

NOTICE

**THE MAYOR HAS CALLED
A SPECIAL MEETING OF COUNCIL**

AT 6:45 P.M.

TUESDAY, MAY 28, 2019

**IN THE COUNCIL ANTE ROOM – CIVIC SQUARE
TO DISCUSS THE FOLLOWING:**

- **PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD.**
 - *Sale of Land.*

AND

**IN OPEN SESSION
IN COUNCIL CHAMBERS, CIVIC SQUARE**

TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS

for **Tara Stephens,
City Clerk**



**SPECIAL COUNCIL MEETING
COMMITTEE-OF-THE-WHOLE (In-Camera)
AGENDA**

**Tuesday, May 28, 2019
6:45 p.m.**

Council Chambers – Ante Room

**1. PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND
BY THE MUNICIPALITY OR LOCAL BOARD:**

6:45 p.m. - 6:55 p.m.

_____ Sale of Land. (verbal report) *D. Degazio*

CONFIDENTIAL
FOR CLOSURE BY 15:00



SPECIAL COUNCIL MEETING AGENDA

Tuesday, May 28, 2019

COUNCIL CHAMBERS – CIVIC SQUARE

- 1. OPEN SPECIAL COUNCIL MEETING (6:45 p.m.)
(See yellow tab)**
 - Proposed or pending acquisition or disposition of land by the municipality or local board:
 - *Sale of Land.*

- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 P.M.)**

- 3. OPEN SPECIAL COUNCIL MEETING (7:00 p.m.)**
 - 3.1 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**

 - 3.2 DISCLOSURES OF INTEREST**

 - 3.3 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**

- 4. CONFIRMATORY BY-LAW**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 28th day of May, 2019.
Ref. No. 19-1

- 5. ADJOURNMENT**



SPECIAL COUNCIL MEETING AGENDA INDEX

Tuesday, May 28, 2019

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

Page No.

AGENDA BLOCK

1. **BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil**

2. **COMMITTEE AND STAFF REPORTS**
 1. **Business Arising from Committee-of-the-Whole (closed) - Nil**
 2. **Staff Reports**

- 1 - 3 **FIN-2019-12 Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas – 2019 Tax Levy. Ref. No. 19-4.**

3. **NEW BUSINESS - Nil**

4. **BY-LAWS - Nil**

SPECIAL COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT FIN-2019-12
MAY 28, 2019

19-4

SUBJECT: 2019 FINAL TAX LEVY

AUTHOR: MICHAEL LOSTRACCO,
REVENUE SERVICES MANAGER

APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL
OFFICER/TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the due dates for the 2018 Final Municipal Tax Levy as follows:

Third Installment due:	July 2, 2019
Fourth Installment due:	September 3, 2019
Final Installment for all non-residential properties:	October 1, 2019

and further;

THAT Welland City Council approves the Tax Rates and Tax Ratios for the 2019 taxation year attached as Appendix I to Report FIN-2019-12.

ORIGIN AND BACKGROUND:

Not applicable.

COMMENTS AND ANALYSIS:

Council approved the Interim Tax Levy Bylaw #2019-19 on February 26, 2019, as per Section 317 of *The Municipal Act, 2001*. Staff is now seeking approval for the 2019 Final Tax Levy.

FINANCIAL CONSIDERATION:

Not applicable

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.

SUMMARY AND CONCLUSION:

In order to meet the City's financial obligations, staff recommends that Council approves the final tax ratios and tax rates and to levy taxes for the year 2019 for the due dates specified.

ATTACHMENTS:

Appendix I – Schedule 1 – 2019 Tax Rates

**Schedule 1
2019 Tax Rates**

<u>CLASS</u>	EDUCATION	REGION	REGION-WASTE	REGIONAL-TOTAL	CITY	TOTAL TAX RATE	
Residential/New Multi-Res	0.00161000	0.00566267	0.00075219	0.00641486	0.00796933	0.01599419	RT, NT
Residential - Education	0.00161000	-	-	-	-	0.00161000	RD
Multi-Residential	0.00161000	0.01115546	0.00148181	0.01263727	0.01569959	0.02994686	MT
Com. Occupied	0.01030000	0.00982417	0.00130497	0.01112914	0.01382600	0.03525514	CT, XT, DT, GT, ST, YT
Com. Vac. Units	0.00721000	0.00687692	0.00091348	0.00779040	0.00967820	0.02467860	CU, XU, DU, SU, YU
Com. Vacant Land	0.00721000	0.00687692	0.00091348	0.00779040	0.00967820	0.02467860	CX
Ind. Occupied	0.01290000	0.01489282	0.00197826	0.01687108	0.02095935	0.05073043	IT, JT
Ind. Vac. Units	0.00903000	0.01042497	0.00138478	0.01180975	0.01467155	0.03551130	IU, JU
Ind. Vac. Land	0.00903000	0.01042497	0.00138478	0.01180975	0.01467155	0.03551130	IX
Large Ind. Occ.	0.01290000	0.01489282	0.00197826	0.01687108	0.02095935	0.05073043	LT
Large Ind. Vac.	0.00903000	0.01042497	0.00138478	0.01180975	0.01467155	0.03551130	LU
Landfill	0.01749205	0.01664973	0.00221163	0.01886136	0.02343192	0.05978533	HT
Pipelines	0.01030000	0.00963843	0.00128030	0.01091873	0.01356460	0.03478333	PT
Farmlands	0.00040250	0.00141567	0.00018805	0.00160372	0.00199233	0.00399855	FT
Managed Forests	0.00040250	0.00141567	0.00018805	0.00160372	0.00199233	0.00399855	TT

Interim Due Dates Friday March 01, 2019
 Wednesday May 01, 2019
 Final Due Dates (Res) Tuesday July 02, 2019
 Tuesday September 03, 2019



GENERAL COMMITTEE

Tuesday, May 28, 2019
COUNCIL CHAMBERS - CIVIC SQUARE

Meeting Number 2019 - 8

- 1. OPEN GENERAL COMMITTEE MEETING FOLLOWING THE SPECIAL COUNCIL MEETING.**
 - 1.1 CALL TO ORDER BY VICE MAYOR JIM LAROUCHE**
 - 1.2 ADDITIONS/DELETIONS TO AGENDA**
 - 1.3 DISCLOSURES OF INTEREST**
 - 1.4 ADOPTION OF MINUTES**

General Committee Meeting of May 14, 2019.
 - 1.5 ITEMS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See blue tab)**

- 2. VERBAL REPORTS AND DELEGATIONS**
 - 2.1 PRESENTATIONS – Nil**
 - 2.2 DELEGATIONS (MAXIMUM 5/10/5 RULE)**

19-28 Barb Fournier, Vice-Chair, Eastdale Alumni re: Update on activities.

13-50 Peter Van Caulart, Co-Chair, and Cathy Boyko, Air Race Classic Committee re: Air Race Classic.
 - 2.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) – Nil**

- 3. COMMITTEE-OF-THE-WHOLE (OPEN)**
(Discuss items removed from Agenda Block)

- 4. ADJOURNMENT**



GENERAL COMMITTEE

Tuesday, May 28, 2019
COUNCIL CHAMBERS - CIVIC SQUARE

Meeting Number 2019 - 8

Page No.

AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil

2. STAFF REPORTS

INFRASTRUCTURE & DEVELOPMENT SERVICES – L. Van Vliet, Chair

Engineering Division

1 - 5

P&B-2019-24

Gen. Mgr., Infrastructure and Development Services/City Engineer,
E. Nickel – Proposed Notice of Motion for a Proposed Interim Control
By-Law to Prohibit Marijuana Grow Operations. Ref. No.18-87.

3. NEW BUSINESS - Nil

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

GENERAL COMMITTEE
INFRASTRUCTURE AND DEVELOPMENT SERVICES

18-87

REPORT P&B-2019-24
MAY 28, 2019

SUBJECT: PROPOSED NOTICE OF MOTION FOR A PROPOSED INTERIM CONTROL BY-LAW TO PROHIBIT MARIJUANA GROW OPERATIONS

**AUTHOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: ERIK NICKEL, P. ENG.,
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES/CITY
ENGINEER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report P&B-2019-24 regarding the review of a proposed notice of motion for a proposed Interim Control By-law (ICB) to prohibit marijuana grow operations for a period of one year.

ORIGIN AND BACKGROUND:

On April 2, 2019, City Council passed a motion to have staff review the proposed notice of motion which seeks to enact an ICB which would prohibit marijuana grow operations for a period of one year and have staff to conduct a full review of the current Zoning By-law requirements and municipal best practices.

In order for Council to fully understand this issue it is necessary to provide a brief background on the law and use of ICBs in Ontario and the City's current Zoning By-law requirements for these types of facilities.

With respect to an ICBs, Section 38(1) of the *Planning Act*, as amended, permits a municipality to put a temporary freeze on new land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year. The By-law can cover the whole City or specific parts of it and specified uses. There is no ability to appeal an interim control bylaw when it is first passed, however, an extension to a bylaw may be appealed. The *Planning Act* provides that an interim control bylaw remains in effect past the two-year period if the new zoning bylaw which replaces the interim control bylaw is appealed to the LPAT. Section 38(7) prohibits an new ICB on the same lands for three years after it lapses. This is essentially a "cooling off" period as and ICB can essentially strip away development rights for a period of time and this can have negative economic impacts.

In the City of Welland, the City's Zoning By-law 2017-117 defines and regulates a Medical Marihuana Production Facility. Medical Marihuana Production Facility (MMPF) is defined as follows:

Means premises used for the growing harvesting, testing, destroying packaging and shipping of marihuana for medical purposes as permitted under the Medical Marihuana Purposes Regulations (MMPR), SOR/2013-119, made under the *Controlled Drugs and Substances Act*, as amended, SC 1996, as the MMPR read on March 31, 2014. The testing, packaging and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes.

The City current zoning requirements with respect to MMPF's can be divided into two categories:

In the Urban Area of the City, an MMPF is a permitted use in the L1 – Light Industrial Zone, the G1 – General Industrial Zone, and the GEC – Gateway Economic Centre Zone. In these zones, an MMPF is subject to the following additional restrictions in Zoning By-law 2017-117:

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted
- c) Loading spaces must be in a wholly enclosed building.
- d) Lot must be 70.0 metres from:
 - i) A Residential use or Zone;
 - ii) An institutional use or Zone; and/or
 - iii) A day nursery use or Zone that permits a day nursery.

These regulations effectively require that all new MMPFs seek a Planning Application approval either through a Zoning By-law Amendment or Minor Variance. These application processes trigger a public process which includes public notification (newspaper and mail-out notices) and at minimum a public meeting. They also permit participants to appeal a decision of Council for Zoning By-law Amendments or Committee of Adjustment for Minor Variance Applications. It also permits Staff to review each application on a case by case basis.

Outside the Urban Area of the City, an MMPF is a permitted use in the A1 – Agricultural Zone and the RE – Rural Employment Zone. An MMPF in these zones is subject to the following requirements:

- Front Yard Setback = 10m
- Side Yard Setback = 15m
- Rear Yard Setback = 15m
- Maximum Height = 11m
- Maximum Lot Coverage = 25%
- Minimum Landscaping Requirement = 3m landscaping strip along front lot line.

The regulations in agricultural areas for MMPFs are very similar to those that apply to an agricultural building or structure (ie. greenhouse, implement shed, silo etc.). Existing lots with small lot frontages (frontages smaller than 100') would not be able to meet the side yard setback requirement of 15m (50') from each side lot line. Proponents of MMPF's would either need to meet these requirements or seeking a Planning Approval as indicated above.

COMMENTS AND ANALYSIS:

Current City Zoning By-law Requirements

In reviewing the current City regulations for MMPFs, staff are of the opinion that the current regulations are effective in ensuring public consultation occurs for proposed facilities in the urban area. Arguably, the current By-law over regulates this use. However, it seems we may over regulate them in some cases, leaving no as of right locations. For example, an MMPF could not locate on an industrial property in Welland, even if it were surrounded by industrial uses. The proponent would need to seek a Planning Approval from the City. Staff review each application on a case by case basis and provide a recommendation report either to Council or Committee of Adjustment. As part of this recommendation, Staff review the application in light of Provincial, Regional, City policies. This is the normal planning process.

With respect to areas of the City outside the urban area, Staff have had no complaints concerning the existing regulation. During the public consultation phase of Zoning By-law 2017-117 Staff received comments in support of the provisions for MMPFs in the A1 and RE Zones.

There are some interpretation issues with respect to the use of the term medical marihuana production facility. The terminology seems to have shifted to using the word "cannabis". Staff will be bringing forward a housekeeping Zoning By-law Amendment to address some issues with the Zoning By-law and propose to correct the terminology issue and any other issues identified during that review.

The current City regulations for MMPFs are effective in ensuring that a public consultation process occurs, however, there may be a need to update the regulations. Staff are of the opinion that this type of review can occur outside of an Interim Control By-law.

Other City Requirements

City Council should be aware that an MMPF is subject to the same City Requirements as would apply for any new development. These requirements include but not limited complying with Municipal Standards, Site Plan Control, Building Code compliance, payment of DCs and compliance with Federal and Provincial Laws.

Potential Negative Economic Impacts of an Interim Control By-law

Staff acknowledge that the *Planning Act* does provide Council with the authority to pass an ICB. Council must be aware that an ICB is a "draconian" planning measure which can temporarily strip away development rights. Implementing an ICB of any type in Welland has the potential for a number of unintended negative consequences, these include but are not limited to:

- Conflicts with the City of Welland's "Open For Business" philosophy by restricting a certain type of use. This potentially leaves investors wondering what the City will do next to restrict other types of development.
- Through the process of amplification and rumours an ICB restricting MMPFs may become known as a ban on development in general. An ICB creates another type of bureaucratic red-tape which the Economic Development Division must explain away when meeting with potential investors.

- Section 38(7) of the *Planning Act* prohibits an ICB from being passed for the same land for a period of three years. Staff do not believe that the issues surrounding MMPF's are of a critical nature which require the intervention of an ICB and that this tool should be reserved for a more critical issue that the municipality may face.
- Council has chosen to "opt in" with respect to the retail of cannabis. Restricting the supply (MMPFs) seems to conflict with this and does not send a good message to Province of Ontario. They have made it clear that Ontario is "open for business". An ICB sends the message that were "closed for business for a least year"

Existing Cannabis Production in Welland

Prior to the legalization of Cannabis on June 20, 2018, there were a number of small MMPFs in operation in Welland. We received no complaints about these facilities which included personal residences with a legal license (in some cases up to 70 plants) to produce medical marihuana to fulfill their own medical prescription. We have three known facilities in the Urban Area of Welland which are seeking to legally produce cannabis. There are two known facilities outside the Urban Area which are seeking to legally produce cannabis and they meet the current Zoning requirements. These facilities would not be impacted by an ICB as the act of applying for a legal cannabis production facility means that it has started. Also of importance is that the Cannabis Act passed by the Federal Government permits every residence (not person) to grow four cannabis plants. The ICB will have no impact on this and in some ways makes the ICB ineffective.

FINANCIAL CONSIDERATION:

There are no financial implications as a result of the contents of this Report.

OTHER DEPARTMENT IMPLICATIONS:

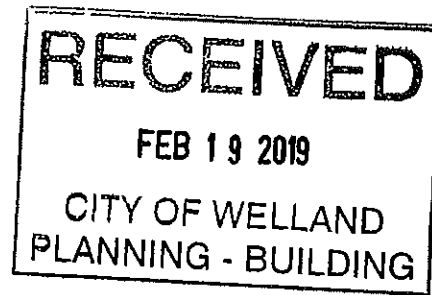
There are no implications to other Divisions as a result of the contents of this Report.

SUMMARY AND CONCLUSION:

Staff have provided a review of the proposed notice of motion which would prohibit marijuana grow operations for a period of one year and to have staff conduct a full review of the current Zoning By-law requirements and municipal best practices. Given that the recent public consultation on the 2017 Comprehensive Zoning By-law is current and that the issues is not triggering any critical community concerns, Staff recommend against implementing an ICB. Staff are supportive of conducting a full review of the Zoning By-law requirements as they relate to MMPFs and to ensure the City policies are in line with current Provincial and Federal Legislation and best practices. This review can happen outside of an ICB and provide an opportunity for further public consultation. Staff recommend Council receives for information purposes Report P&B-2019-24

ATTACHMENTS:

Appendix I – Letter in Opposition to ICB



To whom it may concern,

I, Kai Naserie am writing in regards to Councilman Green's purposed intent to restrict any cannabis related business to be operational in the city of Welland, Ontario.

I and many colleagues feel as though this would be a horrible impact on the city and reduce hope that Welland can increase their economic status. From an economic stand point, this would reduce the amount of jobs and positions needed for citizens of Welland. Welland needs these positions to be made so the citizens have income and support the local economy.

Not only will this deter businesses from opening up shop, but also bring Welland's economy even lower.

The cannabis industry has been regulated by Health Canada to ensure everyone involved with Cannabis is following rules and regulations before becoming operational and to keep everyone safe with all measures. There are very strict guidelines that range from security, cleanliness and even HVAC to avoid major scents. The community of Welland could also use the Tourism from the United States to come in and tour facilities and store fronts.

By stopping all cannabis related businesses from starting and creating jobs, would have a negative impact on the city and I feel very strongly about the City of Welland making any proposals to stop anything cannabis related.

PLEASE VOTE NO & VOTE YES for PRO CANNABIS !!!

Kind Regards,

Kai Naserie