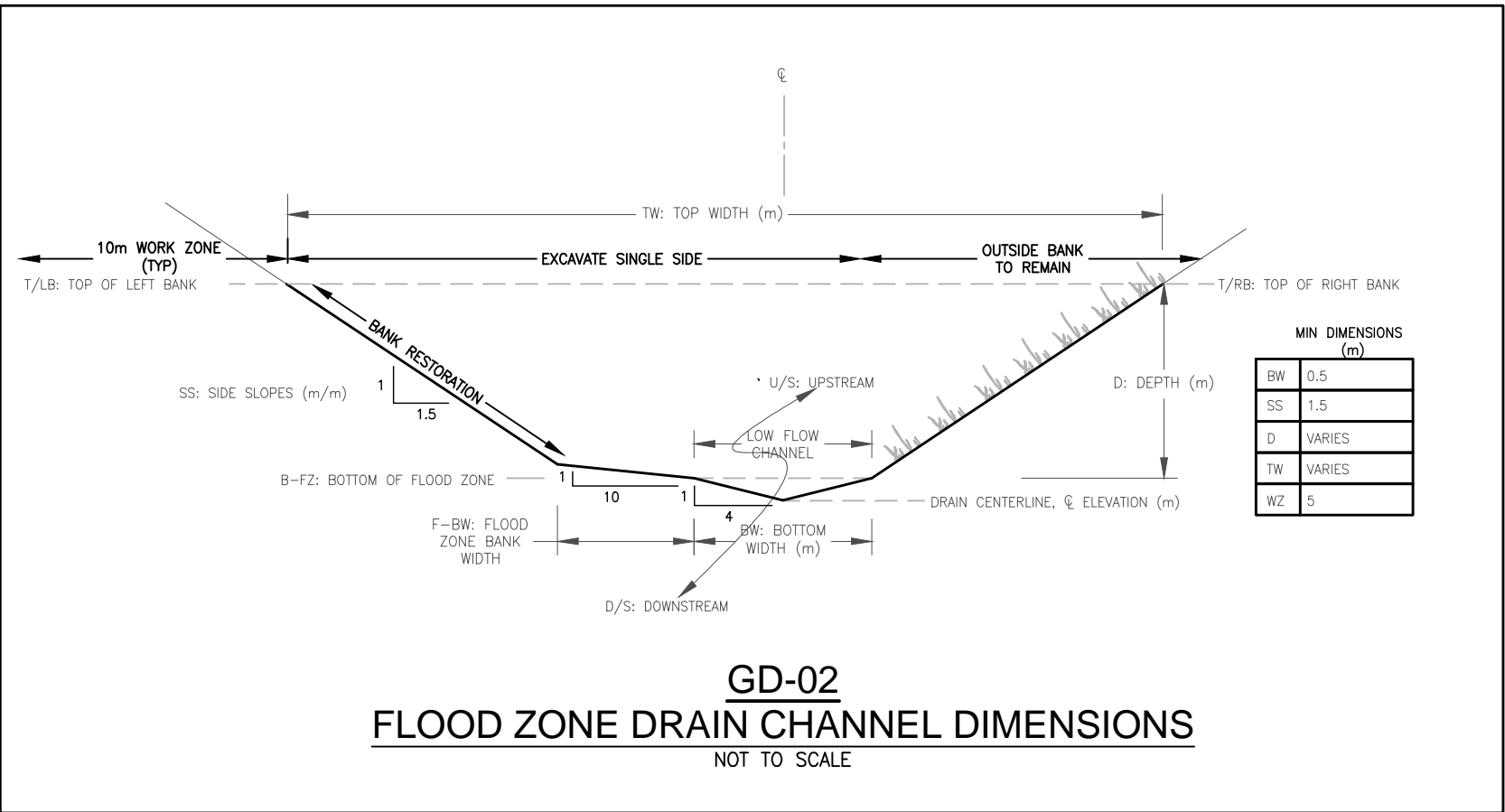
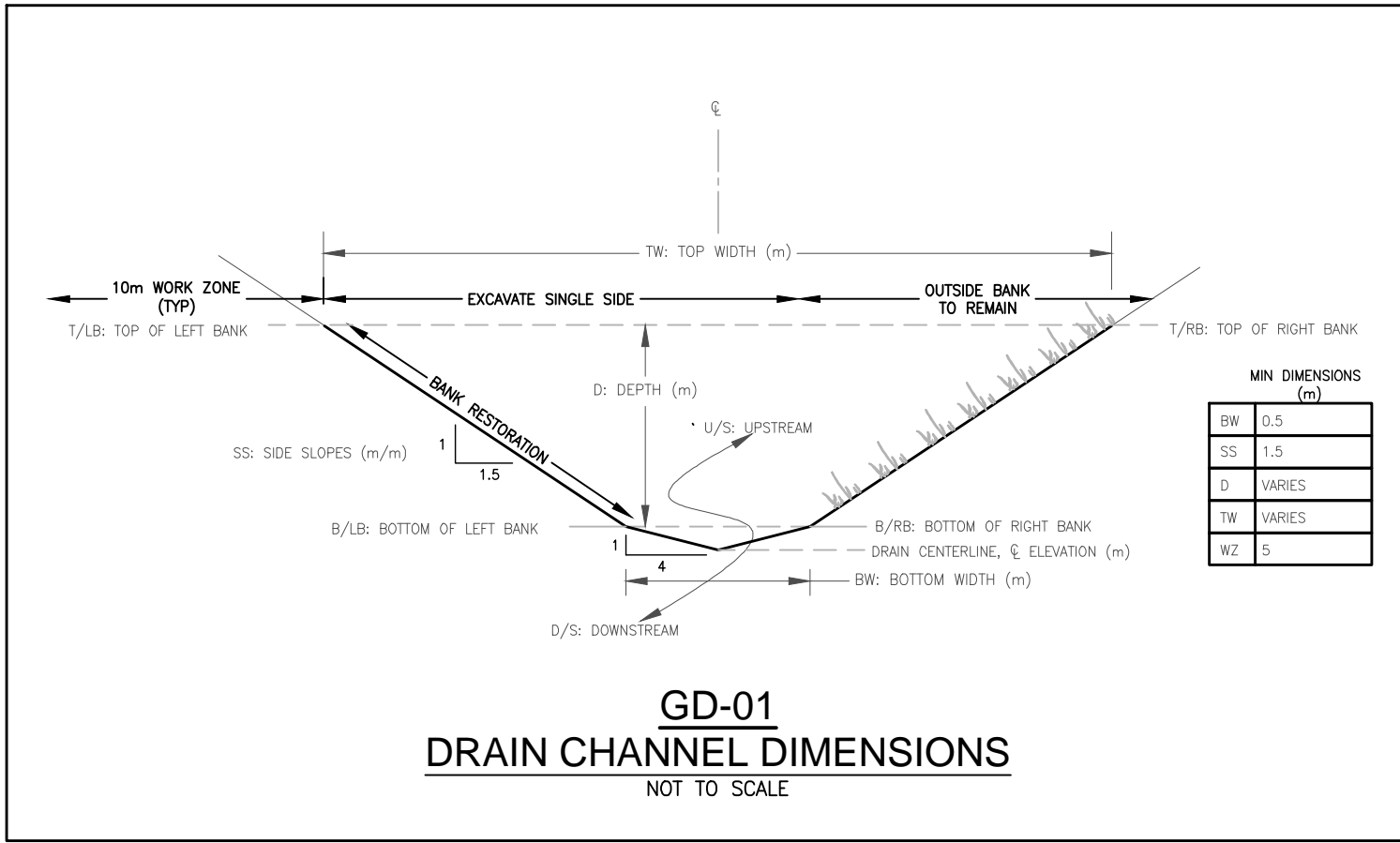
MICHENER MUNICIPAL DRAIN SPECIFIC DETAIL

CITY OF PORT COLBORNE

Paul C. Marsh, P.Eng. Principal Engineer
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84 Main Street, Unionville, Ontario
L3R 2E7
647.400.2824 www.ewaeng.com

DRAWN BY : DAC	APPROVED BY : PCM	PROJECT NO. : 189399	DRAWING NO. : M.SD-05
DESIGNED BY : PCM	DATE : 06-May-20	SCALE : AS SHOWN	

Page 403 of 460



MICHENER MUNICIPAL DRAIN GENERAL DETAILS

CITY OF PORT COLBORNE

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905-485-3524
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PROFESSIONAL ENGINEER
PAUL C. MARSH
May 07, 2028
PROVINCE OF ONTARIO

DRAWN BY : DAC	APPROVED BY : PCM	PROJECT NO. : -	DRAWING NO. : M.GD
DESIGNED BY : PCM	DATE : 06-May-20	SCALE : N/A	

Appendix B: Specifications

SPECIAL PROVISIONS - MUNICIPAL DRAIN

I N D E X

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	A2	ENVIRONMENTAL CONDITONS AND COMPLIANCE.....	2
	A3	CONSTRUCTION LAYOUT	2
	a)	Stakes	3
	b)	Project Signage.....	3
	A5	INSTALL AND MAINTAIN SEDIMENT CONTROL DEVICES	3
	a)	SILT FENCE.....	3
	b)	SEDIMENT BASINS	3
	A6	ACCESS & NOTICE	4
	B1	EARTH EXCAVATION	4
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	a)	Vegetation Removal	5
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	d)	Line	5
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	f)	Excavation Through Woodlots	6
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	j)	Tile Outlets.....	7
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	B4	HAND LAND RIP RAP WITH FILTER CLOTH.....	9
	C1	COMPLETION.....	9
	C2	AS-CONSTRUCTED DOCUMENTATION	9

A1 ROLES

The Contractor is responsible for the construction site including all approvals required for compliance with applicable legislation not already completed by the City of Port Colborne.

The City of Port Colborne, who is further recognized as The Owner, shall be responsible party for allocation of resources in support of construction where required, such as road occupancy permits during construction.

The Drainage Engineer or the Drainage Superintendent shall supervise construction and the Drainage Engineer, Drainage Superintendent or their representative shall respond to any requests by the Contractor and identify any deficiencies between the Contractor's work and the Design documents.

The Drainage Engineer is the responsible designer and will provide technical direction to the Contractor on an as needed and as requested basis from the Drainage Superintendent or their representative.

A2 ENVIRONMENTAL CONDITIONS AND COMPLIANCE

The Contractor is wholly responsible for the site environmental conditions, compliance with applicable approvals and existing legislation. The Owner will facilitate environmental approvals, but the Contractor shall control the site and be the responsible party for all construction activities.

General requirements to be fulfilled by Contractor:

- a) Department of Fisheries and Oceans, DFO.
Requirements to protect Fish and Fish habitat.
- b) Endangered Species Act, 2007 ONTARIO REGULATION 230/08
<https://www.ontario.ca/page/species-risk>
- c) Ontario Water Resources Act, R.S.O. 1990, c. O.40
- d) On-Site and Excess Soil Management, 2019 ONTARIO REGULATION 406/19 Environmental Protection Act
- e) O. Reg. 675/98: Classification and Exemption of Spills and Reporting of Discharges, Environmental Protection Act, R.S.O. 1990

Any other legislation applicable to the jurisdiction of the works.

A3 CONSTRUCTION LAYOUT

Conditions stipulated in the Niagara Peninsula Standard Contract Document also apply. Failure to comply with these conditions will result in a reduction in payment to this item.

a) Stakes

Contractor is responsible for setting any layout, alignment or grade control stakes required for construction. A Stake shall be placed to mark every cross-section grade and a second stake shall be placed to mark the limits of the Working Zone. Work Zone Stake shall be 4' wooden stake painted red at the top of the stake. Grade stake shall be placed at the Work Zone Top of Bank. X-Section stakes shall be placed at a maximum spacing of 25m. A recommended spacing shall coincide with the Profile drawings. Prior to the start of Construction, the Contractor will stake and identify the difference between the existing grade and the design grade. The Drainage Engineer shall review the stakes and the measurement of the soil to be removed. Post Construction, the Contractor shall remove all stakes.

b) Project Signage

The Contractor is responsible for the installation and removal of all construction signage and is responsible for daily maintenance of all signage throughout the contract.

A5 INSTALL AND MAINTAIN SEDIMENT CONTROL DEVICES

In addition to the conditions stipulated in the Niagara Peninsula Standard Contract Document and OPSS 577, the following shall also apply:

a) SILT FENCE

Silt fence is to be placed prior to disturbing soil adjacent to the drain that could be carried by runoff into the drain. This excludes the area of the drain where The Contractor is working to re-establish Drain grade and cross-section. It includes areas adjacent to the drain impacted by clearing and grubbing for work access.(missing is a description of where a silt fence is to be placed. How frequently across the drain.)

Silt fence shall be installed in accordance with OPSD 219.190 except that the minimum height above the invert of the drain shall be 500 mm. Silt fence materials shall be in accordance with OPSS 577.05.02.02 for geotextile and OPSS 577.05.03 for stakes. Stakes shall be 1.5 m minimum height.

The silt fence shall remain in place for the duration of the section that the Contractor is working and the Contractor shall make every effort to maintain it throughout the project. The Contractor shall request Approval from the Engineer or the Drainage Superintendent for the removal of the silt fence once each section of the drain is complete. Prior to the removal of the silt fence, the accumulated silt shall be removed and leveled adjacent to the drain in accordance with the disposal of excavated material section.

b) SEDIMENT BASINS

Sediment basins have been provided along the length of the drain in an effort to minimize the transport of sediment. The Contractor shall construct the sediment basins in accordance with the construction drawings in the locations indicated. Relocation of sediment basins can only be undertaken upon approval of the Engineer.

Michener Drain

The Sediment basin is to be constructed prior to the upstream work and shall be monitored during construction for sediment accumulation and sediment removed if the basin has more than 50% of the 0.5m depth occupied with sediment. Once the upstream work is complete, the Sediment basin shall be converted from Construction to Final as per the Design Detail Drawings. Sediment accumulated during construction shall be removed and disposed of in the manner directed by the Contract.

A5 PAYMENT; For progress payment, fifty (50) percent of the lump sum price will be paid upon installation with the balance to be paid with the final payment.

A6 ACCESS & NOTICE

The City of Port Colborne's Drainage Superintendent or designate shall provide affected landowners with notice of the commencement of construction.

It will be the Contractor's responsibility to inform the various businesses and residences of daily construction impacts in order to reduce/eliminate any problems with parked vehicles that may interfere with their operations. Ingress & egress to the abutting businesses and residences must be maintained at all times.

The Contractor shall advise the Police Department, Fire Department and Niagara Emergency Medical Service on a daily basis, with current status of the construction as it pertains to the passage of traffic within the contract limits.

The Contractor will co-ordinate with local transit to ensure minimum interruption to bus schedules. Transit, school buses and garbage and recycling service vehicles will be given priority to maintain their schedule.

The Contractor shall also maintain/provide existing pedestrian access at all times to the businesses and residents during all phases of construction in an acceptable manner.

A6 PAYMENT; Payment as a lump sum bid for this item shall be full compensation for all labour, equipment and materials necessary to meet the above requirements. Fifty (50) percent of the lump sum price will be paid on the first payment certificate. The balance will be prorated over the remainder of the working period.

B1 EARTH EXCAVATION

Work under this item shall include the supply of all labour, equipment and materials required for ditch excavation or any other type of excavation or earth work as outlined on the Contract Drawings. Ditch work involves clearing, excavation, leveling, and seeding as required. Specifications and information on the Contract Drawings shall take precedence over the standard specifications outlined below. The specifications below shall take precedence over the Niagara Peninsula Standard Contract Document Special Provisions B2.

B2 CONSTRUCTION

a) Vegetation Removal

All trees, brush, fallen timber and debris shall be moved from the ditch cross-section and to such a distance on each side to eliminate any interference with the spreading of the spoil. The roots shall be left in the banks if no bank excavation is required as part of the new channel excavation. In wooded or heavily overgrown areas all cleared material may be pushed into piles or rows along the edge of the cleared path and away from leveled spoil. All dead trees along either side of the drain that may impede the performance of the drain if allowed to remain and fall into the ditch, shall be removed prior to excavation and put in piles, unless directed otherwise by the Engineer.

Any tree removed will be offered as wood to the property owner in the form of logs from the trunk where they lay and to be moved from the site by the owner at their expense. Tree tops shall be cut and limbs stacked as piles adjacent to the drain and within the work zone.

b) Excavation

The bottom width and the side slopes of the ditch shall be as shown on the profile(s) and/or cross-sections on the Contract Drawings. Side slopes are normally one and one-half metre horizontal to one metre vertical (1.5:1) unless otherwise noted on the Contract Drawings. If a bottom width is not specified then any excavation required shall be from the bottom of the ditch without disturbing the bank slopes subject to the clearing of brush required as described in a).

c) Profile

The profile(s) on the Contract Drawings show the depth and grade for the drain improvements. The description and elevation of benchmarks that were established during the survey are shown on the profile(s) in the location for each benchmark.

d) Line

The drain shall follow the course of the existing channel and/or shall be constructed in a straight line as outlined on the Contract Drawings. A uniform grade shall be maintained in accordance with the profile(s). A variation of one hundred millimeters (100mm) above the required grade will require the Contractor to remedy the grade to that given on the profile. The Contractor may be required to backfill any portion of the ditch that is excavated more than two hundred millimeters (200mm) below the required grade. All curves shall be made with a minimum radius of fifteen metres (15m).

e) Excavated Material

Excavated material (spoil) shall be deposited on either or both sides of the drain as directed on the Contract Drawings. Spoil upon excavation shall be placed a minimum one (1) metre back from the top of the bank, either existing or new. No excavated material shall be placed in tributary drains, depressions, or low areas, which direct or channel water into the ditch so that no water will be trapped behind the spoil bank. The excavated material shall be placed and leveled to a maximum depth of three hundred

millimeters (300mm); unless otherwise instructed. The edge of the spoil bank away from the ditch shall be feathered down to existing ground. The edge of the spoil bank nearest the ditch shall have a maximum slope of 2:1. The material shall be leveled such that it may be cultivated with ordinary equipment without causing undue hardship on farm machinery and farm personnel. Wherever clearing is necessary prior to leveling, the Contractor shall remove all stumps unless the Contract Drawings specify that stumps can be covered with the leveled spoil. No excavated material shall cover any logs, brush or rubbish of any kind. Large stones or boulders in the leveled spoil that are heavier than fifteen kilograms (15kg or approximately 300mm in size roughly referred to as man stone or the size of a stone that a single person can carry.) shall be moved to the edge of the leveled spoil nearest to the ditch but in general no closer than one metre (1) to the top of bank.

Where it is necessary to straighten any unnecessary bends or irregularities in the alignment of the ditch or to relocate any portion of an existing ditch, the excavation from the new cut shall be used for backfilling the original ditch. Regardless of the distance between the new ditch and old ditch, no extra compensation will be allowed for this work. If the Contractor obtains written permission from an affected landowner stating that the owner does not wish the spoil to be leveled and such is approved by the Engineer, the Engineer may release the Contractor from the obligation to level the spoil. If spoil is not leveled that was to be leveled as part of the Contract, the Engineer shall determine the credit to be applied to the Contractor's payment. No additional compensation is provided to the owner if the spoil is not leveled.

If the affected landowner requests that the spoil be removed from the site instead of being spread adjacent to the drain within the work zone or that the grading requirement is to a higher standard than suitable for agricultural cultivation, then the Contractor shall provide trucking of the spoil including disposal at a suitable site or additional grading and shall provide the Drainage Superintendent with the specific costs for each landowner who requests such work. The Engineer shall assess the cost of the trucking of spoil to the landowner making such request.

The Engineer may require the Contractor to obtain written statements from any or all of the landowners affected by the leveling of the spoil. A written statement from the owners indicating their complete satisfaction with the leveling of the spoil is sufficient to comply with this specification. The final decision, with respect to leveling of the spoil, shall be made by the Engineer.

f) Excavation Through Woodlots

The Contractor shall minimize disturbance through woodlots by reducing the limit of excavation to the bottom width of the drain and a minimum side slopes. The drain shall be routed around existing trees at the direction of the Drainage Superintendent or where requested by the Engineer.

Prior to performing work through a woodlot, the Contractor in coordination with the Drainage Superintendent shall mark all trees for preservation or removal within the Drain or Workzone. This mark will consist of a physical identification that will be easily

understood by the landowner and consist of either colour ribbons or specific paint markings (green to keep, red mark of an 'X' for removal).

g) Excavation at Bridge and Culvert Sites

The Contractor shall excavate or clean through all bridges and culverts to match the grade line and the downstream channel cross-section. Bridges that span from bank to bank may be carefully removed to permit excavation below the bridge and then replaced to original condition. Permanent bridges must be left intact. All necessary care and precautions shall be taken to protect the structure. The Contractor shall notify the Engineer before completing excavation in the area of a bridge or culvert if the excavation will expose the footings or otherwise cause bridge instability.

Where the invert of any pipe culvert is above the grade line, the Contractor will be required to remove the culvert, clean and relay it, so that the invert of the culvert is one hundred and fifty millimetres (150mm) below the grade for the ditch bottom at this location.

h) Obstructions

In all cases, the Contractor shall ensure that the finished drain is clear of obstructions to flow. The contractor will ensure that trunks are cut flush and that any debris or snags are removed as part of the bid price.

i) Fences and private furniture or equipment

The contractor will use the identified work zone for access and shall restore any fences to an equivalent or better condition than before construction. Where possible the Contractor shall preserve existing fences, private equipment and furniture in place but where it must be moved, the Contractor shall in all cases restore to a like or better condition than existed before construction.

j) Tile Outlets

The location of all existing tile outlets may not be shown on the profile for the drain. The Contractor shall contact each owner and ensure that all tile outlets are marked prior to commencing excavation on the owner's property. If a marked tile outlet is damaged during, or altered due to construction, the Contractor shall repair or replace the damaged or altered outlet as part of the Contract. If an existing outlet pipe does require replacement the Contractor shall confirm the replacement outlet pipe with the Engineer. All tile outlets identified are considered part of the bid work.

Additional payment will be allowed for the repair or replacement of any unmarked tile outlets encountered during excavation. Where stone or concrete riprap protection exists at any existing tile outlet such protection shall be removed and replaced as necessary to protect the outlet after reconstruction of the channel.

If any outlet becomes plugged as a result of construction, the Contractor shall be obligated to free such outlet of any impediments. Where any damage results to tile

leading to and upstream of the outlet, as a consequence of such construction, the Engineer may direct the Contractor to repair such tile and shall determine a fair compensation to be paid to the Contractor for performing the work.

B3 INSTALLATION OF NEW CULVERT

Work under this item shall include the supply of all labour, equipment and materials required for supply and installation of culverts as outlined on the Contract Drawings. The Niagara Peninsula Standard Contract Document Special Provision B7 shall apply but the specifications and information on the Contract Drawings shall take precedence over Special Provision B7.

Payment shall be as per Plan Quantity.

The size and material for any new ditch crossings shall be as specified on the Contract Drawings. Any crossings assembled on-site shall be assembled in accordance with the manufacturer's specifications for on-site assembly.

Where a new crossing replaces an existing crossing the following shall apply:

If directed on the drawings that the existing crossing is to be salvaged for the owner the Contractor shall carefully remove the existing crossing and leave along the ditch or haul to a location as specified on the Drawings.

If the existing crossing is not to be saved then the Contractor shall remove and dispose of the existing crossing. Disposal by burying on-site is not permitted.

All new pipe crossings shall be installed a minimum of 100mm below design grade (not as-constructed grade) or at the invert elevations as specified on the Drawings. If the ditch is over excavated greater than 200mm the Contractor shall confirm with the Engineer the elevations for installation of the new pipe crossing.

When an existing crossing is being replaced the contractor shall save all granular and riprap. New crossings can be backfilled with compacted on-site native material that is free of large rocks or stones. Contractor responsible for any damage to a culvert pipe as a result of rocks or stones in the backfill.

All new crossings shall have a minimum 6m laneway width and end slopes shall be at 1:1 slope or flatter. Finished crossing elevation shall provide a minimum of 300mm cover. Finished crossing surface shall be a minimum 150mm depth of Granular A for the minimum 6m width and extending from top of bank to top of bank using salvaged granular or imported granular as required.

Installation of private crossings during construction must be approved by the Engineer before the culvert is installed.

Where riprap protection is called for at either or both ends of a new culvert, such riprap shall be in accordance with Special Provision B4.

Payment will be based on plan quantity.

Riprap to be adequately keyed in along the bottom of the slope. Riprap to extend to top of pipe or as directed on the Drawings. No riprap is required in the ditch bottom on the upstream side of a crossing. If riprap is required in the ditch bottom on the downstream side of a crossing it shall be specified on the Drawings. Any new end face slope not protected by riprap shall be seeded as per specifications for ditch bank seeding.

B4 HAND LAND RIP RAP WITH FILTER CLOTH

Rip rap complete with filter fabric underlay (geotextile) shall be placed by the Contractor at the locations shown on the drawing or as requested by the Drainage Superintendent. Rip rap shall consist of 200 – 250 mm dia. stones (min.) and shall be placed at 300 mm minimum thickness. Along upstream edges, where surface water will enter the drain, the underlay shall extend a minimum of 300 mm upstream from the rip rap and be keyed into the soil a minimum of 300 mm. The finished elevation of the rip rap shall be at design elevation or flush with the ground.

Work under this item shall include the supply of all labour, equipment and materials required for placing riprap as outlined on the Contract Drawings. The Niagara Peninsula Standard Contract Document Special Provision B20 shall apply but the specifications and information on the Contract Drawings shall take precedence over Special Provision B20.

Payment shall be as per Plan Quantity.

C1 COMPLETION

At the time of final inspection, all work in the contract shall have the full dimensions and cross-sections specified.

PAYMENT; Payment is for all work complete on the basis of a measured linear distance inclusion of all items identified above. Where a culvert is removed and reinstalled, compensation shall be in the form of a per each payment. Where a tile is discovered and constructed as an outlet, compensation will be in the form of a per each payment for tile outlets repaired.

C2 AS-CONSTRUCTED DOCUMENTATION

For the 'as-constructed' works, the Contractor must provide the City of Port Colborne with an electronic version of the final drainage works as surveyed post construction, to be imported into AutoCAD or GIS. This copy must confirm that the design grade and cross-section details for all drainage work and the invert elevations and lengths for all culverts complies with the Engineer's Report. Survey spacing shall be to a minimum of 25m.

All work must be in an acceptable electronic format that the City of Port Colborne can use and all work must be completed using the verified geodetic benchmarks. The submission of the As-Constructed works will be in a common delimited format having the form as follows:

Numeric key, Northing, Easting, Elevation, Coded identifier & optional description
For the coded identifiers, the City of Port Colborne will provide a table for reference along with an example file from a past project for comparison. The City will certify the as-constructed files with respect to their completeness.

Michener Drain

Failure to provide a certified as-built file will result in the delay of substantial completion and/or contract completion. In the event that the contractor asks the City to perform the AS CONSTRUCTED SURVEY, then payment for the lump sum item is negated.
A4 PAYMENT; Payment in full at the lump sum bid price for this item shall be made only upon completion and approval by the Contract Administrator.

Appendix C:

Cost Estimates & Assessment Tables

Michener Municipal Drain
City of Port Colborne
Regional Municipality of Niagara

Section 78 and Section 4 Works under the Municipal Drainage Act.

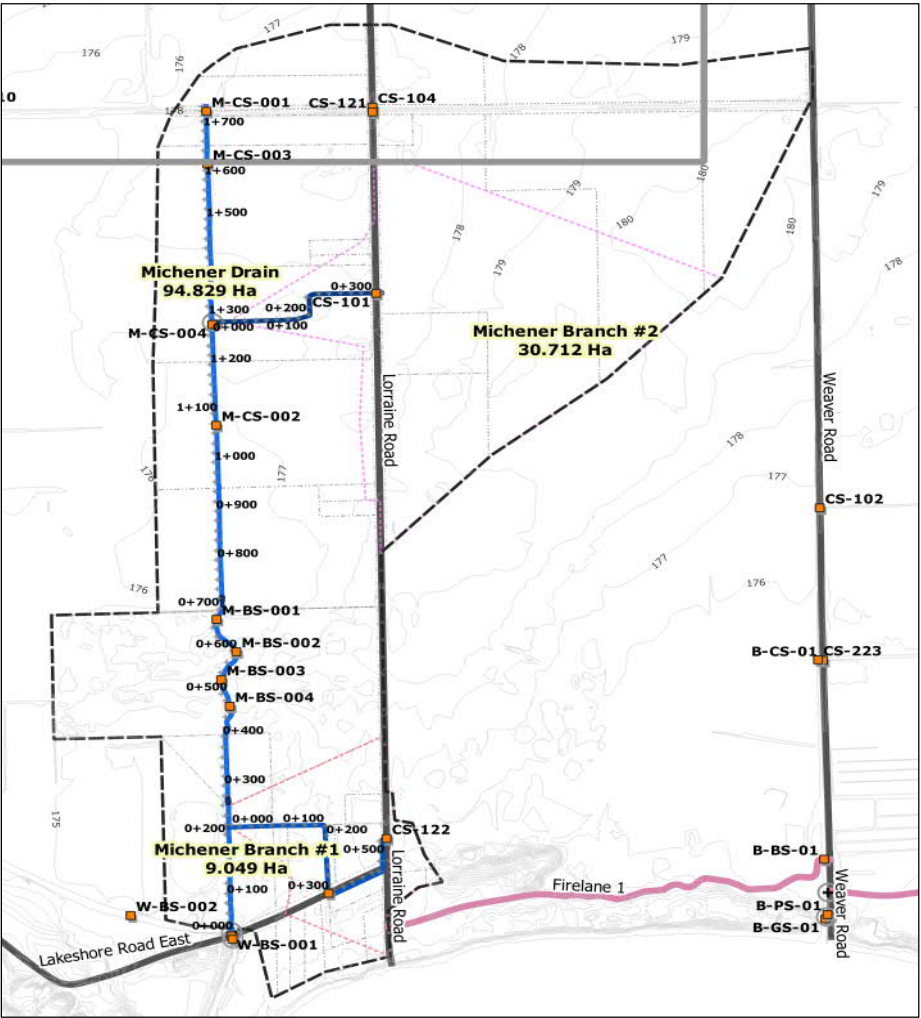
Item		Drainage Assessment		Costs	
1		Summary Cover page			
2	Estimated Construction Costs				
	Michener Branch Drain #1	\$	30,271.50		
	Michener Branch Drain #2	\$	3,325.00		
	Michener Drain	\$	32,147.50		
	Michener General Construction Costs	\$	14,968.00		
	Michener Contingency	\$	13,148.80		
	Estimated Cost of Construction		\$	93,860.80	
3	Previous Construction Works Completed but not Assessed				
	None Identified				
	Previous Construction, (Prior to 2018)				\$0.00
4	Eligible Administration Costs				
	Engineering	\$	87,990.88		
	Administration Cost Allocations	\$	-		
	Allocating Admin costs to each catchment for Section 23				
Ha Ratio	Ha				
0.067	9.049 Michener Branch Drain #1	\$	5,915.96		
0.228	30.712 Michener Branch Drain #2	\$	20,078.58		
0.705	94.829 Michener Drain	\$	61,996.34		
	Administration Costs		\$	87,990.88	
5	Drain Allowances				
	Michener Branch Drain #1	\$	5,903.25		
	Michener Branch Drain #2	\$	7,904.90		
	Michener Drain	\$	3,361.49		
	Allowances		\$	17,169.64	
	Forecasted Total Drain Costs		\$	199,021.32	
6	Benefit Assessment (Section 22)				
	Michener Branch Drain #1	\$	3,673.00		
	Michener Branch Drain #2	\$	4,845.00		
	Michener Drain	\$	-		
	Total - Benefit Assessment (Section 22)		\$	8,518.00	
7	Outlet Liability Assessment (Section 23)				
	Michener Branch Drain #1	\$	29,827.28		
	Michener Branch Drain #2	\$	26,463.48		
	Michener Drain	\$	119,512.13		
	Total - Outlet Liability Assessment (Section 23)		\$	175,802.89	
8	Special Benefit Assessment (Section 24)				
	Michener Branch Drain #1	\$	-		
	Michener Branch Drain #2	\$	-		
	Michener Drain	\$	6,110.00		
	Total - Special Benefit Assessment (Section 24)		\$	6,110.00	
9	Special Assessments (Section 26)				
	Michener Branch Drain #1				
	City of Port Colborne	\$	6,590.43		
	Enbridge	\$	2,000.00		
		\$	8,590.43		
	Michener Branch Drain #2				
	City of Port Colborne		\$0.00		
	Michener Drain				
	City of Port Colborne		\$0.00		
	Total - Special Assessments (Section 26)		\$	8,590.43	
			\$	199,021.32	

10 Drain Assessment Summary Table

Prepared by: _____

Dated: _____

Assessment Schedule Balance:
Paul C. Marsh, P.Eng.



Michener Municipal Drain
City of Port Colborne
Regional Municipality of Niagara

Proposed Construction - Cost Estimate

Michener Branch #1

					Linear, Each or Lump Sum						
Cost ID:	From STA	To STA	Work	Description	Cost Type	Length	\$/m	Qty	/each	\$	Notes
M1-11	0+000	0+177	Remove Vegetation, Clear and Grade to Design Grade Line	Perform work from the South Side	Linear	177	\$15			\$ 2,655.00	
M1-12	0+177		Catch Basin, CB-01 Construct to Grade and match outlet with grate to channel		Lump Sum			1	\$ 2,200.00	\$ 2,200.00	
M1-13	0+177	0+305	Combined Swale and 150mm Perforated PE Drainage Pipe		Linear	67	\$ 45.00			\$ 3,015.00	
M1-14	0+305	0+305	Catch Basin, CB-02		Lump Sum			1	\$ 1,850.00	\$ 1,850.00	
M1-15	0+302		Enbridge Gas Line Protection during construction and lowering if required.		Lump Sum			1	\$ 2,000.00	\$ 2,000.00	
M1-16	0+305	0+323.8	400mm Drainage Pipe, CSA 182.2-11 (existing) 200mm PE Tile with Sock	Crossing Lakeshore Rd. E (already installed no cost estimate shown); Tile crossing from CB-02 to CBDI-03	Linear	18.8	\$ 55.00	1	\$ 750.00	\$ 1,784.00	roadway crossing backfill with non-shrink material
M1-17	0+323.8		CBDI-03, Ditch Inlet with GA bar screen as per OPSD 403.010		Lump Sum			1	\$ 2,050.00	\$ 2,050.00	
M1-18	0+049	0+109	150mm Perforated PE Drainage Pipe	excludes ROW re-grading by CofPC		60	\$ 45.00			\$ 2,700.00	backfill with native material.
M1-19	0+049		CO-06, PE Clean out access chamber with Dome Drain for cleaning access.		Lump Sum			1	\$ 1,500.00	\$ 1,500.00	
M1-20	0+109	0+223	150mm Perforated PE Drainage Pipe	Excludes ROW re-grading by CofPC		114	\$ 45.00			\$ 5,130.00	Road edge backfill with non-shrink material.
M1-21	0+233		Catch Basin, CB-04		Lump Sum			1	\$ 2,000.00	\$ 2,000.00	
M1-22	0+233	0+244.5	150mm Perforated PE Drainage Pipe	Crossing Lakeshore Rd. E Tile crossing		11.5	\$ 55.00	1	\$ 750.00	\$ 1,382.50	roadway crossing backfill with non-shrink material
M1-23	0+244.5		DI-03, Ditch Inlet with grate	Rip Rap end treatment with grate	Lump Sum			1	\$ 1,000.00	\$ 1,000.00	
M1-24	0-177	0+244	Remove Vegetation, Clear working zone	As - directed by Drainage superintendent. Re-seeding to original or better.	Linear	67	\$ 15.00			\$ 1,005.00	re-grade excess material from trenching.
M1-25			Road side swales re-grading							\$ -	Cost covered by CofPC.
SubTotal for: Michener Branch #1										\$ 30,271.50	

Michener Branch #2

					Linear, Each or Lump Sum						
Cost ID:	From STA	To STA	Work	Description	Cost Type	Length	\$/m	Qty	/each	\$	Notes
M2-3	0+000	0+125	Remove Vegetation, Clear and Grade to Design Grade Line	Perform work from the North side	Linear	125	\$ 15.00			\$ 1,875.00	
M2-4	0+125	0+200	existing channel and pond to remain as is.		No cost						
M2-5	0+200	0+345	Selective Vegetation removal and bank stablization.	Spot removals from South side	Linear	145	\$ 10.00			\$ 1,450.00	
SubTotal for: Michener Branch #2										\$ 3,325.00	

Michener Drain

					Linear, Each or Lump Sum						
Cost ID:	From STA	To STA	Work	Description	Cost Type	Length	\$/m	Qty	/each	\$	Notes
M-1	1+286	1+710	Remove Vegetation, Clean and Grade to Design Grade Line	Perform work from the East side of the Drain.	Linear	424	\$ 15.00			\$ 6,360.00	
	1+612		Re-place existing culvert	M-CS-003, existing culvert to be improved by replacement.	Lump Sum			1	\$ 1,500.00	\$ 1,500.00	
M-2	0+690	1+286	Remove Vegetation, Clean and Grade to Design Grade Line	Perform work from the East side of the Drain.	Linear	591	\$ 15.00			\$ 8,865.00	
M-6a	0+700	0+710	Construct Farm Crossing culvert.	This is a combination flow detention berm and farm crossing. The culvert is sized to pass the 1 year design flow while detaining higher flows to then overflow the crossing as a broad crested weir.	Lump Sum			1	\$ 2,500.00	\$ 2,500.00	
M-6a	0+710		Construct Sediment Basin upstream of culvert	Remove material and dispose by spreading adjacent to the drain. Sediment Basin constructed in coordination with culvert crossing and prior to commencing work upstream.	per m + per m2	8	\$ 50.00	40	\$ 55.00	\$ 2,600.00	
M-7	0+407.5	0+690	Re-store Grade to design Grade Line		Linear	282.5	\$ 15.00			\$ 4,237.50	
M-8	0+593		Replace ex. Culvert with properly sized 750mm 2W smooth PE culvert - 3m	M-BS-002 replace with new.	Lump Sum			1	\$ 1,500.00	\$ 1,500.00	
M-9	0+260	0+250	Construct Sediment Basin at STA 2+400 as per Design and GD-10.	Remove material and dispose by spreading adjacent to the drain. Sediment Basin constructed prior to commencing work upstream.	per m + per m2	10	\$ 50.00	52	\$ 55.00	\$ 3,360.00	
M-10	0+000	0+075	Spot tree removal	Remove between top of bank to top of bank that are reducing outlet flow.	each			35	\$ 35.00	\$ 1,225.00	
SubTotal for: Cost ID:										\$ 32,147.50	

Construction Mgmt Michener Drain

					Linear, Each or Lump Sum						
Cost ID:	From STA	To STA	Work	Description	Cost Type	Length	\$/m	Qty	/each	\$	Notes
			Bonding	Construction Security	% of Constr \$					\$ 1,972.32	
			Environmental Management - Compliance with legislative requirements	Preparation of Environmental Management Plan - Exclusions for SAR incidents that require on site expertise.	Lump Sum					\$ 2,500.00	Program budget - actual cost will vary
			Erosion Control During construction - including conversion of sediment ponds to permanent drain features		Lump Sum					\$ 3,500.00	Program budget - actual cost will vary
			Construction Management	Traffic Control, Layout, and all compliance items for submission on construction startup.	% of Constr \$					\$ 8,218.00	Budget, 12.5% of construction
			Tree Replacement Program	Where private trees are removed for the drain and in lieu of compensation a 2 for 1 tree planting program is available for owners.	Each			15	50	\$ 750.00	Program budget - actual cost will vary

SubTotal for: Construction Mgmt Michener Drain \$ 14,968.00

SubTotal for: Michener Drain \$ 80,712.00
Contingency Allowance, (20%) \$ 13,148.80
Cost of Construction: \$ 93,860.80

Michener Municipal Drain
City of Port Colborne
Regional Municipality of Niagara

Administration Costs

	Area, Ha	Area Ratio
Michener Drain Area	135	12.02%
Port Colborne Drain Area	345	30.78%
Wignell Drain Area	641	57.20%
	1120	

Categories		Costs	Cost Items	Sub-totals, \$	Totals, \$
ADMINISTRATION					
	Interim Financing Allowance				0
	Legal and Permitting Fees				0
	Expenses, where applicable				0
	Applicable Taxes				0
Total - ADMINISTRATION				\$	-
ENGINEERING					
	Preliminary Design and Report				0
	Survey, Design, Plans, Engineer's Report and Assessment Schedule (Wiebe)*1				
		Survey; \$8,342.93	\$	1,002.81	
		Report Preparation; \$83,533.94	\$	10,040.66	
	Survey, Design, Plans, Engineer's Report (AMEC)*2				
		3-561-33229; 2012 to 2014; \$67,147.23	\$	8,071.00	
	Survey, Design, Plans, Engineer's Report and Assessment Schedule (EWA)				
		Design Services	\$	45,480.00	
		Change Orders	\$	13,948.00	
		Portion of Expenses	\$	1,514.04	
		Portion of Project Mgmt	\$	4,434.38	
	Sub-total: Survey, Design, Plans, Engineer's Report and Assessment Schedule (EWA)			\$	84,490.88
	Tribunal Costs (not estimated and assumed to be zero)				0
	Tendering, and contract agreements (estimated)			\$	3,500.00
Total - ENGINEERING				\$	87,990.88
TOTAL ADMINISTRATION AND ENGINEERING				\$	87,990.88

*1 Wiebe Engineering was appointed as the Drainage Engineer by Council with an approved budget. The firm declared bankruptcy after having been paid for a portion of the work. This is the amount originally paid and not recovered.

*2 AMEC was appointed as the Drainage Engineer by Council in 2013, assuming work already completd by Wiebe and with an approved budget. After having been paid for 70% of the work, the company refused to complete the project without additional funds being allocated. The contract was cancelled. This is the fee for service paid for partially completed work on the drain.

Michener Municipal Drain
City of Port Colborne
Regional Municipality of Niagara

Allowances
Michener Branch #1

Land and Rights of Way											Work Zone			Damages			For Existing Drain			Insufficient Outlet		Loss of Access	
Owner	Legal Text	Roll No	ARN ABBREV	Area Ha	Length m	Top Width	Section 29 Allowance			Work Access	Length m	Section 30 Allowance		Section 31 Allowance				Section 32 Allowance	Section 33 Allowance	Total of Allowances			
							Area, Ha	\$	\$			Area, Ha	\$	\$	From STN	To STN	Length, m				\$	\$	\$
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP;59R8112 PAR	271104000404700	404700	2.176	97.0	2.50	0.0243	\$	599.23	\$	-	135.0	0.135		0	95.6	\$	478.00			\$1,077.23		
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	404500	1.201	126.0	3.00	0.0378	\$	934.06	\$	311.35	126.0	0.126		0	126	\$	630.00			\$1,875.41		
					69.0	2.65	0.0183	\$	451.83	\$	170.50	69.0	0.069		0	69	\$	345.00			\$967.33		
City of Port Colborne	Lakeshore Rd. East ROW		ROW	0.556			0.0000						0.000		0		\$	-			\$0.00		
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	404600	0.848	0.0	0.00	0.0000	\$	-			0.0	0.000	\$	-	0	\$	-			\$0.00		
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	404303	0.729	80.0	3.00	0.0240	\$	593.05	\$	197.68	80.0	0.080		0	80	\$	800			\$1,590.74		
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	318100	0.560			0.0000						0.000		0		\$	-			\$0.00		
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	417902	0.517			0.0000										\$	-			\$0.00		
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	404601	0.405			0.0000										\$	-			\$0.00		
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	400200	0.357			0.0000										\$	-			\$0.00		
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	400100	0.295			0.0000										\$	-			\$0.00		
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	314500	0.289			0.0000										\$	-			\$0.00		
LEON JOHN	CON 1 PT LOT 21	271104000404400	404400	0.205	28.0	2.65	0.0074	\$	183.35	\$	69.19	28.0	0.028		0	28	\$	140			\$392.54		
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	400102	0.134			0.0000										\$	-			\$0.00		
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	400101	0.122			0.0000										\$	-			\$0.00		
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	314300	0.071			0.0000										\$	-			\$0.00		
MATHESON GARY	CON 1 PT LOT 21	271104000400400	400400	0.042			0.0000										\$	-			\$0.00		
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	318010	0.012			0.0000										\$	-			\$0.00		
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	400300	0.000			0.0000										\$	-			\$0.00		
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW		0.689																			
				8.519					\$	3,510.25				\$	-		\$	2,393.00	\$	-	\$	-	
																					\$5,903.25		

Michener Branch #2

Land and Rights of Way																			Work Zone			Damages			For Existing Drain			Insufficient Outlet		Loss of Access	
Owner	Legal Text	Roll No	ARN ABBREV	Area Ha	Length m	Top Width	Section 29 Allowance		Work Access	Length m	Section 30 Allowance		Section 31 Allowance			Section 32 Allowance	Section 33 Allowance	Total of Allowances													
							Area, Ha	\$			\$	From STN	To STN	Length, m	\$				\$	\$											
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	318010	5.108								0						\$0.00													
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	314600	3.545					\$ -			0						\$0.00													
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	405200	2.799	337.0	1.900	0.0640	\$ 1,582.21	\$ 931.59	377	0.377	\$ 1,621.10	0	377	377	\$ 3,770		\$7,904.90													
NERO FELICE	CON 1 PT LOT 20	271104000318000	318000	2.431					\$ -			0						\$0.00													
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	317900	14.499					\$ -			0						\$0.00													
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW	ROW	1.380					\$ -			0						\$0.00													
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	405100	0.554					\$ -			0						\$0.00													
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	405300	0.154					\$ -			0						\$0.00													
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	405400	0.096					\$ -			0						\$0.00													
	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND								\$ -			0						\$0.00													
BANKERT DAVID ROY		271104000314700	314700	0.075								0																			
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	405000	0.058					\$ -			0						\$0.00													
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	405500	0.012					\$ -			0						\$0.00													
				30.712					\$ 2,513.80	\$ 1,621.10			\$ 3,770.00			\$ -	\$ -	\$ -	\$7,904.90												

Michener Drain

* Section 30 Allowance for damages are based on construction impacts (damages) to cultivated fields only. Actual allowance to be calculated by site impact post construction.

Land and Rights of Way										Work Zone		Damages		For Existing Drain			Insufficient Outlet	Loss of Access	
Owner	Legal Text	Roll No	ARN ABBREV	Area Ha	Length m	Top Width	Section 29 Allowance		Work Access	Length m	Section 30 Allowance		Section 31 Allowance		Section 32 Allowance	Section 33 Allowance	Total of Allowances		
							Area, Ha	\$			\$	Area, Ha	\$	From STN				To STN	Length, m
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	314300	0.071														\$0.00	
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	314500	0.289														\$0.00	
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	314600	12.371														\$0.00	
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	314700	3.874														\$0.00	
VANDEBELD GRACE ELIZABETH	CON 1 PT LOT 19 PT LOT 20	271104000315000	315000	5.156														\$0.00	
HOCKLEY BRENDA LEE	CON 1 PT LOT 20	271104000317825	317825	2.719														\$0.00	
GRIST WILLIAM JOSEPH	CON 1 PT LOT 20 RP59R 11429;PART 1	271104000317850	317850	0.406														\$0.00	
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	317900	17.369														\$0.00	
NERO FELICE	CON 1 PT LOT 20	271104000318000	318000	2.431														\$0.00	
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	318010	5.120														\$0.00	
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	318100	0.560														\$0.00	
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	400100	0.357														\$0.00	
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	400101	0.532														\$0.00	
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	400102	0.512														\$0.00	
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	400200	0.357														\$0.00	
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	400300	0.383														\$0.00	
FRAME JOHN DOUGLAS	CON 1 PT LOT 21 PLAN 59R;9880 PRTS 2 & 3	271104000400305	400305	0.382														\$0.00	
MATHESON GARY	CON 1 PT LOT 21	271104000400400	400400	0.413														\$0.00	
570466 ONTARIO LIMITED	HUMBERSTONE CON 1 PT LOT 22;RP 59R13926A	271104000404300	404300	0.000														\$0.00	
570466 ONTARIO LTD	CON 1 PT LOT 21	271104000404301	404301	4.787	403.5	5.0	0.202		\$ 498.53	403.5	0.000	\$0.00						\$498.53	
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	404303	3.067														\$0.00	
LEON JOHN	CON 1 PT LOT 21	271104000404400	404400	0.442														\$0.00	
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	404500	1.220														\$0.00	
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	404600	0.848														\$0.00	
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	404601	0.405														\$0.00	
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP;59R8112 PAR	271104000404700	404700	18.764	287.8	5.0	0.144		\$ 355.58	287.8	0.000	\$0.00						\$355.58	
SPITERI CHARLES	CON 1 PT LOT 21	271104000404800	404800	9.586	251.7	5.0	0.126		\$ 310.98	251.7	0.252	\$310.98						\$621.96	
TALBOT JASON JONATHAN ARTHUR	CON 1 PT LOT 21	271104000404900	404900	0.316					\$ -									\$0.00	
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	405000	0.347					\$ -									\$0.00	
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	405100	10.514			0.130		\$ 320.00		0.259	\$320.00						\$640.00	
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	405200	7.756	193.5	5.0	0.097		\$ 239.07	193.5	0.194	\$239.07						\$478.15	
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	405300	0.236					\$ -									\$0.00	
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	405400	0.340					\$ -									\$0.00	
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	405500	9.204	249.5	5.0	0.125		\$ 308.26	249.5	0.250	\$308.26						\$616.53	
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	405600	2.300	61	5.0	0.031		\$ 75.37	61	0.061	\$75.37						\$150.73	
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	405600	2.026														\$0.00	
MOSKALYK JOHN JOSEPH	CON 1 PT LOT 21	271104000405700	405700	2.285														\$0.00	
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	417902	0.580														\$0.00	
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	499900	1.599														\$0.00	
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	499900	0.688														\$0.00	
City of Port Colborne	Lorraine Rd. from Lake to Killaly St. East	Lorraine Rd. ROW		3.250														\$0.00	
City of Port Colborne	Lakeshore Rd. East west of Lorraine	Lakeshore Rd. E ROW		0.563														\$0.00	
City of Port Colborne	Weaver Rd. N of Friendship Trail	Weaver Rd. ROW		0.121														\$0.00	
				111.590						\$2,107.81			\$1,253.69					\$3,361.49	

Drain Allowance Total \$17,169.64

Michener Municipal Drain
City of Port Colborne
Regional Municipality of Niagara

23.3
2 yr avg. Intensity
for a 1 hour storm

Section 23 Outlet Benefit / Outlet Liability

Owner	Legal Text	Roll No	ARN ABBREV	Area Ha	Soil Type	Gradient	Land Factor	Runoff Factor 'C'	QRF	SWM	SWMF	QRF-SWMF	QRF Ratio	Michener Branch #1 \$ 29,827.28	QRF Ratio	Michener Branch #2 \$ 26,463.48	QRF Ratio	Michener Drain \$ 119,512.13	Total Section 23 Assessment
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP:59R8112 PAR	271104000404700	404700	2.176	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	COMMERCIAL	25	3.55	0	0	3.55	0.2044	\$ 6,096				\$ 6,096	
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	404500	1.201	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	20	1.57	0	0	1.57	0.0902	\$ 2,691				\$ 2,691	
City of Port Colborne	Lakeshore Rd. East ROW	ROW	ROW	0.556	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	ROW - paved 2 lane	85	3.08	0	0	3.08	0.1775	\$ 5,295				\$ 5,295	
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	404600	0.848	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	15	0.83	0	0	0.83	0.0478	\$ 1,424				\$ 1,424	
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	404303	0.729	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	20	0.95	0	0	0.95	0.0548	\$ 1,634				\$ 1,634	
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493:PART 1	271104000318100	318100	0.560	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	20	0.73	0	0	0.73	0.0421	\$ 1,255				\$ 1,255	
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013:PART 1	271104000417902	417902	0.517	NM - Sandy well drained	0.20%	LAND	12	0.41	0	0	0.41	0.0233	\$ 696				\$ 696	
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790:PART 1	271104000404601	404601	0.405	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	15	0.40	0	0	0.40	0.0228	\$ 680				\$ 680	
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	400200	0.357	NM - Sandy well drained	0.20%	LAND	12	0.28	0	0	0.28	0.0161	\$ 480				\$ 480	
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT:RP 59R5808	271104000400100	400100	0.295	NM - Sandy well drained	0.20%	RESIDENTIAL	20	0.38	0	0	0.38	0.0221	\$ 661				\$ 661	
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26:NP778	271104000314500	314500	0.289	NM - Sandy well drained	0.20%	RESIDENTIAL	20	0.38	0	0	0.38	0.0217	\$ 647				\$ 647	
LEON JOHN	CON 1 PT LOT 21	271104000404400	404400	0.205	NM - Sandy well drained	0.20%	RESIDENTIAL	20	0.27	0	0	0.27	0.0154	\$ 460				\$ 460	
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT:RP 59R5808	271104000400102	400102	0.134	NM - Sandy well drained	0.20%	RESIDENTIAL	20	0.17	0	0	0.17	0.0101	\$ 300				\$ 300	
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21:PT WATER LOT	271104000400101	400101	0.122	NM - Sandy well drained	0.20%	RESIDENTIAL	20	0.16	0	0	0.16	0.0091	\$ 273				\$ 273	
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	314300	0.071	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	RESIDENTIAL	20	0.09	0	0	0.09	0.0053	\$ 159				\$ 159	
MATHESON GARY	CON 1 PT LOT 21	271104000400400	400400	0.042	NM - Sandy well drained	0.20%	RESIDENTIAL	20	0.05	0	0	0.05	0.0032	\$ 94				\$ 94	
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	318010	0.012	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20%	COMMERCIAL	25	0.02	0	0	0.02	0.0011	\$ 33				\$ 33	
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	400300	0.000	NM - Sandy well drained	0.20%	RESIDENTIAL	20	0.00	0	0	0.00	0.0000	\$ 1				\$ 1	
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW		0.689		0.20%		90	4.05	0	0	4.05	0.2329	\$ 6,948				\$ 6,948	
									17.37	0.00	0.00	17.37	1.00	\$ 29,827					
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	318010	5.108	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	COMMERCIAL	17	5.67	0	0	5.67	0.0861	\$ 2,278			\$ 2,278		
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	314600	3.545	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	FARM	35	8.09	0	0	8.09					\$ 3,255		
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	405200	2.799	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20%	FARM	35	6.39	0	0	6.39					\$ 2,570		
NERO FELICE	CON 1 PT LOT 20	271104000318000	318000	2.431	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	RESIDENTIAL	45	7.14	0	0	7.14					\$ 2,871		
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	317900	14.499	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	FARM	30	28.38	0	0	28.38					\$ 11,412		
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW	ROW	1.380	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	ROW - paved 2 lane	90	8.10	0	0	8.10					\$ 3,258		
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	405100	0.554	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20%	LAND	28	1.01	0	0	1.01					\$ 407		
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	405300	0.154	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	RESIDENTIAL	45	0.45	0	0	0.45					\$ 182		
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	405400	0.096	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20%	RESIDENTIAL	45	0.28	0	0	0.28					\$ 114		
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136:PARTS 1 AND	271104000314700	314700	0.075	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	FARM	30	0.15	0	0	0.15					\$ 59		
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448:PART 1	271104000405000	405000	0.058	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20%	LAND	28	0.11	0	0	0.11					\$ 43		
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	405500	0.012	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20%	FARM	45	0.04	0	0	0.04					\$ 14		
									0.00	0.00	0.00	0.00					\$ -	\$ -	
									65.80	0.00	0.00	65.80	1.00	\$ 26,463					
				30.712															

Owner	Legal Text	Roll No	ARN ABBREV	Area Ha	Soil Type	Gradient	Land Factor	Runoff Factor 'C'	QRF	SWM	SWMF	QRF-SWMF	QRF Ratio	Michener Branch #1 \$ 29,827.28	QRF Ratio	Michener Branch #2 \$ 26,463.48	QRF Ratio	Michener Drain \$ 119,512.13	Total Section 23 Assessment
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	314300	0.071	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20% RESIDENTIAL		35	0.16	0	0	0.16					0.0005	\$ 57	\$ 57
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	314500	0.289	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20% RESIDENTIAL		35	0.66	0	0	0.66					0.0019	\$ 229	\$ 229
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	314600	12.371	NM - Sandy well drained	0.20% FARM		35	28.25	0	0	28.25					0.0822	\$ 9,828	\$ 9,828
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	314700	3.874	NM - Sandy well drained	0.20% FARM		35	8.85	0	0	8.85					0.0257	\$ 3,077	\$ 3,077
VANDEBELD GRACE ELIZABETH	CON 1 PT LOT 19 PT LOT 20	271104000315000	315000	5.156	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% FARM		37	12.45	0	0	12.45					0.0362	\$ 4,331	\$ 4,331
HOCKLEY BRENDA LEE	CON 1 PT LOT 20	271104000317825	317825	2.719	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20% FARM		37	6.56	0	0	6.56					0.0191	\$ 2,284	\$ 2,284
GRIST WILLIAM JOSEPH	CON 1 PT LOT 20 RP59R 11429;PART 1	271104000317850	317850	0.406	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% RESIDENTIAL		37	0.98	0	0	0.98					0.0029	\$ 341	\$ 341
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	317900	17.369	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% FARM		35	39.66	0	0	39.66					0.1155	\$ 13,798	\$ 13,798
NERO FELICE	CON 1 PT LOT 20	271104000318000	318000	2.431	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% RESIDENTIAL		30	4.76	0	0	4.76					0.0139	\$ 1,656	\$ 1,656
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	318010	5.120	NM - Sandy well drained	0.20% COMMERCIAL		28	9.35	0	0	9.35					0.0272	\$ 3,254	\$ 3,254
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	318100	0.560	NM - Sandy well drained	0.20% RESIDENTIAL		28	1.02	0	0	1.02					0.0030	\$ 356	\$ 356
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	400100	0.357	NM - Sandy well drained	0.20% RESIDENTIAL		28	0.65	0	0	0.65					0.0019	\$ 227	\$ 227
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	400101	0.532	NM - Sandy well drained	0.20% RESIDENTIAL		28	0.97	0	0	0.97					0.0028	\$ 338	\$ 338
WEEBADUARACHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	400102	0.512	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% RESIDENTIAL		32	1.07	0	0	1.07					0.0031	\$ 372	\$ 372
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	400200	0.357	NM - Sandy well drained	0.20% LAND		28	0.65	0	0	0.65					0.0019	\$ 227	\$ 227
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	400300	0.383	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% RESIDENTIAL		65	1.62	0	0	1.62					0.0047	\$ 565	\$ 565
FRAME JOHN DOUGLAS	CON 1 PT LOT 21 PLAN 59R-9880 PRTS 2 & 3	271104000400305	400305	0.382	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% RESIDENTIAL		65	1.62	0	0	1.62					0.0047	\$ 563	\$ 563
MATHESON GARY	CON 1 PT LOT 21	271104000400400	400400	0.413	Welland (WLL) - mainly reddish-hued lacustrine heavy clay - Poor Drainage - Orthic Humic Gleysol / Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20% RESIDENTIAL		45	1.21	0	0	1.21					0.0035	\$ 422	\$ 422
570466 ONTARIO LIMITED	HUMBERSTONE CON 1 PT LOT 22;RP 59R13926A	271104000404300	404300	0.000	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% LAND		45	0.00	0	0	0.00					0.0000	\$ 0	\$ 0
570466 ONTARIO LTD	CON 1 PT LOT 21	271104000404301	404301	4.787	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% LAND		45	14.05	0	0	14.05					0.0409	\$ 4,889	\$ 4,889
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	404303	3.067	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% RESIDENTIAL		45	9.00	0	0	9.00					0.0262	\$ 3,132	\$ 3,132
LEON JOHN	CON 1 PT LOT 21	271104000404400	404400	0.442	Welland (WLL) - mainly reddish-hued lacustrine heavy clay - Poor Drainage - Orthic Humic Gleysol	0.20% RESIDENTIAL		40	1.15	0	0	1.15					0.0034	\$ 401	\$ 401
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	404500	1.220	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% RESIDENTIAL		35	2.79	0	0	2.79					0.0081	\$ 969	\$ 969
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	404600	0.848	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% RESIDENTIAL		35	1.94	0	0	1.94					0.0056	\$ 673	\$ 673
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	404601	0.405	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% RESIDENTIAL		45	1.19	0	0	1.19					0.0035	\$ 413	\$ 413
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP:59R8112 PAR	271104000404700	404700	18.764	Bookton (BOK2) - 40to100 cm sandy textures over lacustrine silty clay - Well Drained - Brunisolic Gray Brown Luvisol	0.20% COMMERCIAL		37	45.30	0	0	45.30					0.1319	\$ 15,759	\$ 15,759
SPITERI CHARLES	CON 1 PT LOT 21	271104000404800	404800	9.586	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% FARM		45	28.14	0	0	28.14					0.0819	\$ 9,792	\$ 9,792
TALBOT JASON JONATHAN ARTHUR	CON 1 PT LOT 21	271104000404900	404900	0.316	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% RESIDENTIAL		45	0.93	0	0	0.93					0.0027	\$ 323	\$ 323
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	405000	0.347	Chinguacousy (CGU4) - Mainly clay loam till - Imperfect draining - Gleyed Brunisolic Gray Brown Luvisol	0.20% LAND		45	1.02	0	0	1.02					0.0030	\$ 355	\$ 355
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	405100	10.514	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% LAND		45	30.87	0	0	30.87					0.0899	\$ 10,739	\$ 10,739
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	405200	7.756	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% FARM		37	18.72	0	0	18.72					0.0545	\$ 6,513	\$ 6,513
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	405300	0.236	Farmington (FRM) - 10 to 20cm variable textures over mainly limestone and dolostone bedrock - Rapid Draining - Orthic Melanic Brunisol	0.20% RESIDENTIAL		37	0.57	0	0	0.57					0.0017	\$ 198	\$ 198
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	405400	0.340	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% RESIDENTIAL		37	0.82	0	0	0.82					0.0024	\$ 286	\$ 286
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	405500	9.204	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% FARM		37	22.22	0	0	22.22					0.0647	\$ 7,730	\$ 7,730
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	405600	2.300	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% LAND		37	5.55	0	0	5.55					0.0162	\$ 1,931	\$ 1,931
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	405600	2.026	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% LAND		37	4.89	0	0	4.89					0.0142	\$ 1,702	\$ 1,702
MOSKALYK JOHN JOSEPH	CON 1 PT LOT 21	271104000405700	405700	2.285	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% FARM		37	5.52	0	0	5.52					0.0161	\$ 1,919	\$ 1,919
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	417902	0.580	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% LAND		37	1.40	0	0	1.40					0.0041	\$ 487	\$ 487
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	499900	1.599	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% INDUSTRIAL		37	3.86	0	0	3.86					0.0112	\$ 1,343	\$ 1,343
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	499900	0.688	Jeddo (JDD) - Mainly Clay Loam Till - Poor Draining - Humic Luvic Gleysol	0.20% INDUSTRIAL		37	1.66	0	0	1.66					0.0048	\$ 578	\$ 578
City of Port Colborne	Lorraine Rd. from Lake to Killaly St. East	Lorraine Rd. ROW		3.250		0.20%		83	17.60	0	0	17.60					0.0512	\$ 6,122	\$ 6,122
City of Port Colborne	Lakeshore Rd. East west of Lorraine	Lakeshore Rd. E ROW		0.563		0.20%		84	3.08	0	0	3.08					0.0090	\$ 1,073	\$ 1,073
City of Port Colborne	Weaver Rd. N of Friendship Trail	Weaver Rd. ROW		0.121		0.20%		95	0.75	0	0	0.75					0.0022	\$ 261	\$ 261
																	1.0000	\$ 119,512	\$ 175,803
																	\$ 175,803		

Michener Municipal Drain
City of Port Colborne
Regional Municipality of Niagara

Drain Assessment Summary Table

Benefits realized from
drainage improvements

23(1) Outlet Liability for right
of drainage.
23(2) Injuring liability of
discharge

Additional works or features
above the base functioning of
the Drain System

Roads & Utilities assessed the
actual cost of additional
works.

Michener Branch #1

Owner	Legal Text	Roll No	Area Ha	Benefit Section 22	Outlet Liability Section 23	Special Benefit Section 24	Special Assessment Section 26	Total Assessment	Total Allowance	Net
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP;59R8112 PAR	271104000404700	2.176	\$237.50	\$6,096.20	\$0.00	\$0.00	\$6,333.70	\$1,077.23	\$5,256.47
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	1.201	\$975.00	\$2,691.00	\$0.00	\$0.00	\$3,666.00	\$2,842.74	\$823.26
City of Port Colborne	Lakeshore Rd. East ROW	ROW	0.556	\$535.00	\$5,294.96	\$0.00	\$6,590.43	\$12,420.38	\$0.00	\$12,420.38
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	0.848	\$430.50	\$1,424.32	\$0.00	\$0.00	\$1,854.82	\$0.00	\$1,854.82
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	0.729	\$200.00	\$1,634.46	\$0.00	\$0.00	\$1,834.46	\$1,590.74	\$243.73
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	0.560	\$0.00	\$1,255.02	\$0.00	\$0.00	\$1,255.02	\$0.00	\$1,255.02
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	0.517	\$0.00	\$695.64	\$0.00	\$0.00	\$695.64	\$0.00	\$695.64
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	0.405	\$45.00	\$680.10	\$0.00	\$0.00	\$725.10	\$0.00	\$725.10
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	0.357	\$280.00	\$479.76	\$0.00	\$0.00	\$759.76	\$0.00	\$759.76
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	0.295	\$0.00	\$660.60	\$0.00	\$0.00	\$660.60	\$0.00	\$660.60
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	0.289	\$0.00	\$647.01	\$0.00	\$0.00	\$647.01	\$0.00	\$647.01
LEON JOHN	CON 1 PT LOT 21	271104000404400	0.205	\$70.00	\$459.96	\$0.00	\$0.00	\$529.96	\$392.54	\$137.42
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	0.134	\$82.50	\$300.46	\$0.00	\$0.00	\$382.96	\$0.00	\$382.96
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	0.122	\$37.50	\$272.75	\$0.00	\$0.00	\$310.25	\$0.00	\$310.25
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	0.071	\$150.00	\$159.39	\$0.00	\$0.00	\$309.39	\$0.00	\$309.39
MATHESON GARY	CON 1 PT LOT 21	271104000400400	0.042	\$22.50	\$94.24	\$0.00	\$0.00	\$116.74	\$0.00	\$116.74
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	0.012	\$0.00	\$33.13	\$0.00	\$0.00	\$33.13	\$0.00	\$33.13
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	0.000	\$0.00	\$0.75	\$0.00	\$0.00	\$0.75	\$0.00	\$0.75
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW	0.689	\$607.50	\$6,947.53	\$0.00	\$0.00	\$7,555.03	\$0.00	\$7,555.03
Enbridge							\$2,000.00	\$2,000.00		\$2,000.00
				\$3,065.50	\$22,879.76	\$0.00	\$8,590.43	\$42,090.71	\$5,903.25	\$36,187.46

Michener Branch #2

WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	5.108	\$0.00	\$2,278.34	\$0.00	\$0.00	\$2,278.34	\$0.00	\$2,278.34
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	3.545	\$0.00	\$3,255.29	\$0.00	\$0.00	\$3,255.29	\$0.00	\$3,255.29
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	2.799	\$845.00	\$2,570.32	\$0.00	\$0.00	\$3,415.32	\$7,904.90	-\$4,489.58
NERO FELICE	CON 1 PT LOT 20	271104000318000	2.431	\$0.00	\$2,870.63	\$0.00	\$0.00	\$2,870.63	\$0.00	\$2,870.63
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	14.499	\$0.00	\$11,411.96	\$0.00	\$0.00	\$11,411.96	\$0.00	\$11,411.96
City of Port Colborne	Lorraine Rd. ROW	Lorraine Rd. ROW	1.380	\$4,000.00	\$3,257.92	\$0.00	\$0.00	\$7,257.92	\$0.00	\$7,257.92
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	0.554	\$0.00	\$407.12	\$0.00	\$0.00	\$407.12	\$0.00	\$407.12
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	0.154	\$0.00	\$181.95	\$0.00	\$0.00	\$181.95	\$0.00	\$181.95
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	0.096	\$0.00	\$113.61	\$0.00	\$0.00	\$113.61	\$0.00	\$113.61
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	0.075	\$0.00	\$59.15	\$0.00	\$0.00	\$59.15	\$0.00	\$59.15
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	0.058	\$0.00	\$42.93	\$0.00	\$0.00	\$42.93	\$0.00	\$42.93
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	0.012	\$0.00	\$14.26	\$0.00	\$0.00	\$14.26	\$0.00	\$14.26
				\$4,845.00	\$26,463.48	\$0.00	\$0.00	\$31,308.48	\$7,904.90	\$23,403.58

Owner	Legal Text	Roll No	Area Ha	Benefit Section 22	Outlet Liability Section 23	Special Benefit Section 24	Special Assessment Section 26	Total Assessment	Total Allowance	Net
Michener Drain										
DOOLITTLE ROY W III	PLAN 19 LOT 23 LOT 24 NP778	271104000314300	0.07	\$0.00	\$56.51	\$0.00		\$56.51	\$0.00	\$56.51
HANNAH ELISABETH WANLESS	PLAN 19 PT LOT 25 PT LOT 26;NP778	271104000314500	0.29	\$0.00	\$229.39	\$0.00		\$229.39	\$0.00	\$229.39
PYE LAURIE LYNNE	CON 1 PT LOT 19 PT LOT 20	271104000314600	12.37	\$0.00	\$9,827.62	\$0.00		\$9,827.62	\$0.00	\$9,827.62
BANKERT DAVID ROY	CON 1 PT LOT 19 RP 59R12136;PARTS 1 AND	271104000314700	3.87	\$0.00	\$3,077.43	\$0.00		\$3,077.43	\$0.00	\$3,077.43
VANDEBELD GRACE ELIZABETH	CON 1 PT LOT 19 PT LOT 20	271104000315000	5.16	\$0.00	\$4,330.51	\$0.00		\$4,330.51	\$0.00	\$4,330.51
HOCKLEY BRENDA LEE	CON 1 PT LOT 20	271104000317825	2.72	\$0.00	\$2,283.72	\$0.00		\$2,283.72	\$0.00	\$2,283.72
GRIST WILLIAM JOSEPH	CON 1 PT LOT 20 RP59R 11429;PART 1	271104000317850	0.41	\$0.00	\$340.77	\$0.00		\$340.77	\$0.00	\$340.77
VAN KRALINGEN ALLERT	CON 1 PT LOT 20	271104000317900	17.37	\$0.00	\$13,798.07	\$0.00		\$13,798.07	\$0.00	\$13,798.07
NERO FELICE	CON 1 PT LOT 20	271104000318000	2.43	\$0.00	\$1,655.63	\$0.00		\$1,655.63	\$0.00	\$1,655.63
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 20	271104000318010	5.12	\$0.00	\$3,253.93	\$0.00		\$3,253.93	\$0.00	\$3,253.93
NIEUWLAND LIEUWE CORNELIS	CON 1 PT LOT 20 RP 59R5493;PART 1	271104000318100	0.56	\$0.00	\$355.95	\$0.00		\$355.95	\$0.00	\$355.95
O'HARA GREGORY G	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400100	0.36	\$0.00	\$226.97	\$0.00		\$226.97	\$0.00	\$226.97
LEON LOU ANN	HUMBERSTONE CON 1 PT LOT 21;PT WATER LOT	271104000400101	0.53	\$0.00	\$338.24	\$0.00		\$338.24	\$0.00	\$338.24
WEEBADUARACHCHIGE ASELA	CON 1 PT LOT 21 PT WATER LOT;RP 59R5808	271104000400102	0.51	\$0.00	\$372.04	\$0.00		\$372.04	\$0.00	\$372.04
DOOLITTLE ROY W III	CON 1 PT LOT 21	271104000400200	0.36	\$0.00	\$226.78	\$0.00		\$226.78	\$0.00	\$226.78
NEUMANN GARY	CON 1 PT LOT 21	271104000400300	0.38	\$0.00	\$565.02	\$0.00		\$565.02	\$0.00	\$565.02
FRAME JOHN DOUGLAS	CON 1 PT LOT 21 PLAN 59R;9880 PRTS 2 & 3	271104000400305	0.38	\$0.00	\$563.01	\$0.00		\$563.01	\$0.00	\$563.01
MATHESON GARY	CON 1 PT LOT 21	271104000400400	0.41	\$0.00	\$421.91	\$0.00		\$421.91	\$0.00	\$421.91
570466 ONTARIO LIMITED	HUMBERSTONE CON 1 PT LOT 22;RP 59R13926A	271104000404300	0.00	\$0.00	\$0.35	\$0.00		\$0.35	\$0.00	\$0.35
570466 ONTARIO LTD	CON 1 PT LOT 21	271104000404301	4.79	\$0.00	\$4,889.09	\$0.00		\$4,889.09	\$498.53	\$4,390.55
MASON MARTHA JEANNE	CON 1 PT LOT 21	271104000404303	3.07	\$0.00	\$3,132.24	\$0.00		\$3,132.24	\$0.00	\$3,132.24
LEON JOHN	CON 1 PT LOT 21	271104000404400	0.44	\$0.00	\$400.99	\$0.00		\$400.99	\$0.00	\$400.99
NICHOLLS LARRY JAMES	CON 1 PT LOT 21	271104000404500	1.22	\$0.00	\$969.43	\$0.00		\$969.43	\$0.00	\$969.43
WINGER LLOYD JAMES JUNIOR	CON 1 PT LOT 21	271104000404600	0.85	\$0.00	\$673.28	\$0.00		\$673.28	\$0.00	\$673.28
RIVANDO CHRISTOPHER ANTHONY	CON 1 PT LOT 21 PLAN 59R6790;PART 1	271104000404601	0.40	\$0.00	\$413.34	\$0.00		\$413.34	\$0.00	\$413.34
WHISKEY RUN GOLF CLUB LTD	CON 1 PT LOT 21 PT LOT 22 RP;59R8112 PAR	271104000404700	18.76	\$0.00	\$15,758.71	\$4,110.00		\$19,868.71	\$355.58	\$19,513.13
SPITERI CHARLES	CON 1 PT LOT 21	271104000404800	9.59	\$0.00	\$9,791.54	\$1,250.00		\$11,041.54	\$621.96	\$10,419.57
TALBOT JASON JONATHAN ARTHUR	CON 1 PT LOT 21	271104000404900	0.32	\$0.00	\$322.57	\$0.00		\$322.57	\$0.00	\$322.57
VALE CANADA LIMITED	CON 1 PT LOT 21 RP 59R9448;PART 1	271104000405000	0.35	\$0.00	\$354.83	\$0.00		\$354.83	\$0.00	\$354.83
VALE CANADA LIMITED	CON 1 PT LOT 21 PT LOT 22	271104000405100	10.51	\$0.00	\$10,739.09	\$0.00		\$10,739.09	\$640.00	\$10,099.09
VALE CANADA LIMITED	CON 1 PT LOT 21	271104000405200	7.76	\$0.00	\$6,513.21	\$0.00		\$6,513.21	\$478.15	\$6,035.06
ARSENAULT ROBERT EUGENE	CON 1 PT LOT 21	271104000405300	0.24	\$0.00	\$198.39	\$0.00		\$198.39	\$0.00	\$198.39
NIEUWLAND LUKE	CON 1 PT LOT 21	271104000405400	0.34	\$0.00	\$285.60	\$0.00		\$285.60	\$0.00	\$285.60
ADAMS KEVIN JAMES	CON 1 PT LOT 21	271104000405500	9.20	\$0.00	\$7,730.08	\$750.00		\$8,480.08	\$616.53	\$7,863.55
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	2.30	\$0.00	\$1,931.27	\$0.00		\$1,931.27	\$150.73	\$1,780.54
PORT COLBORNE CITY	PT LOT 21 CON 1 RP 59R10301;PARTS 2 AND	271104000405600	2.03	\$0.00	\$1,701.64	\$0.00		\$1,701.64	\$0.00	\$1,701.64
MOSKALYK JOHN JOSEPH	CON 1 PT LOT 21	271104000405700	2.28	\$0.00	\$1,918.87	\$0.00		\$1,918.87	\$0.00	\$1,918.87
LEON LOU ANN	CON 1 PT LOT 21 RP 59R13013;PART 1	271104000417902	0.58	\$0.00	\$487.41	\$0.00		\$487.41	\$0.00	\$487.41
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	1.60	\$0.00	\$1,342.85	\$0.00		\$1,342.85	\$0.00	\$1,342.85
PORT COLBORNE CITY	CON 1 PT LOTS 1-22	271104000499900	0.69	\$0.00	\$578.02	\$0.00		\$578.02	\$0.00	\$578.02
City of Port Colborne	Lorraine Rd. from Lake to Killaly St. East	Lorraine Rd. ROW	3.25	\$0.00	\$6,122.37	\$0.00		\$6,122.37	\$0.00	\$6,122.37
City of Port Colborne	Lakeshore Rd. East west of Lorraine	Lakeshore Rd. E ROW	0.56	\$0.00	\$1,072.56	\$0.00		\$1,072.56	\$0.00	\$1,072.56
City of Port Colborne	Weaver Rd. N of Friendship Trail	Weaver Rd. ROW	0.12	\$0.00	\$260.91	\$0.00		\$260.91	\$0.00	\$260.91
				\$0.00	\$119,512.13	\$6,110.00	\$0.00	\$125,622.13	\$3,361.49	\$122,260.64

Appendix D: Supplementary Information

**City of Port Colborne
Regular Council Meeting 18-18
Minutes**

Date: July 23, 2018

Time: 7:32 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (leave of absence)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
N. Halasz, Manager of Parks and Recreation
A. LaPointe, Manager of Legislative Services/City Clerk (minutes)
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStreem.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 110 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That the agenda dated July 23, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

No. 111 Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

(a) That the minutes of the special meeting of Council 16-18, July 9, 2018, be approved as presented.

(b) That the minutes of the regular meeting of Council 17-18, July 9, 2017, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

Nil.

7. Approval of Items Not Requiring Separate Discussion:

No. 112 Moved by Councillor F. Danch
Seconded by Councillor B. Butters

That items 1 to 7 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Motions Arising from Committee of the Whole Meeting Delegations:

Dianna M. Carle regarding a request for an exemption to By-law 1117/64/81, Section 3.2.2 for 1056 Steele Street to Allow for a Second Curb/Driveway Cut

Council resolved:

That an exemption of By-law 1117/64/81, Section 3.2.2, for 1056 Steele Street be granted to allow for a second curb cut and driveway.

Items:**1. Planning and Development Department, Planning Division, Report 2018-105, Subject: Recommendation Report for Official Plan Amendment D09-01-18 & Zoning By-law Amendment D14-02-18, n/s Killaly Street West**

Council resolved:

That the Official Plan Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix A be approved, adding a special policy to the Highway Commercial designation to support the use of warehousing on the property; and

That the Zoning By-law Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix B be approved, rezoning the land from "HC – Highway Commercial" to "HC-48"; and

That staff be directed to prepare the Notice of Passing in accordance with the Planning Act and circulate to all applicable parties; and

That the Director of Planning and Development be directed to present for Council's consideration a report and the proposed site plan of the warehousing facility.

2. Engineering and Operations Department, Engineering Division, Report 2018-103, Subject: Wignell, Michener, Port Colborne and Beaverdam Municipal Drains Engineer Appointment

Council resolved:

That the appointment of Paul Smeltzer P. Eng. of AMEC(FW) be rescinded as per Section 39(2) Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Paul Marsh P. Eng. of EWA Engineers Inc. be appointed under Section 78(1) Chapter D.17 of the *Drainage Act R.S.O. 1990*, and that this appointment become effective once the conditions of Section 78(2) have been met; and

That staff be authorized to execute a petition under Section 4 Chapter D.17 of the *Drainage Act R.S.O. 1990* to initiate/incorporate any new works related to municipal roads and/or property; and

That Paul Marsh P. Eng. of EWA Engineers Inc., be appointed under Section 8 Chapter D.17 of the *Drainage Act R.S.O. 1990* for the new works contemplated and any additional petitions under Section 4, related to the Wignell, Michener Port Colborne and Beaver Dam Drains, that may come forward during the Drainage Act process; and

That the Mayor and Clerk be authorized to sign the requisite Engineering Services Agreement for the preparation of new engineer(s) reports for the Wignell, Michener, Port Colborne and Beaverdam Municipal Drains.

**3. Corporate Services Department, Clerk's Division, Report 2018-109,
Subject: Leave of Absence from Council**

Council resolved:

That a leave of absence be approved for Councillor John Mayne for a period ending November 30, 2018, or until he resumes attendance, whichever occurs first.

**4. Corporate Services Department, Finance Division, Report 2018-108,
Subject: Development Charge Reserve Funds – January 1, 2017 to
December 31, 2017**

Council resolved:

That report Corporate Services Department, Finance Division report 2018-108 with respect to Development Charge Reserve Funds January 1, 2017 to December 31, 2017 be received for information.

**5. Cynthia B. Skinner, Member of The Friends of Port Colborne Lighthouses
Re: Request for Proclamation of Lighthouse Day, August 7, 2018**

Council resolved:

That August 7, 2018 be proclaimed as "Lighthouse Day" in the City of Port Colborne in accordance with the request received from Cynthia B. Skinner, Member, The Friends of Port Colborne Lighthouses.

**6. Region of Niagara Re: Comments of Province's Draft Agricultural Impact
Assessment Guidance Document (PDS Report 29-2018)**

Council resolved:

That the correspondence received from the Region of Niagara Re: Comments on Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-20178), be received for information.

**7. Niagara Central Airport Commission Re: 2nd Quarter Report 2018 for the
Niagara Central Dorothy Rungeling Airport**

Council resolved:

That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Airport Commission 2nd Quarter Report for the Niagara Central Dorothy Rungeling Airport, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

Nil.

9. Proclamations:

No. 113

Moved by Councillor B. Butters
Seconded by Councillor D. Elliott

Whereas the 7th of August is International Lighthouse Day, therefore we seek recognition here by having Lighthouse Day declared in Port Colborne; and

Whereas this recognition acknowledges our rich marine based history, culture and industry; and

Whereas Port Colborne is unique, having 2 lighthouses connected by a tunnel; and

Whereas we are able to have tours to same, through co-operative inter-agency agreements, thus meeting the publics ever growing interest in lighthouses; and

Whereas this public interest re-enforces Friends of Port Colborne Lighthouses efforts to increase access and gain stewardship so that they may be properly preserved, restored, maintained and shared with the public for future generations; and

Now therefore, I, Mayor, John Maloney, proclaim August 7th as "Lighthouse Day" in the City of Port Colborne.

CARRIED.

10. Minutes of Boards, Commissions & Committees:

No. 114

Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

- a) That the minutes of the Port Colborne Public Library Board meeting of June 5, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 115

Moved by Councillor B. Butters
Seconded by Councillor B. Kenny

That the following by-laws be enacted and passed:

6600/55/18 Being a By-law to Adopt Amendment No. 5 to the Official Plan for the City of Port Colborne

6601/56/18 Being a By-law to Amend Zoning By-law 6575/30/18 Respecting Lands Legally Described as Part Lot 32, Concession 2, Municipally Known as Killaly Street West

6602/57/18 Being a By-law to Appoint Paul Marsh P. Eng. Of EWA Engineers Inc. for the Completion of a New Engineer's Report for the Repair and Improvement of the Wignell, Michener, Port Colborne and Beaverdam Drains situated in the City of Port Colborne and to Rescind By-law No. 5653/84/11 and By-law No. 5666/97/11

6603/58/18 Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of July 23, 2018

CARRIED.

12. Council in Closed Session:

Motion to go into closed session – 7:38 p.m.

No. 116 Moved by Councillor F. Danch
Seconded by Councillor B. Kenny

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council meetings: July 9, 2018.
- (b) Planning and Development Department, Planning Division Report 2018-102, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
- (c) Corporate Services Department, Clerk's Division Report 2018-104, Subject: Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.
- (d) Planning and Development Department, By-law Enforcement Division Report 2018-106, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- (e) Verbal report from the Chief Administrative Officer concerning a human resources matter, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.

CARRIED.

Motion to rise with report – 9:10 p.m.

No. 117 Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

That Council do now rise from closed session with report at approximately 9:10 p.m.

CARRIED.

13. Disclosures of Interest Arising From Closed Session:

Nil.

14. Report/Motions Arising From Closed Session:

- (b) **Planning and Development Department, Planning Division Report 2018-102, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**
-

The City Clerk reported that direction was provided to the Director of Planning and Development during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Corporate Services Department, Clerk's Division Report 2018-104, Subject: Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.**
-

That the Deputy Clerk be directed to bring forward a report in open session with respect to appointments to boards and committees recommended by Council, as follows;

That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and

That Connie Butter be appointed to the Senior Citizen Advisory Council for a term ending December, 31, 2019.

- (d) **Planning and Development Department, By-law Enforcement Division Report 2018-106, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**
-

The City Clerk reported that direction was provided to the Supervisor, By-law Enforcement during closed session in accordance with the *Municipal Act, 2001*.

- (e) **Verbal report from the Chief Administrative Officer concerning a human resources matter, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.**
-

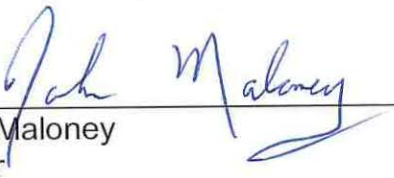
The City Clerk reported that Council received the verbal report from the Chief Administrative Officer during closed session in accordance with the *Municipal Act, 2001*.

15. Adjournment:

No. 118

Moved by Councillor F. Danch
Seconded by Councillor D. Elliott

That the Council meeting be adjourned at approximately 9:11 p.m.
CARRIED.


John Maloney
Mayor


Amber LaPointe
City Clerk

AL/cm

**City of Port Colborne
Regular Committee of the Whole Meeting 16-18
Minutes**

Date: July 23, 2018

Time: 6:30 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (leave of absence)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
N. Halasz, Manager of Parks and Recreation
A. LaPointe, Manager of Legislative Services/City Clerk (minutes)
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStreem.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

That the agenda dated July 23, 2018 be confirmed, as circulated or as amended.

CARRIED.

2. Engineering and Operations Department, Engineering Division, Report 2018-103, Subject: Wignell, Michener, Port Colborne and Beaverdam Municipal Drains Engineer Appointment

Moved by Councillor R. Bodner
Seconded by Councillor B. Butters

That the appointment of Paul Smeltzer P. Eng. of AMEC(FW) be rescinded as per Section 39(2) Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Paul Marsh P. Eng. of EWA Engineers Inc. be appointed under Section 78(1) Chapter D.17 of the *Drainage Act R.S.O. 1990*, and that this appointment become effective once the conditions of Section 78(2) have been met; and

That staff be authorized to execute a petition under Section 4 Chapter D.17 of the *Drainage Act R.S.O. 1990* to initiate/incorporate any new works related to municipal roads and/or property; and

That Paul Marsh P. Eng. of EWA Engineers Inc., be appointed under Section 8 Chapter D.17 of the *Drainage Act R.S.O. 1990* for the new works contemplated and any additional petitions under Section 4, related to the Wignell, Michener Port Colborne and Beaver Dam Drains, that may come forward during the Drainage Act process; and

That the Mayor and Clerk be authorized to sign the requisite Engineering Services Agreement for the preparation of new engineer(s) reports for the Wignell, Michener, Port Colborne and Beaverdam Municipal Drains.

CARRIED.

14. Notice of Motion:

Nil.

15. Adjournment:

Moved by Councillor F. Danch
Seconded by Councillor D. Elliott

That the Committee of the Whole meeting be adjourned at approximately 7:31p.m.

CARRIED.

AL/cm



**Meeting
Environmental Advisory Committee
October 14, 2020, 6:00 p.m.**

The following were in attendance:

Staff: Darlene Suddard
Janice Peyton

Council: Councillor Mark Bagu
Councillor Harry Wells

Public Members: George McKibbon
Jack Hellinga
Tim Hoyle
Ryan Waines
Steven Rivers
Trent Doan
Clayton Nadeau
Kerry Royer

As a COVID-19 precaution, city staff and the chair met in person at the Engineering and Operations Centre. The rest of the committee joined on Microsoft Teams.

1. Call to Order

George called the meeting to order at 6:05 p.m.

2. Adoption of the Agenda

Moved by Clayton Nadeau
Seconded by Jack Hellinga

That the agenda dated October 14, 2020 be accepted as circulated.
CARRIED.

3. Disclosures of Interest

Councillor Wells declared a conflict with regard to item 5(c), Site Alteration By-law Review.

4. **Approval / Review of Previous Meeting Minutes**

Moved by Tim Hoyle
Seconded by Harry Wells

That the minutes of August 12, 2020 be accepted as written.
CARRIED.

5. **Items Arising from Previous Minutes**

a) **EAC Terms of Reference**

George provided clarification regarding how EAC TOR item #5 works. EAC meetings are open to the public. Meeting dates and agendas are made public in advance of the meeting on the City website. Members of the public can and have attended meetings in the past. We need to be diligent and provide the agenda well in advance of the meeting for public notice.

In 2021, the terms of reference of all committees of Council will be standardized. If members have suggestions regarding the EAC terms of reference they can be forwarded to George.

b) **Boulevard Trees**

This item is on hold pending the completion of an Urban Forestry Management Plan. A forestry canopy survey will be completed as part of this effort in 2021. This survey will be used to help review the boulevard tree bylaw and policy.

On a related matter, Director of Community and Economic Development Ashley Grigg will provide an update on a tree planting partnership in parks program.

c) **Site Alteration By-law Review**

Darlene advised that there is no new information available on this item.

d) **Additional Vale CBRA Recommendations**

Moved by Steven Rivers
Seconded by Clayton Nadeau

That the Vale CBRA sub-committee re-convene to discuss next steps.
CARRIED.

George will arrange a meeting for the sub-committee.

**e) Provincial Policy Statement 2020 Comments and Review of
NPCA and Region of Niagara Comments**

George provided the following highlights from the Provincial Policy Statement 2020 changes for further discussion by the committee:

1. The PPS 2020 has strengthened policy on land use compatibility where industrial and sensitive issues are concerned. Specifically, a planned transition/buffer is required where adverse effects from noise, odour, dust and air contaminants occur. Concurrently, the Province is reviewing its air, noise, odour and compliance policies. With Jungbunzlauer's assistance, the committee could have a presentation from Port Colborne's industrial sector on what transition needs between industrial and sensitive uses that sector may have as supply chains and new industries relocate here.

Ryan commented that Jungbunzlauer wants to listen to what the community desires, and he agreed to speak at a future committee meeting.

2. While there may be political differences of opinion between the Federal and Provincial Governments on the causes of climate warming, there is consensus and clear direction in the PPS 2020 that the effects of climate warming are occurring. The Conservation Authority is a recognized local body with whom collaboration is suggested when responding to these changes and infrastructure and coastal development are two geographic areas where action is required.

With the Authority representatives' assistance, the committee could have a presentation and discussion with Authority staff on actions that might be taken to address coastal and infrastructure concerns.

3. PPS 2020 Section 2.2 on water was not changed. George's observation is that this section was strengthened to back up policy and legislative action after the Walkerton Inquiry. Much of the research in Conservation Authority watershed plans wasn't used because municipal water supplies were focused on.

Conservation Authority staff could be asked to update the committee on actions that could be taken to better protect the ground water aquifers.

Kerry agreed to arrange for an NPCA representative to speak to this. George asked if this could be arranged for the next committee meeting.

f) Community Gardens Update and Review

Clayton provided an update on community gardens to date.

Moved by Clayton Nadeau
Seconded by Tim Hoyle

That a status report reported separately on community garden findings be provided to Director of Community and Economic Development Ashley Grigg.
CARRIED.

A copy of the status report is attached to the minutes.

Clayton and Trent will assist George with a review the parks system mapping in the Recreational Master Plan and will identify potential community garden sites for consideration.

6. New/Other Business

a) Results of Member Surveys on Activities for the Next 6 Months

In September of 2020, George spoke to each of the committee members to learn of their expectations of the committee for the coming year. He provided a written summary of the comments with the minutes of our previous meeting for review and discussion. The review of EAC purpose and focus is attached to the minutes.

Committee members agreed that this was a good summary and framework to move forward on.

The committee feels that public input is important, and that it would be great to have younger people involved.

b) 2nd Western New York Section Editorial on Open Space

George provided an editorial that he wrote with the help of his wife Ann, and John Forrester from Cornell University. The editorial was written for the Western New York American Planning Association centred in Buffalo. It has also been shared with the Ontario Professional Planners Institute. A copy is attached to the minutes.

Jack would like the statistic of the portion of the City's developed open area that is open space, and how this compares to other municipalities.

Steven observed that with the various changes proposed to parks dedication the 5% dedication remains.

7. **Next Meeting/Adjourn**

Moved by Jack Hellinga
Seconded by Clayton Nadeau

That with no further business to discuss, the meeting be adjourned at 6:53 p.m.

The next EAC meeting will be on December 9 at 6:00 pm.



Environmental Advisory Committee update on Community Gardens

Janice Peyton to: Ashley Grigg, Karen Walsh

12/02/20 09:48 AM

Good morning Ashley,

Here are the EAC community gardens findings to date for your information.

1. There are three community gardens in Port Colborne, one located in Portal Village for members of that community; one located in the East Village; and one located Gardierie St. Joseph. The garden in Portal Village functions for members of that community. The East Village garden has been the subject of considerable investment but is unused presently. It was operated by Port Cares and we understand produce grown there was given to Port Cares for distribution throughout Port Colborne. The lands are owned by Vale and may be sold as part of Vale's land disposal program.
2. We asked Vale for a copy of research they undertook to help gardeners condition their soils to offset nickel deposition. We have not received that and will try again.
3. We have sought clarification from Port Cares on the status of the East Village community garden. Unfortunately, we received no reply to our calls. In the alternative a Port Cares Board member has been approached and a promise secured that there will be an answer.
4. Officials from Niagara Community Garden Network were spoken to in the summer. That organization provides design and technical assistance for the creation and management of community gardens. At the time, the Network had established partnerships in some Niagara Region area municipalities and oversees 700 community gardens at 40 sites across Niagara including the East Village and the Gardierie St. Joseph sites.
5. Port Colborne isn't a partner presently. Since then, we also understand the Niagara Community Garden Network has a new funding partner, the United Way. This may be the partner Port Colborne needs to develop a community garden.
6. From the research we reviewed on community gardens, a major public benefit of a community garden is increased food security for those who grow food. From information available to us, we understand that Port Cares helped gardeners grow food and the food was contributed to Port Cares for community distribution.
7. During the COVID-19 pandemic, research suggests that gardening is an important constructive recreational outlet for the public as we social distance.

Regards,

Janice Peyton
Executive Administrative Assistant, DEO
The City of Port Colborne
Telephone 905-835-2901, Ext. 219
TTY: 905-835-0826
Fax 905-835-2939
janicepeyton@portcolborne.ca

Draft Review of Environmental Advisory Committee Purpose and Focus

Purpose: This report summarizes the Environmental Advisory Committee's review of how to best achieve Council's Environmental Advisory Committee purpose.

Recommended Topics for Focus: Here are the general topics Environmental Advisory Committee members identified for action:

1. More dialogue among community partners and City staff;
2. Strategic and Planning Policy;
3. Environmental Quality; and
4. Becoming More Effective

Recommended Actions: Here are examples of actions the Environmental Advisory Committee has taken to address these topics and which the Committee proposes to take:

1. Under dialogue: for example, continuing discussions with partners concerning Community Gardens as requested by City staff;
2. Under Strategic and Planning Policy: for example, follow-up on boulevard tree bylaw and policy review;
3. Under Environmental Quality: for example, advise staff from time to time on matters such as Vale's community based risk assessment where studies of municipal drains are proposed; and
4. Under Effectiveness: for example, shorten reports, use our members more effectively, and include recommended actions when reporting to Council with, from time to time, public meetings among parties (i.e., Niagara Peninsula Conservation Authority) on selected issues, (e.g., aquifer and shoreline protection).

Introduction: The Environmental Advisory Committee's terms of reference set out the Committee purpose:

"The Environmental Advisory Committee is an Ad-Hoc Committee of Council whose purpose is to:

- *Advise Council on environmental, energy conservation and shoreline protection issues that affect the City of Port Colborne and those matters referred to the Committee by Council.*
- *To promote the integration of environmental, energy conservation and shoreline protection considerations into the planning and development of City policies, programs and services."*

That is a broad mandate. In September 2020, George McKibbin, Chair, spoke to each of Port Colborne's Environmental Advisory Committee members and staff to learn how Committee members expected to meet this purpose in the coming year. He organized the comments by

subject headings for Committee discussion at its October meeting. This discussion celebrates Committee accomplishments and defines what actions the Committee may take.

The number in brackets shown beside the comment indicates comment frequency. Confidentiality was maintained throughout the notetaking. The Chair didn't offer comments. He grouped comments into four general subject headings. He also drafted lists of actions taken previously and which may be taken in the future as examples the Committee might consider.

Analysis: Here are the main topics mentioned in the interviews:

- a) Community dialogue (1);
- b) Industrial land use compatibility where air, noise, odour and dust are concerned (4);
- c) Work closely with the municipality, Conservation Authority and others to preserve landscapes;
- d) The changes we proposed to the tree bylaw are very important (3);
- e) Include native plants in municipal planting programs (1);
- f) Work more closely with the Niagara Peninsula Conservation Authority and encourage the City to do so as well (1);
- g) We should aspire to be the "go to" advisors on environmental policy and developing better policy (2);
- h) We should look at other measures to improve our tree canopies and address climate change (4);
- i) Some of the things we are asked to do are low key and probably better done by staff (1);
- j) We should comment on development proposals, include environment in the City's strategic plan and address environmental sustainability (2);
- k) We need to become more effective by not be providing Council and staff with information reports: we need to make recommendations on actions Council might take (3);
- l) Show how we can finance change (1);
- m) We need to define our direction (1);
- n) Our streetscapes are really dreary: we need to improve them (1);
- o) Work more closely with citizen's groups/funding applications (1);
- p) Create a local assets inventory (1);
- q) We need to protect our groundwater aquifer for local water supplies (2);
- r) How strong are our official plan and zoning bylaw policies (1);
- s) Pollinator plant species (1);
- t) Prepare annual report for Port Colborne Council and the community (1);
- u) Review and advise Council on our budget (1); and
- v) More focus (2).

Findings: The above underlined items go beyond the Committee's purpose, unless otherwise directed by Council. These include:

- We should comment on development proposals
- Show how we can finance change
- We need to define our direction and purpose
- Funding applications

It is recommended the Committee not address these unless directed by Council to do so.

Dialogue: a, c, f, o, and t

Four years ago, the Committee met with Patty Moss to discuss the pollinator program she initiated and the mowing schedule of rural roads. The Committee supported her program and volunteer effort before Council. Since that time, the City has endorsed the pollinator program and incorporated it within administration activities. This is an example of a successful dialogue.

Here are additional topics where dialogue has been and may be productive:

- a) we understand a portion of HH Knoll Park will be redeveloped as a pollinator garden. The Committee could canvass the garden society and local gardeners and horticulturalists for native pollinator species seed and planting assistance.
- b) Jungbunzlauer has developed pollinator gardens on their industrial property with Patty Moss's assistance.
- c) In addition to public education, we understand Patty Moss may be working with Conservation staff and others to promote pollinator gardens.

These are examples of constructive dialogue that produce environmental results across Port Colborne. The Committee can foster and encourage this dialogue within our terms of reference.

Strategic and Planning Policy: b, j, l, q, and r

With staff guidance, we asked Council to direct staff to review two topics: the boulevard tree bylaw and policy and suggested components needed for the review of the site alteration bylaw. We heard one progress report on monitoring carbon emissions in City operations before the report was finalized and presented to Council. Thereafter the Committee reviewed the report and supported with reasons the proposed monitoring plan.

As requested by City staff, the Committee is researching community gardens and will make recommendations to staff shortly on our findings.

We recommend more proactive work with staff on identified topics on which the City seeks advice and which the Committee's experienced and qualified membership can contribute.

Environmental Quality: d, e, h, n, and s.

The third grouping are matters of environmental quality. One contribution on this topic included a set of questions and answers summarizing the science and positions of the Provincial Ministry of Environment, Conservation and Parks, the Regional Department of Health, and Vale on the Community Based Risk Assessment.

We suspect the last thing Council and staff are looking for is another lengthy report. We addressed this concern by preparing short reports with recommended actions.

The Committee's report on Vale's community based risk assessment was an exception. However, background work alerted staff Vale's researchers were about to undertake research on the municipal drains east of Vale's property. Committee minutes on this subject recorded helpful discussions of technical matters staff may use when approached by Vale's consultants.

There are other actions on Vale's community based risk assessment that might usefully be considered. The five member subcommittee which researched that report may consider and report these to the Committee for consideration.

It is unusual to have a community based risk assessment without much community input over much of the assessments preparation.

Effectiveness: i, g, j, k, m, p, t, u and v.

Council provided the Committee options for actions we have not taken full advantage of.

For example, the Niagara Peninsula Conservation Authority has one non-voting member. Jungbunzblauer has a member on the Committee and is representative of the industrial sector Port Colborne wishes to encourage. These representatives have much to offer and we could seek their assistance more effectively.

At a scheduled meeting we could request a presentation from their representatives on topics agreed to be of mutual interest. These could take the form of the public meetings provided for under item 10 of the Terms of Reference. Meeting findings can be reported to Council.

We could ask members of Port Cares, Vale or other organizations associated with community gardens to make presentations. We experienced difficulty obtaining information on the operations of one community garden needed to respond fully to the City staff's request.

It would be also prudent to develop committee working principles for decision making. Here are principles environmental organizations in other jurisdictions use for decision making:

1. Participants need to be collegial in all discussions;
2. All the applicable sciences should be applied;
3. Evidence based decisions making should be adhered to when providing advice; and
4. All points of view among the participants need consideration during discussions and when providing advice.

Last, focussing on green outcomes where the pandemic and climate warming are concerned helps provide messages of hope and comfort much needed in this difficult time. This is especially important in this period of COVID-19 and climate warming.



WNY APA EDITORIAL BOARD

Editorial Board Welcome

Written By: George McKibbin

In our first editorial entitled "Planning During and After the Age of COVID-19" we addressed how planners might respond to the pandemic. In this second editorial, we explore how planners can reconceive and recreate public open spaces as one means of containing the virus' spread.

As we drafted this editorial, we drew upon research reported in the Journal of the American Planning Association and presentations by Dr. James Sallis, Ken Greenberg and Sari Liem at an Ontario Professional Planners Institute (OPPI) Friday Forum Webinar on July 3rd 2020. I moderated that session and was able to discuss their presentations and review their background research in depth. OPPI graciously made that Webinar available to APA members in the Upstate Chapter and the Western New York Section.

The Webinar represents the second cross border event the Section has organized in which members of the Upstate Chapter and OPPI participated together.

Your editorial team took all that information and drafted the second editorial.

Special thanks go to Ann McKibbin, McMaster University, and John Forester, Cornell University, both of whom reviewed the article and provided comments. We also thank OPPI for the making the Friday Forum Webinar available to New York State APA Members! Last, a special thanks goes to Dr. James Sallis who graciously offered us his permission to publish the infographic demonstrating "How activity friendly cities can benefit non-communicable and infectious diseases."

We hope you find this editorial stimulating and helpful and welcome any comments and suggestions for future editorials you may have!

How Planners Can Help to Contain the Spread of COVID-19: Creating Safe Public Space

Written By: George McKibbin

Our local paper, the Welland Tribune (Thursday, July 30), observes Niagara Region's COVID-19 case load is increasing. We are reaching levels not experienced since early June. We just moved to Stage 3 of Ontario's re-opening plan. The day before, 40 new cases were reported: 23 of which are Niagara Falls related, perhaps to Clifton Hill, a popular recreation area. Lake Erie beaches are also crowded this hot summer. Dr. Deborah Birx and Dr. Anthony Fauci report COVID-19 spread in the United States entered a new phase: widespread outbreaks are occurring in rural as well as urban areas throughout the States (Washington Post, August 3rd). Our borders remain closed and will be closed for the foreseeable future.

In his striking book, Loss and Changeⁱ, Peter Marris observes the COVID-19 challenges we face involve grief and loss of meaning. Grief occurs when social relationships and their attendant meaning are disrupted. Predictable spaces of social encounters, spontaneous or planned, no longer exist. To recover, we need time to process our grief by reconstructing lost meaning respectfully in new and needed and as yet uncreated spaces. Recovery is beginning but we struggle. Planners can help by designing spaces amenable to recovery of lost relationships and meaning in this perilous time.

COVID-19 stresses produce four categories of grief and lost meaning. First there are changes from which no course of action exists to prevent loss of relationship: quarantining and the hospitalization and death of a family member from COVID-19. A second class involves changes where the cause can't be easily identified: the disruption of global corporate resource supply chains and retail functions we need for supplies to survive. A third class involves the loss of predictable attachments where no action is capable of restoring meaning: the furloughing of religious gatherings, schools, community meetings and the loss of use of public and private parks. Last, changes where the relationship's meaning is lost but not the relationship itself: I still have my job/business and my health and family, but what am I to do?ⁱⁱ

Some changes we experience don't challenge meaning. For example, the changes we make as we mature, choose a profession or partners, and raise a family. Recovery from a broken arm won't challenge personal meaning. Adoption of new technology may not challenge collective meaning: for example, moving to digital meeting technology like ZOOM and e-commerce involving portal to portal delivery. Except where these changes overlap our COVID-19 experience we can set these types of changes aside for the moment.

There may be no best strategy to stop COVID-19 spread short of a vaccine. Evolving treatment strategies and a vaccine development hold promise but require time and expensive research. But less well understood is how effective vaccines will be and for how long? Canadian health officials suggest COVID-19 challenges may remain long after vaccines are available.

Meanwhile, we experience COVID-19 disruptions in each change category discussed aboveⁱⁱⁱ. COVID-19 is an infectious disease, but with the application of science and best practices its spread can be limited by applying social distancing, quarantines, capacity limits, spacing requirements and contact tracing.

But implementation of these measures presents us with a mystery. How and where do I, my family and my community meet one another safely? The challenge immerses us. Its dimensions are as

variable as the personalities involved.

Institutions, public and private, apply science and its general specifications for social contact to address COVID-19 abstractly. But how are we to encounter each other face to face “in a world governed by technics”?^{iv} This lost spontaneity challenges our practical ability to be compassionate and empathetic. What does it mean to be a family, a community in this time of COVID-19?

Marris wrote, “*Any serious bereavement impairs the ability to attach collective meaning to events and spaces, and hence the ability to learn how to survive.*”^v In this time of COVID-19, our planning challenge involves finding new ways to encounter each other in the spaces we use and share safely. Grief arises when our old ways of meeting are no longer appropriate or possible. The resulting desolation is profound: we feel disorganized, bewildered, lost! Unattended to, this desolation escalates into rudeness, blame, racism, opioid and substance abuse, and spousal abuse, incidents of all of which are rising in both of our countries.

We need safe places where we encounter each other and self-identify as individuals, families, and communities. These encounters make living special and provide meaning. So “*recovery from grief depends on restoring a sense that the lost attachment can still give meaning to the present, not in finding a substitute.*”^{vi} ZOOM may be an important part of our software future, but virtual meetings don’t replace face to face encounters entirely.

We need to take the meaning we received from encounters in spaces before COVID-19 and design a full range of safe spaces for meeting and encounter to recover those experiences. With time, we may move beyond that former space and meaning, but that is a matter for time’s passage and the conscious decisions of all users. This spatial redesign will enable us to reformulate our purposes in ways that will be emotional, personal and self-directed, too. Once undertaken we can move on.

Collective change can involve conflict: witness the reactions to face masks requirements. We need to provide time and the opportunity for individuals to act out in safe forums, not in our streets and in stores. These forums and processes require time, respect and patience. We need to enable “*the realization of the essential continuity in the structure of meaning*”^{vii} in this difficult time. If we do not, some will strive without success to return to a lost, and now unsafe past; discriminate and blame others; and become narcissistic.

In the midst of this confusion and disorientation community planners are also participants in the COVID-19 event: each of us and our profession experiences loss of meaning and requires silence and patient work to process our attendant grief even as we address that of the communities we serve. As we think of how we help our communities, remember you need space to process it all.

In the first edition of this Editorial, we discussed the importance of setting rules for the deliberative conversations we engage in as planners in our communities:

1. Participants need to be collegial in all their discussions;
2. All the applicable sciences should be employed;
3. Evidence based decision making should be adhered to when providing advice; and
4. All points of view among the participants need to be listened to during discussions and when providing advice.

We must remember: The virus doesn't discriminate! But we need on-going enquiry and learning shaped by leadership combined with scientific expertise and social solidarity^{viii}!

What can land use planners constructively do to help? How might we mobilize land use to better serve our communities in this difficult time?

Here is an illustration. The entrances to the Seaway Mall in Welland, Niagara Region, notify all who enter that "mall walking" is prohibited. Before the pandemic, the elderly and idle and shoppers and employees walked for exercise and socialized in the mall corridors while using the food court, library and stores together with shoppers many of whom met together and engaged in vibrant conversation.

This mall houses many commercial and office spaces. A cinema, municipal library, medical services, commercial day care and an outdoor seasonal farmers market round out the mall's private and public functions. Extensive parking surrounds the complex together with a municipal transit stop. Big box stores (Staples) co-exit separately with associated parking that services all. Some shops closed due to COVID-19. Those which remain open are staffed nervously. Some outlets in the food court are open for take-out: seating has been removed.

Less obvious are pension fund and insurance policy investments and their banks and managers who make the mall retail function possible^{ix}. Even less obviously, commercial property value world-wide, hotels, shops, offices and warehouses quadrupled since 2000, and institutional investors (pension funds and insurance companies) hold a third of that value.

But COVID 19 upends this in two ways:

1. Tenants may simply stop paying rent and limit investor's ability to make mortgage payments; and
2. Investment trends towards warehouses and e-commerce accelerate, further devaluing commercial property^x.

Mall stores adapted with a mix of social distancing, capacity limits, the use of masks, and physical re-organization for curbside pickup depending upon the Provincial re-opening stage that applies. Building operators use more stringent air conditioning filter standards together with greater air circulation from without and within^{xi}.

But other uses are hard pressed and some are failing: hotels, restaurants and smaller owner-occupied shops. Half of America's independent restaurants may go under while a third of America's 1,100 malls may be demolished. When public and private financial supports end, will the Mall survive?

Jeffrey Hardwick's biography reports that Victor Gruen, "Mall Maker..., Architect of an American Dream" envisioned America's shopping malls as recapturing the nostalgia he felt as a child growing up, with rich experiences of walking and frequenting Vienna's streets, before his family fled the Nazis. Today, supply chain changes transform commercial functions and space requirements, but the experience of walking the Mall and encountering people still undergirds the Mall experience.

Planners cannot address COVID 19's land use effects without grappling with the lost spaces within which we encountered each other. For the moment, I suggest we set aside the vast changes taking place within institutional supply changes and address recovering this space first.

The lost social space encompassing the Seaway Mall are multiple and varied depending on the

categories of public and private space encountered in the complex. Kenneth Frampton differentiates public spaces into public, semi-public, private and service space^{xii} where semi-public includes the functional space where customers and clients view the wares, negotiate their prices and have their needs met, or not as the case may be.

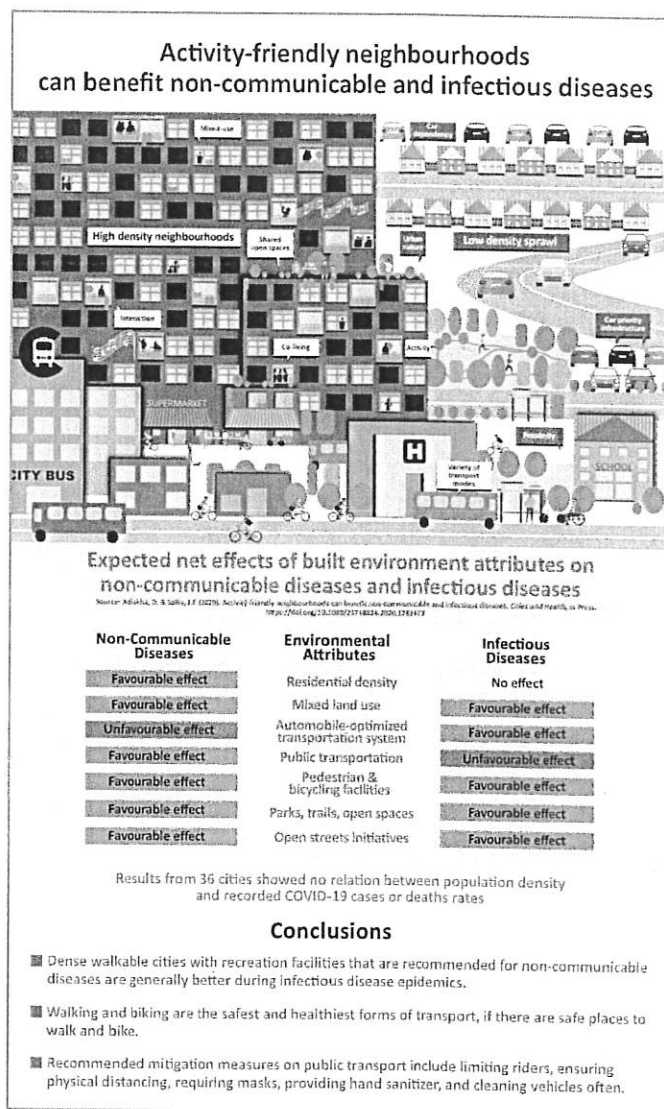
Private Mall spaces include spaces where personal nurture needs are met. For example, consider the animal shelter where lost pets are reconnected to new families and homes, and the library. Semi-public space is space restricted to employee access: where sales displays and supplies are organized, stored or office space, where meals are cooked and where the service needs to clients are met: banks and dental offices.

Service areas serve the building itself: loading docks, the parking lot and municipal bus station; and those areas that minister to corporeal needs: the washrooms, coatrooms etc. The indoor mall corridors and outdoor sidewalks act as public spaces linking the stores and offices.

In the pandemic, economic changes compound the collective recovery of lost encounters within these various public spaces^{xiii}. We can't walk the mall for physical exercise needed. Employees can't get the hours or generate the sales needed to support their families, their businesses and make rent and mortgage payments. We can't meet safely with colleagues and friends with whom we work or serve or have coffee and lunch or use a public washroom.

Planners need to help redesign and replace these lost spaces within which social encounters occur safely and people can interact:

- We need to recapture the mall experience either in place or in different settings. We can design public spaces that enable people to socialize while maintaining social distancing. That may involve open air shopping and physical activity in streets which are either closed or with some lanes closed to vehicular traffic for some or all of the day.
- A system of street and/or lane closures can enable cycling and walking corridors to encourage physical activity throughout and acknowledge social recognition and encounters between walkers, cyclists and bystanders. Even if that recognition is limited to a wave, or hello in passing or how are you from across the street, it enables people to wish each other well and to stop to reconnect at safe distances during this difficult time.
- In OPPI's Webinar on "Planning for a New Normal: COVID-19 Impacts on Community Building, Intensification and Public Health"^{xiv}, Ken Greenberg described how Calgary is providing



temporary sidewalk widening to help physical distancing. Similarly, he described how Winnipeg is limiting vehicular traffic in designated areas to provide for expanded cycling and active transportation routes. We need to experiment in these techniques to better provide opportunities for interaction.

- d. In OPPI's Webinar, Dr. James Sallis^{xv} observed physical activity benefits where chronic and infectious diseases are many and varied. Of importance for this pandemic, specifically, walking "improves immune function and decreases inflammation; reduces non-communicable diseases that place people at higher risk to COVID-19; reduces psychological stress; rebalances stress hormonal cortisol which helps improve immune function and inflammation; improves lung function; and improved response to vaccines, when one is made available."
- e. Staying at home is likely counterproductive in the long term where COVID-19 is concerned unless one is under quarantine. We need to provide constructive opportunities for physical activity in community shared space.
- f. Dr. Sallis also reported on research suggesting that there is no correlation between urban population density and COVID-19 infections and deaths. Please see the attached image Dr. Sallis helped produce for further explanation of this and other observations between built environment attributes and infectious and non-communicable diseases.
- g. It may be productive to begin to reconsider family clusters to include larger clusters of unrelated persons who provide each other supports like child care, cleaning, grocery shopping, and teaching so as to enlarge support available to single parent families and individuals living alone, elderly or otherwise.
- h. Overcrowded and dense communities are not the same thing (see Jane Jacob's definition^{xvi}). Overcrowding occurs when too many people occupy the same space. We can and do have densely populated urban areas which are not overcrowded. But Homeless populations are too often in overcrowded communities and will require immediate and more directed assistance than the larger population doesn't require.
- i. Shima Hamadi, Sadegh Sabouri and Reid Ewing^{xvii} found in their research on density and COVID-19 that connectivity matters more than density where infections and loss of life are concerned. In OPPI's Webinar both Ken Greenberg and Sari Liem stressed the importance of land use diversity that enables family and community living to safely occur in closely knit and diverse neighbourhoods with an abundance of public open space and which minimize the need to travel to different communities.

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- ⁱ Peter Marris, *Loss and Change*, Revised Edition, Routledge and Kegan Paul, plc, 1986.
- ⁱⁱ Ibid, Marris, 1986, page 124.
- ⁱⁱⁱ Joseph Rykwert, *Remembering Places: A Memoir*, Routledge Press, 2017, page 156.
- ^{iv} Ibid, Joseph Rykwert, 2017, page 156.
- ^v Ibid, Marris, 1986, page 149.
- ^{vi} Ibid, Marris, 1986, page 149.
- ^{vii} Ibid, Marris, 1986, page 156.
- ^{viii} Forester, John., George McKibbin., *Beyond Blame: leadership, collaboration and compassion in the time of COVID-19*, awaiting publication in the *Journal of Socio-Ecological Practice Research*, Springer Nature Singapore Pte Ltd., 2020
- ^{ix} The Economist, "Commercial Property, Like a Ton of Bricks", page 57, June 27th 2020.
- ^x "IBID, The Economist, Page 57, June 27th 2020.
- ^{xi} Wall Street Journal article carried in the *Welland Tribune* Saturday, June 11th, 2020.
- ^{xii} Frampton, Kenneth., *A Genealogy of Modern Architecture: Comparative Critical Analysis of Built Form*, Lars Muller Publishers, Zurich, Switzerland, 2015/16, page 31
- ^{xiii} Ibid, Marris, 1986, page 148
- ^{xiv} Greenberg, Ken, "Design for Resiliency in Post-Pandemic Age, Powerpoint presentation at OPPI's webinar "Planning for a New Normal – COVID-19 Impacts on Community Building, Intensification and Public Health, OPPI Forum Friday Webinar – July 3, 2020.
- ^{xv} Deepti Adlakha, James F. Sallis, « Activity-friendly neighbourhoods can benefit non-communicable and infectious diseases, in *Cities and Health*, <https://www.tandfonline.com/doi/full/10.1080/23748834.2020.1783479>
- ^{xvi} This statement comes from Jane Jacob's classic, *The Death and Life of Great American Cities*, page 268. It reads "This confusion between high densities and overcrowding, which I will go into briefly because it so much interferes with understanding the role of densities, is another one of the obfuscations we have inherited from Garden City planning. The Garden City planners and their disciples looked at slums which had both many dwelling units on the land (high densities) and too many people within individual dwellings (overcrowding), and failed to make any distinction between the fact of overcrowded rooms and the entirely different fact of densely built up land. They hated both equally, in any case, and coupled them like ham and eggs, so that to this day housers and planners pop out of the phrase as if it were one word, "highdensityovercrowding"."
- ^{xvii} Hamidi, Shima, Sadegh Sabouri, and Reid Ewing., "Does Density Aggravate the COVID-19 Pandemic?", in the *Journal of the American Planning Association*, 2020. <https://www.tandfonline.com/doi/full/10.1080/01944363.2020.1777891>

John Forester (Cornell University) and Ann McKibbin (McMaster University) reviewed and provided very helpful comments on drafts of this editorial. I am very grateful for their insights! Thank you!

The Corporation of the City of Port Colborne

By-law no. 6853/01/21

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Lots 121 to 123 on Plan 12, and Part of Lots 368 and 369 on Plan 16, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 168 and 176 Elm Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A7” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Institutional (I) and Fourth Density Residential (R4) to R4-56.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-56

Notwithstanding the provisions of the Fourth Density Residential Zone, the following special regulations shall apply:

a)	Minimum Front Yard	4.5 metres
b)	Minimum Interior Side Yard	1.5 metres
c)	Minimum Corner Yard	1.5 metres
d)	Minimum Rear Yard	1.5 metres
e)	Maximum Lot Coverage	25 percent
f)	Maximum Height	As existing
g)	Max Gross Floor Area	1450 square metres
h)	Minimum Landscape Area	25 percent
i)	Minimum Floor Area / Unit	35 square metres
j)	Minimum Number of Parking Spaces	23 spaces
k)	Landscape Buffer Between the Edge of any Parking Area Abutting a Public Road	0 metres
l)	Landscape Buffer Between the Edge of any Parking Area Abutting a Residential Zone	1.5 metres
m)	Minimum Setback of a Building for the Purpose of Human Habitation to a Functioning Railway Right-of-way	1.5 metres

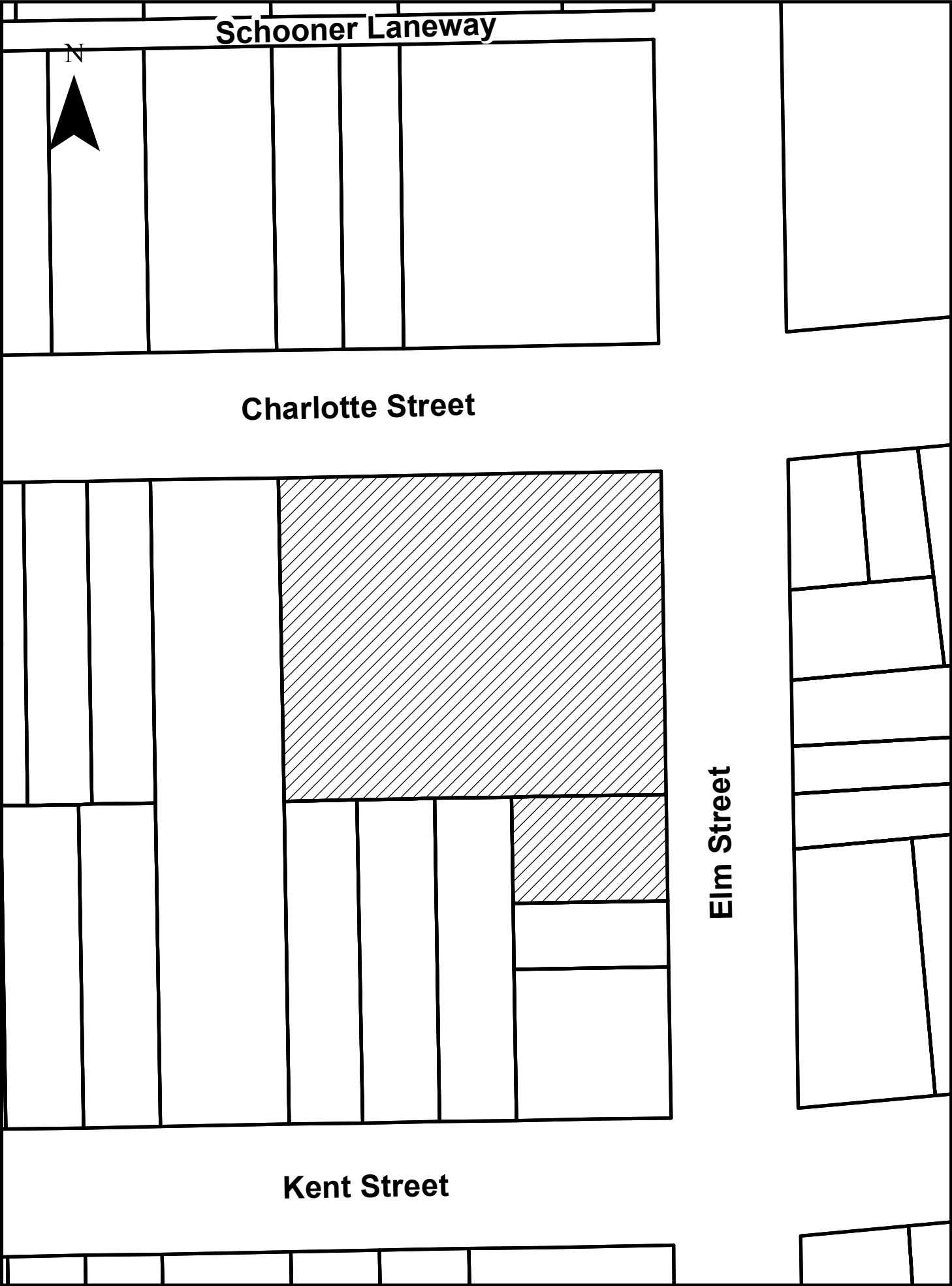
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 11th day of January, 2021.

William C Steele
Mayor

Amber LaPointe
Clerk




This is Schedule "A" to By-law number 6853/01/21

Passed January 11th, 2021

Mayor

Clerk

 Lands to be rezoned from Institutional (I) to R4-56

January 2020
File number: D14-02-20
Drawn by: City of Port Colborne
Planning Division

The Corporation of the City of Port Colborne

By-law no. 6854/01/22

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lot 31, Concession 2, in the former Township of Humberstone, now the City of Port Colborne, Regional Municipality of Niagara; municipally known as 599 Main Street West.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A8" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Highway Commercial (HC) to HC-57.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

HC-57

Notwithstanding the provisions of the Highway Commercial Zone, the following special regulations shall apply:

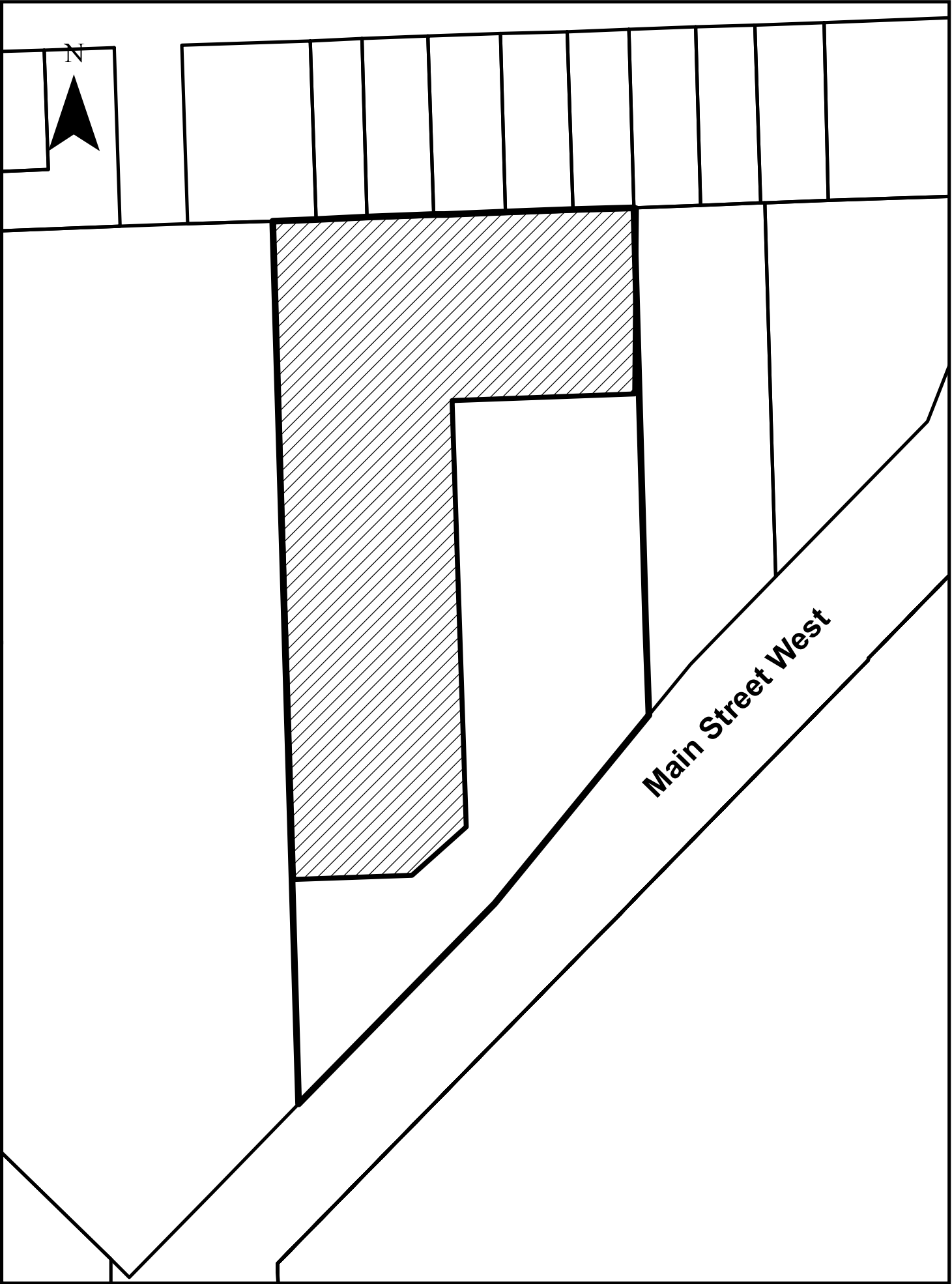
- a) Notwithstanding any provisions of this By-law to contrary, the lands indicated in Schedule A to this By-law (Phase 2 in the approved Site Plan Agreement) shall be deemed a lot.
 - b) Notwithstanding any provisions of this By-law to the contrary, the frontage of the lands indicated on Schedule A to this By-law, shall be deemed to be the frontage of Phase 1 of the approved Site Plan Agreement.
 - c) Notwithstanding any provisions of this By-law to the contrary, the front lot line for the lands indicated on Schedule A to this By-law shall be deemed to be the front lot line of Phase 1 of the approved Site Plan Agreement.
 - d) Notwithstanding any provisions of this By-law to the contrary, the front yard for the lands indicated on Schedule A to this By-law shall be deemed to be the front yard of Phase 1 of the approved Site Plan Agreement.
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

- 5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 11th day of January, 2021.

William C Steele
Mayor

Amber LaPointe
Clerk



Lands to be rezoned from Highway Commercial (HC) to HC-57

THIS IS SCHEDULE "A" TO BY-LAW NO 6854/02/21

PASSED January 11th, 2021

MAYOR

CLERK

NOVEMBER 2020

FILE NO D14-06-20

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

The Corporation of the City of Port Colborne

By-Law No. 6855/03/21

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Regular Meeting of January 11, 2021

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of January 11, 2021 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 11th day of January, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk