



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, February 14, 2022
Electronic Participation, 6:00 PM**

As part of the City's commitment to safety during the COVID-19 pandemic, this meeting of Council will be held electronically.

This Meeting may be viewed online at www.stcatharines.ca/youtube

Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting clerks@stcatharines.ca by Monday, February 14, 2022 before Noon. Comments submitted will be considered as public information and entered into public record.

Electronic Delegations: Those wishing to speak to an item on the agenda must complete the [City's Electronic Delegation Form](#) by Monday, February 14, 2022 before 9:00 a.m. and attend a test session with City staff on Monday, February 14, 2022 at 10:00 a.m.

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting with a Land Acknowledgement.

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1. Mayor's Report

2. Adoption of the Agenda

3. Adoption of the Minutes

3.1 Regular Council, Minutes of [January 31, 2022](#)

4. Declarations of Interest

5. Motion to Move Consent Reports

Consent Reports are approved in one motion which approves all of the recommendations contained in each report. Prior to this motion, a councillor may request that one or more of the reports listed under Item 6 be moved to the list of Discussion Reports.

6. Consent Reports

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6 - 16 6.1 Community, Recreation and Culture Services, Business Planning and Strategic Services
 Community Gardens on City-owned Land Policy – Insurance Update

17 - 83 6.2 Legal and Clerks Services, Office of the City Clerk
 Council Correspondence

7. Public Meetings

84 - 109 7.1 Financial Management Services, Director
 2022 Water Wastewater Budget and Associated Rates

110 - 164 7.2 Planning and Building Services, Planning Services
 Planning Act Public Meeting and Recommendation Report Re:
 Application to Amend Official Plan and Zoning By-law 2013-283 Subject
 Lands: 33 Rockwood Avenue
 *(Report republished February 10, 2022 to include amended setback
 information)*
 [Addenda]

165 - 281 7.3 Planning and Building Services, Planning Services
 Cannabis Operations Study – City Initiated Official Plan Amendment and
 Zoning By-law Amendment

8. Presentations

9. Discussion Reports

282 - 299 9.1 Financial Management Services and
 Engineering, Facilities and Environmental Services
 Port Dalhousie Staircases
 [Addenda]

10. Motions

10.1 Social Procurement

Councillor Garcia will present the following motion:

WHEREAS St. Catharines City Council values an open, fair, transparent process in all procurement; and

WHEREAS we recognize that every purchase has an economic, environmental, social and cultural impact; and

WHEREAS social procurement is a means to intentionally leverage a social value from existing purchasing to build healthy and resilient local communities; and

WHEREAS both the Provincial and Federal government have learned due to the COVID-19 pandemic and expressed it should be a priority to be prepared and improve access to opportunities for the Ontario and Canada workforce for employment in essential manufacturing of products, skills training and apprenticeship programs; and

WHEREAS St. Catharines has heavily promoted shop local and buy local to assist city businesses with the recovery from COVID-19; and

WHEREAS the Government of Canada is modernizing procurement practices to leverage the government's buying power to support socio-economic objectives and to generate positive societal impact by purchasing goods and services from targeted diverse suppliers and social enterprises; or incorporating social benefits requirements into procurement documents; and

WHEREAS other municipalities in Canada (e.g., Vancouver, Calgary, Toronto and Ottawa) have adopted policies to promote social benefits within their procurement policies; and

WHEREAS at its meeting of January 20, 2022, Niagara Regional Council unanimously passed a motion directing staff to prepare a report and recommendation on the benefits of adding a Social Component to their Procurement process; and

WHEREAS the Canada 2022 Summer Games has, via assistance from the Niagara Community Benefits Network (niagarabenefits.ca) and via a workshop offered by Buy Social Canada (buysocialcanada.com), begun to incorporate the priorities of social procurement in their preparation for the Canada 2022 Summer Games in Niagara Region; and

WHEREAS social procurement can be an opportunity to maximize the value of taxpayer dollars for the benefit of the community and alleviate some of the adverse impacts of the COVID-19 pandemic while supporting an equitable economic recovery; and

WHEREAS it is also an opportunity to support many of the objectives that the City has identified, including, but not limited to diversity, equity and inclusion, local economic development and employment, reconciliation, and community safety and well-being;

THEREFORE BE IT RESOLVED that, as part of the City's COVID-19 economic recovery efforts, our Procurement Department be directed to consult with experts such as Buy Social Canada and identify

opportunities to include and encourage the City's use of social procurement projects and social enterprises in our procurement; and

BE IT FURTHER RESOLVED that this consultation be conducted in close collaboration with the City's (and their Regional counterparts) Economic Development staff, and our Community Recreation and Culture Services staff plus appropriate City Advisory Committees and other community stakeholders, such as Niagara Community Benefits Network and the Niagara Poverty Reduction Network, and others as appropriate, with the intent of ensuring citizen-led economic efforts, local social procurement capacity building and job creation initiatives are included in the City's overall recovery strategy; and

BE IT FURTHER RESOLVED that the Director of Financial Management Services and her staff work closely with their Regional counterparts to provide a report to Council no later than the end of the second quarter of 2022 with potential actions to be taken to adopt the principles of social procurement in the City's procurement policies, and recommendations for Council's consideration; and

BE IT FURTHER RESOLVED that this motion be forwarded to Niagara Region, all other Niagara municipalities and local MPPs and MPs.

11. Call for Notices of Motion

12. Report Requests

13. Committee and Task Force Minutes

13.1 Minutes to Receive:

- Arts and Culture Advisory Committee, meeting of [December 1, 2021](#)
- Fallen Firefighters Memorial Task, meeting of [January 18, 2022](#)
- Heritage Advisory Committee, meeting of [January 13, 2022](#)(draft)
- Public Art Advisory Committee, meeting of [January 11, 2022](#)(draft)
- Recreation Facilities Allocation Policy Sub-Committee, meeting of [November 24, 2021](#) (draft)
- Social Sustainability Committee, meeting of [February 3, 2022](#) (draft)
- St. Catharines Museum Advisory Committee, meeting of [February 1, 2022](#)(draft)

[Addenda]

14. Closed Session

Council will meet in Closed Session for the following purpose(s):

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15. Motion Arising from Closed Session

16. By-laws

300 - 302 16.1 Reading of By-laws
 [Addenda]

17. Adjournment



Corporate Report City Council

Report from: Community, Recreation and Culture Services, Business Planning and Strategic Services

Report Date: December 21, 2021

Meeting Date: February 14, 2022

Report Number: CRCS-011-2022

File: 68.31.230

Subject: Community Gardens on City-owned Land Policy – Insurance Update

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: social



Recommendation

That Council amend the Community Gardens on City-owned Land Policy to include a stipend for the insurance requirements for community gardens approved through the Community Gardens on City-owned Land Policy contingent on annual Council approved funding; and

That Council amend the Community Gardens on City-owned Land Policy to include the option for Community Garden Coordinators to purchase insurance through the City; and

That Council approve the waiving of fees that relate to the preparation of legal agreements for community gardens approved through the Community Gardens on City-owned Land Policy; and

That Council amend the Community Gardens on City-owned Land Policy to include pollinator gardens within the definition of community gardens; and

Further, that staff include the insurance requirements expenditures for the Community Gardens on City-owned Land Policy for consideration in future draft operating budgets.

Summary

This report proposes amendments for insurance requirements, waiving of fees related to legal agreements and the inclusion of pollinator gardens for the Community Gardens on City-owned Land Policy (Appendix 1). Insurance requirements and legal agreement fees create significant barriers to success for community groups. The staff recommendation moves toward creating a barrier-free Community Gardens program and increases free access to food security for residents.

Relationship to Strategic Plan

The recommendation of this report supports the Social Well-Being pillar within the Strategic Plan:

- 2.1 Establish area-specific plans for the redevelopment of key sites in the City to promote strong, compatible, connected neighbourhoods that enhance the quality of life.

Background

At its meeting on [May 25, 2015](#), Council approved the following motion:

That Council approve the Community Gardens on City Land policy contained in Appendix 1; and

That Council delegate authority to the Director of Parks, Recreation and Culture Services to execute agreements for the purpose of establishing community gardens on City land provided the agreements are reviewed and approved by the City Solicitor; and

That Council refer the report to the Green Advisory Committee for consideration of developing a Community Garden grant; and

That staff set up a public information session with appropriate stakeholders interested in starting a community garden; and

That Community Care be included in the consultation regarding the harvesting of the foods grown in the Library garden; and

That staff reach out to corporate stakeholders regarding possible donations, and sponsorships that they may be willing to give; and

Further that the City Solicitor be directed to prepare the necessary by-laws.
FORTHWITH

At its meeting on [November 2, 2020](#), Council approved the following motion:

That staff be directed to amend the Community Gardens on City-owned Land policy to include the following:

Any existing or newly built community garden on City-owned land is eligible for a maximum \$500 operating stipend annually to alleviate any operational costs associated with the watering of the garden.

FORTHWITH

Report

This report proposes amendments for insurance requirements, waiving of fees related to legal agreements and the inclusion of pollinator gardens for the Community Gardens on City-owned Land Policy. Insurance requirements and legal agreement fees create significant barriers to success for community groups. The staff recommendation moves toward creating a barrier-free Community Gardens program and increases free access to food security for residents.

City Approved Community Gardens Policy

In May 2015, Council approved the Community Gardens on City-owned Land policy, which was developed by staff and subcommittee members of the Environmental Sustainability Committee. Through this policy, the City of St. Catharines supports and encourages the development of community gardens on City-owned parkland and other municipal property, where appropriate, by community groups and organizations, referred to hereafter as Community Garden Coordinators.

To establish a partnership between the City and the Community Garden Coordinators, both parties enter into a lease agreement. Once finalized, the Community Garden Coordinators are permitted to organize, plan, administer, finance, and manage community gardens.

As outlined on page three of the policy, the Community Garden Coordinators role includes:

“...Obtain and maintain acceptable insurance coverage and provide the City with an acceptable certificate of insurance. Generally, this will include comprehensive insurance for property damage, personal injury and public liability in the amount of \$5,000,000; however this requirement may change at the discretion of the City.”

As staff continue to work collaboratively with the community, it has become increasingly more difficult to obtain insurance and has created significant barriers to success for community groups to operate the gardens. In the past, third-party organizations such as churches were able to provide the necessary coverage within their Certificates of Insurance. However, the insurance landscape has changed, and the third-party option is often no longer available to the community groups. As a result, staff reviewed the options available to provide insurance in order to move towards creating a barrier free Community Gardens program for the City.

Similarly, it is recommended by staff that all legal agreement fees that are charged when establishing a new community garden location be waived to ensure financial accessibility.

Community Group Insurance Opportunity

In order to assist community groups with the lack of insurance opportunities for both the Community Gardens program and the Community Outdoor Ice Rink program, staff changed insurance providers. With the new insurance provider, the City can now offer the following insurance opportunities to community groups for the Community Gardens program:

Community Gardens (6 month period)*:

- \$5M Liability Limit = \$675.00 + \$330.00 per additional location (plus 8% PST)

*2021 rates, which are subject to change for 2022.

With the new availability of insurance opportunities for community gardens, the cost of purchasing the insurance is an additional barrier for community groups.

Current Community Gardens City Funding

The City currently funds Community Gardens through two areas as outlined below:

Community Gardens Operating Stipend

Each community garden on City-owned property is eligible for a \$500 (maximum) participation stipend to assist with the cost of water. The stipend amount is reviewed on an annual basis by staff.

In order to be eligible for the Community Gardens operating stipend, all Community Garden Coordinators must participate in a site visit with staff at the end of the planting season and submit the Community Gardens Summary Report.

The amount of stipend applied to the water bill is dependent upon the amount of water used as measured by the water meter at the site.

Upon receipt of the Community Gardens Summary Report, and a site visit to ensure the community garden has been appropriately cleaned up for the season, the Community Gardens Liaison applies the participation stipend directly to the water bill.

Green Advisory Committee Community Gardens Funding Programs

In addition to the Operating Stipend, Community Garden Coordinators are eligible for matching funds through the Community Gardens Funding Program, which is approved and awarded by the Green Advisory Committee.

Funds awarded through this program may be used towards capital costs associated with the community garden, including lumber, soil, seeds, rain barrels and other materials. The amount of funding awarded to each Community Garden Coordinator is dependent upon their capital costs for the planting season.

During the 2021 season, the Green Advisory Committee significantly increased its contributions to community gardens which included three new programs: Community Gardens Enhancements program, Community Gardens Incubator program and the Garden at Home program.

Council's Continued Commitment to Community Gardens

As noted above, Council has a long-standing commitment to community gardens funding through various sources, as outlined in the table below:

Funding Type	2019	2020	2021	2022
Current Community Gardens Stipend	-	\$2,000	\$2,000	\$2,000
Community Gardens Stipend for Insurance	-	-	-	\$2,916
Green Advisory Committee*	\$3,967	\$6,071	\$27,406	\$27,406
Total	\$3,967	\$8,071	\$29,406	\$32,322

*In 2021, the Green Advisory Committee's work plan strategically focused its efforts on Community Gardens, which included a greater financial contribution with added programs such as the Incubator Program, Enhancement Program and 50% matching funding program. The Green Advisory Committee's 2022 funding of \$27,704 is considered tentative as the committee is currently developing its 2022 work plan.

Community Led Pollinator Gardens

In 2017, the City received the Bee City designation in which we declared to do the City's part in reversing declining bee populations through public education, partnerships, and planting pollinator friendly plantings. Pollinator gardens are gardens planted predominately with flowers that provide nectar or pollen for a wide range of pollinating insects. Recently, staff have received multiple requests from community groups to plant pollinator gardens on City-owned land. As an example, in 2021, the Fitzgerald Neighbours partnered with the City and Niagara Peninsula Conservation Authority to establish a pollinator garden along the Terry Fox Trail.

As outlined on page 1 of the policy, the term community garden is defined as:

"...For the purpose of this policy the term community garden' is to be defined by the Community Garden Coordinators but in general shall refer to an area of land managed and maintained by a group of individuals for the purpose of cultivation of plants for personal consumption. Community gardens on City-owned land are not available to grow commercial produce or plants; however donation of produce is permitted and encouraged..."

Staff recommend the amendment of this definition to include pollinator gardens:

“...For the purpose of this policy the term community garden’ is to be defined by the Community Garden Coordinators but in general shall refer to an area of land managed and maintained by a group of individuals for the purpose of cultivation of plants for personal consumption **and/or pollinator gardens**. Community gardens on City-owned land are not available to grow commercial produce or plants; however donation of produce is permitted and encouraged...”

Financial Implications

For the 2022 season, the stipend for insurance requirements and waiving of fees related to legal agreements will be accommodated through the Council approved 2022 operating budget. The total community garden stipend per site will increase to \$1,229 for a total annual cost of \$4,916.

Location	2021 Insurance Stipend Expense
Queenston Neighbours Community Garden located at Richard Pierpoint Park	\$675
‘Partners in Planting’ Community Care Garden located at Torosian Park	\$675
Links for Greener Learning ‘Buchanan Teaching Garden’ located at Buchanan House	\$675
Fitzgerald Neighbours Community Gardens located at Catherine Street Park	\$675
PST (8%)	\$216
Total:	\$2,916

The Community Gardens stipend for insurance requirements and waiving of fees related to legal agreements will be included in future operating budget submissions for Council approval.

For 2021, the legal agreements fee is \$534.35 per agreement and is applied to any new community garden locations.

Environmental Sustainability Implications

The recommendations in this report support the Environmental Stewardship goal in Council’s Strategic Plan. Community gardens provide an opportunity to increase resiliency to climate-related impacts and reduce community-generated greenhouse gases.

In terms of climate resiliency, the recommendations in this report directly support the recommendation out of the City’s Climate Adaptation Plan. Specifically, action #28 in the Adaptation Plan is:

- Use partnerships to address climate change considerations in food-security communications and programming such as the community gardens.

Community gardens highlight importance of local food systems, improve local food-security, support the local community and vulnerable populations.

The agriculture sector is a significant source of Canada's total greenhouse gas emissions. At least part of these emissions is from the transportation of food to the consumer. Generally, the greater the distance the food travels the greater the emissions. Growing food locally, such as in community gardens, can reduce the emissions related to this food.

Conclusion

Council's approval of the proposed amendments for insurance requirements, waiving of fees related to legal agreements and the inclusion of pollinator gardens for the Community Gardens on City-owned Land Policy will remove significant barriers to success for community groups. Council's approval of the proposed recommendation continues to move the City towards creating a barrier-free Community Gardens program and increases free access to food security for residents.

Prepared & Submitted by

Eric Lamothe
Manager of Business Planning and Strategic Services

Approved by

Phil Cristi
Director of Community, Recreation and Culture Services

Appendices

- Appendix 1 - Community Gardens on City-owned Land policy (2015)

Corporate Policy

Subject: Community Gardens on City-owned Land

Policy From: Parks, Recreation & Culture Services

Issue Date: May 26, 2015

Revision Date: ----

Review Date: May 26, 2017

Policy

The City of St. Catharines supports and encourages the development of community gardens on City-owned parkland and other municipal property, where appropriate, by community groups and organizations, referred to hereafter as Community Garden Coordinators.

Purpose

The purpose of this policy is to establish a protocol for entering into lease agreements with Community Garden Coordinators on City-owned parkland and other municipal property (where appropriate) and to outline the roles and responsibilities of City staff and the Community Garden Coordinators.

For the purpose of this policy the term 'community garden' is to be defined by the Community Garden Coordinators but in general shall refer to an area of land managed and maintained by a group of individuals for the purpose of cultivation of plants for personal consumption. Community gardens on City-owned land are not available to grow commercial produce or plants; however donation of produce is permitted and encouraged.

The Role of the City

General Administration

1. Assign a member of staff to act as the Community Garden Liaison.
2. Provide information on the process to develop a a community garden on City land and the roles of the City and Community Garden Coordinators.
3. Maintain a list of community gardens and their contact information on the City's website.
4. The Community Garden Liaison will be responsible for coordinating between the Community Garden Coordinators and City departments, other governmental

agencies (as required for approval of garden location), and other community gardens.

5. Develop, and update as needed, a resource for *Selecting a Community Garden Site*.
6. Provide letters of support to Community Garden Coordinators for grant applications, and similar, once the City has authorized the development of a lease agreement.

Establishing a Community Garden

1. Work with the Community Garden Coordinators to identify and evaluate potential community garden sites, not including soil tests or utility locates.
2. Circulate the information about the proposed community garden and its location to City departments and any external agencies for review and comment as required.
3. Provide written notification to neighbouring property owners and ward councilors.
4. Coordinate the installation of a water service if required and requested by the Community Garden Coordinator; the Community Garden Coordinators will be responsible for the full cost of installation.
5. Prepare the lease agreement and circulate it for execution.
6. Review and file the approved liability insurance.

Garden Construction

1. Stake out the extent of the garden area included in the lease agreement.

Community Garden Operation

1. Consistent with regular turf maintenance schedules, mow and trim the grass around the perimeter of the community garden where standard machinery can access the grass.
2. Arrange for regular waste collection from designated containers. The City will arrange one extra waste collection during the spring and fall. The date of this collection is to be coordinated with the Community Garden Coordinators.
3. Supply wood chips when requested and when resources are available to do so to a maximum of three times per year.
4. Seasonally turn on and shut off (mid-October) water supply and coordinate these dates with the Community Garden Coordinators.

The Role of the Community Garden Coordinators

Community gardens will be organized, planned, administered, financed and managed by Community Garden Coordinators. Community Garden Coordinators must be legal entities, such as not-for-profit corporations, that are capable of entering into a lease agreement with the City and obtaining the required insurances.

Establishing a Community Garden

1. Community organizations interested in starting a community garden will contact the City in writing. Applications for Community Gardens can be submitted at any time throughout the year but must be received by September 30th to begin the

site selection process for the growing season of the following year, pending all necessary approvals.

2. Work with the City to identify and evaluate potential community garden sites. *Selecting a Community Garden Site* guide provides a reference for this.
3. Community meetings are encouraged; Community Garden Coordinators would be responsible for organizing such meetings.
4. Obtain and maintain acceptable insurance coverage and provide the City with an acceptable certificate of insurance. Generally this will include comprehensive insurance for property damage, personal injury and public liability in the amount of \$5,000,000; however this requirement may change at the discretion of the City.
5. Sign and return the lease agreement to the contact on the lease agreement's covering letter.

Garden Construction

1. Be responsible for all aspects of garden construction except staking out the extent of the garden area included in the lease agreement and installation of any water services; Community Garden Coordinators will be responsible for the full cost of water service installation.
2. Construct the community garden in accordance with the lease agreement and applicable by-laws, legislation, policies and regulations.
3. Obtain utility locates before any digging for soil preparation, fencing, building or any other garden activity. Utility locates expire; therefore they will need to be renewed with each new digging activity. Current locate information must be on-site at the time of digging or tilling.

Community Garden Operation

1. Responsible for operating the community garden and developing any desired garden policies such as an allocation policy, waitlist policy, fee structure and garden rules and regulations. Community gardens must be available to the community-at-large or to the community served by the sponsoring organization. Gardeners must be selected using a fair, equitable, open and transparent process with intention for all interested gardeners to be given equal chance to have access to a plot.
2. Administer and manage the community garden, including volunteer recruitment and management (including any necessary health and safety training), plot requests and assignments, collection of any plot fees, etc.
3. Coordinate any municipal services with the City staff liaison (e.g. bi-annual waste collection, bi-annual turn-on and shut-off of water, etc.).
4. Payment of any utilities in accordance with the lease agreement (e.g. water service).
5. Complete and submit to the City annually the *Community Garden Summary* for evaluation of the community gardens program; this summary will request information such as the number of plots available and the number of gardeners on the waiting list.

Decommissioning a Garden Operation

1. Inform the Community Garden Liaison of decision to terminate the lease.
2. Return the land to its original condition, including all associated costs.

Policy Review

A review of this policy shall be initiated two years from the date of issue and every five years thereafter.



Corporate Report City Council

Report from: Legal and Clerks Services, Office of the City Clerk

Report Date: February 4, 2022

Meeting Date: February 14, 2022

Report Number: LCS-019-2022

File: 10.12.1

Subject: Council Correspondence

Strategic Pillar:

Recommendation

That Council receive and file the items listed within the report; and

That Council appoint the individuals outlined in the confidential memorandum from the City Clerk to the Advisory Committee on Older Adults; and

That Council appoint the individual outlined in the confidential memorandum from the Clerk City to the Anti-Racism Advisory Committee; and

That Council appoint the individuals outlined in the confidential memorandum from the City Clerk to the Equity and Inclusion Advisory Committee; and

Further, that Council receive and file additional correspondence distributed for the meeting held February 14, 2022, which is available upon request.

Report

The Office of the City Clerk is submitting, for the approval of Council, correspondence received during the period of January 21, 2022 to February 3, 2022.

The information regarding appointments for vacancies on the Advisory Committee on Older Adults, Anti-Racism Advisory Committee and Equity and Inclusion Advisory Committee is being provided through confidential memorandums as discussion of the merits of individual applicants could be considered a personal matter about identifiable individuals. The memorandums will be placed in Council's SugarSync folder prior to the Council meeting of February 14, 2022. The appointments approved by Council will be published in the meeting minutes.

At the meeting of December 8, 2021, City Council approved a motion regarding the creation of a consolidated transit commission for Niagara. Attached as Sub-Item #2 is a resolution from the City of Port Colborne also endorsing the creation of a consolidated transit commission for Niagara.

Correspondence

1. Federal Minister of Agriculture and Agri-Food and Ontario Minister of Agriculture, Food and Rural Affairs - re. changes to Ontario Wildlife Damage Compensation Program
2. City of Port Colborne – re. Consolidated Passenger Transportation System for the Niagara Region
3. AMO Watchfile – January 27, 2022
4. AMO Watchfile – February 3, 2022

Reports Requested by Council

5. Outstanding Reports List – updated February 4, 2022

Confidential Memorandums from Staff

(See SugarSync folder for February 14, 2022)

- City Clerk re. – vacancy appointments for Advisory Committee on Older Adults
- City Clerk re. – vacancy appointment for Anti-Racism Advisory Committee
- City Clerk re. – vacancy appointments for Equity and Inclusion Advisory Committee

Prepared by

Evan McGinty
Council and Committee Coordinator

Submitted and Approved by

Bonnie Nistico-Dunk
City Clerk



January 25, 2022

David Oakes
CAO
City of St. Catharines
doakes@stcatharines.ca

Dear Mr. Oakes:

Strengthening the agriculture and agri-food sector is critical to Canada's economic growth. In partnership, the Governments of Canada and Ontario are working to deliver the greatest benefits for farmers, food processors and Canadian families.

As part of these ongoing efforts, we would like to share with you that today we are boosting the per claim administration payment amount provided to municipalities through the Ontario Wildlife Damage Compensation Program (OWDCP).

We understand the important role OWDCP plays in supporting farmers by providing compensation when their livestock and/or poultry has been injured or killed by wildlife, and to beekeepers whose beehives, bee colonies and related equipment are damaged by wildlife.

Municipalities are valued partners in delivering the OWDCP, and we appreciate your commitment to administering this program. In recognition of the crucial role municipalities play, the payment amount provided to municipalities will increase to \$50 per application, from the previous \$30, for any application with an injury/kill date of February 1, 2022 onwards. This increase recognizes that municipalities' incremental costs of program delivery have increased because of changes made over the past few years to strengthen the program.

To ensure a smooth transition date, February 1, 2022, municipalities will be able to begin accessing the increased payment amount through OWDCP. This coming into force date will also ensure a smooth transition, as well as minimize any potential errors in payments or financial reporting.

This timely investment will help to sustain one of the business risk management supports that our livestock farmers count on to do the invaluable work that they do in supplying safe, high-quality food for the people of the province.

.../2

- 2 -

This initiative builds on other supports extended to the province's agricultural sector to protect its progress as we move forward during the COVID-19 pandemic.

We would like to recognize Mayor Kevin Holland, of the Township of Conmee, who has advocated for these improvements during meetings of the Association of Municipalities of Ontario (AMO).

Updated program guidelines are available at www.ontario.ca/predation. Should you have any questions, please contact wildlife.damage@ontario.ca.

Sincerely,



Marie-Claude Bibeau
Federal Minister of Agriculture
and Agri-Food



Lisa M. Thompson
Ontario Minister of Agriculture,
Food and Rural Affairs



PORT COLBORNE

Corporate Services Department
Clerk's Division

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AGENDA ITEM #6.2

Sub-Item 2

February 2, 2022

Ann-Marie Norio
Office of the Regional Clerk,
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Sent via E-mail: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: City of Port Colborne – Resolution Re: Consolidated Passenger Transportation System for the Niagara Region

Please be advised that, at its meeting of December 13, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

That Chief Administrative Office Report 2021-317 be received; and

That Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

A copy of Chief Administrative Office Report 2021-317 is enclosed for your reference.

Sincerely,

Amber LaPointe
City Clerk

ec: Niagara Local Municipalities



Subject: Niagara Transit Governance - Creation of a Consolidated Transit Commission

To: Council

From: Chief Administrative Office

Report Number: 2021-317

Meeting Date: December 13, 2021

Recommendation:

That Chief Administrative Office Report 2021-317 be received; and

That Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

Purpose:

The purpose of this report is to seek Council's support in creating a single, consolidated transit system, in the form of a new Transit Commission that would formally integrate the Regional and local transit systems currently operating across Niagara.

This support is being sought as part of the triple-majority process required to transfer responsibility for transit to the Region.

Background:

The vision for a single regional transit agency for Niagara is a long-standing one going back as early as the late 1990s. Today in Niagara, transit is delivered by a mix of different levels of government delivering different services, with different operating hours, standards or frequency of service, and with significant barriers to movement across municipal boundaries.

The process towards a consolidated system took a significant step forward in late 2020 with the completion of the Niagara Transit Governance Study (NTGS) which outlined a

recommended governance model for a new transit commission and was brought forward with an associated financial strategy.

Through 2021, the Governance Steering Committee (GSC), led by all thirteen CAOs across Niagara, has undertaken significant consultation on the proposed strategies for consolidation (governance, financial, and service standards).

This consultation included two rounds of engagement with the City of Port Colborne. Report 2021-206 (August 23, 2021) confirmed that the previous feedback that was provided by City Council in early 2021 had been addressed, and that there was no further feedback received in anticipation of the triple-majority vote.

On September 29, 2021, the Linking Niagara Transit Committee (LNTC) endorsed the final governance model for the consolidation of transit and recommended the initiation of the triple-majority process to create the new commission.

The first step in the triple-majority process took place on November 25, 2021, when Regional Council supported moving forward, voting 24 to 1 in favour of the motion.

Port Colborne City Council, along with all Niagara Municipalities, is now being asked to provide similar support of the creation of the new commission. To achieve full triple-majority approval a majority of local councils, representing a majority of the electors in Niagara, must now provide their support.

Discussion:

Benefits

Staff feel that introducing an integrated Regional transit system would bring dramatic benefits to the residents of Port Colborne and Niagara as a whole, including:

- Creating a single branded system that can take riders anywhere in the Region, for a single fare, that will break down jurisdictional barriers and connect communities;
- Leveraging and supporting GO rail and bus expansion within the Niagara Region;
- Developing and supporting the economy, job retention, and creating and driving tourism;
- Promoting socially equitable access to transit;
- Being environmentally sustainable and reducing traffic congestion;
- Supporting accessibility through the standardization of accessibility policies and a greater pool of resources to implement improvements; and
- Providing better value and service to the taxpayers of Niagara.

It is only through the move to one consolidated agency that these outcomes can be achieved.

While significant work has been done to improve, integrate, and coordinate the existing systems in Niagara, consolidation will mean a larger and combined resource pool, which will support efficiencies that cannot be otherwise achieved as separate entities duplicating efforts, and which will then be reinvested into the network to enhance service.

Final Governance, Service Standards, and Financial Strategies

Regional Report PW55-2021 (Appendix A) summarizes the final board composition, service standards, and financial strategies that comprise the governance proposal for the creation of the new Transit Commission.

- The **Service Standards Strategy** outlines a three-phased approach to the standardization and enhancement of transit service across Niagara to achieve consistent, equitable access to transit for all Niagara residents and communities, including expanded operating hours and the integration of on-demand and specialized service.
- The **Financial Strategy** proposes that all LAM transit service budgets be uploaded to the Commission in the 2023 budget year, as well as the Region's existing transit budget to be consolidated by the commission and to be assessed to the LAMs by way of special levies to be approved annually by the Region.
- The **Governance Strategy** recommends the creation of a 15-member elected Transitional Commission Board, to be comprised of either Regional or local councillors and including a dedicated representative for Port Colborne, supported by a 20-member Public Advisory Committee. The structure of the transitional board will be re-evaluated as part of an external third-party review, with implementation to coincide with the 2026 municipal election cycle.

These strategies are substantially similar to those presented to Port Colborne Council over the summer of 2021, with only a minor update to the governance strategy confirming the timing for the third-party review.

Next Steps

Should triple-majority be achieved, an approximate one-year transition period would commence during which the commission would be established in advance of the assumption of day-to-day operations on January 1, 2023.

Key activities of this transition period would include formally creating the commission as an agency of the Region, populating the transitional Commission Board and Advisory Committee, negotiating and executing asset transfer agreements with Niagara Falls, St. Catharines, and Welland, and recruiting a General Manager and transitioning staff.

Port Colborne Council would be asked to forward recommendations to the commission for its representatives on the Commission Board and Advisory Committee in the spring of 2022.

Port Colborne Transit – NRT OnDemand Pilot

In parallel to potential consolidation of transit into a new Commission, Port Colborne is currently in the process of transitioning its local transit service to the Niagara Region Transit OnDemand pilot project, with an anticipated launch date of January 3, 2022.

The decision to support a consolidated transit system for Niagara is distinct from the decision for Port Colborne to participate in the NRT OnDemand pilot.

Should triple-majority be achieved, the service standards and financial strategies anticipate that the Commission would continue to deliver on-demand transit services in communities such as Port Colborne, with a potential move to in-house service delivery in the future. Should triple-majority not be achieved, the future of the NRT OnDemand pilot will be a decision to be made by Regional Council in late 2022.

Internal Consultations:

City staff from the Chief Administrative Office and Corporate Services have been actively working with Regional staff and City Communications staff on this initiative.

Financial Implications:

The financial strategy proposed would see existing municipal transit budgets uploaded to the new Transit Commission in a single year (2023), following which the Regional Council approved budget of the commission will be apportioned to each of the LAMs using twelve Special Levies, one for each municipality.

All uploaded local transit service costs and future incremental costs will be allocated to the Special Levy based on service hours. Existing Niagara Region Transit (NRT) service costs continue to be allocated to the Special Levy based on municipal share of Regional assessment, as they are already today.

In other words, there will no longer be any costs associated with operating municipal transit in the City's annual budget and the cost of operating the Regional Transit system

will appear on residents' tax bills as a special levy in the same way that Waste Management charges appear currently.

Public Engagement:

Significant consultation was undertaken during the development of the transit governance proposal. In September 2021, a website was launched (movingtransitforward.ca) that included a survey asking the public for feedback on the proposed governance, service plan, and financial models. A total of 2,251 individuals completed the survey, with 79% in favour of the financial strategy, 82% in favour of the Board composition structure, and 85% in favour of the service standards strategy.

Two rounds of consultation were undertaken with each municipality in Niagara, first on the result of the original Niagara Transit Governance Study (NTGS) and then on the revised strategies developed by the Governance Steering Committee (GSC). Significant change occurred from the initial proposal to the subsequent revised strategies reflecting the feedback received by municipalities.

Lastly a series of workshops were conducted with interested parties from across Niagara, representing organizations or demographics who either rely on transit or with a mandate that is closely related to transit. Example attendees included members of environmental and accessibility advisory committees, local business leaders and Chambers of Commerce, institutional administrators, and other advocates.

Strategic Plan Alignment:

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
 - Value: Financial Management to Achieve Financial Sustainability
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

A consolidated transit system is anticipated to bring significant mobility, economic, and equity benefits to the residents of Port Colborne.

Adoption of the recommendations of this report will represent the City of Port Colborne's triple-majority vote in favour of creating this new transit system.

Appendices:

- a. Regional Report PW55-2021 – Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

Respectfully submitted,

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Chief Administrative Officer
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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.

Subject: Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

Report to: Regional Council

Report date: Thursday, November 25, 2021

Recommendations

1. That Regional Council **ENACT** a By-law pursuant to section 189 of the *Municipal Act, 2001*, and substantially in the form attached as Appendix 1 of Report PW 55-2021, to provide The Regional Municipality of Niagara with the exclusive authority to establish, operate and maintain an intra-municipal passenger transportation system for the Region (having previously received inter-municipal authority), and such By-law, if adopted, to come into force and effect on January 1, 2023, provided that:
 - 1.1. a majority of the councils of the local area municipalities pass resolutions consenting to the By-law; and,
 - 1.2. the total number of electors in the local municipalities that have passed resolutions in support of the By-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
2. That, subject to the adoption of the aforementioned By-law, a copy of the By-law and Report PW 55-2021 **BE FORWARDED** to the clerks of the 12 local area municipalities with a request that their councils consider adopting the following resolution and advise the Regional Clerk of the results of that consideration, no later than January 31, 2022:

“That the Council of (name of municipality) consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region ”
3. That subject to the adoption of the aforementioned By-law, the Chief Administrative Officer and General Manager of the future Transit Commission **BE AUTHORIZED** to negotiate municipal asset transfer agreements with the City of Niagara Falls, City of

St. Catharines, and City of Welland, on the basis of the principles in Appendix 3 and in a form satisfactory to the Director, Legal and Court Services.

4. That subject to the adoption of the aforementioned By-law, the Chief Administrative Officer **BE DIRECTED** to report back to Regional Council early in 2022 on the creation of a Regional Transit Commission, as described in this report and the attached appendices, and recommending the roles and responsibilities of the Commission.

Key Facts

- The purpose of this report is to seek Regional Council authority to create a single, consolidated transit system, that would formally integrate all existing Regional and local transit systems, and that will bring dramatic benefits to the residents of Niagara:
 - Creating a single branded system that can take riders anywhere in the Region, for a single fare, that will break down jurisdictional barriers and connect communities;
 - Leveraging and supporting GO rail and bus expansion;
 - Developing and supporting the economy, job retention, and creating and driving tourism;
 - Being environmentally sustainable and reducing traffic congestion;
 - Supporting accessibility; and
 - Providing better value and service to the taxpayers of Niagara.
- Regional Council approval to move forward with consolidation represents the first step in a required triple-majority process that will be followed by seeking similar authorization from each of Niagara's twelve municipalities, as set out in section 189 of the Municipal Act, 2001.
- Should triple-majority be achieved, the new Transit Commission will be created and would begin operation on January 1, 2023.
- The Linking Niagara Transit Committee (LNTC) has endorsed the proposed governance model for the consolidation of transit (September 29, 2021),

comprised of a comprehensive financial, Board composition, and service strategies.

- These combined strategies for the new Transit Commission reflect extensive consultation, including: two rounds of consultation with local municipalities, as well as engagement with interested parties from across Niagara and the public.
 - The recommended strategies reflect the consensus recommendation of the Governance Steering Committee (GSC), balancing the input and feedback received from all parties. The City of Welland has identified ongoing concerns, which are discussed in the companion memorandum to this report.
- Now is the opportunity to take the final step towards the establishment of a consolidated system. Only through a single Commission model – a single decision making authority for transit – can the benefits of these next steps be realized.

Financial Considerations

Should triple-majority approval be achieved, the financial strategy outlined in this report and in further detail in [LNTC-C 3-2021](#) proposes the Region upload the Municipal levy funding of the baseline local transit service net expenditure to the Regional levy, using the combined 2020 transit budgets at \$27.8M and estimated to be \$29.4M in 2023.

The upload to the new Transit Commission will occur in a single year 2023, following which the Regional Council approved budget of the Commission will be apportioned to each of the LAMs using twelve Special Levies, one for each municipality. All existing Niagara Region Transit (NRT) service costs transferred to the Commission will continue to be allocated to the Special Levy based on municipal share of Regional assessment and the local transit service costs will be allocated to the Special Levy based on service hours. Tax bills will show a separate LAM regional transit levy so this is clear for all property owners. An insert in the tax bill will explain to property owners that the Special Levy is not an additional charge, but instead reflects the upload of responsibility for transit, and the tax space associated with the cost of transit also moves to the Region.

The 2023 estimated baseline operating budget of the new Transit Commission will represent a 7.3% increase to the Regional budget resulting from the local transit service costs being shifted from LAMs to the Commission budget; to be levied by the Region. This increase is expected to be offset by equal and concurrent reductions to municipal

budgets to minimize the property taxpayer impact from transit consolidation. In addition, the establishment of a new transit capital reserve, requires an additional 0.5% (\$2.2M) increase to the 2023 Regional budget.

Note that all financial modeling is estimated based on 2020 budgets and would be adjusted prior to 2023 to reflect most recent financials, including final asset inventories and debt to be assumed by the Commission. Future growth and service strategies are subject to future budget approvals and will directly impact the proportion of costs a municipality is apportioned.

Analysis

Moving Transit Forward

The vision for a single regional transit agency for Niagara is a long-standing one, with a significant series of previous milestones having been achieved dating back well more than a decade.

Recent milestones include the formation of the inter-municipal transit working group (IMTWG) in 2015, the Niagara Transit Service Delivery and Governance Strategy Report (*Dillon Report*, 2017), unanimous triple majority approval in 2017 granting the Region legal jurisdiction to move NRT from a pilot to permanent operation – along with unanimous municipal approval to proceed to develop a new governance system for a consolidated transit system for all of Niagara, the establishment of LNTC, the 2017 MOU between Niagara's four major transit properties that endorsed a consolidated transit system in principle, and the completion of the Niagara Transit Governance Study (NTGS) in 2020.

LNTC has now developed and endorsed the final recommended governance proposal, comprised of the financial, Board composition, and service strategies as outlined in this report, and supported the initiation of the required triple-majority approval process.

Now is the opportunity to take that final step towards the establishment of that consolidated system, one that is anticipated to bring dramatic benefits to the residents of Niagara by:

- ✓ Creating **one unified transit system** for Niagara.
- ✓ Breaking down barriers and **connecting communities**, ensuring all residents in Niagara have access to transit.
- ✓ **Expanding and enhancing service** – with new, longer, and consistent operating hours.
- ✓ **Connecting to GO Transit** as service is expanded and enhanced in the near future.
- ✓ **Supporting business and economic development** by connecting employers with new customers and employees with new opportunities.
- ✓ **Driving Tourism** by connecting people to all the destinations and activities that Niagara has to offer.
- ✓ Connecting **Seniors** to their community – to access services, see family and friends, and maintain independence.
- ✓ Establishing **one single fare** that takes you anywhere in the Region, with a new payment system.
- ✓ Being **innovative**, using new methods to serve communities like on-demand transit.
- ✓ Having **one schedule**, with one website and one app to help you plan your trip.
- ✓ Creating a more **accessible** and **equitable** system by ensuring all residents have similar access to service.
- ✓ Supporting the **environment** by reducing greenhouse gas emissions and support future moves to a zero-emission fleet.
- ✓ Ensuring that **Students** and **Youth** can get to school, participate in extra-curricular activities, or access a job.
- ✓ Ensuring it is **funded fairly**, with residents only paying for the service they receive directly.
- ✓ Delivering **better value for the taxpayer** through the more efficient delivery of service and eliminating duplication.
- ✓ Providing access to **Health Care**, and improving social determinants of health.
- ✓ Ensuring **maximization of capital** resources.
- ✓ Ensuring consistent, reliable and **accessible infrastructure** which enables all riders to equitably access transit.

It is only through the move to one consolidated agency these outcomes can be achieved.

Significant work has been done to improve, integrate, and coordinate the existing systems in Niagara, and consolidation will mean a larger and combined resource pool, which will support efficiencies that cannot be otherwise achieved as separate entities duplicating efforts, and which will then be reinvested into the network to enhance service.

Operational integration under the current status quo can only go so far before decisions require political authority to make meaningful change – which creates inconsistencies, inequity, and disconnected operations. Only through a single Commission model – a single decision making authority for transit – can the benefits of these next steps be realized. Whether aligned fare policies (i.e. single fare), fare exemptions (i.e. Niagara-wide low income pass), single unified system branding on fare technology or fleet, addressing inconsistent service hours, or an ongoing lack of consistency in capital improvements – these benefits can only be achieved with a single governance model to ensure the consistency, reliability and frequency transit riders expect can be realized.

Under the status quo, if one Council is not aligned for investments, the system is out of sync. This is what has led to the inconsistencies that plague today's system. The IMTWG has made incredible strides to harmonize as much as possible, but obvious gaps and confusion to those using the system prevail.

Building Niagara

A move to a consolidated Region-wide transit agency is critical for ensuring that Niagara remains a competitive destination for people and businesses, and is able to retain those already here.

Regional transit systems have been established in a number of peer jurisdictions previously: Waterloo, Durham and York Regions in terms of bringing together local transit systems to a combined Region wide system for example, as well as those de-facto Region-wide systems established through municipal amalgamations such as in Hamilton.

These jurisdictions have all seen significant growth not only in transit ridership, driven by both the consolidation and expanded investment into the transit network, but also in terms of the associated benefits from transit such as business development and the expansion of their post-secondary institutions.

Niagara Region is experiencing significant and rapid growth. People and businesses coming to Niagara are often relocating from areas such as the GTA with existing transit systems, and accordingly are bringing with them the expectation that a robust transit system will be in place in their new home.

The move to a consolidated transit system will address this expectation - ensuring that Niagara is able to not only meet and support the growth that is already in place but to continue to meet it in the future, including an projected 19% increase in population and 16% growth in employment by 2031 (2019 Municipal Growth Plan). This growth will come from many areas, including: recent trends of relocation from the GTA, newcomers to Canada, the expansion of GO transit to Niagara, as well as the growth of institutions such as Brock University, Niagara College, and new facilities such as the Niagara South Hospital.

Establishing a consolidated transit system is critical to meeting the evolving needs of existing residents, as well as ensuring that Niagara remains an attractive and competitive place to attract new growth.

Creating a Consolidated Transit System - Triple Majority Approval

Creating authority for one consolidated transit system in Niagara will require triple-majority approval of a by-law to transfer to the Region the legislative authority to operate intra-municipal transit service in Niagara (the Region having received inter-municipal authority previously in 2017).

Triple majority support consists of:

- A majority of all votes on upper-tier council [Regional Council];
- A majority of all the lower-tier [LAM] councils passing resolutions consenting to the by-law; and
- The total number of electors in the lower-tier [LAM] municipalities that have passed resolutions consenting to the by-law form a majority of the electors in the upper-tier municipality.

This report is the first step in this process and the represents the Regional approval to move forward into a consolidated system. Should the recommendations of this report be adopted, each of Niagara's LAMs will then be asked to subsequently consider the by-law through the remainder of 2021.

Should triple-majority be achieved, an approximate one-year period would be required to establish the new Transit Commission and to prepare for the assumption of day-to-day operations on January 1, 2023. In the interim, the existing transit systems would continue to operate and deliver service while the Region will take steps to ensure a smooth transition. As outlined in the Municipal Transfer Agreement term sheet (Appendix 3), no additional changes in operation or new assets would be on-boarded after June 30, 2022 in order to provide a 'steady-state' for the final period prior to operations turnover. Changes made between 2021 and June 30, 2022 will alter the previously estimated special levies for each municipality.

The [Transition Plan of the NTGS](#) outlines the major milestones required to establish the Commission during this one-year period, with further discussion later in this report regarding some of the immediate next steps should triple-majority be achieved.

Final Governance, Service Standards, and Financial Strategies

The creation of a regional transit municipal service board to serve as the new Transit Commission, Board composition for the Commission, service standards, and financial strategies comprise the governance proposal for the new Transit Commission, outlining how the new agency would be established and the terms and conditions in which it will ultimately function.

These strategies have been summarized in the sections below, with reference provided to previous reports that provide additional detail where applicable.

Extensive Consultation

The aforementioned strategies were developed and articulated originally as part of the NTGS consultants study, as well as through the work of both local and Regional staff such as the Area CAOs and Treasurers. Since that time, they have been refined through significant engagement and consultation, including:

- **Two Rounds of Municipal Consultation** – Local municipal Councils reviewed the initial proposed strategy and provided feedback on both the original NTGS recommendations and associated financial model; followed by a second opportunity for further feedback based on the revised strategies developed by the GSC in response to the first round of engagement. The proposal was presented to Council of all local municipalities in public session providing an opportunity for members of council and the public to provide input. Significant change occurred

from the initial proposal to the subsequent revised strategies. This was a direct result of the municipal feedback.

A companion memorandum (CL-C 86-2021) has been prepared that outlines the outstanding discussion points raised by the City of Welland and how these items were acknowledged, weighed, considered and responded to throughout the current process.

- **Interested Party Consultation** - Following the LAM discussions, a series of workshops were conducted with interested parties from across Niagara, representing organizations or demographics who either rely on transit or with a mandate that is closely related to transit. Example attendees included members of environmental and accessibility advisory committees, local business leaders and Chambers of Commerce, institutional administrators, and other advocates.

The purpose of these sessions was to ensure that these groups had the latest information regarding the consideration of a consolidated transit system, and had an opportunity to provide feedback prior to the finalization of the proposal.

These sessions were organized thematically, covering a wide variety of topics such as the environment, seniors, youth, business and tourism, post-secondary institutions, diversity and inclusiveness, libraries, health services, and accessibility.

- **Public Consultation** – in September 2021, a website was launched (movingtransitforward.ca) that provided an overview of the proposal for a consolidated transit system, as well as details on the core strategies of the governance model. A survey asked for feedback from the public on the proposed models:

A total of 2,251 individuals took the survey. Respondents included representation from all Niagara municipalities, representing a mix of both transit and non-transit users (38% monthly or more frequent, 44 % non-transit users). Consistent support was expressed for all three of the governance strategies, with 'support' or 'strong support' being indicated by:

- 79% of respondents for the financial strategy;
- 82% of respondents for the Board composition structure; and

- 85% of respondents for the services standards strategy.

The details results of the public consultation survey are including in Appendix 2.

Board Composition Strategy

The LNTC has endorsed and recommends the creation of a 15-member elected Transitional Commission Board, to be comprised of either Regional or local councillors, supported by a 20-member Public Advisory Committee as shown in Figure 1 below.

The Region would be represented by the Regional Chair or the CAO (or their delegate) as ex-officio attendees to ensure that answers to questions concerning Regional operations and matters that impact the Region related to the Commission can be responded to for the Board in a timely way.

Figure 1 - GSC Recommended Board Structure

Transitional Transit Commission Board	Public Advisory Committee
<p>(15) Total Elected Official Representatives</p> <ul style="list-style-type: none"> • (3) St. Catharines • (2) Niagara Falls • (1) Welland • (1) Fort Erie • (1) Grimsby • (1) Lincoln • (1) Niagara-on-the-Lake • (1) Pelham • (1) Port Colborne • (1) Thorold • (1) Wainfleet • (1) West Lincoln 	<p>(20) Total Public Interested Party Representatives</p> <ul style="list-style-type: none"> • (12) Niagara Residents (one per Municipality) • (2) Members representing Accessibility Advisory Committees or other Accessibility Stakeholders • (2) Post-Secondary Representatives (1 student union representative from Brock University and 1 from Niagara College) • (1) Member representing Niagara's Chambers of Commerce • (1) Senior Issues Stakeholder • (1) Youth Issues Stakeholder • (1) Transit Commission General Manager (ex-Officio)
<p><i>Members recommended by local Councils; appointed by Regional Council.</i></p>	<p><i>Resident members recommended by local Councils; all members appointed by the Transit Commission Board.</i></p>

In the development of this recommendation, the GSC considered feedback from all 12 municipalities regarding the overall size, elected composition, and share of representation of the Transitional 15-member Commission Board.

This recommendation balances that input: ensuring that all local municipalities have direct representation during the transition period, providing additional representation to municipalities on the basis of ridership, while respecting the total size of the Board.

The mandate of the Transitional Board will end with the establishment of a future permanent Board structure that will coincide with next municipal election cycle (2026) after the creation of the Commission.

This will be preceded by an external third party review of the Transitional Board structure and governance that will revisit and make recommendations regarding the total Board size, and representation. The Municipal Transfer Agreements discussed later in this report include a specific requirement that this external review, examining alternative Board structures, takes place.

The GSC has maintained the position that the establishment of a hybrid governing model (councillors and independent experts) remains a preferred outcome for the future permanent Board structure and should be strongly considered during this review. Recent recommendations made as part of the Collingwood Judicial Inquiry suggest that the boards of municipally owned corporations should be composed of directors with a variety of experiences and backgrounds, skills and qualifications. These recommendations apply equally to municipal service boards.

Service Standards Strategy

Developed by the transit leaders in Niagara, the Service Standards Strategy, provided as [Appendix 5](#) to *LNTC-C 3-2021*, outlines a three-phased approach to the standardization and enhancement of transit service across Niagara to achieve consistent, equitable access to transit for all Niagara residents and communities:

Figure 2 - Niagara Service Standards Strategy Overview



- **Phase 1 – Standardized Operating Hours Across Niagara** – a move to one set of consistent operating hours to ensure all residents in Niagara have the same level of availability of transit in their community and the ability to make consistent connections across Niagara. Proposed hours are 6 a.m. to midnight (Monday to Saturday), and 7 a.m. to 9 p.m. (Sundays and Holidays). This would represent over 45,000 new annual service hours across Niagara to create this equity and availability in each municipality.
- **Phase 2 – Combine Specialized and Demand-Responsive Services** - combining specialized transit (accessible or Para-transit) with other existing demand-responsive (on-demand) services. The combination of specialized and demand-responsive transit into one combined service delivery model offers an opportunity to both improve the service residents receive, while more efficiently deploying the resources available to the Commission.
- **Phase 3 – Network Review and Growth** - undertaking a detailed network review study that would look for future opportunities to expand and enhance Niagara's transit footprint and significantly grow ridership in the long-term.

The new Transit Commission will also evaluate the performance of its services on a continual basis – starting right from its creation and in parallel with this strategy. At a minimum, there will be an annual performance review of required changes and service

enhancements, which may include evaluation of route performance, ridership, new housing/commercial development, customer feedback, and opportunities to implement existing expansion priorities such as those identified in municipal transit and transportation master plans, in keeping with industry best practices.

Financial Strategy

The recommended financial strategy proposes that all LAM transit service budgets be uploaded to the Commission in the 2023 budget year, as well as the Region's existing transit budget to be consolidated by the Commission and to be assessed to the LAMs by way of special levies to be approved annually by the Region as part of the budget process:

- The 2023 estimated Commission baseline service budget will require a 7.3% increase due to the transfer of local transit costs to the Regional budget with expected equal and concurrent reductions to municipal budgets therefore minimizing the net residential impact.
- Service levels are different in each municipality; therefore, the Region proposes that twelve Special Levies be adopted in 2023. Each Special Levy will allocate 65% of 2023 net transit costs based on service hours, with all current existing NRT services continuing to be allocated to the Special Levy based on local share of Region-wide assessment.

The full Financial Strategy is described in the Financial Considerations section of [LNTC-C 3-2021](#) and associated Appendices [1](#), [2](#), [3](#) and [4](#).

Over the course of 2022 it will also be necessary for all municipalities to review and make any necessary adjustments to Fees and Charges by-laws, Development Charges By-laws and other related administrative by-laws to ensure a smooth transition effective on January 1, 2023. A further report will be required to address these matters. Also, matters related to insurance coverage will need to be addressed.

Creating the Commission – Next Steps

Should triple-majority be achieved, an approximate one year transition period would commence during which the Commission would be established in advance of the assumption of day-to-day operations on January 1, 2023. The [NTGS](#) identified a total of five phases of transition (Approval, Commission Establishment, Commission Setup,

Service Launch, Enhancement), with *Phase 2 – Commission Establishment* and *Phase 3 – Commission Setup* intended to be achieved during this one year period before the assumption of operations.

Significant work and resources will be required to achieve the transition of operational responsibility on January 1, 2023. This will including the establishment of the Commission as a Municipal Services Board, appointment of the Commission Board, the completion of the Municipal Transfer Agreements, and the transfer of staff and assets. Each of these tasks will require significant coordination between Regional staff, municipal staff, and Commission staff when in place, with additional resources and support to be sought through external consulting assignments to be funded as part of the previously identified transition costs.

The purpose of this section is to provide an overview of some of the major activities of this transition period, including where future decisions of Regional Council will be sought.

Legal Establishment of the Commission as a Municipal Services Board

Following triple-majority, work will be required to formally establish the Transit Commission as a Municipal Services Board of the Region, through section 196 to 198 of the *Municipal Act*, 2001 (the “Act”).

A transit commission established under the *Act* is subordinate to Regional Council, unlike an independent board, like the Police Services Board or Board of Health, which are created under different legislation. At the same time, it is a body corporate, and so is independent from the Region in its day-to-day operations.

Regional Council will determine the roles and responsibilities of the Commission, governance structure including the board structure and membership as well as determine if committees are needed. Regional Council will also determine the budgetary process, financial management, transfer of assets and reporting structure of the transit commission. Policies respecting the sale or disposition of land, hiring of employees and procurement of goods and services are mandatory under s. 270(2) of the Act. The Commission would normally establish its own procedure by-law, policies respecting employees, procurement, asset management and board compensation however for efficiency could consider leveraging Regional services and policies. It would also appoint its own Auditor. The role of the Region’s auditor in providing oversight will need to be determined as well. To note, the entities consolidated

financially with the Niagara Region being Court Services, Niagara Regional Housing and Niagara Regional Police all leverage the Region's auditors which creates significant efficiency and cost savings.

As a "local board" the *Municipal Freedom of Information and Protection of Privacy Act* will apply to the transit commission and it will require a Code of Conduct. Its budget will be approved by Regional Council as part of the annual budget approval process. What if any corporate support services will be provided by the Region also needs to be considered (and may the subject of a future agreement between the Region and the Commission, similar to the "shared services" agreement in place between the Region and NRH for example).

The proposed organization of the new Transit Commission will be accomplished through the passage of a by-law by Regional Council at a future date that will create the Board and formalize aspects of the Board composition strategy such as the number of Commission Board representatives and eligibility of persons to hold office as Board members.

That by-law will further establish the relationship between the Commission and the Region, including their financial and reporting relationship. Transitional reports to implement these operational or structural components of the new Commission would be brought to Regional Council as needed during the transition period (2022). Terms of Reference for both the Commission Board and Public Advisory Committee will also be developed and brought forward for Council approval.

Municipal Transfer Agreements

A series of agreements will be required with each of Niagara Falls, St. Catharines, and Welland regarding the manner in which the existing assets used to deliver transit in Niagara would transfer to the new Transit Commission. These Municipal Transfer Agreements (MTAs) will also include principles for the transfer of personnel, guarantees regarding the minimum levels of service to be provided in municipalities in the future, and formalize the requirement that the governance review takes place.

A recommendation of this report is that the CAO, and the General Manager of the new Transit Commission once appointed, be authorized to negotiate these agreements, on the basis of the terms that are outlined in Appendix 3.

The principles outlined in this term sheet represent the consensus recommendations of the CAO GSC reflecting discussion, comments, and input received throughout the multi-year initiative to consolidate transit. The term sheets further include schedules that identify the assets that are to be transferred, as well as the current debt financing to be assumed by the Region as part of the financial strategy.

WEGO

Contained within the MTAs are principles related to the exclusion of WEGO from the initial consolidation of transit in Niagara. This approach has been taken as WEGO is delivered by the Niagara Parks Commission, a Provincial Crown agency, in partnership with the City of Niagara Falls. As such there are a series of pre-existing agreements regarding the operation of the system and the maintenance facility (paid for in part through Provincial funding) that would make consolidation of WEGO with the wider system challenging as part of the initial triple-majority exercise. WEGO also provides a specific a tourism-focused service that is unique from the other public transit systems in Niagara.

It is therefore anticipated that in the early days of the Commission that WEGO service will continue to be delivered as a partnership between the City of Niagara Falls and the Niagara Parks Commission. Accordingly, the WEGO fleet and the WEGO transit facility will remain with the City of Niagara Falls and not be transferred to the Commission.

Transit operators currently employed by the City of Niagara Falls in the joint delivery of Niagara Falls Transit and contracted WEGO routes will transfer to the Commission, with the Commission and the City of Niagara Falls entering into a service agreement, on the basis of an hourly fee, for the provision of operators to deliver the continued contracted City of Niagara Falls WEGO routes.

The initial exclusion of WEGO from consolidation does not preclude its future integration once the Commission has been fully established and/or as existing agreements between the Niagara Parks Commission and the City of Niagara Falls come to term. It also does not preclude agreements being entered into related to WEGO concerning operations in Niagara Falls, at any time.

Appointment of the Commission Board and Public Advisory Committee

Following the legal establishment of the Commission as a Municipal Services Board, the process to appoint members to the Transitional Commission Board and Public Advisory

Committee will commence. As outlined within the Board composition strategy, each municipality will be asked to forward to Regional Council a recommendation for both an elected representative on the Commission Board and a public or citizen representative for the Advisory Committee. Skills matrices and evaluation criteria will be developed for the other public members of the Advisory Committee, with an application process following the existing Regional process for appointment to advisory boards and committees.

The final approval for appointing members to both the Commission Board and the Public Advisory Committee will rest with Regional Council, reflecting the role of the Commission as an agency of the Region.

Recruitment of General Manager and Transition of Staff

An open competition will be held for the position of General Manager of the new Commission, anticipated to be supported through the use of an executive search consultant. The appointment of a General Manager would subsequently be ratified by the Commission Board once established.

The General Manager, along with a working group led by the Regional Treasurer/Commissioner Corporate Services, will finalize the organizational structure and complement of the new Commission for Regional Council approval. The preliminary organizational structure included in the NTGS will serve as the starting point for this discussion.

An external HR consultant vendor will be sought to support the transition of existing employees to the new Commission, and provide additional capacity to Regional staff to facilitate tasks such as the finalization of the organizational structure, development of job descriptions, and other human resources and labour relations components.

Appendix 4 outlines a high level overview of a series of Human Resources and Labour Relations considerations that are applicable to the transfer of staff to the new organization.

Consistent with these requirements and as outlined within the MTA Term Sheet, all full-time and part-time unionized employees employed by the existing transit entities as of June 30, 2022 will automatically transfer to the Commission.

Non-unionized employees will either be directly offered a position with the new Commission where there is anticipated to be a substantially similar role established, or have the opportunity to apply for new roles within the Commission. Any municipal corporate support personnel (i.e. those whose full time role with a municipality includes transit work as a portion of their duties) will remain with the municipality. Any municipal non-union staff who are not offered a position with the new Commission will remain the responsibility of the municipality.

The integration of the three existing Amalgamated Transit Union (ATUs) Locals will take place in through negotiation and in accordance with the defined provincial process as outlined under the *Public Sector Labour Relations Transition Act, 1997* and by the Ontario Labour Relations Board.

Alternatives Reviewed

The NTGS considered a series of alternative governance models for the consolidated transit system, including that of a partial Commission or Regional Division. The Full Commission was recommended on the basis of the level of independence and anticipated benefits arising from a defined budget envelope being set by Regional Council. Additional detail regarding the evaluation of the alternative governance models is contained within the final NTGS report, which was presented as [Appendix 2](#) to LNTC-C 4-2020.

Numerous alternative financial models, Board compositions, and service enhancement timelines have been considered throughout the process: both originally within the NTGS and as input and feedback has been received by municipalities. These considerations have included:

- 11 different alternative Special Levy financial models, including ones that considered divisions between conventional and on-demand systems, in addition to the single General Levy originally proposed;
- Alternative Commission Board structures including those that maintained a smaller total Board size; that included public members to retain a hybrid model; that grouped smaller LAMs into rotating seats; and
- Both shorter and longer timelines for the implementation of service enhancements and the external network review.

The original guiding principles of 'Customer Driven', 'Unconventional Solutions', 'Integrated', 'Economically Responsible', and 'Fair' were used throughout to evaluate alternatives. The final strategies and governance model represent the consensus recommendation of the GSC.

Relationship to Council Strategic Priorities

The proposed consolidation of transit services across Niagara into a consolidated transit entity directly aligns with the Council Strategic Priority: Responsible Growth and Infrastructure Planning (Objective 3.1) through advancing regional transit and facilitating the movement of people and goods.

Other Pertinent Reports

LNTC-C 5-2021	Niagara Transit Governance – Phase 2 Consultation Results and Triple-Majority Initiation
LNTC-C 3-2021	Niagara Transit Governance - Revised Strategies Reflecting Phase 1 Municipal Consultation
LNTC-C 2-2021	Niagara Transit Governance – Governance Steering Committee Update
LNTC-C 1-2021	Niagara Transit Governance – Detailed Phase 1 Consultation Summary
PW-9 2021	Niagara Transit Governance Study – Niagara Region Considerations
LNTC-C 6-2020	Councillor Information Request – Niagara Transit Governance – Local Area Municipality Engagement
LNTC-C 4-2020	Niagara Region Transit Governance Study
CAO 8-2017	Niagara Region's Transit Service Delivery and Governance Strategy
LNTC-C 21-2018	Inter-Municipal Transit (IMT) Service Implementation Strategy

Prepared by:

Matt Robinson
Director
GO Implementation Office

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in significant consultation with Scott Fraser, Transportation Lead GO Implementation, Heather Talbot, Financial & Special Projects Consultant – Financial Management and Planning; the Governance Steering Committee comprised of the CAOs from all thirteen (13) municipalities across Niagara; and reviewed by; Matt Robinson, Director, GO Implementation Office; Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer; Todd Harrison, Commissioner of Corporate Services/Treasurer.

Appendices

Appendix 1	Draft By-law No. 96-2021 of the Regional Municipality of Niagara
Appendix 2	Online Resident Survey Results – Moving Transit Forward
Appendix 3	Municipal Transfer Agreements – Summary Term Sheet
Appendix 4	External Legal Overview: Regional Transit Integration: Labour Relations and Employment Processes and Implications

Bill No.

Authorization Reference:
Minute Item 5.1

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

Bill No.

Authorization Reference:
Minute Item 5.1

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

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

1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term “consolidated passenger transportation system” shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

Bill No.

Authorization Reference:
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5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

Appendix 2

Online Resident Survey Results – Moving Transit Forward

Introduction

In order to gauge wider community feedback on the proposed model for consolidation, a brief online survey was created and administered as part of the overall communications strategy.

The Moving Transit Forward survey was hosted online through a dedicated project website, available at www.MovingTransitForward.ca, as well as through municipal public engagement platforms such as BangTheTable. The survey was live from Sept. 21 – Oct. 1, 2021, and was open to all Niagara residents.

Brief Analysis

The survey gathered feedback from over 2,000 individuals from across Niagara. Approximately 56 per cent of respondents identified as regular transit users, which aligns with a general understanding of the ridership base in Niagara.

Geographically, the makeup of respondents by municipality proportionally reflects the population breakdown in Niagara, with more respondents from larger municipalities, and fewer from smaller municipalities.

Overall the survey results show strong approval among Niagara residents for each of the three main components of the proposed transit model, with the Governance Structure, Service Level Standards, and Financial Model all receiving approval levels of 79 per cent or higher.

Through the open-ended comment box, residents shared further feedback regarding the model and transit in general. Common themes included a need to move forward with the proposal as quickly as possible, and concerns that consolidation may negatively impact transit services or taxes in the respondent's own local municipality.

Methodology

Being an online, voluntary and self-identifying survey, the results present an anecdotal picture of residents' views on the proposed model for consolidated transit. This was not a scientific survey, and results should not be viewed as statistically valid. However, previous research conducted by the Region has shown our online survey results tend to be consistent with residents views.

Respondents were asked to identify where they lived, how often they used transit, and if they approved of or opposed the proposed Governance Structure, Financial Model and Service Standards Strategy. Residents were educated on the basics of the proposal through information and videos on the website, as well as a brief explanation within the survey itself.

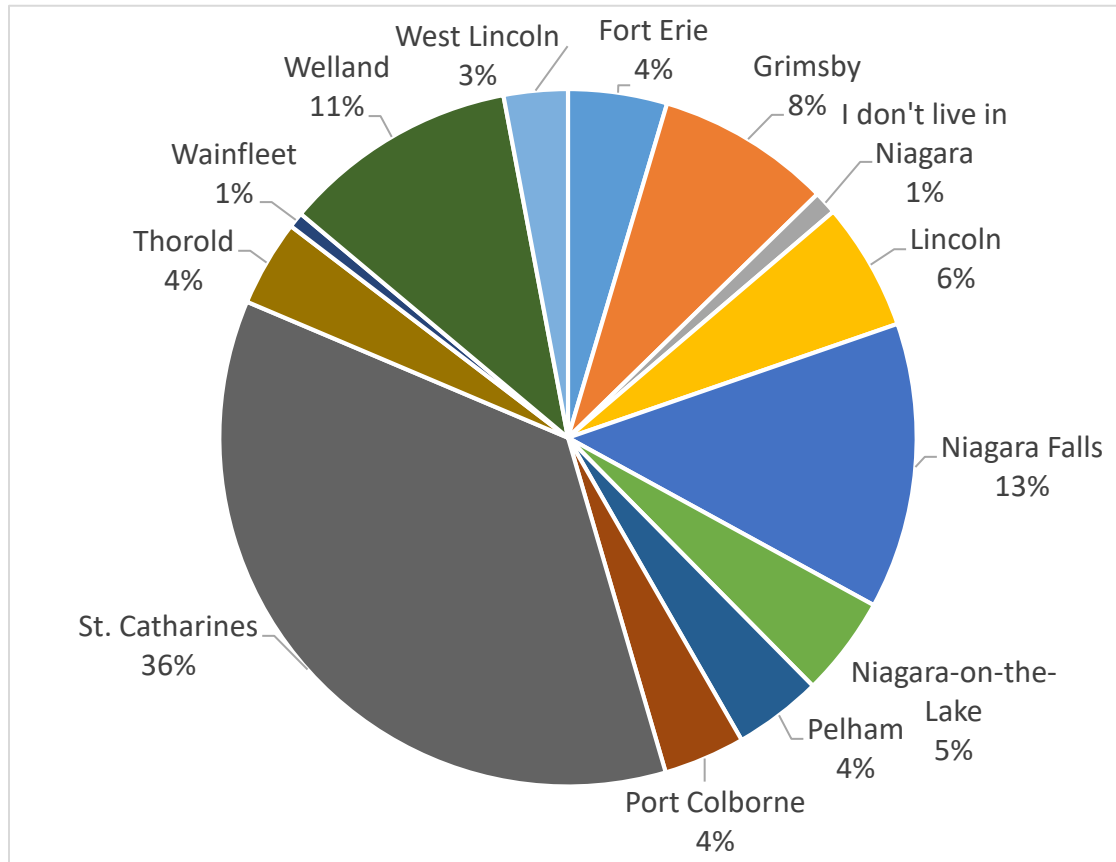
Respondents were also given the opportunity to add any additional comments about public transit in Niagara, and were invited to share their email address to be kept up-to-date as the project continues.

Number of respondents

A total of 2,251 individuals took the survey. Of those, 1,772 answered all questions in the survey, while the remainder only answered some. 789 respondents submitted comments through the survey, and 527 wished to receive further updates via email.

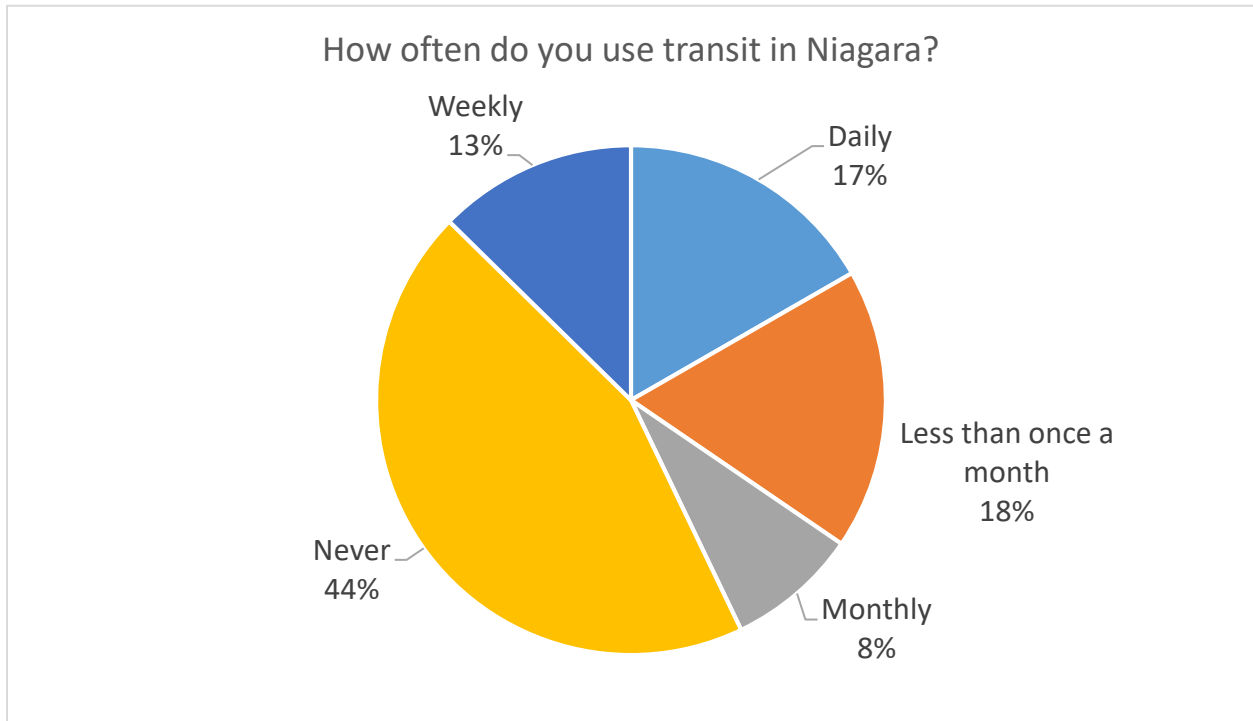
Survey questions and responses

1. Which municipality do you live in?

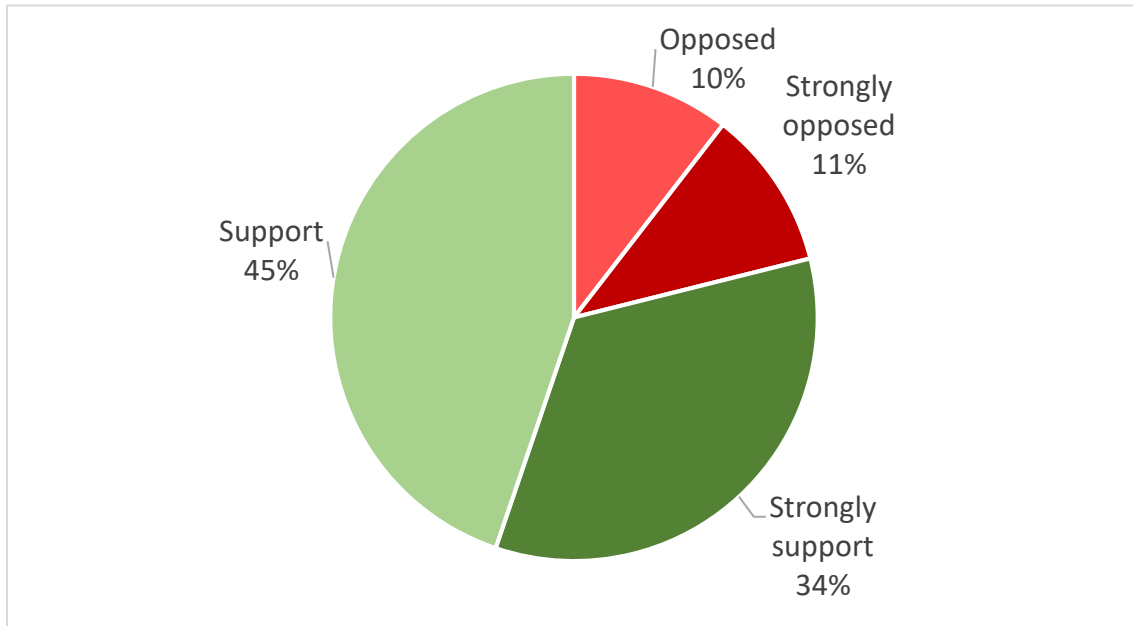


Local area municipality	Number of respondents
Fort Erie	102
Grimsby	180
I don't live in Niagara	24
Lincoln	132
Niagara Falls	295
Niagara-on-the-Lake	103
Pelham	91
Port Colborne	84
St. Catharines	798
Thorold	89
Wainfleet	16
Welland	243
West Lincoln	66

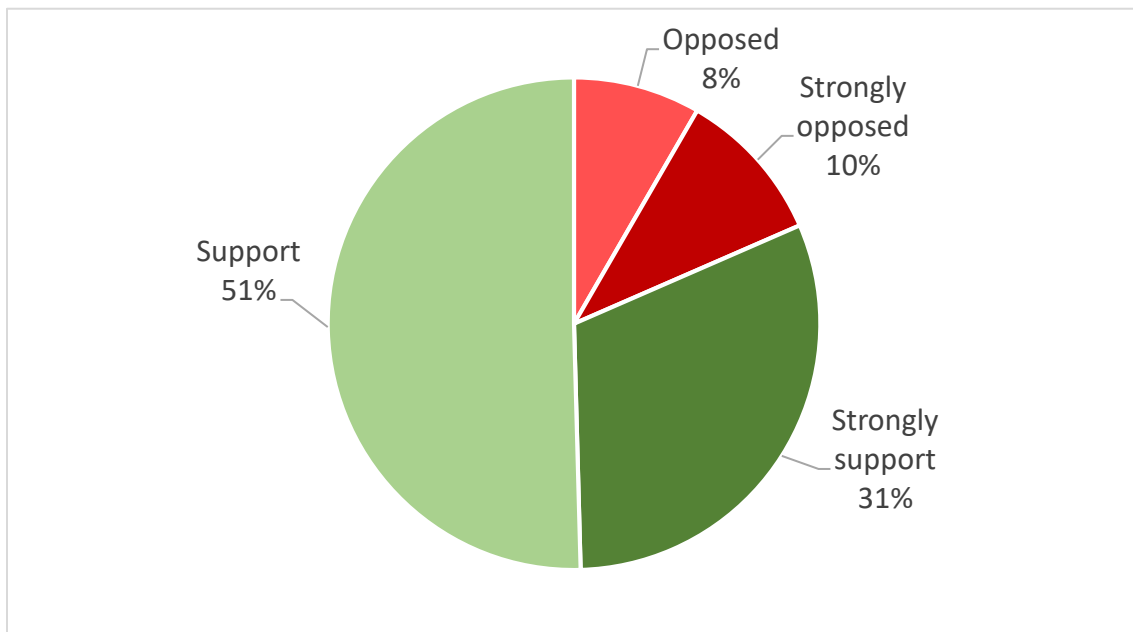
2. How often do you use transit in Niagara?



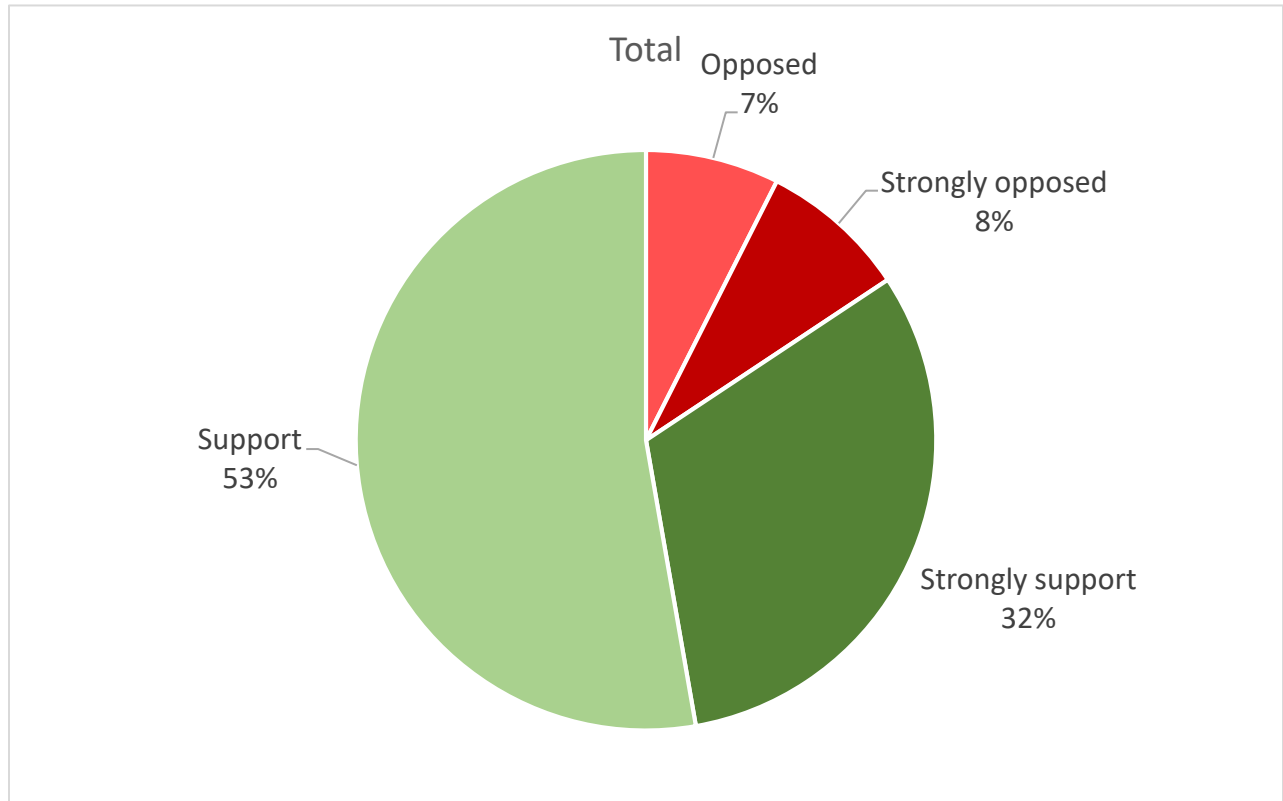
3. What is your level of support / opposition for the proposed financial strategy?



4. What is your level of support / opposition for the proposed governance structure?



5. What is your level of support / opposition for the Service Standards Strategy?



6. Open-ended comments

Residents shared a variety of comments about the proposed model, future service needs, and transit in general. Some of the more prominent themes among the comments included:

- Many respondents emphasized that any future service change must include expanded service hours, especially on Sundays and later into the evening
- A strong feeling that transit consolidation needs to happen as soon as possible, and is already long overdue
- Residents in smaller municipalities were concerned that they would have to shoulder the costs of service in larger urban municipalities. Conversely, residents in large municipalities like St. Catharines were worried that consolidation would result in a lower level of service in their community.

- Many respondents want to ensure that the future service particularly meets the needs of individuals with disabilities, seniors, and others who are unable to drive
- Respondents wish to see transit riders and Niagara residents strongly represented in the proposed governance model. Others, however, felt that there were too many representatives proposed.
- Respondents emphasized that the consolidated service must link effectively with the GO network in order to effectively link Niagara with the rest of the GTHA.
- Many respondents were supportive of the proposal, but did not want to see any cost increases to the taxpayer
- Respondents saw an opportunity for the model to incorporate green technology and environmentally friendly practices, emphasizing the positive effect such a system could have toward protecting Niagara's natural environment

Appendix 3 – Summary Term Sheet Municipal Transfer Agreements

The following is the proposed package of terms for the Municipal Transfer Agreements, which will guide the transfer of existing transit assets and personnel to the newly formed Transit Commission, subject to triple-majority approval, and to be negotiated individually between The Regional Municipality of Niagara and the City of Niagara Falls, City of St. Catharines, and City of Welland respectively.

The principles outlined in this term sheet represent the consensus recommendations of the CAO Governance Steering Committee, reflecting discussion, comments, and input received throughout the multi-year initiative to consolidate transit.

Note that all financial modeling was estimated based on 2020 budgets, assets, and debt levels. The final Financial Strategy will be adjusted prior to 2023 to reflect new assets and debt incurred and will be based on budget levels no less than 2020 operating budgets. Schedule A and B to this term sheet reflect the most recent estimates by municipalities - asset inventories and debt to be assumed by the Commission will be updated and finalized as part of the completion of the full Municipal Transfer Agreements.

Asset Transfer

- 1) Existing local transit assets, including but not limited to bus fleet, service vehicles, service equipment, and transit service facilities purchased or acquired prior to June 30, 2022 will transfer to the Transit Commission at no cost or, for the exclusive use of transit service delivery, in accordance with the Cummings Principle (the transfer of assets from one municipality to another at no additional compensation, because the municipal taxpayer has already paid for them).
 - a) Land on which transit service facilities reside will be retained by the local municipality, and the Region will conduct a Phase 2 environmental assessment.
 - b) Payment-in-lieu of taxes will be provided by the Commission to the local municipality, where applicable.
 - c) Transit service facilities with shared-use municipal components will transfer to the Commission, and be subject to an agreement to lease back at a nominal rate to the municipality those areas of the facility used for non-transit purposes.
 - d) Should the Commission no longer require a transferred asset to exclusively deliver transit services, the ownership of that asset will be transferred back to the original municipality.

- 2) The Commission will commit that existing fleet vehicles delivering local service within a municipality will continue to be utilized exclusively within that municipality for the remainder of their existing service life.
- 3) Local municipalities will make available to the Commission for inspection and condition assessment all transit assets prior to transfer, and will share all related documents related to the assets including information respecting insurance claims. The Commission will be under no obligation to assume assets deemed, at its discretion, to not be in suitable condition for transfer or to not be required to meet the future operational requirements of the Commission. The schedule of assets, specifically the asset count and with the corresponding cost to be transferred by each municipality is included as Schedule A to this document.
- 4) Any ongoing or in-progress capital improvement or acquisition projects will remain the responsibility of the municipality until completed and the asset transferred to Commission only upon completion at zero cost.
- 5) Local municipalities will disclose any agreements entered into related to transit operations in whole or in part, and that will extend beyond December 31, 2022. Copies will be provided to the Region.

Personnel Transfer

- 6) All current full-time, part-time, and union permanent staff, employed directly and fully in transit by local municipalities and hired prior to June 30, 2022, will transfer to the Commission.
- 7) Non-unionized employees will either be directly offered a position with the new Commission where there is anticipated to be a substantially similar role established, or have the opportunity to apply for new roles within the Commission. Where a non-unionized employee does not ultimately transfer to the Commission, they will remain employees of the Municipality in accordance with the *Public Sector Labour Relations Transition Act, 1997*.
- 8) Those employees whose full-time role with a municipality supports transit work as a only portion of their duties (i.e. corporate support personnel not fully employed in transit) will remain with the municipality.
- 9) The integration of the three existing Amalgamated Transit Unions (ATUs) will take place in accordance with the defined provincial process as outlined under the *Public Sector Labour Relations Transition Act, 1997* and by the Ontario Labour Relations Board.

Transit Operations

- 10) The Commission will assume full and exclusive operational responsibility for the delivery of transit on January 1, 2023.
- 11) The Commission will commit to maintain existing local service levels in each municipality, defined as a minimum of the budgeted 2020 local service hours, for a minimum of 7 years or unless otherwise consented to by the municipality.
- 12) The Commission will seek to establish a single common fare as identified in the financial model.
- 13) Municipalities will support the Commission in the placement of on-road transit infrastructure such as transit stops and shelters as required by facilitating their location.

WEGO

- 14) Niagara Region or the Transit Commission will negotiate and enter into an agreement with the Niagara Parks Commission and City of Niagara Falls such that authority for the delivery of the WEGO transit service will remain with the Niagara Parks Commission, in partnership with the City of Niagara Falls.
- 15) WEGO fleet and the WEGO transit facility will remain with the City of Niagara Falls and not be transferred to the Commission, unless otherwise agreed to by the parties as part of any future assumption of WEGO operations by the Commission.
- 16) The Niagara Parks Commission and City of Niagara Falls will continue to provide WEGO service for those routes currently delivered by each agency.
 - a) Transit operators currently employed by the Niagara Parks Commission in the delivery of WEGO service will not transfer to the Commission.
 - b) Transit operators currently employed by the City of Niagara Falls in the joint delivery of Niagara Falls Transit and contracted WEGO routes will transfer to the Commission.
 - c) The Commission and the City of Niagara Falls will enter into a service agreement, on the basis of an hourly fee, for the provision of operators to deliver the continued contracted City of Niagara Falls WEGO routes.

Transitional Period

- 17) A transitional 'steady-state' period will commence on July 1, 2022, beyond which municipalities will commit to make no additional operational, capital, or personnel changes beyond those previously budgeted, unless otherwise agreed to by the Commission, acting reasonably. This will include:

- a) The continued delivery of transit operations through December 31, 2022, including the maintenance of service levels in place as of June 30, 2022;
 - b) The assumption of additional or unplanned capital expenditures;
 - c) The undertaking of additional debt unless otherwise agreed to and may be subject to a different Municipal allocation than outlined in the Financial Strategy;
 - d) The onboarding of additional non-union or unionized staff; and
 - e) Continued adherence to asset management plans and the state-of-good repair of assets to be transferred to the Commission.
- 18) Assets, personnel, or debt acquired, on-boarded, or assumed by a municipality during this transition period will not transfer to the Commission, unless otherwise agreed to by the parties and the Region of Niagara.

Budgets

- 19) The transit budget associated with the transfer of local operating costs to the Region's twelve special levy model may be offset by equal and concurrent reductions to local Municipal budgets and levies to minimize the residential taxpayer impact from transit consolidation where possible.
- 20) Previously approved intergovernmental funding allocations for capital improvements related to transit will continue to be directed to the identified approved projects and initiatives within the original receiving municipality, until such time as the funding program commitments are satisfactorily met. . This includes any obligation referenced in paragraph 4.
- 21) Debt previously undertaken by municipalities to fund the purchase of transit assets will transfer to the Commission in accordance with Schedule B to this document.
- 22) Any financial assets or liabilities at December 31, 2022 will be accrued by the municipality in accordance with Public Sector Accounting Standards, and other than reserves and debt will remain the responsibility of the municipality at transition.
- 23) The assumption of any costs, operating contracts and debt by the Commission as at the transition date are subject to audit by the Region at the Region's discretion to confirm compliance with transition terms and obligations assumed by the Commission as at January 1, 2023.
- 24) Municipalities will be responsible to maintain and fund all 2022 operating costs from their 2022 transit operating budgets, inclusive of staff costs, until the Commission establishes its first budget in 2023.

- 25) Municipalities will provide an accurate record of claims history for a period of five (5) years before June, 2022 to assist the Commission in obtaining liability insurance coverage.

Commission Governance

- 26) The Commission must undertake a full governance review by an external third party and report back to Regional Council for decision by 2025. The implementation of the future permanent Board structure will coincide with the 2026 municipal election.
- 27) The Commission will obtain Officers and Director's and all other insurance coverage as soon as it is established.
- 28) The Commission will obtain Officers and Director's and commercial general liability insurance coverage as soon as it is established and all other insurance coverage required for the operation of a transit commission before January 1, 2023. The Commission is authorized to obtain competitive bids by reaching out to the insurers that currently provide coverage to the existing transit operations instead of issuing a Request for Proposals.
- 29) The Commission will appoint a General Manager to oversee the transition and who will report to the Commission Board.

Existing Agreements and Documentation

- 30) Existing agreements between municipal transit agencies and senior levels of government or third-party suppliers or contractors will transfer or be assigned subject to the provision of paragraph 22, to the Commission, subject to the specific requirements of those contracts. Where agreements cannot be assigned or transferred to the Commission, the originating municipality will retain responsibility, subject to adjustment at a later date.
- 31) Responsibility for existing legal claims or legal liabilities, or those initiated or founded in allegations related to the operations by the municipalities prior to the transfer of operational responsibility to the Commission on January 1, 2023 will remain with the municipalities.
- 32) Municipalities will provide and transfer applicable documentation, operating procedures, maintenance records, employee records or other materials necessary for the transition to the Commission.

Negotiation of Agreements and Dispute Resolution

- 33) The parties commit to the negotiation of the full municipal transfer agreements by no later than March 31, 2022.

- 34) Where direct discussion between the Region and municipalities does not satisfactorily resolve any issues, an independent mediator and/or arbitrator will be required to provide dispute resolution services, including binding decisions where agreement cannot be otherwise achieved between the parties. Costs for mediation or arbitration will be split between the Region and municipality.

Schedules

Schedule A – Municipal Assets for Transfer

Schedule B – Municipal Debt for Transfer

Schedule A – Municipal Assets for Transfer

Schedule A and B to this term sheet reflect current estimates - asset inventories and debt to be assumed by the Commission will be updated and finalized as part of the completion of the full Municipal Transfer Agreements.

Asset Category	Vehicle Count (Conventional & Specialized)	Acquisition Price	Accumulated Amortization	Current Net Book Value	Useful Life
Niagara Region					
Bus	30	\$14,245,039	\$2,267,951	\$11,977,088	10
St. Catharines					
Bus	91	\$46,362,278	\$26,987,076	\$19,375,202	12
Service Trucks	20	\$1,420,081	\$892,997	\$527,084	6
Land*		\$1,182,244	\$712,282	\$469,962	16
Facilities		\$11,475,701	\$3,987,557	\$7,488,144	22
Equipment		\$5,136,651	\$2,791,006	\$2,345,645	13
Technology		\$6,524,206	\$3,529,598	\$2,994,608	7
Sub-Total		\$72,101,162	\$38,900,517	\$33,200,645	
Niagara Falls					
Bus	47	\$24,135,770	\$15,423,652	\$8,712,118	12
Service Trucks	11	\$364,599	\$261,191	\$103,408	6
Land*		\$2,202,049	\$498,047	\$1,696,315	32
Facilities		\$21,832,585	\$3,724,925	\$18,107,660	24
Equipment		\$2,946,597	\$1,808,621	\$1,137,976	13
Technology		\$5,445,750	\$3,661,905	\$1,783,845	7
Sub-Total		\$56,927,350	\$25,378,341	\$31,541,321	

Asset Category	Vehicle Count (Conventional & Specialized)	Acquisition Price	Accumulated Amortization	Current Net Book Value	Useful Life
Welland					
Bus	22	\$7,438,333	\$2,563,944	\$4,874,389	12
Service Trucks	7	\$239,417	\$181,198	\$58,220	6
Land*		-	-	-	0
Facilities		\$4,329,238	\$2,089,308	\$2,239,930	21
Equipment		\$990,578	\$492,992	\$497,586	6
Technology		\$1,317,243	\$532,850	\$784,393	7
Sub-Total		\$14,314,809	\$5,860,291	\$8,454,518	

* In accordance with the principles outlined above, land will not transfer to the Commission and will remain with the original municipality.

Schedule B – Municipal Debt for Transfer
Balances as of December 31st, 2020*

	Debt year ending	Average Annual Debt Payment**	Long Term Debt	By-law Reference
Niagara Region Transit	2029	\$1,334,694	\$10,752,991	2019-59
St. Catharines Transit	2024/ 2027	\$73,824	\$481,635	2017-53, 2019-59
Niagara Falls Transit		\$0	\$0	
Welland Transit	2029	\$146,108	\$1,171,493	2012-73, 2017-51, 2019-14
Niagara-on-the-Lake				
Port Colborne				
Pelham				
Thorold				
Fort Erie				
Grimsby				
Lincoln				
West Lincoln				
Wainfleet				
		\$2,019,804	\$17,803,923	

*Final debt figures for transfer will be established as part of the negotiation of the full Municipal Transfer Agreements. The Region will not be required to transfer any debt above those totals identified in Schedule 'B' above unless otherwise agreed to and may be subject to a different Municipal allocation than outlined in the Financial Strategy.

**Includes principal and interest

*Prepared for the Regional Municipality of Niagara
(to be shared with Regional CAOs)
by Rae Christen Jeffries LLP
Privileged and Confidential*

Regional Transit Integration: Labour Relations and Employment Processes and Implications

Overview

You have asked us to provide a high level overview of how the amalgamation of three existing transit operations into one new entity might take place from a labour and employment perspective and to also highlight any potential issues, risks, or concerns.

We have had a chance to review the relevant law, legislation, and predecessor collective agreements but have not been provided with any employment contracts for review.

This overview is provided for the Regional Municipality of Niagara. We recommend that each of the existing transit units obtain individual legal advice regarding many of the issues raised below.

Factual Background

St. Catharines Transit Commission, Niagara Falls Transit, and Welland Transit are the three main transit units in the Niagara Region. St. Catharines Transit Commission is a stand alone entity and Niagara Falls Transit and Welland Transit are departments in their respective municipalities.

The Region is considering amalgamating these three entities, in addition to inclusion of the remaining nine municipalities without established unionized transit services, into one new Transit Commission.

Each of the three entities has unionized and non-union employees. The unionized employees at each entity are represented by three separate locals of the Amalgamated Transit Union (“ATU”), under three separate collective agreements, each with different terms and conditions of employment. St. Catharines Transit Commission is the largest entity, with more employees than the other two entities combined.

Each of the three collective agreements contemplates amalgamations, mergers, and/or successor rights. That said, these clauses add very little in terms of new obligations (on top of any obligations arising from statute and the common law). One requires 30 days’ notice; one requires that the predecessor employer make every reasonable effort to protect the interests of the bargaining unit employees. In general, the clauses reiterate the state of the law: that the new Transit Commission must recognize the predecessor collective agreements and the ATU’s bargaining rights.

Lastly, we understand that the WEGO service will stay with Niagara Falls Transit, with the operators either maintaining their employment with Niagara Falls Transit or having their employment transferred to the new Transit Commission but still working on the WEGO service.

The Amalgamation Itself: How Does it Occur from An Employment/Labour Relations Perspective

The new Transit Commission will need to pick an Amalgamation Date that will serve as the start date for the employees who are offered employment at the new Transit Commission.

Non-Union Employees

Non-union positions at the new Transit Commission may be filled with new external hires or with employees from the predecessor entities, or a combination of both. This can be determined through job competitions involving only external candidates, only predecessor entity candidates, or a combination of both. Or, the new Transit Commission can simply appoint/make an offer to an existing predecessor entity employee without a competition.

Typically, the majority of non-union employees in the new Transit Commission would come from the ranks of the predecessor entities in order to maintain knowledge transfer and to reduce severance costs, but there is no legal requirement for the new Transit Commission to retain any non-union employee.

Non-union employees from the predecessor entities who are offered employment at the new Transit Commission (either following a competition or without one) should be given two letters simultaneously, ideally at least eight weeks prior to the Amalgamation Date: the first letter is from their existing employer terminating their employment as of the Amalgamation Date, and it should refer to and enclose a second letter from the new Transit Commission offering employment as of the Amalgamation Date. The second letter should indicate the new job title (if any), any changes in terms and conditions of employment, and how the prior employment at the transit unit will be treated at the new Transit Commission for the purpose of various entitlements such as vacation and future termination of employment. This second letter may also include transitional information regarding issues such as pension, vacation, lieu time etc.

Employees from the predecessor entities should be given significant time (at least two weeks) to accept or reject this offer of employment in writing. Those who reject the offer of employment will be the responsibility of the relevant existing transit unit (unless otherwise agreed), but it likely can be successfully argued that they have failed to mitigate their damages and their entitlement is limited to their *Employment Standards Act, 2000* ("ESA") entitlements (this may be affected by any applicable language in any employment contract). Most employees tend to accept offers of this nature as long as the employee is provided with substantially the same terms and conditions of employment.

Some non-union employees from the predecessor entities may not be offered employment with the new Transit Commission. The termination of employment or reassignment of these employees would be the responsibility of the existing transit unit (unless otherwise agreed) and their entitlements would depend on any applicable contractual language and/or the common law.

Unionized Employees

As a basic principle, the new Transit Commission will inherit the existing Union(s) and collective agreements of the predecessor entities. While it need not retain all the unionized employees if it needs fewer employees than the combined existing complement (employees could be, for example, laid off by the predecessor entities prior to the amalgamation), it will be required to fill its complement of unionized employees with the existing unionized employees (i.e. it cannot hire externally for unionized positions unless it has already inherited all the existing unionized employees).

As soon as possible prior to the Amalgamation Date, the employees and the ATU Locals should be informed in writing of the Amalgamation Date and that the employment of the unionized employees who

are employed with the predecessor entity on the Amalgamation date will be transferred to the new Transit Commission. In order to avoid or narrow potential litigation either at arbitration or the Ontario Labour Relations Board ("OLRB") (likely under the *Public Sector Labour Relations Transition Act, 1997* ("PSLRTA")), negotiations should commence as soon as possible with the ATU Locals regarding:

- Whether all the employees will transfer and, if not, what options will be provided to any non-transferring employees.
- What the appropriate bargaining unit will be (the new Transit Commission should take the position that all employees should be in one bargaining unit, but the details at the edges of that unit will require negotiation).
- Who will represent the employees in the new bargaining unit (presumably one of the existing ATU Locals).
- What the terms and conditions of employment will be in the short term, prior to the negotiation of a new collective agreement (the collective agreements flow through, but items such as the grievance procedure and layoffs/recall are typically immediately harmonized – the parties could agree to something like the Composite Agreement that exists under the *PSLRTA*).
- Any immediate transition issues such as treatment of seniority.

In a situation such as this, where there is one Union (albeit with multiple Locals), it is possible (and perhaps even likely) that all of the above could be negotiated without the need for any litigation or OLRB application. However, if such negotiations are not fully successful, one of the Local Unions or the new Transit Commission could make an Application to the OLRB to resolve outstanding issues.

Primary Issues, Risks, Costs, Concerns

1. Timing: There are potentially significant cost savings and labour relations goodwill to be gained by providing significant notice of the Amalgamation Date to the employees and the Unions. Two months would be a minimum (to deal with *ESA* notice issues), but up to 12 months would be ideal in order to allow time for discussions/negotiations to narrow issues in dispute and make the transition as seamless as possible.
2. Logistics: There are many different logistical issues related to the new Transit Commission obtaining employees that will have to be considered and planned for, so they are in place by the Amalgamation Date, including but not limited to, setting up payroll, benefits, and pension, training, assignment of work, determining reporting structures, etc.
3. Terminations of Employment (non-union): Each non-union employee from a predecessor entity who is not offered employment will be entitled to pay in lieu of notice either at common law or in accordance with an employment contract (if valid).
4. Layoffs (unionized employees): Each unionized employee who is not offered employment will need to be laid off in accordance with the terms of the applicable collective agreement.
5. Recognition of Service/Seniority: For both union and non-union employees, there are costs associated with prior service whether they be ongoing (vacation) or potential (future termination).

6. Reconciling Seniority (unionized employees): There will be three separate seniority lists that need to be amalgamated.
7. Reconciling/Harmonizing Terms and Conditions of Employment (unionized employees): There will be three different wage grids, vacation entitlements, public holiday entitlements, benefits, pension, etc. All of this will need to be reconciled in a first post-transition collective agreement. This will potentially be costly.
8. WEGO: The exact nature of the arrangement regarding WEGO should be determined as soon as possible as it could result in complications regarding the status of the Niagara Falls Transit collective agreement and the employees operating the WEGO service.
9. Litigation: There may be litigation (arbitration or OLRB, or both) regarding any of the above union issues if they cannot be all agreed upon. For the non-union employees, there could be litigation over any of the terminations of employment.

October 5, 2021.

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-96

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A
CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

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

1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term "consolidated passenger transportation system" shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: November 25, 2021



January 27, 2022

In This Issue

- Proposed updated Standards of Care under *PAWS Act*.
- Inclusive Communities Grant.
- AMO/LAS *Municipal Energy Symposium* March 31 - April 1. Registration open.
- AMO/LAS *Municipal Energy Symposium* - Call for Proposals.
- Keynote confirmed for AMO-LAS *Energy Symposium*.
- ROMA's action plan *Opportunities for Rural Ontario in a Post-Covid World* launched.
- Canoe webinar: Doosan & Bobcat.
- Canoe vendor spotlight: FLO.
- Careers: Georgian Bay and Vaughan.

Provincial Matters

The Ministry of the Solicitor General is proposing updated standards of care for dogs kept outdoors under the PAWS Act. The consultation is open for comment until March 7, 2022.

Applications are now open for the 2022-23 Inclusive Community Grants program. Funding is available for local projects that will help older residents and people with disabilities participate in community life. The deadline to apply is March 3, 2022. Information and how to apply is found on the government website.

Eye on Events

AMO and LAS are excited to host a virtual *Municipal Energy Symposium* March 31 - April 1. This leading edge event takes a critical look at the intersection of climate change, land use planning and energy post-COP26. Explore examples of how municipalities are planning for the future and what this means to daily operations. Register here.

AMO and LAS are calling on municipalities and partners to showcase initiatives and innovation in addressing municipal energy and climate change at the seminal virtual *Municipal Energy Symposium*, March 31 - April 1. For more information and to submit your proposal, click here. Deadline for proposals is February 4.

March 31 - April 1, AMO and LAS will hold the in demand *Municipal Energy Symposium*. Keynote Dr. Sarah Burch will explore opportunities in addressing climate change at the local level. Register today.

ROMA Matters

A key event at the 2022 ROMA Conference was the launch of the ROMA Board's action plan for economic and social growth and sustainability in rural Ontario. Read the ROMA Board's strategies that rethink rural Ontario for today and into the future.

LAS

Canoe Procurement Group vendors Doosan and Bobcat provide a wide array of equipment from lawn care to loaders to forklifts. Join our webinar on February 9 at 11 am to learn how our Canoe vendors can help you keep your communities beautiful. Registration is open.

Looking to add electric vehicles to your fleet or expand your charging capability? We're pleased to welcome FLO Services Inc. to the Canoe Procurement Group. Their contract includes many solutions from EV charging stations for public or fleets to monitoring systems and maintenance. Contact Tanner to find out about this and our other 180+ vendors.

Careers

Chief Administrative Officer - Township of Georgian Bay. The CAO is responsible for leadership and general management of the Corporation, acting as key advisor and liaison to Council. Interested candidates email a cover letter and your resume to Kartik Kumar by February 28, 2022.

Director & Chief Licensing Officer - City of Vaughan. This role is responsible for managing and providing direction of the overall operations and staff of the By-Law & Compliance, Licensing & Permit Services Department. To obtain a detailed Position Profile or to be considered for the position, please contact Kartik Kumar at careers@lesp.ca by February 11, 2022.

About AMO

AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. AMO supports strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component of Ontario's and Canada's political system. Follow @AMOPolicy on Twitter!

AMO Contacts

AMO Watch File Tel: 416.971.9856

Conferences/Events

Policy and Funding Programs

LAS Local Authority Services

MEPCO Municipal Employer Pension Centre of Ontario

ONE Investment

Media Inquiries

Municipal Wire, Career/Employment and Council Resolution Distributions

AMO's Partners



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February 3, 2022

In This Issue

- Inclusive Communities Grant.
- Webinars announced for Subwatershed Planning Guide Consultation.
- Webinars announced for *Conservation Authorities Act* Phase 2 Regulations.
- Factsheets available for Excess Soil Registry.
- AMO/LAS *Municipal Energy Symposium* March 31 - April 1. Registration open.
- AMO/LAS *Municipal Energy Symposium* - Call for Proposals.
- Webinar: eScribe election webinar series.
- Canoe vendor spotlight: Geotab.
- Canoe webinar: Doosan & Bobcat.
- Blog: Citizen Insights to Boost Your Community Engagement.
- Sponsored message from NWMO.
- Careers: Simcoe and Toronto.

Provincial Matters

Applications are now open for the 2022-23 Inclusive Community Grants program. Funding is available for local projects that will help older residents and people with disabilities participate in community life. The deadline to apply is March 3, 2022. Information and how to apply is found on the government [website](#).

MECP will be hosting webinars on the proposed [Subwatershed Planning Guide](#) on [February 16, 2022 from 1:00-2:30 p.m.](#) and [February 24, 2022 from 9:00-10:30 a.m.](#) Follow the link on each date to register.

MECP will be hosting 90-minute webinars on the proposed [Conservation Authorities Act Phase 2 Regulations](#) on February 4 (10:00 am), February 8 (2:00 pm), and February 10 (10:30 am). Register by emailing ca.office@ontario.ca with the subject line "CAA Phase 2 Webinars" and indicate your preferred session date.

To support implementation of the [O. Reg. 406/19: On-Site and Excess Soil Management](#) (Excess Soil Regulation), a series of fact sheets are available now through the MECP's [Handling excess soil](#) webpage.

Eye on Events

AMO and LAS are excited to host a virtual *Municipal Energy Symposium* March 31 - April 1. This leading edge event takes a critical look at the intersection of climate change, land use planning and energy post-COP26. Explore examples of how municipalities

are planning for the future and what this means to daily operations. Register [here](#).

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Are you thinking about the municipal election? While it's not happening until October, it is time to start thinking today how to get your meetings ready for your new Council. On February 16 at 11 am ET join eScribe, AMO's preferred partner for electronic meeting management, for a webinar to learn how you can prepare for a seamless election season. [Register today](#).

LAS

We are pleased to welcome Geotab to the [Canoe Procurement Group](#)! Geotab offers vehicle monitoring and telematics solutions to keep your fleet operating as efficiently as possible. [Contact Tanner](#) to learn more.

[Canoe Procurement Group](#) vendors Doosan and Bobcat provide a wide array of equipment from lawn care to loaders to forklifts. [Join our webinar](#) on February 9 at 11 am to learn how buying through Canoe makes it easier to keep your communities beautiful.

Have you ever wondered how your municipality can keep up and continue to engage citizens in an increasingly digital world? Our [quest blogger](#) shares some interest facts and stats.

Sponsored Message from NWMO

The Nuclear Waste Management Organization (NWMO) is federally mandated through the *Nuclear Fuel Waste Act* (2002) and is responsible for the safe, long-term management of Canada's used nuclear fuel. The NWMO plans to select a single site for a Deep Geological Repository in 2023 and will share updates through the AMO Watchfile.

Learn more about the [NWMO and Canada's plan](#). Stay tuned for more information about this national infrastructure project. If your municipality has questions or is interested in a project briefing, please contact [Norman Sandberg](#) or 416.303.2254.

Careers

[Deputy Clerk - County of Simcoe](#). The Deputy Clerk assists the County Clerk, and Director of Statutory Services and Archives in the performance of all of the statutory duties assigned to the Clerk under the *Municipal Act* and other related Acts and Regulations of the Legislature and County By-laws. [Apply online](#) by February 17, 2022.

Site Contract Manager - City of Toronto. Reporting to the Manager of Landfill Operations, you will assist with the management of contracted services for the solid waste landfilling and disposal operations at the City of Toronto's (City) Green Lane Landfill site. Apply online quoting Job ID 20275, by February 24, 2022.

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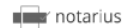
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City Council Outstanding Reports List

Reports by Strategic Pillar

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Reports Unrelated to Strategic Plan	3

Updated: February 4, 2022

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2019-22	15-Jul-19	Townsend	Amend sign by-law to permit digital signage on City-owned properties and buildings, including the appropriateness and ability to include third-party advertising as part of digital signage on City-owned properties.	PBS / COMMS	Q1 2022	Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to Council. COVID delayed.
Economic	2021-11	10-May-21	Social Pillar	That the diverse supplier policy proposal from the Anti-Racism Advisory Committee, as amended, be sent to City Council to request a report back by the end of Q4 2021 from City staff on the development of a Diverse Supplier Policy.	FMS	Q2 2022	
Economic	2021-14	10-May-21	Surplus Lands Dev TF	That staff be directed to prepare a report regarding 2 Facer Street, including condition of the facility and the potential to declare the property surplus with consideration to not displacing the existing tenant.	FMS / EFES	Q1 2022	
Economic	2021-15	14-Jun-21	Miller	Report back on the City's current remuneration formula for members of Council, including how and when the formula was developed, as well as the remuneration for Councillors at comparator municipalities.	FMS	Q1 2022	Include information on reimbursement for committee chairs and administrative supports for Councillors at other municipalities
Environmental	2020-18	16-Nov-20	Townsend / Sorrento	That staff be directed to prepare a report on the costs associated with beautifying the Bunting Road corridor between Scott Street and the Garden City Skyway to include tree planting, grassed boulevards, floral, etc.	EFES	Q1 2022	From Nov. 18, 2020 GC meeting (formerly BSC) - That \$50,000 for a visioning or master streetscape plan to recommend improvements to the Bunting Road corridor be included in the Draft 2022 Operating Budget
Environmental	2021-24	18-Oct-21	Porter	Prepare a report with information on the following: •Tree management and protection policy, with a focus on construction •Easibility of a fee for service agreement with the Region to have city take over tree planting and maintenance on Regional Roads •Mandatory tree planting on boulevards	MW	April 11, 2022	
Social	2019-29	09-Sep-19	Littleton	Report back on the existing street naming process with ways to include more public engagement, perhaps similar to the park naming process	PBS	Q2 2022	Delayed due to COVID.
Social	2021-02	18-Jan-21	Miller	Repeal / review and update the City's loitering by-laws and report back to Council	MW	Q1 2022	Staff to provide a memo to Council noting issue will be included in Pilot study with Gateway of Niagara
Social	2021-04	18-Jan-21	Social Pillar	Produce a report on amending Facility and Design Standards (FADS) in the following sections: Section 4.2.7 Universal Washrooms and Section 4.5.2 Outdoor Recreational Facilities – Playground	CRCS / EFES	Q1 2022	See Council Minutes of January 18, 2021 for what is to be included in the report
Social	2021-12	10-May-21	Social Pillar	Amend the current by-law for the erection of signs and other advertising devices to state that no person shall display or cause to be displayed a sign that bears a hate message or a logo, crest or graphic that would convey such a message	PBS / LCS	Q1 2022	
Social	2021-13	10-May-21	Social Pillar	That staff provide a report by Q4 2021 on the options for improving accessibility of the Carousel to make it more inclusive	CRCS / EFES	Q2 2022	
Social	2021-18	9-Aug-21	Social Pillar	Amend By-law 2007-295 (a By-law to address Public Nuisances) under Section 2 "Prohibitions" to add: "No person shall, in a public place, unnecessarily interfere with another person's use and enjoyment of the Public Place by using abusive or insulting language as a personal invective."	LCS	Q1 2022	Staff report to also include information on adding "aggressive behaviour" to the Public Nuisances by-law
Social	2021-19	30-Aug-21	Phillips	That staff be directed to prepare a report on the possibility of capturing grey water from municipal facilities, such as splash pads and the St. Catharines Kiwanis Aquatics Centre, into cisterns in order to irrigate municipal sports fields and gardens as well as hanging baskets and planters.	EFES / PBS	2022	In the report include information on the timing, locations and costs associated with capturing grey water.
Social	2021-21	27-Sep-21	Garcia	Review issues with bird feeders and seed		2022	Include what other municipalities are doing
Social	2021-23	18-Oct-21	Siscoe	Stop signs for Coronation Boulevard at Vansickle Road North and options for the creation of a safe crosswalk and other appropriate traffic calming measures in the school zone at the intersection of Dufferin and George Street	EFES	Q3 2022	Required studies can only be done in the Spring / Summer

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2021-22	4-Oct-21	Miller	Prepare a report exploring options for improving accessibility for those with invisible disabilities, including, but not limited to, providing closed captioning on livestreamed videos and identification options for those with invisible disabilities who are working at or otherwise accessing City facilities	CAO	2022	Consult with the Accessibility Advisory Committee in the creation of the report.
Social	2021-26	15-Nov-21	Social Pillar	Prepare a report regarding the Anti-Racism Advisory Committee's recommendations on a Racist / Hate Incident Response Protocol	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 45, for the Anti-Racism Advisory Committee's recommendations on a Racist / Hate Incident Response Protocol.
Social	2021-28	15-Nov-21	Social Pillar	What Council can do to support the initiatives contained in the motion put forward by the Anti-Racism Advisory Committee, and referred by the Social Sustainability Committee, regarding Calls to Action in the Wake of the London Islamophobic Attack.	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 40, for the Anti-Racism Advisory Committee's recommended Calls to Action in the Wake of the London Islamophobic Attack.
Social	2021-30	29-Nov-21	Siscoe	Traffic calming on Dufferin Street East	EFES	Q3 2022	Required studies can only be done in the Spring / Summer
Social	2021-31	29-Nov-21	Dodge	Prepare a report on the suitability of modifying Bylaw 89-2000 to permit vehicles to legally park within the confines of a residential driveway apron subject to specific safety and operational constraints	EFES	Q4 2022	
Social	2022-04	17-Jan-22	Porter	Report back on a policy for warming / cooling centres	CRCS / EFES		
None	2021-27	15-Nov-21	Williamson	Respond to the issues raised in the item of correspondence from Marianne Murray regarding Regional Road 87, including the legal questions raised by Ms.	LCS	2022	Item of correspondence included as additional correspondence from meeting of November 15, 2021
None	2019-47	16-Dec-19	Miller / Mayor Sendzik	That the request for funds to be used to record in-camera meetings be referred to 2020 for a report including the upgrading of screening services for all meetings (open and closed sessions).	LCS	2022	

Follow Up Reports

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2020-16	09-Nov-16	Garcia	That staff report back in 2021 on remediation costs for applications that are a minimum of 5% of total past and future project costs.	PBS	Q1 2022	Follow up report to PBS-154-2020. See General Committee minutes of November 9, 2020
Economic	2020-17	09-Nov-16	Mayor Sendzik	That Council bring back the Accessory Dwelling Unit Program in 2022 to come back as part of an update on the overall CIP program annual report.	PBS	Q1 2022	Follow up report to PBS-154-2020. See General Committee minutes of November 9, 2020
Economic	2021-10	10-May-21	Siscoe	That staff report back on removing the owner occupant requirement for rural properties	PBS	Q1 2022	Memo to Council anticipated February 2022.
Environmental	2021-16	28-Jun-21	Siscoe	Report back in Q4 2021 on the Ontario Street Secondary Plan launch including scope, preliminary workplan, public engagement strategy, and study partnership options	PBS	February 28, 2022	
Social	2020-07	24-Feb-20	Porter	Revised Graffiti Program: Consult with the community, the relevant cultural committees and downtown stakeholder groups to modernize the graffiti program and by-law by 2021.	PBS	Q2 2022	Follow up report. Initial report (PBS-010-2020) approved February 10, 2020. Delayed due to COVID.
Social	2022-01	27-Sep-21	Littleton	That staff be directed to report to Council the funding requirements for recognition within the park for Richard Pierpoint, the Indigenous community and the history behind Canada's Centennial and the creation of the park.	CRCS	March 28, 2022	Follow up report to CRCS-151-2021. See Council minutes of September 27, 2021.
Social	2022-02	17-Jan-22	Phillips	Report back to Council with information from the Resident Beach Parking Permit Expression of Interest (EOI) for the 2022 Beach Season and that the report include information on an incentive for using transit to commute to the beaches.	CAO		Follow up report to CAO-004-2022. See Council minutes of January 17, 2022
Social	2022-03	17-Jan-22	Phillips	That staff report back with additional information on the boat launch	CAO		Follow up report to CAO-004-2022. See Council minutes of January 17, 2022
None	2021-01	18-Jan-21	Social Pillar / Siscoe	That staff be directed to prepare a report on the current protections in place to deal with harassment directed at Mayor and members of Council, and the resources it would require to provide further support to Mayor and members of Council who are subjected to harassment, intimidation and threats.	LCS	Q1 2022	Report Request part of motion arising from Integrity Commissioner report from January 18, 2021. See Council Agenda Item 7.1. Report to go to Equity and Inclusion Committee for feedback prior to going to

Reports Affected by COVID-19

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2019-12	15-Apr-19	Porter	Review of Citizen Appointments to Boards and Committees Policy	LCS	2022	Report was postponed due to COVID-19. See Council Minutes of April 15, 2019, Item 8.2, for original motion.
Social	2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	Q4 2022	Staff report will come forward following the neighbourhood association forum. Forum was scheduled for March 28, 2020 but was postponed to a later date due to the COVID-19 pandemic

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Cultural	2020-15	19-Oct-20	Littleton / Siscoe / Harris	Report back on excluding 101 Oakdale Avenue, 25 Duke Street and 160, 168, 174, 176 St. Paul Street from the register of non-designated cultural heritage properties. Report to include update on the request for the property owners of 101 Oakdale Avenue and 25 Duke Street to attend a Heritage Committee meeting about their request to be excluded. Report to include update on correspondence from 160, 168, 174, 176 St. Paul Street requesting exclusion from the register.	PBS	Q1 2022	Follow-up report to PBS-111-2020. See General Committee minutes from October 19, 2020. Due to the effects of the COVID-19 pandemic on downtown businesses, staff will report back to Council once the downtown economic climate strengthens. Staff will report back on 25 Duke Street upon completion of renovations at the property



Corporate Report City Council

Report from: Financial Management Services, Director

Report Date: January 25, 2022

Meeting Date: January 31, 2022

Report Number: FMS-014-2022

File: 10.57.28

Subject: 2022 Water and Wastewater Budget and Associated Rates

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Economic and Environmental



Recommendation

That Report FMS-014-2022, regarding the 2022 Water and Wastewater Budget and Associated Rates, be referred to City Council for consideration of the Staff Recommendation after the public meeting scheduled for February 14, 2022, for which notice will be duly given.

Staff Recommendation

That Council approve the 2022 Water and Wastewater Budget and Associated Rates, as outlined in Appendix 1; and

That 2022 water and wastewater rates are effective for billing periods ending on or after March 1, 2022; and

That the City Solicitor be directed to prepare the necessary by-laws.

Relationship to Strategic Plan

This report supports the City's commitment to building and growing a diverse and resilient economy through fiscal responsibility, urban regeneration, and collaborative partnerships. It also enhances the City's strategic goal to adopt innovative approaches and continue responsible community planning that balances growth, enhances quality of life, manages emergencies, and minimizes the environmental impacts of climate change.

Report

At its meeting of January 24, 2022, the Budget Standing Committee received Report FMS-B002-2022 (Appendix A), and approved the following motion:

That the Budget Standing Committee refer the 2022 Water and Wastewater Budget and Associated Rates, as outlined in Appendix 1, to Council for consideration after the public meeting scheduled for February 14, 2022, for which notice will be duly given; and

That 2022 water and wastewater rates are effective for billing periods ending on or after March 1, 2022.

Prepared by

Lucia Chen
Manager, Budgets and Procurement

Submitted and approved by

Kristine Douglas
Director of Financial Management Services and City Treasurer

Appendices

- Appendix A – Report FMS-B002-2022 and appendices



Corporate Report Budget Standing Committee

A

Report from: Financial Management Services, Director

Report Date: January 10, 2022

Meeting Date: January 24, 2022

Report Number: FMS-B002-2022

File: 18.45.259

Subject: 2022 Water and Wastewater Budget and Associated Rates

Recommendation

That the Budget Standing Committee refer the 2022 Water and Wastewater Budget and Associated Rates, as outlined in Appendix 1, to Council for consideration after the public meeting scheduled for February 14, 2022, for which notice will be duly given; and

That, if approved, the 2022 water and wastewater rates be effective for billing periods ending on or after March 1, 2022.

Summary

This report seeks approval for the 2022 Water and Wastewater Budget and associated rates. The report is organized with the following sections:

1. Proposed Rates
2. Fixed Costs
3. Sustainable Funding of Infrastructure
 - a. Watermain replacement
 - b. Sanitary sewer replacement
4. Regional costs: (a) Regional water (b) Regional Wastewater
5. Forecasting Water Volumes
6. Financial Stability of the Wastewater system
7. Operational Challenges and Required Change
8. Bi-Monthly Billing Update

Background

The Water and Wastewater budget is fully funded by user rates with no reliance on property taxes. The water and wastewater rates fund both operating and capital expenditures.

Report

1. 2022 Water and Wastewater Proposed Rates

General Rate Structure

The City's current water and wastewater structure is a combination of fixed and volumetric charges. Each customer account is charged a fixed rate for water and wastewater. In addition, the customer is billed volumetric rates for water and wastewater based on the amount of water used.

Recommended Water and Wastewater Rates

For 2022, staff are proposing an increase to both the water and wastewater volumetric rates as well as the water and wastewater fixed rates.

Staff recommend that effective March 1, 2022, the rate structure for recovering water and wastewater costs be the following:

	2022	2021
Water		
Fixed (annual)	\$183	\$177
Volumetric (per cm)	\$1.424	\$1.372
Wastewater		
Fixed (annual)	\$153	\$135
Volumetric (per cm)	\$2.147	\$2.027

The proposed rates will result in an annual increase to the average ratepayer (at annual consumption levels of 170 cubic metres) of \$53.24 – a 5.98% increase. See Appendix 2 for further details on the calculations.

Description	Amount
Water Rates	\$14.84
Wastewater Rates	\$38.40
Total Increase - \$	\$53.24
Total Increase - %	5.98%

2. The Fixed Charge – Water and Wastewater

In the City's current water and wastewater rate structure, the fixed charge is defined to be the cost of the City's annual replacement programs and fixed regional charges. For each of the systems these costs are calculated to be:

	Water Budget		Wastewater Budget	
	2022	2021	2022	2021
Improvement program	\$5,332,608	\$4,524,250	\$1,849,854	\$2,418,000
Debt Charges	439,655	395,165	767,081	767,390
Total City Fixed Charges	\$5,772,263	\$4,919,415	\$2,616,935	\$3,185,390
Regional Fixed Charges	3,151,522	3,097,272	24,454,734	22,996,058
Total Fixed Costs	\$8,923,785	\$8,016,687	\$27,071,669	\$26,181,448
Change From 2021	\$907,098		\$890,221	
Calculation of Recovery Rates:				
Based on 42,450 customers	\$210	\$189	\$638	\$617
2022 Proposed/2021 Actual	\$183	\$177	\$153	\$135

As the chart indicates, to fully fund the calculated fixed component of the City's rate structure should be \$210 for Water and \$638 for Wastewater. While staff does not propose that the 2022 rates be increased in one year to fully recover these costs, additional future increases over time need to be considered. The increase in the fixed water and wastewater rates in 2022 will result in the recovery of a larger portion of the fixed costs to operate the water and wastewater systems. With the increasing cost of construction, especially related to underground services, there will be the need to increase fixed costs just to complete the same level of infrastructure work.

During the Region's 2021 budget process, the Region deferred the budget request for a 5.15% increase that supports the Regional Council approved Safe Drinking Water Act (SDWA) Financial Plan. Instead, the Region implemented one-time mitigations in 2021 (such as: deferrals of half the 2021 CSO program, student positions, Water wagon / festival, and conferences).

The Region resumed in 2022 the budget request of a 5.15% increase as per their SDWA Financial Plan.

3. Sustainable Funding of Infrastructure

As part of the 2022 Capital budget approval by Council on November 29, 2021, the 2022 Water and Wastewater funding for watermain and sanitary sewer infrastructure replacement were included. Therefore, the capital project portion of the 2022 water and wastewater rates has received Council approval. This report and budget is to obtain Council approval of the rates to fund both the capital projects and operational functions for 2022.

a. Watermain Replacement Program

Approved with the 2022 Capital budget was \$4,259,378¹ for the replacement of watermain and \$1,073,230² for water capital investment (capital out of revenue). This infrastructure cost is funded by the water rates. Details of the watermain replacements in summary can be found in the 2022 Capital Budget under Tab W.

b. Sanitary Sewer Replacement Program

Approved with the 2022 Capital budget was \$1,821,954³ for sanitary sewer infrastructure replacements and \$27,900⁴ for sanitary sewer capital investment (capital out of revenue). This infrastructure is funded by the wastewater rates. Details of the sewer replacements in summary can be found in the 2022 Capital Budget under Tab W.

The table below summarizes the total contribution to capital projects including water and wastewater infrastructure replacements and capital investments.

	2022	2021	\$ Change	% Change
Water	\$5,332,608	\$4,524,250	\$808,358	17.87%
Wastewater	1,849,854	2,418,000	-568,146	-23.50%
Total	\$7,182,462	\$6,942,250	\$240,212	3.46%

In 2019, Council approved a 10-Year Financial Plan for Water and Wastewater (The Water / Wastewater Plan). The Plan includes year over year increases for investment in capital infrastructure, which will reduce the funding gap for these asset classes. As a result of the financial and operational challenges facing the City caused by COVID-19 pandemic, the 2022 budget and 2023-2026 forecast reflects a reallocation of the investment in water and wastewater systems (water distribution system, sanitary sewer collection systems and pollution control). Increases in spending in the years of 2024 through 2026 result in the same net investment in infrastructure, over the next 6 years. However, in the short term the spending deferrals will continue to contribute to the widening infrastructure gap.

4. Regional Costs

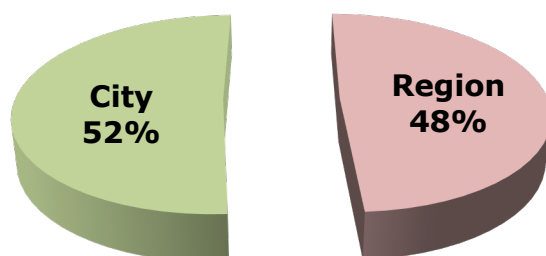
The City and Region are responsible for various aspects of water distribution. The Region is responsible for supply and treatment including all reservoirs and water towers. In general, watermain sixteen inches (400 mm) in diameter or larger are a regional responsibility and the City is responsible for the smaller distribution watermain. There is also a shared responsibility for collection and treatment of wastewater between the City and the Region. The Region is responsible for treatment facilities, pumping stations, sludge disposal and sewers with flows of six cubic feet per second or greater or sewers spanning a municipal boundary. The City is responsible for the remaining wastewater pipelines.

¹ Details can be found in 2022 Capital Budget under Tabs G and K

² Details can be found in 2022 Capital Budget under Tab G and K

³ Details can be found in 2022 Capital Budget under Tabs E, K, and F

⁴ Details can be found in 2022 Capital Budget under Tab K

Figure 1 – Region vs. City Water Expenditure

Determination of St. Catharines' Share of the Regional Costs

In effect, the Region is the service provider to the City, supplying potable water and treatment of wastewater. The cost to provide the service to lower-tier municipalities is part of the Region's budget and each municipality is charged for its respective portion. Based on the Region's Safe Drinking Water Act (SDWA) Financial Plan, the Region has committed to increasing its water and wastewater rates annually for the next several years to ensure program sustainability.

The calculation of each lower municipality's share is dependent upon the municipality's usage of each system (i.e., cubic metres of water purchased, or cubic metres of wastewater treated). This means St. Catharines' share of the total budget may change over time to align with the City's water purchases and wastewater flows.

a. Regional Water Rates

The Region charges the lower tier municipalities for the supply of potable water using both a fixed monthly charge and a variable rate per cubic metre. The rates for 2022 (with comparable 2021 rates) are as follows:

Water	2022	2021	% increase (decrease)
Variable rate per cm	\$0.6360	\$0.6112	4.06%
Fixed Monthly Charge	\$262,627	\$258,106	1.75%

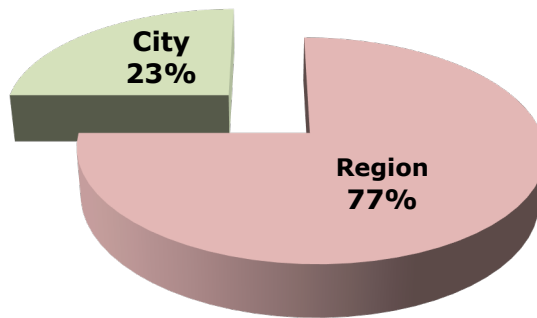
The above rates result in the City's 2022 draft Water budget including Regional costs of \$12,373,522, an increase of \$108,250 (0.88%) from 2021. As \$9,222,000 of these costs are related to the variable rate, this provides some protection to the City should the water consumption decline in 2022. The fixed annual charge of \$3,151,522 will be payable to the Region regardless of City water consumption.

b. Regional Wastewater Rates

The Regional wastewater charges contain no variable rates. The rates for 2022 (with comparable 2021 rates) are as follows:

Wastewater	2022	2021	% increase
Fixed Monthly Charge	\$2,037,895	\$1,916,338	6.34%

Figure 2 – Region vs. City Wastewater Costs

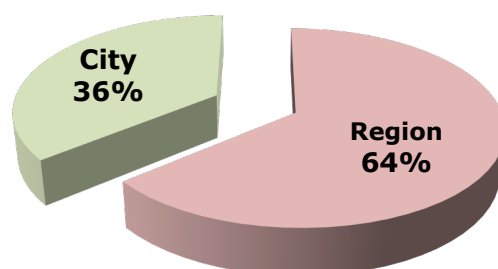


The Region has increased the overall wastewater charges to the lower-tier municipalities by 5.84% for 2022 (6.34% increase for City of St. Catharines).

2022 Water and Wastewater Summary of Expenditures

Expenditure	Water		Wastewater	
City Operating Costs	7,692,288	29.77%	4,738,879	14.90%
Water/Sewer Improvement Program	4,259,378	16.48%	1,821,954	5.73%
City Debentures	439,655	1.70%	767,081	2.41%
Capital Out of Revenue	1,073,230	4.15%	27,900	0.09%
Region	12,373,522	47.89%	24,454,734	76.88%
Total	25,838,073	100.00%	31,810,548	100.00%
Region Controlled Costs	12,373,522	47.89%	24,454,734	76.88%
City Controlled Costs	13,464,551	52.11%	7,355,814	23.12%
Total	25,838,073	100.00%	31,810,548	100.00%

Staff recommends that the 2022 water and wastewater budget increases by 5.98% to the average ratepayer to both meet the Region's annual prescribed increase and to support the City's water and wastewater operations as well as continuing to focus on reducing the City's infrastructure deficit.

Figure 3 – Total Region vs. Total City Water and Wastewater Costs

The details of the water and wastewater expenditures are available in Appendix 1.

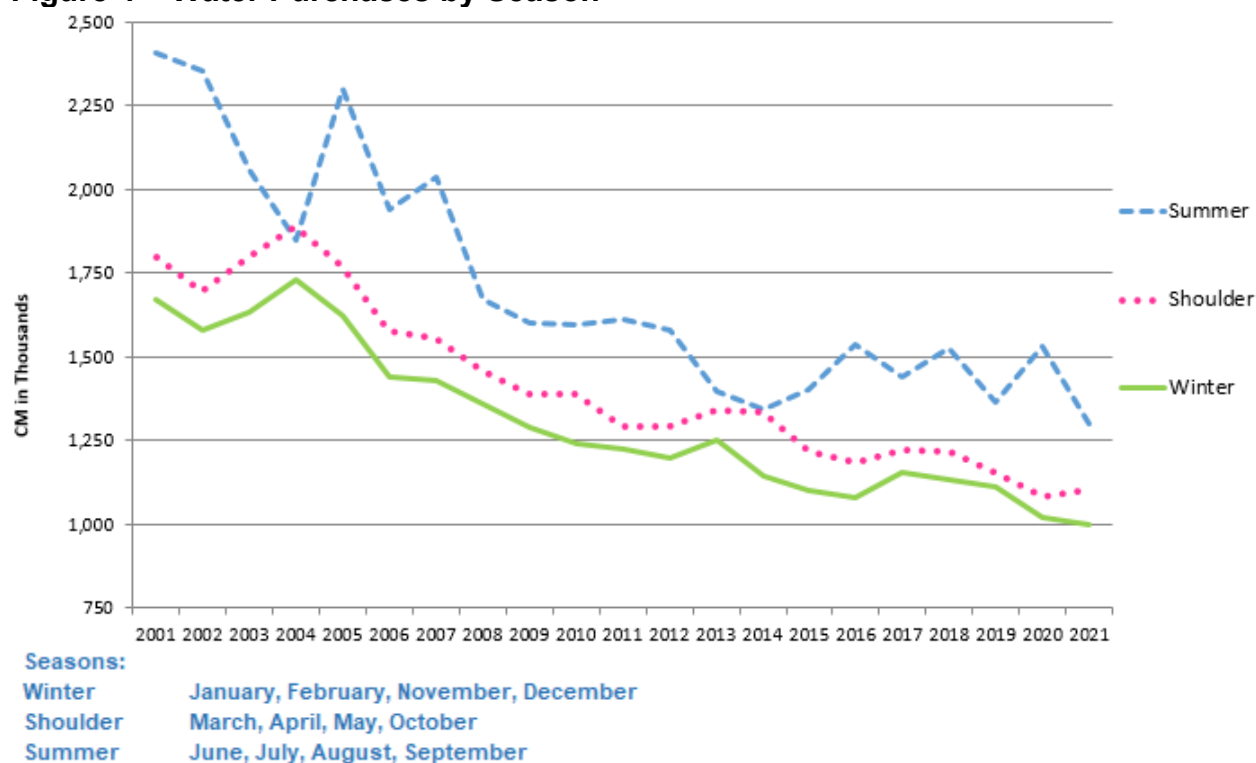
5. Forecasting Water Volumes

An analysis of water purchases has shown conservation efforts by St. Catharine's water customers have resulted in significant reduction in cubic metres of water purchased from the Region. Since 2000 annual water purchases have decreased 41% from 22,795,000 cubic metres annually to 13,600,140 cubic metres in 2021. Each year staff review the history of water purchase volume and utilize that information to forecast what future volumes will be.

Over the past years there has been concern as to the determination of how much further the volumes can decline. In effect, are we nearing the end of volume decreases, or is there a significant decline still to come? In the process of this estimation, staff analyzed the water purchase based on three separate "seasons" of the year: **summer** – June to September; **winter** – November to February; **shoulder months** – March to May and October. The global pandemic has also had an impact on the city's water purchases in the summer and winter seasons.

Figure 4 clearly depicts the average monthly summer consumption (the blue or top line) as the most volatile line. It fluctuates significantly each year. While the volume rebounded in 2016, in 2017 it declined and in 2018 rebounded again. The 2019 year saw another year of decline due to the extremely wet spring. The 2020 year saw a rebound in volume during the summer months due to a dry summer season, this was a similar level that we saw in 2018. In 2021 the summer months saw another decline. The summer monthly consumption is still higher than either of the other "seasons" which are less volatile.

Reviewing 2021 water purchases, it looks as if water consumption may be levelling off. The 2021 purchases from the Region totaled 13.60 million cubic metres of water. In 2020, the City purchased 14.55 million cubic metres of water, in 2019 the City purchased 14.53 million cubic metres of water, in 2018 the City purchased 15.5 million cubic metres, and in 2017 purchased 15.25 million cubic meters. Staff estimate water purchases for 2022 to be more in line with the three- and five-year average and slightly lower than the 2020 level of 14.55 million. With the changes to our climate, adaptation planning will be needed to manage the risks.

Figure 4 – Water Purchases by Season

St. Catharines continues to experience climate related events. These events include extreme winds / fallen trees (2011), severe rainstorms / basement flooding (2014, 2017, 2018 and 2019), extreme cold / frozen water services (2015 and 2019) and extreme dry periods / fire ban (2016). Additionally, record high water levels in Lake Ontario in the spring and summer of 2017 and again in 2019 resulted in the closure of Lakeside Park.

2021 has seen less precipitation than typically expected based off the long-term “climate normal” (1981-2010) with the total precipitation in 2021 being 555 millimetres (mm) vs the climate normal of 888.1 mm (37.5% less). While there is a general correlation between rainfall and the number of extraneous flows getting into the sewer system (through inflow and infiltration) there are a number of factors that influence this including the type of precipitation, the amount and location of rainfall, wind direction, soil moisture, etc.

The last two years are unusually difficult to analyze as some of the local weather stations have significant data gaps (likely related to the pandemic) and the pandemic has also likely resulted in significant changes to wastewater patterns (e.g. restaurant capacity restrictions, people working from home, educational institutions moving on-line etc.).

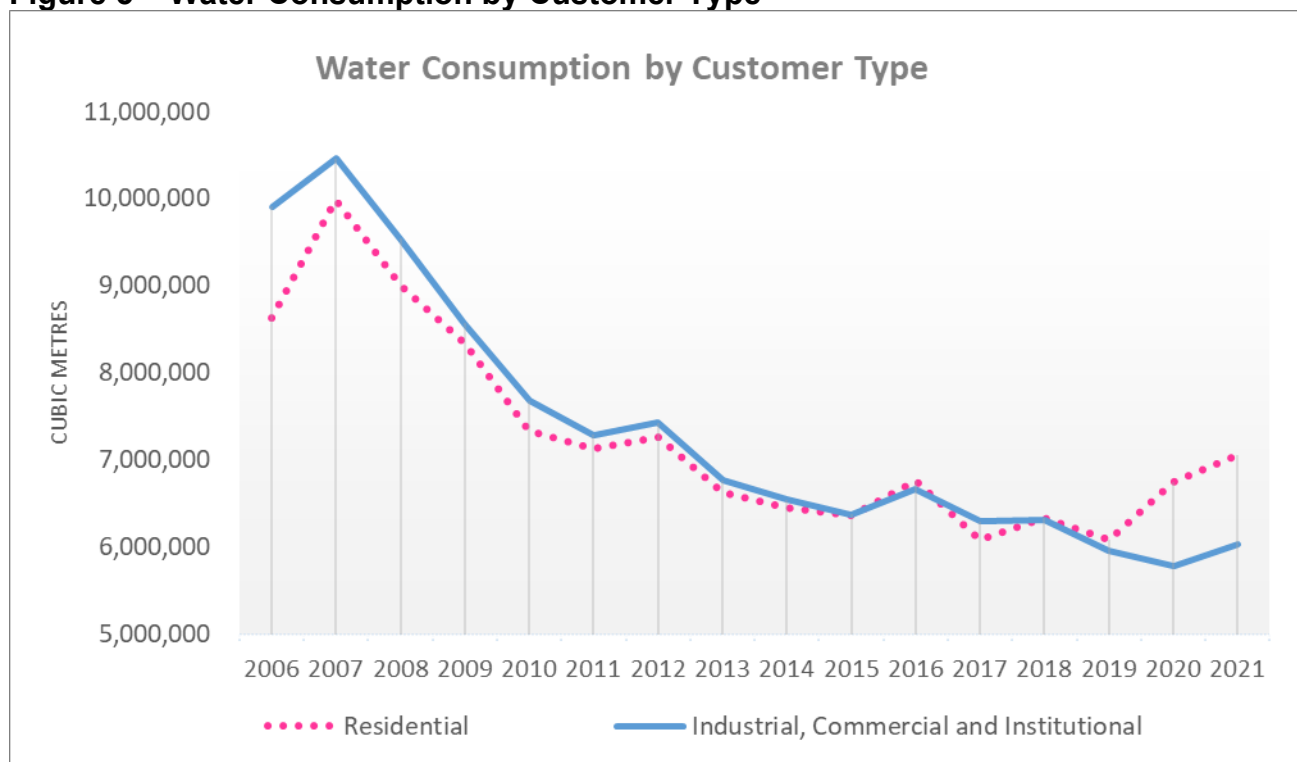
2021 Weather Event Highlights:

- February 15 - a winter storm warning was in affect for all of Niagara
- March 26 - all of Niagara was under a windstorm warning

- Heat warnings in June and July with one heat warning lasting 3 days in August fuelled numerous severe rain and thunderstorm warnings throughout the summer months
- A wind warning was issued and experienced in December 2021
- In 2021 there were 28 weather warnings issued by Environment Canada, with Severe Thunderstorm Warnings as the highest contributing event

Climate projections are long term changes in average conditions, but there will be significant variation from year-to-year. In addition, the Great Lakes area is especially uncertain with respect to future rainfall / precipitation patterns. The impact on the City's water consumption and potential changes required for annual forecasts will be closely monitored by staff, as there will be financial impacts on the water and wastewater rates. By continuing to focus on the water and wastewater infrastructure replacements as identified in the 10-Year Financial Plan for Water / Wastewater (2019-2029) approved by Council in 2019 assists in making the City's infrastructure more resilient and better able to handle these severe and unpredictable events.

Figure 5 – Water Consumption by Customer Type



As shown in Figure 5, since 2007 the City has seen a relatively steady decline in consumption (in cubic metres) of both the Residential and Industrial, Commercial and Institutional (ICI) customers. In 2011, ICI sector consumption began to move closer to the Residential sector until 2015 and 2016 where the ICI transitioned to below the Residential sector. The 2018 year saw Residential and ICI sectors equal. In 2019 are declines in both Residential and ICI consumptions from 2018 due to heavy rainfalls in spring / summer 2019, with Residential sector above the ICI sector similar to 2015 and

2016. The 2020 year saw a significant increase in residential consumptions over ICI, this can be attributed to a significant portion of the population working from home as guided by the provincial government in late March 2020. The global pandemic through 2021 has continued to be the main driver of the increase of residential consumption over ICI, this trend is expected to continue to affect the 2022 consumption levels.

6. Financial Stability of the Wastewater System

A significant portion of the costs of the wastewater system are fixed. While the wastewater rates include a fixed portion, the majority of the revenue is collected through a variable rate based on water purchased by the customer.

When most of a rate structure consists of a variable rate, periods of declining consumption result in the reduction of the overall revenue. Consequently, the revenue generated does not cover the cost of the system. Details are shown in Table 2 below.

Wastewater Annual Recovery / (Loss)

In millions of \$	2021 (est.)**	2020	2019	2018	2017	2016	2015	2014
Revenue	\$30.12	\$28.68	\$26.69	\$26.45	\$26.64	\$27.38	\$25.71	\$25.80
Expenditures	\$30.51	\$29.33	\$27.58	\$25.58	\$25.66	\$26.02	\$25.18	\$25.53
Recovery / (Loss)	<u>(\$0.38)</u>	<u>(\$0.65)</u>	<u>(\$0.90)</u>	<u>\$0.87</u>	<u>\$0.98</u>	<u>\$1.36</u>	<u>\$0.53</u>	<u>\$0.27</u>
Accumulated Surplus / (Deficit)	(\$0.60)	(\$0.22)	\$0.44	\$1.34	\$0.47	(\$0.51)	(\$1.87)	(\$2.40)

** At the end of 2021 it is estimated that wastewater system will have a deficit of \$0.60 million. This trend is partially driving the need for the increase in the wastewater rates in 2022. As a significant portion of wastewater costs are fixed, in future years increases in the fixed wastewater fees will be important to reduce the wastewater system deficits and to have the fully funded wastewater budgets.

In effect, the water rates had been subsidizing the operations of the wastewater system. While many of the City's customers have both water and wastewater charges on their bills, there are customers who do not. As per guidelines from the Province, rates should be structured so that both systems maintain their own financial stability through separate rates.

7. Operational Challenges and Required Change

The following Operational Challenges and changes required were identified through the 2021 budget process, however due to the COVID-19 pandemic uncertainty and budget directives these operational challenges still remain and will need to be addressed in 2022 and future years.

Currently our existing water and wastewater infrastructure systems are experiencing two very distinct challenges, that all systems experience to some degree. With regards to the wastewater collection system, it is subject to “infiltration” or entry of water that does not require treatment. This needs to be kept out of the system to reduce sewer backups, treatment costs and limit the size of capital infrastructure replacements and associated costs. “Infiltration” is the result of a number of things including past practices (i.e. connection of foundation drains, etc.) and leakage of groundwater into the system (i.e. at joints, cracks, etc.) as well as, rainwater entering through the leveling rings just below the metal surface lids.

With regards to the water distribution system, all systems experienced unaccounted for water, or water that is produced / treated and cannot be billed. This is a result of meter accuracy limits (which have been improved with the implementation of the AMR project and the upgraded residential meters installed), bypassing of meters, unbilled water from hydrants (i.e., construction, pool filling, etc.) and illegal connections. In addition, “water loss” occurs from leakage in older watermains (joints, small hole in main pipes); leaking service connections and valves.

Understanding the specific sources and extent of infiltration and water loss, as they apply to a system, and shifting maintenance activities to focus on reducing these, has a number of environmental benefits, and can significantly reduce the long-term costs associated with treatment charges that the City pays to the Region. It also reduces the cost of future capital improvements and can extend the useful life of specific water and wastewater infrastructure.

To date, the city has undertaken some concerted projects / programs to reduce both infiltration and water loss, however an ongoing proactive maintenance program is required. Presently, water and wastewater operations have remained largely reactive; with primary focus on responding to emergencies (i.e., break repairs, blocked basement drains, etc.) and installation of services for new buildings. While these are all needed services, it does not allow resources to be dedicated to any proactive maintenance approach.

As the first step in moving from a reactive to proactive operation model, staff planned in 2021 to undertake a Service Level Review to properly document our current state. Due to COVID-19 the progress of this review has been delayed and staff will continue to review in 2022. This information will be brought to Council in a separate report. From this review, Municipal Works will be developing recommendations on how current service delivery should be modified. With a rationalized service delivery model, our goal is to reallocate existing resources to a proactive maintenance program while providing a reliable and consistent approach to emergencies.

8. Bi-Monthly Billing Update

This section provides details of the changes implemented to the water billing cycle. Starting in December 2021, the City of St. Catharines began to issue water bills bi-monthly. Previously, water was billed three times a year, following a four-month billing cycle. The implementation of Automated Meter Reading (AMR) has allowed the City to adjust the frequency of billing water accounts.

It was anticipated that the billings would be able to transition to bi-monthly billing in Q2 of 2021 as previously reported. There are numerous logistics that were required to implement this change including an upgrade to our existing water billing software system to improve security and to move to the Cloud platform. Alignment with the existing Pre-Authorized Payment Plans (PAP) required alterations in phases for the move to the bi-monthly billing cycle to occur. With the timing of the monthly equal billing plan equalization, which occurs between May 15 to September 1, the earliest the move to bi-monthly billing could occur is mid-September. If the transition was postponed from December 2021, it could not occur until September of 2022. Therefore, staff moved forward in December 2021 with this billing change as the benefits to the ratepayer outweighed waiting another year. City staff worked with the ratepayers to minimize the impact to them, if this change presented any challenges to them.

Financial Implications

The proposed 2022 water and wastewater rates result in an increase for both water and wastewater rates. For the average ratepayer (at annual consumption levels of 170 cubic metres) they will pay \$943.07. This is an annual increase of 5.98% or \$53.24 over the amount they paid in 2021 of \$889.83. This increase is approximately \$1.02 per week.

In addition, based on the 2019-2029 Water and Wastewater Financial Plan, the 2022 estimated rates totaled an annual bill of \$985.13 or an increase of \$56.25 or 6.1%. The 2022 rates proposed are in line with the forecasted financial plan amount. In future years the City will need to adjust the rate increases as a result of the lower rate increase for the 2021 water and wastewater budget as a COVID pandemic mitigation.

Conclusion

Staff recommends that BSC refer the 2022 water and wastewater rates increase as presented, which represents an annual increase of 5.98% or \$53.24 for the average customer annual consumption of 170 cubic metres, to Council for consideration following a public meeting on February 14, 2022.

Prepared by

Sebastian Zukowski, Budget Specialist

Submitted by

Lucia Chen, Manager, Budgets and Procurement
Lisa Read, Manager of Revenue

Approved by

Kristine Douglas, Director of Financial Management Services and City Treasurer

Appendices

Appendix 1 – 2022 Water and Wastewater Budget

Appendix 2 – 2022 Water and Wastewater Annual Bill Change

City of St Catharines
Water/Wastewater Budget Summary

	Budget		Actual		
	2022	2021	2020	2019	2018
Reserve at Beginning of Year	4,493,676	5,014,188	5,606,298	5,790,622	3,824,317
Revenues	56,674,292	55,234,088	53,691,259	49,910,249	49,419,991
Less: Region expenditures	36,828,256	35,261,330	33,599,776	31,968,317	30,893,197
Safe Restart Funding	-	-	854,282	-	-
Net Revenue	19,846,036	19,972,758	20,091,484	17,941,932	18,526,793
City Expenditures					
Water Operating costs	7,692,288	7,829,808	6,774,039	6,431,728	6,049,676
Water Debenture debt	439,655	395,165	426,247	526,248	587,027
Water Infrastructure costs	5,332,608	4,524,250	5,952,806	4,326,590	3,673,591
Sewer Operating costs	4,738,879	4,558,657	3,691,226	3,682,153	3,537,749
Sewer Debenture debt	767,081	767,390	775,933	638,818	640,958
Sewer Infrastructure costs	1,849,854	2,418,000	3,063,343	2,520,719	2,071,487
	20,820,365	20,493,270	20,683,594	18,126,256	16,560,488
Annual Surplus/(Deficit)	-974,329	-520,512	-592,111	-184,324	1,966,305
Reserve at End of Year	3,519,347	4,493,676	5,014,188	5,606,298	5,790,622
City total	20,820,365	20,493,270	20,683,594	18,126,256	16,560,488
Region total	36,828,256	35,261,330	33,599,776	31,968,317	30,893,197
	57,648,621	55,754,600	54,283,370	50,094,573	47,453,685
cm - purchased	14,500,000	15,000,000	14,547,750	14,529,849	15,507,748

WATER SYSTEM (515.XXX)

2022 Water Budget Summary

			Budget		Actual		
Dept.	Acct.		2022	2021	2020	2019	2018
<u>Operating Expenditures:</u>							
General Administration	FMS	105	1,472,931	1,354,717	1,078,214	1,044,540	1,044,900
Engineering Overhead	EFES	110	1,974,474	2,120,018	1,848,411	1,754,004	1,578,150
Mains, Valves, Hydrants	EFES	115	2,358,750	2,282,364	2,045,707	1,844,896	1,899,744
Water service lines	EFES	120	595,982	582,732	535,502	520,206	549,495
Meters	EFES	125	657,047	845,627	710,303	786,722	801,808
New Mains, Valves, Hydrants	EFES	135	154,104	152,350	93,178	85,411	138,264
Services Rendered	EFES	145	0	0	-34,988	-17,051	37,315
Cost Allocations			479,000	492,000	497,713	413,000	
Total Operating Expenditures:			7,692,288	7,829,808	6,774,039	6,431,728	6,049,676
<u>Capital Expenditures:</u>							
Water Capital out of Revenue	FMS	190	1,073,230	325,000	425,250	86,000	0
Debenture Debt	FMS	195	439,655	395,165	426,247	526,248	587,027
Water Improvement Program *	EFES	520	4,259,378	4,199,250	5,527,556	4,240,590	3,673,591
Total Capital Expenditures:			5,772,263	4,919,415	6,379,053	4,852,838	4,260,618
Total Water Expenditures			13,464,551	12,749,223	13,153,092	11,284,566	10,310,294

Note: FMS - Financial Management Services

EFES - Engineering, Facilities and Environmental Services

* - Details of the water improvement program for 2022 are provided in the 2022 Capital budget which was approved by Council on November 15, 2021. For details see under tab G, K, and Q in the 2022 Capital budget

**CITY OF ST. CATHARINES - WATER/WASTEWATER BUDGET
ESTIMATE 2022**

EXPENDITURE ACCOUNT	2022 BUDGET
310.112 <u>WATER/WASTEWATER EQUIPMENT RESERVE:</u>	
OPENING BALANCE	\$674,258
ANNUAL RESERVE PROVISION	100,000
EXPENDITURES, 2022	-168,000
EXPENDITURES, PRIOR YEAR COMMITMENTS *	0
CLOSING BALANCE	<u>\$606,258</u>
<u>2022 EXPENDITURE DETAILS</u>	
ONE (1) CHEVROLET EXPRESS CARGO 2500 VAN	35,000
ONE (1) GMC SAVANA 3500 CUBE VAN	70,000
ONE (1) LEAK DETECTION EQUIPMENT	9,000
ONE (1) ELECTRIC VALVE TURNER	14,000
TWO (2) REPLACEMENT SEWER CAMERAS	<u>40,000</u>
	<u>\$168,000</u>

* There are no outstanding prior year commitments from this reserve.

Water & Wastewater Vehicle & Equipment Reserve (310.112.000)

FMS-188-2021
Council Meeting Nov 17, 2021

Year	Reserve Open Balance	Add: Annual Provision	Add: Proceeds from Auction Sales	Less: Planned Purchase (Full Cost)	Add: Debt Funding Support	Reserve Ending Balance	Purchase Detail
2021	1,286,884	330,000	100,921	(1,043,547)		674,258	Cube van #55, #63, #64; Triaxle dump truck #84; New Tandem dump truck; Sewer flusher/vac combination unit #124
2022	674,258	100,000	5,000	(168,000)		611,258	Chevrolet Express Cargo 2500 Van; GMC Savana 3500 Cube Van; Leak Detection Equipment; Electric Valve Turner; 2 x Replacement Sewer Cameras
2023	611,258	150,000	5,000	(384,000)	320,000	702,258	Ford Transit Connect Van; International 7400 Single Axle Dump Truck (debt funded); Husqvarna FS4800D 30" Road Saw
2024	702,258	150,000	5,000	(94,000)		763,258	Toyota Camry Hybrid; GMC Savana Cargo Van; GMC Terrain
2025	763,258	200,000	5,000	(455,000)		513,258	GMC STV Cube Van (4); Cae 580SN W/T Backhoe
2026	513,258	200,000	5,000	(650,000)	300,000	368,258	Freightliner Single Axle Dump Truck (debt funded); John Deere 310SL Backhoe (2);
2027	368,258	225,000	5,000	-		598,258	
2028	598,258	250,000	5,000	(276,000)		577,258	Ford E350 Cube Van; GMC STV Cube Van (2); GMC Sierra 1/2 Ton Pickup (2)
2029	577,258	250,000	5,000	(382,000)	345,000	795,258	Freightliner Tandem Dump Truck (debt funded); Sullair 185 Compressor
2030	795,258	250,000	5,000	(619,000)		431,258	John Deere 310SL Backhoe; Wachs LX Valve Maintenance Trailer; Ford F250 Crew Cab Pickup (2); GMC STV Cube Van (3)
2031	431,258	275,000	5,000	(545,000)		166,258	Freightliner 114SD Tri-Axle Dump Truck; Freightliner 114SD Tandem Axle Dump Truck

Notes:

- 1 In 2021 and 2022 budget, capital out of revenue is set at 5% of total capital gross cost in order to relief pressure on the annual operating budget; starting 2023, it is expected to bring it back to 10%.

Report FMS-188-2021 Staff Recommendation:

That Council approve to use debt financing to fund vehicle replacements and purchases across City departments exceeding \$0.3 million to maintain sustainable reserve balance and alleviate pressures on the annual operating and rate budgets.

WASTEWATER SYSTEM

2022 Wastewater Budget Summary

			Budget		Actual		
	Dept.	Acct.	2022	2021	2020	2019	2018
<u>Operating Expenditures:</u>							
Sewers - General	EFES	730.100	742,548	702,881	681,362	532,462	619,953
Sewers - Insurance	FMS	730.105	75,000	75,000	88,258	36,329	28,485
FLAP Program	EFES	732.115	340,611	321,964	338,486	506,518	258,087
Lateral Replacement	EFES	732.100	710,573	712,629	461,147	633,901	665,806
New Laterals	EFES	732.105	0	0	2,453	26,913	32,917
Drain Clearing	EFES	732.110	341,352	328,224	165,078	175,209	179,175
Overhead	EFES	732.190	908,500	943,700	738,905	621,129	635,658
Pollution Control	EFES	735.300	984,428	828,416	641,090	611,719	526,951
Overhead	EFES	735.305	268,867	265,843	241,880	208,973	327,035
Cost Allocations	EFES	731.920/925	367,000	380,000	332,566	329,000	263,682
Total Operating Expenditures:			4,738,879	4,558,657	3,691,225	3,682,153	3,537,749
Debenture Debt	EFES	731.195	767,081	767,390	775,933	638,818	640,958
Sewer Improvement Program *	EFES	731.100	1,821,954	2,025,000	2,520,343	2,400,719	1,921,487
Capital Out of Revenue *	FMS	735.304	27,900	393,000	543,000	120,000	150,000
Total Capital Expenditures:			2,616,935	3,185,390	3,839,276	3,159,537	2,712,445
Total City Wastewater Expenditures			7,355,814	7,744,047	7,530,501	6,841,690	6,250,194

Note: FMS - Financial Management Services
EFES - Engineering, Facilities and Environmental Services

* - Details of the sewer improvement program for 2022 are provided in the 2022 Capital budget which was approved by Council on November 15, 2021. For details see under tab E, K, and Q in the 2022 Capital budget

WATER, WASTEWATER AND RELATED SERVICE RATES

1. The following rates shall be paid to The Corporation of the City of St. Catharines for the use of water supplied by The Corporation of the City of St. Catharines:

(a) <u>Consumption - Cubic Metres</u> (For each four month billing period)	<u>Current</u>	<u>Proposed</u>
Customer Charge	\$59.00	\$61.00
Consumption Charge - per cubic metre	1.372	1.424
*Note: Large Industrial Users are billed monthly		
Water meter size of 1" or greater will be subject to a water meter equivalency charge when calculating the Customer Charge. Exemption: Single Family Residential classification. See (b) below.		
(b) <u>Meter Equivalency</u>		
Water meter size of 1" or greater will be subject to a water meter equivalency charge when calculating the Customer Charge. Exemption: Single Family Residential classification.		
1" meter = 1.4 meter equivalency units 1 1/2" meter = 1.8 meter equivalency units 2" meter = 2.9 meter equivalency units 3" meter = 11 meter equivalency units 4" meter = 14 meter equivalency units * 6" meter = 21 meter equivalency units * >6" meter = 21 meter equivalency units		
* Note: Where a single 6" meter or greater is installed for the purpose of additional fire protection, the multiplier equivalency shall be discounted to 50%.		
(c) <u>Flat Rates</u> (For each four month billing period)		
Per Dwelling unit	\$175.00	
Note: Where more than 20 units are being constructed, the maximum number of units charged is 20.		
(d) <u>Estimated Billing</u>		
Where consumption and/or Flat Rate does not apply, estimates are based on previous actual readings. In the absence of previous actual readings, amount to be determined at the discretion of the Treasurer.		
(e) <u>Rates for Services Outside City</u> (For each four month billing period)		
Multiple of Regular Rate	2X	
Customer Charge	\$118.00	\$122.00
Consumption Charge - per cubic metre	2.744	2.848
(f) <u>Bulk Water</u> (Key Pad Operated)		
Multiple of Regular Rate	2X	
Per cubic metre	\$2.744	\$2.848
(g) <u>Water Under Construction</u>		
First four month period Per sq. ft. Water Increase 2017 1.22 %, 2018 1.64%, 2019 4.50%, 2020 7.51% increase, 2021 1.85% increase, 2022 5.98% Increase	\$0.030	\$0.032
Per sq. m.	0.326	0.332

	<u>Current</u>	<u>Proposed</u>
Next Flat Rate per dwelling unit for each four month period until meter is installed	\$175.00	
If there are extenuating circumstances or if large Industrial/Commercial building, "Next Flat Rate" to be determined at the discretion of the Treasurer.		
2. The following rates shall be paid to The Corporation of the City of St. Catharines for the use of water related services supplied by The Corporation of the City of St. Catharines:		
(a) <u>METER RENTALS</u> (Annually)		
<u>Meter Size</u>		
*16mm (5/8") Displacement	\$19.00	
*16mm (5/8")SR II Displacement with ECR	\$35.00	
*16mm (5/8") Accustream/Transmitter	\$40.00	
*16mm (5/8") IPERL/Transmitter	\$45.00	
19mm (3/4") Displacement	\$25.00	
19mm (3/4")SR II Displacement with ECR	\$41.00	
19mm (3/4") Accustream/Transmitter	\$46.00	
19mm (3/4") IPERL/Transmitter	\$50.00	
25mm (1") Displacement	\$29.00	
25mm (1") SR II Displacement with ECR	\$46.00	
25mm (1") Accustream Transmitter	\$51.00	
25mm (1") IPERL/Transmitter	\$55.00	
38mm (1-1/2") Displacement	\$82.00	
38mm (1-1/2") Displacement with ECR	\$115.00	
38mm (1-1/2") Displacement /ECR/ Transmitter	\$120.00	
38mm(1-1/2") Turbine	\$111.00	
38mm(1-1/2") Turbine/Transmitter	\$116.00	
38mm (1 1/2") OMNI C2 Compound	\$122.00	\$140.00
38mm (1 1/2") OMNI R2 Residential	\$75.00	\$100.00
38mm (1-1/2") OMNI T2 Turbine	\$96.00	
50mm(2") Displacement	\$92.00	
50mm(2") Displacement with ECR	\$128.00	
50mm(2") Displacement-ECR/Transmitter	\$133.00	

	<u>Current</u>	<u>Proposed</u>
50mm (2") Compound	\$96.00	
50mm (2") Compound/Transmitter	\$101.00	
50mm (2") Turbine	\$114.00	
50mm (2") Turbine/Transmitter	\$119.00	
50mm (2") OMNI C2 Compound	\$150.00	
50mm (2") OMNI C2 Cmpd/Trans	\$0.00	\$180.00
50mm (2") OMNI R2 Residential	\$80.00	
50mm (2") OMNI T2 Turbine	\$115.00	
75mm (3") Compound	\$418.00	
75mm (3") Compound/Transmitter	\$423.00	
75mm (3") Turbine	\$375.00	
75mm (3") Turbine/Transmitter	\$380.00	
75mm (3") OMNI C2 Compound	\$402.00	
75mm (3") OMNI T2 Turbine	\$375.00	
100mm (4") Compound	\$498.00	
100mm (4") Compound/Transmitter	\$503.00	
100mm (4") Turbine	\$475.00	
100mm (4") Turbine/Transmitter	\$480.00	
100mm (4") OMNI C2 Compound	\$488.00	
100mm (4") OMNI F2 Fire Assembly	\$798.00	
100mm (4") OMNI T2 Turbine	\$475.00	
150mm (6") Compound	\$671.00	
150mm (6") Compound/Transmitter	\$676.00	
150mm (6") Turbine	\$587.00	
150mm (6") Turbine/Transmitter	\$592.00	
150mm (6") Fire Assembly	\$900.00	
150mm (6") Fire Assembly /Transmitter	\$905.00	
150mm (6") OMNI C2 Compound	\$671.00	
150mm (6") OMNI F2 Fire Assembly	\$980.00	
150mm (6") OMNI F2 Fire assembly/Trans	\$0.00	\$1,000.00

	<u>Current</u>	<u>Proposed</u>
150mm (6") OMNI T2 Turbine	\$587.00	
200mm (8") Fire Assembly	\$1,340.00	
200mm (8") Fire Assembly /Transmitter	\$1,345.00	
200mm (8") Turbine	\$665.00	
200mm (8") Turbine/Transmitter	\$670.00	
200mm (8") OMNI C2 Compound	\$930.00	
200mm (8") OMNI F2 Fire Assembly	\$1,350.00	\$1,400.00
200mm (8") OMNI T2 Turbine	\$830.00	
250mm (10") Fire Assembly	\$1,510.00	\$1,750.00
250mm (10") Fire Assembly/Transmitter	\$1,515.00	
250mm (10")Turbine	\$900.00	
250mm (10")Turbine/Transmitter	\$905.00	
250mm (10") OMNI C2 Compound	\$1,125.00	
250mm (10")OMNI F2 Fire Assembly	\$1,810.00	\$1,950.00
250mm (10") T2 OMNI Turbine	\$1,000.00	

* NOTE: No charge for 16mm (5/8") meter unless installed outside the City.

Where meter type consists of two meters combined, one rental rate is applicable, based on the predominant use of the meter.

(a)(i) METER PITS (CHAMBER) RENTALS (Annually)

Meter Size

16mm (5/8")	\$74.00	\$90.00
19mm (3/4")	\$76.00	\$77.00
25mm (1")	\$84.00	\$106.00
38mm (1-1/2")	\$217.00	\$224.00
50mm (2")	\$232.00	\$252.00
75mm (3")	Actual Cost	
100mm (4")	Actual Cost	
150mm (6")	Actual Cost	
200mm (8")	Actual Cost	
250mm (10")	Actual Cost	

	<u>Current</u>	<u>Proposed</u>
3. The following rates shall be paid to the Corporation of the City of St. Catharines for the wastewater system and services as outlined herein:		
(a) <u>Wastewater Fees (for each four month period)</u>		
Sewer Replacement Program	\$45.00	\$51.00
Wastewater charges – per cubic metre	2.027	2.147
Water meter size of 1" or greater will be subject to a water meter equivalency charge when calculating the Customer Charge. Exemption: Single Family Residential classification. See (b) below.		
(b) <u>Meter Equivalency</u>		
Water meter size of 1" or greater will be subject to a water meter equivalency charge when calculating the Customer Charge. Exemption: Single Family Residential classification.		
1" meter = 1.4 meter equivalency units		
1 1/2" meter = 1.8 meter equivalency units		
2" meter = 2.9 meter equivalency units		
3" meter = 11 meter equivalency units		
4" meter = 14 meter equivalency units		
6" meter = 21 meter equivalency units		
>6" meter = 21 meter equivalency units		
Note: Where a single 6" meter or greater is installed for the purpose of additional fire protection, the multiplier equivalency shall be discounted to 50%.		
(c) <u>Flat Rates</u> (For each four month billing period)		
Per Dwelling unit	\$225.00	
(d) <u>Wastewater Under Construction</u>		
First four month period	0.00	
Next Flat Rate per dwelling unit for each four month period until meter is installed	\$225.00	
Note: Where more than 20 units are under construction, the maximum number of units charged is 20.		
If there are extenuating circumstances or if large Industrial/Commercial building, "Next Flat Rate" to be determined at the discretion of the Treasurer.		
4. <u>Unauthorized Use of Water</u>		
(a) Rate when bypass valve is opened without Authorization or any other unauthorized use of water or determination that water provided has not passed through the meter:		
Two (2) times the average of last three representative bills.	2X	
If not applicable, estimate to be determined at the discretion of the Treasurer. (For each four month billing period)		
(b) Where property has operated a grow-op, amount is three (3) times the total Flat Rate per dwelling unit as outlined in Sections 1 and 3 (For each four month billing period)	\$1,200.00	

	<u>Current</u>	<u>Proposed</u>
5. <u>Miscellaneous</u>		
(a) <u>Meter Relocation</u> to a more appropriate position to facilitate reading and/or maintenance:		
When requested by homeowner, equivalent to applicable Water Service Call as defined in Rates and Fees.		
When determined by City Engineer, amount charged at the discretion of the Treasurer		
(b) Installation of Automated Meter Reading (AMR) apparatus when performed not in accordance with scheduled deployment :		
When requested by homeowner		\$450.00
When determined by City Engineer, amount charged at the discretion of the Treasurer		
Customer non compliance with AMR installation		\$500.00
(c) <u>Late Payment Penalty</u>		
A penalty for late payment of 1.5% per month is added the day following the due date and the first day of each month thereafter.		
(d) The rates set out above shall be deemed to have become effective on all accounts with Billing periods ending on or after March 1, 2022 .		

* NOTE: METRIC CONVERSION: 1 cubic metre (CM) equals 220 gallons or 1,000 litres

***bolded script = proposed changes for 2022**

APPENDIX 2
2022 Wate/Wastewater Budget

2

City St. Catharines
Water/Wastewater Budget
Annual Bill Change Comparison (2 month basis)

	<u>2022 New Rates</u>	<u>2021 Old Rates</u>	<u>Change</u>	
			<u>\$</u>	<u>%</u>
<u>Consumption</u>				
Normal Consumption	170	170		
	<u>170</u>	<u>170</u>	<u>0</u>	0.00%
<u>Water - Retail Rate</u>				
Rate per billing period (2 months)	\$30.50	\$29.50		
Fixed Fee	\$183.00	\$177.00	6.00	3.39%
Consumption Rate per CM	\$1.424	\$1.372		
Consumption Fee	\$242.08	\$233.24	8.84	3.79%
Total Water	<u>\$425.08</u>	<u>\$410.24</u>	<u>\$14.84</u>	3.62%
<u>Wastewater - Retail Rate</u>				
Rate per billing period (2 months)	\$25.50	\$22.50		
Fixed Fee	\$153.00	\$135.00	18.00	13.33%
Consumption Rate per CM	\$2.147	\$2.027		
Consumption Fee	\$364.99	\$344.59	20.40	5.92%
Total Wastewater	<u>\$517.99</u>	<u>\$479.59</u>	<u>\$38.40</u>	8.01%
<u>Total Water and Wastewater Bill</u>	<u><u>\$943.07</u></u>	<u><u>\$889.83</u></u>	<u><u>\$53.24</u></u>	5.98%
Fixed Component	\$336.00	\$312.00		
Variable Component	<u>\$607.07</u>	<u>\$577.83</u>		
	<u><u>\$943.07</u></u>	<u><u>\$889.83</u></u>		
Fixed Percentage	35.63%	35.06%		
Variable Percentage	<u>64.37%</u>	<u>64.94%</u>		
	<u><u>100.00%</u></u>	<u><u>100.00%</u></u>		



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: January 28, 2022

Meeting Date: February 14, 2022

Report Number: PBS-009-2022

File: 21 105062 ZA and 21 105064 OP

Subject: Planning Act Public Meeting and Recommendation Report RE: Application to Amend Official Plan and Zoning By-law 2013-283 Subject Lands: 33 Rockwood Avenue Owner: Rockwood Development Ltd.

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: economic and social.



Recommendation Official Plan

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described in Appendix 1 in the City of St. Catharines, Region of Niagara, known municipally as 33 Rockwood Avenue, as follows:

- a) That Schedule D1, General Land Use, be amended by designating the lands known municipally as 33 Rockwood Avenue (includes former Millbank Street road allowance and a former portion of 26 Admiral Road and 31 Rockwood Avenue) to Neighbourhood Residential as outlined in Appendices 5 and 11; and
- b) That Schedule E9, East Planning District, be amended to designate the lands known municipally as 33 Rockwood Avenue (includes former Millbank Street road allowance and a former portion of 26 Admiral Road and 31 Rockwood Avenue) to Medium Density Residential as identified in Appendices 7 and 11 of this report.

Zoning By-Law

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described in Appendix 1 in the City of St. Catharines, Region of Niagara, known municipally as 33 Rockwood Avenue, as follows:

- a) That Section 15.1, Schedule A (A22), Zoning Maps, be amended by zoning the lands municipally known as 33 Rockwood Avenue (includes former Millbank Street road allowance and a former portion of 26 Admiral Road and 31 Rockwood Avenue) to Medium Density Residential with Special Provision 166 (R3-166) as outlined in Appendices 10 and 12; and
- b) That Section 13.1 'List of Special Provisions', be amended by adding Special Provision 166, as outlined in Appendix 12.
- c) That Section 15.2, Schedule B – Lot Specific Maps for Special Provisions, be amended by inserting an additional lot specific map (B40), as shown in Appendix 12.

That the Mayor and City Clerk be authorized to execute the necessary By-laws to give effect to Council's decision; and

That the Notices of Decision required by the Planning Act, R.S.O. 1990, c. P.13, as amended, be processed by staff; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Land Tribunal for consideration and final approval; and

Further, that the Clerk be directed to make all necessary notifications.

Summary

This report considers applications for Official Plan Amendment and Zoning By-law Amendment related to the privately owned lands located at 33 Rockwood Avenue (Appendix 1). The applicant is requesting that the Official Plan designation of the subject lands be changed from Low Density Residential to Medium Density Residential, and that the zoning of the subject lands be changed to Medium Density Residential with a special provision (R3-166). The majority of the property is currently zoned Low Density Residential – Traditional Neighbourhood (R2), with a portion of the lands currently zoned Low Density Residential (R1) and Medium Density Residential (R3). This is due to the former Millbank Street road allowance, which will be discussed further in the report.

The purpose of the application is to permit a three-storey apartment building with thirty-five (35) dwelling units and forty-five (45) surface parking spaces at 33 Rockwood Avenue. The Special Provision is intended to address certain site-specific matters including lot frontage, setbacks, landscape buffers, landscaped open space and parking area coverage. The proposed thirty-five (35) dwelling units represent a density of 90 units per hectare of land.

Staff are recommending approval of the application on the basis that it has regard for matters of Provincial interest, is consistent with the Provincial Policy Statement, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, and conforms to and does not conflict with the Region of Niagara's Official Plan and meets the intent and guiding policies of the City of St. Catharines Official Plan, subject to the staff recommendations herein.

Relationship to Strategic Plan

Economic Sustainability: The proposed development supports private investment through redevelopment of underutilized lands. Future residents of the proposed development will support transit and local business.

Social Sustainability: The proposed development contributes to the connectivity of people, places and neighbourhoods by providing additional residential units and taking advantage of proximate transportation routes. Future residents will benefit from local and Regional bicycle routes, transit and community facilities.

Report

Proposed Development

The applicant is proposing a three-storey, 35 dwelling unit rental apartment building at 33 Rockwood Avenue. The proposal includes 45 surface parking spaces, two of which will be accessible spaces. Thirty-seven 37 of the spaces are located in a parking area within the interior of the site and eight spaces in a parking area along the drive aisle towards Admiral Road. The applicant has indicated that the proposal will include 28 bicycle parking spaces, with an exterior bicycle rack of eight spaces located at the Rockwood Avenue entrance and additional storage within the building. Access to the site will include vehicle access off Admiral Road with additional pedestrian access off Rockwood Avenue. The main entrance and façade of the building will front onto Rockwood Avenue, contributing to a continual streetscape while also focusing the building towards active transportation methods offered via Rockwood Avenue. The proposed landscape plan, as shown in Appendix 2, includes various tree and shrub plantings along most lot lines to provide a buffer between adjacent residential lots and contribute to the overall streetscape.

The conceptual site plan attached as Appendix 2 is a revision of the initial site plan submitted with the Official Plan and Zoning By-law Amendment applications. The revised site plan addressed staff comments and concerns from members of the public regarding reduced landscape buffers along the west and north property lines. This will be discussed in further detail later in the report.

Location and Site Description

The subject lands at 33 Rockwood Avenue are located on the north side of Rockwood Avenue, bound by Rockwood Avenue to the south and Admiral Road to the north. The lands now known as 33 Rockwood Avenue are a result of multiple land consolidations with adjacent lots and an undeveloped municipal road allowance. Consent application

B-30/20SC added the rear portion of 31 Rockwood Avenue to the subject lands, and consent application B-50/20SC added the rear portion of 26 Admiral Road to the subject lands. The former Millbank Street road allowance to the east has also been consolidated with the subject lands as a result of the lands being purchased and closed by the owner in late 2020. The property of 33 Rockwood Avenue has been assembled to accommodate residential development such as an apartment building.

The combined area of the lands is approximately 3909 square metres (0.39 ha) with a frontage of 30.7 metres along Rockwood Avenue and 15.2 metres along Admiral Road. The lands have common lot lines with eleven (11) neighbouring properties, all of which are residential uses.

Currently the lands at 33 Rockwood Avenue are vacant but they were previously used as an automobile repair facility until the mid-2010s. Given the site's previous auto-related use, two records of site condition were filed with the Ministry of Environment, Conservation and Parks. A record of site condition was filed for 33 Rockwood Avenue on August 28, 2019. A record of site condition was filed for the former Millbank Street road allowance on July 21, 2021. Thus, the lands have been deemed acceptable for residential development by the Ministry.

Surrounding land uses include:

North: Detached dwellings fronting onto Admiral Road and Ferndale Public School
 East: A low-rise apartment building fronting onto Rockwood Avenue and a detached dwelling fronting onto Admiral Road
 South: Rockwood Avenue and detached dwellings fronting onto Rockwood Avenue
 West: A detached dwelling fronting onto Rockwood Avenue and detached dwellings fronting onto Ferndale Avenue

The surrounding neighbourhood includes a mix of low and medium density residential uses, as well as the Hartzel Road mixed use corridor to the west. Community uses within proximity to the subject lands include the Secord Woods Park, Merritton Community Centre, Merritton Arena, Lion Dunc Schooley Pool, St. Catharines Public Library Merritt Branch, and multiple public schools. Rockwood Avenue is a local collector road, with the lands benefiting from direct access to two City transit routes. These routes connect the site to the city's downtown core and the Pen Centre, both of which are transfer points that provide access to numerous routes throughout the city as well as Regional transit. The subject lands are located within proximity to a municipal on-road bike lane along Hartzel Road, which connects to Regional on-road lanes along Queenston Road to the north and Glendale Avenue to the south. Off-road bike lanes are also located within proximity to the subject lands.

Planning Policy Context

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2020), and must conform to Provincial plans, upper-tier Official Plans and lower-tier Official Plans. Accordingly, planning staff have evaluated this application for Official Plan Amendment and Zoning

By-law Amendment against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and staff recommendations have been formulated accordingly.

For Council's reference, the land use planning framework in Ontario, as it relates to this application, is outlined in Appendix 3.

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS), provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council "shall be consistent" with the PPS.

The subject lands are located within a Settlement Area under the PPS. Sections of the PPS, which are particularly relevant to the subject proposal, are summarized below.

Settlement Areas

Under the PPS, Settlement Areas are prescribed to be the focus for growth and development. Land use patterns within settlement areas shall be based on a mix of densities that efficiently use land, are appropriate for and efficiently use planned or available infrastructure and public service facilities, minimize negative impacts to climate change, support active transportation and are transit supportive. Settlement areas are to accommodate a significant supply and range of housing options through intensification and redevelopment by using brownfield sites, subject to appropriate development standards and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Housing

The PPS requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. This can be accomplished by municipalities permitting and facilitating housing options through residential intensification and redevelopment. The PPS further stipulates that new housing should be directed to areas where infrastructure is available, where active transportation and transit-supportive development can be achieved, and establishing standards for residential intensification and redevelopment that minimize the cost of housing and facilitate a compact built form.

Implementation and Interpretation

The PPS indicates the importance of Official Plans and Zoning By-laws in implementing the policies of the Province. Land use designations and policies of Official Plans, along with development standards of zoning by-laws, are important tools to protect and advance Provincial interests and direct development to suitable areas.

Record of Site Condition

The PPS requires that sites with potential contaminants be assessed and remediated as necessary to ensure that there will be no adverse effects. Staff requested the filing of a Record of Site Condition (RSC) to the Ministry of Environment, Conservation and Parks'

(MECP) Brownfield Environmental Site Registry for 33 Rockwood Avenue and the former Millbank Street road allowance.

The MECP filed an RSC (No. 225932) to the Brownfields Environmental Site Registry on August 29, 2019 for 33 Rockwood Avenue for a change of use from commercial to residential. The MECP also filed an RSC (No. 228850) to the Registry on July 21, 2021 for the former Millbank Street road allowance for a change of use from community to residential. In accordance with O. Reg. 153/04, all Environmental Site Assessment work was completed within 18 months of filing the RSCs. The two RSCs confirm that the property and former road allowance meet the applicable site condition standards for the proposed residential use.

PPS Summary Opinion

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the policies of the Provincial Policy Statement as policies related to intensification, growth, and housing are upheld. The proposed development will make use of underutilized lands that have been deemed acceptable for residential use by the MECP.

At a density of approximately 90 units per hectare, this intensification development will use existing infrastructure, public service facilities, promote active transportation and is considered transit-supportive development. The proposed units will contribute to the range of housing options and affordability by providing a mix of one- and two-bedroom purpose built rental units in the City of St. Catharines.

Provincial Growth Plan for the Greater Golden Horseshoe

The Growth Plan provides a policy framework that is designed to promote economic growth, increase housing supply, create jobs and build complete communities with the aim to make life easier, healthier and more affordable for people of all ages. It is intended to be achieved within the context of each individual community, while being sensitive to adjacent areas. The City's Official Plan and Zoning By-law implement this framework for the City of St. Catharines.

The Growth Plan identifies the subject lands as within the Delineated Built-up Area, which is an area intended to be the focus for intensification, investment, and population growth. Guiding principles within the Growth Plan direct compact and well-designed development to prioritize intensification. Growth and development should be directed to established built-up areas to avoid expanding existing urban boundaries where possible by encouraging intensification. Within settlement areas, growth will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit and areas with existing or planned public service facilities.

The Growth Plan further establishes that a diverse range of housing options and densities, including purpose-built rental dwelling units, be provided to meet current and future needs of residents. Multi-unit residences are to incorporate a mix of unit sizes to accommodate diverse household sizes and incomes.

The following provides an overview of the Growth Plan policies as it applies more specifically to the subject applications for Official Plan and Zoning By-law Amendments:

- Support the achievement of complete communities that support healthy and active living and meet people's needs throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land, infrastructure and transit.
- Support a range and mix of housing options to serve all sizes, incomes and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

Growth Plan Summary Opinion

The subject lands are located within a Delineated Built-up Area, are located along public transit routes and within proximity to a mixed-use corridor and public service facilities, which supports appropriate context-sensitive intensification. Further, there are existing municipal infrastructure and services available to the subject lands. The proposed increase in density is an efficient use of a currently vacant parcel at 33 Rockwood Avenue, which has undergone land consolidations to provide a lot size and layout that is appropriate for the lands.

The result is thirty-five (35) new residential units at 33 Rockwood Avenue that conform with Growth Plan policies to support the achievement of complete communities by increasing the mix, range and affordability of housing types available in St. Catharines. The development will be held to high design standards, to be applied and enforced through the Site Plan Approval process and agreement. The policies of the Growth Plan are upheld.

Regional Official Plan

Under the Regional Official Plan, 2014 (ROP), the subject lands are within the Urban Area Boundary for the City of St. Catharines and are designated Urban (Built-up) Area. A full range of uses including residential, commercial, and industrial are generally permitted within these areas, subject to the availability of servicing and infrastructure. Consistent with Provincial and Regional policy direction, the ROP promotes the efficient use of existing infrastructure and higher density development in Urban Areas to encourage infill as the preferred form of development. Further, the ROP states that a minimum of 40% of all annual residential development in the Niagara Region is to be located within built-up areas. Specifically, residential intensification that contributes to a mix of housing types and densities, including housing that is affordable, accessible and suited to the needs of a variety of households and income groups in Niagara, is encouraged in such areas to meet the current and future needs of a diverse population with a variety of household types.

The ROP's policies on housing identify the need for a range of housing types within urban communities to serve a variety of people as they age. As such, the Region supports and encourages local municipalities to support public and private sector development of more affordable housing options, including purpose built rental units. The Region further encourages the development of attractive, well designed residential development that promotes active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools, incorporates the principles of sustainability in building design, and provides an attractive, interconnected and active transportation friendly streetscape.

The proposed Official Plan and Zoning By-law Amendment will facilitate residential development that makes efficient use of underutilized urban serviced lands, as permitted within the urban area boundary and built-up areas for the City of St. Catharines. The proposed development is considered intensification and will count towards the City's annual residential intensification targets as set out by the Growth Plan and ROP, as well as provide additional supply of rental housing in the Region. Further, the proposed residential redevelopment will serve to provide additional housing options, promote active transportation in a thoughtfully designed apartment building located within proximity to existing public services and commercial areas.

Official Plan (Garden City Plan)

With the exception of the former Millbank Street road allowance, the subject lands are designated Neighbourhood Residential under the City's Official Plan, The Garden City Plan (GCP) (Appendix 4). Schedule E9, the East District Plan further identifies the majority of the lands as Low Density Residential (Appendix 6). The lands formerly designated for the Millbank Street road allowance are not currently designated in the GCP.

The current Low Density Residential designation of the GCP permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings at a density generally between 20 and 32 units per hectare of land with a building height limit of 11 metres. The proposed Medium Density Residential designation of the GCP permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land with buildings generally not exceeding a height of 20 metres.

Proposed Official Plan Amendment

The Official Plan Amendment application seeks to designate the lands of the former Millbank Street road allowance to Neighbourhood Residential on Schedule D1 of the GCP to match the rest of the site (Appendix 5). These lands are also proposed to be designated Medium Density Residential on Schedule E9, as discussed below.

The Official Plan Amendment application seeks to change the land use designation from Low Density Residential to Medium Density Residential (Appendix 7). This amendment is requested to allow medium density development, including the use of an apartment building, to facilitate the proposed three-storey, thirty-five dwelling unit apartment building on site, which has a density of 90 units per hectare. The draft Official Plan Amendment By-law and Schedules are attached as Appendix 11.

Section 16.1 of the Garden City Plan outlines general policies to be considered in evaluating an Official Plan Amendment application. This application for amendment to the Plan has been evaluated against these considerations, as follows:

Garden City Plan Policy (16.1)	Planning Comment
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, guiding principles and general policies of the Plan	<p>Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. To achieve a sustainable community, this includes providing choices and opportunities for employment, housing, transportation, social, recreational and cultural amenities. A sustainable community also makes efficient use of its infrastructure by focusing on a compact, mixed-use, walkable, bikeable and connected community.</p> <p>To accommodate growth, housing and employment will primarily be accommodated within the designated Urban Area. Given the City's finite Urban Area, growth will be accommodated through the efficient use of vacant and occupied lands, through a more compact built form and density. Growth will also be accommodated through the application of design initiatives that support compatible, innovative, efficient and sustainable building, site, streetscape, neighbourhood and community design.</p> <p>Further, the Plan states that to accommodate future residents, growth will require evolution from traditional development patterns and trends. As such, new types of housing shall be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and activity areas. New</p>

	<p>housing will also be encouraged to support housing diversity for a range of life stages, special needs, incomes and ages to promote social inclusion and promote affordable housing options.</p> <p>Part C of the Plan, 'General Policies', outlines general policies of the Plan, including the importance of urban design in St. Catharines, a mature city with a finite urban boundary. Given that future growth will primarily occur through intensification, compact development will require innovative and sensitive design to ensure compatibility and to create a sense of place.</p> <p>Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative and alternative design to manage development. Policies within Part D align with the Vision and Guiding Principles discussed above. Additional City regulations, such as the zoning by-law, urban design guidelines and site plan control, support Plan policies as they encourage efficient, integrated, accessible, sustainable and context sensitive development.</p> <p>The proposed change to Medium Density Residential will permit an increase in density to allow the proposed apartment building with a density of 90 units per hectare. The proposal conforms to the Plan as it intends to develop vacant and underutilized serviced lands in a manner that is considerate of the surrounding area while also contributing to intensification within the City's urban area. The proposal provides additional residential units within the city, providing future residents with access to a neighbourhood that is serviced by existing infrastructure, including multiple transit routes. Community uses, such as</p>
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	<p>schools, parks and recreation facilities are within proximity. Further, a variety of commercial services and retail uses are available within proximity to the subject lands. The proposed thirty-five units are a mix of one- and two-bedroom rental units, thus contributing to the mix of housing options within the city to provide housing for households of different sizes, ages and incomes.</p>
<p>ii) Consistency with Provincial and upper tier government plans, policies and legislation</p>	<p>The Garden City Plan is reflective of Provincial and Regional policies as it is required to conform to them. As demonstrated in earlier sections of this report, the proposal complies with Provincial and Regional land use policies.</p>
<p>iii) The availability and suitability of land already designated for the proposed use, the need for and the feasibility of the proposed use</p>	<p>There is limited supply of vacant land in the city that is designated Medium Density Residential. Development of this site will add dwelling units to an area of the city that is already developed, presenting a limited opportunity to add a mix of housing units to an established neighbourhood with access to various services and convenient uses.</p> <p>The increase in density and permission of an apartment building on the subject lands will allow thirty-five dwelling units to be added to the city's housing stock. The mix of one- and two-bedroom rental units lends to providing a greater range of units to meet the diverse housing needs for households of various sizes, ages and incomes within the city.</p>
<p>iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses</p>	<p>The adjacent uses are low density residential and medium density residential. Dwelling types are primarily detached dwellings, with a two-storey apartment building located adjacent to the east.</p> <p>With thirty-five new dwelling units at 33 Rockwood Avenue, making use of vacant lands that have been consolidated to accommodate future residential</p>

	<p>development, the proposal represents an increase in permitted density from a current maximum of 32 units per hectare to 90 units per hectare. The increase in density is mitigated by the proposed design of the apartment building. Following discussions with staff, the site plan provides adequate landscaping and buffers along lot lines and sufficient setbacks to mitigate potential adverse impacts to the surrounding lots. The apartment building will front onto Rockwood Avenue, with multiple landscape plantings and a low-sloped roof to provide an aesthetic façade and design to better fit within the existing streetscape. The majority of parking spaces are located within a parking area to the rear of the building, to be accessed from Admiral Road. From Admiral Road, a landscape buffer and plantings will provide screening from the streetscape to the proposed parking area of eight spaces along the drive aisle.</p> <p>A site plan agreement will allow staff to ensure adequate fencing, screening and landscaping is provided to further soften the impact of the development on surrounding properties.</p>
<p>v) The potential of the proposal to cause instability within an area intended to remain stable</p>	<p>The proposal will see a three-storey apartment building in an area currently comprised of detached dwellings and a low-rise apartment building. Within 300 metres to the west of the property is the Hartzel Road mixed-use corridor, which includes a range of commercial uses as well as community uses.</p> <p>The addition of thirty-five apartment units is not anticipated to cause destabilization of the area, which currently has low density and medium density residential uses, as well as being proximal to other uses and services that would benefit from additional residential units. Although the</p>

	<p>proposal is a higher density than the surrounding properties, the subject lands have been consolidated to form a parcel large enough to accommodate a low-rise apartment building that largely complies with City regulations and aligns with staff comments made during consultation. The proposal meets City requirements regarding parking and building height, and achieves the intent of the Official Plan and Zoning By-law with its proposed setbacks, landscape buffers and frontage along Rockwood Avenue. The apartment building is designed to blend with the existing neighbourhood as best as possible.</p> <p>The subject lands are a unique site in that they are vacant and underutilized serviced urban lands. The proposed application is intended to provide modest intensification in the city within an existing neighbourhood that benefits from various services and community uses.</p>
vi) The ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the city	Development engineering staff are satisfied that the existing capacity of services is sufficient for the proposed number of units. A Functional Servicing Report has been submitted and accepted by Development Engineering staff. Any required upgrades in services to the site will be at the expense of the applicant.
vii) The financial implications, both cost and revenues, to the City	Any improvements to municipal infrastructure to the site which may be necessary to accommodate the development will be at the sole cost of the applicant. The development of the vacant lands to an apartment building will result in an increase to the assessed value of the property, and in-turn, increase tax revenues for the City.
viii) The degree to which approval of the amendment would establish an undesirable precedent	The approval of this application does not establish an undesirable precedent. The review is based on the individual context and circumstances of the area. The subject lands were consolidated with

	portions of adjacent lands and an undeveloped municipal road allowance to accommodate the proposal. It will facilitate an apartment building that has been designed according to staff comments to complement the existing character of the surrounding area and is not anticipated to result in any adverse impacts. There are a limited number of sites in the area with similar shape, size and characteristics of the subject lands.
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In addition to the evaluation of a proposal against Section 16.1 of the Garden City Plan, there are additional policies that need to be considered. An analysis of Section 7.1 (c) urban design policies is conducted in the zoning by-law section of this report. Relevant policies from Sections 4.2, 4.3 and 7.1 (e) and (g) are assessed below.

Policy 4.2 (b) calls for “innovative, sustainable and context sensitive building, site, streetscape and neighbourhood design” and 4.2 (d) identifies the need for “compatibility of new development and redevelopment within established areas”. The proposed Official Plan Amendment accomplishes these policies by developing vacant lands with existing services available, rather than proposing development on lands that do not have municipal infrastructure or services. This lessens the environmental impact of the development and improves the project’s overall sustainability. The proposed development improves the streetscape through the infill of vacant lands and demonstrates context sensitivity by maintaining the existing setback from Rockwood Avenue, maintaining the low-rise height and low-sloped roof of the area and adding landscape plantings along the lot frontage. With access to the site via Admiral Road, the proposal demonstrates context sensitivity by providing adequate landscape buffers from the drive aisle to neighbouring lots, as well as installing plantings to screen the parking area from the street and adjacent lots.

Policy 4.2 (i) calls for a “range of choices for housing and transportation”. This application proposes thirty-five new dwelling units, with a mix of one- and two-bedroom rental units to be built. This appeals to residents that may not wish to live in a larger housing form. It also provides housing options within an established neighbourhood for residents who may choose to rent or are unable to afford to purchase a home. Given the location of the property, it is also appealing to residents that do not have a vehicle and rely on alternative methods of transportation.

Section 4.3 of the Garden City Plan speaks specifically to the built form that development and redevelopment must achieve. The scale, height, and massing of the proposed apartment building at 33 Rockwood Avenue are appropriate for the site context given the size of the lot and proposed setbacks and landscape buffers. The proposed height of the apartment building is approximately 12.8 metres, which is a 3 metre increase to the current maximum building height of 10 metres for permitted

dwelling types within the R2 zone. As a three-storey building, the proposed apartment building will not dominate the streetscape of the neighbourhood. The low-rise structure will also minimize sun shadows, light trespass and glare and wind effects. The proposed low-sloped roof will complement surrounding dwellings and contribute to the apartment building complementing the existing streetscape. Design elements, including windows, doors, colours and textures will be regulated through the site plan approval process.

Section 4.3 of the Garden City Plan also states that development will locate parking in a manner that minimizes impact to the surrounding area and environment by providing perimeter landscaping, limiting surface parking between the building and the public street, and providing connection to the public street. The proposed site layout achieves the intent of these policies and is discussed in the next section of the report.

Section 7.1 (e) and (g) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for supporting connectivity to public transit and active transportation, and supporting the best use of existing resources, infrastructure and service capacity. The proposal for 33 Rockwood Avenue would provide future residents with direct access to existing transit routes that connect directly to key locations in the city, as well as transfer options to other routes within the city and region. The lands are also within proximity to municipal and Regional on-road bike lanes. The proposed building would be serviced using existing municipal services and infrastructure.

Based on the policy evaluation above, staff are satisfied that the proposed Official Plan Amendment meets the intent of the Official Plan and recommend approval.

Zoning By-law

With the exception of the former Millbank Street road allowance, the subject lands 33 Rockwood Avenue are currently zoned Low Density Residential – Traditional Neighbourhood (R2) by Zoning By-law 2013-283, as shown in Appendix 9. The R2 zone permits a variety of residential uses including detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings with a maximum building height of 10 metres. Private road developments with the aforementioned dwelling types are also permitted.

Map A22 of Schedule A – Principal Zoning Maps in the Zoning By-law does not identify the zoning for the former Millbank Street road allowance. However, section 1.1.7 of the Zoning By-law states that a zone abutting a street extends to the centreline of the street. Therefore, the current zoning of the former Millbank Street road allowance is determined by the three abutting properties. The abutting properties to the east are zoned R1 and R3 and the abutting property to the west is zoned R2. As such, a small portion of the former Millbank Street is currently zoned Low Density Residential – Suburban Residential (R1), Low Density Residential – Traditional Neighbourhood (R2) and Medium Density Residential (R3).

Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment seeks to change the zoning for 33 Rockwood Avenue to Medium Density Residential (R3), as shown in Appendix 10. The change to R3

zoning will permit detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings as well as apartment buildings with a maximum building height of 20 metres. Private road developments with the aforementioned dwelling types and apartment buildings are also permitted in the R3 zone, as well as long-term care facilities.

This change is being sought to permit the proposed three-storey, thirty-five dwelling unit apartment building at 33 Rockwood Avenue. A special provision is being sought to address proposed zoning deficiencies of lot frontage, setbacks, landscaping requirements and parking area coverage on the site. The special provision also adds a maximum building height to the apartment building as it relates to the proposed reduced setbacks. The proposed special provision (R3-166) is outlined below and in the draft Zoning By-law Amendment and Schedules (Appendix 12). A diagram illustrating the reduced setbacks, landscape buffers and lot frontage is found in Appendices 8 and 12.

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
166	R3	22	40	33 Rockwood Avenue	
An apartment building/long term care facility shall be subject to the following provisions:					
1.	Minimum interior side yard setback (multiple westerly yard setbacks)			Setback A 3.5m Setback B 4.2m	
2.	Minimum interior side yard setback (easterly yard)			3.9m	
3.	Minimum landscape buffer (pinch point at east lot line at Admiral Road)			1.5m	
4.	Minimum landscape buffer (pinch point at west lot line at Admiral Road)			2.1m	
5.	Minimum landscape buffer (pinch point at south lot line)			1.5m	
6.	Minimum landscaped open space			30%	
7.	Minimum lot frontage (along Admiral Road)			15.24m	
8.	Minimum rear yard setback (various setbacks along Rockwood Avenue)			Setback C 3.0m Setback D 4.4m Setback E 8.4m Setback F 12.1m	
9.	Maximum parking area coverage			42%	
10.	Maximum building height			13m	

Section 7.1 (c) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site, streetscape, and neighbourhood context sensitive design to ensure:

- i) integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;
- ii) Adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimatic conditions, and protection of the natural features, functions and hazards.
- iii) Adequate and appropriate lot size, shape and configuration, access, on-site facilities and outdoor amenity areas to accommodate use;
- iv) Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.

The proposed change to R3 and site-specific provisions have been evaluated below against priorities and directions from the GCP:

Built Form and Integration into the Neighbourhood

The proposed three-storey, 35 dwelling unit apartment building at 33 Rockwood Avenue is designed to make the best use of the vacant serviced lands while also being sensitive to the surrounding neighbourhood. The proposed building height of 12.8 metres with a low-sloped roof, as suggested by staff, will ensure that the structure will provide needed intensification while also corresponding in scale, height and massing with surrounding dwellings. The proposed building elevations are included in Appendix 2. The proposed façade fronting onto Rockwood Avenue will improve the streetscape through infill of a vacant property along with installing multiple tree plantings. The proposed interior side yard setbacks provide adequate space for landscaping, drainage and a privacy buffer between the proposed building and existing adjacent dwellings. Adequate landscape buffers are provided along lot lines, with proposed reduced landscape buffers along pinch points or drive aisles that can accommodate landscaping. A site plan agreement will be employed to minimize impact and privacy concerns caused by these reduced setbacks through appropriate fencing, landscaping and window placement and screening.

Adverse Impacts on Neighbouring Properties

As noted, the proposed apartment building has been designed to fit within the surrounding area and minimize adverse impacts on neighbouring properties. Staff are satisfied that the proposed building provides adequate setbacks and buffers to adjacent properties. The number of parking spaces provided exceed the minimum number of parking spaces for this development, with forty-five parking spaces provided. Following staff's technical review, it was determined that the existing infrastructure is sufficient to accommodate the proposed development. Thus, it is not anticipated that the proposal will have adverse impacts to the surrounding area regarding infrastructure capacity.

Lot Frontage

The subject property is a through lot with frontage on two public roads, Rockwood Avenue and Admiral Road. The Zoning By-law considers lot frontage to be the shortest lot line fronting onto a road. As such, the subject property's lot frontage is 15.24 metres along Admiral Road. The minimum lot frontage for an apartment building in an R3 zone is 30 metres. Therefore, this deficiency is included in the requested special provision. The minimum lot frontage provision is required to ensure there is adequate space to place a building with setbacks and other development requirements while also meeting urban design guidelines to have a building façade that fits within the streetscape.

The subject property has a frontage of 30.69 metres along Rockwood Avenue, which will be the main façade of the building. Staff have reviewed the proposed building design and setbacks to abutting properties and deem the concept to be appropriate. As such, the 30.69 metre frontage along Rockwood Avenue meets zoning requirements. Staff acknowledge that although the lot frontage for the subject property is technically Admiral Road, this will not be the façade of the development and will be used for access to the property.

Building Setbacks and Buffering

To facilitate the development of the subject lands, the application proposes several special provisions to the R3 zone to permit a three-storey apartment building at 33 Rockwood Avenue.

Front yard setbacks are measured along the front lot line of a property, which is defined as the shortest lot line along a public road for properties with multiple frontages. Given the subject property's lot frontage is along Admiral Road, the front yard is considered the setback from the building to the lot line along Admiral Road. The setback from the building to the lot line along Rockwood Avenue is considered the rear yard setback even though the main façade of the building fronts onto Rockwood Avenue and it will act as the functional frontage of the development. The rear yard setback is proposed to be reduced from 12.8 metres to various pinch points, the shortest being 3.0 metres between the building and the lot line along Rockwood Avenue. The rear yard setback to the building ranges from 3.0 metres at the south of the property to 12.1 metres at the north of the property given the design of the building and angle of Rockwood Avenue. For reference, the minimum front yard setback for an apartment building on a collector road within an R3 zone is 5.0 metres. The proposed building setback is generally aligned with the adjacent properties, being slightly further back from the dwelling to the north and being closer to the road than the apartment building to the south. Given the angle of the road and long frontage, it would not be possible to have a building setback consistent with both properties to the north and south. The setback from Rockwood Avenue which will serve as the functional front yard, meets the front yard setback for a portion of the building, and is generally aligned with the setbacks of adjacent properties, staff consider the site layout and proposed yard setback to be appropriate.

The proposed front yard setback from the building to the lot line along Admiral Road is over 50 metres and meets zoning requirements.

The interior westerly and easterly side yards are proposed to be reduced from “half the height of the building” (approximately 6.4 metres), as required in the R3 zone, to a pinch point of 3.5 metres and 3.9 metres, respectively. The proposed westerly side yard setback will apply to approximately one third of the building that abuts a lot with a detached dwelling. Due to the design of the building, the westerly side yard has a setback of 3.5 metres and 4.2 metres for different portions of the building. The proposed easterly side yard setback of 3.9 metres occupies approximately half the length of the lot line and abuts a two-storey apartment building that is zoned R3. These reductions reflect the footprint of the proposed apartment building, which will front onto Rockwood Avenue with a setback compatible to the adjacent properties, thus fitting within the existing streetscape. To help facilitate the building placement up at the street to front onto Rockwood Avenue, staff anticipated that some reduction in the side yard would be needed. The zoning setbacks are established to prevent building massing from crowding the lot line and to provide a buffer for privacy, landscaping and drainage. As noted, staff are satisfied that the proposed interior side yard setbacks are adequate. Privacy will be considered in the site plan agreement by requiring screening on windows to prevent overlook into rear yards of surrounding properties. Similarly, a perimeter fence where viable will be required to further enhance privacy.

The proposed landscape buffers along the western and eastern lot lines near the Admiral Road access are proposed to be reduced from 3.0 metres to 2.1 metres and 1.5 metres, respectively. These reductions reflect the required space for the drive aisle via Admiral Road and the eight parking spaces located along the drive aisle. Given the proposed plantings and fencing to be installed along the lot lines, staff are satisfied that the proposed buffers and screening along the drive aisle are adequate.

The proposed landscape buffer along the southern lot line has a pinch point of 1.5 metres. The landscape buffer for the remainder of the lot line meets the 3.0 metre minimum of 4.5 metres. Given the reduced landscape buffer impacts only a portion of the lot line, staff are satisfied that overall an adequate buffer is provided.

The proposed special provision reductions are shown in Appendix 8.

Staff note that the initial site plan submitted with the application proposed reduced landscape buffers along the northern and western lot lines of the main parking area from 3.0 metres to 1.5 metres be included in the special provision. Following staff consultation, the applicant revised the site plan to include the required 3.0 metre landscape buffer along these lot lines to ensure adequate buffers are provided to accommodate plantings and drainage needs. Staff are satisfied with the revised buffers as shown in Appendix 2.

Landscaping

The minimum landscaped open space requirements for apartment buildings fronting onto local or collector roads in the R3 zone is 35% of the lot area. The proposed development has dedicated 30% of the lot area to landscaped open space. As such, the special provision proposes a reduction in landscaped open space. The proposed

reduction in landscape open space was reviewed by staff, who did not have objections to the modest reduction.

As noted, staff required the 3.0 metre landscape buffers along the north and west property lines abutting multiple residential dwellings to provide adequate space for plantings and landscaping features. This has been reflected in the revised site plan submitted by the applicant. The revised site plan includes the 3.0 metre landscape buffers and new tree plantings along the north and west lot lines.

Parking

Apartment buildings require a minimum parking ratio of 1.25 parking spaces per dwelling unit. Based on the proposed thirty-five units, a minimum of forty-four (44) parking spaces are required. The proposal exceeds the required number of parking spaces with the provision of forty-five (45) spaces, including two accessible spaces.

Policy within section 7.1 of the GCP states that parking areas shall not dominate the site physically or visually and that opportunities for perimeter and internal landscaping be maximized. Section 4.3 of the GCP states that development will locate parking in a manner that minimizes impact to the surrounding area and environment by providing perimeter landscaping and limiting surface parking between the front and flanking face of the building and the public street. Section 4.3 also states that parking areas should be connected to the public street through safe and landscaped pedestrian walkways.

The proposed parking area covers 41.39% of the lot, which exceeds the Zoning By-law maximum of 20% lot coverage. As such, this is included in the requested special provision. The intent of the maximum parking area provision is to ensure site layouts are balanced with adequate lot coverage designated to landscaped open space, building coverage and parking area if applicable. The proposed apartment building has a lot coverage of 27.5% and 30% lot coverage for landscaped open space. Although the requested parking area coverage exceeds what is permitted through zoning, the parking area has to accommodate a minimum number of forty-four parking spaces for the proposed thirty-five units. Staff recognize that the proposal exceeds the minimum number of parking spaces, however, the removal of the one additional space would result in a minor change in overall parking lot coverage. A common concern raised by members of the public is the adequate provision of parking on site and potential overflow. The majority of the proposed parking lot is located within the interior of the site and provides perimeter landscaping to screen the parking area from the street and adjacent properties. The parking area provides a sidewalk connection to all entrances of the building and connects to the existing sidewalk along Rockwood Avenue. During staff review there were no concerns with the site layout and parking area from a drainage or stormwater management perspective. Therefore, staff acknowledge that although the parking area coverage exceeds what is permitted in the Zoning By-law, given the required parking for this proposal, the interior location of the majority of the spaces and the landscaping provided, the proposed site layout is acceptable. Further, staff recognize that given that the proposal offers thoughtful infill development to vacant and serviced lands within the city, which conforms with Provincial, Regional and local

policies to provide a range of housing options, staff do not oppose the increase in parking area coverage for this proposal.

Transit

The subject lands are located across the street from transit stops on Rockwood Avenue that provide access to two bus routes. Another bus stop is located approximately 100 metres from the subject lands at the intersection of Rockwood Avenue and Ferndale Avenue, which provides access to a third bus route. All three routes offer inbound and outbound service from the downtown bus terminal, with service available seven days per week with evenings and holidays. Two of the routes also offer inbound service to the Pen Centre bus terminal with service available seven days per week with evenings and holidays. The downtown and Pen Centre bus terminals also serve as transfer points, connecting users to numerous routes across the city along with Regional transit.

Bicycle Parking and Facilities

The proposal shows parking or storage areas for eight bicycles at the Rockwood Avenue entrance of the building. The applicant has indicated that bike storage within the building can accommodate 20 additional bicycles. The proposal exceeds the minimum number of eight bicycle parking spaces for an apartment building with 35 units.

The entirety of Hartzel Road, from Queenston Street to Glendale Avenue, currently has a shared on-road bicycle lane. This lane connects to the Region's bicycle network with on-road lanes along Queenston Street to the north and Glendale Avenue to the south.

Active Transportation

While the development promotes active transportation and will provide future residents with direct access to transit routes and bike lanes, the site is not large enough to provide active transportation facilities and connections. However, there will be twenty-eight spaces for bicycle parking onsite, which exceeds the minimum requirement for the proposal.

Site Plan Control

Should the requested amendments to the Official Plan and Zoning By-law be approved, a Site Plan Agreement will be required to develop the proposed apartment building.

Site plan control is the City's primary tool for implementing City standards and urban design guidelines; it regulates the placement of buildings, architectural elevations, access, parking, site servicing, grading, drainage, lighting, landscaping, fencing, storage of waste and other details of site design. Appendix 2 provides the proposed conceptual site design.

A public information session relating to the detailed designs of the sites will be hosted by staff as part of the site plan process. Through that forum, Planning Services staff and the applicant will present the refined designs to the public for information purposes. A site plan includes the registration against the title of the lands that will be legally binding upon the existing and future property owners. The applicant will be required to post securities to ensure the terms of the agreement are carried out.

Concurrent Application

On May 13, 2021, the applicant submitted a Site Plan Agreement application (File no. 21 104949 SP) to the City of St. Catharines. This application was circulated to City staff and external agencies for review. In response to staff comments, the applicant revised the site plan to address deficient landscape buffers along the north and west lot lines, which are adjacent to low density residential dwellings. The applicant submitted the second submission on December 10, 2021, which is currently under staff review. Staff are generally supportive of the proposed design and layout of the site.

Circulation of Applications

The applications were circulated to all relevant departments and agencies in accordance with the *Planning Act*. No department or agency has objected to the proposed Official Plan and / or Zoning By-law Amendments. The feedback that has been received is outlined below and has been considered in the recommendation of this report.

Niagara Region

Regional Planning and Development Services staff are supportive of the proposed Official Plan and Zoning By-law Amendments. The proposal is consistent with the PPS and conforms with the policies of the Growth Plan and Regional Official Plan as it will optimize the use of urban land, utilize existing services, contribute to the City's intensification target, and provide additional rental housing options in the Niagara Region.

Community, Recreation and Culture Services (CRCS)

No objection to the proposed Official Plan and Zoning By-law Amendments or the proposed use of an apartment building. CRCS staff recommend a 3.0 metre landscape buffer between the parking lot and adjacent residential uses to provide for landscape material. Landscape design, tree protection measures, fencing and boulevard plantings will be addressed through the site plan agreement.

Development Engineering

Development staff have no objection to the application for Official Plan Amendment and Zoning By-law Amendment. The City will be requiring a road widening of approximately 0.86 metres in width to be known as Public Highway Rockwood Avenue. A Functional Servicing Report was submitted identifying water, sanitary and stormwater needs for the site, which has been reviewed and approved by staff. The detailed drainage design and servicing drawings have been submitted and approved through the site plan process.

Urban Design

No objections to the proposed Official Plan and Zoning By-law Amendments. Staff do not have concerns with the general site layout or building design, save for a few site-specific modifications such as requiring a 3.0 metre landscape buffer along the northern and western boundaries of the parking area.

As noted, the landscape buffers along the north and west boundaries of the parking area have been revised to provide a 3.0 metre buffer. The revised site plan was submitted as part of the concurrent site plan application and is attached as Appendix 2 of this report.

Traffic

No objections to the proposed Official Plan and Zoning By-law Amendments.

Public Consultation

A public notice advising of a public open house was mailed to property owners within 120 metres of the property on August 13, 2021. Over 100 notices were mailed to surrounding residents. This public notice was also shared through the City's digital channels and appeared on the City's website.

A digital public open house was held by Planning and Building Services over the Zoom platform on September 15, 2021. The purpose of the open house was to present the applicant's proposed Official Plan Amendment, Zoning By-law Amendment and conceptual site plan and offer an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. Members of the public were required to register in advance to speak to the applications at the public open house. As an alternative, the public was also invited to submit written or emailed comments and questions. While the open house was conducted over the Zoom platform, it was live streamed on the City's YouTube channel and has been available for viewing on YouTube since the open house.

The City received comments from nine members of the public via email, telephone and during the open house. Three members of the public registered to attend the public open house, all of which attended to speak.

The questions and concerns raised at the public open house and in written or emailed submissions are compiled into similar themes below followed by a staff response.

Comment: This area should remain low density residential and should not permit medium density uses such as the proposed apartment building.

Response: Although the subject property is currently designated for low density residential uses, in accordance with Provincial, Regional and local policies, the consolidated lands have been evaluated to be suitable for medium density residential use. Following technical staff review, it has been determined that the proposed use can be accommodated using existing municipal infrastructure and services. Through discussions with staff and during site plan control, the proposal has been designed in a manner to best fit into the surrounding area while also contributing to providing a mix of housing options for current and future residents within the city.

Comment: Concerns with the reduced landscape buffer and potential impacts regarding drainage and privacy. Concerns with the proposed building height of three storeys and potential impacts to privacy. Tall hedges should be planted to mitigate these concerns.

Response: Although the proposed building height of 12.8 metres is higher than abutting properties and the current maximum height of 10 metres, there

will be privacy mitigation measures in place to mitigate these concerns. Measures such as landscape buffers and setbacks, tree plantings and fencing along lot lines. Additional measures such as window screening will be addressed through the site plan process.

Comment: Concerns with the increase in both vehicular and foot traffic to the area. Particularly, safety concerns with access via Admiral Road and the amount of traffic this development will generate given the school located to the north. There should be traffic calming measures considered if possible.

Response: Following staff's technical review, there were no objections to the proposal from a traffic or safety perspective, as it is not anticipated that the additional traffic will result in unsafe conditions. During site plan control, staff review the site plan in detail to ensure design standards are met to provide adequate space for vehicles and pedestrians to safely navigate entering and exiting the site.

Comment: Concerns with the proposed number of parking spaces and potential parking overflow. Will there be by-law enforcement for people that use on-street parking overnight when they should not?

Response: The City of St. Catharines Zoning By-law requires 1.25 parking spaces per apartment dwelling unit. This proposal exceeds the minimum number of parking spaces required by providing forty-five parking spaces to serve the development. The proposal also provides adequate bicycle parking. It is expected that some residents will rely on public transit given the site's direct access to multiple transit routes. The development will not rely on on-street parking, however, there is limited on-street parking available along the northern side of Admiral Road near the subject property. On-street parking is not permitted along the south side of Admiral Road or along Rockwood Avenue near the subject property. As with any other occurrence of unlawful on-street parking within the city, this would be addressed by contacting the City's by-law enforcement officials.

Comment: I did not receive a notice in the mail like my neighbours. I want to be notified when this file goes to Council for their consideration.

Response: The Notice of Open House was delivered to all property owners within 120 metres of the subject lands, as legislated under the *Planning Act*. Residents that live outside this perimeter may not receive notice in the mail. A sign was also posted on the property to provide additional notice. Members of the public are able to sign up to receive online notification of all upcoming open house and public meetings for development applications. The City planner assigned to this file will provide additional notification via email to all members of the public that have submitted comments and expressed interest in the application once a Council date has been confirmed. The Planner communicated with these individuals via e-mail and telephone of the upcoming public meeting and how to submit comments and/or register to attend.

Comment: Is there adequate infrastructure and servicing to accommodate the proposal?

Response: With the submission of the development application, the applicant must provide a Functional Servicing Report, prepared by a Professional Engineering Consultant, to demonstrate servicing requirements for the proposal and whether it can be accommodated by existing services. Following staff's technical review, it was determined that the existing infrastructure is sufficient to support the proposed development.

Comment: Will these units be designated for rent-geared-to-income housing?

Response: The proposal is for a purpose-built rental apartment building, but the applicant has indicated the units will be priced at market rate.

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation, Council is advised to defer its decision until such time as a second planning opinion from an external consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Land Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing.

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

The development of this vacant site to accommodate residential use within the City's Urban Area contributes to environmental sustainability by reducing urban and suburban sprawl.

Conclusion

In summary, staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment to permit the development of a three-storey apartment building with thirty-five units, subject to the recommendations set out in this report.

These applications for Official Plan Amendment and Zoning By-law Amendment have regard for matters of provincial interest, are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with the Region of Niagara's Official Plan, subject to the staff recommendations herein.

Notifications

It is in order to advise Matthew Kernahan, Upper Canada Consultants, 3-30 Hanover Drive, St. Catharines, ON L2W 1A3, the owner's agent.

Prepared by

Natasha MacDonald, MPL
Planner I

Submitted by

Margaret Josipovic, MPA
Manager of Planning Services

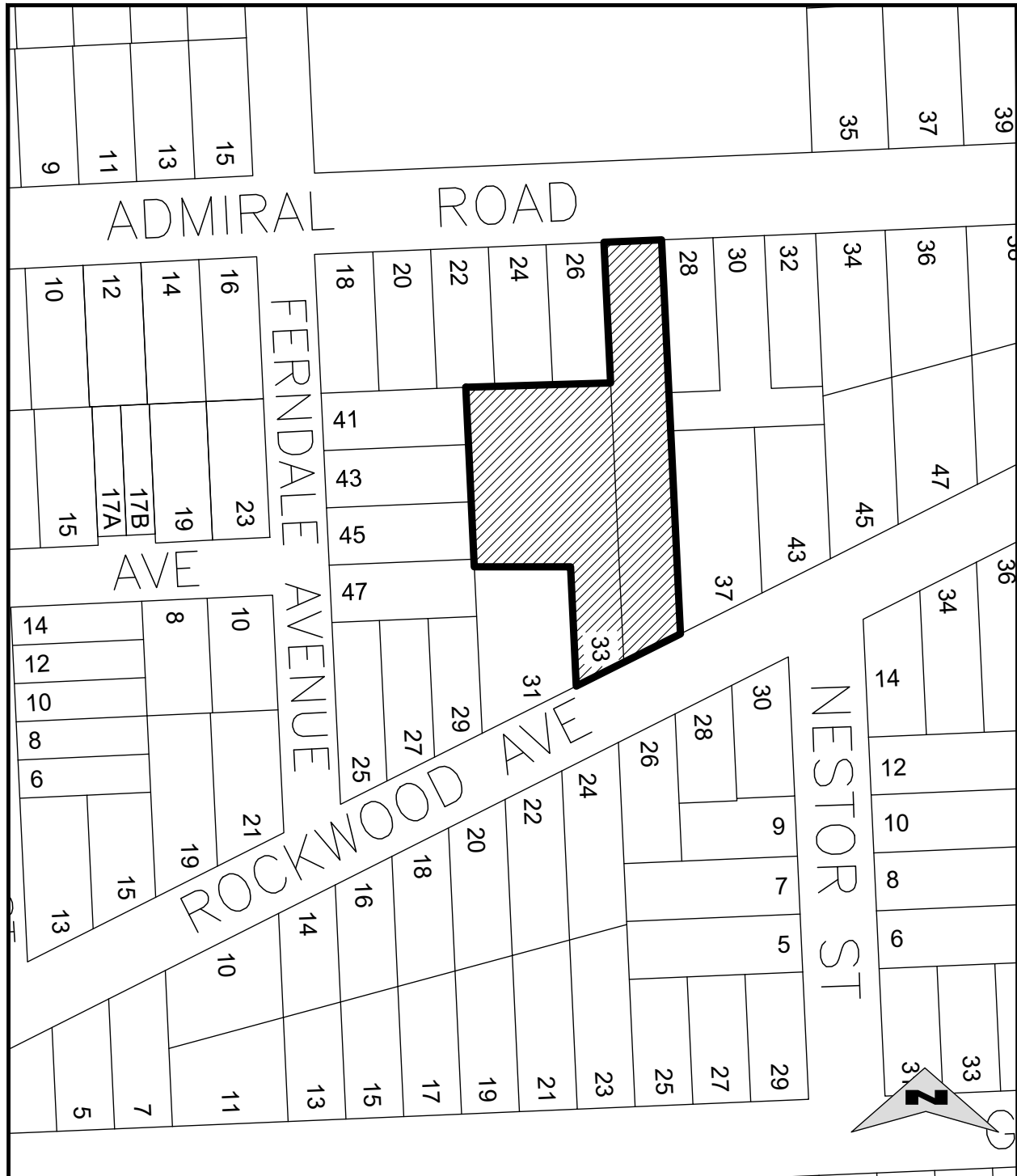
Approved by

Tami Kitay, MPA MCIP RPP
Director of Planning and Building Services

Appendices

- Appendix 1 – Location Map and Legal Description
- Appendix 2 – Conceptual Site Plan, Landscape Plan and Building Elevations
- Appendix 3 – Ontario Planning Framework
- Appendix 4 – Official Plan Schedule D1
- Appendix 5 – Proposed Official Plan Schedule D1
- Appendix 6 – Official Plan Schedule E9
- Appendix 7 – Proposed Official Plan Schedule E9
- Appendix 8 – Location of Reduced Setbacks and Buffers
- Appendix 9 – Existing Zoning
- Appendix 10 – Proposed Zoning
- Appendix 11 – Draft OPA By-law and Schedules
- Appendix 12 – Draft ZBA By-law and Schedules

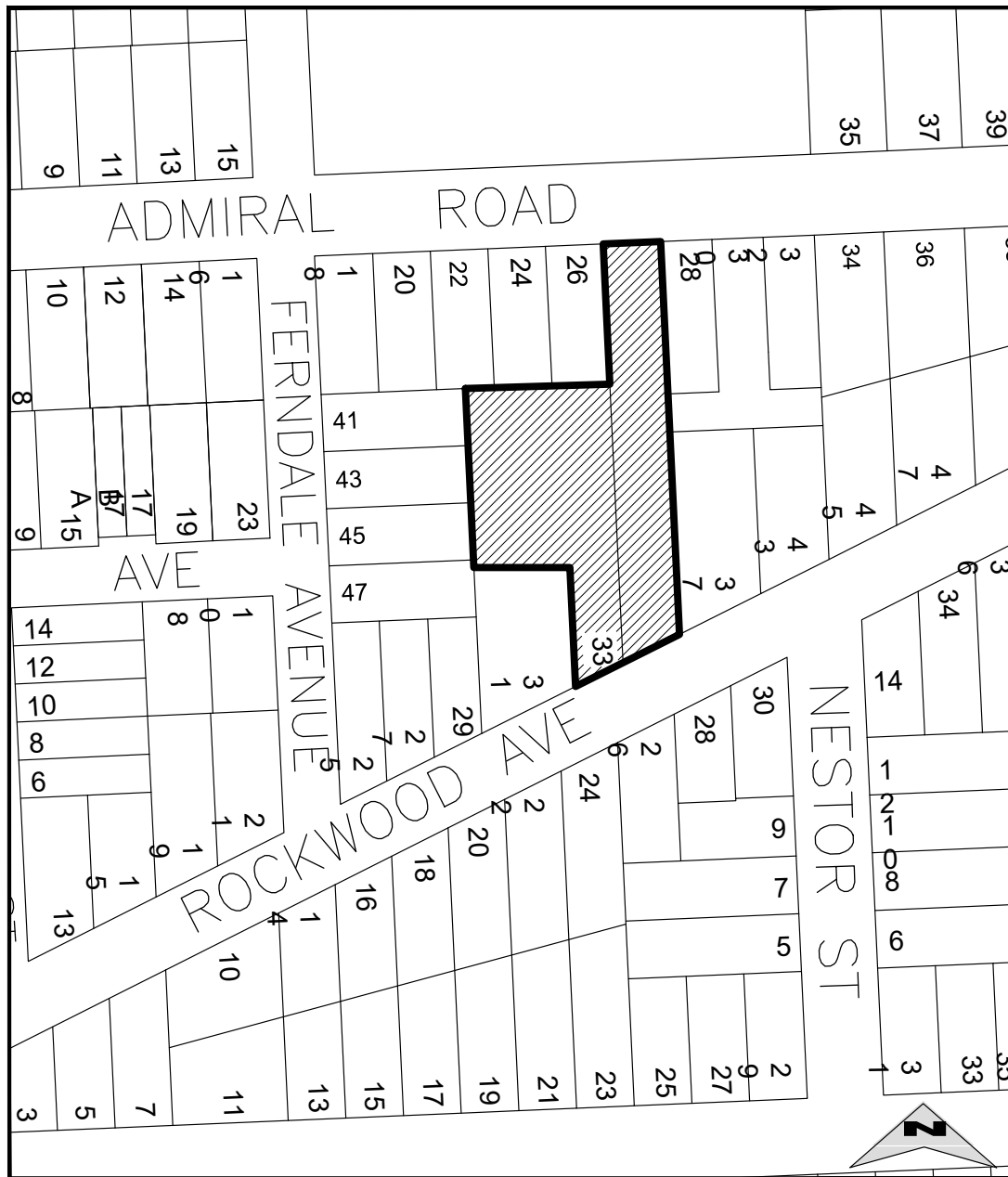
Location Map



Subject Lands
33 Rockwood Avenue
File: 21 105062 ZA & 21 105064 OP

Legal Description

33 Rockwood Avenue



LOTS 75 & 76 TOWNSHIP PLAN 97 GRANTHAM; LOTS 77 & 78 TOWNSHIP PLAN 97 AND PART LOT 81 TOWNSHIP PLAN 97 GRANTHAM BEING PART 5 PLAN 30R15682; PART LOTS 79 & 80 TOWNSHIP PLAN 97 GRANTHAM BEING PART 3 PLAN 30R15682; MILLBANK STREET TOWNSHIP PL 97 GRANTHAM (CLOSED BY BYLAW 2020-167 AS IN NR574152); SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 1, 2 AND 3, 30R15752 AS IN NR574153; SUBJECT TO AN EASEMENT OVER PARTS 1, 2 AND 3, 30R15752 AS IN NR574154; SUBJECT TO AN EASEMENT OVER PARTS 2 AND 6, 30R15752 IN FAVOUR OF LOT 86 TOWNSHIP PLAN 97 GRANTHAM; PART LOT 87-90 TP PLAN 97 GRANTHAM AS IN RO573835; AS IN NR574155; SUBJECT TO AN EASEMENT OVER PART 6, 30R15752 IN FAVOUR OF LOT 74 TOWNSHIP PLAN 97 GRANTHAM AS IN NR574156; CITY OF

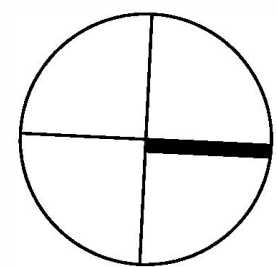
THESE DRAWINGS ARE NOT TO BE SCALED

ALL DRAWINGS, THE DESIGN, AND THE DETAILS THEREON REMAIN THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE ALTERED, RE-USED OR REPRODUCED WITHOUT THE ARCHITECT'S EXPRESS WRITTEN CONSENT.

THE CONTRACTOR MUST FIELD VERIFY ALL DIMENSIONS AND MUST CONFIRM & CORRELATE ALL DETAILS WITHIN THE FULL DRAWING PACKAGE BEING RESPONSIBLE FOR SAME THROUGHOUT CONSTRUCTION, REPORTING ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO COMMENCING THE RELEVANT WORK.

ALL DRAWINGS, DETAILS & SPECIFICATIONS REPRESENTED IN THE DRAWINGS ARE TO BE USED FOR CONSTRUCTION ONLY WHEN ISSUED BY THE ARCHITECT AND NOTED ACCORDINGLY IN THE 'ISSUANCE/REVISIONS' BOX HEREON.

M Review 2022-01-12



PROJECT:

Proposed
Apartment Complex
at
Rockwood Avenue
St. Catharines, ON

SEAL:



WHITELINE |
Architects Inc.

83 ONTARIO STREET
ST. CATHARINES
ONTARIO L2R 5J5
905-688-6087
www.whitelinearchitects.com

DRAWING TITLE:
Site Plan

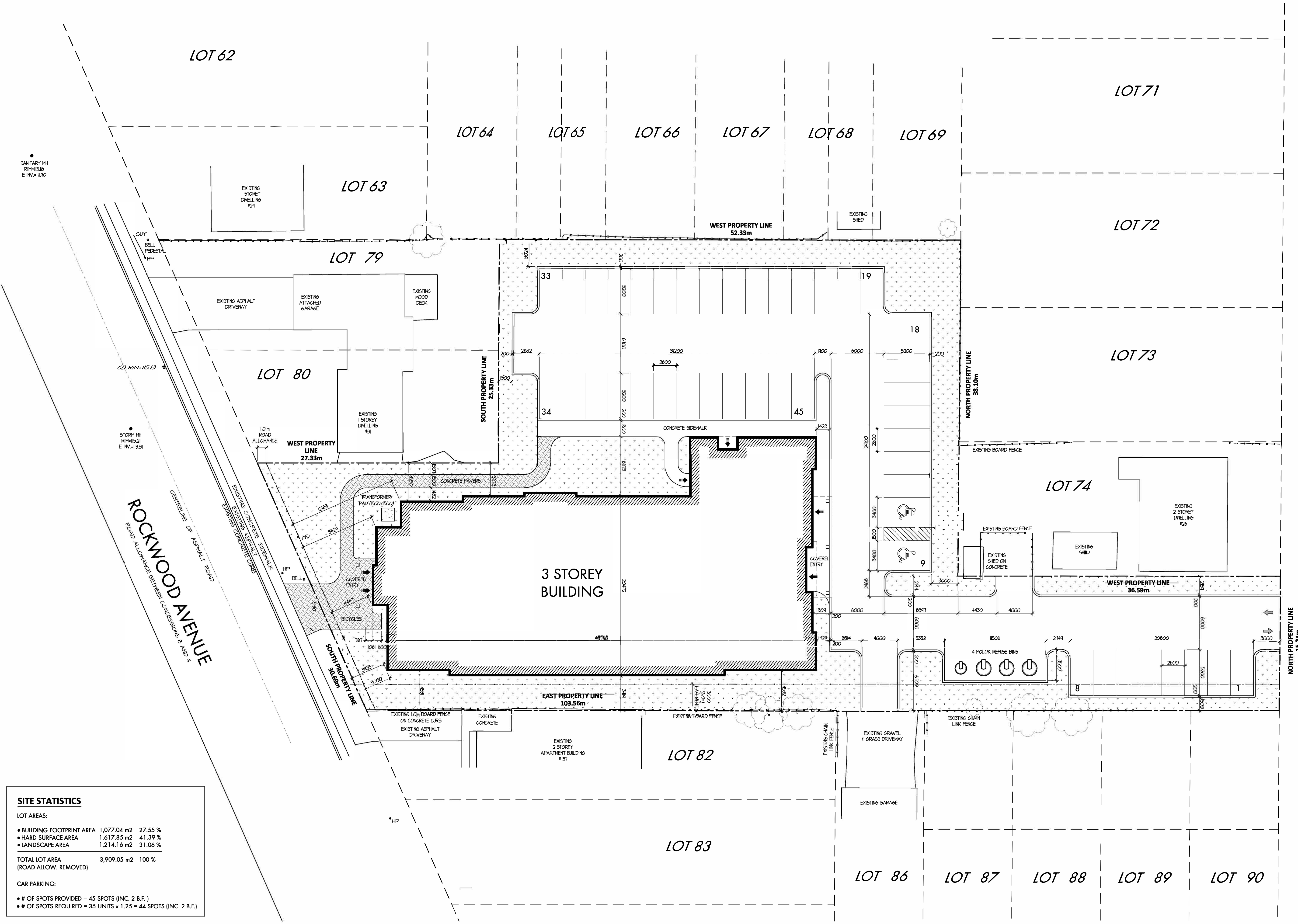
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DRAWN:
D.V.

DATE:
November 2020

PROJECT #:
2008

DRAWING #:
A1-1

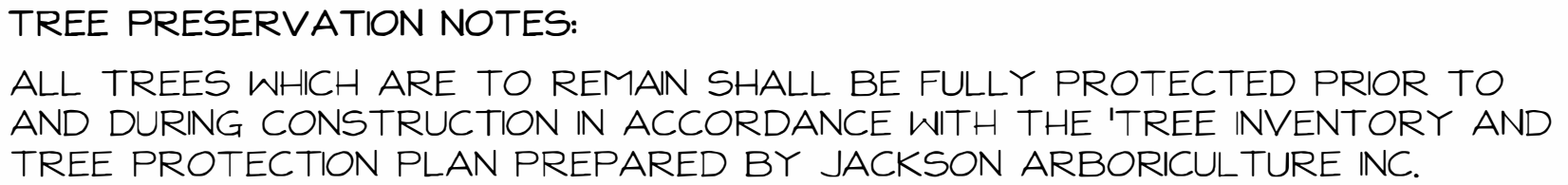


SITE STATISTICS

LOT AREAS:			
• BUILDING FOOTPRINT AREA	1,077.04 m ²	27.55 %	
• HARD SURFACE AREA	1,617.85 m ²	41.39 %	
• LANDSCAPE AREA	1,214.16 m ²	31.06 %	
TOTAL LOT AREA	3,909.05 m ²	100 %	
(ROAD ALLOW, REMOVED)			
CAR PARKING:			
• # OF SPOTS PROVIDED = 45 SPOTS (INC. 2 B.F.)			
• # OF SPOTS REQUIRED = 35 UNITS x 1.25 = 44 SPOTS (INC. 2 B.F.)			

ADMIRAL ROAD

ROCKWOOD AVENUE
ROAD ALLOWANCE BETWEEN COSECTIONS @ AND A



OWNER NAME _____

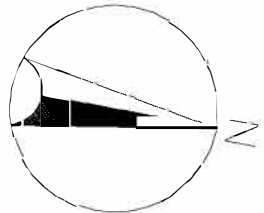
QUALITY _____

THE CORPORATION OF THE CITY OF ST. CATHARINES

DIRECTOR OF PLANNING AND BUILDING SERVICES

DATE _____

NOTES: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE, AND MAY BE SUBJECT TO ALTERED IN THE FINAL DESIGN. PROVIDING THE INTENT AND THE PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER, AND NOTWITHSTANDING, ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL CITY SERVICES, GRADING AND UTILITIES SHALL BE IN ACCORDANCE WITH PLANS APPROVED BY THE ENGINEER.



2	06/12/21	AS PER SPA COMMENTS
1	11/05/21	AS PER SPA COMMENTS
No.	Date	Description
REVISIONS		

PROJECT
PROPOSED APARTMENT COMPLEX
ROCKWOOD AVENUE
ST. CATHARINES, ON

LANDSCAPE PLAN



679 LINCOLN AVE., NAGARA-ON-THE-LAKE, ON L0S 1J0
PH: 9056415250 E: office@landscapeflorida.ca

SCALE	1 : 200
DRAWN BY	C.S.
CHECKED BY	C.S.
DATE	31/03/21
DATE OF PRINT	31/03/21

PROJECT NO.	21-514
SHEET NO.	41



SOUTH ELEVATION: Facing Rockwood Avenue
SCALE: 1/8" = 1'-0"



NORTH ELEVATION: Facing Admiral Road
SCALE: 1/8" = 1'-0"



EAST ELEVATION: Facing Easement
SCALE: 1/8" = 1'-0"



WEST ELEVATION: Facing Parking
SCALE: 1/8" = 1'-0"

THESE DRAWINGS ARE NOT TO BE SCALED

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A	Review	2021-03-17
B	Review	2021-04-08
C	Review	2021-04-09
D	Review	2021-04-09

PROJECT:

Proposed Apartment Complex

at
Rockwood Avenue
St. Catharines, ON

SEAL:



WHITELINE |
Architects Inc.

144 JAMES STREET

ST. CATHARINES

ONTARIO L2R 5C5

905-688-6087

www.whitelinearchitects.com

DRAWING TITLE:

Elevations

SCALE:

As Noted

DRAWN:

D.V.

DATE:

November 2020

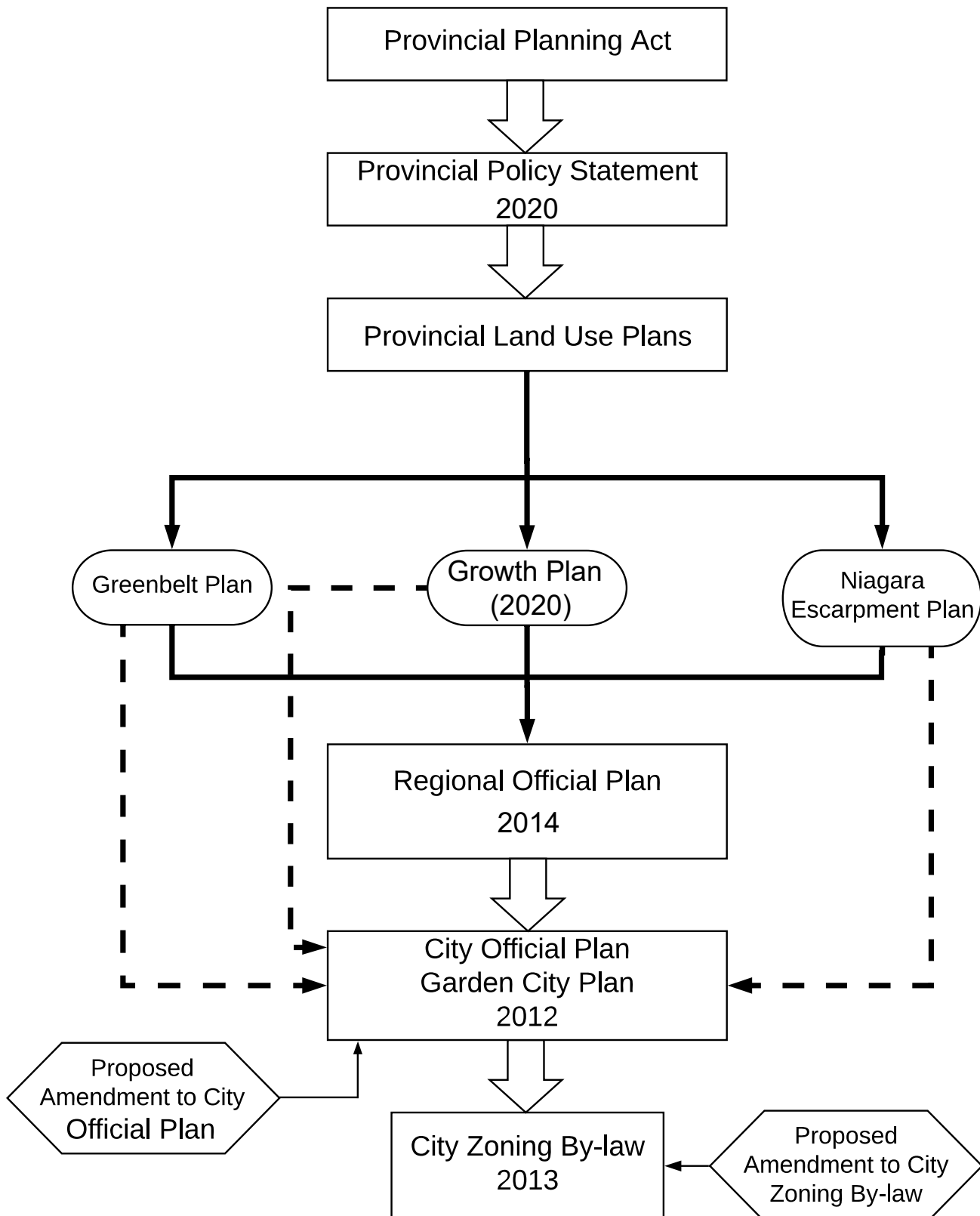
PROJECT #:

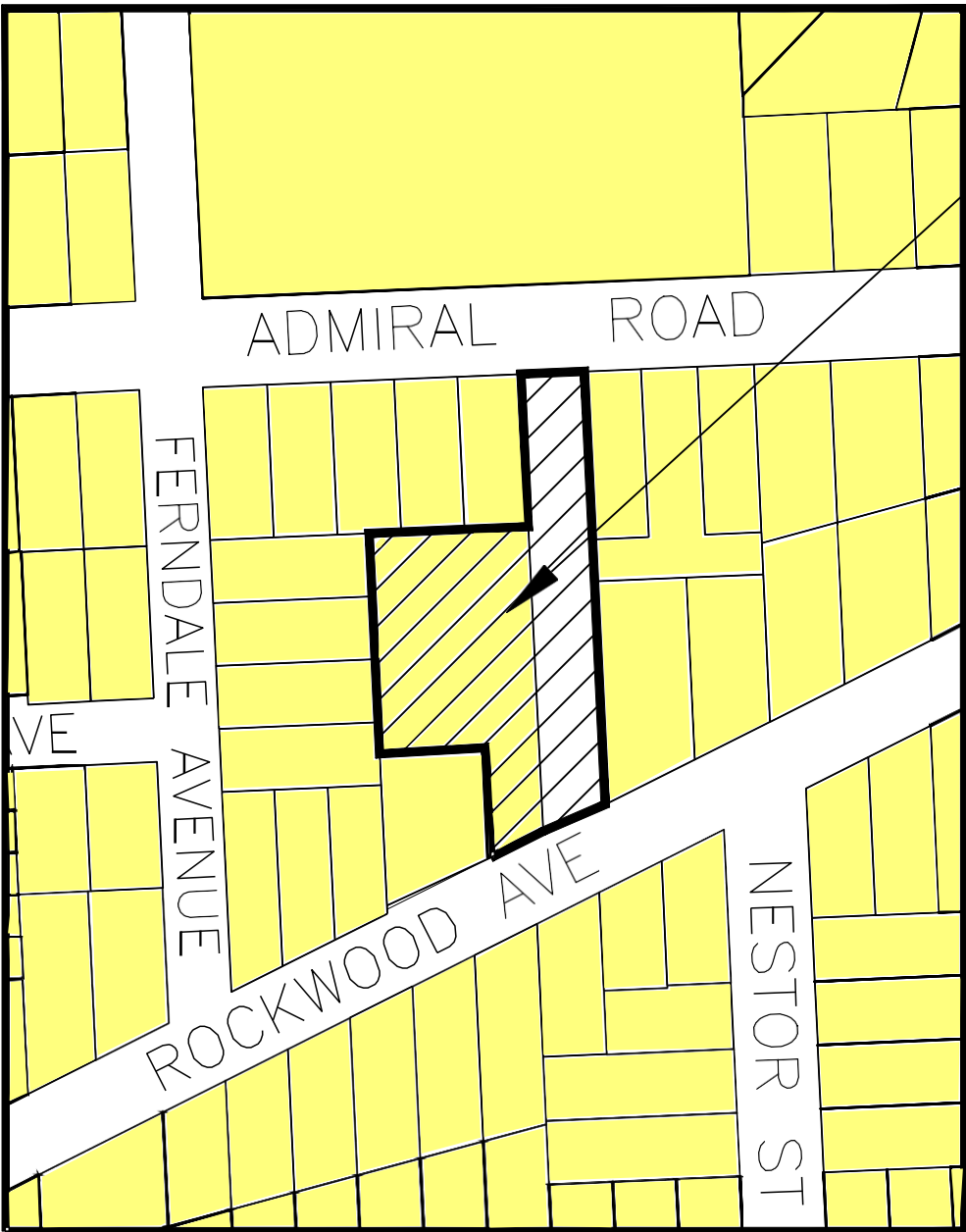
2008

DRAWING #:

A3-1

Ontario Land Use Planning Framework





Subject Lands

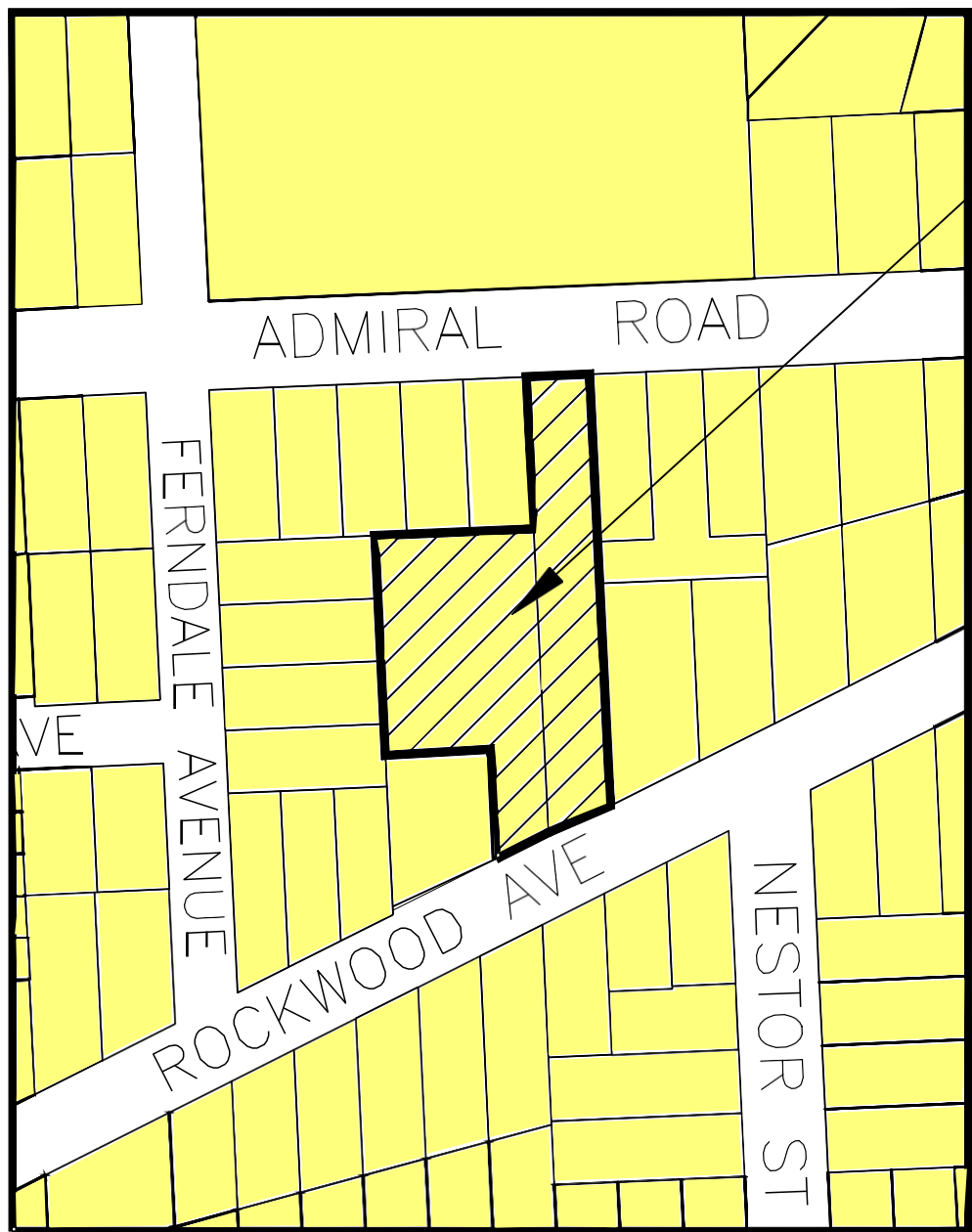
33 Rockwood Avenue

The Garden City Plan General Land Use Plan (D1)

Land Use Designations

 Neighbourhood Residential





Subject Lands

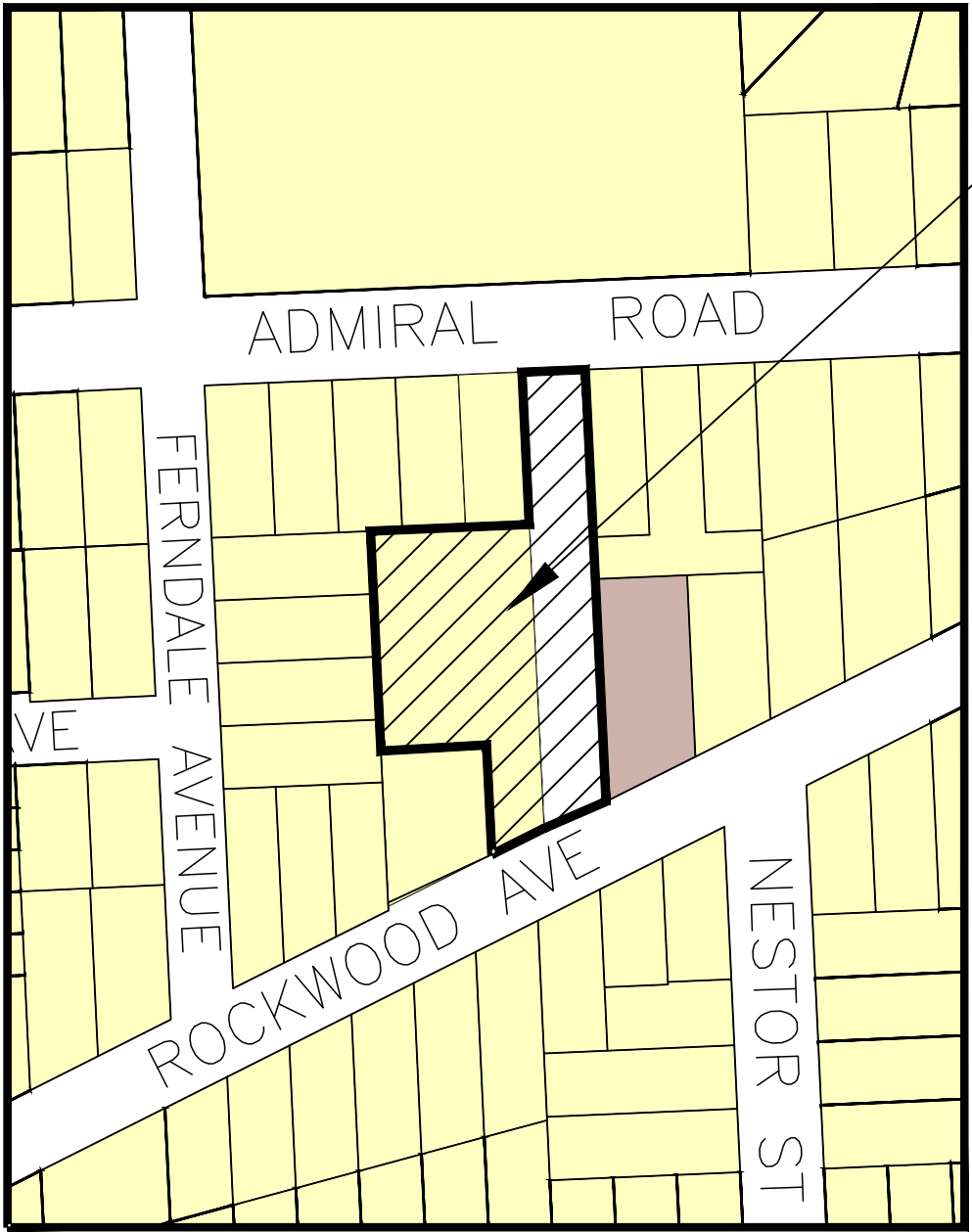
33 Rockwood Avenue

The Garden City Plan General Land Use Plan (D1)

Land Use Designations

 Neighbourhood Residential





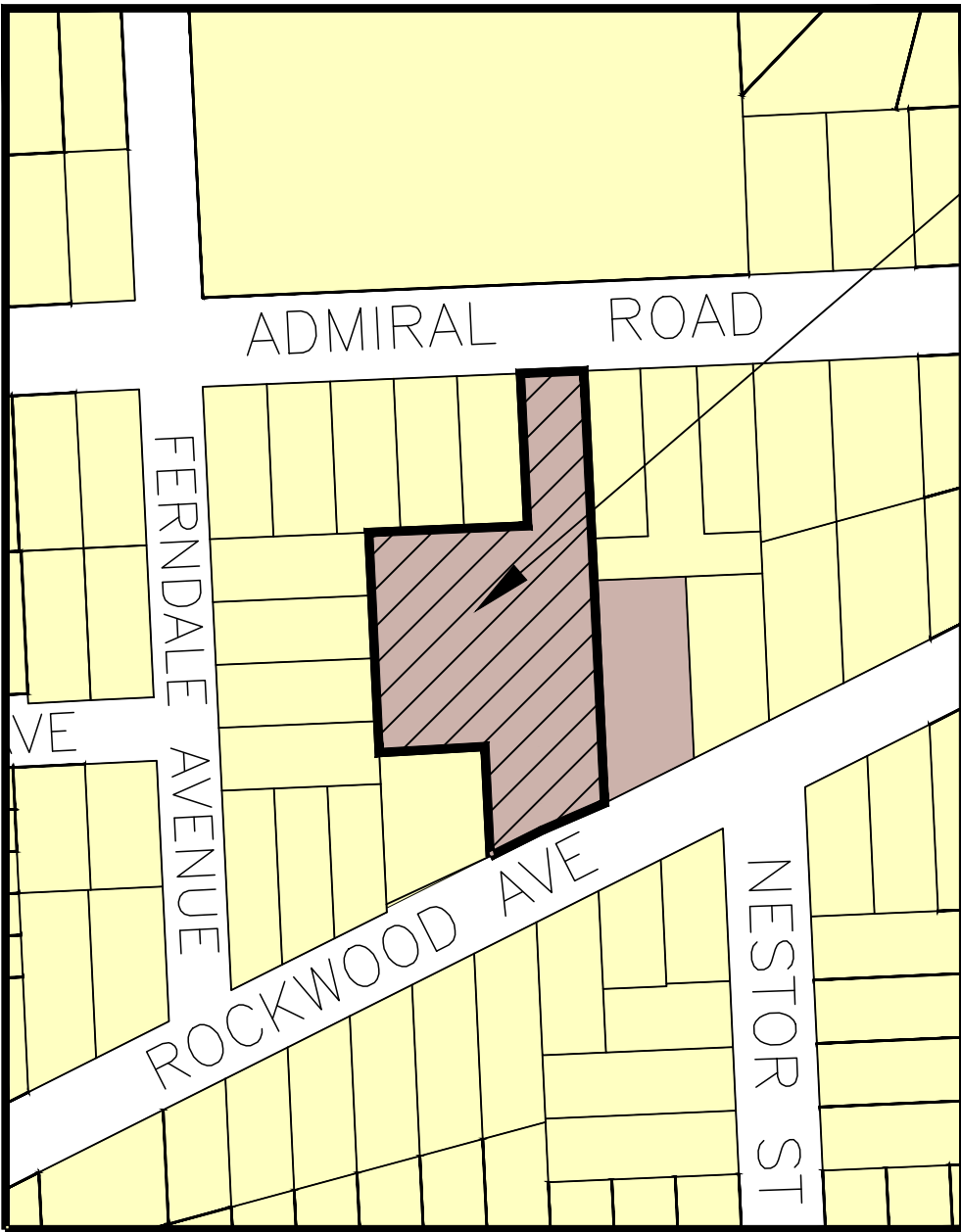
Subject Lands
33 Rockwood Avenue

**The Garden City Plan
East Planning District (E9)**

Land Use Designations

-  Low Density Residential
-  Medium Density Residential
-  High Density Residential





Subject Lands
33 Rockwood Avenue

The Garden City Plan
East Planning District (E9)

Land Use Designations

- Low Density Residential
- Medium Density Residential
- High Density Residential

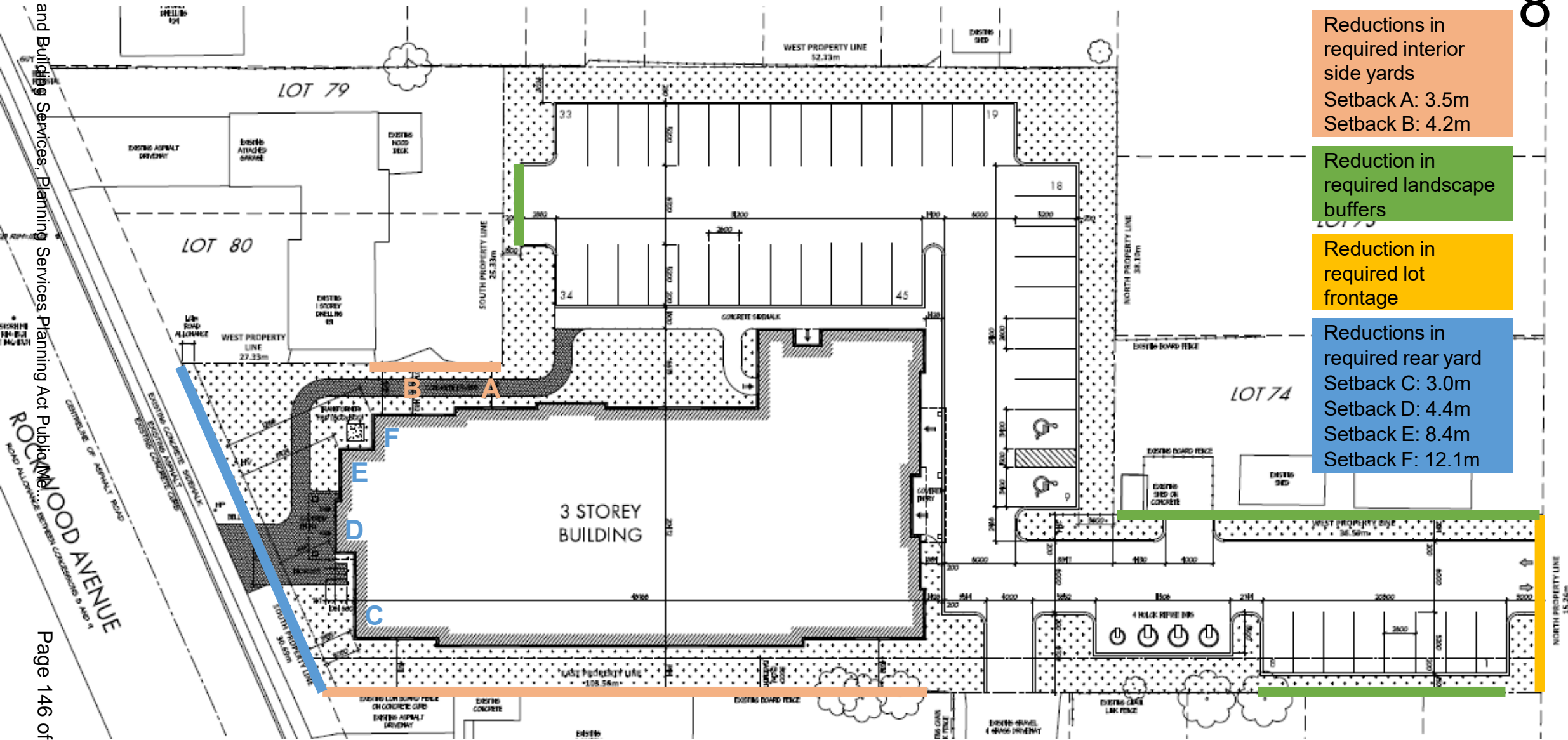


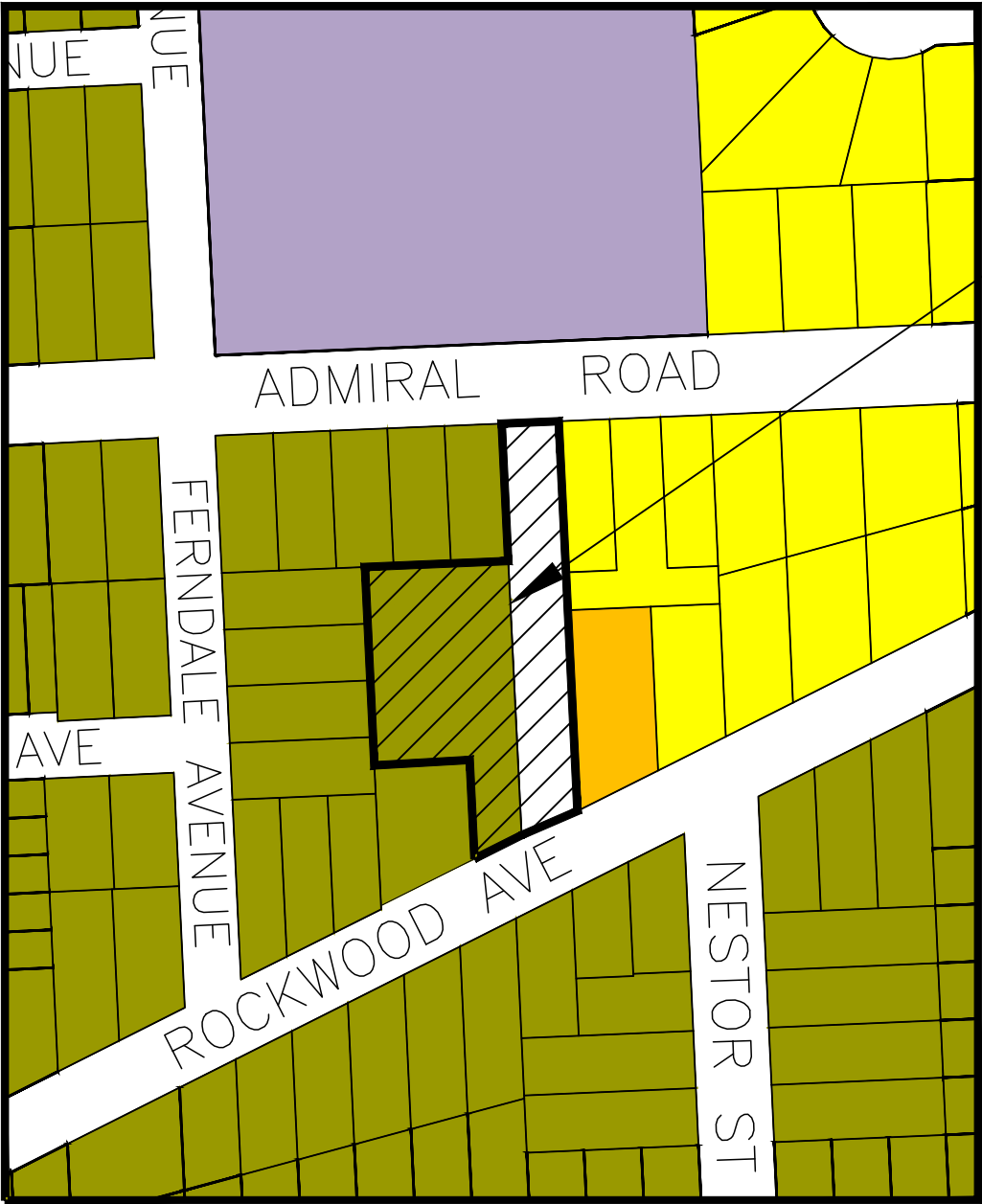
Reductions in
required interior
side yards
Setback A: 3.5m
Setback B: 4.2m

Reduction in
required landscape
buffers

Reduction in
required lot
frontage

Reductions in
required rear yard
Setback C: 3.0m
Setback D: 4.4m
Setback E: 8.4m
Setback F: 12.1m





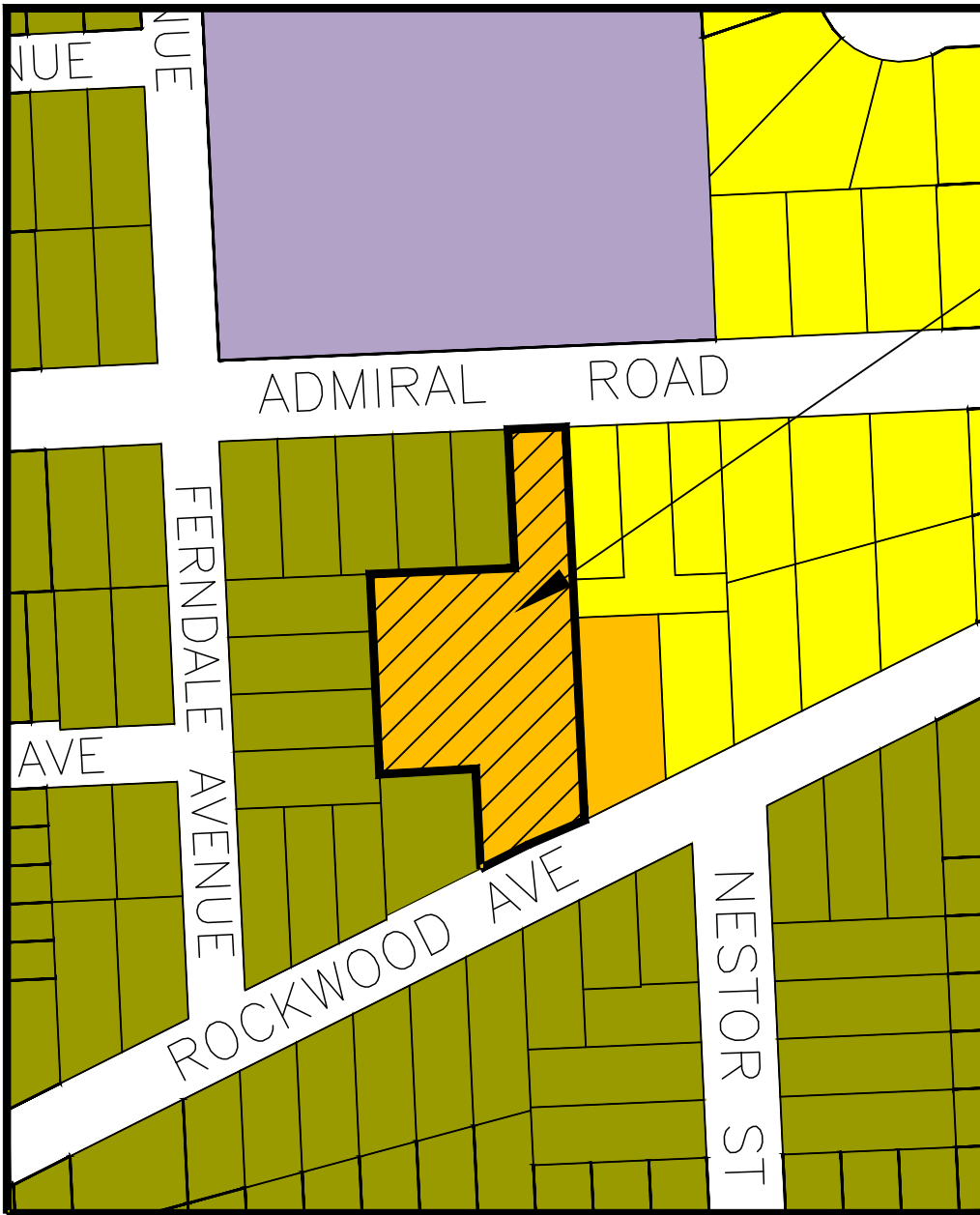
Subject Lands
33 Rockwood Avenue

Zoning By-Law 2013-283

Zones

- R1 Low Density Residential
- Suburban Neighbourhood
- R2 Low Density Residential
- Traditional Neighbourhood
- R3 Medium Density Residential
- R4 High Density Residential
- I1 Local Neighbourhood Institutional





Subject Lands

33 Rockwood Avenue

Proposed to be rezoned from R2 - Low Density Residential - Traditional Neighbourhood Zone to R3 -Medium Density Residential Zone.

Zoning By-Law 2013-283

Zones

- R1 Low Density Residential
- Suburban Neighbourhood
- R2 Low Density Residential
- Traditional Neighbourhood
- R3 Medium Density Residential
- R4 High Density Residential
- I1 Local Neighbourhood Institutional



CITY OF ST. CATHARINES
BY-LAW NO. _____

A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts
as follows:

- 1. The attached maps forming part of Amendment No. 31 to the Garden City Plan (City of St. Catharines Official Plan) are hereby adopted.
- 2. This By-law shall come into force and effect on the day after the last day for filing notice of appeal or as otherwise provided for in the Planning Act.

Read a first time this _____ day of _____ 2022.

CLERK MAYOR

Amendment No. 31 to the Garden City Plan
(City of St. Catharines Official Plan)

This Amendment No. 31 to the Garden City Plan (City of St. Catharines Official Plan), which has been adopted by the Council of the Corporation of the City of St. Catharines, is approved under Section 17 of the Planning Act.

PART A – THE PREAMBLE	An explanation of the amendment but does not constitute part of the amendment.
PART B – THE AMENDMENT	Consisting of the following maps (Schedule A and Schedule B) which constitute Amendment No. 31 to the Garden City Plan (City of St. Catharines Official Plan).
PART C – THE APPENDICES	Do not constitute part of this Amendment. These Appendices contain background data, planning considerations and public involvement associated with the amendment.

PART A – THE PREAMBLE

Official Plan Amendment No. 31 is an amendment to:

- a) Schedule D1 to designate the lands known municipally as 33 Rockwood Avenue (includes former Millbank Street road allowance and a former portion of 26 Admiral Road and 31 Rockwood Avenue) to Neighbourhood Residential; and
- b) Schedule E9 to designate the lands known municipally as 33 Rockwood Avenue (includes former Millbank Street road allowance and a portion of 26 Admiral Road and 31 Rockwood Avenue) to Medium Density Residential to permit a three-storey apartment building.

PART B – THE AMENDMENT

Details of Official Plan Amendment No. 31

The Garden City Plan (City of St. Catharines Official Plan) is hereby amended as follows:

- a) That Schedule D1, General Land Use Plan, be amended by designating the lands known municipally as 33 Rockwood Avenue, as described in Part A above, to Neighbourhood Residential.
- b) That Schedule E9, East Planning District, be amended by designating the lands known municipally as 33 Rockwood Avenue, as described in Part A above, to Medium Density Residential.

PART C – THE APPENDICES

The following Appendices do not constitute part of the amendment to the Official Plan but are included as information supporting the amendment.

- Appendix 1 A copy of the “Public Notice” to citizens which outlines City Council’s intent to consider an amendment to the Official Plan in association with an amendment to the City’s Comprehensive Zoning By-law
- Appendix 2 A copy of the staff report which relates to the proposed Official Plan Amendment and the associated Zoning By-law Amendment to the City’s Comprehensive Zoning By-law.
- Appendix 3 Minutes of the Public Meeting held virtually on February 14, 2022.

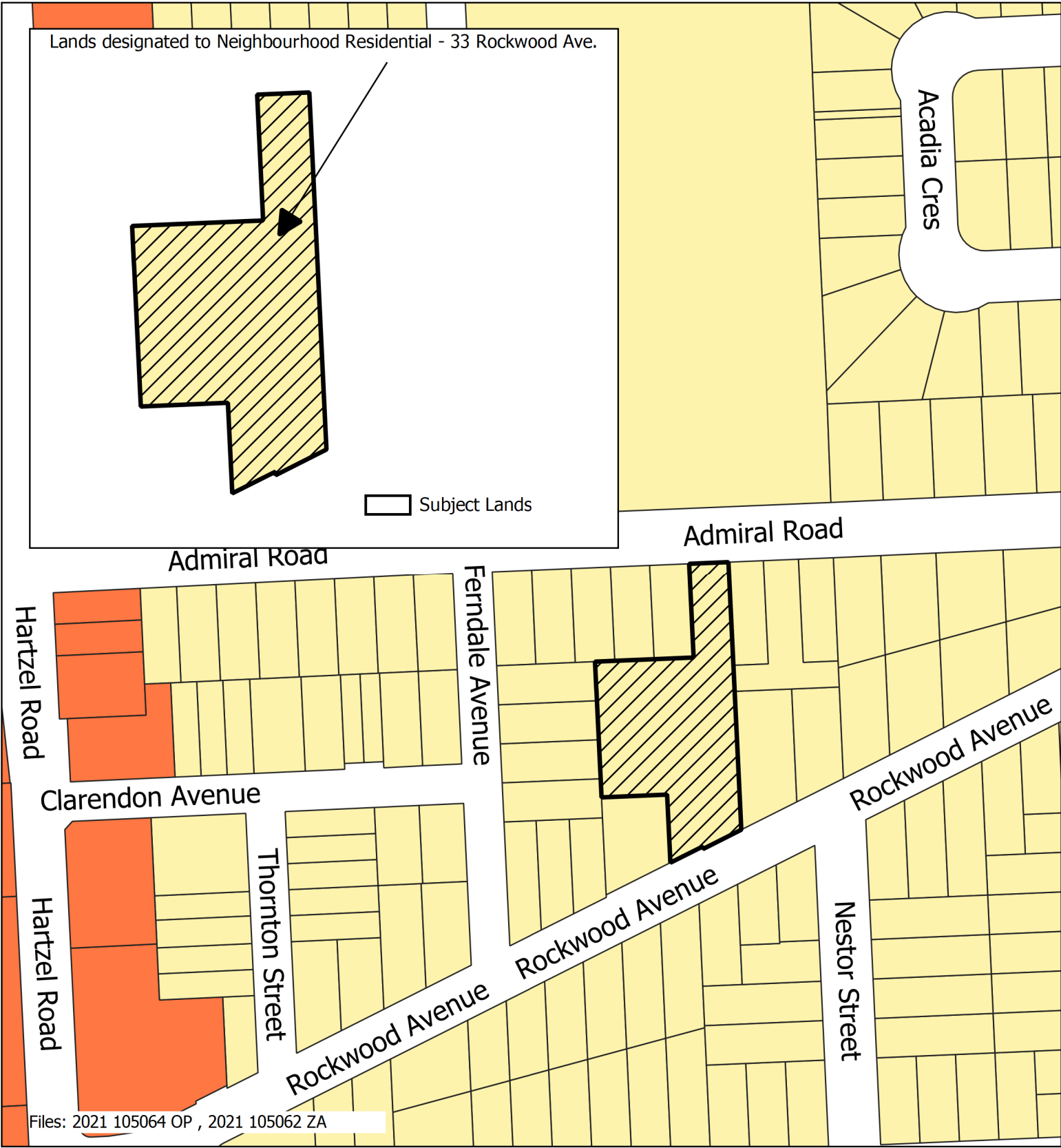
Appendix 1 A copy of the “Public Notice” to citizens which outlines City Council’s intent to consider an amendment to the Official Plan.

Appendix 2 A copy of the staff report which relates to the proposed Official Plan amendment and the associated amendment to the City's Comprehensive Zoning By-law.

Appendix 3 Minutes of the Public Meeting held virtually on February 14, 2022.

Schedule A to Amendment No. 31 to The Garden City Plan

- General Land Use Plan (Schedule D1) By-Law_____



General Land Use Plan

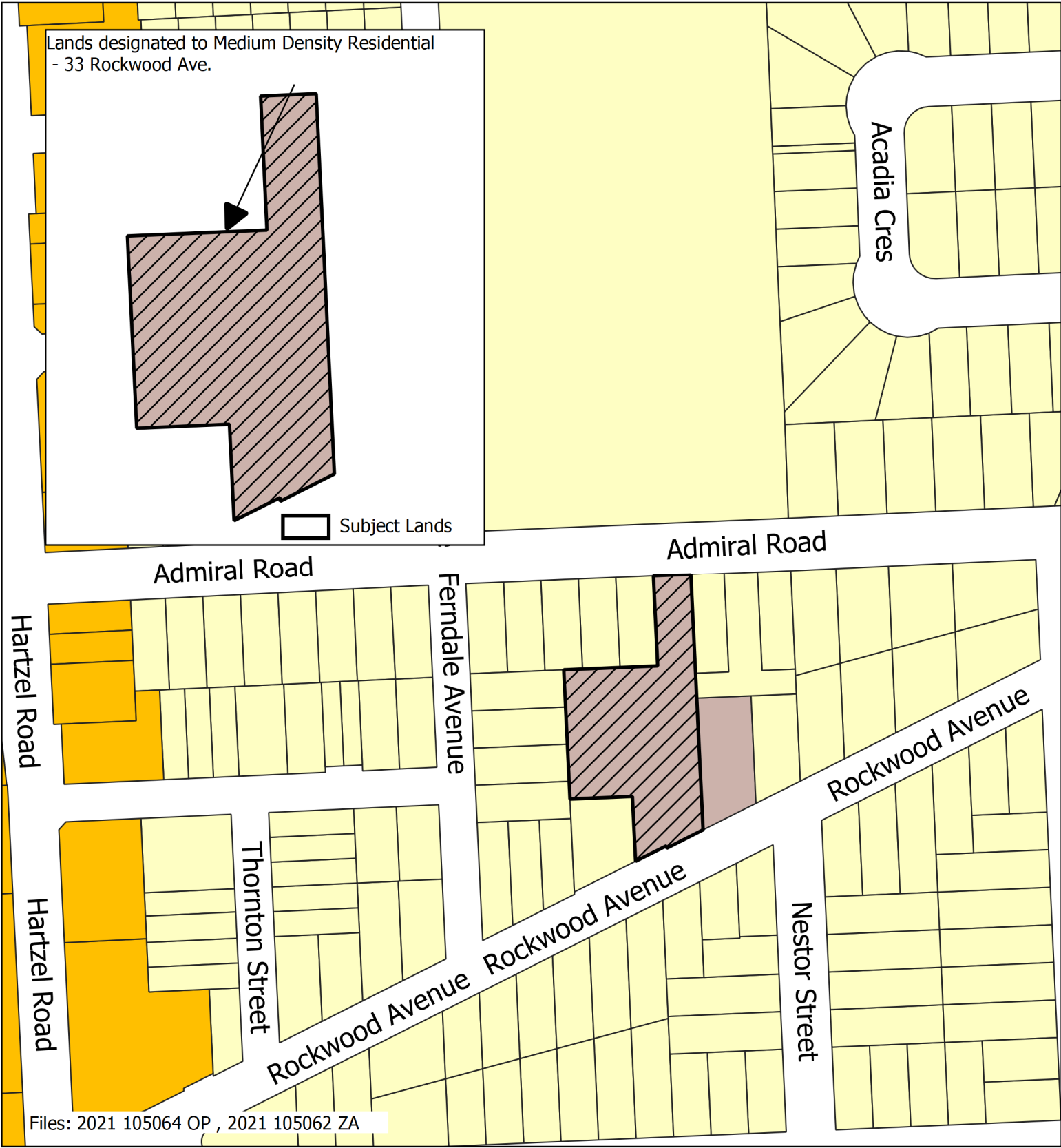
- | | |
|---------------------------|-----------------------|
| Neighbourhood Residential | Parkland & Open Space |
| Employment | Agriculture |
| Commercial | Downtown |
| Mixed Use | Urban Area Boundary |
| Natural Areas | |

CITY OF ST.CATHARINES
PLANNING SERVICES DEPARTMENT
OFFICIAL PLAN JANUARY 31, 2014

Schedule B to Amendment No. 31 to The Garden City Plan

- East Planning District (E9)

By-Law_____



Land Use Designations

- | | |
|---|--------------------------------|
| Low Density Residential (20 to 32 units / ha) | Mixed Use |
| Medium Density Residential (25 to 99 units / ha) | General Employment |
| High Density Residential (85 units / ha or greater) | Business Commercial Employment |
| Major Commercial | Natural Areas |
| Community Commercial | Parkland & Open Space |
| Arterial Commercial | |

NOTWITHSTANDING LAND USE DESIGNATIONS SHOWN ON THIS SCHEDULE, THE USE OF LAND WITHIN OR ADJACENT TO THE NATURAL AREA EXTENT LINE MAY BE SUBJECT TO ADDITIONAL REGULATION OR RESTRICTION. REFER TO PART D, SECTION 13.2 NATURAL AREA POLICIES, ALSO SEE SCHEDULES F2, F3, F4 AND F5

January 19, 2022
**File Nos.: 21 105064 OP
21 105062 ZA**

City of St. Catharines Legislated Public Meeting

To consider applications to amend the Official Plan (the Garden City Plan) and Zoning By-law at 33 Rockwood Avenue.

The Site

The proposed Official Plan Amendment and Zoning By-Law Amendment are for lands specifically shown and described below:



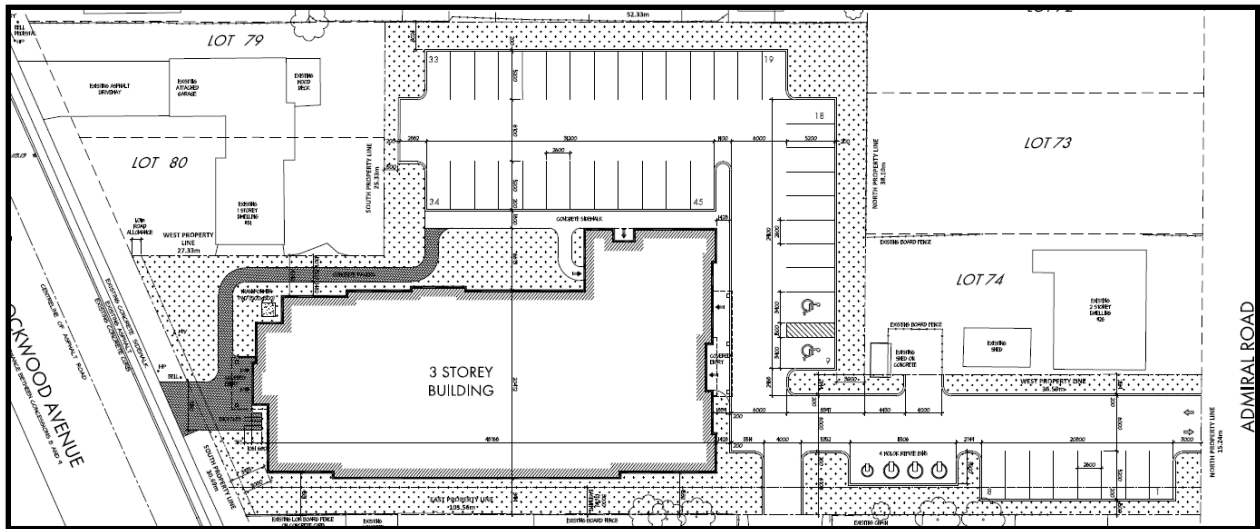
Proposal

The purpose of the the Official Plan and Zoning By-law Amendment is to permit the proposed development of a three-storey residential apartment building containing 35 dwelling units at 33 Rockwood Avenue. The proposal will include 45 parking spaces.

The City's Official Plan currently designates these lands for Low Density Residential uses, with a permitted density of 20 to 32 units per hectare of land. The Applicant has requested the subject lands be redesignated to Medium Density Residential through the Official Plan Amendment, which permits a density range of 25 to 99 units per hectare of land. This would also allow the site to be used for an apartment building.

The City's Zoning By-law currently zones these lands Low Density Residential – Traditional Neighbourhood (R2). The Applicant has requested the subject lands be rezoned to Medium Density Residential (R3) with a Special Provision to address certain site-specific matters including reduced lot frontage, setbacks, parking area coverage, landscape buffers and landscaped open space. This would allow the site to be used for an apartment building with a density range of 25 to 99 units per hectare of land.

The application materials are available for review and comment and may be found online at www.stcatharines.ca/development.



(Site Plan prepared by Whiteline Architects Inc.)

Legislated Public Meeting

City Council is hosting a Legislated Public Meeting on February 14, 2022 to receive input and comment on the proposed Zoning By-law Amendment and Official Plan Amendment, after which Council will consider approval of the amendments.

Details of the Legislated Public Meeting are as follows:

Date: Monday, February 14, 2022

Time: 6:00 pm

Location: Meeting will be held electronically

Due to COVID-19 protocols, this meeting will be an electronic meeting, affording both telephone and electronic participation. Please note that in-person participation is not permitted at this time.

Visit www.stcatharines.ca/Council for information on how to access and participate in the meeting, and how to request and make a delegation before Council.

Written submissions must be received by noon the Thursday before the public meeting by mailing or delivering them to:

City of St. Catharines Legal and Clerk Services/City's Clerks Division, City Hall, 50 Church Street, P.O. Box 3012, St. Catharines, ON, L2R 7C2.
Refer to File Nos: 21 105064 OP and 21 105062 ZA

Email submissions may also be made by noon the day of the public meeting and directed to clerks@stcatharines.ca. Both oral and written comments and recommendations received will be taken into account by City Council in making a decision on the subject matter.

Important Public Meeting Information

If a person or public body does not make oral submissions at the public meeting or make written submissions to Council for the Corporation of the City of St. Catharines before the proposed Official Plan and Zoning By-law Amendment is adopted:

- The person or public body is not entitled to appeal the decision of Council of the City of St. Catharines to the Ontario Land Tribunal (OLT); and
- The person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

If you wish to be notified of the decision of the Corporation of the City of St. Catharines with respect to the proposed Amendments, you must make a written request to the City Clerk at the address noted above.

Contact

For more information about this matter, including information about appeal rights, please contact Natasha MacDonald, Planner I, Planning and Building Services Department at 905-688-5601, ext. 1728, via email at nmacdonald@stcatharines.ca or the City's TTY number (text telephone) at 905-688-4889.

Bonnie Nistico-Dunk, City Clerk

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to amend By-law No. 2013-283 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines.”

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. THAT Section 15.1, Schedule A (A22), Zoning Maps, be amended by zoning the lands known municipally as 33 Rockwood Avenue (includes former Millbank Street road allowance and a former portion of 26 Admiral Road and 31 Rockwood Avenue), as illustrated in Schedule A attached to and forming part of this by-law, to Medium Density Residential with Special Provision 166 (R3-166).
2. THAT Section 13.1, List of Special Provisions, be amended by adding a new Special Provision No. 166, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
166	R3	22	40	33 Rockwood Avenue	2022-
An apartment building/long term care facility shall be subject to the following provisions:					
1.	Minimum interior side yard setback (multiple westerly yard setbacks)			Setback A 3.5m Setback B 4.2m	
2.	Minimum interior side yard setback (easterly yard)			3.9m	
3.	Minimum landscape buffer (pinch point at east lot line at Admiral Road, as identified on Schedule B40)			1.5m	
4.	Minimum landscape buffer (pinch point at west lot line at Admiral Road, as identified on Schedule B40)			2.1m	
5.	Minimum landscape buffer (pinch point at south lot line, as identified on Schedule B40)			1.5m	
6.	Minimum landscaped open space			30%	

7.	Minimum lot frontage (along Admiral Road)	15.24m
8.	Minimum rear yard setback (various setbacks along Rockwood Avenue, as identified on Schedule B40)	Setback C 3.0m Setback D 4.4m Setback E 8.4m Setback F 12.1m
9.	Maximum parking area coverage	42%
10.	Maximum building height	13m

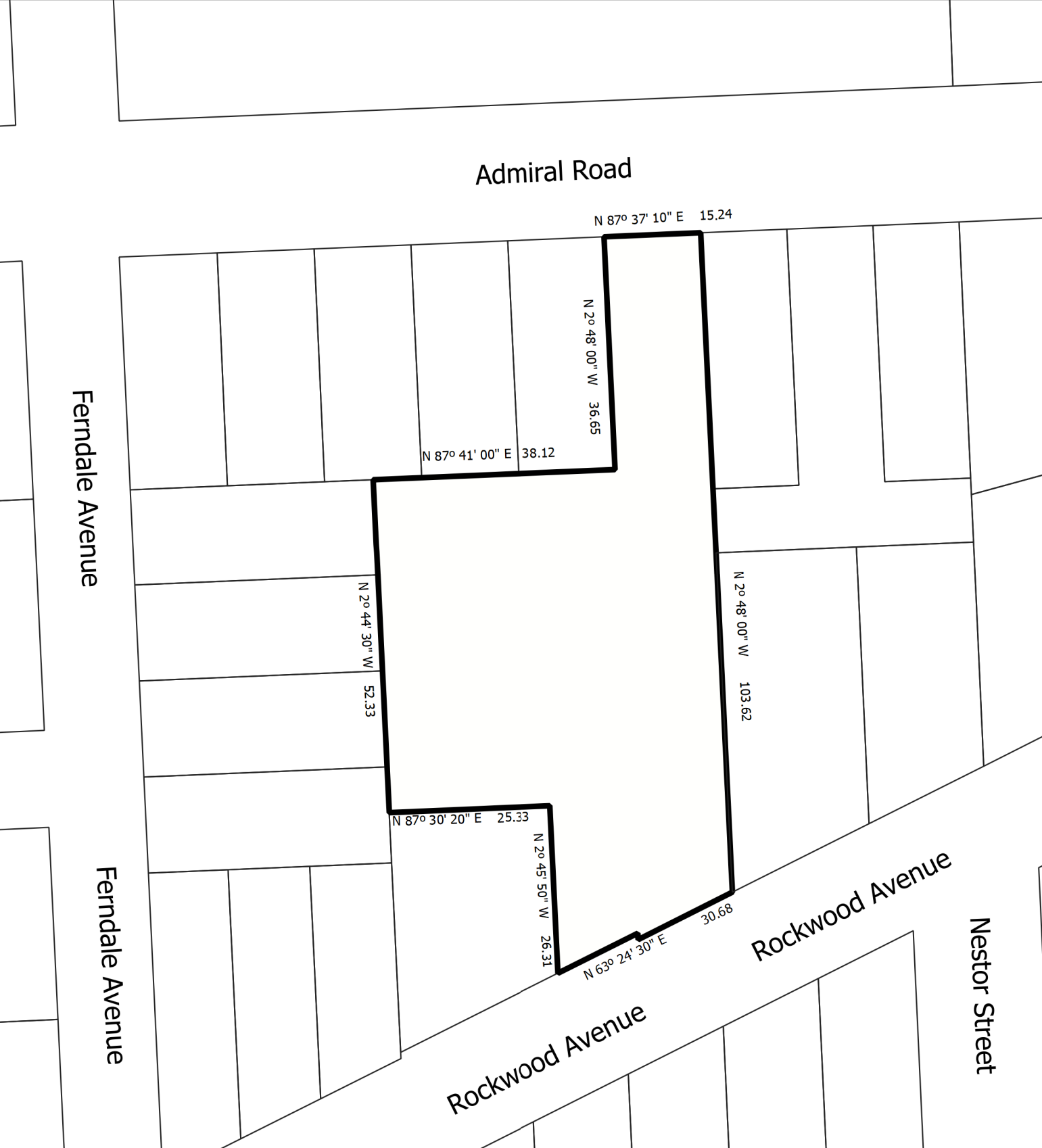
3. THAT Section 15.2, Schedule B – Lot Specific Maps for Special Provisions, be amended by inserting an additional lot specific map (B40), as illustrated on Schedule B attached to and forming part of this By-law.
4. All other provisions of By-law No. 2013-283, as amended from time to time, not considered in this By-law shall continue to apply to the lands described on the Schedule attached hereto and forming part of this By-law.
5. This By-law shall come into force and effect on the date of passing by Council, subject to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Read and passed this day of 2022.

CLERK

MAYOR

PASSED ON THE _____ DAY OF _____, 2022



AN ILLUSTRATION SHOWING

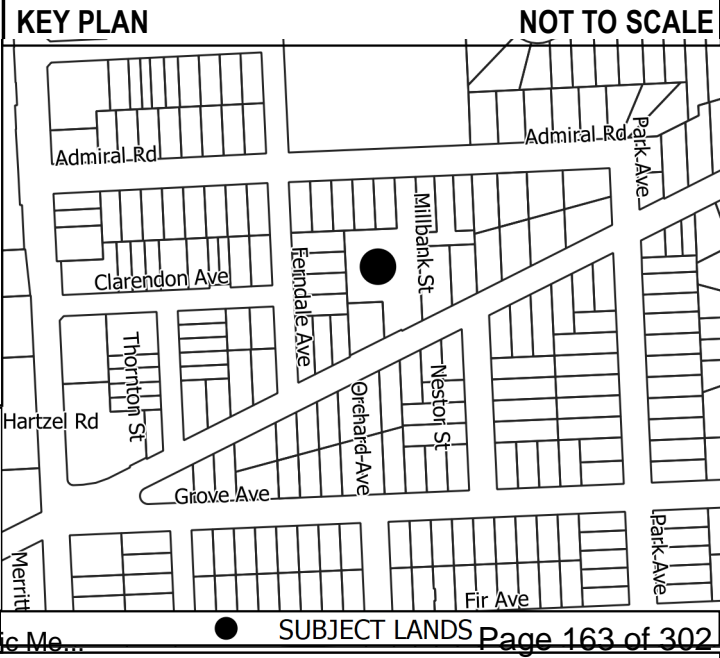
LOTS 75 & 76 TOWNSHIP PLAN 97 GRANTHAM; LOTS 77 & 78 TOWNSHIP PLAN 97 AND PART LOT 81 TOWNSHIP PLAN 97 GRANTHAM BEING PART 5 PLAN 30R15682; PART LOTS 79 & 80 TOWNSHIP PLAN 97 GRANTHAM BEING PART 3 PLAN 30R15682; MILLBANK STREET TOWNSHIP PL 97 GRANTHAM(CLOSED BY BYLAW 2020-167 AS IN NR574152); SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 1,2 AND 3, 30R15752 AS IN NR574153; SUBJECT TO AN EASEMENT OVER PARTS 1,2 AND 3, 30R15752 AS IN NR574154; SUBJECT TO AN EASEMENT OVER PARTS 2 AND 6, 30R15752 IN FAVOUR OF LOT 86 TOWNSHIP PLAN 97 GRANTHAM; PART LOT 87-90 TP PLAN 97 GRANTHAM AS IN RO573835; AS IN NR574155; SUBJECT TO AN EASEMENT OVER PART 6, 30R15752 IN FAVOUR OF LOT 74 TOWNSHIP PLAN 97 GRANTHAM AS IN NR574156; CITY OF ST. CATHARINES

IN THE CITY OF ST.CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA



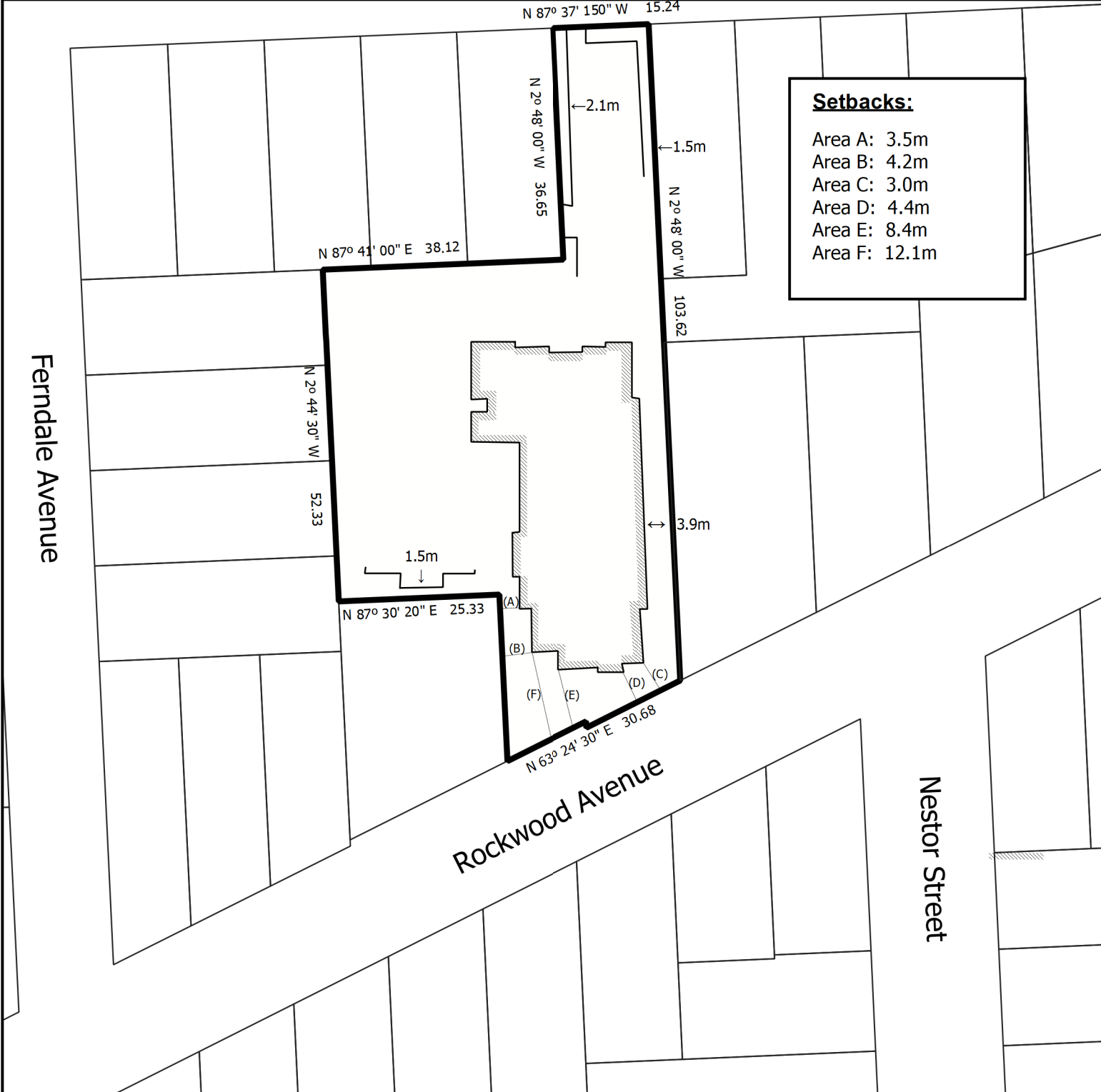
DISTANCES SHOWN ARE IN METRES

NOT TO SCALE



PASSED ON THE _____ DAY OF _____, 2022

SPECIAL PROVISION	SCHEDULE A	SCHEDULE B	LOCATION	BY-LAW
166	22	40	33 Rockwood Avenue	



AN ILLUSTRATION SHOWING

LOTS 75 & 76 TOWNSHIP PLAN 97 GRANTHAM; LOTS 77 & 78 TOWNSHIP PLAN 97 AND PART LOT 81 TOWNSHIP PLAN 97 GRANTHAM BEING PART 5 PLAN 30R15682; PART LOTS 79 & 80 TOWNSHIP PLAN 97 GRANTHAM BEING PART 3 PLAN 30R15682; MILLBANK STREET TOWNSHIP PL 97 GRANTHAM(CLOSED BY BYLAW 2020-167 AS IN NR574152); SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 1,2 AND 3, 30R15752 AS IN NR574153; SUBJECT TO AN EASEMENT OVER PARTS 1,2 AND 3, 30R15752 AS IN NR574154; SUBJECT TO AN EASEMENT OVER PARTS 2 AND 6, 30R15752 IN FAVOUR OF LOT 86 TOWNSHIP PLAN 97 GRANTHAM; PART LOT 87-90 TP PLAN 97 GRANTHAM AS IN RO573835; AS IN NR574155; SUBJECT TO AN EASEMENT OVER PART 6, 30R15752 IN FAVOUR OF LOT 74 TOWNSHIP PLAN 97 GRANTHAM AS IN NR574156; CITY OF ST. CATHARINES

IN THE CITY OF ST.CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

DISTANCES SHOWN ARE IN METRES
NOT TO SCALE

Planning and Building Services, Planning Services Planning Act Public Me...

KEY PLAN

NOT TO SCALE

● SUBJECT LANDS

Page 164 of 302

File: 21_105062_ZA



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: January 28, 2022

Meeting Date: February 14, 2022

Report Number: PBS-017-2022

File: 21 119808 OP, 21 119809 ZA

Subject: Cannabis Operations Study – City Initiated Official Plan Amendment and Zoning By-law Amendment

Strategic Pillar:



Recommendation

That Council approve Amendment 30 to the City of St. Catharines Official Plan (Garden City Plan) to address cannabis production facilities, as attached in Appendix 1; and

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, to regulate cannabis production facilities as set out in Appendix 2; and

That Council approve an amendment to Site Plan Control By-law 2017-63, to address cannabis production facilities, as set out in Appendix 3; and

That no further notice is required; and

That the Mayor and City Clerk be authorized to execute the necessary by-law to give effect to Council's decision; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c. P13, as amended, be processed by staff; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Land Tribunal for consideration; and

Further, that the Clerk be directed to make all necessary notifications.

Summary

This report recommends the adoption of new Official Plan policies and Zoning By-law regulations to clarify permitted locations for cannabis production facilities and to better address associated impacts. These new policies include requirements for cannabis production to occur only within enclosed buildings and a minimum separation distance of 150 metres from sensitive uses. Facilities would remain restricted to lands designated for Agriculture and Employment. The City's Site Plan Control By-law should also be updated to specifically address the development of these facilities. The recommended amendments would implement the findings of the Cannabis Operations study undertaken by SGL Planning and Design.

Relationship to Strategic Plan

Consideration for cannabis production facility regulations within the municipality ties into several aspects of the City's Strategic Plan. These related goals are listed below:

Economic Prosperity

Strategic Goal - Support the City's commitment to building and growing a diverse and resilient economy through fiscal responsibility, urban regeneration and collaborative partnerships.

Social Well-Being

Strategic Goal – Build and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages.

Background

The Cannabis Act came into effect in October 2018 and had the effect of legalizing the production, sale and use of cannabis for recreational purposes in Canada. Under the Cannabis Act, the commercial growing of cannabis for both medical and recreational purposes is a federally regulated activity, with licencing for the various activities including cultivation, processing, testing and research. While licencing is undertaken by Health Canada, municipal by-laws such as zoning and site plan control still apply to these uses. Cannabis production facilities are not explicitly referenced in either the City's Official Plan or Zoning By-law but have been permitted to operate as a form of agricultural use or heavy industrial use on lands where those uses are permitted. Provincial legislation regulates the retail sales aspect of cannabis products.

On February 24, 2020, Council imposed an Interim Control By-law (ICB 2020-28) to temporarily prohibit the establishment of Cannabis Production Facilities in Agricultural areas and directed staff to undertake a related study of these uses and provide recommendations for future direction. The Interim Control By-law was later extended by an additional year and will expire on February 24, 2022. The Planning Act does not allow for further extension of the Interim Control By-law.

Following a procurement process, the City retained SGL Planning and Design (SLG) to undertake the Cannabis Operations Study. The purpose of the study was to investigate land use impacts associated with the production of cannabis, to identify alternatives for

further regulation, and to recommend changes to the St. Catharines Official Plan and Zoning By-law, as needed, to address this use. SGL's full report is attached as Appendix 4.

Report

Permission to operate a commercial cannabis production facility or operate as a designated grower of cannabis for medical purposes is granted by Health Canada through the issuance of licences. The City of St Catharines is to be notified when a potential operator applies to Health Canada for a licence, however, the City does not have the authority to approve these requests or to revoke licences. That authority resides with the federal government (Heath Canada) who have their own criteria and requirements for these operations. While approval authority for licences is federal, municipal by-law requirements may still apply including zoning regulations and site plan control by-laws that identify permitted locations and applicable regulations for these uses.

Current Status and Regulations

Cannabis production facilities are currently permitted to operate within the City of St. Catharines on lands that are zoned for agricultural or general employment uses as the cultivation of cannabis and subsequent processing activities have been considered a form of either agricultural or heavy industrial use. Several cannabis production facilities have already been established within the city. Neither the Official Plan or the Zoning by-law provide any specific direction or regulations related to these facilities outside of the general regulation provisions within the agricultural and employment zones. Further, cannabis production facilities are not explicitly subject to site plan control and would generally be exempted from this process unless major new construction is proposed in an employment area. The conversion of an existing industrial building or greenhouse to accommodate cannabis cultivation currently does not require site plan approval.

Cannabis production facilities can often present distinct land use impacts that differ from those of typical industrial and agricultural activities. The most pronounced impact is often associated with odour; however, other aspects such as lighting, security, building design and loading functions can also present challenges on certain sites. The City's Official Plan and Zoning By-law were approved in 2012 and 2013 respectively, before the Cannabis Act of 2018 allowed for the commercial growth of cannabis. Updates to the City's Official Plan and Zoning By-law to address the distinct land use impacts associated with this use are warranted.

In response to Council's direction to undertake a Cannabis Operations Study, the City retained SGL Planning and Design to undertake a three-phased exercise to assist the City in this matter. The first phase of SGL's work was a background analysis on current regulations, cannabis production activities and a best practices assessment of how these uses have been addressed in other Ontario municipalities. The second phase of SGL's work was to identify various options for how the City might regulate cannabis production facilities. The final phase was to identify a recommended policy direction for the City. SGL's full report is attached as Appendix 4 to this report. The staff recommendation aligns with and implements the recommendations of the SGL study.

Study Findings

Based on an assessment of the City's current land use planning framework, the evaluation of typical land use impacts associated with the use, and a best practices review of how these uses have been regulated in other municipalities, SGL recommended three general actions for the City to implement. These three actions include updating the City's Official Plan, updating the Zoning By-law and updating the site plan control by-law, all to better address the land use impacts associated with cannabis cultivation and production.

The Study also recommends that the City's policies specifically address both federally licensed cannabis production facilities and designated growers of medical cannabis. Both facility types have the potential for large scale operations and associated impacts. Licensed cannabis production facilities are approved by Health Canada typically for the cultivation of recreational cannabis but may include processing, packaging, destruction, research and / or shipping of cannabis. Designated medical growers of cannabis are those operations that cultivate, process or store cannabis for the personal medical purposes of others. The recommended policies would not apply to individuals growing cannabis for personal use or to designated medical growers who are growing for just one person.

It is important to note that any existing and lawfully established cannabis facility may continue to operate as lawfully established. The recommended policy changes will apply to proposals to establish new cannabis facilities through either new construction or building retrofit. The new policies would impact the ability of existing operations to expand their facility.

Official Plan Amendment

Official Plan Amendment No. 30 is attached as Appendix 1 of this report. The cultivation of cannabis and associated permitted activities would remain a permitted land use within the Agriculture and General Employment land use designations, subject to the following new policies and amendments:

1. **Enclosure and Odour:** Cannabis production must occur with a wholly enclosed building that does not emit odour. Outdoor growing of cannabis would not be permitted as there are no effective means of mitigating odour impacts on the site, nor does the Cannabis Act and Regulations set out any specific odour control methods or requirements for outdoor cultivation.
2. **Setbacks:** Buildings should be setback a minimum of 150 metres from any sensitive land use including day care facilities, hospitals, places of worship, schools, parks and residential uses. The 150-metre separation distance has been identified through odour modelling studies as being appropriate for achieving very infrequent noticeable odours when combined with required odour control systems.

3. **Limitations in Light Industrial Areas:** Within the context of employment lands, the cultivation, processing, and destruction of cannabis is considered a form of heavy industrial use as it involves the manufacturing or processing of products from raw materials and has the potential for obnoxious emissions. Cannabis production will remain a permitted use within the General Employment designation but will be limited to related light industrial activities within the Business Commercial Employment designation. These light industrial activities may include packaging, testing, research and shipping.
4. **Limitations for Accessory Uses in Agricultural Areas:** Cannabis production will remain a permitted use in the agricultural area but associated uses such as processing and packaging can only occur as accessory uses to cannabis cultivation. Accessory uses are those uses that are subordinate and ancillary to a primary use. In this case the primary use of the property must be cannabis cultivation. This policy will help to safeguard the primacy of farming operations within the agricultural area by restricting stand-alone processing facilities that would be more appropriately located in an employment area.
5. **Update to Urban Agriculture Policies:** Section 6.7 of the Official Plan includes general policies that promote and facilitate urban agriculture such as rooftop gardens and community gardens throughout the City. These policies will be updated to clarify that they do not apply to cannabis production.
6. **Site Plan Control:** Section 16.7 of the Official Plan outlines the uses subject to site plan control and will be updated to list licenced cannabis production facilities and designated medical growers of cannabis.

Zoning By-law Amendment

An amendment to the City's Zoning By-law (By-law 2013-283) is required to implement the new and amended Official Plan policies for cannabis production. The Zoning By-law Amendment is attached as Appendix 2. These new zoning regulations echo and further codify the above policies and are generally described below.

1. The Definitions section of the By-law would be amended to capture both licenced cannabis production facilities and designated medical growers as follows, along with an update to the definition of Agriculture Farm, as follows:
 - a. **"Licenced Cannabis Production Facility:** means lands, a building or greenhouse licenced by Health Canada in accordance with the applicable Federal Regulations, as amended from time to time, which is used for the cultivation, processing, packaging, testing, destruction, research and / or shipping of cannabis. Any licenced cannabis production facility within a greenhouse is subject to the requirements that apply to licenced cannabis production facilities."
 - b. **"Designated Medical Growth Of Cannabis:** means lands, a building or greenhouse used for the cultivation, processing or storing of cannabis for

personal medical purposes on a single lot under the permission of two or more registration certificates provided by Health Canada, where one or more prescriptions are designated to be grown by someone other than the person for whom the prescription is for, except that a person designated to grow for another person both living in the same dwelling does not constitute designated medical growth of cannabis. Any designated medical growth of cannabis in a greenhouse is subject to the requirements that apply to designated medical growth of cannabis.”

- c. The definition of **Agriculture Farm** would be amended to clarify that for the purpose of this by-law it does not include Licenced Cannabis Production Facilities or Designated Medical Growers of Cannabis.
2. The General Provisions section of the By-law which applies to all zoning categories would be amended to add that Licenced Cannabis Production Facilities and Designated Medical Growers of Cannabis would be subject the following provisions:
 - a. Must be wholly enclosed in a building;
 - b. Outdoor storage is prohibited;
 - c. Must be located a minimum of 150 metres from any residential or institutional zone and from any school, daycare, public park, place of worship or dwelling. This does not include a dwelling located on the same lot such as a farmhouse.
 - d. The use cannot be contained, either in whole or in part, within a dwelling;
 - e. The use shall not emit any cannabis odour outside of a building; and
 - f. Clarification that where the use occurs within a greenhouse, the provisions of this section still apply.
3. The Business Commercial Employment (E1) and General Employment (E2) zones would be updated to list Licenced Cannabis Production Facilities and Designated Medical Growers of Cannabis as permitted uses. A subsection will be added to specify that within the E1 zone only packaging, testing, research, and shipping of cannabis are permitted.
4. The Agriculture (A1), Agriculture Only (A2), and Agriculture Commercial/Industrial (A3) zones would be updated to list Licenced Cannabis Production Facilities or Designated Medical Growers of Cannabis as permitted principal uses. A subsection will be added to specify that cannabis related uses including processing, packaging, testing, destruction and research may only occur as accessory uses to cannabis cultivation on the same lot.

Site Plan Control

The City's Site Plan Control by-law already applies to industrial development which would capture new construction for cannabis operations in employment areas. The Site Plan Control By-law does not currently apply to agricultural farms. If approved, the Site Plan Control By-law will be amended to define Licensed Cannabis Production Facilities and Designated Medical Growers of Cannabis and specify that these uses are subject to the By-law. This includes the conversion of existing buildings, including greenhouses, to cannabis facilities.

Site Plan Control will allow the City to require certain plans and studies from applicants relating to matters such as, but not limited to site layout, exterior building design, air quality control (odour), environmental impacts, fencing, stormwater management, traffic access, landscaping and lighting. Through the site plan review process the City would have the authority to require the submission of odour and air quality studies and to require that the proponent enter into a site plan agreement that will bind the owner and secure required odour mitigation measures. SGL has recommended that the City require the submission of an odour / air quality study for any cannabis facility located within 500 metres of sensitive uses. The site plan agreement and associated clauses related to operational requirements such as odour mitigation will provide the City with an additional enforcement tool to address potential issues.

Planning Policy Context

Provincial planning legislation requires Council's decision on a planning matter to be consistent with the Provincial Policy Statement (PPS), and to conform to Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff have evaluated the recommended Official Plan Amendment and Zoning By-law Amendment for conformity with these documents. Staff are satisfied that the proposed Amendments are consistent with the 2020 Provincial Policy Statement and that they conform to the Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan (2017), the Regional Official Plan, and the Garden City Plan. These documents all recognize the growing of crops to be an agricultural use. None of these documents explicitly address cannabis production but they do address agricultural and employment uses, along with land use compatibility. Below is an overview of some relevant policy direction.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides overall direction for planning in Ontario. The PPS supports the viability of rural areas and agricultural uses in municipalities and seeks to balance economic growth and prosperity. The PPS supports economic diversification in rural areas and opportunities for economic activities in prime agricultural areas (1.1.4.1) among other matters. Section 2.3 of the PPS further describes that prime agricultural areas shall be protected for long-term agricultural use. Agriculture-related uses and on-farm diversified uses are permitted but shall be compatible with, and shall not hinder, surrounding agricultural operations (2.3.3.1).

With respect to land use compatibility, the PPS describes that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety (1.2.6.1). The PPS requires that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas (1.3.2.2).

The proposed amendments retain permissions for cannabis cultivation in both agricultural and industrial areas of the city, with an associated requirements for enclosure and separation distances from sensitive uses to help mitigate odour nuisance, consistent with the PPS.

Greenbelt Plan (2017)

Most of the agricultural areas of St Catharines form part of the Protected Countryside designation of the Greenbelt Plan and are further classified as being part of the Niagara Peninsula Tender Fruit and Grape Area. Some additional rural lands in St Catharines form part of the Niagara Escarpment Plan Area. Section 3.1 of the Greenbelt Plan provides policies related to land use permissions in Specialty Crop Areas and on Prime Agricultural Lands, including that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are generally permitted. Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance.

Growth Plan (2020)

The Growth Plan for the Greater Golden Horseshoe (2020) provides an overall growth management framework for this part of Ontario based on population and employment growth forecasts. The Growth Plan speaks to the importance of maintaining a supply of employment lands that accommodates a variety of employment uses (2.2.5.1). The Growth Plan also echoes the policies of the Greenbelt Plan with respect to protecting prime agricultural areas and specialty crop areas for long-term agricultural use and addressing land use compatibility between agricultural and non-agricultural uses (4.2.6).

Niagara Regional Official Plan

The Regional Official Plan (ROP) describes a series of objectives for Agricultural and Rural Areas aimed at maintaining a sustainable agricultural industry. Objective 5.A.7 supports uses that enable farming and farmers to:

- a) Become more competitive, sustainable and environmentally friendly;
- b) Adapt to new and changing markets;
- c) Diversify into and take advantage of new agricultural opportunities;
- d) Improve the understanding of agriculture by the general public; and
- e) Broaden operations to diversify economic activity and add value to their primary products.

By continuing to permit cannabis cultivation and accessory processing activities in agricultural areas, the recommended policy amendments maintain conformity with these ROP objectives and other policies that speak to the importance of protecting agricultural areas for the farming of a wide range of crops.

As for permissions for cannabis facilities in the industrial areas, Regional policies encourage municipalities to promote a mix of employment opportunities to provide for a competitive and diversified economic base within employment areas. Continuing to permit cannabis production facilities as a form of industrial use complies with this direction.

Community Consultation

The Cannabis Operations Study undertaken by SGL included two public information sessions. Both events were held virtually via Zoom and were advertised in newspapers, on the City's website, and through the City's social media platforms. The first information session took place on September 28, 2021 and focused on the findings of SGL's background research and alternative approaches for municipal regulation. The second meeting took place on December 21, 2021 with a focus on the recommended policy approach. In addition to the virtual public meeting, a dedicated project webpage for the Engage STC platform with background information and SGL's reports were made available review and comment.

The community feedback received through the study is summarized below based on common themes with a corresponding response. The received community feedback supports municipal regulations for cannabis facilities.

Comments	Response
Odour emissions associated with these uses can be nuisance and must be better regulated.	<p>Health Canada requires that licenced cannabis producers implement air filtration systems that prevent the escape of odors from any building where cannabis is produced, packaged, labelled and stored. Failure to comply with this requirement could result in the loss of licence from Health Canada.</p> <p>The recommended municipal policies that prohibit odour emissions for these uses would be consistent with Health Canada's requirements but would also enable the City to enforce this issue as it relates to compliance with the zoning by-law and site plan agreements.</p>
Cannabis facilities can result in other nuisances related to noise traffic and lighting. These need to be addressed.	The recommended amendment would require that cannabis production occur only in enclosed buildings and that outdoor storage not be permitted.

	<p>The requirement for these uses to be subject to site plan control will provide the City with an opportunity to approve lighting plans to ensure no spillage onto adjacent lands. The site plan approval process would also address parking, loading, and circulation functions on site to ensure proper function.</p>
<p>Cannabis facilities should not be permitted to locate near homes.</p>	<p>A minimum separation of 150 metres is recommended between any cannabis facility and any existing sensitive land use including homes, schools, places of worship and playgrounds. The separation distance would also apply all lands that a zoned Residential or Institutional.</p>
<p>A greater separation distance should be required. 150 metres may not be sufficient.</p>	<p>150 metres has been recommended at the minimum separation distance based on odour modelling studies for cannabis production and processing facilities in both industrial and agricultural settings. This setback has been identified be the point at which any noticeable odours would be very infrequent when combined with required odour control systems.</p> <p>In addition to the separation requirement, any new or expanded cannabis facility that is located with 500 metres of a sensitive use would be required to prepare a quantitative odour / air quality study through the site plan control process. Required mitigation measures would then be included in the site plan agreement.</p> <p>In instances where an existing facility regularly emits odours beyond 150 metres, this may be a function if improper air filtration for the facility. The requirement to place these facilities under site plan control and the associated air quality study will help to ensure that odour mitigation technologies are appropriately selected and maintained for the individual operation.</p>
<p>Some of the existing cannabis facilities do emit odours in contravention of their Health Canada licencing requirements.</p>	<p>Enforcement of odour mitigation requirements related to licences for existing facilities is the purview of Health Canada. The City does not have the authority to remove the licences of</p>

<p>How can this be addressed? Stronger enforcement is required.</p>	<p>approved operators or to issue fines. The City continues to work with our enforcement partners including the NRPS on other cannabis-related enforcement issues such as operations operating without a license or proper approvals on an ongoing basis.</p> <p>Approval of the recommended zoning by-law amendments and changes to the site plan control by-law will provide an enforcement tool for the City to enforce matters such as odour mitigation going forward for new facilities.</p>
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Correspondence

The recommended Official Plan Amendment and Zoning By-law Amendment were both circulated to Niagara Region Planning and Development Services for review and comments. Regional staff have confirmed that the Official Plan Amendment is exempt from approval by Regional Council. Region comments emphasize importance of permitting a full range of agricultural and compatible value-added uses in prime agricultural areas. Regional staff acknowledge that the requirement of indoor growing in the agricultural area and 150-metre separation distance is related to the mitigation of odour impacts but were unable to confirm if the recommended distance is appropriate. Regional staff also note that the requirement for growth to occur indoors could disadvantage certain growers in that sector.

Staff, in consultation with SGL, have considered the comments provided by Niagara Region and are of the opinion that the proposed policy amendments are appropriate in that they still allow for the cultivation of cannabis in all agricultural zones, thereby permitting a full range of crop types. The requirement for the use to be wholly enclosed and separated from sensitive uses is warranted in the absence of any other provincial policy framework to address the known and significant potential odour impacts associated with this crop. Livestock operations for example are subject to provincial MDS (minimum distance separation) standards to address odour impacts but there is no equivalent in Ontario at this time for cannabis. The recommended policy amendments therefore seek to facilitate the cultivation of cannabis as an agricultural use, but in a manner that is more compatible with other uses.

Public Notice

In accordance with established procedures, notice for the public meeting has been circulated.

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the

matter should be heard before the Ontario Land Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing.

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

The recommended amendment to the Site Plan Control By-law to include cannabis production facilities will allow the municipality to better regulate aspects such as stormwater management, landscaping and lighting on these sites, leading to improved environmental outcomes.

Conclusion

The Cannabis Act came into effect in 2018, following approval of both the City's Official Plan and Zoning By-law. Commercial cannabis production for recreational use was not a legal activity at the time when the City's current land use permissions were last established. In response to this growing industry, it is appropriate to update the City's land use policies and Site Plan Control By-law to address these uses and regulate associated impacts. The recommendations put forth in the report are consistent with the findings of SGL Planning and Design through the Cannabis Operations Study. The recommendations considered both best practices and feedback from the community and will provide a valuable tool for mitigating impacts associated with these uses.

Prepared by

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Submitted by

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Approved by

Tami Kitay
Director, Planning and Building Services

Appendices

1. Official Plan Amendment No. 30
2. Zoning By-law Amendment
3. Site Plan Control By-Law Amendment
4. Cannabis Operations Study, SGL Planning and Design, January 2022

Amendment No. 30 to the Garden City Plan

(City of St. Catharines Official Plan)

This Amendment No. 30 to the Garden City Plan (City of St. Catharines Official Plan) which has been adopted by the Council of the Corporation of the City of St. Catharines, is approved under Section 17 of the Planning Act.

PART A – THE PREAMBLE	An explanation of the Amendment, but does not constitute part of the Amendment.
PART B – THE AMENDMENT	Consisting of the following text which constitutes Amendment No. 30 to the Garden City Plan (City of St. Catharines Official Plan).
PART C – THE APPENDICES	These Appendices contain background data, planning considerations and public involvement associated with the Amendment, but does not constitute part of the Amendment.

PART A – THE PREAMBLE

Triggered by the enactment of the Cannabis Act and legalization of cannabis cultivation and production for commercial purposes, Council directed the Planning and Building Services Department to undertake a Study on cannabis cultivation and production as a land use.

The City retained SGL Planning and Design to undertake a cannabis operations study. The introduction of cannabis cultivation and production as potential land uses in the City of St. Catharines necessitates update to the Official Plan to consider permissions for this use.

The findings of the Cannabis Operations Study recommended amendments to the Official Plan to establish cannabis cultivation and production as permitted land uses in the General Employment and Agricultural designations, as well as limited cannabis production activities excluding cultivation, processing and destruction in the Business Commercial Employment Designation. These uses are recommended to be permitted, subject to policies that the use must be in accordance with Federal Cannabis Regulations, located indoors, separated from sensitive uses by a minimum of 150 metres and be subject to site plan control.

The Official Plan amendment implements the findings of the Study.

PART B – THE AMENDMENT

Details of Official Plan Amendment No. 30

The Garden City Plan (City of St. Catharines Official Plan) is hereby amended as follows:

1. That Part C, Section 6.7.2 be amended to add subsection 3 as follows:
“these Urban Agriculture policies do not apply to cannabis cultivation and/or production”.
2. That Part D, Section 10.3.1.a of the General Employment designation be amended by the addition of the words “indoor production of cannabis” in between the words “industrial operations” and “transportation terminals”.

3. That a new policy 10.3.1.j is added to the Part D, General Employment designation with the following wording:

“The production of cannabis shall be permitted in accordance with the following:

- i) production of cannabis is only permitted to occur within an enclosed building and the use may not emit any odour;
- ii) production of cannabis shall be in accordance with all applicable Federal Regulations, as amended from time to time;
- iii) buildings should be appropriately distanced a minimum of 150 metres away from any sensitive land uses, including but not limited to day care facilities, hospitals, places of worship, schools, municipal parks and residential uses;
- iv) cannabis production shall be subject to site plan control, which may require the submission of studies relating to relevant matters including, but not limited to, air quality control, groundwater protection, environmental impact, security access, traffic access and lighting; and
- v) production of cannabis may include cultivation of cannabis and/or activities related to cannabis cultivation such as processing, packaging, testing, destruction, research and shipping.”

4. That a new policy 10.3.2.h is added to the Part D, Business

Commercial Employment designation with the following wording:

“The production of cannabis shall be permitted in accordance with the following:

The cultivation, processing and destruction of cannabis are not permitted in the Business Commercial Employment designation. Light industrial activities related to cannabis such as packaging, testing, research and shipping are permitted subject to policy 10.3.1.j i)-v).”

5. That Part D, Section 14.1.i of the Agriculture designation be amended by the addition of the words “indoor, but not outdoor, cannabis cultivation” between the words “greenhouses” and “and horticultural specialties”.

6. That a new policy 14.2.16 be added to the Part D, Agriculture designation with the following wording:

“Cannabis Cultivation – Cannabis cultivation shall be permitted in accordance with the following:

- i) cannabis cultivation is only permitted to occur within an enclosed building and the use may not emit any odour;
- ii) cultivation of cannabis shall be in accordance with all applicable Federal Regulations, as amended from time to time;
- iii) buildings should be appropriately distanced a minimum of 150 metres away from any sensitive land uses, including but not

limited to existing day care facilities, hospitals, places of worship, schools, playgrounds and residential uses;

- iv) notwithstanding, Section 14.2.16.iii, the 150 metre separation distance is not required from a residence located on the same lot as the cannabis cultivation;
- v) cannabis cultivation shall be subject to site plan control, which may require the submission of studies relating to relevant matters including, but not limited to, air quality control, groundwater protection, environmental impact, security access, traffic access and lighting; and
- vi) accessory land uses and activities related to cannabis cultivation such as processing, packaging, testing, destruction, research and shipping must occur on the same lot as cultivation and are subject to the policies of this section that apply to cultivation.”

7. That Part F, Section 16.7.3.d, Site Plan Control be amended by adding the following additional policy:

- “v) Cannabis cultivation and production of cannabis as set out in Part D Section 10.3.1.j) and 14.2.16”.

8. That Part F, Section 16.7.4, Site Plan Control be amended by adding the following additional policy:

“d) Matters related to impacts associated with cannabis cultivation and production including air quality filtration before emission of air to the exterior, exterior lighting including the emission of interior light to the exterior, and matters related to security access to the site and traffic access”.

PART C - APPENDICES

The following Appendices do not constitute part of the Amendment to the Official Plan but are included as information supporting the Amendment.

Appendix 1

A copy of the “Public Notice” to citizens which outlines City of Council’s intent to consider an Amendment to the Official Plan for the subject lands.

Appendix 2

A copy of the staff reports which relates to the proposed Official Plan Amendment,

Appendix 3

Minutes of the Public. Meeting held on February 14, 2022.

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to amend By-law No. 2013-283 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines.”

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

That By-law 2013-283, as amended, is further amended as follows:

1. Section 2, General Provisions, be amended by adding Section 2.20 as follows:

Licensed Cannabis Production Facilities and Designated Medical Growth of Cannabis

- a) Licensed Cannabis Cultivation Facilities and Designated Medical Growth of Cannabis must be wholly enclosed in a building;
- b) Licensed Cannabis Cultivation Facilities and Designated Medical Growth of Cannabis must be located a minimum of 150 metres from any residential or institutional zone and from any school, daycare, public park, place of worship or dwelling.
- c) Notwithstanding Subsection b), the 150 metre separation distance is not required to an existing dwelling on the same lot as the

Licensed Cannabis Cultivation Facility or
Designated Medical Growth of Cannabis;

- d) Outdoor storage for Licensed Cannabis Cultivation Facilities or Designated Medical Growth of Cannabis is prohibited;
- e) Licensed Cannabis Cultivation Facilities cannot be contained, either in whole or in part, within a dwelling;
- f) No Licensed Cannabis Cultivation Facilities or Designated Medical Growth of Cannabis shall emit any cannabis odour outside of a building;
- g) Where Licensed Cannabis Cultivation Facilities or Designated Medical Growth of Cannabis occur within a greenhouse, the provisions of this section still apply.

2. Section 4, Establishment of Zones, be amended by updating the Uses and Zones table set out within Section 4.2 to identify the following as a permitted use within the Business Commercial Employment “E1” Zone, General Employment “E2” Zone, the Agriculture “A1” Zone, the Agriculture Only “A2” Zone and the Agriculture Commercial/Industrial “A3” Zone:

- “Licensed Cannabis Production Facilities”

3. Section 4, Establishment of Zones, be amended by updating the Uses and Zones table set out within Section 4.2 to identify the following as a permitted use within the General Employment “E2” Zone, the Agriculture “A1” Zone, the Agriculture Only “A2” Zone and the Agriculture Commercial/Industrial “A3” Zone:

- “Designated Medical Growth of Cannabis”

4. Section 7, Employment, be amended by updating the Permitted Uses table set out within Section 7.2 to identify the following as a permitted use within the Business Commercial Employment “E1” Zone and General Employment “E2” Zone:

- “Licenced Cannabis Production Facilities”

5. Section 7, Employment, be amended by updating the Permitted Uses table set out within Section 7.2 to identify the following as a permitted use within the General Employment “E2” Zone:

- “Licenced Cannabis Production Facilities”; and
- “Designated Medical Growth of Cannabis”

6. That Section 7.2.1 be amended by adding subsection b) as follows: “In the Business Commercial Employment (E1) Zone, only packaging, testing, research and shipping of cannabis are permitted. Cultivation, processing and destruction of cannabis are not permitted.”

7. Section 7, Employment, be amended by updating the Permitted Uses table set out within Section 7.2 to identify the following as Permitted Uses within the Business Commercial Employment Zone “E1” and General Employment Zone “E2”:

- “Licenced Cannabis Production Facilities”; and
- “Designated Medical Growth of Cannabis”

8. Section 11, Agriculture, be amended by updating the Permitted Uses table set out within Section 11.2 to identify the

following as Principal Uses within the Agriculture, Agriculture Only and Agriculture Commercial/Industrial Zones:

- “Licenced Cannabis Production Facilities”; and
- “Designated Medical Growth of Cannabis”.

9. Section 11.2, Footnotes for Section 11.2 Permitted Uses, be amended by adding a new Section 11.2.1.(f) to apply to Licenced Cannabis Production Facilities as follows and renumbering the existing sections:

“Notwithstanding the permission granted in the Table in section 11.2, cannabis related uses including processing, packaging, testing, destruction and research may only occur as accessory uses to cannabis cultivation on the same lot.”

10. Section 12, Definitions, be amended by adding the following definitions where appropriate to be placed in alphabetical order within the list:

“Licenced Cannabis Production Facility: means lands, a building or greenhouse licenced by Health Canada in accordance with the applicable Federal Regulations, as amended from time to time, which is used for the cultivation, processing, packaging, testing, destruction, research and/or shipping of cannabis. Any licenced cannabis production facility within a greenhouse is subject to the requirements that apply to licenced cannabis production facilities.”

“Designated Medical Growth Of Cannabis: means lands, a building or greenhouse used for the cultivation, processing or storing of cannabis for personal medical purposes on a single lot

under the permission of two or more registration certificates provided by Health Canada, where one or more prescriptions are designated to be grown by someone other than the person for whom the prescription is for, except a person designated to grow for another person both living in the same dwelling does not constitute designated medical growth of cannabis. Any designated medical growth of cannabis in a greenhouse is subject to the requirements that apply to designated medical growth of cannabis.”

11. Section 12, Definitions, be amended by updating the definition for “Agriculture Farm” to add the words “but not including licenced cannabis production facilities or the designated medical growth of cannabis” after the words “horticultural crops”.

12. This By-law shall come into force and effect on the date of passing by Council, subject to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Read and passed this day of 2022

CLERK

MAYOR

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to amend By-law No. 2017-63 entitled Site Plan Control By-law.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES

enacts as follows:

That By-law 2017-63, as amended, is further amended as follows:

1. That Section 2.0, Definitions, be amended by adding the following definitions where appropriate to be placed in alphabetical order within the list:

“LICENCED CANNABIS PRODUCTION FACILITY: means lands, a building or greenhouse licenced by Health Canada in accordance with the applicable Federal Regulations, as amended from time to time, which is used for the cultivation, processing, packaging, testing, destruction, research and/or shipping of cannabis. Any licenced cannabis production facility within a greenhouse is subject to the requirements that apply to licenced cannabis production facilities.”

“DESIGNATED MEDICAL GROWTH OF CANNABIS: means lands, a building or greenhouse used for the cultivation, processing or storing of cannabis for personal medical purposes on a single lot under the permission of two to four registration certificates provided by Health Canada, where one or more prescriptions are designated to be grown by someone other than the person for whom the prescription is for, except a person designated to grow for another person both living in the same dwelling does not constitute designated medical growth of cannabis. Any designated medical growth of cannabis in a greenhouse is subject to the requirements that apply to designated medical growth of cannabis.”

2. That Section 6.0, Classes of Development Exempted, be amended to update Section 6.2 with the following wording after the first sentence:

“The provisions of this by-law also apply to Licenced Cannabis Production Facilities and Designated Medical Growth of Cannabis”

This By-law shall come into force and effect on the date of passing by Council, subject to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Read and passed this day of

2022

CLERK

MAYOR

City of St. Catharines

Cannabis Operations Study

Background, Options and Recommendations
Report

January 2022

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1 Introduction



The Cannabis Act came into effect in October 2018. The Act had the effect of legalizing the production, sale and use of cannabis for recreational purposes in Canada. Under the Cannabis Act, the commercial growing of cannabis for both medical and recreational purposes is a federally regulated activity, with licencing for the following activities: cultivation, processing, sale for medical purposes, analytical testing and research. Due to the young age of the cannabis industry, potential land use impacts of the use are not as well documented when compared to a use that has been around for many years. As such, the changes brought by the Cannabis Act necessitate the need for St. Catharines to consider where and how to permit cannabis facilities in its land use planning framework.

The purpose of this Study is to investigate and consider the production of cannabis as a land use and to assess and recommend changes to the St. Catharines Official Plan and/or Zoning By-law, as needed, to regulate cannabis production as a land use. Currently, the City's planning documents make no reference to cannabis under the new regulations, nor medical marijuana under the earlier Marijuana for Medical Purposes Regulations.

Since permission for some federally regulated activities, such as testing for example, can be separate to the growth of cannabis, the term "cannabis-related uses" is used throughout this report to refer to cultivation, processing, sale for medical purposes, analytical testing and research, or even destruction of cannabis.

In addition to these uses, the Cannabis Act permits, without a licence, the personal growth of up to 4 cannabis plants per dwelling for the purpose of recreation. As this Study is specific to commercial growth, the personal growth of cannabis within a household falls outside its scope.

The retail sale of cannabis from a provincially licenced store is legal and a permitted use in the City's zones where retail uses are permitted. This Study considers the sale of cannabis as an accessory use to other cannabis-related uses, however, does not consider the sale of cannabis in stand-alone retail stores, as the focus of this Study is production.

This report is structured as follows:

Section 1: Introduction – Provides an introduction to the purpose of the Study and report.

Phase 1: Background Analysis

Section 2: Cannabis Production in Canada – Provides a history of the cannabis industry in Canada, an overview of licence types and requirements, as well as industry production and land use impact information.

Section 3: St. Catharines Planning Framework – Describes the City’s current planning framework as it relates to cannabis production.

Section 4: Best Practice Review – Outlines the Study’s best practice review of current standards and policies from other Ontario municipalities.

Section 5: Outline of Planning Tools – Provides an overview of the types of requirements and permissions that could be included in the City’s planning documents and their impact on cannabis facilities.

Phase 2: Policy, Zoning and Building Regulatory Options

Section 6: Consideration of Options – Sets out a number of options for the City to consider in regulating cannabis facilities and related uses.

Phase 3: Recommendations

Section 7: Recommendations – Sets out recommendations for policy, zoning and site plan control measures.



Phase 1: Background Analysis

2 Cannabis Production in Canada



2.1 History of Cannabis in Canada

2.1.1 Previous Medical Marijuana Permissions

Prior to the introduction of the Cannabis Act in 2018, cannabis was an illegal substance and only permitted to be grown and sold for medical purposes. There were rules in place for the personal growth and consumption of medical cannabis, as well as rules for the commercial growth, processing and sale of cannabis for medical purposes.

The Marijuana for Medical Purposes Regulations (MMPR) were enacted in 2013 which controlled the production, distribution and use of medical cannabis within Canada. The MMPR was replaced by the Access to Cannabis for Medical Purposes Regulations (ACMPR) in 2016, which further permitted individuals or their designated growers to produce a specific amount of cannabis for their own medical purposes as prescribed by their health care practitioner.

2.1.2 The Cannabis Act

With the introduction of the Cannabis Act, the consumption of cannabis for non-medical purposes became legal. This is sometimes referred to as “recreational cannabis”, as opposed to “medical cannabis”. With this legalization, came a new permission framework for cannabis production and distribution, which is generally described in this section. The Cannabis Act permits the commercial growth of cannabis by licence holders in Canada. As well, the previous Access to Cannabis for Medical Purposes Regulations (ACMPR) is now covered under the Cannabis Act.

2.2 Types of Growth and Sale

2.2.1 Licenced Facilities (Commercial and Medical Growth)

The Cannabis Act permits the commercial growth of cannabis and various cannabis-related activities by licence holders. There are a number of licences which can be applied for under the Cannabis Act, as illustrated in **Figure 1**:

- Cultivation,
- Processing,
- Analytical Testing,
- Medical Sale,
- Research, and
- Cannabis Drug Licence.

Cultivation licences are broken down into 3 classes:

- Micro-cultivation (surface area of cannabis less than 200 m²),
- Standard cultivation, and
- Nursery.

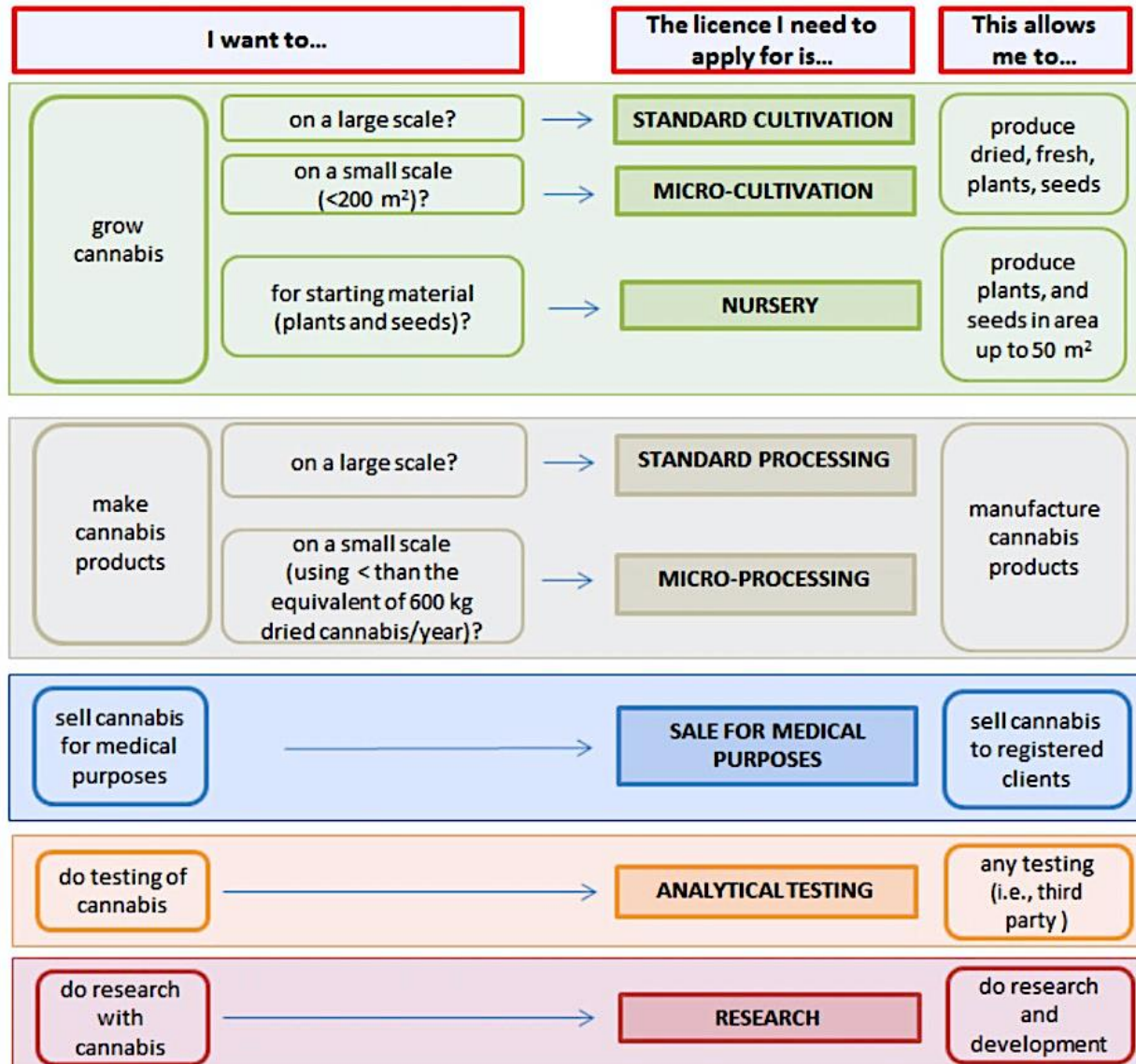


Figure 1: Types of licences Under the Cannabis Act

Source: Cannabis Licensing Application Guide (Government of Canada)

Where granted, federal licences permit the sale of medical cannabis produced within these licenced facilities through the mail. Retail store permissions are not granted by the Federal Government through Health Canada, though they may be granted in association with a licensed facility by the Province, as described to follow.

2.2.2 Recreational Cannabis Sales

The sale of recreational cannabis to the general public is regulated at the Provincial level. In Ontario, recreational cannabis can either be purchased from the online Ontario Cannabis Store or from privately-run authorized dealers in a retail store. The privately-run authorized dealers in Ontario are licenced by the Alcohol and Gaming Commission of Ontario (AGCO) and, at the beginning of 2019, municipalities in Ontario had a one-time chance to opt out of having cannabis retail stores in their municipality.

The City of St. Catharines did not opt out and chose to allow retail sales of recreational cannabis. The retail sale of cannabis from a provincially licenced store is a legal permitted use in zones where retail uses are permitted. This Study considers the sale of cannabis as an accessory use to other cannabis-related uses on the same property, such as a retail store located where cannabis is also grown, however, it does not consider the sale of cannabis in stand-alone retail stores.

2.2.3 Personal and Designated Medical Growth

In addition to the above permitted means of cannabis cultivation, the Access to Cannabis for Medical Purposes Regulations (ACMPR) allow individuals, or their designated growers, to register to produce a specific amount of cannabis for their own medical purposes as prescribed by their health care practitioner. Persons who have obtained a registration certificate from Health Canada may grow the number of plants allowed to fulfill their medical needs as prescribed. In the case of production for medical purposes, an individual can possess up to a 30 day supply of the dose recommended by their health care practitioner. Production is allowed both indoors and outdoors at the registered person's place of residence, land owned by the registered person or land owned by another with authorization from the owner.

If production is occurring outdoors, the boundary of the land where a person is authorized to produce cannot have any points in common with the boundary of a school, public playground, daycare facility or other public place frequented mainly by persons under 18 years of age.

Health Canada's website clearly states that holders of registration certificates "are also expected to comply with all relevant provincial/territorial and municipal laws including local bylaws about zoning, electrical safety, fire safety, together with all related inspection and remediation requirements (emphasis added)."

An individual, referred to as a designated grower, may grow medical marihuana for up to two people, either themselves and one other person or for two other people. Medical growth for up to four people can occur in one location, if two people who are designated to grow for others pair up and grow in one co-location. This study does not propose to regulate the growth of cannabis for medical purposes for one person fulfilling their medical prescription on their own property. However, this study does propose to

regulate the growing of cannabis by designated growers where growth for more than one prescription is occurring on a property.

2.2.4 Personal Recreational Growth

The Cannabis Act permits, without a licence, the personal growth of up to 4 cannabis plants per dwelling for recreational purposes. As this Study is specific to commercial growth, the personal growth of cannabis within a household is not considered.

2.3 Licensing Requirements

The Cannabis Licensing Application Guide provides guidance to those applying for a licence from Health Canada for the cultivation and processing of cannabis under the Cannabis Act and Cannabis Regulations. According to the Guide, it is the applicant's responsibility to become familiar with the applicable federal requirements including the Cannabis Act and the Cannabis Regulations, as set out below, as well as all applicable municipal by-laws (including zoning and building permits). It is not the responsibility of Health Canada to check compliance with provincial or municipal level laws and applicants are not required to show proof of compliance with local level laws as part of their application process. However, applicants are required to show proof that the local municipality has been notified that licence is being applied for.

2.3.1 Cannabis Regulations

The Cannabis Regulations set out a number of general requirements for licences and facilities related to land use as follows:

- Prior to an individual submitting an application for a licence for cultivation, processing or sale, the applicant must notify the local government, the local fire authority and the local police force. The notice must contain a number of elements, including the address, and if applicable, the buildings where the cannabis related activities will be conducted. The notice must be addressed to a senior official at the local government (i.e., the City of St. Catharines) (Part 2 (Licensing) Section 7). A licence holder must also notify the local municipality if the licence is granted, suspended, revoked, reinstated or amended (Part 2, Section 35 (1), and Part 2 Section 34 (1, 2 and 3)). According to discussion with Health Canada, a copy of this notification is required to be submitted as part of a complete application.
- A licence holder is required to notify the Minister of any changes to a site plan within 5 days of these occurring, except if the changes relate to meeting the required security measures, in which case, the Minister must be notified in advance (Part 2, Section 24 (1)).

Location of uses

- No activity authorized by a licence can take place in a dwelling (Part 2, Section 40).
- Only cultivation, propagation and harvesting may occur outdoors, while testing, storage, packaging and labeling of cannabis cannot occur outdoors (Part 2, Section 41).

Security

- The site must be designed in a manner that prevents unauthorized access (Part 4, Section 63).
- The perimeter must be monitored by a visual recording device capable of recording any unauthorized access attempt, must have an intrusion detection system to detect intrusions at all times and this system must be monitored at all times (Part 4, Sections 64, 65).
- Operation and storage areas are to be designed with a physical barrier to only permit access to those individuals who require access to perform their work and these areas are to be monitored by a visual recording device. The entrance and exits to the growth area must also be monitored by a visual recording device. Operation and storage areas must also have an intrusion and movement detections systems. For growing areas, intrusion into but not movement within needs to be monitored (Part 4, Sections 68 and 69, 70(2)).
- The security measures for micro-cultivation, micro processing and nurseries are somewhat less stringent, requiring only physical barriers to the site and storage areas (Part 4, Section 75).

Air filtration

- There must be an air filtration system that prevents the escape of odors from any building where cannabis is produced, packaged, labelled and stored. This requirement applies to both standard cultivation and micro-cultivation.

2.3.2 Application Requirements

Detailed application requirements are required for any person or company seeking a licence to produce cannabis. **Appendix A** to this report sets out the application requirements, including information on site details, physical security, storage and building and other information.

2.4 Industry Production

2.4.1 Licencing Information

The following section details information available about the cannabis industry in Canada, as well as industry practices.

Health Canada collects data on cannabis under the Cannabis Tracking System Ministerial Order, including information on medical and non-medical sales, packaged and unpackaged inventory and licenced areas. The Order requires the provision of information from reporting parties in order to track the high-level movement of cannabis through the supply chain. The following groups are required to submit monthly reports to Health Canada, as required under the Cannabis Act, its regulations and the Cannabis Track System Order:

- Licensed cultivators (including micro, standard or nursery);
- Licensed processors (including micro or standard);
- Licensed sellers of cannabis for medical purposes;
- Provincial or territorial Cannabis Tracking System reporting authorities;
- Provincially or territorially authorized distributors; and
- Provincially or territorially authorized retailers.

Across Canada for the month of December 2020 reporting period, 11,250,949 medical and non-medical packaged units of cannabis were sold, with dried cannabis representing 65% of total sales. Other forms of cannabis including edibles and cannabis extracts represented 20% and 16% of total sales for the monthly reporting period, respectively¹. The total area of licenced indoor cultivation (including growing but not processing) in Canada stood at 1,741,527 m² as of December 2020, while the total area used for licenced outdoor cultivation was 6,283,500 m², a ratio of approximately 1: 3.6.

Prevalence of Licences

Based on an extrapolation of Health Canada data, there were approximately 237 licenced cultivators, processors and sellers that held a licenced issued by Health Canada under the Cannabis Regulations in Ontario as of May 2021. **Figure 2** below illustrates growth over time of the number of federal licences that were issued in Ontario between 2013 and 2021 to cultivate, process, or sell cannabis for medical and non-medical purposes.

¹ Cannabis market data: Overview, Health Canada, Retrieved from <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/research-data/market.html>

² Cannabis licensed area market data, Health Canada, Retrieved from Cannabis market data: Overview, Health Canada, Retrieved from <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/research-data/market.html>

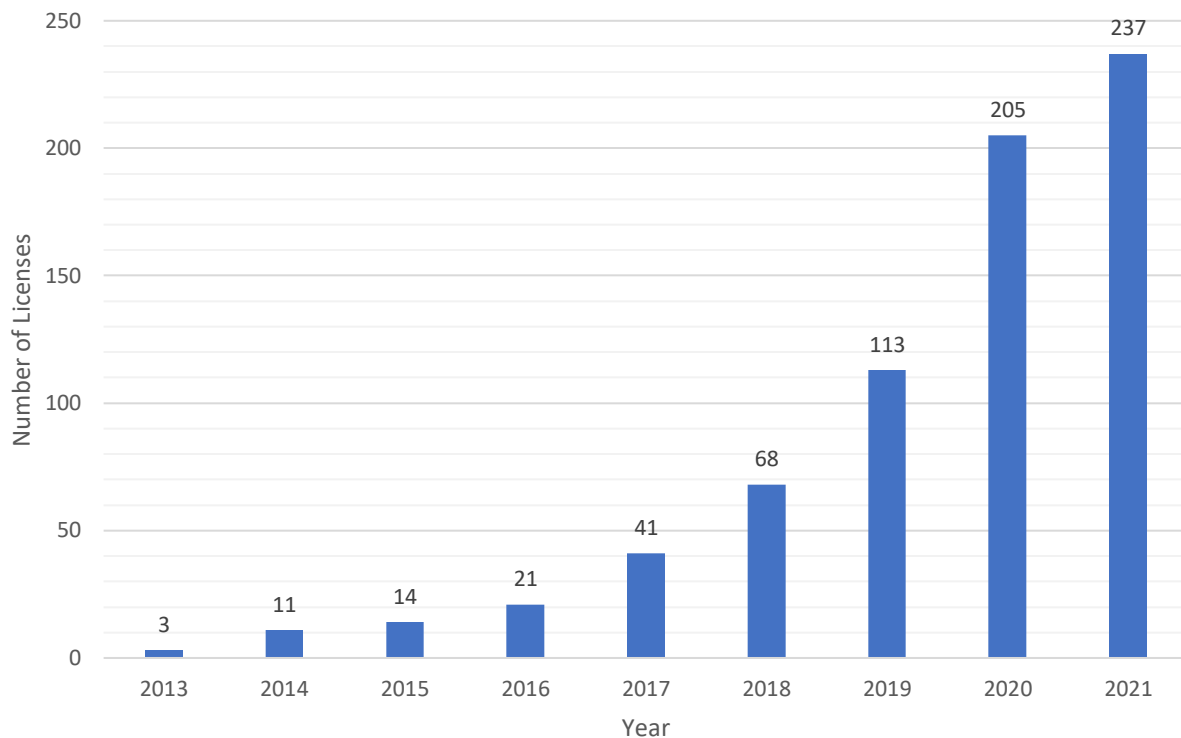


Figure 2. Total Authorized Licenced Cultivators in Ontario (2013 – 2021)

Source: Licensed cultivators, processors and sellers of cannabis under the Cannabis Act, Health Canada, <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensed-cultivators-processors-sellers.html>

Types of Licences

There are a number of different types of licences and combinations of licences currently authorized to cultivate, process and sell cannabis in Ontario. **Figure 3** below illustrates the total quantity and types of federal licences that have been issued in Ontario between 2013 and 2021 to cultivate, process, or sell cannabis for medical and non-medical purposes. All federal licence holders can also conduct cannabis-related activities such as possess cannabis, transport, store, destruct, research and develop and sell bulk cannabis to other federal licence holders.

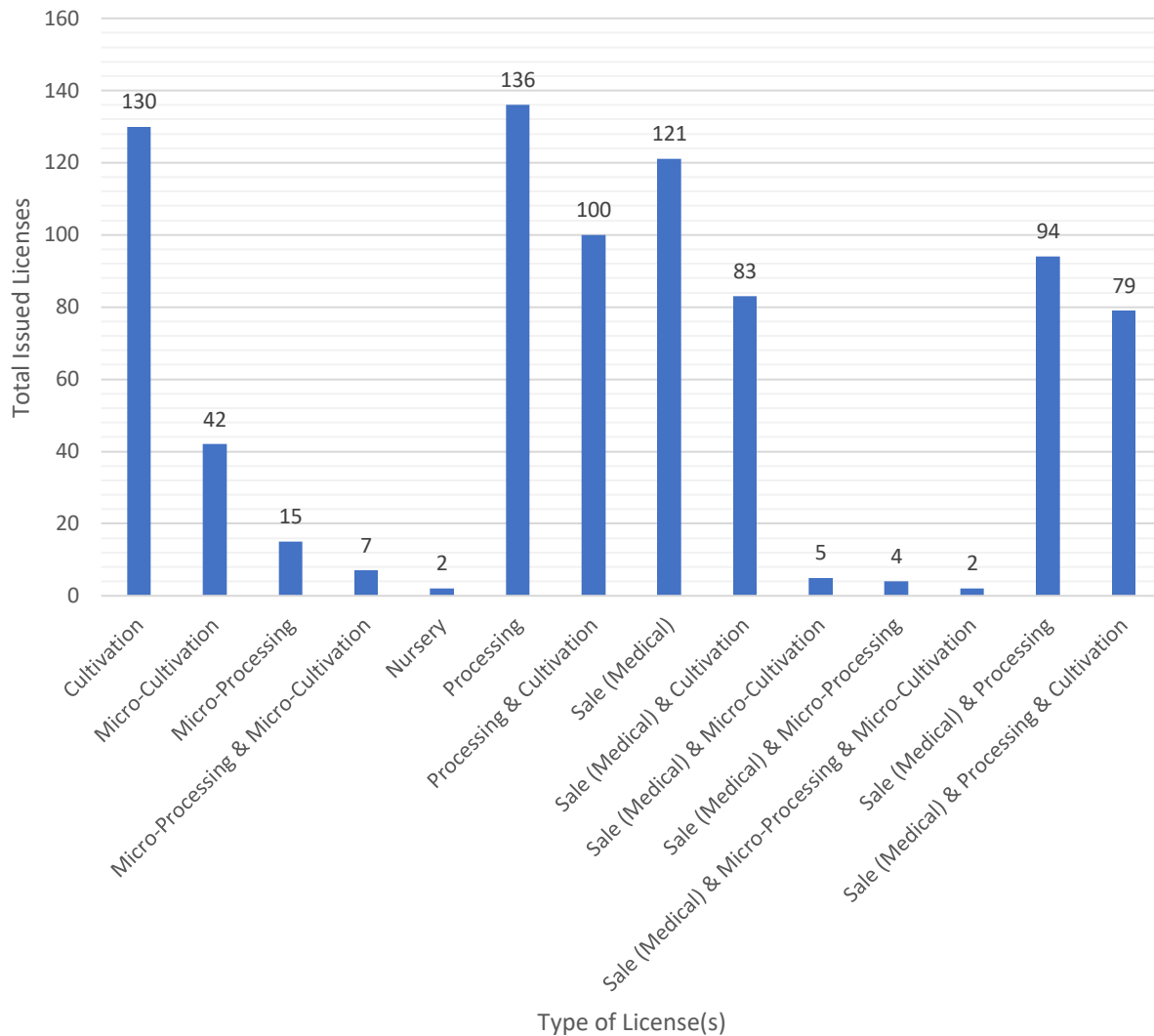


Figure 3. Types of Licences Currently Authorized in Ontario (2021)

Source: Licensed cultivators, processors and sellers of cannabis under the Cannabis Act, Health Canada, <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensed-cultivators-processors-sellers.html>

Recreational Sales

As shown in **Figure 4**, 92 percent of facilities in Ontario have been issued a federal licence to sell to wholesalers/distributors . This figure includes the commercial sale of recreational cannabis to the Ontario Cannabis Store.

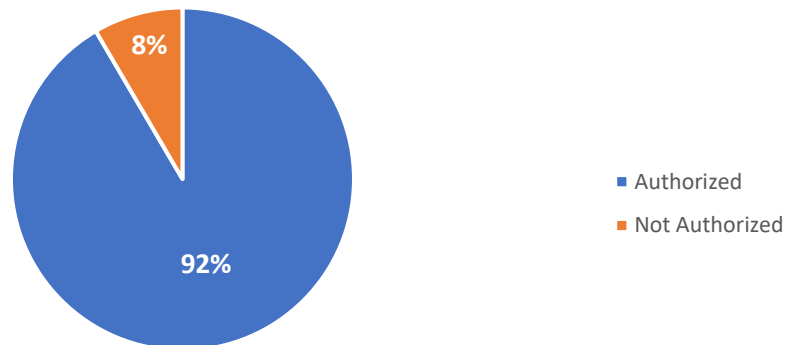


Figure 4. Licence Holders Authorized to Sell to the Ontario Cannabis Store

Source: Licensed cultivators, processors and sellers of cannabis under the Cannabis Act, Health Canada, <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensed-cultivators-processors-sellers.html>

Medical Sales

As shown in **Figure 5**, 51 percent of facilities in Ontario have been issued a federal licence to sell to individuals who have registered to obtain cannabis products for medical purposes ("registered patients").

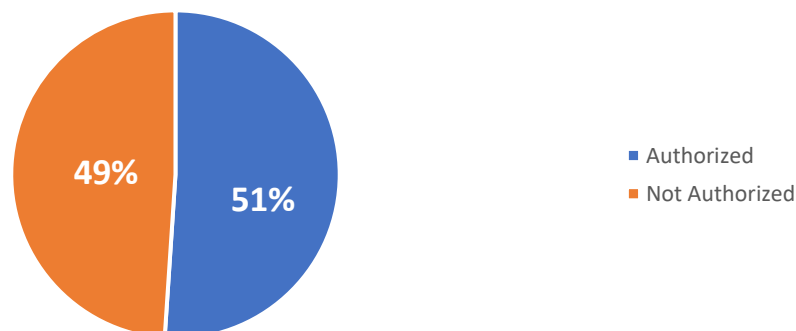


Figure 5. Licence Holders Authorized to Sell Medical Cannabis to Registered Patients

Source: Licensed cultivators, processors and sellers of cannabis under the Cannabis Act, Health Canada, <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensed-cultivators-processors-sellers.html>

2.4.2 Industry Activities in Commercial Cannabis Operations

Cultivation

Cultivation may take place in uncontrolled outdoor environments (usually under enclosures) or controlled indoor environments (greenhouses and industrial buildings). For both settings, cultivation begins with propagation in small pots in a temperature and moisture-controlled environment to develop seedlings. Once the seedlings become robust, they are transferred to the cultivation area to continue to grow until harvest. Once established, growers will separate a small portion of their initial plants to become “Mother” plants from which branches will be harvested to create “Clones”. Clones allow growers to skip the seedling germination growing time and help growers ensure near-identical genetic replicants of their Mother plant, thereby providing consistent product between different crop rotations.

For the outdoor environment, seedlings are planted in the ground typically under polytarp enclosures to protect the plants from extreme weather. The growing season for the outdoor environment in Ontario is relatively short and typically begins in May and ends in October. It usually takes the entire 6 months for the plants to reach the final flowering stage.

For the indoor environment, seedlings are planted in individual pots inside buildings/greenhouses which are temperature and moisture controlled. The grow area is equipped with either HPS (high pressure sodium) or LED grow lights and active air ventilation to provide the optimum grow climate for the plants and to keep the mold, disease, and bugs off the plants. In addition to soil growing, some facilities grow cannabis hydroponically in a controlled indoor environment. Typical growing rooms are set 22 to 25 degrees Celsius and 55 to 65% Relative Humidity. The growing season for the indoor environment is year round. It takes about 8-9 weeks for the plants to reach the flowering stage. The indoor plants are relatively smaller inside than those grown outdoors with access to more grow space and natural lighting. In an effort to maximize available floorspace, some indoor facilities will utilize “vertical growing systems” where multiple layers of crop are stacked on top of each other.

The cannabis flowers (aka “buds”) have the highest concentrations of cannabinoids on the cannabis plant, such as tetrahydrocannabinol (THC) and cannabidiol (CBD). THC is the main psychoactive compound in cannabis for recreational use. CBD is the medicinal content of the cannabis and is used for its non-impairing qualities that do not result in a ‘high’.

Harvesting of the buds occurs a few weeks after the plants reach the flowering stage. Depending on the types of cannabis products that the buds will be made into, different “preparation” processes are involved as described in the section below.

Preparation Activities

The harvested buds are “prepared” prior to being made into different cannabis products. The common preparation processes for cannabis product manufacturing are drying, curing, freezing, and milling.

Drying and Curing: Bud bearing branches are hung in a temperature and moisture controlled drying room to remove moisture for a period of 6-10 days; typically targeting a maximum moisture content of 10%. Once air dried, the buds are removed from the branches (“dry-trimmed”) and put into sealed bags or containers away from light to cure. Some growers elect to trim the buds from the branches before the drying process (“wet-trimmed”). This process will preserve the THC and CBD content. Once cured the buds will be ready to be made into dried flower products or liquid products that require further processing.

Freezing: As an alternative to drying and curing, live buds undergo a flash or deep freeze to sublimate moisture immediately after harvest. Freezing is more efficient process than the drying and curing method from a time management and THC and CBD preservation perspective. However, it is more energy consuming and costly. This process is often part of commercial scale cannabis manufacturing process that makes live resin products.

Milling: Buds are milled to certain sizes using a centrifuge before undergoing certain type of extraction process as required. Milling will optimize the binding process with certain type of solvents used in the extraction process.

Extraction

Resin from the bud is extracted from the prepared bud material to produce a variety of medical and recreational products (e.g. soft gel capsules, oils, etc.). Depending on the type of final product, resin extraction products and the associated process for each varies. The main types of resin products include live resin, shatter, and craft concentrates, with extraction processes for each described below.

Live Resin: Live resin are extracted from live buds without undergoing the drying/curing process. As described in the Preparation Section, live buds are frozen using a gentle hydrocarbon solvent (e.g. butane or propane) used to extract and preserve the active ingredients (THC and CBD) in a state that is very close to the native plants. This final product is called live resin.

Shatter: Shatter is made with dried buds under low temperature using a gentle hydrocarbon solvent (e.g. butane or propane). This process will remove fat/lipids and result in a glass like solid product. The active ingredients are well preserved in this solid form with fats and moisture removed.

Craft Concentrates: Craft concentrates are made with prepared buds and extracted with a solvent (e.g. butane/propane or ethanol). The extract is spun in a centrifuge to separate terpenes from THC and CBD. Craft concentrates are used to produce vapes and pens which require specific concentration of THC and CBD.

Waste Management

After the desirable portion of the cannabis plants (i.e. the buds) is removed during harvest, the remaining portion of the plants including root balls, stems and leaves are destroyed. There are multiple ways in which Licenced Producers complete this process, including the following: gasification under high temperature (>1000°C), combustion inside an incinerator, shredding & mixing with kitty litter to render what remains unfit for consumption, or mixing with compost materials for use as compost. Some facilities are also exploring the potential of using anaerobic or aerobic digestion for destruction.

2.4.3 Building Form

Very little information could be uncovered on built form specifics i.e., new builds vs. retrofits, or traditional buildings vs. greenhouses. The following are general observations from team members familiar with the industry:

- Generally an observed slant toward retrofits over new builds. This slant was more prevalent when the licencing was new, particularly with greenhouses viewed as an attractive option; and
- Outdoor growth has become more prevalent recently across Canada, an observation supported by Health Canada's data summarised previously in this report.

2.5 Land Use Impacts

This section of the report discusses frequently raised concerns related to cannabis facilities.

2.5.1 Odour

Odour is typically the most prevalent concern raised when considering the land use impacts of cannabis facilities. The Cannabis Act Regulations and licencing application process requires demonstration of air filtration and ventilation systems that filter air to prevent the escape of odours. However, the Health Canada Good Production Practices Guide provides no specific technical requirements for the form or type of air filtration system; it simply requires implementation of a system that successfully blocks the escape of odours. Further, odour control systems are not a federal requirement for growing for personal or designated medical use.

It is our understanding that, in order to ensure cannabis is produced, sold and distributed in accordance with the Cannabis Regulations, all licence holders are inspected by Health Canada, resulting in a citation if any “strong odours” are prominent outside of the licenced facility. According to Health Canada, the Department takes issues and complaints seriously and ensures that appropriate actions are taken to correct any potential non-compliance with the regulations. During the regular inspections by Health Canada, a report will include a citation under the Regulations if any strong odours are prominent outside of the licenced facility. If odours occur, the regulated party will be required to address the situation as part of a corrective action plan. There is currently no information available on the number of complaints that have been filed nor on the investigation of complaints. The concern has been raised that there could be interpretation differences with regards to what is considered an appropriate level of odour mitigation and what constitutes a “strong odour”.

For outdoor cultivation, no specific odour control method is set out within the Cannabis Act or Regulations, nor is there any way to control odour when the plants are grown outdoors. Odour continues to be the primary nuisance concern with outdoor cultivation. Factors that influence odour nuisance related to outdoor cultivation may include crop size, stage of growth, wind prevalence or presence of physical barriers affecting wind patterns, such as other buildings.

Federal licence holders are required to comply with all relevant provincial and municipal laws, including local zoning by-laws, odour controls and electrical and fire safety. Accordingly, odour issues are a shared responsibility between Federal, Provincial and Municipal governments, and all levels of government may verify compliance with their respective regulations and can apply their individual compliance and enforcement measures as necessary. Thus, in order to not be reliant solely on enforcement by other levels of government, the City may wish to implement planning tools which allow them to enforce odour mitigation.

2.5.2 Enforcement and Management

Enforcement is a shared responsibility between the Federal and Provincial government as well as municipal governments including the Region of Niagara and the City of Niagara Falls. All levels may verify compliance with their respective regulations and can apply their individual compliance and enforcement measures as necessary. Crime is more readily controlled and managed with legal facilities than illegal facilities. When the proposed facility does go through a planning process, it provides the City the opportunity to circulate development plans to agencies, including those who would be involved with compliance and enforcement issues, to provide comment and flag potential issues and allows the City and law enforcement to monitor the facility when it is publicly known to exist.

2.5.3 Property Value

No specific data or information was uncovered as part of our research that definitively supported a claim of an impact of cannabis uses, either negatively or positively, on neighbouring property values. As with any planning matter, the intent of any specific use-related regulations is to minimize impacts on neighbouring properties. Minimizing impacts on neighbouring properties will minimize any impacts on property values.

2.5.4 Traffic Impacts

As with any form of development, roads and traffic may be impacted. However, the traffic from cannabis facilities will vary widely based on the size of the facility and may not be all that different from other agricultural or industrial uses.

The City can best analyze and mitigate traffic impacts through a site specific application, whether a zoning by-law amendment or site plan control process, or both. This approach provides the opportunity for City staff to examine the potential for traffic impacts, determine if these are reasonable and identify road improvements to mitigate the traffic impacts.

2.5.5 Environmental Impacts

A literature review on the environmental impacts related to cannabis production and accompanying mitigation measures was conducted. These possible impacts and mitigation measures included air quality, noise, light, pesticides, water use, energy use and plastic use and are described in **Appendix B** to this report. Many of these potential impacts and mitigation measures are typical of agricultural operation.

The following provides a summary of potential mitigation measures.

The development of cannabis cultivation and production sites should be restricted in the vicinity of significant natural heritage features and ensure that quality and quantity of water sources for wetlands and watercourses are maintained to minimize negative environmental impacts. The inclusion of buffers adjacent to all significant natural heritage features should be designed to protect and enhance the natural features, and ensure the separation of natural features from emissions, noise and light.

A sediment and erosion control plan that eliminates the potential for sediment to migrate into natural features should be submitted for review and approval by the appropriate department/agency.

Many bird species are protected under the Migratory Birds Convention Act. The Act protects birds listed under the Act and their eggs from harm, and destruction of any active nest of a protected species is unlawful. Recommended mitigation measures for avoiding impacts on migratory birds should be followed; for example, vegetation

removal should occur outside of the nest period for birds, approximately September to March.

2.5.6 Aesthetic Implications

Another concern that is sometimes raised is the impacts to the character of an area due to the presence of security fencing, security lighting and lighting for the purposes of promoting growth.

2.6 Provincial Acts and Policies

2.6.1 Farming and Food Production Protection Act, 1998

The Farming and Food Production Protection Act in Ontario serves to protect the agricultural use of land. Under the Act, the term “agricultural operation” is defined to include:

“the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister”

and

“the processing by a farmer of the products produced primarily from the farmer’s agricultural operation;”

From these definitions and based on personal communication with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the cultivation of cannabis, as well as the processing of the same, where legal through the licencing process, appears to be captured in the definition of agricultural operation.

Under section 6 of the Act, the Act states:

“No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation.”

Accordingly, any restriction on the cultivation of cannabis may need to stand up to the test of whether “normal farm practices” have been restricted. The Act defines “normal farm practice” as a practice that:

“is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances,

or

makes use of innovative technology in a manner consistent with proper advanced farm management practices;...”.

2.6.2 Minimum Distance Separation Formulae

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) also oversees the Minimum Distance Separation (MDS) Formulae for the separation of livestock operations and sensitive land uses. These guidelines are based on the potential nuisance effect caused by odour from livestock operations in agricultural areas. They are used to restrict the location of new or expanded livestock operations, and vice-versa, the location of new residential dwellings and other sensitive uses. These restrictions exist despite the Farming and Food Production Protection Act requirements not to restrict normal farm practice. The guidelines, as they currently exist, have no application in relation to cannabis growth but are an example where normal farm practices can be restricted in agricultural areas due to concerns for odours.

2.6.3 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), which provides direction for planning in Ontario, supports the viability of rural areas and agricultural uses in municipalities and seeks to balance economic growth and prosperity.

Policy 1.1.4.1 states in part that healthy, integrated and viable rural areas should be supported by:

- Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and
- Providing opportunities for economic activities in prime agricultural areas.

Section 2.3 of the PPS contains policies applying to agricultural areas. Section 2.3.1 states that prime agricultural areas shall be protected for long-term for agricultural use. Policy 2.3.3.1 states that agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in prime agricultural areas, and that proposed uses are to be compatible with, and shall not hinder, surrounding agricultural operations. According to Policy 2.3.3.2, in accordance with provincial standards, all types, sizes and intensities of agricultural uses and farm practices shall be promoted in prime agricultural areas.

The PPS provides the following definition for ‘agricultural use’:

“the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment”.

The PPS defines ‘on-farm diversified uses’ as the following:

“uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”

2.6.4 Ontario Regulation 332/12 under the Building Code Act, 1992

Ontario Regulation 332/12 under the Ontario Building Code Act sets out requirements for farm buildings, which outlines requirements for buildings involving cannabis operations within Section 1.3.1.2.7. The Regulations set out requirements for cannabis operations involving extraction relating to locking, latching and other fastening devices for doors, as well as to ventilation.

2.6.5 Land Use Compatibility Guidelines

The Ontario Ministry of the Environment, Conservation and Parks (MECP) developed the D-6 Guidelines, which are a set of guidelines meant to prevent or minimize adverse effects on sensitive land uses due to incompatibilities between industrial facilities and sensitive and uses. Municipalities may use the guidelines to help assess the land use compatibility for development proposals, provide rationale for planning decisions or set similar requirements, such as separation distances, in their planning documents or zoning by-laws. The current guidelines do not address cannabis facilities specifically, however some municipalities have considered cannabis facilities in the context of the classes of industrial facilities described within the guidelines, for example in their determination of appropriate setback distances for cannabis facilities.

3 St. Catharines Planning Framework



This section examines the current policy and zoning permissions related to Cannabis production in St. Catharines. The City's Official Plan, Zoning By-law and Site Plan Control By-law do not make any direct reference to marihuana or cannabis.

3.1 Official Plan

Cannabis related uses could be considered within the Agriculture and/or Employment designations. The location of these areas are illustrated in **Figure 6**.

3.1.1 Agriculture

Policies for the City's Agriculture land use designation are set out in Section 14 of the St. Catharines Official Plan. A full range of agricultural uses are permitted.

3.1.2 Employment

Policies for the City's Employment land use designation are set out in Section 10 of the Official Plan. The purpose of these lands is to provide for a broad range of industrial and business employment uses, as well as employment opportunities for residents. According to Section 10.4.c, all development and redevelopment will be subject to site plan control and shall meet the minimum requirements:

- "Parking areas in front or flankage yards should be paved and designed with internal and perimeter landscaping;
- Parking spaces for employees and clients are to be clearly delineated;
- Street edges are clearly articulated;
- Lighting should be directed away from adjacent uses;
- Outside storage areas, processing areas, and waste management facilities are to be adequately screened from view; and
- Where feasible, active transportation connections within and between the employment designation and other use areas shall be provided."

In order to ensure appropriate minimum separation distances from sensitive land uses, the location of new industrial uses may also be subject to Provincial guidelines (Section 10.4.d).

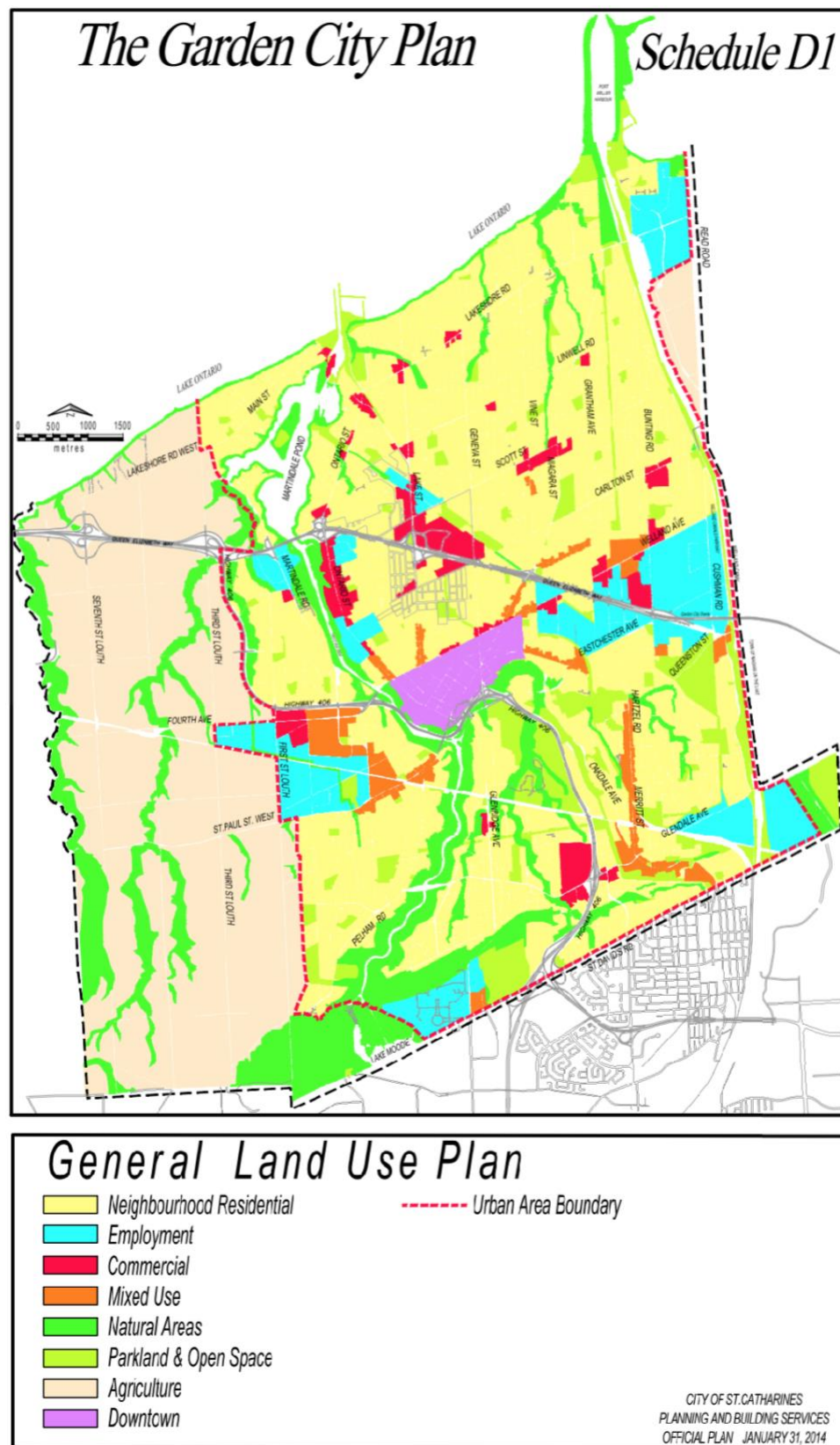


Figure 6. St. Catharines Official Plan General Land Use Plan

General Employment

Permitted uses within the General Employment designation include, among other uses, industrial operations. Section 10.3.1.b requires all permitted uses to generally be located within enclosed buildings.

Section 10.3.1.c sets out location requirements for heavier, more intense industrial uses. The Official Plan describes these uses in part as those that may likely be offensive based on noxious emissions, excessive noise, dust or airborne particles and/or those uses that may cause “excessive negative impact” caused by outside operation or processing, light intensity or outdoor storage or parking, among other considerations. The Zoning By-law will control the location of these uses in order to ensure appropriate separation from sensitive land uses.

Business Commercial Employment

According to Section 10.3.2.a, permitted uses within the Business Commercial Employment designation include the uses permitted within the General Employment designation, including industrial operations, (among other additional commercial uses) with some exceptions. One of the exceptions includes “any operation which may be considered offensive or dangerous by nature as defined under Section 10.3.1.c”, as described above. Uses are only permitted in enclosed buildings, with limited outdoor storage subject to requirements of the Zoning By-law and adequate screening (Section 10.3.2.b).

3.1.3 Site Plan Control

Under Part F: Implementation and Interpretation of the Official Plan, Section 16.7 sets out that all lands within the City are designated as a Site Plan Control Area. As applicable to this Study, this site plan control area includes all lands zoned for employment purposes as well as all lands within the Agriculture Area that are used, zoned or will be zoned for agriculture farm related commercial and industrial uses directly related to the surrounding agricultural uses or agri-tourism and value-added uses and activities greater than 93 square metres, among other uses (Section 16.7.3 b and d, in part).

As part of a site plan application, the City must approve all drawings and agreements to ensure matters relating to the following are satisfactory:

- “Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design;
- Sustainable design elements within and adjoining a City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle facilities; and
- Matters relating to the protection and continued function of natural areas, features and hazard lands.” (Section 16.7.4)

3.2 Zoning By-law

There is no current reference to cannabis or marijuana in the City of St. Catharines Zoning By-law (2013-283).

3.2.1 Agriculture Zones

The St. Catharines Zoning By-law contains three different Agriculture Zones:

- Agriculture (A1)
- Agriculture Only (A2)
- Agricultural Commercial/Industrial (A3).

The permissions and provisions for these zones are set out in Section 11 of the Zoning By-law. All three zones permit an Agriculture Farm, which the Zoning By-law defines as:

“The growing of crops, nursery, greenhouse and horticultural crops; raising and/or stabling of livestock and other animals for food, fibre, fur or recreation, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; uses and practices necessary to support the day to day operation of the agriculture use and associated on farm buildings and structures including accommodation for full time farm labour when the size and nature of the operation requires additional employment”.

In addition, the A1 and A3 Zones permit an Agriculture Farm Related Commercial or Industrial use defined as:

“Premises directly related to and serving agriculture uses, including but not limited to canneries, dairies and farm implement sales and service”.

This use is permitted up to a maximum size of 930 m², including outdoor storage and processing.

3.3 Employment Zones

The St. Catharines Zoning By-law contains two different Employment Zones:

- Business Commercial Employment (E1)
- General Employment (E2)

The permissions and provisions for these zones are set out in Section 7 of the Zoning By-law. Both zones permit a range of commercial, office, service and industrial uses. Light industrial uses are permitted in both zones, while heavy industrial uses are only permitted within the General Employment zone.

The Zoning By-law provides the following definition for “Industry, Heavy”, as a premises used for:

- “The manufacture or processing of products from raw materials;
- The production or use of flammable, explosive or other hazardous materials;
- Outdoor processing of products and materials;
- Warehouse or storage.”

According to the Zoning By-law, “Light Industry does not include obnoxious, dangerous or offensive trades”. “Industry, Light” is defined as premises used for:

- “The manufacture, processing, assembly, or packaging of finished parts or products from previously prepared materials;
- The repair or servicing of products;
- Building supply storage and wholesale;
- Warehouse and storage.”

Section 7.3.2.1 sets out the following permissions for accessory sales:

“The retail sale and/or display of products manufactured or assembled on the premises shall be permitted subject to the following:

- a) In the General Employment (E2) Zone to a maximum of 15% of the total glfa of any industrial or office use.
- b) In the Business Commercial Employment (E1 1) Zone a maximum of 35% of the total glfa of any industrial use.”

3.4 Industry in St. Catharines

Figure 8 identifies known cannabis facilities in St. Catharines and municipalities within 2500 metres of its boundary. In order to determine nearby facilities, neighbouring properties municipalities were contacted. As shown in the figure, within 2500 metres of the City’s municipal boundary, there are no known facilities.



4 Best Practice Review



4.1.1 Overview

The available information from 22 municipalities was reviewed in order to analyze and assess the various approaches that other municipalities have taken to deal with the permission for cannabis growing facilities in Ontario. Six municipalities within Niagara Region were reviewed, which include: the Town of Niagara-on-the-Lake, City of Port Colborne, Town of Lincoln, Township of West Lincoln and Town of Pelham. Other Ontario municipalities were chosen to represent urban and rural approaches. These include the Town of Caledon, Township of Brock, Town of Milton, Town of Georgina, Township of Oro-Medonte, Town of Amherstburg, Municipality of Chatham-Kent, Town of Halton Hills, Municipality of Leamington, Norfolk County, Town of Oakville, Town of Arnprior, City of Ottawa, Haldimand County, City of Barrie and Brant County.

At the time of writing this report, the Town of Pelham's Official Plan Amendment and Zoning By-law Amendment have been appealed by multiple appellants, with a hearing currently underway at the Ontario Land Tribunal.

4.1.2 Official Plan Permissions

Of all the municipalities reviewed, eight currently address cannabis facilities within their Official Plans: Pelham, Port Colborne, Lincoln, Caledon, Brock, Milton, Halton Hills, and Chatham Kent.

Pelham

Pelham passed an Official Plan Amendment in July 2020, permitting Indoor Cannabis and Industrial Hemp Cultivation in the Town's Good General Agricultural, Specialty Agricultural and Industrial Designations through a Zoning By-law Amendment. According to Section 4: Basis of the Amendment, the Amendment does not deal with outdoor cultivation as this is already permitted in the agricultural designation and recognized as an agricultural use. A number of studies are required at no expense to the Town to support the establishment of indoor facilities including an Emission Summary and Dispersion Modelling Report, a Contingency Odour Mitigation Plan, a Light Mitigation Plan, and a Traffic Impact Study. Development criteria for new facilities includes:

- Designing the building in conformity with its surrounding agricultural and rural context;
- Avoiding any adverse noise, dust, odour and light impacts;
- Protecting sensitive surface and ground water features;

- Providing adequate parking facilities;
- Providing appropriate servicing;
- Providing stormwater management; and
- Providing appropriate waste management systems.

The Amendment also discusses value-added components, which must demonstrate that they are compatible with surrounding agricultural operations and directly related to the farm operations on site. Additionally, the use of appropriate setbacks is required for facilities according to guidelines set out by the Amendment, which may be lower or higher depending on a set of facility criteria. This includes a minimum of 300 to 500 metres from sensitive land uses and a minimum of 2,000 to 4,000 metres from other cannabis facilities.

Port Colborne

The Official Plan Amendment for Port Colborne allows an indoor Cannabis Production Facility in the Industrial/Employment, Economic Gateway Centre, Agricultural and Rural designations. The Official Plan was amended to ensure compatibility with neighbouring land uses through installation and operation of odour and light mitigation systems; maintenance and monitoring plans, servicing; and maintaining appropriate setbacks from sensitive receptors.

Lincoln

The Town of Lincoln passed an Official Plan Amendment in September 2020 to permit indoor and outdoor cannabis production facilities in Lincoln's Specialty Agricultural and Prime Agricultural designations and subject to site plan control. In part, the regulations: prohibit activity within a dwelling, permit both indoor and outdoor cultivation, but indoor storage and processing, require mitigation measures as well as buffering, screening and security requirements.

Caledon

The Town of Caledon passed an Official Plan Amendment in April 2021 to include policies and permissions relating to cannabis-related and hemp-related uses in the Town's Prime Agricultural Area, General Agricultural Area and Rural Lands designations. Indoor cannabis and hemp-related uses are introduced as a High-Impact Agricultural Use, requiring a Zoning By-law Amendment and site plan approval. The Basis of the Official Plan Amendment (Part A) considers outdoor cultivation as an agricultural use. A detailed list of Zoning By-law Amendment conditions are set out, which generally include:

- Facilities must be designed to blend in with surrounding areas;
- Nuisance impacts must be mitigated;
- Sensitive water and groundwater features must be protected;

- There must be adequate parking, loading and delivery facilities;
- The facility must be serviced with appropriate water supply and sewage disposal means;
- Stormwater management needs must be met;
- Appropriate waste mitigation systems should be in place;
- Signage must be in accordance with Town's Sign By-law; and
- Proposed setbacks, as determined by required studies, should minimize adverse impacts.

The Amendment also introduces criteria for value-added uses, which outlines that they must be compatible, directly related to the farm operation, supportive of agriculture and provide direct products/services to agricultural operations as a primary activity. Readers are directed to have regard for the 2016 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs. Also set out are detailed study requirements for an Odour Emission and Dispersion Modelling Report, a Light Mitigation and/or Photometric Plan and a Traffic Impact Study. Additionally, a policy recognizing the adverse effects of odour sets out criteria for establishing an appropriate site-specific setback distance based on the following criteria:

- Whether the facility is a greenhouse or industrial-type building, and in the case of greenhouses whether it is purpose built or retrofitted;
- The size and scale of the proposed facility;
- The proximity to residential uses in the area, including potential for additional sensitive uses on vacant lots zoned to permit sensitive uses;
- The location of the facility in relation to prevailing wind;
- The nature of adverse effects existing at the time; and
- The impact on topography and dispersion of odour.

Based on the policy, it is unclear how the required separation distance may differ based on whether the facility is located in a greenhouse versus an industrial-type building.

Brock

The Township of Brock amended its Official Plan in March 2021, permitting indoor and outdoor Cannabis Production and Processing Facilities and a Medical Cannabis Production Sites within the Rural Area and Employment Area, and prohibiting the use within Mixed Use Corridors. Within the Rural Area, the use shall not be in conjunction with residential uses on the same lot. Within the Employment Area, the use is encouraged to locate in areas with municipal servicing. A detailed list of information requirements is set out by the Amendment, including the following:

- Applicants must attend pre-consultation with the Township;
- Facilities are subject to site plan control;
- Facilities must demonstrate dark sky friendly lighting and building design;

- Detailed hydrogeological and/or site servicing studies will be required;
- An Environmental Impact Assessment must be undertaken where natural features are present;
- Odour screening studies are required; and
- Noise impact studies may be required.

Milton

The Town of Milton passed an Official Plan Amendment in June 2020, introducing indoor and outdoor Cannabis Production and Processing as a permitted use within the Business Park Area, Industrial Area, Agricultural Area and Mineral Resource Extraction Area designations. The Official Plan Amendment requires a minimum 70 metre setback to sensitive land uses for new facilities in Business Park and Industrial Area designations and a minimum 150 metre setback to sensitive land uses for new facilities in the Agricultural and Mineral Resource Extraction Area designations. It also requires facilities to be subject to site plan control, and as part of a complete application, a number of studies are required related to odour, light impacts, traffic and hydrogeological systems. A standalone cannabis processing facility is not permitted within the Town's rural areas.

Chatham-Kent

The Chatham-Kent Official Plan lists cannabis production as a permitted use within the Employment Area, Agricultural Area and Rural Industrial designations. Cannabis production is addressed as its own section, providing the objective of supporting and promoting new industry through diversification and requiring setbacks that cannabis facilities not be located within close proximity to sensitive land use. The policies also require site plan approval and impact mitigation in accordance with Federal regulations and a Health Canada licence.

Halton Hills

The Halton Hills Official Plan permits, through OPA 35, cannabis cultivation and processing in the General Employment Area and Prestige Industrial Area designations. Outdoor cultivation is also permitted in the Protected Countryside Area and Agricultural Area, subject to setbacks of 150 metres to sensitive uses and 50 metres to lot lines for outdoor uses. The Official Plan permits indoor cultivation of cannabis and processing of cannabis in the Protected Countryside Area and Agricultural Areas through a zoning by-law amendment and site plan control.

4.1.3 Cannabis Facility Definitions

Various approaches have been taken to define cannabis growing, production and harvesting. The following terms have been used within zoning by-laws and official plans reviewed:

- Cannabis Production
- Cannabis Production Facility
- Cannabis Growing and Harvesting Facility
- Cannabis Production and Processing
- Cannabis Related Facility
- Cannabis and Industrial Hemp Cultivation
- Cannabis Related Use
- Medical Cannabis Production Site

The definitions of these terms all seek to describe the specific cannabis related uses that are encompassed by the term, these often being cultivation, growing, processing, production, testing, destruction, packaging and shipping of cannabis etc. Many of the definitions had a structure similar to the following example from Chatham-Kent:

“Cannabis Production Facility: means any building structure, or lands licenced by, Health Canada to undertake cultivation, processing, sale, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the Cannabis Act, or successor legislation.”

Some of the municipalities have chosen to restrict outdoor cultivation through new definitions for facilities, specifically defining a cannabis facility as an “indoor structure”, “wholly enclosed building” or “building or structure” and excluding any reference to “lands”. The City of Barrie provides the following definition:

“Cannabis Production Facility: shall mean a wholly enclosed building, structure, or part thereof, used to possess, produce, sell, provide, ship, deliver, transport or destroy marihuana or cannabis”

Approximately half of the definitions mention that the cannabis related uses must be undertaken pursuant to applicable regulations and provisions, some of them naming the Act and Regulations directly, and a few mention that retail sale is not to be permitted on the premises.

Some municipalities have also chosen to revise their current definition of other uses, such as “agricultural use” and “industrial use” to either include or specifically exclude cannabis facilities and production:

- Brock amended their list of permitted agricultural uses to exclude “a cannabis production and processing facility or a medical cannabis production site”, as well as from definitions for “home occupations”, “farm”, “home industry”, “manufacturing, processing, assembling or fabricating plant”, “warehouse” and “wholesale establishment”;
- Caledon amended a large number (approximately 50) of their existing definitions within their Zoning By-law for agricultural, commercial, industrial and employment related uses such as, “agricultural use”, “grocery store”, maintenance building”,

“personal service shop”, “restaurant” and “warehouse” to add “but does not include any cannabis or industrial hemp use” to the end of each definition.

- Oro-Medonte amended their definition of “Agricultural Use” and “Agricultural Use: Specialized” to state that “an Agricultural Use does not include a Cannabis Production and Processing Facility or the outdoor growing of Cannabis”;
- Norfolk County amended definitions within their zoning by-law for “farm”, “garden centre”, and “wholesale outlet” to specifically exclude “cannabis production and processing”; and
- Chatham-Kent amended their definition of “Agricultural Use” to include “a Cannabis Production Facility” and their definition of “Industrial Use” to include “a Cannabis Production Facility excluding the outdoor cultivation of cannabis”.

The Town of Halton Hills introduced 6 different definitions relating to cannabis production into the zoning by-law, which mirror the various definitions associated with the licences available. These include:

- Cannabis Analytical Testing Facility;
- Cannabis Cultivation – Indoor;
- Cannabis Cultivation – Outdoor;
- Cannabis Drug Production Facility;
- Cannabis Processing Facility; and
- Cannabis Research Facility.

With the introduction of new regulations for cannabis facilities, some municipalities have also introduced new definitions for “Air Treatment Control” and “Sensitive Land Use”, in order to more effectively administer the new regulations. The Town of Georgina has also chosen to introduce a definition for a “Gatehouse”, which pertains to a security building to monitor the lot, as well as for a “Registered Person” which includes an individual who is authorized to cultivate, propagate and harvest cannabis in accordance with Federal regulations. The Township of Brock introduced a definition for “Adverse Effect”, as defined in the Environmental Protection Act.

4.1.4 Mechanism for Zoning Permissions

Most of the municipalities reviewed permit cannabis growing facilities in some way, whether as-of-right (i.e., without a need for a special application) or through a zoning by-law amendment process (i.e., with the need for a zoning by-law amendment application), as illustrated within **Table 1**. The zones within each municipality where the indoor and outdoor growth of cannabis and related uses are permitted are described within **Table 1**. These zones are generally grouped by: agricultural and rural areas and employment and industrial areas.

Unique in our review, the Town of Oakville does not refer to cannabis at all in their zoning by-law. It is our understanding from a review of their website and discussion with the Manager of Zoning that cannabis facilities and their uses are considered to be captured by the existing defined terms of “agriculture” and “manufacturing” within the zoning by-law. According to the Town’s “Cannabis Legalization – One Year Review” dated February 2020 from the Municipal Enforcement Services and Legal Department, “production facilities, whether medical or recreational cannabis, are regulated exclusively by the Federal government.” The report additionally states the following:

“At present, staff direct notices to the Chief Building Official so that the application can be reviewed for zoning compliance. In Oakville, applications for cultivation, processing and/or sale of cannabis will be reviewed to determine what the primary use is in accordance with existing use definitions such as Agriculture or Manufacturing, and the applicable zoning permissions.”

The Municipality of Leamington is also unique, as they have chosen to implement a stand-alone Cannabis Regulation By-law, which sets similar provisions to those of the other municipality’s zoning by-laws, however it is a by-law independent of their zoning by-law.

In July 2020 the Town of Pelham passed an Odorous Industries Nuisance By-law, and according to the Town, they are still contemplating a future Noise Nuisance By-law and a Light Nuisance By-law. The Odorous Industries Nuisance By-law outlines that an odorous industrial facility must not cause an adverse effect or public nuisance and provides definitions for a cannabis operation and cannabis. According to the by-law, the owner and/or operator of an odorous facility must employ air filtration systems where cannabis is present to prevent obnoxious odours from escaping and during inspection, and must provide all licences, registrations and other forms of authorization which permit the cannabis operation on the property. The by-law outlines and defines specific Odour Unit measurements, with numerical parameters for odour strength and proximity to sensitive land uses. Regulations and penalties are addressed, with fines ranging from \$500 to \$50,000 for a first conviction.

Table 1. Summary of Municipal Cannabis Facility Zoning Permissions

Municipality	Indoor Cultivation Permitted		Outdoor Cultivation Permitted	
	Agricultural and Rural Areas	Employment and Industrial Areas	Agricultural and Rural Areas	Employment and Industrial Areas
Niagara Region				
Niagara-on-the-Lake	As-of-right			
Lincoln	As-of-right			
Port Colborne	As-of-right	As-of-right	As-of-right outside the Urban Boundary	

Pelham	Through a ZBA	Through a ZBA	Outdoor growth defined but not permitted anywhere	
West Lincoln	Through a ZBA	Through a ZBA		
Other Municipalities				
Caledon	Through a ZBA	As-of-right	As-of-right	
Brock	As-of-right	As-of-right	As-of-right	
Milton	As-of-right	As-of-right	As-of-right	As-of-right
Georgina	As-of-right	As-of-right	As-of-right	
Oro-Medonte	As-of-right	As-of-right		
Amhurstberg	As-of-right	As-of-right	As-of-right	
Chatham-Kent	As-of-right	As-of-right	As-of-right	
Halton Hills	As-of-right	As-of-right	As-of-right	
Ottawa		As-of-right	As-of-right	
Leamington	As-of-right	As-of-right		
Norfolk County	As-of-right	As-of-right		
Arnprior		As-of-right		As-of-right
Haldimand County	As-of-right	As-of-right		
Brant County	As-of-right	As-of-right		
Barrie		As-of-right		

4.1.5 Zoning Permissions – Indoor Cultivation

The majority of the municipalities permit the indoor cultivation of cannabis as-of-right within their zoning by-laws, in agricultural, employment or industrial zones as noted in **Table 1**.

In comparison to permitting the use as-of-right, the Town of Pelham requires a site-specific Zoning By-law Amendment to permit indoor cultivation. When an amendment is proposed within either an agricultural or industrial zone, either the new Agricultural Cannabis or the General-Industrial Cannabis zones would be applied to the property.

The Town of West Lincoln also requires a site specific/zoning by-law amendment to permit the indoor cultivation of cannabis along with processing, testing, destruction and packaging. Caledon permits indoor cultivation as-of-right within industrial zones, however, requires a Zoning By-law Amendment to permit indoor cultivation within agricultural zones. Outdoor cultivation is permitted as-of-right within their agricultural zones.

4.1.6 Zoning Permissions – Outdoor Cultivation

Outdoor Cultivation Permitted

Only some of the municipalities reviewed specifically allow the outdoor cultivation of cannabis. Caledon, Milton, Chatham-Kent, Georgina, Amherstburg, Halton Hills and Ottawa permit outdoor cultivation as of right within their Agricultural, Rural and/or Protected Countryside Zones. The Town of Georgina's recent Zoning By-law

Amendment specifically permits outdoor cultivation in the Rural Zone provided that it complies with the minimum separation distances from sensitive land uses and minimum yard setbacks for non-residential uses.

While the Town of Pelham has introduced extensive Official Plan and zoning permissions for indoor cultivation, according to reports prepared for the Cannabis Control Committee, outdoor cultivation is considered to be permitted as an agricultural within agricultural areas. However, the defined term of “cannabis related use - outdoor” in their zoning is not permitted anywhere. This is also true for the City of Port Colborne, who chose to delete their draft prohibition of outdoor cultivation in the rural and agricultural zone, because, according to Recommendation Report 2020-09, the “growing of cannabis is seen as an agricultural use as indicated by the Region of Niagara”. However, the report states that “the prohibition will remain for any facility permitted within the City’s urban boundary as agricultural use is not supported in the City’s Official Plan”.

Unique to Ottawa’s permissions, cannabis cultivation within the City’s Agricultural and Rural Countryside zones is specifically limited to outdoor and greenhouse cultivation.

The Town of Lincoln, Norfolk County and the Town of Arnprior zoning by-laws make no reference to indoor or outdoor cultivation, however Lincoln and Norfolk County both prohibit outdoor storage.

Outdoor Cultivation Not Permitted

Within the zoning by-laws of West Lincoln, Niagara-on-the-Lake, Oro-Medonte, Leamington, Haldimand County, Barrie and Brant County, specific reference is made that either directly prohibits the outdoor storage and growing of cannabis or only permits indoor cultivation.

4.1.7 Zoning and Site Plan Requirements

While specific zoning provisions and requirements for facilities differ across municipalities, the following summary captures the provisions that are commonly referenced:

- Requiring setback or separation regulation for cannabis facilities from sensitive land uses, typically, from residential, institutional and open space zones;
- Setback distances vary depending on which zone the use is permitted within (i.e. setbacks for facilities within the agricultural zone will differ from those for facilities within employment zones). Setbacks generally range from 40 metres to 300 metres but are often set at 150 metres within by-laws that only specify one requirement. Niagara-on-the-Lake is a unique exception to this range, as their zoning by-law requires a separation distance of 600 metres from sensitive land uses. The final recommended draft zoning by-law amendment brought forward by Niagara-on-the-Lake Staff to Council in June 2020 set out a minimum distance

of 300 metres from sensitive land uses, however Town Council voted to amend the required distance to 600 metres;

- Separation distance between greenhouses, buildings and structures within a cannabis facility operation;
- Requirement of a security fence around the premises to a certain standard. Many regulations also state that security buildings will require the same setbacks as facilities;
- Parking requirements including number of spaces and maximum coverage, which depend on the size of the facility and number of employees;
- Loading requirements, requiring either hidden or fully enclosed spaces to be provided;
- Subjecting cannabis facilities to site plan control;
- Requiring mitigation of potential impacts such as light, air and odour emissions, which may include the submission of studies to the municipality.
- Design and operation of facilities in accordance with Federal regulation, a licence from Health Canada, and any other requirements of the Province or competent authority;
- Prohibition on retail stores and sales;
- Planting strip requirements;
- Restriction on outdoor signage or advertisement of the facility; and
- Restriction on residential uses or dwelling units located on the same lot as a cannabis facility.

Table 2 provides a summary of the specific reoccurring zoning regulations implemented by the different municipalities reviewed.

Table 2. Summary of Municipal Cannabis Facility Zoning Requirements

Requirement	Municipality	Regulation
Minimum Setback to Sensitive Land Use or Zone	Niagara-on-the-Lake	<ul style="list-style-type: none"> • 600 m
	Lincoln	<ul style="list-style-type: none"> • 300 m
	Port Colborne	<ul style="list-style-type: none"> • 150 m
	Pelham	<ul style="list-style-type: none"> • For outdoor uses: 300 m
	Caledon	<ul style="list-style-type: none"> • 300 m
	Brock	<ul style="list-style-type: none"> • 70 m from a sensitive zone boundary or 150 m from the nearest lot line of a sensitive land use

Requirement	Municipality	Regulation
	Milton	<ul style="list-style-type: none"> Within industrial areas: 70 m Within agricultural areas: 150 m
	Georgina	<ul style="list-style-type: none"> Facilities containing air treatment control: 150 m Rural zoned lots less than 8,000 m²: 150 m Facilities with no air treatment control: 300 m To a school site: 300 m
	Oro-Medonte	<ul style="list-style-type: none"> 150 m
	Amherstburg	<ul style="list-style-type: none"> 150 m to residential use on separate lot 225 m to institutional or open space zone
	Chatham-Kent	<ul style="list-style-type: none"> Within institutional zones: 75 m Within agricultural and rural zones: 100 m
	Halton Hills	<ul style="list-style-type: none"> 150 m
	Ottawa	<ul style="list-style-type: none"> 300 m Facility may be located within 300 metres of a sensitive use zone if the only permitted uses of the zone are environmental preserve and education area, emergency service, municipal service centre, office, storage yard and warehouse
	Leamington	<ul style="list-style-type: none"> 200 m
	Norfolk	<ul style="list-style-type: none"> From sensitive zones for facilities containing air treatment control in industrial zones: 70 m From sensitive zones for facilities containing air treatment control in agricultural zones: 150 m From existing sensitive uses for facilities containing air treatment control in industrial or agricultural zones: 150 m From existing sensitive uses for facilities containing no air treatment control in industrial or agricultural zones: 300 m
	Arnprior	<ul style="list-style-type: none"> 100 m
	Haldimand County	<ul style="list-style-type: none"> 150 m Increased setbacks based on building size: <ul style="list-style-type: none"> Less than 6,967 m²: 150 m Less than 9,260 m²: 200 m

Requirement	Municipality	Regulation
		<ul style="list-style-type: none"> ○ Greater than 9,260 m²: 300 m • No air treatment control provided: 300 m
	Brant County	<ul style="list-style-type: none"> • 150 m
Minimum Building and Structure Setback from Property Lot Lines	Lincoln	<ul style="list-style-type: none"> • 30 m
	West Lincoln	<ul style="list-style-type: none"> • Where located in employment zones: 45 m • Where located in agricultural zones: 50 m
	Halton Hills	<ul style="list-style-type: none"> • Outdoor growth: 50 m
	Haldimand County	<ul style="list-style-type: none"> • 30 m
Lot Requirements	Port Colborne	<ul style="list-style-type: none"> • Minimum lot frontage: 75 m • Minimum lot area: Permitted only on an existing lot having a minimum size of 3 hectares • Maximum lot coverage: <ul style="list-style-type: none"> ○ Lots less than 5 ha: 30% ○ Lots less than 10 ha: 10% ○ Lots greater than 10 ha: 5% • Minimum front yard: 30 m • Minimum interior side yard: 16 m • Minimum corner side yard: 30 m • Minimum rear yard: 30 m
	Pelham	<ul style="list-style-type: none"> • Maximum lot coverage: 30%
	Georgina	<ul style="list-style-type: none"> • Maximum lot coverage: 30% • Maximum height in Rural Zone: 11 m
	Haldimand County	<ul style="list-style-type: none"> • Minimum lot area: Greater than 4.0 ha
Security and Fencing	Niagara-on-the-Lake	<ul style="list-style-type: none"> • Security buildings may be located in the required front yard and do not have to comply with setbacks
	Lincoln	<ul style="list-style-type: none"> • Security buildings located in the front yard do not have to comply with setbacks
	Port Colborne	<ul style="list-style-type: none"> • Security buildings may be located in the front yard • Where a building or structure consists of more than 40% glass and where artificial lighting is required an opaque fence shall be provided and maintained

Requirement	Municipality	Regulation
		adjacent to every portion of any lot line that abuts a sensitive land use
	West Lincoln	<ul style="list-style-type: none"> Minimum 1.8 m high solid fence required around the perimeter of the lot
	Brock	<ul style="list-style-type: none"> Security building or structures may be located in the required front yard and are not required to comply with minimum required front, side, or rear yard setbacks
	Milton	<ul style="list-style-type: none"> Security buildings are permitted in any yard and are not subject to setbacks
	Georgina	<ul style="list-style-type: none"> Gatehouse buildings are permitted in front or exterior side yard with a maximum floor area of 20 m
	Norfolk	<ul style="list-style-type: none"> Security buildings may be located in the front yard and does not have to comply with setbacks
	Brant County	<ul style="list-style-type: none"> Security buildings may be located in the front yard
Outdoor Storage	Niagara-on-the-Lake	<ul style="list-style-type: none"> No outdoor storage
	Lincoln	<ul style="list-style-type: none"> No outdoor storage
	Port Colborne	<ul style="list-style-type: none"> No outdoor storage
	Pelham	<ul style="list-style-type: none"> No storage area within 30 m of a street or the lot line or an adjacent residential use
	West Lincoln	<ul style="list-style-type: none"> No outdoor storage
	Caledon	<ul style="list-style-type: none"> No accessory open storage
	Brock	<ul style="list-style-type: none"> No open storage
	Milton	<ul style="list-style-type: none"> No outdoor storage
	Georgina	<ul style="list-style-type: none"> No outdoor storage
	Ottawa	<ul style="list-style-type: none"> No outdoor storage
	Norfolk	<ul style="list-style-type: none"> No outdoor storage
	Arnprior	<ul style="list-style-type: none"> No outdoor storage
	Brant County	<ul style="list-style-type: none"> No outdoor storage
Parking and Loading	Lincoln	<ul style="list-style-type: none"> 1 space per employee on the largest shift Wholly enclosed loading spaces

Requirement	Municipality	Regulation
	Pelham	<ul style="list-style-type: none"> 1 parking space for every employee on the largest shift
	Port Colborne	<ul style="list-style-type: none"> 1 parking space per 100 m² of GFA for indoor
	Caledon	<ul style="list-style-type: none"> Located within the rear yard of a wholly enclosed building 1 parking space per 100 m² of GFA for indoor
	Chatham-Kent	<ul style="list-style-type: none"> Two spaces per three employees (maximum enrollment) or one space per 18 m² floor area used for office, whichever is greater, plus one space per 1,000 m² floor area used for production
	Halton Hills	<ul style="list-style-type: none"> 1 space per 30 m² for the first 1,000 m² 1 space per 100 m² for the floor area between 1,000 and 5,000 m² plus 1 per 200 m² in excess of 5,000 m² Wholly enclosed loading spaces
	Arnprior	<ul style="list-style-type: none"> 1 space per 100 m²
	Haldimand County	<ul style="list-style-type: none"> 1 parking space per 100 m² GFA Loading spaces must be within a wholly enclosed building
	Brant County	<ul style="list-style-type: none"> 1 space per 100m² Wholly enclosed loading spaces may be located within the rear yard, not adjacent to a street
Residential Uses on the Same Lot	Lincoln	<ul style="list-style-type: none"> Not permitted on a lot containing a residence
	Ottawa	<ul style="list-style-type: none"> Not permitted in a dwelling
	Arnprior	<ul style="list-style-type: none"> No residential uses permitted on the same lot
	Haldimand County	<ul style="list-style-type: none"> Dwelling units not permitted on site
Retail Store and Signage Restrictions	Pelham	<ul style="list-style-type: none"> Retail stores are prohibited
	Amherstburg	<ul style="list-style-type: none"> Advertising restrictions
	Arnprior	<ul style="list-style-type: none"> Retail sales are not permitted
	Haldimand County	<ul style="list-style-type: none"> Outdoor signage is prohibited
	Lincoln	<ul style="list-style-type: none"> 1,000 minimum separation distance between other facilities

Requirement	Municipality	Regulation
Nuisance Mitigation Requirements	Port Colborne	<ul style="list-style-type: none"> Greenhouses should be shielded so no light escapes between sunset and sunrise when abutting a sensitive land use Servicing for the facility shall be designed by a Qualified Professional, identifying the source of irrigation water, water quantities required and the effects of same on the groundwater table and nearby wells.
	Brock	<ul style="list-style-type: none"> A facility located within an enclosed building or structure shall be equipped with an Air Treatment Control system
	Ottawa	<ul style="list-style-type: none"> No nuisance permitted due to odour or fumes
	Leamington	<ul style="list-style-type: none"> Operate with an Odour Abatement Protocol to eliminate the mitigation of any Noxious Odour off its Premise Be inspected by the Municipality's Fire Department and comply with the provisions of the Fire Protection and Prevention Act

The following municipalities have amended their official plans and/or zoning by-laws, as well as their individual site plan control by-laws, to specify that cannabis facilities are subject to site plan control:

- Niagara-on-the-Lake;
- Lincoln;
- Port Colborne;
- Pelham;
- Caledon;
- Brock;
- Milton;
- Georgina;
- Amhurstberg;
- Chatham-Kent;
- Halton Hills;
- Norfolk County;
- Haldimand County; and
- Brant County.

Generally, the specific criteria required for each facility is set out within the official plan and/or zoning by-law, including in some cases the requirement for certain studies to be

completed. The amendments to each site plan control by-law generally only outline that the use is subject to control, with no further cannabis-specific requirements or scoping.

4.8 Buildings

This section provides a high-level discussion of best practices to mitigate odour impacts of cannabis facilities from a siting and building ventilation design perspective.

The distinctive cannabis odour is caused by the release of chemical compounds known as Volatile Organic Compounds (VOCs), specifically terpenes. VOC (Terpene)/odour emissions may vary by cannabis plant species, plant growing stages and processing activities.

4.8.1 Siting Considerations

Based on BCX's previous experience modelling odour from cannabis facilities, air filtration systems in combination with good odour management practices can eliminate odours such that any noticeable odours within 150 metres of the cannabis production/processing enclosure spaces/buildings are very infrequent (i.e., no odour 99.5% of the time) and no noticeable odours detected at and beyond 500 metres (all of the time). Based on this best practice, a minimum of 150 metre separation should be considered between cannabis production and any sensitive human receptors such as residences and schools. As well it is best practice to require, a quantitative odour study which includes odour source testing and modelling to determine land use compatibility for facilities that are located within 500m of any sensitive human receptors. These distances assume that the odour mitigations as described in the next section are implemented. Open and uncontrolled outdoor cannabis production activities are not recommended as there is no mechanism to mitigate odour from such activities.

4.1.8 Building Design Considerations (Odour Mitigations)

For outdoor cannabis production in agricultural lands, open and uncontrolled outdoor cannabis production activities are not recommended.

For enclosed cannabis production and processing facilities regardless of the zoning of the facility, the following odour mitigation strategies/best practices should be followed:

- All cannabis activities take place inside a building;
- Further consider how to address odour mitigation in permanent steel framed polytarp covered structures;
- All buildings where cannabis activities take place should be properly sealed and equipped with properly designed odour control systems (i.e., carbon filtration systems) to treat indoor air prior to discharging it to the atmosphere; and

- Owner or operators be required to regularly inspect and maintain the odour control systems.

Recommendations for odour control strategies, methods and best practices are described below.

Operational Considerations

Before determining, or assessing, the odour mitigation strategy for a facility, there are operational best practices related to cultivation that dictate which odour control strategies are best suited for an individual facility. Certain operational best practices pertain to cultivation, regardless of a facility or its crop, while others are unique to individual facilities and their own processes. One of the largest challenges of cannabis odour mitigation is the varying terpene concentration throughout a plant's growth and processing. VOC (Terpene) emissions increase as a plant grows (i.e., flowers have more emissions than vegetation, which has more emissions than seedlings). These emissions then become more pronounced during drying, curing, and processing with drying resulting in the highest release of VOCs. In addition to growing stages, temperature and humidity can also affect levels of VOC emissions. Processing rooms and support (fertilizer) rooms are also sources of odours that need to be controlled. Where possible, operations/areas with different odour levels should have separate odour control systems which allows more stringent controls be applied to the more odorous processes/areas.

When considering odour, three key terms describe how air is managed within a facility:

- **Positively Pressurized** – Any space where more air is put into a room or building, than taken out. When a room is positively pressurized air will naturally flow out of the room.
- **Negatively Pressurized** – Any space where more air is removed from a room, building, etc. than take out. When a room is negatively pressurized air will naturally flow into the room.
- **Neutrally Pressurized** – Any space where the same amount of air is put into a room as is removed from a room.

Knowing how a room is pressurized allows for an understanding where air will move without external interference.

Cultivation/Processing Best Practices: Regardless of crop, facility set-up, etc. all cultivation and critical processing (i.e., trimming, drying) rooms should be positively pressurized from the surrounding spaces within the facility. Positively pressuring key rooms serves to protect these spaces from diseases, pests and external contamination.

While best to keep certain, individual rooms within a facility positively pressurized, it is best that facilities as a whole are kept under a negative pressure.

Facility Pressurization Best Practices: To ensure that positively pressurized interior spaces do not leak from the facility without being treated, it is best that facilities are kept under negative pressure overall. This ensures that all air leaving any facility, whether new or a retrofit, is leaving through odour mitigation equipment.

Primary Types of Odour Mitigation Strategies and Methods

Odour Mitigation Strategies

Two primary strategies exist for odour mitigation within cannabis facilities regardless of facility type (new vs retrofitted, buildings vs. outdoor enclosed structures/greenhouses, etc.) – ‘Centralized’ & ‘Scrubbing Stations’.

Centralized air filtration systems are typically utilized as part of a fresh-air exchange or exhaust. Centralized odour mitigation systems work to collect air from various high-odour locations via ductwork before exhausting the odour-treated air from the facility. These systems are most common in buildings with low rates of infiltration & exfiltration, large numbers of separated cultivation rooms, or clustered high-odour spaces. Centralized systems can be part of the HVAC systems providing air-conditioning to the high-odour environments. When this is the case, extra care should be taken to ensure that options such as economizers (a requirement for most equipment under the National Energy Code) do not inadvertently bypass the odour mitigation system.

Scrubbing stations are best used in facilities with high areas of infiltration/exfiltration (greenhouses) or large, undivided cultivation areas of a single stage of crop growth (i.e., final flowering). This strategy places the odour treatment in the high-odour environments and uses circulation fans to cycle the complete air volume within the space ‘X’ times/min (medium VOC environments 5-7 times/min, high VOC environments 3-5 times/min) or places the odour treatment at each exhaust point of the space (i.e. greenhouse exhaust fans).

Odour Treatment Methods

There are two primary odour treatment methods used. First, and most common, is an activated carbon filter through which the air passes before leaving the facility. These filters are often pleated filters (much like those in household filters) that have powder or granules of carbon incorporated into the filter media and are highly effective at removing terpenes & VOCs from the air. It should be noted that these filters are ineffective at removing sulphur compounds produced by fertilizers without further additives. Alternatively, high-pressure fog, or misting, systems are applied at treatment points and introduce an oxidizing agent (Iodine gas as an example) changing the chemical composition of the exhaust air and removing the odour.

Regardless of which strategy (Centralized vs. Scrubbing) and method (activated carbon vs oxidizing agent) all cannabis facilities must have an odour treatment system that “cleans” all air leaving the facility, this includes air leaving areas where VOCs/terpenes are not expected and should be checked regularly (monthly or quarterly) as part of any facility’s maintenance plan.

New Buildings vs. Retrofits

While both odour mitigation strategies described above are suitable for both retrofits and new builds, the suitability will be determined based on the extent of the planned construction.

Scrubbing stations are better suited for retrofits that target minimum modifications to the existing space. Centralized systems on the other hand, are better suited for new builds and retrofits with extensive planned renovations because these situations provide the free space needed for the duct work associated with a centralized system. In addition, for new builds, operations/areas with different odour levels should have separate odour control systems which allows more stringent controls to be applied to the more odorous processes/areas.

Maintenance of Odour Control System

Odour mitigation is a substantial operational expense for any cannabis facility – carbon filters often require replacing every 1 to 2 months, oxidizing agents need to be replaced/refilled. Therefore, it is essential to maximize the lifespan of these odour treatment devices. A simple, often over-looked, option is the installation of pre-filtration to remove debris and contaminants from the airflow before passing over the odour treatment. Two of the most common options are MERV8 pleated filters or UV lights.

Building Exhausts

Indoor air of a cannabis production/processing facility should only be discharged to the atmosphere through exhausts after being treated by an odour control system. The exhausts should not be located near any sensitive human receptors including air intakes on the same building and on a nearby property. Vertical rooftop vents are preferred over building side vents as they provide better air dispersion and result in greater dilution of odours offsite.

5 Outline of Planning Tools



As with all planning matters, a balance will need to be struck between regulation and flexibility. In Ontario, cannabis-related uses are unique, owing to the interplay of provincial and federal legislation. The Cannabis Act and Regulations clearly outline that municipal by-laws apply to any cannabis related use, giving the City some control of this use through their planning processes. It is important to note however, that defensible regulations require justified planning grounds. The following provides an overview of the types of land use requirements and/or permissions the City could implement to regulate cannabis operations and related uses.

5.1 Official Plan

Official Plan policies regarding cannabis-related uses provide a municipality with the ability to control at a high level the areas/designations that facilities and operations are permitted in. For the City of St. Catharines, this could include permission for the use within the Agriculture designation and/or the Employment designation. Policies could specify whether the use is permitted as-of-right or through a Zoning By-law Amendment and may also indicate whether the use is subject to site plan control. Different definitions may be introduced for facility types (including indoor vs. outdoor and licenced facilities vs. designated medical growth), sensitive land uses, adverse impacts, etc. There are a number of different policies and requirements for facilities that can be introduced within the Official Plan, depending on the level of control and site design the municipality wants to regulate, which may include but are not limited to:

- Requiring a list of studies as part of the application process, including those covering concerns for odour, traffic, lighting, etc.;
- Design criteria for facilities, such as compatibility with surroundings;
- The mitigation of nuisance impacts, including no emission of odour;
- Appropriate parking and servicing requirements;
- Discussion on value-added uses; and
- Separation distance requirements from sensitive uses and designations.

5.2 Zoning By-law

Zoning permissions and provisions provide the opportunity to address and appropriately define cannabis-related uses and may differentiate between licenced facilities and designated medical growth, as well as indoor and outdoor growth. The use may be permitted as-of-right and listed as a permitted use in different agricultural and/or employment zones or defined with provisions but not listed as a permitted use. The latter would require a site-specific amendment to the Zoning By-law to permit the use.

Similar to Official Plan polices, provisions of the Zoning By-law may specify specific requirements for the use including, but not limited to:

- Minimum setbacks to sensitive land uses or zones;
- Minimum building and structure setback requirements from the property line or other cannabis facilities;
- Specific lot requirements;
- Parking and loading requirements;
- Accessory retail store restriction;
- Restriction of dwelling units on the same lot; and
- The requirement for no odour emission/nuisance mitigation requirements.

5.3 Site Plan Control

According to the City's Site Plan Control By-law No. 2017-63, all lands within the City of St. Catharines are designated as a Site Plan Control Area, requiring site plan approval to undertake any development. Agriculture farms are exempt and do not require approval, however, this exemption does not include buildings or structures for agri-tourism and value added uses with a gross leasable floor area greater than 93 m² which are still subject to site plan control.

If the City were to specify that cannabis facilities and related-uses are subject to site plan control, this would allow more municipal influence in ensuring sites are designed in a way that mitigate impact and nuisance. A Site Plan Agreement can address matters such as odour control, lighting, traffic, etc. and request additional study requirements, allowing for easier enforcement.

It should be noted that through the application/licencing process, Health Canada reviews the site plans and layouts for all proposed cannabis facilities to ensure compliance with the Act and Regulations. The City may choose to leave site design, subject to meeting any overarching policy and zoning by-law requirements, to Health Canada.



Phase 2: Policy, Zoning and Building Regulatory Options

6 Consideration of Options



This section of the report discusses options for considering cannabis facilities in St. Catharines' planning documents.

The purpose of the section is to provide a roadmap of potential approaches for regulating cannabis facilities with the City, with the benefits and drawbacks of the different approaches outlined for informed decision making. Based on the background discussed in the previous sections of this report, a number of options for regulating cannabis are explored in this section, and the pros and cons of the different options are described. The different options and related considerations outlined in this section will then inform the approach to regulating cannabis recommended in Phase 3 of this Study.

6.1 Permitting the Use

6.1.1 Should cannabis related uses be permitted in the City's agricultural areas?

Option 1a. Permit the indoor cultivation of cannabis in agricultural areas as-of-right

The agricultural areas of St. Catharines are located outside of the Urban Area Boundary and permit a full range of agricultural uses. The City's definition of agricultural use set out within the Official Plan and Zoning By-law includes "the growing of crops, including nursery, greenhouse and horticultural crops...". This definition could be interpreted to permit cannabis cultivation in the agricultural area. However, the City has the option to specifically permit indoor cultivation in greenhouses or other buildings in the Agricultural Area.

The City has three different Agricultural Zones: Agriculture, Agriculture Only and Agricultural Commercial/Industrial. In addition to agricultural uses, the Agriculture and Agricultural Commercial/Industrial Zones also permit an agriculture farm related commercial or industrial use, which includes "premises directly related to and serving agriculture uses". This definition could be interpreted to permit cannabis related uses such as processing, packaging, etc. However, the City could specify that these uses may only occur as accessory uses to cannabis cultivation.

The following outlines the pros and cons of permitting indoor cultivation and related uses in the agricultural areas of St. Catharines:

Pro	Con
<ul style="list-style-type: none"> • Permitting the indoor cultivation of cannabis would align with permitting indoor cultivation of other crops in greenhouses in agricultural areas. • Potentially no Official Plan Amendment is needed. 	<ul style="list-style-type: none"> • Little information is available from Health Canada on the complaint/mitigation system related to indoor cannabis cultivation. • Nuisance concerns related to noise, odour, security, lighting, etc. may occur. • Regulations and complaint mechanisms for indoor uses may not be sufficient to enforce mitigation of an odour nuisance.

Mechanisms for permitting indoor cultivation and its associated uses in agricultural areas would include:

- No change to the Official Plan, with the interpretation that the indoor cultivation of cannabis and associated uses are already permitted through the definition of an agricultural use (maintain status quo); **or**
- Amend the Official Plan to clarify that the indoor cultivation of cannabis and associated uses are permitted in the Agriculture land use designation.

and

- Amend the City's Zoning By-law to clarify that the indoor cultivation of cannabis and associated uses are permitted within Agricultural Zones (Agriculture, Agriculture Only and Agricultural Commercial/Industrial), by listing it as a permitted use and including licenced cannabis facilities as a defined term.

Option 1b: Require a zoning by-law amendment to permit the indoor cultivation of cannabis in agricultural areas

Alternatively, the City could require a site specific zoning by-law amendment application in order to permit a cannabis facility on any site within an agricultural area.

The requirement of a site-specific zoning by-law amendment to permit cannabis cultivation and/or associated activities would provide the municipality with additional review of the particulars of each application and ensure a public review process. The City could require the completion of studies that assess potential nuisances and identify mitigation measures. While most of the municipalities reviewed permit the indoor cultivation of cannabis as-of-right within their planning documents, Pelham and West Lincoln are examples of municipalities that require a site-specific zoning by-law amendment to permit the use.

The following outlines the pros and cons of requiring a zoning by-law amendment to permit cannabis related uses in agricultural areas:

Pro	Con
<ul style="list-style-type: none"> Provides the City with the opportunity to consider the use on a case by case basis and involve the public each time. Gives the City the opportunity to request studies of potential nuisances. 	<ul style="list-style-type: none"> Atypical approach compared to majority of municipalities reviewed. More onerous process for applicant Differentiates the use compared to other crops that have as-of-right permission.

The most straightforward mechanism for permitting the use through a site-specific zoning by-law amendment would be to define the use in the Zoning By-law, but not list it as a permitted use in any zones. Further, the Official Plan could be amended to permit cannabis-related uses but specifically require a site specific zoning by-law amendment and set out the study requirements for any such application.

Option 1c. Do not permit the indoor cultivation of cannabis in agricultural areas

When licenced, the production of cannabis is a legal undertaking in Canada. In order to prohibit the uses outright, planning grounds would be required for why the use is not appropriate anywhere within St. Catharines. While there are nuisance concerns, as discussed within the previous sections of this report, it must be determined whether such concerns are sufficient grounds for outright prohibition of cannabis cultivation and production.

The following outlines the pros and cons of not permitting indoor cultivation in agricultural areas in St. Catharines:

Pro	Con
<ul style="list-style-type: none"> Alleviates nuisance concerns related to indoor cultivation of cannabis. 	<ul style="list-style-type: none"> No planning grounds for outright prohibition of legal use were discovered in the best practice research, which makes defending the recommendation more difficult. By-laws that prohibit indoor cultivation may be deemed to not apply by the Normal Farm Practices Protection Board, anywhere agricultural uses are currently permitted.

The mechanisms for not permitting the indoor cultivation of cannabis in agricultural areas would include amending both the Official Plan and Zoning By-law to define the use and list it as a prohibited use.

Option 2a. Permit the outdoor cultivation of cannabis in agricultural areas.

The growing season for the outdoor cultivation of cannabis in Ontario is relatively short, typically beginning in May and ending in October. It usually takes the entire 6 months for the plants to reach the final flowering stage. The key concern associated with outdoor cultivation is odour. As discussed within the previous sections of this report, there are a number of best practice measures that can be used to mitigate the odour impacts of indoor cannabis facilities from a siting and building ventilation design perspective. However, for outdoor cultivation, there are not ways to control odour.

The following outlines the pros and cons of permitting outdoor cultivation in agricultural areas in St. Catharines:

Pro	Con
<ul style="list-style-type: none"> • Permitting outdoor cultivation would align with permitting the cultivation of other crops in agricultural areas. • No Official Plan Amendment is required. 	<ul style="list-style-type: none"> • Little information is available about the nuisance effects of outdoor cultivation. • Little information is available from Health Canada on complaint/mitigation systems related to outdoor cannabis cultivation. • Nuisance concerns related to odour, security, lighting etc. may occur.

The mechanisms for permission of outdoor cultivation in agricultural areas are similar to those discussed in Option 1a for permitting indoor cannabis growth.

Option 2b: Do not permit the outdoor cultivation of cannabis in agricultural areas

As previously discussed, the licenced production of cannabis is a legal undertaking, and planning grounds would be required as to why outdoor cultivation is not appropriate within St. Catharines' agricultural areas. While there are nuisance concerns, little information is available on outdoor cultivation to inform the potential potency of this nuisance. Generally, open and uncontrolled outdoor cannabis production activities are not recommended on the basis of odour concerns.

It is important to note that the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) considers cannabis cultivation a normal farm practice. Therefore, a municipal by-law preventing outdoor cultivation could potentially be challenged at the Normal Farm Practices Protection Board, though to our knowledge, no challenge has yet occurred. From the best practice review, approximately half of the municipalities reviewed permit outdoor cannabis cultivation in their planning documents.

The following outlines the pros and cons of not permitting outdoor cultivation in agricultural areas in St. Catharines:

Pro	Con
<ul style="list-style-type: none"> Alleviates nuisance concerns related to the outdoor cultivation. 	<ul style="list-style-type: none"> If challenged, by-laws preventing the outdoor cultivation of cannabis may be deemed to not apply anywhere agricultural uses are currently permitted in the City by the Normal Farm Practices Protection Board.

The mechanisms for restricting outdoor cannabis cultivation in agricultural areas are similar to those discussed in Option 1c for not permitting indoor cannabis cultivation.

6.1.2 Should cannabis related uses be permitted in employment areas?

Option 3a: Permit indoor cannabis related uses in employment areas

The City's Official Plan and Zoning By-law identify two different employment areas: General Employment and Business Commercial Employment. Among other uses, industrial operations are permitted within these areas, which generally are to be located within enclosed buildings. Cannabis related uses are similar to many industrial processing functions such as testing, drying, packaging, etc. While nuisance concerns associated with the processing of cannabis may occur, these concerns are not unlike the concerns associated with other industrial functions. A certain level of nuisance is expected and accepted in employment/industrial areas, hence their typical separation from sensitive uses and one of the reasons cannabis related uses may be suited for employment areas.

The following outlines the pros and cons of permitting indoor cannabis related uses in employment areas in St. Catharines:

Pro	Con
<ul style="list-style-type: none"> The post-cultivation uses (processing, packaging, etc.) are not that different from other industrial uses and have similar nuisance potential. Employment areas are typically removed from sensitive uses, thus there may be less potential for nuisance impacts. 	<ul style="list-style-type: none"> Nuisance concerns related to odour, security, lighting, etc. may occur. Little information is available from Health Canada on complaint systems or mitigation related to cannabis cultivation and processing. Regulations and complaint mechanisms may not be sufficient to enforce mitigation of an odour nuisance.

Mechanisms for the permission of indoor cannabis related uses in employment areas would include:

- Leave the Official Plan policies as they are, with the interpretation that the indoor cultivation and processing of cannabis are already captured as industrial uses; **or**

- Amend the Official Plan to specifically clarify that indoor cannabis cultivation / processing / packaging / testing etc. is permitted in General Employment and/or Business Commercial Employment designation.

and

- Amend the Zoning By-law to clarify that indoor cannabis cultivation and processing / packing / testing etc. is permitted in the General Employment and/or Business Commercial Employment Zones.

Option 3b: Do not permit cannabis related uses in Employment Areas

Limiting certain uses in employment/industrial areas are typical official plan and zoning provisions. Because cultivation is typically an agricultural function, the City may choose to restrict cannabis cultivation in employment areas, to reserve these lands for more intensive employment operations.

The following outlines the pros and cons of not permitting cannabis related uses in employment areas in St. Catharines:

Pro	Con
<ul style="list-style-type: none"> • Alleviates nuisance concerns related to the use. 	<ul style="list-style-type: none"> • The post-cultivation uses (processing, packaging, etc.) are not that different from other industrial uses and have similar nuisance potential.

If the City decided to restrict indoor cannabis related uses in employment areas, the most transparent mechanism would be to amend the Official Plan and Zoning By-law to define the use and list it as a prohibited use.

6.2 Regulating the Use

6.2.1 What specific provisions should the Official Plan and/or Zoning By-law address?

Option 1: Implement a separation distance requirement to sensitive uses or zones

While more than one reason may exist for separating cannabis-related uses from sensitive uses, odour is often raised as the primary consideration. The difficulty, however, lies in determining an appropriate setback to address odour concerns.

Existing Setback Framework

Section 10.3.1.c under the General Employment designation policies of the City's Official Plan states that the location of heavier, more intense industrial operations will be controlled by the Zoning By-law in order to ensure appropriate separation distances from sensitive land uses. Heavier, more intense industrial operations are described in

part as those that may likely be offensive based on noxious emissions, excessive noise, dust or airborne particles and/or those uses that may cause “excessive negative impact” caused by outside operation or processing, light intensity or outdoor storage or parking, among other considerations. These uses are controlled through the implementing zoning by-law to ensure separation from sensitive land uses, including residential, commercial and major large scale institutional land uses.

Federal Air Filtration Requirements

As previously described within this report, the federal Cannabis Regulations and licencing application process requires demonstration of air filtration and ventilation systems that filter air to prevent the escape of odours. However, the Health Canada guide provides no specific technical requirements for the form or type of air filtration system; it simply requires implementation of a system that successfully blocks the escape of odours. Further, odour control systems are not a federal requirement for growing for personal or designated medical use.

In order to ensure cannabis is produced, sold and distributed in accordance with the Cannabis Regulations, all licence holders are inspected by Health Canada, resulting in a citation if any “strong odours” are prominent outside of the licenced facility. Therefore, odour from indoor cultivation facilities where a proper ventilation system is in place and is appropriately maintained should not be a concern. However, it is not clear what is considered an appropriate level of odour mitigation and what constitutes a “strong odour”. It is also not clear how Health Canada deals with odour complaints or what the ramifications are for producers that produce an odour. For outdoor cultivation, no specific odour control method is set out within the Cannabis Act or Regulations, nor is there any way to control odour when the plants are grown outdoors.

Best Practice Review

A best practice review of other municipal approaches found that a number of municipalities have implemented separation requirements for cannabis growing facilities in their official plans and zoning by-laws. One of the concerns with implementing a setback and/or separation distance in the official plan or zoning by-law is that the requirement could be appealed. For example, the City Hamilton implemented official plan and zoning by-law changes to address cannabis facilities and the following provisions were under appeal:

- A policy of the Official Plan requiring that an appropriate setback between cannabis facilities and sensitive land uses be established in the zoning by-law;
- A zoning by-law requirement for a building setback of 30 metres for cannabis facilities in the Agricultural Zones; and
- In the Agricultural Zones, a separation distance requirement for cannabis facilities of 150 metres to residential dwellings and zones which permit sensitive uses.

However, the appeal was later dismissed on the grounds that the appellant had failed and/or refused to comply with directions from the Local Planning Appeals Tribunal.

A zoning by-law amendment passed by the Town of Niagara-on-the-Lake was also appealed for lands outside of the Urban Boundary, which required a 600 metre separation distance for cannabis facilities from sensitive land uses and all facilities to be equipped with air treatment control. This appeal was withdrawn by the appellant and the provisions of the amendment are now in full effect.

A range of setback distances from cannabis facilities to sensitive land uses or zones are used by other municipalities within their planning documents. The majority of these range from 150 metres to 300 metres. While a number of municipalities have set a singular minimum separation distance requirement, as was detailed in Section 4.1.7 of this report, others have set a range of distances based on a set of parameters such as:

- The location of the facility (within an agricultural vs. industrial/employment area);
- The presence/lack of air treatment control; or
- Building size.

Greater distances of up to 300 metres are generally required for facilities with no air treatment control. However, as previously discussed, air treatment control is a requirement of indoor licenced facilities. The greater distance requirements appear to be geared to medical facilities that are not subject to the same stricter licence requirements but are permitted through the registration certificates. For the municipalities that provide a distinction, separation distances in agricultural areas are larger than in industrial/employment areas.

Separation distances may also be handled on a site-specific basis. For example, the Town of Caledon passed an Official Plan Amendment that sets out criteria for establishing an appropriate site-specific setback distance including:

- Whether the facility is a greenhouse or industrial-type building, and in the case of greenhouses whether it is purpose built or retrofitted;
- The size and scale of the proposed facility;
- The proximity to residential uses in the area, including potential for additional sensitive uses on vacant lots zoned to permit sensitive uses;
- The location of the facility in relation to prevailing wind;
- The nature of adverse effects existing at the time; and
- The impact on topography and dispersion of odour.

Any separation distance should be applied from existing sensitive uses and lands where sensitive land uses are permitted, such a vacant lot zoned for residential or institutional uses. An exception could be made for a dwelling, including a farmhouse, located on the same lot as the proposed facility.

Should the implementation of separation distances for cannabis-related uses be desired within the City's Zoning By-law, a minimum separation distance of either 150 metres or 300 metres is the most common, with the additional option to provide a range based on the location of the facility (within an agricultural vs. industrial area) or size of the facility. Based on BCX's previous experience modelling odour from cannabis facilities, they recommend cannabis production not be permitted within 150 metres of sensitive land uses.

The following outlines the pros and cons of implementing a separation distance for cannabis-related uses:

Pro	Con
<ul style="list-style-type: none"> Provides some level of nuisance mitigation by separating uses that may not be compatible. 150 m to sensitive uses and/or zones is standard across many municipalities reviewed and supported by air quality experts. 	<ul style="list-style-type: none"> Difficult to determine appropriate setback as lack of evidence/studies exist around nuisance related to Cannabis facilities. Health Canada enforces where "strong odours" occur so separation distance may not be needed. Provisions may be appealed to the Normal Farm Practices Protection Board. An application for a minor variance or zoning by-law amendment could potentially reduce/modify the setback

The requirement for a separation distance would be implemented through the Official Plan and/or Zoning By-law.

Option 2: Require the use does not emit any odour

There is an option to specifically require cannabis facilities to not emit any odour within Official Plan policy and/or zoning provisions to assist in setting a standard for facilities and ensuring they are properly developed with air filtration systems. The following outlines the pros and cons of requiring, in the Official Plan and/or Zoning By-law, the use to not omit any odour:

Pro	Con
<ul style="list-style-type: none"> Mitigates nuisance concerns related to odour. 	<ul style="list-style-type: none"> Health Canada reviews facility applications to assess proper air filtration systems. This provision based on their process would not be needed. May be onerous for the municipality to enforce.

Option 3: Provide a requirement for fencing

A fencing or barrier system around a facility may assist in addressing security concerns. The following outlines the pros and cons of implementing a use-specific fencing requirement for cannabis related uses in the Zoning By-law:

Pro	Con
<ul style="list-style-type: none"> Provides an additional security measure. 	<ul style="list-style-type: none"> Health Canada reviews facility applications to assess the adequacy of the security measures proposed. This provision may not be needed. Can be addressed through site plan control. Fencing can be unsightly if poorly designed.

Option 4: Provide parking rates specific to the use

Some municipalities have added specific parking rates for cannabis facilities, while others have let this use be captured under the existing rates for similar agricultural or industrial/employment uses. The following outlines the pros and cons of implementing use-specific parking rate requirements for cannabis related uses in the Zoning By-law:

Pro	Con
<ul style="list-style-type: none"> Parking requirements for cannabis facilities would help to regulate the size of lots and number of spaces. 	<ul style="list-style-type: none"> Limited information is available on appropriate parking rates for cannabis related uses.

Option 5: Require loading spaces to be enclosed in a building

In order to address concerns of security, and perhaps odour, some municipalities have required that a loading space be entirely enclosed within a building. The following outlines the pros and cons of requiring enclosed loading spaces for cannabis related uses in the Zoning By-law:

Pro	Con
<ul style="list-style-type: none"> Requiring that the loading bays be wholly enclosed within a building enhances security and can assist in mitigating noise impacts. 	<ul style="list-style-type: none"> Health Canada reviews the applications to assess the adequacy of the security measures proposed. This provision may not be needed.

Option 6: Restriction on outdoor signage of the facility

Select municipalities have implemented requirements restricting outdoor signage identifying the facility/use. The following outlines the pros and cons of implementing signage requirements for cannabis related uses in the Zoning By-law:

Pro	Con
<ul style="list-style-type: none"> The restriction of outdoor signage would reduce concerns for the perception of cannabis facilities and/or concerns with security. 	<ul style="list-style-type: none"> Any use would also be subject to the City's Sign By-law, thus this provision may not be required.

Option 7: Restrict outdoor storage

While cannabis products are not permitted to be stored outdoors, some municipalities have specifically re-iterated in their requirements that outdoor storage is not permitted. The following outlines the pros and cons of restricting outdoor storage related to cannabis uses in the Zoning By-law:

Pro	Con
<ul style="list-style-type: none"> The specific restriction on the outdoor storage of cannabis product would provide additional clarity to the public and applicants as to what the permitted uses entail. 	<ul style="list-style-type: none"> Prohibition of outdoor storage is already addressed in the Cannabis Act and Regulations already, and therefore it may not be needed.

Option 8: Prohibit residential uses or dwellings located on the same lot

As a mechanism to mitigate nuisance potential, some municipalities have restricted residential uses, including a farmhouse, on the same lot as cannabis uses. The following outlines the pros and cons of prohibiting dwellings on lots containing licenced cannabis uses in the Zoning By-law:

Pro	Con
<ul style="list-style-type: none"> The restriction of residential uses on the same lot as a cannabis facility would ensure that all operations occur in non-residential buildings. 	<ul style="list-style-type: none"> The Cannabis Act does not allow any of the licenced activities to take place in a dwelling, so this is already addressed by the Act. Many agricultural operations typically have a dwelling on the property.

Option 9: Restrict retail sales on the same lot

Currently, the City's Agriculture and Agricultural Commercial/Industrial Zones permit "agriculture farm related commercial or industrial" uses, which includes "premises directly related to and serving agriculture uses" including farm implement sales. Additionally, the City's Business Commercial Employment and General Employment Zones both permit a retail store. The sale of products manufactured or assembled on the premises are permitted to a maximum of 15% of the total GFLA in the General Employment Zone and up to 35% in the Business Commercial Zone.

The Provincial government issues permissions for the retail sale of cannabis, whereas the Federal government issues licenses to grow cannabis for recreational use. Thus, should a licenced facility seek retail store permissions from the Province in the same location as their facility, the sale of the products could occur as an accessory use to licenced facilities as-of-right in the zoning. The City needs to determine whether accessory sales in a licenced facility should continue to be permitted by the zoning or whether the zoning should specifically prohibit accessory sales. The following outlines the pros and cons of permitting the retail sale of cannabis as an accessory use to growth in the same location:

Pro	Con
<ul style="list-style-type: none"> The permission of retail sales on the same lot as a cannabis facility would align with the current permissions of the City's agricultural and employment zones. 	<ul style="list-style-type: none"> The employment and agricultural areas in which the facilities may be permitted may not be suitable for retail sales for site specific reasons of traffic, security, access concerns etc.

6.3 Site Plan Control

6.3.1 Should the Site Plan Control By-law be updated to address cannabis related uses?

Option 1: Update the Site Plan Control By-law to specifically address the use

According to the City's Site Plan Control By-law No. 2017-63, all lands within the City of St. Catharines are designated as a Site Plan Control Area, requiring site plan approval to undertake most development. Agriculture farms are exempt and do not require approval, however, this exemption does not include buildings or structures for agri-tourism and value added uses with a gross leasable floor area greater than 93 m² which are still subject to site plan control.

In order to require site plan control for cannabis related facilities, the provision of the site plan by-law could be updated to specify that cannabis facilities and related-uses are subject to site plan control.

Site plan control for cannabis facilities would allow more municipal influence in ensuring sites are designed in a way that mitigate impact and nuisance. A site plan agreement can address matters such as odour control, lighting, traffic, etc. and request additional

study requirements, allowing for easier enforcement, particularly if a site plan agreement is entered into. Outdoor cultivation is not typically covered by site plan control, however given the need for fencing and or security measures, it may be worth considering.

The following outlines the pros and cons of making cannabis related uses subject to site plan control:

Pro	Con
<ul style="list-style-type: none"> • Site plan control would allow the City better opportunity to mitigate nuisance potential. • A site plan agreement can address matters such as odour control allowing for easier enforcement. • Site plan control allows the City to better ensure appropriate building placement and site layout. 	<ul style="list-style-type: none"> • Health Canada reviews the site plans and layouts of proposed facilities to ensure compliance with the Cannabis Act and Regulations.

Option 2: Leave the Site Plan Control By-law as it stands today

Health Canada reviews the site plans and layouts of proposed cannabis facilities to ensure compliance with the Act and Regulations. The City may choose to leave the design of the site, subject to meeting any by-law requirements, to the Health Canada application/licencing process.

The following outlines the pros and cons of not making cannabis related uses subject to site plan control:

Pro	Con
<ul style="list-style-type: none"> • Health Canada already reviews the site plans and layouts of proposed facilities. 	<ul style="list-style-type: none"> • The City will lack the ability to control placement of buildings on site and also the ability to require additional study requirements such as odour control measures.



Phase 3: Recommendations

7 Recommendations



The following describes the recommendations for the City of St. Catharines to address cannabis production uses in their planning documents and processes.

7.1 Production Types to be Regulated

It is recommended that the following two different types of cannabis production be addressed.

The first type of production that should be regulated is commercial cannabis production which requires a licence from Health Canada (referred to as “licenced facilities”) including micro-cultivation. This type of production has been the focus of this study.

The second type of production is cannabis cultivation for those who are acting as a designated grower for medical purposes under the Access to Cannabis for Medical Purposes Regulations (ACMPR). The ACMPR allows individuals or designated growers to register to produce a specific amount of cannabis for medical purposes as prescribed by their health care practitioner, referred to as “designated medical growth”. Production is allowed both indoors and outdoors at the registered person’s place of residence, land owned by the registered person or land owned by another with authorization from the owner. Under the ACMPR, cannabis growth for medical purposes may only be carried out by those holding a registration certificate from Health Canada. Health Canada’s website clearly states that holders of ACMPR registration certificates “are also expected to comply with all relevant provincial/territorial and municipal laws including local bylaws about zoning, electrical safety, fire safety, together with all related inspection and remediation requirements.”

Designated medical growth is recommended to be subject to the policy and zoning requirements set out in this Report owing to the potential for large production amounts where an individual may be growing for their own medical purposes and that of someone else’s or for two other people.

It is not recommended to apply the recommendations of this report to an individual who is growing only for themselves or for two or more members of a family growing for themselves on their own property. It is also not recommended to apply to a designated grower who is growing for only one person with no other designated growth occurring on that property.

Growth of up to four plants in a dwelling is also not proposed to be regulated by the Official Plan or Zoning By-law.

The recommendations in the following sections of this Report apply to both licensed facilities and designated medical growth under the ACMPR.

7.2 Outdoor Cultivation

The Cannabis Act and Regulations require odour reduction measures for indoor cultivation. However, the Act and Regulations do not set out any specific odour control methods or requirements for outdoor cultivation nor is it possible to control odour from outdoor cultivation of cannabis without enclosing the plants in a building.

While some municipalities permit outdoor cultivation, many do not. It is understood that the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is intending to study the odour effects of cannabis growth, but no information was available at this time. As such, there is insufficient information upon which to base regulations to manage odour from outdoor cultivation. Thus, outdoor cultivation is not recommended to be permitted in St. Catharines at this time. It is recommended that the City's Official Plan and Zoning By-law be updated to specifically prohibit the outdoor cultivation of cannabis.

7.3 Indoor Cultivation and Cannabis Related Uses

The indoor cultivation of cannabis and its related uses are recommended to continue to be permitted as-of-right in St. Catharines' Agricultural areas and General Employment areas.

In Agricultural areas, indoor cultivation should be permitted as the primary use. In the agriculture area, processing, packaging, testing, etc. should only be permitted as an accessory use to a cultivation use. Independent of on-farm cultivation, these other uses (i.e., processing, packaging of cannabis) should not be permitted in the agricultural area.

Packaging and processing are already permitted as-of-right within the City's General Employment and Business Employment areas. As such, processing, packaging, testing etc. of cannabis is already permitted as of right in those areas and should continue.

While it is recommended that indoor cultivation be permitted as-of-right within both the City's Agricultural and General Employment areas, without the need to go through a site-specific zoning by-law amendment, the use should be regulated through the introduction of appropriate zoning requirements regarding setbacks, separation from sensitive land uses, outdoor storage and other requirements.

In addition, the use should be subject to the site plan control process. The benefit of requiring the use to go through the site plan control process is that this allows the City to request and review plans and studies to ensure odour control is appropriate and that other potential impacts can be appropriately mitigated.

In order to implement these recommendations, updates to planning documents would be required, as described to follow.

7.3.1 Official Plan Updates

A cannabis facility policy should be included in the Official Plan that addresses:

- That the use is to occur within a wholly enclosed building;
- That the use must not emit any odour;
- That the use is to operate pursuant to all applicable regulations;
- That buildings shall be appropriately distanced from sensitive uses a minimum of 150 metres; and
- That the use shall be subject to site plan control, which may require submission of detailed studies including an air quality study.

Agricultural Areas

To permit the use within the City's Agriculture designation, it is recommended that the Official Plan specify that indoor, but not outdoor, cultivation of cannabis is permitted.

In these designations, the use would be referred to as "cannabis cultivation", with policy explaining that associated uses, such as processing or packaging, are only permitted as accessory uses and must occur on the same lot as the cultivation.

Employment Areas

It is recommended that the City permit the indoor cultivation of cannabis within the General Employment designation, but that outdoor cultivation is not permitted.

In this designation, the use would be referred to as "cannabis production" and permit processing, packaging, testing, destruction and research which may occur independent of cultivation of cannabis occurring on the same lot.

Packaging, testing, and research would also be permitted as a type of light industrial use in the Business Commercial Employment designation, but not cultivation.

Urban Agriculture

It is further recommended that Section 6.7.2. be updated to clarify that the Urban Agriculture policy does not apply to commercial cannabis production.

Site Plan Control

It is also recommended that Section 16.7 of the Official Plan, which speaks to site plan control, be updated to specify that cannabis cultivation and production are not exempt

from site plan control. It should be specified that the process may require submission of studies relating to matters such as, but not limited to, air quality control (odour), groundwater protection, environmental impacts, security access, traffic access and lighting. Section 16.7.4 should be updated to allow the site plan control process to address matters related mechanisms to mitigate off-site odour and lighting impacts as part of exterior design considerations.

7.3.2 Zoning By-law Updates

The following recommendations apply to Zoning By-law (2013-283).

It is recommended that the Zoning By-law be updated to define and permit two different types of cannabis cultivation.

1. Licenced Cannabis Production Facilities; and
2. Designated Medical Growth of Cannabis.

It is also recommended that the definition for “Agriculture Farm” within the Zoning By-law be amended to exclude these facilities. This amendment will ensure facilities are only permitted as-of-right where they are specifically listed as a use and not simply anywhere where an “Agriculture Farm” is permitted.

It is recommended that general provisions for cannabis cultivation and its related uses be introduced to the Zoning By-law. The provisions should address the following:

- The requirement of a minimum separation distance of 150 metres from sensitive land uses;
- The prohibition of outdoor storage;
- The requirement to be located within an enclosed building;
- The prohibition of the use within a dwelling; and
- The requirement for the use to not emit any odour.

Agricultural Zone Permitted Uses

It is recommended that Licenced Cannabis Production Facilities and the Designated Medical Growth of Cannabis be listed as a permitted use within the Agriculture (A1), Agriculture Only (A2) and Agricultural Commercial/Industrial (A3) Zones. The details of the amendments will specify that other uses, such as processing, packaging etc. can only occur as accessory uses to cannabis cultivation.

Retail Sales in Agricultural Zones

Currently, the Agriculture (A1) Zone permits Agri-tourism/Value Added as an accessory use. This is defined as:

“Farm based business activities that cater to the travelling public and agriculture tourism and which support, promote and sustain the viability of the agriculture operation. These uses are secondary and subordinate to the principal agriculture farm operation and include but are not limited to farm markets, restaurants related to a winery, road side produce stands, pick your own facilities, farm mazes, agriculture related special event facilities, agriculture education and research facilities, and do not include uses and practices that support the day to day agriculture farm operation or accessory uses.”

This permission would allow for sale of any product produced on site, subject to being accessory, in the Agriculture (A1) Zone. The Provincial government issues permissions for the retail sale of cannabis, whereas the Federal government issues licenses to grow cannabis for recreational use. Thus, should a licenced facility seek retail store permissions from the Province in the same location as their facility, the sale of the products could occur as an accessory use to licenced facilities as-of-right in the zoning in the Agricultural (A1) Zone.

Employment Zones Permitted Uses

It is recommended that Licenced Cannabis Production Facilities and Designated Medical Growth of Cannabis be listed as permitted uses within the General Employment Zone. Packaging, testing, and research uses, but not growing, would be permitted in the Business Commercial Employment Zone.

Retail Sales in Employment Zones

Currently, the City's Business Commercial Employment and General Employment Zones both permit a retail store. The sale of products manufactured or assembled on the premises are permitted to a maximum of 15% of the total GFLA in the General Employment Zone and up to 35% in the Business Commercial Zone. No changes are recommended.

7.3.3 Site Plan Control Updates

According to the City's Site Plan Control By-law No. 2017-63, all lands within the City of St. Catharines are designated as a Site Plan Control Area, requiring site plan approval to undertake most development. Agriculture farms are exempt and do not require approval, however, this exemption does not include buildings or structures for agri-tourism and value added uses with a gross leasable floor area greater than 93 m² which are still subject to site plan control.

It is recommended that this reference be updated to specify that any cannabis related use is not exempt, including licenced facilities and designated medical growth. As

previously stated, this change includes amending Official Plan Policy 16.7 to specify that the use is not exempt from the provisions of the Site Plan Control By-law.

Through site plan control, cannabis related uses will be required to prepare and submit supporting studies, as determined through pre-consultation which will include, but not be limited to:

Study Requirement	Potential Issue to be Addressed
Odour/Air Quality	Odour and/or Air Quality
Noise	Noise,
Traffic/Parking Impact Analysis	Traffic
Stormwater Management Plans	Stormwater run-off
Hydrogeological Study	Water supply/ Groundwater impacts
Private Servicing Plans	Wastewater/septic feasibility
Environmental Impact Study	Environmental Impacts
Lighting/Photometrics plan	Lighting

Issues such as security (fencing, buffers, etc.) will be addressed through the site plan control process. Through this process, the City can enter a site plan agreement with the owner requiring odour filtration systems and an odour management plan be implemented in the facility to mitigate odours to within 150 metres of the building giving the City options for recourse should the facility not comply.

Any Odour/Air Quality Study submitted through the site plan control process for cannabis uses should be required to provide design details and air quality modelling to demonstrate mitigation of odour and air pollution impacts from a site and building ventilation design perspective. If the City does not have a qualified air quality expert/ventilation specialist on their staff, it is recommended to have any Odour/Air Quality Study/HVAC system design peer reviewed by a professional at the applicants cost.

The Odour/Air Quality Study should include odour source testing and modelling in order to confirm land use compatibility for facilities that are located within 500 metres of any sensitive land uses.

The following odour mitigation strategies should be addressed through the Study and secured in a site plan agreement prior to approval.

- All cannabis activities take place within an enclosed building;
- All buildings where cannabis activities take place should be properly sealed and equipped with properly designed odour control systems (i.e., carbon filtration systems) to treat indoor air prior to discharging it to the atmosphere; and
- Owner or operators be required to regularly inspect and maintain the odour control systems.

- Commitment from the applicant to ensure that the facility and equipment is maintained at the schedule and to the detail outlined in the Air Quality Study and/or Site Plan Agreement; and
- Applicable fees and fines if the details of the agreement are broken.

7.4 Summary of Recommendations

We are recommending that only indoor cannabis related uses be permitted as-of-right in St. Catharines' Agricultural Areas and General Employment Areas. Outdoor cultivation is not recommended to be permitted. In order to implement these changes, updates to the City's Official Plan and Zoning By-law are required to permit the use, as well as to implement a number of requirements, including:

- The requirement of a minimum separation distance of 150 metres from sensitive land uses;
- The prohibition of outdoor storage;
- The permission of retail sales in Agricultural Zones and the General Employment Zone as an accessory use;
- The requirement of an enclosed building;
- The prohibition of the use within a dwelling; and
- The requirement for the use to not emit any odour.

It is also recommended that the use be subject to site plan control.



Appendices

Appendix A: Application Requirements



In addition to the requirements of the Cannabis Regulations, applications to Health Canada require a range of information including company details, site ownership, notice to local authorities, key personnel and specific facility and operating requirements as detailed in the Cannabis Licensing Application Guide. As it applies to site and land use regulations, the application requires information regarding site details, physical security and good production practice measures.

Site Details

Site details to be submitted generally include:

- complete site address including latitude and longitude coordinates;
- a site survey including building location prepared by a qualified land surveyor;
- an aerial view of the proposed site and surrounding lots within 500 meters;
- an estimate of the proposed annual production amount and capacity; and
- areas and activities including outdoor areas (if applicable) and indoor areas; including labeled rooms based on their purpose related to cannabis uses.

Physical Security

Requirements for an organizational security plan apply to all licence classes. Plans require detailed scheduling and monitoring information, business plans and organizational charts as well as key personnel information relating to security measures and tracking. Physical security requirements must be shown on site and floor plans for cultivation and processing facilities, which differ depending on classes and applicable subclasses (for example, Standard Process and Cultivation vs. Micro-Cultivation, Micro-Processing and Nursery Licences).

All site and floor plans for must generally identify:

- the perimeter of the site;
- footprint of the building;
- locations of all storage areas;
- location of any outdoor cultivation with latitude and longitude coordinates for all four corners;
- clear delineation of rooms where operations, grow and storage activities take place; and
- cannabis flow between rooms.

Licences for Standard Cultivation and Standard Processing must additionally identify the locations of, and area covered by, security devices and visual monitoring devices for the site perimeter, all storage areas and any outdoor cultivation areas.

Security reports for cultivation and processing licences are required to demonstrate how the intrusion detection system requirements will be met and visual security evidence must include a guided video tour of the entire site. Video and photographic evidence must highlight all security features, operation areas and storage areas in order to demonstrate complete and clear security coverage and the prevention of unauthorized access.

Good Production Practices

A Good Production Practices Report based on Health Canada's Good Production Practices Guide for Cannabis must be submitted as part of the licencing application process that clearly demonstrates how requirements relating to the following will be met:

- **Storage**
 - How and where cannabis and related ingredients will be stored, including storage procedures.
- **Building**
 - Description and/or depiction of the facility including details of construction surfaces such as walls, ceilings (non-porous panels, sealant, etc.), floors (polished, concrete, epoxy sealant, etc.) and seams (caulking, joints between floor, walls and ceiling, etc.); and
 - Process flow diagram detailing the movement of cannabis through the building.
- **Air Filtration and Ventilation Systems**
 - Description of an adequate filtration and ventilation system demonstrating how it will filter air to prevent the escape of odours to the outdoors;
 - Description of how the filtration and ventilation system is accessible for cleaning, maintenance, or inspection, and is able to withstand repeated cleaning and functions, where required;
 - Type, number and location of air filters installed that are sufficient in preventing the escape of odours from the building, and maintain air quality; and
 - Diagrams and/or floor plans detailing the filtration and ventilation system.

The Health Canada guide provides no specific technical requirements for the form or type of air filtration system; it simply requires implementation of a system that successfully blocks the escape of odours.

- **Water Supply**
 - Description of the water supply source, and if not municipal water, evidence that the water is appropriate for the activities conducted; and

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- Description of any non-potable water sources and how cross connection with potable water sources will be eliminated or contamination risks mitigated.
 - **Lighting**
 - Description of lighting in operation and storage areas, demonstrating how cannabis or ingredients will not be affected in the event of breakage; and
 - Description of how light fixtures will be able to withstand repeated cleaning and sanitizing.

Appendix B: Environmental Impacts



There are three main cannabis production systems: indoor, mixed-light, and outdoor, each with different environmental impacts. Indoor cultivation typically consists of artificial water, soil, nutrients, and energy (e.g., lights, temperature, and ventilation). Mixed-light systems are composed of a combination of indoor and outdoor production. Natural sunlight is the primary light source with additional artificial lights, and water can be from a mix of municipal water systems and natural sources. Outdoor cultivation is similar to other agricultural crops with the use of direct sunlight, and water through rainfall, or irrigation from springs, wells, etc. Indoor and mixed-light cannabis cultivation systems typically require higher energy inputs compared to outdoor cultivation, however, indoor systems tend to have fewer negative impacts on the surrounding ecosystem. Conversely, outdoor cultivation typically has low energy consumption but can pose higher risks of harm to wildlife (including migratory birds) and environmental degradation (Wartenberg et al. 2021) if potential impacts are not mitigated.

Impacts

Air Quality

Both indoor and outdoor cultivation systems have the potential to contribute to air pollution from the production of terpenes, a form of biogenic volatile organic compounds (BVOCs) naturally produced by cannabis plants, which can lead to ozone formation and particular matter pollution (Wang et al. 2019). The concentration of volatile compounds is thought to decrease in outdoor cultivation facilities due to passive dilution into the atmosphere (Wartenberg et al. 2021).

During the cannabis growing process, BVOCs are produced through reactions with other substances to form ground-level ozone. Another source of the creation of BVOCs during cannabis production is from evaporating solvents (e.g., propane, butane, ethanol, isopropyl, etc.) through the oil extraction process. There has been no documentation of serious immediate impacts as a result of BVOCs emissions, however, there is potential for BVOCs emissions to be harmful to wildlife if not mitigated. Bird species may be more vulnerable to air pollution as they are likely being exposed to more airborne particles due to higher breathing rates and unidirectional airflow and cross-current gas exchange. Additionally, there do not appear to be set emission standards for BVOCs produced during cannabis production. Public Health Ontario (2018) conducted a literature search to review studies or health effects associated with the exposure to cannabis odours, and none were identified in the scientific or grey literature. Further research is needed to better understand the impacts of cannabis cultivation on air quality for wildlife and establish emission standards if necessary.

Mitigation Measures for Impacts to Air Quality

Mitigation measures could include:

- Ensure there is nothing that attracts birds to the facility where they could be exposed to BVOCs;
- Use bird deterrents such as cannons and pyrotechnics if birds are attracted to an outdoor facility; and
- Existing best practices for indoor facilities include the use of carbon filtration systems for BVOCs emissions and the use of closed-loop cannabis extraction systems.

Sound

Wildlife use sound for a variety of purposes that are vital to their survival and fitness, including defending territory, mate selection, predator avoidance, and foraging.

The addition of anthropogenic noise can mask natural sounds. Anthropogenic noise can negatively impact species by limiting mate choice, decrease the ability to find food, lead to abandonment of territories/habitat, or cause physiological effects (e.g., hearing loss, raise blood pressure, increase stress) (Rabin et al. 2006; Wright et al. 2007; Schaub et al. 2008; Shannon et al. 2014; Ware et al. 2015).

Cannabis cultivation creates similar levels of noise to other agricultural operations, particularly for indoor operations including greenhouse facilities. Sources of noise can include generators, irrigation systems, climate control systems (e.g., air conditioning, heating, ventilation), landscaping equipment, and work vehicles (Rich et al. 2020a). Other anthropogenic noises such as chainsaws, mowers, and vehicles can occur, inhibiting natural sounds, however these sources tend to be short-term compared to these noises of cultivation sites which are often constant and long-term, with some occurring for 24-hours a day. Constant, long-term sources of noise can disrupt natural sound and can lead wildlife predators to increase time spent searching for prey. Additionally, it can prevent species from hearing alarm calls or the sound of a predator approaching, which can ultimately disrupt predator-prey relationships.

Mitigation Measures for the Impact of Noise

Mitigation measures could include:

- Restrict and reduce the use of noisy machinery and equipment, opting for quieter and more energy-efficient options where possible; and
- If continuous noise is unavoidable, reduce use during bird and amphibian breeding seasons, especially during dawn and early morning and after dusk.

Artificial Light

Similar to production of other agricultural crops, cannabis cultivation sites use artificial lighting for both indoor greenhouse use and for mixed-light production systems to increase yields. The use of artificial lights can result in significant light pollution which can have an effect on wildlife including causing birds to begin singing earlier in the morning (Derrickson 1988; Miller 2006), causing frog species to call less frequently (Dutta 2018), and extending time spent foraging in some species while reducing activity in other species. Reduced activity of prey species due to artificial light can disrupt predator-prey dynamics, potentially negatively effecting predator species.

Areas lit by artificial light at night can create connectivity barriers, isolating populations and reducing genetic diversity, increasing a species' susceptibility to disease. Artificial light can limit some wildlife species' access to resources (Bliss-Ketchum et al. 2016). Artificial lights can also disrupt navigation and migration patterns in birds (Cabrera-Cruz et al. 2018). Light can disorient and attract birds actively migrating (Poot et al. 2008; Duffy et al. 2015), reduce flight speed, and cause fatal collisions with illuminated buildings which has been well documented (Evans-Ogden 2002; Parkins et al. 2015).

Periods of continuous darkness are essential for the repair and recovery of physiological function and hormone production, including production of melatonin. Altering the length of night can suppress a species' immune response, change a species' perceived day length, or effect a species' metabolic rate (Leonardi and Klempau 2003; Navara and Nelson 2007; Perry et al. 2008; Da Silva et al. 2015). Disruption of light levels can affect a species' length of day which can affect hormone production, regulating physiological events including development, reproduction, hibernation, and migration (Hoffnagle and Fivizzani 1998; Bradshaw and Holzapfel 2010).

Mitigation Measures for Artificial Light Use

The use of artificial lights in cannabis cultivation is prevalent, however, several measures can be effective in mitigating the effect on wildlife, similar to the mitigation used in other types of agricultural production:

- Prohibit the use of artificial light after sunset near natural areas and areas with high biodiversity;
- The use of continuous artificial lights should be reduced whenever possible. Reducing artificial light could include restricting use to 1-2 hours following sunset and 1-2 hours before sunrise, and switching lights off or dimming lights during important bird migration periods;
- Accessory lights for lighting the outsides of buildings should illuminate the target areas only and not the surrounding area, with brightness reduced if possible; and
- Shutters could be added to the outside of greenhouses to block artificial light exposure.

Pesticides

Similar to other agricultural production, cannabis cultivation can require the use of pesticides in the form of insecticides and rodenticides to protect plants and avoid damage to equipment (e.g., irrigation lines). Under the Cannabis Act and the Cannabis Regulations (CR), license holders are only permitted to use pesticides or pest control products (PCPs) that are approved for use on cannabis under the Pest Control Products Act (PCPA). Currently, there are 47 lawfully registered pesticides with Health Canada (www.hc-sc.gc.ca) for use on cannabis plants in Canada. The majority are biological fungicides, bioinsecticides, and herbicides, of which are used for a variety of other crops including corn, wheat, soy, fruits, and vegetables.

The use of pesticides have been shown to have numerous negative environmental impacts on natural ecosystems (McLaughlin and Mineau 1995; Rosic et al., 2020). Acute poisoning of pesticides can occur through direct exposure through ingestion, inhalation, or contact with the skin, or through secondary exposure through the ingestion of prey that had exposure to pesticides (Pimentel 2005; Berny 2007). Pesticides can also contaminate waterways and aquatic ecosystems through surface runoff, including accelerating the eutrophication process.

The negative effects of acute pesticide poisoning have been shown in a wide array of species from insects to birds to mammals, responsible for a variety of effects including impaired cognitive function, poisoning, and death (Erickson and Urban 2004; Brakes and Smith 2005; Elliot et al. 2016; Stanley et al. 2015).

Rodenticides, including anticoagulant rodenticides (ARs) can lead to the poisoning of non-target wildlife either through primary poisoning, when the species consumes the toxic bait, including birds, raccoons, rabbits, and domestic animals, or through secondary poisoning, where non-target species ingest poisoned targeted species, typically hawks, owls, and other predators (e.g., weasel, fox, coyote). Anticoagulants are more likely than acute toxins to cause secondary poisoning to avian and mammalian predators, for example, this was a contributing factor in the decline of Fisher species, a rare carnivore in California (Gabriel et al. 2012, 2015; Thompson et al. 2014).

Mitigation Measures for Pesticide and Herbicide Use

Mitigation measures can include:

- Instructions for proper usage, storage, and handling of pesticides and herbicides should always be followed;
- Potential negative effects to wildlife can be minimized by only using pesticides and herbicides when necessary and only treating the affected areas.

Water Use

As in other types of agricultural production, the production of cannabis requires large volumes of water, particularly when grown outdoors, due to the uncontrolled conditions including exposure to extreme weather events (e.g., heat waves and drought). Based on cannabis plants grown in Northern California, it was estimated a single plant requires 22 liters of water or more per day during the June-October outdoor growing season (HGA 2010). Extrapolating this rate for a scenario with greenhouses gave rise to the estimate that in a grow operation of 900,000 plants per square kilometer (Bauer et al. 2015), water application rates would be approximately 3 billion L per km² of greenhouse cultivated cannabis per growing season (Carah et al. 2015).

Unsustainable water use for agricultural production can cause surface water and groundwater depletion (Wartenberg et al. 2021). This can particularly affect wetlands through changing hydrological regimes that support their functions. Aquatic organisms may be affected by water depletion, reduced water availability for terrestrial ecosystems.

More studies are required to understand the full impact of cannabis-related chemicals on aquatic species. Previous research has shown cannabis exposure to aquatic species resulted in negative physiological or behavioural effects in carp (Audu et al. 2015), tilapia (Saoud et al. 2018), and zebrafish (Stewart et al. 2014).

Mitigation Measures for Water Use

Mitigation measures can include:

- Siting of cannabis production facilities should include an assessment of water balance for adjacent wetlands and watercourses so that water use will not deplete water entering these features and change their hydrological regime, which can affect their function; and
- Existing best management practices for managing and minimizing water use including the use of rainwater, automated irrigation, recycling water for indoor use, and minimizing water discharge into the environment should be utilized whenever possible.

Energy Use

Cannabis production can be an energy-intensive practice, especially for indoor and some greenhouse systems which can contribute to greenhouse gas emissions. Energy usage needs include the powering of lights, fans, dehumidifiers, heating and cooling systems, and pumps. Annual average electricity usage is estimated to range from 78 MJ m⁻² for outdoor production to 10152 MJ m⁻² for indoor (New Frontier 2018), compared to annual energy consumption ranges from 600-2827 MJ m⁻² for greenhouse vegetable and flower cultivation in Canada, Europe, and North Africa (IESO

2019). It has been estimated for every kilogram of dried cannabis produced, on average between 2 and 5 tonnes of carbon dioxide is generated through indoor production (Summers et al. 2021).

The amount of annual energy consumption for indoor and greenhouse cannabis production is projected to increase by 50% by 2024 (IESO 2019).

Mitigation Measures for Energy Use

Mitigation measures can include:

- Energy use should be managed efficiently by using energy-efficient light sources (e.g., LED lighting), renewable energy sources, scheduling around peak energy demand times, and using efficient HVAC systems.

Plastic in the Environment

The use of plastic in agriculture cultivation and production, including cannabis, can have serious negative effects on wildlife, fish, and their associated ecosystems (Rich et al. 2020d). The use of plastic in agriculture is wide-ranging and is not unique to cannabis production. Examples of plastic uses include plastic films to protect crops from harsh weather conditions such as wind, hail, and to provide shade. Plastic is also commonly used for piping, irrigation, drainage, plastic mulching, netting to exclude wildlife, and additional products and supplies (bags fertilizer, pots, etc.) needed for cultivation. The improper disposition of plastic is one pathway through which wildlife negatively interact with plastic in their environment. Negative interactions include wildlife entanglement, ingestion of plastic by wildlife, and the leaching of chemicals into soil and waterways.

Numerous species from zooplankton to birds and snakes have been shown to ingest or become entangled in plastic which can lead to loss of limb (Burton and Doblar 2004), reduced mobility, or death (Burton and Doblar 2004; Kapfer and Paloski 2011; Stuart et al. 2001).

Chemical additives (e.g., BPA, PBDE, PAE, etc.) are added to plastics to increase their use of function such as flexibility, rigidity, and UV stability. Over time, these additives can leach out of the plastic and into surface waters, ground water, wastewater, sediment, and soil (Clara et al. 2010; Steinmetz et al. 2016; Horton et al. 2017).

Chemical leaching from plastic can be toxic to wildlife and has potential to negatively impact numerous physiological processes (e.g., development, metabolic, reproductive) (Richter et al. 2007; Oehlmann et al. 2009; Flint et al. 2012).

Plastic placed on top of the soil in the form of mulch or monofilament erosion control (e.g., erosion netting) and other plastic supplies (e.g., fertilizer bags and pots) can alter the biophysical properties of the soil (Steinmetz et al. 2016; Horton et al. 2017) and has potential to effect soil microbial communities.

Mitigation Measures for Plastic Use

Mitigation measures can include:

- Restrict the use of unnecessary plastics and monitor plastic use outdoors so it is not accessible to wildlife.
- For the use of erosion control fencing and netting, non-netting options or netting that is 100% biodegradable with a loose weave or other wildlife friendly designs should be prioritized for use.

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Corporate Report City Council

Report from: Financial Management Services, Property Management

Report Date: January 28, 2022

Meeting Date: February 14, 2022

Report Number: FMS-EFES-013-2022

File: 68.81.99

Subject: Port Dalhousie Staircases

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars:



Recommendation

That Council authorize the closure and removal of the access points and staircases at Simcoe Street, Masfield Avenue and Graham Avenue in the Port Dalhousie area; and

That Council authorize the closure of the other remaining staircases in the Port Dalhousie area during the winter seasons; and

That staff continue to look at opportunities to improve public access to Lake Ontario through future capital budgets; and

Further, that the November 8, 2021 motion, which is part of this report and was referred to staff, be considered defeated.

Relationship to Strategic Plan

Social Well-Being is enhanced by:

- Establishing area-specific plans for the redevelopment of key sites in the City to promote strong, compatible, connected neighbourhoods that enhance the quality of life.

Background

The installation of emergency shoreline protection in 2020 - 2021 in the Abbey Mews area, between Considine Avenue and Christie Street, resulted in the closure of the

stairs that were used to access Lake Ontario at the end of Masfield Avenue. As a result, at the July 13, 2020 Council meeting the following motion was passed:

That staff be directed to review and recommend future potential features to the new shoreline protection in the Abbey Mews/Considine Avenue area that will reinstate public access to Lake Ontario; and

That staff be directed to include funds in the draft 2021 Operating Budget to identify potential alternatives and the associated costs.

In September 2021, EFES staff received a draft feasibility study that looked at the feasibility of reintroducing stairs in the Abbey Mews area along with potential costs.

On October 19, 2021, the following motion was brought forward to the Budget Standing Committee meeting by Councillor Garcia:

WHEREAS in a 2020 meeting, Council approved a shoreline rehabilitation project on City-owned lakefront on Lake Ontario in the Abbey Mews/Considine area of Port Dalhousie due to a collapsing bank; and

WHEREAS because the shoreline project was considered an emergency, staff were unable to prevent the closing of the stairs and lake access at Masfield Avenue; and

WHEREAS the closed metal stairs, and its wooden predecessors, have provided lake access for residents from Port Dalhousie and elsewhere in the City for at least 60 years or so; and

WHEREAS Council received numerous objecting emails when the closing of the stairs was announced; and

WHEREAS at its July 13, 2020 meeting, Council passed my motion: "That staff be directed to review and recommend future potential features to the new shoreline protection in the Abbey Mews / Considine Avenue area that will reinstate public access to Lake Ontario; and That staff be directed to include funds in the Draft 2021 Operating Budget to identify potential alternatives and the associated costs" and

WHEREAS the shoreline rehabilitation is now complete and the study conducted as a result of the above motion has just been completed and it identifies what is required to restore proper access and provides a cost estimate;

THEREFORE BE IT RESOLVED that funds for replacing the public stairs/access to Lake Ontario at or near Masfield Ave. which was removed earlier this year as part of a shoreline protection project, be included in the Draft 2022 Capital Budget for consideration of future approval.

Council referred the motion to the Accessibility Advisory Committee for comments and to staff to provide cost estimates, identification of potential access locations and information on where this project would fit in the capital priorities list.

On November 8, 2021, Council received a memo from the Director of Engineering, Facilities and Environmental Services on the Replacement of the Masfield Stairs – Port Dalhousie that looked at the feasibility of reintroducing stairs in the Abbey Mews area along with potential costs. The memo is attached [here](#). Council also considered amendments to the draft 2022 Capital Budget and the following amendment to Councillor Garcia’s motion was presented to Council:

THEREFORE BE IT RESOLVED that the Draft 2022 Capital Budget include \$200,000 for Option 1 from the staff memo, being the least expensive alternative provided by staff for a single access point with steel stairs from the top of the slope to the top of the revetment, a small landing at the top of the revetment and concrete stairs in the shoreline protection to access the water.

The motion was referred back to staff for information on risk mitigation on all points of entry and information on accidents / incidents that have happened at the stairs over the years.

On November 15, 2021, Council received report [FMS-198-2021](#) which provided additional information with regard to claims and incidents at the five staircase locations as well information with respect to a high-level visual review on the condition of the five staircase locations. Council was also advised that staff were confirming ownership of all lands upon which the staircases were located and that the City’s Insurance Broker, BFL Canada, would review the staircase locations to provide their risk assessment.

The inspections and ownership review has been completed and this report addresses those matters.

Report

The installation of emergency shoreline protection in 2020 - 2021 in the Abbey Mews area of Port Dalhousie resulted in the closure of the stairs that were used to access Lake Ontario at the end of Masfield Avenue. Staff were directed to review and recommend future potential features to the new shoreline protection in the Abbey Mews / Considine Avenue area that would reinstate public access to Lake Ontario. In late September 2021, staff received a feasibility study that looked at the feasibility of reintroducing stairs in the Abbey Mews / Considine Avenue area along with potential costs. Through the study and subsequent investigations, staff identified additional existing steel staircases that provide access to Lake Ontario in Port Dalhousie at the follows locations:

- 1) Simcoe Street Staircase (access to water);
- 2) Graham Avenue Staircase (access to water);
- 3) Pawling Street Staircase (access to shoreline); and
- 4) Colton Avenue Staircase in Lakefront Park (access to shoreline)

All the stairs listed above are very old, do not meet current design standards and are at or near the end of useful life. The exact age and design standards used for their construction and installation are unknown as design drawings do not exist. None of these staircases or access points comply with current accessibility standards.

Staff have confirmed that the Simcoe Street, Graham Avenue, Masfield Avenue and Pawling Street staircases are all located on City-owned road allowances. The Colton Avenue staircase located in Lakefront Park is on City-owned land.

The following provides more detailed information specific to each staircase as identified by staff and our insurance provider:

Simcoe Street Staircase

This staircase is located at the end of the Simcoe Street road allowance, a portion of which is leased to the adjacent property owner for parking. This staircase was determined to be in fair condition. These stairs are very steep with worn stair treads and there are some concerns with their overall stability as there appears to be movement in the staircase when in use. There is poor access to the top of the staircase via an informal grassy path which is uneven and slopes significantly downward, therefore creating a further risk for slip, trip and falls. The stairs lead directly to the water, resulting in an unsafe landing area for users.

Masfield Avenue Staircase

This staircase is located at the end of the Masfield Avenue road allowance. This staircase was determined to be in fair condition; however, due to the shoreline protection works undertaken in 2020 – 2021 this staircase is now closed as there is no safe landing areas for users at the base of the stairs. At the time of the inspection the “No Pedestrians Beyond this Point” sign was still on the post; however, the wooden barrier that was fastened to the top of the staircase with a sign indicating “Danger Keep Out” was lying face down on the ground.

Graham Avenue Staircase

This staircase is located at the end of the Graham Avenue road allowance, although the unauthorized installation of landscaping and foliage on the road allowance may give the appearance that it is located on private property. There is also a small ditch that members of the public would have to step over in order to gain access to the staircase. This staircase was determined to be in fair condition. The stairs treads are worn and lead to slippery concrete slabs and loose rocks that are directly adjacent to the waters edge, resulting in an unsafe landing area for users.

Pawling Street Staircase

This staircase is located in the Pawling Street road allowance and is in good condition. There is no formal trail at either end of the staircase and no direct access to the lake. The staircase appears to connect two grassy areas at different elevations. The shoreline is protected and adjacent to the lower grassy area. The public would have to

traverse over large loose rocks and boulders to gain access to the lake. These stairs do not provide direct access to the water's edge.

Colton Avenue / Mary Street Staircase

This staircase is located on City-owned lands in Lakefront Park and is accessible from both Colton Avenue and Mary Street via the Waterfront Trail. This staircase was determined to be in very good condition and was the one that caused the least concern. The staircase does not serve much of a purpose since the Waterfront Trail at the top of the stairs continues to the east and meets up with a grassed area that the stairs lead to. At the base of the stairs the area appeared to be worn by foot traffic, which would indicate regular use of the stairs for residents to go down to the water. The shoreline is protected and not easily accessible. These stairs do not provide direct access to the water's edge.

Risk Assessment and Mitigation Plans

On November 8, 2021, Council referred a motion back to staff for information on risk mitigation on all points of entry and information on accidents / incidents that have happened at the stairs over the years. Staff searched records and did not identify any injuries at these locations. Staff completed a preliminary inspection of the staircases in early November 2021 and the City's insurance broker, BFL Canada, undertook a risk inspection of the staircases on December 3, 2021. A copy of the inspection report is attached as Appendix 1.

The City is the occupier of the land on which the staircases are located and as such has a duty to make the premises reasonably safe by taking reasonable care to protect persons entering from foreseeable harm. To meet the required standard of care requires, at a minimum, implementing reasonable inspection and maintenance protocols and taking reasonable measures to protect the public from harm that is reasonably foreseeable. For example, warning the public of danger and taking action to prevent an unsafe situation being created or prolonged. If the City does not meet the required standard of care it will be liable for injuries sustained by users of the staircases. Warning signs alone are not necessarily sufficient to absolve a property owner of liability in the event of an injury.

From a risk management perspective there is cause for concern for all of the staircases for the following reasons:

- The staircases are not being maintained or inspected at any time of year and the winter season is of particular concern;
- The staircases do not provide safe access to Lake Ontario;
- With the exception of the Masfield Avenue staircase, which has "Danger Keep Out" and "No pedestrians beyond this point" signs, there is no signage to indicate that the stairs are not maintained and that they are use at your own risk;
- The treads to the stairs appeared to be worn, creating a slip, trip and fall hazard, especially during the winter months; and
- With the exception of the Colton Avenue staircase, the staircases are very steep.

To address the concerns that were raised on the inspection, with respect to the staircases, staff recommend the following:

- The staircases be closed for the winter and appropriate signage installed indicating they are closed and not maintained;
- That maintenance and inspection protocols be developed by staff;
- That signage be installed identifying “Use at Own Risk”; and
- That a formal risk assessment be completed by a qualified consultant.

With respect to specific staircases, the following are additional recommendations:

Simcoe Street staircase and access point:

- There are significant concerns related to the safe access and approaches to the top and bottom of the staircases, as well as concerns with the overall physical integrity of the staircase. This staircase leads the public directly to a hazardous environment and exposes the City to significant liability. This access point should be closed to further public access and the staircase removed.

Masefield Avenue staircase and access point:

- The new shoreline protection is constructed of large uneven rocks and should not be accessed by the public. It also does not provide a safe entry point into Lake Ontario. The existing signs and barriers are not providing sufficient deterrence from public access. This access point should be closed to further public access and the staircase removed.

Graham Avenue staircase and access point:

- There are significant concerns related to the safe access and approaches to the top and bottom of the staircases. This staircase leads the public directly to a hazardous environment and exposes the City to significant liability. This access point should be closed to further public access and the staircase removed.

Colton and Pawling Street staircases:

- These staircases do not provide direct access to the water’s edge. Improved inspection and maintenance activities are required to mitigate the City’s liability as a result of public use. Staffing resources are redirected to winter maintenance operations throughout the city during the winter season and therefore resourcing for regular inspection and maintenance is not available. These staircases will be closed to the public during the winter season into the spring season until staffing resources are available to carry out the required maintenance and inspection. (Approximately Mid-November to Mid-April annually)

Public Access to the Waterfront

The City currently owns and provides multiple water access points to Lake Ontario which are available for use by all residents. Those locations include:

- 1) Lakeside Park
- 2) Sunset Beach
- 3) Jones Beach

All these locations provide amenities that encourage safer access to the water during varying lake conditions and are maintained and inspected regularly by City staff to mitigate any unsafe conditions. These locations also provide improved access for emergency services when they are required to respond to any potential concerns.

The City also provides multiple locations that provide visual access to the waterfront of Lake Ontario along the Waterfront Trail. The waterfront trail can be accessed through the following City parks:

- 1) Happy Rolph's Park
- 2) Cherie Road Park
- 3) Spring Garden Park
- 4) Westcliffe Park
- 5) Lakefront Park

Visual access to the Lake Ontario waterfront is also provided through amenities such as:

- 1) Welland Canal Trail
- 2) George Nicholson Memorial Trail
- 3) The New Piers in Port Dalhousie.

City staff are supportive of improving the various forms of access to the Lake Ontario waterfront for all residents to enjoy and they continue to look for opportunities of expanding safe and accessible access to the waterfront through the various future Capital Projects.

Future potential works could include providing improved access at Lakefront Park through future shoreline protection works that are planned in the next five to 10 years. The existing shoreline protection is identified as being deficient and is currently listed as a medium priority. There may also be opportunities for expanding visual access to the waterfront through future active transportation works.

Implementing improved access into the shoreline protection at Abbey Mews can also be considered through future budgets; however, due to the other asset renewal challenges that the City currently faces and the outstanding compensation works required as part of the recent shoreline protection works that have been completed, it is staff's recommendation that this work not be undertaken at this time.

Financial Implications

Staff will be able to complete annual inspections and signage within current complement and budget allocation. There may be additional budget required to address deficiencies identified in the inspection process.

As for annual maintenance, Municipal Works will be bringing forward a level of service as part of their service review and any budget implications will be brought forward through the 2023 budget deliberations.

Environmental Sustainability Implications

St. Catharines is one of many communities that was impacted by high Lake Ontario water levels. Water levels in Lake Ontario were at their highest recorded levels in more than 100 years during parts of 2017 and 2019. When the City replaces infrastructure along the shoreline it is important that it takes into consideration these potential lake level fluctuations and design them to be more resilient. Just replacing assets with what was previously at the site will continue to expose them to these vulnerabilities. This does require additional investigations and adds a layer of complexity to these projects

Prepared by

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Approved by

David Oakes, Chief Administrative Officer

Appendices

- Appendix 1 – BFL Inspection Report

BFL CANADA

City of St. Catharines

Inspection of Staircases at Port Dalhousie

Robin McCleave, BFL CANADA, V.P. Public Sector, Risk Management Leader
Stephanie Tripp, Manager of Realty & Insurance Services

January 31, 2022



INSPECTION OF STAIRCASES AT PORT DALHOUSIE

On Friday, December 3rd I met with Stephanie Tripp, Manager of Realty and Insurance Services and Jocelyn St. Denis, Design & Construction Engineer to visually inspect the stairs identified below, located in Port Dalhousie. When reviewing my comments it is important to note the following:

Disclaimer:

- My comments are strictly from the perspective of a municipal risk manager, and my visual inspection of the stairs;
- I am not a qualified engineer or building inspector; and
- I cannot confirm if the stairs are in compliance with any codes that would apply to this type of structure.

General Overview:

An inspection was completed for 5 staircases, 3 providing direct access to the Lake Ontario, hereinafter referred to as “the lake”. On inspection it was noted that in all cases there was no safe access to the lake.

With the exception of the stairs at Colton Avenue/Mary Street:

- there appears to be very little tread on the stairs, potentially reducing the effectiveness in the prevention of slips and falls; and
- sections of the stairs had foliage growing through the grates creating an additional trip and fall hazard.

With respect to the tread on all of the stairs, City staff inspected each staircase and in the attached report it states the percentage of tread left on each set of stairs: the lowest being 200mm on Graham Street, and the highest 300mm on Colton Avenue/Mary Street. Staff will need to confirm if these measurements are in compliance.

Once you reached the bottom of the stairs there was no shoreline. Anyone wanting access to the lake would need to walk/cross over:

- large loosely dumped rocks to a concrete barrier;
- large loosely dumped rocks that waves from the lake are splashing over; or
- large loosely dumped rocks to a barrier built of boulders.

I am making the assumption that either the concrete barrier or boulders were installed to protect the shoreline. This creates a slip, trip and fall hazard which potentially could lead to a serious injury. If the public will continue to have access to the lake in the spring and summer months this will need to be addressed.

It is my understanding that:

- None of the staircases are being maintained by staff. Depending on the time of year, and the weather conditions, this could pose a serious slip, trip and fall hazard.
- The staircases are not being inspected on an ongoing basis.
- With the exception of Colton Avenue/Mary Street and potentially Pawling Avenue, following the release of a newspaper article in 2021, the public became aware of these staircases resulting in increased foot traffic from the stairs to the lake.

Simcoe Street Staircase

On the day of our visit we spoke to the homeowner who leases a portion of Simcoe Street for parking. She advised the following:

- her family uses the stairs to get down to the lake to kayak; and
- once the article was released in 2021 identifying that access to lake via the staircase was on municipal property, the use of the stairs by the general public increased.

Where Simcoe Street ends, there is a small grassy spot that leads to the top of the staircase. While it is unlikely the stairs will be used during the winter months, because the City is aware they are being used by the public, and are not being maintained in the winter, the stairs should be closed to the public along with signage advising that the stairs are not being maintained during winter months.



Above picture - Top of stairs looking down.



Above Picture - Handrail at the top of the stairs.



Above picture – Bottom of stairs, access to the lake.

Masefield Street Staircase

At the time of the visit the sign “no pedestrians beyond this point” was still on the post. However the wooden barrier that was originally fastened to the top of the staircase with a sign stating “DANGER KEEP OUT”, was lying face down on the ground. Although the sign attached to the wooden pole was still there, it would not be difficult to remove/destroy the sign. Also, it was not a difficult task for the public to remove the wooden barrier that was attached to the railing at the top of the stairs. Therefore our recommendation would be to:

- construct a stronger barrier that cannot be as easily removed;
- attach to the barrier the same messaging “DANGER KEEP OUT”; and
- erect a more permanent sign messaging “no members of the public beyond this point”.

To ensure that any permanently installed barrier has not been removed, destroyed/vandalized, this area will need to be included in the City’s inspection schedule.



Above picture – Top of stairs looking down, access point to the lake. At the bottom of the stairs sign stating “NO PEDESTRIANS BEYOND THIS POINT” is lying on the ground. Loose netting at the bottom of the stairs is creating an additional trip hazard.



Above picture - Wooden board that was installed at the top of the stairs as a barrier was on the ground on the day of the visit.



Above picture - Stairs appear to be slightly warped causing the stair to not have a flat surface. In summer months vines with leaves will grow through the stairs causing an additional trip hazard.



Above picture - Wooden barrier pictured up from ground and placed in front of the access to the stairs. Not able to reattach to the railing.

Graham Avenue

Due to the location of the staircase, access to the stairs appears to be part of 23 Graham Avenue. There is a small ditch and foliage that the public can easily step over to get access to the stairs. It was confirmed by the homeowner that once the article had been released identifying that access to the stairs was on municipal property, the public began using the stairs to get access to the lake. The homeowner stated that it was always assumed that this access to the lake was part of their property. While it is unlikely the stairs will be used during the winter months, because the City is aware the stairs are being used by the public, and are not being maintained in the winter, as a temporary measure the staircase will need to be closed to the public.

In the meantime, because it has been assumed by the homeowner that the staircase was on their property, the City will need to decide how best to move forward. For example:

- Is it the City's intention to close the stairs to the general public but continue to allow access by the homeowner? If yes, it is our recommendation a lease agreement be put into place between the City and the homeowner, transferring the responsibility for the staircase to the homeowner, and that the homeowner install a fence preventing access by the public.
- If no, and the City wants to continue to allow access by the public, the City will need alter the area and create a distinct path.

Overall it would not be our recommendation to continue to allow access by the general public to the lake from this site because as advised above, there is no shoreline, just loose rocks and a large concrete barrier which creates a serious slip, trip and fall hazard.



Above pictures – Top of stairs looking down.

Picture below – End of the stairs looking down at the lake.



Pawling Avenue

At this site there appeared to be no real purpose for having stairs because at the bottom of the stairs the public would not have direct access to the lake. There is no shoreline, the public would need to traverse over large loose rocks and boulders to get to the lake. While it is unlikely the stairs will be used during the winter months, because the City is aware they are being used by the public, and are not being maintained in the winter, the stairs should be closed to the public along with signage advising that the stairs are not being maintained during winter months.

Overall because there is no value in having these stairs at this section of the lakes, rather than the City incurring an annual cost to inspect and maintain this staircase, should the staircase just be removed?



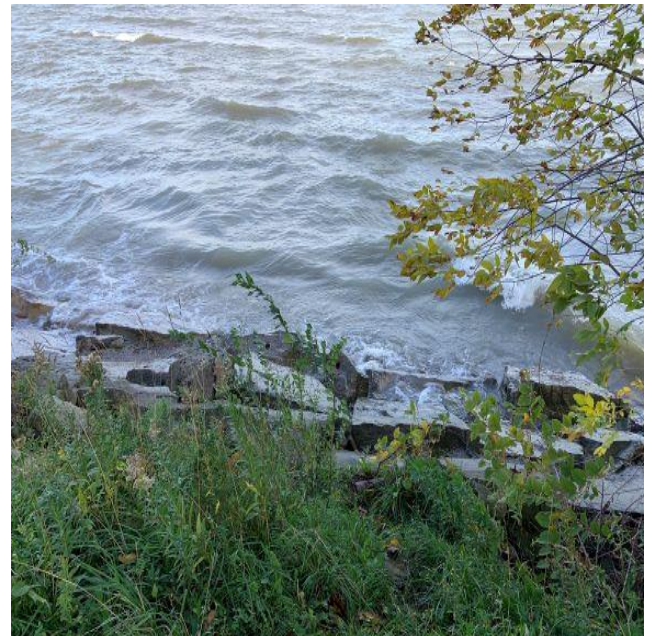
Above picture – Access point to the lake.



Above picture – Grassy area at the bottom of the stairs.



Above picture – Top of stairs looking down.



Above picture – 2nd view, access point to the lake.

Colton Avenue/Mary Street

Of all of the staircases that I inspected, this was the only set of stairs that did not cause too much concern. The stairs were not as steep, the paint appeared to be in better condition and as advised in the attached report, the stairs had the highest tread of 300mm. At the base of the stairs the area was worn by foot traffic which would indicate the stairs were being used regularly. The only concern was that although the stairs are not being maintained in the winter months, there was no signage warning the public. Because the trail can easily be accessed from the street, our recommendation would be to close the stairs for the winter, potentially installing some form of a barrier at the entrance and at the bottom on the stairs that can be removed for the summer months. In addition, erect signage advising that the stairs are closed and not being maintained during the winter months.

Another option would be to compare the cost of inspecting and maintaining the stairs on an annual basis versus the cost of completely removing the stairs. Reason being:

- the trail can be easily accessed from the road;
- the slope is not as steep at this location;
- there is no direct access to the lake; and
- if the public does decide to continue down what appears to be an informal path to the lake, access to the lake is not safe.



Above picture – Worn area at the bottom



Above picture – Top of stairs looking down.



Above picture – Access to the lake.



Above picture – Trail beside the stairs.

Conclusion

With the exception of Colton Avenue/Mary Street, from a risk management perspective visually each staircase caused concern for the following reasons:

- The stairs were not being maintained or inspected at any time of the year, of particular concern is during winter months.
- Only the stairs located at Masfield Street had a sign.
- In all cases there was no safe access to the lake
- The treads on the stairs appeared to be worn creating a slip, trip and fall hazard especially during the winter months.
- With the exception of Colton Avenue/Mary Street, all of the staircases were quite steep and therefore it appears the staircases were potentially built to accommodate the steep slope down to the lake.

For risk and claims mitigation purposes, at a minimum all of the staircases should be closed and signage erected for the duration of the winter and spring season. If it is the intention of the City to continue to allow access to the lake via these staircases, it is our recommendation that a formal risk assessment be completed by a qualified consultant. Any recommendations made by the consultant in their report will need to be carefully reviewed and addressed by staff.

DISCLAIMER

Please note that the content of this report is from a risk management perspective and for information purposes only. It cannot be used as a substitute for the advice of suitably qualified legal counsel and a professional consultant.

THIS DOCUMENT WAS ISSUED BY:

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By-laws to be considered Monday, February 14, 2022

- (a) A By-law to amend By-law No. 2014-253 entitled "A By-law to appoint Deputy Clerks for the purpose of the Commissioners for Taking Affidavits Act." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to amend By-law No. 2014-250 entitled "A By-law to appoint Property Standards Officers." (One reading – with respect to change in personnel: A. Kammouh. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-law to amend By-law No. 2014-250 entitled "A By-law to appoint Property Standards Officers." (One reading – with respect to change in personnel: M. Bell. Delegation of Powers and Duties By-law No. 2020-156.)
- (e) A By-law to amend By-law No. 2014-250 entitled "A By-law to appoint Property Standards Officers." (One reading – with respect to change in personnel: P. Chudoba. Delegation of Powers and Duties By-law No. 2020-156.)
- (f) A By-law to amend By-law No. 90-255 entitled "A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers." (One reading – with respect to change in personnel: S. Stec. Delegation of Powers and Duties By-law No. 2020-156.)
- (g) A By-law to amend By-law No. 90-255 entitled "A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers." (One reading – with respect to change in personnel: T. Dressel. Delegation of Powers and Duties By-law No. 2020-156.)
- (h) A By-law to amend By-law No. 90-255 entitled "A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers." (One reading – with respect to change in personnel: G. Hemphill. Delegation of Powers and Duties By-law No. 2020-156.)
- (i) A By-law to amend By-law No. 90-255 entitled "A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers." (One reading – with respect to change in personnel: A. Kammouh. Delegation of Powers and Duties By-law No. 2020-156.)



- (j) A By-law to amend By-law No. 90-255 entitled "A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers." (One reading – with respect to change in personnel: M. Bell. Delegation of Powers and Duties By-law No. 2020-156.)
- (k) A By-law to amend By-law No. 90-255 entitled "A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (l) A By-law to amend By-law No. 2014-169 entitled "A By-law to appoint a Chief Building Official and Inspectors under the Ontario Building Code Act, 1992." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (m) A By-law to authorize an Ontario Transfer Payment Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing (the "Province"). (One reading – with respect to the City's Work Order System Modernization Review Project under Audit and Accountability Fund - Intake 3. Delegation of Powers and Duties By-law No. 2020-156.)
- (n) A By-law to authorize an Ontario Transfer Payment Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing (the "Province"). (One reading – with respect to the City's Streamline Development Approval Fund Initiative. Delegation of Powers and Duties By-law No. 2020-156.)
- (o) A By-law to authorize an Amending Agreement No. 3 with Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario. (One reading – with respect to minor amendment to the Public Transit Infrastructure Fund (PTIF) Phase One (Ontario) Transfer Payment Agreement. Delegation of Powers and Duties By-law No. 2020-156.)
- (p) A By-law to authorize the acceptance of a conveyance of certain lands from GERVAIS, BRANDON for road widening along Rodman Street. (One reading – with respect to Site Plan Agreement in relation to 125A Russell Avenue. Delegation of Powers and Duties By-law No. 2020-156.)
- (q) A By-law to fix the rates for the use of water and water related services supplied by The Corporation of the City of St. Catharines. (One reading – with respect to 2022 Water and Wastewater Rates. To be considered by Council, February 14, 2022.)
- (r) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading – with respect to 33 Rockwood Avenue. To be considered by Council, February 14, 2022.)



- (s) A By-law to amend By-law No. 2013-283 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines.” (One reading – with respect to 33 Rockwood Avenue. To be considered by Council, February 14, 2022.)
- (t) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading – with respect to cannabis production facilities. To be considered by Council, February 14, 2022.)
- (u) A By-law to amend By-law No. 2013-283 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines.” (One reading – with respect to cannabis production facilities. To be considered by Council, February 14, 2022.)
- (v) A By-law to amend By-law No. 2017-63 entitled “A By-law to designate all lands within the City of St. Catharines as a Site Plan Control Area and to repeal By-law No. 85-534, as amended.” (One reading – with respect to cannabis production facilities. To be considered by Council, February 14, 2022.)
- (w) A By-law to confirm the proceedings of council at its meeting held on the 14th day of February 2022. (One reading - with respect to confirming the proceedings of the meeting held on February 14, 2022.)