

## REGULAR COUNCIL AGENDA

**C-12a/2020 - Regular Council**

**Monday, July 13, 2020**

**6:30 PM**

**Town of Pelham Municipal Office - Council Chambers**

**20 Pelham Town Square, Fonthill**

During this unprecedented global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream

[www.youtube.com/townofpelham/live](http://www.youtube.com/townofpelham/live) and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

---

	Pages
1. Call to Order and Declaration of Quorum	
2. Approval of Agenda	
3. Disclosure of Pecuniary Interests and General Nature Thereof	
4. Hearing of Presentation, Delegations, Regional Report	
4.1 Tax Write-Off Under Municipal Act, Section 357 & 358	7 - 7
4.2 Presentations	
4.2.1 COVID-19	
4.2.1.1 COVID-19 Update from Director, Recreation Culture and Wellness	

V. vanRavenswaay, Director, RCW - Verbal  
Update Including Proposal for Accipiter  
Operations.

**4.2.1.2 COVID-19 Update from Community  
Emergency Management Co-Ordinator**

R. Lymburner, Fire Chief, CEMC - Verbal

**4.2.1.3 Corporate Administration COVID-19 Update**

D. Cribbs, Chief Administrative Officer -  
Verbal

**4.3 Delegations**

**4.3.1 Pelham Active Transportation Committee re Ontario  
Municipal Commuter Cycling Grant 8 - 15**

Bea Clark, Chair

**4.3.2 Cannabis Control Committee 16 - 170**

Tim Nohara, Chair

N. McDonald, Meridian Planning

**4.4 Report of Regional Councillor**

**5. Adoption of Minutes**

**5.1 C-11/2020 - Regular Council Minutes of June 15, 2020 171 - 188**

**5.2 SC-10/2020 Special Council Minutes June 15, 2020 189 - 191**

**6. Business Arising from Council Minutes**

**7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration**

**8. Consent Agenda Items to be Considered in Block**

**8.1 Presentation of Recommendations Arising from COW or P&P, for  
Council Approval**



8.2	Minutes Approval - Committee	
8.3	Staff Reports of a Routine Nature for Information or Action	
8.3.1	Update on Pedestrian Safety When Crossing Pelham Street at Church Hill, 2020-0100-Public Works	192 - 275
8.4	Action Correspondence of a Routine Nature	
8.5	Information Correspondence Items	
8.5.1	Thank You Letter - The Ciolfi Family	276 - 276
8.5.2	2019 NPCA Annual Water Quality Monitoring Report	277 - 383
8.5.3	Letter from Sharon Cook re: Support for the Active Transportation Committee to Surface Trails	384 - 384
8.5.4	Letter from Carolyn McCourt regarding Short Term Accommodations	385 - 385
8.6	Regional Municipality of Niagara - Action Items	
8.7	Committee Minutes for Information	
8.7.1	Cannabis Control Committee May 27, 2020 June 3, 2020	386 - 390
8.7.2	Summerfest Committee Minutes March 11, 2020	391 - 395
8.7.3	Mayors Youth Advisory Council Minutes February 5, 2020	396 - 399
8.7.4	MCC User Group Committee Minutes February 13, 2020 May 7, 2020	400 - 406

**9. Items for Separate Consideration, if Any**

## **10. Presentation & Consideration of Reports**

### **10.1 Reports from Members of Council:**

### **10.2 Staff Reports Requiring Action**

10.2.1	Nuisance By-law 2020, 2020-0083-Fire Dept	407 - 408
10.2.2	Private Entry Onto Lands By-law 2020, 2020-0102-Fire Dept	409 - 411
10.2.3	Regional Request for Support on Diversity Initiative, 2020-0098-Chief Administrator Officer	412 - 425
10.2.4	Short Term Accommodations - July 13, 2020, 2020-0090-Planning	426 - 465
10.2.5	Demolition of Barn - 855 Twenty Road, 2020-0092-Planning	466 - 474
10.2.6	Recommendation Report for Site Plan Application - 190 Canboro Road, 2020-0088-Planning	475 - 504
10.2.7	Grant Opportunity for a GIS Asset Management Specialist, 2020-0097-Public Works	505 - 530
10.2.8	Public Realm Investment Program (PRIP) Grant Rice Road and Port Robinson Road Update, 2020-0081-Public Works	531 - 540
10.2.9	Niagara 2021 Canada Games Legacy Project, 2020-0101-Public Works	541 - 563

## **11. Unfinished Business**

## **12. New Business**

## **13. Presentation and Consideration of By-Laws** 564 - 676

1. By-law 4250(2020) - Being a by-law to amend By-law No. 4187(2020) to establish 2020 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to amend Schedule "1", Recreation & Culture Services.

2. By-law 4251(2020) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area; Amendment No. 09; Provision for Indoor Cannabis and Industrial Hemp Cultivation

3. By-law 4252(2020) - Being a By-law passed pursuant to the provisions of Section 34 of The Planning Act, R.S.O. 1990, c.P.13, as amended to amend the Town of Pelham Zoning By-law No. 1136 (1987), as otherwise amended, to establish provisions that apply to cannabis-related uses and industrial hemp-related uses in the Town of Pelham.

4. By-law 4253(2020) - Being a By-law to prohibit and abate public nuisances in public places within the Town of Pelham.

5. By-law 4254(2020) - Being a By-law to permit owners or occupants of any buildings, fences or other structures, or their agents or employees to enter up-on any adjoining land for the purpose of making repairs, alterations or improvements to such buildings, fences or other structures and to Repeal and Replace By-law No. 1155(1987).

6. By-law 4255(2020) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area; Amendment No. 10; Implementation of Short Term Accommodations recommendations.

7. By-law 4256(2020) - Being a by-law to amend Zoning By-law 1136(1987), as amended, with respect to Short Term Accommodation in the Town of Pelham, File AM-12-18.

8. By-law 4257(2020) - Being a By-law to licence, regulate and govern the operation of short term accommodation in the Town of Pelham.

9. By-law 4258(2020) - Being a by-law to authorize the execution of a site plan agreement for the lands municipally known as 190 Canboro Road, Dehaan Homes, Inc., File No. SP-02-19.

**14. Motions and Notices of Motion**

**15. Matters for Committee of the Whole or Policy and Priorities Committee**

**16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee**

**17. Resolution to Move in Camera**

Pursuant to Municipal Act, Section 239(2):

1) Section 239(2)(d) - labour relations or employee negotiations (1 item)

2) Section 239(2)(j) - financial information that belongs to the municipality or local board and has monetary value or potential monetary value (1 item)

**18. Rise From In Camera**

**19. Confirming By-Law**

677 - 677

**20. Adjournment**

**Taxes Written-off Under Section 357/358 of the Municipal Act, 2016  
2019**

Roll #	Address	Reason	From	To	# of Days Effective	Property Class	Original Assessment	New Assessment	Increase/ Decrease	Rate	Subtotal	Property Total
2732 020 010 01400	1613 Lookout St	Buildings demolished	8/22/2019	12/31/2019	132	365 RT	413,000	248,000	(165,000)	0.01305805	(779.19)	(779.19)
<b>2020</b>												
2732 020 009 12500	330 Moore Dr	No longer operating a commerical business	3/30/2020	12/31/2020	277	365 CT	24,700	-	(24,700)	0.02980001	(558.60)	
2732 020 009 12500	330 Moore Dr	No longer operating a commerical business	3/30/2020	12/31/2020	277	365 RT	396,000	395,700	(300)	0.02980001	(6.78)	(565.38)
2732 030 004 07400	31 Emmett St	Buildings demolished	2/1/2020	12/31/2020	335	365 RT	297,000	154,000	(143,000)	0.01305805	(1,713.82)	(1,713.82)
2732 020 013 11200	467 Canboro Rd	Building Demolished	4/23/2020	12/31/2020	253	365 RT	326,000	159,000	(167,000)	0.01305805	(1,511.55)	(1,511.55)
<b>Total Taxes Written Off Under Section 357/358</b>												<u>(4,569.95)</u>

Name: <u>Bea Clark, Chair, Pelham Active Transportation Committee</u>	
Address: <u>3 Sherri Lee Cr, Fonthill</u>	
Postal Code: <u>L0S 1E4</u>	Telephone #: <u>905.892.8238</u>
Email Address: <u>beaclarke@cogeco.ca</u>	
The Council Chambers is equipped with a laptop and projector. Please Check your audio/visual needs: <input type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:          Regular Council: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: <u>July 13, 2020</u></p>	
<p>Please identify the desired action of Council that you are seeking on this issue:</p> <p><u>The PATC is urging Council to use the OMCC grant by December 31, 2020,</u>  <u>preferably for the paving of the Steve Bauer Trail from Port Robinson Rd to the Pelham</u>  <u>boundary.</u></p>	
<p>I have never spoken on this issue before. Key points of my deputation are as follows:  <b>(Presentation must accompany the request)</b></p> <p><u>1. History of the OMCC grant</u>  <u>2. Review of Four Options available</u>  <u>3. Recommendation of the PATC</u></p>	
<p>In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.</p> <p><b>All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.</b></p> <p>I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website.</p> <p>I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a> in accordance with the deadlines outlined above.</p>	
<u>Bea Clark</u> Signature	<u>June 29, 2020</u> Date

---

**DEPUTATION PROTOCOLS:**

The Town of Pelham is an Open, Welcoming and Inviting Community, committed to supporting the strategic theme of ensuring that we are an engaged Community. To assist in achieving this goal, a Deputation Protocol has been developed to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

**Before:**

- ✓ Please provide Clerk with a final and complete copy of your presentation to be included on the agenda for the meeting. MS PowerPoint is preferred. Failure to provide the final presentation will result in the deferral of your delegation.
- ✓ Presentations will be livestreamed. Therefore any PowerPoint presentation should move forward with your speaking points for the ease of the online public audience.
- ✓ Please arrive at the meeting by 5:15 p.m.

**During:**

- ✓ When called upon, please proceed immediately to the podium.
- ✓ Please keep your presentation brief and to the point. The maximum allowable time is 10 minutes.
- ✓ Please, only discuss the matters indicated on your submission and present in a respectful, temperate manner.
- ✓ If appearing as a group, please designate a spokesperson.
- ✓ Rules of decorum apply during your delegation in accordance with the Procedural By-law.

**After:**

- ✓ Upon completion of your presentation, please remain in position to allow for questions from Council members.

**In Addition:**

- ✓ Thank you for participating in this public meeting process.
- ✓ Your submission will form part of the public record on this matter.
- ✓ Deputation will not be permitted on items that are or have been subject of a Public Meeting under the Planning Act, unless exceptional circumstances apply. Persons should present such concerns and opinions at the scheduled public meeting.

This form may contain personal information as defined under the Municipal Freedom of Information and Protection of Privacy Act. This information is collected under the legal authority of the Municipal Act, S.O. 2001 c.25, as amended and may be publicly released. Questions should be directed to the Clerk, 905.892.2607, ext. 315.

Presentation to Council, Town of Pelham

July 13, 2020

### **Pelham Active Transportation Committee**

The Pelham Active Transportation Committee (PATC) has been an active advisory committee since 2008, providing Council and staff with advice and recommendations based on input from Pelham's residents and the evidence that active transportation – walking, cycling, moving with mobility devices - has a positive effect on physical and mental health, the environment, the local economy and the overall quality of life in a community.

The Town of Pelham has invested considerably in active transportation by embedding active transportation (AT) principles in planning policy, adding sidewalks, bicycle lanes and other AT infrastructure such as benches, bike racks and multi-use pathways and by supporting the PATC in its efforts to promote AT safety and education in the community. The Town of Pelham is the only community in Niagara that has achieved both Walk Friendly (bronze) and Bicycle Friendly (silver) recognition. In addition, the Active Transportation Master Plan (ATMP) was approved by Council in 2016, with significant input from the PATC and the community, to guide future planning and investments in AT.

At its June 16<sup>th</sup> meeting, the Pelham Active Transportation Committee discussed the status of the Ontario Municipal Commuter Cycling grant and Council's recent decision. Committee members agreed that it was important to convey the PATC's position and its recommendations by providing the background and history of this grant, the rationale behind the recommendation that was made, and the importance in making this investment.

Bea Clark  
Chair, Pelham Active Transportation Committee

Brian Baty, Vice-chair  
Rhys Evans  
Bob Fish  
Lisa Gallant, Recorder  
Dave Nicholson  
Barbara Rybiak

Ex-officio:  
Diana Huson, Regional Councillor, Town of Pelham  
John Wink, Councillor, Town of Pelham



## **The Ontario Municipal Commuter Cycling (OMCC) grant**

The Pelham Active Transportation Committee urges Council to approve and use the Ontario Municipal Commuter Cycling grant funds to support active transportation in the Town of Pelham. All four options available to Council were developed in consultation with the PATC and reflect input received from residents who attended PATC community events since 2010. All four options are acceptable to the PATC, though some may be beneficial to more residents, more affordable in the current fiscal year and more practical at this time.

### **Background/History of OMCC:**

The history of the OMCC grant is outlined in Appendix A. It was an integral component of the former provincial government's Cycle ON strategy and was intended to be a multi-year fund available to municipalities to support and improve cycling infrastructure, thereby increasing commuter and recreational cycling.

The Town of Pelham developed its application based on the Pelham Active Transportation Master Plan (ATMP), input from the PATC and input from residents which the PATC had gathered at numerous community events over the years.

The year one project "Signage" was approved in December 2017, a \$60,000 grant, with a plan to proceed in spring 2018. In March 2018, the Town received an increased, actual grant of \$ 75,415.80. The OMCC program was subsequently terminated by the newly elected provincial government in June 2018, but the Town received approval to use the grant for one of the four projects originally submitted. The grant must be used by December 31, 2020 and the Town must contribute a minimum of 20% towards the overall cost of the project.

### **Rationale for the PATC Recommendation:**

The PATC was asked to provide a recommendation regarding the four options available to the Town and proceeded to review each option thoroughly, using the information in the original application, its knowledge of current circumstances, and a recognition of fiscal realities.

### **Project #1: Signed Bike Routes**

This project involves the implementation of signed bike routes, as per Pelham's Active Transportation Master Plan.

Signage is an important component of any active transportation network, guiding residents and visitors and increasing safety for all road users. This option would require considerable time to consult with the community and stakeholders to ensure consideration and review of the routes, wayfinding signs, options and safety considerations. Also, the Region of Niagara will be examining signage requirements for the active transportation network across the region and will likely begin this consultation in 2021. For these reasons, the PATC decided that there was insufficient

time available to conduct local consultations, and it would be prudent to participate in the Region's efforts to ensure consistency and to improve signage on roadways and trails.

This project is affordable, would require consultation with stakeholders but might be difficult to complete before December 31, 2020. It would be out of step with the signage standards and recommendations which the Region hopes to introduce next year.

### **Project #2: Paving the Steve Bauer Trail from Port Robinson Road to Line Avenue**

This project involves paving the Steve Bauer Trail from Port Robinson Road to the southern Pelham boundary.

The Steve Bauer Trail is heavily used in Pelham. This section is especially well used by pedestrians and cyclists, as it links to East Fonthill and the Meridian Community Centre. It also creates a better, safer route for those commuting to Niagara College, to work or for cyclists wishing to link to Welland's recreational trail system and the Greater Niagara Circle Route. A paved trail will not only support cyclists, but it will also provide better and safer access for pedestrians and residents using mobility devices.

This project is desirable and is requested frequently by cyclists, pedestrians, seniors and residents seeking an accessible trail in Pelham. It will provide good linkages to the MCC, to East Fonthill, to Niagara College and to Welland's paved trail system.

This project is affordable, would likely benefit the greatest number of residents and could be completed before December 31, 2020.

### **Project #3: Paving the Spur Line from Rice Road to Station Street**

This project involves constructing and paving an off-road commuter cycling trail that runs from Station Street to Rice Road and creates a link between Pelham and Thorold.

The City of Thorold is interested in completing its section of this off-road trail, which is much longer and requires considerable funding. The completion of the Fonthill/Thorold spur trail would mean that cyclists could travel to Brock University, to work or other destinations in Thorold or St. Catharines using a completely off-road trail.

This project is desirable and often requested by residents but is considerably more costly, could not be completed by December 31, 2020 and, therefore, not feasible in 2020.

### **Project #4: Canboro Road Cycling Improvements**

This project involves improving Canboro Road by means of bike route signs, road widenings, paved shoulders, removal of rumble strips, adding edgelines and sharrows. Canboro Road is a primary link between the villages of Fenwick and Fonthill, yet its

configuration is not conducive to cyclists. Widening the road, removing the rumble strips, paving the shoulders and creating sharrows will make this a better, safer commuter cycling route. The project requires extensive road work and simply removing the rumble strips will not improve the safety of the road for all road users.

The project is desirable and often requested by residents but is considerably more costly, could not be completed before December 31, 2020 and, therefore, not feasible in 2020.

**In Summary, the PATC is asking Council to:**

1. Please use the approved OMCC funds for one of the four options. Returning the funds would not be wise and may impact future grant opportunities for the Town of Pelham. It should also be noted that every opportunity for significant infrastructure funding, federal or provincial, requires municipalities to demonstrate their ongoing commitment to active transportation.
2. The PATC recommends the option to pave the Steve Bauer Trail from Port Robinson Road to Line Avenue. This option:
  - will provide better and safer route for cyclists and better access for other vulnerable road users. It will benefit more residents in the short term.
  - is affordable.
  - can be completed by December 31, 2020.
  - provides desirable linkages within the Town of Pelham and to other communities.

Thank you for your time and consideration.

## Appendix A:

### **Background/History of OMCC**

In 2017, the provincial government announced a significant multi-year funding opportunity which encouraged municipalities to improve cycling infrastructure, as part of the province's overall Cycle ON strategy. Municipalities were invited to submit proposals for multi-year funding (3 years), demonstrating that this funding would be used to improve commuter cycling routes and increase the safety of cyclists. The province indicated that only municipalities that secured year one funding would be allowed to access additional funding in years two and three.

The Town of Pelham submitted a number of projects, including cost estimates, as part of the three-year plan, recognizing that the Town would be responsible for 20% of the overall project costs. The proposed projects reflected the input received from hundreds of Pelham's residents through the PATC's community outreach efforts. The PATC supported all of the projects proposed in the submission to the province.

The projects proposed for this three-year plan included:

<b>Year</b>	<b>Project</b>	<b>Grant Requested</b>	<b>Town of Pelham</b>
<b>2017 (Year 1)</b>	Signage for bike routes, etc.	\$60,000	\$12,000
<b>2018 (Year 2)</b>	Paving Steve Bauer Trail from Port Robinson Rd to Line Ave	\$200,000	\$40,000
	Paving Spur line from Station St to Rice Road to link to Thorold trail	\$850,000	\$170,000
<b>2019 (Year 3)</b>	Canboro Rd cycling improvements including road widening, paved shoulders, removal of rumble strips, edge line and sharrows	\$1,407,000	\$281,400

The process was competitive and the Region of Niagara as well as five municipalities in Niagara were successful in securing funds for year one: Lincoln, Niagara Falls, Pelham, St. Catharines and Thorold. *Retrieved: Ontario Newsroom:*  
<https://news.ontario.ca/mto/en/2017/12/ontario-municipal-commuter-cycling-program-omcc-recipients.html>

On December 4, 2017, the Town of Pelham received approval for an initial \$60,000, to proceed with the year-one project "Signage".

In March 2018, the province sent notification that Pelham would receive \$75,500 with the Town required to contribute 20% to the overall cost of the project.

The Town of Pelham was also eligible to apply for a Safe Cycling Education grant. This was approved and the Town received \$7,500 for printed materials including the printing of the Cycling in Pelham map.

In June 2018, the OMCC program was subsequently cancelled by the newly elected provincial government.

In April 2019 the Town signed an amending agreement which allowed consideration of the four projects originally submitted in 2017. The grant of \$75,500 must be spent by December 31, 2020 on one of four projects identified in the original proposal and the Town is required to contribute to the project.

Given these circumstances, the PATC was asked to make a recommendation regarding which project should move forward recognizing the \$75,500 grant funding and the requirement that the Town contribute 20%.

At its June 18, 2019 meeting, the PATC passed the following motion:

*The PATC recommends that the OMCC funding be used, as originally intended to pave the section of the Steve Bauer Trail between Port Robinson Road and Quaker Road. Paving this section of the trail will provide a critical commuter cycling route within Pelham, and to destinations such as Niagara College and adjacent cycling routes in Welland. Paving this section will make the trail accessible for vulnerable road users including pedestrians, cyclists and those using assistive devices.*



6 July 2020

Mr. Marvin Junkin and Members of Council  
The Corporation of the Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S 1E0

Dear Mr. Mayor and Members of Council,

**Subject: CCC Recommendation to Approve the Final OPA and ZBA prepared by Meridian Planning Consultants (MPC) for Regulating Cannabis in the Town of Pelham**

It is with a deep sense of gratitude that I urge you to consider and approve the Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) that are before you, and which are strongly recommended by the Cannabis Control Committee (CCC).

I am grateful for:

1. More than a year of extensive effort by CCC members to conduct research, develop various planning approaches, consult with stakeholders including the cannabis industry, and receive expert advice which have informed the OPA/ZBA that are before you;
2. the support, hard work and encouragement by Town staff, the Mayor, and Councillors, including the financial support to retain MPC and Aird & Berlis to assist us;
3. the expert planning work carried out by MPC's Nick McDonald to produce the OPA/ZBA;
4. the detailed review by and collaboration with Niagara Region planners who are ready to exempt from Regional approval the OPA/ZBA that are before you;
5. the encouragement and legal support we have received from Aird & Berlis including their legal review of and support for the OPA/ZBA before you;
6. the more than 1,000 residents of Pelham who have encouraged and trusted us; and
7. the late Mike Ciolfi, our colleague and friend, whose concern for residents, integrity and passion motivated us all to step up, commit, and get the job done notwithstanding the challenges we might face, because it is the right thing to do for our Town.

We believe the OPA/ZBA before you are a triple win for the residents, our Town, and the cannabis industry as they provide clarity, fairness and good planning to mitigate the types of adverse effects that have been regularly experienced since the arrival of cannabis in our Town.

Respectfully,



---

Tim J. Nohara, Chair  
Cannabis Control Committee  
Town of Pelham

Cc: CCC Voting Members Carla Baxter, Louis Damm, Bill Heska, Jim Jeffs, John Langendoen, Jim Steele

July 6, 2020

Mr. Marvin Junkin and Members of Council  
The Corporation of the Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S 1E0

Dear Mr. Mayor and Members of Council:

**Subject: Final OPA and ZBA for Regulating Cannabis in the Town of Pelham**

As Council is aware, Council passed an Interim Control By-law (ICBL) 4046-2018 that applied to all lands within the municipality, except those that are under the Development Permit Control Area of the Niagara Escarpment Commission. The ICBL had the effect of restricting the use of all land within the municipality for any cannabis-related land uses for a period of one year. On September 23, 2019, the ICBL was extended to July 15, 2020. During this time, it was intended that the Town would develop an approach to regulating cannabis.

Following the passage of the ICBL, Town planning staff began conducting research on best practices to inform an approach to regulating cannabis in the Town with the intention of bringing forward amendments to the Official Plan and Zoning By-law to implement the recommended approach. In this regard and on September 10, 2019, a statutory Public Meeting was held to consider amendments to the Town's Official Plan and Zoning By-law prepared by the Town to regulate cannabis-related uses.

Following this, Town staff presented the Cannabis Land Use Report, dated February 2020 to Council on February 18, 2020. The covering Council Report indicated that the Cannabis Land Use Report served as the review and study of land use impacts and it recommended proposed policy changes and a regulatory framework for cannabis production and related



land uses in the context of the Town of Pelham.

In order to provide advice to the Town on this issue, Council formed an advisory committee known as the Cannabis Control Committee (CCC) to provide advice to Council, review options provided by the Town's Community Planning and Development staff and to conduct research. As part of their updates to Council, the CCC has prepared a number of Draft Recommendation Reports to Council. On March 23, 2020, the CCC presented a 3<sup>rd</sup> Draft Recommendation Report on Managing Cannabis Nuisances in the Town of Pelham (referred to hereinafter as the 'CCC Cannabis Report'). The CCC Cannabis Report covered similar topic areas as the Staff Cannabis Land Use Report, and included a review of regulatory considerations, public concerns and a brief overview of the planning context. Other sections in the CCC Cannabis Report also spoke to the Odorous Industries Nuisance By-law (adopted by Council on March 23, 2020), Noise Nuisance By-law (future by-law) and Light Nuisance By-law. The primary focus of the CCC Cannabis Report was on how the adverse effects of odour could be dealt with specifically.

In order to provide some additional expertise on developing an appropriate policy and regulatory framework, on January 13, 2020, the Town of Pelham retained my firm (Meridian Planning Consultants - MPC) to provide professional planning advice on the planning approach and planning instruments being proposed to regulate cannabis within the community. Since being retained, initial work carried out by MPC involved:

- Reviewing all available materials including the Staff Cannabis Land Use Report (which included a draft OPA and ZBA);
- Reviewing all available materials provided by the CCC and the Town;
- Reviewing other best practices;
- Meeting with the CCC on March 11, 2020 and then by phone on March 25, 2020; and,
- Preparing a draft report dated April 14, 2020 that incorporated elements of the Town's research and proposed approach along with a draft OPA and ZBA dated April 7, 2020 in consultation with the CCC.

The MPC OPA and ZBA dated April 7, 2020 were posted on the Town's website on April 17, 2020. In addition, notice was sent by email on April 16, 2020 to those who sent in comments on the previous drafts, spoke or signed a sign-in sheet at the public meeting as well as commenting agencies. The notice was also published in The Voice of Pelham on April 22,

2020. In total, notices were sent to 170 email addresses.

Following the release of the MPC OPA and ZBA, forty-four (44) comments from the public were received, and comments were received from the Niagara Escarpment Commission (NEC) and Niagara Region in addition to three letters from the industry. An overview of the MPC OPA and MPC ZBA dated April 7, 2020 along with a review of the comments received were reviewed in an Addendum Report dated June 22, 2020 (and revised on July 5, 2020).

In addition to carefully considering all of the comments received, three meetings with Niagara Region staff were held to discuss the MPC OPA in particular, with the product of these very fruitful discussions being a final version of the OPA that will be supported by the Region and exempted from their approval, as set out in their letter dated July 3, 2020 (discussed below). In the end, the Region is supportive of the Town's efforts to establish a planning process through the OPA to require proponents of new indoor cannabis and industrial hemp cultivation facilities to apply for and obtain a re-zoning before they can be established. As this was always in my opinion the end goal of this process, Regional support for this is very much welcomed.

In addition to reviewing the April 7, 2020 iteration of the MPC OPA and ZBA and reviewing the comments received, the Addendum Report also describes the rationale for all of changes made to the OPA and ZBA leading to the June 19, 2020 versions attached thereto. Final versions of each dated July 5, 2020 are now attached to this letter, with only very minor editorial changes made to the June 19, 2020 versions of the OPA and ZBA in response to additional comments submitted particularly by Aird & Berlis, who have been kept informed throughout the process, and in response to the comments in the Niagara Region letter dated July 3, 2020.

As noted in the final version of the OPA dated July 5, 2020, the purpose of the OPA is to establish permissions for indoor cannabis and industrial hemp cultivation in the agricultural area, subject to a zoning by-law amendment, and to establish the criteria to be relied upon when considering such applications. The OPA recognizes that as a consequence of the type of product being grown in these indoor facilities and the character of the odour, the potential for adverse effects from odour is significant and that as a first principle, the avoidance of adverse effects is preferred, however, if avoidance is not possible, adverse effects shall be minimized and appropriately mitigated.

The OPA also recognizes that the cultivation of cannabis is an agricultural use and is permitted in agricultural areas by the Provincial Policy Statement (2020), which indicates that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. However, in the absence of Provincial standards on the adverse effects of odour from indoor cannabis and industrial hemp cultivation facilities, the OPA also recognizes that there is a need to control the siting of such uses in relation to sensitive uses as a result of the known adverse effects from the cultivation of cannabis.

There is already a precedent for the establishment of setbacks from sensitive uses for odour reasons in agricultural areas in the form of the Minimum Distance Separation (MDS) guidelines established by the Province. However, the MDS guidelines do not apply to cannabis and in the absence of Provincial guidance on this matter, it is up to local municipalities to establish a policy framework to avoid adverse effects, and if avoidance is not possible, to minimize and mitigate adverse effects through setbacks for indoor cannabis and industrial hemp cultivation from sensitive uses.

In this regard, the purpose of the OPA is to do just that, by establishing the study requirements to determine whether the avoidance of adverse effects is possible and if not, how adverse effects can be minimized and appropriately mitigated through the use of setbacks and other measures on a case-by-case basis.

Given the known adverse effects from these facilities in the Town, it is my opinion as a Registered Professional Planner that the OPA is an appropriate response to community concerns about this type of use, represents good planning and is in the public interest. It is also my opinion that the OPA conforms with and is consistent with Provincial Plans and policies and conforms to the Niagara Region Official Plan. In this regard, Niagara Region agrees by virtue of exempting the OPA from their approval. It is therefore recommended that Council adopt the OPA dated July 5, 2020. It is noted that the OPA dated July 5, 2020 has been modified to respond to comments made in the Niagara Region letter dated July 3, 2020 (attached) and in this regard, the final recommended OPA:

- Clearly indicates that the outdoor cultivation of cannabis and industrial hemp is not subject to the OPA, as this is already permitted in the Town's agricultural area;

- No longer includes a requirement for an agricultural impact study to be completed in support of a future application (it is noted that the required Emission Summary and Dispersion Modelling (ESDM) report will continue to require that co-existence adverse effects associated with drift of cannabis emissions on existing farming operations in the area be reviewed);
- Includes an additional criterion to consider if a component of a proposed facility is an agricultural-related use; and
- Includes wording that indicates that a future OPA would not be required if a component of a proposed facility was an agricultural-related use (this was always the case, but it has now been clarified).

An implementing ZBA has also been prepared and is recommended for approval. The effect of the ZBA dated July 5, 2020 is to create two new zones that would only be applied in the future to new indoor cannabis and industrial hemp cultivation facilities, subject to Council approval in accordance with the process and criteria established by the OPA.

These new zones would not be applied to the two existing facilities meaning they would become legal non-conforming uses in accordance with the Planning Act (a third facility in the Niagara Escarpment Area would not be affected since it is not subject to the Town's Zoning By-law). In this regard, it is noted that Section E2 of the Pelham Official Plan provides some direction on non-conforming uses. In particular Section E2.2 indicates that the Committee of Adjustment may allow for extensions to a non-conforming use with consideration given to:

- The size of the extension in relation to the existing operation;
- Whether the proposed extension is compatible with the character of the surrounding area;
- The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be increased or decreased by the extension; and,
- The possibilities of reducing the nuisances through buffering, building setbacks, site plan control and other means to improve the existing situation, as well as minimizing the problems from extension.

The standards proposed for new indoor cannabis and industrial hemp cultivation facilities in the ZBA are appropriate for these types of facilities. Also included in the ZBA is a setback of

300 metres for outdoor cultivation from sensitive land uses, which is based on best practices and is also appropriate.

I would like to indicate that it has been a pleasure working collaboratively with the CCC, Town staff and the Region on the preparation of an OPA and ZBA that in my opinion strikes an appropriate balance between the desire to encourage and promote agricultural uses while ensuring that adverse effects are avoided.

Yours truly,

**MERIDIAN PLANNING CONSULTANTS**

A handwritten signature in black ink that reads "Nick McDonald".

Nick McDonald, RPP  
President

Enclosure: Niagara Region Letter dated July 3, 2020

**Planning and Development Services**

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

---

**Via Email Only**

July 3, 2020

File Nos.: D.10.06.OPA-20-0009  
D.18.06.ZA-20-0024

Ms. Shannon Larocque, MCIP, RPP  
Senior Planner  
Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S1E0

Dear Mr./Ms. Larocque:

**Re: Regional and Provincial Comments  
Revised Official Plan and Zoning By-law Amendment Applications  
Town Initiated Amendments for Cannabis Policies  
Town of Pelham  
Town File No.: OP-AM-01-19 and AM-07-19**

---

Regional Planning and Development Services staff received and reviewed information circulated for the Town initiated Official Plan and Zoning By-law Amendments with respect to cannabis production, including the original draft amendments, and provided initial comments by letter dated May 5, 2020.

The draft Official Plan Amendment (OPA) has been revised to address Regional comments, and was circulated by email on June 22, 2020. The revised draft OPA proposes to:

- Establish permission for “indoor cannabis and industrial hemp cultivation facilities” on lands designated Good General Agricultural, Specialty Agricultural and Industrial.
- Establish the requirement for a Zoning By-law Amendment to establish a new “cannabis and industrial hemp cultivation facility”;
- Add development criteria to be considered when revising Zoning By-law Amendment applications for “cannabis and industrial hemp cultivation facilities
- Add criteria to be considered when “value-added components” are included in the proposed use;
- Identify the studies that are required to support the establishment of these uses;

- Establish guidelines on what setbacks will be considered for these uses through a Zoning By-law Amendment, which can be increased or decreased based on the merits of an individual application;
- Including policy for consideration for proposals within the Niagara Escarpment Plan (NEP) area;
- Indicate that Site Plan Approval would also be required for such uses.

The draft Zoning By-law Amendment (ZBA) proposes to:

- Add definitions for “cannabis-related use” and “industrial hemp-related use”, both indoor and outdoor, as well as “sensitive land use”;
- Establish Agricultural-Cannabis (A-CAN) and General Industrial-Cannabis (M2-CAN) zones to permit indoor cannabis-related and industrial hemp-related uses, with a prohibition for a retail store as an accessory use and regulations for minimum setbacks, lot area, frontage and coverage requirements.
- Establish a minimum setback for outdoor cannabis-related and industrial-hemp related uses from a sensitive land use.

Regional staff provides the following comments regarding Provincial and Regional policy to assist the Town in finalizing the amendments before they go to Council.

## **Provincial and Regional Policies**

Provincial and Regional policies permit agricultural uses, agriculture-related uses and on-farm diversified uses within the Agricultural areas. The 2020 Provincial Policy Statement (PPS), 2019 Growth Plan for the Greater Golden Horseshoe (GPGGH), 2017 Greenbelt Plan (GP), 2017 Niagara Escarpment Plan (NEP) and Niagara Region Official Plan (ROP) all consider the growth and cultivation of crops (including cannabis) as well as associated on-farm buildings and structures to be an agricultural use, including value-retaining facilities. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices, including growth/cultivation of cannabis, shall be promoted and protected in accordance with provincial standards.

The Niagara Region Official Plan also sets out a number of objectives aimed at maintaining a sustainable agricultural industry. The Plan notes that a wide range of crops are important in maintaining the agricultural industry’s diversity. 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 diversity economic activity and add value to their primary products.

## **Official Plan Amendment**

The revised draft OPA (June 19, 2020) policies permit “indoor cannabis and industrial hemp cultivation” within the Good General Agricultural, Speciality Agricultural and Industrial designations of the Rural Area (i.e. outside the settlement areas). Regional staff understand from the Town’s planning consultant that outdoor cannabis cultivation is permitted as an agricultural use based on current OP policies; therefore, the OPA does not cover outdoor cannabis cultivation.

The PPS states that, in prime agricultural areas, permitted uses and activities are agricultural uses, agriculture-related uses and on-farm diversified uses. Provincial and Regional policies all consider the growth and cultivation of crops (including cannabis) as well as associated on-farm buildings and structures to be an agricultural use. Regional staff recommend against creating policies within the agricultural area that restrict and/or prohibit the types of crops that can be planted. Both Regional Council and the Region’s Agricultural Policy and Action Committee have been consistent with requests and comments to the Province that all commodity groups be treated equally. By creating policy sets that identify individual crop types, there can be implications that result in disadvantages to growers and operators within the agricultural sector.

Although the revised draft OPA is more in line with Provincial and Regional policy than previous drafts, Regional staff are still of the opinion that this amendment may disadvantage cannabis from other crop types and suggest the following minor modifications:

### **Outdoor Cultivation**

Regional staff understand that outdoor cultivation would currently be permitted based on existing Town OP policies. Regional staff discourage the prohibition of outdoor cultivation in the Prime Agricultural Area, which should permit all types and methods of agricultural uses and production to be consistent with Provincial and Regional policy. The consultant should ensure that current OP policies clearly permit outdoor growth/cultivation of cannabis or this amendment should be revised to include those policies.

### **Agricultural-Related/On-Farm Diversified**

The PPS states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) “Guidelines for Permitted Uses in Ontario’s Prime Agricultural Areas” (OMAFRA Guidelines) can be used by municipalities to assist in evaluating compatibility and appropriateness of agricultural uses. Cannabis processing may be considered an agriculture-related use, subject to meeting certain criteria. The revised draft OPA has removed the “processing” language from the additional permitted uses; however, criteria for “value-added components” is included in Policy B2.1.5.1(b) of the OPA. The draft should be revised



to permit these “value-added components” so that an Official Plan Amendment is not required to advance proposals that include processing. Furthermore, “value-added component” is not a defined term in the Town’s OP or in the OPA. To assist in implementing this policy, Regional staff suggest that the term “agricultural-related” or “secondary use”, which are both defined terms in the Town’s OP, be used instead of “value-added component”. Finally, one criteria for agriculture-related uses that is included in the Guidelines on Permitted Uses is missing from Policy B2.1.5.1(b), being that the use “shall be compatible with and shall not hinder surrounding agricultural operations”. Please add this to subsection (b).

Although Regional staff support the municipality’s ability to identify specific development criteria (such as odour and light mitigation systems, monitoring plans, setbacks from sensitive uses), Regional staff reiterate our position that these are most appropriately implemented through Zoning and Site Plan Control. With regard to the requirement for additional studies, the requirement for an Agricultural Impact Assessment is not appropriate for growth and cultivation, given cannabis is an agricultural use. This study should be removed from the list of required studies.

## **Zoning By-law Amendment**

Provided the above mentioned revisions to the draft OPA are addressed, Regional staff generally does not object to the Zoning By-law Amendment (ZBA).

Some consideration should be given to whether additional regulations/provisions should be included relative to the agriculture-related uses contemplated in the draft OPA.

Staff notes that some of the detailed policies included in the draft OPA (i.e. specific numbers or references to specific crops) would be more appropriately included in a ZBA. It is noted that the minimum setback to sensitive land uses (i.e. residential) is significantly different between the draft OPA and the draft ZBA.

## **Regional Approval**

In accordance with the *Planning Act* and Memorandum of Understanding, local Official Plan Amendments are generally subject to approval by Regional Council. The proposal may be exempt from Regional approval if Policy 14.E.7 of the ROP can be met.

Provided the comments relative outdoor cultivation and agricultural-related uses within the draft OPA are addressed, the OPA is exempt from Regional approval on the basis that a collaborative process has been undertaken between the Region and the Town and the majority of Regional comments relative to Provincial and Regional policy conformity have been addressed by the revised draft OPA. Regional staff would appreciate receiving a copy of the final draft considered by Town Council to confirm our position on exemption.

## Conclusion

The Region appreciates the opportunity to review and comment on the previous and current draft amendments. As outlined above, Provincial and Regional policies permit the growth and cultivation of cannabis as an agricultural use and the draft OPA generally complies with these policies provided the above mentioned comments are addressed. Provided the final comments are addressed in the OPA that advances to Town Council, the amendment can be exempt from Regional Council approval in accordance with Policy 14.E.7 of the Regional Official Plan and the Memorandum of Understanding. Please forward a copy of the final draft OPA prior to consideration by Town Council.

If you have any questions about these comments or wish to discuss them further, please contact me at 905-980-6000 ext. 3432 or by email at [Britney.fricke@niagararegion.ca](mailto:Britney.fricke@niagararegion.ca).

Kind regards,



Britney Fricke, MCIP, RPP  
Senior Development Planner

cc: Barb Wiens, MCIP, RPP, Director of Community Planning and Development,  
Town of Pelham  
Tim Nohara, Chair of Cannabis Control Committee, Town of Pelham  
Nick McDonald, RPP, Meridian Planning Consultants  
Diana Morreale, MCIP, RPP, Director of Development Approvals, Niagara  
Region  
Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region



# **Regulating Cannabis in the Town of Pelham**

Prepared for the Cannabis Control Committee

April 14, 2020

## TABLE OF CONTENTS

<b>1.0</b>	<b>Report Purpose .....</b>	<b>3</b>
<b>1.1</b>	<b>Draft Official Plan Amendment.....</b>	<b>3</b>
<b>1.2</b>	<b>Draft Zoning By-law Amendment .....</b>	<b>4</b>
<b>1.3</b>	<b>Report Outline.....</b>	<b>6</b>
<b>2.0</b>	<b>Background.....</b>	<b>7</b>
<b>3.0</b>	<b>Current Situation .....</b>	<b>10</b>
<b>3.1</b>	<b>Overview.....</b>	<b>10</b>
<b>3.2</b>	<b>Staff Cannabis Land Use Report.....</b>	<b>12</b>
<b>3.3</b>	<b>Cannabis Control Committee Cannabis Report .....</b>	<b>16</b>
<b>3.4</b>	<b>Approach Comparison .....</b>	<b>17</b>
<b>4.0</b>	<b>Policy Review.....</b>	<b>19</b>
<b>4.1</b>	<b>The Federal Cannabis Act and Regulations .....</b>	<b>19</b>
<b>4.2</b>	<b>Provincial Policy Statement 2020.....</b>	<b>22</b>
<b>4.3</b>	<b>Niagara Region Official Plan .....</b>	<b>31</b>
<b>4.4</b>	<b>Town of Pelham Official Plan.....</b>	<b>33</b>
<b>5.0</b>	<b>Conclusions.....</b>	<b>34</b>
<b>Appendix 1: Draft Official Plan Amendment</b>		
<b>Appendix 2: Draft Zoning By-law Amendment</b>		

## 1.0 REPORT PURPOSE

The purpose of this report is to discuss the background relied upon and the land use policies considered in developing draft Official Plan and Zoning By-law amendments dated April 7, 2020 that are intended to regulate cannabis-related uses and industrial hemp-related uses in the Town of Pelham.

These two draft amendments are attached as Appendix #1 and Appendix #2 to this report and are referred to as the Meridian Planning Consultants Official Plan Amendment ('MPC OPA') and Zoning By-law Amendment ('MPC ZBA') for the balance of this report.



### 1.1 DRAFT OFFICIAL PLAN AMENDMENT

The MPC OPA proposes to establish a Cannabis Overlay designation that applies to the Good General Agricultural designation and the Industrial designation as identified on Schedule A: Land Use Plan

of the Town of Pelham Official Plan.

For lands within the Cannabis Overlay, cannabis-related uses and industrial hemp-related uses (indoor and outdoor) would be permitted, subject to certain criteria being satisfied, including the establishment of appropriate setbacks to avoid, minimize and mitigate adverse effects.

In order to trigger the consideration of the criteria, the MPC OPA establishes the requirement for a Zoning By-law amendment to develop a new cannabis-related use or industrial hemp-related use. The MPC OPA also indicates that Site Plan Approval would also be required for such uses.

The Cannabis Overlay designation is not proposed to include lands that are designated Specialty Agricultural in the Town of Pelham Official Plan (Pelham OP) and which are subject to the Greenbelt Plan. The Cannabis Overlay will not apply in this designation primarily because of a combination of topography that is unique to the Greenbelt Plan and its relationship to odour concerns. In other words, the adverse effects from odour from cannabis-related uses and industrial hemp-related uses would be very difficult to avoid, minimize and mitigate as a consequence. This means that an Official Plan amendment would be required, in addition

to a Zoning By-law amendment, to permit these uses within the Specialty Agricultural designation.

The MPC OPA also identifies the studies that are required to support the establishment of a cannabis-related use or industrial hemp-related use to ensure that all potential adverse effects are studied in advance. In this regard, required studies include an Odour Emission and Dispersion Modelling Report, Contingency Odour Mitigation Plan, Light Mitigation Plan, Contingency Light Mitigation Plan, Agricultural Impact Assessment and Traffic Impact Study.

These studies would be in addition to all of the other required studies typically submitted as part of an application for re-zoning. The results of these studies are intended to establish the minimum setback from sensitive land uses to be included in the required site-specific Zoning By-law amendment and may establish a maximum facility size for the use, if it has been determined that the siting of the use can be supported. These studies will also establish minimum separation distances between cannabis-related uses and industrial hemp-related uses, as required.

The MPC OPA also sets out guidelines on what setbacks will be considered as a minimum if a cannabis-related use or an

industrial hemp-related use is proposed through a Zoning By-law amendment, when the aforementioned studies do not call for larger setbacks.

These setbacks are based on best practices and knowledge of the adverse effects currently experienced by residents in the Town. Given that these minimum setbacks are guidelines, they can be increased or decreased based on the merits of an individual application.

Given the known adverse effects experienced by residents of the Town, the MPC OPA lastly indicates that the expansion of existing cannabis-related uses will also require the submission of appropriate studies before they can be considered.

## **1.2 DRAFT ZONING BY-LAW AMENDMENT**

The MPC ZBA has been prepared to implement the MPC OPA. The MPC ZBA indicates that cannabis-related uses and industrial hemp-related uses will not be permitted as-of-right in any zone in the Town. This will ensure that a trigger exists to require the completion of the appropriate studies and the establishment of a setback that relates specifically to the use proposed.

The MPC ZBA establishes two new zones to be added into the Town's Zoning By-law. When a site-specific Zoning By-law amendment is proposed, one of these new zones would be applied, if the application can be supported.

The first zone is the Agricultural – Cannabis (A-CAN) zone. This zone would be applied through a site-specific Zoning By-law amendment to any cannabis-related use or industrial hemp-related use for lands that are within the Good General Agricultural designation in the Pelham OP.

The second zone is the General Industrial – Cannabis (M2-CAN) zone. This zone would also be applied through a site-specific Zoning By-law amendment to any cannabis-related use or industrial hemp-related use for lands that are within the Industrial designation in the Pelham OP.

The MPC ZBA also includes a set of new definitions for cannabis-related and industrial hemp-related uses and a definition of sensitive land use.

The definitions for cannabis-related use and industrial-hemp related use distinguish between indoor and outdoor activities that are authorized by the Cannabis Regulation and the Industrial Hemp Regulation, respectively, under the Cannabis Act.

The sensitive land use definition is the same definition that was included in the Odorous Industries Nuisance By-law 4202(2020) that was adopted by Town Council on March 23, 2020.

The MPC ZBA proposes to add the new Agricultural – Cannabis (A-CAN) zone as a subsection into the section of the Town's Zoning By-law that contains the existing Agricultural (A) Zone provisions.

In the Agricultural Cannabis (A-CAN) zone, the permitted uses include cannabis-related uses (indoor and outdoor) and industrial hemp-related uses (indoor and outdoor). Also included in this subsection are regulations that apply to the permitted uses. Some of the regulations mirror the regulations that currently apply in the Agricultural (A) zone.

However, the majority of the regulations are more restrictive than those that currently apply in the Agricultural (A) zone with these standards intended to minimize the impacts of these uses on adjacent land uses and on the broader community in terms of visual impact. These standards can be reviewed on a case-by-case basis through the review of an application for re-zoning to establish a cannabis-related or industrial hemp-related use.

The MPC ZBA also proposes to add the



new General Industrial – Cannabis (M2-CAN) zone as a subsection into the section of the Town’s Zoning By-law that contains the existing General Industrial (M2) Zone provisions.

In addition to the above, the MPC ZBA also establishes two exception zones in Sections 30-290 and 30-291 to the Town’s Zoning By-law, to address the large existing CannTrust and RedeCan operations in the Town.

These exceptions indicate that only the gross floor area that exists, respectively, on the date that the Zoning By-law amendment is passed is permitted. This effectively means that any expansion of either of the existing uses would require an approval under the Planning Act, with such an approval process requiring some form of public consultation.

It is noted that an exception is not proposed for the third existing cannabis operation as it is within the Niagara Escarpment Commission Development Control Area, as defined by Provincial Regulation, and is not subject to the Town’s Zoning By-law.

### 1.3 REPORT OUTLINE

It is noted that two other reports on regulating cannabis have already been

prepared, one by Town staff and the other by the Cannabis Control Committee.

Town staff presented the Cannabis Land Use Report, dated February 2020 to Council on February 18, 2020 (referred to hereinafter as the ‘Staff Cannabis Land Use Report’). The covering Council Report indicated that the Staff Cannabis Land Use Report serves as the review and study of land use impacts and recommends proposed policy changes and a regulatory framework for cannabis production and related land uses in the context of the Town of Pelham. In this regard, draft Official Plan and Zoning By-law amendments were attached.

Council formed an advisory committee known as the Cannabis Control Committee (CCC) to provide advice to Council, review options provided by the Town’s Community Planning and Development staff and to conduct research. As part of their updates to Council, the CCC has prepared a number of Draft Recommendation Reports to Council. On March 23, 2020, the CCC presented a 3<sup>rd</sup> Draft Recommendation Report on Managing Cannabis Nuisances in the Town of Pelham (referred to hereinafter as the ‘CCC Cannabis Report’). The CCC Cannabis Report covered similar topic areas as the Staff Cannabis Land Use Report, and included a review of regulatory



considerations, public concerns and a brief overview of the planning context. Other sections in the CCC Cannabis Report also spoke to the Odorous Industries Nuisance By-law (adopted by Council on March 23, 2020), Noise Nuisance By-law (future by-law) and Light Nuisance By-law (future by-law).

The primary focus of the CCC Cannabis Report was on how the adverse effects of odour could be dealt with specifically.

Given the above, a considerable amount of background on this planning issue already exists and for this reason, this report is intended to build upon and supplement the work already completed, with a particular focus on providing the supporting rationale for the MPC OPA and MPC ZBA.

On the basis of the above, below is a description of each of the remaining sections in this report.

**Section 2** provides a brief description of the process leading to the preparation of the MPC OPA and MPC ZBA.

**Section 3** provides a summary of the current situation and experiences of the community in the Town of Pelham and provides a summary of key elements of the Staff Cannabis Land Use Report and the

CCC Cannabis Report that were relied upon to prepare the MPC OPA and MPC ZBA.

**Section 4** reviews the Provincial, Regional and local land use policies that were considered in preparing the amendments.

**Section 5** provides a summary of the approach to regulating cannabis-related and industrial-hemp related uses.

## 2.0 BACKGROUND

On October 15, 2018, the Council for the Town of Pelham (Town) passed an Interim Control By-law (ICBL) 4046-2018 that applied to all lands within the municipality, except those that are under the Development Permit Control Area of the Niagara Escarpment Commission. In this regard, the ICBL restricted the following on any land within the Interim Control Area:

*Notwithstanding any other by-law to the contrary, no person shall within the Interim Control Area:*

- (a) Use any land, building or structure for any commercial or industrial cannabis purpose whatsoever, except for a use that lawfully existed on the date of passage of this By-law as long as it continues to be used for such purpose; or*
- (b) Be permitted to construct, alter or expand any building or structure for*

*any commercial or industrial cannabis purpose whatsoever, save and except where such construction, alteration or expansion is a continuation of a lawful use in existence on the date of passage of this By-law.*

The ICBL had the effect of restricting the use of all land within the municipality for any cannabis-related land uses for a period of one year. On September 23, 2019, the ICBL was extended to July 15, 2020. During this time, it was intended that the municipality would develop an approach to regulating cannabis.

Following the passage of the ICBL, Town planning staff began conducting research on best practices to inform an approach to regulating cannabis in the Town with the intention of bringing forward amendments to the Official Plan and Zoning By-law to implement the recommended approach.

On September 10, 2019, a statutory Public Meeting was held to consider amendments to the Town's Official Plan and Zoning By-law prepared by the Town to regulate cannabis-related uses. In addition, the following draft by-laws were presented as part of a comprehensive approach to regulating cannabis and particularly, the adverse effects from cannabis-related uses:

- A draft amended Fence By-law;
- A draft Fortification By-law;
- A draft Cannabis Nuisance By-law; and,
- A draft Odour By-law.

It was noted in the statutory Public Meeting staff report that Council had also previously made changes to the Site Plan Control By-law and was in the process of updating the Development Charges By-law that would also require development charge fees for future cannabis facilities.

As mentioned in the previous section, Council formed an advisory committee known as the Cannabis Control Committee (CCC) to provide advice to Council, review options provided by the Town's Community Planning and Development staff and to conduct research. The purpose of the CCC is as follows:

*The Town of Pelham Cannabis Control Committee shall be an advisory committee providing advice to Council on opportunities to mitigate against adverse land use impacts of cannabis production facilities and cannabis related uses in the Town.*

The CCC was charged with the following objectives:

*This Cannabis Control Committee is an*

*advisory committee that provides advice on strategies to mitigate against adverse land use impacts from cannabis production facilities including, but not limited to:*

- *Odour impacts*
- *Light impacts*
- *Traffic and parking impacts*
- *Impacts on adjacent agricultural lands and properties*
- *Stormwater management*
- *Safety, health and environmental concerns*
- *Other nuisances and loss of enjoyment*
- *Financial costs to the community*

*The Cannabis Control Committee will review options provided by staff and conduct research related to best practices of other jurisdictions to address these land use impacts and will assist with the development of appropriate land use policies, regulations and procedures for better managing the impacts of cannabis producers in the Town of Pelham.*

On January 13, 2020, the Town of Pelham retained Meridian Planning Consultants (MPC) to provide professional planning advice on the planning approach and planning instruments being proposed to regulate cannabis within the community. Since being retained, MPC:

- Reviewed all available materials including the Staff Cannabis Land Use Report (which included a draft OPA and ZBA);
- Reviewed all available materials provided by the CCC and the Town;
- Reviewed other best practices;
- Met with the CCC on March 11, 2020 and then met by phone on March 25, 2020; and,
- Prepared the MPC OPA and MPC ZBA in consultation with the CCC that is attached to this report.

It is anticipated that the MPC OPA and MPC ZBA will be circulated for public and agency comments in the spring of 2020 before being finalized. As a result of this circulation and the consideration of comments made through that process, changes may be made to the MPC OPA and MPC ZBA. If changes are made, it is anticipated that an addendum report would be prepared that provides the rationale for any changes made.

## 3.0 CURRENT SITUATION

### 3.1 OVERVIEW

There are currently three indoor cannabis operations that exist within the Town of Pelham. The two largest facilities are the RedeCan facility on Foss Road, which has an approximate floor area of 37,191 m<sup>2</sup> and the CannTrust facility on Balfour Road, which has an approximate floor area of 72,581 m<sup>2</sup>.



CannTrust Facility on Balfour Road (Source: Google)

At the time the above-mentioned operations were established, the Town's Official Plan and Zoning By-law were silent on cannabis; meaning that the uses were considered agricultural uses and permitted as such.

Because of this, and since the licence was granted at the Federal government level,

no public consultation was required.



RedeCan Facility on Foss Road under construction  
(Source: St. Catharines Standard)

As mentioned in the previous section, Town staff prepared the Staff Cannabis Land Use Report and the CCC prepared a separate CCC Cannabis Report. Both reports indicated that odours from the existing cannabis production facilities have been a consistent and recurring problem in the Town of Pelham. In addition, the Staff Cannabis Land Use Report indicated that:

*The intensity and distance of odours are greatly influenced by weather, wind conditions and also dependent on the number and type of plants, stage of growth, odour mitigation technology and building construction. The potential for odour impacts also varies significantly depending on the activities taking place. For example, a facility for propagation of cannabis plants would not be associated with significant odours while a facility that is growing plants to the flowering stage*

*and doing processing has the potential for significant odour impacts*

In addition to the above, the following was stated in the Staff Cannabis Land Use Report:

*The experience in the Town of Pelham has been that the most common odour control technologies employed by the cannabis production facilities are not effective or not consistently effective which has resulted in negative impacts to residents. Cannabis production is a new and evolving industry and a number of odour control technologies are still being tested or are being applied to cannabis for the first time. Further some of the odour control technologies being employed, such as the use of masking agents, are also offensive to sensitive uses. The technology does exist to predict odours, model the areas impacted and test odour mitigation technologies. This work is commonly done in industrial applications.*

The CCC Cannabis Report also documented the concerns raised by residents within the Town, dating back to the summer of 2018. The CCC Cannabis Report included the following summary list of concerns raised by residents of the area and these included:

- *Loss of precious specialty crop*

*agricultural lands;*

- *Skyglow causing severe light pollution;*
- *Skunk-like odour;*
- *Heavy traffic and noise disrupting their quiet country streets and neighbourhoods; and,*
- *Industrial-like facilities disrupting their picturesque country streets and neighbourhoods.*



Ventilation equipment on east side of CannTrust Facility  
(Source: Google)

Both of the reports acknowledged the unique context of the Town of Pelham. In this regard, the Town is known for its rolling topography and the presence of the Fonthill Kame and Niagara Escarpment. In turn, these features form the highest elevation in Niagara Region in a manner that influences the climate by providing a buffer from southwesterly winds. As a result, these features create a scenario that is favourable for growing of crops like tender fruit.

It is for this reason that the northern two-



thirds of the Town are subject to the Greenbelt Plan and identified as part of the Niagara Peninsula Tender Fruit and Grape Area by the Greenbelt Plan.

The Staff Cannabis Land Use Report also elaborated on the phenomenon of cold-air-runoff winds that occur when air comes in contact with the land, cools, flows and pools into lower areas. In this regard, it was noted in the report that this has a direct impact on the concentration of odours in the area as it is influenced by topography.

In addition to the above, the Staff Cannabis Land Use Report also noted that the majority of the agricultural properties in the Town are less than 40 hectares in size. Given that the majority of the agricultural properties are also the site of a dwelling, that means that there are a number sensitive receptors in the agricultural areas.

In this regard, a sensitive receptor is a residential use, school, day care, park, church, campground and community centre. The Staff Cannabis Land Use Report indicated that there are approximately 1,674 sensitive receptors in the agricultural area.

### 3.2 STAFF CANNABIS LAND USE REPORT

On February 18, 2020, Town staff presented the Staff Cannabis Land Use Report to Council.



The Staff Cannabis Land Use Report included a review of the existing regulatory framework that applies to cannabis uses. Included in this section of the Staff Cannabis Land Use Report was an overview of the Federal and Provincial permissions and requirements, personal recreational production, personal medication production, commercial licenses for cannabis and industrial hemp licenses.

The Staff Cannabis Land Use Report also provided a review of the planning policy

framework that focused on the impact of these uses on the rural agricultural area in the Town of Pelham. The following legislation was also reviewed in the report: Planning Act, Provincial Policy Statement 2014, Greenbelt Plan 2017, Niagara Escarpment Plan 2017, the Growth Plan for the Greater Golden Horseshoe 2019, the Niagara Region Official Plan 2014 and the Farming and Food Production Protection Act 1998.

In addition to the above, the Staff Cannabis Land Use Report included a municipal best practices review of 12 municipalities in Ontario and one municipality in the Province of British Columbia that had zoning provisions that apply to cannabis production. The best practices review included an overview of which zones permitted cannabis uses, identified the setbacks that apply and any other relevant provisions.

The Staff Cannabis Land Use Report also included a detailed review of the land use impacts that were considered as it related to land use compatibility. In order to deal with these impacts it was recommended that the outdoor storage, growing and production of cannabis not be permitted as-of-right as a consequence and that a site-specific Zoning By-law amendment and Site Plan Control be required for new outdoor cannabis operations. In addition,

it was recommended that a 150-metre setback from sensitive uses be established for greenhouses in the Zoning By-law as well; however, new greenhouses would not require a re-zoning if they met the standards set out in the Zoning By-law.

Below is a summary of the land use impacts reviewed in the Staff Cannabis Land Use Report and the recommendation that were developed to address them.

1. **Odour and Air Quality:** The Staff Cannabis Land Use Report noted that this is the most common land use impact being experienced in the Town and recommended that a minimum setback of 150 metres for new greenhouses from sensitive receptors be applied.
2. **Supplemental Lighting:** The Staff Cannabis Land Use Report indicated that light pollution has been a major land use impact associated with cannabis production in greenhouses. The concerns with light pollution range from a negative impact to residents enjoyment of their property in the evenings and impacts to outdoor crops. The report recommended that light mitigation systems be installed and operated to reduce off-property impacts and that a light control,

maintenance, monitoring and contingency plan be prepared where supplemental lighting is proposed.

3. **Noise:** The Staff Cannabis Land Use Report stated that cannabis cultivation activities are not generally associated with significant noise impacts, however the facilities are using natural gas generators as a primary source of power for greenhouses that has a negative impact to nearby sensitive receptors. The report recommended that a minimum setback of 150 metres for greenhouses from sensitive receptors be applied and the requirement for a noise study be determined on a case-by-case basis.
4. **Traffic:** The Staff Cannabis Land Use Report noted that cannabis production facilities have the potential to generate significant traffic depending on the type of operation, number of employees, shifts, deliveries and shipments. It was further acknowledged that the Town has received complaints that rural roads are not able to accommodate the volume of traffic associated with existing operations. The report therefore recommended that a traffic study be required as part of a complete application and that Site Plan Control

also be required.

5. **Groundwater:** The Staff Cannabis Land Use Report indicated that cannabis production facilities are generally significant water users, as water is needed for irrigation of plants, cleaning and disinfecting, processing activities and for employee use. The areas where cannabis production is permitted under current planning policies are not serviced, which means that the water supply comes from sources such as wells, ponds or cisterns. With this in mind, the report recommended that a servicing report, waste management report and Site Plan Control be required under the complete application requirements currently contained in Section E3.1 of the Official Plan.
6. **Property Value:** The Staff Cannabis Land Use Report also reviewed complaints from residents that property values were being negatively impacted by the location of cannabis production facilities. In this regard, the report referenced recent reports from REMAX and the Municipal Property Assessment Corporation (MPAC) that did not show this impact. However, the report noted that a number of recommendations have been made to



deal with land use compatibility between sensitive land uses and cannabis production facilities to address negative impacts.

7. **Agricultural Land:** The Staff Cannabis Land Use Report referenced concerns that have been raised about the loss of high quality lands to the construction of large greenhouses for cannabis production. The report recognized, from a planning perspective, that the cannabis production and processing is permitted in agricultural areas.

8. **Environmental:** The Staff Cannabis Land Use Report referenced concerns regarding the impacts on environmental or natural heritage features from the development of cannabis production facilities. The report indicated that the recommended approach to require Site Plan approval at the very least for new facilities would allow for environmental impacts to also be considered on a case-by-case basis.

9. **Changing Character in the Rural Agricultural Area:** The Staff Cannabis Land Use Report also referenced concerns about the impact of cannabis production facilities on the existing rural character. In addition to the

proposed 150 metre setback from sensitive receptors, the report also recommended the establishment of a minimum 5 metre landscaped buffer between all lots that permit or contain a sensitive land use and any required security fencing or required parking.

To summarize the proposed changes to the planning framework, the Staff Cannabis Land Use Report recommended that Official Plan policies be created to:

- Require the submission of an Odour Emission Summary, Dispersion Modelling and Mitigation Report that demonstrates no adverse effects on sensitive receptors;
- Require the submission of Odour Control, Maintenance, Monitoring and Contingency Plans;
- Address value-added agricultural uses (cannabis processing) in conformance with the Provincial Policy Statement and Niagara Region Official Plan;
- Require installation and operation of light mitigation systems that reduce off-property impacts; and,
- Require Site Plan Control.

The report also noted that other studies included in Section E.3.1 of the Town's Official Plan enable the Town to request

other studies that address noise, traffic, private servicing, waste management, groundwater and environmental impacts.

### 3.3 CANNABIS CONTROL COMMITTEE CANNABIS REPORT

The primary focus of the CCC Cannabis Report was on how the adverse effects of odour could be dealt with specifically. In this regard, the CCC relied upon the expertise of a local odour expert (Mr. Phil Girard, P.Eng) to provide knowledge on how odour problems can be predicted and the types of studies that could be completed to determine how odour can be mitigated. On this basis, Mr. Girard indicated that:

- *Odour can be quantitatively measured so that it can be managed. The “type” of smell is irrelevant.*
- *Ambient programs can be used to evaluate ongoing compliance.*
- *Industry is already required to prepare Emission Summary and Dispersion Modelling reports that demonstrate compliance with provincial limits.*
- *If a complaint arises, industry is required to develop an abatement plan.*
- *There are MECP protocols for contaminant reporting, odour sampling, analysis and modelling. The Town does*

*not have to re-invent the wheel.*

In addition to the above, it was noted in the CCC Cannabis Report that Pelham’s rolling hills geography and microclimates could cause odour to disperse along unexpected paths in comparison to other flat geographies where odour dispersion prediction is more accurate. In this regard, the rolling hills in the northern two-thirds of the Town are particularly susceptible to the adverse effects from odour.

On the basis of the above, it was recommended that an Emission Summary and Dispersion Modelling Report be prepared in accordance with the Ministry Guidelines.

The Ministry Guidelines are contained within the “Methodology for Modelling Assessment of Contaminants with 10-Minute Average Standards and Guidelines”, Sept 2016, which describes the modelling methodology used in predicting the worst-case odour levels to be expected from a facility. In this regard, the CCC Cannabis Report recommended that this methodology be used as the basis for preparing the Odour Emission Summary and Dispersion Modelling Report.

In addition to the above, a Contingency Odour Plan was also recommended at the

time that an application is made for a Zoning By-law amendment. The purpose of this plan would be to consider additional air filtration systems or other mitigation measures that could be relied upon in the event of future complaints.

### 3.4 APPROACH COMPARISON

While the CCC Cannabis Report did not include recommendations on Official Plan and zoning by-law changes, the CCC made a number of recommendations on policy approaches, with some of those approaches captured in the MPC OPA and MPC ZBA that are the subject of this report.

In this regard, below is a brief overview of the similarities and differences in the draft Official Plan and Zoning By-law amendments prepared by the Town (Town OPA and Town ZBA) and MPC:

1. The Town OPA requires a re-zoning for outdoor cannabis-related uses and industrial hemp-related uses in the Good General Agricultural and Specialty Agricultural designations. The MPC OPA requires both an Official Plan Amendment and re-zoning for outdoor cannabis-related uses in the Specialty Agricultural designation and a re-zoning only in the Good General Agricultural and Industrial designations.
2. The Town OPA and ZBA effectively permit cannabis greenhouses in the Good General Agricultural and Specialty Agricultural designations, subject to meeting a 150-metre setback from sensitive uses (or greater - setback discussed below). The MPC OPA requires both an Official Plan Amendment and re-zoning for indoor cannabis-related uses and industrial hemp-related uses in the Specialty Agricultural designation and a re-zoning only in the Good General Agricultural and Industrial designations.
3. The Town ZBA includes a 150-metre setback for a cannabis greenhouse from a sensitive land use, with that setback potentially being greater based on the recommendations of an odour impact analysis. The MPC ZBA does not include such a setback because a setback for this type of use cannot be established in advance, since the context of every application

is different. Instead, it is proposed in the MPC OPA to establish setback guidelines based on the recommendations made by the CCC and require a re-zoning, through which an appropriate setback would be determined. In this regard, the recommended minimum setback guideline for sensitive uses is 300 to 500 metres, which can be higher or lower depending on future study.

4. While the Town OPA does list the studies that would be required to support a future application, the MPC OPA spells out the requirements in much more detail. In addition, the MPC OPA adds an agricultural impact assessment and a traffic impact study to the requirements and clearly indicates that the known impacts from existing cannabis-related uses be factored into the odour analysis component.
5. The Town ZBA includes a 500-metre separation distance between cannabis greenhouses. The MPC OPA establishes a number of different separation distances based on the nature of the use that range from 500 metres to 4,000 metres for larger operations. In addition, the MPC OPA provides additional direction on how

the setback is to be measured.

6. The Town ZBA also proposed to reduce the permitted lot coverage for all greenhouses to 30% instead of 60% and to 40% instead of 70% for greenhouses that were developed in conjunction with a permitted use. The MPC ZBA reduces the lot coverage for cannabis greenhouses only to 30% since it would not be appropriate as part of a process that reviews the impacts of cannabis to make a substantial change to a standard affecting uses that are not related to cannabis in any way.
7. The MPC OPA also includes policies that require consideration of whether any cannabis-related use or industrial-hemp related use other than cultivation is an agriculture-related use as per the Provincial Policy Statement using guidelines prepared by the Province. The Town OPA does not contain such a policy requirement.

As a general comment, the inclusion of a setback in the zoning by-law as suggested in the Staff Cannabis Land Use Report is not supported since it is very likely that the setback would be too low, based on the experience of the CCC and local residents. In addition, the Town ZBA indicates that

the setback could be higher based on the submission of an odour study. In this regard, it is the opinion of MPC that a zoning by-law cannot include a standard that is subjective and open to interpretation.

## 4.0 POLICY REVIEW

The purpose of this section of the report is to provide an overview of the legislation and land use policies that were considered by MPC to support the MPC OPA and MPC ZBA.

### 4.1 THE FEDERAL CANNABIS ACT AND REGULATIONS

On April 13, 2017, the Government of Canada introduced Bill C-45 (the Cannabis Act) in the House of Commons. Based in large part on the advice provided by the Task Force on Cannabis Legalization and Regulation, the Cannabis Act created the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession.

Following parliamentary review, the Cannabis Act received royal assent on June 21, 2018 and it became law on October 17, 2018.

As set out in section 7 of the Cannabis Act, the purpose of the Cannabis Act is to protect public health and public safety and in particular to:

- *Protect the health of young persons by restricting their access to cannabis;*
- *Protect young persons and others from inducements to use cannabis;*
- *Provide for the legal production of cannabis to reduce illegal activities in relation to cannabis;*
- *Deter illegal activities in relation to cannabis through appropriate sanctions and enforcement measures;*
- *Reduce the burden on the criminal justice system in relation to cannabis;*
- *Provide access to a quality-controlled supply of cannabis; and,*
- *Enhance public awareness of the health risks associated with cannabis use.*

In order to achieve the above, the Cannabis Act:

- *Creates a general control framework for cannabis by establishing a series of criminal prohibitions, while providing for exceptions or authorizations to permit persons to engage in otherwise prohibited activities;*
- *Provides for the oversight and licensing of a legal cannabis supply chain;*

- *Provides for licences and that will set parameters for the operation of a legal cannabis industry;*
- *Indicates that Federal and Provincial/territorial governments will share responsibility for the oversight and licensing of the cannabis supply chain and that the federal Minister of Health will be responsible for licensing, among other activities, the production of cannabis (cultivation and processing), while Provincial and territorial governments can authorize the distribution and retail sale of cannabis in their respective jurisdictions; and,*
- *Establishes national standards to protect public health and safety through the creation of a number of legal requirements that are intended to protect against the public health and public safety risks associated with cannabis.*

The Federal Cannabis Act and Regulation SOR-2018-144 ('the Cannabis Regulation') came into effect in 2018 to legalize recreational cannabis production. There are six classes of licenses related to the production of cannabis and related activities.

In addition to the above, the Industrial Hemp Regulation SOR-2018-145 ('the Industrial Hemp Regulation') also came

into effect in October 2018. The Industrial Hemp Regulation applies to low-THC cannabis for industrial use that is grown under controlled circumstances. There is one type of license related to the production of industrial hemp and related activities.

It does not appear as if there is any requirement for local municipal support before a licence is issued. In this regard, the Regulation only appears to require an applicant to provide written notice to municipalities and others as per Section 7(1) of the Regulation reproduced below:

*Before submitting an application to the Minister for a licence for cultivation, a licence for processing or a licence for sale that authorizes the possession of cannabis, the person that intends to submit the application must provide a written notice to the following authorities in the area in which the site referred to in the application is located:*

- The local government;*
- The local fire authority; and*
- The local police force or the Royal Canadian Mounted Police detachment that is responsible for providing policing services to that area.*

In addition to the above, licence holders



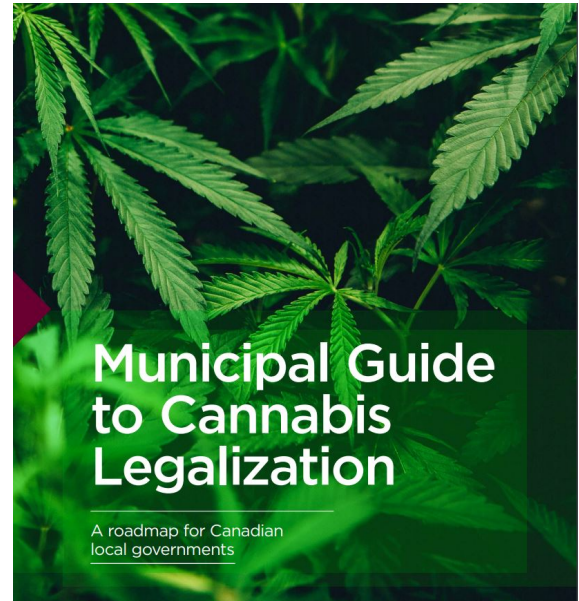
are also required to notify the local government when a new licence has been issued as per Section 35(1) of the Regulation as set out below:

*A holder of a licence for cultivation, a licence for processing or a licence for sale that authorizes the possession of cannabis must, within 30 days after the issuance, amendment, suspension, reinstatement or revocation of the licence, provide a written notice to the local authorities referred to in paragraphs 7(1)(a) to (c) in the area in which the site set out in the licence is located and provide a copy of the notice to the Minister.*

In the spring of 2018, the Federation of Canadian Municipalities (FCM) released the 'Municipal Guide to Cannabis Regulation' ('FCM Guide'). In this regard, the Guide indicates the following:

*If a business obtains a federal licence under the Cannabis Act, it will not mean that the company will not be subject to provincial/territorial or local government regulations dealing with land use management. Locally, this constitutional arrangement can provide municipalities with the authority to prohibit particular land uses. We recommend that municipalities consult their individual provincial/territorial enabling land use laws for specific direction. But generally, there is*

*no obligation for municipalities to permit cannabis cultivation in specific areas.*



Notwithstanding the above need to consult 'provincial land use laws', the FCM Guide indicates the following:

*Local governments are entitled to interpret enabling legislation broadly enough to address emerging issues and respond effectively to community objectives. However, they cannot extend its scope beyond what the wording of the legislation can reasonably bear. Some enabling legislation across Canada may allow local governments to deal with particular uses on a "conditional use" or "direct control" basis, which might be particularly appropriate in the case of new land use activities (such as those associated with cannabis) whose impacts are not well-*

*understood at the outset.*

It should be noted that 'conditional use' and 'direct control' are not components of Ontario's land use planning regime. In any event, the FCM Guide concludes the following:

*None of the land use activities that are expected to result from the legalization of cannabis are likely to diverge from the existing enabling legislation and interpretations noted above. The land use activities contemplated relative to the Cannabis Act are similar to activities associated with other consumable commodities such as food, beverages and tobacco.*

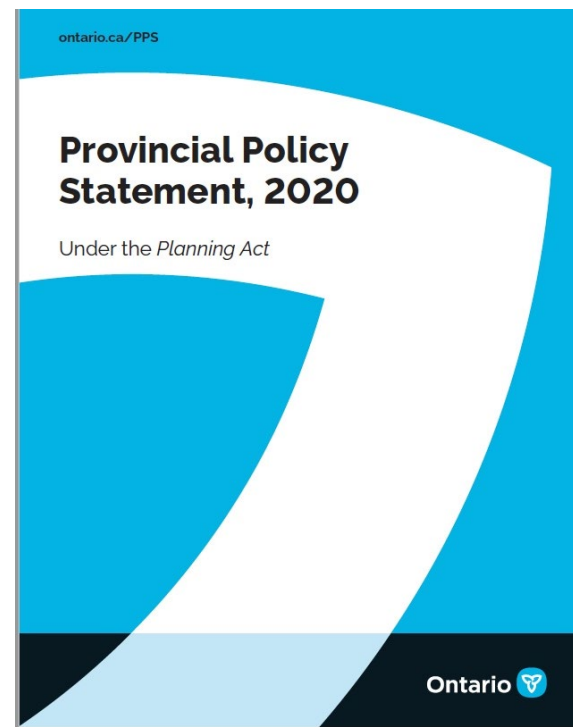
As a consequence of the above, and in the absence of other countervailing views on the matter, it is the opinion of MPC that a local municipality can regulate cannabis-related land uses much like any other land use.

This means that while there is no municipal role in the licensing process, there would still be a requirement for licence holders to comply with local zoning controls. Since local zoning controls should be based on a policy framework in an Official Plan, this means that Official Plan policies can also be enacted to control the location of the use.

## 4.2 PROVINCIAL POLICY STATEMENT 2020

The purpose of this section is to review the relevant policies in the Provincial Policy Statement that were considered in preparing the MPC OPA and MPC ZBA.

It is noted that a new Provincial Policy Statement (PPS 2020) comes into effect on May 1, 2020. In this regard, the policies contained in the PPS 2020 are reflected within this section.



### 4.2.1 Cannabis Cultivation

The MPC OPA and MPC ZBA recognize cannabis cultivation as an agricultural use. It is recognized that the Town OPA and ZBA



also do the same.

The PPS 2020 includes the following definition of 'agricultural use':

***Agricultural Use:** means 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 2020 does not make any distinctions between the types of crops that are grown, as long as whatever is produced is harvestable, which means that the cultivation of cannabis would be an agricultural use, whether that cultivation occurs indoors or outdoors.

#### **4.2.2 Classification of Agricultural Lands in Pelham**

The PPS 2020 divides the Province into two general land use categories with one being urban 'settlement areas' and the second being 'rural area', with rural areas including rural settlement areas, rural lands, prime agricultural areas, natural

heritage features and areas and resource areas. Rural lands and prime agricultural areas are considered to be mutually exclusive, with rural lands not encompassing prime agricultural areas. Within the prime agricultural area, there exists another category - specialty crop area, where specialty crops are predominantly grown, such as tender fruits, grapes, other fruit crops, vegetable crops, greenhouse crops and crops from agriculturally developed organic soil are grown.

In the Town of Pelham, lands not within rural settlement areas and which are not subject to the Niagara Escarpment Plan are designated by the Pelham Official Plan as Specialty Agricultural (which are considered to be specialty crop areas and identified as the Niagara Peninsula Tender Fruit and Grape Area by the Greenbelt Plan) and Good General Agricultural (which is considered to be a prime agricultural area). Other lands are designated for environmental protection purposes.

Section 2.3.1 of the PPS 2020 states the following with respect to the use of land in prime agricultural areas:

***Prime agricultural areas shall be protected for long-term use for agriculture.***

The above means that prime agricultural areas shall be protected for long term use for all forms of agriculture, including the cultivation of cannabis. Section 2.3.3.2 of the PPS 2020 then states the following, which recognizes the primacy of agriculture in prime agricultural areas:

*In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*

The above means that all types, sizes and intensities of agricultural uses are permitted, and there is no distinction made in this policy on whether the crop is grown indoors or outdoors.

The MPC OPA also recognizes that the cultivation of cannabis or industrial hemp, indoors or outdoors, is an agricultural use. However, the MPC OPA requires that cannabis or industrial hemp cultivation be subject to review through a Planning Act process to ensure that the known adverse effects of cannabis or industrial hemp cultivation are assessed before the use is established.

#### **4.2.1 Land Use Compatibility**

Section 1.2.6.1 of the PPS 2020 addresses major facilities and sensitive land uses and it reads as follows:

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

The three definitions in Section 1.2.6.1 are below:

**Major facilities:** *means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.*

**Sensitive land uses:** *means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care*

*centres, and educational and health facilities.*

***Adverse effects:*** *as defined in the Environmental Protection Act, means one or more of:*

- a) Impairment of the quality of the natural environment for any use that can be made of it;*
- b) Injury or damage to property or plant or animal life;*
- c) Harm or material discomfort to any person;*
- d) An adverse effect on the health of any person;*
- e) Impairment of the safety of any person;*
- f) Rendering any property or plant or animal life unfit for human use;*
- g) Loss of enjoyment of normal use of property; and*
- h) Interference with normal conduct of business.*

Based on the definitions above, a cannabis-related use would be considered a 'major facility'; since any 'facility' that may require separation from sensitive land uses would be considered a 'major facility' according to the definition of such.

While it is recognized that cannabis and industrial hemp cultivation is an

agricultural use, this does not mean that it cannot also be a major facility, particularly if there are known and well-documented adverse effects, as is the case in the Town of Pelham. In addition, the definition of a major facility in the PPS 2020 does not limit what a major facility is to the examples provided in the definition. Lastly, the definition does contemplate the inclusion of land uses and activities that are not carried out in a building, by including such examples as marine facilities and resource extraction activities.

The range of uses that would be considered sensitive as per the definition of 'sensitive use' in the PPS 2020 is extensive since any building, amenity area or outdoor space is sensitive if routine or normal activities occurring at reasonably expected times would experience adverse effects.

The focus of Section 1.2.6.1 of the PPS 2020 is on the adverse effects that may be experienced by a sensitive land use. Based on the definition of 'sensitive' in the PPS 2020, any use where people reside or gather, such as residential uses, schools, day care centres, educational and health facilities and other similar uses would be sensitive uses.

In addition to the above, the Ministry of Environment's (MOE) D-series guidelines

were also reviewed in detail. The D-Series guidelines assist decision makers when dealing with sensitive land uses and were designed to inform the preparation of Official Plan policies and the making of Planning Act decisions in cases where a proposed use is potentially incompatible with an existing use.

Section 3.1 of Guideline D-1 of the D-series guidelines establishes the preferred approach to dealing with adverse effects and indicates that various buffers may be used to prevent or minimize adverse effects. However, the following is clearly indicated:

*Distance is often the only effective buffer, however, and therefore adequate separation distance, based on a facility's influence area, is the preferred method of mitigating adverse effects.*

In our opinion, this means that the only effective way of 'preventing' adverse effects between a major facility and a sensitive use, in accordance with Section 1.2.6.1 of the PPS 2020, is through separation.

The following is then indicated in Section 3.2 of Guideline D-1:

*The separation distance should be sufficient to permit the functioning of the*

*two incompatible land uses without an adverse effect occurring.*

Again, this supports the principle that separation is the only effective way to prevent adverse effects in accordance with Section 1.2.6.1 of the PPS 2020.

The MPC OPA recognizes the above by requiring that a zoning by-law amendment be applied for to determine the appropriate setback for a new use on a case-by-case basis. In determining the appropriateness of the use, the supporting studies identified by the MPC OPA are appropriate and reasonable in the circumstance, given the known adverse effects experienced by residents in the Town at the present time.

#### **4.2.2 Agriculture-Related Uses**

The MPC OPA also includes a policy that requires the consideration of a number of criteria to determine whether a use related to cannabis cultivation is an agriculture-related use, which is also permitted by the PPS 2020 in prime agricultural areas. However these uses must be carefully planned so that they are compatible with agricultural uses as per Section 2.3.3.1 of the PPS 2020:

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding*

*agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.*

The definition of agricultural-related use in the PPS 2020 is below:

***Agriculture-Related Uses:*** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

The processing of cannabis (along with testing and research) could be considered an agriculture-related use under the PPS 2020 in prime agricultural areas, including specialty crop areas. For a use to be considered as agriculture-related, it must be a farm related commercial use and/or a farm related industrial use that satisfies all of the criteria below:

- Is directly related to farm operations in the area;
- Supports agriculture;
- Benefits from being in close proximity to farm operations; and,

- Provides direct products and/or services to farm operations as a primary activity.

In 2016, the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) published the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (OMAFRA Guidelines). The intent of the OMAFRA guidelines is described as follows:

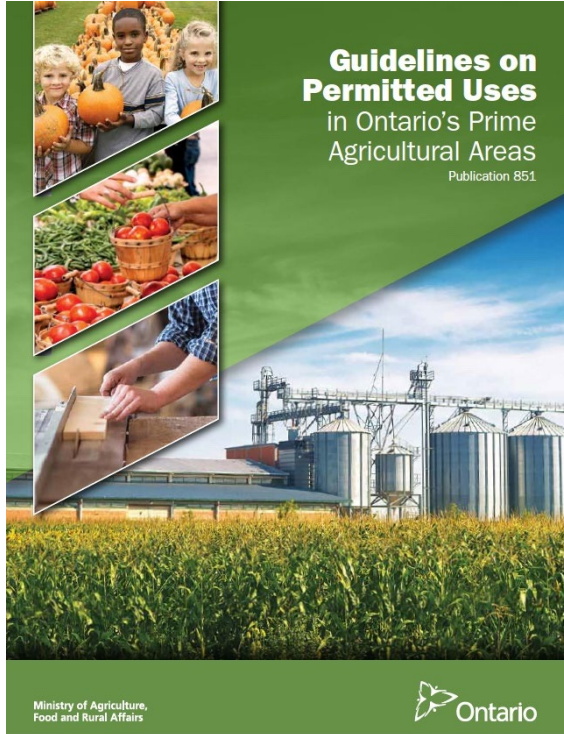
*The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas will help municipalities; decision-makers, farmers and others interpret the policies in the Provincial Policy Statement, 2014 (PPS) on the uses that are permitted in prime agricultural areas. It comprises the provincial guidelines referred to in Policy 2.3.3.1 of the PPS.*

Section 1.1 of the OMAFRA Guidelines also states that:

*These guidelines are meant to complement, be consistent with and explain the intent of the PPS policies and definitions. Where specific parameters are proposed, they represent best practices rather than specific standards that must be met in every case.*

Section 2.2 of the OMAFRA Guidelines indicates that agriculture-related uses may

be located on farms or on separate agriculture-related commercial or industrial properties.



With respect to farm-related commercial uses, Section 2.2.1.1 of the OMAFRA Guidelines specify the following:

*Farm-related commercial uses may include uses such as retailing of agriculture-related products (e.g. farm supply co-ops, farmers' markets and retailers of value-added products like wine or cider made from produce grown in the area), livestock assembly yards and farm equipment repair shops if they meet all the criteria for the category of agriculture-related use.*

It is noted that the 'criteria' referenced above is from Table 1 of the OMAFRA Guidelines and are similar to the four parts of the definition of agriculture-related use in the PPS.

In addition to the above, the OMAFRA Guidelines provide other examples of agriculture-related uses as well and they are:

- *Apple storage and distribution centre serving apple farm operations in the area;*
- *Agricultural research centre;*
- *Farmers' market primarily selling products grown in the area;*
- *Winery using grapes grown in the area;*
- *Livestock assembly yard or stock yard serving farm operating in the area;*
- *Processing of produce grown in the area (e.g., cider-making, cherry pitting, canning, quick-freezing, packing);*
- *Abattoir processing and selling meat from animals raised in the area;*
- *Grain dryer farm operations in the area;*
- *Flour mill for grain grown in the area;*
- *Farm equipment repair shop;*
- *Auction for produce grown in the area; and,*
- *Farm input supplier (e.g., feed, seeds,*



*fertilizer (serving farm operations in the area).*

Based on the examples above, cannabis processing could be considered an agriculture-related use subject to the other criteria being satisfied. On this basis, the MPC OPA refers to these criteria and the Provincial guidelines and requires that they be satisfied when a cannabis-related use or industrial hemp-related use not involving cultivation is proposed.

Below is a brief discussion of these criteria.

In this regard, the **first criterion** to consider is whether the farm-related commercial and/or farm-related industrial use is directly related to farm operations in the area.

Section 2.2.1.3 of the OMAFRA Guidelines provide some guidance on what this means:

*Agriculture-related uses must be directly related to farms in the area, primarily providing products or services that are associated with required by or that enhance agricultural operations in the area. Directly related to means that the use should reflect the type of agricultural production in the area.*

Again there are three parts to the above,

which means that for a use to be an agriculture-related use in this context and to satisfy this criterion, it must be directly related to farms in the area and primarily provide products or services that are:

- *Associated with agricultural operations in the area; or*
- *Required by agricultural operations in the area; or*
- *Enhance agricultural operations in the area.*

It is then further indicated that the agriculture-related use should reflect the type of agricultural production in the area. The PPS 2020 and the OMAFRA Guidelines use the words 'in the area'.

Given the expectation that cannabis cultivation and cannabis processing would typically occur on one property, it is not clear how 'in the area' would be interpreted in this case.

However, it is noted that a winery is provided as an example and it is possible in some circumstances for all of the grapes to be sourced from the same property. As a consequence, there is no express prohibition in the OMAFRA Guidelines on the processing of cannabis on the same property as the cultivation of cannabis.

Notwithstanding the above, the OMAFRA Guidelines do support agriculture-related uses on separate properties in any event.

The **second criterion** to consider is whether the farm related commercial use and/or a farm related industrial use supports agriculture. This criterion does not seem to have any qualification according to the OMAFRA Guidelines and since the processing of cannabis would support the growing of cannabis, it could be argued that it supports agriculture.

The **third criterion** to consider is whether the farm related commercial use and/or a farm related industrial use benefits from being in close proximity to farm operations.

Section 2.2.1.6 of the OMAFRA Guidelines state the following:

*To meet this criterion, agriculture-related uses must benefit from or need to be located near the farm operations they serve.*

Processing at the cultivation site is a more sustainable practice as going from crop to finished product on the same site limits transportation needs and reduces waste. This practice would also be economically beneficial for the cultivator, who would then sell directly to the dispenser.

The **fourth criterion** to consider is whether the farm related commercial use and/or a farm related industrial use provides direct products and/or services to farm operations as a primary activity.

Section 2.2.1.5 of the OMAFRA Guidelines indicate the following:

*Direct products and/or services refers to uses that serve an agricultural need or create an opportunity for agriculture at any stage of the supply chain (e.g., value-added food and beverage processing and distribution or retail of agricultural commodities grown in the area).*

Cannabis processing would add value to the product grown on the same site and would therefore satisfy this criterion.

The PPS 2020 also permits on-farm diversified uses in the Prime Agricultural Area and defines such uses as follows:

*Means 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.*

In order for a use to be considered an on-farm diversified use, it would have to be



both secondary to the principal use of the property and be limited in area.

Section 2.3.1 of the OMAFRA Guidelines indicate that on-farm diversified uses must be located on a farm property that is actively used.

In the case of a cannabis processing use that is located on a property where the cannabis is cultivated, such a use would be on the same property and it would clearly be secondary, because of its limited scale in relation to the cultivated area.

This would also apply to the other types of licences and activities, particularly those that deal with testing and research, again provided cannabis was being cultivated on the same property.

#### 4.3 NIAGARA REGION OFFICIAL PLAN

The Region of Niagara Official Plan (Niagara OP) applies to all lands within the Town of Pelham.

In terms of the importance of agriculture in Niagara Region, the introductory section of Section 5 of the Niagara OP states the following:

*With a unique combination of deep sandy soils and favourable microclimates,*

*Niagara's tender fruitlands are Provincially and Nationally significant. The Region also has large areas of good general agricultural lands which are suitable for the production of field crops and for livestock operations.*

*The agri-food industry in Niagara is diversified. Farmers produce a variety of crops including greenhouse flowers, fruit, vegetables, livestock and field crops. Wineries, distilleries, fruit and vegetable processors, dairies and meat packing firms process these crops adding value to their production.*

*The policies in this Plan give the unique agricultural lands (Good Grape and Good Tender Fruit Areas) the highest priority for preservation. The good general agricultural lands have the next priority for preservation. While not unique, these lands are suitable for the production of a wide range of crops and therefore are important in maintaining the agricultural industry's diversity.*

The Niagara OP includes a number of objectives in Section 5.A for agricultural and rural areas in the Region. These objectives support the preservation of agricultural land, support uses that enable farming and encourage a wide range of farm diversification. One of these objectives deals with land use conflicts as

per below:

*Objective 5.A.5 - To provide an efficient and orderly pattern of land uses in the Agricultural and Rural Areas, which lessens land use conflicts, which requires a minimum of municipal services and conserves natural resources.*

The MPC OPA is designed to achieve the above objective by requiring new cannabis-related uses and industrial-hemp related uses to carry out a number of supporting studies that consider the potential adverse effects of the use, before the use is established. Given the nature of the adverse effects currently experienced in the Town, this is much more preferable than attempting to address adverse effects after the fact.

Another objective deals with farm diversification as per below:

*Objective 5.A.8 - To encourage a wide range of farm diversification uses in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to profitable and economically sustainable agriculture.*

The Niagara OP defines farm diversification as follows:

*Farm Diversification means a range of uses*

*that are designed to expand the range of economic opportunities available to farmers and is a generic reference to value added, agriculturally related and secondary agricultural uses that may not be directly related to the agricultural activity conducted on the farm property.*

On the basis of the above definition, farm diversification uses could be considered agriculture-related uses or on-farm diversified uses as per the PPS 2020. The MPC OPA also permits farm diversification in the form of cannabis-related uses that occur in conjunction with or accessory to cannabis cultivation, provided the use is appropriate for the area, as per the Niagara OP objective above.

In terms of what is permitted in prime agricultural areas, Section 5.B.6 of the Niagara OP indicates that the predominant use of land will be for *agriculture of all types, including livestock operations as well as associated value retention uses.*

The above policy is consistent with the PPS 2020.

Section 5.B.20 of the Niagara OP also indicates that local municipalities should define and categorize farm diversification uses and provide performance criteria and that uses that have potential to generate off site impacts will be evaluated and

assessed for compatibility with the principal agricultural operation and surrounding agricultural lands through a rezoning process that will also impose controls to mitigate the impacts.

Section 5.B.21 lists the following criteria to be considered when identifying whether or not diversification activities should be permitted in the Zoning By-law:

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural Area;*
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;*
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;*
- d) Whether the scale of the activity is appropriate to the site and the farming operation;*
- e) Whether the use is consistent with and maintains the character of the agricultural area;*
- f) The use does not generate potentially conflicting off-site impacts;*
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage*

*treatment systems;*

- h) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;*
- i) The use complies with all other applicable provisions of the Regional Official Plan.*

The policies in the MPC OPA on agriculture-related uses are consistent with the above requirements and refer to a Provincial guidance document on the issue.

#### **4.4 TOWN OF PELHAM OFFICIAL PLAN**

The Town of Pelham Official Plan 2014 (Pelham OP) applies to all lands within the Town of Pelham. Section A4.2 of the Pelham OP includes six rural area designations. Below is a review of the Good General Agricultural, Specialty Agricultural and Industrial designations.

The Good General Agricultural designation is generally applied to lands that are considered to be the prime agricultural area, as identified in the Niagara OP. Section B2.1.1 of the Pelham OP indicates that the purpose of this designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture.

Section B2.1.2 of the Pelham OP states that the principal permitted use within the Good General Agricultural designation shall be agriculture. There are also a number of other permitted uses that are considered to be agricultural-related and/or secondary uses on the basis that such uses assist in retaining or adding to agricultural products and commodities or promote agri-tourism.

Sections B2.1.3.12 and B2.2.8 of the Pelham OP also establish policies that apply to greenhouses and hoopouses, which are considered to be an agricultural use. However, the policy goes on to indicate that in the interest of ensuring compatibility, a Zoning By-law Amendment is required for greenhouses or hoopouses when:

- The lot area is less than 3 hectares; or
- The total lot coverage is greater than 30%; or,
- A retail component is proposed as an accessory use to the greenhouse or hoopouse
- Greater than 10,000 litres of water per day will be required.

Notwithstanding the above, the Town's Zoning By-law 1136 (1987) permits a lot coverage as of right in the Agricultural Zone of 60% for the greenhouse only and 70% if the greenhouse is constructed in

conjunction with any other permitted use. As a result, the current by-law does not appear to conform to the Official Plan.

The MPC ZBA proposes to reduce the lot coverage for greenhouses used for cannabis only to 30%, which would be in accordance with the Official Plan. However, the MPC OPA also requires a re-zoning to permit a cannabis greenhouse as well, for reasons already discussed.

## 5.0 CONCLUSIONS

As mentioned at the outset of this Report, the Town retained MPC to provide professional planning advice on the planning approach and planning instruments being proposed to regulate cannabis within the community. On this basis, MPC completed a review of the policy considerations to regulate cannabis uses, considered the current situation being experienced in the Town of Pelham, including adverse effects and reviewed the Staff Cannabis Land Use Report and the CCC Cannabis Report.

The Town of Pelham's unique topography and the presence of the Niagara escarpment influence climate in the area and this has a direct impact on the concentration of odour in the area. On this basis, Staff and the CCC have spent a

considerable effort in their respective background work and as documented in their respective Reports on articulating the impacts of adverse effects of existing cannabis operations that are being experienced throughout the Town.

On the basis of the above, MPC has prepared, in conjunction with the CCC, draft amendments to the Town's current planning framework to regulate cannabis related-uses and industrial hemp-related uses. In this regard, the MPC OPA sets out the studies required to assess potential adverse effects associated with the uses and establishes minimum setback guidelines to be considered in conjunction with the findings of the required studies. The MPC OPA also requires a site-specific zoning by-law amendment when a cannabis-related use or industrial-hemp related use is proposed. The MPC ZBA implements this approach by defining the use and then not permitting the use in any zone, therefore triggering the need for a re-zoning.

These policies are not intended to prohibit these uses, which for the most part are considered to be agricultural uses. Instead, the policies establish a path that can be followed by an applicant wishing to develop a cannabis-related or industrial hemp-related use in the Town, with this path based on the current experience in

the Town with respect to adverse effects.

**On the basis of the above, it is MPC's professional planning opinion that the MPC OPA and MPC ZBA are consistent with the PPS 2020 and conform to the Niagara Region Official Plan and represent good planning.**



**AMENDMENT NO. XX**  
**TO THE OFFICIAL PLAN (2014)**  
**FOR THE**  
**CORPORATION FOR THE TOWN OF PELHAM**

## **CONTENTS**

### **PART “A” – THE PREAMBLE**

Section 1: Title and Components

Section 2: Purpose of this Amendment

Section 3: Location of the Amendment

Section 4: Basis of the Amendment

### **PART “B” – THE AMENDMENT**

Introductory Statement

Details of the Amendment

## **PART “A” – THE PREAMBLE**

### **SECTION 1 – TITLE AND COMPONENTS**

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. \_\_\_\_\_ to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this Amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. \_\_\_\_\_ to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

### **SECTION 2 – PURPOSE OF THIS AMENDMENT**

The purpose of the Official Plan Amendment is to establish policies in the Town of Pelham Official Plan to control the location of cannabis-related uses and industrial hemp-related uses and set out the factors to be considered when establishing these uses in the Town.

### **SECTION 3 – LOCATION OF THE AMENDMENT**

The lands that are subject to this Amendment are those that are in the Good General Agricultural Area and the Industrial Area designations as identified on Schedule A: Town of Pelham Land Use Plan.

### **SECTION 4 – BASIS OF THE AMENDMENT**

On April 13, 2017, the Government of Canada introduced Bill C-45 (the Cannabis Act) in the House of Commons. Based in large part on the advice provided by the Task Force on Cannabis Legalization and Regulation, the Cannabis Act created the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession. Following parliamentary review, the



Cannabis Act received royal assent on June 21, 2018 and it became law on October 17, 2018.

The Federal Cannabis Regulation SOR-2018-144 and the Industrial Hemp Regulation also came into effect on October 17, 2018. These two Regulations are part of a series of regulations that are intended to implement the Cannabis Act.

The indoor cultivation and processing of cannabis is anticipated to occur within greenhouse or industrial type buildings that can be larger than other similar buildings used for other purposes. As a consequence of the type of product being grown and processed in indoor facilities and the sizes of these facilities, the potential for adverse effects primarily from odour is significant. In this regard, it is anticipated that new indoor cannabis-related uses and industrial hemp-related uses will be required to be set back a significant distance from sensitive uses and from each other to mitigate against potential adverse effects. Setbacks are also required for outdoor cultivation as well, based on best practices.

The need for setbacks for cannabis-related uses and industrial hemp-related uses from other uses is consistent with Section 1.2.6.1 of the Provincial Policy Statement (2020), which states the following:

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

By virtue of the use of the word 'shall' in the above policy, this requirement to avoid any potential adverse effects is mandatory. A cannabis-related use and an industrial hemp-related use is considered to be a major facility as defined by the Provincial Policy Statement (2020) since any use, including a use that is carried out outdoors, which may require separation from sensitive land uses is considered to be a major facility.

Given the above, this Amendment does the following:

1. This Amendment establishes a Cannabis Overlay designation that applies to the Good General Agricultural designation and the Industrial designation as identified on Schedule A: Land Use Plan of the Town of Pelham Official Plan.

For lands within the Cannabis Overlay, cannabis-related uses and industrial hemp-related uses (indoor and outdoor) are permitted, subject to certain criteria being satisfied, including the establishment of appropriate setbacks to avoid, minimize and mitigate adverse effects. In order to trigger the consideration of the criteria, this Amendment establishes the requirement for a zoning by-law amendment to establish a new cannabis-related use or industrial hemp-related use. This Amendment also indicates that Site Plan Approval would also be required for such uses.

The Cannabis Overlay designation does not include lands that are designated Specialty Agricultural in the Town of Pelham Official Plan and which are subject to the Greenbelt Plan. The Cannabis Overlay will not apply in this designation primarily because of a combination of topography that is unique to the Greenbelt Plan and its relationship to odour concerns. In other words, the adverse effects from odour from cannabis-related uses and industrial hemp-related uses would be very difficult to avoid, minimize and mitigate as a consequence. This means that an Official Plan Amendment would be required, in addition to a zoning by-law amendment, to permit these uses within the Specialty Agricultural designation.

2. This Amendment also identifies the studies that are required to support the establishment of a cannabis-related use or industrial hemp-related use to ensure that all potential adverse effects are studied in advance.

In this regard, required studies include an Odour Emission and Dispersion Modelling Report, Contingency Odour Mitigation Plan, Light Mitigation Plan, Contingency Light Mitigation Plan, Agricultural Impact Assessment and Traffic Impact Study. These studies would be in addition to all other required studies typically submitted as part of an application for re-zoning. The results of these studies are intended to establish the minimum setback from sensitive land uses to be included in the required site-specific zoning by-law amendment and may establish a maximum facility size for the use, if

it has been determined that the siting of the use can be supported. These studies will also establish minimum separation distances between cannabis-related uses and industrial hemp-related uses, as required.

3. This Amendment also sets out guidelines on what setbacks will be considered as a minimum if a cannabis-related use or an industrial hemp-related use is proposed through a zoning by-law amendment. These setbacks are based on best practices and knowledge of the adverse effects currently experienced by residents in the Town. Given that these setbacks are guidelines, they can be increased or decreased based on the merits of an individual application.

A supporting zoning by-law amendment has been prepared to implement this Amendment. The zoning by-law amendment indicates that cannabis-related uses and industrial hemp-related uses will not be permitted as-of-right in any zone in the Town. This will ensure that a trigger exists to require the completion of the appropriate studies and the establishment of a setback that relates specifically to the use proposed.

## **PART B – THE AMENDMENT**

All of this Part of the document entitled Part B - The Amendment consisting of the following text and schedule constitutes Amendment No. \_\_\_\_ to the Official Plan of the Town of Pelham.

### **Details of the Amendment**

The Town of Pelham Official Plan is hereby amended as follows:

1. That Section A4.2 – (Town Structure and Land Use - Rural Area Designations), be amended to include a new Section A4.2.7 – Cannabis Overlay as follows:

#### **A4.2.7 Cannabis Overlay**

Lands within the *Cannabis Overlay* apply to areas where cannabis-related uses and industrial hemp-related uses may be considered subject to meeting appropriate criteria and setback requirements.

2. That Section B2 – (Rural Area Designations), be amended by including a new Section B2.7 – Cannabis Overlay as follows:

#### **B2.7 Cannabis Overlay**

##### **B2.7.1 Purpose**

The purpose of the *Cannabis Overlay* is to establish an area in the Town where new cannabis-related uses and industrial hemp-related uses are directed, while ensuring compatibility with other land uses. For the purposes of this section, a cannabis-related use is any use that is authorized in accordance with Federal Cannabis Regulation SOR-2018-144 and an industrial hemp-related use is any use that is authorized in accordance with Federal Industrial Hemp Regulation SOR-2018-145. The policies in this section do not apply to the retail sale of cannabis.

### **B2.7.2 Location**

The *Cannabis Overlay* applies to all lands designated as *Good General Agricultural* and *Industrial* on Schedule A of this Plan. As an overlay designation, the policies of this Section are supplementary to those of the underlying land use designation and where there is a conflict between the policies of this Section and Sections B2.1 and B2.3, this Section shall prevail to the extent of any conflict.

### **B2.7.3 Permitted Uses**

Uses permitted in the *Cannabis Overlay* designation are those cannabis-related uses that are authorized by the Federal Cannabis Regulation SOR-2018-144 or Federal Industrial Hemp Regulation SOR-2018-145 subject to Sections B2.7.4 to B2.7.7 of this Plan.

Notwithstanding the above, outdoor cannabis cultivation that is authorized by the Federal Cannabis Regulation SOR-2018-144 or Federal Industrial Hemp Regulation SOR-2018-145 is not permitted within the *Industrial* designation.

### **B2.7.4 General Policies**

- a) One or more of the cannabis-related uses that are authorized by the Federal Cannabis Regulation SOR-2018-144 and industrial hemp-related uses authorized by the Federal Industrial Hemp Regulation SOR-2018-145 may be permitted subject to the passage of an amendment to the implementing zoning by-law and will, if approved through such a process, be subject to Site Plan Control in accordance with Section E1.4 of this Plan. Prior to considering the approval of a zoning by-law amendment, Council shall be satisfied that:
  - i) The proposed use will not have a negative impact on the enjoyment and privacy of residential properties in the area;
  - ii) The proposed use can be designed and sited to blend in with surrounding land uses such that the agricultural and rural character of the area is maintained, and where necessary the proposed use can be appropriately setback from sensitive uses;

- iii) The proposed use will not have a negative impact on agricultural uses in the general area and will not have an impact on normal farm practices as demonstrated by the required studies in Section B2.7.5 of this Plan;
  - iv) The impact of the noise, dust, odour, light and traffic generated by the proposed use on sensitive land uses in the area can be appropriately mitigated, as demonstrated by the required studies identified in Section B2.7.5 of this Plan;
  - v) There will be no negative impact on the quality and quantity of groundwater and surface water as a result of the taking of water and the generation of effluent;
  - vi) Adequate parking facilities are available on the lot for the proposed use;
  - vii) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
  - viii) Stormwater management needs can be met on site;
  - ix) The signage advertising the use is to be designed and located in accordance with the Town's sign by-law;
  - x) The waste generated from the use can be appropriately managed; and,
  - xi) The proposed setback, as determined by the required studies in Section B2.7.5 of this Plan, from sensitive land uses in the area is appropriate to avoid any adverse effects.
- b) In addition to sub-section a), it must be demonstrated that any proposed cannabis-related use or industrial hemp related use other than cultivation satisfies all of the criteria below:
  - i) Is directly related to farm operations in the area;

- ii) Supports agriculture;
- iii) Benefits from being in close proximity to farm operations; and,
- iv) Provides direct products and/or services to farm operations as a primary activity.

In considering the above, regard shall be given to the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas prepared by the Ontario Ministry of Agriculture Food and Rural Affairs in 2016.

### **B2.7.5 Specific Required Studies**

The studies listed in this Section shall be required to satisfy the study requirements of Section B2.7.4 a) iii), iv) and xi) of this Plan and peer reviews of these studies may be carried out by the municipality at no cost to the municipality. The studies listed in this section would be in addition to any of the other studies required by Section E3 of this Plan.

- a) Odour Emission and Dispersion Modelling Report
  - i) At no cost to the municipality, the proponent of the proposed cannabis-related use or industrial hemp-related use will submit a Odour Emission and Dispersion Modelling Report that is prepared by a Licensed Engineering Practitioner.
  - ii) The Odour Emission and Dispersion Modelling Report shall include a detailed odour inventory and mitigation plan fully describing the proposed air filtration systems and other mitigation measures as well as off-property odour impact predictions that take into account known impacts from other cannabis-related uses and industrial hemp-related uses in the area.
  - iii) In addition to sub-section i) above, the Odour Emission Summary and Dispersion Modelling Report must demonstrate that the proposed cannabis-related use or industrial hemp-related use achieves a standard of compliance and that two odour units will only be exceeded at any given sensitive use up



to 0.5% of the time on an annual basis as per the MECP Technical Bulletin 'Methodology for Modeling Assessment of Contaminants with 10-Minute Standards and Guidelines, September 2016'.

- iv) The Odour Emission Summary and Dispersion Modelling Report must consider co-existence adverse effects associated with drift of cannabis emissions on existing farming operations in the area and provide recommendations on an appropriate greenspace separation distance to ensure that spray drift is minimized.
- v) If the proposed cannabis-related use or industrial hemp-related use is determined not to be in compliance with sub-sections ii) and iii) additional mitigation measures must be provided.
- vi) In addition to sub-section i), the proponent of the proposed use will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems or other mitigation measures for use in the event of substantiated future complaints.

b) Light Mitigation Plan

- i) At no cost to the municipality, the proponent of the proposed cannabis-related use or industrial hemp-related use will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that fully describes the proposed light mitigation measures and demonstrates that the proposed use will not cause light pollution, including sky glow or light trespass, onto neighbouring properties.
- ii) In addition to sub-section i), the proponent of the proposed cannabis-related use or industrial hemp-related use will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints.

c) Agricultural Impact Assessment

- i) At no cost to the municipality, the proponent of the proposed cannabis-related use or industrial hemp-related use will submit an Agricultural Impact Assessment, to the satisfaction of the Town and/or the Region, that demonstrates that the proposed use will not have a negative impact on agricultural uses in the area and is compatible with normal farm practices.

d) Traffic Impact Study

- i) At no cost to the municipality, the proponent of the proposed cannabis-related use or industrial hemp-related use will submit a Traffic Impact Study, to the satisfaction of the Town and/or the Region, that demonstrates that the proposed use will not cause any traffic hazards or an unacceptable level of congestion on roads in the area.

#### **B2.7.6 Scope of Required Studies**

In recognition of the varying types and scales of cannabis-related uses or industrial hemp-related uses that may be applied for, the Town will identify the scope of the additional supporting information needed at the required pre-consultation meeting in accordance with Section E3.1 of this Plan.

#### **B2.7.7 Need for Setbacks**

- a) In recognition of the known adverse effects of odour, setbacks from uses that are considered to be sensitive will be required for any new cannabis-related use or industrial hemp-related use in the Town. In this regard, the following setback guidelines will be applied and considered when an application for a new cannabis-related use or industrial hemp-related use is proposed:
  - i) Minimum setback to the lot line of a sensitive land use - 300 to 500 metres.
  - ii) Minimum separation distance between separate indoor cannabis standard cultivation and/or standard processing

facilities and/or indoor industrial hemp facilities from each other - 4,000 metres.

- iii) Minimum separation distance between separate indoor cannabis standard cultivation and/or standard processing facilities and/or indoor industrial hemp facilities from indoor micro processing/micro cultivation facilities - 3,000 metres.
  - iv) Minimum separation distance between separate indoor cannabis micro cultivation/micro processing facilities from indoor cannabis micro/processing/micro cultivation facilities - 2,000 metres.
  - v) Minimum setback between separate outdoor cannabis cultivation operations and between outdoor cannabis or industrial hemp cultivation with any indoor cannabis-related use or industrial hemp use - 500 metres
- b) The setback guidelines established in sub-section a) will be considered during the review of an application, in conjunction with the recommendations from the completion of the required studies in Section B2.7.5, to establish the setback for a cannabis-related use or industrial hemp-related use and can be lower or higher, depending on:
- i) Size and scale of the proposed cannabis-related or industrial hemp-related use;
  - ii) Proximity and number of residential uses in the area;
  - iii) Location of the proposed cannabis-related use or industrial hemp-related use in relation to prevailing winds;
  - iv) The nature of the adverse effects that exist at the time in relation to existing cannabis-related uses; and,
  - v) The impact of topography on the dispersion of odour.
- c) It is intended that the setbacks referenced in sub-section a) be from lot line to lot line. However, different approaches can be considered through the assessment of the application based the findings of the studies required in Section B2.7.5 of this Plan.

### **B2.7.8 Existing Indoor Cannabis-Related Uses**

At the time this Amendment was prepared, two large indoor cannabis-related uses were present on lands that are not subject to the Niagara Escarpment Plan in the Town. It is a policy of this Plan to require a zoning by-law amendment in accordance with this Section B2.7 of this Plan for any additional floor area beyond what existed on the effective date of this Section B2.7 of this Plan.

There is also a smaller indoor cannabis-related use at 1760 Effingham Street on lands that are subject to the Niagara Escarpment Plan. It is also a policy of this Plan to not permit its expansion unless the requirements of Sections B2.7.4 and B2.7.5 have been met and that the setbacks set out in Section B2.7.7 have been considered through the Development Permit process administered by the Niagara Escarpment Commission.

### **B2.7.9 Implementing Zoning By-law**

Only lands that have satisfied the requirements of this Section of the Plan shall be placed in a zone that permits cannabis-related uses or industrial hemp-related uses in the implementing Zoning By-law.

3. That Section E1.4 – Site Plan Control, be amended by including a new paragraph at the end of the section as follows:

It is the intent of this Plan that Site Plan Approval will be required for all proposed cannabis-related uses and industrial hemp-related uses listed in Section B2.7.3 to the maximum extent afforded under the Planning Act, in order to proactively mitigate adverse effects where possible and to maximize compatibility with land uses in the area.

Any construction of a building or structure associated with a proposed cannabis-related use or industrial hemp-related use is subject to the Ontario Building Code and will require the submission of Mechanical and Electrical Design Specifications and Drawings for review prior to the issuance of a building permit. These specifications and drawings include those associated with air/odour filtration systems and equipment for light pollution mitigation.

4. That Schedule A – Town of Pelham: Land Use, be amended by adding the Cannabis Overlay on the map and in the legend.

**THE CORPORATION OF THE  
TOWN OF PELHAM  
By-law Number XXXX (2020)**

**Being a By-law passed pursuant to the provisions of  
Section 34 of *The Planning Act*, R.S.O. 1990, as amended to amend  
the Town of Pelham Zoning By-law No. 1136 (1987), as otherwise  
amended.**

**Whereas** the Council of the Corporation of the Town of Pelham has initiated an application to amend By-Law No. 1136 (1987) otherwise known as the Zoning By-Law, insofar as is necessary to establish provisions that apply to cannabis-related uses and industrial hemp-related uses in the Town of Pelham.

**And Whereas** the Council of the Corporation of the Town of Pelham conducted a public hearing in regard to this application, as required by Section 34(12) of the Planning Act, R.S. O. 1990, Chap. P. 13, as amended.

**And Whereas** the Council of the Corporation of the Town of Pelham deems it advisable to amend Zoning By-law 1136 (1987), as otherwise amended, with respect to the above described lands, and under the provisions of the Planning Act has the authority to do so.

**Now therefore** the Council of the Corporation of the Town of Pelham enacts as follows:

1. **That** Section 3.0 of this By-law No. 1136 (1987), as amended, is further amended to add the new zones and symbols as follows:

<b>Zone</b>	<b>Symbol</b>
Agricultural - Cannabis	A – CAN
General Industrial - Cannabis	M2 – CAN

2. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of definitions in Section 5.0, as follows:

- i) "Cannabis-related use - indoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that are carried out within an enclosed building or structure.
- ii) "Cannabis-related use - outdoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that only involve the growing and harvesting of cannabis outdoors.
- iii) "Industrial hemp-related use - indoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that are carried out within an enclosed building or structure.
- iv) "Industrial hemp-related use - outdoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that only involve the growing and harvesting of hemp outdoors.
- v) "Sensitive land use" means school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep.

3. **THAT** By-law 1136 (1987), as amended, is amended by the addition of parking requirements in Section 6.16 (a), as follows:

Cannabis-related uses - indoor and industrial hemp-related uses -  
indoor - 1 parking space per 100 m<sup>2</sup> (1076.39 ft<sup>2</sup>) of gross floor area



4. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 7A - Agricultural - Cannabis A-CAN Zone:

## **SECTION 7A – AGRICULTURAL CANNABIS - A-CAN ZONE**

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Agricultural Cannabis Zone.

### **7A.1 PERMITTED USES**

- (a) Cannabis-related Use - indoor and outdoor
- (b) Industrial Hemp-related Use - indoor and outdoor

### **7A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION 7A.1**

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 7A.1.
- (b) Minimum Lot Frontage for micro-processing and micro-cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 100 m
- (c) Minimum Lot Frontage for standard processing and standard cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 200 m
- (d) Minimum Lot Frontage for industrial hemp-related uses as defined and set out by the Federal Industrial Hemp Regulation SOR-2018-145 - 200 m
- (e) Minimum Lot Area for micro-processing and micro-cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 3 hectares
- (f) Minimum Lot Area for standard processing and standard cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 10 hectares

- (g) Minimum Lot Area for industrial hemp-related uses as defined and set out by the Federal Industrial Hemp Regulation SOR-2018-145 - 10 hectares
- (h) Maximum Lot Coverage - 30 percent
- (i) Minimum Front Yard - 100 metres
- (j) Minimum Side Yard or Rear Yard for micro-processing and micro cultivation uses as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 30 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 50 metres
- (k) Minimum Side Yard or Rear Yard for standard processing and standard cultivation uses as defined and set out by the Federal Cannabis Regulation SOR-2018-144 and industrial hemp-related uses as defined and set out by the Federal Industrial Hemp Regulation SOR-2018-145 - 60 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 80 metres
- (l) Minimum Exterior Side Yard - 100 metres
- (m) All greenhouses shall be located a minimum distance of 45 m from any lot line of a lot with a residential use
- (n) No storage area shall be permitted within 30 metres of a street or the lot line of an adjacent lot with a residential use

5. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 23A - General Industrial - Cannabis M2-CAN Zone

## **SECTION 23A – GENERAL INDUSTRIAL - M2-CAN ZONE**

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the General Industrial Cannabis Zone.

### **23A.1 PERMITTED USES**

- (a) Cannabis-related Use - Indoor
- (b) Industrial Hemp-related Use - Indoor

### **23A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION 23A.1**

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 23A.1.
- (b) The provisions of Subsection 22.2 shall apply to all permitted uses within the General Industrial Cannabis M2-CAN Zone

6. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 30-299 - Exceptions

A-299 Notwithstanding the regulations of the Agricultural (A) zone, only the gross floor area that existed on the effective date of the zoning by-law amendment that included this section in the by-law is permitted.

7. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 30-300 - Exceptions

A-300 Notwithstanding the regulations of the Agricultural (A) zone, only the gross floor area that existed on the effective date of

the zoning by-law amendment that included this section in the by-law is permitted.

Read a first, second, and third time and finally passed this XX<sup>th</sup> day of XX, 2020.

---

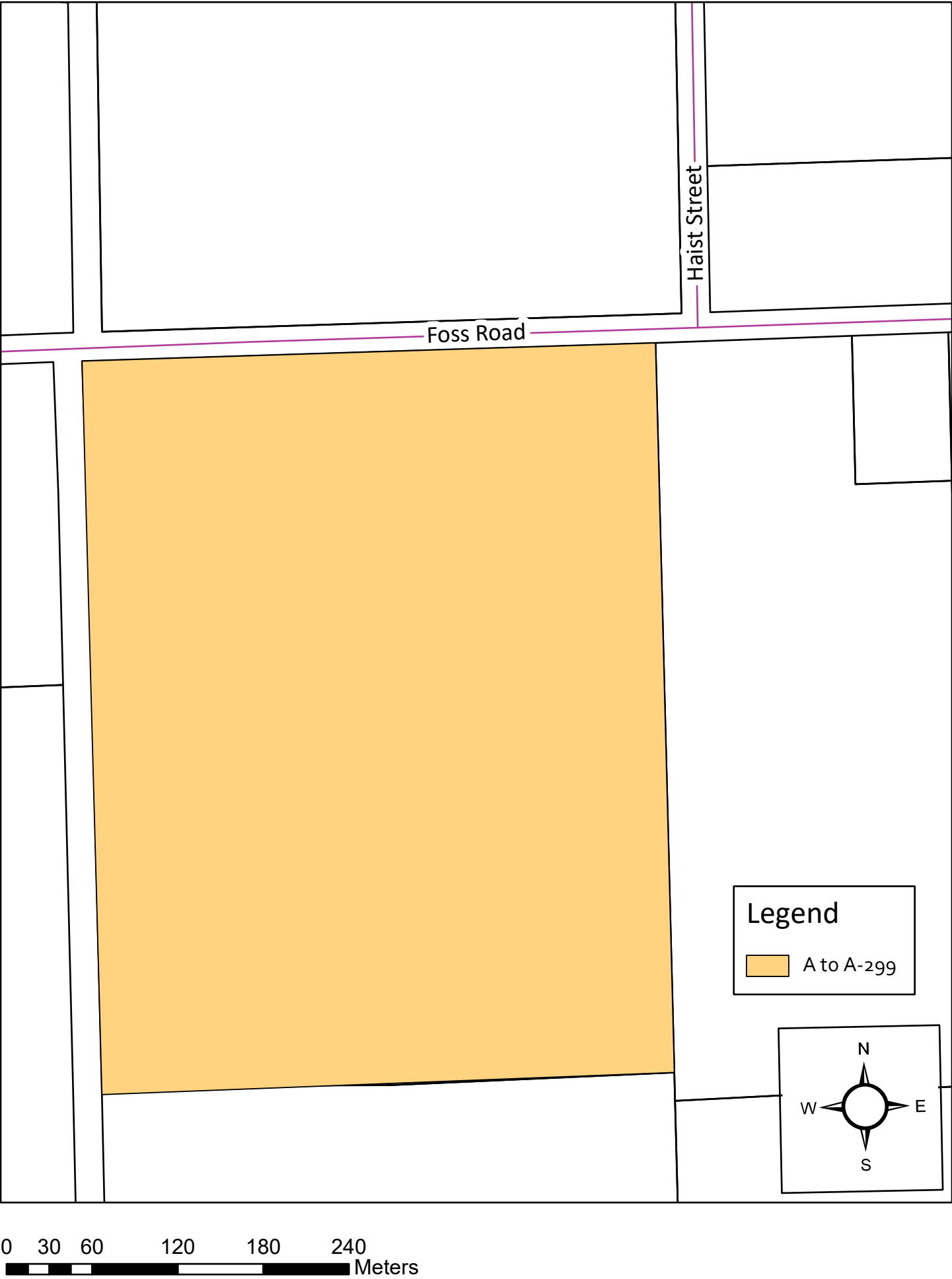
Marvin Junkin, Mayor

---

Nancy J. Bozzato, Clerk

Corporate Seal

Schedule 'A'

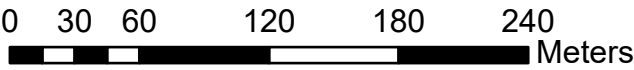
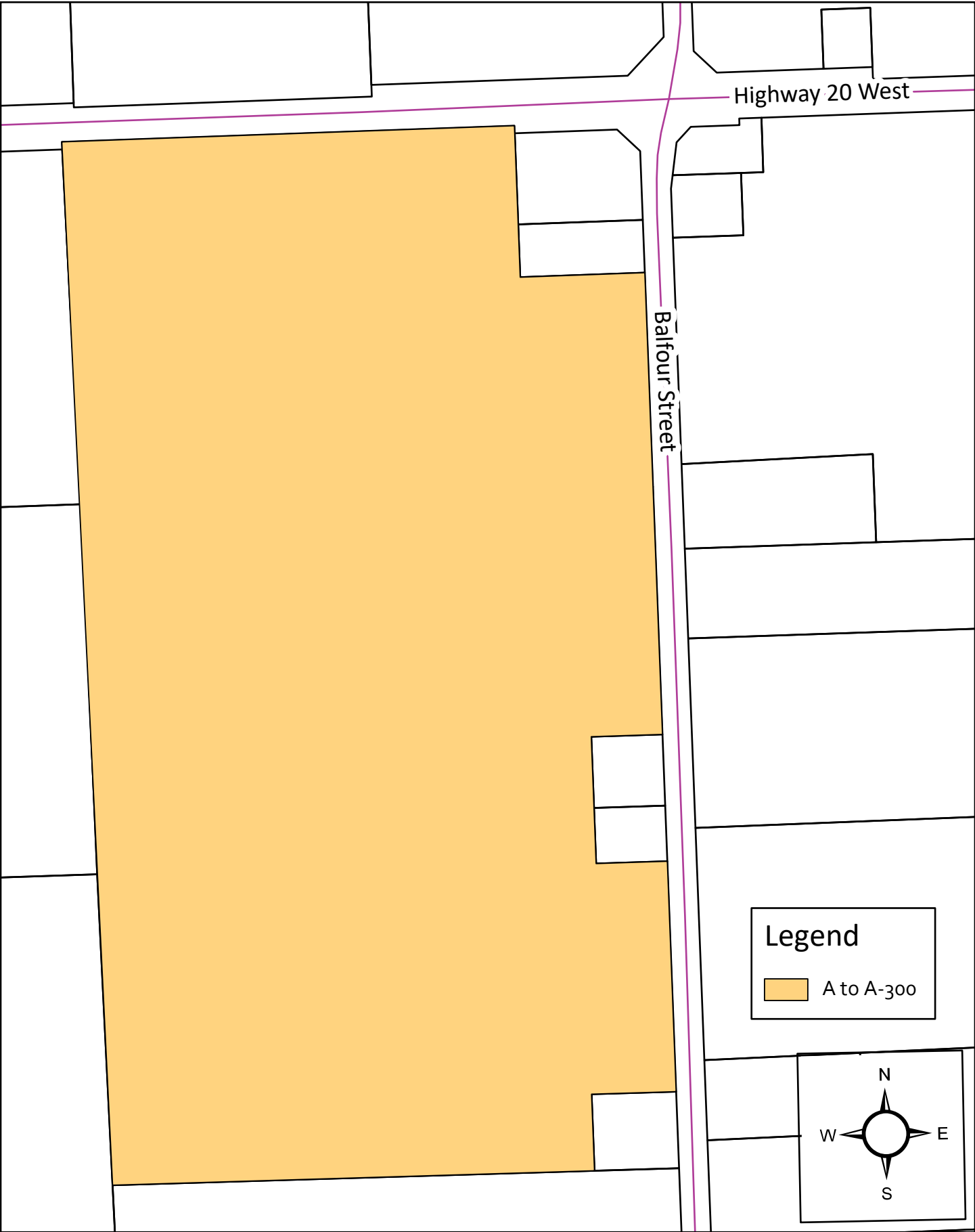


This is Schedule 'A' to By-law No. \_\_\_\_\_ (2020) passed the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor: Marvin Junkin

\_\_\_\_\_  
Clerk: Nancy J. Bozzato

Schedule 'A'



This is Schedule 'A' to By-law No. \_\_\_\_\_ (2020) passed the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor: Marvin Junkin

\_\_\_\_\_  
Clerk: Nancy J. Bozzato



# **Regulating Cannabis in the Town of Pelham**

Prepared for the Cannabis Control Committee

July 5, 2020 - FINAL

**This is an Addendum report to the report  
dated April 14, 2020**





## TABLE OF CONTENTS

<b>1.0</b>	<b>Report Purpose .....</b>	<b>4</b>
<b>2.0</b>	<b>MPC OPA AND ZBA DATED APRIL 7 .....</b>	<b>4</b>
2.1	Draft OPA .....	4
2.2	Draft Zoning By-law Amendment.....	5
<b>3.0</b>	<b>PUBLIC COMMENTS .....</b>	<b>7</b>
3.1	Effect of the amendments on existing cannabis operations .....	7
3.2	Odour and the setback guidelines to a sensitive land use .....	7
3.3	Light pollution .....	8
3.4	Land use and building classification .....	8
3.5	Loss of prime agricultural land.....	8
3.6	Groundwater, water takings and stormwater runoff .....	8
3.7	Traffic study requirements should include list of considerations.....	9
3.8	Property devaluation.....	9
3.9	Tax classification .....	9
3.10	Enforcement of the proposed standards.....	9
3.11	Penalties and requirements for non-compliance .....	9
3.12	Financial impact to taxpayers.....	9
<b>4.0</b>	<b>AGENCY COMMENTS .....</b>	<b>9</b>
4.1	Conformity with Provincial and Regional policies .....	10
4.2	Setbacks .....	10
4.3	Requirement for Studies.....	10
<b>5.0</b>	<b>INDUSTRY COMMENTS .....</b>	<b>10</b>
5.1	Conformity with Provincial policies.....	11
5.2	Impacts on future expansion .....	11
5.3	Setbacks .....	11
5.4	Policy implementation.....	11
<b>6.0</b>	<b>OPA Changes .....</b>	<b>12</b>
6.1	Additional Clarity on the Purpose of the OPA has been included in the Preamble..	12
6.2	Reference to the Minimum Distance Separation Guidelines has been included in the preamble to the OPA.....	13



6.3	The OPA continues to recognize the cultivation of cannabis as an agricultural use.	13
6.4	The Cannabis Overlay has been removed .....	14
6.5	Requirement for zoning by-law amendment for future outdoor cultivation operations has been removed .....	16
6.6	Avoiding adverse effects has been established as a first principle .....	16
6.7	The words 'negative impact' have been removed from the OPA .....	18
6.8	The requirement for an agricultural impact assessment has been deleted .....	18
6.9	Clarity on the intent of the servicing study requirement has been added .....	19
6.10	Value-retaining versus value-added and agriculture-related uses .....	19
6.11	Minor technical changes to the study requirements have been made.....	20
6.12	Determining when a complaint is a substantiated complaint has been clarified..	20
6.13	Additional clarity on the scope of required studies has been added.....	21
6.14	Additional clarity on how setbacks are to be measured has been added.....	21
6.15	Additional guidance on the factors that have an impact on setbacks has been added .....	21
6.16	Policies on the two large indoor cannabis related uses have being removed .....	21
7.0	ZBA Changes .....	22
<b>Appendix A:</b> Summary of Public Comments		
<b>Appendix B:</b> Summary of Agency Comments and letter from Niagara Region		
<b>Appendix C:</b> Summary of Industry Comments and letters from the industry		
<b>Appendix D:</b> Final Official Plan Amendment dated July 5, 2020		
<b>Appendix E:</b> Final Zoning By-law Amendment dated July 5, 2020		



## 1.0 REPORT PURPOSE

The purpose of this report is to build upon the report prepared by Meridian Planning Consultants ('MPC') dated April 14, 2020 and:

1. Review the comments that were made on the MPC OPA and MPC ZBA dated April 7, 2020; and
2. Provide the rationale for the changes to both the MPC OPA and MPC ZBA as a consequence of those comments.

## 2.0 MPC OPA AND ZBA DATED APRIL 7

### 2.1 Draft OPA

The MPC OPA dated April 7, 2020 proposed to establish a Cannabis Overlay designation that would apply to the Good General Agricultural designation and the Industrial designation as identified on Schedule A: Land Use Plan of the Town of Pelham Official Plan.

For lands within the Cannabis Overlay, cannabis-related uses and industrial hemp-related uses (indoor and outdoor) would be permitted, subject to certain criteria being satisfied, including the establishment of appropriate setbacks to avoid, minimize and mitigate adverse effects.

In order to trigger the consideration of the criteria, the MPC OPA dated April 7, 2020 established the requirement for a Zoning By-law amendment to develop a new cannabis-related use or industrial hemp-related use. The MPC OPA also indicated that Site Plan Approval would also be required for such uses.

The Cannabis Overlay designation was not proposed to include lands that are designated Specialty Agricultural in the Town of Pelham Official Plan (Pelham OP) and which are subject to the Greenbelt Plan. The Cannabis Overlay would not apply in this designation primarily because of a combination of topography that is unique to the Greenbelt Plan and its relationship to odour concerns. In other words, the adverse effects from odour from cannabis-related uses and industrial hemp-related uses would be very difficult to avoid, minimize and mitigate as a consequence. This means that an Official Plan Amendment would have been required, in addition to a Zoning By-law amendment, to permit these uses within the Specialty Agricultural designation in the future.

The MPC OPA dated April 7, 2020 also identified the studies that would be required to support the establishment of a cannabis-related use or industrial hemp-



related use to ensure that all potential adverse effects were studied in advance. In this regard, required studies listed in the draft OPA included an Odour Emission and Dispersion Modelling Report, Contingency Odour Mitigation Plan, Light Mitigation Plan, Contingency Light Mitigation Plan, Agricultural Impact Assessment and Traffic Impact Study.

These studies would be in addition to all of the other required studies typically submitted as part of an application for re-zoning. The results of these studies would be intended to establish the minimum setback from sensitive land uses to be included in the required site-specific Zoning By-law amendment and may establish a maximum facility size for the use, if it has been determined that the siting of the use can be supported. These studies would also establish minimum separation distances between cannabis-related uses and industrial hemp-related uses, as required.

The MPC OPA dated April 7, 2020 also set out guidelines on what setbacks would be considered as a minimum if a cannabis-related use or an industrial hemp-related use is proposed through a Zoning By-law amendment, when the aforementioned studies do not call for larger setbacks.

The setbacks included in the draft OPA were based on best practices and knowledge of the adverse effects that have been experienced and well documented in the Town. Given that these minimum setbacks were identified as guidelines, they could be increased or decreased based on the merits of an individual application.

Given the known adverse effects experienced by residents of the Town, the MPC OPA lastly indicated that the expansion of existing cannabis-related uses would also require the submission of appropriate studies before they can be considered.

## 2.2 Draft Zoning By-law Amendment

The MPC ZBA dated April 7, 2020 was prepared to implement the MPC OPA. The MPC ZBA indicated that cannabis-related uses and industrial hemp-related uses would not be permitted as-of-right in any zone in the Town. This would have ensured that a trigger existed to require the completion of the appropriate studies and the establishment of a setback that relates specifically to the use proposed.

The MPC ZBA established two new zones to be added into the Town's Zoning By-law. When a site-specific Zoning By-law amendment is proposed, one of these new



zones would be applied, if the application could be supported.

The first zone proposed was the Agricultural – Cannabis (A-CAN) zone. This zone would be applied to an individual property through a site-specific Zoning By-law amendment to any cannabis-related use or industrial hemp-related use for lands that are within the Good General Agricultural designation in the Pelham OP.

In the Agricultural Cannabis (A-CAN) zone, the permitted uses would include cannabis-related uses (indoor and outdoor) and industrial hemp-related uses (indoor and outdoor). Also included in this subsection were regulations that would apply to the permitted uses. Some of the regulations of the draft ZBA mirrored the regulations that currently apply in the Agricultural (A) zone.

However, the majority of the regulations were more restrictive than those that currently apply in the Agricultural (A) zone with these standards intended to minimize the impacts of these uses on adjacent land uses and on the broader community in terms of visual impact. These standards could be reviewed on a case-by-case basis through the review of an application for re-zoning to establish a cannabis-related or industrial hemp-related use.

The second zone was the General Industrial – Cannabis (M2-CAN) zone. This zone would also be applied through a site-specific Zoning By-law amendment to any cannabis-related use or industrial hemp-related use for lands that are within the Industrial designation in the Pelham OP.

In addition to the above, the MPC ZBA also established two exception zones in Sections 30-290 and 30-291 to the Town's Zoning By-law, which would have applied to the large existing CannTrust and RedeCan operations in the Town.

These exceptions indicated that only the gross floor area that exists, respectively, on the date that the Zoning By-law amendment is passed would be permitted. This effectively meant that any expansion of either of the existing uses would require an approval under the Planning Act, with such an approval process requiring some form of public consultation.

It is noted that an exception was not proposed for the third existing cannabis operation as it is within the Niagara Escarpment Commission Development Control Area, as defined by Provincial Regulation, and is not subject to the Town's Zoning By-law.

The MPC ZBA also included a set of new



definitions for cannabis-related and industrial hemp-related uses and a definition of sensitive land use.

The definitions for cannabis-related use and industrial-hemp related use distinguished between indoor and outdoor activities that were authorized by the Cannabis Regulation and the Industrial Hemp Regulation, respectively, under the Cannabis Act.

The sensitive land use definition in the draft ZBA was the same definition that was included in the Odorous Industries Nuisance By-law 4202(2020) that was adopted by Town Council on March 23, 2020.

### 3.0 PUBLIC COMMENTS

The MPC OPA and MPC ZBA were posted on the Town's website on April 17, 2020. In addition, notice was sent by email on April 16, 2020 to those who sent in comments on the previous drafts, spoke or signed a sign-in sheet at the public meeting as well as commenting agencies. The notice was also published in the Voice of Pelham on April 22, 2020. In total, notices were sent to 170 email addresses.

Following the release of the MPC OPA and MPC ZBA, forty-four (44) comments from

the public were received. Below is a list of the themes raised by members of the public (a summary is attached in **Appendix A**) to this report.

#### 3.1 Effect of the amendments on existing cannabis operations

A considerable number of responses highlighted individual negative experiences as a result of certain adverse effects from the existing cannabis operations. In many of these same responses, respondents expressed gratitude that the draft amendments would help to mitigate the effects of existing cannabis operations.

#### 3.2 Odour and the setback guidelines to a sensitive land use

There were many responses about the odour from existing cannabis operations and how these operations have impacted the enjoyment of individuals' properties – both indoor and outdoor – as well as their health (several commented on suffering headaches and nausea). In connection with the odour comments, many respondents also indicated that they felt that the proposed setback guideline from sensitive land uses was insufficient and that it should be higher. In this regard, a common suggestion was that the setback should be a minimum of 500 metres.





### 3.3 Light pollution

A number of responses referenced light pollution as it directly related to their property. Respondents, particularly those that live in closest proximity to existing operations, noted that light pollution from the existing cannabis operations is so bright that they do not need to turn on the lights in their house in the evening because the glow is so strong. There were also several comments made on how the Town can require the existing operations to address the light pollution from existing facilities as well. In addition, several responses also noted that the light pollution has ruined individuals' ability to enjoy the outdoors (e.g. stars) in the evening.

### 3.4 Land use and building classification

There were many responses that requested that cannabis operations, including the existing cannabis operations, be considered as industrial uses and not as agricultural uses. In this regard, it was suggested in numerous responses that these types of operations only be permitted where industrial uses are permitted and where residential uses are not typically located. It was also suggested in a number of comments that cannabis operations should be considered as an

industrial facility building classification under the Ontario Building Code. In addition, some respondents questioned whether the policies could address requirements for retrofitted greenhouses and only permit new cannabis operations in purpose built buildings.

### 3.5 Loss of prime agricultural land

A number of respondents felt that greenhouses should not be permitted on prime agricultural land and that such land should only be used for specialty crops. In addition, there were comments that cannabis operations in a greenhouse should locate on agricultural land or industrial land where the soils are not capable of being farmed.

### 3.6 Groundwater, water takings and stormwater runoff

A number of concerns were highlighted about the potential impacts to groundwater, water takings and stormwater runoff. Stormwater runoff comments were based on the amount of paved area for parking, loading and other areas that are associated with the existing cannabis operations.



### **3.7 Traffic study requirements should include list of considerations**

Many responses highlighted traffic concerns associated with the existing cannabis operations. Traffic concerns included: excessive speeds on rural roads, degradation of rural roads, safety on rural roads with respect to lack of sidewalks, farming equipment and children getting on and off school busses.

### **3.8 Property devaluation**

Many responses also highlighted concerns about their properties being devalued as a result of the existing cannabis operations, particularly as it relates to the impact of odour and light pollution.

### **3.9 Tax classification**

A number of responses indicated that they felt that the tax classification for cannabis operations should not be agricultural and should be industrial.

### **3.10 Enforcement of the proposed standards**

Several responses questioned how the Town's enforcement staff would deal with complaints about odour and light pollution, as examples and how or if the Town's enforcement staff would be monitoring existing cannabis operations to ensure

compliance.

### **3.11 Penalties and requirements for non-compliance**

A number of respondents questioned what penalties would be applied to cannabis operations for non-compliance. In addition to this, it was suggested that the requirements for non-compliance should also be clear.

### **3.12 Financial impact to taxpayers**

There were a few comments on the financial impacts to the taxpayers to pay for studies, such as the cannabis study, as well as potential hearings related to cannabis operations. Related to these concerns was a question on the Town's legal advice on the draft amendments and a request for clarity on the financial risk to the Town.

## **4.0 AGENCY COMMENTS**

Following the release of the MPC OPA and MPC ZBA, comments from the Niagara Escarpment Commission (NEC) and Niagara Region were received. The NEC indicated that it had no objections to the OPA. The themes raised by Niagara Region are below (a summary is attached in **Appendix B** along with the letter from Niagara Region).





#### 4.1 Conformity with Provincial and Regional policies

The Region's letter indicated that the Region considers the growth and cultivation of all crops (including cannabis), as well as on farm buildings and structures, to be an agricultural use. The Provincial Policy Statement (2020) permits such uses in the prime agricultural areas and the Niagara Region Official Plan permits agricultural uses in the Good General Agricultural and the Specialty Agricultural designations. The Region's letter further indicated that cannabis uses have been excluded by the draft OPA from the Specialty Agricultural designation, and this is considered to be contrary to the direction of the Provincial Policy Statement (2020) and Niagara Region Official Plan policies.

On the basis of the above, the Region is of the view that cannabis cultivation should not be restricted as it is considered an agricultural use and that the draft amendments are not consistent with the Provincial Policy Statement (2020) or with the Niagara Region Official Plan.

#### 4.2 Setbacks

The Region's letter indicated that it supports setbacks in a Zoning By-law, however it is unclear in the draft OPA

whether the intent of the minimum setback policies is to provide a minimum that can be refined through the additional studies as part of the Zoning By-law Amendment or whether the minimum setback cannot be refined which then makes the additional studies redundant.

#### 4.3 Requirement for Studies

The Region's letter also noted that clarification should be added into the policy framework on when certain studies are required (e.g. growing and cultivation or processing). The Region's letter also indicated that they feel that an Agricultural Impact Assessment, as an example, is not an appropriate study to require for the cultivation of cannabis as the Region considers cannabis production to be an agricultural use.

### 5.0 INDUSTRY COMMENTS

Following the release of the MPC OPA and MPC ZBA, three letters from the cannabis industry were submitted. The themes raised by the industry are below (a summary is attached in **Appendix C** along with the industry letters).



### 5.1 Conformity with Provincial policies

All of the industry comment letters indicated that they feel that the draft amendments are not consistent with and do not conform to Provincial policies.

With respect to the PPS, the industry comment letters note that the cultivation of cannabis is an agricultural use and permitted where agricultural uses are permitted. The industry letters expressed disagreement with the application of the major facilities policies in the PPS as well.

With respect to the Growth Plan, the industry comment letters indicated that they feel that the draft amendments do not conform to the agricultural policies. One of the comment letters further indicated that they felt that the amendments did not conform to the Region of Niagara Official Plan policies that apply to the agricultural area.

### 5.2 Impacts on future expansion

All of the industry comment letters expressed a concern with the amendments on future expansion plans. In this regard, it was indicated that the amendments recognize the existing building footprints but that the policies in the OPA would apply to an expansion and that a zoning by-law amendment would also be required.

### 5.3 Setbacks

All of the industry comment letters indicated that the setback guidelines in the Official Plan were too restrictive and that performance measures should be contained in the zoning by-law only.

Each of the comment letters also noted that setbacks should be measured from sensitive receptor rather than from a lot line of a lot with a sensitive receptor. In this regard, there was a question on the basis from using the lot line as the boundary to be measured from when the Town's analysis of sensitive receptors was based on the receptor itself and not a lot line. It was also noted in one letter that they felt that there was no basis for separation distance between operations.

In addition, there were comments that other setbacks in the zoning by-law amendment, such as the front and side yard setbacks, were also overly restrictive.

### 5.4 Policy implementation

Each of the industry letters identified a number of policies and questioned how implementation of those draft policies would occur. These included:

Study requirements: Concerns that there is no ability for staff to modify the



requirements on a site-by-site basis if a study is not required.

Measuring negative impact: Concerns with how ‘negative impact’ will be measured and what type of criteria will be used to assess this as well as the lack of ability to use mitigation measures to address potential impacts as the policies are based on a strict prohibition of negative impacts.

Future substantiated complaints: Concerns expressed over how a complaint is substantiated and the potential for industry operators to be overburdened with complaints.

## 6.0 OPA CHANGES

All of the comments that have been submitted have been carefully considered and the sub-sections below summarize the changes that have been made in the final OPA dated July 5, 2020, which is attached to this report in **Appendix 4**).

### 6.1 Additional Clarity on the Purpose of the OPA has been included in the Preamble

Section 2.0 of the Preamble has been updated to provide additional clarity on the purpose of the OPA dated July 5, 2020. In this regard, the revised purpose section

states the following: *"The purpose of the Official Plan Amendment is to establish permissions for indoor cannabis and industrial hemp cultivation in the agricultural area, subject to a zoning by-law amendment, and to establish the criteria to be relied upon when considering such applications."* It has been additionally indicated that the OPA does not deal with the outdoor cultivation of cannabis or industrial hemp as this is already permitted in the agricultural area.

The above change makes it clear that permissions are being established through the OPA for indoor cannabis and industrial hemp cultivation in the Town, provided a re-zoning is applied for and approved with consideration given to the criteria in the OPA.

In accordance with the above revised purpose, references to outdoor cannabis cultivation and processing have been deleted in the OPA dated July 5, 2020 (see discussion in Section 6.5). In addition, references to cannabis processing have also been deleted so that the OPA clearly focuses on cannabis and industrial hemp cultivation in indoor facilities (see discussion Section 6.10 on value retaining versus value added).



## 6.2 Reference to the Minimum Distance Separation Guidelines has been included in the preamble to the OPA

In response to the concerns that the OPA was being overly prescriptive as it related to the establishment of agricultural uses in prime agricultural areas, it is now indicated in the Preamble to the OPA dated July 5, 2020 that there already is a precedent for the establishment of setbacks from sensitive uses for odour reasons in agricultural areas in the form of the Minimum Distance Separation (MDS) guidelines established by the Province.

The revised preamble further indicates that the MDS guidelines are intended to provide the minimum distance separation between proposed new development and any existing livestock barns, manure storages and/or anaerobic digesters (MDS1) and provide the minimum distance separation between proposed new, expanding or remodelled livestock barns, manure storages and/or anaerobic digesters and existing or approved development (MDS2). Compliance with the MDS guidelines is also required by the Provincial Policy Statement (2020) when new land uses including the creation of lots or expanding livestock facilities are proposed.

The application of the MDS2 guidelines result in the establishment of setbacks that are intended to minimize the impacts of odour from livestock barns, manure storages and/or anaerobic digesters operations and have the effect of restricting the location of these facilities. However, the MDS2 guidelines do not apply to cannabis and in the absence of Provincial guidance on this matter, it is up to local municipalities to establish a policy framework to avoid adverse effects, and if avoidance is not possible, to minimize and mitigate adverse effects through setbacks for indoor cannabis and industrial hemp cultivation from sensitive uses. If the Province does develop guidelines on the issue, it is anticipated that the policy framework established by the OPA would be re-visited.

## 6.3 The OPA continues to recognize the cultivation of cannabis as an agricultural use

While the April 7, 2020 version of the OPA recognized the cannabis cultivation as an agricultural use, the Preamble of the revised OPA dated July 5, 2020 reinforces the basic position that it is an agricultural use and is permitted in agricultural areas by the Provincial Policy Statement (2020). However, language has been included within the Preamble that indicates that the



OPA also recognizes that in the absence of Provincial standards on the adverse effects of odour from indoor cannabis and industrial hemp cultivation facilities, there is a need to control the siting of these facilities in relation to sensitive uses as a result of the known adverse effects from the cultivation of cannabis.

#### **6.4 The Cannabis Overlay has been removed**

The April 7, 2020 version of the OPA established a Cannabis Overlay designation that would have applied to the Good General Agricultural designation and the Industrial designation. The proposed Cannabis Overlay did not include lands that are designated Specialty Agricultural which are subject to the Greenbelt Plan.

This approach was taken because of the rolling topography that is unique to the Greenbelt Plan and its relationship to odour concerns and the perceived challenges that exist in terms of avoiding adverse effects as a consequence.

The implication of not applying the Cannabis Overlay to the Specialty Agricultural designation was that an Official Plan Amendment would have been required to establish such a use in the future.

Niagara Region indicated in their comments that they had some concerns about requiring a future OPA for a use that is permitted in prime agricultural areas by Provincial policy. In response to this comment, the OPA dated July 5, 2020 no longer includes the future OPA requirement in the Specialty Agricultural designation. However, references to the sensitivity of the Specialty Agricultural designation to the development of cannabis-related facilities has been retained within the OPA.

It should be noted that as a general principle Provincial policy permits a range of uses in different parts of the Province. However, that does not necessarily mean that the full range and intensity of permitted uses is and should be permitted as-of-right in all cases. For example a range of residential uses and a variety of housing options are strongly encouraged in the Province's settlement areas. However, it is very common practice for Official Plans and zoning by-laws to set out exactly where various housing types are permitted.

Similarly, Provincial policy also permits the extraction of mineral aggregate resources in rural and prime agricultural areas of the Province. However, it is very common for such a proposal to go through a fulsome



review before being established. In addition, a number of municipalities include policies and mapping in their Official Plans that recognize the land use compatibility concerns that exist when new mineral aggregate operations are proposed adjacent to settlement areas and bodies of water.

Many Official Plans also include policies in their Official Plans respecting the siting of certain uses that would be considered to be major facilities by the Provincial Policy Statement (industrial uses and railway yards for example) in relation to sensitive uses. In addition, the Province also has a series of guidelines that deal with sensitive land uses.

Lastly, and as already noted, the Province also has guidelines that restrict the location of livestock-related activities depending on the location of non-farm uses in the vicinity, even though such uses are permitted by Provincial policy in rural and prime agricultural areas.

In addition to the above, the Province's own guidelines on permitted uses in prime agricultural areas supports the establishment of a planning process not involving an OPA in the following extract from the Frequently Asked Questions section of the 2016 publication:

*"1. Would agricultural, agriculture-related and on-farm diversified uses in prime agricultural areas trigger any Planning Act applications, such as official plan amendments, zoning amendments, minor variances or site plan control?"*

*An official plan amendment would not be required if the uses permitted by the PPS and explained in these guidelines are permitted in the prime agricultural area policies of the municipal official plan. Landowners have the right to establish these uses, provided other requirements are met (e.g., applicable performance standards in zoning by-laws, building permits, site alteration or tree by-laws, site plan control, conservation authority permits, Endangered Species Act, 1973, requirements). Zoning and site plan control may address issues such as setbacks, outdoor storage, lighting and parking.*

*If existing zoning by-law requirements are not met by the proposed development, an application for a minor variance or zoning by-law amendment may be required. Landowners must consult with the appropriate municipality or planning authority to identify local requirements."*

In the case of indoor cannabis cultivation and processing in the Town of Pelham, it is not possible to establish setbacks in





advance and include them in a zoning by-law because of the many variables that have to be considered. These include:

- i) Whether the facility is a greenhouse or an industrial-type building and if a greenhouse is proposed, whether the proposed greenhouse is purpose built for cannabis or industrial hemp or already exists;
- ii) The size and scale of the proposed use;
- ii) The proximity and number of sensitive uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use;
- iii) The location of the proposed use in relation to prevailing winds;
- iv) The nature of the adverse effects that exist at the time in relation to existing indoor cannabis and industrial hemp cultivation facilities; and,
- v) The impact of topography on the dispersion of odour.

#### **6.5 Requirement for zoning by-law amendment for future outdoor cultivation operations has been removed**

The requirement for a zoning by-law amendment for future outdoor cultivation operations has been removed. The April

7th version of the OPA treated outdoor cultivation and indoor cultivation in the same manner. This meant that an OPA would have been required for outdoor cultivation in the Specialty Agricultural designation and would require a re-zoning in the Good General Agricultural designation.

In recognition of the differences between indoor cultivation and outdoor cultivation, the requirement for an OPA or a ZBA for outdoor cultivation has been removed. Instead, it is proposed to include setbacks for outdoor cultivation from sensitive uses within the zoning by-law, with these setbacks being based on best practices.

#### **6.6 Avoiding adverse effects has been established as a first principle**

Avoiding adverse effects has been established as a first principle in the revised OPA dated July 5, 2020. While the avoidance of adverse effects very much provided the basis for the April 7th version of the OPA, this first principle has been clarified in the updated OPA to make this principle clear.

The avoidance of adverse effects as a first principle is also included within the Provincial Policy Statement (2020), which indicates in Section 1.2.6.1 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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures."*

It is indicated in the Regional letter and in the letters from the industry that the above policy does not apply to agricultural uses because all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards, according to Section 2.3.3.2 of the Provincial Policy Statement (2020).

In response, it is noted that the policy referred to requires that all types, sizes and intensities of agricultural uses shall be promoted, which is different than shall be permitted, which implies that there may be limitations on where certain types, sizes and intensities of agricultural uses can be located. In this regard, and as has already been noted, the Provincial MDS Guidelines acts as a form of control in terms of where certain types, sizes and intensities of livestock related facilities can be located, notwithstanding the Provincial direction to

promote these uses. This OPA is intending to achieve the same objective.

It is recognized that there is a difference of opinion on whether Section 1.2.6.1 applies to agricultural uses. In my opinion, it can be applied to this circumstance and in the absence of Provincial standards or guidelines similar to the MDS Guidelines, because the definition of major facility in the Provincial Policy Statement (2020) does not provide any limitations on the range of uses and activities that could be considered a major facility with the inclusion of the under-lined words in the definition below:

*"Means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities."*

In my opinion, cannabis cultivation may require separation from sensitive uses, because of the known adverse effects experienced currently in the Town. If the Province had well-developed guidelines





that were similar to the MDS Guidelines for cannabis, there would most likely be no need for the Town of Pelham to establish a planning process through this OPA to ensure that adverse effects can be avoided.

Notwithstanding the above, the OPA does not rely upon Section 1.2.6.1 of the Provincial Policy Statement (2020). Instead, the updated OPA incorporates as a principle of good planning that the avoidance of adverse effects is the first principle and that if avoidance is not possible, adverse effects are to be minimized and mitigated. As a consequence, references to Section 1.2.6.1 in the Preamble to the OPA have been deleted and references to this basic planning principle have been incorporated in the OPA dated July 5, 2020.

#### **6.7 The words 'negative impact' have been removed from the OPA**

Concerns were expressed by the industry on how negative impact would be determined with respect to the impacts of a proposed use on the enjoyment and privacy of residential properties in the area. In response to this concern, this requirement has not being carried forward in the revised OPA dated July 5, 2020.

Instead, the policy now reads that Council shall be satisfied that 'the adverse effects of the noise, dust, odour and light from the proposed facility on sensitive land uses in the area can be avoided and if avoidance is not possible, minimized and appropriately mitigated, as demonstrated by the required studies identified in Section B2.1.5.2 of this Plan.'

#### **6.8 The requirement for an agricultural impact assessment has been deleted**

Both the Region and the industry expressed concerns on the requirement for a new cannabis-related use to prepare an agricultural impact assessment as per the April 7th version of the OPA.

While this concern may have more to do with the name of the study itself, it is acknowledged that such an agricultural impact assessment is typically carried out to determine whether a proposed non-farm use will have an impact on agricultural uses. In a follow up letter from Niagara Region dated July 3, 2020, it was again requested that the requirement be deleted (it is noted that the required Emission Summary and Dispersion Modelling (ESDM) report will continue to require that co-existence adverse effects associated with drift of cannabis emissions



on existing farming operations in the area be reviewed).

#### **6.9 Clarity on the intent of the servicing study requirement has been added**

The April 7th version of the OPA required a proponent to demonstrate that there will be no negative impact on the quality and quantity of groundwater and surface water as a result of the taking of water and the generation of effluent. In addition to removing the words 'negative impact' from this policy as mentioned previously, Provincial Policy Statement terminology in Section 2.2.2 has been incorporated in the OPA.

In this regard, this section has been reworded such that it now indicates sensitive surface water features and sensitive ground water features in the area will be protected improved or restored with consideration given to the taking of water and the generation of effluent. This revision would be consistent with the language used in Section 2.2.2 of the PPS 2020.

#### **6.10 Value-retaining versus value-added and agriculture-related uses**

The Region expressed concerns about the

lack of clarity in the previous iteration of the OPA on what component of a cannabis-related use could be an agriculture-related use. This comment was made in response to a policy in the April 7, 2020 draft that required an additional assessment if a component of a proposed use was determined to be an agriculture-related use.

In this regard, the Provincial Policy Statement (2020) defines an agriculture-related use as meaning those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and or services to farm operations as a primary activity.

In response, it is recognized that the definition of agricultural use in the Provincial Policy Statement (2020) includes value-retaining facilities, which according to Provincial guidelines could include controlled-atmosphere storage, cleaning, grading, drying, sorting, evaporating maple sap into syrup, honey extraction and simple (bulk) packaging. In this regard, it is recognized that some component of a cannabis or industrial hemp cultivation facility could include these or other similar examples as a component.



However, it is also recognized that the potential exists for components of a cannabis or industrial hemp cultivation facility to include value-added facilities. According to Provincial guidelines, examples of value-added facilities include pressing apples and bottling cider, wine-making, grain milling, cherry pitting and preserving, chopping and canning carrots, grain roasting for livestock feed and retail-oriented packaging.

As a consequence of the above, the OPA dated July 5, 2020 has been updated to indicate that where a proposal involves value-added components, that aspect of the proposal should be assessed in accordance with Provincial guidelines for agricultural-related uses.

While the Provincial Policy Statement (2020) promotes these uses in prime agricultural areas, there are a number of tests that need to be satisfied if an agricultural-related use is proposed. With this in mind, the policy dealing with agriculture-related uses has been clarified. The determination of whether a component of a future cannabis or industrial hemp cultivation facility has as a component, an agricultural-related use, will be determined on a case-by-case basis.

#### **6.11 Minor technical changes to the study requirements have been made**

The April 7th version of the OPA referenced the need for an Emission and Dispersion Modelling report. This has been corrected to indicate that an Emission Summary and Dispersion Modelling (ESDM) report is required. This change in terminology is consistent with best practices and is subject to guidance established by the Province on the preparation of these types of studies. In this regard and with reference to Provincial requirements, the OPA now indicates that such a report is expected to deal with contaminants including odour, chemicals and particulate matter constituents.

With reference to the component of the policy that dealt with the known impacts from other cannabis related uses in the area, the language has been refined to provide additional clarity.

#### **6.12 Determining when a complaint is a substantiated complaint has been clarified**

The industry had some concerns about how a complaint would be determined to be a 'substantiated complaint' after the use has been established.



In this regard the policy has been modified to indicate that agreement on the appropriate triggers for additional mitigation would be made in advance before the use is established. This is commonplace in a number of different contexts, most notably when a pit or quarry is established and agreement on mitigation triggers is agreed to when the approval is given.

#### **6.13 Additional clarity on the scope of required studies has been added**

While the April 7th version of the OPA did include policies that recognized that varying types and scales of cannabis-related uses would have an impact on the scoping of required studies, additional clarity in this regard has been added to the OPA. It is expected, as is the case with all applications that the determination of what exactly is required to support each application will be made at the pre-consultation stage.

#### **6.14 Additional clarity on how setbacks are to be measured has been added**

The industry indicated that setbacks from sensitive uses should be measured from the edge of the component of the use that has the potential to cause adverse effects and the sensitive use itself. This has been

incorporated in the revised OPA.

#### **6.15 Additional guidance on the factors that have an impact on setbacks has been added**

Additional factors that may have an impact on the extent of the setback have been added, recognizing that there are many context-specific factors to consider in determining what the setback should be. Because of these factors, it is not possible to determine an appropriate setback in advance and hence the need for a re-zoning process to establish these setbacks on a case-by-case basis. These factors were referenced in Section 6.4 of this report.

#### **6.16 Policies on the two large indoor cannabis related uses have being removed**

The policies in the April 7, 2020 version of the OPA indicated that the expansion of both of these uses would require a Zoning By-law amendment and would have been subject to the study requirements set out in the OPA.

Essentially the intent of the April 7th version of the OPA was to recognize these uses as existing uses and establish a planning process to follow when an expansion is proposed.



It has been determined that recognizing these uses as existing uses and requiring a re-zoning does not allow for another Planning Act process to be followed when an expansion is being considered. In this regard the other approach to follow when considering an expansion is through an application with the Committee of Adjustment in accordance with Section 45(2)(a)(i) of the Planning Act.

In order to implement the above, the proposed ZBA will not recognize these two uses, meaning that they become legal non-conforming uses. In this regard, it is noted that Section E2 of the Pelham Official Plan provides some direction on non-conforming uses. In particular Section E2.2 indicates that the Committee of Adjustment may allow for extensions to a non-conforming use with consideration given to:

- The size of the extension in relation to the existing operation;
- Whether the proposed extension is compatible with the character of the surrounding area;
- The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be

increased or decreased by the extension; and,

- The possibilities of reducing the nuisances through buffering, building setbacks, site plan control and other means to improve the existing situation, as well as minimizing the problems from extension.

## 7.0 ZBA CHANGES

A number of minor changes have been made to the ZBA dated April 7th in response to comments and a further reconsideration of the proposed standards. In this regard, the July 5, 2020 version of the ZBA is attached as **Appendix 5**. The changes to the ZBA are listed below:

1. Permitted uses in the A-CAN and M2-CAN Zones are now limited to cannabis-related uses - indoor and industrial hemp-related uses - indoor. The establishment of these two new zones along with the inclusion of specific definitions for these uses in the zoning by-law means that such uses would only be permitted if the lands were in the A-CAN or M2-CAN Zones. Given that the two existing uses that are subject to zoning in the Town will not be placed in either of these zones, both uses then become legal non-conforming uses. This change also

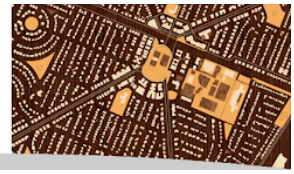


means that outdoor cultivation is an as-of-right permitted use in the A Zone, provided such outdoor cultivation is set back a minimum of 300 metres from sensitive land uses.

2. The minimum front yard for micro-processing and micro-cultivation has been reduced from 100 metres to 20 metres, which is the same front yard required for other types of greenhouses. This setback is appropriate given the scale of these uses.
3. The minimum front yard for standard processing, standard cultivation and industrial hemp-related uses has been reduced from 100 metres to 80 metres and along with the changes below to the required exterior, interior and rear yards, is intended to ensure that a large enough building envelope is available on a lot for this use.
4. The minimum side yard or rear yard for micro-processing and micro cultivation uses has been reduced from 30 metres to 15 metres and from 50 metres to 25 metres where ventilating fans in the wall exhaust into the respective side of rear yard. This requirement is the same as for greenhouses currently in the zoning by-law and is appropriate for these types of uses.
5. The minimum side yard or rear yard for

standard processing and standard cultivation uses and industrial hemp-related uses has been reduced from 60 metres to 40 metres and from 80 metres to 60 metres where ventilating fans in the wall exhaust into the respective side of rear yard. This change, along with the change above to the required front yard is intended to ensure that a large enough building envelope is available on a lot for this use.

6. The minimum side yard or rear yard for micro-processing and micro cultivation uses has been reduced from 100 metres to 20.5 metres. This requirement is the same as for greenhouses currently in the zoning by-law and is appropriate for these types of uses.
7. The minimum exterior side yard for standard processing and standard cultivation uses and industrial hemp-related uses has been reduced from 100 metres to 80 metres to ensure that a large enough building envelope is available on a lot for this use.
8. The requirement for all greenhouses to be located a minimum distance of 45 metres from any lot line with a residential use has been removed from the ZBA.
9. The two exceptions that would have



applied to the existing cannabis uses are no longer in the ZBA, meaning that the uses become legal non-conforming uses as discussed above.



# APPENDIX A - SUMMARY OF PUBLIC COMMENTS

## Regulating Cannabis in the Town of Pelham

Prepared for the Cannabis Control Committee

Addendum Report - July 5, 2020





## Summary of Public Comments

**Comment Period:** April 16, 2020 to May 5, 2020

**Number of Public Comments Received:** 44

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
1	April 16, 2020	Barb Irek	<ul style="list-style-type: none"> <li>Do the amendments also apply within the NEC?</li> </ul>	<ul style="list-style-type: none"> <li>Administration</li> </ul>
2	April 17, 2020	Craig Edwards	<ul style="list-style-type: none"> <li>How do you plan on dealing with this situation when it involves multiple municipalities?</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> </ul>
3	April 17, 2020	Bernie Law	<ul style="list-style-type: none"> <li>Is it also possible to change the Zoning of these cannabis manufacturing plants to Industrial sites rather than agriculture?</li> </ul>	<ul style="list-style-type: none"> <li>Use</li> <li>Existing operations</li> </ul>
4	April 17, 2020	Hank and Terri Steingart	<ul style="list-style-type: none"> <li>Find light pollution and smell disturbing</li> <li>Request to be notified in future</li> </ul>	<ul style="list-style-type: none"> <li>Light</li> <li>Odour</li> <li>Existing operations</li> </ul>
5	April 18, 2020	Jeff Zylstra	<ul style="list-style-type: none"> <li>Questioned whether existing facilities were considered in preparing the new zoning provisions.</li> <li>Comment that the existing operations would not satisfy the zoning provisions being proposed and questioned whether they would be grandfathered.</li> </ul>	<ul style="list-style-type: none"> <li>Existing operations</li> </ul>
6	April 21, 2020	Henry Steingart	<ul style="list-style-type: none"> <li>The increase in car traffic is considerable and the cars are still speeding at a high rate during commuter times.</li> <li>I am concerned about how much a bylaw officer will be able to help control the smell.</li> <li>What happens when the lights are left on again all night?</li> <li>Who will pay?</li> <li>Who will be responsible?</li> <li>Is it enforceable?</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Traffic</li> <li>Enforcement</li> <li>Existing operations</li> <li>Financial impact to taxpayers</li> <li>Penalties for non-compliance</li> </ul>
7	April 21, 2020	Mike Hall	<ul style="list-style-type: none"> <li>Concern that setback guidelines are insufficient and that a minimum 500 metre setback be required.</li> <li>Request that policies address retrofitted greenhouses and require purpose built buildings instead.</li> <li>Existing cannabis operations should be considered an industrial facility and not an agricultural use.</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Building classification</li> <li>Existing operations</li> </ul>
8	April 23, 2020	Fred and Debbie Rohrmoser	<ul style="list-style-type: none"> <li>Cannabis Stink</li> <li>Perfume Stink to camouflage the Cannabis Stink causes us tremendous</li> <li>Agitation in addition to Violent Headaches.</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Light</li> <li>Dust</li> <li>Traffic</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			<ul style="list-style-type: none"> <li>• Grow Light pollution.</li> <li>• Massive Dust pollution. It looks like we are in the middle of a dust storm at times.</li> <li>• Increased traffic and traffic noise from cars and big trucks coming and going.</li> <li>• Property Devaluation, which can impact the re-sale value of our property. As we are Senior Citizens, this is a huge concern of ours. It is extremely important for us to ensure that our Property does not lose its value in the event that we have to sell in the future. Our property is our retirement.</li> <li>• Farmland Loss which has resulted in a loss of aesthetic 'farmland appeal'.</li> <li>• Loss of our Privacy.</li> </ul>	<ul style="list-style-type: none"> <li>• Property devaluation</li> <li>• Farmland</li> <li>• Financial impact to taxpayers</li> </ul>
9	April 23, 2020	Marc Gaudet	<ul style="list-style-type: none"> <li>• Why is there a Schedule A attached to the Draft By-Law Amendment that is not otherwise referenced within the body of the Draft By-Law Amendment?</li> <li>• Is there an opportunity to more forcefully impose light, noise and odour pollution abatement requirements on existing Cantrust greenhouse operations now that they are in receivership?</li> <li>• Does that opportunity come with change of ownership? Does that opportunity come if they change from Cannabis Production to traditional greenhouse operations?</li> </ul>	<ul style="list-style-type: none"> <li>• Administration</li> <li>• Light pollution</li> <li>• Noise</li> <li>• Odour</li> <li>• Existing operations</li> </ul>
10	April 24, 2020	Nancy Keagan	<ul style="list-style-type: none"> <li>• Opposed to the existing and future operations</li> </ul>	<ul style="list-style-type: none"> <li>• Existing operations</li> </ul>
11	April 26, 2020	Valerie and Patrick Handscombe	<ul style="list-style-type: none"> <li>• Unpleasant odour and light pollution</li> <li>• Question whether there is an impact of cannabis terpenes on human health.</li> </ul>	<ul style="list-style-type: none"> <li>• Odour</li> <li>• Light</li> </ul>
12	April 27, 2020	Lawrence & Sharon Overbeeke	<ul style="list-style-type: none"> <li>• Concern that the setback guideline of 300-500 metres from a sensitive land use is insufficient</li> <li>• Impacts to quality of life (enjoyment of outdoors and headaches) as a result of odour</li> <li>• Light trespass also a concern</li> <li>• Noise and vibration from boilers, transport trucks, delivery vehicles</li> <li>• Impact to farmland</li> </ul>	<ul style="list-style-type: none"> <li>• Odour</li> <li>• Light</li> <li>• Noise</li> <li>• Farmland</li> </ul>
13	April 27, 2020	Barry	<ul style="list-style-type: none"> <li>• Commented on the job losses (200 jobs) from the CannTrust operation.</li> <li>• Not supportive of amendments that would make</li> </ul>	<ul style="list-style-type: none"> <li>• Job losses</li> <li>• Existing operations</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			remove or prevent the establishment of a new facility.	
14	April 28, 2020	Lin Zavitz	<ul style="list-style-type: none"> <li>Numbering inconsistency with exception in meridian report and the draft amendment</li> </ul>	<ul style="list-style-type: none"> <li>Administration</li> </ul>
15	April 29, 2020	Judy and Curt Smith	<ul style="list-style-type: none"> <li>Concerns about how cannabis operations impact the value of property/home.</li> <li>Concerns with the smell that is currently emitted from the CannTrust operation and specifically with the proximity to the existing neighbourhood and school.</li> <li>Question why CannTrust has not applied technology to control odour emissions.</li> <li>Concern about the impacts to overall enjoyment of property owners and their property as well as the impacts to property values in the area.</li> <li>Does not agree that the use should be classified as agriculture and should be taxed at a higher rate such as industrial operations.</li> </ul>	<ul style="list-style-type: none"> <li>Property devaluation</li> <li>Existing operations</li> <li>Odour</li> <li>Land use classification</li> <li>Tax classification</li> </ul>
16	April 29, 2020	Cathy and Jason Thompson	<ul style="list-style-type: none"> <li>Would prefer a setback of 750 m to 1 km, but 500 m is okay</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> </ul>
17	April 29, 2020	Deb Foster	<ul style="list-style-type: none"> <li>Concern about the environment and co2 emissions</li> <li>Concern about prime farmland being used for greenhouses</li> <li>Concern about odour</li> <li>Concern about tax classification</li> </ul>	<ul style="list-style-type: none"> <li>Farmland</li> <li>Odour</li> <li>Tax classification</li> </ul>
18	April 30, 2020	Diane Cooper	<ul style="list-style-type: none"> <li>Happy with the amendments</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
19	April 30, 2020	Doug Symington	<ul style="list-style-type: none"> <li><b>Grandfathered.</b> Are the cannabis producers currently operating, having been authorized and permitted by Pelham under the Official Plan and By-laws at the time of their applications, grandfathered to that set of regulations? And not be required to fall under the revisions proposed? If not grandfathered, are those businesses that have been approved under prior regulation, able to challenge either of the proposed Draft Amendments to the Local Planning Appeals Tribunal? If they are able to so challenge, what is the financial exposure and risk to Pelham to defend that action? What legal advice does Pelham currently have in this regard?</li> <li><b>Local Planning Appeals Tribunal Challenge.</b> Do the proposed Draft Amendments conform to the</li> </ul>	<ul style="list-style-type: none"> <li>Existing operations</li> <li>Financial impact to taxpayers</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			Provincial legislation and regulations that are required of municipalities? If so, does that presume that there could be no successful application to the Local Planning Appeals Tribunal to challenge these proposed Draft Amendments? If not, what is the financial exposure and risk to Pelham to defend that action? What legal advice does Pelham currently have in this regard?	
20	April 30, 2020	Sandy Jeffs	<ul style="list-style-type: none"> <li>• Prefer that a setback of 2 km be implemented to control for odour</li> <li>• Will residents have to complain to have odours managed or will our bylaw officers keep an eye on problems and enforce the by-laws?</li> <li>• Schedules A and B - Do not give the public enough information to make comments about. Does this show their existing size? I would like to see a limit on how big an individual company can get in our town. They could keep buying more land around themselves and expand and expand.</li> <li>• Parking- 1 parking space per 100m square of gross floor space. That is using a lot of valuable agriculture land. Could we not consider underground parking in agriculture zones?</li> <li>• Did the town get any feedback from the NEC?</li> <li>• Concern with increased traffic and think that traffic study should be completed by independent traffic expert and not someone hired by cannabis operation.</li> <li>• Would like to see a policy on waste management of plants.</li> </ul>	<ul style="list-style-type: none"> <li>• Odour</li> <li>• Enforcement</li> <li>• Administration</li> <li>• Traffic</li> <li>• Waste management of plants</li> </ul>
21	April 30, 2020	Donna Boksa	<ul style="list-style-type: none"> <li>• Concerned about the environment issues - water table, contamination into soil and water, effects on animals, plants because of light, water, odour, noise. Pollution with chemicals/ fertilizer contaminating soil and water table, run off needs to be addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• Odour</li> <li>• Light</li> <li>• Noise</li> <li>• Waste management of plants</li> <li>• Water</li> </ul>
22	April 30, 2020	David Ireland	<ul style="list-style-type: none"> <li>• Provided an overview of involvement within the community to organize a meeting with the public to raise awareness on the issue of odour in the community.</li> <li>• Concern that the proposed setbacks from sensitive uses are 'grossly inadequate'.</li> <li>• Concern that continued complaints about existing operations have not been dealt with.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing operations</li> <li>• Odour</li> <li>• Waste management of plants</li> <li>• Water</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			<ul style="list-style-type: none"> <li>Also expressed concern about illegal dumping of organic material and water usage</li> <li>Does not feel that odour from livestock should be treated the same as odour from cannabis.</li> <li>Question why existing operations are being grandfathered.</li> <li>Suggest that the wording in Section B.2.7.9 'where possible' be removed.</li> </ul>	<ul style="list-style-type: none"> <li>Land use classification</li> </ul>
23	April 30, 2020	Al and Sheila Langohr	<ul style="list-style-type: none"> <li>Supportive of the amendments, but would prefer that the changes also require new purpose built greenhouses and not retrofitted old greenhouses.</li> <li>Retrofitted greenhouses do not eliminate problems with odour and light.</li> <li>Also would like to see health issues mentioned that are a result of odour and light impacts and that keep people confined to their homes/making them ill (e.g. asthma, COPD, inhalant allergies)</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Light</li> </ul>
24	May 2, 2020	Tillie and Earl Clapp	<ul style="list-style-type: none"> <li>Agree with many parts of the amendments (not listed here)</li> <li>Natural characteristic of cannabis plant emitting higher VOCs than other crops means that there should be different rules applied</li> <li>Cannabis operations should be situated where soil is not adequate for farming.</li> <li>Odour setbacks should be higher.</li> <li>Concern about groundwater and potential impacts</li> <li>Would strongly support the Town in applying policies in draft opa to existing operations seeking an expansion</li> </ul>	<ul style="list-style-type: none"> <li>Land use classification of cannabis</li> <li>Existing operations</li> <li>Farmland</li> <li>Odour</li> <li>Groundwater</li> </ul>
25	May 3, 2020	Rick McCombs and Valerie Eves	<ul style="list-style-type: none"> <li>Concerned about odour and setbacks. 500 metres should be the minimum and 300 metres could be elsewhere.</li> <li>Concern about the impacts of existing facilities on nearby schools</li> <li>Object to outdoor growing</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Existing operations</li> <li>Land use classification of cannabis</li> </ul>
26	May 3, 2020  And another letter May 4, 2020	Paul Bryant	<ul style="list-style-type: none"> <li>Page 6 paragraph 2: Should say 'Township' instead of 'Town'</li> <li>Page 9 iii): should define impact</li> <li>Iv) and v): same as above and outline cost values to correct impact</li> <li>Vii) and x): change the word 'can' to 'must'</li> <li>Page 12. (d)Traffic Impact Study (i)At no cost to the municipality, the proponent of the proposed</li> </ul>	<ul style="list-style-type: none"> <li>Administration</li> <li>Traffic</li> <li>Property devaluation</li> <li>Enforcement Penalties for non-compliance</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			<p>cannabis-related use or industrial hemp-related use will submit a Traffic Impact Study, to the satisfaction of the Town and/or the Region, that demonstrates that the proposed use will not cause any <b>traffic hazards</b> or an <b>unacceptable level of congestion</b> on roads in the area. ...<b>number of vehicles traveling per hour of time, number of axles and vehicle weight limits, time of year road restrictions due to winter / spring tar &amp; chip road strength and rating. Define congestion, parameters. Cost of road repairs? The rural roads were not constructed to carry high volume traffic and are narrow. The sides of Foss road are already in disrepair with lots of black patch, which is a temporary fix.</b></p> <ul style="list-style-type: none"> <li>• Should there be a clause for a yearly inspection or in response to a complaint for access to Cannabis Operation and the process to complete an inspection.</li> <li>• Are there any other words that should be “defined” in the by law or given a dollar value?</li> <li>• I have been told that Medical Cannabis Growers are not covered by Municipal By laws. Is there a way to close the NEC loophole for 425 Kilman road or any other related Medical Cannabis Growers? Is there any other legislation or acts written all the way back to confederation that will cover that loophole?</li> <li>• Don't agree that the facilities have not had an impact on the municipal property assessment.</li> </ul>	
27	May 4, 2020	Melissa Nichol	<ul style="list-style-type: none"> <li>• Concern about the potent smell that is often found within the neighbourhood, which impacts the feel of the community and the enjoyment of outdoor spaces.</li> <li>• Concern with the number of individuals that smoke cannabis on trails and near parks.</li> </ul>	<ul style="list-style-type: none"> <li>• Odour</li> </ul>
28	May 4, 2020	Barry and Patricia Shannon	<ul style="list-style-type: none"> <li>• Provided a number of concerns with the existing CannTrust operation, including: <ul style="list-style-type: none"> <li>○ Odour: strong skunk-like smell that has not been mitigated despite assertions that infiltration and other treatment controls have been put in place.</li> <li>○ Visual: barbwire fencing and other aspects of the operations.</li> <li>○ Traffic: increasing frequency of traffic on</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Odour</li> <li>• Existing operations</li> <li>• Traffic</li> <li>• Property devaluation</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			country roads and a backlog of traffic at shift changes. ○ Unknown health risks associated with emissions. ○ Impacts to housing value.	
29	May 4, 2020	Bryan Kuypers	<ul style="list-style-type: none"> <li>Odor emissions should not be allowed, either the actual odor produced by the crop or any masking agent. All emissions should be safe to humans and not pollute the atmosphere.</li> <li>Light emissions should be mitigated.</li> <li>There should be minimum set backs for both greenhouse and outdoor production.</li> <li>All future facilities should require a site plan and be approved by the Planning Dept.</li> <li>Effects on traffic, water and sewer should be addressed for all developments</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Light</li> <li>Traffic</li> <li>Water</li> </ul>
30	May 4, 2020	Paul McDowell	<ul style="list-style-type: none"> <li>Odour pollution from the plants, light pollution at night, traffic noise on the nearby streets from workers, and the unsightly presence of large scale industrial facilities in our formerly pleasant countryside count amongst the many concerns felt by us and our neighbors.</li> <li>The amendments do not go far enough in expressing meaningful enforcement, penalties and requirements. Nor do they eliminate ambiguity around unforeseen consequences (e.g. effluent potentially leaching into the water table, soil contamination, etc).</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Light</li> <li>Traffic</li> <li>Land use classification</li> <li>Enforcement</li> <li>Penalties for non-compliance</li> </ul>
31	May 4, 2020	Dave Macfarlane	<ul style="list-style-type: none"> <li>In light of the massive greenhouse fire in the peninsula in 2019, I feel the article should be specific concerning the submission of Fire Protection – Sprinkler specifications and drawings. Normally the construction industry considers these a separate entity from the general term “Mechanical”.</li> <li>Tammy Jarbeau, Senior Media Relations Advisor for Health Canada states, “All buildings or part of buildings where cannabis is produced, packaged, labelled, and stored need to be equipped with a system that filters air to PREVENT the escape of odours.” The definition of “prevent” is to STOP odours, NO ODOUR at any time. For this reason Article B2.7.5 a) iii) does not meet Health Canada requirements and should be amended further to meet same.</li> <li>The existing cannabis operations should be</li> </ul>	<ul style="list-style-type: none"> <li>Existing operations</li> <li>Building classification</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			classified as Industrial Occupancy.	
32	May 4, 2020	Gail Smith	<ul style="list-style-type: none"> <li>Any odor from indoor or outdoor crops should not be permitted. There has to be a system in place to prevent this and not just try to mask it.</li> <li>No new facilities should be permitted in close proximity to housing or neighbourhoods where odor and lighting from the facility impacts neighbours. Lighting has to be less severe. Strict enforcement laws and manpower to enforce laws must be in place.</li> <li>Site plans must be submitted and approved prior to receiving a permit to build. Detailed information regarding the prevention of odor and lighting must be included and reviewed to ensure it satisfies the requirements of the Town.</li> <li>Minimum setbacks from road for indoor and outdoor must be set and adhered to.</li> <li>Traffic and road impact studies to be conducted and approved.</li> <li>Environmental impact studies regarding sewage and water to be completed and approved prior to permit being granted.</li> <li>Limited the number of facilities in Pelham with no option to add additional ones.</li> </ul>	<ul style="list-style-type: none"> <li>Existing operations</li> <li>Odour</li> <li>Light</li> <li>Enforcement</li> <li>Traffic</li> <li>Water</li> <li>Waste management of plants</li> </ul>
33	May 4, 2020	Carla and Len Bianco	<ul style="list-style-type: none"> <li>Concerned with light pollution and the agricultural tax base</li> <li>Comment of support with the creation of new policies to deal with the above</li> </ul>	<ul style="list-style-type: none"> <li>Light pollution</li> <li>Tax classification</li> </ul>
34	May 4, 2020	John Richard Reuter	<ul style="list-style-type: none"> <li>Concern with traffic and safety as roads do not have sidewalks</li> <li>Concern with odour and light pollution from existing operations</li> <li>Concern with water takings and stormwater runoff in areas that are not designed to accommodate it</li> <li>Concern about dust pollution</li> <li>Concern about tax classification</li> </ul>	<ul style="list-style-type: none"> <li>Traffic</li> <li>Odour</li> <li>Light</li> <li>Water</li> <li>Dust</li> <li>Tax classification</li> </ul>
35	May 4, 2020	Mandi Dama	<ul style="list-style-type: none"> <li>Supports the amendments</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
36	May 5, 2020	Richard Secord	<ul style="list-style-type: none"> <li>Concerns with odour and light pollution and potential impacts to property assessment</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Light</li> <li>Tax classification</li> </ul>
37	May 5, 2020	Brian and Sarah	<ul style="list-style-type: none"> <li>Concern with noise from generators, traffic, privacy and odour</li> </ul>	<ul style="list-style-type: none"> <li>Noise</li> <li>Traffic</li> </ul>



Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
		Kuzee	<ul style="list-style-type: none"> <li>Do not agree that the 300-500 metre setback will be sufficient</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> </ul>
38	May 5, 2020	Dave & Christine Klyn-Hesselink	<ul style="list-style-type: none"> <li>Concern with noise, odour and light pollution from existing operations</li> <li>Do not agree that the 300-500 metre setback is sufficient</li> <li>The existing facilities should be considered industrial and located where industrial land uses are supposed to be.</li> </ul>	<ul style="list-style-type: none"> <li>Noise</li> <li>Odour</li> <li>Light</li> <li>Existing operations</li> <li>Land use classification</li> </ul>
39	May 5, 2020	Tom May	<ul style="list-style-type: none"> <li>Confusion about the 300-500 metre setback in the OPA and 45 metre setback in the ZBL</li> <li>Should require the licensed professional engineer to have expertise in the area that they are preparing a report for.</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Administration</li> </ul>
40	May 5, 2020	Darlene McDowell	<ul style="list-style-type: none"> <li>Concern with light pollution and odour</li> <li>Requesting that the Town consider municipal licensing</li> <li>Should be in a different tax classification</li> <li>Concern about loss of prime agricultural land</li> </ul>	<ul style="list-style-type: none"> <li>Light</li> <li>Tax classification</li> <li>Farmland</li> </ul>
41	May 5, 2020	Brent Hume and Helene Gagnon	<ul style="list-style-type: none"> <li>Concern about odour and light pollution from CannTrust</li> <li>Concern with tax classification</li> <li>Concern with increased traffic and groundwater impacts, greenhouse gases, electricity and waste removal</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Light</li> <li>Tax classification</li> <li>Traffic</li> <li>Water</li> <li>Waste management of plants</li> </ul>
42	May 5, 2020	Phil Girard	<ul style="list-style-type: none"> <li>Comments were provided on the draft OPA with respect to odour only.</li> <li>A few comments were provided on the wording of text in the preamble.</li> <li>Setbacks should be dictated by the process specific to odour emission rates and the effectiveness of odour controls implemented. If odour can be controlled to a level of trivial impact, the setbacks can be minimized and may not need to be 'significant'.</li> <li>Residents have also expressed concerns about exposure to chemicals from cannabis operations. Could request Emission Summary and Dispersion Modeling Report, including odour, that demonstrates compliance with provincial limits and satisfies odour limits.</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			<ul style="list-style-type: none"> <li>Impact assessment should consider development potential on a vacant lot as well.</li> <li>Some aspects of cannabis processing may fall under Ministry of Environment and Parks (MECP) jurisdiction and may require provisional approval (Section 9 EPA). Town should require statement from MECP stating whether an ECA/EASR is required or not.</li> <li>Future substantiated complaints should be defined so that the trigger is clear.</li> </ul>	
43	May 5, 2020	Julie Campbell	<ul style="list-style-type: none"> <li>Comment that greenhouses should not be located within 500-1,000 metres from a residential dwelling.</li> <li>Requesting that a cap based on percentage allotment be applied to greenhouses in the Town to manage the number of greenhouses that are being constructed.</li> <li>Question on the enforcement of greenhouses that are over the established limit.</li> <li>Outdoor cultivation should be much further than 45 metres from a property line.</li> <li>Concern with the tax classification of existing operations, should be industrial and not agricultural.</li> <li>Cannabis operations are not farms and should be considered as industrial uses.</li> <li>Question on whether studies have been done on the number of individuals that are employed at each operation.</li> <li>Concern and questions on what is happening with farmland that is intended for fruits and livestock.</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Land use classification</li> <li>Farmland</li> <li>Tax classification</li> </ul>
44	May 5, 2020	Jeremy Ross	<ul style="list-style-type: none"> <li>A number of suggestions were provided for updates to the amendments.</li> <li>The setback should be 1,000 metres to ensure that cannabis operations are not an eyesore. They are already violating Town by-laws for fence height.</li> <li>Odour is the biggest issue and there needs to be a quantifiable limit on odour permeation from these facilities.</li> <li>Outdoor growing should be completely banned as it would be impossible to mitigate odour outdoors.</li> <li>There should be a limit on the amount of light that can be emitted.</li> </ul>	<ul style="list-style-type: none"> <li>Odour</li> <li>Light</li> <li>Land use classification</li> <li>Penalties for non-compliance</li> </ul>

Summary of Public Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			<ul style="list-style-type: none"> <li>There should be no harmful chemicals on site. Currently, there are large compressed gas containers on sites that are not typically with agricultural operations. These sites should be considered as industrial uses.</li> </ul>	

# **APPENDIX B - SUMMARY OF AGENCY COMMENTS AND LETTER FROM NIAGARA REGION**

## **Regulating Cannabis in the Town of Pelham**

Prepared for the Cannabis Control Committee

Addendum Report - July 5, 2020



## Summary of Agency Comments

**Comment Period:** April 16, 2020 to May 5, 2020

**Number of Industry Comments Received:** 2

Summary of Agency Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
1	May 4, 2020	Niagara Escarpment Commission	<ul style="list-style-type: none"><li>• Staff position: confirmed that the OPA would not apply in the NEP Area and that the ZBLA would just be used as a guideline if the Town were commenting on a Development Permit application for cannabis related uses.</li><li>• Staff does not feel that the amendments would be in conflict with the NEP 2017.</li></ul>	<ul style="list-style-type: none"><li>• <i>No objection to the amendments.</i></li></ul>
2	May 5, 2020	Regional Municipality of Niagara	<ul style="list-style-type: none"><li>• Provincial and Regional policies permit the growth and cultivation of cannabis as an agricultural use.</li><li>• In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices, including growth of cannabis, shall be promoted and protected in accordance with provincial standards.</li><li>• Cannabis overlay should also apply in the Specialty Agricultural designation.</li><li>• Regional staff recommend against creating policies within the agricultural area that restrict and/or prohibit the types of plants that can be planted.</li><li>• Unclear on what is permitted by the terms cannabis-related use and industrial hemp-related use as definitions are not included in the draft OPA or draft ZBA.</li><li>• Unclear on why outdoor cannabis is not permitted in the industrial designation of the Rural Area.</li><li>• Development criteria should be implemented through zoning and site plan control.</li><li>• Question on whether the setback policies can be refined through additional studies or whether setbacks cannot be refined. Setbacks should be established in the zoning by-law.</li><li>• Question on when certain studies are required (e.g. for the type of use) and comment that AIA is not appropriate as cannabis cultivation is an agricultural use.</li><li>• Given the Region's position with the OPA and</li></ul>	<ul style="list-style-type: none"><li>• Conformity with Provincial and Regional policies</li><li>• Setbacks</li><li>• Requirement of Studies</li></ul>

Summary of Agency Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			<p>conformity to Provincial and Regional policies, the draft ZBA was not reviewed in detail.</p> <ul style="list-style-type: none"> <li>The draft OPA is not consistent nor does it comply with the PPS, Growth Plan or Region of Niagara Official Plan.</li> </ul>	

**Planning and Development Services**

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

---

**Via Email Only**

May 5, 2020

File Nos.: D.10.06.OPA-20-0009  
D.18.06.ZA-20-0024

Ms. Shannon Larocque, MCIP, RPP  
Senior Planner  
Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S1E0

Dear Mr./Ms. Larocque:

**Re: Regional and Provincial Comments  
Official Plan and Zoning By-law Amendment Applications  
Town Initiated Amendments for Cannabis Policies  
Town of Pelham  
Town File No.: OP-AM-01-19 and AM-07-19**

---

Regional Planning and Development Services staff has reviewed the information circulated with the Town initiated Official Plan and Zoning By-law Amendments with respect to cannabis production. The Notice of Request for Comments was received on April 16, 2020, and the draft amendments were received on April 17, 2020.

The draft Official Plan Amendment (OPA) proposes to:

- Establish a cannabis overlay for lands designated Good General Agricultural where new cannabis and industrial hemp-related uses (indoor and outdoor) are permitted, subject to certain criteria being satisfied, including policy guidance for the establishment of appropriate setbacks to avoid, minimize and mitigate adverse effects;
- Establish the requirement for a zoning by-law amendment to establish a new cannabis-related use or industrial hemp-related use in the Good General Agricultural designation;
- Indicate that Site Plan Approval would also be required for such uses;
- Require an Official Plan Amendment, in addition to a zoning by-law amendment, to permit new cannabis and industrial hemp-related uses within the Specialty Agricultural designation;

- Identify the studies that are required to support the establishment of a cannabis or industrial hemp-related use to ensure that all potential adverse effects are studied in advance.
- Establish guidelines on what setbacks will be considered as a minimum if a cannabis or an industrial hemp-related use is proposed through a zoning by-law amendment which can be increased or decreased based on the merits of an individual application.

The draft Zoning By-law Amendment (ZBA) proposes to:

- Add definition for indoor and outdoor cannabis and industrial hemp-related uses as well as sensitive land uses;
- Establish Agricultural-Cannabis (A-CAN) and General Industrial-Cannabis (M2-CAN) zones with regulations for minimum setbacks, lot area, frontage and coverage requirements.
- Rezone properties containing existing cannabis-related uses site-specifically to recognize existing operations.

Regional staff provides the following comments regarding Provincial and Regional policy to assist the City in revising the amendments before they go to Council.

## **Provincial and Regional Policies**

Provincial and Regional policies permit agricultural uses, agriculture-related uses and on-farm diversified uses within the Agricultural areas. The 2020 Provincial Policy Statement (PPS), 2019 Growth Plan for the Greater Golden Horseshoe (GPGGH), 2017 Greenbelt Plan (GP), 2017 Niagara Escarpment Plan (NEP) and Niagara Region Official Plan (ROP) all consider the growth and cultivation of crops (including cannabis) as well as associated on-farm buildings and structures to be an agricultural use, including value-retaining facilities. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices, including growth of cannabis, shall be promoted and protected in accordance with provincial standards.

Provincial and Regional policies also encourage municipalities to promote a mix of employment opportunities to provide for a competitive and diversified economic base within employment areas.

The Niagara Region Official Plan also sets out a number of objectives aimed at maintaining a sustainable agricultural industry. The Plan notes that a wide range of crops are important in maintaining the agricultural industry's diversity. 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 diversity economic activity and add value to their primary products.

## **Official Plan Amendment**

The draft OPA policies permit “cannabis-related and industrial hemp-related uses” within the Good General Agricultural and Industrial designations of the Rural Area (i.e. outside the settlement areas) through the establishment of a Cannabis Overlay designation. However, the amendment excludes permission for cannabis uses within the Specialty Agricultural designation, which is contrary to the direction of Provincial and Regional policies.

The PPS states that, in prime agricultural areas, permitted uses and activities are agricultural uses, agriculture-related uses and on-farm diversified uses. Provincial and Regional policies all consider the growth and cultivation of crops (including cannabis) as well as associated on-farm buildings and structures to be an agricultural use. Regional staff recommend against creating policies within the agricultural area that restrict and/or prohibit the types of crops that can be planted. Both Regional Council and the Region’s Agricultural Policy and Action Committee have been consistent with requests and comments to the Province that all commodity groups be treated equally. By creating policy sets that identify individual crop types, there can be implications that result in disadvantages to growers and operators within the agricultural sector.

The PPS states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) “Guidelines for Permitted Uses in Ontario’s Prime Agricultural Areas” (OMAFRA Guidelines) can be used by municipalities to assist in evaluating compatibility and appropriateness of agricultural uses.

The draft OPA is unclear in terms of what is intended to be permitted by the terms “cannabis-related use and industrial hemp-related use”. The policy references Federal Cannabis Regulation SOR-2018-144 and Industrial Hemp Regulation SOR-2018-145; however, no specific definition is included in the OPA. The reliance on these regulations and lack of a clear definition may be problematic from an implementation perspective. Regional staff would appreciate receiving clarification from the Town as to the intent of the amendment, in terms of whether it is meant to regulate only growth and cultivation of cannabis or processing as well. Cannabis processing may be considered an agriculture-related use, subject to meeting certain criteria. These criteria have been identified in the draft OPA, but it is unclear in the draft policy in which circumstances these criteria would apply.

The draft OPA seems to indicate that cannabis-related uses may be considered Agricultural, Agricultural-related or Industrial-uses, but does not specify which policies apply to which use. Policy B2.7.4(b) makes reference to the criteria for agricultural related uses. The basis of the amendment suggests cannabis-related uses meet the definition for “Major Facility” in the PPS. In Prime Agricultural Areas, the growth, cultivation and processing of cannabis is considered an agricultural use and in this regard the use of this PPS policy is incorrect. As previously noted, the PPS allows agricultural uses of all types, sizes and intensities in Prime Agricultural Areas, and the amendment is unclear on whether the intent is to regulate processing of cannabis, which may be considered an agriculture-related use.

It is unclear why the proposed amendment proposes to limit outdoor cannabis cultivation in the Industrial designation of the Rural Area. Regional staff discourage the prohibition of outdoor cultivation, specifically in Rural Area designations, which should permit all types and methods of agricultural uses and production to be consistent with Provincial and Regional policy.

Although Regional staff support the municipality’s ability to identify specific development criteria (such as odour and light mitigation systems, monitoring plans, setbacks from sensitive uses), these are more appropriately implemented through Zoning and Site Plan Control. It is unclear whether the intent of the minimum setback policies is to provide a minimum that can be further refined through the additional studies as part of the Zoning By-law Amendment, or whether the minimum setback cannot be refined which then make the additional studies redundant. Regional staff support the municipality’s ability to identify minimum setbacks in a zoning by-law where they can be justified and/or the requirement for additional studies at the time of application; however, the policies should be clear that the minimum setbacks identified in the OPA can be further refined by the additional studies without the requirement for additional amendment to the official plan. The Region would appreciate an opportunity to review the justification undertaken by the Town in support of the minimum setbacks identified in the draft OPA, as these setbacks exceed recommended setbacks for other uses that require separation from sensitive land uses (i.e. Class III industrial uses).

With regard to the requirement for additional studies, clarification on when these studies are required (i.e. growing and cultivation or processing) should be provided. Some of the studies (i.e. Agricultural Impact Assessment) are not appropriate for growth and cultivation given cannabis production is an agricultural use.

## **Zoning By-law Amendment**

Given the number of conformity issues with the draft OPA, Regional staff has not reviewed the draft Zoning By-law Amendment (ZBA) in great detail. Staff notes that some of the detailed policies included in the draft OPA (i.e. specific numbers or references to specific crops) would be more appropriately included in a ZBA. It is noted that the minimum setback to sensitive land uses (i.e. residential) is significantly different

between the draft OPA and the draft ZBA. A previous draft ZBA was circulated by the Town, and Regional staff provided comments by letter dated August 29, 2019. Regional staff would be supportive of regulations similar to what was previously circulated.

## **Regional Approval**

These comments are provided as guidance on matters required to address compliance with Provincial and Regional policy and the possibility of an exemption from Regional approval. In accordance with the *Planning Act* and Memorandum of Understanding, site-specific local Official Plan Amendments are generally subject to approval by Regional Council. The proposal may be exempt from Regional approval if Policy 14.E.7 and 14.E.8 of the ROP can be met. The applicable policies are as follows:

*14.E.7 Policy amendments to local Official Plans that are in conformity with the Regional Official Plan may be exempt from Regional approval where they are of local significance and no Regional interest is adversely affected. Applications for a policy amendment to local Official Plans with Regional interests, where a collaborative process has been undertaken between the Region and the Local Municipality, including policies (i) and (ii) below, have been addressed through pre-consultation and review of the draft Local Amendment may also be exempt. Amendments impacting any one of the following areas are not eligible for exemption:*

- i. Applications directly and substantially affecting Regional servicing infrastructure: i.e. streets, water, and wastewater;*
- ii. Applications that substantially change Regional capital forecasts;*
- iii. Urban boundary expansions;*
- iv. Applications to convert employment areas and lands that have the potential for adversely affecting the viability of an employment area;*
- v. Major applications that will adversely affect Regional traffic flows;*
- vi. Major secondary plans;*
- vii. Retail applications of Regional scale which have a market area extending two or more municipalities;*
- viii. Applications that are not consistent with the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe;*
- ix. Applications with cross-boundary impacts.*

*14.E.8 Site specific amendments to local Official Plans shall be subject to the following policy. The Region as the approval authority for local Official Plans may exempt some local Official Plan amendments involving land use designation changes from Regional approval. Local Official Plan amendments to be considered for exemption will be of local interest only, not extensive or comprehensive in nature and not involving a change to the municipality's urban area boundaries. Only those amendments which satisfy the following criteria are eligible for exemption:*

- i. The amendment must be site specific and/or minor in size and nature,*

- ii. *The amendment conforms to the Regional Official Plan and is consistent with the Provincial Policy Statement,*
- iii. *The amendment does not impact on any adjacent municipality or conflict with the Niagara Escarpment Plan, and does not require new Regional financing or servicing,*
- iv. *The amendment complies with the Region's financial and servicing strategy,*
- v. *The amendment incorporates any concerns or modifications recommended by the Region to address Regional or Provincial concerns, and*
- vi. *Any subsequent changes made to the local Official Plan amendment by the local Council in adopting the amendment do not conflict with the Regional Official Plan or previous requirements by the Region.*

Should the amendment be revised to address the above noted comments, the OPA may be exempt from Regional approval.

## **Conclusion**

The Region appreciates the opportunity to review and comment on the previous and current draft amendments.

Provincial and Regional policies permit the growth and cultivation of cannabis as an agricultural use and the draft OPA is not consistent nor does it comply with these policies without modifications. Regional staff would be happy to have further discussions with Town staff and their consultant regarding our comments and the necessary changes required to ensure the draft policies and regulations align with Provincial and Regional policies.

If a revised OPA addresses our comments, Regional staff will review to determine whether the amendment can be exempt from Regional Council approval in accordance with Policy 14.E.7/14.E.8 of the Regional Official Plan and the Memorandum of Understanding. Confirmation on exemption will be provided upon receipt and review of the revised OPA.

Kind regards,



Britney Fricke, MCIP, RPP  
Development Planner

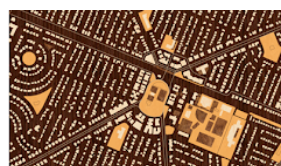
cc: Barb Wiens, MCIP, RPP, Director of Community Planning and Development,  
Town of Pelham  
Tim Nohara, Chair of Cannabis Control Committee, Town of Pelham  
Nick McDonald, RPP, Meridian Planning Consultants  
Diana Morreale, MCIP, RPP, Director of Development Approvals, Niagara  
Region  
Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Lola Emberson, MCIP, RPP, Senior Development Planner, Niagara Region

# APPENDIX C - SUMMARY OF INDUSTRY COMMENTS AND LETTERS FROM THE INDUSTRY

## Regulating Cannabis in the Town of Pelham

Prepared for the Cannabis Control Committee

Addendum Report - July 5, 2020



## Summary of Industry Comments

**Comment Period:** April 16, 2020 to May 5, 2020

**Number of Industry Comments Received:** 3

Summary of Industry Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
1	May 5, 2020	Sullivan and Mahoney, on behalf of CannTrust Inc.	<p><b>Official Plan Amendment</b></p> <ul style="list-style-type: none"> <li>• Policies are unduly restrictive</li> <li>• The OPA does not recognize the CannTrust lands as an agricultural use.</li> <li>• OPA does not conform to the PPS: Agricultural uses are permitted in the prime agricultural area and the cultivation of cannabis is an agricultural use under the PPS.</li> <li>• OPA does not conform to the Growth Plan (no justification is included).</li> <li>• A number of concerns were raised that impact an expansion to the CannTrust operation. These include: <ul style="list-style-type: none"> <li>○ B.2.7.8 would require CannTrust to apply for a zoning by-law amendment to expand CannTrust operation should be recognized as an existing use</li> <li>○ B.2.7.4 – question on how would these criteria be measured.</li> <li>○ B.2.7.5 – concern that there is no flexibility for staff to modify study requirements, particularly as it relates to an expansion of the existing CannTrust operation</li> <li>○ Setbacks are overly restrictive and should be measured from a sensitive receptor and not a lot line.</li> <li>○ Do not agree that signage requirements can be in an Official Plan.</li> <li>○ Do not agree that future substantiated complaints should be the basis for triggering the completion of studies.</li> </ul> </li> </ul> <p><b>Zoning By-law Amendment</b></p> <ul style="list-style-type: none"> <li>• Site-specific zoning should grandfather the existing CannTrust operation</li> <li>• Parking requirement is excessive.</li> <li>• Front and side yard requirements are excessive.</li> </ul>	<ul style="list-style-type: none"> <li>• Conformity with Provincial policies</li> <li>• Impacts on future expansion</li> <li>• Excessive setbacks</li> <li>• Policy implementation (study requirements, measuring criteria, future substantiated complaints)</li> </ul>
2	May 5, 2020	Friedmans Law Firm, on	<ul style="list-style-type: none"> <li>• Amendments are not consistent with the PPS, cannabis cultivation is an agricultural use and is</li> </ul>	<ul style="list-style-type: none"> <li>• Conformity with Provincial</li> </ul>

Summary of Industry Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
		behalf of Leviathan Cannabis Group Inc.	<p>not considered a major facility.</p> <ul style="list-style-type: none"> <li>Amendments do not conform to the agricultural policies in the Growth Plan.</li> <li>Amendments do not conform to the Regional Official Plan policies that apply to agricultural areas.</li> <li>Do not agree that the only way of preventing adverse effects is through separation and indicated that there are ways to mitigate odour and light through better design of greenhouses (e.g. sealed greenhouses).</li> <li>Section B.2.7.4 of OPA do not allow for mitigation of adverse effects but rather read as a strict prohibition of negative impacts, which is not defined.</li> <li>Section B.2.7.5(a)(iii) – it is unclear about how compliance could be demonstrated.</li> <li>Unclear how setback guidelines can be reduced.</li> <li>OPA setback guidelines and ZBA setbacks in 7A.2 (i) to (l) are excessive and the setback distance should be measured from the sensitive receptor and not the lot line.</li> <li>Parking requirements are ‘unreasonably’ connected to gross floor area instead of employment.</li> </ul>	<p>policies</p> <ul style="list-style-type: none"> <li>Impacts on future expansion</li> <li>Excessive setbacks</li> <li>Policy implementation (study requirements, measuring criteria, future substantiated complaints)</li> </ul>
3	May 5, 2020	Inch Hammond Barristers and Solicitors, on behalf of RedeCan	<ul style="list-style-type: none"> <li>Amendments are not consistent with the PPS and do not conform with the Growth Plan.</li> <li>With respect to the PPS section 1.2.6.1, it is opined that this policy provides for the ability to mitigate potential impacts of major facilities through planning process and does not require that they be eliminated entirely.</li> <li>In addition to the above, cannabis cultivation is considered as an agricultural use in the PPS. The same opinion is provided with respect to the Growth Plan policies for agricultural uses.</li> <li>The amendments would require a planning process for an expansion to the existing operations, which is not supported.</li> <li>The policies do not allow for staff to modify study requirements on a site specific basis.</li> <li>B.2.7.4 a) iii) requires an AIA which evaluates the impacts of non-agricultural development, however it is opined that cannabis cultivation is</li> </ul>	<ul style="list-style-type: none"> <li>Conformity with Provincial policies</li> <li>Impacts on future expansion</li> <li>Excessive setbacks</li> <li>Policy implementation (study requirements, measuring criteria, future substantiated complaints)</li> </ul>



Summary of Industry Comments on Draft Cannabis Amendments				
	Date	Recipient	Question/Summarized Comments	Theme
			<p>an agricultural use.</p> <ul style="list-style-type: none"> <li>• B2.7.7 setback guidelines are overly restrictive and there is no basis for measuring the setback from the lot line rather than the sensitive receptor.</li> <li>• In addition to the above, there is no basis for requirements for separation distance between cannabis related uses, as demonstrated by previous application of separation distance for group homes.</li> <li>• Other comments on the draft OPA <ul style="list-style-type: none"> <li>○ B2.7.4 a) ix) is redundant to the Sign By-law</li> <li>○ B2.7.4 a) x) is more appropriately assessed at site plan stage</li> <li>○ B2.7.5 a) iii) is overly prescriptive and performance measures should not be within an OP</li> <li>○ B2.7.5 a) vi) and B2.7.5 b) ii) require studies based on substantiated complaints, which are not defined and could be overly burdensome</li> <li>○ B.2.7.4 studies require peer review and the Town/Region should consider internalizing expertise rather than passing the burden to applicants</li> </ul> </li> <li>• Comments on draft ZBA</li> <li>• Required minimum parking is excessive</li> <li>• Required minimum front yard and side yard requirements are excessive</li> <li>• Greenhouse setback of 45 metres from a lot line with residential use conflicts with the draft OPA policies that set out guidelines of 300-500 metres from lot lines with sensitive receptors</li> </ul>	

May 5, 2020

**Via Email**

Please reply to St. Catharines office  
**Sara J. Premi**  
905-688-8039 (Direct Line)  
[sjpremi@sullivanmahoney.com](mailto:sjpremi@sullivanmahoney.com)

Ms. Shannon Larocque, Senior Planner  
Mr. Tim Nohara, Chair of Cannabis Control Committee  
Mr. Nick McDonald, Planning Consultant  
c/o Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

Dear Sir/Madam:

**Re: Proposed Cannabis Policies and Regulations – Draft Official Plan and Draft Zoning By-law**

We act as solicitors to CannTrust Inc.

Please accept this correspondence as our comments in respect of the Town's draft Official Plan and Zoning By-law amendments – Draft Cannabis Policies.

**Proposed Official Plan Amendment**

Our client's fundamental concern with the proposed amendment to the Town's Official Plan is with respect to future development. It is our position that the policies in this regard are unduly restrictive and that they do not constitute good land use planning. Further, the policies are not consistent with the Provincial Policy Statement (the "PPS") and fail to conform with the Growth Plan for the Greater Golden Horseshoe ("Growth Plan").

The proposed OPA fails to recognize our client's land use as an agricultural use. Agricultural uses are permitted in the prime agricultural area, and the cultivation of cannabis is an agricultural use under the PPS. The PPS promotes and protects agricultural uses of all types, sizes and intensities. The proposed policies of the Town's amendment may operate to frustrate growth and expansion, and therefore are not consistent with the PPS.

Our client's use of its property conforms to the Growth Plan. Any proposed expansion of the use also conforms with the Growth Plan. Restrictions on future development of agricultural uses in the agricultural area raises conformity issues with the Growth Plan, and points out the dangers of discrimination between agricultural uses.

**Client Committed. Community Minded.**

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

[sullivanmahoney.com](http://sullivanmahoney.com)

Our concerns with the language of the amendment include:

- B2.7.8 recognizes our client's existing land use but requires an amendment to the zoning by-law in accordance with section B2.7 for any floor area beyond what existed on the effective date.
- While we disagree with the planning basis for this policy as it applies to an expansion for the reasons described above, namely that our client's use is agricultural and provincial policy promotes and protects it, we submit, on a without prejudice basis that any recognition of existing use must include approved expansions.
- There are proposed policies in B2.7.4 that cannot be qualified – for example (a)(i) – how does the Town propose to measure and determine this criteria?
- The language of Policy B2.7.5 is inappropriately prescriptive. It allows no flexibility to allow staff to modify study requirements on a site specific basis – particularly in terms of any proposed expansion of an existing facility.
- The proposed policies in respect of setback apply to expansions. This policy is overly restrictive – the Town is without justification to base the setback to a property line as opposed to a sensitive receptor. The baseless imposition of restrictions in relation to setbacks can lead to frustrating a federally permitted use. We are aware that the Town's own analysis of sensitive receptors demonstrated a 300m radius from receptor not property line.
- There is no planning justification to impose setbacks between cannabis related uses.
- It is inappropriate to regulate signage requirements in an Official Plan.
- We have serious concerns about the policy basis to trigger action and the submission of studies based on "future substantiated complaints".

### **Zoning By-law**

Our client's facility is appropriately zoned for its use and is recognized by the Town. The proposed Zoning By-law rezones our client's facility to site specific zone A-300.

Like the proposed Official Plan, the proposed ZBL requires an amendment for any expansion. First, we ask that the language in section 7 of the proposed by-law be amended to add the words "or was approved" to the text of the site specific description. Further, we reiterate our comments above – the requirement for a site specific amendment to expand the agricultural use is not in keeping with provincial policy.

We offer the following comments on the proposed zoning regulations:

- The proposal with respect to required parking is excessive. There is no planning justification for this requirement.
- The front yard and side yard requirements are excessive. There is no planning justification for these requirements.

As set out above, there are issues with respect to consistency and conformity of the proposed Official Plan and Zoning By-law amendments with the PPS and Growth Plan.

Our client would welcome a meeting with planning staff to discuss proposed revisions.

Yours very truly

**Sullivan Mahoney LLP**

Per:

A handwritten signature in black ink, appearing to read 'Sara J. Premi', with a stylized, flowing script.

Sara J. Premi

SJP:bj

cc—Ms. Nancy Bozzato, Clerk (for Mayor Marvin Junkin and Members of Council)  
cc—client  
cc – Mr. Callum Shedden, Town Solicitor

# FRIEDMAN

LAW FIRM

William Friedman  
B.A., B.C.L., LL.B.  
Bryan C. Friedman  
BFA., J.D.  
Mark A. Russell  
B.A., J.D.  
Michael W. Ruso  
B.A. (Hons), J.D.  
Matthew Dankey  
B.B.A. (Hons), LL.B., CFA  
Jey Kumarasamy  
B.C.L., LL.B.

Judy Hamilton  
B.A., B.Ed., LL.B.  
Patrick Balkos  
B.A., J.D.  
Shirley Bai  
B.Sc. (Hons), M.B.A., J.D.  
Lauren Daneman  
B.A., J.D.  
Seta Boyadjian  
B.A. (Hons), J.D.  
Selina Piekarski  
B.A., J.D., J.D.

J. Todd Holmes  
B.A., LL.B.  
Stephen C. Nadler  
B.A., J.D.  
Yeganeh Pejman  
B.A., J.D., J.D.  
Shida Azari  
B.A., LL.B.  
Amaki Otuteye  
B.B.A., J.D.

May 5, 2020

*Via email [slarocque@pelham.ca](mailto:slarocque@pelham.ca), [timnohara@gmail.com](mailto:timnohara@gmail.com) and  
[nick@meridian-vaughan.ca](mailto:nick@meridian-vaughan.ca)*

Attn: Shannon Larocque, Tim Nohara and Nick McDonald  
Cannabis Control Committee  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

*Via email Nancy Bozzato, Town Clerk ([njbozzato@pelham.ca](mailto:njbozzato@pelham.ca)) and facsimile*

Ms. Nancy Bozzato, Town Clerk  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

Dear Ms. Bozzato, Ms. Larocque, Mr. Nohara and Mr. McDonald:

**RE: Proposed draft amendments to the Official Plan and Zoning By-law**

We represent Woodstock Biomed Inc. (“**Woodstock Biomed**”), the owner of lands municipally known as 770 Foss Road in Fonthill (the “**Foss Road Site**”), and Leviathan Cannabis Group Inc. (“**Leviathan**”), which plans to build a sealed greenhouse cannabis production facility on the Foss Road Site.

We have reviewed the proposed draft amendments dated April 7, 2020 as published by the Town of Pelham (the “**Town**”) on its website April 17, 2020 as “Draft Cannabis Zoning By-law Amendment” to amend Zoning By-law No. 1136 (1987) (the “**draft ZBA**”) and “Draft Cannabis Official Plan Amendment” to amend the Town’s Official Plan (2014) (the “**draft OPA**”).

The draft ZBA and OPA will collectively be referred to herein as the “**Draft Amendments**”.

This letter constitutes Woodstock Biomed and Leviathan’s objection to the Draft Amendments, which amendments are targeted at cannabis cultivation and processing.

## **Background**

Leviathan's development proposal for the Foss Road Site was subject to a comprehensive review by the Town of Pelham (the "**Town**"), Department of Community Planning & Development ("**Planning Department**").

The Planning Department recommended in its report dated April 15, 2019 that Town Council approve Leviathan's development proposal on the conditions set out in the report, which is entitled "Recommendation Report Regarding Amendment to Interim Control By Law 4046 (2018), 770 Foss Road (File No. AM-01-2019)" (the "**Foss Road Report**"). The conditions in the Foss Road Report included site plan agreement and passage of a by-law dealing with nuisances to address odour and light concerns.

## **Draft ZBA setbacks are excessive**

The setback distances set out in Section 7A.2 (i) to (l) of the Draft ZBA are excessive.

This is compounded, moreover, by the failure of the draft ZBA to define proper terminus points for the setback measurements. On the one end, the draft ZBA fails to distinguish setbacks from cultivation areas from other parts of a cannabis production facility. This inflates already excessive setbacks. In the Foss Road Report, the Planning Department considered setbacks from the cultivation area noting most impacts are associated with the cannabis cultivation processes rather than other areas of a cannabis production facility such as the office, headhouse or processing area.

At the other end, the draft ZBA fails to properly define the terminus of the setback measurement. As an example, and without limiting the generality of the foregoing, 7A.2 (m) of the Draft ZBA states that "[a]ll greenhouses" shall be located a minimum distance of 45 meters from any "lot line of a lot with a residential use." The sensitive use, however, is the residence dwelling on the adjacent lot. Accordingly, and in line with current version of the Zoning By-law 1136 (1987), any such supplementary setback is properly measured from the residence on the adjacent lot and not the lot line. 7A.2(n) of the Draft ZBA similarly references a 30-meter setback from the lot line of an adjacent lot with a residential use as opposed to 30 meters from the residence. The effect of the foregoing is to further inflate the already excessive setback distances.

The proposed parking requirements described at section 3 of the Draft ZBA are also unreasonably connected to gross floor area instead of employment.

## **Draft Amendments are contrary to Provincial Policy Statement 2020**

The *Planning Act*, R.S.O. 1990 stipulates that decisions of Council regarding planning matters shall be consistent with provincial policy statements and conform with provincial plans. Planning, in this respect, is a top-down policy led system.

The Foss Road Site falls under the Good General Agricultural category of the current Official Plan and is further delineated as a “prime agricultural area”.

Section 2.3.3.2 of the Provincial Policy Statement 2020 (“PPS 2020”) states:

In prime agricultural areas, **all types, sizes and intensities of agricultural uses** and normal farm practices shall be promoted and protected in accordance with provincial standards.

As held by the Town’s Planning Department in the Foss Road Report and by the Ontario Ministry of Agriculture, Food and Rural Affairs, cannabis cultivation is an agricultural use.

The Draft Amendments do not support all types, sizes and intensities of agricultural use. Instead, they overly restrict cannabis-related uses including with excessive setback requirements which restriction in many cases amounts to a prohibition.

Meridian Planning in its report for the Cannabis Control Committee (“CCC”) dated April 14, 2020 justifies the Draft Amendments on the unfounded opinion that “the only effective way of ‘preventing’ adverse effects between a major facility [which Meridian opines includes a cannabis production facility] and a sensitive use...is through separation.”

Meridian Planning’s statement is in error. First, agricultural cannabis-related uses do not reasonably fall under the definition of “major facilities” found at section 1.2.6.1 of PPS 2020. Section 1.2.6.1 speaks to industrial and manufacturing uses such as airports, rail facilities, marine facilities, oil and gas pipelines and resource extraction activities. Moreover, and in any event, the purpose of Sections 1.2.6.1 and 1.2.6.2 of PPS 2020 are to ensure long-term viability of ‘major facilities’ - not to preclude their operation. Section 1.2.6.1 of the PPS 2020 does not justify the more stringent restrictions found in the Draft Amendments than those previously proposed by the Town’s Planning Department.

Second, Meridian Planning’s contention that only separation is effective in mitigating potential adverse effects is unfounded and wrong. As set out in the Foss Road Report, the Town’s Planning Department found that Leviathan’s proposed development for a sealed greenhouse design and other odour mitigation techniques - including charcoal filters, bi-polar ionization and high pressure fog - are “proven technology in mitigating odours in various settings.”

The Meridian Planning report notes that the Draft Amendments were significantly driven to address odour concerns raised by the CCC and noting setbacks are based on adverse effects currently experienced by residents. In the Foss Road Report, the Town’s Planning Department received and reviewed better design (e.g. a sealed greenhouse) and mitigation measures and concluded that the technology exists to mitigate concerns such as odour and light. The Draft Amendments – including the excessive setback requirements found therein - demonstrate an overbroad attempt to use distance without fair consideration of technology and design. The Draft Amendments are accordingly overly restrictive. The proper planning mechanism for dealing with issues such as those relating to odour, light and activity levels should though site plan control - not the Draft Amendments.

The Draft Amendments overly stringent restrictions lack planning merit and are not consistent with PPS 2020 and other applicable policies, including:

- PPS 2020 Section 1.1.4.1 f): 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.
- PPS 2020 Section 1.1.4.1 i): Healthy, integrated and viable *rural areas* should be supported by: providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- PPS 2020 Section 2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.
- PPS 2020 Section 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.
- PPS 2020 Section 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.
- Growth Plan for the Greater Golden Horseshow Section 4.2.6.2: *Prime agricultural areas*, including *specialty crop areas*, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.
- Growth Plan for the Greater Golden Horseshow Section 4.2.6.3: Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an *agricultural impact assessment*.
- Regional Official Plan, consolidated 2014 Policy 5.B.6: In the Unique and Good General *Agricultural Areas*, the predominant use of land will be for agriculture of all types, including livestock operations as well as associated value retention uses.

The Draft OPA further contains ambiguous and overbroad language, including proposing general polices in section B2.7.4 that do not allow for mitigation of adverse effects but rather read as a strict prohibition by employing an undefined and broad term “negative impact”, including as at:



- Section B2.7.4a) i): the proposed use will not have any negative impact on the enjoyment and privacy of residential properties in the area.
- Section B2.7.4a) iii): The proposed use will not have a negative impact on agricultural uses in the general area and will not have an impact on normal farm practices as demonstrated by the required studies.
- Section B2.7.4a) v): There will be no negative impact on the quality and quantity of groundwater surface water as a result of the taking of water and generation of effluent.

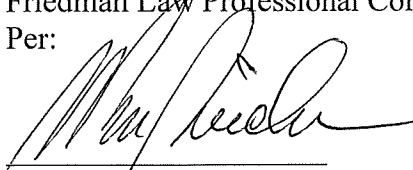
In addition, the requirement for demonstrating a standard of compliance as proposed at Section B2.7.5(a)(iii) of the Draft OPA is unclear and ambiguous.

The Draft OPA also includes minimum setback guidelines set out in section B2.7.7 that are excessive and fail to utilize appropriate setback terminus points in the same manner as described above in relation to the Draft ZBA. The Draft OPA setback guidelines also appear to be inconsistent with the Draft ZBA.

Furthermore, section B.2.7.7 of the Draft OPA is unclear in what the considerations are for lowering the proposed setback guidelines. Although the section speaks to considering mitigation measures proposed as part of the Section B 2.7.5 studies, it does not clearly stipulate that the setback guidelines can be lowered based on the mitigation measures proposed whether by the 2.7.5 studies or by otherwise. The factors considered to lower the setback guidelines enumerated at Section B2.7.7. (b)(i) to (v) should be expanded to expressly contain consideration of the mitigation measures proposed.

The Town must ensure that any amending by-law and official plan amendment comply with the PPS and other applicable policy statements. For the foregoing reasons, the Draft Amendments are not in compliance and are not valid.

Yours truly,  
Friedman Law Professional Corporation  
Per:

  
William Friedman

# Inch Hammond

---

Barristers & Solicitors

---

1 King Street West  
Commerce Place  
Suite 500  
Hamilton, Ontario  
Canada L8P 4X8

Email: [pelletier@inchlaw.com](mailto:pelletier@inchlaw.com)  
Telephone 905-525-4481  
Fax 905-525-0031

May 5, 2020

## VIA EMAIL

Shannon Larocque, Senior Planner  
Tim Nohara, Chair of Cannabis Control Committee  
Nick Macdonald, Planning Consultant  
c/o Town of Pelham  
20 Pelham Square, P.O. Box 400  
Fonthill, ON L0S 1E0

Dear Sirs / Mesdames:

**Re: Land Use Planning Comments  
Proposed Cannabis Policies and Regulations for the Town of  
Pelham**

---

As counsel for 9037136 Canada Inc. o/a RedeCan and RedeCan Pharm ("RedeCan"), we submit this letter for your consideration regarding the Proposed Cannabis policies and Regulations.

As indicated in greater detail below, we submit that the proposed Official Plan policies and Zoning regulations are not consistent with the Provincial Policy Statement nor do they conform with the Growth Plan for the Greater Golden Horseshoe. Furthermore, they do not represent good land use planning. We respectfully ask that you take our concerns detailed below into consideration.

### Official Plan Policies

The proposed Official Plan policies describe "Cannabis Related Use" as "any use that is authorized in accordance with Federal Cannabis Regulation SOR-2018-144." The existing use at 182 Foss Road meets this definition. The proposed Official Plan policy generally recognizes the existence of the RedeCan facility through Policy B2.7.8. However, the policy requires a Zoning By-law Amendment in accordance with Section B2.7 for any additional floor area beyond what exists at the time the policies are passed. The proposed policies impose additional requirements and are restrictive to development.

Even where a Cannabis Related Use would not be a use generally associated with light or odour, such uses are classified the same as cultivation in accordance with the Proposed Official Plan Policy B.2.7.4. Policy B.2.7.4 would require an Odour Emission and Dispersion Modelling Report, Contingency Odour Mitigation Plan, Light Mitigation Plan and Contingency Light Pollution Mitigation Plan even if a proposed use is not associated with light or odour impacts. Language contained in Policy B2.7.5 is prescriptive in its requirement for these studies and does not provide Staff the ability to modify study requirements based on individual circumstances. In our view, this places an undue burden on the proponent of an expansion project that does not involve cultivation or other uses associated with light or odour impacts.

### **Provincial Policy Statement (PPS)**

The proposed Official Plan policies consider Cannabis Related Uses to be major facilities in accordance with the definition contained in the Provincial Policy Statement. In the “Basis of the Amendment”, the document indicates that the PPS states that adverse impacts of major facilities shall be avoided. In our opinion, this is an incorrect interpretation of PPS 1.2.6.1. PPS 1.2.6.1 also states that “if avoidance is not possible, (major facilities shall be planned to) minimize and mitigate any potential adverse effects...” The policy also requires planning to ensure the “long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.” In this regard, it is our opinion that PPS Policy 1.2.6.1 provides for the ability to mitigate potential impacts of major facilities through the planning process and does not require that they be eliminated entirely.

The incorrect interpretation of PPS Policy 1.2.6.1 in the Basis of the Amendment is echoed in Proposed Official Plan Policy B2.7.4 a) which requires that in consideration of a Zoning By-law amendment to permit an expanded facility, Council shall be satisfied that the proposed use “will not have a negative impact on the enjoyment and privacy of residential properties in the area.” The Official Plan policies selectively interpret a portion of one PPS policy as a means of restricting Agricultural land uses in the Prime Agricultural area in favour of non-agricultural land uses.

Part III of the Provincial Policy Statement states “The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together.” In this regard, other policies of the PPS must be considered in the adoption of Official Plan policies which are the primary means of implementing Provincial Policy. Although there is some reference to Provincial Policies for Agricultural and Agricultural-related use policies in the report Regulating Cannabis in the Town of Pelham, the proposed Official Plan policies do not reflect that Cannabis Related Uses (as defined in the proposed Official Plan policies and zoning regulations) are Agricultural and Agricultural-related uses in accordance with the Provincial Policy Statement. In fact, there is no mention of any Provincial Policy other than PPS Policy 1.2.6.1 in the Proposed Official Plan Amendment.

PPS policies related to the Agricultural Area are of particular relevance. PPS Policy 2.3.3.1 permits agricultural uses, agriculture related uses and on-farm diversified uses in the Prime Agricultural Area. The cultivation of cannabis meets the PPS definition of Agricultural use. Policy 2.3.3.2 of the PPS states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards in Prime Agricultural Areas. These Policies clearly demonstrate that the Prime Agricultural Area is intended for the existing and any future RedeCan uses. Official Plan policies that would prohibit or frustrate the ability to operate or expand are not consistent with the Provincial Policy Statement in this regard.

Proposed Official Plan Policy B2.7.4 a) iii) requires that new Cannabis Related Uses shall not have a negative impact on agricultural uses in the area or normal farm practices. Proposed Official Plan Policy B2.7.5 c) requires that an Agricultural Impact Assessment be undertaken as part of a Zoning By-law Amendment to demonstrate no such impact. An agricultural impact assessment is defined by the Greenbelt Plan and Growth Plan for the Greater Golden Horseshoe as “a study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.” The introduction of a “non-agricultural use” is implicit in the assessment of impacts on agriculture uses. Given that Cannabis Related Uses (as defined in the Proposed Official Plan policies) are Agricultural and Agriculturally Related Uses (as defined by the PPS), these are precisely the uses which the PPS contemplates for the Prime Agricultural Area so an evaluation of the impact of siting Agricultural and Agriculturally related use in the Agricultural area is redundant.

Overall, the proposed Official Plan policies favour non-agricultural land uses in the Prime Agricultural Area and prejudice RedeCan’s ability to use an Agricultural property for Agricultural and related purposes in favour of minimizing impacts on the non-agricultural land uses in the area. This is not consistent with the Provincial Policy Statement Policies for Agricultural Areas.

### **Growth Plan for the Greater Golden Horseshoe**

The definition of Agricultural uses and Agriculture-related uses in the Growth Plan is consistent with the Provincial Policy Statement. The existing and proposed uses at the RedeCan facility are therefore permitted uses at the subject property in accordance with the Growth Plan. Growth Plan Policy 4.2.6.3 contemplates the interface of Agricultural uses and non-agricultural uses in the Agricultural area. The policy requires “land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.” In this regard, the Agricultural use is considered principal to the Agricultural area and the onus for determining the impact of the interaction is placed on the non-agricultural use in the Agricultural area. The

proposed Official Plan policies which require an Agricultural Impact Assessment for the Agricultural use, by the proponent of that use, therefore do not conform with Growth Plan policy 4.2.6.3.

## **Setbacks**

Policy B.2.7.7 Need for Setbacks provides guidelines for setbacks for new Cannabis Related Uses. Any proposed setback guidelines would apply to any expanded use. Section B.2.7.7 provides a guideline of 300 to 500 m for a minimum setback to the lot line of a sensitive land use. Sensitive land uses include institutional uses such as schools and daycares and residential uses, including those on Agricultural properties in the Agricultural Area. Policy B.2.7.7 indicates that setbacks are meant to be measured to lot lines of properties containing a sensitive land uses. There is no basis or justification for the proposed setbacks or the use of property lines (rather than the sensitive receptor) within the proposed Official Plan Policies or the report Regulating Cannabis in the Town of Pelham. While it is indicated that alternative setbacks and means of measuring setbacks can be considered on a site specific basis, the overly restrictive guideline is not justified.

The Town of Pelham undertook an analysis of sensitive receptors as part of the development of the September 2019 Official Plan policies that demonstrated a 300 m radius from the sensitive receptors proper (i.e. not the lot lines of properties containing them) which is appended to this letter. While an analysis of the setbacks from property lines containing sensitive receptors has not been undertaken, it is clear from the attachment that the application of the proposed setbacks would preclude the use of many, if not most properties within the Town for Cannabis Related Uses. Prohibiting the use of Agricultural properties for Agricultural and related uses is not consistent with Provincial Policy 2.3.3.2 or Growth Plan Policy 4.2.6.3. In addition, the application of overly restrictive setback requirements to effectively prohibit a federally regulated and licensed land use could be considered to frustrate the purpose of the federal Cannabis Regulations.

The proposed Official Plan policies contained in section B2.7.7 Need for Setbacks also include requirements for separation distance between Cannabis Related Uses. From a land use planning perspective, there is no objective basis for limiting the number of a particular land use in an area or requiring separation between land uses. This concept has been demonstrated to be problematic through previous applications such as requiring separation distances between group homes. In that instance, the practice was determined to be discriminatory. While it is recognized that cumulative impacts of a number of a particular land use in an area are possible, land uses impacts must be assessed on a case-by case basis when a new land use is proposed.

## Other General Issues

Some other more general issues with the Proposed Official Plan Policies include the following:

- Policy B2.7.4 a) ix) requires compliance with the Town's Sign By-law. This requirement as an Official Plan policy is redundant to the Sign By-law and would be difficult to evaluate as plans for signage may not be finalized at the Zoning By-law Amendment stage.
- Policy B2.7.4 a) x) requires Council to assess whether the waste generated from the site can be appropriately managed. This is more appropriately done as part of the site plan review process.
- Policy B2.7.5 a) iii) is overly prescriptive in that it includes performance measures that site specific studies must demonstrate compliance with. Official Plan policies are not the appropriate venue for performance measures associated with such things as air quality.
- Policy B2.7.5 a) vi) and Policy B2.7.5 b) ii) require Odour and Light impact contingency plans based on the receipt of "Substantiated Complaints." The concept of a substantiated complaint is not defined and this requirement could prove overly burdensome. If operators of cannabis facilities are required to react to complaints which are determined to be substantiated by a person other than someone with the appropriate qualifications to do so this could be very problematic.
- All studies required by Policy B2.7.4 are subject to peer review. Consideration should be given by the Town and/or Region to internalizing the expertise required to review these studies rather than passing the burden on to applicants.

## Zoning By-law Regulations

The Proposed Zoning regulations rezone the existing RedeCan facility at 182 Foss Road to a site specific Agricultural A-299 Zone. The site specific zoning permits the existing facility but indicates that the gross floor area shall be limited to the existing floor area. Like the proposed Official Plan policies, the proposed Zoning regulations would necessitate a Zoning By-law Amendment in order to permit any expansion. The following provides some commentary on the proposed regulations:

- Required parking – 1/100 sq m: this is an excessive requirement given the nature of the use. This regulation has proven problematic and overly restrictive in other municipalities.
- Minimum front yard – 100 m: this is an excessive requirement given the ability to screen with landscaping.
- Minimum side yard – 60 m or 80 m where ventilation is present is an excessive requirement.
- All greenhouses shall be 45 m from any lot line with a residential use: this would seem to conflict with the Proposed Official Plan Policies which provide a guideline of 300 to 500 m from lot lines of lots containing sensitive receptors.

## Conclusion

The proposed Official Plan policies and Proposed Zoning regulations are not consistent with the Provincial Policy Statement, do not conform with the Growth Plan for the Greater Golden Horseshoe, and do not represent good land use planning.

Our client does not agree with all of the proposed Official Plan policies and Proposed Zoning regulations. RedeCan respectfully suggests that addressing the concerns detailed in this letter will make the proposed Official Plan policies and Proposed Zoning regulations fairer and more responsive to the interests of all stakeholders.

Yours truly,

**INCH HAMMOND PROFESSIONAL CORPORATION**

**Per:**

*Andrew Pelletier*

Andrew D. Pelletier

ADP/irb

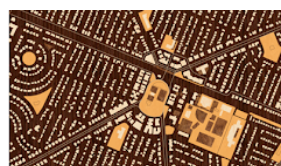
c.c. Nancy Bozzato, Town Clerk (NBozzato@pelham.ca)

## APPENDIX D - FINAL OPA DATED JULY 5, 2020

# Regulating Cannabis in the Town of Pelham

Prepared for the Cannabis Control Committee

Addendum Report - July 5, 2020





**AMENDMENT NO. XX**  
**TO THE OFFICIAL PLAN (2014)**  
**FOR THE**  
**CORPORATION FOR THE TOWN OF PELHAM**

## **CONTENTS**

### **PART “A” – THE PREAMBLE**

Section 1: Title and Components

Section 2: Purpose of this Amendment

Section 3: Location of the Amendment

Section 4: Basis of the Amendment

### **PART “B” – THE AMENDMENT**

Introductory Statement

Details of the Amendment

## **PART “A” – THE PREAMBLE**

### **SECTION 1 – TITLE AND COMPONENTS**

This document was approved in accordance with sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended and shall be known as Amendment No. \_\_\_\_\_ to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble, does not constitute part of this Amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. \_\_\_\_\_ to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

### **SECTION 2 – PURPOSE OF THIS AMENDMENT**

The purpose of the Amendment is to establish permissions for indoor cannabis and industrial hemp cultivation in the agricultural area, subject to a zoning by-law amendment, and to establish the criteria to be relied upon when considering such applications. This Amendment does not deal with the outdoor cultivation of cannabis or industrial hemp as this is already permitted in the agricultural area.

### **SECTION 3 – LOCATION OF THE AMENDMENT**

This Amendment applies to the Good General Agricultural, Specialty Agricultural and Industrial designations and the Niagara Escarpment Plan Area as identified on Schedule A: Town of Pelham Land Use Plan.

### **SECTION 4 – BASIS OF THE AMENDMENT**

On April 13, 2017, the Government of Canada introduced Bill C-45 (the *Cannabis Act*) in the House of Commons. Based in large part on the advice provided by the Task Force on Cannabis Legalization and Regulation, Bill C-45 proposed to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession. Following parliamentary review, the *Cannabis Act* received royal assent on June 21, 2018 and it became law on October 17, 2018.

The Federal Cannabis Regulation SOR-2018-144 and the Federal Industrial Hemp Regulation SOR-2018-145 also came into effect on October 17, 2018. These two regulations implement the *Cannabis Act*.

The indoor cultivation of cannabis and industrial hemp is anticipated to occur within greenhouse or industrial type buildings that can in some cases be larger than other similar buildings used for other purposes. As a consequence of the type of product being grown in these indoor facilities and the character of the odour, the potential for adverse effects from odour is significant.

As a first principle the avoidance of adverse effects is preferred, however, if avoidance is not possible, adverse effects shall be minimized and appropriately mitigated. In order to minimize and mitigate adverse effects, it is anticipated that new indoor cannabis and industrial hemp cultivation facilities will be required to be set back an appropriate distance from sensitive uses and from each other to minimize and mitigate against potential adverse effects. In this regard, appropriate setbacks will be dictated by process specific odour emission rates and the effectiveness of the proposed odour controls.

This Amendment recognizes that the cultivation of cannabis is an agricultural use and is permitted in agricultural areas by the Provincial Policy Statement (2020), which indicates that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. However, in the absence of Provincial standards on the adverse effects of odour from indoor cannabis and industrial hemp cultivation facilities, this Amendment also recognizes that there is a need to control the siting of such uses in relation to sensitive uses as a result of the known adverse effects from the cultivation of cannabis.

There is already a precedent for the establishment of setbacks from sensitive uses for odour reasons in agricultural areas in the form of the Minimum Distance Separation (MDS) guidelines established by the Province. The MDS guidelines are intended to provide the minimum distance separation between proposed new development and any existing livestock barns, manure storages and/or anaerobic digesters (MDS1) and provide the minimum distance separation between proposed new, expanding or remodelled livestock barns, manure storages and/or anaerobic digesters and existing or approved development (MDS2). Compliance with the MDS guidelines is also required by the Provincial Policy Statement (2020) when new land uses including the creation of lots or expanding livestock facilities are proposed.

The application of the MDS2 guidelines result in the establishment of setbacks that are intended to minimize the impacts of odour from livestock barns, manure storages and/or anaerobic digesters and have the effect of restricting the location of these facilities.

However, the MDS2 guidelines do not apply to cannabis and in the absence of Provincial guidance on this matter, it is up to local municipalities to establish a policy

framework to avoid adverse effects, and if avoidance is not possible, to minimize and mitigate adverse effects through setbacks for indoor cannabis and industrial hemp cultivation from sensitive uses.

In this regard, the purpose of this Amendment is to establish the study requirements to determine whether the avoidance of adverse effects is possible and if not, how adverse effects can be minimized and appropriately mitigated through the use of setbacks and other measures on a case-by-case basis. Given the known adverse effects from these facilities in the Town, this Amendment is an appropriate response to community concerns about this type of use, represents good planning and is in the public interest.

Given the above, this Amendment does the following:

1. This Amendment identifies the studies that are required to support the establishment of an indoor cannabis and industrial hemp cultivation facility to ensure that all potential adverse effects are studied in advance.

In this regard, required studies include an Emission Summary and Dispersion Modelling Report, Contingency Odour Mitigation Plan, Light Mitigation Plan, Contingency Light Mitigation Plan and Traffic Impact Study. These studies would be in addition to all other required studies typically submitted as part of an application for re-zoning.

The results of these studies are intended to establish the minimum setback from sensitive land uses to be included, if necessary, in the required site-specific zoning by-law amendment and may establish a maximum size for the facility, if it has been determined that the siting of the facility can be supported. These studies may also establish minimum separation distances between a proposed facility and any existing indoor cannabis or industrial hemp cultivation facilities, as required, to mitigate adverse effects.

2. This Amendment also sets out guidelines on the range of setbacks that will be considered if indoor cannabis and/or industrial hemp cultivation is proposed through a zoning by-law amendment. These setbacks are based on best practices and knowledge of the adverse effects currently experienced by residents in the Town. Given that these setbacks are guidelines, they can be increased or decreased based on the merits of an individual application.

A supporting zoning by-law amendment has been prepared to implement this Amendment.

## **PART B – THE AMENDMENT**

All of this Part of the document entitled Part B - The Amendment consisting of the following text constitutes Amendment No. \_\_\_\_\_ to the Official Plan of the Town of Pelham.

### **Details of the Amendment**

The Town of Pelham Official Plan is hereby amended as follows:

1. That Section B2.1.2 (**Permitted Uses - Good General Agricultural Designation**) be amended to include a new sub-section I) as follows:
  - I) Indoor cannabis and industrial hemp cultivation in accordance with Section B2.1.5.
2. That Section B2.1 – (Good General Agricultural Designation), be amended by including a new Section B2.1.5 and re-numbering the remaining sections accordingly:

#### **B2.1.5 Indoor Cannabis and Industrial Hemp Cultivation**

##### **B2.1.5.1 Development Criteria**

- a) Indoor cannabis and industrial hemp cultivation facilities that are authorized by the Federal Government may be permitted in the Good General Agricultural designation subject to the passage of an amendment to the implementing zoning by-law and will, if approved through such a process, be subject to Site Plan Control in accordance with Section E1.4 of this Plan. Prior to considering the approval of a zoning by-law amendment, Council shall be satisfied that:
  - i) The proposed greenhouse or other type of building will be designed and sited to blend in with surrounding land uses such that the existing agricultural and rural character of the area is maintained;
  - ii) The adverse effects of the noise, dust, odour and light from the proposed facility on sensitive land uses in the area can be avoided and if avoidance is not possible, minimized and appropriately mitigated, as demonstrated by the required studies identified in Section B2.1.5.2 of this Plan;

- iii) Sensitive surface water features and sensitive ground water features in the area will be protected, improved or restored with consideration given to the taking of water and the generation of effluent;
  - iv) Adequate parking facilities are available on the lot for the proposed facility and the traffic generated by the proposed facility can be accommodated on area roads;
  - v) The proposed facility can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
  - vi) Stormwater management needs can be met on site;
  - vii) The waste generated from the facility can be appropriately managed; and
  - viii) The proposed setback, as determined by the required studies in Section B2.1.5.2 of this Plan, from sensitive land uses in the area is appropriate to avoid, and if avoidance is not possible, minimize and appropriately mitigate any adverse effects.
- b) In addition to sub-section a), and if a component(s) of the proposed facility includes value-added components that would make this component of the facility an agricultural-related use, it must be demonstrated that this component of the facility:
- i) Shall be compatible with and shall not hinder surrounding agricultural operations;
  - ii) Is directly related to farm operations in the area;
  - iii) Supports agriculture;
  - iv) Benefits from being in close proximity to farm operations; and,
  - v) Provides direct products and/or services to farm operations as a primary activity.

In order to assist with the consideration of a proposed agricultural-related use involving cannabis or industrial hemp, regard should be had to the Guidelines on Permitted Uses in Ontario's Prime Agricultural Area. An Amendment to this Plan is not required for a proposed agricultural-related use involving

cannabis or industrial hemp.

#### **B2.1.5.2 Specific Required Studies**

The studies listed in this Section shall be required to satisfy the development criteria set out in Section B2.1.5.1 a) of this Plan and peer reviews of these studies may be carried out by the Town at no cost to the Town. The studies listed in this section would be in addition to any of the other studies required by Section E3 of this Plan.

- a) Emission Summary and Dispersion Modelling (ESDM) Report
  - i) At no cost to the Town, the proponent will submit an Emission Summary and Dispersion Modelling (ESDM) Report that is prepared by a Licensed Engineering Practitioner (which means that they must be licensed by Professional Engineers Ontario) in accordance with Ministry of Environment, Conservation & Parks guidance. This report will deal with contaminants including odour, chemicals and particulate matter constituents.
  - ii) The ESDM Report shall include a detailed odour inventory and mitigation plan fully describing the proposed air filtration systems and other mitigation measures as well as off-property odour impact predictions that include a review of the impacts of other cannabis and industrial hemp facilities within the area to determine the extent of the potential cumulative adverse effects. In this regard, it would be the role of the Licensed Engineering Practitioner to demonstrate that the impact of the proposed use and other cannabis and industrial hemp facilities within the area will not, or is not likely to, cause adverse effects.
  - iii) In addition to sub-section ii) above, the ESDM Report must demonstrate that the proposed facility can achieve a standard of compliance following approval and that two odour units will only be exceeded at any given sensitive use up to 0.5% of the time on an annual basis as per the MECP Technical Bulletin 'Methodology for Modeling Assessment of Contaminants with 10-Minute Standards and Guidelines, September 2016'.
  - iv) The ESDM Report must consider co-existence adverse effects associated with drift of cannabis emissions on existing farming operations in the area and provide recommendations on an



appropriate greenspace separation distance to ensure that spray drift is minimized.

- v) In addition to the above, the proponent of the proposed facility will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems or other mitigation measures for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

b) Light Mitigation Plan

- i) At no cost to the Town, the proponent will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that fully describes the proposed light mitigation measures and demonstrates that the proposed facility will not cause light pollution, including sky glow or light trespass, onto neighbouring properties.
- ii) In addition to sub-section i), the proponent will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

c) Traffic Impact Study

- i) At no cost to the Town, the proponent will submit a Traffic Impact Study, to the satisfaction of the Town and/or the Region that demonstrates that the proposed facility will not cause any traffic hazards or an unacceptable level of congestion on roads in the area.

### **B2.1.5.3 Scope of Required Studies**

In accordance with Section E3.1 of this Plan, the Town will determine what supporting information (i.e. reports and studies) are required as part of the complete application submission and inform the proponent of these requirements, following the holding of a pre-consultation meeting.

#### **B2.1.5.4 Need for Setbacks**

- a) In recognition of the known adverse effects of odour, the avoidance of adverse effects shall be a first principle. If adverse effects cannot be avoided, the minimization and mitigation of adverse effects has to be considered. One of the ways to avoid, minimize and mitigate adverse effects is through the separation of incompatible uses through the use of setbacks. In this regard, the following setback guidelines will be considered when an application for a new indoor cannabis and/or industrial hemp cultivation facility is proposed and can be refined based on the unique characteristics of each proposal without requiring an amendment to this Plan:
  - i) Minimum setback to a sensitive use - 300 to 500 metres with the setback being measured from the edge of the cultivation/processing area to the sensitive use.
  - ii) Minimum separation distance between separate indoor cannabis standard cultivation and/or standard processing facilities and/or indoor industrial hemp facilities from each other - 4,000 metres.
  - iii) Minimum separation distance between separate indoor cannabis standard cultivation and/or standard processing facilities and/or indoor industrial hemp facilities from indoor micro processing/micro cultivation facilities - 3,000 metres.
  - iv) Minimum separation distance between separate indoor cannabis micro cultivation/micro processing facilities from indoor cannabis micro/processing/micro cultivation facilities - 2,000 metres.
- b) The setback guidelines established in sub-section a) will be considered during the review of an application and can be lower or higher, depending on:
  - i) Whether the facility is a greenhouse or an industrial-type building and if a greenhouse is proposed, whether the proposed greenhouse is purpose built for cannabis or industrial hemp or already exists;
  - ii) The size and scale of the proposed facility;
  - iii) The proximity and number of sensitive uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use;
  - iv) The location of the proposed facility in relation to prevailing winds;
  - v) The nature of the adverse effects that exist at the time in relation to existing indoor cannabis cultivation facilities; and

- vi) The impact of topography on the dispersion of odour.

#### **B2.1.5.5 Implementing Zoning By-law**

Only lands that have satisfied the requirements of this Section of the Plan shall be placed in a zone that permits indoor cannabis and industrial hemp cultivation facilities in the implementing Zoning By-law.

3. That Section B2.2.2 (**Permitted Uses - Specialty Agricultural Designation**) be amended to include a new sub-section k) as follows:

- k) Indoor cannabis and industrial hemp cultivation in accordance with Section B2.2.9.

4. That Section B2.2 – (**Specialty Agricultural Designation**), be amended by including a new Section B2.2.9 and re-numbering the remaining sections accordingly:

#### **B2.2.9 Indoor Cannabis and Industrial Hemp Cultivation**

Indoor cannabis and industrial hemp cultivation facilities that are authorized by the Federal Government may be permitted in the Specialty Agricultural designation subject to the passage of an amendment to the implementing zoning by-law in accordance with Section B2.1.5 of this Plan and will, if approved through such a process, be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

Given the rolling topography of this area and the resultant creation of numerous microclimates, it is anticipated that it will be more difficult to avoid adverse effects in this area when compared to the Good General Agricultural designation if an indoor cannabis or industrial hemp cultivation facility was proposed.

Only lands that have satisfied the requirements of Section B2.1.5 of the Plan shall be placed in a zone that permits indoor cannabis and industrial hemp cultivation facilities in the implementing Zoning By-law.

5. That Section B2.3.2 (**Permitted Uses - Industrial Designation**) be amended to include a new sub-section k) as follows:

- k) Indoor cannabis and industrial hemp cultivation in accordance with Section B2.1.5.

6. That Section B3.1.1 (**Conflict and Conformity - Niagara Escarpment Plan Area**) be amended to include a new fourth paragraph as follows:

Section B2.1.5 of this Plan shall apply to the consideration of a Development Permit application to establish a new indoor cannabis or industrial hemp cultivation facility.

7. That Section E1.4 (**Site Plan Control**), be amended by including a new paragraph at the end of the section as follows:

It is the intent of this Plan that Site Plan Approval will be required for all proposed indoor cannabis and industrial hemp cultivation facilities that may be permitted in accordance with Policies B2.1.5, B2.2.9 or B2.3.2 k) to the maximum extent afforded under the *Planning Act*, in order to proactively mitigate adverse effects where possible and to maximize compatibility with land uses in the area.

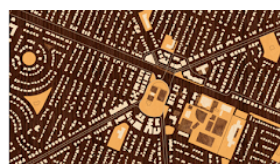
Any construction of a building or structure associated with a proposed indoor cannabis or industrial hemp cultivation facility is subject to the Ontario Building Code and will require the submission of Mechanical and Electrical Design Specifications and Drawings for review prior to the issuance of a building permit. Final as-built drawings will also be required. These specifications and drawings include those associated with air/odour filtration systems and equipment for light pollution mitigation.

## APPENDIX E - FINAL ZBA DATED JULY 5, 2020

# Regulating Cannabis in the Town of Pelham

Prepared for the Cannabis Control Committee

Addendum Report - July 5, 2020



**THE CORPORATION OF THE  
TOWN OF PELHAM  
By-law Number XXXX (2020)**

**Being a By-law passed pursuant to the provisions of  
Section 34 of *The Planning Act*, R.S.O. 1990, c.P.13, as amended to  
amend the Town of Pelham Zoning By-law No. 1136 (1987), as  
otherwise amended.**

**Whereas** the Council of the Corporation of the Town of Pelham has initiated an application to amend By-Law No. 1136 (1987) otherwise known as the Zoning By-Law, insofar as is necessary to establish provisions that apply to cannabis-related uses and industrial hemp-related uses in the Town of Pelham;

**And Whereas** the Council of the Corporation of the Town of Pelham conducted a public hearing in regard to this application, as required by subsection 34(12) of the Planning Act, R.S. O. 1990, c.P.13, as amended;

**And Whereas** the Council of the Corporation of the Town of Pelham deems it advisable to amend Zoning By-law 1136 (1987), as otherwise amended, with respect to the above described lands, and under the provisions of the Planning Act has the authority to do so;

**Now therefore** the Council of the Corporation of the Town of Pelham enacts as follows:

1. **That** Section 3.0 of this By-law No. 1136 (1987), as amended, is further amended to add the new zones and symbols as follows:

<b>Zone</b>	<b>Symbol</b>
Agricultural - Cannabis	A – CAN
General Industrial - Cannabis	M2 – CAN

2. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of definitions in Section 5.0, as follows:

- i) "Cannabis-related use - indoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that are carried out within an enclosed building or structure.
- ii) "Cannabis-related use - outdoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that only involve the growing and harvesting of cannabis outdoors.
- iii) "Industrial hemp-related use - indoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that are carried out within an enclosed building or structure.
- iv) "Industrial hemp-related use - outdoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that only involve the growing and harvesting of hemp outdoors.
- v) "Sensitive land use" means school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep.

3. **THAT** By-law 1136 (1987), as amended, is amended by the addition of parking requirements in Section 6.16 (a), as follows:

Cannabis-related uses - indoor and industrial hemp-related uses -  
indoor - 1 parking space per 100 m<sup>2</sup> (1076.39 ft<sup>2</sup>) of gross floor area

4. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new subsection 7.2 (h):

(h) Minimum setback for a cannabis-related use - outdoor and an industrial hemp-related use - outdoor from a sensitive land use - 300 metres (984 feet).

5. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 7A - Agricultural - Cannabis A-CAN Zone:

### **SECTION 7A – AGRICULTURAL CANNABIS - A-CAN ZONE**

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Agricultural Cannabis Zone.

#### **7A.1 PERMITTED USES**

- (a) Cannabis-related Use - indoor
- (b) Industrial Hemp-related Use - indoor

#### **7A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION 7A.1**

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 7A.1.
- (b) Minimum Lot Frontage for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 100 metres.
- (c) Minimum Lot Frontage for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 200 metres.
- (d) Minimum Lot Frontage for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 200 metres.



- (e) Minimum Lot Area for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 3 hectares.
- (f) Minimum Lot Area for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 10 hectares.
- (g) Minimum Lot Area for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 10 hectares.
- (h) Maximum Lot Coverage - 30 percent.
- (i) Minimum Front Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 20 metres.
- (j) Minimum Front Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 80 metres.
- (k) Minimum Front Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 80 metres.
- (l) Minimum Side Yard or Rear Yard for micro-processing and micro cultivation uses as defined by the Federal Cannabis Regulation SOR-2018-144 - 15 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 25 metres.
- (m) Minimum Side Yard or Rear Yard for standard processing and standard cultivation uses as defined by the Federal Cannabis Regulation SOR-2018-144 - 40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.
- (n) Minimum Side Yard or Rear Yard for industrial hemp-related uses as defined by the Federal Industrial

Hemp Regulation SOR-2018-145 - 40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.

- (o) Minimum Exterior Side Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 20.5 metres.
- (p) Minimum Exterior Side Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 80 metres.
- (q) Minimum Exterior Side Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 80 metres.
- (r) No storage area shall be permitted within 30 metres of a street or the lot line of an adjacent lot with a residential use.

6. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 23A - General Industrial - Cannabis M2-CAN Zone

## **SECTION 23A – GENERAL INDUSTRIAL - M2-CAN ZONE**

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the General Industrial Cannabis Zone.

### **23A.1 PERMITTED USES**

- (a) Cannabis-related Use - Indoor
- (b) Industrial Hemp-related Use - Indoor

### **23A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION 23A.1**

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 23A.1.
- (b) The provisions of Subsection 22.2 shall apply to all permitted uses within the General Industrial Cannabis M2-CAN Zone

Read a first, second, and third time and finally passed this XX<sup>th</sup> day of XX, 2020.

---

Marvin Junkin, Mayor

---

Nancy J. Bozzato, Clerk

Corporate Seal

## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-11/2020 - Regular Council  
**Date:** Monday, June 15, 2020  
**Time:** 5:30 PM  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present:** Marvin Junkin  
Lisa Haun  
Bob Hildebrandt  
Ron Kore  
Marianne Stewart  
John Wink

**Staff Present:** David Cribbs  
Nancy Bozzato  
Bob Lymburner  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Barbara Wiens  
Holly Willford

**Other:** T. Nohara, Item 4.2  
N. McDonald, Item 4.2  
R. Cook, Manager, Public Works

---

### **1. Call to Order and Declaration of Quorum**

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 pm. All attendance, save and except the Mayor and Clerk was through electronic means.

### **2. Approval of Agenda**

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

**Moved By** Bob Hildebrandt

**Seconded By** John Wink

BE IT RESOLVED THAT the agenda for the June 15th, 2020 Regular meeting of Council be adopted.

**Amendment:**  
**Moved By** Bob Hildebrandt  
**Seconded By** Lisa Haun

**THAT the Agenda for the June 15, 2020 Regular Meeting of Council be amended as follows:**

**That Agenda Item 4.2.1, Cannabis Control Committee, be considered prior to Agenda Item 4.1.1; and**

**That Agenda items 12.1 and 12.2 be considered immediately following Agenda Item 17, and that Item 12.2 be considered first.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**Moved By** Bob Hildebrandt  
**Seconded By** John Wink

**BE IT RESOLVED THAT the agenda for the June 15th, 2020 Regular meeting of Council be adopted, as amended.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**3. Disclosure of Pecuniary Interests and General Nature Thereof**

**3.1 Ron Kore - ADR Chambers Integrity Commissioner Office**

Councillor Kore disclosed a personal pecuniary interest regarding this item.

**3.2 Ron Kore - Report from Ombudsman of Ontario**

Councillor Kore disclosed a personal pecuniary interest regarding this item.

**4. Hearing of Presentation, Delegations, Regional Report**

**4.1 Delegations**

**4.1.1 Cannabis Control Committee**

Mr. Nohara and Mr. McDonald outlined the ongoing work of the Cannabis Control Committee and proposed Zoning and Official Plan Amendments. Mr. McDonald advised that the Niagara Region is close to indicating it will exempt the Official Plan Amendment from its approval, based on the document he will be presenting. While there will be minor changes still to come, he will present the work undertaken thus far. A more detailed report explaining the changes will be provided in the near future.

Mr. McDonald reviewed in detail the changes that have been made thus far to the Official Plan Amendment being proposed.

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**BE IT RESOLVED that Council received the delegation from Tim Nohara, Chair of the Cannabis Control Committee and Nick McDonald, Meridian Planning Consultants, for information.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**4.2 Presentations**

**4.2.1 COVID-19**

**4.2.1.1 COVID-19 Update from Community  
Emergency Management Co-Ordinator**

B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator provided an update on the COVID-19 pandemic. He provided statistical information and advised that the Province intends to extend the Emergency Declaration, although the duration is unknown. The Niagara Region will proceed to Phase 2 reopening on Friday, June 19th.

**Moved By** Ron Kore  
**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**4.2.1.2 Update re Programming and Aquatics**

The Director, Recreation, Culture and Wellness updated Council on various programs and events including the first Farmers' Market of the season, the proposed Summer Camp programs, aquatics, etc.

**Moved By** Marianne Stewart  
**Seconded By** Lisa Haun

**BE IT RESOLVED that Council receive the Up-date re Programming and Aquatics presentation from V.**

vanRavenswaay, Director of Recreation, Culture and Wellness for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

4.2.1.3 Building Permit Activity Amid COVID-19

The Director of Community Planning and Development provided an overview of the activities specifically related to building permit issuance and inspections which have continued throughout the pandemic period thus far.

Moved By John Wink  
Seconded By Marianne Stewart

BE IT RESOLVED that Council receive the Building Permit Activity Amid COVID-19 presentation from B. Wiens, Director of Community Planning and Development for information.

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

4.2.1.4 Corporate Administration COVID-19 Update

D. Cribbs, Chief Administrative Officer advised that staff continues to work on the reopening plans and procedures.

Moved By Bob Hildebrandt  
Seconded By Ron Kore



**BE IT RESOLVED that Council receive the COVID-19 Up-date presentation from D. Cribbs, Chief Administrative Officer, for information.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**4.3 Report of Regional Councillor**

**4.3.1 Regional Councillor Huson June 2020 Report**

Regional Councillor Huson presented the June 15, 2020 report.

**Moved By** Bob Hildebrandt  
**Seconded By** Ron Kore

**BE IT RESOLVED THAT the June 15, 2020 report submitted by Regional Councillor Huson, be received for information.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**5. Adoption of Minutes**

**Moved By** Lisa Haun  
**Seconded By** John Wink

**BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:**

**1. C-10/2020 Regular Council Minutes - June 1, 2020**

Recorded	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**6. Business Arising from Council Minutes**

None

**7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration**

No items were lifted.

**8. Consent Agenda Items to be Considered in Block**

**Moved By** Marianne Stewart

**Seconded By** Ron Kore

**BE IT RESOLVED THAT the Consent Agenda items as listed on the June 15th, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.**

-----  
 8.4 Action Correspondence of a Routine Nature

8.4.1 Chief Administrative Officer Re: Timelines and Meeting Considerations re Cannabis

BE IT RESOLVED THAT Council receive the June 15, 2020 Memo from David Cribbs, Chief Administrative Officer regarding timelines and meeting considerations re Cannabis;

AND THAT Council hereby Suspends the Rules of the Procedural By-law so as to direct the Clerk to schedule the July 13, 2020 Meeting of Council having a start time of 6:30 p.m.;

8.7 Committee Minutes for Information

8.7.1 Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes, dated May 13, 2020 and May 20, 2020 for information.

Recorded	For	Against
----------	-----	---------

Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**9. Items for Separate Consideration, if Any**

Not applicable.

**10. Presentation & Consideration of Reports**

**10.1 Reports from Members of Council:**

No report.

**10.2 Staff Reports Requiring Action**

**10.2.1 2020 By-Election Timeline and Draft Proposed Pandemic Procedures, 2020-0082-Clerks**

**Moved By** Lisa Haun  
**Seconded By** Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2020-0082; and

THAT Council consider endorsement of the 2020 Ward One By-Election By-law establishing the Ward One 2020 By-Election date as Tuesday, September 15, 2020.

**Amendment:**  
**Moved By** Ron Kore  
**Seconded By** Bob Hildebrandt

**THAT the report be received as amended, as outlined by the Clerk.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**Moved By** Lisa Haun  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT Council receive Report #2020-0082, as amended; and**

**THAT Council consider endorsement of the 2020 Ward One By-Election By-law establishing the Ward One 2020 By-Election date as Tuesday, September 15, 2020.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**10.2.2      2021 Budget Schedule, 2020-0084-Corporate Services**

**Moved By** Bob Hildebrandt

**Seconded By** Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2020-0084-Corporate Services; and

THAT Council approve the 2021 Budget Schedule.

**Amendment:**

**Moved By** John Wink

**Seconded By** Bob Hildebrandt

**THAT staff be directed to include an Audit Committee review within the 2021 Budget Schedule and that the schedule be recirculated to Council.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**Amendment:**

**BE IT RESOLVED THAT Council receive Report #2020-0084-Corporate Services; and**

**THAT Staff be directed to include an Audit Committee Review in the 2021 Budget Schedule and that the schedule be recirculated to Council; and**

**THAT the 2021 Budget Schedule be approved as amended.**

**10.2.3 Outdoor Restaurant Patios , 2020-0089-Planning**

**Moved By** John Wink  
**Seconded By** Ron Kore

BE IT RESOLVED THAT Council receive Report #2020-089; and

THAT Council support the temporary waiving of two parking space requirements for restaurants to allow ‘pop-up’ parking lot patios to be used in parking areas during the pandemic in order to support the local restaurant businesses.

**Amendment:**  
**Moved By** Ron Kore  
**Seconded By** Lisa Haun

**THAT the motion be amended by striking "of two" and replacing with the words: "to a maximum of six (6)".**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**Moved By** John Wink  
**Seconded By** Ron Kore

**BE IT RESOLVED THAT Council receive Report #2020-089; and**

**THAT Council support the temporary waiving to a maximum of six (6) parking space requirements for restaurants to allow ‘pop-up’ parking lot patios to be used in parking areas during the pandemic in order to support the local restaurant businesses.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**10.2.4      Neighbourhood Traffic Management Policy  
S801-02, 2020-0085-Public Works**

**Moved By** Ron Kore  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT Council receive Report #2020-0085;**  
**AND THAT Council approve the revised policy S801-02 for Neighbourhood Traffic Management.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**10.2.5      Steve Bauer Trail Hard Surfacing between 1106 Line Avenue and Port Robinson Road, 2020-0080-Public Works**

**Moved By** Lisa Haun  
**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive Report #2020-0080 for information; and THAT Council approve the Steve Bauer Trail Hard Surfacing project to proceed in 2020 as part of the 2020 Road Base Repair Program.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart		X
John Wink	X	
<b>Results</b>	<b>3</b>	<b>3</b>
		<b>Defeated (3 to 3)</b>

- 11. Unfinished Business**
- 12. Presentation and Consideration of By-Laws**

On a request by Councillor Hildebrandt, the motion was divided to consider proposed by-law 4248(2020) separately.

**Moved By** Bob Hildebrandt  
**Seconded By** Ron Kore

**BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and**

**1. THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:**

**By-law 4244(2020) - Being a by-law to appoint Ashley Nero (Officer #451) as By-law Enforcement Officer, Property Standards Officer, and Provincial Offences Officer for the Corporation of the Town of Pelham.**

**2. By-law 4245(2020) - Being a by-law to amend by-law No. 4221(2020) known as the Administrative Penalty Process By-law for Non-Parking Related Offences**

**3. By-law 4246(2020) - Being a by-law to require a By-Election to fill the vacancy for the office of Councillor, Ward One, in the Town of Pelham for the remainder of the 2018-2022 Term of Council.**

~~4. By-law 4248(2020), as amended—Being a by-law to amend by-law no. 4202(2020) known as the Town of Pelham Odorous Industries~~

~~Nuisance By-law to increase the minimum fine amount in the case of a first conviction and to incorporate an Administrative Municipal Penalty System (AMPS) in regard to Offences and Penalties. (Motion Divided; Considered Separately)~~

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**Moved By** Bob Hildebrandt  
**Seconded By** Ron Kore

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the mayor and Clerk be and are hereby authorized to sign and seal the by-law:

By-law 4248(2020), as amended - Being a by-law to amend by-law no. 4202(2020) known as the Town of Pelham Odorous Industries Nuisance By-law to increase the minimum fine amount in the case of a first conviction and to incorporate an Administrative Municipal Penalty System (AMPS) in regard to Offences and Penalties.

**Moved By** Bob Hildebrandt  
**Seconded By** Lisa Haun

**THAT Consideration of proposed By-law 4248(2020) be referred to the July 27, 2020 Regular Meeting of Council.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>



Carried (6 to 0)

**13. Motions and Notices of Motion**

None

**14. Matters for Committee of the Whole or Policy and Priorities Committee**

None

**15. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee**

None

**16. Resolution to Move in Camera**

**Moved By** Marianne Stewart

**Seconded By** John Wink

**BE IT RESOLVED THAT** the next portion of the meeting be closed to the public in order to consider the following:

**Pursuant to Municipal Act, Section 239(2):**

**(b) - personal matters about an identifiable individual, including municipal or local board employees - COVID-19;**

**(j) - financial information that belongs to the municipality or local board and has monetary value or potential monetary value (1 item)**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**17. Rise From In Camera**

**Moved By** Lisa Haun

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT** Council adjourn the In Camera Session and that Council do now Rise With Report.

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**Moved By** Bob Hildebrandt  
**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of June 15, 2020.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

## **18. New Business**

### **18.1 Report from Ombudsman of Ontario**

Councillor Kore vacated the meeting at this point, due to the disclosed pecuniary interest.

Mayor Junkin read a statement regarding Agenda Items 12.1 and 12.2 and thereafter vacated the Chair and the Chamber at this point in the meeting.

Deputy Mayor Councillor Hildebrandt assumed the Chair for the remainder of the meeting.

Deputy Mayor Hildebrandt read into the meeting a statement by Councillor Kore, who had removed himself from the meeting due to a disclosed personal conflict of interest.

**Moved By** Marianne Stewart  
**Seconded By** John Wink

**BE IT RESOLVED** that Council receive the Report from the Ombudsman of Ontario dated June 2020, for information.

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
Results	4	0
		Carried (4 to 0)

**Moved By** Marianne Stewart  
**Seconded By** John Wink

**THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended;**

**AND THAT the specified meeting curfew time of 9:00 p.m. be and is hereby waived;**

**AND THAT the remainder of the business listed on the agenda for this meeting continue to be considered until all matter have been concluded.**

Recorded	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
Results	4	0
		Carried (4 to 0)

**18.2 ADR Chambers Integrity Commissioner Office**

Ron Kore declared a conflict on this item. (Councillor Kore disclosed a personal pecuniary interest regarding this item.)

Mayor Junkin remained removed from the Chamber as noted previously. Councillor Kore remained removed from the Chamber as noted previously.

Members of Council provided statements regarding the report.

**Moved By** Lisa Haun  
**Seconded By** John Wink

**BE IT RESOLVED that Council receive ADR Chambers Integrity Commissioner Office's Close Out Letter and Final Report dated June 1, 2020, for information.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>4</b>	<b>0</b>
		<b>Carried (4 to 0)</b>

**Moved By** Lisa Haun  
**Seconded By** Marianne Stewart

**THAT Council hereby recommends a 45 day suspension of remuneration for the Mayor and that a letter of reprimand be issued to the Mayor in this instance.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>4</b>	<b>0</b>
		<b>Carried (4 to 0)</b>

- 19. Confirming By-Law**
- Moved By** Lisa Haun  
**Seconded By** John Wink

**BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:**

**Being a By-law No. 4248(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 15th day of June, 2020.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Lisa Haun	X	
Bob Hildebrandt	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>4</b>	<b>0</b>
		<b>Carried (4 to 0)</b>

**20. Adjournment**

**Moved By** Lisa Haun  
**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for July 13, 2020 at 5:30 pm.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Lisa Haun	X	
Bob Hildebrandt	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>4</b>	<b>0</b>
		<b>Carried (4 to 0)</b>

---

Mayor: Marvin Junkin

---

Town Clerk: Nancy J. Bozzato

## SPECIAL COUNCIL MINUTES

**Meeting #:** SC-10/2020 - Special Meeting of Council  
**Date:** Monday, June 15, 2020, 4:30 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Marvin Junkin  
Lisa Haun  
Bob Hildebrandt  
Ron Kore  
Marianne Stewart  
John Wink

**Staff Present** David Cribbs  
Nancy Bozzato  
Bob Lymburner  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Barbara Wiens  
Holly Willford

### 1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:34 p.m.

### 2. Approval of the Agenda

**Moved By** John Wink

**Seconded By** Ron Kore

**BE IT RESOLVED THAT the agenda for the June 15th, 2020 Special Meeting of Council be adopted as circulated.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

### 3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

### 4. Resolution to Move in Camera

**Moved By** Marianne Stewart

**Seconded By**     Bob Hildebrandt

**BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:**

**Pursuant to Section 239(2)(c) - proposed or pending acquisition or disposition of land; and 239(2)(f) advice that is subject to solicitor-client privilege.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**5. Rise From In Camera**

**Moved By**     Lisa Haun

**Seconded By**     Marianne Stewart

**BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise With Report.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**Moved By**     Ron Kore

**Seconded By**     John Wink

**BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of June 15th, 2020.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

6.     **Confirming By-law**

**Moved By**             Bob Hildebrandt  
**Seconded By**        Marianne Stewart

**BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:**

**Being a By-law No. 4247(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its special Meeting held on the 15th day of June, 2020.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

7.     **Adjournment**

**Moved By**             Lisa Haun  
**Seconded By**        Ron Kore

**BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for June 15, 2020 at 5:30 pm.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

---

Mayor Marvin Junkin

---

Town Clerk, Nancy J. Bozzato



**Subject:** Update on Pedestrian Safety When Crossing Pelham Street at Church Hill?**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0100-Public Works entitled "Update on Pedestrian Safety When Crossing Pelham Street at Church Hill" for information purposes**

**Background:**

The pedestrian crossing signal at Church Hill and Pelham Street continues to be a safety concern, as no solution has yet been approved for implementation.

Trans-Plan were engaged to study the intersection, its pedestrian and vehicle traffic, sightlines, past reports, and to make recommendations on improving safety, especially related to Council suggestions of a 3-way stop.

*2018 Consultant's Traffic Review at Church Hill and Pelham Street:*

Key items to note from the Trans-Plan 2018 review:

**1.** The Trans-Plan review noted previous important recommendations from a former Fonthill Traffic Study (R&R, 2009):

*Historical and recent spot speed surveys suggested that drivers on these roads generally disregard speed limits, endangering pedestrians. The study noted that installing traffic signals would help to slow traffic and likely reduce the probability and severity of collisions involving right of way conflicts, as well as improving safety conditions for pedestrians. Future modifications for the existing 45 on-street parking spaces on Pelham Street should be reviewed and analyzed in order improve sightlines at the cross streets of Pelham Town Square, Church Hill, and Regional Road 20.*

**2.** The Trans-Plan review also noted observations from a 2017 intersection review (Rusit & Associates, 2017):

A signalized intersection at Church Hill would be below the minimum separation distance to the northerly existing signalized intersection at Highway 20. The intersection spacing is 179m, which is below the minimum of spacing requirement of 215m between signalized intersections (in urban settings). The findings also indicate that installing new traffic signals at the intersection would improve left turn movements from Pelham Town Square to Pelham Road. It was also noted from field observations that southbound vehicle queues on Pelham Road extend approximately 150m from the Church Hill intersection, as far as the Highway 20 intersection.

**3.** 91 pedestrians crossed Pelham Street in an 8-hour test duration. Due to the comparatively higher number of retail and commercial uses located to the north of the intersection, compared to the south of the intersection, the pedestrian crossing volumes at or near the north leg are generally higher. For the full 8-hour period, excluding midblock crossings, 27 pedestrians complied with the PPS and 13 pedestrians did not, resulting in a compliance of 67.5 percent.

**4.** During the study, two near-misses were observed by the consultant: A woman crossing the street with infant at the PPS (during walk phase) was almost struck by a vehicle exiting from an on-street parking space located within the intersection, and a Senior crossing street at the PPS (during walk phase) was almost struck by a southbound vehicle making U-turn within the intersection.

**5.** The on-street parking bay conflicts with vehicle and pedestrian movements within the intersection. There is adequate visibility from the approach at Church Hill to see vehicles travelling in the northbound and southbound directions along Pelham Street; however, when vehicles are parked along the west side of Pelham Street, the visibility becomes limited.

**6.** Regarding vehicle queuing, all vehicles tend to clear the intersection after each cycle (of the PPS). No vehicles were observed to experience lengthy delays at Church Hill when making eastbound left and right turns at the intersection. During afternoon hours, southbound vehicles stacked up to 63m while the PPS was activated. This stacking is anticipated to be 35m should a 3-way stop be implemented under future conditions, and 33m for a signalized intersection.

**7.** There has only been one collision reported within the past three years at the Pelham Street and Church Hill intersection. Therefore, no further vehicle collision analyses were conducted.

**8.** Both methods of intersection control (3-way stop or traffic signals) would operate acceptably (under current or future conditions); however, from our warrant analysis (using OTM guidelines), neither control type is warranted due to low pedestrian crossing volumes and due to comparatively low volumes of traffic entering the intersection from Church Hill. Despite the traffic signal warrant analysis not being met according to the provisions of OTM, there are very rare cases where the engineer's study finds no satisfaction of numerical warrants, but finds other special conditions that result in a conclusion that a signal is the best solution compared to other possible alternatives. According to the conditions of the intersection, the OTM indicates "should not" rather than a "shall not" for the very reasons discussed above. It is important to note that a politically dictated unwarranted signal installation (or all-way stop installation) may not be the best recommended solution.

**9.** Based on the investigation, and the unwarranted traffic signal or 3-way stop conditions and guidance from Book 5 of the Ontario Traffic Manual, the consultant has recommended the following:

*Remove on-street public parking within a minimum of 10m from the intersection (and within the intersection),*

*and Introduce a raised crosswalk to enhance the PPS crossing location and improve pedestrian safety.*

### **Analysis:**

Although staff recognizes that both recommendations made by the consultant would help improve safety at the intersection, the analysis completed by staff identifies the poor visibility of the traffic signals, especially from Church Hill, as one of the root causes of safety concerns. As noted during the consultant's study, two near misses were witnessed when the PPS was activated, one with a driver leaving an on-street parking stall, and one with a driver making a U-turn on Pelham St.

### **Financial Considerations:**

In consultation with the Region's transportation safety staff, converting the signals to the newer 'PXO' (pedestrian crossover) style is possible. The PXO style involves rapid flashing lights mounted on the poles, not the overhead arms, visible from all directions. The crossover also requires specific signs and pavement markings. Legislation about these crossovers changed in January 2016, and resulted in the improved crossing design, seen most recently in the area in West Lincoln. This would likely improve drivers being able to see the activated lights, at a reasonably low cost, since the lights would be mounted on both the east and west poles, rather than on the overhead arms. New PXO installations are estimated at \$12-\$15K, but since hydro, poles, arms and other hardware are already present at this intersection, some of this cost could be reduced. The Region has secured a small amount of funding for driver education regarding the new PXOs, that could also be beneficial in education both drivers and pedestrians in Pelham. In the latest PXO installation in West Lincoln, the Niagara Regional Police were also requested to educate and monitor compliance for the first few days of use, which also proved successful.

The approximate costs for installation of the raised crosswalk is roughly estimated at \$30,000, and for removal of the on-street parking stalls at \$3,000. The raised crosswalk, parking stall removal and PXO conversion would be considered in the 2021 budget request.

### **Alternatives Reviewed:**

Both methods of intersection control (3-way stop or traffic signals) would operate acceptably (under current or future conditions); however, from our warrant analysis (using OTM guidelines), neither control type is warranted due to low pedestrian crossing volumes and due to comparatively low volumes of traffic entering the intersection from Church Hill.

### **Strategic Plan Relationship: Risk Management**

Success of these improvements could be measured through PATC endorsement, reports of near-misses. This will also provide a benchmark for the redesign (or relocation) of the other signalized pedestrian cross walks on Pelham Street, namely at Pancake Lane and Bacon Lane, with a future one in front of 1145 Pelham Street. See Appendix A for locations.

**Other Pertinent Reports/Attachments:**

Appendix A – Signalized Cross Walk Location Plan

**Consultation:**

Trans-Plan Transportation Engineering – Traffic & Safety Review of Pedestrian Priority Signal, Pelham Street and Church Hill

**Legal Consultation, If Applicable:**

N/A

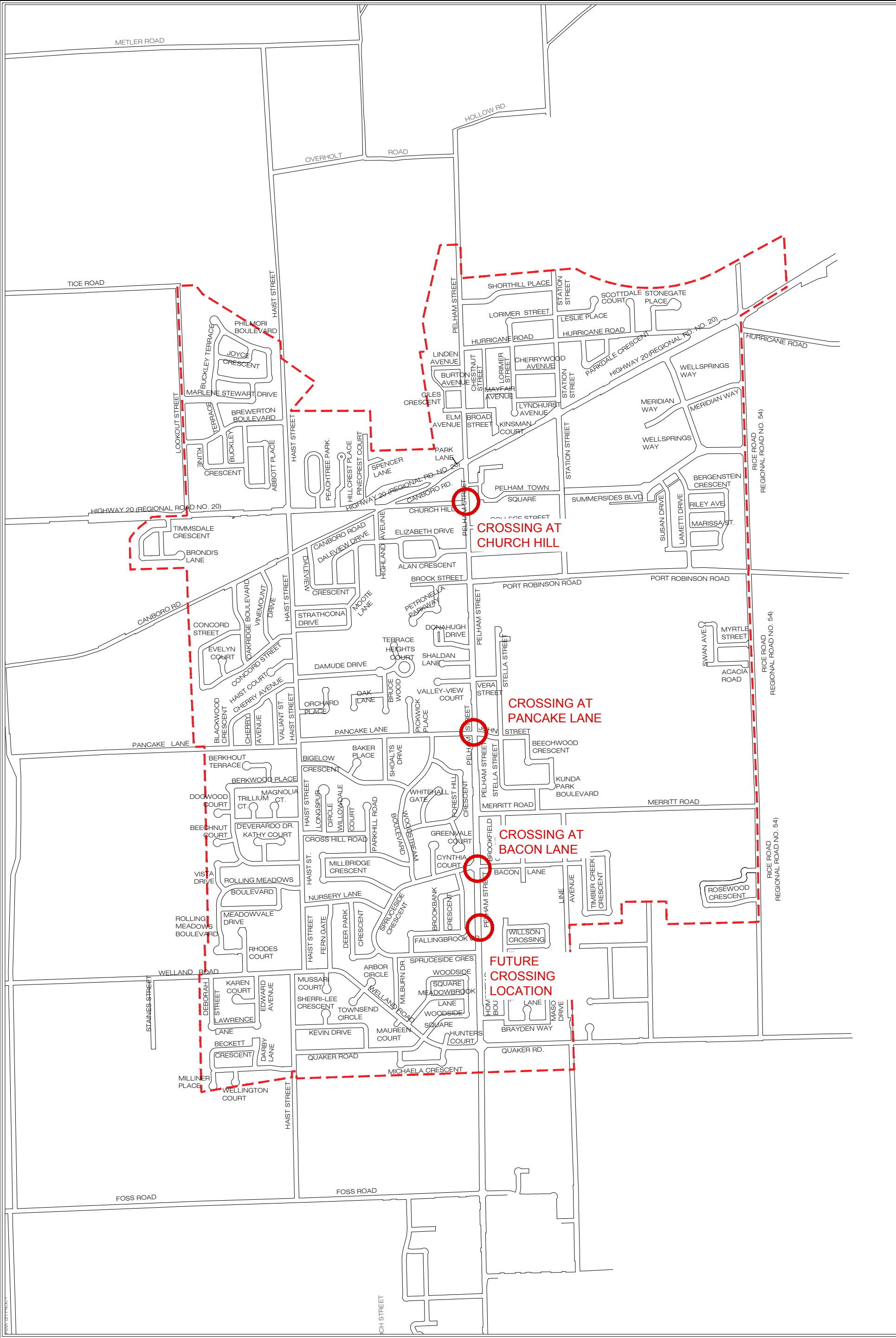
**Prepared and Recommended by:**

Derek Young, Manager of Engineering

Jason Marr, Director of Public Works

**Approved and Submitted by:**

David Cribbs, Chief Administrative Officer



NOTE:  
1. THE POSITION OF POLE LINES, CONDUITS, SEWERS, WATERMANS AND OTHER UNDERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONSTRUCTION DRAWINGS. WHERE SHOWN THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.  
2. BEFORE STARTING WORK, THE CONTRACTOR SHALL CHECK WITH ALL UTILITIES INVOLVED AND INFORM HIMSELF/HERSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

Drawn	DY
Design	DY
Checked	JM
Reviewed	JM

Location TOWN OF PELHAM
Project Name SIGNALIZED CROSS WALK LOCATION PLAN

Sheet Title APPENDIX A		Date: NOV. 2019
Scale NTS	Sheet 1 of 1	Drawing No: SC-01



## Traffic & Safety Review of Pedestrian Priority Signal

Pelham Street and Church Hill  
Fonthill, Ontario

Prepared for Town of Pelham

March 2018







February 9, 2018

Ms. Andrea Clemenico  
Director, Public Works  
Town of Pelham  
20 Pelham Town Square, P.O Box 400  
Fonthill, ON L0S 1E0

Project file: TPI-2017P148

Re: Pelham Street and Church Hill, Fonthill, Ontario, Pedestrian Priority Signal Review

Dear Ms. Clemenico,

TRANS-PLAN is pleased to submit this traffic and safety review to the Town of Pelham for the pedestrian priority signal located at the Church Hill and Pelham Street in Fonthill, Ontario.

Our review includes current traffic counts and surveys at the study area intersections along Pelham Street and a detailed review of the PPS, including a pedestrian crossing study, driver sight distance review, vehicle queuing study, a vehicle collision history review and all-way stop and traffic signal warrant reviews. Traffic operations were also reviewed in our Synchro traffic analysis model for existing and future conditions. The results of our all-way stop and traffic signal warrant analyses indicate that neither control type is warranted for the intersection. Given the survey and analysis results and observations (as well as the Town's By-law requirements), we suggest that on-street parking be removed within a minimum of 10m from the intersection at the approaches. A raised crosswalk design would also enhance the PPS crossing location for increased vehicle – pedestrian safety.

Sincerely,



Anil Seegobin, P.Eng.  
Partner, Engineer

Trans-Plan Transportation Inc.  
Transportation Consultants



## TABLE OF CONTENTS

### Transmittal Letter

1.	INTRODUCTION .....	1
2.	BACKGROUND REVIEW .....	2
2.1	Town Comments .....	2
2.2	R&R Associates Inc. Study Findings .....	2
2.3	Paradigm Study Findings .....	2
2.4	Rusit and Associates Study Findings .....	2
3.	EXISTING TRAFFIC CONDITIONS.....	3
3.1	Study Area.....	3
3.2	Road Network.....	3
3.3	Transit Services.....	3
3.4	Existing Traffic Counts .....	4
3.5	Pedestrian Crossing Survey .....	4
3.6	On-street Parking at Intersection.....	5
3.7	Vehicle Queuing Survey .....	6
3.8	Vehicle Collision Review .....	6
3.9	Driver Sight Distance Review .....	6
4.	FUTURE TRAFFIC CONDITIONS.....	6
4.1	Background Growth Rate .....	7
4.2	Planned Background Developments .....	7
4.3	Capacity and Vehicle Queuing Analysis .....	7
4.4	All-way Stop Control Warrant Analysis .....	9
4.5	Traffic Signal Warrant Analysis .....	9
5.	SUMMARY AND RECOMMENDATIONS.....	11
5.1	Summary.....	11
5.2	Recommendations .....	11

Appendix A – Background Information	
Appendix B – Intersection Drawing of Pedestrian Priority Signal	
Appendix C – Turning Movement Counts and Signal Timing	
Appendix D – Vehicle Queueing and Pedestrian Crossing Surveys	
Appendix E – Driver Sight Distance Review	
Appendix F – Capacity and Queue Analysis Sheets	
Appendix G – Level of Service Definitions	
Appendix H – All Way Stop and Signal Warrant Analysis	

## List of Tables

Table 1 – Intersection Turning Movement Count Details .....	4
Table 2 – Pedestrian Survey at Pelham Street PPS.....	5
Table 3 – Pedestrian Crossing Observations .....	5
Table 4 – Vehicle Queueing Study Results .....	6
Table 5 – Site Trip Generation.....	7
Table 6 – Capacity Analysis Results, Pelham Street and Church Hill, All-way Stop and Signalized Control.....	8
Table 7 – Vehicle Queue Analysis Results, Pelham Street and Church Hill, All-way Stop and Signalized Control .....	8
Table 8 – All-way Stop Warrant Analysis for a Minor Road Intersection.....	9
Table 9 – Weekday 8-Hour Volume Counts .....	10
Table 10 – Traffic Signal Warrant Analysis Results, Pelham Street and Church Hill .....	10
Table 11 – Signal Warrant based on Pedestrian Volumes, Pelham Street and Church Hill.....	10

List of Figures

Figure 1 – Study Area Map..... 13

Figure 2 – Looking North along Pelham Street from Southwest corner of Church Hill..... 14

Figure 3 – Study Area Roadway Characteristics ..... 15

Figure 4 – Existing Traffic Volumes, Weekday AM and PM Peak Hours ..... 16

Figure 5 – Traffic Volume Background Growth, Weekday AM and PM Peak Hours..... 17

Figure 6 – Development Traffic Volumes, Weekday AM and PM Peak Hours..... 18

Figure 7 – 2023 Total Traffic Volumes, Weekday AM and PM Peak Hours..... 19

Figure 8 – Example of Raised Asphalt Crosswalk ..... 20

## 1. INTRODUCTION

Trans-Plan has been retained by Town of Pelham's Public Works Department to complete a review of the Pedestrian Priority Signal (PPS) at the intersection of Pelham Street and Churchill in Fonthill, and to advise on the recommended control type / improvements for the intersection. This assessment includes the following studies and tasks:

- a review of background documentation, including:
  - Fonthill Traffic Study, Final Report, R&R Associates Inc., September 2009
  - Traffic Brief, 1440 Pelham Street, Paradigm, February 6, 2017
  - Safer Pedestrian Crossing on Pelham Street, Town of Pelham Public Works, June 5, 2017
  - Committee of the Whole (CoW) Meeting Minutes, June 5, 2017
  - Memo re: Stacking of Southbound Vehicles on Pelham Street, Rusit and Associates LTD, July 31, 2017
- traffic surveys and an assessment of the existing roadway network conditions along Pelham Street, including operations of the PPS, including:
  - Turning movement counts for the study area intersections
  - Vehicle queue and delay study at the Pelham Street and Church Hill intersection
  - Collision history review at the Pelham Street and Church Hill intersection
  - A pedestrian crossing survey for volumes, compliance and observations of safety issues
  - A driver sight-distance review for vehicles exiting Church Hill onto Pelham Street
- a review of any planned development applications and roadway improvements along Pelham Street to obtain future traffic conditions
- an analysis of future operating conditions along Pelham Street using Synchro and SimTraffic analysis software, to review traffic level-of-service, capacity and queuing (modelling the Pelham Street and Church Hill intersection as an all-way stop and signalization control)
- a warrant analysis, using the Ontario Traffic Manual guidelines, based on the future traffic volumes, to review traffic control for the intersection as a PPS, all-way stop or signalization)
- recommendations for traffic improvements and/or mitigation measures at the Pelham Street and Church Hill intersection based on our review and traffic assessment

This study was requested because ever since the installation of the PPS, the Town has received continued safety complaints from numerous parties, including (what has been described as) near misses with Town staff attempting to cross with the light activated. Public Works recommended that the PPS be changed to a full signalized intersection. Council has not approved the recommendation (when it was brought forward to the CoW on June 5, 2017), and instead requested a three-way stop be installed at the intersection. Town staff; however, are of the opinion that a three-way stop may not be the best option in consideration of spacing to adjacent intersections and traffic progression through the downtown area.

## **2. BACKGROUND REVIEW**

### **2.1 Town Comments**

Since the installation of the PPS in year 2015, the main issue noted by the Town is that it consistently stops all vehicles heading both northbound and southbound on Pelham Street; however, it does not consistently stop all vehicles making eastbound left turns from Church Hill onto Pelham. Drivers approaching northbound onto Pelham Street from Church Hill may not see the traffic signal on the north leg of Pelham due to the placement of the PPS. Therefore, in the case of a red light when the traffic signal is activated, drivers proceeding to make a rushed left turn must be cautious of pedestrians crossing in both directions of the intersection.

An installation of a temporary Pilot Pedestrian Cross Over (PXO) was installed over the summer of 2017 by the Town for a duration of two weeks. The main objective of the installation was to simulate a mid-block crossing, observe the effect of pedestrians crossing the roadway and the drivers' responses to the activation of the flashing lights. Overall, the Pelham Active Transportation Committee did not choose to proceed with the mid-block crossing pilot as another alternative to the PPS as a result of safety issues and visibility issues of the sign when the adjacent on-street parking spots were occupied.

Excerpts from previous studies in the study area are provided in Appendix A and are summarized as follows:

### **2.2 R&R Associates Inc. Study Findings**

The R&R Associates study included observations and traffic count data. The total number of vehicles per day (VPD) on Pelham Street is 10,251 and on Church Hill is 2,847. Historical and recent spot speed surveys suggested that drivers on these roads generally disregard speed limits, endangering pedestrians. The study noted that installing traffic signals would help to slow traffic and likely reduce the probability and severity of collisions involving right of way conflicts, as well as improving safety conditions for pedestrians. Future modifications for the existing 45 on-street parking spaces on Pelham Street should be reviewed and analyzed in order to improve sightlines at the cross streets of Pelham Town Square, Church Hill, and Regional Road 20.

### **2.3 Paradigm Study Findings**

The findings from the Paradigm Transportation Solutions Limited study recommended a pedestrian signal be installed at the Pelham Street and Church Hill intersection with the following stipulations; the on-street parking lane, within 30m of the signalized intersection, should be removed to alleviate sightline problems for both the northbound and southbound directions. Signage should be included to warn drivers of the new signal and pedestrian activity. This will help to protect pedestrians crossing at the new signal. Paradigm also recommended that designated bicycle routes (i.e. shared auto and cycle lanes) be added along Pelham Street to improve safety for cyclists.

### **2.4 Rusit and Associates Study Findings**

The findings from the Rusit & Associates Ltd. study noted that a signalized intersection at Church Hill would be below the minimum separation distance to the northerly existing signalized intersection at Highway 20. The intersection spacing is 179m, which is below the minimum of spacing requirement of 215m between signalized intersections (in urban settings). The findings also indicate that installing new traffic signals at

the intersection would improve left turn movements from Pelham Town Square to Pelham Road. It was also noted from field observations that southbound vehicle queues on Pelham Road extend approximately 150m from the Church Hill intersection, as far as the Highway 20 intersection.

### 3. EXISTING TRAFFIC CONDITIONS

#### 3.1 Study Area

Fonthill is a community in the town of Pelham, Ontario. The study area, for analysis of the Pelham Street and Church Hill intersection, includes Pelham Street from College Street to Highway 20. The site location is shown in Figure 1 and a photograph of the PPS is shown in Figure 2. The surrounding area contains a number of retail, commercial and restaurant uses which stretch between Pelham Town Square Street and College Street, as well as the Fonthill Baptist Church.

#### 3.2 Road Network

Based on discussions with Town's staff and a review of the Town's By-law #89-2000 for speed limits, the study area roadways are described as follows:

**Highway 20** is a provincial highway under the jurisdiction of Niagara Region. Highway 20 generally runs in a northeast-to-southwest direction, connecting to Highway 406 to the east. Highway 20 has two travel lanes per direction in the vicinity of the site. The posted speed limit on Pelham Street, in the vicinity of the site, is 50 km/h (with some road sections reduced to 40 km/h).

**Pelham Street** is classified as an arterial road under the jurisdiction of the Town of Pelham. It consists of two travel lanes, one in each direction and generally runs in a north-south direction. At the Highway 20 signalized intersection, there are exclusive left turn lanes at the approaches. The posted speed limit on Pelham Street is 50 km/h.

**Pelham Town Square** is a local road under the jurisdiction of the Town of Pelham. It consists of two travel lanes, one in each direction. The roadway curves around Peace Park to the east of the study area. Pelham Town Square has an assumed speed limit of 40 km/h.

**Church Hill** is classified as a local street under the jurisdiction of the Town of Pelham. It contains two travel lanes and generally runs in an east-west direction. The assumed speed limit on Church Hill is also 40 km/h. The north leg of the intersection has the PPS and the west leg of the intersection has a stop control.

**College Street** is classified as a local street under the jurisdiction of the Town of Pelham. It contains two travel lanes and generally runs in an east-west direction. The assumed speed limit on College Street is assumed to be 50 km/h.

The study area roadway characteristics are shown in Figure 3. A drawing of the Pelham Street and Church Hill intersection, showing the PPS, is provided in Appendix B.

#### 3.3 Transit Services

Pelham Transit provides morning / midday / evening bus service within the study area. The nearest bus stops are located at the Pelham Street and College Street intersection. Services times are approximately every 40 minutes during weekdays from approximately 7:00am to 6:00pm.



### 3.4 Existing Traffic Counts

To determine existing operating conditions in the study area, Trans-Plan conducted intersection turning movement counts (TMCs) for the study area roadways. Additionally, Trans-Plan obtained current signal timing plans and historical AADT traffic data (2009 and 2017) from the town of Pelham. Table 1 provides a summary of the dates, count hours and peak hours obtained for each intersection counted. Detailed TMC data and current signal timing plans provided by the Town are included in Appendix C.

Table 1 – Intersection Turning Movement Count Details

Intersection	Count Date	Count Hours	Peak Hours
Pelham Street and Highway 20	Tuesday, February 6, 2017	7:00 am - 9:00 am 3:00 pm - 6:00 pm	8:00 am - 9:00 am 4:30 pm - 5:30 pm
Pelham Street and Pelham Town Square	Tuesday, February 6, 2017	7:00 am - 9:00 am 3:00 pm - 6:00 pm	8:00 am - 9:00 am 4:30 pm - 5:30 pm
Pelham Street and Church Hill	Wednesday January 17, 2018	7:00 am - 9:00 am 11:00 am - 2:00 pm 3:00 pm - 6:00 pm	8:00 am - 9:00 am 11:30 am - 12:30 pm 4:30 pm - 5:30 pm
Pelham Street and College Street	Wednesday January 17, 2018	7:00 am - 9:00 am 11:00 pm - 2:00 pm 3:00 pm - 6:00 pm	8:00 am - 9:00 am 11:15 am - 12:15 pm 4:30 pm - 5:30 pm

The Pelham Street and Church Hill intersection was counted for 8 hours for all-way stop and signal warrant purposes. The traffic volumes counted were increased and balanced between intersections, where appropriate, for consistency. The existing weekday AM and PM peak hour traffic volumes are shown in Figure 4.

### 3.5 Pedestrian Crossing Survey

A pedestrian crossing survey at the Pelham Street and Church Hill intersection (for east-west crossings) was conducted on January 18, 2018 for 8 hours in duration. The weather conditions were sunny, with a temperature of approximately -9 degrees C. The purpose was to obtain volumes and classification (i.e. adult, child, seniors and those with accessible needs) of pedestrians crossing, compliance with the PPS and to make observations of pedestrian crossing issues. Pedestrians crossing both upstream and downstream of the PPS (i.e. J-walking) were also recorded. The summary results are shown in Table 2. Detailed results for pedestrian volumes and classifications are provided in Appendix D.



Table 2 – Pedestrian Survey at Pelham Street PPS

Location	Number of Pedestrian Crossings at Pelham Street			
	AM Peak Hour	MD Peak Hour	PM Peak Hour	Total 8 Hours
North leg of Pelham St	3	11	8	37
At PPS (during “do not walk” phase)	5	10	10	27
At PPS when pedestrian signal is activated (during walk phase)	1	2	3	13
South leg of Pelham St	2	3	5	14
Total volumes (pedestrians)	11	26	26	91

Due to the comparatively higher number of retail and commercial uses located to the north of the intersection, compared to the south of the intersection, the crossing volumes at or near the north leg are generally higher. For the full 8-hour period, excluding midblock crossings, 27 pedestrians complied with the PPS and 13 pedestrians did not, resulting in a compliance of 67.5 percent. Additionally, the following observations were noted at the crossing, as summarized in Table 3. There were two “near misses” observed involving vehicle-pedestrian conflicts at the PPS during our 8-hour surveys.

Table 3 – Pedestrian Crossing Observations

Crossing Direction	Time	Description
NW corner to NE corner	1:35 pm	Woman crossing the street with infant at the PPS (during walk phase) was almost struck by vehicle exiting from an on-street parking space located within the intersection
NW to NE corner of Pelham Street	4:17 pm	Senior crossing street at the PPS (during walk phase) was almost struck by a southbound vehicle making U-turn within the intersection

### 3.6 On-street Parking at Intersection

In reference to the Town of Pelham Zoning Parking requirements (except found in Appendix D), a vehicle cannot park within 10m (33ft) of an intersection. Previously referred to Figure 2 shows the on-street parking bay on the east side of Pelham Street within the intersection. As noted in previous studies and from our review of pedestrian crossings, the on-street parking bay conflicts with vehicle and pedestrian movements within the intersection.

Vehicles are also not permitted to park within 3m (10 ft.) or within 1.5m (5 ft.) of a laneway, driveway or a curb-cut. On the east side of Pelham Street, vehicles were observed to block the driveway of the restaurant (Volcanos Pizzeria).

### 3.7 Vehicle Queuing Survey

Table 4 shows our recordings of peak hour vehicle queuing (number of vehicles and estimated queue lengths in metres) when the PPS walk phase was activated.

Table 4 – Vehicle Queuing Study Results

Pelham Street and Church Hill	Available Storage Length (m)	Maximum Observed Vehicle Queue During Peak Hour		
		(number of vehicles / length [m])		
Direction		AM	MD	PM
Northbound	100 <sup>1</sup>	4 veh / 28 m	3 veh / 21 m	7 veh / 35 m
Southbound	90 <sup>2</sup>	6 veh / 42 m	5 veh / 35 m	9 veh / 63 m
Eastbound	n/a	2 veh / 18 m	1 veh / 7 m	3 veh / 21 m

Notes: (1) Distance from south leg of Pelham Street and Church Hill to the Meridian Credit Union driveway.  
(2) Distance from the PPS to Pelham Town Square.

From our observations of vehicle queuing at the intersection, all vehicles tend to clear the intersection after each cycle. No vehicles were observed to experience lengthy delays at Church Hill when making eastbound left and right turns at the intersection.

### 3.8 Vehicle Collision Review

Based on correspondence with the Town, there has only been one collision reported within the past three years at the Pelham Street and Church Hill intersection. Therefore, no further vehicle collision analyses were conducted.

### 3.9 Driver Sight Distance Review

Driver sight distance was reviewed at the Pelham Street and Church Hill intersection for a driver making an eastbound left or right turn from Church Hill. During busier times of the day, vehicles parked near the intersection on the west side of Pelham Street limit sightlines for turning vehicles at the intersection. When the on-street parking bays are empty, the available sight distance from the extension of the curb line at the west leg of the intersection (from Church Hill) is 100 m looking northbound along Pelham Street and 350 m looking southbound. As per the Transportation Association of Canada (TAC) manuals (and the town of Pelham, Municipal Design Engineering Design standards, Section 2.1.1), the required sight distance is 85 to 140 m, which is met by the available sight distance (when vehicles are not parked on-street, on the west side of the intersection). Excerpts of the applicable standards and the detailed driver sight distance review are provided in Appendix D.

## 4. FUTURE TRAFFIC CONDITIONS

Future traffic volumes were determined based on a review of planned development applications received by the Town and estimates of background traffic volume growth in the study area. Detailed information is provided in Appendix E. For analysis purposes of future conditions, a five-year study horizon is assumed.

#### 4.1 Background Growth Rate

An annual growth rate of 2.0% per year was applied to existing traffic volumes on Pelham Street to obtain future traffic volumes in the weekday AM and PM peak hours. The existing traffic volumes with the growth rate applied are shown in Figure 5.

#### 4.2 Planned Background Developments

Based on discussions with the Town, the only notable development in the study area is 1440 Pelham Street, Fonthill. The development is to contain an additional 12 residential units to add onto the existing commercial floors beneath the residential units to construct four-storey mixed use building. As shown in **Error! Reference source not found.**, trips for the background development were generated by using the Institute of Transportation Engineers (ITE) Trip Generation manuals, 9th Edition, trip rates for the proposed building on Pelham Street. The background development traffic volumes are shown in Figure 6.

Table 5 – Site Trip Generation

Land Use		Size	Weekday AM Peak Hour			Weekday PM Peak Hour		
			In	Out	Total	In	Out	Total
Residential Condominium	Units:	12						
ITE Code 230		Distribution Equation Rate	17%	83%	100%	67%	33%	100%
			$\text{Ln}(T) = 0.80\text{Ln}(X) + 0.26$			$\text{Ln}(T) = 0.82\text{Ln}(X) + 0.32$		
			0.13	0.62	0.75	0.61	0.30	0.92
		Trips	2	7	9	7	4	11

Source: ITE Trip Generation, 9th Edition, Land Use Code 230 (Residential Condominium/Townhouse)

The background development (at 1440 Pelham Street) is expected to generate a total of 9 two-way trips in the weekday AM peak hour and 11 total trips in the PM peak hour.

Traffic volumes generated by the background development were added to the future background traffic volumes (existing volumes plus estimated traffic growth) to obtain future total traffic volumes for the weekday AM and PM peak hours. The future total traffic volumes for the 2023 horizon year are shown in Figure 7.

#### 4.3 Capacity and Vehicle Queuing Analysis

A capacity and vehicle queuing analysis was performed for the study area intersections using Synchro analysis software. The intersection of Pelham Street and Church Hill was modeled as both an unsignalized (all-way stop-controlled) and as a signalized intersection. Capacity and Queue analysis sheets and Level of Service (LOS) definitions are provided in Appendix F and Appendix G, respectively. The capacity analysis and queue results are further summarized in Table 6 and Table 7, respectively.

Table 6 – Capacity Analysis Results, Pelham Street and Church Hill, All-way Stop and Signalized Control

Intersection Movement	2023 Total Traffic Conditions									
	Unsignalized Condition (Stop Control)				Signalized Condition					
	AM Peak Hour		PM Peak Hour		AM Peak Hour			PM Peak Hour		
	Delay	LOS	Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS
<b>Pelham Street and Church Hill</b>					0.38	6	A	0.48	6	A
Eastbound Left	10	B	12	B	0.41	17	B	0.40	16	B
Eastbound Right	15	B	22	C	0.37	4	A	0.49	5	A
Northbound Left	10	B	28	D	0.17	3	A	0.50	5	A

For all-way stop controlled intersections, individual movements operating above an LOS of E or above are generally considered critical. Signalized intersections operating at an overall volume-to-capacity (v/c) ratio of 0.90 or above are typically considered critical. The results of our analysis indicate that from a traffic capacity / level-of-service perspective, the intersection could function as either all-way stop controlled or as signalized controlled (with reserve capacity).

Table 7 – Vehicle Queue Analysis Results, Pelham Street and Church Hill, All-way Stop and Signalized Control

Intersection	Distance to Nearest Upstream Intersection (m)	95th Percentile Vehicle Queues			
		Future 2023 Total Conditions (Unsignalized – Stop Control)		Future 2023 Total Conditions (Signalized)	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Eastbound Left / Right	205	16	13	21	20
Northbound Left / Through	101	26	38	56	88
Southbound Left / Through	58	19	35	20	33

For all-way stop control, the critical intersection vehicle queues in the peak hours are approximately 16m, 26m and 35m for the eastbound, northbound and southbound movements, respectively. Vehicle queues are expected to be fairly minimal and are not likely to block any upstream intersections.

For signalized control, the critical intersection vehicle queues in the peak hours are approximately 21m, 88m and 33m for the eastbound, northbound and southbound movements, respectively. Vehicle queues are not likely to block any upstream intersections. The queues for signalized control (or for a PPS) would likely be longer than for stop control due to the length of time vehicles would be required to wait in queue for the green / walk phase for east-west movements from Church Hill.

#### 4.4 All-way Stop Control Warrant Analysis

The warrant for an all-way stop control at the Pelham Street and Church Hill intersection was reviewed based on requirements noted in the OTM guidelines, Book 5. Weekday traffic volumes were obtained from the intersection TMC and conducted by Trans-Plan on Wednesday, January 18, 2018. The critical peak hour reviewed was 5:00pm to 6:00pm, where a total of 904 vehicles were recorded for all approaches (829 vehicles approaching from Pelham Street and 75 vehicles approaching from Church Hill). The warrant results are summarized in Table 8. The supporting data is contained in Appendix H.

Table 8 – All-way Stop Warrant Analysis for a Minor Road Intersection

All-Way Stop Minimum Volume Warrant for Church Hill			
Total Vehicle Volume (peak hour > minimum)		Volume Split (peak hour < maximum)	
Minimum	Peak Hour	Maximum	Peak Hour
350	904	75/25	92/8

To warrant an all-way stop, the total vehicle volumes (from all approaches) must exceed 350 vehicles and the directional split (major road / minor road) must exceed 75 / 25. Although the volumes are met (904 vehicles vs. 350 vehicles), the directional split is not met (25 vehicles vs. 8 vehicles). An all-way stop control at the intersection is therefore, not warranted.

We note that stop signs should only be used where warranted since they can cause substantial inconvenience to motorists. As noted from our review of on-line Department of Transportation documents and experience working with municipalities, improper signing and ignoring the warrants create dangerous conditions for both drivers and pedestrians. Engineering studies indicate that the inappropriate installation of extra stop signs (within a road network) may cause additional problems, such as:

- drivers accelerating between intersections to make up for time lost at the stop sign
- increased rear-end collisions
- a redistribution of traffic onto side streets
- noise pollution and wasted fuel (due to deceleration and acceleration)
- non-compliance issues (i.e. drivers ignoring the inappropriately placed stop signs due to a lack of cross-street traffic)

#### 4.5 Traffic Signal Warrant Analysis

A signal warrant analysis was completed based on the OTM guidelines, Book 12 – Traffic Signals. Weekday traffic volumes were obtained from Wednesday, January 18, 2018 TMC and conducted by Trans-Plan. The AM peak hour occurred between 11:00 am and 12:00pm and the PM peak hour occurred between 17:00 pm and 18:00 pm. The all-approach volumes and count hours assessed are shown in Table 9 and the signal warrant analysis results are shown in Table 10. The supporting data is contained in Appendix H.

Table 9 – Weekday 8-Hour Volume Counts

			AM Peak					PM Peak
Hour Ending:	8:00	9:00	12:00	13:00	14:00	16:00	17:00	18:00
Existing Traffic Volumes	417	750	770	768	647	823	893	922
Percent of Peak Hour	54%	97%	100%	83%	70%	89%	97%	100%

Table 10 – Traffic Signal Warrant Analysis Results, Pelham Street and Church Hill

Signal Warrant Results	Future 2022 Total Conditions		
	Required	Satisfied	Warrant Met?
1 – Minimum Vehicular Volume	100%	41%	No
2 – Delay to Cross Traffic	100%	60%	No
Combination Warrant (1 & 2)	80%	41%	No
Overall Result			No

Our results indicate that a traffic signal at Pelham Street and Church Hill intersection would not be warranted on a weekday under future conditions. The minimum vehicular volume is 41% out of the required 100% under Justification 1, the delay to cross traffic is 60% out of the required 100% under Justification 2, and the combination warrant is 41% out of the required 80% under the Combination Warrant.

As shown in Table 11, the number of pedestrian crossings (for the 8-hour period) was also reviewed to see if warrants would be met for a traffic signal.

Table 11 – Signal Warrant based on Pedestrian Volumes, Pelham Street and Church Hill

8 Hour Vehicular Volume $V_8$		Net 8 Hour Pedestrian Volume				
		< 200	200 - 275	276 - 475	476 - 1000	>1000
Justification 6A	< 1,440	78 pedestrians counted: Not Justified				

The 8-hour pedestrian volume count is 78 pedestrians, which is less than the minimum threshold of 1,440 pedestrians over the count period. A traffic signal is not warranted at the Pelham Street and Church Hill intersection.



## 5. SUMMARY AND RECOMMENDATIONS

This review of the Pedestrian Priority Signal (PPS) at the intersection of Pelham Street at Church Hill in Fonthill is summarized as follows:

### 5.1 Summary

- Trans-Plan reviewed background documentation and conducted current traffic counts and surveys at the study area intersections. The following surveys and results are noted:
  - Pedestrian Crossing Study: 91 pedestrians crossed either at or in the vicinity the PPS during the 8-hour count period. Of the 40 pedestrians that crossed at the PPS, 27 crossed during the “walk” phase, resulting in a fairly low compliance rate of 67.5 percent.
  - Pedestrian Crossing Observations: two vehicle-pedestrian conflicts were observed; the issue for one of the incidents resulted from a vehicle exiting the on-street parking near the PPS.
  - Vehicle Queue Study: there were no issues of vehicle queues at the Pelham Street at Church Hill intersection extending to upstream / downstream intersections. Vehicles tend to clear after each cycle.
  - Collision History Review: there was only one reported collision that occurred at the Pelham Street at Church Hill intersection; based on collisions, the intersection would not be susceptible to correction by adding all-way stop control or signalized control.
  - Driver Sight Distance Review: there is adequate visibility from the approach at Church Hill to see vehicles travelling in the northbound and southbound directions along Pelham Street; however, when vehicles are parked along the west side of Pelham Street, the visibility becomes limited.
- To establish future operating conditions for a five-year study horizon, roadway traffic was increased by 2% per year and traffic for the one notable background development, 1440 Pelham Street, was included in our traffic model.
- Synchro analysis software was used to model the intersection as both all-way stop control and as signalized control. Both methods of intersection control would operate acceptably; however, from our warrant analysis (using OTM guidelines), neither control type is warranted due to low pedestrian crossing volumes and due to comparatively low volumes of traffic entering the intersection from the minor street, Church Hill.

### 5.2 Recommendations

Despite the traffic signal warrant analysis not being met according to the provisions of OTM, there are very rare cases where the engineer's study finds no satisfaction of numerical warrants, but finds other special conditions that result in a conclusion that a signal is the best solution compared to other possible alternatives. According to the conditions of the intersection, the OTM indicates “should not” rather than a “shall not” for the very reasons discussed above. It is important to note that a politically dictated unwarranted signal installation (or all-way stop installation) may not be the best recommended solution.

Installing an all-way stop control for the Pelham Street and Church Hill intersection, when not warranted, may lead to other unintended consequences, such as non-compliance issues.

Another traffic signal warrant analysis could be conducted again over the summer/spring season, as there is a greater chance of higher pedestrian volumes crossing at the PPS due to warmer weather conditions; however, given the 8-hour volumes of 78 pedestrians in the winter and the required volume of 1,440 pedestrians, it is unlikely that the warrant would be met.

We agree with the Town's comment that drivers approaching northbound onto Pelham Street from Church Hill may not see the traffic signals on the north leg of Pelham due to the placement of the PPS; however, (in addition to the existing stop sign for the eastbound approach) we suggest adding enhancements to the crossing location to address this. Our traffic and safety recommendations at the Pelham Street at Church Hill intersection are as follows:

- Remove on-street public parking within a minimum of 10m from the intersection (and within the intersection)
- Introduce a raised crosswalk to enhance the PPS crossing location and improve pedestrian safety. An example is provided in Figure 8.

Respectfully submitted,



Anil Seegobin, P.Eng.  
Partner, Engineer

**Trans-Plan Transportation Inc.**  
Transportation Consultants

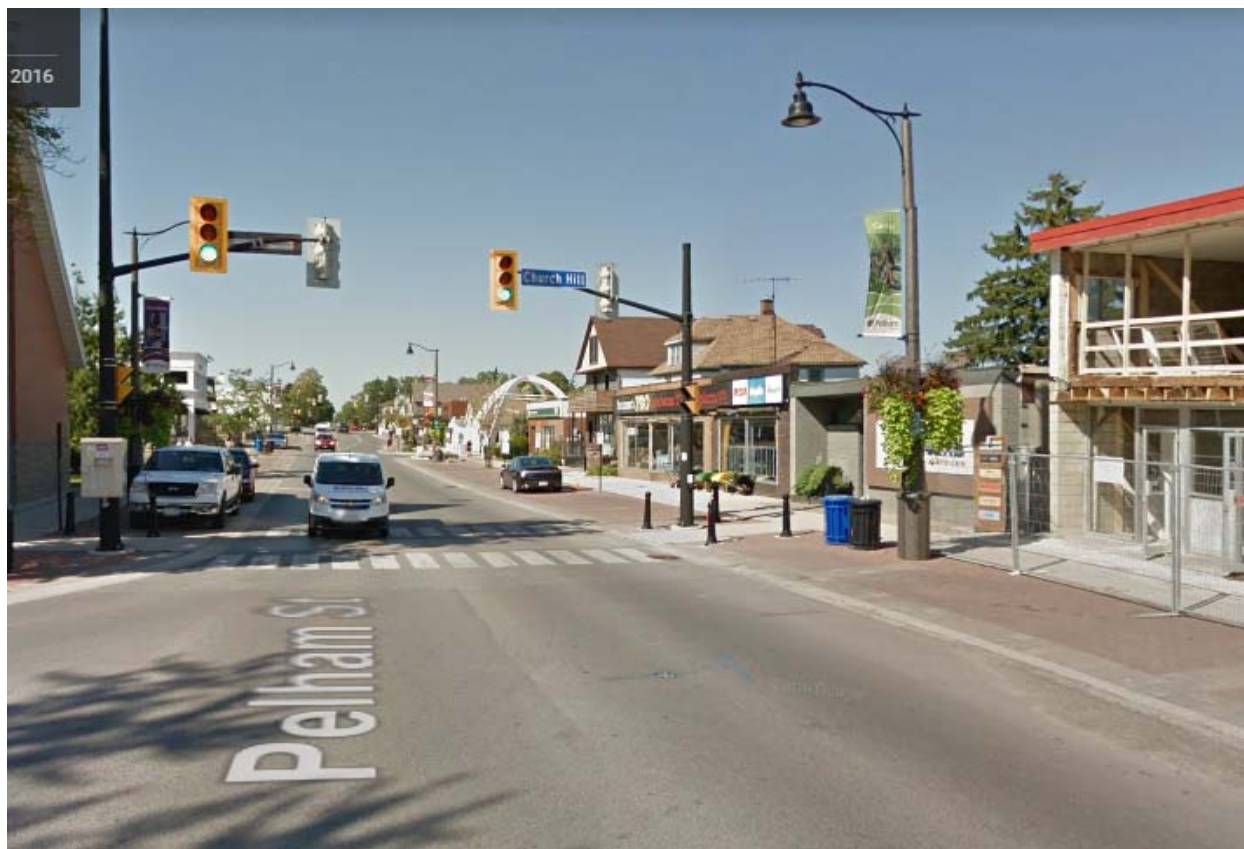


Figure 1 – Study Area Map



Source: Google Maps

Figure 2 – Looking North along Pelham Street from Southwest corner of Church Hill



Source: Google Maps

Figure 3: Study Area Roadway Characteristics

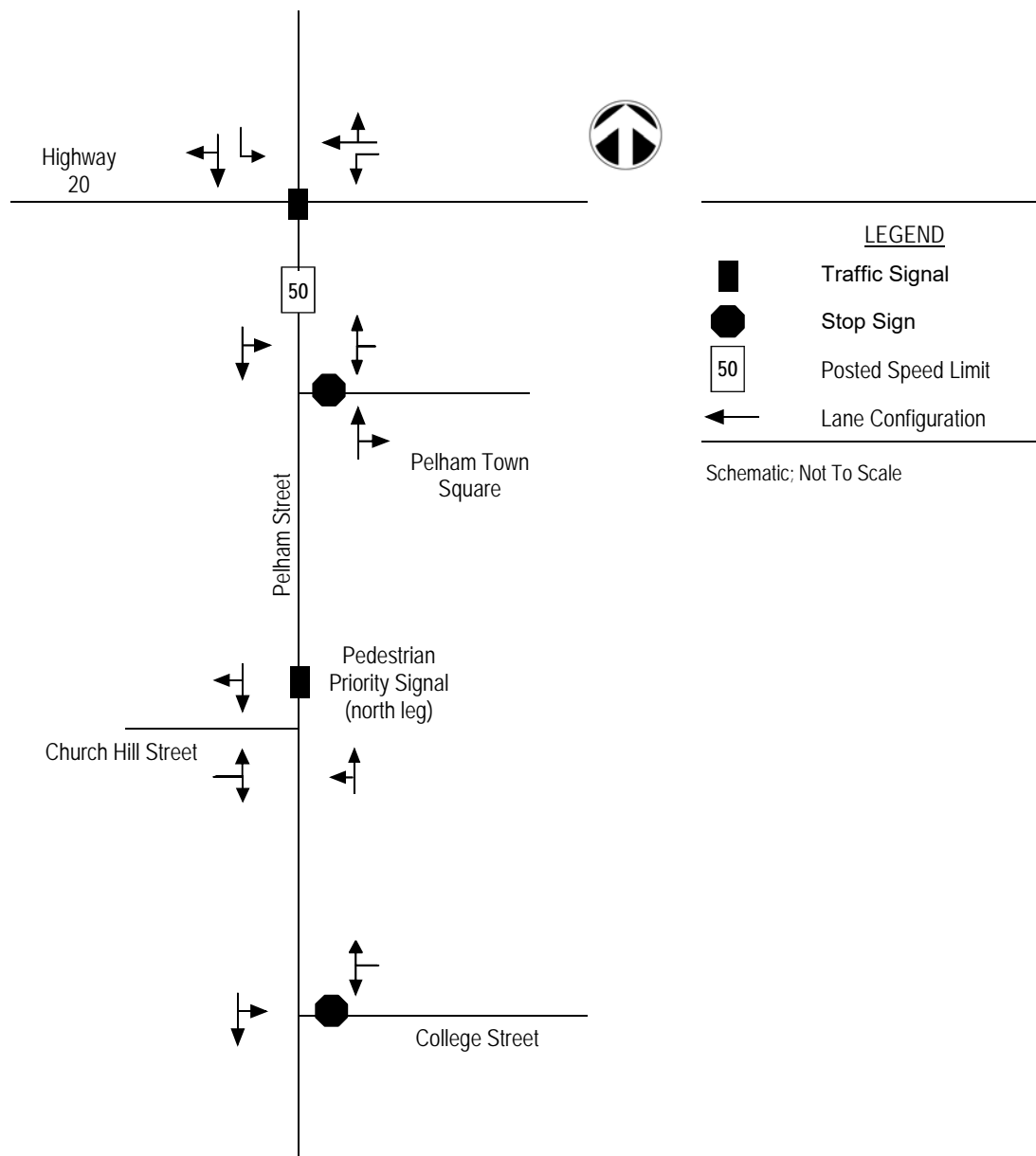


Figure 4: Existing Traffic Volumes, Weekday AM and PM Peak Hours

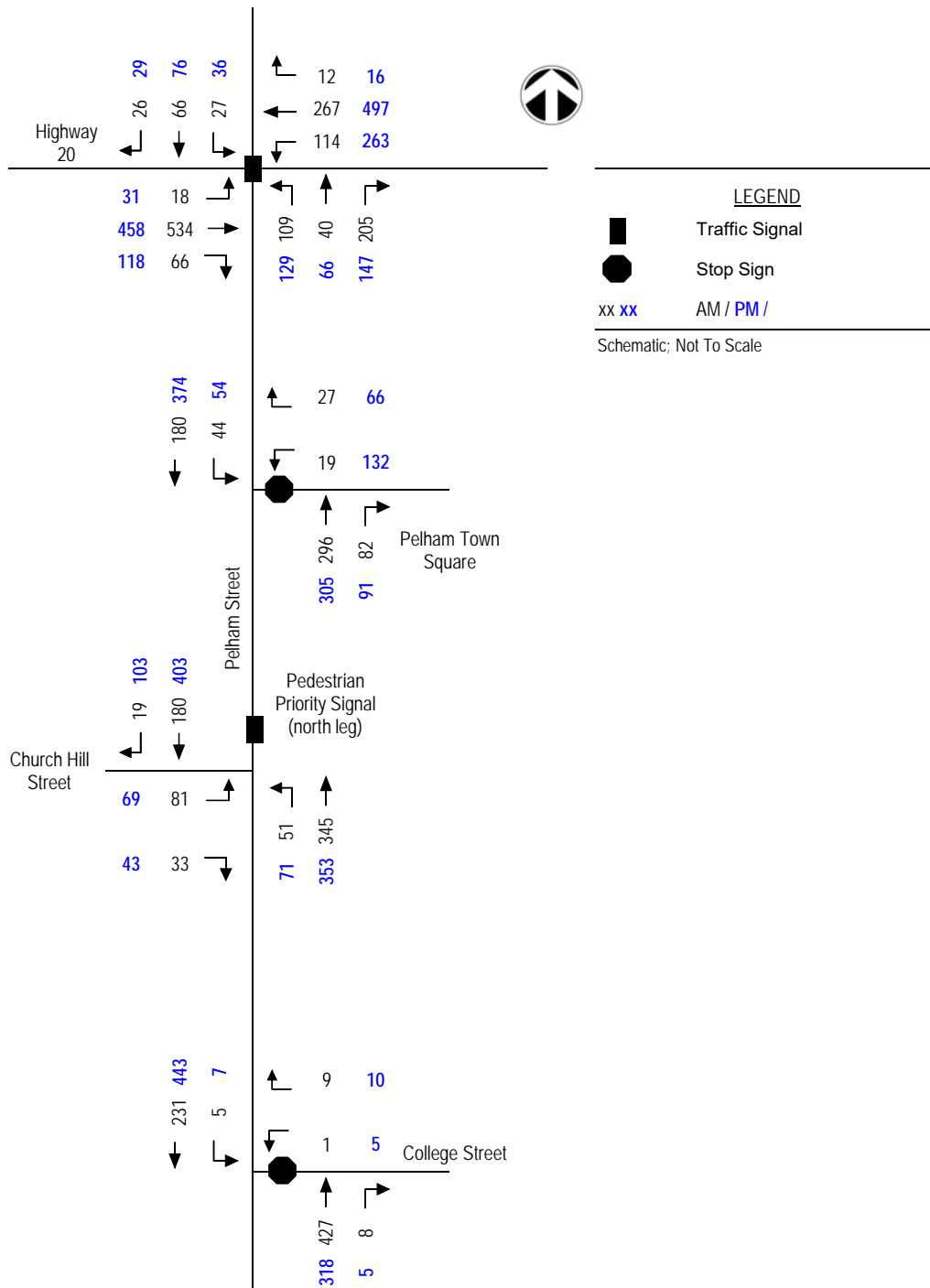


Figure 5: Development Traffic Volumes, Weekday AM and PM

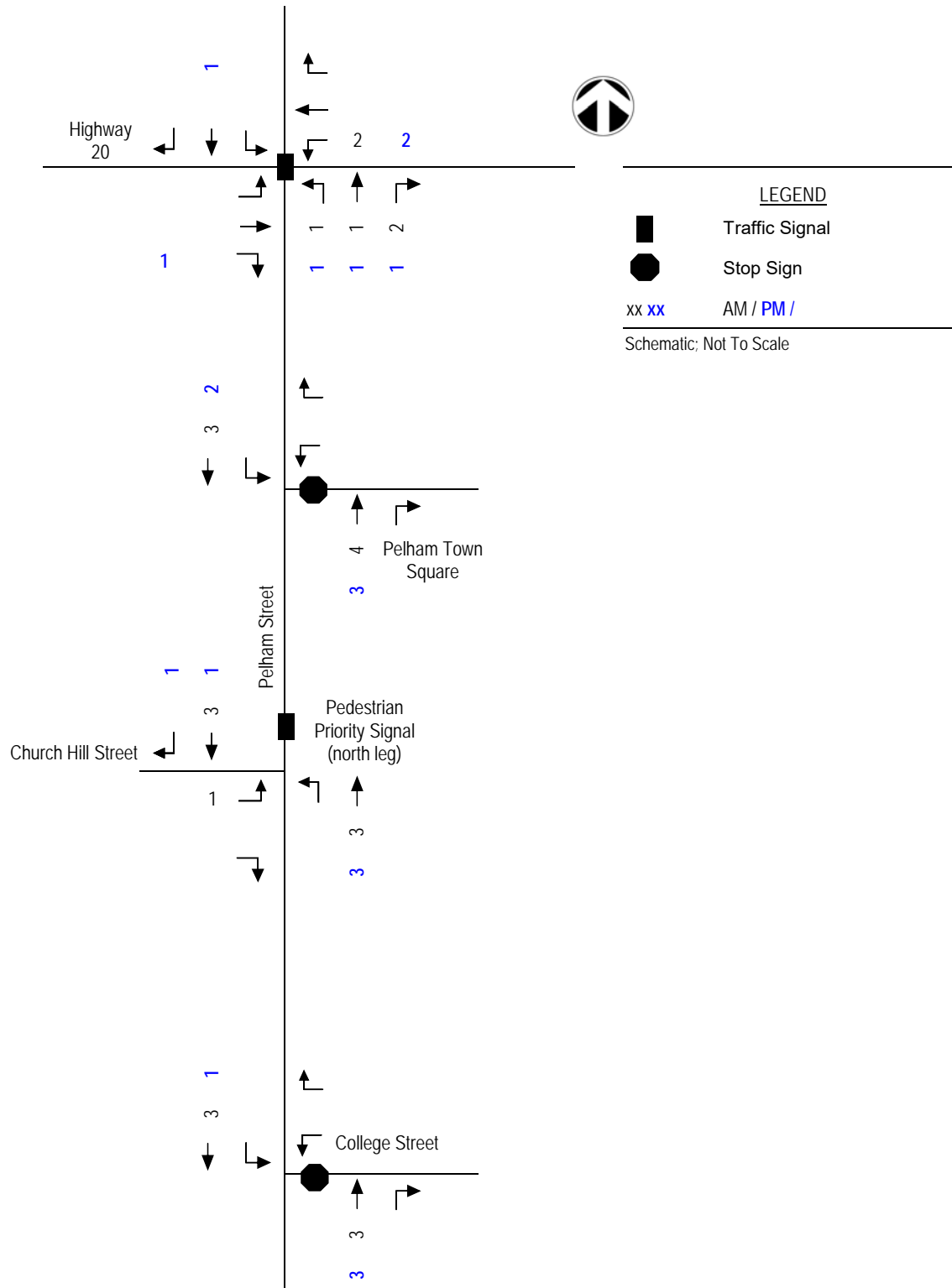


Figure 6: Growth Traffic Volumes, Weekday AM and PM

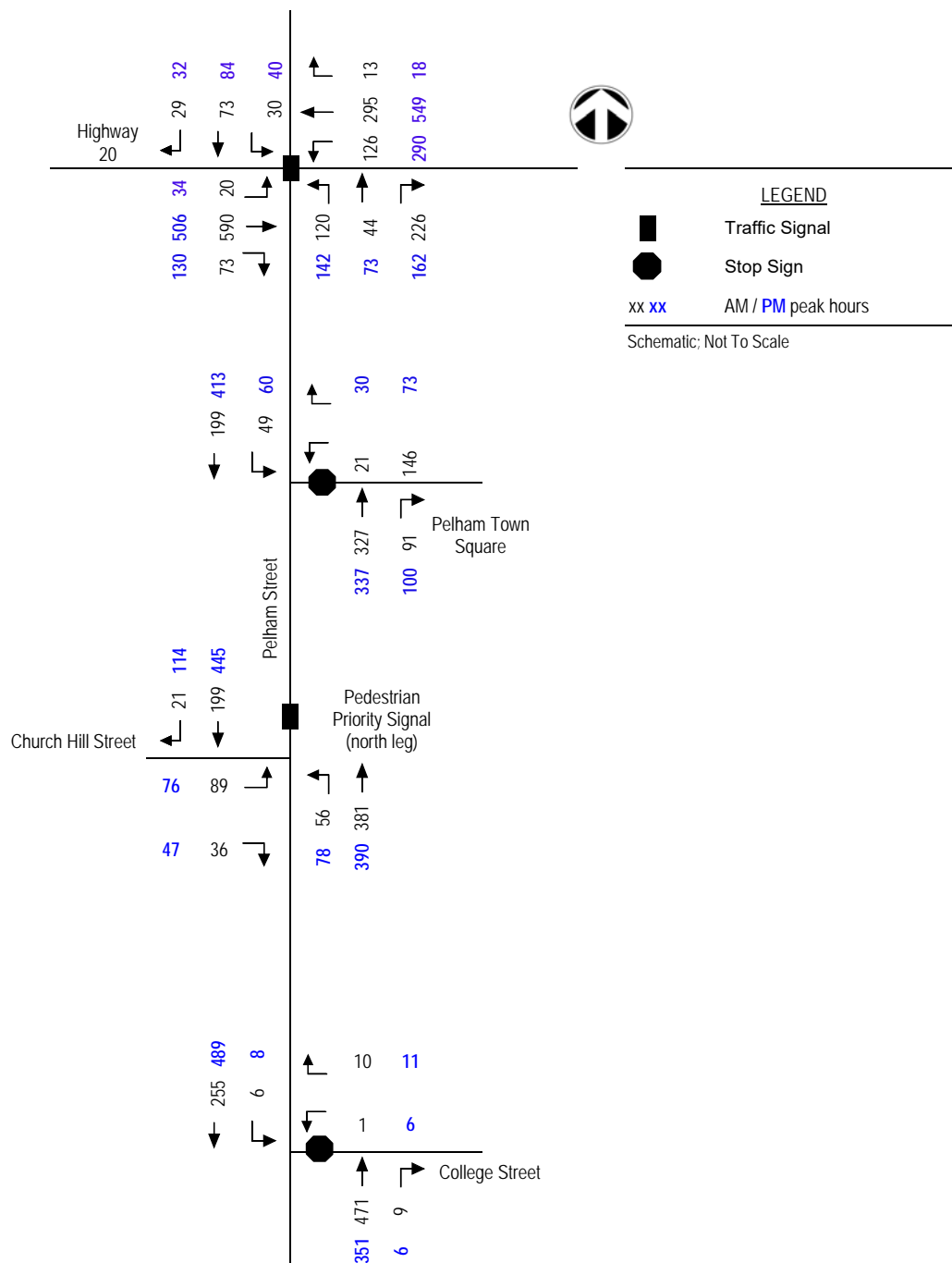


Figure 7: 2023 Total Traffic Volumes Weekday AM and PM

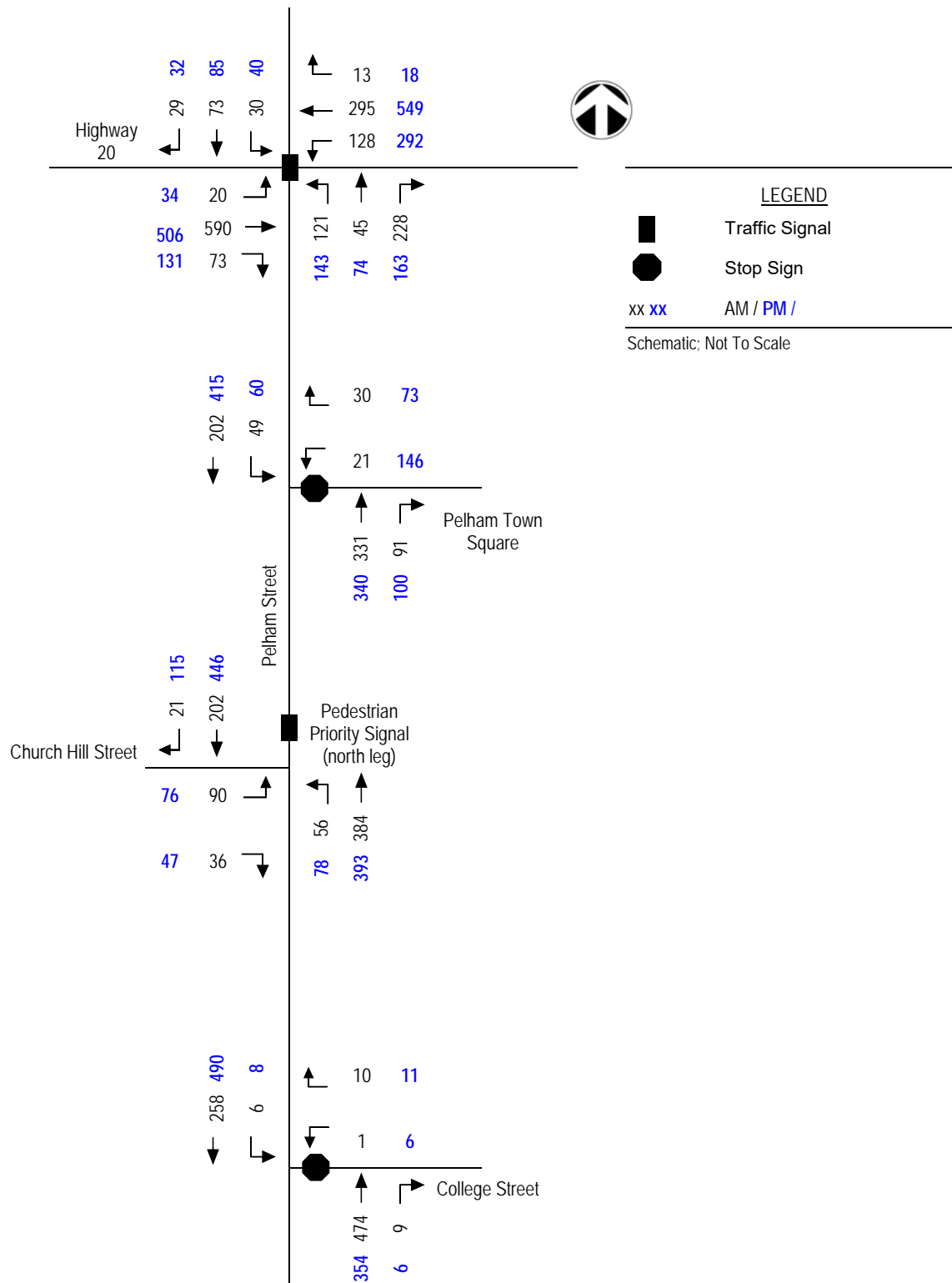




Figure 8 – Example of Raised Asphalt Crosswalk



Source: Google Images



## APPENDICES

Appendix A – Background Information

Appendix B – Intersection Drawing of Pedestrian Priority Signal

Appendix C – Turning Movement Counts and Signal Timing

Appendix D – **Vehicle Queueing** and Pedestrian Crossing Surveys

Appendix E – Driver Sight Distance Review

Appendix F – Capacity and Queue Analysis Sheets

Appendix G – Level of Service Definitions

Appendix H – All Way Stop and Signal Warrant Analysis



## APPENDIX A

### Background Information



Figure 2 Pilot crossing October 2016

Pilot PXO observations:

- Video, drone footage, photos, staff, public and PATC observations were reviewed, and compared to that from the PPS.
- The PXO stopped most vehicles travelling north/south with the activation of the flashing lights.
- Some of the vehicles stopped if the lights were not activated but a pedestrian stood at the road side.
- A few vehicles stopped if the lights were activated but no pedestrian was there.
- On-street parking made visibility difficult for pedestrians and drivers. Without the pedestrian using 'body language' to indicate an intention to cross, especially when parking spaces were occupied, it was sometimes difficult for the driver to see the pedestrian.
- In addition, the conflict with driveway accesses and Pelham Town Square made moving vehicles a challenge for the pedestrian to stay aware.
- PXOs, with or without flashing lights, require some degree of driver and pedestrian education (eye contact from pedestrian to driver, pedestrian showing intention to cross by standing/waiting/motioning)

- Signage and flashing lights would be recommended to increase visibility of a mid-block PXO. (PXOs can also be built in other formats, depending on the number of lanes, traffic direction and location of crossing).
- The Pelham Active Transportation Committee did not strongly support the mid-block crossing pilot, and did not feel it was a safer option than the fully signalized intersection.
- Stacking/lineup of vehicles stopped for the PXO crossing, when activated, was not observed to be excessive in morning or evening rush hour time, due to its short duration.
- The 2009 Fonthill Traffic Study (by R and R Associates Inc.) does suggest that future modifications to on-street parking on Pelham Street consider the need for proper sight lines at the intersections of Church Hill and of Pelham Town Square (p. 86). No corrections to sight lines were made with the Pelham Street reconstruction project.

#### PPS observations

- The PPS consistently stops all vehicles travelling north/south with the red light, but does not consistently stop all vehicles turning north onto Pelham from Church Hill.
  - The time settings for the activation of the PPS and the crossing time appear to be adequate, and are consistent with those across the Region.
  - Stacking/lineup of vehicles stopped for the crossing light, when activated, is not excessive in morning or evening rush hour time. However, the 2009 Fonthill Traffic Study notes that the signal, based on 2009 volumes, does not meet minimum spacing standards for proximity to Highway 20.
  - The report suggests a three lane cross section for Pelham between Highway 20 and Church Hill to improve safety, and also suggests calming measures be considered to slow speeds, reduce volumes and reduce pedestrian/traffic conflicts in the downtown core (it notes the collisions recorded to 2009 in this commercial area are directly related to accesses, side streets and parking movements). Sight lines due to on-street parking were also identified as needing correction. To date, a two-way signal was installed, rather than three, and no calming measures or sight line improvements have been made.
- Installation of a new PXO mid-block, with pedestrian-activated side-mounted amber beacon lights (type C) was quoted at approximately \$12,000 at a Southern Ontario municipality in 2016. Both of these mid-block options were not considered further at this time, due to the existing conflict with on-street parking, traffic speeds and sight lines.

- A 3-way stop at the intersection could be considered, instead of traffic signals, but stacking of vehicles, especially during rush hours, is anticipated to be considerable, and could affect sightlines for drivers and those using on-street parking to park and exit their vehicles.

Although the pilot PXO was considered an innovative attempt to overcome crossing challenges, without additional larger-scale calming and sight line correction measures for the downtown core, a mid-block crossing may prove unsuccessful as an improvement.

**As the creative problem solving process led staff to identify safer pedestrian crossing on Pelham Street as the challenge, the boxed solution is to fully signalize the intersection at Church Hill and Pelham Street. This capital cost can be considered with the 2018 Road Capital Budget request.**

#### The Challenge:

How might we allow pedestrians to cross Pelham Street safely in the downtown core?

How might we calm the downtown core to allow safer crossing of pedestrians and traffic from accesses and side streets?

#### Our Recommended Solution:

BE IT RESOLVED that Committee of the Whole receive the Public Works Report 'Safer Pedestrian Crossing on Pelham Street' for information.

#### Rationale:

Installation of a fully signalized intersection will reduce the risk of pedestrian collision at an existing pedestrian crossing.

#### Measure of Success:

These include: Fewer near-miss reports by pedestrians, the public, the PATC and staff, at the intersection of Church Hill and Pelham Street, and a safer, calmer downtown core.



## 8. CONCLUSIONS AND RECOMMENDATIONS

### 8.1 Conclusions

The following discussion lists the conclusions drawn from background data, field inventories and subsequent analyses of traffic data and collision history within the Fonthill Traffic Study primary and secondary study areas.

1. Based on field inventories conducted on March 24, and 25, 2009, a review of the available departure sight distance at the STOP controlled (two-way and all-way) intersections concluded that the majority of the two-way STOP controlled intersections currently have differing degrees of restricted sight lines, due in most part, to a variety of obstructions within the sight triangles (i.e. trees, bushes, signs, hydro poles, the presence of parked vehicles and building structures). Notable intersections where restricted sight lines are more problematic include Pelham Street at Pelham Town Square (westbound direction) and Station Street at Hurricane Road (northbound direction). In most cases, the recommended sight lines can be improved by removing obstacles within the sight triangles.
2. Roadways carrying the heaviest two-way 24 hour traffic volumes included Regional Road 20 (17,700 vpd), Pelham Street (10,251 vpd), Rice Road (4,940 vpd), Pelham Town Square (3,967 vpd), Port Robinson Road (3,188 vpd), Church Hill (2,847 vpd), Pancake Lane (2,794 vpd), and Station Street (2,077 vpd).
3. Historical and recent spot speed surveys (conducted on April 2, 2009) indicated that drivers traveling on Town and Region roads generally disregard posted speed limits. The average percentage compliance for all roadways combined, was found to be 38 percent with a median value of 42 percent compliance.
4. The operational performance of the existing intersections (signalized and unsignalized) within the study area indicated that the majority of intersections are operating at acceptable levels of service with reasonable delays with the exception of a number of critical movements at several intersections. Notable delays are experienced within the Regional Road 20 corridor in the eastbound (morning peak hour) and westbound (afternoon peak hour) directions due to the higher volumes of traffic exiting and entering Fonthill during peak times with only one through lane in each direction to accommodate the traffic volumes. Due to the lack of available gaps in through traffic, left turn manoeuvres are problematic for Pelham Town Square westbound (PM peak hour), Port Robinson Road westbound (PM peak hour), Pancake Lane eastbound (AM and PM peak hour), and Hurricane Road south-eastbound (all peak hours). Several driveways accesses also experience poor levels of service and longer delays for left turning traffic; however, traffic queues are accommodated within the private sites in each case.
5. The operational performance of the existing intersections (signalized and unsignalized) within the study area including remedial measures and programmed roadway improvements indicated that through movements within the Regional Road 20 corridor will be improved; however, the eastbound (AM peak hour) and westbound (PM peak hour) through movements at the intersection of Pelham Street and Regional Road 20 will experience lower levels of service and longer delays due to the sheer volume of traffic utilizing only one lane in each direction. The length of the eastbound traffic queues may cause blockages from time to time of the Canboro Road/Regional Road 20 intersection during the morning peak hour. Left turn manoeuvres at the unsignalized intersections will be improved; however, the



unsignalized intersection at Hurricane Road and Regional Road 20 will still experience longer delays during the afternoon peak hour.

6. The potential installation of traffic signal control at the Church Hill/Pelham Street intersection can be accommodated. Although signal spacing between Regional Road 20 and Church Hill does not meet minimum standards, from a traffic operations perspective (based on existing 2009 traffic volumes), a traffic signal at this location will operate effectively. Suggested improvements in conjunction with a new traffic signal at this location include a three lane cross section from Regional Road 20 to south of Church Hill and signal coordination with the existing traffic signals at Regional Road 20.
7. A review of traffic control warrants for Port Robinson Road-Brock Street/Pelham Street (potential for the installation of traffic signals), Pancake Lane-John Street/Pelham Street (potential for the installation of traffic signals), Hurricane Road/Station Street (potential for the installation of an All-way STOP control), and Station Street/Port Robinson Road (review of current All-way STOP control) indicated that, based on the collected traffic data, none of the aforementioned intersections currently meet warrants. In the case of a new traffic signal installation at the Port Robinson Road-Brock Street/Pelham Street intersection, additional factors should be considered as part of the justification process beyond the traffic signal warrant including safety issues, traffic operations, physical, and strategic considerations. From a safety perspective, the installation of traffic signals may help slow traffic (based on a review of the spot speed survey on Pelham Street), reduce the probability and severity of collisions involving right-of-way conflicts, and provide a safe crossing for pedestrians and school children. From a traffic operations perspective, new traffic signals would improve traffic operations without exhibiting any detrimental affects to either the intersection or transportation network as a whole.
8. There are a number of Context Sensitive Solutions and traffic calming principles and practices that could be applied to the revitalization of the downtown core encompassing elements associated with roadside design, the traveled way, and intersections. Traffic calming, focused on measures that could be considered to slow traffic speeds, reduce traffic volumes, and reduce pedestrian/traffic conflicts within the downtown core could also be applied where warranted.
9. Based on a review of reported collision data, 135 collisions occurred in the study area of which about 21% occurred at the intersections and about 18% were intersection related. The remaining collisions were either non-intersection related or occurred at a private driveway, parking lot, or other location. There were no fatal collisions reported. Four percent were non-reportable, 14% were non-fatal injuries, and 82% were property damage only collisions. From a statistical significance point of view, only the section of Regional Road 20 from Pelham Street to Station Street was determined to be of concern. The majority of collisions that occurred within the Regional Road 20 corridor were single motor vehicle and rear end collisions (52%) with the remainder being made up of sideswipe, turning movement, or overtaking type collisions. In most cases, the collision experience at each of the intersections and roadway segments was similar to or less than that of the Ontario average collision experience. The two main safety issues are likely to be managing speed along Regional Road 20 and Pelham Street, as motorists transition from rural to urban conditions, and managing access and parking in the commercial part of the study area. On Pelham Street, south of Regional Road 20, the collisions recorded in the commercial area are directly related to accesses, side streets, and parking movements.



- 
- a. Provision of a new north-south pedestrian sidewalk along the west side of Pelham Street from Elizabeth Drive to Brock Street, as a minimum, to tie into the future signalized intersection configuration at the intersection of Pelham Street and Brock Street/Port Robinson Road;
  - b. Provision of a new east-west sidewalk facility with the reconstruction of Brock Street and Elizabeth Drive to ensure pedestrians have safer access to local residential neighbourhoods;
  - c. Upgrading of existing sidewalk facilities (east side of road) and provide additional sidewalk on the west side of Station Street with the future upgrading of the roadway. A future sidewalk on the west side of Station Street could be tied into future upgrades to the Steve Bauer Trail in this location;
  - d. Cycling on Town roads and on existing trail facilities is currently permitted and should be further encouraged through the provision of wider pavements and/or on- and off-street cycling facilities where practical; and
  - e. Formalize and provide connectivity for the Steve Bauer Trail from Regional Road 20 to Port Robinson Road.
6. The installation of a new traffic signal at the Port Robinson Road-Brock Street/Pelham Street intersection would need to be justified based on other factors, beyond a strictly technical justification (i.e. traffic signal warrant), including safety issues, traffic operations, physical, and strategic considerations.
  7. The future installation of a new traffic signal at the Church Hill/Pelham Street intersection could be accommodated from a traffic operations perspective and would provide a safe crossing location for pedestrians within the downtown area. It is recommended that, as part of a future traffic signal installation at this location, the roadway cross section elements on Pelham Street between Regional Road 20 and Church Hill be reviewed along with the need to coordinate the existing traffic signal timings at Regional Road 20 with the future traffic signal timings at Church Hill.



The built urban environment along Pelham Street is highly supportive to pedestrian travel. The complete street design allows the Town to increase its capacity to hold special events and festivals while maximizing on-street parking during non peak periods. January 2017 count data indicates low pedestrian volumes; could be the result of the winter season.

Street furniture located along both sides of Pelham Street in proximity to the site driveway connections and the municipal roadway, Pelham Town Square, intersections have the potential to limit the available sightlines for motorists.

The Town is currently reviewing pedestrian safety at the pedestrian actuated traffic control signal at the Church Hill intersection with Pelham Street. The Town will consider the recommendations from the safety review for possible implementation.

To support multi-modal transportation within the Town of Pelham and through the Town from a Regional perspective, the provision of identifiable cycling infrastructure could be considered by the Town.

## Recommendations

Based on the forgoing the following is recommended:

- ▶ On-street parking within 30 metres of the pedestrian signal at Church Hill be removed.
- ▶ The Town consider the need for stop control on the site driveway approach to Pelham Street. The requirement for stop sign control on private driveways should be applied consistently throughout the Town.
- ▶ Both site driveway connections be signed with Do Not Enter signage to support the one-way operation.
- ▶ Signage be provided on the driveway approaches near the building corners to warn drivers of potential pedestrian activity
- ▶ No improvements to the existing form of two-way stop control is recommended at the Pelham Street intersections with Pelham Town Square and Church Hill.
- ▶ The Town should implement the recommendations from the safety review of the pedestrian actuated traffic control signal.
- ▶ The Town consider utilizing an alternative colour of paving stones to identify driveway connections to Pelham Street.
- ▶ The two on-street parking spaces across the site's frontage be removed.
- ▶ The Town consider designating Pelham Street as a signed bicycle route. Pavement markings and signage should confirm to the OTM.

Based on the findings of this study, no other roadway or traffic control improvements are required or recommended to accommodate the future traffic within the study area.

July 31 2017

Town of Pelham  
20 Pelham Square  
P.O. Box 400  
Fonthill, Ontario  
LOS 1E0

**Re: Stacking of Southbound Vehicles on Pelham Street (Between Church Hill and Highway 20)**  
**Pelham Street**  
**Town of Pelham**

**Attention: Derek Young, C. Tech.**  
**Supervisor of Engineering**

Dear Mr. Young

We have reviewed the stacking of vehicles driving southbound on Pelham Street and Traffic report provided below for Fonthill Traffic.

No.	Description	Issued	Received
1.	Fonthill Traffic Study Final Report by R & R Associates Inc.	September, 2009	July 20, 2017

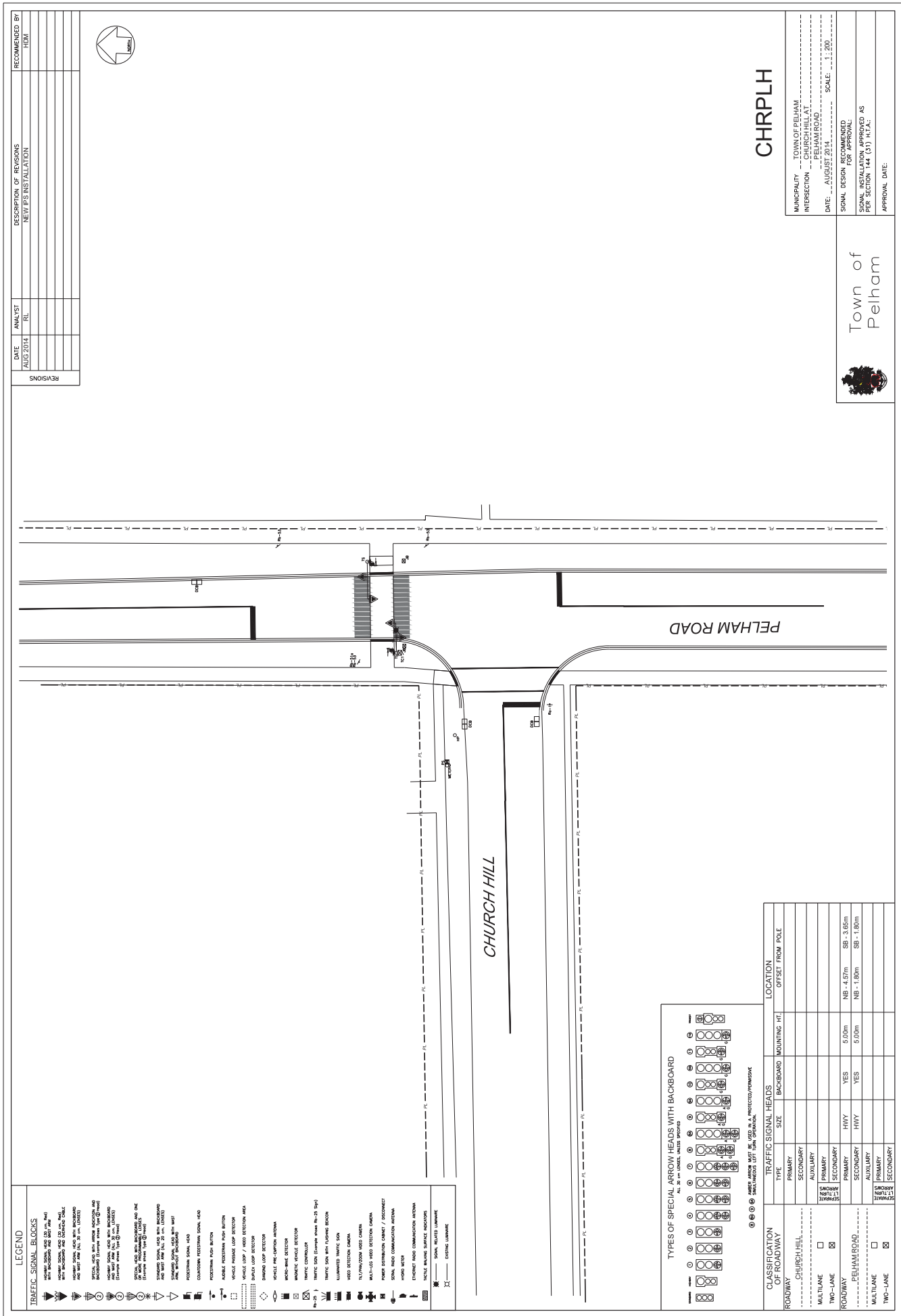
From our review of the Fonthill Traffic Report I have the following comments.

- 1) The OTM 13 recommends a minimum distance between signalized intersections of 215 metres for roads posted 60km/hr. The distance between Highway 20 and Church Hill is 179m, which does not meet this minimum spacing of 215m between signalized intersections.
- 2) The installation of new traffic lights at Church Hill and South Pelham Road will slightly improve the traffic operations of left turn movements from Pelham Town Square to South Pelham Road for PM peak hour conditions from LOS F to LOS E.
- 3) The review of Traffic Queues for PM peak hour for the southbound 95<sup>th</sup> percentile on South Pelham Road at Church Hill intersection for the through movement was estimated to be 48 metres. Based on my field observations the queuing reaches Highway 20 on South Pelham Road (estimated queuing of 150 metres) on South Pelham Road at the Church Hill intersection during the PM peak hour conditions. See attach photos for queuing on South Pelham Road.



## APPENDIX B

### Intersection Drawing of Pedestrian Priority Signal





## APPENDIX C

### Turning Movement Counts and Signal Timing Plans

# Turning Movement Count - Details Report (15 min)

Location..... Highway 20 @ Pelham Street  
Municipality..... PELHAM  
Count Date..... Thursday, June 08, 2017

Pelham Street											Highway 20									
North Approach						South Approach					East Approach					West Approach				
Time Period	LT	TH	RT	U-Turn	TOT	LT	TH	RT	U-Turn	TOT	LT	TH	RT	U-Turn	TOT	LT	TH	RT	U-Turn	TOT
07:00 07:15	2	9	3	0	14	16	1	37	0	54	12	41	2	0	55	2	74	6	0	82
07:15 07:30	5	6	2	0	13	18	3	39	0	60	15	46	2	0	63	2	95	11	0	108
07:30 07:45	6	14	12	0	32	18	7	38	0	63	19	54	0	0	73	3	133	14	0	150
07:45 08:00	7	11	10	0	28	31	7	49	0	87	23	60	5	0	88	6	120	15	0	141
Hourly Total	20	40	27	0	87	83	18	163	0	264	69	201	9	0	279	13	422	46	0	481
08:00 08:15	7	14	4	0	25	20	5	50	0	75	22	56	3	0	81	6	123	13	0	142
08:15 08:30	3	13	5	0	21	31	9	51	0	91	19	55	4	0	78	6	145	22	0	173
08:30 08:45	9	19	12	0	40	22	7	47	0	76	35	79	1	0	115	4	134	21	0	159
08:45 09:00	8	20	5	0	33	36	19	57	0	112	38	77	4	0	119	2	132	10	0	144
Hourly Total	27	66	26	0	119	109	40	205	0	354	114	267	12	0	393	18	534	66	0	618
11:00 11:15	12	12	5	0	29	36	16	38	0	90	35	84	7	0	126	5	94	18	0	117
11:15 11:30	8	14	4	0	26	32	9	35	0	76	46	92	2	0	140	6	101	19	0	126
11:30 11:45	11	11	6	0	28	29	20	35	0	84	37	104	6	0	147	4	91	16	0	111
11:45 12:00	6	25	7	0	38	24	16	22	0	62	45	102	5	0	152	8	115	19	0	142
Hourly Total	37	62	22	0	121	121	61	130	0	312	163	382	20	0	565	23	401	72	0	496
12:00 12:15	12	20	5	0	37	27	11	45	0	83	40	80	7	0	127	5	105	16	0	126
12:15 12:30	9	13	3	0	25	31	13	40	0	84	37	72	9	0	118	7	104	19	0	130
12:30 12:45	13	11	6	0	30	21	6	35	0	62	36	82	8	0	126	6	94	18	0	118
12:45 13:00	7	15	8	0	30	31	12	31	0	74	38	97	7	0	142	6	102	26	0	134
Hourly Total	41	59	22	0	122	110	42	151	0	303	151	331	31	0	513	24	405	79	0	508
13:00 13:15	9	18	2	0	29	29	15	43	0	87	41	81	7	0	129	5	96	23	0	124
13:15 13:30	7	9	6	0	22	23	11	23	0	57	49	72	6	0	127	1	123	25	0	149
13:30 13:45	12	12	3	0	27	37	12	36	0	85	45	100	7	0	152	6	91	20	0	117
13:45 14:00	11	13	10	0	34	24	9	43	0	76	48	85	7	0	140	2	92	12	0	106
Hourly Total	39	52	21	0	112	113	47	145	0	305	183	338	27	0	548	14	402	80	0	496
15:00 15:15	6	18	1	0	25	31	13	37	0	81	57	72	5	0	134	5	102	12	0	119
15:15 15:30	7	12	6	0	25	38	19	36	0	93	58	118	5	0	181	5	112	25	0	142
15:30 15:45	10	17	3	0	30	35	21	40	0	96	54	107	5	0	166	9	119	20	0	148
15:45 16:00	6	24	8	0	38	30	12	20	0	62	41	116	5	0	162	12	126	32	0	170
Hourly Total	29	71	18	0	118	134	65	133	0	332	210	413	20	0	643	31	459	89	0	579

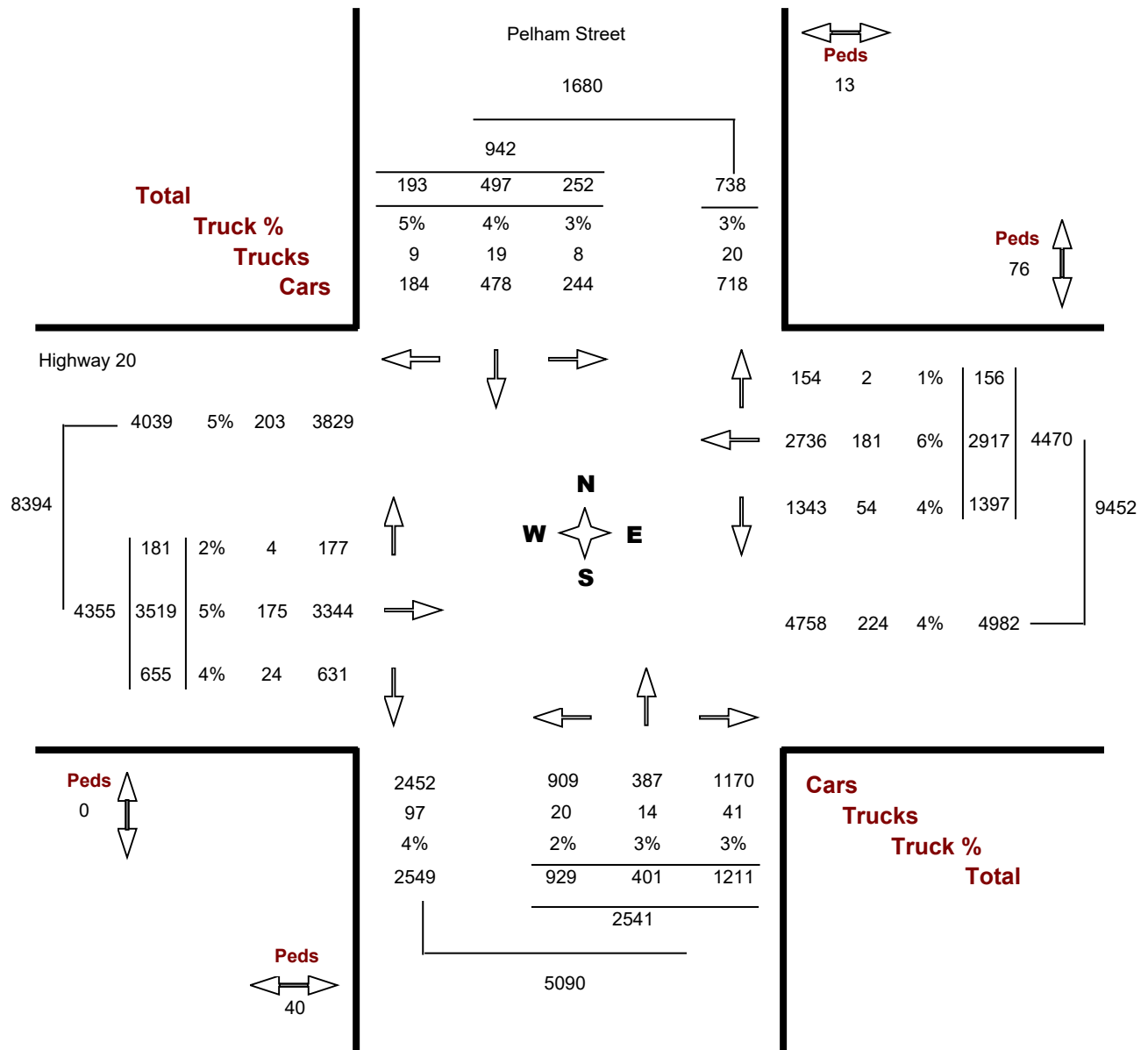
Pelham Street											Highway 20									
North Approach						South Approach					East Approach					West Approach				
Time Period	LT	TH	RT	U-Turn	TOT	LT	TH	RT	U-Turn	TOT	LT	TH	RT	U-Turn	TOT	LT	TH	RT	U-Turn	TOT
16:00 16:15	7	15	10	0	32	26	12	34	0	72	53	113	8	0	174	9	123	26	0	158
16:15 16:30	8	18	4	0	30	33	18	42	0	93	66	125	5	0	196	5	119	25	0	149
16:30 16:45	6	20	7	0	33	31	23	46	0	100	62	116	2	0	180	8	114	30	0	152
16:45 17:00	9	16	8	0	33	48	16	43	0	107	54	114	6	0	174	10	104	23	0	137
Hourly Total	30	69	29	0	128	138	69	165	0	372	235	468	21	0	724	32	460	104	0	596
17:00 17:15	13	26	6	0	45	23	13	27	0	63	76	131	3	0	210	8	128	26	0	162
17:15 17:30	8	14	8	0	30	27	14	31	0	72	71	136	5	0	212	5	112	39	0	156
17:30 17:45	5	20	8	0	33	31	14	27	0	72	68	116	6	0	190	6	89	36	0	131
17:45 18:00	3	18	6	0	27	40	18	34	0	92	57	134	2	0	193	7	107	18	0	132
Hourly Total	29	78	28	0	135	121	59	119	0	299	272	517	16	0	805	26	436	119	0	581
Grand Total	252	497	193	0	942	929	401	1211	0	2541	1397	2917	156	0	4470	181	3519	655	0	4355
Truck %	3%	4%	5%	0%	4%	2%	3%	3%	0%	3%	4%	6%	1%	0%	5%	2%	5%	4%	0%	5%

Location..... Highway 20 @ Pelham Street

Municipality..... PELHAM

GeoID..... 00504

Count Date..... Thursday, 08 June, 2017





# Turning Movements Report - AM Period

**Location.....** Highway 20 @ Pelham Street

**GeoID.....** 00504

**Municipality.** PELHAM

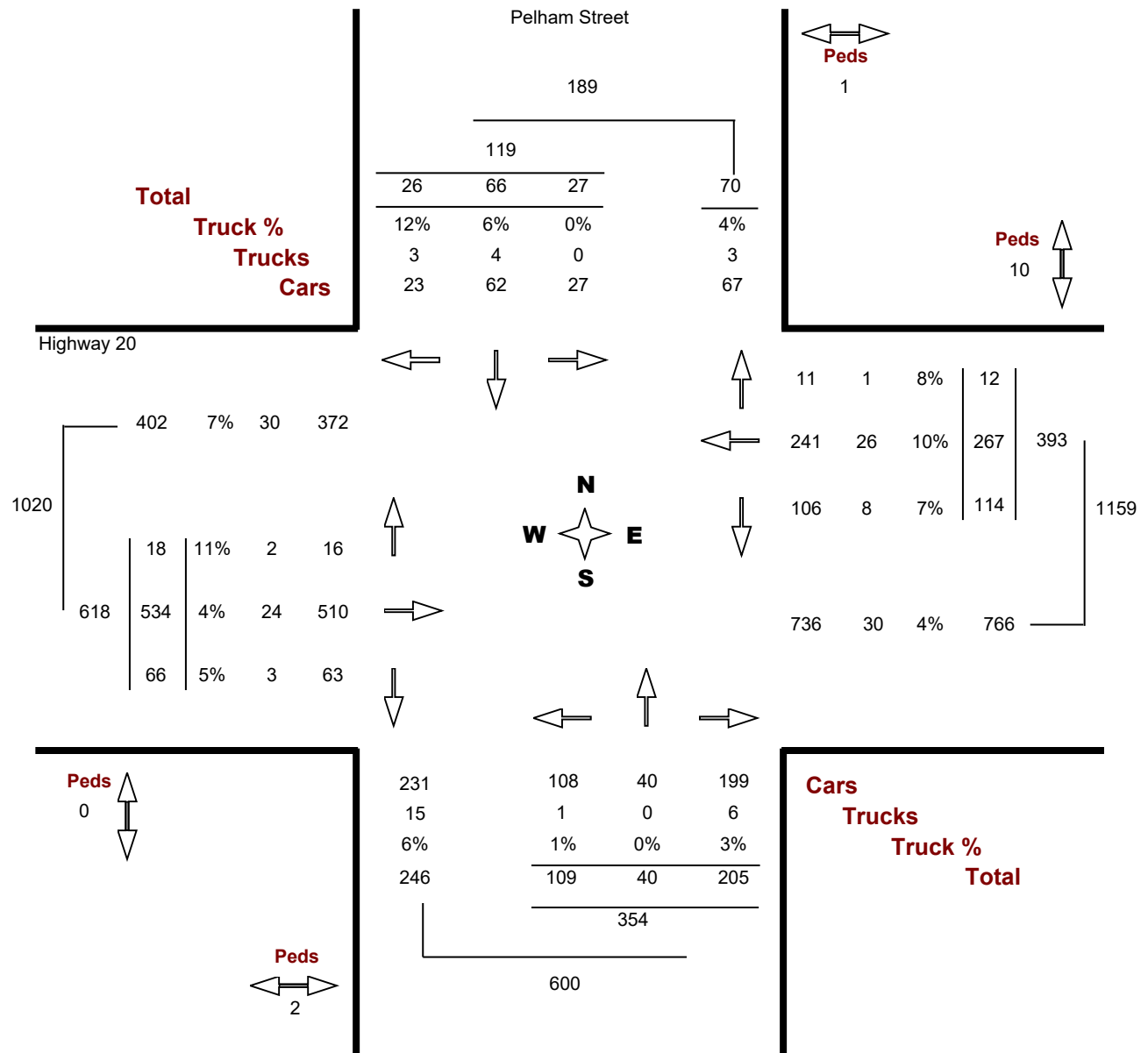
**Count Date.** Thursday, 08 June, 2017

**Traffic Cont.** Traffic signal

**Count Time.** 07:00 AM — 09:00 AM

**Major Dir.....** East west

**Peak Hour..** 08:00 AM — 09:00 AM



**Location.....** Highway 20 @ Pelham Street

**GeoID.....** 00504

**Municipality.** PELHAM

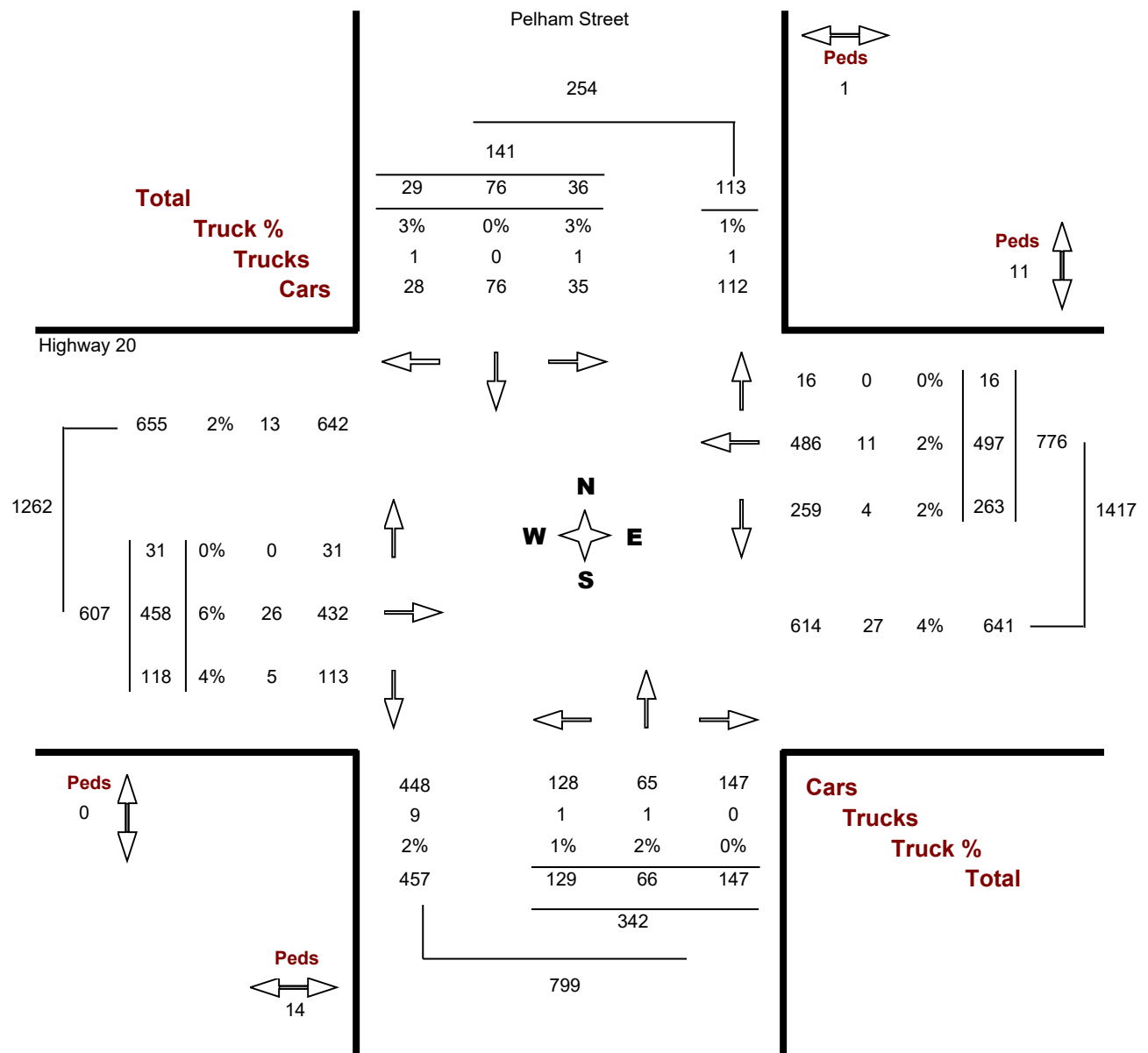
**Count Date.** Thursday, 08 June, 2017

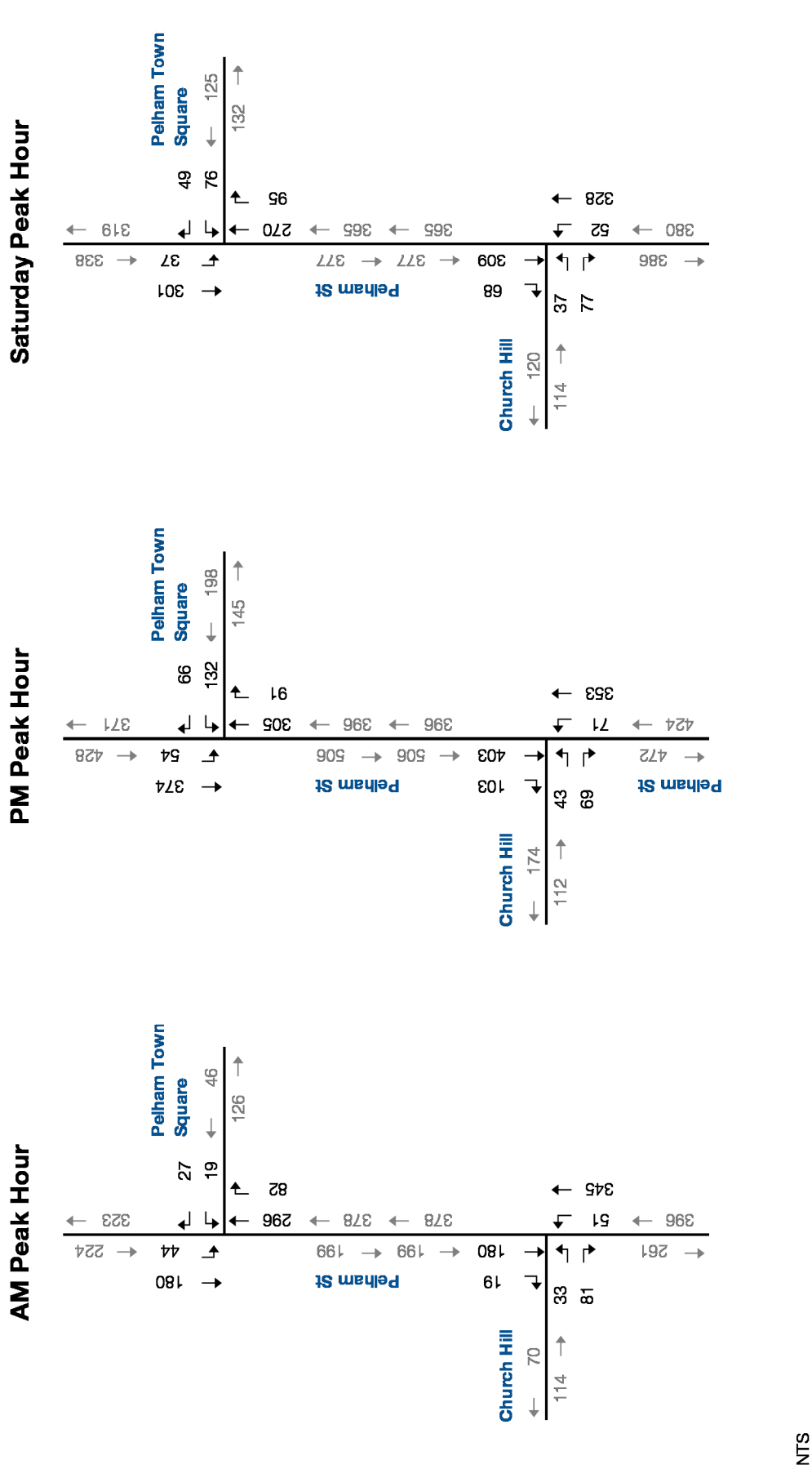
**Traffic Cont.** Traffic signal

**Count Time.** 03:00 PM — 06:00 PM

**Major Dir.....** East west

**Peak Hour..** 04:30 PM — 05:30 PM







## Turning Movement Count Diagram

Intersection: Pelham St. and College St.

Municipality: Fonthill, Ontario

Intersection ID:

Date: Thursday January 18, 2018

AM Peak Hour: 8:00 to 9:00

Pelham Street													
North Total 696						East Total 24							
North Entering 252	Cyclists	0	0	0		East Entering 10							
North Receiving 444	Truck	0	15	1		East Receiving 14							
North Peds 1	Cars	0	231	5		East Peds 6							
					↙	↓	↘						
College Street	0	0	0	↗						↙	9	0	0
	0	0	0	→						←	0	0	0
	0	0	0	↘						↙	1	0	0
					↙	↑	↘						
West Total 0		0	427	8						South Total 690			
West Entering 0		0	8	0						South Entering 443			
West Receiving 0		0	0	0						South Receiving 247			
West Peds 0										South Peds 0			

MD Peak Hour: 11:15 to 12:15

Pelham Street									
North Total 642			East Total 26						
North Entering 302	Cyclists	0	0	0	East Entering 15				
North Receiving 340	Truck	0	7	0	East Receiving 11				
North Peds 0	Cars	0	286	9	East Peds 2				
				←	↓	→			
College Street	0	0	0	↗	↖ 11 2 0				
	0	0	0	→	← 0 0 0				
	0	0	0	↘	↙ 1 1 0				
				↖	↑	↗			
West Total 0			0	315	2	South Total 624			
West Entering 0		0	12	0	South Entering 329				
West Receiving 0		0	0	0	South Receiving 295				
West Peds 0					South Peds 0				

PM Peak Hour: 16:45 to 17:45

Pelham Street													
North Total 786						East Total 27							
North Entering 453		Cyclists	0	0	0	East Entering 15							
North Receiving 333		Truck	0	3	0	East Receiving 12							
North Peds 0		Cars	0	443	7	East Peds 5							
			↙	↓	↘								
College Street	0	0	0	↗						↗	10	0	0
	0	0	0	→						←	0	0	0
	0	0	0	↘						↘	5	0	0
			↙	↑	↘								
West Total 0			0	318	5	South Total 779							
West Entering 0			0	5	0	South Entering 328							
West Receiving 0			0	0	0	South Receiving 451							
West Peds 0			South Peds 0										

Total 8-Hour Count

Pelham Street									
North Total 5267						East Total 181			
North Entering 2522	Cyclists	0	0	0	East Entering 95				
North Receiving 2745	Truck	0	62	2	East Receiving 86				
North Peds 1	Cars	2	2400	56	East Peds 44				
		←	↓	→					
College Street	0	0	0	←	←	69	3	0	
	0	0	0	→	←	0	0	0	
	0	0	0	→	←	21	2	0	
		←	↑	→					
West Total 2			0	2600	27	South Total 5186			
West Entering 0		0	73	1	South Entering 2701				
West Receiving 2		0	0	0	South Receiving 2485				
West Peds 0					South Peds 0				



### Turning Movement Count Diagram

Intersection: Pelham St. and Church Hill  
Municipality: Fonthill, Ontario

Intersection ID:

Date: Thursday January 18, 2018

AM Peak Hour: 8:00 to 9:00

MD Peak Hour: 11:30 to 12:30

Pelham Street									
North Total	632							East Total	0
North Entering	214	Cyclists	0	0	0			East Entering	0
North Receiving	418	Truck	0	15	0			East Receiving	0
North Peds	6	Cars	30	169	0			East Peds	0
			←	↓	→				
Church Hill									
	0	0	18	↑				0	0
	0	0	0	→				0	0
	0	2	62	↓				0	0
West Total	155							South Total	691
West Entering	82		42	393	0			South Entering	443
West Receiving	73		1	7	0			South Receiving	248
West Peds	5		0	0	0			South Peds	0

Pelham Street									
North Total	691							East Total	0
North Entering	352	Cyclists	0	0	0			East Entering	0
North Receiving	339	Truck	0	6	0			East Receiving	0
North Peds	3	Cars	96	250	0			East Peds	0
			←	↓	→				
Church Hill									
	0	0	31	↑				0	0
	0	0	0	→				0	0
	0	1	50	↓				0	0
West Total	224							South Total	661
West Entering	82		43	294	0			South Entering	354
West Receiving	142		3	14	0			South Receiving	307
West Peds	8		0	0	0			South Peds	1

PM Peak Hour: 16:30 to 17:30

Total 8-Hour Count

Pelham Street									
North Total	795							East Total	0
North Entering	481	Cyclists	0	0	0			East Entering	0
North Receiving	314	Truck	1	3	0			East Receiving	0
North Peds	18	Cars	87	390	0			East Peds	0
			←	↓	→				
Church Hill									
	0	0	17	↑				0	0
	0	0	0	→				0	0
	0	0	59	↓				0	0
West Total	210							South Total	795
West Entering	76		46	292	0			South Entering	343
West Receiving	134		0	5	0			South Receiving	452
West Peds	3		0	0	0			South Peds	2

Pelham Street									
North Total	5239							East Total	0
North Entering	2660	Cyclists	0	0	0			East Entering	0
North Receiving	2579	Truck	2	61	0			East Receiving	0
North Peds	47	Cars	561	2036	0			East Peds	0
			←	↓	→				
Church Hill									
	0	1	188	↑				0	0
	0	0	0	→				0	0
	0	11	392	↓				0	0
West Total	1425							South Total	5160
West Entering	592		266	2330	0			South Entering	2660
West Receiving	833		4	60	0			South Receiving	2500
West Peds	26		0	0	0			South Peds	5

Signal Code: CHRPLH							
Intersection: CHURCH HILL & PELHAM RD (IPS)							
Municipality: pelham							
Owner: city							
Last Modified: 11/11/2013 1:59:49 PM							
Timing Parameters	NBD & SBD THRU PELHAM RD.	PED PHASE	n/a	n/a	n/a	n/a	n/a
Min Green	35	17	0	0	0	0	0
Walk	30	7	0	0	0	0	0
Ped Clearance	5	10	0	0	0	0	0
Vehicle Ext.	0	0	0	0	0	0	0
Max Green	35	17	0	0	0	0	0
Yellow	4.1	3	0	0	0	0	0
All Red	3.2	2	0	0	0	0	0

		Offset
Minimum Cycle	64.3	0
Pedestrian Cycle	64.3	
Maximum Cycle	64.3	0
Operation	SA	

Installed On:

--/--/----

Count Date:

--/--/----

FA = Fully Actuated

SA = Semi Actuated

FT = Fixed Time

**\*Note: you need to change the paper orientation from Portrait to Landscape**

Copyright 2001 © Regional Niagara

Signal Code: 020PLH							
Intersection: RR20 (HIGHWAY 20) & PELHAM RD.							
Municipality: pelham							
Owner: region							
Last Modified: 1/5/2018 8:53:59 AM							
Timing Parameters	WBD ADVANCE HIGHWAY 20	EBD & WBD THRU HIGHWAY 20	NBD & SBD THRU PELHAM RD.	n/a	n/a	n/a	n/a
Min Green	6	10	8	0	0	0	0
Walk	0	8	13	0	0	0	0
Ped Clearance	0	14	19	0	0	0	0
Vehicle Ext.	2.5	2.2	2.2	0	0	0	0
Max Green	30	40	30	0	0	0	0
Yellow	3	4.1	4.1	0	0	0	0
All Red	0	2.8	2.4	0	0	0	0

	Offset
Minimum Cycle	31.4
Pedestrian Cycle	67.4
Maximum Cycle	116.4
Operation	FA

Installed On:

8/1/2017

Count Date:

11/12/2014

FA = Fully Actuated

SA = Semi Actuated

FT = Fixed Time

**\*Note: you need to change the paper orientation from Portrait to Landscape**

Copyright 2001 © Regional Niagara



## APPENDIX D

### Vehicle Queueing and Pedestrian Crossing Surveys



## Vehicle Queue Study at PPS

Date: 17-Jan-18

Location: Pelham Street and Church Hill

Weather: Sunny, Clear -9

Surveyor: D. Selcuk, Trans-Plan



Peak	Time (when PPS was activated)	Northbound	Southbound	Eastbound
	7:25 AM	1	2	0
	7:55 AM	2	1	1
	8:25 AM	2	3	0
AM Peak	8:45 AM	4	6	2
	9:35 AM	3	3	0
MD Peak	11:35 AM	3	5	1
	12:40 AM	1	4	1
	1:10 PM	1	2	0
	1:20 PM	2	2	2
	2:30 PM	3	1	0
	2:40 PM	1	0	0
	3:10 PM	2	4	1
	3:45 PM	5	3	2
PM Peak	4:55 PM	7	9	3
	5:15 PM	4	2	0
	5:50 PM	4	5	1
	6:45 PM	2	1	0

# Pedestrian Study around PPS



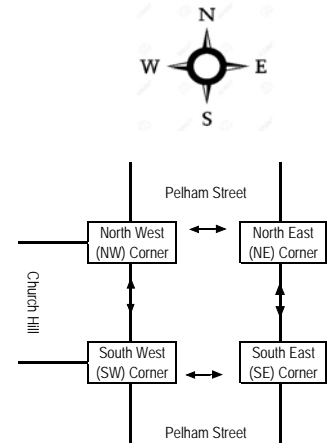
Date: 17-Jan-18

Location: Pelham Street and Church Hill

Weather: Sunny, Clear -9

Surveyor: D. Selcuk, Trans-Plan

Time	Age	Origin	Destination	Crossing Delay				Comments
7:15	A	SE	NE	4sec				
7:30	S	SE	NE		7 sec			
7:45	A	SW	NW		8 sec			
	A	NW	NE	4sec				
8:00	A	NW	NE					J walk north of Church Hill
	A	NE	NW					J walk north of Church Hill
8:05	A	NE	NW	5 sec				
8:10	A	SW	NW		8 sec			
8:13	A	NW	NE		8 sec			crossed while light green
8:20	T	NW	SW	5 sec				
8:25	A	NE	SE			12 sec		
	T	NW	NE		9 sec			
	2 T	SW	NW	<5				
	2T	NW	NE	<5	8 sec			
8:38	T	NE	SE		7 sec			
8:40	A	NW	NE		7 sec			J walk north of Church Hill
8:43	T	SW	SE	<5				J walk south of Church Hill
8:46	T	NW	NE			12 sec		
8:47	T	SW	NW			11		
8:53	A	NE	SE	4 sec				
8:55	A	NE	SE		7 sec			
8:58	A	NE	SE		8 sec			
9:00	2A	SE	SW	<5				J walk south of Church Hill
11:00	A	NW	NE		7 sec			crossed while green light
11:12	2A	NW	NE		8 sec			crossed while green light
11:16	A	NW	NE		10			crossed while green light
11:23	A	NW	NE		9			crossed while green light
11:30	A	NW	NE		9			crossed while green light
11:36	2S	NW	SW			18		
11:43	A	NW	NE	<5				J walk north of Church Hill
11:47	A	NE	NW	3				J walk north of Church Hill
11:50	A	NE	NW	4				J walk north of Church Hill
11:56	S	NE	NW	5				crossed while green light
12:01	A	NW	NE		6			J walk north of Church Hill
12:03	A	NE	NW	5				crossed while green light
12:18	A	SW	SE		7			J walked south of church Hill
12:21	S	NW	NE			11		crossed while green light
12:22	A	NE	NW		10			crossed while green light
12:23	A	SW	SE			15		J walked south of church Hill
12:28	S	SE	NW			17		J walked south of church Hill inter
12:30	S	SW	NW		8			
12:34	A	NE	NW		9			J walked north of Church Hill
12:40	S	NE	NW				24	
12:41	A	NE	NW		8			J walked north of Church Hill
12:42	S	NW	NE			13		J walked north of Church Hill
12:44	2S	SW	NW		10			
12:48	A	NE	NW	<5				J walked north of Church Hill
12:55	S	NE	NW	5				J walked north of Church Hill
1:01	S	NW	NE		10			J walked north of Church Hill
1:04	S	NW	NE			12		J walked north of Church Hill
1:08	A + C	NW	NE			15		
1:10	A	NE	NW				30	
1:12	A	NE	NW				27	
1:12	T	SW	NW			12		
1:16	T	NW	NE			11		crossed while green light
1:17	S	NW	NE			12		crossed while green light
1:20	A	NE	NW					crossed while green light
1:25	A	NE	NW		10			crossed while green light
1:30	A	NW	NE		8			crossed while green light
1:36	2S	SW	NW			14		
1:37	2A	SE	SW			11		J walked south of Church Hill
1:45	S	NE	NW		6			crossed while green light
1:46	A	NW	NE	4				crossed while green light
1:47	S	NE	NW		7			J walked north of Church Hill
1:50	A	NW	NE	5				crossed while green light
1:52	A	NE	NW	3				J walked north of Church Hill
1:55	A	SW	SE	3				J walked south of Church Hill
1:56	A	NW	NE	4				crossed while green light
1:57	A	NW	NE		6			crossed while green light
1:58	S	NW	NE		8			J walked north of Church Hill



3:00	A	NE	NW		6			J walked north of Church Hill
3:03	A	NE	NW		7			J walked north of Church Hill
3:05	A	NE	NW		7			J walked north of Church Hill
3:08	S	NW	NE		6			J walked north of Church Hill
3:15	S	NE	NW	5				J walked north of Church Hill
3:20	S	SE	SW	4				J walked south of Church Hill
3:21	S	SE	NE		8			
3:25	A	NW	SW			11		
3:25	A	SW	SE			12		J walked south of Church Hill
3:30	S	NE	NW			14		J walked south of Church Hill
3:33	T	NE	NW				23	
3:38	A	NE	NW		10			J walked north of Church Hill
3:38	A	NE	NW	3				J walked north of Church Hill
3:44	2 T	NE	NW				20	
3:44	2 T	NW	SW		7			
3:45	A	SW	SE				21	J walked south of Church Hill
3:46	A	SE	SW				30	J walked south of Church Hill
3:56	A	NW	NE		10			crossed while green light
3:58	A	SW	NW			11		
4:58	A	NW	NE			19		
4:04	S	SW	SE		8			J walked south of Church Hill
4:20	S	NE	NW				25	
4:30	S	SW	NW			10		
4:32	S	NE	NW			10		
4:32	S	SW	SE			10		
4:32	A	NE	NW	4				J walked north of Church Hill
4:37	2C	SW	NW		7			
4:38	2C	NW	NE	5				J walked north of Church Hill
4:43	A	SW	SE			18		J walked south of Church Hill
4:45	S	NE	NW		9			crossed while green light
4:47	A	NW	NE		7			J walked north of Church Hill
4:48	A	NE	NW		6			J walked north of Church Hill
4:48	S	NW	SW		7			
4:50	S	NE	NW				21	
4:52	A	NW	NE	4				J walked north of Church Hill
4:55	S	NE	NW		6			J walked north of Church Hill
4:56	S	NE	SW			12		J walked south of Church Hill
5:00	S	NE	NW			12		walked while green light
5:03	A	NW	NE			10		J walked north of Church Hill
5:15	A	NE	NW	4				walked while green light
5:16	T	NE	NW				32	
5:17	T	NE	NW			20		
5:19	2S	NW	NE				33	
5:22	T	NE	NW	3				J walked north of Church Hill
5:25	T	SE	SW		9			walked while green light
5:25	2A	NW	NE			12		walked while green light
5:25	A	NW	NE			18		
5:26	S	NW	NE		8			J walked north of Church Hill
5:27	A	NE	NW		10			J walked north of Church Hill
5:27	A	NW	NE		9			J walked north of Church Hill
5:28	A	NW	NE			12		J walked north of Church Hill
5:27	A	NE	NW			15		J walked north of Church Hill
5:40	A	NW	NE	5				walked while green light
5:42	A	NW	NE	5				walked while green light
5:50	A	NW	NE				31	
6:45	A	NE	NW				25	



## APPENDIX E

### Driver Sight Distance Review

**Location:** Church Hill and Pelham Street

**Date:** Wednesday, January 18, 2017

**Time:** 12:00pm

**Weather:** Clear --10C

**Surveyors** D.,Selcuk

**Number of Lanes**

2

**Posted Speed Limit:**

50 km/h

**Design Speed:**

50 km/h

#### Sight Distance Study

Looking South from Church Hill				
Looking south from curb				
Available Sight Distance	Reason	Criteria	Required Sight Distance	Requirement Met? (Y / N)
355	Vertical Curve	2.1.1	85-140	Y
		TAC	160	Y

Looking South from Church Hill				
Looking south from stop line				
Available Sight Distance (m)	Reason	Criteria	Required Sight Distance (m)	Requirement Met? (Y / N)
325	Vertical Curve	2.1.1	85-140	Y
		TAC	160	Y

Looking north from Church Hill				
Looking north from stop line				
Available Sight Distance (m)	Reason	Criteria	Required Sight Distance (m)	Requirement Met? Y / N)
60	Vertical Curve	2.1.1	85-140	N
		TAC	160	N

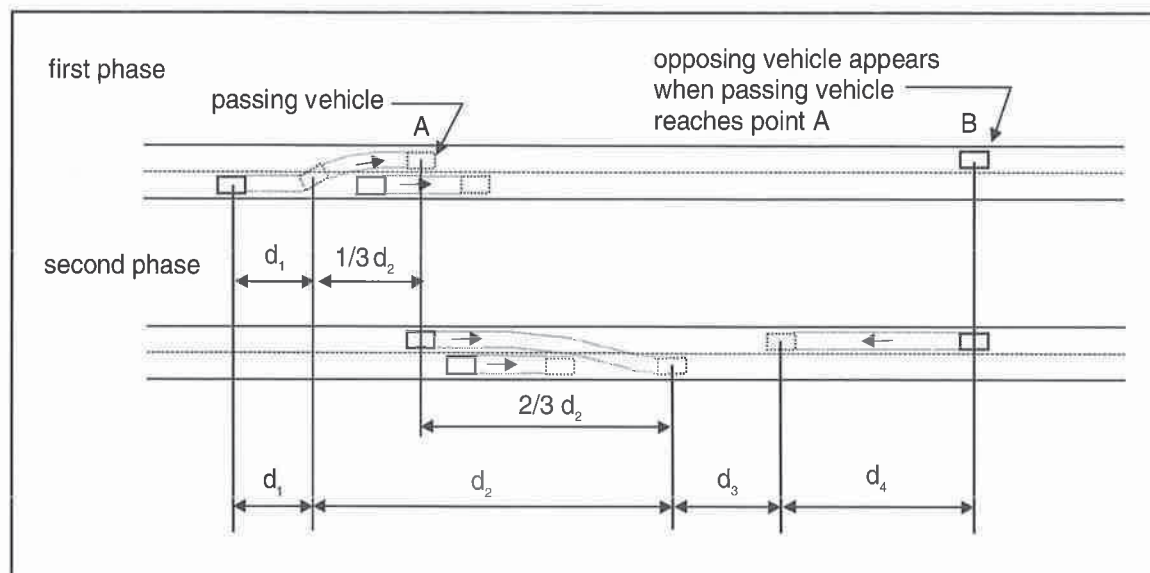
Looking north from Church Hill				
looking north from curb				
Available Sight Distance (m)	Reason	Criteria	Required Sight Distance (m)	Requirement Met? (Y / N)
100	Vertical Curve	2.1.1	85-140	Y
		TAC	160	Y



Looking South from Curb



Looking South from Stop Line

**Figure 1.2.5.1 Elements of Passing Sight Distance<sup>21</sup>**


Minimum passing sight distance equals the addition of  $d_1$  through  $d_4$ . Table 1.2.5.5 shows the minimum passing sight distances for various design speeds.

**Table 1.2.5.5 Minimum Passing Sight Distance<sup>21</sup>**

Design Speed (km/h)	Assumed Speeds (km/h)		Minimum Passing Sight Distance (m) (rounded)
	Passed Vehicle	Passing Vehicle	
30	29	44	220
40	36	51	290
50	44	59	350
60	51	66	410
70	59	74	490
80	65	80	550
90	73	88	610
100	79	94	680
110	85	100	730
120	91	106	800
130	97	112	860

These “minimum” passing sight distances were derived from field studies carried out between 1938 and 1941<sup>21</sup>. Subsequent studies<sup>4</sup> have shown these values to be generally conservative for modern drivers and vehicles, but the “minimum” passing sight distances have not been reduced by AASHTO.

It has been suggested<sup>5</sup> that required passing sight distance is successively longer for a passenger car passing a passenger car, a passenger car passing a truck, a truck passing a passenger car and a truck passing a truck, but that all of these required distances are less than those given as “minimums” by AASHTO (Table 1.2.5.5). A comparison of these requirements is shown on Figure 1.2.5.2, which reproduces results of modelling research<sup>5</sup>. In presenting these results, the authors commented that:

“neither (their) models nor the current AASHTO.... models have any direct demonstrated relationship to the safety of passing manoeuvres on two-lane road. Such demonstrated safety relationships are needed before any change in passing..... criteria can be reasonably contemplated”.

### 2.1.1 Design Criteria

	Laneway	Local Road	Collector Road	Arterial
Minimum Grade With Curbs Without Curbs	0.4% 0.6%	0.4% 0.6%	0.5% 0.6%	0.5% 0.6%
Maximum Grade	8.0%	8.0%	6.0%	5%
Maximum Grade for Through Roads at Intersection	3.5%	3.5%	3.0%	3.0%
Maximum Grade for Stop Roads at Intersection	2.5%	2.5%	1.5%	1.5%
Minimum Curb Radius at Intersection with Arterial Road	9m	9m	13m	15m
Minimum Curb Radius at Intersection with Collector Road	9m	9m	13m	15m
Minimum Curb Grade	0.40%	0.40%	0.50%	0.50%
Minimum Curb Grade at Radius of Intersections	0.80%	0.80%	0.80%	0.80%
Cul-de-Sac Minimum Outside Curb Radius	N/A	15m	N/A	N/A
R.O.W. (minimum)	7.5m	20m	20m *	30m
Pavement Width (measured curb face to curb face)				
	6.0m	8.5m 14.0m	10.40m 12.60m 14.80m	
Minimum Centreline Radius	60m **	60m **	85m	
Design Speed	15 kph	50 kph	50 to 60 kph	60 to 80 kph
Vertical Curve				
Minimum sight stopping distance LVC=KA (MTC Manual)	65m	65m	85m	85 to 140
K. for Sag	12	12	20	9 or 16
K. for Crest	8	8	15	13 or 36
Superelevation	None	None	None	None
Intersection Angle	70-110° at local, 80-100° at collector and arterial ***	70-110° at local, 80-100° at collector and arterial ***	80-100°***	90°
Minimum Intersection Spacing	34m	80m	120m	250m
Minimum Stopping Sight Distance	-	65m	85m	-

\* Town may request 22.0 m R.O.W.

\*\* Except at 90° corners for crescents and courts.

\*\*\* All streets are to intersect at 90° unless existing road alignments or property restrictions required otherwise.



## APPENDIX F

### Capacity and Queue Analysis Sheets














## Stop Control Intersection

# HCM Unsignalized Intersection Capacity Analysis

## 3: Church Hill Street & Pelham Street

<Background 2022> AM Peak Hour

1/30/2018

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Stop	Stop	
Volume (vph)	76	47	78	393	446	115
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	83	51	85	427	485	125
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total (vph)	134	512	610			
Volume Left (vph)	83	85	0			
Volume Right (vph)	51	0	125			
Hadj (s)	-0.07	0.07	-0.09			
Departure Headway (s)	6.5	5.2	5.0			
Degree Utilization, x	0.24	0.74	0.84			
Capacity (veh/h)	516	673	709			
Control Delay (s)	11.5	21.6	28.4			
Approach Delay (s)	11.5	21.6	28.4			
Approach LOS	B	C	D			
Intersection Summary						
Delay			23.8			
HCM Level of Service			C			
Intersection Capacity Utilization			72.5%	ICU Level of Service	C	
Analysis Period (min)			15			

## Queuing and Blocking Report

<Background 2022> Unsignalized AM Peak Hour

3/12/2018

Intersection: 3: Church Hill Street & Pelham Street










Movement	EB	NB	SB
Directions Served	LR	LT	TR
Maximum Queue (m)	20.2	29.6	27.3
Average Queue (m)	10.4	15.6	11.6
95th Queue (m)	16.3	26.0	19.2
Link Distance (m)	205.1	100.9	57.8
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (m)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

# HCM Unsignalized Intersection Capacity Analysis

## 3: Church Hill Street & Pelham Street

<Background 2022> PM Peak Hour

1/29/2018

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Stop	Stop	
Volume (vph)	76	47	78	393	446	115
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	83	51	85	427	485	125
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total (vph)	134	512	610			
Volume Left (vph)	83	85	0			
Volume Right (vph)	51	0	125			
Hadj (s)	-0.07	0.07	-0.09			
Departure Headway (s)	6.5	5.2	5.0			
Degree Utilization, x	0.24	0.74	0.84			
Capacity (veh/h)	516	673	709			
Control Delay (s)	11.5	21.6	28.4			
Approach Delay (s)	11.5	21.6	28.4			
Approach LOS	B	C	D			
Intersection Summary						
Delay			23.8			
HCM Level of Service			C			
Intersection Capacity Utilization			72.5%	ICU Level of Service	C	
Analysis Period (min)			15			

## Queuing and Blocking Report

<Background 2022> Unsignalized PM Peak Hour

3/12/2018

Intersection: 3: Church Hill Street & Pelham Street

Movement	EB	NB	SB
Directions Served	LR	LT	TR
Maximum Queue (m)	16.0	45.6	41.3
Average Queue (m)	9.7	24.0	21.0
95th Queue (m)	12.7	38.2	35.1
Link Distance (m)	205.1	100.9	57.8
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (m)			
Storage Blk Time (%)			
Queuing Penalty (veh)			



## Signalized Intersection

# Timings 3: Church Hill Street & Pelham Street

<Background 2022> AM Peak Hour

1/30/2018



Lane Group	EBL	NBL	NBT	SBT
Lane Configurations				
Volume (vph)	81	51	345	180
Turn Type	Perm			
Protected Phases	4		2	6
Permitted Phases		2		
Detector Phase	4	2	2	6
Switch Phase				
Minimum Initial (s)	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	20.0	20.0
Total Split (s)	20.0	20.0	20.0	20.0
Total Split (%)	50.0%	50.0%	50.0%	50.0%
Yellow Time (s)	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0
Lead/Lag				
Lead-Lag Optimize?				
Recall Mode	None	Max	Max	Max
Act Effect Green (s)	7.4		27.0	27.0
Actuated g/C Ratio	0.20		0.74	0.74
v/c Ratio	0.33		0.33	0.16
Control Delay	11.4		5.0	3.9
Queue Delay	0.0		0.0	0.0
Total Delay	11.4		5.0	3.9
LOS	B		A	A
Approach Delay	11.4		5.0	3.9
Approach LOS	B		A	A

## Intersection Summary

Cycle Length: 40

Actuated Cycle Length: 36.7

Natural Cycle: 40

Control Type: Semi Act-Uncoord

Maximum v/c Ratio: 0.33

Intersection Signal Delay: 5.7

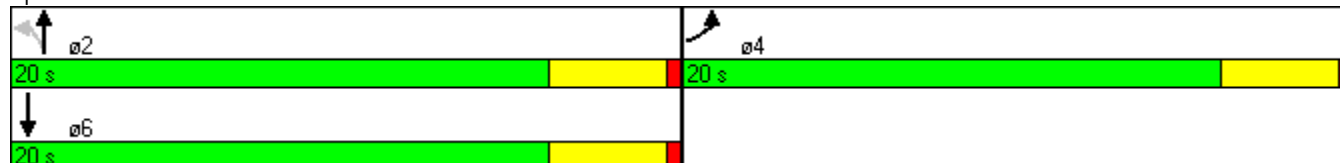
Intersection LOS: A

Intersection Capacity Utilization 48.1%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 3: Church Hill Street & Pelham Street



# HCM Signalized Intersection Capacity Analysis

## 3: Church Hill Street & Pelham Street

<Background 2022> AM Peak Hour

1/30/2018



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (vph)	81	33	51	345	180	19
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0			4.0	4.0	
Lane Util. Factor	1.00			1.00	1.00	
Frt	0.96			1.00	0.99	
Flt Protected	0.97			0.99	1.00	
Satd. Flow (prot)	1728			1851	1838	
Flt Permitted	0.97			0.95	1.00	
Satd. Flow (perm)	1728			1765	1838	
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	88	36	55	375	196	21
RTOR Reduction (vph)	31	0	0	0	5	0
Lane Group Flow (vph)	93	0	0	430	212	0
Turn Type	Perm					
Protected Phases	4			2	6	
Permitted Phases			2			
Actuated Green, G (s)	5.0			25.3	25.3	
Effective Green, g (s)	5.0			25.3	25.3	
Actuated g/C Ratio	0.13			0.66	0.66	
Clearance Time (s)	4.0			4.0	4.0	
Vehicle Extension (s)	3.0			3.0	3.0	
Lane Grp Cap (vph)	226			1166	1214	
v/s Ratio Prot	c0.05				0.12	
v/s Ratio Perm				c0.24		
v/c Ratio	0.41			0.37	0.17	
Uniform Delay, d1	15.3			2.9	2.5	
Progression Factor	1.00			1.00	1.00	
Incremental Delay, d2	1.2			0.9	0.3	
Delay (s)	16.5			3.8	2.8	
Level of Service	B			A	A	
Approach Delay (s)	16.5			3.8	2.8	
Approach LOS	B			A	A	
<b>Intersection Summary</b>						
HCM Average Control Delay			5.6		HCM Level of Service	A
HCM Volume to Capacity ratio			0.38			
Actuated Cycle Length (s)			38.3		Sum of lost time (s)	8.0
Intersection Capacity Utilization			48.1%		ICU Level of Service	A
Analysis Period (min)			15			
c Critical Lane Group						



## Queuing and Blocking Report

<Background 2022> Signalized AM Peak Hour

3/12/2018

Intersection: 3: Church Hill Street & Pelham Street

Movement	EB	NB	SB
Directions Served	LR	LT	TR
Maximum Queue (m)	22.2	79.1	27.3
Average Queue (m)	12.8	25.9	7.3
95th Queue (m)	20.6	56.2	19.8
Link Distance (m)	205.1	100.9	57.8
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (m)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

# Timings 3: Church Hill Street & Pelham Street

<Background 2022> PM Peak Hour  
1/30/2018



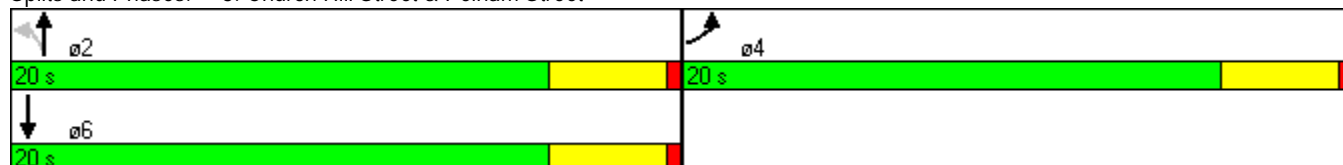
Lane Group	EBL	NBL	NBT	SBT
Lane Configurations	WT		RT	RT
Volume (vph)	76	78	393	446
Turn Type	Perm			
Protected Phases	4		2	6
Permitted Phases		2		
Detector Phase	4	2	2	6
Switch Phase				
Minimum Initial (s)	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	20.0	20.0
Total Split (s)	20.0	20.0	20.0	20.0
Total Split (%)	50.0%	50.0%	50.0%	50.0%
Yellow Time (s)	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.0	4.0	4.0	4.0
Lead/Lag				
Lead-Lag Optimize?				
Recall Mode	None	Max	Max	Max
Act Effect Green (s)	7.4		26.3	26.3
Actuated g/C Ratio	0.20		0.73	0.73
v/c Ratio	0.34		0.44	0.46
Control Delay	10.3		6.8	6.3
Queue Delay	0.0		0.0	0.0
Total Delay	10.3		6.8	6.3
LOS	B		A	A
Approach Delay	10.3		6.8	6.3
Approach LOS	B		A	A

## Intersection Summary

Cycle Length: 40  
 Actuated Cycle Length: 36.1  
 Natural Cycle: 50  
 Control Type: Semi Act-Uncoord  
 Maximum v/c Ratio: 0.46  
 Intersection Signal Delay: 6.9  
 Intersection Capacity Utilization 72.5%  
 Analysis Period (min) 15

Intersection LOS: A  
 ICU Level of Service C

Splits and Phases: 3: Church Hill Street & Pelham Street



# HCM Signalized Intersection Capacity Analysis

## 3: Church Hill Street & Pelham Street

<Background 2022> PM Peak Hour

1/30/2018



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (vph)	76	47	78	393	446	115
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0			4.0	4.0	
Lane Util. Factor	1.00			1.00	1.00	
Frt	0.95			1.00	0.97	
Flt Protected	0.97			0.99	1.00	
Satd. Flow (prot)	1714			1847	1811	
Flt Permitted	0.97			0.85	1.00	
Satd. Flow (perm)	1714			1590	1811	
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	83	51	85	427	485	125
RTOR Reduction (vph)	44	0	0	0	13	0
Lane Group Flow (vph)	90	0	0	512	597	0
Turn Type	Perm					
Protected Phases	4			2	6	
Permitted Phases			2			
Actuated Green, G (s)	5.0			24.7	24.7	
Effective Green, g (s)	5.0			24.7	24.7	
Actuated g/C Ratio	0.13			0.66	0.66	
Clearance Time (s)	4.0			4.0	4.0	
Vehicle Extension (s)	3.0			3.0	3.0	
Lane Grp Cap (vph)	227			1042	1187	
v/s Ratio Prot	c0.05				c0.33	
v/s Ratio Perm				0.32		
v/c Ratio	0.40			0.49	0.50	
Uniform Delay, d1	15.0			3.3	3.3	
Progression Factor	1.00			1.00	1.00	
Incremental Delay, d2	1.1			1.7	1.5	
Delay (s)	16.1			5.0	4.9	
Level of Service	B			A	A	
Approach Delay (s)	16.1			5.0	4.9	
Approach LOS	B			A	A	
<b>Intersection Summary</b>						
HCM Average Control Delay			6.1		HCM Level of Service	A
HCM Volume to Capacity ratio			0.48			
Actuated Cycle Length (s)			37.7		Sum of lost time (s)	8.0
Intersection Capacity Utilization			72.5%		ICU Level of Service	C
Analysis Period (min)			15			
c Critical Lane Group						

## Queuing and Blocking Report

<Background 2022> Signalized PM Peak Hour

3/12/2018

Intersection: 3: Church Hill Street & Pelham Street

Movement	EB	NB	SB
Directions Served	LR	LT	TR
Maximum Queue (m)	22.5	99.8	35.2
Average Queue (m)	11.8	42.4	20.7
95th Queue (m)	20.2	87.7	33.4
Link Distance (m)	205.1	100.9	57.8
Upstream Blk Time (%)		1	
Queuing Penalty (veh)		3	
Storage Bay Dist (m)			
Storage Blk Time (%)			
Queuing Penalty (veh)			



## APPENDIX G

### Level of Service Definitions

## **LEVEL OF SERVICE ANALYSIS AT SIGNALIZED INTERSECTIONS**

To assist in clarifying the arithmetic analysis associated with traffic engineering, it is often useful to refer to “Level of Service”. The term Level of Service implies a qualitative measure of traffic flow at an intersection. It is dependent upon vehicle delay and vehicle queue lengths at the approaches. Specifically, Level of Service criteria are stated in terms of the average stopped delay per vehicle for a 15-minute analysis period. The following table describes the characteristics of each level:

<u>Level of Service</u>	<u>Features</u>	<u>Stopped Delay per Vehicle (sec)</u>
A	At this level of service, almost no signal phase is fully utilized by traffic. Very seldom does a vehicle wait longer than one red indication. The approach appears open, turning movements are easily made and drivers have freedom of operation.	$\leq 5.0$
B	At this level, an occasional signal phase is fully utilized and many phases approach full use. Many drivers begin to feel somewhat restricted within platoons of vehicles approaching the intersection.	$> 5.0 \text{ and } \leq 15.0$
C	At this level, the operation is stable though with more frequent fully utilized signal phases. Drivers feel more restricted and occasionally may have to wait more than one red signal indication, and queues may develop behind turning vehicles. This level is normally employed in urban intersection design.	$> 15.0 \text{ and } \leq 25.0$
D	At this level, the motorist experiences increasing restriction and instability of flow. There are substantial delays to approaching vehicles during short peaks within the peak period, but there are enough cycles with lower demand to permit occasional clearance of developing queues and prevent excessive backups.	$> 25.0 \text{ and } \leq 40.0$
E	At this level, capacity is reached. There are long queues of vehicles waiting upstream of the intersection and delays to vehicles may extend to several signal cycles.	$> 40.0 \text{ and } \leq 60.0$
F	At this level, saturation occurs, with vehicle demand exceeding the available capacity.	$> 60.0$



## APPENDIX H

### All-way Stop and Signal Warrant Analysis

## Input Data Sheet

[Analysis Sheet](#)
[Results Sheet](#)
[Proposed Collision](#)
[GO TO Justification:](#)

What are the intersecting roadways?

Pelham Street and Church Hill

What is the direction of the Main Road street?

North-South

When was the data collected?

refer OTM PG.70

### Justification 1 - 4: Volume Warrants

a.- Number of lanes on the Main Road?

2 or more

b.- Number of lanes on the Minor Road?

2 or more

c.- How many approaches?

3

d.- What is the operating environment?

Rural

Population &lt; 10,000

AND

Speed &gt;= 70 km/hr

e.- What is the eight hour vehicle volume at the intersection? (Please fill in table below)

Hour Ending	Main Northbound Approach			Minor Eastbound Approach			Main Southbound Approach			Minor Westbound Approach			Pedestrians Crossing Main Road
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	
8:00	13	253	0	0	0	0	0	93	15	7	0	31	2
9:00	43	400	0	0	0	0	0	184	30	18	0	64	6
12:00	37	308	0	0	0	0	0	253	93	30	0	44	0
13:00	42	294	0	0	0	0	0	242	91	37	0	51	6
14:00	23	224	0	0	0	0	0	243	90	28	0	37	1
4:00	39	307	0	0	0	0	0	307	69	26	0	66	5
5:00	30	315	0	0	0	0	0	364	89	22	0	56	14
6:00	43	289	0	0	0	0	0	411	86	21	0	54	18
Total	270	2,390	0	0	0	0	0	2,097	563	189	0	403	52

### Justification 5: Collision Experience

Preceding Months	Number of Collisions*
1-12	0
13-24	0
25-36	0

\* Include only collisions that are susceptible to correction through the installation of traffic signal control

### Justification 6: Pedestrian Volume

a.- Please fill in table below summarizing total pedestrians crossing major roadway at the intersection or in proximity to the intersection (zones). Please reference Section 4.8 of the Manual for further explanation and graphical representation.

	Zone 1		Zone 2		Zone 3 (if needed)		Zone 4 (if needed)		Total
	Assisted	Unassisted	Assisted	Unassisted	Assisted	Unassisted	Assisted	Unassisted	
Total 8 hour pedestrian volume	4	47		25	2	0	0	2	
Factored 8 hour pedestrian volume	55		25		4		2		
% Assigned to crossing rate									
Net 8 Hour Pedestrian Volume at Crossing									0
Net 8 Hour Vehicular Volume on Street Being Crossed									

b.- Please fill in table below summarizing delay to pedestrians crossing major roadway at the intersection or in proximity to the intersection (zones). Please reference Section 4.8 of the Manual for further explanation and graphical representation.

	Zone 1		Zone 2		Zone 3 (if needed)		Zone 4 (if needed)		Total
	Assisted	Unassisted	Assisted	Unassisted	Assisted	Unassisted	Assisted	Unassisted	
Total 8 hour pedestrian volume	4	47	0	25	2	0	0	2	
Total 8 hour pedestrians delayed greater than 10 seconds	0	0	0	0	0	0	0	0	
Factored volume of total pedestrians	55		25		4		2		
Factored volume of delayed pedestrians	0		0		0		0		
% Assigned to Crossing Rate	0%		0%		0%		0%		
Net 8 Hour Volume of Total Pedestrians									0
Net 8 Hour Volume of Delayed Pedestrians									0

[Analysis Sheet](#)
[Results Sheet](#)
[Proposed Collision](#)



## Results Sheet

[Input Sheet](#)
[Analysis Sheet](#)
[Proposed Collision](#)
[GO TO Justification:](#)

Intersection: Pelham Street and Church Hill

Count Date: refer OTM PG.70

### Summary Results

Justification		Compliance		Signal Justified?	
				YES	NO
1. Minimum Vehicular Volume	A Total Volume	96	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	B Crossing Volume	41	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Delay to Cross Traffic	A Main Road	95	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	B Crossing Road	60	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Combination	A Justificaton 1	41	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	B Justification 2	60	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. 4-Hr Volume		27	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Collision Experience	0	%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------	---	---	--------------------------	-------------------------------------

6. Pedestrians	A Volume	Justification not met	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	B Delay	Justification not met	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- At the intersection of a County or Regional road with a King's Highway in a rural area.

The use of STOP signs should be considered:

- At the intersection of a County or Regional road with a King's Highway in a built-up area;
- At the intersection of a city street or township road with a King's Highway;
- At the intersection of a minor street or road with a through street or highway;
- At unsignalized intersections in a signalized area, except where they would interfere with traffic signal progression;
- At intersections where the application of the normal right hand rule or yield control would be unduly hazardous; and
- At intersections which have experienced a record of collisions of the type which are susceptible to correction by STOP control (see stop collision warrant below).

#### Stop Collision Warrant

STOP sign control may be warranted where three or more right angle or turning collisions per year have occurred over a period of three years and methods of reducing the collision experience, such as sight line improvements, street lighting, parking prohibitions, enforcement, geometric revisions, or YIELD sign controls, have been tried or considered, and found to be inadequate.

#### All-way Stop Controls

In some circumstances, it may be appropriate to install STOP signs on all approaches to an intersection. This results in an all-way stop condition. All-way STOP sign controls disrupt the flow of traffic

and introduce delays to all drivers within the intersection and should only be considered at the intersection of two relatively equal roadways having similar traffic volume demand and operating characteristics (see minimum volume warrants below). The approaches should be directly opposing (i.e., not offset), should preferably approach at right angles (i.e., no skewed approaches) and have an equal number of lanes.

All-way stop controls should be considered only under the following situations:

- As an interim measure, where traffic control signals are warranted but cannot be implemented immediately. For information on traffic signal control, refer to Book 12 (Traffic Signals);
- At locations having a high collision frequency where less restrictive measures have been tried and found inadequate (see all-way stop collision warrant below); or
- As a means of providing a transition period to accustom drivers to a change in intersection right-of-way control from one direction to another. Installation under this warrant must be in conformance with the Amendment of Intersection Control, discussed under Special Considerations at the end of Section 2.

#### All-way Stop Minimum Volume Warrant (Arterial and Major Roads)

All-way stop control may be considered on major roads where the following conditions are met:

- The total vehicle volume on all intersection approaches exceeds 500 vehicles per hour for each of any eight hours of the day;

- The combined vehicular and pedestrian volume on the minor street exceeds 200 units per hour (all vehicles plus pedestrians wishing to enter the intersection) for each of the same eight hours, with an average delay to traffic on the minor street (either vehicles or pedestrians wishing to enter the intersection) of greater than 30 seconds; and
- The volume split does not exceed 70/30. Volume on the major street is defined as vehicles only. Volume on the minor street includes all vehicles plus any pedestrians wishing to cross the major roadway.

#### All-way Stop Minimum Volume Warrant (Minor Roads)

All-way stop control may be considered on minor roads where the following conditions are met:

- Total vehicle volume on all intersection approaches exceeds 350 for the highest hour recorded; and
- Volume split does not exceed 75/25 for three-way control or 65/35 for four-way control. Volume is defined as vehicles only.

#### All-way Stop Collision Warrant

For the purposes of this warrant, a high accident frequency is an average of four collisions per year over a three-year period. Only those accidents susceptible to relief through multi-way stop control must be considered (i.e., right angle and turning type collisions).

Included in this warrant are those locations where visibility problems exist which limit the safe approach speed to less than 15 km/h, thereby creating an unreasonable accident potential. Special advance warning or overhead flashing lights may be necessary to augment the control if vertical or horizontal alignment is a factor.

#### Inappropriate Use of All-way Stop Control

All-way stop controls should not be used under the following conditions:

- Where the protection of pedestrians, school children in particular, is a prime concern. This concern can usually be addressed by other means;
- As a speed control device;
- On roads where progressive signal timing exists;
- On roads within urban areas having a posted speed limit in excess of 60 km/h;
- At intersections that are not roundabouts having less than three, or more than four, approaches;
- At intersections that are offset, poorly defined or geometrically substandard;
- On truck or bus routes, except in an industrial area or where two such routes cross;
- On multi-lane approaches where a parked or stopped vehicle on the right will obscure the STOP sign;
- Where traffic would be required to stop on grades;
- As a means of deterring the movement of through traffic in a residential area;



MADE WITH PAPER FROM  
WELL-MANAGED FORESTS  
MADE IN CHINA

Hallmark

THANK YOU

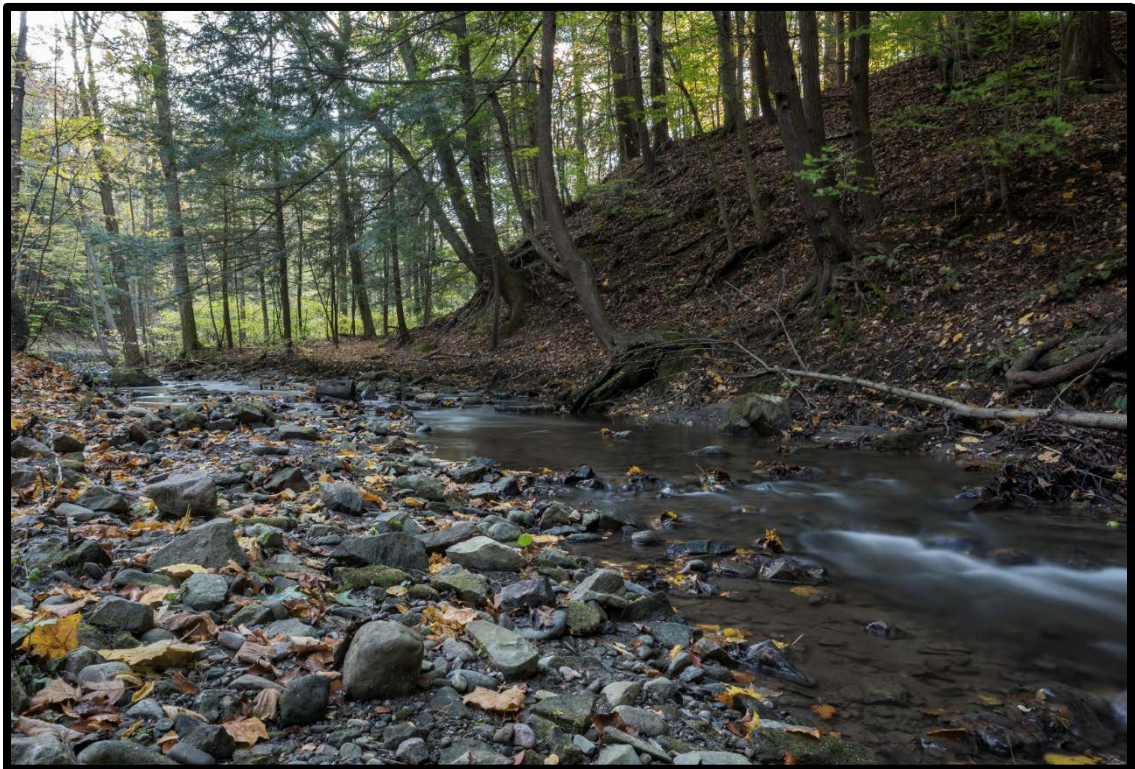
Mayor + Council

Thank You  
we greatly appreciate  
Your kindness.

Michelle Cioffi + Family



**NPCA WATER QUALITY MONITORING PROGRAM:**  
**SUMMARY REPORT OF THE YEAR 2019**



**MAY 2020**

## **TABLE OF CONTENTS**

<u>1.0 INTRODUCTION</u>	6
<u>2.0 SURFACE WATER QUALITY MONITORING PROGRAM</u>	6
2.1 CHEMICAL MONITORING	6
2.1.1 NIAGARA RIVER AOC TRIBUTARY MONITORING PROGRAM	6
2.1.2 PROVINCIAL WATER QUALITY MONITORING NETWORK	6
2.1.3 OTHER WATER QUALITY MONITORING PROGRAMS	7
2.2 BIOLOGICAL MONITORING	7
<u>3.0 SURFACE WATER QUALITY INDICATOR PARAMETERS</u>	8
3.1 CHLORIDE	8
3.2 NITRATE	8
3.3 TOTAL PHOSPHORUS	9
3.4 SUSPENDED SOLIDS	9
3.5 COPPER	9
3.6 LEAD	9
3.7 ZINC	9
3.8 ESCHERICHIA COLI	10
3.9 BIOLOGICAL ASSESSMENTS BENTHIC INVERTEBRATES	10
<u>4.0 SURFACE WATER QUALITY MONITORING RESULTS</u>	10
4.1 TREND ANALYSIS	11
4.2 WELLAND RIVER WATERSHED	12
4.2.1 WELLAND RIVER: WATER QUALITY INDEX	12
4.2.2 WELLAND RIVER: HILSENHOFF BIOTIC INDEX RESULTS	15
4.2.3 WELLAND RIVER: KEY FINDINGS	16
4.3 WELLAND RIVER TRIBUTARIES	17
4.3.1 WELLAND RIVER TRIBUTARIES: WATER QUALITY INDEX	17
4.3.2 WELLAND RIVER TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS	20
4.3.3 WELLAND RIVER TRIBUTARIES: KEY FINDINGS	20
4.4 TWENTY MILE CREEK WATERSHED	21
4.4.1 TWENTY MILE CREEK WATERSHED: WATER QUALITY INDEX	21
4.4.2 TWENTY MILE CREEK WATERSHED: HILSENHOFF BIOTIC INDEX RESULTS	23
4.4.3 TWENTY MILE CREEK: KEY FINDINGS	24
4.5 LAKE ONTARIO TRIBUTARIES	24
4.5.1 LAKE ONTARIO TRIBUTARIES: WATER QUALITY INDEX	25
4.5.2 LAKE ONTARIO TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS	31
4.5.3. LAKE ONTARIO TRIBUTARIES: KEY FINDINGS	31
4.6 NIAGARA RIVER TRIBUTARIES	32
4.6.1 NIAGARA RIVER TRIBUTARIES: WATER QUALITY INDEX	32
4.6.2 NIAGARA RIVER TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS	35
4.6.3 NIAGARA RIVER TRIBUTARIES: KEY FINDINGS	35
4.7 LAKE ERIE TRIBUTARIES	35
4.7.1 LAKE ERIE TRIBUTARIES: WATER QUALITY INDEX	35
4.7.2 LAKE ERIE TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS	38
4.7.3 LAKE ERIE TRIBUTARIES: KEY FINDINGS	38

<u>5.0 GROUNDWATER QUALITY MONITORING PROGRAM</u>	39
5.1 PROVINCIAL GROUNDWATER MONITORING NETWORK	39
5.1.1 GROUNDWATER LEVELS	41
5.1.2 GROUNDWATER CHEMISTRY	41
5.1.3 PGMN KEY FINDINGS	43
5.2 WATER WELL DECOMMISSIONING PROGRAM	44
<u>6.0 OTHER PROJECTS</u>	46
6.1 HAMILTON INTERNATIONAL AIRPORT	46
6.2 GLANBROOK LANDFILL	46
6.3 TWELVE MILE CREEK TEMPERATURE STUDY	46
6.4 LAKE NIAPENCO PERFLUORINATED COMPOUND MONITORING	47
6.5 CANADA ONTARIO AGREEMENT CLIMATE CHANGE MONITORING PROJECT	50
6.6 NPCA DATA REQUESTS	50
 <u>7.0 CONCLUSIONS</u>	 51
 <u>8.0 RECOMMENDATIONS</u>	 53
 <u>9.0 REFERENCES CITED</u>	 54
 <u>10.0 ACKNOWLEDGEMENTS</u>	 55

<b>APPENDIX A:</b> SURFACE WATER QUALITY INDEX RATINGS: 2015-2019
<b>APPENDIX B:</b> MEDIAN CONCENTRATIONS OF CHLORIDE FOR NPCA MONITORING STATIONS
<b>APPENDIX C:</b> MEDIAN CONCENTRATIONS OF COPPER FOR NPCA MONITORING STATIONS
<b>APPENDIX D:</b> MEDIAN CONCENTRATIONS OF E. COLI FOR NPCA MONITORING STATIONS
<b>APPENDIX E:</b> MEDIAN CONCENTRATIONS OF LEAD FOR NPCA MONITORING STATIONS
<b>APPENDIX F:</b> MEDIAN CONCENTRATIONS OF NITRATE FOR NPCA MONITORING STATIONS
<b>APPENDIX G:</b> MEDIAN CONCENTRATIONS OF TOTAL PHOSPHORUS FOR NPCA MONITORING STATIONS
<b>APPENDIX H:</b> MEDIAN CONCENTRATIONS OF TOTAL SUSPENDED SOLIDS FOR NPCA MONITORING STATIONS
<b>APPENDIX I:</b> MEDIAN CONCENTRATIONS OF ZINC FOR NPCA MONITORING STATIONS
<b>APPENDIX J:</b> HILSENHOFF BIOTIC INDEX WATER QUALITY ASSESSMENTS 2015– 2019
<b>APPENDIX K:</b> GROUNDWATER LEVELS
<b>APPENDIX L:</b> TWELVE MILE CREEK TEMPERATURE MONITORING: 2019 SUMMARY REPORT



## Table of Acronyms

AOC	Area of Concern
BC MOE	British Columbia Ministry of Environment
BioMAP	Biological Monitoring and Assessment Program
BMPs	Best Management Practices
CCME	Canadian Council of Ministers of the Environment
CWQG	Canadian Water Quality Guidelines
ECCC	Environment and Climate Change Canada
EMRB	Environmental Monitoring and Reporting Branch
HIA	Hamilton International Airport
HBI	Hilsenhoff Biotic Index
MECP	Ministry of Environment, Conservation, and Parks
NPCA	Niagara Peninsula Conservation Authority
PGMN	Provincial Groundwater Monitoring Network
PWQMN	Provincial Water Quality Monitoring Network
PWQO	Provincial Water Quality Objective
ODWS	Ontario Drinking Water Standards
OPG	Ontario Power Generation
RMN	Regional Municipality of Niagara
VOC	Volatile Organic Compounds
WQI	Water Quality Index- for CCME

## **EXECUTIVE SUMMARY**

The Niagara Peninsula Conservation Authority (NPCA) Water Quality Monitoring Program was implemented in 2001 and is operated in partnership with the Ontario Ministry of Environment, Conservation and Parks, Regional Municipality of Niagara, Haldimand County and the City of Hamilton. Through these partnerships the NPCA collects water quality samples at 80 surface water stations and 13 groundwater stations located throughout the NPCA watershed. The NPCA utilizes both chemical and biological approaches to evaluate the surface water quality. Surface water quality samples are analysed for several indicators such as nutrients, *E. coli*, suspended solids, and metals. Surface water results are used to calculate the Canada Council of Ministers of Environment (CCME) Water Quality Index. This index is a Canada-wide standard for reporting water quality information. The NPCA also evaluates water quality in the watershed by sampling the aquatic animals at most of the NPCA surface water quality stations using the Ontario Biological Benthos Monitoring (OBBN) protocol. The density and diversity of animals living in the watercourse provides a biological snapshot of the water quality. Groundwater samples are evaluated by comparing monitoring results to the Ontario Ministry of the Environment, Conservation and Parks' (MECP) Drinking Water Standards.

For surface water, the biological and chemical monitoring results indicate that most of Niagara's watersheds have poor water quality. Total phosphorus, *E. coli*, suspended solids, and chlorides from non-point sources (agricultural/livestock runoff, faulty septic systems) and point sources (combined sewer overflow, urban stormwater) continue to be the major causes of impairment in the NPCA watershed. Twelve Mile Creek continues to have the best water quality rating in the NPCA watershed.

For groundwater, results indicate that water quality generally meets Ontario Drinking Water Standards. Reported groundwater quality exceedances were mainly related to naturally occurring bedrock conditions; however, two groundwater monitoring stations were found to have elevated nitrate concentrations. These nitrate exceedances have been investigated thoroughly by the NPCA, Niagara Public Health and the MECP are likely attributed to surrounding agricultural land use and/or faulty septic systems.

The Water Quality Monitoring Program continues to provide valuable information about the health of the NPCA watershed. Often the way the land is managed is reflected in the health of our water resources. The fact that the water quality is generally poor in the NPCA watershed has been caused by decades of environmental degradation. However, water quality improvement programs that improve how nutrients are managed, increase riparian buffers, and improve forest cover can begin to address these impacts. It will likely take many years of implementing these programs before the water quality in the NPCA watershed improves to the point where it is able to meet federal and provincial water quality guidelines and objectives. As such, it is recommended that the NPCA continue to monitor both our surface water and groundwater to ensure that there is up-to-date current water quality information available, be able to quantify trends, and continue to identify sources of contamination within the NPCA watershed.

## **NPCA WATER QUALITY MONITORING PROGRAM: SUMMARY REPORT FOR THE YEAR 2019**

### **1.0 INTRODUCTION**

The NPCA Water Quality Monitoring Program was initiated in 2001. Before 2001, the NPCA was involved in numerous water quality related initiatives but did not have a dedicated monitoring program. The NPCA has since established an extensive network of monitoring stations located throughout the watershed with the purpose of gathering long-term water quality data for both surface water and groundwater. This network represents the largest and most comprehensive water quality monitoring program in the Niagara Peninsula. The NPCA monitoring network is operated in partnership with the MECP, Regional Municipality of Niagara (RMN), Haldimand County and City of Hamilton. The main objective of the NPCA Water Quality Monitoring Program is to assess water quality in local watersheds using a network of chemical and biological monitoring stations. The purpose of this Annual Report is to summarize the water quality data collected from these monitoring stations and provide recommendations for future monitoring and stewardship initiatives.

### **2.0 SURFACE WATER QUALITY MONITORING PROGRAM**

#### **2.1 CHEMICAL MONITORING**

In 2019, the NPCA monitored surface water quality at 80 stations covering 52 watersheds. Grab samples are collected monthly during the ice-free season and analyzed for several parameters including nutrients, metals, bacteria, suspended solids, and general chemistry. The chemical monitoring program is mainly funded through the municipal levy, however the NPCA does receive additional support for lab analysis from the following partners: RMN, MECP, ECCC and the City of Hamilton. These are described in detailed below.

##### *2.1.1 NIAGARA RIVER AOC TRIBUTARY MONITORING PROGRAM*

The Niagara River Remedial Action Plan Stage 2 Report released in 1995 by Environment Canada and the MOE outlines 37 recommended remedial actions to restore the health of the watershed. Recommendation #29 is to develop and implement a Welland River and Niagara River tributaries monitoring program to monitor rural non-point sources of pollution and track the effectiveness of stewardship efforts (MOE and EC 1995). To fulfill this recommendation, the Niagara River Area of Concern (AOC) Tributary Monitoring Program was implemented in 2003 through a partnership between the NPCA, Environment Canada and Climate Change (ECCC) and the MECP. The objectives of the program are to establish baseline water quality conditions at selected tributaries and track changes in water quality over time. Monitoring stations for the Niagara River AOC Tributary Monitoring Program were selected as specified in the funding agreement and sampling was initiated in 2003 and concluded in 2016. Stations were selected to both overlap with historic stations and fill data gaps where required. Commencing in 2017, the NPCA began funding the lab analysis for these monitoring stations.

##### *2.1.2 PROVINCIAL WATER QUALITY MONITORING NETWORK*

In 2003 a partnership was established with the MECP through the Provincial Water Quality Monitoring Network (PWQMN) whereby NPCA staff collect monthly water samples at six stations located within the NPCA watershed and the MECP provides laboratory services. The PWQMN was established in 1964 to collect surface water quality information from

rivers and streams at strategic locations throughout Ontario. Over time, stations have been added and discontinued in response to changing MECP and program-specific needs. The NPCA has 13 PWQMN stations which are located on the Black Creek (Fort Erie), Welland River (West Lincoln & Welland), Twenty Mile Creek (West Lincoln and Lincoln), Forty Mile Creek (Grimsby), Four Mile Creek (Niagara-on-the Lake), and Twelve Mile Creek (Pelham & St. Catharines).

### *2.1.3 OTHER WATER QUALITY MONITORING PROGRAMS*

Several watersheds are monitored through other water quality monitoring programs. In 2002 a monitoring agreement was established with the City of Hamilton whereby NPCA staff collect monthly water samples at eleven stations located within the City of Hamilton's municipal boundaries and the City of Hamilton provides laboratory services. This laboratory partnership was to be cancelled as of January 2018 by the City of Hamilton. However, after the cancellation of this program the NPCA continued to fund the lab analysis for these monitoring stations. The NPCA is also involved in monitoring at the Hamilton International Airport and the Glanbrook Landfill. For further details, please refer to section 6.0.

In 2003 a similar monitoring arrangement was established with the RMN whereby NPCA staff collect water samples at ten stations located within the Niagara Regional Municipal boundary of the NPCA watershed and the RMN provides laboratory services.

## **2.2 BIOLOGICAL MONITORING**

The NPCA also monitors surface water quality using benthic invertebrates as indicators of stream health. Water quality monitoring has historically relied heavily upon chemical testing as a means of measuring the quality of water but the advantages of biological monitoring using benthic invertebrates as indicators of water quality are well documented (Griffiths 1999, Jones *et al.* 2005). Due to their restricted mobility and habitat preferences benthic invertebrates usually remain in a localized area. As a result, they are continuously subjected to the effects of all pollutants and environmental stream conditions over time, and as such can provide a broad overview of water quality related problems. They are abundant in all types of aquatic systems and can be easily collected and identified.

The NPCA has been using benthic invertebrates as indicators of water quality since 1995 and is a leader in the field of biological monitoring in the Niagara Peninsula. Benthic invertebrate samples are collected annually during the spring and fall seasons using the Biological Monitoring and Assessment Program (BioMAP) developed by Dr. Ron Griffiths (Griffiths 1999). BioMAP water quality assessments have been completed at over 100 sites located throughout the NPCA watershed. BioMAP monitoring projects are also completed annually and biennially by the NPCA for Hamilton International Airport and the City of Hamilton Glanbrook Landfill to evaluate environmental management practices.

The NPCA is also involved in the development of the Ontario Benthos Biomonitoring Network (OBBN). The OBBN is a biomonitoring research initiative that was launched in 2002. The goal of the OBBN is to provide a standardized benthic invertebrate sampling protocol for the province of Ontario. A secondary goal of the OBBN is to provide a biological complement to the chemistry based PWQMN. The NPCA is an active participant in the development of the OBBN and is providing on-going research support in the upper Twelve Mile Creek watershed. In 2016, the NPCA transitioned its benthic invertebrate sampling protocol from the BioMAP protocol to the OBBN sampling protocol with the reporting focus on the Hilsenhoff Biotic Index (HBI).

### **3.0 SURFACE WATER QUALITY INDICATOR PARAMETERS**

The indicator parameters described in the following sections best reflect the range of water quality issues that are likely encountered in the watershed and are most useful in assessing relative stream quality. These indicator parameters and their respective surface water quality objectives are summarized in **Table 1**.

**Table 1:** Summary of surface water quality indicator parameters

INDICATOR PARAMETER	OBJECTIVE	REFERENCE
Chloride	120 mg/L (Chronic)	CWQG (CCME 2011)
Nitrate	2.9 mg/L	CWQG (CCME 2003)
Total phosphorus	30 µg/L	PWQO (MOE 1994)
Suspended solids	25 mg/L	BC MOE (2001)
Copper	5 µg/L	PWQO (MOE 1994)
Lead	5 µg/L	PWQO (MOE 1994)
Zinc	20 µg/L	PWQO (MOE 1994)
<i>Escherichia coli</i>	100 counts/100 mL	PWQO (MOE 1994)
Benthic invertebrates	>Good	HBI (Hilsenhoff 1987)

#### **3.1 CHLORIDE**

Chloride is a naturally occurring substance found in all waters. Chloride can be toxic to aquatic organisms with acute toxic effects at high concentrations and chronic effects on growth and reproduction at lower concentrations. Chloride ions are conservative, which means that they are not degraded in the aquatic environment and tend to remain in solution. Chloride is extensively used in the form of sodium chloride and calcium chloride for salting of roadways and ice removal during the winter season. Other anthropogenic or human-derived sources of chloride include sewage, animal waste, storm and irrigation drainage, fertilizers, and industrial effluent. Due to natural variability, there is currently no guideline for chloride in surface water. The Canadian Water Quality Guidelines (CWQG) for the Protection of Aquatic Life recommend that long-term or chronic chloride concentrations should not exceed 120 mg/L in surface water (CCME 2011).

#### **3.2 NITRATE**

Nitrate is the most common form of nitrogen that occurs in surface water. In aerobic or oxygen-rich water, bacteria convert ammonium and nitrite to nitrate through a process known as nitrification. In anaerobic or oxygen-depleted water, the process is reversed through denitrification. The nitrate ion is the most stable form of nitrogen in water and does not tend to combine with other ions in solution. Nitrate can be toxic to aquatic organisms and elevated concentrations contribute to excessive plant and algae growth in surface water. Anthropogenic sources of nitrate include sewage discharges, animal waste, fertilizers and pesticides. The CWQG for the Protection of Aquatic Life recommend that nitrate-nitrogen concentrations should not exceed 2.9 mg/L in surface water (CCME 2003).

### **3.3 TOTAL PHOSPHORUS**

Phosphorus is a natural element found in rocks, soils and organic material and is an essential nutrient for plant growth. Phosphorus clings tightly to soil particles and is often associated with suspended sediment. Excessive phosphorus concentrations stimulate the overgrowth and decomposition of plants and algae. The decomposition of organic matter in turn depletes dissolved oxygen concentrations and stresses aquatic organisms such as fish and benthic invertebrates. Total phosphorus is a measure of all forms of phosphorus in a water sample, and includes biologically accessible phosphates. Anthropogenic sources of phosphorus include fertilizers, pesticides, and sewage discharges. The interim Ontario Provincial Water Quality Objective (PWQO) for total phosphorus in streams and rivers is 30 µg/L (MOE 1994).

### **3.4 SUSPENDED SOLIDS**

Suspended solids are a measure of undissolved solid material in surface water and usually consist of silt, clay, plankton, and fine particles of organic and inorganic matter. Sources of suspended solids include soil erosion, stormwater, wastewater, and industrial effluent. Fine particles are significant carriers of phosphorus, metals and other contaminants. Concentrations of suspended solids vary seasonally and often peak during rain events. Due to natural variability in surface water there is currently no water quality guideline for suspended solids in Ontario. High concentrations of suspended solids in surface water can negatively impact aquatic organisms. Water quality guidelines for the protection of aquatic life from the British Columbia Ministry of the Environment recommend that the maximum concentration of suspended solids in surface water should not exceed 25 mg/L (BC MOE 2001). This is a conservative guideline and will be under review for future NPCA reporting.

### **3.5 COPPER**

Copper is an essential trace element that is toxic to aquatic organisms at elevated concentrations. In surface water copper tends to bind with organic matter and accumulate in streambed sediment. Natural sources are wind-blown dust, decaying vegetation and from forest fires. Anthropogenic sources of copper include industrial wastewater, sewage discharges and pesticides. The interim PWQO for copper is 5 µg/L (MOE 1994).

### **3.6 LEAD**

Lead is a non-essential trace element that is toxic to aquatic organisms at elevated concentrations. Lead tends to bioaccumulate and can affect the central nervous system. Lead occurs naturally in the environment. However, most lead concentrations that are found in the environment are a result of human activities. Anthropogenic sources of lead include industrial wastewater, sewage discharges, municipal waste incineration, fertilizers and pesticides. The interim PWQO for lead is 5 µg/L (MOE 1994).

### **3.7 ZINC**

Zinc is an essential trace element that is toxic to aquatic organisms at elevated concentrations. In surface water zinc tends to bind with organic matter and accumulate in streambed sediment. Zinc occurs naturally in air, water and soil. Anthropogenic sources

of zinc include industrial wastewater, sewage discharges and stormwater runoff. The interim PWQO for zinc is 20 µg/L (MOE 1994).

### 3.8 *ESCHERICHIA COLI*

*Escherichia coli* (*E. coli*) is a type of fecal coliform bacteria that is commonly found in the intestines of warm-blooded animals and humans. *E. coli* is used as an indicator for the presence of sewage or animal waste in surface water, and the possible presence of pathogens (Tchobanoglous & Schroeder 1987). The PWQO for *E. coli* is 100 counts per 100 mL (MOE 1994).

### 3.9 BIOLOGICAL ASSESSMENTS: BENTHIC INVERTEBRATES

Benthic invertebrates are the larger organisms inhabiting the substrate of watercourses for at least part of their life cycle. As a rule, benthic invertebrates include those species whose body width exceeds 500 microns. Examples of benthic invertebrate species that are commonly found in the NPCA watershed include clams, snails, leeches, worms, and the larval stages of dragonflies, stoneflies, caddisflies, mayflies, and beetles.

The NPCA collects benthic samples during the spring and fall seasons each year at approximately 30 monitoring sites. Once collected, counted and preserved, the benthic invertebrates are identified to family level and various statistics were calculated. For this 2019 Report the Hilsenhoff Biotic Index (HBI) was calculated for each sample site. The HBI estimates the overall tolerance of the community in a sampled area, weighted by the relative abundance of each family taxonomic group. Organisms are assigned a tolerance values based on those provided Hilsenhoff (1987). Water quality is classified as gradient from *excellent* to *very poor* in to recognize the occurrence of organisms whose environmental requirements and tolerances match those which would be expected at the site without the input of environmental stresses to those with the organisms found are less sensitive. Therefore, more tolerant to environmental stresses than organisms which would have historically occurred. The benthic population at an impaired site would typically be dominated by these more tolerant species, and as a result biodiversity at the site would be quite low.

Threshold values to classify the water quality of watercourses based on Hilsenhoff Family Biotic Index (1987)	
Family Biotic Index	Water Quality Rating
0.00-3.75	Excellent
3.76-4.25	Very Good
4.26-5.00	Good
5.01-5.75	Fair
5.76-6.50	Fairly Poor
6.51-7.25	Poor
7.26-10.00	Very Poor

## 4.0 SURFACE WATER QUALITY MONITORING RESULTS

The Water Quality Index (WQI) was used to summarize the indicator parameter data collected from NPCA surface water quality monitoring stations between 2015 and 2019. This is a significant departure from previous water quality reports where the entire dataset (2002 to present) was used to generate the CCME WQI. Although this approach reduces the overall sample size of some water quality monitoring stations it allows for the partitioning of the water quality dataset to determine if CCME WQI ratings are changing over time. This approach is consistent with Conservation Ontario's recommendation for comparing water quality data in watershed reporting (Conservation Ontario 2011). Using

the five-year blocks of data minimizes seasonal variation and provides sufficient data for reliable statistics in surface water analysis.

The WQI was developed by a sub-committee established under the Canadian Council for Ministers of the Environment (CCME) Water Quality Guidelines Task Group to provide a convenient means of summarizing complex water quality information and communicating it to the public (CCME 2001). The WQI incorporates the number of parameters where water quality objectives have been exceeded, the frequency of exceedances within each parameter, and the amplitude of each exceedance. The index produces a number between 0 and 100 which represents the worst and best water quality, respectively. These numbers are divided into five descriptive categories that range from *poor* to *excellent* (**Table 2**). The CCME WQI has been used extensively by other agencies, including conservation authorities and provincial ministries, as a means of reporting water quality data.

**Table 2:** CCME Water Quality Index categories (CCME 2001)

CATEGORY	WATER QUALITY INDEX	DESCRIPTION
Excellent	95-100	Water quality is protected with a virtual absence of threat or impairment; conditions very close to natural or pristine levels.
Good	80-94	Water quality is protected with only a minor degree of threat or impairment; conditions rarely depart from natural or desirable levels.
Fair	65-79	Water quality is usually protected but occasionally threatened or impaired; conditions sometimes depart from natural or desirable levels.
Marginal	45-64	Water quality is frequently threatened or impaired; conditions often depart from natural or desirable levels.
Poor	0-44	Water quality is almost always threatened or impaired; conditions usually depart from natural or desirable levels.

The calculation of the WQI is dependent on the water quality parameters and objectives selected for analysis. The indicator parameters and objectives summarized in **Table 1** were used to determine the WQI for NPCA monitoring stations. Benthic invertebrate data is not included in the WQI and is presented separately. It is important to note that the water quality information presented in this report is limited by the size of the dataset which represents 1 to 5 years of data, depending on the station. The reliability of the WQI rating improves over time (> 3 years) as more data is collected and a wider range of water quality conditions are captured in the dataset.

#### 4.1 TREND ANALYSIS

The NPCA operates with its partners the most extensive surface water quality monitoring network in the NPCA watershed. The dataset that has been collected through this network has reached a sufficient size so that trend analysis can be conducted on some NPCA water quality monitoring stations. Trend analyses are very useful for determining if water quality parameter concentrations are increasing, decreasing or remaining unchanged over time. If the concentration of a water quality parameter is found to be increasing or remaining in an impaired status then appropriate corrective action can be taken. Trend analysis is also useful for evaluating the performance of stewardship or remediation efforts.



The data on many water quality parameters for the NPCA are not normally distributed and it is not appropriate to use parametric statistical methods to test for trends. Non-parametric statistical methods can deal effectively with non-normally distributed data and are flexible enough to account for seasonal variability. The Seasonal Mann-Kendall Test is often used to determine trends in water quality data (Helsel and Hirsch 1992). The Seasonal Mann-Kendall Test modified from the Mann-Kendall Test (Helsel and Hirsch 1992), compares relative ranks of data values from the same season. This means the water quality parameter concentrations of May would be compared with concentrations of May in other years. Similarly, June concentrations would be compared with June concentrations and so forth. The null hypothesis ( $H_0$ ) is that the concentration of a water quality parameter is independent of time or, in other words, the datasets show no distinct trend. The alternative hypothesis ( $H_A$ ) means that a significant increasing or decreasing trend is found over time. The Seasonal Mann-Kendall uses alpha ( $\alpha$ ) to quantify the probability that a trend exists. For this report, the alpha level for statistical significance was set at  $\alpha = 0.05$ . This alpha level is commonly used in statistical methods to test for statistical significance. It should be noted that a value of  $\alpha = 0.05$  means there is a 5 percent possibility of falsely rejecting the null hypothesis that no trend exists. Probability values of less than 0.05 mean there was statistically significant trend (increasing or decreasing). Trend analysis using the Seasonal Mann-Kendall Test was conducted on chloride, *E. coli*, total phosphorus and total suspended solids concentrations at all stations with 5 or more years of data using software provided by the U.S. Geological Survey (Helsel *et al.*, 2005). Trend analysis for copper, lead, nitrate and zinc parameters could only be conducted on a small number of stations because many concentrations found were below the laboratory detection limits. These were reported as “non-detect” or a “less than” the laboratory detection limit. Trend analysis with many non-detections or less than values was not favourable for analysis and therefore was excluded from most stations.

## 4.2 WELLAND RIVER WATERSHED

The Welland River is the largest watershed in the NPCA jurisdiction with a total drainage area of 1,023 km<sup>2</sup>. The watershed covers eleven local municipalities, originating in the Town of Ancaster and spanning the center of the Niagara Peninsula to its physical outlet in the City of Niagara Falls at the Niagara River (**Figure 1**). Over 70% of the watershed is classified as rural. The Welland River is part of the Niagara River Area of Concern (AOC) and is targeted for restoration through the Remedial Action Plan. As shown in **Appendix A**, 29 of the 80 surface water quality monitoring stations are in the Welland River watershed, and 13 of these 29 stations are located on the main Welland River channel.

### 4.2.1 Welland River: Water Quality Index

The calculated WQI for the Welland River ranges from *poor* to *excellent*. Based on the 2015-2019 data collected, seven of thirteen Welland River stations have *poor* water quality, five stations were rated as *marginal*, one station was rated as fair and one was rated as *excellent* (WR012). WQI results are illustrated in **Appendix A**. Mapping showing the spatial distribution of the eight WQI parameters from 2015 to 2019 are found in **Appendix B to Appendix I**. Highlights of the water quality monitoring in the Welland River are summarized in **Table 3**:



Figure 1: Map of the subwatersheds monitored for water quality within the Welland River watershed

**Table 3:** Summary of NPCA water quality data for the Welland River (2015-2019)

STATION	WQI RATING ↔ Stable ↓ Declining ↑ Improving	HILSENHOFF FAMILY BIOTIC INDEX RATING	FACTORS AFFECTING WATER QUALITY (%)= PERCENTAGE OF SAMPLES EXCEEDING GUIDELINES THIS IS ONLY REPORTED WHEN >50% OF SAMPLES EXCEED GUIDELINE	TREND GREEN- DECREASING BLACK- STABLE RED- INCREASING
WR00A Welland River	Marginal ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances of copper, <i>E. coli</i>, total phosphorus (95%), and total suspended solids</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total phosphorus concentrations</li> <li>Stable chloride, and total suspended solid concentrations</li> </ul>
WR000 Welland River	Fair ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances of <i>E. coli</i> (57%) total phosphorus (81%), and total suspended solids.</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Groundwater discharge provides intermittent baseflow at this but the watercourse will dry up in the summer when groundwater levels drop</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride and total phosphorus and total suspended solid concentrations</li> <li>Stable <i>E. coli</i> concentrations</li> </ul>
WR001 Welland River	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances of chloride, copper, <i>E. coli</i> (51%), nitrate, total phosphorus (63%), total suspended solids and zinc (50%)</li> <li>Potential stressors include: agricultural, airport and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing zinc concentrations</li> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
WR002 Welland River	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances of chloride (100%), copper, <i>E. coli</i>, lead, nitrate, total phosphorus, total suspended solids and zinc (93%)</li> <li>Potential stressors include: agricultural, airport and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing <i>E. coli</i> concentrations</li> <li>Stable chloride, total phosphorus, total suspended solid and zinc concentrations</li> </ul>
WR020	Marginal	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in chloride (59%), copper, <i>E. coli</i>, total phosphorus (100%), and total suspended solids</li> <li>Potential stressors include agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>
WR003 Welland River	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances of chloride (62%), copper, <i>E. coli</i>, nitrate total phosphorus (93%), total suspended solids (55%) and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solid concentrations</li> <li>Stable <i>E. coli</i> and total phosphorus concentrations</li> <li>Increasing chloride concentrations</li> </ul>
WR004 Welland River	Marginal ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances of chloride, copper, <i>E. coli</i>, total phosphorus (95%), total suspended solids and zinc.</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Lake Niapenco is improving the water quality the Welland River at this site</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> <li>Stable chloride concentrations</li> </ul>
WR005 Welland River	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances of chloride, copper, <i>E. coli</i> (64%), nitrate, total phosphorus (98%), suspended solids (70%) and zinc.</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride concentrations</li> <li>Stable total phosphorus and suspended solid concentrations</li> </ul>

			<ul style="list-style-type: none"> <li>Algae and duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Increasing <i>E. coli</i> concentrations.</li> </ul>
WR006 Welland River	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances of chloride, copper, <i>E. coli</i>, lead, nitrate, total phosphorus (100%), suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Algae and duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
WR007 Welland River	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances of copper, <i>E. coli</i>, lead, nitrate, total phosphorus (100%) total suspended solids (64%) and zinc</li> <li>Potential stressors include: agricultural, roadway run-off</li> <li>Algae and duckweed observed during summer months</li> <li>Site is invaded by non-native Zebra Mussels</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride and total phosphorus concentrations</li> <li>Increasing <i>E. coli</i> and total suspended solid concentrations</li> </ul>
WR009B Welland River	Poor ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances of copper, <i>E. coli</i>, total phosphorus (93%), total suspended solid and zinc</li> <li>Potential stressors include: Sewage treatment plant effluent and agricultural and urban run-off</li> <li>Site strongly influenced by Niagara River backwater which has the potential to improve water quality</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride concentrations</li> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
WR010 Welland River	Marginal ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances of copper, <i>E. coli</i>, total phosphorus (78%), and total suspended solids.</li> <li>Potential stressors include: Sewage treatment plant effluent and agricultural and urban run-off</li> <li>Site strongly influenced by Niagara River backwater which has the potential to improve water quality</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total phosphorus concentrations</li> </ul>
WR011 Welland River	Marginal ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances of chloride, <i>E. coli</i>, total phosphorus (72%) and total suspended solids</li> <li>Potential stressors include: Sewage treatment plant effluent and agricultural and urban run-off</li> <li>Site strongly influenced by Niagara River backwater which has the potential to improve water quality</li> </ul>	<ul style="list-style-type: none"> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> <li>Increasing chloride concentrations</li> </ul>
WR012 Welland River	Excellent	Insufficient Data	<ul style="list-style-type: none"> <li>No water quality exceedances observed</li> <li>Site influenced by re-direction of the Niagara River for Ontario Power Generation hydroelectricity</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>

#### 4.2.2 WELLAND RIVER: HILSENHOFF BIOTIC INDEX RESULTS

Hilsenhoff Biotic Index results indicate that water quality at most stations in the Welland River ranged from *Very Poor* to *Poor* (**Table 3**). Two sites managed to obtain a *Fairly Poor* rating (WR000 and WR005). Results from Hilsenhoff Biotic Index assessments completed between 2015 and 2019 are illustrated in **Appendix J**.

Benthic invertebrates at stations WR001 and WR002 are negatively impacted by discharges from Hamilton International Airport (HIA). The NPCA has completed annual BioMAP assessments for Hamilton International Airport since 1998 (NPCA 2019). Recent NPCA reports (2019) recommend that HIA review its stormwater and de-icing management practices to improve water quality in the upper Welland River. Low BHI scores observed in the Welland River mainly are due to sediment loading, lack of in-stream habitat, and nutrient enrichment. A biological assessment was not completed for WR009B,

WR010, WR011 and WR012 due to high water depth and channel morphology. These stations are located at the siphon where the Welland River flows beneath the Welland Canal and would require boat access for sample collection.

#### 4.2.3 WELLAND RIVER: KEYS FINDINGS

- Based on the 2015-2019 data, elevated concentrations of total phosphorus are a widespread cause of water quality impairment in the Welland River. Greater than 95% of samples collected in the main Welland River exceeded the PWQO with some concentrations greater than 20 times the PWQO. High phosphorus in the Welland River has stimulated the overgrowth of algae and duckweed throughout the watershed. When these plants transpire, and decompose they deplete dissolved oxygen in the water and this in turn stresses aquatic organisms such as fish and benthic invertebrates. Manure from livestock operations, sewage discharges, soil erosion, fertilizers, and pesticides are sources of total phosphorus in the Welland River.
- Generally, the overall water quality of the Welland River downstream of the City of Welland is less stressed than the water upstream of the City of Welland. This is caused by the redirection of the Niagara River water down the Welland River in Chippawa for Ontario Power Generation (OPG). This results in a dilution effect that reduces the concentrations of water quality parameters. This effect is observed all the way to the east side of the City of Welland. However, upstream of the City of Welland, the river flow pattern caused by OPG operations and canal siphons are likely restricting the natural flushing of sediment, nutrients and other contaminants from the central Welland River watershed and exacerbating water quality conditions in this watershed.
- The Hamilton International Airport (HIA) water quality stations WR001 and WR002 continue to have water quality designated as *poor* due to elevated concentrations of chloride and zinc. Chloride concentrations are stable at WR001 but increasing at WR002 despite the recent removal of the road salt storage pad. Zinc concentrations found at these stations consistently exceed the PWQO and are the highest observed in the NPCA water quality network. The current information that the HIA has suggests that zinc is coming off the brake system of the airplanes. It should be noted that zinc concentrations have been decreasing at both stations. The NPCA also has not observed any propylene glycol discharge in WR001 or WR002 this year. In 2011, the HIA expanded its facilities and upgraded its water quality safeguards to WR001 and WR002. Continued monitoring by the NPCA will track water quality changes at these tributaries. The NPCA does not monitor the water quality of the Hamilton Airport tributary identified as the potential source of Perfluorooctane Sulfonate (PFOS) that has been found in turtle/fish tissue sampled at Binbrook Conservation Area. PFOS is a man-made compound belonging to a large family of compounds known as perfluorinated chemicals. These compounds do not readily breakdown and have the potential to bioaccumulate in animal tissue. The PFOS investigation is currently being led by the MECP and Hamilton Public Health, and new fish consumption guidelines were implemented for the 2018 Guide to Eating Ontario Sport Fish. The NPCA has been notifying Binbrook Conservation Area park users about the new fish consumption guidelines and information regarding PFOS has been posted on the NPCA website. The NPCA water quality department has added PFOS sampling in 2014 as part of special project monitoring program at Binbrook Reservoir. The NPCA still undertakes this monitoring.

### 4.3 WELLAND RIVER TRIBUTARIES

Fourteen tributaries of the Welland River are monitored through the NPCA Water Quality Monitoring Program. These tributaries include: Buckhorn Creek, Elsie Creek, Mill Creek, Oswego Creek, Beaver Creek, Big Forks Creek, Coyle Creek, Drapers Creek, Feeder Canal, Grassy Brook, Tee Creek, Thompson Creek, Power Canal and Lyons Creek (**Figure 1**). Tributaries were selected based on drainage area, landuse, restoration projects, and watershed plans.

#### 4.3.1 WELLAND RIVER TRIBUTARIES: WATER QUALITY INDEX

Based on the results of the WQI thirteen of sixteen Welland River tributary stations have water quality that is rated as *poor* (**Table 4**). Tee Creek (TE001), Lyons Creek (LY003), and the Power Canal (PR001) were found to have water quality rated as *marginal*. WQI results are illustrated in **Appendix A**. Mapping showing the spatial distribution of the eight WQI parameters from 2015 to 2019 are found in **Appendix B** to **Appendix I**. Highlights of the water quality monitoring in the Welland River are summarized in **Table 4**:

**Table 4:** Summary of NPCA water quality data for Welland River tributaries (2015-2019)

STATION WATERSHED	WQI RATING ↔ Stable ↓ Declining ↑ Improving	HILSENHOFF FAMILY BIOTIC INDEX RATING	FACTORS AFFECTING WATER QUALITY (%)= PERCENTAGE OF SAMPLES EXCEEDING GUIDELINES THIS IS ONLY REPORTED WHEN >50% OF SAMPLES EXCEED GUIDELINE	TREND GREEN- DECREASING BLACK- NO TREND RED- INCREASING
BF001 Big Forks Creek	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (63%), nitrate, total phosphorus (100%), total suspended solids and zincs.</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Significant algae and overabundance of duckweed observed during summer months</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, and total suspended solid concentrations</li> <li>Increasing total phosphorus concentrations</li> </ul>
BU001 Buckhorn Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (70%), lead, nitrate, total phosphorus (98%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
BV001 Beaver Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i>, lead, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Significant algae observed during summer months</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>



CO001 Coyle Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, lead, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Site invaded by non-native Zebra Mussels</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solids concentrations</li> <li>Stable chloride, <i>E. coli</i> and total phosphorus concentrations</li> </ul>
DR001 Drapers Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (85%), total phosphorus (95%), total suspended solids and zinc</li> <li>Potential stressors include: urban run-off</li> <li>Algae observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> <li>Increasing chloride concentrations</li> </ul>
EL001 Elsie Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, <i>E. coli</i>, lead, nitrate, total phosphorus (97%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Algae observed during summer months</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
GR001 Grassy Brook	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Algae observed during summer months</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TE001 Tee Creek	Marginal ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Nutrient enrichment from upstream agricultural areas</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
LY003 Lyons Creek	Poor ↓	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Site strongly influenced by Niagara River backwater which has the potential to improve water quality</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride concentrations</li> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>

MI001 Mill Creek	Poor ↓	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, lead, nitrate, total phosphorus (97%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Algae and overabundance of duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total phosphorus concentrations</li> <li>Stable chloride, <i>E. coli</i>, and total suspended solid concentrations</li> </ul>
OS001 Oswego Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i> (60%), nitrate, total phosphorus (100%), total suspended solids (83%) and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Algae and overabundance of duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride concentrations</li> <li>Increasing <i>E. coli</i>, total phosphorus and total suspended solids</li> </ul>
OS002 Oswego Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (65%), nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Algae and overabundance of duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TC001 Thompson Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (72%), lead, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
PR001 Power Canal	Marginal ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in <i>E. coli</i> (62%), total phosphorus, total suspended solids and zinc.</li> <li>Potential stressors include: urban run-off and Niagara Falls waste water treatment plant</li> <li>Water source at this site is Niagara River water which potentially improves water quality</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
MR001 Mill Race Creek	Poor ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i> (70%), total phosphorus (100%) and total suspended solids and zinc.</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>
FC001 Feeder Canal	Poor ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, lead, total phosphorus (84%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>



#### 4.3.2 WELLAND RIVER TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS

HBI results indicate that water quality is ranged from *very poor* to *fairly poor* at all Welland River tributary stations currently monitored (**Table 4**). Results from biological assessments completed between 2015 and 2019 are illustrated in **Appendix J**. Generally, the HBI results match with water chemistry ratings. Sediment loading, lack of in-stream habitat, and nutrient enrichment are the primary causes of impairment at all stations. Buckhorn Creek BioMAP assessments are completed biennially by the NPCA for the City of Hamilton as part of the Glanbrook Landfill monitoring plan. Biological assessments completed between 1998 and 2018 indicate that water quality is impaired; however, there is no additional impairment resulting from the landfill (NPCA, 2018).

#### 4.3.3 WELLAND RIVER TRIBUTARIES: KEY FINDINGS

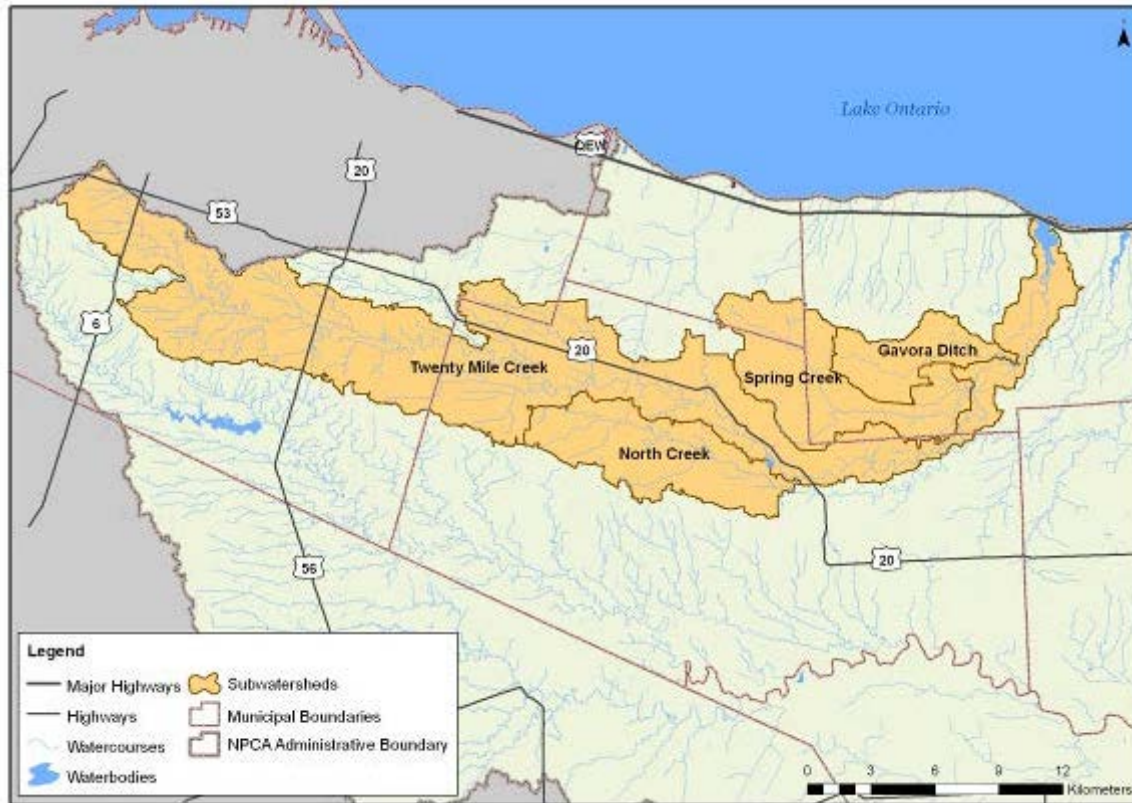
- Based on the 2015-2019 data, elevated concentrations of total phosphorus are a widespread cause of water quality impairment in the Welland River tributaries. Approximately 95% of samples collected from the Welland River tributaries exceeded the PWQO with some concentrations greater than 30 times the PWQO. Concentrations of total phosphorus are very high in Beaver Creek, Big Forks Creek, Oswego Creek and Tee Creek. These subwatersheds have been prioritized for Best Management Practice works to reduce phosphorus loads. Sources of phosphorus include manure from livestock operations, sewage discharges, soil erosion, fertilizers, and pesticides.
- *E. coli* concentrations frequently exceed the provincial objective in Buckhorn Creek, Big Forks Creek, Beaver Creek, Coyle Creek, Drapers Creek, Elsie Creek, Mill Creek, and Oswego Creek.
- Decreasing total phosphorus concentrations in Mill Creek are now being observed with the NPCA's long-term data. Mill Creek watersheds have been targeted by the NPCA's stewardship program over the last twenty years to reduced non-point pollution such as nutrients and sediment. These data provide some evidence that this program is reducing nutrient runoff.



NPCA staff using a water quality sensor to measure dissolved oxygen.

#### 4.4 TWENTY MILE CREEK WATERSHED

The Twenty Mile Creek watershed is the second largest watershed in the NPCA jurisdiction with a total drainage area of 302 km<sup>2</sup>. Nine of 80 NPCA surface water quality monitoring stations are located within the Twenty Mile Creek watershed. There are six stations on the main channel. There are also monitoring stations for each of the subwatersheds which include Spring Creek, North Creek and Gavora Ditch (**Figure 4**).



**Figure 4:** Map of the subwatersheds monitored for water quality within the Twenty Mile Creek watershed

##### 4.4.1 TWENTY MILE CREEK WATERSHED: WATER QUALITY INDEX

Based on the results of the WQI six of nine Twenty Mile Creek watershed stations have water quality that is rated as *poor*. Three stations (GV001, TN002 & SP001) were rated as *marginal*. WQI results are illustrated in **Appendix A**. Mapping showing the spatial distribution of the eight WQI parameters from 2015 to 2019 are found in **Appendix B** to **Appendix I**. Highlights of the water quality monitoring in the Twenty Mile Creek are summarized in **Table 5**:

**Table 5:** Summary of NPCA water quality data for the Twenty Mile Creek watershed (2015-2019)

STATION WATERSHED	WQI RATING ↔ Stable ↓ Declining ↑ Improving	HILSENHOFF FAMILY BIOTIC INDEX RATING	FACTORS AFFECTING WATER QUALITY (%) = PERCENTAGE OF SAMPLES EXCEEDING GUIDELINES THIS IS ONLY REPORTED WHEN >50% OF SAMPLES EXCEED GUIDELINE	TREND GREEN- DECREASING BLACK- NO TREND RED- INCREASING
TN001 Twenty Mile Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (51%), copper, <i>E. coli</i> (74%), lead, total phosphorus (97%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and urban run-off</li> <li>Site invaded by the non-native Chinese Mystery Snails</li> <li>Excessive algae observed during the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TN002 Twenty Mile Creek	Marginal ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (52%), lead, total phosphorus (93%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and urban run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TN003 Twenty Mile Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (56%), nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and urban run-off</li> <li>Excessive algae observed during the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TN003A Twenty Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, <i>E. coli</i> (60%), nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and urban run-off</li> <li>Excessive algae observed during the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TN004 Twenty Mile Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (67%), lead, nitrate, total phosphorus (100%), total suspended solids (59%) and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Algae observed during the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TN006 Twenty Mile Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i> (50%), nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Excessive algae observed during the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, lead, nitrate, total phosphorus and total suspended solid concentrations</li> </ul>

NC001 North Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (65%), lead, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> <li>Excessive algae observed during the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and suspended solid concentrations</li> </ul>
SP001 Spring Creek	Marginal ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i> (79%), lead, total phosphorus (97%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> <li>Excessive algae observed during the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solids concentrations</li> <li>Stable chloride <i>E. coli</i> and total phosphorus concentrations</li> </ul>
GV001 Gavora Ditch	Marginal ↑	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in <i>E. coli</i> (69%), nitrate, total phosphorus (100%), and total suspended solids</li> <li>Potential stressors include: agricultural and roadway run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> <li>Algae observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>

#### 4.4.2 TWENTY MILE CREEK WATERSHED: HILSENHOFF BIOTIC INDEX RESULTS

HBI results indicate that water quality is ranged from *poor* to *fairly poor* at most Twenty Mile Creek monitoring stations (**Table 5**). Results from biological assessments completed between 2015 and 2019 are illustrated in **Appendix J**. Reduced baseflow, high sediment loading due to erosion, lack of in-stream habitat, and nutrient enrichment are primary causes of impairment at these stations.

#### 4.4.3 TWENTY MILE CREEK WATERSHED: KEY FINDINGS

- Based on the 2015-2019 data, elevated concentrations of total phosphorus are a widespread cause of water quality impairment in the Twenty Mile watershed. Approximately 95% of samples collected from the Twenty Mile watershed exceeded the PWQO with some concentrations greater than 30 times the PWQO.
- *E. coli* and total suspended solid concentrations frequently exceed the provincial objective in Twenty Mile Creek watershed. Efforts through BMPs works should continue to be implemented to reduce the sources of *E. coli* in this watershed.





NPCA staff using a water quality sensor to measure stream temperature.

#### 4.5 LAKE ONTARIO TRIBUTARIES

Eighteen tributaries discharging into Lake Ontario are monitored through the NPCA Water Quality Monitoring Program. These tributaries include: Forty Mile Creek, Thirty Mile Creek, Eighteen Mile Creek, Sixteen Mile Creek, Fifteen Mile Creek, Twelve Mile Creek, Francis Creek, Richardson Creek, Walker's Creek, Eight Mile Creek, Six Mile Creek, Four Mile Creek, Two Mile Creek, One Mile Creek, Purdhommes Drain, Welland Canal, Shriners Creek and Beaver Dam Creek (**Figure 6**). Twenty Mile Creek is also a tributary of Lake Ontario but is presented separately due to the relatively large size of the watershed.

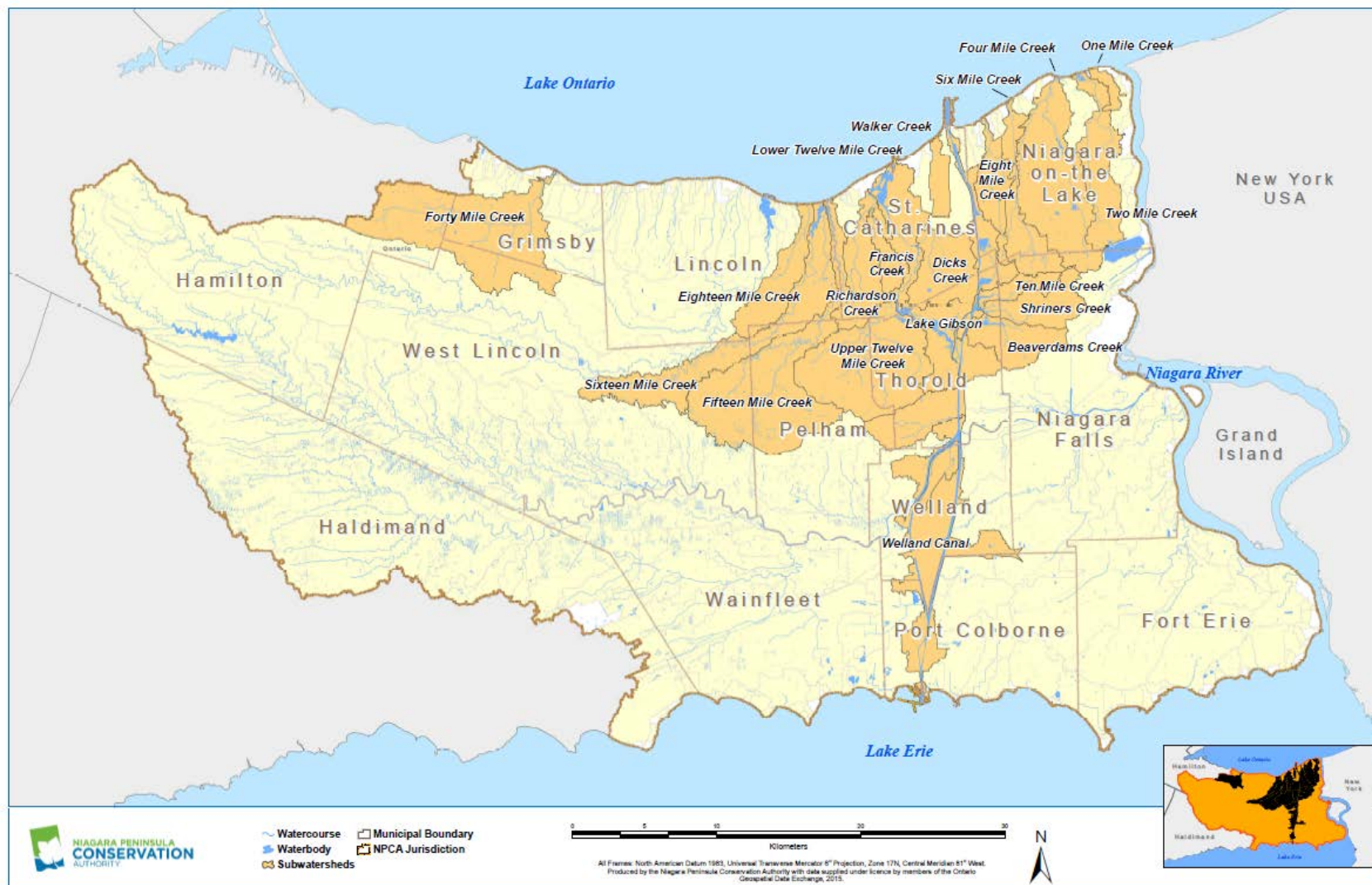
#### 4.5.1 LAKE ONTARIO TRIBUTARIES: WATER QUALITY INDEX

Based on the results of the WQI, sixteen of twenty-seven Lake Ontario tributary stations have water quality that is rated as *poor*. Nine stations were rated as *marginal*, and two stations were rated as *fair*. WQI results are illustrated in **Appendix A**. Mapping showing the spatial distribution of the eight WQI parameters from 2015 to 2019 are found in **Appendix B** to **Appendix I**. Highlights of the water quality monitoring in the Lake Ontario tributaries are summarized in **Table 6**.



Tributary outlet to Lake Erie





**Figure 6:** Map of the subwatersheds draining to Lake Ontario that are monitored for water quality

**Table 6:** Summary of NPCA water quality data for Lake Ontario tributaries (2015-2019)

STATION WATERSHED	WQI RATING ↔ Stable ↓ Declining ↑ Improving	HILSENHOFF FAMILY BIOTIC INDEX RATING	FACTORS AFFECTING WATER QUALITY (%)= PERCENTAGE OF SAMPLES EXCEEDING GUIDELINES THIS IS ONLY REPORTED WHEN >50% OF SAMPLES EXCEED GUIDELINE	TREND GREEN- DECREASING BLACK- NO TREND RED- INCREASING
FM001 Forty Mile Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (81%), lead, nitrate, total phosphorus (91%), total suspended solids and zinc (54%)</li> <li>Potential stressors include: road salt storage compound, quarry dewatering, urban and agricultural run-off.</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
ET001 Eighteen Mile Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper (63%), <i>E. coli</i> (63%), nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: greenhouse waste water, rural and agricultural run-off.</li> <li>Very frequent copper exceedances warrant further investigation</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride concentrations.</li> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
FF001 Fifteen Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i> (60%), lead, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Excessive algae observed during summer months</li> <li>Potential stressors include: rural and agricultural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solid concentrations</li> <li>Stable chloride, <i>E. coli</i>, and total phosphorus concentrations.</li> </ul>
SX001 Sixteen Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (68%), lead, nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solid concentrations</li> <li>Stable chloride, <i>E. coli</i>, and total phosphorus concentrations</li> </ul>
EI001 Eight Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (62%), nitrate, total phosphorus (97%), and total suspended solids and zinc.</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Stable <i>E. coli</i>, and total suspended solid concentrations</li> <li>Increasing chloride and total phosphorus concentrations</li> </ul>
FA001 Francis Creek	Marginal ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (100%), copper, <i>E. coli</i> (81%), nitrate, and total phosphorus (86%), total suspended solids and zinc.</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	Insufficient Data
RC001 Richardson Creek	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (50%), copper (61%), <i>E. coli</i> (67%), nitrate (100%), and total phosphorus (100%), total suspended solids and zinc.</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	Insufficient Data
SI001 Six Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (55%), copper, <i>E. coli</i> (81%), total phosphorus (77%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and roadway run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solid concentrations</li> <li>Stable chloride, <i>E. coli</i>, total phosphorus and</li> </ul>



				total suspended solid concentrations
FU004 Four Mile Creek	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (55%), nitrate, total phosphorus (98%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solid concentrations</li> <li>Stable chloride, <i>E. coli</i> and total phosphorus concentrations</li> </ul>
TM001 Two Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (92%), nitrate, total phosphorus (100%), and total suspended solids</li> <li>Excessive <i>E. coli</i> concentrations warrant further investigations</li> <li>Potential stressors include: rural and urban run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride concentrations</li> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
OM001 One Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (81%), nitrate, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: urban run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, and total suspended solid concentrations</li> <li>Increasing total phosphorus concentrations</li> </ul>
TW001 Twelve Mile Creek	Marginal ↑	Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i> (38%), lead, total phosphorus (69%), total suspended solids and zinc</li> <li>Potential stressors include: rural and urban run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solid concentrations.</li> <li>Stable <i>E. coli</i>, total phosphorus concentrations</li> <li>Increasing chloride concentrations</li> </ul>
TW002 Twelve Mile Creek	Poor ↔	Fair	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i>, lead, total phosphorus, total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing <i>E. coli</i>, total phosphorus and total suspended solids</li> <li>Stable chloride concentrations</li> </ul>
TW003 Twelve Mile Creek	Poor ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (74%), lead, total phosphorus (90%), total suspended solids and zinc</li> <li>Potential stressors include: decommissioned landfill and rural run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> <li>Increasing chloride concentrations</li> </ul>

TW004 Twelve Mile Creek	Marginal ↔	Fair	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i> (52%), nitrate (97%), total phosphorus, total suspended solids and zinc</li> <li>Potential stressors include: golf course and rural run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total phosphorus concentrations</li> <li>Stable <i>E. coli</i>, and total suspended solid concentrations</li> <li>Increasing chloride and nitrate concentrations</li> </ul>
TW005 Twelve Mile Creek	Marginal ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (67%), total phosphorus (68%), total suspended solids and zinc</li> <li>Potential stressors include: rural and urban run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total phosphorus and total suspended solids concentrations</li> <li>Stable <i>E. coli</i> concentrations</li> <li>Increasing chloride concentrations</li> </ul>
TW006 Twelve Mile Creek	Fair ↔	Fair	<ul style="list-style-type: none"> <li>Exceedances in <i>E. coli</i> (54%), total phosphorus (56%) and total suspended solids</li> <li>Potential stressors include: rural run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride concentrations</li> <li>Stable <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
TW007 Twelve Mile Creek	Marginal ↔	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (65%), nitrate, total phosphorus (70%), and total suspended solids</li> <li>Potential stressors include: agricultural and rural run-off</li> <li>Groundwater discharges sustains continuous baseflow at this site.</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>
TW008 Twelve Mile Creek	Marginal ↑	Fairly Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (84%), copper, <i>E. coli</i> (50%), total phosphorus (100%), total suspended solids and zinc.</li> <li>Potential stressors include: agricultural and rural run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing <i>E. coli</i> and total suspended solids concentrations</li> <li>Stable chloride and total phosphorus concentrations</li> </ul>
TW009 Twelve Mile Creek	Marginal ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in chloride, <i>E. coli</i>, nitrate, total phosphorus, total suspended solids and zinc.</li> <li>Potential stressors include: urban run-off and industrial waste water</li> <li>Water source at this site is predominately from the Welland Canal water which potentially improves water quality</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>
TH001 Thirty Mile Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (51%), copper, <i>E. coli</i> (67%), lead, nitrate, total phosphorus (97%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>

WC001 Walkers Creek	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (77%), copper, <i>E. coli</i> (92%), lead, nitrate, total phosphorus (90%), total suspended solids and zinc</li> <li>Potential stressors include: urban run-off</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
SH002 Shriners Creek	Poor ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (647%), copper, <i>E. coli</i> (54%), total phosphorus (100%), total suspended solids and zinc.</li> <li>Potential stressors include: urban run-off</li> <li>Algae and duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solids concentrations</li> <li>Stable chloride and <i>E. coli</i> concentrations</li> <li>Increasing total phosphorus concentrations</li> </ul>
BE004 Beaver Dam Creek	Fair ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in <i>E. coli</i>, total phosphorus (77%), total suspended solids and zinc.</li> <li>Potential stressors include: industrial and urban run-off</li> <li>Algae and duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing <i>E. coli</i> and total phosphorus concentrations</li> <li>Stable total suspended solid concentrations</li> <li>Increasing chloride concentrations</li> </ul>
WE001 Welland Canal	Marginal ↓	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedance in chloride, <i>E. coli</i> and total phosphorus, total suspended solids and zinc.</li> <li>Water source at this site is predominately from the Lake Erie</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>
PD001 Prudhommes Drain	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (64%), copper, <i>E. coli</i> (88%), lead, nitrate, total phosphorus (96%), total suspended solids and zinc</li> <li>Potential stressors include: urban run-off</li> <li>Algae and duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>
BT001 Bartlett Creek	Marginal	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, <i>E. coli</i> (88%), total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: highway and agricultural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient Data</li> </ul>

#### 4.5.2 LAKE ONTARIO TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS

HBI results indicate that water quality is ranged from *fair* to *very poor* at Lake Ontario tributary stations (**Table 6**). Results from biological assessments completed between 2015 and 2019 are illustrated in **Appendix J**. Sediment loading, nutrient enrichment, and the lack of in-stream habitat are the primary causes of impairment at these stations. Upper Twelve Mile Creek stations TW002, TW004, and TW006 located on the Effingham tributary are rated as *fair*. The Effingham tributary of upper Twelve Mile Creek is the only watercourse in the NPCA watershed that consistently achieves this rating. These sites can support several sensitive taxa such as mayflies and stoneflies due to cooler water temperatures, excellent riparian buffer and in-stream habitat, and suitable water quality.

#### 4.5.3 LAKE ONTARIO TRIBUTARIES: KEY FINDINGS

- The Upper Twelve Mile Creek watershed represents some of the best water quality in the Niagara Peninsula. This portion of Twelve Mile Creek supports brook trout and a rich macroinvertebrate community that is unique in Niagara. The main stresses to the aquatic community include exceedances of total phosphorus and *E. coli*. Nitrate contamination has been identified as a stressor at TW004 and its source is likely a golf course. Efforts to minimize these stressors through BMP initiatives will allow this watershed to remain in its current state.
- Based on the 2015-2019 data, all the Lake Ontario tributaries have total phosphorus exceedances. The most impacted of these tributaries include Fifteen Mile Creek, Sixteen Mile Creek and Eighteen Mile Creek which had median concentrations nearly 10 times the PWQO. The upper portions of these watersheds need to be prioritized for BMPs to reduce phosphorus loads. Total phosphorus concentrations were found to be lower in the NOTL watersheds.
- The Lake Ontario tributary WQIs were stable when compared to previous assessments. There was an increase in WQI ratings (*poor* to *fair*) for Twelve Mile Creek at two sites (TW001 and TW008) due to no exceedances in metal parameters. The WQI rating decreased from *fair* to *marginal* at the Welland Canal site (WE001) due to continued exceedances in total suspended solids and zinc concentrations detected during wet-weather events.
- Two Mile Creek (TM001) has the highest concentrations of *E. coli* in the NPCA watershed and continues to suggest that there may be sewage entering the Two Mile Creek. The NPCA sampled the stormwater outfalls of Two Mile Creek Conservation Area and found two sources of the bacteria and are currently working with the Town of NOTL and MECP to solve this issue. Elevated *E.coli* concentrations for Walkers Creek (St. Catharines) and Purdhommes Drain (Lincoln) were also observed and additional follow up will be initiated with the municipalities.
- Copper and zinc concentrations in Eighteen Mile Creek consistently exceed PWQOs. Within the NPCA water quality monitoring network regular metal exceedances are uncommon but based on the landuse in this watershed there may be pesticides entering the watercourse. The MECP has been alerted to these exceedances and will be investigating further.
- Richardson Creek consistently exceeds CCME for nitrate and has a significant nitrate impairment. Possible sources may include upstream agricultural sources and greenhouse operations.



A mayfly (Heptageniidae) collected from 12 Mile Creek

#### 4.6 NIAGARA RIVER TRIBUTARIES

Five tributaries discharging to the Niagara River are monitored through the NPCA Water Quality Monitoring Program. These tributaries include: Bayer Creek, Black Creek, Beaver Creek, Frenchman's Creek, and Usshers Creek (**Figure 8**).

##### 4.6.1 NIAGARA RIVER TRIBUTARIES: WATER QUALITY INDEX

Based on the results of the WQI, Usshers Creek station (US001) was rated as *poor* water quality. Bayer Creek (BA001), Beaver Creek (BR001), Black Creek (BL003) and Frenchman Creek station (FR003) stations were all rated as *marginal*. WQI results are illustrated in **Appendix A**. Mapping showing the spatial distribution of the eight WQI parameters from 2015 to 20198 are found in **Appendix B** to **Appendix I**. Highlights of the water quality monitoring in the Niagara River Tributaries are summarized in **Table 7**:



**Figure 8:** Map of the subwatersheds monitored for water quality in the Niagara River watershed outside of the Welland River



**Table 7:** Summary of NPCA water quality data for Niagara River tributaries (2015-2019)

STATION WATERSHED	WQI RATING ↔ Stable ↓ Declining ↑ Improving	HILSENHOFF FAMILY BIOTIC INDEX RATING	FACTORS AFFECTING WATER QUALITY (%)= PERCENTAGE OF SAMPLES EXCEEDING GUIDELINES THIS IS ONLY REPORTED WHEN >50% OF SAMPLES EXCEED GUIDELINE	TREND GREEN- DECREASING BLACK- STABLE RED- INCREASING
BA001 Bayer Creek	Marginal ↑	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (59%), total phosphorus (100%), total suspended solids and zinc.</li> <li>Potential stressors include: agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solids concentrations</li> <li>Stable chloride, <i>E. coli</i>, total phosphorus and concentrations</li> </ul>
BL003 Black Creek	Marginal ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i>, total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, total phosphorus and total suspended solid concentrations</li> <li>Increasing <i>E.coli</i> and total suspended solid concentrations</li> </ul>
BR001 Beaver Creek	Marginal ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in chloride, <i>E. coli</i>, total phosphorus (100%) and total suspended solids</li> <li>Potential stressors include: agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
FR003 Frenchman Creek	Marginal ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, <i>E. coli</i> (68%), total phosphorus (86%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> <li>Algae observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride and total phosphorus concentrations</li> <li>Stable <i>E. coli</i> and total suspended solid concentrations</li> </ul>
US001 Usshers Creek	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (50%), total phosphorus (100%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> <li>Prone to zero baseflow conditions in the summer months</li> <li>Algae and duckweed observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>

#### 4.6.2 NIAGARA RIVER TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS

HBI results indicate that water quality is *impaired* at all Niagara River tributary stations (Table 7). Results from biological assessments completed between 2015 and 2019 are illustrated in **Appendix J**. Sediment loading, reduced baseflow, lack of in-stream habitat, and nutrient enrichment are primary causes of impairment at these stations. BioMAP

samples have not been collected from station BL003 due to high water depth, channel morphology, and access restrictions.

#### 4.6.3 NIAGARA RIVER TRIBUTARIES: KEY FINDINGS

- Generally, the water quality in these smaller Niagara River tributaries is better than the rest of the NPCA watershed. The degree of landuse impacts from urban and rural pressures are significantly less in these watersheds.
- Based on the 2015-2019 data, all the Niagara River tributaries had total phosphorus exceedances. The most impacted of these tributaries include Usshers Creek, Black Creek and Bayer Creek which had median concentrations 6 times the PWQO. Total phosphorus concentrations were found to be much lower in Frenchman Creek with median concentrations only 2 times the PWQO. Nonetheless these watersheds would benefit by Best Management Practice works to reduce phosphorus loads.

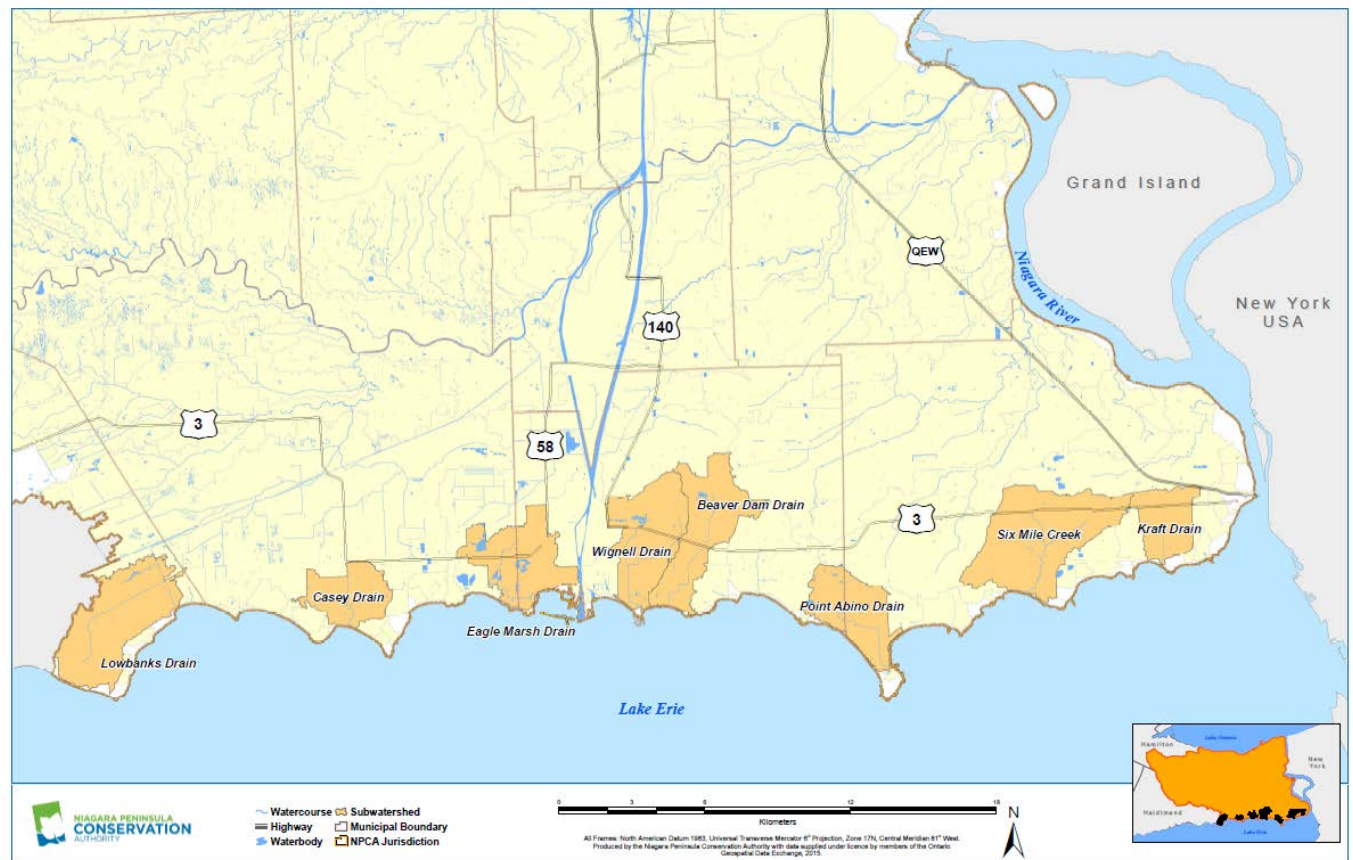
#### 4.7 LAKE ERIE TRIBUTARIES

Eight tributaries discharging to Lake Erie are monitored through the NPCA Water Quality Monitoring Program. These tributaries include: Beaver Dam Creek, Casey Drain, Eagle Marsh Drain, Krafts Drain, Low Banks Drain, Point Abino Drain, Six Mile Creek, and Wignell Drain (**Figure 10**). In addition, the Welland Canal monitoring point in Port Colborne is also included with the Lake Erie tributaries. Water at this site enters the Welland Canal and outlets in Lake Ontario.

##### 4.7.1 LAKE ERIE TRIBUTARIES: WATER QUALITY INDEX

Based on the results of the WQI four of nine Lake Erie tributary stations are rated as having *poor* water quality three stations are rated as *marginal*, one station (PA001) rated as fair and one station rated as *good* (**Table 8**). WQI results are illustrated in **Appendix A**. Mapping showing the spatial distribution of the eight WQI parameters from 2015 to 2019 are found in **Appendix B** to **Appendix I**. Highlights of the water quality monitoring in the Lake Erie Tributaries are summarized in **Table 8**:





**Figure 10:** Map of the subwatersheds monitored for water quality along the north shore of Lake Erie

**Table 8:** Summary of NPCA water quality data for Lake Erie tributaries (2015-2019).

STATION WATERSHED	WQI RATING ↔ Stable ↓ Declining ↑ Improving	HILSENHOFF FAMILY BIOTIC INDEX RATING	FACTORS AFFECTING WATER QUALITY (%)= PERCENTAGE OF SAMPLES EXCEEDING GUIDELINES THIS IS ONLY REPORTED WHEN >50% OF SAMPLES EXCEED GUIDELINE	TREND GREEN- DECREASING BLACK- NO TREND RED- INCREASING
BD001 Beaver Dam Drain	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper (51%), <i>E. coli</i> (59%), nickel, nitrate, total phosphorus (97%), total suspended solids and zinc</li> <li>Potential stressors include: historic industrial pollution, agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solids concentrations</li> <li>Stable chloride, <i>E. coli</i>, and total phosphorus concentrations</li> </ul>
CD001 Casey Drain	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i> (59%), nitrate, total phosphorus (97%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride and total suspended solids concentrations</li> <li>Stable <i>E. coli</i> and total phosphorus concentrations</li> </ul>
EM001 Eagle Marsh Drain	Marginal ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride (59%), <i>E. coli</i> (65%), total phosphorus (82%), total suspended solids and zinc.</li> <li>Potential stressors include: quarry dewatering, agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride and total suspended solids concentrations</li> <li>Stable <i>E. coli</i>, and total phosphorus concentrations</li> </ul>
KD001 Krafts Drain	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, <i>E. coli</i> (76%), nitrate, total phosphorus (89%), total suspended solids and zinc</li> <li>Potential stressors include: rural and urban run-off</li> <li>Algae observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing total suspended solids concentrations</li> <li>Stable chloride and <i>E. coli</i>, concentrations</li> <li>Increasing total phosphorus concentrations</li> </ul>
LB001 Low Banks Drain	Marginal ↔	Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i>, nitrate, total phosphorus (95%), total suspended solids and zinc</li> <li>Potential stressors include: agricultural and rural run-off</li> <li>Severe algae growth observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Stable chloride, <i>E. coli</i>, total phosphorus and total suspended solid concentrations</li> </ul>
PA001 Point Abino Drain	Fair	Poor	<ul style="list-style-type: none"> <li>Exceedances in copper, <i>E. coli</i>, and total phosphorus (74%).</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing <i>E. coli</i> and total suspended solids concentrations</li> </ul>

	↔		<ul style="list-style-type: none"> <li>Potential stressors include: agricultural and rural run-off</li> <li>Site is influenced by backflow from Lake Erie which is likely improving water quality</li> </ul>	<ul style="list-style-type: none"> <li>Stable total suspended solid concentrations</li> <li>Increasing chloride concentrations</li> </ul>
SM001 Six Mile Creek	Marginal ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, total phosphorus (100%), and total suspended solids</li> <li>Potential stressors include: agricultural and rural run-off</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride and total suspended solids concentrations</li> <li>Stable <i>E. coli</i> and total phosphorus concentrations</li> </ul>
WD001 Wignell Drain	Poor ↔	Very Poor	<ul style="list-style-type: none"> <li>Exceedances in chloride, copper, <i>E. coli</i>, nickel, nitrate, total phosphorus (100%), and total suspended solids and zinc</li> <li>Potential stressors include: quarry dewatering historic industrial pollution, agricultural and rural run-off</li> <li>Algae observed during summer months</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing chloride and total suspended solids concentrations</li> <li>Stable <i>E. coli</i> concentrations</li> <li>Increasing total phosphorus concentrations</li> </ul>
WE000 Welland Canal	Good ↔	Insufficient Data	<ul style="list-style-type: none"> <li>Exceedance total phosphorus</li> <li>Water source at this site is predominately from the Lake Erie</li> </ul>	Insufficient Data

#### 4.7.2 LAKE ERIE TRIBUTARIES: HILSENHOFF BIOTIC INDEX RESULTS

HBI results indicate that water quality is *impaired* at most Lake Erie tributary stations (**Table 8**). Results from biological assessments for these stations are illustrated in **Appendix J**. Sediment loading, reduced baseflow, lack of in-stream habitat, and nutrient enrichment are primary causes of impairment at these stations. BioMAP samples have not been collected from SM001 due to high water depth, channel morphology, and access restrictions.

#### 4.7.3 LAKE ERIE TRIBUTARIES KEY FINDINGS

- Based on the 2015-2019 data, all the Lake Erie tributaries have total phosphorus exceedances. The most impacted of these tributaries include Beaver Dams Drain, Casey Drain and Wignell Drain which had median concentrations 7 times the Provincial Water Quality Objective. In addition, the total phosphorus concentrations in Wignell Drain have been significantly increasing since 2007. These watersheds need to be prioritized for Best Management Practice (BMPs) works to reduce phosphorus loads.
- Total suspended solid concentrations have been found to be significantly decreasing in the Lake Erie tributaries since 2007. These decreases have been observed in Casey Drain (CD001), Eagle Marsh Drain (EM001), Six Mile Creek (SM001), and Wignell Drain (WD001). The decreasing trend observed in these watersheds could be the result of several factors which include improved farming

practices such as no-till minimize soil erosion, improved construction site sediment controls (silt fences/sedimentation basin), water retention ponds and drier watershed conditions.

- Nickel is not included in the WQI calculation; however, nickel concentrations were found to frequently exceed the PWQO at Beaver Dam Creek station BD001 and Wignell Drain station WD001. These nickel exceedances are likely from previous industrial landuse.

## **5.0 GROUNDWATER QUALITY MONITORING PROGRAM**

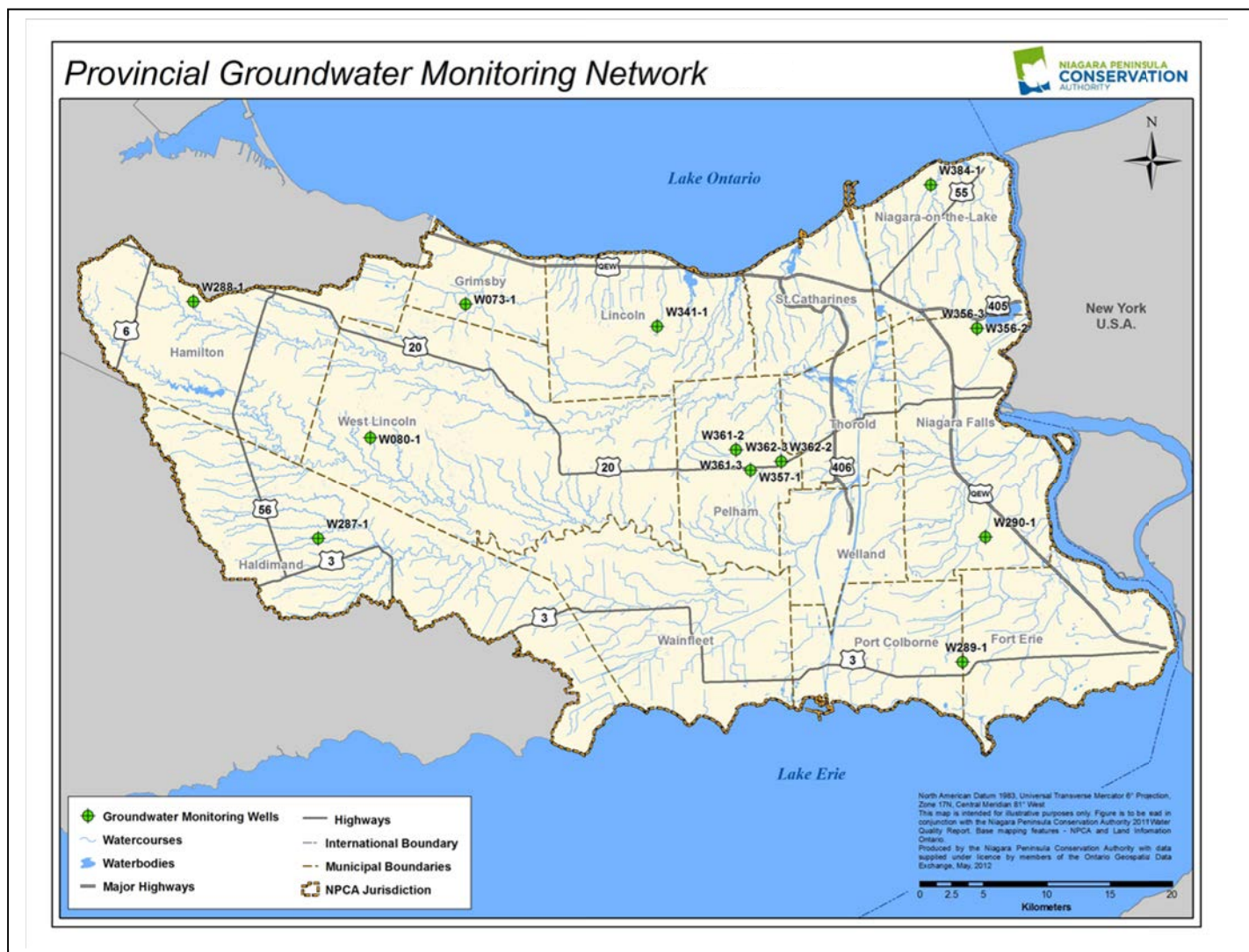
### **5.1 PROVINCIAL GROUNDWATER MONITORING NETWORK**

The Provincial Groundwater Monitoring Network (PGMN) is a partnership between the MECP and the Conservation Authorities of Ontario. The PGMN is a province-wide groundwater monitoring initiative designed to collect long-term baseline data on groundwater quantity and quality in special areas of interest. There are currently 470 ambient groundwater monitoring wells in the program. Groundwater is monitored through a network of 15 monitoring wells located throughout the NPCA watershed in locally significant hydrogeological areas. Monitoring wells are instrumented with datalogging equipment which record hourly groundwater levels at all stations. Groundwater quality samples are collected twice yearly from 13 of the 15 wells during the spring and fall, and analyzed for nutrients, metals, bacteria, and general chemistry. The two other wells W356-2 and W356-3 were not sampled because the NPCA was unable to obtain permission from the well owner. Refer to **Figure 11** for NPCA groundwater monitoring locations.



Provincial Groundwater Monitoring Well W0000361-3 in Pelham





**Figure 11:** Location of PGMN monitoring wells in the NPCA watershed

### 5.1.1 Groundwater Levels

The NPCA has been monitoring water levels at all PGMN wells since 2003. Groundwater levels at this well are typically at their highest during the late-winter and spring but drop during the dry summer months are lowest in the fall. There is also yearly variation in water levels at PGMN wells which is dependent on precipitation. In dry years (such as 2016) water levels can drop substantially from seasonally high water levels; and conversely the water level drops in wet years (2009) are not substantial. PGMN monitoring wells each have water levels that are seasonally and yearly variable due to several factors (formation that well is placed into, soils, precipitation, etc.). The results of this monitoring are found in **Appendix K**.

The data from the PGMN will is also being used to help in the understanding of the impact of both local dry weather events and broader provincial scale drought events and therefore can assist in climate change adaptation planning.

### 5.1.2 Groundwater Chemistry

The first round of groundwater quality samples was collected by the NPCA and MOE between 2002 and 2005 and analyzed by the MOE laboratory for a wide range of parameters including metals, nutrients, volatile organic compounds (VOCs), pesticides and general chemistry. Results from the first round of sampling generally indicate that water quality is good relative to natural bedrock conditions. VOCs and pesticides were not detected in any first round samples.

Routine groundwater quality sampling was initiated in 2006, and samples are collected by the NPCA during the spring and fall seasons of most field seasons. Groundwater quality samples are analyzed for bacteria, nutrients, metals, and general chemistry. Exceedances of the Ontario Drinking Water Standards (MOE 2003) are flagged by the MECP and are reported to the NPCA, Region of Niagara Public Health Department and local municipalities. Wells with reported exceedances are subsequently re-sampled by the MECP to confirm the initial exceedance. Based on the type and source of the exceedance these agencies formulate an action plan to protect human health. Confirmed exceedances of the ODWS (MOE 2003) at NPCA PGMN wells sampled between 2015 and 2019 are summarized in **Table 9**.

**Table 9:** NPCA PGMN stations with Health-Related Exceedances of the ODWS (2015-2019). Blue text exceedances are caused by natural groundwater conditions and red text exceedances are caused by human influences

Well ID Location	Well Type	Formation	Year				
			2015	2016	2017	2018	2019
W073-1 Grimsby	Bedrock	Guelph-Lockport	Sodium	Sodium	Sodium	Sodium	Sodium
W080-1 West Lincoln	Bedrock	Guelph-Lockport	Sodium Fluoride	Sodium Fluoride	Sodium Fluoride	Sodium Fluoride	Sodium Fluoride
W287-1 Haldimand County	Bedrock	Salina	Sodium	Sodium	Sodium	Sodium	Sodium
W288-1 Hamilton	Bedrock	Guelph-Lockport	No Exceedance	No Exceedance	No Exceedance	No Exceedance	No Exceedance
W289-1 Port Colborne	Bedrock	Onondaga	No Exceedance	No Exceedance	No Exceedance	No Exceedance	No Exceedance
W290-1 Niagara Falls	Bedrock	Salina	Sodium Boron	Sodium Boron	Sodium Boron	Sodium Boron	Sodium Boron
W341-1 Lincoln	Bedrock	Clinton	Sodium	Sodium	Sodium	Sodium	Sodium
W356-2 Niagara Falls	Overburden	St.David's Buried Gorge	No Exceedance	No Exceedance	No Exceedance	No Exceedance	No Exceedance
W356-3 Niagara Falls	Overburden	St.David's Buried Gorge	No Exceedance	No Exceedance	No Exceedance	No Exceedance	No Exceedance
W357-1 Pelham	Overburden	Fonthill Kame	No Exceedance	No Exceedance	No Exceedance	No Exceedance	No Exceedance
W361-2 Pelham	Overburden	Fonthill Kame	Nitrate	Nitrate	Nitrate	Nitrate	Nitrate
W361-3 Pelham	Overburden	Fonthill Kame	Sodium	Sodium	Sodium	Sodium	Sodium
W362-2 Pelham	Overburden	Fonthill Kame	Sodium	Sodium	Sodium	Sodium	Sodium
W362-3 Pelham	Overburden	Fonthill Kame	No Exceedance	No Exceedance	No Exceedance	No Exceedance	No Exceedance
W384-1 NOTL	Overburden	Iroquois Sandplain	Nitrate	Nitrate	Nitrate	Nitrate	Nitrate

### 5.1.3 PGMN KEY FINDINGS

- The elevated concentrations of boron, and fluoride observed in monitoring wells W080-1, W290-1, and W341-1 have been attributed to natural groundwater conditions by the MECP Environmental Monitoring and Reporting Branch (EMRB) staff. These elements occur naturally in the groundwater and the MECP reports these exceedances are likely due to the dissolution of minerals from the bedrock formations. No anthropogenic activities or potential sites were identified. This appears to be an aquifer wide issue that will likely be present when this water is extracted for use. Water treatment is recommended when using these sources for drinking.
- Elevated sodium concentrations have been observed in W073-1, W080-1, W287-1, W290-1, W341-1, W361-3, and W362-2. MECP EMRB staff has attributed these exceedances to natural groundwater conditions and impacts from road salt. As per the MECP exceedances protocol the Niagara Medical Officer of Health was notified when the sodium concentration exceeded 20 mg/L for each PGMN well, so that this information could be communicated to local physicians for their use with patients on sodium restricted diets.
- Elevated nitrate concentrations observed at monitoring wells W384-1 and W361-2 are likely attributed to agricultural landuse and/or faulty septic systems. Nitrate concentrations at W384-1 have remained unchanged since 2003, but nitrate concentrations have been significantly increasing at W361-2. In response to these exceedances additional groundwater sampling of local private wells was completed by the NPCA in partnership with the Region of Niagara Public Health Unit in October 2008 and November 2009. The purpose of the additional sampling was to determine the extent of nitrate contamination near PGMN wells (W384-1 and W361-2) and to notify affected residents of potential health concerns related to elevated nitrate concentrations in drinking water. Sampling results indicated that none of the private wells tested exceeded the Ontario Drinking Water Standard (ODWS) for nitrate (MOE 2003) near W384-1 and one private well was found to exceed the ODWS near W361-2. The well exceeding the ODWS was determined to be a shallow dug well with poor construction and is likely not related to the nitrate exceedance at PGMN well W361-2.



## 5.2 WATER WELL DECOMMISSIONING PROGRAM

In 2019, the NPCA continued to provide grants to watershed residents interested in properly decommissioning abandoned water wells on their property through the NPCA Water Well Decommissioning Program. The grant program offers an 80% subsidy for water well decommissioning to a maximum of \$1000 per well. Grant applications are prioritized in areas designated as highly susceptible to groundwater contamination in the NPCA Groundwater Study (Waterloo Hydrogeologic Inc. 2005), areas where there is a high density of private wells used for domestic purposes, and areas where a watershed plan has been completed or is underway. Numerous improperly abandoned water wells are known to exist in the NPCA watershed, and these wells can serve as a direct pathway between potential contaminants at ground surface and deeper aquifers. The implementation of this program will reduce the risk of groundwater contamination and fulfills a recommendation made in the Groundwater Management Strategy of the NPCA Groundwater Study (Waterloo Hydrogeologic Inc. 2005).

To date, 99 water wells have been decommissioned with the NPCA water well decommissioning program **Table 10**. An example of a water well decommissioning project is shown in **Figure 12**. Recently the participation with this program has been very strong with a 100% of the funding allocated. Increased participation is attributed to improved exposure of the program in the watershed through various media sources and word of mouth from licensed well contractors.

**Table 10:** Number and location of abandoned water wells decommissioned through the NPCA Water Well Decommissioning Grant from 2007 to 2019.

Year	# of Projects	Location of Projects
2007	4	Hamilton (2), Lincoln (1), Niagara Falls (1)
2008	1	Niagara-on-the-Lake (1)
2009	3	Grimsby (1), Lincoln (1), Niagara Falls (1)
2010	7	Grimsby (1), Lincoln (1), Pelham (3), St. Catharines (2), West Lincoln (1)
2011	9	Niagara Falls (1), NOTL (1), Pelham (2), Port Colborne (3), Wainfleet (1), West Lincoln (1)
2012	10	St. Catharines (1), NOTL (1), Pelham (1), Port Colborne (1), Wainfleet (1), West Lincoln (1), Fort Erie (2), Lincoln (2)
2013	12	St. Catharines (2), Niagara Falls (1), NOTL (3), Pelham (1), Lincoln (2), Wainfleet (2), West Lincoln (1)
2014	12	Niagara Falls (1), Fort Erie (1), NOTL (2), Pelham (3), Lincoln (1), Welland (2), Port Colborne (1), Thorold (1)
2015	9	NOTL (1), Pelham (3) Colborne (1), St. Catharines (2), Wainfleet (2)
2016	9	Hamilton (1), Lincoln (2), Niagara Falls (1), NOTL (1), Pelham (1), Wainfleet (3),
2017	8	Hamilton (2), Pelham (1), NOTL (1), Wainfleet (2), West Lincoln (2)
2018	10	Lincoln (4), NOTL (2), Pelham (1), St. Catharines (2), West Lincoln (1)
2019	5	Grimsby (1), Hamilton (1), Lincoln (1), Niagara Falls (1), Pelham (1)



**Figure 12:** An example of a NPCA Water Well Decommissioning Project. Left photo shows an abandoned drilled well in need of decommissioning and the right photo shows same dug well after decommissioning had been completed by a licensed well contractor.

## **6.0 OTHER PROJECTS**

### **6.1 HAMILTON INTERNATIONAL AIRPORT**

Since 1998, the NPCA has been commissioned and funded by the Hamilton International Airport (HIA) to complete annual biological assessments of water quality near their property. The goal of the annual assessment is to determine if stormwater runoff and de-icing fluids such as propylene glycol are impacting surface water quality in two headwater tributaries of the Welland River. The annual biomonitoring is part of the airport's commitment to fulfilling a recommendation in the Niagara River Remedial Action Plan to improve degraded water quality in the Welland River. The NPCA generates this separate report for the HIA for their exclusive information and use. Data collected by the NPCA since 1998 indicates that water quality in the upper Welland River is impaired due to stormwater runoff and de-icing management practices at HIA. Despite the continuing water quality issues the HIA has made considerable efforts to improve water quality by: 1) Relocating the road salt storage area; 2) Sending glycol off-site for recovery where concentrations allow; 3) Increased use of recovered glycol and improved on-site glycol containment; 4) Glycol waste water is now discharged to the Hamilton sanitary sewer and 5) Using smaller salt trucks for de-icing. The NPCA supports these operational changes and strongly recommends the HIA continue to investigate new and innovated methods to improve water quality on their property.

### **6.2 GLANBROOK LANDFILL**

Since 1998, the NPCA has been commissioned and funded by the City of Hamilton to complete biennial biological assessments of water quality for the Glanbrook Landfill. The Glanbrook Landfill is owned and operated by the City of Hamilton, and is designed to receive domestic, commercial, and non-hazardous solid industrial waste. The purpose of the biennial assessments is to determine if stormwater runoff and leachate from the landfill are negatively impacting water quality and aquatic biota in the Welland River and Buckhorn Creek. The NPCA generates this separate report for the City of Hamilton for their exclusive information and use. Results from NPCA assessments indicate that water quality in these watercourses has improved since 1996, with limited landfill impacts observed in 1996 and no impacts observed from 1998 through to 2016.

### **6.3 TWELVE MILE CREEK TEMPERATURE MONITORING**

The upper Twelve Mile Creek watershed contains the only identified coldwater streams in the NPCA watershed and its biota are very sensitive to water temperature changes. In 2013, the NPCA reinitiated temperature monitoring in the upper Twelve Mile Creek watershed to (1) identify and classify the thermal regime for the Twelve Mile Creek surface water sampling stations; (2) identify possible areas of restoration within the Twelve Mile Creek watershed; and (3) identify any changes that may have occurred to the thermal stability of Twelve Mile Creek. The results of this monitoring are found in **Appendix K**.

#### 6.4 LAKE NIAPENCO PERFLUORINATED COMPOUND MONITORING

Since 2012 the NPCA has been monitoring for perfluorinated compounds (PFCs) in Lake Niapenco and groundwater supply well at Binbrook Conservation Area. PFCs were found in the plasma of snapping turtles at Lake Niapenco in 2009 and 2010 by an Environment Canada (EC) scientist as part of an organic toxins accumulation study (de Solla et al. 2012). PFC trackdown studies by MECP confirmed the presence of PFCs in Lake Niapenco and identified John C. Munro International Airport as the source of the contamination (Fowler 2011).

NPCA collected a water sample at Lake Niapenco on July 24 2019. A raw water sample could not be collected from the water supply well because of the new water treatment infrastructure prevented access. **Figure 13** shows the sample location in the Conservation Area. Water samples were collected following the same protocol used by the NPCA's Operation Department. This protocol was as follows: 1) Lake Niapenco samples were collected in waist-deep water at the beach (**Figure 14**); and 2) Samples were collected and placed in a cooler with ice and shipped the next day for PFC analysis.



**Figure 13:** Sample Location at Lake Niapenco



**Figure 14:** Sample location at the beach Lake Niapenco

### *Lake Niapenco*

The water chemistry results from Lake Niapenco indicate the presence of PFOS (a PFC of concern) at concentrations below Health Canada Provisional Drinking Water Guidelines (**Figure 15**). The concentration of PFOS generally matched the PFOS concentrations observed in previous NPCA sampling events but higher than the range of mean concentrations detected by de Solla *et al.* (2012) shown in **Figure 15**. Another PFC of concern, Perfluorooctanoic acid (PFOA) was not detected but several other PFCs were detected in the Lake Niapenco. These included Perfluorohexane Sulfonate (PFHxS), Perfluorohexanoic Acid (PFHxA) and Perfluoropentanoic Acid (PFPeA) (**Figure 16**). These concentrations generally matched previous sampling event concentrations and PFPeA concentrations were higher than those detected in the study by de Solla *et al.* (2012). These PFCs (PFHxS, PFHxA and PFPeA) have no drinking water guidelines.

Lake Niapenco was contaminated by historic PFC usage from John C. Munro International Airport in Hamilton (de Solla 2012 and Fowler 2011). The NPCA's monitoring at Binbrook Conservation Area continues to support the evidence that PFCs and specifically PFOS are present in Lake Niapenco but not at concentrations above Health Canada drinking water guidelines. It is expected that PFCs will continue to be present in Lake Niapenco due the persistence of PFCs in the environment and due to the delay to contain upstream sources. It should be noted that Hamilton Public Health has evaluated previous PFC water quality data at Binbrook Conservation Authority and determined that the PFC concentrations detected would not adversely affect the park users.

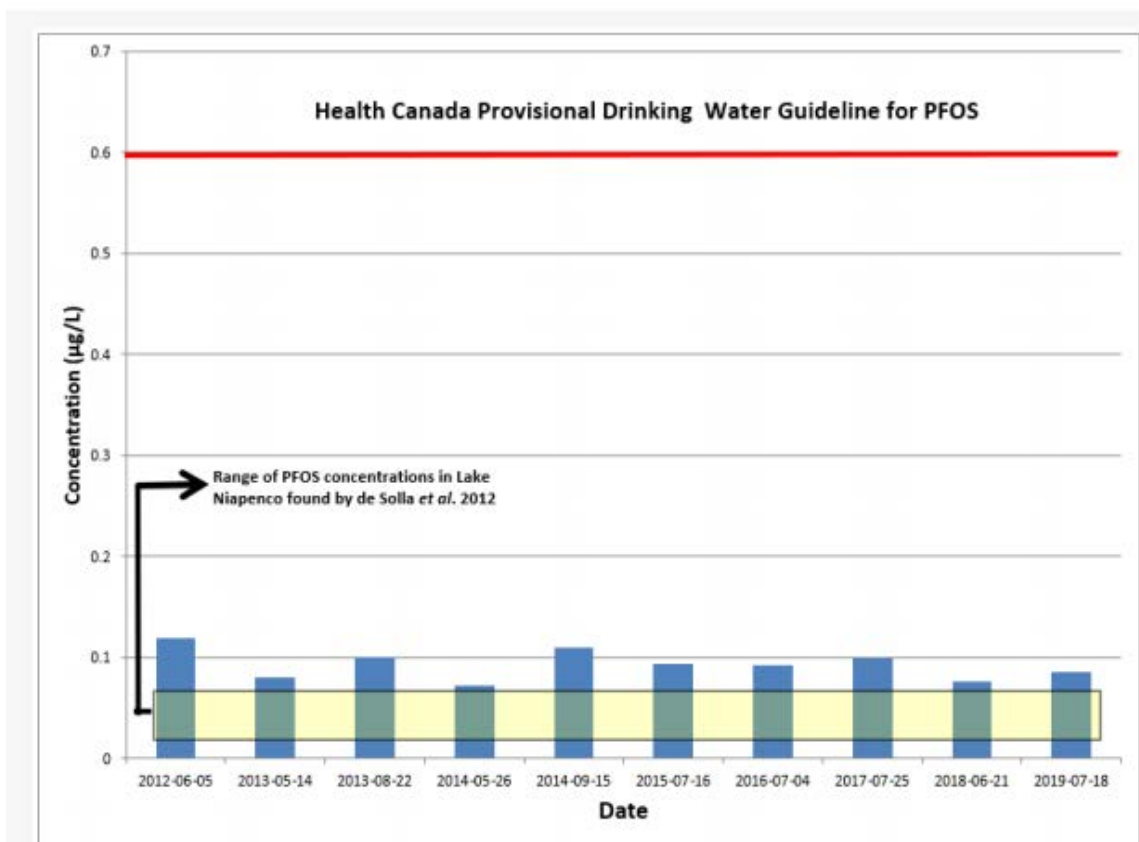


Figure 15. PFOS concentrations found in Lake Niapenco by NPCA monitoring 2012-2019

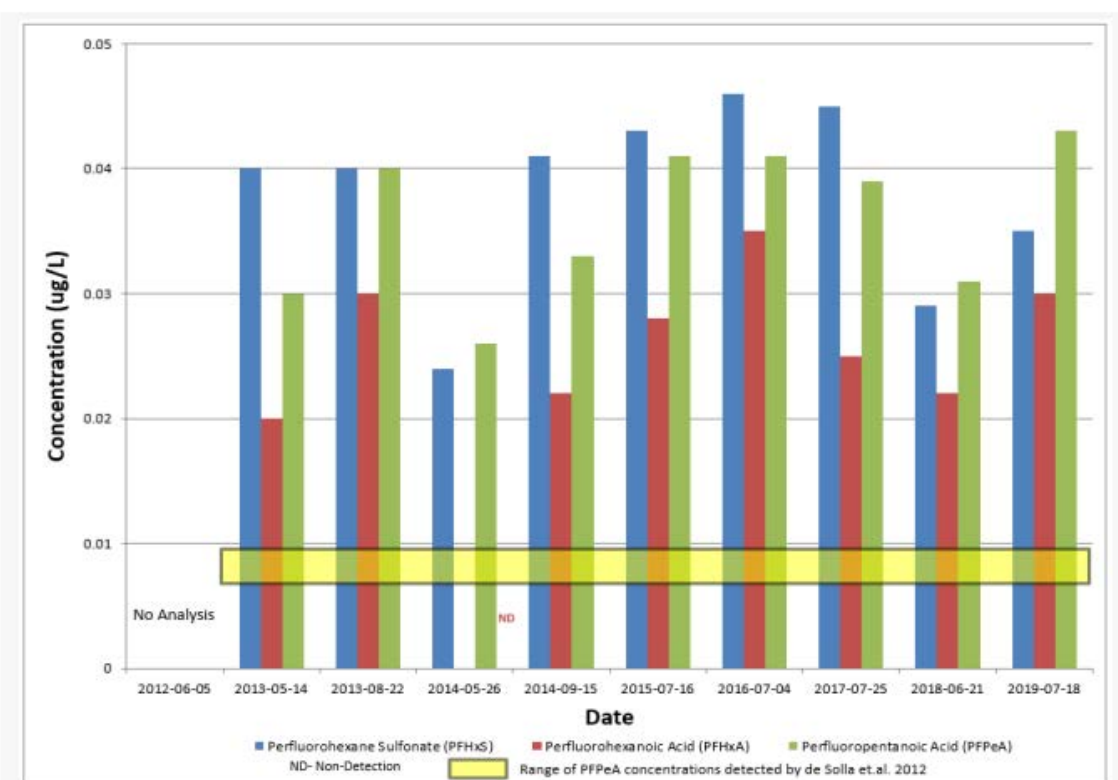


Figure 16: PFHxS, PFHxA and PFPeA concentrations found in Lake Niapenco by NPCA monitoring 2012-2019.



## **6.5 CANADA ONTARIO AGREEMENT CLIMATE CHANGE MONITORING NETWORKS REVIEW PROJECT**

A climate change sensitivity assessment completed by the MECP in 2009 identified the NPCA watershed as one of several southern Ontario watersheds that are highly vulnerable to the impacts of climate change. Indicators used in their analysis were related to water quality and quantity for both surface and groundwater resources. These indicators included frequency of low water levels, water use, water quality at active PWQMN stations, shallow well vulnerability, and baseflow. As a follow-up to this assessment, the NPCA conducted a detailed assessment in 2009-2010 of their existing monitoring networks and made specific recommendations for climate change detection and adaptation monitoring. Based on the NPCA and MECP assessments the existing monitoring station at Balls Falls Conservation Area was upgraded to an integrated monitoring site in 2015 which includes a rain gauge, soil moisture sensors and extended laboratory analysis for event sampling.

## **6.6 NPCA DATA REQUESTS**

The NPCA Water Quality Monitoring Program generates a large wealth of scientific data that is a valuable resource to several clients. In 2019, the NPCA water quality monitoring program received 55 data requests from a variety of agencies and the public. These include:

- Ontario Ministry of the Environment
- Ontario Ministry of Agriculture, Food and Rural Affairs
- Ontario Ministry of Natural Resources
- Academia (McMaster University & University of Waterloo)
- Environment Canada
- Municipalities (Upper and Lower Tier)
- Health Units (Hamilton and Niagara)
- Consultants
- Non-Governmental Agencies
- Public



NPCA staff collecting a grab sample for laboratory analysis.

## **7.0 CONCLUSIONS**

Based on the foregoing, the NPCA offers the following conclusions:

- Based on the results of the 2015 to 2019 WQI, 60% of the NPCA surface water monitoring stations are rated as *poor*, 33% are rated as *marginal*, 5% are rated as *fair* and 2% is rated as *excellent*.
- Based on the results of the 2015 to 2019 biological assessments using the Hilsenhoff Biotic Index (HBI): 21% of the NPCA monitoring stations had water quality rated as very poor, 36% rated as poor, 21% rated as fairly poor, 4% rated as fair and 18% have not been assessed.
- Generally, the WQI ratings at water quality stations were relatively stable when compared to historic NPCA data. None of the NPCA monitoring site showed improvement in WQI ratings. The Welland Canal (Port Colborne) has the highest water quality rating in the NPCA watershed. This is not unexpected as the water found in the Welland Canal is from Lake Erie. The other monitoring sites with high WQI ratings include the Point Abino Drain (Fort Erie), the Effingham tributary of Twelve Mile Creek (Pelham), the upper Welland River (Hamilton), the Welland River under the influence of the Niagara River (Niagara Falls) and Beaver Creek (Fort Erie).
- WQI ratings decreased in Lyons Creek (Niagara Falls) and the Welland Canal (St. Catharines) because of increased exceedances of water quality parameters. WQI ratings improved in Bayer Creek (Niagara Falls), Gavora Ditch (Lincoln) and Twelve Mile Creek (Pelham and Thorold) this is due to decreases in the number and magnitude of water quality exceedances.
- The NPCA watershed has total phosphorous exceedances of the Provincial Water Quality Objective at virtually all monitoring stations owing to the higher population densities, and larger concentration of agriculture and industry. Based on the data collected to date, elevated concentrations of total phosphorus are the most frequent (over 95% observations) and widespread cause of water quality impairment in the NPCA watershed. The relative high frequency and magnitude of these exceedances is the driving factor in lowering the WQI at all stations. However, the NPCA is now observing statistically significant decreases of total phosphorus concentrations in approximately 8% of NPCA's long-term monitoring stations. There are many potential reasons for these decreases such as a change in agricultural practices, improve nutrient management initiative, implementation of the watershed stewardship initiatives and climatic conditions. It should be noted that despite these decreases most of these stations are still 5 to 20 times the PWQO. Also, these trend results did not indicate whether such an change in ecologically significant.
- Exceedances of *E. coli* also contribute greatly to lower WQI ratings in the NPCA watershed. Approximately 60% of the NPCA stations have median *E. coli* concentrations greater than the PWQO. *E. coli* concentrations in the 5 watersheds (One Mile Creek, Two Mile Creek, Walkers Creek and Prudhommes Drain) are high relative to other watersheds and the sources of these exceedances need to be examined further. The NPCA initiated a trackdown of *E. coli* sources in Two Mile Creek Conservation Area and discovered a storm sewer outfall as the likely source of the *E. coli* contamination. This information has been provided to the Town of the Niagara-on-the-Lake and the Town staff are investigating the



neighbouring subdivision for a source. The NPCA has also observed elevated *E. coli* concentrations in Walkers Creek (St.Catharines) and Prudhommes Drain (Lincoln). The NPCA will continue to work with municipalities to identify *E. coli* sources.

- WQI ratings and Hilsenhoff Biotic Index results did not agree at every station (i.e. where the WQI rating is *marginal* the Hilsenhoff Biotic Index rating is *very poor*) indicating that the benthic invertebrate data does not entirely support the chemical data. There may be other factors which are beyond the scope of this analysis such as the availability of in-stream habitat, size of the dataset used to calculate the WQI rating, and influence of parameters not monitored by the NPCA that may be affecting this agreement. Nonetheless biological and chemical monitoring remain important tools to evaluating water quality.
- Exceedances for chloride, metals (copper, lead, and zinc), nitrate, and total suspended solids were uncommon in the NPCA watershed. Elevated copper exceedances in Beaver Dam Creek (Port Colborne) and Eighteen Mile Creek warrant further investigation. Zinc exceedances in the Welland River are related to Hamilton Airport operations and the NPCA and MECP are working with the HIA to reduce concentrations. Chloride exceedances are related to road salt impacts and groundwater discharge to surface water. Nitrate exceedances in the Richardson Creek and the upper Twelve Mile Creek may be related nearby commercial operations in the area. Total suspended solids are mainly related wet weather events and inadequate riparian buffers along watercourses.
- The water quality at most PGMN monitoring wells meets the ODWS and therefore can be characterized as good water quality. Some of the PGMN monitors were found to have exceedances in boron, fluoride and sodium that were attributed to natural conditions of the groundwater. Nitrate exceedances found in two PGMN wells were attributed to agricultural landuse near the monitoring well. Follow-up monitoring in 2008-2009 by the NPCA and Niagara Public Health determined that these nitrate exceedances were site specific to the PGMN monitoring well only. It is recommended that residents using groundwater near these monitoring wells regularly test their water not only for bacteria but also for metals, general chemistry and nutrients.
- The NPCA's 2019 water temperature monitoring of the Upper Twelve Mile Creek headwaters classified seven stations as coolwater. None of the stations were classified as coldwater or warmwater. Changes in the landscape in the upper Twelve Mile watershed since 2006 have not affected the thermal stability classifications of the NPCA monitoring stations in this watershed at the stations the NPCA monitors.
- The NPCA Water Quality Monitoring Program continues to generate a large wealth of scientific data that is a valuable resource to the public, environmental consultants, community groups, educational institutions, and other governmental agencies. In addition, this program continues to provide technical support to other NPCA programs, including Technical, Stewardship and Development Services.

## **8.0 RECOMMENDATIONS**

Recommendations from this NPCA Water Quality Monitoring Program Report are summarized as follows:

1. It is recommended that the NPCA continue the Water Quality Monitoring Program to collect up-to-date and reliable water quality data and continue to make this information freely accessible to the public.
2. It is recommended that the NPCA continue to analyze all collected water quality data with the intent to identify significant trends or abnormalities.
3. It is recommended that the NPCA continue to work with our partner municipalities and the MECP to identify and mitigate abnormally high sources of water pollution as they are identified through the Water Quality Monitoring field sampling program.
4. It is recommended that the NPCA continue to monitor summer water temperatures within streams that have been identified as being cool or cold water systems which are sensitive to temperature change.
5. It is recommended that the NPCA continue to undertake annual water quality assessments for the Hamilton International Airport (presently commissioned and funded by the Hamilton Airport Authority). and the City of Hamilton's Glanbrook Landfill (presently commissioned and funded by the City of Hamilton).
6. It is recommended that the NPCA continue to offer the 'Water Well Decommissioning Program' to the public to help reduce the risk of groundwater contamination by removing old and abandoned wells.
7. As it is no longer typical to have watercourses completely frozen from December to March, it is recommended that the NPCA continue to pursue opportunities to expand the surface water quality monitoring program outside of the months of April to November to address water quality data gaps which presently exist for the winter months.
8. It is recommended that the NPCA continue to monitor Perfluorinated Compounds in Lake Niapenco to provide the public with up-to-date information on PFC concentrations within the lake. Yearly surveillance is an appropriate time interval for monitoring based on lab analysis costs and contaminant variability and concentrations.
9. It is recommended that the NPCA continue to monitor winter dissolved oxygen concentrations in Lake Niapenco in order to assess any impacts on the resident crappie fish population if conditions permit.
10. It is recommended that the NPCA continue to support and MECP Climate Change project for Twenty Mile Creek at Balls Falls Conservation Area by continuing to operate and maintain this enhanced monitoring station.

## **9.0 REFERENCES**

British Columbia Ministry of the Environment, Environmental Protection Division. 2001. British Columbia Approved Water Quality Guidelines (Criteria).

Canadian Council of Ministers of the Environment. 2001. Canadian Water Quality Index.

Canadian Council of Minister of the Environment. 2003. Canadian Water Quality Guidelines for the Protection of Aquatic Life. Canadian Environmental Quality Guidelines.

Canadian Council of Ministers of the Environment. 2011. Canadian Water Quality Guidelines for the Protection of Aquatic Life. Canadian Environmental Quality Guidelines.

Conservation Ontario. 2011. Guide to Developing Conservation Authority Watershed Report Cards. Newmarket.

de Solla, S., A. De Silva and R Letcher. 2012. Highly elevated levels of perfluorooctane sulfonate and other perfluorinated acids found in biota and surface water downstream of an international airport, Hamilton, Ontario, Canada. *Environment International* 39:19-26.

Fowler, C. 2011. PFOS in the Welland River and Lake Niapenco. Ontario Ministry of the Environment. Technical Support Section, West Central Region Hamilton.

Griffiths, R.W. 1999. Hilsenhoff Biotic Index: Bioassessment of Water Quality. The Centre for Environmental Training, Niagara College: Niagara-on-the-Lake, Ontario.

Health Canada. 2016. Perfluorooctanoic Acid (PFOA) in Drinking Water.  
<https://www.canada.ca/content/dam/hc-sc/healthy-canadians/migration/health-system-systeme-sante/consultations/acide-perfluorooctanoic-acid/alt/perfluorooctanoic-eng.pdf>

Health Canada. 2016. Perfluorooctane Sulfonate (PFOS) in Drinking Water.  
<https://www.canada.ca/content/dam/hc-sc/healthy-canadians/migration/health-system-systeme-sante/consultations/perfluorooctane-sulfonate/alt/perfluorooctane-sulfonate-eng.pdf>

Helsel, D., and R. Hirsch. 1992. Statistical Methods in Water Resources, Elsevier, 522 p.

Helsel, D., D. Muller, and J. Slack. 2005. Computer Program for the Kendall Family of Trend Tests, Scientific Investigation Report, USGS, 1-4.

Hilsenhoff, William L. 1987. An Improved Biotic Index of Organic Stream Pollution. *The Great Lakes Entomologist*. 20: 31-36.

Jones, C., K. Somers, B. Craig, and T. B. Reynoldson. 2005. Ontario Benthos Biomonitoring Network Protocol Manual: Version 1.0. Ontario Ministry of Environment: Dorset, Ontario.

Jones, C. 2006. Personal communication. Benthic Biomonitoring Scientist, Environmental Monitoring and Reporting Branch, Ontario Ministry of the Environment.

MacRitchie, S. 2009. Fluoride and Uranium Occurrence in PGMN Well 80-1. Ministry of the Environment: Environmental Monitoring and Reporting Branch.

Niagara Peninsula Conservation Authority. 2019. Water Quality Assessment of Buckhorn Creek and the Welland River in the Vicinity of the Glanbrook Landfill. Niagara Peninsula Conservation Authority: Welland, Ontario.

Niagara Peninsula Conservation Authority. 2019. Hamilton International Airport Biological Assessment 2018. Welland, Ontario.

Niagara Peninsula Conservation Authority. 2013. 2012 Watershed Report Card. Welland, Ontario.

Ontario Ministry of the Environment and Environment Canada. 1995. Niagara River Remedial Action Plan Stage 2 Report.

Ontario Ministry of the Environment. 1994. Water Management, Policies, Guidelines and Provincial Water Quality Objectives. Government of Ontario, Toronto.

Ontario Ministry of the Environment. 2003. Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines. Government of Ontario, Toronto.

Regional Municipality of Niagara. 2003. Niagara Water Quality Protection Strategy. Prepared for the Regional Municipality of Niagara by MacViro, Philips Engineering and CH2MHill.

Tchobanoglous, G, and E. Schroeder. 1987. Water Quality. Addison-Wesley Publishing Company: Reading, Massachusetts.

Waterloo Hydrogeologic Inc., 2005. NPCA Groundwater Study. Waterloo, Ontario.

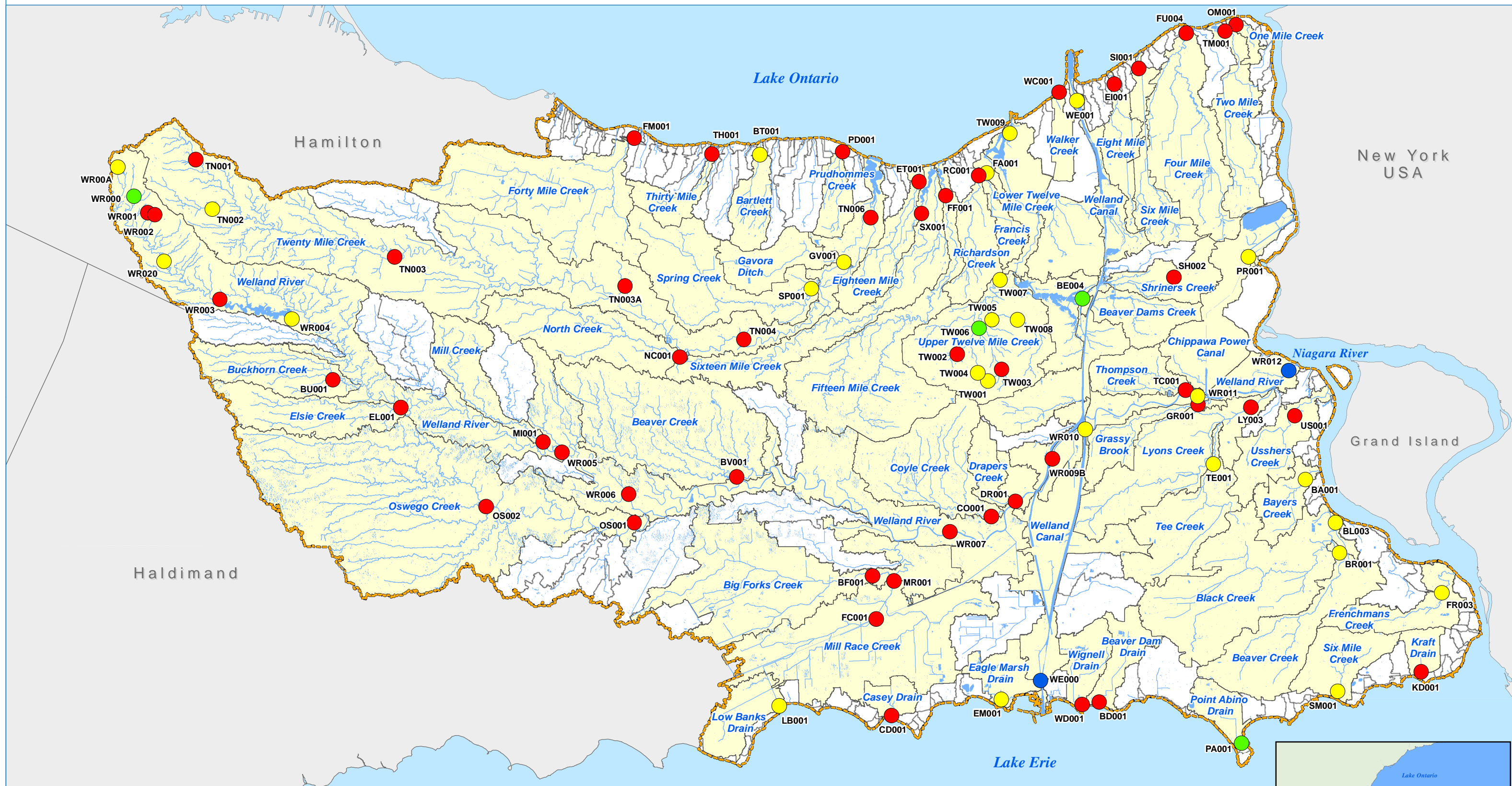
## **10.0 ACKNOWLEDGEMENTS**

The NPCA would like to thank the City of Hamilton, Ontario Ministry of Environment, Conservation and Parks, Regional Municipality of Niagara, and Haldimand County for their support of the NPCA Water Quality Monitoring Program.

## Appendix A



# Water Quality Ratings 2015-2019



Surface Water Quality Monitoring Station

Water Quality Index Rating

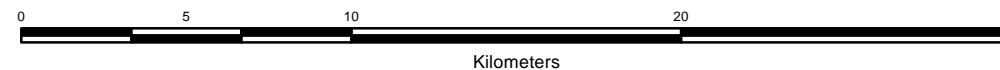
- Excellent
- Fair
- Marginal
- Poor

~ Watercourses

Waterbodies

Sampled Subwatersheds

NPCA Jurisdiction



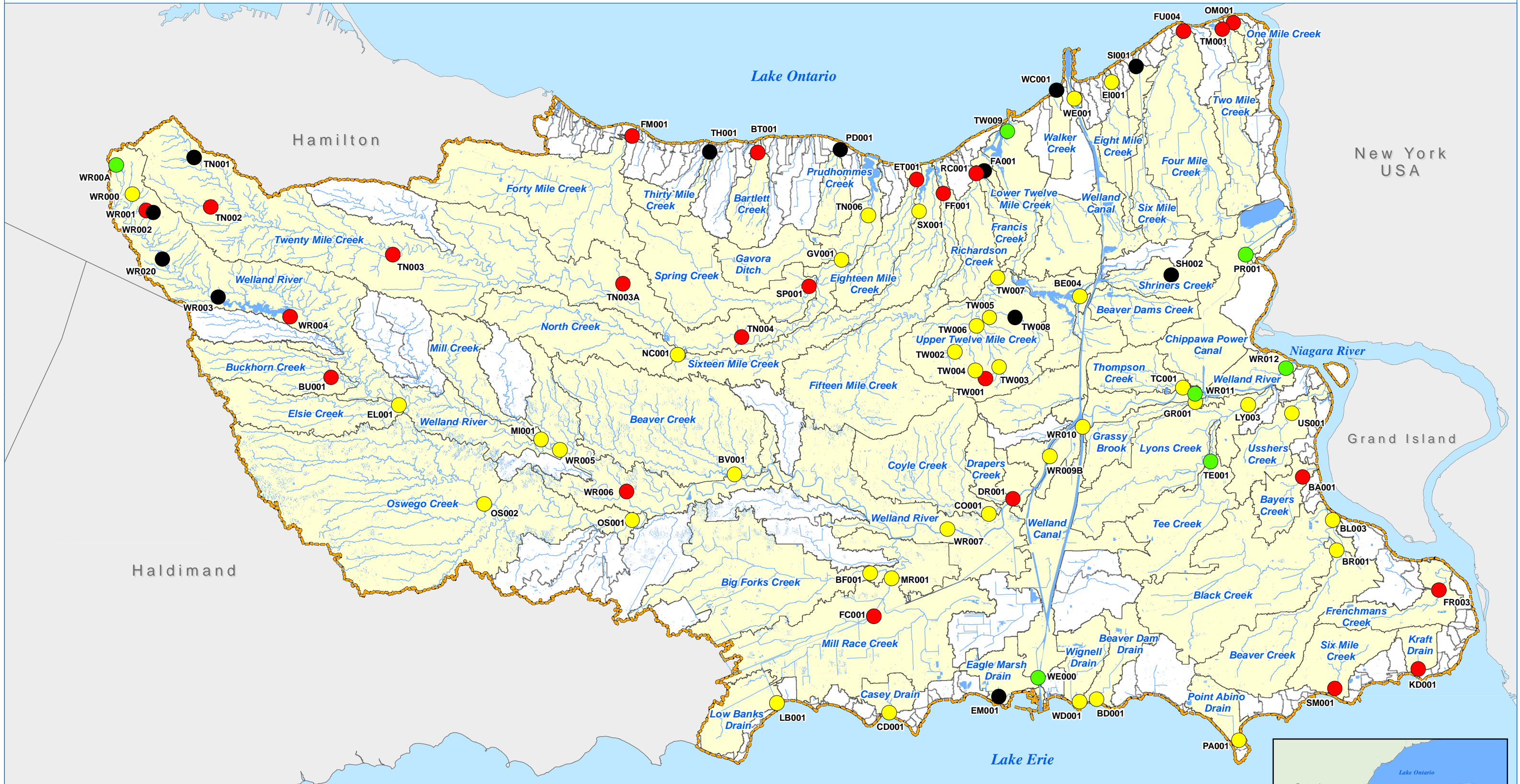
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.



## Appendix B



# Median Chloride Concentrations 2015-2019



Surface Water Quality Monitoring Station

Chloride (mg/L)

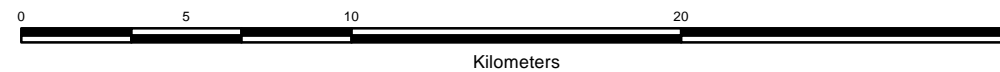
- < 25
- 61 - 120
- 25 - 60.9
- > 120

~ Watercourses

~ Waterbodies

~ Sampled Subwatersheds

~ NPCA Jurisdiction



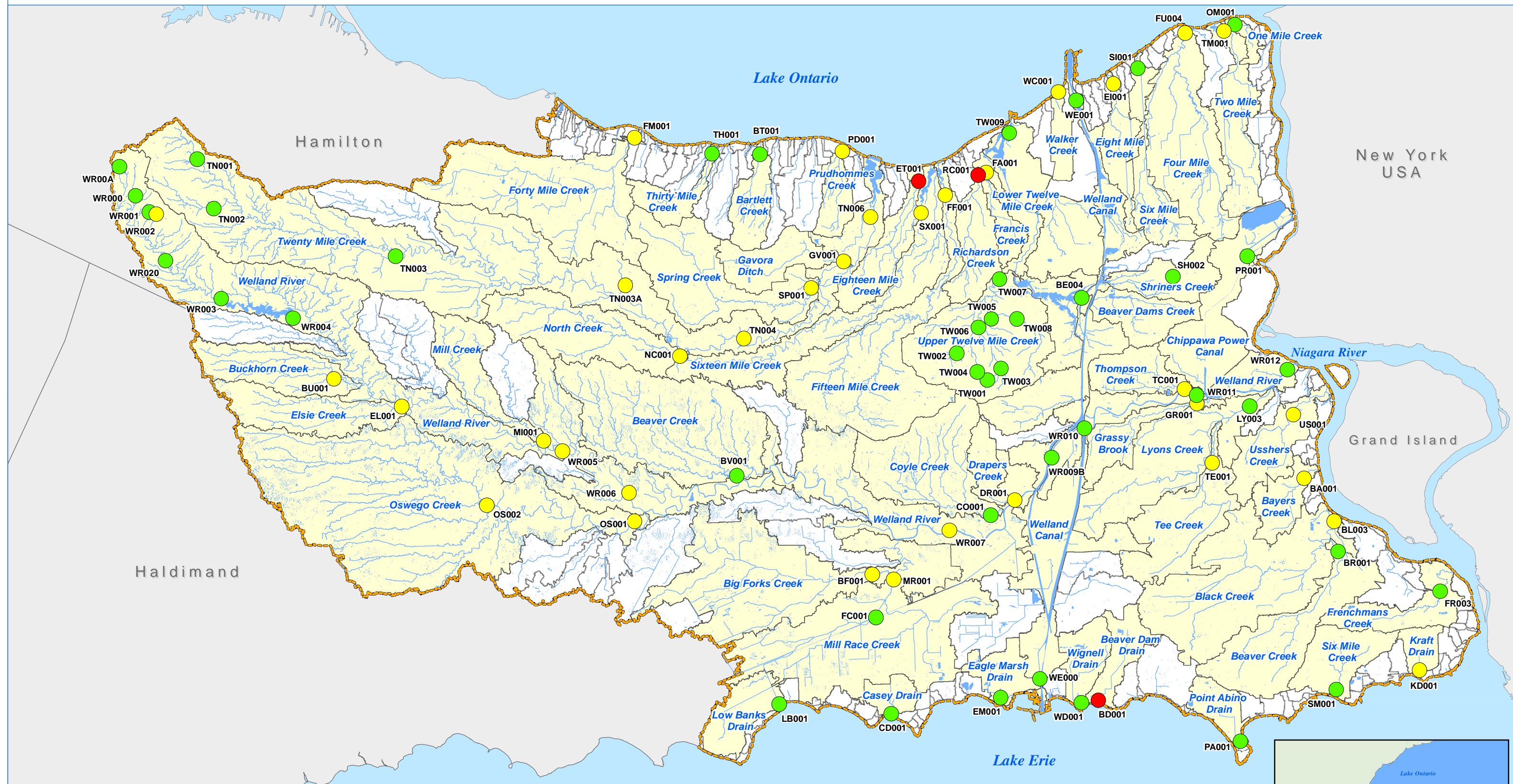
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.





## Appendix C

# Median Copper Concentrations 2015-2019



Surface Water Quality Monitoring Station

Copper (ug/L)

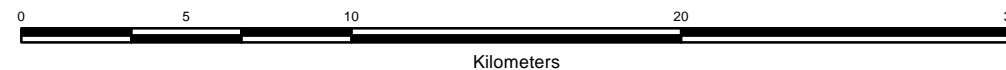
- < 2.5
- 5.1 - 10
- 2.5 - 5.0
- > 10

 Watercourses

 Waterbodies

 Sampled Subwatersheds

 NPCA Jurisdiction



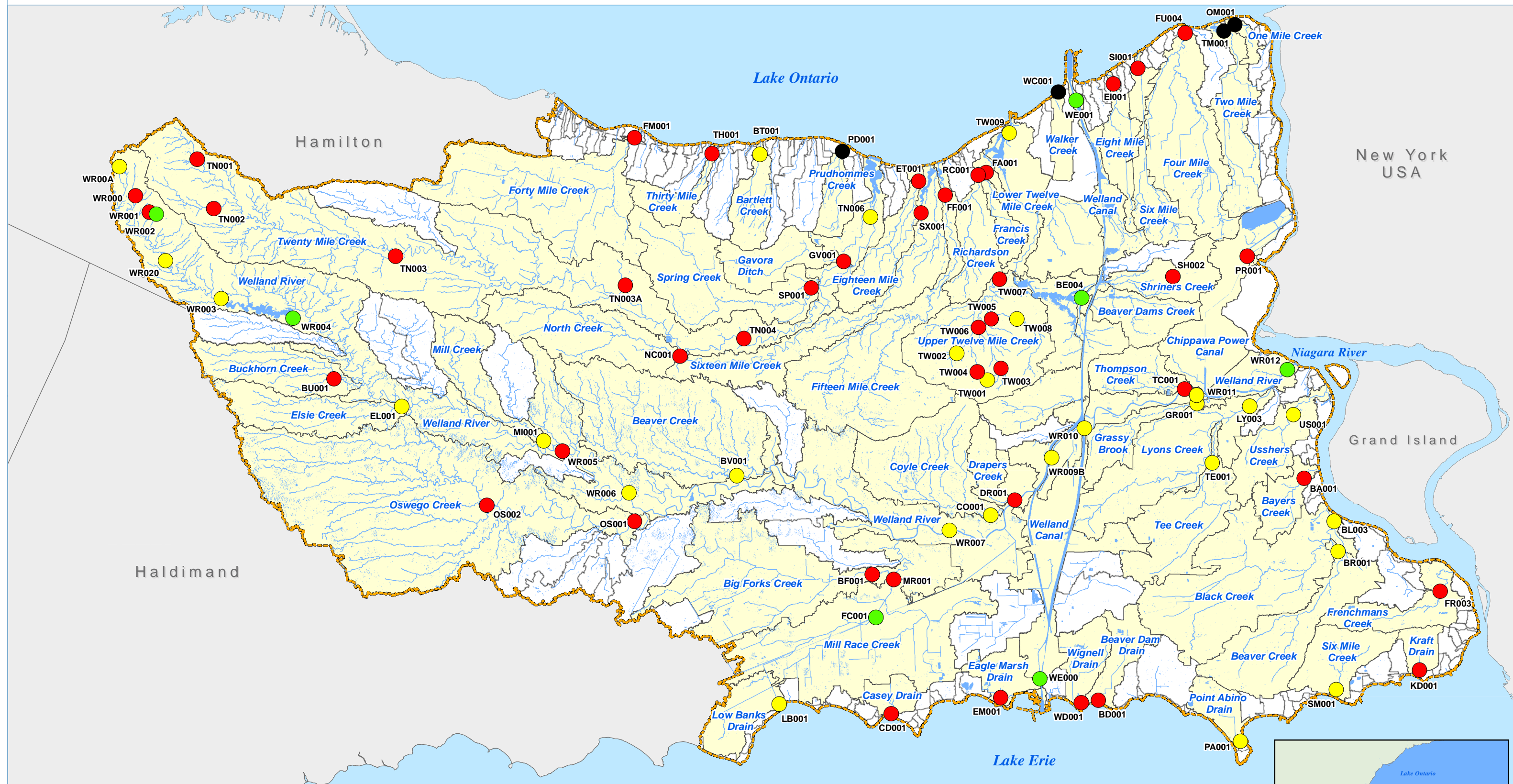
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.



## Appendix D



# Median E.coli Concentrations 2015-2019



Surface Water Quality Monitoring Station

E.coli (cfu/100ml)

● < 25    ● 101 - 500  
● 25 - 100    ● > 500

~ Watercourses

~ Waterbodies

~ Sampled Subwatersheds

~ NPCA Jurisdiction

0 5 10 20 30  
Kilometers

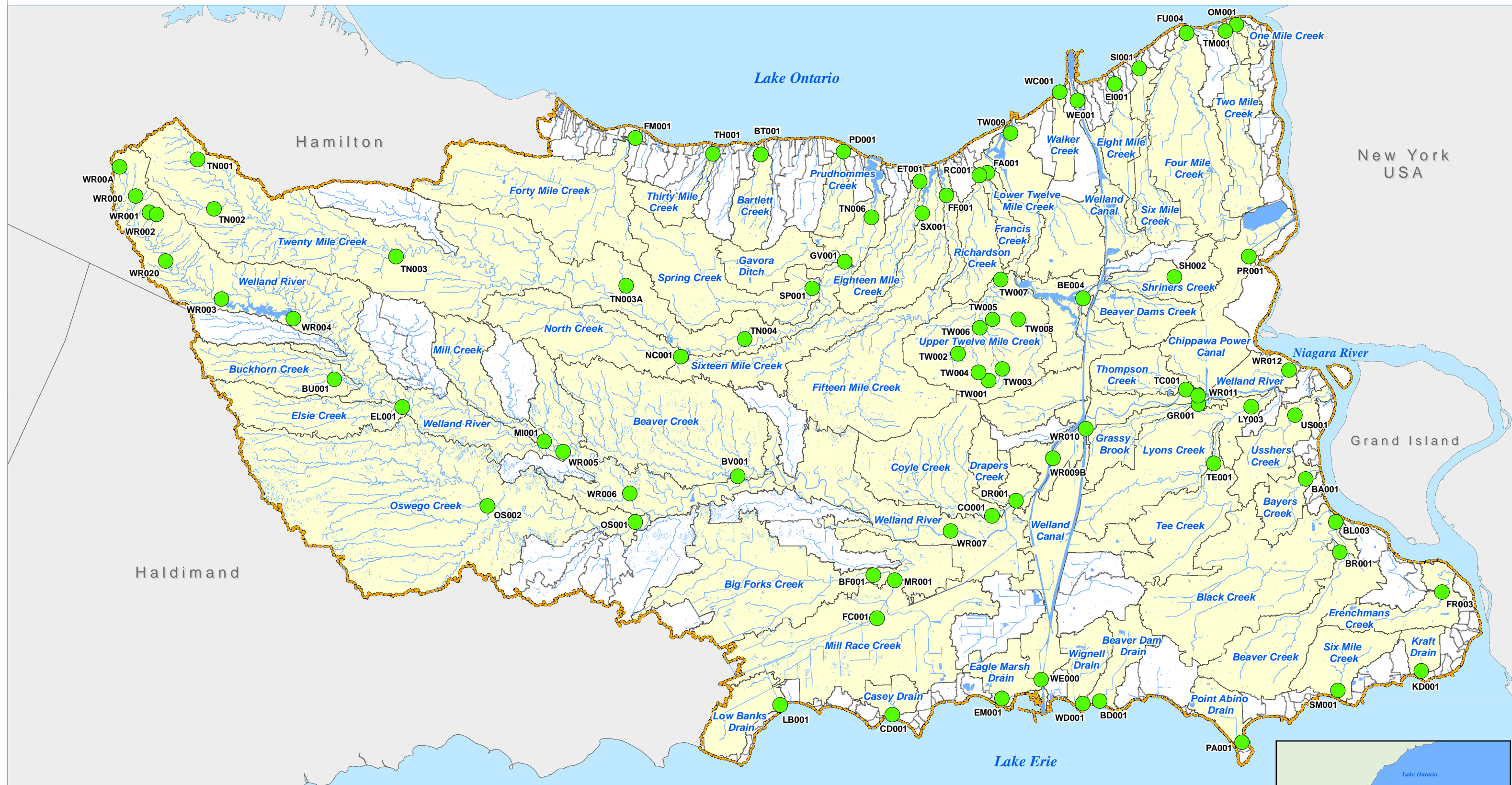
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.



## Appendix E



# Median Lead Concentrations 2015-2019



Surface Water Quality Monitoring Station

Lead (ug/L)

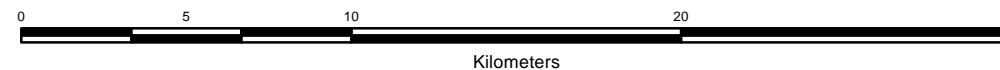
- < 2.5
- 5.1 - 10
- 2.5 - 5.0
- > 10

 Watercourses

 Waterbodies

 Sampled Subwatersheds

 NPCA Jurisdiction



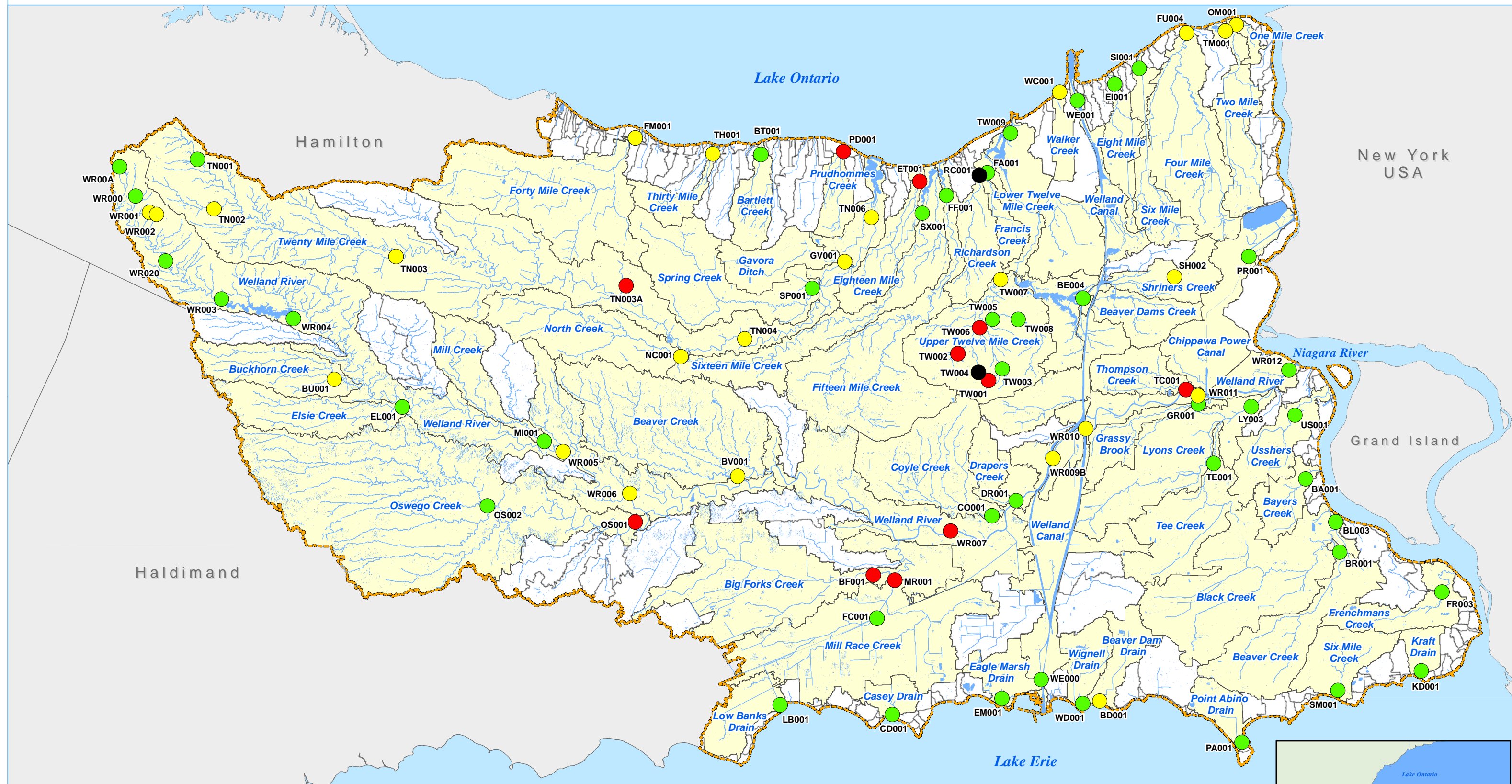
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.



## Appendix F



# Median Nitrate Concentrations 2015-2019



Surface Water Quality Monitoring Station

Nitrate (ug/L)

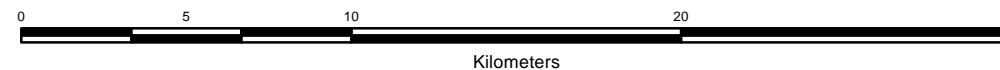
- < 500
- 1301 - 2900
- 500 - 1300
- > 2900

 Watercourses

 Waterbodies

 Sampled Subwatersheds

 NPCA Jurisdiction



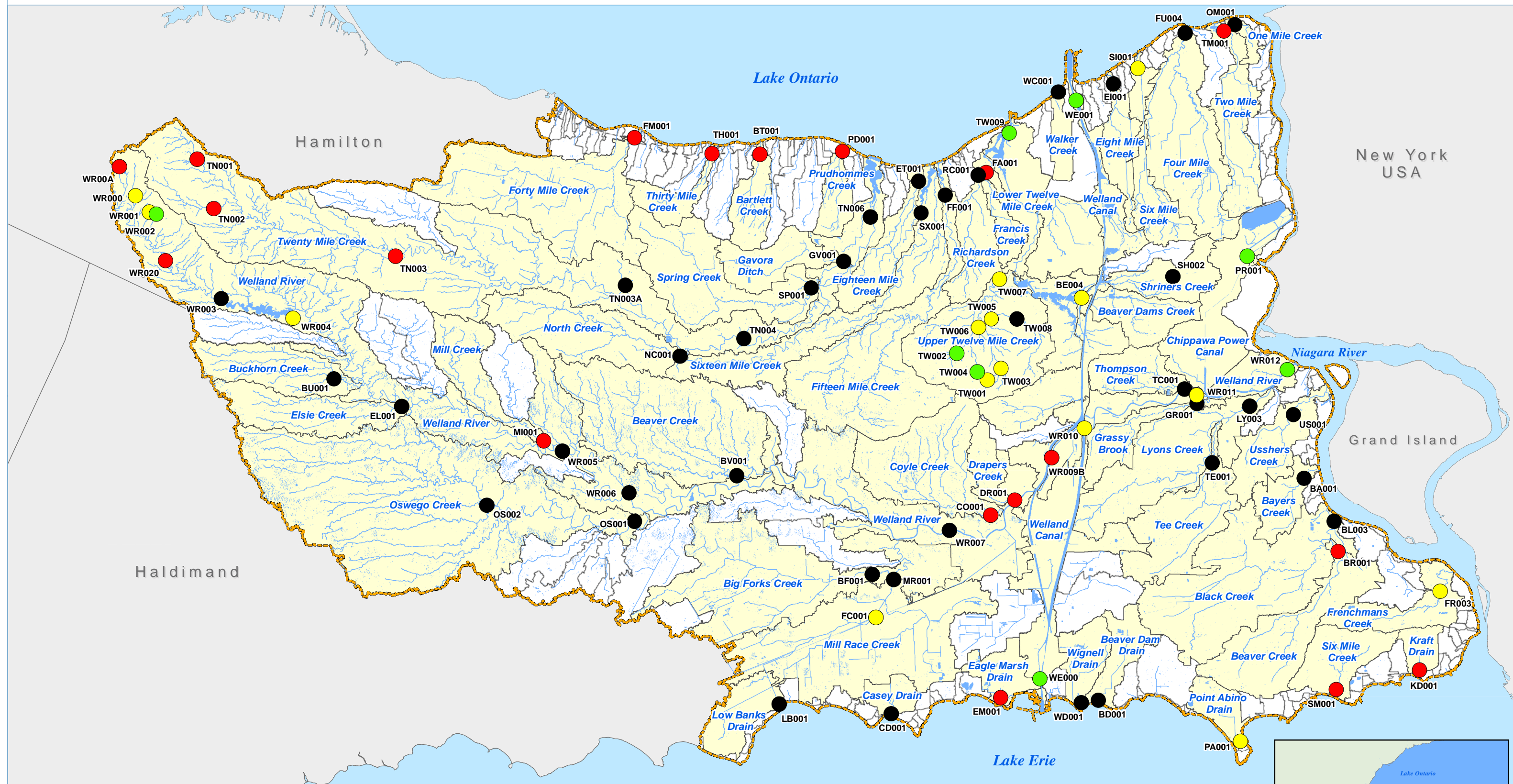
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.





## Appendix G

# Median Total Phosphorus Concentrations 2015-2019



Surface Water Quality Monitoring Station

Total Phosphorus (ug/L)

● < 30    ● 61 - 120  
● 30 - 60    ● > 120

~ Watercourses

~ Waterbodies

~ Sampled Subwatersheds

~ NPCA Jurisdiction

0 5 10 20 30  
Kilometers

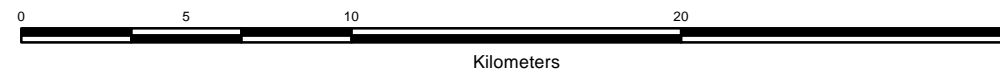
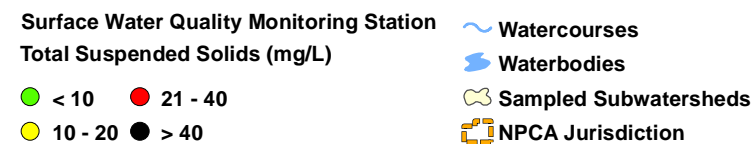
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.



## Appendix H



# Median Total Suspended Solids Concentrations 2015-2019



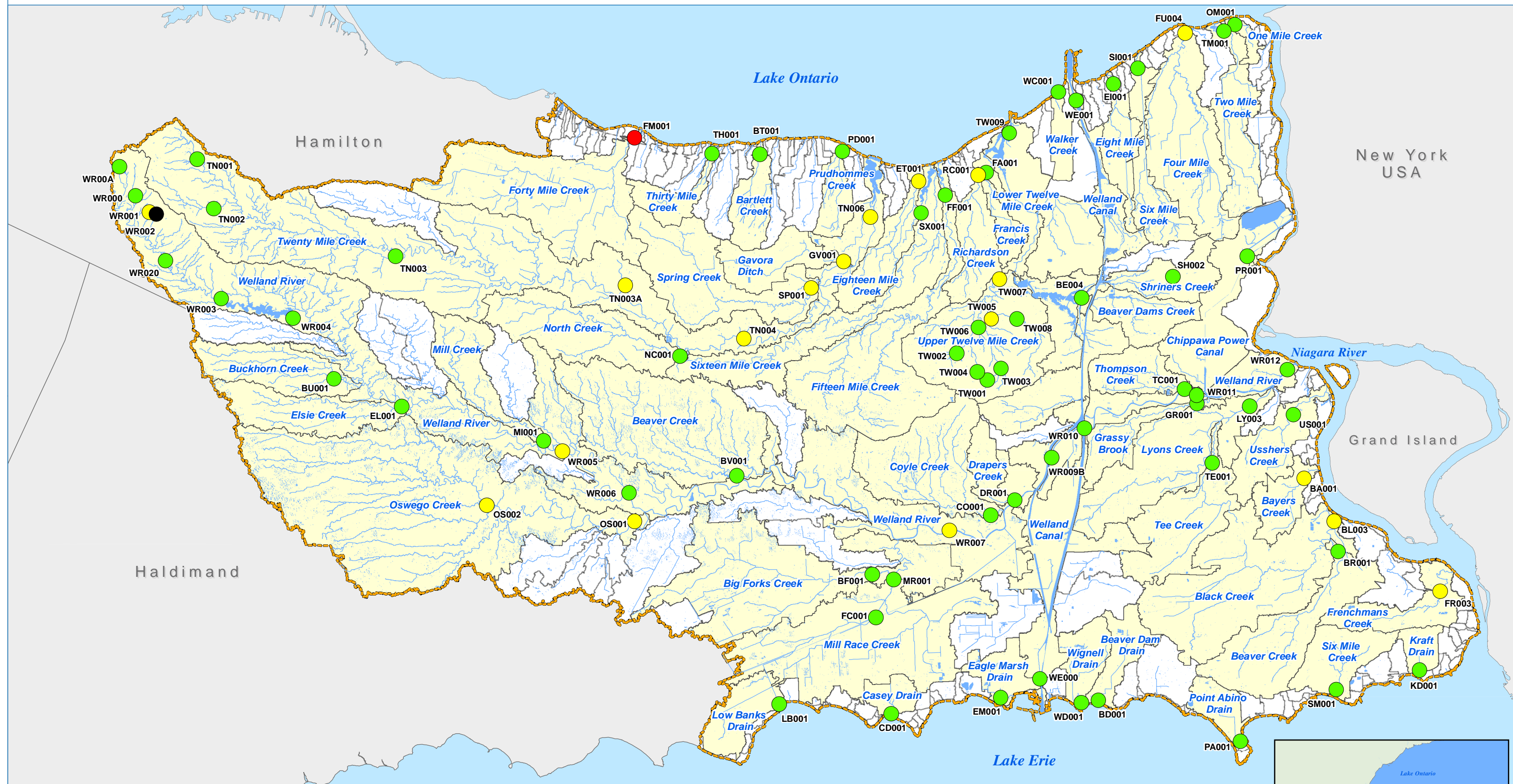
All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario Geospatial Data Exchange, 2020.



## Appendix I



# Median Zinc Concentrations 2015-2019



All Frames: North American Datum 1983, Universal Transverse Mercator 6° Projection, Zone 17N, Central Meridian 81° West.  
 Produced by the Niagara Peninsula Conservation Authority with data supplied under licence by members of the Ontario  
 Geospatial Data Exchange, 2020.



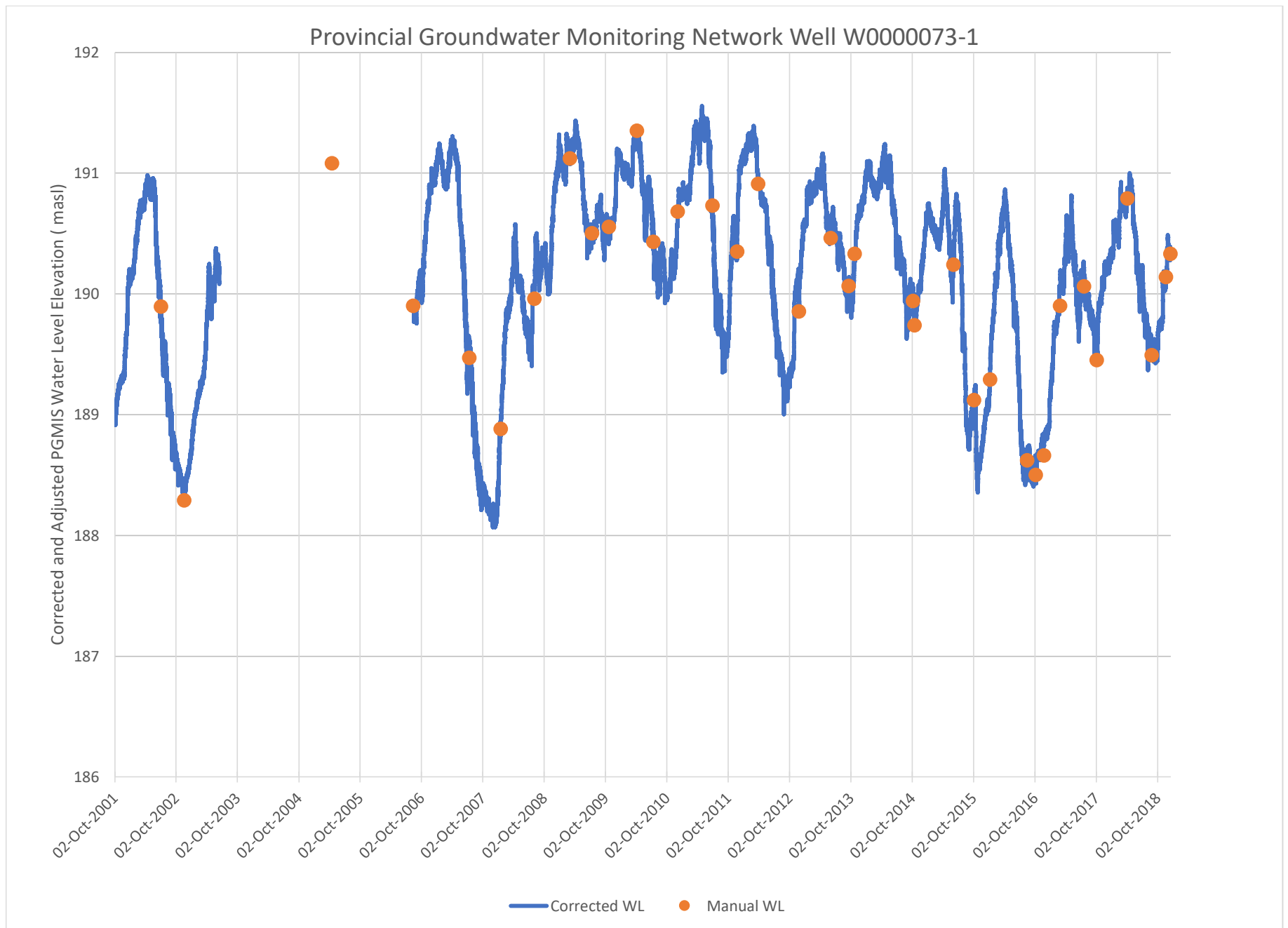
## Appendix J



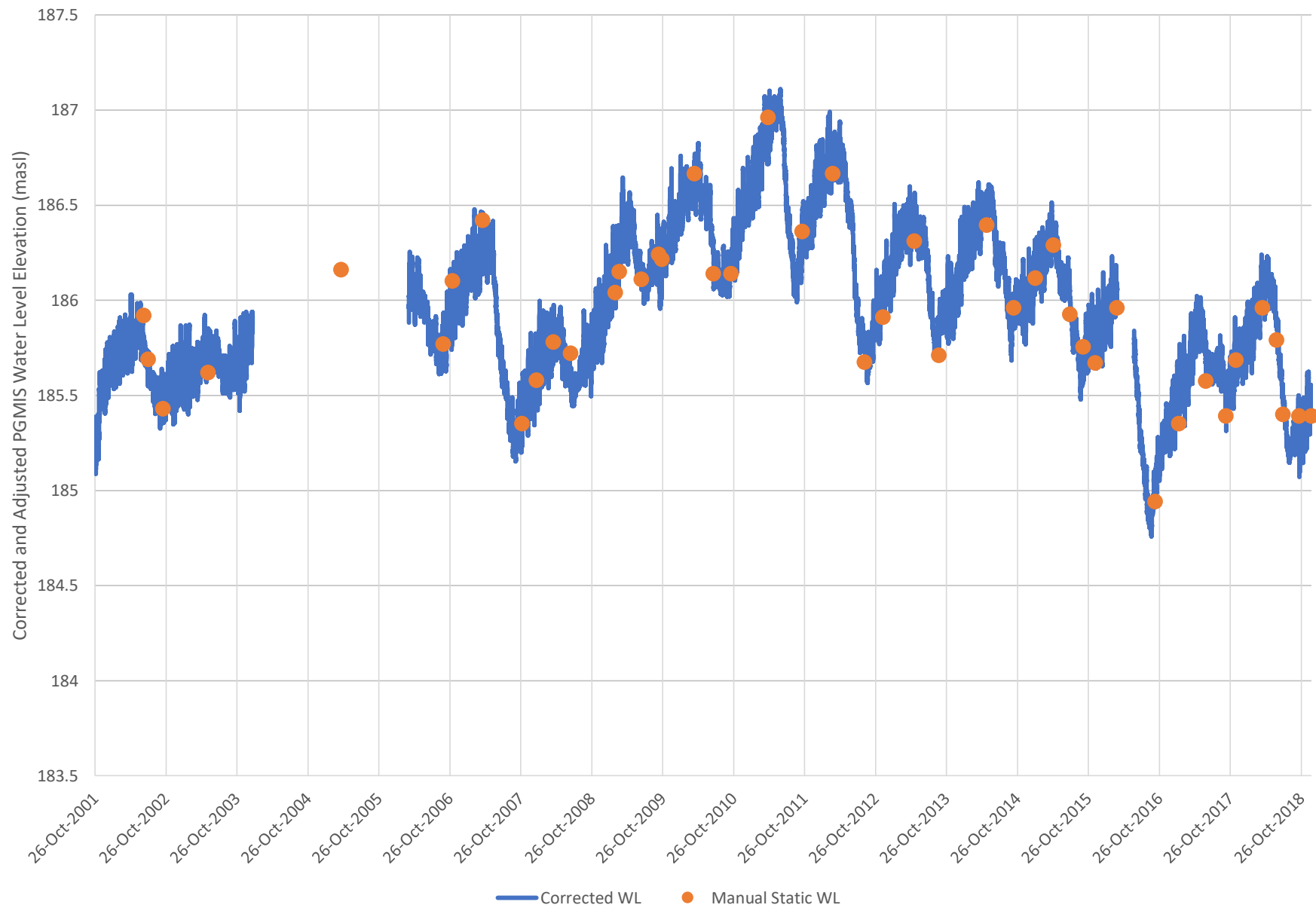




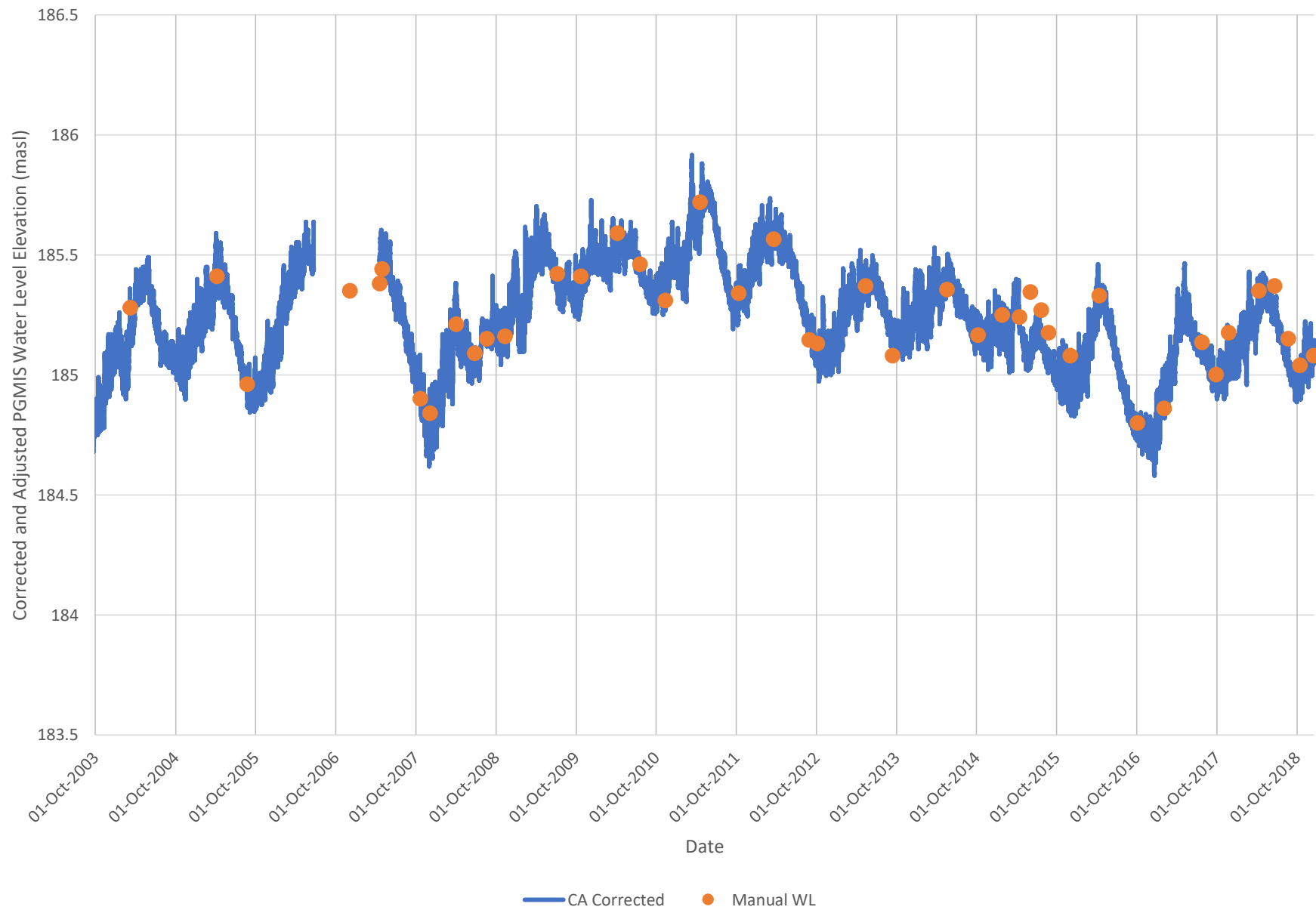
## Appendix K



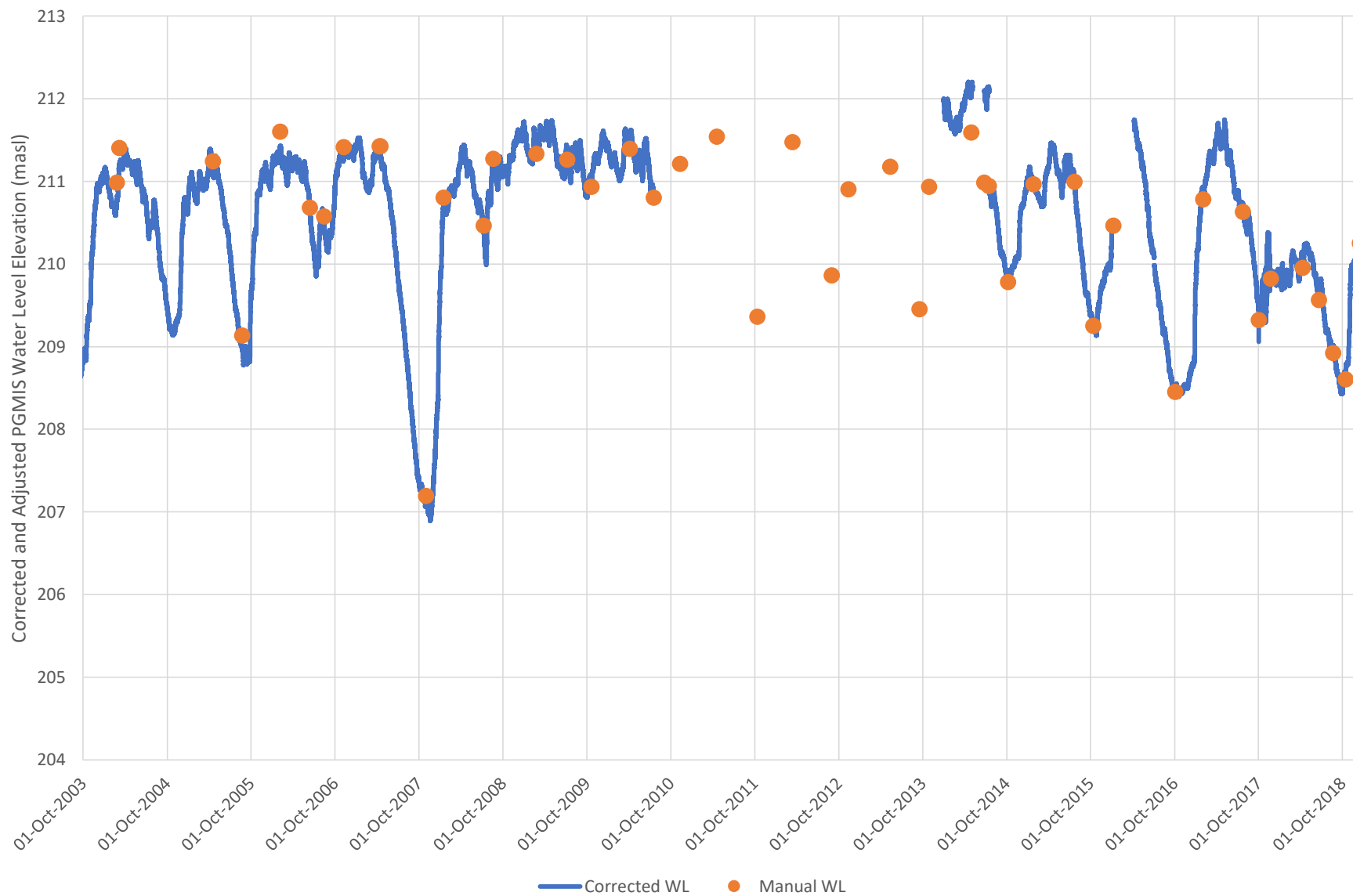
## Provincial Groundwater Monitoring Network Well W0000080-1



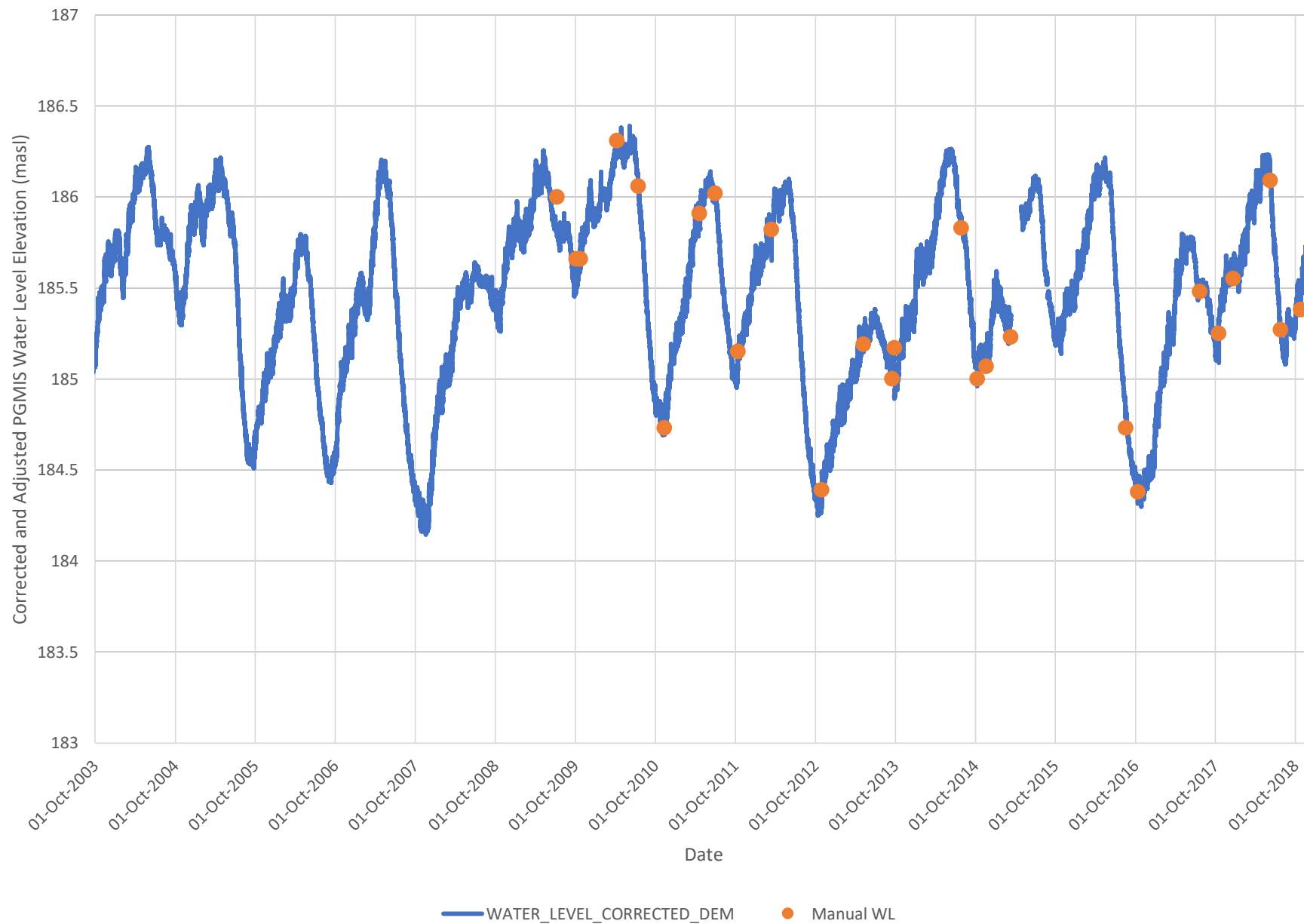
## Provincial Groundwater Monitoring Network Well W0000287-1



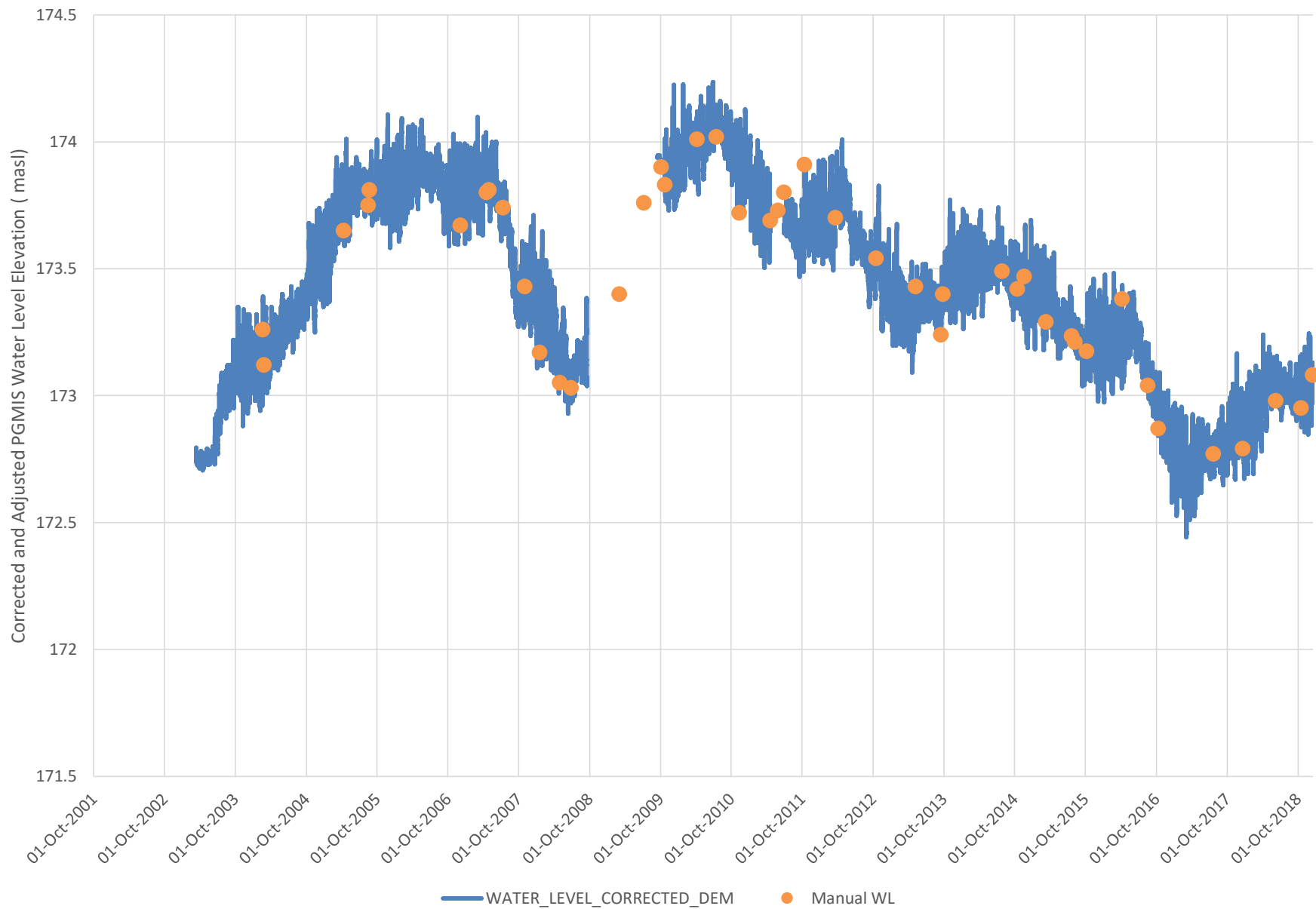
## Provincial Groundwater Monitoring Network Well W0000288-1



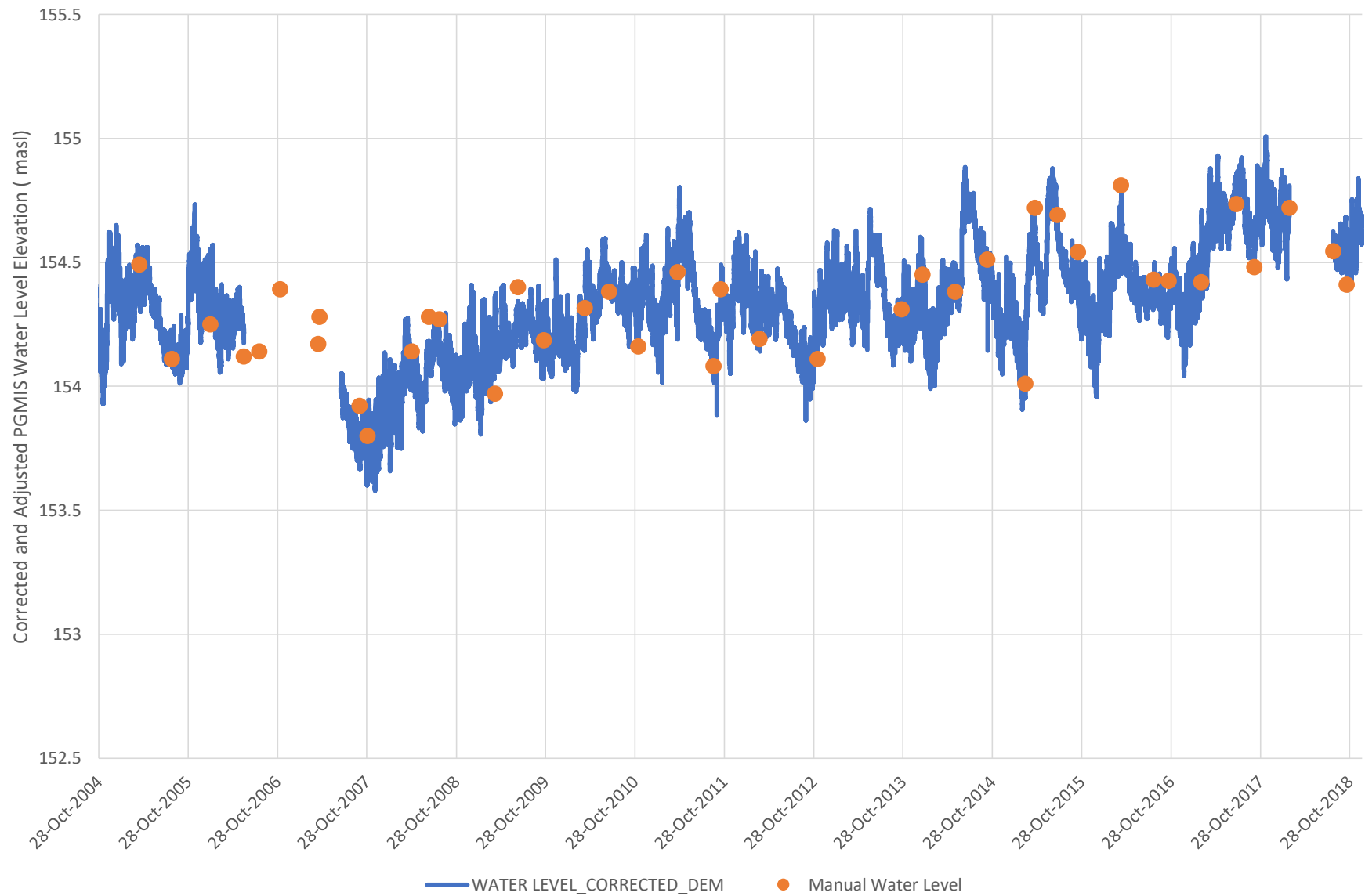
Provincial Groundwater Monitoring Network Well W0000289-1



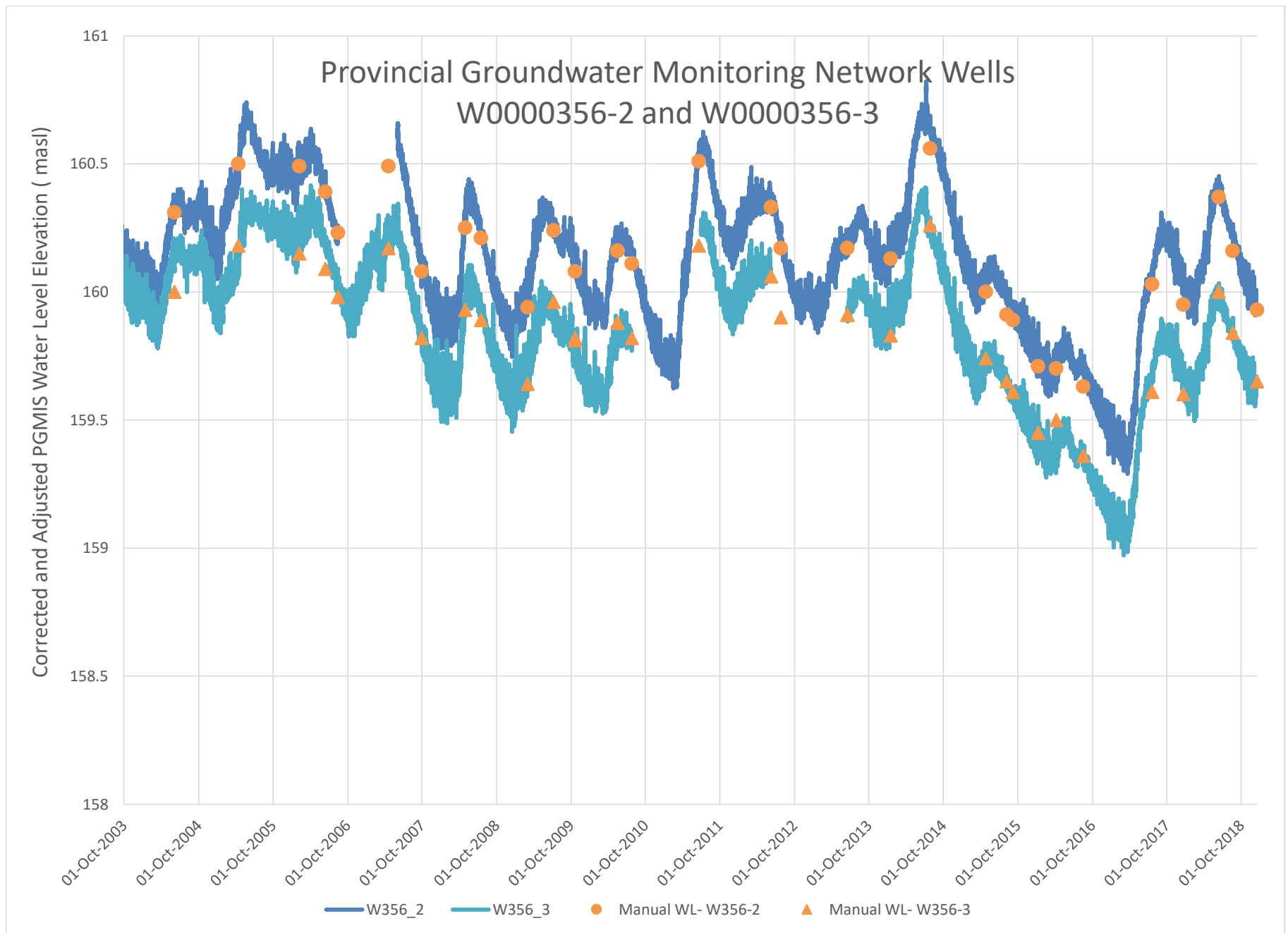
## Provincial Groundwater Monitoring Network Well W0000290-1



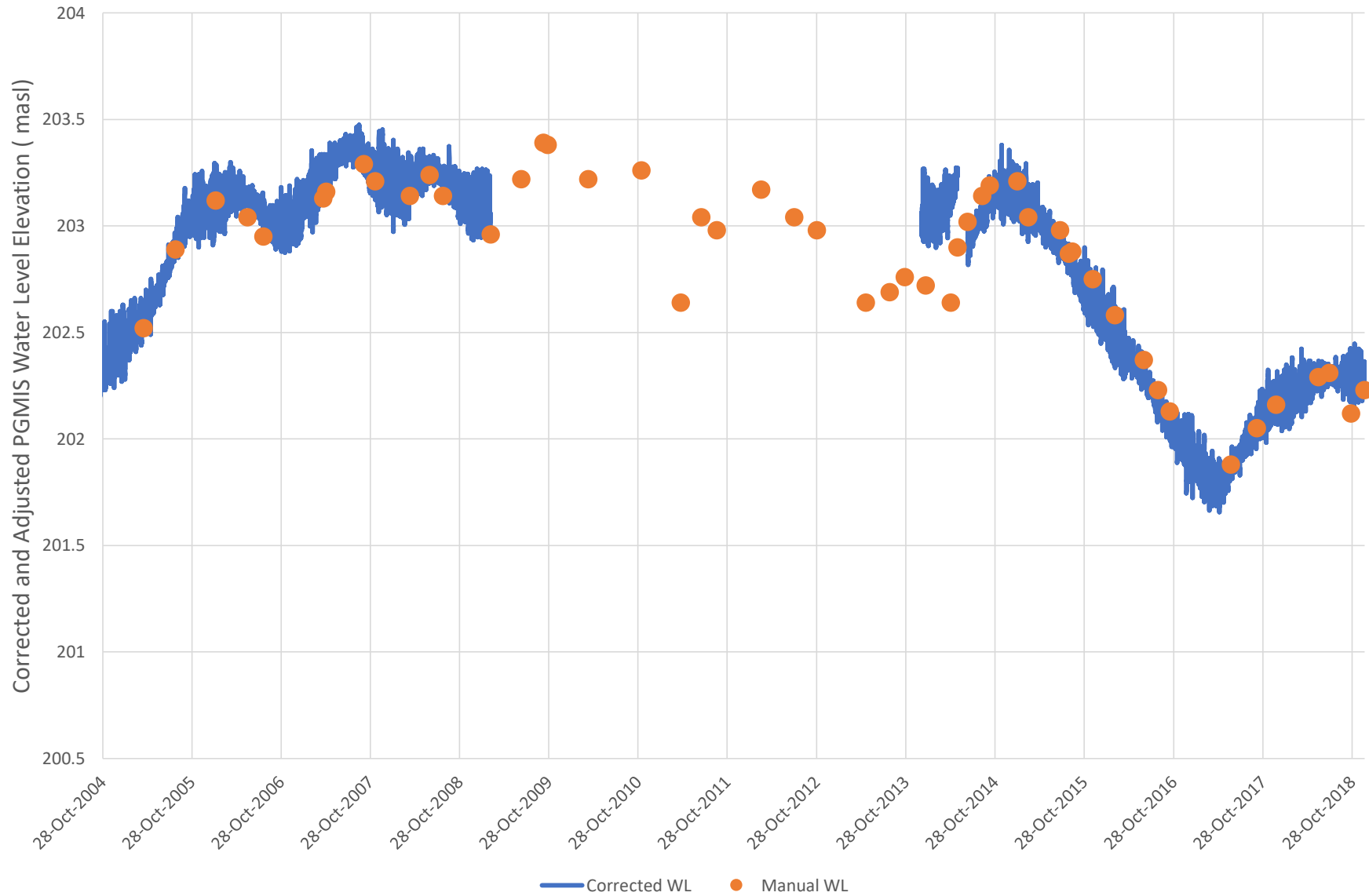
## Provincial Groundwater Monitoring Network Well W0000341-1



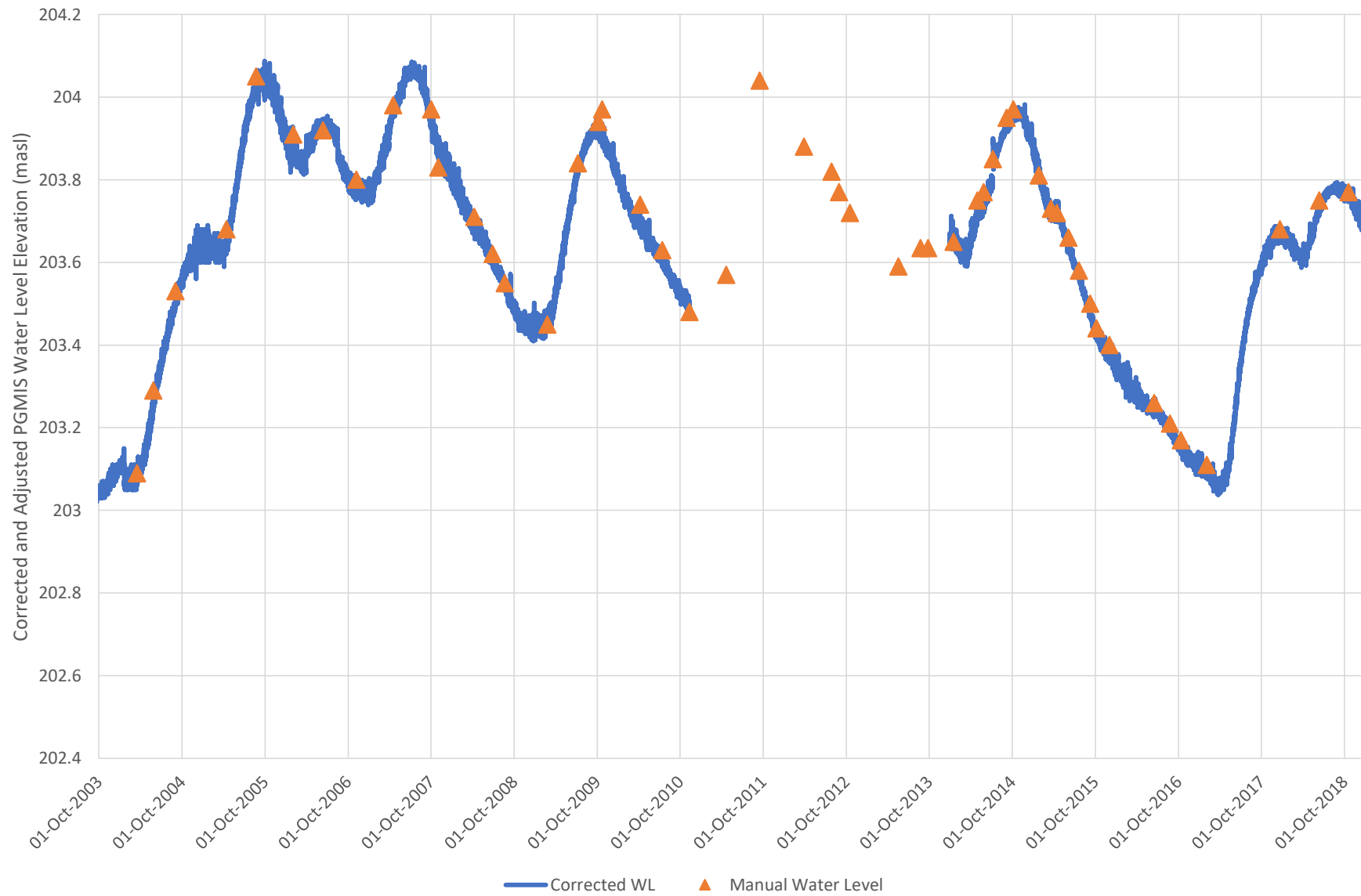


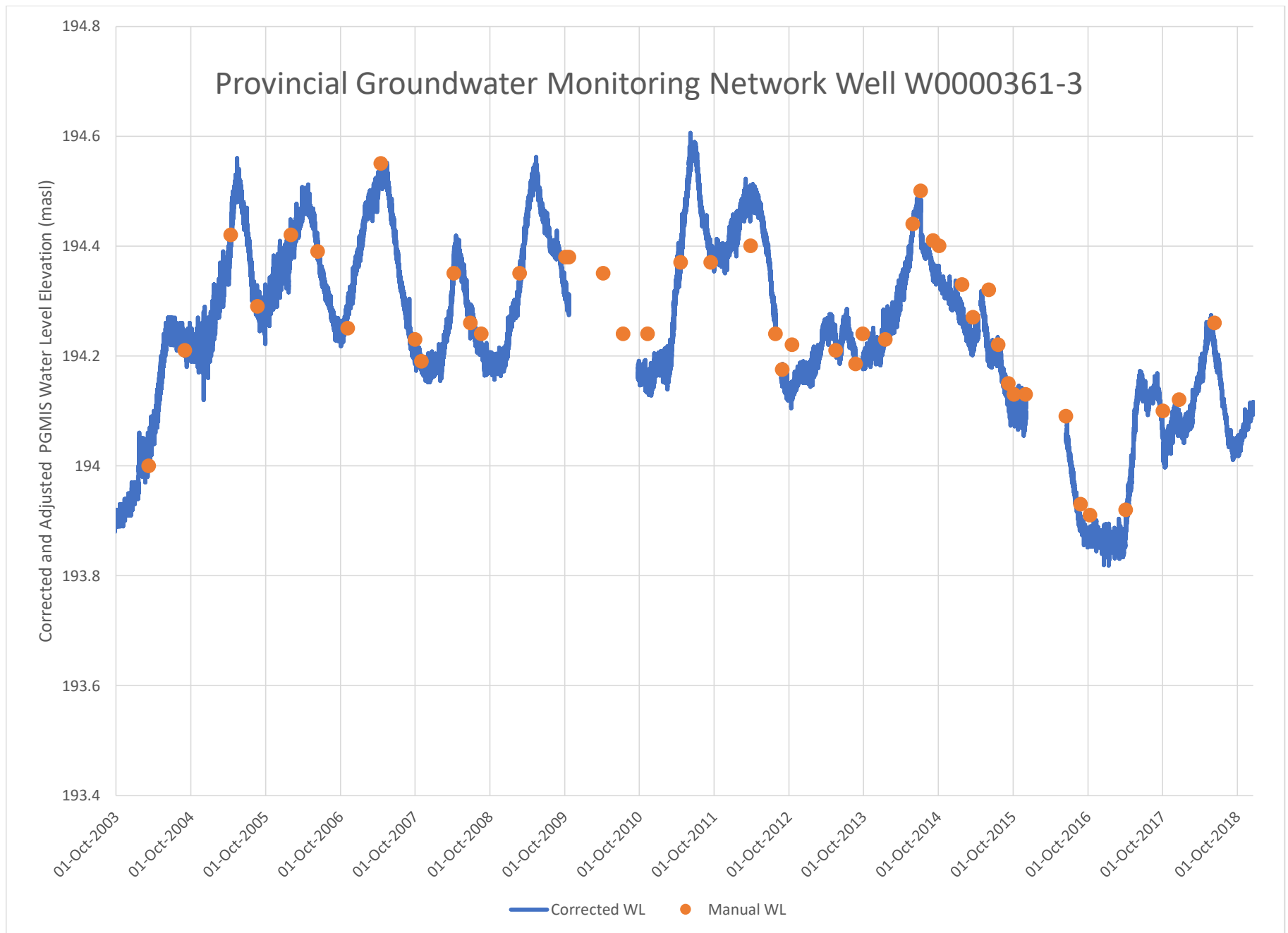


## Provincial Groundwater Monitoring Network WellW0000357-1

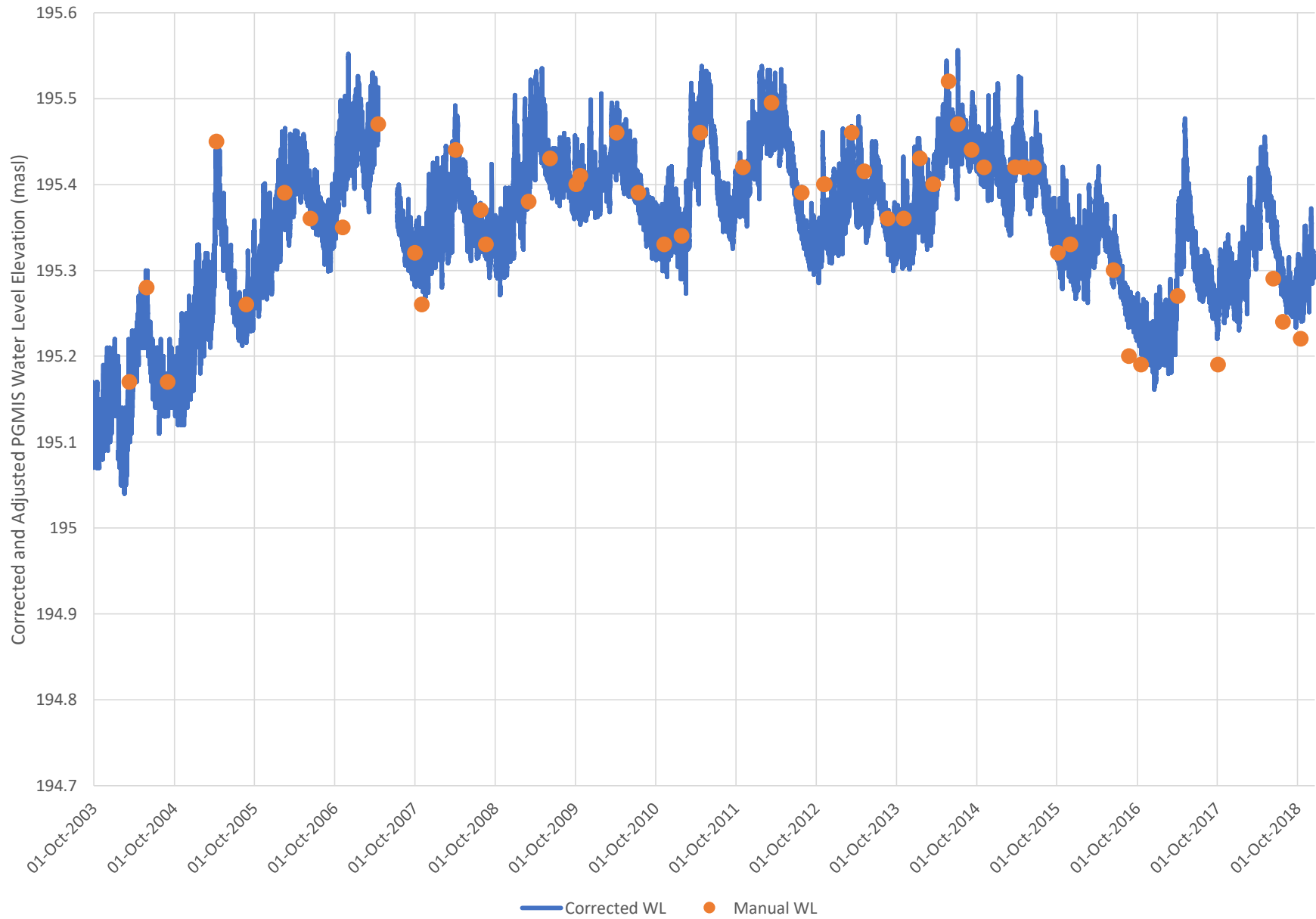


## Provincial Groundwater Monitoring Network Well W0000361-2

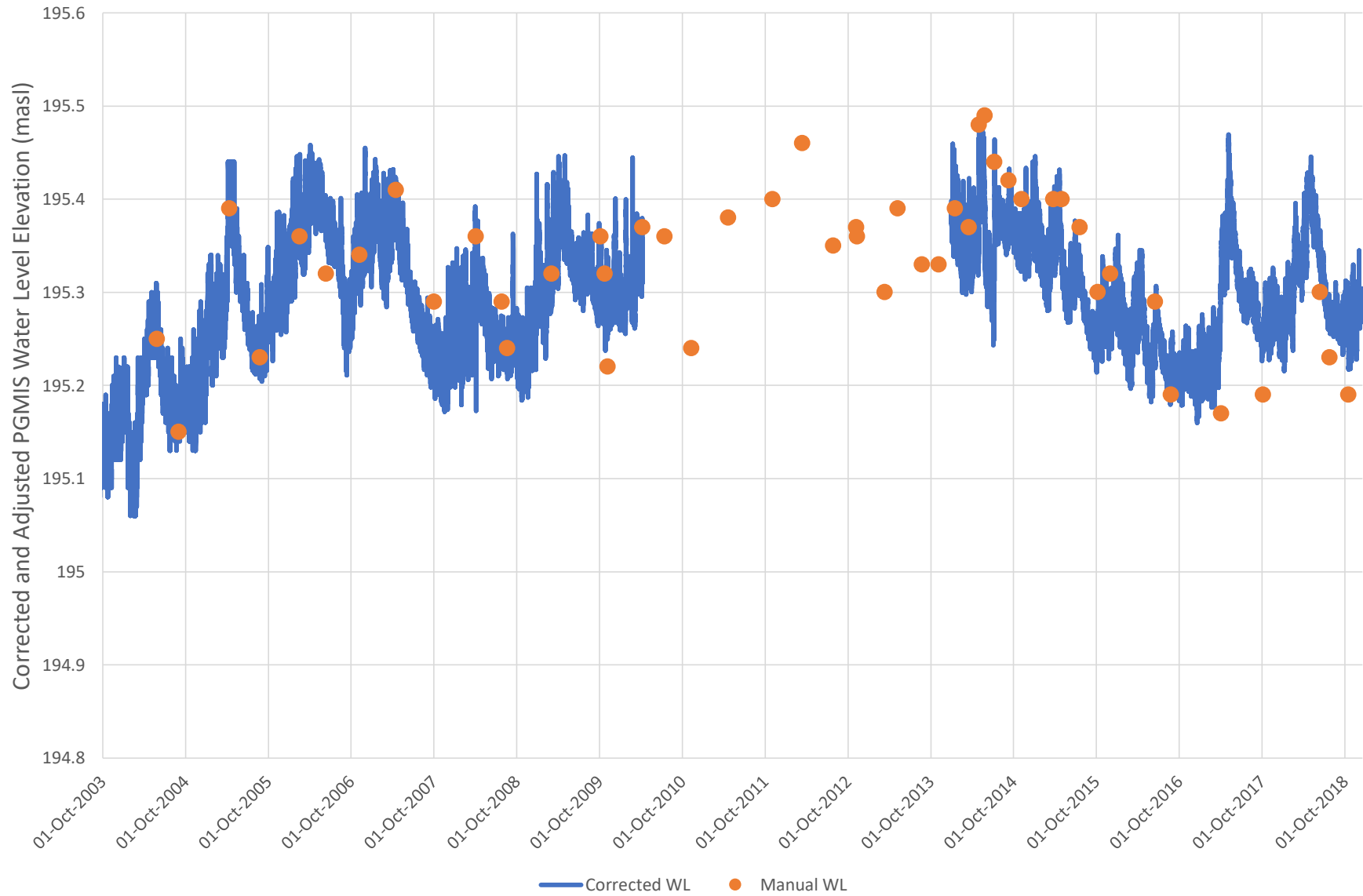




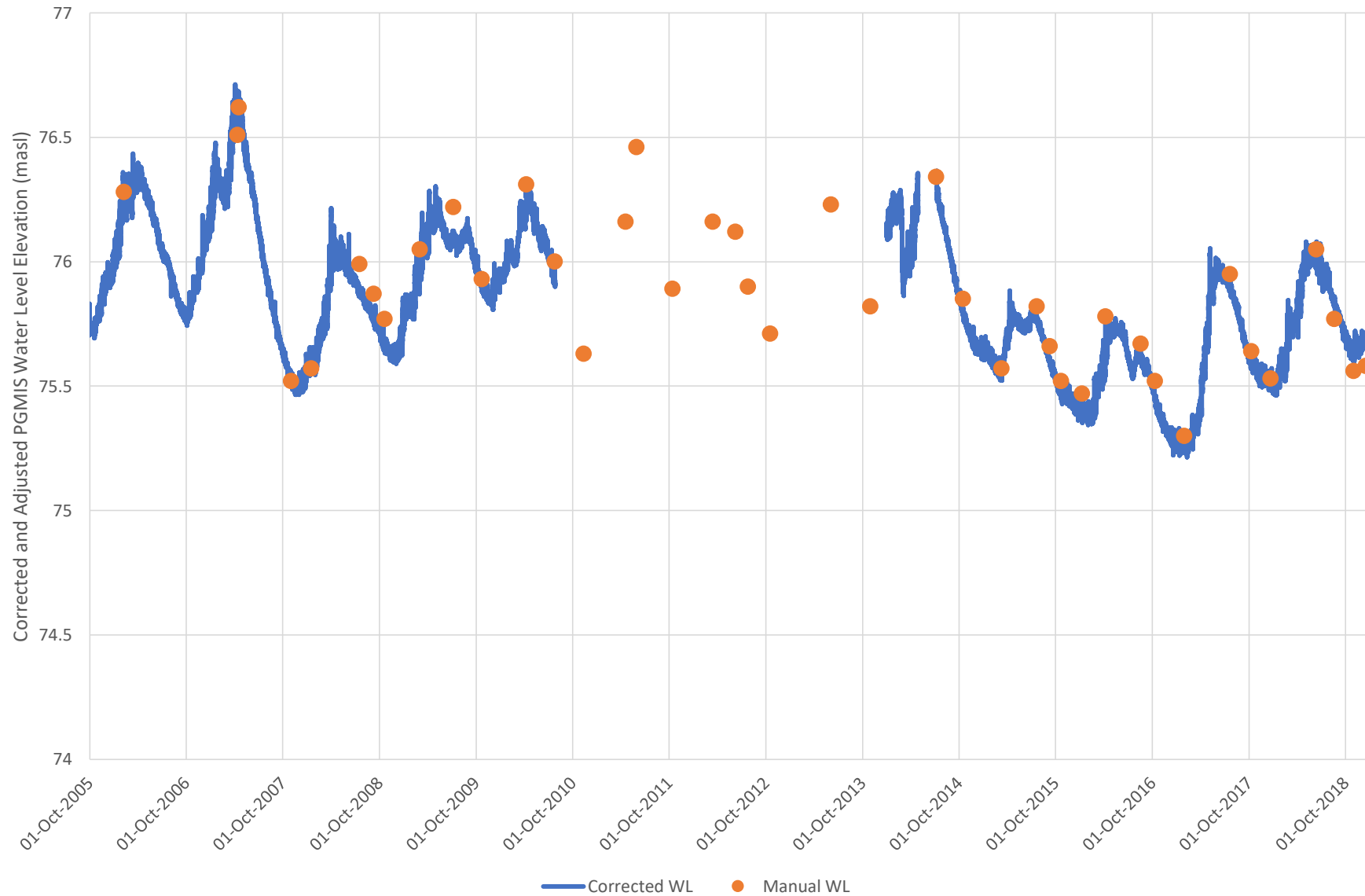
# Provincial Groundwater Monitoring Network Well W0000362-2



## Provincial Groundwater Monitoring Network Well W0000362-3



## Provincial Groundwater Monitoring Network Well W0000384-1



## Appendix L



# Twelve Mile Creek Temperature Monitoring: 2019 Summary Report

NIAGARA PENINSULA CONSERVATION AUTHORITY, 2020

## Table of Contents

Tables and Figures .....	1
1.0 Introduction .....	2
2.0 Objectives.....	3
3.0 Methodology.....	3
4.0 Results .....	6
4.1 St. Johns tributaries and main branch .....	7
4.2 Effingham tributaries .....	9
4.3 Summary of results .....	11
5.0 Analysis .....	13
6.0 Conclusion.....	14
7.0 Recommendations .....	14
References .....	15

## Tables and Figures

Table 1: 2019 Monitoring locations .....	4
Figure 1: Map of temperature monitoring locations.....	5
Figure 2: Onset HOBO Water temperature Pro v2 Data Logger .....	6
Table 2: Summary of data collected .....	6
Figure 3: Box and whisker plot for St. Johns tributaries and main branch .....	7
Figure 4: Thermal stability nomograms for St. Johns and main branch .....	8
Figure 5: Box and whisker plot for Effingham tributaries.....	9
Figure 6: Thermal stability nomograms for the Effingham branch.....	10
Table 3: Stream classification summary 2011-2019 .....	11
Figure 7: Mean stream temperatures recorded since 2006 .....	12

# Twelve Mile Creek Temperature Monitoring: 2019 Summary Report

---

## 1.0 Introduction

The following report is the yearly update on the Niagara Peninsula Conservation Authority's stream temperature monitoring program in the Upper Twelve Mile Creek subwatershed.

The Twelve Mile Creek watershed covers 178 km<sup>2</sup> of the Niagara Peninsula and is over 22 km in length. Twelve Mile Creek's headwaters can be found in the Fonthill Kame Delta Complex in Pelham, Ontario. The creek runs north through urbanized St. Catharines and empties into Lake Ontario at Port Dalhousie. The Upper Twelve Mile Creek tributaries are groundwater fed. The St. John's and Effingham Tributaries, located in the Upper Twelve watershed, are the only identified coldwater streams in Niagara and are therefore the only stream supporting naturally reproducing Brook Trout (*Salvelinus fontinalis*) in Niagara.

Stream temperature directly influences the physiology, metabolic rates and life history traits of aquatic species and influences processes such as nutrient cycling and productivity. Fluctuating and permanent natural and human induced changes to water temperature can render suitable habitat unusable to native species of fish, invertebrates and native aquatic communities (Coker *et al* 2001).

Brook Trout are indicators of high quality coldwater habitat. Once abundant throughout the Lake Ontario basin, Brook Trout populations have experienced severe declines since the mid-1900s because of habitat loss and stream temperature increases from forest clearing for agriculture and urban development activities (Coker *et al.* 2001). Brook Trout requirements include forested riparian cover, clean low nutrient water quality, base flow sufficient to maintain flow rates, cold water temperature, and up-welling groundwater or spring fed streams to aerate incubating eggs. The upper lethal temperature limit for Brook Trout is 24°C with an optimum temperature range of 13°C to 17°C (Coker *et al.* 2001). The absence or impairment of any of these conditions can negatively affect the viability of individual populations.

To prevent the degradation and disruption of sensitive Brook Trout habitat and populations it is essential to establish monitoring programs to safeguard stream water quality. Water temperature, a key indicator and attribute of Brook Trout habitat health and viability, is easily monitored using temperature dataloggers.

Prior studies found that most upper tributaries fall within the healthy range for Brook Trout. Moving downstream leads to higher stream temperatures and eventually temperatures out of the optimal range for Brook Trout.

## 2.0 Objectives

The objectives of the 2019 temperature monitoring study are to:

- Continue the yearly temperature monitoring program of the Upper Twelve Mile Creek.
- Identify and classify the thermal regime for selected locations.
- Identify any changes that may have occurred to the thermal stability of Twelve Mile Creek.
- Identify sites that exceed the optimal range and/or lethal limit for Brook Trout.
- Identify locations that require restoration and stewardship.
- Look for any long-term warming changes that may pose risk in the future.

## 3.0 Methodology

Nine stream locations were monitored in 2019. The stations were chosen due to the availability of background data, including water chemistry, benthic macroinvertebrate data, fisheries, stream morphology, hydrology data and stream temperature data.

Onset HOBOWater Temp Pro dataloggers were deployed at nine locations identified in Table 1. Loggers were deployed in June 2019 and collected in November 2019, recording at one-hour intervals. Figure 1 below shows station locations on a map within Twelve Mile Creek. Figure 2 is the model of logger (Pro v2 Data Logger).

The dataloggers were installed in the stream bed at each location and anchored using metal spikes and aircraft cable. Stream bed locations were selected to provide shading from direct sunlight (where possible) and ensure adequate water depth to keep the datalogger fully submerged throughout the summer.

Sulphur Spring Drive data were taken from a stream gauge operated by the NPCA. This included air temperature data. TW007 stream temperature was taken from an Onset HOBOWater Conductivity logger deployed for a separate study with the Ministry of Environment, Conservation and Parks.

A monthly maintenance schedule was implemented for this study. Temperature loggers were cleaned and downloaded monthly to ensure they were in working order.

The data is downloaded via HOBOWare Pro Software and then organized into excel worksheets with air temperature data from an air temperature sensor located on Sulphur Spring Road in Pelham. The box and whisker plot is used to show here the data lies in relation to the Brook Trout's optimum temperature range. The box represents where 50% of the temperature values fall. The line within the box represents the median value, and the whiskers represent the minimum and maximum values that

were recorded. The red line represents the lethal limit of 24°C for Brook Trout and the blue line represents the maximum of the optimum temperature range of 13 °C to 17 °C.

Modified nomograms were created to observe the stream thermal stability and identify the thermal regime of each creek. The method used to create this figure was taken from Stoneman and Jones (1996), where a simple method to classify stream thermal stability with single observations of daily maximum air temperatures and water temperatures at 16:00 hours from July 1 to September 10. Their method determines whether a watercourse is to be classified as coldwater, coolwater or warmwater. For the purpose of this study, the monitoring period has been expanded from June 5<sup>th</sup> to September 30<sup>th</sup>. This protocol is an approximation of the classification.

Table 1: 2019 Monitoring locations

Station	Watershed	UTM Coordinates	Location Description
<b>TW000</b>	St. Johns	639434, 4767542	Small headwater tributary located in Marlene Stewart Streit Park
<b>TW001</b>	St. Johns	639604, 4768717	St. John's branch on Pelham Street near Overholt Road
<b>TW002</b>	Effingham	637665, 4770341	Effingham branch on Effingham Street, upstream of Sulphur Spring Drive
<b>Sulphur Spring Drive</b>	Effingham	638301, 4771206	Effingham branch located on Sulphur Spring Drive, downstream of TW002
<b>TW003</b>	St. Johns	640455, 4769347	St. Johns branch located on private property near McSherry Lane.
<b>TW004</b>	Effingham	638942, 4769132	Effingham branch located on Metler Road near Haist Street, downstream of golf course
<b>TW005</b>	St. Johns	639056, 4771938	St. Johns branch located on Roland Road, near the confluence of both branches
<b>TW006</b>	Effingham	639021, 4771975	Effingham branch located on Roland Road, near the confluence of both branches
<b>TW007</b>	Main branch	640329, 4775029	Main branch near 1 <sup>st</sup> Street Louth, downstream of Short Hills Provincial Park



# Temperature monitoring locations

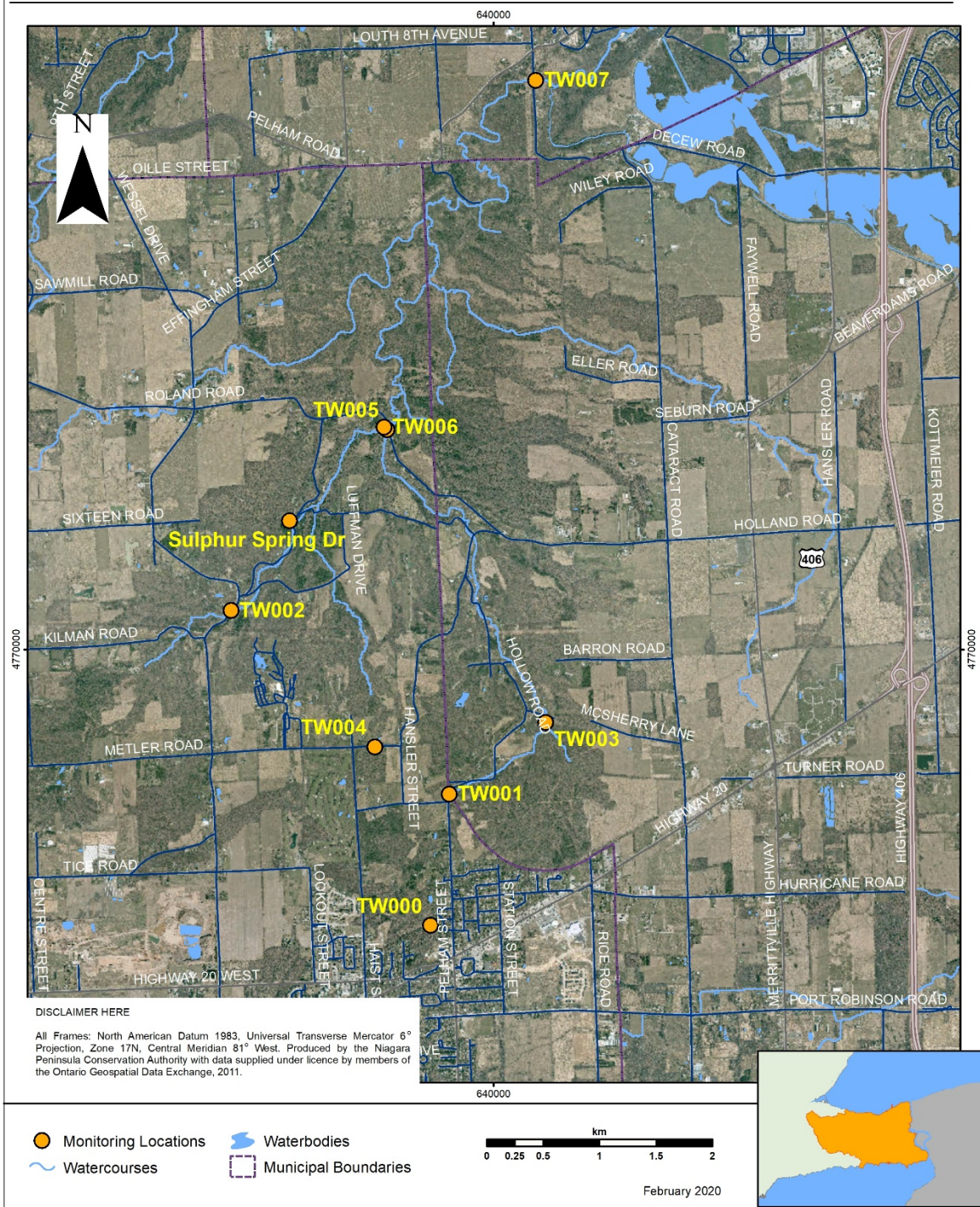


Figure 1: Map of temperature monitoring locations



Figure 2: Onset HOBO Water temperature Pro v2 Data Logger

## 4.0 Results

Table 2: Summary of data collected

Stations	Mean Temperature (°C)	Minimum Temperature (°C)	Median Temperature (°C)	Maximum Temperature (°C)	Time out of optimal range (%)	Consecutive Hours over lethal limit
TW000	13.09	11.05	12.99	17.94	0.18	0
TW001	16.62	12.56	16.58	22.11	41.61	0
TW002	15.09	11.37	15.08	19.77	12.19	0
Sulphur Spring Drive	15.31	11.08	15.28	20.59	17.40	0
TW003	14.61	11.35	14.46	19.87	5.67	0
TW004	15.68	12.05	15.70	20.27	22.73	0
TW005	17.33	12.12	17.46	22.71	56.66	0
TW006	17.19	12.00	17.23	23.09	53.38	1
TW007	20.10	15.2	20.19	25.23	94.15	13

Table 2 above displays a summary of data collected for the 2019 field season. In total, 2838 data points were collected at all stations, with the exception of TW007 where only 2085 data points were collected.

Maximum temperatures exceeded the lethal limit at one location, TW007. More than half of the data collected was over the optimal range at TW005, TW006, and TW007. The lethal limit was only exceeded for a significant portion of time in one instance, from July 20<sup>th</sup> to July 21<sup>st</sup> at TW007 for 13 consecutive hours.

## 4.1 St. Johns tributaries and main branch

St. Johns tributaries and the main branch of the Upper Twelve Mile Creek watershed were monitored for a total of five stations. Figure 2 below shows a box and whisker diagram of the five locations for the 2019 field season. The main branch at TW007 (1<sup>st</sup> Street Louth) exceeds the lethal limit and is above the optimal range for most data collected. TW005 data falls above the optimal range. TW000, TW001, and TW003 fall below the optimal range.

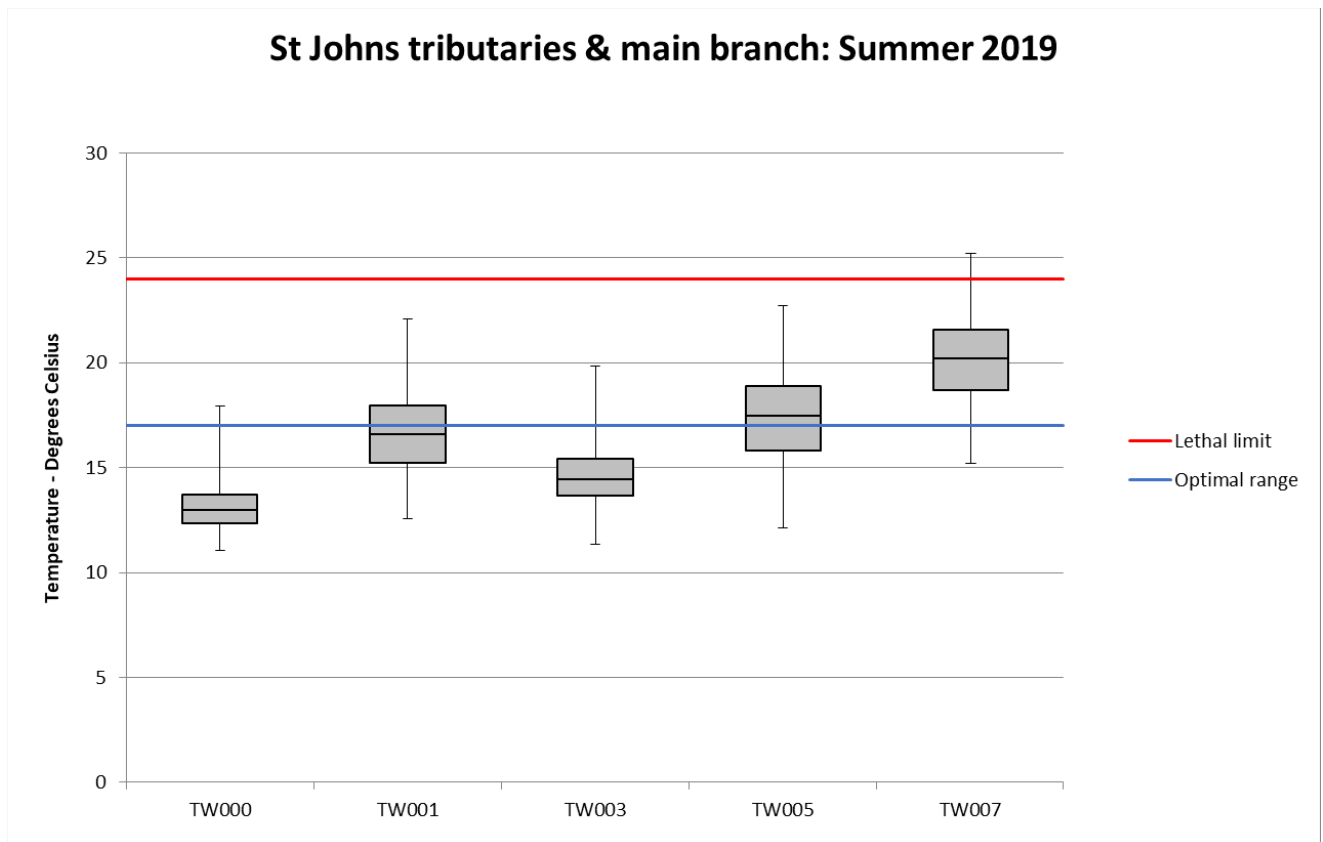


Figure 3: Box and whisker plot for St. Johns tributaries and main branch



Figure 3 below is a scatter plot nomogram that represents the classification of stream thermal stability. Maximum daily air temperature is plotted against the corresponding water temperature at 16:00hrs from June 5<sup>th</sup> to September 30<sup>th</sup>. This nomogram is created based on the protocol outlined by Stoneman and Jones (1996).

The nomogram for St Johns and the main branch of Twelve Mile Creek show that TW000 and TW003 can be classified as coldwater. TW001 and TW005 are classified as coolwater. TW007 (main branch) is classified as warmwater. The classifications are determined by where the majority of data fit into the graph below.

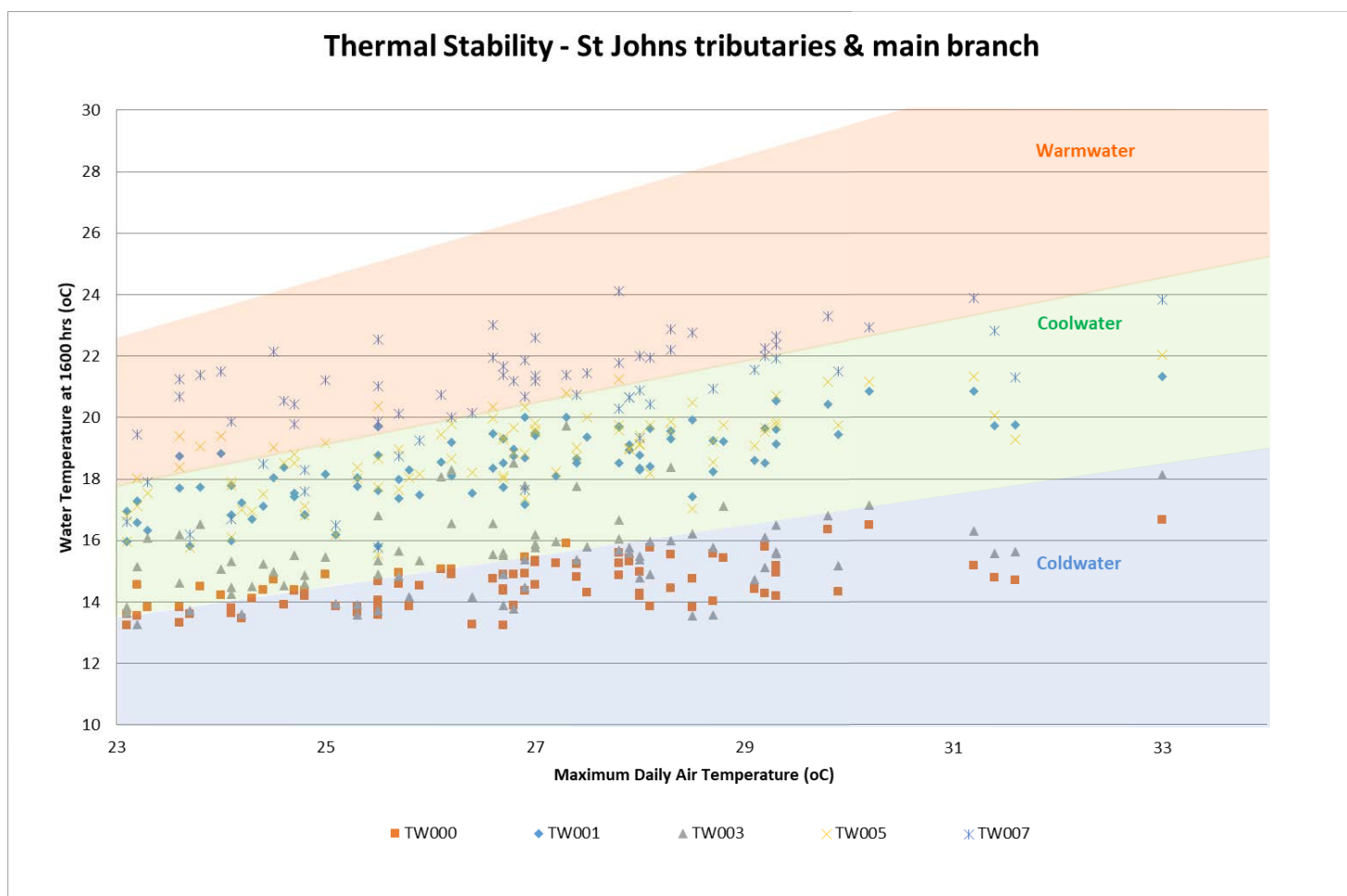


Figure 4: Thermal stability nomograms for St. Johns and main branch

## 4.2 Effingham tributaries

Stream temperature was monitored at four locations in the Effingham branch of Twelve Mile Creek. Figure 4 below is a box and whisker plot from the four stations with optimal range and lethal limit plotted. TW002, Sulphur Spring Drive, and TW004 fall mostly within the optimal range with maximum air temperatures well below the lethal limit. TW006 near the confluence of both branches sits slightly higher with a significant portion of data falling above the optimal range. The maximum temperature for TW006 falls slightly below the lethal limit.

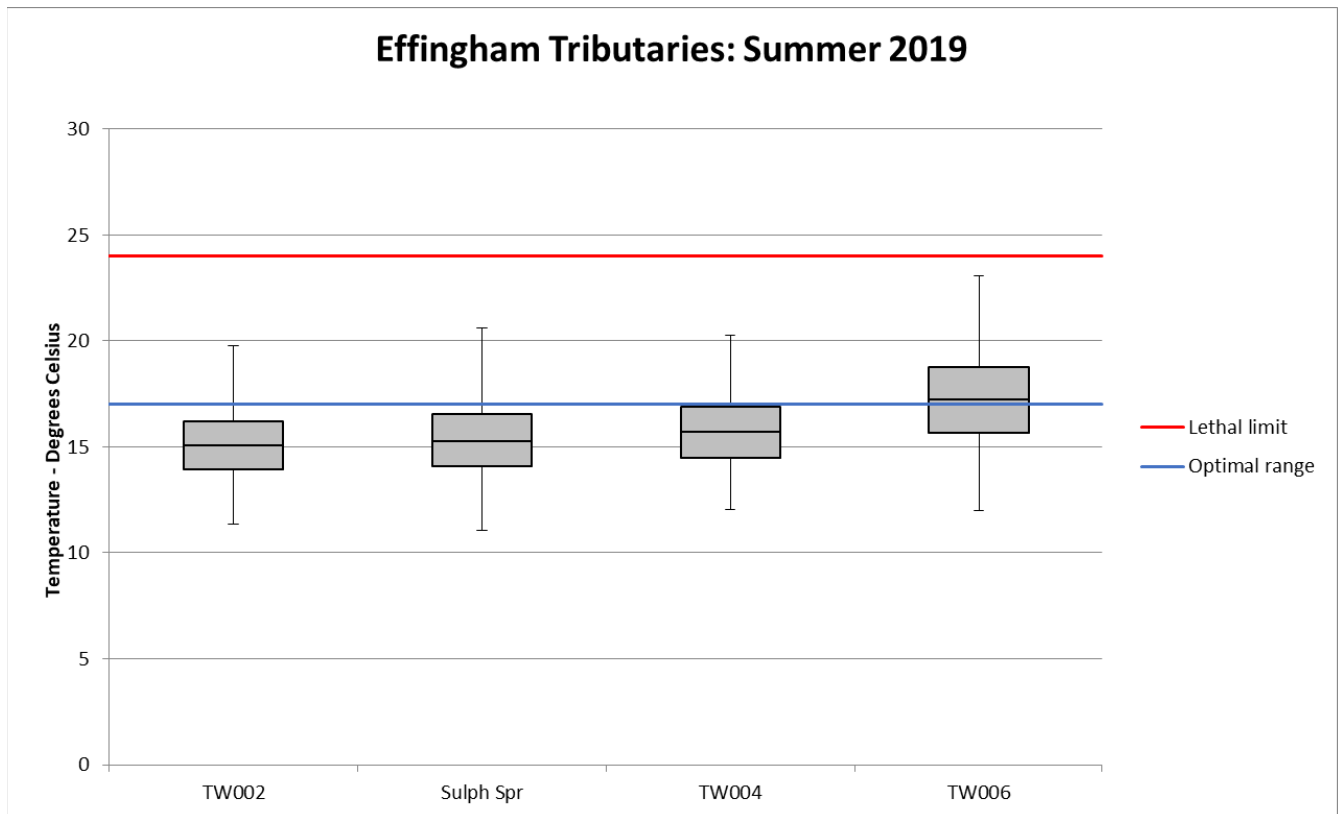


Figure 5: Box and whisker plot for Effingham tributaries

Figure 5 below is the scatter plot nomogram of thermal stability for the Effingham branch. The same protocol was followed as above. All Effingham branch tributaries are classified as coolwater, according to the 2019 nomogram.

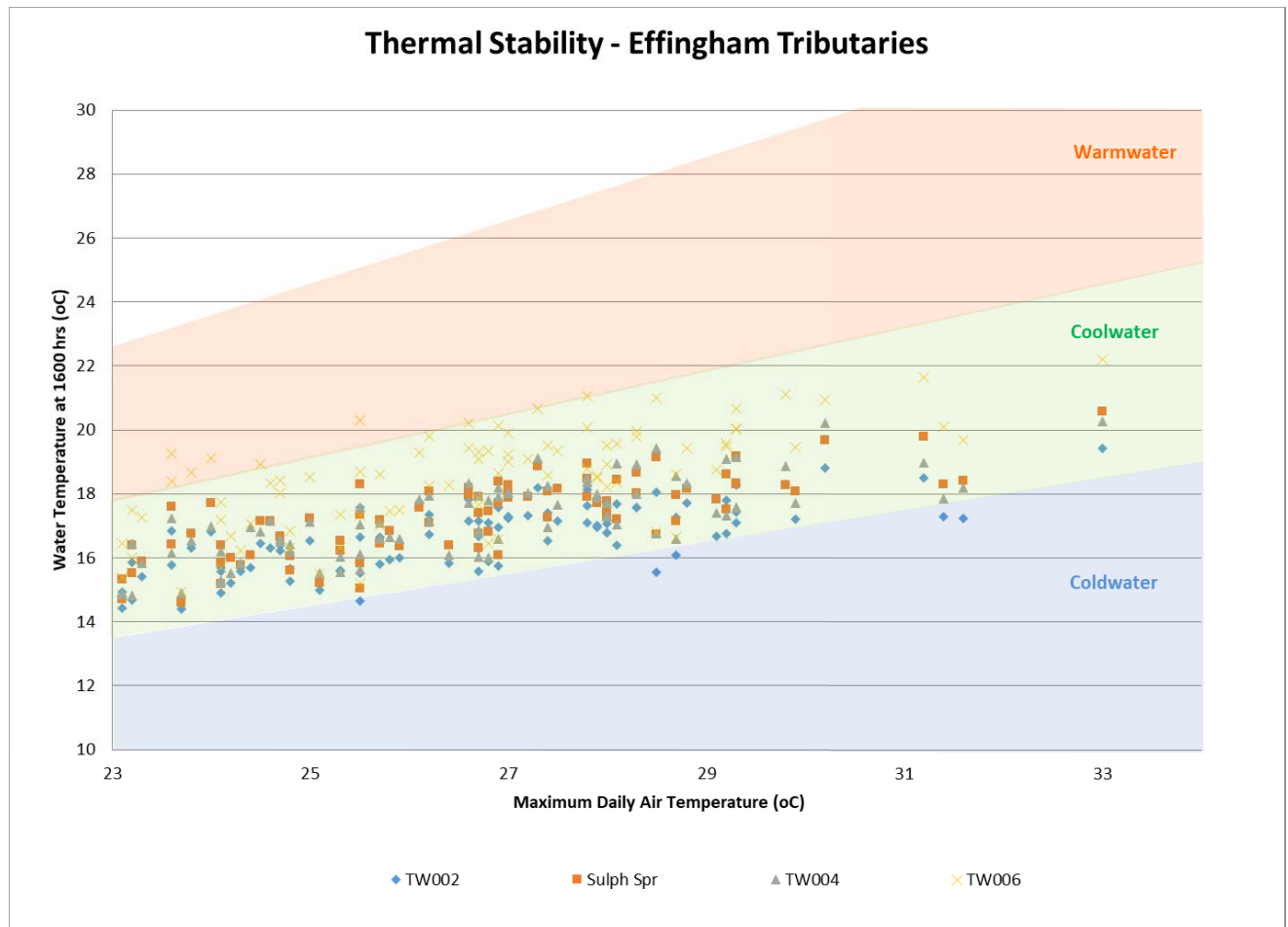


Figure 6: Thermal stability nomograms for the Effingham branch

### 4.3 Summary of results

Table 3 below is a summary of stream classifications between 2011 and 2019. The summary shows both classifications according to nomograms and indicates whether the maximum temperature exceeded the lethal limit for that summer.

In 2019, only TW007 exceeded the lethal limit and is classified as warmwater. TW000 and TW003 are both classified as coldwater. The only changes in classification are for TW003 and TW007. TW003 is classified as coldwater in 2019 for the first time since 2015. TW007 returns to warmwater classification from coolwater the last time it was monitored in 2017.

Table 3: Stream classification summary 2011-2019

		Hamilton Sanctuary	TW000	TW001	TW002	Sulphur Spring Dr	TW003	TW004	TW005	TW006	TW007
<b>2011</b>	Classification	N/A	Coldwater	Coolwater	Coolwater	N/A	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater
	Max over lethal limit		No	Yes	No		No	No	Yes	Yes	Yes
<b>2013</b>	Classification	N/A	Coldwater	Coolwater	Coolwater	N/A	Coldwater	Coolwater	Coolwater	Coolwater	Warmwater
	Max over lethal limit		No	Yes	No		No	No	Yes	Yes	Yes
<b>2014</b>	Classification	Coldwater	Coldwater	Coolwater	Coldwater	N/A	Coldwater	Coldwater	Coolwater	Coolwater	N/A
	Max over lethal limit	No	No	No	No		No	No	No	No	
<b>2015</b>	Classification	N/A	Coldwater	Coolwater	Coolwater	N/A	Coldwater	Coolwater	Coolwater	Coolwater	N/A
	Max over lethal limit		No	No	No		No	No	No	No	
<b>2016</b>	Classification	Coldwater	Coldwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Warmwater
	Max over lethal limit	No	No	No	No	No	No	No	No	No	Yes
<b>2017</b>	Classification	N/A	Coldwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater
	Max over lethal limit		No	No	No	No	No	No	No	No	No
<b>2018</b>	Classification	N/A	N/A	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	Coolwater	N/A
	Max over lethal limit			No	No	No	No	No	No	No	
<b>2019</b>	Classification	N/A	Coldwater	Coolwater	Coolwater	Coolwater	Coldwater	Coolwater	Coolwater	Coolwater	Warmwater
	Max over lethal limit		No	No	No	No	No	No	No	No	Yes

Figure 6 below displays mean stream temperatures since temperature monitoring began in 2006. In some cases, the data has not been consistently collected, but at the locations consistently collected there is no apparent pattern emerging from the data. Mean temperatures appear to go up during hotter summers in all cases and drop back down during cooler, wetter years. All monitoring locations experienced significant increases in temperature in 2016 which can be attributed to a hot and dry year.

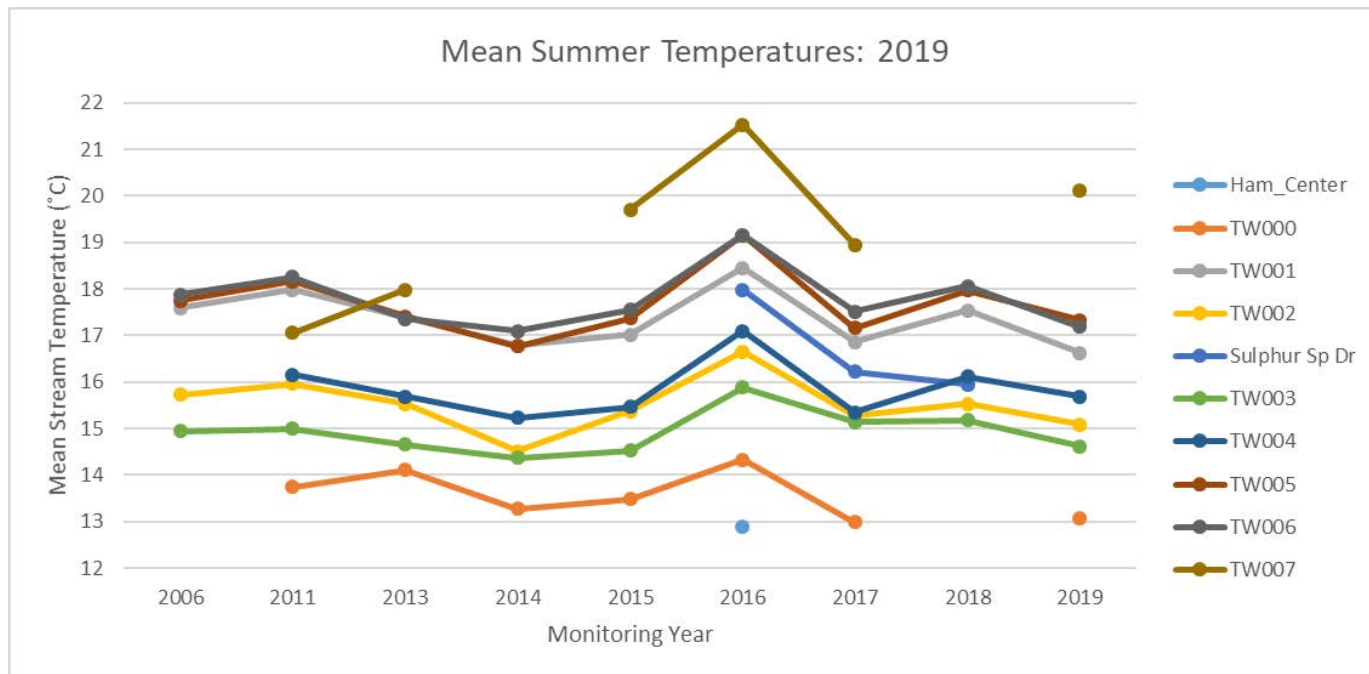


Figure 7: Mean stream temperatures recorded since 2006

## 5.0 Analysis

There are no obvious patterns emerging in the data, with most results being stable. Classifications remained consistent, with two minor changes that are not entirely unexpected based on past data collection.

Mean stream temperatures are fairly stable with the exception of an abnormally warm and dry summer in 2016. Streams that are classified as coldwater (TW000, TW003) appear to respond slightly less to warmer summers, perhaps being protected by the shaded woodlots they are in or are regulated by more groundwater influence than downstream locations. Downstream locations are the accumulation of upstream land uses and tend to be wider creeks, in some cases being exposed to more sunlight.

TW005 and TW006 remain a concern as they typically hover around or above optimal range and the maximum temperature is near the lethal limit. In 2019, no significant amount of time was spent above the lethal limit at either site, however, more than half time recorded was spent above the optimal range (table 2 above). On Roland Road, these two tributaries combine into one branch and enters Short Hills Provincial Park. Based on the temperature monitoring at these two locations, there is some concern for Upper Twelve Mile Creek as it runs through the park as it is entering already at elevated temperatures in the summer.

TW001 is typically a concern as that location tends to be elevated relative to the monitoring locations around it. This is due to upstream land uses (ponds) that artificially warm this location. This location is classified as coolwater, however, with the ponds upstream it could be in danger of further warming over time.

TW007 main branch appears to be unsuitable for Brook Trout. The upper tributaries are considered suitable based on thermal stability data, however, some locations such as TW001, TW005, and TW006 are close to being considered unsuitable.

## 6.0 Conclusion

Tributaries in the Upper Twelve Mile Creek watershed are capable of supporting Brook Trout based on temperatures monitoring. Downstream, the main branch is not considered suitable. Some locations are above the optimal range and would cause some stress to Brook Trout. Overall, the upper tributaries are considered safe as they are classified coldwater or coolwater.

Downstream locations are at risk of higher temperatures due to widening of the banks and exposure to sunlight. As the creek enters Short Hills Provincial Park at Roland Road, it is above the optimal range for over 50% of the time. While the park offers significant riparian vegetation and shade, the creek continues to widen due to erosion and bank instability in the park, eventually exiting at the final monitoring location at 1<sup>st</sup> Street Louth. At this location, the creek is now classified as warmwater and unsuitable for Brook Trout.

Significant stream rehabilitation is required within Short Hills Provincial Park and upstream to ensure that the stream temperatures are in the optimal range for Brook Trout. Current tributaries that are considered suitable must be protected from degradation, and downstream locations must be stabilized.

## 7.0 Recommendations

Considering the data collected from temperature monitoring of the Upper Twelve Mile Creek watershed, the following recommendations are suggested:

- The NPCA must continue annual temperature monitoring at the same locations.
- Erosion monitoring in susceptible tributaries.
- The NPCA stewardship program along with local partners and landowners must partner to provide information and opportunities for stewardship projects.
- Consider strategies to approach landowners with ponds and propose alternatives.
- Conduct fish studies in the upper tributaries including e-fishing or eDNA sampling, to determine the presence and status of Brook Trout populations to help focus restoration efforts.

## References

- Coker, G.A., C.B. Portt and C.K. Minns. (2001). Morphological and ecological characteristics of canadian freshwater fishes. Canadian Manuscript Report of Fisheries and Aquatic Sciences 2554: Department of Fisheries and Oceans, Canada.
- Environment Canada, (2019). Historical data. Retrieved from [http://www.climate.weatheroffice.ec.gc.ca/climateData/canada\\_e.html](http://www.climate.weatheroffice.ec.gc.ca/climateData/canada_e.html)
- Niagara Peninsula Conservation Authority, (2019). NPCA Water Quality Monitoring Program: Summary report of the year 2018. Niagara Peninsula Conservation Authority, Welland, Ontario. Retrieved from [https://npca.ca/images/uploads/common/2019\\_NPCA\\_Water\\_Quality\\_Monitoring\\_Report\\_Draft\\_2019\\_05\\_31.pdf](https://npca.ca/images/uploads/common/2019_NPCA_Water_Quality_Monitoring_Report_Draft_2019_05_31.pdf)
- Stoneman, Christine, and Michael Jones, (1996). A simple method to classify stream thermal stability with single observations of daily maximum water and air temperatures. North American Journal of Fisheries Management, 16: 728-737.



**From:** Sharon Cook [REDACTED]

**Date:** June 25, 2020 at 2:49:04 PM EDT

**To:** Nancy Bozzato <NBozzato@pelham.ca>

**Subject:** Letter for Mayor and Council - Please add to Next Council Agenda

To: Mr Mayor and Councillors,

RE: Letter in support for the Active Transportation Committee to surface trails.

I was most surprised and disappointed to read that a grant to surface our trails was turned down.

As the former chair of the Joint Accessibility Advisory Committee, I have always been proud of Pelham, for not only meeting, but in many cases exceeding the requirements of the AODA (Accessibility for Ontarians with Disabilities Act).

As you know this Act sets the requirements for both new and/or redeveloped outdoor spaces, which include recreational trails. The requirements are quite specific as to slope, surface and access etc.

The grant would go along way to make our trails more accessible for those with disabilities, Seniors, Moms with strollers , Small Children, Cyclists and you and I.

I would gladly provide a wheelchair to any member of Council to take a test drive on the existing trail surface.

As Chair of the Pelham Seniors Advisory Committee, I heartily endorse the bid of the Active Transportations Committee of Council to have the trails in the Town of Pelham paved making them accessible to all residents.

Respectfully, submitted

Sharon Cook

July 7, 2020

Your Worship and members of council,

My name is Carolyn McCourt and I reside with my husband on Vista Drive in Fonthill.

In early 2019 after discussion with staff at the Municipal Offices, and notifying all of my adjoining neighbours I opened an AIRBNB in our separate, furnished lower level.

After a winter break, I reopened again in late spring of this year, again after communicating with town staff. To date we have had the pleasure of hosting many very nice couples and singles in our home and have never had a complaint or concern expressed by our neighbours.

The very obvious difference is the fact that we reside at the location, provide off street parking and do not allow any activity that is likely to cause a disturbance.

I absolutely understand the issue before council and as a longtime resident in this community I would object strongly if our neighbours opened an AIRBNB rental that allowed unsupervised activity that caused a disturbance.

Before council concludes this matter however please allow me to express my personal sentiment that the remedy to most, if not all. short term rental complaints is requiring that the home be occupied by the owner in order to ensure compliance with a potential bylaw and appropriate neighbourly conduct. This requirement would allow responsible home owners like my husband and I to continue to run our small business, and direct our guests to the many great restaurants and other facilities in Fonthill and the Niagara Region.

I thank you for your time and consideration!

Carolyn McCourt

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, May 27, 2020 - 5:00 p.m.  
Teleconference**

**PRESENT:** Bob Hildebrandt, Councillor – Town of Pelham  
Tim Nohara (**Chair**)  
John Langendoen  
Louis Damm  
Jim Jeffs  
Bill Heska  
Jim Steele  
Carla Baxter  
Barbara Wiens, Director, Community Planning & Development - Town of Pelham  
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham  
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham  
(**Secretary**)

**Other:** Nick McDonald, Meridian Planning

**Regrets:** David Cribbs, CAO - Town of Pelham

---

**1. Declaration of Quorum**

Chair declared quorum at 5:02 pm.

**2. Approve Agenda**

Agenda amended to move items to accommodate N. McDonald's attendance and add for review amendments to the revised draft ZBA and Cannabis Control Committee's schedule to the agenda.

Moved by J. Jeffs, seconded by J. Langendoen that the agenda of May 27, 2020 be approved, as amended.

CARRIED

**3. Working Group Discussion**

**Review of N. McDonald's amendments to draft OPA/ZBA & Committee comments and feedback on proposed revised OPA by Meridian Planning Inc.**

N. McDonald, Meridian Planning, provided overview of revisions he made to the circulated draft Official Plan and Zoning By-law amendments in order to address comments received from the agencies, the cannabis industry and the public. Proposed revisions were then reviewed section by section in detail with strong participation from the CCC members. N. McDonald indicated that he would make a couple of revisions to address some editorial comments provided.

Town staff, B. Wiens and S. Larocque, provided input to the proposed drafts. N. McDonald noted he would consider a further revision to address staff comments. It was agreed that revisions to the draft OPA and ZBA will be completed by Thursday May 28 and provided to Town staff who will forward to Niagara Region and Niagara Escarpment Commission for comments. Staff will circulate the revised drafts to the named agencies by Fri May 29, 2020 and setup a call with the Region to discuss the proposed revisions.

N. McDonald noted that he was very happy with where we are and he believes this iteration of the OPA/ZBA is even better in terms of balancing comments from the Region and the Industry. He is fairly confident that the Region will be very satisfied.

Moved by J. Steele, seconded by C. Baxter to approve the revised draft Official Plan Amendment and Zoning By-law Amendment, subject to the final revisions to be made by N. McDonald in response to the identified comments, for distribution to Niagara Region and NEC.

CARRIED

### **Review of Cannabis Control Committee's Tentative Schedule**

It was noted that the committee plans to update council for the June 1, 2020 council meeting; provide a review of draft OPA and ZBA to council for the June 15, 2020 council meeting; if approved, N. McDonald to attend the June 15<sup>th</sup> and July 13, 2020 council meetings. N. McDonald will have a report ready for submission.

All materials for presentation to council must be provided to the Clerk in advance of such meetings, at the Clerk's recommended dates for submission.

N. McDonald departed the meeting at 6:31 pm.

#### **4. Minutes of April 22, 2020 and May 6, 2020**

Chair has provided the executed Minutes of April 22 and May 6, 2020 to the Secretary via email.

#### **5. Minutes of May 13 and May 20, 2020**

Moved by B. Heska, seconded by J. Langendoen that the minutes of May 13, 2020 and May 20, 2020 be deferred to the next meeting date.

CARRIED

#### **6. Working Group Discussion**

##### **Revisions to Proposed Amendment to Odorous Industries Nuisance By-law (OINBL) recommended by Regional Prosecutor's Office**

The CCC reviewed the proposed amendment to the OINBL drafted by By-law enforcement Staff.

B. Wiens discussed the second conviction fine with the By-law enforcement office and they agreed with B. Heska's comment, and have revised the second offence fine from



\$1,000 to \$7,500. B. Heska noted another change in the proposed amendment from \$100,000 to \$50,000. B. Wiens indicated she would discuss this with By-law enforcement Staff to provide the reason for the reduction of the maximum fine for second offence.

T. Nohara asked for a copy of the referenced AMPS By-law. B. Wiens will provide the general AMPS By-law to the Committee.

7. **Next meeting Date:** Wednesday, June 3, 2020 (teleconference)

8. **Adjournment:**

Moved by B. Heska, seconded by J. Steele that the meeting be adjourned.

The meeting adjourned at approximately 6:44 p.m.

CARRIED

Signed by:

Edited Tim J. Nohara  
By: Tim Nohara (Chair)

J. Legros  
Prepared by: Jodi Legros, Administrative Assistant  
Community Planning & Development-Town of Pelham

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, June 3, 2020 - 5:00 p.m.  
Teleconference**

**PRESENT:** Bob Hildebrandt, Councillor – Town of Pelham  
Tim Nohara (**Chair**)  
John Langendoen  
Louis Damm  
Jim Jeffs  
Bill Heska  
Jim Steele  
Carla Baxter  
David Cribbs, CAO - Town of Pelham  
Barbara Wiens, Director, Community Planning & Development - Town of Pelham  
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham  
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham  
(**Secretary**)

---

**1. Declaration of Quorum**

Chair declared quorum at 5:03 pm.

**2. Approve Agenda**

Moved by B. Heska, seconded by C. Baxter that the agenda of June 3, 2020 be approved, as amended.

CARRIED

**3. Minutes of May 13, May 20 and May 27, 2020**

- Moved by J. Jeffs, seconded by C. Baxter that the minutes of May 13, 2020 be approved, as amended.

CARRIED

- Moved by J. Steele, seconded by B. Heska that the minutes of May 20, 2020 be approved, as amended.

CARRIED

- Moved by C. Baxter, seconded by J. Langendoen that the minutes of May 27, 2020 be deferred to the next meeting date.

CARRIED

**4. Working Group Discussion**

**Revised amended Odorous Industries Nuisance By-law**

B. Wiens noted the further amendment relates to the maximum amount of the second and subsequent conviction fine increase from \$50,000 to \$100,000 as initially proposed and indicated that the proposed amendments were in response to recommendations from the Regional Prosecutor's Office.

The Chair requested that members provide comments on the proposed amendment and that he will be emailing Aird & Berlis on Monday, June 8<sup>th</sup> to review the amendment.

#### **Amendment to Site Plan Control By-Law**

Committee is proposing an amendment to the Site Plan Control By-law to include industrial hemp or industrial hemp related uses to be subject to site plan approval.

Chair noted the draft will be sent to Aird & Berlis for review.

Moved by C. Baxter, seconded by B. Heska to approve draft proposed amendment to Site Plan Control By-law.

CARRIED

#### **5. Items for discussion**

The Committee discussed the next steps with the Region and when the Region will decide if the OPA is exempt from Regional approval. A meeting is scheduled with the Niagara Region Staff on Thursday, June 4<sup>th</sup> to discuss the revised draft Official Plan Amendment. The Region will provide comments in writing. The Committee will be updated on the meeting with the Region next week. The Committee plans to present the revised draft OPA and ZBA to council on June 15, 2020 and Council to make a decision on July 13, 2020.

The Committee discussed expectations regarding input from Aird & Berlis on the amendments to the Odorous Industries Nuisance By-law, Site Plan Control By-law, Official Plan and Zoning By-law.

#### **6. Next meeting Date:** Wednesday, June 10, 2020 (teleconference)

#### **7. Adjournment:**

Moved by B. Heska, seconded by J. Steele that the meeting be adjourned.

The meeting adjourned at approximately 5:41p.m.

CARRIED

Signed by:

  
Tim Nohara (Chair)

  
Prepared by: Jodi Legros, Administrative Assistant  
Community Planning & Development-Town of Pelham

**MEETING DATE: Wednesday, March 11, 2020 – 5:30 PM**  
**Kinsmen Room, MCC, Town of Pelham, Fonthill**

**Present:** Sally Jaeger (Special Events & Festivals Programmer)  
Karen Blake (RCW Administrative Assistant)  
Bill Sheldon (Resident)  
Councillor John Wink  
Remo Battista (Resident)  
Julie Milligan (Resident)  
Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Marlene Ouwendyk (Resident)  
Frank Adamson (Resident)  
Bea Clark (PATC)  
Carolyn Mullin (Social Media Marketer)  
Todd Barber (Kame & Kettle)  
Dave Beifuss (Kame & Kettle)

**Absent with Regrets:** Kelly Sauriol (Chamber of Commerce), Bill Gibson (Resident), Paul De Divitiis (Resident)

**1 WELCOME**

**2 DECLARATION OF QUORUM AND CALL TO ORDER**

The Acting Chair, Bill Sheldon, declared quorum and called the meeting to order at 5:37pm.

**3 ADDITIONS TO THE AGENDA**

- Emergency Plan

**4 ADOPTION OF AGENDA**

Moved by: Remo Battista

Seconded by: Frank Adamson

THAT the agenda for the March 11, 2020 Summerfest Committee Meeting be approved, as amended.

CARRIED

**5 APPROVAL OF MINUTES OF PREVIOUS MEETING**

Moved by: Remo Battista

Seconded by: Julie Milligan



THAT the Minutes of the February 12, 2020 Summerfest Committee meeting be approved, as presented.

CARRIED

## **6 ENTERTAINMENT**

### **6.1 Main Stage – Friday and Saturday – update by Paul**

Deferred until next meeting

### **6.2 Kids Zone – update by Julie**

Julie updated the Committee on the Kids Zone entertainers, their availability and fees for Summerfest 2020. The Committee discussed the entertainers, and ensuring withdrawal dates with each entertainer. The Committee approved the entertainers and Julie will book them with the conditions of withdrawal dates.

### **6.3 Buskers – who is booking?**

Deferred until next meeting

### **6.4 Sunday Music in Peace Park – who is booking?**

Deferred until next meeting

## **7 MARKETING, COMMUNICATION & ADVERTISING**

### **7.1 Ten Ideas for weekly story/article**

Sally asked the Committee for an outline for 10 weeks of articles in the Voice of Pelham. The Marketing and Public Relations Specialist requested an outline highlighting different themes or new features throughout the 10 years of Summerfest. The Committee discussed themes, new features and additions to the festival throughout the years. Bea will work with Sally to develop an outline which they will bring to the subsequent meeting.

### **7.2 Niagara Dailies quote for banner ads**

Sally updated the Committee with the quote for banner ads. The Committee approved the quote and Sally will move forward with booking these.

### **7.3 Rack Cards, Poster and Billboard**

Sally passed the poster, rack card and billboard drafts around to the Committee. The Committee discussed changes they would like to see in terms of colour, style and layout. Sally will ask Marc (Marketing and Public Relations Specialist) to update. Sally will email the updated documents to the Committee to approve.

**6.4 Niagara this Week banner ad/wrap**

Sally updated the Committee on an opportunity with Niagara This Week to advertise on a wrap instead of a banner ad. Sally compared the costs of the different forms of advertising and the Committee discussed the differences and opportunities for digital advertising.

Motion Remo Battista  
Seconded by: Julie Milligan

THAT in place of the Niagara This Week banner ad and the direct mailer, that the Summerfest Committee reserve a Niagara This Week wrap for early July.

CARRIED

**6.5 Voice of Pelham Banner Ad**

Sally updated the Committee on the cost of the banner ads for The Voice of Pelham. The Committee discussed and approved the cost. Sally will book these.

**6.6 Country 89**

Sally brought forward an inquiry from Country 89 about marketing Summerfest 2020. Discussion surrounded the fee, when they are present at the event, and prewritten scripts. Sally will begin correspondence surrounding expectations and attendance at the festival.

**8 LOGISTICS****8.1 Stage Relocation**

Sally updated the Committee on the status of the stage location, including receiving approval from Niagara Region for the stage relocation. This will begin the process of planning for other logistics, including bar location.

**8.2 Water Refill Station**

Sally updated the Committee that the water refill station is not available for Saturday and Sunday for Summerfest 2020. Sally discussed some other options available. The Committee discussed the different options and the expectation of water at the festival. Remo will contact a local business to discuss options available through them.

**8.3 Craft Beer & Wine RFQs**

Sally asked the Committee who to send the Craft Beer and Wine RFQs to for Summerfest 2020. The Committee discussed the purpose of the RFQ.

The Committee decided to send out an RFQ for Wine and Cider. For Craft Beer, Sally will approach a local brewery to ask if they are willing to be the craft beer supplier for Summerfest 2020. Sally updated the Committee that Paul is in correspondence with both large beer suppliers for Summerfest 2020.

#### **9. ACTIVE ZONE**

Bea updated the Committee on the Active Zone and the activities planned for Summerfest 2020. After the next Pelham Active Transportation Committee (PATC), she will return with more of an update.

#### **10. VENDORS**

##### **10.1 Kame & Kettle Festival Licensing:**

Sally updated the Committee on the unique situation of Festival Licensing with Kame and Kettle due to their manufacturers' license. Representatives from Kame and Kettle came into the meeting to discuss opportunities for them to participate in festival licensing and asked about having a presence on Pelham Street. The Committee discussed mutual benefits, liability, and decided that if Kame and Kettle would like to participate in Festival Licensing, that the fee would be the same rate as a local food vendor. The Kame and Kettle representatives will discuss and report back to the Committee.

##### **10.2 Early Bird Vendor Selection:**

Sally distributed the early bird vendor applications via email prior to the meeting. The Committee discussed several vendors and their applications. Sally will reach out to a few to clarify logistics and product descriptions. The Committee approved most vendors. Sally will contact the approved vendors. Sally will bring a list of additional applications to the subsequent meeting.

#### **11 SPONSORSHIP**

**11.1** Kelly updated the Committee via an email to Sally about the sponsorship status and a couple new potential sponsors. Remo stated that he has talked with a few additional local businesses.

##### **11.2 Gold Level Sponsor request re booth:**

Sally updated the Committee on a request by a Gold Level sponsor to use their assigned booth for to his wife's business. The Committee agreed to this request.

#### **12 KIDS ZONE**

**12.1 Splash Pad:** Remo updated the Committee that he is waiting on the plan and cost of the splash pad. The local business he is working with asked

if there is an alternative location that the splash pad could be. The Committee agreed that the best location would still be the municipal parking lot.

**13 TEEN ZONE**

Nothing to update.

**14 CAR SHOW**

Nothing to update.

**15 SUNDAY BREAKFAST**

Nothing to update.

**16 VOLUNTEERS**

Nothing to update.

**17 REBUILD THE ARCHES**

Frank and Bill S updated the Committee on the costs to the materials, the fundraising efforts, the manufacturing schedule and the additional unexpected costs. The Committee discussed the Council delegation and alternative solutions to the fundraising.

**18 OTHER BUSINESS:****18.1 Emergency Plan:**

The Committee discussed the COVID-19 pandemic and the need to determine a withdrawal date with all contracts and entertainers. Vickie noted that there will be an emergency plan in place. Sally will look at the contracts that are already in place.

**19 NEXT MEETING**

Next meeting: **Wednesday March 25th at 5:30pm**

**20 ADJOURNMENT**

Moved: Frank Adamson

Seconded: Remo Battista

THAT the meeting of the Summerfest Committee, March 11, 2020 be adjourned at 8:28pm.

CARRIED

  
W.R. Gibson (May 28, 2020 19:49 EDT)

Acting Chair of Summerfest Committee  
Bill Sheldon

  
RCW Administrative Assistant  
Karen Blake

**MAYOR'S YOUTH ADVISORY COUNCIL  
MINUTES**

**MEETING DATE:** Tuesday, February 25, 2020  
**4:30 p.m.**  
**Meridian Community Centre**

**Attendance:** Sofia Labricciosa (Prime Minister),  
Ava Colangelo (Secretary),  
Ben Bonisteel (Promotions Minister),  
Natalie Anderson (Communications Officer),  
Parker Triano (Deputy Prime Minister),  
Olivia Warankie,  
Abbey Rittner,  
Mia Colangelo,  
Tyler Anderson,  
Adam Kleinsmith,  
Laura Tremeer,  
Merek Triano,  
Jenna Diab,  
Miria Diab,  
Aaron Bourdages,  
Kaitlyn Palmateer,  
Jessica Sung,  
Ayden Mooney,  
Matthew Iannizzi,  
Megan Metler

**Absent:** Emma Worrall, Liam MacRae, Mackenna Belding

---

1. Declaration of Quorum and Call to Order

The Prime Minister, Sofia Labricciosa, declared a quorum and welcomed everyone to the meeting.

2. Adoption of the Agenda

Moved by: Jessica Sung

Seconded by: Matthew Iannizzi

THAT the Agenda for the February 25, 2020 Pelham Mayor's Youth Advisory Council meeting be approved.

CARRIED

3. Approval of Minutes

THAT the Minutes for December 17, 2019 Pelham Mayor's Youth Advisory Council meeting be approved.

Moved by: Olivia Warankie  
Seconded by: Merek Triano

CARRIED

4. Social Media

- MYAC to take pictures "filler post" for social media
- if anyone is interested in helping out with social media, let executive know and you will be added to the group chat
- kindness week post
- MYAC members who didn't have pictures taken had pictures taken today

5. Sub-committee brainstorming

Social media:

- anti bullying posts
- feeder school shoutouts
- giveaways (gift card packages)
- "ask me a question" (ex. types of giveaways)
- different challenges and put on story/live
- tiktoks (reps from schools)

Youth forum:

- jazz combo
- subway for food
- questions were discussed
- public speaking competition



- icebreakers
- dodgeball
- skating
- meeting date; March 3rd @ 4 Meridian Centre- downstairs meeting room
- **youth forum date; Tuesday April 14th 2020**

CoffeeHouse:

- reach out to the schools
- mix event with adults
- in May

6. Easter Egg Hunt

- April 11th
- MYAC to come a half hour early (10:30) (starts at 11)
- Natalie, Emma, Olivia, Jess, Tyler, Abby, Merick, parker, Sofia, Ava, Ben, Mia, Adam
- Fenwick Centennial Park
- Merick as bunny

7. MYAC Road Cleanup

- MYAC road cleanup for the adopted road will take place at a future date (possibly earth day). MYAC will be notified before the event.

8. Other Business

- relay for life; proceeds go to cancer
  - **Instagram:** Pelham\_MYAC
  - **Facebook:** PMYAC
  - **Facebook:** PMYAC

12. Adjournment

Moved by: Matthew Iannizzi

Seconded by: Mia Colangelo

THAT the meeting of the Pelham Mayor's Youth Advisory Council for February 25, 2020 is now adjourned.

CARRIED

---

#### **Other Information**

##### Upcoming Meeting Dates & Events:

- MYAC Regular Meeting March 31, 2020 @ 4:15pm in Kinsmen Room at MCC



---

**MEETING DATE: Thursday February 13, 2020 – 5:00 PM**  
**Meridian Community Centre, Main Floor Meeting Room, Fonthill**

**Present:** Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Julie Cook (Recreation and Wellness Programmer)  
Karen Blake (RCW Administrative Assistant)  
Councillor Mike Cioffi  
Tim Toffolo (Jr. B Pelham Panthers)  
Spencer Tanguay (Pelham Raiders Lacrosse Association)  
Byron Sinclair (Pelham Minor Hockey Association)  
Kevin Yochim (Southern Tier Admirals)  
Jessica Sackett (Niagara Centre Skating Club)

**Absent with Regrets:** Doug Freeland (Service Club Representative), Brian Bleich  
(Pelham Basketball Association), James Allen (Facility Supervisor)

**1 WELCOME**

The Chair, Tim Toffolo, declared quorum and called the meeting to order at 5:04pm.

**2 ADDITIONS TO THE AGENDA**

Sound System

**3 ADOPTION OF THE AGENDA**

Moved by: Kevin Yochim

Seconded by: Byron Sinclair

THAT the agenda for the February 13, 2020 MCC User Group Roundtable  
Committee Meeting be approved, as amended.

CARRIED

**4 APPROVAL OF MINUTES OF PREVIOUS MEETING**

Moved by: Spencer Tanguay

Seconded by: Byron Sinclair

THAT the Minutes of the January 16, 2019 MCC User Group Roundtable  
Committee meeting be approved, as presented.

CARRIED

**5 RENTAL UPDATES –JULIE COOK**

Julie updated the Committee on the upcoming Special Events for the 2020/2021 season. The Committee discussed the events listed, added two additional events and discussed some other possible events for the upcoming Fall/Winter season.

Motion by: Spencer Tanguay

Seconded by: Kevin Yochim

THAT the Special Events Schedule for the 2020/2021 Fall/Winter season be approved, as revised.

CARRIED

Julie will send out the revised Special Events Schedule to the Committee.

- a. **Summer Allocation Approval:** Julie updated the Committee regarding the Summer Allocation applications. Discussion surrounded additional requests for summer ice, inconsistent booking requests for licensed user groups, and the dates of the summer ice season. The Committee will update their applications to include bookings up until the end of August. Julie will enter all requests into Active Net and relay any openings to the Committee.

**6 PARKING – Tim Toffolo**

The Committee discussed the parking lot at the MCC including its capacity in comparison to the size of facility, as well as the need for additional parking especially on nights and weekends. Vickie and Councillor Ciolfi updated the Committee on the 2020 budget, the grant application and timeline in regards to constructing additional parking. Both encouraged the Committee to present at Council. Brian, through an email sent prior to the Committee meeting, volunteered to be a delegate at Council on behalf of the Committee. Karen will arrange this.

**7 SOUND SYSTEM – PMHA**

Byron questioned Staff about how to operate the sound system in the Accipiter Arena. Vickie will discuss this with Bryan tomorrow. He will create instructions for the system and train Town Staff and PMHA on how to properly use the system.

## **8 ROUND TABLE DISCUSSION**

The Committee discussed the following topics during the Round Table discussion:

- PMHA possible amalgamation with Thorold and Welland in a few years time
- An opportunity with Hockey Tech to be able to live-stream all games and the possibility of purchasing the equipment collaboratively. If interested, Committee was encouraged to talk with Tim.

## **9 OTHER BUSINESS**

## **10 NEXT MEETING**

Next meeting: **At the Call of the Chair**

## **11 ADJOURNMENT**

Moved by: Byron Sinclair

Second by: Kevin Yochim

The meeting of the MCC User Group Roundtable Committee, February 13, 2020 adjourned at 6:54pm.

  
\_\_\_\_\_  
Tim Toffolo (Jun 26, 2020 10:08 EDT)

Chair of MCC User Group Roundtable Committee  
Tim Toffolo

  
\_\_\_\_\_  
RCW Administrative Assistant  
Karen Blake

---

**MEETING DATE:** Thursday May 7, 2020 – 1:00 PM  
**Zoom Meeting**

**Present:** Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Julie Cook (Recreation and Wellness Programmer)  
Karen Blake (RCW Administrative Assistant)  
Councillor Marianne Stewart  
Tim Toffolo (Jr. B Pelham Panthers)  
Spencer Tanguay (Pelham Raiders Lacrosse Association)  
Byron Sinclair (Pelham Minor Hockey Association)  
Kevin Yochim (Southern Tier Admirals)  
Jessica Sackett (Niagara Centre Skating Club)  
Doug Freeland (Service Club Representative)  
Brian Bleich (Pelham Basketball Association)  
James Allen (Facility Supervisor)

**Absent with Regrets:**

**1 WELCOME**

The Chair, Tim Toffolo, declared quorum and called the meeting to order at 1:01pm. Tim expressed his condolences to the Cioffi family and introduced Councillor Stewart. Members introduced themselves and their organizations to Councillor Stewart.

**2 ADDITIONS TO THE AGENDA**

**3 ADOPTION OF THE AGENDA**

Moved by: Kevin Yochim

Seconded by: Jessica Sackett

THAT the agenda for the May 7, 2020, MCC User Group Roundtable Committee Meeting be approved, as presented.

CARRIED



**4 APPROVAL OF MINUTES OF PREVIOUS MEETING**

Moved by: Spencer Tanguay

Seconded by: Brian Bleich

THAT the Minutes of the February 13, 2020 MCC User Group Roundtable Committee meeting be approved, as presented.

CARRIED

**5 COVID-19 IMPACTS**

Vickie updated the Committee on the MCC operations during the COVID-19 pandemic and the communications that the Recreation Department has had with recreation associations, other municipalities, public health and higher level of governments regarding programming, operations and reopening.

**6 SUMMER AND FALL/WINTER ALLOCATIONS**

Julie updated the Committee that Fall/Winter Allocations will be sent out as usual at the beginning of July. Jessica questioned if the user groups' governing bodies cut their allocated time for the 2020/2021 season if this time would be lost for following seasons.

Motion by: Jessica Sackett

Seconded by: Brian Bleich

THAT the Committee and Staff will consult the 2019/2020 season when assigning the Meridian Community Centre facility allocations for the 2021/2022 season.

CARRIED

Julie mentioned that at least for the 2020/2021 season, user groups may have to compromise allocations as the Town may be required to clean between users according to public health regulations. The 2020/2021 MCC allocations will be assigned in accordance to public health regulations and industry recommendations.

The Committee discussed the use and sanitization of change rooms, entrances and exits for the MCC, temperatures taken upon entry and the many unknowns of the gradual reopening of the facility.

## **7 ROUND TABLE DISCUSSION**

Each organization spent time discussing how COVID-19 has affected their seasons. The Committee discussed the following topics:

- **Lacrosse:** Cancelled all on-floor activities until August 31st, 2020. They have cancelled their Paperweight Tournament and all Niagara Region lacrosse centres have cancelled their seasons. On May 15<sup>th</sup>, 2020, an update will be made about the Minto Cup.
- **AAA:** Fall/Winter season is on hold at the moment. However, Ontario Hockey Federation (OHF) announced that there will be no tournaments held until 2021.
- **JR B:** Tim updated the Committee that JR B teams will not be able to play outside of their region and the league is preparing to play regionally. Tim stated the Hockey Canada has suspended all events until the end of August. Registration that is supposed to open June 1<sup>st</sup>, 2020 will not and there will be no collection of funds.
- **Basketball:** Currently, looking to begin the season in January 2021. Brian is planning his schedule with this in mind. Registration is going ahead but with no payments collected.
- **Figure Skating:** Skate Canada has cancelled all summer events and competitions but are currently planning for a usual Fall/Winter season. Jess noted that they may be limiting group sizes.
- **Minor Hockey:** Byron updated the Committee that Minor Hockey has heard very limited information from the Ontario Minor Hockey Association (OMHA). They are open to registration with no payment collected. They are waiting on public health regulations. The merge between Welland, Thorold and Pelham has been put on hold.
- **Service Clubs:** Doug stated the volunteer organizations are struggling during this time, however are still providing service to the Community.
- **Council:** Councillor Stewart updated the Committee on the approval of the new ice technology for the MCC. Installation for the technology will be within the next month.
- **Reopening:** Vickie stated that the MCC will opening in accordance to Public Health regulations and according to need. There will be a good chance that staff will limit the number of attendees within the building.

## **8 OTHER BUSINESS**

## **9 NEXT MEETING**

Next meeting: **June 4<sup>th</sup>, 2020 – Time TBD**

---

**10 ADJOURNMENT**

Moved by: Spencer Tanguay  
Second by: Jess Sackett

The meeting of the MCC User Group Roundtable Committee, May 7, 2020  
adjourned at 2:01pm.

  
\_\_\_\_\_  
Tim Toffolo (Jun 26, 2020 08:07 EDT)

Chair of MCC User Group Roundtable Committee  
Tim Toffolo

  
\_\_\_\_\_  
RCW Administrative Assistant  
Karen Blake

**Subject:** Nuisance By-law 2020**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0083;**

**AND THAT Council consider approving Nuisance By-law 2020.**

**Background:**

The current nuisance by-law had a small revision in 2008; however the main body of the bylaw has not been updated since 1997. The current bylaw is outdated; containing language that is not applicable, does not address a number of community challenges and is not ideally structured for requiring compliance.

**Analysis:**

The new draft by-law being presented to council for its consideration has expanded the interpretation section to include a number of new definitions. Prohibited activities have been added such as soliciting, open liquor, vandalism, nuisance parties, roof parties, loud music and a new section to address graffiti. Under enforcement the by-law includes cost recovery and fees. This by-law will be added to the AMPS program to assist by-law in gaining efficient compliance.

**Financial Considerations:**

There are no direct costs associated with this report

**Alternatives Reviewed:**

The current by-law remains as approved.

**Strategic Plan Relationship: Strong Organization**

A strong organization is served by current by-laws reflecting legislative changes.



**Consultation:**

Director of by-law, CAO, clerk and senior by-law officer

**Other Pertinent Reports/Attachments:**

New draft by-law

**Prepared and Recommended by:**

Bob Lymburner, Fire Chief

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**Subject:** Private Entry Onto Adjacent Lands By-law 2020

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0102; and recommend to Council:**

**THAT the private entry onto adjacent lands by-law be considered for Council's approval.**

**Background:**

Construction and renovation activities can often be challenging in urban areas because of tight spaces associated with close proximity of structures and that make it difficult or impossible to gain access for equipment, materials, and people to perform maintenance or repair without encroaching onto a neighboring property. To gain access, it may be necessary to pass over or temporarily occupy part of a neighbour's property. In the absence of a private entry onto adjacent lands by-law, property owners can be frustrated in their attempts to repair or improve their properties. While in many instances an accommodation can be reached, the neighbour has no obligation to consent to such entry, which can lead to many difficulties for residents.

Section 132 of the *Municipal Act, 2001* provides municipalities with the capacity to create by-laws that allow for private entry onto adjacent lands. These are common by-laws in municipalities that have dense urban form. As set out in the Act, the entry may only be exercised by the owner or occupant (or his contractor or agent.) The entry is restricted to effecting repairs or maintenance on an existing building, fence or other structure; it authorizes entry only to the extent required and prohibits entry into dwelling units. Prior to exercising the right of entry, reasonable notice must be provided. Additionally, the person exercising the right of entry must self-identify on request and is required, as far as possible, to restore the land to

its original condition and compensate for damages resulting from the entry or anything done on the neighboring property. The by-law will repeal and replace an outdated previously enacted by-law from 1987, By-law No. 1155(1987).

Generally, by-laws are passed to regulate or prohibit activities. This type of by-law differs in that it is permissive; granting a property owner a right respecting their neighbor's land which would not otherwise exist, while establishing parameters for exercising this right. However, the grant of rights to each owner gives the affected owners the ability to directly address the matters which arise through the civil courts as would be the case with other property rights and would provide protection against allegations of trespass. This by-law has been drafted in such a manner to create a system for property owners that do not get along to be able to exercise rights, and also address disputes, should such arise, without involving the municipality.

#### **Analysis:**

The proposed by-law will provide a mechanism for residents who wish to perform work on their property and require private entry onto neighbour's adjacent lands. The by-law also provides an avenue for a civil litigation between two parties, relieving the Town from responsibility to settle matters in dispute.

#### **Financial Considerations:**

There are no direct costs associated with this report.

#### **Alternatives Reviewed:**

If Council prefers, it can choose not to enact this By-law.

Alternatively Council can require the parties to engage through a municipal application process, which will require the by-law to be returned to staff for significant alteration. An application process would add at least a month to any proposed construction or maintenance project, and would draw the municipality into private land use disputes, where there is generally little or no public interest, so this approach is not recommended, but it is a viable alternative.

#### **Strategic Plan Relationship: Communication and Engagement**

This proposed by-law is meant to provide residents with a mechanism to repair, maintain and upgrade their properties. The by-law requires communication between private properties, and contemplates use of the court system to settle disputes if agreement proves to be impossible or damages occur without compensation.

**Consultation:**

CAO, by-law, other municipal by-laws

**Other Pertinent Reports/Attachments:**

Entry onto adjacent lands by-law

**Prepared and Recommended by:**

Bob Lymburner, Fire Chief

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**Subject:** Regional Request for Support on Diversity Initiative**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0098; and**

**FURTHER BE IT RESOLVED THAT Pelham Town Council endorse the Niagara Region's application to join the Coalition of Inclusive Municipalities in pursuit of the ultimate goal of making all of Niagara a community that is inclusive and supportive for all residents and guests.**

**Background:**

In September of 2019, the Region of Niagara resolved to join the Coalition of Inclusive Municipalities ("CIM"). This is an initiative to support diversity, inclusivity and address systemic and structural racism in the Niagara community. This report is provided to Council to determine Council's interest in supporting the Region's pursuit of joining the CIM. Pelham is experiencing an increase in population diversity as it grows, which in turn increases the importance of taking concrete steps to ensure that both the community and the municipal corporation are as welcoming, inclusive and accessible as possible to all residents.

**Analysis:**

The CIM is an international network of municipalities. At time of writing, there are 82 Canadian municipalities with membership. The existing municipal members are overwhelmingly larger than the Town of Pelham, which is part of the reason that the Region is taking lead in the application. Most reasonably, the Region would like its application to include unanimous support for its candidacy from area municipalities. The Region has budgeted \$288,000 to perform the work and develop policies and programs which are supportive of CIM principles and objectives, including a dedicated staff member. More specifics are not currently available, but it is understood that if it is accepted into the CIM, the Region would thereafter form an Action Plan, which could include a wide range of initiatives to address racism, increase diversity in employment, ensure community voices are heard in the political process and other related undertakings.

**Financial Considerations:**

There is presently no direct financial ask of the Town of Pelham or other financial obligation. Depending upon which future offerings, policies and initiatives Pelham chooses to join or participate in, there could be future costs, however those will be brought to Council for its consideration and approval at the appropriate times. None of these costs would be incurred in 2020.

**Alternatives Reviewed:**

None. Council can choose not to support this initiative.

**Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

Supporting the Region's CIM application and thereafter adopting policies to support diversity, local immigration and reduce systemic racism are congruent with the "Build Strong Communities and Cultural Assets" Strategic Priority.

**Consultation:**

Regional documents were reviewed in the drafting of this report.

**Other Pertinent Reports/Attachments:**

Regional Report CAO 14-2019

Statement from Regional Chair Jim Bradley, June 5, 2020

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

---

**Subject:** Actions & Resources to Join the Coalition of Inclusive Municipalities

**Report to:** Regional Council

**Report date:** Thursday, September 19, 2019

---

## Recommendations

1. That Council **RESOLVE** to join the Coalition of Inclusive Municipalities (CIM), formerly known as Canadian Coalition for Municipalities Against Racism and Discrimination (CCMARD) and **SIGN** a declaration to support the ten CIM commitments; and
2. That staff **BE DIRECTED** to create supporting governance structures with internal and external stakeholders to advise on internal diversity, equity, and inclusion issues and support the creation of a Diversity, Equity, and Inclusion Action Plan; and
3. That the dedicated resources required for developing the Diversity, Equity, and Inclusion Action Plan **BE REFERRED** for consideration as part of the 2020 budget process.

## Key Facts

- The purpose of this report is to outline the action and resources involved for Niagara Region to join the Coalition of Inclusive Municipalities, in response to the motion of Council (COM 14-2019) on May 16, 2019.
- In 2017, there were 21 hate crimes reported to police in Niagara, which was an increase from 11 in 2016. In London there were 26, Windsor had 19, Hamilton had 91 and was the second highest rate per 100,000 in Canada. In Canada the majority of hate crimes are motivated by race or ethnicity (45%), religion (35%), sexual orientation (11%).
- The population of Niagara is growing, as is the diversity of those coming to Niagara. According to the 2016 census, 8.9% of people in Niagara are a visible minority (38,810 individuals), up from 7.0% in 2011. There are 18,625 people (4.3%) in Niagara with North American Indigenous origins (First Nations, Inuit, or Métis). In 2011, there were 14,720 people (3.8%) with North American Indigenous origins.
- Recognizing the importance of attracting and retaining a diverse workforce for achieving economic prosperity, a Global Attractiveness project was undertaken under the previous Council Strategic Plan. The 2017 report outlined actions associated with three objectives (see Appendix 1):
  - Supporting community readiness
  - Marketing to migrants
  - Supporting retention programs

- A strategic marketing manager has been hired to address one of the objectives, however, work has not yet been able to progress for the other two objectives absent dedicated resources.
- There are 77 municipalities across Canada that have joined CIM, with 20 in Ontario, including City of Hamilton, City of London, and City of Windsor.
- Other municipalities that have supported CIM have resourced at least one FTE for developing and implementing an action plan, and/or up to one FTE support for advisory committees.

## Financial Considerations

Based on the experiences of other municipalities in Canada, providing dedicated resources is crucial to realize Council-led action pursuant to joining CIM.

Dedicated resources are recommended for a two-year period in order to fulfill the requirements of joining the CIM. The annual operating impact is estimated at \$144,000, which includes one temporary non-union FTE dedicated for the duration of the project, student support, and funds for training, conferences, mileage and community engagement. We estimate a total project cost of \$288,000 over two years. If the recommendations in this report are approved, a business case will be submitted for consideration through the 2020 budget approval process. The financial implication of these resources would be equivalent to 0.04% of the levy.

This potential financial implication should be considered in context of new budget commitments previously endorsed by Council and new budget pressures outlined by staff, as summarized in the following table presented to Budget Review Committee to illustrate the potential levy impact estimated for the 2020 budget.

<i>Previously Identified Budget Commitments/Pressures</i>	<i>Council Report</i>	<i>Levy Amount (M\$)</i>	<i>Levy Increase %</i>
Suicide Prevention Initiative	PHD 8-2019	0.200	0.05%
Niagara Airports	CAO 04-2019	2.240	0.61%
Waterfront Investment Program – Base funding	CSD 40-2019	1.000	0.27%
Smarter Niagara Incentive Program – Base funding	CSD 40-2019	0.600	0.16%
Brock LINC request for funding	ED 9-2019	1.500	0.41%
Niagara Regional Transit - phase in cost	CSD 40-2019	6.213	1.70%
NRPS 2019 position hiring deferral	BRC-C 7-2019	0.706	0.19%
Long-Term Care Home Redevelopment capital funding	COM 32-2019	5.899	1.62%
GO Project - Station Operations	CSD 17-2019	1.410	0.39%



<i>Previously Identified Budget Commitments/Pressures</i>	<b>Council Report</b>	<b>Levy Amount (M\$)</b>	<b>Levy Increase %</b>
EMS Central Hub capital funding	CSD 40-2019	0.390	0.11%
<b>Potential Budget Pressure To-date</b>		<b>\$20.158</b>	<b>5.51%</b>

## Analysis

### Background

The Niagara Region Global Attractiveness Committee Report was submitted in February 2017, written by external consultants, Sarah Wayland and Huyen Dam, in conjunction with the internal Niagara Region Global Attractiveness Committee. The report outlined current immigration patterns, the attraction and retention factors in Niagara, and an action plan with three objectives:

1. To support community readiness to be a welcoming region through engagement and fostering collaboration with key stakeholders using tailored information and data.
2. To improve Niagara's existing marketing and migrant/immigrant focused literature and create new marketing to attract primary and secondary migration from within Canada and internationally.
3. To support further implementation of concrete programs that will retain immigrants and international students.

The objectives were supported by six tactics, and short, medium, and long term actions (see Appendix 1). A Strategic Marketing Manager was hired to address the second objective, however, work has not yet progressed on the other two objectives due to a lack of dedicated resources. Although these objectives focus on Niagara being a welcoming community, able to retain immigrants, it was not focused specifically on addressing discrimination and racism as in the CIM ten common commitments.

The Canadian Coalition Against Racism and Discrimination (CCMARD) was launched in 2004 as part of the International Coalition of Inclusive and Sustainable Cities (ICCAR) supported by the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The name changed to Coalition of Inclusive Municipalities in 2019. Joining the Coalition and working actively towards the 10 commitments is beneficial for municipalities to be able to build respectful, inclusive and diverse societies, for the whole region, and specifically for newcomers, immigrants, refugees, Indigenous peoples, visible minorities, people with disabilities, and the LGBTQ2S+ community.

Additional benefits of joining CIM include access to a network of municipalities across the world to share best practices and resources, strengthening community partnerships,

involving diverse community stakeholders to understand their realities, and working together to form an Action Plan. Joining CIM can lead to increased accountability to citizens around issues of racism and discrimination, and increased trust, loyalty and respect towards the municipality, as the government works towards equity, inclusion, and appreciation of diversity in the community.

Creating an inclusive and diverse workforce and municipality leads to greater economic innovation and increased profitability. A 2018 report by McKinsey & Company called *Delivering through Diversity* described research conducted with 1,000 companies in 12 countries.<sup>1</sup> The research found that companies in the top-quartile for gender diversity on executive teams were 21% more likely to outperform on profitability and 27% more likely to have superior value creation. Companies in the top-quartile for ethnic/cultural diversity on executive teams were 33% more likely to have industry-leading profitability.

Focus groups and interviews with community partners and residents of Niagara conducted while developing the Public Health & Emergency Services Health Equity Strategic Plan found that discrimination based on race, gender, religion, sexuality, and other characteristics is experienced by people in multiple locations across the region. This results in negative health, social, and justice impacts for individuals and groups of people.<sup>2</sup> These negative results include physical harm as well as social or emotional impacts.<sup>2</sup> Studies have shown that when services have been withheld from people from certain populations due to stereotypes and misconceptions, has led to negative social and health outcomes and reluctance to access services when issues arise in the future.<sup>3</sup> This applies not only for that individual, but for other family members as well. There is an over-representation of Indigenous peoples and visible minorities in many social services, including Family and Children's Services, the justice system, and in the homeless shelters.

### Joining the Coalition

There are six steps to join the Coalition:

1. Prepare the case
2. Adopt a resolution to join
3. Sign the Declaration
4. Inform the Canadian Commission for UNESCO
5. Announce your involvement to local partners and residents
6. Agree to develop or adapt a unique plan of action

---

<sup>1</sup> Hunt V, Prince S, Dixon-Fyle S, & Yee L. (2018). *Delivering through Diversity*. McKinsey & Company.

<sup>2</sup> Paradies Y, Ben J, Denson N, Elias A, Priest N, Pieterse A, et al. (2015). Racism as a Determinant of Health: A Systematic Review and Meta-Analysis. *PLoS ONE* 10(9): e0138511. <https://doi.org/10.1371/journal.pone.0138511>

<sup>3</sup> Ben J, Cormack D, Harris R, & Paradies Y. (2017). Racism and health service utilisation: A systematic review and meta-analysis. *PLoS ONE* 12(12): e0189900. <https://doi.org/10.1371/journal.pone.0189900>

A summary of the ten Common Commitments grouped under three categories are listed in Appendix 2 with examples of current internal and external facing work from across the Regional departments and potential opportunities.

#### Other Municipal Action

There are 77 municipalities across Canada that have joined CIM, and 20 within Ontario. Here are some of the activities and resources of other similar municipalities.

Municipality	Committee	Action Plan	Staff Resources
<b>Region of Peel</b>	Diversity, Equity, and Anti-Racism Committee Seven members		Office of Culture and Inclusion – seven staff
<b>City of Hamilton</b>	Hamilton Committee Against Racism	Equity, Diversity, and Inclusion Plan (announced 2019)	Human Rights, Diversity and Inclusion Office – eight staff
<b>City of London</b>		Diversity and Inclusion Strategy (2015-2019)	One staff member (Coordinator, Government & External Relations)
<b>City of Windsor</b>	Diversity Committee Nine members		One staff (Diversity & Accessibility Advisor) – Clerks Office
<b>Region of Waterloo (Not part of CIM)</b>	Grand River Accessibility Advisory Committee (GRAAC) 12 members	Diversity, Equity and Inclusion Plan (2018-2022)	One staff member

Based on the learnings and experiences of other municipalities in Canada, we recommend dedicated personnel and operating costs. Personnel would coordinate the governance structures with internal and external stakeholders, and draft a Diversity, Equity, and Inclusion Action Plan.

Drafting the Action Plan would include conducting literature reviews, community engagement, and an environmental scan of best practices across Canada and internationally, as well as identifying needs, best practices, resources, and areas of focus for advancing a more inclusive Niagara that supports the ten CIM commitments.

## **Alternatives Reviewed**

Staff considered waiting until the 2021 budget cycle to request dedicated resources for this initiative. This is not recommended as there are no staff that can be reassigned in the meantime to support the proposed governance structures. This alternative would result in the work towards the commitments and action plan to progress slower, with an action plan not being created until 2021-2022.

A second alternative considered was for potential FTE support through the Community Safety and Well-Being (CSWB) Plan. There is potential alignment between the CSWB Plan and the CIM recommendations for some aspects of the two projects, however, this would require the community consultations to identify diversity, equity, and/or inclusion as a key issue. This option is dependent on many variable factors, and does not offer committed support for CIM.

A third alternative considered was to hire a consultant to conduct research and draft an Action Plan. However, this would still require FTE support in directing the consultant, and would not be able to provide sustainable support to the internal Task Force or the Advisory Committee. A consultant would also not be able to develop and sustain quality internal and external stakeholder relationships that are important for this work.

A final alternative considered was leveraging existing resources by repurposing a current position. This option is not recommended, as there are no staff available for reallocation without significant impact on core Region operations or other strategic priorities.

## **Relationship to Council Strategic Priorities**

**Supporting Business and Economic Growth**, which works towards a coordinated approach to fostering economic growth in Niagara. Research has shown that culturally diverse regions are more innovative and economically prosperous.

**Healthy and Vibrant Community**, specifically with objective 2.1: Enhancing Community Wellbeing with the intended outcome to foster a safe and inclusive community. Council will contribute to creating a healthy and vibrant community through advancing the ten commitments, which include monitoring and taking action against racism and discrimination in the region, supporting people who experience racism and discrimination, as well as the police as they combat racism and discrimination.

**Sustainable and Engaging Government**, through committing to high quality, efficient, fiscally sustainable and coordinated services. Creating an inclusive, equitable, and diverse region will enhance Council's ability to provide customer focused services, demonstrates a value to continuous improvement, collaboration and innovation, and be inclusive through reaching and maximizing the assets of all members of the community.

## Other Pertinent Reports

- [COM 14-2019](#) - Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD)
- [CAO 08-2019](#) - Community Safety and Well-Being Plan
- [CWCD 70-2017](#) - Global Attractiveness Committee Report

---

### Prepared by:

Cassandra Ogunniyi  
Strategic and Health Equity Initiatives  
Coordinator  
Public Health and Emergency Services

---

### Recommended by:

M. Mustafa Hirji, MD MPH RCPC  
Medical Officer of Health/Commissioner  
(Acting)  
Public Health and Emergency Services

---

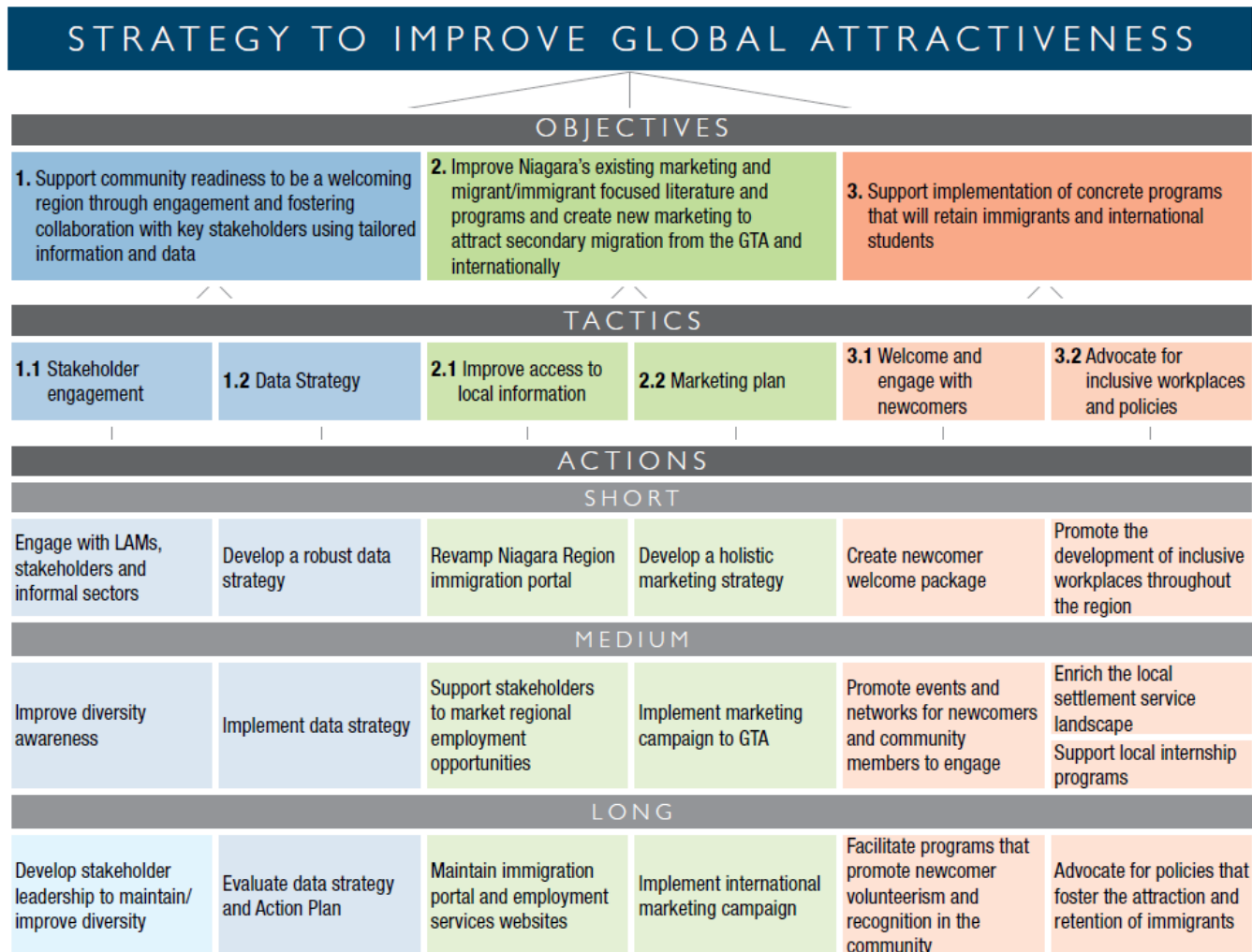
### Submitted by:

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Farzana Crocco, Strategic Marketing Manager; Sandy Dupuis, Corporate Performance Specialist; Donovan D'Amboise, Manager, Program Financial Support, and reviewed by Dr. Andrea Feller, Associate Medical Officer of Health.*

## Appendices

### Appendix 1 Global Attractiveness Action Plan



Appendix 2

CIM Commitments - Current and Potential Future Activities

**The municipality as a guardian of the public interest**

1. Increase vigilance against systemic and individual racism and discrimination.

**Current Internal Activities:** HR policies

**Potential Opportunities:** Establish an external consultation or advisory committee

2. Monitor racism and discrimination in the community more broadly as well as municipal actions taken to address racism and discrimination.

**Current Activities:** None

**Potential Opportunities:** Report on the incidence of hate crimes, racism, and discrimination, as well as the responses taken, including areas such as housing, recreation, health, and other social programs

3. Inform and support individuals who experience racism and discrimination.

**Current Internal Activities:** HR Policies

**Potential Opportunities:** Use awareness materials and campaigns to inform citizens about their rights and obligations, including available resources and mechanisms for prevention and redress, as well as penalties for racist acts or behaviour and other forms of discrimination

4. Support policing services in their efforts to be exemplary institutions in combating racism and discrimination.

**Potential Opportunities:** Consult with local communities to hear concerns and receive input on responsive measures. Establish or enhance a comprehensive anti-racism and anti-discrimination vision statement and implement effective policies and procedures (including a complaints mechanism), as well as staff training to help prevent and respond to issues of racism and discrimination in policing services and in the community.

**The municipality as an organization in the fulfillment of human rights**

5. Provide equal opportunities as a municipal employer, service provider, and contractor.

**Current Internal Activities:** HR Policies

**Current External Activities:** Support Social Procurement

**Potential Opportunities:** Examine equity at a systemic level, such as auditing different aspects of the municipality's operations, including corporate planning, policy and program development, and procedures and practices with respect to employment, service delivery and contracting, as well as organizational culture; take steps to eliminate barriers; and finally, measure progress. Educate and sensitize elected officials and civil servants on mutual respect, citizenship and the obligation to protect and promote human rights.

6. Support measures to promote equity in the labour market.

**Current Internal Activities:** Corporate Diversity Training

**Current External Activities:** SAEO Employment Services, Bend the Curve

**Potential Opportunities:** In partnership with local chambers of commerce, set up a certification program for businesses, organizations, and professional bodies to integrate mechanisms into their own organizations for combating racism and building inclusive and respectful workplaces. Facilitate monitoring and removal of systemic barriers that impede fair and equitable access for full participation of Aboriginal and racialized communities in the economic life of the municipality, as well as access to professions and trades for foreign trained professionals.

7. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing.

**Current External Activities:** 10 Year Housing and Homelessness Action Plan, Niagara Housing Statement

**Potential Opportunities:** Work with landlords and social housing providers, with the assistance of tenant associations and community organizations, including legal clinics, to adopt equitable policies and practices with respect to qualifying applicants and selecting tenants for market rent units consistent with human rights principles. Work with homebuilder, realtor, rental, hotel, tourist and hospitality associations to draw up anti-discrimination codes of practice for their respective industry businesses and organizations.

### **The municipality as a community sharing responsibility for respecting and promoting human rights and diversity**

8. Involve citizens by giving them a voice in anti-racism initiatives and decision-making.

**Current Internal and External Activities:** Accessibility Advisory Committee, Lived Experience Advisory - homelessness, Mental Health Client Advisory, Youth Advisory Committee (YAC), Lived Experience Advisory Network (LEAN) - poverty, Council Strategic Plan (Shape Niagara)

**Potential Opportunities:** Take steps to facilitate and increase the representation of Aboriginal and racialized communities on municipal boards, commissions and committees. Organize regular community forums in collaboration with existing organizations and mechanisms in order to offer citizens an opportunity to discuss and be heard on issues of racism and discrimination in the municipality, including effectiveness of local policies and programs

9. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning

**Current Internal Activities:** Public Health – Indigenous Cultural Safety Training



**Current External Activities:** SAEO – Local Immigration Partnership (LIP)

**Potential Opportunities:** Support partnerships between educators and front-line community organizations to reach out to vulnerable youth whose access to education is adversely affected by bullying and violence or discriminatory discipline policies or practices. Create a program to recognize schools for their anti-racism and anti-discrimination initiatives.

10. Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.

**Current Internal Activities:** Public Health - Indigenous Cultural Safety Training, Public Health - Health Equity Strategic Plan, Seniors Services and Community Programs – Diversity and Inclusivity Committee, Diversity Calendar for new International Plaza and Civic Park

**Current External Activities:** SAEO - LIP, 10 Year Housing and Homelessness Action Plan, Indigenous Community Engagement Consultant, Overdose Prevention and Education Network of Niagara (OPENN), Public Health - Health Equity Strategic Plan, Economic Development marketing and promotion of Niagara, Diversity Calendar for new International Plaza and Civic Park

**Potential Opportunities:** Support initiatives that increase expertise and capacity within ethno-cultural organizations to effect change in their communities and enable their members to participate fully in society. Promote awareness of the fact that integration of a community's cultural fabric, together with its economic, educational, social and security interests, strengthens and benefits the whole community.

## Statement from Regional Chair, Jim Bradley in support of diversity and inclusion

At last night's special meeting of Regional Council, Regional Chair Jim Bradley offered the following statement to councillors rejecting racism and supporting diversity and inclusion:

"First, our thoughts are with the friends and family of George Floyd. Much has been reported about this incident over the past 11 days and it can become easy to lose sight of the individual at the core of this case. It is important to remember that Mr. Floyd was a real person, with the same hopes and dreams and concerns that each of us have.

Second, on behalf of Niagara Region, I want to offer a full and unequivocal condemnation of racism and discrimination, regardless of what form it takes. Whether it is overt or systemic, there is no place for this type of behaviour in our region, province or country. This council, I know, rejects all forms of exclusion and intolerance.

As we all can recognize, we are not immune to the effects of racism in Canada. Racialized Canadians face discrimination based on the colour of their skin, their ancestry, the language they speak and the religion they practice. The incident in Minneapolis serves as a wake-up call to all of us to strive to do better. As elected officials, we have a responsibility to take lessons away from this unfortunate situation and take steps to build a region that works for everyone.

We were elected to make our community a better place for everyone, regardless of their race and I am confident we will do so.

Third, I want to highlight the steps this council has taken to ensure Niagara Region is as inclusive as possible.

Under this council's leadership, Niagara Region has been actively pursuing membership in the Coalition of Inclusive Municipalities. Our affiliation with this group will assist us as we advance policies that promote social inclusion, eradicate all forms of racism and promote human rights and diversity.

This term of council also approved the resources to create a staff position responsible for overseeing inclusion and diversity at Niagara Region. While onboarding this position was put on hold during COVID-19, I am looking forward to the resource being brought online and making meaningful contributions to our work.

While we can acknowledge these are just two incremental steps, they are setting the ground work for this term of council to continue to make progress on our mission of creating an inclusive Niagara.

With it being June, on behalf of council, I want to acknowledge that it is both senior's and Pride month across Ontario.

Niagara Region is proudly flying the new Age-Friendly flag and the Pride flag in the International Plaza and will do so for the remainder of the month. We support our seniors and our LGBTQ community in Niagara and I encourage you to visit the Age-Friendly Niagara and Pride Niagara websites to learn more about the events they have planned to celebrate the month."

**Subject:** Short Term Accommodations**Recommendation:**

**BE IT RESOLVED THAT Council receive Report 2020-0090 as it pertains to Short Term Accommodations Policies and Regulations (file No. AM-12-18);**

**AND THAT Council declare the revisions made to the Official Plan, as directed by Council at the June 1, 2020 meeting, to be minor in nature and that no further public meeting is required;**

**AND THAT Council approve the amendments to the Official Plan and Zoning By-law as well as the Licencing By-law for Bed and Breakfast Establishments and Short Term Accommodations.**

**Background:**

Further to Report 2020-0049 and as per Council's direction from the June 1, 2020 Council meeting, staff have made the requested changes to the Official Plan Amendment. The changes requested to the Official Plan Amendment are to permit these types of establishments in only single-detached dwellings. Additionally, more clarity was requested to clearly direct these establishments to other zones and not permit Short Term Accommodations (STAs) within the Residential Zones.

Following the meeting, revisions were made to the draft policies and regulations to address the questions and concerns raised by Council and direction received from Council. The proposed policy and regulatory changes include (see Appendix A-C):

- A revised draft Official Plan Amendment (as per direction on June 1, 2020);
- A revised draft Zoning By-law Amendment (as attached to Report 2020-0049); and
- A revised draft Licencing By-law (as attached to Report 2020-0049).

**Analysis:**

*Town of Pelham Draft Official Plan Amendment*

The revisions to the draft Official Plan (Appendix A) as directed by Council, remove the following sections from the amendment – Section B1.1.2, B1.1.7 and B1.7.7.4.1. This will remove STAs from being permitted in Medium to High Density Residential and in any other types of houses except for single detached dwellings.

For the policy analysis completed for Short Term Accommodations please refer to Report 2020-0049.

### **Financial Considerations:**

For financial considerations associated with Short Term Accommodations please refer to Report 2020-0049.

### **Strategic Plan Relationship: Strong Organization**

The Strategic Plan includes addressing Short Term Accommodation requirements and regulations as an action item for 2020. The proposed policy and regulatory changes are required actions to achieve Council's strategic plan goal and contribute to building strong communities.

### **Consultation:**

Council Comments:

Council requested information be provided with regard to the Fire Code requirements and Public Health involvement regarding when a STA, including a Bed and Breakfast establishment that is licenced. Staff developed a pre-inspection checklist (Appendix D) that includes the requirements of the Fire Code, specifically fire safety of the STAs, as well as the following:

- Licencing requirements;
- Means of egress/exits;
- Parking areas;
- Pool areas;
- Utility area; and
- Washrooms for guest usage.

Staff consulted with the Niagara Region Public Health regarding the protocols that are followed with inspections of STAs. Public Health does not have jurisdiction to inspect any rental that has less than five (5) rooms to be rented. However, when a Short Term Rental's water source is from a well or cistern and it is providing overnight accommodations, Ontario Regulation 319/08 is applicable and Public Health will perform inspections and testing of the water system before a licence will be granted.

The Ontario Building Code also requires that a residential occupancy with sleeping accommodations of greater than 10 people requires a fire alarm system. Occupancy

is based on 2 persons per bedroom, so residences with 6 bedrooms or more are required to have a fire alarm system as well.

It was requested that all existing Bed and Breakfasts within the residential areas be listed in the Licencing By-law under Section 15(2)(b), which references legal non-conforming status. Staff do not recommend recognizing existing legal non-conforming establishments. As an alternative approach staff recommend leaving Section 15(2)(b) as it is, so that if these establishments cease operation, legal non-conforming status is no longer applicable. Therefore, the intention is that legal non-conforming establishments will phase out of the residential areas over time.

#### Public Comments:

For comments received from the public and agencies between November 2018 and April 2019 please refer to Report 2020-0049.

Planning staff received additional comments (full comments in Appendix D) following the Council meeting held on Monday June 1, 2020 and are summarized below:

- Residents concerned for their health, safety and well-being with short term rentals continuing to be allowed in Residential areas.
- Requested revisions to Section 1: Definitions and Interpretation:
  - Bed and Breakfasts need to be OWNER only not operator.
  - OWNER. Omit the words "has a legal right to obtain possession" and by doing so removes anyone being able to lease the dwelling for the purpose of renting it out.
  - Revise the definition of Parking Area to omit "pedestrian walkways".
- The addresses of those currently operating legally that might be grandfathered should be specifically mentioned in the by-law amendment. Also it would be prudent for the future to have a clause that would stipulate that once any of the grandfathered B&B's cease business and their license is no longer valid that at no time in the future should other B&B's be allowed to open up in any residential area.
- These grandfathered STAs must be tied to that particular owner and to a particular house and license.
- There is mention of allowing a renter to operate an STA? Why?
- We need to define STA ..... how does one distinguish between owner on premises and no owner on premises?

#### Staff Comments:

In response to comments received by the public regarding the policies and regulations associated with Short Term Accommodations and Bed and Breakfast establishments, Planning staff have the following information to offer:

There have been concerns about nuisance issues, like noise, increase in traffic and safety issues for neighbours. Furthermore, Council requested that these establishments not be permitted within residential zones to address the concerns residents have with regards to those issues stated above. The Zoning By-law Amendment does not permit Short Term Accommodations and Bed and Breakfast establishments in residential zones and will only be permitted in the rural agricultural and commercial zones.

With regard to the concerns about parking, inspections and enforcement this has been addressed in the Licencing By-law (Appendix D). One (1) parking space per guest room is required in addition to the required spaces for the principal dwelling and located on the same lot as the use. The required parking must be provided on-site in order to obtain a licence to operate Short Term Accommodations.

The definition of Bed and Breakfast states that it is the "Owner and Operator" meaning that guest rooms can only be provided at a principle residence dwelling that the person(s) running the bed and breakfast must own that dwelling and operate it while they remain on site. This means that someone renting a home, cannot operate a bed and breakfast establishment.

The definition of Parking Area in the Licencing By-law has been amended to be the definition from the Zoning By-law 1136 (1987), "means an area or structure, including a private garage, carport, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane". This has effectively removed pedestrian walkways from the definition.

As stated previously, staff recommend that the existing bed and breakfast operations not be recognized in the zoning by-law amendment and that they remain as legal non-conforming uses, so that once these establishments cease operation, legal non-conforming status is no longer applicable. Therefore, the intention is that over time the existing legal non-conforming bed and breakfast establishments would be phased out in the residential areas.

To be granted a licence, STAs shall comply with all applicable Municipal By-laws, including the Zoning By-law and provincial legislation. The implementing Zoning By-law Amendment does not permit these establishments in Residential zones. Therefore, an owner must apply for a licence, and is required to comply with the Zoning By-law or undertake a rezoning of the property to be in compliance. Furthermore, STAs are not permitted to be run by someone who is a renter as they would not qualify for the licence.

To distinguish between owner on premises and no owner on premises, please refer to the definitions in the Zoning By-law Amendment and Licencing By-law, for Bed and Breakfast and Short Term Accommodations.

### Conclusion:

The proposed Official Plan and Zoning By-law have been revised to address the comments received and Council's direction. It is staff's recommendation that the amendments are considered to be minor in nature and no further public meeting is required.

The proposed Licencing By-law was reviewed with By-law Enforcement Staff and the Town Clerk to ensure that staff have an understanding of the process to be undertaken for a licence to be issued and have the tools needed to implement this new licencing regime. In addition a Pre-Inspection Checklist has also been developed to aid the applicants and inspectors.

Together, the proposed Official Plan amendment, Zoning By-law amendment and Licencing By-law will provide the appropriate tools required to manage short term accommodations.

### **Other Pertinent Reports/Attachments:**

Appendix A Draft Official Plan Amendment  
Appendix B Draft Zoning By-law Amendment  
Appendix C Draft Licencing By-law  
Appendix D Pre-Inspection Checklist  
Appendix E Public Comments

### **Prepared and Recommended by:**

Tara Lynn O'Toole, B.A. (Hons.)  
Policy Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

### **Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**AMENDMENT NO. XX**  
**TO THE**  
**OFFICIAL PLAN (2014)**  
**FOR THE**  
**CORPORATION OF THE TOWN OF PELHAM**

DRAFT



## CONTENTS

### **PART “A” – THE PREAMBLE**

- Section 1 Title and Components
- Section 2 Purpose of the Amendment
- Section 3 Location of the Amendment
- Section 4 Basis of the Amendment
- Section 5 Implementation of the Amendment

### **PART “B” – THE AMENDMENT**

- Introductory Statement
- Details of the Amendment

## **PART “A” – THE PREAMBE**

### **SECTION 1**

#### **TITLE AND COMPONENTS**

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. XX to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. XX to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

### **SECTION 2**

#### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to amend Sections B1.2.2, B1.3.3, B1.3.4.2, B1.6.2.2, B1.6.2.3, B1.7.7.3.1, B2.1.2, B2.1.3.4, B2.1.3.6, B2.2.2 and B3.3.3.2 of the Town of Pelham Official Plan to implement recommendations on Short Term Accommodations in the Town with the goal to achieve Council’s strategic plan goal.

### **SECTION 3**

#### **LOCATION OF THE AMENDMENT**

The lands that are subject to this Amendment are all lands within the Town of Pelham.

## **SECTION 4**

### **BASIS OF THE AMENDMENT**

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The policies will ensure compatibility with the surrounding land uses.
2. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

DRAFT

## **SECTION 5 IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

DRAFT

## PART “B” – THE AMENDMENT

1. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.2.2(e):
  - e) Hotels, inns and bed and breakfast establishments short term accommodations; Hotels, inns and ~~bed and breakfast establishments~~ **short term accommodations**;
2. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.3.3(c):
  - c) Inns and ~~bed and breakfasts~~ **short term accommodations**;
3. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.3.4.2:

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and ~~bed and breakfast establishments~~ **short term accommodations** are permitted in the *Downtown Transitional Area* designation both as a primary use and as an accessory use to a commercial business.
4. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.6.2.2 (b):
  - b) Uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, **bed and breakfast establishments**, parks, open space linkages, places of worship and day nurseries may be permitted within the *Low Density Residential* designation; and,
5. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham

Planning Area is hereby amended by adding the following to Section B1.6.2.3(b):

- b) Within areas designated *Low Density Residential – Special Policies* uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, **bed and breakfast establishments**, pocket parks and open space linkages are permitted; and,

- 6. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.7.7.3.1(x):

**x) Bed and breakfast establishments.**

- 7. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.1.2(c):

- c) ~~Bed and breakfast establishments~~ **Short term accommodations** subject to Policy B2.1.3.6 of this Plan;

- 8. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.1.3.4(b):

- b) The designated heritage building will be used as a Dwelling Unit, either as the Primary Dwelling, a Secondary Dwelling or ~~Bed and Breakfast Establishment~~ **Short term accommodations**;

- 9. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the entirety of Section B2.1.3.6 as follows:

**B2.1.3.6 ~~Bed and Breakfast Establishments~~ Short Term Accommodations**

New ~~bed and breakfast establishments~~ **short term accommodations** are permitted in a ~~single detached~~ dwelling in the *Good General Agricultural* designation, subject to the following guidelines which may be implemented in the

Comprehensive Zoning By-law:

- a) ~~Bed and breakfast establishments~~ **The uses is are** clearly secondary to the primary use of the dwelling as a residence;
- b) ~~The bed~~ **Bed** and breakfast establishments **s** must be the principal residence of the owner and operator;
- c) The character of the dwelling as a private residence is preserved;
- d) Adequate parking facilities are available on the lot for the proposed use;
- e) **Bed and breakfast establishments have no** more than three bedrooms ~~are~~ available for guests;
- f) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;
- g) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Regional Niagara Public Works Department; and,
- h) ~~The signage advertising the use is to be designed and located in accordance with the Town's Sign By-law.~~ **No signage is permitted.**

10. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.2.2(e):

- e) ~~Bed and breakfast establishments~~ **Short Term Accommodations** in accordance with Policy B2.1.3.6;

11. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B3.3.3.2(d):

- d) ~~Bed and breakfast establishments~~ **Short term accommodations;**

THE CORPORATION OF THE  
T O W N O F P E L H A M

BY-LAW NO. XX- (2020)

**Being a by-law to amend Zoning By-law 1136 (1987), as amended, with respect to Short Term Accommodation in the Town of Pelham**

**Town of Pelham**

**File No. AM-12-18**

---

**WHEREAS**, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

**WHEREAS**, the Council of the Town of Pelham considers it to desirable to amend Zoning By-law 1136 (1987) to implement the policies of Official Plan Amendment No. XX with respect to short term accommodations in the Town of Pelham;

**NOW THEREFORE**, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 6.2 as follows, and renumbering the remaining Sections accordingly:

**6.2 Bed and Breakfast Establishments**

A bed and breakfast establishment shall be permitted in any principal residence dwelling in a specific zone subject to the following provisions:

- a) one (1) off-street parking space per guest room shall be provided in addition to the required parking for the principal residence dwelling;
  - b) all relevant requirements of the Ontario Building Code and Ontario Fire Code shall be complied with; and
  - c) licensing in accordance with the Town's Licencing By-law.
2. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 7.1(i) and (j) to Section 7.1 as follows:
    - (i) **Short Term Accommodations, subject to licencing in accordance with the Town's Licencing By-law; and**
    - (j) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
  3. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 8.1(f) and (g) to Section 8.1 as follows:
    - (f) **Short Term Accommodations, subject to licencing in accordance with the Town's Licensing By-law; and**



- (g) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
4. **THAT** By-law 1136 (1987), as amended, is hereby amended by deleting Section 19.1(c) and replacing it with the following as well as the addition of 19.1(d) as follows:
- (c) Dwelling units **and short term accommodations, in accordance with the Town's Licencing By-law** above the ground floor; **and**
  - (d) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
5. **THAT** By-law 1136 (1987), as amended, is hereby amended by deleting Section 20.1 (c) and replacing it with the following, as well as the addition of 20.1(d) as follows:
- (c) Dwelling units **and short term accommodations, in accordance with the Town's Licensing By-law** above the ground floor; **and**
  - (d) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
6. **THAT** By-law 1136 (1987), as amended, is hereby amended by deleting Section 21.1 (c) and replacing it with the following, as well as the addition of 21.1(d) as follows:
- (c) Accessory residential uses to any of the foregoing permitted uses **and short term accommodations in accordance with the Town's Licensing By-law**, except automobile service station; **and**
  - (d) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
7. **THAT** By-law 1136 (1987), as amended, is hereby amended by adding and alphabetically inserting new definitions into Section 5 as follows:
- "Bed and Breakfast Establishment"** means a principal residence dwelling in which the owner and operator provides guest rooms for the temporary accommodation for twenty-eight (28) consecutive days or less to the travelling public and may offer meals to the registered guests but does not include a hotel, motel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.
- "Dwelling, Principal Residence"** means a dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.
- "Short Term Accommodation (STA)"** means a dwelling or dwelling unit, that in whole or part, is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight (28) consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.
8. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS  
XX<sup>th</sup> DAY OF XXXXXXXXXX, 2020 A.D.

---

MAYOR MARVIN JUNKIN

---

CLERK NANCY J. BOZZATO

DRAFT

# THE CORPORATION OF THE TOWN OF PELHAM

## By-Law No. XXX- 2020

---

### A BY-LAW TO ADOPT LICENCING FOR SHORT TERM ACCOMMODATION

#### BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN THE OPERATION OF SHORT TERM ACCOMMODATION IN THE TOWN OF PELHAM

**WHEREAS** Section 8 (1) of the *Municipal Act, 2001*. S.O. 2001, c. 25 (hereinafter "*Municipal Act*") provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** pursuant to Section 9 of the *Municipal Act*, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to Section 11 (2)(6) of the *Municipal Act*, a lower-tier municipality has the authority to implement Business licencing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**AND WHEREAS** Sections 11(3)(7) and 11 (3)(8) of the *Municipal Act*, authorize a Municipality to pass by-laws respecting health, safety and well-being of persons, parking on Property, structures including fences and signs;

**AND WHEREAS** Sections 390 to 400 of the *Municipal Act* enable a municipality to pass By-laws for imposing Fees or charges for permits and services provided or done by them;

**AND WHEREAS** Section 425 of the *Municipal Act*, authorizes a Municipality to create offences;

**AND WHEREAS** pursuant to Section 434.1 of the *Municipal Act*, a municipality has the authority to impose a system of administrative penalties and Fees as an additional means of encouraging compliance with this by-law;

**AND WHEREAS** Section 436 of the *Municipal Act* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or Licence;

**AND WHEREAS** Section 444 of the *Municipal Act* provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** the Council of the Corporation of the Town of Pelham has engaged in public consultation, including public meetings, a round table meeting with community groups and in direct consultation with Owners/Operators of Short Term Accommodation facilities including Bed and Breakfast

Establishments and vacation rentals;

**AND WHEREAS** the Council of the Corporation of the Town of Pelham considers it advisable that such Licencing, regulation and governing takes place with regard to Short Term Accommodation Rentals as defined in this By-law;

**AND WHEREAS**, Council has enacted Official Plan Amendment No. XX and Zoning By-law Amendment XXXX (2020) under the provisions of the *Planning Act*, R.S.O. 1990, c. P13, as amended, with respect to Short Term Accommodation within the municipality and having done so desires to provide for a system of Licencing to implement said policies and provisions;

**AND WHEREAS** pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of Licences with respect to Short Term Accommodation Businesses; and

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham enacts as follows:

## **SECTION 1: DEFINITIONS AND INTERPRETATION**

**"ADMINISTRATIVE PENALTY PROCESS BY-LAW"** By-law #4221(2020), as amended from time to time, means a civil mechanism for promoting compliance with municipal by-laws. Administrative penalties can be imposed through administrative processes, rather than fines imposed in quasi-criminal court processes.

**"ANCILLARY"** means a use, Building or structure that is located on the same lot that may or may not be detached from the main Building and is essential to a principal or main use, Building or structure therewith.

**"BED & BREAKFAST ESTABLISHMENT"** means a principal residence Dwelling in which the Owner and operator provides Guest Rooms for the temporary accommodation of twenty-eight (28) consecutive days or less to the traveling public and may offer meals to the registered guests, but does not include a hotel, motel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.1.7, as amended.

**"BUILDING"** means, a structure occupying an area greater than ten (10) square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems related thereto.

**"BUSINESS, Short Term Accommodation"** shall mean the business of making or attempting to earn revenue by engaging in or by advertising the availability of a Short Term Accommodation for twenty-eight (28) consecutive days or less for remuneration or other good and valuable consideration.

**"COOKING APPLIANCES"** means equipment for food preparation, such as a hot plate, microwave, toaster or toaster oven, oven or stove top, but does not include a coffeemaker, kettle or bottle warmer.

**"COUNCIL"** means the Municipal Council of the Corporation of the Town of Pelham.

**"DWELLING UNIT"** means one (1) or more habitable rooms, in a Building, occupied or capable of being occupied as a single housekeeping unit only, in which sleeping, sanitary conveniences, and kitchen facilities are provided, in which a heating system is provided, and which has a private entrance from outside the Building or from a common hallway or stairway inside. For the purposes of this By-law, a Dwelling Unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel, motel, or motor home.

**"DWELLING, PRINCIPAL RESIDENCE"** means a Dwelling Unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

**"FEE"** means as set out in the Town of Pelham Annual Rates and Fees Schedule, which is not prorated and non-refundable.

**"FIRE PREVENTION OFFICER"** means any member of a fire prevention bureau established by a municipality and every person designated by the fire Marshall as an assistant to the fire Marshall.

**"GUEST ROOM"** means a room or suite of rooms used or maintained for the accommodation of individuals to whom hospitality is extended for compensation.

**"LICENCE"** means the certificate or other similar document issued pursuant to this by-law as proof of Licencing under this by-law.

**"LICENCED"** means to have in one's possession a valid and current Licence issued under this by-law and unlicenced has the contrary meaning;

**"LICENCEE"** means a person issued a Licence under this by-law to operate a Short Term Accommodation.

**"LICENCE ISSUER"** means any person or persons provided the authority by the Town to issue a Licence under this by-law.

**"MUNICIPAL LAW ENFORCEMENT OFFICER"** means a Municipal Law Enforcement Officer of the Corporation of the Town of Pelham who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws or a Niagara Regional Police (NRP) Officer.

**"OWNER"** means any person(s) or corporation who is a registered Owner, has a legal or equitable interest, has a legal right to obtain possession, and who has control or management of any Property, land, Building or structure. In the case of a Corporation, any authorized signing officer is considered the Owner for the purposes of this By-law.

**"PARKING AREA"** means an area or structure, including a private garage, carport, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane.

**"PROPERTY"** means any lot, block or other area in which land is held or into which it is subdivided, including the Buildings and structures thereon.

**"RENTER"** means the person, who has obtained entitlement to exclusive use of a portion or the entirety of a Short Term Accommodation rental from the Licencee.

**"RENTER'S CODE OF CONDUCT"** as set forth in Schedule A means a document that has been prepared by the Town that prescribes the roles and responsibilities of the Renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town by-laws that the Renter must comply with including the adherence to the provisions of this by-law.

**"RESPONSIBLE PERSON"** means the Owner or an agent assigned by the Owner or Licencee of the Short Term Accommodation to ensure the Short Term Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws.

**"SECOND DWELLING UNIT"** means a Dwelling Unit within a single-detached, semidetached, or townhouse Dwelling; or within a detached structure accessory to a primary Dwelling.

**"SITE DRAWING"** means a plan that identifies those measures the Owner will implement so as to ensure

compliance with Section 5 of this by-law.

**“SHORT TERM ACCOMMODATION (STA)”** means a Dwelling or Dwelling Unit, that in whole or part, is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight (28) consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.17, as amended.

**"TOWN"** means the Corporation of the Town of Pelham.

**“TOWN CLERK”** means the person or his/her designate as appointed by the Council of the Town.

**“ZONING BY-LAW”** means the Town of Pelham’s Comprehensive Zoning By-Law 1136 (1987), as amended from time to time and any successors thereto.

## **SECTION 2: GENERAL PROVISIONS APPLICABLE TO ALL SHORT-TERM ACCOMODATION(S)**

1. No person shall use or operate any Short Term Accommodation unless he or she holds a current Licence issued pursuant to this By-law.
2. No person shall advertise a Short Term Accommodation without a Licence.
3. Where a lot contains a Second Dwelling Unit as defined by the Comprehensive Zoning By-law, the following shall apply:
  - a) A Principal Residence of the Property Owner shall be located on the same lot as the Short Term Accommodation; and
  - b) A maximum of three (3) Short Term Accommodation Guest Rooms are permitted on the same lot.
4. Short Term Accommodation(s) shall comply with all applicable Municipal By-laws and provincial legislation.
5. The following shall be made available to guests:
  - a) a copy of the current Licence displayed interior to the Short Term Accommodation and available for inspection by Town staff;
  - b) a copy of the current Town Noise Control By-law 3130-2010, as amended;
  - c) a copy of the current Town's Public Nuisances By-law 2020-XXXX;
  - d) a copy of the current parking provisions for Short Term Accommodation as described in the Town's Zoning By-law;
  - e) a copy of the current Town Administrative Penalty Process By-law 4221(2020);
  - f) a copy of the current Town Fireworks By-law 2951-2008; and
  - g) a copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes.
6. The Licencee shall be responsible for maintaining the amenity and Parking Areas.
7. All Short Term Accommodation establishments must provide a 2A-10BC or better fire extinguisher in any cooking area and on every level of the establishment.

8. All Short Term Accommodation establishments must post fire emergency procedures.
9. All Short Term Accommodation establishments shall prepare and have approved by the Fire Chief, a fire safety plan as per section 2.8.2 of the Ontario Fire Code.
10. No Licencee shall rent any Guest Room in a Short Term Accommodation other than a Guest Room that was identified and approved as such on the floor plans submitted with the Application for the Short Term Accommodation Licence.
11. All Short Term Accommodation shall provide proof of insurance and carry a minimum of \$2 million dollars' liability insurance, unless a pool or hot tub is present on the premise, then a minimum of \$5 million dollar's liability insurance shall be carried. The insurance shall identify that a STA is being operated on the Property. The Insurance coverage required herein shall be endorsed to the effect that the Town of Pelham shall be given at least ten (10) days' notice in writing of any cancellations or material variation to the policy.
12. A person is not eligible to obtain or renew a Licence if the person is indebted to the Town in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding Property taxes and late payment charges against all properties owned by the Owner.

### **SECTION 3: SHORT-TERM ACCOMODATION - BED & BREAKFAST ESTABLISHMENTS**

1. Where a Bed & Breakfast use is to be issued a Licence in accordance with this By-law, in addition to the General and Specific Provisions, the following provisions and considerations shall apply prior to issuing the Licence:
  - a) A Bed & Breakfast Establishment shall only be permitted in a principal residence of an Owner and/or operator.
  - b) A Bed & Breakfast Establishment shall not be established or operated in an accessory Building.
  - c) One (1) parking space shall be provided per Guest Room in addition to the required spaces for the principal Dwelling. Such parking spaces shall be on the same lot as the use and shall comply with the requirements outlined in the Zoning By-law.
  - d) A Bed & Breakfast Establishment shall not detract from the general character of the neighbourhood nor be a nuisance in terms of noise, traffic, parking and visual character.
  - e) A Bed & Breakfast Establishment, while being operated as a Bed and Breakfast Establishment, must be occupied and operated by the principal resident while guests occupy or have the right to occupy Guest Rooms.
  - f) No cooking or Cooking Appliances shall be permitted in Licenced Guest Rooms, except for a coffee maker, kettle or bottle warmer.
  - g) A Bed and Breakfast Establishment shall post fire emergency procedures in each room and have an approved fire safety plan for the Dwelling.
  - h) A Bed & Breakfast Establishment post an emergency evacuation and Fire Safety Plan in each room.
  - i) Each Bed and Breakfast Establishment Licenced pursuant to the By-law must provide

proof to the Town at least every two (2) years that it complies with the Fire Code and the Town's Property Standards By-law and are required to pay the applicable inspection Fee(s), subject to the **Fee and Charges By-law XXX.**

#### **SECTION 4: SHORT-TERM ACCOMMODATION – SPECIFIC PROVISIONS**

1. The following provisions apply to all Short Term Accommodation:

- a) A Short Term Accommodation shall only be permitted in areas where it is a permitted use as set out in the Town's Zoning By-law.
- b) Permitted Renter Occupancy shall be the sum of all Guest Rooms in the Short Term Accommodation and have a maximum occupancy of ten (10) persons per Dwelling, which includes the permanent occupants at any one time.
- c) Occupancy of a Bed and Breakfast Establishment is dictated by Section 3 of this By-law.
- d) All Short Term Accommodation shall comply with the provisions of the Ontario Building Code.
- e) All Short Term Accommodation must post fire emergency procedures and have an approved fire safety plan for each Dwelling.
- f) A Licencee shall provide to the Town the name and contact information of the Responsible Person who can be readily contacted and respond to an emergency or contravention of any Town By-law, including attendance on site of the Short Term Accommodation within one (1) hour of being notified of the occurrence.
- g) The Licence does not permit a Short Term Accommodation to be used for the hosting of events such as receptions or any other similar group activity in contravention of the Town's Comprehensive Zoning By-law, as amended.
- h) Each Short Term Accommodation shall provide proof that it complies with the Fire Code and the Town's Property Standards By-law every two (2) years for a Short Term Accommodation as a principal residence or two (2) years for Short Term Accommodation as a whole home and are required to pay the applicable inspection Fee(s), subject to the Fee and Charges By-law XXX.**
- i) The Licencee shall keep a record of the Renter with such record containing the date of entry, the length of stay, home address of the Renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all time by a Municipal Law Enforcement Officer for a period of one (1) year.
- j) Applications for Licence and issued Licences, along with the legal description, civic address and associated Owner, Responsible Person contact information will be posted on the Town's website.

#### **SECTION 5: LICENCE APPLICATION AND ISSUANCE**

1. An Application for a Licence for a Short Term Accommodation shall be submitted to the Town and shall include a clear and legible floor plan and Site Drawing or sketch showing:
  - a) civic address and legal description of the Property;
  - b) a photograph of the front of the Building;



- c) a floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, sleeping area, smoke alarm, CO alarm, fire extinguisher and existing egress door or window, as well as an approved fire safety plan;
  - d) the location of the Building on the Property with setbacks indicated from all Property lines;
  - e) the location and dimension of the Parking Area and the required parking spaces;
  - f) the location of the driveway access to the required parking spaces;
  - g) the location and dimensions of the outdoor amenity area(s); and,
  - h) fencing, landscaping or other buffering if required.
2. The Application shall identify:
- a) the number of Guest Rooms;
  - b) the maximum number of guests to be accommodated;
  - c) the registered Owner and contact information;
  - d) the Owner and if applicable, Agent (alternative) person and related contact information; and
  - e) the Licence number of any previous Short Term Accommodation Licence.
3. The Application information shall include proof satisfactory to the Town that:
- a) a copy of general liability insurance in an amount of no less than \$2 million, unless a pool or hot tub is located on the premise, then general liability insurance in an amount of no less than \$5 million is required;
    - i. Owner is responsible to maintain a valid insurance policy and will be required to provide proof of insurance every year that the policy is renewed, or if anything has changed.
  - b) an indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of or are attributable to, the STA's Owner, which shall be in a form satisfactory to the Town;
  - c) the subject Property is adequately insured against damage from fire and confirmation that no restrictions are in place on the Applicant's ability to use the Property for short-term accommodations during the period of insurance coverage nor on the amount of times the Property may be used for short-term accommodations during such period; and,
  - d) the Applicant's insurance is cancellable on no less than thirty (30) days prior notice.
4. There shall be a maximum of one (1) Short Term Accommodation Licence issued per municipal address.
5. The Applicant shall submit a Responsible Person Consent Form (Schedule B) to ensure that there is a Responsible Person who can be readily contacted and respond to an emergency or contravention of any Town By-law, including attendance on site of the Short Term Accommodation within one (1) hour of being notified of the occurrence.

6. The Applicant shall pay the required licencing Fee as per the Town's Fees and Charges By- law.
7. The Applicant shall submit a copy of any advertisement of the Short Term Accommodation demonstrating its promotion to be in compliance with the provisions of this By-law.
8. The Licencee shall keep a record of the Renter with such record containing the date of entry, the length of stay, home address of the Renter and confirmation of receipt of the Renter's Code of Conduct with such record readily available for inspection at all time by a Municipal Law Enforcement Officer for a period of one (1) year.
9. A Licence for a Short Term Accommodation may not be renewed or extended unless the Licencee has submitted a completed Application form and the applicable Fee.
10. A Short Term Accommodation Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
  - a) The date that is two years (2) after the date of the issuance of the Licence; or
  - b) Upon the sale or transfer of the Property to a person other than a Licencee; and
  - c) A Short Term Accommodation Licence cannot be assigned or transferred from the Licencee to another party.
11. Any person applying for a Licence is responsible to coordinate with the Town and to arrange for an inspection of the Property if required as a condition precedent prior to receiving a Licence to ensure compliance with the following:
  - a) The Provisions of this By-law;
  - b) The Ontario Fire Code;
  - c) The Ontario Building Code;
  - d) Niagara Region Public Health;
  - e) The Property Standards By-law; and
  - f) The Zoning By-law.
12. The Licencee shall be responsible for informing the Town in writing of any changes to the approved information contained within the Licence application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a Licencee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the Town has approved same.
13. Upon receipt of a completed Application and the payment of the licencing Fee, the Licence issuer shall, in the case of both new and renewal applications review the application and if in compliance with this By-law, will issue the Licence. The Licence issuer may request comments from other departments or agencies and attach conditions to the Licence.
14. Upon determination by the Licence issuer that information requirements and all regulatory and by-law requirements of the Town are met, a Licence shall be issued and expire on December 31, of each calendar year and prorate costs, unless the Licence is renewed or revoked in accordance with the provisions of this by-law.
15. Licences are not transferable and shall remain the Property of the Town.

## **SECTION 6: TERM OF LICENCE**

A Licence issued pursuant to the provisions of this by-law shall expire two (2) years from the date it was issued, unless it is revoked in accordance with the provisions of this by-law.

## **SECTION 7: LICENCE DENIAL, SUSPENSION OR REVOCATION**

1. The Licence issuer may refuse to issue or revoke a Licence if one or more of the following circumstances are met:
  - a) if the information submitted on the application is incomplete, incorrect, false or misleading; or
  - b) where all the required taxes, Fees, administrative monetary penalties or municipal charges have not been paid; or
  - c) where a Licence has been previously revoked, suspended, made subject to special condition(s) or has presented a history of contravention with this or other Town by-laws; or
  - d) Where the Applicant is in breach of any provisions of the By-law or the Short Term Accommodation does not comply with any provision of this By-law any breach of the provisions of any other Town By-law or regulations, or
  - e) refusal to comply with any previous notice of violation within seventy-two (72) hours.
2. Notwithstanding the above, if satisfied that the continuation of the Licence poses an immediate threat to life or the health or safety of any person, the Licence issuer may, for the time and such conditions as are considered appropriate and without a hearing, suspend a Licence for not more than fourteen (14) days, and, prior to suspending the Licence, shall provide the Licencee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.
3. Where the Municipal Law Enforcement Officer has issued three (3) or more monetary penalties within a six (6) month period, the Licence may be revoked by the Licence Issuer.

## **SECTION 8: INSPECTION**

1. A pre-inspection of the premises prior to the provision of comments and prior to the consideration of the application is required. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of Fees for such an inspection, the applicant shall pay the Fees as required prior to the inspection.
2. An officer may at any reasonable time inspect any premises or place where a Licence has been issued under this By-law to determine compliance to this By-law.
3. To obstruct or permit the obstruction of an inspection is deemed an offence.
4. Licence shall be issued once all necessary inspections have been undertaken and signed-off on.

## **SECTION 9: LICENCE FEES NON-REFUNDABLE AND PENALTIES**

1. The Licence application Fee is non-refundable regardless of the ultimate disposition of the

Licence application.

## **SECTION 10: ADMINISTRATION AND ENFORCEMENT**

1. The Municipal Law Enforcement Officer shall be responsible for the enforcement of this By-law.
2. Every person who contravenes any provision of this By-law is guilty of an AMP and all contraventions of this By-law are designated as continuing offences pursuant to Section 429 of the *Municipal Act*.
3. When in the opinion of the Municipal Law Enforcement Officer, a violation of this By-law has occurred or exists, the Municipal Law Enforcement Officer may issue a written compliance notice to the alleged violator. The notice shall specify those sections of the By-law which are in violation. Failure to comply with the notice enables the Town, at its sole discretion, to correct the alleged violation, failing which the Town may correct the alleged violation at the expense of the Owner / Licencee.
4. Service of any notice under this section shall be carried out by personal service or registered mail addressed to the Licencee at the address shown as the Licencee's address on the Application.
5. Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules and every Owner is guilty of an offence and may be subject to an Administrative Penalty or as an offence and conviction liable to a fine in keeping with the provisions of the *Provincial Offences Act*.
6. Pursuant to Section 447 of the *Municipal Act*, where an Owner is convicted of knowingly carrying on or engaging in a Short Term Accommodation Business in respect of any Property or any part of any Property without a Licence required by this By-law, or a person is convicted of any other contravention of this By-law and the court determines that the Owner or occupant of the Property or part of the Property in respect of which the conviction was made known or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the Property or part of the Property be closed to any use for a period not exceeding two (2) years.

## **SECTION 11: ADMINISTRATIVE PENALTY**

1. A Municipal Law Enforcement Officer who finds that a person has contravened any provision of this By-law, may issue a notice addressed to that person, advising that person, that he or she has failed to comply with a provision to this by-law and that he or she is subject to paying an administrative penalty as a consequence of that non-compliance.
2. Any person who is issued a penalty notice pursuant to Section 11(1) above shall be liable to pay the Town the administrative penalty in the amount stipulated in the Town's Administrative Penalty Process By-law 4221 (2020) as approved by Council.
3. Each person who contravenes any provision of this by-law shall upon issuance of a penalty notice in accordance with the Town Administrative Penalty Process By-law 4221 (2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which each contravention or violation occurs or continues.

## **SECTION 12: APPEAL**

1. An applicant, whose application has been refused, or a Licencee, whose Licence has been

revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply to appeal this decision with Town Council.

2. Every person who initiates an appeal of a decision shall submit a notice of appeal;
  - a) within fourteen (14) days of a refusal or revocation; and
  - b) with the non-refundable required Appeal Fee as detailed in the Town's Fees and Charges by-law; and
  - c) by registered mail to the Town or personally filing with the Town Clerk or Deputy Town Clerk.

### **SECTION 13: APPEAL HEARING**

1. Council shall hear and render a decision on an appeal under Section 12 of this By-law in an expeditious manner.
2. In considering an appeal, Council has the same powers as the municipal official who may issue or revoke a Licence and may:
  - a) rescind the refusal or revocation action, or
  - b) confirm the refusal or revocation action, or
  - c) modify the action and create requirements of compliance.
3. The decision of Council on the appeal is final.

### **SECTION 14: CONFLICT AND SEVERABILITY**

1. If any portion of this By-law of the Town is found to be in conflict with any other provision of any zoning, Building, fire, safety or other By-law of the Town or regulations, the provision which establishes the higher standard shall prevail.
2. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, Council intends the remainder of this By-law or the application of such provision or requirement to all persons other than those to whom it is held to be invalid or unenforceable to not be affected hereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by by-law.

### **SECTION 15: EFFECTIVE DATE AND TRANSITION PROVISIONS**

1. This By-law shall come into full force and effect upon enactment of the By-law at which time all By-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.
2. Zoning By-law Conformity:
  - a) A Property that is subject to a use that is not in conformity to the permitted uses of the Comprehensive Zoning By-law, as amended, shall not be issued a Licence.
  - b) In the event that the Applicant for a Short Term Accommodation Licence pursuant to this By-law claims that the use as a Short Term Accommodation is a legal non-conforming use pursuant to Section 34(9) of the *Planning Act* or the Property that is subject to the application was used as a Short Term Accommodation at the time the By-law was passed by Council, the Applicant shall provide evidence that is satisfactory to the Licence issuer together with a sworn Affidavit or Statutory Declaration which shall

include but not be limited to the following information:

- i. That the Property was being used as a Short Term Accommodation as of May 2020;
  - ii. The nature and extent of the Short Term Accommodation use in May 2020 so as to determine if the use has changed or intensified since this date; and
  - iii. That the Property has not at any time since May 2020 stopped being used as a Short Term Accommodation.
3. Short Term Accommodation legally existing on the date of passage of this by-law shall have a period ending October 31, 2020 in which to obtain a Licence.

#### **SECTION 16: SHORT TITLE**

1. This By-law shall be known as the “Short Term Accommodation (STA) Licencing By-law”.

Read a first, second and third time and finally passed and enacted this XXX day of \_\_\_\_\_ 2020.

---

Nancy Bozzato, Clerk

---

Marvin Junkin, Mayor

**Schedule “A” – Renter Code of Conduct**

DRAFT

## **SCHEDULE A**

### **RENTER CODE OF CONDUCT**

#### **1. PREMISE OF THIS CODE**

The premise of this Code is that the short term accommodation premises are located in the vicinity of other properties and that the residents/occupants of these properties have the right to enjoy their properties without being imposed upon by nuisance from others.

#### **2. OBJECTIVES OF THIS CODE**

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood.

#### **3. GUIDING PRINCIPLES**

The Guiding Principles for short term accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbors; and,
- Leave it as you find it.

#### **4. MAXIMUM NUMBER OF RENTERS AND GUESTS**

- Permitted Renter occupancy shall be the sum of all guest rooms in the Short Term Accommodation and have a maximum occupancy of ten (10) persons per dwelling, which includes the permanent occupants at any one time.
- The number of non-occupying guests permitted at a short term accommodation premises must not be such that it may conflict with the neighbourhood or amenity.

#### **5. NOISE AND RESIDENTIAL AMENITY**

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- a) Amplified sound such as noise created by, any radio, television, electronic device, record player, tape player, amplifier, loud speaker, musical instrument or equipment, device or instrument;
- b) Outdoor or backyard gatherings involving excessive noise;
- c) Late or early hour disturbances; and,



- d) Yelling, shouting, chanting and loud conversations.

Please be advised that the Town of Pelham's Noise Control By-law 3130-2010, as amended, is in effect at all times and renters and guests must comply.

## **6. FUNCTIONS AND PARTIES**

No person shall sponsor, conduct, continue, host, create, attend, allow, cause or permit a Nuisance Party. Please be advised that the Town of Pelham's Nuisance By-law XXXX-2020, is in effect at all times.

- a) Short term accommodation renters are not to host commercial functions;
- b) So called "party houses" conflict with residential amenity and are not permitted as per the Nuisance By-law XXXX-2020;
- c) Any gathering, celebration or entertainment at a short term rental accommodation premise Renter must not conflict with residential amenity and must comply with all the other requirements of this Code and the Town of Pelham by-laws; and
- d) No roof parties.

## **7. ACCESS AND PARKING**

This property includes parking in the common parking spots located around the building, on the "first come, first served" bases.

## **8. RECYCLING AND GARBAGE**

Please familiarize yourself and your guests with the protocol for waste management procedures, including the day of the week in which waste collection is scheduled. Place your garbage at the curb by 7 a.m. on your regular collection day. Do not place your garbage bag or can at the curb any earlier than 5 p.m. the day before collection. It should be noted that the "putting out" of waste on a non-scheduled day is prohibited. Waste Collection information is available on the Niagara Region website [www.niagararegion.ca/waste/collection.aspx](http://www.niagararegion.ca/waste/collection.aspx)

**Schedule “B” – Responsible Person Consent Form**

DRAFT

## SCHEDULE B

### Responsible Person Consent Form Short Term Accommodation (STA) Application **By-law No. XXX-2020**

As required by the *Licensing for Short Term Accommodation By-law No. XXX-2020*, Section 5. (6), the owner of a Short Term Accommodation premises shall ensure that there is a responsible person available to attend the Short Term Accommodation premises at all times within a period of no greater than **one (1) hour** from the time of contact by way of telephone or e-mail.

The by-law defines a “Responsible Person” as *the owner or an agent assigned by the owner or licensee of the Short Term Accommodation to ensure the Short Term Accommodation is operated in accordance with the provisions of this by-law, the license and applicable law.*

#### **Responsible Person Consent**

I \_\_\_\_\_ CERTIFY AND ACKNOWLEDGE THAT:  
(Print Name)

I have been appointed by the owner as a “Responsible Person” in accordance with the licensing requirements to operate a Short Term Accommodation at the following address:

\_\_\_\_\_, Town of Pelham, Ontario  
(Street Address)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

**NOTICE OF COLLECTION:** The personal information recorded on this form is collected and maintained in accordance with MFIPPA – the Municipal Freedom of Information and Privacy Protection Act and will be used in the administration and enforcement of the Licensing for Short Term Accommodation by-law. Questions about the collection of personal information may be addressed to the Clerks Department, Town of Pelham, 20 Pelham Town Square P.O Box 400, Fonthill, ON L0S 1E0, 905-892-5055

**SHORT TERM RENTALS**  
**(Including Bed and Breakfasts)**

The checklist below will help you prepare for your Short Term Licencing inspection. This checklist outlines some of the basic requirements that need to be met in order to be licenced under the Town of Pelhams licencing By-Law No. XX-2020. Please be advised that it is your responsibility to ensure all requirements under the applicable by-laws are met.

All Short Term Rentals must meet all By-law requirements prior to receiving a license including but not limited to: *Town Noise Control By-law 3130-2010 and Town's Public Nuisances By-law 2970-2008.*

**PRE-INSPECTION CHECKLIST** ☒**ALL ROOMS FOR HIRE:**

- ☐ Walls and ceilings are reasonably smooth and free from defects and holes that would reduce their effectiveness in a fire situation.
- ☐ Floor surfaces are reasonably smooth and do not unnecessarily contribute to a potential accident ie. nails sticking up, floor boards loose, ripples in carpets, etc.
- ☐ Electrical outlets and switches have adequate covers and electrical fixtures or lamps are provided.
- ☐ Operable window present for ventilation/light and equipped with suitable insect screen.
- ☐ Access door provides privacy and operates freely without the use of a key to exit.

**ELECTRICAL PANEL:**

- ☐ Breakers are operational and the breaker panel is labelled.

**FIRE SAFETY:**

- ☐ All smoke alarms, either battery operated or interconnected, on every floor level and in every bedroom, if applicable, shall be in working order.
- ☐ Carbon monoxide detectors shall be in working order.
- ☐ Electrical cords are in good working condition.
- ☐ All escape routes are clear of obstructions and easily accessible.
- ☐ Clothes dryer lint traps and exhaust is clean and lint free.
- ☐ All extension cords are used safely, not under carpets or across walking areas.
- ☐ Portable space heaters are a minimum 3 feet away from combustible material.
- ☐ The furnace has been inspected and the filter replaced in the past year.

- ☐ The fire place Chimney has been inspected and cleaned in the past year.
- ☐ All portable fire extinguishers with a minimum 2A-10BC rating shall be made available, visibly mounted on each floor area, shall be inspected and tagged annually.
- ☐ Any bedroom door with an automatic door closer must ensure that the door properly closes and latches properly.
- ☐ All exit signs shall be illuminated while the building is occupied with guests.
- ☐ Electrical panels shall be labelled and only be serviced by a licensed electrician.
- ☐ Sprinkler systems shall be inspected annually.
- ☐ Fire alarm systems shall be inspected annually.
- ☐ Establish rules for smokers. If you permit smoking inside, use large, sturdy ashtray that can't be easily tipped over. Ashtrays should be emptied into a metal container, not the garbage can.
- ☐ If you use candles, keep them away from anything that can burn and place them in a safe, sturdy glass holder. Place them where they cannot be knocked over and blow them out when leaving the room.

***For clarification please call the Fire Department at 905-892-2607 ext. 202***

#### **LICENCING REQUIREMENTS:**

- ☐ A copy of the Town approved floor plan with all exits marked on it posted in a visible area. (The plan is not to be posted in a binder or folder).
- ☐ Proof of Insurance and carry a minimum of \$2 million dollars' liability insurances.
- ☐ Name and contact information of the Responsible Person (form to be included in binder).
- ☐ Daily register/guest form is current.

#### **MEANS OF EGRESS/EXITS:**

- ☐ A safe continuous and unobstructed passage is provided from the interior of the dwelling to the outside at street or grade level is provided.

#### **PARKING AREAS:**

- ☐ Kept in good repair and free of clutter (including the garage if used for parking).

#### **POOL AREAS:**

- ☐ Gates are self-closing.
- ☐ Gates have locks.
- ☐ Pool is fenced in.

#### **STAIRS, PORCHES AND BALCONIES;**

- ☐ All steps, handrails, guards and landings are in reasonable good repair and will not likely create a hazard (i.e., free of holes, cracks and other defects which may constitute an accident hazard).
- ☐ Stair treads or risers are in good condition.
- ☐ Stairwell is clear of clutter and provides for an unobstructed passage.
- ☐ Interior stairs with two or more risers have a handrail.
- ☐ Exterior stairs with three or more risers have a handrail.

**UTILITY AREAS;**

- ☐ Area around the furnace is free of clutter, waste combustibles and flammable liquids.
- ☐ Hot water tank is free of rust and other visible defects.

**WASHROOMS FOR GUEST USAGE:**

- ☐ Is separate from the owner's washroom.
- ☐ A water closet, basin and tub or shower is provided and are reasonably clean and in good condition.
- ☐ Fixtures are reasonably clean, impervious to water and capable of performing their intended function.
- ☐ Floors, walls and ceilings are reasonable smooth and clean (i.e., free from mould and mildew).
- ☐ Operable window is provided for ventilation; or, where no window is present an exhaust fan and electrical fixture has been provided.

## **A BY-LAW TO ADOPT LICENSING FOR SHORT TERM ACCOMMODATION**

In the DRAFT for this by-law, on the first page it states: and whereas Sections 11(3)(7) and 11(3)(8) of the Municipal ACT, authorize a Municipality to pass by-laws respecting HEALTH, SAFETY AND WELL-BEING of persons, parking on property, etc. The Town of Pelham's residents have spoken loud and clear that they are concerned for their health, safety and well being with short term rentals continuing to be allowed in Residential areas. They have shown this by their large attendance at the meeting on October 22, 2019 that was called to deal specifically with Short Term Rentals and also in the 12 letters that were received, 11 of which were against short term rentals in Residential areas.

### **Section 1: definitions and interpretation**

Bed and Breakfast Establishment means a principal residence dwelling in which the owner and operator provides guest rooms..... this should be OWNER only not operator. If the owner is not the operator the situation just leaves itself open to having the same issues that exist now with the short term rentals, specifically in the Lookout Subdivision.

DWELLING, PRINCIPAL RESIDENCE. Means a dwelling unit owned or rented by a person etc..... Consider instead, "means a single family dwelling owned by a person which is their principal place of residency."



OWNER. Omit the words "has a legal right to obtain possession". And by doing so removes anyone being able to lease the dwelling for the purpose of renting it out.

---

PARKING AREA. Omit "and may include aisles, pedestrian walkways as these spaces as described are NOT Parking places. No cars should be permitted to park where pedestrians might walk, as this poses a possible safety hazard.

The new by-law amendment should state that Bed & Breakfasts that are currently operating legally will not have their licence transferred if they move to a different property within Pelham. Said licence would only be for their current address and may not be transferred to anyone else for any reason nor if the property should be sold. The addresses of those currently operating legally that might be grandfathered should be specifically mentioned in the by-law amendment. ALSO it would be prudent for the future to have a clause that would stipulate that once any of the grandfathered B&B's cease business and their license is no longer valid that at no time in the future should other B&B's be allowed to open up in ANY residential area.

Adding townhouse residential, low density residential in NW Fonthill and East Fonthill are still residential areas and therefore not areas where Council and taxpayers have indicated where they should be.



1) Given that you were directed by council on October 22, 2019 to not allow STA's in residential neighbourhoods, please give us the readers digest version of what this new by-law draft says? Are we allowing them, yes or no? Why, in the proposed by-law to amend Zoning By-Law 1136 (1987) and the By-Law to Adopt Licencing for Short Term rental Accommodation is there No reference to Short Term Rental Accommodations will not be allowed in Residential Areas or did we miss this?

2) The grandfathered five keeps coming up....are there by-laws in place that will ensure that the owner a) cannot move and take his STA status to another location

b) cannot sell the home with the STA as a business feature

c) cannot pass the STA on to family

These grandfathered STA's must be tied to that particular owner and to a particular house and license. Speaking of which, will these people now be getting a license or do they have a license already? If so, does this not open the door for future operations in residential neighbourhoods? As these slowly "die out," will new ones be allowed to take their place to cap the total at five?

3) 27 Timber Creek Crescent

4) 26 Canboro Road

5) 27 Brewerton Boulevard

6) 273 Canboro Road

7) 1541 Haist Street

8) What will happen to the illegal STA's operating in Lookout and at #35 Stonegate Place and other locations?

9) Are we leaving the door open for future STA considerations in residential neighbourhoods? If so why, when there has been so much public outcry against this?

a) How will these be approached.....approval criteria and by whom?

b) How will future councils understand the legwork and public sentiment that has been the basis for this NO STA in residential areas movement?

c) We do not want to go through this every time there is an election.

10) Covid19 is here to stay for who knows how long. How will these grandfathered STAS ensure that their "guests" are healthy?

a) Will they get a health certificate?

b) Will they take the guest's temperature?

c) Will they ensure a safe distance within the STA?

d) What if the guest is asymptomatic?

It was bad enough before COVID19 knowing that transients would be allowed into our neighbourhoods, now we have to worry about possible infected people coming from high density areas. Allowing an STA makes even less sense now. This is a reality and not fear-mongering. It will be years before there is a

11) There is mention of allowing a renter to operate an STA?

Why? A renter has no stake in the property. Someone could buy various houses, place renters in them, and run them as STA's. What is the difference between that and an AIRB&B?

12) We need to define STA.....how does one distinguish between owner on premises and no owner on premises? Should there be a different terms for each one?

13) There has been mention of more than single family dwellings being allowed to have an STA. How does this relate to no STA's in residential neighbourhoods?

Page 466 of 677



The property owner contacted Planning staff to determine whether it would be possible to demolish the existing barn on the property. Planning staff completed a review of the Town's records with respect to the property and determined that the property is contemplated for inclusion on the Municipal Register of Heritage Properties which is currently in progress with a preliminary rating as an A property (high heritage value).

According to Municipal Property Assessment Corporation records, the property contains three structures: a dwelling and shed constructed in approximately 1820 and a barn constructed in approximately 1904. Historical research indicates that the property was used as an inn operated by John Buckbee between 1834 and 1868 where it served as a resting point for travelers between Brantford and Niagara-on-the-Lake on the Indian Trail. The inn was also a post office and a business centre for tea smuggling. Records also indicate that there was a cooper's and weaver's shop behind the inn during this time. The full statement cultural and historical significance is available in Appendix A.

Planning staff attended the site to take photographs of the barn (Figures 2-6).

*Figure 2: Barn Photo - Front*



*Figure 3: Barn Photo East Side and Rear View*



*Figure 4: Barn West Side and Rear View*





*Figure 5: Interior Wood Rot at Concrete Floor*



*Figure 6: Interior Support Beam Rot*



The property owner is requesting permission to remove the barn due to rot that is occurring in the corners of the support beams and also along the floor. A previous owner poured a concrete floor in most of the structure, encasing the wooden framing within the concrete which has resulted in decay and rot with few options for repair.

### **Analysis:**

#### *Ontario Heritage Act*

#### *Section 27- Register*

Section 27 of the Ontario Heritage Act permits a register to be compiled of property within the municipality that is of cultural heritage value or interest. The register, which is kept by the Clerk, contains all properties that have been designated (under Section 29) or listed (under Section 27 Subsection 3).

With respect to each property, the register contains: a legal description of the property; the name and address of the owner; and, a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

Once a property has been placed on the register as a listed (not designated) property, the owner cannot demolish or remove or permit the demolition or removal of the building or structure unless the owner gives Council at least 60 days' notice, in writing, of the owner's intention.

The purpose is to provide Council the opportunity to consider if the property should be designated—if Council decides the property is worthy of designation the designation process, outlined in Section 29, would occur and the demolition or removal of the building or structure would be halted.

If the property is not designated, the 60 days also affords the time and opportunity to record through a photographic record any attributes of the building prior to demolition. For Council's information, there are no other restrictions on listed properties other than the 60 days' notice to be provided to Council requesting permission to demolish or remove a listed building or structure. If Council approves the request to demolish or remove a listed building or structure, the property could be removed from the register, a demolition permit may be applied for by the owner, and the Building department has up to 10 days to issue a demolition permit once received.

It is noted that Planning staff are working on a register of non-designated properties, however it is not complete. Once the work is complete, Planning staff will provide notice to property owners and seek their input with regards to if they would like the property to be on a register of non-designated properties and also to confirm the information as it relates to the statement of cultural and historical significance. After that, the full list of non-designated properties will come to Council for endorsement.

For Council's information, a by-law to designate a property does not prohibit its demolition. Section 34 of the Act permits the owner to apply to Council to receive consent in writing to the demolition or removal of structures. This allows Council, on behalf of the public, to consider the merits of demolition or removal of structures with regard to health and safety and the cultural heritage value of the property. If Council agrees to the demolition or removal of structures, under Section 34.4.2, Council shall pass a bylaw to repeal the whole or part of the by-law that designated the property under Section 29.

#### *Staff Comments*

The barn structure was constructed in the early 1900s, long after the property's noteworthy history as an inn, post office, business center for tea smuggling and associated weaver's and cooper's shops. Further, removal of the barn structure will not detract from the heritage value of the rest of the property. Staff are of the opinion that the barn structure does not meet the prescribed criteria in Section 29 of the *Ontario Heritage Act* for designation and it is experiencing significant rot and decay while unfortunate, is difficult to repair due to the past encasement of the concrete floor within the structure.

The dwelling and shed structures are in very good condition and would meet the prescribed criteria in Section 29 of the *Ontario Heritage Act* for designation. Staff recommend that the property be included on the register of non-designated properties of cultural heritage value or interest. Further, staff have discussed the designation process with the property owner and they have indicated that they may consider making a request for designation as a property of cultural heritage value or interest in future.

#### **Financial Considerations:**

There are no financial impacts associated with the recommendations of the report. The property owner is responsible for all costs associated with the demolition of the barn



**Alternatives Reviewed:**

N/A.

**Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

Protecting properties of cultural and heritage significance is an important part of maintaining and building a strong community identity with valued cultural assets.

**Consultation:**

Planning staff discussed the recommendation of the report with the property owner.

**Other Pertinent Reports/Attachments:**

Appendix A Statement of Culture and Historical Significance

**Prepared and Recommended by:**

Shannon Larocque, MCIP, RPP  
Senior Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

## APPENDIX A

855 Twenty Road

Fenwick ON L0S1C0

"The former Buckbee Inn"

---

Roll No.: 273201000801700

Legal Description: CON 1 PT LOT 17 RP 59R9933 PART 4

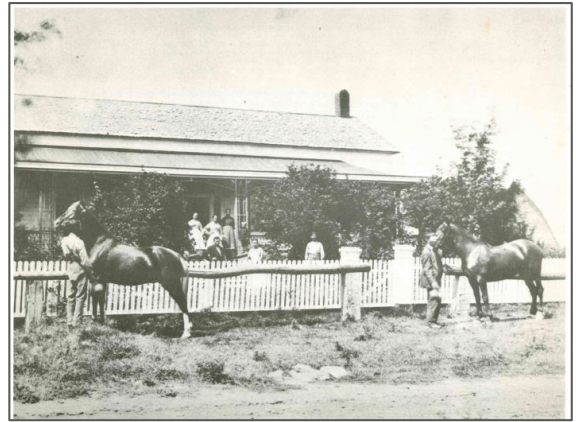
Date of Construction: approximately 1820

Architectural Influence(s): Regency/early Classical Revival

Historical Association(s): John Buckbee

Heritage Evaluation Grade: A

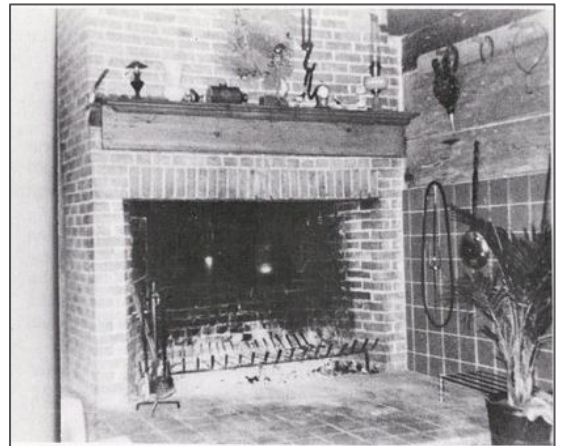
---



### Statement of Design and/or Architectural Value and/or Interest:

The original design of the Inn was "picturesque Regency" or "colonial cottage style", which was an architectural vernacular popular in Upper Canada in the mid-nineteenth century. The home was one and a half stories, square and symmetrical, with a shallow pitched roof and a broad front veranda. Two entrance doors were set in large frames with neo-classical flanking columns and square panels. One notable feature that has been written about in Pelham history books is the old fireplace found inside. It is made of brick in a stylized pattern, with a wooden mantel set a short distance above it.

In 1902, structural changes were made to the home, with a large back kitchen added with two bedrooms above it and a wood-house added with a work shop above as well. There were three upstairs sections at this point, each with a separate access staircase. The interior has remained styled as an Inn as much as it always was, and has been renovated over time with attention paid to maintaining the old features.



The current house has been quite noticeably modified, however many of its defining features have been preserved and it still visibly depicts that the house once served as an inn at a previous point in time. While the original veranda has been shortened, the house now features a partial front porch with one-story classical columns and unique fish-scale shingling inset in the front gable and the front porch roof. The residence features two chimneys which appear to be from the original home – another indication of its previous use as an inn – as well as a third chimney off the back of the home which was likely added with the third upstairs section and addition to the back of the home. There are a number of 9-over-9 double-hung sash windows, and a double casement window on the upper floor.

## APPENDIX A

### Statement of Historical and/or Associative Value and/or Interest:



The property at Lot 17 Concession 1 was originally a Crown grant to Isaac Swayze in 1797. In 1834, John Buckbee was owner and the property remained in the Buckbee Family until 1868. Buckbee ran an inn during this time which served as a resting point for travelers on the Indian Trail from Brantford to Niagara-on-the-Lake.

In the back of the Inn, there was a cooper's shop and a weaver's shop where tubs, barrels and hand-woven articles were produced. From 1856 to 1862 but possibly for longer, the Inn also served as a post-office for Pelham Union. In addition, the Inn was a business centre in the smuggling and sale of tea – at the time, tea was \$4.00 a pound, so J.C Buckbee and neighbours would drive to Niagara and smuggle tea home to sell to friends and members of the community.

Parmer Buckbee was deeded the property in 1867, which was 84 acres for \$2,500. His daughter Eleanor married Simon Beamer, and in 1902 the house property was willed to John Murray Beamer. The old Inn had hydro installed in 1954. Ownership continued in the Beamer family from one generation to the next until 1975 when Charles Beamers' three daughters – heirs to the property – sold the house to Mr. and Mrs. Ed Longhouse. Consequently, the Longhouse's then sold it to Betty de Jong in 1978. Ms. de Jong willed the property to her son and his wife who now use it as a private residence, from which they operate an antique shop as well.

### Statement of Contextual Value and/or Interest:

855 Twenty Road is located half way between Beamer Street and Maple Street, north of the village of North Pelham in one of the most rural areas of the municipality. The residence is surrounded by agricultural and farm land, and there are relatively few other homes located in close proximity.

Source: Pelham Historical Calendar, 1978

### Additional Photographs of 855 Twenty Road:



**Subject:** Recommendation Report for Site Plan  
Application – 190 Canboro Road (File no. SP-02-19)

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-88 as it pertains to application File no. SP-02-19 for 190 Canboro Road; and**

**THAT Council approve the By-law, attached hereto as Appendix A, authorizing the Mayor and Clerk to enter into the Site Plan Agreement with Dehaan Homes Inc. on behalf of the Town.**

**Background:**

The property is located on the south side of Canboro Road west of Oakridge Boulevard, municipally known as 190 Canboro Road. The surrounding land uses include single detached residences to the north, east and west and a valley land parcel and single detached dwellings to the south. A vacant single detached dwelling and two accessory structures are located on the lands and they are proposed to be demolished to accommodate the proposed redevelopment.

The property has previously been the subject of applications for consent approved by the Committee of Adjustment (Application B14/2016P) and a Development Agreement approved by Council (Application DA-04-2017) that addressed the developer's responsibilities for the extension of municipal services. The consent allowed the creation of the parcel and was finalized in January 2018. In December 2017, Council approved the Development Agreement. The Development Agreement was a condition of the provisional consent and the work associated with the Development Agreement is complete.



Figure 1 – Location Map

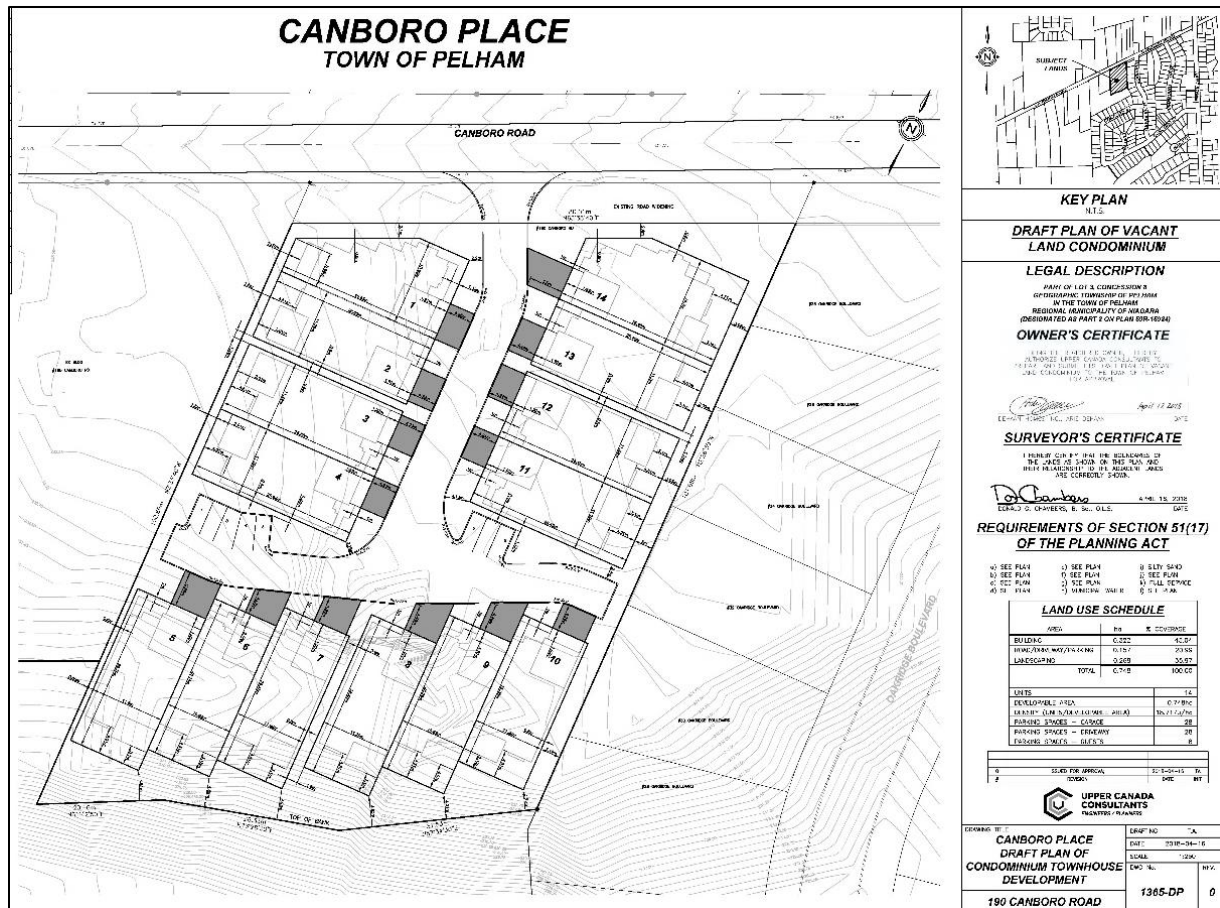


The applicant proposes to construct 14 block townhouse dwellings along with associated internal road, parking areas and amenity spaces consistent with the approved zoning on the lands.

On September 4, 2018, Council granted draft plan approval for condominium and approved By-law 4031 (2018) amending the zoning of the property from R1

(Residential One) to RM1-285 (Residential Multiple 1- 285) to permit block townhouse dwellings as shown on the site plan. The Draft Plan of Condominium permits 14 block townhouse dwellings (0.322 ha), 0.157 ha for roadways, parking areas and driveway and 0.269 ha for landscaping. The proposed draft plan of condominium is shown on Figure 2.

Figure 2: Draft Plan of Condominium



Following Council approval for the site plan agreement, the next step will be to enter into a condominium agreement which will assume the requirements of the site plan agreement.

## Analysis:

### Planning Act

Section 41 (2) of the *Planning Act* states that where an official plan shows or describes a potential site plan control area, the Council of the local municipality may, by by-law, designate the whole or any part of such area as

a site plan control area. Policy E1.4 of the Town's Official Plan, 2014, designates all areas of the Town as proposed site plan control area. By-law No. 1118 (1987) designates all of the Town of Pelham as a site plan control area and exempts certain land uses from site plan control. The proposed improvements to the subject lands are not exempt from site plan control. Consequently, the proposed development requires site plan control.

*Provincial Policy Statement, 2020*

The Provincial Policy Statement (PPS), 2020 supports the efficient use of lands and development patterns that support sustainability by promoting livable, healthy and resilient communities, protecting the environment, public health and safety and facilitating economic growth. The subject lands are considered to be within a Settlement Area. Settlement areas are to be the focus for growth and development and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The proposed development of the 14 block townhouse dwellings on the subject parcel is considered to provide for appropriate intensification and will add additional housing options that can be supported by the existing infrastructure, support active transportation, is transit supportive and minimize impacts on air quality and climate change. The proposed buildings will be constructed to be energy efficient. The landscape plan incorporates native species which are better adapted to the local climate and will mitigate biodiversity loss due to a changing climate.

***Growth Plan for the Greater Golden Horseshoe, 2019***



The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The proposed zoning by-law amendment will facilitate residential development and intensification within the delineated built-up area. The second dwelling unit will contribute to a mix of residential land uses and provides for a degree of housing choice. Based on this, the application is consistent with the Growth Plan for the Greater Golden Horseshoe.

The proposed development of fourteen (14) block townhouse dwellings is an appropriate example of intensification within the built-up area and will help in achieving the intensification targets that have been established for the Town of Pelham.

*Regional Official Plan, consolidated August 2015*

The Region of Niagara identifies this property as Built-up Area. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham.

The Region also supports the inclusion of urban design analysis and guidelines for various types of plans and development projects.

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

Policy 11.A.2 states the Region encourages the development of attractive,



well designed residential development that: provides for active transportation; de-emphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

The proposed site plan (Figure 3) depicts an attractive and well designed development which contributes to the variety of housing types in the neighbourhood and gentle intensification. Active transportation and connectivity is encouraged through the provision for a sidewalk extension along Canboro Road. Opportunities for additional connections are limited due to the ravine located south of the property.

From an urban design perspective, garages are deemphasized with no garages included on the Canboro Road building facades, providing a positive public realm contribution to Canboro Road. Further, the garages are recessed from the building face on the internal road. The development will be accessible, meet energy efficient building design requirements and allow for curbside pickup of waste collection and recycling. The development provides for private amenity spaces for each residential unit. The building elevations (Figure 4) and landscaping will make for an aesthetically pleasing development and contribute positively to the overall neighbourhood.

*Figure 3: Site Plan*




Figure 4: Building Elevations



**BLOCK 1 - FRONT ELEVATION**  
1/8" = 1'-0"



**BLOCK 1 - 3D FRONT PERSPECTIVE**

GENERAL NOTES			
NO.	DATE	REVISION	BY
COMMISSION:			
190 CANBORO TOWNHOME DEVELOPMENT			
190 CANBORO RD, PELHAM, NH			
			
SHEET TITLE:			
BLOCK 1 (UNITS 1-2) - FRONT ELEVATION			
DRAWN BY: [Name] CHECKED BY: [Name] DATE: [Date] SCALE: [Scale] PROJECT NO.: [Number]			
A1			

The lands are designated Urban Living/Built Boundary in the Town's Official Plan. The permitted use in this designation includes a full range of residential uses including townhouse dwellings.

Policy B1.1.5 requires that when considering a Site Plan application to permit a townhouse development, Council shall be satisfied that the proposal: respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing; can be easily integrated with surrounding land uses; will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to Policy B1.1.5, Planning staff are of the opinion that the development as proposed respects the character of adjacent residential neighbourhoods with respect to height, bulk and massing. The design of the units reflect traditional design elements that are consistent with the character of the area and integrate well with the neighbouring land uses. Only five dwellings comprising three separate buildings are proposed to abut existing residential uses on Oakridge Boulevard and heights will comply with the standard building height zoning requirements of Fonthill's residential neighbourhoods. The proposed block townhouses can easily integrate with surrounding land uses and a similar townhouse development has successfully integrated with the adjacent residential area south of the subject property. Public Works staff reviewed the proposed development application and have not expressed any concerns about traffic or site servicing matters. The site plan depicts adequate parking, outdoor amenity areas, landscaping and buffering.

#### *Zoning By-law 1136 (1987)*

The lands are zoned a site specific Residential Multiple 1-285 Zone which permits block townhouse dwellings and uses buildings and structures accessory to the foregoing permitted uses. Council approved the site specific zoning By-law 4031 (2018) on September 4, 2018 that includes site specific zoning regulations to permit development in accordance with the proposed site plan.

The Zoning By-law requires 1.5 parking spaces for a block townhouse dwelling. The development consists of 14 block townhouse dwellings with 21 required parking spaces. Each unit has a double car garage with the ability to

park two vehicles in the driveway providing 4 parking spaces/unit. In addition, 8 visitor parking spaces are provided. The number of parking spaces provided at 64 greatly exceeds the zoning requirement of 21 required spaces.

### *Submitted Reports*

The applicant submitted an Engineering Design Brief that addressed servicing matters related to stormwater management, water and sanitary sewer servicing requirements. The Brief was reviewed by the Town Public Works staff and revisions were made to address staff comments. A clause has been included in the Site Plan Agreement requiring the installation of the stop signs.

The applicant also submitted an Environmental Impact Study, Geotechnical Report and Archaeological Assessment.

It is noted that the Department of Public Works, Fire Services, and the Building Department had no issues or objections to the site plan being recommended for approval. All requested conditions from Town staff and private utilities have been included in the Site Plan Agreement.

The proposed block townhouses are appropriate in scale, massing and height and meet the Zoning By-law requirements with regards to height, parking requirements, access, landscape buffers, etc. The property is large enough to accommodate the proposed buildings and parking areas and provide for appropriate amenity area and landscaped open space.

Town staff have reviewed the proposed lighting, landscaping, servicing and grading plans and are satisfied that the development will be aesthetically pleasing and not negatively impact neighbouring property owners. The engineering design of the site services and grading and drainage plan meet the Town requirements.

### **Financial Considerations:**

The applicant has paid the required site plan approval application fee to cover a portion of staff time for review and processing. The applicant will also be required to pay the required fee for the agreement to cover legal fees for registration as well as to provide financial security to the Town in the event of non-compliance with the site plan agreement.

**Alternatives Reviewed:**

Though not recommended, Council could refuse the application for site plan approval or request changes to the agreement.

**Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

Council is obligated to make a decision with respect to the application by the *Planning Act*, R.S.O. 1990, C.P.13. While consideration of this request is not a specific action in the Strategic Plan, diversification of ownership options and housing types within the urban area of the Town contribute to building a stronger community.

**Consultation:**

For Council's information, site plan control is not a public process under the Planning Act as it is an agreement between the land owner and the Town; therefore, there are no notice requirements for site plan control applications. A public process was taken as part of the application for zoning by-law amendment in accordance with the requirements of the *Planning Act*.

The application was circulated to Town Departments, including Public Works and Fire and Emergency Services as well as utilities, the Niagara Region and the Niagara Peninsula Conservation Authority for review and comment. All Departments and agencies have offered no objections to approval of the site plan application subject to appropriate clauses being included in the site plan agreement. The applicant has satisfactorily addressed the Niagara Peninsula Conservation Authority's concerns regarding stormwater management and impacts on the valley lands. An easement in favour of the Town, for stormwater purposes over the adjacent property is required along with Conservation Authority approved work permits prior to construction commencing is required and have been included as conditions of the site plan agreement.

Planning staff are of the opinion that the executed site plan agreement will result in the appropriate development of the site and represents good planning and therefore recommend that Council approve the by-law to enter into a site plan agreement with Dehaan Homes Inc.

**Other Pertinent Reports/Attachments:**

Appendix A By-law to Enter into Site Plan Agreement with Dehaan Homes Inc. and proposed Site Plan Agreement

**Prepared and Recommended by:**

Shannon Larocque, MCIP, RPP

Senior Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**APPENDIX A**

THE CORPORATION OF THE  
T O W N O F P E L H A M

BY-LAW NO. XXXX (2020)

**Being a by-law to authorize the execution of a site plan agreement for the lands municipally known as 190 Canboro Road, legally described as Part of Lot 3 Concession 8 Pelham Part 1, 59R-16509; Pelham.**

**Dehaan Homes Inc.**

**File No. SP-02-19**

---

**WHEREAS** By-law No. 1118 (1987) designates the Town of Pelham as a Site Plan Control area, and

**WHEREAS** it is deemed desirable to enter into a Site Plan Agreement in order to control the lands as described in Schedule 'A' of the Site Plan Agreement which is attached hereto and forms part of this by-law;

**NOW THEREFORE** the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** the Mayor and Clerk are hereby authorized and directed to execute the Site Plan Agreement attached hereto as Schedule 'A' with Dehaan Homes Inc. for the lands described in Schedule 'A' of the Site Plan Agreement.
2. **THAT** in the event minor modifications to the Site Plan Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

ENACTED, SIGNED AND SEALED THIS  
13<sup>th</sup> DAY OF JULY, 2020 A.D.

---

MAYOR MARVIN JUNKIN

---

CLERK NANCY J. BOZZATO

SITE PLAN AGREEMENT  
DEHAAN HOMES INC.  
CANBORO PLACE  
190 CANBORO ROAD

TABLE OF CONTENTS

<u>Title</u>	<u>Page #</u>
1. DEFINITIONS .....	2
2. GENERAL PROVISIONS .....	3
3. GRADING .....	3
4. SANITARY SYSTEM .....	4
5. WATER SUPPLY .....	4
6. STORM SEWER SYSTEM .....	5
7. ROADS AND ACCESS .....	5
8. LANDSCAPING AND TREES.....	5
9. GARBAGE DISPOSAL .....	6
10. MAIL DELIVERY .....	6
11. UTILITIES .....	7
12. FLOODLIGHTING .....	7
13. PARKING, CURBING, DRIVEWAYS AND SIDEWALKS .....	7
14. BUILDING AND SERVICES .....	7
15. ARCHAEOLOGY .....	7
16. WARNING CLAUSES.....	7
17. ADMINISTRATIVE AND CONSULTING COSTS .....	8
18. DEPOSIT FOR FACILITIES AND WORKS .....	8
19. DEFAULT .....	9
20. COVENANTS .....	9
21. REGISTRATION.....	9
22. OBLIGATION.....	9
23. BUILDING PERMIT .....	10
24. PLANS.....	10
25. NOTICES.....	10
26. SCHEDULES.....	10
27. BINDING EFFECT .....	10
SCHEDULE A      LEGAL DESCRIPTION.....	12
SCHEDULE B      SITE PLAN.....	13
SCHEDULE C      ELEVATIONS.....	14
SCHEDULE D      SITE GRADING & SERVICING PLANS.....	15
SCHEDULE E      LANDSCAPE PLAN.....	16
SCHEDULE F      STREETLIGHT PLAN.....	17
SCHEDULE G      COST ESTIMATES FOR FACILITIES AND WORKS.....	18



THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2020 A.D.

BETWEEN:

**DEHAAN HOMES INC.**

Hereinafter called the "Owner"

OF THE FIRST PART

- and -

**THE CORPORATION OF THE TOWN OF PELHAM**

Hereinafter called the "Town"

OF THE SECOND PART

**WHEREAS** the Owner represents and warrants that it is the owner of the lands in the Town of Pelham described in Schedule 'A' attached hereto (the "Lands");

**AND WHEREAS** the Owner has assumed and agreed to be bound by the terms and conditions of the Site Plan Agreement;

**AND WHEREAS** the Owner is desirous to develop the parcel for a block townhouse use in accordance with Schedule 'B' attached hereto, being a Site Plan filed in the Town's offices;

**AND WHEREAS** the Town has agreed to permit the said construction subject to certain terms and conditions;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows:

**1. DEFINITIONS**

In this Agreement:

- (a) **CHIEF BUILDING OFFICIAL** shall mean the Chief Building Official of the Corporation of the Town of Pelham.
- (b) **CLERK** shall mean the Clerk of the Corporation of the Town of Pelham.
- (c) **COUNCIL** shall mean the Council of the Corporation of the Town of Pelham.
- (d) **DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT SERVICES** shall mean the Director of Community Planning and Development Services of the Corporation of the Town of Pelham.
- (e) **DIRECTOR OF CORPORATE SERVICES** shall mean the Director of Financial Services of the Corporation of the Town of Pelham.
- (f) **DIRECTOR OF PUBLIC WORKS** shall mean the Director of Public Works of the Corporation of the Town of Pelham.
- (g) **FACILITIES AND WORKS** shall mean and includes those facilities and works which are shown on or referred to in any one or more of the plans, drawings and schedules to this Agreement.
- (h) **LANDS** shall mean the lands described in Schedule 'A' attached hereto.

- (i) **PROFESSIONAL ENGINEER** shall mean a Professional Engineer registered in good standing with the Association of Professional Engineers.

## **2. GENERAL PROVISIONS**

- (a) The Owner shall develop and maintain the Lands only in accordance with the terms and conditions contained herein and any other applicable by-law of the Town.
- (b) The Owner shall perform any and all construction and installation on the Lands in accordance with the terms and conditions contained herein and as shown on Schedule 'B' attached hereto and forming part of this Agreement to the reasonable satisfaction of the Town.
- (c) The Owner shall not perform any construction or installation on the Lands except in accordance with the terms and conditions contained herein and shown on said Schedule 'B' attached hereto and forming part of this Agreement and to the reasonable satisfaction of the Town.
- (d) The Owner shall maintain and keep in good repair driveways and accesses servicing the buildings located in the development.
- (e) The Owner shall keep all construction access routes free and clear of dust and debris at all times. The costs of cleaning all streets will be borne by the Owner
- (f) The Owner grants to the Town, its servants, agents, and assigns permission to enter upon the Lands for the purpose of inspection of any Facilities and Works referred to in this Agreement and for the purpose of the completion of any Facilities and Works in accordance with this Clause and this Agreement.
- (g) The Owner will, at all times, indemnify and save harmless the Town from all loss, costs, damages and injuries which the Town may suffer or be put to for or by reason of the construction, maintenance, or existence of any Facilities and Works done by the Owner, its contractors, servants or agents on the Lands or which the Town may suffer or be put to for or by reason of the completion by the Town of any of the required Facilities and Works in accordance with this clause and this Agreement.
- (h) The Owner shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative tribunal the right of the Town to enter into this Agreement and to enforce each and every term, covenant, and condition herein contained and this Agreement may be pleaded as an estoppel against the Owner in any such proceeding.

## **3. GRADING**

- (a) The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer, a detailed Plan for the site, said Plan to clearly indicate the existing drainage pattern on all adjacent Lands originally flowing through, into, or over the area of the site, to the street storm sewer system or other outlet approved by the Director of Public Works. This Plan, attached hereto as Schedule 'D', shall be approved by the Director of Public Works prior to the execution of this Agreement. Minor changes to the Plan may be permitted subject to the approval of the Director of Public Works.
- (b) The Owner shall submit, upon completion of Facilities and Works, a certificate signed by an Ontario Land Surveyor or Professional Engineer which indicates that the grades as stipulated on Schedule 'D' to this Agreement have been complied with.

- (c) Unless otherwise approved or required by the Town, the Owner shall not alter the grades of the said Lands until such time as a Building Permit is issued for the construction of the buildings contemplated herein on the said Lands.
- (d) The Owner shall provide his Design Engineer's verification that all grading, drainage, and servicing provisions have been installed in conformance with the approved Site Grading Plan prepared by Upper Canada Consultants, dated June 2, 2020 and Site Servicing Plan, prepared by Upper Canada Consultants, dated June 2, 2020, attached hereto as Schedule 'D'. The Owner shall provide a copy of the Design Engineer's verification to the Town.
- (e) The Applicant agrees to maintain the 7.5m setback from the stable top of bank (as confirmed by the Geotechnical Engineer) for all new development and site alterations. There shall be no development or site alterations beyond this limit;
- (f) The Applicant agrees to install appropriate Sediment and Erosion Control Measures prior to undertaking any works on site and maintain it in good working order until all areas are re-stabilized after construction to ensure muddy water and sediment do not discharge into the valley;
- (g) The Applicant agrees to install a Limit of Work Fence 3.0m from the top of bank and maintain it until all construction is complete to ensure the dumping or storage of any materials does not occur within the valley;
- (h) There shall be no overland drainage directed over the top of slope in a concentrated manner;
- (i) There shall be no disturbances to the existing grades or vegetation below the top of slope, on the valley wall: and,
- (j) All disturbed areas are restored and revegetated immediately upon completion of the construction phases.

#### **4. SANITARY SYSTEM**

- (a) The Owner shall, at its own expense, forever maintain the internal sanitary forcemain system, including pumps, necessary to service the development.
- (b) The Owner shall ensure that no storm, surface or roof water or weeping tiles shall be discharged into the sanitary sewer system.
- (c) The Owner shall complete all sanitary system works required to service the development must be completed prior to the construction of any structures within the development.
- (d) The Owner acknowledges that the Town shall bear no responsibility for sanitary waste entering the site due to forcemain system malfunction.

#### **5. WATER SUPPLY**

- (a) That the owner and Town obtain a new connection permit for the proposed new connection to the Regional watermain.
- (b) The Owner shall, at its own expense, forever maintain all necessary connections and all internal water supply services necessary to serve the development.

- (c) The operation of valves which cause the internal water supply service to be charged from existing municipal water mains shall **ONLY** be carried out by Town Staff certified in accordance with Ontario Regulation 128/04.
- (d) The Owner shall comply with the provisions of the *Ontario Water Resources Act and Safe Drinking Water Act* and amendments thereto and all regulations thereunder, on all internal water supply services, which said act and regulations shall be enforced by the Town.
- (e) The Owner shall grant, in the Condominium Agreement, the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber if made free and clear of all encumbrances, at all times, which may interfere with such tasks.
- (f) The Owner shall complete all internal and external water works, as specified by this Agreement, and those works shall be fully commissioned prior to the construction of any structures within the development.

## **6. STORM SEWER SYSTEM**

- (a) The Owner undertakes the installation, repair, and forever maintenance the private storm water system as identified in the Site Servicing Plan, prepared by Upper Canada Consultants, dated June 2, 2020, attached hereto as Schedule 'D', and approved by the Director of Public Works.
- (b) The Owner shall complete all storm system works, as specified in the Site Plan Agreement, prior to the construction of any structures within the development.
- (c) The Applicant shall enter into a formal easement agreement through the Municipality with the adjacent landowner to ensure the unimpeded drainage across the lands into the existing channel on the valley slope can continue in perpetuity.
- (d) The Applicant agrees to obtain all appropriate NPCA Work Permits for any works within the regulated areas prior to the commencement of the works on site (including but not limited to: works within 15m of the top of stable slope; any stormwater outfalls).

## **7. ROADS AND ACCESS**

- (a) The Owner shall, at its own expense, prior to construction taking place within a Town Road Allowance, obtain a Town Temporary Works Permit from the Public Works Department.
- (b) The Owner shall, at its own expense, restore any curb cuts and/or reinstate with topsoil and nursery sod the boulevards within the Town Road Allowance to Town standards.
- (c) The Owner shall locate all private signs within the Owner's Lands in accordance with the Site Plan attached as Schedule 'B'. A Town Sign permits must be obtained from the By-law Enforcement Division, Department of Fire and Protection Services.

## **8. LANDSCAPING AND TREES**

- (a) The Owner shall, at its own expense, adequately landscape, plant and maintain all of the Lands not required for buildings, parking or roads so as at all times to provide effective green areas enhancing the general appearance of the development contemplated herein, said planting and

landscaping shall be in accordance with the approved Landscape Plan prepared by James McWilliam Landscape Architect, dated February 2020, attached hereto as Schedule 'E'. Minor changes to the Plan may be permitted subject to the approval of the Director of Community Planning and Development Services.

- (b) Unless otherwise approved or required by the Town, the Owner shall not remove trees or other vegetation from the said Lands until such time as a Building Permit is issued for the construction of the buildings contemplated herein on the said Lands.
- (c) The Applicant agrees to install a 1.5-metre-high chain link (or other similar fencing) along the approved top of bank line, to the satisfaction of the Niagara Peninsula Conservation Authority.
- (d) That all perimeter fencing be installed prior to construction taking place.

## **9. GARBAGE DISPOSAL**

- (a) The owner shall enter into an Indemnity Agreement with Niagara Region prior to commencement of Regional waste collection services to this site. If the owner has not entered into the agreement at the time clearance of conditions is requested, a similar clause shall be included in the condominium agreement.
- (b) In order to accommodate Regional waste collection service, waste collection pads are required to be provided by the developer/owner for Unit 5 and Unit 10 at the location shown on Site Plan Drawing, dated May 2, 2020 and revised to June 2, 2020 by Upper Canada Consultants. The waste collection pads shall be in accordance to details outlined in the Niagara Region's Corporate Policy for Waste Collection.
- (c) The Owner shall include the following clause in all offers and agreements of purchase and sale or lease for each dwelling unit fronting on the internal roadway:

*Purchasers/Tenants are advised that waste collection for the townhouse development will be provided by the Niagara Region through curbside collection, containers must be placed at the entrance located on the shared private road or assigned waste collection pad and each container marked with the appropriate unit number.*

## **10. MAIL DELIVERY**

- (a) The Owner shall include in all offers and agreements of purchase and sale or lease for each dwelling unit a statement that advises the prospective purchaser:
  - (i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - (ii) that the developers/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (b) The Owner further agrees to:
  - (i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.
  - (ii) install a concrete pad in accordance with the requirements of an in

locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

(iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

(iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

## **11. UTILITIES**

- (a) The Owner shall grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
- (b) The Owner will provide all necessary easement(s) required to service this development and any future adjacent developments to Enbridge Gas Distribution at no cost.

## **12. FLOODLIGHTING**

The Owner shall ensure that any lighting facility used to illuminate any building or parking area shall be designed and installed as to deflect from adjacent buildings and streets.

## **13. PARKING, CURBING, DRIVEWAYS AND SIDEWALKS**

The Owner shall, at its own expense, provide and at all times maintain on the said Lands, paved parking and driveway areas acceptable to the Town.

## **14. BUILDING AND SERVICES**

The Owner shall construct and the Town shall permit the construction of the buildings and other structures on the Lands in accordance with the Schedules attached hereto to permit the development provided that all such uses shall comply with all building and zoning requirements of the Town.

## **15. ARCHAEOLOGY**

- (a) Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8886) and hire a licensed archaeologist [Detritus Consulting Ltd] to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.
- (b) In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

## **16. WARNING CLAUSES**

- (a) These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour and/or dust from nearby

agricultural operations, which may interfere with some activities of the dwelling occupants.

- (b) The Owner shall agree in the Condominium Agreement to include a clause within all Offers of Purchase and Sale Agreements advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. Owners are advised that all accesses and laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing. In addition, all snow stockpiling must take place within the condominium property and not piled across Canboro Road.

## 17. ADMINISTRATIVE AND CONSULTING COSTS

The Owner shall pay the Town's reasonable costs in connection with this Agreement for preparation, processing, administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.

## 18. DEPOSIT FOR FACILITIES AND WORKS

- (a) At the time of execution of this Agreement, the Owner shall pay to the Town a deposit to guarantee its compliance with this Agreement in an amount equal to 20 % of the estimated cost of completing the Facilities and Works;

The parties have calculated that the estimated cost for completion to be Seven Hundred and Forty-One Thousand Four Hundred and Eighty-One Dollars and Thirteen Cents (**\$741 481.13**) excluding taxes as set out in Schedule 'G' attached hereto and forming part of this Agreement. Therefore, security in the amount of One Hundred and Forty-Eight Thousand Two Hundred and Ninety-Six Dollars and Twenty-Three Cents **\$148 296.23** shall be provided to the Town.

- (b) The deposit shall be paid to the Town in cash or in the form of an irrevocable letter of credit from a chartered bank or from a recognized lending institution, subject to the approval of the Director of Corporate Services and shall be held as security to ensure the completion of the Facilities and Works until such time as the Town permits its release as ordered herein. The deposit may be used to pay for the cost of any work performed by the Town in accordance with the following clause in the event of the failure of the Owners to comply with the terms of this Agreement.
- (c) Upon completion of the Facilities and Works, the Owner shall provide to the Town, at the Owner's expense, confirmation in writing by the Owner's Qualified Designer or Professional Engineer, or both, that the approved plans appended hereto have been complied with. When such confirmation has been received, the Chief Building Official shall confirm such compliance and the deposit, less any amounts expended to enforce compliance with the Agreement and any amounts refunded or reduced as the work required by this Agreement progresses, shall be returned to the Owner, without interest.
- (d) The Town may, from time to time, demand an increase in the sum of the deposit in accordance with increases in the cost of performing the Facilities and Works required herein to be completed and the Owner covenants and agrees to make such increase. At the sole discretion of the Chief Building Official the amount of the deposit may be reduced at any time after the Owner has reached the stage where the costs to complete the Facilities and Works is less than the amount of the deposit.

- (e) The release of the deposit by the Town does not release the Owner from their obligation to maintain all of the Facilities and Works pursuant to this Agreement.
- (f) The Owner agrees that all of the Facilities and Works required to be provided by the Owner shall be provided, installed or constructed by the Owner within one hundred and eighty (180) days after the date of substantial completion of the proposed development as determined by the Chief Building Official and shall be maintained at all times in good condition.

## **19. DEFAULT**

Upon breach by the Owner of any covenant, term, condition or requirement of this Agreement, or upon the Owner becoming insolvent or making any assignment for the benefit of creditors, the Town, at its option, may declare the Owner to be in default. Notice of such default shall be given by the Town, and if the Owner shall not remedy such default within such time as provided in the notice, the Town may declare the Owner to be in final default under this Agreement. Upon notice of default having been given, the Town may require all work by the Owner, its servants, agents, independent contractors and sub-contractors to cease (other than any work necessary to remedy such default) until such default shall have been remedied, and in the event of final default, may require all work as aforesaid, to cease. Upon final default of the Owner, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- (a) Enter upon the subject Lands by its servants, agents and contractors and complete any work, service, repair or maintenance wholly or in part required herein to be done by the Owner, and collect the cost thereof from the Owner and/or enforce any security available to it;
- (b) Make any payment which ought to have been made by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- (c) Retain any sum of money heretofore paid by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- (d) Bring action to compel specific performance of all or any part of this Agreement for damages; and
- (e) Exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

## **20. COVENANTS**

The Owner covenants for itself, its successors and assigns and the Owners from time to time of the said Lands and the burden of the covenants contained in this Agreement shall be deemed to be negative and shall run with and be binding upon the Lands to and for the Town, its successors and assigns.

## **21. REGISTRATION**

The Owner agrees and consents to the registration of notice of this Agreement against the said Lands.

## **22. OBLIGATION**

This Agreement and the provisions hereof do not give to the Owner or any person acquiring any interest in the said Lands (each hereinafter in this paragraph called "such person") or any other person any rights against the Town with respect to the failure of any such person to perform or fully



perform any obligation under this Agreement, or the failure of the Town to force any such person to perform or fully perform any obligation under this Agreement or any negligence of any such person in the performance of the said obligation.

**23. BUILDING PERMIT**

Notwithstanding any of the provisions of this Agreement, the Owner, its successors and assigns, shall be subject to all of the by-laws, as amended, of the Town at the time of the issuance of a Building Permit required pursuant to the terms of the Agreement or at the time of the execution of this Agreement, whichever is applicable.

The Owner shall pay parkland dedication fees at the time a building permit is issued for the Work shown on Schedule 'B'.

**24. PLANS**

The Owner agrees that all plans shall be drawn by a Qualified Designer or by a Professional Engineer and all surveys by an Ontario Land Surveyor, subject to the reasonable satisfaction of the Town.

**25. NOTICES**

Any notice, demand, acceptance or request provided for in this Agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at: Clerk  
Town of Pelham  
P. O. Box 400  
20 Pelham Town Square  
Fonthill, ON  
L0S 1E0

To the Owner at: DeHaan Homes Inc.  
PO Box 142  
Ridgeville, ON  
L0S 1M0

or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this Section 21. Any notice delivered to the party to whom it is addressed in this Section 21 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

**26. SCHEDULES**

The originals of the plans set out in Schedule 'B', 'C', 'D', 'E' and 'F' are available at the offices of the Town at the address set out in Section 21.

**27. BINDING EFFECT**

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the date and year first above written.

**WITNESS**

**DEHAAN HOMES INC.**

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(date)

I have the authority to bind the Corporation

**THE CORPORATION OF THE TOWN OF  
PELHAM**

\_\_\_\_\_  
Mayor Marvin Junkin

\_\_\_\_\_  
Clerk Nancy J. Bozzato

**SCHEDULE ‘A’**

**LEGAL DESCRIPTION**

PIN 64034-0613 (LT)

Part of Lot 3 Concession 8 Pelham Part 1, 59R-16509; TOWN OF PELHAM

## **SCHEDULE 'B'**

### **SITE PLAN**

Site Plan, 1365-SP, prepared by Upper Canada Consultants, dated May 2, 2020 and revised to June 2, 2020.

## **S C H E D U L E ‘C’**

### **ELEVATIONS**

Block 1, (Units 1-2) Elevations A1-A4 dated February 5, 2019 prepared by ACK Architects.

Block 2, (Units 3-4) Elevations A1-A4 dated March 2019 prepared by ACK Architects.

Block 4, (Unit 10), Left Elevation A1 dated March 2019 prepared by ACK Architects.

Block 5 (Units 11-12) Elevations A1-A4 dated February 5, 2019 prepared by ACK Architects.

Block 6, (Units 13-14) Elevations A1-A4 dated February 5, 2019 prepared by ACK Architects.

## **S C H E D U L E 'D'**

### **SITE GRADING & SERVICING PLANS**

Site Grading Plan, 1365-SGP, prepared by Upper Canada Consultants, dated June 2, 2020.

Site Servicing Plan, 1365-SSP, prepared by Upper Canada Consultants, dated June 2, 2020.

Storm Drainage Area Plan, 1365-STMDA, prepared by Upper Canada Consultants, dated June 1, 2020.

## **S C H E D U L E ‘E’**

### **LANDSCAPE PLAN**

Landscape Plan, L1, prepared by James McWilliam, dated February 2020.

Landscape Details, L2, prepared by James McWilliam, dated February 2020.

**S C H E D U L E ‘F’**

**STREETLIGHT PLAN**

Canboro Place 190 Canboro Road Private Streetlight System, SL-1, prepared by RTG Systems Inc.  
Electrical Consulting Engineers, dated December 19, 2018.



## SCHEDULE 'G'

## COST ESTIMATES FOR FACILITIES AND WORKS

The on-site work cost estimates are as follows:

[illegible]

In accordance with Section 18 (a) of this Agreement, that the estimated cost for completion shall be in the amount of Seven Hundred and Forty-One Thousand Four Hundred and Eighty-One Dollars and Thirteen Cents (**\$741 481.13**) excluding taxes.

**Subject:** Grant Opportunity for a GIS Asset Management Specialist**Recommendation:**

**BE IT RESOLVED THAT Council receive and approve Report #2020-0097-Public Works;**

**AND THAT Council directs staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for a GIS Asset Management Specialist.**

**AND THAT The Town of Pelham commits to conducting the following activities in its proposed project submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program to advance the asset management program:**

- a) Asset condition assessment on all core assets (i.e. roads, bridges and culverts, water, wastewater and stormwater management systems); and**
- b) Inventory Existing Core Assets into specialized asset management software.**

**AND THAT the Town of Pelham commits \$26,200.00 in its 2021 operating budget toward the costs of this initiative.**

**Background:**

On January 1<sup>st</sup>, 2018, the municipal asset management planning regulation (*O. Reg. 588/2017*) was approved under the *Infrastructure for jobs and Prosperity Act, 2015*. *O. Reg. 588/2017* helps municipalities better understand what important services need to be supported over the long term, while identifying infrastructure challenges and opportunities, and finding innovative solutions.

The Town met the first of four phase-in requirements under *O. Reg. 588/17*, when Council endorsed the Town's Strategic Asset Management Policy (S400-06) on June 17<sup>th</sup>, 2019. Phase one requires municipalities to have a

finalized strategic asset management policy that promotes best practices and links asset management planning with budgeting, operations, maintenance and other municipal planning activities.

The second phase requirement under *O. Reg. 588/17*, requires municipalities to have an approved asset management plan of core assets (i.e. roads, bridges and culverts, water, wastewater and stormwater management). The plan must identify current levels of service and the cost of maintaining those levels of service per asset. Municipalities must complete Phase two before July 1<sup>st</sup>, 2021.

With the desire to help municipalities strengthen their asset management practices, the Federation of Canadian Municipalities (FCM) is offering a grant to help secure the future of key infrastructure. Funding will be used to conduct an asset condition assessment on all existing core assets and the data will be inventoried into specialized asset management software. The detailed inventory will contain the life expectancy of a given asset and its core quality performance, which will be used to better prepare municipal leadership and staff when selecting the most cost-effective strategies for managing infrastructure.

### **Analysis:**

Pursuant to both the Act and the regulation, the Town of Pelham is obligated to perform this work and develop phase II of the plan. This grant opportunity is the only one of which staff is aware to support the costs of compliance. Development of the database is an extremely large task for which the Town, like most other small and mid-sized municipalities is not currently staffed. The proposed position would be a temporary one of approximately twelve months' duration, commencing in October, 2020 and is not meant to become a permanent staff addition. The position will report to the Manager of Engineering in the Public Works Department.

The proposed activities will improve the Town's asset management capacity by creating the data collection and asset management processes for the Town's upcoming asset management plan. The specialized asset data will be used to identify the strengths and weaknesses on the Town's existing core assets, understand the levels of service per asset, accurately apply life-cycle cost principles, and prioritize the needs based on a robust risk and

opportunity framework. This will better equip the Town when planning capital maintenance and renewal budgets.

Funding from FCM will be used to hire a GIS (Geographic Information Systems) professional, on a fixed term contract, to conduct an asset condition assessment on all core assets and to inventory the data using a specialized asset management software (i.e. Marmak's Fixed Asset Management Software). Major duties include the management and maintenance of spatial datasets, data and spatial analysis, information transformation and consolidation, map development, and reporting. The position will also support the Senior Leadership Team and staff with the preparation of datasets and data monitoring of an activity as required.

### **Financial Considerations:**

FCM's maximum contribution to a Municipal Asset Management Program (MAMP) project is \$50,000. Based on the Town's population, FCM will contribute up to 80% of eligible costs.

The Town will offer a salary of \$60,000 with benefits calculated at 27% or \$16,200, for a total cost of \$76,200. If the application is successful, funding from FCM is anticipated to cover \$50,000 and the Town will cover the remaining \$26,200 (which equals 34% of the total costs).

### **Alternatives Reviewed:**

Realistically, the Town has no reasonable option other than pursuing this grant, since the task must be accomplished by the summer of 2021. The scope of work associated with building and populating the database is such that using an existing staff member would effectively result in a year of lost productivity for that person.

Being able to analyze data more comprehensively will lead to better decision-making, with a goal of reduced costs and better maintained infrastructure. The financial implications of the 'do nothing approach' will be much greater should the Town avoid investing in their upcoming asset management plan.

**Strategic Plan Relationship: Strong Organization**

The proposed activities will help the Town meet one of their six strategic priorities in the Town's 2019 Strategic Plan – to develop a risk management framework for prioritizing decisions. The completion of a capital asset management plan will help secure the future and sustainability of all existing assets now and well into the future.

**Other Pertinent Reports/Attachments:**

Attachment #1 – FCM's Municipal Asset Management Program Application Guide

**Consultation:**

N/A

**Legal Consultation, If Applicable:**

N/A

**Prepared and Recommended by:**

Deanna Allen, Climate Change Coordinator

Jason Marr, Director of Public Works

**Approved and Submitted by:**

David Cribbs, Chief Administrative Officer

# Municipal Asset Management Program

## Grants for Municipalities

**Application Guide**

# Table of contents

<b>Program summary</b>	<b>1</b>
<b>Quick Start Guide — MAMP Grants for Municipalities</b>	<b>2</b>
<b>1 Eligible activities</b>	<b>4</b>
1.1 What activities are eligible?	4
1.2 What costs are eligible?	4
<b>2 Who can apply</b>	<b>5</b>
<b>3 Funding and project scope</b>	<b>6</b>
3.1 Contributions	6
3.2 Project length	6
3.3 Project scope of work	6
3.4 Eligibility of costs	7
<b>4 When to apply</b>	<b>7</b>
<b>5 How to apply</b>	<b>8</b>
5.1 What is required to complete an application?	8
<b>6 Application review timeline and approval process</b>	<b>12</b>
6.1 Application receipt confirmation	12
6.2 Evaluation and scoring process	12
6.3 Application decision timeline	12
6.4 Funding process	12
<b>7 Application evaluation</b>	<b>12</b>
7.1 Initial screening (eligibility criteria)	12
7.2 Peer review evaluation (technical assessment)	13
7.3 Evaluation system	13
7.4 Evaluation criteria	13
7.5 Re-submission of applications	15
<b>8 Intellectual property</b>	<b>15</b>
<b>9 Disbursements</b>	<b>16</b>
<b>10 Audit requirements</b>	<b>16</b>
<b>Annex A — Eligible costs</b>	<b>17</b>



# Program summary

The Municipal Asset Management Program (MAMP) is an eight-year, \$110-million program funded by Infrastructure Canada to support Canadian municipalities and communities in making informed infrastructure investment decisions based on stronger asset management practices. The program offers municipal grant funding (the subject of this guide), as well as grants to partner organizations to provide training and capacity-building activities to increase skills within local governments to sustainably maintain their asset management programs now and in the future.

For more information on MAMP, including partner grants as well as training and capacity-building activities, visit our website: [fcm.ca/assetmanagementprogram](https://fcm.ca/assetmanagementprogram).

This funding offer is open to all municipal governments in Canada. It focuses on building strong foundations in asset management by supporting activities that incorporate asset management into daily practices. **Subject to funding availability**, applications will be accepted until **October 31, 2022**.

**All projects must be completed and final reports submitted by March 31, 2024.**

This guide outlines everything you need to know to submit an application. It **should be read in its entirety before completing or submitting an application**. Refer to the **Quick Start Guide** for an overview of the steps required to successfully complete the MAMP Grants for Municipalities application.





# Quick Start Guide — MAMP Grants for Municipalities

## The Asset Management Readiness Scale

The [Asset Management Readiness Scale](#) (AMRS) will be used to evaluate your proposed project. You can also use this scale to help you plan, prioritize, and set milestones to manage the assets in your municipality.

**If you have not reviewed the documentation that describes the [AMRS](#), STOP** this application process and learn about it and how you can use it to assess your current state of asset management maturity and identify areas for improvement.

## Applicant eligibility

The main target group for MAMP Grants for Municipalities program is Canadian municipalities. If you are a Canadian municipality, you are well on your way!

If you are applying in partnership with a Canadian municipality, please read section 2 of this guide for more detailed eligibility criteria.

## Project scope

To qualify, your project must lead to improvement of your municipality's asset management practices (progress is measured using the AMRS). This could include a range of practices. Here are a few examples: creating a policy, strategy and roadmap; creating asset class-specific asset management plans; or improving your employees' asset management skills. For more details on which activities can be undertaken, please refer to section 1.1.

Your project must focus on municipally owned infrastructure assets. These can be either constructed or natural assets. Consider adding the impact of climate change to the risk assessment section of your asset management plans; it is best to plan for the impact it will have on your investment decisions.

**Capital works do not qualify for this funding.**

## Project timing

### Related approval timelines

MAMP Grants for Municipalities proved to be very popular in the last round of funding, with applications coming in at a much greater rate than we had predicted. Assuming that this second round will be just as popular, it is difficult to predict how long it will take to process and approve your application. For this reason, we recommend that you create your project with flexible timelines. For example, if your project involves activities that are seasonal, be prepared to delay the start date to accommodate the technical review process.

You can reduce processing time by taking the necessary time up front to ensure that your application meets all of the submission criteria. Please read the full text of this guide and refer to it often to ensure that you have adequately covered all requirements.

## Summary of application documents

We have created a simplified application process with streamlined reporting needs to meet the requirements of our funding agreement with Infrastructure Canada, while at the same time allowing for an efficient third-party technical review of your application. The following will be required in your application package:

### 1. Application form

You will need to complete the application form, which includes: identification and contact details; a short project description; clear tangible deliverables for each of your identified activities; and your assessment of your current AMRS maturity and what improvement(s) you expect to see immediately after completing your project. You will also identify in your application the principal outcomes of your project that will improve your AMRS maturity, summarize the resources you will dedicate to the project, and outline how your project fits with your province or territory's approach to asset management in the municipal sector.

### 2. Asset Management Readiness Scale assessment tool

As a part of your application, you will need to indicate your asset management readiness competency levels by using the AMRS assessment tool (please use the MS Excel worksheet provided) to address each outcome area in the notes section. Every community and organization manages its assets and the tool was designed to help you understand and describe your current asset management practices.

### 3. Workplan and budget

You will need to identify one to three activities that you will undertake to achieve your project's goals. Then you will need to identify the costs associated with each of those activities (please use the MS Excel worksheet provided).

### 4. Resolution

Submit a council (or board) resolution authorizing/supporting your asset management project, clearly stating that it commits to the municipality's/organization's portion of project costs. We have created a template that you can use for your resolution.

### 5. Letter of support

If you are a municipal partner applying for funding in association with a municipal government, you must provide a letter of support from the municipal government.

### 6. Letter of commitment

If you are submitting an application as part of a group of municipalities that are collaborating to improve knowledge-sharing or achieve economies of scale, you will need to include one letter of commitment signed by each of the participating communities. The letter should identify the expected tangible benefits of working together. Each municipality should include a copy of that letter with their application to MAMP.

## Summary

While this quick start guide does not contain all the details you will need to consider in order to successfully complete a funding application, we hope it helps you understand the overall effort required. A thorough understanding of the AMRS resource and this Application Guide will help you prepare an application that meets all requirements, eliminating the need for multiple information exchanges between you and the MAMP team. These exchanges can significantly add to the application processing time.

# 1 Eligible activities

## 1.1 What activities are eligible?

The Federation of Canadian Municipalities (FCM) strives to be flexible in funding projects that improve municipal decision-making related to infrastructure. If you do not see your proposed activity on this list, please contact an FCM representative.

Eligible activities	Examples
Asset management assessments	<ul style="list-style-type: none"><li>Asset management needs assessments or risk assessments</li></ul>
Asset management plans, policies and strategies	<ul style="list-style-type: none"><li>Development of asset management strategies, policies, or plans; or asset risk management plans</li></ul>
Data collection and reporting	<ul style="list-style-type: none"><li>Asset condition assessments</li><li>Data collection to establish and track levels of service</li><li>Inventory of existing assets (e.g., type of asset, asset ID, location, costs to operate and maintain, future costs to replace, remaining useful life)</li><li>Long-term financial modelling to support asset management decisions</li><li>Improvements to data reporting (e.g., introducing a “state of infrastructure” report)</li></ul>
Training and organizational development	<ul style="list-style-type: none"><li>Asset management training for employees and/or elected officials</li><li>Establishment of an asset management committee (e.g., developing terms of reference, facilitating discussions)</li><li>Clarification of asset management roles and responsibilities across the organization (e.g., modifying job descriptions)</li><li>Adoption of new asset management systems or processes (e.g., paying for internal or external resources to lead organizational change)</li></ul>
Knowledge transfer	<ul style="list-style-type: none"><li>Contributions to communities of practice, conferences and peer-to-peer learning opportunities (e.g., time employees spend developing materials to share or giving presentations)</li><li>Supporting a peer community in its asset management work (e.g., time employees spend mentoring another municipality)</li><li>Developing or adapting frameworks, tools, training or approaches to use in your organization</li></ul>

### Ineligible activities

- Any activity and/or effort conducted in the normal course of business not related to the improvement of asset management practices (e.g., regular operation, normal repairs and/or maintenance expenses, etc.)
- Employee time that is not directly associated with eligible asset management–related deliverables
- Employee time spent participating in training or learning events
- Collection and organization of data for the sole purpose of meeting PS-3150 requirements
- Development of a software program

## 1.2 What costs are eligible?

Eligible costs include all costs considered to be direct and necessary for the successful implementation of a project. Please see [Annex A](#) for full details.

## 2 Who can apply

This funding offer is intended to support Canadian municipal governments and eligible municipal partners. Eligible applicants are defined as follows:

### 1. Municipal governments\*

Individual municipal governments (e.g., towns, cities, regions, districts, etc.; and local boards thereof)

### 2. Organizations applying in partnership with Municipal governments\*\*

A municipal partner is one of the following entities:

- a. a municipal corporation
- b. a regional, provincial, or territorial organization delivering municipal services
- c. an Indigenous community (*Note: Certain Indigenous communities require a shared service agreement related to infrastructure with a municipal government to be eligible. Contact FCM for additional details.*)
- d. a not-for-profit organization with a focus on municipal services

### 3. Applying collaboratively\*\*\*

Applicants for collaborative projects are required to clearly explain and demonstrate the added value and benefit that the collaboration will provide. This could include:

- economies of scale associated with the hiring of other resources;
- holding regular sessions to provide knowledge-sharing among peer communities;
- sharing best approaches for surmounting challenges associated with their asset management projects; and/or
- sharing the group's asset management best practices with other peer communities (i.e., mentoring other municipalities).

### 4. Applying for funding of an additional project

MAMP seeks to fund as many municipalities as possible and preference may be given to applicants that have not previously received MAMP funding. However, we will consider submissions from second-time applicants who are committed to sharing asset management knowledge best practices and results of their projects with their peers and/or improving asset management knowledge in the municipal sector. These applicants are required to identify the measures they would take to share their newly garnered expertise in order to qualify for a second round of project funding.

Please note that private-sector entities are not eligible as municipal partners; however, such entities may be subcontracted by an eligible recipient to provide services toward eligible activities.

\*Quebec municipalities that apply for funding from MAMP must submit their application through Quebec's Ministère des Affaires municipales et de l'Habitation (MAMH) web portal. Follow the steps below to prepare your application. When you are ready to submit your application, refer to section 5 of this guide, which outlines how to apply and gives special instructions for submitting your application through MAMH.

\*\*Municipal partners must apply for funding in association with a municipal government and must demonstrate municipal commitment to the project by providing a letter of support.

\*\*\*Two or more municipalities can apply for funding using a collaborative approach. You and your co-applicants will need to identify each of the peer communities participating in the collaborative approach and identify specific, tangible benefits that are directly linked to the group approach on your application form. Even if applying using a collaborative approach, each community is expected to submit its own application package.



## 3 Funding and project scope

### 3.1 Contributions

The maximum MAMP contribution to a project is \$50,000. But no funding request is too small. Other (non-FCM) funding sources can be stacked to cover 100 per cent of your project costs (for example, the Gas Tax Fund and/or other government funding).

Applicants may qualify for one of the following funding opportunities:

1. Municipal governments with a population above 1,000\*: **80% of eligible costs**
2. Municipal governments with a population of or under 1,000\*: **90% of eligible costs**
3. Indigenous communities: **90% of eligible costs**
4. Two or more municipal governments applying as a group for a collaborative application: **90% of eligible costs**

**\*NOTE:** MAMP uses the municipal population data taken from the Statistics Canada 2016 Census as the only source of data for determining if your municipality is at or under the required 1,000 inhabitants to qualify for this 90% funding ratio.

### 3.2 Project length

The **maximum project length is 12 months**. The project start date (the date from which FCM recognizes eligible costs) can be on or after the date that FCM confirms eligibility of the proposed project after reviewing the application. It is the applicant's responsibility to ensure that the proposed project is reasonable for the allocated timeline.

All reimbursable costs must only be incurred during the project duration, i.e., between its start and end dates. Costs incurred before the official approval of the proposed project (including eligible costs) are incurred at the applicant's own risk.

Also, please note that receiving confirmation that your application is eligible does not necessarily mean that the application will be approved for funding.

### 3.3 Project scope of work

The scope of the project must focus on assets owned by the municipality. Both built and natural assets are eligible.

FCM encourages applicants to consider the impact of climate change\* as one risk associated with municipal service provision to residents and other stakeholders. The impact of climate change\* can be explicitly mentioned in a municipality's asset management policy and flow through to its other asset management business processes.

\*Please visit [Learning Journey: Climate resilience and asset management](#) for more information about integrating climate considerations into your business practices.

Applicants must obtain approval from FCM before making any change to their submitted project scope. FCM's approval is not automatically assured, and a request could result in the new scope having to be re-submitted for a third-party technical review.

### 3.4 Eligibility of costs

Any costs incurred by the applicant before FCM receives the completed application and confirms its eligibility are incurred at the applicant's sole cost and are ineligible.

FCM is not legally obligated to fund any costs that may have been incurred until a grant agreement between the applicant and FCM has been signed.

Please refer to [Annex A](#) for a detailed list of eligible costs.

## 4 When to apply

FCM accepts applications for projects on a continuous basis, year-round, until October 31, 2022 at the latest. But please note that Grants for Municipalities is very popular and funding may be fully allocated prior to this date. FCM is under no obligation to support projects once all available funding has been committed.

Second-time applications will be considered only after the applicant's first project has been completed and funds have been disbursed. Each municipality may have only one active project at any given time. Funding is subject to availability.





# 5 How to apply

## 5.1 What is required to complete an application?

A completed application comprises four or five documents, depending on the application type:

1. completed application form
2. completed Asset Management Readiness Scale (AMRS) assessment tool (using provided MS Excel worksheet template)
3. completed workplan and budget (using provided MS Excel worksheet template)
4. resolution from council, band council, or board of directors
5. signed letter of support or letter of commitment (if applicable)

**We recommend following these steps in the order listed here to ensure that you provide all of the information needed for a complete application:**

### ► Step 1: Verify eligibility

Ensure that you are an eligible applicant — either a municipal government or a municipal partner. If you are not a municipal government, ensure that you provide a letter of support from your partner municipal government.

If you are submitting an application as part of a group of municipalities that are collaborating to improve knowledge-sharing or achieve economies of scale, you will need to include **one letter** of commitment signed by **each of the participating communities**. The letter should identify the expected tangible benefits of working together. Each municipality should include a copy of that letter with their application.

### ► Step 2: Download all documents

Download the following:

1. [application form](#)
2. [AMRS assessment tool](#)
3. [workplan and budget template](#)
4. [sample resolution template](#)
5. sample [letter of support](#) or [letter of commitment template](#) (if applicable)

Please note that the [Asset Management Readiness Scale \(AMRS\)](#) is an essential part of this process. Don't skip downloading it, and make sure you refer to it often.

**Save the application form to your computer or other device so that you can edit it and save changes. Open the file using [Adobe Acrobat](#). If you see a dialogue box asking whether you trust the links from FCM, please click “trust.”**

### ► **Step 3: Complete the self-assessment using the AMRS**

The Asset Management Readiness Scale (AMRS) is a tool designed to determine the current state of an organization's asset management practices and progress. The scale is used to track the proposed outcomes and tangible benefits of a project.

To conduct a self-assessment, gather a cross-functional team to assess the current state of your asset management practices. Use the AMRS to evaluate your organization's status in **each of the five competencies**. Each competency has five levels and each level is further broken down into three outcome areas.

Please use the AMRS assessment tool (the MS Excel worksheet provided) to indicate your level according to the AMRS and address each outcome area in the notes section. Please note that the assessment should represent the asset management practices of the entire organization.

#### **The AMRS describes five key competencies:**

- Policy and governance
- People and leadership
- Data and information
- Planning and decision-making
- Contribution to asset management practice

### ► **Step 4: Identify your proposed activities**

Review the list of eligible activities in section 1.1 of this guide to help you identify **a minimum of one and up to three** activities that you feel are appropriate for your organization. Each activity must include a minimum of one **corresponding deliverable** that you will provide to FCM to demonstrate the completion of each activity. Each deliverable must be in the form of **tangible documents** (e.g., reports, assessments, training materials, before-and-after screenshots displaying improved data, etc.).

Activities should be descriptive enough for reviewers to understand your project and determine if your planned activities will result in the outcomes you have identified. Include a description of *why* the activities selected are a priority at this time and *how* the activities and outcomes of the project will improve your asset management capacity.

Please ensure that the activities can be completed **within 12 months**.

### ► **Step 5: Identify your target levels**

With your proposed activities in mind, return to the Asset Management Readiness Scale (AMRS). Identify your "expected future state" for each activity. This is the level on the readiness scale that you anticipate achieving by the end of your project. These should reflect the levels you realistically anticipate reaching within the timeframe of your project.

We recognize that improvement of asset management practices is incremental and ongoing. In some cases, the activities that are most important to you may not result in a full level change on the AMRS. As long as you describe the anticipated improvement in detail in the "expected future state" section of the AMRS assessment tool, your project will be considered. Please list the specific outcomes on the scale that are likely to be achieved through your proposed activities.

In addition to immediate outcomes, you should also describe the impact that these activities, as well as other future activities that you plan to undertake, will ultimately have on your municipality or community. Refer to section 9 of the application form.



► **Step 6: Answer the remaining questions in the project description section of the application form**

Complete the application form. This includes:

- A working title and a high-level description of the project, which will be used to publicly describe the project should your application be approved.
- Information about the human resources needed to deliver your project. In the workplan and budget template, you will be asked to identify the human resources required for each task. In the application form, please provide specifics about the internal and external human resources to be used and their experience. If you have collected quotes for externally sourced human resources, please provide this information in the application form.
- Information on how your proposed project fits with your province or territory's approach.
- One to three challenges or risks you anticipate during the project and how you plan to mitigate these challenges.

► **Step 7: Complete the workplan and budget template**

Input the activities from section 8 of your application form into the workplan and budget template. Be sure to identify the major tasks and costs associated with completing each activity. The activities in the workplan and budget must be **identical** to the activities listed in the application form. Identify a project start date and project end date in the workplan and budget template, ensuring that your proposed project can be completed in a 12-month period.

Clearly identify the funding source(s) in your budget. **You are required to identify funding sources to cover 100 per cent of the total project costs in the "sources of funding" tab.** Non-FCM funding sources can be stacked to cover 100 per cent of your project costs (for example, Gas Tax Fund and/or other government funding).

► **Step 8: Pass a resolution in support of your project**

Use the sample resolution provided, or draft your own resolution that meets the criteria identified in the sample resolution document. Demonstrate that it has been passed by your council, band council, or board of directors. Your resolution must also include the specific funding dollar amount committed to any project costs that are not covered by the FCM grant or other identified external sources. The resolution must be supplied as, and certified as, an official excerpt of the minutes of the council or board meeting by the official having the authority to do so. Please ensure that the resolution is signed and dated.

► **Step 9: Draft a letter of support or letter of commitment and have it signed (as applicable)**

If you are a municipal partner, use the sample letter of support provided, or draft your own letter that meets the criteria identified in the sample letter of support document. Please ensure that the letter of support is signed by the appropriate individuals and dated.

If you are a municipal government, a letter of support is not required unless you are applying for a collaborative project with other municipalities. In that case, a copy of the **letter of commitment** must be submitted by each municipality that is applying as part of a collaborative application.

### ► **Step 10: Attach documents and submit the application**

Attach the **completed AMRS assessment tool**, the **completed MS Excel workplan and budget template**, the **passed resolution**, and the **signed letter of support or letter of commitment** (if applicable) to the application form. Click the green “review” button and ensure your application is complete. When ready, submit the form with the attachments by clicking the green “submit” button on the form. This requires an Internet connection.

If you have any questions about how to complete this application, please call one of our advisors at 1-877-997-9926 or email us at [programs@fcm.ca](mailto:programs@fcm.ca).

### **Quebec municipalities**

Quebec municipalities applying for funding from MAMP are required to follow the process below to submit their application through the **Ministère des Affaires municipales et de l'Habitation (MAMH)** portal.

Once you have completed the steps in *How to apply* (outlined earlier in this section of the guide), submit your application to MAMH by following the instructions below (note that the content of the links is available in French only):

- Register and log in to the Portail gouvernemental des Affaires municipales et régionales using your username and password. Please note that this is a government of Quebec site.
- Select the program: “MAMH – Programme de gestion des actifs municipaux”.
- Upload and submit your completed application form with all attachments.
- MAMH will confirm that it has received your application. Note that MAMH requires 20 working days to review the application.
- MAMH will assess your application to ensure that the projects submitted do not conflict with Quebec government policies and directives.
- Once the assessment has been completed, MAMH will inform the applicant of its decision and send the compliant applications to MAMP for review. MAMP will then complete a review of the application (this is outlined in more detail in the sections below). Note that MAMP will inform the applicant when we have received the application from MAMH and have placed it in the queue for eligibility review.

**Please direct any questions regarding MAMH or its government portal to MAMH directly.**





## 6 Application review timeline and approval process

### 6.1 Application receipt confirmation

Within **five business days** of sending your application to FCM, you will receive an email from MAMP confirming that your application has been received. Please contact FCM at [programs@fcm.ca](mailto:programs@fcm.ca) if you have not received a response confirming receipt of your application within five business days.

### 6.2 Evaluation and scoring process

Evaluation of the application consists of an initial screening and an independent technical review, as described in section 7. FCM will approve or deny applications based on their technical review score, subject to availability of funding.

### 6.3 Application decision timeline

FCM is committed to informing you of the results of your application. We will provide monthly updates to applicants on our progress in processing their applications. Quebec applicants should add at least **20 business days** to the timeline for review by MAMH.

### 6.4 Funding process

If your project is approved, you will receive a funding notification letter followed by a grant agreement. The agreement must be signed by the funding recipient and returned to FCM within two weeks. Grant agreements that are not returned signed by the deadline stated in the accompanying email will be considered null and void, and funding may be re-allocated.

## 7 Application evaluation

### 7.1 Initial screening (eligibility criteria)

Applications will first be screened for consistency with the following basic criteria:

- applicant is eligible
- AMRS assessment is complete
- documentation is complete, including a resolution in support of the project
- grant amount is appropriate
- other sources of funding are available to cover total project costs
- project activities are eligible
- project start and end dates are appropriate
- letter of support is attached (if applicable)
- letter of commitment for collaborative applications is attached (if applicable)
- knowledge-sharing approaches are identified (for second-time applicants)

If your application passes the initial screening, you will receive confirmation, via email, that it has been accepted for further evaluation by peer reviewers. If your application is not accepted for further evaluation, FCM will contact you to provide feedback on the missing elements and, wherever possible, permit re-submission of the application in a timely manner.

## 7.2 Peer review evaluation (technical assessment)

A technical committee of peer reviewers will assess applications based on standards outlined for them in an evaluation guide.

In general, peer reviewers will evaluate applications based on the following considerations:

- the appropriateness of the eligible activities selected to improve the state of asset management practices in the organization;
- the reasonableness of the deliverables and outcomes, based on the activities identified;
- the appropriateness of the identified levels of effort, human and financial resources, and value for money, based on the eligible activities proposed; and
- the anticipated impacts of the proposed improvements on the organization's behaviours, relationships, policies and daily practices.

## 7.3 Evaluation system

The peer reviewers will evaluate the applications using the criteria and point system in the table below.

### Evaluation criteria and points

Evaluation criteria	Points
Documentation of self-assessed readiness level	20
Appropriateness of activities	20
Human and financial resources	10
Significance of anticipated asset management improvements	30
Workplan and budget	20
<b>TOTAL</b>	<b>100</b>

## 7.4 Evaluation criteria

The evaluation criteria will assess the relative impact and proposed benefit of the project. The peer reviewers will evaluate the criteria based on the following considerations:

### Documentation of self-assessed readiness level (20%):

- To evaluate the degree of asset management improvement proposed in the application, the peer reviewers require solid baseline information. They are looking for an accurate description of the current level of asset management in the organization. It is critical that the applicant has clearly and thoroughly described the organization's current level of asset management in the notes section of the AMRS assessment tool.
- Specifically, the peer reviewers will confirm that the following information is provided:
  - The rationale for the assessment of the organization's readiness level addresses each of the three outcomes associated with each of the five competencies in the Asset Management Readiness Scale (AMRS).
  - The rationale clearly supports the assessment of your organization's readiness level, so that no interpretation is required.

### Appropriateness of activities (20%):

- The application must address an area of asset management with potential for improvement. The peer reviewers will evaluate **the appropriateness of the proposed activities in addressing a priority area for improvement** identified in the self-assessment.
- Specifically, the peer reviewers will consider the following questions during their evaluation:
  - Are the proposed activities, deliverables, workplan and budget commensurate with the municipality's current state of asset management readiness?
  - Will the activities and deliverables lead to the identified project outcomes, as outlined in the application form?
- The reviewers will give a higher score to municipalities whose activities include mentoring other communities or improving asset management for other municipalities.

### Human and financial resources (10%):

- For the proposed activities to be successful, the application must identify sufficient and appropriate human and financial resources. The peer reviewers will consider the appropriateness of the human and financial resources assigned to the project. Human resources can be external (consultants) or internal (employees). In order to ensure good integration of activities completed by external resources and facilitate capacity-building within the organization, it is ideal for municipalities to include employees in the project work to the furthest extent possible.
- Specifically, the peer reviewers will consider the following questions during their evaluation:
  - Are the resources assigned to the project sufficient for the project's scope and required level of effort?
  - Does the assignment of resources demonstrate a commitment by the municipality to complete the identified activities?
  - Are roles and responsibilities clearly assigned for each of the human resources?
- The reviewers will give a higher score to those applicants leading training sessions or mentoring other communities.

### Significance of anticipated improvements (30%):

- The goal of the Municipal Asset Management Program is to support sustained improvement of asset management practices at the municipal level, resulting in better evidence-based decision-making for infrastructure investments. Therefore, the main consideration in the evaluation of applications is **the degree to which the proposed project will improve asset management practices**. Even proposed projects with minor improvements in a single area may be eligible for funding.
- Specifically, the peer reviewers will consider if the proposed activities are likely to lead to the outcomes identified in the application form.
- The reviewers will examine the direct, immediate results of the project.
- Outcomes that also demonstrate leadership in the development or dissemination of asset management knowledge in municipalities will receive a higher score.

The peer reviewers are looking for improvement in the municipality's asset management practices, whether or not that improvement leads to a change in level on the Asset Management Readiness Scale. Peer reviewers are not evaluating applications based on the applicant's current level on the AMRS but are looking for how the proposed activities align with the AMRS and will improve the municipality's asset management practices.

### Workplan and budget (20%):

- The evaluation will consider **how complete and appropriate the workplan and budget are, relative to the project scope**. The evaluation will also consider whether other sources of funding needed for the project can be obtained.
- Specifically, the peer reviewers will consider the following questions during their evaluation:
  - Are the workplan and the budget both well defined, with tasks that support the proposed deliverables and outcomes identified for each activity?
  - Is the workplan sufficiently detailed to give the project a high likelihood of success?
  - Does the budget represent good value?
  - If additional funding is required from other sources, can it be obtained?

## 7.5 Re-submission of applications

Wherever an application is deemed unsuitable for funding, the applicant will be given the opportunity to receive feedback on the reason(s) why. While decisions are final, FCM will work with the applicant to address gaps in promising applications so that they can be re-submitted—provided that funding was not denied for eligibility reasons. An application that has addressed FCM's feedback may be re-submitted one-time only.

# 8 Intellectual property

The Municipal Asset Management Program retains copyrights to the project description and final report. With the recipient's consent, FCM may share other documents developed as a result of this funding program that will benefit the broader municipal asset management community. Intellectual property (IP) developed by the recipient(s) as a result of this funding program will be owned by the recipient(s). Background IP (patents, copyright, software) and any third-party technology rights remain with the original owner(s).

If you are working with a third party who will be producing a document for you that will form part of the deliverables of your project, you are required to:

- a. include in your agreement with the third party (e.g., engineering consultant) statements that the copyright to the materials is assigned to the municipality (a written copyright assignment agreement) ***[Note: in this case the third party must delete their copyright notation on the document];***  
or
- b. include in your agreement with the third party (e.g., engineering consultant) statements that the third party grants the municipality a broad copyright license with the ability to give a broad copyright license to FCM (a written copyright license agreement).



## 9 Disbursements

Funds will be disbursed when the recipient delivers a completed final report that meets the reporting requirements. This includes the following:

**1. A final report document that:**

- summarizes the completed project;
- describes the outcomes and knowledge developed;
- describes the impacts of the project on infrastructure-related decision-making on the organization and the broader community; and
- includes lessons learned.

**2. The deliverables related to your project activities as specified in the grant agreement.**

**3. An updated self-assessment using the Asset Management Readiness Scale (AMRS) assessment tool, identifying progress achieved.**

**4. A summary of the actual eligible project expenditures accompanied by an attestation from an officer of the organization.**

Templates for reporting on the requirements noted above are provided in the grant agreement (for reference). Editable templates will be emailed to the grant recipient before the project completion date. **These templates must be used without exception.**

**Final reports MUST be satisfactorily received within 30 days of project completion.**

## 10 Audit requirements

Funding recipients are responsible for maintaining records associated with funded activities until March 31, 2031. All recipients could be subject to audit by FCM or the program funder (Infrastructure Canada), following completion of the MAMP program, until March 31, 2031. Of particular note, labour and consulting costs must be documented in a manner that meets audit standards for verification of eligibility of activity and level of effort (e.g., timesheets).

# Annex A — Eligible costs

Cost category	Eligible costs	Ineligible costs
Pre-application	N/A	<ul style="list-style-type: none"> <li>Any expenditure incurred prior to FCM's eligible expenditure date</li> <li>Expenditure of developing this proposal or application</li> </ul>
Administrative and overhead expenditures	<p>Administrative expenditures that are directly linked to and have been incurred for the project, such as:</p> <ul style="list-style-type: none"> <li>Communication expenditures (e.g., long-distance calls or faxes)</li> <li>Outsourced printing or photocopying</li> <li>Acquisition of documents used exclusively for the project</li> <li>Document translation</li> <li>Transportation, shipping, and courier expenditures for delivery of materials essential for the project</li> <li>Design and production of communication products to promote project outcomes and benefits to the public</li> </ul>	<p>General overhead expenditures incurred in the regular course of business, such as:</p> <ul style="list-style-type: none"> <li>Office space, real estate fees and supplies</li> <li>Financing charges and interest payments</li> <li>Promotional items</li> <li>Permits or certifications</li> <li>Advertising, website development, project education materials, or expenditures to disseminate project communications products</li> <li>Hospitality expenses (food and drink, alcohol, entertainment, etc.)</li> </ul>
Capital expenditures	<p>Purchase of software related to asset management</p> <p><i>Note: FCM's contribution to this expense may not exceed 50% of FCM's total contribution to the project</i></p>	<ul style="list-style-type: none"> <li>Any other capital expenditures or amortization expenses</li> <li>Development of a software program</li> </ul>
Equipment rental	<ul style="list-style-type: none"> <li>Rental of tools and equipment</li> <li>Related operating expenditures, such as fuel and maintenance expenditures</li> </ul>	Rental of tools or equipment related to regular business activities
In-kind	N/A	Any goods and services received through donation
Training	<ul style="list-style-type: none"> <li>Expenditures associated with accessing reference materials, such as standards, templates, and toolkits</li> <li>Expenditures associated with attending training sessions, (provided externally) or bringing training in-house</li> <li>Food and drink, to the extent that these costs comply with the Treasury Board of Canada guidelines, and to the extent that they are necessary to conduct the training/workshop sessions.</li> </ul>	<p>Any hospitality expenses, such as:</p> <ul style="list-style-type: none"> <li>Alcohol</li> <li>Door prizes</li> <li>Entertainment</li> <li>Music</li> <li>Decorations</li> <li>Flowers, centerpieces</li> <li>Etc.</li> </ul>
Professional and/or technical services	Fees for professional or technical consultants and contractors, incurred in support of eligible activities	<ul style="list-style-type: none"> <li>Expenditures associated with regular business activities not related to the project</li> <li>Legal fees</li> </ul>



Cost category	Eligible costs	Ineligible costs
Employee remuneration	<p><i>Daily rates actually paid by the Eligible Recipient to its employees in Canada for time actually worked on the implementation of the Project.</i></p> <p><i>The daily rate per employee shall include the following costs:</i></p> <ol style="list-style-type: none"> <li>direct salaries: actual and justifiable sums paid by the Eligible Recipient to employees in accordance with the Eligible Recipient's pay scales as regular salary excluding overtime pay and bonuses</li> <li>fringe benefit: in accordance with the Eligible Recipient's policies, as follows: <ol style="list-style-type: none"> <li>time-off benefits (prorated to the annual percentage (%) of time actually worked on the implementation of the Project)</li> <li>allowable number of days to be paid by the Eligible Recipient for the following payable absences: statutory holidays, annual vacation and paid benefits</li> <li>actual sums paid by the Eligible Recipient for paid benefits (prorated to the annual percentage (%) of time actually worked on the implementation of the Project)</li> <li>the Eligible Recipient's contribution to employment insurance and workers' compensation plans (where applicable), health and medical insurance, group life insurance, or other mandatory government benefits</li> </ol> </li> </ol> <p><i>Note: Labour costs must be documented in a manner that meets audit standards for verification of eligibility of cost and level of effort.</i></p>	<ul style="list-style-type: none"> <li>In-kind contribution of services</li> <li>Participant salaries</li> <li>Expenditures related to regular business activities</li> <li>Overtime pay</li> <li>Bonuses/performance pay</li> <li>Fringe benefits, such as: <ul style="list-style-type: none"> <li>sick days</li> <li>pension plan; or</li> <li>any other fringe benefits not listed as eligible</li> </ul> </li> <li>Costs related to ongoing or other business activities and not specifically required for the project</li> <li>Professional membership fees or dues</li> </ul>

Cost category	Eligible costs	Ineligible costs
Supplies and materials	Supplies and materials required to undertake the project	Expenditures related to regular business activities
Taxes	The portion of Provincial/Harmonized Sales Tax and Goods and Services Tax for which your organization is not eligible for rebate	The portion of Provincial/Harmonized Sales Tax and Goods and Services Tax for which your organization is eligible for rebate, and any other expenditures eligible for rebates
Travel and accommodation	<p>For individuals on travel status (individuals travelling more than 16 km from their assigned workplace, using the most direct, safe and practical road):</p> <ul style="list-style-type: none"> <li>Travel and associated expenses for implementing partners, guest speakers and consultants to the extent that the travel and accommodation rates comply with the Treasury Board of Canada guidelines, and to the extent that such travel is necessary to conduct the initiative  <a href="https://www.canada.ca/en/treasury-board-secretariat/services/travel-relocation/travel-government-business.html">https://www.canada.ca/en/treasury-board-secretariat/services/travel-relocation/travel-government-business.html</a></li> <li>Where justified, participant travel costs may be claimed with prior written consent from FCM. Under no circumstances will participant honorariums be covered.</li> </ul>	Any travel expense that is not paid in accordance with the Treasury Board guidelines



Subscribe to our e-bulletin to receive up-to-date  
information on FCM programs:

**[fcm.ca/fcmconnect](http://fcm.ca/fcmconnect)**

**or visit our website: [fcm.ca/assetmanagementfunding](http://fcm.ca/assetmanagementfunding)**

**Subject:** Public Realm Investment Program (PRIP) Grant  
Rice Road and Port Robinson Road Update

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2020-0081; and recommend that Council endorse the proposed landscaping improvements to permit Staff to proceed with tendering the project for completion in the fall of 2020; and**

**THAT Council instruct Staff to look into the opportunity to include the grant funding received through the 2020 PRIP Program for Tree Planting and Trail Enhancements along Rice Road (RR #50) adjacent to the paved multi-use trail and develop one single landscaping tender in order to gain economies of scale.**

**Background:**

Established in 2016, the Public Realm Investment Program (PRIP) is a value-added program that allows the Region to partner with local municipalities on capital projects that provide public realm enhancements on over 250 km of Regional Roads in urban and core areas. Public realm enhancements attract investment and help to create vibrant and enlivened public realms that sustain businesses, improve all modes of transportation, and celebrate community.

To encourage investment in great public places, the Region is offering this incentive program to all of its local municipalities. Investing with local municipal partners to complete our streets with enhanced boulevards, sidewalks, and spaces in the public realm across Niagara helps the Region attract new residents, promote tourism, grow the economy and beautify communities.

The purpose of the program is to encourage investment in the urban and core area public realms along Regional roads by providing matching funding to local municipal partners for upgrades to existing capital projects.

The Public Realm Investment Program provides matching funding to eligible local municipal projects that are initiated and constructed by either the local municipality or Niagara Region in consultation or collaboration with the local municipality. The maximum Regional funding contribution is \$100,000.

This program is available to all of Niagara's local municipalities and the Niagara Peninsula Conservation Authority (NPCA). Projects must be within or directly adjacent to a Regional Road right-of-way. Projects must be completed by the end of the year following the award. Maintenance agreements are required.

### **Analysis:**

In 2017, Town staff applied for funding from the PRIP grant to make improvements around the Rice Road and Hwy 20 Storm Water Management (SWM) pond. The original request included a complete landscaped vision for improvements surrounding the SWM pond with a total estimated project cost of \$830,000. The original funding request of \$100,000 was not approved by the Region; however, there was funding set aside in the amount of \$12,000 to place benches overlooking the pond. This project would enhance the seating area located in front of the SWM pond near the intersection of Hwy 20 (RR20) and Rice Road (RR54).

The funds for this project have been reserved for the Town of Pelham for implementation in 2020. Based on the 50/50 cost sharing split the Town of Pelham would be responsible for \$12,000 with a total estimated project cost of \$24,000. This project is identified in the 2020 Capital Budget under project RD 17-20.

In 2018, the Region began the reconstruction of Rice Road (RR54) from Hwy 20 (RR20) to Merritt Road. Included in this project was the reconstruction and signalization of the intersection at Rice Road and Port Robinson Road.

As part of this project it was the vision of the previous Council and Town staff that the intersection act as a gateway feature to East Fonthill from the south limit.

Region staff worked with Town staff to develop a gateway/landscaping feature on the north-west corner of the intersection at Rice Road and Port

Robinson Road. This project will enhance the streetscaping for the local community. In addition, it will promote a higher usage of the Regional Road (Rice Road) by active transportation users by providing a crucial rest area along the multi-use pathway that connects East Fonthill to the Meridian Community Centre and urban core.

The proposed project includes a seating area and parkette adjacent to the SWM pond for the River Estates subdivision. The feature will provide a space for rest and reflection and views of the SWM pond as an amenity. This project also capitalizes on the Region investment on Rice Road and provides for a finishing touch to make it a memorable street and pleasing entrance to East Fonthill. (Appendix A provides the concept developed by the Region for consideration). This concept will be used in the tender documents which will be prepared by Staff.

The estimated project cost for this street and landscaping feature is approximately \$24,120. The Town's contribution will be 50 percent or \$12,060.

Further, the Town of Pelham was successful in receiving funding through the 2020 PRIP program for enhancements and tree plantings along Rice Road (RR#50) within the boulevard and adjacent to the paved multi-use trail. The Town received \$30,000 in funding towards the installation of additional park benches and trees. The matching contributions by the Town will be made from our annual tree planting program (Capital Account PRK 02-20). Staff will investigate the opportunity to combine the three projects into one landscaping tender with an approximate value of \$108,000 with 50% funded through the 2019 and 2020 PRIP programs and the Town's portion being funded through the 2020 Capital Budget and the 2020 Public Works Operating Budget.

### **Financial Considerations:**

The total approved 2020 capital budget for the landscaping improvements at the Rice Rd SWM pond and the gateway feature at the intersection of Rice Road and Thorold Stone Road is \$48,120.

Funding in the amount of 50 percent (\$24,060) is being made available

through the Public Realm Investment Program (PRIP) grant offered through Niagara Region.

The Town's contribution to the project is 50 percent or \$24,060 and will be funded through the Roads Reserve as part of the 2020 Capital Budget.

In addition, the Town of Pelham received funding through the 2020 PRIP grant to complete tree planting and enhancements along Rice Road (RR #50) adjacent to the paved multi-use trail in the amount of \$30,000. Staff will look into the option of completing this work with the 2019 PRIP projects to gain economies of scale. The Town's contribution to this work will be \$30,000 (50%) and will be funded through the 2020 Public Works Annual Tree Planting budget.

### **Alternatives Reviewed:**

The alternative to consider is to not proceed with the planned landscaping initiatives at the Rice Road SWM pond and /or the intersection at Rice Road and Thorold Stone Road. If council choses to not proceed with the project(s) then the Town will not be able to receive the \$24,060 in grant funding from the Region under the PRIP Grant.

Further, Council could instruct Staff to defer the Tree Planting and Trail Enhancement project for which the Town received 50% funding through the 2020 PRIP grant application process. A request could be made to Niagara Region to carry these funds forward into 2021 but would not be guaranteed.

### **Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

This project relates to Council's strategic priority of building strong communities and cultural assets by providing users of active transportation and pedestrians with an aesthetically pleasing area surrounding the storm water management ponds and pedestrian multi-use trail in the East Fonthill area. In addition, the landscaping features would provide a gateway feature to visitors entering the Town from Thorold and Welland.

**Other Pertinent Reports/Attachments:**

Appendix A – Rice Road and Port Robinson Road Landscaping Feature (Attached)

Pelham Beautification Committee DRAFT Minutes of Meeting, dated July 2<sup>nd</sup>, 2020.

Letter of Endorsement for PRIP Funding Project – Chair of Beautification Committee.

2019-0147 Public Realm Investment Program (PRIP) Grant Rice Road and Port Robinson Road, December 16<sup>th</sup>, 2019.

**Consultation:**

Consultation was provided through the Pelham Beautification Committee and the Pelham Active Transportation Committee (PATC) both of which have endorsed this project. (See attached minutes of committee meetings).

**Legal Consultation, If Applicable:**

There was no legal consultation in the preparation of this report.

**Prepared and Recommended by:**

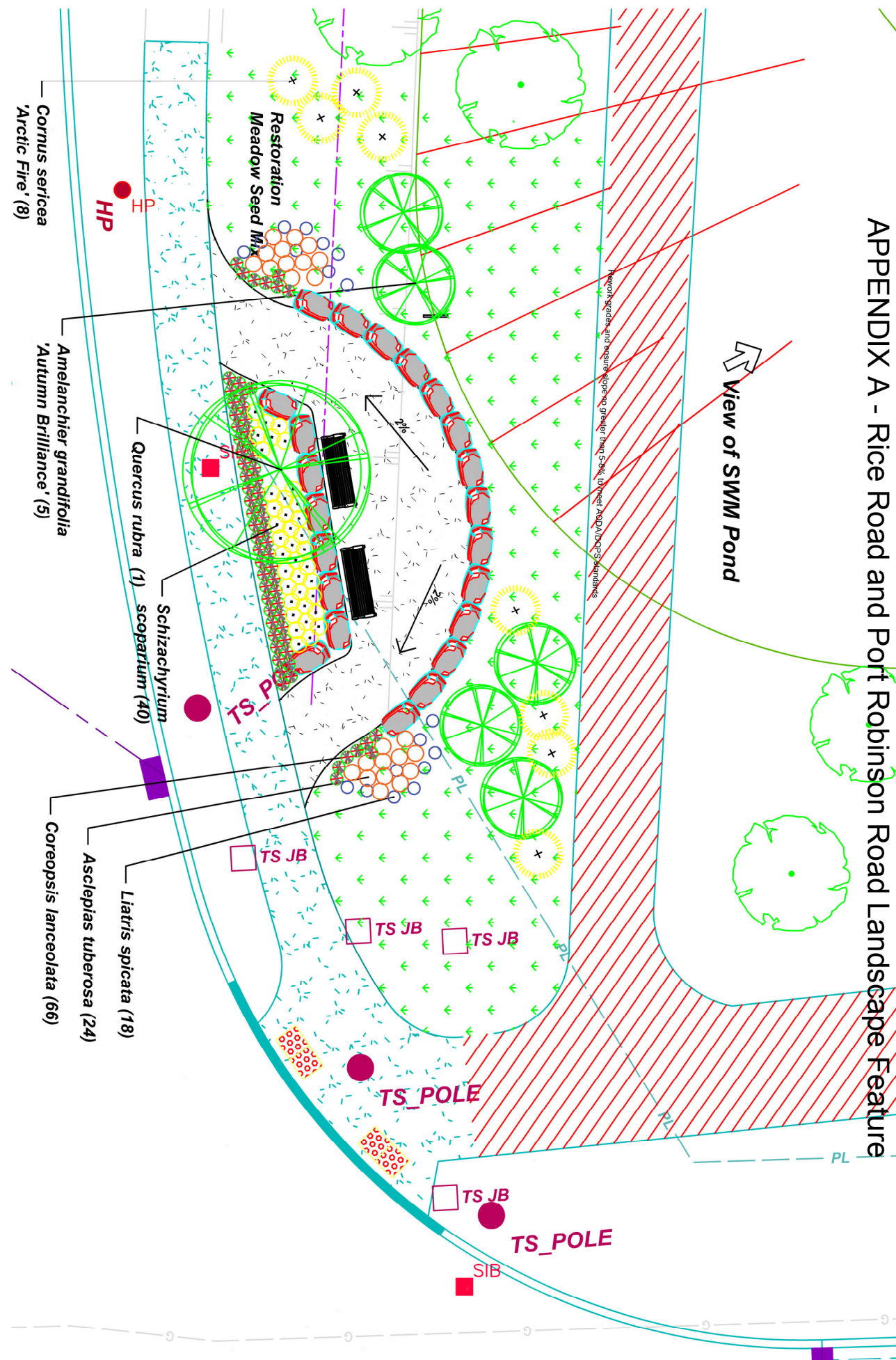
Jason Marr, P. Eng., Director of Public Works

**Approved and Submitted by:**

David Cribbs, Chief Administrative Officer



## Port Robins



---

## COMMUNITY BEAUTIFICATION COMMITTEE MEETING MINUTES

MEETING DATE: Thursday, July 2, 2020  
4:30 p.m.  
Virtual Zoom Meeting

**Attendance:** Cathy Robins, Committee Secretary  
Cynthia Roberts, Committee Vice-Chair  
Frances Kuypers  
Jennifer Pilzecker, Committee Chair  
Lois LaCroix  
  
Dave Nicholls, Supervisor of Beautification  
Jason Marr, Director of Public Works  
Marvin Junkin, Mayor

**Regrets:** Louise Morgan  
Vilma Moretti

---

The meeting was delayed by 1 hour due to Zoom meeting access.

### 1. Attendance

### 2. Declaration of Quorum and Call to Order

Noting that a quorum was present, Chair Jennifer Pilzecker called the meeting to order at 5:34 p.m.

### 3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

### 4. Niagara Region Public Realm Investment Program (PRIP) Gateway Feature

Jason Marr advised the committee that the 2020 submission has passed; Town of Pelham Council would like an endorsement from the Beautification Committee to proceed with landscaping at the northwest corner of Rice Road & Port Robinson Rd and benches, interpretive signage at the northwest corner of Rice Road & Regional Road 20. Trees and shrubs will also be planted along the trail from Regional Road 20 to Rice Road.

**That** the Community Beautification Committee endorses the PRIP project at Rice Road & Port Robinson Road as presented to the committee.

Moved by: Lois LaCroix  
Seconded by: Frances Kuypers

Carried.

**That** the Community Beautification Committee endorses the PRIP project at Regional Road 20 & Rice Road as proposed to us and that the committee have input into the detailed design phase for the project.

Moved by: Lois LaCroix  
Seconded by: Cynthia Roberts

Carried.

## **5. Thank You Card Recognition Program**

**That** the Community Beautification Committee amends the motion from May minutes to delay the recognition of the Overbeek building at the request of the owner.

Moved by: Frances Kuypers  
Seconded by: Cynthia Roberts

Carried.

**That** 1328 Haist St, Fonthill be acknowledged as the next thank you card recipient.

Moved by: Frances Kuypers  
Seconded by: Lois LaCroix

Carried.

**That** the Pelham Garden Club be recognized for their community garden at the Fonthill Library as the August recipient of the thank you card program.

Moved by: Lois LaCroix  
Seconded by: Frances Kuypers

Carried.

**That** the Overbeek building be acknowledged for the thank you card program in the next 3-4 weeks.

Moved by: Frances Kuypers  
Seconded by: Lois LaCroix

Carried.

## **6. New Business**

### **Town of Pelham Community Garden Beds Competition**

Cynthia Roberts advised 4 gardens (Centennial Park, Entrance to Town Hall, Peace sign, North Pelham sign) have been sponsored, 2 have been planted.

## **7. Adjournment**

**THAT** this meeting of July 2, 2020 be adjourned at 6:30 p.m.

Moved by: Lois LaCroix  
Seconded by: Frances Kuypers

Carried.

---

Jennifer Pilzecker, Chair

---

Cathy Robins, Secretary

July 6, 2020

To Whom It May Concern:

On July 2<sup>nd</sup>, 2020 the Pelham Community Beautification Committee ("the Committee") met to discuss plans for the municipal gateway landscape features at Rice Road at Port Robinson and Rice Road at Regional Road 20.

During this meeting, the Committee moved to endorse the Rice Road at Port Robinson design as was presented to the Committee by Town of Pelham staff. The Committee also moved to endorse the Rice Road at Regional Road 20 landscape feature with further involvement in the detailed design process.

Please accept this letter as endorsement on behalf of the Pelham Community Beautification Committee for the East Fonthill gateway landscape features.

Yours Truly,

A handwritten signature in black ink, appearing to read "Jennifer Pilzecker". The signature is fluid and cursive, with the first name "Jennifer" written in a more stylized, connected manner to the last name "Pilzecker".

Jennifer Pilzecker

Chair, Pelham Community Beautification Committee

**Subject:** Niagara 2021 Canada Games Legacy Project in the Town of Pelham

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0101; and**

**THAT Council direct staff to revise the current Memorandum of Understanding with the 2021 Canada Games Committee to allow the \$21,250 (excluding HST) legacy project funding to include the hard surfacing of the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road; and**

**THAT Council approve the use of the OMCC grant in the amount of \$75,416 (excluding HST) to complete the hard surfacing of the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road; and**

**THAT Council approve \$24,584 (excluding HST) of expenditure from the 2019 Capital Budget (red-circled project) to complete the hard surfacing of the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road.**

**Background:**

The Region and Bid Committee made a bid to host the 2021 Canada Summer Games, to be held between Thursday August 4, 2021 and Sunday August 22, 2021.

In order to put forth a bid, the Bid Committee required the commitment from local sport and non-sport venues and their associated facilities that meet the Canada Games sport venue and non-sport venue standards from the local municipalities in the Region.

With the successful bid application by the Region the Town of Pelham was awarded the main road cycling event. As part of this agreement the Town of Pelham agreed to allow the 2021 Canada Summer Games Committee to use

the Town's facilities (primarily the road course - see Appendix A) for two days during the games, being August 18<sup>th</sup> and 19<sup>th</sup>.

The original MOU that was signed included an agreement that the Bid Committee and the Town commit to share in an investment of \$21,250 (each) for capital expenditures at the Race Venue, for the specific purpose of equipment required to meet the Canada Games standards. The Town committed to pay one-eighth of that investment (\$21,250) for Cycling Equipment including race markers; start and finish line equipment; safety equipment; and also a trailer to house the equipment.

It was determined by the cycling community this approach was not the best use of funds and that the funds should be redirected to another mutually agreed upon community initiative that recognized the 2021 Canada Summer Games as a lasting legacy piece for the Town. As a result, the 2021 Canada Summer Games would match the Town's commitment with an additional \$21,250 towards such a project.

### **Analysis:**

The Town of Pelham has entered into an agreement with the Region and the 2021 Canada Games to host the men's and women's Road Cycling Race. The event is scheduled to run on two consecutive days with practice races on August 18<sup>th</sup> and the actual race on August 19<sup>th</sup>.

During the event there will be roadway closures set up along the race route, as well as in the downtown business area of Fonthill. It is expected that the race will be held in conjunction with the Thursday Night Bandshell experience, Farmer's Market, and Supper Market making the race day event a full day celebration.

In 2017, the previous Council for the Town of Pelham agreed, in principle, to endorse and support the Niagara Region bid for the 2021 Canada Summer Games; and acknowledged that this support would include a capital contribution for cycling infrastructure in the amount of \$21,250. Further, council passed a resolution that authorized the Mayor and Clerk to enter into a Memorandum of Understanding between the Niagara 2021 Canada Summer Games Bid Committee, the Regional Municipality of Niagara and the Town of Pelham. (See Appendix B).

Following recent discussions with the 2021 Canada Summer Games Committee it has been determined that the \$21,250 (\$42,500 total) grant can be used towards a legacy project by the Town that promotes active living.

Since the Town must match the funding amount of \$21,250 towards a legacy project staff is recommending that the funding be used towards the hard surfacing and paving of the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road. This project was included as part of the 2019 Capital Budget and was red-circled. This project has the support of the Pelham Active Transportation Committee (PATC) and has funding in place from the OMCC in the amount of \$75,416, in addition to the Town's contribution of \$24,584 from the Roads Reserve.

Staff is recommending that this project be considered for the 2021 Canada Summer Games legacy project since there is already funding in place from the Town's reserves that would meet the matching requirements for both the OMCC and the 2021 Canada Summer Games.

### **Financial Considerations:**

Funding in the amount of \$21,250 is being provided by the 2021 Canada Summer Games for a legacy project. The Town is required to match the funding being provided in the amount of \$21,250.

The Town of Pelham will need to use funding from a capital project that is already included in the 2020 capital budget or will need to include a project in the 2021 Capital Budget in the amount of \$21,250.

The Steve Bauer trail paving project currently has a Town contribution of \$24,584 to complete the paving of the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road. The Town was successful in receiving funding in the amount of \$75,416 under the Ontario Municipal Commuter Cycling grant (OMCC) to complete this project. This project was selected and endorsed by the Pelham Active Transportation Committee (PATC). This project was red-circled in the 2019 Capital Roads budget, as Project # RD-05-19 and was recently voted against by Council at the June 15<sup>th</sup> regular meeting of Council.

Staff has tendered the Steve Bauer Trail Paving Project as a provisional item



in the 2020 Asphalt Base Repair and Patching Program. The limits of the project extended from the Pelham/Welland town boundary (1106 Line Avenue) to approximately 350 m north of Merritt Road (prior to the Kunda Park Phase 4 Development. The 2019 budget for this project was \$100,000 including the Town's contribution of \$24,584. The tender value for this work based on the tender results from the low bidder is \$72,875.

It is estimated that the total cost to complete the trail paving from the south limit to Port Robinson Road, based on the tender unit prices (approximately 1600m), is \$114,275. The total costs including net HST of 1.76% is estimated at \$116,286.

The total project budget including the OMCC funding, the Town of Pelham's contribution, and the funding received from the 2021 Canada Summer Games is \$121,250. This would result in a net budget surplus of approximately \$5,000 which could be used towards the supply and installation of signage along the trail indicating the funding contributors and possibly some benches along the trail for pedestrians.

### **Alternatives Reviewed:**

The 2021 Canada Summer Games Committee legacy project funding could be used towards another project that Council decides. If this course of action was followed Council would also need to approve additional capital expenditures in the 2020 Capital budget for the project or approve funding in the 2021 Capital Budget.

### **Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

Having a strong and accessible active transportation network throughout the Town helps build strong communities and promotes healthy living for the residents of Pelham.

Using the funding provided by the OMCC and the 2021 Canada Summer Games will create a legacy project in the Town of Pelham that will benefit the residents of the Town for many years and ties in well with the spirit of the games and the recommendations provided by the PATC in accordance

with the Town's Active Transportation Master Plan.

**Other Pertinent Reports/Attachments:**

Appendix A – 2021 Canada Games Cycling Race Route (Attached).

Appendix B – 2017 Memorandum of Understanding and 2017 Resolution of Council (Attached).

Report 2020-0080 Steve Bauer Trail Hard Surfacing between 1106 Line Avenue and Port Robinson Road.

Report 2019-0033 Regarding the Paving of the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road.

**Consultation:**

Consultation with the Town of Pelham Recreation Department, as well as the 2021 Canada Games Committee was undertaken in the preparation of this report.

**Legal Consultation, If Applicable:**

N/A

**Prepared and Recommended by:**

Jason Marr, Director of Public Works

Vickie vanRavenswaay, Director of Recreation, Culture and Wellness

**Approved and Submitted by:**

David Cribbs, Chief Administrative Officer



---

OFFICIAL 2021 BID COMMUNITY

# NIAGARA REGION

COMMUNAUTÉ CANDIDATE  
OFFICIELLE POUR 2021

---

Opportunity to Grow



—JEUX DU—  
**CANADA**  
—GAMES—

Une Occasion de s'épanouir



# Presentation Agenda

- Overview of Canada Games & Niagara's Bid
- Benefit to Pelham
- Question & Answer

# Overview of Canada Games

- National Multi-Sport championship comprised of 17 sports, 4600 athletes, 25,000 visitors
- Approximately \$20 million in committed funding from the Province and Federal Government
- Economic Impact between \$165-\$200 million within host region

# Niagara's Bid

- Submission due in January
- Site visit in March, Decision in March 2017
- Events in all 12 municipalities
- Consultation with all 12 municipalities on improvements and legacy for each municipality

# Benefit to Pelham

- Facility usage and capital investment
  - In-Kind Use of Facilities for Games (Road Race, Community Centre)
  - Contribution towards Capital Improvements (Pelham Contribution below):
    - Cycling Infrastructure: \$21,250
- Province or Territory Partnership Program
- Next Steps: Council approve and completion of MOU with the Bid Committee



# Questions



Vibrant • Creative • Caring

January 18, 2017

Canada 2021 Summer Games Bid Committee  
Region of Niagara  
1815 Sir Isaac Brock Way  
Box 1042  
Thorold ON L2V 4T7

Attention: Doug Hamilton

**Canada 2021 Summer Games Bid**

At their regular meeting of January 16th, 2017, Council of the Town of Pelham received your delegation regarding the Canada 2021 Summer Games Bid, and endorsed the following:

**BE IT RESOLVED THAT the information presented by the Niagara 2021 Canada Games Bid Committee be received; and**

**THAT Council for the Town of Pelham agrees, in principle, to endorse and support the Niagara Region bid for the 2021 Canada Summer Games; and**

**THAT Council hereby acknowledges that this support will include a capital contribution for cycling infrastructure in the amount of \$21,250; and**

**THAT the Mayor and Clerk be authorized to enter into the Memorandum of Understanding between the Niagara 2021 Canada Summer Games Bid Committee, the Regional Municipality of Niagara and the Town of Pelham.**

On behalf of Council, thank you for this important correspondence.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Nancy J. Bozzato", with a long, sweeping flourish extending upwards and to the right.

(Mrs.) Nancy J. Bozzato, *Dipl.M.M., AMCT*  
Town Clerk

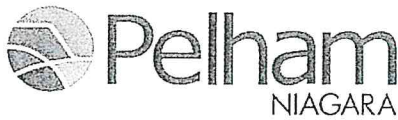
/js

Cc: Ralph Walton, Regional Clerk  
Vickie vanRavenswaay, Director, Recreation, Culture & Wellness, Town of Pelham

From the Clerk's Department



**Administrative  
Services**



Vibrant · Creative · Caring

REGULAR COUNCIL

January 16<sup>th</sup>, 2017

# G. Accursi

# C. King

# D. Augustyn

# J. Durley

# P. Papp

\_\_\_\_\_

# M. Junkin

# R. Rybiak

BE IT RESOLVED THAT the information presented by the Niagara 2021 Canada Games Bid Committee be received; and

THAT Council for the Town of Pelham agrees, in principle, to endorse and support the Niagara Region bid for the 2021 Canada Summer Games; and

THAT Council hereby acknowledges that this support will include a capital contribution for cycling infrastructure in the amount of \$21,250; and

THAT the Mayor and Clerk be authorized to enter into the Memorandum of Understanding between the Niagara 2021 Canada Summer Games Bid Committee, the Regional Municipality of Niagara and the Town of Pelham.

Recorded Vote Requested By:

	Yea	Nay
Accursi	<input type="checkbox"/>	<input type="checkbox"/>
Durley	<input type="checkbox"/>	<input type="checkbox"/>
Junkin	<input type="checkbox"/>	<input type="checkbox"/>
King	<input type="checkbox"/>	<input type="checkbox"/>
Papp	<input type="checkbox"/>	<input type="checkbox"/>
Rybiak	<input type="checkbox"/>	<input type="checkbox"/>
Augustyn	<input type="checkbox"/>	<input type="checkbox"/>

MAYOR

Referred ☐

Lost ☐

Carried ☐

To: \_\_\_\_\_

Direction ☐

Amended ☐

Declaration of Pecuniary Interest:

Disclosed his/her/their interest(s), vacated his/her/their seat(s), abstained from discussion and did not vote.

## Memorandum of Understanding (MOU)

Among:

Niagara 2021 Canada Summer Games Bid Committee (the "Bid Committee")

and

The Regional Municipality of Niagara (the "Region")

and

Town of Pelham (the "Licensor")

### 1. Purpose:

- a. The Region and Bid Committee have made a bid to host the 2021 Canada Summer Games (the "Games"), to be held between Thursday August 4, 2021 and Sunday August 22, 2021;
- b. The Region has given authority over the development and submission of the bid to a Bid Committee. If the bid is successful, a Host Society will be created, which will be responsible to coordinate all aspects of hosting the Games. Upon creating of the Host Society, the Region and/or the Bid Committee may assign its/their rights and obligations to the Host Society, as applicable;
- c. In order to put forth a bid, the Bid Committee requires the commitment from local sport and non sport venues and their associated facilities, that meet the Canada Games sport venue and non sport venue standards (see Schedule B for relevant standards);
- d. The Licensor owns and operates, or has otherwise been granted by the registered owner, the rights and responsibilities as required to enter into legally binding agreements respecting the lands, buildings and facilities more commonly known as Pelham Sport Facilities (Cycling, Indoor Volleyball/Basketball) and located at the Steve Bauer Classic Course and Pelham Community Centre (the "Venue")
- e. The Bid Committee wishes to secure the exclusive use of the venue and associated facilities (the "Services") and the Licensor wishes to make the venue and the Services available for use during the Games.

- f. The Bid Committee and Licenser acknowledge that this MOU will ultimately need to be formalized in a venue use agreement between the Host Society and the Licenser.
- g. The Bid Committee and Licenser agree that in good faith, all commitments made within this document will be honoured by the Host Society and Licenser in the formalized venue use agreement. The MOU is not legally binding and places no legal obligation on the Region, Bid Committee or Licenser.

2. Conditions:

- a. The Bid Committee and Licenser acknowledge that all commitments made within this MOU are conditional on the Bid Committee being awarded the rights to host the games.

3. Services:

- a. The services provided by the Licenser will consist of those services necessary for hosting the Games (see schedule A). Where appropriate, services may be provided by Host Society volunteers or staff. For areas not identified as provided by the Licenser, but required for the hosting of the Games, the Licenser will be invited to submit a proposal around offering the services.
- b. The services must be provided in a manner that will allow for the Host Society to meet the mandatory standards set out in the Canada Games Hosting Standards (see Schedule B).
- c. The Licenser may be responsible to make contractual arrangements with third party service providers or provide consent to the Host Society to enter into contractual arrangements for Services to be provided at the venue.

4. Term:

- a. The Licenser will make the venue and Services available exclusively to the Host Society for the period of August 5 to August 22, 2021.
- b. The Licenser acknowledges that the Host Society may adjust these dates, based on the final sport schedule, up to 30 months prior to the start of the Games.
- c. The Licenser will make the venue and services non exclusively available to the Host Society outside of this period for purposes of Games planning, pre Games events (such as test events, meetings and commissioning) and Post Games events (such as meetings and decommissioning).



5. Financial

- a. The Licensor agrees to make the venue and services available exclusively to the Host Society, for the purposes of the Games (including any test event), for no cost. For the purpose of identifying the value in kind provided by the Licensor, the standard cost would have been a cost of \$19,000 (See schedule C for breakdown of costs).
- b. The Bid Committee and the Licensor commit to share in an investment of up to \$21,250 into capital expenditures at the Venue, for the purposes of equipment required to meet the Canada Games standards. The Licensor commits to pay one-eighth of that investment for Cycling Equipment (i.e., up to \$21,250).

6. Permits and Authorizations

- a. The Licensor will be responsible for obtaining all insurance, licenses, permits, other authorizations necessary for the services. Approval of permits that fall within the Region's authority must not be presumed and must be obtained through regular processes.

7. Miscellaneous

- a. The Region, Bid Committee and Licensor will agree to indemnify the each other.
- b. The Region, Bid Committee and Licensor acknowledge that they will not be partners, employers/ees or joint venturers in the Games bid.
- c. Throughout the bid the Region, Bid Committee and Licensor will at all times observe applicable laws, codes and regulations.

8. General

- a. Any dispute over the interpretation or implementation of this MOU will be resolved by consultation among the Region, Bid Committee and Licensor and will not be referred to an outside body.
- b. This MOU may be amended with the mutual written consent of the Region, Bid Committee and Licensor.
- c. This MOU will remain in effect until a formal venue use agreement is negotiated and signed by the Host Society and Licensor.

- d. This MOU can be terminated at any time, with the written consent of the Region, Bid Committee and Licensor.

By signing below the Region, Bid Committee and Licensor agree that the terms of this MOU accurately reflects their respective and mutual understanding and intentions related to the Games bid.

**The Regional Municipality of Niagara**

**The Region**

Per: [Signature]  
Alan Cassin  
Regional Chief  
Per: [Signature]  
Carmelo D'Angelo, BSc MPA - CAO

Approved for execution

The Regional Municipality of Niagara  
Legal Services

(Authorized Signatory)

Print Name:

Date: January 2017

**The Licensor**

[Signature]  
Nancy J. Bozzato  
Town Clerk  
[Signature]  
Dave Augustyn  
Mayor

(Authorized Signatory)

Print Name: Nancy J. Bozzato  
Town Clerk

Date: January 16, 2017

**The Bid Committee**

[Signature]  
(Authorized Signatory)

Print Name: Matthew Hill

Date: JAN 18/2017

### Schedule A - The Services

Dates of the Games:	August 5 – 22, 2021
Dates of Use:	August 6 – 21, 2021

The Bid Committee is proposing to use your venue to host the following sports or non sport purposes:

- Cycling (Main Competition)
- Basketball (Practice)

Services to be provided (based on Canada Games functional areas)

Protocol <ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>
Volunteers <ul style="list-style-type: none"> <li>• Space for volunteer lounge</li> <li>• Space for volunteer check in</li> </ul>
Sport Operations <ul style="list-style-type: none"> <li>• Field of play that meets Canada Games standards</li> <li>• Access to space for athlete dressing rooms, lounges</li> <li>• Access for test events</li> </ul>
Venue Operations <ul style="list-style-type: none"> <li>• Space for venue operations office</li> <li>• Accessible venue</li> <li>• Cleaning and waste removal</li> </ul>
Venue Overlay <ul style="list-style-type: none"> <li>• Space for temporary infrastructure, including tents, trailers, bleachers, portable washrooms, fencing and other utilities based on requirements.</li> <li>• General furniture, fixtures and equipment</li> </ul>
Signage, Pageantry and Fabrication



<ul style="list-style-type: none"> <li>• Ability to post signs, put up flags, banners, etc.</li> <li>• Beatification of flower beds and other space around venue.</li> </ul>
<b>Food Services</b> <ul style="list-style-type: none"> <li>• Ability to bring in food from outside vendors/centralized services</li> <li>• Space for participant feeding</li> <li>• Space for volunteer feeding</li> </ul>
<b>Security</b> <ul style="list-style-type: none"> <li>• Security office</li> <li>• Access control points</li> </ul>
<b>Medical</b> <ul style="list-style-type: none"> <li>• Medical office</li> </ul>
<b>Transportation</b> <ul style="list-style-type: none"> <li>• Parking for accredited Games family (no cost to accredited individuals)</li> <li>• Space for participant transport systems</li> <li>• Spectator parking (pay or free)</li> </ul>
<b>Material Management</b> <ul style="list-style-type: none"> <li>• Space for storage of equipment</li> <li>• Loading/unloading bays</li> <li>• Equipment for loading/unloading (forklifts, etc)</li> </ul>
<b>Information Technology</b> <ul style="list-style-type: none"> <li>• Access to phone system</li> <li>• Access to internet (high bandwidth)</li> <li>• Access to network</li> <li>• Ability to bring in permanent or temporary network from national supplier</li> </ul>
<b>Broadcasting &amp; Webcasting</b> <ul style="list-style-type: none"> <li>• Broadcast capabilities (space, power, towers, etc)</li> </ul>
<b>Media Relations</b> <ul style="list-style-type: none"> <li>• Media seating</li> <li>• Media workspace</li> </ul>
<b>Marketing</b> <ul style="list-style-type: none"> <li>• Ability to place sponsor signage within venue</li> <li>• Removal or covering up of non Canada Games sponsor signage</li> <li>• Venue sponsor or supplier contracts</li> <li>• Space for sponsor activation</li> </ul>
<b>Merchandising</b> <ul style="list-style-type: none"> <li>• Space for merchandising store</li> </ul>

## Schedule B - Relevant Standard

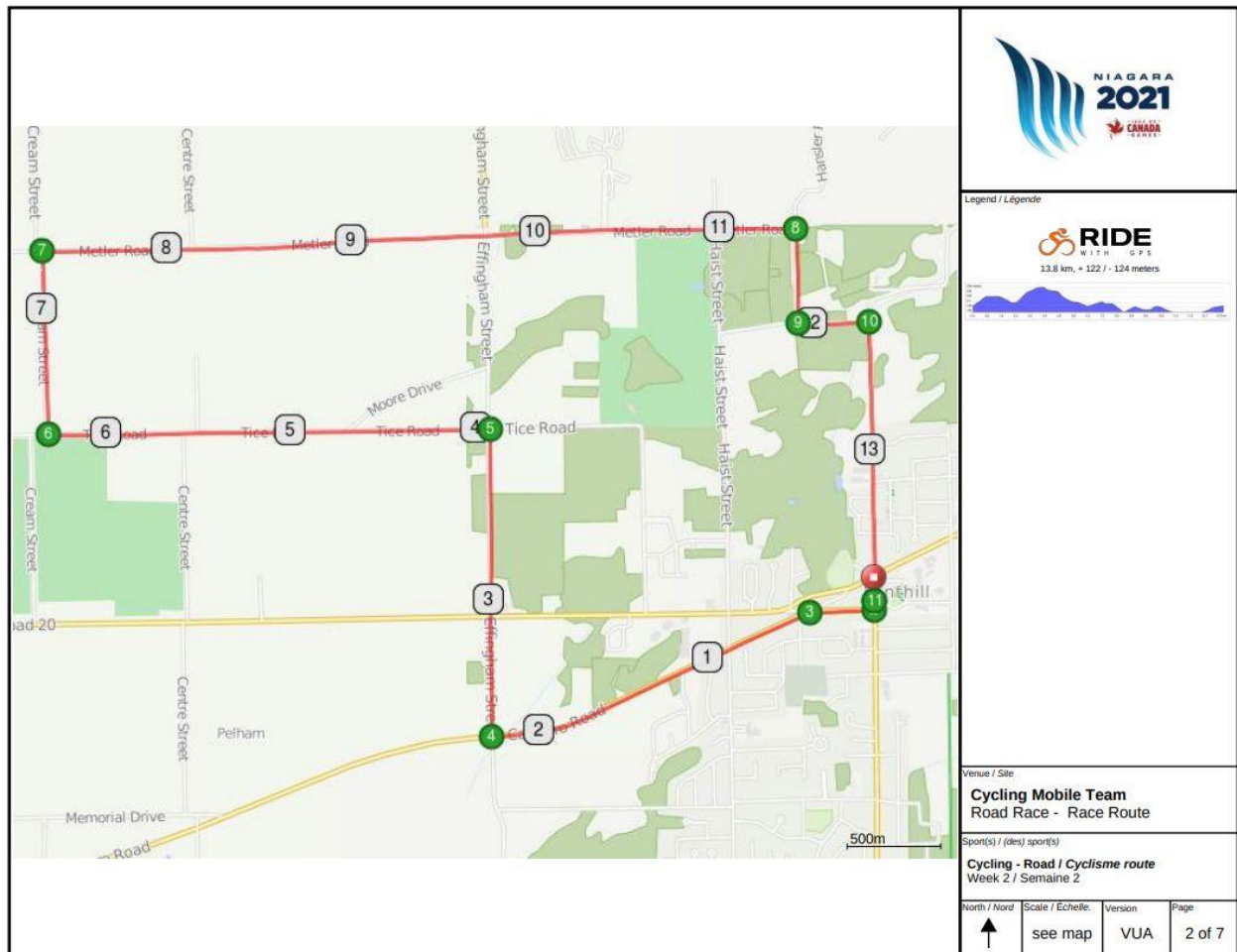
<b>Cycling - Road</b>	<p><b>FIELD OF PLAY</b></p> <ul style="list-style-type: none"> <li>• Road Race Course Varying climbs, downhills and flat sections; Loop (not out and back); Start/Finish structure (arch)</li> <li>• Criterium Course Set up to favour a sprint finish; Loop (not out and back); Start/Finish structure (arch)</li> <li>• Individual Time Trial Course Flat with minimum uphill or downhill; Out and back (not loop); Start/Finish Structure (arch)</li> </ul> <p><b>DIMENSIONS</b></p> <ul style="list-style-type: none"> <li>• Road Race Course 6.0km - 12.0km loop; Max gradient of hills is 10%.</li> <li>• Criterium Course 1.0km - 3.0km loop; 1 pit lane 100m long x 4m deep in close proximity to start/finish line</li> <li>• Individual Time Trial 7.5km - 20km course (3.75km - 10.0km each way); Max gradient of hills is 5% over 500m; Roads must be no less than 6.0m wide; Start/Finish area <ul style="list-style-type: none"> <li>■ Must be 8.0m wide;</li> <li>■ Start ramp as per Cycling Canada/Union Cycliste Internationale</li> </ul> </li> </ul>	<p><b>GENERAL</b></p> <ul style="list-style-type: none"> <li>• Competition courses must be available for practice/warm-up;</li> <li>• No additional practice/warm-up requirements</li> </ul>	<p><b>DIMENSIONS</b></p> <ul style="list-style-type: none"> <li>• Road Race Course 10km loop</li> <li>• Criterium Course 1.5km loop</li> </ul> <p><b>SECURITY</b></p> <ul style="list-style-type: none"> <li>• Complete road closures for all events.</li> </ul> <p><b>ANCILLARY</b></p> <ul style="list-style-type: none"> <li>• Up to 13 team tents (1 for each team) at each course</li> </ul>
	<p>regulations.</p> <ul style="list-style-type: none"> <li>■ Must be straight and flat, or gently rising for no more than 400m</li> </ul> <p><b>SURFACE (FOR ALL COURSES)</b></p> <ul style="list-style-type: none"> <li>• Smooth pavement</li> </ul> <p><b>ANCILLARY</b></p> <ul style="list-style-type: none"> <li>• Commissaire unit capable of holding 6 people. Located at start/finish line, 3 feet off ground and fully covered;</li> <li>• Timing tent 10 feet x 15 feet at finish line;</li> <li>• Portable bathroom</li> </ul> <p><b>SECURITY</b></p> <ul style="list-style-type: none"> <li>• Police/Municipality authorization to close roads;</li> <li>• All on-coming traffic must be police controlled;</li> <li>• All junctions must be police controlled and overtaking traffic must be restricted</li> </ul>		

### Schedule C - Finances

Sport(s) / Use:	Cycling	Dates of Use:	August 6 – 21, 2021	
Venue:	Pelham Sports Facilities			
<b>Fees</b>	<b># of Days</b>	<b>Daily Rate</b>	<b>Tax</b>	<b>Total</b>
<b>Space (add additional rows as required)</b>				
Steve Bauer Classic Course  (Road Closures, Barricades, Start/Finish Area)	1	\$5,000	Inclusive	\$5,000
Pelham Community Centre (Practice)	14	\$1000	Inclusive	\$14,000
<b>Facility Operations (add additional rows as required)</b>				
Cost included above.				
<b>Equipment (add additional rows as required)</b>				
Cost included above.				
<b>Other (add additional rows as required)</b>				
Cost included above.				
Total				\$19,000

Capital Investment	Amount	Tax	Total
Cycling Equipment	\$21,250	Inclusive	21,250
Total			\$21,250

## APPENDIX A – 2021 Canada Summer Games Cycling Race Route



THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW 4250(2020)

**Being a by-law to amend By-law No. 4187(2020) to  
establish 2020 Fees and Charges to be collected by the  
Corporation of the Town of Pelham;**

**And to amend Schedule "1", Recreation & Culture  
Services.**

WHEREAS the *Municipal Act, 2001, S.O 2001, c.25*, provides  
that a municipality may pass by-laws imposing fees or charges on any  
class of persons; and,

AND WHEREAS By-law No. 4187(2020) establishes the 2020  
Fees and Charges to be collected by the Corporation of the Town of  
Pelham;

WHEREAS the Corporation of the Town of Pelham deems it  
expedient to amend the Fees and Charges as they relate to the proposed  
2020 Aquatics Rates for the Corporation of the Town of Pelham;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE  
TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT Schedule '1' to By-law #4187(2020) be amended as  
follows, detailed in the attached schedule, as it relates to  
Aquatics Rates, as below listed:

Add – Lane swim 8 week program - \$17.70

Add – Aqua Zumba 8 week program - \$44.25

Add – Family swim time restriction, ¼ of the pool for 45 minutes (1-10  
people) - \$13.50

ENACTED, SIGNED AND SEALED THIS  
13<sup>th</sup> DAY OF JULY, 2020 A.D.

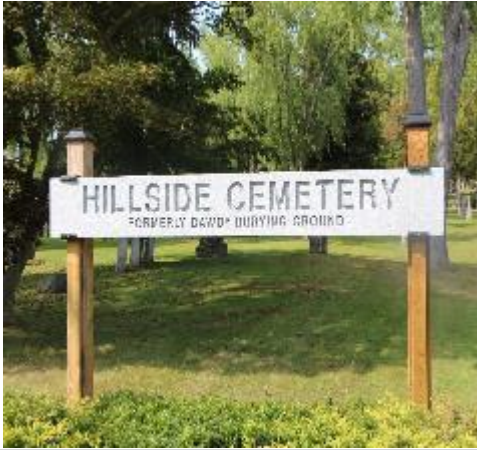
---

MAYOR MARVIN JUNKIN

---

CLERK NANCY J. BOZZATO





---

# Overview

---

An experience at a summer camp or swim program,  
a requirement to obtain duplicate billing information or  
a new beginning obtaining a house permit,  
all of these experiences and more are realized within this guide.

---

User fees and charges are established to ensure that services specific to individuals are not subsidized by all ratepayers within the Town of Pelham

The Town of Pelham is proud to offer the experiences outlined in this guide at a minimal cost to the community members that require them.

The user fees and charges outlined in this document are regulated by By-law 3728(2016).

## **Disclaimer**

Where it is found that a fee in this schedule is different than an approved bylaw or policy, the latter shall prevail.

All fees and charges do not include applicable taxes. Where fees and charges are subject to taxes, they will be added at point of sale.

## **Contact**

For more information about content found within this guide, please contact:

Teresa Quinlin,  
Treasurer and Director of Corporate Services, MBA, CPA, CA  
905-892-2607 ext. 327



# Index



Clerk’s Department



Corporate Services



Fire & By-Law Services



Planning & Development Services



Recreation & Cultural Services



Public Works





## Clerk's Department

	2020
<b>Business Licensing</b>	
Itinerant Seller, Hawker, Peddler, Door to Door Seller	\$200.00
Refreshment Vehicle & Food Vending Vehicle	\$250.00
<b>Affidavits/Commissioner of Oath</b>	
Signature for municipal documents	No fee
Completion of Pension Forms	No fee
Signature for all other documents – first document	\$10.00
Signature for all other documents – each additional document	\$5.00
Registrar statement/Travel letter – first letter	\$20.00
Registrar statement/Travel letter – each additional letter	\$5.00
Burial Permits/Death Registrations	\$10.00
Burial Permits/Death Registrations – After hours	\$100.00
Photocopies per page	\$0.25
Retrieval of Archived Records from Off-Site Storage	\$11.00
<b>Lottery Licensing</b>	
Bingo License % of prizes not exceeding \$5,500.00	3%
Raffle Lotteries % of prizes not exceeding \$50,000.00	3%
Bazaar Lotteries % of prizes not exceeding \$500.00	3%
Bazaar Lotteries – per wheel	\$10.00
Break Open Ticket (Nevada) Lottery % of prizes each occasion	3%
Break Open Ticket (Nevada) Lottery Home Base % of total prizes	2.25%
<b>Line Fences Administrative Fee</b>	<b>\$250.00</b>



## Clerk's Department

	2020
<b>Marriage Licensing</b>	
License Fee	\$130.00
Ceremony Fee – On Site	\$200.00
Ceremony Fee – Off Site (Plus Expenses)	\$300.00
Rehearsal Fee	\$75.00
Witness Fee – Municipal Staff – Normal <b>Business</b> Hours – Each	\$25.00
Cleaning Fees	\$100.00
*Use of Peace Park Pavilion must be reserved	
<b>Municipal Property Damage</b>	Full Cost Recovery
<b>Freedom of Information</b>	
Application Fee	\$5.00
Photocopies – per page	\$0.20
Manual search, each 15 minutes	\$7.50
Preparation of record for disclosure – each 15 minutes	\$7.50
Retrieval of Archived Records in Off-Site Storage	\$11.00



## Corporate Services

	2020
<b>General Tax Services Fees</b>	
Statement of Tax Account	\$7.00
Reprint of Tax Bill	\$7.00
Tax Certificate – Mailed	\$45.00
Tax Certificate – Verbal	\$25.00
Interest on Accounts Receivable	1.25%
Interest on Tax arrears	1.25%
NSF Charge	\$30
<b>Tax Registration Fees</b>	
Tax Sale Administration Fee	\$525.00
POA add to taxes	\$50.00



## Corporate Services

	2020
<b>Water Rates</b>	
Metered Rates	
Bi-Monthly Base Charge (up to 19mm Meter)	\$26.53
Bi-Monthly Base Charge (25mm Meter)	\$53.04
Bi-Monthly Base Charge (37mm Meter)	\$74.27
Bi-Monthly Base Charge (50mm Meter)	\$106.08
Bi-Monthly Base Charge (75mm Meter)	\$265.22
Bi-Monthly Base Charge (100mm Meter)	\$442.18
Bi-Monthly Base Charge (150mm Meter)	\$884.12
Bi-Monthly Base Charge (200mm Meter)	\$1,414.96
Rate per cubic meter	\$1.534
<b>Wastewater Rates</b>	
Metered Rates	
Bi-Monthly Base Charge (up to 19mm Meter)	\$32.53
Bi-Monthly Base Charge (25mm Meter)	\$65.05
Bi-Monthly Base Charge (37mm Meter)	\$91.08
Bi-Monthly Base Charge (50mm Meter)	\$130.09
Bi-Monthly Base Charge (75mm Meter)	\$325.25
Bi-Monthly Base Charge (100mm Meter)	\$542.27
Bi-Monthly Base Charge (150mm Meter)	\$1,084.23
Bi-Monthly Base Charge (200mm Meter)	\$1,735.22
Rate per cubic meter	\$1.094
Bi-Monthly Base Charge	\$32.53
Flat rate per annum	\$670.86



## Corporate Services

	2020
<b>Water Loading Station Rates</b>	
Per cubic meter	\$1.7688
<b>Water for Construction Rates</b>	
Residential Flat Rate (up to 3 months)	\$125.00
***After 3 Months the account is set up for billing	
Commercial Flat Rate (up to 3 months)	\$200
<b>General Water Services Fees</b>	
Administration Charge (account set up fee)	\$15.00
Interest on water arrears	1.25%
Water Certificate – mailed	\$45.00
Water Certificate – verbal	\$25.00
NSF Charges	\$30.00
Statement of Water Account	\$7.00



## Corporate Services

	2020
<b>Water Meters</b>	
<b>On and Off Charges</b>	
Monday to Friday – 7:00am to 3:30pm flat rate (excluding holidays)	\$70.00
Monday to Friday – 3:30pm to 7:00am flat rate (excluding holidays)	Full Cost Recovery
Saturdays, Sundays & Holidays – 12:01am to midnight	Full Cost Recovery
<b>Meter Testing</b>	
5/8" meter at owners expense	\$90.00
<b>Water Meter and Remote</b>	
Tapping Fees	\$200.00
<b>Water Meter Equipment</b>	Full Cost Recovery
<b>Municipal Property Damage</b>	Full Cost Recovery





## Fire & By-Law Services

	2020
<b>Prevention, Protection and Inspection Fees</b>	
File Search	\$75.00
Request for Reports/Copies	\$75.00
Photographs	\$10.00
<b>Fireworks Permits</b>	
Sales	\$100.00
Storage	\$100.00
Display	\$100.00
<b>Fire Route Application</b>	
Administration Fee	\$100.00
<b>Residential Requests</b>	
Mortgage Clearance	\$100.00
Change of Ownership	\$100.00
Multi residential after two units (each)	\$25.00
Burn Permit (annual)	\$20.00
Burn Permit (new requiring an inspection)	\$50.00
<b>Commercial &amp; Industrial Requests</b>	
First 2000 square meters	\$200.00
Each additional 100 square meters (each)	\$50.00
Tenant Space Individual (each)	\$50.00



## Fire & By-Law Services

	2020
<b>Prevention, Protection and Inspection Fees (continued)</b>	
<b>L.L.B.O. Licenses Requests</b>	
Premises	\$100.00
Patio (each)	\$50.00
Special Occasions (each)	\$50.00
<b>Hotels-Motels Requests</b>	
1-10 units	\$200.00
Over 10 units (per unit)	\$10.00
<b>Day Care Requests</b>	
Day Nurseries/Home Day Care Licenses	\$150.00
<b>Fire Safety Plans</b>	
Approvals	\$50.00
<b>Inspection for Trade Shows</b>	
Home Shows/Special Functions	\$150.00
Installation of Rural 911 Sign	\$100.00
<b>Issuance of Occupant</b>	
Loads sign – 60 persons or less	\$50.00
	\$100.00





## Fire & By-Law Services

		2020
<b>Prevention, Protection and Inspection Fees (continued)</b>		
Accreditation Inspections		
Nursing Homes		\$100.00
Rest Homes		\$100.00
Seniors Apartments		\$100.00
Care Facilities		\$100.00
<b>Fire Drills</b>		
Fire drill observation by (an) inspector(s) assigned by the chief fire official of any subsequent fire drill within the same calendar year		\$500.00
<b>Municipal Property Damage</b>		Full Cost Recovery
Discretionary Fees		
Equipment, Labour and/or Materials used at an incident		Full Cost Recovery
False Alarm Response		
Per hour per Fire Department Vehicle		\$510.00
Per additional ½ hour per Fire Department Vehicle		\$255.00
<i>Note: False Alarm Fees will only be implemented when it is determined by the Fire Chief that the false alarm was preventable or the fire alarm system was improperly installed, maintained or resulted from a malicious act by an individual. See By-Law 3085(2010) for details.</i>		
Response to an unauthorized Open Air Burn		
Per hour per Fire Department Vehicle		\$510.00
Per additional ½ hour per Fire Department Vehicle		\$255.00



## Fire & By-Law Services

	2020
<b>Municipal Property Damage (continued)</b>	
Motor Vehicle Fires and Collisions – Non Resident	
Per hour per Fire Department Vehicle	\$510.00
Per additional ½ hour per Fire Department Vehicle	\$255.00
Fail to Comply with an Ontario Regulation causing an Emergency Response OR 210/01	
Per hour per Fire Department Vehicle	\$510.00
Per additional ½ hour per Fire Department Vehicle	\$255.00
<i>Note: Motor Vehicle fires and Collisions – Non Resident MAY be charged where the Pelham Fire Department has responded to an emergency situation, including motor vehicle accidents and fire, in which a non-resident person is involved.</i>	
<b>Sign Fees</b>	
Ground Signs up to 50 square feet	\$100.00
Ground Signs over 50 square feet	\$150.00
Portable Ground Signs (1-60 days)	\$100.00
Pole Signs	\$150.00
Roof Signs	\$150.00
Wall Signs	\$100.00
Temporary Special Event Signs	\$100.00
Projecting Signs	\$150.00
<b>Applications and Permits for Signs requiring Council Approval</b>	
Applications to Council for variance	\$250.00



## Fire & By-Law Services

	2020
<b>Property Standards &amp; Clean Yard (default not remedied)</b>	
Administrative Fee	\$175.00
Initial Inspection Fee	\$95.00
Re-Inspection Fee	\$95.00
Mailing Fee	\$25.00
<b>Fencing</b>	
Application to Council for Fencing Variance	\$150.00
Kennel License	\$100.00





## Planning & Development Services

	2020
<b>Planning Fees</b>	
Draft Plan of Subdivision	\$8,981.00
Resubmission of Draft Plan Prior to Approval	\$1,061.00
Modification to Draft Plan of Subdivision	\$5,613
Extension to Approval of a Draft Plan of Subdivision	\$899.00
Final Approval of a Draft Plan of Subdivision	\$1,685.00
Subdivision Agreement	*
Amendment to a Subdivision Agreement	\$843.00
Draft Plan of Condominium	\$4,492.00
Resubmission of Draft Plan of Condominium Prior to Approval	\$1,061.00
Modification to Approval of a Draft Plan of Condominium	\$2,247.00
Extension to Approval of a Draft Plan of Condominium	\$899.00
Town Consultant Review Fee	Full Cost Recovery
Condominium Agreement	*
Amendment to Condominium Agreement	\$843.00
Development Agreement Application	*or**
Town Consultant Review	Full Cost Recovery
Amendment to Development Agreement	\$843.00
Release of Development Agreement	\$1,012.00
Site Plan Approval Application **Note: There is a separate fee for the agreement	\$3,929.00
Resubmission of Site Plan Prior to Approval	\$796.00
Site Plan Approval for Minor Development, ie farm help house, triplex, building addition <100m <sup>2</sup> etc.	\$750.00
Town Consultant Review Fee	Full Cost Recovery
Site Plan Amendment **Note: There is a separate fee for the agreement	\$2,809.00
Release of Site Plan Agreement	\$1,012.00
*Subdivision Agreements, Site Plan Agreements and Development Agreements requiring the extension of municipal services (see pg. 16)	



## Planning & Development Services

	2020
<b>Planning Fees (continued)</b>	
Garden Suite Agreement	\$1,623.00
Encroachment Agreement	\$312.00
Zoning By-Law Amendment	\$4,492.00
APO Zoning By-Law Amendment	\$2,809.00
Official Plan Amendment	\$5,613.00
Combined Zoning By-Law & Official Plan Amendment	\$8,981.00
Extension of a Temporary Use By-Law	\$2,809.00
Removal of Holding Symbol	\$561.00
Town Consultant Review Fee	Full Cost Recovery
Repeal of Interim Control By-Law	\$1,122.00
Deeming By-Law	\$561.00
Lifting of Inhibiting Order	\$561.00
Lifting of One Foot Reserve	\$561.00
Removal of Part Lot Control	\$1,122.00
Communication Towers and Renewable Energy Application	\$1,122.00
Property Standards Appeal	\$561.00
Aggregate Application Fees	Full Cost Recovery
Real Estate Compliance Letters	\$137.00
* Subdivision Agreements, Site Plan Agreements and Development Agreements requiring the extension of municipal services	
\$10,790.00 where the cost of construction of all Work is less than \$100,000.00;	
\$10,790.00 plus 4.0% of the costs between \$100,000.00 and \$400,000.00;	
\$23,438.00 plus three and one-half percent (3.5%) of the costs exceeding four hundred thousand dollars (\$400,000.00);	



## Planning & Development Services

	2020
<b>Planning Fees (continued)</b>	
** Site Plan Agreements; and, Development Agreements where municipal services are not required to be extended \$2,700.00	
*** Shall be paid in addition to the Official Plan Amendment, Zoning By-Law Amendment and other planning application fees	
Agreements for temporary Second Dwelling Units	
Zoning Compliance Letter	\$102.00
Consent	\$1,500.00
Request for Change in Conditions	\$550.00
Rescheduling Fee	\$250.00
Final Certification	\$395.00
Recirculation Due to Change in Application	\$250.00
Special Hearing Fee (In Addition to Application Fee)	\$550.00
Minor Variance	\$1,100.00
Rescheduling Fee	\$250.00
Recirculation Due to Change in Application	\$250.00
Special Hearing Fee (In Addition to Application Fee)	\$550.00
<b>Building Permit Fees</b>	
Minimum Permit Fee unless otherwise stated	\$255.00
<b>Class A New Construction &amp; Additions</b>	
<b>Assembly Occupancies – Group A – per square meter</b>	
School, church, restaurant, theatre, educational or recreational facility and similar occupancies	\$18.85
Preparation of record for disclosure – each 15 minutes	\$7.50



## Planning & Development Services

	2020
<b>Class A New Construction &amp; Additions (continued)</b>	
<b>Institutional Occupancies – Group B – per square meter</b>	
Hospital, nursing home, reformatory, prison and similar occupancies	\$19.00
<b>Residential Occupancies – Group C – per square metre</b>	
Single Family Dwelling, Semi-detached dwelling & duplex dwelling	\$16.00
Multiple unit dwelling, apartment dwelling, townhouse dwelling, hotels, motels, other residential buildings or parts thereof	\$16.00
Residential additions other than accessory building & structures	\$14.00
<b>Business/Personal Services Occupancies – Group D – per square metre</b>	
Office, bank, medical office/clinic and similar occupancies	\$19.00
<b>Mercantile Occupancies – Group E – per square metre</b>	
Store, Shopping mall/plaza, shop, market, retail outlet and similar	\$19.00
<b>Industrial Occupancies – Group F - per square metre</b>	
Industrial mall, plaza, garage, plant, factory, warehouse, manufacturing building and similar occupancies	\$18.00
<b>Special Occupancies/Categories per square metre</b>	
<b>Farm Buildings</b>	
New Farm Buildings	\$5.21
Additions or alterations for farm buildings	\$2.89
Tents – per tent	\$260.00





## Planning & Development Services

	2020
<b>Special Occupancies/Categories per square metre (continued)</b>	
Park model trailer, mobile home, air supported structure and similar buildings	
Per Unit	\$260.00
<b>Accessory Buildings/Structures</b>	
Garage/carport, deck/porch/patio, sunroom/solarium, shed or other accessory building per square metre	\$260.00 plus \$9.26 > 27.8m <sup>2</sup>
<b>Private Swimming Pool – per pool</b>	
Private Swimming Pool – per pool	\$260.00
Public Swimming Pool – per pool	\$780.00
<b>Designated Buildings/Structures</b>	
Communication tower, retaining wall, pedestrian bridge, wind turbine, crane runway and similar buildings/structures – based on estimated value of construction	\$520.00
<b>Class B Alterations &amp; Repairs</b>	
<b>Interior Alterations/Repairs/Tenant Improvements</b>	
Assembly occupancies per square metre gross floor area	\$4.44
Institutional, Business/Personal Service and Mercantile occupancies per square metre	\$4.44
Residential occupancies per square metre gross floor area	\$3.36
Industrial occupancies per square metre gross floor area	\$4.44
Alter/replace roof structure per square metre	\$4.44
Fireplace, woodstove, insert, chimney and similar construction	\$260.00





## Planning & Development Services

	2020
<b>Class C Demolition</b>	
Buildings/structures Part 9	\$260.00
Other	\$780.00
<b>Class D Miscellaneous</b>	
Permit for partial occupancy of a building prior to being fully completed per	\$260.00
Permit for the change of use of a building or part thereof	\$260.00
Transfer of a permit to a new owner	\$260.00
Request for deferral of permit revocation	\$260.00
Permit to move a building/structure	\$260.00
Conditional Permit	\$624.00
Conditional Permit Agreement	\$260.00
Permit Renewal Per Year	\$114.00
Photocopying & printing per page	\$0.26
Clearance Letter	\$78.00
Building Code Order Compliance Letter	\$156.00
Hourly Rate	\$67.00
Re-inspection Feel Flat Rate	\$78.00
Alternate solution application fee PLUS any additional fees incurred in the evaluation process such as third party testing/independent consulting review	
<b>Class E Partial Permit/Staged Construction</b>	
Building Foundation – complete to grade level (plus plumbing)	15%
Building Shell	75%
Building Completion	10%



## Planning & Development Services

2020

### ***Class F Plumbing***

For plumbing work not included in any of the above classes of permit

First 6 fixtures	\$260.00
Each additional	\$10.40

### ***Class G Refund of Permit Fees***

Where only administrative functions have been completed (application received and cost analysis complete)	90%
Where only administrative and zoning functions have been completed	80%
Where administrative, zoning and plans examination functions have been	60%
Where the permits has been issued and no field inspections have been performed subsequent to permit issuance	50%
Deduction for each field inspection performed subsequent to permit issuance	5%
No fees shall be refunded after twelve (12) months from the date of permit issuance	

### ***Class H Construction Prior to Permit Issuance***

Where construction has commenced prior to the issuance of a permit for any class of permit described herein. All applicable fees shall be doubled and the minimum permit fee.	\$520.00
---	----------

### **Municipal Property Damage**

Full Cost Recovery



## Recreation & Cultural Services

2020	
<b>Arena Rentals</b>	
Ice Time – per hour (50min)	
Prime Time - Weekdays 4pm – midnight & weekends	\$207.00
Prime Time - Youth (PMHA & PFSC)	\$148.00
Non-Prime Time – Weekdays prior to 4pm	Youth \$87.00- Adult \$114.00
Prime Time Last Minute Ice (less than 24hrs)	\$114.00
Summer Ice (April 15 – August 15) – Non Prime Time \$112.00   Prime Time - Youth \$148.00- Adult \$179.00	
<b>Corporate Sponsor Free Skate Rates</b>	
Prime Time Friday Skate Sponsorship per occurrence	\$266.00
Prime Time Sunday Skate Sponsorship per occurrence	\$306.00
Non-Prime Public Skate Sponsorship per occurrence	\$148.00
<b>Public Skating</b>	
Adults	\$3.54
Students/Seniors	\$3.10
Child	\$3.10
Family (up to 5 members)	\$10.62
Preschool Skate	\$3.10
Non Profit Organized Group Rate	\$26.55
Children's Birthday Party (Under 14 yrs, Max 15 children)	\$113.00
- 2 hour hall + public skate or 1 hour gym	\$113.00
- + theme party (decorations)	\$136.00
- +specialty party (staff led options – tea party/craft/gym activities)	\$217.00
- Photo booth with props (no camera)	\$18.00



## Recreation & Cultural Services

<b>Arena Rentals (continued)</b>		<b>2020</b>
Special Skating		
Shinny Hockey Drop-In		\$5.31
Women's Hockey – Learn To Play Drop-In		\$5.31
Women's Hockey – Learn To Play Program + Shinny Combo (12 weeks)		\$88.50
Adult Learn To Skate (10 classes)		\$61.95
Ticket Ice		\$5.31
<b>Summer Floor Rates – hourly</b>		
Hourly - Adult		\$54.00
Hourly – Youth		\$35.00
Daily Event		\$527.00
Daily - Youth		\$343.00
Event Electrical System Includes ESA inspection		\$1000.00
<b>Old Pelham Town Hall</b>		
Monday – Thursday (Daily Rental)		\$133.00
Monday – Thursday (Hourly Rental)		\$33.00
Friday – Sunday & Holidays (Daily Rental)		\$237.00
Friday – Sunday & Holidays (Hourly Rental)		\$49.00
Youth/Multiple Use Rate (5+) (Daily Rental Monday to Thursday)		\$106.00
West Lounge		\$35.00
Stage Rental		\$200 per set up
Refundable Security Deposit (taxes not applicable)		\$100.00
SOCAN fee – without dancing per event		Full Cost Recovery
SOCAN fee – with dancing per event		Full Cost Recovery





## Recreation & Cultural Services

<b>Meridian Community Centre Gymnasiums</b>		<b>2020</b>
Full size gymnasium rental (hourly) Licensed Users-Youth Rate		\$21.00
½ gymnasium rental (hourly) Licensed Users-Youth Rate		\$11.00
Full size gymnasium rental (hourly)		\$42.00
½ gymnasium rental (hourly)		\$21.00
Custodial Charge (hourly)		\$36.00
Team Chairs (per event)		\$100.00
Set up & Use of Nets & Standards (Volleyball, Badminton, Pickleball)		\$10.00 per court rental
Equipment Rental (Volleyball; Badminton Racquet w shuttle; Pickleball Racket w ball)		\$2.00/per
<b>Meridian Community Centre – Kinsmen Community Room</b>		
<b>FULL ROOM</b>		
Daily – Monday to Thursday		\$133.00
Hourly – Monday to Thursday		\$33.00
Daily – Friday to Sunday & Holidays		\$237.00
Hourly – Friday to Sunday & Holidays		\$49.00
<b>HALF ROOM</b>		
Daily – Monday to Thursday		\$66.00
Hourly – Monday to Thursday		\$17.00
Daily – Friday to Sunday & Holidays		\$119.00
Hourly – Friday to Sunday & Holidays		\$25.00
<b>Meridian Community Centre – Dr. Gary &amp; Mall Accursi</b>		
<b>Multipurpose Community Room</b>		
<b>FULL ROOM</b>		
Daily – Monday to Thursday		\$198.00
Hourly – Monday to Thursday		\$50.00



## Recreation & Cultural Services

Meridian Community Centre – Dr. Gary & Mall Accursi (continued)	2020
<b>Multipurpose Community Room- FULL ROOM</b>	
Daily – Friday to Sunday & Holidays	\$356.00
Hourly – Friday to Sunday & Holidays	\$73.00
<b>HALF ROOM</b>	
Daily – Monday to Thursday	\$132.00
Hourly – Monday to Thursday	\$33.00
Daily – Friday to Sunday & Holidays	\$237.00
Hourly – Friday to Sunday & Holidays	\$49.00
<b>Special Functions Area</b>	
Hourly	\$21.00
Daily	\$83.00
Daily (with rental of Dr. Gary & Mall Accursi Multipurpose Community Room)	\$52.00
<b>Community room – Kitchen</b>	
Daily (with rental of Dr. Gary & Mall Accursi Multipurpose Community Room)	\$52.00
<b>Atrium</b>	
Town of Pelham Facility User Groups – 8' space 1 table + 2 chairs per day per booth	\$25.00
<b>MCC – Small Meeting Room</b>	
Monday to Thursday (Daily)	\$50.00
Friday to Sunday & Holidays (Daily)	\$80.00
Monday to Thursday (Hourly)	\$10.00
Friday to Sunday & Holidays (Hourly)	\$16.00
<b>Miscellaneous</b>	
Refundable Security Deposit (taxes not applicable)	\$100.00
SOCAN fee-without dancing per event	Full Cost Recovery



## Recreation & Cultural Services

	2020
SOCAN fee – with dancing per event	Full Cost Recovery
Stage Rental per set up	\$100.00
Portable Bar per rental	\$100.00
Serving Fee per event	\$100.00
Linen Rental Fees	\$10.00/per item
<b>Summer Field Rate Schedule</b>	
<b>Ball Diamonds</b>	
Level “A” groomed and lined	\$25.00
Level “A” youth	\$18.00
Level “C” no service	\$15.00
Level “C” youth	\$11.00
Diamond Lights (per hour)	\$13.00
<b>Tournaments &amp; Special Events</b>	
Level “A” groomed and lined	\$198.00
Level “A” youth	\$141.00
Level “C” no service	\$119.00
Level “C” youth	\$85.00
<i>Note: Fees do not include use of lights – apply per hour light fee if required</i>	
<b>Soccer Fields per hour</b>	
Adult	\$24.00
Minor	\$19.00
Soccer Lights (per hour)	\$30.00
<b>Soccer Tournament and Special Events</b>	
Adult	\$189.00
Minor	\$147.00



## Recreation & Cultural Services

	2020
<b>Park Pavilions: Centennial Park &amp; Harold Black Park</b>	
Park Pavilion	\$35.00
<b>Passive Areas: Centennial Park, Harold Black Park</b>	
Permit Fee	\$29.00
<b>Peace Park including Bandshell</b>	
Pavilion Rate + Passive Area Rate (under 100 people)	\$67.00
Pavilion Rate + Passive Area Rate (over 100 people)	\$135.00
Per Hour Rate	\$14.00
SOCAN fee	Full Cost Recovery
Town Staff fee (per hour)	\$37.00
<b>Tennis Courts</b>	
Tennis lights per season	Full Cost Recovery
<b>Storage Space Per Year</b>	
Youth Organization Storage	\$500.00
Centennial/ H.B. Park	\$50.00
<b>Supply Rentals (Daily Fee with Facility Rental)</b>	
Picnic Table/Folding Table	\$20.00
Folding Cruiser Table	\$10.00
10 x 10 Tents with Weights	\$25.00
Kids Folding Table	\$10.00
Refundable Equipment Deposit (taxes not applicable)	\$100.00





## Recreation & Cultural Services

	2020
<b>Aquatic Rates</b>	
Swimming Lessons	
Parent & Tot 1, 2, 3	\$69.00
Preschool A-E	\$80.00
Swimmer 1, 2	\$80.00
Swimmer 3, 4, 5, 6	\$86.00
Patrol (Rookie, Ranger, Star)	\$89.00
Private Lessons (10)	\$169.00
Semi Private Lessons (10)	\$142.00
Stroke Builder Lessons (10)	\$86.00
Bronze Star	\$82.00
Bronze Medallion/Emergency First Aid CPR (material extra)	\$145.00
Bronze Cross	\$123.00
Bronze Cross Recertification	\$56.00
Swim Team	\$115.00
Aqua Zumba – 8 week program	\$44.25
<b>Facility Charges</b>	
Pool Rental per hour	\$62.00
Lifeguard fee per hour	\$26.00
<b>Public Swim Rates</b>	
Lane Swim – 8 week program	17.70
Adult	\$3.98
Child/Senior	\$3.54
Family – ¼ of the pool for 45 minute session (1-10 people)	\$11.95



## Recreation & Cultural Services

Public Swim Rates Continued	2020
Swim Pass – Single	\$55.75
Swim Pass - Family	\$101.77
<b>Camp Rates</b>	
<b>March Break Camp</b>	
Single Week	\$185.00
Single Day Registration	\$65.00
Family Weekly Registration Discount Each Child after 2 <sup>nd</sup> Child	(\$45.00)
Extended Care per week	\$38.00
Extended Care per day	\$8.50
Lunch per week	\$31.00
Lunch per day	\$6.50
Leaders in Training Program	\$110.00
Refund Administration Fee	\$10.00
<b>Summer Camp</b>	
Single Day Registration	\$65.00
Single TRIP Day Registration	\$65.00
Single Week Registration	\$180.00
Multiple Week Registration discount each week after 2 weeks	(\$10.00)
Family Day Registration (max 3)	N/A
Family TRIP Day Registration (max 3)	N/A
Family Weekly Registration Discount Each Child after 2 <sup>nd</sup> Child	25%
Extended Care per week	\$38.00
Extended Care per day	\$8.50
Extended Care Multiple weeks (3 weeks or more)	\$33.00



## Recreation & Cultural Services

Specialty Programs/Camps	2020
Single Week Registration	\$195.00
Family Weekly Registration Discount Each Child after 2 <sup>nd</sup> Child	25%
Extended Care per week	\$38.00
Extended Care per day	\$8.50
Extended Care Multiple weeks (3 weeks or more)	\$33.00
Ballroom Dance Lessons (10 Classes)	\$71.00
Ballroom Social Tickets	\$9.00
Improv Classes (10 Classes)	\$9.00
Triathlon Club Monthly	\$65.00
Triathlon Club with Swim Team membership Summer	\$225.00
Activity Drop in Fee Adult	\$5.31
Activity Punch Pass (20) Adult	\$70.80
Activity Drop in Fee Youth	\$3.10
Activity Punch Pass (25) Youth	\$70.80
Seniors Social Membership Fee - Annual	\$36.00
P.D Camp Registration (includes lunch)	\$45.00
Holiday Workshop Registration (includes dinner)	\$25.00
<b>Municipal Property Damage</b>	Full Cost Recovery
<b>Pelham Transit</b>	
Standard Bus Fare	\$3.00
Bus Ticket Pack (11 Tickets)	\$30.00
Bus Pass Monthly	\$80.00

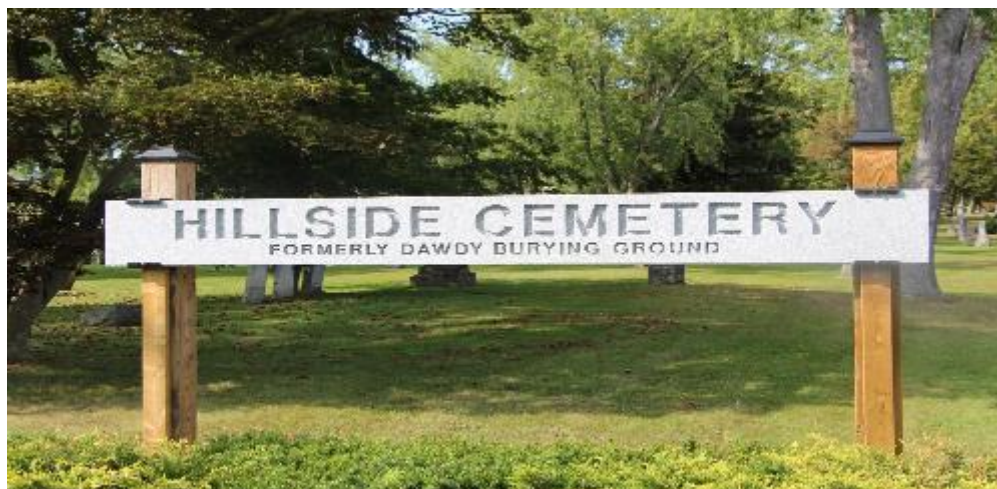


## Public Works

	2020
<b>Culvert Fees</b>	
250 mm – 9 Metre Culvert	\$1,700.00
300 mm – 9 Metre Culvert	\$1,800.00
375 mm – 9 Metre Culvert	\$1,910.00
450 mm – 9 Metre Culvert	\$2,050.00
525 mm – 9 Metre Culvert	\$2,240.00
600 mm – 9 Metre Culvert	\$2,400.00
*** larger or off sizes will be charged as per occurrence	
<b>Cemeteries*</b>	
<b>Resident Rates</b>	
Land Acquisition per grave lot	
Adult Grave	\$1,025.00
<b>Columbarium niche*</b>	\$2,346.00
<b>Perpetual Care for niche (15%)*</b>	\$414.00
<b>Non-Resident Rates*</b>	
Land Acquisition per grave lot	
Adult Grave	\$1,625.00
<b>Columbarium niche*</b>	\$2,932.50
<b>Perpetual Care for niche (15%)*</b>	\$517.50

\*Report to council in January 2020 will provide recommendation for cemetery fee increases.





## Public Works

	2020
<b>Interment Fees*</b>	
Standard Burial	
Adult	
Opening and Closing Weekdays (**additional Administration Fee will be added)	\$620.00
Opening and Closing Saturday morning (**additional-Administration Fee will be added)	\$891.00
Opening and Closing Saturday afternoon (**additional Administration Fee will be added)	\$935.50
***Administration Fee	\$12.00
Infant	
Weekdays (**additional Administration Fee will be added)	\$291.50
Saturday (**additional Administration Fee will be added)	\$594.00
***Administration Fee	\$12.00
<b>Cremated Remains*</b>	
Weekdays	\$230.00
Saturday	\$451.00
Columbarium Weekday	\$275.00
Columbarium Saturday	\$460.00
***Administration Fee	\$12.00
<b>Mausoleum*</b>	
Weekdays	\$307.00
Saturday	\$460.00

\*Report to council in January 2020 will provide recommendation for cemetery fee increases.



## Public Works

	2020
<b>Interment Fees (continued)*</b>	
<b>Disinterment Charges</b>	
Adult/Child disinterment only	\$940.00
Adult/Child disinterment & re-interment	\$1,570.00
Infant/Stillborn disinterment only	\$312.00
Infant/Stillborn disinterment & re-interment	\$522.00
Cremains disinterment only	\$680.00
Cremains disinterment & re-interment	\$1,050.00
Columbarium	\$275.00
<b>Foundation Charges*</b>	
Foundation charge per cubic foot	\$39.40
Markers	\$89.30
Cornerstones	\$94.56
<b>Administration Fees</b>	
Interment Rights Transfer	\$52.53
Interment Rights Exchange	\$52.53
Interment Rights Replacement/Duplicate	\$31.52
Cemetery Records Search – per hour	\$26.27
<b>Marker Perpetual Care and Maintenance</b>	
Upright marker four feet or less in height and four feet or less in length	\$100.00
Upright marker more than four feet or less in height and four feet or less in length	\$200.00
Flat Marker over 172 square inches	\$50.00
*Report to council in January 2020 will provide recommendation for cemetery fee increases.	



## Public Works

	2020
<b>Foundation Charges (continued)*</b>	
<b>Other Fees</b>	
Columbarium Plate Engraving to Town specifications for font/size/style (at time of need). Actual cost of engraving plus \$75 administration fee to cover internal costs and shipping.	\$75.00 + Actual Cost of Engraving
Overtime Rate per hour	\$270.00
Archaeological Dig – per hour	\$85.00
<b>Permit Fees</b>	
Special Event Permits (includes administration, site inspection and traffic plan review)	\$150.00
Driveway Entrance Permit and Inspection Fee (includes one Inspection)	\$150.00
<b>Road Closure/Open Fees</b>	
Closure/Open (4 hours max)	\$230.00
Overtime – Closure/Open (4 hours max)	\$285.00
Double Time Sunday and Holidays – Closure/Open (4 hours max)	\$350.00
<b>Barricade/Cone/Barrel Deposit – refundable</b>	
Under 10 Units	\$100.00
10 – 20 Units	\$200.00
Over 20 Units	\$500.00
<b>Municipal Property Damage</b>	Full Cost Recovery
<b>Development Inspection per diem</b>	Full Cost Recovery
<b>Unopened Road Allowance Application Fee</b>	\$1,200.00
<b>Closed Road Allowance Disposal Charges</b>	Full Cost Recovery

\*Report to council in January 2020 will provide recommendation for cemetery fee increases.





**Community Planning  
& Development**



**Fire & By-Law  
Services**



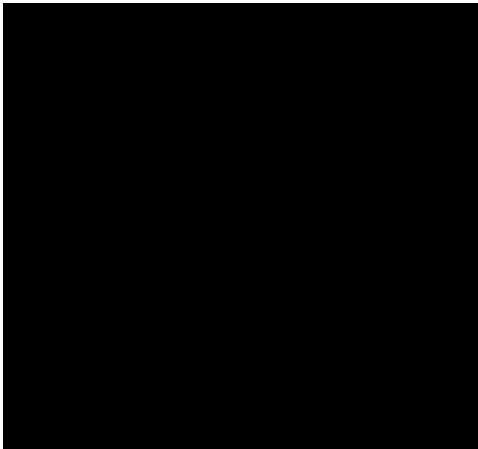
**Public Works**



**Recreation, Culture  
& Wellness**



**Corporate Services**



**Administration  
Services**

THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
BY-LAW NO. 4251(2020)

**Being a by-law to adopt an Amendment to the Official Plan for the  
Town of Pelham Planning Area.**

**Amendment No. 09**

**Provision for Indoor Cannabis and Industrial Hemp Cultivation**

---

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN  
OF PELHAM IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
17 OF THE PLANNING ACT, R.S.O, 1990, AS AMENDED, HEREBY  
ENACTS AS FOLLOWS:

1. **THAT** Amendment No. 09 to the Official Plan of the Town of Pelham  
consisting of the attached explanatory text and schedules is adopted.
2. **AND THAT** the Clerk of the Town is authorized to effect any minor  
modifications or correction solely of an administrative, numerical,  
grammatical, semantical or descriptive nature to this by-law or its  
schedules after passage of this by-law

ENACTED, SIGNED AND SEALED THIS

13<sup>TH</sup> Day of July, 2020.

---

Mayor Marvin Junkin

---

Town Clerk, Nancy J. Bozzato

**AMENDMENT NO. 09**  
**TO THE OFFICIAL PLAN (2014)**  
**FOR THE**  
**CORPORATION FOR THE TOWN OF PELHAM**

## CONTENTS

### **PART “A” – THE PREAMBLE**

Section 1: Title and Components

Section 2: Purpose of this Amendment

Section 3: Location of the Amendment

Section 4: Basis of the Amendment

### **PART “B” – THE AMENDMENT**

Introductory Statement

Details of the Amendment

## **PART “A” – THE PREAMBLE**

### **SECTION 1 – TITLE AND COMPONENTS**

This document was approved in accordance with sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended and shall be known as Amendment No. 09 to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble, does not constitute part of this Amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. 09 to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

### **SECTION 2 – PURPOSE OF THIS AMENDMENT**

The purpose of the Amendment is to establish permissions for indoor cannabis and industrial hemp cultivation in the agricultural area, subject to a zoning by-law amendment, and to establish the criteria to be relied upon when considering such applications. This Amendment does not deal with the outdoor cultivation of cannabis or industrial hemp as this is already permitted in the agricultural area.

### **SECTION 3 – LOCATION OF THE AMENDMENT**

This Amendment applies to the Good General Agricultural, Specialty Agricultural and Industrial designations and the Niagara Escarpment Plan Area as identified on Schedule A: Town of Pelham Land Use Plan.

### **SECTION 4 – BASIS OF THE AMENDMENT**

On April 13, 2017, the Government of Canada introduced Bill C-45 (the *Cannabis Act*) in the House of Commons. Based in large part on the advice provided by the Task Force on Cannabis Legalization and Regulation, Bill C-45 proposed to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession. Following parliamentary review, the *Cannabis Act* received royal assent on June 21, 2018 and it became law on October 17, 2018.

The Federal Cannabis Regulation SOR-2018-144 and the Federal Industrial Hemp Regulation SOR-2018-145 also came into effect on October 17, 2018. These two regulations implement the *Cannabis Act*.

The indoor cultivation of cannabis and industrial hemp is anticipated to occur within greenhouse or industrial type buildings that can in some cases be larger than other similar buildings used for other purposes. As a consequence of the type of product being grown in these indoor facilities and the character of the odour, the potential for adverse effects from odour is significant.

As a first principle the avoidance of adverse effects is preferred, however, if avoidance is not possible, adverse effects shall be minimized and appropriately mitigated. In order to minimize and mitigate adverse effects, it is anticipated that new indoor cannabis and industrial hemp cultivation facilities will be required to be set back an appropriate distance from sensitive uses and from each other to minimize and mitigate against potential adverse effects. In this regard, appropriate setbacks will be dictated by process specific odour emission rates and the effectiveness of the proposed odour controls.

This Amendment recognizes that the cultivation of cannabis is an agricultural use and is permitted in agricultural areas by the Provincial Policy Statement (2020), which indicates that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. However, in the absence of Provincial standards on the adverse effects of odour from indoor cannabis and industrial hemp cultivation facilities, this Amendment also recognizes that there is a need to control the siting of such uses in relation to sensitive uses as a result of the known adverse effects from the cultivation of cannabis.

There is already a precedent for the establishment of setbacks from sensitive uses for odour reasons in agricultural areas in the form of the Minimum Distance Separation (MDS) guidelines established by the Province. The MDS guidelines are intended to provide the minimum distance separation between proposed new development and any existing livestock barns, manure storages and/or anaerobic digesters (MDS1) and provide the minimum distance separation between proposed new, expanding or remodelled livestock barns, manure storages and/or anaerobic digesters and existing or approved development (MDS2). Compliance with the MDS guidelines is also required by the Provincial Policy Statement (2020) when new land uses including the creation of lots or expanding livestock facilities are proposed.

The application of the MDS2 guidelines result in the establishment of setbacks that are intended to minimize the impacts of odour from livestock barns, manure storages and/or anaerobic digesters and have the effect of restricting the location of these facilities.

However, the MDS2 guidelines do not apply to cannabis and in the absence of Provincial guidance on this matter, it is up to local municipalities to establish a policy framework to avoid adverse effects, and if avoidance is not possible, to minimize and mitigate adverse

effects through setbacks for indoor cannabis and industrial hemp cultivation from sensitive uses.

In this regard, the purpose of this Amendment is to establish the study requirements to determine whether the avoidance of adverse effects is possible and if not, how adverse effects can be minimized and appropriately mitigated through the use of setbacks and other measures on a case-by-case basis. Given the known adverse effects from these facilities in the Town, this Amendment is an appropriate response to community concerns about this type of use, represents good planning and is in the public interest.

Given the above, this Amendment does the following:

1. This Amendment identifies the studies that are required to support the establishment of an indoor cannabis and industrial hemp cultivation facility to ensure that all potential adverse effects are studied in advance.

In this regard, required studies include an Emission Summary and Dispersion Modelling Report, Contingency Odour Mitigation Plan, Light Mitigation Plan, Contingency Light Mitigation Plan and Traffic Impact Study. These studies would be in addition to all other required studies typically submitted as part of an application for re-zoning.

The results of these studies are intended to establish the minimum setback from sensitive land uses to be included, if necessary, in the required site-specific zoning by-law amendment and may establish a maximum size for the facility, if it has been determined that the siting of the facility can be supported. These studies may also establish minimum separation distances between a proposed facility and any existing indoor cannabis or industrial hemp cultivation facilities, as required, to mitigate adverse effects.

2. This Amendment also sets out guidelines on the range of setbacks that will be considered if indoor cannabis and/or industrial hemp cultivation is proposed through a zoning by-law amendment. These setbacks are based on best practices and knowledge of the adverse effects currently experienced by residents in the Town. Given that these setbacks are guidelines, they can be increased or decreased based on the merits of an individual application.

A supporting zoning by-law amendment has been prepared to implement this Amendment.



## **PART B – THE AMENDMENT**

All of this Part of the document entitled Part B - The Amendment consisting of the following text constitutes Amendment No. 09 to the Official Plan of the Town of Pelham.

### **Details of the Amendment**

The Town of Pelham Official Plan is hereby amended as follows:

1. That Section B2.1.2 (**Permitted Uses - Good General Agricultural Designation**) be amended to include a new sub-section I) as follows:
  - I) Indoor cannabis and industrial hemp cultivation in accordance with Section B2.1.5.
2. That Section B2.1 – (Good General Agricultural Designation), be amended by including a new Section B2.1.5 and re-numbering the remaining sections accordingly:

#### **B2.1.5 Indoor Cannabis and Industrial Hemp Cultivation**

##### **B2.1.5.1 Development Criteria**

- a) Indoor cannabis and industrial hemp cultivation facilities that are authorized by the Federal Government may be permitted in the Good General Agricultural designation subject to the passage of an amendment to the implementing zoning by-law and will, if approved through such a process, be subject to Site Plan Control in accordance with Section E1.4 of this Plan. Prior to considering the approval of a zoning by-law amendment, Council shall be satisfied that:
  - i) The proposed greenhouse or other type of building will be designed and sited to blend in with surrounding land uses such that the existing agricultural and rural character of the area is maintained;
  - ii) The adverse effects of the noise, dust, odour and light from the proposed facility on sensitive land uses in the area can be avoided and if avoidance is not possible, minimized and appropriately mitigated, as demonstrated by the required studies identified in Section B2.1.5.2 of this Plan;
  - iii) Sensitive surface water features and sensitive ground water features in the area will be protected, improved or restored with consideration given to the taking of water and the generation of effluent;

- iv) Adequate parking facilities are available on the lot for the proposed facility and the traffic generated by the proposed facility can be accommodated on area roads;
  - v) The proposed facility can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
  - vi) Stormwater management needs can be met on site;
  - vii) The waste generated from the facility can be appropriately managed; and
  - viii) The proposed setback, as determined by the required studies in Section B2.1.5.2 of this Plan, from sensitive land uses in the area is appropriate to avoid, and if avoidance is not possible, minimize and appropriately mitigate any adverse effects.
- b) In addition to sub-section a), and if a component(s) of the proposed facility includes value-added components that would make this component of the facility an agricultural-related use, it must be demonstrated that this component of the facility:
- i) Shall be compatible with and shall not hinder surrounding agricultural operations;
  - ii) Is directly related to farm operations in the area;
  - iii) Supports agriculture;
  - iv) Benefits from being in close proximity to farm operations; and,
  - v) Provides direct products and/or services to farm operations as a primary activity.

In order to assist with the consideration of a proposed agricultural-related use involving cannabis or industrial hemp, regard should be had to the Guidelines on Permitted Uses in Ontario's Prime Agricultural Area. An Amendment to this Plan is not required for a proposed agricultural-related use involving cannabis or industrial hemp.

#### **B2.1.5.2 Specific Required Studies**

The studies listed in this Section shall be required to satisfy the development criteria set out in Section B2.1.5.1 a) of this Plan and peer reviews of these studies may be carried out by the Town at no cost to the Town. The studies listed in this section would be in addition to any of the other studies required by Section E3 of this Plan.

a) Emission Summary and Dispersion Modelling (ESDM) Report

- i) At no cost to the Town, the proponent will submit an Emission Summary and Dispersion Modelling (ESDM) Report that is prepared by a Licensed Engineering Practitioner (which means that they must be licensed by Professional Engineers Ontario) in accordance with Ministry of Environment, Conservation & Parks guidance. This report will deal with contaminants including odour, chemicals and particulate matter constituents.
- ii) The ESDM Report shall include a detailed odour inventory and mitigation plan fully describing the proposed air filtration systems and other mitigation measures as well as off-property odour impact predictions that include a review of the impacts of other cannabis and industrial hemp facilities within the area to determine the extent of the potential cumulative adverse effects. In this regard, it would be the role of the Licensed Engineering Practitioner to demonstrate that the impact of the proposed use and other cannabis and industrial hemp facilities within the area will not, or is not likely to, cause adverse effects.
- iii) In addition to sub-section ii) above, the ESDM Report must demonstrate that the proposed facility can achieve a standard of compliance following approval and that two odour units will only be exceeded at any given sensitive use up to 0.5% of the time on an annual basis as per the MECP Technical Bulletin 'Methodology for Modeling Assessment of Contaminants with 10-Minute Standards and Guidelines, September 2016'.
- iv) The ESDM Report must consider co-existence adverse effects associated with drift of cannabis emissions on existing farming operations in the area and provide recommendations on an appropriate greenspace separation distance to ensure that spray drift is minimized.
- v) In addition to the above, the proponent of the proposed facility will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems

or other mitigation measures for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

b) Light Mitigation Plan

- i) At no cost to the Town, the proponent will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that fully describes the proposed light mitigation measures and demonstrates that the proposed facility will not cause light pollution, including sky glow or light trespass, onto neighbouring properties.
- ii) In addition to sub-section i), the proponent will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

c) Traffic Impact Study

- i) At no cost to the Town, the proponent will submit a Traffic Impact Study, to the satisfaction of the Town and/or the Region that demonstrates that the proposed facility will not cause any traffic hazards or an unacceptable level of congestion on roads in the area.

### **B2.1.5.3 Scope of Required Studies**

In accordance with Section E3.1 of this Plan, the Town will determine what supporting information (i.e. reports and studies) are required as part of the complete application submission and inform the proponent of these requirements, following the holding of a pre-consultation meeting.

### **B2.1.5.4 Need for Setbacks**

- a) In recognition of the known adverse effects of odour, the avoidance of adverse effects shall be a first principle. If adverse effects cannot be avoided, the minimization and mitigation of adverse effects has to be considered. One of the ways to avoid, minimize and mitigate adverse effects is through the separation of incompatible uses through the use of setbacks. In this regard,

the following setback guidelines will be considered when an application for a new indoor cannabis and/or industrial hemp cultivation facility is proposed and can be refined based on the unique characteristics of each proposal without requiring an amendment to this Plan:

- i) Minimum setback to a sensitive use - 300 to 500 metres with the setback being measured from the edge of the cultivation/processing area to the sensitive use.
  - ii) Minimum separation distance between separate indoor cannabis standard cultivation and/or standard processing facilities and/or indoor industrial hemp facilities from each other - 4,000 metres.
  - iii) Minimum separation distance between separate indoor cannabis standard cultivation and/or standard processing facilities and/or indoor industrial hemp facilities from indoor micro processing/micro cultivation facilities - 3,000 metres.
  - iv) Minimum separation distance between separate indoor cannabis micro cultivation/micro processing facilities from indoor cannabis micro/processing/micro cultivation facilities - 2,000 metres.
- b) The setback guidelines established in sub-section a) will be considered during the review of an application and can be lower or higher, depending on:
- i) Whether the facility is a greenhouse or an industrial-type building and if a greenhouse is proposed, whether the proposed greenhouse is purpose built for cannabis or industrial hemp or already exists;
  - ii) The size and scale of the proposed facility;
  - iii) The proximity and number of sensitive uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use;
  - iv) The location of the proposed facility in relation to prevailing winds;
  - v) The nature of the adverse effects that exist at the time in relation to existing indoor cannabis cultivation facilities; and
  - vi) The impact of topography on the dispersion of odour.

#### **B2.1.5.5 Implementing Zoning By-law**

Only lands that have satisfied the requirements of this Section of the Plan shall be placed in a zone that permits indoor cannabis and industrial hemp cultivation facilities

in the implementing Zoning By-law.

3. That Section B2.2.2 (**Permitted Uses - Specialty Agricultural Designation**) be amended to include a new sub-section k) as follows:

k) Indoor cannabis and industrial hemp cultivation in accordance with Section B2.2.9.

4. That Section B2.2 – (**Specialty Agricultural Designation**), be amended by including a new Section B2.2.9 and re-numbering the remaining sections accordingly:

#### **B2.2.9 Indoor Cannabis and Industrial Hemp Cultivation**

Indoor cannabis and industrial hemp cultivation facilities that are authorized by the Federal Government may be permitted in the Specialty Agricultural designation subject to the passage of an amendment to the implementing zoning by-law in accordance with Section B2.1.5 of this Plan and will, if approved through such a process, be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

Given the rolling topography of this area and the resultant creation of numerous microclimates, it is anticipated that it will be more difficult to avoid adverse effects in this area when compared to the Good General Agricultural designation if an indoor cannabis or industrial hemp cultivation facility was proposed.

Only lands that have satisfied the requirements of Section B2.1.5 of the Plan shall be placed in a zone that permits indoor cannabis and industrial hemp cultivation facilities in the implementing Zoning By-law.

5. That Section B2.3.2 (**Permitted Uses - Industrial Designation**) be amended to include a new sub-section k) as follows:

k) Indoor cannabis and industrial hemp cultivation in accordance with Section B2.1.5.

6. That Section B3.1.1 (**Conflict and Conformity - Niagara Escarpment Plan Area**) be amended to include a new fourth paragraph as follows:

Section B2.1.5 of this Plan shall apply to the consideration of a Development Permit application to establish a new indoor cannabis or industrial hemp cultivation facility.

7. That Section E1.4 (**Site Plan Control**), be amended by including a new paragraph at the end of the section as follows:

It is the intent of this Plan that Site Plan Approval will be required for all proposed indoor cannabis and industrial hemp cultivation facilities that may be permitted in accordance with Policies B2.1.5, B2.2.9 or B2.3.2 k) to the maximum extent afforded under the *Planning Act*, in order to proactively mitigate adverse effects where possible and to maximize compatibility with land uses in the area.

Any construction of a building or structure associated with a proposed indoor cannabis or industrial hemp cultivation facility is subject to the Ontario Building Code and will require the submission of Mechanical and Electrical Design Specifications and Drawings for review prior to the issuance of a building permit. Final as-built drawings will also be required. These specifications and drawings include those associated with air/odour filtration systems and equipment for light pollution mitigation.



**THE CORPORATION OF THE  
TOWN OF PELHAM  
By-law No. 4252 (2020)**

**Being a By-law passed pursuant to the provisions of Section 34 of *The Planning Act*, R.S.O. 1990, c.P.13, as amended to amend the Town of Pelham Zoning By-law No. 1136 (1987), as otherwise amended, to establish provisions that apply to cannabis-related uses and industrial hemp-related uses in the Town of Pelham.**

**Whereas** the Council of the Corporation of the Town of Pelham has initiated an application to amend By-Law No. 1136 (1987) otherwise known as the Zoning By-Law, insofar as is necessary to establish provisions that apply to cannabis-related uses and industrial hemp-related uses in the Town of Pelham;

**And Whereas** the Council of the Corporation of the Town of Pelham conducted a public hearing in regard to this application, as required by subsection 34(12) of the Planning Act, R.S. O. 1990, c.P.13, as amended;

**And Whereas** the Council of the Corporation of the Town of Pelham deems it advisable to amend Zoning By-law 1136 (1987), as otherwise amended, with respect to the above described lands, and under the provisions of the Planning Act has the authority to do so;

**Now therefore** the Council of the Corporation of the Town of Pelham enacts as follows:

1. **That** Section 3.0 of this By-law No. 1136 (1987), as amended, is further amended to add the new zones and symbols as follows:

<b>Zone</b>	<b>Symbol</b>
Agricultural - Cannabis	A – CAN
General Industrial - Cannabis	M2 – CAN

2. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of definitions in Section 5.0, as follows:

- i) "Cannabis-related use - indoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that are carried out within an enclosed building or structure.
- ii) "Cannabis-related use - outdoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that only involve the growing and harvesting of cannabis outdoors.
- iii) "Industrial hemp-related use - indoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that are carried out within an enclosed building or structure.
- iv) "Industrial hemp-related use - outdoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that only involve the growing and harvesting of hemp outdoors.
- v) "Sensitive land use" means school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep.

3. **THAT** By-law 1136 (1987), as amended, is amended by the addition of parking requirements in Section 6.16 (a), as follows:

Cannabis-related uses - indoor and industrial hemp-related uses -  
indoor - 1 parking space per 100 m<sup>2</sup> (1076.39 ft<sup>2</sup>) of gross floor area

4. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new subsection 7.2 (h):

(h) Minimum setback for a cannabis-related use - outdoor and an industrial hemp-related use - outdoor from a sensitive land use - 300 metres (984 feet).

5. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 7A - Agricultural - Cannabis A-CAN Zone:

## **SECTION 7A – AGRICULTURAL CANNABIS - A-CAN ZONE**

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Agricultural Cannabis Zone.

### **7A.1 PERMITTED USES**

- (a) Cannabis-related Use - indoor
- (b) Industrial Hemp-related Use - indoor

### **7A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION 7A.1**

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 7A.1.
- (b) Minimum Lot Frontage for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 100 metres.
- (c) Minimum Lot Frontage for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 200 metres.
- (d) Minimum Lot Frontage for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 200 metres.

- (e) Minimum Lot Area for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 3 hectares.
- (f) Minimum Lot Area for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 10 hectares.
- (g) Minimum Lot Area for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 10 hectares.
- (h) Maximum Lot Coverage - 30 percent.
- (i) Minimum Front Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 20 metres.
- (j) Minimum Front Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 80 metres.
- (k) Minimum Front Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 80 metres.
- (l) Minimum Side Yard or Rear Yard for micro-processing and micro cultivation uses as defined by the Federal Cannabis Regulation SOR-2018-144 - 15 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 25 metres.
- (m) Minimum Side Yard or Rear Yard for standard processing and standard cultivation uses as defined by the Federal Cannabis Regulation SOR-2018-144 - 40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.

- (n) Minimum Side Yard or Rear Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.
- (o) Minimum Exterior Side Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 20.5 metres.
- (p) Minimum Exterior Side Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 80 metres.
- (q) Minimum Exterior Side Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 80 metres.
- (r) No storage area shall be permitted within 30 metres of a street or the lot line of an adjacent lot with a residential use.

6. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 23A - General Industrial - Cannabis M2-CAN Zone

## **SECTION 23A – GENERAL INDUSTRIAL - M2-CAN ZONE**

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the General Industrial Cannabis Zone.

### **23A.1 PERMITTED USES**

- (a) Cannabis-related Use - Indoor
- (b) Industrial Hemp-related Use - Indoor

**23A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION  
23A.1**

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 23A.1.
- (b) The provisions of Subsection 22.2 shall apply to all permitted uses within the General Industrial Cannabis M2-CAN Zone

ENACTED, SIGNED AND SEALED THIS  
13<sup>TH</sup> DAY OF JULY, 2020

---

Marvin Junkin, Mayor

---

Nancy J. Bozzato, Town Clerk

THE COPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW NO. 4253(2020)

**Being a By-law to prohibit and abate public nuisances in  
public places within the Town of Pelham.**

**WHEREAS** section 128 of the *Municipal Act, 2001* provides that a local Municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

**AND WHEREAS**, in the opinion of Council, Nuisance Parties, Public Urination and Defecation, Vomiting, Littering, Loitering, Vandalism, Graffiti, Hate Graffiti, knocking over objects on the Highway, unnecessary interference with use and enjoyment of Public Places, and nuisance feeding of wildlife are or could become or cause public nuisances;

**AND WHEREAS** section 425(1) of the *Municipal Act, 2001* establishes that any person who contravenes any by-law of the Municipality is guilty of an offence;

**AND WHEREAS** section 434.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law;

**AND WHEREAS** section 435 of the *Municipal Act, 2001* provides for the exercise of powers of entry by municipal law enforcement officers and police officers;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** it is the opinion of the Council of the Corporation of the Town that certain actions outlined in this by-law do constitute a public nuisance.

**NOW THEREFORE** the Council of the Corporation of the Town of Pelham enacts as follows:

**1. Short Title**

1.1. The short title of this By-law is the "Nuisance By-law".

**2. Interpretation**

2.1. In this By-law:

- (a) "Town" means The Corporation of the Town of Pelham.
- (b) "Defecate" means to discharge excrement from the human body.
- (c) "Director" means the Director of Fire and By-law Services.
- (d) "Graffiti" means one or more letters, symbols, etchings, figures, inscriptions, stains howsoever made or otherwise affixed to a property or other markings that disfigure or deface a property but does not include a



mural authorized or permitted by the Town's Recreation, Culture and Wellness Department.

- (e) "Highway", for the purposes of this By-Law, includes a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards.
- (f) "Littering" means throwing, dropping, placing or otherwise depositing or permitting to be deposited any garbage, paper, plastic, paper products, plastic products, cans, rubbish, other debris or objects on public or private property, unless so authorized by the property owner.
- (g) "Loitering" means the lingering in a public place without due cause.
- (h) "Nuisance Party" includes:
  - (1) soliciting, including, without limitation,
    - (a) soliciting a person who is using, waiting to use, or departing from an automated teller machine;
    - (b) soliciting a person who is using or waiting to use a public toilet facility;
    - (c) soliciting a person who is waiting at a taxi stand or a public transit stop;
    - (d) soliciting a person who is in or on a public transit vehicle;
    - (e) soliciting a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot;
    - (f) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle.
  - (2) Loitering in any public place after having been requested by an officer to move on;
  - (3) fighting, screaming, yelling or using profane or abusive language or gestures;
  - (4) carrying open liquor or consuming liquor on Town property except where approved and permitted.
  - (5) obstructing, interfering with or otherwise impeding the movement of persons or vehicles;
  - (6) remaining in or refusing to leave a public place after it is closed and/or when ordered to leave by an officer;
  - (7) Littering;
  - (8) defacing, damaging or vandalizing public or private property;
  - (9) expectorating in a public place;
  - (10) obstructing an officer in the course of his or her duties;

- (11) anything which is injurious to the health, or indecent, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property; and
  - (12) any other activity or conduct that is disorderly, annoying, unpleasant or obnoxious.
- (i) “Nuisance Party” means a social gathering on Premises within the Municipality and which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring so as to constitute a public nuisance whether occurring on public or private property:
  - (1) disorderly conduct;
  - (2) public drunkenness or public intoxication;
  - (3) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
  - (4) the deposit of refuse on public or private property
  - (5) damage to or destruction of public or private property
  - (6) pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
  - (7) unreasonable noise, including loud music or shouting;
  - (8) unlawful open burning or fireworks;
  - (9) public disturbances, including public brawls or public fights;
  - (10) Public Urination or Defecation
  - (11) use of or entry upon a roof not intended for such occupancy;
- (j) “Officer” means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Town, a Police Officer or an Animal Control Officer employed by any local or provincial S.P.C.A.
- (k) “Owner” has the ordinary meaning and includes a Person who is for the time being managing or receiving the rent of the land or premises, whether on the Person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let and also means the lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property;
- (l) “Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives.

- (m) "Public Place" includes a Highway and any place to which the public has access as of right or invitation, express or implied, and private property that is exposed to public view, whether or not the property is owned by the person contravening the by-law.
- (n) "Solicit" means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using spoken, written or printed word, a gesture or other means.
- (o) "Urinate" means to discharge urine from the human body.
- (p) "Vehicle" includes automobile, motorcycle, van, truck, trailer, all-terrain vehicles (ATV), bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, street car and any other vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (q) "Vomit" means to throw up the contents of the stomach by mouth.
- (r) "Young Person" means a person who is or, in the absence of evidence to the contrary, appears to be less than eighteen years old.

### **3. Prohibited Activity**

3.1 No Person shall cause, create or permit a nuisance in any public place in the Town.

- (a) No Person shall, without reasonable excuse, urinate, vomit or defecate in a public place.
- (b) For the purposes of this section, reasonable excuse means:
  - 1. the contravention of this by-law must be inevitable, unavoidable and afford no reasonable opportunity for an alternative course of action that does not contravene this by-law; and
  - 2. where the contravention of this by-law is the consequence of illness, the person did not contemplate or, acting reasonably ought not to have contemplated, that the person's actions would likely cause the illness or give rise to the contravention of this by-law.

3.2 No Person shall knock over, attempt to knock over, deface, attempt to deface, remove or attempt to remove a Canada Post mailbox, relay box, newspaper box, Blue Box, garbage container, traffic or street sign, utility pole or any other public or private property. This section shall not apply to Town employees, or any person under contract with the Town, acting under the Town's Waste Collection By-Law.

### **3.3 Graffiti**

3.3.1 This bylaw does not apply to an interior space or a public or private property or to a thin located entirely within the interior space on a property.

- 3.3.2 No person shall place or cause or permit graffiti to be placed on property.
- 3.3.3. No owner of property shall fail to maintain such property free of Graffiti
- 3.3.4. An Officer who finds Graffiti may give written notice to the Owner of the Property requiring compliance with this by-law within the time period specified in the notice but no sooner than 7 calendar days after the notice is given, unless the Graffiti includes obscene, offensive or hateful content, in which case the Graffiti must be removed within 5 calendar days.
- 3.3.5 No person shall fail to comply with a notice given under Section 6 of this by-law.
- 3.3.6. If the owner fails to comply with a notice, the Director of By-law and Fire Services or persons acting upon his or her instructions, may enter upon the lands at any reasonable time for the purposes of carrying out the work described in the notice.
- 3.3.7. Costs incurred by the Municipality in doing the work required to be done by the notice may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

#### 3.4 Nuisance Parties

- 3.4.1 A social gathering shall only be declared a Nuisance Party by the Fire Chief, or his or her designate
- 3.4.2 Subject to the declaration of a Nuisance Party pursuant to Section 3.4.1 of this By-law, no Person shall create, cause, host, sponsor, conduct, continue, or permit a Nuisance Party.
- 3.4.3 Subject to the declaration of a Nuisance Party pursuant to Section 4.1 of the By-Law, an Officer may issue an Order directing that the Nuisance Party cease and that all Persons not residing at the Premises where the Nuisance Party has been declared shall immediately leave said Premises.
- 3.4.4. No Person who, individually or jointly with others, is an owner, occupant, tenant, or who otherwise has rightful possession of or possessory control of any Premises, shall allow, cause or permit a Nuisance Party on said Premises under their possession or control.
- 3.4.5. An Order under Section 3.4.3 of this By-Law shall identify:
  - (a) the Premises at which the contravention occurred; and
  - (b) the reasonable particulars of the contravention of this By-law
- 3.4.6 An Order under Section 3.4.3 of this By-Law may be given verbally or may be served personally on the Person(s) to whom it is directed.
- 3.4.6. No Person shall fail to comply with an Order issued pursuant to Section 4.3 of this By-law.

#### **4. Order to Discontinue Activity**

- 4.1 Where an Officer is satisfied that a person has contravened this By-law, the Officer may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.
- 4.2 An order under subsection 4.1 shall set out:
- 4.2.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - 4.2.2 the date by which there must be compliance with the order.
- 4.3 Any Person who contravenes an order issued under subsection 4.1 is guilty of an offence.

#### **5. Administrative Penalties**

- 5.1 Administrative Penalty Process By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- 5.2 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

#### **6. Offences**

- 6.1 Each Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine of:
- (c) not less than \$300 and not more than \$5,000;
  - (d) not less than \$400 and not more than \$10,000 for a second conviction of the same offence; and
  - (e) not less than \$500 and not more than \$25,000 for a third or subsequent conviction of the same offence.
- 6.2. Prosecution under this By-law shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property, as the case may be.

#### **7. Notice**

- 7.1 Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:
- (a) when a copy is delivered to the Person to whom it is addressed;
  - (b) on the fifth (5th) day after a copy is sent by registered mail or regular mail to the Person's last known address;
  - (c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
  - (d) upon the sending of a copy by e-mail transmission to the Person's last known e-mail address.

- 7.2. Subject to section 7.3, if a notice or any other document is issued in respect of a young person, the person who issued the notice or document shall as soon as possible give or cause to be given to a parent of the young person notice in writing of the notice or other document.
- 7.3. If the whereabouts of the parents of a young person are not known or it appears that no parent is available, a notice or any other document given under this By-law may be given to an adult relative of the young person who is known to the young person and is likely to assist the young person or, if no such adult relative is available, to any other adult who is known to the young person and is likely to assist the young person and who the person giving the notice considers appropriate.

## **8. Powers of Entry**

- 8.1 Pursuant to section 436 of the *Municipal Act, 2001* and in addition to any other powers of entry granted to the Town, an Officer may enter on the premises of any property at any reasonable time for the purpose of carrying out an inspection to determine whether or not any violation exists on the property in relation to any section of this By-law.

## **9. General**

- 9.1 For the purpose of section 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Hearings Officer and to the Director pursuant to this By-law are of a minor nature.

## **10. Conflict**

- 10.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 10.2 If there is a conflict between a provision of this By-law and a provision of any other Town By-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on land shall apply.

## **11 Severability**

- 11.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## **12 Effective Date**

- 12.1 This By-law is effective on the date of its passing.
- 12.2 By-law 2970 (2008) is hereby repealed.
- 12.3 By-law passed this 13<sup>th</sup> day of July, 2020

---

Mayor, Marvin Junkin

---

Nancy J. Bozzato, Town Clerk

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW NO. 4254(2020)

**Being a By-law to permit owners or occupants of any buildings, fences or other structures, or their agents or employees to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such buildings, fences or other structures and to Repeal and Replace By-law No. 1155(1987).**

**WHEREAS** section 132 of the *Municipal Act, 2001* provides that a Municipality may enact a Bylaw for the purpose of authorizing an Owner of Property to enter adjoining land, during reasonable times, for the purpose of making repairs or alterations to any building or fence or other structure on the land of the Owner, but only to the extent necessary to carry out said repairs or alterations;

**AND WHEREAS** the Council of the Town of Pelham finds it desirable to create a system whereby Owners of Property can make private arrangements amongst themselves to access property and conduct repair, renovation and alteration works;

**NOW THEREFORE** The Council of the Corporation of the Town of Pelham enacts as follows:

**1. Short Title**

- 1.1 the short title of this By-law is the “Private Entry Upon Adjoining Lands By-law”

**2. Definitions**

- a) “Maintenance” includes regular maintenance, repairs, or alterations
- b) “Notice” means a written document physically provided to an adjoining Owner of Property which sets out the date, time and manner of intended entry onto lands, and includes an estimate of the duration of the entry, and details of the site remediation, which is the sole responsibility of the Owner seeking entry, should remediation be necessary in the circumstances. Notice is sufficiently given at the address of the adjacent lands by hand delivery to a person ordinarily resident there with a signature of receipt or by registered mail to the owner of the lands as recorded in the Town’s assessment rolls, allowing five (5) business days for mail delivery.
- c) “Owner” means a lawful owner or occupant of property, and includes his or her authorized agents or employees.
- d) “Property” includes land, buildings, structures and fences

**3. Entry – Adjoining Lands**

**3.1 Repair - alteration - improvement - entry - permitted**

- (a) Subject to section 3.2(a) of this by-law, an owner or occupant of any building, fence or other structure in the Town of Pelham or the agent or employee of such owner or occupant is hereby permitted to enter upon any

adjoining land for<sup>2</sup>the purpose of making repairs, alterations or improvements to such building, fence or other structure but only to the extent necessary to effect such repairs, alterations or improvements.

### 3.2 Notice – 5 calendar days required - except with consent

- (a) Except with the consent of the occupier of the adjoining land, no person shall enter upon such adjoining property pursuant to section 3.1(a) of this by-law without at least 5 calendar days before such entry, notifying the occupier of such adjoining property, where such notification is capable of being given having regard to all the circumstances.

### 3.3 Conditions of Entry

- (a) The power of entry may be exercised by an employee or agent of the Owner or occupant of Property.
- (b) A person exercising the power of entry must display or, on request, produce proper identification.
- (c) The power of entry onto Property does not authorize entry into a building. Entry into buildings on adjacent property is beyond the scope of intent of this Bylaw.
- (d) The owner or occupant shall provide reasonable notice of the proposed entry to the occupier of the adjoin land.
- (e) The owner or occupant of the land shall, in so far as is practicable, restore the adjoining land to its original condition and shall provide compensation for any damages caused by the entry or by anything done on the adjoin land.

### 3.4 Property – condition of – upon leaving

- (a) Every Owner who exercises his or her rights pursuant to Section 3.1(a) of this By-law has a legal obligation to leave the entered land in the condition that it was in at the time of entry, or in a condition agreed upon by both parties.

## 3.5 Civil Actions

### 3.51 Rights – not affected

- (a) Nothing in this by-law affects a right to bring a civil action for damages or otherwise arising out of the entry upon any adjoin property.

## 4.0 Repeal - Enactment

- 4.1 By-law 1155 (1987) is hereby repealed.
- 4.2 This By-law comes into force on day of passing.
- 4.3 By-law passed this 13<sup>th</sup> day of July, 2020

---

Mayor, Marvin Junkin

---

Town Clerk, Nancy J. Bozzato



THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
BY-LAW NO. 4255(2020)

**Being a by-law to adopt an Amendment to the Official Plan for the  
Town of Pelham Planning Area.**

**Amendment No. 10**

**Implementation of Short Term Accommodation Recommendations**

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN  
OF PELHAM IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
17 OF THE PLANNING ACT, R.S.O, 1990, AS AMENDED, HEREBY  
ENACTS AS FOLLOWS:

1. **THAT** Amendment No. 10 to the Official Plan of the Town of Pelham  
consisting of the attached explanatory text and schedules is adopted.
2. **AND THAT** the Clerk of the Town is authorized to effect any minor  
modifications or correction solely of an administrative, numerical,  
grammatical, semantical or descriptive nature to this by-law or its  
schedules after passage of this by-law

ENACTED, SIGNED AND SEALED THIS

13<sup>TH</sup> Day of July, 2020.

\_\_\_\_\_  
Mayor Marvin Junkin

\_\_\_\_\_  
Town Clerk, Nancy J. Bozzato

**AMENDMENT NO. 10**  
**TO THE**  
**OFFICIAL PLAN (2014)**  
**FOR THE**  
**CORPORATION OF THE TOWN OF PELHAM**

## **CONTENTS**

### **PART “A” – THE PREAMBLE**

- Section 1     Title and Components
- Section 2     Purpose of the Amendment
- Section 3     Location of the Amendment
- Section 4     Basis of the Amendment
- Section 5     Implementation of the Amendment

### **PART “B” – THE AMENDMENT**

- Introductory Statement
- Details of the Amendment

## **PART “A” – THE PREAMBE**

### **SECTION 1**

#### **TITLE AND COMPONENTS**

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. 10 to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. 10 to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

### **SECTION 2**

#### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to amend Sections B1.2.2, B1.3.3, B1.3.4.2, B1.6.2.2, B1.6.2.3, B1.7.7.3.1, B2.1.2, B2.1.3.4, B2.1.3.6, B2.2.2 and B3.3.3.2 of the Town of Pelham Official Plan to implement recommendations on Short Term Accommodations in the Town with the goal to achieve Council’s strategic plan goal.

### **SECTION 3**

#### **LOCATION OF THE AMENDMENT**

The lands that are subject to this Amendment are all lands within the Town of Pelham.

## **SECTION 4**

### **BASIS OF THE AMENDMENT**

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The policies will ensure compatibility with the surrounding land uses.
2. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

## **SECTION 5 IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

## PART “B” – THE AMENDMENT

1. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.2.2(e):
  - e) Hotels, inns and bed and breakfast establishments short term accommodations; Hotels, inns and short term accommodations;
2. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.3.3(c):
  - c) Inns and short term accommodations;
3. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.3.4.2:

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and short term accommodations are permitted in the *Downtown Transitional Area* designation both as a primary use and as an accessory use to a commercial business.
4. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.6.2.2 (b):
  - b) Uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, bed and breakfast establishments, parks, open space linkages, places of worship and day nurseries may be permitted within the *Low Density Residential* designation; and,
5. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.6.2.3(b):

- b) Within areas designated *Low Density Residential – Special Policies* uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, bed and breakfast establishments, pocket parks and open space linkages are permitted; and,
- 6. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.7.7.3.1(x):
  - x) Bed and breakfast establishments.
- 7. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.1.2(c):
  - c) Short term accommodations subject to Policy B2.1.3.6 of this Plan;
- 8. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.1.3.4(b):
  - b) The designated heritage building will be used as a Dwelling Unit, either as the Primary Dwelling, a Secondary Dwelling or Short term accommodations;
- 9. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the entirety of Section B2.1.3.6 as follows:

#### **B2.1.3.6 Short Term Accommodations**

New short term accommodations are permitted in a dwelling in the *Good General Agricultural* designation, subject to the following guidelines which may be implemented in the Comprehensive Zoning By-law:

- a) The uses are clearly secondary to the primary use of the dwelling as a residence;
- b) **Bed** and breakfast establishments must be the principal residence of the owner and operator;



- c) The character of the dwelling as a private residence is preserved;
- d) Adequate parking facilities are available on the lot for the proposed use;
- e) Bed and breakfast establishments have no more than three bedrooms available for guests;
- f) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;
- g) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Regional Niagara Public Works Department; and,
- h) No signage is permitted.

10. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.2.2(e):

- e) Short Term Accommodations in accordance with Policy B2.1.3.6;

11. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B3.3.3.2(d):

- d) Short term accommodations;

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW NO. 4256 (2020)

**Being a by-law to amend Zoning By-law 1136 (1987), as amended, with respect to Short Term Accommodation in the Town of Pelham**

**Town of Pelham**

**File No. AM-12-18**

---

WHEREAS, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham considers it to desirable to amend Zoning By-law 1136 (1987) to implement the policies of Official Plan Amendment No. 10 with respect to short term accommodations in the Town of Pelham;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. THAT By-law 1136 (1987), as amended, is hereby amended by the addition of Section 6.2 as follows, and renumbering the remaining Sections accordingly:

6.2 Bed and Breakfast Establishments

A Bed and Breakfast Establishment shall be permitted in any principal residence dwelling in a specific zone subject to the following provisions:

  - a) one (1) off-street parking space per guest room shall be provided in addition to the required parking for the principal residence dwelling;
  - b) all relevant requirements of the Ontario Building Code and Ontario Fire Code shall be complied with; and
  - c) licensing in accordance with the Town's Licencing By-law.
2. THAT By-law 1136 (1987), as amended, is hereby amended by the addition of Section 7.1(i) and (j) to Section 7.1 as follows:
  - (i) Short Term Accommodations, subject to licencing in accordance with the Town's Licencing By-law; and
  - (j) Bed and Breakfast Establishments, subject to licencing in accordance with the Town's Licencing By-law.
3. THAT By-law 1136 (1987), as amended, is hereby amended by the addition of Section 8.1(f) and (g) to Section 8.1 as follows:
  - (f) Short Term Accommodations, subject to licencing in accordance with the Town's Licensing By-law; and
  - (g) Bed and Breakfast Establishments, subject to licencing in accordance with the Town's Licencing By-law.

4. THAT By-law 1136 (1987), as amended, is hereby amended by deleting Section 19.1(c) and replacing it with the following as well as the addition of 19.1(d) as follows:
  - (c) Dwelling units and Short Term Accommodations, in accordance with the Town's Licencing By-law above the ground floor; and
  - (d) Bed and Breakfast Establishments, subject to licencing in accordance with the Town's Licencing By-law.
5. THAT By-law 1136 (1987), as amended, is hereby amended by deleting Section 20.1 (c) and replacing it with the following, as well as the addition of 20.1(d) as follows:
  - (c) Dwelling units and Short Term Accommodations, in accordance with the Town's Licensing By-law above the ground floor; and
  - (d) Bed and Breakfast Establishments, subject to licencing in accordance with the Town's Licencing By-law.
6. THAT By-law 1136 (1987), as amended, is hereby amended by deleting Section 21.1 (c) and replacing it with the following, as well as the addition of 21.1(d) as follows:
  - (c) Accessory residential uses to any of the foregoing permitted uses and Short Term Accommodations in accordance with the Town's Licensing By-law, except automobile service station; and
  - (d) Bed and Breakfast Establishments, subject to licencing in accordance with the Town's Licencing By-law.
7. THAT By-law 1136 (1987), as amended, is hereby amended by adding and alphabetically inserting new definitions into Section 5 as follows:

"Bed and Breakfast Establishment" means a principal residence Dwelling in which the owner and operator provides guest rooms for the temporary accommodation for twenty-eight (28) consecutive days or less to the travelling public and may offer meals to the registered guests but does not include a hotel, motel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.

"Dwelling, Principal Residence" means a Dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

"Short Term Accommodation (STA)" means a Dwelling or Dwelling unit, that in whole or part, is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight (28) consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.

8. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

13<sup>th</sup> day of JULY, 2020 A.D.

---

MAYOR MARVIN JUNKIN

---

CLERK NANCY J. BOZZATO

# THE CORPORATION OF THE TOWN OF PELHAM

## By-Law No. 4257- 2020

---

**Being a By-law to licence, regulate and govern the operation of short term accommodation in the Town of Pelham.**

**WHEREAS** Section 8 (1) of the *Municipal Act, 2001*. S.O. 2001, c. 25 (hereinafter "*Municipal Act*") provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** pursuant to Section 9 of the *Municipal Act*, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to Section 11 (2)(6) of the *Municipal Act*, a lower-tier municipality has the authority to implement Business licencing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**AND WHEREAS** Sections 11(3)(7) and 11 (3)(8) of the *Municipal Act*, authorize a Municipality to pass by-laws respecting health, safety and well-being of persons, parking on Property, structures including fences and signs;

**AND WHEREAS** Sections 390 to 400 of the *Municipal Act* enable a municipality to pass By-laws for imposing Fees or charges for permits and services provided or done by them;

**AND WHEREAS** Section 425 of the *Municipal Act*, authorizes a Municipality to create offences;

**AND WHEREAS** pursuant to Section 434.1 of the *Municipal Act*, a municipality has the authority to impose a system of administrative penalties and Fees as an additional means of encouraging compliance with this by-law;

**AND WHEREAS** Section 436 of the *Municipal Act* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or Licence;

**AND WHEREAS** Section 444 of the *Municipal Act* provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this *Act* has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** the Council of the Corporation of the Town of Pelham has engaged in public consultation, including public meetings, a round table meeting with community groups and in direct consultation with Owners/Operators of Short Term Accommodation

facilities including Bed and Breakfast Establishments and vacation rentals;

**AND WHEREAS** the Council of the Corporation of the Town of Pelham considers it advisable that such Licencing, regulation and governing takes place with regard to Short Term Accommodation Rentals as defined in this By-law;

**AND WHEREAS**, Council has enacted Official Plan Amendment No. 10 and Zoning By-law Amendment 4256 (2020) under the provisions of the *Planning Act*, R.S.O. 1990, c. P13, as amended, with respect to Short Term Accommodation within the municipality and having done so desires to provide for a system of Licencing to implement said policies and provisions;

**AND WHEREAS** pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of Licences with respect to Short Term Accommodation Businesses; and

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham enacts as follows:

## **SECTION 1: DEFINITIONS AND INTERPRETATION**

**“ADMINISTRATIVE PENALTY PROCESS BY-LAW”** By-law #4221(2020), as amended from time to time, means a civil mechanism for promoting compliance with municipal by-laws. Administrative penalties can be imposed through administrative processes, rather than fines imposed in quasi-criminal court processes.

**"ANCILLARY"** means a use, Building or structure that is located on the same lot that may or may not be detached from the main Building and is essential to a principal or main use, Building or structure therewith.

**"BED & BREAKFAST ESTABLISHMENT"** means a principal residence Dwelling in which the Owner and operator provides Guest Rooms for the temporary accommodation of twenty-eight (28) consecutive days or less to the traveling public and may offer meals to the registered guests, but does not include a hotel, motel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.

**"BUILDING"** means, a structure occupying an area greater than ten (10) square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems related thereto.

**"BUSINESS, Short Term Accommodation"** shall mean the business of making or attempting to earn revenue by engaging in or by advertising the availability of a Short Term Accommodation for twenty-eight (28) consecutive days or less for remuneration or other good and valuable consideration.

**“COOKING APPLIANCES”** means equipment for food preparation, such as a hot plate, microwave, toaster or toaster oven, oven or stove top, but does not include a coffeemaker, kettle or bottle warmer.

**"COUNCIL"** means the Municipal Council of the Corporation of the Town of Pelham.

**“DWELLING UNIT”** means one (1) or more habitable rooms, in a Building, occupied or

capable of being occupied as a single housekeeping unit only, in which sleeping, sanitary conveniences, and kitchen facilities are provided, in which a heating system is provided, and which has a private entrance from outside the Building or from a common hallway or stairway inside. For the purposes of this By-law, a Dwelling Unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel, motel, or motor home.

**“DWELLING, PRINCIPAL RESIDENCE”** means a Dwelling Unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

**“FEE”** means as set out in the Town of Pelham Annual Rates and Fees Schedule, which is not prorated and non-refundable.

**“FIRE PREVENTION OFFICER”** means any member of a fire prevention bureau established by a municipality and every person designated by the fire Marshall as an assistant to the fire Marshall.

**“GUEST ROOM”** means a room or suite of rooms used or maintained for the accommodation of individuals to whom hospitality is extended for compensation.

**“LICENCE”** means the certificate or other similar document issued pursuant to this by-law as proof of Licensing under this by-law.

**“LICENCED”** means to have in one's possession a valid and current Licence issued under this by-law and unlicensed has the contrary meaning;

**“LICENCEE”** means a person issued a Licence under this by-law to operate a Short Term Accommodation.

**“LICENCE ISSUER”** means any person or persons provided the authority by the Town to issue a Licence under this by-law.

**“MUNICIPAL LAW ENFORCEMENT OFFICER”** means a Municipal Law Enforcement Officer of the Corporation of the Town of Pelham who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws or a Niagara Regional Police (NRP) Officer.

**“OWNER”** means any person(s) or corporation who is a registered Owner, has a legal or equitable interest, has a legal right to obtain possession, and who has control or management of any Property, land, Building or structure. In the case of a Corporation, any authorized signing officer is considered the Owner for the purposes of this By-law.

**“PARKING AREA”** means an area or structure, including a private garage, carport, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane.

**“PROPERTY”** means any lot, block or other area in which land is held or into which it is subdivided, including the Buildings and structures thereon.

**“RENTER”** means the person, who has obtained entitlement to exclusive use of a portion or the entirety of a Short Term Accommodation rental from the Licencee.

**“RENTER'S CODE OF CONDUCT”** as set forth in Schedule A means a document that has been prepared by the Town that prescribes the roles and responsibilities of the Renter,

including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town by-laws that the Renter must comply with including the adherence to the provisions of this by-law.

**"RESPONSIBLE PERSON"** means the Owner or an agent assigned by the Owner or Licencee of the Short Term Accommodation to ensure the Short Term Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws.

**"SECOND DWELLING UNIT"** means a Dwelling Unit within a single-detached, semidetached, or townhouse Dwelling; or within a detached structure accessory to a primary Dwelling.

**"SITE DRAWING"** means a plan that identifies those measures the Owner will implement so as to ensure compliance with Section 5 of this by-law.

**"SHORT TERM ACCOMMODATION (STA)"** means a Dwelling or Dwelling Unit, that in whole or part, is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight (28) consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.

**"TOWN"** means the Corporation of the Town of Pelham.

**"TOWN CLERK"** means the person or his/her designate as appointed by the Council of the Town.

**"ZONING BY-LAW"** means the Town of Pelham's Comprehensive Zoning By-Law 1136 (1987), as amended from time to time and any successors thereto.

## **SECTION 2: GENERAL PROVISIONS APPLICABLE TO ALL SHORT-TERM ACCOMMODATION(S)**

1. No person shall use or operate any Short Term Accommodation unless he or she holds a current Licence issued pursuant to this By-law.
2. No person shall advertise a Short Term Accommodation without a Licence.
3. Where a lot contains a Second Dwelling Unit as defined by the Comprehensive Zoning By-law, the following shall apply:
  - a) A Principal Residence of the Property Owner shall be located on the same lot as the Short Term Accommodation; and
  - b) A maximum of three (3) Short Term Accommodation Guest Rooms are permitted on the same lot.
4. Short Term Accommodation(s) shall comply with all applicable Municipal By-laws and provincial legislation.
5. The following shall be made available to guests:
  - a) a copy of the current Licence displayed interior to the Short Term Accommodation and available for inspection by Town staff;



- b) a copy of the current Town Noise Control By-law 3130-2010, as amended;
  - c) a copy of the current Town's Public Nuisances By-law No. 4253(2020);
  - d) a copy of the current parking provisions for Short Term Accommodation as described in the Town's Zoning By-law;
  - e) a copy of the current Town Administrative Penalty Process By-law 4221(2020);
  - f) a copy of the current Town Fireworks By-law 2951-2008; and
  - g) a copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes.
6. The Licencee shall be responsible for maintaining the amenity and Parking Areas.
  7. All Short Term Accommodation establishments must provide a 2A-10BC or better fire extinguisher in any cooking area and on every level of the establishment.
  8. All Short Term Accommodation establishments must post fire emergency procedures.
  9. All Short Term Accommodation establishments shall prepare and have approved by the Fire Chief, a fire safety plan as per section 2.8.2 of the Ontario Fire Code.
  10. No Licencee shall rent any Guest Room in a Short Term Accommodation other than a Guest Room that was identified and approved as such on the floor plans submitted with the Application for the Short Term Accommodation Licence.
  11. All Short Term Accommodation shall provide proof of insurance and carry a minimum of \$2 million dollars' liability insurance, unless a pool or hot tub is present on the premise, then a minimum of \$5 million dollar's liability insurance shall be carried. The insurance shall identify that a STA is being operated on the Property. The Insurance coverage required herein shall be endorsed to the effect that the Town of Pelham shall be given at least ten (10) days' notice in writing of any cancellations or material variation to the policy.
  12. A person is not eligible to obtain or renew a Licence if the person is indebted to the Town in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding Property taxes and late payment charges against all properties owned by the Owner.

### **SECTION 3: SHORT-TERM ACCOMMODATION - BED & BREAKFAST ESTABLISHMENTS**

1. Where a Bed & Breakfast use is to be issued a Licence in accordance with this By-law, in addition to the General and Specific Provisions, the following provisions and considerations shall apply prior to issuing the Licence:
  - a) A Bed & Breakfast Establishment shall only be permitted in a principal residence of an Owner and/or operator.
  - b) A Bed & Breakfast Establishment shall not be established or operated in an accessory Building.

- c) One (1) parking space shall be provided per Guest Room in addition to the required spaces for the principal Dwelling. Such parking spaces shall be on the same lot as the use and shall comply with the requirements outlined in the Zoning By-law.
- d) A Bed & Breakfast Establishment shall not detract from the general character of the neighbourhood nor be a nuisance in terms of noise, traffic, parking and visual character.
- e) A Bed & Breakfast Establishment, while being operated as a Bed and Breakfast Establishment, must be occupied and operated by the principal resident while guests occupy or have the right to occupy Guest Rooms.
- f) No cooking or Cooking Appliances shall be permitted in Licenced Guest Rooms, except for a coffee maker, kettle or bottle warmer.
- g) A Bed and Breakfast Establishment shall post fire emergency procedures in each room and have an approved fire safety plan for the Dwelling.
- h) A Bed & Breakfast Establishment post an emergency evacuation and Fire Safety Plan in each room.
- i) Each Bed and Breakfast Establishment Licenced pursuant to the By-law must provide proof to the Town at least every two (2) years that it complies with the Fire Code and the Town's Property Standards By-law and are required to pay the applicable inspection Fee(s), subject to current the Fee and Charges By-law.

#### **SECTION 4: SHORT-TERM ACCOMODATION – SPECIFIC PROVISIONS**

1. The following provisions apply to all Short Term Accommodation:
  - a) A Short Term Accommodation shall only be permitted in areas where it is a permitted use as set out in the Town's Zoning By-law.
  - b) Permitted Renter Occupancy shall be the sum of all Guest Rooms in the Short Term Accommodation and have a maximum occupancy of ten (10) persons per Dwelling, which includes the permanent occupants at any one time.
  - c) Occupancy of a Bed and Breakfast Establishment is dictated by Section 3 of this By-law.
  - d) All Short Term Accommodation shall comply with the provisions of the Ontario Building Code.
  - e) All Short Term Accommodation must post fire emergency procedures and have an approved fire safety plan for each Dwelling.
  - f) A Licencee shall provide to the Town the name and contact information of the Responsible Person who can be readily contacted and respond to an emergency or contravention of any Town By-law, including attendance on site of the Short Term Accommodation within one (1) hour of being notified of the occurrence.

- g) The Licence does not permit a Short Term Accommodation to be used for the hosting of events such as receptions or any other similar group activity in contravention of the Town's Comprehensive Zoning By-law, as amended.
- h) Each Short Term Accommodation shall provide proof that it complies with the Fire Code and the Town's Property Standards By-law every two (2) years for a Short Term Accommodation as a principal residence or two (2) years for Short Term Accommodation as a whole home and are required to pay the applicable inspection Fee(s), subject to the current Fee and Charges By-law.
- i) The Licencee shall keep a record of the Renter with such record containing the date of entry, the length of stay, home address of the Renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all time by a Municipal Law Enforcement Officer for a period of one (1) year.
- j) Applications for Licence and issued Licences, along with the legal description, civic address and associated Owner, Responsible Person contact information will be posted on the Town's website.

## **SECTION 5: LICENCE APPLICATION AND ISSUANCE**

1. An Application for a Licence for a Short Term Accommodation shall be submitted to the Town and shall include a clear and legible floor plan and Site Drawing or sketch showing:
  - a) civic address and legal description of the Property;
  - b) a photograph of the front of the Building;
  - c) a floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, sleeping area, smoke alarm, CO alarm, fire extinguisher and existing egress door or window, as well as an approved fire safety plan;
  - d) the location of the Building on the Property with setbacks indicated from all Property lines;
  - e) the location and dimension of the Parking Area and the required parking spaces;
  - f) the location of the driveway access to the required parking spaces;
  - g) the location and dimensions of the outdoor amenity area(s); and,
  - h) fencing, landscaping or other buffering if required.
2. The Application shall identify:
  - a) the number of Guest Rooms;
  - b) the maximum number of guests to be accommodated;
  - c) the registered Owner and contact information;

- d) the Owner and if applicable, Agent (alternative) person and related contact information; and
  - e) the Licence number of any previous Short Term Accommodation Licence.
3. The Application information shall include proof satisfactory to the Town that:
- a) a copy of general liability insurance in an amount of no less than \$2 million, unless a pool or hot tub is located on the premise, then general liability insurance in an amount of no less than \$5 million is required;
    - i. Owner is responsible to maintain a valid insurance policy and will be required to provide proof of insurance every year that the policy is renewed, or if anything has changed.
  - b) an indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of or are attributable to, the STA's Owner, which shall be in a form satisfactory to the Town;
  - c) the subject Property is adequately insured against damage from fire and confirmation that no restrictions are in place on the Applicant's ability to use the Property for short-term accommodations during the period of insurance coverage nor on the amount of times the Property may be used for short-terms accommodations during such period; and,
  - d) the Applicant's insurance is cancellable on no less than thirty (30) days prior notice.
4. There shall be a maximum of one (1) Short Term Accommodation Licence issued per municipal address.
5. The Applicant shall submit a Responsible Person Consent Form (Schedule B) to ensure that there is a Responsible Person who can be readily contacted and respond to an emergency or contravention of any Town By-law, including attendance on site of the Short Term Accommodation within one (1) hour of being notified of the occurrence.
6. The Applicant shall pay the required licencing Fee as per the Town's Fees and Charges By- law.
7. The Applicant shall submit a copy of any advertisement of the Short Term Accommodation demonstrating its promotion to be in compliance with the provisions of this By-law.
8. The Licencee shall keep a record of the Renter with such record containing the date of entry, the length of stay, home address of the Renter and confirmation of receipt of the Renter's Code of Conduct with such record readily available for inspection at all time by a Municipal Law Enforcement Officer for a period of one (1) year.
9. A Licence for a Short Term Accommodation may not be renewed or extended unless the Licencee has submitted a completed Application form and the applicable Fee.

10. A Short Term Accommodation Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
  - a) The date that is two years (2) after the date of the issuance of the Licence; or
  - b) Upon the sale or transfer of the Property to a person other than a Licencee; and
  - c) A Short Term Accommodation Licence cannot be assigned or transferred from the Licencee to another party.
11. Any person applying for a Licence is responsible to coordinate with the Town and to arrange for an inspection of the Property if required as a condition precedent prior to receiving a Licence to ensure compliance with the following:
  - a) The Provisions of this By-law;
  - b) The Ontario Fire Code;
  - c) The Ontario Building Code;
  - d) Niagara Region Public Health;
  - e) The Property Standards By-law; and
  - f) The Zoning By-law.
12. The Licencee shall be responsible for informing the Town in writing of any changes to the approved information contained within the Licence application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a Licencee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a Licence unless the Town has approved same.
13. Upon receipt of a completed Application and the payment of the licencing Fee, the Licence issuer shall, in the case of both new and renewal applications review the application and if in compliance with this By-law, will issue the Licence. The Licence issuer may request comments from other departments or agencies and attach conditions to the Licence.
14. Upon determination by the Licence issuer that information requirements and all regulatory and by-law requirements of the Town are met, a Licence shall be issued and expire on December 31, of each calendar year and prorate costs, unless the Licence is renewed or revoked in accordance with the provisions of this by-law.
15. Licences are not transferable and shall remain the Property of the Town.

## **SECTION 6: TERM OF LICENCE**

A Licence issued pursuant to the provisions of this by-law shall expire two (2) years from the date it was issued, unless it is revoked in accordance with the provisions of this by-law.

## **SECTION 7: LICENCE DENIAL, SUSPENSION OR REVOCATION**

1. The Licence issuer may refuse to issue or revoke a Licence if one or more of the following circumstances are met:
  - a) if the information submitted on the application is incomplete, incorrect, false or misleading; or
  - b) where all the required taxes, Fees, administrative monetary penalties or municipal charges have not been paid; or
  - c) where a Licence has been previously revoked, suspended, made subject to special condition(s) or has presented a history of contravention with this or other Town by-laws; or
  - d) Where the Applicant is in breach of any provisions of the By-law or the Short Term Accommodation does not comply with any provision of this By-law any breach of the provisions of any other Town By-law or regulations, or
  - e) refusal to comply with any previous notice of violation within seventy-two (72) hours.
2. Notwithstanding the above, if satisfied that the continuation of the Licence poses an immediate threat to life or the health or safety of any person, the Licence issuer may, for the time and such conditions as are considered appropriate and without a hearing, suspend a Licence for not more than fourteen (14) days, and, prior to suspending the Licence, shall provide the Licencee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.
3. Where the Municipal Law Enforcement Officer has issued three (3) or more monetary penalties within a six (6) month period, the Licence may be revoked by the Licence Issuer.

## **SECTION 8: INSPECTION**

1. A pre-inspection of the premises prior to the provision of comments and prior to the consideration of the application is required. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of Fees for such an inspection, the applicant shall pay the Fees as required prior to the inspection.
2. An officer may at any reasonable time inspect any premises or place where a Licence has been issued under this By-law to determine compliance to this By-law.
3. To obstruct or permit the obstruction of an inspection is deemed an offence.
4. Licence shall be issued once all necessary inspections have been undertaken and signed-off on.

## **SECTION 9: LICENCE FEES NON-REFUNDABLE AND PENALTIES**

1. The Licence application Fee is non-refundable regardless of the ultimate disposition of the Licence application.

## **SECTION 10: ADMINISTRATION AND ENFORCEMENT**

1. The Municipal Law Enforcement Officer shall be responsible for the enforcement of this By-law.
2. Every person who contravenes any provision of this By-law is guilty of an AMP and all contraventions of this By-law are designated as continuing offences pursuant to Section 429 of the *Municipal Act*.
3. When in the opinion of the Municipal Law Enforcement Officer, a violation of this By-law has occurred or exists, the Municipal Law Enforcement Officer may issue a written compliance notice to the alleged violator. The notice shall specify those sections of the By-law which are in violation. Failure to comply with the notice enables the Town, at its sole discretion, to correct the alleged violation, failing which the Town may correct the alleged violation at the expense of the Owner / Licencee.
4. Service of any notice under this section shall be carried out by personal service or registered mail addressed to the Licencee at the address shown as the Licencee's address on the Application.
5. Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules and every Owner is guilty of an offence and may be subject to an Administrative Penalty or as an offence and conviction liable to a fine in keeping with the provisions of the *Provincial Offences Act*.
6. Pursuant to Section 447 of the *Municipal Act*, where an Owner is convicted of knowingly carrying on or engaging in a Short Term Accommodation Business in respect of any Property or any part of any Property without a Licence required by this By-law, or a person is convicted of any other contravention of this By-law and the court determines that the Owner or occupant of the Property or part of the Property in respect of which the conviction was made known or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the Property or part of the Property be closed to any use for a period not exceeding two (2) years.

## **SECTION 11: ADMINISTRATIVE PENALTY**

1. A Municipal Law Enforcement Officer who finds that a person has contravened any provision of this By-law, may issue a notice addressed to that person, advising that person, that he or she has failed to comply with a provision to this by-law and that he or she is subject to paying an administrative penalty as a consequence of that non-compliance.
2. Any person who is issued a penalty notice pursuant to Section 11(1) above shall be liable to pay the Town the administrative penalty in the amount stipulated in the Town's Administrative Penalty Process By-law 4221 (2020) as approved by Council.
3. Each person who contravenes any provision of this by-law shall upon issuance of a penalty notice in accordance with the Town Administrative Penalty Process By-law 4221 (2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which each contravention or violation occurs or continues.

## **SECTION 12: APPEAL**

1. An applicant, whose application has been refused, or a Licencee, whose Licence has been revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply to appeal this decision with Town Council.
2. Every person who initiates an appeal of a decision shall submit a notice of appeal;
  - a) within fourteen (14) days of a refusal or revocation; and
  - b) with the non-refundable required Appeal Fee as detailed in the Town's Fees and Charges by-law; and
  - c) by registered mail to the Town or personally filing with the Town Clerk of Deputy Town Clerk.

## **SECTION 13: APPEAL HEARING**

1. Council shall hear and render a decision on an appeal under Section 12 of this By-law in an expeditious manner.
2. In considering an appeal, Council has the same powers as the municipal official who may issue or revoke a Licence and may:
  - a) rescind the refusal or revocation action, or
  - b) confirm the refusal or revocation action, or
  - c) modify the action and create requirements of compliance.
3. The decision of Council on the appeal is final.

## **SECTION 14: CONFLICT AND SEVERABILITY**

1. If any portion of this By-law of the Town is found to be in conflict with any other provision of any zoning, Building, fire, safety or other By-law of the Town or regulations, the provision which establishes the higher standard shall prevail.
2. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, Council intends the remainder of this By-law or the application of such provision or requirement to all persons other than those to whom it is held to be invalid or unenforceable to not be affected hereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by by-law.

## **SECTION 15: EFFECTIVE DATE AND TRANSITION PROVISIONS**

1. This By-law shall come into full force and effect upon enactment of the By-law at which time all By-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.
2. Zoning By-law Conformity:
  - a) A Property that is subject to a use that is not in conformity to the



permitted uses of the Comprehensive Zoning By-law, as amended, shall not be issued a Licence.

- b) In the event that the Applicant for a Short Term Accommodation Licence pursuant to this By-law claims that the use as a Short Term Accommodation is a legal non-conforming use pursuant to Section 34(9) of the *Planning Act* or the Property that is subject to the application was used as a Short Term Accommodation at the time the By-law was passed by Council, the Applicant shall provide evidence that is satisfactory to the Licence issuer together with a sworn Affidavit or Statutory Declaration which shall include but not be limited to the following information:
  - i. That the Property was being used as a Short Term Accommodation as of July 13, 2020;
  - ii. The nature and extent of the Short Term Accommodation use in July 2020 so as to determine if the use has changed or intensified since this date; and
  - iii. That the Property has not at any time since July 2020 stopped being used as a Short Term Accommodation.
3. Short Term Accommodation legally existing on the date of passage of this by-law shall have a period ending October 31, 2020 in which to obtain a Licence.
4. References to associated By-laws shall be deemed to include any amending or replacing by-laws subsequent thereto.

#### **SECTION 16: SHORT TITLE**

1. This By-law shall be known as the “Short Term Accommodation (STA) Licencing By-law”.

Enacted, Signed and Sealed this  
13<sup>th</sup> day of July, 2020

---

Marvin Junkin, Mayor

---

Nancy J. Bozzato, Town Clerk

## **Schedule “A” – Renter Code of Conduct**

## **Schedule “B” – Responsible Person Consent Form**

## **SCHEDULE A TO BY-LAW NO. 4257(2020)**

### **RENTER CODE OF CONDUCT**

#### **1. PREMISE OF THIS CODE**

The premise of this Code is that the short term accommodation premises are located in the vicinity of other properties and that the residents/occupants of these properties have the right to enjoy their properties without being imposed upon by nuisance from others.

#### **2. OBJECTIVES OF THIS CODE**

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood.

#### **3. GUIDING PRINCIPLES**

The Guiding Principles for short term accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbors; and,
- Leave it as you find it.

#### **4. MAXIMUM NUMBER OF RENTERS AND GUESTS**

- Permitted Renter occupancy shall be the sum of all guest rooms in the Short Term Accommodation and have a maximum occupancy of ten (10) persons per dwelling, which includes the permanent occupants at any one time.
- The number of non-occupying guests permitted at a short term accommodation premises must not be such that it may conflict with the neighbourhood or amenity.

#### **5. NOISE AND RESIDENTIAL AMENITY**

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- a) Amplified sound such as noise created by, any radio, television, electronic device, record player, tape player, amplifier, loud speaker, musical instrument or equipment, device or instrument;
- b) Outdoor or backyard gatherings involving excessive noise;
- c) Late or early hour disturbances; and,

- d) Yelling, shouting, chanting and loud conversations.

Please be advised that the Town of Pelham's Noise Control By-law 3130-2010, as amended, is in effect at all times and renters and guests must comply.

## **6. FUNCTIONS AND PARTIES**

No person shall sponsor, conduct, continue, host, create, attend, allow, cause or permit a Nuisance Party. Please be advised that the Town of Pelham's Nuisance By-law No. 4253(2020) or successor, is in effect at all times.

- a) Short term accommodation renters are not to host commercial functions;
- b) So called "party houses" conflict with residential amenity and are not permitted as per the Nuisance By-law 4253(2020) or successor;
- c) Any gathering, celebration or entertainment at a short term rental accommodation premise Renter must not conflict with residential amenity and must comply with all the other requirements of this Code and the Town of Pelham by-laws; and
- d) No roof parties.

## **7. ACCESS AND PARKING**

This property includes parking in the common parking spots located around the building, on the "first come, first served" bases.

## **8. RECYCLING AND GARBAGE**

Please familiarize yourself and your guests with the protocol for waste management procedures, including the day of the week in which waste collection is scheduled. Place your garbage at the curb by 7 a.m. on your regular collection day. Do not place your garbage bag or can at the curb any earlier than 5 p.m. the day before collection. It should be noted that the "putting out" of waste on a non-scheduled day is prohibited. Waste Collection information is available on the Niagara Region website [www.niagararegion.ca/waste/collection.aspx](http://www.niagararegion.ca/waste/collection.aspx)

## SCHEDULE B

### **Responsible Person Consent Form Short Term Accommodation (STA) Application By-law No. 4257(2020)**

---

As required by the *Licensing for Short Term Accommodation By-law No. 4257(2020), Section 5. (6)*, the owner of a Short Term Accommodation premises shall ensure that there is a responsible person available to attend the Short Term Accommodation premises at all times within a period of no greater than **one (1) hour** from the time of contact by way of telephone or e-mail.

The by-law defines a “Responsible Person” as *the owner or an agent assigned by the owner or licensee of the Short Term Accommodation to ensure the Short Term Accommodation is operated in accordance with the provisions of this by-law, the license and applicable law.*

#### **Responsible Person Consent**

I \_\_\_\_\_ CERTIFY AND ACKNOWLEDGE THAT:  
(Print Name)

I have been appointed by the owner as a “Responsible Person” in accordance with the licensing requirements to operate a Short Term Accommodation at the following address:

\_\_\_\_\_, Town of Pelham, Ontario  
(Street Address)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

**NOTICE OF COLLECTION:** The personal information recorded on this form is collected and maintained in accordance with MFIPPA – the Municipal Freedom of Information and Privacy Protection Act and will be used in the administration and enforcement of the Licensing for Short Term Accommodation by-law. Questions about the collection of personal information may be addressed to the Clerks Department, Town of Pelham, 20 Pelham Town Square P.O Box 400, Fonthill, ON L0S 1E0, 905-892-5055

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 4258 (2020)

Being a by-law to authorize the execution of a site plan agreement for the lands municipally known as 190 Canboro Road, legally described as Part of Lot 3 Concession 8 Pelham Part 1, 59R-16509; Pelham.

Dehaan Homes Inc.

**File No. SP-02-19**

---

**WHEREAS** By-law No. 1118 (1987) designates the Town of Pelham as a Site Plan Control area, and

**WHEREAS** it is deemed desirable to enter into a Site Plan Agreement in order to control the lands as described in Schedule 'A' of the Site Plan Agreement which is attached hereto and forms part of this by-law;

**NOW THEREFORE** the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** the Mayor and Clerk are hereby authorized and directed to execute the Site Plan Agreement attached hereto as Schedule 'A' with Dehaan Homes Inc. for the lands described in Schedule 'A' of the Site Plan Agreement.
2. **THAT** in the event minor modifications to the Site Plan Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

ENACTED, SIGNED AND SEALED THIS  
13<sup>th</sup> DAY OF JULY, 2020 A.D.

---

MAYOR MARVIN JUNKIN

---

CLERK NANCY J. BOZZATO

**SITE PLAN AGREEMENT  
DEHAAN HOMES INC.  
CANBORO PLACE  
190 CANBORO ROAD**

**TABLE OF CONTENTS**

<u>Title</u>	<u>Page #</u>
1. DEFINITIONS .....	2
2. GENERAL PROVISIONS .....	3
3. GRADING .....	3
4. SANITARY SYSTEM .....	4
5. WATER SUPPLY .....	4
6. STORM SEWER SYSTEM .....	5
7. ROADS AND ACCESS .....	5
8. LANDSCAPING AND TREES.....	5
9. GARBAGE DISPOSAL .....	6
10. MAIL DELIVERY .....	6
11. UTILITIES .....	7
12. FLOODLIGHTING .....	7
13. PARKING, CURBING, DRIVEWAYS AND SIDEWALKS .....	7
14. BUILDING AND SERVICES .....	7
15. ARCHAEOLOGY .....	7
16. WARNING CLAUSES.....	7
17. ADMINISTRATIVE AND CONSULTING COSTS .....	8
18. DEPOSIT FOR FACILITIES AND WORKS .....	8
19. DEFAULT .....	9
20. COVENANTS .....	9
21. REGISTRATION.....	9
22. OBLIGATION.....	9
23. BUILDING PERMIT .....	10
24. PLANS.....	10
25. NOTICES.....	10
26. SCHEDULES.....	10
27. BINDING EFFECT .....	10
SCHEDULE A      LEGAL DESCRIPTION.....	12
SCHEDULE B      SITE PLAN.....	13
SCHEDULE C      ELEVATIONS.....	14
SCHEDULE D      SITE GRADING & SERVICING PLANS.....	15
SCHEDULE E      LANDSCAPE PLAN.....	16
SCHEDULE F      STREETLIGHT PLAN.....	17
SCHEDULE G      COST ESTIMATES FOR FACILITIES AND WORKS.....	18



THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2020 A.D.

BETWEEN:

**DEHAAN HOMES INC.**

Hereinafter called the "Owner"

OF THE FIRST PART

- and -

**THE CORPORATION OF THE TOWN OF PELHAM**

Hereinafter called the "Town"

OF THE SECOND PART

**WHEREAS** the Owner represents and warrants that it is the owner of the lands in the Town of Pelham described in Schedule 'A' attached hereto (the "Lands");

**AND WHEREAS** the Owner has assumed and agreed to be bound by the terms and conditions of the Site Plan Agreement;

**AND WHEREAS** the Owner is desirous to develop the parcel for a block townhouse use in accordance with Schedule 'B' attached hereto, being a Site Plan filed in the Town's offices;

**AND WHEREAS** the Town has agreed to permit the said construction subject to certain terms and conditions;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows:

**1. DEFINITIONS**

In this Agreement:

- (a) **CHIEF BUILDING OFFICIAL** shall mean the Chief Building Official of the Corporation of the Town of Pelham.
- (b) **CLERK** shall mean the Clerk of the Corporation of the Town of Pelham.
- (c) **COUNCIL** shall mean the Council of the Corporation of the Town of Pelham.
- (d) **DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT SERVICES** shall mean the Director of Community Planning and Development Services of the Corporation of the Town of Pelham.
- (e) **DIRECTOR OF CORPORATE SERVICES** shall mean the Director of Financial Services of the Corporation of the Town of Pelham.
- (f) **DIRECTOR OF PUBLIC WORKS** shall mean the Director of Public Works of the Corporation of the Town of Pelham.
- (g) **FACILITIES AND WORKS** shall mean and includes those facilities and works which are shown on or referred to in any one or more of the plans, drawings and schedules to this Agreement.
- (h) **LANDS** shall mean the lands described in Schedule 'A' attached hereto.

- (i) **PROFESSIONAL ENGINEER** shall mean a Professional Engineer registered in good standing with the Association of Professional Engineers.

## **2. GENERAL PROVISIONS**

- (a) The Owner shall develop and maintain the Lands only in accordance with the terms and conditions contained herein and any other applicable by-law of the Town.
- (b) The Owner shall perform any and all construction and installation on the Lands in accordance with the terms and conditions contained herein and as shown on Schedule 'B' attached hereto and forming part of this Agreement to the reasonable satisfaction of the Town.
- (c) The Owner shall not perform any construction or installation on the Lands except in accordance with the terms and conditions contained herein and shown on said Schedule 'B' attached hereto and forming part of this Agreement and to the reasonable satisfaction of the Town.
- (d) The Owner shall maintain and keep in good repair driveways and accesses servicing the buildings located in the development.
- (e) The Owner shall keep all construction access routes free and clear of dust and debris at all times. The costs of cleaning all streets will be borne by the Owner
- (f) The Owner grants to the Town, its servants, agents, and assigns permission to enter upon the Lands for the purpose of inspection of any Facilities and Works referred to in this Agreement and for the purpose of the completion of any Facilities and Works in accordance with this Clause and this Agreement.
- (g) The Owner will, at all times, indemnify and save harmless the Town from all loss, costs, damages and injuries which the Town may suffer or be put to for or by reason of the construction, maintenance, or existence of any Facilities and Works done by the Owner, its contractors, servants or agents on the Lands or which the Town may suffer or be put to for or by reason of the completion by the Town of any of the required Facilities and Works in accordance with this clause and this Agreement.
- (h) The Owner shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative tribunal the right of the Town to enter into this Agreement and to enforce each and every term, covenant, and condition herein contained and this Agreement may be pleaded as an estoppel against the Owner in any such proceeding.

## **3. GRADING**

- (a) The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer, a detailed Plan for the site, said Plan to clearly indicate the existing drainage pattern on all adjacent Lands originally flowing through, into, or over the area of the site, to the street storm sewer system or other outlet approved by the Director of Public Works. This Plan, attached hereto as Schedule 'D', shall be approved by the Director of Public Works prior to the execution of this Agreement. Minor changes to the Plan may be permitted subject to the approval of the Director of Public Works.
- (b) The Owner shall submit, upon completion of Facilities and Works, a certificate signed by an Ontario Land Surveyor or Professional Engineer which indicates that the grades as stipulated on Schedule 'D' to this Agreement have been complied with.

- (c) Unless otherwise approved or required by the Town, the Owner shall not alter the grades of the said Lands until such time as a Building Permit is issued for the construction of the buildings contemplated herein on the said Lands.
- (d) The Owner shall provide his Design Engineer's verification that all grading, drainage, and servicing provisions have been installed in conformance with the approved Site Grading Plan prepared by Upper Canada Consultants, dated June 2, 2020 and Site Servicing Plan, prepared by Upper Canada Consultants, dated June 2, 2020, attached hereto as Schedule 'D'. The Owner shall provide a copy of the Design Engineer's verification to the Town.
- (e) The Applicant agrees to maintain the 7.5m setback from the stable top of bank (as confirmed by the Geotechnical Engineer) for all new development and site alterations. There shall be no development or site alterations beyond this limit;
- (f) The Applicant agrees to install appropriate Sediment and Erosion Control Measures prior to undertaking any works on site and maintain it in good working order until all areas are re-stabilized after construction to ensure muddy water and sediment do not discharge into the valley;
- (g) The Applicant agrees to install a Limit of Work Fence 3.0m from the top of bank and maintain it until all construction is complete to ensure the dumping or storage of any materials does not occur within the valley;
- (h) There shall be no overland drainage directed over the top of slope in a concentrated manner;
- (i) There shall be no disturbances to the existing grades or vegetation below the top of slope, on the valley wall: and,
- (j) All disturbed areas are restored and revegetated immediately upon completion of the construction phases.

#### **4. SANITARY SYSTEM**

- (a) The Owner shall, at its own expense, forever maintain the internal sanitary forcemain system, including pumps, necessary to service the development.
- (b) The Owner shall ensure that no storm, surface or roof water or weeping tiles shall be discharged into the sanitary sewer system.
- (c) The Owner shall complete all sanitary system works required to service the development must be completed prior to the construction of any structures within the development.
- (d) The Owner acknowledges that the Town shall bear no responsibility for sanitary waste entering the site due to forcemain system malfunction.

#### **5. WATER SUPPLY**

- (a) That the owner and Town obtain a new connection permit for the proposed new connection to the Regional watermain.
- (b) The Owner shall, at its own expense, forever maintain all necessary connections and all internal water supply services necessary to serve the development.

- (c) The operation of valves which cause the internal water supply service to be charged from existing municipal water mains shall **ONLY** be carried out by Town Staff certified in accordance with Ontario Regulation 128/04.
- (d) The Owner shall comply with the provisions of the *Ontario Water Resources Act and Safe Drinking Water Act* and amendments thereto and all regulations thereunder, on all internal water supply services, which said act and regulations shall be enforced by the Town.
- (e) The Owner shall grant, in the Condominium Agreement, the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber if made free and clear of all encumbrances, at all times, which may interfere with such tasks.
- (f) The Owner shall complete all internal and external water works, as specified by this Agreement, and those works shall be fully commissioned prior to the construction of any structures within the development.

## **6. STORM SEWER SYSTEM**

- (a) The Owner undertakes the installation, repair, and forever maintenance the private storm water system as identified in the Site Servicing Plan, prepared by Upper Canada Consultants, dated June 2, 2020, attached hereto as Schedule 'D', and approved by the Director of Public Works.
- (b) The Owner shall complete all storm system works, as specified in the Site Plan Agreement, prior to the construction of any structures within the development.
- (c) The Applicant shall enter into a formal easement agreement through the Municipality with the adjacent landowner to ensure the unimpeded drainage across the lands into the existing channel on the valley slope can continue in perpetuity.
- (d) The Applicant agrees to obtain all appropriate NPCA Work Permits for any works within the regulated areas prior to the commencement of the works on site (including but not limited to: works within 15m of the top of stable slope; any stormwater outfalls).

## **7. ROADS AND ACCESS**

- (a) The Owner shall, at its own expense, prior to construction taking place within a Town Road Allowance, obtain a Town Temporary Works Permit from the Public Works Department.
- (b) The Owner shall, at its own expense, restore any curb cuts and/or reinstate with topsoil and nursery sod the boulevards within the Town Road Allowance to Town standards.
- (c) The Owner shall locate all private signs within the Owner's Lands in accordance with the Site Plan attached as Schedule 'B'. A Town Sign permits must be obtained from the By-law Enforcement Division, Department of Fire and Protection Services.

## **8. LANDSCAPING AND TREES**

- (a) The Owner shall, at its own expense, adequately landscape, plant and maintain all of the Lands not required for buildings, parking or roads so as at all times to provide effective green areas enhancing the general appearance of the development contemplated herein, said planting and

landscaping shall be in accordance with the approved Landscape Plan prepared by James McWilliam Landscape Architect, dated February 2020, attached hereto as Schedule 'E'. Minor changes to the Plan may be permitted subject to the approval of the Director of Community Planning and Development Services.

- (b) Unless otherwise approved or required by the Town, the Owner shall not remove trees or other vegetation from the said Lands until such time as a Building Permit is issued for the construction of the buildings contemplated herein on the said Lands.
- (c) The Applicant agrees to install a 1.5-metre-high chain link (or other similar fencing) along the approved top of bank line, to the satisfaction of the Niagara Peninsula Conservation Authority.
- (d) That all perimeter fencing be installed prior to construction taking place.

## **9. GARBAGE DISPOSAL**

- (a) The owner shall enter into an Indemnity Agreement with Niagara Region prior to commencement of Regional waste collection services to this site. If the owner has not entered into the agreement at the time clearance of conditions is requested, a similar clause shall be included in the condominium agreement.
- (b) In order to accommodate Regional waste collection service, waste collection pads are required to be provided by the developer/owner for Unit 5 and Unit 10 at the location shown on Site Plan Drawing, dated May 2, 2020 and revised to June 2, 2020 by Upper Canada Consultants. The waste collection pads shall be in accordance to details outlined in the Niagara Region's Corporate Policy for Waste Collection.
- (c) The Owner shall include the following clause in all offers and agreements of purchase and sale or lease for each dwelling unit fronting on the internal roadway:

*Purchasers/Tenants are advised that waste collection for the townhouse development will be provided by the Niagara Region through curbside collection, containers must be placed at the entrance located on the shared private road or assigned waste collection pad and each container marked with the appropriate unit number.*

## **10. MAIL DELIVERY**

- (a) The Owner shall include in all offers and agreements of purchase and sale or lease for each dwelling unit a statement that advises the prospective purchaser:
  - (i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - (ii) that the developers/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (b) The Owner further agrees to:
  - (i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.
  - (ii) install a concrete pad in accordance with the requirements of an in

locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

(iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

(iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

## **11. UTILITIES**

- (a) The Owner shall grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
- (b) The Owner will provide all necessary easement(s) required to service this development and any future adjacent developments to Enbridge Gas Distribution at no cost.

## **12. FLOODLIGHTING**

The Owner shall ensure that any lighting facility used to illuminate any building or parking area shall be designed and installed as to deflect from adjacent buildings and streets.

## **13. PARKING, CURBING, DRIVEWAYS AND SIDEWALKS**

The Owner shall, at its own expense, provide and at all times maintain on the said Lands, paved parking and driveway areas acceptable to the Town.

## **14. BUILDING AND SERVICES**

The Owner shall construct and the Town shall permit the construction of the buildings and other structures on the Lands in accordance with the Schedules attached hereto to permit the development provided that all such uses shall comply with all building and zoning requirements of the Town.

## **15. ARCHAEOLOGY**

- (a) Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8886) and hire a licensed archaeologist [Detritus Consulting Ltd] to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.
- (b) In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

## **16. WARNING CLAUSES**

- (a) These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour and/or dust from nearby

agricultural operations, which may interfere with some activities of the dwelling occupants.

- (b) The Owner shall agree in the Condominium Agreement to include a clause within all Offers of Purchase and Sale Agreements advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. Owners are advised that all accesses and laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing. In addition, all snow stockpiling must take place within the condominium property and not piled across Canboro Road.

## 17. ADMINISTRATIVE AND CONSULTING COSTS

The Owner shall pay the Town's reasonable costs in connection with this Agreement for preparation, processing, administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.

## 18. DEPOSIT FOR FACILITIES AND WORKS

- (a) At the time of execution of this Agreement, the Owner shall pay to the Town a deposit to guarantee its compliance with this Agreement in an amount equal to 20 % of the estimated cost of completing the Facilities and Works;

The parties have calculated that the estimated cost for completion to be Seven Hundred and Forty-One Thousand Four Hundred and Eighty-One Dollars and Thirteen Cents (**\$741 481.13**) excluding taxes as set out in Schedule 'G' attached hereto and forming part of this Agreement. Therefore, security in the amount of One Hundred and Forty-Eight Thousand Two Hundred and Ninety-Six Dollars and Twenty-Three Cents **\$148 296.23** shall be provided to the Town.

- (b) The deposit shall be paid to the Town in cash or in the form of an irrevocable letter of credit from a chartered bank or from a recognized lending institution, subject to the approval of the Director of Corporate Services and shall be held as security to ensure the completion of the Facilities and Works until such time as the Town permits its release as ordered herein. The deposit may be used to pay for the cost of any work performed by the Town in accordance with the following clause in the event of the failure of the Owners to comply with the terms of this Agreement.
- (c) Upon completion of the Facilities and Works, the Owner shall provide to the Town, at the Owner's expense, confirmation in writing by the Owner's Qualified Designer or Professional Engineer, or both, that the approved plans appended hereto have been complied with. When such confirmation has been received, the Chief Building Official shall confirm such compliance and the deposit, less any amounts expended to enforce compliance with the Agreement and any amounts refunded or reduced as the work required by this Agreement progresses, shall be returned to the Owner, without interest.
- (d) The Town may, from time to time, demand an increase in the sum of the deposit in accordance with increases in the cost of performing the Facilities and Works required herein to be completed and the Owner covenants and agrees to make such increase. At the sole discretion of the Chief Building Official the amount of the deposit may be reduced at any time after the Owner has reached the stage where the costs to complete the Facilities and Works is less than the amount of the deposit.

- (e) The release of the deposit by the Town does not release the Owner from their obligation to maintain all of the Facilities and Works pursuant to this Agreement.
- (f) The Owner agrees that all of the Facilities and Works required to be provided by the Owner shall be provided, installed or constructed by the Owner within one hundred and eighty (180) days after the date of substantial completion of the proposed development as determined by the Chief Building Official and shall be maintained at all times in good condition.

## **19. DEFAULT**

Upon breach by the Owner of any covenant, term, condition or requirement of this Agreement, or upon the Owner becoming insolvent or making any assignment for the benefit of creditors, the Town, at its option, may declare the Owner to be in default. Notice of such default shall be given by the Town, and if the Owner shall not remedy such default within such time as provided in the notice, the Town may declare the Owner to be in final default under this Agreement. Upon notice of default having been given, the Town may require all work by the Owner, its servants, agents, independent contractors and sub-contractors to cease (other than any work necessary to remedy such default) until such default shall have been remedied, and in the event of final default, may require all work as aforesaid, to cease. Upon final default of the Owner, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- (a) Enter upon the subject Lands by its servants, agents and contractors and complete any work, service, repair or maintenance wholly or in part required herein to be done by the Owner, and collect the cost thereof from the Owner and/or enforce any security available to it;
- (b) Make any payment which ought to have been made by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- (c) Retain any sum of money heretofore paid by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- (d) Bring action to compel specific performance of all or any part of this Agreement for damages; and
- (e) Exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

## **20. COVENANTS**

The Owner covenants for itself, its successors and assigns and the Owners from time to time of the said Lands and the burden of the covenants contained in this Agreement shall be deemed to be negative and shall run with and be binding upon the Lands to and for the Town, its successors and assigns.

## **21. REGISTRATION**

The Owner agrees and consents to the registration of notice of this Agreement against the said Lands.

## **22. OBLIGATION**

This Agreement and the provisions hereof do not give to the Owner or any person acquiring any interest in the said Lands (each hereinafter in this paragraph called "such person") or any other person any rights against the Town with respect to the failure of any such person to perform or fully



perform any obligation under this Agreement, or the failure of the Town to force any such person to perform or fully perform any obligation under this Agreement or any negligence of any such person in the performance of the said obligation.

**23. BUILDING PERMIT**

Notwithstanding any of the provisions of this Agreement, the Owner, its successors and assigns, shall be subject to all of the by-laws, as amended, of the Town at the time of the issuance of a Building Permit required pursuant to the terms of the Agreement or at the time of the execution of this Agreement, whichever is applicable.

The Owner shall pay parkland dedication fees at the time a building permit is issued for the Work shown on Schedule 'B'.

**24. PLANS**

The Owner agrees that all plans shall be drawn by a Qualified Designer or by a Professional Engineer and all surveys by an Ontario Land Surveyor, subject to the reasonable satisfaction of the Town.

**25. NOTICES**

Any notice, demand, acceptance or request provided for in this Agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at: Clerk  
Town of Pelham  
P. O. Box 400  
20 Pelham Town Square  
Fonthill, ON  
L0S 1E0

To the Owner at: DeHaan Homes Inc.  
PO Box 142  
Ridgeville, ON  
L0S 1M0

or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this Section 21. Any notice delivered to the party to whom it is addressed in this Section 21 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

**26. SCHEDULES**

The originals of the plans set out in Schedule 'B', 'C', 'D', 'E' and 'F' are available at the offices of the Town at the address set out in Section 21.

**27. BINDING EFFECT**

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the date and year first above written.

**WITNESS**

**DEHAAN HOMES INC.**

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(date)

I have the authority to bind the Corporation

**THE CORPORATION OF THE TOWN OF  
PELHAM**

\_\_\_\_\_  
Mayor Marvin Junkin

\_\_\_\_\_  
Clerk Nancy J. Bozzato

**SCHEDULE ‘A’**

**LEGAL DESCRIPTION**

PIN 64034-0613 (LT)

Part of Lot 3 Concession 8 Pelham Part 1, 59R-16509; TOWN OF PELHAM

## **SCHEDULE 'B'**

### **SITE PLAN**

Site Plan, 1365-SP, prepared by Upper Canada Consultants, dated May 2, 2020 and revised to June 2, 2020.

## **S C H E D U L E ‘C’**

### **ELEVATIONS**

Block 1, (Units 1-2) Elevations A1-A4 dated February 5, 2019 prepared by ACK Architects.

Block 2, (Units 3-4) Elevations A1-A4 dated March 2019 prepared by ACK Architects.

Block 4, (Unit 10), Left Elevation A1 dated March 2019 prepared by ACK Architects.

Block 5 (Units 11-12) Elevations A1-A4 dated February 5, 2019 prepared by ACK Architects.

Block 6, (Units 13-14) Elevations A1-A4 dated February 5, 2019 prepared by ACK Architects.

## **S C H E D U L E ‘D’**

### **SITE GRADING & SERVICING PLANS**

Site Grading Plan, 1365-SGP, prepared by Upper Canada Consultants, dated June 2, 2020.

Site Servicing Plan, 1365-SSP, prepared by Upper Canada Consultants, dated June 2, 2020.

Storm Drainage Area Plan, 1365-STMDA, prepared by Upper Canada Consultants, dated June 1, 2020.

## **S C H E D U L E ‘E’**

### **LANDSCAPE PLAN**

Landscape Plan, L1, prepared by James McWilliam, dated February 2020.

Landscape Details, L2, prepared by James McWilliam, dated February 2020.

## **S C H E D U L E ‘F’**

### **STREETLIGHT PLAN**

Canboro Place 190 Canboro Road Private Streetlight System, SL-1, prepared by RTG Systems Inc. Electrical Consulting Engineers, dated December 19, 2018.



## SCHEDULE 'G'

## COST ESTIMATES FOR FACILITIES AND WORKS

The on-site work cost estimates are as follows:

[illegible]

In accordance with Section 18 (a) of this Agreement, that the estimated cost for completion shall be in the amount of Seven Hundred and Forty-One Thousand Four Hundred and Eighty-One Dollars and Thirteen Cents (**\$741 481.13**) excluding taxes.

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4260(2020)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 13th day of  
July 2020.**

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) (a) The actions of the Council at its meeting held on the 13th day of July, 2020, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.  
(b) The above-mentioned actions shall not include:
  - (I) any actions required by law to be taken by resolution, or
  - (II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- (2) The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- (3) Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- (4) THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED  
THIS 13th DAY OF July 2020 A.D.

---

MAYOR MARVIN JUNKIN

---

TOWN CLERK, NANCY J. BOZZATO