

**City of Port Colborne
Council Meeting Agenda**

Date: Tuesday, November 8, 2022
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. Land Acknowledgment
4. Proclamations
5. Adoption of Agenda
6. Disclosures of Interest
7. Approval of Minutes
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 - 8.2. Recommendation Report for Proposed Draft Plan of Condominium and ZBA at 690-700 Elm Street, File No. D07-01-22 & D14-13-21, 2022-235 31
 - 8.3. Recommendation Report for Proposed Expansion to the Main Street CIP Area - 1 Neff Street, 2022-238 69
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10. Presentations

11. 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/delegation, email deputyclerk@portcolborne.ca or phone 905-835-2900, ext. 115.

12. Mayor's Report

13. Regional Councillor's Report

14. Staff Remarks

15. Councillors' Remarks

16. Consideration of Items Requiring Separate Discussion

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20.2.	By-law to amend Zoning By-law 6575/30/18 respecting lands in the City of Port Colborne municipally known as 690-700 Elm Street	417
20.3.	By-law to adopt amendment no. 11 to the Official Plan for the City of Port Colborne	423
20.4.	By-law to amend Zoning By-law 6575/30/18 respecting lands in the City of Port Colborne, municipally known as 9 Chestnut Street (Chestnut Park).	431
20.5.	By-law to Adopt the Revised Sale of Surplus Land Policy	433
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	Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.	
22.	Procedural Motions	
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City of Port Colborne

Council Meeting Minutes

Date: Tuesday, October 11, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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

Staff Present: S. Luey, Chief Administrative Officer
B. Boles, Director of Corporate Services/Treasurer
S. Lawson, Fire Chief
S. Tufail, Acting Deputy Clerk (minutes)
N. Rubli, Acting City Clerk
S. Shypowskyj, Director of Public Works

1. Call to Order

Mayor Steele called the meeting to order at 6:36 p.m.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

4.1 Fire Prevention Week - October 9 - 15, 2022

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

That October 9 to 15, 2022, be proclaimed as "Fire Prevention Week" in the City of Port Colborne.

Carried

4.2 Small Business Week - October 16 - 22, 2022

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

That October 16 to 22, 2022, be proclaimed as "Small Business Week" in the City of Port Colborne.

Carried

4.3 Poppy Weeks, October 28 - November 11, 2022

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

That October 28, 2022 to November 11, 2022 be proclaimed as "Poppy Week" in the City of Port Colborne.

Carried

5. Adoption of Agenda

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

That the agenda dated October 11, 2022 be confirmed, as amended.

Carried

6. Disclosures of Interest

7. Approval of Minutes

7.1 Regular Meeting of Council - September 13, 2022

Moved by Councillor D. Kalailieff
Seconded by Councillor M. Bagu

That the minutes of the regular meeting of Council, held on September 13, 2022, be approved as presented.

Carried

8. Staff Reports

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

That items 8.1 and 8.2 be approved, and the recommendations contained therein be adopted.

Carried

8.1 2021 Consolidated Financial Statements and Annual Report, 2022-218

That Corporate Services Department – Financial Services Division Report 2022-218 be received;

That the reserve transfers proposed in this report and included in the consolidated financial statements, be approved; and

That the consolidated financial statements attached as Appendix A to Corporate Services Department Report 2022-218, be approved.

8.2 Municipal Heritage Registry – Second Round Revisions, 2022-216

That Development and Legislative Services Department – Planning Division Report 2022-216 be received; and

That Council approve the removal of the 45 properties listed in Appendix A of Development and Legislative Services Department Report 2022-216 from the Municipal Heritage Registry; and

That Planning and Museum Staff and the Heritage Port Colborne Committee be directed to continue to review the remaining properties on the registry and provide Council with further recommendations.

9. Correspondence Items

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

That items 9.1 to 9.5 be received for information

Carried

- 9.1 **Niagara Region - Implementation of Automated Speed Enforcement (ASE) Across Niagara Region**
- 9.2 **Niagara Region - Smarter Niagara Incentive Program (SNIP) Tax Increment Grant 2022 Update**
- 9.3 **Niagara Region - Niagara Peninsula Conservation Authority (NPCA) Policy Document and Procedural Manual Update**
- 9.4 **Municipality of Brighton - Request for Support Regarding Changes to be Made to the Healthcare Connect System for Members of the Canadian Armed Forces**
- 9.5 **Municipality of Grey Highlands - Increased Speeding Fines**
- 10. **Presentations**
 - 10.1 **Isadore Sponder Memorial Trophy Presentation – 2022 Recipient Summer McCaffery**
- 11. **Delegations**
 - 11.1 **Niagara Region - Niagara Regional Transit (NRT) on Demand Update - Port Colborne Inclusion**

Robert Salewytch, Manager of Transit Services, Niagara Region, provided an overview and update on the Niagara Regional Transit OnDemand service in Port Colborne and responded to questions received from Council.

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

That Niagara Regional Transit OnDemand service in Port Colborne update be received for information.

Carried
- 12. **Mayor's Report**

A copy of the Mayor's Report is attached.
- 13. **Regional Councillor's Report**
- 14. **Staff Remarks**
 - 14.1 **Port Colborne Quarry PIT 3 Expansion (Landry)**

The Manager of Planning Services provided an update on the Port Colborne quarry pit 3 expansion and the application process.

15. Councillors' Remarks

15.1 Declaration of City-owned properties (Bagu)

In response to Councillor Bagu's request for an update on City properties, the Manager of Strategic Initiatives advised that an update report will be brought to Council in the near future.

15.2 Urgent Care Closure (Bagu)

In response to Councillor Bagu's concern regarding the Oct. 8th closure of the Niagara Health -Port Colborne Site Urgent Care Centre, Mayor Steele provided an overview on staff shortages currently being experienced by Niagara Health and measures being taken to avoid similar circumstances.

15.3 Speeding on Wellington Street (Beauregard)

In response to Councillor Beauregard's inquiry regarding speeding issue on Wellington street, the Director of Public Works advised that the area is being reviewed and appropriate measures are being taken to address the issue.

15.4 Transport Trucks (Danch)

In response to Councillor Danch's inquiry regarding transport trucks speeding on Elm Street, the Mayor confirmed that the request would be relayed to the Niagara Regional Police, Staff Sergeant for Port Colborne.

15.5 Thank you to Staff- Highway 1 (Kalailieff)

Councillor Kalailieff expressed appreciation towards staff for installing slow barriers and for other improvements on Highway 1.

16. Consideration of Items Requiring Separate Discussion

16.1 Short-term Rental Follow-up Report, 2022-208

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Community Safety and Enforcement Department – By-law Enforcement Division Report 2022-208 be received;

That the recommendations of Option 2 of Community Safety and Enforcement Department Report 2022-208 be approved; and

That Council direct Staff to draft a Short -Term Rental Registration By-law to be presented to Council in 2023.

Carried

a. Delegation material from Donald LeBlanc, resident

16.2 City Real Estate – Hydro Corridor Update, 2022-225

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Chief Administrative Office- Economic Development and Tourism Division Report 2022-225 be received for information; and

That Council declare the properties along the hydro corridor as shown in Appendix A as surplus.

Carried

16.3 MOU between Port Colborne and Niagara Regional Housing, 2022-219

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That Chief Administrative Office Report 2022-219 be received;

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and Niagara Regional Housing (NRH) for an Affordable Housing Development; and

That a by-law to enter into an MOU with NRH be brought forward, and;

That Council authorize the Mayor and Acting City Clerk to execute the MOU and by-law.

Carried

16.4 Downtown BIA Farmers' Market Agreement Extension, 2022-221

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Chief Administrative Office - Economic Development and Tourism Division Report 2022-221 be received;

That Council approves the Downtown BIA (Business Improvement Area) managing the Farmers' Market for four years commencing with the new term of Council;

That Council approve the updated Memorandum of Understanding (MOU) Appendix A between the City and the Downtown BIA, attached as Appendix A to Report 2022-221; and

That a By-law authorizing entering into the MOU with the Downtown BIA be approved.

Amendment:

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Chief Administrative Office - Economic Development and Tourism Division Report 2022-221 be received;

That Council approves the Downtown BIA (Business Improvement Area) managing the Farmers' Market for **three years** commencing with the new term of Council;

That Council approve the updated Memorandum of Understanding (MOU) Appendix A between the City and the Downtown BIA, attached as Appendix A to Report 2022-221; and

That a By-law authorizing entering into the MOU **as amended** with the Downtown BIA be approved.

Carried

a. Delegation from Jesse Boles, Downtown BIA

16.5 Vale Health and Wellness Centre Cooling Tower and Heat Exchanger Gasket Replacement, 2022-231

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Public Works Department Report 2022-231 be received;

That Council approve \$450,000 to remove and replacement the Cooling Tower and Heat Exchanger Gaskets at the Vale Health and Wellness Centre;

That the funding requirement of \$450,000 be included in the 2023 Capital and Related Project Budget and;

That Council provide the Chief Administrative Officer and Director of Public Works signing authority to award and approve payment of associated works.

Carried

16.6 Stephan Gohlke, Resident - Recommendation to Improve Safety in Port Colborne, Killaly Street East, Restricted Heavy Truck Traffic

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That correspondence from Stephan Gohlke regarding the recommendation to improve safety on Killaly Street East in Port Colborne be directed to staff and a report be brought back to Council within Q1 of 2023.

Carried

16.7 Canadian Federation of University Women (Welland and District) UNiTE to end Violence Against Women and Girls Orange Campaign

Moved by Councillor A. Desmarais

Seconded by Councillor D. Kalailieff

That correspondence from Canadian Federation of University Women (Welland and District) UNiTE regarding 16 Days of Activism Against Gender-Based Violence Campaign be supported and the Chief Administrative Officer be directed to light the cupola of City Hall in orange light for the 16 Days of Activism.

Carried

16.8 Municipality of Brighton - Request for Support Regarding Streamlining Governing Legislation for Physicians in Ontario

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That correspondence received from the Municipality of Brighton regarding streamlining governing legislation for physicians in Ontario, be supported.

Carried

16.9 Township of McGarry - Removal of Municipal Councillors under Prescribed Circumstances

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That correspondence from the Township of McGarry regarding removal of Municipal Councillors under prescribed circumstances be supported.

Carried

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That items 19.1 and 19.5 be approved, as presented.

Carried

19.1 Active Transportation Advisory Committee Minutes, March 1, 2022

19.2 Economic Development Advisory Committee Minutes, May 31, 2022

19.3 Port Colborne Library Board Minutes, July 20, 2022

19.4 Port Colborne Historical & Marine Museum Minutes July 19, 2022

19.5 Port Colborne Senior Advisory Council Minutes, July 19, 2022

20. By-laws

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That items 20.1, 20.3 and 20.4 be enacted as passed and that 20.2, as amended.

Carried

- 20.1 By-law to Authorize Entering into a Memorandum of Understanding with Niagara Regional Housing for an Affordable Housing Development**
- 20.2 By-law to Authorize Entering into a Memorandum of Understanding with the Port Colborne Downtown Business Improvement Area Regarding the Port Colborne Farmers' Market Operations**
- 20.3 By-Law to Provide for the Remuneration for Councillors**
- 20.4 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**

21. Confidential Items

Moved by Councillor D. Kalailieff
Seconded by Councillor M. Bagu

That Council do now proceed into closed session in order to address items 21.1 to 21.6.

Carried

- 21.1 Minutes of the closed session portion of the September 13, 2022 Council Meeting**
- 21.2 Chief Administrative Office Report 2022-226, Proposed or Pending Acquisition or Disposition of Land**
- 21.3 Chief Administrative Office Report 2022-223, Proposed or Pending Acquisition or Disposition of Land**
- 21.4 Chief Administrative Office Report 2022-227, Proposed or Pending Acquisition or Disposition of Land**
- 21.5 Corporate Services Department – Human Resources Report 2022-230, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations**
- 21.6 Corporate Services Department Verbal Report, Performance Review and Goals of the Chief Administrative Officer, personal matters about an identifiable individual, including municipal or local board employees**

22. Procedural Motions

23. Information items

24. Adjournment

Council moved into Closed Session at approximately 9:56 p.m.

Council reconvened into Open Session at approximately 11:28 p.m.

Mayor Steele adjourned the meeting at approximately 11:29 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk



PORT COLBORNE

Mayor's Report

OCTOBER 11, 2022

TOUCH-A-TRUCK AND FIRE SAFETY WEEK OPEN HOUSE A HUGE SUCCESS

Many thanks and congratulations for all the effort by public works staff, and staff from other departments who chipped in to help at our Operations Centre, and all the firefighters and staff at Fire Station One.

The Touch-A-Truck event at the Operations Centre Tuesday afternoon September 27 was phenomenal. I was told more than 300 people had already passed through the gate within the first 15 minutes, and almost 1000 people attended the three-hour event. Kudos to Steve Shypowskyj and his team for coordinating all the equipment and the many community partners. You did an incredible job.

Kudos to Fire Chief Scott Lawson and his crew for another terrific Fire Safety Open House at the Fire Hall Saturday, October 1. These types of events really engage our community, and our families, by educating on so many levels. They teach the value of fire safety, fire prevention, all the steps to avoiding catastrophe. None of us ever think it will happen. This week is Fire Prevention Week. Always remember: "Fire won't wait, plan your escape!"

OAKWOOD IS WINNING SCHOOL OF PAINT-A-PLOW

I look forward to a Pizza Party with Grade 8 students from Oakwood School. The students designed and painted "the mayor's choice" in the Paint-a-Plow event. All the schools in Port Colborne were invited to paint one of the big snowplows we use every winter to clear snow from our roads. All the plows were well done, it was a difficult decision, but the plow painted by Oakwood was The One.

Each painted plow will be used in the neighbourhoods of the schools where they were painted, so watch for them during snow season!

Well done! Thank you to all the students from all the schools in Port Colborne.

CHRISTMAS CARD ART

Speaking of snow season, I cannot wait to see the Christmas designs you have been working on for my annual Christmas card!

This is another PORT-icipation tradition – we ask all children in Port Colborne, up to Grade 8, to design art for a Christmas card. They can use crayons, markers, paints, pencils, anything. My favourites are featured on cards we send out for Christmas. The top five designs are featured on the city hall float in the Santa Claus parade. Yes, we are pleased to announce, the night-time lighted parade is back this year, on the first Saturday evening of December, which is Dec. 3 Grand Old Christmas at the museum is the first Sunday of December, which is Dec. 4, and yes, it's all in-person again, too.

I know we've just wrapped up Thanksgiving, so Christmas feels a long way away, but it'll be here before we know it.

As I said, I can't wait to see the designs our talented youngsters come up with this year. Thanks, children.

SERVICE LINE WARRANTIES

The letter citizens received about Service Line Warranties a few weeks ago is an example of city staff trying to provide good service and good advice to property owners. If the pipes on the homeowner's side of the property freeze and burst or break because they're old and worn out, that's a sudden huge expense many of us may not be able to cover. The Service Line Warranties provides an option – if you already have insurance for when your pipes fail, great! You don't need it. This was an option for you to choose, if you needed it. If the letter did nothing other than to have you check your own insurance policy, then that was a good thing in itself. If you are covered for water damage due to freezing pipes, that's great. If you aren't, this is a good policy to consider. Yes, I am in the insurance business, but this has nothing to do with me, or my business. This is a staff-driven initiative, to help citizens of Port Colborne.

ANYTHING ELSE?

Congratulations to Summer McCaffery for earning the Isadore Sponder Memorial Trophy.

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, September 20, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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

Staff Present: S. Tufail, Acting Deputy Clerk (minutes)
N. Rubli, Acting City Clerk
D. Schulz, Senior Planner

1. Call to Order

Mayor Steele called the meeting to order at 6:30 pm.

2. Adoption of Agenda

Moved By Councillor R. Bodner

Seconded By Councillor E. Beauregard

That the agenda dated September 20, 2022 be confirmed, as amended.

Carried

3. Disclosures of Interest

3.1 Councillor E. Beauregard -Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, File No. D12-01-22 & D14-06-22, 2022-215

The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who work on this property.

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street, File No. D07-01-22 & D14-13-21, 2022-213

Purpose Of Meeting

The purpose of this meeting, pursuant to sections 34 and 51 of the Planning Act, is to consider Draft Plan of Condominium and Zoning By-law Amendment applications submitted by the applicant Curtis Thompson of Better Neighbourhoods Inc. on behalf of the owner Topwide Property Development Inc. for the lands known Part of Lot 3, west side of Cranberry St, Part of Blocks B & C on Plan No. 775.

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R4-CH (Fourth Density with Conversion Holding) and R2 (Second Density Residential) to a site-specific R4 zone that will permit the development of 71 total dwelling units (five single-detached, 10 semi-detached, 15 townhouse, and 41 apartment dwelling units).

The Draft Plan of Condominium will implement the proposed Zoning By-law Amendment and legally allow each unit to be held in independent ownership and establish common elements such as the internal condominium road.

Method of Notice

Notice of the Public Meeting was administered in accordance with Sections 34 and 51 of the Planning Act, as amended, and Ontario Regulations 544/06 and 545/06.

Notice of Public Meeting was circulated on August 31st, 2022, to internal departments and agencies. Notice was also circulated via regular mail to property owners within 120m on August 30th, 2022. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

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

That Development and Legislative Services – Planning Division Report
2022-213 be received for information.

Carried

a. Written Delegation material from Jennifer Gardiner, resident

Ms. Gardiner is in support of the development as it is a good use of vacant land to increase housing. She has expressed concerns surrounding parking and its overflow onto adjoining side streets as children in the area walk to the park. Lastly, Ms. Gardiner requests for 2-3 hour parking implementation at the park and no parking within 10m of the intersection.

b. In person delegation from Curtis Thompson, Planner, Better Neighbourhoods Development Consultants Inc., applicant

Mr. Thompson provided a brief presentation on the development process. Changes to the original proposal include:

- Integrated 690 Elm Street into the development plan
- Relocated apartment building eastward to front Elm Street which, increased setbacks to existing houses, improves walkability and streetscape; and increased housing units and scale of apartment building through increased land size.
- A new rear laneway flanking the southern lot line which provides a larger buffer to existing houses and improves privacy.

Question Of Clarification For Staff or Applicant

Councillor Beauregard asked for clarification on the home-based business amendments and how it does not meet the requirements.

Mr. Thompson stated it is to amend the signage provisions to allow more flexibility for home-based businesses to advertise should a business be present there.

Councillor Beauregard asked if the garages shown along lanes A, B, and C are proposed to be accessory dwelling units on top. Mr. Thompson responded that most would not be permitted according to the City's Zoning By-law for reasons such as limited parking. There is potential for a couple of units subject to the Zoning By-law. They are seeking relief on unit sizes and height of the accessory

dwelling units.

Mr. Schulz provided comments that Planning Staff has not provided an official opinion, however in his experience a flat size limit would prevent oversized accessory dwelling units, and keep them accessory to the main use.

Councillor Bruno asked if accessory dwelling units would increase the number of units.

Mr. Thompson responded if the accessory dwelling unit is issued, it would increase the number of units. These units are not included in the development plans due to the unpredictability of how many units would be built.

Councillor Bruno asked to provide additional information on the number of accessory dwelling units for the next meeting.

Mr. Schulz said staff can work with the applicant to get the number established for the next meeting.

Councillor Bruno asked if the developer proposes to encompass the external boundaries with a fence.

Mr. Thompson stated a continuous fence is included in the site plan process.

Councillor Bruno has concerns regarding how rapidly the apartments would be built and the impact on grading and drainage.

Mr. Thompson explained the development process would be phased. Primary services would be installed post-site plan approval. The proposed catch basins would pick up on the adjacent neighbours based on the existing overland flow route. This would be dealt with at the building permit stage.

Mr. Schulz agreed with the applicant.

Councillor Wells asked if the proposed home-based business units 1 to 5 could be commercial units rather than dwelling units.

Mr. Schulz responded staff will review this through the recommendation report to ensure the home-based businesses are secondary to the main use.

Councillor Wells asked if commercial uses are permitted in the proposed R4 zone, and if commercial uses would have to be amended.

Mr. Schulz stated yes, commercial uses would have to be stated in the final draft of the by-law.

Councillor Desmarais asked if consideration for affordable housing was made and what the definition of affordable housing is to them. Mr. Thompson explained the definition would be the provincial definition for affordable housing. The proposal does not adhere to the definition strictly.

c. In person delegation from Brian Canter, resident

Mr. Canter attended the open house meeting to provide some concerns, however upon reviewing the revised application, their concerns were not addressed. The concerns are:

- the new higher density proposal would have a negative impact on the current low-density residential neighbourhood
- loss of privacy and enjoyment of backyard usage
- Would the wastewater system sustain the increase of units?
- What measurements would be put in place in case of damages from construction?
- Concerns with flooding in the neighbourhood.

Mr. Canter asked for a 3-storey apartment building comprise to mitigate the listed concerns.

Mr. Schulz and Mr. Thompson responses:

- a preliminary functional servicing report was submitted indicating the existing services are adequate, and a stormwater management report will be completed later.
- Most concerns will be addressed prior to the finalization of the site plan agreement
- A pre-condition survey of the neighbourhood will be completed by the client through the site plan agreement
- Snow removal can be set as a condition in the site plan control agreement
- The Official Plan encourages higher density development along arterial roads including Elm Street.

d. Virtual delegation from Mike Horsley, resident

Mr. Horsley represented Sylvie Canter who is a resident of 30 Snider Street. Mr. Horsley expressed concerns regarding delegation of the site plan approval process, height of the development, fencing requirements, landscape plan, photometric

plan and propose private street be designated as a fire route and restrict all on-site parking through the development. Mr. Horsley requested that a special condition stating all on-site lighting be shielded and/or directed away from adjacent properties and by-laws pertaining to loading areas and waste collections.

Mr. Schulz responded to concerns:

- Site plan approval is delegated to staff.
- A landscape plan will be required by a licensed landscape architect, a photometric plan, lighting assessments, and fencing installation would be included in the site plan agreement.
- The fire prevention officer will review the fire route during the site plan process.
- The Niagara Region is responsible for waste management services, or a private waste collection company to be disclosed in the site plan agreement.

4.2 Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, File No. D12-01-22 & D14-06-22, 2022-215

Councillor E. Beauregard declared a conflict on this item. (The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who work on this property. ;)

Purpose of Meeting

The purpose of this meeting, pursuant to sections 34 and 51 of the Planning Act, is to consider Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by the applicant Matt Kernahan of Upper Canada Consultants on behalf of the owner 2600261 Ontario Inc. for the lands known as Northland Estates, legally known as Concession 2 Pt Lot 31, Concession 2 Pt Lot 31 RP 59R12021 Parts 1 & 2, and Con 2 Pt Lot 31 RP 59R11866 Parts 2 to 5.

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R3 (Third Density Residential), RD (Residential Development), and EC (Environmental Conservation) to a site-specific MU (Mixed Use) zone, EC (Environmental Conservation), (P) Public & Park, and a site-specific R3 zone.

The site-specific MU zone is being sought to permit a maximum height of 14 metres for residential and non-residential buildings. The site-specific

R3 zone is being sought to permit a minimum lot area of 180 square metres and a minimum interior side yard of 1.5 metres for townhouse dwellings, and a minimum lot area of 327 square metres for detached dwellings.

The Draft Plan of Subdivision proposes to divide the subject lands into 122 lots for single-detached dwellings, 10 blocks for 50 street-townhouse dwellings, one mixed use commercial and residential block, a park, one block for a stormwater management facility and an environmental conservation block.

Method of Notice

Notice of the Public Meeting was administered in accordance with Sections 34 and 51 of the Planning Act, as amended, and Ontario Regulations 544/06 and 545/06.

Notice of Public Meeting was circulated on August 31st, 2022, to internal departments and agencies. Notice was also circulated via regular mail to property owners within 120m on August 30th, 2022. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

Mr. Kernahan provided a brief presentation on the development with visual maps to illustrate each area of development.

Detailed studies completed at this time include:

- Environmental Impact Study
- Functional Servicing and Stormwater Management Report
- Water Balance
- Noise Impact Assessment
- Traffic Impact Study

Questions of Clarification for Staff or Applicant

Councillor Desmarais asked for clarification on the flow of traffic at the intersection of street A and Northland Avenue.

Mr. Kernahan explained there is a possibility for a road connection to West Side Road.

Councillor Desmarais asked if consideration for affordable housing was made and the definition of affordable housing.

Mr. Kernahan explained the definition would be the provincial definition for affordable housing, however, the proposal does not adhere to the definition strictly. The intention is to be rental units offering greater opportunities for affordable housing.

Councillor Bruno recited the Regional comments stating that the proposed draft plan of subdivision and zoning by-law amendment application is not considered at this time to be consistent with the PPS or conform to the Growth Plan policies. Councillor Bruno is concerned the development proposal will return to Council without the opportunity for the public to comment on future development changes.

Mr. Schulz explained under the provisions of the Planning Act additional public meetings are not required for changes to a draft plan of subdivision. For zoning by-law amendment applications, any changes to the zoning warrant another public meeting.

Councillor Bagu questioned if there is an appeal possibility to Regional comments.

Mr. Schulz explained the approved decision by Council could be appealed by the applicant or the Region.

Moved By Councillor D. Kalailieff

Seconded By Councillor M. Bagu

That Development and Legislative Services – Planning Division Report 2022-215 be received for information.

Carried

a. In person delegation from Hammie Schilstra, resident

Ms. Schilstra did not have any comments.

b. In person delegation from Ron Rienas, resident

Mr. Rienas expressed concerns regarding the Steele Street sewage pumping station. The sewer shed has experienced significant inflow infiltration which requires a sanitary servicing report to be submitted. The wastewater from Steele Street pumping station transfers to the Omer Avenue pumping station before the sewage treatment plant. He is requesting to have Omer Avenue station included in the servicing report to ensure pumping capacity could accommodate future growth.

Councillor Bruno asked if draft plan of subdivision is approved, could it be put on hold until engineering studies are approved?

Mr. Schulz responded an approval is given after development details are presented and understood.

c. In person delegation from Matthew Whynot, resident

Mr. Whynot did not have any comments.

d. In person delegation from Kasey Townes, resident

Ms. Townes did not have any comments.

e. In person delegation from Daryl Bisnett, resident

Mr. Bisnett did not have any comments.

f. Virtual delegation from Randy Hall, resident

Mr. Hall expressed concerns regarding the eagle marsh drain.

Mr. Schulz stated the applicant is working with the Drainage Superintendent to address this matter.

An upcoming meeting will include detailed information for the public on the progress. The meeting will be advertised on the City's website.

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 8:26 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk



Subject: Recommendation Report for Development Agreement D11-10-22, 1575 Firelane 2

To: Council

From: Development and Legislative Services Department

Report Number: 2022-239

Meeting Date: November 8, 2022

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2022-239 be received;

The execution of a Development Agreement with Ricky and Erica Froese be approved; and

That the By-law authorizing entering into the Development Agreement for 1575 Firelane 2 with Ricky and Erica Froese, attached as Appendix A of Development and Legislative Services Report 2022-239 be approved.

Purpose:

The purpose of this report is to obtain a decision from Council on the request to enter into a Development Agreement with Ricky and Erica Froese, the current owners of 1575 Firelane 2, for permission to construct a dwelling on the property, while the existing dwelling remains temporarily. The owners intend on living in the existing dwelling while the construction of the new dwelling takes place. Once the dwelling is complete, the existing dwelling is required to be demolished.

Background:

The applicant applied for a building permit on August 26, 2022, for a proposed dwelling on the subject property. During Planning Staff's review, staff found that the existing dwelling was to remain during the construction period. Staff identified this as a violation of the Zoning By-law. According to section 2.12 a), Only one detached dwelling shall be permitted as a principle building on one lot. In order to address the existing dwelling

remaining during the construction of the proposed dwelling, a Development Agreement is required to be entered into with the applicant indicating that the existing dwelling will be permitted on a temporary basis and must be demolished within 18 months of the registering of the agreement, or once occupancy of the proposed dwelling has been granted, whichever comes first.

Discussion:

The Development Agreement is required as a result of the provisions of Section 2.12 of the Zoning By-law, which states the following:

Except where otherwise permitted, only one principal building of the following uses shall be permitted on one lot:

- a) A detached dwelling*
- b) A semi-detached dwelling*
- c) A duplex dwelling*
- d) A triplex dwelling*
- e) A fourplex dwelling*

The proposed Development Agreement will help to ensure that the provisions of Section 2.12 will be met by requiring the applicant to demolish the existing dwelling.

Securities are required to be posted by the applicant in the amount of \$20,000. The securities will be released back to the applicant when Staff is satisfied that the terms of the agreement have been met. If Staff determines the terms have not been met, the securities can be used by the City to fulfill the terms of the agreement.

The applicant will have 18 months to complete the required work, after which the terms of the agreement must be met, or the applicant will have to apply for an extension. The agreement, attached as Appendix A, outlines the terms that must be fulfilled by the applicant.

Internal Consultations:

In consultation with Building Division Staff, three examples of demolition permits were reviewed to determine the amount of securities to collect. 1433 Firelane 1, 244 Humboldt Parkway, and 14 Victoria Street had a project value for demolition of \$15,000 each, except for 14 Victoria, which had a value of \$20,000. Several factors are included in these projections, including the size of the structure and the price charged by the contractor. Using these examples, Staff determined that \$20,000 would be an appropriate amount to collect from the applicant.

Financial Implications:

Securities will be collected from the applicant to ensure the terms of the agreement are fulfilled. If the terms of the agreement are not met, Staff can use the money from the securities to complete any outstanding work. After consulting with the Building Division, Staff is satisfied that the amount collected for securities is enough to cover the costs of demolition, if required.

Public Engagement:

Public engagement is not required for Development Agreements.

Conclusion:

Based on the review of the application and the request by the applicant, Planning Staff have no concerns with the proposed application and recommend that the Development Agreement attached as Appendix A be approved.

Appendices:

- a. By-law and Development Agreement

Prepared by,

Chris Roome

Planner

905-835-2900 ext. 205

Chris.Roome@portcolborne.ca

Respectfully submitted by,

Denise Landry

Manager of Planning

905-835-2900 ext. 203

Denise.Landry@portcolborne.ca

Report Approval:

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

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to authorize entering into a
development agreement with Ricky and Erika Froese regarding 1575 Firelane 2

Whereas the Council of the Corporation of the City of Port Colborne is desirous of entering into a development agreement with Ricky and Erika Froese regarding the property legally known as Concession 1 Part Lot 18 on Plan 59R11746 Parts 1 to 3, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1575 Firelane 2.

Now therefore the Council of the Corporation of the City of Port Colborne enacts as follows:

- 1. That the Corporation of the City of Port Colborne enters into a Development Agreement with Ricky and Erika Froese, which development agreement is attached hereto as Schedule “A”;
- 2. That the Mayor and the Clerk are hereby authorized and directed to sign the said development agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 8th day of November 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2022.

BETWEEN:

Ricky Froese and Erika Froese
Hereinafter referred to as the “**OWNERS**” of the **FIRST PART**;

and

THE CORPORATION OF THE CITY OF PORT COLBORNE
Hereinafter referred to as the “**CITY**” of the **SECOND PART**;

WHEREAS the Owner desires to develop the lands described in Schedule “A” attached hereto (hereinafter referred to as the “**Lands**”);

AND WHEREAS The applicant is required to enter into a Development Agreement to permit the existing dwelling to remain on the property during the construction of the new dwelling.

AND WHEREAS the existing dwelling may be temporarily inhabited by the owners during the construction of the new dwelling.

NOW THEREFORE the parties hereto agree as follows:

1. The Owners hereby warrant that they are the registered Owner of the Lands described in Schedule “A” to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owners, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. The Owner acknowledges the length of this agreement shall not exceed 18 months from the registration of this agreement or until occupancy of the proposed dwelling has been granted, whichever comes first.
5. The Owner acknowledges that once the construction work has been completed or the agreement expires, the existing dwelling must be demolished.
6. As security for carrying out the provisions of this agreement, the Owner shall deposit with the City, before the execution of this agreement, a cash deposit, letter of credit, bank draft, or certified cheque in the amount of **\$20,000** satisfactory to the Treasurer, upon which the City may draw funds without the consent of the Owner, to cover the costs of the demolition of the existing dwelling, if the owner does not meet the terms of this agreement.
7. The Owner acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City.

**SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:**

OWNERS

Ricky Froese

Erika Froese

THE CORPORATION OF THE CITY OF PORT COLBORNE

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk

SCHEDULE “A” – THE LANDS

Con 1 Part Lot 18 on 59R11746 Parts 1 to 3
In the City of Port Colborne
In the Regional Municipality of Niagara

Subject: Recommendation Report for Proposed Draft Plan of Condominium and ZBA at 690-700 Elm Street, File No. D07-01-22 & D14-13-21

To: Council

From: Development and Legislative Services Department

Report Number: 2022-235

Meeting Date: November 8, 2022

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2022-235 be received; and

That the By-law and Draft Plan Conditions in Appendix A of Development and Legislative Services Report 2022-235, granting approval of a Draft Plan of Vacant Land Condominium be approved; and

That Council require no further public notice in accordance with Section 34 (17) of the Planning Act; and

That the Zoning By-law Amendment attached as Appendix B of Development and Legislative Services Report 2022-235, rezoning the subject lands from R4-CH and R2 to R4-70 be approved; and

That the Mayor and Clerk be authorized to sign the final Plans of Vacant Land Condominium and associated agreements, as applicable, following the clearance of all conditions outlined in the Draft Approval as provided in Appendix A.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding applications submitted by Curtis Thompson of Better Neighbourhoods Inc. on behalf of the owner Topwide Property Development Inc. for a proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment at 690-700 Elm Street.

Background:

Applications

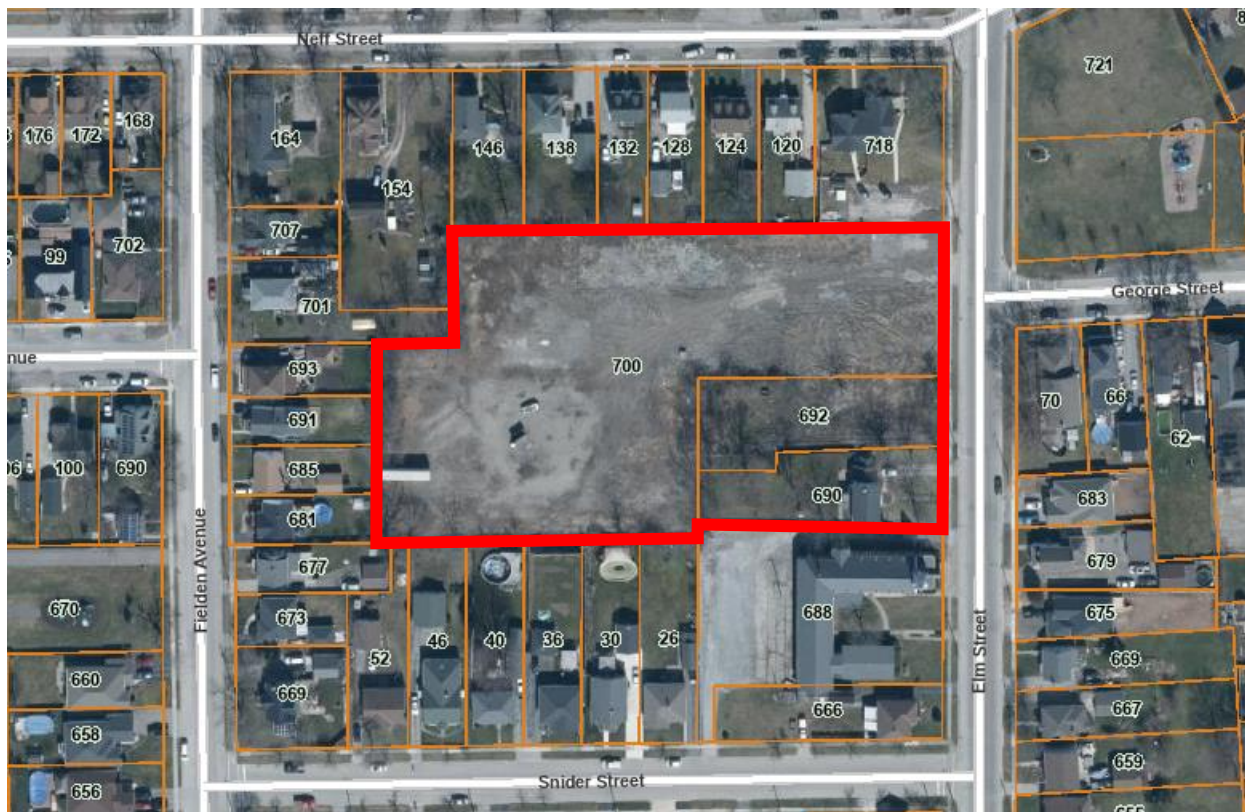
Applications for Draft Plan of Vacant Land Condominium and a Zoning By-law Amendment were submitted by Better Neighbourhoods Inc. in May 2022. The application was deemed complete on July 6, 2022, following the erection of the public notice sign. The following reports/plans have been submitted to help facilitate the development of the land: Planning Justification Report, Functional Servicing Report, Site Plan, Servicing and Grading Plans, Geotechnical Report, proposed elevations and conceptual renderings, Topographic Survey, and a Storm Drainage Plan. These materials can be found on the City's website under "Current Applications".

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R4-CH (Fourth Density with Conversion Holding) and R2 (Second Density Residential) to a site-specific R4 zone that will permit a development of 71 dwelling units (five single-detached, 10 semi-detached, 15 block townhouses, and 41 apartment dwelling units).

The Draft Plan of Vacant Land Condominium will implement the proposed Zoning By-law Amendment and legally allow each unit to be held in independent ownership and establish common elements such as the internal condominium road.

Location and Surrounding Land Use

The subject lands are located on the west side of Elm Street. Land uses in the vicinity include institutional (church) and residential uses to the south, residential uses to the north and west, and residential and park uses to the east.



Discussion:

Planning Legislation

Planning staff reviewed these applications with consideration of several planning documents including the *Planning Act*, R.S.O. 1990, as amended, the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For the applications to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act

Section 2 of the *Planning Act* outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for the consideration of a zoning by-law amendment.

Section 51 of the Act allows for the consideration of Draft Plans of Subdivision and Draft Plans of Vacant Land Condominium.

Planning staff have reviewed the applications in light of the provincial interests identified in Section 2 of the Planning Act, as well as the aforementioned planning documents, which are examined in greater detail below.

Provincial Policy Statement (2020)

The *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses and should efficiently use land and resources.

Staff are satisfied that the proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment applications are consistent with the PPS. The applications propose to make use of existing infrastructure and help contribute to providing a suitable mix of densities.

Growth Plan for the Greater Golden Horseshoe (2019)

Much like the PPS, the Growth Plan also directs and encourages development in settlement areas. The subject lands are located in the “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan policies support the achievement of complete communities that are designed to support healthy and active living and meeting people’s needs for daily living throughout their lifetime.

Staff are satisfied that the proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment applications conform to the Growth Plan. The proposed application supports the priorities of the Growth Plan through intensification.

Regional Official Plan

The subject property is located within the Built-up Area, according to the Regional Official Plan (ROP). Objective 4.A.1.2 states that a significant portion of Niagara’s future growth should be directed to the Built-up Area through intensification. Intensification includes all forms of development that occur within the Built-up Area and is generally encouraged. Staff are satisfied that the proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment applications conform to the ROP.

City of Port Colborne Official Plan

The subject property is located within the Built-up Area and Urban Residential designation according to the City’s Official Plan (OP). The Official Plan supports intensification that is accommodated within the Urban Area and where development is compatible with surrounding uses in accordance with Policy 2.4.3 (Intensification and Infill). The City currently has an intensification target of 15%, in which new

developments should be accommodated in the existing Built-up Area. This proposal helps achieve this target.

Section 3.2 of the Official Plan states that the predominant uses found in the Urban Residential designation shall include residential uses and neighbourhood commercial uses, among others.

Further, Section 3.2.1 provides for a density range of 12-20 units per hectare for low density residential (single detached and semi-detached), 35-70 units per hectare for medium density residential (townhouses), and 70-100 units per hectare for high density residential (apartment buildings). Overall, the site has a density of 58 units per hectare. As the site is a mixture of low, medium and high density residential, staff find that the proposal meets the intent of the Official Plan policies surrounding density.

With respect to the apartment building, additional policies are referenced under section 3.2.1 c):

High Density Residential will:

- i) *Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;*

As mentioned previously, the site meets the appropriate density provisions.

- ii) *Have frontage on an arterial or collector road;*

The proposed apartment building has frontage on Elm Street, which is considered an arterial road as per Schedule D: Transportation, of the Official Plan.

- iii) *Have commercial or ground-oriented residential uses on the main floor;*

The apartment building proposes to include ground-oriented commercial uses in accordance with Policy 3.2.1.d). Further analysis is provided following this section.

- iv) *Be oriented on the site to minimize shadows on adjacent low and medium density residential development;*

The building is oriented to minimize shadows on existing residential uses in the area. The height of the building is in line with the existing R4 zoning requirements.

- v) *Be encouraged to be developed in proximity to public transit and active transportation routes; and*

The Region's newly established Niagara Regional Transit OnDemand will assist with transportation in the area.

- vi) *Be subject to Site Plan Control.*

This proposal will be subject to Site Plan Control prior to construction, which will further address mitigation measures through fencing, buffering, landscaping, lighting, etc.

Policy 3.2.1 d) (Neighbourhood Commercial) states that new residential development proposals shall consider the provisions of neighbourhood commercial within a lot, block or building having frontage on a collector or arterial road. While the requirement for neighbourhood commercial allocation is not required until 100 housing units or more are proposed, staff are supportive of this proposal's inclusion of neighbourhood commercial uses due to the site's location.

Overall, staff find that this proposal meets the applicable policies and conforms to the City's Official Plan.

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

The subject property currently has two zones assigned to it. The larger portion of the property is zoned R4-CH (Fourth Density Residential with a Conversion Holding) and the remaining is zoned R2 (Second Density Residential). The Conversion Holding (CH) requires the filing of a Record of Site Condition (RSC) prior to lifting the holding from the property. The applicant has successfully filed an RSC with the Ministry of the Environment, Conservation, and Parks. A site-specific R4 zone with the CH removed is proposed for the entirety of the lands through this application. Key changes proposed within the Zoning By-law are summarized below, the full Zoning By-law Amendment can be found within Appendix B:

- Revisions to the accessory dwelling unit provisions to set a maximum unit size and building height
- Revisions to the home-based business provisions
- Deletion of Section 2.12 – Buildings on One Lot provision
- Revisions to the permitted encroachment provisions
- Revisions to the ingress and egress provisions to reduce the minimum two-way traffic driveway width
- Revisions to the R4 zoning requirements to reflect the proposed condominium configuration and additional Neighbourhood Commercial type uses

Overall, staff find the proposed Zoning By-law Amendment to be appropriate for the site. A comment/concern was raised by Councillor Wells at the September 20th Public Meeting with respect to the home-based business provisions and commercial uses in the apartment building. Staff have reviewed applicable policies of the Official Plan, specifically policy 3.2.1 d) (Neighbourhood Commercial) and find that the relaxing of the home-based business provisions for the townhouses fronting on Elm Street would be an appropriate change to provide a live-work typology. Staff note that the relaxing of the provisions does not guarantee that these will all be built as a live-work unit, as the market will dictate if that is viable. With respect to the ground-floor commercial uses in the apartment building, staff are supportive of the additional permissions to allow Neighbourhood Commercial type uses. The proposed by-law has been revised to include these additional uses.

Draft Plan of Vacant Land Condominium

The proposed Draft Plan has been reviewed in conjunction with the proposed Zoning By-law Amendment. Based on the comments received to date, no concerns with the granting of Draft Plan approval were raised. Applicable agencies and departments have provided appropriate Draft Plan Conditions to be included in the approval (Appendix A). Staff recommend approval of the Draft Plan of Vacant Land Condominium.

Internal Consultations:

The applications and supporting materials were circulated internally to applicable departments and agencies in July 2022. As of the date of preparing this report, the following comments have been received by applicable departments and agencies:

Port Colborne Fire Department

“Fire has no concerns at this time”

Drainage Superintendent

“There are no concerns regarding municipal drains for this parcel”

By-law Enforcement Division

“By-law Services have no adverse comments at this time”

Engineering Comments

City Engineering staff have reviewed and provided comments on the submission materials. It is noted that comments are technical in nature and will be addressed through the future site plan control process.

Niagara Region

(full comment attached as Appendix C)

Regional Planning and Development Services staff does not object to the Zoning By-law Amendment and Draft Plan of Condominium Applications, in principle, as the proposed redevelopment is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the conditions of the attached Appendix [of the comment letter] being fulfilled. City staff should be satisfied that the proposed development is compatible with the surrounding urban fabric and that all local requirements are met.

Enbridge

- Enbridge does not object to the application.

Hydro One

- No comments or concerns at this time.

District School Board of Niagara (DSBN)

- No objections to the proposed application. Future students from this area would attend McKay PS (Gr. JK-8) and Port Colborne High School (Gr. 9-12).

Financial Implications:

There are no current financial implications. Development has the potential to increase property tax assessment and water and wastewater users.

Public Engagement:

The Notice of Public Meeting is required to be sent to property owners within a 120m radius of the subject property, as per Sections 34 (13) and 51 (20.1) of the *Planning Act*. Notice was circulated on August 31, 2022, and the following comments from the public have been received as of the date of preparing this report:

Member of the Public	Question/Comment	Staff Response
Jennifer Winfrey – 62 George Street – Comment 1	In support of the development as a whole as it is a good use of vacant land to increase housing.	Noted.
Jennifer Winfrey – 62 George Street – Comment 2	Concerns surrounding parking and overflow on the side streets. Would like to request that 2-3 hour parking be implemented at the park and that there be no parking within 10m of the intersection.	The development provides sufficient parking in exceedance of the requirements. Should parking on side streets be a concern, City Council is able to implement measures to prevent long term parking.
Brian Canter – 30 Snider Street – Comment 1 (oral at Public Meeting)	Previous apartment building was only three storeys, now the proposal is for six, would like to see	The height limit in the R4 zone is 20m. No increase in height has been requested at this time. The

	a compromise with a three-storey apartment. Six storey building is not in keeping with the neighbourhood.	City's Official Plan directs and encourages higher densities to be located on arterial roads, of which Elm Street is one.
Brian Canter - 30 Snider Street – Comment 2 (oral at Public Meeting)	Can the wastewater infrastructure handle the increase in density? Concerns with sewer backup.	The Functional Servicing Report submitted by the applicant and reviewed by the City's Public Works staff did not raise any concerns with respect to this.
Brian Canter - 30 Snider Street – Comment 3 (oral at Public Meeting)	What measures will be put in place to ensure any damage to neighbouring homes through construction is handled?	Any damage to homes would be dealt with civilly between the developer and the homeowner. The applicant has noted that they would be open to completing a pre-construction survey of the existing homes in the area.
Brian Canter - 30 Snider Street – Comment 4 (oral at Public Meeting)	What is the timeframe for construction?	It is up to the discretion of the applicant.
Brian Canter - 30 Snider Street – Comment 5 (oral at Public Meeting)	How will snow be dealt with?	Snow will be handled by the property owner and not the City of Port Colborne as this is a condominium development that will remain in private ownership.
Mike Horsley – 30 Snider Street – Comment 1 (oral at Public Meeting)	Is site plan control delegated to staff?	Yes.
Mike Horsley – 30 Snider Street – Comment 2 (oral at Public Meeting)	Does the city have fencing requirements?	Not specific requirements. However, staff will be assessing the need for fencing through the site plan control application.

Mike Horsley – 30 Snider Street – Comment 3 (oral at Public Meeting)	Will there be a landscaping plan?	Yes – through the site plan control application.
Mike Horsley – 30 Snider Street – Comment 4 (oral at Public Meeting)	Will there be a photometric plan and a request that lighting be directed away from neighbouring properties?	Yes – through the site plan control application.
Mike Horsley – 30 Snider Street – Comment 5 (oral at Public Meeting)	Have loading and garbage areas been considered?	Yes – garbage has been reviewed by the Niagara Region.
Mike Horsley – 30 Snider Street – Comment 6 (oral at Public Meeting)	Is there a phasing plan?	The applicant may wish to phase the development. A plan has not been submitted to demonstrate this.
Mike Horsley – 30 Snider Street – Comment 7 (oral at Public Meeting)	Does not feel the apartment is in character with the area.	The height limit in the R4 zone is 20m. No increase in height has been requested at this time. The City's Official Plan directs and encourages higher densities to be located on arterial roads, of which Elm Street is one.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Based on the review of the application and applicable Provincial, Regional, and City planning policies, Planning staff is of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan, Regional Official Plan, and City Official Plan, and represents good planning. Staff recommend that the Draft Plan of Vacant Land Condominium attached as Appendix A and the Zoning By-law Amendment attached as Appendix B, be approved.

Appendices:

- a. Draft Plan of Condominium Approval/Conditions
- b. Zoning By-law Amendment
- c. Niagara Region Comment
- d. Draft Plan of Vacant Land Condominium

Prepared by,

David Schulz, BURPI, MCIP, RPP
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP
Manager of Planning Services
(905) 835-2900 x203
denise.landry@portcolborne.ca

Report Approval:

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

The Corporation of the City of Port Colborne

By-law no. _____

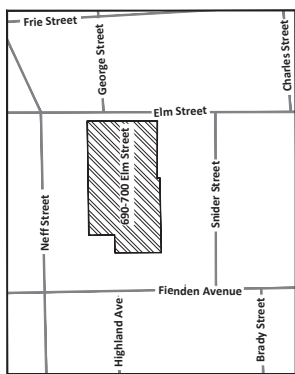
Being a by-law to approve a draft plan of vacant land condominium, for the lands legally known as Part of Lot 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 690-700 Elm Street.

Now therefore, the Council of the Corporation of the City of Port Colborne is desirous of approving a draft plan of vacant land condominium in accordance with the recommendations of Development and Legislative Services Department Report 2022-235, Subject: Recommendation Report for Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street, to approve the draft plan of vacant land condominium and associated draft plan conditions attached as Schedules "A" and "B", respectively, to this by-law and to set a lapsing date of November 8, 2025, after which approval will lapse unless an extension is approved by Council.

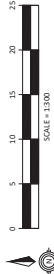
Enacted and passed this day of , 2022.

William C Steele
Mayor

Nicole Rubli
Acting Clerk



Key Map Not To Scale



Preliminary

Legal Description
Part of Lot 3 on west side of Cranberry Street, Part of Blocks B & C on Registered Plan No. 775, and Part 1 on 59R-16070, in the City of Port Colborne

Requirments Of Section 51(17) of the Planning Act

(A) See Plan	(B) See Plan	(C) See Plan	(D) See Plan
(E) See Plan	(F) See Plan	(G) See Plan	(H) Municipal/Potable
(I) Granular Fill	(J) See Plan	(K) Full Urban Services	(L) See Plan
			/Silty Clay

Owner's Certificate

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE BETTER NEIGHBOURHOODS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF VACANT LAND CONDOMINIUM TO THE TOWN OF PORT COLBORNE

(Signature)
2022-04-06

Owner (Trowide Property Development Inc. - Arni Okonkwo)	DATE

Surveyor's Certificate

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

But Lange

2022-04-04

Land Use Schedule			
Use	Unit (Lot)	#	Area (m ²)
Single Detached	20 - 24	5	1,367.67
Semi-Detached	16 - 19	10	2,683.95
Townhouses	1 - 11	15	2,999.37
Apartments	31	41	2,412.61
Street / Lanes / Common			3,403.36
Total		71	12,346.96

[illegible]

**better
neighbourhoods**
DEVELOPMENT CONSULTANTS

1904 Ontario Street, St Catharines, Ontario L2R 5K9 Studio: 905.684.8585 Betterneighbourhoods.ca

690-700 Elm Street
Port Colborne, Ontario

Draft Plan of Vacant Land
Condominium

2022-03-30

DRAWING No: 0397-DPVLC-1





**690-700 Elm Street Conditions of Draft
Plan of Vacant Land Condominium
Approval**

(Council approval granted on _____)

Whereas the Council of the Corporation of the City of Port Colborne approves Draft Plan of Vacant Land Condominium for lands described as Part of Lot 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 690-700 Elm Street., for the creation of 30 lots for five (5) single-detached units, 10 semi-detached units, 15 street townhouse units and one (1) block for a 41 unit apartment building, subject to the following conditions:

Draft Plan

1. This approval applies to the 690-700 Elm Street Draft Plan of Vacant Land Condominium, described as Part of Lot 3 on west side of Cranberry Street, Part of Blocks B & C on Registered Plan No. 775, and Part 1 on 59R-16070, in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, designed by Better Neighbourhoods Inc., dated March 30, 2022, proposing:
 - 30 lots for five (5) single-detached units, 10 semi-detached units, 15 street townhouse units;
 - One (1) block for a 41 unit apartment building;
 - Common element areas consisting of a private condominium road, laneways, parking areas, and landscaped open space areas.
2. The headings inserted in these conditions are for convenience only and shall not be used as a means of interpreting the conditions.

Agreements and Financial Requirements

3. The Owner shall provide three (3) paper copies and an electronic copy of the pre-registration plan(s), prepared by an Ontario Land Surveyor.
4. The Owner shall provide a letter to the Department Development and Legislative Services stating how all the conditions imposed have been or are to be fulfilled.
5. The Owner shall agree to pay to the City of Port Colborne all required processing and administration fees and any outstanding taxes or fees associated with the subject lands.

6. The Owner shall submit a Solicitor's Certificate of Ownership for the Plan of Condominium land to the Department of Planning and Development Services prior to the preparation of the Condominium Agreement.
7. That the Owner enter into a Condominium and/or Site Plan Agreement, as applicable, with the City of Port Colborne and the Agreement(s) be registered by the Municipality against the title of the lands to which it applies.
8. That the Owner shall pay the applicable City of Port Colborne, Niagara Region, District School Board of Niagara, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
9. That the Owner agrees in writing to satisfy all of the requirements, financial and otherwise, of the City of Port Colborne concerning the provision of roads, sidewalks, fencing, fire hydrants, street lighting, the extension and installation of services (sanitary sewers, watermain, and storm sewers), stormwater management, and drainage, including the upgrading of services, and the restoration of existing roads damaged during the development of the Plan of Condominium.
10. Prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the City, and any other applicable authority.
11. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the Planning Act R.S.O. 1990, c. P.13 but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for City Council's consideration, prior to the lapsing date.
12. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the Planning Act R.S.O. 1990, c. P.13.
13. It is the Owner's responsibility to fulfill the conditions of Final Condominium Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City, quoting file number D07-01-22 and referencing the conditions that are cleared.
14. That no grading or construction work commence until such time as the Condominium and/or Site Plan Agreement, as required, has been entered into and financial securities are in place.

Land Transfers and Easements

15. That the Owner agrees to deed any and all easements that may be required for access for utility and drainage purposes be granted to the appropriate authorities and utilities.

Zoning

16. That prior to final approval, the Zoning By-law Amendment application (File No. D14-13-21), which reflects the layout of the Draft Plan of Condominium has come into effect in accordance with the provisions of Section 34 of the Planning Act R.S.O. 1990, c. P.13.
17. The Owner shall submit to the Department of Planning and Development Services two (2) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

Roads

18. If applicable, that the condominium road be named to the satisfaction of the City of Port Colborne.
19. That the Owner provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the City for review and approval.

Municipal Services

20. That a Functional Servicing Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the City for review and to the satisfaction of the Department of Public Works and the Fire Chief.
21. That the Owner will provide the City with the proposed site servicing plans for the subject property. The Department of Public Works shall approve the plans prior to construction.
22. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Department of Public Works for review and approval. The City of Port Colborne is responsible for the review and approval of watermains under the MOE Water License Program.
23. At the end of the project, the design engineer shall certify that all grading, storm sewers and stormwater management controls have been constructed in general conformity to the approved drawing. Copies of the certification shall be provided to the Department of Public Works.
24. That all foundation drainage be directed to a sump that will have a pump discharge to grade. Direct grade connections with sump pump to the

storm sewer system are not permitted.

Stormwater Management, Grading and Sediment/Erosion Control

25. That the Condominium Agreement/Site Plan Agreement between the Owner and the City of Port Colborne contain provisions whereby the Owner agrees to implement the approved stormwater management plan.
26. That the Owner prepare a detailed grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Department of Public Works and the for review and approval. The Owner will ensure that the Plan of Condominium land will remain in a natural state until such time as the detailed grade control plan is approved.
27. That prior to final approval or any on-site grading, the Owner submit to the Department of Public Works for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment, Conservation and Parks documents entitled "Stormwater Management Practices Planning & Design Manual – March 2003" (Ministry of Environment, Conservation and Parks), or the latest revision, and in accordance with the City of Port Colborne's Lot Grading and Drainage Policy:
 - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
 - b) Detailed sediment and erosion control plans.
28. That all sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

Community Benefits and Public Park

29. That the Owner confirm satisfaction of Community Benefits and Parkland Dedication Requirements as permitted in Sections 37 and 51.1 of the Planning Act R.S.O. 1990, c. P.13.
30. The Developer agrees to pay cash-in-lieu to the City of Port Colborne for the value of the land otherwise required to be conveyed (5% of the land included in the plan), less any credits, as applicable.

Utilities

31. That the Owner shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
32. That the Owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the

standards of the City of Port Colborne. All utilities servicing the condominium shall be underground.

33. That the Owner agrees to grant easements as may be required for utility purposes to the appropriate authority.

Bell Canada

34. The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
35. The Owner shall contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.
36. Prior to commencing any work, the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.
37. If the Owner elects not to pay for the above noted connection, then the Owner will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

Canada Post

38. The Owner shall complete to the satisfaction of the Director of Public Works of the City of Port Colborne and Canada Post:
- a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. that the Owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b. The Owner further agrees to:
 - i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the Plan of Condominium.

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

Enbridge Gas Inc.

39. The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, Silva cells, and/or soil trenches) and/or asphalt paving.
40. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.
41. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Niagara Region

42. That the Condominium Agreement between the owner and the City contain the following clause relating to the potential discovery of archaeological resources and remains during construction and grading activities:

"Should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

(MHSTCI) and the owner's consulting archaeologist shall be notified immediately. In the event that human remains are encountered during construction, the owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Heritage, Sport, Tourism and Culture Industries and the owner's consulting archaeologist."

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

43. That the Owner provides a Letter of Reliance from a Qualified Professional to be submitted to the Niagara Region and City of Port Colborne for the completed Environmental Site Assessment work for the development. The Letter of Reliance shall indicate that, despite any limitations or qualifications included in the submitted ESA work, that the Region is authorized to rely on all information and opinions provided there within.
44. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
45. That the Owner submit a written undertaking to Niagara Region Planning and Development Services Department that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this development will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement.
46. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the Vacant Land of Condominium and the following plans designed and sealed by a Qualified Professional Engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans;

47. That the Condominium Agreement between the Owner and the City contain provisions whereby the Owner agrees to implement the approved plans required in accordance with the approved Stormwater Management Plan.
48. That a Garbage Truck Turning Plan using the Regional truck template be submitted for Regional review and approval to ensure the development is able to accommodate internal Regional curbside waste collection services.
49. That a revised Draft Plan be submitted showing the location of the waste collection pads required to service units 1-19, designed in accordance with Regional requirements.
50. That the following clauses be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for the affected units:
- *“Purchasers/Tenants of townhouse units 1-19 are advised that in order to accommodate Regional Curbside Waste Collection Services, waste and recycling containers will need to be brought to the designated waste collection pads on the required collection day.”*
 - *“Purchasers/Tenants of the mixed-use apartment building are advised that the building is not eligible for Regional waste collection and waste collection of the Molok waste system will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.”*
51. That the Owner / Developer shall comply with Niagara Region’s Corporate Waste Collection Policy and complete the Application for Commencement of Collection and Indemnity Agreement with Niagara Region’s Waste Management Division.
52. Prior to granting final approval, the City of Port Colborne must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.
53. The Owner acknowledges that prior to final approval for registration, a copy of the draft Condominium Agreement for the proposed development will be submitted to Niagara Region by the City for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.
54. The Owner acknowledges that clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports

(one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

Fire Department

55. Municipal and private fire hydrants shall be maintained in operating condition and shall be maintained free of snow and ice accumulations. Fire hydrants shall be readily available and unobstructed for use at all times.
56. Fire hydrants shall be inspected annually and after each use in accordance with the Ontario Fire Code. When fire hydrants are in use or being inspected in accordance with the Ontario Fire Code, fire hydrants shall be equipped with port caps that are secured wrench-tight. The port caps shall be removed and the connections inspected for wear, rust or obstructions that in any way hamper easy removal and corrective action shall be taken as needed. If the caps are missing, the hydrant shall be examined for obstructions or accumulated refuse and flushed. When complete the port caps shall be re-installed.
57. The hydrant barrel shall be inspected to ensure that no water has accumulated within the barrel when the main valve is in the closed position. Where the hydrant barrel is found to contain water, the drain valve shall be inspected for operation.
58. If the hydrant barrel is found to contain water because of poor drainage that is impractical to correct, approved measures shall be taken to prevent freezing during winter conditions.
59. The Owner acknowledges the Condo Agreement will permit the Fire Department uninhibited access to inspect the private fire hydrant(s) and that in the event of any repairs deemed necessary, the condo corporation shall bear the costs associated with those works.
60. Municipal and Private fire hydrants shall be color-coded in accordance with NFPA 291, "Recommended Practice for Fire Flow Testing and Marking of Hydrants".

Planning Division

61. That a Landscape Plan and Photometric Plan be submitted to the City of Port Colborne through the Site Plan Control application and subject to the approval of the City.

Final Approval

62. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51(31) of the Planning Act R.S.O. 1990, c. P.13. Final Condominium Approval shall be granted by the City.

Clearance of Conditions

Prior to granting Final Condominium Approval, the City of Port Colborne requires written notice from the following agencies indicating that their respective conditions have been satisfied:

<u>Agency</u>	<u>Conditions</u>
Bell Canada	34-37
Canada Post	38
Enbridge Gas Inc.	39-41
Niagara Region	42-54

Agency Contacts

<u>Agency</u>	<u>Contact</u>	<u>Address</u>	<u>Email/Phone</u>
Bell Canada	Tyler Collins		Tyler.collins@bell.ca
Canada Post	Andrew Carrigan	955 Highbury Avenue London, ON N5Y 1A3	Andrew.Carrigan@canadapost.ca 226-268-5914
Enbridge Gas Inc.	Jasleen Kaur	500 Consumers Road North York, ON M2J 1P8	MunicipalPlanning@enbridge.com
Niagara Region	Katie Young	1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7	Katie.young@niagararegion.ca 905-980-6000 ext. 3727

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 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 690-700 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 R4-CH and R2 to R4-70.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-70

Notwithstanding the provisions of Zoning By-law 6575/30/18, the following special regulations delete and replace the following sections as applicable:

2.9 – Accessory Uses to a Dwelling

2.9.1 – Accessory Dwelling Unit

iii) The maximum floor area for the accessory dwelling unit shall not exceed 65 m².

2.9.1.2 – Dwelling Unit, Detached Accessory

iii) Exceed a building height of 7.5 metres.

2.9.2 – Home Based Business

2.9.2.1 – General Provisions

i) The home-based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling unless such dwelling is wholly located within 30 metres of a *street line*.

iii) The use occupies a maximum floor area of 25% of the total dwelling unit *floor area* to a maximum of 23 m², whichever is less. However, dwellings that are wholly located within 30 metres of a *street line*, may occupy a maximum *floor area* of 35% of the total dwelling unit *floor area* to a maximum of 65 m², whichever is less.

ix) Not more than 2 clients or customers of the home-based business shall be present at any time on the lot occupied by the dwelling unit. There shall be no limit to the number of clients or customers at a home-based business located within 30 metres of the *street line*.

2.9.2.3 – Signage

a) Save for dwellings within 30 metres of the *street line*, there shall be no exterior indication of the home-based business including window display, open storage or display of advertising goods, materials or equipment associated with the home-based business other than one legal sign per property which complies with the City of Port Colborne Sign Bylaw and the following regulations:

- i) The sign shall not be illuminated unless it is associated with a dwelling unit within 30 metres of the *street line*.
- ii) The sign shall not exceed 0.37 m² in area or 2 m² for dwellings located within 30 m of the *street line*.
- iv) The sign shall not be located closer than 0.3 metres to a *street line* or common element within a registered Condominium Plan.
- v) Notwithstanding subsection a) above, home-based businesses located within 30 metres of a *street line* shall also be bound by the following provisions:
 - 1. Opaque or translucent window signage or film shall only be permitted on the ground floor level windows or doors. The window-based signage or film shall not exceed a height of 1/3rd the window or 0.5 metres, whichever is less.

2.12 – Buildings on One Lot

Deleted.

2.19 – Permitted Encroachments

2.19.1 – General Structures

	Height of Deck or Platform		
	Height above the Ground Floor Level to 0.61 m	Height above the Ground Floor Level more than 0.61 m but less than 1.2 m	Height above the Ground Floor Level 1.2 m or greater
Minimum Setback from Corner Side Lot Line	1 m	1 m	Corner Side Yard Setback of principal building
Minimum Setback from Front Lot Line	0.5 m	0.5 m	Front Yard Setback of principal building

3.2 – Parking Space Dimensions

	Min. Width	Min. Depth	Conditions
Standard Parking Space obstructed on one side	2.7 m	5.2 m	Abutting any wall, column, or structure on both sides
Standard Parking Space obstructed on two sides	3.5 m	5.2 m	Abutting any wall, column, or structure on both sides

3.5 – Parking Area

b) Deleted.

3.7 – Ingress and Egress Standards

b) Drive aisles shall have a minimum unobstructed width of 5.5 metres where two-way traffic is permitted and 3 metres where only one-way traffic is permitted or for rear laneways, pending an intermittent minimum 6 m width not less than every 7.5 m along the laneway, and except that the minimum width of a driveway accessory to a detached, semi-detached or townhouse dwelling shall be 2.6 metres.

Section 8: Fourth Density Residential Zone (R4-70)

8.2 – Permitted Uses

- a) Dwelling, Detached;
- b) Dwelling, Semi-Detached;
- c) Dwelling, Triplex;

- d) Dwelling, Fourplex;
- e) Dwelling, Townhouse Block;
- f) Dwelling, Townhouse Street;
- g) Apartment Buildings;
- h) Apartment Buildings, Public; and
- i) Uses, structures and buildings accessory thereto.

8.3 – Regulations for Dwellings; Detached

- a) Minimum Lot Frontage 10.5 metres, except 5.3 metres for Unit 20
- b) Minimum Lot Area 260 m²
- c) Minimum Front Yard
 - i. Dwelling 2.5 metres
 - ii. Garage 15 metres
- d) Maximum Front Yard
 - i. Dwelling 4 metres
- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 2.5 metres
- g) Minimum Rear Yard 7 metres
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %
- j) Maximum Driveway Width 4 metres or 50% of lot width, whichever is less

8.4 – Regulations for Dwellings; Semi-Detached

- a) Minimum Lot Frontage
 - i. Block 18 metres
 - ii. Per Unit 7 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2.5 metres
 - ii. Garage 6 metres
- d) Maximum Front Yard 4.5 metres
- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 1.0 metres
- g) Minimum Rear Yard 7 metres, except 3.9 m for Unit 16
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %
- j) Maximum Driveway Width 3.5 metres or 40% of lot width, whichever is less, if fronting Lane B.

8.5 – Regulations for Dwellings; Triplex, Fourplex

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2 metres
 - ii. Garage 15 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 2.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Height 11 metres
- h) Minimum Landscaped Area 25 %

8.6 – Regulations for Dwellings; Townhouse Block & Townhouse Street

- a) Minimum Lot Frontage
 - i. Block 18 metres
 - ii. Per Unit 6 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2.5 m or 2 m for dwellings within 30 m of Elm Street
 - ii. Garage 19 metres
- d) Maximum Front Yard
 - i. Dwelling 5 m or 4 m for dwellings Within 30m of Elm Street

- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 1.0 metres
- g) Minimum Rear Yard
 - i. Dwelling 11 metres
 - ii. Garage (attached & detached) 0.5 metres
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %

8.7 – Regulations for Apartment Buildings & Apartment Buildings, Public

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard 1 metre
- d) Minimum Interior Side Yard 10 metres
- e) Minimum Corner Side Yard 1 metre
- f) Minimum Rear Yard 13 metres
- g) Maximum Height 20 metres

h) Notwithstanding the R4 zoning provisions, the ground floor of an apartment building may be used for any of the following Neighbourhood Commercial uses, provided the use meets the provisions set out in Section 8.7 above, and parking requirements in Section 3 of the Zoning By-law:

- a) Animal Care Establishment / Veterinary Clinic;
- b) Convenience Store;
- c) Day Care;
- d) Personal Service Business;
- e) Restaurant, Take-Out;
- f) Restaurant, Full Service;
- g) Service Commercial;
- h) Social Services Facility;
- i) Studio;
- j) Brew Pub; and
- m) Retail Store.

Section 38: Definitions

Dwelling, Townhouse, Block: means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common (party) wall, the said dwelling being located on a single lot, with or without dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act. R.S.O. 1990, as amended from time to time or any successors thereto.

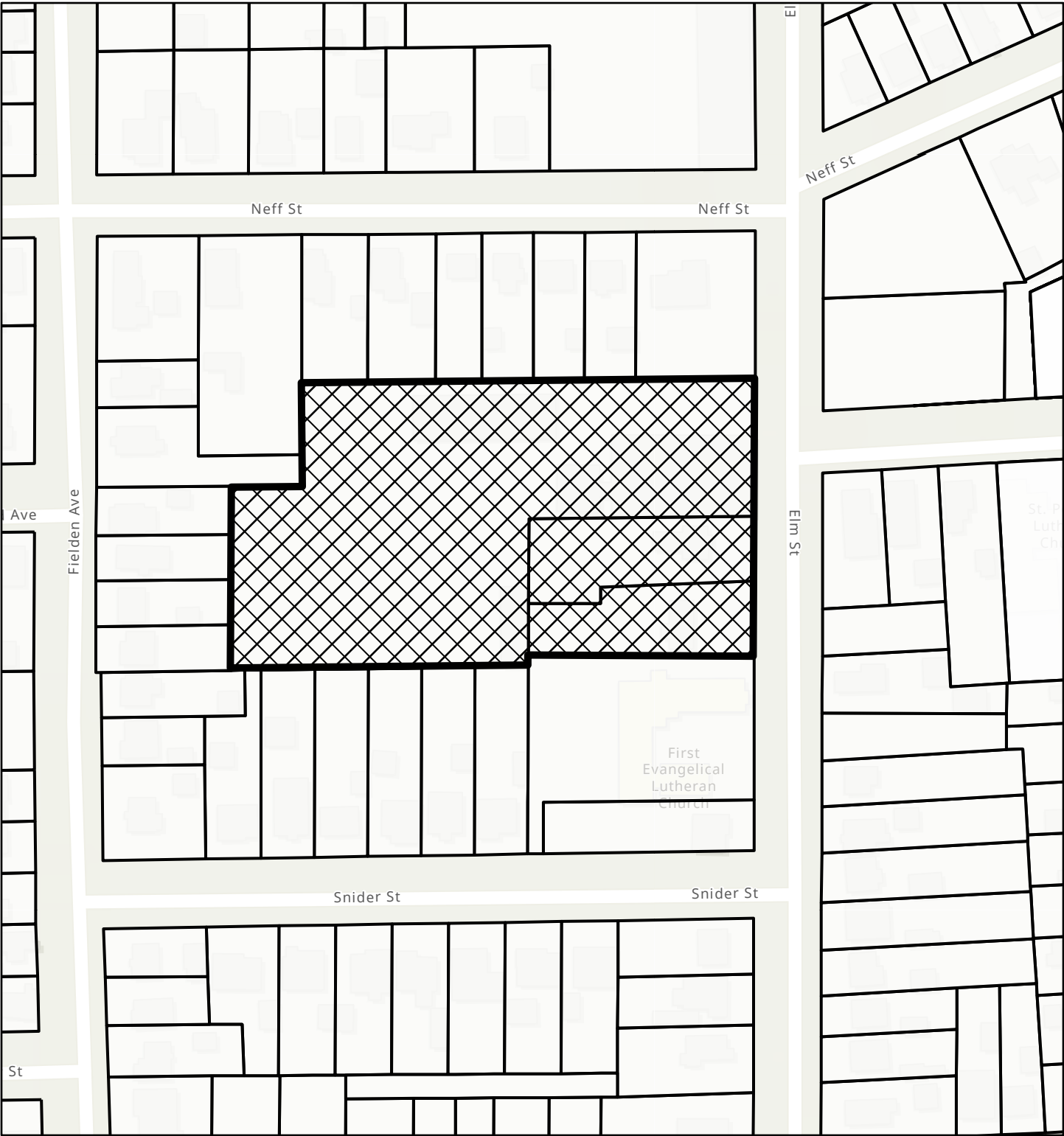
Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home-based business unless provided otherwise in this By-law.

Lot Frontage: means the horizontal distance between the interior side lot lines.

Lot Line: means the boundary of a lot and for the purposes of measuring required yard setbacks, individual unit property lines of a registrable plan pursuant to the Condominium Act, and includes:

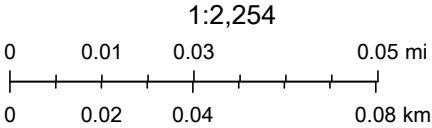
- a) **Front Lot Line:** which means the lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot;
- b) **Rear Lot Line:** which means the 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; and

Schedule A: 690-700 Elm Street



7/21/2022

 Lands Subject to Applications



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Planning and Development Services

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

Via Email

August 4, 2022

Region File: D.18.07.ZA-21-0105
D.11.07.CD-22-0014

David Schulz, BURPI, MCIP, RPP
Senior Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment and Draft Plan of Condominium
City File: D14-13-21, D07-01-22
Owner/Applicant: Topwide Investments/Topwide Property Development
Agent: Better Neighbourhoods Inc.
690-700 Elm Street
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the proposed Zoning By-law Amendment and Draft Plan of Condominium Applications for 690, 692, and 700 Elm Street. Regional staff received circulation of the Applications from the City on July 12, 2022, with the receipt of the associated review fees on August 4, 2022. The subject lands are approximately 1.2 ha (3.05 acres) in size.

The Zoning By-law Amendment is required to change the zoning from a “Second Density Residential” (R2) zone to a “Fourth Density Residential” (R4) zone and lift the existing Holding provision for a Record of Site Condition to be filed. The proposal is to develop three properties under a Draft Plan of Vacant Land Condominium, consisting of 5 single-detached dwellings, 10 semi-detached dwellings, 15 townhouse dwellings, a 6 storey mixed-use apartment building (41 units), and a private street with lay-by and designated visitor parking.

A pre-consultation for the proposal was held on February 11, 2021 with staff from the City and Region in attendance. The following comments are provided from a Provincial and Regional perspective to assist City Council in their consideration of the application.

Provincial and Regional Policies

The subject lands are located within a “Settlement Area” under the *Provincial Policy Statement* (“PPS”), designated “Delineated ‘Built-Up’ Area” in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”), and designated “Urban (‘Built-Up’) Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies direct development to take place within the Urban Area to make efficient use of existing servicing and infrastructure and support the achievement of complete communities. These same policies place an emphasis on intensification and infill to foster a mix of land uses that provide for the diversification of housing options, improved social equity and quality of life, connection to multiple forms of transportation, access to public amenities and institutions, and spaces that are vibrant and resilient in design. A full range of residential and commercial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation. Regional staff has not identified any land use compatibility concerns with the proposed development, nor is the subject land impacted by natural heritage features.

Growth management policies state that until the Region’s municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the ROP for the Delineated Built-Up Area (40%) will continue to apply. The proposal will contribute to the City’s intensification target, as it is considered to be an intensification of the subject lands in accordance with both Provincial and Regional policies. Regional staff acknowledge that compatibility with respect to the surrounding local context and urban fabric is a local planning matter that should be to the satisfaction of the City.

As such, Regional staff is satisfied that the proposed redevelopment of the subject lands is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the comments below.

Site Condition

Part of the subject land (700 Elm Street) was previously used for commercial purposes (autobody shop/former retail fuel outlet) which is considered a commercial use as defined by the *Environmental Protection Act, 1990*. The proposed redevelopment will introduce a new sensitive (residential) use to the property. Therefore, in accordance with the *Environmental Protection Act, 1990* and its associated O.Reg. 153/04, a Record of Site Condition (“RSC”) is required to be filed on the Ministry of the Environment, Conservation and Parks’ (“MECP”) Environmental Site Registry (“ESR”) prior to the change in land use (commercial to residential). As it relates to 690 and 692 Elm Street, both properties have been historically used for residential uses, and as such, do not require a RSC.

A *Phase I Environmental Site Assessment* (“ESA”, dated May 5, 2017, prepared by Amec Foster Wheeler) was completed and subsequently updated June 4, 2018 identifying potentially contaminating activities (“PCAs”) and resulting areas of potential concern (“APECs”) associated with the autobody shop, former retail fuel outlet, former shoe factory, and former lumber yard located at 700 Elm Street. As such, a *Phase II ESA* (dated June 6, 2018, prepared by Amec Foster Wheeler) was completed to investigate the APECs identified through the Phase I ESA in order to file a RSC. The Phase II ESA utilized the Table 3 Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Residential, Parkland, and Institutional Property Use for medium and fine textured soils. The Phase II ESA results concluded that the soil and ground water testing indicated no exceedances of the Table 3 Site Condition Standards, therefore no remediation was required.

A RSC (#224753) was filed to the MECP’s ESR on July 16, 2018 in accordance with the *Environmental Protection Act, 1990* and its associated regulations, as amended. Staff find the submitted Phase II ESA work and RSC to be acceptable. As such, it is recommended that the Holding (H) Provision on 700 Elm Street be lifted, subject to City staff’s satisfaction that all local requirements and provisions have been met.

Regional staff request that a Letter of Reliance from the Qualified Professional be provided for all submitted ESA work. The Letter must indicate that despite any limitations or qualifications included in the completed ESAs, that the Region is authorized to rely on all information and opinions provided there within. An appropriate condition to this effect is included within the attached Appendix.

Site Servicing

Regional staff note that site servicing works are subject to the City’s review and approval. The Region will require the submission of a written acknowledgement and undertaking, as well as a clause in the future condominium agreement, acknowledging that servicing allocation for the development will not be assigned until the plan is registered. Appropriate conditions have been included within the attached Appendix.

Stormwater Management

Staff has reviewed the *Functional Servicing Report*, prepared by Better Neighbourhoods Inc. (dated May 18, 2021) which identifies that the stormwater from the development will outlet to the existing storm sewer on Elm Street. It rests with the City to ensure that the local infrastructure requirements with respect to water quality and quantity control are adequately addressed. From a Regional perspective and based on our review of the conceptual storm servicing plan, Regional staff consider the proposed redevelopment a feasible opportunity to implement water quality control measures to mitigate impacts due to urbanization. Therefore, the following requirements that had been offered during the pre-consultation should be satisfied at the time of future *Planning Act* application (i.e. Draft Plan and/or Site Plan):

- Stormwater runoff be captured and treated to a Normal protection (i.e. 70% long-term suspended solids removal) prior to discharge from the site.
- Prior to construction, detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Appropriate conditions with respect to stormwater management requirements is included within the attached Appendix.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. 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:

- Recycling: No limit blue/grey containers collected weekly;
- Organics: No limit green bins collected weekly; and,
- Garbage: 2 garbage bags/cans per unit collected every-other-week.

Regional staff note that Condominium Townhouse Developments are eligible to receive internal curbside waste collection through the Region subject to the Developer / Owner complying with the Region's Corporate Policy and By-laws. Prior to waste collection services commencing, the Owner would be required to complete the Application for Commencement of Collection and required Indemnity Agreement with the Region's Waste Management Division. Forms are online at: www.niagararegion.ca/waste.

Regional staff has reviewed the provided Site Plan drawing and note in order for the proposed townhouse units to receive internal Regional curbside collection, that waste collection pads would need to be provided for all units that do not have a clear unobstructed frontage on the private street. Waste collection pads are currently shown for units 1-19; however, the pads will need to be revised to reflect the current design requirement of 1 metre wide by 2.5 metres deep. The size requirement has increased to accommodate the every-other-week garbage collection which the Region has now implemented.

The Developer is also advised that the waste collection pads are not permitted to be proposed in a stacked manner, as each individual pad needs to be located at the curbside of the street to provide waste collection staff with direct access to the bins. Therefore, units 25-30 would not be eligible for curbside collection behind the proposed parking spaces, as containers would need to be placed at the driveways along proposed "Lane A". A revised Site Plan will need to be submitted showing the location

of the required waste collection pads showing no pads are to be situated in a stacked manner as well as implementing the increased size requirement.

Regional staff acknowledge that Molok Bins are proposed to service the mixed use apartment building. Please be advised the Molok Bins are not eligible for Regional collection and would be the responsibility of the Owner through a private waste collection contractor and not the Region.

Appropriate conditions with respect to waste collection are included within the attached Appendix.

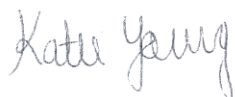
Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the Zoning By-law Amendment and Draft Plan of Condominium Applications, in principle, as the proposed redevelopment is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the conditions of the attached Appendix being fulfilled. City staff should be satisfied that the proposed development is compatible with the surrounding urban fabric and that all local requirements are met.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca.

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

Kind regards,



Katie Young
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region
Robert Alguire, C.E.T., Development Approvals Technician, Niagara Region
Maggie Ding, P.Eng., Stormwater Management Engineer, Niagara Region

Appendix

Regional Conditions of Draft Plan of Vacant Land Condominium Approval 690-700 Elm Street, City of Port Colborne

1. That the Owner provides a Letter of Reliance from a Qualified Professional to be submitted to the Niagara Region and City of Port Colborne for the completed Environmental Site Assessment work for the development. The Letter of Reliance shall indicate that, despite any limitations or qualifications included in the submitted ESA work, that the Region is authorized to rely on all information and opinions provided there within.
2. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
3. That the Owner submit a written undertaking to Niagara Region Planning and Development Services Department that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this development will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement.
4. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the Vacant Land of Condominium and the following plans designed and sealed by a Qualified Professional Engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to Niagara Region Planning and Development Services for review and approval:
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans;
5. That the Condominium Agreement between the Owner and the City contain provisions whereby the Owner agrees to implement the approved plans required in accordance with the approved Stormwater Management Plan.

6. That a Garbage Truck Turning Plan using the Regional truck template be submitted for Regional review and approval to ensure the development is able to accommodate internal Regional curbside waste collection services.
7. That a revised Draft Plan be submitted showing the location of the waste collection pads required to service units 1-19, designed in accordance with Regional requirements.
8. That the following clauses be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for the affected units:
 - *“Purchasers/Tenants of townhouse units 1-19 are advised that in order to accommodate Regional Curbside Waste Collection Services, waste and recycling containers will need to be brought to the designated waste collection pads on the required collection day.”*
 - *“Purchasers/Tenants of the mixed-use apartment building are advised that the building is not eligible for Regional waste collection and waste collection of the Molok waste system will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.”*
9. That the Owner / Developer shall comply with Niagara Region’s Corporate Waste Collection Policy and complete the Application for Commencement of Collection and Indemnity Agreement with Niagara Region’s Waste Management Division.

Clearance of Conditions

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

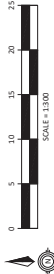
Condominium Agreement

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

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



Key Map Not To Scale



Preliminary

Legal Description
Part of Lot 3 on west side of Cranberry Street, Part of Blocks B & C on Registered Plan No. 775, and Part 1 on 59R-16070, in the City of Port Colborne

Requirements Of Section 51(17) of the Planning Act

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Owner's Certificate

I, the undersigned, being duly qualified, do hereby certify that the boundaries of the lands to be subdivided and their relationship to the adjacent lands are accurately and correctly shown on this plan.

Owner: (Corporate) Property Development Inc. (Anti-Overseas)

Surveyor's Certificate

I, the undersigned, being duly qualified, do hereby certify that the boundaries of the lands to be subdivided and their relationship to the adjacent lands are accurately and correctly shown on this plan.

Surveyor: (Professional) Development Inc. (Anti-Overseas)

Date: 2022-04-06

Date: 2022-04-04

Date: 2022-04-04

Date: 2022-04-04

Date: 2022-04-04

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better neighbourhoods
development consultants

100A Ontario Street, St. Catharines, Ontario L2R 5V3 Studio: 905.684.8385 betterneighbourhoods.ca

PROJECT TITLE:

690-700 Elm Street
Port Colborne, Ontario

Draft Plan of Vacant Land
Condominium

DATE OF ISSUE:

2022-03-30

DRAWING NO:

0397-DPVLIC-1

REV. NO:

0

Subject: Recommendation Report for Proposed Expansion to the Main Street CIP Area - 1 Neff Street

To: Council

From: Development and Legislative Services Department

Report Number: 2022-238

Meeting Date: November 8, 2022

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2022-238 be received for information; and

That the expansion of the Olde Humberstone Main Street Community Improvement Plan Area as shown in Appendix A of Development and Legislative Services Report 2022-238 to include 1 Neff Street, be approved.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a request submitted by Marc Vaillancourt of Grandstone Living Inc. to include their property in the Olde Humberstone Main Street Community Improvement Plan area. The subject property, owned by Grandstone Living Inc., is known as Part of Lot 2 on Plan 762, on the north side of Neff Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1 Neff Street.

Background:

The Olde Humberstone Main Street Community Improvement Plan (CIP) was adopted in 2008. The existing boundary of the CIP area was established through the plan's adoption and is attached as Appendix A to this report.

On August 23, 2022, Council directed staff to initiate the process for amending the Olde Humberstone Main Street CIP area to consider the inclusion of 1 Neff Street. Section 28 of the *Planning Act* requires the municipality to hold a Public Meeting, with Notice for

said meeting being circulated no later than 20 days prior. A Public Meeting was held on November 1, 2022, to present the proposed expansion to City Council, and to hear from any interested members of the public. Staff presented the proposal and opened the meeting for comments from the property owner. Should Council approve of the change to the CIP area, a 20-day appeal period will follow before the decision is final.

Discussion:

Marc Vaillancourt of Grandstone Living Inc., being the owner of the subject property has made a formal request to include his vacant property on Neff Street in the Olde Humberstone Main Street CIP area (Appendix B).

Currently, the subject property abuts the existing CIP project boundary. The owner requests that the subject property be included in the CIP area in order to be eligible to apply for grants and incentives outlined within the plan. The owner is interested in completing a similar development on this property to that of their property at 27 Neff Street (six-unit apartment), which is directly abutting the subject property.

The existing CIP sets out the following goals and objectives. Staff have reviewed the proposal and the goals and objectives of the plan and have provided analysis below to show that the proposal meets the vision of the CIP.

Goals and Objectives

- Promote the establishment of a compact, pedestrian-oriented village center consisting of vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and recreational activities for workers, visitors, and residents;
- Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- Enhance the community's character through the promotion of high-quality urban design.

The proposed expansion to the Community Improvement Plan area is in line with the focus of the village core as referenced above. The proposed residential use will contribute to a compact community and make use of underutilized land in the immediate vicinity of Main Street. Locating multi-unit residential buildings in proximity to Main Street's restaurants, shops etc. will also help these businesses prosper. The property is located steps away from active transportation trail connections which will promote the

well-being and health of residents of the future building. High quality urban design will be something reviewed at the Site Plan Control stage to ensure the building properly fits into the CIP area.

Planning Act

Section 28 of the Act allows for the consideration of an amendment to an existing Community Improvement Plan. Section 28 refers municipalities to follow the process of an Official Plan Amendment under Section 17 with respect to Notices, Public Meetings and approvals etc.

Internal Consultations:

This request is being reviewed and processed in partnership with Economic Development and Planning staff.

Financial Implications:

The proposed CIP expansion will allow this property to be eligible for grants and incentives provided through the plan. Applicable grants and incentives under the CIP include the following:

- Planning (architect/landscape architect) Fee Grant
- Application Fees Rebate
- Property Tax Increment Grant
- Mixed-use Intensification Grant
- Affordable Housing Grants/Loans

The proposed inclusion in the CIP will also open up the property's eligibility to Regional incentives and grants.

Public Engagement:

Notice of the Public Meeting was published in the Niagara This Week newspaper on October 6, 2022. The Notice was also posted on the City of Port Colborne website under "Current Applications". As of the date of preparing this report, no oral or written comments have been received from any interested members of the public.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Planning staff recommend that Council approve the expansion to the Olde Humberstone Main Street Community Improvement Plan Area to include the property at 1 Neff Street as shown in Appendix A.

Appendices:

- a. Expansion to the Community Improvement Plan area
- b. Letter from Grandstone Living Inc.
- c. Existing Community Improvement Plan area

Prepared by,

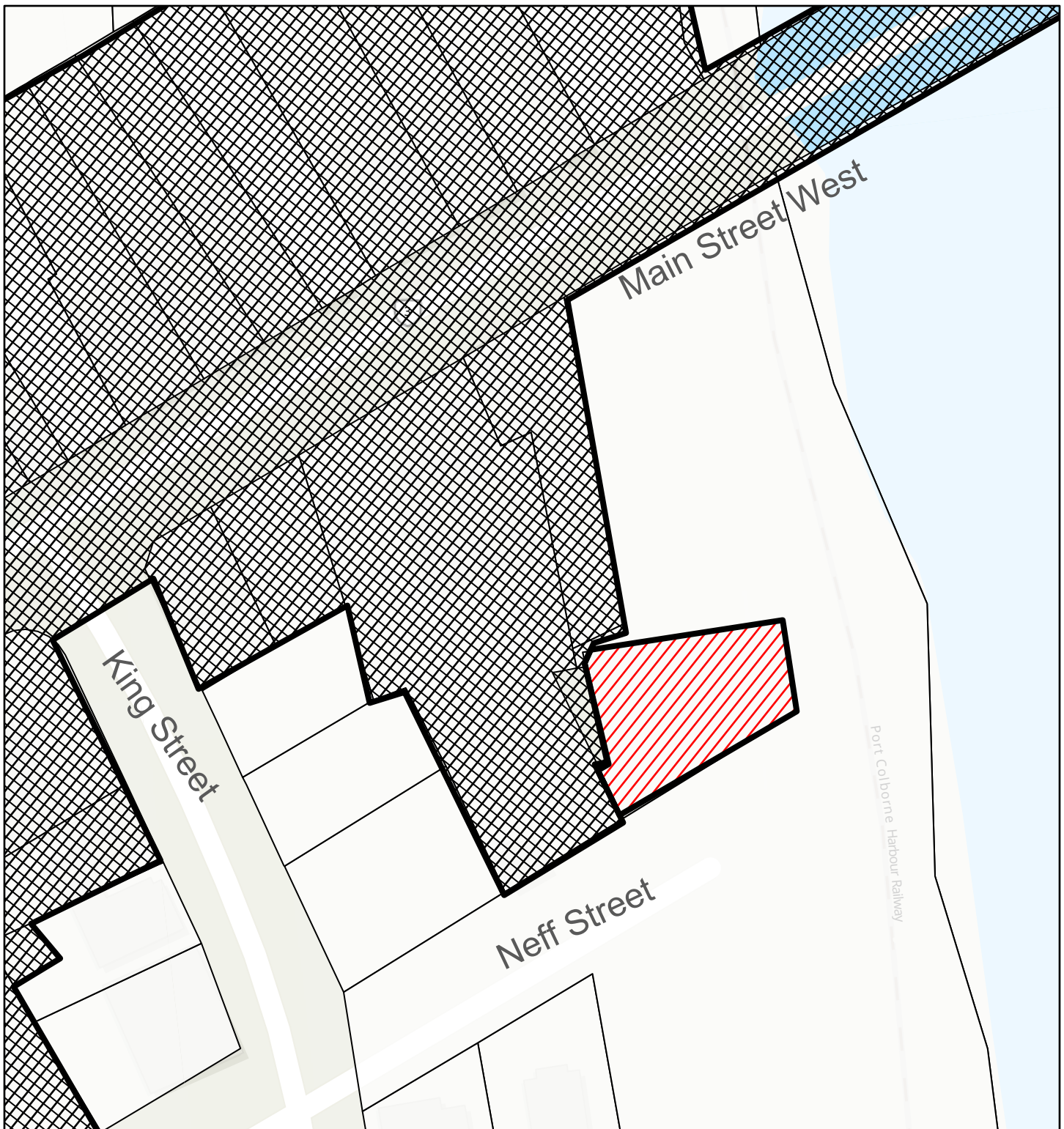
David Schulz, BURPI, MCIP, RPP
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Respectfully submitted,


Denise Landry, MCIP, RPP
Manager of Planning Services
(905) 835-2900 x203
denise.landry@portcolborne.ca

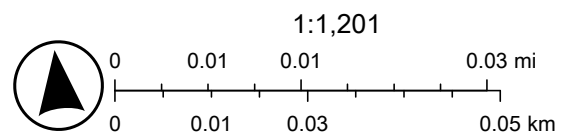
Report Approval:

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



10/18/2022

Existing CIP Area – 
Proposed CIP Expansion – 





Tuesday July 26th 2022,

To whom it may concern,

We are requesting that our property located at 1 Neff St. Port Colborne be added to the Olde Humberstone CIP area. It currently abuts the existing CIP area.

Existing Olde Humberstone CIP area (red shading):



Sincerely,

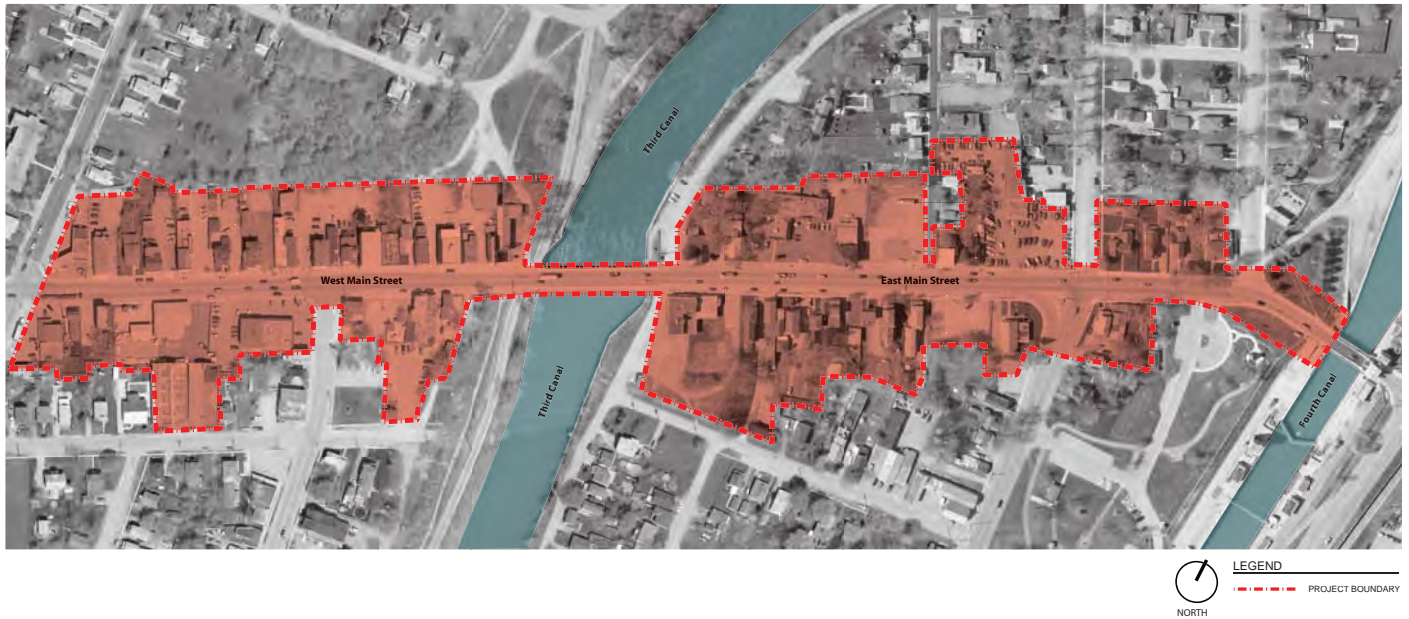
Marc Vaillancourt

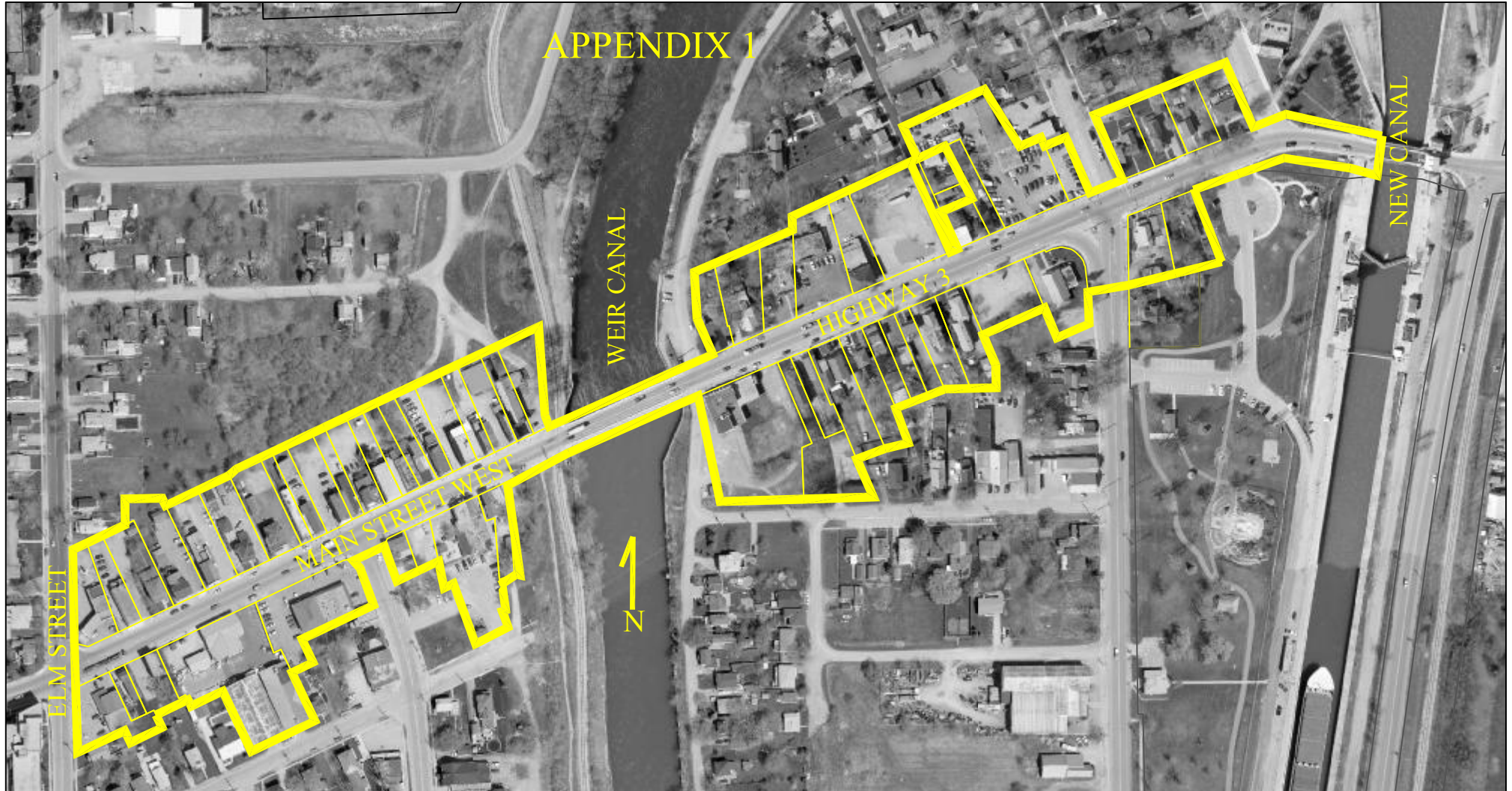
Marc Vaillancourt

President,

Grandstone Living Inc.

Olde Humberstone CIP Study Area







Subject: Recommendation Report for Proposed OPA and ZBA at 9 Chestnut Street, File D09-01-22 and D14-04-21

To: Council

From: Development and Legislative Services Department

Report Number: 2022-236

Meeting Date: November 8, 2022

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2022-236 be received; and

That the Official Plan Amendment attached as Appendix A of Development and Legislative Services Report 2022-236, be approved; and

That the Zoning By-law Amendment attached as Appendix B of Development and Legislative Services Report 2022-236, be approved, rezoning the subject land from Public and Park (P) to R4-71.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding Official Plan and Zoning By-law Amendment applications initiated by the City of Port Colborne for the property legally known as Lots 504 to 511, on Plan 8, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 9 Chestnut Street (Chestnut Park).

Background:

On December 14, 2020, City Council passed the following Motion:

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

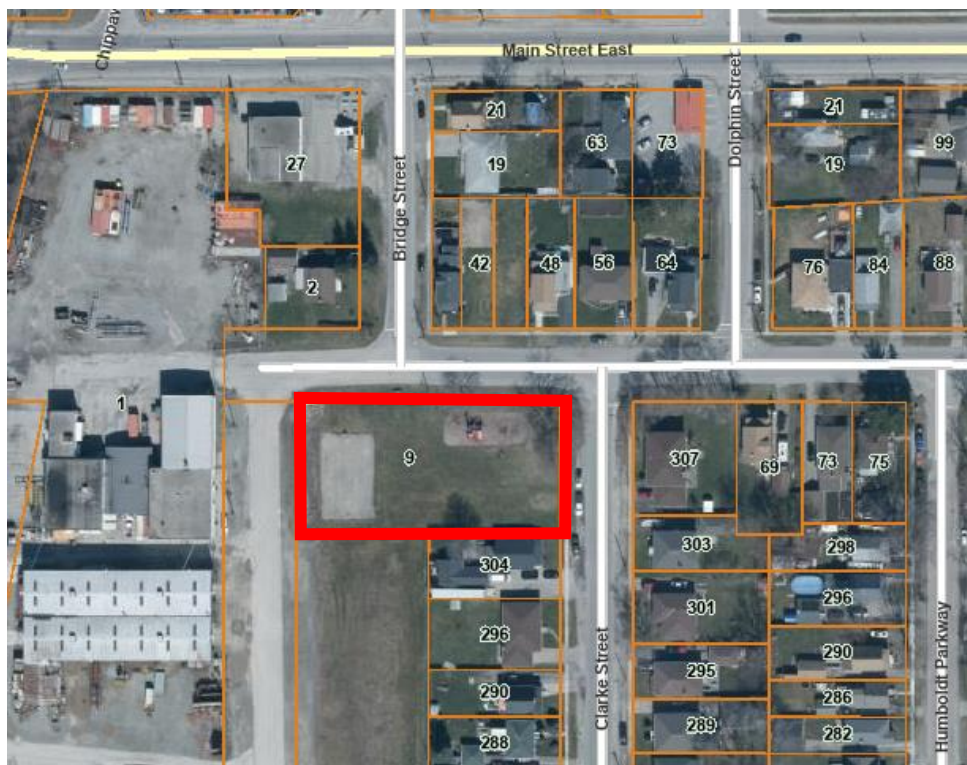
That the Director of Planning and Development be directed to proceed with a rezoning application, a survey, and a development agreement.

The proposed Zoning By-law Amendment application proposes to change the zoning from Public and Park (P) to a special provision of the Fourth Density Residential (R4) zone. The Zoning By-law Amendment is being sought to permit the construction of a residential apartment building on the subject land. Special provisions are also being considered to permit a reduction in lot area per unit, reduction in minimum front yard setback, reduction in minimum corner side yard setback, and an increase to the minimum rear yard setback for separation distance insurances. The specific provisions will be analyzed further through the Discussion section of this report.

In addition to the Zoning By-law Amendment referenced above, through staff's review of the file, it has been determined that an Official Plan Amendment is also required. The Official Plan Amendment will permit the land to be developed as a public apartment building with a maximum density of 148 units per hectare. The specific policy change in the proposed Official Plan Amendment will be analyzed further through the Discussion section of this report.

Public Meetings for the subject applications were held on February 16, 2021 and November 1, 2022, where the applications were presented to Council and members of the public were able to provide input on the proposed development.

A location map of the subject property has been provided below:



Discussion:

Planning Legislation

Planning staff reviewed these applications with consideration of several planning documents including the *Planning Act*, R.S.O. 1990, as amended, the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For the applications to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act

Section 2 of the *Planning Act* outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 21 of the Act allows for the consideration of an Official Plan Amendment.

Section 34 of the Act allows for the consideration of a Zoning By-law Amendment.

Planning staff have reviewed the applications in light of the provincial interests identified in Section 2 of the Planning Act, as well as the aforementioned planning documents, which are examined in greater detail below.

Provincial Policy Statement (2020)

The *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) and should efficiently use land and resources. Further, the PPS states that the mix of housing and densities shall be provided to meet projected market-based and affordable housing needs of current and future residents.

Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications are consistent with the PPS. The applications propose to make use of existing infrastructure and help contribute to suitable mix of densities and affordable housing.

Growth Plan for the Greater Golden Horseshoe (2019)

Much like the PPS, the Growth Plan also directs and encourages development in settlement areas. The subject lands are located in the “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan policies support the achievement of complete communities that are designed to support healthy and active living and meeting people’s needs for daily living throughout their lifetime. The Growth Plan encourages complete communities that provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the Growth Plan. The proposed application supports the priorities of the Growth Plan through intensification and providing a mix of housing types, including affordable housing.

Regional Official Plan

The subject property is located within the Built-up Area, according to the Regional Official Plan (ROP). Objective 4.A.1.2 states that a significant portion of Niagara’s future growth should be directed to the Built-up Area through intensification. Intensification includes all forms of development that occur within the Built-up Area and is generally

encouraged. Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the ROP.

City of Port Colborne Official Plan

The subject property is located within the Built-up Area and Urban Residential designation according to the City's Official Plan (OP). The Official Plan supports intensification that is accommodated within the Urban Area and where development is compatible with surrounding uses. Section 2.4.3 of the City's OP provides direction for residential development proposals as follows:

2.4.3 Intensification and Infill

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.

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the 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;*
 - iii) Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;*

2.4.3.1 Design Guidelines

- a) Infill and intensification sites should match the pre-established building character of adjacent buildings.*
- b) Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.*
- c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) The design of infill and intensification development should be consistent with all other applicable policies of this Plan.*

The above policies are achieved through the proposed redevelopment as intensification is encouraged within the built boundary of the City and specifically in the Urban Residential designation. The use is compatible with surrounding residential uses. When referring to design guidelines found in Section 3.2.3.1 (Urban Residential designation), policy c) provide further direction for development in existing neighbourhoods as follows:

New residential communities and new development in existing neighbourhoods should be visually interesting such that:

- i) A variety of residential building types, sizes and setbacks should be provided on any given street to encourage a diverse, non-repetitive community fabric.*

Staff are confident this proposal meets the above policies with respect to intensification and the applicable design guidelines as the building will contribute to a variation in building type and size.

In addition to the above, the Official Plan sets out further, more specific policies for the siting of apartment buildings. Residential uses are permitted within the Urban Residential designation with proposed developments being evaluated based on policies within Section 3.2.1. Section 3.2.1 sets out the density and design aspects of all dwelling types within the City's urban residential areas. Section 3.2.1 c) states that:

High Density Residential will:

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

The following policies of the Official Plan are proposed to be amended:

Policy 3.2.1 c) High Density Residential will:

- i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;*
- ii) Have frontage on an arterial or collector road;*

The amendment will allow for an increase in density on the subject land as well as allow the proposed apartment building to be located on a local road. Based on the proposed design of the building, the density will be a maximum of 148 units per hectare. Staff find this amendment to be appropriate as the site will still have adequate greenspace and

the density represents an additional 13 units above the 100 units per hectare threshold. With respect to policy ii) above, apartment buildings are required to have frontage on an arterial or collector road. Chestnut Street is recognized as a local road as per Schedule D: Transportation of the Official Plan. Staff find this amendment to be appropriate, especially given the context of the proposed building and the existing uses surrounding the property. Staff note that by definition of Collector Road, meaning a road that serves traffic between local residential and arterial roads (or local commercial or industrial properties), it could certainly be argued that Bridge Street, if not Chestnut Street as well, could fall into this category. The building is proposed to have ground-oriented residential uses on the main floor and it will be oriented on site to minimize shadows on adjacent residential uses. The Region's newly established Niagara Regional Transit OnDemand will assist with transportation in the area. Finally, should Council approve of the Official Plan and Zoning By-law Amendment, the property would be subject to Site Plan Control, which will further address mitigation measures through fencing, buffering, landscaping, lighting, etc. Staff are of the opinion that the proposal meets the goals and intent of the Official Plan.

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

The subject property is currently zoned Public and Park (P) according to Zoning By-law 6575/30/18. The P zone permits a cemetery; community garden; conservation use; cultural facility; food vehicle; park; public use; recreation uses; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning of the property from Public and Park to a special provision of the Fourth Density Residential (R4) zone. 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 proposed special provisions to be included within the special R4-71 zone are outlined below:

Provision Type	Existing R4 Zoning Provisions	Recommended "R4-71" Zoning Provisions
Minimum Lot Area Per Unit <i>Section 8.7 b)</i>	125 square metres	67 square metres
Minimum Front Yard <i>Section 8.7 c)</i>	9 metres	7 metres
Minimum Corner Side Yard <i>Section 8.7 e)</i>	7.5 metres	3 metres
Minimum Rear Yard <i>Section 8.7 f)</i>	6 metres	24 metres
Minimum Landscape Buffer Abutting a Residential Zone and/or Public and Park (P) Zone <i>Section 3.11.1 a)</i>	3 metres	1 metre

Staff have reviewed the proposed amendments to the Zoning By-law and find that they are appropriate for the development of the site. Minimum lot area per unit is another form of density provision, further than that of the Official Plan requirement. It is noted that section 2.1 b) of the Zoning By-law exempts existing lots of record from the lot area provisions of the by-law, however staff is of the opinion that it is appropriate to recognize the proposed lot area per unit regardless. The increase in density will allow for an additional 13 units to be provided to families in need.

The change in minimum front yard setback from 9 metres to 7 metres and change in corner side yard setback from 7.5 metres to 3 metres is not expected to negatively impact surrounding land uses. The building will still be sufficiently setback from the travelled portion of the road. The situating of the building will provide separation from the residential uses directly adjacent to the property. The reduction in landscape buffer on the south property line is necessary to fit the proposed driveway between the building and property line. No vehicles will be parked adjacent to the property line as they are proposed to be parked parallel with the driveway. Additionally, a fence and sufficient landscaping will be required on the south property line that will screen the driveway from neighbouring properties. The by-law proposes a rear yard setback of 24 metres instead of the typical 6 metres. The inclusion of this increased setback has been recommended by the Niagara Region, Port Cares' independent consultant, and City Planning staff as a way to ensure the separation between the Dayson industrial facility to the west is maintained. Staff recommend the approval of the Zoning By-law Amendment.

Planning Justification Report prepared by NPG Planning Solutions Inc.

Prior to this application returning to Council for the second Public Meeting, Port Cares retained an independent planning consultant to prepare a Planning Justification Report (PJR) to help facilitate the application. The report, prepared by NPG Planning Solutions, analyzes the policies set forth in relevant Provincial, Regional and City plans referenced above. The report concludes that the proposed development is consistent with the objectives of the Provincial Policy Statement (PPS 2020), Places to Grow, for the Greater Golden Horseshoe (Growth Plan 2019), Regional Official Plan (ROP) and the City of Port Colborne Official Plan. The development is contributing to residential intensification and making use of existing infrastructure. Given the findings of the report, the author concludes that the Zoning By-law Amendment represents good planning. The full PJR can be found attached as Appendix D.

Internal Consultations:

Original Notice of Public Meeting – January 26, 2021

As Council is aware, the Zoning By-law Amendment portion of this application came to a Public Meeting in February of 2021. Notice for the original Public Meeting was circulated on January 26, 2021. Comments were received from the Niagara Region, which have been summarized below:

Niagara Region

(full original comment attached as Appendix C)

- Strongly in support of affordable housing and does not object to the application in principle.
- Requests that a detailed Noise Study be completed due to the adjacent industrial use.
- The Noise Study is required to ensure the proposal is consistent with the Provincial Policy Statement and conforms to Provincial and Regional Plans from a land use perspective.
- Recommend to the City to incorporate a site-specific west side/flanking yard setback in the amending by-law.

Updated comments from the Niagara Region have been received and are summarized below under the Current Notice of Public Meeting.

Current Notice of Public Meeting – October 12, 2022

The current Notice of Public Meeting for both the Official Plan and Zoning By-law Amendment was circulated to internal departments and agencies on October 12, 2022. As of the date of preparing this report, staff has received updated comments on the proposed application from the Niagara Region (updated comment included in Appendix C). Updated comments have been provided based on the Region's review of the Planning Justification Report and Detailed Noise Study, found attached as Appendices D and E, respectively. The Region's comment has been summarized below:

Regional Planning and Development Services staff is satisfied that the proposed Official Plan Amendment and Zoning By-law Amendment applications are consistent with the Provincial Policy Statement and conform to the Growth Plan and Regional Official Plan, subject to the above comments. The proposal will facilitate the construction of an affordable housing project, which the Region strongly supports.

Financial Implications:

There are no financial implications.

Public Engagement:

Original Notice of Public Meeting – January 26, 2021

The original Notice of Public Meeting was circulated in accordance with Sections 34(13) of the *Planning Act*. Notice was circulated on January 26, 2021, to property owners within a 120m buffer from the subject property. As of the date of preparing this report, comments have been received from the following members of the public through the original circulation of the application:

- Kimberly and Justin LeBlanc – 290 Clarke Street
- Jessica Nuxoll – 155 Humboldt Parkway
- Emmanuel Boudreau – 203 Wellington Street
- Shari Patterson – 69 Chestnut Street
- Richard Lascelles and family – 109 Humboldt Parkway
- Gayle Pulak – No address provided
- Barbara deGuerre – 289 Clarke Street
- Donna Hale – 286 Clarke Street
- Penny Turnbull – 301 Clarke Street
- Mona and Roland Breton – 17 Wellington Street
- Jim Turnbull – 301 Clarke Street
- Amy and Steven Forte – 216 Humboldt Parkway
- Sam Tavano and family – 193 Humboldt Parkway
- MayBeth Szilagyi – 19 Bridge Street
- Jennefer Driver – No address provided
- Josephine DiGregorio – 56 Chestnut Street
- Catarina Buri – 296 Clarke Street
- Andrew Herron – 62 Janet Street
- Matthew deGuerre – 289 Clarke Street
- Gino Castagna – No address provided
- Bethany Moore – 256 Clarke Street
- Patti, Martin, Robert, Nicholas Fitzgerald – 10 Page Street
- Jacques and Olga Lieber – 121 Humboldt Parkway
- Irma Comazzolo – 292 Clarke Street
- Tony Pruyn – 240 Humboldt Parkway
- Michelle Turcotte – No address provided
- Jack and Cathy Roseboom – 58 Janet Street
- Sylvia Sukkel – 251 Clarke Street
- Mirella Meneguzzo – 251 Clarke Street
- Rudy Sukkel – 251 Clarke Street
- Alexandra Taylor – 303 Clarke Street
- Ryan Dyck – No address provided

- David and Jennie Beck – 274 Humboldt Parkway
- Mary Bigford – 147 Killaly Street East
- RB McGinnes – 290 Humboldt Parkway
- M. Berry – 117 Humboldt Parkway
- Irene L. – 48 Chestnut Street
- Melissa Bigford and Christopher Lofquist – 173 Chippawa Road
- Scott and Lee Mathieson – 307 Clarke Street

The above comments in full have been included in Appendix F along with staff's responses.

Current Notice of Public Meeting – October 12, 2022

The current Notice of Public Meeting was circulated in accordance with Sections 22 and 34 of the *Planning Act*. Notice was circulated on January 26, 2021, to property owners within a 120m buffer from the subject property. As of the date of preparing this report, a revised comment from Melissa Bigford and Christopher Lofquist has been received. The full comment has been included in Appendix F attached to this report, however the key highlights/questions are as follows. Each point has been numbered for clarity for staff's response following the points:

Melissa Bigford and Christopher Lofquist – 173 Chippawa Road

1. Do not agree that the lands are considered surplus to the City based on Parks and Recreation Master Plan.
2. If the land is large enough to accommodate the proposed development, it would not require an official plan amendment or special zoning by-law provisions/reduced setbacks.
3. The D6 guidelines require a separation distance of 70 metres, currently only 44 metres is proposed. Why are D6 guidelines to ensure protection of the sensitive land use not being met?
4. Noise issues from Barber Drive are also a concern for existing and proposed residents in the area.
5. Where are the Phase One and Two Environmental Site Assessments and Geotechnical studies agreed upon in the MOU between the City and Port Cares?
6. Do not feel the 1 metre landscape buffer is adequate for proper screening/buffering. Where will the snow storage be placed?
7. Public notices are not consistent for applications, all applications should be treated equally. Concerned regarding the recommendation report being brought back to Council on November 8th.
8. The use is not compatible with adjacent land uses and established building character.

Staff Responses

1. This land was strategically chosen by City Council with assistance from Economic Development staff as it presented an opportunity to partner with Port Cares on an important affordable housing proposal.
 2. Through the design of the building, it was determined that it would be beneficial to the development to include some special setbacks and zoning provisions. These minor by-law changes will assist in achieving a greater unit count and density, which is supported by staff.
 3. Specific D6 Guideline provisions are commented on from the Niagara Region. It is noted that there are instances when D6 concerns can be mitigated through site design, specific zoning changes and uses, and building design. The proposed zoning will have an increased minimum setback from the western property line, the existing industrial use has a “single use” zoning which limits the potential for any expansion or change to a more intrusive use, and finally, the building will include upgraded windows and building materials as an example to mitigate any excess noise that may be present. With the above included, the Region has concluded that they have no further concerns with respect to land use compatibility.
 4. The Region has concluded that no further noise assessment will be required, they are satisfied that any land use compatibility concerns have been addressed adequately.
 5. Phase One and Two Environmental Site Assessments (ESA) are not something that is typically required for a change in use from Park to Residential (considered a change from sensitive to less sensitive). To staff’s knowledge, a Phase One and Two ESA has been completed through a consultant retained by Port Cares. Additionally, a Geotechnical study is not typically something required at the Official Plan or Zoning By-law Amendment stage. The requirement for a study would come out through the building permit or site plan control stage.
 6. Snow removal/storage will be the responsibility of the property owner. Through staff’s review of the proposed site plan, there appears to be adequate space on the northwestern corner of the parking lot for snow storage, if required. In staff’s opinion, a one metre landscape buffer, with included fencing and landscaping, will provide a sufficient buffer.
 7. Staff recognize that different application types and site-specific criteria can lead to different public notice methods. The public notice has met the requirements of the Planning Act.
 8. In staff’s opinion, the residential building is compatible with adjacent land uses. Please refer to the Official Plan section of this report for more information regarding staff’s position.
-

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Based on the review of the application and applicable Provincial, Regional, and City planning policies, Planning staff is of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan, Regional Official Plan, and City Official Plan, and represents good planning. Staff recommends that the Official Plan Amendment attached as Appendix A and the Zoning By-law Amendment attached as Appendix B, be approved.

Appendices:

- a. Official Plan Amendment
- b. Zoning By-law Amendment
- c. Niagara Region Comments
- d. Planning Justification Report prepared by NPG Planning Solutions
- e. Noise Impact Study prepared by Wood Environmental
- f. Public comments received and staff response
- g. Proposed building plans

Prepared by,

David Schulz, BURPI, MCIP, RPP
Senior Planner
(905) 835-2900 x202
david.schulz@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP
Manager of Planning Services
(905) 835-2900 x203

denise.landry@portcolborne.ca

Report Approval:

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

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. 11 to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. 11 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this ____ day of _____, 2022.

William C Steele
Mayor

Nicole Rubli
Acting Clerk

**AMENDMENT NO. 11
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE DEPARTMENT OF
DEVELOPMENT AND LEGISLATIVE SERVICES**

October 11, 2022

**AMENDMENT NO. 11
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 11
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 11 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 11 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

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Purpose

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Part C – The Appendices

1. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following map and text changes, constitutes Amendment No. 11 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to facilitate the development of the subject lands, shown on the attached Schedule, as a public apartment building with a maximum density of 148 units per hectare and on a local road, notwithstanding Policy 3.2.1 c) i) and ii).

Location

The lands affected by this amendment are legally described as Lots 504 to 511, on Plan 8, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 9 Chestnut Street (Chestnut Park). A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. 11.

Basis

Currently, the subject lands are designated “Urban Residential”. An application has been made to initiate amendments to the City of Port Colborne’s Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of a public apartment building with 40 affordable residential units. The proposed density is 148 units per hectare.

The proposed development provides an opportunity for commercial areas to be strengthened through the introduction of residential uses, meet the municipality’s intensification target of 15% and maximize the efficiency of existing infrastructure as outlined in 2.4.3 of the Official Plan. The design of the proposed development is in a manner that is compatible and will limit impact on the existing neighbourhood.

It is intended to concurrently approve an Amendment to the City’s Zoning By-law 6575/30/18, rezoning of the lands from the existing Public and Park (P) zone to “R4-71” being a site-specific special provision of the Fourth Density Residential (R4) zone.

PART B - THE AMENDMENT

Introductory Statement

All of this part of the document entitled **PART “B”** – “The Amendment” consisting of the following text and map designated Schedule “A” constitutes Amendment No. 11 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are permitted to develop a public apartment building notwithstanding Policy 3.2.1 c) i) and ii) with a maximum density of 148 units per hectare located at 9 Chestnut Street.

Details of the Amendment

Notwithstanding Section 3.2.1 c) i) and ii) of the Official Plan for the City of Port Colborne, a maximum density of 148 units per hectare of land and a public apartment building shall be permitted on the subject lands, being on a local road, shown on Schedule “A” to this amendment.

The following changes are made to Schedule A – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

1. That the area shown as “Urban Residential”, and entitled “Schedule A to Official Plan Amendment No. 11”, shall be subject to Special Policy Area provisions and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.

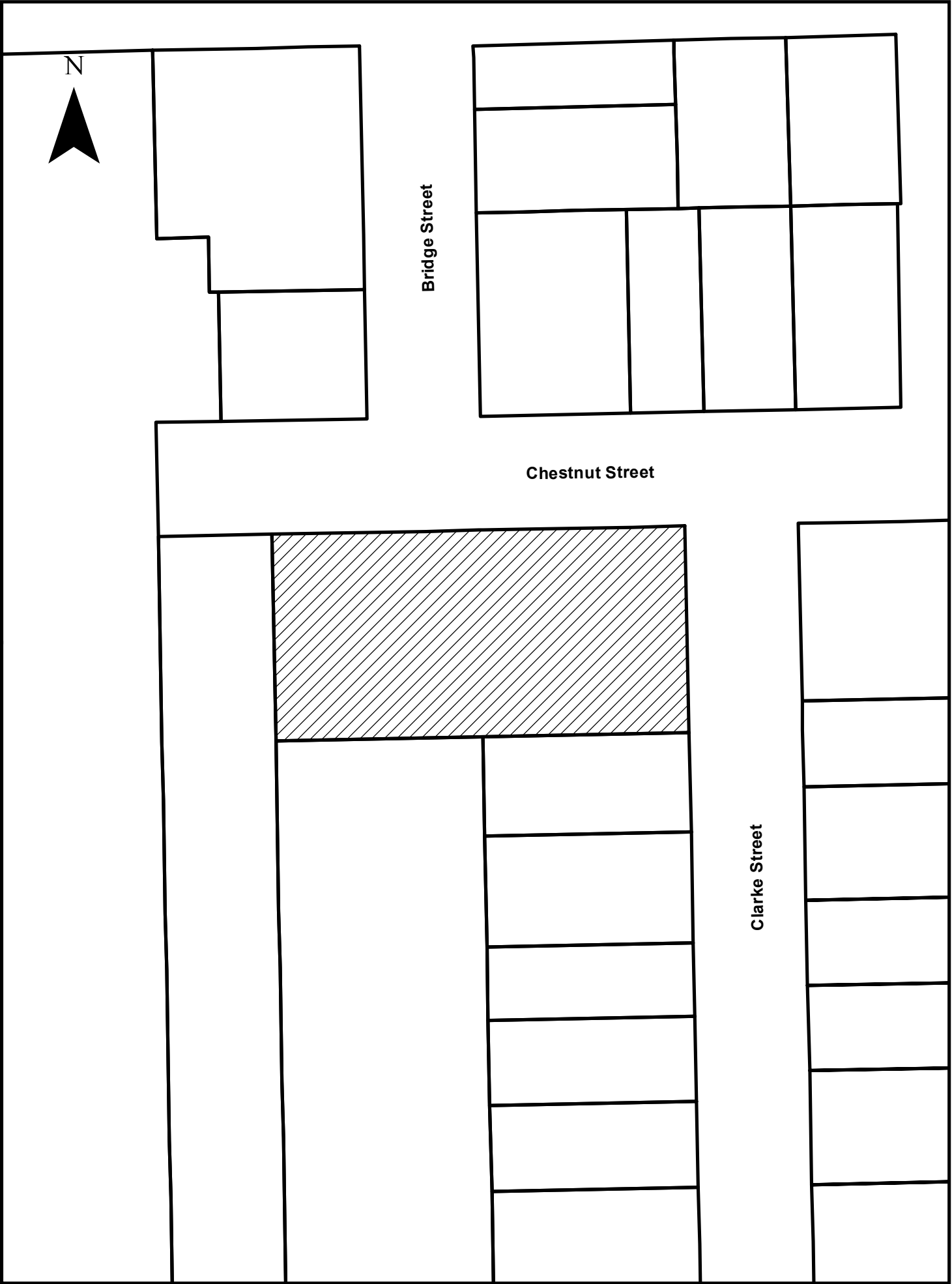
Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 11 but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report 2022-236



THIS IS SCHEDULE "A" TO BY-LAW NO _____

PASSED THE _____, 2022

MAYOR

CLERK



- Lands subject to Official Plan
and Zoning By-law Amendment

JANUARY 2021

FILE NO D09-01-22 & D14-04-21

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

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 504 to 511, on Plan 8, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 9 Chestnut Street (Chestnut Park).

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 “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Public and Park (P) to R4-71.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-71

Notwithstanding the provisions of the Fourth Density Residential (R4) zone, the following regulations shall apply:

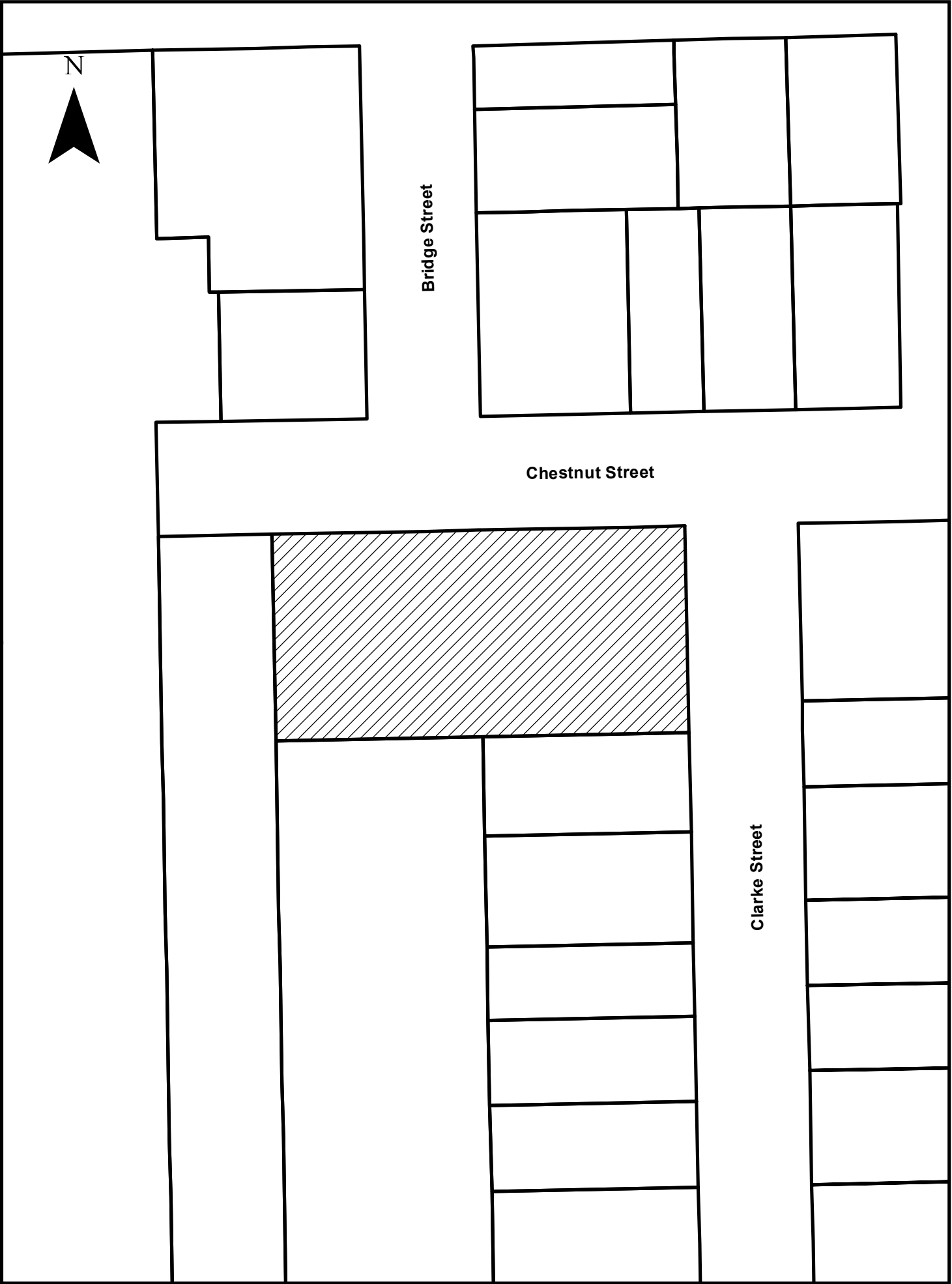
- | | |
|---------------------------------|------------------|
| a) Minimum Lot Area Per Unit | 67 square metres |
| b) Minimum Front Yard | 7 metres |
| c) Minimum Corner Side Yard | 3 metres |
| d) Minimum Rear Yard | 24 metres |
| e) Minimum Landscape Buffer | 1 metre |
| Abutting a Residential Zone | |
| and/or Public and Park (P) Zone | |

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 , 2022.

William C Steele
Mayor

Nicole Rubli
Acting Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO _____

PASSED THE _____, 2022

MAYOR

CLERK



- Lands subject to Official Plan
and Zoning By-law Amendment

JANUARY 2021

FILE NO D09-01-22 & D14-04-21

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

**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

October 26, 2022

Region File: D.10.07.OPA-22-0039
D.18.07.ZA-21-0009

David Schulz, BURPI, MCIP, RPP
Senior Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Proposed City-Initiated Official Plan Amendment and Zoning By-law
Amendment Applications
City Files: D09-01-22 & D14-04-21
9 Chestnut Street, City of Port Colborne**

Regional Planning and Development Services staff has reviewed the City-initiated Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for lands municipally known as 9 Chestnut Street (Chestnut Park). The subject land, which is currently a park, is owned by the City of Port Colborne and is approximately 0.27 hectares in size.

The proposed OPA application will facilitate the development of an apartment building on the subject lands at an increased density and with frontage on a local road. The proposed ZBA application will rezone the subject lands from 'Public and Park (P)' to a special provision of the 'Fourth Density Residential (R4)' zone. The proposed special R4 zone will allow for a reduction in lot area per unit, a reduction in minimum front yard setback, a reduction in minimum corner side yard setback, an increase to the minimum rear yard setback for separation distance purposes, and a reduction of landscape buffer abutting a residential or Public and Park zone.

There was no pre-consultation meeting held to discuss the proposed applications. Regional staff has previously provided comments (dated February 22, 2021) with respect to the ZBA application, and offer the following comments from a Provincial and Regional perspective to assist City Council in their consideration of the applications.

Provincial and Regional Policies

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

Provincial and Regional policies direct growth to take place within the Urban Area to support intensified development where there is existing or planned servicing and infrastructure. These same policy frameworks place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

Until such time as the Region's municipal comprehensive review is approved by the Province and in-effect, the annual minimum intensification target for the City of Port Colborne's Urban Built-Up Area contained in Chapter 4 of the ROP of 15% will continue to apply. The proposal will contribute to the City's intensification target and will contribute to the diversification of Niagara's housing supply (apartment units), which are geared towards affordable housing units.

Land Use Compatibility

The PPS states that sensitive land uses (including residential) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants.

Regional staff's comments (dated February 22, 2021) that were provided in response to the previous ZBA application had recommended that a Holding Provision be implemented until the time that a Detailed Noise Impact Study is completed that assesses potential adverse impacts to the site from a nearby industrial facility located at 1 Chestnut Street.

Subsequently, Regional staff were provided with a "*Noise Impact Study*" prepared by Wood (dated June 2022) and identified concerns with respect to the absence of detailed information for the nearby industrial facility and requested that updated information be provided to address these outstanding concerns. Through this current submission, Regional staff were provided with and reviewed a "*Planning Justification Report*" ("PJR") prepared by NPG Planning Solutions Inc. (dated August 31, 2022), which includes an analysis of the Ministry of the Environment, Conservation, and Parks ("MECP") Guideline D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses".

The PJR identifies the industrial facility as being operated by Dayson Industrial Services; however, states that there is no data to collect from the facility due to a work stoppage. The PJR includes background information on past meetings that have occurred between representatives from Niagara Regional Housing and the Dayson Industrial Services, confirming that the site is used for Class I type uses, including storage and limited equipment repair. It was determined that no sandblasting occurs at the site; however, it was observed that there is some outdoor storage of materials that could indicate a Class II facility. In alignment with the D-6 Guidelines, a Class II facility has a minimum distance separation of 70 metres, whereas the proposed building is 44 m from the property line of the industrial facility (1 Chestnut Street). Therefore, the development is unable to achieve the recommended minimum separation distance for a Class II facility.

The PJR addresses this discrepancy by providing an analysis of Section 4.10 “Redevelopment, Infilling and Mixed-Use Areas” of the Province’s D-6 Guidelines. Specifically, the PJR demonstrates that residential uses are permitted on the subject land and that the proposed OPA is related to the density permissions and will be site-specific in nature. The PJR notes that there are no vacant properties designated or zoned for industrial uses nearby and the intent of the lands at 1 Chestnut Street is for residential as the lands are designated Urban Residential in the City’s Official Plan. The PJR recommends that the subject lands have site-specific zoning that set out for an increased minimum westerly yard setback of 24 m in order to restrict the building from being closer to its west lot line. Further, it recommends the incorporation of building measures for the exterior facades (upgraded glazing and cladding), and installation of forced air heating with provision for adding central air conditioning in the future (with warning clauses) for potential transportation noise (as recommended from the *Noise Impact Study*). The PJR also recommends that warning clauses be included within all future Residential Tenancy Agreements for the Port Cares building in order to advise residents of potential adverse impacts from the nearby industrial use.

As such, Regional staff finds the analysis of the PJR to be acceptable. Based on a review of the PJR, staff no longer request the inclusion of a Holding Provision for the proposed ZBA with respect to land use compatibility requirements. Staff recommends that the recommended site and building design mitigative measures and warning clauses be incorporated through the future Site Plan application.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Corporate Waste Collection Policy. 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 curbside limits are met:

- Recycling: No limit blue/grey boxes, collected weekly;

- Organics: No limit green bins, collected weekly; and,
- Garbage: Two (2) garbage bags/cans per unit, collected bi-weekly to a maximum of 24 containers.

The Applicant is advised that if the subject property is not able to meet the Regional curbside waste collection limits, garbage collection for the property will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region. Regional staff will provide more detailed comments with respect to waste collection at the time of future Site Plan application.

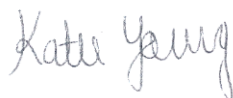
Conclusion

Regional Planning and Development Services staff is satisfied that the proposed Official Plan Amendment and Zoning By-law Amendment applications are consistent with the Provincial Policy Statement and conform to the Growth Plan and Regional Official Plan, subject to the above comments. The proposal will facilitate the construction of an affordable housing project, which the Region strongly supports.

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

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca. Please send a copy of the Staff Recommendation Report and Notice of Council's Decision on these applications.

Kind regards,



Katie Young, RPP
Development Planner, Niagara Region

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

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

February 22, 2021

File No.: D.18.07.ZA-21-0009

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

Dear Mr. Schulz:

**Re: Provincial and Regional Comments
City Initiated Zoning By-law Amendment Application
Address: 9 Chestnut Street, City of Port Colborne
City File No.: D14-04-21**

Regional Development Planning staff has reviewed the information circulated with the City Initiated Zoning By-law Amendment, which proposes to change the zoning from Public and Park (P) to Fourth Density Residential (R4). The Amendment is being sought to permit the construction of a residential apartment building on the subject lands.

Regional staff note that no pre-consultation meeting was held to discuss this proposal. Regional staff received the application by email on January 27, 2021. Regional staff provides the following comments to assist the City in advancing the amendment and finalizing the draft Zoning By-law from a Provincial and Regional perspective.

Provincial and Regional 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 and 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% Region wide, and 15% for the City of Port Colborne) will continue to apply. The proposal satisfies the intent of Provincial policies by making more efficient use land within the Built-Up Area, contributing to the City's intensification target and providing additional housing in the neighbourhood.

The subject lands are designated Urban Area in the ROP. A full range of residential, commercial and industrial uses are 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.

Additional comments on alignment with Provincial and Regional policies from a land use compatibility perspective are provided below.

Affordable Housing

The Region strongly supports the provision of affordable housing in accordance with Provincial and Regional policies and Regional Council's Strategic Priorities. There are various incentives available to assist with the provision of affordable house at different points in the housing continuum (i.e. from assisted/community housing to market ownership). A brochure with additional information is included in the Appendix.

Additional programs are also offered directly by Niagara Regional House, like the [rent supplement program](#) and the [Homeownership and Niagara Renovates programs](#). CMHC also has its own suite of grants and loans, which are offered directly to home buyers, non-profit developers, and government agencies. This is generally summarized [here](#).

Consideration should be given to the location of the proposed housing project relative to proximity to bus routes (one block to the north) and priority amenities like grocery stores, pharmacies, etc.

Land Use Compatibility

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses 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, the Ministry of Environment Conservation and Parks (MECP) Land Use Planning Policy guidelines (the guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses. Guideline D-1 “Land Use Compatibility Guidelines” and Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” were

considered in the review of this application. The MECP's Publications NPC-300 "Environmental Noise Guidelines" is discussed in the next section of this letter under Noise Impacts.

The proposed residential use is considered a 'sensitive land use' as outlined in the guidelines. The subject lands are across the street from the Algoma Ship Repair to the west (1 Chestnut Street) and approximately 92m from the CN rail line to the west. The D-1 and D-6 guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines indicate that a sensitive land use should not be permitted closer than the specified minimum separation distance, unless impacts from industrial activities can be mitigated to the level of "trivial impact (i.e. no adverse effects)". The MECP has identified, through case studies and past experience, potential influence areas (i.e. areas within which adverse effects may be experienced) for industrial land uses based on a classification system. In the absence of studies that specify actual influence areas for a particular industrial facility, Regional staff use these potential influence areas to screen for potential incompatibilities. The D-6 guideline also requires that the minimum separation distance (MSD) between industrial facilities and sensitive uses be based on these classifications, using a predictable "worst case scenario" and the permitted uses in the zoning by-law. Both the potential influence area and MSD is outlined below:

	Potential Influence Area	Minimum Separation Distance
Class I Industry	70m	20m
Class II Industry	300m	70m
Class III Industry	1000m	300m

Although there is some leniency to base the influence area/setback on existing industrial uses, this would require an amendment to the zoning for the industrial property to restrict permissions to the existing uses to ensure compatibility is maintained. This approach is considered onerous for both the City and the land owners of the existing industrial facilities, because it disadvantages their right to expand/alter their operations in the future.

The D-6 guidelines acknowledge that it may not be possible to achieve the recommended MSD in areas where infilling, urban redevelopment and/or a transition to mixed use are taking place. In order to consider a reduction to the recommended MSD, justification through an impact assessment (i.e. a use specific evaluation of the industrial processes and the potential for off-site impacts on existing and proposed sensitive land uses), as detailed in Section 4.10 of the D6 guidelines, is required. Mitigation to the greatest extent possible is the key to dealing with less than the minimum separation distance. To address this requirement, Regional staff recommend that a Holding provision be included in the amending By-law to require completion of a Detailed Noise Study to address mitigation of transportation and stationary noise sources. Once the classification of the industry is determined, Regional staff also suggest that the City consider incorporating a site-specific setback

for the west side/flanking yard in the amending by-law, to ensure the minimum separation distance (20m or 70m) is maintained. Regional staff note that if Algoma Ship Repair is determined to be a Class III industry, it is not possible to meet the minimum 300m separation distance and may mean these uses are incompatible.

Conclusion

In conclusion, Regional staff strongly supports the provision of affordable housing and suggest that the City consider the location of affordable housing projects relative to proximity to bus routes and priority amenities like grocery stores, pharmacies, etc. Although the Region does not object to the proposed Zoning By-law Amendment in principle, a Holding provision should be included to require the completion of a Detailed Noise Study because the site is adjacent to an industrial use (Algoma Ship Repair). The Holding provision is required to ensure the proposal is consistent with the PPS and conforms to Provincial Plans and the Regional Official Plan from a land use compatibility perspective. Regional staff also recommend that the City incorporate a site-specific west side/flanking yard setback in the amending by-law, once the classification of the industry is determined.

Should you have any questions related to the above comments, please feel free to contact me at 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,



Britney Fricke, MCIP, RPP
Senior Development Planner



Planning Justification Report

Official Plan & Zoning By-law Amendments 9 Chestnut Street

For: Port Cares

By: NPG Planning Solutions Inc.
4999 Victoria Avenue
Niagara Falls, ON L2E 4C9
T: 905 321 6743

Date: August 31, 2022

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1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to Port Cares for the proposed Official Plan and Zoning By-law Amendment applications at 9 Chestnut Street, in Port Colborne, Ontario (the Subject Lands). The Subject lands, currently owned by the City of Port Colborne, are approximately 0.27 hectares in size and contain a municipal park.

The City of Port Colborne initiated a Zoning By-law Amendment Application for the Subject Lands, providing Notice of a Complete Application and Notice of a Public Meeting (issued January 26, 2021). The Application proposed to change the zoning of the Subject Lands from *Public and Park (P) Zone* to *Fourth Density Residential (R4) Zone*, to permit the construction of a residential apartment building. A Public Meeting for the Application was held on February 16, 2021. Port Cares retained NPG following agency comments from the Niagara Region and the completion of a Noise Impact Study.

Port Cares, a non-profit organization and prospective affordable housing provider, is proposing to develop a total of 40 affordable dwelling units within a 5-storey apartment building on the Subject Lands (see Appendix A – *Site Plan and Elevations Renderings*). Port Cares has retained NPG to provide professional planning advice on the proposal. After being retained by Port Cares, City of Port Colborne Planning Staff have identified the need for an Official Plan Amendment for the proposal, to address density policies in the City's Official Plan, which is also a City-led amendment.

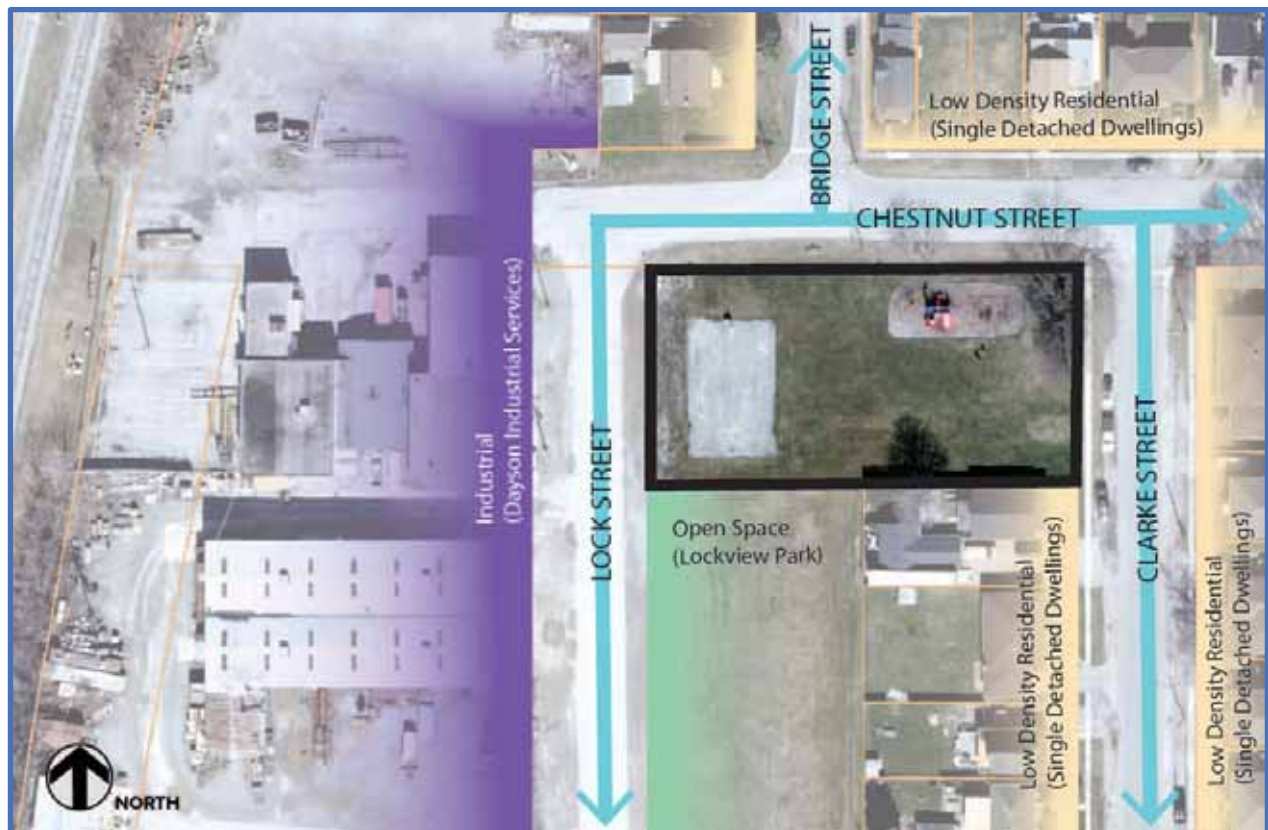
This Planning Justification Report ("PJR") provides an analysis of the proposed development. It evaluates the appropriateness of the proposed amendments to the City's Official Plan and Zoning By-law, when assessed against policies in the Provincial Policy Statement ("PPS"), Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), Niagara Region Official Plan ("NROP"), the City of Port Colborne Official Plan ("City OP") and the City of Port Colborne Zoning By-law No. 6575/30/18.

Sections 5.1, 5.2, and 5.3 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 5.4 of this report discusses the proposal's conformance with the general intent and objectives of the City's OP while Sections 6.0 and 7.0 describe and provide justification for approval of the Official Plan Amendment and Zoning By-Law Amendment, respectively.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are in the City of Port Colborne within the Built-up Area on the south side of Chestnut Street, between Lock Street and Clarke Street. The Subject Lands are rectangular in shape with a frontage of 36.57 metres, a depth of 73.06 metres, and a total area of 0.27 hectares (2,670.8 m²). The property has frontage on three public roads. There is an existing city park, known municipally as Chestnut Park, which has an open lawn and gated children's playground. Surrounding the Subject Lands to the north and east are single detached dwellings. To the south are single detached dwellings, and open space known as Lockview Park. Across Lock Street and to the west is a machine shop business operated by Dayson Industrial Services. The Dayson Industrial building is not presently being operated.

Figure 1 - Aerial Context

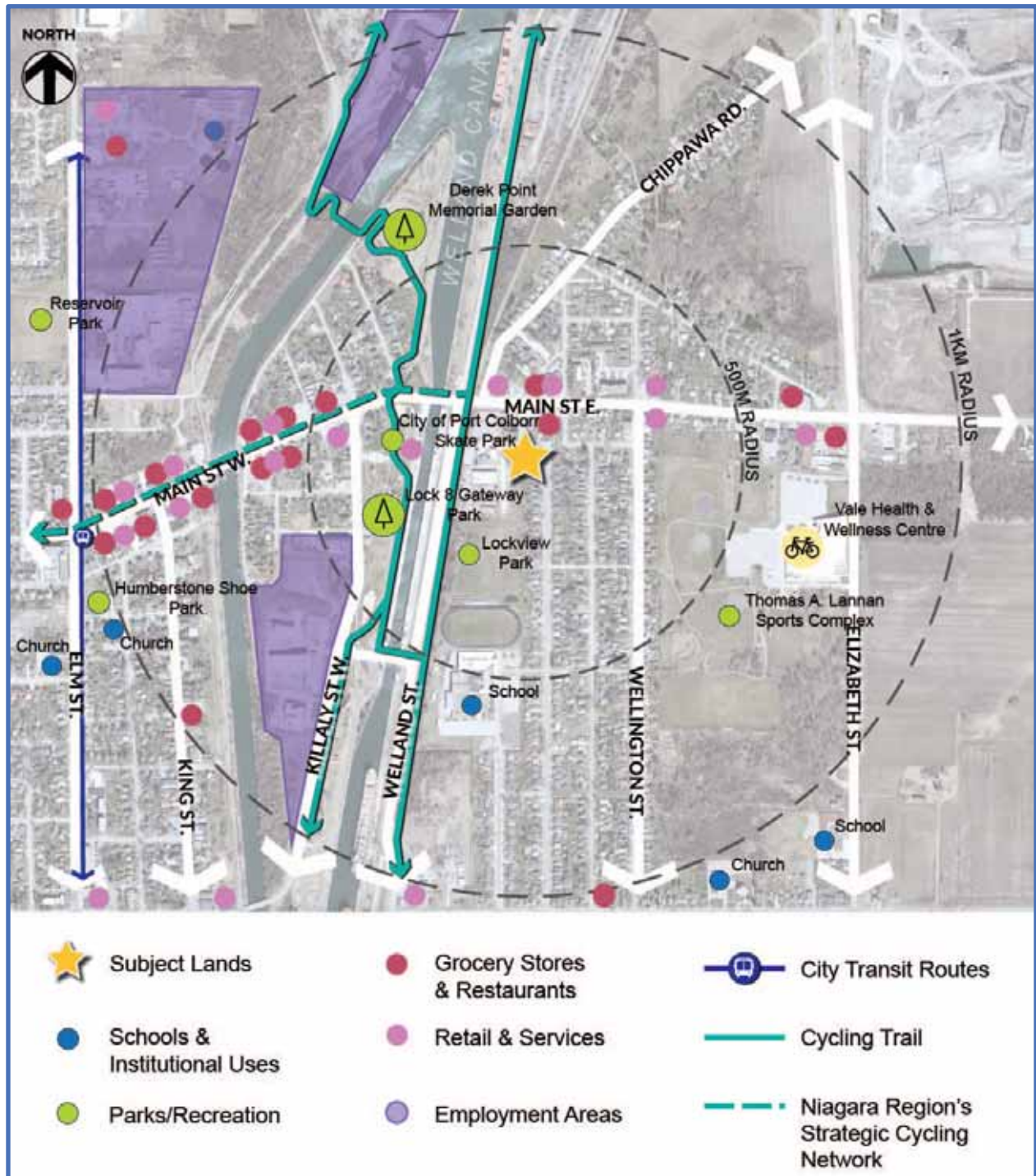


North:	Residential (Single-detached dwellings)
East:	Residential (Single-detached dwellings)
South:	Open Space (Lockview Park), Residential (Single-detached dwellings)
West:	Industrial (Dayson Industrial Services)

As illustrated on Figure 2 below and within Appendix B – *Niagara Region Official Plan Schedules*, the Subject Lands are within one block of the Welland Street Regional Cycling Trail and a variety of commercial uses along Main Street East and Main Street West.

The lands are also located in proximity to Lakeshore Catholic High School and are within walking distance to several parks and open space amenities, including Lockview Park, Lock 8 Park, Thomas A. Lannan Sports Complex, and the Vale Health & Wellness Centre.

Figure 2 - Community Amenities Map



2.1 Site Photos

The Subject Lands are further contextualized by photos collected during a site visit on August 18, 2022. Please refer to the following photos for greater detail on the current state of the Subject Lands and the surrounding land uses. (See photos 1 to 25).



Photo 1 – View southeast of east portion of Subject Lands from intersection of Chestnut Street and Bridge Street.



Photo 2 – View north from intersection of Chestnut Street and Bridge Street with single detached dwelling abutting Chestnut Street on the west (left) and east (right) sides.



Photo 3 – View south of east portion of Subject Lands from north side of Chestnut Street.



Photo 4 – View from Subject Lands of north side of Chestnut Street.



Photo 5 – View from northwest corner of Subject Lands of single-detached dwelling on northwest corner of Chestnut Street and Bridge Street



Photo 6 – View from intersection of Chestnut Street and Clarke Street, southwest and towards Subject Lands.



Photo 7 – Similar view to Photo 6, zoomed in on eastern portion of Subject Lands and 304 Clarke Street (blue dwelling, left).



Photo 8 – View from west side of Clarke Street of single-detached dwelling on east side of Clarke Street.



Photo 9 – View looking south from easternmost portion of Subject Land of 304 Clarke Street.



Photo 10 – View of eastern portion of Subject Lands with existing Chestnut Park playground and open space shown.



Photo 11 – View southeast from western portion of Subject Lands. The south lot-line is shown as a dotted line. The Subject Lands are at the foreground. The fence provides for an approximate boundary between residential uses and Lockview Park that abut the Subject Lands at the south.



Photo 12 – View eastward along south lot line towards east lot line, with dotted lines showing approximate demarcation.



Photo 13 – Northward view toward Subject Lands with Lockview Park (foreground), and 304 Clarke Street (right). Southern site boundary marked.



Photo 14 – View from Lockview Park towards Subject Lands, with southern site boundary marked.



Photo 15 – View from southern site boundary northward of western portion of Subject Lands, with existing basketball half-court.



Photo 16 – View from southwest corner of Subject Lands toward the northeast.



Photo 17 –View from Lock Street with western portion of Subject Lands in foreground; existing park features present.



Photo 18 – Northward view of Lock Street corridor, with Dayson Industrial Lands (left), and Subject Lands (right).



Photo 19 – View towards southwest of Dayson Industrial Lands from Lock Street, with gated vehicle entrance shown.



Photo 20 –Northwestward view toward Dayson Industrial Lands from Lock Street, with warehouse/manufacturing buildings (centre).



Photo 21 – View towards Dayson Industrial warehouse/manufacturing building from Lock Street, with two (2) loading bays and entrance for personnel.



Photo 22 – Westward view of Dayson Industrial Lands, with warehouse/manufacturing buildings shown.



Photo 23 – Westward view of Dayson Industrial Lands from intersection of Chestnut Street and Lock Street, with gated vehicle entrance shown.



Photo 24 – View northwest toward Dayson Industrial Lands from intersection of Chestnut Street and Lock Street, with gated vehicle entrance and stored vehicles shown.



Photo 25 – Southward view of Lock Street corridor from southwest site boundary. Lockview Park (left) and Dayson Industrial Land (right)

3.0 Proposed Development

Port Cares is proposing an affordable housing development with a total of 40 dwelling units within a 5-storey public apartment building on the Subject Lands, which are currently owned by the City of Port Colborne. The City has initiated amendments to the Official Plan and Zoning By-law to facilitate the proposal. Affordable housing details are provided in Section 3.1 of this Report. The building is proposed to consist of 31 one-bedroom units and 9 two-bedroom units. A public apartment building is defined by the City's Zoning By-law as "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."

The proposed public apartment building, with a height of 15.9 metres, will be situated on the northeastern portion of the Subject Lands, with surface parking to the west and south (See Appendix A – *Site Plan and Elevations Renderings*). Vehicular access to the site is proposed via a driveway connecting from Clarke Street to Lock Street, at the south limit of the site. Parking for the development will be provided at grade, at a rate of 0.5 spaces per dwelling unit, with a total of 20 parking spaces, including four (4) accessible spaces. Ten indoor/covered bike stalls are also proposed. Lot coverage is proposed at approximately 30.4% of the total site area, and landscaping is proposed to cover approximately 29.5% of the entire site area. Landscaping is comprised of the proposed walkways and landscaped areas around the residential building.

Lock Street, Chestnut Street and Clarke Street are designated as Local Roads in Schedule E1 – *Transportation Plan* (Appendix C - *City of Port Colborne Official Plan Schedules*). Arterial Roads – Welland Street and Main Street East, are located 100 metres and 80 metres from the Subject Lands, respectively. Pedestrian sidewalks are currently provided along Clarke Street. The proposed Site Plan includes well-connected walkways providing direct access to the existing sidewalk from the apartment building. Furthermore, NRT OnDemand is operated in partnership with the City of Port Colborne, providing direct door-to-door transit. Regional Transit connections are also easily accessed through the Port Colborne-Welland Link Route (which provides service on Elm Street under 1km from the Subject Lands).

The City of Port Colborne Official Plan designates the subject lands as Urban Residential according to Schedule A – *City Wide Land Use Plan* (see Appendix C - *City of Port Colborne Official Plan Schedules*). As per Section 3.2 of the City's Official Plan, lands in this designation are primarily used for residential purposes, and the proposed use complies with this designation. Section 3.2.1 c) of the City's Official Plan caps density at 100 units per hectare and requires high density residential developments to have frontage on an arterial or collector road. The proposed Official Plan Amendment is to facilitate a proposed density of 148 units per hectare along the local road.

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the lands as *Public and Park (P)*. The proposed apartment building is not permitted within the (P) Zone. As such, the proposed Zoning By-law Amendment is to re-zone the subject lands to a site-specific Fourth Density Residential Zone (R4-XX) to permit the proposed apartment building and modify several zoning regulations related to minimum yards, landscaped buffer, and minimum lot area per dwelling unit.

3.1 Affordable Housing

Port Cares intends to provide affordable housing units within the proposed building, with a focus on independent low-income seniors (aged 55 and older) and female-led, single-parent low-income households. Tenants for the building will be taken from the Niagara Regional Housing (NRH)

centralized housing waitlist. There is currently an estimated 8 year wait time for one-bedroom apartments, for seniors aged 55 and older, in Port Colborne¹. There is a 14 year wait time for one-bedroom apartments for singles between the ages of 16 and 54¹. There is a demonstrated need for this housing type in Port Colborne and Niagara, especially one-bedroom units.

The PPS, Growth Plan, Regional OP and City OP define “affordable”, in the case of rental housing, as the least expensive of:

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

In the case of rental housing, *low- and moderate-income households* are “households with income in the lowest 60 percent of the income distribution for renter households in the *regional market area*”. The *regional market area* is the Niagara Region.

Port Cares proposes the following monthly rental rates, funded through a variety of streams. These rates are subject to change.

- One-bedroom units:
 - 19 units at \$1,100/month
 - 5 units at \$782/month
 - 7 units at \$711/month
- Two-bedroom units:
 - 6 units at \$1,400/month
 - 3 units at \$840/month

The Niagara Region Housing Market Analysis Report (Canadian Centre for Economic Analysis, June 2019) which was the basis for the Niagara Region’s Housing Affordability and Growth Plan, 2051 (April 2021), summarizes the following average household income deciles in Niagara:

Table 1 - Lowest Six Deciles of Gross Annual Household Income

Decile	Gross Annual Household Income in Niagara Region ²
1 st	Less than \$19,400
2 nd	\$19,400 to \$29,499
3 rd	\$29,500 to \$39,799
4 th	\$39,800 to \$52,699
5 th	\$52,700 to \$68,399
6 th	\$68,400 to \$84,299

¹ Niagara Regional Housing 2022 Housing Wait Times

² Niagara Region Housing Market Analysis Report (Canadian Centre for Economic Analysis, June 2019)

Table 2 - Average Market Rent for One- and Two-bedroom Units

Unit Type	Average Market Rent in Niagara Region ³ :
One-bedroom	\$1,011
Two-bedroom	\$1,191

Affordability Tests

This section examines the affordability criterion of the planning definitions for “affordable” noted previously, given the known rental rates for the proposed public apartment building, gross annual household incomes in Niagara, and average market rent rates in Niagara, as detailed above.

1. Does rent exceed 30 percent of gross annual household income for low- and moderate-income households?

Table 3 below illustrates that all rental rates within the Port Cares building will be affordable by the first criterion, as they represent less than 30 percent of gross annual household income for low- and moderate-income households (i.e., households with a gross annual household income of less than \$84,299). The most expensive rental rate proposed within the Port Cares development is \$1,400 per month, which is for a two-bedroom unit. This equates to a \$56,000 gross annual household income if spending 30 percent on rent, which is within the lowest 50 percent of the income distribution for all households in Niagara.

Table 3 - Proposed Rent Rates Compared to Percentage of Gross Annual Income

Port Cares Rental Rates	Minimum gross annual income if spending 30 percent on rent	Less than \$84,299 gross annual income?
One-bedroom units		
\$1,100/month (19 units)	\$44,000.00	Yes, affordable
\$782/month (5 units)	\$31,280.00	Yes, affordable
\$711/month (7 units)	\$28,440.00	Yes, affordable
Two-bedroom units		
\$1,400/month (6 units)	\$56,000.00	Yes, affordable
\$840/month (3 units)	\$33,600.00	Yes, affordable

2. Is rent at or below the average market rent of a unit in the regional market area.

Table 4 below illustrates that the second criterion of the “affordable” criterion is not met for all rental rates within the Port Cares building as not all rents will be at or below the average market rent within the regional market area. However, the development does contain 15 affordable housing units by this definition. The building will contain a portion of “affordable” units by planning definition, and a number of near-market units. The building provides a mix of options and rent rates.

³ CMHC Rental Market Survey, October 2021

Table 4 - Proposed Rent Rates Compared to Average Market Rent

Port Cares Rental Rates	At or below Niagara average market rent?	Percentage difference from market rent
One-bedroom units		
\$1,100/month (19 units)	No	8.8% higher
\$782/month (5 units)	Yes, Affordable	22.7% lower
\$711/month (7 units)	Yes, Affordable	29.7% lower
Two-bedroom units		
\$1,400/month (6 units)	No	17.5% higher
\$840/month (3 units)	Yes, Affordable	29.5% lower

Funding

It is noted that primary capital funding for the proposal is anticipated from the Canada Mortgage and Housing Corporation (CMHC) Co-Investment Fund, which requires:

- a minimum of 30% of units in the building to be at or below 80% of CMHC Median Market Rent (MMR)
 - CMHC MMR for the St. Catharines-Niagara Census Metropolitan Area is currently \$978 for one-bedroom units and \$1,170 for two-bedroom units
 - NRH Average Market Rent (AMR) (set from CMHC Average Market Rent) is currently \$1,011 for one-bedroom units and \$1,191 for two-bedroom units²
- a minimum of 25% reduction in energy consumption and Greenhouse Gas emissions versus the National Building Code
- a minimum of 20% of the units to be accessible, or the entire building to feature universal design

It is also noted that 25% of units will be subsidized under the NRH Housing Allowance Program, which provides a set allowance to landlords to assist tenants with rent. This does not lower the rental rates previously noted in this section. This program is designed as a short-term measure to help households meet their monthly rental obligations until they can be housed in a permanent rent-geared to income unit.

3.2 Agency Comments

Niagara Region Planning and Development Services provided comments to the City regarding the proposed Zoning By-law Amendment (comment letter dated February 22, 2021). The Region recommended the use of a Holding symbol to require the completion of a Detailed Noise Study due to the site's proximity to the Dayson Industrial Services property to the west.

4.0 Supporting Studies Review

4.1 Noise Impact Study

In response to the Niagara Region's request for a Detailed Noise Impact Study, Port Cares retained the services of Wood Environment & Infrastructure Solutions (Wood) to complete a Noise Impact Study (NIS) the proposed development. The Wood NIS considers road, rail, canal shipping traffic, and industry noise impact on the Subject Lands. The following is derived from the report:

1. Road traffic on Main Street East and Welland Street is considered to have potential impact on the proposed development. All residential units in the development will meet the noise guidelines with respect to transportation sources, with appropriate mitigative measures (i.e., forced air heating with provision for adding central air conditioning in the future and warning clause).
2. The CN Humber Line Spur (freight) is approximately 100 metres of the Subject Lands. Vibration from the railway was not considered. The report recommends detailed design of the building components for the north, west and south facades are required to ensure indoor noise level criteria specified in NPC-300 Guidelines are met.
3. Wood has identified that the Welland Canal is approximately 150 metres west of the Subject Lands. Marine shipping activities do not require Ministry of Environment, Conservation and Parks (MECP) approval because most aspects are regulated by the federal government. There is no specific direction under NPC-300 to address marine noise. Wood attempted to gather information about shipping operations to evaluate potential impacts to the site but could not retrieve sufficient information, in their opinion. The Wood NIS recommends further assessment of the Welland Canal, to determine the possible noise impacts.
4. A detailed noise study of Dayson Industrial Services facility located west of the Subject Lands at 1 Chestnut Street was not completed due to insufficient data. Wood requested detailed information from the industrial operation, and requested a site visit, however no information was received, and permission was not granted to access the site.
5. Wood considered the D-6 Guidelines in the NIS and determined that the facility at 1 Chestnut Street is a Class II facility, which have a recommended setback of 70 metres. Wood considers the Dayson facility a Class II facility due to "its medium scale, the presence of outdoor storage of waste and materials and the outputs of noise which are expected to be occasional". Wood characterizes Dayson Industrial Services as specializing in "descaling, special coatings, painting, and lining applicator offering protection systems for both concrete and steel surfaces". The actual separation distance between the property line of 1 Chestnut and the nearest building façade of the proposed apartment building is approximately 44 metres. Wood therefore recommends a detailed noise and vibration study for the facility located at 1 Chestnut Street.

Wood also notes that the latest Environmental Compliance Approval (ECA) for 1 Chestnut Street was issued to Algoma Ship Repair on May 14, 2013 (ECA Number 2956-8QZPUV). Wood therefore expects that the existing ECA and their supporting studies (e.g., Acoustic Assessment Report) is outdated and that an ECA amendment application is needed.

4.1.1 NPG Considerations and Assessment – Noise Impact Study

The Wood NIS recommends that a detailed noise and vibration study be undertaken for the Dayson facility at 1 Chestnut Street. This is the standard approach when a new sensitive use is proposed within the potential influence area of an industrial facility. However, there are several factors that make the current scenario unique.

Work Stoppage

Based on discussion with the City of Port Colborne, it is understood that there is an ongoing work stoppage at the Dayson Industrial Services facility. NPG conducted a site visit of the Subject Lands at 3 p.m. on Thursday, August 18, 2022, and there was no evidence of an active operation at the Dayson site. If detailed noise and vibration studies were undertaken, there would be no actual data to collect.

Classification of the Industrial Facility

The Wood NIS considers the facility at 1 Chestnut Street to be a Class II facility with respect to the D6 Guidelines. Wood was not able to obtain access to the site. Attempts by the City, Niagara Regional Housing and Port Cares to retrieve detailed information from the facility were also not successful. Further, the ECA for 1 Chestnut Street currently belongs to Algoma Ship Repair who does not operate at the site. Wood expects that the existing ECA and supporting studies are outdated and that an ECA amendment application is needed.

Given that limited information is available from the industrial facility, and that the facility is not currently operating, NPG has reviewed the Official Plan and Zoning By-law for the lands to assist with understanding a “worst case scenario” under current land use permissions.

Official Plan

The City’s Official Plan designates the lands at 1 Chestnut Street as Urban Residential, which permits residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities and institutional uses. The Official Plan does not envision or permit industrial uses at 1 Chestnut Street. Long-term, the City envisions this area to be residential in nature.

Zoning By-law

The lands at 1 Chestnut Street are zoned Highway Commercial (HC-25) in the City’s Zoning By-law. Special Provision 25 states that the land “may only be used for a machine shop” and restricts open storage from being located in any yard (i.e., outdoors). “Machine shop” is not defined in the Zoning By-law. The Cambridge Dictionary defines “machine shop” as “a room or building in a factory where there are machines for making things, especially for cutting and working with metal”. Special Provision 25 includes detailed regulations for a machine shop, including a minimum separation distance of 15 metres to Residential Zones. Any uses beyond a machine shop at the site would require Planning Act approvals, consisting of a public process and consideration of surrounding residential uses. Other changes to the operation may require an ECA amendment, including updated technical studies (e.g., noise study) and implementing applicable mitigative measures.

In comparison, the Wood NIS characterizes the Dayson facility as specializing in “descaling, special coatings, painting, and lining applicator offering protection systems for both concrete and steel surfaces”. This description appears to have been retrieved from the Dayson Industrial

Services website⁴ and may not be accurate for the 1 Chestnut Street site. Representatives from Niagara Regional Housing informed NPG of their discussions with the Dayson Office Manager on June 20, 2022, who noted that the site is used for storage and limited equipment repair, which is then sent to their Hamilton facility; and that no sandblasting occurs at the 1 Chestnut Street site.

While Wood's characterization of the use may not be accurate, their opinion that the facility is a Class II industry may be correct given that there does appear to be outdoor storage of materials (even though this is restricted by the Zoning By-law), and that some equipment repair occurs which could produce sounds audible off property. However, it is possible that with more detailed information from Dayson, the use could be categorized as Class I. It is difficult to confirm given the current work stoppage and absence of detailed information. The minimum separation distance for a Class II facility is 70 metres, whereas the proposed building at the Subject Lands is 44 metres from the property line of 1 Chestnut Street.

Redevelopment, Infilling and Mixed-Use Areas

Section 4.10 of the D6 Guidelines deals with infilling and urban development scenarios where it may not be possible to achieve the recommended minimum separation distance (i.e., 70 metres for a Class II facility in a worst-case scenario). Sections 4.10.1, 4.10.2 and 4.10.3 contain requirements to consider proposals within less than the minimum distance. Table 5 below evaluates the proposal against Section 4.10.

Table 5 - Analysis of the Requirements of Section 4.10 of the D6 Guidelines

Requirement	Analysis
Section 4.10.1 – Official status	
<i>Such proposals must be in accordance with official plan policy or a formal planning approval process, with the boundaries of the redevelopment, infilling or mixed use area clearly defined by the planning authority.</i>	Residential uses are permitted on the Subject lands under the current Official Plan designation. The proposal is subject to an Official Plan Amendment to increase density permissions and will be site-specific.
Section 4.10.2 – Zoning	
<i>The Ministry or delegated authority shall only consider redevelopment, infill and mixed use proposals which put industrial and sensitive land uses together within less than the recommended minimum separation distances (see Section 4.3), if the zoning is use specific (i.e. only the existing or proposed industrial or sensitive use is permitted by the municipality or other approving authority), or if planning considerations are based on the "worst case scenario" based on permitted uses in the industrial zoning by-law.</i>	<p>The zoning for 1 Chestnut Street is use specific, restricting the use of the property to only a "machine shop". The zoning for 1 Chestnut Street also contains a minimum separation distance to residential zones of 15 metres.</p> <p>The zoning for 9 Chestnut Street will be site-specific. NPG recommends that the site-specific zoning for the Subject Lands includes an increased minimum westerly yard setback of 24 metres to restrict the building from being closer to its west lot line.</p>
Section 4.10.3 – Feasibility analysis	
<i>Detailed mapping showing the area subject to the proposed development and all industrial</i>	This PJR contains detailed mapping showing the surrounding area.

⁴ <http://dayson.ca>

facilities and any other sources of adverse effects (e.g. rail lines).	
Mapping shall also indicate all vacant properties currently zoned and/or designated for industrial use along with relevant excerpts from the official plan and/or zoning by-law to indicate the full range of permitted uses. Attempts shall also be made to predict the types and levels of adverse impact that would result in a "worst case scenario" should an industrial use be developed upon any of the vacant parcels.	There are no vacant industrial parcels designated or zoned for industrial. Further, the lands at 1 Chestnut Street are designated Urban Residential. It is the intent of the Official Plan for the current use to cease.
Assessment of the types and levels of contaminant discharges being generated by current industrial facilities, including those associated with transportation facilities which serve the industries.	None anticipated.
Based upon actual and anticipated impacts, necessary mitigative measures should be identified based upon technical assessments. Noise and other technical studies shall be submitted to appropriate Ministry staff for review. See Sections 4.6 "Studies" and 4.7, "Mitigation" for more details.	A detailed noise study for the industrial use is not currently possible due to the ongoing work stoppage at the Dayson facility. Given this, NPG recommends that Port Cares incorporate building design measures for the exterior facades, such as upgraded glazing and cladding, as mitigation against any potential noise from 1 Chestnut Street. The Wood NIS recommends the installation of forced air heating with provision for adding central air conditioning in the future (with warning clauses) for potential transportation noise. Warning clauses should also be included in Residential Tenancy Agreements related to the Port Cares building to alert the future residents that an industrial use exists in the vicinity. This will also assist with mitigating potential impacts from the facility at 1 Chestnut Street.
An indication shall be given as to the methods by which the mitigative measures (approved by the land use authority) will be implemented, i.e. the types of agreements that must be entered into. See Section 4.8, "Legal Agreements" also.	The Subject Lands will be subject to a Site Plan Agreement whereby the required mitigation measures can be implemented. The approved Site Plan Drawings, and in turn Building Permit drawings, can illustrate upgraded façade measures and heating and air conditioning requirements. The Agreement can require warning clauses.
Where mitigative measures are to be applied off-site to an existing industrial facility, the proponent shall demonstrate that the industrial facility has no objection to the proposed use or to the addition of the necessary mitigative measures.	No mitigative measures proposed off-site.

<i>Implementation of approved mitigation measures shall be required as a condition of draft approval.</i>	
<i>Proponents should demonstrate to the approving authority that no objections to the proposed use have been raised by area residents, industries, etc. See Section 4.10.5, "Public Consultation".</i>	Public Consultation will occur through the proposed Official Plan Amendment and Zoning By-law Amendment Public Meetings.

As illustrated in the table above, the proposed residential use is feasible on the Subject Lands, using mitigation measures, the existence of use specific zoning at 1 Chestnut Street (machine shop with no outdoor storage), and the existing minimum separation distance from residential zones established in the zoning for 1 Chestnut Street.

5.0 Planning Policies

5.1 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.

5.1.1. Settlement Areas

The Subject Lands are within a Settlement Area as per the policies of the PPS. The PPS provides the following with respect to managing and directing land use within settlement areas:

POLICY

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities, and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. support active transportation;*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

ANALYSIS

The Subject Lands are located within a Settlement Area under the PPS. As per policies 1.1.3.1 and 1.1.3.2 of the PPS, the proposed development would promote the efficient use of land within the Settlement Area by providing an appropriate density for the efficient use of municipal services. The Subject Lands are also located near the regional cycling corridors, helping to promote active transportation options. The proposal includes affordable housing units, helping to address the need for a range of housing options in Port Colborne and Niagara.

The amendments are also consistent with Policies 1.1.3.4 and 1.1.3.6 of the PPS by facilitating development within the existing Built-Up Area, with a compact apartment form, promoting efficient use of land, infrastructure, and public service facilities.

For these reasons, the Applications are consistent with the Settlement Area policies of the PPS.

5.1.2 Land Use Compatibility

Section 1.2.6 of the PPS provides policy direction regarding land use compatibility of sensitive land uses and major facilities such as industrial uses. The following policies are applicable to the proposal:

POLICY

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

ANALYSIS

The policies under Section 1.2.6 provide land use compatibility guidance where sensitive land uses are proposed close to major facilities. The policies contemplate scenarios where sensitive land uses within the vicinity of major facilities is not possible; potential adverse effects on the sensitive land use must be minimized and mitigated, while the long-term viability of the existing industrial land use shall be protected. As detailed in Section 4.1 and 4.1.1 of this report, an industrial facility and a railway line exist west of the Subject Lands, in addition to Regional Roads

and the Welland Canal in the vicinity. Given that the industrial facility is currently experiencing a work stoppage, a detailed noise study is not currently possible. It is recommended that Port Cares incorporates building design measures for the exterior facades, such as upgraded glazing and cladding, as mitigation against any potential noise from 1 Chestnut Street. The Wood NIS completed for the Subject Lands recommends the installation of forced air heating with provision for adding central air conditioning in the future (with warning clauses) for potential transportation noise. This will also assist with mitigating potential impacts from the facility at 1 Chestnut Street. NPG also recommends that the site-specific zoning for the Subject Lands includes an increased minimum westerly yard setback of 24 metres to restrict the building from being closer to its west lot line.

Through the use of mitigation measures, the existence of use specific zoning at 1 Chestnut Street (machine shop with no outdoor storage), and an existing minimum separation distance established in the Zoning By-law (15 metres from Residential Zones), the proposed residential use is feasible on the Subject Lands.

The proposal is consistent with the Land Use Compatibility policies of the PPS in that there is a need for affordable housing, there are no alternative locations for this proposal as the City is providing the land for the development, and adverse effects on the residential use will be mitigated as described above. Impacts on the industrial facility will be mitigated by including warning clauses within Residential Tenancy Agreements to alert the future residents of the Port Cares facility that an industrial use exists in the vicinity. It should be noted that the existing site-specific zoning

5.1.3 Housing

Section 1.4 of the PPS provides policy direction regarding housing. The following policies are applicable to the proposal:

POLICY

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

ANALYSIS

The proposed development by Port Cares is consistent with Policy 1.4.3 as it provides affordable housing units and helps to address the need for one-bedroom units. The amendments would facilitate the construction of a housing option which is needed to meet the social, health, economic and well-being needs of current and future residents. The Subject Lands front on three municipally maintained roads with servicing suitable for the proposed development. Active transportation facilities are available within the area and the Regional Transit Port Colborne-Welland link exists on Elm Street, less than 1 km from the Subject Lands. This affordable housing development is consistent with the Housing policies of the PPS.

5.1.4 Infrastructure

Section 1.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

POLICY

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

ANALYSIS

The Subject Lands are located on municipal roads with existing municipal services. The proposed development would connect to this existing infrastructure, including municipal services. This approach is consistent with the policies of the PPS that require the efficient use of infrastructure including municipal services and indicate that municipal services are the preferred form of servicing in Settlement Areas. For these reasons proposed development is consistent with the above policies of the PPS.

5.1.5 Transportation Systems

Section 1.6.7. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

POLICY

1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

ANALYSIS

The proposed development is one block from two Regional Roads and cycling facilities, with transit options nearby. The proposed high density development is an efficient use of this existing infrastructure.

5.2 Growth Plan for Greater Golden Horseshoe (Office Consolidation 2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2020) outlines the province's plan to promote economic growth, increase housing supply and build healthy and affordable communities for people of all ages.

5.2.1 Growth Management

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management. The following policies apply to the proposal:

POLICY

2.2.1(2) a) *the vast majority of growth will be directed to settlement areas that:*

- i. *have a delineated built boundary;*
- ii. *have existing or planned municipal water and wastewater systems; and*
- iii. *can support the achievement of complete communities;*

2.2.1(2) c) *within settlement areas, growth will be focused in:*

- i. *delineated built-up areas;*
- ii. *strategic growth areas;*
- iii. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- iv. *areas with existing or planned public service facilities*

2.2.1(4) *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 additional residential 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) *provide for a more compact built form and a vibrant public realm, including public open spaces;*

ANALYSIS

The Growth Plan defines settlement areas as “lands which have been designated in an official plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated”. The Subject Lands are within a settlement area of Port Colborne, supported by existing municipal and wastewater infrastructure, that can support the achievement of complete communities.

The proposed development will facilitate the creation of complete communities as it seeks to create a higher density residential development on lands that are currently surplus to the City's needs. A variety of complementary land uses and services exist in the vicinity, in addition to the Regional cycling network. The proposal adds affordable housing units to the community and addresses a need for one-bedroom housing options.

A variety of open space, recreational and community amenities exist near the Subject Lands.

All these elements encourage residents to enjoy the public realm and explore the community. The range of land uses, and accessible active transportation options helps improve the overall quality of life for the residents of the proposed development. The proposed development helps facilitate the goals of creating complete communities within a settlement area, as addressed in Policy 2.2.1(2)a) iii) and Policy 2.2.1(4).

5.2.2 Housing

Section 2.2.6 of the Growth Plan provides policy direction towards housing. The following policies apply:

POLICY

2.2.6(1) Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;**

2.2.6(2) Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6(1), municipalities will support the achievement of complete communities by:

- a) planning to accommodate forecasted growth to the horizon of this Plan;*
- b) planning to achieve the minimum intensification and density targets in this Plan;*
- c) considering the range and mix of housing options and densities of the existing housing stock; and*
- d) planning to diversify their overall housing stock across the municipality.*

2.2.6(3) To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

ANALYSIS

The proposal conforms with the Housing policies of the Growth Plan in that 40 new apartment dwelling units will be provided, addressing a need for this unit type. Further, the development addresses the need for affordable housing units, and one-bedroom units in particular. The proposal will accommodate a diverse range of household sizes and incomes in that the rental rates will be varied throughout the building and there is a mix of one- and two-bedroom units.

5.3 Niagara Region Official Plan (2014)

The Niagara Region Official Plan (NROP) is a long-range document that guides the physical, economic, and social development of Niagara Region. It contains objectives, policies and

mapping that implement the Region's approach to ensuring most new development in Niagara Region is directed towards the existing Built-up Area to accommodate future growth.

Table 6 below identifies the relevant Regional Schedules pertaining to the subject lands.

Table 6 - Niagara Region Official Plan Schedules

SCHEDULE	RELEVANT DESIGNATIONS
Schedule A: Regional Structure	Built-up Area; Within Urban Area Boundary
Schedule C: Core Natural Heritage	No designation
Schedule E1: Transportation Infrastructure	Main Street W and Welland Street are Regional Roads;
Schedule E2: Strategic Cycling Network	Main Street W and Welland Street are identified as part of the Strategic Cycling Network
Schedule G1: Niagara Economic Gateway	Port Colborne is identified as Gateway Economic Centre

5.3.1 Growth Management

Section 4.A of the NROP provides objectives regarding growth management and intensification, as follows:

Objective 4.A.1.1 Direct the majority of growth and development to Niagara's existing Urban Areas

Objective 4.A.1.2 Direct a significant portion of Niagara's future growth to the Built-up Area through intensification

Objective 4.A.1.3 Direct intensification to Local Municipally Designated Intensification Areas

Objective 4.A.1.6 Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas

Objective 4.A.1.7 Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments

Section 4.C of the NROP provide policies relating to intensification withing the Built-up Area. The following policies are relevant:

POLICY

Policy 4.C.2.1 Each municipality will develop and implement through its local official plan and other supporting documents, a strategy and policies for promoting intensification and achieving the intensification targets set out in Sub-section 4.C.4 of this Plan. Local official plans shall:

- a) Incorporate the Built Boundary delineated on Schedule A of this Plan as the basis for identifying the Built-up Area;*

- b) *Generally encourage intensification throughout the Built-up Area;*
- c) *Identify specific Intensification Areas to support the achievement of the intensification targets, including downtowns, intensification nodes and corridors and strategically located brownfield and greyfield areas.*

ANALYSIS

Main Street West is identified on Schedule A1 of the City's Official Plan as an Intensification Area. While the Subject Lands are not located within the Main Street West Intensification Area, they are less than 350 metres away. The development of high density residential apartment building on the Subject Lands helps support the Main Street West Intensification Area and helps achieve Objective 4.A.1.3 and Policy 4.C.2.1. The proposal conforms with the Intensification policies of the NROP in this regard.

5.3.2 Urban Community Objectives

Section 4.G of the NROP provides objectives regarding urban communities in the region, as follows:

POLICY

Objective 4.G.1.2 Plan for all of Niagara's residents, both current and future, by promoting social inclusion, improved access to housing, commercial goods and services, job opportunities and social services.

Objective 4.G.1.3 Provide a policy direction for creating healthy, safe, vibrant, transit supportive, active transportation friendly, diverse, mixed use residential areas.

ANALYSIS

The proposed development will provide for new housing within walking distance to commercial areas, schools, parks, active transportation facilities and transit options, facilitating access to jobs and services in a healthy, safe and transit supportive environment, as desired in Objective 4.G.1.2 and Objective 4.G.1.3.

5.3.3 Infrastructure

Chapter 8 of the NROP provides policies related to infrastructure and servicing. The following policies apply:

POLICY

Policy 8.B.9 Municipal sewage services and water services are the required form of servicing for development in Urban Areas.

ANALYSIS

The proposed development will be serviced by municipal sewage and water services from existing services.

5.3.4 Transportation

Chapter 9 of the NROP provides policies related to transportation. The following objectives and policies apply:

POLICY

Objective 9.A.1 Promote and support for a multimodal transportation system to enable the movement of goods and people of all ages and abilities to jobs, housing, school, cultural destinations, public service facilities, recreational and tourist opportunities, and other major trip generators, especially in strategic growth areas.

Objective 9.A.2 Reduce single-occupant vehicle trips by enhancing opportunities for residents, workers, and visitors of all ages and abilities to walk, cycle, take transit and carpool.

Policy 9.C.3 The Niagara Region will leverage public transit to promote transit-supportive development.

Policy 9.C.8 The Niagara Region and its local municipalities should plan lands adjacent to or near existing and planned frequent transit or higher order transit facilities, including those within the Greenbelt Area where such lands have been approved through a Municipal Class Environmental Assessment, and where such lands are located within the settlement area boundary to:

- a) provide transit-supportive uses that enable opportunities for improved transit service integration;*
- b) facilitate multimodal connections that encourage a more evenly distributed modal share; and*
- c) support active transportation.*

ANALYSIS

The Subject Lands are along the Strategic Cycling Route as per Schedule E2 of the NROP (see **Appendix B** – Regional Schedules) and are also located within walking distance to the Port Colborne-Welland Regional Transit Link on Elm Street, as well as walking trails and cycling routes. These factors encourage residents to be less dependent on single-occupant vehicle trips utilize active transportation.

5.3.5 Housing and Community Services

Chapter 11 of the NROP provides policies related to housing and community services. The following policies apply:

POLICY

Policy 11.A.1 The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.2 The Region encourages the development of attractive, well designed residential development that:

- a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.*
- b) De-emphasizes garages, especially in the front yard.*
- c) Emphasises the entrance and points of access to neighbourhoods.*
- d) Is accessible to all persons.*
- e) Incorporates the principles of sustainability in building design.*
- f) Provides functional design solutions for such services as waste collection and recycling.*
- g) Provides an attractive, interconnected and active transportation friendly streetscape.*
- h) Contributes to a sense of safety within the public realm.*
- i) Balances the need for private and public space.*
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.*

- k) *Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.*

Policy 11.A.3 The Region encourages housing which allows people to work at home or in relatively close proximity to work.

Policy 11.A.8 The Region supports, and encourages the local municipalities to support, not-for-profit housing agencies as well as the private sector in the development of affordable housing for low- and moderate-income households, individuals who have physical disabilities, and other special needs groups, including those living in a situation of absolute or relative homelessness.

Policy 11.A.14 The Region will work with the local municipalities, school boards, federal, and provincial governments to identify surplus government lands and/or buildings that may be suitable for affordable housing purposes.

Policy 11.A.15 Where appropriate, the Region commits to, and encourages the local municipalities to also commit to, a 'housing first' policy for surplus municipal lands such that the first priority in the decision process regarding possible disposal of surplus lands shall be affordable housing, and that best efforts will be made to make the surplus property available for affordable housing purposes.

Policy 11.A.17 The Region will provide information and technical advice to the not-for-profit housing sector to assist in and facilitate the approvals process for Planning Act applications submitted by this sector.

ANALYSIS

The proposed development includes affordable housing units and near-market units, supporting the Region's goal to provide a variety of housing types within neighbourhoods, per Policy 11.A.1. The partnership between Port Cares, Niagara Regional Housing and the City of Port Colborne achieves the affordable housing policies of 11.A.8, 11.A.14, 11.A.15 and 11.A.17. The proposal provides for an alternative housing model in the form of one- and two-bedroom affordable apartment units.

The proposed residential development provides high quality residential urban design in compliance with Policy 11.A.2. The development provides functional design promoting high density residential use including an attractive streetscape with many "eyes on the street" to facilitate a greater sense of safety for residents of the development. The development provides access to several parks, commercial areas, and active transportation facilities.

5.4 City of Port Colborne Official Plan

The City of Port Colborne Official Plan provides a comprehensive 20-year vision for the future of the municipality. The Plan identifies and addresses matter that influences the growth and development of the City with respect to economic development, community improvement, conservation of natural and natural heritage resources, parks and open space requirements and expectations for water and wastewater servicing.

Table 7 below identifies the City Schedules pertaining to the subject lands:

Table 7 - City of Port Colborne Official Plan Schedules

SCHEDULE	RELEVANT DESIGNATIONS
Schedule A: City-Wide Land Use	Urban Residential; Within Urban Area Boundary
Schedule A1: Greenfields	Main Street W, west of the Welland Street, is an Intensification Area
Schedule B: Natural Heritage	No designation
Schedule B3: Vulnerable Aquifer Areas	High Vulnerable Aquifer
Schedule C: Mineral Aggregate and Petroleum Resources	Petroleum Resource Areas
Schedule D: Transportation	Locke Street, Chestnut Street and Clarke Street are Local Roads Main Street W and Welland Street are Regional Roads

The following are Growth Management Strategies for the City that are relevant to the proposal:

- b) *Direct growth in a strategic manner.*
- c) *Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- e) *Support infill and intensification, subject to the applicable policies, in the following designations: i) Urban Residential; ii) Hamlet; and iii) Downtown Commercial*
- f) *Support compact and transit supportive development within the built boundary and on designated greenfield lands*

The subject lands are within the City's Urban Area according to Schedule A – *City Wide Land Use Plan* (see Appendix C - *City of Port Colborne Official Plan Schedules*). In accordance with the City's growth management strategies, the lands are within an area serviced by municipal water and sanitary services. The proposal will provide residential intensification on an underutilized lot (surplus to the City's needs) and will offer an alternative housing model that will add to the mix of the existing housing stock in the neighbourhood. Convenient access to active transportation facilities encourages healthy and active lifestyles.

5.4.1 Housing

Section 2.4.3 of the City's OP contains strategic planning policies on intensification and infilling. The following policies apply:

POLICY

2.4.2 The City will promote the development of an appropriate mix of housing types, densities and tenures to meet the diverse needs in Port Colborne, taking into account current and future demographic characteristics, income levels, special needs and lifestyle considerations.

2.4.2.1 Housing Forecast

- a) *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;*
- vii) *Be close to or be developed with social and recreational facilities.*

2.4.2.2 Affordable Housing

- a) *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.*
- e) *Opportunities shall be made available for the provision of affordable housing within new intensified or infill developments*

ANALYSIS

The proposal conforms with the Housing policies of the City's Official Plan in that 40 new apartment dwelling units will be provided, addressing a need for this unit type. Further, the development addresses the need for affordable housing units and one-bedroom units in particular. The proposal will accommodate a diverse range of household sizes and incomes in that the rental rates will be varied throughout the building and there is a mix of one- and two-bedroom units.

The proposed development is located within the urban area, making use of existing infrastructure and facilities. The lands are close to shopping, commercial uses, parks and community/recreational facilities. The development will accommodate an aging population.

The development is an example of the City working with other levels of government and non-profit groups to ensure that sufficient affordable rental housing is provided.

5.4.2 Intensification and Infill

Section 2.4.3 of the City's OP contains strategic planning policies on residential intensification and infill. The following policies apply:

POLICY

2.4.3 Intensification and Infill

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.

- a) *The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the 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) *Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;*

2.4.3.1 Design Guidelines

- a) *Infill and intensification sites should match the pre-established building character of adjacent buildings.*
- b) *Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.*
- c) *Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) *The design of infill and intensification development should be consistent with all other applicable policies of this Plan.*

ANALYSIS

The proposed amendments achieve the intensification policies of the City's Official Plan as intensification is encouraged throughout the built boundary of the City, where development is compatible with the surrounding uses. While the proposal represents a different housing form than the surrounding low density uses, the proposal is compatible with surrounding uses as will be discussed in Section 5.4.3 of this report. The proposed development is also near the Main Street West Intensification Area, and the proposed development will contribute to the revitalization and support of the area.

5.4.3 Urban Residential

Section 3.2 of the City's OP contains policies for lands designated Urban Residential, including the Subject Lands. The following policies apply:

POLICY

3.2 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.

3.2.1 General Policies

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

3.2.3.3 Design Guidelines - Housing

- b) *Town houses and multi-unit housing should:*

- i) *Be consistent with the placement and character of the surrounding built form;*
- ii) *Have parking areas placed to the side or rear; and*
- iii) *Incorporate landscaping features to screen parking areas.*

ANALYSIS

The City's Official Plan considers an apartment building as a high density residential use. The OP limits apartments to a maximum density of 100 units per hectare. The proposal has a density of 148 units per hectare. This represents an additional 13 units beyond the maximum density of 100 units per hectare. It should be noted that this affordable housing development is catering largely to single-person households, with 31 one-bedroom units and 9 two-bedroom units. The number of people living in the proposed building will be significantly less than a typical apartment building given this unit breakdown. Impacts from parking, traffic, and servicing will all be minimal, given the number of one-bedroom units. The City's Zoning By-law only requires 1 parking space per 3 units for public apartment buildings (which are erected, owned and/or maintained by a public agency or non-profit charitable organization). It is not anticipated that all residents of the building will own a car.

The City's Official Plan directs that high density residential uses will have frontage on an arterial or collector road. The Subject Lands are located on local roads, however there are no anticipated traffic issues anticipated as a result of the proposal. Further, it is noted that the Subject Lands are less than 100 metres from Main Street East, which is an arterial road. There is convenient vehicular and pedestrian access to Main Street East through Bridge Street, Dolphin Street and Wellington Street. Although the lands do not directly front on the arterial road, it will take advantage of the proximity for connections to local establishments, transit, and the bike network.

The proposed residential use contains ground-floor units and offers convenient connections to existing sidewalks, promotes age-in-place and delivers eye-on-the-street benefits to the neighbourhood. The building engages the street with parking to the side and rear. The parking and driveway area will be screen from the abutting residential use to the south.

With respect to shadowing, the proposed building has a height of approximately 16 metres. The generally accepted setback from apartment buildings to adjacent lower density residential property line is a one to one height to setback ratio (16 metre height to 16 metre setback) or as little as a one to one-half ratio (16 metre height to 8 metre setback). Building shadowing is expected to occur to the west, north and east, at different times of the day, due to the known movement of the sun across the sky. To the west, there are no anticipated impacts to the industrial use. The proposed building is located approximately 23 metres from the front property lines of residential uses to the north and 27 metres from the front property lines of residential uses to the east. The setbacks exceed the one to one ratio (height to setbacks) to these property lines and the proposed building is not anticipated to have significant shadowing impacts on the dwellings to the north and east. The building is located 13.9 metres from the south property line, slightly less than the one to one ratio, however it is not anticipated that the building will cast shadows on the residential dwellings immediately to the south given the known movement of the sun.

The proposed development will be subject to site plan control, where additional details such as landscaping and servicing will be addressed.

While an Official Plan Amendment is needed to address the density of the proposal and its location on a local road, the proposal meets the general intent and purpose of the Urban Residential policies and represents good planning.

5.4.4 Servicing and Transportation

Sections 8 and 9 of the City's OP contain policies regarding servicing and transportation. The following policies apply:

POLICY

8.1.1 a) New Development in the urban area is required to be on full municipal water services and municipal sanitary services.

8.2 a) Stormwater will be managed on-site and will not have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area.

9.1.1 Walking Cycling and Transit

c) Sidewalks are required on one side and encouraged on both sides of all new local and Regional streets, in order to promote walkable neighbourhoods and have regard for the Accessibility for Ontarians with Disabilities Act.

d) Bicycle racks will be provided at all new public facilities and will be required, through Site Plan Control, for any new non-residential private development.

ANALYSIS

The proposed development will be on full municipal services. Stormwater will be designed and managed to not have an adverse impact on neighbouring properties. Sidewalks currently exist on both side of Clarke Street, the north side of Chestnut Street and the east side of Bridge Street leading to Main Street East. Residents choosing to walk to and from the site have convenient access to the existing sidewalk system via Clarke Street. Bike racks are provided on site in accordance with the City's Zoning By-law requirements.

Based on the foregoing, the proposed residential development conforms with the general intent and policies of the City of Port Colborne Official Plan.

6.0 Proposed Official Plan Amendment

The City of Port Colborne alongside Port Cares is proposing an Official Plan Amendment (OPA) to facilitate the proposed development. A site-specific OPA is needed to permit a density increase on the Subject Lands, on a local road. The City and Port Cares are proposing a density of 148 units per hectare.

The specific change to the Official Plan is as follows:

1. Notwithstanding Policy 3.2.1 c) i) and ii), the lands at 9 Chestnut Street may be developed for public apartment building with a maximum density of 148 units per hectare.

A draft Official Plan Amendment has not been provided for this City-initiated amendment.

ANALYSIS

The Official Plan Amendment is supported for the following reasons:

- The proposal conforms to the Provincial Policy Statement, A Place to Grow (Growth Plan for the Greater Golden Horseshow), and the Niagara Region Official Plan;
- The proposal implements the policies of the Niagara Region Official Plan and the City of Port Colborne Official Plan in that the Subject Lands are located within Urban Area of the City of Port Colborne where infill and intensification are encouraged;
- The proposal adds to the housing options available in the City of Port Colborne, including affordable housing units; and Niagara Falls contributing to a more diversified housing mix; and,
- The proposal is consistent with the general intent and purpose of the City's Official Plan, including policies relating to High Density Residential uses.

7.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Public and Park (P) Zone in accordance with Zoning By-law No. 6575/30/18 (see Appendix D – *City of Port Colborne Zoning By-law*). A Zoning By-law Amendment (ZBA) is needed to facilitate the proposed public apartment building, changing the zoning of the subject lands from a (P) Zone to site-specific Fourth Density Residential (R4-XX) Zone. Tables 8, 9, and 10 below examine compliance of the proposal with the Zoning By-law, including the proposed (R4) Zone, and identifies required site-specific regulations (highlighted in yellow). This section goes on to discuss each requested site-specific regulation from a planning perspective.

A draft Zoning By-law Amendment has not been provided for this City-initiated amendment.

Table 8 - Zoning Compliance, Fourth Density Residential (R4) Zone

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Permitted Uses	<i>Apartment Building, Public</i>	Apartment Building, Public	Yes
Minimum Lot Frontage	18m	36.57m	Yes
Minimum Lot Area	125m ²	67m ²	No, Site Specific Exception is Required
Minimum Front Yard (Clark Street)	9m	7m	No, Site Specific Exception is Required
Minimum Interior Side Yard	3m	13.91m	Yes
Minimum Corner Side Yard (Chestnut Street)	7.5m	3m	No, Site Specific Exception is Required
Minimum Rear Yard (Locke Street)	6m	24.59m	Yes, Site Specific Exception Proposed to Increase Minimum
Maximum Lot Coverage	40%	30.4%	Yes
Maximum Height	20m	15.9m	Yes
Minimum Landscaped Area	25%	29.5%	Yes
Minimum Floor Area for a Unit	50m ²	52.6 - 85.8m ²	Yes

Table 9 - Zoning Compliance, General Provisions

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Site Triangle	a) <i>Unobstructed sight triangles are required on all corner lots in all zones.</i>	a) Unobstructed site triangle	a) Yes
		b) Measured in accordance with Section 2.13.1 (a) and 2.13.1 (b)	b) Yes
	b) <i>The area within a sight triangle shall be</i>		c) Yes

	<p>determined by measuring from the point of the intersection of the front and corner side lot lines on a corner lot to a point along each such lot line as set out in Section 2.13.1 (a) and 2.13.1 (b) and joining such points with a straight line.</p> <p>c) No sign or landscaping materials including but not limited to fences, walls, berms, trees, hedges, or bushes shall be greater than 0.75 metres in height above the elevation of the ground at the street line.</p>	c) < 0.75m	
Site Triangle Distance	a) Residential Zone - 6 metres	> 6 metres	a) Yes
Permitted Encroachments	<p>a) Except where otherwise permitted in this By-law every part of any required yard for a building or structure shall be open and unobstructed from the ground to the sky except for the exceptions listed in Section 2.19.1 to 2.19.3.</p> <p>b) No part of any required yard or required court shall be obstructed by any building or structure or part thereof except one or more of the following functional and ornamental structures including but not limited to:</p> <p>i) Drop awnings; ii) Clothes poles</p>	<p>a) Not obstructed</p> <p>b) Not obstructed</p>	<p>a) Yes</p> <p>b) Yes</p>

	<p>iii) Ornamental fountains, statues, monuments, memorials, planters and garden tresses;</p> <p>iv) Fences;</p> <p>v) Air conditioning units, heat pumps and generators; and</p> <p>vi) Boundary and retaining walls, hedgerows and legal signs</p>		
Municipal Drains	<p>a) Notwithstanding any other provisions of this By-law, no building or structure may be located any closer than 10 metres to any municipal drain, measured from the top of bank.</p>	a) N/A	a) N/A
Storage of Refuse	<p>a) No open storage of refuse shall be permitted anywhere within the zoned area except:</p> <p>i) Where refuse is to be collected within an 18 hour period after such refuse has been placed in an outdoor location;</p> <p>ii) 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 1.8 metres in height; or</p> <p>iii) 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.</p>	a) no open storage	a) Yes

Table 10 - Zoning Compliance, Parking Provisions

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Parking Space Requirements	<p><i>Apartment Building, Public:</i></p> <p><i>1 space per 3 units:</i></p> <p><i>13.3 Parking Spaces</i></p>	20	Yes
Parking Space Dimensions	2.6m x 5.2m	2.6m x 5.2m	Yes
Accessible Parking	<p><i>Number of required Standard Parking Spaces between 1-25:</i></p> <p><i>1 Accessible Parking Space required.</i></p>	4 accessible stalls	Yes
Encroachment into Yards	<p><i>a) 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.</i></p>	a) parking not encroaching	Yes
Ingress and Egress Standards	<p><i>a) Required parking spaces shall have adequate access, from an improved or unimproved road, to permit ingress and egress of a motor vehicle by means of driveways, aisles, maneuvering areas, or similar area and except in the case of tandem parking in a driveway to a single detached, semi-detached, duplex or triplex dwelling, no part of this access is to be used for the temporary parking or storage of any motor vehicle.</i></p> <p><i>b) Driveways shall have a minimum unobstructed width of</i></p>	<p>a) Required access provided</p> <p>b) 7.5m access provided for two-way traffic at two access points</p>	<p>a) Yes</p> <p>b) Yes</p>

	7.5 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a detached dwelling shall be 2.6 metres.		
Landscape Provisions for Parking Areas	<p>A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) as follows:</p> <p>Lot Line Abutting a Public Road: 3 m</p> <p>Lot Line Abutting a Residential, Institutional or Public and Park Zone: 3 m</p>	<p>3m abutting a public road</p> <p>1m abutting a Residential Zone, Public and Park Zone (to the south)</p>	No, Site Specific Exception is Required
Bicycle Parking Spaces	<p>a) Bicycle parking spaces must be located on the same lot as the use for which it is provided;</p> <p>b) Each bicycle parking space shall be a minimum 1.8 m in length and 0.3 m in width; and</p> <p>c) Shall be located at a principle entrance of a building</p>	<p>a) Same lot</p> <p>b) Subject to detailed design</p> <p>c) Principal Entrance</p>	<p>a) Yes</p> <p>b) Yes</p> <p>c) Yes</p>
Required Bicycle Parking	<p>Residential Buildings with 10 or more dwelling units: 6 Spaces plus 1 for every additional 10 dwelling units above 20</p> <p>(Required: 8 spaces)</p>	10 indoor + additional outdoor spaces	Yes

Minimum Lot Area

The minimum lot area provisions of the Zoning By-law are an expression of residential density. The decrease to the minimum lot area per unit is directly related to the increased density. As detailed in Section 5.4.3 of this report, the proposed density is appropriate for the Subject Lands. Further, ample open space and public amenities are available in the immediate vicinity of the Subject Lands, such as the Lockview Park lands, Lock 8 Gateway Park, Thomas A. Lannan Sports Complex, and the Vale Health & Wellness Centre.

Minimum Front Yard (Clarke Street)

The east property line abutting Clarke Street is the front lot line for the purpose of this review. The building has been placed 7 metres from the front lot line, whereas the R4 Zone requires 9 metres, to be approximately in line with the dwelling immediately to the south at 304 Clarke Street. The proposed setback of 7 metres is not anticipated to negatively impact surrounding land uses and can be supported.

Minimum Corner Side Yard (Chestnut Street)

The north property line abutting Chestnut Street is the corner side lot line. The building has been placed 3 metres from the corner side lot line, whereas the R4 Zone requires 7.5 metres. The Subject Lands are the only lot within the block between Locke Street and Clarke Street. Therefore, the proposed setback of 3 metres is not anticipated to impact any adjacent uses.

Landscape Buffer Adjacent to Residential Zone, Public and Park Zone

The driveway for the proposed development connects from Locke Street at the west to Clarke Street at the east. The driveway is located 1 metre from the south property line, which abuts a Residential Zone and a Public and Park Zone, thus requiring a 3-metre setback with landscape buffer. The proposed 1 metre landscape buffer is supportable as it is adjacent to the driveway and not the principal parking area, there will be no vehicles parked perpendicular to the south property line, and the parking area is relatively small. Further, the 1 metre width provides sufficient space for the erection of a privacy fence, and the installation of coniferous trees which will grow narrow and tall, such as cedars. For these reasons, there is no impact expected on properties to the south as a result of the reduced buffer width.

Minimum Rear Yard (Locke Street)

It is recommended that the minimum rear yard (Locke Street) be increased for the proposed public apartment building to provide on-site separation distance from the industrial facility to the west.

8.0 Summary and Conclusion

The proposed development of a 5-storey public apartment building is within the existing settlement area and will provide for the development of 40 residential units in the City. It is our opinion the Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest and should be approved for the following reasons:

- The proposed development is consistent with the Provincial Planning Policy Statement (2020) and is in conformity with the Growth Plan, Region of Niagara Official Plan, and the City of Port Colborne Official Plan.
- The proposed development will consist of affordable housing units provided by Port Cares, in conjunction with Niagara Regional Housing. The proposal will contribute to diversifying the existing housing mix in the neighbourhood and particularly fills a need for one-bedroom rental apartments.
- The Subject Lands are located within proximity to arterial roads, walking facilities, cycling facilities, and public transit, supporting the vision of building a walkable and bikeable community.
- The proposed development will facilitate the vision of complete communities within the area as there are sufficient availability of amenities such as commercial and retail uses, public schools, parks, and open spaces near the Subject Lands.
- The proposal is an example of efficient use of lands.
- The proposal is feasible from a land use compatibility perspective, through the use of noise mitigation measures within the building design and warning clauses for future tenants; as well as the existence of use specific zoning at 1 Chestnut Street and an existing minimum separation distance from Residential Zones established in the current Zoning By-law.
- The proposal has adequate setbacks from surrounding residential uses, is an appropriate location for the proposed height and density and is not anticipated to have negative impacts on surrounding uses.

Report prepared by:



Edan Nelson, BA Urban Studies, Sustainability Studies

Student Planner

NPG Planning Solutions Inc.

Report reviewed by:



Jesse Auspitz, MCIP, RPP

Senior Planner

NPG Planning Solutions Inc.

Report prepared and approved by:



Aaron Butler, MCIP, RPP

Development Principal

NPG Planning Solutions Inc.

9.0 Appendices

APPENDIX A – Site Plan







Appendix B - Niagara Region Official Plan Schedules

SCHEDULE A – REGIONAL STRUCTURE, *Built-Up Area*



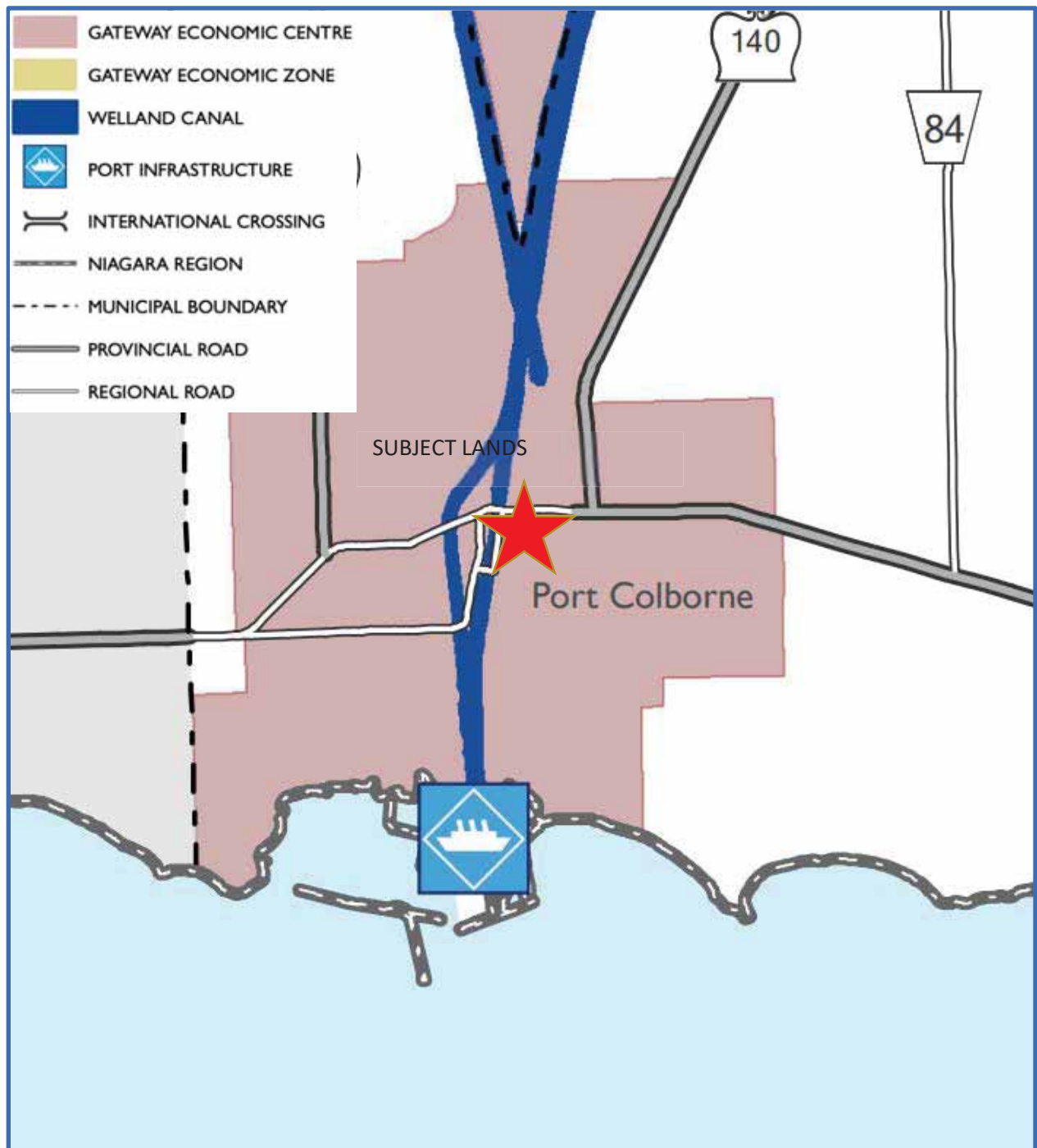
SCHEDULE E1 – TRANSPORTATION INFRASTRUCTURE, **Near Regional Roads:**
Hwy #3, Hwy 3A



SCHEDULE E2 – STRATEGIC CYCLING NETWORK, *Near Strategic Cycling Network*



SCHEDULE G1 – NIAGARA ECONOMIC GATEWAY, **Gateway Economic Centre**

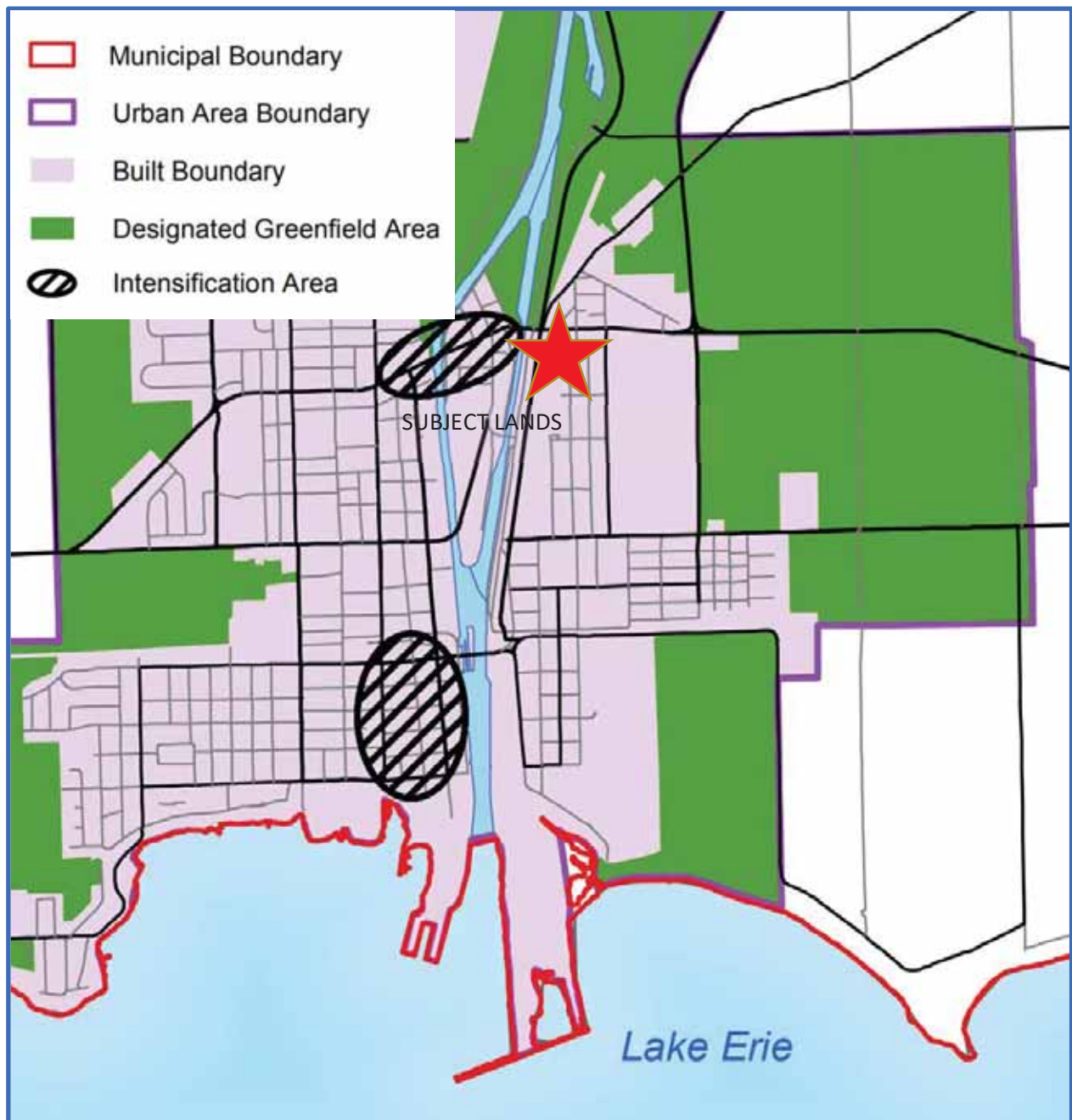


Appendix C - City of Port Colborne Official Plan Schedules

SCHEDULE A – CITY-WIDE LAND USE PLAN, *Urban Residential*



SCHEDULE A1 – GREENFIELDS, **Built-Boundary**

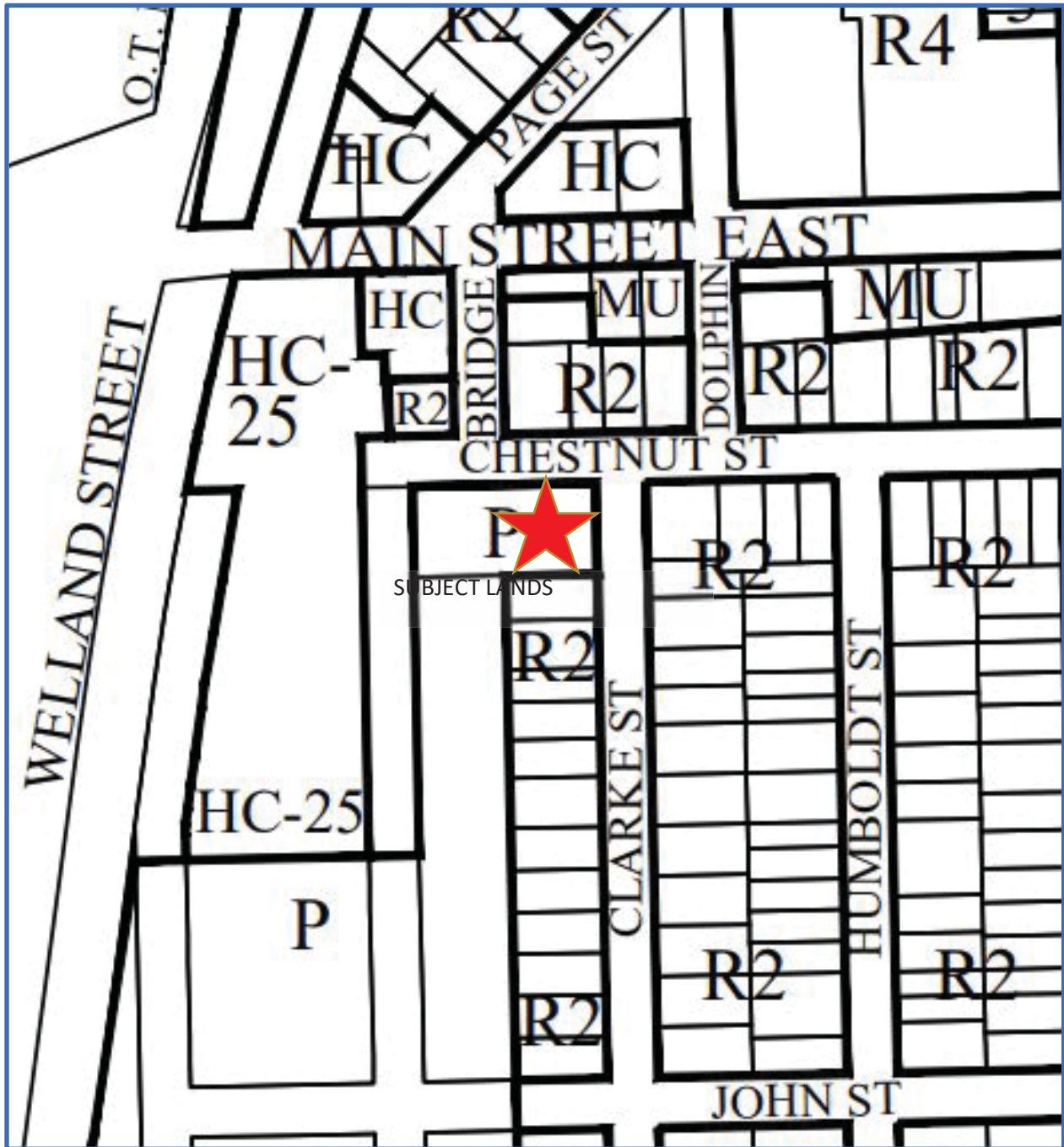


SCHEDULE E1 – TRANSPORTATION PLAN, *Local Road: Chestnut Street*



Appendix D - City of Port Colborne Zoning By-law

SCHEDULE A1 – ZONING BY-LAW NO. 6575/30/18, **Public and Park (P) Zone**





Noise Impact Study

Port Cares - Proposed Development at 9 Chestnut St
Port Colborne, Ontario
OAV2104A

Prepared for:

Port Cares

92 Charlotte Street, Port Colborne, ON L3K 3E1

June 2022

Noise Impact Study

Port Cares - Proposed Development at 9 Chestnut St
Port Colborne, Ontario
OAV2104A

Prepared for:

Port Cares
92 Charlotte Street, Port Colborne, ON L3K 3E1

Prepared by:

Wood Environment & Infrastructure Solutions
a Division of Wood Canada Limited
2020 Winston Park Drive
Suite 600
Oakville, Ontario L6H 6X7
Canada
T: 905-568-2929

17 June 2022

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Executive Summary

Wood Environment & Infrastructure Solutions, a Division of Wood Canada Limited (Wood) was retained by Port Cares to complete a Noise Impact Study (NIS) for the proposed development at 9 Chestnut Street in Port Colborne, Ontario (the "Site").

This NIS has been prepared in response to the Niagara Region's (the "Region") specific request for a detailed noise impact study in support of the zoning by-law amendment application being advanced to permit this project.

The Site is located southeast of the intersection of Main Street East and Welland Street. The area surrounding the Site is composed of a residential neighbourhood but is also adjacent to a yard with an existing Light Industrial use. The Site is shown in Figure 1.

The proposed development is a residential land-use in the form of a 5-storey, 40-unit, affordable housing apartment complex. The current land-use is Park Lands. The proposed use would replace the existing park currently located at the same site.

Since the separation distance for the adjacent industrial facility, as presented in Section 4.4, is less than required minimum distance outlined in the D-6 Guideline, a detailed noise and vibration study is recommended to be conducted for the adjacent facility and the affiliated yard in accordance with the requirements of the NPC-300 guidelines.

The noise level calculations were completed using the design information provided, which is included in Appendix B, and the traffic information presented in Section 3.0. The STAMSON software package developed by the MECP was utilized to calculate sound levels using the ORNAMENT methodology. The predicted noise levels due to the road and rail traffic noise sources are discussed in Sections 3.0 and 3.1, respectively, and presented in Table 5-1 and Table 5-2. The receptor locations assessed are illustrated on Figure 2. Sample output results from STAMSON are provided in Appendix D.

The noise impact assessment results based on road and rail traffic noise indicate that forced air heating with provision for adding central air conditioning in the future is required with a Type C warning clause for the assessed north, south and west POW receptors, and no ventilation and warning clause requirements are needed for the assessed east POW receptors. Detailed acoustical design of the north, south and west facades at a minimum is also required. Ventilation and warning clause requirements are summarized in Table 5-3, and building component requirements are summarized in Table 5-4.

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Appendix D: Sample Calculations
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1.0 INTRODUCTION

Wood Environment & Infrastructure Solutions, a Division of Wood Canada Limited ("Wood") was retained by Port Cares to complete a Noise Impact Study (NIS) for the proposed development at 9 Chestnut Street in Port Colborne, Ontario (the "Site").

This NIS has been prepared in response to the Niagara Region's (the "Region") specific request for a detailed noise impact study in support of the zoning by-law amendment application being advanced to permit this project.

2.0 BACKGROUND

The Site is located southeast of the intersection of Main Street East and Welland Street. The area surrounding the Site is composed of a residential neighbourhood but is also adjacent to an existing Light Industrial use (further discussed in Section 4.4) and railway along the Welland Canal. The Site is shown shaded in blue in Figure 1.

The proposed development is a residential land-use in the form of a 5-storey, 40-unit, affordable housing apartment complex. The current zoning at the Site address is Public and Park. The development will replace the existing park currently occupying the Site address. The building will cover approximately 7,560 square feet of ground area within the development zone. A conceptual plan of the development is shown in Appendix A, along with the latest publicly available zoning map¹. Detailed building layout and elevation views are not available at the time of this assessment.

3.0 NOISE CRITERIA

The guidelines applicable to the project are discussed under this section:

3.1 Niagara Region Noise Impact and Vibration Study Terms of Reference (Draft)

The Niagara Region is currently in the process of developing a Terms of Reference related to noise and vibration impact studies conducted within the Region, titled "Niagara Region Noise Impact and Vibration Study Terms of Reference" (hereafter simply "the Region's Terms of Reference") [4]. The Region has provided a draft copy of the Terms of Reference and is provided in Appendix B. The Region's Terms of Reference document was used to determine the required contents of this study.

3.2 MECP Guideline D-6

The MECP Guideline D-6 "Compatibility Between Industrial Facilities and Sensitive Land Uses" [2] (hereafter simply "D-6 Guideline") presents tools and principles for early-stage land-use planning with respect to compatibility. The D-6 Guideline is used to assess risk related to land-use compatibility when the details regarding the source and/or receiving development are not known with enough specificity to complete meaningful detailed noise impact studies. The guideline provides the minimum separation distances between noise-sensitive land uses and industrial facilities based on the classification of the

¹ Obtained from <https://www.portcolborne.ca/en/business-and-development/zoning.aspx#Zoning-Maps>.

industries (e.g., heavy, medium, and light industries). Regardless of the recommended minimum separation distances per the D-6 Guideline, the developments are permitted if the noise, vibration, dust, and odour guideline limits are met.

The D-6 Guideline is referenced in the Region's Terms of Reference and was therefore utilized within this study.

3.3 MECP NPC-300

The Ministry of Environment, Conservation and Parks (MECP) NPC-300 guideline [1] addresses the assessment of stationary, aircraft, road and rail traffic generated noise. Ultimately the Planning Act provides the Ministry of Housing with authority to delegate land-use planning authority to local municipalities. These municipalities may then adopt the MECP guidance or develop their own standards at their choosing. Part C of the NPC-300 guideline is intended to assist municipalities in assessing applications under the Planning Act. NPC-300 is the closest applicable guideline which stipulates calculation methodology and sound level limits and therefore, the MECP NPC-300 guideline was utilized to complete this study.

The applicable indoor noise criteria for road traffic sources are presented in Table 4-1. Indoor noise levels are typically assessed only if the building component analysis is required and is discussed further below.

To mitigate indoor noise levels due to elevated exterior noise levels, means may be provided so that exterior windows can be kept closed for noise control purposes. This typically requires installation of central air conditioning. Table 4-2 outlines the noise criteria which determine the ventilation requirements for a noise sensitive receptor.

To mitigate indoor noise levels due to elevated exterior noise levels the building construction may need to be designed such that the façade elements (windows, exterior wall, etc.) provide adequate noise reduction. This typically requires the specification of sound transmission class (STC) ratings for the façade elements. Table 4-3 outlines the noise criteria which determine whether the building components must be designed to meet the indoor noise level criteria specified in Table 4-1.

Sound level limits related to outdoor living areas are not listed below as they are not relevant to the study (further discussed in Section 5.0).

Table 3-1: Noise Level Criteria – Indoors

Noise Source	Space	Daytime (07:00 – 23:00) L _{Aeq-16hr} (dBA)	Nighttime (23:00 – 07:00) L _{Aeq-8hr} (dBA)
Road Traffic	Living/dining ¹	L _{Aeq-16hr} ≤ 45	L _{Aeq-8hr} ≤ 45
	Schools ²	L _{Aeq-16hr} ≤ 45	-
	Sleeping quarters	L _{Aeq-16hr} ≤ 45	L _{Aeq-8hr} ≤ 40
Rail Traffic	Living/dining ¹	L _{Aeq-16hr} ≤ 40	L _{Aeq-8hr} ≤ 40
	Schools ²	L _{Aeq-16hr} ≤ 40	-
	Sleeping quarters	L _{Aeq-16hr} ≤ 40	L _{Aeq-8hr} ≤ 35

Notes:

1. Includes den areas of residences, hospitals, nursing homes, etc.
2. Includes schools, daycare centres, etc. Facilities typically utilized for daytime use only.

Table 3-2: Noise Level Criteria – Ventilation Requirements

Noise Source	Daytime (07:00 – 23:00) $L_{Aeq-16hr}$ (dBA)	Nighttime (23:00 – 07:00) $L_{Aeq-8hr}$ (dBA)	Ventilation Requirement ^{1,2}	Required Warning Clause ³
Combined Road and Rail Traffic at Plane of Window (Excluding Whistle Noise)	$L_{Aeq-16hr} \leq 55$	$L_{Aeq-8hr} \leq 50$	None	None
	$55 < L_{Aeq-16hr} \leq 65$	$50 < L_{Aeq-8hr} \leq 60$	PA	Type C
	$L_{Aeq-16hr} > 65$	$L_{Aeq-8hr} > 60$	CA	Type D

Notes:

1. PA – Forced air heating with provision for adding central air conditioning.
2. CA – Central air conditioning.
3. Example warning clauses from NPC 300 to be included on agreements of purchase and sale, lease agreements and subdivision/site plan agreements are included in Appendix E.

Table 3-3: Noise Level Criteria – Building Component Requirements

Noise Source	Daytime (07:00 – 23:00) $L_{Aeq-16hr}$ (dBA)	Nighttime (23:00 – 07:00) $L_{Aeq-8hr}$ (dBA)	Building Component Requirement ^{1,2}
Road Traffic at Plane of Window	$L_{Aeq-16hr} \leq 65$	$L_{Aeq-8hr} \leq 60$	OBC
	$L_{Aeq-16hr} > 65$	$L_{Aeq-8hr} > 60$	Design
Rail Traffic at Plane of Window (Including Whistle Noise)	$L_{Aeq-16hr} \leq 60$	$L_{Aeq-8hr} \leq 55$	OBC
	$L_{Aeq-16hr} > 60$	$L_{Aeq-8hr} > 55$	Design

Notes:

1. OBC – Building compliant with the Ontario Building Code.
2. Design – Building Components (walls, windows, etc.) must be designed to achieve indoor noise level criteria.
3. Example warning clauses from NPC 300 to be included on agreements of purchase and sale, lease agreements and subdivision/site plan agreements are included in Appendix E.

4.0 NOISE SOURCES

This report considers road, rail, canal shipping traffic and industry noise impacts on the proposed Site in the context of the design information provided by Port Cares. Road and rail traffic noise impacts are discussed in Sections 4.1 and 4.2, respectively. Noise from the shipping traffic is discussed in Section 0. Industrial noise impacts are discussed in Section 4.4.

4.1 Road Traffic

The two arterial roads in proximity to the Site are Main Street East and Welland Street. Road traffic data provided by the Region were utilized as inputs to the noise level calculations. The traffic data obtained from the Region is provided in Appendix C.

The traffic data and associated Average Annual Daily Traffic (AADT) volume estimates were developed based on traffic counts completed in 2016 for Main Street East and 2019 for Welland Street. Traffic

volumes were predicted 10 years past current conditions as suggested in NPC-300. To estimate the 2032 traffic volumes, the data was forecasted at an annual growth rate of 2.5 percent. A summary of the provided data and forecasted 2032 traffic data is presented in Table 3-1.

Table 4-1: Road Traffic Data

Roadway	2016/2019 AADT ¹	2032 AADT ¹	Day / Night Percentage Split ²	Posted Speed (kph)	Medium Truck Percent ³	Heavy Truck Percent ⁴
Main Street East	12314	17240	90 / 10	50	25%	3%
Welland Street	3553	4708	90 / 10	60	15%	11%

Notes:

4. AADT – Average Annual Daily Traffic Volume. AADT data provided for Main Street East was from 2016 and data provided for Welland Street was from 2019.
5. Represents the percentage of AADT in each time period:
 - a. Day – 07:00 to 23:00; and,
 - b. Night – 23:00 to 07:00.
6. Medium truck volume as percent of AADT. Medium trucks are defined as having 2 axles and includes buses.
7. Heavy truck volume as percentage of AADT. Heavy trucks are defined as having more than 2 axles.

Welland Street turns into Barber Drive north of the Main Street East/Welland Street intersection. Barber Drive is neither a provincial highway nor a regional road and is not considered a potential noise source according to the Region's Terms of Reference. The Region does not have traffic counts for Barber Drive, and it is further assumed that a negligible amount of traffic travels on Barber Drive in this area.

4.2 Rail Traffic

The main railway in proximity of the Site is the Canadian National Railway (CN) Humber Line SPUR (Freight) and is approximately 100 meters west of the boundary of the Site. Rail traffic data provided by CN was utilized as inputs to the noise level calculations. As done with the road traffic data, rail traffic volumes were predicted 10 years past current conditions as suggested in NPC-300. To estimate the 2032 traffic volumes, the data was forecasted at an annual growth rate of 2.5 percent as stipulated by CN in the train count data sheet (provided in Appendix C). A summary of the traffic data obtained from CN is presented in Table 4-2.

Table 4-2: Rail Traffic Data

Type of Train	Day/Night Volumes ¹	Max. Consist ²	Max Speed (mph) ³	Max. Power ⁴
Way Freight	4	25	10	4

Notes:

1. Volumes for Day (07:00 to 23:00) and Night (23:00 to 07:00) were reported to be equal.
2. Represents number of carts.
3. Maximum train speed given in Miles per Hour.
4. Represents number of locomotives.

According to the train traffic count from CN, the rail crossing at Main Street East is excluded from crossings with anti-whistling bylaws. Whistling noise was therefore considered in the assessment. The train traffic count from CN mentions that single mainline track is considered continuously welded throughout the study area. However, inspection of the spur line's track in the study area through Google Street View (imagery date of April 2021) reveals a bolted configuration and was considered as such for the rail traffic noise calculations.

Vibration from the railway upon the Site is not considered for this assessment. According to the Guidelines for New Development in Proximity to Railway Operations, the standard recommended building setback for new residential development to a spur line is 15 metres [5]. The Region's Terms of Reference requires a vibration studies for proposed developments within 75 meters of a rail corridor. The distance from the Site's proposed building to the spur line is greater than 75 meters and is approximately 130 metres.

Another railway is located on the west side of the Welland Canal, the Port Colborne Harbour Railway (PCHR) – Harbour Spur (Freight). However, the PCHR is over 600 meters west of the Site. The Region's Terms of Reference only considers a railway within 500 m to be a potential noise source and therefore, the PCHR was not included in this assessment.

4.3 Shipping Traffic

In the interest of including all potential sources of noise in the NIS, Wood has also identified that the Welland Canal is approximately 150 meters west of the Site's boundary. According to NPC-300, marine shipping activities usually do not require MECP approval because most aspects of the facility are solely regulated by the federal government [1]. There is no specific direction under NPC-300 to address marine noise as part of an assessment prepared under Part C related to Land Use Planning.

Nonetheless, the Welland Canal is in close proximity to the Site and should be assessed. Wood attempted to gather information about shipping operations in effort to evaluate the potential severity of impact upon the Site with respect to noise but did not receive ample information. Further assessment, possibly including conducting noise monitoring at the Welland Canal, is recommended in order to determine the possible noise impact from the Welland Canal upon the Site.

4.4 Industrial

The only industrial facility identified in the vicinity of the Site is Algoma Ship Repair located at 1 Chestnut St, directly west of the Site across Lock Street. According to the information provided by Port Cares, the adjacent facility and the affiliated yard are currently utilized for light industrial uses by Dayson Industrial Services which specialize in descaling, special coatings, painting, and lining applicator offering protection systems for both concrete and steel surfaces. Also, according to communication with the owner of the yard and based on aerial imagery, the yard is used for storage as well. Detailed information about the facility was requested as well as a request for a site visit to conduct measurements at the facility but no information was received, nor was permission granted for access. Therefore, a detailed study of the facility was not possible due to an insufficient amount of data available.

However, the D-6 Guideline [2] applies to early land use planning purposes when noise sensitive land uses are being proposed in the vicinity of existing or proposed industrial land uses. In reference to the D-6 guideline, the facility at 1 Chestnut St is considered a Class II facility. This is due to its medium scale, the presence of outdoor storage of waste and materials and the outputs of noise which are expected to be occasional. A Class II facility has a recommended setback distance of 70 m. The actual separation distance

between the property lines of the facility and the Site is approximately 22 m. For reference, the actual separation distance between the property line of the facility and the Site's nearest building façade (west) is approximately 48 meters.

Since the actual separation distance is less than the recommended minimum setback distance for Class II facilities, a detailed noise and vibration study is recommended for the facility/facilities located at 1 Chestnut St as part of the land-use planning and approvals process for the Site. The study should be conducted in accordance with the requirements of the NPC-300 guideline and should consider all significant noise and vibration sources. As per the MECP's Access Environment database, the latest Environmental Compliance Approval (ECA) for 1 Chestnut St. was issued to Algoma Central Corporation, operating as Algoma Ship Repair on May 14, 2013 (ECA Number 2956-8QZPUV). Considering Dayson Industrial Services now operates at this address, the existing ECA and their supporting studies are expected to be outdated and an ECA amendment application is also suggested.

The locations of the above-mentioned sources of noise are labeled in Figure 3.

5.0 ROAD AND RAIL NOISE IMPACT ASSESSMENT

The noise level calculations were completed using the limited design information provided, which is included in Appendix B, and the traffic information presented in Section 3.0. The STAMSON software package developed by the MECP was utilized to calculate sound levels using the Ontario Road Noise Analysis Method for Environment and Transportation (ORNAMENT) [3]. The predicted noise levels due to the road and rail traffic noise sources discussed in Section 3.0 are presented in Table 5-1 and Table 5-2.

Three receptor locations per façade were considered to capture the various possible exposure angles to road and rail and are illustrated on Figure 2. The receptor locations are representative of a 5th storey plane of window (13.5 m above grade), the worst-impacted floor level. Figure 2.

NPC-300 requires that noise from road and rail be combined at plane of window assessment locations when determining ventilation requirements. Whistle noise is excluded for determining ventilation requirements.

For determining building component requirements, noise from road and rail is assessed separately. Whistle noise is included for determining building component requirements.

According to NPC-300, balconies that have a minimum depth of 4 metres associated with a unit constitute an outdoor living area (OLA) and must be assessed for noise impact. There is no indication that the proposed residential units are provided with balconies, nor is any other form of outdoor amenity identified in the Site's drawing. Therefore, noise levels at OLAs have not been included in this assessment.

Sample output results from STAMSON are provided in Appendix D. Should the Site layout be modified in the future, updated calculations would be required.

Table 5-1: Predicted Road and Rail Traffic Noise Levels – Ventilation

Receptor Location (ID)	Receptor Description	Predicted Road Traffic Noise Level		Predicted Rail Traffic Noise Level (Excluding Whistle) ¹		Combined Road and Rail Noise Level (Excluding Whistle)	
		Daytime (07:00-23:00) L _{Aeq-16h} (dBA)	Nighttime (23:00-07:00) L _{Aeq-8h} (dBA)	Daytime (07:00-23:00) L _{Aeq-16h} (dBA)	Nighttime (23:00-07:00) L _{Aeq-8h} (dBA)	Daytime (07:00-23:00) L _{Aeq-16h} (dBA)	Nighttime (23:00-07:00) L _{Aeq-8h} (dBA)
E1	East Façade 1	54	47	-	-	54	47
E2	East Façade 2	54	48	-	-	54	48
E3	East Façade 3	55	48	-	-	55	48
N1	North Façade 1	59	53	51	54	60	57
N2	North Façade 2	58	53	50	53	59	56
N3	North Façade 3	59	53	50	53	59	56
S1	South Façade 1	52	48	50	53	54	54
S2	South Façade 2	52	47	49	52	53	53
S3	South Façade 3	51	46	48	51	53	53
W1	West Façade 1	57	51	53	56	59	57
W2	West Façade 2	57	51	53	56	59	57
W3	West Façade 3	58	51	53	56	59	57

Notes:

1. “-” represents where a calculation has not been done. An insignificant amount of exposure is expected due to the limited segment angle and perpendicular distance of greater than 500 m to the rail line.

Table 5-2: Predicted Rail Traffic Noise Levels – Building Component

Receptor Location (ID)	Receptor Description	Predicted Road Traffic Noise Level		Predicted Rail Traffic Noise Level (Including Whistle) ¹	
		Daytime (07:00-23:00) L _{Aeq} -16h (dBA)	Nighttime (23:00-07:00) L _{Aeq} -8h (dBA)	Daytime (07:00-23:00) L _{Aeq} -16h (dBA)	Nighttime (23:00-07:00) L _{Aeq} -8h (dBA)
E1	East Façade 1	54	47	-	-
E2	East Façade 2	54	48	-	-
E3	East Façade 3	55	48	-	-
N1	North Façade 1	59	53	61	65
N2	North Façade 2	58	53	61	64
N3	North Façade 3	59	53	60	63
S1	South Façade 1	52	48	59	62
S2	South Façade 2	52	47	59	62
S3	South Façade 3	51	46	58	61
W1	West Façade 1	57	51	64	67
W2	West Façade 2	57	51	64	67
W3	West Façade 3	58	51	64	67

Notes:

1. “-” represents where a calculation has not been done. An insignificant amount of exposure is expected due to the limited segment angle and perpendicular distance of greater than 500 m to the rail line.

Comparison of the predicted noise levels from Table 5-1 with the criteria in Table 3-2 indicates that forced air heating with provision for adding central air conditioning in the future is required with a Type C warning clause for the assessed north, south and west POW receptors, and no ventilation and warning clause requirements are needed for the assessed east POW receptors. Ventilation and warning clause requirements are summarized in Table 5-3.

Table 5-3: Ventilation and Warning Clause Requirements

Receptor Location (ID)	Receptor Description	Ventilation Requirements	Warning Clause
E1	East Façade 1	None	None
E2	East Façade 2	None	None
E3	East Façade 3	None	None
N1	North Façade 1	PA	Type C
N2	North Façade 2	PA	Type C
N3	North Façade 3	PA	Type C

Receptor Location (ID)	Receptor Description	Ventilation Requirements	Warning Clause
S1	South Façade 1	PA	Type C
S2	South Façade 2	PA	Type C
S3	South Façade 3	PA	Type C
W1	West Façade 1	PA	Type C
W2	West Façade 2	PA	Type C
W3	West Façade 3	PA	Type C

Comparison with the predicted noise levels from Table 5-2 with the criteria in Table 3-3 indicates that building components beyond those that meet the Ontario Building Code are not required for the east façade POW receptors. For the north, south and west POW receptors, detailed design of the building components are required to ensure the indoor noise level criteria specified in NPC-300 and summarized in Table 3-1 can be achieved. It is recommended that the detailed design be conducted once detailed building layouts, elevation drawings and floor plans are made available. Building component requirements are summarized in Table 5-4.

Table 5-4: Building Component Requirements

Receptor Location (ID)	Receptor Description	Building Component Requirement ^{1,2}
E1	East Façade 1	OBC
E2	East Façade 2	OBC
E3	East Façade 3	OBC
N1	North Façade 1	Design
N2	North Façade 2	Design
N3	North Façade 3	Design
S1	South Façade 1	Design
S2	South Façade 2	Design
S3	South Façade 3	Design
W1	West Façade 1	Design
W2	West Façade 2	Design
W3	West Façade 3	Design

Notes:

1. OBC – Building compliant with the Ontario Building Code.
2. Design – Building Components (walls, windows, etc.) must be designed to achieve indoor noise level criteria.

6.0 CONCLUSIONS

The noise impact assessment results based on road and rail traffic noise indicate that forced air heating with provision for adding central air conditioning in the future is required with a Type C warning clause for the assessed north, south and west POW receptors, and no ventilation and warning clause requirements are needed for the assessed east POW receptors. Detailed acoustical design of the north, south and west facades at a minimum is also required. Ventilation and warning clause requirements are summarized in Table 5-3, and building component requirements are summarized in Table 5-4.

Since the separation distance for the adjacent industrial facility (as presented in Section 4.4) is less than required minimum distance outlined in the D-6 Guideline, a detailed noise and vibration study is recommended to be conducted for the adjacent facility and the affiliated yard in accordance with the requirements of the NPC-300 guideline.

7.0 CLOSURE

This Noise Impact Assessment was prepared by Wood for the sole benefit of Port Cares for the specific application to the proposed development at 9 Chestnut Street, Port Colborne, ON. The quality of information, conclusions and estimates contained herein are consistent with the level of effort involved in Wood's services and based on: i) information available at the time of preparation, ii) data supplied by outside sources and iii) the assumptions, conditions and qualifications set forth in this document. This report is intended to be used by Port Cares only, and its nominated representatives, subject to the terms and conditions of its contract with Wood. Any other use of, or reliance on, this report by any third party is at that party's sole risk. This report has been prepared in accordance with generally accepted industry-standard. No other warranty, expressed or implied, is made.

If you require further information regarding the above or the project in general, please contact the undersigned at (905) 568-2929. Thank you for the opportunity to be of service to Port Cares.

Sincerely,

Wood Environment & Infrastructure Solutions
a Division of Wood Canada Limited

Prepared by:



Amir Saghaeian P.Eng., PMP
Acoustics & Vibration Engineer

Prepared by:



Shivraj Sagar, P.Eng.
Acoustics & Vibration Engineer



Reviewed by:



Shelly Yuan, M.Sc., P.Eng.
Acoustics & Vibration Engineer

8.0 REFERENCES

- [1] Ontario Ministry of the Environment, Conservation and Parks (MECP), "Publication NPC-300, Noise Assessment Criteria for Stationary Sources and for Land Use Planning," August 2013.
- [2] "Guideline D-6 Comptability Between Industrial Facilities and Sensitive Land Uses," 1995.
- [3] Ontario Ministry of the Environment, "Ontario Road Noise Analysis Method for Environment and Transportation, ORNAMENT.," October 1989.
- [4] Niagara Region, "Draft Noise Impact and Vibration Study Terms of Reference," 2022.
- [5] The Federation of Canadian Municipalities and the Railway Association of Canada, "Guidelines for New Development in Proximity to Railway Operations," 2013.



Figure 1: Site Location



Figure 2: Facade Assessment Points for Road and Rail Noise

Noise Impact Study: Port Cares

9 Chestnut St, Port Colbourne, ON

P. No. OAV2104A

Date: 06/2022

Legend

● Facade Assessment Points

Notes:

- Imagery obtained from Google
- Site drawing obtained from Port Cares
- Coordinate system: WGS84 UTM 17
- Not to scale



wood.

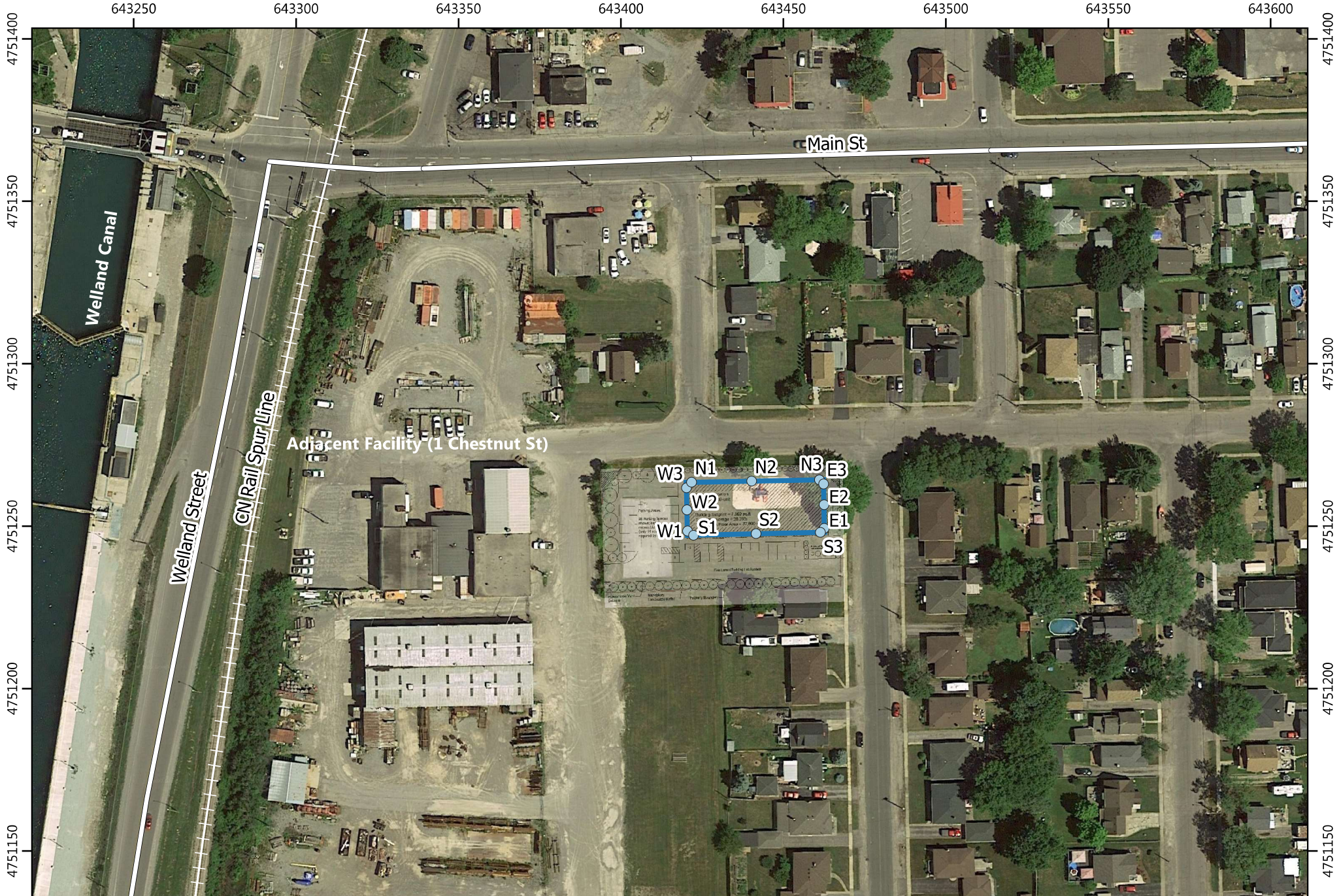


Figure 3: Locations of Noise Sources in Proximity to the Site

Noise Impact Study: Port Cares

9 Chestnut St, Port Colbourne, ON

P. No. OAV2104A

Date: 06/2022

Legend

— Road

— Rail

● Facade Assessment Points

Notes:

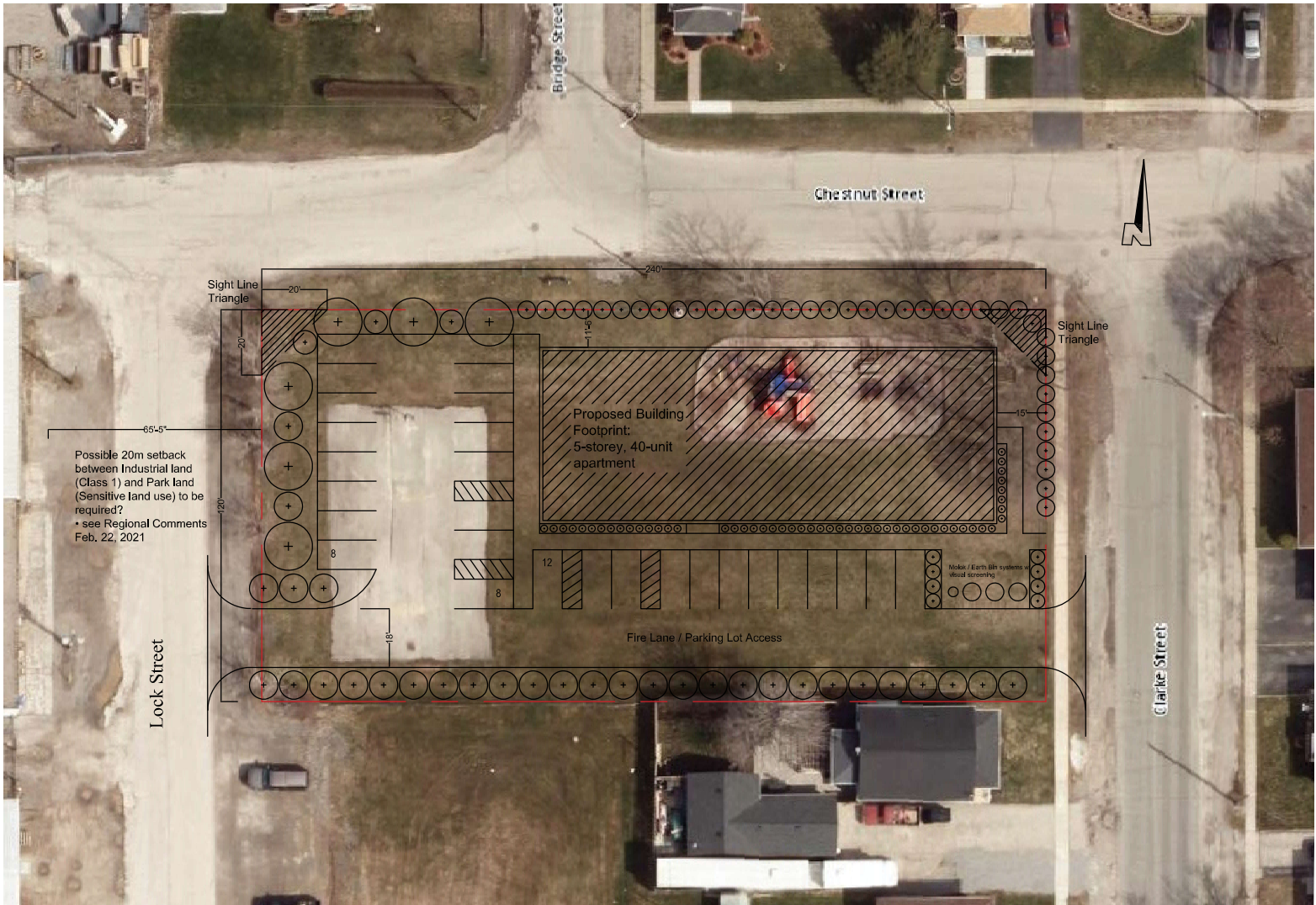
- Imagery obtained from Google
- Site drawing obtained from Port Cares
- Coordinate system: WGS84 UTM 17
- Not to scale



wood.



Appendix A: Drawings and Zoning Map




R4 Residential 4th Density Zoning Requirements & Proposed Dimensions (Apartment, Public)		
	Required	Proposed
Lot Area - Existing	120 ft x 240 ft	28,800 sq.ft
Lot Coverage (Max.) 40%	11,520 sq.ft	7,560 sq.ft
Landscape Area (Min.) 25%	7,200 sq.ft	7,7675 sq.ft (plus potential 1800 sq.ft rooftop green space)
Building Height (Max.)	20.0m (65 ft)	60 Ft
Lot Frontage (Min.)	18.0m (60 ft)	120 Ft
Front Yard Setback	9.0m (30 ft)	85 Ft
Side Yard Interior Setback	3.0m (9.85 ft)	10 Ft
Corner Yard Exterior Setback	7.5m (25 ft)	11.50 Ft
Rear Yard	6.0m (20 ft)	15 Ft
Parking - Apartment, Public	14 spaces (1 space per 3 units)	28 spaces (8 accessible)

Current Unit Count & Rental Types:

30 1-bed units
(15 affordable + 15 low-end market);
6 1-bed units to be fully accessible (BF)

10 2-bed units
(low-end market w. \$300 subsidy per unit);
3 2-bed units to be fully accessible (BF)



9 Chestnut Park Development -
Conceptual Plan B

DESIGNED BY	GS	PROJECT No.	ND-PC-2020
DATE	2021.03.28	SCALE	NTS

A0.1

City of Port Colborne



SCHEDULE "A6"
to By-law No. 6575/30/18

LEGEND

Symbol	Zone
A	AGRICULTURAL
AR	AGRICULTURAL RESIDENTIAL
RR	RURAL RESIDENTIAL
LR	LAKESHORE RESIDENTIAL
R1	FIRST DENSITY RESIDENTIAL
R2	SECOND DENSITY RESIDENTIAL
R3	THIRD DENSITY RESIDENTIAL
R4	FOURTH DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
MU	MIXED USE
NC	NEIGHBOURHOOD COMMERCIAL
DC	DOWNTOWN COMMERCIAL
HC	HIGHWAY COMMERCIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
LI	LIGHT INDUSTRIAL
HI	HEAVY INDUSTRIAL
MAO	MINERAL AGGREGATE OPERATIONS
GI	GATEWAY INDUSTRIAL
ID	INDUSTRIAL DEVELOPMENT
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

This is Schedule "A6" to By-law No. 6575/30/18
Passed the 23rd Day of April 2018.



John Maloney
John Maloney, Mayor

Amber LaPointe
Amber LaPointe, City Clerk

Site Location



Appendix B: Niagara Region Noise Impact and Vibration Study Terms of Reference (Draft)

Noise Impact and Vibration Study Terms of Reference

Description

A technical report that provides a written description of the impact of noise generated by a proposed development on the surrounding environment, the impact of noise and/or vibration from the surrounding environment on the proposed development, both stationary and mobile sources, and the impact of noise from the proposed development on itself as well as mitigation measures to reduce any negative impacts.

In addition to a Noise Study there maybe a requirement for a Vibration Study. The Vibration Study would be combined with the Noise Study.

The Noise Impact Study or Noise and Vibration Study is to be prepared by a Consultant that is either an accredited Acoustic expert or a qualified Professional Engineer.

When Required

Noise Impact (Feasibility and/or Detailed Assessment) Studies may be required to support the following applications for developments:

- Zoning By-law Amendment
- Site Plan Control
- Plans of Subdivision
- Consent to Sever

A Noise Study is normally required, when a noise-sensitive development is proposed adjacent or in close proximity to the following potential noise sources:

- Within 500 m of a Provincial Highway/Freeway;
- Within 250 m of a Regional Road whose future traffic volume may be greater than 10,000 vehicles/day;
- Within 500 m of a railway ROW;
- Within the 25 NEF contours of an Airport;
- Within the potential zone of influence, as defined in MOE documents D-1 and D-6, of a Stationary Source of noise (industrial/commercial/institutional); a detailed noise study is required for developments within the potential influence area of stationary sources;
- Within 500 m of extensive commercial operations (loading docks of supermarkets, large commercial buildings with prominent ventilation and air conditioning equipment, automatic car washes, etc.);
- Within 500 m of aggregate operations (pits, quarries, etc.); or
- Any other noise sources not mentioned above.

A vibration study is required for all proposed developments within 75 metres of a rail corridor.

The requirement for a Noise Impact Study may be a condition of initial approval of the proposed development.

Rationale

A Noise Impact Study or Noise and Vibration Impact Study will help in assessing the compatibility of the proposed development with the existing and/or future land uses in the surrounding area as it relates to transportation and stationary noise both on site and off site.

Required Contents

During pre-application consultation, it will be determined if a report is required and, if so, the specific requirements of the Study, based on the nature of the proposed application and the context of the study area. Ultimate traffic data must be obtained from the Region and/or Local Municipality when analyzing transportation noise from Regional and Local roads. The Noise or the Noise and Vibration Study should include the following components, but is not necessarily limited to:

Introduction

- Description of the subject site and the proposed development;
- Location/context map;
- Identification of the noise source(s); and
- Description of the sound level guidelines/standards applied (methods).

Environmental Noise (and Vibration) Assessment

- Identify all stationary and transportation (road, rail, air) noise sources, including data collection and methods;
- Assessment procedure and methodology should clearly be outlined;
- Provide predicted noise level forecasts without mitigation;
- Environmental noise guidelines;
- Noise impact assessment (including low frequency noise impacts); and
- Vibration assessment, if applicable

Noise (and Vibration) Mitigation Recommendations

- Indoors: architectural requirements, ventilation requirements;
- Outdoors: at source requirements, sound barrier requirements;
- Provide tables and figures to support the recommendations of the report; and
- Warning clauses;
- Proposed mitigation measures will need to adhere to any engineering or policy guidelines that a municipality may have; and
- If a Class 4 designation is recommended the report shall discuss the mitigation measures that would be required to satisfy Class 1 or 2 standards and why the required mitigation is not feasible. Rationale must be provided for recommending a Class 4 designation.

Conclusions

Appendix A – Base Noise Level Calculations (Noise Source Data)

Appendix B – Ministry of Environment Noise Guidelines

Appendix C – Sample Sound Exposure Calculation

DRAFT



Appendix C: Traffic Data

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Niagara Region
Street: 699322 - NB
Location: 7467

A study of vehicle traffic was conducted with the device having serial number 400207. The study was done in the NB lane at 699322 - NB in Niagara Region, ON in county. The study began on 2019-03-26 at 12:00 AM and concluded on 2019-03-27 at 12:00 AM, lasting a total of 24.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 2,056 vehicles passed through the location with a peak volume of 54 on 2019-03-26 at [03:30 PM-03:45 PM] and a minimum volume of 0 on 2019-03-26 at [12:15 AM-12:30 AM]. The AADT count for this study was 2,056.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 70 - 75 KM/H range or lower. The average speed for all classified vehicles was 72 KM/H with 86.43% vehicles exceeding the posted speed of 60 KM/H. 12.64% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 70KM/H and the 85th percentile was 84.06 KM/H.

< to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	70 to 74	75 to 79	80 to 84	85 to 89	90 to 94	95 to 99	100 to 104	105 to >
29	7	25	66	122	184	256	379	300	235	154	78	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 1120 which represents 61 percent of the total classified vehicles. The number of Small Trucks in the study was 188 which represents 10 percent of the total classified vehicles. The number of Trucks/Buses in the study was 235 which represents 13 percent of the total classified vehicles. The number of Tractor Trailers in the study was 292 which represents 16 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
215	905	188	235	153	49	11	79							

CHART 2

HEADWAY

During the peak traffic period, on 2019-03-26 at [03:30 PM-03:45 PM] the average headway between vehicles was 16.364 seconds. During the slowest traffic period, on 2019-03-26 at [12:15 AM-12:30 AM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 0.00 and 254.00 degrees C.

MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Niagara Region
Street: 699322 - SB
Location: 7467

A study of vehicle traffic was conducted with the device having serial number 402525. The study was done in the SB lane at 699322 - SB in Niagara Region, ON in county. The study began on 2019-03-26 at 12:00 AM and concluded on 2019-03-27 at 12:00 AM, lasting a total of 24.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 1,497 vehicles passed through the location with a peak volume of 54 on 2019-03-26 at [06:00 PM-06:15 PM] and a minimum volume of 0 on 2019-03-26 at [12:30 AM-12:45 AM]. The AADT count for this study was 1,497.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 60 - 65 KM/H range or lower. The average speed for all classified vehicles was 63 KM/H with 64.65% vehicles exceeding the posted speed of 60 KM/H. 1.77% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 60KM/H and the 85th percentile was 72.64 KM/H.

< to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	70 to 74	75 to 79	80 to 84	85 to 89	90 to 94	95 to 99	100 to 104	105 to >
13	21	24	164	298	352	285	176	82	30	14	12	0	0	0

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 1375 which represents 93 percent of the total classified vehicles. The number of Small Trucks in the study was 21 which represents 1 percent of the total classified vehicles. The number of Trucks/Buses in the study was 23 which represents 2 percent of the total classified vehicles. The number of Tractor Trailers in the study was 52 which represents 4 percent of the total classified vehicles.

< to 4.9	5.0 to 7.9	8.0 to 9.9	10.0 to 12.9	13.0 to 15.9	16.0 to 18.9	19.0 to 21.9	22.0 to >							
751	624	21	23	11	11	21	9							

CHART 2

HEADWAY

During the peak traffic period, on 2019-03-26 at [06:00 PM-06:15 PM] the average headway between vehicles was 16.364 seconds. During the slowest traffic period, on 2019-03-26 at [12:30 AM-12:45 AM] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 0.00 and 25.00 degrees C.

Time/Class Report

Device ID: 402525		Location: 7467		Raw Count: 1,497	
Operator: MD		Lane: SB		AADT Count: 1,497	
Begin: 03-26-2019 12:00 AM		Street: 699322 - SB		AADT Factor: 1	
End: 03-27-2019 12:00 AM		City: Niagara Region		Speed Limit: 60	
Hours: 24.00		County:			
Period (min): 15		State: ON			

Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[00:00-00:15]	2	0	0	0	0	0	0	0	2
[00:15-00:30]	4	0	0	0	0	0	0	0	4
[00:30-00:45]	0	0	0	0	0	0	0	0	0
[00:45-01:00]	0	1	0	0	0	0	0	0	1
	6	1	0	0	0	0	0	0	7
[01:00-01:15]	1	0	0	0	0	0	0	0	1
[01:15-01:30]	0	0	0	0	0	0	0	0	0
[01:30-01:45]	1	0	0	0	0	0	0	0	1
[01:45-02:00]	1	0	0	0	0	0	0	0	1
	3	0	0	0	0	0	0	0	3
[02:00-02:15]	0	0	0	0	0	0	0	0	0
[02:15-02:30]	0	1	0	0	0	0	0	0	1
[02:30-02:45]	0	0	0	0	0	0	0	0	0
[02:45-03:00]	0	0	0	0	0	0	0	0	0
	0	1	0	0	0	0	0	0	1
[03:00-03:15]	0	0	0	0	0	0	0	0	0
[03:15-03:30]	1	0	0	0	0	0	0	0	1
[03:30-03:45]	0	2	0	0	0	0	0	0	2
[03:45-04:00]	0	0	0	0	0	0	0	0	0
	1	2	0	0	0	0	0	0	3
[04:00-04:15]	0	0	0	0	0	0	0	0	0
[04:15-04:30]	0	1	0	0	0	0	0	0	1
[04:30-04:45]	2	1	0	0	0	0	0	0	3
[04:45-05:00]	0	2	0	0	0	0	0	0	2
	2	4	0	0	0	0	0	0	6
[05:00-05:15]	0	1	0	0	1	0	0	0	2
[05:15-05:30]	2	2	0	0	0	0	0	0	4
[05:30-05:45]	3	6	0	0	0	0	1	0	10
[05:45-06:00]	1	3	0	0	0	0	0	0	4
	6	12	0	0	1	0	1	0	20
[06:00-06:15]	3	3	0	0	0	0	0	0	6
[06:15-06:30]	9	6	0	0	0	0	0	0	15
[06:30-06:45]	11	17	0	0	1	0	0	0	29
[06:45-07:00]	5	11	1	0	0	1	0	1	19
	28	37	1	0	1	1	0	1	69
[07:00-07:15]	4	5	0	1	0	0	0	0	10
[07:15-07:30]	5	3	0	0	0	1	2	1	12
[07:30-07:45]	6	1	0	0	1	1	0	0	9

Time/Class Report

Device ID: 402525 Operator: MD Begin: 03-26-2019 12:00 AM End: 03-27-2019 12:00 AM Hours: 24.00 Period (min): 15			Location: 7467 Lane: SB Street: 699322 - SB City: Niagara Region County: State: ON			Raw Count: 1,497 AADT Count: 1,497 AADT Factor: 1 Speed Limit: 60			
Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[07:45-08:00]	7	11	0	0	0	0	2	1	21
	22	20	0	1	1	2	4	2	52
[08:00-08:15]	9	5	0	0	0	0	0	1	15
[08:15-08:30]	17	11	0	0	0	0	0	0	28
[08:30-08:45]	9	15	0	0	0	0	1	0	25
[08:45-09:00]	14	18	0	1	1	1	1	0	36
	49	49	0	1	1	1	2	1	104
[09:00-09:15]	6	7	1	0	1	0	0	0	15
[09:15-09:30]	8	10	0	0	0	0	1	0	19
[09:30-09:45]	11	7	1	1	0	1	0	0	21
[09:45-10:00]	8	5	0	2	0	0	0	0	15
	33	29	2	3	1	1	1	0	70
[10:00-10:15]	8	4	0	0	0	0	0	0	12
[10:15-10:30]	14	4	1	0	0	0	0	0	19
[10:30-10:45]	10	12	1	0	0	0	0	1	24
[10:45-11:00]	10	12	1	3	0	0	1	0	27
	42	32	3	3	0	0	1	1	82
[11:00-11:15]	6	9	0	0	0	0	0	1	16
[11:15-11:30]	10	16	1	3	0	0	0	0	30
[11:30-11:45]	11	8	2	0	0	0	0	0	21
[11:45-12:00]	12	7	0	3	2	0	1	0	25
	39	40	3	6	2	0	1	1	92
[12:00-12:15]	12	12	1	1	1	0	0	0	27
[12:15-12:30]	14	5	0	1	0	0	2	0	22
[12:30-12:45]	11	11	1	0	0	0	2	1	26
[12:45-13:00]	12	13	1	2	0	0	1	0	29
	49	41	3	4	1	0	5	1	104
[13:00-13:15]	10	9	2	0	1	0	1	0	23
[13:15-13:30]	8	8	1	0	0	1	1	0	19
[13:30-13:45]	12	8	0	0	0	0	0	0	20
[13:45-14:00]	16	7	1	0	0	0	0	0	24
	46	32	4	0	1	1	2	0	86
[14:00-14:15]	10	3	0	1	0	0	1	0	15
[14:15-14:30]	10	9	0	0	0	0	0	0	19
[14:30-14:45]	14	10	0	0	0	0	0	0	24
[14:45-15:00]	11	15	0	0	1	0	0	0	27
	45	37	0	1	1	0	1	0	85

Time/Class Report

Device ID: 402525 Operator: MD Begin: 03-26-2019 12:00 AM End: 03-27-2019 12:00 AM Hours: 24.00 Period (min): 15		Location: 7467 Lane: SB Street: 699322 - SB City: Niagara Region County: State: ON				Raw Count: 1,497 AADT Count: 1,497 AADT Factor: 1 Speed Limit: 60			
Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[15:00-15:15]	17	14	1	2	0	0	1	0	35
[15:15-15:30]	10	9	0	0	0	0	0	0	19
[15:30-15:45]	26	7	0	0	0	0	0	0	33
[15:45-16:00]	15	18	0	0	0	0	0	0	33
	68	48	1	2	0	0	1	0	120
[16:00-16:15]	13	11	0	0	0	0	0	0	24
[16:15-16:30]	24	14	0	0	0	0	0	0	38
[16:30-16:45]	22	15	1	0	0	0	0	0	38
[16:45-17:00]	26	17	1	0	0	0	0	0	44
	85	57	2	0	0	0	0	0	144
[17:00-17:15]	26	19	0	0	0	1	0	0	46
[17:15-17:30]	18	11	0	0	0	1	0	0	30
[17:30-17:45]	9	5	0	0	0	0	0	1	15
[17:45-18:00]	17	12	0	0	0	0	0	0	29
	70	47	0	0	0	2	0	1	120
[18:00-18:15]	26	26	0	1	0	1	0	0	54
[18:15-18:30]	15	18	1	0	0	0	0	0	34
[18:30-18:45]	11	11	0	0	0	0	0	0	22
[18:45-19:00]	8	8	0	0	0	0	0	0	16
	60	63	1	1	0	1	0	0	126
[19:00-19:15]	10	6	0	0	0	0	0	0	16
[19:15-19:30]	6	7	0	0	0	0	0	0	13
[19:30-19:45]	5	3	0	0	0	0	0	0	8
[19:45-20:00]	10	8	0	0	1	1	0	0	20
	31	24	0	0	1	1	0	0	57
[20:00-20:15]	5	4	0	0	0	0	0	0	9
[20:15-20:30]	4	6	0	0	0	0	0	0	10
[20:30-20:45]	4	5	0	0	0	0	0	0	9
[20:45-21:00]	10	6	0	0	0	1	0	0	17
	23	21	0	0	0	1	0	0	45
[21:00-21:15]	5	1	0	0	0	0	0	0	6
[21:15-21:30]	8	3	0	0	0	0	0	0	11
[21:30-21:45]	3	3	0	0	0	0	1	0	7
[21:45-22:00]	4	5	0	0	0	0	0	0	9
	20	12	0	0	0	0	1	0	33
[22:00-22:15]	1	2	0	0	0	0	0	0	3
[22:15-22:30]	6	3	0	0	0	0	0	0	9
[22:30-22:45]	3	3	0	1	0	0	0	0	7

Time/Class Report

Device ID: 402525			Location: 7467			Raw Count: 1,497			
Operator: MD			Lane: SB			AADT Count: 1,497			
Begin: 03-26-2019 12:00 AM			Street: 699322 - SB			AADT Factor: 1			
End: 03-27-2019 12:00 AM			City: Niagara Region			Speed Limit: 60			
Hours: 24.00			County:						
Period (min): 15			State: ON						
Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[22:45-23:00]	4	1	0	0	0	0	0	0	5
	14	9	0	1	0	0	0	0	24
[23:00-23:15]	2	3	0	0	0	0	0	0	5
[23:15-23:30]	3	1	0	0	0	0	0	0	4
[23:30-23:45]	3	1	0	0	0	0	1	1	6
[23:45-00:00]	1	1	1	0	0	0	0	0	3
	9	6	1	0	0	0	1	1	18
03-26-2019 12:00 AM									
03-27-2019 12:00 AM	751	624	21	23	11	11	21	9	1471

Time/Class Report

Device ID: 400207		Location: 7467		Raw Count: 2,056	
Operator: MD		Lane: NB		AADT Count: 2,056	
Begin: 03-26-2019 12:00 AM		Street: 699322 - NB		AADT Factor: 1	
End: 03-27-2019 12:00 AM		City: Niagara Region		Speed Limit: 60	
Hours: 24.00		County:			
Period (min): 15		State: ON			

Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[00:00-00:15]	2	0	0	0	0	0	0	0	2
[00:15-00:30]	0	0	0	0	0	0	0	0	0
[00:30-00:45]	0	1	1	0	1	0	0	0	3
[00:45-01:00]	0	1	1	0	0	0	0	0	2
	2	2	2	0	1	0	0	0	7
[01:00-01:15]	0	1	0	0	0	0	0	0	1
[01:15-01:30]	0	1	0	0	0	0	0	0	1
[01:30-01:45]	0	1	0	0	0	0	0	0	1
[01:45-02:00]	0	0	0	0	0	0	0	0	0
	0	3	0	0	0	0	0	0	3
[02:00-02:15]	0	2	0	0	0	0	0	0	2
[02:15-02:30]	0	0	0	0	0	0	0	0	0
[02:30-02:45]	0	1	0	0	0	0	0	0	1
[02:45-03:00]	0	1	0	0	0	0	0	0	1
	0	4	0	0	0	0	0	0	4
[03:00-03:15]	1	2	1	0	0	0	0	0	4
[03:15-03:30]	0	0	0	0	0	0	0	0	0
[03:30-03:45]	0	0	0	0	0	1	0	0	1
[03:45-04:00]	0	2	0	1	0	0	0	0	3
	1	4	1	1	0	1	0	0	8
[04:00-04:15]	0	0	0	0	0	0	0	0	0
[04:15-04:30]	0	0	1	0	0	0	0	0	1
[04:30-04:45]	0	2	1	0	0	0	0	1	4
[04:45-05:00]	0	6	0	0	0	1	0	0	7
	0	8	2	0	0	1	0	1	12
[05:00-05:15]	1	0	2	0	0	0	0	0	3
[05:15-05:30]	0	1	0	2	0	0	0	0	3
[05:30-05:45]	1	6	1	1	1	1	0	0	11
[05:45-06:00]	1	5	2	0	2	0	0	0	10
	3	12	5	3	3	1	0	0	27
[06:00-06:15]	1	10	2	2	1	2	0	1	19
[06:15-06:30]	2	8	2	3	2	1	0	0	18
[06:30-06:45]	3	6	3	0	1	0	0	0	13
[06:45-07:00]	4	6	1	5	0	1	0	1	18
	10	30	8	10	4	4	0	2	68
[07:00-07:15]	3	9	3	2	3	0	0	0	20
[07:15-07:30]	6	17	0	5	1	0	0	2	31
[07:30-07:45]	1	15	2	4	2	3	1	2	30

Time/Class Report

Device ID: 400207		Location: 7467		Raw Count: 2,056					
Operator: MD		Lane: NB		AADT Count: 2,056					
Begin: 03-26-2019 12:00 AM		Street: 699322 - NB		AADT Factor: 1					
End: 03-27-2019 12:00 AM		City: Niagara Region		Speed Limit: 60					
Hours: 24.00		County:							
Period (min): 15		State: ON							
Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[07:45-08:00]	5	10	8	4	4	0	0	1	32
	15	51	13	15	10	3	1	5	113
[08:00-08:15]	1	11	5	7	5	1	1	3	34
[08:15-08:30]	3	10	2	4	3	1	1	2	26
[08:30-08:45]	3	23	4	4	4	1	0	1	40
[08:45-09:00]	2	12	6	3	1	4	1	3	32
	9	56	17	18	13	7	3	9	132
[09:00-09:15]	0	11	3	4	1	2	0	1	22
[09:15-09:30]	1	11	6	2	1	0	1	2	24
[09:30-09:45]	2	13	6	1	4	1	0	2	29
[09:45-10:00]	2	12	3	5	2	2	0	1	27
	5	47	18	12	8	5	1	6	102
[10:00-10:15]	2	15	1	5	0	0	1	0	24
[10:15-10:30]	2	10	2	2	4	0	0	1	21
[10:30-10:45]	5	19	1	3	1	0	0	2	31
[10:45-11:00]	2	14	1	4	1	1	0	2	25
	11	58	5	14	6	1	1	5	101
[11:00-11:15]	3	11	6	6	4	1	0	1	32
[11:15-11:30]	9	12	3	4	2	1	0	2	33
[11:30-11:45]	3	13	4	1	2	1	0	5	29
[11:45-12:00]	3	13	3	5	3	0	0	1	28
	18	49	16	16	11	3	0	9	122
[12:00-12:15]	4	14	1	6	3	3	0	2	33
[12:15-12:30]	1	18	3	3	1	0	0	6	32
[12:30-12:45]	6	16	3	5	4	0	0	2	36
[12:45-13:00]	5	16	5	8	5	0	0	3	42
	16	64	12	22	13	3	0	13	143
[13:00-13:15]	3	13	2	2	2	1	0	1	24
[13:15-13:30]	4	16	2	2	0	0	0	1	25
[13:30-13:45]	3	10	5	2	6	0	1	4	31
[13:45-14:00]	4	15	1	1	2	0	0	1	24
	14	54	10	7	10	1	1	7	104
[14:00-14:15]	2	15	1	5	4	0	0	0	27
[14:15-14:30]	4	15	1	3	2	1	1	1	28
[14:30-14:45]	7	24	5	3	2	1	0	3	45
[14:45-15:00]	3	11	4	3	2	0	0	1	24
	16	65	11	14	10	2	1	5	124

Time/Class Report

Device ID: 400207 Operator: MD Begin: 03-26-2019 12:00 AM End: 03-27-2019 12:00 AM Hours: 24.00 Period (min): 15		Location: 7467 Lane: NB Street: 699322 - NB City: Niagara Region County: State: ON				Raw Count: 2,056 AADT Count: 2,056 AADT Factor: 1 Speed Limit: 60			
Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[15:00-15:15]	6	21	3	8	2	1	0	0	41
[15:15-15:30]	4	19	6	6	3	0	0	1	39
[15:30-15:45]	6	23	6	7	1	1	0	1	45
[15:45-16:00]	2	16	4	3	5	1	2	1	34
	18	79	19	24	11	3	2	3	159
[16:00-16:15]	4	26	4	7	4	0	0	1	46
[16:15-16:30]	6	18	3	5	0	0	0	0	32
[16:30-16:45]	4	9	2	10	1	0	0	1	27
[16:45-17:00]	4	18	3	4	7	0	0	1	37
	18	71	12	26	12	0	0	3	142
[17:00-17:15]	5	19	0	0	2	1	0	0	27
[17:15-17:30]	1	14	3	4	2	0	1	0	25
[17:30-17:45]	1	15	2	3	2	0	0	2	25
[17:45-18:00]	5	20	1	2	3	3	0	0	34
	12	68	6	9	9	4	1	2	111
[18:00-18:15]	4	24	6	6	3	2	0	2	47
[18:15-18:30]	1	13	2	1	3	2	0	0	22
[18:30-18:45]	6	16	2	2	0	0	0	1	27
[18:45-19:00]	2	14	2	5	2	0	0	1	26
	13	67	12	14	8	4	0	4	122
[19:00-19:15]	2	13	1	2	3	0	0	0	21
[19:15-19:30]	4	10	0	4	3	2	0	1	24
[19:30-19:45]	4	8	2	3	2	0	0	0	19
[19:45-20:00]	4	11	7	2	0	0	0	0	24
	14	42	10	11	8	2	0	1	88
[20:00-20:15]	4	8	0	1	4	2	0	2	21
[20:15-20:30]	0	5	1	1	2	0	0	0	9
[20:30-20:45]	4	4	0	0	0	0	0	0	8
[20:45-21:00]	0	5	1	4	1	1	0	0	12
	8	22	2	6	7	3	0	2	50
[21:00-21:15]	2	8	0	0	0	0	0	1	11
[21:15-21:30]	2	4	2	2	1	0	0	0	11
[21:30-21:45]	1	3	0	4	3	0	0	0	11
[21:45-22:00]	3	4	0	2	0	0	0	1	10
	8	19	2	8	4	0	0	2	43
[22:00-22:15]	2	5	3	0	1	1	0	0	12
[22:15-22:30]	1	5	0	1	2	0	0	0	9
[22:30-22:45]	0	4	1	2	1	0	0	0	8

Time/Class Report

Device ID: 400207 Operator: MD Begin: 03-26-2019 12:00 AM End: 03-27-2019 12:00 AM Hours: 24.00 Period (min): 15			Location: 7467 Lane: NB Street: 699322 - NB City: Niagara Region County: State: ON			Raw Count: 2,056 AADT Count: 2,056 AADT Factor: 1 Speed Limit: 60			
Date And Time Range	< to 15	16 to 25	26 to 32	33 to 42	43 to 51	52 to 61	62 to 71	72 to >	Total
Tue,03-26-2019									
[22:45-23:00]	0	4	0	0	0	0	0	0	4
	3	18	4	3	4	1	0	0	33
[23:00-23:15]	0	3	0	1	0	0	0	0	4
[23:15-23:30]	0	4	1	1	1	0	0	0	7
[23:30-23:45]	1	3	0	0	0	0	0	0	4
[23:45-00:00]	0	2	0	0	0	0	0	0	2
	1	12	1	2	1	0	0	0	17
03-26-2019 12:00 AM									
03-27-2019 12:00 AM	215	905	188	235	153	49	11	79	1835

Basic Axle Classification Report: 610342

Station ID : 610342

Info Line 1 : Main St East

Info Line 2 : Btwn Barber Dr & Chippawa Rd

GPS Lat/Lon :

DB File : 610342.DB

Last Connected Device Type : RoadRunner3

Version Number : 1.12

Serial Number : 140025

Number of Lanes : 2

Posted Speed Limit : 50.0 kph

Lane #1 Configuration

#	Dir.	Information	Vehicle Sensors	Sensor Spacing	Loop Length	Comment
1.	East		Ax-Ax	121 cm	183 cm	

Lane #1 Basic Axle Classification Data From: 00:00 - 11/16/2016 To: 23:59 - 11/16/2016

(DEFAULTC)		#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	Total
Date	Time	Cycle	Cars	2A-4T	Buses	2A-SU	3A-SU	4A-SU	4A-ST	5A-ST	6A-ST	5A-MT	6A-MT	Other	
11/16/16	00:00	0	14	2	0	1	2	0	0	0	0	0	0	0	19
Wed	01:00	0	6	4	0	0	0	0	0	0	2	0	0	0	12
	02:00	0	7	3	0	0	3	0	0	3	0	0	0	0	16
	03:00	0	8	5	0	0	0	0	0	1	3	0	0	1	18
	04:00	1	23	7	0	0	0	0	0	0	0	0	0	0	31
	05:00	3	65	22	0	0	4	0	0	0	4	0	0	0	98
	06:00	0	133	72	0	4	2	0	1	0	2	0	0	0	214
	07:00	5	249	81	2	9	5	0	2	3	4	0	1	0	361
	08:00	10	252	80	1	11	3	0	5	4	6	3	0	0	375
	09:00	5	238	96	5	7	4	0	5	3	4	1	0	0	368
	10:00	4	255	96	4	10	4	0	7	2	7	0	0	2	391
	11:00	6	254	74	2	7	8	0	10	3	3	1	0	0	368
	12:00	7	247	73	0	7	7	0	8	3	8	1	2	0	363
	13:00	15	221	87	1	4	6	1	7	2	6	0	1	3	354
	14:00	5	292	103	3	8	5	1	6	5	6	3	1	0	438
	15:00	10	338	90	8	15	5	1	6	2	5	1	0	2	483
	16:00	3	330	116	1	9	2	0	6	1	3	0	2	1	474
	17:00	6	272	84	4	3	4	0	4	2	2	0	0	0	381
	18:00	10	284	66	0	2	2	0	3	1	1	0	1	0	370
	19:00	4	155	44	1	2	3	0	2	1	4	0	0	0	216
	20:00	3	120	44	1	0	2	0	2	0	0	0	0	0	172
	21:00	2	129	19	0	0	1	0	0	0	0	0	0	0	151
	22:00	0	54	17	0	0	0	0	1	0	0	0	0	0	72
	23:00	1	36	6	0	0	5	0	0	0	0	0	0	0	48
Daily Total :		100	3982	1291	33	99	77	3	75	36	70	10	8	9	5793
Percent :		2%	69%	22%	1%	2%	1%	0%	1%	1%	1%	0%	0%	0%	
Average :		4	166	54	1	4	3	0	3	2	3	0	0	0	240

Lane #2 Configuration

#	Dir.	Information	Vehicle Sensors	Sensor Spacing	Loop Length	Comment
2.	West		Ax-Ax	121 cm	183 cm	

Lane #2 Basic Axle Classification Data From: 00:00 - 11/16/2016 To: 23:59 - 11/16/2016

(DEFAULT)		#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	Total
Date	Time	Cycle	Cars	2A-4T	Buses	2A-SU	3A-SU	4A-SU	4A-ST	5A-ST	6A-ST	5A-MT	6A-MT	Other	
11/16/16	00:00	0	38	12	0	0	0	0	0	0	0	0	0	0	50
Wed	01:00	0	15	3	0	0	0	0	0	2	0	0	0	0	20
	02:00	0	7	2	0	0	1	0	0	1	0	0	0	0	11
	03:00	0	13	4	0	1	0	1	2	1	0	0	0	1	23
	04:00	2	11	6	0	2	2	0	1	0	0	2	0	0	26
	05:00	0	63	15	0	0	0	0	1	0	0	0	0	1	80
	06:00	0	138	74	0	2	2	1	3	3	2	0	0	0	225
	07:00	6	188	89	4	5	5	0	2	1	5	0	0	0	305
	08:00	17	285	93	5	6	6	2	7	1	0	2	2	0	426
	09:00	8	290	83	2	7	6	2	8	3	3	0	1	2	415
	10:00	10	252	98	3	5	6	3	3	4	2	0	0	0	386
	11:00	9	270	96	1	18	7	1	3	4	3	1	2	1	416
	12:00	5	243	92	3	3	4	1	10	2	2	0	0	2	367
	13:00	20	261	128	2	10	8	2	15	3	1	3	6	4	463
	14:00	6	282	93	3	6	4	0	12	1	2	4	0	2	415
	15:00	12	321	108	6	12	4	1	17	0	1	1	1	6	490
	16:00	16	360	112	11	9	3	3	13	1	0	4	1	2	535
	17:00	4	362	108	0	1	6	0	8	1	0	4	0	1	495
	18:00	2	259	63	5	1	0	0	3	1	0	1	0	1	336
	19:00	2	218	71	2	3	0	0	4	0	0	0	0	0	300
	20:00	2	166	46	2	0	0	0	7	0	1	0	1	0	225
	21:00	3	189	49	1	0	0	0	3	0	1	1	0	0	247
	22:00	0	122	33	0	1	0	0	0	1	0	0	0	0	157
	23:00	1	90	14	1	0	0	0	2	0	0	0	0	0	108
Daily Total :		125	4443	1492	51	92	64	17	124	30	23	23	14	23	6521
Percent :		2%	68%	23%	1%	1%	1%	0%	2%	0%	0%	0%	0%	0%	
Average :		5	185	62	2	4	3	1	5	1	1	1	1	1	272

Basic Axle Class Summary: 610342

(DEFAULTC)		#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	
Description	Lane	Cycle	Cars	2A-4T	Buses	2A-SU	3A-SU	4A-SU	4A-ST	5A-ST	6A-ST	5A-MT	6A-MT	Other	Total
TOTAL COUNT :	#1.	100	3982	1291	33	99	77	3	75	36	70	10	8	9	5793
	#2.	125	4443	1492	51	92	64	17	124	30	23	23	14	23	6521
		225	8425	2783	84	191	141	20	199	66	93	33	22	32	12314
Percents :	#1.	2%	69%	22%	1%	2%	1%	0%	1%	1%	1%	0%	0%	0%	47%
	#2.	2%	68%	23%	1%	1%	1%	0%	2%	0%	0%	0%	0%	0%	53%
		2%	68%	23%	1%	2%	1%	0%	2%	1%	1%	0%	0%	0%	
Average :	#1.	4	166	54	1	4	3	0	3	2	3	0	0	0	240
	#2.	5	185	62	2	4	3	1	5	1	1	1	1	1	272
		9	351	116	3	8	6	1	8	3	4	1	1	1	512
Days & ADT :	#1.	1.0	5793												
	#2.	1.0	6521												
		1.0	12314												

Basic Speed Classification Report: 610342

Lane #1 Configuration

#	Dir.	Information	Vehicle Sensors	Sensor Spacing	Loop Length	Comment
1.	East		Ax-Ax	121 cm	183 cm	

Lane #1 Basic Speed Classification Data From: 00:00 - 11/16/2016 To: 23:59 - 11/16/2016

(NIAGAR~1)		#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	Total
Date	Time	0.0 - 39.9	40.0 - 44.9	45.0 - 49.9	50.0 - 54.9	55.0 - 59.9	60.0 - 64.9	65.0 - 69.9	70.0 - 74.9	75.0 - 79.9	80.0 - 84.9	85.0 - 89.9	90.0 - 94.9	95.0 - 99.9	100.0 - 104.9	Other	
11/16/16	00:00	7	6	4	0	2	0	0	0	0	0	0	0	0	0	0	19
Wed	01:00	5	2	4	1	0	0	0	0	0	0	0	0	0	0	0	12
	02:00	8	3	2	2	0	1	0	0	0	0	0	0	0	0	0	16
	03:00	16	0	1	0	1	0	0	0	0	0	0	0	0	0	0	18
	04:00	8	5	7	10	0	0	0	1	0	0	0	0	0	0	0	31
	05:00	53	11	15	10	6	3	0	0	0	0	0	0	0	0	0	98
	06:00	109	38	34	24	9	0	0	0	0	0	0	0	0	0	0	214
	07:00	209	81	56	12	3	0	0	0	0	0	0	0	0	0	0	361
	08:00	241	72	43	10	6	2	0	0	0	1	0	0	0	0	0	375
	09:00	231	68	45	16	5	1	0	0	0	0	0	0	2	0	0	368
	10:00	268	64	44	12	2	0	0	0	0	1	0	0	0	0	0	391
	11:00	228	73	54	10	2	0	0	1	0	0	0	0	0	0	0	368
	12:00	207	94	53	8	1	0	0	0	0	0	0	0	0	0	0	363
	13:00	257	50	22	17	2	1	0	0	1	1	2	0	1	0	0	354
	14:00	279	99	41	11	5	1	1	0	0	0	0	0	1	0	0	438
	15:00	398	48	26	9	0	0	0	0	1	1	0	0	0	0	0	483
	16:00	295	93	71	12	1	0	0	1	1	0	0	0	0	0	0	474
	17:00	263	52	50	12	3	0	1	0	0	0	0	0	0	0	0	381
	18:00	189	89	61	21	6	2	2	0	0	0	0	0	0	0	0	370
	19:00	150	30	22	8	5	0	0	0	0	0	0	1	0	0	0	216
	20:00	121	22	21	6	2	0	0	0	0	0	0	0	0	0	0	172
	21:00	96	25	22	6	2	0	0	0	0	0	0	0	0	0	0	151
	22:00	30	13	19	8	1	0	1	0	0	0	0	0	0	0	0	72
	23:00	21	6	8	5	3	4	0	1	0	0	0	0	0	0	0	48
Daily Total :		3689	1044	725	230	67	15	5	4	3	4	2	1	4	0	0	5793
Percent :		64%	18%	13%	4%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Average :		154	44	30	10	3	1	0	0	0	0	0	0	0	0	0	272

Speeds - Average: 29.5 50% : 31.2 67% : 41.1 85% : 46.5 20kph Pace: 30.0 - 49.9 (46.1%)

Lane #2 Configuration

#	Dir.	Information	Vehicle Sensors	Sensor Spacing	Loop Length	Comment
2.	West		Ax-Ax	121 cm	183 cm	

Lane #2 Basic Speed Classification Data From: 00:00 - 11/16/2016 To: 23:59 - 11/16/2016

(NIAGAR-1)		#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	Total
Date	Time	0.0 - 39.9	40.0 - 44.9	45.0 - 49.9	50.0 - 54.9	55.0 - 59.9	60.0 - 64.9	65.0 - 69.9	70.0 - 74.9	75.0 - 79.9	80.0 - 84.9	85.0 - 89.9	90.0 - 94.9	95.0 - 99.9	100.0 - 104.9	Other	
11/16/16	00:00	16	7	9	12	3	2	1	0	0	0	0	0	0	0	0	50
Wed	01:00	5	2	9	2	2	0	0	0	0	0	0	0	0	0	0	20
	02:00	1	8	1	1	0	0	0	0	0	0	0	0	0	0	0	11
	03:00	21	1	0	0	0	1	0	0	0	0	0	0	0	0	0	23
	04:00	4	10	2	5	4	0	1	0	0	0	0	0	0	0	0	26
	05:00	38	15	13	9	4	1	0	0	0	0	0	0	0	0	0	80
	06:00	74	58	47	31	10	5	0	0	0	0	0	0	0	0	0	225
	07:00	147	50	63	31	10	4	0	0	0	0	0	0	0	0	0	305
	08:00	272	70	48	27	7	1	0	0	0	0	1	0	0	0	0	426
	09:00	235	78	80	18	4	0	0	0	0	0	0	0	0	0	0	415
	10:00	206	89	65	24	2	0	0	0	0	0	0	0	0	0	0	386
	11:00	245	80	56	31	2	1	0	0	0	1	0	0	0	0	0	416
	12:00	186	80	59	31	8	2	1	0	0	0	0	0	0	0	0	367
	13:00	378	56	24	5	0	0	0	0	0	0	0	0	0	0	0	463
	14:00	221	85	75	25	5	4	0	0	0	0	0	0	0	0	0	415
	15:00	375	55	47	12	1	0	0	0	0	0	0	0	0	0	0	490
	16:00	327	82	88	29	8	1	0	0	0	0	0	0	0	0	0	535
	17:00	336	78	59	15	3	4	0	0	0	0	0	0	0	0	0	495
	18:00	120	62	95	49	7	2	1	0	0	0	0	0	0	0	0	336
	19:00	186	46	39	23	5	1	0	0	0	0	0	0	0	0	0	300
	20:00	139	38	24	17	5	1	1	0	0	0	0	0	0	0	0	225
	21:00	161	40	28	15	2	0	1	0	0	0	0	0	0	0	0	247
	22:00	39	50	44	19	4	1	0	0	0	0	0	0	0	0	0	157
	23:00	39	19	21	20	5	3	1	0	0	0	0	0	0	0	0	108
Daily Total :		3771	1159	996	451	101	34	7	0	0	1	1	0	0	0	0	6521
Percent :		58%	18%	15%	7%	2%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Average :		157	48	42	19	4	1	0	0	0	0	0	0	0	0	0	242

Speeds - Average: 31.3 50% : 34.4 67% : 42.7 85% : 48.1 20kph Pace: 35.0 - 54.9 (46.9%)

Basic Speed Class Summary: 610342

(NIAGAR~1)		#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	
		0.0 - 39.9	40.0 - 44.9	45.0 - 49.9	50.0 - 54.9	55.0 - 59.9	60.0 - 64.9	65.0 - 69.9	70.0 - 74.9	75.0 - 79.9	80.0 - 84.9	85.0 - 89.9	90.0 - 94.9	95.0 - 99.9	100.0 - 104.9	Other	Total
Description	Lane																
TOTAL COUNT :	#1.	3689	1044	725	230	67	15	5	4	3	4	2	1	4	0	0	5793
	#2.	3771	1159	996	451	101	34	7	0	0	1	1	0	0	0	0	6521
		7460	2203	1721	681	168	49	12	4	3	5	3	1	4	0	0	12314
Percents :	#1.	64%	18%	13%	4%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	47%
	#2.	58%	18%	15%	7%	2%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	53%
		61%	18%	14%	6%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Average :	#1.	154	44	30	10	3	1	0	0	0	0	0	0	0	0	0	242
	#2.	157	48	42	19	4	1	0	0	0	0	0	0	0	0	0	271
		311	92	72	29	7	2	0	0	0	0	0	0	0	0	0	513
Days & ADT :	#1.	1.0	5793														
	#2.	1.0	6521														
		1.0	12314														
Avg,50,67,85%:	#1.	29.5	31.2	41.1	46.5	30.0	- 49.9	46%									
	Pace (pace %) #2.	31.3	34.4	42.7	48.1	35.0	- 54.9	47%									
		30.4	32.9	41.9	47.4	30.0	- 49.9	47%									



Train Count Data

TRANSMITTAL

To: Wood PLC
Destinataire : 2020 Winston Park
Drive, Suite #600
Oakville ON
L6H 6X7

Project : SFD – 16.06 (1.08) – Main St., Port Colborne, ON

Att'n: Mohammad
Abushanab

Routing: mohammad.abushanab@woodplc.com

From: Umair Naveed
Expéditeur :

Date: 2022/01/14

Cc: Adjacent Development
CN via e-mail

☐ Urgent ☐ For Your Use ☐ For Review ☐ For Your Information ☐ Confidential

Re: Train Traffic Data – CN Stamford Subdivision near Main Street in Port Colborne, ON

Please find attached the requested Train Traffic Data. The application fee in the amount of **\$500.00** +HST will be invoiced.

Should you have any questions, please do not hesitate to contact the undersigned at permits.gld@cn.ca.

Sincerely,

Umair Naveed

Umair Naveed
Project Officer Public Works – Eastern Canada
Permits.gld@cn.ca

Date: 2022/01/14

Project Number: SFD – 16.06 (1.08) – Main Street, Port Colborne, ON

Dear Mohammad:

Re: Train Traffic Data – CN Stamford Subdivision near Main Street in Port Colborne, ON

The following is provided in response to Mohammad's 2021/11/16 request for information regarding rail traffic in the vicinity of Main Street in Port Colborne at approximately Mile 16.06 (1.08) on CN's Humber Line SPUR, Connecting to CN's Stamford Subdivision.

Typical daily traffic volumes are recorded below. However, traffic volumes may fluctuate due to overall economic conditions, varying traffic demands, weather conditions, track maintenance programs, statutory holidays and traffic detours that when required may be heavy although temporary. For the purpose of noise and vibration reports, train volumes must be escalated by 2.5% per annum for a 10-year period.

Typical daily traffic volumes at this site location are as follows:

***Maximum train speed is given in Miles per Hour**

	0700-2300			
Type of Train	Volumes	Max.Consist	Max. Speed	Max. Power
Freight	0	140	10	4
Way Freight	4	25	10	4
Passenger	0	10	10	2

	2300-0700			
Type of Train	Volumes	Max.Consist	Max. Speed	Max. Power
Freight	0	140	10	4
Way Freight	4	25	10	4
Passenger	0	10	10	2

The volumes recorded reflect westbound and eastbound freight and passenger operations on CN's Humber Line SPUR, Connecting to CN's Stamford Subdivision.

Except where anti-whistling bylaws are in effect, engine-warning whistles and bells are normally sounded at all at-grade crossings. There are seven (7) at-grade crossings in the immediate vicinity of the study area at Mile 16.06(0.09) Fraser Street, Mile 16.06(0.16) Alma Street, Mile 16.06 (0.20) Welland Street, Mile 16.06(0.25) Belle Street, Mile 16.06(0.48) Welland Street, Mile 16.06(1.08) Main Street and Mile 16.06(1.75) Barrick Road. . Anti-whistling bylaws are in effect on the crossings between Mile 16.06(0) and Mile 16.06(0.41) inclusive. Please note that engine-warning whistles may be sounded in cases of emergency, as a safety and or warning precaution at station locations and pedestrian crossings and occasionally for operating requirements.

With respect to equipment restrictions, the gross weight of the heaviest permissible car is 286,000 lbs.

The single mainline track is considered continuously welded rail throughout the study area.

The Canadian National Railway continues to be strongly opposed to locating developments near railway facilities and rights-of-way due to potential safety and environmental conflicts. Development adjacent to the Railway Right-of-Way is not appropriate without sound impact mitigation measures to reduce the incompatibility. For confirmation of the applicable rail noise, vibration and safety standards, Adjacent Development, Canadian National Railway Properties at Proximity@cn.ca should be contacted directly.

I trust the above information will satisfy your current request.

Sincerely,

Umair Naveed

Umair Naveed
Project Officer Public Works – Eastern Canada
Permits.gld@cn.ca



Appendix D: Sample Calculations

N1ROAD.TXT

STAMSON 5.0 NORMAL REPORT Date: 06-06-2022
 16:00:48
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: n1road~1.te Time Period: Day/Night 16/8
 hours
 Description: North 1 - Main/Welland St Road Only

Road data, segment # 1: Main St (day/night)

 Car traffic volume : 11265/1252 veh/TimePeriod
 Medium truck volume : 4113/457 veh/TimePeriod
 Heavy truck volume : 571/63 veh/TimePeriod
 Posted speed limit : 50 km/h
 Road gradient : 0 %
 Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 1: Main St (day/night)

 Angle1 Angle2 : -50.00 deg 70.00 deg
 wood depth : 0 (No woods.)
 No of house rows : 0 / 0
 Surface : 1 (Absorptive ground
 surface)
 Receiver source distance : 100.00 / 100.00 m
 Receiver height : 13.50 / 13.50 m
 Topography : 1 (Flat/gentle slope;
 no barrier)
 Reference angle : 0.00

♀

Road data, segment # 2: welland St (day/night)

 Car traffic volume : 11265/1252 veh/TimePeriod
 Medium truck volume : 4113/452 veh/TimePeriod
 Heavy truck volume : 571/63 veh/TimePeriod
 Posted speed limit : 60 km/h
 Road gradient : 0 %
 Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 2: welland St (day/night)

```

                                N1ROAD.TXT
Angle1   Angle2                : -16.00 deg    26.00 deg
Wood depth                :          0      (No woods.)
No of house rows          :          2 / 0
Surface                    :          2      (Reflective ground
surface)
Receiver source distance  : 145.00 / 145.00 m
Receiver height           :   13.50 / 13.50 m
Topography                :          1      (Flat/gentle slope;
no barrier)
Reference angle           :    0.00

```

♀

Results segment # 1: Main St (day)

Source height = 1.38 m

ROAD (0.00 + 57.57 + 0.00) = 57.57 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	w.Adj
H.Adj	B.Adj	SubLeq					

-50	70	0.30	70.37	0.00	-10.74	-2.06	0.00
0.00	0.00	57.57					

Segment Leq : 57.57 dBA

♀

Results segment # 2: Welland St (day)

Source height = 1.38 m

ROAD (0.00 + 53.51 + 0.00) = 53.51 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	w.Adj
H.Adj	B.Adj	SubLeq					

-16	26	0.00	72.07	0.00	-9.85	-6.32	0.00
-2.38	0.00	53.51					

N1ROAD.TXT

Segment Leq : 53.51 dBA

Total Leq All Segments: 59.01 dBA

♀

Results segment # 1: Main St (night)

Source height = 1.37 m

ROAD (0.00 + 51.03 + 0.00) = 51.03 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj
H.Adj	B.Adj	SubLeq					

-50	70	0.30	63.83	0.00	-10.74	-2.06	0.00
0.00	0.00	51.03					

Segment Leq : 51.03 dBA

♀

Results segment # 2: welland St (night)

Source height = 1.37 m

ROAD (0.00 + 49.33 + 0.00) = 49.33 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj
H.Adj	B.Adj	SubLeq					

-16	26	0.00	65.50	0.00	-9.85	-6.32	0.00
0.00	0.00	49.33					

Segment Leq : 49.33 dBA

Total Leq All Segments: 53.27 dBA

♀

N1ROAD.TXT

TOTAL Leq FROM ALL SOURCES (DAY): 59.01
(NIGHT): 53.27

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N1RAIL.TXT

STAMSON 5.0 NORMAL REPORT Date: 06-06-2022
 16:01:55
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: n1rail.te Time Period: Day/Night 16/8 hours
 Description: North 1 - Rail Only - No Whistle

Rail data, segment # 1: CN (day/night)

Train !Cont Type !weld	! Trains	! Speed (km/h)	!# loc !/Train!	!# Cars !/Train!	Eng type
1. !Diesel!	5.0/5.0	16.0	4.0	25.0	No

Data for Segment # 1: CN (day/night)

Angle1	Angle2	: -13.00 deg	90.00 deg
wood depth		: 0	(No woods.)
No of house rows		: 0 / 0	
Surface surface)		: 2	(Reflective ground
Receiver source distance		: 130.00 / 130.00 m	
Receiver height		: 13.50 / 13.50 m	
Topography no barrier)		: 1	(Flat/gentle slope;
No whistle			
Reference angle		: 0.00	

♀
 Results segment # 1: CN (day)

LOCOMOTIVE (0.00 + 50.76 + 0.00) = 50.76 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

N1RAIL.TXT

-13	90	0.00	62.57	-9.38	-2.42	0.00	0.00
0.00	50.76						

WHEEL (0.00 + 36.58 + 0.00) = 36.58 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-13	90	0.00	48.38	-9.38	-2.42	0.00	0.00
0.00	36.58						

Segment Leq : 50.92 dBA

Total Leq All Segments: 50.92 dBA

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 Results segment # 1: CN (night)

LOCOMOTIVE (0.00 + 53.77 + 0.00) = 53.77 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-13	90	0.00	65.58	-9.38	-2.42	0.00	0.00
0.00	53.77						

WHEEL (0.00 + 39.59 + 0.00) = 39.59 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-13	90	0.00	51.39	-9.38	-2.42	0.00	0.00
0.00	39.59						

Segment Leq : 53.93 dBA

N1RAIL.TXT

Total Leq All Segments: 53.93 dBA

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TOTAL Leq FROM ALL SOURCES (DAY): 50.92
(NIGHT): 53.93

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N1RAILW.TXT

STAMSON 5.0 NORMAL REPORT Date: 06-06-2022
 16:02:16
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: n1rail.te Time Period: Day/Night 16/8
 hours
 Description: North 1 - Rail Only - with Whistle

Rail data, segment # 1: CN (day/night)

Train !# Cars! Type !/Train!	Eng !Cont ! !/Train!	Trains ! (Left) type	Trains ! (Right) weld	Speed !(km/h)	# loc
1. ! 25.0 !	Diesel ! No	2.5/2.5	2.5/2.5	16.0	4.0

Data for Segment # 1: CN (day/night)

Angle1	Angle2	: -13.00 deg	90.00 deg
wood depth		: 0	(No woods.)
No of house rows		: 0 / 0	
Surface		: 2	(Reflective ground surface)
Receiver source distance		: 130.00 / 130.00 m	
Receiver height		: 13.50 / 13.50 m	
Topography		: 1	(Flat/gentle slope; no barrier)
Whistle Angle		: 30 deg	Track 1
Reference angle		: 0.00	

♀
 Results segment # 1: CN (day)

LOCOMOTIVE (0.00 + 50.76 + 0.00) = 50.76 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

N1RAILW.TXT

-13	90	0.00	62.57	-9.38	-2.42	0.00	0.00
0.00	50.76						

WHEEL (0.00 + 36.58 + 0.00) = 36.58 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-13	90	0.00	48.38	-9.38	-2.42	0.00	0.00
0.00	36.58						

LEFT WHISTLE (0.00 + 58.00 + 0.00) = 58.00 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-13	30	0.00	73.60	-9.38	-6.22	0.00	0.00
0.00	58.00						

RIGHT WHISTLE (0.00 + 58.17 + 0.00) = 58.17 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

30	75	0.00	73.60	-9.38	-6.05	0.00	0.00
0.00	58.17						

Segment Leq : 61.49 dBA

Total Leq All Segments: 61.49 dBA

Results segment # 1: CN (night)

LOCOMOTIVE (0.00 + 53.77 + 0.00) = 53.77 dBA

N1RAILW.TXT

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-13	90	0.00	65.58	-9.38	-2.42	0.00	0.00
0.00	53.77						

WHEEL (0.00 + 39.59 + 0.00) = 39.59 dBA

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-13	90	0.00	51.39	-9.38	-2.42	0.00	0.00
0.00	39.59						

LEFT WHISTLE (0.00 + 61.01 + 0.00) = 61.01 dBA

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-13	30	0.00	76.61	-9.38	-6.22	0.00	0.00
0.00	61.01						

RIGHT WHISTLE (0.00 + 61.18 + 0.00) = 61.18 dBA

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

30	75	0.00	76.61	-9.38	-6.05	0.00	0.00
0.00	61.18						

Segment Leq : 64.50 dBA

Total Leq All Segments: 64.50 dBA

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N1RAILW.TXT

TOTAL Leq FROM ALL SOURCES (DAY): 61.49
(NIGHT): 64.50

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E3ROAD.TXT

STAMSON 5.0 NORMAL REPORT Date: 16-06-2022
 17:21:19
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: e3road~1.te Time Period: Day/Night 16/8
 hours
 Description: East 3 - Main St Road Only

Road data, segment # 1: Main St (day/night)

 Car traffic volume : 11265/1252 veh/TimePeriod
 Medium truck volume : 4113/457 veh/TimePeriod
 Heavy truck volume : 571/63 veh/TimePeriod
 Posted speed limit : 50 km/h
 Road gradient : 0 %
 Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 1: Main St (day/night)

 Angle1 Angle2 : 0.00 deg 63.00 deg
 wood depth : 0 (No woods.)
 No of house rows : 0 / 0
 Surface : 1 (Absorptive ground
 surface)
 Receiver source distance : 101.00 / 101.00 m
 Receiver height : 13.50 / 13.50 m
 Topography : 1 (Flat/gentle slope;
 no barrier)
 Reference angle : 0.00

♀
 Results segment # 1: Main St (day)

 Source height = 1.38 m

ROAD (0.00 + 54.71 + 0.00) = 54.71 dBA
 Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj
 H.Adj B.Adj SubLeq

 0 63 0.30 70.37 0.00 -10.80 -4.86 0.00

E3ROAD.TXT

0.00 0.00 54.71

Segment Leq : 54.71 dBA

Total Leq All Segments: 54.71 dBA

♀
Results segment # 1: Main St (night)

Source height = 1.37 m

ROAD (0.00 + 48.17 + 0.00) = 48.17 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj
H.Adj	B.Adj	SubLeq					

0	63	0.30	63.83	0.00	-10.80	-4.86	0.00
0.00	0.00	48.17					

Segment Leq : 48.17 dBA

Total Leq All Segments: 48.17 dBA

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TOTAL Leq FROM ALL SOURCES (DAY): 54.71
(NIGHT): 48.17

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♀

S1ROAD.TXT

STAMSON 5.0 NORMAL REPORT Date: 16-06-2022
 17:20:46
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: s1road~1.te Time Period: Day/Night 16/8
 hours
 Description: South 1 - Welland St Road Only

Road data, segment # 1: welland St 1 (day/night)

```
-----
Car traffic volume : 3283/1252 veh/TimePeriod
Medium truck volume : 642/457 veh/TimePeriod
Heavy truck volume : 482/63 veh/TimePeriod
Posted speed limit : 60 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)
```

Data for Segment # 1: welland St 1 (day/night)

```
-----
Angle1 Angle2 : -90.00 deg -41.00 deg
Wood depth : 0 (No woods.)
No of house rows : 0 / 0
Surface : 1 (Absorptive ground surface)
Receiver source distance : 157.00 / 157.00 m
Receiver height : 13.50 / 13.50 m
Topography : 1 (Flat/gentle slope; no barrier)
Reference angle : 0.00
```

♀

Road data, segment # 2: welland St 2 (day/night)

```
-----
Car traffic volume : 3283/365 veh/TimePeriod
Medium truck volume : 642/71 veh/TimePeriod
Heavy truck volume : 482/54 veh/TimePeriod
Posted speed limit : 60 km/h
Road gradient : 0 %
Road pavement : 1 (Typical asphalt or concrete)
```

Data for Segment # 2: welland St 2 (day/night)

```

S1ROAD.TXT
Angle1   Angle2      : -45.00 deg   -13.00 deg
Wood depth      :      0      (No woods.)
No of house rows :      0 / 0
Surface        :      2      (Reflective ground
surface)
Receiver source distance : 149.00 / 149.00 m
Receiver height  :   13.50 / 13.50 m
Topography      :      1      (Flat/gentle slope;
no barrier)
Reference angle  :      0.00

```

♀

Results segment # 1: Welland St 1 (day)

Source height = 1.82 m

ROAD (0.00 + 47.62 + 0.00) = 47.62 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	w.Adj
H.Adj	B.Adj	SubLeq					

-90	-41	0.29	67.80	0.00	-13.16	-7.02	0.00
0.00	0.00	47.62					

Segment Leq : 47.62 dBA

♀

Results segment # 2: Welland St 2 (day)

Source height = 1.82 m

ROAD (0.00 + 50.33 + 0.00) = 50.33 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	w.Adj
H.Adj	B.Adj	SubLeq					

-45	-13	0.00	67.80	0.00	-9.97	-7.50	0.00
0.00	0.00	50.33					

S1ROAD.TXT

Segment Leq : 50.33 dBA

Total Leq All Segments: 52.19 dBA

♀

Results segment # 1: welland st 1 (night)

Source height = 1.37 m

ROAD (0.00 + 45.16 + 0.00) = 45.16 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj
H.Adj	B.Adj	SubLeq					

-90	-41	0.30	65.53	0.00	-13.30	-7.07	0.00
0.00	0.00	45.16					

Segment Leq : 45.16 dBA

♀

Results segment # 2: welland st 2 (night)

Source height = 1.82 m

ROAD (0.00 + 43.81 + 0.00) = 43.81 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj
H.Adj	B.Adj	SubLeq					

-45	-13	0.00	61.29	0.00	-9.97	-7.50	0.00
0.00	0.00	43.81					

Segment Leq : 43.81 dBA

Total Leq All Segments: 47.55 dBA

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S1ROAD.TXT

TOTAL Leq FROM ALL SOURCES (DAY): 52.19
(NIGHT): 47.55

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S1RAIL.TXT

STAMSON 5.0 NORMAL REPORT Date: 16-06-2022
 17:22:13
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: s1rail.te Time Period: Day/Night 16/8
 hours
 Description: South 1 - Rail Only Without Whistle

Rail data, segment # 1: CN (day/night)

Train !Cont Type !weld	! Trains	! Speed (km/h)	!# loc !/Train	!# Cars !/Train	! Eng type
1. !Diesel	5.0/5.0	16.0	4.0	25.0	No

Data for Segment # 1: CN (day/night)

Angle1	Angle2	: -90.00 deg	-13.00 deg
wood depth		: 0	(No woods.)
No of house rows		: 0 / 0	
Surface surface)		: 2	(Reflective ground
Receiver source distance		: 134.00 / 134.00 m	
Receiver height		: 13.50 / 13.50 m	
Topography no barrier)		: 1	(Flat/gentle slope;
No Whistle			
Reference angle		: 0.00	

♀
 Results segment # 1: CN (day)

LOCOMOTIVE (0.00 + 49.37 + 0.00) = 49.37 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

S1RAIL.TXT

-90	-13	0.00	62.57	-9.51	-3.69	0.00	0.00
0.00	49.37						

WHEEL (0.00 + 35.18 + 0.00) = 35.18 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	w.Adj	H.Adj
B.Adj	SubLeq						

-90	-13	0.00	48.38	-9.51	-3.69	0.00	0.00
0.00	35.18						

Segment Leq : 49.53 dBA

Total Leq All Segments: 49.53 dBA

♀
Results segment # 1: CN (night)

LOCOMOTIVE (0.00 + 52.38 + 0.00) = 52.38 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	w.Adj	H.Adj
B.Adj	SubLeq						

-90	-13	0.00	65.58	-9.51	-3.69	0.00	0.00
0.00	52.38						

WHEEL (0.00 + 38.19 + 0.00) = 38.19 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	w.Adj	H.Adj
B.Adj	SubLeq						

-90	-13	0.00	51.39	-9.51	-3.69	0.00	0.00
0.00	38.19						

Segment Leq : 52.54 dBA

S1RAIL.TXT

Total Leq All Segments: 52.54 dBA

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TOTAL Leq FROM ALL SOURCES (DAY): 49.53
(NIGHT): 52.54

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S1RAILW.TXT

STAMSON 5.0 NORMAL REPORT Date: 16-06-2022
 17:22:42
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: s1rail.te Time Period: Day/Night 16/8
 hours
 Description: South 1 - Rail Only with Whistle

Rail data, segment # 1: CN (day/night)

Train !# Cars! Type !/Train!	Eng !Cont ! !/Train!	Trains ! (Left) type	Trains ! (Right) weld	Speed !(km/h)	# loc
1. ! 25.0 !Diesel!	!	2.5/2.5	!	2.5/2.5	!
	No			16.0	!
					4.0

Data for Segment # 1: CN (day/night)

Angle1	Angle2	: -90.00 deg	-13.00 deg
wood depth		: 0	(No woods.)
No of house rows		: 0 / 0	
Surface		: 2	(Reflective ground
surface)			
Receiver source distance		: 134.00 / 134.00 m	
Receiver height		: 13.50 / 13.50 m	
Topography		: 1	(Flat/gentle slope;
no barrier)			
Whistle Angle		: 34 deg	Track 1
Reference angle		: 0.00	

♀
 Results segment # 1: CN (day)

LOCOMOTIVE (0.00 + 49.37 + 0.00) = 49.37 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

S1RAILW.TXT

-90	-13	0.00	62.57	-9.51	-3.69	0.00	0.00
0.00	49.37						

WHEEL (0.00 + 35.18 + 0.00) = 35.18 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
B.Adj	SubLeq						

-90	-13	0.00	48.38	-9.51	-3.69	0.00	0.00
0.00	35.18						

LEFT WHISTLE (0.00 + 58.83 + 0.00) = 58.83 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
B.Adj	SubLeq						

-67	-13	0.00	73.60	0.00	-5.26	0.00	0.00
0.00	58.83						

Segment Leq : 59.31 dBA

Total Leq All Segments: 59.31 dBA

♀
Results segment # 1: CN (night)

LOCOMOTIVE (0.00 + 52.38 + 0.00) = 52.38 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
B.Adj	SubLeq						

-90	-13	0.00	65.58	-9.51	-3.69	0.00	0.00
0.00	52.38						

WHEEL (0.00 + 38.19 + 0.00) = 38.19 dBA

S1RAILW.TXT

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-90	-13	0.00	51.39	-9.51	-3.69	0.00	0.00
0.00	38.19						

LEFT WHISTLE (0.00 + 61.84 + 0.00) = 61.84 dBA

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-67	-13	0.00	76.61	0.00	-5.26	0.00	0.00
0.00	61.84						

Segment Leq : 62.32 dBA

Total Leq All Segments: 62.32 dBA

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TOTAL Leq FROM ALL SOURCES (DAY): 59.31
(NIGHT): 62.32

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W3ROAD.TXT
 STAMSON 5.0 NORMAL REPORT Date: 06-06-2022
 16:04:24
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: w3road~1.te Time Period: Day/Night 16/8
 hours
 Description: West 3 - Main/Welland St Road Noise Only

Road data, segment # 1: Main St (day/night)

 Car traffic volume : 11265/1252 veh/TimePeriod
 Medium truck volume : 4113/457 veh/TimePeriod
 Heavy truck volume : 571/63 veh/TimePeriod
 Posted speed limit : 50 km/h
 Road gradient : 0 %
 Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 1: Main St (day/night)

 Angle1 Angle2 : -51.00 deg 0.00 deg
 wood depth : 0 (No woods.)
 No of house rows : 0 / 0
 Surface : 1 (Absorptive ground
 surface)
 Receiver source distance : 101.00 / 101.00 m
 Receiver height : 13.50 / 13.50 m
 Topography : 1 (Flat/gentle slope;
 no barrier)
 Reference angle : 0.00

♀

Road data, segment # 2: welland St 1 (day/night)

 Car traffic volume : 3283/365 veh/TimePeriod
 Medium truck volume : 642/71 veh/TimePeriod
 Heavy truck volume : 482/54 veh/TimePeriod
 Posted speed limit : 60 km/h
 Road gradient : 0 %
 Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 2: welland St 1 (day/night)

```

                                W3ROAD.TXT
Angle1   Angle2                : -90.00 deg   -45.00 deg
Wood depth                :           0       (No woods.)
No of house rows          :           0 / 0
Surface                    :           1       (Absorptive ground
surface)
Receiver source distance  : 152.00 / 152.00 m
Receiver height           : 13.50 / 13.50 m
Topography                :           1       (Flat/gentle slope;
no barrier)
Reference angle           :           0.00

```

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Road data, segment # 3: welland St 2 (day/night)

```

-----
Car traffic volume       : 3283/365    veh/TimePeriod
Medium truck volume     : 642/71      veh/TimePeriod
Heavy truck volume      : 482/54      veh/TimePeriod
Posted speed limit      : 60 km/h
Road gradient           : 0 %
Road pavement           : 1 (Typical asphalt or concrete)

```

Data for Segment # 3: welland St 2 (day/night)

```

-----
Angle1   Angle2                : -49.00 deg   27.00 deg
Wood depth                :           0       (No woods.)
No of house rows          :           0 / 0
Surface                    :           2       (Reflective ground
surface)
Receiver source distance  : 144.00 / 144.00 m
Receiver height           : 13.50 / 13.50 m
Topography                :           1       (Flat/gentle slope;
no barrier)
Reference angle           :           0.00

```

♀

Results segment # 1: Main St (day)

Source height = 1.38 m

```

ROAD (0.00 + 53.91 + 0.00) = 53.91 dBA
Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj
H.Adj B.Adj SubLeq
-----

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W3ROAD.TXT

```

-----
-51      0    0.30  70.37    0.00 -10.80   -5.66    0.00
0.00    0.00  53.91
-----
-----

```

Segment Leq : 53.91 dBA

♀
Results segment # 2: welland st 1 (day)

Source height = 1.82 m

ROAD (0.00 + 47.34 + 0.00) = 47.34 dBA
 Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj
 H.Adj B.Adj SubLeq

```

-----
-90     -45    0.29  67.80    0.00 -12.98   -7.48    0.00
0.00    0.00  47.34
-----
-----

```

Segment Leq : 47.34 dBA

♀
Results segment # 3: welland st 2 (day)

Source height = 1.82 m

ROAD (0.00 + 54.23 + 0.00) = 54.23 dBA
 Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj
 H.Adj B.Adj SubLeq

```

-----
-49      27    0.00  67.80    0.00  -9.82   -3.74    0.00
0.00    0.00  54.23
-----
-----

```

Segment Leq : 54.23 dBA

Total Leq All Segments: 57.52 dBA

♀

Results segment # 1: Main St (night)

Source height = 1.37 m

ROAD (0.00 + 47.36 + 0.00) = 47.36 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj
H.Adj	B.Adj	SubLeq					

-51	0	0.30	63.83	0.00	-10.80	-5.66	0.00
0.00	0.00	47.36					

Segment Leq : 47.36 dBA

♀

Results segment # 2: welland St 1 (night)

Source height = 1.82 m

ROAD (0.00 + 40.83 + 0.00) = 40.83 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj
H.Adj	B.Adj	SubLeq					

-90	-45	0.29	61.29	0.00	-12.98	-7.48	0.00
0.00	0.00	40.83					

Segment Leq : 40.83 dBA

♀

Results segment # 3: welland St 2 (night)

Source height = 1.82 m

W3ROAD.TXT
ROAD (0.00 + 47.72 + 0.00) = 47.72 dBA
Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj
H.Adj B.Adj SubLeq

-49	27	0.00	61.29	0.00	-9.82	-3.74	0.00
0.00	0.00	47.72					

Segment Leq : 47.72 dBA

Total Leq All Segments: 50.99 dBA

♀

TOTAL Leq FROM ALL SOURCES (DAY): 57.52
(NIGHT): 50.99

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W3RAIL.TXT
 STAMSON 5.0 NORMAL REPORT Date: 06-06-2022
 16:05:12
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: w3rail.te Time Period: Day/Night 16/8
 hours
 Description: West 3 - Rail Only without Whistle

Rail data, segment # 1: CN (day/night)

Train !Cont Type !weld	! Trains	! Speed !(km/h)	!# loc !/Train!	!# Cars !/Train!	Eng type
1. !Diesel!	5.0/5.0	16.0	4.0	25.0	No

Data for Segment # 1: CN (day/night)

Angle1	Angle2	: -90.00 deg	90.00 deg
wood depth		: 0	(No woods.)
No of house rows		: 0 / 0	
Surface surface)		: 2	(Reflective ground
Receiver source distance		: 129.00 / 129.00 m	
Receiver height		: 13.50 / 13.50 m	
Topography no barrier)		: 1	(Flat/gentle slope;
No Whistle			
Reference angle		: 0.00	

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 Results segment # 1: CN (day)

LOCOMOTIVE (0.00 + 53.22 + 0.00) = 53.22 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

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-90	90	0.00	62.57	-9.34	0.00	0.00	0.00
0.00	53.22						

WHEEL (0.00 + 39.03 + 0.00) = 39.03 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-90	90	0.00	48.38	-9.34	0.00	0.00	0.00
0.00	39.03						

Segment Leq : 53.38 dBA

Total Leq All Segments: 53.38 dBA

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 Results segment # 1: CN (night)

LOCOMOTIVE (0.00 + 56.23 + 0.00) = 56.23 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-90	90	0.00	65.58	-9.34	0.00	0.00	0.00
0.00	56.23						

WHEEL (0.00 + 42.04 + 0.00) = 42.04 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

-90	90	0.00	51.39	-9.34	0.00	0.00	0.00
0.00	42.04						

Segment Leq : 56.39 dBA

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Total Leq All Segments: 56.39 dBA

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TOTAL Leq FROM ALL SOURCES (DAY): 53.38
(NIGHT): 56.39

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W3RAILW.TXT
 STAMSON 5.0 NORMAL REPORT Date: 06-06-2022
 16:05:35
 MINISTRY OF ENVIRONMENT AND ENERGY / NOISE ASSESSMENT

Filename: w3rail.te Time Period: Day/Night 16/8
 hours
 Description: West 3 - Rail Only with Whistle

Rail data, segment # 1: CN (day/night)

Train !# Cars! Type !/Train!	Eng !Cont ! !/Train!	Trains ! (Left) type	Trains ! (Right) !weld	Speed !(km/h)	# loc
1. ! 25.0 !Diesel!	!	2.5/2.5	!	2.5/2.5	!
	No			16.0	!
					4.0

Data for Segment # 1: CN (day/night)

Angle1	Angle2	:	-90.00 deg	90.00 deg
wood depth	:	0	(No woods.)	
No of house rows	:	0 / 0		
Surface	:	2	(Reflective ground	
surface)				
Receiver source distance	:	129.00 / 129.00 m		
Receiver height	:	13.50 / 13.50 m		
Topography	:	1	(Flat/gentle slope;	
no barrier)				
Whistle Angle	:	30 deg	Track 1	
Reference angle	:	0.00		

♀
 Results segment # 1: CN (day)

LOCOMOTIVE (0.00 + 53.22 + 0.00) = 53.22 dBA
 Angle1 Angle2 Alpha RefLeq D.Adj F.Adj W.Adj H.Adj
 B.Adj SubLeq

W3RAILW.TXT

-90	90	0.00	62.57	-9.34	0.00	0.00	0.00
0.00	53.22						

WHEEL (0.00 + 39.03 + 0.00) = 39.03 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
B.Adj	SubLeq						

-90	90	0.00	48.38	-9.34	0.00	0.00	0.00
0.00	39.03						

LEFT WHISTLE (0.00 + 61.63 + 0.00) = 61.63 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
B.Adj	SubLeq						

-68	30	0.00	73.60	-9.34	-2.62	0.00	0.00
0.00	61.63						

RIGHT WHISTLE (0.00 + 58.21 + 0.00) = 58.21 dBA

Angle1	Angle2	Alpha	RefLeq	D.Adj	F.Adj	W.Adj	H.Adj
B.Adj	SubLeq						

30	75	0.00	73.60	-9.34	-6.04	0.00	0.00
0.00	58.21						

Segment Leq : 63.68 dBA

Total Leq All Segments: 63.68 dBA

Results segment # 1: CN (night)

LOCOMOTIVE (0.00 + 56.23 + 0.00) = 56.23 dBA

W3RAILW.TXT

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	w.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-90	90	0.00	65.58	-9.34	0.00	0.00	0.00
0.00	56.23						

WHEEL (0.00 + 42.04 + 0.00) = 42.04 dBA

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	w.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-90	90	0.00	51.39	-9.34	0.00	0.00	0.00
0.00	42.04						

LEFT WHISTLE (0.00 + 64.64 + 0.00) = 64.64 dBA

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	w.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

-68	30	0.00	76.61	-9.34	-2.62	0.00	0.00
0.00	64.64						

RIGHT WHISTLE (0.00 + 61.22 + 0.00) = 61.22 dBA

Angle1 B.Adj	Angle2 SubLeq	Alpha	RefLeq	D.Adj	F.Adj	w.Adj	H.Adj
-----------------	------------------	-------	--------	-------	-------	-------	-------

30	75	0.00	76.61	-9.34	-6.04	0.00	0.00
0.00	61.22						

Segment Leq : 66.69 dBA

Total Leq All Segments: 66.69 dBA

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TOTAL Leq FROM ALL SOURCES (DAY): 63.68
(NIGHT): 66.69

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Appendix E: Example Warning Clauses

EXAMPLE WARNING CLAUSES FROM NPC-300

Type A: "Purchasers/tenants are advised that noise levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the noise levels exceed the Municipality's and the Ministry of the Environment's noise criteria."

Type B: "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, noise levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the noise levels exceed the Municipality's and the Ministry of the Environment's noise criteria."

Type C: "This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor noise levels are within the Municipality's and the Ministry of the Environment's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

Type D: "This dwelling unit has been supplied with a central air conditioning which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor noise levels are within the Municipality's and the Ministry of the Environment's noise criteria."

Limitations

Limitations

1. The work performed in the preparation of this report and the conclusions presented are subject to the following:
 - a. The Standard Terms and Conditions which form a part of our Professional Services Contract;
 - b. The Scope of Services;
 - c. Time and Budgetary limitations as described in our Contract; and
 - d. The Limitations stated herein.
2. No other warranties or representations, either expressed or implied, are made as to the professional services provided under the terms of our Contract, or the conclusions presented.
3. The conclusions presented in this report were based, in part, on visual observations of the Site and attendant structures. Our conclusions cannot and are not extended to include those portions of the Site or structures, which are not reasonably available, in Wood's opinion, for direct observation.
4. The environmental conditions at the Site were assessed, within the limitations set out above, having due regard for applicable environmental regulations as of the date of the inspection. A review of compliance by past owners or occupants of the Site with any applicable local, provincial, or federal bylaws, orders-in-council, legislative enactments, and regulations was not performed.
5. The Site history research included obtaining information from third parties and employees or agents of the owner. No attempt has been made to verify the accuracy of any information provided, unless specifically noted in our report.
6. Where testing was performed, it was carried out in accordance with the terms of our contract providing for testing. Other substances, or different quantities of substances testing for, may be present on-site and may be revealed by different or other testing not provided for in our contract.
7. Because of the limitations referred to above, different environmental conditions from those stated in our report may exist. Should such different conditions be encountered, Wood must be notified in order that it may determine if modifications to the conclusions in the report are necessary.
8. The utilization of Wood's services during the implementation of any remedial measures will allow Wood to observe compliance with the conclusions and recommendations contained in the report. Wood's involvement will also allow for changes to be made as necessary to suit field conditions as they are encountered.
9. This report is for the sole use of the party to whom it is addressed unless expressly stated otherwise in the report or contract. Any use which any third party makes of the report, in whole or the part, or any reliance thereon or decisions made based on any information or conclusions in the report is the sole responsibility of such third party. Wood accepts no responsibility whatsoever for damages or loss of any nature or kind suffered by any such third party as a result of actions taken or not taken or decisions made in reliance on the report, or anything set out therein.
10. This report is not to be given over to any third party for any purpose whatsoever without the written permission of Wood.
11. Provided that the report is still reliable, and less than 12 months old, Wood will issue a third-party reliance letter to parties that the client identifies in writing, upon payment of the then current fee for such letters. All third parties relying on Wood's report, by such reliance agree to be bound by our proposal and Wood's standard reliance letter. Wood's standard reliance letter indicates that in no event shall Wood be liable for any damages, howsoever arising, relating to third-party reliance on Wood's report. No reliance by any party is permitted without such agreement.

Public Comments/Questions and Staff Responses – 9 Chestnut Street

Note: Comments/Questions have been summarized in the chart below. The full comments can be found in the pages following the chart.

Member of the Public	Comment/question	Response
Kimberley and Justin Leblanc #1	Losing greenspace and an area for children to enjoy.	The adjacent Lockview Park is proposed to be upgraded significantly.
Kimberley and Justin Leblanc #2	No amenities in the immediate area for residents of the proposed building.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Kimberley and Justin Leblanc #3	Why this specific park?	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development.
Jessica Nuxoll #1	Affordable housing means higher crime rates in the neighbourhood.	This is an unfortunate stereotype of affordable housing. There are numerous scholarly studies and reports on this stereotype actually being the complete opposite.
Shari Patterson #1	Would like to see a change in occupancy demographic.	Units are proposed to be provided to families/single parents/seniors in need. The City will continue to make this a priority.
Shari Patterson #2	Concerns surrounding parking.	Parking has been proposed in excess of what the By-law requires for Public Apartment Buildings. Parking is not anticipated to be a concerns.

Richard Lascelles #1	Concerns with increased in crime/unwanted activity.	See Jessica Nuxoll #1 response.
Richard Lascelles #2	Concerns with decrease in property values.	This is another unfortunate stereotype of affordable housing. There are numerous scholarly studies and reports on this stereotype actually being the complete opposite.
Richard Lascelles #3	Loss of park facilities that are convenient for residents.	See Kimberley and Justin Leblanc response #1.
Richard Lascelles #4	Development of this proposal in another area would make more sense.	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development.
Barbara deGuerre #1	No amenities in the immediate area for residents of the proposed building.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Barbara deGuerre #2	Concerns with infrastructure not being adequate for the proposal.	No concerns with respect to servicing were raised by City Public Works staff. Reports are required to be submitted to show how the services will work through the Site Plan Control process.
Donna Hale #1	Concerns with traffic, has a study been completed?	No traffic concerns have been raised with respect to the proposal.
Donna Hale #2	Can we be confident proper signage will be placed on site for traffic?	Yes, signage and directional arrows etc. are handled through the site plan control process.

Penny Turnbull #1	Would like to keep that park as there are not any other parks in the area.	See Kimberley and Justin Leblanc response #1.
Penny Turnbull #2	Concerns with decrease in property values.	This is another unfortunate stereotype of affordable housing. There are numerous scholarly studies and reports on this stereotype actually being the complete opposite.
Roland and Mona Breton #1	Would not like to lose the park.	See Kimberley and Justin Leblanc response #1.
Jim Turnbull #1	No amenities in the immediate area for residents of the proposed building.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Amy and Steven Forte #1	Loss of greenspace.	See Kimberley and Justin Leblanc response #1.
Amy and Steven Forte #2	Location of the new park is unsafe.	City staff do not have any evidence that the new park location will be unsafe.
Amy and Steven Forte #3	Proposal will impact property values.	This is another unfortunate stereotype of affordable housing. There are numerous scholarly studies and reports on this stereotype actually being the complete opposite.
Amy and Steven Forte #4	Concerns with safety of the area.	See Jessica Nuxoll #1 response.
Amy and Steven Forte #5	Proposed location is not within walking distance of any amenities.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be

		public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Sam Tavano #1	The building will be an eyesore.	A mix of housing types is supported at a provincial, regional and City level. Staff find this proposal will compliment the area nicely.
Sam Tavano #2	Why in a residential area?	This is a residential proposal. It is important to note that this building will be lived in by people.
MayBeth Szilagyi #1	Why in this location?	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Jennefer Driver #1	Location is not suitable.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Josephine DiGregorio and Catarina Buri #1	We do not know who will be living in this building.	People will be living in this building.
Josephine DiGregorio and Catarina Buri #2	Increase in crime in the area.	See Jessica Nuxoll #1 response.
Andrew Herron #1	A new location should be found.	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing

		development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Matthew deGuerre #1	How will people get their basic necessities?	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Matthew deGuerre #2	Why was this location selected?	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Gino Castagna #1	A new location should be considered somewhere else.	See comment above.
Bethany Moore #1	Concerns surrounding the location of the new park.	The new park will be upgraded significantly. Safety is not anticipated to be an issue. The park will still be visible from numerous houses.
Bethany Moore #2	Will the same effort be put into the new park from the City and Police to maintain the park and keep it safe.	Yes, this is not anticipated to be an issue.
Patti and Martin Fitzgerald #1	Would like to see the park stay and be upgraded.	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to

		create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Jacques and Olga Lieber #1	Would not like to lose the park.	See comment above.
Irma Comazzolo #1	Does not feel this location is the right fit for the building – it will decrease home values and increase crime.	See Richard Lascelles comment #1 and #2.
Irma Comazzolo #2	How will people get their basic necessities?	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Michelle Turcotte #1	Traffic concerns.	No traffic concerns have been raised with respect to the proposal.
Michelle Turcotte #2	Crime levels will increase.	This is another unfortunate stereotype of affordable housing. There are numerous scholarly studies and reports on this stereotype actually being the complete opposite.
Michelle Turcotte #3	Amenities should be closer to the building.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest

		bus route is one block north of the property.
Michelle Turcotte #4	Decrease in home values.	See Richard Lascelles #2.
Jack and Cathy Roseboom #1	How will tenants get their basic needs met with no groceries nearby? This location does not make sense.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Jack and Cathy Roseboom #2	The park shouldn't be moved as there is no need to do so.	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Sylvia Sukkel #1	There are existing issues with garbage in the area. Other places already have garbage and cigarette butts on their property.	Waste collection is a Regional issue. If required, the City By-law Division can put you in touch with the right place at the Region to have this addressed. Garbage on the streets is not a Planning issue. City By-law can assist with unkept properties.
Rudy Sukkel #1	Crime rate will go up.	This is another unfortunate stereotype of affordable housing. There are numerous scholarly studies and reports on this stereotype actually being the complete opposite.
Rudy Sukkel #2	Increase in garbage, unmaintained property.	See Sylvia Sukkel #1
Rudy Sukkel #3	Property value will decrease.	See Richard Lascelles #2

Alexandra Taylor #1	Why this location and not the area where the park is proposed to be upgraded?	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Alexandra Taylor #2	No banks, grocery stores or pharmacy within walking distance.	The tenants moving into these affordable housing units can access necessities the same way current residents in the neighbourhood would. They have the option to drive their vehicles, arrange for other transportation whether it be public transportation, taxis or ride sharing, and the closest bus route is one block north of the property.
Alexandra Taylor #3	This will increase traffic in the area.	No traffic concerns have been raised with respect to the proposal. The number of units/vehicles has not triggered the need for a traffic impact study.
Ryan Dyck #1	No banks, grocery stores or pharmacy, basic amenities etc. within walking distance.	See Alexandra Taylor #2 above.
Ryan Dyck #2	The new location of the park will be unsafe as it isn't visible.	The new location is not expected to be dangerous. The park will still be visible by numerous homes and rear yards.
Ryan Dyck #3	We don't just need any housing, we need well-planned, well-designed housing for individuals in need.	This development will house numerous people in need. Studies have shown that the best way to site and plan for affordable housing is to incorporate it into existing neighbourhoods/communities.

Mary Bigford #1	Where will the money come from to pay for these changes?	The funding for a development is not particularly a planning concern with respect to consideration of an Official Plan or Zoning By-law Amendment. Port Cares has secured funding through a number of governmental grants etc.
RB McGinnis #1	This is the only park in the area.	As mentioned in previous comments, the adjacent Lockview Park will be enhanced to create a park for everyone.
RB McGinnis #2	This will cause parking and traffic congestion.	Traffic and parking is not anticipated to be a concern. Currently, there are 20 parking spaces provided.
RB McGinnis #3	The building will be dangerous for the business at the end of the street.	As demonstrated in the Planning Justification Report and Noise Study, the use of the site to the west is minimal.
M. Berry #1	Property values will decrease.	See Richard Lascelles #2
M. Berry #2	Find another location not in a great neighbourhood.	This is a residential use proposed in a residential location. The proposed building will enhance the existing neighbourhood.
Irene L. #1	The area will become noisy and congested.	No noise or traffic concerns are expected as a result of this development.
Melissa Bigford #1	There is no mention in the Parks and Recreation Master Plan 2020 that his park should be considered surplus.	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Melissa Bigford #2	Why wasn't the park transition process followed as outlined in the	It is a Council decision to follow the recommendations of a Plan or not. Council and

	Parks and Recreation Master Plan?	Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Melissa Bigford #3	When was the Public and Park designation changed to Urban Residential in the Official Plan?	The land has been designated as Urban Residential since at least 2006.
Melissa Bigford #4	Which park is next?	Any further changes to City parks is under the purview of City Council.
Melissa Bigford #5	Why has this park been selected?	Council and Economic Development staff determined this park was a strategic opportunity for the City to partner with Port Cares to create an affordable housing development. Additionally, Lockview Park will be enhanced significantly to create a park for everyone.
Melissa Bigford #6	What is the full cost of moving the park to Lockview Park?	This is outside of the purview of a Planning application.
Scott and Lee Mathieson #1	The park will be moved far away across the canal.	Lockview Park is directly adjacent to the south of Chestnut. I believe you are referring to Lock 8 Park across the canal.
Scott and Lee Mathieson #2	Impacts on property values are unknown.	See Richard Lascelles #2

Additional comments received from Melissa Bigford and Christopher Lofquist of 173 Chippawa Road have been received and referenced and responded to in the body of the Recommendation report. The full comment can be viewed immediately following this page.

Revised Comment from Melissa Bigford and Christopher Lofquist - November 1, 2022

Melissa Bigford & Christopher Lofquist
173 Chippawa Rd.
Port Colborne, ON.
L3K1T6

November 1, 2022

To: Mayor and Members of Council

I am speaking to you tonight to express our concerns and questions in regards to the Official Plan Amendment File D09-01-22 and to the Zoning By-law amendment File D14-04-21 for Chestnut Park and why it should be denied. An amendment of zoning from Public and Park (P) to Fourth Density Residential Special (R4-XX) is not the best use of this land in the neighbourhood or within the city.

We disagree that these lands were considered surplus to the City as the Parks and Master Plan (created at a cost of \$70,000) states that even though there is enough parkland to service the current population the City is deficient in the amount of neighbourhood parkland required area based on the Official Plan is 18.31 ha and we only have 10.81ha. It was also stated in the response to the first meeting questions that Chestnut Park was large enough to accommodate the proposed development but if that was the case it would not have had to come back to council for another public meeting requiring an official plan amendment or special by-law zoning provisions and reduced setbacks! You can't fit a square into a circle!

Under the D6 guidelines any sensitive land use should have a minimum separation distance of 70 metres from a Class 2 industry. The building as proposed would only be 44 metres and the property line to which the D6 guidelines are measured is only 24.59metres. The planning justification report states that this is not an issue even though a proper noise study was not possible at the property due to a work stoppage and that special warning clauses warning of potential transportation noises needed to be included in rental agreements. The noise study also indicated that a detailed noise and vibration study is recommended to be conducted for the adjacent facility and the affiliated yard in accordance with the requirements of the NPC-300 guideline. Even so, a recommendation report will be back to council next week without the required noise study! Why are the D6 guidelines to ensure protection of abutting sensitive land uses not being met? Currently, zoned as public and park (a neighbourhood park) none of these issues are a concern!

Another issue from the noise study is that it states that Barber Drive is neither a provincial highway nor a regional road and is not considered a potential noise source. The Region does not have traffic counts for Barber Drive, and it is further assumed that a negligible amount of traffic travels on Barber Drive in this area. However, Logistec a terminal operator that features laydown areas for oversized pieces, easy access for large vessels, flexible working hours and convenient access for trucking companies operates on Barber Drive. It should also be stated that the noise from the increase in docked vessels, outdoor storage areas and increased truck traffic has been an ongoing issue affecting the surrounding neighbourhood being dealt with by the

Ministry of Environment, Conservation and Parks since 2019. So to state that the amount of traffic traveling down Barber Drive is negligible is completely inaccurate.

Where are the Phase 1 and Phase 2 Environmental Site Assessments to determine if there is any soil contamination given the proximity of the site to the industrial lands to the West and the geotechnical investigation that was agreed upon in the MOU between the City and Port Cares? Have these investigations been completed and if so where are those reports?

The other major issue with this proposal is the reduction from 3 metres to 1 metre in the minimum landscape buffer abutting a residential zone and/or public and park zone. It is stated that the 1 metre buffer is sufficient to accommodate a privacy fence and the installation of coniferous trees which grow narrow and tall like cedars. As a landscaper I do not see how 1 metre or 3.26 feet is a sufficient amount of space to accommodate a privacy fence and a cedar row of hedges. Also, considering it is along the main entrance/exit roadway into the property there will be no protection for the cedars which are susceptible to damage caused by snow and salt. Where will the snow from the entrance/exit roadway be placed as there is not enough room in the 1metre buffer to accommodate mounds of snow?

As stated in my email to council and staff the public notice was not posted on the public notices page nor on the Facebook page yet the other public meeting application on tonight's agenda was. All public meetings applications should be treated equally in order to demonstrate continuity and transparency across the board and not decided by staff on a case by case decision. It is also concerning that the recommendation report to council will be brought back at next week's council meeting; posted on the city's website this Thursday providing yet again, another example, that this public meeting is just a formality (putting the cart before the horse) in the eyes of staff and council.

In conclusion, under the Official Plan the infill and intensification does not match the pre-established building character of adjacent buildings low density users or an official plan amendment would not be required. This proposal that has doubled in height is not the best use of an exceptional neighbourhood park or compatible with the adjacent uses of land. We have a limited amount of parkland available and once it is gone it's gone!

The Zoning By-law special provisions and the major reduction in the established minimum D6 guidelines for a Class 2 industry to allow this development on this property shows that it does not fit at Chestnut Park. We think too many important aspects are being omitted and that surrounding homeowners will feel the greatest effects of these shortcomings. All questions, concerns and required studies should be brought forward and clearly addressed before any recommendation report comes back to council.

Thank you,

Melissa Bigford & Christopher Lofquist

Prior Public Comments

From: Kimberly LeBlanc [REDACTED]
Sent: February 6, 2021 8:23 PM
To: Charlotte Madden
<charlotte.madden@portcolborne.ca> **Subject:** Chestnut park re zoning

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good evening,

We Kimberly and Justin LeBlanc of 290 Clarke Street in Port Colborne, Ontario want to outline our concerns with Chestnut Park being relocated and re-zoned.

When we purchased our home in February of 2020 we chose this location because of the park being so close to us. As well as the greenspace around our property.

A concern we have with relocating the park is that we will be losing the greenspace and an area for our little ones to enjoy.

Makes zero sense to us why you would want to build anything here for affordable housing. There are no grocery stores, laundry facilities, pharmacy, schools within a decent walking distance for people to see it as an advantage.

Just like we they residents are not opposed to affordable housing we just do not want our greenspace gone to do it.

As we drive around Port Colborne we see abandoned buildings, empty store fronts, which would also be able to be rezoned for affordable apartments. Why would you want affordable housing away from amenities that people need? Why this specific park? Why build up an area where people have made it a community, purchased their home because of the park? Yes we get it, we understand the park is supposed to be going closer to Lakeshore School. Will I feel comfortable walking my 5 and 3 yr old down there...nope.

I sincerely hope you read and consider everyone's input as this directly impacts every single home owner within a 2 block radius.

Sincerely,

Kimberly & Justin LeBlanc

From: jessica Marr-Nuxoll [REDACTED]
Sent: February 7, 2021 12:23 AM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: chestnut Park

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I do not agree with losing the Chestnut Park. I am very concerned that this is happening to our community and no one seems to think about the children or what about the residents that already live in the area. My kids love that park over any park because it offers a lot more and they love the big trees around the park. We also bought this house 12 years ago and the main reason we bought a house in this area was because of the park and how the neighbourhood was a clean and very low crime if at all. We all pay taxes and this discussion should've been brought up with all of the residents in this area instead of behind our backs. Subsidized housing means higher crime rates in our neighbourhood. My family moved from a low-income high crime area to this Neiborhood because it was a better option to raise a family. This is not suitable because there is a lot of areas other than Chestnut Park to build a home for the homeless and for the low-income families. The park belongs to the municipality therefore it belongs to the tax payers. Maybe we should have been consulted BEFORE the sale of our public areas to see if it was okay. Our children's safety and recreation are what's important. The park should stay.

My name is Jessica Nuxoll and I live on 155 Humboldt Pkwy Port Colborne
I'm also pre-registering for the virtual meeting on this matter on February 16 at 6:30pm

From: emmanuel boudreau [REDACTED]
Sent: February 7, 2021 8:23 AM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut park

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Good morning!

My name is Emmanuel Boudreau i live in the neighborhood of chestnut park, I read about the project of relocating the park for new housing for lower budget, I'm agréé Port Colborne need housing for those people but please is it possible to do a project and using common sense? Port Colborne have a lots of empty space like I nice one by nickel beach, instead of people park there to go to the beach in summer you will have tax payer all year round! Make sense to me, relocating a park come with cost so why doing it because tax payer pay?? It will be nice for once elected people spend tax payer money the proper way, we are not milk cow!! Port Colborne tax is already way to high for the service we have!

So I saying it clear in again of relocating chestnut park build your housing somewhere else!!

Thanks for your time!

Emmanuel Boudreau
203 Wellington street
Port Colborne
Get [Outlook for iOS](#)

Dear Town Council,

My name is Shari Patterson and I own a home at 69 Chestnut St. The purpose of this email is not to express outrage at the construction of affordable housing in my neighbourhood. I am on the Board of SafetyNet Children and Youth Services in Oakville and am well aware of the lack of affordable housing in much of south western Ontario. While I find the lack of community consultation and announcement of the project via the media to be appalling, I understand the positive intentions behind it. My concern lies not in the socioeconomic status of the residents but in the fit of the proposed project to the location of where it is to be erected.

I have obtained a copy of the proposal from the Town's Deputy Clerk and have looked it over. Chestnut Park is a small parcel of land but the construction of a 2 storey, 20 unit building seems like a reasonable size to me. The proposed occupants, however, do not seem like a reasonable match to the location to me.

The drawings show a two storey structure of 20 units with gardens and a 15 space parking lot at one end. Doing the math, that means that there will be some units without a parking space, which is not necessarily a concern. However, when you factor in that the residents will be made up of families, I am now concerned.

While there may be a family or two without transportation, it is highly unlikely that 5 families will be without a personal vehicle. Chestnut St is not within walking distance of a grocery store so it is a virtual certainty that access to transportation will be a requirement in deciding to live there. It is also highly likely that some families will have older children with a vehicle and I would hope that that these families would be entertaining visitors from time to time as well. So my question is, where are residents and their visitors going to park on a 3 car wide street?

When looked at through the lens of traffic and parking, it is obvious to me that the proposed residents do not match the location. There is, however, a demographic equally in need of affordable housing that would be much better suited to this location ... seniors. In this scenario, it would be more reasonable to assume that every unit would not have a personal vehicle and while they would have visitors, it would not likely be at the same volume as those that families would have.

So I am asking Council not to necessarily stop the project but to consider a change in occupancy instead, to a demographic which is equally deserving but more suited to the size and location of Chestnut Park. Affordable housing for families is definitely needed and I hope that Council continues to explore ways to meet their needs, but demonstrating consideration for matching the existing communities to the residents will make that an easier task and diminish the "not in my back yard" responses that you are currently receiving.

Thank you for your consideration and I would be happy to communicate with you further if you should so desire. Port Colborne is a welcoming, vibrant, charming town; I hope you choose to maintain its strong sense of community by working with the people who have chosen to call it home.

Sincerely,

Shari Patterson

From: R Lascelles [REDACTED]
Sent: February 7, 2021 1:20 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Re: Chestnut Park proposed redevelopment

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Re: Chestnut Park Redevelopment
Name: Richard Lascelles & Family
Address: 109 Humboldt Parkway.

As a concerned citizen, I am hereby voicing my opposition to the planned redevelopment of the current Chestnut Park located at the corner of Clarke and Chestnut streets in Port Colborne.

My reasons are as follows:

- Potential increase in crime as low income / single dwelling units may attract and/or increase an unwanted element in this area
- Safety concerns as our neighborhoods have been recently inundated with drug related activity, petty crimes, break ins and thefts that police services have been unable to contain/stop.
- Decrease in area property values as this area is currently all single family homes
- Loss of park facilities that are convenient for area residents
- Development of this type of project in the downtown area would have logistic benefits for its residents

I believe that affordable housing is needed in many communities, but in this case there may be other more suitable sites that may accommodate this type of project, without detracting from our neighborhoods, the safety serenity and charm that residents in our area have come to expect and enjoy.

I sincerely hope that Port Colborne City Council takes the time to rethink this current direction, as I and many other local area residents are truly concerned for the future of our neighbourhoods.

Please develop this project elsewhere, like the downtown core.

Rick Lascelles.

From: noreply@portcolborne.ca <noreply@portcolborne.ca> On Behalf Of Gayle Pulak
Sent: February 7, 2021 2:24 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: building an apartment building in chestnut park

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I say no to building an apartment building in chestnut park, that is for children, seniors, and what little wildlife that may live there, I do not support this as a tax payer~

From: Barb deGuerre [REDACTED]
Sent: February 7, 2021 2:31 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Written submission Chestnut park

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Charlotte,

I am writing to you in regards to the removal and rezoning of Chestnut Park.

I do not want the Park removed, and I believe that doing this will not benefit the existing property owners, or in fact, the potential new tenants of the proposed housing complex.

Consider the fact that the East side is already horribly neglected. There are no grocery stores, doctors, pharmacies etc. on the East side, so how will lower-income people get their basic necessities met? Port Colborne has terrible transit that is not easily accessible and is not ever reliable if only because of the bridges.

The City of Port Colborne should be investing in the infrastructure on the East side first to help the existing residents before adding more of them to it.

I am also incredibly disappointed that the City of Port Colborne did not use an existing property that is already zoned correctly. And I want to know why?!

I am vehemently opposed to removing an existing park/green space to be replaced by a building of any kind! Chestnut Park is used on a daily basis and has been a beautiful addition to the neighbourhood for generations and should remain that way in the future.

Please consider this as a formal request to be included in the virtual meeting on February 16th.

Sincerely,

Barbara deGuerre
289 Clarke St
Port Colborne, ON
L3K 2G7

From: Donna Hale [REDACTED]
Sent: February 7, 2021 4:26 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: File # D14-04-21 Chestnut Park

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With regards to the zoning by-law amendment that's been initiated by the City. I am voicing my concern with the traffic flow on Clarke Strret that exists now , even without the apartment building .
I have resided on Clarke Street, close to Chestnut Park for the past 8 years. My question is has a traffic study been completed by a consultant and/or will one be completed before any unit is constructed ? Does the City feel this study is necessary ? residents do !
Currently residents are subject to traffic from Lakeshore HighSchool, school buses , residents of Clarke Street & all other vehicles cutting threw Main Street . Residents are subject not only to cars but motorcycles & snowmobiles using the street and not always at a safe speed !
Traffic at the corner of Chestnut & Clarke Street's is a very busy & can be a unsafe intersection at any given time !
Safety must be a priority , many times i can hear vehicles racing down the street , which they can because the first stop sign is not until Crescent Avenue which is another busy intersection !
Once the building is completed vehicle traffic will definitely be increased !
Can we be confident that proper signage will be clearly visible for all those leaving or entering the building & parking areas ?
I personally feel the decision has been already made to proceed and this hearing is only protocol !
Do I want this building at the end of my street NO but
I would hope that my City will consider the traffic flow & potential hazards if not addressed.

Thank you,
Donna Hale
286 Clarke Street , Port Colborne
L3K 6S4

From: Penny Turnbull [REDACTED]
Sent: February 8, 2021 12:33 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut st. Park

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Penny Turnbull
301 Clark st
Port Colborne L3K 2G7

I'm writing to save our PARK.
I would like to Pre register for the virtual meeting on Feb. 16th at 6:30pm

We would like to keep our park, we're it is for the simple reason that there is no other park around for the children. This park is used daily by many people in this area. We had some problems with the people who lived right beside the park. They were always yelling obscenities and the police were called. They have moved away and everything is wonderful again.

We babysit our grandchildren and we use the park every day. My son and family are looking to buy a house in this area, and the park is a good buying point.

My husband and I bought this house specifically for the park and to watch the boats.

If you build we will loose both, and if we sell our home the price will go down because of that building.

If you want to build affordable housing, there is tons of room on the west side of the bridge. There is lots of people in affordable housing that doesn't have a vehicle, so closer to grocery stores, Doctors etc. would be better for them.

PLEASE don't take our park away

PLEASE don't take our view away of the boats

Thank you Penny Turnbull

From: Roland Breton [REDACTED]
Sent: February 8, 2021 3:30 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Attn: Chestnut Park

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From:
Roland and Mona Breton
17 Wellington St.
Port Colborne, ON L3K 2J6

Dear Madam:

We are writing to oppose the proposed relocation of Chestnut Park, due to the re-zoning and building of residential apartments.

This park is for the children of the community and has been there for many years. There are very few parks on the East Side of Port Colborne that the kids can play in. This park is part of our community and the residents of this area use the park frequently.

Also, children in this area do not have to cross busy streets to get there. Please reconsider this proposal.

Thank you,

Mona and Roland Breton

From: Jim Turnbull [REDACTED]
Sent: February 9, 2021 1:04 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: chestnut park

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To all concerned

I do support affordable housing but I do feel it should be in an area where the residents would have better access to groceries, doctors, drug stores etc. Which are not available in this area. As well I do not feel that moving the park to a less safe area is good for the area children, therefore I am against the rezoning of Chestnut park. Thank you

Jim Turnbull
301 Clarke st Port Colborne

From: Amy F [REDACTED]
Sent: February 9, 2021 2:52 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut Park

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Good afternoon,

My name is Amy Forte and I live on Humboldt Parkway in Port Colborne, which is on the next street over from Chestnut Park. It has come to my attention that the City of Port Colborne has made a deal to sell Chestnut Park for \$1 to a charitable organization so that a multi unit affordable housing complex can be built. I am opposed to this plan and would like to voice my concerns.

First of all, while I realize that the City has indicated the current playground equipment at Chestnut Park will be relocated a short distance down the road, this deal still entails **destroying a greenspace** in our city. Chestnut Park is a beautiful space with mature trees, and also recently planted trees. During the summer months, I regularly take my daughter to play at this park several times per week. The proposal for the new playground location is behind some houses, in a secluded area. I feel that **this new location is unsafe, for both children and also women taking their children to play**. Chestnut Park is located on a corner and has a fair amount of traffic, so I feel safe in knowing that people are watching or are close by if I am in need of assistance.

While some people are reluctant to admit this, I will not hesitate to say that the plan for affordable housing will affect **property values**. The house directly next to Chestnut Park sold for \$490k just a week before this deal was announced. The new owners have been active on social media, indicating that if they knew of the plan for the park, they would not have purchased the home. Instead of living next to an established park, they will now live next to construction, a large building and a concrete parking lot, and likely have to smell the dumpsters from the building.

The lack of transparency in this deal is wildly unfair. **Our neighbourhood was not given a voice and that is not acceptable.**

The reality is that "affordable housing" often attracts a poor reputation for a reason. I do not know who is overseeing this building and how it will be decided who lives in the building. I am guessing that there is no oversight, and that spaces will be given to people who are at the top of the wait list. Is there a responsibility to make sure that the residents in this building are upstanding citizens? **This is a family neighbourhood and it needs to remain safe.**

I am confident that the City has other spaces available which are already zoned appropriately and does not entail destroying additional greenspace. In fact, a quick Google search turns up 47 Neff Street and 90 Fraser Street. Both of these locations are

barren land and are within walking distance from shopping, groceries, etc. For individuals in affordable housing, transportation is likely an issue and walking distance of amenities is important. **The proposed location is not within walking distance of any amenities** aside from a convenience store, which has exaggerated prices.

I would like to attend the virtual meeting on February 16th, along with my husband, Steven Forte.

Sincerely,

Amy and Steven Forte
216 Humboldt Parkway
Port Colborne, ON L3K 2H6

From: Sam Tavano [REDACTED]
Sent: February 9, 2021 3:14 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Save Chestnut Park!

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Hello Charlotte Madden,

I'm writing this email as a concerned resident, my name is Sam Tavano, and I live at 193 Humboldt Parkway. I was born in Port Colborne and have lived in this neighbourhood for about 35yrs, I'm 64yrs old. My wife was born and raised in the this neighbourhood, she is 57yrs old. My daughter was born in this neighbourhood also, she is 30yrs old.

We are totally against having a 20 unit affordable housing complex going up in our neighbourhood and take over the playground. This neighbourhood has been a quiet and friendly area, we think that eventually it will be an eyesore. There are people that move into this neighbour that don't keep their houses and yards neat, and some of them are shady, I'm tired of this. Council voting behind closed doors and changing the zoning tells us that we have no say or being included in any decisions, just like when they wanted to close our hospital. We are only included when it's tax time. There are many places where this complex can be built. Why in a residential area? I see the brand new Minto St. apartment building that is smack in the middle of a residential area, I think it looks like an eyesore, it's not kept neat.

Please consider this letter.

Rgds.
The Tavano's

From: mb [REDACTED]
Sent: February 9, 2021 6:31 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut Park - Proposed Zoning By-law Amendment

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Good day Ms. Madden,

I reside at 19 Bridge Street, approximately 60 metres from Chestnut Park.
I am opposed to the Proposed Zoning by-law Amendment – Lots 504 to 511 Plan 8.

Chestnut Park is one of the reasons that I purchased my home in 2012. As a matter of fact, I'm pretty sure that the Park was mentioned in the original real estate listing.

Do the current residents of the area have any say on what happens in the neighborhood? I would like to know if there are any other vacant spaces available in Port Colborne where the new affordable housing could be built, instead of destroying a perfectly good park. Are there no spaces left in this entire city? No empty lots?

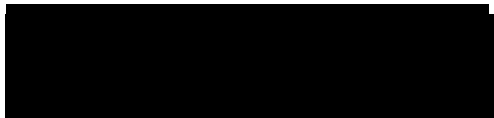
This park is utilized often and in some VERY IMPORTANT ways. This park is a meeting place for **supervised visitation for parents** that are going through difficult times.

There is a basketball court in this park that is utilized constantly during good weather. This is a perfectly good park and there is no reason to destroy it.

I would like to participate in the virtual meeting on Tuesday, February 16th, 2021.

Respectfully,

MayBeth Szilagyi
19 Bridge Street
Port Colborne L3K2L5



From: Jennefer Driver [REDACTED]
Sent: February 10, 2021 2:02 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Cc: [REDACTED]
Subject: Chestnut Park - Port Colborne

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Good afternoon Charlotte Madden,

I am writing to you in regards to the sale/donation of Chestnut Park to Port Cares. I wrote a letter back in December 2020 and forward it to Council and it was to be presented at the Council meeting on January 11, 2021. I have attached a copy of it with this email for you reference. I am hoping that council would reconsider the location of the building. I am for low income housing for sure but I strongly feel that the location is not suitable. With low income housing, the citizens that reside there most of the time require bus access or walking distance to amenities and the Chestnut Street Park does not provide this. The closest store(s) is a corner store. They do not provide fruits, vegetables or meat. If a citizen is to shop every day for nutrition needs, they would not be meet. If the city was to actually provide a location, such as more closer to the Port Cares centre in downtown Port Colborne, the residents then can walk to a grocery store, drug store, even clothing outlets. This is better for everyone all around.

As for relocating the Park, I have a few concerns. There is truly no close park but the Chestnut park which has been there for the residents for 60 years. Yes, there is a park already across the jack knife bridge which is used very often by road and water traffic. I am going to recite a valuable piece of information that was passed down to me from the City of Welland Clerk (passed away now), Mr. Craig Stirtzinger, as I worked for him many years and ran the City of Welland Municipal Elections for multiple years very successfully. He stated, "You never want to make a resident cross a bridge to go to a polling station". I understand it completely as I had to work with many residents for many years. If you make them go further than is needed or make them cross a bridge, there comes much negativity. Port Colborne is capable of being such a beautiful city, why create negativity from this issue that can be avoided.

I will also state, there are people who are scared of crossing bridges. I know it is a fact of life but put yourself into the thought, you are afraid to cross the bridge whether it is the water below, the fear of it falling, the closest of the traffic, you are forced to cross it to have some recreation time in a park. Would you do it? Don't just say, "yes I will do it", you must truly understand the fear. I do, as I have a strong fear of water from almost drowning when I was young and that fear has resided with me to this day. I have to admit, when I first moved here, I took the 140 to go out of my way so I did not have to cross that bridge. Took me almost a year to final drive over it but my heart beats extremely fast when I cross and I pray that the light stays green as if it does not, I actually have a little panic attack if I have to stay for just a few seconds. Now there is no way that I can walk across that bridge. So there is no way I can actually enjoy a park in that location, and I know, I am not the only person with this fear.

Council is elected for the citizens of each ward. They represent us and they should be taking the time to ask the citizens they represent if we want, or don't want certain issues. I understand you can't ask for every issue but this is a major issue as it is the only park in this area and taking it away is a very large issue that should have been brought to the people who live there. If a

councillor is receiving multiple negative feedback from whom they represent as indicated in the news article in the Port Leader, they should be looking at the situation very closely then. Why are they receiving this feedback in this way? Is there something that they should be listening to or look further into? They are elected by the people, for the people. Now they need to also listen to the people.

I would like feedback of my letter from when it was presented to council on the January 11, 2021 meeting please.

I am also requesting to pre-register for the February 16, 2021 virtual online meeting that is to commence at 6:30 p.m., so please take this as my written submission.

I am not for the rezoning of Chestnut Park and I am asking to participate in this discussion.

I look forward to hearing from you,

Regards,
Jennefer Driver

Dear Charlotte,

Chestnut Park has been its location for 60 years. It has been a lovely place to have this park. It is quiet, safe and is lovely to look at through my front window. With moving this park and building this 20+ unit complex, it will make the area very busy, noisy, and unsafe. We don't know who will be living in these residences but it will increase traffic and make it less safe for the older people that live in this area. This unit could increase crime and make it less safe to raise a family. I think there are much better places for this project.

We want there to be a place for these families and people to go but this isn't the place. We appreciate what you are doing and we know affordable housing is an issue in the Niagara region and especially Port Colborne but this will ruin the whole dynamic of this area. We have never had problems in this area and we would like to keep it that way.

This park is a great piece of history and a great location. We just planted the trees and it is a beautiful park and we believe it should stay where it is. I want to help find a new location for this project. This throws me off because I feel that the city went ahead and made the decision before coming to the public. I know the information was released in December but even then it feels that way. So please, consider moving this project to a different location.

Name: Josephine DiGregorio

Address: 56 Chestnut St. Port Colborne
[REDACTED]

Name: Catarina Buri

Address: 296 Clarke St. Port Colborne

Name: Andrew Herron
Address: 62 Janet St. Port Colborne
Phone Number: [REDACTED]

Dear Charlotte,

My name is Andrew Herron and I have been in this community for 3 years. That park in its location is why I moved here. I believe the zoning should stay what it is and find a new location for it. This community is quiet and safe and who know's what this building will bring. Most of this community is older and the building should be put in a lower income area that is closer to amenities like the grocery store and bank. There are no busses to take them there if they do not have a car. This could bring the safety of our community down and we want it to be a safe place for our children.

From: Matthew deGuerre [REDACTED]
Sent: February 11, 2021 10:33 AM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Concerning Chestnut Park

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Charlotte,

I am writing to you regarding the removal and rezoning of Chestnut Park.

I absolutely do not want the Park removed, and I believe that doing this will not benefit the existing property owners. Or, in fact, the potential new tenants of the proposed housing complex.

Please recognize that the East side is already grossly neglected; there are no grocery stores, doctors, pharmacies, et cetera on the East side. So how will lower-income people get their basic necessities met? Port Colborne has lousy public transit that is not easily accessible and is unreliable, for no other reason than the bridges.

I believe the City of Port Colborne should be investing in the infrastructure on the East side first to help the existing residents before adding more of them to it.

I am also incredibly disappointed that the City of Port Colborne did not use an existing property that's already zoned correctly. I would like to know why.

Furthermore, I am particularly concerned about the fact that you voted about this behind closed doors. Port Colborne is our city too. We, as taxpayers, have the right to have a say in what happens in it.

I am vehemently opposed to removing an existing park/green space to make room for a building of any kind. Chestnut Park is used daily and has been a beautiful addition to the neighbourhood for generations, and should remain that way in the future.

Please consider this as a formal request to be included in the virtual meeting, February 16th.

Sincerely,

Matthew deGuerre
289 Clarke St
Port Colborne, ON
L3K 2G7

From: Gino Castagna [REDACTED]
Sent: February 11, 2021 11:49 AM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut Park

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Hello, my name is Gino Castagna. I was born in 1956 and my parents lived across the street from Chestnut Park & never moved until their passing.

Although I live in Welland, I was at my parents home every day from about 2016 until my dad passed away Oct. 30, 2019 to take care of him.

I first heard the news about the probability of getting rid of the park from my aunt who also live across the street from the park, but on the Chestnut street side.

Great memories of my childhood as in those days parents paid a small fee to have their kids join basically a summer camp at their local park. So much fun!

I ask any reasonable person, especially the ones that were able to have a park across the street, would you be OK if they demolished the Park & built a high rise there??

My aunt & her family are quite upset as her kitchen sink window faces the park and she still cooks 3 meals a day and gets to see kids playing there.

It was a blessing for her because her 3 kids played there constantly and she was able to keep an eye on them.

After doing some information seeking and contacting the mayor & local alderman (they were both very approachable) I am still puzzled.

I was very surprised that local residents were NOT NOTIFIED by the city when they decided to sell the park to Port Cares.

Their (city of Port Colborne) intention is to extend Lock St. southbound & relocate the park to the west side of the extended street.

I was told the new park was going to be bigger & better after being told not many people use the Park currently???

To the east side of the street (behind the houses on the west side of Clarke St.) their intention is to sell to builders.

I was told there is a great need for affordable housing in the city and this is why I believe there is a better choice.

It makes no sense to me to relocate the park and to become bigger when the bulk of the local population lives less than a kilometre from the Thomas A. Lannan Sports Complex.

It makes much more sense to build this affordable housing on the west side of an extended Lock St. as they can get much more affordable housing due to more land.

Chestnut Parks current location will address the need of future families on the west side of Lock St. for a playground.

By building more units of affordable housing with much less affect for local single family homes residents, it is a Win Win.

Thank You

Gino Castagna

February 11, 2021

Subject: Relocation of Chestnut Park

Good Afternoon,

I'm writing to address the situation regarding the relocation of Chestnut Park to build affordable housing units. I fully understand and support the need for low-income housing in our city, and while I'll admit that I have some concerns about the units being built in my community, I am more concerned about the new proposed location of the park.

Parks should be visible to the public eye and located on or near a street where you can easily gain access to it. This new location is bordered by trees and backyards. Far too often these days, our city is seeing and experiencing more and more vandalism, theft, and crime. I already feel the need to scour the playground (any playground in the city for that matter), for needles and other dangerous paraphernalia or items that may have been left behind, and the fact that this new playground is so secluded and concealed scares me. My fear is that this will be an invitation for those who don't have the best intentions in mind (older kids and adults alike, drug addicts, etc...).

My backyard happens to be one that will directly border this park. While my children will likely be thrilled that they will have a park "in their own backyard", this is a huge safety issue for my husband and I. Currently, we don't have a fence along the back of our property. There is little activity in the field and quite frankly, we like the view. However, last summer we had a very scary incident. Two men entered my backyard from the field and spoke very inappropriately to my children. I was just out of their view. It scared my children and it scared me, so much so that I called the police to file a police report. The men were gone by the time the police showed up. With the increased activity that this park will bring with it, will this be more of a risk for me and my family? Is the city willing to erect a fence to maintain the safety and privacy of those of us who do not already have one? And what about the safety of the kids who may be old enough to attend the park without an adult with them. Would you feel comfortable letting your kids go to a park that is basically hidden from plain sight? Has there been any thought put into how the police will ensure that this is a safe area for our kids? Are city workers prepared to stay consistent with upkeep and regular checking of this park (likely more so than other city parks) to ensure it is safe to use?

There are many other properties and areas for consideration on where the affordable housing units can be built. Taking a neighborhood park away from a community and relocating it to a very unsafe location is quite frankly an appalling and unacceptable decision that city council has made. I am extremely disappointed. If our concerns will fall on deaf ears and the relocation of this park goes through, I expect the city to put extra measures in place to ensure the safety, security, and privacy of both the kids who will use the park, and the members of the community immediately surrounding the park. Please advise what those measures will be.

Our children deserve better than this.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Moore", with a long horizontal flourish extending to the right.

Bethany Moore
256 Clarke St.



From: Martin Fitzgerald [REDACTED]
Sent: February 12, 2021 12:59 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut Park should stay

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We are writing to you in support of keeping Chestnut Park where it is with possible improvements. We moved to Port Colborne in 2015 and enjoy this park on a regular basis. We would like to see the basketball court improved, put up the other basketball pole backboard and rim, paint the lines. We see mothers and fathers playing with their kids on the swings on a regular basis. This park services our community. Don't take it away. There is an empty lot at the corner of Welland and Killaly, put your housing on the vacant lot. Please do not remove our park.

Sincerely,
Patti and Martin Fitzgerald
Rober Fitzgerald
Nicholas Fitzgerald
10 page street
Port Colborne, On, L3K5V1
[REDACTED]

From: Rachel Lieber [REDACTED]
Sent: February 13, 2021 10:37 AM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut Park

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Dear Charlotte Madden

We are writing to you today concerning the project of removing Chestnut Park and replacing it with a building complex. It would be a detriment to the neighborhood to lose the park for families with children. It is such a necessity for our children to be able to have outside activities, both for physical and mental health. We have been dealing with a pandemic that has changed our lives. Life as we knew it, has changed the situation for now and the future. Let's not lose necessities like the park. Please save our park.

Thank you

Jacques & Olga Lieber
121 Humboldt Parkway
Port Colborne

Hello Charlotte,

I am against this zoning being changed and having this social housing project put where the city is planning to put it. I do not believe that this area is the right fit for this type of building. It is a nice and quiet family area that has a lot of families or elderly like myself. If this gets passed there will be plenty of damage done to this area and as a result, there will be decreased home value. This could potentially put this area at a higher risk for danger and crime as well. With an increase of traffic this is another cause of danger to the younger children in this area would want to play in this park. If you tuck the park away near the train tracks, it will be out of sight and not as safe as Chestnut Park with its visibility to the public and on the corner.

I would hope to believe that there are many other places in this city for the social housing to go. It should be closer to amenities that can be accessed by people who do not have a car. They cannot walk to Clarence St. from there, that is not fair to them to have to have that burden of not being close to groceries, and pharmacies.

Name: Irma Comazzolo

Address: 292 Clarke St. L3K 2G4

From: Anthony Titan [REDACTED]
Sent: February 15, 2021 10:59 AM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Zoning and building on Chestnut Park.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern,

This is
Tony Pruyn at 240 Humboldt Parkway
Phone Number [REDACTED]

I would like to Pre-register for the virtually online meeting, Feb 16th at 6:30pm.
As of right now I am having a serious problem connecting to the internet Belle is trying to resolve this for me. It may not be possible at the time of 6:30 for me to get on the internet. I hope that I will be able to connect.

I am against the building of a 20 + unit affordable housing. I am not against any residential detached housing just like the other ones on the street no more than two stories high.

You mentioned 20-plus building is a fairly large size and you are not sure how many units will be there which is hard for me to believe that you do not know.

I would like the housing to be the same I see other detached housing on the same street. If I were to apply for permit I would have to build housing similar to the ones that are on the street close to me.

Thank you for your understanding.

I hope we can come to some understanding.

Tony Pruyn

Good evening Mayor Steele, City Councillors, and staff. Thank you for the opportunity to voice my concerns this evening regarding the proposed zoning by-law amendment that's been initiated by the City.

My name is Michelle Turcotte, I'm a resident of Clarke Street, my husband and I purchased our home, just a few houses down from Chestnut Park in 2019, it was the location of the park that was the main reason for buying our home. Our hearts sank when we received the Notice of Public Meeting in the mail just lately. We also know that decisions and sales have already been made before the public was aware, but felt it was important to voice our disappointment in the City, and appeal the rezoning from P to R4 in our neighbourhood.

The following reasons are why we are appealing the change of zoning.

A. Traffic throughout the area will be negatively affected and will increase tremendously, which is a cause of great concern for Resident safety. Especially the main intersection of Clarke and Chestnut Street, as this is an already busy and high traffic intersection. Adding more entrances and exits in this area will be logistically unsafe and dangerous. This will be true especially for children walking to bus stops and school. Has the City done surveys of this area to see if this logistically works, looked into specific signage needed, and adding crossing guards. Do you feel this is in the best interest of safety for your Residents in this neighbourhood?

B. Crime levels have increased greatly in this area, especially lately. There is a real concern from Residents that it may become worse with more traffic and added population to the area. What proof from the City do we Residents have that this will not only get worse?

C. The proposed rezoning to add an apartment building and parking lot changes the dynamic and environment completely in a small residential neighbourhood. An urbanized lot that is already zoned for such a unit should house an apartment building of 20+ units, and offer quick walking distance to places of employment, banking, groceries and pharmacies.

D. It is of concern that home values in this surrounding area will inevitably decrease with the rezoning, as buyers will find this neighborhood less desirable to live in with a 3 story apartment building placed directly in it. We have many young families that have just purchased because of the Park being where it is. Changing the zoning creates a large level of regret from recent home buyers, and disappointment from long term Residents. How do we know our homes will keep their value?

E. Residents living in direct proximity to this rezoning, and proposed property could be impacted negatively. This could affect their well-being, mental health, anxiety and

depression. Furthering an already ongoing crisis within our community.

I ask you Councillors, how will this neighborhood keep it's close knit, family friendly, and small residential feel that has been here for the past 60 years after being rezoned? By adding a massive building and concrete parking lot built directly in the heart of it. I urge you, to reconsider, and hear the voices of the concerned and disappointed Residents in front of you and at home viewing right now. To hear the over 400 individuals that have signed the Petition for you to leave Chestnut Park zoned as a Park, and to go back to the drawing board for the relocation of this project where an R4 zoning is more suitable. Not to destroy a beautiful, beloved green space and park in the process. Keep Chestnut Park, zoned as a Park, for the next 60 years, for our children and future generations to enjoy.

Thank you,
Michelle Turcotte

From: Cathy Roseboom [REDACTED]
Sent: February 15, 2021 4:33 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Subject: Chestnut Park rezoning

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Hi Charlotte:

We are Jack and Cathy Roseboom who reside on Janet Street, Port Colborne and we are NOT in support of the proposed rezoning to Chestnut Park to become a 20+ unit affordable housing complex.

We do not believe the City has considered pros and cons of such an undertaking. The children of the neighbourhood (and our grandchildren when they visit) enjoy the use of this park, within walking distance and unique to our neighbourhood. Doesn't matter that they propose to move it down the street.
There is no need for this move at all.

It seems that the City has not given much thought, once again, to their decisions made in haste in regards to what advantage it would be for our community to put such a housing complex there. What's wrong with vacant lands on the West side of town?

Affordable housing in this day and age is almost unheard of, so this unit primarily would be geared to one income earners raising a family, or those persons having to use welfare or ODSP benefits on which to live. I have nothing against these unfortunate folks, but this does not do them any favours.

It is usually a fact that these persons do not usually have reliable transportation to take care of the necessary needs of life and so this property is too far away from the downtown core, a bit far for walking for groceries, etc. so HOW is this a smart move? The only perks to a housing unit on the Chestnut park property is that the Dairy Queen is right around the corner and one mini mart variety store on the highway.

Would it not be smarter for the City to make available lands closer to the downtown core? What about the property that sits on King Street between the Laundry mat and the video store, right behind Super Marios. Rezone that for housing. That would be so much more efficient.


If there was a housing unit placed here, or on any other vacant or abandoned building/lands owned by the City, then people living there would have very easy access to grocery stores, laundry mat, library, banks, drug stores, Doctor offices, Optometrists, schools – both Elementary and Secondary within walking distance – that would make these residents lives so much more efficient than way out on the East side of town, taking over a Park which is already being made good use of and there is

nothing else there to benefit a housing unit going up on that property of the current Chestnut Park.

Hopefully, City councillors will re think this decision, and revisit some other options to this project.

Again, we are NOT in support of a housing unit for our East side of town Chestnut Park.

Thank You. May common sense prevail!

Jack and Cathy Roseboom
58 Janet Street
PORT COLBORNE, Ontario.
L3K 2E7


From: Sylvia Sukkel [REDACTED]
Sent: February 15, 2021 5:31 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Relocating Chestnut Park

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Feb 15th 2021.

Deputy Clerk: Charlotte Madden

My name is Sylvia Sukkel. I live at 251 Clarke Street. Port Colborne, Ontario.

I feel that a 20 unit low income housing building on the Chestnut Park property would not be a benefit to anyone.

We have worked very hard to improve our homes in this community, which has brought up the value of our homes and property.

We have issues with garbage from the high school students already in our area, that still has not been resolved.

We also have a low income building at the other end of our street that is disgusting. Garbage, cigarette butts, unkept property. Definitely not maintained properly.

This is an older community with many elderly people whom are comfortable with their neighbors. I believe that this would hinder the community and health of the elders.

Covid has already put stress on all our lives and our health, this is an unnecessary burden to add to this community.

This is a small area, a beautiful park that has been kept up for almost 60 years.

Every day I go by Chestnut Park, there are children playing, people with their pets and it has been kept cleaner than the park at the Vale Centre that the City takes care of.

I'm sure there are many other areas that can accommodate a large 20 unit building for low income housing.

Please reconsider this decision.

Thank you, Sylvia, Sukkel

From: mirella meneguzzo [REDACTED]
Sent: February 15, 2021 5:47 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Chestnut Park

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Feb 15 21

Hello my name is Mirella Meneguzzo, I live with my daughter and son in law at 251 Clarke St, Port Colborne. I am a senior. I am hoping that you will reconsider the Low Income Housing unit at the Chestnut Park Location. I am very concerned with this change. Presently I feel safe here. When I heard of this low income housing and issues that may arise I no longer feel safe.

Please reconsider this decision

Thank you, Mirella Meneguzzo

From: Sylvia Sukkel [REDACTED]
Sent: February 15, 2021 6:10 PM
To: Charlotte Madden <charlotte.madden@portcolborne.ca>
Subject: Low income housing

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Feb 15 2021.

My name is Rudy Sukkel, 251 Clarke Street. Port Colborne, Since this has become public about the low income housing in our neighborhood, I've heard so much negative feedback from so many people regarding the problems with low income housing. Crime rate goes up, increase in garbage, unmaintained property. Property value going down.. We have a beautiful comfortable community that we are constantly upgrading and maintaining. We need the city to put money into upgrading our sewers, road and sidewalks here. We need the city to clean up our Vale Center Park. Fix the lighting on our streets. Getting the city to have laws against pet owners not picking up dog poop in our parks that our children play in. We are the people that pay taxes and expect the city to help resolve these issues. They are not being addressed. How can you ask us to support low income housing. So I am seriously against the low income housing.

Rudy Sukkel

My Name is Alexandra Taylor and as of February 20th 2020, my boyfriend and I moved to 303 Clarke St. I lived in Port Robinson, and he lived in Welland. Since then we have fallen in love with this community and city and hope to stay here for a very long time.

Chestnut Park has added to part of that love for this city. We know that the City only wants to move the park 150 meters, but that is not the issue. When I think of the zoning being changed that drastically to accommodate for affordable housing, I see it having a negative impact on the surrounding area. I am 100% on board for providing more families with places to live and more affordable housing units, but I believe that it has the potential to substantially decrease the safety of my community. Being able to afford housing is a huge problem in the Niagara Region and especially Port Colborne. There has to be locations where this zoning is already in place, going from Parkland to R4 zoning is very drastic and ultimately unheard of in a community of this size. The City has sold off a lot of land and we are wondering why those places could not be used for this project. We were told that there is no other place for this complex to go and many others and myself have a hard time believing that.

I went and checked out the location to where the park is planning to be relocated and I was wondering why that land couldn't be used to build housing? There is plenty of space that is much more suitable for housing and development to go and this will make less work of moving the park and cost the city less money to put a brand new park in. Extending John St. and putting townhomes, or semi's in place of where you plan to build the new park would add value to this area and not decrease it like it would by taking out Chestnut Park and putting the 20+ unit housing there.

There are no banks, grocery store, or pharmacies within walking distance in this location. Having the social housing in place of Chestnut Park will make it quite difficult for someone without a car to get to these said places. It takes approximately 40 minutes to walk to the Food Basics from Chestnut Park, and that is a long way carrying groceries and potentially having children with you (this is also if you don't catch the bridge). There is also no bussing system available to get them to these destinations (I do not consider calling a community bus and waiting for it to get to you a bus system). That is why I believe putting this project closer to them will benefit them more than us in the community.

With Algoma ship repair being sold and the unknown of what will be happening there and the addition of the social housing being put in place, this could really increase the levels of traffic coming through this area. There is a very high population of elderly in this area and also young kids. This could make this area a lot less safe and busy with cars and the population that will be moving into this building. Clarke and Chestnut are already busy as is, and adding this apartment building will only increase the traffic and likelihood of putting children in danger.

We have had over 400 people sign the petition to stop this project from happening. I have had countless phone calls with the concerned public and we are all thinking the same thing. We appreciate the council trying to make a positive change Port Colborne for affordable housing, but putting this housing

complex here does not make any sense. We have researched countless projects similar to this one, and there are always negative results. We do not want to burden these people who need this housing, we want to make it as easy as possible for them. The new location for the park is also a very secluded place where there could be potential drug use, vandalism, and it is out of the view of the public eye where people are expected to let their children play.

I understand not being able to have this meeting at City Hall due to COVID concerns, but having it virtual has drastically limited the amount of people being able to participate. This area is majority elderly who do not have access to computer, Zoom, etc. I believe this is unfair because if we had a way to include them, they would all want their voices to be heard.

We are all extremely upset with how the city has handled this situation. We were not notified until after the decision was basically made and that we did not get to voice our concerns until now. The surrounding area was not approached or questioned on how this new zoning would affect us. This makes myself and the dozens of people with whom I have spoken, feel like the priority is getting this project through when it should be the residents who actually live here. This community is 100% on board with wanting to help provide affordable housing for those in need, but we just please ask that the location is reconsidered.

Thank you.

To Whom It May Concern:

I am writing today to let it be known that I have concerns about the proposed zoning and developmental changes for Chestnut park. My concerns stem from 3 major issues: the success of the proposed social housing project, the success of the new park, and finally the success of the surrounding neighbourhood.

My first concern is the ultimate success of the social housing project of which our community is in such desperate need. When I look at successful social housing projects across the globe they all have a few things in common: Good design, community areas within the complex, many of which have sustainable components, but what all of them have in common is a location which is within **walking distance** to markets (grocery), restaurants, public services, healthcare, and other amenities. The reason for this appears to be quite intuitive as individuals who need housing may very well need transportation. If one is disadvantaged from an economic perspective it is quite logical to conclude that their access to both a vehicle and a home may be limited. Therefore, it seems contrary to good planning and design to develop a social housing project over a mile from the nearest grocery store or pharmacy. Additionally, this is not a mile of straight walking due to the Port Colborne canal system. Although this canal system was very well designed to minimize delays for people traveling in a motor vehicle it certainly is not helpful to those who have to walk from one side to the other. Now imagine that one is carrying a child, groceries, and/or other household supplies, and one can see that any bridge interruption becomes quite prohibitive to the small task of acquiring household items. Thus, instead of helping those in need we are further perpetuating economic disparity by all but forcing those who are less fortunate to pay more for their basic goods (milk, bread, meat, vegetables). We have effectively forced them to shop at convenience stores opposed to grocery stores because WE have chosen to provide housing in an area which is not conducive to individuals without vehicular transportation. This has the effect of not helping those in need, but suppressing them through our supposed benevolent initiative.

The second concern I have with the proposed development of Chestnut park is the relocation of the current park. Again, I find it prudent to look at successful past projects. When I look at what makes a park successful there are a few key factors: location, connection, and community. The location of a park is important for its ultimate success as it needs to be in an accessible location for the community. Those who live in the community should be able to access it easily via walkways that are uninterrupted by high-traffic roads, railways, or other unsafe barriers to access. Chestnut park can currently be accessed via two sidewalks, three streets, and the neighbouring park. This provides adequate access to the park for the citizens of the current community. Moreover, the park is currently situated in a highly visible area for many neighbours in the community. This provides a two-fold benefit: It is a nice view for those neighbours who, either by luck or design, have the privilege to view it from a window. Secondly, it provides a measure of safety for those individuals who play or have family who play in the park. It is widely known that the more visibility an area has the safer it is generally deemed. If the park is moved to its proposed location it will have bushes and a railway on one side and industrial real estate on the

other (Algoma has sold, but will most likely stay industrial). This greatly reduces the visibility of the park to the community which subsequently reduces its inherent safety.

The second factor that is important when determining the success of the park is the connection it has with its surroundings. Although the current park is simplistic in nature it aligns with the current neighbourhood. It provides an area for kids to play, families to relax, dogs to run, and most importantly, a place for the community to gather (pre- & post Covid). The relocation of the park to a more secluded area threatens to break the connection the community has with the park by replacing safety for the shiny object. Would it be nice to have a splash pad, or a bigger playground? Absolutely! But does a splash pad and a big playground help a community if people are afraid to use it? The simple answer is no.

Finally, parks are only as good as the community who uses them. Currently the citizens of the area take exceptional care of the park. Garbage is almost non-existent, paraphernalia is nowhere to be found, and the park is used by many members of the community. From teenagers playing basketball, seniors enjoying the greenspace, and young children and families using the playground, this is truly OUR community park. Is this going to change if the park is moved? I for one do not have a crystal ball, and this I cannot determine. What I can conclude, however, is that a community has been enjoying this for generations. Sixty years of kids playing, dogs walking, and families laughing. The names have changed, but the joy this park has brought the individuals in the community has not. Long live the many memories created at Chestnut Park.

To this point in my letter, I have spoken of what is known. We know what works and what doesn't for social housing based on past projects. We know what parks are great and why they are that way. We know that a community has been enjoying an area for almost 60 years. But what, you may ask, do we do about the future? Our nation is growing, our province is growing, our community is growing, and we have to grow and evolve with it. We can't just stand by while homeless numbers continue to climb, while members of our own community go without food and shelter. We just can't! It is our civil duty to help those individuals who were not born with the same advantages as others, or whom through one way or another have run into a tough stretch of luck. This is our responsibility! I could not agree more with this statement, and this is why I feel so strongly on this issue because it is up to us to be the change we want to see in the world. So then... what do we do?

In the growth of a community it is common practice to use Public investment to act as a catalyst for private investment. Prudent urban design not only allows, but plans for this to be the case. The current developmental plan employs Public funds to be the driver of the growth in the community. It is proposing a 20 unit building at a cost of \$265,000 a unit (or thereabouts). This is approximately 5.3 million dollars of public funds being put forth for just the building component of this project. There is still the new park component along with any associated road extensions. It is foreseeable that the public funds will exceed 6 million for this project. That will then leave a small portion of land which can be opened up for private investment to further develop housing. This may very well be done through private investment; however, it

would be a noticeably smaller development compared to the publicly funded apartment building. One is now left to wonder if there would be a better way to develop this area of the community with a greater percentage of private funds driving investment? To answer this question, we must now look at what is possible in this area of the community. For that we can start with the surrounding area. The north east quadrant of Port Colborne has seen incredible residential growth over the past 5 years when compared with other areas of the city and region. One major region for this is consumers (of residential housing products) agreeability to either commute or work from home. When we look at this area of Port Colborne it is quite clear that due to its proximity to major thoroughways, highway 3 and 140, it is very accessible to other areas of the region. This combined with its current relative affordability to other areas of the region make it an ideal place for commuter workers, young families with vehicles, and mobile seniors who drive.

If the city was to stimulate development in the Chestnut park area (by extending both John and Lock St.) to allow for mixed housing by utilizing land already owned by the city (Lock view park a park which is not frequented by the community) it would solve many of the aforementioned issues. First, it would be able to utilize private investment to develop much of the area. Second, through planning it could provide mixed-income housing in the proposed development which would alleviate some need for housing. Third, it would keep the park in a highly visible area and would actually increase visibility and usability of the park by providing safer access points and increasing the number of members of the community. Finally, and most importantly, it would allow for the much-needed social housing project to flourish by allowing it to be relocated to more user-friendly location.

The last point in the above paragraph is really what this letter is about, the success of the ultimate social housing project. We need housing, but we don't need just any housing, we need well planned, well designed housing for individuals who are in need. The creation of a great building does not guarantee success just look at Lindsay or Toronto. What does, is a thoughtful plan to account for the needs and potential issues of the individuals who will be living there. Looking at other successful projects in places like Quayside Village in North Vancouver, or Savonnerie Heymans in Brussels and we see that attention to the needs of individuals who will be living there is what matters. Unfortunately, in the case of Chestnut park it appears as though the needs of the ultimate users of the housing project have been forgotten. Instead it appears as though after many failed attempts to get this project through, council has decided to settle for an area which not only is not conducive, but actually further disadvantages the very individuals it is trying to help. As the great Martin Luther King once said, "There comes a time when one must take a position that is neither safe, nor politic, nor popular, but he must take it because conscience tells him it is right." I believe in this city, and this community, let's do what is right by them.

Ryan Dyck

TO : DEPUTY CLERK-CHARLOTTE MADDEN

My Dad, as well as two contractors, cleared the land and built our home in 1955 at 50 CLARK ST. One of my brothers owns and still lives there. As a young girl, my friends and I rode our bicycles up the street as often as we could and played at that playground. Back then as well PT. COLB. recreation hired high school students who worked at most playgrounds in town. My older sister was hired by Art Stead, and she was a playground leader too as their jobs were to oversee the huge numbers of kids that flocked to the playgrounds in the summer to enjoy outdoor games, art & crafts and camaraderie.

THAT PLAYGROUND still remains a place ~~where~~ where children play, as well as a beautiful "GREEN SPACE" on the east side. My husband and I live at 274 Humboldt and we enjoy walking through the park too. We see many children still enjoying playing there all year round.

We don't have much on the east side. Don't take what little "PARK" we have away! That 20+ unit housing complex could be built ~~out~~ elsewhere. We have a large housing unit around the corner on Main and Shellington St. didn't

you realize that!!!

In all good conscience, I hope
that each council member when
voting takes that into account.

Put a complex such as this in
your area, close to your house, and
take away your little parkland.

Find another location!!!!

David J. Beck + Jennie Beck

274 HUMBOLDT. PKWY.
PORT COLBORNE, ON.
L3K 2H8

February 13, 2021

To: Mayor and Members of Council

I am notifying you of my concerns and questions regarding the proposed by-law amendment for Chestnut Park.

If this by-law were to be approved there is currently no plan, no price tag and no timeline of when or if the changes will be made to Lockview Park. Also where will the money come from to pay for these changes? These questions should be addressed first and made public before any by-law amendment is made to Chestnut Park.

Yours Sincerely,

Mary Bigford

147 Kilally St. E.

FEB 16 2021

CORPORATE SERVICES
DEPARTMENT

Mar 13/2021

To Whom it may Concern
Re / Reasoning

I am writing this to ask that you reconsider the building of units on the Chestnut Park as a resident in this community for the following reasons

1. It's the only Park in our area where Adults and children alike can enjoy the little bit of nature that there is in our neighbourhood. It's a safe & quiet place for seniors like myself to take our walks and exercise.
2. It's a nice Park to have our little summer picnics as we don't have the to travel to go to meet our neighbors once in a while.
3. If allowed it will cause parking problems galore and outrageous traffic congestion on our little streets as well it will not be safe for our daily walks.
4. It will as well cause many problems for the children in our area as the school is just a block from where I live at the end of the park and they ~~be~~ will not be able to enjoy it either as they are limited in outside areas at the school now.

5. The Building of these will also be very dangerous for the business at the end of our street with the Trucks coming and going as well

In Closing I feel it should have been brought to the attention of the residents in the Park area before our Council decided to just take a vote to do this and I feel that this will cause more problems for this area as its fairly quiet for the most part and as it is within walking distance for all of us older citizens to enjoy the younger generation interacting & playing there in the park it should be reconsidered and give us the chance & time to consider whether it is a necessity or if our little area of town can even handle the idea of a Complex here or not.

Sincerely
K B Mc Ginnis
290 Humboldt
Parkway

M. Berry
117 Humboldt PKY
Port Colborne On
L3K 2H3

City of Port Colborne
RECEIVED

FEB 16 2021

CORPORATE SERVICES
DEPARTMENT

I do not want the

Chestnut St. Park
for kids to play outside
be replaced for a apt. building.
I live close to Chestnut St.
and my single dwelling
home would lose value
if a low income aptment
building would replace
where the park is located
end of Clarke St. & Chestnut St.
Port Colborne.

Property assessment will
change if this apt. building
and lower the value of
houses.

Find another location not
near a great neighbourhood.

Thanks. MB.

FEB 14. 2021

TO THE CITY HALL

City of Port Colborne
RECEIVED

FEB 16 2021

CORPORATE SERVICES
DEPARTMENT


To whom it may concern,

OUR NEIGHBOURHOOD is quite
and lovely. But looks like, it will
ALL CHANGE AFTER THE LOW INCOME
BUILDING WILL BE UP. It will become
Noisy, CONGESTED AND ABUSIVE
IT WILL BE SLUMS

I try to beautify my house and
street with beautiful flowers and
cleanliness.

Please help us to keep Port Colborne
Beautiful - Please don't make it
Please Consider SLUMS
with regard.

Irene
48 CHESTNUT ST
Port Colborne ON
L3K 1R4.

Melissa Bigford & Christopher Lofquist
173 Chippawa Rd.
Port Colborne, ON.
L3K1T6


February 16, 2021

To: Mayor and Members of Council,

We are writing this letter to inform you of our concerns and questions in regard to the zoning by-law amendment for 9 Chestnut Park (D14-04-21) and why it should be denied. A change in zoning from Public and Park (P) to Fourth Density Residential (R4) is not the best use of this land in the neighbourhood or within the city.

The city website states that the City of Port Colborne is home to 21 beautiful parks, comprising of approximately 88 hectares of parks, open spaces and natural areas. Each park is unique to its neighbourhood and amenities. When did council decide that having too much park land and amenities to be excessive and a hindrance to a city that is growing? These parks are precisely the reason why Port Colborne is a beautiful place to live and raise a family- we should be maintaining the current parkland area within the city not selling off parkland.

For those of you who do not know Chestnut Park, this community gathering place has been around since 1968. Chestnut Park is one of the few playground parks on the East side of the city, a neighbourhood park defined by your Parks and Recreational Master Plan 2020 report. In this recent report Chestnut Park was noted as being well-maintained and having play structures in good condition while all contained within a chain link fence, providing for the utmost safety for our children. This same report made the recommendation to add saucer swings a small shade structure and a bench for seating. This extensive and well considered, publicly funded report also added that the basketball court needed upgrades to promote a cohesive package that unifies the sites elements. There was NO mention, not once, of this beloved Park being considered surplus.

Recent actions of the City, including the planting of trees, is in direct opposition to this Park being considered surplus, not to mention a waste of taxpayers hard earned funds.

The city's official plan states that the purpose of a parks and open space hierarchy is to provide a wide range of recreational opportunities and to ensure that each type of open space is situated to meet the needs of an immediate neighbourhood and that the existing system of interconnected parks and open space shall be expanded and enhanced utilizing the city's Park and Recreation Master plan as a guide. Every effort shall be made to retain and or acquire the maximum amount of land which is available. Parks shall be distinctive and express the character of the area in which they are located and parks should be

framed by continuous street frontage whenever possible. Everything that currently is available in Chestnut Park.

We are deeply concerned with the proposal to remove Chestnut Park for the aforementioned reasons, but what is equally concerning is the lack of transparency and public input that has taken place.

At the December 14, 2020 meeting of council report number 20202-188 states that Port Cares Board of directors on November 24th approved a recommendation to work with the city to acquire the Chestnut Park property. So how long has this plan been in the works? The reason I bring this to your attention is:

According to the city's own Parks and Recreation Master Plan 2020 for the process for transition of use it states that in the process for transition of use for the partial/full disposition of Park lands the city should undertake the following approach:

1. City staff identify and recommend park to consider for partial or full disposition council consideration to confirm direction, including public input.
2. Assess current parkland supply based on standards for park provision
3. Survey residents and other stakeholders within 500 metres of park to gather data on park usage.
4. Hold public meeting with surroundings residents and stakeholders to discuss.
5. Based on public feedback and usage data, present options to committee/Council for consideration.
6. Develop an action plan.
7. Hold public meeting to discuss process and action plan.
8. Present final plan to Committee/Council for approval.
9. Comply with city by-law regarding of disposition of land.

As you can see, none of your own master plan procedures were followed. Why were these steps not followed? Who decided to disregard these steps in the process? Who determined that Chestnut Park is underutilized and could be repurposed and redeveloped? Your own 2020 Parks Master Plan Report clearly states that this was a well-maintained park, and that resources should be directed to the City's existing parks rather than being utilized to create new parks. Why develop and invest taxpayer money on a Parks and Recreation Master plan if you do not intend to follow it?

Your plan also states that the funds leveraged from selling off parcels of larger parks could be used to help offset costs for improvements - we don't see how \$1.00 will be used to offset the costs of improving Lockview Park. Lockview Park clearly needs to be upgraded in order to be enjoyed by the community. The park no playground equipment and limited parking, in fact people, who use that field, park by Chestnut Park.

Furthermore, your own report states Lockview Park has many concerns as the washrooms are not fully accessible and access to the park is hindered by a drainage ditch (a culvert or small bridge to cross the ditch needs to be built) and

that there are no walkways. The park is only a large open green space. There are safety concerns as well as there is no lighting and limited site visibility and access, and trees on site need to be maintained, removed and replanted.

In addition, and according to council report number 2020-188 there is no timeline, no plan and no cost outlined for a Lockview Park revitalization plan. Where will the money come from and if it is not currently allocated in the budget does this mean that you our councilors will vote to leave our neighbourhood without a viable park for years?

Some other questions that should be addressed by council are as follows:

When was the Public and Park Land designation changed to Urban residential in the official plan? I have maps showing the entire area as parks and then all of a sudden it is urban residential. Maybe the neighbourhood would have like to have been informed of that change in description. Again another lack of transparency!

Which neighbourhood park in the city is next on the chopping block?

Why is the park being sold? Why does Port Cares believe that this park land is available and suitable for affordable housing development? What makes this parcel of land ideal for an affordable housing unit compared to other properties within the city? The city just sold off 6 lots within the city, could none of these properties been developed for the affordable housing project.

What is the full infrastructure cost to make Lockview park accessible? Will that require the extension of Locke St or John St to access the park?

How can council agree that minimal time is required of staff for the moving of the playground, as stated in report number: 2020-188?

How much money has been allocated to the relocation of the playground equipment? Is the playground equipment easily transportable?

In conclusion, we do not believe that this proposal is in the best interest of the neighbourhood and the community as a whole, or that all of the implications of the zoning by-law amendment have been reflected. We do not think that this housing development is compatible with the adjacent uses of land. We feel that this development is inappropriate to the land use and will put undue stress on the surrounding community, leaving the neighbourhood without a park for years. We think too many important aspects are being left out and that we, as homeowners, and especially the City's children in the surrounding area will feel the greatest affects of these shortcomings.

We have a vested interest in the decision making process regarding the disposition of Chestnut Park. My family uses this park; we want this park to remain a neighbourhood park with the improvements stated in the Parks Master Plan Report 2020. However, if the decision for the housing development has

already been made then we expect the first priority, prior to the rezoning to be approved or the development taking place, would be for council to establish and create a safe and sustainable park at Lockview Park with the same we currently have access to at Chestnut Park. Families deserve a safe place to play, exercise and enjoy one another in their own community, with facilities that are appropriate for the demographics of the neighbourhood.

Sincerely,

Melissa Bigford & Christopher Lofquist

Jan 30, 2011

City of Port Colborne

Re: Proposed Zoning Bylaw Amendment

Lots 504 to 511. Chestnut St Playground



To: Councilors, City of Port Colborne

I have lived at (and owned) 307 Clarke St for 30 years. Directly across from Chestnut Playground.

The park has been heavily used for all of those years. It was a factor in our decision to buy this house in 1990.

I am fully supportive of housing for seniors and low-income families. I am concerned with losing the playground.

Although my kids have all moved on, there are many young children who use this park daily. It was stated in the local newspaper that the playground facilities would only be moved "a few meters" away. Not true. A mom with 2 or 3 kids will now have to walk through a very busy intersection (Hwy 3 & Welland Ave), and cross the canal. That is far more than a few meters. If there is a boat going through, you could be delayed 25 minutes. Walking around to the middle bridge is a poor option. Too far, and no sidewalk. Not safe.

The impact on property values is unknown. Most homeowners will have an issue with this.

I don't know what other options the city, and Port Cares, have looked at. Other parks, vacant property etc. But there must be a list of options. I do think that public input would have been a good idea prior to committing the land to Port Cares. Also, for the ward councilor to call concerned residents out for voicing opposition was wrong. I don't get my news from Facebook so I don't know what concerns were raised. I feel disrespected somehow, even though I didn't take part.

On a regular day (not winter) there will be numerous young families and pets using the swings and slide. Older groups playing basketball. Kids playing catch with their dads. Lakeshore Highschool students on lunch break, seniors just watching it all. It's a busy spot.

In summary, I see the need for community housing. I also see the need for Chestnut St playground.

Once it's gone, it's gone.


Scott & Lee Mathieson

Port Colborne

Proposed 5 Storey Apartment

SEAL:

ST. CATHARINES
ONTARIO L2R 5A5

☎ 903-688-6087

Downloaded from <http://ajphaphysocpharm.sagepub.com/> at 11:01 11 November 2014

1.125

DRAWN:

1

June 2022

PROJECT 110

DRAWING A1

A-11

1

[illegible]

at
Port Colborne, ON

SEAL



43 ONTARIO STREET
ST. CATHARINES
ONTARIO L2R 5J5
☎ 905-688-6037
 www@architects.com

D R A W I N G T I T L E

Main Floor Plan

SCALE: 3/16" = 1'-0"
DRAWN: D.V.
DATE: June 2022
PROJECT #1: 2219

A2-

THESE DRAWINGS ARE NOT TO BE SCALED
FOR CONSTRUCTION. THE CONTRACTOR SHALL
VERIFY ALL DIMENSIONS AND CONDITIONS OF THE
SITE PRIOR TO CONSTRUCTION. THE CONTRACTOR
SHALL BE RESPONSIBLE FOR OBTAINING ALL
NECESSARY PERMITS AND APPROVALS FROM THE
APPLICABLE AGENCIES. THE CONTRACTOR SHALL
BE RESPONSIBLE FOR MAINTAINING THE SITE
IN A SAFE AND SOUND CONDITION AT ALL
TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE
FOR OBTAINING ALL NECESSARY PERMITS AND
APPROVALS FROM THE APPLICABLE AGENCIES.
ALL DIMENSIONS, PERMITS, AND SPECIFICATIONS
SHALL BE IN ACCORDANCE WITH THE LATEST
EDITION OF THE CANADIAN NATIONAL BUILDING
CODE AND THE BUILDING ACT, 1992, AND THE
REGULATIONS THEREUNDER.



**Proposed
5 Storey
Apartment**

at
Port Colborne, ON

SCALE:



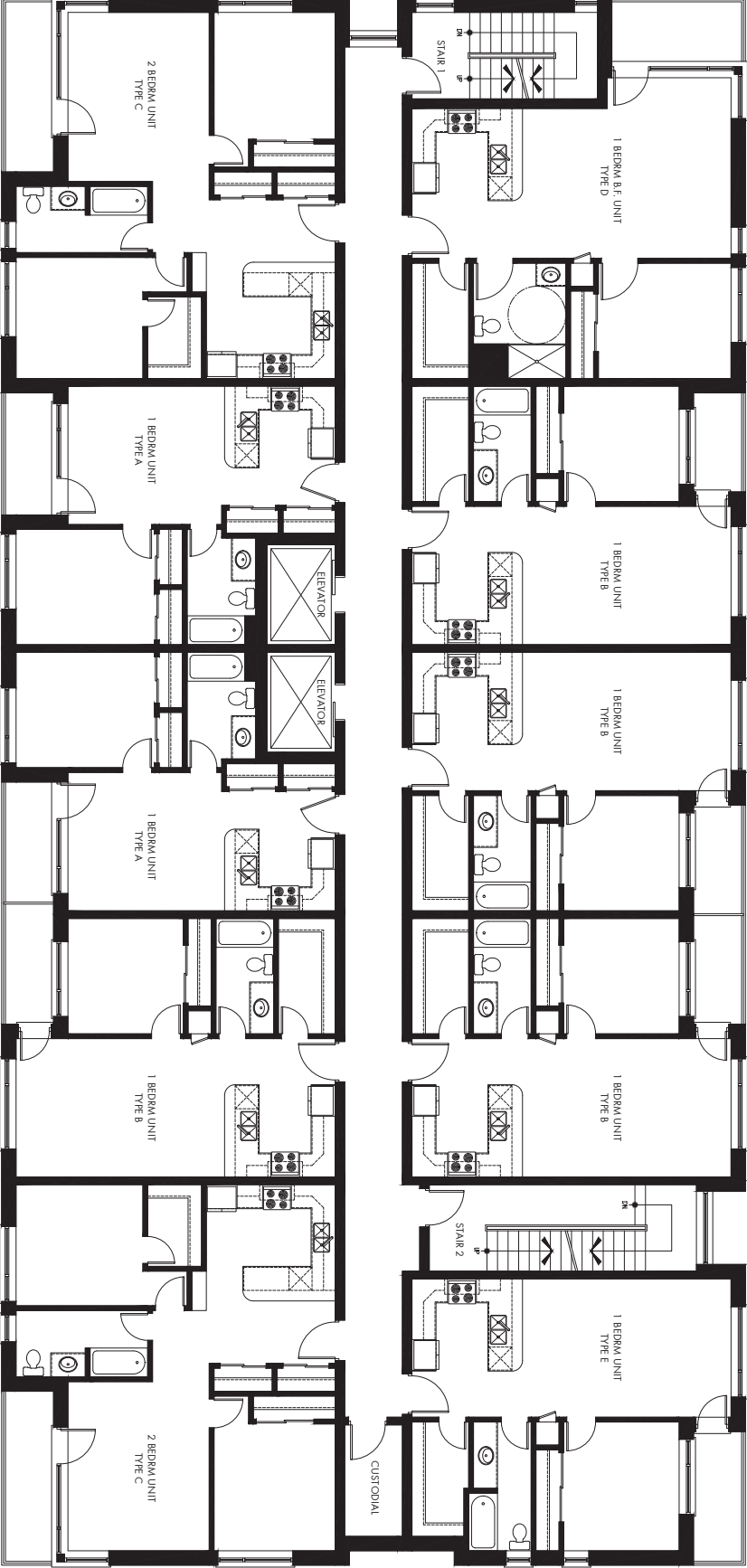
WHITELINE |
Architects Inc.

48 ONTARIO STREET
ST. CATHARINES
ONTARIO L2R 5A5
905-484-4087
www.white-linearchitects.com

**Typical Floor
Plan (2nd to 4th)**

SCALE:
3/16" = 1'-0"
DRAWN:
D.V.
DATE:
June 2022
PROJECT #:
2219

A2-2



FLOOR PLAN: Typical (2nd to 4th)

SCALE 3/16" = 1'-0"

THIS DRAWING IS NOT TO BE CALLED
ALL DRAWINGS, THE DESIGN, AND THE DETAILS
HEREIN, SHALL BE THE PROPERTY OF THE ARCHITECT
AND NOT TO BE REPRODUCED, COPIED, OR
USED FOR CONSTRUCTION, WITHOUT THE
WRITTEN PERMISSION OF THE ARCHITECT.



PROJECT:
Proposed
5 Storey
Apartment

at
Port Colborne, ON

SEAL:



—WHITELINE |
Architects Inc.

63 ONTARIO STREET

ST. CATHARINES

ONTARIO L2R 5J5

☎ 905-688-6087

DRAWING TITLE

Fifth Floor Plan

SCALE:

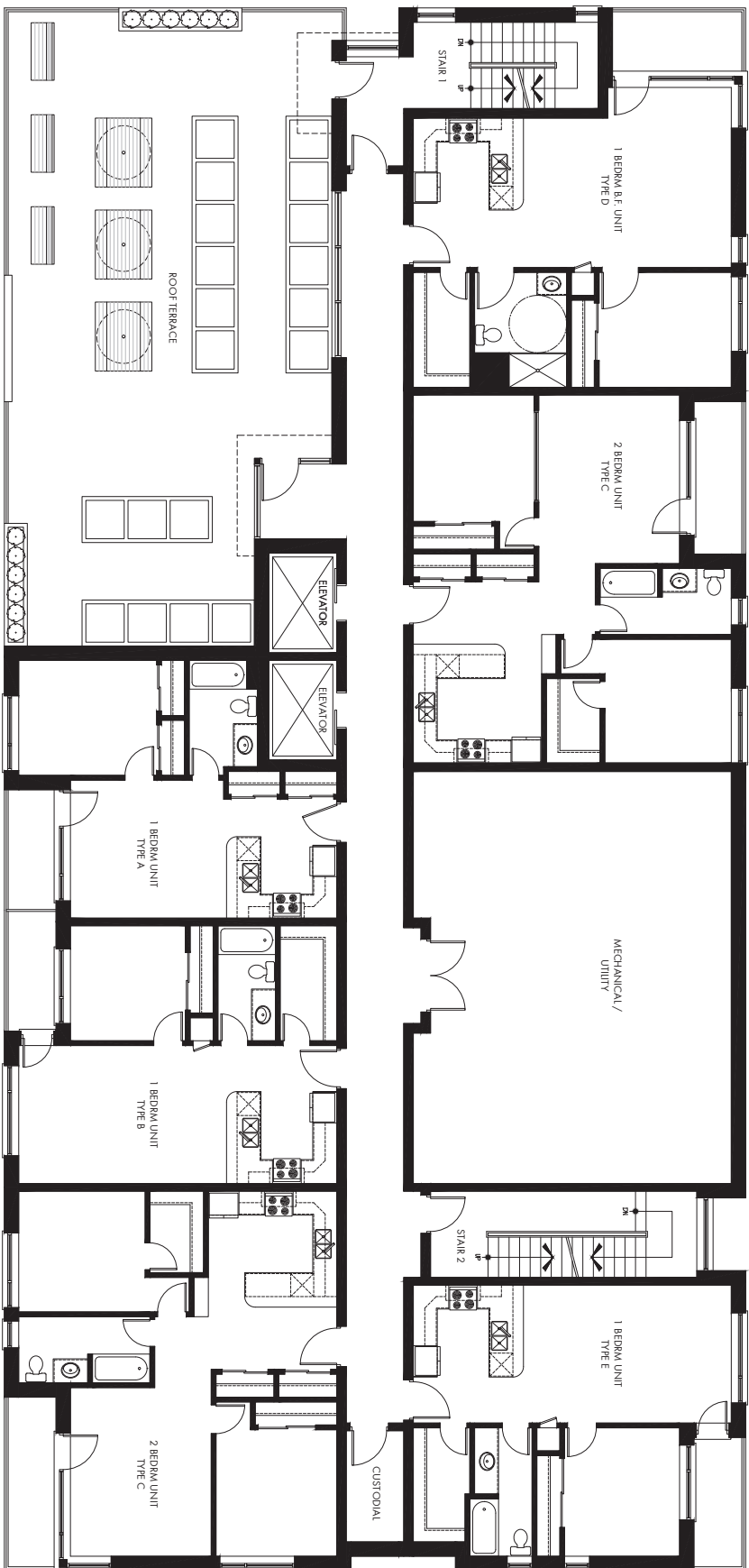
3/16" = 1'-0"

D.V.

June 2022

PROJECT M:
2219

A2-3



FLOOR PLAN: 5th Floor

SCALE: 3/16" = 1'-0"











Subject: 290 Catharine Street - Right to Reconveyance Agreement

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-240

Meeting Date: November 8, 2022

Recommendation:

That the Chief Administrative Office - Economic Development and Tourism Services Division Report 2022-240 be received;

That Council approve the Notice of Options to Purchase registered against title instrument numbers SN659286 and SN659287 to be assumed by BRIKS Construction; and

That the Mayor and Acting City Clerk be authorized to sign any documents required for this transaction.

Purpose:

The purpose of this report is to provide an update regarding the development of 290 Catharine Street and to seek Council approval for the transfer of ownership to allow for the site planning process and development approvals to be finalized to facilitate building construction.

Background:

The Economic Development and Tourism Services Division (EDTS) has been engaged in a review of City-owned properties to identify potential surplus lands that could be made available to support development opportunities and expand the City tax base.

At the January 25, 2021, meeting (report 2021-30), Council authorized a by-law for an Agreement of Purchase and Sale (APS) to convey the surplus City property at 290 Catharine Street to Landscape Depot. As part of the APS, a Notice of Options to Purchase (Right to Reconveyance Agreement) was registered on title and it includes

provisions that prevent land banking and speculation, encourages the development of surplus City properties with a specified time frame, and outlines the process to exercise options to purchase/sell the property, subject to City approval.

Discussion:

Since acquiring ownership of the surplus City property at 290 Catharine Street, Landscape Depot has been moving their development proposal through the site plan process and working closely with the City's Planning and Engineering staff. Newcastle Communities have been assisting Landscape Depot with the development approvals process as outlined in Appendix A. The site plan process is essentially complete with the exception of the payment of securities and the registration of the site plan agreement. Until such time as securities are in place and the site plan agreement is registered on title, construction of the proposed building cannot begin.

Landscape Depot's solicitor has provided a letter (shown as Appendix B) to the City regarding their request to have the Notice of Options Purchase (Right to Reconveyance Agreement) assumed by another party through a transfer of ownership. Landscape Depot and Newcastle Communities have advised that the property will be transferred to BRIKS Construction for them continue to move the development proposal forward, pay the required securities to the City, and have the site plan agreement registered on title. BRIKS Construction has provided a letter to the City (shown as Appendix C) outlining their intentions to move the project forward to building permit stage for twenty-five (25) units.

To facilitate this ownership transfer, Council approval is required to allow the Notice of Options to Purchase registered against title instrument numbers SN659286 and SN659287 to be assumed by BRIKS Construction.

Economic Development and Tourism Services staff met with BRIKS Construction on Wednesday, November 2, 2022, to meet the new owners, learn more about their company and their other development projects, and to confirm their plans for 290 Catharine Street. Newcastle Communities also attended the meeting as they will be assisting BRIKS Construction with the development proposal for 290 Catharine Street.

Internal Consultations:

This development proposal and this request has been reviewed with Planning Staff, the Clerks Division, and the City Solicitor.

Financial Implications:

There are no financial implications associated with this recommendation. The City's legal costs will be reimbursed by BRIKS Construction.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - Value: Financial Management to Achieve Financial Sustainability
-

Conclusion:

Landscape Depot is requesting that the City allow for 290 Catharine Street be transferred to BRIKS Construction for the development proposal to receive site plan approval to allow for the construction of apartment building. Staff and the City Solicitor support this request with the understanding that the Notice of Options to Purchase provisions be assumed by the new owner.

Appendices:

- A. Newcastle Communities letter
- B. Landscape Depot letter from their solicitor
- B. BRIKS Construction letter

Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex 504
Bram.Cotton@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
(905) 835-2900 Ex 502
Gary.Long@portcolborne.ca

Report Approval:

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



Dear Whomever, it concerns at the city of Port Colborne,
Regarding the Sale of 290 Cartherine Street, Port Colborne.

Newcastle Communities is a medium size builder in Niagara. Newcastle has successfully developed raw land and built out projects at addresses such as 6591 Montrose road and 4261 fourth avenue in Niagara Falls (both stacked townhouse developments). In addition to a variety of infill projects, Our group had also completed The St James lofts church conversion project at 405 Merritt street in St. Cathartines (residential condo conversion).

Our company had assisted The landscape depot inc through all processes of the site plan approval process (6 re-submissions and 7 revisions of particular plans). We had coordinated all planning and design processes, and attended the COA for the minor variance required. Newcastle intends to continue to assist the new owner in all tasks related to building permit submission with the existing engineers and Architect in a timely manner. Newcastle also intends to assist in trade tendering and trade coordination for major components of the building.

Thank you,

A handwritten signature in cursive script, appearing to read "Chris L".

Chris L

October 6, 2022

Via Fax: 905-835-2969

The Corporation of the City of Port Colborne
66 Charlotte Street
Port Colborne ON, L3K 3C8

Dear Sir or Madam:

Re: 290 Catherine Street, Port Colborne

Please be advised that I am the solicitor for The Landscape Depot (Niagara Falls) Ltd., the registered owner of the above-noted property.

As you are aware, The Corporation of the City of Port Colborne has two Notice of Options to Purchase registered against title, known as Instrument Numbers SN659286 and SN659287. I have enclosed the same for your reference.

At this juncture, my client wishes to sell the property. This will trigger the issue of assignment which will require consent from the City.

Therefore, I respectfully request the City's position regarding a potential assignment of the aforementioned Options and will look forward to your reply.

Yours very truly,

DOUGLAS, MORNINGSTAR & BONIN LLP



Ryan M.J. Bonin
RMJB/pc
enclosures

Please see below addressed to

Bram Cotton
Economic Development Officer Office of the CAO City of Port
Colborne
905-835-2901 x.504
905-359-2248 cell

We are in the process of due diligence for the current property and under consideration.

The current proposal is to build out 25 units. And we are also proposing to continue on that directive.

The current owner has offered us all assistance to get to the building permit stage with the current QP's and the work to date.

Look forward to working with you.

Danyal Sheikh.

—

Regards,

D.

[BRIKS Construction](#)



Subject: Sale of Surplus Property Knoll Street

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-237

Meeting Date: November 8, 2022

Recommendation:

That Chief Administrative Office - Economic Development and Tourism Services Division Report 2022-237 be received; and

That Council approve entering into an amended Agreement of Purchase and Sale with Stanley Homes for the vacant City-owned lot on Knoll Street.

That a by-law to authorize entering into an amended Agreement of Purchase and Sale with Stanley Homes regarding the sale of a City-owned lot on Knoll Street legally described as part of the Borden Avenue Pl. 792 Humberstone E/S of Knoll Street, Port Colborne, be approved and

That the Mayor and Acting Clerk be authorized to sign and execute any and all documents respecting the sale of these lands.

Purpose:

The purpose of the report is to obtain Council approval to enter into an amended Agreement of Purchase and Sale with Stanley Homes for the City-owned parcel on Knoll Street.

Background:

The Economic Development and Tourism Services Division (EDTS) has undertaken a review of City owned properties to identify potential surplus lands. The purpose of this review is to determine lands that could be marketed for residential, commercial, or industrial development with a goal to attract investment and redevelop vacant or underutilized properties. The Borden Avenue Road Allowance was identified as being a

surplus property. The property was part of a plan of subdivision in 1914 and has been vacant since that time. It is not required for future road and transportation purposes. A Stop up and Close By-law was approved on April 12, 2022, and the property was declared surplus on June 14, 2022 (report 2022-120).

Discussion:

The sale process has complied with the current City's Sale and Disposition of Land By-Law. The initial infill property was listed through the City's real estate agent of record, Bill Becskereki from Royal LePage. It was also posted on the City's website under City Real Estate, the City's LinkedIn page, and shared with investors and developers listed on the City's database. Offers were received by Royal LePage until 11:59 p.m. on Wednesday July 27, 2022.

Through report 2022-200 presented to Council on September 13, 2022, the infill City-lot was sold to Stanley Homes.

Subsequent to this it was determined that an additional 12 feet by 120 feet which was not included in the initial offering was also available. Stanley Homes has offered to purchase the additional piece and would assume ownership of the entire Knoll Street parcel.

The amended Agreement of Purchase and Sale includes a Schedule B which stipulates that construction of a dwelling must commence within two years of the closing date or the City has the option of re-purchasing the property. The goal of this provision, which is included in a Right to Reconveyance Agreement and Registered on title, is to prevent land banking and speculation.

A reference plan is being drafted by an Ontario Land Surveyor that will create the legal description for this property.

Financial Implications:

The initial infill lot was listed on MLS for \$199,900 and the final selling price was \$200,000. The amended sale price with the parcel included is \$215,000. There will be survey, legal, and real estate commission costs estimated to be \$12,000, which is the responsibility of the purchaser. Net proceeds will be transferred to the Economic Development Land Reserve.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - Value: Financial Management to Achieve Financial Sustainability
-

Conclusion:

The vacant City-owned property on Knoll Street was declared surplus and was marketed for sale in accordance with the City's Sale and Disposition of Land By-law. Staff are recommending that the City enter into an amended Agreement of Purchase and Sale with Stanley Homes for the sale of the Knoll Street lot in the amount of \$215,000 and that this agreement be adopted by by-law.

Appendices:

- a. Property Map – Knoll Street lot
- b. Amended Agreement of Purchase and Sale with Schedule B
- c. By-law

Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex 504
Bram.Cotton@portcolborne.ca


Gary Long
Manager of Strategic Initiatives
(905) 835-2900 Ex 502
Gary.Long@portcolborne.ca

Report Approval:

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



Legend

 Parcel Fabric



25.4 0 12.70 25.4 Meters

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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.



Notes

Agreement of Purchase and Sale Commercial

This Agreement of Purchase and Sale dated this 3rd day of November, 2022

BUYER: 12249324 Canada Inc., agrees to purchase from
(Full legal names of all Buyers)

SELLER: The Corporation of the City of Port Colborne, the following
(Full legal names of all Sellers)

REAL PROPERTY:

Address Vacant land, part of Knoll Street, Port Colborne, ON L3K 5B6

fronting on the East side of Knoll Street

in the City of Port Colborne

and having a frontage of 66 feet more or less by a depth of 121 feet more or less

and legally described as Part of Borden Ave PL 792 Humberstone E/S of Knoll Street; Port Colborne (see Schedule C

for approximate boundaries of property) (the "property")
(Legal description of land including easements not described elsewhere)

PURCHASE PRICE: Dollars (CDN\$) 215,000.00

Two Hundred Fifteen Thousand Dollars

DEPOSIT: Buyer submits Upon acceptance
(Herewith/Upon Acceptance/as otherwise described in this Agreement)

Ten Thousand Dollars (CDN\$) 10,000.00

by negotiable cheque payable to Royal LePage NRC Realty "Deposit Holder"
to be held in trust pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion. For the purposes
of this Agreement, "Upon Acceptance" shall mean that the Buyer is required to deliver the deposit to the Deposit Holder within 24 hours of the acceptance
of this Agreement. The parties to this Agreement hereby acknowledge that, unless otherwise provided for in this Agreement, the Deposit Holder shall place
the deposit in trust in the Deposit Holder's non-interest bearing Real Estate Trust Account and no interest shall be earned, received or paid on the deposit.

Buyer agrees to pay the balance as more particularly set out in Schedule A attached.

SCHEDULE(S) A A-1, B, C attached hereto form(s) part of this Agreement.

1. IRREVOCABILITY: This offer shall be irrevocable by Buyer until 6:00 p.m. on
(Seller/Buyer) (a.m./p.m.)

the November day of 2022, after which time, if not accepted, this
offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

2. COMPLETION DATE: This Agreement shall be completed by no later than 6:00 p.m. on the 3rd day of February

2022 Upon completion, vacant possession of the property shall be given to the Buyer
unless otherwise provided for in this Agreement.

INITIALS OF BUYER(S):



INITIALS OF SELLER(S):



3. **NOTICES:** The Seller hereby appoints the Listing Brokerage as agent for the Seller for the purpose of giving and receiving notices pursuant to this Agreement. Where a Brokerage (Buyer's Brokerage) has entered into a representation agreement with the Buyer, the Buyer hereby appoints the Buyer's Brokerage as agent for the purpose of giving and receiving notices pursuant to this Agreement. **Where a Brokerage represents both the Seller and the Buyer (multiple representation), the Brokerage shall not be appointed or authorized to be agent for either the Buyer or the Seller for the purpose of giving and receiving notices.** Any notice relating hereto or provided for herein shall be in writing. In addition to any provision contained herein and in any Schedule hereto, this offer, any counter-offer, notice of acceptance thereof or any notice to be given or received pursuant to this Agreement or any Schedule hereto (any of them, "Document") shall be deemed given and received when delivered personally or hand delivered to the Address for Service provided in the Acknowledgement below, or where a facsimile number or email address is provided herein, when transmitted electronically to that facsimile number or email address, respectively, in which case, the signature(s) of the party (parties) shall be deemed to be original.

FAX No.:
(For delivery of Documents to Seller)

FAX No.:
(For delivery of Documents to Buyer)

Email Address: billb@royallepage.ca
(For delivery of Documents to Seller)

Email Address: staceysellsniagara@gmail.com
(For delivery of Documents to Buyer)

4. **CHATELS INCLUDED:**
N/A

Unless otherwise stated in this Agreement or any Schedule hereto, Seller agrees to convey all fixtures and chattels included in the Purchase Price free from all liens, encumbrances or claims affecting the said fixtures and chattels.

5. **FIXTURES EXCLUDED:**
N/A

6. **RENTAL ITEMS (Including Lease, Lease to Own):** The following equipment is rented and **not** included in the Purchase Price. The Buyer agrees to assume the rental contract(s), if assumable:
N/A

The Buyer agrees to cooperate and execute such documentation as may be required to facilitate such assumption.

7. **HST: If the sale of the property (Real Property as described above) is subject to Harmonized Sales Tax (HST), then such tax shall be in addition to the Purchase Price.** The Seller will not collect HST if the Buyer provides to the Seller a warranty that the Buyer is registered under the Excise Tax Act ("ETA"), together with a copy of the Buyer's ETA registration, a warranty that the Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify the Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction. If the sale of the property is not subject to HST, Seller agrees to certify on or before closing, that the transaction is not subject to HST. Any HST on chattels, If applicable, is not included in the Purchase Price.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



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8. **TITLE SEARCH:** Buyer shall be allowed until 6:00 p.m. on the xxxxxxx day of 10 days before closing, 20xxxxxx (Requisition Date) to examine the title to the property at his own expense and until the earlier of: (i) thirty days from the later of the Requisition Date or the date on which the conditions in this Agreement are fulfilled or otherwise waived or; (ii) five days prior to completion, to satisfy himself that there are no outstanding work orders or deficiency notices affecting the property, that its present use (vacant) may be lawfully continued and that the principal building may be insured against risk of fire. Seller hereby consents to the municipality or other governmental agencies releasing to Buyer details of all outstanding work orders and deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.
9. **FUTURE USE:** Seller and Buyer agree that there is no representation or warranty of any kind that the future intended use of the property by Buyer is or will be lawful except as may be specifically provided for in this Agreement.
10. **TITLE:** Provided that the title to the property is good and free from all registered restrictions, charges, liens, and encumbrances except as otherwise specifically provided in this Agreement and save and except for (a) any registered restrictions or covenants that run with the land providing that such are complied with; (b) any registered municipal agreements and registered agreements with publicly regulated utilities providing such have been complied with, or security has been posted to ensure compliance and completion, as evidenced by a letter from the relevant municipality or regulated utility; (c) any minor easements for the supply of domestic utility or telecommunication services to the property or adjacent properties; and (d) any easements for drainage, storm or sanitary sewers, public utility lines, telecommunication lines, cable television lines or other services which do not materially affect the use of the property. If within the specified times referred to in paragraph 8 any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to Seller and which Seller is unable or unwilling to remove, remedy or satisfy or obtain insurance save and except against risk of fire (Title Insurance) in favour of the Buyer and any mortgagee, (with all related costs at the expense of the Seller), and which Buyer will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and all monies paid shall be returned without interest or deduction and Seller, Listing Brokerage and Co-operating Brokerage shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, Buyer shall be conclusively deemed to have accepted Seller's title to the property.
11. **CLOSING ARRANGEMENTS:** Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. 1990, Chapter L4 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers. The Seller and Buyer irrevocably instruct the said lawyers to be bound by the document registration agreement which is recommended from time to time by the Law Society of Ontario. Unless otherwise agreed to by the lawyers, such exchange of Requisite Deliveries shall occur by the delivery of the Requisite Deliveries of each party to the office of the lawyer for the other party or such other location agreeable to both lawyers.
12. **DOCUMENTS AND DISCHARGE:** Buyer shall not call for the production of any title deed, abstract, survey or other evidence of title to the property except such as are in the possession or control of Seller. If requested by Buyer, Seller will deliver any sketch or survey of the property within Seller's control to Buyer as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Trust And Loan Companies Act (Canada), Chartered Bank, Trust Company, Caisse Populaire or Insurance Company and which is not to be assumed by Buyer on completion, is not available in registrable form on completion, Buyer agrees to accept Seller's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registrable form and to register same, or cause same to be registered, on title within a reasonable period of time after completion, provided that on or before completion Seller shall provide to Buyer a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, and, where a real-time electronic cleared funds transfer system is not being used, a direction executed by Seller directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.
13. **INSPECTION:** Buyer acknowledges having had the opportunity to inspect the property and understands that upon acceptance of this offer there shall be a binding agreement of purchase and sale between Buyer and Seller.
14. **INSURANCE:** All buildings on the property and all other things being purchased shall be and remain until completion at the risk of Seller. Pending completion, Seller shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, Buyer may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion. If Seller is taking back a Charge/Mortgage, or Buyer is assuming a Charge/Mortgage, Buyer shall supply Seller with reasonable evidence of adequate insurance to protect Seller's or other mortgagee's interest on completion.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



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- 15. PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.
- 16. DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registrable form at the expense of Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O. 1990.
- 17. RESIDENCY:** (a) Subject to (b) below, the Seller represents and warrants that the Seller is not and on completion will not be a non-resident under the non-residency provisions of the Income Tax Act which representation and warranty shall survive and not merge upon the completion of this transaction and the Seller shall deliver to the Buyer a statutory declaration that Seller is not then a non-resident of Canada;
(b) provided that if the Seller is a non-resident under the non-residency provisions of the Income Tax Act, the Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect of tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate.
- 18. ADJUSTMENTS:** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to Buyer.
- 19. TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.
- 20. PROPERTY ASSESSMENT:** The Buyer and Seller hereby acknowledge that the Province of Ontario has implemented current value assessment and properties may be re-assessed on an annual basis. The Buyer and Seller agree that no claim will be made against the Buyer or Seller, or any Brokerage, Broker or Salesperson, for any changes in property tax as a result of a re-assessment of the property, save and except any property taxes that accrued prior to the completion of this transaction.
- 21. TENDER:** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money shall be tendered with funds drawn on a lawyer's trust account in the form of a bank draft, certified cheque or wire transfer using the Large Value Transfer System.
- 22. FAMILY LAW ACT:** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O. 1990 unless the spouse of the Seller has executed the consent hereinafter provided.
- 23. UFFI:** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing ureaformaldehyde, and that to the best of Seller's knowledge no building on the property contains or has ever contained insulation that contains ureaformaldehyde. This warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is the subject of this transaction.
- 24. LEGAL, ACCOUNTING AND ENVIRONMENTAL ADVICE:** The parties acknowledge that any information provided by the brokerage is not legal, tax or environmental advice, and that it has been recommended that the parties obtain independent professional advice prior to signing this document.
- 25. CONSUMER REPORTS:** The Buyer is hereby notified that a consumer report containing credit and/or personal information may be referred to in connection with this transaction.
- 26. AGREEMENT IN WRITING:** If there is conflict or discrepancy between any provision added to this Agreement (including any Schedule attached hereto) and any provision in the standard pre-set portion hereof, the added provision shall supersede the standard pre-set provision to the extent of such conflict or discrepancy. This Agreement including any Schedule attached hereto, shall constitute the entire Agreement between Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. For the purposes of this Agreement, Seller means vendor and Buyer means purchaser. This Agreement shall be read with all changes of gender or number required by the context.
- 27. TIME AND DATE:** Any reference to a time and date in this Agreement shall mean the time and date where the property is located.

INITIALS OF BUYER(S):

INITIALS OF SELLERS(S):



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28. SUCCESSORS AND ASSIGNS: The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein. SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

12249324 Canada Inc.

..... (Witness)	..... (Buyer/Authorized Signing Officer)	..... (Seal)	..... (Date)
..... (Witness)	..... (Buyer/Authorized Signing Officer)	..... (Seal)	..... (Date)

I, the Undersigned Seller, agree to the above offer. I hereby irrevocably instruct my lawyer to pay directly to the brokerage(s) with whom I have agreed to pay commission, the unpaid balance of the commission together with applicable Harmonized Sales Tax (and any other taxes as may hereafter be applicable), from the proceeds of the sale prior to any payment to the undersigned on completion, as advised by the brokerage(s) to my lawyer.

SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

The Corporation of the City of

Port Colborne

..... (Witness)	..... (Seller/Authorized Signing Officer)	..... (Seal)	..... (Date)
..... (Witness)	..... (Seller/Authorized Signing Officer)	..... (Seal)	..... (Date)

SPOUSAL CONSENT: The undersigned spouse of the Seller hereby consents to the disposition evidenced herein pursuant to the provisions of the Family Law Act, R.S.O.1990, and hereby agrees to execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

..... (Witness) (Spouse) (Seal) (Date)
--------------------	-------------------	-----------------	-----------------

CONFIRMATION OF ACCEPTANCE: Notwithstanding anything contained herein to the contrary, I confirm this Agreement with all changes both typed and written was finally accepted by all parties at this day of, 20.....
(a.m./p.m.)

.....
(Signature of Seller or Buyer)

INFORMATION ON BROKERAGE(S)

Listing Brokerage	Royal LePage NRC Realty	905-834-9000
	Bill Becskereki or Sherry Hoover	(Tel.No.)
	(Salesperson/Broker/Broker of Record Name)	
Co-op/Buyer Brokerage	Coldwell Banker Momentum Realty, Brokerage	905-935-8001
		(Tel.No.)
	(Salesperson/Broker/Broker of Record Name)	

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

..... (Seller)	..... (Date)	..... (Buyer)	..... (Date)
..... (Seller)	..... (Date)	..... (Buyer)	..... (Date)
Address for Service		Address for Service	
..... (Tel. No.)		..... (Tel. No.)	
Seller's Lawyer Sullivan Mahoney LLP - David Willer		Buyer's Lawyer	
Address 40 Queen St., St. Catharines		Address	
Email dwiller@sullivanmahoney.com		Email	
905-688-8030	905-688-5814	..... (Tel. No.)	..... (Fax. No.)
(Tel. No.)	(Fax. No.)		

FOR OFFICE USE ONLY

COMMISSION TRUST AGREEMENT


To: Co-operating Brokerage shown on the foregoing Agreement of Purchase and Sale:

In consideration for the Co-operating Brokerage procuring the foregoing Agreement of Purchase and Sale, I hereby declare that all moneys received or receivable by me in connection with the Transaction as contemplated in the MLS® Rules and Regulations of my Real Estate Board shall be receivable and held in trust. This agreement shall constitute a Commission Trust Agreement as defined in the MLS® Rules and shall be subject to and governed by the MLS® Rules pertaining to Commission Trust.

DATED as of the date and time of the acceptance of the foregoing Agreement of Purchase and Sale. Acknowledged by:

.....
(Authorized to bind the Listing Brokerage)

.....
(Authorized to bind the Co-operating Brokerage)

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Schedule A

Agreement of Purchase and Sale – Commercial

This Schedule is attached to and forms part of the Agreement of Purchase and Sale between:

BUYER: 12249324 Canada Inc., and

SELLER: The Corporation of the City of Port Colborne

for the purchase and sale of Vacant land, part of Knoll Street, Port Colborne, ON L3K 5B6 Port Colborne

..... dated the 3rd day of November, 2022

Buyer agrees to pay the balance as follows:

The parties to this Agreement hereby acknowledge and agree that the Deposit Holder shall place the deposit in the Deposit Holder's interest bearing real estate trust account, which earn interest at Bank Prime minus 1.9%, and the Deposit Holder shall pay any interest it earns or receives on the deposit to Buyer(s), provided the amount of the interest that the Deposit Holder earns or receives on the deposit is equal to or greater than \$200.00. The parties to this Agreement hereby acknowledge and agree that the Deposit Holder shall be entitled to retain any interest earned or retained on the deposit, which is less than \$200.00

In addition to any other provision in this Agreement or any Schedule thereto the parties agree that any deposit to be delivered by the Buyer to Royal LePage NRC Realty may be delivered by:

- 1 - Direct Deposit if Buyer is an RBC client
- 2 - Email Etransfer (ettransfer@nrcrealty.ca, xx Deposits of \$xxxx within xx Days of Acceptance
- 3 - Wire Transfer
- 4 - Bank Draft/Certified Cheque/Personal Cheque
- 5 - Cash is not accepted

to an account designated by the Deposit Holder. Provided further the Buyer will provide information to the Deposit Holder as required by the Deposit Holder to comply with the requirements of the Real Estate and Business Brokers Act, 2002. Deposit funds will be returned upon clearing verification by Deposit Holder's bank. See RLP NRC Deposit Instructions (<https://bit.ly/2ydGNWs>) for full details.

This form must be initialed by all parties to the Agreement of Purchase and Sale.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



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SCHEDULE "A-1"

1) Purchase Price

The Buyer agrees to pay the balance of the Purchase Price, subject to adjustments, by certified cheque drawn against a lawyer's trust account, to the Sellers, or as they may direct, on the completion of this transaction.

2) Reference Plan

Prior to Closing, the Seller will obtain and deposit on title to the Property, at its expense, a reference plan which shows the boundaries of the Property. This reference plan will be used for purposes of the legal description of the Property in the Transfer to be registered on Closing. For greater certainty, the Purchase Price will not change based on the actual acreage of the Property as shown in the reference plan.

3) Seller's Condition

The Seller's obligation to complete the transaction of purchase and sale contemplated under this Agreement is conditional for a period of twenty (20) business days after the date of acceptance of this Agreement (the "**Seller's Conditional Date**") upon the Seller being satisfied in its sole, absolute and unfettered discretion with respect to the following (the "**Seller's Condition**"):

- (i) the Seller has obtained the approval to Council to proceed with the transactions contemplated by this Agreement.

The Seller's Condition is for the sole benefit of the Seller and may be waived by the Seller in its sole, absolute and unfettered discretion in whole or in part by written notice to the Buyer or its solicitors. In the event that notice of the satisfaction or waiver of the Seller's Condition has not been provided in writing by the Seller to the Buyer, or the Buyer's solicitors, prior to 5 pm on the Seller's Conditional Date, then this Agreement shall come to an end upon which it is agreed that neither party shall have any further rights or obligations hereunder and the Deposit will be returned to the Buyer without deduction.

4) "As is, Where Is"

The Buyer is purchasing the Property on an "as is, where is" basis. The Buyer acknowledges that the Seller is not making any representations or warranties whatsoever as to the Property, including, without limiting the generality of the foregoing; (i) the physical and environmental condition of the Property; (ii) any planning or land use regulations or restrictions that may affect the Property; (iii) any planning or

governmental approvals that may need to be obtained, or conditions which may need to be satisfied, in order to develop, service or construct improvements on the Property.

5) Catch Basin

The Buyer agrees that it will assume all costs and responsibilities for repair and maintenance of the catch basin and related piping to the extent they are located on the Property. The Buyer also confirms that the catch basin and related piping are not owned by the Seller or form part of the Seller's municipal services.

6) Road Closure

Prior to Closing, the Seller will register on title to the Property By-law 6990/28/22 for the City of Port Colborne which stops up and closes the Property pursuant to the provisions of the *Municipal Act, 2001*.

7) Re-Conveyance Agreement

On Closing, the Buyer agrees to sign and deliver the Re-Conveyance Agreement attached as Schedule "B" hereto. This Re-Conveyance Agreement will be registered on title to the Property on Closing in priority to any charges, liens or other encumbrances.

8) Assignment

The Buyer shall not have the right to assign this Agreement to any person or other entity without the prior written consent of the Seller, which consent may be unreasonably denied.

9) Notice

Any notice, approval, waiver, agreement, instrument, document or communication permitted, required or contemplated in this Agreement may be given or delivered and accepted or received by the Buyer's solicitors on behalf of the Buyer and by the Sellers' solicitors on behalf of the Sellers. If the last day of a time period is not a business day in the Province of Ontario, then the time period shall end on the next business day.

SCHEDULE “B”

[Re-conveyance Agreement]

RIGHT TO RE-CONVEYANCE AGREEMENT

THIS AGREEMENT is made as of the ____ day of _____, 2022.

BETWEEN:

**THE CORPORATION OF THE CITY OF PORT
COLBORNE**
(the “City”)

- and -

12249324 CANADA INC.
(the “Purchaser”)

RECITAL:

- A. By-law No. _____ passed by the Council for The Corporation of the City of Port Colborne on _____, 2022, authorized the acceptance of an Agreement of Purchase and Sale from the Purchaser for the lands legally described as Part of Borden Avenue, Plan 792 Humberstone, E/S of Knoll Street, Port Colborne; (the “**Property**”), and, subject to the City reserving the right to a re-conveyance of the Property.
- B. The Purchaser has agreed to enter into an Agreement with the City to secure the City’s right to a re-conveyance of the Property.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties agree as follows:

1. RIGHT TO RE-CONVEYANCE

- (a) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the entire Property in the event the Purchaser fails to:
- I. enter into a Site Plan Agreement with the City for a residential dwelling within twelve (12) months of registration of the Transfer of the Property from the City to the Purchaser, and, which Site Plan Agreement shall be registered on the title to the Property at the Purchaser’s expense;

OR

- II. obtain any building permits that may be required to allow the construction of a residential dwelling on the Property within twenty-four (24) months of registration of the Transfer of the Property;

OR

- III. construct and occupy (or cause the occupancy of) a residential dwelling within two (2) years of registration of the Transfer of the Property from the City to the Purchaser.

- (b) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the entire Property in the event the Purchaser becomes insolvent or makes an assignment for the benefit of creditors, prior to the completion of the actions described in Sections 1(a)(I), (II) and (III).
- (c) The right to re-conveyance is exercisable by notice in writing from the City to the Purchaser.
- (d) In the event the City exercises its right to a re-conveyance of the Property as provided for in Sections 1(a) and (b), it shall do so for the sum of **TWO HUNDRED AND FIFTEEN THOUSAND DOLLARS (\$215,000.00)**, subject to adjustments for the amount of any taxes then due and owing against the Property and the amount of Land Transfer Tax payable by the City for registration of the Transfer of the Property. Despite any improvements or investments made by the Purchaser, the Purchaser shall be deemed to have forfeited any investment so made and shall not be entitled to any compensation for same whatsoever, including monies expended for installing services. Further, there shall be no adjustment in respect of monies drawn upon by the City in respect of securities provided by the Purchaser.
- (e) On the date which is thirty (30) days after the City exercises its right to receive a re-conveyance of the Property (the "**Closing Date**"), the Purchaser will convey the Property to the Purchaser subject to the terms provided for in this Agreement. The Purchaser shall give vacant possession of the Property to the Purchaser on the Closing Date.
- (f) In addition to Section 1(e) above, the Purchaser undertakes to obtain and register good and valid discharges and/or releases of all liens, charges and any other encumbrances, which the Purchaser has caused to be registered against the title to the Property, forthwith following the City's notice of exercising its option to purchase the Property. Notwithstanding the foregoing, the Purchaser shall at all times indemnify and save harmless the City against all actions, suits, claims and demands whatsoever, which may be brought against or made upon the City and from and against all losses, costs, damages, charges and expenses whatsoever which may be incurred, sustained

or paid by the City for or by reason of or on account of such liens, charges or other encumbrances.

2. **NON-ASSIGNMENT**

The Purchaser shall not have the right to assign this Agreement to any person or other entity without the prior written consent of the City, which consent may be unreasonably denied.

3. **SEVERABILITY**

If any provision contained herein shall be found by a Court of competent jurisdiction to be illegal or unenforceable, then such provision shall be considered separate and severable from the rest of this Agreement, and the remainder of this Agreement shall continue to be in full force and effect and shall continue to be binding upon the parties as though the illegal or unenforceable provision had never been included.

4. **NOTICES**

Any notice, demand, approval, consent, information, agreement, offer, request or other communication (hereinafter referred to as a “**Notice**”) to be given under or in connection with this Agreement shall be in writing and shall be given by personal delivery, facsimile transmission or email to the address set out below or to such other address or electronic number as may from time to time be the subject of a Notice:

(a) **City:**

The Corporation of the City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8
Attention:
Facsimile: (905) 835-2939
Telephone: (905) 835-2900

(b) **Purchaser:**

12249324 Canada Inc.

Attention:
Facsimile:
Telephone:

Any Notice, if personally delivered, shall be deemed to have been validly and effectively given and received on the date of such delivery and if sent by facsimile transmission or email with confirmation of transmission prior to 5:00 p.m., shall be deemed to have been validly and effectively given and received on the business day it was sent unless the confirmation of transmission was after 5:00 p.m. in which case it shall be deemed to have been received on the next following business day.

5. SUCCESSORS AND ASSIGNS

All of the covenants and terms in this Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall enure to the benefit of and be enforceable by the parties hereto and their respective successors and their permitted assigns pursuant to the terms and conditions of this Agreement.

6. COUNTERPARTS AND ELECTRONIC DELIVERY

This Agreement may be executed and delivered by facsimile or electronic transmission and the parties may rely upon all such facsimile or electronic signatures as though such facsimile or electronic signatures were original signatures. This Right to Re-Conveyance Agreement may be executed in any number of counterparts and all such counterparts shall, for all purposes, constitute one agreement binding on the parties.

[Signature page follows.]

IN WITNESS WHEREOF the Purchaser has executed this Agreement the ____ day of _____, 2022.

12249324 CANADA INC.

Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation.

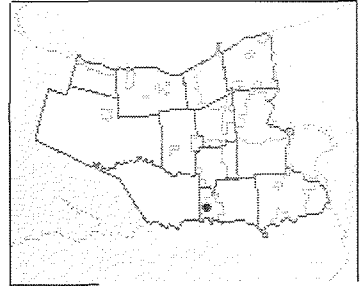
IN WITNESS WHEREOF the City has executed this Agreement the ____ day of _____, 2022.

**THE CORPORATION OF THE CITY OF
PORT COLBORNE**

Per: _____
Name: William C. Steele
Title: Mayor

Per: _____
Name: Amber LaPointe
Title: Clerk

I/We have authority to bind the Corporation.



Legend

☐ Parcel Fabric

Shedule "C"

25.4 0 12.70 25.4 Meters

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Notes



Subject: Revised Sale of Land Policy

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-224

Meeting Date: November 8, 2022

Recommendation:

That Chief Administrative Office - Economic Development and Tourism Division Report 2022-224 be received for information;

That Council approve the revised Sale of Land Policy and By-law; and

That Council authorize the Mayor and Acting City Clerk to sign the By-law.

Purpose:

The purpose of this report is to seek Council approval for a revised Sale of Land Policy for the City of Port Colborne.

Background:

Staff report 2022-119, brought forward to the July 12th, 2022, Council meeting, introduced various vacant City-owned parcels that staff recommended be declared surplus. Before declaring any lands surplus, Council asked staff to review the City's Sale of Land Policy, By-law No. 6620/75/18, to ensure the policy was current and provided more options when considering the future sale and disposition of City real estate.

Discussion:

The *Municipal Act* requires that municipalities have specific policies including a Sale of Land Policy. The current Sale of Land Policy was adopted and approved by Council on October 9, 2018.

Staff have reviewed the City's existing policy as well as other policies from other municipalities to determine best practices and new approaches. The draft policy accompanying this report provides updated definitions, procedures, exemptions, and functions necessary to administer the policy effectively. Key proposed revisions include:

- updates regarding staff authority to declare lands surplus including delegating authority to the Manager of Strategic Initiatives and Chief Administrative Officer in certain circumstances based on land values;
- increased responsibility of staff from Economic Development and Tourism Services and Planning Services with regard to reviewing listings, making recommendations to declare lands surplus, sale and disposition, and reporting; and,
- updated methods of sale for the disposal of land.

The proposed revisions to the Sale of Land Policy are highlighted in Appendix A.

Internal Consultations:

The comments and revisions to this policy are provided by the Economic Development & Tourism Services, Clerk's Division and Planning Services staff which have been reviewed by the City Solicitor.

Financial Implications:

There are no financial implications associated with the recommendations in this report.

Public Engagement:

N/A

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne

- Value: Financial Management to Achieve Financial Sustainability
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Council directed staff to review and update the City's Sale of Land Policy. The Municipal Act requires a municipality to adopt a policy with respect to the sale of land. Staff have reviewed the current policy and proposed revisions that would allow Council and staff to pursue a more strategic approach regarding future sales of City-owned land. The updated policy will also increase collaboration between Economic Development & Tourism Services and Planning Services.

Appendices:

- a. Revised Sale of Surplus Land Policy

Prepared by,

Rob Fucile

Economic Development and Tourism Projects Assistant

905-835-2900 x506

Rob.Fucile@portcolborne.ca

Respectfully submitted,

Gary Long

Manager of Strategic Initiatives

905-835-2900 x502

Gary.Long@portcolborne.ca

Denise Landry

Manager of Planning Services

905-835-2900 x203

Denise.Landry@portcolborne.ca

Report Approval:

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

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Adopt the Revised Sale of Surplus Land Policy

Whereas Section 270(1) of the Municipal Act, 2001, requires municipalities to adopt policies regarding the sale and other disposition of municipally owned land; and

Whereas at its meeting of November 8, 2022, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendations of CAO Report No. 2022-224, Subject: Revised Sale of Land Policy; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the policy and procedure respecting the Sale of Land Policy in the City of Port Colborne appended hereto as Schedule "A" and made part of this By-law be approved.
2. That By-law No. 6620/75/18 be hereby repealed.

Enacted and passed this 8th day of November, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

Schedule "A" to By-law No. _____

SALE OF SURPLUS LAND POLICY

Purpose:

To abide by section 270 of the *Municipal Act, 2001* (the "Act") that requires all municipalities to adopt and maintain a policy with respect to the sale and disposition of Real Property.

The City of Port Colborne will dispose of surplus real property of the Corporation in an open and transparent process to ensure that returns are fair, reasonable, and in the best interest of the City.

PART 1 — Definitions

1.1. In this by-law:

- (a) **"Abutting"** shall mean a parcel of land adjoining another parcel of land having one (1) or more lot lines in common;
- (b) **"Affordable Housing"** means a person's housing costs total 30% or less of their household income;
- (c) **"Applicant"** means a person who has enquired or requested to purchase City land;
- (d) **"Appraisal"** means a fair market valuation of land prepared by an accredited Appraiser or the market value obtained by a licensed real estate brokerage firm or a licensed independent real estate agent;
- (e) **"Appraiser"** means a member in good standing of the Appraisal Institute of Canada, holding an Accredited Appraiser Canadian Institute or Canadian Residential Appraiser designation as appropriate;
- (f) **"As is"** means without regard for state of repair, location of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachment by buildings or fences or otherwise, on the land or adjoining properties or streets, and without warranty or representation as to use, environmental contamination, hazards or risks;
- (g) **"CAO"** means the City's Chief Administrative Officer;
- (h) **"City Solicitor"** means and includes the City's Solicitor or external legal counsel from time to time;
- (i) **"Council"** means the municipal Council of the City of Port Colborne;
- (j) **"Disposal"** means the sale, transfer, conveyance, or exchange of the fee simple interest in land;

- (k) **"Easement"** means an interest in land transferred from one party to another, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose;
- (l) **"Encroachment"** means any type of vegetation, man-made object, or item of personal property which exists wholly or upon, or extends from a person's premises onto, public lands and shall include any aerial, surface, or subsurface Encroachments;
- (m) **"Full Marketability Land"** means land which would in the opinion of the Manager of Strategic Initiatives, or designate, be of interest to potential purchasers in the open market due to size, shape, location, topography, environmental condition, permitted land uses, or any other factor which the Manager of Strategic Initiatives, or designate, considers relevant;
- (n) **"Highway"** means:
 - i. all highways that existed on December 31, 2002;
 - ii. all highways established by by-law on or after January 1, 2003;
 - iii. all highways transferred to the municipality under the *Public Transportation and Highway Improvement Act*;
 - iv. all road allowances made by the Crown surveyors located in the municipality; and
 - v. all road allowances, highways, streets, and lanes shown on a registered plan of subdivision;
- (o) **"Land(s)"** shall mean real property and any improvements thereon owned by the City, including highways which have been or may be stopped up and closed, but does not include:
 - i. any land which Council has otherwise determined by resolution or by-law is not available for sale;
- (p) **"Limited Marketability Land"** means land which would, in the opinion of the Manager of Strategic Initiatives, or designate, be of limited interest to potential purchasers due to size, shape, location, topography, environmental condition, land use restrictions, or any other factor which the Manager of Strategic Initiatives, or designate, considers relevant;
- (q) **"Manager of Strategic Initiatives"** means the Manager of Strategic Initiatives for the City or his or her designate;
- (r) **"Manager of Planning Services"** means the Manager of Planning Services for the City or his or her designate;
- (s) **"Market Value"** means the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer;
- (t) **"Official Plan"** means the Official Plan of the City of Port Colborne, as amended or replaced from time to time;

- (u) **"Real Estate Broker"** means a Real Estate Broker registered under the *Real Estate and Business Brokers Act, 2002*, as amended and Regulations thereto;
- (v) **"Real Property"** means land and buildings which are owned by the City of Port Colborne and includes Full Marketability Land and Limited Marketability Land;
- (w) **"Sale"** and **"Sell"** shall not include:
 - i. a lease of land by the City;
 - ii. transfers of easement or rights-of-way by the City;
 - iii. releases of restrictive covenants by the City; and
 - iv. releases of rights of first refusal by the City.
- (x) **"Surplus"** means Real Property that is not required to meet the current or future program or operational requirements of the Municipality, and that has been declared surplus by Council or its delegated authority.

PART 2 - General

- 2.1 It is the intent of the City of Port Colborne to abide by section 270 of the *Municipal Act, 2001* (the "Act") that requires all municipalities to adopt and maintain a policy with respect to the sale and disposition of Real Property. The City of Port Colborne will dispose of surplus real property of the Corporation in an open and transparent process to ensure that returns are fair, reasonable, and in the best interest of the City.
- 2.2 As part of the City's Affordable Housing Strategy and Action Plan, Council and staff will review the suitability of Surplus Land for affordable housing before marketing and selling the parcel for redevelopment. The terms of this policy, with respect to the sale of land for affordable housing, are subject to modifications and exemptions on a case specific basis.
- 2.3 A by-law containing a legal description of the land and the identity of the purchaser shall be passed to approve the sale of land.
- 2.4 Land required for any municipal purpose, including but not limited to present or future municipal facilities, infrastructure and parks, is not available for sale to the public.
- 2.5 Any survey and/or reference plan required shall be obtained at the expense of the purchaser(s) unless Council by resolution otherwise determines.
- 2.6 Council may impose conditions of sale if deemed appropriate.
- 2.7 All land, with or without improvements, shall be sold on an "as is" basis unless Council determines otherwise.

- 2.8 The City is under no obligation by virtue of the sale of land to grant any approvals, including approvals for changes to the Official Plan or zoning by-law or with respect to site plan control, minor variances, and building permits, or to support approvals required by any other approval authority, which may be necessary for any contemplated use of the land by the purchaser.
- 2.9 Any provisions for public notice provided for in this policy shall prevail over any other existing or future public notice by-law passed by Council. Refer to the City's Public Notice Policy.
- 2.10 The purchaser(s) shall be responsible for the City's legal fees unless Council by resolution otherwise determines.

PART 3 — Responsibility

3.1 Staff from the Planning and Economic Development and Tourism Services Divisions will:

- (a) periodically review City-owned Land to determine which Land may be considered surplus;
- (b) consult with City staff on lands that may be considered Surplus Land;
- (c) make recommendations to Council about declaring Lands surplus and seek Council's authority to offer the Land for sale;
- (d) pursue Disposals per this policy and make recommendations to Council or the CAO, as authorized through delegation;
- (e) obtain independent property Appraisals for Land in keeping with any requirements imposed by any applicable legislation, by-law, or this policy; and
- (f) report details if any Disposal to the appropriate departments and to the City Treasurer or as they may further delegate for the purposes of maintaining accurate corporate records.

PART 4 – Declaration of Surplus Property

4.1 Authority to Declare Lands Surplus

- (a) Where land has an estimated Market Value of \$25,000 or less as determined by an Appraiser, the Manager of Strategic Initiatives or delegate is authorized to declare the Land surplus and to dispose of the surplus land in accordance with this Policy.
- (b) Where land has an estimated Market Value greater than \$25,000 and not exceeding \$50,000, as determined by an Appraiser, the CAO is authorized to

declare the Land surplus and to approve the intended manner or process by which the Sale of Land will be carried out.

- (c) Where land has an estimated Market Value greater than \$50,000, as determined by an Appraiser, any declaration that the land is surplus shall be made by the Council which shall approve the intended manner or process by which the Sale of Land will be carried out.
- (d) Subject to paragraphs (a) and (b) above, the municipal Council shall, in a meeting open to the public, pass a resolution declaring any such land surplus prior to its disposal.
- (e) An annual report of all activities approved under the delegated authority in Section 4.1(a), and (b) of this Policy will be made by the Manager of Strategic Initiatives to Municipal Council for information purposes.

PART 5 - Appraisals

- 5.1 One (1) Appraisal of the market value of land to be sold shall be obtained and prepared by an Appraiser in accordance with the requirements of the Appraisal Institute of Canada.
- 5.2 Notwithstanding section 5.1, the Manager of Strategic Initiatives, or designate, may:
 - (a) dispense with the requirement of an Appraisal for the following classes of land:
 - i. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*,
 - ii. Land for which the City has obtained an Appraisal within the preceding one (1) year, in the discretion of the Manager of Strategic Initiatives, or designate.

PART 6 — Land Deemed to be Not Marketable

- 6.1 In addition to any other provisions herein, or any resolution or by-law passed by Council, the following lands are deemed to be not marketable:
 - (a) land situated in the Open Space or Environmental Protection designations of the Official Plan, as amended from time to time, in order to protect and promote the public enjoyment of natural features;
 - (b) Any land which Council has by resolution or by-law declared shall not be sold.
- 6.2 City lands deemed to be not marketable are not available for sale to the public.

- 6.3 Where City lands are deemed not marketable, they have the potential to become marketable if an interested purchaser intends to merge their property to a property that is deemed not marketable, and the new parcel meets the minimum frontage and setback for an infill lot.

PART 7 – Land Surveys

- 7.1 Before the disposal of any Real Property, the City shall obtain or require a survey of the land from an independent surveyor in accordance with the laws of the Province of Ontario. The cost of the survey will be borne in accordance with Section 2.5 of this Policy. The Manager of Strategic Initiatives may waive this requirement if an existing survey is available.

SALE OF LIMITED MARKETABILITY LAND

PART 8 — Limited Marketability Land — Policy Statements

- 8.1 The following policy statements shall be applied to all Limited Marketability Land:
- 8.1.1 Limited Marketability Land may only be sold to an abutting owner(s) whose property if combined with the City's land creates a configuration which is acceptable to the Manager of Planning Services, or designate, in accordance with good planning principles.
- 8.1.2 Where appropriate, the land shall be required to legally merge in title with the abutting owner's property. Where necessary, Council shall pass a by-law deeming the City land and/or the abutting owner(s) land not to be part of a registered plan of subdivision in order to effect the merger, and the by-law shall be registered on title by the City prior to the registration of the Transfer/Deed to the purchaser. No fee shall be charged to the abutting owner for the preparation and registration of the Deeming By-law.

PART 9 — Process for Sale of Limited Marketability Land

- 9.1 The initial enquiry by a prospective purchaser (Applicant) shall be made to the Economic Development and Tourism Services Division.
- 9.2 The request process for the sale of Limited Marketability Land shall be divided into phases, as follows:

9.2.1 PHASE 1 — Preliminary Review

Part 5 of this policy shall be reviewed to determine its applicability, and the Applicant shall be advised accordingly.

9.2.2 PHASE II – Circulation

Staff shall conduct a formal circulation to internal departments and any outside agencies as appropriate, to determine any objections to the sale or conditions

which may be required. The Applicant shall be advised of the results of this circulation. In addition, a site visit shall be conducted by City staff to determine any municipal requirements which may need to be addressed upon a sale.

9.2.3 PHASE III — Collection of Deposit and Appraisal

- (a) Should the Applicant wish to proceed with the request to purchase the land, the deposit provided for in Part 10 shall be required.
- (b) Following receipt of the deposit, an Appraisal of the land shall be obtained in accordance with Part 5 of this Policy.

9.2.4 PHASE IV — Notice to Abutting Owners and Disclosure of Appraisal

- (a) The Applicant shall be advised of the appraised value and be required to submit his/her written offer to purchase the land at the appraised value within three (3) weeks, failing which, he/she shall be deemed to have declined to purchase the land.
- (b) All abutting property owners shall also be sent notice via regular mail of the following:
 - (i) a request to purchase City land has been received;
 - (ii) the identity of the Applicant; and
 - (iii) the appraised value;

and shall be required to submit any comments or objections to the sale of the lands in writing, or, submit the deposit as provided in Part 10 together with their offer in writing to purchase the lands at the appraised value, within three (3) weeks from the date of such notice, failing which, they shall be deemed to have no objection nor any interest in purchasing the land. Comments and objections will become part of the public record and included in any subsequent Report to Council.

- (c) In the event that:
 - (i) an abutting owner submits their written offer to purchase the land at the appraised value, and
 - (ii) provided dividing the land equally between the Applicant and the abutting owner would create a configuration acceptable to the Manager of Strategic Initiatives, or designate, in accordance with good planning principles,

then, the Applicant and the abutting owner may agree to divide the land equally between them with the purchase price and all survey/reference plan costs shared proportionately. In the event that a consensus cannot be arrived at, all interested abutting owners will be requested to provide the City with an offer for the entire Limited Marketable Land.

9.2.5 PHASE V- Report to Council

When Council is presented with a report considering the declaration of Real Property to be surplus, the report shall include at minimum:

- a) A description, location, and sketch of the subject Real Property and its current uses.
- b) The reason why the Real Property should be declared surplus to the City's needs.
- c) Associated risk with selling or not selling the Real Property.
- d) Persons, corporations, authorities, local boards, and bodies that should be contacted and notice given (other than the general public notice).
- e) Whether an Expression of Interest has been provided for the subject Real Property and details provided therein.
- f) Recommendations as to the method of disposal.
- g) Recommendations to terms and conditions of a potential disposal.
- h) When Council is presented with a report to consider an offer to purchase Real Property from the City, the report shall include at a minimum:
 - i. A summary of the process used to offer the Real Property for Disposal and results thereof.
 - ii. Potential purchaser and offered price for the subject Real Property.
 - iii. Proposed future use of the property.

Following receipt of the Applicant's and/or another abutting owner's written offer to purchase the land at the appraised value and payment of the deposit required in Part 10, a report shall be submitted to Council for approval, with staff's recommendations.

- 9.3 The Agreement of Purchase and Sale shall be prepared by the City in a form satisfactory to the City Solicitor, who shall have authority to determine and extend the time for closing real estate transactions.
- 9.4 The Transfer/Deed of Land and Land Transfer Tax Affidavit, or electronic version thereof, shall be prepared in registrable form at the expense of the purchaser.
- 9.5 In the event that sale of the land is not completed within one (1) year from the date on which Council passes the by-law authorizing the sale, subsequent requests shall be subject to the provisions of this Policy in all respects. Discussions regarding the Disposal of Real Property may be held in a closed session of Council as defined in the *Municipal Act, 2001*, as determined by the Clerk.
- 9.6 Any discussions made by Council as a result of closed session discussions regarding Disposal of Real Property in a closed session shall be reported out in

a public session by official resolution, as required by the provisions of the *Municipal Act, 2001*.

PART 10 — Limited Marketability Land — Payment of Deposit

10.1 A deposit in the amount of \$300.00 shall be required as follows:

- (a) If the sale of land is prohibited in this policy, and the Applicant wishes to proceed, then the deposit is payable before proceeding to Phase II;
- (b) If the sale of the land to the Applicant will be recommended, payment of the deposit shall be required prior to ordering an Appraisal and submitting a Report to Council;
- (c) Following notice, if another abutting owner provides his or her written offer to purchase the land at the appraised value, such owner shall be required to submit payment of the deposit with his written offer to purchase the land.

10.2 The deposit shall be applied to the purchase price or forfeited, at the times and in the circumstances set out below:

In the event that:

- (i) the Applicant abandons the request before a Report is submitted to Council, the deposit shall be forfeited without interest or deduction;

OR

the sale of land is:

- (ii) not recommended by staff, and Council denies the request, the deposit shall be refunded without interest or deduction;
- (iii) recommended by staff, and Council denies the request, then the deposit shall be refunded without interest or deduction;
- (iv) approved by Council, and the Applicant does not complete the transaction for any reason other than one which may be contemplated in the Agreement of Purchase of Sale, the deposit shall be forfeited without interest or deduction.

10.3 Should a tendering process occur:

- (i) the deposit paid by the successful bidder shall be applied towards the purchase price if the sale is approved and the transaction is completed;
- (ii) the deposit paid by the unsuccessful bidder shall be refunded without interest or deduction;
- (iii) and the successful bidder does not complete the transaction for any reason other than one which may be contemplated in the Agreement

of Purchase of Sale, the deposit shall be forfeited without interest or deduction.

PART 11 – Methods of Sale

- 11.1 Depending on the nature of the land, various methods may be employed for the disposal of land including public auction, tender process, listing through MLS, and direct advertising. The Economic Development and Tourism Services Division shall be responsible for determining the appropriate method to use.
- 11.2 All offers to purchase Real Property from the City by means of an Agreement of Purchase and Sale must be accompanied by a deposit in an amount determined by the Manager of Strategic Initiatives or designate and shall be the greater of \$1,000 or 5% of the offered purchase price. Unless otherwise directed by Council, all Disposals will be on a cash basis. If the CAO is of the opinion that exceptional and specific circumstances exist, that would warrant consideration of a Disposal on something other than a cash basis, a report will be presented to Council for consideration.
- 11.3 The Agreement of Purchase and Sale shall be in a form satisfactory to the City Solicitor.

PART 12 – Non-Application of Policy

- 12.1 This policy is not applicable to the Disposal of land where:
 - a. The transaction is governed by the federal and/or provincial government:
 - i. The sale of lands for Tax Arrears as indicated in the *Municipal Act, 2001*;
 - ii. The expropriation of land under the *Expropriations Act, 1990*; and
 - iii. Any other situations as governed by provincial or federal legislation.
- 12.2 The City is transferring Real Property to a corporation in which the City is the sole shareholder, and the transaction is completed in accordance with Council direction.
- 12.3 The procedures for the closure of highways shall be in accordance with the *Municipal Act, 2001*, as amended, and other relevant statutes.

PART 13 - Application and Administration of Policy

- 13.1 This policy shall be read and applied fairly with such variations as circumstances or the nature of the subject matter require provided the general purpose, intent, meaning and spirit of the policy are maintained.
- 13.2 The Economic Development and Tourism Services Division shall be responsible for developing and implementing forms and procedures for the

administration of this policy by City staff. The City Solicitor shall be responsible for the closing of sale transactions.



Subject: Canalside Restaurant Inn – Request to Extend Sidewalk Patio Encroachment Agreement Year-Round

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-251

Meeting Date: November 8, 2022

Recommendation:

That Chief Administrative Office Report 2022-251 be received; and

That Economic Development and Tourism Services staff be authorized to extend the sidewalk encroachment agreement with Canalside Restaurant Inn from November 1, 2022 to April 30, 2023.

Purpose:

The purpose of this report is to follow-up on Report 2021-272 from October 25, 2021, regarding sidewalk-based patio encroachment agreements and the pilot project from November 1, 2021 to April 30, 2022 for Canalside Restaurant Inn (Canalside). City staff are seeking Council approval for a request received from Greg Poisson at Canalside to extend the encroachment agreement from November 1, 2022 to April 30, 2023.

Background:

During the October 25, 2021, Council meeting, Council approved a staff recommendation that the encroachment agreement with Canalside be extended from November 1, 2021 to April 30, 2022 as a pilot project. Staff were to report back on the results of the pilot program. Mr. Poisson is requesting an extension of the pilot for the November 1, 2022 to April 30, 2023 time period.

In 2021 Canalside invested in heaters and awnings for the sidewalk patio area that are affixed to the building.

Discussion:

Throughout the pandemic the City of Port Colborne has worked collaboratively with local businesses in partnership with the local Business Improvement Areas (BIA) and Chamber of Commerce to provide flexibility and solutions to allow for business continuity. As local businesses continue to recover and reposition themselves in this business climate it is important for the City to continue to provide this flexibility and support.

During the 2021-2022 pilot program, four (4) conditions were required, and all were met by Canalside.

The Economic Development and Tourism Services (EDTS) would propose three (3) conditions for 2022-2023:

- 1) EDTS to amend the encroachment agreement and submit a site plan;
- 2) Fire and Emergency Services perform an inspection on the awnings and overhead heaters;
- 3) It is understood by Canalside that it is their responsibility to maintain the sidewalk and remove tables/chairs daily and the City may have to cut the snowbanks in the winter and will require the area to be clear. It is advised that snow be kept on the interlock area of the sidewalk.

Internal Consultations:

The By-law Division, Fire and Emergency Services Division, and the Public Works Department were consulted on the 2021/22 pilot and the 2022/23 request.

There are no objections from City Divisions for 2022/23 and no issues were raised during the 2021/22 pilot program.

Financial Implications:

There are no financial implications.

Public Engagement:

The Downtown BIA and Port Colborne Wainfleet Chamber of Commerce were consulted and raised no objections.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
-

Conclusion:

The pandemic caused significant and ongoing hardship on local businesses including restaurants, in the City of Port Colborne. This has led to innovative approaches and changes in how restaurants operate in Port Colborne. The pilot program in 2021-2022 that permitted Canalside to operate a winter patio was successful and they are seeking permission to operate this patio again from November 1, 2022 to April 30, 2023.

Appendices:

A. Canalside Pub Eatery Winter Sidewalk Patio Request from Downtown BIA

Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex. 504
Bram.Cotton@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
(905) 835-2900 Ex. 502
Gary.Long@portcolborne.ca

Report Approval:

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



Thursday November 3rd, 2022

TO: City of Port Colborne
RE: Canalside Pub & Eatery Winter Sidewalk Patio Request

Dear Mr. Mayor, Members of Council & City Staff,

The Downtown Port Colborne BIA wish to extend our support in Canalside Pub & Eateries application for a winter extension to their sidewalk patio encroachment as they were granted for the previous winter season.

After being granted approval as a trial bases for the 2021/2022 Winter Season we received no negative feedback or objections based on their operation of the patio. We recognize the commitment to offering a safe enjoyable experience to their diners and it was our observation that they operated to the highest possible standards and were of no negative impact to surrounding businesses, snow clearing operations or the clear and unobstructed walkability of the sidewalk path.

As Chairperson of the Board, If I can be of any additional help or consultation please do not hesitate to reach out.

On Behalf of the Downtown Port Colborne BIA Development Board of Management:

Warm Regards,

A handwritten signature in black ink, appearing to read "Jesse Boles".

Jesse Boles | Chairperson

The Downtown Port Colborne Business Improvement Area Development Board of Management

MAIL: PO Box 272, Port Colborne, Ontario L3K 4W1

OFFICE: 92 Charlotte Street within Port Cares Administration Building



Subject: Santa Claus Parade

To: Council

From: Corporate Services Department

Report Number: 2022-222

Meeting Date: November 8, 2022

Recommendation:

That Corporate Services Department Report 2022-222 be received; and

That the road closures and parking restrictions included in this report be approved for the Port Colborne Lighted Santa Claus Parade.

Purpose:

The purpose of this report is to recommend road closures and parking restrictions for the management and control of vehicular traffic for the purposes of the annual lighted Santa Claus Parade ("the parade") in Port Colborne. Road closures and parking restrictions will facilitate the parade movement, help manage traffic, and will allow for the safe passage of pedestrians throughout the event area.

Background:

The annual lighted Santa Claus parade takes place on the first Saturday in December each year. This year, the parade will take place on Saturday, December 3, 2022, at 6:30 p.m. Staging for the parade will begin at 4:00 p.m. in the area identified in Appendix A. The parade will begin at Port Colborne High School and finish at the Market Square parking lot, directly across from City Hall.

The traditional parade has not occurred since 2019 due to the COVID-19 pandemic. In 2021, with public safety in mind, the city hosted a reverse lighted Santa Claus parade at H.H. Knoll Lakeview Park. Recreation staff recommend returning to the traditional parade format based on logistical concerns and public feedback.

Discussion:

To facilitate this year's parade, staff recommend temporary road closures and parking restrictions on Saturday, December 3, 2022, from 4:00 p.m. until 8:00 p.m., for the purpose of staging parade floats, as follows:

- Fielden Avenue, from the southern limit of Killaly Street to the southern limit of Elgin Street;
- Elgin Street, from the eastern limit of Steele Street to the Western limit of Elm Street; and
- Fielden Avenue, at the western limit of Delhi Street.

This request will provide parade marshals a safe and orderly area for parade floats to assemble prior to the start of the parade.

In addition, staff recommend the following areas be closed to vehicular traffic and street parking on Saturday, December 3, 2022, from 5:00 p.m. until 9:00 p.m., to provide for safe viewing areas from boulevards/sidewalks, and to ensure floats can move freely throughout the route and disperse at the end, as follows:

- Steele Street, from northern limit of Elgin Street to the southern limit of Clarence Street; and
- Clarence Street, from the western limit of Steele Street to the eastern limit of West Street; and
- West Street, from the northern limit of Clarence Street to the southern limit of Charlotte Street; and
- Charlotte Street, from the eastern limit of Catharine Street to the eastern limit of West Street.

The City's Public Works department will block off all parking stalls with pylons and provide waste receptacles along the parade route prior to the commencement of the parade. By-law staff will be required to remove and ticket vehicles as necessary that are inside the parade route during the time of the traffic and parking restrictions. Further, staff recommend temporary (barricaded) road closures to restrict vehicular traffic at intersections throughout the route, as follows:

- North and west intersections of Steele Street and Elgin Street;
- East intersection of Steele Street at Carter Street;
- East intersection of Steele Street at Park Street;
- East Intersection of Steele Street at Tugboat Lane;
- West and south intersections of Steele Street and Clarence Street;
- North and south intersections of Fielden Avenue at Clarence Street;
- North and south intersections of Elm Street at Clarence Street;
- North and south intersections of Catharine Street at Clarence Street;
- North and south intersections of King Street at Clarence Street
- North and east intersections of West Street at Charlotte Street;

- South intersection of West Street at Charlotte Street;
- North and south intersections of King Street at Charlotte Street; and
- East and north intersections of Charlotte Street and Catherine Street.

The parade route is attached as Appendix “A”. Prior to the commencement of the parade, the city’s roads division will begin to close the above intersections with barricades starting at Port Colborne High School with the assistance of Niagara Regional Police (“NRPS”). Once all intersections are closed, the parade will commence. traffic will be regulated with the assistance of NRPS traffic services. Once the last parade float followed by the NRPS escort has passed, each temporary barricade will be removed by the City’s roads crew.

To facilitate the parade along West Street, closure of Bridge 21 will be required. Recreation staff will communicate with the St. Lawrence Seaway Management Corporate Traffic Control Supervisor and provide the necessary details for the bridge closure.

Internal Consultations:

This report was circulated internally with staff in the following divisions: communications, by-law services, the fire department, roads, and parks operations. There were no issues flagged with the parade route or other logistics in this report.

Recreation staff will work in collaboration with the above-mentioned divisions to coordinate the parade.

Financial Implications:

The Port Colborne Lighted Santa Claus parade is funded via the Civic Celebrations budget.

Public Engagement:

A notice of road closures and parking restrictions will be distributed to all residents and businesses in the affected areas of the road closures.

After the completion of the parade, staff will have an online voting platform for community members to vote for their favourite float in the parade.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
-

Conclusion:

In conclusion, staff recommend the road closures and parking restrictions outlined in this report are approved to ensure safe traffic flow and safe pedestrian viewing of the parade.

Appendices:

- a. Lighted Santa Claus Parade Route Map

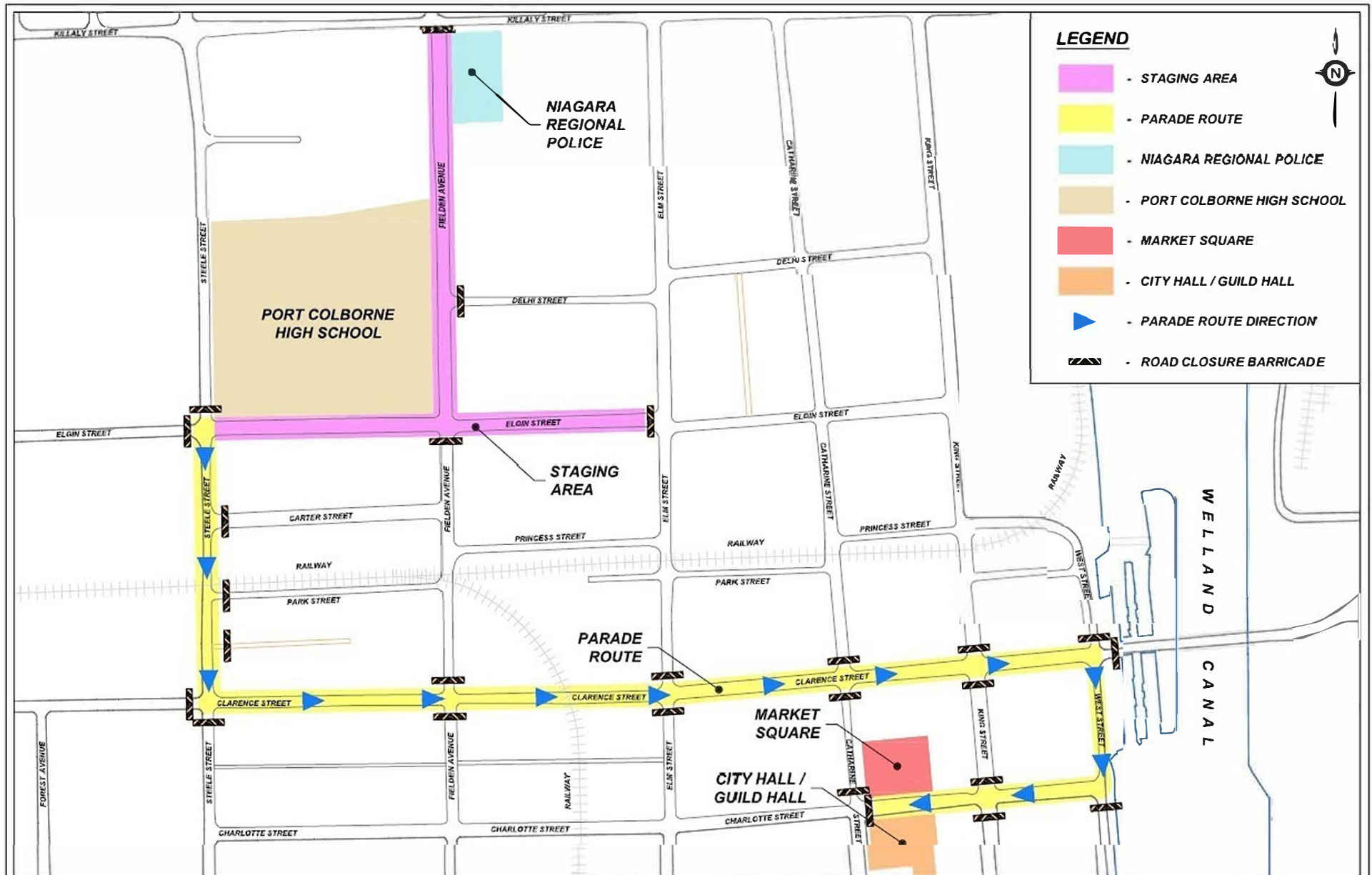
Respectfully submitted,

Luke Rowe
Event Coordinator
905-835-2900 ext. 566
Luke.Rowe@portcolborne.ca

Amy Duffy
Supervisor of Events and Sponsorship
905-835-2900 ext. 536
Amy.Duffy@portcolborne.ca

Report Approval:

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



2022 Santa Claus Parade Route Map

September 27, 2022

Mayor Steele and Council
City of Port Colborne
66 Charlotte Street
Port Colborne, ON
L3K 3C8

SENT ELECTRONICALLY


Dear Mayor Steele and Council,

At its meeting of September 16, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) directed that the attached 2021 Water Quality Stewardship Fact Sheet be circulated to municipalities within the watershed along with the following link to the NPCA Water Quality Monitoring Program: Summary Report of the Year 2021:

https://npca.ca/images/uploads/common/Water_Quality_Monitoring_Program_Summary_Report_of_the_Year_2021_web.pdf

Please be advised additionally, that NPCA staff would be pleased to make a presentation to municipal council regarding the NPCA water quality monitoring program. If you have any questions or should you wish a presentation from the NPCA, please contact Steve Miller, Senior Manager, Water Resources at smiller@npca.ca or at 905-788-3135, extension 231.

Sincerely,

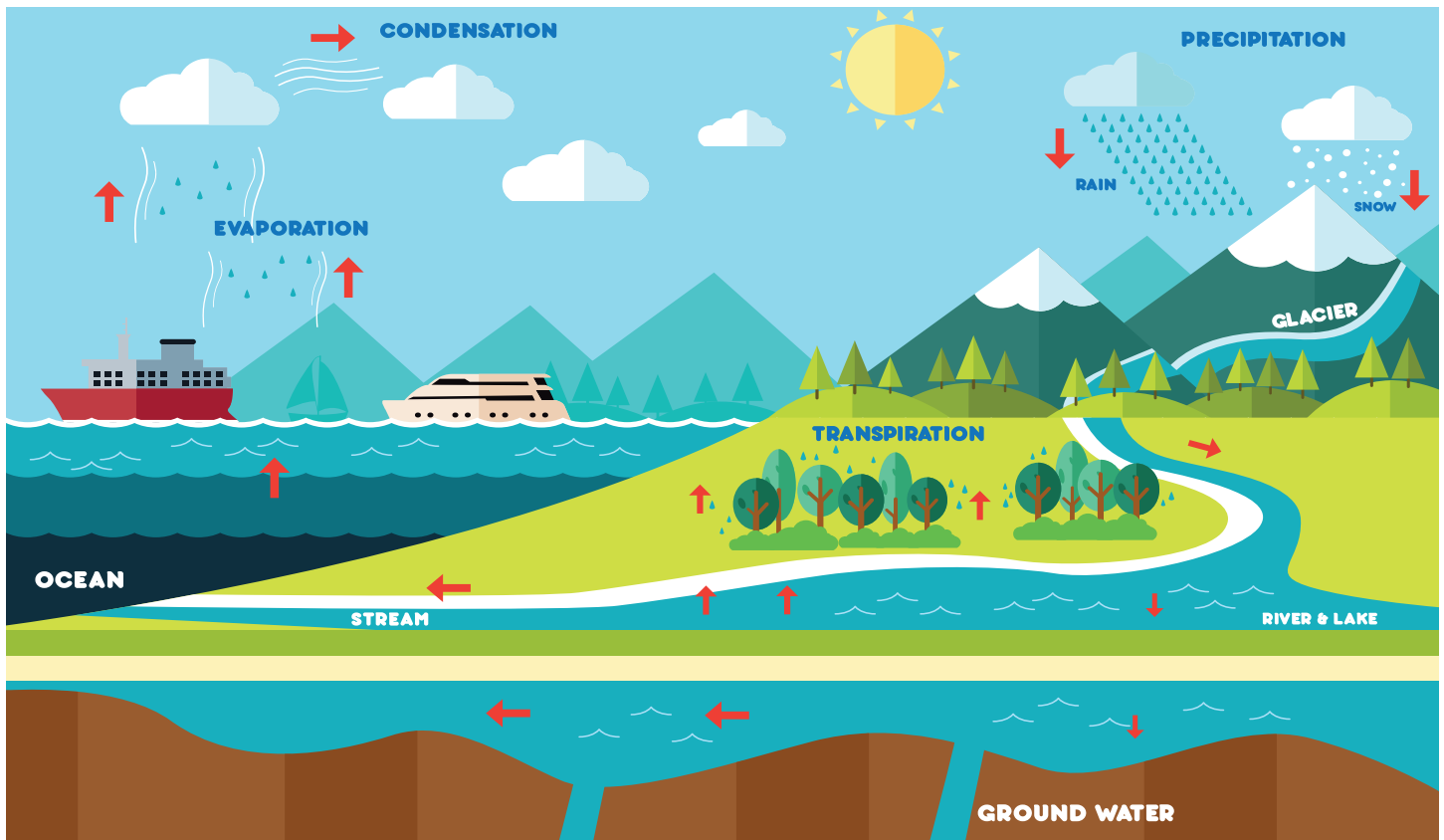


Grant Bivol
NPCA Clerk



2021

WATER QUALITY STEWARDSHIP FACT SHEET



[Sources: Credit Valley Conservation and Long Point Conservation Authority]

What is the water cycle?

Water moves continuously through our natural environment in a cycle.

We pick up the water cycle with rain or melting snow, which in reaching land:

- Flows to rivers, creeks, and lakes
- Seeps into the ground and wetlands where it is stored
- Plants absorb this water, and animals, including us, drink it

This water moves again! It may evaporate from the surface of lakes, aided by the sun. It is released by plants and animals. Water also filters in the ground and moves through soil to feed our lakes, rivers, and wetlands.

The evaporated water, as moisture, is carried by air. It rises, condenses to form clouds, and then is released (as rain or snow) to fall to earth once again.

Water feeds life

Water supplies the needs of all life. It flows through the landscape of a river's drainage area, or watershed, linking the natural

features and communities of the watershed together. Within a watershed, everything is connected.

We must take care of the water, we are as much a part of this system as are the trees, animals, and fish.

Surface Water

Surface water is the water that flows on the surface of the earth. Groundwater is found underground in the cracks and spaces in rocks, soils, and sands.

Groundwater

Groundwater is stored in and moves slowly through aquifers -- underground layers of rock or sands and gravels that can hold water. As a "bank" of water, aquifers can store more or less water depending on the season and recent rains. We sometimes refer to the top of the aquifer as the water table, which can rise after spring melt or heavy rains, and fall when less water is available (e.g., dry periods).

Water Monitoring Programs

Clean water supports diverse aquatic habitats, enhances recreational potential, and improves the well-being of those who use it. Environmental monitoring efforts provide information on surface and groundwater quality and quantity, important data that allows Niagara Peninsula Conservation Authority (NPCA) staff to identify changes taking place within the watershed.

Water monitoring has become increasingly important with growing pressures on surface and groundwater resources, development next to lakes, watercourses, and wetlands, and climate change having unforeseen and possibly dramatic impacts on the water quality and quantity. Throughout the watershed, NPCA collects standardized scientific data through established monitoring programs.

Water Quality Issues in NPCA Watershed

15

P

Phosphorus

What is phosphorus and how does it become a problem?

Phosphorus is a natural element found in rocks, soils and organic material and is an essential nutrient for plant growth. High concentrations may result from poor agricultural practices, runoff from urban areas, leaking septic systems or discharges from sewage treatment plants.

How does phosphorus affect our watersheds?

Excessive phosphorus concentrations can stimulate the overgrowth of plants and algae, depleting oxygen and leading to toxin producing algae blooms, which can be harmful to human and animal health.

What can be done?

Actions include eliminating pesticide use, natural buffers along watercourses and rain gardens. Larger scale actions include optimizing fertilizer use, eliminating runoff of livestock operations and erosion from roadways, construction sites and stream banks.

Cl⁻

Chloride

What is chloride and how does it become a problem?

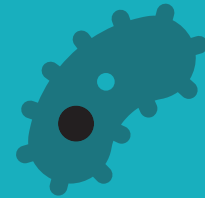
Chloride is a natural element that is typically found in surface waters, but can be increased through the winter salting of surfaces and through industrial discharges, wastewater, irrigation drainage, and landfill leachates.

How does chloride affect our watersheds?

Chloride is toxic to aquatic life, and can inhibit species' growth and reproduction, impact food sources, and disrupt osmoregulation in amphibians. Salt is also corrosive and can damage infrastructure, vehicles, clothes, and even the paws of our pets.

What can be done?

Winter chloride is an effective tool in de-icing surfaces but it is being overused. Methods to reduce salt use include adhering to the recommended application rate, treating roadways with brine, snow removal, worker training and alternatives like calcium magnesium acetate or sand.



E. coli (Escherichia coli)

What is E. coli and how does it become a problem?

E. coli is a bacteria found in intestines of animals and humans, and in human sewage. Sources of E.coli include sewer overflows, wastewater plants, septic systems and livestock operations. The levels of E. coli can spike during wet weather events like storms.

How does E. coli affect our watersheds?

E. coli is an indicator of fecal contamination. Once in a waterbody, E. coli can infect humans through ingestion or skin contact, resulting in diarrhea, giardia, hepatitis, or cholera.

What can be done?

E. coli can be reduced by controlling contaminated runoff with infrastructure improvements, fixing leaky sanitary sewers, incorporating green infrastructure like rain gardens and water-permeable hardscapes in street and park designs, picking up pet waste and discouraging seagulls and geese from congregating near the water. The use of Best Management Practices such as proper manure storage, livestock fencing, appropriate biosolid application rates and vegetative buffers from waterways are key tools for reducing E. coli in our watersheds.



Ball's Falls Conservation Area

NPCA Water Quality Monitoring Program: State of Water Quality in 2021

What is a Watershed?

A watershed is a land area that channels rainfall and snowmelt to creeks, streams, and rivers, and eventually to outflow points such as the Great Lakes in the NPCA jurisdiction. As the water flows through a watershed, it often picks up pollutants, which may have detrimental effects on the ecology of the watershed. Not all water flows directly to outflow points. When rain falls or snow melts some of it infiltrates into the ground. This groundwater remains in the soil, where it will eventually seep into the nearest stream or infiltrate much deeper into underground reservoirs called aquifers.

The goal of the NPCA water quality program is to protect human health and aquatic ecosystem by providing reliable and current information on the quality of surface water and groundwater in the NPCA watershed.

- The Niagara Peninsula Conservation Authority regularly collects and tests water samples at 80 surface water stations and 46 groundwater stations located throughout the NPCA's jurisdiction.
- The NPCA participates in the Provincial Water Quality Monitoring Network (PWQMN) and Provincial Groundwater Monitoring Network (PGMN) a partnership program with the Ontario Ministry of Environment Conservation and Parks.
- Surface water quality samples are analyzed for chloride, nutrients, E. coli, suspended solids, and metals. Groundwater quality samples are analyzed for chloride, nutrients, and metals.

Why monitoring is so important

- Characterizes our waters and identifies changes over time
- Identifies specific existing or emerging water quality issues
- Gathers information to design specific pollution prevention or remediation programs
- Confirms that program goals are being met

Surface Water - What Did We Find?

- Surface water monitoring results indicate most of the watersheds in the NPCA jurisdiction have poor water quality.
- The high levels of total phosphorus, E. coli, suspended solids, and chlorides within the surface water continue to be the major causes of poor water quality.
- The sources of these pollutants are generally from both rural areas (agricultural runoff and faulty septic systems) and urban areas (combined sewer overflows and urban stormwater runoff).
- Chloride concentrations were found to be highest in watershed with a high density of roads and urbanized areas.
- Nutrient and sediment concentrations were found to be highest in watersheds with significant agricultural landuse.
- E. coli concentrations were found to be highest in a variety of watershed types and related to both intensive urbanization and rural land uses.
- The upper Twelve Mile Creek tributaries have the best naturally occurring water quality due to large input of groundwater. Other watersheds such the Lower Twelve Mile Creek, Lower Welland River and Welland Canal have good water quality owing to the strong influence of water input of Lake Erie and the Niagara River.



Groundwater What Did We Find?

- The groundwater quality in NPCA's jurisdiction was found to be highly variable with some monitoring wells exceeding the Ontario Drinking Water Standards.
- All the Ontario Drinking Water Standards exceedances are a result of the natural conditions of the groundwater.
- Private well owners are responsible for having their well water tested regularly and to make sure that their well is properly maintained and in good condition.

How is the NPCA Water Quality Monitoring Program Data used?

- Help define current and emerging issues, track water quality trends and determine the effects of climate change on the NPCA watershed
- Provide scientific data to guide environmental assessments and land use policy
- Provide scientific data for NPCA Annual Reporting, Watershed Report Cards, and funding applications

NPCA Reporting

- Annual NPCA Water Quality Monitoring Report
- NPCA issues a Watershed Report Card once every five years with 29 other Conservation Authorities in Ontario

Additional Water Quality Monitoring Services Provided by NPCA

- Hamilton Airport Biological Monitoring Study
- Glanbrook Landfill Biological Monitoring Study
- Upper Twelve Mile Creek Water Temperature Monitoring
- Lower Twelve Mile Creek PCB Monitoring
- Conservation Area Water Quality Monitoring

2021 NPCA Water Quality Monitoring Program by the Numbers (Established 2001)



80

Surface Water Monitoring Stations



778

Surface Water Samples Collected



34

Macroinvertebrate Samples



9480

Surface Water Samples Collected Since 2001



46

Groundwater Monitoring Wells



36

Groundwater Samples



5

Decommission Abandoned Water Wells for Watershed Landowners

NPCA SURFACE WATER MONITORING STATIONS

65% are rated as poor

26% are rated as marginal

8% are rated as fair

1% is rated as good.



Mudlake Conservation Area

What we can do to help?



What Can You Do?

- Plant native trees, wildflowers, shrubs, and/or rainwater gardens.
- Reduce the amount of mown grass on your property.
- Reduce the amount of pesticides, herbicides and fertilizers.
- Conserve water by using low flow showers and toilets, high efficiency clothes washers and dishwashers.
- Install rain barrels to collect water for use around your yard.



What Can Your Community Do?

- Sponsor community clean ups to keep waste out of natural areas.
- Look for ways to expand the existing urban tree canopy.
- Reduce the amount of pesticides, herbicides and fertilizers used.



What Can Your Business Do?

- Establish a corporate volunteering program to support local initiatives such as tree plantings.
- Invest in 'greener' alternatives to current practices.
- Encourage recycling and composting in the workplace.
- Donate towards water quality and habitat improvement programs.
- Evaluate the effectiveness of environmental programs.

NPCA Reporting and More information

Annual Water Quality Report

<https://npca.ca/watershed-health#water-quality-monitoring>

Watershed Report Cards

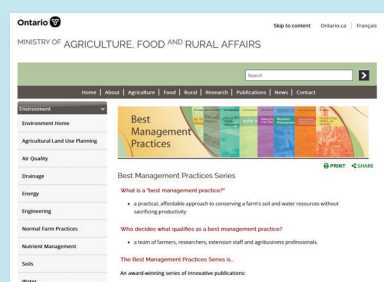
<https://npca.ca/watershed-health#report-cards>

NPCA Grant Programs

<https://npca.ca/restoration>

<https://npca.ca/well-decommissioning>

Best Management Practices.



Scan for more information on Best Management Practices.

October 28, 2022

Mayor Steele and Council
City of Port Colborne
66 Charlotte Street
Port Colborne, ON
L3K 3C8

SENT ELECTRONICALLY

Dear Mayor Steele and Council,

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

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

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

CARRIED

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

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

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

Sincerely,



Grant Bivol
NPCA Clerk

Board of Directors' Meeting Highlights – October 21, 2022

On Friday, October 21, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting in a hybrid electronic format with a limited number of Board Members attending proceedings at the Ball's Falls Centre for Conservation. Highlights from the meeting included:

NPCA Land Securement Strategy Comment Period Extension:

At the request of local partners, the Board of Directors extended until November 18, 2022, the deadline for comment on the Final Land Securement Strategy, to provide sufficient time for stakeholders to review and provide comments.

Rebranding Roll-Out Plan:

Rebecca Hull, Manager of Strategic Business Planning for the NPCA, presented the new branding plan and indicated that further updates to the Board of Directors would be forthcoming as the implementation progressed.

Appointment of Regulations Officers:

For the duration of their employment, the Board appointed NPCA staff members Bob Hayslip and Sean Callaghan as Provincial Offences Officers for the NPCA.

Special Electronic Meeting of the Board Called for Friday, November 4, 2022:

With deferral of a report on Draft NPCA Policies for the Administration of Ontario Regulation 155/06 and the Planning Act, and Procedural Manual and a related presentation, The Board directed that a special electronic meeting be convened electronically on Friday, November 4, 2022, at 9:30 a.m. to address these items.

Links to Agendas, Minutes, and Video:

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

ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF ENBRIDGE GAS INC.

Enbridge Gas Inc. has applied to raise its natural gas rates effective April 1, 2023, to recover costs associated with the *Greenhouse Gas Pollution Pricing Act* and the *Ontario Emissions Performance Standards*, and to recover certain related account balances and other changes.

Learn more. Have your say.

Enbridge Gas Inc. has applied to the Ontario Energy Board for approval to increase its rates effective April 1, 2023, to recover the costs associated with meeting its obligations under the *Greenhouse Gas Pollution Pricing Act* and the regulations under the *Ontario Emissions Performance Standards*. Enbridge Gas Inc. has also applied to recover from customers the balances in the related deferral and variance accounts and to establish a common Facility Carbon Charge for all customers, effective January 1, 2024.

The federal government's *Greenhouse Gas Pollution Pricing Act* establishes a carbon pricing program under which a natural gas utility in Ontario, such as Enbridge Gas Inc., is required to pay a carbon charge to the federal government for emissions from the natural gas that it delivers to its customers, and for excess emissions from the operation of Enbridge Gas Inc.'s natural gas distribution system. The federal carbon charge came into effect on April 1, 2019, increased on April 1, 2020, April 1, 2021, and on April 1, 2022, and will increase again on April 1, 2023.

The Ontario Emissions Performance Standards program is the Ontario government's carbon pricing system for industrial emitters that will come into effect on January 1, 2022, and replaces the federal government's Output-Based Pricing System in Ontario.

Enbridge Gas Inc. says that if its application is approved as filed, it will have the following bill impacts:

- A typical residential customer in the EGD rate zone (former customers of Enbridge Gas Distribution Inc.) will see a bill increase of \$63.59 beginning April 1, 2023. This is composed of a \$62.42 yearly bill increase arising from the 2023 carbon charges, plus a one-time charge of \$1.17, to recover the balances in the related deferral and variance accounts.
- A typical residential customer in the Union South rate zone (former customers of Union Gas Limited), will see a bill increase of \$57.66 beginning April 1, 2023. This is composed of a \$57.24 yearly bill increase from the 2023 carbon charges, plus a one-time charge of \$0.42, to recover the balances in the related deferral and variance accounts.
- A typical residential customer in the Union North rate zone (former customers of Union Gas Limited), will see a bill increase of \$57.77 beginning April 1, 2023. This is composed of a \$57.24 yearly bill increase from the 2023 carbon charges, plus a one-time charge of \$0.53, to recover the balances in the related deferral and variance accounts.

Other customers, including businesses, may be affected.

THE ONTARIO ENERGY BOARD WILL HOLD A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider the application filed by Enbridge Gas Inc. (Enbridge Gas). During the hearing, which could be an oral or written hearing, we will question Enbridge Gas on its application. We will also hear questions and arguments from individuals that have registered to participate (called intervenors) in the OEB's hearing.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review Enbridge Gas's application on the OEB's website now
- You can file a letter with your comments, which will be considered during the hearing
- You can become an intervenor. As an intervenor you can ask questions about Enbridge Gas's application and make arguments on whether the OEB should approve Enbridge Gas's request. Apply by **November 8, 2022** or the hearing will go ahead without you and you will not receive any further notice of the proceeding
- At the end of the process, you can review the OEB's decision and its reasons on our website

LEARN MORE

Our file number for this case is **EB-2022-0194**. To learn more about this hearing, find instructions on how to file a letter with your comments or become an intervenor, or to access any document related to this case, please enter the file number **EB-2022-0194** on the OEB website: www.oeb.ca/participate. You can also phone our Public Information Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. Enbridge Gas has applied for a written hearing. The OEB will determine at a later date whether to proceed by way of a written or oral hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **November 8, 2022**.

PRIVACY

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This rate hearing will be held under section 36 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15 Schedule B.



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario



Downtown Port Colborne BIA - Board Meeting
Tuesday, May 3rd 2022- 6:00 PM
92 Charlotte Street, Port Colborne

Attendance: Jesse Boles, Taylor Mynlieff, Morgan MacLean, Norbert Gieger, Larry Beverly, Rosemary Poisson.

Guests: None.

Staff: Mary-Lou Ambrose-Little

Regrets: Alicja Kniffen, Ed Cleveland, Anna Marie Crognale, Councillor Donna Kalaileff, Sarah English

Welcome

Jesse Boles, Chair welcome everyone to the meeting.

Call to order

The meeting called to order at 6:12pm

Declaration of pecuniary interest

None.

Approval of the meeting agenda

Motion: to approve the agenda. Motion by: Larry Seconded by: Rosemary. Carried

Approval of April 2022 minutes

Motion: "to approve the minutes of the April Meeting." Motion by Taylor; Seconded by: Norbert. Carried

Business Arising from the Minutes

- Diversity Days update provided by Jesse. BIA to move forward with smaller event June 10th in parallel with the Farmers Market. To include flag raising and representation from local diverse groups.
- Further updates to Events covered in May 2 2022 meeting minutes.

Reports

Chair's Report Jesse updated on Skycom phone. Port Cares line with ext. 259 to be used moving forward and monitored for measure of success. Jesse also brought forward discussion around extra charges that MaryLou has incurred due to having to use her personal cellphone for market & BIA related business which resulted in data overages and charges.

Motion: To reimburse MaryLou for overages on her personal cellphone effective to dates they were incurred. MaryLou will provide cellphone bill records for us in order to obtain reimbursement. Sarah will now be handling most social media and marketing so future charges will likely not be incurred. Motioned by: Norbert and Seconded by Taylor.

Councillor's Report - Not present. Will update.

Governance - No report.

Marketing - No news.

Event - MaryLou and Jesse to meet with City staff to go over 2022 event plans and bring City up to speed. Additionally, Events Committee meeting occurred on Monday May 2nd 2022 and minutes will follow.

City wide Community Yard/Trunk Sale on the May long weekend (May 21-22). Small Scale this year with email blast out to businesses to invite them to participate. Full event to happen at future date.

Staff Report MaryLou shared that Chamber emails coming in re: Chamber Staff Benefits. This has been received and filed.

Treasurer's Report

No report.

2022 Strategic Plan (Staff)

No report.

New business

Rosemary abstained from voting below.

Letter of support needed re: Canal Days patio policy needing amendment. Letter to support amending existing policy that would impact Canalside patio during Canal Days. Motioned by Jesse. Seconded by Norbert.

Unanimous decision.

Need to engage community partners such as StreetWorks, with regards to crime, loitering & disruption of downtown area. Safety issues presented at public washroom locations. Suggestions made such as increasing safety measures utilizing technology such as anti-loitering sensors.

Adjournment

Motion: "to adjourn." Moved by: Norbert; seconded by: Taylor

7:15 PM

NEXT MEETING
June 7, 2022 6:00 PM

Attachments: Staff Reports, Treasurer's Report



Downtown Port Colborne BIA - Board Meeting
Tuesday, June 7 2022- 6:00 PM
92 Charlotte Street, Port Colborne

In attendance: Larry Beverly, Jesse Boles, Morgan MacLean, Norbert Gieger, Councillor Donna Kalailieff & Councillor Mark Bagu

Staff: Mary-Lou Ambrose-Little & Sarah English

Guests: Olga Loeffen (Ambassador) & Igor from Citrus Seventeen.

Regrets: Taylor Mynlieff, Rosemari Poisson, Ed Cleveland.

Welcome

Jesse Boles, Chair welcome everyone to the meeting.

Call to order

The meeting called to order at 6:09 pm

Declaration of pecuniary interest

None.

Approval of the meeting agenda

Motion: "to approve the agenda. To move up our guest speakers, to the beginning of the meeting." Motion by: Norbert Seconded by: Larry. Carried

Approval of May 2022 minutes

Motion: "to approve the minutes of the May Meeting." Motion by Larry; Seconded by: Morgan. Carried

Business Arising from the Minutes

- Olga presented about the My Main Street Grant, connecting businesses to City Hall and how she is providing support to businesses. She shared about Classes and Webinars that are available free for all businesses. Lots of resources are available to businesses and all should connect with her to learn more.
- Diversity Days put on the backburner for 2022 but will be revisited in the fall to plan for 2023.
- SkyCom has finally been settled.
- Port Cares Lease has been renewed.
- Market Square was successfully renamed Freedom Square, a portable sign to reflect that change.

Reports

Chair's Report- No report

Councillors Report- Lights failing, hoping to see City repair them. Steve Shypowskyj to report back on the status of repair progress. Jesse will be measuring out and mapping for the remainder of the lights to be put up.

The City of St Catharines has started Vacancy Standards Act charging \$850/year. Something to look at for Port Colborne as well. Suggested vinyl over windows or engaging local high schools to keep front of vacant units looking inviting and clean.

The Belmont has applied for a variance to extend the bylaw for their new patio.

Motion: "BIA not in favour of changing the extension of noise bylaw. Willing to consider standard Canal Days customary times. *All in favour.*

Encroachment – Businesses creeping out and some complaints have been coming in.

Parking- West St continues to be an issue. Look into the bylaw amendment so people have to move a certain distance from the previous parking space or to a different lot altogether to assist with the issue.

Governance – No report

Staff Reports- Attached.

Marketing- Meeting held June 6, minutes to be attached. Harvest Fest Logo will be sent out. The website has launched as well with great feedback. The sponsorship package is ready to go out to the public in digital form.

Event-

Canal Days fresh & lively enhancement to this year's festival. Great feedback coming in from the community around changes. Liaison with City to keep the focus on local. Applications coming in and acceptance emails have begun going out to vendors.

Staff Report Downtown Digital MAP discussed. Discussion around a Small Business package for new businesses. Also discussed was BIA not being invited to ribbon cuttings for new businesses and downtown events. Communicate to City that BIA should be in communication around these events so we can be in attendance to welcome them and show support.

New business

A collaborative effort is needed to improve the shopping experience at Canal Days and make it easier for people to shop and get their items instead of having to carry them all around the festival. Suggested a pickup point or offering delivery.

HH Knoll Park continues to be a problem. Folks living in shopping carts by Franks Home Hardware and HH Knoll frequently. The increasing homeless population in the area. Encouraging a vacancy bylaw to discourage individuals from damaging vacant buildings and living in entryways or abandoned units. Will help encourage a safer downtown area?

Methadone Clinic- Need to report to Niagara Region how bad things are getting in the downtown area as Niagara Region is not aware unless we are reporting it.

Crosswalk Maintenance- Rainbow Crosswalk maintenance and warranty work are needed as the damage was done by local children vandalizing it. Look to expand crosswalks, especially in the Clarence St area at the bridge to let the public know that they can safely cross there.

Adjournment

Motion: "to adjourn." Moved by: Norbert; seconded by: Morgan

8:36 PM

NEXT MEETING

Tuesday, July 5, 2022, 6:00 PM

Attachments: Staff Reports, Treasurer's Report



2022 Downtown Port Colborne BIA Board Meeting

Monday, July 4 2022, 6:30 pm

BIA Office - Main Training Room, Port Cares Admin Building. 92 Charlotte Street,
Port Colborne

MINUTES

In Attendance: Jesse Boles, Norbert Gieger, Taylor Mynlieff, Morgan MacLean, Rosemarie Poisson, Larry Beverly, Ed Cleveland, Councillor Donna Kalailieff.

Absent: Alicja Kniffen, and Anna Marie Crognale.

Staff: Mary-Lou Ambrose-Little & Sarah English.

Volunteers: Carla & Mike Turner.

1. Welcome

Chair Jesse Boles welcomed everyone to the meeting.

2. Call to Order at 6:36 pm

Land Acknowledgement Read.

3. Declaration of Pecuniary Interest

None

4. Approval of Agenda

Motion: "to approve the agenda."

Motioned by Ed, Seconded by Norbert. Motion Carried.

5. Approval of June Board Meeting Minutes

Motion: "to approve the June minutes."

Motioned by Taylor. Seconded by Donna. Motion Carried.

6. Business Arising from the Minutes

Coal Hatch and Public Art Request have submissions so far. We need to confirm the type of paint and get that ordered. Need City to post it to get more applications submitted.

Cruise Ship discussions are still ongoing- more to follow. Sarah is working on the Sponsorship Package- it is looking really professional. Also, discussion around expanding our BIA area to Killaly St to cover businesses in that grey area.

Motion: "To apply to City to expand the BIA area to include north to Killaly."

Motioned by Jesse. Seconded by Norbert. Motion Carried.

7. Audit Review & Approval

No changes are required.

Motion: to approve the Grant Thornton Audit package- no changes needed.

Motioned by Norbert. Seconded by Ed. Motion Carried.

Dan Kozina Mural Proposal was approved for the Harbour Master/Pilot Building- need to make some modifications before the final choice. A meeting with the artist to be set up shortly.

Budget & Strategic Planning Committee to meet in September 2022. The committee will consist of Taylor, Jesse, Rosemarie & Mary-Lou.

8. Correspondence- Niagara Tourism Relief Fund Correspondence- Grant Approval. (\$10,000 approved), toward Winter Wonderland Program.

9. Reports

Chair's Report- No report

Councillor's Report - No report

Executive Director's Report - Written report presented. Mary-Lou mentioned that allowing dogs and other pets into the market is working well. Pet owners are very happy. Only one complaint about dogs has been received.

Marketing & Events Report- Written report presented. Sarah further reported that Harvest Fest, 37 vendors registered. Sarah will be sending out information on payment and further instructions.

Treasurer's Report- Taylor reported that lots of Canal Days money coming.

The need for two separate bank accounts is not necessary at this point provided the City of Port Colborne approves and/or extends the MOU regarding the BIA running the market.

Motion: End of year dissolve the 2nd account. Motioned by Norbert. Seconded by Larry. Motion Carried.

Jesse Boles shared he is running for council. Vote required to keep Jesse in his current role for the time being. If he is successful, the Board will need to revisit his role.

Motion: "to keep Jesse Boles in his current role as chair until the municipal election is decided."

Motioned by Ed. Seconded by Norbert. Motion Carried.

10. Closed Session – Closed Session for the purpose of discussing a personal matter of an identifiable individual, Member of the board, or committee.

Motioned by Taylor and Seconded by Rosemarie. Motion Carried.

Adjourned at 8:52 pm

Next meeting September 2022

Additional Updates:

The website is looking great. Just a few tweaks to make but overall is looking fantastic.

Cruise Ships- the City is looking at a shuttle as there have been a lot of frustrations and issues around the cruise ships. It's a work in progress.

CIP (Community Improvement Program) - Will be announced between City and Vale for a Community Improvement Plan.

Farmers' Market- Market vendors are very pleased with this year's market, considering the cost of products and prices are up and shoppers are supporting the farmers. However, the vendors in the Marketplace were not as happy they aren't getting as many sales. This is the pattern all across Niagara. People are buying only necessary items. As time has gone on the vendors that were not happy left and new ones have been added and sales have gone up. The site plan was changed and sales have improved. This section was created to help small businesses and home-based businesses get going again after Covid, so will likely be phased out in 2023.

Picnic Tables- Expected in July (delayed to August)

Niagara Tourism Fund= \$10,000 for Winter Wonderland

Canal Days Market- all in place. City bought 40 tents for all vendors. Jesse is coordinating that aspect. City using a grant to pay for them.

Annual Performance Reviews are to be completed for both employees shortly.



2022 Downtown Port Colborne BIA Board Meeting

Tuesday, September 6, 2022, 6:30 PM

BIA Office - Main Training Room, Port Cares Admin Building, 92 Charlotte Street, Port Colborne

MINUTES

Attendance: Jesse Boles, Donna Kalailieff, Rosemari Poisson, Anna Maria Crognale, Ed Cleveland, and Norbert Gieger.

Regrets: Larry Beverly, Taylor Mynlieff, and Morgan MacLean.

Staff: Mary-Lou Ambrose-Little and Sarah English.

Guest: Amy Duffy, City of Port Colborne

1. Welcome and Introductions

Chair Jesse Boles welcomed everyone to the meeting and introductions were done.

2. Call to order at 6:31 PM

3. Land Acknowledgement

4. Declaration of Pecuniary Interest

None

5. Approval of Agenda

Motion: "to approve the agenda".

Motioned by Norbert and Rosemari. Motion Carried.

6. Guest Speaker

Jesse Boles welcomed guest speaker, Amy Duffy, the City of Port Colborne's new role. Amy Duffy spoke to the board and introduced herself and her new role within the City of Port Colborne. Duffy discussed that the City of Port Colborne is in the process of debriefing Canal Days and plans to reach out to businesses for feedback on this year's event. A survey may circulate in the weeks to come.

The consensus amongst the Board and Duffy was that more collaboration between the BIA and the City is encouraged. There is a recommendation that a BIA representative is involved in any Canal Days debriefing.

An upcoming collaboration between the City of Port Colborne and the BIA is an implementation of more lights being put throughout Downtown in order to celebrate the holiday season. The City of Port Colborne has sponsored the BIA with \$15,000 to move forward with this lighting project.

There was a suggestion that the BIA create a committee specifically for Holiday decor and focus on King George Park and West Street. Rosemari is taking the lead on finding the best lighting/décor to purchase.

will be removed along with the summer beautification planting, Anchors in order to powder coat and repair them over the winter. The Downtown BIA will vote on a possible color change which will happen in the coming weeks. Sarah English will be sending out a survey to Board Members for their vote.

The BIA is waiting to hear back from the City of Port Colborne as to the event Taste of Port Colborne. It was recommended that the event be moved to February or March of 2022.

7. Business Arising from the Minutes

The mural on the side of the Pilot House is beginning on September 24, 2022.

The BIA would like to purchase an 8x16 shed for the Farmers' Market in order to store supplies.

Motion "to purchase a \$6,500 shed (subject to the City's approval)".

Motioned by Rosemari, Seconded by Ed.

Another mural will be placed on the side of the shed. Sarah English will put out a call for submission.

8. Approval of July Board from the Minutes

Motion: "to approve the July minutes".

Motioned by Ed and seconded by Rosemari.

9. Reports

Chair's Report - Canal Day's Summer Market brought in \$9,500 as a total revenue with the BIA earning \$4,000 of that revenue.

Councillor's Report - No updates.

Executive Director's Report – Written Report was presented. Businesses continue to struggle with staffing issues, finding more cruise ship passengers and staff are aware of shops. Shuttle service seems to be effective.

The farmers' market is still strong with many vendors and is expected to have fewer vendors as farm crops finish. The Marketplace vendors will be moved over to the main market to fill in the vacant spaces as they become available.

Mary-Lou reported that the City's Economic Development and Tourism Department is contributing to events and festivals with \$15,000 and further that through the Niagara Tourism Relief Fund there is \$10,000 to spend on Winter Wonderland.

Mary-Lou reported that sponsorships for the Harvest Fest are Rankin Construction, McDonald's, and the City of Port Colborne contributing \$500 each = \$1,500. Meridian Credit Union and Boggio contributing \$250 each = \$500. Total sponsorship is \$2,000. Restaurants are providing entertainment at their cost for in-kind sponsorship. (Value \$2,000)

Marketing & Events Report – Written report was presented. Sarah reported that Harvest Festival has 72+ vendors and the BIA phone extension has changed to #228. The BIA is currently looking for volunteers for the Harvest Festival, Winter Wonderland, and the Farmers' Market (for the remainder of the season).

Treasurer's Report – Jesse stated that Taylor will provide a full report at the next meeting. Jesse mentioned that the Market is \$24,000 and that there is a healthy balance of over \$80,000 in the general account.

NEXT MEETING

October 4, 2022, 6:30 PM

Attachments

Events Committee Meeting Summary
Staff Reports

Port Colborne Public Library Board

MINUTES of the Seventh Regular Meeting of 2022

Date: Wednesday, August 3, 2022
Time: 6:15 p.m.
Location: Virtual Meeting held via Microsoft Teams

Members Present: M. Cooper, Chair
M. Bagu, Councillor
V. Catton
H. Cooper
J. Frenette
B. Ingram, Vice-Chair
A. Kennerly
C. MacMillan

Staff Present: S. Therrien, Director of Library Services (Board Secretary)
B. Boles, Board Treasurer
R. Tkachuk, Librarian

Regrets: B. Beck
S. Luey, Chief Executive Officer

1. Call to Order

The Chair called the meeting to order at approximately 6:23 p.m.

2. Land Acknowledgement

3. Declaration of Conflict of Interest

4. Adoption of the Agenda

Moved by A. Kennerly
Seconded by C. MacMillan

Port Colborne Public Library Board

That the agenda dated August 3, 2022 be adopted, as circulated.

Carried.

5. Approval of Minutes

Moved by J. Frenette

Seconded by V. Catton

That the minutes of the regular meeting dated July 20, 2022 be approved, as circulated.

Carried.

6. Business Arising from the Minutes

7. Consent Items

7.1. Circulation Reports

- June 2022 Circulation Report
- June 2022 LiNC Transits Report
- 2nd Quarter 2022 Circulation Report
- 2nd Quarter 2022 LiNC Transits Report

7.2. Financial Statement

- July 28, 2022

7.3. Media Items

- Port Colborne Public Library Digital Newsletter, August 2022
- City Hall News, August 2022

Moved by H. Cooper

Seconded by V. Catton

That consent items 7.1 to 7.3 be received for information purposes.

Carried.

Port Colborne Public Library Board

8. Discussion Items

8.1. 2023 Draft Operating Budget (B. Boles, S. Therrien)

The Board reviewed the draft 2023 Operating Budget and discussed the library's staffing needs.

Moved by A. Kennerly

Seconded by C. MacMillan

- a. That the Port Colborne Public Board approves the draft 2023 operating budget, as presented.
- b. That the Port Colborne Public Library Board directs the Director of Library Services to work with Human Resources to enlist a consultant to review and make recommendations regarding the library's staffing needs.

Carried.

8.2. Board Succession Planning and the Upcoming New Term (S. Therrien)

The Board reviewed the actions outlined in GOV-10: Board Succession Planning Policy. The Director will consult with the City Clerk and report to the Board at the September 2022 meeting regarding the timeline for applications and Board appointments.

9. Decision Items

9.1. Policy Review

9.1.1. OP-17: Records and Retention Schedule

9.1.2. FN-05: Land Acknowledgement Statement

Moved by C. MacMillan

Seconded by V. Catton

That policies 9.1.1 and 9.1.2 be approved, as presented.

Carried.

Port Colborne Public Library Board

10. Other Business

11. Notices of Motion

12. Date of the Next Meeting

The next meeting will be held Wednesday, September 7, 2022 at 6:15 p.m. via Microsoft Teams.

13. Adjournment

Moved by C. MacMillan

Seconded by A. Kennerly

That the meeting be adjourned at approximately 7:30 p.m.

Carried.

Michael Cooper
Board Chair
October 5, 2022

Susan Therrien
Director of Library Services
Board Secretary
October 5, 2022



The meeting of the Board of Management of the Port Colborne Historical and Marine Museum was held September 20, 2022, at 7:00 p.m. in the L.R. Wilson Heritage Research Archives.

Present: Bonnie Schneider, Arlene Lessard, Bonnie Johnston, Brian Heaslip, John Maloney, Claudia Brema, Terry Huffman, Cheryl MacMillan, Jeff Piniak, Gary Hoyle, Stephanie Powell Baswick, Michelle Mason, Tami Nail, Meghan Chamberlain

Regrets: Councillor Eric Beauregard, Margaret Tanaszi

Minutes:

Moved By: Gary Hoyle

Seconded By: Arlene Lessard

To: Approve the minutes of the Board of Management from July 19, 2022.

Business Arising:

Brian Heaslip reported that a letter was sent on behalf of the Board of Management to Peter Cherwonogrodzky, in response to his letter of suggestions. Brian read aloud the official response to those present. Cheryl MacMillan also reported the Auxiliary has sent a response as well.

Correspondence:

Meghan Chamberlain reported four separate pieces of correspondence received since the July 19, 2022, meeting. The first was received from Chris Williams who inquired if the sailor hats from the Museum gift shop will be available online. Mr. Williams also congratulated the Museum on a wonderful return to Canal Days.

The second piece of correspondence was received from HMS Psyche, who thanked Assistant Curator Tami Nail for their participation in Canal Days and stated their interest in returning next year.



The third item of correspondence was received from Cheryl and Jim Brown who thanked Museum staff for a great Canal Days experience and wish to volunteer again next year.

The fourth piece of correspondence was from Katie Cameron who congratulated the Museum on a successful Canal Days filled with fun educational spaces for all ages. Mrs. Cameron would also be interested in volunteering for future events.

Council Report:

No report.

Curator's Report:

The Curator's report began with a Canal Days report presented by Assistant Curator Tami Nail. Tami reported on the revenue and expenses of the 2022 Canal Days festival followed by what worked well this year and what did not work well. Tami also supplied the Board of Management with an outline of possible improvements that can be made in the following years.

Michelle Mason reported that Katelynn Best has been hired as Registrar. Also, summer student Darius Maddalena has created an online exhibit for the Lighthouses of Port Colborne, which can now be accessed through the Exhibits portal the Museum website. Additionally, two display cases that once belonged to Mahaffey's Drug Store are now in the Roselawn Centre to be used in exhibitions.

Furthermore, Michelle reported on behalf of Archivist Michelle Vosburgh that several new finding aids have been created by volunteers. The Urban History Walking Tours were well attended, with an overall 56 participants over the span of 10 tours. There was a special Humberstone Club tour presented to residents of Tennessee Avenue that had 35 attendees. A new Speaker Series schedule has been published for the Fall as well as limited dates for Cemetery Tours in October. Lastly, a newsletter has been sent to Archives Advocates.



Port Colborne Historical & Marine

MUSEUM

...more than a museum!

Auxiliary Report:

Bonnie Johnston reported that attendance had improved from the beginning of the year. Recently there was an auxiliary meeting, in which the topic of better signage for Arabella's Tearoom was discussed. Bonnie presented Brian Heaslip of the Building and Property Committee with a suggestion page of new signage. Other suggestions came from Cheryl MacMillan who recommended moving current signage to the east facing exterior wall. Lastly, Bonnie reported two chairs in need of repairs.

Friends of Roselawn Centre Report:

Arlene Lessard reported that the Lens & Palette exhibit over the summer was successful and had great attendance. Additionally, the 'Through the Windowpane' outdoor exhibit was well received.

Arlene also reported that 'Stitches in Time' will be debuting September 28, 2022, at the Roselawn Centre and the Christmas Maker Market will return for November 19, 2022.

Finance Committee:

Terry Huffman reported that an official announcement will be made soon pertaining to the Francophone Community Grant Program 22-23 Community and Culture Stream. This grant will allow for the hiring of personnel to document the oral history of local Francophone community, showcase findings in a film festival, and create a pop up exhibit.

Membership Committee:

Claudia Brema reported that there are 8 new members since the September 20, 2022, meeting.

Building and Property Committee:



Port Colborne Historical & Marine
MUSEUM
...more than a museum!

Brian Heaslip updated the Board that the following projects are underway: Arabella's Tea Room is in the process of being painted, Hochelaga repairs are set to begin in late September/October, volunteers from the committee have completed temporary repairs on fences and around the property.

Brian also suggested that major repairs are needed to the siding of Arabella's Tea Room to prevent further damage.

Lastly, a new popcorn machine is needed for the next Canal Days. The committee has sourced a new machine that matches the historic aesthetic of the previous model. The purchasing of the machine will be discussed closer to the next event.

Programme Committee:

John Maloney reported on the success of Canal Days and alerted the Board that the Museum will be present at the Harvest Festival on September 24, 2022.

John also reported on behalf of Public Programmer Sloane McDowell, that the Hands on Heritage Traditional Workshop series went very well. There were 6 workshops in total with 60 participants of all ages. Also, there are now 5 school programs available for schools to book. Lastly, adult programming and workshops are in the process of being completed and marketed.

Fundraising Committee:

Claudia Brema began her report by thanking everyone for their help with the recent Canal Days t-shirt fundraiser.

Terry Huffman approached the Board of Management with an idea for a new fundraising event to take place at the Roselawn Centre. The event would be a concert series on the lawn of Roselawn featuring local talent. Terry requested permission to explore the details of this idea further to which the Board supported.



Port Colborne Historical & Marine
MUSEUM
...more than a museum!

Policy Committee:

No report.

Accession Committee:

Terry Huffman reported that the committee is currently collecting items for the next meeting.

Heritage Committee:

No report.

Director's Report:

Stephanie Powell Baswick reported that consultants have been hired from the City of Port Colborne to find efficiencies within the Department of Museum and Culture, as well as the Library.

Stephanie also reported that new financial structures have been created for the Roselawn Centre, including online portals for payments.

New Business:

Brian Heaslip approached the Board with a new partnership opportunity with the Optimist Club. The partnership would allow the Optimist Club to have access to the Roselawn Centre for annual Christmas dinners, dinner shows, programming, and other activities with fees covered. Brian read aloud the direct request, then suggested that he attend the upcoming Optimist Club meeting and propose that if fundraisers will be held at the Roselawn Centre then fees can be re-cupped.



Port Colborne Historical & Marine
MUSEUM
...more than a museum!

Brian Heaslip motions to have a one-time trial collaboration with the Optimist Club.

Terry Huffman seconds this motion.

Motion carried by all.

Brian Heaslip will propose this trial with the Optimist Club and report back to the board of management with the results.

Cheryl MacMillan motions to adjourn.

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to authorize entering into a development agreement with Ricky and Erika Froese regarding 1575 Firelane 2

Whereas the Council of the Corporation of the City of Port Colborne is desirous of entering into a development agreement with Ricky and Erika Froese regarding the property legally known as Concession 1 Part Lot 18 on Plan 59R11746 Parts 1 to 3, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1575 Firelane 2.

Now therefore the Council of the Corporation of the City of Port Colborne enacts as follows:

1. That the Corporation of the City of Port Colborne enters into a Development Agreement with Ricky and Erika Froese, which development agreement is attached hereto as Schedule "A";
2. That the Mayor and the Clerk are hereby authorized and directed to sign the said development agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 8th day of November 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2022.

BETWEEN:

Ricky Froese and Erika Froese

Hereinafter referred to as the “**OWNERS**” of the **FIRST PART**;

and

THE CORPORATION OF THE CITY OF PORT COLBORNE

Hereinafter referred to as the “**CITY**” of the **SECOND PART**;

WHEREAS the Owner desires to develop the lands described in Schedule “A” attached hereto (hereinafter referred to as the “**Lands**”);

AND WHEREAS The applicant is required to enter into a Development Agreement to permit the existing dwelling to remain on the property during the construction of the new dwelling.

AND WHEREAS the existing dwelling may be temporarily inhabited by the owners during the construction of the new dwelling.

NOW THEREFORE the parties hereto agree as follows:

1. The Owners hereby warrant that they are the registered Owner of the Lands described in Schedule “A” to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owners, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. The Owner acknowledges the length of this agreement shall not exceed 18 months from the registration of this agreement or until occupancy of the proposed dwelling has been granted, whichever comes first.
5. The Owner acknowledges that once the construction work has been completed or the agreement expires, the existing dwelling must be demolished.
6. As security for carrying out the provisions of this agreement, the Owner shall deposit with the City, before the execution of this agreement, a cash deposit, letter of credit, bank draft, or certified cheque in the amount of **\$20,000** satisfactory to the Treasurer, upon which the City may draw funds without the consent of the Owner, to cover the costs of the demolition of the existing dwelling, if the owner does not meet the terms of this agreement.
7. The Owner acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City.

**SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:**

OWNERS

Ricky Froese

Erika Froese

THE CORPORATION OF THE CITY OF PORT COLBORNE

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk

SCHEDULE “A” – THE LANDS

Con 1 Part Lot 18 on 59R11746 Parts 1 to 3
In the City of Port Colborne
In the Regional Municipality of Niagara

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 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 690-700 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 R4-CH and R2 to R4-70.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-70

Notwithstanding the provisions of Zoning By-law 6575/30/18, the following special regulations delete and replace the following sections as applicable:

2.9 – Accessory Uses to a Dwelling

2.9.1 – Accessory Dwelling Unit

iii) The maximum floor area for the accessory dwelling unit shall not exceed 65 m².

2.9.1.2 – Dwelling Unit, Detached Accessory

iii) Exceed a building height of 7.5 metres.

2.9.2 – Home Based Business

2.9.2.1 – General Provisions

i) The home-based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling unless such dwelling is wholly located within 30 metres of a *street line*.

iii) The use occupies a maximum floor area of 25% of the total dwelling unit *floor area* to a maximum of 23 m², whichever is less. However, dwellings that are wholly located within 30 metres of a *street line*, may occupy a maximum *floor area* of 35% of the total dwelling unit *floor area* to a maximum of 65 m², whichever is less.

ix) Not more than 2 clients or customers of the home-based business shall be present at any time on the lot occupied by the dwelling unit. There shall be no limit to the number of clients or customers at a home-based business located within 30 metres of the *street line*.

2.9.2.3 – Signage

a) Save for dwellings within 30 metres of the *street line*, there shall be no exterior indication of the home-based business including window display, open storage or display of advertising goods, materials or equipment associated with the home-based business other than one legal sign per property which complies with the City of Port Colborne Sign Bylaw and the following regulations:

- i) The sign shall not be illuminated unless it is associated with a dwelling unit within 30 metres of the *street line*.
- ii) The sign shall not exceed 0.37 m² in area or 2 m² for dwellings located within 30 m of the *street line*.
- iv) The sign shall not be located closer than 0.3 metres to a *street line* or common element within a registered Condominium Plan.
- v) Notwithstanding subsection a) above, home-based businesses located within 30 metres of a *street line* shall also be bound by the following provisions:
 - 1. Opaque or translucent window signage or film shall only be permitted on the ground floor level windows or doors. The window-based signage or film shall not exceed a height of 1/3rd the window or 0.5 metres, whichever is less.

2.12 – Buildings on One Lot

Deleted.

2.19 – Permitted Encroachments

2.19.1 – General Structures

	Height of Deck or Platform		
	Height above the Ground Floor Level to 0.61 m	Height above the Ground Floor Level more than 0.61 m but less than 1.2 m	Height above the Ground Floor Level 1.2 m or greater
Minimum Setback from Corner Side Lot Line	1 m	1 m	Corner Side Yard Setback of principal building
Minimum Setback from Front Lot Line	0.5 m	0.5 m	Front Yard Setback of principal building

3.2 – Parking Space Dimensions

	Min. Width	Min. Depth	Conditions
Standard Parking Space obstructed on one side	2.7 m	5.2 m	Abutting any wall, column, or structure on both sides
Standard Parking Space obstructed on two sides	3.5 m	5.2 m	Abutting any wall, column, or structure on both sides

3.5 – Parking Area

b) Deleted.

3.7 – Ingress and Egress Standards

b) Drive aisles shall have a minimum unobstructed width of 5.5 metres where two-way traffic is permitted and 3 metres where only one-way traffic is permitted or for rear laneways, pending an intermittent minimum 6 m width not less than every 7.5 m along the laneway, and except that the minimum width of a driveway accessory to a detached, semi-detached or townhouse dwelling shall be 2.6 metres.

Section 8: Fourth Density Residential Zone (R4-70)

8.2 – Permitted Uses

- a) Dwelling, Detached;
- b) Dwelling, Semi-Detached;
- c) Dwelling, Triplex;

- d) Dwelling, Fourplex;
- e) Dwelling, Townhouse Block;
- f) Dwelling, Townhouse Street;
- g) Apartment Buildings;
- h) Apartment Buildings, Public; and
- i) Uses, structures and buildings accessory thereto.

8.3 – Regulations for Dwellings; Detached

- a) Minimum Lot Frontage 10.5 metres, except 5.3 metres for Unit 20
- b) Minimum Lot Area 260 m²
- c) Minimum Front Yard
 - i. Dwelling 2.5 metres
 - ii. Garage 15 metres
- d) Maximum Front Yard
 - i. Dwelling 4 metres
- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 2.5 metres
- g) Minimum Rear Yard 7 metres
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %
- j) Maximum Driveway Width 4 metres or 50% of lot width, whichever is less

8.4 – Regulations for Dwellings; Semi-Detached

- a) Minimum Lot Frontage
 - i. Block 18 metres
 - ii. Per Unit 7 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2.5 metres
 - ii. Garage 6 metres
- d) Maximum Front Yard 4.5 metres
- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 1.0 metres
- g) Minimum Rear Yard 7 metres, except 3.9 m for Unit 16
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %
- j) Maximum Driveway Width 3.5 metres or 40% of lot width, whichever is less, if fronting Lane B.

8.5 – Regulations for Dwellings; Triplex, Fourplex

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2 metres
 - ii. Garage 15 metres
- d) Minimum Interior Side Yard 1.2 metres
- e) Minimum Corner Side Yard 2.5 metres
- f) Minimum Rear Yard 6 metres
- g) Maximum Height 11 metres
- h) Minimum Landscaped Area 25 %

8.6 – Regulations for Dwellings; Townhouse Block & Townhouse Street

- a) Minimum Lot Frontage
 - i. Block 18 metres
 - ii. Per Unit 6 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard
 - i. Dwelling 2.5 m or 2 m for dwellings within 30 m of Elm Street
 - ii. Garage 19 metres
- d) Maximum Front Yard
 - i. Dwelling 5 m or 4 m for dwellings Within 30m of Elm Street

- e) Minimum Interior Side Yard 1.2 metres
- f) Minimum Corner Side Yard 1.0 metres
- g) Minimum Rear Yard
 - i. Dwelling 11 metres
 - ii. Garage (attached & detached) 0.5 metres
- h) Maximum Height 11 metres
- i) Minimum Landscaped Area 25 %

8.7 – Regulations for Apartment Buildings & Apartment Buildings, Public

- a) Minimum Lot Frontage 18 metres
- b) Minimum Lot Area 0.2 hectares
- c) Minimum Front Yard 1 metre
- d) Minimum Interior Side Yard 10 metres
- e) Minimum Corner Side Yard 1 metre
- f) Minimum Rear Yard 13 metres
- g) Maximum Height 20 metres

h) Notwithstanding the R4 zoning provisions, the ground floor of an apartment building may be used for any of the following Neighbourhood Commercial uses, provided the use meets the provisions set out in Section 8.7 above, and parking requirements in Section 3 of the Zoning By-law:

- a) Animal Care Establishment / Veterinary Clinic;
- b) Convenience Store;
- c) Day Care;
- d) Personal Service Business;
- e) Restaurant, Take-Out;
- f) Restaurant, Full Service;
- g) Service Commercial;
- h) Social Services Facility;
- i) Studio;
- j) Brew Pub; and
- m) Retail Store.

Section 38: Definitions

Dwelling, Townhouse, Block: means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common (party) wall, the said dwelling being located on a single lot, with or without dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to the Condominium Act. R.S.O. 1990, as amended from time to time or any successors thereto.

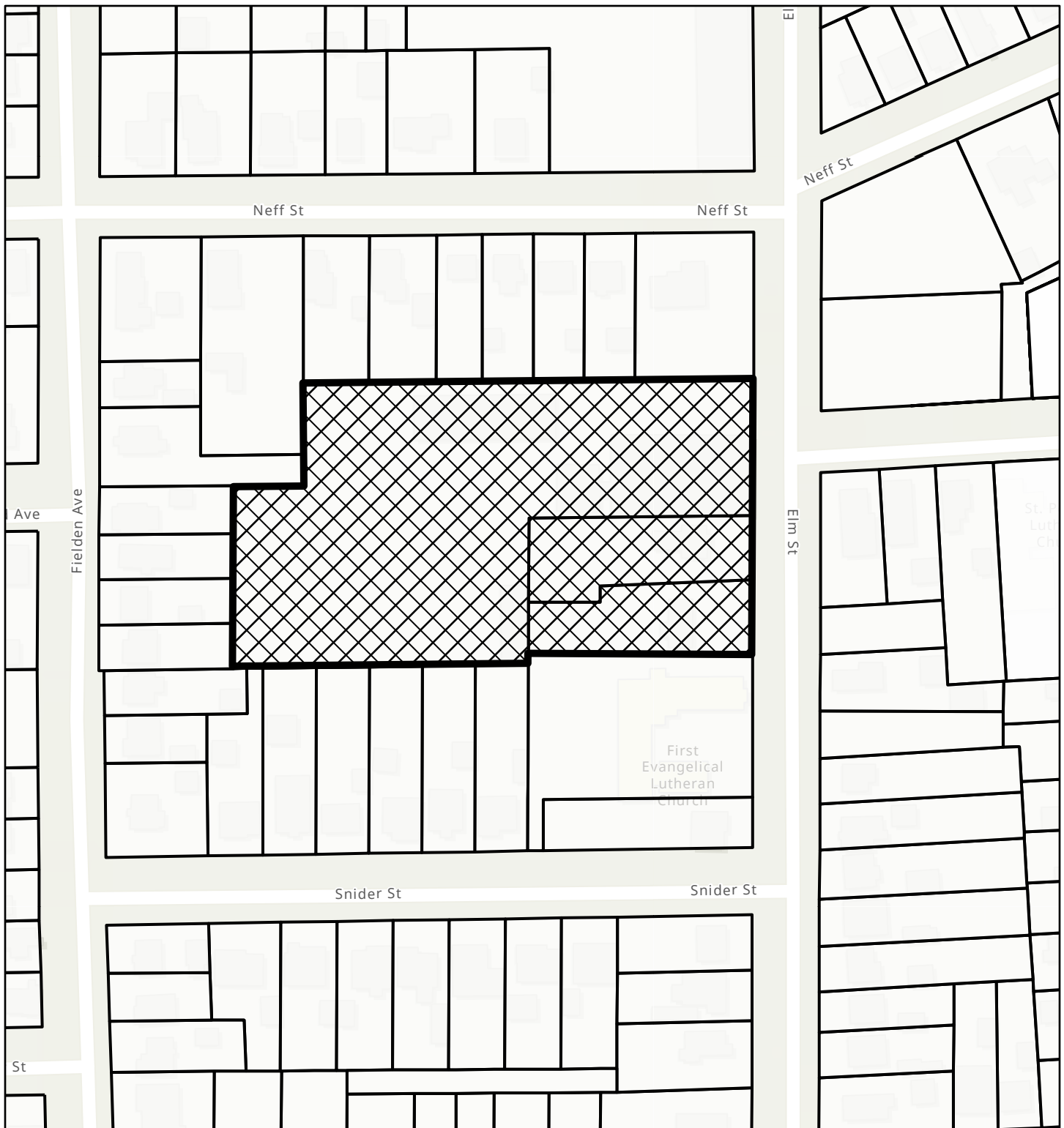
Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home-based business unless provided otherwise in this By-law.

Lot Frontage: means the horizontal distance between the interior side lot lines.

Lot Line: means the boundary of a lot and for the purposes of measuring required yard setbacks, individual unit property lines of a registrable plan pursuant to the Condominium Act, and includes:

- a) **Front Lot Line:** which means 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;
- b) **Rear Lot Line:** which means the 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; and

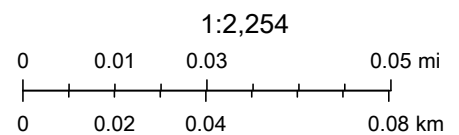
Schedule A: 690-700 Elm Street



7/21/2022



Lands Subject to Applications



Esri Community Maps Contributors, Province of Ontario, Niagara Region, Esri Canada, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, NRCan, Parks Canada, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson,

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. 11 to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. 11 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this ____ day of _____, 2022.

William C Steele
Mayor

Nicole Rubli
Acting Clerk

**AMENDMENT NO. 11
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE DEPARTMENT OF
DEVELOPMENT AND LEGISLATIVE SERVICES**

October 11, 2022

**AMENDMENT NO. 11
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

AMENDMENT NO. 11
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 11 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 11 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

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1. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following map and text changes, constitutes Amendment No. 11 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to facilitate the development of the subject lands, shown on the attached Schedule, as a public apartment building with a maximum density of 148 units per hectare and on a local road, notwithstanding Policy 3.2.1 c) i) and ii).

Location

The lands affected by this amendment are legally described as Lots 504 to 511, on Plan 8, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 9 Chestnut Street (Chestnut Park). A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. 11.

Basis

Currently, the subject lands are designated “Urban Residential”. An application has been made to initiate amendments to the City of Port Colborne’s Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of a public apartment building with 40 affordable residential units. The proposed density is 148 units per hectare.

The proposed development provides an opportunity for commercial areas to be strengthened through the introduction of residential uses, meet the municipality’s intensification target of 15% and maximize the efficiency of existing infrastructure as outlined in 2.4.3 of the Official Plan. The design of the proposed development is in a manner that is compatible and will limit impact on the existing neighbourhood.

It is intended to concurrently approve an Amendment to the City’s Zoning By-law 6575/30/18, rezoning of the lands from the existing Public and Park (P) zone to “R4-71” being a site-specific special provision of the Fourth Density Residential (R4) zone.

PART B - THE AMENDMENT

Introductory Statement

All of this part of the document entitled **PART “B”** – “The Amendment” consisting of the following text and map designated Schedule “A” constitutes Amendment No. 11 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are permitted to develop a public apartment building notwithstanding Policy 3.2.1 c) i) and ii) with a maximum density of 148 units per hectare located at 9 Chestnut Street.

Details of the Amendment

Notwithstanding Section 3.2.1 c) i) and ii) of the Official Plan for the City of Port Colborne, a maximum density of 148 units per hectare of land and a public apartment building shall be permitted on the subject lands, being on a local road, shown on Schedule “A” to this amendment.

The following changes are made to Schedule A – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

1. That the area shown as “Urban Residential”, and entitled “Schedule A to Official Plan Amendment No. 11”, shall be subject to Special Policy Area provisions and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.

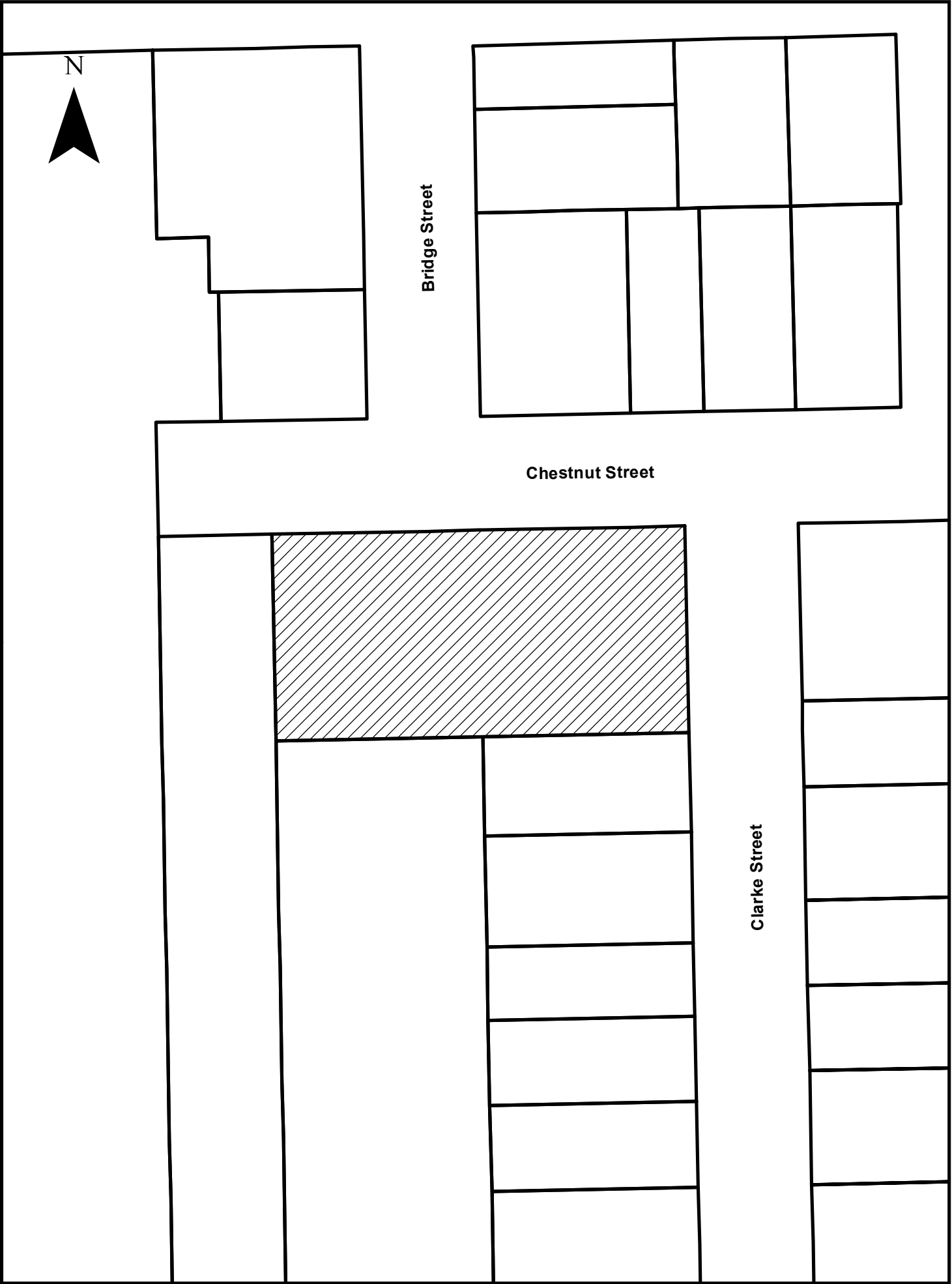
Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 11 but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report 2022-236




THIS IS SCHEDULE "A" TO BY-LAW NO _____

PASSED THE _____, 2022

MAYOR

CLERK

 - Lands subject to Official Plan and Zoning By-law Amendment

JANUARY 2021
FILE NO D09-01-22 & D14-04-21
DRAWN BY; CITY OF PORT COLBORNE
PLANNING DIVISION
NOT TO SCALE

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 504 to 511, on Plan 8, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 9 Chestnut Street (Chestnut Park).

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 "A6" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Public and Park (P) to R4-71.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-71

Notwithstanding the provisions of the Fourth Density Residential (R4) zone, the following regulations shall apply:

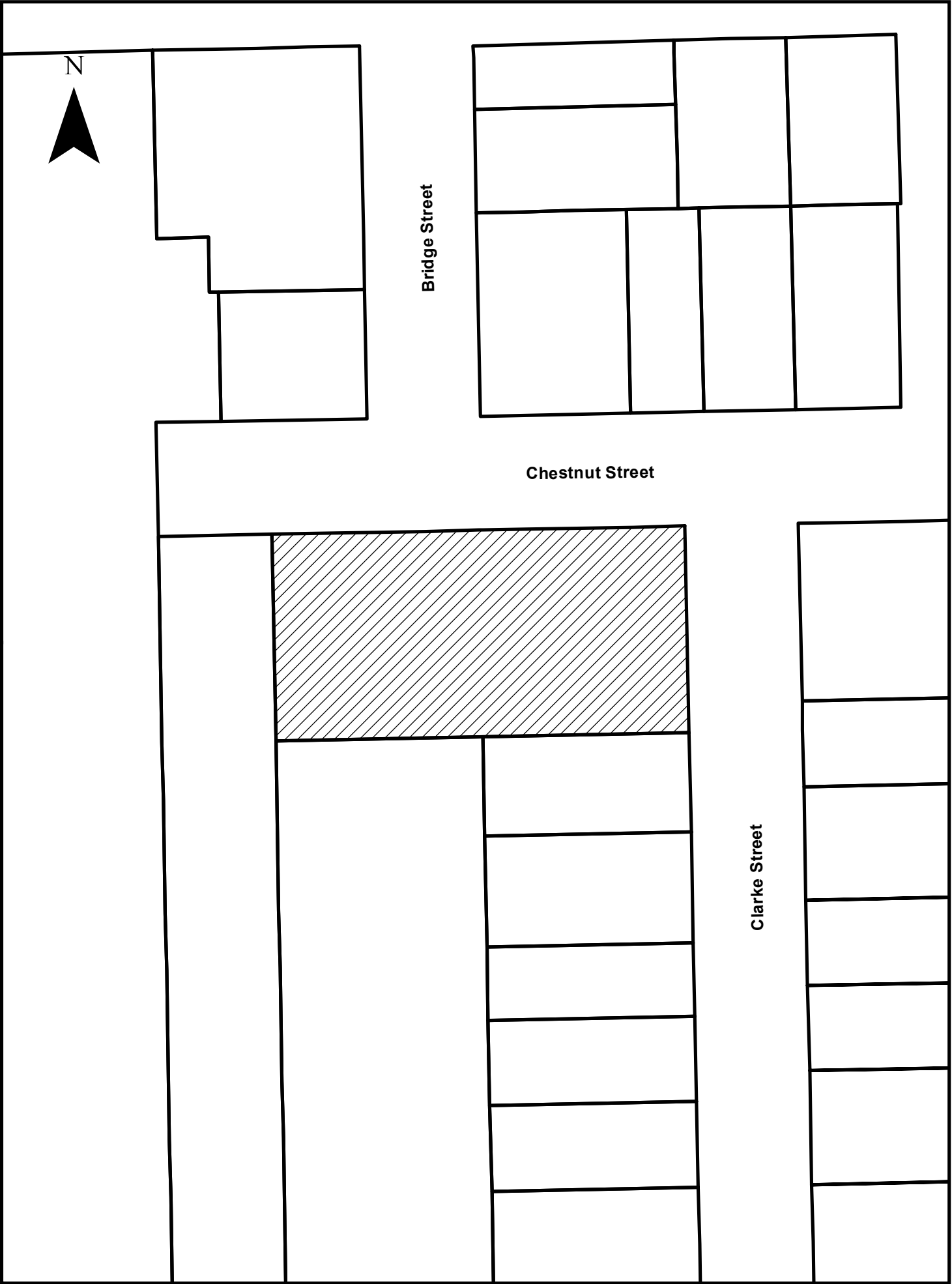
a) Minimum Lot Area Per Unit	67 square metres
b) Minimum Front Yard	7 metres
c) Minimum Corner Side Yard	3 metres
d) Minimum Rear Yard	24 metres
e) Minimum Landscape Buffer	1 metre
Abutting a Residential Zone and/or Public and Park (P) Zone	

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 , 2022.

William C Steele
Mayor

Nicole Rubli
Acting Clerk



THIS IS SCHEDULE "A" TO BY-LAW NO _____

PASSED THE _____, 2022

MAYOR

CLERK



- Lands subject to Official Plan
and Zoning By-law Amendment

JANUARY 2021

FILE NO D09-01-22 & D14-04-21

DRAWN BY; CITY OF PORT COLBORNE

PLANNING DIVISION

NOT TO SCALE

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Adopt the Revised Sale of Surplus Land Policy

Whereas Section 270(1) of the Municipal Act, 2001, requires municipalities to adopt policies regarding the sale and other disposition of municipally owned land; and

Whereas at its meeting of November 8, 2022, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendations of CAO Report No. 2022-224, Subject: Revised Sale of Land Policy; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the policy and procedure respecting the Sale of Land Policy in the City of Port Colborne appended hereto as Schedule "A" and made part of this By-law be approved.
2. That By-law No. 6620/75/18 be hereby repealed.

Enacted and passed this 8th day of November, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

Schedule "A" to By-law No. _____

SALE OF SURPLUS LAND POLICY

Purpose:

To abide by section 270 of the *Municipal Act, 2001* (the "Act") that requires all municipalities to adopt and maintain a policy with respect to the sale and disposition of Real Property.

The City of Port Colborne will dispose of surplus real property of the Corporation in an open and transparent process to ensure that returns are fair, reasonable, and in the best interest of the City.

PART 1 — Definitions

1.1. In this by-law:

- (a) **"Abutting"** shall mean a parcel of land adjoining another parcel of land having one (1) or more lot lines in common;
- (b) **"Affordable Housing"** means a person's housing costs total 30% or less of their household income;
- (c) **"Applicant"** means a person who has enquired or requested to purchase City land;
- (d) **"Appraisal"** means a fair market valuation of land prepared by an accredited Appraiser or the market value obtained by a licensed real estate brokerage firm or a licensed independent real estate agent;
- (e) **"Appraiser"** means a member in good standing of the Appraisal Institute of Canada, holding an Accredited Appraiser Canadian Institute or Canadian Residential Appraiser designation as appropriate;
- (f) **"As is"** means without regard for state of repair, location of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachment by buildings or fences or otherwise, on the land or adjoining properties or streets, and without warranty or representation as to use, environmental contamination, hazards or risks;
- (g) **"CAO"** means the City's Chief Administrative Officer;
- (h) **"City Solicitor"** means and includes the City's Solicitor or external legal counsel from time to time;
- (i) **"Council"** means the municipal Council of the City of Port Colborne;
- (j) **"Disposal"** means the sale, transfer, conveyance, or exchange of the fee simple interest in land;

- (k) **"Easement"** means an interest in land transferred from one party to another, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose;
- (l) **"Encroachment"** means any type of vegetation, man-made object, or item of personal property which exists wholly or upon, or extends from a person's premises onto, public lands and shall include any aerial, surface, or subsurface Encroachments;
- (m) **"Full Marketability Land"** means land which would in the opinion of the Manager of Strategic Initiatives, or designate, be of interest to potential purchasers in the open market due to size, shape, location, topography, environmental condition, permitted land uses, or any other factor which the Manager of Strategic Initiatives, or designate, considers relevant;
- (n) **"Highway"** means:
 - i. all highways that existed on December 31, 2002;
 - ii. all highways established by by-law on or after January 1, 2003;
 - iii. all highways transferred to the municipality under the *Public Transportation and Highway Improvement Act*;
 - iv. all road allowances made by the Crown surveyors located in the municipality; and
 - v. all road allowances, highways, streets, and lanes shown on a registered plan of subdivision;
- (o) **"Land(s)"** shall mean real property and any improvements thereon owned by the City, including highways which have been or may be stopped up and closed, but does not include:
 - i. any land which Council has otherwise determined by resolution or by-law is not available for sale;
- (p) **"Limited Marketability Land"** means land which would, in the opinion of the Manager of Strategic Initiatives, or designate, be of limited interest to potential purchasers due to size, shape, location, topography, environmental condition, land use restrictions, or any other factor which the Manager of Strategic Initiatives, or designate, considers relevant;
- (q) **"Manager of Strategic Initiatives"** means the Manager of Strategic Initiatives for the City or his or her designate;
- (r) **"Manager of Planning Services"** means the Manager of Planning Services for the City or his or her designate;
- (s) **"Market Value"** means the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer;
- (t) **"Official Plan"** means the Official Plan of the City of Port Colborne, as amended or replaced from time to time;

- (u) **"Real Estate Broker"** means a Real Estate Broker registered under the *Real Estate and Business Brokers Act, 2002*, as amended and Regulations thereto;
- (v) **"Real Property"** means land and buildings which are owned by the City of Port Colborne and includes Full Marketability Land and Limited Marketability Land;
- (w) **"Sale"** and **"Sell"** shall not include:
 - i. a lease of land by the City;
 - ii. transfers of easement or rights-of-way by the City;
 - iii. releases of restrictive covenants by the City; and
 - iv. releases of rights of first refusal by the City.
- (x) **"Surplus"** means Real Property that is not required to meet the current or future program or operational requirements of the Municipality, and that has been declared surplus by Council or its delegated authority.

PART 2 - General

- 2.1 It is the intent of the City of Port Colborne to abide by section 270 of the *Municipal Act, 2001* (the "Act") that requires all municipalities to adopt and maintain a policy with respect to the sale and disposition of Real Property. The City of Port Colborne will dispose of surplus real property of the Corporation in an open and transparent process to ensure that returns are fair, reasonable, and in the best interest of the City.
- 2.2 As part of the City's Affordable Housing Strategy and Action Plan, Council and staff will review the suitability of Surplus Land for affordable housing before marketing and selling the parcel for redevelopment. The terms of this policy, with respect to the sale of land for affordable housing, are subject to modifications and exemptions on a case specific basis.
- 2.3 A by-law containing a legal description of the land and the identity of the purchaser shall be passed to approve the sale of land.
- 2.4 Land required for any municipal purpose, including but not limited to present or future municipal facilities, infrastructure and parks, is not available for sale to the public.
- 2.5 Any survey and/or reference plan required shall be obtained at the expense of the purchaser(s) unless Council by resolution otherwise determines.
- 2.6 Council may impose conditions of sale if deemed appropriate.
- 2.7 All land, with or without improvements, shall be sold on an "as is" basis unless Council determines otherwise.

- 2.8 The City is under no obligation by virtue of the sale of land to grant any approvals, including approvals for changes to the Official Plan or zoning by-law or with respect to site plan control, minor variances, and building permits, or to support approvals required by any other approval authority, which may be necessary for any contemplated use of the land by the purchaser.
- 2.9 Any provisions for public notice provided for in this policy shall prevail over any other existing or future public notice by-law passed by Council. Refer to the City's Public Notice Policy.
- 2.10 The purchaser(s) shall be responsible for the City's legal fees unless Council by resolution otherwise determines.

PART 3 — Responsibility

3.1 Staff from the Planning and Economic Development and Tourism Services Divisions will:

- (a) periodically review City-owned Land to determine which Land may be considered surplus;
- (b) consult with City staff on lands that may be considered Surplus Land;
- (c) make recommendations to Council about declaring Lands surplus and seek Council's authority to offer the Land for sale;
- (d) pursue Disposals per this policy and make recommendations to Council or the CAO, as authorized through delegation;
- (e) obtain independent property Appraisals for Land in keeping with any requirements imposed by any applicable legislation, by-law, or this policy; and
- (f) report details if any Disposal to the appropriate departments and to the City Treasurer or as they may further delegate for the purposes of maintaining accurate corporate records.

PART 4 – Declaration of Surplus Property

4.1 Authority to Declare Lands Surplus

- (a) Where land has an estimated Market Value of \$25,000 or less as determined by an Appraiser, the Manager of Strategic Initiatives or delegate is authorized to declare the Land surplus and to dispose of the surplus land in accordance with this Policy.
- (b) Where land has an estimated Market Value greater than \$25,000 and not exceeding \$50,000, as determined by an Appraiser, the CAO is authorized to

declare the Land surplus and to approve the intended manner or process by which the Sale of Land will be carried out.

- (c) Where land has an estimated Market Value greater than \$50,000, as determined by an Appraiser, any declaration that the land is surplus shall be made by the Council which shall approve the intended manner or process by which the Sale of Land will be carried out.
- (d) Subject to paragraphs (a) and (b) above, the municipal Council shall, in a meeting open to the public, pass a resolution declaring any such land surplus prior to its disposal.
- (e) An annual report of all activities approved under the delegated authority in Section 4.1(a), and (b) of this Policy will be made by the Manager of Strategic Initiatives to Municipal Council for information purposes.

PART 5 - Appraisals

- 5.1 One (1) Appraisal of the market value of land to be sold shall be obtained and prepared by an Appraiser in accordance with the requirements of the Appraisal Institute of Canada.
- 5.2 Notwithstanding section 5.1, the Manager of Strategic Initiatives, or designate, may:
 - (a) dispense with the requirement of an Appraisal for the following classes of land:
 - i. Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*,
 - ii. Land for which the City has obtained an Appraisal within the preceding one (1) year, in the discretion of the Manager of Strategic Initiatives, or designate.

PART 6 — Land Deemed to be Not Marketable

- 6.1 In addition to any other provisions herein, or any resolution or by-law passed by Council, the following lands are deemed to be not marketable:
 - (a) land situated in the Open Space or Environmental Protection designations of the Official Plan, as amended from time to time, in order to protect and promote the public enjoyment of natural features;
 - (b) Any land which Council has by resolution or by-law declared shall not be sold.
- 6.2 City lands deemed to be not marketable are not available for sale to the public.

- 6.3 Where City lands are deemed not marketable, they have the potential to become marketable if an interested purchaser intends to merge their property to a property that is deemed not marketable, and the new parcel meets the minimum frontage and setback for an infill lot.

PART 7 – Land Surveys

- 7.1 Before the disposal of any Real Property, the City shall obtain or require a survey of the land from an independent surveyor in accordance with the laws of the Province of Ontario. The cost of the survey will be borne in accordance with Section 2.5 of this Policy. The Manager of Strategic Initiatives may waive this requirement if an existing survey is available.

SALE OF LIMITED MARKETABILITY LAND

PART 8 — Limited Marketability Land — Policy Statements

- 8.1 The following policy statements shall be applied to all Limited Marketability Land:
- 8.1.1 Limited Marketability Land may only be sold to an abutting owner(s) whose property if combined with the City's land creates a configuration which is acceptable to the Manager of Planning Services, or designate, in accordance with good planning principles.
- 8.1.2 Where appropriate, the land shall be required to legally merge in title with the abutting owner's property. Where necessary, Council shall pass a by-law deeming the City land and/or the abutting owner(s) land not to be part of a registered plan of subdivision in order to effect the merger, and the by-law shall be registered on title by the City prior to the registration of the Transfer/Deed to the purchaser. No fee shall be charged to the abutting owner for the preparation and registration of the Deeming By-law.

PART 9 — Process for Sale of Limited Marketability Land

- 9.1 The initial enquiry by a prospective purchaser (Applicant) shall be made to the Economic Development and Tourism Services Division.
- 9.2 The request process for the sale of Limited Marketability Land shall be divided into phases, as follows:

9.2.1 PHASE 1 — Preliminary Review

Part 5 of this policy shall be reviewed to determine its applicability, and the Applicant shall be advised accordingly.

9.2.2 PHASE II – Circulation

Staff shall conduct a formal circulation to internal departments and any outside agencies as appropriate, to determine any objections to the sale or conditions

which may be required. The Applicant shall be advised of the results of this circulation. In addition, a site visit shall be conducted by City staff to determine any municipal requirements which may need to be addressed upon a sale.

9.2.3 PHASE III — Collection of Deposit and Appraisal

- (a) Should the Applicant wish to proceed with the request to purchase the land, the deposit provided for in Part 10 shall be required.
- (b) Following receipt of the deposit, an Appraisal of the land shall be obtained in accordance with Part 5 of this Policy.

9.2.4 PHASE IV — Notice to Abutting Owners and Disclosure of Appraisal

- (a) The Applicant shall be advised of the appraised value and be required to submit his/her written offer to purchase the land at the appraised value within three (3) weeks, failing which, he/she shall be deemed to have declined to purchase the land.
- (b) All abutting property owners shall also be sent notice via regular mail of the following:
 - (i) a request to purchase City land has been received;
 - (ii) the identity of the Applicant; and
 - (iii) the appraised value;

and shall be required to submit any comments or objections to the sale of the lands in writing, or, submit the deposit as provided in Part 10 together with their offer in writing to purchase the lands at the appraised value, within three (3) weeks from the date of such notice, failing which, they shall be deemed to have no objection nor any interest in purchasing the land. Comments and objections will become part of the public record and included in any subsequent Report to Council.

- (c) In the event that:
 - (i) an abutting owner submits their written offer to purchase the land at the appraised value, and
 - (ii) provided dividing the land equally between the Applicant and the abutting owner would create a configuration acceptable to the Manager of Strategic Initiatives, or designate, in accordance with good planning principles,

then, the Applicant and the abutting owner may agree to divide the land equally between them with the purchase price and all survey/reference plan costs shared proportionately. In the event that a consensus cannot be arrived at, all interested abutting owners will be requested to provide the City with an offer for the entire Limited Marketable Land.

9.2.5 PHASE V- Report to Council

When Council is presented with a report considering the declaration of Real Property to be surplus, the report shall include at minimum:

- a) A description, location, and sketch of the subject Real Property and its current uses.
- b) The reason why the Real Property should be declared surplus to the City's needs.
- c) Associated risk with selling or not selling the Real Property.
- d) Persons, corporations, authorities, local boards, and bodies that should be contacted and notice given (other than the general public notice).
- e) Whether an Expression of Interest has been provided for the subject Real Property and details provided therein.
- f) Recommendations as to the method of disposal.
- g) Recommendations to terms and conditions of a potential disposal.
- h) When Council is presented with a report to consider an offer to purchase Real Property from the City, the report shall include at a minimum:
 - i. A summary of the process used to offer the Real Property for Disposal and results thereof.
 - ii. Potential purchaser and offered price for the subject Real Property.
 - iii. Proposed future use of the property.

Following receipt of the Applicant's and/or another abutting owner's written offer to purchase the land at the appraised value and payment of the deposit required in Part 10, a report shall be submitted to Council for approval, with staff's recommendations.

- 9.3 The Agreement of Purchase and Sale shall be prepared by the City in a form satisfactory to the City Solicitor, who shall have authority to determine and extend the time for closing real estate transactions.
- 9.4 The Transfer/Deed of Land and Land Transfer Tax Affidavit, or electronic version thereof, shall be prepared in registrable form at the expense of the purchaser.
- 9.5 In the event that sale of the land is not completed within one (1) year from the date on which Council passes the by-law authorizing the sale, subsequent requests shall be subject to the provisions of this Policy in all respects. Discussions regarding the Disposal of Real Property may be held in a closed session of Council as defined in the *Municipal Act, 2001*, as determined by the Clerk.
- 9.6 Any discussions made by Council as a result of closed session discussions regarding Disposal of Real Property in a closed session shall be reported out in

a public session by official resolution, as required by the provisions of the *Municipal Act, 2001*.

PART 10 — Limited Marketability Land — Payment of Deposit

10.1 A deposit in the amount of \$300.00 shall be required as follows:

- (a) If the sale of land is prohibited in this policy, and the Applicant wishes to proceed, then the deposit is payable before proceeding to Phase II;
- (b) If the sale of the land to the Applicant will be recommended, payment of the deposit shall be required prior to ordering an Appraisal and submitting a Report to Council;
- (c) Following notice, if another abutting owner provides his or her written offer to purchase the land at the appraised value, such owner shall be required to submit payment of the deposit with his written offer to purchase the land.

10.2 The deposit shall be applied to the purchase price or forfeited, at the times and in the circumstances set out below:

In the event that:

- (i) the Applicant abandons the request before a Report is submitted to Council, the deposit shall be forfeited without interest or deduction;

OR

the sale of land is:

- (ii) not recommended by staff, and Council denies the request, the deposit shall be refunded without interest or deduction;
- (iii) recommended by staff, and Council denies the request, then the deposit shall be refunded without interest or deduction;
- (iv) approved by Council, and the Applicant does not complete the transaction for any reason other than one which may be contemplated in the Agreement of Purchase of Sale, the deposit shall be forfeited without interest or deduction.

10.3 Should a tendering process occur:

- (i) the deposit paid by the successful bidder shall be applied towards the purchase price if the sale is approved and the transaction is completed;
- (ii) the deposit paid by the unsuccessful bidder shall be refunded without interest or deduction;
- (iii) and the successful bidder does not complete the transaction for any reason other than one which may be contemplated in the Agreement

of Purchase of Sale, the deposit shall be forfeited without interest or deduction.

PART 11 – Methods of Sale

- 11.1 Depending on the nature of the land, various methods may be employed for the disposal of land including public auction, tender process, listing through MLS, and direct advertising. The Economic Development and Tourism Services Division shall be responsible for determining the appropriate method to use.
- 11.2 All offers to purchase Real Property from the City by means of an Agreement of Purchase and Sale must be accompanied by a deposit in an amount determined by the Manager of Strategic Initiatives or designate and shall be the greater of \$1,000 or 5% of the offered purchase price. Unless otherwise directed by Council, all Disposals will be on a cash basis. If the CAO is of the opinion that exceptional and specific circumstances exist, that would warrant consideration of a Disposal on something other than a cash basis, a report will be presented to Council for consideration.
- 11.3 The Agreement of Purchase and Sale shall be in a form satisfactory to the City Solicitor.

PART 12 – Non-Application of Policy

- 12.1 This policy is not applicable to the Disposal of land where:
 - a. The transaction is governed by the federal and/or provincial government:
 - i. The sale of lands for Tax Arrears as indicated in the *Municipal Act, 2001*;
 - ii. The expropriation of land under the *Expropriations Act, 1990*; and
 - iii. Any other situations as governed by provincial or federal legislation.
- 12.2 The City is transferring Real Property to a corporation in which the City is the sole shareholder, and the transaction is completed in accordance with Council direction.
- 12.3 The procedures for the closure of highways shall be in accordance with the *Municipal Act, 2001*, as amended, and other relevant statutes.

PART 13 - Application and Administration of Policy

- 13.1 This policy shall be read and applied fairly with such variations as circumstances or the nature of the subject matter require provided the general purpose, intent, meaning and spirit of the policy are maintained.
- 13.2 The Economic Development and Tourism Services Division shall be responsible for developing and implementing forms and procedures for the

administration of this policy by City staff. The City Solicitor shall be responsible for the closing of sale transactions.

The Corporation of the City of Port Colborne

By-Law No.

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 November 08, 2022

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 November 08, 2022 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 08th day of November, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk