



PORT COLBORNE

City of Port Colborne Council Meeting Agenda

Date: Tuesday, December 10, 2024
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 Acknowledgement

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

4. Adoption of Agenda

5. Disclosures of Interest

6. Proclamations

7. Presentations

7.1 Holiday Choir Performance - Lakeshore Catholic High School

7.2 Framed Christmas Cards Presentation - Child Artists from Port Colborne Elementary Schools

7.3 Port Colborne High School Track and Field Champions - Athlete Recognition

8. 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 905-228-8118.

9. Mayor's Report

10. Regional Councillor's Report

11. Consent Agenda

All items listed in the Consent Agenda are subject to a single motion that is not debatable. A Member may make a brief comment or ask a question regarding a Consent Item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed from the Consent Agenda and dealt with under Items Requiring Separate Discussion.

11.1 Approval of Minutes

11.2 Receipt of Minutes of Boards & Committees

- | | | |
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| b. | Museum, Culture, and Heritage Board - October 15, 2024 | 9 |
| c. | Port Colborne Public Library Board - November 6, 2024 | 14 |

11.3 Staff Reports

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| a. | Cancellation, Reduction or Refund of Realty Tax, 2024-220 | 18 |
| b. | Recommendation for Zoning By-law Amendment and Redline Revision for Northland Estates, 2024-227 | 22 |
| c. | Page Street Stop and Close and Surplus Declaration, 2024-190 | 56 |
| d. | Rosedale Estates Draft Plan of Subdivision Extension Request, 2024-226 | 64 |
| e. | Amending Agreement - Integrity Commissioner Appointment, 2024-229 | 87 |

11.4 Receipt of Correspondence Items

a.	City of Niagara Falls - Strengthening Existing System of Mandatory Mental Health Care	96
b.	Tay Valley Township - Public Sector Salary Disclosure	99
c.	Niagara Region - 2025 Water and Wastewater Operating Budget, Rate Setting and Requisition	101
12.	Items Requiring Separate Discussion	
13.	Staff Remarks	
14.	Councillors' Remarks	
15.	Motions	
16.	Notice of Motions	
17.	By-laws	
17.1	Being a By-law to Re-appoint Councillors to the Committee of Adjustment	137
17.2	Being a By-law to Repeal 7203/25/24 and to Appoint an Acting Fire Chief	138
17.3	Being a By-law designate a Community Emergency Management Coordinator	139
17.4	Being a By-law to Appoint a Building Inspector (Sulaiman Khan)	141
17.5	Being a By-law to Authorize Entering into an Amending Agreement with ADR Chambers Inc. to provide for Integrity Commissioner Services	142
18.	Closed Session	
18.1	Approval of Closed Session Minutes	
a.	Council in Closed Session	
a.	April 2, 2024	
b.	April 9, 2024	
c.	April 23, 2024	

- d. April 30, 2024
- e. May 13, 2024
- f. May 14, 2024
- g. May 27, 2024
- h. May 28, 2024
- i. July 23, 2024
- j. September 7, 2024
- k. September 10, 2024

- b. Special Joint Council Meeting - May 13, 2024

18.2 Presentations

- a. Confidential Presentation to Council

Confidential Presentation to Council pursuant to the *Municipal Act, 2001*, subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board and subsection 239(2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

18.3 Staff Reports

a. Confidential Memorandum to Council

Confidential Memorandum to Council pursuant to the *Municipal Act, 2001*, subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, subsection 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, and 239(2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

b. Confidential Corporate Services Report - 2024-213

Confidential Corporate Services Report 2024-213 pursuant to the *Municipal Act, 2001*, subsection 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

c. Confidential Memorandum to Council

Confidential Memorandum to Council pursuant to the *Municipal Act, 2001*, subsection 239(2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

d. Confidential Human Resources (HR) Verbal Report

Confidential Human Resources (HR) Verbal Report pursuant to the *Municipal Act, 2001*, subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees and subsection 239 (2)(d) labour relations or employee negotiations.

e. Confidential Human Resources (HR) Employee Matter

Confidential Human Resources (HR) Matter pursuant to the *Municipal Act, 2001*, subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, subsection 239 (2)(d) labour relations or employee negotiations, and subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

19. Back to Open Session

20. Procedural Motions

21. Confirmatory By-law

21.1 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of
The Corporation of the City of Port Colborne

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22. Adjournment

Port Colborne Museum, Heritage, and Culture Board Meeting Minutes

Date: Tuesday, September 17, 2024
Time: 7:00 pm
Location: Roselawn Centre
296 Fielden Ave, Port Colborne, ON L3K 4T6

Members Present: B. Heaslip
C. MacMillan
T. Huffman
C. Brema
J. Piniak
G. Hoyle
A. Lessard
B. Schneider
L. Brazeau
M. Heaslip
E. Beauregard, Councillor

Staff Present: M. Mason, Museum Curator
Tami Nail
S. Powell Baswick, Director of Museum and Culture

1. Call to Order

The Chair called the meeting to order at 7:00pm.

2. Disclosures of Interest

N/A

3. Adoption of Agenda

Moved by C. MacMillan
Seconded by M. Heaslip

That the agenda dated September 17, 2024 be confirmed, as circulated or as amended.

Carried

4. Approval of Minutes

Seconded by L. Brazeau

That the minutes from the July 16, 2024 be confirmed as circulated or as amended.

Carried

5. Business Arising from the Minutes

Stephanie reported that the Board Member clothing will be available by Christmas.

Anna, Darius, and Jasmaya cleaned up the Cemetery and stones requested by Lynn Millar. They took it upon themselves as they were preparing for Cemetery Tours.

The next step to improve the acoustics in the Archives will have be putting the project back into the capital budget.

WiFi has been set up at the Tea Room and there is a working phone for the volunteers. Still waiting for more accessible parking in front of the Tea Room.

6. Correspondence

Tami reported that there were two pieces of correspondence received:

Two thank you cards from the Canada Communities in Bloom judges, one for Michelle Mason for providing tours to Roselawn and the Museum and one for Michelle Vosburgh took them on the West St Walking Tour.

Cheryl also gave kudos to the newsletter.

7. Council Report

Councilor Beauregard reported that Council is going into budget meetings soon and that he will provide updates. He also apologized for his absences due to conflicting Council meetings.

8. Curator's Report

Michelle reported that Nicole Berry and Malakai Turner are continuing at the Tea Room on weekends during September.

We were grateful for the assistance of the students this summer and now Darius, Jasmaya, Avery, Olivia, Miles, and Cristina have all returned to university.

Darius Maddalena accepted the part-time, temporary Visitors Services Assistant at Roselawn.

Tami changed the exhibit in the Marine Exhibit Lighthouse, "Message in a Bottle".

Elyse has completed the revamping of the Neff Steam Buggy exhibit. She also created and installed a new exhibit in the council chambers, "Pathway to the Stars: 100th Anniversary of the Canadian Air Force".

Canada Communities in Bloom judges came to Roselawn, Archives (tour of West St with Michelle Vosburgh), and the Museum. The chosen city for the awards will be announced in October.

Ontario Creates visited the Museum and Roselawn to see if it could potentially be a space to film movies.

Stephanie, Tami, Michelle Vosburgh, and Michelle Mason will attend the third session of the City of Port Colborne's Professional Leadership Development Certificate Program tomorrow at the Operations Centre.

We are starting to plan the Corporate Drive. If you have any connections with Port Colborne businesses that could be potential donors, please reach out to Michelle Mason.

Michelle also gave the Archives report on behalf of Michelle Vosburgh.

Darius Maddalena and Jasmaya Echlin completed their 16-week Young Canada Works placement on Aug 30th. They digitized more than 10,000 images and we are now well on our way to having our entire photographic collection digitized. They also helped with other tasks in the archives, along with creating an online postcard exhibit of Port Colborne. Darius will work on completing the timeline for that exhibit while working at Roselawn, and the exhibit will then go live. For Canal Days, they created a popular kids' Scavenger Hunt and put together a model ship pop-up exhibit in the Archives.

The autumn Speakers Series is in full swing. On Sept. 7, Jessica Linzel, Director of Community Engagement at the John Brown Homestead, spoke about her research on the 1792 tornado which devastated parts of the Niagara Peninsula from Burlington Bay to Fort Erie. This coming Saturday morning at 11am, Archives Assistant Anna Carlsen will be speaking on the unique aspects of the Victorian mourning practices, with Registrar Katelynn Best sharing a few items from the collection. Michelle has completed the research for a one-hour Victorian

Mourning Cemetery tour at Oakwood Cemetery to follow the presentation Saturday afternoon. Oct. 26th Michelle will be speaking about some of the explosions, some small, some large, which have rocked Port Colborne since its settlement. Finally, Nov 9th will be our contribution to the Welland Canal Bicentennial series when Michelle will be sharing her research into the 1820s debate over the location for the southern terminus of the canal. All talks are free admission. Posters are available at the archives.

With autumn there has been an increase in the number of research inquiries, which keep Anna and Michelle busy, along with supporting the Heritage Committee. Michelle has also been working on researching and writing three additional scripts for the upcoming Lantern tours. Today, Michelle was invited to attend the NCO-Wilson Foundation second symposium on Niagara economic history at Brock. She has also received invitations to three local historical societies to speak in 2025.

9. Auxiliary Report

Marianne reported that the Tea Room has a new stove compliments of the City.

July the Tea Room had over 500 visitors, August had 487, and so far in September they have had 117 visitors.

The Tea Room has 3 new, much needed volunteers. Volunteer Appreciation is on October 21 at 2pm.

The ingredients for the Christmas puddings have been ordered. They will have their Christmas Pudding bee November 4th-6th. December 2nd-7th, 2pm-4pm will be Shoppers Week.

One of the Viking Ships ambassadors offered the Auxiliary a tour and lunch of the ship next time it is in port.

10. Friends of Roselawn Centre Liaison Report

Arlene thanked Terry, Claudia and staff for their help with Music on the Lawn. Friends of Roselawn Centre raised \$578 with the 50/50 draw.

The Travelling Art Exhibit is now open and looks great.

A planning meeting was held on September 4th for the Fall into Fashion Show and Tea on September 29th. Tickets are 80% sold. Four students have volunteered to help.

Applications have been sent out for the Christmas Makers Market happening on November 23rd from 10am-4pm.

11. Committee Report

11.1 Finance Committee

Bonnie reported that we have received \$1,373 in members fee including Life Patrons (\$1,140 not including Life Patrons), and \$2,146.89 in donations, including from Canada Helps.

11.2 Membership Committee

As of today we have received 8 new Life Patrons, 26 Family memberships, 11 Individual memberships, and 45 Senior memberships for a total of 90. The museum has around 145 Life Patrons now. Michelle will bring an accurate number to the next meeting.

11.3 Building and Property Committee

Brian reported that the cedar roofs on all the buildings have been treated, cleaned, and oiled except for the Sherk House as the roof needs to be replaced next year.

The School House's squirrel damage has been repaired and mesh has been put in the gables to help keep them out.

Work on the Carriage house is progressing with some boards still to be replaced, painting is in progress, and soft spots in the floor have been re-enforced.

11.4 Programme Committee

Cheryl gave the report provided by Public Programmer Sloane. On August 13th there was a private ghost tour for 8 at Roselawn partnered with the Paranormal group. The family paid a rental fee for the tour. On August 26th, St. John Bosco visited the Museum with 24 people. On August 28th, Sloane attended the Library Summer Reading Club Party with games and activities for the kids.

Upcoming events:

September 21: Lincoln Museum Harvest Festival. Sloane will be bringing the printing press and marketing materials.

September 28: Hamilton Civic Museum Apple Fest. Sloane will be bringing the printing press and marketing materials.

October 18 & 19: Paranormal Tours at Roselawn with the Paranormal Association at 6pm & 9pm. Tickets going on sale soon.

October 25 & 26: Lantern Tours at the Museum starting at 6pm. Looking for actors and tour guides for both nights.

Tami reported on Canal Days. Despite the rain for most of the day on Saturday we still had a great turn out of about 4500 visitors over the two days. Popcorn and snowcones made more money than they have any other year. There was a total revenue of \$5,398.8, which is better than last year even though we had more visitors last year. We had a lot of great responses to the shaded area and moving the games closer to that area. We seem to be the place for families to come and enjoy Canal Days. The field was full of historical re-enactors, including 2 new groups, which were well received by visitors. The re-enactor groups were very happy and are looking forward to coming back next year. Tami has compiled a list of things that went well and suggestions to improve next year. Please pass along any suggestions for next year on to Tami.

a. 50th Anniversary Committee

Cheryl reported that a meeting was held yesterday and a logo was decided on. The logo will be sent back to the graphic designer for final touches. It will be used on promotional material.

July 6, 2025 will be the main celebration.

11.5 Fundraising Committee

Claudia reported on the summer's Music on the Lawn series at Roselawn:

June 2, July 21, Aug 5 had a total of 681 attendees. There were 59 staff, volunteers and board members who came together to make the series a success. The Seniors' Advisory Committee also had a table set up. There was \$472.87 in snack donations, and \$216 in donations at the reception desk. The giftshop made \$257 (mostly in Canal Day t-shirt sales). Tami, Sloane, and Meghan each took a turn emceeing.

The next meeting will be on October 10 at 11am at Roselawn where we will plan the next series around the City's concert series.

11.6 Policy Committee

N/A

11.7 Accession Committee

Terry reported that he speaks regularly with Katelynn to discuss the collection.

11.8 Heritage Committee

No report. Yesterday's meeting didn't have quorum.

12. Confidential Items

N/A

13. New Business

Stephanie congratulated everyone on all of their good work, and recognized that Curator Michelle Mason celebrated her 15th Anniversary with the Museum.

Stephanie circulated the proposed 2025 User Fees. The City requested a 5% increase for inflation for user fees for Archives, Roselawn, and the Museum. Roselawn is getting more full day rentals of 12 hours - so a full day rental will be double the current 6 hour fee. The Membership committee can decide if there will be a special rate for the 50th Anniversary.

Capital Budget is due to go to Council. It is very competitive so we will have to present a list of priorities:

1. Sherk Roof
2. Fencing
3. School House Ceiling

The deposit on the accessibility ramp at Roselawn has been paid. The site is being made off-site. Although the construction will begin in 2024, it will not be completed in 2024. Thank you to the chair of the Friends of Roselawn Centre who helped speed up the process by writing a letter.

On September 23 Foreground Media will be onsite at the Museum, Archives, and Roselawn to film promotional video. Once it is complete it will be available online, along with digital access to the collection. A sign-up page was sent around for anyone available in being in the promotional video.

The New Horizons for Seniors Grant has been submitted. The grant will allow for projects to connect with seniors in the community.

Stephanie is also working with Caitlin from the Lighthouse Theatre to renew contract with Roselawn. Lighthouse Theatre will be presenting at Council in October about the partnership and successes of reciprocal use of each others space.

The Phoenix Circle (a group for large donors to the Niagara on the Lake Museum) visited Roselawn. Gail Lord, who is one of the founders of the Lord

Cultural Resources was in the group, was so impressed with Roselawn and the Board that she offered her resources to help plan for the next 5-20 years. Stephanie has a meeting arranged with Gail.

Moved by B. Schneider
Seconded by C. Brema

That the user fees be accepted as presented and be brought to Council.

Carried

Moved by B. Schneider
Seconded by B. Heaslip

To present to Council a Capital Budget allocation of \$120,000 with a list of priorities to be decided on by the Board

Carried

14. Adjournment

The Chair adjourned the meeting at approximately 8:31pm.


Chair


Staff Liaison

Port Colborne Museum, Heritage, and Culture Board Meeting Minutes

Date: Tuesday, October 15, 2024
Time: 7:00 pm
Location: Roselawn Centre
296 Fielden Ave, Port Colborne, ON L3K 4T6

Members Present: B. Heaslip
C. MacMillan
T. Huffman
C. Brema
J. Piniak
G. Hoyle
A. Lessard
B. Schneider
M. Heaslip

E. Beauregard, Councillor

Member(s) Absent: L. Brazeau

Staff Present:
M. Mason, Museum Curator

1. Call to Order

The Chair called the meeting to order at 7:00pm.

2. Disclosures of Interest

N/A

3. Adoption of Agenda

Moved by C. MacMillan
Seconded by C. Brema

That the agenda dated October 15th, 2024 be confirmed, as circulated or as amended.

Carried

- 4. Approval of Minutes**
Moved by A. Lessard
Seconded by G. Hoyle

That the minutes from the September 17, 2024 meeting be confirmed, as circulated or as amended.

Carried

- 5. Business Arising from the Minutes**

N/A

- 6. Correspondence**

Received a letter from the Legion regarding buying and laying a wreath for the Remembrance Day Ceremony on November 11.

- Moved by A. Lessard
7. Seconded by C. Brema

That board members each contribute \$5 to the legion for a wreath. Staff to research the potential of a wreath donation to be put into the Operating Budget going forward.

Carried

- 7. Council Report**

Councillor Beauregard reported that Council has begun budget meetings for Operating Budgets.

- 8. Curator's Report**

Michelle Mason reported that the City is advertising for 2 new Board Members to fill vacant spots.

Thank you to those who came out to help with the filming of the 2025 video project with Foregrounds Media. The video will showcase everything the Museum, Archives, and Roselawn have to offer.

The Corporate Drive campaign has begun with all the request letters having been sent out.

The City delivered topsoil for the Heritage Garden to be used for planting next spring with the help of the Garden Club.

We are applying for a Francophone Exhibit Project: Access to Heritage Grant from the Museum Assistance Program.

Elyse Richardson, our Exhibit and Research Assistant Intern has completed another initiative in her grant - an outreach and a partnership with another City department to help bring the museum out into the community through a new temporary exhibit in the Vale Health and Wellness Centre. It consists of ten enlarged historical photos from the Museum's collection that caption the history of sports and recreation in Port Colborne through the years. The exhibit is displayed along the gym hallway. This installation is just one part of the expanding outreach initiatives by the Department of Museum, Heritage, and Culture.

Michelle also gave the Archives report provided by Michelle Vosburgh. The second Speakers Series presentation was held on September 21 and it combined a lecture/presentation with an accompanying cemetery tour on the theme of Victorian mourning practices and artifacts. Anna gave the main lecture, with Katelynn presenting a few of the artifacts from the museum collection. Michelle Vosburgh led a tour at Oakwood Cemetery that afternoon on the same theme, focusing on the changing styles of cemeteries, cemetery markers, and the themes of epitaphs on markers. It has been requested that we do this again in the future.

Michelle researched and wrote scripts for the upcoming Lantern Tours; two of the three stories are fictionalized versions of episodes of local history.

Staff were asked to quickly prepare three research reports on properties for consideration by the Heritage Committee at their meeting today.

Michelle is now finalizing the research and presentations for the October 26th Speaker Series on explosions in Port Colborne's history, and for the November 9th presentation on the 1820s debate over the location for the southern terminus of the Welland Canal. This is also part of the Welland Canal Bicentennial Travelling Lecture series.

9. Auxiliary Report

Marianne Heaslip reported that September was a very busy at the Tea Room.

The Pudding Bee will be taking place November 4-6th.

The Volunteer Appreciation Tea is on October 21st in the Archives.

The telephone in the Tea Room is still not allowing any outgoing calls.

10. Friends of Roselawn Centre Liaison Report

The High Tea and Fashion event was a big success! Thank you to Board Members and staff who helped with the event.

There are 7 open vendor spots for the November 23rd Christmas Maker's Market. Please have any interested vendors send their applications to Arlene Lessard.

The Friends of Roselawn Centre board are looking at Accessibility policies. They are also looking to recruit 2 more board members.

11. Committee Report

11.1 Finance Committee

N/A

11.2 Membership Committee

N/A

11.3 Building and Property Committee

Brian Heaslip reported that they rebuilt the rail fencing around the Heritage Garden, put screening in places in the Sherk Log House to keep the squirrels out, and finished the rebuilding of the Carriage House double doors as well as the repainting of the Carriage House.

11.4 Programme Committee

The Paranormal Ghost Tours at Roselawn with the Paranormal and Historical Society of Niagara will take place on October 18th and 19th with a 6pm and 9pm tour both nights. The tickets are selling well.

On October 25th there will be a school group of 65 students coming from St. Catharines for the Settler of Port Colborne program.

The Lantern Tours at the Museum are on October 25th and 26th with 3 tours each night at 6:30, 7:00, and 7:30pm. Each tour is one and half hours long. If you are able to volunteer as a tour guide for one of these, please contact Sloane.

a. 50th Anniversary Committee

The logo for the Museum's 50th Anniversary has been chosen. Councillor Beauregard recommended that Council be approached with the news for their endorsement.

11.5 Fundraising Committee

The Toronto All-Star Big Band has been booked for to perform at Roselawn for Canal Days 2025. Terry has also been in touch with new bands for the other concerts for the 2025 Music on the Lawn series. This summer there were 681 attendees during the 3 concerts, and next year hoping to bring in even more.

11.6 Policy Committee

N/A

11.7 Accession Committee

N/A

11.8 Heritage Committee

At the Heritage meeting held earlier today, the committee they were presented with three new properties, however after discussion they were turned down due to deterioration of the buildings. The committee continues to research and discuss any properties that are presented to them.

12. Confidential Items

N/A

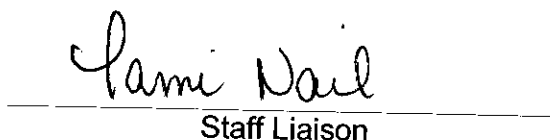
13. New Business

N/A

14. Adjournment

The Chair adjourned the meeting at approximately 8:01pm.


Chair


Staff Liaison



Port Colborne Public Library Board Meeting Minutes

Date: Wednesday, November 6, 2024
Time: 6:00 pm
Location: Library Auditorium, Port Colborne Public Library
310 King St, Port Colborne

Members Present: A. Desmarais
M. Bagu, Councillor
H. Cooper
B. Ingram, Acting Chair
C. MacMillan
B. Beck
E. Tanini

Member(s) Absent: M. Booth

Staff Present: R. Tkachuk, Chief Executive Officer (Board Secretary-Treasurer)

1. Call to Order

The Acting Chair called the meeting to order at 6:03 p.m.

2. Land Acknowledgement

The CEO recited the Land Acknowledgement Statement.

3. Disclosures of Interest

There were no disclosures of interest.

4. Adoption of Agenda

A Facility Update from the CEO was added under 7.2 of the agenda.

Moved by C. MacMillan

Seconded by H. Cooper

That the agenda dated November 6, 2024, be confirmed, as amended.

Carried

5. Approval of Minutes

Moved by H. Cooper
Seconded by C. MacMillan

That the minutes dated October 2, 2024, be approved, as circulated.

Carried

6. Business Arising from the Minutes

Nil.

7. Decision and Discussion Items

7.1 Human Resources Update (M. Murray)

a. WorkDay

The Chief Human Resources Officer for the City of Port Colborne gave a progress update for the new HR and accounting platform.

b. CEO Evaluation Forms

The Chief Human Resources Officer presented the annual CEO Evaluation Form.

Moved by H. Cooper
Seconded by A. Desmarais

That the Board complete a mid-year check-in for the CEO in 2025, and;

That the CEO's full performance review by the Board be postponed until the end of 2025.

Carried

7.2 Facility Update (R. Tkachuk)

The CEO reported on a library closure due to facility construction.

8. Consent Items

Moved by A. Desmarais
Seconded by H. Cooper

That consent items 8.1 to 8.5 be received, as presented.

Carried

8.1 Financial Reports

- a. **2024 Operating Budget (as November 1, 2024)**
- b. **2024 Facilities Budget (as November 1, 2024)**
- c. **5-Year Operating Budget**

8.2 Circulation Reports

- a. **Circulation Report, September 2024**
- b. **Circulation Snapshot, September 2024**
- c. **3rd Quarter Circulation Report**
- d. **3rd Quarter Circulation Snapshot**

8.3 Staff Reports

- a. **Librarian Report, October 2024**
- b. **CEO's Report, October 2024**

8.4 Media Items

- a. **Off the Shelf Newsletter - November/December 2024**

8.5 Correspondence

- a. **CFLA-FCAB Governance Recommendations**
- b. **CFLA-FCAB Newsletter, Fall 2024**

9. Policies

Moved by H. Cooper

Seconded by C. MacMillan

That the Board approves the policies listed in items 9.1 to 9.4, as presented.

Carried

9.1 GOV-02: Library Board Orientation and Training

9.2 GOV-04: Policy Development

9.3 GOV-07: Board Advocacy

9.4 GOV-10: Board Succession Planning

10. Roundtable

Trustee Tanini reported on attending a library event.

11. Other Business

Nil.

12. Next Meeting Date and Adjournment

The next meeting of the Board will be held December 4, 2024 in the Auditorium of the Port Colborne Public Library.

The Chair adjourned the meeting at approximately 6:43 p.m.

Bryan Ingram, Acting Chair

Rachel Tkachuk, Chief Executive
Officer (Board Secretary-
Treasurer)



PORT COLBORNE

Subject: Cancellation, Reduction or Refund of Realty Tax

To: Council

From: Corporate Services Department

Report Number: 2024-220

Meeting Date: December 10, 2024

Recommendation:

That Corporate Services Department Report 2024-220 be received; and

That the applications pursuant to Section 357/358 of the *Municipal Act, 2001*, as amended, numbered 2023-900, 2023-1000, 2024-200, 2024-300, 2024-400, 2024-700, 2024-800, and 2024-900, be approved to cancel or reduce taxes in the amount of \$46,381.37.

Purpose:

The purpose of this report is to seek approval of Council to cancel, reduce, or refund realty tax of the applicant in accordance with the recommendations of the Municipal Property Assessment Corporation (MPAC) Assessor.

Background:

Under section 357 and 358 of the *Municipal Act, 2001*, as amended, an application to Council may be made by the taxpayer for the cancellation, reduction, or refund of tax levied in the current and previous year for specific purposes. In some cases, a review may increase the property assessment and increase a property's tax levied.

Once an application is received from a taxpayer under section 357 or 358 and processed by staff, the application is forwarded to MPAC for a revised assessment recommendation. These applications are then returned to the municipality for staff to calculate the amount of cancellation or adjustment of taxes.

The applications received under section 357, application numbers 2023-900, 2023-1000, 2024-200, 2024-300, 2024-400, 2024-700, 2024-900 and section 358, application number 2024-800, are in the Treasurer's possession.

The process has remained the same year over year except, beginning July 2, 2024, when a building has been razed by fire, MPAC no longer revalues or changes the value of a property or a portion of a property for the period requested in a tax application. Beginning July 2, 2024 MPAC only offers the returned Current Value Assessment (CVA) and a notional value of the impacted structure for consideration under general remarks, leaving it up to each municipality to determine the amount of tax relief that should be provided to the property owner. Since the City does not have an assessment expert on staff, the City will utilize a subject matter expert to assist if and when these types of 357 applications are received. In 2024, the City experienced no razed by fire properties subsequent to July 2, 2024.

Discussion:

The summary report attached as Appendix "A" encompasses the applications received to date for submission to Council for approval.

Staff recommend Council approve the recommendation of the MPAC assessor for the applications received under sections 357 and 358. It is a rarity that the taxpayer challenges any recommendation; however, if such did occur, staff would request that MPAC attend the meeting to defend or amend the recommendation. Staff have received no objections from the taxpayers.

Financial Implications:

Application numbers 2023-900, 2023-1000, 2024-200, 2024-300, 2024-400, 2024-700, 2024-800, and 2024-900 under section 357 and 358 require Council's approval. The total amount of reduction or cancellation of taxes is \$46,381.37, of which \$21,120.47 is the municipal portion.

Strategic Plan Alignment:

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

- Economic Prosperity
- Sustainable and Resilient Infrastructure

Conclusion:

Staff recommend Council approve the applications outlined in this report to cancel, reduce, or refund realty tax in accordance with the recommendations of the Municipal Property Assessment Corporation (MPAC) Assessor.

Appendices:

- a. Calculation of Adjustments Based on the Assessor's Reports and Comments

Respectfully submitted,

Adam Pigeau, CPA, CA
Manager, Financial Services/Deputy Treasurer
905-228-8019
adam.pigeau@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.

CITY OF PORT COLBORNE

Report Number: 2024-220

SCHEDULE 1

Council Meeting: December 10, 2024

Section Reason	Application No.	Effective Date	Roll # Address	Tax Class	Assessment Change	Total Adj	Municipality	Region	Waste Mgmt	Transit	School Board
Classification Change	2023-900	01-Jan-23	2711-030-031-11700-0000 610 ELM ST	CT	(33,800.00)	(1,348.09)	(602.68)	(365.73)	(57.85)	(24.38)	(297.44)
				RT	33,800.00	657.31	347.39	210.81	33.35	14.05	51.71
Classification Change	2024-900	13-Apr-24	2711-010-017-12300-0000 West St WS	CT	(26,000.00)	(775.49)	(349.83)	(215.91)	(30.96)	(14.38)	(164.41)
				CF	26,000.00	794.17	349.83	215.91	30.96	14.38	183.09
Became Exempt	2024-700	01-Aug-24	2711-040-005-14700-0000 316 CONCESSION 2 RD	RT	(139,000.00)	(1,184.36)	(627.13)	(387.06)	(55.50)	(25.77)	(88.91)
				E N	139,000.00	-	-	-	-	-	-
Demolition/Razed by Fire	2023-1000	13-Dec-23	2711-040-002-50100-0000 2970 HIGHWAY 3	RT	(156,000.00)	(157.92)	(83.46)	(50.65)	(8.01)	(3.38)	(12.42)
				CT	(236,600.00)	(7,003.27)	(3,159.23)	(1,949.82)	(279.59)	(129.86)	(1,484.76)
Demolition/Razed by Fire	2024-200	15-Apr-24	2711-030-029-14900-0000 395 ELM ST	CX	220,600.00	6,529.68	2,945.59	1,817.97	260.69	121.07	1,384.36
				RT	(152,000.00)	(1,777.64)	(941.27)	(580.94)	(83.30)	(38.69)	(133.44)
Demolition/Razed by Fire	2024-300	05-Jun-24	2711-020-012-12500-0000 360 KILLALY ST E	RT	(152,000.00)	(1,777.64)	(941.27)	(580.94)	(83.30)	(38.69)	(133.44)
				RT	(62,198.00)	(1,094.57)	(579.58)	(357.71)	(51.29)	(23.82)	(82.16)
Gross/Manifest Error	2024-800	01-Oct-22	2711-040-006-15405-0000 3969 WHITE RD	CT	(451,000.00)	(4,313.46)	(1,933.66)	(1,190.31)	(189.13)	N/A	(1,000.36)
		01-Jan-23		CT	(451,000.00)	(17,987.84)	(8,041.74)	(4,880.01)	(771.95)	(325.34)	(3,968.80)
		01-Jan-24		CT	(451,000.00)	(18,719.89)	(8,444.70)	(5,211.92)	(747.36)	(347.11)	(3,968.80)
Total						(46,381.37)	(21,120.47)	(12,945.37)	(1,949.94)	(783.23)	(9,582.34)



Subject: Recommendation for Zoning By-law Amendment and Redline Revision for Northland Estates

To: Council

From: Development and Government Relations Department

Report Number: 2024-227

Meeting Date: December 10, 2024

Recommendation:

That Development and Government Relations Department – Planning Division Report 2024-227 be received;

That the Zoning By-law Amendment attached as Appendix A to Planning Division Report 2024-227 be approved;

That the Redline Revision to the Draft Plan of Subdivision and associated Draft Plan Conditions attached as Appendix B to Planning Division Report 2024-227 be approved;

That Lot 44, and Blocks 47, 49 and 50 be authorized as a Class 4 designation in accordance with the Noise Study requirements; and

That the City Clerk be directed to issue the Notices of Approval in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding Zoning By-law Amendment and Redline Revision applications submitted by Matt Kernahan of Garden City Development on behalf of the owner 2600261 Ontario Inc. for the Northland Estates Draft Plan of Subdivision.

Background:

The Northland Estates Draft Plan of Subdivision (D12-01-22) and corresponding Zoning By-law Amendment (D14-06-22) (hereinafter referenced as the “original applications”) were first presented to City Council at a Public Meeting on September 20, 2022.

Following fulsome review from City, Regional, and NPCA staff, City Council approved the original applications for Draft Plan of Subdivision and Zoning By-law Amendment on September 26, 2023.

Following Council's approval of the original applications on September 26, 2023, the City received a formal appeal to the Ontario Land Tribunal (OLT) of the original Zoning By-law Amendment Application. The reason for the appeal was predominantly related to sanitary servicing capacity. The appeal was dismissed on May 31, 2024, on the basis that the corresponding Draft Plan conditions approved by Council adequately addressed the servicing concerns raised in the appeal.

Since the approval of the original applications, the applicant has been working through their Draft Plan conditions. Due to changing conditions with the housing market, the applicant has decided to propose additional changes to the Draft Plan of Subdivision in order to respond to these changing market conditions. A redline revision (changes to the approved Draft Plan) has been submitted to the City which proposes to decrease the number of single-detached dwellings from 120 to 44, increase the number of townhouse dwellings from 46 to 189, and add four semi-detached dwellings. In order to implement this proposed redline revision to the Draft Plan, a Zoning By-law Amendment is required to refine the provisions of the originally approved Zoning By-law. The following changes to the previously approved Zoning By-law are provided below:

Zoning By-law Section	Provision	Required	Proposed
2.19.1	Minimum setback for uncovered stairs of the first storey of a dwelling to a lot line	0.5 m	0.3 m
3.2	Minimum parking space width of parking space obstructed on two sides	3.5 m	3 m
37 (Special Provision: R3-73)	Minimum lot area for townhouses	180 m ²	160 m ²
7.8 (c)	Minimum front yard setback	6 m	7.5 m
7.8 (e)	Minimum corner side yard setback	4.5 m	3 m
2.19.1	Minimum corner side yard setback from a deck 1.2m or greater above the ground floor level to a lot line	4.5 m	1.5 m
7.8 (g)	Maximum dwelling height	11 m	12 m

These current applications have been submitted along with the following materials:

- Proposed redline revisions to Draft Plan
- Sample Townhouse Plans
- Sample Building Elevations
- Site Plan
- Updated Functional Servicing Report (FSR)
- Updated Traffic Impact Study (TIS)

These materials have been provided on the City's [Current Applications](#) webpage.

A Public Meeting for the proposed Zoning By-law Amendment and Redline Revision was held on November 12, 2024. Staff and the applicant provided an overview of the current applications to City Council.

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 Planning Statement (2024)*, the *Niagara 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, 1990:

Section 2 of the *Planning Act* (the "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 22 of the Act allows for the consideration of amendments to the City's Official Plan.

Section 34 of the Act allows for the consideration of amendments to the Zoning By-law.

Section 51 of the Act allows for the consideration of a plan of subdivision.

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

- *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- *whether the proposed subdivision is premature or in the public interest;*
- *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- *the suitability of the land for the purposes for which it is to be subdivided;*
- *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- *the dimensions and shapes of the proposed lots;*
- *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- *conservation of natural resources and flood control;*
- *the adequacy of utilities and municipal services;*
- *the adequacy of school sites;*
- *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

Planning staff have analyzed the considerations as shown above and provide the following in response to each:

- *Effect of the development on matters of provincial interest*

Planning staff have reviewed applicable provincial plans to ensure the applications are consistent with the Provincial Planning Statement (PPS). These policies of the PPS will be further analyzed in this report. In the opinion of Planning staff, the proposal addresses all matters of Provincial interest as outlined in Section 2 of the Act.

- *Whether the proposal is premature in the public interest*

This proposal is not premature in the public interest. The development is contiguous with the existing built-up area of the city. The proposal builds on the current policies of the City's Official Plan and will contribute additional housing units within the City's Urban Area.

- *Whether the plan conforms to the Official Plan and adjacent plans of subdivision*

The proposal conforms to the City's Official Plan. The plan is considerate of the adjacent existing residential uses and provides future connection points to the north, should the adjacent lands develop in the future.

- *Suitability of the land for the purposes of which it is to be subdivided*

The proposal is located within the City's Designated Greenfield Area which has been long-planned for residential development. An Environmental Impact Study has been prepared to further delineate the on-site natural heritage features to ensure their long-term protection. The uses proposed are suitable for the land and conform to applicable Regional and City plans.

- *The number, width, location, proposed grades, elevations of highways, their adequacy, and the highways linking the highways in the proposed subdivision with the established highway system*

The subdivision will have two accesses from the existing Northland Avenue, together with an emergency access to West Side Road and future access points to the lands to the north and west. As designed, the subdivision will provide sufficient connectivity to the current streets in the area. Preliminary grading and servicing plans have been reviewed and verified at this stage, further review and approvals will be undertaken through conditions of draft plan approval.

- *Dimensions and shapes of proposed lots*

The subdivision proposes to have lot shapes and sizes that are generally in compliance with the City's Zoning By-law or have been adequately addressed through the current Zoning By-law Amendment. The proposed lots will provide adequate space for future dwellings and associated accessory uses.

- *Restrictions or proposed restrictions, if any, on the land proposed to be subdivided of the buildings and structures proposed to be erected on it and restrictions, if any, on adjoining land*

Adequate conditions of Draft Plan Approval have been included in Appendix B. These conditions include requirements from the Niagara Region and City to ensure Regional and City interests are addressed prior to construction.

- *Conservation of Natural Resources and Flood Control*

The proposal allows for the long-term protection of the natural features including wetlands and woodlands as well as appropriate measures for flood control and management. Applicable conditions regarding the above have been provided in the draft plan conditions. Preliminary stormwater management plans have been reviewed by Public Works with additional recommendations and design to follow as a draft plan condition.

- *Adequacy of utilities and municipal services*

The applications have been circulated to applicable agencies and departments to verify the adequacy of the above. Appropriate draft plan conditions have been recommended with respect to the detailed design of the proposed services.

- *Adequacy of school sites*

The applications were circulated to local school boards and no comments have been received with respect to schools being inadequate for the development.

- *Area of land, if any, within the proposed subdivision that, exclusive of highway, is to be conveyed or dedicated for public purposes*

The development proposes to convey a Block of land to the City for park purposes. Applicable conditions have been included in the draft plan conditions to ensure the quantity of land and/or cash-in-lieu is collected.

- *The extent to which the plan's design optimizes the available supply, efficient use and conservation of energy*

The proposal optimizes the available land and will efficiently make use of existing services in the vicinity.

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

The proposed single-detached lots proposed will not be subject to site plan control. The lands proposed for mixed-use residential and commercial will be subject to site plan control in the future.

Given the above, Planning staff are confident that the proposed applications have regard for the provisions of the Planning Act.

Provincial Planning Statement, 2024

The Provincial Planning 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.

Section 2.2.1 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including the development and introduction of new housing options within previously developed areas.

Section 2.3.1.1 provides that settlement areas shall be the focus of growth and development. Section 2.3.1.2 adds that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure.

Based on staff's review of the applications against the policies of the PPS, Planning staff find that the applications are consistent with the PPS.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP) provides a policy framework for planning matters under the Region's purview. The NOP sets out growth management objectives for the Niagara Region.

In alignment with NOP policy 2.3.1.1, it is encouraged that developments provide a range and mix of densities. Lot and unit sizes and housing throughout the urban area in order to meet the housing needs of people at all stages of life.

Planning staff are of the opinion that the applications conform to policies of the NOP. The Niagara Region has also reviewed the applications with consideration of applicable Provincial and Regional policy. The Region has confirmed the proposal is consistent with, and conforms with applicable Provincial and Regional policies, subject to their requested conditions.

Port Colborne Official Plan

The City of Port Colborne Official Plan (OP) is a long-term, planning document designed to secure the health, safety, convenience and welfare of the present and future residents of Port Colborne. The OP's general planning principles as follows:

- *Providing for a mix of land uses;*
- *Taking advantage of compact building design, where appropriate;*
- *Providing guidance for the location and character of new development;*
- *Creating a range of housing opportunities and choices;*
- *Creating walkable neighbourhoods;*
- *Fostering distinctive, attractive communities with a strong sense of place;*
- *Identifying and preserving open space, farmland, natural beauty and*

critical environmental areas;

- *Strengthening and directing development towards existing communities;*
- *Making development decisions predictable, fair and cost effective; and*
- *Encouraging community and stakeholder collaboration in development*

decisions.

Section 2 of the OP builds on the above planning principles to provide a comprehensive growth and development strategy for Port Colborne. Generally, there are six strategic directions for the city including:

- 1. Enhancing Quality of Life (2.3.1)*
- 2. Developing and Economic Gateway Centre (2.3.2)*
- 3. Strengthening and Integrating Nature, Cultural and Heritage Resources (2.3.3)*
- 4. Enhancing Public Areas (2.3.4)*
- 5. Protecting Hamlet, Rural and Agricultural Lands (2.3.5)*
- 6. Taking Advantage of Underutilized lands. (2.3.6)*

In the case of this application, items one and three above apply. As referenced previously, a compact urban form, quality urban design, mix of housing typologies and land uses, efficient use of infrastructure, among others, all contribute to the enhancement of one's quality of life. Item three encourages the protection and enhancement of the City's natural, cultural and heritage resources. An Environmental Impact Study was completed to adequately delineate the extent of the environmental features on the site. The study has recommended mitigation measures, for example: ensuring lighting is not encroaching into the features; that fuel not be stored within 30m of a watercourse or provincially significant wetland (PSW) boundary; and that fencing be put in place during construction.

The City OP designates the land as "Urban Residential" and "Designated Greenfield Area". Land uses permitted in the Urban Residential designation include residential, neighbourhood commercial, community facilities and institutional uses.

Policy 3.1.1.2 provides direction on how Greenfield lands should be developed as follows:

- a) Promote compact, mixed use and transit supportive development.*
- b) Promote higher densities and a greater mix of housing types.*
- c) Improve connections between greenfield areas and the built-up area.*
- d) Enhance the physical design of new neighbourhoods.*

e) Support the Regional greenfield density target of 50 people and jobs per gross hectare by:

- i) Adopting minimum and maximum densities for residential development;*
- ii) Designating portions of the Greenfield area for low, medium and high density development;*
- iii) Providing separate housing mix targets; and*
- iv) Encouraging and allowing for mixed use development in greenfield areas.*

f) Support phasing greenfield development over time to ensure a balance of intensification and development.

Staff are of the opinion that the proposal supports the above-noted policies by providing a compact, efficient development that is well-connected to adjacent lands and nearby commercial areas.

Policy 3.2.3.1(a) of the OP provides direction on how residential communities shall be designed as follows:

a) New residential communities shall be limited in size, have a clearly defined character and edges:

- i) The extent of a neighbourhood should be generally defined by a 400-metre radius (5-minute walk) from centre to edge.*
- ii) The built form and landscaping of a new neighbourhood should have similar high quality architectural and vegetative treatments that provide it with identity while also allowing it to be differentiated from existing neighbourhoods.*
- iii) Parks, woodlots, watercourses, trails, topographic features, major roads and infrastructure elements such as railway lines can define the neighbourhood periphery.*

Policy 3.2.3.2(a) requires the layout of streets and blocks to enhance the connectivity and appearance of new neighbourhoods:

- i) New streets and blocks should be consistent with and extend from the existing grid pattern.*
- ii) The street and block pattern should fit into the existing built and natural environments and accentuate the presence of features including watercourses, heritage elements and topographic features.*

- iii) *The road network should be designed with frequent cross streets to maintain the grid pattern of the Port Colborne community.*
- iv) *Blocks and streets should be designed to enhance views, or to achieve a distinctive character around a neighbourhood focus through deliberate variations in the street alignment.*
- v) *Block lengths should not exceed 200 metres.*

Staff find that the proposal meets the above-noted policies. The design of the subdivision is generally linear and grid-like. Future detailed design review will further build on the above.

Policy 3.2.3.2 (b) encourages residential blocks to have a positive interface with environmental areas, parks and public open spaces and roads. Staff find that the proposed layout provides a positive interface with the environmental areas and parks. The environmental areas will be fenced in accordance with the recommendations of the Environmental Impact Study (EIS).

Policies under 3.13 provide direction for parks and open space. The park provided within the subdivision designed to be used by the neighbourhood within a 0.8km radius. The 0.8km radius is achieved and the entirety of the development is captured within this buffer. The park is linked to the stormwater management pond and the environmental blocks in the south end of the subdivision.

Section 4 of the Official Plan provides policy direction on natural heritage features. The goal is to promote the long-term protection and enhancement of the features. Section 4.1.2 requires the submission of an EIS prior to development on or near these lands to demonstrate the extent of the feature and ensure the development does not negatively impact the features. The boundaries of the environmental conservation features on site may be refined through the EIS process.

The Region, NPCA and City peer-review staff reviewed all EIS materials through the previous applications. Sufficient Draft Plan Conditions have been previously included in the Draft Approval. These current applications will not change any of the environmental conditions previously included.

Section 7 of the OP provides policies for the protection of Cultural Heritage. A Stage 1-2 Archaeological Assessment was submitted with the application to demonstrate the potential for archaeological discovery. No archaeological resources were encountered through the assessment. The Region has provided standard draft plan conditions with respect to archaeological potential to be included in any draft plan approval.

Section 8 of the OP outlines servicing requirements for new developments within the urban area. The applicant has submitted a revised Functional Servicing Report and Stormwater Management Report prepared by Upper Canada Consultants (UCC) to demonstrate the site's servicing strategy. The proposed servicing strategy has been

reviewed by the Niagara Region and City Engineering staff and adequate conditions have been included in the Draft Plan Conditions previously.

Port Colborne Zoning By-law 6575/30/18

As mentioned, the property was subject to a previous Zoning By-law Amendment application which passed By-law 7141/83/23 and rezoned the subject lands to R3-73 (site-specific Third Density Residential) and MU-74 (site-specific Mixed Use). A portion of the lands are also zoned as Public and Park (P) and Environmental Conservation (EC).

The current Zoning By-law Amendment proposes to change the specific requirements for the R3-73 zone in accordance with the chart below:

Zoning By-law Section	Provision	Required	Proposed
2.19.1	Minimum setback for uncovered stairs of the first storey of a dwelling to a lot line	0.5 m	0.3 m
3.2	Minimum parking space width of parking space obstructed on two sides	3.5 m	3 m
37 (Special Provision: R3-73)	Minimum lot area for townhouses	180 m ²	160 m ²
7.8 (c)	Minimum front yard setback	6 m	7.5 m
7.8 (e)	Minimum corner side yard setback	4.5 m	3 m
2.19.1	Minimum corner side yard setback from a deck 1.2m or greater above the ground floor level to a lot line	4.5 m	1.5 m
7.8 (g)	Maximum dwelling height	11 m	12 m

Planning staff find that the proposed Zoning By-law changes are reasonable for the development of the site. The amendments will contribute to a more compact development making efficient use of the land and proposed services in the subdivision.

Redline Revision to Draft Plan of Subdivision

The redline revision to the Draft Plan of Subdivision proposes to decrease the number of single-detached dwellings from 120 to 44, increase the number of townhouse dwellings from 46 to 189, and add four semi-detached dwellings. The application also

seeks to refine the lot configuration. The proposed redline revision has been attached as Appendix B to this report.

Surrounding Land Uses and Zoning

The parcels surrounding the subject lands are zoned First Density Residential (R1) and Residential Development (RD) to the north; Institutional (I), Fourth Density Residential (R4), Commercial Plaza (CP), Third Density Residential (R3), and R1 to the east; R1 to the south; and Rural Residential (RR) with an Environmental Conservation (EC) overlay to the west. The surrounding land uses consist of residential, commercial, and institutional uses, and of vacant environmentally protected lands.

Internal Consultations:

Drainage Superintendent

No comments with respect to municipal drains.

Enbridge

No objections to the applications at this time, however they reserve the right to amend or remove development conditions.

Port Colborne Fire Department

No objection to the application. Concern with respect to the emergency access from Westside Road (to be addressed through the detailed design stage of the subdivision).

Niagara Region

Regional staff have reviewed the proposed Modification of Draft Plan of Subdivision application and offer updated conditions of draft plan approval. These conditions are necessary to address and fulfill Provincial and Regional interests.

From a land use compatibility perspective, Regional staff note that the proposed Class 4 noise designation must be formally authorized by City Council. Before authorizing the Class 4 designation, City staff should be satisfied that a Class 4 area designation is appropriate for the proposed development through meeting any local requirements and provisions. If the Class 4 designation is not authorized by Council, the applicant should be required to submit an updated noise study which concludes the proposed development will comply with the applicable noise limits prior to approval of the proposed modified draft plan, as this may necessitate changes to the development concept to ensure potential adverse noise impacts are addressed in accordance with Provincial noise guidelines.

City Planning staff recommend that Council authorize the Class 4 designation in accordance with the Noise Study recommendations for Lot 44, and Blocks 47, 49 and 50. This designation will recognize that these lots may be subject to increased stationary noise levels from the Port Colborne Mall.

Engineering Development Services

- In accordance with the City requirements for stormwater, 80% TSS removal is required for this development.
 - A capacity analysis will be required for the City sanitary system from the Steele Pumping Station and Omer Pumping Station as part of the detailed design of the subdivision.
 - Adequate draft plan conditions have been included in order to reflect this.
-

Financial Implications:

There are no immediate financial implications with the report. However, the recommendation, if approved, will result in new assessment and new water and wastewater users, in time.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Section 34 of the *Planning Act*. As of the date of preparing this report, no comments from the public have been received.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

It is the opinion of Planning staff that the proposed Zoning By-law Amendment and Redline Revision to the Draft Plan of Subdivision applications are consistent with the PPS, conform to Provincial, Regional, and City policies and requirements, are

appropriate for the subject lands and are compatible with the surrounding area, subject to the recommended Draft Plan conditions.

Planning staff recommend that Council approve the applications to facilitate the proposed development.

Appendices:

- a. Zoning By-law Amendment
- b. Redline Revision and Updated Draft Plan Conditions

Prepared and submitted by,

David Schulz, BURPI, MCIP, RPP
Manager of Planning
(905) 228-8117
david.schulz@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 amend Zoning By-law 6575/30/18 respecting lands legally described Part of Lot 31, Concession 2, Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara.

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 By-law 7141/83/23 is a site-specific by-law of The Corporation of the City of Port Colborne for the subject lands restricting the use of the 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" of the original Zoning By-law Amendment 7141/83/23 which has been attached to and forming part of this by-law.
2. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by amending the R3-73 zone regulations with the following additions/replacements:

R3-73

Notwithstanding the provisions of the Third Density Residential (R3) Zone, the following regulations shall apply to Street Townhouse Dwellings:

- | | |
|-----------------------------|-------------------|
| a. Minimum Lot Area | 160 square metres |
| b. Minimum Front Yard | 6 metres |
| c. Minimum Corner Side Yard | 3 metres |
| d. Maximum Dwelling Height | 12 metres |

The following regulations shall apply to all uses permitted in the R3-73 zone:

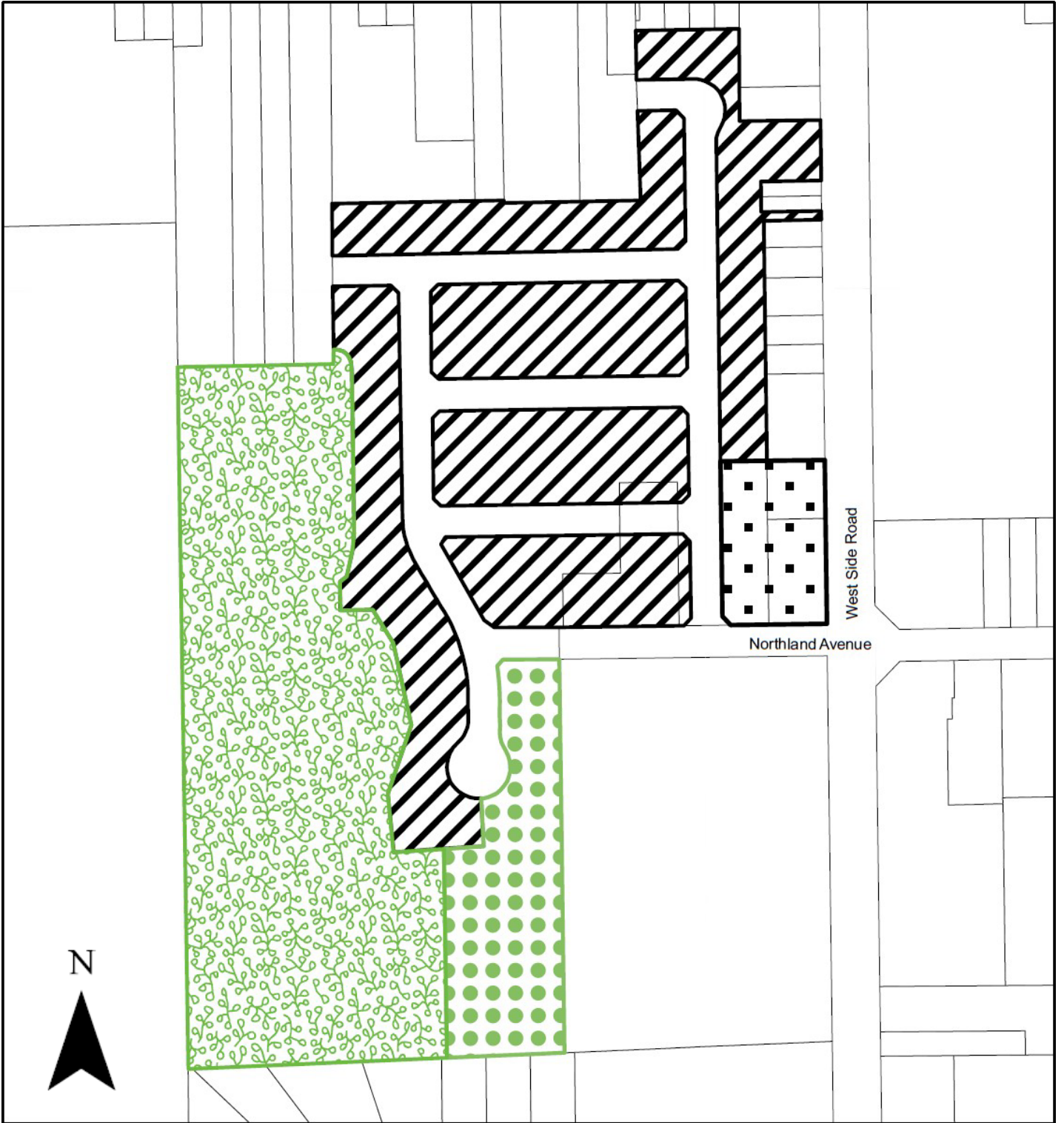
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|--|------------|
| a. Minimum setback for uncovered stairs of the first storey of a dwelling to a lot line | 0.3 metres |
| b. Minimum parking space width of parking space obstructed on two sides | 3 metres |
| c. Minimum corner side yard setback from a deck 1.2m or greater above the ground floor level to a lot line | 1.5 metres |

3. 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.
4. 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 , 2024.





William C Steele
Mayor

Charlotte Madden
City Clerk



This is Schedule A to By-law _____
 passed this _____ day of _____, 2024

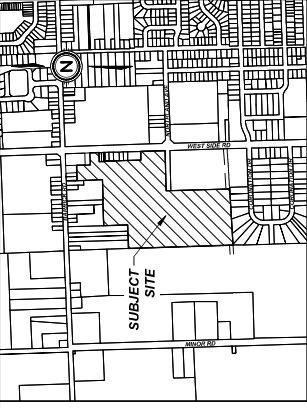
Northland Estates Draft Plan of Subdivision
 Zoning By-law Amendment
 December 2024 – Not to scale

<u>Legend</u>	
	R3-73
	MU-74
	Public and Park (P)
	Environmental Conservation

NORTHLAND ESTATES CITY OF PORT COLBORNE

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 45 TOTAL AREA = 1756.55m ²	UNIT A	369.16m ²	UNIT A	231.00m ²	BLOCK 56 TOTAL AREA = 1542.00m ²
	B	172.62m ²	B	160.00m ²	UNIT A
	C	172.62m ²	C	160.00m ²	B
	D	172.62m ²	D	160.00m ²	C
	E	172.62m ²	E	160.00m ²	D
	F	172.62m ²	F	160.00m ²	E
	G	172.62m ²	G	160.00m ²	F
	H	172.62m ²	H	160.00m ²	G
BLOCK 46 TOTAL AREA = 1471.62m ²	BLOCK 57 TOTAL AREA = 865.86m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 47 TOTAL AREA = 1141.3m ²	BLOCK 58 TOTAL AREA = 865.86m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 48 TOTAL AREA = 1124.94m ²	BLOCK 59 TOTAL AREA = 865.86m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 49 TOTAL AREA = 1122.00	BLOCK 60 TOTAL AREA = 865.86m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 50 TOTAL AREA = 1521.78m ²	BLOCK 61 TOTAL AREA = 1542.00m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 51 TOTAL AREA = 865.86m ²	BLOCK 62 TOTAL AREA = 1542.00m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 52 TOTAL AREA = 865.86m ²	BLOCK 63 TOTAL AREA = 1542.00m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 53 TOTAL AREA = 1542.00m ²	BLOCK 64 TOTAL AREA = 1542.00m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 54 TOTAL AREA = 1542.00m ²	BLOCK 65 TOTAL AREA = 865.86m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 55 TOTAL AREA = 1542.00m ²	BLOCK 66 TOTAL AREA = 865.86m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 56 TOTAL AREA = 825.13m ²	BLOCK 67 TOTAL AREA = 769.07m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				
BLOCK 57 TOTAL AREA = 166.07m ²	BLOCK 68 TOTAL AREA = 743.27m ²				
UNIT A	UNIT A				
B	B				
C	C				
D	D				
E	E				
F	F				
G	G				
H	H				



DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 24, CONVESSION 2
GEOGRAPHIC TOWNSHIP OF HURON
CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT TO THE REGIONAL MUNICIPALITY OF NIAGARA
SUBDIVISION TO THE CITY OF PORT COLBORNE
FOR APPROVAL.

2600261-ONTARIO INC. DATE: JUNE 24, 2022
2751131-ONTARIO INC. DATE: JULY 22, 2022
ARTHUR SEKO DATE: JULY 22, 2022

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

ROY S. GRUBBS, P. Eng., Ontario Land Surveyor
(a Division of J.D. Burns & Limited)

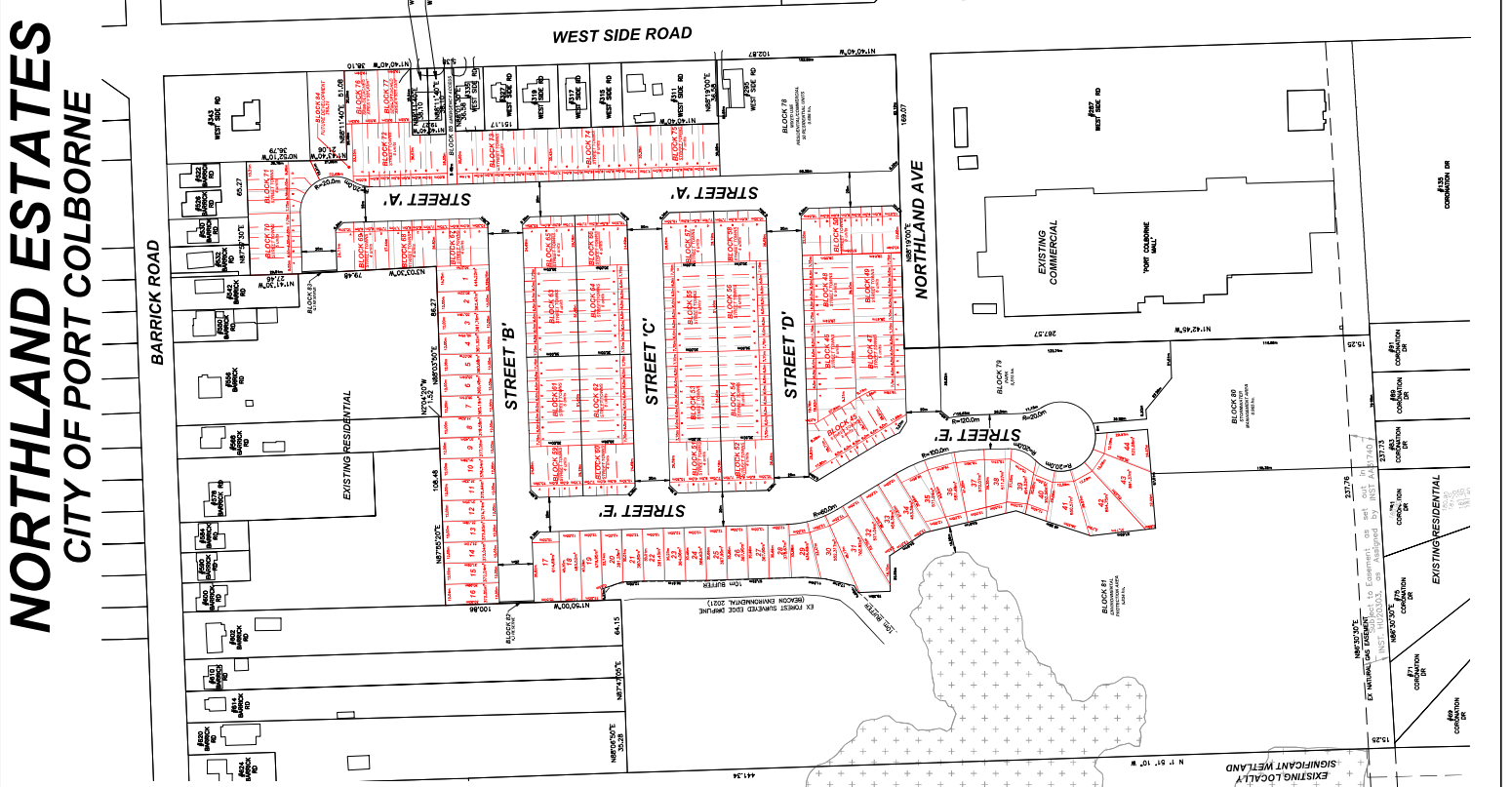
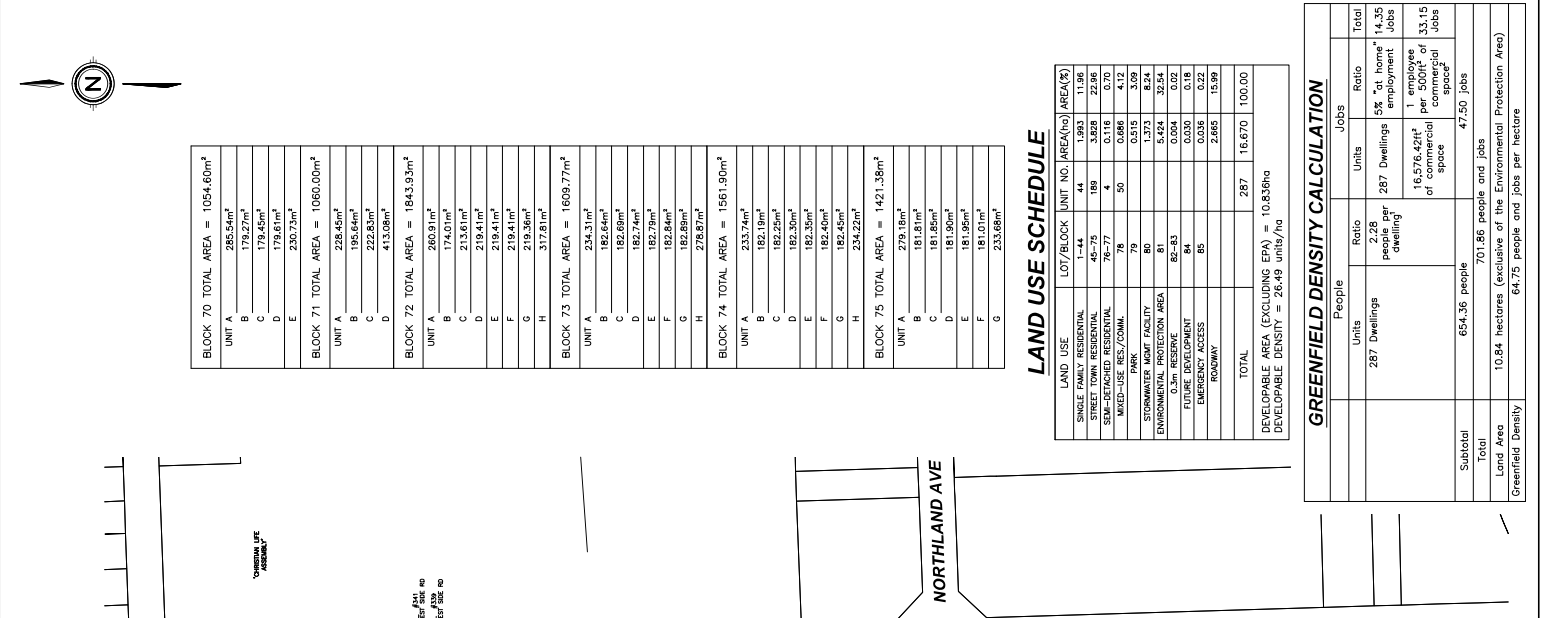
REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- 1) SEE PLAN
- 2) SEE PLAN
- 3) SEE PLAN
- 4) SEE PLAN
- 5) VARIOUS FEATURES
- 6) SEE PLAN
- 7) SEE PLAN
- 8) FULL SERVICE
- 9) SEE PLAN
- 10) SEE PLAN
- 11) SEE PLAN
- 12) SEE PLAN
- 13) SEE PLAN
- 14) SEE PLAN
- 15) SEE PLAN
- 16) SEE PLAN
- 17) SEE PLAN

PROPOSED REDLINE REVISION	DATE	BY
1	2024-07-09	A.S.
2	2022-11-25	M.K.
3	2022-10-03	M.K.
4		
5		

UPPER CANADA CONSULTANTS ENGINEERS/PLANNERS

DRAFTING MK/AS
DATE: JULY 9, 2024
PRINTED: JULY 9, 2024
SCALE: 1:1500
DWG. No.: 21132-DP
REV: 1



**Conditions of Draft Plan Approval
Northland Estates Redline (File No. DPS
D12-03-24)**

The conditions of final approval and registration of the Northland Estates Plan of Subdivision by 2600261 Ontario Inc. (file: D12-03-24) in the City of Port Colborne are as follows:

DRAFT PLAN

1. This approval applies to the lands known as Northland Estates - Draft Plan of Subdivision, legally described as Part of Lot 31, Concession 2, Geographic Township of Humberstone, City of Port Colborne, Regional Municipality of Niagara prepared by Upper Canada Consultants dated 2022-11-25 and attached hereto depicting:
 - Lots 1 – 44 for single detached dwellings;
 - Blocks 45-75 for street townhouse dwellings;
 - Blocks 76-77 for semi-detached dwellings;
 - Block 78 for mixed residential/commercial;
 - Block 81 for environmental protection area
 - Block 79 for public parkland
 - Blocks 80 for stormwater management facilities
 - Blocks 82-83 for reserves
 - Block 84 for future development
 - Block 85 for a emergency access; and
 - 2.68 hectares for public streets.
2. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.
3. Unless stated otherwise, each condition shall apply to all phases, as applicable.

AGREEMENTS AND FINANCIAL REQUIREMENTS

4. The Developer shall provide three (3) paper copies and an electronic copy of the preregistration plan, prepared by an Ontario Land Surveyor, and a letter to the Planning Division stating how all the conditions imposed have been, or are to be fulfilled.
5. The Developer shall agree to pay to the City of Port Colborne all required processing and administration fees.
6. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the Planning Division prior to the preparation of the Subdivision Agreement.

9. That the Subdivision Agreement between the Developer and the City of Port Colborne be registered by the Municipality against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.
10. That the Developer shall pay the applicable City of Port Colborne, Niagara Region, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
11. That the Developer agrees in writing to satisfy all of the requirements, financial and otherwise, of the City of Port Colborne concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fire hydrants, streetlights, the extension and installation of services, stormwater management and drainage including the upgrading of services and the restoration of existing roads damaged during the development of the Plan of Subdivision.
12. That the subdivision, if phased, will be to the satisfaction of the Chief Planner or designate and the Director of Public Works.
13. That pursuant to Section 51.1(3) of the *Planning Act R.S.O. 1990, c. P.13* the Developer shall dedicate Block 132 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances as *Environmental Protection* zoned conservation lands.
14. The Developer shall dedicate Block 133 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances for public parkland.
15. The Developer shall dedicate Block 138 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances for an emergency access.
16. That the Developer shall dedicate Block 134 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances as a stormwater management facility (retention pond).
17. That the Developer shall dedicate Blocks 135-136 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances as 0.3 metre reserves.
18. That the Developer shall provide street tree plantings in the boulevards or a suitable alternative on both sides of all roads at the rate of one tree per dwelling lot frontage, or at 15 metre intervals elsewhere, to the satisfaction of the Chief Planner.

19. That the Developer agrees that Block 131 will require site plan control and/or additional draft plan of subdivision/condominium application(s), and that all ingress and egress will be via public or private laneways.
20. Prior to any site alteration, or final approval, the Developer 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 Director of Public Works, Chief Planner, and any other applicable authority.
21. That the Developer agrees to pay their proportionate share of the costs associated with the establishment of the Eagle Marsh Municipal Drain.
22. That the Developer will not negatively impact trees on neighbouring properties.
23. 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 Developer 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.
24. 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.
25. It is the Developer's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City, quoting file number D12-01-22 and referencing the conditions that are cleared.

LAND TRANSFERS AND EASEMENTS

26. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes to the appropriate authorities and utilities.
27. The Developer 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.

28. The Developer shall agree that 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.

ZONING

29. That prior to final approval, the Zoning By-law Amendment application (File No. ZBA D14-06-22), which reflects the layout of the draft plan of subdivision, has come into effect in accordance with the provisions of Section 34 and 35.1 (1) of the Planning Act R.S.O. 1990, c. P.13.
30. The Developer shall submit to the Planning Division three (3) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
31. That the Chief Planner be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

ROADS

32. That the Developer agrees that all streets within the subdivision be conveyed to the City of Port Colborne as public highways.
33. That the Developer agrees that the proposed streets be named to the satisfaction of the City of Port Colborne in accordance with the City's Road Naming Policy.
34. That the Developer provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Director of Public Works for review and approval.
35. The Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding, in accordance with the City of Welland Standards, or subsequent standards.
36. That the Developer agrees to provide street lighting to the satisfaction of the Director of Public Works.
37. That the Developer agrees to provide a detailed streetscape plan in accordance with the City of Welland Standards, or subsequent standards, to the satisfaction of the Chief Planner and the Director of Public Works illustrating street trees, on-street parking and driveway entrances.

38. That the Developer agrees to install sidewalk and grade and sod boulevards in accordance with the requirements of the City of Welland Standards, or subsequent standards. All sidewalks shall be deemed to be Secondary Services and shall be completed within six (6) months of occupancy of each dwelling, except between November 15th and April 15th at which time the sidewalks must be installed as soon as possible, at the locations shown on the Plans and in accordance with the approved Subdivision Grade Control Plan or as amended by the Director of Public Works. The sidewalks are to be constructed in their entirety in block long sections.

39. That the Developer agrees to provide a pedestrian connection from Street A to West Side Road (Block 138) to the satisfaction of the Director of Public Works and Chief Planner.

MUNICIPAL SERVICES

40. That a Functional Servicing Study report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and that adequate fire flows are provided to the development, be submitted to the City of Port Colborne for review and to the satisfaction of the Director of Public Works and Fire Chief.

41. That the Developer will provide the City of Port Colborne with the proposed site servicing plans for the subject property. The Director of Public Works shall approve the plans prior to final approval of the subdivision.

42. That the Developer submit to the City of Port Colborne for review and approval, a Geotechnical Study, prepared by a qualified engineer, that verifies the soil bearing capacity, recommends appropriate sewer pipe design, pipe bedding, backfill and roadway designs, to the satisfaction of the Director of Public Works.

43. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Director of Public Works.

44. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment, Conservation and Parks 'Form 1' Record of Watermain.

45. 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 drawings. Copies of the certification

shall be circulated to the City of Port Colborne and the Regional Municipality of Niagara.

46. That all sub-grade building foundation's drainage be directed to a sump pump(s) in each house discharging via storm laterals to the municipal storm sewer system. Foundation drains are prohibited from connecting to the sanitary sewer system.
47. Roof water drainage from any structure or building shall discharge onto splash pads (concrete or other suitable material) to grass surfaces via downspouts. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property.

STORMWATER MANAGEMENT, GRADING, SEDIMENT AND EROSION CONTROL

48. That the subdivision agreement contains provisions whereby the Developer agrees to implement the approved Stormwater Management Plan required in accordance with Condition 50.
49. That the Developer prepare a detailed subdivision grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site to be submitted to the City of Port Colborne, Regional Municipality of Niagara Development Services Division, and the Niagara Peninsula Conservation Authority for review and approval.
50. That prior to approval of the final plan or any on-site grading, the Developer submit to the City of Port Colborne for review and approval, two copies of a detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a suitably 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)", and in accordance with the City of Port Colborne's Lot Grading and Drainage Policy, and the City of Port Colborne's Stormwater Management Facility Standards:
 - 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.
51. That detailed sedimentation and erosion control plans be prepared for review and approval by the Niagara Peninsula Conservation Authority and Niagara Region as detailed in their respective conditions.

52. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Region of Niagara for review and approval.
53. That prior to approval of the final plan, the Developer submit to the City of Port Colborne a detailed Stormwater Management Plan for the development completed by a qualified engineer and prepared in accordance with the "MOEE Stormwater Management Practices, Planning and Design Manual (June 1994)".

FENCING

54. That the Developer shall provide 1.5 m high black chain-link fencing where adjacent to the natural heritage features along the lot lines of Lots 51-74, to the satisfaction of the NPCA and Niagara Region. Individual gated access shall be prohibited along all residential lots and this will be entrenched within the Subdivision Agreement. This fencing should be indicated on all future Plans.
55. That the Developer shall provide 1.5 m high black chain-link fencing along the boundary of Block 134 (SWM pond), together with any required life-saving devices to the satisfaction of the City.
56. That the Developer shall provide 1.5 m high black chain-link fencing along the boundary of Block 138 (emergency access) to the satisfaction of the City.

PUBLIC PARKLAND

57. The Developer shall convey land in the amount of 5% of the land included in the draft plan to the City of Port Colborne for park purposes as permitted in Section 51.1 of the Planning Act R.S.O. 1990, c. P.13. Alternatively, the City may accept cash-in-lieu of the conveyance and under the provisions of Section 51.1 (3) of the Planning Act R.S.O. 1990, c. P.13.
58. The Developer shall provide fence and / or landscaping details for the rear lot line of Block 133 to the satisfaction of the Chief Planner.

UTILITIES

59. The Developer shall coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
60. The Developer 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 subdivision shall be underground. Upon installation and acceptance by the City, streetlights and streetlight electrical supply system will be added to the City's inventory.

CANADA POST

61. The Developer shall include on all offers of purchase and sale, a statement that advises the prospective purchaser that:
 - i) the home/business mail delivery will be from a designated Central Mail Box;
 - ii) the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

62. The Developer agrees to 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 development;
 - i) 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;
 - ii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - iii) 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.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)

63. That the Developer submit detailed Grading / Construction Sediment & Erosion Control Plans, Monitoring and Maintenance Schedule for review and approval.

64. That a Phasing Plan be submitted detailing the sequence of development activities.

65. That the limit-of-work fencing be shown on the Grading Plan along all portions of the 15 metre wetland buffer stipulating that no grading will occur beyond this point, to the satisfaction of the NPCA. Limit-of-work fencing must be maintained during the development process and all silt-fencing shall only be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.

66. That the Developer agrees to obtain a Work Permit(s) from the NPCA for the proposed wetland buffer enhancement work. In support of the application, the following will be required:
- i. Buffer Planting Plan providing details about species, planting densities and locations.
 - ii. Monitoring Schedule to ensure that the buffer establishes as designed.
 - iii. Any other information as may be determined at the time a Work Permit application is submitted to the NPCA.
67. That Conditions 63-66 shall be incorporated into the Subdivision Agreement to the satisfaction of the NPCA. The City of Port Colborne shall circulate the draft Subdivision Agreement to the NPCA for its review and approval.

NIAGARA REGION PLANNING & DEVELOPMENT SERVICES

68. That the subdivision agreement includes a clause requiring the owner to implement the recommendations and warning clauses of the Environmental Noise Feasibility Study prepared by Valcoustics Canada Inc., dated July 20, 2022.
69. That the owner receive acceptance from the Ministry Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled Stage 2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated June 14, 2022. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
70. That the Developer agrees that the Subdivision Agreement contain the following clause:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

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

71. That the subdivision agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Section 7.2 of the Environmental Impact Study (EIS) prepared by Beacon Environmental Limited (dated July 2022), including but not limited to:
- a) That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
 - b) That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - c) That the storage and equipment and materials and the fueling of equipment should not be permitted within 30 m of a watercourse of PSW boundary. Ontario Provincial Standard Specification 180 is to be followed for the management of excess materials.
 - d) That paige wire fencing with filter fabric be installed adjacent to the environmental block for the duration of construction. The fencing should be removed only when development work is completed.
72. That permanent 1.5 m high chain link fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. The fencing shall include a permanent wildlife exclusion barrier that extends below grade to contain wildlife movement to the natural heritage features and restrict access to the adjacent rear yards. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
73. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC 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.
74. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall be informed by the recommendations provided in Section 7.2.2 of the EIS prepared by Beacon Environmental Limited (dated July 2022). The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
75. That a Tree Saving Plan (TSP) be provided to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or

qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.

76. That an Edge Management Plan be prepared along the boundary of the environmental block, to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found throughout the EIS prepared by Beacon Environmental Limited (dated July 2022). The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Landscape/Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
77. That a Comprehensive Trails Plan be prepared to the satisfaction of the Niagara Region (should a trail system be proposed within or adjacent to the environmental block).
78. That a Restoration and Enhancement Plan be prepared to the satisfaction of the Niagara Region to address woodland removals. A combination of on-site and offsite restoration may be required.
79. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the wildlife exclusion barrier fencing and monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to Regional Development Approvals, with attention to Environmental Planning, devtplanningapplications@niagararegion.ca by September 1st of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.

80. That the developer provide securities to the City of Port Colborne in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the subdivision agreement include provisions whereby the developer agrees that the City may draw on the Letter of Credit, if required, to ensure installation of the plantings.
81. That a Photometric Plan be provided to the satisfaction of the Niagara Region that illustrates all proposed street lighting be downward facing and shielded to prevent light spillage into the surrounding natural area. The Plan should be Dark Sky Association (IDA) compliant.
82. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree

Saving Plan, Edge Management Plan, Comprehensive Trails Plan, Restoration and Enhancement Plan, Ecological Monitoring Plan and Photometric Plan.

83. That the subdivision contain wording wherein the Owner agrees that the City may draw on the Letter of Credit, if required, to ensure to installation of all required restoration works.
84. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
85. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
86. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any new municipal sanitary and storm sewers, and stormwater management facilities required to service this development. The capacity in the Regional system is to be confirmed and copies of the approved CLI ECA forms and final drawings must be forwarded to Niagara Region.
87. That prior to approval of the final plan, the owner shall submit a detailed sanitary sewer designed information (flows, timing, revised flow) for the subdivision and prior to final approval the anticipated design flows will be submitted along with flow monitoring information to evaluate if capacity is available at the Steele Street Sewage Pumping station and Omer Sewage Pumping Station. The report is to be sealed by a qualified professional engineer.
88. That the Owner submit a written undertaking to Niagara Region Planning and Development Services Department that acknowledges the sewershed of the Steele Street Sewage Pumping Station and Omer Sewage Pumping Station has a servicing capacity that may not be able to accommodate the full development.
89. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks (MECP) 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: 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;

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 design document for the stormwater management facility required to service this development and obtain the necessary Environmental Compliance Approval either through the City's CLI ECA approval;

c) Detailed erosion and sedimentation control plans.

90. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.

91. That the owner/developer ensure that all streets and development blocks can provide access in accordance with Niagara Region's Corporate Policy and Bylaws relating to the curbside collection of waste and recycling and complete the Application for Commencement of Collection prior to waste collection services commencing.

92. In order to be eligible for Regional curbside waste collection services, the owner will be required to provide a temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres for all dead-end streets.

CITY OF PORT COLBORNE FIRE DEPARTMENT

93. Fire break lot(s) shall be outlined on the final plan as necessary.

94. During construction streets shall be left clear in conformance with the requirements of the Ontario Building Code (i.e. minimum 6 m width and a minimum 12 m centreline turning radius). Streets are to be hard surfaced (first layer of asphalt) prior to construction above ground to ensure that they will accept the weight of fire fighting vehicles and provide emergency access at all times and under all weather conditions.

95. Access for fire department vehicles shall be maintained to new buildings, construction trailers and material storage areas at all times during construction.

96. Fire hydrants are to be in place, operational and secured prior to construction above ground. The water supply for fire fighting purposes must be kept accessible and operational at all times.

Ministry permits are required prior to any on site grading being undertaken.

Sign permits are required for signing within 400m of the Highway 58.

Permit inquiries can be directed to Mr. Peter Deluca, Corridor Management Officer, at (647) 248-8548 or peter.deluca@ontario.ca

Information regarding the ministry's application process, forms and the policy (see specifically Highway Access Management Guidelines and Storm Water Management resources) can be found at the link:
<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

Niagara Region Conditions

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.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision 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.



Subject: Page Street Stop and Close and Surplus Declaration

To: Council

From: Development and Legislative Services Department

Report Number: 2024-190

Meeting Date: December 10, 2024

Recommendation:

That Development and Government Relations Report 2024-190 be received;

That the Stop-Up and Close By-law, being a By-law to Stop Up and Close a portion of Page Street registered as a public highway and described as Part of PIN 64150-0070 the public highway Part of Bell St PI 785 Humberstone (AKA Page St) Lying Between Main St E & Dolphin St; Port Colborne, shown in Appendix A be brought forward;

That the property described above be declared surplus; and

That the Mayor and City Clerk be directed to sign all necessary documents.

Purpose:

City staff are requesting Council approval for a Stop up and Close By-law (Appendix C) and that the property be declared surplus. This property is described as a public highway as Part of PIN 64150-0070 the public highway Part of Bell St PI 785 Humberstone (AKA Page St) Lying Between Main St E & Dolphin St; Port Colborne shown in Appendix A.

Background:

The owners 1000677999 Ontario Inc. 20 Main Street East (as shown in Appendix B) have made a request to purchase the City property as shown in Appendix A.

The subject property is currently considered a City road. Therefore, before the City property can be divested, a Stop Up and Close process must be initiated, a By-law must be approved by Council, and the property needs to be declared surplus.

Discussion:

The subject parcel is not generating any tax revenue for the City, it is not required for operational or maintenance reasons, and it is not zoned. Staff are supportive of the parcel being declared to facilitate and support the commercial business on the adjoining property.

Staff believe that a better use of this property would be achieved through private ownership. Closing this public highway, which is an unopened road allowance, to the private sector would fulfill the goals of the surplus land review to support development opportunities and expand the City's tax base.

The future divestment of this property which would be governed by the Surplus Land Sale Policy.

Internal Consultations:

Economic Development staff reviewed the request and circulated it to other departments for comments. Economic Development, Public Works, and Planning staff collaborated on the boundaries of the Stop Up and Close area requested in Appendix A. City departments have no plans for the property, and do not foresee any future use for the portion of the road network that is proposed to be closed in this report.

Financial Implications:

Costs associated with the divestment of this property namely the public notice and survey, will be recovered through the future land sale.

Public Engagement:

The Public Meeting notice was posted on the City's website starting on October 21st, 2024. The notice was also advertised for four consecutive weeks including October 31st, November 7th, 2024, November 14th, 2024 and November 21st, 2024, in the Welland Tribune as per the Public Notice Policy. The Public Meeting was held on November 26th, 2024.

Any comments received are included as Appendix D.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

Economic Development staff received a request from the owners of 1000677999 Ontario Inc. at 20 Main Street East to purchase a portion of the adjoining City property. The City property, as shown in Appendix A, is registered as a City road allowance. It is recommended that a Stop Up and Close By-law be approved and the property declared surplus to facilitate the sale of the property to 100067799 Ontario Inc.

Staff have no concerns with this and are supportive of enhanced commercial development and expansion.

Appendices:

- a. Stop Up and Close – Portion of Road Network public highway
- b. Adjacent property – 20 Main Street East
- c. Stop Up and Close By-law
- d. Submitted Comments

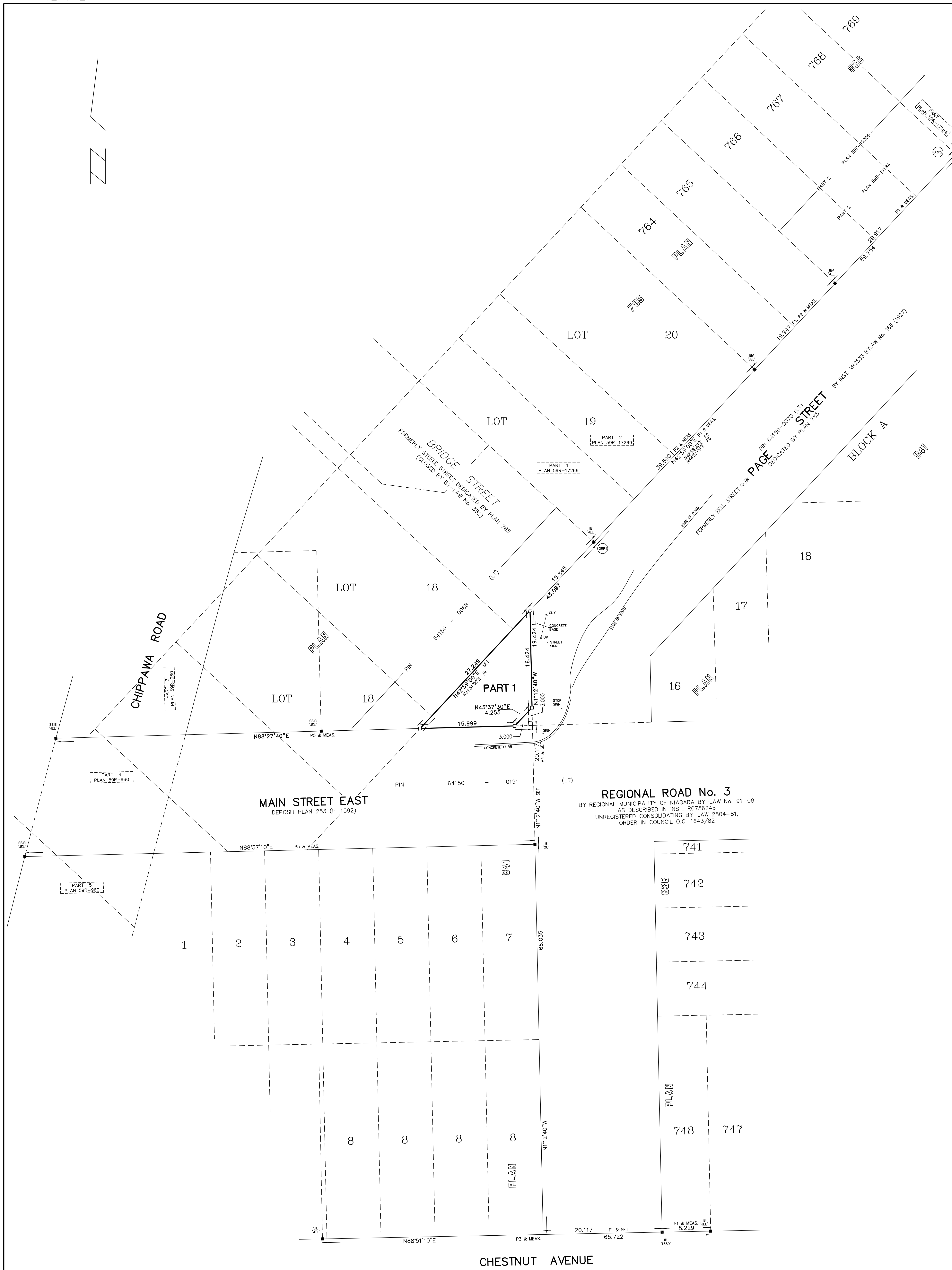
Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 228-8063
Bram.Cotton@portcolborne.ca

Gary Long
Director of Development
(905) 228-8062
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.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: * 2024

DRAFT

MARK GILMORE
ONTARIO LAND SURVEYOR

RECEIVED AND DEPOSITED
DATE: _____

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH (S9)

PLAN 59R- _____

SCHEDULE			
PART	LOT	PLAN	PIN
1	PART OF PAGE STREET FORMERLY BELL STREET	785	PART OF PIN 64150-0070 (LT)

PLAN OF SURVEY OF
**PART OF PAGE STREET FORMERLY BELL STREET
PLAN 785**
IN THE
**CITY OF PORT COLBORNE
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1:250

0 5 10 15 20 25 30 35 40 metres

LANTHIER & GILMORE SURVEYING LTD.
2024

LEGEND

<ul style="list-style-type: none"> • DENOTES SURVEY MONUMENT FOUND SIB - STANDARD IRON BAR SSB - SHORT STANDARD IRON BAR IB - IRON BAR IRB - ROUND IRON BAR IT - IRON TUBE PB - PLASTIC BAR CC - CUT CROSS WT - WITNESS ORP - ORIGIN UNKNOWN ORP - OBSERVED REFERENCE POINT MEAS - MEASURED 	<ul style="list-style-type: none"> 'JEL' DENOTES LANTHIER & GILMORE SURVEYING LTD. P.S. SUDA, O.L.S. 1589 - PLAN 59R-17184 P1 - PLAN 59R-17269 P2 - PLAN 59R-17096 P3 - DEPOSIT PLAN 245 (P-1579) P4 - PLAN 59R-960 P5 - PLAN 785 P6 - PLAN FILE 22-160 F1 -
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INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET VRS NETWORK, UTM ZONE 17, NAD 83 (CSRS) (2010).

COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG. 216/10.

POINT ID	NORTHING	EASTING
ORP1	4,751,420.27	643,420.27
ORP2	4,751,469.13	643,481.45

CAUTION
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARING NOTE
BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS FROM MONUMENTS ORP1 TO ORP2, SHOWN HEREON, HAVING A BEARING OF N42°59'00"E REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (2010).
FOR BEARING COMPARISONS, A ROTATION OF 2° 03' 30" IN A COUNTER CLOCK-WISE DIRECTION WAS APPLIED TO BEARINGS ON PLAN 59R-960.

DISTANCE NOTES
METRIC CONVERSION
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
GRID SCALE CONVERSION
DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID COORDINATES BY MULTIPLYING THE DISTANCES BY A COMBINED SCALE FACTOR OF 0.999832.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON *.

DATE: * 2024

DRAFT

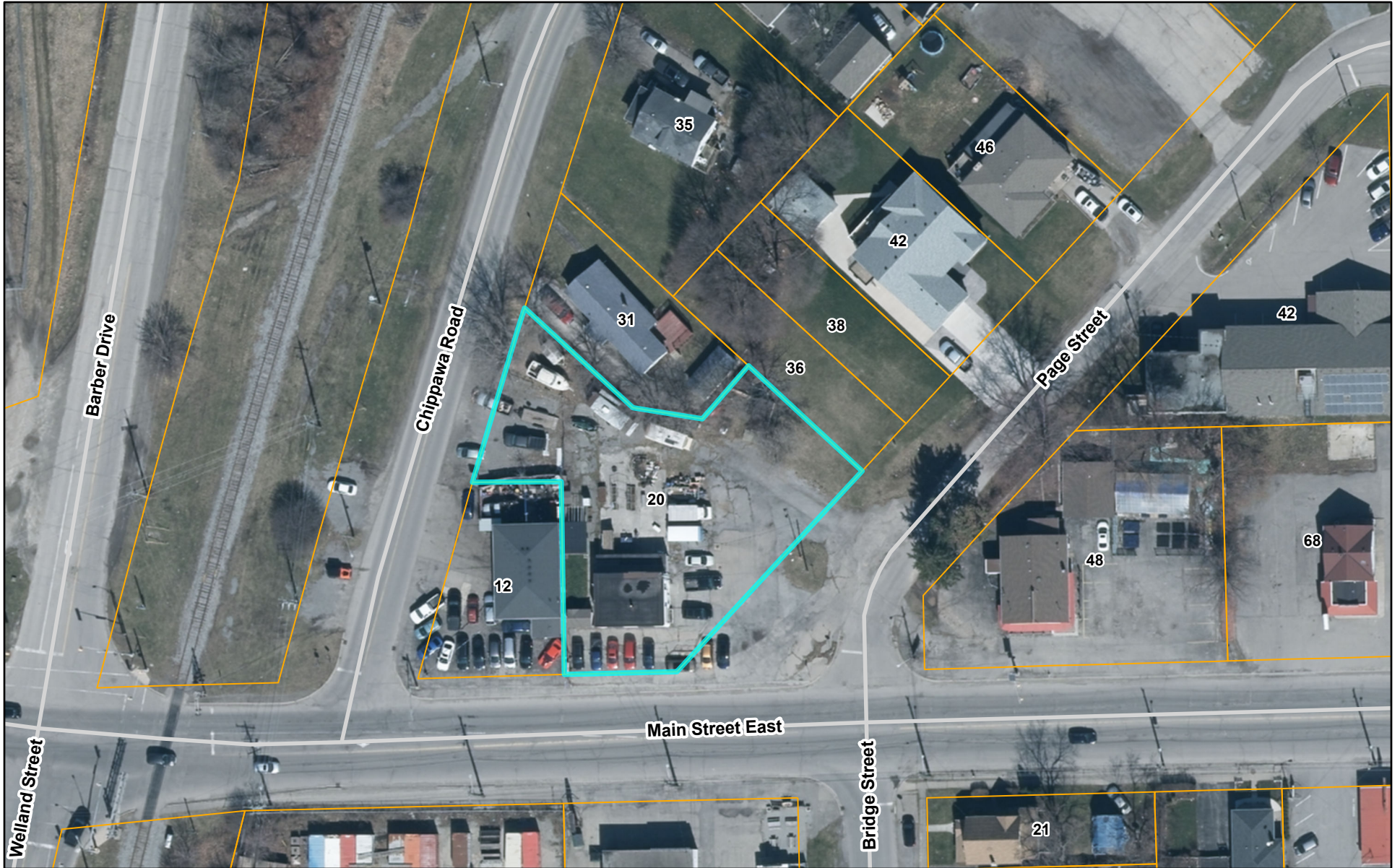
MARK GILMORE
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-71767




LANTHIER & GILMORE SURVEYING LTD.
173 CLARENCE ST. PORT COLBORNE, ONT. (905) 835-5417

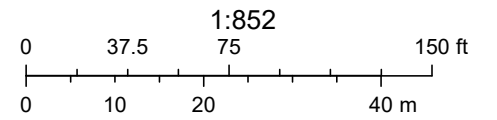
SCALE: 1:250	DR. BY: CM CH. BY: MG	JEL FILE: 22-959	F-1471
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Port Colborne Navigator



2024-11-12, 11:52:32 a.m.

-  Port Colborne Boundary
-  Roads
-  Assessment Parcels



The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Stop Up and Close for a portion of Page Street described as Part of PIN 64150-0070 the public highway Part of Bell St. Plan 785 Humberstone (Also Known As Page St) lying between Main Street E. & Dolphin Street; Port Colborne be approved.

Whereas at its meeting of December 10th, 2024, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Development and Government Relations Report No. 2024-190, Subject: Page Street Stop up and Close and Surplus Declaration By-law for a portion of Page Street described as Part of PIN 64150-0070 the public highway Part of Bell St. Plan 785 Humberstone (AKA Page St) lying between Main Street E. & Dolphin Street; Port be approved; and

Whereas Section 27(1) of the *Municipal Act, 2001*, provides that, except as otherwise provided in the Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

Whereas it is deemed expedient in the interest of The Corporation of the City of Port Colborne that the road allowance set out and described in this by-law be stopped up and closed; and

Whereas in accordance with Section 34(1) of the *Municipal Act, 2001* and By-law 4339/12/03 of The Corporation of the City of Port Colborne, Being a By-law to Prescribe the Form and Manner and Times for the Provision of Notice in Accordance with the *Municipal Act, 2001*, public notice of Council's intention to permanently close the highway set out and described in this by-law was provided;

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

1. That upon and after the passing of this by-law a portion of Page Street described as Part of PIN 64150-0070 the public highway Part of Bell St. Plan 785 Humberstone (AKA Page St) lying between Main Street E. & Dolphin Street; Port Colborne be approved is hereby stopped up and closed.
2. That the Mayor, the City Clerk be and are hereby authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Clerk is duly authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office to affect a portion of Page Street described as Part of PIN 64150-0070 the public highway Part of Bell St. Plan 785 Humberstone (AKA Page St) lying between Main Street E. & Dolphin Street; Port Colborne hereinbefore described.
4. This by-law shall take effect on the day that a certified copy of the by-law is registered in the proper Land Registry Office.

Enacted and passed this 10th day of December, 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

Submitted Comments for Page Street Stop Up and Close

No comments received as of submission of this report.



Subject: Rosedale Estates Draft Plan of Subdivision Extension Request

To: Council

From: Development and Government Relations Department

Report Number: 2024-226

Meeting Date: December 10, 2024

Recommendation:

That Development and Government Relations Department – Planning Division Report 2024-226 be received; and

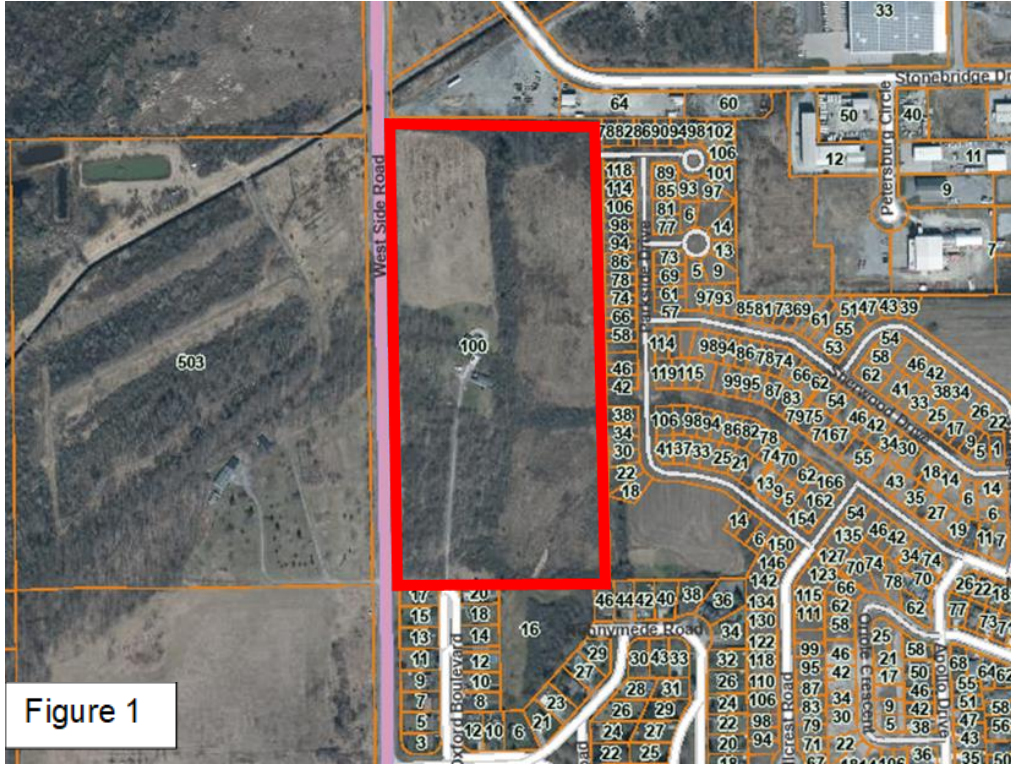
That Council approve a one-year extension to the Rosedale Estates Draft Plan of Subdivision.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a request for an extension of Draft Plan of Subdivision Approval for the Rosedale Plan of Subdivision. The property is legally recognized Part of Lot 30, Concession 3, being Part 1 on Plan 59R-2446, municipally known as 100 Oxford Boulevard.

Background:

The Rosedale Draft Plan of Subdivision was approved by the Region of Niagara (being the approval authority at the time) in June 1988. The plan is located east of West Side Road (Hwy 58), south of Stonebridge Drive and north of Oxford Boulevard (Hawthorn Heights) (Figure 1). The subdivision is located on 32 acres of land and contains 119 single detached dwellings, a block for approximately 57 apartment units, a commercial block and a park block (Figure 2). The Draft Plan had a 4-year lapsing date in 1992 to meet all conditions of draft plan approval.



Over the years since the plan's draft approval, the Region, and now City, have received numerous requests to extend the lapsing date of the proposed subdivision. Most recently, extensions were granted in 2013 (two years), 2015 (two years), 2017 (two years), 2019 (one year), 2020 (two years) and 2022 (two years) by City Council and Planning staff.

Since the last extension, a complete application for redline revision has been submitted by the current owner of the property. The proposed redline revision proposes to amend the draft plan to allow for 131 single-detached dwelling lots and 118 street townhouses (total of 249 units), representing an increase from the currently approved 119 single-detached lots and 57 apartment units (176 units).

On November 13, 2024, Planning staff received a letter from the owner's planning consultant (Upper Canada Consultants) to request a one-year extension to the Draft Plan of Subdivision. The letter details the extent of the work that has been done to date in order to advance the development (Appendix A).

Discussion:

Planning staff recognize that this is a challenging development site, with the main outstanding issues being traffic/access and archaeology. Staff have met with the proponents on multiple occasions to discuss the ongoing redline revision and potential solutions. Given these back-and-forth discussions, a revised submission to the redline will likely be required. Additionally, the development is largely connected to the adjacent Meadow Heights subdivision (which is owned by the same developer). The final design of the Rosedale Draft Plan will be dependent on the full build-out of Meadow Heights.

Staff recommends that Council approve a one-year extension to the Draft Plan of Subdivision. Staff are confident that the redline revision application can be finalized within the one-year time frame.

Internal Consultations:

Planning staff have met with various internal departments regarding this file over the last two years. It is recognized that the redline revision is ongoing, and that any concerns regarding this subdivision would be best-handled through the redline revision/subdivision process.

Financial Implications:

There are no financial implications from providing a one-year extension.

The subdivision will result in additional taxpayer and water, wastewater and storm water users.

Public Engagement:

Public engagement is not a requirement for the consideration of a draft plan extension. Nearby property owners have been actively involved in the ongoing redline revision application.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Planning staff recommend that Council grant a one-year extension to draft plan. The additional year will provide the applicant the time required to finalize the final design of the redline revision and return to Council for consideration.

Appendices:

- a. Extension Request Letter, November 2024
- b. Proposed Extension By-law and Conditions

Respectfully submitted,

David Schulz, BURPI, MCIP, RPP
Manager of Planning
(905) 228-8117
david.schulz@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.



November 13^h, 2024

UCC File No. 5331

Via E-mail to: david.schulz@portcolborne.ca

To: David Schulz, MCIP, RPP
Manager of Planning
City of Port Colborne
66 Charlotte Street
Port Colborne ON L3K 3C8

**Re: Request for One Year Extension to Draft Plan of Subdivision Approval
Rosedale Subdivision – 26T-87018 (East Side of Highway 58)**

We are writing to request an extension to Draft Plan of Subdivision Approval for the Rosedale Subdivision for a period of **one (1) year**. Draft Approval was extended for a one (1) year period by Denise Landry on December 8th, 2023 by delegated authority. The lapsing date for Draft Approval is **December 16th, 2024**.

As you are aware, Upper Canada Consultants has been actively working on securing the necessary approvals to develop housing on the Rosedale Site for many years. Application for a redline revision to the Draft Plan approved Rosedale Estate Subdivision was submitted. A Statutory Public Meeting under the *Planning Act* was held January 9, 2024 for the Draft Plan Redline Revision and Zoning By-law Amendment. To date Council has not decided on these applications.

Why the site has not developed

The owner, Rosedale Estates Ltd. (Robbie Khanna), is also part of the same ownership group of the lands to the east, known as the Meadow Heights Subdivision (Ray Khanna), which is fully approved and registered. It is advantageous that these adjacent lands have the same ownership group, as due to unforeseen changes that have occurred over the past few years, the Rosedale Estates Subdivision cannot advance prior to Meadow Heights Subdivision.

Benefits of the Same Ownership Group

The rules regarding road connections to Highway 58 have changed over time. The Ministry of Transportation no longer permits the road connection to Highway 58 as seen in the previously approved Rosedale Plan. Accordingly, there is a need for an alternative second road connection for the Rosedale Subdivision. This has created an interdependency with the Meadow Heights Subdivision immediately to the east, as Meadow Heights must be developed before Rosedale Estates, in order to secure a second road connection. Meadow Heights includes an extension of both Meadowlark Drive and Westfield Place that once fully constructed, will provide two more accesses to the Rosedale Subdivision. As development within Meadow Heights progresses along Meadowlark Drive and Westfield Place towards Rosedale Subdivision, the development in Rosedale Subdivision becomes more imminent.

As these abutting subdivisions have the same ownership group, they will be developed in tandem, which will decrease the cost of servicing. Throughout the development process resources will be shared, and



progress will continue swiftly, as the new owner would like to proceed with development as soon as possible.

What has been done to advance the development

Considerable work has been done over the years to advance the Rosedale Subdivision towards registration and to clear conditions of Draft Plan Approval. This has been done at a considerable expense to the previous owner. This work has included detailed civil design for the sanitary and storm systems. More recently an updated Traffic Impact Study has been completed and is included with the Zoning By-law Amendment application submission. Archeological work continues and should be completed by the end of summer 2025. Additional studies including a Land Use Compatibility Review and Noise Assessment are in progress to address conditions # 35, 36 & 42. Attached to this letter is an update regarding the status of each condition.

Due to changes to Provincial, Regional and Port Colborne policy over the years as well as the sale of the lands where the sewer outlet is located, these studies and the design of the subdivision needed to be updated. UCC has been retained to ensure the necessary requirements are completed, and approval is granted.

Our Request

We request a **one (1) year** extension to the Draft Plan Approval for the Rosedale Subdivision. This extension is required in order to permit the new redline Draft Plan of Subdivision, to implement the proposed development. This will allow conditions to be carried forward and to be cleared as per the updated plan.

We would appreciate a one (1) year extension, as it is extremely important to Mr. Robbie Khanna that the Rosedale Plan retains Draft Plan Approval as it moves forward through the redline revision process. A concerted effort has been shown, and since the lands have changed ownership significant progress has been made.

We look forward to working collaboratively working with City Staff to bring this Draft Approved plan to final registration. We thank you for your time and consideration of this request and look forward to proceeding with this development.

Yours very truly,

Joseph M. Tomaino MCIP, RPP
Senior Planner
Upper Canada Consultants

CC: Robbie Khanna, Rosedale Estates Ltd.



Draft Plan of Subdivision Conditions (1988 with 2022 updates):

1. That this approval applies to the Rosedale draft plan of subdivision, part of Lot 30, Conc.3 (Former Twp. Of Humberstone), City of Port Colborne, prepared by W.A. Mascoe, O.L.S., dated April 29th, 1987, and revised on May 31,1988, showing 119 single family residential lots, two blocks of land for access reserve purposes and one block of land each for commercial, multiple family residential and park purposes, respectively.

A redline revision has been requested, therefore, minor modifications have been made to the original Rosedale Draft Plan of Subdivision. An M-Plan and R-Plan will be included in the final approval submission.

2. That the road allowances within the draft plan be dedicated as public highway.

A Draft M-Plan prepared by JD Barnes Ltd. for the dedication of the road allowances will be included in the final approval submission.

3. That the proposed streets be named to the satisfaction of the City of Port Colborne.

A Draft M-Plan prepared by JD Barnes Ltd. illustrating the proposed street names to the satisfaction of the City of Port Colborne will be included in the final approval submission.

4. That any dead end streets and open sides of road allowances within the draft plan be terminated in 0.3m (1ft) reserves to be conveyed to the City of Port Colborne.

As per the redline draft plan and change in ownership, there are no longer any dead end street or open sides of road allowances, this will be illustrated in the Draft M-Plan prepared by JD Barnes Ltd.

5. That a temporary point of ingress to an egress from the plan site be provided to the satisfaction of the City of Port Colbornes until such time as adjacent residential lands are developed.

The adjacent residential lands are to be serviced in tandem with this proposed development and the adjacent development (Meadow Heights) provides the accesses into Rosedale Estates, therefore a temporary point of ingress and egress are not required.

6. That all easements required for utility or drainage purposes be granted to the appropriate authority.

All easements required for utility or drainage purposes will be included on the Draft R-Plan prepared by JD Barnes and included in the the final approval submission.

7. That the owner dedicate those lands shown as Block 'B' on the revised draft plan to the City of Port Colborne for park purposes pursuant to the provisions of Section 50(5)(a) of the Planning Act, 1983.



The M-Plan prepared by JD Barnes will include the lands to be dedicated to the City of Port Colborne for access to adjacent parkland and will be included in the final approval submission.

8. That the final plan may incorporate minor design revisions requested by the City of Port Colborne which may result in changes to the width or area of some lots but which shall not include a change in the total number shown on the draft approved plan.

This condition is acknowledged.

9. That development of the subdivision be phased to the satisfaction of the City of Port Colborne and that provision for such phasing be included in the subdivision agreement between the owner and the City.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

10. That the owner agrees in writing to satisfy all requirements, financial or otherwise, of the City of Port Colborne concerning the provision of roads, installation of services, drainage, and all other matters related to the development of the subject site.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

11. That the subdivision agreement between the owner and the City of Port Colborne be registered by the municipality against the land to which it applies as provided for pursuant to Section 50(6) of the Planning Act, S.O. 1983.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

12. That the design for the water distribution system intended to service the draft plan area be submitted to the City of Port Colborne for review and approval.

The Engineering Drawing Set has been completed to City standards by Upper Canada Consultants. This Set will be included in the final approval submission.

13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings, with calculations, for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP). Compliance Approval under the Transfer of Review Program.

Note: Under the MECP Transfer of Review Program, general sanitary and storm systems are reviewed. Any specialized systems and/or stormwater management will require direct application to the MECP office in Toronto. Please note that any additional approvals required from any other agency (NEC, NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.



The Engineering Drawing Set has been prepared by Upper Canada Consultants. Design has been being completed per Ministry, Region and City standards, and will be included in the final approval submission. Upon City's acceptance of these drawings, an ECA application will be submitted for final ECA approval.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
- 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; and,
 - Detailed erosion and sedimentation control plans.

The Engineering Drawing Set has been prepared by Upper Canada Consultants which includes the detailed lot grading, servicing and drainage plans, as well as the detailed erosion and sedimentation control plans.

15. That the owner enters into an agreement with the Regional Municipality of Niagara and assumes their portion of the cost to construct the sanitary sewer to the Industrial Pumping station as a result of this development.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

16. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 metre (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

17. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

18. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara



Peninsula Conservation Authority. For this purpose Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

19. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback

20. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.

The Engineering Drawing Set has been prepared by Upper Canada Consultants which includes the grading plan and erosion controls. This Set is to be included in the final approval submission that is to be circulated to the appropriate agency for review and approval.

21. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of the agency.

Acknowledged. The Subdivision Agreement prepared by the City will include the appropriate wording required by the NPCA regarding undertaknig the development setback and grading requirements.

22. That the owner provides a written acknowledgement to the Regional Planning and Development Services Department (Development Service Division) that draft approval of this subdivision does not include a commitment of serving allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.

The required written acknowledgment, signed by the property owner, will be included in the final approval submission.

23. That the owner shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to registration of the subdivision, shall contain a clause that servicing allocation will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the City of Port Colborne.

The required written undertaking, signed by the propoerty owner, will be included in the final approval submission.



24. That in order to provide for Regional curbside collection of waste the owner shall comply with any applicable Regional policies relating to the collection of waste and ensure that all streets and development blocks can provide a through access.

A Waste Collection Plan will be included within the final approval submission which confirms that Regional waste collection services can be provided.

25. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 meter (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

26. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

27. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

28. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

29. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.

The Engineering Drawing Set has been prepared by Upper Canada Consultants which includes the grading plan and erosion controls. This Set is to be included in the final approval submission that is to be circulated to the appropriate agency for review and approval.



30. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of that agency.

Acknowledged. The Subdivision Agreement prepared by the City will include the appropriate wording required by the NPCA regarding undertaking the development setback and grading requirements.

31. That prior to approval of the final plan, the owner prepare and submit to the satisfaction of the Ministry of Transportation a traffic report indicating anticipated peak hour turning volumes at the Highway 58 access to the subdivision site.

No Access provided to Highway 58 from the Subdivision.

32. That prior to approval of the final plan, the owner enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to be responsible for all costs associated with improvements which may be required to Highway 58 and its intersection with the public road access to the subdivision site.

No Access provided to Highway 58 from the Subdivision.

33. That the owner convey a 0.3m (1ft) reserve to the Ministry of Transportation along the Highway 58 frontage of the subdivision site to the satisfaction of that agency.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City and shown on the prepared R-Plan.

34. That prior to approval of the final plan, the owner prepare and submit to the Ministry of Transportation for review and approval a drainage plan and report outlining the intended treatment of the calculated run-off from the plan site insofar as it may affect the Highway 58 right-of-way.

The Functional Servicing Report and SWM Plan/Report has been prepared by Upper Canada Consultants which includes the drainage plan and report. This is to be included in the final approval submission that is to be circulated to the Ministry of Transportation for review and approval.

35. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for the review and approval a detailed noise impact study assessing potential noise impacts from Highway 58 and the adjacent Loyalist Industrial Park for the proposed development and recommending mitigation measures to meet the applicable MECP noise guidelines.

Noise Assessment in progress.



36. That the subdivision agreement between the owner and the City of Port Colborne contain provisions whereby the owner agrees to implement the approved mitigation measures recommended by the noise impact study referred to in the condition above.

Acknowledged. The Subdivision Agreement prepared by the City will include the appropriate wording required incorporating the recommended noise mitigation measures.

37. That prior to any grading or construction on the subdivision site, the owner carry out an examination of the site to the satisfaction of the Ministry of Natural Resources to ascertain if previous drilling activity for gas resources poses a potential hazard to existing and subsequent land owners.

This Condition is acknowledged confirmation will be provided to the Ministry by a licensed well contractor.

38. That prior to any grading or construction on the subdivision site, the owner identify and if necessary replug any gas wells on the site to the satisfaction of the Ministry of Natural Resources and Forestry.

This Condition is acknowledged and confirmation will be provided to the Ministry by a licensed well contractor

39. That prior to approval of the final plan, the owner demonstrate to the satisfaction of the Ministry of Natural Resources that adequate provisions have been made for the elimination of any on-site hazards related to any abandoned gas wells within the subdivision site.

This Condition is acknowledged and confirmation will be provided to the Ministry by a licensed well contractor.

40. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a Stage 1 Archaeological Assessment to address the registered archaeological sites on the subject lands. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter of compliance from the Ministry of Tourism, Culture and Sport through the Regional Planning and Development Services Department (Development Services Division) conforming that all archaeological resource concerns have met licensing and resource conservation requirements."

The Stage 1 & 2 Archaeological Assessment prepared by Detritus Consulting Ltd. will be included in the final approval submission for review and approval.

41. That prior to approval of the final plan, the owner submit a Stage 3 Archaeological Assessment, prepared by a licensed archaeologist (and if required, Stage 4 archaeological assessment) to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property



prior to the issuance of the letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

A Stage 3 Archaeological Assessment has commenced and will be provided once complete.

42. That prior to approval of the final plan, the owner shall submit to the Region's Planning and Development Services Department a land use compatibility study, prepared in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines and endorsed by a qualified professional for review and approval. The study should assess existing and potential land use compatibility issues between the development and the Loyalist Industrial Park and Port Colborne West Transshipment Terminal Employment Area, as identified in the Niagara Official Plan. The land use compatibility study may be subject to peer review, at the sole expense of the owner.

Land Use Compatibility Study to commence in the next 30 days.

43. That prior to the approval of the final plan, Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35, 36 have been carried out to the City's satisfaction.

The clearance letter from the municipality shall include a brief and complete statement for each condition indicating how each has been satisfied or carried out.

Acknowledged.

44. That prior to the approval of the final plan, the City of Port Colborne is to be satisfied that Conditions 12, 13, 14 and 15 have been met.

Acknowledged.

45. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Niagara Peninsula Conservation Authority that Conditions 16, 17, 18, 19, 20 and 21 have been carried out to its satisfaction.

Acknowledged.

46. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Ministry of Transportation that Conditions 31, 32, 33 and 34 have been carried out to its satisfaction.

Acknowledged.

47. That prior to the approval of the final plan, the City is to be advised by the Ministry of Natural Resources that Conditions 37, 38 and 39 have been carried out to its satisfaction.

Acknowledged.



48. That if final approval is not given to this plan within four years of the draft approval date, and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation is required, together with a resolution from the local municipality which must be received by the Region prior to the lapsing date.

Acknowledged.

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to amend by-law 7050/87/22
being a by-law to set a lapsing date of draft plan approval
for Rosedale Subdivision

Whereas the Council of The Corporation of the City of Port Colborne passed By-law 5991/97/13 to give Draft Plan approval to August 12, 2015; and

Whereas on July 13th, 2015 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2017; and

Whereas on June 26th, 2017 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2019;

Whereas on July 8th, 2019 the Council of The Corporation of the City of Port Colborne passed By-law 6702/66/19 which extended Draft Plan approval to August 12, 2020;

Whereas on July 27th, 2020 the Council of The Corporation of the City of Port Colborne passed By-law 6808/58/20 which extended Draft Plan approval to August 12, 2022;

Whereas on August 9th, 2022 the Council of the Corporation of the City of Port Colborne passed By-law 7018/56/22 which extended Draft Plan approval to December 16, 2022;

Whereas on December 13, 2022 the Council of the Corporation of the City of Port Colborne passed By-law 7050/87/22 which extended Draft Plan approval to December 16, 2024.

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

1. That a draft approval lapsing date of December 16th, 2025 be set for the Rosedale Plan of Subdivision.
2. That Schedule A to this by-law form the list of conditions of draft approval for the Rosedale Plan of Subdivision.

Enacted and passed this 10th day of December, 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

ROSEDALE PLAN OF SUBDIVISION
1988 CONDITIONS WITH 2022 REVISIONS

The conditions for final approval and registration of the Rosedale (Revised) plan of subdivision, R. Rotella, File No. 26T-87018, Part of Lot 30, Conc. 3, City of Port Colborne are:

1. That this approval applies to the Rosedale draft plan of subdivision, Part of Lot 30, Conc. 3 (Former Twp. of Humberstone), City of Port Colborne, prepared by W.A. Mascoe, O.L.S., dated April 29th, 1987, and revised on May 31, 1988, showing 119 single family residential lots, two blocks of land for access reserve purposes and one block of land each for commercial, multiple family residential and park purposes, respectively.
2. That the road allowances within the draft plan be dedicated as public highway.
3. That the proposed streets be named to the satisfaction of the City of Port Colborne.
4. That any dead end streets and open sides of road allowances within the draft plan be terminated in 0.3m (1ft) reserves to be conveyed to the City of Port Colborne.
5. That a temporary point of ingress to and egress from the plan site be provided to the satisfaction of the City of Port Colborne until such time as adjacent residential lands are developed.
6. That all easements required for utility or drainage purposes be granted to the appropriate authority.
7. That the owner dedicate those lands shown as Block 'B' on the revised draft plan to the City of Port Colborne for park purposes pursuant to the provisions of Section 50(5)(a) of the Planning Act, 1983.
8. That the final plan may incorporate minor design revisions requested by the City of Port Colborne which may result in changes to the width or area of some lots but which shall not include a change in the total number shown on the draft approved plan.
9. That development of the subdivision be phased to the satisfaction of the City of Port Colborne and that provision for such phasing be included in the subdivision agreement between the owner and the City.

10. That the owner agrees in writing to satisfy all requirements, financial or otherwise, of the City of Port Colborne concerning the provision of roads, installation of services, drainage, and all other matters related to the development of the subject site.
11. That the subdivision agreement between the owner and the City of Port Colborne be registered by the municipality against the land to which it applies as provided for pursuant to Section 50(6) of the Planning Act, S.O. 1983.
12. That the design for the water distribution system intended to service the draft plan area be submitted to the City of Port Colborne for review and approval.
13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings, with calculations, for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP). Compliance Approval under the Transfer of Review Program.

Note: Under the MECP Transfer of Review Program, general sanitary and storm systems are reviewed. Any specialized systems and/or stormwater management will require direct application to the MECP office in Toronto. Please note that any additional approvals required from any other agency (NEC, NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
 - (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; and,
 - (b) Detailed erosion and sedimentation control plans.
15. That the owner enters into an agreement with the Regional Municipality of Niagara and assumes their portion of the cost to construct the sanitary sewer to the Industrial Pumping station as a result of this development.
16. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 metre (G.S.C. Page 82 of 145) along the top of the bank.

17. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
18. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
19. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
20. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
21. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of the agency.
22. That the owner provides a written acknowledgement to the Regional Planning and Development Services Department (Development Service Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
23. That the owner shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to registration of the subdivision, shall contain a clause that servicing allocation will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the City of Port Colborne.
24. That in order to provide for Regional curbside collection of waste the owner shall comply with any applicable Regional policies relating to the collection of waste and ensure that all streets and development blocks can provide a through access.
25. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 meter (G.S.C.) contour as being the top of the bank.

26. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
27. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
28. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
29. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
30. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of that agency.
31. That prior to approval of the final plan, the owner prepare and submit to the satisfaction of the Ministry of Transportation a traffic report indicating anticipated peak hour turning volumes at the Highway 58 access to the subdivision site.
32. That prior to approval of the final plan, the owner enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to be responsible for all costs associated with improvements which may be required to Highway 58 and its intersection with the public road access to the subdivision site.
33. That the owner convey a 0.3m (1ft) reserve to the Ministry of Transportation along the Highway 58 frontage of the subdivision site to the satisfaction of that agency.
34. That prior to approval of the final plan, the owner prepare and submit to the Ministry of Transportation for review and approval a drainage plan and report outlining the intended treatment of the calculated run-off from the plan site insofar as it may affect the Highway 58 right-of-way.
35. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for the review and approval a detailed noise impact study assessing potential noise impacts from Highway 58 and the adjacent Loyalist Industrial Park for the proposed development and recommending mitigation measures to meet the applicable

MECP noise guidelines.

36. That the subdivision agreement between the owner and the City of Port Colborne contain provisions whereby the owner agrees to implement the approved mitigation measures recommended by the noise impact study referred to in the condition above.
37. That prior to any grading or construction on the subdivision site, the owner carry out an examination of the site to the satisfaction of the Ministry of Natural Resources to ascertain if previous drilling activity for gas resources poses a potential hazard to existing and subsequent land owners.
38. That prior to any grading or construction on the subdivision site, the owner identify and if necessary replug any gas wells on the site to the satisfaction of the Ministry of Natural Resources and Forestry.
39. That prior to approval of the final plan, the owner demonstrate to the satisfaction of the Ministry of Natural Resources that adequate provisions have been made for the elimination of any on-site hazards related to any abandoned gas wells within the subdivision site.
40. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a Stage 1 Archaeological Assessment to address the registered archaeological sites on the subject lands. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter of compliance from the Ministry of Tourism, Culture and Sport through the Regional Planning and Development Services Department (Development Services Division) conforming that all archaeological resource concerns have met licensing and resource conservation requirements.”
41. That prior to approval of the final plan, the owner submit a Stage 3 Archaeological Assessment, prepared by a licensed archaeologist (and if required, Stage 4 archaeological assessments) to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
42. That prior to approval of the final plan, the owner shall submit to the Region’s Planning and Development Services Department a land use compatibility study, prepared in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines and endorsed by a qualified professional for review and approval. The study should assess existing and potential land use

compatibility issues between the development and the Loyalist Industrial Park and Port Colborne West Transshipment Terminal Employment Area, as identified in the Niagara Official Plan. The land use compatibility study may be subject to peer review, at the sole expense of the owner.

43. That prior to the approval of the final plan, Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35 and 36 have been carried out to the City's satisfaction.

The clearance letter from the municipality shall include a brief and complete statement for each condition indicating how each has been satisfied or carried out.

44. That prior to the approval of the final plan, the City of Port Colborne is to be satisfied that Conditions 12, 13, 14 and 15 have been met.
45. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Niagara Peninsula Conservation Authority that Conditions 16, 17, 18, 19, 20 and 21 have been carried out to its satisfaction.
46. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Ministry of Transportation that Conditions 31, 32, 33 and 34 have been carried out to its satisfaction.
47. That prior to the approval of the final plan, the City is to be advised by the Ministry of Natural Resources that conditions 37, 38 and 39 have been carried out to its satisfaction.
48. That is final approval is not given to this plan within four years of the draft approval date, and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation is required, together with a resolution from the local municipality which must be received by the Region prior to the lapsing date.



Subject: Amending Agreement - Integrity Commissioner Appointment

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2024-229

Meeting Date: December 10, 2024

Recommendation:

That Office of the Chief Administrative Officer – Clerk’s Division Report 2024-229 be received;

That Council appoint Michael L. Maynard of ADR Chambers Inc. as the Integrity Commissioner effective January 1, 2025 for The Corporation of the City of Port Colborne, for remainder of the term expiring February 25, 2027; and

That the Mayor and Acting City Clerk be authorized to execute the amending agreement with ADR Chambers Inc. for the purpose of appointing Michael L. Maynard as Integrity Commissioner to replace Edward T. McDermott who is resigning for personal reasons on December 31, 2024; and

That a By-law authorizing entering into the amending agreement with ADR Chambers Inc. be brought forward.

Purpose:

The purpose of this report is to recommend amending the agreement with ADR Chambers Inc. to appoint Michael L. Maynard as the Integrity Commissioner for The Corporation of the City of Port Colborne for the remainder of the four-year term, expiring February 25, 2027.

Background:

The *Municipal Act, 2001* authorizes a municipality to appoint an Integrity Commissioner who reports to Council, and who is responsible for performing in an independent

manner, the functions assigned by the municipality. If a municipality has not appointed a Commissioner, the municipality must make arrangements for all the responsibilities set out in that Act to be provided by a Commissioner of another municipality.

The Integrity Commissioner is appointed to act in an independent manner on the application of the Code of Conduct and other rules and procedures governing the ethical behaviour of members of Council. The Integrity Commissioner provides an independent body to address public requests for investigations into any alleged transgressions of ethical behavior by any member of Council or its local boards and improves the transparency and accountability of municipalities to the public.

On February 25, 2019, By-law No 6646/10/19 was passed appointing Edward T. McDermott of ADR Chambers Inc. (ADRC) as the Integrity Commissioner for The Corporation of the City of Port Colborne, for an initial term of four years. On February 14, 2023, By-law 7062/07/23 Being a By-law to Authorize Entering into an Amending Agreement with ADR Chambers Inc. to provide for Integrity Commissioner Services was passed to renew for another four years with the same terms and pricing as the existing contract.

Discussion:

ADRC has been operating an Office of the Integrity Commissioner since 2011 and provides services to municipal clients under the *Municipal Act, 2001* and Municipal Conflict of Interest Act, as Integrity Commissioner and Ombudsman. ADRC provides Integrity Commissioner services for several municipalities including, Fort Erie, Welland, Grimsby, Niagara Region, and Niagara-on-the-Lake.

On December 2, 2024, Mr. McDermott provided a letter to staff and the Mayor indicating that he is resigning his mandate as Integrity Commissioner for the City of Port Colborne effective December 31, 2024 for personal reasons. He noted that he has initiated similar action for other municipalities where he is appointed as Integrity Commissioner. In his letter, he signifies that his colleague, Mr. Michael Maynard, is prepared to provide the City of Port Colborne with assistance as Integrity Commissioner on a going forward basis. Mr. Maynard is also the Integrity Commissioner for municipalities such as the Niagara Region, Grimsby, Welland etc. A copy of Mr. McDermott's letter is attached as Appendix A.

There are currently no outstanding matters before the Integrity Commissioner involving the City of Port Colborne and so the transition between Mr. McDermott and Mr. Maynard should be seamless.

Staff recommend that Council amend the agreement with ADR Chambers Inc. to appoint Michael L. Maynard as the Integrity Commissioner for The Corporation of the City of Port Colborne for the remainder of the four-year term expiring February 25, 2027.

Financial Implications:

There are no financial implications associated with this specific report. There are no additional changes to the agreement with ADRC apart from Michael L. Maynard's appointment as Integrity Commissioner.

As previously mentioned, there are currently no outstanding matters before the Integrity Commissioner involving the City of Port Colborne.

As per the original agreement, ADRC's fee structure is \$350/hour for principal services and \$275/hour for associate services. Additional costs will be incurred for mileage, training, and eventually for a review of the City's Code of Conduct. Costs will be driven by volume of requests for advice, educational information, and other supports as well as inquiries into complaints received. There is no annual retainer fee.

Any cost incurred for Integrity Commissioner services will be funded through the approved legal fees operating budget.

Strategic Plan Alignment:

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

- Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Staff recommend appointing Michael L. Maynard of ADR Chambers Inc. as the Integrity Commissioner for The Corporation of the City of Port Colborne, replacing Edward T. McDermott who will be resigning on December 31, 2024 for personal reasons. If approved, the appointment would be effective as of January 1, 2025. As a result of this change, staff also recommend entering into an amending agreement with ADRC for the remainder of the four-year term. A copy of the draft by-law and amending agreement are attached as Appendix B.

Appendices:

- a. Letter from Edward T. McDermott
- b. Draft By-law and Amending Agreement

Respectfully submitted,

Charlotte Madden
City Clerk
905-228-8031
charlotte.madden@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.



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Port Colborne

EDWARD T. MCDERMOTT
Integrity Commissioner
City of Port Colborne
integrity@adr.ca

December 2, 2024

SENT BY EMAIL TO:

Mayor Bill Steele
bill.steele@portcolborne.ca

AND TO:

Charlotte Madden, City Clerk
Charlotte.Madden@portcolborne.ca

Re: Position of Integrity Commissioner

Dear Mayor Steele and City Clerk Madden,

I wish to advise that after considerable reflection, I have determined for personal reasons to resign my mandate as Integrity Commissioner for the City of Port Colborne effective December 31, 2024. I have initiated similar action for other municipalities who have also entrusted me with this significant responsibility.

I can advise that there are currently no outstanding matters before me involving the City so the transition to a new Integrity Commissioner should be seamless. As the contracting party with the City for my services is ADR Chambers Inc., Ms. Madden can shortly expect a call from Mr. Uri Snir of that organization to discuss any transitional issues to a new Integrity Commissioner.

I can also advise you that my colleague Mr. Michael Maynard (who is familiar with all issues affecting the City) has indicated he is prepared to provide you with assistance on a going forward basis. Mr. Maynard is also the I.C. for many other municipalities (including the Region of Niagara, Grimsby, Welland etc.) and, in my view would be an excellent person for Council to consider when filling this vacancy for the balance of the term of the contract with ADR Chambers.

It has been a pleasure to serve the City as its Integrity Commissioner over the last five years and I wish to thank Council for the opportunity to do so.

Yours very truly,



Edward T. McDermott
Integrity Commissioner, City of Port Colborne

The Corporation of the City of Port Colborne

By-law No. _____

**Being a By-law to Authorize Entering into an Amending Agreement with
ADR Chambers Inc. to provide for Integrity Commissioner Services**

Whereas the Council of the Corporation of the City of Port Colborne (“Council”) approved By-law Nos. 6646/10/19 and 7062/07/23 Being By-laws that authorize Entering into an Agreement and Amending Agreement with ADR Chambers Inc. to provide for Integrity Commissioner Services on February 25, 2019 and February 14, 2023, respectively; and

Whereas in Schedule A of By-law No. 6646/10/19, the Original Agreement, Edward T. McDermott of ADR Chambers Inc. was appointed as the City of Port Colborne’s Integrity Commissioner; and

Whereas Edward T. McDermott has announced his resignation effective December 31, 2024; and

Whereas Council approved the recommendations of Office of the Chief Administrative Officer – Clerk’s Division Report 2024-229, Amending Agreement - Integrity Commissioner Appointment;

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 enter into an amending agreement with ADR Chambers Inc., said amending agreement is attached to this By-law as Schedule “A”.
2. That By-law No. 6646/10/19 be amended by adding the amending agreement attached as Schedule “A” to this By-law as Schedule “B”.
3. That the Mayor and Clerk be and are hereby authorized and directed to sign the said agreement and that the Clerk is hereby authorized to affix the Corporate Seal thereto.
4. That this by-law shall come into full force and effect on January 1, 2025.

Enacted and passed this 10th day of December 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

AMENDING AGREEMENT

THIS AGREEMENT made as of the 3rd day of December, 2024

BETWEEN:

THE CITY OF PORT COLBORNE
(hereinafter called "the City")

- and -

ADR CHAMBERS INC.
(hereinafter called "ADRC")

WHEREAS the City and ADRC entered into an Agreement for Professional Services made as of February 25, 2019 (hereinafter called the "Original Agreement") for the provision of Integrity Commissioner services for a term of four (4) years, expiring on February 25, 2023;

AND WHEREAS by a further agreement dated February 14, 2023, the City and ADRC renewed the Original Agreement for an additional four-year term to conclude on February 25, 2027;

AND WHEREAS section 1 of the Original Agreement named Edward T. McDermott of ADR Chambers as the City's Integrity Commissioner;

AND WHEREAS on December 3, 2024, Mr. McDermott announced that he would be resigning his mandate as Integrity Commissioner of the City effective December 31, 2024;

AND WHEREAS the City wishes to appoint Michael L. Maynard of ADR Chambers as its new Integrity Commissioner commencing on January 1, 2025;

NOW THEREFORE, the City and ADRC for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. Effective January 1, 2025, Michael L. Maynard shall replace Edward T. McDermott as the City's Integrity Commissioner.
2. All references to Mr. McDermott in the Original Agreement are replaced with Mr. Maynard. All other terms, conditions, covenants, provisos, and stipulations in the Original Agreement remain the same and are hereby confirmed in full force, save and except such modifications only as are necessary to make them applicable to this Amending Agreement.

[Signature Page is on next page.]

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

THE CITY OF PORT COLBORNE

Per:

Name: William C. Steele
Title: Mayor

Name: Charlotte Madden
Title: City Clerk

We have the authority to bind the Corporation.

ADR CHAMBERS INC.

Per:



Name: Uri Snir
Title: Director of ADR Services

I have authority to bind the Corporation.



The City of Niagara Falls, Ontario

Resolution

November 12, 2024

No. 18 – Strengthening Existing System of Mandatory Mental Health Care

Moved by: Mayor Jim Diodati

Seconded by: Councillor Ruth-Ann Nieuwesteeg

- **Whereas** many Ontario mayors are asking the Province of Ontario to strengthen the existing system of mandatory mental health care and to expand service to treat those with severe and debilitating addictions; and
- **Whereas** risk to public safety is unacceptable; and
- **Whereas** illegal activity and disruptive public behaviours take place openly, including drug use, solicitation, prostitution, human trafficking and have been witnessed by and tolerated by residents as the authorities have no available recourse; and
- **Whereas** discarded, used drug needles, defecating and urinating on public property, setting fires to private and public property, theft and vandalism have become common practice in neighbouring areas; and
- **Whereas** vulnerable people need help to navigate supports with drug addictions, mental health and social support; and
- **Whereas** our community experienced the tragic death of a resident walking his dog in the park in broad daylight last month at the hands of someone who should have received needed treatment; and

- **Whereas** in the month of October alone the City of Niagara Falls received 29 encampment complaints, which, if allowed to remain unchallenged, could cost millions of tax dollars to deal with large scale clean-ups, rather than addressing the concerns in real time to prevent this from happening; and
- **Whereas** in 2023, the City of Niagara Falls invested more than \$500,000 on encampment clean-up and related vandalism costs; and
- **Whereas** this is not a municipal responsibility but as a City we continue to incur significant costs without the correct legislative tools and government support to solve the core issues; and
- **Whereas** the chronically homeless population in the Niagara Region is approximately 647 people, just more than 0.1% of the populus, causing a disproportionate burden on families in our community; and
- **Whereas** every neighbourhood in our community has been affected, many businesses have moved and residents face daily ongoing challenges, seeing no marked improvement in the situation.

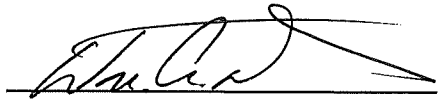
THEREFORE BE IT RESOLVED:

- The City of Niagara Falls join many other Ontario mayors who are asking Premier Doug Ford to use the Constitution’s notwithstanding clause to give authorities and police more power to break up homeless encampments and force more people into mandatory drug and mental health treatment; and
 - To request trespass laws to be written to include jail time for “repetitive trespass” and to empower police to arrest repeat trespassers; and
 - To enact new legislation which would ban open drug use, similar to laws in place on alcohol; and
 - To establish a new court diversion system to redirect offenders toward rehabilitation and more appropriate supports; and
 - To request that the current Provincial Government act as an intervenor in court cases on encampments; and
 - To advocate for the position that courts should not be dictating homelessness policy; and
 - To request the government look at using every legal tool available to the Province to clear encampments and restore dignity and safety to public spaces; and
 - To ask for investment in 24-hour crisis centers to relieve pressures on emergency rooms and first responders; and

- To consolidate appropriate funding with the Federal Government for the unhoused community where gaps exist; and
 - To establish a ministry and minister with appropriate funding and power as a single point of contact; and
 - To create open lines of communication between responsible and relevant Federal ministries, Provincial areas of responsibility and municipalities.
- That this be circulated to local area municipalities, Members of Parliament and Members of Provincial Parliament in Niagara, the Premier of Ontario and appropriate ministries and the Prime Minister.

.AND The Seal of the Corporation to hereto affixed.

Carried



**WILLIAM G.MATSON
CITY CLERK**



**JAMES M.DIODATI
MAYOR**



September 25, 2024

The Honorable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Sent by Email

Dear: Honourable Doug Ford

RE: Public Sector Salary Disclosure

The Council of the Corporation of Tay Valley Township at its meeting held on September 24th, 2024 adopted the following resolution:

RESOLUTION #C-2024-09-16

MOVED BY: Greg Hallam
SECONDED BY: Wayne Baker

“THAT, the Council of the Corporation of Tay Valley Township support the Township of Stirling-Rawdon’s resolution regarding Public Sector Salary Disclosure;

THAT, the Public Sector Salary Disclosure Act be updated to reflect the inflation rates since 1996;

THAT, the Act be further updated so that the inflation rate is applied each year to the requirement to report public salaries;

AND THAT, this resolution be sent to the Province of Ontario Premier's Office, the Ministry of Municipal Affairs and Housing, the Association of Municipalities of Ontario and all Ontario Municipalities.”

ADOPTED

If you require any further information, please do not hesitate to contact the undersigned at (613) 267-5353 ext. 130 or deputyclerk@tayvalleytwp.ca

Sincerely,



Aaron Watt, Deputy Clerk

Cc: Ministry of Municipal Affairs and Housing
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities

November 26, 2024

CL 16-2024, November 21, 2024
BRCOTW 4-2024, November 7, 2024
CSD 48-2024, November 7, 2024

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2025 Water and Wastewater Operating Budget, Rate Setting and Requisition
CSD 48-2024

Regional Council, at its meeting held on November 21, 2024, passed the following recommendation of its Budget Review Committee of the Whole:

That Report CSD 48-2024, dated November 7, 2024, respecting 2025 Budget – Water and Wastewater Operating Budget, Rate Setting and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2025 Water & Wastewater net operating base budget increase of \$5,751,426 (or 3.72%) plus \$11,160,869 (or 7.22%) for capital financing over the 2024 operating budget **BE APPROVED**;
2. That an increase of \$2,053,502 (or 1.33%) over the 2024 operating budget **BE APPROVED** to support additional staffing resources for service delivery;
3. That the 2025 Water Operations gross operating budget of \$57,615,260 and net budget in the amount of \$57,071,267 for the Water Budget, Rates and Requisition **BE APPROVED**;
4. That the proposed fixed water requisition shown in Appendix 3 of Report CSD 48-2024, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2025, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
5. That the Region's proposed 2025 variable water rate of \$0.751 shown in Table 2 of Report CSD 48-2024, to be effective January 1, 2025 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;

6. That the 2025 Wastewater Operations gross operating budget of \$121,023,619 and net budget in the amount of \$116,477,200 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;
7. That the proposed 2025 fixed wastewater requisition as shown in Appendix 5 of Report CSD 48-2024, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the Local Area Municipalities starting January 1, 2025, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;
8. That the 2025 wastewater monthly bills **INCLUDE** the reconciliation for the 2023 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Appendix 6 of Report CSD 48-2024;
9. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
10. That a copy of Report CSD 48-2024 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 48-2024 and applicable by-laws are enclosed.

Yours truly,



Ann-Marie Norio
Regional Clerk

:ab

CLK-C 2024-119

cc: B. Brens, Associate Director, Budget Planning & Strategy
M. Raquion, Director, Financial Management & Planning/ Deputy Treasurer
D. Carnegie, Acting Commissioner/ Treasurer, Corporate Services
K. Beach, Executive Assistant, Commissioner/ Treasurer, Corporate Services

Subject: 2025 Budget – Water and Wastewater Operating Budget, Rate Setting and Requisition

Report to: Budget Review Committee of the Whole

Report date: Thursday, November 7, 2024

Recommendations

1. That the 2025 Water & Wastewater net operating base budget increase of \$5,751,426 (or 3.72%) plus \$11,160,869 (or 7.22%) for capital financing over the 2024 operating budget **BE APPROVED**;
2. That an increase of \$2,053,502 (or 1.33%) over the 2024 operating budget **BE APPROVED** to support additional staffing resources for service delivery;
3. That the 2025 Water Operations gross operating budget of \$57,615,260 and net budget in the amount of \$57,071,267 for the Water Budget, Rates and Requisition **BE APPROVED**;
4. That the proposed fixed water requisition shown in Appendix 3 of Report CSD 48-2024, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2025, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
5. That the Region's proposed 2025 variable water rate of \$0.751 shown in Table 2 of Report CSD 48-2024, to be effective January 1, 2025 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;
6. That the 2025 Wastewater Operations gross operating budget of \$121,023,619 and net budget in the amount of \$116,477,200 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;
7. That the proposed 2025 fixed wastewater requisition as shown in Appendix 5 of Report CSD 48-2024, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the

Local Area Municipalities starting January 1, 2025, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;

8. That the 2025 wastewater monthly bills **INCLUDE** the reconciliation for the 2023 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Appendix 6 of Report CSD 48-2024;
9. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
10. That a copy of Report CSD 48-2024 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The proposed Water net budget represents a \$3.8 million increase, or 7.06% over 2024; the proposed Wastewater net budget represents a \$15.2 million increase, or 15.01% over 2024, for a combined Water & Wastewater budget increase of 12.27% as shown in Table 1.
- Key drivers to the 2025 budget include: reinstatement of the historical CSO program budget, inflation, contract pressures, people strategy support, required repairs and maintenance on equipment and facilities, building condition assessments and the inclusion of additional hauled sewage revenues.
- The 2025 Budget Strategy proposed a total Water and Wastewater budget increase of 12.59% (4.11% for base budget expenditures, 7.22% for capital financing and 1.26% for program changes), however the revised budget estimates, primarily related to incremental hauled sewage revenue included in base services, has decreased the proposed combined increase to 12.27% (3.72% for base budget expenditures, 7.22% for capital financing and 1.33% for program changes)
- The approved 2021 Asset Management Plan (AMP) recommends a yearly increase of 7.22% on the combined water and wastewater rate and requisition for enhanced capital financing over a 10 year period to work towards achieving asset sustainability in the future which has been included in the proposed 2025 Water and Wastewater operating budget.

- The 2025 Budget includes a number of incremental staff to assist in service delivery and risk mitigation which are identified in recommendation 2 (See Appendix 7 to Report CSD 48-2024 for a list of the proposed staffing positions).
- The requisition methodology conforms to Council's approved cost recovery methodology from 2011, which was reaffirmed through Report CSD 61-2015, on July 2, 2015. The methodology apportions to the LAMs water at 75% variable rate and 25% as a fixed component and wastewater 100% fixed. The current methodology will be subject to review in 2025 based on feedback received from LAM partners.
- The proposed variable water rate is increased to \$0.751 (2024 = \$0.701) attributed to the budget increase with no projected change in water flows for 2025.

Financial Considerations

The Water and Wastewater Division's proposed 2025 net budget amount of \$173.5 million represents a \$19.0 million net increase or 12.27% (3.72% for base operating, 7.22% for enhanced capital financing, and 1.33% for staffing program changes) from the 2024 budget, as shown in Table 1. The total net cost related to the Water program is \$57.1 million, representing a net increase of \$3.8 million, or 7.06% from 2024. The remaining \$116.5 million relates to the Wastewater program, which has increased by \$15.2 million, or 15.01% from 2024. The proposed gross budget and comparison to the 2024 net budget are outlined in Table 1.

Table 1 – Summary of Proposed Water and Wastewater Budget (in millions)

Water & Wastewater 2025 Budget Summary	Water (\$)	Wastewater (\$)	Total (\$)
2024 Net Requisition	53.3	101.3	154.6
2025 Budget:			
Total Operating Expenses	26.3	62.5	88.8
Business Support	2.6	4.2	6.8
Reserve Transfer & Debt Charges	26.2	43.6	69.8
2025 Base Gross Budget Total	55.1	110.3	165.4
Less: Revenues	(0.5)	(4.5)	(5.0)
2025 Net Base Budget	54.5	105.8	160.3
% Change	2.28%	4.48%	3.72%
Enhanced Capital Financing (7.22%)	2.3	8.9	11.2
Program Changes – Staffing (1.33%)	0.3	1.8	2.1
2025 Net Requisition	57.1	116.5	173.6
Percentage Change	7.06%	15.01%	12.27%

Analysis

The 2025 Water and Wastewater budgets were developed giving consideration to current inflation, historical results (2023 actuals, 2024 forecast), operational concerns, legislative compliance, standard operating procedures and cross-divisional and corporate business support costs. The 2025 recommended budget is lower than the Budget Strategy estimated budget increase of 12.59% primarily due to the inclusion in the base budget of additional hauled sewage revenue in the amount of \$0.9 million. The inclusion of this incremental revenue was not factored into the Water and Wastewater 2025 Budget Strategy anticipated budget increase. This is discussed further below in the “Budget for Base Services” section of Report CSD 48-2024.

Budget for Base Services

The 2025 Budget Strategy estimated a base services increase of \$6.4 million (4.11%) on the 2024 Water and Wastewater combined rate and requisition. The 2025 Budget Strategy considered the impact of base services including chemical costs, repairs and maintenance, biosolids haulage, utilities and labour related costs. The actual proposed increase for base services is \$5.8 million (3.72%) or a difference of \$0.6 million (0.39%) from the 2025 Budget Strategy.

The 2025 Budget Strategy did not contemplate a new multi-rate cost recovery structure for hauled sewage revenues introduced at the September Public Works Committee meeting via Report PW 26-2024. Staff have included \$0.9 million of incremental hauled sewage revenues in the proposed 2025 operating budget in alignment with the new multi-rate cost recovery structure outlined in Report PW 26-2024. If this incremental revenue was not included in the 2025 Water and Wastewater operating budget, an additional 0.58% would be added to the base services pressures for a total increase of 4.30% to those pressures and overall increase to the proposed 2025 rate and requisition of 12.85%. The difference between the 2025 Base Budget Strategy (4.11%) and the actual proposed 2025 base budget increase excluding the incremental hauled sewage revenue (4.30%) is approximately \$0.3 million. This is primarily a result of additional budget for necessary repairs and maintenance activities on aging equipment and facilities in excess of the original 2025 Budget Strategy estimates.

Given the largely fixed cost nature of the operations (i.e., chemicals, utilities, biosolids haulage and disposal, property tax, previously approved debt charges), inflationary impacts on program delivery have been significant with limited opportunity for budget mitigation without risking core service delivery. Of the total gross budget amount of \$178.6 million for 2025, approximately 94% of the total amount is fixed as it relates to treatment of Water and Wastewater and capital financing. The remaining 6% can be classified as discretionary expenditures that does not specifically relate to Water/Wastewater treatment (i.e., CSO grants, certain building maintenance such as snow removal and grass cutting).

The base pressures to the budget of \$5.8 million (3.72%) are largely due to the following:

- \$1.0 million net increase in the CSO Program. This would increase the gross program budget from \$2 million to \$4 million with 50% of the gross costs funded by Development Charges
- \$1.4 million or 4.8% increase to labour related costs as per current labour contracts and policies
- \$0.8 million or 8.48% increase in chemical costs as a result of contractual price increases and an increase in consumption
- \$0.4 million or 9.29% increase in grounds/building repairs and maintenance due to contractual increases
- \$0.7 million or 11.56% increase in equipment repairs and maintenance due to rising costs and an increase demand in repairing aging infrastructure
- \$0.7 million or 5.39% inflationary increases in utilities and property taxes

- \$0.7 million or 7.95% increase for Regional sludge disposal primarily due to anticipated increases in the annual contract rate and haulage volumes
- \$0.4 million or 44.0% increase in external consulting to support building condition assessments critical for optimal asset management of Water and Wastewater infrastructure

The base pressures noted above were partially offset by identified savings noted below:

- \$0.9 million increase in hauled sewage revenue charged under a proposed multi-rate cost recovery fee structure for commercial and residential customers as per report PW 26-2024

Budget for Capital Financing

In October 2023, Council endorsed a 5.15% annual contribution to capital increase in alignment with the Safe Drinking Water Act (SDWA) Financial Plan for the 2024 budget. The SDWA Financial Plan proposed yearly budget increases of 5.15% for capital and a 2% increase for other operating expenses over a 10 year period. Per the 2021 AMP, achieving capital sustainability requires an annual capital contribution increase of 7.22% to the combined Water and Wastewater rate and requisition over a ten year period. When developing the updated SDWA Financial Plan, staff proposed a contribution to capital increase less than the 2021 AMP recommendation in recognition of ratepayer affordability, staffing and supply chain issues.

While the capital program has been progressing toward sustainability, an increase in backlog, replacement values, and revised capital project estimates require budget increases in excess of those proposed in the SDWA Financial Plan. The 2023 SDWA Financial Plan identified that with a yearly budget increase of 5.15% contributions to capital, approximately \$648 million of Water and Wastewater capital proposed in the AMP would still need to be deferred.

Staff have begun working on the 2025 AMP and early indications show a continued decline in the state of assets along with increased renewal costs since the previous 2021 AMP and the SDWA Financial Plan. The requirement to continue to increase investment to adequately sustain the water and wastewater system are real and present. The 2025 AMP will propose levels of service and financing strategies, including contributions to capital, to be reflected in future budgets.

In anticipation of the 2025 AMP recommendations, staff are proposing an incremental contribution to capital of 7.22% in alignment with the 2021 AMP for the 2025 operating budget. This contribution to capital rate from 2025-2032 would provide approximately \$168 million more in capital funding compared to the SDWA Financial Plan contribution to capital recommendation of 5.15% as shown in Appendix 2 to CSD 48-2024.

Program Changes – Staffing

The recommended 2025 Water and Wastewater operating budget includes the request for 20.4 incremental permanent full-time equivalent (FTE) staff on a path towards minimum staff levels to support program delivery, focus on preventative maintenance activities, compliance with regulators, an increasing capital portfolio, and best industry health and safety practices. These resources result in an incremental budget impact of \$2.1 million (1.33% of the 2024 Water and Wastewater budget). Appendix 7 details the position titles, rationale for positions, and budget related impacts per position.

Reserves and Debt

Operating reserves - The Water and Wastewater Divisions utilize stabilization reserves to mitigate operating deficits and fund one-time expenditures. The Wastewater Stabilization Reserve is forecasted to have a balance at the end of 2024 in the amount of \$0.1 million and the Water Stabilization Reserve is forecasted to have a balance of \$4.0 million. Based on the reserve targets of 10% to 15% of operating expenses, the minimum 2025 target for these reserves is \$7.9 million and \$3.0 million respectively for Wastewater and Water. The Wastewater Stabilization Reserve is considered underfunded and could impact the ability to mitigate risks.

Capital reserves - The projected annual capital reserve contributions until 2032 based on the 2021 AMP recommendations have been included in Appendix 2 to Report CSD 48-2024. This Appendix also includes the projected annual capital reserve contributions until 2032 based on 2023 SDWA Financial Plan recommendation for comparison.

Debt - Council previously approved debt of \$253 million for South Niagara Falls WWTP with \$75.56 million to be funded from the Wastewater rates and the balance from Development Charges. In accordance with Budget Policy, the 2025 budget includes the debt charge placeholder of \$4.6 million which will be used on an annual basis to substitute the rate supported debt approved for the project until project is complete, and debentures issued in approximately 2029. This strategy was supported by Council with the approval of the 2024 Water and Wastewater operating budget recommendations. This will reduce rate supported debt from \$75 million to approximately \$45 million by 2029 and will allow

previously initiated funding for the project of \$38 million to be largely funded with reserve as a risk mitigation measure to the reliance on outstanding Federal and Provincial contribution required to move construction forward. The strategy continues to allow for future debt charges to be reduced, may mitigate increased project capital costs/inflation, manage overall Regional debt capacity and provide greater operating budget flexibility.

Water Requisition

Fixed Water - As per Council’s approved methodology, \$14,267,817 (25%) of the net Water budget will be recovered from fixed monthly requisitions to the local municipalities based on historical flows. Appendix 3 to Report CSD 48-2024 summarizes the fixed amounts to be billed to each LAM based on this methodology.

The historical water flows and percentages utilized are included in Appendices 3 and 4 to Report CSD 48-2024. This annual amount based on the historical flows is then divided by 12 to determine the monthly charge to be billed to each of the services LAMs starting January 1, 2025. Also included as part of Appendix 3 to Report CSD-48-2024 is the annual impact on the fixed water requisition between 2024 and 2025 for each LAM.

Variable Water - The remaining \$42,803,450 (75%) will be charged through the variable rate. The recommended variable rate of \$0.751 per cubic metre as outlined in Table 3 is based on a water forecast using the past three year average flows. Despite growth for the Region in recent years the flow estimates are still volatile and are dependent on weather conditions. The resulting estimate for 2025 is an overall volume consistent with the amount used for the 2024 budget. An overview of the water trends and related risk is outlined in more detail in Appendix 4 to Report CSD 48-2024. The proposed variable water rate increase is \$0.0499 (7.12%) (2024 = \$0.701) which is attributed only to the budget increase.

Table 3 – Variable Water Rate for 2025 Net Budget

2025 Variable Water Rate	\$/Volume
Variable Allocation (75% x \$57,071,267)	\$42,803,450
2025 Water Flow Forecast (m ³)	57,000,000
Variable Rate (\$/m ³)	\$0.751

Wastewater Requisition

The wastewater net requisition is recovered 100% from fixed monthly requisitions to the local municipalities, apportioned based on the historical three year average flows. The annual amount is divided by twelve to determine the monthly charge to each of the serviced LAMs starting January 1, 2025. Appendix 5 to Report CSD 48-2024 provides the fixed amounts to be billed to each LAM based on this methodology as well as the historical wastewater flows and apportionments and the comparison of the fixed wastewater requisition amount between 2024 and 2025 for each LAM.

As per Council's approved cost recovery methodology, the 2025 monthly Wastewater charges will include reconciliation of the 2023 Wastewater requisition payments. Municipal 2023 rebates or charges will be based on their respective share of actual flows versus the estimated share used to initially allocate the 2023 charges. This reconciliation results in a total of \$347,514 in payments to, and \$347,514 in rebates from, the local municipalities included as Appendix 6 to Report CSD 48-2024. Tables outlining the calculation of the reconciliation and the total charge including the 2025 requisition and 2023 reconciliation by local municipality have been included in Appendix 6 to Report CSD 48-2024 as well.

Multi-Year Forecast

Staff have prepared the multi-year forecast using the 7.22% annual contribution to capital increase recommended in the 2021 AMP as well as inflationary impacts of other operating expenditures. The forecast reflects annual increases of 9.24% in 2026 and 8.86% in 2027. The key assumptions impacting the multi-year forecast are the continued investments in the People Strategy, inflation on contracted services and supplies, and annual increases of contributions to capital of 7.22% as noted above. The recommended contributions to capital will change with the 2025 AMP and will be considered as part of future budget processes. There are many assumptions and unknowns included in these forecasts, and staff will re-evaluate the long-term budget and capital strategies with the budget cycle each year.

It is important to note that the Water and Wastewater division is currently undergoing a number of studies on process and procedure optimization in its various sections. These studies will provide further recommendations on incremental resources to be considered as part of future budget processes. Staff will bring forth these recommendations from these studies once known. As these recommendations are unknown at this time, estimates have not been quantified or included as part of the multi-year operating budget.

Risks & Opportunities

- Unanticipated equipment and underground infrastructure failure may impact repairs and maintenance expenditures which are becoming more frequent given the age and condition of the infrastructure. The Wastewater Stabilization Reserve is underfunded which limits the ability to mitigate these impacts.
- Inflation and/or global supply chain challenges may have a budget impact on expenditures required to support program delivery.
- The implementation of a multi-rate cost recovery fee structure for commercial and residential hauled sewage customers is contingent on Council approval of the fees and charges by-law in December 2024. Should these fees not be approved, the budgeted incremental revenues from these amounts will need to be mitigated throughout 2025.
- Water/wastewater flows are weather dependent creating volatility in treatment costs and directly impact the variable portion of the water rate billed to LAM's

Alternatives Reviewed

The 2025 budget is in alignment with the budget strategy received by Council to sustain core services and maintain base service delivery.

At the discretion of the Council, programs can be identified for elimination from or addition to the budget. If this action is taken, staff request the opportunity to provide impacts/ risks with these decisions.

Relationship to Council Strategic Priorities

The 2025 Water and Wastewater proposed budgets support Council's strategic priorities of Effective Region by delivering fiscally responsible and sustainable services.

Other Pertinent Reports

[PW 45-2023 Safe Drinking Water Act Financial Plan](https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=6018a681-cfa7-46df-a06b-7c56447bcf99&Agenda=Agenda&lang=English&Item=15&Tab=attachments)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=6018a681-cfa7-46df-a06b-7c56447bcf99&Agenda=Agenda&lang=English&Item=15&Tab=attachments>)

[PW 39-2020 South Niagara Falls WWTP Update](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=f8747f43-9163-45b8-b0aa-6bd3e7d59a34&Agenda=Agenda&lang=English&Item=11>)

[PW 39-2021 South Niagara Falls Wastewater Treatment Plant- Budget and Property](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=456972bd-bf1e-4aa0-afac-55d158224dd3&Agenda=Merged&lang=English&Item=11>)

[CSD 29-2024 2025 Budget Strategy](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=5ea2c44e-e03a-4ef1-91b8-f5f6a188db45&Agenda=Agenda&lang=English&Item=13&Tab=attachmentst>)

[PW 26-2024 Hauled Sewage Rate Setting](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=5976cbfd-e4c5-49ed-9647-7b39d5dd7d97&Agenda=Merged&lang=English&Item=14&Tab=attachments>)

[CSD 7-2022 2021 Corporate Asset Management Plan](#)

(<https://www.microsoft.com/en-us/edge/welcome?mb05=true&form=MT004S&slide=ie-mode&esf=1>)

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Appendices

- Appendix 1 2025 Water and Wastewater Schedule of Revenues and Expenditures by Object of Expenditure

- Appendix 2 Forecasted Water and Wastewater Transfers to Capital Reserves

- Appendix 3 Fixed Water Requisition by Municipality
- Appendix 4 Water Volume Analysis

- Appendix 5 Fixed Wastewater Requisition by Municipality

- Appendix 6 Wastewater Flows by LAM, and 2023 Fixed Wastewater Requisition Including Reconciliation by Municipality

- Appendix 7 Water and Wastewater 2025 Program Changes - Staffing

2025 Water and Wastewater Schedule of Revenue and Expenditures by Object of Expenditure

Object of Expenditure	2024 Water Budget Total (\$)	2024 Wastewater Budget Total (\$)	2024 Combined Total (\$)	2025 Water Budget Total (\$)	2025 Wastewater Budget Total (\$)	2025 Combined Total (\$)	Combined Total Variance (\$)	Total Combined Variance (%)	Note
A_40000AB Compensation	8,721,339	12,634,052	21,355,391	9,167,033	14,603,786	23,770,819	2,415,428	11.3%	(1)
A_41000AB Administrative	495,276	1,192,850	1,688,126	522,757	769,632	1,292,389	(395,737)	(23.4%)	(2)
A_44000AB Operational & Supply	3,139,508	16,695,419	19,834,927	3,292,643	18,059,924	21,352,567	1,517,640	7.7%	(3)
A_50000AB Occupancy & Infrastructure	5,994,936	12,189,751	18,184,687	6,265,455	12,989,978	19,255,433	1,070,746	5.9%	(4)
A_52000AB Equipment, Vehicles, Technology	1,701,453	3,824,099	5,525,552	1,501,731	4,600,904	6,102,635	577,083	10.4%	(5)
A_56000AB Partnership, Rebate, Exemption	91,850	2,000,000	2,091,850	96,900	4,000,000	4,096,900	2,005,050	95.9%	(6)

2025 Water and Wastewater Schedule of Revenue and Expenditures by Object of Expenditure

Object of Expenditure	2024 Water Budget Total (\$)	2024 Wastewater Budget Total (\$)	2024 Combined Total (\$)	2025 Water Budget Total (\$)	2025 Wastewater Budget Total (\$)	2025 Combined Total (\$)	Combined Total Variance (\$)	Total Combined Variance (%)	Note
A_75100AC Transfers To Funds	24,090,330	29,450,024	53,540,354	26,384,199	38,425,226	64,809,425	11,269,071	21.0%	(7)
A_60000AC Allocation Between Departments	862,667	1,142,710	2,005,377	1,053,891	1,326,049	2,379,940	374,563	18.7%	
A_60260AC Allocation Within Departments	4,163,080	6,830,602	10,993,682	4,626,910	7,993,457	12,620,367	1,626,685	14.8%	(1),(2),(8)
Gross Expenditure Subtotal	49,260,439	85,959,507	135,219,946	52,911,519	102,768,956	155,680,475	20,460,529	15.1%	
A_30000AB Taxation	(53,306,335)	(101,276,335)	(154,582,670)	(57,071,267)	(116,477,200)	(173,548,467)	(18,965,797)	12.3%	
A_32400AB By-Law Charges & Sales	(12,000)	(1,567,278)	(1,579,278)	(24,000)	(2,482,278)	(2,506,278)	(927,000)	58.7%	(9)

2025 Water and Wastewater Schedule of Revenue and Expenditures by Object of Expenditure

Object of Expenditure	2024 Water Budget Total (\$)	2024 Wastewater Budget Total (\$)	2024 Combined Total (\$)	2025 Water Budget Total (\$)	2025 Wastewater Budget Total (\$)	2025 Combined Total (\$)	Combined Total Variance (\$)	Total Combined Variance (%)	Note
A_34950AB Other Revenue	(428,493)	(1,034,140)	(1,462,633)	(489,993)	(2,034,140)	(2,524,133)	(1,061,500)	72.6%	(10)
A_75000AC Transfers From Funds	0	(104,000)	(104,000)	(30,000)	(30,000)	(60,000)	44,000	(42.3%)	
Gross Revenue Subtotal	(53,746,828)	(103,981,753)	(157,728,581)	(57,615,260)	(121,023,618)	(178,638,878)	(20,910,297)	13.3%	
Net Expenditure (revenue) before indirect allocations	(4,486,389)	(18,022,246)	(22,508,635)	(4,703,741)	(18,254,662)	(22,958,403)	(449,768)	2.0%	
A_70000AC Indirect Allocation	2,377,423	3,890,478	6,267,901	2,602,501	4,215,875	6,818,376	550,475	8.8%	

2025 Water and Wastewater Schedule of Revenue and Expenditures by Object of Expenditure

Object of Expenditure	2024 Water Budget Total (\$)	2024 Wastewater Budget Total (\$)	2024 Combined Total (\$)	2025 Water Budget Total (\$)	2025 Wastewater Budget Total (\$)	2025 Combined Total (\$)	Combined Total Variance (\$)	Total Combined Variance (%)	Note
A_70200AC Capital Financing Allocation	2,108,963	14,131,770	16,240,733	2,101,240	14,038,787	16,140,027	(100,706)	(0.6%)	
Allocation Subtotal	4,486,388	18,022,249	22,508,634	4,703,741	18,254,662	22,958,403	449,769	2.0%	
Net Expenditure (revenue) after indirect allocations	0	0	0	0	0	0	0	0	

FTE - Permanen			301.0	20.4
FTE - Temporary	3.9		4.0	0.1
FTE - Total	284.5		305.0	20.5
Student	2.0		2.0	-

Notes:

- (1) Base increases (\$1.1M) in alignment with current labour contracts and policies. Includes \$1.3M in additional program change staff allocated to the Wastewater division. All operating costs associated with Asset Management, Integrated Systems & Engineering are allocated to Water & Wastewater through an Allocation Within Department.
- (2) Decline due to consulting engagements now funded in the Asset Management division instead of the Wastewater division as in the prior year. Offset with increase in Allocation Within Department.
- (3) Increases due to usage trends and contractual pricing for chemicals (\$0.8M) and sludge haulage/disposal (\$0.7M)
- (4) Includes inflationary increase in utilities and property taxes (\$0.7M) and an increase in R&M buildings/grounds due to contractual price increases (\$0.4M)
- (5) Increase primarily related to R&M machinery due to aging infrastructure and cost escalations
- (6) Includes additional gross expenditures (\$2.0M) to restore CSO program to \$4M total
- (7) Includes enhanced capital financing of \$11.2M
- (8) Increase in Allocation Within Department primarily due to additional consulting engagements budgeted in Asset Management - (\$0.6M), as well as additional program change staff budgeted in Integrated Systems (\$0.6M)
- (9) Includes anticipated additional hauled sewage revenue (\$0.9M) due to a multi rate structure
- (10) Includes additional development charge revenue (\$1.0 M) as a result of additional CSO gross expenditures

Forecasted Water and Wastewater Transfer to Capital Reserves (\$Millions) - 7.22% Enhanced Capital Financing, 10 year

Table 1

Capital Financing (\$M)	2024	2025	2026	2027	2028	2029	2030	2031	2032	Target Balance
Water	\$24	\$26	\$29	\$32	\$35	\$39	\$42	\$46	\$50	\$50
Wastewater	\$29	\$33	\$43	\$53	\$65	\$78	\$92	\$108	\$125	\$114
Total	\$54	\$59	\$72	\$85	\$100	\$117	\$134	\$154	\$175	\$164

Forecasted Water and Wastewater Transfer to Capital Reserves (\$Millions) - 4.1% in 2024, 5.15% Enhanced Capital Financing, 50 year

Table 2

Capital Financing (\$M)	2024	2025	2026	2027	2028	2029	2030	2031	2032	Target Balance
Water	\$24	\$26	\$27	\$29	\$30	\$32	\$34	\$36	\$38	\$37
Wastewater	\$29	\$30	\$37	\$45	\$54	\$63	\$72	\$82	\$93	\$85
Total	\$54	\$56	\$64	\$74	\$84	\$95	\$106	\$118	\$131	\$122

Difference	\$3	\$8	\$11	\$16	\$22	\$28	\$36	\$44	\$168
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Note - Forecasted transfers do not include the South Niagara Falls operating cost placeholder transferred to the capital reserve

Table 1 - Fixed Water Requisition by Municipality for 2025 Net Budget

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	8.21%	\$1,172,068	\$97,672
Grimsby	5.14%	\$733,783	\$61,149
Lincoln	4.49%	\$641,261	\$53,438
Niagara Falls	25.65%	\$3,660,015	\$305,001
Niagara-on-the-Lake	5.34%	\$762,399	\$63,533
Pelham	2.65%	\$377,500	\$31,458
Port Colborne	4.75%	\$677,110	\$56,426
St. Catharines	25.14%	\$3,586,885	\$298,907
Thorold	4.34%	\$619,759	\$51,647
Welland	12.64%	\$1,803,388	\$150,282
West Lincoln	1.64%	\$233,649	\$19,471
Total	100%	\$14,267,817	\$1,188,985

Table 2 - Water Flows by Municipality

Municipality	3-Year Avg. per 2024 By-law (ML)	3-Year Avg. per 2024 By-law (%)	3-Year Avg. per 2025 By-law (ML)	3-Year Avg. per 2025 By-law (%)
Fort Erie	4,510	8.16%	4,651	8.21%
Grimsby	2,950	5.34%	2,912	5.14%
Lincoln	2,516	4.55%	2,545	4.49%
Niagara Falls	13,837	25.03%	14,523	25.65%
Niagara-on-the-Lake	3,030	5.48%	3,025	5.34%
Pelham	1,502	2.72%	1,498	2.65%
Port Colborne	2,520	4.56%	2,687	4.75%
St. Catharines	13,834	25.03%	14,233	25.14%
Thorold	2,432	4.40%	2,459	4.34%
Welland	7,193	13.01%	7,156	12.64%
West Lincoln	947	1.71%	927	1.64%
Total	55,272	100%	56,616	100%

Table 3 - Fixed Water Requisition by Municipality

Municipality	2024 (\$000)	2025 (\$000)	Difference (\$000)	Difference (%)
Fort Erie	1,087	1,172	85	7.83%
Grimsby	711	734	23	3.20%
Lincoln	607	641	34	5.64%
Niagara Falls	3,336	3,660	324	9.71%
Niagara-on-the-Lake	731	762	31	4.30%
Pelham	362	378	16	4.28%
Port Colborne	608	677	69	11.37%
St. Catharines	3,336	3,587	251	7.52%
Thorold	586	620	34	5.76%
Welland	1,734	1,803	69	4.00%
West Lincoln	228	234	6	2.48%
Total	13,327	14,268	942	7.06%

Water Volume Analysis

Flows in ML	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Projected Flows for Rate Setting	57,000	57,000	57,000	57,250	57,250	57,250	57,250	57,250	57,000	57,000
Actual Flows	58,800	56,986	58,491	55,458	55,517	54,065	56,239	56,474	57,475	N/A
Variance	1,800	-14	1,491	-1,792	-1,733	-3,185	-1,011	-776	475	N/A

The 2024 actual flows are estimated to finish the year slightly higher than projected flows (0.8%). The forecasted water usage in 2024 is estimated to total 57,475 ML.

The water volume forecast for 2025 has been prepared giving consideration to historical trends and current considerations with the same level of flows proposed in 2024 in line with the forecasted flows for the remainder of 2024.

2016 experienced drought conditions during the summer. 2018 flows represented a more typical summer weather year. 2017 and 2019 experienced very wet summers. 2022 and 2023 also experienced wetter than normal summers. The 2020 flows were impacted by a dry summer and COVID-19 shutdowns. The 2021 flows were impacted by a combination of a wet spring/summer and continued COVID-19 related shutdowns through the year.

Variation in water flows may also be experienced as a result of: capital repairs to address water loss at Region and Local levels, growth in user base, and increased conservation efforts.

Table 1 - Fixed Wastewater Requisition by Municipality for 2025 Net Budget

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	9.68%	\$11,280,662	\$940,055
Grimsby	5.47%	\$6,367,322	\$530,610
Lincoln	3.89%	\$4,534,756	\$377,896
Niagara Falls	19.90%	\$23,183,235	\$1,931,936
Niagara-on-the-Lake	4.34%	\$5,055,585	\$421,299
Pelham	2.08%	\$2,420,883	\$201,740
Port Colborne	5.22%	\$6,080,856	\$506,738
St. Catharines	26.50%	\$30,861,246	\$2,571,771
Thorold	6.39%	\$7,438,751	\$619,896
Welland	14.85%	\$17,296,735	\$1,441,395
West Lincoln	1.68%	\$1,957,171	\$163,098
Total	100%	\$116,477,200	\$9,706,433

Table 2 - Wastewater Flows by Municipality

Municipality	3-Year Avg. per 2024 By-law (ML)	3-Year Avg. per 2024 By-law (%)	3-Year Avg. per 2025 By-law (ML)	3-Year Avg. per 2025 By-law (%)
Fort Erie	7,239	10.13%	7,243	9.68%
Grimsby	2,985	4.18%	4,088	5.47%
Lincoln	3,210	4.49%	2,912	3.89%
Niagara Falls	13,640	19.09%	14,885	19.90%
Niagara-on-the-Lake	2,979	4.17%	3,246	4.34%
Pelham	1,449	2.03%	1,554	2.08%
Port Colborne	3,865	5.41%	3,904	5.22%
St. Catharines	19,446	27.21%	19,815	26.50%
Thorold	4,671	6.54%	4,776	6.39%
Welland	10,759	15.06%	11,106	14.85%
West Lincoln	1,218	1.71%	1,257	1.68%
Total	71,462	100%	74,786	100%

Table 3 - Fixed Wastewater Requisition by Municipality

Municipality	2024 (\$000)	2025 (\$000)	Difference (\$000)	Difference (%) ¹
Fort Erie	10,260	11,281	1,021	9.95%
Grimsby	4,231	6,367	2,136	50.49%
Lincoln	4,549	4,535	(14)	-0.31%
Niagara Falls	19,330	23,183	3,853	19.93%
Niagara-on-the-Lake	4,221	5,056	835	19.77%
Pelham	2,054	2,421	367	17.86%
Port Colborne	5,478	6,081	603	11.01%
St. Catharines	27,559	30,861	3,302	11.98%
Thorold	6,620	7,439	819	12.37%
Welland	15,248	17,297	2,049	13.44%
West Lincoln	1,727	1,957	230	13.33%
Total	101,276	116,477	15,200	15.01%

Note:

(1) Municipalities with increases above the average are generally the municipalities that have the highest assessment growth, meaning that average impact to be expected by the average user will be less than the percentage change noted in the requisition due to the relative increase in the number of users (i.e, properties).

Wastewater Flows by LAM and 2023 Fixed
Wastewater Requisition Including Reconciliation
by Municipality

CSD 48-2024
Appendix 6
November 7, 2024

Table 1 - Wastewater Flows by Municipality

Municipality	3-Year Avg. per 2023 By-law (ML)	2023 By-Law Period Actual Flows ¹
Fort Erie	7,086	7,142
Grimsby	2,699	4,395
Lincoln	2,980	2,963
Niagara Falls	12,808	15,285
Niagara-on-the- Lake	2,820	3,377
Pelham	1,379	1,598
Port Colborne	3,823	4,130
St. Catharines	20,106	19,805
Thorold	4,419	4,806
Welland	10,339	11,881
West Lincoln	1,258	1,339
Total	69,717	76,722

Table 2 - Wastewater Fixed Allocation Percentages

Municipality	3-Year Avg. per 2023 By-law (ML)	2023 By-Law Period Actual Flows ¹	Difference
Fort Erie	10.16%	9.31%	-0.86%
Grimsby	3.87%	5.73%	1.86%
Lincoln	4.27%	3.86%	-0.41%
Niagara Falls	18.37%	19.92%	1.55%
Niagara-on-the- Lake	4.04%	4.40%	0.36%
Pelham	1.98%	2.08%	0.10%
Port Colborne	5.48%	5.38%	-0.10%
St. Catharines	28.84%	25.81%	-3.03%
Thorold	6.34%	6.26%	-0.07%
Welland	14.83%	15.49%	0.66%
West Lincoln	1.80%	1.75%	-0.06%
Total	100%	100%	0%

Wastewater Flows by LAM, Allocation Percentages,
2023 Fixed Wastewater Requisition Including
Reconciliation by Municipality

CSD 48-2024
Appendix 6
November 7, 2024

Table 3 - Wastewater Fixed Allocation Charge Reconciliation (\$000)

Municipality	3-Year Avg. per 2023 By-law (ML) ^{1, 2}	2023 By-Law Period Actual Flows ¹	Underpayment/ (Overpayment) ³
Fort Erie	9,366	8,578	(788)
Grimsby	3,567	5,279	1,712
Lincoln	3,938	3,559	(379)
Niagara Falls	16,929	18,358	1,429
Niagara-on-the-Lake	3,727	4,056	329
Pelham	1,823	1,919	96
Port Colborne	5,053	4,961	(92)
St. Catharines	26,577	23,788	(2,789)
Thorold	5,841	5,773	(68)
Welland	13,666	14,270	604
West Lincoln	1,663	1,609	(54)
Total	92,150	92,150	(0)

Sum of Overpayment: (4,170)
Percentage of Requisition 4.53%

Notes:

- 1 - 2023 By-law period to date consists of the 12 month period from January 2023 to
- 2 - Charges paid excludes payments made/rebates received for 2021 reconciliation
- 3 - Underpayments/(Overpayments) based on comparing 2 different allocation methodologies

Table 4 - Fixed Wastewater Requisition Including Reconciliation by Municipality Comparison

Municipality	Requisition 2024 By-law (\$000)	Requisition 2025 By-law (\$000)	Reconciliation 2024 By-law (2022 Rec.) (\$000)	Reconciliation 2025 By-law (2023 Rec.) (\$000)	Total Charge 2024 By-law (\$000)	Total Charge 2025 By-law (\$000)	Difference (\$000)	Difference (%)
Fort Erie	10,260	11,281	(218)	(788)	10,042	10,493	451	4.49%
Grimsby	4,231	6,367	275	1,712	4,506	8,080	3,573	79.30%
Lincoln	4,549	4,535	786	(379)	5,335	4,156	(1,179)	-22.10%
Niagara Falls	19,330	23,183	1,193	1,429	20,523	24,613	4,090	19.93%
Niagara-on-the-Lake	4,221	5,056	343	329	4,564	5,384	820	17.97%
Pelham	2,054	2,421	137	96	2,191	2,517	326	14.89%
Port Colborne	5,478	6,081	(602)	(92)	4,876	5,989	1,113	22.82%
St. Catharines	27,559	30,861	(2,223)	(2,789)	25,335	28,072	2,737	10.80%
Thorold	6,620	7,439	643	(68)	7,263	7,371	107	1.48%
Welland	15,248	17,297	(151)	604	15,097	17,900	2,803	18.57%
West Lincoln	1,727	1,957	(183)	(54)	1,544	1,903	359	23.28%
Total	101,276	116,477	-	-	101,276	116,477	15,201	15.01%

Table 5 - 2023 Wastewater Reconciliation by Municipality

Municipality	Reconciliation (\$)	Monthly Rebate (\$)	Monthly Payment (\$)
Fort Erie	(788,429)	(65,702)	
Grimsby	1,712,252		142,688
Lincoln	(379,228)	(31,602)	
Niagara Falls	1,428,992		119,083
Niagara-on-the-Lake	328,702		27,392
Pelham	96,756		8,063
Port Colborne	(91,592)	(7,633)	
St. Catharines	(2,788,445)	(232,370)	
Thorold	(68,347)	(5,696)	
Welland	603,460		50,288
West Lincoln	(54,121)	(4,510)	
Total	-	(347,514)	347,514

Position	FTE	Operating Impact \$ (Millions)	Rationale for Position
Systems Maintenance Person	3.0	\$0.28	Additional staff to support a preventative/performance-based maintenance model to ensure that assets will perform reliably to prevent sewage releases, basement flooding or non-compliance
Pumping Station Crews	4.0	0.44	Staffing resources to assist the WW section with providing reactive and preventative maintenance to Sewage Pumping Stations (SPS) sewage forcemains, odour control facilities and various CSO tanks within the wastewater collection system. Two (2) personnel would be allocated to support each of Area 2 and Area 3
Area 1 Operators	2.0	0.20	Addition of two (2) Wastewater Operators in Wastewater Area I to assist with compliance related issues currently being encountered at the Niagara Falls and Stevensville Lagoon Wastewater Facilities
NOTL Wastewater Operator	1.0	0.10	Addition of one (1) Wastewater Operator will allow the NOTL WWTP to be operated on a 24/7 basis. The NOTL and Crystal Beach plants have only been staffed 40 hours per week due to a lack of staff in the two areas. All other WWTP and WTPs in the Division are staffed 168 hours (24/7) per week
Crystal Beach Wastewater Operator	1.0	0.10	Addition of one (1) Wastewater Operator will allow the Crystal Beach WWTP to be operated on a 24/7 basis. The additional operator will supplement the current staff complement at the Crystal Beach WWTP in Fort Erie. Both the NOTL and Crystal Beach plants have only been staffed 40 hours per week due to a lack of staff in the two areas. All other WWTP and WTPs in the Division are staffed 24/7 (168 hours per week)
Senior Project Manager - WWW	1.0	0.05	The addition of one (1) full time Senior Project Manager to assist in delivering current and projected projects in Area 2
Project Manager	1.0	0.04	The addition of one (1) full time Project Manager is required to deliver the 2025 and beyond water and wastewater capital program

Position	FTE	Operating Impact \$ (Millions)	Rationale for Position
Laboratory Technician II	0.4	0.04	The request is to convert the part-time Lab Technician I position into a full-time Lab Technician II position to better suit the laboratory cross training with the other Lab Technician IIs and increase the collaboration effort with the laboratory group
Environmental Compliance Analyst	1.0	0.09	The position will analyze the testing results from samples collected by the Environmental Sampling Technician and Environmental Enforcement Officers to assist the supervisor in coordinating work and inspection efforts. The position will also assist the existing Compliance Supervisor and Compliance Analyst in meeting Provincial regulations
Environmental Sampling Technician	1.0	0.09	The addition of a sampling technician will assume the sampling workload from the 3 Environmental Enforcement Officers and allow them to concentrate on by-law enforcement activities
SCADA Technician	2.0	0.24	The demand for the SCADA group is higher than can be provided by the current complement of staff. The addition of 2 SCADA technicians will support SCADA implementation and technical upgrade activities in WWWW facilities
W-WW Infrastructure Analyst	2.0	0.25	The Infrastructure Analysts will be responsible for servicing, maintaining and applying security patches to W-WW SCADA servers, viewnodes and network hardware. The requested 2 positions will also be responsible for installing and maintaining all Corporate IT hardware in Water/Wastewater facilities
Security Program Manager	1.0	0.13	The W-WW Security Program Manager will be responsible to manage and develop the W-WW security program , implement the Security Master Plan and to deliver the security capital works program
Totals	20.4	\$2.05	

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2024-75

A BY-LAW TO ADOPT THE 2025 WASTEWATER
BUDGET AND SET THE REQUISITIONS TO BE
CHARGED FOR WASTEWATER RECEIVED FROM
THE LOWER-TIER MUNICIPALITIES FOR THE
PERIOD OF JANUARY 1, 2025 TO DECEMBER 31,
2025

WHEREAS section 11 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the Municipal Act, 2001, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on persons for costs payable by it for services or activities provided or done by or on behalf of any other municipality;

WHEREAS wastewater received from the lower-tier municipalities is a service provided by the Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region;

WHEREAS the Council of the Regional Municipality of Niagara passed By-Law No. 119-2011 which indicated that, consistent with the wastewater reconciliation methodology described in PWA 87-2011, a reconciliation adjustment will commence with the 2013 Budget;

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

1. That the 2025 Wastewater Gross Operating Budget of \$121,023,619 and Net Operating Budget of \$116,477,200 be and hereby is adopted.
2. That the 2025 budgeted net wastewater operating budget be apportioned to the lower-tier municipalities based on their proportionate share of the Region's total three-year average historical wastewater flows.

3. That the 2025 wastewater bills also include reconciliation of the 2023 net requisition allocated based on actual wastewater flows versus the estimated flows.
4. That the lower-tier municipalities be requisitioned during the period January 1, 2025 to December 31, 2025 as follows:

Municipality	2025 Net Budget Allocation	2023 Reconciliation (\$)	Total (\$)	Monthly (\$)
Fort Erie	\$11,280,662	(788,429)	\$10,492,233	\$874,353
Grimsby	\$6,367,322	1,712,252	\$8,079,574	\$673,298
Lincoln	\$4,534,756	(379,228)	\$4,155,528	\$346,294
Niagara Falls	\$23,183,234	1,428,992	\$24,612,226	\$2,051,019
Niagara-on-the-Lake	\$5,055,585	328,702	\$5,384,287	\$448,691
Pelham	\$2,420,883	96,756	\$2,517,639	\$209,803
Port Colborne	\$6,080,856	(91,592)	\$5,989,264	\$499,105
St. Catharines	\$30,861,245	(2,788,445)	\$28,072,800	\$2,339,400
Thorold	\$7,438,751	(68,347)	\$7,370,404	\$614,200
Welland	\$17,296,735	603,460	\$17,900,195	\$1,491,683
West Lincoln	\$1,957,171	(54,121)	\$1,903,050	\$158,588
Total	\$116,477,200	-	\$116,477,200	\$9,706,433

5. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2025 for the monthly requisition. Such monthly invoices shall continue thereafter until December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount on each such invoice to the Treasurer of the Regional Corporation on or before the last business day of the month in which such invoice is submitted.
6. That in the event of default of payment of any monies payable under this by-law by the lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.

7. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: November 21, 2024

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2024-76

A BY-LAW TO ADOPT THE 2025 WATER BUDGET
AND TO SET THE REQUISITION TO BE CHARGED
FOR WATER SUPPLIED TO LOWER-TIER
MUNICIPALITIES FOR THE PERIOD JANUARY 1,
2025 TO DECEMBER 31, 2025

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the Municipal Act, 2001, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on persons for costs payable by it for services or activities provided or done by or on behalf of any other municipality;
WHEREAS water supplied to the lower-tier municipalities is a service provided by The Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region;

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

1. That the 2025 Water Gross Operating Budget of \$57,615,260 and Net Operating Budget of \$57,071,267 be and hereby is adopted.
2. That 75% of the Net Operating Budget, \$42,803,450 be recovered from the lower-tier municipalities based on actual metered water flows multiplied by the Region's annually set uniform water rate.
3. That the rate payable by the lower-tier municipalities for treated water supplied by the Regional Waterworks system shall be established at \$0.751 for every cubic meter supplied to each lower-tier municipality for the period of January 1, 2025 to December 1, 2025.

4. That 25% of the Net Operating Budget, \$14,267,817 be apportioned to the lower-tier municipalities based on their proportionate share of the Region’s total three-year average historical flows.
5. That the lower-tier municipalities be requisitioned during the period January 1, 2025 to December 31, 2025 as follows:

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	8.21%	\$1,172,068	\$97,672
Grimsby	5.14%	\$733,783	\$61,149
Lincoln	4.49%	\$641,261	\$53,438
Niagara Falls	25.65%	\$3,660,015	\$305,001
Niagara-on-the-Lake	5.34%	\$762,399	\$63,533
Pelham	2.65%	\$377,500	\$31,458
Port Colborne	4.75%	\$677,110	\$56,426
St. Catharines	25.15%	\$3,586,885	\$298,907
Thorold	4.34%	\$619,759	\$51,647
Welland	12.64%	\$1,803,388	\$150,282
West Lincoln	1.64%	\$233,649	\$19,471
Total	100.00%	\$14,267,817	\$1,188,984

6. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2025 for the monthly requisition. Such monthly invoices shall continue thereafter until the December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount of each such invoices to the Treasurer of the Regional Corporation on or before the last business date of the month in which such invoice is submitted.
7. That in the event of default of payment of any monies payable under this by-law by a lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.
8. That this by-law shall come into force and effect on the day upon which it is passed.

9. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: November 21, 2024

The Corporation of the City of Port

Colborne By-law No. _____

**Being a By-law to Reappoint Councillors to the
Committee of Adjustment**

Whereas section 44 (3) of the *Planning Act*, R.S.O. 1990, c. P.12, as amended, states that the members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually;

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

1. That the following members of the Council of The Corporation of the City of Port Colborne be reappointed to the Committee of Adjustment of The Corporation of the City of Port Colborne:

Councillor Eric Beauregard
Councillor Gary Bruno
Councillor Dave Elliott

Enacted and passed this 10th day of December 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Repeal 7203/25/24 and to Appoint an Acting Fire Chief

Whereas at its meeting of December 9, 2019, the Council of the Corporation of the City of Port Colborne enacted By-law 6745/109/19, Being a by-law to Establish and Regulate the City of Port Colborne Fire and Emergency Services (Composite); and

Whereas subsection 6(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, requires that the Council of a municipality that has established a fire department shall appoint a Fire Chief for the fire department; and

Whereas section 3 of By-law 6745/109/19 provides that Council shall appoint a Fire Chief and may appoint a Deputy Fire Chief for the fire department; and

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

1. That David Wood is hereby appointed as Acting Fire Chief for the City of Port Colborne.
2. That the Deputy Fire Chief position be declared vacant until Council appoints a person to the position.
3. That By-law No. 7203/25/24 is hereby repealed.
4. That this by-law shall come into full force and effect on December 12, 2024.

Enacted and passed this 10th day of December 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

**Being a by-law to amend By-law 6694/58/19
Being a by-law establishing an emergency management program
for the protection of public safety, health, the environment,
critical infrastructure and property, and to promote economic stability and
a disaster-resilient community and to repeal By-law 6766/16/20 and By-law
6985/23/22.**

Whereas the Council of The Corporation of the City of Port Colborne enacted By-law 6694/58/19 Being a by-law establishing an emergency management program for the protection of public safety, health, the environment, critical infrastructure and property, and to promote economic stability and a disaster-resilient community, and repealed by-law No. 6555/10/18, on December 9, 2019;

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

1. That section 6 of By-law 6694/58/19 be amended by striking out the following words:

“That the Director of Development and Legislative Services/City Clerk be designated as the City of Port Colborne’s Emergency Management Program Coordinator.”

And adding thereto the following words:

“That the Fire Chief be designated as the City of Port Colborne’s Emergency Management Program Coordinator.”

2. That section 7 of By-law 6694/58/19 be amended by striking out the following words:

“That the Director of Development and Legislative Services/City Clerk be designated Community Emergency Management Coordinator (CEMC).”

And adding thereto the following words:

“That the Fire Chief be designated Community Emergency Management Coordinator (CEMC).”

3. That section 8 of By-law 6694/58/19 be amended by striking out the following words:

“That each of the Fire Chief and Manager of Road & Park Operations be appointed as an alternate CEMC.”

And adding thereto the following words:

“That the following be appointed as alternate CEMCs:

- Deputy Fire Chief
- Director of Public Works
- Health and Safety Coordinator”

4. That By-law No. 6766/16/20 be repealed.
5. That By-law No. 6985/23/22 be repealed.

6. That this by-law shall come into full force and effect on the day it is passed by Council.

Enacted and passed this 10th day of December 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a B-law to Appoint a Building Inspector (Sulaiman Khan)

Whereas Section 3(2) of *The Building Code Act, 1992, S.O. 1992, c.23* (the Act) provides that the council of each municipality shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction; and

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

1. That Sulaiman Khan be appointed as a Building Inspector for the City of Port Colborne.
2. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne.
3. This by-law shall come into force and take effect on the date of passing.

Enacted and passed this 10th day of December, 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

**Being a By-law to Authorize Entering into an Amending Agreement with
ADR Chambers Inc. to provide for Integrity Commissioner Services**

Whereas the Council of the Corporation of the City of Port Colborne (“Council”) approved By-law Nos. 6646/10/19 and 7062/07/23 Being By-laws that authorize Entering into an Agreement and Amending Agreement with ADR Chambers Inc. to provide for Integrity Commissioner Services on February 25, 2019 and February 14, 2023, respectively; and

Whereas in Schedule A of By-law No. 6646/10/19, the Original Agreement, Edward T. McDermott of ADR Chambers Inc. was appointed as the City of Port Colborne’s Integrity Commissioner; and

Whereas Edward T. McDermott has announced his resignation effective December 31, 2024; and

Whereas Council approved the recommendations of Office of the Chief Administrative Officer – Clerk’s Division Report 2024-229, Amending Agreement - Integrity Commissioner Appointment;

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 enter into an amending agreement with ADR Chambers Inc., said amending agreement is attached to this By-law as Schedule “A”.
2. That By-law No. 6646/10/19 be amended by adding the amending agreement attached as Schedule “A” to this By-law as Schedule “B”.
3. That the Mayor and Clerk be and are hereby authorized and directed to sign the said agreement and that the Clerk is hereby authorized to affix the Corporate Seal thereto.
4. That this by-law shall come into full force and effect on January 1, 2025.

Enacted and passed this 10th day of December 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk

AMENDING AGREEMENT

THIS AGREEMENT made as of the 3rd day of December, 2024

BETWEEN:

THE CITY OF PORT COLBORNE
(hereinafter called "the City")

- and -

ADR CHAMBERS INC.
(hereinafter called "ADRC")

WHEREAS the City and ADRC entered into an Agreement for Professional Services made as of February 25, 2019 (hereinafter called the "Original Agreement") for the provision of Integrity Commissioner services for a term of four (4) years, expiring on February 25, 2023;

AND WHEREAS by a further agreement dated February 14, 2023, the City and ADRC renewed the Original Agreement for an additional four-year term to conclude on February 25, 2027;

AND WHEREAS section 1 of the Original Agreement named Edward T. McDermott of ADR Chambers as the City's Integrity Commissioner;

AND WHEREAS on December 3, 2024, Mr. McDermott announced that he would be resigning his mandate as Integrity Commissioner of the City effective December 31, 2024;

AND WHEREAS the City wishes to appoint Michael L. Maynard of ADR Chambers as its new Integrity Commissioner commencing on January 1, 2025;

NOW THEREFORE, the City and ADRC for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. Effective January 1, 2025, Michael L. Maynard shall replace Edward T. McDermott as the City's Integrity Commissioner.
2. All references to Mr. McDermott in the Original Agreement are replaced with Mr. Maynard. All other terms, conditions, covenants, provisos, and stipulations in the Original Agreement remain the same and are hereby confirmed in full force, save and except such modifications only as are necessary to make them applicable to this Amending Agreement.

[Signature Page is on next page.]

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

THE CITY OF PORT COLBORNE

Per:

Name: William C. Steele
Title: Mayor

Name: Charlotte Madden
Title: City Clerk

We have the authority to bind the Corporation.

ADR CHAMBERS INC.

Per:



Name: Uri Snir
Title: Director of ADR Services

I have authority to bind the Corporation.

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 December 10, 2024

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 December 10, 2024, 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.
2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. 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.
4. That the Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

Enacted and passed this 10th, day of December, 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk