

REGULAR COUNCIL AGENDA

C-12/2021 - Regular Council

Monday, July 26, 2021

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing 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 and subsequent publication to the Town's website at 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. **Presentations**
 - 4.1.1. **COVID-19 Pandemic Update - CEMC**

B. Lymburner, Community Emergency Management Co-Ordinator
 - 4.2. **Delegations**

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 - 10.1. Reports from Members of Council:
 - 10.1.1. Councillor Olson

Participation on Provincial Consultation: Strengthening Accountability for Municipal Council Members

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requirements related to the wearing of face coverings as may be prescribed by orders issued pursuant to the Reopening Ontario Act, 2020, S.O. 2020

2. By-law 4362(2021) - Being a by-law to amend By-law No. 4107(2019), as amended, and By-law No. 4107(2019, as amended, being by-laws to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings, to provide for Electronic Meeting Participation for the Council of the Town of Pelham, the Committee of Adjustment and Advisory Committees.

3. By-law 4363(2021) - Being a by-law to exempt Blocks 43 & 44 on Plan 59M-471, municipally known as 58, 60, 62, 64, 66, 68, 70 & 72 Summersides Boulevard, from part lot control. River Estates Phase 2 Subdivision. (River Realty Development (1976) Inc.). File No. PLC 03-2021

4. By-law 4364(2021) - Being a by-law to exempt Blocks 29 & 35 on Plan 59M-476, municipally known as 48, 50, 52, 54 & 56 and 53, 55, 57 and 59 Lymburner Street, from part lot control. Saffron Meadows Phase 2 Subdivision (Hert Inc.) File No. PLC 02-2021

14. Motions and Notices of Motion

14.1. Motion Re: Rescind Previous Decision - Transfer of Operating Authority Niagara Central Dorothy Rungeling Airport and Niagara District Airport

Moved by Councillor Haun

Seconded by Councillor Stewart

WHEREAS Town of Pelham Council approved a motion on July 20th, 2015 supporting the common position resolution regarding the uptake of governance and the transfer of operating authority of the Niagara Central Dorothy Rungeling Airport (NCDRA) and Niagara District Airport (NDA); and

WHEREAS the NCDRA Commission can be self-sustaining under proper management;

THEREFORE BE IT RESOLVED THAT the Council of the Town of

Pelham rescinds the approved motion of council regarding the uptake of governance for the transfer and operating authority of the NCDRA and NDA to the Niagara Region;

AND THAT Town of Pelham Council approves retaining the governance and ownership of NCDRA;

AND THAT a copy of this resolution be forwarded to the City of Welland, City of Port Colborne and Township of Wainfleet for consideration and support;

AND FURTHER THAT a copy of this resolution be forwarded to the Niagara Region and Niagara Municipalities for support.

14.2. Motion - Unflood Ontario

Mover: Councillor Olson

Seconder: Councillor Wink

WHEREAS the Town of Pelham Council has identified combating climate change by use of best practices and community education as a strategic priority;

AND WHEREAS Unflood Ontario is an organization dedicated to using natural infrastructure to reduce flooding, lessen water pollution and prepare Ontario for climate change;

AND WHEREAS the Town of Pelham is affected by severe weather events, Great Lake spill over affects, and urban runoff;

AND WHEREAS the Town of Pelham Council wishes to explore the potential opportunity of joining Unflood Ontario as a member and using natural infrastructure to reduce flooding, lessening water pollution and preparing for climate change;

NOW THEREFORE BE IT RESOLVED that Council direct staff to investigate the potential opportunity of joining Unflood Ontario as a member, the benefits related to said membership and to report back to Council by September 20, 2021.

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

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(i) - a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; j) - a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and (k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (1 item)

18. Rise From In Camera

19. Confirming By-Law

409 - 409

20. Adjournment

Name: Jocelyn Baker (with Brian Green as a delegation participant for question support only)	
Address: 2755 Maple Street	
Postal Code: L0S 1C0	Telephone #: 905-328-5213
Email Address: jbak@jlbenvironemtal.ca	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: <div style="text-align: center;"> <input type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection </div>	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: <u>Monday July 26th (3rd Monday)</u></p>	
<p>Please identify the desired action of Council that you are seeking on this issue:</p> <p>On behalf of the Niagara Chapter of Trout Unlimited Canada I (Jocelyn Baker) would like to present the recent work of the 2021 -2031 action plan for the upper Twelve Mile Creek watershed.</p> <p>The report is being provided for council information. I am requesting to provide a 10 minute PowerPoint overview presentation of the report process and findings.</p> <p>Brian Green from the TUC Niagara Chapter executive will be on-hand to answer any questions specific to the work of the Chapter should they arise by council.</p> <p>This action plan process has been informed by staff and some members of council.</p>	
<p>I have never spoken on this issue before. Key points of my deputation are as follows: (Presentation must accompany the request)</p> <p>1) The upper watershed of Twelve Mile Creek is in serious decline, 2) The Niagara Chapter of Trout Unlimited and other partners including the NPCA and Town of Pelham have been working together to restore the upper watershed for several decades, 3) Unified, updated action is needed to address legacy issues and new and emerging issues such as the consequences of accelerated climate change (severe flooding), 4) This action plan puts in place a road map to guide restoration activities over the next 10 years to halt the degradation and restore the watershed ecology, 5) Key recommendations specific to the Town of Pelham will be discussed for future consideration and partnership with the Niagara Chapter of Trout Unlimited Canada as lead implementor.</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>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.</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 hwillford@pelham.ca in accordance with the deadlines outlined above.</p>	
Signature _____	Date <u>July 14, 2021</u>

Jocelyn Baker

Digitally signed by Jocelyn Baker
Date: 2021.07.14 11:03:38 -04'00'

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. 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.

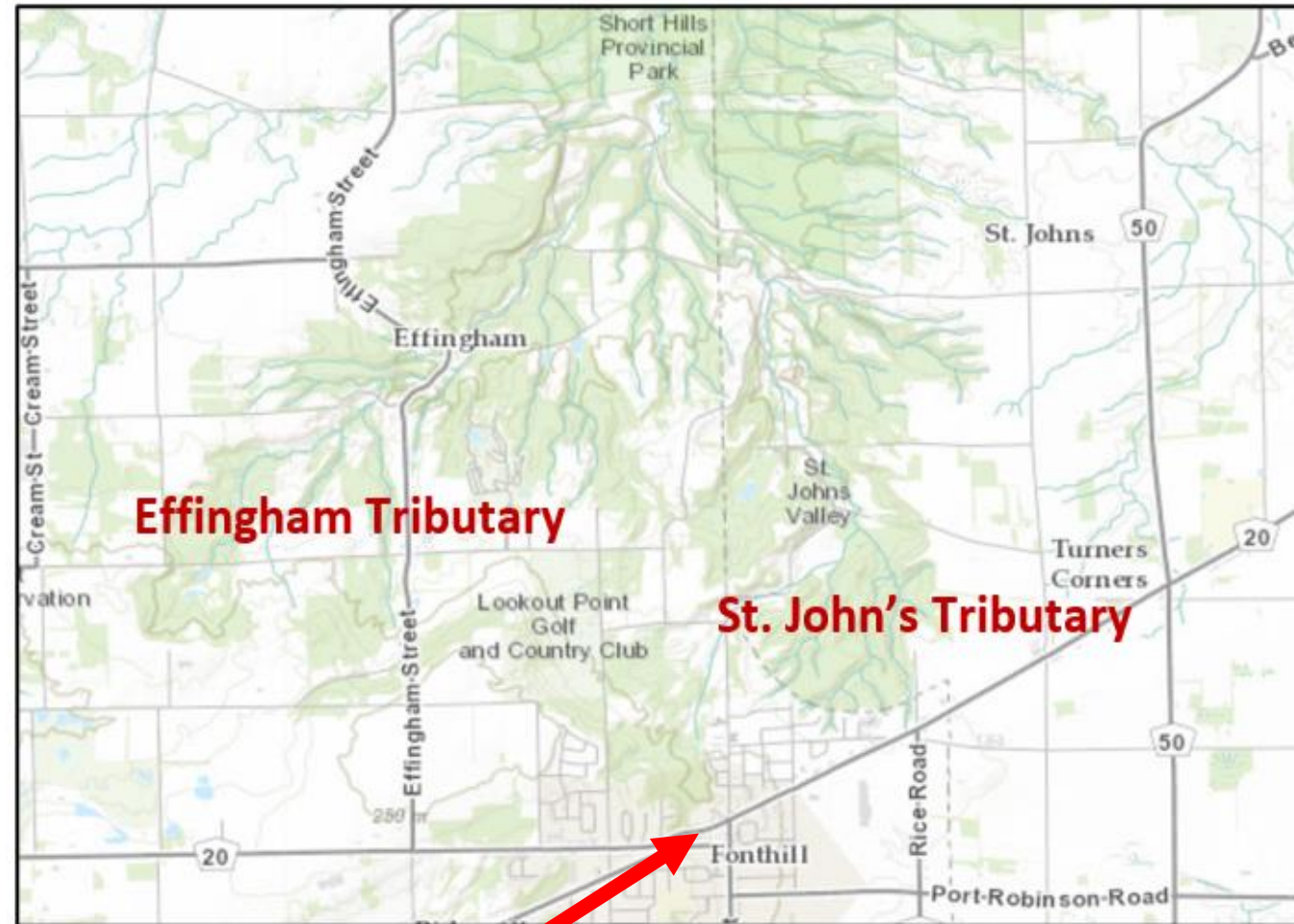
Upper Twelve Mile Creek 10 Year Action Plan Update

Ensuring the Twelve Mile Creek we need for the future we want



Funding and support for this project provided by
the Niagara Peninsula Conservation Authority (NPCA)

Jocelyn L. Baker, PMP, MS



Fonthill Kame Headwaters – where the system starts

Why this 2021 – 2031 Action Plan Update?

- Twelve Mile Creek (upper tributaries) form a unique watershed unlike anywhere else in Canada. Located in the most ecologically diverse life zone in Canada (Carolinian), the upper watershed is on the verge of losing the very attributes that make the system unique – most notably the cold water, brook trout population.
- As a restoration priority since the late 1990s, the most current watershed plan (NPCA, 2006) is dated.
- Working in partnership with the NPCA, the implementation component of the watershed plan is being updated by the Niagara Chapter of Trout Unlimited through the development of this 2021 -2031 Action Plan.
- An essential component of this work is setting up an agreed upon framework for ensuring the upper Twelve Mile Creek watershed contributes to an improved quality of life for all living things (human and non-human).
- The **GOAL** is for project partners including the Town of Pelham council, staff, and watershed residents to be inspired to take action toward improving the ecosystem health of the Upper Twelve Mile Creek.

“The urgent timing of this update and the recommended actions can not be overstated”

Dennis Edell, President, Niagara Chapter Trout Unlimited Canada



Why the Niagara Chapter of Trout Unlimited?

Trout Unlimited Canada (TUC) is a registered Canadian not-for-profit organization with the mission to conserve, protect and restore Canada's freshwater ecosystems and their cold-water resources. TUC has been working for over 40 years to protect and improve Canadian resources. The Niagara Chapter of Trout Unlimited Canada has been working within the upper Twelve Mile Creek watershed for the past 10 years, with a focus on habitat and water quality restoration to help conserve Niagara's only cold-water systems and brook trout population.

The purpose of this action plan is to create a "road map" to guide the remediation efforts of the Niagara Chapter of TUC and their partners, and help secure funding to implement the restoration work required.



CANARY IN A COAL MINE

SOMETHING OR SOMEONE WHO, DUE TO SENSITIVITY TO HIS, HER, OR ITS SURROUNDINGS, ACTS AS AN INDICATOR AND EARLY WARNING OF POSSIBLE ADVERSE CONDITIONS OR DANGER

Expertise of the Niagara Chapter of Trout Unlimited Canada

- Landowners living and working in the watershed
- Environmental Engineer
- Fluvial Geomorphologist
- Project Management Professional
- Ecologist
- Biologist
- Horticulturist
- Farmers
- Small business owners
- Water Quality specialists
- GIS specialists
- Land Surveyor
- Water Resources and Compliance expertise
- Financial expertise
- Communications expert
- Marketing, public relations, media expert
- Graphic designer
- Academic researcher
- Analysts.....and much more



Upper Twelve Mile Creek Action Plan 2021 - 2031 Update

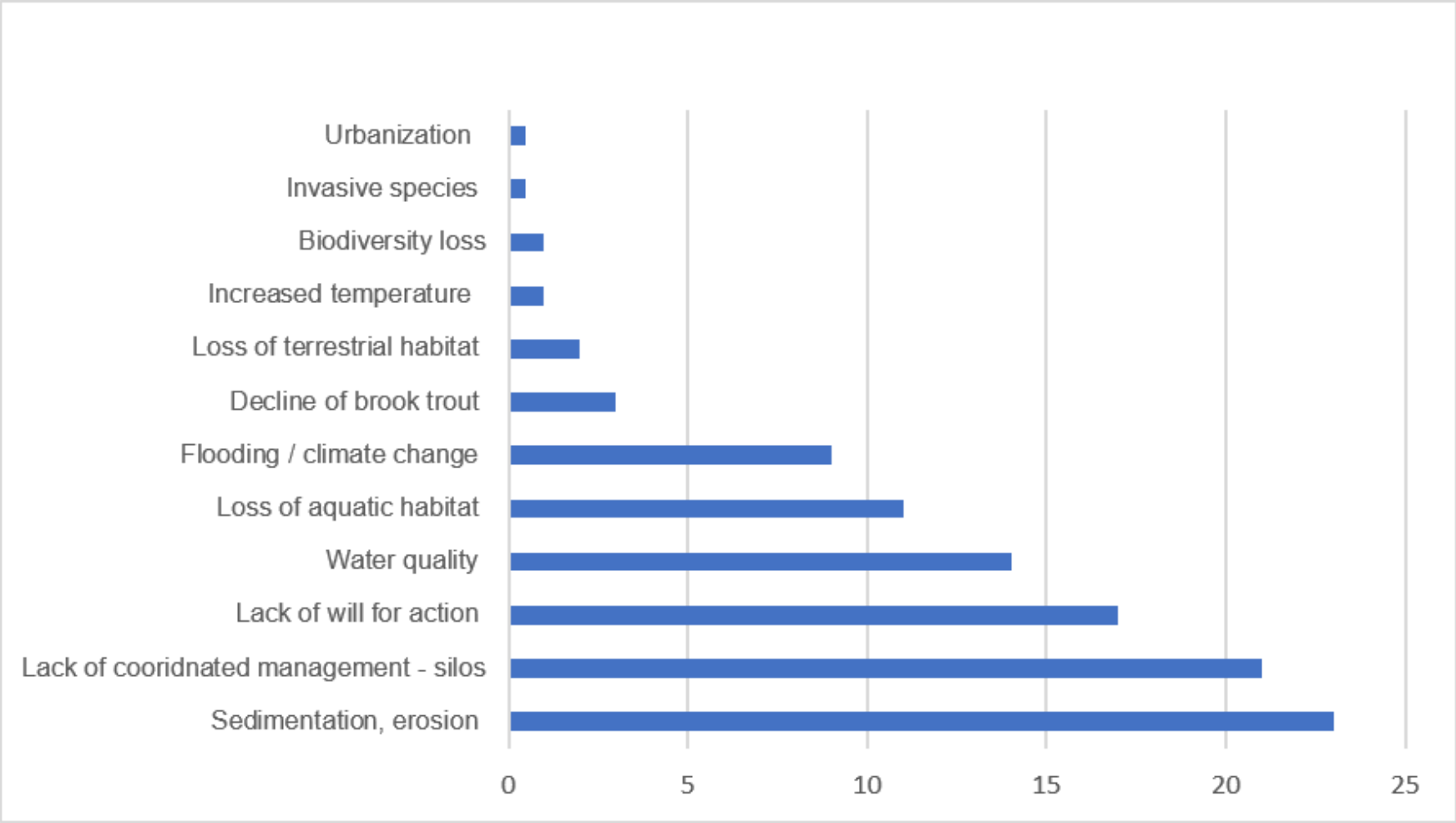
The 12 Mile Creek Watershed Strategy (NPCA, 2000), the Twelve Mile Creek Watershed Plan (NPCA, 2006), and the work of the Niagara Chapter of Trout Unlimited Canada provided the foundation for this action plan.

Action Plan Update Scope of Work

1. Literature review
2. Issue identification
3. Partner engagement
4. Issues and opportunities synthesis
5. Draft Action Plan development
6. Draft Action Plan review
7. Final Action Plan
8. Town of Pelham delegation



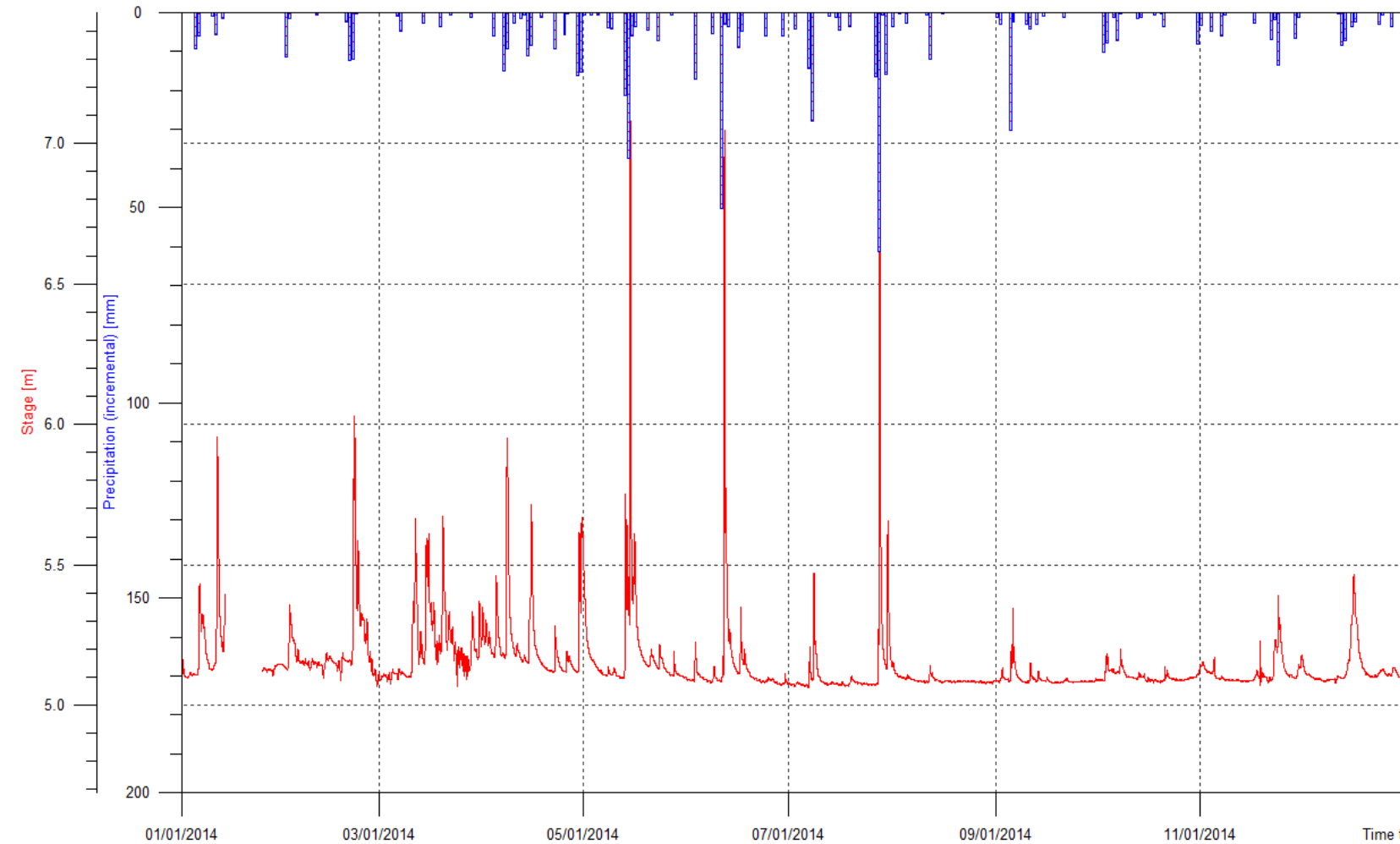
Upper Twelve Mile Creek Issues Identified by Partners & Community



Engagement: TUC, Niagara Chapter of TUC (executive, projects, membership), NPCA, Niagara Region, Town of Pelham, City of Thorold, City of St. Catharines, Niagara College, Brock University, Friends of Short Hills Park, Land Care Niagara, Niagara Restoration Council, Hamilton Naturalists' Club, Agape Valley, Nature Conservancy of Canada, business owners, landowners.

March Public Meeting - 171 registered participants

Accelerated climate change (severe flooding, drought / heat)



Twelve Mile Creek Hydrograph at DeCew Road showing multiple 2014 severe storm events where the UTMC rose several meters in less than half a day [NPCA].

Governance / Management

(Collaborative Framework)



Source Controls

Capture the water at the lot or property level



Conveyance Controls

Minimize and slow runoff (& pollution) before it gets to the creek



Brick = high bulk density,
low pore space



Sponge = low bulk density,
high pore space

End of pipe

Last chance before runoff and pollution gets to the creek



Community Engagement / Environmental Awareness



Habitat Restoration

Frenchman's Creek, Fort Erie, 1999 online pond remediation example



We need to address our changing landscape through good policy



Next Steps

The following are proposed Town of Pelham actions and areas for participation as part of the 10 year action plan update

- Participation on a 2021 – 2031 Action Plan Update oversight committee
- Participation on a stormwater management and green infrastructure working group
- The development and adoption of a Town of Pelham Erosion Control By-law
- The development and adoption of a low impact development (LID) guideline and policy



Get Involved

tucniagara@gmail.com

[Niagara Chapter of Trout Unlimited Canada Facebook Page](#)

[Niagara Chapter of Trout Unlimited Canada Website](#)

[Healthy Twelve Mile Creek Program – Niagara Chapter of Trout Unlimited Canada](#)

TUC Niagara Chapter enjoys broad outreach to the community via its partners and funders

Trout Unlimited
CANADA



**NIAGARA
CHAPTER**

Niagara Peninsula Conservation Authority
Niagara College Environmental Restoration Program
Niagara Community Foundation
Green Belt Foundation
STEP Partnership
Great Lakes Community Action Fund
Ontario Trillium Fund
Ontario Power Generation
Enbridge
La Farge
TD Bank
Walker Industries
Royal Canadian Legion, Fonthill
Sassafras Farms
Land Care Niagara
Scouts Canada (Niagara Councils)
Nature Conservancy of Canada

Upper Twelve Mile Creek Action Plan

2021 – 2031



Image courtesy NPCA

Trout Unlimited
CANADA



**NIAGARA
CHAPTER**

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Upper Twelve Mile Creek 2021 Action Plan Update

Ensuring the creek we need for the future we want



Funding and support provided by the Niagara Chapter of Trout Unlimited Canada membership and the Niagara Peninsula Conservation Authority.

Trout Unlimited Canada is a registered Canadian not-for-profit organization with the mission to conserve, protect and restore Canada's freshwater ecosystems and their cold-water resources. Staff and volunteers have been working for over 40 years to protect natural spaces and improve Canadian resources. The Niagara Chapter of Trout Unlimited Canada has been working passionately within the upper Twelve Mile Creek watershed for the past 10 years, with a primary focus on habitat and water quality restoration to help conserve Niagara's only cold-water watershed and self-sustaining brook trout population.

This document is not a comprehensive watershed plan. The information and recommendations are provided as guidance, with some actions requiring approvals (permits, authorizations, permissions) from various agencies, while others may require further assessment and study.

We invite you to reproduce or adapt any part of this Action Plan for the purpose of furthering the recovery and restoration of the Upper Twelve Mile Creek watershed.

Feedback and comments are welcome. Contact us at:

tucniagara@gmail.com

[Niagara Chapter of Trout Unlimited Canada Facebook Page](#)

[Niagara Chapter of Trout Unlimited Canada Website](#)

[Healthy Twelve Mile Creek Program – Niagara Chapter of Trout Unlimited Canada](#)

Suggested Citation:

Baker, J.L. (2021). Upper Twelve Mile Creek 2021 Action Plan Update; ensuring the creek we need for the future we want. Prepared for the Niagara Chapter of Trout Unlimited Canada, in partnership with the Niagara Peninsula Conservation Authority, by JLB Environmental.

Upper Twelve Mile Creek 2021 Action Plan Update

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List of Acronyms and Abbreviations

BU	Brock University
CA	Conservation Area
CofSC	City of St. Catharines
CofT	City of Thorold
FSHP	Friends of Short Hills Park
GI	Green Infrastructure
GIS	Geographic Information Systems
HNC	Hamilton Naturalists' Club
LCN	Land Care Niagara
LID	Low Impact Development
MNRF	Ministry of Natural Resources and Forestry
NEC	Niagara Escarpment Commission
NC	Niagara College
NCC	Nature Conservancy of Canada
NPCA	Niagara Peninsula Conservation Authority
NPCF	Niagara Peninsula Conservation Foundation
NR	Niagara Region
NRC	Niagara Restoration Council
STEP	Sustainable Technologies Evaluation Program
SWM	Stormwater Management
SWMWG	Stormwater Management Working Group
TBD	To be determined
TofP	Town of Pelham
TMC	Twelve Mile Creek
TUCN	Trout Unlimited Canada – Niagara Chapter
UofG	University of Guelph
UofT	University of Toronto
UTMC	Upper Twelve Mile Creek
WQ	Water Quality

Executive Summary

The health of the upper Twelve Mile Creek (UTMC) ecosystem is in serious decline. Over the last several decades, land conversion, including urbanization and agriculture, invasive species, and the consequences of accelerated climate change, has caused serious environmental degradation. As the only cold-water system in the Niagara Region, the Niagara Chapter of Trout Unlimited Canada (TUCN) has been working to help advance their mandate of conserving Niagara's last remaining brook trout population. Brook trout are biologically significant, requiring unimpaired habitat, with high water quality conditions. They are a culturally significant fish, viewed as a community indicator of health, wellness, and biological integrity. The declining brook trout populations in the UTMC serve as an early warning system for water quality and habitat impairment, signaling creek health is in jeopardy, and rapid restoration interventions are needed.

This 2021 action plan update evolved from discussion between TUCN, the Region of Niagara and the Niagara Peninsula Conservation Authority (NPCA), where these organizations recognized that in the absence of a current watershed plan, inclusive action was needed in the UTMC watershed, to help ensure targeted restoration and conservation action. TUCN took the lead role in the development of this 2021 updated action plan, focusing only on the UTMC watershed portions that support brook trout and their habitat. TUCN is the owner of this 2021 action plan update and is responsible for its implementation. The NPCA is a lead partner, whose expertise is an essential component for the operationalization of many of the update's recommendations.

The purpose of this action plan update is to create a "road map" or "blueprint" to help guide and inform the remediation and restoration efforts of TUCN, including helping to secure future funding opportunities and creating synergies with partners. The scope of work for this action plan update involved the identification of current issues, opportunities, and recommendations that can be undertaken to help conserve and protect declining brook trout populations in the St. John's and Effingham branches of the UTMC. The ten-year restoration goal of this action plan is to increase brook trout populations in the upper tributaries and expand their range downstream into Short Hills Provincial Park.

Although this update followed the guiding principles of watershed management planning, the update is not a comprehensive watershed plan, but rather a collection of community and partner reflections, perspectives, and best practices, collated into recommendations that can be implemented to help restore the health of the upper watershed. Underpinned by expertise and science, the recommendations are not policy and do not bind TUCN or any of their identified partners as having obligatory implementation responsibility. The recommendations are provided as guidance and are suggested as suitable or appropriate actions that can be undertaken strategically over the next ten years to help ensure the long-term health of the UTMC watershed, with a focus on TUCN's mandate of brook trout protection and recovery. The following summary of recommendations have been developed through extensive community, partner, and stakeholder engagement and input.

Summary of Recommendations

Governance / Management

- Establish an implementation oversight committee (multi-partner collaborative approach)
- Establish a monitoring and data management sub-committee
- Update the Twelve Mile Creek watershed plan
- Form a stormwater management working group (SWMWG)
- Update stormwater management policies
- Adopt a Town of Pelham and City of Thorold erosion control by-law
- Establish a communications sub-committee

Stormwater Management (SWM), Runoff and Flooding

- Implement source controls (lot and property level water / pollution interception / control)
- Implement conveyance controls (once water / pollution impacts move off site)
- Implement end of pipe controls (last chance before water / pollution enter creek)
- Create a green infrastructure and low impact development pilot program

Ecosystem Restoration

- Enhance terrestrial, riparian (land / water interface), and aquatic restoration programs

Studies / Assessments / Monitoring

- Undertake a water budget / balance study to ensure the hydrological regime is protected
- Enhance sediment (suspended, transport) and erosion monitoring
- Undertake a culvert / barrier assessment & mitigation program
- Conduct brook trout population density, distribution, and habitat studies
- Enhanced water quality monitoring
- Improved flow and weather station monitoring
- Enhanced UTMC temperature monitoring program

Environmental Awareness / Communications / Marketing

- Explore opportunities for: watershed road signage, walk-shops, workshops, conferences, stewardship project tours, photo contests, webinars, podcasts

Summary of Recommendations (continued)

Community Engagement

- Enhanced volunteer stewardship opportunities for water quality / habitat improvement
- UTMC landowner group / association
- Indigenous Peoples engagement including conversation circle

Reporting

- Undertake annual action plan update, newsletter (quarterly), Media (Conservation Corner), Watershed Report Card

Sustaining Action

- Pursue funding opportunities for action plan implementation / coordination
- Explore Land Acquisition opportunities



Volunteers at work on riparian repair project.

Reflections

The Niagara Region is covered by the Treaty at Niagara and is within the land protected by the Dish With One Spoon Wampum Agreement [1]. This Agreement is an Indigenous citizenship law made between the Haudenosaunee and Anishinaabe nations in 1701, and extends from Montreal, Quebec, all the way to Lake Erie in the Niagara Region [1]. The Wampum Agreement consists of two rules: 1) Take only what you need; 2) Leave the rest for everybody else.

The first human inhabitants of the Great Lakes basin, the original peoples, and the sole occupants of the land for thousands of years, the First Nations People of Turtle Island (current day North America), were the first to discover the wonders of the Twelve Mile Creek watershed. Abundant game, fertile soils and plentiful clean and cool upwelling water enabled the early development of hunting, subsistence agriculture, and fishing. The Niagara Region is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom live and work in the region today. The great standard of living afforded to the residents of Niagara is directly related to the unique and enduring relationship that exists between Indigenous Peoples, their traditional territories, and their deep connections to the air, land, and water they call home.

“And when visiting any home, it is important to ‘knock’ before entering, and to communicate your arrival” [2].

It is therefore with great urgency the Niagara Chapter of Trout Unlimited Canada “knocks” at the door of all Niagara residents and community members who live, work, and play in the UTMTC. The UTMTC watershed ecosystem health is in rapid decline. As the only remaining cold-water system in the Niagara Region, it is approaching its tipping point, moving dangerously in the direction of irreversible degradation, unable to sustain the fragile brook trout species it currently supports.

Now is the time for sustainable action - take only what you need and leave the rest for our future generations. It will not be easy. It will take all community members, working collaboratively together to reverse the environmental degradation, and restore the rich cultural and natural heritage for all (humans and non-humans) who call the UTMTC home.



Healthy UTMTC riffle, courtesy NPCA



Impacts from sediment and erosion, courtesy TUCN

Twelve Mile Creek Watershed Overview

Where is Twelve Mile Creek?

The Twelve Mile Creek (TMC) watershed is located within the Regional Municipality of Niagara, originating above (south of) the Niagara Escarpment in the Town of Pelham. The creek travels approximately 22 kilometers through the municipalities of Pelham, Thorold, St. Catharines, and Lincoln. The TMC watershed contains 6 sub-watersheds, including the UTM (St. Johns and Effingham tributaries), Lake Gibson System, Richardson Creek, Francis Creek, Dicks Creek, and the Lower Twelve Mile Creek, draining a total area of 178 square kilometres and out-letting to Lake Ontario at Port Dalhousie (Figure 1).



Figure 1: Entire Twelve Mile Creek watershed area [NPCA].

The headwaters (origin) of Twelve Mile Creek start at several groundwater, spring-fed locations in the upper watershed. These springs are a result of groundwater and surface water interactions created by the Fonthill Kame. The Fonthill Kame-Delta Complex was created 12,500 years ago during the close of the Wisconsin glacial period. As glacial ice flows retreated across the Niagara Region, a massive load of glacial debris (gravel, sand, and silt) was deposited in a large cylindrical shape, creating the Fonthill Kame. The Kame is approximately 6 km in diameter and 75 m high. It is a unique geological feature in Southern Ontario. Located above (south) of the Niagara Escarpment, it is the highest point of natural elevation in the Niagara Region (Figure 2), and the only location where it is possible to see Lake Erie & Lake Ontario at the same time on a clear day.

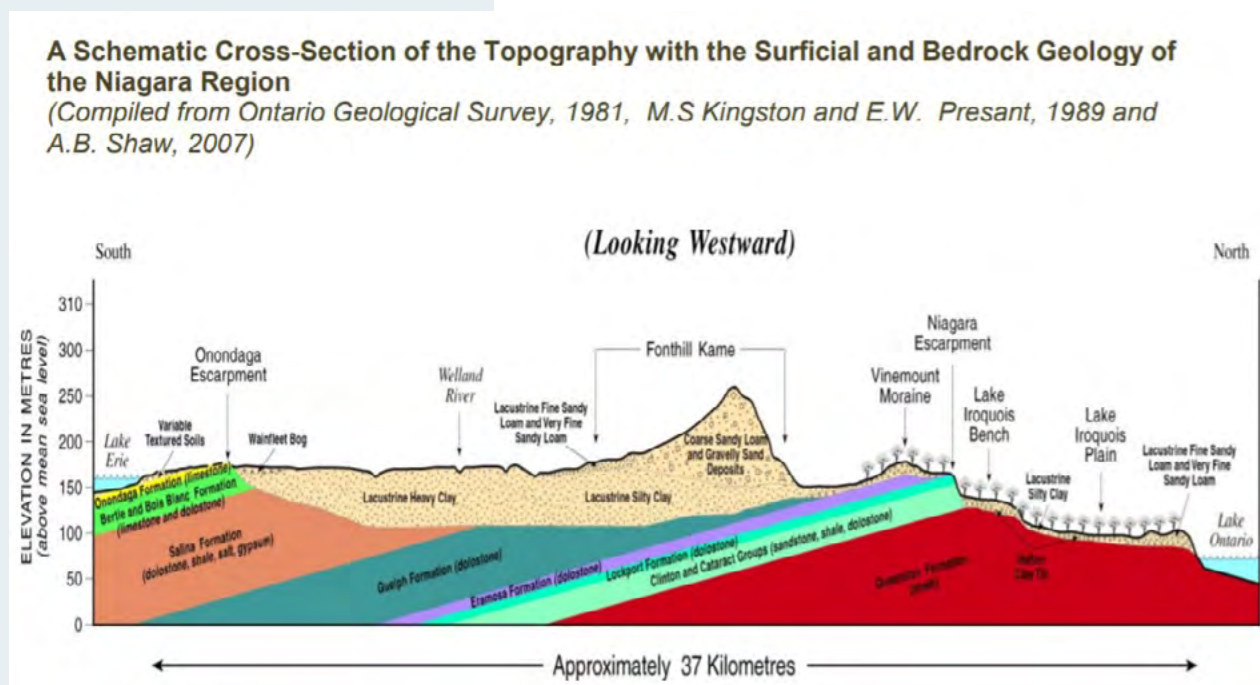


Figure 2: Cross section of Niagara geology [3].

Where is the upper Twelve Mile Creek?

This 2021 action plan update focuses only on the St. John's and Effingham tributaries (branches) of the upper Twelve Mile Creek (Figure 3). These two branches form the upper headwater area and are the only cold-water components of the entire TMC watershed system.

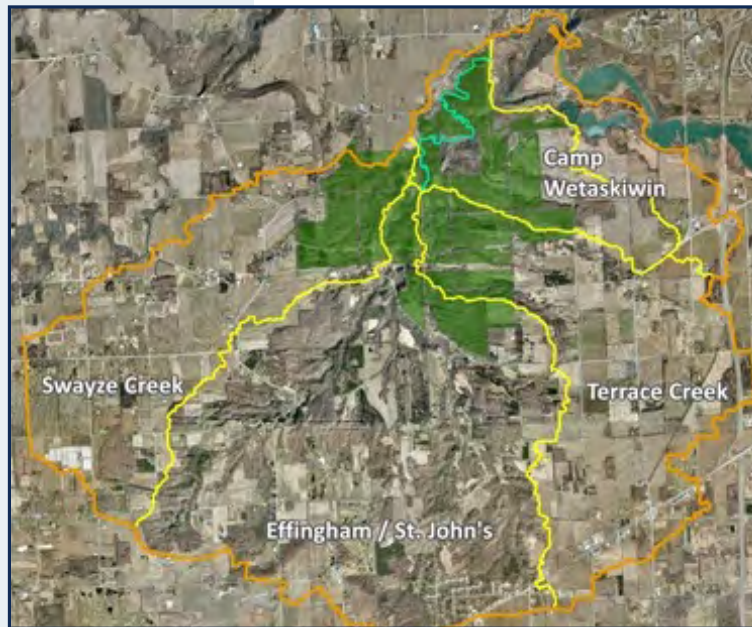


Figure 3: UTMC Effingham and St. John's Tributaries [NPCA]

The UTMC occupies an area of approximately 51 square kilometres (5,100 hectares) and contains approximately 1,657 property parcels. (Figure 4). The watershed is dominated by urban residential, agriculture, horticulture, natural areas including mixed (coniferous and deciduous) forest. The area demonstrates a varied local economy across several other sectors, including small commercial businesses, hospitality, finance, government, and recreation (Figure 5). The impervious area (built surfaces) of the watershed is approaching 25% (Figure 5). Research shows, once the impervious area of a watershed surpasses 10%, health indicators such as good water quality notably decline with ecosystem degradation reaching severe levels at 30% [4].



Figure 4: UTMC land use [NPCA].

Land use category	Land use (%)
Water	0.43
Wetland	4.58
Mixed Forest	27.07
Deciduous Forest	13.35
Coniferous Forest	3.00
Spare Forest	6.33
Grassland, Shrub	2.06
Bare Soil	1.19
Cultivated	16.32
Settlement Open Area	2.27
Pervious Area Total	76.6
Commercial; Industrial	0.93
Residential	17.19
Road	5.28
Impervious Area Total	23.4

Figure 5: UTMC land use by percentage [NPCA].

What makes the upper Twelve Mile Creek watershed unique?

Geology

The Fonthill Kame-Delta Complex forms the headwaters of the UTMW watershed and is a significant cold-water, groundwater recharge area [5]. The Kame has four geologic divisions: a top zone of sand and gravel; an upper area of gravelly sand; a lower area of sand and silt; and a lowermost area of sand, silt, and clay. These four divisions combine to create a very porous soil structure. Extremely large volumes of precipitation (rain and snow melt) are easily absorbed and stored in the Kame's large volume. The porous Kame soils work together with the underlying thick Haldimand clays, creating a pressure differential that allows for the slow and constant release of stored precipitation as groundwater discharge in the form of cold, clear water. This constant flow of water is referred to as baseflow, emerging in the form of groundwater upwelling, creating cold-water springs that form the start (headwaters) of the UTMW and support systemic flows by sustaining outflow in the downstream channels.

Cold-water creeks are generally less than 18°C during peak summer air temperatures and greater than 4°C during minimum winter air temperatures (approximating the local average annual air temperature of about 10°C). They are generally rich in biodiversity and the aquatic life they support, including sensitive species of fish and benthic macroinvertebrates (i.e. mayflies, dragonflies, caddisflies, and stoneflies) [6].

Brook Trout (*Salvelinus fontinalis*)

Brook trout are small, brilliantly colored freshwater fish native to the headwaters of clear, cold-water streams in North America. The brook trout's scientific name *Salvelinus fontinalis*, translates as "salmon-like fish of the springs". As an endemic species (always here), brook trout are known as the "painted fish" and are considered a sacred species by many Indigenous Peoples [7]. Brook trout have a dark green back covered with lighter worm-shaped markings, resembling the pattern of sun shining through rippled water. These markings camouflage them from predators such as herons. Their undersides are speckled with yellow spots, and red spots surrounded by blue halos. These markings help them blend in with the gravel and cobble creek beds where they spawn.



Brook Trout, courtesy River Traditions

The brook trout in the UTMC are the only native Salmonid fish species naturally occurring in the in-land waters of the Niagara Region. As the most sensitive Salmonid species (to water quality and habitat degradation), brook trout rely on pollution free, cold-water habitats with overhanging vegetation and groundwater upwellings to support all their life cycle needs. They are intolerant of water temperature above 23°C, with the optimal range between 11 - 16°C [6].

Brook trout are biologically significant as they require pristine, stable habitat with high water quality conditions, and are viewed as community indicators of health and biological integrity.

Brook trout require the same biological attributes humans need in a healthy environment [6,7]. The declining brook trout populations in the UTMC serve as an early warning system for water quality and habitat impairment, signalling creek health is unbalanced, and rapid restoration interventions are needed to ensure their survival. In addition, impaired water quality negatively affects human health, with poor water quality shown to have negative effects on community reputation and property values [8,9].

Flora and Fauna

The Niagara Region is one of the most biologically diverse life zones in North America [10]. The local climate is moderated by the Great Lakes and the Niagara Escarpment, enabling the Niagara Region to support plants and animal species not found in other parts of North America [10]. Although the Fonthill Kame is the driver for the cold-water creek, the Short Hills land feature is an important terrestrial ecosystem within the UTMC watershed [10]. Formed 12,500 years ago through a complex glacial process of ice scouring and deposition, the V-shaped valleys that resulted are referred to as the current day Short Hills topology. This topology along with the Fonthill Kame, shaped the UTMC unique geology, helping to support plants and animals of the Carolinian Life Zone, many



Red Trillium, courtesy NRC



Jack-in-the-pulpit, courtesy NRC

of which are species at risk and protected, provincially and federally. Even though the Carolinian Canada life zone is only 1% of the country's total land area, it supports a greater number of both flora and fauna species than any other ecosystem in Canada [10]. The UTMCM contains the highest percentage of protected natural areas in Niagara, including Environmentally Sensitive Areas (ESAs), Areas of Natural and Scientific Interest (ANSIs), St. Johns Conservation Area, the Nature Conservancy of Canada's Lathrop property, the Hamilton Naturalists' Club Short Hills Sanctuary property, and Short Hills Provincial Park [10]. The abundance of forested natural areas has attracted several species at risk, including the Hooded Warbler and Acadian Flycatcher. The UTMCM provides one of the most important breeding sites for the Hooded Warbler in all of Canada [11].

People

With over 85 percent of the UTMCM watershed in private land ownership, the landowners are well positioned to have a meaningful and cumulative impact on the recovery and future protection of this valuable natural resource. As a priority watershed for restoration, many stewardship programs and partners have been working collaboratively for more than two decades. Through programs including TUCN's Healthy Twelve Mile Creek, the NRC's Restoring the Twelve Mile Creek, LCN's Natural Heritage Framework, and the NPCA's Twelve Mile Creek Watershed Plan, hundreds of landowners have been engaged through "shovel-in-ground" stewardship projects. A good foundation of watershed advocates currently exists, but there is much more work to be done. Many community members are still unaware of how their health is linked to the health of the environment that surrounds them, including the role brook trout play as an early warning system for environmental degradation. Governments and agencies alone cannot solve the issues threatening the UTMCM. Landowners play an important role in the implementation of the 2021 action plan update recommendations. By participating in restoration work, especially the work of TUCN's Healthy Twelve Mile Creek program, landowners can help ensure the long-term viability of this critically important ecosystem.

Why an urgent need for a 2021 action plan update?

Over the last several decades, land conversion, including urbanization and agriculture within the UTMCM watershed, has caused serious environmental degradation. Increasing human-nature conflicts (urbanization, agriculture, invasive species, accelerated climate change) are pushing the system toward collapse. Community partners are increasingly concerned about losing the healthy cold-water attributes supporting the brook trout and other species of plants and animals that make the UTMCM watershed unique.



UTMC flooding & sediment, courtesy NPCA



UTMC flooding & sediment impacts, courtesy NPCA

“The urgent timing of this update and the recommended actions can not be overstated” [12].

The TMC is an important watershed from a biological, cultural, geological, agricultural, and economic perspective. The UTMC has been targeted as a planning and restoration priority since the late 1990’s. The NPCA’s most recent TMC watershed plan was developed in 2006 with a 10-year action plan, which expired in 2016. As a foundational guidance document, the 2006 Twelve Mile Creek action plan needed updating.

Working with the NPCA, the TUCN took a lead role in the coordination of this 2021 action plan update. The work of TUCN is focused on the restoration, preservation, and protection of this cold-water resource by ensuring the recovery and sustainability of brook trout and their habitat. An essential component of their work is ensuring the UTMC watershed contributes to an improved quality of life for all living things, human and non-human, while ensuring there is enough water, of necessary quality, to sustain healthy communities, in harmony with the natural environment. Both the NPCA and TUCN realized the pursuit of a 2021 action plan update for the UTMC provided an enhanced opportunity to synergize the work of the multiple agencies, citizens groups, and landowners already working together for the protection and restoration of the watershed. The goal of this 2021 action plan update is to strengthen partnerships while inspiring all community members to take immediate action towards improving the ecosystem health of the UTMC watershed.

The 2021 Action Plan Update Process

Scope of Work

The scope of work for this 2021 action plan update focused on the upper Twelve Mile Creek watershed, specifically the St. John's and Effingham branches. Informed by the work previously accomplished through the Twelve Mile Creek Watershed Strategy (2000) and the Twelve Mile Creek Watershed Plan (2006), this update focused on six key areas:

1. Literature review
2. Issue identification
3. Partner and community engagement
4. Issues and opportunities synthesis
5. Recommended Actions
6. Implementation framework

The development of this 2021 action plan update followed the guiding principles of integrated resource management, looking through a sustainability science lens for managing human activities and natural resources, by balancing the needs of people with the environment. Great effort was given to incorporate as many perspectives as possible, to ensure community goals are reflected and recommendations are actionable and realistic.

What did we aim to achieve?

The aim of this 2021 action plan update is to create a “road map” or “blueprint” to assist watershed partners in the management of the land, water, and aquatic life, to protect and improve the health of the ecosystem. This 2021 action plan update recommends activities and strategies that can be undertaken by all sectors of the community over the next ten years. The objectives are the preservation and restoration of the creek and its floodplain to a state which balances both the needs of the landowners and the environment. An important component was the engagement with community members, including landowners, interest groups, government officials, and elected representatives during all phases leading to the final action plan product.

Who did we engage with and how?

The engagement process included project initiation announcements through a media release, partner outreach, a TUCN advertisement and article in local media (Voice of Pelham, Niagara This Week), and an interview on 610 CKTB radio. A virtual 2021 action plan update public meeting was held with over 170 participants registered. The meeting provided an overview of the unique characteristics of the UTMC watershed, with an issues / opportunities discussion, followed by a question-and-answer period. A public input portal and email communication system was established for feedback.

Community partners and the public were invited to submit their perspectives of the issues and opportunities for UTMC remediation and recovery. Through questionnaires and a community engagement portal, input was received from the following community partners: TUCN executive, projects committee and membership; NPCA (staff, board, and committees); Niagara Region; Town of Pelham; City of Thorold; City of St. Catharines; Niagara College; Brock University; Friends of Short Hills Park; Land Care Niagara; Niagara Restoration Council; Hamilton Naturalists' Club; Agape Valley; Nature Conservancy of Canada; and the general public, including landowners.

What did we learn?

The community engagement process from the NPCA 2006 watershed plan identified the following three main issues [13]:

- A lack of interagency communication and collaboration;
- Uncertainty pertaining to the roles and responsibilities of government agencies;
- The need to promote partnerships between municipalities, public interest groups, and citizens, including landowners.

The 2021 action plan update community engagement identified similar issues, signaling better communication, collaboration, and effective partnerships as priority areas that need to be addressed (Figure 6). Sedimentation, erosion, degraded water quality, and loss of aquatic habitat including the decline of brook trout were also significant community concerns (Figure 6).

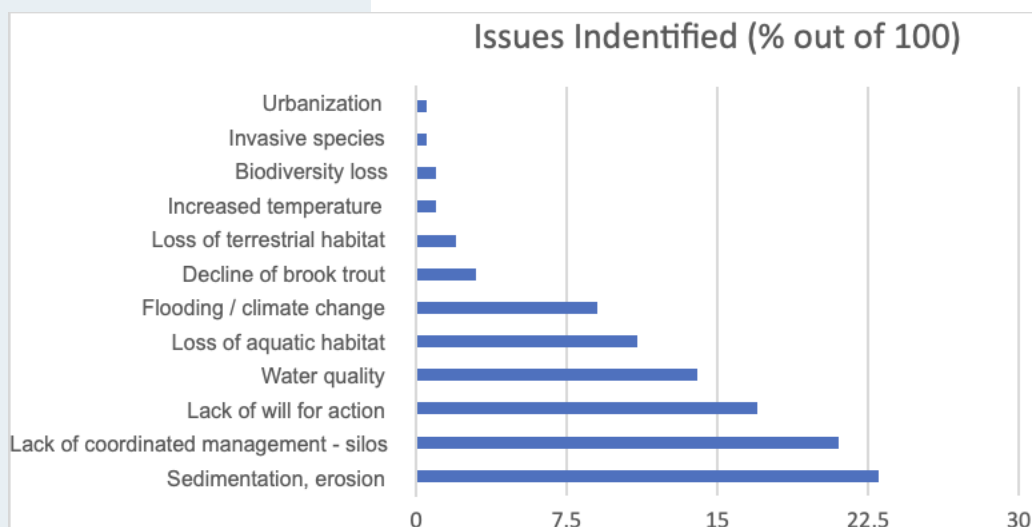


Figure 6: Identified issues from UTM 2021 action plan update engagement process.

Flooding and creek damage from increased severe storm events were a priority concern for landowners who own property in the floodplain or in proximity to the creek. The effects of accelerated climate change in relation to the increased storms, coupled with expanding urbanization and run-off in the headwaters was a common concern (Figure 7). Community residents are worried about the long-term sustainability and ecosystem health of the UTM, with many not understanding what they as individuals can do to improve the situation.



Sulphur Spring Rd flooding in 2014, courtesy NPCA



Property flooding in 2014 at Roland Rd, courtesy NPCA

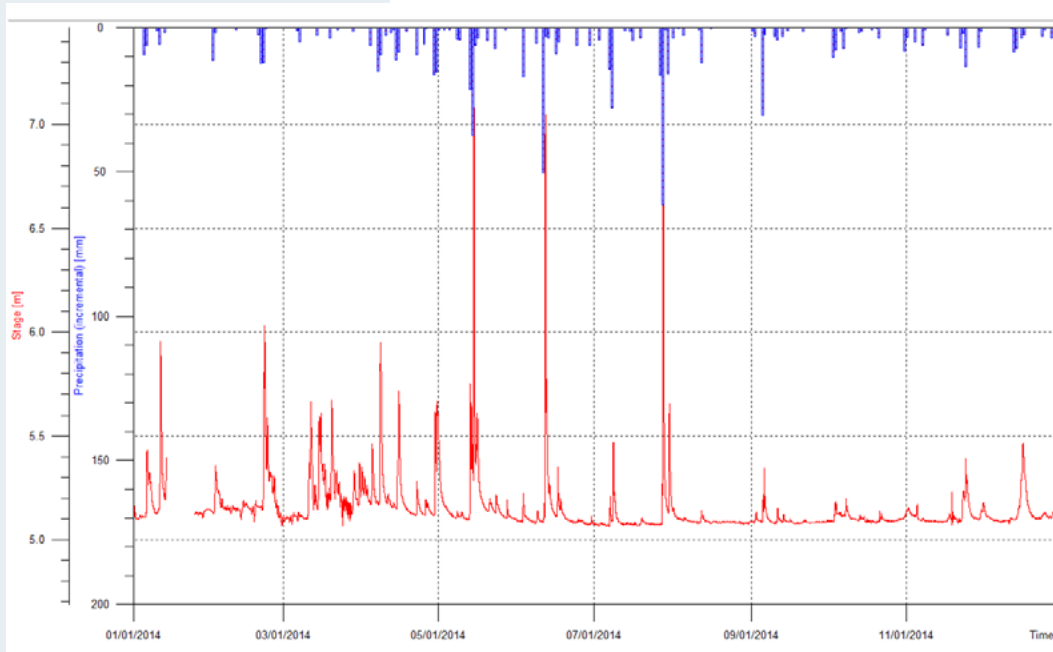


Figure 7: Twelve Mile Creek Hydrograph at DeCew Road showing multiple 2014 severe storm events where the UTMC rose several meters in less than half a day [NPCA].

How will progress be measured?

You cannot manage what you do not measure. To effectively manage and measure progress, metrics must be meaningful. They should help solve a problem and quantify success. Metrics should be cost-effective and properly resourced with people possessing the necessary skills, tools, and time to conduct the required work. The following metrics have been selected as meaningful and realistic indicators to describe the current conditions (2021) of the UTMC and provide a benchmark to measure future progress against (Table 1). These metrics will also assist in tracking and reporting 2021 action plan update implementation progress.



UTMC water quality monitoring, courtesy NPCA

Table 1: Metrics and Indicators

What will be measured?	Why measure?	Who will measure?	When will it be measured?
Percent watershed Impervious area	> 10% impervious area signals poor ecosystem health [4,14,15]	NPCA GIS	Year 1 (2022), 4 (2025), 7 (2028), 10 (2031)
Percent Rural Forest Cover	< 30% results in biodiversity loss [16]	NPCA GIS	Year 1 (2022), 5 (2026), 10 (2031)
Percent Urban Canopy Cover in headwaters	1 large tree intercepts 20 – 50% of rain [17]	NPCA GIS	Year 1 (2022), 5 (2026), 10 (2031)
Percent riparian buffer cover	> 75% to maintain temperature and filter sediment [16]	NPCA GIS	Year 1 (2022), 5 (2026), 10 (2031)
Wetlands	40% of historic wetlands restored [16]	NPCA GIS	Year 1 (2022), 5 (2026), 10 (2031)
Water Temperature and dissolved oxygen (DO)	All UTM tributaries < 20°C [5] DO > 9.5 mg/L [18]	NPCA, TUCN, NC students	Continuous datalogger monitoring
Total sediment load (transport rate)	Amount of sediment transported over time	NPCA, TUCN, NC students	Spring. Added to enhanced monitoring schedule
Suspended Solids	< 25 mg/L [19,20]	NPCA, TUCN, NC students	Added to enhanced monitoring schedule
Chloride (Road salt)	< 120 mg/L [18,20]	NPCA, TUCN, TofP, CofT, NR, NC students	Added to enhanced monitoring schedule
Number of restoration projects completed	Measure program(s) uptake	NPCA, TUCN, LCN, NRC, NCC	Annually
Number of trees planted (rural and urban)	Maintain accurate tree accounting	NPCA, TUCN, LCN, NRC, CofT, NR, TofP	Annually
Number of community partners engaged	Measure community and political will	NPCA, TUCN, LCN, NRC, TofP	Annually
Number of action plan recommendations implemented	Measure of action plan progress	Action plan Coordinator (see recommendations)	Annual progress report, watershed report card (every three years)

What is the work that needs to be done?

The identified issues were used to help inform and develop the 2021 action plan update recommendations, including the management activities needed to address them. The variety and complexity of the issues demonstrates the need to establish recommendations that are specific, measurable, and have responsibility structures and timeframes. To help ensure effective and efficient delivery, the recommendations also have associated timelines, estimated costs, and suggestions on progress monitoring and reporting.

Oversight Committee

The establishment of an oversight committee is seen as a valuable contribution to the overall health and protection of the UTM. An oversight committee will help ensure the efficient implementation and coordination of recommendations while promoting:

- Interagency communication, collaboration, and synergy;
- Partnerships between agencies, interest groups, and landowners;
- Coordination of work, programs, and funding resources.

Although TUCN is the owner of the 2021 action plan update and is responsible for its implementation, the research is clear - participatory and collaborative forms of governance lead to more effective improvements in environmental quality, with the public more trusting of governance and management structures consisting of many organizations [21]. The inclusion of multi-agency partners, stakeholders, and community members has been found to increase the acceptance of decisions and improves compliance and implementation on the ground [21,22]. An oversight committee is a forum for partners to come together in the spirit of collaboration, to work together on actions within the UTM.



Courtesy NPCA

Water Budget Study

The establishment of a water budget is an important study recommendation to provide an accounting of all inflows, outflows, and changes in storage (water balance) in the headwaters. Currently, the water inputs are greater than the storage and infiltration capacity, as evident in the overwhelming of SWM infrastructure. The increased development and corresponding stormwater runoff in the headwaters are significant factors contributing to the ecological degradation of the UTMC. Understanding the hydrological regime is essential to ensuring future development, planning, and engineering decisions are grounded in science.

Next Steps

The following recommendations and considerations will be instrumental in restoring and protecting the UTMC watershed and all its residents (human and non-human) from further environmental decline while ensuring the sustainability of Niagara's only cold-water, brook trout resource.



Implementation Recommendations

Recommended Action	Identified Issue	Opportunity
Governance / Management		
Establish an implementation oversight committee (multi-partner collaborative approach)	The top issues identified by community partners is the lack of public and political will for action, and the need for integrated resource management in the UTMC. There is confusion about who is responsible for what (i.e., stormwater management, data collection, monitoring, reporting) and the lack of a consistent, coordinated, and properly resourced restoration approach. These are similar to issues identified over 17 years ago during the NPCA's 2006 watershed planning process, with the lack of interagency communication and collaboration identified as a top concern at that time.	The establishment of an implementation committee co-chaired by TUCN and NPCA leadership can ensure the coordinated and collaborative delivery of action plan recommendations [20,21]. The Town of Pelham has been identified as the preferred agency to host this committee. The municipal offices are located in the headwaters of the watershed, with the Town having an existing committee establishment structure, designed to promote partnerships between municipalities, public interest groups and citizens, including landowners. An implementation committee will also ensure a multi-partner collaborative approach for advising on community issues.
Establish a monitoring and data management sub-committee	Since 1994, many partners have been working within the UTMC, undertaking studies, and collecting data through various monitoring programs. With multiple agencies running parallel monitoring programs, there is a need for a coordinated approach to minimize duplication of efforts and resources. There are many reports that are housed at various locations including BU, NC, NPCA, TofP, and TUCN.	With multiple agencies and groups collecting information and conducting studies, there is a need for a data sub-committee (established under the implementation committee umbrella) and a central repository for storing and disseminating information. The NPCA working with NC is well positioned to provide repository services for data storage and dissemination.

Recommended Action	Identified Issue	Opportunity
Governance / Management continued		
Update the Twelve Mile Creek watershed plan	This UTMC action plan update is not a comprehensive watershed plan, but rather a targeted framework to deal with the urgency of remediation needs of the St. Johns and Effingham tributaries only.	An updated watershed plan for the entire TMC system is needed for proper watershed characterization and to ensure a holistic approach to ecosystem recovery, including meaningful long-term monitoring and reporting. The NPCA and the NR are well positioned to advance this through collaboration as was done in 2006.
Form a stormwater management working group (SWMWG)	Stormwater management in Niagara is poorly coordinated, relies on outdated policies, and does not support the implementation of technologies that embrace green infrastructure and low impact development. Agencies responsible for the oversight of SWM are often deficient in financial and human resources. Additionally, incentives to encourage the uptake and adoption of innovative SWM technologies by consultants, developers, and landowners are lacking.	As a mandatory requirement, SWM in Niagara should be coordinated and consistent across all agencies, and development platforms (consultants, contractors). The formation of a working group with representation from all partners can ensure a coordinated approach to SWM for all of Niagara. The establishment of a SWM Working Group (SWMWG) should include expertise from outside of Niagara (i.e., STEP program), looking at areas such as Waterloo and Halton where great success in the implementation of GI and LID has been realized.

Recommended Action	Identified Issue	Opportunity
Governance / Management continued		
Update stormwater management policies	The Ministry of the Environment Stormwater Management Planning and Design Manual (2003), as a foundational provincial guidance document, is outdated. As a result, SWM policies at the Regional, Municipal and Conservation Authority level that are guided by this document, are also outdated, and are informed by traditional (versus current and innovative) approaches to SWM. [23]	The Region of Niagara is in the process of updating their SWM policies and their Official Plan. This process could be informed by the SWMWG and the UTMC oversight committee, with the resulting regional policies grounded in the most current GI and LID science. As umbrella policies, the Region's policies could serve as a model for municipalities and the NPCA. Any new development or construction with drainage into UTMC should have LID's incorporated into designs, such as pervious driveways, swales for groundwater infiltration etc. This needs to become a mandated requirement into new home and subdivision design.
Adopt a Town of Pelham and City of Thorold erosion control by-law	The increase in impervious area from urbanization, leads to increased surface runoff, erosion, and sedimentation. The effects of these increases include degraded water quality, loss of aquatic habitat, creek channel instability, and hazards, such as bank destabilization and fallen trees. Many municipalities mitigate the effects of increased impervious areas through erosion control by-laws. The Town of Pelham nor the City of Thorold have erosion control by-laws.	Erosion control by-laws for the TofP and CofT will provide another tool for the reduction and elimination of sediment and runoff entering the UTMC. Erosion control by-laws provide site level erosion and runoff control techniques to reduce and prevent impacts from construction sites. Measures include reducing disturbed soils, securing soils and materials (i.e., tarps, straw, re-seeding within specific timeframes), and redirecting and preventing water from having off-site impacts.

Recommended Action	Identified Issue	Opportunity
Establish a communications sub-committee	The lack of communication and/or inconsistent messaging around the importance of the UTM C watershed (beyond brook trout) has been identified as a priority issue. It is poorly understood how dangerously close the community is to losing the very attributes that make the system unique and special.	The establishment of a communications sub-committee (under the implementation committee umbrella) can lead to improved communications, especially linking brook trout as an indicator species to the broader ecosystem goals of improved habitat and water quality for the watershed. Effective communication is a key component to assist with ensuring all partners are working productively and respectfully towards shared goals.
Stormwater Management (SWM), Runoff and Flooding		
Implement source controls (lot and property level water / pollution interception / control)	Water management in the UTM C relies heavily on traditional approaches to SWM, moving precipitation and runoff as quickly as possible away from where it intercepts surfaces (i.e., roof-tops), to downstream catchment areas (i.e., stormwater retention ponds). In the UTM C, this rapid transfer of water is overwhelming the current SWM infrastructure and significantly impacting water quality and in-stream habitat. In addition, the natural water balance of the UTM C has been severely impacted. GI including LID solutions mimic and incorporate natural features to capture, redirect, and redistribute stormwater. LID approaches to water management more closely replicate the natural (pre-development) environment and include technologies such as permeable pavement (roads, parking lots), soak-a-way pits, rain gardens, rain barrels, green roofs, bioswales and constructed wetlands.	Science-based, contemporary approaches to SWM from concept through to implementation and long-term maintenance are needed. The first step to achieve this is the updating of SWM policies to better mimic the natural environment and pre-development water balances. Looking at source controls and infiltration methods should be the first step for capturing and controlling lot level runoff. Conveyance controls through infiltration can better deal with water once it leaves a property.
Implement conveyance controls (once water / pollution impacts move off site)		
Implement end of pipe controls (before water / pollution enter creek)		End of pipe controls should replicate natural wetland design and function, to help capture and slow runoff before it enters the creek, while mitigating downstream erosion, sedimentation, and pollution impacts. Natural systems are more flexible and adaptive than engineered infrastructure, playing an important role in mitigating increased runoff from urbanization and severe storms.

Recommended Action	Identified Issue	Opportunity
Stormwater Management (SWM), Runoff and Flooding continued		
Create a green infrastructure and low impact development pilot program, including training for developers and practitioners	The transition to sustainable community planning through the incorporation of GI and LID has been a slow process in many Canadian municipalities. This slow uptake is due to the lack of financial and human resource capacities, short term political cycles, and the lack of community engagement and participation [24]. Successful GI and LID infrastructure capital projects require varying types of expertise and levels of vested interest, with the full participation of all stakeholders and partners. Urban ecosystems with integrated GI and LID perform better than traditional engineered solutions, can cost anywhere from 5-30% less to construct, and can reduce life-time maintenance costs by well over 25% [25].	The shift to green ecosystem planning and implementation is essential for the sustainability and resiliency of the UTMC, especially considering the vulnerabilities of the system to increased severe storms from accelerated climate change. A GI and LID pilot program that includes training and effectively working with the many successful municipal examples (i.e., Waterloo, Halton, Town of Lincoln), should be investigated to offer development incentives for the incorporation of GI and LID into development and construction projects (businesses, subdivisions, and private lands). Examples include; expedited permitting, decreased development fees, and rebates to property owners for reducing stormwater runoff i.e., permeable pavement (driveways, walkways, parking lots), rain gardens, rain-barrels, green roofs, naturalization, urban planting.
Align Climate Change Adaptation to GI and LID development pilot program with the Town of Pelhams climate change adaptation planning process, which includes the Town's planned development of LID guidelines for inclusion into a revised engineering policy manual		
Create and implement Town of Pelham LID policy for development		

Recommended Action	Identified Issue	Opportunity
Ecosystem Restoration		
Enhanced terrestrial (land), riparian (land / water interface), and aquatic (in-stream) restoration programs	<p>Loss of ecosystem function is a priority issue, including the loss of biodiversity, terrestrial habitat (forest, urban tree canopy), riparian buffers, bank erosion, in-stream habitat degradation, including sedimentation of spawning beds, in-filling of riffles and pools, increased stream temperature, invasive species, and warming effects from on-line ponds.</p> <p>The percent of impervious surface area (built surfaces) in a watershed is a key metric used to determine the severity of impact to creek health. The UTMC watershed has an impervious area approaching 25% (Figure 5). Health indicators (i.e., water quality) notably decline when impervious area exceeds 10%, with degradation reaching severe and catastrophic levels at 30% and higher [4].</p>	<p>It is recommended the NPCA re-establish a dedicated restoration priority focus for the UTMC and continue the work of the 2006 watershed plan. Increasing natural areas, thereby decreasing impervious surfaces, will improve the health of the entire UTMC. It will reduce flooding, erosion, and mitigate the effects of accelerated climate change. Ecosystem restoration programs (all partners) need to work together to expand natural areas (forest, meadow, buffers, urban tree canopy). Opportunities for connecting fragmented habitats, in-filling forest patches, reforestation / naturalization of marginal and unused agricultural land, expanding natural areas on golf courses and other areas should be considered. Buffers and in-stream enhancements should be a priority.</p>

Recommended Action	Identified Issue	Opportunity
Studies / Assessments / Monitoring		
Undertake a water budget study	A water budget determines how precipitation is distributed across the landscape by quantifying the following three components of the hydrologic cycle: soil infiltration, surface runoff, and evapotranspiration. It is a measure of the water flow into and out of a defined area. In natural areas these components are balanced. In the UTM, increased urbanization in Fonthill has caused a significant water imbalance in the headwater areas due to impervious surfaces which generate more runoff and reduce infiltration and evapotranspiration. The water inputs are greater than the storage and infiltration capacity, as evident in the constant overwhelming of SWM infrastructure, including the SWM pond at Rice Road and Hwy#20, the SWM pond at Haist Street, and the SWM system at Station Street.	A water budget study for the UTM is required to provide an accurate accounting of all inflows, outflows, and changes in storage (water balance) in the headwaters. A better understanding of the hydrological characteristics of the upper catchment area is necessary in understanding the quantity of available water, to better support planning and design considerations for water resource infrastructure including SWM, LID, culverts, and road repairs (i.e., Sulphur Spring Road). Measures to protect existing headwater water balances should be mandatory for new and proposed development, with no net losses to hydrological functions. Water balance analysis must demonstrate that pre-development hydrological regimes will be maintained in a post-development scenario.
Enhanced sediment and erosion monitoring	Sediment, erosion, and pollution from runoff (i.e., fertilizer, road salt) is a priority issue impacting water quality, habitat, and brook trout. Sediment from runoff covers critical spawning substrate (gravel and cobble) that brook trout require for reproduction. The lack of suitable spawning habitat is a large contributor to their population decline.	Building on the work of BM consulting [26] there is opportunity to further delineate areas of priority for sediment and erosion reduction within the UTM. Further monitoring and studies (geomorphology) are needed to establish erosion rates, sediment transport, and total sediment load. This information will help prioritize future restoration efforts and measure ecosystem recovery.

Recommended Action	Identified Issue	Opportunity
Studies / Assessments / Monitoring continued		
Undertake culvert / barrier assessment & mitigation program	Within the UTMCI, many barriers (on-line ponds built within the creek channel), weirs, and malfunctioning culverts impact water flow and fish movement. On-line ponds such as the one located at St Johns Conservation Area are of concern in a cold-water system as they create large open water features allowing increased surface exposure to sunlight. These ponds create increased water temperatures (thermal pollution), which can be lethal for brook trout.	On-line pond and barrier remediation has been an on-going priority in the UTMCI for the past two decades. Building on the past work an updated inventory and mapping of barrier locations should be undertaken. This information will lead to the second phase of barrier prioritizing for remediation / removal.
<p>Conduct brook trout population, distribution, and habitat studies</p> <p>eDNA - Environmental DNA sampling.</p> <p>Redd* study (determining brook trout nesting sites)</p> <p>*the origin of the term redd is unclear; it is thought to be influenced by a 15th century Old English term rædan, meaning "to arrange". [27]</p>	A once abundant fish, brook trout populations are declining in the UTMCI. TUCN, NRC and MNRF have been studying the distribution and population of brook trout for many years. As a secretive species and with most of the UTMCI in private landownership, determining exactly which portions of the creek brook trout are utilizing for their life-cycle needs (spawning to overwintering) is not well understood. A better understanding of the areas and habitat they utilize can better inform restoration efforts including a possible future brook trout reintroduction program but should only be considered after experts agree the UTMCI conditions have been restored to ensure their success.	<p>eDNA analysis collects the naturally shed DNA (skin, feces, reproductive) aquatic organisms deposit into the water they occupy. eDNA is collected through sediment and water quality samples. For brook trout, this method has been shown to be effective for helping to estimate approximate areas in a system where they can be found.</p> <p>Female brook trout lay eggs in gravel excavated nests called a redd. Mapping the distribution of redds in the UTMCI can help determine spawning habitat without locating the fish species themselves. Redd studies can help target restoration efforts and can also determine restoration project effectiveness.</p>

Recommended Action	Identified Issue	Opportunity
Studies / Assessments / Monitoring continued		
Enhanced water quality monitoring	Stream flow and water quality parameters are important indicators for measuring aquatic health. The NPCA has been monitoring water quality since 1994, with a dedicated program established in 2001 that includes 6 permanent monitoring stations in the UTMW watershed. The NPCA water quality monitoring program is designed to provide a snapshot of overall watershed health and is not typically designed to track-down specific water quality impairment sources. The rigour needed to inform restoration (issue and opportunity) in the UTMW could be enhanced.	Building on the existing NPCA water quality monitoring program and with input from the monitoring and data management sub-committee, data gaps need to be filled. This would include the need for collecting flow, temperature, sediment, turbidity, nutrients, chloride, and biological data (benthic) data at additional locations. Additional monitoring sites at key locations in the upper watershed need to be established as part of continuous monitoring, with established transects for routine stream assessment looking at in-stream habitat (bed particle analysis), riparian cover, and contaminant loading.
Improved flow and weather station monitoring	The flow station on the St. Johns branch has been off-line since 2015, with the Effingham branch needing frequent repair. Reliable and accurate water quality data is an essential component to ensuring accurate restoration treatments. The lack of reliable data has led to many other agencies including TUCN, NRC and NC to conduct parallel data monitoring. This has led to duplication of effort, and confusion around data storage and accessibility.	Ensure dedicated flow and weather (precipitation) stations for St. Johns and Effingham branches of the UTMW.

Recommended Action	Identified Issue	Opportunity
Studies / Assessments / Monitoring continued		
Enhanced UTMC temperature monitoring program	Changes to water temperature can have catastrophic impacts on aquatic life, especially for a cold-water system. For brook trout, water becomes lethal at 24°C, with an optimum temperature range of 11°C - 16°C, with spawning occurring at 16°C [6]. Existing UTMC water temperature studies show that water temperatures fall outside the optimal range for brook trout, with frequency increasing downstream to the confluence at St. Johns and Effingham tributaries at Roland Rd. Downstream of the confluence, temperature exceed the optimal range by over 50% with the optimal range in exceedance 70% of the time at DeCew Rd (Short Hills Park) [22].	To prevent the further degradation of brook trout habitat, it is essential to coordinate and enhance existing temperature monitoring programs within the upper watershed. In 2013, the NPCA reinitiated (from 2006) temperature monitoring in 8 UTMC locations. TUCN, in partnership with NC has been collecting temperature data in key locations in the UTMC to help prioritize restoration efforts, including the removal and modification of on-line ponds.
Environmental Awareness / Communications / Marketing		
Explore opportunities for: watershed road signage, walk-shops, workshops, conferences, stewardship project tours, photo contests, webinars, podcasts, etc.	<p>This comment captures the issue <i>"I fear the majority (thousands) of citizens in the watershed lack basic knowledge about the environmentally precarious future for this watershed and the creek. Yes, many are learning how important a healthy creek is for brook trout - but do they truly understand or care why we are talking about brook trout? After all the communication, articles, events, literature and initiatives, the community still lacks knowledge and understanding"</i>.</p> <p>Although brook trout are generally understood as an indicator of water quality, the connection between human health and a healthy brook trout population is weak.</p>	There is a need to change the narrative for the protection of the UTMC to better link the relevance of brook trout to improved human health. With many community members unaware of how their health and well-being are linked to the health of the environment that surrounds them, there is a need to better connect how healthy brook trout populations link to improved human health and wellness. As a biological early warning system of water quality and habitat losses, opportunities for improved awareness through communications and marketing can bring a better understanding of the relevance of healthy brook trout populations to the health and well-being of the UTMC community.

Recommended Action	Identified Issue	Opportunity
Community Engagement		
Enhanced volunteer stewardship opportunities for water quality and habitat improvement	This comment captures this issue <i>"Can we really make a difference? Or are we simply applying small Band-Aids, ...one repair at a time? Can we really, truly expect that this watershed will be intact in 20 years after the scale of development and the population growth we see coming?"</i> Government and agencies alone cannot solve the issues threatening the UTMC, as 85% of the watershed is held in private property ownership, making landowners important stewards and action plan implementers.	Through the past implementation of NPCA's watershed plan, hundreds of landowners have undertaken stewardship projects. A strong community foundation of watershed advocates exists. Engaging the community in "hands-on" opportunities such as: Bring Back the Brookies, Buffer-in-a-Box, Yellow Fish Road, Buffers for Bees, pollinator gardens, rain gardens, rain barrel program, can continue to offer opportunities to change attitudes and behaviours towards the environment.
Reporting		
<p>Annual 2021 action plan update report</p> <p>Newsletter (quarterly progress)</p> <p>Media (Conservation Corner)</p> <p>Watershed Report Card</p>	Although the UTMC has been a priority watershed for restoration for over two decades, and much work has been accomplished, a significant knowledge gap exists in terms of progress reporting. This makes it difficult to verify what actions from the 2006 watershed plan have been accomplished to date. Learning from the past, it is imperative to build in sustainable structures for implementation, monitoring, and reporting.	An annual 2021 action plan update will track and report on the progress of recommendation implementation. A work plan of activities should be set each year by the oversight committee with roles, responsibilities, and expected timelines. Progress should be communicated through quarterly newsletters, with media engagement. Watershed Report Cards can effectively measure action plan progress and are used across Ontario by CA's, including the NPCA, with many good examples for guidance.
Sustaining Action		
Pursue funding opportunities for 2021 action plan update implementation	There are no sustainable (long-term) financial and human resources allocated for the implementation and coordination of the 2021 UTMC action plan update. Historically, the NPCA provided dedicated human and financial resources for the oversight and implementation of actions under the Twelve Mile Creek watershed plan, which ended in 2017.	Dedicated long-term funding for the coordination and implementation of the UTMC 2021 action plan update is recommended. Opportunities with the NPCF and other partners should be pursued, similar to the 10-year funding commitment provided for the implementation of the 1999 - 2009 Welland River watershed strategy [28].

Implementation Chart

Action	Work to be done	Partners	Metric	Funding	Schedule
Governance / Management					
Establish oversight committee	Establish implementation committee to ensure the coordinated, and collaborative delivery of 2021 action plan update recommendations	TUCN, NPCA, ToFP, NR, CofSC, CofT, NRC, LCN, NCC, Agape, HN, FSHP	TUCN, ToFP staff to pursue council resolution to support committee formation	In-kind staff / partner time	June 2021
Establish communications sub-committee	Establish sub-committee to ensure all partners are working productively and respectfully towards shared goals	TUCN, NP-CA, ToFP	Oversight committee to advise on structure	In-kind staff / partner time	July 2021
Establish monitoring and data sub-committee	Establish sub-committee to advise on monitoring and data storage needs	TUCN, NPCA, NC	Oversight committee to advise on structure	In-kind staff / partner time	July 2021
Form stormwater management working group (SWMWG)	Establish SWMWG to inform update SWM policies and insure a coordinated approach to SWM across the NR	TUCN, NR, NPCA, ToFP, SOC, CofT	Oversight committee to ensure progress	In-kind staff / partner time	July 2021 - Partnership meetings
Update stormwater Management Policies	SWMWG to work with NR, NPCA to inform SWM policy update to ensure GI and LID, for CofT and ToFP adoption	NR, NPCA, TUCN, ToFP, SOC, CofT	Oversight committee to ensure progress	Staff / partner time	August 2021 - Partnership meetings
Update Twelve Mile Creek watershed plan	Undertake a comprehensive updated watershed plan for the entire TMC	NR, NPCA - through natural heritage planning	Oversight committee to ensure progress	\$75,000 staff time	August 2021 - Partnership meetings
Create Town of Pelham and City of Thorold erosion control By-law	Develop and adopt a Town of Pelham and City of Thorold Erosion Control By-law informed by the SWMWG	TUCN, ToFP, CofT	TUCN, ToFP staff to pursue council resolution to support	Staff / partner time	Sept 2021 - Partnership meetings

Action	Work to be done	Partners	Metric	Funding	Schedule
Stormwater Management, Runoff, and Flooding					
Create GI and LID pilot program including training for local developers, planning, and engineering staff.	Establish incentive pilot program for reducing stormwater runoff through SWM rebates	Lead by TUCN, NPCA, NR with SWM-WG, informed by STEP [29]	Oversight committee to ensure progress	\$50,000 / year (partnership funding – TofP, NPCA, NR, CofT)	Sept 2021- Partnership meetings
Create LID Policy	Develop and adopt a Town of Pelham LID policy for new development	TUCN, TofP,	TUCN, TofP staff to obtain council support	Staff / partner time	Sept 2021- Partnership
Implement GI and LID source controls	Incentives for capturing and controlling property level runoff (rain gardens, rain barrows, green roofs, urban planting).	Lead by SWMWG, informed by STEP [29]	Oversight committee to ensure progress	TBD	Fall 2021 – on-going
Implement GI and LID conveyance controls	Incentives for the uptake of infiltration technologies such permeable pavement, bioswales, soak-a-way pits, naturalization, urban tree planting	Lead by SWMWG, informed by STEP [29]	Oversight committee to ensure progress	TBD	Fall 2021 – on-going
Implement GI and LID end of pipe controls	Incentives for reducing reliance on end-of-pipe controls by looking at source and conveyance controls. Where feasible incorporate constructed wetlands that mimic natural function	Lead by SWMWG, informed by STEP [29]	Oversight committee to ensure progress	TBD	Fall 2021 – on-going
Implement Rice Rd & Hwy 20 SWM outflow modifications	Outflow emergency works implementation	TofP, TUCN, Pelham Cares, NPCA, NR	TofP in collaboration with TUCN to monitor progress	\$70,000 (TofP) NPCA & NR partnership funding	Summer 2021
Undertake Rice Rd & Hwy 20 SWM naturalization	Increase canopy tree cover for shade	TofP, NPCA, NR	Oversight committee to ensure progress	\$10,000 (trees & watering)	Fall 2021, 2022, 2023

Action	Work to be done	Partners	Metric	Funding	Schedule
Stormwater Management, Runoff, and Flooding Continued					
Undertake Station Street SWM modifications	Outflow emergency works implementation	TUCN, TofP	TofP in collaboration with TUCN to monitor progress	TofP budgeted item	Summer 2021
Undertake Sulphur Spring Road repair	Emergency works implementation	TUCN, TofP, NPCA	TofP, NPCA in collaboration with TUCN to monitor progress	TofP budgeted item	Summer 2021
Ecosystem Restoration					
Undertake priority restoration mapping	Update priority mapping to show opportunity areas for riparian buffers, forest cover, fragmented natural areas, in-stream aquatic habitat restoration, and floodplain reconnection due to entrenched channels.	NPCA, NC, TUCN	Oversight committee to ensure progress	In-kind staff time	Fall 2021, updated 2025, 2030
Update restoration database	Update / continue NPCA restoration database to ensure completed project tracking and reporting	NPCA, other community partners	Oversight committee to ensure progress	In-kind staff time	On-going (2021-2031)
Reinstate dedicated UTMC restoration program	Re-establish dedicated restoration priority focus for the UTMC	NPCA	NPCA and NPCF to determine action	\$50,000 / year for projects	Budget year 2022
Implement enhanced terrestrial (land) restoration	Prioritize habitat areas, in-filling forest patches, reforestation, afforestation, naturalization, expand natural areas on golf courses, open areas. Implement BM Geospatial recommendations [26]	NPCA, TUCN, LCN, NRC, NC, landowners	Oversight committee to ensure progress and coordination	In-kind staff / partner time	On-going restoration work (2021-2031)

Action	Work to be done	Partners	Metric	Funding	Schedule
Ecosystem Restoration Continued					
Implement enhanced riparian (land / water interface) restoration	Riparian buffer establishment with a minimum 30 metres should be a restoration priority to ensure pollution filtration and creek shading for 75% of UTM tributaries [16]	NPCA, TUCN, LCN, NRC, NC, landowners, CofT, ToFP	Oversight committee to ensure progress and coordination	In-kind staff / partner time	On-going restoration work (2021-2031)
Implement enhanced aquatic restoration	Removal of in-stream barriers, and restoration of priority areas (from priority mapping) to ensure the re-creation of high-quality aquatic habitat in degraded reaches of the system including functional riffle-pool sequences	NPCA, TUCN, LCN, NRC, NC, CofP, ToFP, landowners	Oversight committee to ensure progress and coordination	In-kind staff / partner time	On-going restoration work (2021-2031)
Create tree cover accounting program	Establish tree cover accounting program working with TreeOcode Niagara [30]	NPCA, TUCN, LCN, NRC, landowners	Oversight committee for coordination	In-kind staff / partner time	Winter 2022
Undertake St. John's CA on-line pond remediation	Remove thermal barrier, re-establish creek channel around existing pond, naturalize to functioning wetland	NPCA, TUCN, NC	Environmental Assessment required, Oversight committee to ensure progress	\$250,000	June 2021 AP presentation to NPCA- to start talks
Implement Cannery pond re-channelization	Remove thermal barrier, re-establish creek channel around existing pond, naturalize to functioning wetland	CofSC, TUCN, NCC, landowner, NC	TUCN to ensure progress	\$250,000	Fall 2021
Implement Lathrop property pond naturalization [31]	Naturalize ponds to wetland function and restore connectivity to creek floodplain	NCC, TUCN, NPCA	TUCN to ensure progress	\$200,000	2022

Action	Work to be done	Partners	Metric	Funding	Schedule
Studies / Assessments / Monitoring					
Undertake water budget study	Study for the UTMC to ensure accurate accounting of all inflows, outflows, and changes in storage (water balance)	TUCN, NPCA, TofP	TUCN to ensure progress	Apply for funding grants	2022
Undertake water balance predevelopment studies	Water balance analysis must demonstrate hydrological regimes will be maintained in post-developments	TUCN, NPCA, TofP	TUCN to ensure progress	Apply for funding grants	2022
Undertake sediment and erosion monitoring	Sediment transport and bedload study to benchmark recovery, remediation and prioritize future restoration	NPCA, TUCN, NC	Oversight committee to ensure progress and coordination	In-kind staff / partner time	Budget year 2022 – ongoing
Implement culvert / barrier assessment & mitigation program	Inventory and map barrier locations. Second phase - prioritizing for remediation / removal	NPCA, TUCN, NRC, TofP, CofP, landowners	Oversight committee to ensure progress and coordination	Inventory – TUCN. Removal - case-by case partnerships	Assessment Winter 2022 Removal 2022-2031
Undertake brook trout eDNA studies	Continue eDNA analysis and partnership	TUCN, UofG, UofT landowners,	TUCN to ensure progress	TUCN grants in partnership with UofG, UofT	2022 – ongoing
Undertake brook trout Redd studies	Undertake Redd mapping and distribution studies	TUCN, NPCA, NRC, Landowners, MNRF	TUCN to ensure progress	TUCN grants in partnership with NPCA, MNRF	2022 – ongoing
Undertake enhanced water quality monitoring	Additional monitoring at key locations in the UTMC, established transects for routine stream assessment looking at in-stream habitat (bed particle analysis) and riparian cover. Fill data gap for flow, velocity, turbidity, chloride, benthic	NPCA, NC	Oversight committee to ensure progress and coordination	In-kind staff / partner time	Budget year 2022 – ongoing

Action	Work to be done	Partners	Metric	Funding	Schedule
Studies / Assessments / Monitoring continued					
Undertake improved flow and weather station monitoring	Ensure dedicated flow and weather (precipitation) stations for St Johns and Effingham branches	NPCA	Oversight committee to ensure progress and coordination	In-kind staff / partner time	Budget year 2022 – ongoing
Undertake enhanced UTMC temperature / dissolved oxygen monitoring program	Coordinate and enhance existing temperature monitoring programs within the UTMC watershed	NPCA, TUCN, LCN, NRC, NC, landowners	Oversight committee to ensure progress and coordination	In-kind staff / partner time	On-going restoration work (2021-2031)
Environmental Awareness / Communications					
Watershed road signage, walk-shops, work-shops, conferences, stewardship project tours, photo contests, webinars, podcasts	Work to change the narrative for the protection of the UTMC to better link the importance of brook trout to improved human health. Improve awareness by linking to the things that are relevant to the community and landowners	TUCN and all partners	Communications sub-committee to monitor progress	In-kind staff / partner time / funding applications for specific activities	On-going work (2021-2031)
Community Engagement					
UTMC landowner group / association	Historically, the Friends of Twelve Mile Creek was an active community group with some members interested in forming a landowner group.	TUCN and oversight committee to advise	Communications sub-committee to monitor progress	Landowner in-kind contributions	2021 – start conversations

Action	Work to be done	Partners	Metric	Funding	Schedule
Community Engagement continued					
Enhanced “hands-on” volunteer opportunities for water quality and habitat improvement	Canopies for Communities – create urban tree program similar to NPCA Canopies for Kids	TUCN	Oversight committee	\$50,000 / yr. for trees and watering	2022 - 2031
	Bring Back the Brookies program	TUCN	TUCN to monitor progress	TUCN in process of securing funding, In-kind staff / partner time	2021 current program
	Buffer-in-a-Box	TUCN	TUCN to monitor progress	TUCN in process of securing funding, In-kind staff / partner time	2021 proposed program
	Buffers for Bees	NRC, NPCA	TUCN to monitor progress	\$10,000 / yr. for plant material	2021 current program
	Yellow-fish Road® (avenue for targeted headwater urban area communication)	NPCA is local coordinator, TUCN	Oversight committee	In-kind staff / partner time	2021 current program
	Trees for Tribes [32] – program creation	TBD	TBD	TBD	2022
Indigenous People engagement including conversation circle [33]	Utilize local Indigenous knowledge for brook trout occurrences including presence / absence in Short Hills Park	TUCN, BU	Communications sub-committee to monitor progress	In-kind staff / partner time	2022
Reporting					
Annual 2021 action plan update report	A work plan of activities should be set each year by the oversight committee with roles, responsibilities, and expected timelines.	Oversight committee	Communications sub-committee to monitor progress	In-kind staff / partner time	Annually starting in 2022
Annual monitoring and data report	A detailed report of annual monitoring and data collection done in the UTMC	TUCN, NPCA	Oversight committee to help coordinate	In-kind staff / partner time	Annually starting in 2021

Action	Work to be done	Partners	Metric	Funding	Schedule
Reporting continued					
Watershed Report Card	Undertake annual Watershed Report Card. Oversight committee to advise on indicators to measure from Table 1	Communications sub-committee	Oversight committee	In-kind staff / partner time	2021 baseline 2025, 2028, 2031
Newsletter (quarterly progress)	2021 action plan update progress communicated through quarterly newsletters by all partners	TUCN	Communications sub-committee to monitor progress	In-kind staff / partner time	Quarterly starting in fall 2021
Media (Conservation Corner)	Conservation corner article in Voice of Pelham with one focus topic monthly	Communications sub-committee	Oversight committee	In-kind staff / partner time	Fall 2021
Sustaining Action					
Pursue funding opportunities for 2021 action plan update implementation	Pursue 10-year funding commitment for 2021 action plan update coordination from NPCF	TUCN, and all partners	Oversight committee	In-kind staff / partner time	On-going
Land Acquisition opportunities	Pursue opportunities to acquire land that is vulnerable to development / land conversion, and properties for restoration	NPCA, NCC, HNC, interested land-owners	Oversight committee	In-kind staff / partner time	On-going

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Name: Kim Rossi	
Address: 1338 Fourth Ave, St. Catharines	
Postal Code: L2S 0G1	Telephone #: 905-688-6850 x 167
Email Address: krossi@pathstone.ca	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: Someone to click through my <input checked="" type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input checked="" type="checkbox"/> Internet Connection	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: <u>July 26th</u></p> <p>Please identify the desired action of Council that you are seeking on this issue: <u>This is a presentation from Pathstone Mental Health in regards to establishing an in-person mental health walk in clinic for children and youth in the Town of Pelham</u></p> <p>I have never spoken on this issue before. Key points of my deputation are as follows: (Presentation must accompany the request)</p> <p><u>I have spoken many times on this issue to various councils and groups.</u> <u>Key points include:</u></p> <p><u>Pathstone as a whole and the programs and services they offer</u> <u>The effect the pandemic has had on children and youth in Niagara who are coming to Pathstone</u> <u>Walk in clinic program, why it was established and the impact it is having in our region.</u> <u>Q & A opportunity.</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>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.</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 hwillford@pelham.ca in accordance with the deadlines outlined above.</p>	
<u>Kim Rossi</u> Signature	<u>July 19, 2021</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. 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.



Model of Care moving through the pandemic,

Presentation to





Simple facts...

- 1 in 5 children and youth will be affected by a mental health issue.
- 70% of mental health challenges have their onset in childhood or adolescence
- Canada's youth suicide rate is the third highest in the industrialized world **Everyday**, 10 people in Canada die by suicide * Suicide as a whole has increased by 400% globally through the pandemic.



Our Challenges

- 36% of Ontario parents sought help for their child, but only 4 in every 10 actually receive it, or are still waiting for treatment.
- Meantime, half of Ontario parents who did receive services, say it was a challenge, long wait times were cited 65% of the time.

The burden of mental illness and addiction in Ontario is more than 1.5 times the burden of all cancers and 7 times the burden of all infectious diseases



Who we are ...

- A mental health agency for children
- We service children, youth and families from birth until their 18th birthday
- We have **17 different programs** that cover mental health needs from stress, anxiety and depression to self-harm, suicidal and homicidal thoughts and grief and trauma therapy.

Pathstone's reach is vast

- We are in schools and daycares across the Region.
- We house our own school for grades 1-8.
- We have a 10 bed Live-In Treatment program in Niagara Falls affectionately known as Rotary House.
- We operate 8 in-person walk-in clinics across the Niagara Region.



Our Goal & Mission

- ▶ To strengthen the quality of life for children, youth and families in Niagara who are dealing with mental health challenges.
- ▶ To ensure **NO CHILD** waits more than 30 days for mental health treatment, accomplished through increasing access to service.

Our Impact 2020- 2021 (April – March)

- We served **9,449** children (an increase of 35 % compared to the previous year)
- That equated to **53,171** of direct counselling hours
- Some of our one-on-one and family programs saw an increase of over **200%**.
- **Nearly 2,000** clients came to Pathstone through our Immediate Services program. (In-person or video Walk-in clinics, or Crisis & Support Line)
- Our Brief Services program has a wait list of **241** children, and it continues to grow.
- **pre-pandemic, we did NOT have a wait list for Brief Services, described as a child who needs up to 6 sessions of mental health counselling.*



Immediate Services Program

- Exactly how it sounds, where kids and families can access mental health support the moment they need us.
- You can do this by calling our Crisis & Support line at **1-800-263-4944. (24/7)**, connecting you directly to a Pathstone counsellor.

You can ALSO

Make a same day or advance appointment for an in-person walk-in clinic session, offered at 8 different locations across the region.

Or make a same day or advance appointment for a video counselling session with a Pathstone counsellor.

- Services are immediate, one-on-one and prevents a clients' concerns from worsening
- There is **NO** cost, **NO** referral, and **NO** OHIP card required, reducing barriers to service.

Where our Clinics are located

- **In-person walk-in clinics**, are already being hosted in Port Colborne, Fort Erie, Welland, Niagara Falls, Thorold, St. Catharines, Beamsville and Grimsby.
- **Video Counselling** is offered Monday-Friday from **anywhere in Niagara**.
- In all, **over 800 in-person and video counselling hours are available** each month by our team of Pathstone counsellors.
- **Since COVID-19**, we have implemented the need for an appointment to access in-person or video walk-in clinic services. **Important to note, same day or advance appointments are available.*
- **Service is free**, without the need for a referral, or health card.

Research has proven, **early intervention can make a dramatic difference in a child's quality of life!**



Immediate Services, is a care lifeline

- ▶ Many clients who sought help through any of these services may have been on our wait-list
- ▶ Some, only needed one session
- ▶ Many, never would have made an appointment
- ▶ Many were first-timers, and were being affected by the pandemic in some way.
- ▶ Issues around school closures, online learning and social isolation were some of the pandemic related issues. It also exacerbated eating disorder cases.

The Crisis & Support Line, has never been busier

- ▶ Operating 365 days a year
- ▶ Call is toll free at 1-800-263-4944
- ▶ Offers one-on-one support from a Pathstone counsellor.
- ▶ Since the start of the pandemic, nearly 300 kids have called talking about wanting to end their life.
- ▶ In some cases, we have dispatched EMS/ 9-1-1 to respond.
- ▶ Over the past 12 months, we answered over 1,275 calls. *April 2020 - March 2021

What Kids are telling our Team

- ▶ They are citing COVID-19 as the centre of their mental health issue.
- ▶ COVID-19 has caused an increase in cases of **anxiety, depression and self-harm** among kids and **more recently** eating disorder cases, which are a serious mental illness. Those cases have more than doubled. **65 eating disorder cases were referred to us in just 30 days.*
 - ▶ Anxiety cases are related to fears of them or a loved one getting sick and **falling behind in school.**
 - ▶ Depression cases are related to loss or **lack of social connection**, for kids peers help them identify who they are and are often more important to them, than their parents.
 - ▶ Eating disorder cases are pointing to anxiety and depression as a primary mental health issue and can offer a form of control at times where there is none.



Our problem is growing.

- ▶ We have **241 kids on our wait list**. (as of July 19, 2021)
- ▶ They are waiting for **Brief Services**, which is described as mental health support in 6 sessions or less.
- ▶ **Before COVID-19** we did not have a wait list for this program.
- ▶ The issue with waiting is, that **the longer a child waits for treatment, the worse or more complex their issue can become**.
- ▶ **Our concern** is that by the time kids are called for Brief Services, their issues may have worsened and could require moderate therapy (up to 25 sessions).
- ▶ Kids are waiting, on average **10-12 weeks for Brief Services support**.

This is not ok

What we need to do next ...

- ▶ **Continue to support** in-person walk-in clinics which re-opened on July 5th.
- ▶ **Further support** immediate access to care through video counselling walk-in sessions, which reduce a barrier to care as sessions require no travel by the client or the clients family.
- ▶ **Strengthen** our Brief Services program with the addition of three to four full-time social workers for the next two years.
- ▶ **Keep care consistent**, and address the wait list now, which will mean that kids issues won't be exacerbated, and we will not add unnecessary pressure to other mental health programs and services.
- ▶ **We have a solution, and need the town of Pelham to meet us at the table.**

Our overall goal remains the same, to ensure no child waits more than 30 days for mental health therapy.



Questions, comments? Let's keep talking

➤ I am happy to spend more time with you to speak further and can be reached in the following ways:

➤ krossi@Pathstone.ca

Or

➤ **905.688.6850 x 167**

SPECIAL COUNCIL MINUTES

Meeting #: SC-10-2021
Date: Monday, June 21, 2021, 5:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin
Lisa Haun
Bob Hildebrandt
Ron Kore
Wayne Olson
Marianne Stewart
John Wink

Staff Present David Cribbs
Jason Marr
Vickie vanRavenswaay
Sarah Leach
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 5:00pm.

2. Approval of the Agenda

Moved By Wayne Olson

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the June 21, 2021 Special Meeting of Council be adopted as circulated.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 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 Bob Hildebrandt

Seconded By Ron Kore

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality and (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

5. Rise From In Camera

Moved By Marianne Stewart

Seconded By Lisa Haun

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With Report.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	

Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Moved By Lisa Haun
Seconded By John Wink
BE IT RESOLVED THAT the Chief Administrative Officer, Town Clerk and Town's External Legal Counsel be and is hereby authorized to undertake the directions provided during the In Camera meeting of June 21, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	1

Carried (6 to 1)

6. Confirming By-law

Moved By Ron Kore
Seconded By Bob Hildebrandt
BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:
Being a By-law No. 4360(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 21st day of June, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	

Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

7. Adjournment

Moved By Wayne Olson
Seconded By Marianne Stewart
BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for June 21, 2021 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Mayor Marvin Junkin

Town Clerk, Holly Willford

REGULAR COUNCIL MINUTES

Meeting #: C-11/2021 - Regular Council
Date: Monday, June 21, 2021
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
Wayne Olson
Marianne Stewart
John Wink

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach
Derek Young
Bani Maini

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm.

The Mayor further called for a moment of silence to honour the memory of Former Councillor Gary Accursi.

2. Approval of Agenda

Moved By Wayne Olson

Seconded By Ron Kore

BE IT RESOLVED THAT the agenda for the June 21, 2021 Regular meeting of Council be adopted.

Amendment:

Moved By Bob Hildebrandt

Seconded By Ron Kore

THAT the Agenda be amended to include an item under 10.1 Reports from Members of Council regarding the Utility Sustainability Advisory Committee and MCC Hydro One Consumption;

AND THAT the Agenda be amended to have item 10.1.1, Councillor Hildebrandt's Report to be heard after item 5 'Adoption of Minutes on the Agenda'.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Main Motion as Amended:

Moved By Bob Hildebrandt

Seconded By Ron Kore

THAT the agenda for the June 21st, 2021 Regular meeting of Council, be adopted as amended.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

3. Disclosure of Pecuniary Interests and General Nature Thereof

3.1 Item 10.2.3 – Councillor Stewart - Mandatory Face Covering Report

The Councillor sews a number of face masks for donation to various community members, friends and family as well as selling a small number of masks to offset the costs of materials and as such, has disclosed a direct pecuniary interest. She will not participate in this particular item and has removed herself as the mover.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update - CEMC

Fire Chief and Community Emergency Management Co-Ordinator presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

Moved By John Wink

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

4.1.2 COVID-19 Pandemic Update - CAO

Mr. David Cribbs, CAO, promoted the Town of Pelham up-coming Canada Day celebrations, release of additional Pelham ran summer camps and the continued success of using the Meridian Community Centre as a COVID-19 vaccination centre.

Moved By Marianne Stewart
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, Chief Administrative Officer, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

4.1.3 Climate Change Adaptation Plan Update

Ms. Bani Maini, Town of Pelham Climate Change Coordinator provided Council an up-date presentation with respect to the Town’s Corporate Climate Change Adaption Plan. A copy of the presentation is on file with the Clerk.

Ms. Maini answered various questions from Council with respect to the Town’s plan.

Moved By Lisa Haun
Seconded By Bob Hildebrandt

BE IT RESOLVED That Council receive the Town of Pelham's Climate Change Coordinator's presentation regarding the Town of Pelham's Corporate Climate Change Adaption Plan, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	

Results **7** **0**

Carried (7 to 0)

4.2 Delegations

4.3 Report of Regional Councillor

5. Adoption of Minutes

Moved By Wayne Olson

Seconded By Ron Kore

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. SC/09/2021 - Special Council Minutes - June 7, 2021; and

2. C10/2021 - Council Minutes - June 7, 2021

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

6. Reports from Members of Council:

6.1 Councillor Hildebrandt Report

Councillor Hildebrandt provided Council with a verbal update with respect to the work the USAC is completing and regarding the Meridian Community Centre Hydro consumption. Councillor Hildebrandt requested the Clerk's Department to 'share' their zoom screen to display charts and graphs for Council's benefit. Copies of these documents are available with Clerk.

Councillor Hildebrandt further provided insights with respect to the possibility of a generator at the Meridian Community Centre.

Moved By Wayne Olson

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive the Utility Sustainability Committee verbal update and documentation presented by Councillor Hildebrandt, for information;

AND THAT Council direct staff to prepare a report in consultation with Utility Sustainability Advisory Committee, Councillor Hildebrandt, Jason Marr, Director of Public Works, and Fire Chief Lymburner with respect to a generator at the MCC;

AND THAT the report be brought back to Council by November 8, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

7. Business Arising from Council Minutes

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

Councillor Hildebrandt requested items 8.3.2 and 8.5.6 be lifted for discussion.

9. Consent Agenda Items to be Considered in Block

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the June 21, 2021 Council Agenda be received and the recommendations contained therein be approved, save and except items 8.3.2 and 8.5.6, as applicable:

8.3. Staff Reports of a Routine Nature for Information or Action

8.3.1. Sulphur Springs Design Build Project Update, 2021-0113-Public Works

BE IT RESOLVED THAT Council receive Report #2021-0113 Public Works entitled " Sulphur Springs Road Design Build Project Update" for Information Purposes.

~~8.3.2. Corporate Climate Change Adaptation Plan , 2021-0109 Public Works~~

~~BE IT RESOLVED THAT Council receive Report # 2021-0109 Public Works entitled "Corporate Climate Change Adaptation Plan" for information purposes;~~

~~AND THAT Council endorse the Corporate Climate Change Adaptation Plan (CCCAP). (lifted)~~

8.3.3. 2020 Town of Pelham Annual Report, 2021-0112-Corporate Services

BE IT RESOLVED THAT Council receive Report # 2021-0112-Corporate Services for the 2020 Town of Pelham Annual Report for information.

8.3.4. April 2021 Financial Reports, 2021-0093-Corporate Services

BE IT RESOLVED THAT Council receive Report #2021-0093-Corporate Services, April 2021 Financial Reports, for information;

AND THAT Council approve a budget transfer to decrease budgeted grant revenue by \$535,259 and increase budgeted transfer from the working funds reserve by \$535,259 to reflect 2020 Safe Restart COVID-19 funding carried forward to 2021.

8.5. Information Correspondence Items

8.5.1. Resolution re: Niagara Central Dorothy Rungeling Airport (NCDRA) Commission

BE IT RESOLVED THAT Council receive the resolutions from the City of Welland and Town of Wainfleet regarding the Niagara Central Dorothy Rungeling Airport Commission, for information.

8.5.2. Support of Town of Pelham Resolution re: Accessibility Issues for Seniors

BE IT RESOLVED THAT Council receive the resolution from the City of Niagara Falls, Town of Wainfleet, City of Welland and Town of Grimsby, supporting the Town of Pelham resolution re: Accessibility for Seniors, for information.

8.5.3. Support for Town of Pelham Request to Region of Niagara to Delay Official Plan Update

BE IT RESOLVED THAT Council receive support from the Town of Wainfleet and Town of Grimsby regarding a request to the Niagara Region to delay the Official Plan update, for information.

8.5.4. Support of Town of Pelham Resolution re: Declaration on Mental Health

BE IT RESOLVED THAT Council receive a resolution from the Town of Grimsby supporting the Town of Pelham resolution regarding a Declaration on Mental Health, for information.

8.5.5. 2021 Ministry of Natural Resources and Forestry Rabies Control Operations Notification

BE IT RESOLVED THAT Council receive the 2021 Rabies Control Operations Notification from the Ministry of Natural Resources and Forestry

~~8.5.6. Niagara Escarpment Commission Re: Streamlined Process for Minor Development Permit Applications~~

~~BE IT RESOLVED THAT Council receive the memo from the Niagara Escarpment Commission regarding Streamlined Process for Minor Development Permit Applications, for information. (lifted)~~

8.5.7. Letter of Opposition re Fish Habitat Compensation Project in Twelve Mile Creek - Dr. Brand

BE IT RESOLVED THAT Council receive the letter of opposition regarding the Fish Habitat Compensation Project in Twelve Mile Creek from Dr. Brand, for information.

8.7. Committee Minutes for Information

8.7.1. Community Beautification Committee Minutes

BE IT RESOLVED THAT Council receive the Community Beautification minutes dated February 26, 2020, May 27, 2020 and July 2, 2020, for information.

8.7.2. Pelham Active Transportation Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Active Transportation Committee minutes dated April 20, 2021, for information.

8.7.3. Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated April 21, 2021, for information.

8.7.4. Pelham Art Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Art Advisory Committee minutes dated April 21, 2021, for information.

8.7.5. Pelham Finance and Audit Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Finance and Audit Committee minutes for May 5, 2021, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	

John Wink	X	
Results	7	0

Carried (7 to 0)

10. Items for Separate Consideration, if Any

10.1 Corporate Climate Change Adaptation Plan , 2021-0109-Public Works

Moved By Marianne Stewart
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report # 2021-0109-Public Works entitled “Corporate Climate Change Adaptation Plan” for information purposes;

AND THAT Council endorse the Corporate Climate Change Adaptation Plan (CCCAP).

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

10.2 Niagara Escarpment Commission Re: Streamlined Process for Minor Development Permit Applications

BE IT RESOLVED THAT Council receive the memo from the Niagara Escarpment Commission regarding Streamlined Process for Minor Development Permit Applications, for information.

Amendment:
Moved By Bob Hildebrandt
Seconded By Ron Kore

THAT the motion be amended to include:

AND THAT Council for the Town of Pelham does not support the proposed streamlining process suggested by the Niagara

Escarpment Commission for minor development permit application;

AND THAT Council for the Town of Pelham supports the continued circulation of minor development permit applications to municipalities;

AND THAT staff are directed to circulate a copy of this resolution to the Niagara Escarpment Commission for their information.

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	
John Wink		X
Results	4	3

Carried (4 to 3)

Main Motion as Amended:

Moved By Bob Hildebrandt

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive the memo from the Niagara Escarpment Commission regarding Streamlined Process for Minor Development Permit Applications, for information;

AND THAT Council for the Town of Pelham does not support the proposed streamlining process suggested by the Niagara Escarpment Commission for minor development permit application;

AND THAT Council for the Town of Pelham supports the continued circulation of minor development permit applications to municipalities;

AND THAT staff are directed to circulate a copy of this resolution to the Niagara Escarpment Commission for their information.

	For	Against
Marvin Junkin		X
Lisa Haun	X	

Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	
John Wink		X
Results	4	3

Carried (4 to 3)

11. Presentation & Consideration of Reports

11.1 Staff Reports Requiring Action

11.1.1 2022 Budget Schedule, 2021-0085-Corporate Services

Moved By Bob Hildebrandt

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0085-Corporate Services – 2022 Budget Schedule;

AND THAT Council approve the 2022 Budget Schedule.

Moved By Bob Hildebrandt

Seconded By Lisa Haun

BE IT RESOLVED THAT Council refer this matter back to staff;

AND THAT the report be brought back to Council at the next Regular Council Meeting being July 26th, 2021 for consideration.

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Wayne Olson		X
Marianne Stewart	X	
John Wink		X
Results	3	4

Defeated (3 to 4)

Moved By Bob Hildebrandt
Seconded By Lisa Haun

**BE IT RESOLVED THAT Council receive Report #2021-0085-
Corporate Services – 2022 Budget Schedule;**

AND THAT Council approve the 2022 Budget Schedule.

	For	Against
Marvin Junkin	X	
Lisa Haun		X
Bob Hildebrandt		X
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart		X
John Wink	X	
Results	4	3

Carried (4 to 3)

**11.1.2 Green and Inclusive Community Building Grants, 2021-
0114-Corporate Services**

Moved By Lisa Haun
Seconded By Wayne Olson

**BE IT RESOLVED THAT Council receive Report # 2021-0114-
Corporate Services – Green and Inclusive Community Buildings
Grant;**

**AND THAT Council approve the two grant applications for a new
Library at the Meridian Community Centre, and the retrofit of
Town Hall for public restrooms and event facilities with the
Green and Inclusive Community Buildings Grants.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	

Results

7

0

Carried (7 to 0)

11.1.3 Mandatory Face Covering Bylaw Extension 2021, 2021-0103-Clerks

Marianne Stewart declared a conflict on this item. (The Councillor sews a number of face masks for donation to various community members, friends and family as well as selling a small number of masks to offset the costs of materials and as such, has disclosed a direct pecuniary interest. She will not participate in this particular item and has removed herself as the mover.)

Councillor Stewart vacated the electronic meeting by turned off camera and muted herself.

Moved By Lisa Haun
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2021-0103 – Mandatory Face Covering Bylaw Extension;

AND THAT Council hereby resolves to extend the Mandatory Face Covering By-law 4270(2010), as amended, until the revocation, repeal or removal of requirements related to the wearing of face coverings prescribed by orders issued by the Province pursuant to the *Reopening Ontario Act, 2020, S.O. 2020;*

AND THAT the Town Clerk be directed to prepare the necessary by-law amendment extending the requirement for mandatory face coverings in the Town of Pelham for consideration at the next Regular Council meeting.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
John Wink	X	
Results	6	

Carried (6 to 0)

11.1.4 Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2022, 2021-0110-Clerks

Councillor Stewart returned to the electronic meeting.

Moved By John Wink
Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive Report #2020-0110-Clerks – Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2022;

AND THAT the proposed amendments to the Town of Pelham Procedural By-law as outlined in Appendix 1, be approved, thereby facilitating electronic meetings participation until March 31, 2022 for Council, Special Council, Committee of Adjustment, Committee of Council and Advisory Committees;

AND THAT the Clerk be directed to present the necessary By-law at the next Regular Meeting of Council on July 26, 2021.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

11.1.5 New Region of Niagara Official Plan, Growth Projections and Urban Land Needs June 21, 2021, 2021-0108-Planning

Councillor Hildebrandt requested the motion be divided.

Moved By Bob Hildebrandt
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2021-0108 for information;

AND THAT Council endorses the growth allocation for Pelham of 9,500 people, 2,300 jobs and 4,100 households to the year 2051;

AND THAT Council endorses the 25% intensification target for the Town of Pelham;

AND THAT Council endorses the land needs assessment of 40ha of additional urban land for the Town of Pelham;

AND THAT Council endorses that portion of Area 1 as identified in Report 2021-0108 that is not included in the Greenbelt Plan area and that portion of Area 2 as identified in Report 2021-0108 that is east of Pelham Street to the Welland border and west of Pelham Street to a depth of 130m be considered by the Region of Niagara for future urban boundary expansion;

AND THAT a copy of this Report be provided to the Region of Niagara for information.

Moved By Bob Hildebrandt

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2021-0108 for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Moved By Bob Hildebrandt

Seconded By Ron Kore

AND THAT Council endorses the growth allocation for Pelham of 9,500 people, 2,300 jobs and 4,100 households to the year 2051.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	

John Wink	X	
Results	7	0

Carried (7 to 0)

Moved By Bob Hildebrandt
Seconded By Ron Kore

AND THAT Council endorses the 25% intensification target for the Town of Pelham.

Amendment:
Moved By Bob Hildebrandt
Seconded By Ron Kore

THAT The motion be amend to strike and replace with the following:

WHEREAS, the Provincial A Place to Grow: Growth Plan for the Greater Golden Horseshoe requires the Region of Niagara to have a minimum intensification target of 50% over a 30 year planning horizon to 2051; and

WHEREAS, the Region of Niagara is in the process of undertaking a new Region of Niagara Official Plan to conform with the Provincial A Placed to Grow: Growth Plan for the Greater Golden Horseshoe; and

WHEREAS, the Region of Niagara is proposing an intensification target of 56% to 2051 for the Region in the proposed new Region of Niagara Official Plan; and

WHEREAS, the proposed Region is seeking input from local municipalities on the new Region of Niagara Official Plan;

NOW THEREFORE, the Town of Pelham recommends that the Region of Niagara incorporate a minimum intensification target of 50% to 2051, not 56% in the new Region of Niagara Official Plan;

AND THAT Council endorses the 25% Intensification target for the Town of Pelham based on the number of approved units

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart		X

John Wink		X
Results	3	4
Defeated (3 to 4)		

Main Motion:
Moved By Bob Hildebrandt
Seconded By Ron Kore

AND THAT Council endorses the 25% intensification target for the Town of Pelham.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

Moved By Bob Hildebrandt
Seconded By Ron Kore

AND THAT Council endorses the land needs assessment of 40ha of additional urban land for the Town of Pelham.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

Moved By Bob Hildebrandt
Seconded By Ron Kore

AND THAT Council endorses that portion of Area 1 as identified in Report 2021-0108 that is not included in the Greenbelt Plan area and that portion of Area 2 as identified in Report 2021-0108 that is east of Pelham Street to the Welland border and west of Pelham Street to a depth of 130m be considered by the Region of Niagara for future urban boundary expansion.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

Moved By Bob Hildebrandt
Seconded By Ron Kore

AND THAT a copy of this Report be provided to the Region of Niagara for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

- 12. Unfinished Business**
- 13. New Business**

14. Presentation and Consideration of By-Laws

Moved By John Wink
Seconded By Marianne Stewart

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 THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

- 1. By-law 4357(2021) - Being a By-law to Exempt Blocks, 31, 32, 33, 34 and 36 on Plan 59M-476 from Part Lot Control. Saffron Meadows Phase 2 (Hert Inc.) File No. PLC 01-2021
- 2. By-law 4358(2021) - Being a by-law to amend By-law No. 4299(2020), as amended, to establish 2021 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to amend Schedule "1", Recreation & Culture Services to provide for Meridian Community Centre Arena Advertising Fees.
- 2. By-law 4358(2021) - Being a by-law to amend By-law No. 4299(2020), as amended, to establish 2021 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to amend Schedule "1", Recreation & Culture Services to provide for Meridian Community Centre Arena Advertising Fees.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

15. Motions and Notices of Motion

15.1 Performance Evaluation and Policy for the CAO Position

Councillor Hildebrandt read his motion into the record with the final paragraph amended.

Moved By Bob Hildebrandt
Seconded By Lisa Haun

WHEREAS the position of Chief Administrative Officer (CAO) is the only staff that Council is directly responsible for hiring and managing performance;

AND WHEREAS the Town of Pelham lacks a performance evaluation system and associated corporate policy to assess the CAO position;

AND WHEREAS the relationships between the municipal council and the public service is a key determinant of the success of any municipality, an effective working partnership between Council and its CAO can be one of the most critical prerequisites for municipal success. Further, local elected officials rely on their CAO to be the link between them and municipal operations; to implement the Town of Pelham’s policies and programs; and, to help Council achieve their strategic goals and objectives including the overall efficiencies of the corporation;

AND WHEREAS it is considered a municipal best practice to create an associated corporate policy for performance evaluation of the CAO position that informs effective decision making on a range of assessment factors including core competencies, performance metrics, behaviors and how to support the CAO toward greater achievements with a view to fostering open, impartial and transparent continuous assessment;

NOW THEREFORE Council directs that Human Resources staff prepare a draft corporate policy for a formal annual assessment of the CAO position at the Town of Pelham and a formal annual performance evaluation process for the CAO, which will be developed with reference to municipal best practices for such assessments and performance evaluations and which will be brought to Council for consideration and approval on August 23, 2021. Once approved, the policy will be implemented for use within the 2021/2022 evaluation period; however, the performance of the CAO during the 2021/2022 evaluation period prior to approval and implementation of the policy will be evaluated with reference to the performance objectives and job requirements in place prior to the approval and implementation of the policy. Council and the CAO will meet in closed session in September 2021 to set performance targets for the 2021/2022 evaluation period.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	

Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

16. Matters for Committee of the Whole or Policy and Priorities Committee

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

18. Resolution to Move in Camera

19. Rise From In Camera

20. Confirming By-Law

Moved By Ron Kore

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. 4359(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 21st day of June, 2021;

AND to repeal Policy S201-02 Accessibility Policy to be replaced with S100-13 Accommodation Policy.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

21. Adjournment

Moved By Lisa Haun

Seconded By Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for July 26, 2021 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0

Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford

Recommendations of the Public Meeting under the Planning Act held June 14, 2021

BE IT RESOLVED THAT COUNCIL HEREBY approves the following
Recommendations Resulting from the Public Meeting under the Planning Act meeting of
June 14, 2021:

1. THAT the agenda for the June 14, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment

THAT the agenda be amended to include the addendum items, being the addition of item number 4.2.1.

Main Motion as Amended

THAT the agenda for the June 14th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

2. **THAT Council receive Report 2021-0100 as it pertains to Second Dwelling Units Policies and Regulations (OP-AM-01-2020 and AM-04-2020);**

AND THAT Committee directs Planning staff to prepare the Recommendation Report regarding the Second Dwelling Unit Official Plan and Zoning By-law amendments for Council's consideration.

3. **THAT Committee Receive the applicants presentation for information.**

AND THAT Committee receive the verbal presentations made by the public listed on the Agenda;

AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the clerks@pelham.ca e-mail address.

4. **THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.**

Recommendations of the Public Meeting under the Planning Act held July 12, 2021

BE IT RESOLVED THAT COUNCIL HEREBY approves the following
Recommendations Resulting from the Public Meeting under the Planning Act meeting of
July 12, 2021:

1. THAT the agenda for the July 12, 2021 Public Meeting Under the Planning Act,
Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment

THAT the agenda be amended to remove item number 4, inclusive;

Main Motion as Amended

**THAT the agenda for the July 12, 2021 Public Meeting Under the Planning
Act, Special Meeting of Committee of the Whole, be adopted as amended.**

2. **THAT Committee receives Report #2021-119 for information as it pertains
to File Nos. 26T19-01-19 and AM-02-21 relating to 155 Port Robinson Road;**

**AND THAT Committee directs Planning staff to prepare the
Recommendation Report on this topic for Council's consideration.**

3. **THAT Committee Receive the applicants presentation for information.**
4. **THAT this Special Committee of the Whole, Public Meeting Under the
Planning Act, be adjourned.**

Committee of the Whole Meeting

Minutes

Meeting #: PCOW-04/2021 – Public Meeting Under the Planning Act
Date: Monday, June 14, 2021
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,
Wayne Olson, Marianne Stewart, John Wink

Staff Present: Barbara Wiens, Holly Willford, Sarah Leach, Tara
O'Toole, Kenny Ng

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm.

Ms. Holly Willford, Town Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

2. Adoption of Agenda

Moved By Councillor Wayne Olson

THAT the agenda for the June 14th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor Wayne Olson

THAT the agenda be amended to include the addendum items, being the addition of item number 4.2.1;

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Main Motion as Amended:

Moved By Councillor Wayne Olson

THAT the agenda for the June 14th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application: Second Dwelling Units File Nos. AM-04-2020 & OP-AM-01-2020

The Town Clerk read into the record the Notice Requirements regarding this application.

4.1 Planning Report

Ms. Tara O'Toole, Town Policy Planner provided a presentation of an overview of the proposed official plan and zoning by-law amendments. A copy is available through the Clerk.

4.1.1 Information Report - Second Public Meeting SDU, 2021-0100-Planning

4.2 Public Input

Public Comments

1. Carolyn Botari

Pre-Registered Members of the Public

Mr. Tim Nohara stated that price increases make it difficult to afford to live in Pelham. Mr. Nohara acknowledged the importance of the work conducted on second dwelling units, emphasizing the importance to those with children and/or aging parents. With regard to Section 7(f) of the proposed zoning by-law amendment, Mr. Nohara stated that the requirement of the SDU being within 40 metres of the main dwelling would be difficult to meet for those within the Agricultural zone, given the diversity of agricultural properties.

Mr. Nohara asked the Town to consider either removing the 40 metre requirement, increasing the maximum distance or changing the reference point from the closest portion of the dwelling to the nearest structure.

In response, Ms. O'Toole, Policy Planner, indicated that the 40 metre maximum distance was proposed to ensure the second dwelling is maintained within a cluster of the principle dwelling. In addition, Ms. O'Toole explained that the maximum distance of 40 metres is a mechanism to control the removal of agricultural land that could be farmed. Ms. O'Toole indicated that the Town is working with the Niagara Region to explore if existing septic systems could service the second dwelling unit, therefore reducing the impact on agricultural land. Ms. O'Toole indicated that if the second dwelling unit is a conversion of an existing structure, the 40 metre maximum distance does not come into effect. She stated that in this circumstance, additional factors would be considered.

Ms. Barb Wiens, Director of Community Planning and Development supported Ms. O'Toole statements. Ms. Wiens indicated that in a circumstance that warrants a change, the homeowner may apply to the Committee of Adjustment to seek a minor variance.

Mr. Nohara indicated that he appreciates the objectives of the proposed zoning by-law and official plan amendments, but would like to see greater flexibility within the restrictions.

Mr. John Cappa expressed gratitude toward the work conducted on second dwelling units, noting that he is happy to see suggestions incorporated from the first public meeting. Mr. Cappa stated there is need for affordability in Fonthill. He stated that he too has children and seniors within his family, which presents the need for financial stability. Mr. Cappa stated that second dwelling units provide financial assistance, which would otherwise not be available. He emphasized the need to welcome people and grow as a community while providing the current residents an opportunity to remain in Pelham.

Mr. Cappa asked for clarification regarding the timeline of approval. Ms. O'Toole responded that depending on the outcome of the meeting, she stated the goal is to bring a recommendation report for adoption to Council in August.

Mr. Patrick Maloney from Sullivan Mahoney LLP indicated he was appearing before Council on behalf of two clients. Mr. Maloney stated that it is the opinion of his clients that limiting the total floor area of a second dwelling unit to 700 square feet is not necessary as long as the second unit is less than 50% of the dwelling size. He stated that the zoning should be more general and provide flexibility. Mr. Maloney provided three arguments against the restriction. Firstly, he stated that this restriction would not make sense in a large home. Mr. Maloney stated that the alternative of applying for a minor variance is both unnecessary and expensive. Mr. Maloney further stated that within an existing home, a functional area greater than 700 square feet may exist that is ideal for a second dwelling unit. Lastly, Mr. Maloney indicated that the 700 square foot restriction would limit who can live in the second dwelling unit, noting that it would not be suitable for a small family or two adults.

Mr. Maloney asked that the Town consider removing the specific maximum floor area and include a requirement that a second unit be something less than half of the dwelling to provide for greater flexibility.

Ms. Willford, Town Clerk checked the clerks@pelham.ca email address at 6:07pm and confirmed that no emails had been received and the public portion of the meeting was officially closed.

4.3 Committee Input

A Member of Council asked if neighboring properties would be notified of a permitted second dwelling unit. Ms. Wiens confirmed that no planning application is required therefore, public notification is not required as it is not included in the building permit process. Ms. Wiens indicated that if the applicant sought a minor variance through the Committee of Adjustment, notification would be provided to surrounding properties.

A Member asked if the property owner was required to reside onsite. Ms. Wiens confirmed that the owner of the property is not required to reside on the property. Ms. Wiens further indicated that the Town could not impose this requirement upon the property owner. She confirmed that the property owner would still be responsible for construction and property maintenance.

A Member sought clarity as to whether a second dwelling unit would count toward both density and intensification targets for the Town. The Member stated that the Ministry of Municipal Affairs identified that second dwelling units assist municipalities in meeting affordable housing, intensification and density targets. Ms. Wiens confirmed that the draft official plan amendment was amended to apply second dwelling units to intensification targets. Ms. Wiens explained that density would have to be calculated on a theoretical basis, as it is based on plans of subdivision, whereas intensification is tracked through building permit. The Member asked that staff include density targets in addition to intensification.

A Member supported the planning department recommendation regarding the size of a second dwelling unit, suggesting that any larger would not accommodate the one parking space requirement. Another Member indicated that the one parking space requirement is satisfactory; referencing a report from the Canada Mortgage and Housing Corporation.

A Member sought clarity if second dwelling units would qualify for a Renovate Niagara grant. Ms. Wiens indicated that she would look into the program and respond to the Member. The Member stated that a grant or loan supporting a second unit for the purpose of a rental property is a great attraction.

With regard to the Town of Fort Erie's provision for maximum height for an accessory structure containing a second unit, a Member expressed concern that a second dwelling unit higher than the principle dwelling would detract from the look of the neighborhood. The Member stated that they do not support something massive in the back yard. Ms. Wiens indicated that the proposed zoning by-law amendment contains a maximum height for a residential accessory building or structure of 7.2 metres. Ms. Wiens further indicated that a second dwelling unit on a garage would be located within the roof structure as

opposed to sitting as an additional full storey. A Member sought clarification as to whether the maximum height of 7.2 metres is applicable to separate detached accessory buildings. Ms. Wiens confirmed that 7.2 metres is applicable and that the planning department would reevaluate the language within the by-law to provide clarity. A Member agreed that a 7.2 metre maximum height would detract from the look and feel of the communities in Pelham.

A Member stated concern regarding the requirement of one parking stall per second dwelling unit. The Member asked if second dwelling units would be considered in the Town's parking study as it is likely for on-street parking to increase. Ms. Wiens responded that under the regulations of the *Planning Act* the Town can only apply one parking stall per second dwelling unit. With regard to the parking study, Ms. Wiens confirmed that she would address the concern of increased on-street parking with the consultant responsible for the study.

A Member stated concern regarding second dwelling units within townhouses where yard space and parking is already limited. The Member asked if it was possible for a homeowner to apply to the Committee of Adjustment to widen a driveway and create an additional stall. Ms. Wiens responded that the homeowner would have the ability to apply to the Committee of Adjustment, however, they would be required to demonstrate how the use meets the intent and purpose of the zoning by-law as well as the hardship involved with the current configuration. Ms. Wiens stated that checks and balances have been deliberately imposed to reduce the impact of parking on the community.

A Member asked the opinion of Ms. Wiens with regard to the City of London's parking success. In response, Ms. Wiens referenced a variety of supporting factors such as the public transit system and ample on-street parking. Ms. Wiens indicated that planning staff's projection of Pelham households to install a second dwelling unit is between 2 and 3 percent.

Two Member's supported the earlier suggestion of imposing a maximum building height under the existing roof level. Ms. Wiens indicated that planning staff would explore imposing two standards; one for standalone accessory buildings containing a second unit and one for a second unit built on an existing garage.

A Member suggested that a maximum unit size calculated on percentage may be more appropriate within the rural area where lots tend to be larger. Ms. Wiens clarified that the maximum unit size within a rural is 1,000 square feet, compared to 700 square feet within the urban area. Another Member suggested that the maximum unit size in the rural area should be larger than 1,000 square feet, recommending a maximum size of 1,250 or 1,500 square feet. In response, Ms. Wiens stated that larger dwellings will create a greater impact on agricultural land as well as impact

the ability to service existing septic systems. Ms. Wiens indicated that 1,000 square feet was appropriate as it provides for and meets the objective of affordable housing. She further indicated that it is important to ensure that we do not create land use impacts such as drawing non-farm residential people into the agricultural area that may not be familiar with the noise and odour associated with farming. A Member identified the intent of a second dwelling unit being secondary to the main dwelling. The Member stated that not every house in the agricultural area is big house, which could allow for the second unit to become the primary dwelling. Ms. Wiens confirmed that a second dwelling unit of 1,000 square feet could also have a basement.

4.4 Presentation of Resolutions

Moved By Councillor John Wink

THAT Council receive Report 2021-0100 as it pertains to Second Dwelling Units Policies and Regulations (OP-AM-01-2020 and AM-04-2020);

AND THAT Committee directs Planning staff to prepare the Recommendation Report regarding the Second Dwelling Unit Official Plan and Zoning By-law amendments for Council's consideration.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Moved By Councillor Ron Kore

THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public listed on the Agenda;

AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the clerks@pelham.ca e-mail address.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

5. Adjournment

Moved By Councillor Lisa Haun

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford

Committee of the Whole Meeting

Minutes

Meeting #: PCOW-05/2021 - Public Meeting Under the Planning Act
Date: Monday, July 12, 2021
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,
Wayne Olson, Marianne Stewart, John Wink

Staff Present: Sarah Leach, Holly Willford, Barbara Wiens, Shannon
Larocque

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.

Ms. Sarah Leach, Deputy Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

2. Adoption of Agenda

Ms. Leach, Deputy Clerk advised that the Applicant's Agent for OP-AM-03-2020 and AM-11-2020 - 1365 Station Street has requested a deferral.

Moved By Councillor Wayne Olson

THAT the agenda for the July 12, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor John Wink

THAT the agenda be amended to remove item number 4, inclusive.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Main Motion as Amended:

Moved By Councillor Wayne Olson

THAT the agenda for the July 12th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application: OP-AM-03-2020 & AM-11-2020 - 1365 Station Street

Planning Act Applications OP-AM-03-2020 and AM-11-2020 - 1365 Station Street were deferred. Item 4 of the agenda, inclusive, was removed.

~~**4.1 Planning Report**~~

~~**4.1.1 Information Report Applications for Official Plan and Zoning By-law Amendments 1365 Station Street, 2021-0116-Planning**~~

~~**4.2 Applicant's Presentation**~~

~~**4.3 Public Input**~~

~~**4.3.1 Additional Public Input**~~

~~**4.4 Committee Input**~~

~~**4.5 Presentation of Resolutions**~~

5. Planning Act Application: 26T19-01-2019 & AM-02-2021 - 155 Port Robinson Road

The Deputy Clerk read into the record the Notice Requirements regarding the applications.

5.1 Planning Report

Ms. Shannon Larocque, Senior Town Planner provided an overview of the revised draft plan of subdivision and zoning by-law amendment. A copy is available through the Clerk.

5.1.1 Info Report Applications for Revision to Draft Plan of Subdivision and Zoning By-law Amendment 155 Port Robinson Road, 2021-0119-Planning

5.2 Applicant's Presentation

The Agent, Ms. Susan Smyth provided a short presentation to further explain the applications. A copy is available through the Clerk.

5.3 Public Input

Ms. Leach, Deputy Clerk checked the clerks@pelham.ca email address at 5:52pm and confirmed that no emails had been received and the public portion of the meeting was officially closed.

5.4 Committee Input

A Member of Council asked the value of the townhomes. Ms. Smyth responded that a price point had not been established. Ms. Smyth indicated that she would provide the information to staff for inclusion in the recommendation report.

5.5 Presentation of Resolutions

Moved By Councillor Lisa Haun

THAT Committee receives Report #2021-119 for information as it pertains to File Nos. 26T19-01-19 and AM-02-21 relating to 155 Port Robinson Road;

AND THAT Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Moved By Councillor Bob Hildebrandt

THAT Committee receive the applicant's presentation for information.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

6. Adjournment

Moved By Councillor Ron Kore

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford

Subject: May 2021 Financial Reports**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0121-Corporate Services, May 2021 Financial Reports, for information.

Background:

The Corporate Services Department has prepared the attached financial reports, as at May 31, 2021 for the information of Council. The MCC report also includes non-financial indicators such as hydro usage. Transit reports will now be provided quarterly due to the routine nature of revenue and expenditures during the pilot program with the Region.

Analysis:

Appendix 1 to this report summarizes operating revenues compared to budget as at May 31, 2021, with approximately 42% of the year lapsed. Total revenues were at approximately 40% of budget. The financial impact from the closure of facilities and cancellation of programs as a result of COVID-19 are evident in the Recreation, Culture and Wellness department in particular, and Safe Restart Phase 2 funding has been applied to the shortfall. Most other revenue sources are in keeping with the budget, with some grant funding still pending in Public Works and Finance. The MCC closed on January 1, 2021 and was reopened March 2, 2021. On April 3, it was closed again and the impact is seen on the May financial report, and will be evident in June as well. Four months of water and wastewater had been billed and are at 30% of budget because consumption tends to be higher in the summer months.

The Phase 2 Safe Restart COVID-19 funding has been applied to \$366,391 in lost revenues at the MCC, and \$178,734 to offset the direct COVID-19 expenses incurred to May 31, 2021, for a total of \$545,125 out of the total \$969,149 available for 2021 operating pressures. The 2021 operating budget included \$602,350 in Safe Restart COVID-19 grant funding, which was an estimate of the funds that would be available to carry forward to 2021. At December 31, 2020, the Town carried forward \$621,259 in Phase 2 Safe Restart COVID-19 funding which must be used to offset COVID-19 operating pressures in 2021. Because the budget

was \$602,350 and the carryforward was \$621,259, there is a favourable variance of \$18,909 as well as an additional \$347,890 in 2021 COVID-19 Recovery Funding announced. All of these funds must be used to offset COVID-19 operating pressures, and they will be needed to alleviate the operating pressures due to lost revenues during the shutdown and increased costs caused by the pandemic.

Appendix 2 to this report summarizes operating expenditures compared to budget at May 31, 2021. Total expenses were at approximately 38% of budget and appeared to be on track. This report includes \$178,734 of direct costs related to COVID-19 such as purchase of computer equipment, additional cleaning costs, and personal protective equipment and protective facility materials.

Appendix 3 summarizes the revenues and expenditures related to the MCC at May 31, 2021. MCC revenues were at 14% of budget and trending below budget due to closures from COVID-19 from January 1 to March 2, and again closing on April 3. The MCC gymnasium opened to the public in April as a vaccination clinic site. Youth camps commenced in July 2021, but at time of writing the remainder of the building is closed to the public (anticipated to be partially open on July 16). The MCC is scheduled to open on July 25, 2021 for public use, subject to provincial COVID-19 restrictions.

The budget is also lower than previous years, to reflect reduced revenues that were anticipated due to the pandemic. Senior Active Living Centre grant funds continue to be received and MCC expenses were at 32% of budget, which is below the expectation for the first five months of the year as a result of reduced wages from the facility closure and some expenses for contract services and repairs and maintenance, which are anticipated but have not yet been incurred. Phase 2 Safe Restart funding of \$366,391 has been applied based on estimated lost revenues from January to May, resulting in a bottom line deficit of 17% of budget; however this is expected because the MCC normally generates a high level of revenues early in the year which will be needed to offset expenditures in future months. Currently Safe Restart funding applied to the MCC is at 74% of the budget for the year, and will be adjusted as the year progresses and the operating pressures resulting from COVID-19 are evaluated by the Treasurer.

It is difficult to predict the impact of COVID for 2021 and assessing if we have enough Safe Restart grant funding to cover the COVID pressures at this point in time. The key factors depend on the opening of the Meridian Community Centre with its full operations along with all the Recreational programming. The additional unbudgeted funding of \$347,890 will definitely be needed to offset revenue losses and additional expenditures due to COVID.

Financial Considerations:

There are no specific financial considerations with respect to this report as it is for information purposes.

Alternatives Reviewed:

Not applicable.

Strategic Plan Relationship: Strong Organization

By reviewing the monthly financial reports, Council can remain informed about whether there are any significant budget variances that would impact year-end financial results.

Consultation:

These reports have been provided to the Pelham Finance and Audit Committee for information.

Other Pertinent Reports/Attachments:

Appendix 1 – Monthly Revenue Report at May 31, 2021

Appendix 2 – Monthly Expenditure Report at May 31, 2021

Appendix 3 – Meridian Community Centre Report at May 31, 2021

Prepared and Recommended by:

Charlotte Tunikaitis, CPA, CA
Deputy Treasurer

Teresa Quinlin, MBA, CPA, CA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Appendix 1
Monthly Revenue Report at May 31, 2021 (42% of time lapsed)

	Notes	2021			2020	
		Budget	Actual at May 31	Actual as a % of Budget	Budget	Actual at Dec 31
Taxation						
General Tax Levy		\$ 15,678,870	\$ 6,585,125	42 %	\$ 14,946,487	\$ 14,946,495
Payments in Lieu		300,471	126,198	42 %	300,471	302,118
Total Taxation	(1)	15,979,341	6,711,323	42 %	15,246,958	15,248,613
Finance Department						
Penalties and Interest		270,000	116,273	43 %	270,000	231,419
Supplemental Taxation Revenues	(2)	175,000	217	- %	200,000	476,022
Transfer from Building Department		81,087	33,786	42 %	79,497	79,497
Ontario Unconditional Grants	(3)	114,800	20,450	18 %	39,800	41,100
Miscellaneous		18,000	8,879	49 %	18,000	22,450
Investment Income	(4)	10,000	44,043	440 %	10,000	26,251
Safe Restart COVID-19 Funding	(5)	602,350	545,125	90 %	-	1,480,702
Total Finance Department		1,271,237	768,773	60 %	617,297	2,357,441
Clerk's Department						
Committee of Adjustment	(6)	36,500	43,621	120 %	36,500	68,698
Miscellaneous		14,250	4,248	30 %	14,250	10,929
Total Clerk's Department		50,750	47,869	94 %	50,750	79,627
Fire and By-law Services						
Fire Department Revenues	(7)	40,786	31,621	78 %	36,450	37,541
By-law and Parking Enforcement		26,800	16,267	61 %	28,138	35,025
Provincial Offences Act Revenue	(8)	25,000	6,852	27 %	25,000	16,570
Total Fire and By-law Services		92,586	54,740	59 %	89,588	89,136
Public Works						
Non-recreation Facilities and Beautification	(9)	20,000	66	- %	49,000	11,764
Aggregate Resource Grant	(10)	40,000	-	- %	25,000	48,836
Miscellaneous	(11)	77,400	14,951	19 %	85,500	94,403
Fonthill/Hillside Cemeteries		76,500	37,673	49 %	76,500	115,009
Total Public Works		213,900	52,690	25 %	236,000	270,012
Recreation, Culture and Wellness						
Recreation and Wellness	(12)	195,100	36,203	19 %	364,520	229,395
Special Events and Festivals	(13)	147,770	22,550	15 %	147,770	15,990
Culture and Community Enhancement	(13)	75,000	11,400	15 %	75,000	2,121
Public Transit	(14)	120,000	50,000	42 %	274,500	253,215
MCC Facility	(15)	420,000	48,628	12 %	786,342	768,595
Total Recreation, Culture and Wellness		957,870	168,781	18 %	1,648,132	1,269,316
Community Planning and Development						
Building Department Revenues	(16)	650,500	458,528	70 %	600,500	621,698
Planning Fees		160,340	66,212	41 %	140,340	238,148
Municipal Drainage		-	-	- %	-	23,889
Total Community Planning and Development		810,840	524,740	65 %	740,840	883,735
Water and Wastewater						
Water Revenues		3,290,641	994,921	30 %	2,948,982	3,166,304
Wastewater Revenues		2,487,167	736,443	30 %	2,161,293	2,310,079
Total Water and Wastewater	(17)	5,777,808	1,731,364	30 %	5,110,275	5,476,383
GRAND TOTAL		\$ 25,154,332	\$ 10,060,280	40 %	\$ 23,739,840	\$ 25,674,263

Appendix 1

Monthly Revenue Report at May 31, 2021 (42% of time lapsed)

Explanatory Notes:

- (1) Taxation revenue based on budget, final tax bills will be sent out in June.
- (2) The majority of supplemental revenue is collected June through November.

Supplementary/omitted taxes result from an addition, renovation, construction or class change that occurred on a property that was not previously recorded on the assessment roll. When supplementary/omitted assessment is added to the roll, additional property taxes can be collected for the current year, and if applicable, for any part of all of the two previous years as described in Section 34 of the Assessment Act.
- (3) OMPF payments for Q1-Q2 have been received; grant funding is expected for the Asset Management Analyst position.
- (4) Interest will be allocated to non-discretionary and obligatory reserves at year-end.
- (5) The Town carried forward \$621,259 in Phase 2 COVID-19 funding which must be used to offset COVID-19 operating pressures in 2021. In addition, \$347,890 in 2021 COVID-19 Recovery Funding was announced this year. Therefore total funding anticipated to offset COVID-19 operating pressures for 2021 is \$969,149. To date, revenue has been recognized to an amount equivalent to the direct costs being tracked, as well as lost revenues at the MCC. Revenue will be recognized to offset other COVID-19 operating pressures as the year progresses and the impact of COVID-19 is evaluated by the Treasurer.
- (6) Committee of Adjustment revenue fluctuates from year to year depending on applications received.
- (7) Grants of \$6,000 received for purchase of equipment and \$8,800 for safety training, which will have offsetting expenditures later in the year.
- (8) POA revenues are collected by the Region, and have been received for Q1.
- (9) Revenue is primarily related to cost recoveries for parks from spring to fall as well as Old Pelham Town Hall rental revenue, and none has been received during closures due to COVID-19.
- (10) Aggregate resource grant is received in September.
- (11) Climate Change grant funding for Q1 not yet received.
- (12) Recreation and wellness revenue related to camps and swim primarily occurs in Q3.
- (13) Most recreation special event activity normally occurs in Q2 and Q3. Due to COVID-19 some events, including Summerfest and Supper Market, have been cancelled, while others will be modified and/or held virtually. Lost revenues are anticipated but there will be some expenditure savings to help offset.
- (14) MTO Community Transportation grant received for Q1 and Q2.
- (15) Decreased MCC facility revenues due to COVID-19 closures.
- (16) Increased building permit fees due to growth within the Town. Building department revenues in excess of expenditures will be transferred to its reserve.
- (17) Water and wastewater have been billed for January to April. Consumption tends to be higher in the summer.

Appendix 2
Monthly Expenditure Report at May 31, 2021 (42% of time lapsed)

		2021			2020	
	Notes	Budget	Actual at May 31	Actual as a % of Budget	Budget	Actual at Dec 31
Administration Services						
Members of Council	(1)	\$ 269,900	\$ 122,669	45 %	\$ 218,670	\$ 264,598
CAO's Office		337,130	149,159	44 %	277,310	267,172
Human Resources	(2)	101,286	51,357	51 %	86,945	94,482
Marketing and Communication		131,078	47,372	36 %	130,670	111,730
Total Administration Services		839,394	370,557	44 %	713,595	737,982
Clerk's Department						
Clerk's Department and COA		363,413	147,312	41 %	356,450	370,816
Corporate Services						
Finance Department	(3)	897,558	323,238	36 %	820,165	1,118,414
Shared Administrative Overhead	(4)	951,699	571,830	60 %	736,043	1,939,928
Shared Information Technology	(5)	586,329	295,337	50 %	514,770	660,781
COVID-19 Direct Expenditures		-	178,734	- %	-	-
Total Corporate Services		2,435,586	1,369,139	56 %	2,070,978	3,719,123
Fire and By-law Services						
Fire Services	(6)	1,585,820	382,622	24 %	1,434,772	1,464,608
By-law and Parking Enforcement		239,230	87,967	37 %	203,928	199,341
Health and Safety		8,030	383	5 %	8,120	3,567
Crossing Guards		50,048	11,435	23 %	48,400	33,769
Animal Control	(7)	37,800	9,400	25 %	36,800	36,900
Total Fire and By-law Services		1,920,928	491,807	26 %	1,732,020	1,738,185
Public Works						
General Administration	(8)	1,261,885	244,318	19 %	1,336,942	1,362,705
Roadway Maintenance		4,408,938	1,892,944	43 %	4,191,665	4,169,359
Non-recreation Facilities and Beautification	(9)	2,451,522	795,054	32 %	2,272,451	2,284,529
Street Lighting		200,000	84,424	42 %	199,789	197,667
Fonthill and Hillside Cemeteries		131,650	47,031	36 %	130,280	169,175
Niagara Central Airport	(10)	27,621	21,035	76 %	27,621	25,327
Total Public Works		8,481,616	3,084,806	36 %	8,158,748	8,208,762
Recreation, Culture and Wellness						
General Administration		270,019	92,397	34 %	371,007	378,685
Recreation and Wellness	(11)	320,031	78,631	25 %	386,775	330,388
Special Events and Festivals	(11)	275,331	39,564	14 %	271,070	132,057
Culture and Community Enhancement	(11)	171,897	31,129	18 %	157,700	55,049
Public Transit	(12)	299,486	159,728	53 %	526,570	374,990
MCC Facility	(13)	1,782,618	535,610	30 %	1,631,749	1,734,169
Libraries		877,164	365,485	42 %	864,218	864,218
Total Recreation, Culture and Wellness		3,996,546	1,302,544	33 %	4,209,089	3,869,556
Community Planning and Development						
Building Department		650,500	273,252	42 %	600,500	621,697
Planning and Zoning		653,978	252,693	39 %	727,810	854,737
Municipal Drainage		34,563	13,244	38 %	60,375	77,025
Total Community Planning and Development		1,339,041	539,189	40 %	1,388,685	1,553,459
Water and Wastewater						
Water		3,290,641	1,259,349	38 %	2,948,982	3,166,300
Wastewater		2,487,167	985,743	40 %	2,161,293	2,310,080
Total Water and Wastewater		5,777,808	2,245,092	39 %	5,110,275	5,476,380
GRAND TOTAL		\$ 25,154,332	\$ 9,550,446	38 %	\$ 23,739,840	\$ 25,674,263

Appendix 2

Monthly Expenditure Report at May 31, 2021 (42% of time lapsed)

Explanatory Notes:

- (1) Municipal grants to be distributed later in the year and costs for emergency management consultant not yet incurred. To date, expenses for Integrity Commissioner are \$20,000 with \$15,000 budgeted.
- (2) Some HR contract services have been paid up front for the year.
- (3) Tax write offs tend to occur later in the year.
- (4) Prepaid insurance has been expensed for the full year.
- (5) Some software licenses and support fees have been paid in full for the year.
- (6) Volunteer firefighter stipends are paid in November.
- (7) Animal control payments have been made for Q1.
- (8) Significant debenture principal and interest to be paid.
- (9) Costs still to be incurred for major programs such as gypsy moth management, tree maintenance, and municipal grass cutting, as well as debentures.
- (10) Contribution to the airport has been paid for the year, reduced by repayment of \$4,551 for the 2019 Air Race Classic.
- (11) Most recreation and wellness camp and swim activity normally occurs in Q2 and Q3. Due to COVID-19 some events, including Summerfest and Supper Market, have been cancelled, while others will be modified and/or held virtually. Lost revenues are anticipated but there will be some expenditure savings to help offset.
- (12) Payments have been made to Niagara Region for On-Demand transit services approximately to July.
- (13) Reduced labour costs during temporary facility closure.

	Notes		2021			Actual 2021				
			Budget	Actual YTD Total	Actual as a % of Budget	Jan	Feb	Mar	Apr	May
MCC Revenues										
Arena Revenues	(1)		\$ 355,000	\$ 40,441	11 %	\$ 383	\$ (1,430)	\$ 43,270	\$ (1,782)	\$ -
Multi-Purpose Space Revenues	(2)		36,000	1,184	3 %	866	97	308	(87)	-
Gymnasium Revenues	(3)		25,000	9,562	38 %	-	-	9,352	210	-
Programming Revenues	(4)		75,500	-	- %	-	-	-	-	-
Grants - Other	(5)		42,700	32,664	76 %	21,989	-	-	10,675	-
Other Rev. - Miscellaneous			40,800	715	2 %	(9)	-	-	-	724
Other Revenues - Advertising	(6)		10,000	-	- %	-	-	-	-	-
Total Revenues		(a)	585,000	84,566	14 %	23,229	(1,333)	52,930	9,016	724
MCC Expenditures										
Salaries and Benefits	(7)		1,399,281	412,724	29 %	76,539	78,945	87,937	86,270	83,033
Professional Development			10,900	8,142	75 %	2,648	2,640	2,854	-	-
Associations and Memberships			5,000	1,978	40 %	1,528	-	450	-	-
Travel			3,600	-	- %	-	-	-	-	-
Hydro			350,000	117,535	34 %	23,383	23,694	23,561	20,990	25,907
Natural Gas			65,000	32,459	50 %	6,283	8,018	6,296	6,127	5,735
Water	(8)		40,000	11,687	29 %	-	4,685	-	7,002	-
Telephone			14,060	3,569	25 %	715	714	713	712	715
Office Supplies			6,650	1,099	17 %	93	178	519	145	164
Materials and Supplies	(9)		47,450	27,847	59 %	3,901	2,050	951	12,991	7,954
Furniture and Equipment			6,000	-	- %	-	-	-	-	-
Materials and Supplies - Janitorial			50,000	2,459	5 %	1,186	-	630	597	46
Fuel			4,850	763	16 %	24	25	392	298	24
Internet			12,000	4,121	34 %	824	825	824	824	824
Insurance	(10)		54,594	52,885	97 %	-	-	52,885	-	-
Contract Services - Janitorial			13,500	3,248	24 %	742	327	313	866	1,000
Contract Services - Other			134,131	35,918	27 %	9,824	5,654	7,842	8,864	3,734
Repairs and Maintenance			23,500	-	- %	-	-	-	-	-
Total Expenditures before Debt and Other Items		(b)	2,240,516	716,434	32 %	127,690	127,755	186,167	145,686	129,136
Net Surplus (Deficit) before Debt and Other Items		(c)= (a) - (b)	(1,655,516)	(631,868)	38 %	(104,461)	(129,088)	(133,237)	(136,670)	(128,412)
MCC Debt Activity										
Tax Levy Debenture Interest	(11)		(292,129)	(141,932)	49 %	-	(815)	(1,529)	(792)	(138,796)
Tax Levy Debenture Principal	(11)		(251,570)	(121,048)	48 %	(3,889)	-	(7,778)	(3,889)	(105,492)
Development Charge Revenue	(12)		630,063	317,023	50 %	317,023	-	-	-	-
Development Charge Debenture Interest	(12)		(360,268)	(183,203)	51 %	(183,203)	-	-	-	-
Development Charge Debenture Principal	(12)		(269,795)	(133,820)	50 %	(133,820)	-	-	-	-
Pre-MCC RCW and Facility Net Costs			970,110	404,213	42 %	80,843	80,843	80,843	80,843	80,841
Grants - Safe Restart Covid Funding			494,392	366,391	74 %	-	-	255,721	56,721	53,949
Net Debt and Other Items		(d)	920,803	507,624	55 %	76,954	80,028	327,257	132,883	(109,498)
NET SURPLUS (DEFICIT)		(e)= (c) + (d)	\$ (734,713)	\$ (124,244)	17 %	\$ (27,507)	\$ (49,060)	\$ 194,020	\$ (3,787)	\$(237,910)

Meridian Community Centre

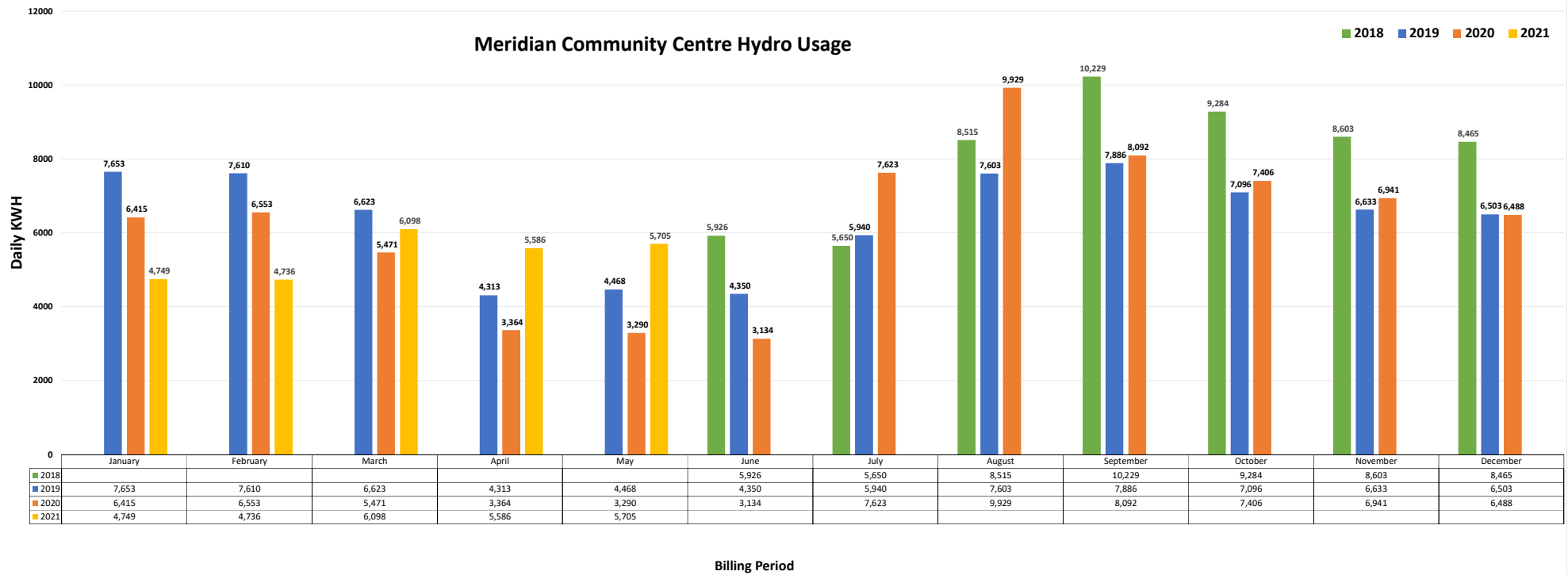
Appendix 3

Actual Results to Budget at May 31, 2021 (42% of time lapsed)

Explanatory Notes:

The COVID-19 pandemic resulted in the Meridian Community Centre being closed from January 1, 2021 to March 1, 2021. The facility was reopened on March 2, 2021 and closed again on April 3, 2021.

- (1) No arena revenue earned during closure; Safe Restart funding has been applied to offset COVID-19 operating pressures.
- (2) Minimal multi-purpose space revenues while facilities were unavailable due to COVID-19.
- (3) The impact of the COVID closure resulted in the January, February, April and May revenue being very low, but March gymnasium revenues were 37% of budget for the year.
- (4) The majority of camp revenue is normally earned in the summer.
- (5) Senior Active Living Centre grant monies received for Q1 and Q2, and additional Senior Active Living Centre Special Grant of \$11,300 received in January, which has offsetting expenditures in April.
- (6) Advertising revenue will not be earned during facility closure.
- (7) Reduced wages during facility closure, slight increased staffing required for the vaccination clinics held at the MCC, which opened to the public in the month of April.
- (8) Water is billed bi-monthly.
- (9) COVID-19 direct costs are being tracked separately for reporting purposes and are excluded from this report; costs will be allocated to departments at year-end. Increased costs in April relate to the Senior Active Living Centre Special Grant and are offset by funding.
- (10) Prepaid insurance has been expensed in full for the year.
- (11) Tax levy debenture payments for the MCC are due in June and December and are paid before the end of the previous month. CIBC loan payments occur throughout the year.
- (12) Development charge debenture payments for the MCC occur in January and July.



Subject: Canada Community Revitalization Fund (CCRF)**Recommendation:**

BE IT RESOLVED THAT Council receive Report # 2021- 0129- Corporate Services- Canada Community Revitalization Fund; for the resurfacing of the tennis courts at Centennial Park and for the new Community Event Space at Peace Park; AND THAT Council receive this report for information.

Background:

The Canada Community Revitalization Fund (CCRF) is a two-year, \$500 million national infrastructure program to revitalize communities across Canada. Not-for-profit organizations, municipalities and Indigenous communities can apply for funding for projects that aim to:

- revitalize downtown cores and main streets
- reinvent outdoor spaces
- create green infrastructure
- increase the accessibility of community spaces.

Examples of projects that could receive funding under this program include:

- farmers markets
- community and cultural centres
- parks or community gardens
- recreational trails and public outdoor sports facilities
- multi-purpose centres

Projects funded under the CCRF could receive a maximum contribution of up to \$750,000 or \$1 million (depending on project location), with funding to cover up to 75% of the total project costs. Indigenous community projects may qualify for funding to cover 100% of total project costs. All contributions will be non-repayable. Application submission is due on July 23, 2021.

Analysis:

The Town is applying for two grants: (1) Resurfacing of the tennis courts at Centennial Park; and (2) Community Event space at Peace Park.

1. Tennis Courts at Centennial Park:

The tennis courts in Centennial Park, Fenwick require reconstruction and rehabilitation with a safe surface and reconfiguration to accommodate both tennis and the increasingly popular game of pickle ball. The existing tennis courts are cracking, unsafe in areas, the base is no longer structurally sound, and they are not configured for pickle ball. With support from the CCRF, the courts will be reconstructed, resurfaced with asphalt, the lines of play for both tennis and pickle ball will be painted, and the safety issues will be addressed. Residents' use of the parks, recreational areas and active transportation infrastructure has increased significantly during the COVID-19 pandemic. This, coupled with the noteworthy growth of pickle ball, has resulted in an accelerated deterioration of the tennis courts.

The revitalization of the tennis and pickle ball courts in Centennial Park will provide an important outdoor recreation area for the residents of the Town of Pelham. Many of the Town's recreation, culture, leisure and social venues have been closed during the COVID-19 pandemic, impacting all residents and particularly those who are older adults and seniors. The outdoor tennis and pickle ball courts have been available intermittently, but due to the structural and surface issues, it has become increasingly difficult to use the courts. With resurfacing and the addition of court markings for pickle ball as well as tennis, the courts will once again be available to all residents who wish to play for recreation and leisure. As is the case in many communities, older adults and seniors in Pelham have embraced the game of pickle ball and have been eager to resume play outdoors. Both tennis and pickle ball provide mental and physical benefits, as well as critical social activity for seniors and other users. Wheelchair tennis has been suspended due to the condition of the courts and users are eager to resume play once it is safe to do so. With the support of CCRF, the courts will be refurbished and residents will once again be able to play tennis, wheelchair tennis and pickle ball in a safe, outdoor public space.

2. Community Event Space for Peace Park

The Town Hall and Peace Park complex hosts residents and visitors to the Town of Pelham. This project will add much 216 sqm (2400 sqf) of much needed community meeting space and accessible, exterior-facing washrooms to accommodate Peace Park visitors. Thousands of residents and visitors attend community events and activities in Peace Park, which include the Farmer's Market, the weekly outdoor summer concert series and Supper Market, the annual award-winning Pelham

Summerfest, the Christmas Market and other events throughout the year. By adding community meeting space and public washrooms, Town Hall will be more accessible and it will provide services required by the public. All residents will have access to and benefit from the community meeting space and the washrooms.

Financial Considerations:

The total project cost for the resurfacing of the tennis courts is \$269,000 of which the grant requested will fund 75% of the project or \$201,750.

The total project cost for the Community Event Space at Peace Park is \$1,210,000, of which 75% (or up to \$750,000) will be requested by this grant in the amount of \$750,000.

Alternatives Reviewed:

The alternatives are to not resurface the tennis courts or not build the new community event space at Peace Park.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Funding, if approved, will enable the Town to resurface the tennis courts which are in need of repair due to the cracks. The funding will also enable the Town to have public washrooms and event spaces in a location that has a lot of community events.

Consultation:

Discussion with the Director Recreation, Culture and Wellness and the Director Public Works.

Other Pertinent Reports/Attachments:

Photos of the cracked tennis courts.

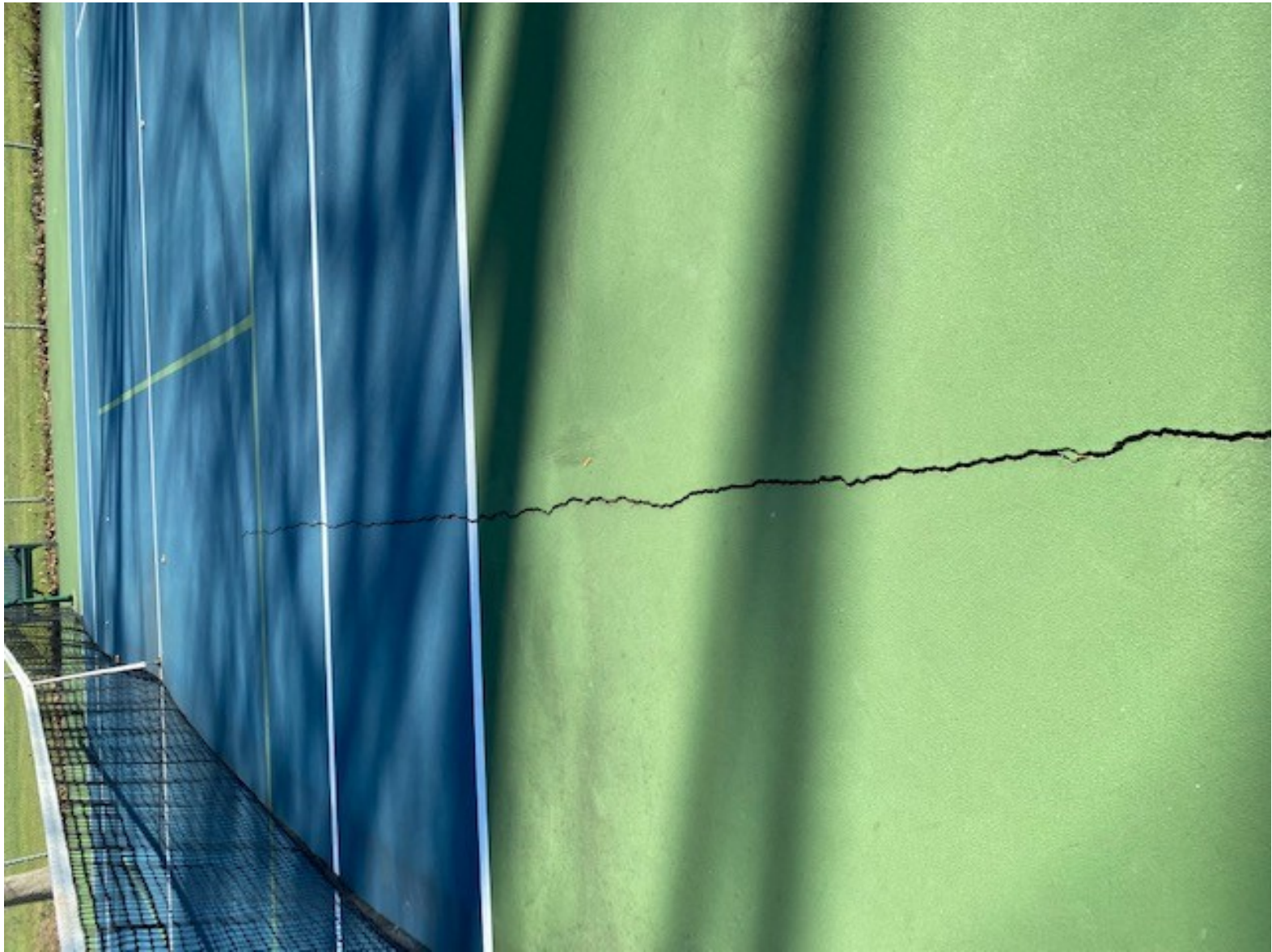
Prepared and Recommended by:

Teresa Quinlin, MBA, CPA, CA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer





Subject: Recommendation Report - Second Dwelling Units Official Plan and Zoning By-law Amendments**Recommendation:**

BE IT RESOLVED THAT Council receive Report 2021-0115 as it pertains to Second Dwelling Units Official Plan and Zoning By-law Amendments (file OP-AM-01-2020 and AM-04-2020);

AND THAT Council declare the revisions made to the Official Plan and Zoning by-law amendments are minor in nature and that no further public meeting is required;

AND THAT Council direct staff to bring the amendments to the Official Plan and Zoning By-law for Second Dwelling Units for adoption at the next Regular Council meeting.

Background:

The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act*, on May 2, 2019. The Bill introduced a number of amendments to thirteen (13) different statutes including the *Planning Act*. The *More Homes, More Choice Act*, requires that municipalities support housing choices by 'identifying a diverse range and mix housing options', noting that second dwelling units play an important role in addressing affordable housing and contributing to housing options. The changes to the *Planning Act* as a result of Bill 108 require that municipal Official Plans and Zoning By-laws must contain provisions permitting two additional residential units in single detached, semi-detached or rowhouse (townhouse) units and the use of a residential unit is a building or structure that is accessory to a single detached, semi-detached or rowhouse (townhouse) unit.

Planning staff developed draft Official Plan and Zoning By-law amendments to address the requirement of second dwelling units (SDU) in Pelham and two public meetings were held on the proposed amendments, one on February 8, 2021 and a second on June 14, 2021, to obtain public input on the proposed amendments. In

addition, the draft Official Plan and Zoning By-law amendments were circulated to the Region of Niagara for input and internal meetings were held with Planning and Building staff.

Following the second public meeting of June 14, 2021 and as per Council's direction from that meeting, staff revised the proposed Zoning By-law amendment. The changes made to the Zoning By-law amendment are to increase the permitted size of a second dwelling unit in the residential zones as well as decrease the permitted height of an accessory residential building or structure and are in the proposed revised draft Zoning By-law Amendment attached as Appendix A to this report.

Analysis:

Town of Pelham Draft Official Plan and Zoning By-law Amendments

The revisions to the draft Zoning by-law (Appendix A) as directed by Council, include increasing the permitted size of a SDU in residential zones from 64 m² (700ft²) to 74.3m² (800ft²). Also, the permitted height of an accessory residential building or structure has been reduced from 7.2m (23.6 ft) to 4.75m (15.58 ft) within the residential zones. The reduction to accessory building height is meant to ensure the massing and height of accessory structures would not cause adverse impact on adjacent properties and the increase in maximum dwelling unit size is meant to provide some additional flexibility. Minor technical amendments were made to the draft Official Plan amendment to improve readability, however no changes were made to the policy content or intent.

For the policy analysis completed for SDUs please refer to Community Planning and Development Report #2021-0038 that was presented at the February 8, 2021 Public Meeting. For additional information, please refer to Community Planning and Development Reports #2021-0004 and #2021-0100.

Consultation:

Additional Public Comments:

Planning staff received comments from the public between May 2021 to June 14, 2021 (full comments in Appendix B) as well as following the Public Meeting held on Monday June 14, 2021, additional comments were received and are summarized below:

- Will SDUs be registered to limit capacity within a neighbourhood?
- Annual licence fee for SDU's to be added as a line item to property tax.
- Increase the size of the units in the residential area.
- Support Second Dwelling Units as an affordable option for families.

- Parking is a main concern especially in regards to on-street parking which will have a direct impact to neighbours, as it will congest streets.
- Objection to a second dwelling unit on Emmett Street

Staff Responses:

In response to comments received by the public regarding the proposed policies and regulations associated with SDU's after the Public Meeting, Planning staff offer the following information:

Second Dwelling Units do not need to be registered or require a licence as they are an 'as of right' permission to property owners of single detached, semi-detached and townhouse dwelling units, subject to meeting the requirements of the Town Zoning By-law and complying with *Ontario Building Code* and *Fire Code* requirements. The intent of permitting second dwelling units is to reduce 'red tape' and minimize costs in order to aid in increasing the supply of affordable and rental housing units; requiring licencing of second dwelling units adds another level of bureaucracy that is unnecessary. Limiting the number of SDUs and only permitting a specific number per street or neighbourhood, as example, is discriminatory and does not meet the intent of the *Planning Act*.

Staff reviewed the requests to increase the maximum size of second dwelling units, in the residential areas, within the Urban areas of the Town of Pelham. Based on our analysis, staff recommend to increase the maximum size of these units in the residential area from 65m² (700ft²) to 74.3m² (800ft²). This floor area increase will comfortably accommodate a two (2) bedroom second dwelling unit while protecting the character of residential neighbourhoods and still maintaining the intent of policy that SDU's are subordinate to the principle dwelling.

The rental income generated by a one (1) or two (2) bedroom SDU will create income for the owner of the principle dwelling therefore making it affordable for both the owner and the renter. This will contribute to the Town of Pelham achieving the housing affordability objective of the Town Official Plan as well as provide additional housing options and choice.

With regard to the concerns about on-street parking, the proposed Zoning By-law amendment requires one (1) parking space per SDU in addition to the required spaces for the principal dwelling are required and must located on the same lot as the use. The regulations under the *Planning Act* for additional dwelling units state that each additional dwelling unit shall have one parking space provided and such parking may be a tandem parking space. Therefore, the Town has limited ability to require more on-site parking in an effort to reduce the potential for on-street parking. However, it is noted that on-street parking does provide some benefits and is seen as a traffic calming measure as it results in traffic slowing down which is considered a positive

road safety element and it also provides a buffer between the pedestrian on the sidewalk and the live vehicle lane which improves pedestrian safety as well. It is noted that on-street parking is generally permitted on Town roads except during a snow event.

With regards to the objection received relating to a second dwelling unit on Emmett Street, it is noted that the proponent of the second dwelling unit, similar to any other proponent, will be required to obtain and satisfy the necessary building permit requirements and comply with the requirements of the proposed Zoning By-law amendment. Should the proponent satisfactorily comply with all the requirements, permission for a second dwelling unit would be granted. The Town is not able to discriminate what properties are eligible for a second dwelling unit and which ones are not, on the basis of who owns a property or who will reside in a dwelling unit.

Conclusion:

The proposed Zoning By-law amendment has been revised to address the comments received and Council's direction received at the Public Meeting. It is staff's recommendation that the amendments are considered to be minor in nature and no further public meeting is required. The proposed Official Plan amendment is also exempt from Region of Niagara approval as it complies with Provincial and Regional policy.

Together, the proposed Official Plan amendment and Zoning By-law amendment will provide the appropriate tools required to comply with the additional dwelling unit requirements under the *Planning Act*. The policy and regulation will provide increased opportunities for housing choice and housing affordability through the SDU permissions, while recognizing the SDU is to be subordinate to the principle residence in order to maintain the character of the principle dwelling unit.

The proposed amendments will streamline the approval process for SDUs for the majority of SDU'S that may be proposed by reducing the need for planning approvals and allow SDU'S to proceed directly for building permits approvals process. In those circumstances where a SDU proposal may not comply with the zoning requirements, the option for varying the zoning by-law is still available to a proponent, should they wish to proceed with that option and such requests can be reviewed on a case by case basis to determine if the request for change is appropriate and fulfills the objective of the second dwelling unit permissions.

Other Pertinent Reports/Attachments:

Appendix A – Revised draft Zoning By-law Amendment and Official Plan Amendment

Appendix B – Public Comments

Community Planning and Development Reports #2021-004, #2021-0038 and #2021-0100

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

From: [REDACTED]
To: [Tara Lynn O'Toole](#)
Subject: [REDACTED]
Date: May 26, 2021 9:11:56 PM

Hi Tara

I submitted 3 questions for the February 08, 2021 Public Meeting on Secondary Dwelling Units. One question concerned parking which seems to have been addressed in the current version of the draft Bylaw. The other 2 questions don't appear to have been addressed and dealt with the Provincial Legislation allowing municipalities to register and license Secondary Dwelling Units.

1. Is the Town planning to register Secondary Dwelling Units (SDU's)? Registering the SDU's would allow staff to monitor the proliferation of SDU's and identify streets/areas that might be at capacity.
2. Is the Town planning an annual licence fee for SDU's? I would think that the licensing fee could simply be another line item on the property tax bill. An annual licensing fee would provide income to the Town to help cover the costs of dealing with parking and noise complaints, etc.

Your, truly

[REDACTED]
[REDACTED]

From: [John Wink](#)
To: [Tara Lynn O'Toole](#)
Cc: [Barbara Wiens](#); [Ron Kore](#)
Subject: Fwd: Second Building Unit, Bill 108/Reg 299
Date: June 17, 2021 9:21:03 AM

Hi Tara,
Here is comments I received from are resident in Fenwick for your consideration.
John Wink

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: June 16, 2021 at 3:40:08 PM EDT
To: Ron Kore <RKore@pelham.ca>, John Wink <JWink@pelham.ca>
Cc: marvin.junkin@niagararegion.ca
Subject: Second Building Unit, Bill 108/Reg 299

Good afternoon Ron and John (Ward 2),
Could I please take a few moments of your time to express my concerns surrounding this by-law amendment?
My family has been living in Pelham for 5 years; we enjoy the community, it's services and local events. We have no desire to live anywhere else. It has been a very positive experience for us. Living rural has been life changing and I feel that the approval of a bill like this can lead to the beginning of a loosening of allowances and being taken advantage of. We do not want to see growth and expansion in areas where anyone living rural would not want to see either. We chose rural living and we want to keep living rural; we do not want to end up moving years down the road if the rural we have chosen is diminished.
What prompted our awareness and concern of this "soon to be approved," bill in Pelham, was our neighbour approached us yesterday regarding his desire to build a second dwelling unit on his property for his parents, as soon as the bill is passed. He had already spray painted his lawn marking the proposed area, expressing how fast he wants to embrace this bylaw. How many others are there like him? How many others are out there just as anxious and wanting to exploit it?
I realize a situation like this is why Ontario is encouraging municipalities to make this move and amend the current by-laws: to provide affordable housing. I realize I cannot control my neighbours choices when they act in accordance with the by-laws and municipal allowances. If the bill is passed and he builds with or without my consent, I have to live with it. The problem is the potential "pushing of the envelope;" taking what is allowed and pushing it further, which is my neighbours intent.
The maximum dwelling size is 1000 sq ft, but of course this is not big enough for my neighbour; he wants to push for 1250 to 1400 sq ft. In spite of by-laws and regulations people always find loopholes, adjustments are made, laws

compromised and whether we like it or not, it always ends up bigger and grander than what is permitted.

I really believe that this will open up a can of worms, it's already evident and it will open the door to the municipality to allow land severing where it was not allowed before.

My request to the municipal council is that they be uncompromising and unwavering in allowing builds to be more than what they should be according to the by-law.

Please take this into consideration. Your time is appreciated.

Thank you,



J. PATRICK MALONEY
905-688-5403 – Direct Line
pmaloney@sullivanmahoney.com
Please reply to St. Catharines Office

June 10, 2021

Mayor Junkin and Members of Council
20 Pelham Town Sq., P.O. Box 400
Fonthill, ON L0S 1E0

Dear Sir/Madames:

**Re: Second Public Meeting-Proposed OPA and ZBLA re: Second Dwelling Units
Our File No. 128477**

We are the solicitors for Homes By Antonio Inc. and Tony Mancini, who have several development interests in the Town of Pelham. We have asked to be registered as a delegation during the public meeting scheduled for June 14, 2021 related to proposed amendments to the Town's Official Plan ("OPA") and Zoning By-law ("ZBLA") related to secondary dwelling units ("SDU"). However, we wish to provide our brief comments in writing.

You may recall that we previously made a submission that sought the inclusion of semi-detached dwellings and townhouse dwellings as those types of units that should permit SDUs. We are pleased with Town planning staff's willingness to support that inclusion in the revised draft OPA and ZBLA. Our client's fully support that change and ask Town Council to approve such inclusion.

We did wish to make a further submission as it related to the limitation on the floor area of a SDU in the draft ZBLA. Presently, the draft OPA states that the floor area of an SDU must be less than the gross floor area of the principle residential unit. We understand that the purpose of this is to be sure that a SDU is actually secondary to the primary residential use. This makes sense. However, the draft ZBLA then restricts the maximum floor area of a SDU to not exceed 65 m² (700sq.ft).

In our client's view, there should not be a maximum floor area specifically stated in the Town's ZBLA. Instead, we would suggest that the ZBLA include the same general language as stated in the OPA to restrict an SDU to be less than the gross floor area of the principle residential unit.

To support our client's position, we offer the following. In many cases, a larger home may practically provide a larger and appropriate area for a SDU, while still meeting the general intent and purpose stated in the draft OPA and of SDUs in general. By way of example, if a property owner has a 2800sq.ft home, and wished to have a second dwelling unit with an area of 1000sq.ft

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

for an aging family member, then such SDU would conform to the Official Plan, but would not be permitted under the zoning by-law. This would mean that a property owner would have to bring an unnecessary and costly minor variance application to increase the maximum floor area of the SDU, that could be opposed by anyone.

Moreover, in some cases, limiting the floor area of a SDU may represent practical and structural issues within an existing dwelling. As an example, if the entire second floor of an existing dwelling was properly available for an SDU, but is greater than 700sq.ft., it may result in redundant or unusable areas within that dwelling. It would similarly necessitate a minor variance application. It may also mean that a property owner will simply use the entire area for a SDU in contravention of the zoning by-law.

Finally, limiting the size of the SDU to only 700 square feet reduces the type of user that could make use of the SDU. Even a small young family would be cramped into such a unit.

To summarize our client's position, we would ask that the proposed zoning amendment for a SDU be modified by removing any specific maximum floor area for a SDU and revising the language to simply limit the floor area of a SDU to something less than half of the gross floor area as stated in the OPA.

We thank you for allowing this submission and respectfully ask that Council approve the OPA and ZBLA proposed, subject to this minor modification.

Yours very truly,

Sullivan Mahoney LLP

Per:



J. Patrick Maloney

JPM/ke

Cc: Clients
Barb Wiens
Tara Lynn O'Toole

From: [REDACTED]
To: [Tara Lynn O'Toole](#)
Subject: NeSubdivision Planning and SDU's
Date: April 22, 2021 9:46:43 AM

Hi Tara,

I have been following the developments of our Town for the 22 years that I lived here now. I believe I understand the difficult position the Town staff and Council are in when it comes to the Provincial Laws and developer rights.

As somebody who's seen development all around me, and in discussing concerns with friends and neighbors, the most apparent concern I've gleaned is the worry about appearance and property values. The major source for this concern is parking.

In my opinion, residents are less concerned about the density of the developments, aesthetics, or demographics, but more so the clogging of ALL the streets around town, not just the roads upon which the residents are living. This problem has been created by developers who are building units with barely enough space for a single car.

For example, in the development adjacent to my residence, at [REDACTED] [REDACTED] SDU's are being built on lots that can barely fit one car. If these residences are occupied by more than one "family", as permitted, where is the other family going to park? If both have two cars, that's four cars with one spot. The answer is simple, they will park on my street.

This situation is already happening. Residents on Hunter's Court do not have adequate parking in their driveways, nor do many have houses with frontage to park extra vehicles, so they drive across Welland Rd. and park here.

My proposal to force developers to re-think their designs (very optimistically looking), and address the parking problems not only on my street but on many existing roads on or adjacent to these new developments, is to institute a new by-law for the whole Town.

The Town of Pelham should develop a new Parking By-Law which makes it illegal to park on Town streets overnight.

For existing residences and citizens, like those on Hunter's Court, this may be impossible, so the Town can sell Parking permits to individual addresses allowing parking in front of their residence, or on their street only.

The By-Law would serve many functions:

1. Keep the expansion problems of new Pelham developments off the streets and properties of existing residents.
2. Perhaps, force developers to increase driveway size for 2 cars
3. Generate revenue for Town

This program exists in several communities that I am aware of including Kitchener-Waterloo. There, you can buy an overnight pass if you have guests from out of town. I and members of my family have been ticketed every-time we've parked on the street overnight without a pass!

Establishing a more strict By-Law that eliminates overnight parking without a "special permit" will help to alleviate many of the problems many Pelham residents are having with the impact of the density and types of developments our Town has little choice but to endure.

Thank you for listening,

[REDACTED]
Fonthill

From: [Patrick Maloney](#)
To: [Tara Lynn O'Toole](#); [Barbara Wiens](#)
Cc: [Tony Nuziato](#); [tony mancini](#); [Kayla Elvin](#)
Subject: Pelham- Second Dwelling Units- Max Floor Area
Date: June 22, 2021 2:58:48 PM
Attachments: [image003.png](#)

Good afternoon Tara and Barb,

On the issue of second dwelling units, our clients request that the maximum floor area be set at 1000 sq.ft in the residential zone and 1200 sq.ft. in the rural zones. Moreover, practically, you may also have to set a percentage limit in the zoning by-law (as opposed to relying exclusively on the OP). The reason for this is that someone who has to apply for a building permit doesn't technically have to comply with the OP as it is not applicable law.

We heard the concerns of Council and staff and wish to provide our thoughts.

In relation to parking, the Town can only mandate one spot per secondary dwelling unit. However, if there is a situation that allows a 1000sq.ft. SDU, such SDU would likely be within a dwelling that is bigger, and on a larger lot, and that which has more driveway area for parking. In such case, the concerns for parking are minimized.

In relation to possible nuisance impacts, I would submit that keeping SDUs smaller to 700 sq.ft. (or even 800 sqft.), that would actually promote someone with a larger home to construct two SDU's for a total floor area of 1400 sq.ft., instead of one at 1000 sq.ft. The SDUs would require 2 parking spaces, with even more people living in the same building and a greater opportunity for incompatibility. Limiting the floor area for a SDU as proposed could actually make a situation worse.

We also heard the concerns of Barb related to affordability. We feel that a 1000 sqft SDU (ie a 1 or 2 bedroom rental unit) would still fit within the affordability definition in the PPS, and therefore such units would still be considered affordable. Under the PPS, **Affordable:** means

b) in the case of rental housing, the least expensive of:

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

I don't have all of the info for the first measure of affordability (ie related to gross annual household income). However, we can establish that the units would be affordable for the second measure (ie average market rent). In such case, even it was not the "least expensive" option then the units would have to be considered affordable (since it can only be less).

According to the [2020 CMHC Rental Market Report](#) (link attached), in the "regional market area" that is the St. Catharines-Niagara CMA, the average rent is \$958 for a one bedroom unit and \$1137 for a two bedroom. So according to the definition of "affordable" any rent below those two rental threshold would be considered affordable according to the PPS. The specific area of the CMA that includes Pelham has an average rent of \$831 for a one bedroom and \$998 for a two bedroom rental unit. Consequently, if the rents for a 1000 sqft

SDU (ie 1 or 2 bedroom) fall within the average, it would be considered affordable. Either way, I don't think it can be concluded that these larger units would not be considered affordable pursuant to the PPS.

Finally, if there is the creation of affordable rental units at only 700-800 sqft, a one bedroom is likely the only option. In such case, it really limits the market as to who can take advantage of an affordable unit and is somewhat discriminatory. A single person or even a couple can live within that close confine. However a young family could not and would be forced to look elsewhere for more expensive living accommodations.

Overall, it is our clients position that the proposed zoning amendments for SDU's should allow for a maximum floor area of 1000 sqft in the residential zones and 1200 sq.ft. in the rural zones. We would be happy to discuss this further if you wish.

Please advise as to when Council will be considering your recommendation report. We also wish to be notified as to Council's decision.

Patrick Maloney

Partner

SULLIVAN MAHONEY LLP
40 Queen Street, P.O. Box 1360
St. Catharines, Ontario L2R 6Z2

Direct Dial: (905) 688-5403
Facsimile: (905) 688-5814



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From: [REDACTED]
To: [Tara Lynn O'Toole](#)
Subject: SDU in Pelham - I Support
[REDACTED]

Good Morning Tara Lynn,

I registered to the site and witnessed the presentation for SDU's. I am in support of the SDU's. I believe it makes it an affordable option to have your aging parents be able to move into a comfortable environment and support them through their next chapter of their lives. The SDU's helps support this idea.

The purchase price of a home is not coming down anytime soon. With these new costs it makes it very difficult for families to be able to afford homes especially young adults and new home owners. The SDU's helps support families and young adults have a place to themselves.

Lastly, Pelham now becomes a more attractive place to want to move to. It allows families this SDU option knowing that if times get tough this is an option to make up some additional income and/or save on costs.

Thanks,
[REDACTED]

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. (2021)

Being a By-law to amend Zoning By-law 1136(1987), as amended with respect to second dwelling units in the Town of Pelham.

Town of Pelham

File No. AM-04-2020

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;

AND WHEREAS, the Council of the Corporation of the Town of Pelham has initiated as 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 Second Dwelling Units 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 5 is amended by adding the following new definition:

“5.193 SECOND DWELLING UNIT” means a Second Dwelling Unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building. Second Dwelling Units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.”

2. **THAT** Section 6.1 (c) is deleted and replaced with the following:

“(c) **“MAXIMUM HEIGHT**

Except as otherwise provided herein, no accessory residential building or structure shall exceed 4.75 m (15.58 ft) in height.”

3. **THAT** Section 6.10 (a) Lot Requirements - Dwellings is deleted.

4. **THAT** Section 6.16 (c) Parking Area Surface is amended by adding the following new clauses:

“iii. In Residential zones, the maximum width of a surface devoted to parking may not exceed the exterior width of an attached garage.

iv. Notwithstanding Subsection 6.16 c) iii), on a lot having an attached garage less than 5 metres in width, the driveway

may extend beyond the width of the garage toward the side lot line to a maximum width of 5 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;”

5. **THAT** Section 6.2, Dwelling Units Below Grade is deleted in its entirety and replaced with the following:

“6.2 SECOND DWELLING UNITS

1. Two (2) Second Dwelling Units are permitted on a lot in the Residential Village 1 (RV1) zone, Residential Village 2 (RV2) zone, Residential Multiple Village 1 (RMV1) zone, Residential 1 (R1) zone, Residential 2 (R2) zone, Residential 3 (R3) zone and Residential Multiple 1 (RM1) zone and shall comply with all other provisions of this By-law.
2. Two (2) Second Dwelling Units are permitted on a lot in the Agricultural (A) and Special Rural (SR) zones and shall comply with all other provisions of this By-law. These units must be located outside of the Greenbelt Natural Heritage System.
3. A Second Dwelling Unit shall be a self-contained dwelling unit with bathroom, kitchen and sleeping facilities that are separate from those of the principle dwelling on the same lot. The Second Dwelling Unit can be contained within the principle dwelling or within a detached accessory building on the same lot as the principle dwelling.
4. In Residential zones, a Second Dwelling Unit shall have a maximum floor area does not exceed 74.3 m² (800sqft).
5. In the Agricultural (A) Zone and Special Rural (SR) Zone, a Second Dwelling Unit shall have a maximum floor area does not exceed 93 m² (1,000sqft).
6. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling. The entrance to a Second Dwelling Unit must be separate from the entrance provided for the principle dwelling:
 - i. For Second Dwelling Units that are contained within or attached to the principle dwelling, the separate entrance may be accessed directly from the outside or from a vestibule, common hallway or stairway inside the building.
 - ii. Where the only entrance to a Second Dwelling Unit is provided from the rear yard or side yard, the entrance must be accessed by a continuous, unobstructed path of travel of at least 1 metre wide between the front wall of the building and the side lot line.
7. A minimum of one (1) on-site parking space is required for each Second Dwelling Unit, in addition to the parking requirements for the principle dwelling. Parking shall be in accordance with Section 6.16 of this By-law.
8. If located within the principle dwelling, the Second Dwelling Unit must meet the requirements for a dwelling in the applicable zone category.
9. If the Second Dwelling Unit is in an accessory structure, and not connected to the principle dwelling, the Second

Dwelling Unit must meet the requirements for accessory structures on the property in accordance with Section 6.1 of By-Law 1136 (1987)."

6. **THAT** Section 7.7 Requirements for Buildings and Structures Accessory to Dwellings, paragraph (d) is deleted in its entirety and replaced with the following:

“(d) Maximum Building Height 7.2 m (23.62 ft)”

7. **THAT** Section 7.7 Requirements for Buildings and Structure Accessory to Dwellings is amended by adding a new paragraph (f) as follows:

“(f) The maximum distance a Second Dwelling Unit is permitted from the closest portion of the principle dwelling located on a property is 40m (131.2 ft) unless the Second Dwelling Unit is located in an existing building.”

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
____ DAY OF _____, 2021 A.D.

MAYOR MARVIN JUNKIN

CLERK HOLLY WILLFORD

AMENDMENT NO. XX
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 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. 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 B1.1.2(b), B1.1.3(e), B1.1.4, B1.1.9(h), B1.7.3.2(a(v)), B1.7.7.3.1 (a(ii)), B1.7.7.4.1(a(iii)), B1.7.8.3.1(b(xi)), B1.7.8.4.1(b(xi)), B2.1.2, B2.2.2, B2.1.3.5 and Appendix F – Definitions (Residential Intensification (e)) of the Town of Pelham Official Plan to implement recommendations on Second Dwelling Units 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

1. 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:
 - i. The policies will ensure compatibility with the surrounding land uses.
 - ii. 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.
2. The Provincial government has legislated that municipalities develop and implement Official Plan policies and Zoning By-law provisions in order to allow additional dwellings including second dwelling units as accessory to primary residential dwellings.
3. The proposed amendments will update the Official Plan to ensure conformity with the recent Provincial legislative updates in Bill 108, *More Homes, More Choice Act, 2019*. This Official Plan update will assist staff with implementing opportunities for a range and mix of housing options, as mandated by the Provincial Policy Statement (2020).
4. The overall purpose of this Provincial legislation is to provide additional affordable housing opportunities, help homeowners with mortgage payments, and to support the flexible housing needs of youth, young families and seniors. As such, in supporting the aims of this Provincial Legislation, allowing Second Dwelling Units will provide important community benefits within the Town of Pelham.
5. The provision of Second Dwelling Units will also respond to a need identified by the local community and the desire to have Second Dwelling Units to provide housing choice and flexibility.
6. It is not the intent to permit the severance of second dwelling units in areas in the agricultural area as the creation of new lots for residential uses is not permitted.

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

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:

1. Deleting Section B1.1.2(b) and replacing it with the following:
 - b) Second Dwelling Units in single-detached, semi-detached, townhouse and multiple dwellings subject to Policy B1.1.4;
2. Deleting Section B1.1.3(e) and replacing it with the following:
 - e) The creation of Second Dwelling Units -- within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of Second Dwelling Units shall occur in accordance with Policy B1.1.4;
3. Deleting Section B.1.1.4 and replacing it with the following:

Second Dwelling Units

Second Dwelling Units may be permitted in single detached, semi-detached, townhouse and multiple dwellings as well as in detached accessory buildings in the Urban Living Area designation in the areas identified on Schedule A1 to this Official Plan, without the need for a Zoning By-law amendment provided that:

- a) Second Dwelling Units will comply with the Ontario Building and Fire Codes as well the Town's Zoning By-law. A building permit will be required to obtain permission for a second dwelling unit;
- b) The floor area of the Second Dwelling Units are less than, the gross floor area of the principle residential unit;
- c) Applicants who request a minor variance to increase the size of a Second Dwelling Unit should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.
- d) Adequate parking is available on the lot for the principle dwelling and second dwelling units in compliance with the Zoning By-law;
- e) The second dwelling units are designed and located to maintain the external appearance and character of a principle dwelling unit as viewed from the public street; and,
- f) Second Dwelling Units - will be included in the Town's Intensification targets.

4. Deleting Section B1.1.9(h) and replacing it with the following:
 - h) Identify how many Second Dwelling Units have been legally created in accordance with Policy B1.1.4 of this Plan.
5. By deleting Section B1.7.3.2(a(v)) and replacing it with the following:
 - v) Encouraging the development of Second Dwelling Units.
6. Deleting accessory apartments in Section B.1.7.7.3.1(a(ii)) and replacing it with the following:
 - ii) Second Dwelling Units;
7. Deleting accessory apartments in Section B1.7.7.4.1(a(iii)) and replacing it with the following:
 - iii) Second Dwelling Units;
8. Deleting accessory apartments in Section B1.7.8.3.1(b(xi)) and replacing it with the following:
 - xi) Second Dwelling Units;
9. Deleting accessory apartments in Section B1.7.8.4.1(b(xi)) and replacing it with the following:
 - xi) Second Dwelling Units;
10. By deleting Section B2.1.2 (b) in its entirety and replacing it with following:
 - b) Second Dwelling Units may be permitted in a single detached dwelling as well as in detached accessory buildings in the *Good General Agricultural* designation subject to policy B.1.2.3.5 of this Plan.
11. By deleting Section following B.1.2.3.5 and replacing with the following:

B.2.1.3.5 Second Dwelling Units

The establishment of one additional dwelling unit on a farm for farm help is permitted without the need for a Zoning By-law amendment subject that the second dwelling unit is:

- a) Is required for farm help;
- b) Will be located within the existing farm-building cluster;
- c) Building permit approval is required;

- d) Is provided with sewage and water services as required by the Regional Niagara Public Works Department;
- e) Will be designed and/or located to be compatible or otherwise blend in with the farm operation; and
- f) Is subject to site plan control.

Second dwelling units that are not required for farm help may be permitted without the need for a Zoning By-law amendment and provided that:

- a) Second Dwelling Units will comply with the Ontario Building and Fire Codes as well as Town's Zoning By-law. A building permit will be required to obtain permission for a second dwelling unit;
- b) The floor area of the Second Dwelling Unit is less than, the gross floor area of the principle residential unit;
- c) If the Second Dwelling Unit is located in a new detached accessory building, the unit must be located within the cluster of existing buildings on the property or a Second Dwelling unit may be permitted within an existing accessory building.
- d) If the principle dwelling is serviced by a septic system, verification must be provided that the septic system is capable of accommodating a Second Dwelling Unit through the existing system or expansion of the existing system to service both the Second Dwelling Unit and the principle dwelling. Should a new septic system be required to accommodate a Second Dwelling Unit, the new septic system shall not remove land from agricultural production.
- e) Applicants who request a minor variance to increase the size of a Second Dwelling Unit should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

In no case, shall any detached second dwelling unit established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed.

12. By deleting Section B2.2.2(d) and replacing it with the following:

- d) Second Dwelling Units may be permitted in a single detached dwelling as well as in a detached accessory building in accordance with policy B2.2.9.

13. That a new Section B.2.2.9 is added to Section B.2.2 – Specialty Agricultural and the remaining sections be renumbered accordingly:

B.2.2.9 Second Dwelling Units

The establishment of one additional dwelling unit on a farm for farm help is permitted without the need for a Zoning By-law amendment subject that the second dwelling unit is:

- a) Is required for farm help;
- b) Will be located within the existing farm-building cluster;
- c) Is located outside of the Greenbelt Natural Heritage System
- d) Building permit approval is required;
- e) Is provided with sewage and water services as required by the Regional Niagara Public Works Department;
- f) Will be designed and/or located to be compatible or otherwise blend in with the farm operation; and
- g) Is subject to site plan control.

Second dwelling units that are not required for farm help may be permitted without the need for a Zoning By-law amendment and provided that:

- a) The second dwelling is located within an existing dwelling, or a new dwelling must have been authorized for use prior to the effective date of the Greenbelt Plan (December 16, 2004).
- b) Second dwelling units may also be permitted within existing accessory structures, provided it is located on the same lot as either an existing dwelling, or a new dwelling which was authorized for this use prior to the effective date of the Greenbelt Plan.
- c) Permitted second dwelling units in the Protected Countryside designation must be located outside of the Greenbelt Natural Heritage System.
- d) Second Dwelling Units will comply with the Ontario Building and Fire Codes as well as Town's Zoning By-law. A building permit will be required to obtain permission for a second dwelling unit;
- e) The floor area of the Second Dwelling Unit is less than, the gross floor area of the principle residential unit;
- f) If the Second Dwelling Unit is located in a detached accessory building, the unit must be located within the cluster of buildings on the property.

- g) If the principle dwelling is serviced by a septic system, verification must be provided that the septic system is capable of accommodating a Second Dwelling Unit through the existing system or expansion of the existing system to service both the Second Dwelling Unit and the principle dwelling. Should a new septic system be required to accommodate a Second Dwelling Unit, the new septic system shall not remove land from agricultural production.
- h) Applicants who request a minor variance to increase the size of a Second Dwelling Unit should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

14. Deleting and replacing the following of Appendix F – Definitions:

Residential Intensification

- e) The conversion or expansion of existing residential buildings to create new residential units or accommodation, including Second Dwelling Units and rooming houses. (PPS)

Subject: Requirements for Hoop Houses**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0126 – Requirements for Hoop Houses, for information.

Background:

On March 22, 2021 Council received a presentation from Mr. J. Langendoen on behalf of the Pelham Greenhouse Growers Group providing information on the purpose of hoop houses, the distinction between hoop houses and greenhouses and expressing concern regarding the requirements for building permits for hoop houses. Council directed staff to prepare a report on the matter and report back. This report represents the Town staff findings on the matter.

Analysis:

Town staff recognize that hoop houses are not the same as a greenhouse structure and a hoop house provides a different type of growing condition for plants and particularly in the horticultural industry hoop houses provide winter protection while plants are in their dormant period. However, hoop houses can also be used for growing, particularly the starting of plants in early spring and extending the growing season in late fall for certain types of crops. As well staff recognize that in comparison greenhouses are a more complex building system than a hoop house. Nevertheless, hoop houses are considered to be a structure under *the Ontario Building Code* and require a building permit for the initial construction. This is provincial law and not a local or municipal decision.

Building Code Requirements

The *Ontario Building Code* requires building permits for permanent structures that are larger than 10m² (108 ft²). For temporary structures, the *Ontario Building Code* requires building permits for temporary structures that are larger than 60m² (645 ft²), this includes structures such as tents that are erected for a period as short as a day or weekend. Further the Fire Code requires that tents and air supported structures larger than 30m² (323 ft²) are to be inspected. In addition, some hoop houses have heaters in them and some can require ventilation and a chimney

depending on the heating system. Hoop houses that are used for winter protection have the poly covering on them in the late fall, through the winter and early spring months and then the poly covering is removed and replaced again in the late fall. A hoop house is considered a temporary structure and are typically larger than 60m², therefore a building permit is required by the *Ontario Building Code Act* for its initial installation and construction. A building permit is not required to replace the poly covering, however.

In an effort to accommodate the agricultural community, the Town only charges the minimum building permit fee of \$263 for a hoop house and distinguishes the building permit fee for hoop houses from the rate charged for other farm buildings, such as a greenhouse or barn that would be subject to a permit fee amount of \$0.51/ft². As part of the building permit requirement the Town requires a plot plan or site plan drawing illustrating the location of the hoop house(s), setbacks and other structures on the property. This is a standard requirement for all building permit applications and is not onerous. This plot plan is shared with Fire Services and is important information for Fire Services to have as they can also review this plan and provide feedback with respect to access requirements for emergency services and access. The majority of hoop houses in the Town are about 60m (196ft) in length, however there are some as long as 149m (488ft) and some as short as 30m (98ft) in length and access and maneuvering around large hoop houses is an important safety consideration, particularly when hoop houses are grouped together one beside the other and can occupy several acres of land.

The Pelham Greenhouse Growers Group feels that for most of their members that since there is no actual growing in the hoop house as the plants are in a dormant stage, there is very low human occupancy in the hoop house, therefore a building permit should not be required. The Ontario Building Code does not distinguish if there is growing in a structure or not as a requirement for a building permit and while there is a very low human occupancy, the hoop house structure is still a substantially large structure and the metal framing that supports the hoop house is engineered. Consequently, the Chief Building Official is of the opinion that a hoop house structure requires a building permit under the *Ontario Building Code* and the review of the building permit affords protection to the farmer in ensuring that the structure is safe. Further, the Chief Building Official is not aware of any ruling by the Ontario Building Code Commission that is to the contrary and exempts hoop houses from requiring a building permit.

MPAC Considerations

The Pelham Greenhouse Growers Group are also concerned that if a building permit is required, MPAC is notified, as they receive notification of all building permits issued by the Town. The Pelham Greenhouse Growers Group is concerned that

there might be the potential for changes to a farm's tax assessment if MPAC is notified. Town staff consulted with MPAC and were advised that MPAC has the responsibility of valuing and classifying all properties in Ontario. The issuance of a permit does trigger a review of the property to ensure that all of the information that MPAC has on record is accurate and correct. It is up to MPAC to determine if a building permit is something that has value or classification implications from a tax assessment or tax classification perspective. If upon inspection or review of the building permit a change was found, that could trigger a value increase or a classification change and correspondingly a tax increase and alternatively if the review of building permit determined the permit was not sufficient to trigger a value increase or classification change, there would be no tax increase.

If MPAC records are not accurate and up to date with regards to agricultural properties, this can result in a shift of the tax burden onto other tax classifications, i.e. residential. While no one wants their property taxes to increase, it is important that all people pay their fair share of taxes and one tax classification does not carry the tax burden over another. Generally speaking, the addition of one or two hoop houses would likely not result in a value increase that would result in a tax increase, however the addition of several hoop houses on a farm property might or if the addition of hoop houses results in more land area being actively farmed and in production than previously, but it is up to MPAC to determine this, not the Town. There are several factors that MPAC considers to determine if there is valuation change, not just the issuance of a building permit. It is noted that farm land has the lowest tax rate of all the tax classifications.

Practice of Other Municipalities

Pelham staff consulted with other municipalities in Niagara to determine what other municipalities require and inquired whether the construction of a hoop house for over wintering plants (not growing) requires a building permit and if so, what the fee was and what drawings are required to be submitted with an application. The following are the results of the survey of Niagara municipalities.

Municipality	Building Permit	Cost	Site Plan and other Requirements
Town of Pelham	Required	Minimum fee of \$263	Required, with site plan referenced to an up-to-date survey
City of Niagara Falls	Required, regarded as accessory structure	Minimum fee of \$150, \$3.72 * m ²	Required, with site plan referenced to an up-to-date survey
Town of Grimsby	Required, structure regarded as tents	\$206 up to 225 m ² , \$315 if larger than 225 m ²	Required, with site plan referenced to an up-to-date survey

Municipality	Building Permit	Cost	Site Plan and other Requirements
Town of Niagara-on-the-Lake	Required, structure regarded as greenhouse	Minimum fee of \$150, \$0.17 * ft ²	Required, with site plan referenced to an up-to-date survey
Town of Fort Erie	Required, structure regarded as agricultural use	Minimum fee of \$161, \$0.33 * ft ²	Required, with site plan referenced to an up-to-date survey
City of Port Colborne	Not required if the structure < 60 m ² , regarded as tents/soft sided structures.	Fee of \$200 if required	If required, with site plan referenced to an up-to-date survey.
Township of Wainfleet	Required, if structure exceeds 10 m ² . Regarded as farm building.	\$283.68 for buildings up to 116 m ² , and \$2.43/m ² for building over 116 m ²	Required, with site plan referenced to an up-to-date survey
City of Welland	Required, if structure exceeds 10 m ² .	Minimum fee of \$164, \$0.55 * ft ²	Required, with site plan referenced to an up-to-date survey
Township of West Lincoln	Not required if hoop house provides seasonal plant protection with no heat, hydro or other services in an agricultural setting. Otherwise, required and regarded as farm building.	Minimum fee of \$150, \$2.30 * m ²	Required, with site plan referenced to an up-to-date survey
City of Thorold	Required, regarded as greenhouse.	Minimum fee of \$194.40, \$0.22 * ft ²	Required, with site plan referenced to an up-to-date survey
City of St. Catharines	Not required If the building is coming down every year. Required if used like a greenhouse.	Minimum fee of \$139.50, \$0.55 * ft ²	Required, with site plan referenced to an up-to-date survey
Town of Lincoln	Required, if structure exceeds 10 m ² .	Minimum fee of \$200, \$1.72 * m ²	Required, with site plan referenced to an up-to-date survey

From this review, it appears that only the Township of West Lincoln and St. Catharines do not require building permits for hoop houses if the structure is seasonal and there is no heat and hydro. However, it is clear that the majority of Niagara municipalities do require a building permit and up to date site plan drawing illustrating the boundary of the property, existing structures and the proposed hoop house structure. Pelham is not out of sync with what most other municipalities require or how others interpret the *Ontario Building Code* in that hoop houses are a structure that require a building permit. In addition to Niagara municipalities, staff are also aware that Leamington and Hamilton also require building permits for hoop houses, for example.

While the Pelham Greenhouse Growers representative noted that greenhouse growers in Lincoln and Niagara-on-the-Lake do apply building permits for hoop houses in those municipalities, it could be that the growers are unaware of the need to do so and those municipalities are not actively enforcing the building permit requirement as they are unaware that hoop houses are being constructed.

Site Plan Requirements

The Pelham Greenhouse Growers also expressed concern with regards to site plan requirements for hoop houses. The Town of Pelham does not require site plan approval for hoop houses, however site plan approval is required for greenhouses. For a hoop house what is required during the building permit stage is a drawing that illustrates the location the hoop house that is proposed on the property, its dimensions and the location of other buildings on the property along with setbacks. This type of drawing or plan is standard for all building permit applications and is used to confirm zoning by-law compliance.

Conclusions

The requirement for a building permit for the construction of a hoop house is not a new requirement under the *Ontario Building Code*, but rather has been existence for several years. The *Ontario Building Code* requires building permits for permanent structures larger than 10m² (108 ft²) and for temporary structures larger than 60m² (645 ft²). The Chief Building Official does not have discretion to exempt hoop houses from the building permit requirements given that the structure meets the requirements for a building permit under the *Ontario Building Code*. Building permit approval is required for the initial construction of a hoop house, but not for the yearly replacement of the poly covering. The Town charges a minimum building permit fee of \$263.00 for a hoop house which is the lowest permit fee the Town has. A site plan drawing illustrating the location of the proposed hoop house, its dimensions and setbacks as well as the location of existing structures and limits of the property are required to be shown on the drawing and is part of the building permit submission requirements in order to confirm zoning by-law compliance,

however this is not the same as site plan approval. The requirement of a building permit for a hoop house is consistent with the requirements of the Ontario Building Code and provides protection to the property owner.

Financial Considerations:

The Town imposes a minimum building permit fee for hoop houses, i.e. \$263.00/hoop house which is a nominal fee and does not cause undue financial burden on the farmer.

Alternatives Reviewed:

Town staff investigated what other municipalities in Niagara require with respect to hoop houses and this was reported earlier in this report. The Town does not have the ability to exempt hoop houses from a building permit, that would be contrary to the Ontario Building Code.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Support for the agricultural community helps to contribute to building a strong community and supporting the agricultural economy. Hoop houses are recognized as an important component to certain types of agricultural practices, i.e. extending growing season conditions, allowing young tender nursery stock to go dormant and not suffer harm during extreme winter temperatures, i.e. winter protection. The requirement for building permits meets the requirements of the Ontario Building Code Act and affords reasonable protection to the agricultural community.

Consultation:

The Town Chief Building Official, Fire Chief, other local Niagara municipalities and MPAC staff were consulted in the preparation of this report. Town staff also met with representatives of the Pelham Greenhouse Growers Group and their agent.

Other Pertinent Reports/Attachments:

Presentation by J. Langendoen to Council on March 23, 2021.

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Reporting Period: Corporate Services Department
Quarterly Report for the period: April, May, June 2021**Recommendation:**

**BE IT RESOLVED THAT Council receive the Q2/2021 2001-0095-
Corporate Services Department Report, for information.**

Department Overview and Statistics:**April**

The audit fieldwork was completed and the consolidated financial statements were prepared and submitted to the Finance and Audit Committee for review. Staff worked on the written, financial and statistical content for the 2020 Annual Report.

May

The Pelham Finance and Audit Committee met with the auditors and staff to review the 2020 financial statements, which were recommended to Council and approved on May 17. On May 19, the 2020 Financial Information Return was completed and submitted on time before the May 31, 2021 due date. As of June 1, 50 of 444 municipalities (11%) had their FIR submitted and posted to the Ministry website. The FIR requires the collaborative effort of staff from the Finance department as well as staff from other departments for statistical information. Staff worked on the preparation of the Town's second Annual Report, which builds upon the first year, adding highlights from each department in addition to the financial information. The Safe Restart COVID-19 Funding Report template was received and Pelham's report back to the province was prepared for submission in June. Planning and scheduling for the 2022 budget began, with a draft schedule presented to Council in June.

June

Budget templates were set up in Questica and rolled out to all departments to begin working on the budget for next year. Training was held for staff new Questica.

The Town's second Annual Report was completed, presented to Council, and published to the Town website.

Accounts Payable

The Accounts Payable Clerk is actively engaged in weekly meetings with the Lean Review team in an effort to identify bottlenecks and to streamline Accounts Payable, Purchasing and staff processes and still be in compliance with best accounting practices.

Also, the Accounts Payable Clerk is currently developing a step-by-step process with Purchasing on "How To Prepare a Document Using Adobe To Be Sent for Signature Approval."

Water

The COVID-19 pandemic has had a significant impact on water meter repairs that are normally completed on a regular basis at the Town of Pelham. As the meters are aging, more are failing. The broken meters result in a much longer time required to complete the billing process, as estimated meter reads are required for the account billings. These estimates are all done manually. The Public Works staff was unable to complete any meter repairs during the lockdown periods of mid-March to June 2020, January to February 2021 and April to mid-June 2021, resulting in a back log of repairs. On June 14, 2021, after the most recent lockdown was lifted, the Water Department has contacted residents and made repair appointments. In due course the Public Works Water Operators will complete the repairs, hoping that the process is not impeded by further lockdowns. There were over 300 broken meters that needed repair.

Information Technology

Re-programmed wireless MCC network to allow Regional Health staff access to their secure remote VPN servers for vaccination clinics. Procured server and licensing for Capital Project IT 05-21 Winfluid Server and Software Upgrade. Currently working with vendor to export existing data from software application and importing into new SQL database. Testing and modifications to the server will be completed during the month of July. The server and updated application should be ready to 'go-live' early August.

Employee Updates:

Staff attended the Town's Emergency Response training.

The Deputy Treasurer and staff accountant and payroll clerk attended one half-day

session of the virtual conference for Central Square, the parent company for the Town's accounting software.

The Deputy Treasurer attended a webinar regarding new recommendations for best practices in budget documents.

The Treasurer and Deputy Treasurer attended the AMCTO CRA GST/HST Municipalities Webinar.

The Deputy Treasurer attended an MFOA discussion forum for municipalities with populations from 10,000 to 100,000.

The Treasurer presented as a panelist for AMCentral: Municipal Level of Service Webinar for Asset Management Plan representing Finance's perspective.

The Treasurer attended AMONTario's Climate Change & Asset Management Conference .

The Treasurer attended AMCTO conference.

IT Manager attended the following webinars:

- eSolutions Citizens portal demo webinar. Webinar detailed the possibility to create a centralized login for residents to view Utility and Tax bills. Other options were also presented.

- Community of Practice webinar

The Ministry of Government and Consumer Service's Cyber Security Division shares the latest updates and advice on cyber security threats and topics of interest to the community. The agenda included:

Threat Intel Update

How to Use Cyber Policies and Standards to Enhance Business Cases

Phishing Annual Report, with guest speaker

- Energy Planning Tool webinar

- 2021 MISA Ontario Virtual Annual Conference

- Cisco Future Cloud: One event, a world of opportunities

- Speed to Market: Cyber Procurements: Traditional ways of procurement in government must evolve to keep pace with every changing and agile nature of cybersecurity. A new flexible procurement model has been developed to allow for

cyber team to quickly procure cyber services. Example: negotiated RFPs, category management for cyber, revenue generation, etc.

- 2021 “Year of the Hybrid” and How it Impacts Your Municipality
- The Latest Look at the Canadian Cybersecurity Landscape
- A Window of Opportunity for Digital Transformation: COVID-19, IT & the Modernization of Local Government in Ontario
- The Future of Municipalities; Change & Transformation

Grants, Concerns, RFPs, Agreements:

In Q2, the following is a list of grants that the Town has applied for, have been approved for and for those in which the Town has received funding.

Applied For	Grant	Amount
Ontario Community Environment Fund	Repair & mitigate erosion effects of a storm water outlet at Hwy 20 & Rice Rd.	\$43,298
FCC – Farm Credit Canada AgriSpirit Grant	Digital Pagers for Volunteer Fire Department	\$25,000
Green & Inclusive Communities Grant	Pelham Library co-location at the MCC	\$5,400,000
Seniors Community Grant 2021-2022	SAY IT! Seniors and youth stories shared on stage	\$25,000
Reconnect Festival & Event Program: Christmas in Pelham	Christmas event including parade	\$15,500
Reconnect Festival & Event Program: Summer Chill Series	Thursday Night Summer Event	\$10,000
Healthy Community Grant	Tennis Court resurfacing	\$269,000
Approved For	Grant	Amount
Fire Safety Grant	Training & Virtual Inspection Program	\$8,800
Niagara Region Combined Sewer Outflow Grant	Sewer Outflow grant	\$30,000
Niagara Region – LAM 2021 and ERRT 2021 Grants	Summer Chill Event grant	\$10,000

(Connected to "Reconnect Grant")		
Rural Economic Development (RED) Grant	Wayfinding signage for cycling	\$15,000
Community Transportation Grant (2023-2025)	Transit Grant extension	\$210,199
Municipal Modernization Grant- Ontario	ITS Improvement of web-based services for residents	\$30,000 to \$40,000
Municipal Modernization Grant- Ontario	HR digitization of HR Performance Management System	\$40,000 to \$60,000
Municipal Modernization Grant- Ontario	Corporate Services Review for automating processes	\$115,875 to \$143,500
Municipal Modernization Grant- Ontario	Shared Library Review with Town of Lincoln	\$40,000 to \$60,000
Investing in Canada Infrastructure Program- COVID Resilience Stream Canada & Ontario	Splash pad for Centennial Park	\$112,331

RFPs

Invitation to Bid# 2021-PW-03 – Tree Maintenance Contract

<u>Bidders</u>	<u>Amount</u>
Safe Tree Ltd.	\$103,250.00 (value reflects possible multi-year contract program with Provisionals (2021, 2022, 2023))
Asphlundh Canada ULC	\$222,836.73

Award is to *Safe Tree Ltd.* with a contract value of \$103,250.00

Note: value reflects possible multi-year contract program with Provisionals (2021, 2022, 2023)

Budget: \$125,000.00

Invitation to Bid# 2021-PW-04 RD 01-21 - Sixteen Road Culvert Replacement (no. 22)

<u>Bidders</u>	<u>Amount</u>
Spand Construction Limited	\$518,803.00
Urbanlink Civil Ltd.	\$566,566.00
Rankin Construction Inc.	\$487,475.00
CRL Campbell Construction & Drainage Ltd.	\$496,225.00
Oakridge Group Inc.	\$593,322.00
Provincial Construction (Niagara Falls) Ltd.	\$757,148.55
Alfidome Construction Niagara	\$851,695.00

Award is to *Rankin Construction Inc.* with a contract value of \$487,475.00

Budget: \$600,000.00

Invitation to Bid# 2021-PW-02 – Pelham Street (Phase 2) (RD-13-21)

<u>Bidders</u>	<u>Amount</u>
Provincial Construction (Niagara Falls) Ltd.	\$3,718,561.90
Brennan Paving – Niagara, a division of Brennan Paving & Construction Ltd.	\$3,651,484.70
Rankin Construction Inc.	\$3,367,425.00

Award is to *Rankin Construction Inc.* with a contract value of \$3,367,425.00

Budget: \$3,892,500.00

Invitation to Bid# 2021-PW-07 (RD 06-21) – Road Rehabilitation Program 2021

<u>Bidders</u>	<u>Amount</u>
Walker Construction Limited	\$394,500.00
Circle P Paving Inc.	\$399,434.00

Award is to *Walker Construction Limited* with a contract value of \$394,500.00

Budget: \$500,000.00

Invitation to Bid# 2021-FS-01-1 (FS 05-21) – Compressed Breathing Air System - Repost

<u>Bidders</u>	<u>Amount</u>
A.J. Stone Company Ltd.	95/100 Complete Submission Value \$68,785.00
Levitt Safety	96/100 Complete Submission Value \$78,615.27
Canadian Safety Equipment Inc.	97/100 Complete Submission Value \$69,140.00
Vallen	98/100 Complete Submission Value \$57,792.18 - No Cascade Cylinders, trade-in or extras included in award (Complete Submission Value \$70,578.86)
Award is to <i>Vallen</i> with a contract value of 98/100 Awarded \$57,792.18 Complete Submission Value \$70,578.86	
Note: No Cascade Cylinders, trade-in or extras included in award	
Budget: \$70,000.00	

Invitation to Bid# 2021-CS-03 PRK 03-20 – River Estates Park Development, Design Build

<u>Bidders</u>	<u>Amount</u>
ABC Recreation Ltd.	\$275,000.00
Award is to <i>ABC Recreation Ltd.</i> with a contract value of \$275,000.00	
Budget: \$300,000.00	

Invitation to Bid# 2021-PW-05 (RD 02-21) – Concrete Repair and Replacement Program (2022 & 2023)

<u>Bidders</u>	<u>Amount</u>
Steed and Evans Limited	2021 Total Value \$81,995.00
Sacco Construction	2021 Total Value \$63,000.00 (no Provisionals)
Emmacon Corp.	2021 Total Value \$193,000.00
Signature Contractors	2021 Total Value \$89,570.00
Neptune Security Services Inc.	2021 Total Value \$93,860.00
Award is to <i>Sacco Construction</i> with a contract value of 2021 Total Value \$63,000.00	
Note: No Provisionals	
Budget: \$80,000.00	

Meetings:

Deloitte
F.H. Black & Company
eSolutions
Central Square

Pelham Finance and Audit Committee

Area Treasurers Meeting

Meeting with Town of Lincoln staff, Lincoln Library CEO, Pelham Library Interim CEO.

Treasurer attended Pelham Library Board meeting to present 2020 Library Financial Results

Transit Governance CAO Regional Workshop

BHH Benefits

iCity Accounts Receivable Billing module discussion with Central Square

Update on Regional Incentive Review

COMMUNITY PLANNING & DEVELOPMENT QUARTERLY REPORT

Wednesday, June 30, 2021

Reporting Period: Community Planning and Development Department Quarterly Report for the period: April 1 – June 30, 2021

Recommendation:

BE IT RESOLVED THAT Council receive the Q2/2021 Community Planning and Development Department Report, for information.

Department Overview and Statistics:

The Planning Department continues to work on the following development applications: 6 Subdivision Applications, 5 condominium applications, 2 Official Plan Amendment applications, 11 Zoning By-Law Amendments, 6 applications for Site Plan Approvals, 9 consent applications, 10 minor variance applications (note: 8 minor variance applications were withdrawn by the applicant) and 3 Niagara Escarpment Development Permit applications.

Planning staff approved 5 site plan agreement applications being two for greenhouse expansions, one for a farm help house, one for an 87-unit townhouse development known as Lavender Fields in the Saffron Meadows Phase 3 subdivision on Port Robinson Road and one for 16-unit townhouse development known as Fonthill Abby in the River Estates Phase 2 subdivision also on Port Robinson Road. In addition, staff approved an amendment to the existing site plan agreement for 105 Highway 20 E to permit one block of two storey townhouse units instead of 3 storey townhouse units.

There is one appeal relating to the Development Charges By-law Amendment; one appeal relating to the extension of the Interim Control By-law that are pending; 3 appeals on the Cannabis Official Plan Amendment and 3 appeals relating to the Cannabis Zoning By-law Amendment. A Case Management Conference was held with regards to the 3 appeals on the Cannabis Official Plan and Zoning By-law amendments on June 29th, 2021 at which time the Tribunal scheduled a 4-day

hearing to hear these appeals commencing on January 24th, 2022.

The court application by Woodstock Biomed with regards to the initial Interim Control By-law is also pending and the responding material was filed with the Courts. Awaiting a court date.

An appeal has been received with regards to Council's refusal to pass a zoning by-law amendment for 1307 Haist Street. A Case Management Conference was held on April 13th, 2021 regarding this matter and 2-day hearing date has been set starting September 14th, 2021.

Further there is a court application by C. Montemurro relating to the issuance of a building permit, responding materials have been filed with the courts and staff were deposed. The original hearing date was scheduled for March 25th, 2021 and was cancelled by the courts with a new date scheduled for June 28th, 2021. The June date was also cancelled and a new date to hear this matter has been scheduled for September 27th, 2021.

Public Meetings were held with regards to the proposed Second Dwelling Unit Official Plan and Zoning By-law Amendments.

Building:

The Building Department continues to receive incoming permit applications consistent with seasonal trends and remains occupied with inspections. The building department was able to conduct a total of 998 inspections since the 2021 first quarterly report.

Building Activity Statistics from April 1 – June 30, 2021:

Months	Building Permits	Inspections	Demolitions	Commercial Sq. Ft.		New Dwellings	Value of Construction
April	37	338	1	3	13,347	22	\$11,743,915
May	49	278	1	0		23	\$11,849,819
June	21	382	1	2	21,176	4	\$4,902,333
Total:	107	998	3	5	34,523	49	\$28,496,067

Building Permit Time Frames from April 1 – June 30, 2021:

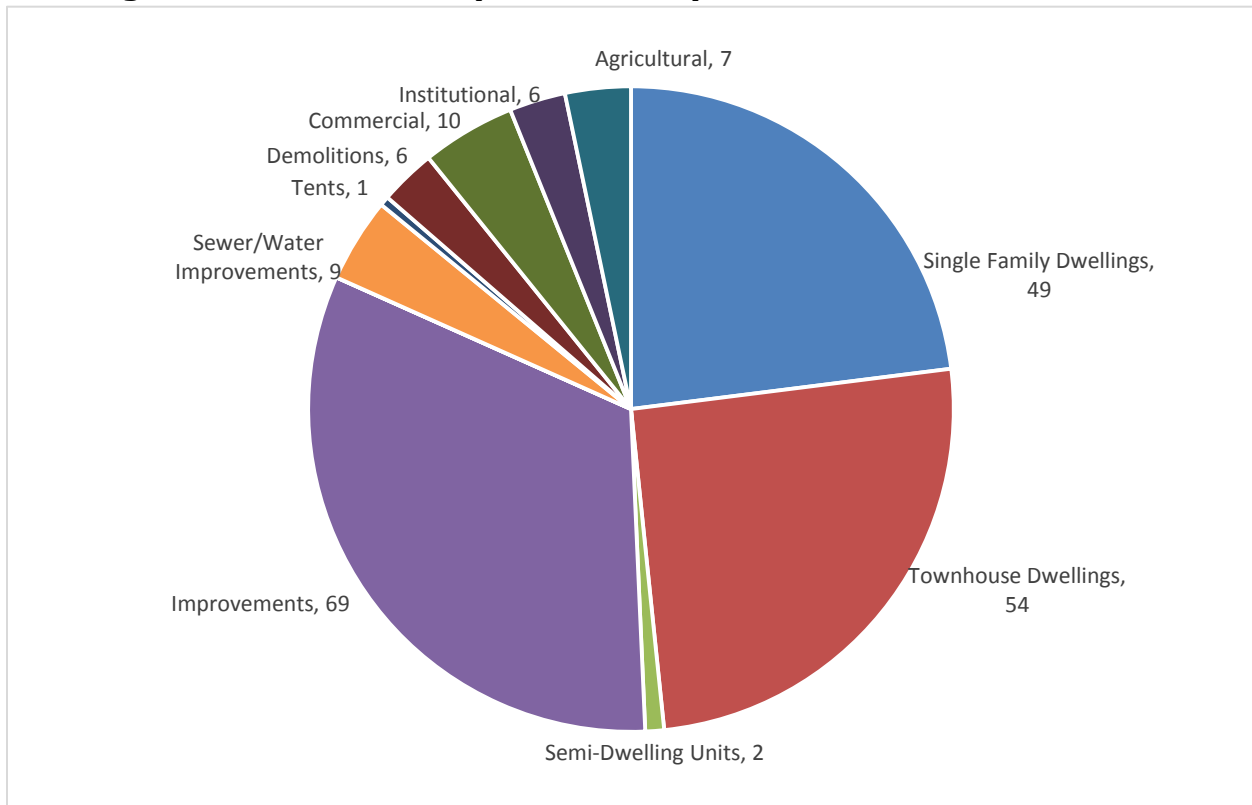
Building Type and Number of required days to issue	Number of Permits Issued	Average Number of Days to Issue Permit
House: 10 days	78	8
Small Building: 15 days	17	11
Large Building: 20 days	12	9
Complex Building: 30 days	0	
Total:	107	

Major Building Projects Over \$250,000 (excluding single family dwelling units):

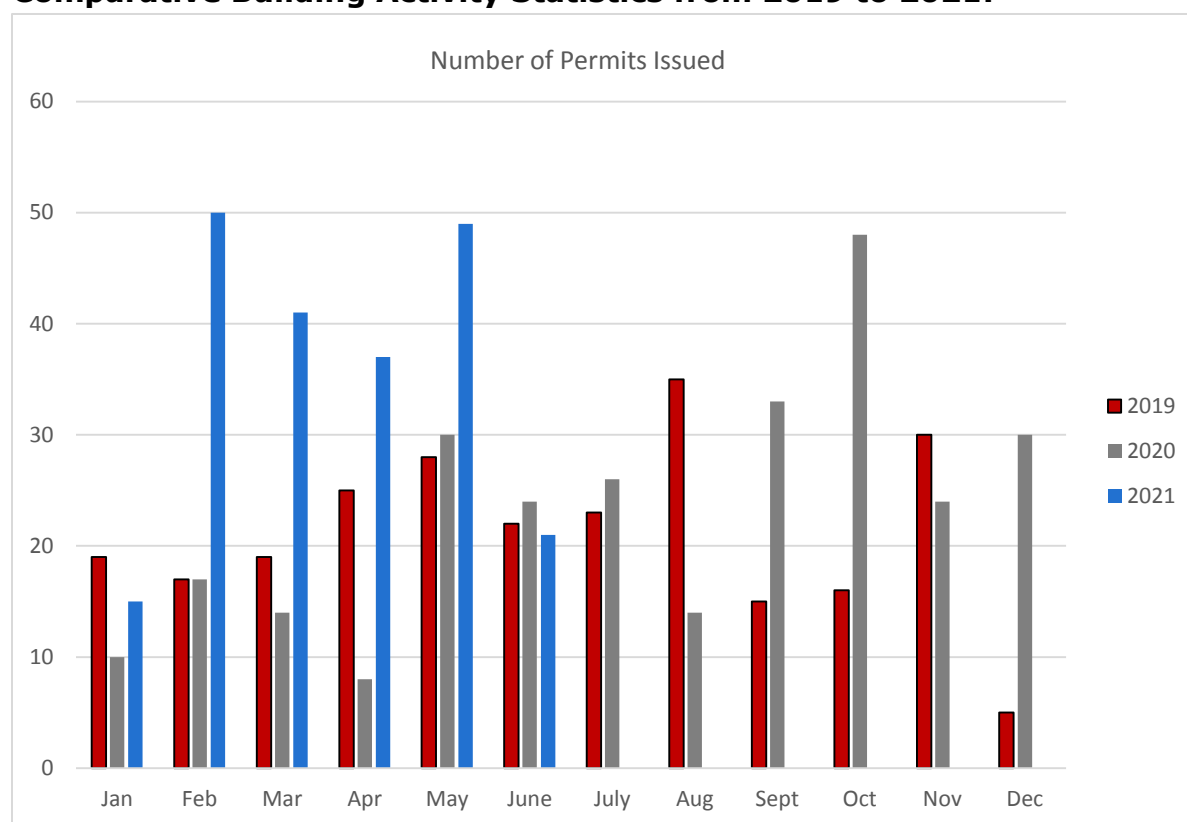
- 1) \$2,000,000 for a mixed use 3 storey Group E commercial building including 7 residential units
- 2) \$350,000 for a tenant fit-out
- 3) \$750,000 for a greenhouse addition
- 4) \$350,000 for school HVAC alterations

Town Development Charges collected by the Finance Department for the period April 1 to June 30, 2021 total \$789,379.00.

Building Permit Breakdown (Year to Date):



Comparative Building Activity Statistics from 2019 to 2021:



Projects:

Cannabis – The Cannabis Control Committee continues to meet with regards to implementation of OINBL, however given the court actions against the Town on the OINBL, those efforts are on hold pending the outcome of the court applications. A 4-day Ontario Land Tribunal (formerly LAPT, now OLT) has been scheduled for January 24, 2022 to hear the appeals on the Official Plan and Zoning By-law amendments that were adopted by Council to address planning matters related to cannabis land use.

Comprehensive Zoning By-law The first phase of public consultation has been initiated and the public engagement page regarding the Zoning By-law review and update has been launched on the Town website at the following link <https://engagingpelham.ca/comprehensive-zoning-bylaw-review>. Planning staff has also initiated 'Tuesday's with Tara' where Planning Staff are available to take one-on-one questions via calls and meetings with the public on matters related to the Zoning By-law review. The Zoning By-law review and update is a significant undertaking and involves looking at the By-law in its entirety. A status report on progress on the new Zoning By-law will be presented to Council in August.

Second Dwelling Unit Official Plan and Zoning By-law Amendment of particular interest by the public is second dwelling unit permissions to comply with *More Homes, More Choice Act*. A public meeting on this topic was held on February 8th and June 12th and a public on-line engagement page was launched on the Town website at the following link <https://engagingpelham.ca/second-dwelling-units>. The recommendation report on this matter will be presented to Council in July.

Comprehensive Parking Strategy Due to the pandemic restrictions and Stay at Home Order with the regards the ability of businesses to be open to the public this project has been delayed. A meeting with the consultants was convened and with the opening of businesses and restaurants, the consultants are working on scheduling parking count surveys as well as on the public engagement component.

Big Creek Municipal Drain Assessment Schedule Update K. Smart Associates is completing this work on behalf of the Town. The project has been expanded to include an update to the assessment schedules for the Nunn, Disher, Swayze and Ridgeville drains.

Scanning

MCC staff have been redeployed and are making significant progress with scanning planning files and building permit files assisting with maintaining digital records.

Employee Updates:

All Department Staff completed Emergency Response Training hosted by Fire Services.

The Director and two Planners attended MECP Land Use Compatibility Guideline Update Engagement Session.

Director attended Agriculture, Cannabis and Organics: Budding Industries and Environmental Legal Risks Webinar hosted by Willms & Shier Environmental Lawyers LLP.

Chief Building Official attended Niagara Region's Development Charges Study workshop and Drainage Data Asset Management by Ontario Drainage Superintendent's Association.

Two Planners attended OMAFRA MDS Minimum Distance Separation training.

Building Inspector attended Municipal Connect training, WSIB on Emergency Response training, WHMIS Refresher training and Workplace Violence and

Harassment training.

Administrative Assistant completed AMCTO's Introduction to Municipal Law.

Grants, Concerns, RFPs, Agreements:

RFP for Neighbourhood Ambient Odour Monitoring Program was released.

RFQ for Vision and Design of Town Square was released.

Meetings:

On-going meetings:

- EOC Meetings
- Cannabis Control Committee Meetings
- OBOA Niagara Chapter Meetings
- Pre-Consultation Meetings
- SLT Meetings
- Joint Health & Safety Meetings
- Area Planners Meetings
- Regional Process Improvement Team Meetings

In addition to the various conversations with property owners and consultants regarding potential development applications, Staff have been involved in meetings regarding the following substantive matters:

- Meeting with Region of Niagara Planning Staff on Regional Official Plan update
- Merritt and Rice Road EA Stakeholder and Agency Meeting

Reporting Period: Clerk's Office Quarterly Report for the period:
 April – June 2021

Recommendation:

BE IT RESOLVED THAT Council receive the Q2/2021 Clerk's Department Report, for information.

Department Overview and Statistics:

<u>Year</u>	<u>2019</u>	<u>2020</u>				<u>2021</u>			
<u>Quarter (Year to Date)</u>	<u>Year End</u>	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>
Insurance or Small Claims Processed (incl.potential)	29	5	8	16	21	4	8		
Pelham Deaths Registered	68	11	36	53	64	28	43		
Deaths Outside of Pelham Registered	96	28	53	77	110	31	55		
Lottery Licenses Issued	33	7	7	9	12	1	2		
Council Meetings Attended/Minuted	21	5	11	17	21	5	11		
Special Council Meetings Attended/Minuted	41	6	10	15	18	7	11		
COW Meetings Attended/Minuted	17	2	2	4	6	-	-		
Public Meetings Attended/Minuted	6	2	2	4	8	3	4		
P & P Meetings Attended/Minuted	8	1	1	1	1	-	-		
Affidavits Sworn	127	38	39	58	79		73		
FOI Requests Received/Processed	5	4	8	13	15	2	12		
FOI Appeal or Complaint	0	-	-	-	1	-	1		
Closed Meeting Investigation	0	1	1	1	1	-	1		
Committee of Adjustment – Variances	29	22	23	26	28	18	31		
Committee of Adjustment – Consents	12	9	9	11	11	18	24		
Committee of Adjustment – Hearings	13	6	11	15	15	4	8		
LPAT Appeals C of A	4	3	3	3	3	-	-		
Property Standards Appeals	0	-	-	-	0	-	-		
Fence Viewing Meetings	0	-	-	-	0	-	-		
By-laws	120	37	63	96	114	27	56		
Itinerant Seller/Vehicle Licenses Issued	1	-	1	1	1	1	2		
Short Term Accommodation Licences Issued	-	-	-	0	1	2	2		
Wet/Dry Status to AGCO	1	-	3	4	4	-	-		

Sidewalk Patio/Sidewalk Sale Permits	2	-	-	4	4	-	2
Special Event Permit – Private	1	-	-	-	0	-	2
Livestock Valuer Claims	2	-	-	-	0	-	-
AMP Review Hearings	19	23	23	28	29	1	2
AMP Review Decision Appeals	0	-	-	-	0	-	1
Marriage Licenses Issued	31	5	5	27	29	5	21
Civil Marriage Ceremonies Officiated	13	-	-	10	15	1	4
Proclamations	8	5	5	5	5	1	6
Press Releases	27	12	31	44	51	13	26
News Briefs	66	42	92	136	164	33	68
PSR	-	-	-	-	0	-	-

[Click here to enter text.](#)

Projects:

Records Management Project – Community Planning and Development & Public Works

Throughout the COVID-19 pandemic, various MCC staff members have been repurposed to assist their sister departments, Community Planning and Development and Public Works, in their records management endeavors. Overall this project has been successful and will benefit the Corporation as a whole.

Public Works – Status Up-date

Within the Public Works department, staff have prioritized and completed the digitization of drawings and are currently digitizing files. Public Works staff refer to such drawings frequently. The digital record, now easily accessible, will save a great amount of staff time in locating and retrieval documents.

Community Planning and Development – Status Up-date

Planning and MCC staff have focused on digitizing and filing electronic records as well as preparing Records Retention Sheets for storage and/or destruction. In Q1 and Q2, the approximate number of Planning documents that have been digitized are:

- 205 Site Plan Agreements and plans
- 35 Development Agreements and plans
- 350 building permit files
- 10 boxes of large building plans
- 700 street files

Work from home practices and the increased production of electronic records globally have emphasized the need to digitize existing physical records within the Town. The digitization project will result in a cost savings to the organization, as less staff time will be devoted to locating, retrieval and refiling. Staff will be able to locate and access records quickly and efficiently. In addition, records that are readily available for efficient and timely retrieval will ensure good customer service for internal and external personnel. Requestors will not have to wait an extended

period of time to access information. This will also ensure that statutory deadlines are met, such as those imposed on freedom of information requests.

The controlled destruction of physical records that have been digitized will allow for increased storage space within the office and reduce and/or eliminate the need and cost of storage records off-site.

Peer to Peer Session – Municipal Election Administration in the Time of COVID - AMCTO Conference

The Town Clerk represented the Town of Pelham as a presenter at this year's AMCTO Conference. The presentation titled Municipal Election Administration in the Time of COVID was jointly presented with Cities of Ottawa, Windsor and Cambridge. Each municipality shared their experience and best practices for running an election during a health pandemic. The presentation was well received and have roughly 200 attendees.

E.A. Danby Award

Collaboratively with three other municipalities, the Town of Pelham was named the recipient of this year's E.A. Danby Award for its role in developing, sharing and executing last years' by-election. The E.A. Danby Award seeks to recognize one or more municipalities that demonstrate an initiative or willingness to explore innovative techniques to produce results related to the efficiency and effectiveness of the corporation. Alongside the City of Ottawa, the City of Windsor and the City of Cambridge, the former Town Clerk, current Town Clerk and Deputy Clerk met as a working group to develop protocols and procedures for running a by-election during the COVID-19 Pandemic.

PR/ Marketing Analytics, April – June 2021

Page Views	Unique	Average Time on Page
129,459	104,762	1:45 minutes

Top 5 pages: Gypsy Moth, Careers, MCC, Canada Day, Pool

Twitter

Tweets	Impressions	New Followers
171	94k	42

Facebook

Engagement	Page Views	Total Reach
10,845	1,753	84,021

Bang the Table

Engagement	Page Views	Total Reach
10,845	1,753	84,021

Marketing Projects

- 2021 Community Guide
- Mike Ciolfi Memorial Area Photos
- Town of Pelham Map

Constituent Concerns and Issues Arising:

None.

Employee Updates:

Effective May 28, 2021, Holly Willford assumed the role of Town Clerk.

Effective May 24, 2021, Sarah Leach assumed the role of Deputy Clerk.

The title of *Administrative Assistant to the Town Clerk* has been changed to *Legislative and Committee Coordinator* to better reflect the duties and responsibilities of the position. Recruitment for the position will resume in Q3.

The Revenue Support Clerk to Corporate Services will be providing part time support to the Clerk's department until the position is filled.

Grants, Concerns, RFPs, Agreements:

None.

Meetings:

Town Clerk

- Deputy Clerk Recruitment
- Legislative and Committee Coordinator Recruitment
- Various training sessions with IT and HR
- SLT
- Committee of Adjustment Hearings
- EOC

Deputy Clerk

- eSCRIBE Board Management Meetings
- Legislative and Committee Coordinator Recruitment
- Committee of Adjustment Hearings
- Committee of Adjustment Test Sessions
- Pre-Consultation Meetings for Committee of Adjustment

Marketing and PR Specialist

- EOC 2X Week and Niagara Emergency Communicators By-Weekly

RECREATION, CULTURE & WELLNESS QUARTERLY REPORT

Monday, July 26, 2021

Reporting Period: Recreation, Culture and Wellness
Quarterly Report for the period: April, May and June

Recommendation:

BE IT RESOLVED THAT Council receive the Q2/2021 Recreation, Culture and Wellness Department Report 2021-0120-Recreation, for information.

DEPARTMENT OVERVIEW & STATISTICS

PROJECTS

Highlights from the Meridian Community Centre & Facilities Update

The MCC was closed for the months of April, May and June due to the Covid pandemic.

During April, May and June, the Meridian Community Centre has seen over 50,000 people come through the front doors in efforts of vaccinations. The Pelham mass vaccination site started with only one Gym in April. On May 16th the Meridian Community Centre became the largest mass vaccination clinic run by Niagara Public Health in Niagara by utilizing access to both full gyms. May alone saw nearly 18,000 visitors to the vaccination clinic for their first dose. By June over 25,000 people came through the front doors, rolling up their sleeves to help in the fight against Covid-19. Staff are proud of the positive impact the Pelham vaccination site has had on the Niagara Region and all the staff hours worked to make this possible.

RCW outdoor programming slowly escalated throughout April, May and into June. By early June, Step One of the Roadmap to Reopen for Ontario led to opening outdoor facilities. Baseball diamonds, soccer fields and public washrooms were open for limited training capacity. The Pelham Pool was

opened for its 61st year on June 12th for pre-season use. On June 16th, Step 2 Roadmap to Reopen Ontario seen all of our sports fields and tennis courts open with greater capacities, game play and spectators.

The RCW Facilities team has been busy hosting the Pelham vaccination site at the Meridian Community Centre all the while providing service to all users of our sports fields and public facilities. Staff are pleased by the progress towards reopening the Meridian Community Centre and looking forward to having all our users back in the building. Step 3, July 16, will bring back our programming and user groups back to the Meridian Community Centre to utilize the facility once again.



Programming & Rentals at the Meridian Community Centre

Due to the Covid-19 pandemic, Ice rentals continued to be in high demand with both rinks. Preparing to open both rinks mid July, with bookings 7 days a week from 7am – 10pm daily. Ice Application for the winter season went out last week in June. In preparation to begin the arena advertising in house, for both arenas.

SAY IT! On Stage (Seniors & Youth Intergenerational Theatre, On Stage)

The SAY IT! On stage group have continued to meet weekly virtually since the beginning of January. It is a mixed group of 15 seniors & youth, the group has been able to develop a script for a video production that is titled "Millennium Mission to Mars." The group continues to meet weekly to rehearse their lines outdoors and distanced. The group is aiming to complete filming the production by the end of August. More information can be found here www.pelham.ca/arts

Pelham Farmers Market

The Pelham Farmers Market Executive, with staff assistance, hosted a virtual vendor meeting on Thursday April 22 prior to the start of the Market season. The market season started Thursday May 6, and with generally good weather, the market is seeing on average 250 residents through on a weekly basis. The Farmers Market and staff have been hosting a virtual scavenger hunt called Junior Growers; it is an opportunity for Market goers to participate in an all season virtual event. All the information about the virtual scavenger hunt and list of vendors can be found on the Pelham Farmers Market website: www.pelham.ca/farmers-market

Community Clean Up – Pitch in Week

Staff worked with Pitch in Canada, the Parks and the Roads Departments through the month of February & March to organize Pitch-in-Week originally scheduled for April 18-24, with the stay at home order issued just prior to April 18, staff postponed the event and ran the event June 18-25. The Pitch in Week had 100 participants and picked up more than 100 bags of garbage. Also through during the pitch in week promotion, Niagara Freewheelers Adopted Haist Street between Foss and Welland road & Harold Black Park. Information about Adopt a road and clean up events can be found at www.pelham.ca/cleanup

River Estates Park Development

Staff received RFPs for the River Estates park development on May 27 and worked with the approved submission to host a community feedback survey from June 1 – June 15 on the engaging Pelham website. This feedback allowed residents to vote on three different designs, and allowed for additional comments. The final responses were in favor of design #2 and staff will be proceeding with this selection based on community feedback. The total number of survey responses was 60, and 180 "door knocker" notices were hand delivered to each house in the River Estates neighbourhood.

The archived survey and information for River Estates survey can be found here:

[River Estates Engaging Pelham Survey](#)

It is estimated that River Estates Park completion will be September 2021.

Summer Chill Series

Staff have been working with local establishments, and organizations to coordinate a hybrid event called Summer Chill Series, originally organized to apply for re-connect funding. Summer Chill Series has partnered with the Welland/Pelham Chamber of Commerce, XplorNet, Revel Realty, Niagara Symphony and the Niagara region economic development department to bring the elements of the Thursday night experience safely to residents in a modified version. The Summer Chill Series essentially has the Summer Chill Eats and Summer Chill Challenge. Summer Chill Eats is an in person culinary market with music hosted by the Niagara Symphony and the Summer Chill Challenge is a virtual scavenger hunt highlighting Pelham's local establishments and local amenities. For more information visit www.pelham.ca/summerchill

Mural at Marlene Stewart Streit Park

Staff and the Pelham Art advisory committee have been working with an E.L. Crossley Art Teacher to design and paint a mural on the Pool Shed at Marlene Stewart Streit Park. The Mural will be a compilation of two images depicting Marlene Stewart Streit in during her golf career. Mural painting is scheduled to begin within the first weeks of July, once the Art teacher is able to confirm with participating students summer schedules.

55+ Programs: Seniors Month

In celebration of June being seniors Month, the Pelham Seniors Advisory Committee thought of some ways to help celebrate the seniors of Pelham, while staying safe, active and connected. PSAC kicked off the June celebrations with a flag raising ceremony at Town Hall, as well as the unveiling of their new dedicated seniors garden at the Meridian Community Centre. This garden was created in partnership with the Beautification Committee, to help provide an outdoor space for seniors to engage with the community both socially and through future programs as restrictions allow. Throughout the rest of the month, a Seniors Celebration calendar was created and distributed to the Seniors Data base, as well as advertised online to help highlight events, programs and opportunities for seniors in Pelham through local service clubs and organizations, not only in June, but available throughout the rest of the year as well. This senior's month, although different than those celebrated in the past, received great feedback from community members, who were very excited to still see celebrations taking place, in new mediums.

Youth Programs

April Break Camp

The Town of Pelham was ready, prepared and excited to offer the postponed (March) April Break Camp this year. Staff were hired, registration was open, campers were registered and the programming was planned. Unfortunately, COVID-19 had different plans, causing April Camp to be cancelled and not rescheduled. Many of the campers registered have voiced that they are excited to return to camp again in the summer months.

Preparation for Summer Programs

Camps and Aquatics

In preparation for the summer season, the Camp and Aquatic Supervisors started working with the Active Living Programmer in May to begin preparing programs, schedules and planning staff training. Both camp and pool staff attended their yearly summer staff training at the end of June, and are excited to begin the summer season.

The Pelham Pool opened to the public on Monday June 14th for pre-season programs, with regular season programs including swimming lessons and Aqua Zumba beginning on Monday July 5th. The Town of Pelham Camps will begin on Monday July 5th, with camp groups at the Meridian Community Centre, Old Pelham Town Hall, and Fire Station 2 Locations.

Centennial Park Tennis/Pickleball Courts

The Active Living Programmer is working with the Pelham Tennis Association and Pickleball Volunteers to prepare for a summer of racquet sports at the Centennial Courts. The Town of Pelham will be arranging all registration, taking payment for memberships online, coordinating schedules and arranging instructors for instruction. Access will be member only during this stage of reopening, with memberships available for purchase online.

MYAC Updates

MYAC's final project for their 2021 term was to host a Youth Forum to gather new ideas and feedback, and see where the interest is for youth within Pelham. This was a two-part initiative, that began with a youth survey to gather ideas and insight, and was then followed by the virtual event which built conversations on the ideas and concepts shared from the surveys received. This virtual event took place virtually on May 20th and was extremely successful. This event included a keynote speech, from inspirational speaker Jeff A.D. Martin, a giveaway incentive, icebreakers, small group discussion, polls, question and answer periods and idea sharing opportunities. This has been a great opportunity to connect with youth in the community and gather ideas for future programming and events for youth in Pelham. Overall, MYAC

had a very successful term, despite the challenges that COVID have brought forward.

ParticipACTION: Community Better Challenge, Pelham June 30 for 30

The Town of Pelham was successful in receiving a \$900.00 micro grant from ParticipACTION to support the promotion of the June 30 for 30 event. Beginning June 1, 2021, residents of the community were encouraged to track their activity minutes as Pelham competed for the title of Canada's Most Active Community. Residents could track activity through the ParticipACTION free app, through the Town of Pelham's June 30 for 30 Challenge on the mobile app GooseChase or through a manual paper entry. Promotion of the event took place in dedicated ads that were featured in the Voice of Pelham, an inclusion in the second issue on June 2 in the Life in Pelham guide, lawn signs that were strategically placed around the Town of Pelham and a social media campaign that also included video promotion. Residents of Pelham participating in the GooseChase hybrid event, which accounted for 79 registered households logged 1603 missions over the course of the promotion. The ParticipACTION leaderboard was continuously updated throughout the month, and all active minutes logged from Pelham area postal codes, were counted towards the overall standing. At the completion of the event, Pelham ranked 15th within Ontario and 86th Nationally.

Canada Day in Pelham

The annual Canada Day event in Pelham moved to a hybrid style to adhere to pandemic protocols. Staff modified event offerings and consulted Federal grant advisors and programmers across the Province on alternate ways to provide modified events. The Canada Day in Pelham included several key elements.

1. Canada Day Drive Thru Parade. Residents pre-registered for complimentary parade passes, to attend the drive thru parade on July 1st between 9:30am and noon in Centennial Park in Fenwick. Passes were issued in 15min increment to provide a controlled access to the event. Community Groups and local businesses, were onsite to create stationary displays along the route, a total of 22 unique display areas were provided. Residents received a parade bag upon entry to the parade, which contained items and promotional materials from the community groups and businesses. In addition, a letter from the Mayor and on the reverse side, a call for reflection for Canada's Indigenous was included. Donations for Pelham Cares were collected at the entrance to the parade route, resulting in \$473 in financial contributions and over 30 bags of donated food. The Canada Day planning group arranged for the volunteer support for the traffic flow and providing the Canada Day bags to vehicles, this was fulfilled by the

Fenwick Lions Club. In total an estimated 176 vehicles attended the parade.

2. Celebration Kits. Residents pre-registered for a curbside pick-up of a Celebration Kit, which were available for pick up at the Meridian Community Centre from June 23 to 25th. Kit selection included a customized Pelham Canada Day bag, with at home Canada Day elements. In total, 530 households from across Pelham received a kit.

3. Charity T-shirt Campaign. The Canada Day planning group, based on the success of the 2020 campaign, launched a limited edition Canada Day T-shirt for 2021 that was available for residents to purchase. The sales were facilitated through an online ordering platform provided by the T-shirt supplier, and curb side pick-up was arranged from the Meridian Community Centre for all pre-ordered shirts. All proceeds from the sale of the shirts were provided to Pelham Cares. In total 89 shirts were purchased by community members, and a donation of \$1505.00 was provided to Pelham Cares.



4. Niagara Area artist installation. Four unique installations were provided by Niagara area artists and were featured as missions during the Moose Chase Challenge. With support from the Pelham Art Committee, artists were reviewed and selected. The installations were available for viewing on July 1 from 9am to 9pm, and featured in four areas in Pelham; Meridian Community Centre, Harold Black Park, North Pelham Park and Peace Park.

5. Virtual Magic show was a live virtual show over zoom that had interactive audience participation. The show ran July 1 at 3pm and had 74 youth pre-registered to be part of the show. Local magician Scoop McCoy presented the show and provided an at home printable magic trick kit so participants could learn three magic tricks as part of the show. The at home printable magic kit was distributed electronically by Town staff.

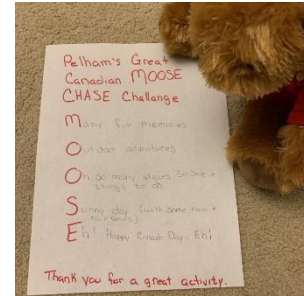
6. Virtual Science Workshop was a live virtual show over zoom that had interactive audience participation with



a hands on science experiment. The show ran July 1 at 1pm and had 32 youth pre-registered to be part of the show. Local Niagara area Mad Science - presented the show and provided a supply list for all participants and additional after show activities.



7. The "Great Moose Chase Challenge", which was provided on the virtual GooseChase platform, ran from June 30th to July 5th. Families registered as a team ranging from 2 to 8 players per family to complete in virtual scavenger hunt missions, which were released as a pre-event mission and then throughout the day on July 1, with the ability to complete the mission until July 5th. During the event 38 different missions were released that focused on safe exploration of parks and trails, inclusion of other Canada Day elements such as the drive thru parade event, artist installations and Moose inspired family fun. A dedicated mission to reflect on and raise awareness and education on Canada's Indigenous culture was also included. From the 38 missions that were released the 59 active teams completed a total of 1095 missions. Mission were primarily focused on including the plush Pelham Moose, or equivalent, into each of the entries.
8. The Canada Day Contests included a home decorating, bike decorating and colouring contest. Each had entries from youth and households from across Pelham. A random draw from all submissions for each contest took place and prizes were awarded. Prizes for the decorating and bike contests were sponsored by local business owner Lance Weibe.
9. The Canada Day Regional planning group, which included representation of programmers from municipalities across the region in addition to the Niagara Parks, had been meeting monthly to discuss a joint Canada Day the Niagara Way element that would continue on the success of the 2020 event. To align with the changes to Canada Day celebrations, the decision was jointly made to remove this element, and modify the experience to be used for a late summer 2021 Regional activity.

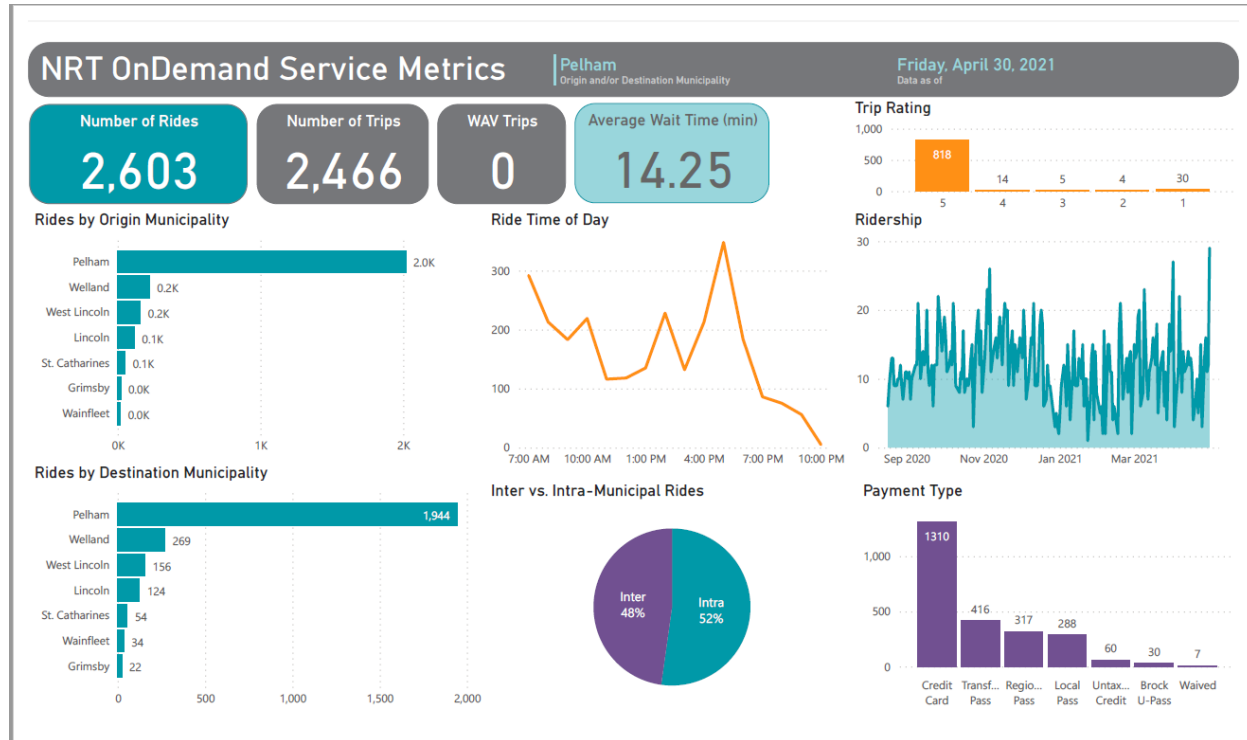


Street Pole Banners/Honour our Veterans Banner Program

The Veterans Banner program for inclusion in the 2021 installation are now open and an additional 10 banner brackets have been installed to

accommodate the program growth. Staff will continue to support the program with the assistance of coordinating location installations for both the existing and new banners added to the program this year. Banner installation will take place to align with Veterans week in the Fall of 2021.

Transit Update April 30, 2021:



May 31, 2021:

NRT OnDemand Service Metrics

Pelham
Origin and/or Destination Municipality

Monday, May 31, 2021
Data as of

Number of Rides

2,929

Number of Trips

2,780

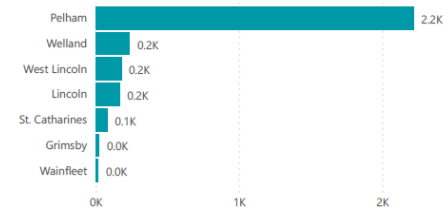
WAV Trips

0

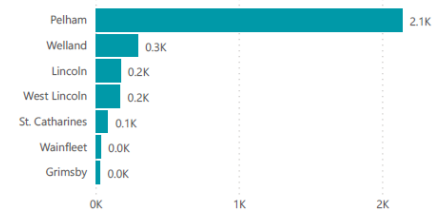
Average Wait Time (min)

14.60

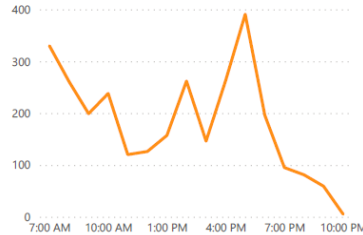
Rides by Origin Municipality



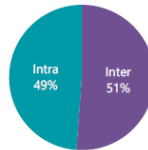
Rides by Destination Municipality



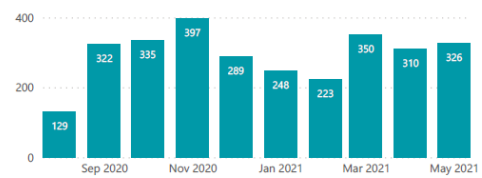
Ride Time of Day



Inter vs. Intra-Municipal Rides



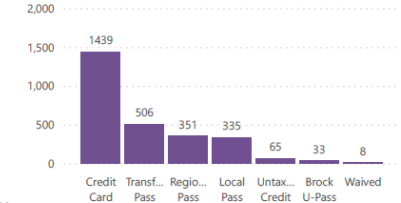
Monthly Ridership



Trip Rating



Payment Type



June 30, 2021:

NRT OnDemand Service Metrics

Pelham
Origin and/or Destination Municipality

Wednesday, June 30, 2021
Data as of

Number of Rides

3,316

Number of Trips

3,138

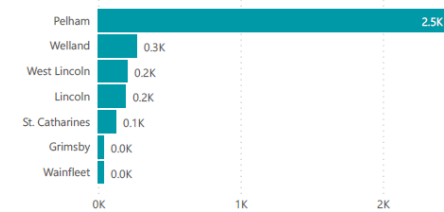
WAV Trips

3

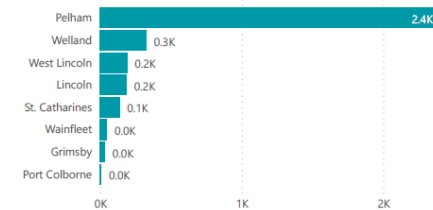
Average Wait Time (min)

15.42

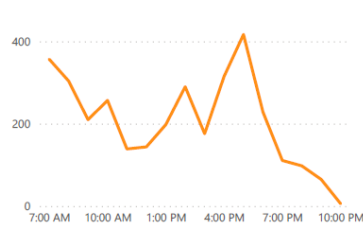
Rides by Origin Municipality



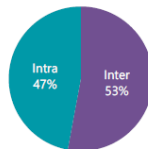
Rides by Destination Municipality



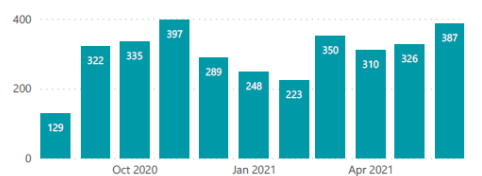
Ride Time of Day



Inter vs. Intra-Municipal Rides



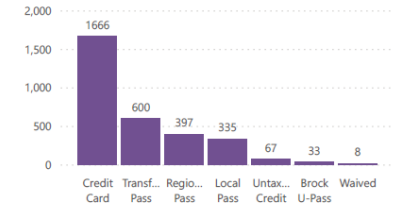
Monthly Ridership



Trip Rating



Payment Type



STAFF NOTES

Jodi Shishkov Completed Advanced Recreation Facilities Business Management through ORFA. Stephanie Yole started in the Culture & Community enhancement Role June 7.
Brittany MacLean, Bryan Secord and Halee Braun Completed Leadership Skills for Recreation Professionals through ORFA
Leah Letford, Special Events and Festivals Programmer Completed ORFA – Legal 1 and PRO - Parks and Recreation Management Certification (PRMC)

GRANTS, CONTRACTS, RFPs & AGREEMENTS

Niagara Investment in Culture – notice of successful application; \$2000 for Culture Crawl
Seniors Community Grant – Deadline for submission July 15, 2021
River Estates Park Development RFP deadline was May 27
ParticipACTION – notice of successful grant application; \$900.00 for promotion of the June 30 for 30 Challenge.
Pelham Municipal Grant Update – North Pelham Youth Hall renovation submission \$2,150.00

MEETINGS

MCC User group roundtable zoom meetings
Niagara Parks and Recreation bi-weekly information exchange zoom meeting
Network of Municipal Event Planners Quarterly Meeting
Farmers Market Executive Meeting
Mayor's Youth Advisory Zoom Meetings
Aquatic Sharing Information Group Zoom Meetings
Pelham Seniors Advisory Zoom Meetings
The Pelham Tennis Association Meeting
OACAO Regional Check-in Zoom Meeting
Pelham Canada Day Planning Group

PUBLIC WORKS DEPARTMENT QUARTERLY REPORT

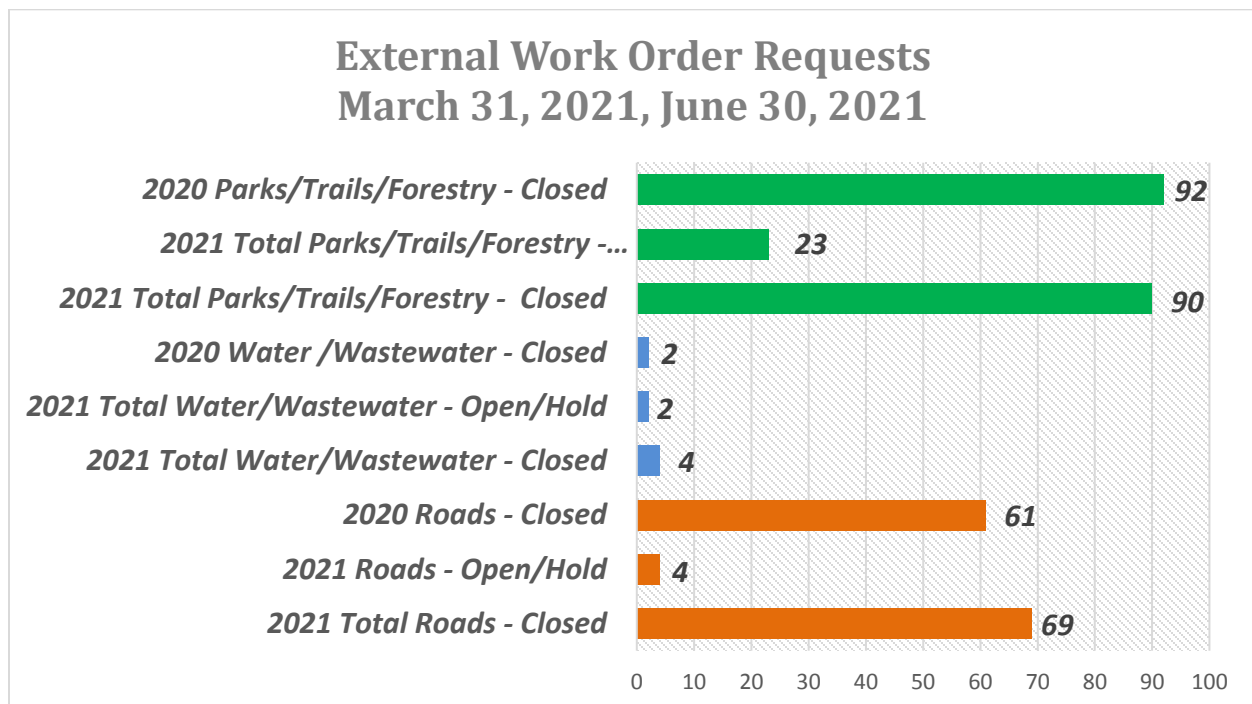
Monday, July 26, 2021

Reporting Period: Public Works Department Quarterly Report for the period: April, May, June 2021

Recommendation:

BE IT RESOLVED THAT Council receive the Q2/2021 Public Works Department Report, for information.

Department Overview and Statistics:



Projects:

ROADS

Roads Staff continue to perform maintenance activities identified during routine

road patrols as per the Ontario Regulation 239/02; Minimum Maintenance Standards (MMS) for Municipal Highways, passed pursuant to the *Municipal Act, 2001*.

In addition, Roads staff have installed and replaced a number of driveway culverts and repaired catch basin leads and washouts after heavy rainstorms. Further, Roads staff keep an eye on plugged catch basins and clear them off as required ahead of a big rain event in order to try and mitigate flooding concerns.

Roads have also been out with the tractor cutting back brush in rural areas when staffing resources have allowed. The contractor has completed his first round of road side mowing between late June and early July.

Roads staff continue to concentrate their efforts on patching roads, completing signage improvements, and general road maintenance activities. Hot-mix asphalt and QPR cold patch has been utilized to patch hundreds potholes throughout the Town's transportation system during this period.

Warning signage improvements are continuing along Effingham including new curve warning signs and road edge markers guided by the MTO's Ontario Traffic Manual. Eight flashing warning beacons were installed along Effingham to warn drivers of upcoming intersections and sharp curves as per Public Works Report 2020-0123. This work was completed as part of Capital Project RD 17-21 Effingham Street Safety Signage Improvements.

BEAUTIFICATION

Beautification has been in full swing. Turf crews were at capacity keeping the turf cut and trimmed.

Horticulture installed/maintained 58 hanging baskets and 10 annual beds, as well as a complete over haul of the planting bed in the lower parking lot of Town Hall. In addition, the Horticulture department has installed large annual planters at the MCC, Town Hall, on Pelham St in Downtown Fonthill and in Downtown Fenwick.

The cemetery operations continue to provide services to the public even during the Provincial lockdown. Fonthill and Hillside Cemeteries have had an average number of internments so far this season.

The Forestry Department has had a very busy season so far, completing 156 requests from residents this quarter alone. In addition to working through the service requests our Arborist has been working on pruning entire sections of

Cherryridge Development and Southern Fonthill areas of Quaker Rd, Welland Ave and Woodside Square. In addition, the Forestry Department is using a GIS based software program to begin mapping urban boulevard trees so that Pelham can maintain an accurate database. The Forestry Department has completed the tree inventory of approximately 1/3 of Fonthill to date. Staff are experimenting and having early success with the implementation of a digital tree inventory and using this software to assign and track work orders. The CAO has identified this as a potential project for open, public data sharing in due course.

During the winter Beautification repurposed a spray tank which allowed staff to complete street tree spraying for Gypsy Moths in areas that the aerial spray program did not cover. The trees that were included in this spray program were smaller urban boulevard trees that could be easily reached with the ground spray equipment.

Further, staff were able to complete service requests faster and more efficiently with the rental of an elevated boom truck. The boom truck was rented in April and May. In addition to the truck being used by the Forestry Department the Facilities Department made good use of this piece of equipment as well. One example was using the boom truck to replace a damaged glass panel at the front of the MCC. Based on the success of this equipment in improving the ability and efficiency of the department the intention is to continue to rent a boom truck in subsequent years through the department's operating budget.

As well as the above items, Beautification, with the assistance from MCC staff redeployed during COVID restrictions, has continued to maintain the Town's trail network.

WATER/WASTEWATER

Water/wastewater maintenance activities continue throughout the year. Operators perform system pressure monitoring, flush water mains to ensure adequate chlorine residual, and respond to customer complaints or concerns.

Staff responded to and investigated four (4) taste and odour complaints determining stagnant water in residential plumbing lines as the primary reason. The water operators oversaw the commissioning of Lavender Fields, a new private water system in east Fonthill along with the inspections of new water and sanitary lines for new builds in and around Pelham.

The Town's water operators completed their spring dead end blow off flushing and maintained over 500 hydrants. Staff also repaired 36 hydrants and valves along

with repairing two leaky services on Line Avenue and Church Street.

Staff installed a new hydrant on Stella replacing an outdated Darling hydrant with plans to replace two others next quarter.

In addition, Staff installed two new culverts and raised hydrants along Rice road for easier fire department accessibility.

ENGINEERING

The following is a summary of the activities that have occurred in the Engineering Department between April 2021 and July 2021:

|

Sulphur Springs Rehabilitation – The Sulphur Springs Road Reconstruction project was awarded to Duffin Contracting under a design/build contract. The design-build contractor has been working closely with its Engineering and Environmental consultants to develop a concept to address the erosion issues while keeping the sensitivity of the 12 Mile Creek in mind. The contractor has received the permit from the Department of Fisheries and Oceans, which states that the in-water work needs to be completed between July 15th and September 15th. The contractor has received approval in principle on the design from the NPCA but are waiting to issue a permit until the Niagara Escarpment Commission approves the project. Pending approvals from the NEC and NPCA the work is scheduled to start in late July and be completed by the end of September.

Pelham Street North – Works for this project are complete with the exception of top course asphalt and final pavement marking, which is scheduled for early August. Engineering and Public Works staff engaged in a warrant study to determine if a 3-way stop is required at the intersection of Pelham Street North and Shorthills Place based on a petition received from the local residents. It was determined that a 3-way stop controlled intersection was not warranted at this location based on the study.

Pelham Street South – The Town has received Federal and Provincial funding towards completing a total reconstruction of Pelham Street to the Town Boundary south of Welland Road. The works include new storm sewers, updates to existing water mains, as well as new curb, asphalt, the construction of on-road bicycle lanes and new sidewalks. Design for this work was originally completed in 2013. Staff prepared an RFP for an engineering consultant to confirm the existing design and update it in accordance with current standards. Engineering works for this project were awarded to Associated Engineering, which completed design for Phase 1 of the project (College Street to Port Robinson and Pelham Street intersection) and Phase

2 (Port Robinson Road to John Street).

The design for Phase 1 was tendered in the fall of 2020 and was awarded to Rankin Construction Inc. Work for Phase 1 commenced November 2020, and is now complete. Phase 2 of the project was tendered and awarded to Rankin Construction, which commenced on-site works in June 2021. The works include complete urbanization of Pelham Street including new curb and gutter, new sidewalks, new storm sewers and new watermain. This section of road will also receive dedicated 1.5 m on-road bicycle lanes in both directions. In addition, because the intersection at Port Robinson Road and Pelham Street experiences high traffic volumes and given the fact that it is within a school zone particular attention has been given to ensure it is designed with pedestrian safety in mind while accommodating all types of active transportation. It is anticipated that the project will be substantially complete prior to the end of the calendar year.

Road Base and Patching Repair Program – This program has been Tendered and Awarded to Circle P Paving. Engineering Staff and Public Works Operations Staff are marking the road locations that will require patching. The purpose of this annual program is to preserve the condition of the pavements and extend the pavement life. This was a recommendation made in the recent 2019 Pavement Condition report prepared by ARA Consultants.

Road Rehabilitation and Resurfacing Program (2021) – Engineering Staff are working with Public Works Operations Staff to develop a list of candidates for the 2021 Road Rehabilitation and Resurfacing program. The candidates were selected based on the information contained in the 2019 Pavement Condition study and based on the road patrols completed by Operations Staff. The roads being resurfaced this year are Foss Road between Victoria Avenue and Church Street, Cream Street between Tice Road and Metler Road, and Metler Road from approximately 1km west of Effingham Street to Hansler Road. The project has been awarded to Walker Industries, formerly known as Norjohn Contracting and Paving. The project is scheduled to kick off August 2021.

Concrete Repair and Replacement Program – This program has been tendered and awarded to Sacco Construction. Staff are finalizing repair locations and will set up a project kick-off meeting in the coming week and determine a schedule from the contractor. Scope of work for this project involves repair and replacement of cracked or deficient sidewalk panels and curb at various locations throughout Town. Work is expected to be complete by the end of August.

Sixteen Road Bridge Replacement Program – This project has been tendered and awarded to Rankin Construction. ELLIS Engineering, the design consultant, will

be completing Contract Administration and inspection services throughout the course of construction. The scope of work for this project involves replacing two large elliptical culverts under Sixteen Road east of Balfour Street. Work is scheduled to commence on Monday August 2nd, and the contractor is confident work will be completed within the working window regulated by the DFO.

Roadside Ditching Program – Engineering Staff have issued the Request for Tender and the work is expected to be completed in the late summer and fall of 2021.

Station Street Storm Pond Rehabilitation – This project has been awarded to Duffin Contracting Inc. The commencement of the project has been delayed as a result of receiving permits from the NPCA and permission to enter and gain access over a hydro easement that runs between Station Street and Cataract Road directly adjacent to the storm water pond outlet. The contractor is continuing to work with the design consultant, Town Staff and Hydro One to get the approvals necessary to gain access to the site and complete the work. It is anticipated that the construction will commence in the summer of 2021 and will be completed in the fall of 2021.

Foss Road Sanitary Sewer Design Upgrades – This project is currently at 90% design stage with GHD. However, there have been some challenges with regards to the CPR crossing which is delaying the finalization of design. Coordination with relevant agencies is being conducted in order to bring this project to completion and be construction ready. Staff are working diligently with the consultant to determine the most cost effective method of installing the sanitary sewer under the CPR right-of-way. The preferred method of crossing the tracks will be a trenchless method using either a jack and bore method or a micro-tunneling method. In order to complete the installation using one of these trenchless methods there will be significant de-watering required. Council approved \$1.3 M to construct this project as part of the 2020 Capital Budget. As a result of the above challenges and revised scope of work there will definitely be increased costs to complete the project. Staff will be bringing a report to Council on this project in August for further information.

Church Street Sanitary Sewer Design Upgrades – This project is currently at 50% design with AE and is currently being updated with Public Works' review comments. Similar to the Foss Road project there will be challenges associated with crossing the CPR tracks. It is more than likely that a similar trenchless method of installing the sanitary sewer under the CPR right-of-way will be required. Staff will be bringing a report to Council on this project in August for further information as well.

Engineering staff continue to thoroughly review all Planning and Committee of Adjustment applications. Reviews entail a site visit and detailed analysis of drawings and reports, to ensure Town standards are adhered to. For more complex applications, this process sometimes involves several re-submissions and repeated reviews by staff. Engineering staff also continue to manage requests for assumption of subdivisions, and for reduction of securities at various stages of the development process. In addition, Engineering Staff complete reviews on lot grading plans for building permits received through the Planning Department. Further, Engineering Staff continue to support the Pelham Active Transportation Committee (PATC), generating reports for other departments to be sent back to the federal government, and coordinating with other Town departments for assistance. Engineering staff are also participating in the development of the Niagara Region Stormwater Management Guidelines. The Guidelines are at 70% Draft Stage and are currently being reviewed by other Departments at the Town.

CORPORATE CLIMATE CHANGE ADAPTATION STRATEGY AND ADAPTATION PLAN

The Climate Change Coordinator incorporated the final feedback after the presentation to SLT. The plan was presented to Council and was unanimously endorsed. The Climate Change Coordinator is currently focused on working on a range of adaptation and mitigation policies. In addition, the coordinator joined the Utility Sustainability Advisory Committee and attended her first meeting on May 25.

In April, the Climate Change Coordinator started working on preparing a strategy for installing Charging Stations at the MCC for EVs. The Coordinator met with Mae Lannan, who is the Coordinator for mitigation for Port Colborne to discuss the mitigation options available to municipalities. The team for the Community Tree Planting event met in April and decided to postpone the event until the end of September. In May, the Climate Change Coordinator attended Workshop #9 on Knowledge Mobilization conducted by Niagara Adapt and continued working on the plan. The process, receiving and accommodating feedback continued and the Plan was ready to be presented to Council.

The coordinator researched strategies for the implementation of the Corporate Climate Change Adaptation Plan. The Coordinator also explored options for the ZEVIP grant for assistance with EV Charging Stations, this plan was presented to Council in June. In addition, the Coordinator attended the USAC meeting where follow-up on the Town's LED program was discussed. The Coordinator will be assisting with finding additional assistance/resources for the project. In Addition, the Coordinator filmed a video with Niagara Adapts describing the Town's efforts for adaptation planning and becoming more climate-resilient.

Constituent Concerns and Issues Arising:

COVID-19 PUBLIC WORKS RESPONSE The Public Works Department has implemented measures to help reduce the spread of COVID-19 and provide a safe work environment for staff. Where possible and appropriate staff have been directed to work from home. The Engineering Department consists of five (5) staff all of whom are currently working from home and the office on a rotating schedule. In order to maintain safe numbers of employees at Town Hall, engineering and administration staff are working approximately 50 percent of the time from home and 50 percent of the time in the office. This work schedule is coordinated with the Planning Department as the office space is shared with this department. Engineering staff are busy preparing tenders and RFPs for the 2021 Capital and Operating program, continue to complete administration and site inspection on projects and operations that are considered essential, and work with the review of development related items.

Pursuant to the Provincial guidelines, Public Works Operations staff are considered to be an essential service. Public Works has continued to operate with an adjusted work day schedule to include eight hours per shift with a paid working lunch. This is an attempt to limit the amount of interaction employees have with each other during lunch and scheduled breaks. With this work schedule staff are encouraged to take their breaks on the jobsite in order to limit potential contact at the Tice Road Operations Centre. Further, in order to further protect staff, most vehicles have been equipped with plexi-glass shielding between the passengers and driver. Vehicles not equipped with shielding are limited to single driver operation. Finally, Public Works has continued to operate with increased levels and frequency of cleaning and disinfecting.

Public Works staff are concentrating on critical and essential activities related to providing safe drinking water, safe wastewater collection and disposal, and maintaining safe roadways (including winter maintenance) in accordance with the minimum maintenance standards as set forth by the Province and the *Municipal Act, 2001*. In addition, Public Works staff have maintained its normal level of service with respect to grass cutting and property maintenance and were able complete trail maintenance using the additional resources redeployed from the Recreation and Wellness Department during the COVID lockdown. Staff are continuing with capital projects in accordance with Provincial Guidelines. In addition, Public Works staff continue to issue Request for Proposals (RFPs), and Tenders as the Town's method of procuring these services is digital and does not require hand delivered submissions.

Employee Updates:

In June, the Engineering Department lost a valuable asset when Xenia Pasiecznik decided to leave the employment with the Town of Pelham to pursue a career with another municipality.

Staff advertised for an Engineering Technician and Taylor Boyle was the successful applicant. Taylor completed the Civil Engineering Technician program through Niagara College and is a Certified Technician. Taylor began his career as an Estimator, and honed his skills in the municipal sector working for the Niagara Region. The department is pleased to welcome Taylor to the team.

Grants, Concerns, RFPs, Agreements:

Please see Corporate Services report regarding contract assignments and grant submissions and approvals.

Meetings:

Public Works Official Meetings

Niagara Adapts Workshops and Meetings

Various meetings with Contractors and Consultants

FIRE AND BY-LAW ENFORCEMENT QUARTERLY REPORT

Monday, July 26, 2021

Reporting Period: Fire and By-law Enforcement
Department Quarterly Report for the period: Quarter 2
(two) April – June 2021**Recommendation:**

BE IT RESOLVED THAT Council receive the Q2/2021 Fire and By-law Enforcement Department Report, for information.

Department Overview and Statistics:**By-law**

April 2021 - 10 Cannabis odour complaints were received for the month (**4** new complaints and **6** repeat complaints). Pelham By-law department continues to perform random cannabis odor testing at the property lines of the known industrial Cannabis Growing Facilities in Pelham. These pro-active tests were in addition to the re-active tests completed based on citizen complaints.

12 Random odour tests were completed for the month, which resulted in no violations of the Towns Industrial Odorous Control By-law. Covid complaints and inquiries continued to be received and dealt with by the By-law Department in April.

May 2021 - Grass and weed complaints have ramped up this month. 2 cannabis odour related complaints received in May. 11 random cannabis odour tests completed with no odour readings detected.

June 2021 - Grass and weeds complaints continue to be received. Five cannabis odour complaints received in June from citizens who have lodged repeated complaints. No Cannabis Odour readings detected. Covid related complaints have dropped off significantly.

Fire Prevention

April, May, June 2021 - Fire Prevention has been busy over past three months. Many inquiries from residents about fire safety and back yard fire pits. Advertising in "The Voice" & Fire Department social media sites has most definitely brought an increase of new recreational burn permits (back yard fire pits), not only from new residents but also residents who did not know they had to obtain burn permits for fire pits they have used for years prior. Good to see our message is getting out to the property owners of Pelham.

As we start to enter drier time of the year, fire prevention has been monitoring weather and hopefully will have enough precipitation to prevent a fire ban for the Town of Pelham.

As Covid restrictions slowly start lifting, fire prevention has been dropping by business to answer any questions about fire safety as businesses start to reopen their doors. The Fire Department still has a healthy stock of PPE and cleaning products for Town of Pelham employees.

Training

May 2021 - Training has been busy with the start of the newly created position. Networking with other municipality Training Officers and getting goals and programs in the works. Fire Department training continues for all members of the department. Annual Defibrillation certification testing completed at Station 1 and 2.

Training of the new recruits continued. Recruits are approximately half way through their yearlong training program.

Training assisted Fire Prevention with inspections of recreational burn fire pits with the increase number of residents looking to enjoy their backyards.

June 2021 - Training assisted HR with the creation of the Emergency Response Plan and provided Town Staff on the new Emergency Response Plan throughout the month. Station 3 completed the annual Defibrillation certification testing.

The Training Officer has completed personal fall protection equipment competent inspector program held at Fort Erie Fire.

Annual Flow Testing of all Department SCBA packs and masks completed with all units passing.

Recruit training has had a few sessions that have been rescheduled due to COVID restrictions. Dates selected for recruits to complete their NFPA 1001 FF I and II

written and practical testing. This will be a busy weekend for all completing the testing.

Emergency Management

Town of Pelham remains in a declared state of emergency and the EOC is in partial activation. The emergency control group meets virtually Monday @ 0900. Town of Pelham has received their 2020 compliance from the province for emergency management.

Suppression

Pelham fire department continues to respond to all types of incidents with the exception of some modified medical responses. Fire equipment continues to be cleaned after each use and at least once per week if no responses occur. Resources are not compromised at this time and the Town continues to respond with full compliment.

Constituent Concerns and Issues Arising:

Ongoing COVID-19 pandemic

Employee Updates:

Pelham Fire Department has had some interdepartmental promotions over past few months' successful candidates below:

Station 1 – firefighter Shawn Ireland, promoted to lieutenant

Station 2 – firefighter Ben Damm, promoted to captain

Station 3 – lieutenant Chris Ker, promoted to captain. lieutenant & acting captain Alan Van Maanen, promoted to captain. firefighter & acting lieutenant Darcy Baker, promoted to lieutenant. firefighter Terry Beckett promoted to lieutenant.

Retirements

On behalf of Pelham fire department, congratulations and thank you to Henry Wutzke for his years of service to the department and association. Henry started on July 25, 1994 and officially retired on June 30, 2021 from STN#2 in Fenwick.

Anniversaries

On April 11, Captain Terry Metler from Station #1, celebrated 40 years with Pelham fire department. Terry stated with fire department on April 11, 1981. Terry's father was also a long time standing firefighter in Pelham. Congratulations on your tenure with department and your continued commitment.

On April 19 /21, Melissa Grodesky started with Town by-law department, also on May 1/21 Cerara Obdeyn by-law's summer student also started. Both have been a great addition to by-law department.

Firefighter training sessions continued at all 3 (three) stations, continuing with maintaining social distancing and cleaning procedures of all areas and equipment.

Grants, Concerns, RFPs, Agreements:

[Click here to enter text.](#)

Meetings:

SLT (senior leadership team), EOC (emergency operations centre), MEG (municipal emergency group), REOC (regional emergency operations centre), MAC (medical assist committee), DC (district chiefs), JHSC (joint health & safety committee), regional chiefs, mayor, council, cannabis control committee

FIRE & BY-LAW ADMINISTRATION

FIRE RESPONSES							
	Total	JAN	FEB	MAR	APR	MAY	JUN
STRUCTURE/VEHICLE FIRE	6	0	3	0	0	3	
MUTUAL AID OTHER DEPT	9	0	0	2	3	3	1
MVC	24	7	5	4	3	2	3
REMOTE ALARMS	26	3	2	4	5	4	8
MEDICAL ASSIST	61	9	14	4	8	12	14
EMERG. & NON EMERG ASSIST	9	2	3	2	0	2	
PUBLIC ASSISTANCE	0	0	0	0	0		
GRASS/BRUSH FIRE/COMPLAINT	24	2	3	8	2	7	2
RESCUES	0	0	0	0	0		
ODOUR INVESTIGATION	2	0	0	0	0	1	1
CO INVESTIGATIONS	9	0	5	1	1	1	1
Monthly Totals		23	35	25	22	35	30
Annual Total 2021	170						
Total Responses for 2020	286						

FIRE PREVENTION 2020							
INSPECTIONS							
	Total	JAN	FEB	MAR	APR	MAY	JUN
Inspections	34	5	7	5	6	7	4
Town Monthly Building Inspect.	72	12	12	12	12	12	12
Plan reviews	19	2	1	4	3	5	4
Tapp-C	1	0	0	0	1	0	0
Fireworks Permit	0	0	0	0	0	0	0
Open Air Burning Permit	183	7	4	58	44	48	22
Observed fire drill	0	0	0	0	0	0	0
Court appearance	0	0	0	0	0	0	0
Monthly Totals		26	24	79	66	72	42
Annual Total 2021	309						
Total Responses for 2020	333						
MONTHLY COMMITTEE/ASSOCIATION MEETINGS							
	Total	JAN	FEB	MAR	APR	MAY	JUN
OMFPOA	8	0	1	1	2	2	2
Arson Committee	2	0	1	0	0	0	1
TAPP-C	1	0	0	0	1	0	0
Development Coordinator Meeting	0	0	0	0	0	0	0
Town staff meeting	0	0	0	0	0	0	0
Meetings, various (n.o.s.)	31	5	4	3	6	7	6
Monthly Totals		5	6	4	9	9	9
Annual Total 2021	42						
Total Responses for 2020	61						
FIRE INVESTIGATIONS							
	Total	JAN	FEB	MAR	APR	MAY	JUN
	1	0	0	0	0	1	0
Monthly Totals		0	0	0	0		
Annual Total 2021	1						
Total Responses for 2020	2						

PUBLIC EDUCATION							
	Total	JAN	FEB	MAR	APR	MAY	JUN
Station Visit School	0	0	0	0	0	0	0
Fire Prevention Education Event	0	0	0	0	0	0	0
Child / Children Visit Station	6	0	1	3	2	0	0
Public Education Presentation	0	0	0	0	0	0	0
General inquiries	83	10	12	14	18	15	14
Facebook Public Education Posts	130	24	20	22	24	20	20
Other Public Education Activities	1	0	0	0	0	0	1
Monthly Totals		34	33	39	44	35	35
Annual Total 2021	220						
Total Responses for 2020	445						
OTHER ACTIVITIES							
	Total	JAN	FEB	MAR	APR	MAY	JUN
Compliance Letter	9	1	1	0	2	3	2
Fire safety plan/drill scenario reviews	5	0	0	0	0	2	3
Training for firefighters	1	1	0	0	0	0	0
Training Course	9	1	2	1	2	2	1
Monthly Totals		3	3	1	4	7	6
Annual Total 2021	24						
Total Responses for 2020	17						

BY-LAW SERVICES REPORT 2021							
BY-LAW COMPLAINTS RECEIVED							
	TOTAL	JAN	FEB	MAR	APR	MAY	JUN
Complaints Received		5	14	26	27	31	37
Monthly Total		5	14	26	27	31	37
Y-T-D Total 2021	140						
2020 Total	209						
PARKING INFRACTIONS ISSUED							
		JAN	FEB	MAR	APR	MAY	JUN
Tickets Issued	Total	11	6	0	0	3	2
Monthly Total		11	6	0	0	3	2
Y-T-D Total 2021	22						
2020 Total	108						
PARKING WARNINGS ISSUED							
		JAN	FEB	MAR	APR	MAY	JUN
Warnings issued	Total	0	0	0	0	0	2
Y-T-D Total 2021	2						
2020 Total	64						
MENTAL BY-LAW FILL APPLICATIONS RECEIVED							
		JAN	FEB	MAR	APR	MAY	JUN
	Total	0	0	0	0	0	1
Received	0						
Authorized	0						
Properties Exempt	0						

Denied	0						
Monthly Total		0	0	0	0	0	0
Y-T-D Total 2021	0						
2020 Total	12						
POLICE REPORTS FILED							
		JAN	FEB	MAR	APR	MAY	JUN
Total	0	0	0	0	0	0	0
Mischief	0						
Vandalism	0						
Trespassing	0						
Graffiti	0						
Other	0						
Monthly Total		0	0	0	0	0	0
Y-T-D Total 2021	0						
2020 Total	2						
NNABIS ODOUR COMPLAINTS RECEIVED							
		JAN	FEB	MAR	APR	MAY	JUN
TOTALS	5	12	16	10	2	5	
NEW Complaints	15	2	2	6	4	1	
REPEAT Complaint	35	3	10	10	6	1	5
Number of Violations		0	0	0	0	0	0
Nasal Ranger detection		2	1	0	0	0	0
fresh air detection		4	3	0	0	0	0
From PELHAM	44	4	9	15	9	2	5
From WELLAND	6	1	3	1	1	0	
Monthly Total		5	12	16	10	2	5
Y-T-D Total 2021	50						
2020 Total	79						
RANDOM CANNABIS ODOR TESTING							
		JAN	FEB	MAR	APR	MAY	JUN
Tests Completed		46	30	41	12	11	3
Number of Violations		0	0	0	0	0	0
Nasal Ranger detection		2	2	3	0	0	0
fresh air detection		4	1	8	1	0	1
Monthly Total		46	30	41	12	11	0
Annual Total 2021	140						
2020 Total	60						
RATIONS LIGHT POLLUTION COMPLAINTS RECEIVED							
		JAN	FEB	MAR	APR	MAY	JUN
TOTALS	0	0	0	0	0	0	0
NEW Complaints	0						
REPEAT Complaints	0						
From PELHAM	0			0			
From WELLAND	0						

Monthly Total		0	0	0	0	0	0
Y-T-D Total 2021	0						
2020 Total	2						
					NOISE COMPLAINTS		
		JAN	FEB	MAR	APR	MAY	JUN
	TOTALS	0	0	5	5	0	1
NEW Complaints	5			5			
REPEAT Complaints	0						
Monthly Total		0	0	5	0	0	0
Y-T-D Total 2021	5						
2020 Total	25						
					NON-PARKING AMP CITATIONS ISSUED		
		JAN	FEB	MAR	APR	MAY	JUN
AMPS ISSUED		0	0	0	0	0	0
Y-T-D Total 2021	0						
2020 Total	9						

July 9, 2021

Town of Pelham

20 Pelham Town Square
Fonthill, ON

Re: By-Law #3130 (2010)

I am writing to you to request a Noise By-law Exemption.

My daughter will be celebrating a wedding and tent reception on October 2, 2021 at 220 Victoria Ave. in Fenwick.

The reception will involve music provided by a DJ from 7:00pm to approximately, but no later than, 1:00am.

It is my understanding that the Town of Pelham has a 'Noise Control By-law' prohibiting the amplification of noise 24 hours a day.

In order to have an enjoyable reception for all our guests, we would like to request a Noise By-law Exemption.

The owner of the property is Lindy Brunarski. She is aware of the request being made and has been provided a copy of the letter. Her signature is provided, and she can be reached at [REDACTED]
[REDACTED]

Thank you
Carla Bufalino (applicant)
[REDACTED] Francesco Cres
St. Catharines, ON
[REDACTED]
[REDACTED]

Lindy Brunarski
[Signature]

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

June 25, 2021

CL 13-2021, June 24, 2021

PEDC 6-2021, June 16, 2021

PDS 23-2021, June 16, 2021

DISTRIBUTION LIST

SENT ELECTRONICALLY

2020 End of Year Growth Report and 5 Year Growth Trend

PDS 23-2021

Regional Council, at its meeting held on June 24, 2021, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 23-2021, dated June 16, 2021, respecting 2020 End of Year Growth Report and 5 Year Growth Trend, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

A copy of PDS 23-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:kl

CLK-C 2021-093

Distribution List :

Local Area Municipalities

Niagara Peninsula Conservation Authority

Niagara Home Builders Association

Niagara Industrial Association

M. Balsom, President/CEO, Greater Niagara Chamber of Commerce

D. Fabiano, Executive Director, Niagara Falls Chamber of Commerce, Port

Colborne/Wainfleet Chamber of Commerce, Welland/Pelham Chamber of Commerce

J. Thomson, Niagara-on-the-Lake Chamber of Commerce, Greater Fort Erie Chamber of Commerce
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D. Potter, Executive Director, West Lincoln Chamber of Commerce
J. D'Amico, Chair, Niagara Board of Trade and Commerce
S. Mabee, Niagara District School Board
M. Ladouceur, Conseil scolaire Viamonde
S. Whitwell, Niagara Catholic District School Board
A. Aazouz, Conseil Scolaire de District Catholique Centre-Sud
G. Bowie, Planner, Planning and Development Services
D. Giles, Commissioner, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: 2020 End of Year Growth Report and 5 Year Growth Trend

Report to: Planning and Economic Development Committee

Report date: Wednesday, June 16, 2021

Recommendations

1. That Report PDS 23-2021 **BE RECEIVED** for information; and
2. That a copy of Report PDS 23-2021 **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

Key Facts

- The purpose of this report is to provide information on growth in Niagara in 2020, as well as a summary of growth and development trends over the past 5 years.
- Housing starts, completions and building permits have all increased since 2016 and show a growing diversification of housing types being built.
- Niagara Region's population has increased by over 26,000 people since 2016, reaching an estimated population of 485,313 as of July 1, 2020.
- The average sale price of a house in Niagara Region has increased significantly between 2016 and 2020, reaching \$532,400 in 2020.
- During the early stages of the Covid-19 pandemic, population growth slowed, but development and building permits remained consistent. Notwithstanding this slower relative population growth in 2020, housing sale prices grew substantially.
- Over \$6 Billion in building permits have been issued since 2016, with 2020 reaching nearly \$1.5 Billion for the second consecutive year.

Financial Considerations

There are no direct financial implications associated with this report.

Metrics in this report inform Niagara's financial strategies. Increased residential, commercial and industrial development in Niagara, combined with increasing property assessments, has a direct impact on revenues collected by the Region.

Analysis

The Planning and Development Services department has been producing the annual growth report since 2016. This report focuses on the past 5 years collectively to provide a comprehensive analysis on growth metrics.

The 2020 growth report follows the same approach and methodology as the previous annual reports before it. This is important as it can be used to review impacts associated with the first nine months of the Covid-19 pandemic.

As 2021 is a Census year, the 2020 report also provides insights into development trends since the 2016 Census was conducted over 5 years ago.

Finally, the Region has experienced significant growth across all areas set out in this report. This information is being presented as a means to update Regional Council on how growth has evolved over the last half decade and feeds directly into numerous Council Strategic Priorities.

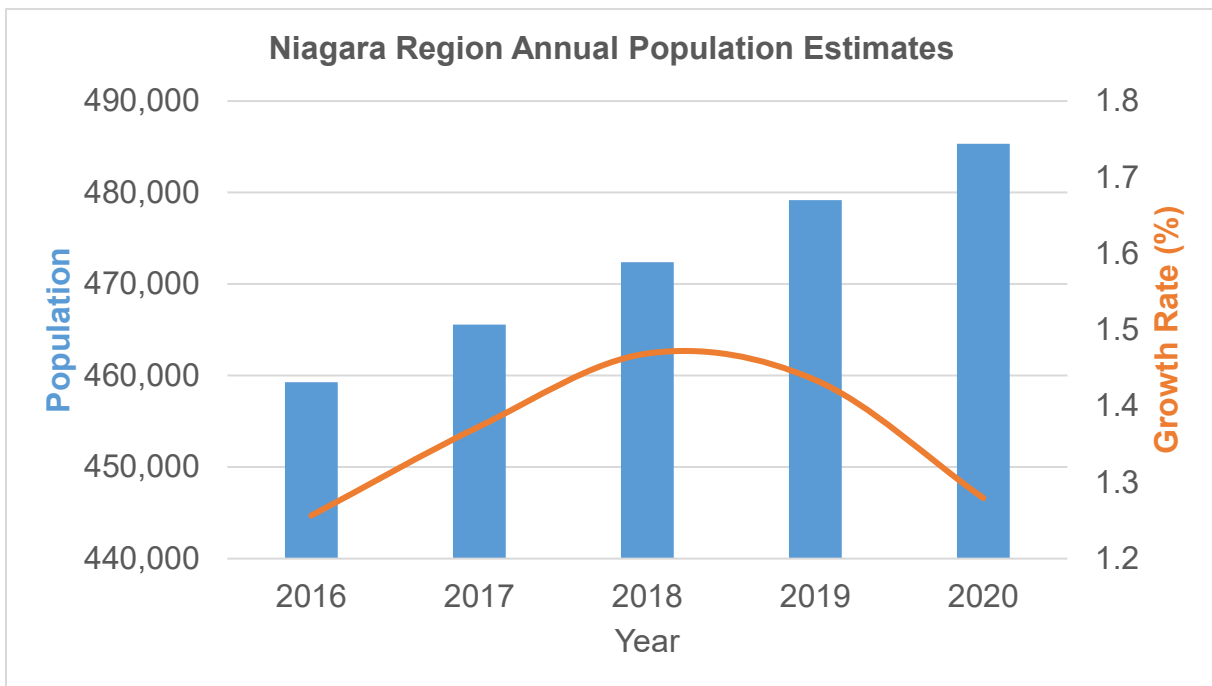
Population

Pace of Population Growth

Population growth has increased significantly for Niagara since 2016. On average, the Region's population has increased by nearly 6,500 people per year since 2016, for a total of approximately 26,000 new residents calling Niagara home. This is nearly double the pace of growth experienced in the previous 5 year period between 2011 and 2016.

Figure 1 provides a summary of population growth per year since 2016.

Figure 1: Niagara Region Annual Population Estimates



Source: Statistics Canada, Table 17-10-0140-01

As illustrated in Figure 1, the pace of population growth dropped slightly to approximately 1.4% in 2019 (compared to 2018) and more significantly to 1.3% in 2020.

Since Niagara's population growth is dependant on migration from other municipalities (intraprovincial migration) and temporary international migration (net non-permanent migration), any disruption to Ontario's broader immigration trends, availability of in-person post-secondary education options in Niagara and work availability for migrant or seasonal workers will have a direct impact on population totals.

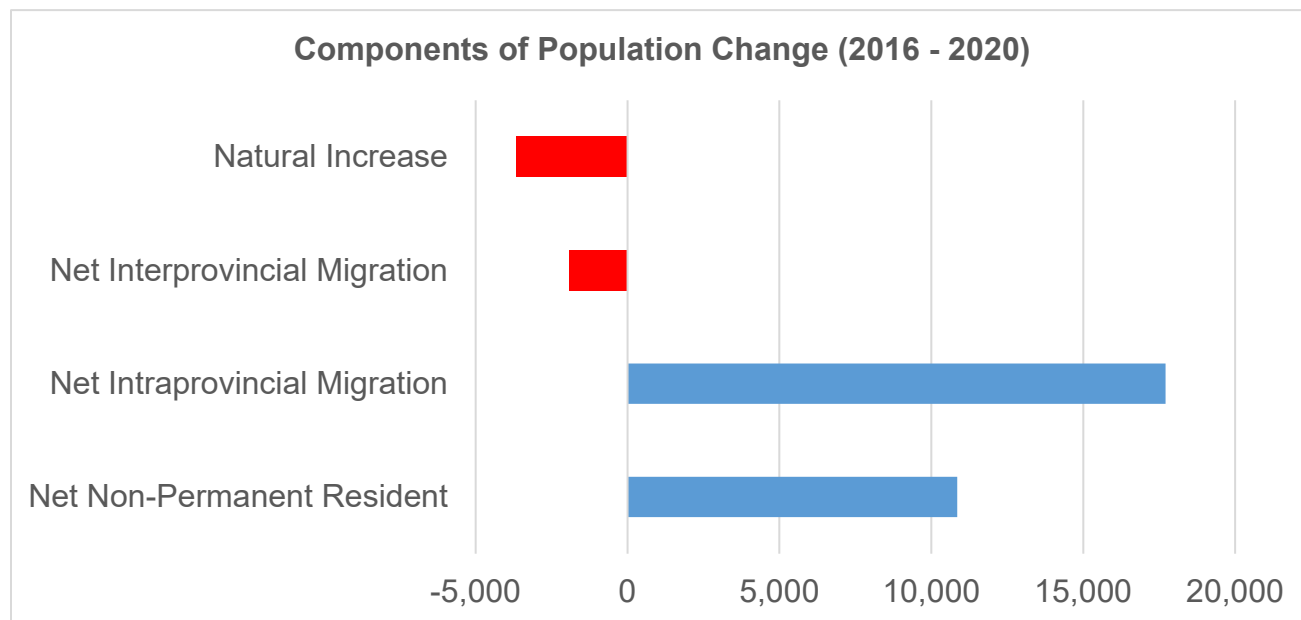
Even with the decrease in growth rate between 2019 and 2020, population growth in Niagara remains strong relative to historic averages. Only in the last 5 years has Niagara Region started to match the pace contemplated in the Provincial population forecasts provided in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*.

This is noteworthy as the Region must plan to achieve the minimum forecasts set out in the *Growth Plan* and base decisions on infrastructure and development charges on the same forecasts.

Components of Population Growth

Niagara's population growth has been driven entirely by international and intraprovincial migration since 2016, as highlighted in Figure 2.

Figure 2: Components of Population Change (2016 - 2020)



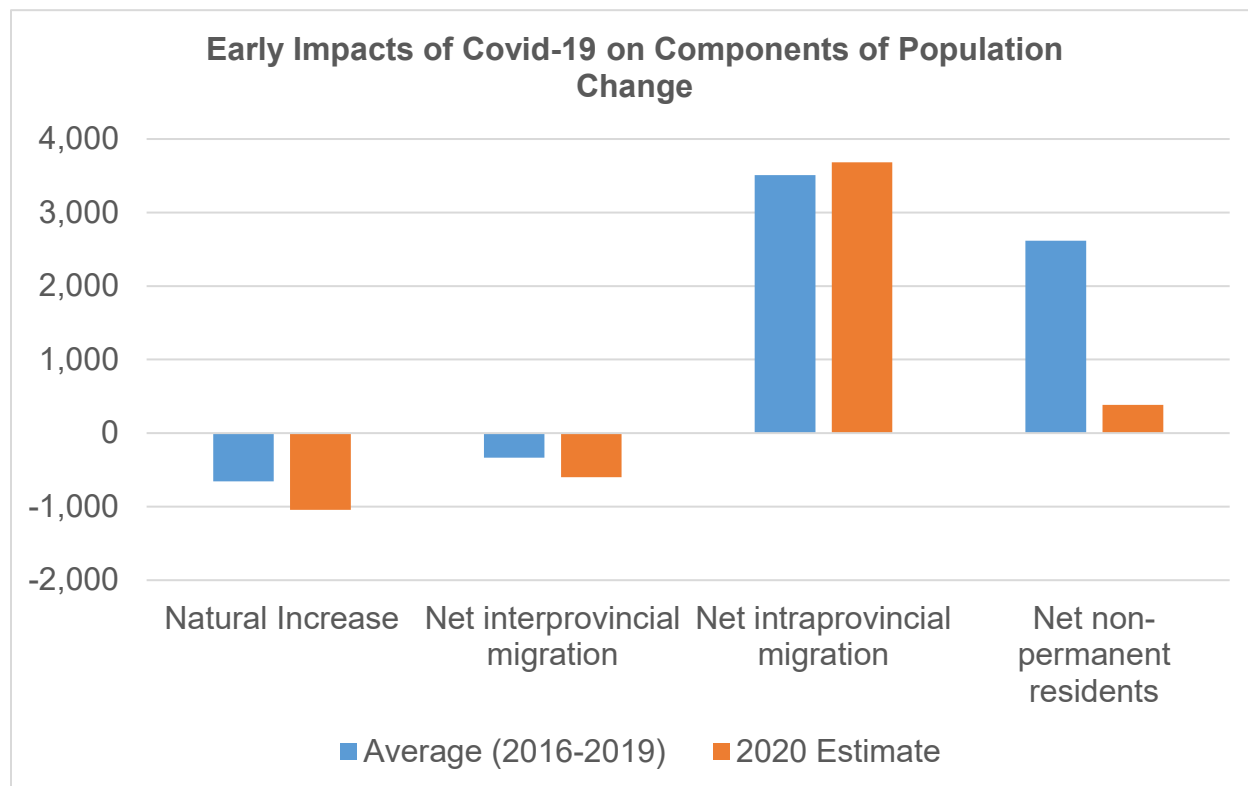
Source: Statistics Canada, Table 17-10-0140-01

Since 2016, over 17,500 people have moved to Niagara from elsewhere in Ontario. Intraprovincial migration is the most significant contributor of population growth in Niagara and non-permanent residents account for an additional increase of 11,100 people.

In 2020, with its restrictions as a result of Covid-19, Niagara had a significant decrease in the number of net non-permanent residents coming into Niagara compared to 2016-2019. As shown below in Figure 3, net non-permanent migration accounted for an increase of just over 380 people in 2020, compared to an average of over 2,600 per year between 2016 and 2019. This, coupled with a higher proportion of deaths than births and increase in interprovincial migration, contributed to the relatively lower growth rate in 2020.

Importantly, the 2020 growth rate of 1.27% is still significantly higher than the pace of growth experienced between 2001 and 2016.

Figure 3: Early Impacts of Covid-19 on Components of Population Change



Source: Statistics Canada, Table 17-10-0140-01

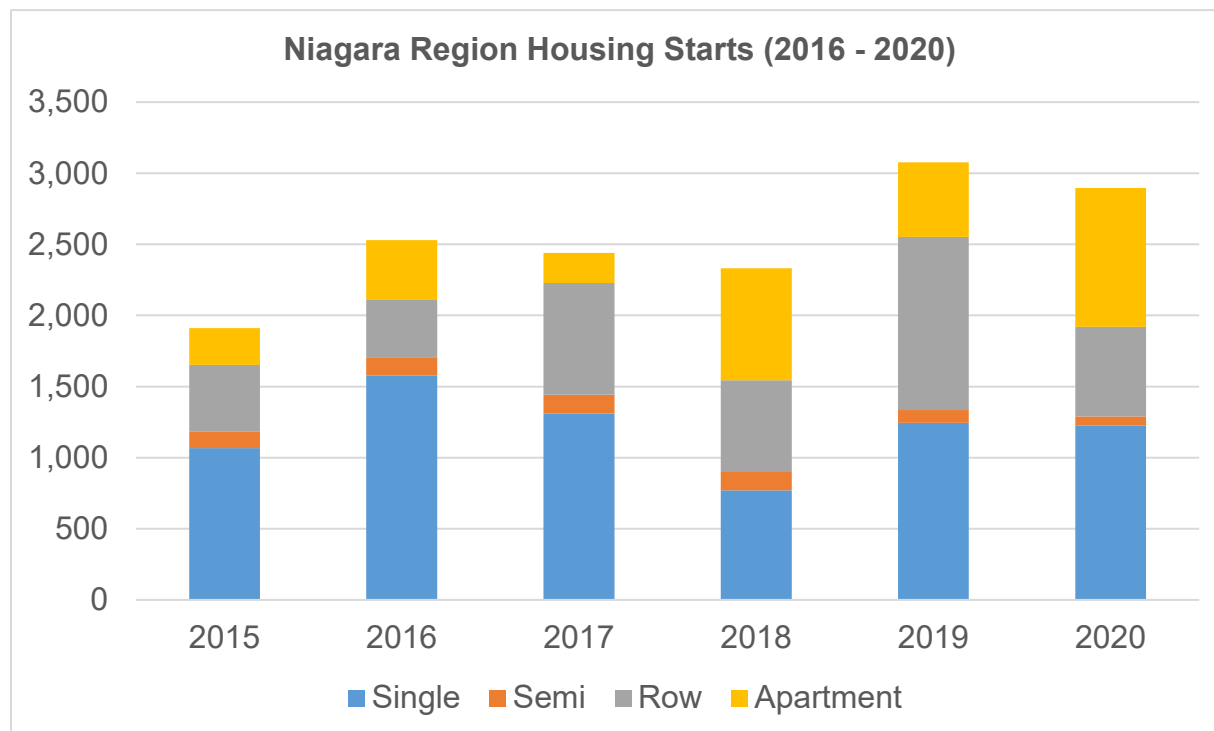
It appears Covid-19 has had a direct impact on population trends in Niagara, specifically in the category of net non-permanent resident. Impacts from Covid-19 on international travel and visas, limited tourism operations and introduction of remote learning opportunities for post-secondary education all contribute to the sharp decline in the net non-permanent resident category for 2020.

Housing Starts and Completions

Housing starts have steadily risen over the last 5 years. In 2016, there were 2,530 starts; in 2020, there were nearly 2,900 starts. Within starts, we can also see a shifting dynamic in housing choice as single-detached housing has made up less than 50% of starts over the past 3 years.

A critical factor of meeting population forecasts in the *Growth Plan* and, importantly, achieving affordable housing targets, is Niagara's ability to offer a wider range of housing options for residents. Figure 4 provides an overview of housing starts per year by housing type.

Figure 4: Niagara Region Housing Starts (2016 - 2020)

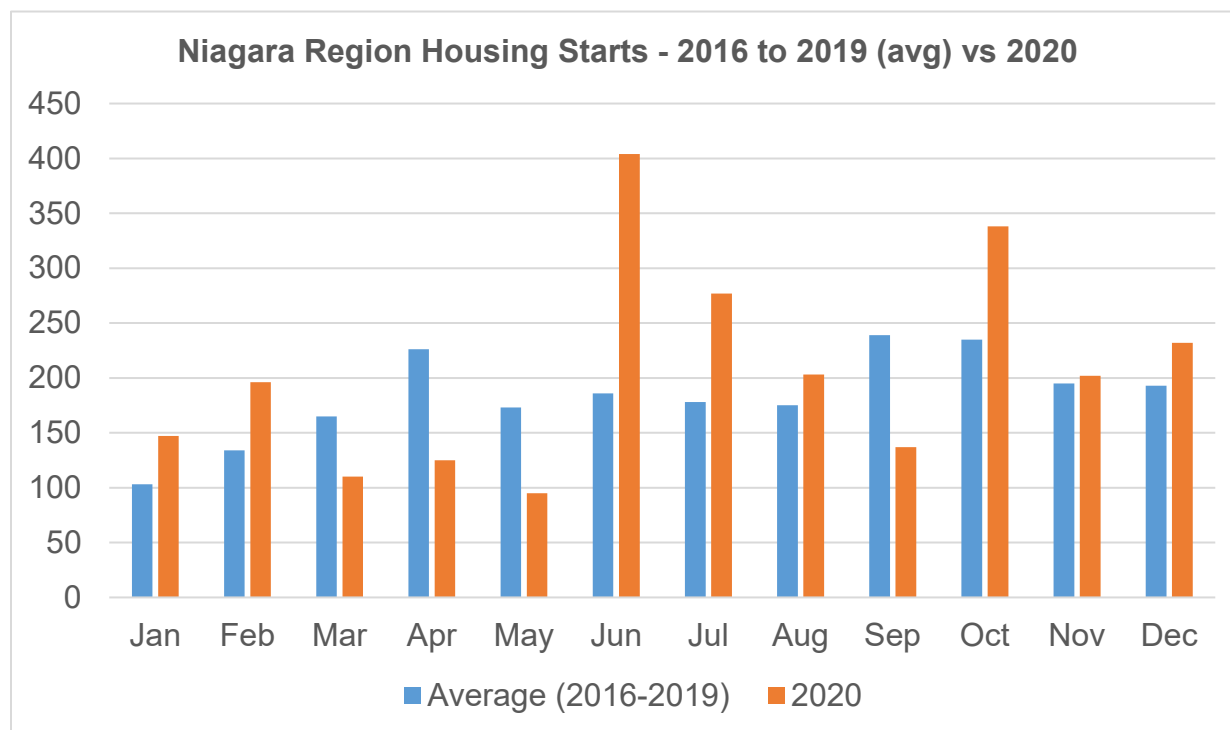


Source: CMHC, Housing Market Information Portal

Housing starts, while consistent with overall trends since 2016, were impacted early in 2020 by Covid-19. Housing starts between March and May were significantly lower than the previous four year average. During this period of time, the Province of Ontario had announced a Provincial State of Emergency (March 17, 2020) and released Bill 189 (Coronavirus (COVID-19) Support and Protection Act, 2020) on April 21, 2020).

As shown in Figure 5, housing starts rebounded strongly in June and July and settled into a comparable pattern to the previous four years throughout the second half of 2020.

Figure 5: Niagara Region Housing Starts: 2016 to 2019 (avg) vs 2020



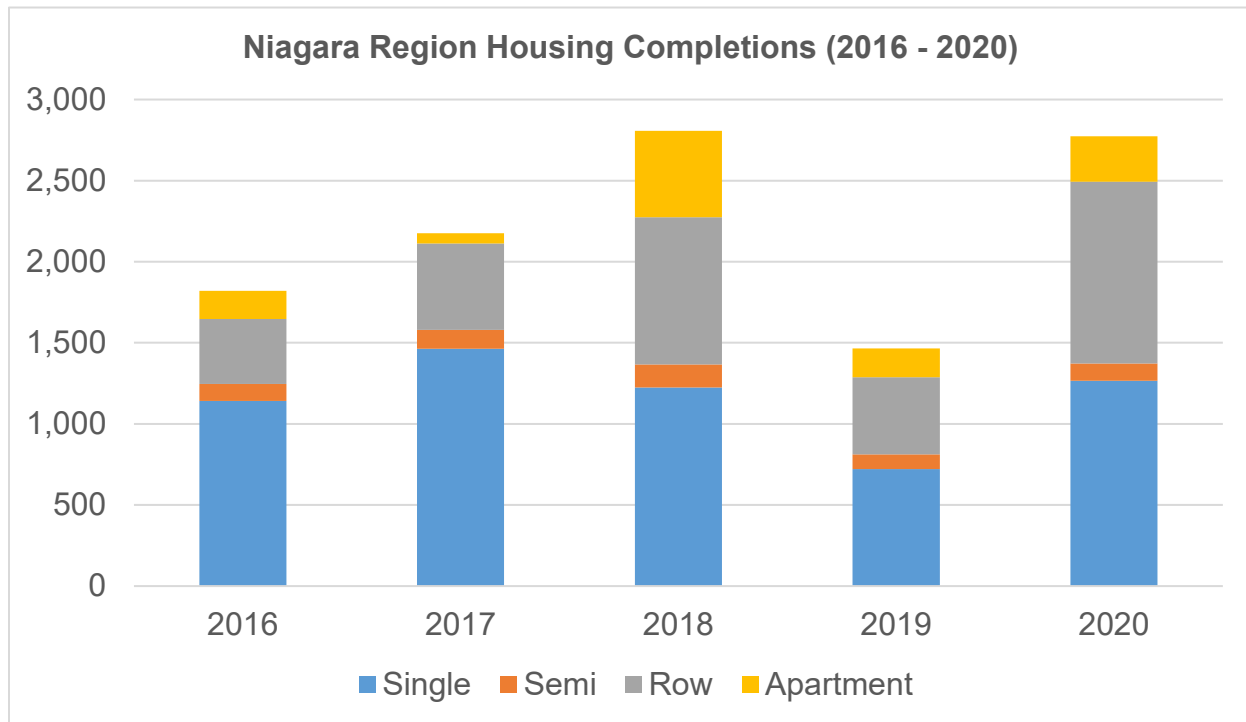
Source: CMHC, Housing Market Information Portal

Similar to housing starts, housing completions have also increased steadily over the last 5 years, including a significant increase in 2020 compared to 2019. Housing completions have greater variation on a year-to-year basis as higher density forms of development (such as apartments) tend to take longer to complete and can often start years prior to completion.

Consistent with housing starts, housing completions have begun to shift towards denser forms of development. The housing mix built since 2016 include 53% single detached, 5% semi-detached, 31% townhouse/row and 11% apartment. As a point of comparison, the 2016 Census identified an existing housing stock in Niagara of 70% single detached, 5% semi-detached, 7% townhouse/row and 17% apartment. An even greater shift towards denser forms of housing will be required in Niagara to achieve growth forecasts, reduce core housing need and improve affordability.

Figure 6 provides an overview of housing completions between 2016 and 2020.

Figure 6: Niagara Region Housing Completions (2016 – 2020)



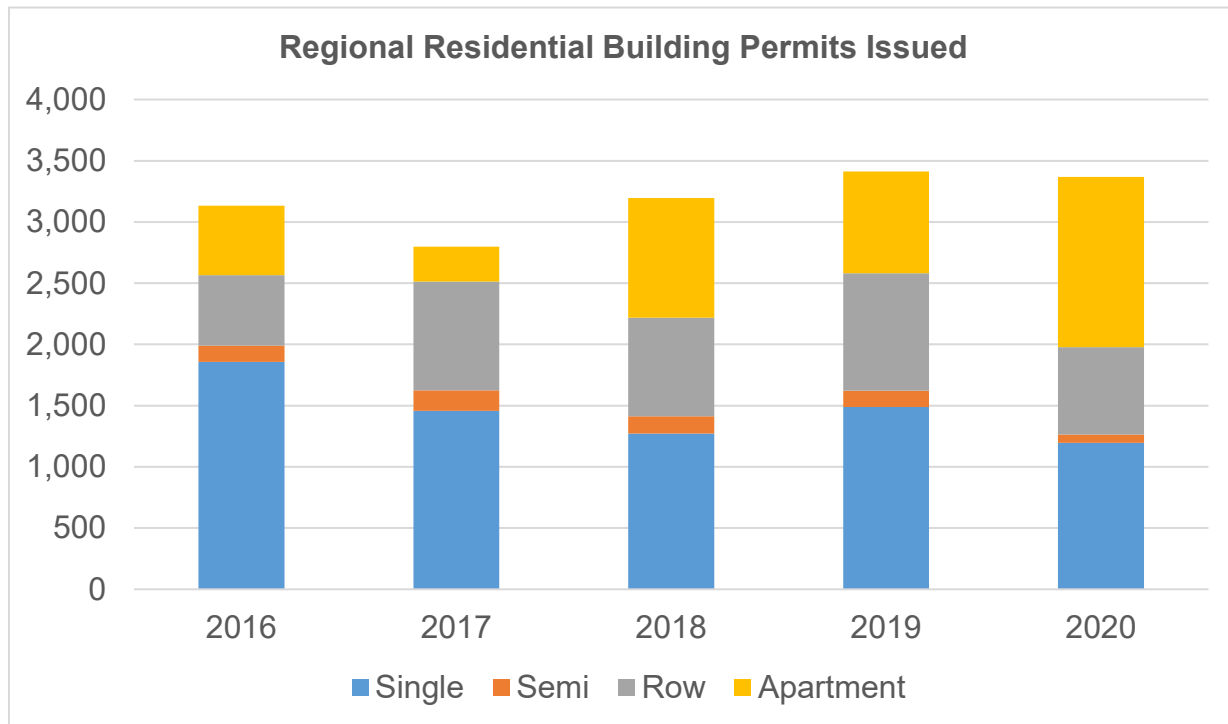
Source: CMHC, Housing Market Information Portal

New housing units, issued by building permit, also grew consistently over the previous half decade, reaching nearly 3,400 for the second consecutive year.

Similar to housing starts and completions, medium and higher density forms of housing are becoming more prevalent compared to low density. Specifically, apartment units reached nearly 1,400 units in 2020 - the highest annual volume for building permits on record at the Region.

Figure 7 provides an overview of building permits (housing units) since 2016.

Figure 7: Residential Building Permits (2016 - 2020)



Source: Niagara Region Planning and Development Services

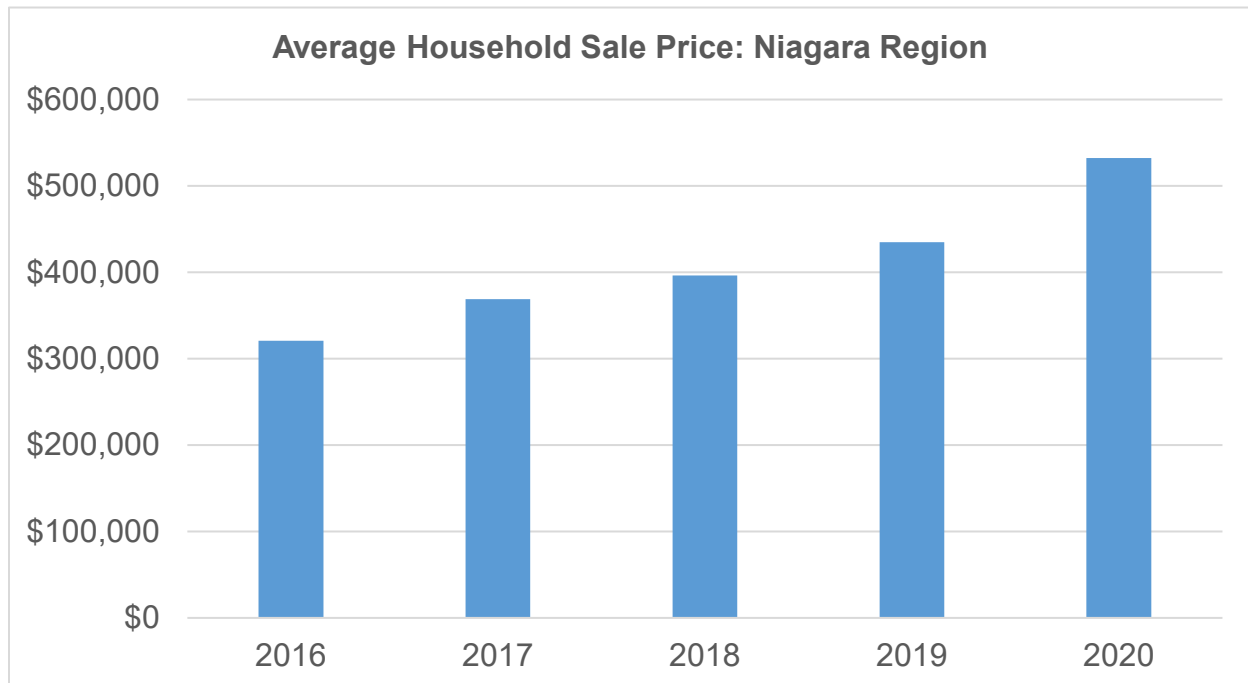
Housing Market

The housing market in Niagara has been on the rise since 2015 with significant increases to average sale price in 2016 and 2017. Between 2015 and 2017, the average sale price of a home in Niagara increased nearly 40%. Average sale price has continued to increase in 2018 and 2019 but at a lower rate of 7% and 10% respectively. The average sale price increased significantly, again, between 2019 and 2020 by 22% reaching an average sale price of \$532,400.

Overall, the average sale price for a home in Niagara increased 66% from 2016 to 2020.¹ Figure 8 provides a breakdown of average sale price by year.

¹ Average sale prices are based on information from CREA and the Niagara Realty Association.

Figure 8: Average Household Sale Price (2016 – 2020)



Source: Niagara Association of Realtors

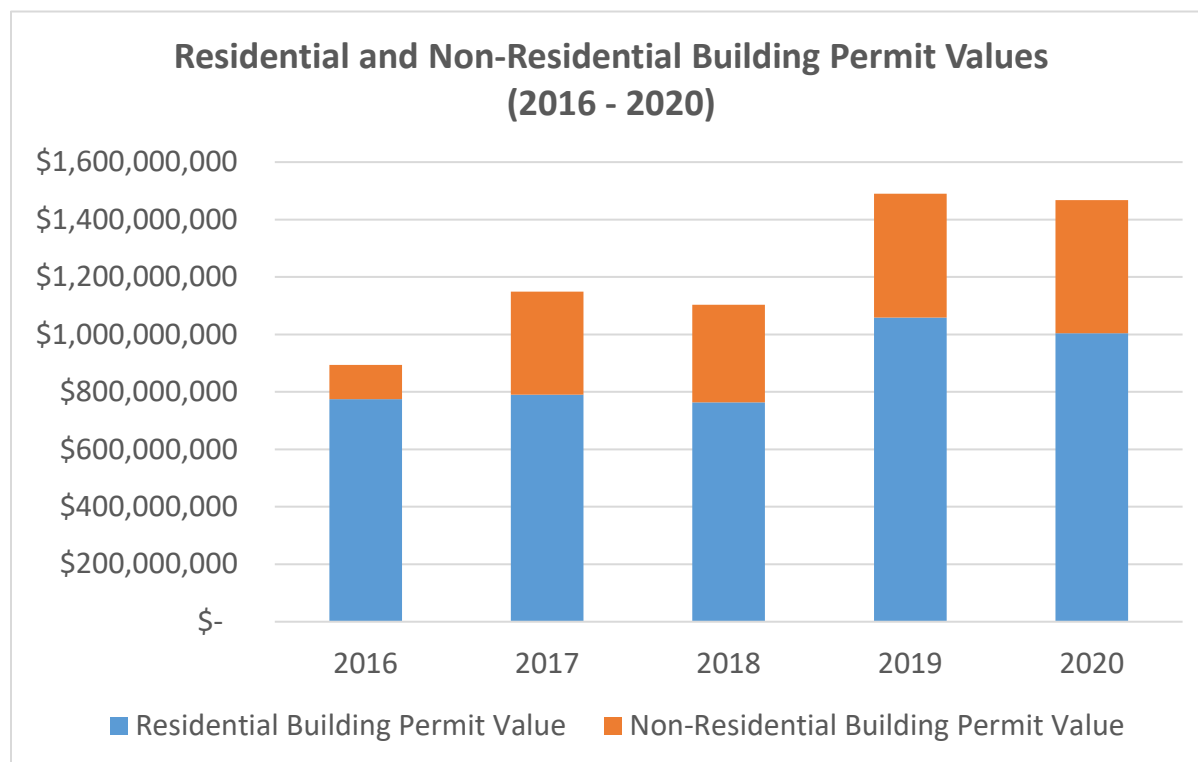
Building Permit Values

Building permit values, just like population and housing development, have increased over the past 5 years, growing from \$858 million in 2016 and reaching nearly \$1.5 billion in 2019 and 2020, respectively.

Similar to housing starts and completions, it appears the Covid-19 pandemic did not have a significant impact on building permit investment in 2020, relative to the previous four years.

The increased diversity of permits is particularly notable; non-residential permits grew from 15% in 2015 and 2016 to 30% from 2017 to 2020. The increased ratio of non-residential building permit values is more inline with the Region's Development Charges Background Study. Figure 9 provides an overview of building permit values from 2016 to 2020.

Figure 9: Residential and Non-Residential Building Permit Values (2016 - 2020)



Source: Statistics Canada Building Permit Values and Niagara Region Planning and Development Services

Conclusion

The scope and detail of annual growth reports will be revisited following the adoption of the forthcoming Niagara Official Plan. Future iterations of the report will provide additional metrics related to monitoring the Plan's implementation and commentary on the achievement of policy objectives and targets.

Alternatives Reviewed

No alternatives are provided. This report is prepared for information.

Relationship to Council Strategic Priorities

- Supporting Businesses and Economic Growth

- This report discusses trends in population, housing and building permit values over the past 5 years. This information is important for Regional Council to have as they make decisions that impact the Regional economy.
- Healthy and Vibrant Community
 - This report highlights trends in housing sale prices that relate directly to housing affordability in Niagara.
- Responsible Growth and Infrastructure Planning
 - The population increase over the past 5 years will be a critical component in advancing Regional Transit and GO Rail Service. A greater population, as well as increased densities around proposed GO Station areas, will support development and provide greater use of the service.
 - Tracking and reporting upon residential and economic growth provides direction on maintaining existing infrastructure and assists in asset management.

Other Pertinent Reports

- PDS 9-2017: Niagara Region Annual Growth Report
- PDS 25-2018: Niagara Region End of Year Growth Report 2017
- PDS 21-2019: Niagara Region End of Year Growth Report 2018
- PDS 19-2020: Niagara Region End of Year Growth Report 2019

Prepared by:

Greg Bowie
Planner
Planning and Development Services

Recommended by:

Doug Giles
Acting Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Kirsten McCauley, Acting Manager of Long Range Planning and Isaiah Banach, Acting Director of Community and Long Range Planning.

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

June 25, 2021

CL 13-2021, June 24, 2021

PEDC 6-2021, June 16, 2021

PDS 24-2021, June 16, 2021

DISTRIBUTION LIST

SENT ELECTRONICALLY

Development Applications Monitoring Report – 2020 Year End

PDS 24-2021

Regional Council, at its meeting held on June 24, 2021, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 24-2021, dated June 16, 2021, respecting Development Applications Monitoring Report - 2020 Year End, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

A copy of PDS 24-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:kl

CLK-C 2021-094

Distribution List :

Local Area Municipalities

Niagara Peninsula Conservation Authority

Niagara Home Builders Association

Niagara Industrial Association

M. Balsom, President/CEO, Greater Niagara Chamber of Commerce

D. Fabiano, Executive Director, Niagara Falls Chamber of Commerce, Port

Colborne/Wainfleet Chamber of Commerce, Welland/Pelham Chamber of Commerce

J. Thomson, Niagara-on-the-Lake Chamber of Commerce, Greater Fort Erie Chamber of Commerce

G. Willis, President, Grimsby Chamber of Commerce

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J. D'Amico, Chair, Niagara Board of Trade and Commerce

S. Mabee, Niagara District School Board

M. Ladouceur, Conseil scolaire Viamonde

S. Whitwell, Niagara Catholic District School Board

A. Aazouz, Conseil Scolaire de District Catholique Centre-Sud

G. Bowie, Planner, Planning and Development Services

D. Giles, Commissioner, Planning and Development Services

N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: Development Applications Monitoring Report - 2020 Year End

Report to: Planning and Economic Development Committee

Report date: Wednesday, June 16, 2021

Recommendations

1. That Report PDS 24-2021 **BE RECEIVED** for information; and,
2. That a copy of Report PDS 24-2021 **BE CIRCULATED** to Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

Key Facts

- The purpose of this report is to inform Regional Council of 2020 development application activity in Niagara Region.
- Regional Development Planning and Engineering staff reviewed 595 development applications in 2020.
- Regional Development Planning and Engineering staff provided comments for 552 pre-consultation meetings in 2020.
- The Region received \$1,353,810 in review fees for development applications in 2020 (54% increase from 2019 fees).

Financial Considerations

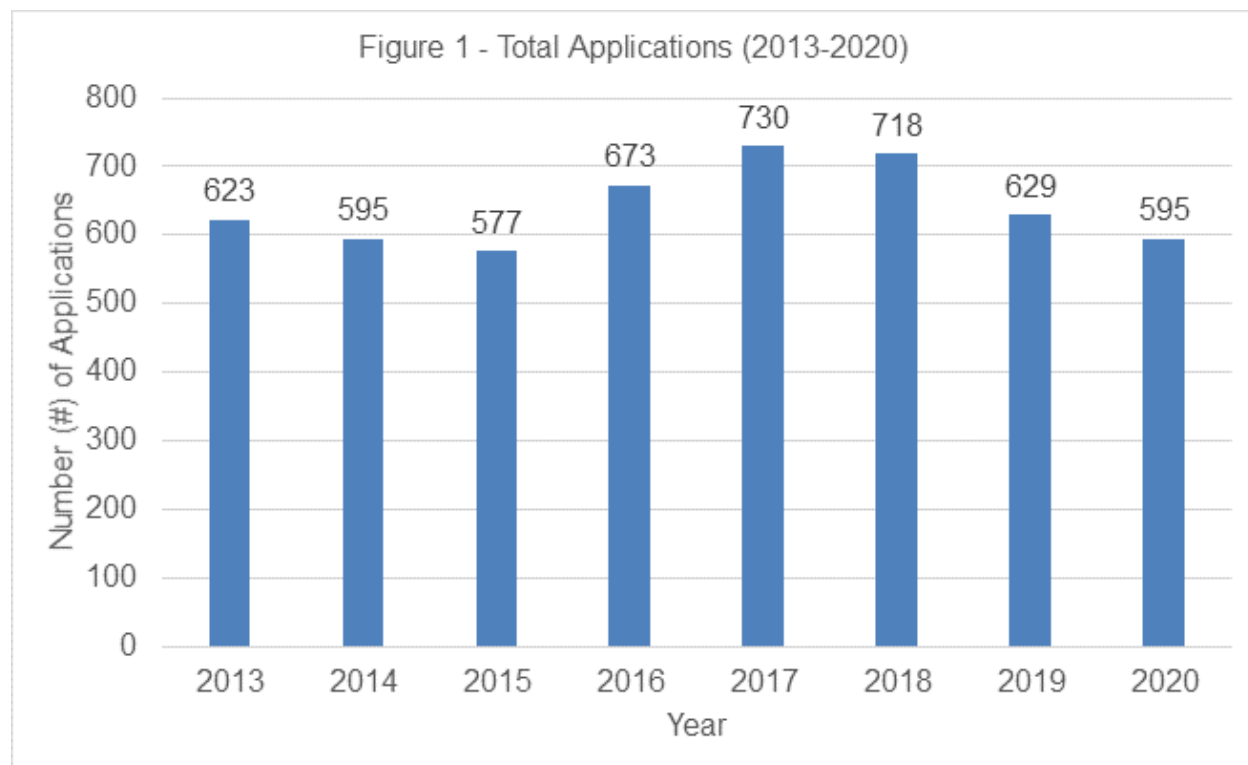
There are no direct financial implications associated with this report.

Analysis

Development Applications

Regional Development Services staff reviewed 595 development applications in 2020, representing a 5% decrease from 629 applications in 2019. Figure 1 illustrates the number of applications considered by Development Planning and Engineering staff from 2013 to 2020. These development applications are circulated to the Region based on Provincial legislation requirements and the existing Memorandum of Understanding (MOU) between the Region and Local Area Municipalities for planning in Niagara. The decrease appears to be attributed to the first wave of the COVID-19 pandemic and

adapting to the online format during the initial lockdown. The first full month after the lockdown (April 2020) there was a drop in applications, followed by a steady recovery in application volumes during subsequent months.

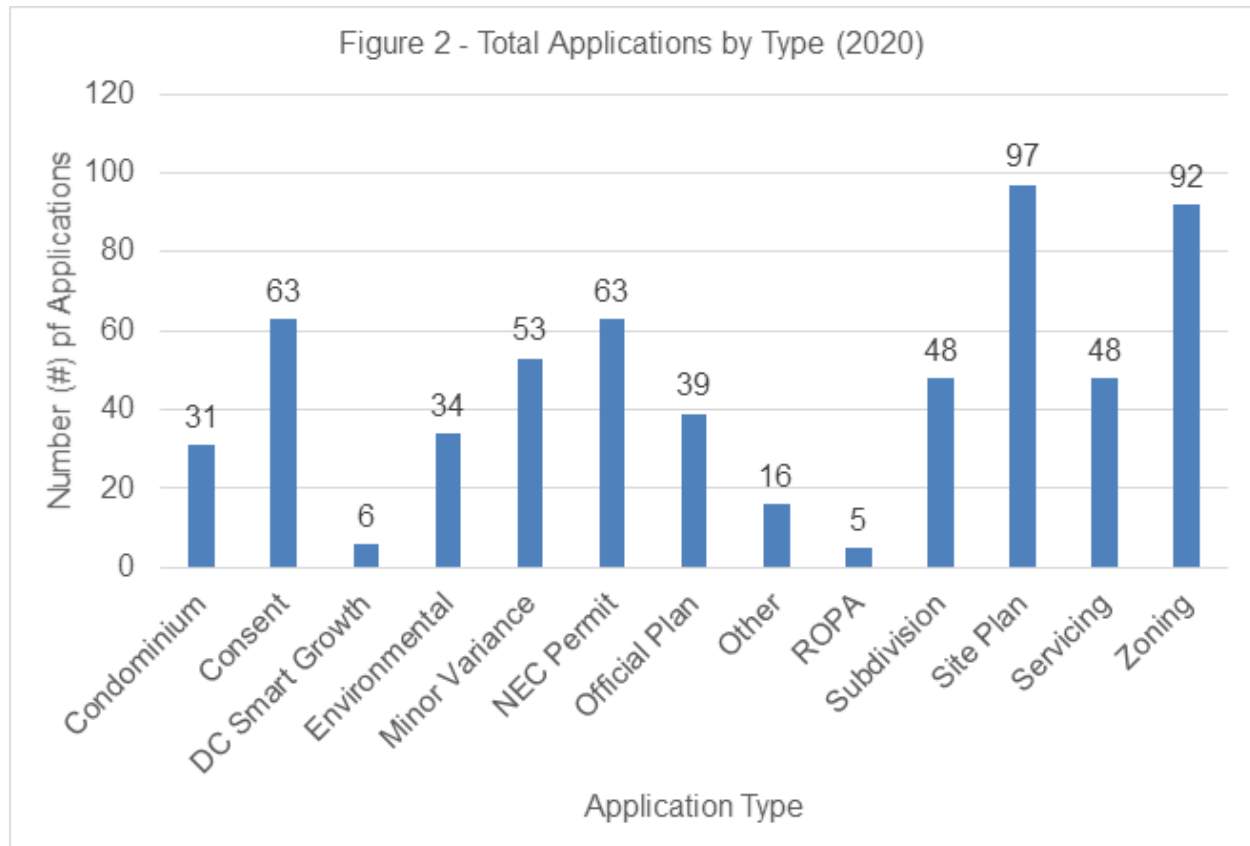


Staff expects the volume of development applications to be higher in 2021, as the trends in the fourth quarter of 2020 showed an uptake in applications by 17% compared to the fourth quarter of 2019. A look at Q1 2021 application volumes (202) reinforces this continuing trend as a 36% increase in volumes was experienced in comparison with 2020 (148). In addition, April 2021 volumes (76) was 55% above 2020 levels (49).

Additionally, the Planning and Development Services has the ability to waive its review function on certain types of minor development applications in local municipalities. This represents an effort to increase efficiency in the planning review function in Niagara and is a result of changes to the MOU.

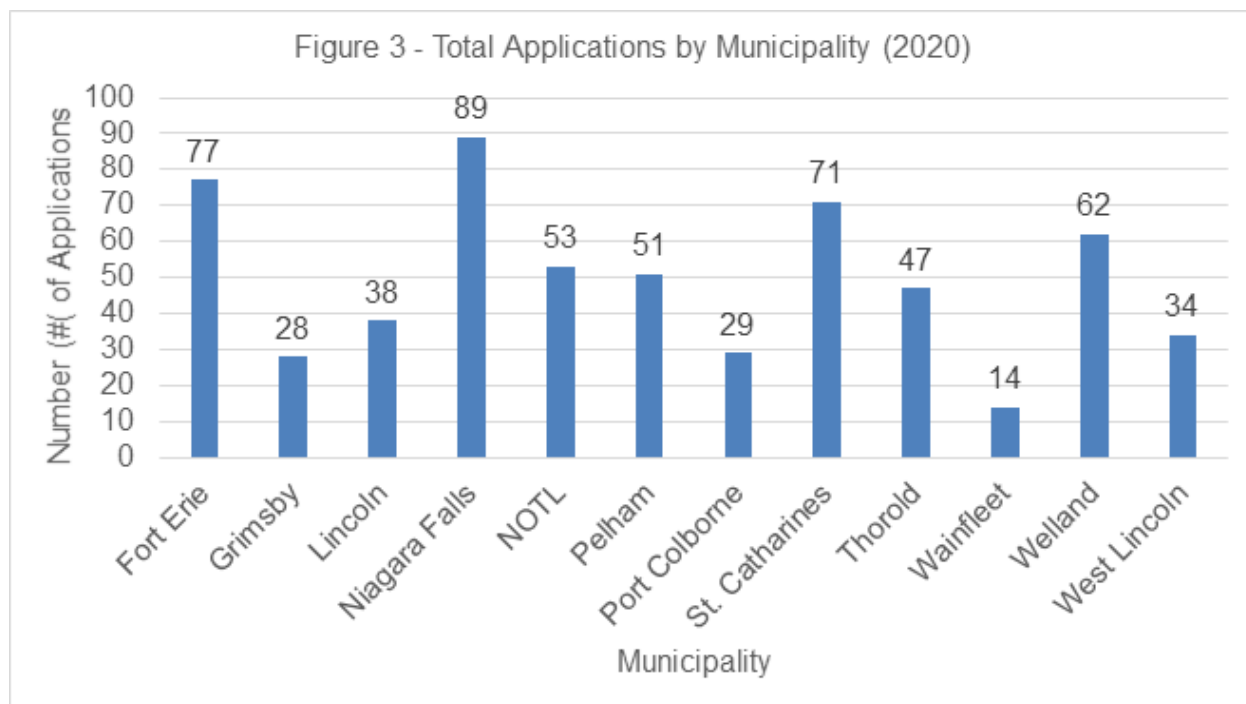
Figure 2 below provides the breakdown of development applications, by type, reviewed by Regional staff in 2020. Some complex development proposals often require multiple planning approvals. As an example, subdivision and condominium applications may also need amendments to the municipal Official Plan and/or Zoning By-law to facilitate the development. The categories with the most applications considered by Regional

staff were Site Plans (97), closely followed by Zoning By-law Amendments (92), and Consent (i.e. severances) and Niagara Escarpment Commission Development Permits (both 63).



The distribution of applications circulated to the Region by local municipalities during 2020 is shown on Figure 3. This information indicates relatively high levels of development activity in several communities. The municipalities with the most applications circulated to the Region were Niagara Falls (89), Fort Erie (77), St. Catharines (71), and Welland (62). As stated previously, application volumes were lower in 2020 compared to recent years because of the COVID-19 pandemic, however, the third and fourth quarters of 2020 saw a significant increase in volume.

Regional staff were also involved in reviewing several complex development applications in 2020, as highlighted in Appendix 1 of this report. This often requires review that is more extensive and can affect a broad range of issues (i.e. environmental impacts, traffic impacts and urban design considerations, etc.).



Pre-consultation Meetings

Development Services staff attend regular pre-consultation meeting sessions two days each month in each local municipality. These meetings are to determine complete application submission requirements and assist in the processing of applications. The COVID-19 pandemic required planning staff at the Region and the local municipalities to pivot to an online meeting format starting in April 2020. Developers, property owners, local staff and agencies were able to participate in these virtual pre-consultation meetings.

In 2020, Regional staff attended 552 pre-consultation meetings, which is an 11% decrease from the 2019 total (see Figure 4). This is likely a result of a pause in pre-consultations at the beginning of the first wave of the COVID-19 pandemic, while municipalities adopted to the online format. Pre-consultation volumes increased in the third and fourth quarters of 2020 and, generally, the number of pre-consultation meetings is an indicator of future development applications. Accordingly, staff expect development application numbers to increase in 2021.

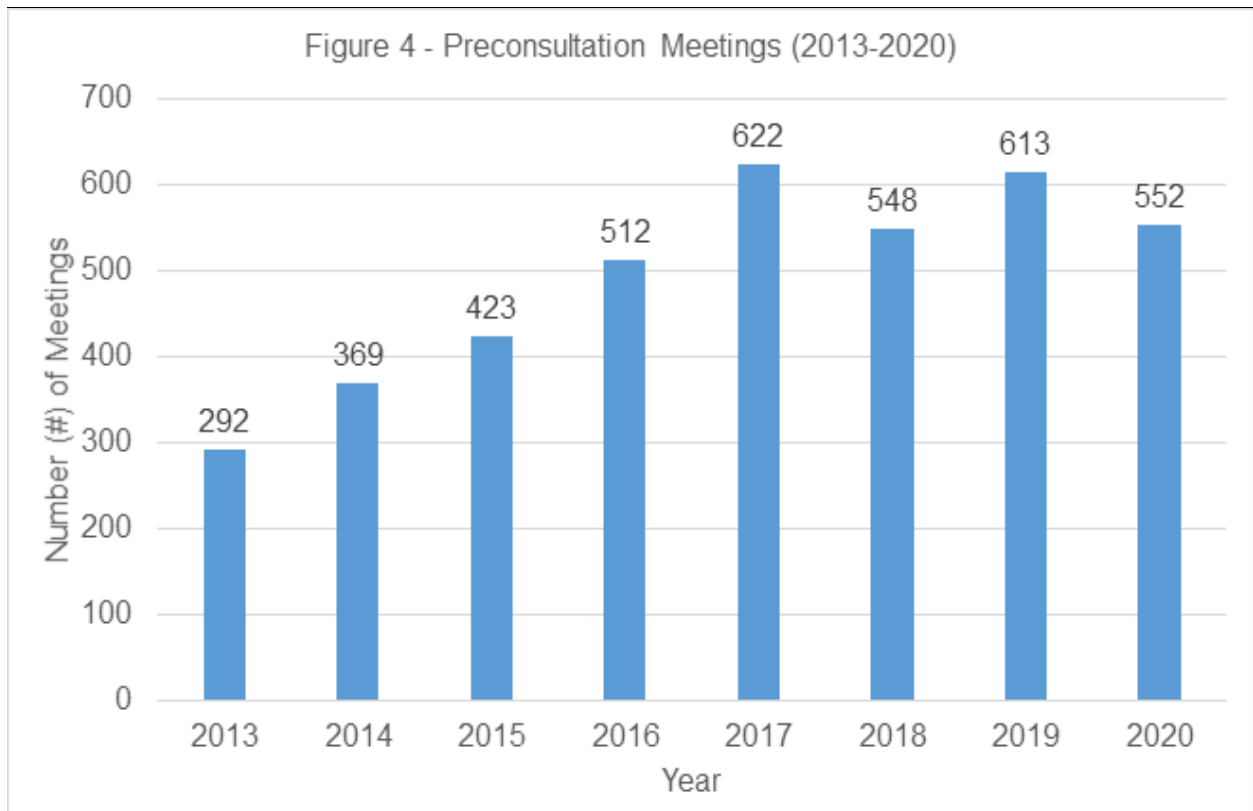
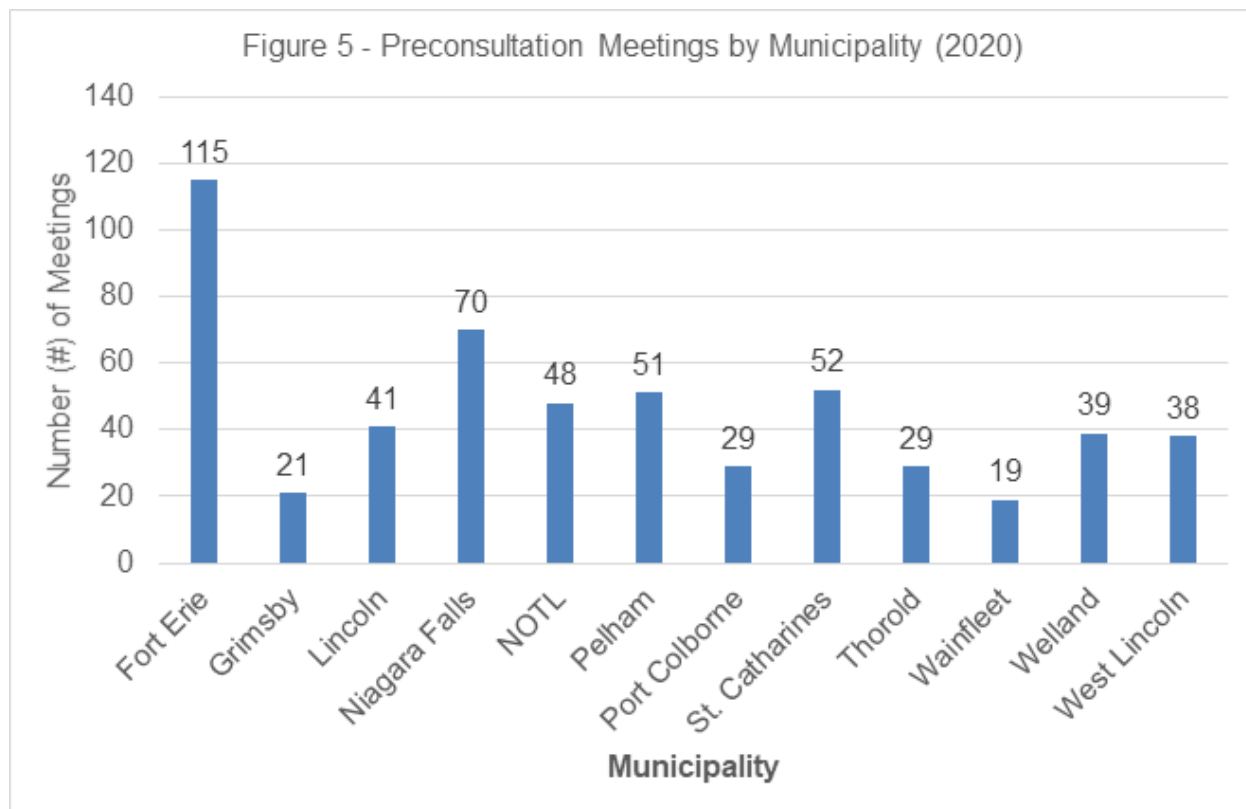


Figure 5 illustrates the number of pre-consultation meetings by municipality in 2020 that involved Regional staff. The municipalities with the highest levels of pre-consultation activity were Fort Erie (115) and Niagara Falls (70), followed by St. Catharines (52), Pelham (51), and Niagara-on-the-Lake (48).

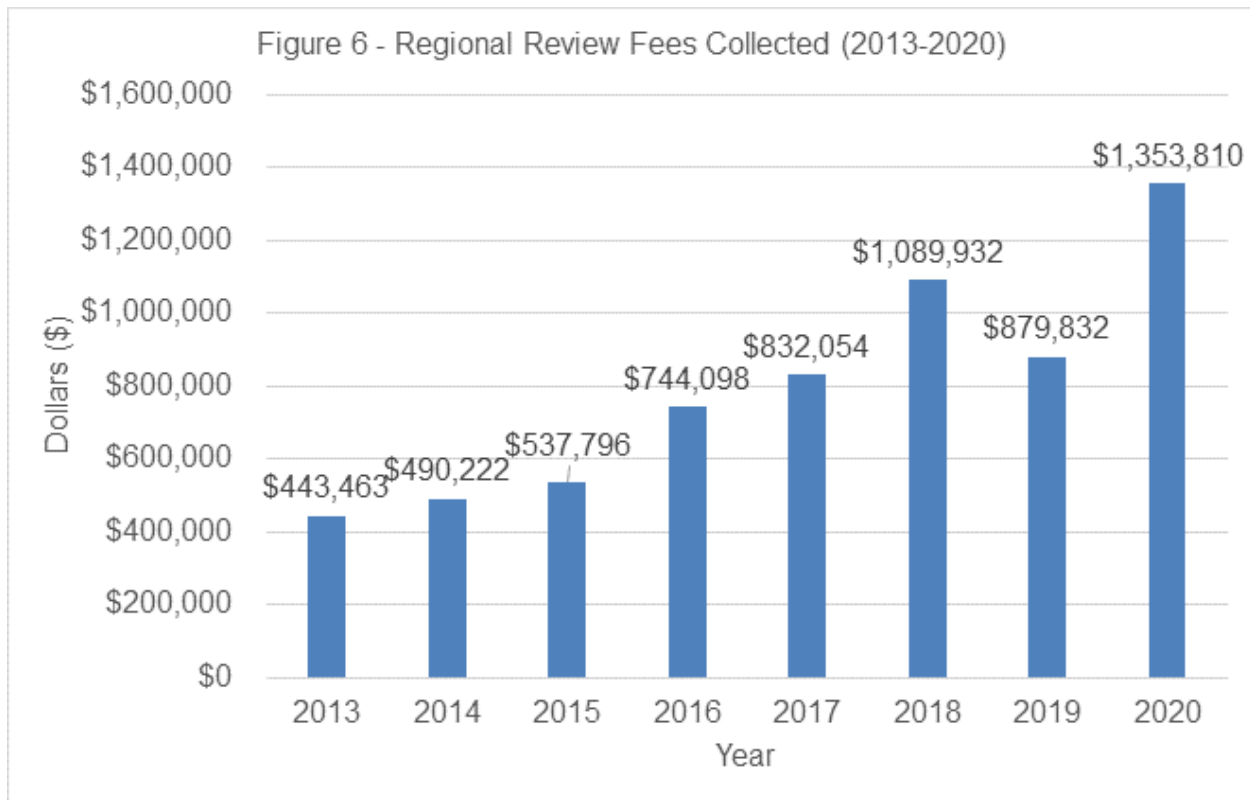


Regional Review Fees

Regional review fees are intended to offset Regional costs for the development review service. Figure 6 summarizes the fees collected between 2013 and 2020 for the Regional review of development applications. The 2020 total of \$1,353,810 represents an increase of 54% from 2019. This relates to an increase in the number of complex applications received (i.e. Regional Official Plan Amendments, Official Plan Amendments and Draft Plans of Subdivision/Condominium), which generally have higher review fees. As we expect the total volume and complexity of development applications to increase from 2020 to 2021, development review fees are also expected to increase.

The Region received a Regional Official Plan Amendment (ROPA) application in March 2021 for an expansion to the Port Colborne Quarry and anticipate potentially receiving two additional ROPA applications in 2021 for a proposed new quarry and an expansion of an existing quarry. These applications are the most complex “development” applications, which are very time intensive to process with many technical studies that often require peer reviews to assist staff in areas in which the department does not have in-house expertise. The application fees approved by Regional Council reflect the

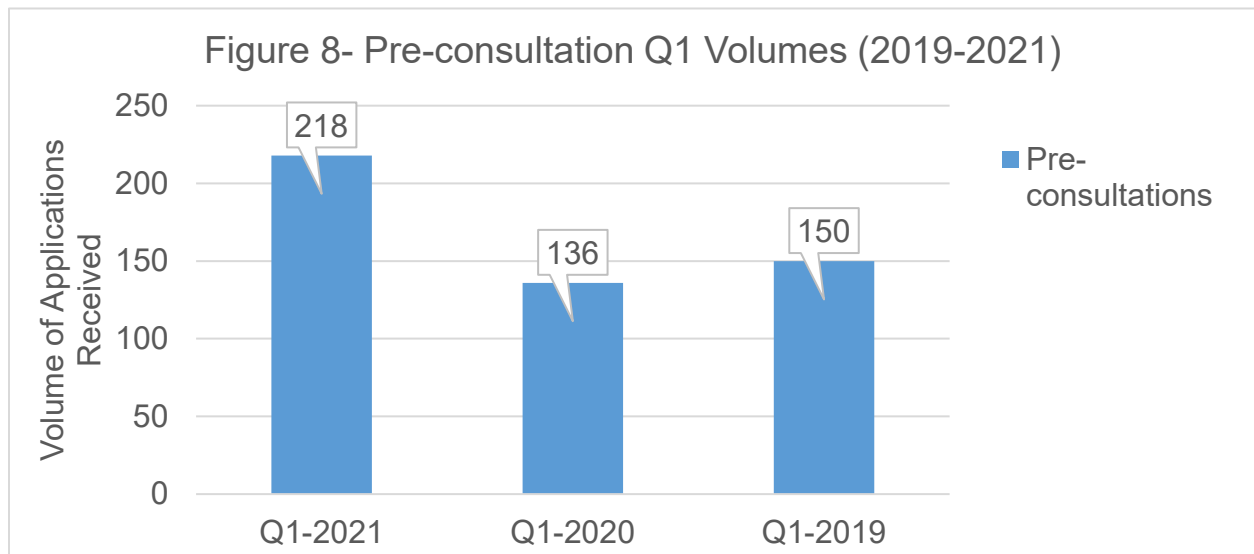
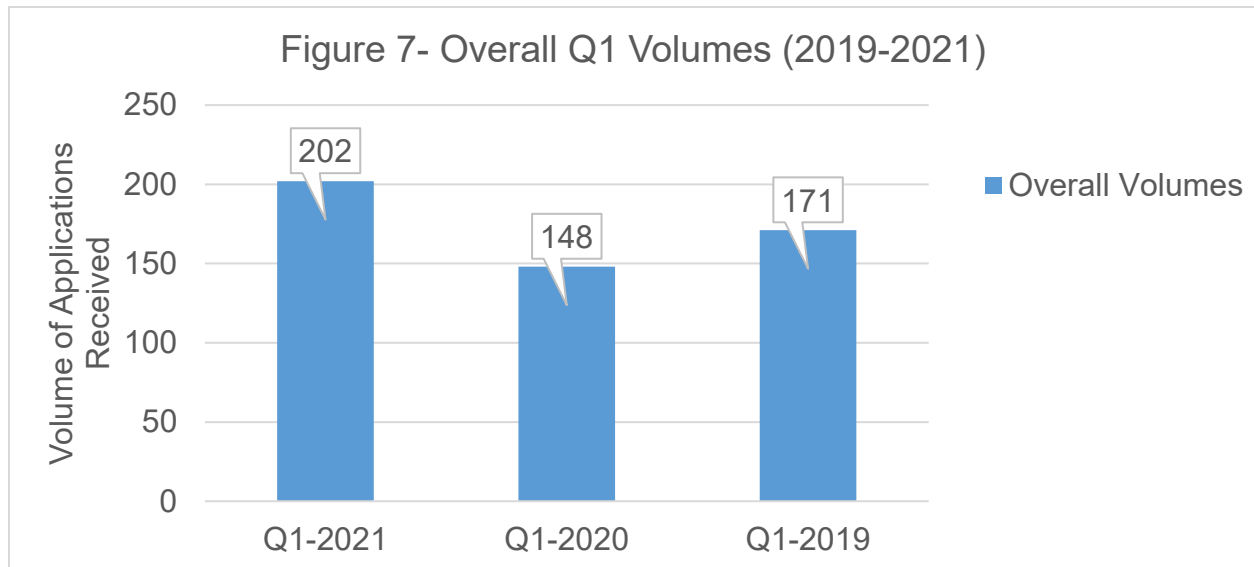
complexity and staff resources involved in reviewing quarry applications. As a best practice the Region, with participation of the affected local area municipality and the Niagara Peninsula Conservation Authority, has implemented a Joint Agency Review Team (JART) to share resources including a single peer reviewer for each technical study in order to maximize efficiencies.



2021 Outlook

As outlined earlier in this report, Staff anticipate an increase in application volumes in 2021 based on the first quarter metrics. Regional Development Services staff reviewed 202 development applications in Q1 of 2021, which is an increase of 36% compared to 148 applications in Q1 of 2020. Figure 7 illustrates the number of applications considered by Development Planning and Engineering staff in Q1 of 2019, 2020 and 2021. This increase is likely attributed to applications that were paused during the first and second wave of the pandemic, ongoing public health requirements/restrictions on the construction industry that allows for additional time to plan for development, and historically low interest rates.

As previously indicated, Staff expects the volume of development applications to continue to be high throughout 2021. The trends in pre-consultation volumes for the first quarter of 2021 show an increase in pre-consultation meetings by 60% compared to the Q1 of 2020 and 45% compared to Q1 of 2019. This is illustrated in Figure 8.



The increased level of development in recent years represents a “*new normal*” for the Region. Regional Development Planning has adjusted its approach and practices to be solution oriented and proactive. By providing ongoing support to our local Municipalities, the Region strives to realize complete community planning outcomes that encourage the best possible development throughout the Region.

Urban Design’s contribution to Development Applications

In addition to assisting in the review of development applications, the Urban Design and Landscape Architecture team also undertook several programs in 2020 that support the goals of achieving well designed built environments. These programs celebrated design excellence, provided synergies to development applications and improved development outcomes. The urban design team also assists local planning teams by providing urban design peer review to significant developments within those communities. To support local planning and urban design goals staff prepare design alternatives and contribute to the discussions with developers in support of local planning partners. In particular, the urban design team has collaborated in design charrettes to improve the design outcomes of development applications. The Urban Design review function within Development Planning is a key component to elevate the quality of development in Niagara and achieve industry leading results, reflecting positively on the Niagara brand.

Alternatives Reviewed

None.

Relationship to Council Strategic Priorities

This report provides information on development application activity that contributes to strong economic prosperity throughout the communities within the Niagara Region. This relates to Council's Strategic Priority of Supporting Business and Economic Growth, as well as Sustainable and Engaging Government through ensuring high quality, efficient and coordinated core services.

Other Pertinent Reports

- [PDS 4-2020](#): Development Applications Monitoring Report - 2019 Year End

Prepared by:

Britney Fricke, MCIP, RPP
Senior Development Planner
Planning and Development Services

Recommended by:

Doug Giles
Acting Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Pat Busnello, MCIP, RPP, Manager, Development Planning and Diana Morreale, MCIP, RPP, Director, Development Approvals.

Appendix 1: Current Major Development Applications

Planning and Development Services Staff participated in the review of a number of major development applications in 2020. A summary of some of these major development applications are provided in the table below.

Glossary of Acronyms:

“LOPA” means Local Official Plan Amendment.

“LPAT” means Local Planning Appeal Tribunal.

“PEDC” means the Region’s Planning and Economic Development Committee.

“RFP” means Request for Proposal.

“ROPA” means Regional Official Plan Amendment.

“SPA” means Site Plan Approval.

“ZBA” means Zoning By-law Amendment.

Municipality	Application	Developer	Details	Status
Fort Erie	7 Central Avenue <u>Type:</u> SPA.	Compass Land Developments Ltd.	Application is for a 12-storey mixed use building with 217 residential units and 657m ² commercial space.	<ul style="list-style-type: none"> • LOPA and ZBA approved. • Site plan is in progress.
Grimsby	Fifth Wheel redevelopment <u>Type:</u> LOPA, ZBA, and Draft Plan of Subdivision.	Losani Homes.	Application is for 6 mixed use buildings with a total of 1,240 residential units and 46,000 ft ² of employment space; 36 townhouse units; 19,500 ft ² of commercial space; and 2.25 hectares of parkland and open space.	<ul style="list-style-type: none"> • Applications were approved by the Town on December 7, 2020. • No appeals received - decision final.
Grimsby	West Lincoln Memorial Hospital	Hamilton Health Sciences.	Application relates to the comprehensive redevelopment of the existing hospital.	<ul style="list-style-type: none"> • Regional comments were provided for Phase 1 of Site Plan.

Municipality	Application	Developer	Details	Status
	<u>Type:</u> SPA.			
Grimsby	141-149 Main Street East <u>Type:</u> LOPA and ZBA.	Losani Homes.	Application relates to the redevelopment of the Cole's property for a 6-7 storey mixed use building, including commercial space on the ground floor and 215 residential dwelling units with a total of 254 parking spaces (225 underground spaces and 29 surface spaces).	<ul style="list-style-type: none"> Regional comments were provided for the initial application submission (February 2021).
Grimsby	Century Condos 6 Doran & 21-23 Main Street <u>Type:</u> LOPA and ZBA.	DeSantis Homes.	Application is for a 4-storey mixed use building with 92 residential units with 2 commercial units totaling of 463m ² on the first floor.	<ul style="list-style-type: none"> Appealed for non-decision (settlement pending). A comprehensive public Urban Design Charrette with Town, Region and Applicant was completed earlier this year. Site plan is in progress.
Grimsby	133 Main Street east <u>Type:</u> LOPA and ZBA.	Burgess Heritage Group Inc.	<p>Application is for a new 5-storey mixed use commercial and residential apartment building consisting of 148 residential units and 305 m² of ground-floor commercial area.</p> <p>The property designated under the Part IV Section 29 of the <i>Ontario Heritage Act</i>.</p>	<ul style="list-style-type: none"> Application was appealed for non-decision. LPAT hearing to be scheduled shortly.

Municipality	Application	Developer	Details	Status
Grimsby	4 Windward Drive (Casablanca Inn) <u>Type:</u> LOPA and ZBA.	TRG Casablanca Inc.	<p>Application is for a 19-storey apartment building with 212 residential units, ground floor retail / restaurant commercial space, and a new hotel with conference and banquet facilities.</p> <p>Additionally, the existing hotel will be demolished and a new 12-storey apartment building with 208 residential units and ground floor retail commercial space will be constructed.</p> <p>The site will feature approximately 1,500 m² outdoor park area and will have a total of 909 parking spaces contained within 3 levels of underground parking.</p>	<ul style="list-style-type: none"> The statutory Public Meeting has been held. Regional comments were provided in March 2021 on the application's resubmission with respect to design/wind. Application is still in progress at this time.
Lincoln	3221 North Service Road <u>Type:</u> ZBA.	LJM Developments. A.J. Clarke & Associates Ltd.	<p>Currently, the application is proposing 2 residential towers (25 and 28 storeys, respectively) that share a common 6-storey podium for a total of 510 residential units.</p> <p>The site is located outside of and abuts the Prudhommes Secondary Plan Area.</p>	<ul style="list-style-type: none"> The Region, Town, and Applicant are in the process of refining site and building design elements. Regional comments on the 2nd submission were provided April 23, 2021. A public urban design charrette is planned to be scheduled for spring / summer 2021.

Municipality	Application	Developer	Details	Status
Lincoln	Prudhommes Landing Site Redevelopment <u>Type:</u> ZBA and Draft Plan of Subdivision	FBH Ontario Inc.	Application is for approximately 1,173 residential units (consisting of a variety of single-detached, semi-detached, townhouse and apartment units), 3.92 hectares of open space, and 3.88 hectares of natural area within the Prudhommes Secondary Plan Area.	<ul style="list-style-type: none"> The Town has approved the Draft Plan of Subdivision.
Niagara Falls	New South Niagara Hospital <u>Type:</u> SPA.	Niagara Health System.	Application relates to the Campus Planning for new Niagara South Hospital site.	<ul style="list-style-type: none"> Campus Plan was finalized in September 2019. Project was incorporated into Ministry of Health Functional Program Submission. Stage 1 of the Site Plan has been completed for issuance of RFP.
Niagara Falls	Riverfront Residential Community <u>Type:</u> ZBA and Draft Plan of Subdivision.	GR (CAN) Investments Ltd.	Application is for an estimated total of 1,045 residential units (consisting of single-detached, semi-detached, townhouse and apartment units), 1.86 hectares of parkland and open space, and 17 hectares of natural area. Regional conditions of approval include servicing, natural heritage	<ul style="list-style-type: none"> Draft Plan and ZBA approved by City; ZBA appealed to LPAT. Developer proceeding to address conditions of draft approval for first phase.

Municipality	Application	Developer	Details	Status
			requirements, site remediation, etc.	
Niagara Falls	Splendour Residential Development <u>Type:</u> LOPA, ZBA and Draft Plan of Subdivision.	Cobas Developments Inc.	Application is for 104 single-detached dwellings, 16 semi-detached dwellings, 148 townhouses, and 1 block for a future school(s) site.	<ul style="list-style-type: none"> City has approved the Draft Plan of Subdivision.
Niagara-on-the-Lake	Settler's Landing (Phase 2) <u>Type:</u> ZBA and Draft Plan of Subdivision	Settler's Landing Estates Ltd.	Application is for 53 single-detached dwellings on a 4.1 hectare site.	<ul style="list-style-type: none"> Regional comments were provided on December 23, 2020. Application has been Draft Approved by the Town and applicant is currently clearing conditions of Draft Approval.
Pelham	Forest Park Subdivision <u>Type:</u> ZBA and Draft Plan of Subdivision	Sterling Realty (Niagara) Inc. Upper Canada Consultants.	Application is for the creation 77 lots for single-detached dwellings, 8 blocks for 86 street townhouse dwellings, 1 block for 280 multi-family residential units, 1 block for a park, 1 block for a stormwater management pond, 1 block for a relocated watercourse, and associated roadways on a 17.03 hectare property.	<ul style="list-style-type: none"> Application is in progress. Regional comments were provided for the 1st application submission on December 22, 2020.
Pelham	North Side of Summersides Boulevard and 1409,	Mountainview Homes (Niagara) Ltd.	Application is for the creation of 13 lots for single-detached dwellings, 7 blocks for 30 rear lane townhouse units, 10 blocks for 44 street townhouse units, 5 blocks	<ul style="list-style-type: none"> Regional comments were provided on October 1, 2020.

Municipality	Application	Developer	Details	Status
	1411, 1413, 1415 and 1419 Station Street <u>Type:</u> ZBA and Draft Plan of Subdivision	Upper Canada Consultants.	for 40 back-to-back townhouse units, and 1 block for a pedestrian walkway on a 4.46 hectare property.	<ul style="list-style-type: none"> Town hosted a statutory Public Meeting on November 23, 2020. Application is in progress.
Port Colborne	118 West Street <u>Type:</u> SPA.	Raimondo + Associates Architects Inc. Rankin Construction Inc. Southport Condos Inc.	Application is for a 9-storey mixed use building consisting of 74 residential units and 421m ² of ground floor commercial space.	<ul style="list-style-type: none"> Application is in progress. Regional comments were provided on November 10, 2020 for the 2nd application submission.
St. Catharines	Linhaven Long Term Care Facility Redevelopment (403 Ontario Street) <u>Type:</u> LOPA, ZBA, Draft Plan of Subdivision, and SPA.	Regional Municipality of Niagara.	<p>Application is to construct a 5-storey 256-bed long term care facility to replace the existing Linhaven Long Term Care facility.</p> <p>The existing Alzheimer Society of Niagara building will remain on-site. The development will be located adjacent to the existing Hospice Niagara building along Ontario Street and will include two interior courtyards that feature outdoor dining areas, landscaping, fitness stations, and shade structures. Site parking will be located at the rear of the site.</p> <p>The building will offer interior cafes, an auditorium, gym, library,</p>	<ul style="list-style-type: none"> Site plan is in progress. Regional comments were provided on the April 27, 2021 relating to the 4th application submission. There are no outstanding Regional requirements at this time.

Municipality	Application	Developer	Details	Status
			and chapel, and dining areas on every floor.	
Thorold	Canada Summer Games Complex <u>Type:</u> SPA.	Games Operations, 2021 Canada Summer Games.	Application relates to the Canada Summer Games Building and Playing Fields.	<ul style="list-style-type: none"> • Site plan has been approved. • Construction is in progress.
Thorold	Artisan Ridge Phase 2 <u>Type:</u> Draft Plan of Subdivision	LANDx Developments.	Application consists of 123 single-detached and 40 townhouses and is a phase of the larger Artisan Ridge Subdivision.	<ul style="list-style-type: none"> • Draft Plan of Subdivision has been approved by City.
Thorold	Legacy Port Robinson Estates (Phases 2 & 3) <u>Type:</u> ZBA and Draft Plan of Subdivision.	Armstrong Planning. Legacy Communities. JTG Holdings Ltd. Maple Hill Developments Inc.	Application is for a total of 733 dwelling units that consists of 347 townhouse units, 80 semi-detached units, and 306 single-detached units.	<ul style="list-style-type: none"> • Draft Plan of Subdivision and Zoning By-law Amendment Approved
Welland	Hunter's Pointe Golf Course Redevelopment <u>Type:</u> LOPA, ZBA, and Draft Plan of Subdivision.	2599587 Ontario Ltd.	Application is for 735 single-detached dwellings, 250 townhouses, 170 residential units and 60,000 ft ² of commercial space within proposed mixed use buildings.	<ul style="list-style-type: none"> • The application was approved by the City and has been appealed. • LPAT hearing to be scheduled shortly.
Welland	John Deere – Dain West Subdivision	Empire Homes.	Application is for a mixed use subdivision that allows for a maximum development of 870 residential dwelling units (consisting of detached, semi-	<ul style="list-style-type: none"> • Regional comments were sent April 26, 2021.

Municipality	Application	Developer	Details	Status
	<u>Type:</u> ROPA, LOPA, ZBA, and Draft Plan of Subdivision.		detached and townhouse dwellings), a 4 hectare mixed-use employment block, a stormwater management pond, an elementary school, parks and open space on approximately 74 hectares of land.	<ul style="list-style-type: none"> • Application was approved by City Council May 4, 2021. • LOPA 30 and ROPA 19 to be considered by PEDC on June 16, 2021.
West Lincoln	Northwest Corner of South Grimsby Road 5 and Regional Road 20 (South of CP Rail Line) <u>Type:</u> ZBA and Draft Plan of Subdivision	Marz Homes (Smithville West) Inc. IBI Group.	Application is for approximately 224 residential units and a recreational trail on a 10.29 hectare property.	<ul style="list-style-type: none"> • Application is in progress. • Regional comments were provided December 4, 2020 on the 1st submission of the application.
West Lincoln	Station Meadows West <u>Type:</u> ZBA and Draft Plan of Subdivision	P. Budd Developments	Application is for 68 lots of single-detached dwellings, 28 blocks for 163 freehold townhouse dwelling units, 3 blocks for 164 condominium townhouse dwelling units, 1 block for park space, and a multi-use trail block on a 14.84 hectare property.	<ul style="list-style-type: none"> • Application is in progress. • Regional comments were provided for the 3rd ZBA and Draft Plan of Subdivision submission on May 4, 2021.



Township of Wainfleet

"Wainfleet - find your country side!"

June 22, 2021

SENT ELECTRONICALLY

RE: Resolution – Niagara Central Dorothy Rungeling Airport (NCDRA) Commission

Please be advised that at its meeting of June 22, 2021, the Council of the Corporation of the Township of Wainfleet approved the following resolution:

THAT correspondence from the City of Port Colborne dated May 31, 2021 and from the City of Welland dated April 26, 2021 regarding the uptake and governance and the transfer of operating authority of the Niagara Central Dorothy Rungeling Airport be received and supported; and

THAT the Council of the Township of Wainfleet rescinds the previously approved motion of council regarding the uptake and governance and the transfer of operating authority of the Niagara Central Dorothy Rungeling Airport to Niagara Region; and

THAT the Council of the Township of Wainfleet approves retaining the governance and ownership of NCDRA; and

THAT a copy of this motion be forwarded to the Town of Pelham, the City of Port Colborne and the City of Welland for consideration; and

THAT a copy of this motion be forwarded to Niagara Region and Niagara Region Municipalities.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

Meredith Ciuffetelli
Deputy Clerk



Pelham Town Council
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Mayor and Council,

On Tuesday, June 15, 2021 at AMCTO's 83rd Annual Conference, your municipality was deservedly recognized as the recipient of an E.A. Danby Award in the category of Implementation of Legislation for project 2020 By-Elections.

The E.A. Danby Award is given out annually by AMCTO to acknowledge a municipality's dedication to public service excellence and for introducing innovative ways of delivering service to their community.

An award plaque has been sent directly to your municipal offices to the attention of the Chief Administrative Officer. We hope that you will find an opportunity to formally recognize this great achievement.

On behalf of AMCTO and our Board of Directors, I want to congratulate you and your Council on this accomplishment and thank you for your continued commitment to your residents.

Sincerely,

David Arbuckle, Executive Director
AMCTO

Report To: Board of Directors

**Subject: Conservation Authorities Act Phase 1 Regulations Guide -
NPCA Comments**

Report No: FA-41-21 (Revised)

Date: June 18, 2021

Recommendation:

1. **THAT** the Report No. FA-41-21 (Revised) RE: Conservation Authorities Act Phase 1 Regulations Guide with appended NPCA comments **BE RECEIVED**.
2. **THAT** the transition actions, as listed in the report, **BE REFERRED** to the Governance Committee for consideration of next steps including discussions with municipal partners.
3. **AND FURTHER THAT** the report **BE CIRCULATED** to municipalities within the NPCA's jurisdiction.

Purpose:

The purpose of this report is to update the Board on Niagara Peninsula Conservation Authority (NPCA) comments provided to the Province via Environmental Registry of Ontario. The report also provides a high-level overview of actions resulting from the proposed regulations.

Background:

The Ministry of Environment Conservation and Parks (MECP) has posted a consultation guide to the Environmental Registry on Thursday, May 13, 2021 "Ministry of the Environment, Conservation and Parks Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities". Phase 1 Regulations deal with Program and Services, Governance and Oversight as well Section 29 matters related to Conservation Authority (CA) lands. Section 28 regulations related to CA planning and permitting roles will be released in the coming months, and Phase 2 Regulations regarding the Municipal Levy will be released later in 2021.

Earlier this year, the Province established a working group of stakeholders to provide guidance in developing the proposed regulations. CA representatives on the working group have worked diligently to ensure that the regulations being developed by the Province can be efficiently implemented by the conservation authorities and stay true to the mandate of CA's to protect Ontario's watersheds.

Discussion:

Staff attended information sessions scheduled by MECP and participated in discussions with Conservation Ontario. Conservation Ontario is also working with conservation authorities to prepare a direct submission to the government. NPCA staff comments are being submitted directly to the ERO with copy to municipal staff and attached as Appendix 1.

A high-level summary of required transition actions is provided below and will be integrated with the Governance Committee Work Plan. The transition period for completion of these actions has been extended to January 1, 2023. It should be noted that these actions are in addition to the governance related changes resulting from proclamation of governance provisions in February of 2021. Additionally, more actions are anticipated through Section 28 regulations and levy regulations.

- a) Create an inventory of all programs and services by December 31, 2021.
- b) Develop a Transition Plan to be submitted to the Province by the December 31, 2021.
- c) Develop a core Watershed-Based Resource Management Strategy.
- d) Develop a Strategy for all conservation authority owned or controlled lands and Land Management Plans for each property. (The NPCA is already in the process of launching this process in 2021.).
- e) Develop a Land Acquisition Strategy (LAS). (The NPCA LAS is near completion.)
- f) Enter into agreements for municipal funding of non-mandatory programs and services that require municipal levy by January 1, 2023.
- g) Oversee the formation and operation of a Public Advisory Board. (The NPCA already has a Public Advisory Committee. The Terms of Reference will need to be updated.)

Financial Implications:

The proposed CA Act changes continue to create an extensive amount of workload and need for resources to ensure timely conformity of actions. Staff are currently working on a plan to address this need.

Related Reports and Appendices

Appendix 1 - Letter to MECP Regarding Environmental Registry of Ontario Posting 019-2986 - Conservation Authorities Act Phase 1 Regulation Guide

Authored by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Reviewed and Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
 Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

June 15, 2021

Honourable Jeff Yurek
 Minister of the Environment, Conservation and Parks
 College Park, 5th Floor
 777 Bay Street
 Toronto, ON M7A 2J3

RE: Response to Environmental Registry of Ontario Posting 019-2986 – Conservation Authorities Act Phase 1 Regulations Guide

Dear Minister Yurek,

Thank you for the opportunity to provide input to the Ministry of the Environment, Conservation and Parks (MECP) Regulatory Proposal Consultation Guide on Phase 1 Regulations. The Niagara Peninsula Conservation Authority (NPCA) would like to thank the Ministry for involving Conservation Ontario and conservation authority (CA) representatives on the Provincial Working Group of stakeholders to provide guidance in developing the proposed regulations.

The NPCA appreciates the recognition of the critical role of CA's in addressing integrated watershed management and climate change through the provision of 'Core Watershed-based Resource Management Strategy (CWRMS)' This reconfirms the role CA's play in protecting Ontario's watersheds, provides a longer-term perspective, and offers a consistent eco-system based framework for categorizing the mandatory and non-mandatory programs and services for consultation with municipalities. The NPCA will continue to work with the Province through Conservation Ontario and the Provincial Working Group to ensure that the regulations being developed can be effectively implemented and contribute to our mandate to protect Ontario's watersheds.

The NPCA has reviewed the ERO posting and offers the following specific comments:

PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES

Transition Timelines: The NPCA appreciates the provision of the proposed overall transition period to January 1, 2023 by which all agreements for the use of municipal levy must be in place. The proposed deadline would bring the new proposed financial structure for CA's into practice for the authority and municipal fiscal year of 2023. It is also required that CA's must develop a transition plan by December 31st including an overall work plan and timeline to develop and enter into agreements with municipalities; an inventory of the authority's programs and services; and any other matters as prescribed in regulation.

The proposed timeframes for the transition period should enable time for the transition plans to be developed in consultation with municipalities and coordinated with the new municipal levy regulation proposed for Phase 2. The challenging timelines can only be met if the actual regulations (both Phase 1 and Phase 2) are enacted expeditiously.

Funding for Mandatory Programs: The mandatory programs that a conservation authority is to provide includes natural hazards, source water protection, managing conservation authority owned properties, and other services specific to certain conservation authorities. The government is also proposing additional services prescribed by regulation, including a core watershed resource management strategy (CWRMS) and Provincial Water Quality and Quantity Monitoring. The NPCA is encouraged to see the inclusion of these additional services, particularly the CWRMS. We will work with Conservation Ontario on a consistent approach to the CWRMS across Ontario watersheds.

Natural Hazard Programs: Given the limited resources and other critical priorities of our municipal partners, we request the province to consider their continued funding support of critical mandated programs. Additionally, supporting private landowners with restoration and stewardship services is crucial for the overall watershed health and natural hazard management. A majority of land within the Niagara watershed is under private ownership and stewardship must be supported to address future challenges such as climate change. The recent 50% cut to MNR funding for the natural hazards program makes ongoing effective implementation challenging.

Provincial Water Quality and Water Quantity Program: Both the Provincial Water Quality (PWQMN) and Water Quantity (PGMN) Monitoring Programs are examples of successful cost sharing programs between MECP and conservation authorities. These longstanding programs provide important trend data in support of effective water management. However, the existing Provincial Water Quality and Quantity Monitoring Programs coverage is incomplete and conservation authorities have expanded these networks to provide better coverage (more monitoring outside of the Provincial Networks) for their respective monitoring networks. We ask that the province consider these expanded water quality monitoring programs eligible for inclusion into the mandatory program.

Drinking Water Source Protection Program: The NPCA requests that funding support for mandatory programs and services for conservation authorities related to Source Protection Authority responsibilities under the *Clean Water Act* remain intact. It is our understanding that MECP will continue to provide funding if conservation authorities are required to exercise and perform the powers and duties of a drinking water source protection authority; and implement programs and services related to those responsibilities.

Inclusion of Passive Recreation and Nature Awareness/Education: Included in the mandatory services is the management and maintenance of conservation authority owned lands. However, this does not include the significant aspect of passive recreation, awareness and education critical to community well-being, an important service conservation authority lands offer to the residents of Niagara. Most NPCA properties have some component of passive recreation and nature education components. In many cases, trails are integrated into the property such that it would be problematic to separate the mandatory/non-mandatory components for budgeting purposes. This has the potential to create additional operational costs in tracking the separate funding streams and performing maintenance.

Asset Management and State of Good Repair: NPCA lands and their associated infrastructure (walking trails, safety features, washrooms, signage, etc.) provide important amenities for residents of our watersheds and beyond. Excluding the repair and maintenance of these assets may result in losing facilities or infrastructure due to an inability to maintain them and would be a significant loss for users as well as a health and safety risk. As such, we ask that the proposed provision of the management plan and resource inventory in the Consultation Guide also involve the preparation of an asset management plan to assess asset conditions, current and proposed

levels of service, asset management strategy, and a financing strategy to support the lifecycle management of assets.

The NPCA is pleased to share that our conservation authority is quite advanced in this area. An asset management program has already been deployed with appropriate technology. We will be working with Conservation Ontario to facilitate transfer of this approach to our sister conservation authorities.

Memorandums of Understanding: Non-mandatory programs and services will require conservation authorities to enter into a memorandum of understanding (MOU) with funding partners. At present, CA's also have MOU's and Service Level Agreements (SLA's) with lower tier municipalities on *Planning Act* matters and other fee-for-service programs offered to lower tier municipal partners. Clarity on these MOU timing/transition requirements needs to be understood to complete the required transition plans.

PART TWO: GOVERNANCE AND OVERSIGHT OF CONSERVATION AUTHORITIES

Public Advisory Committee: The NPCA continues to consult and engage community stakeholders in all aspects of our work. The NPCA and several others CA's already have well-established watershed committees or public advisory committees with Board approved Terms of Reference included formally within the Administrative By-Laws of the respective authorities. In this regard, the NPCA would like to request that the Province address the resource needs related to governance and administration of public advisory committees. To be able to effectively deliver on a sound public engagement strategy through the public advisory committee, CA's need a minimum of two experienced full-time equivalents along with other technical experts and program costs. For transparent and adequate administration, CA's need to establish a secretariat for administration, record keeping, and management of projects. We request that these costs be identified as eligible under minimum levy.

PART THREE: OTHER REGULATORY MATTERS - Section 29 Minister's Regulation

The NPCA supports the consolidation of the various individual CA regulations under Section 29 of the Act regarding public use of an authority's property. However, we believe that our Section 29 regulation can benefit from a comprehensive update. It is proposed that the Section 29 regulation be redesigned to better align with by-laws made under the *Municipal Act* related to the use of municipal property including parks, and the *Provincial Parks and Conservation Reserves Act*, 2006 and its associated regulations, including O. Reg. 347/07: *Provincial Parks: General Provisions*.

We appreciate the opportunity to comment on this proposal and hope these comments are helpful. Any questions regarding this matter may be directed to the NPCA's Senior Manager of Planning and Regulations, David Deluce at 905-788-3135, ext. 224 or ddeluce@npca.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chandra', written over a horizontal line.

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer
Niagara Peninsula Conservation Authority

cc: Local Area CAO's
Conservation Ontario

June 18, 2021

Holly Willford
Town Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, ON
L0S 1E0

SENT ELECTRONICALLY

Dear Ms. Willford,

Please be advised that the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following resolution at its meeting of June 18, 2021:

*Moved by Ed Smith
Seconded by William Steele*

1. **THAT** the Report No. FA-41-21 (Revised) RE: Conservation Authorities Act Phase 1 Regulations Guide with appended NPCA comments **BE RECEIVED**.
2. **THAT** the transition actions, as listed in the report, **BE REFERRED** to the Governance Committee for consideration of next steps including discussions with municipal partners.
3. **AND FURTHER THAT** the report **BE CIRCULATED** to municipalities within the NPCA's jurisdiction.

Accordingly, for your reference, please find the subject Report No. FA-41-21 attached hereto. Should you have any questions or concerns in respect of this matter, feel free to contact Chandra Sharma, NPCA CAO, at (905) 788-3135 or at csharma@npca.ca.

Sincerely,

Grant Bivol

Grant Bivol
NPCA Clerk / Board Secretariat

att.



Greening the Landscape Research Consortium

Building sustainable landscapes

This is your invitation to join a growing number of Canadian municipalities and organizations as part of Vineland's Greening the Landscape Research Consortium, committed to enhancing the resilience of natural infrastructures.

As a consortium member, you will have convenient access to decision-making databases along with training and planning tools, all designed to solve some of your most costly, pressing and persistent challenges.

Membership benefits

- Make informed decisions about tree species biodiversity to avoid the economical and ecological effects of Emerald Ash Borer and Dutch Elm diseases
- Create green spaces where needed most while considering ecological and community health and well-being implications
- Take a value-chain approach by connecting all involved industry members and leverage their knowledge and perspectives
- Develop cost-benefit urban greening policies and practices fostering innovation and change

Change is coming: The 2021 Government of Canada budget focuses on greener approaches to urban design with the announcement of its Natural Infrastructure Fund.

The proposed fund will include \$200 million over three years to support natural and hybrid infrastructure projects. Are you ready to enhance your city through well-designed green infrastructure that is supported by evidence-based best practices?

For more information on the consortium and how you can get your municipality involved, please contact:

Wendy Allan, Senior Advisor, Business Development

wendy.allan@vinelandresearch.com

June 25, 2021

CL 13-2021, June 24, 2021

PEDC 6-2021, June 16, 2021

PDS 30-2021, June 16, 2021

DISTRIBUTION LIST

SENT ELECTRONICALLY

Niagara Watershed Plan- Draft for Consultation

PDS 30-2021

Regional Council, at its meeting held on June 24, 2021, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 30-2021, dated June 16, 2021, respecting Niagara Watershed Plan – Draft for Consultation, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That consultation on the draft Niagara Watershed Plan (Volumes 1 & 2), **BE INITIATED** with the public and other stakeholders, Local Municipalities, and Indigenous groups; and
2. That Report PDS 30-2021 **BE CIRCULATED** to the Local Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

A copy of PDS 30-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2021-096

Distribution List :

Local Area Municipalities

Niagara Peninsula Conservation Authority

S. Norman, Senior Planner, Planning and Development Services

D. Giles, Commissioner, Planning and Development Services

N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: Niagara Watershed Plan – Draft for Consultation

Report to: Planning and Economic Development Committee

Report date: Wednesday, June 16, 2021

Recommendations

1. That consultation **BE INITIATED** on the DRAFT of the Niagara Watershed Plan (Volume 1 & 2) with the public and other stakeholders, Local Municipalities, and Indigenous groups.
2. That Report PDS 30-2021 **BE CIRCULATED** to the Local Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

Key Facts

- The purpose of this report is to provide an overview of the Niagara Watershed Plan (NWP) project and to initiate the consultation and engagement process for the draft of Volume 1 & 2.
- PDS 17-2021 – Appendix 7.1 (May 12, 2012) provided the most recent update on the watershed planning program and the Niagara Watershed Plan (NWP) project. This report is a continuation of the work program outlined in Appendix 7.1.
- The Niagara Watershed Plan is being published in 3 volumes. Volume 1 (Characterization) and Volume 2 (Management) are in 'draft for consultation' format at this time. Links to Volume 1 & 2 are below and included as an appendix.
 - Volume 1 [full report] www.niagararegion.ca/projects/rural-and-natural-systems/pdf/nwp-vol1-draft.pdf
 - Volume 1 [text only] www.niagararegion.ca/projects/rural-and-natural-systems/pdf/nwp-text-draft.pdf
 - Volume 2 [full report] www.niagararegion.ca/projects/rural-and-natural-systems/pdf/nwp-vol2-draft.pdf
- Volume 3 of the NWP will analyze various growth scenarios as part of the overall Official Plan work program. Volume 3 will be completed later in summer 2021, once final growth scenarios are available.
- NPCA staff have been actively participating in the project.

Financial Considerations

The costs associated with completing the Niagara Watershed Plan project are accommodated within the Council approved project budget for the Niagara Official Plan.

Analysis

Introduction:

A watershed is defined as an area that is drained by a river and its tributaries. The Provincial Policy Statement (PPS, 2020) requires that watersheds be the “ecologically meaningful scale for integrated and long-term planning”.

Watershed planning is a methodology used to define values, objectives, and targets that support the protection, enhancement, or restoration of the natural resources (with an emphasis on water resources) within a watershed through the development of management plans, policies, and other related tools.

Role of the Region in Watershed Planning:

The Provincial Growth Plan and Greenbelt Plan were updated in 2017. The updated plans place a greater emphasis on the need for watershed planning to ‘inform’ land-use planning. This change was accompanied by a Provincial shift in the responsibility for watershed planning.

Specifically, Section 4.2.1.1 of the 2019 *Growth Plan* states “Upper- and single tier municipalities, partnering with lower-tier conservation authorities as appropriate, will ensure that watershed planning is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, or restoration of the quality and quantity of water within a watershed.”

Coinciding with that change in Provincial direction, through a 2018 update to the Protocol for Environmental Planning Services in the Region, the responsibility for ‘watershed planning’ was transferred to the Region, and the responsibility for ‘sub-watershed planning’ was transferred to the Local Municipalities.

Integration with the Natural Environment Work Program for the Niagara Official Plan:

To facilitate this transfer of responsibilities, one of the background reports for the Natural Environment Work Program (NEWP), which is being completed in support of the Niagara Official Plan (NOP), was the Watershed Planning Discussion Paper (WPDP). The purpose of the WPDP was to provide a better understanding of the history; new Provincial direction; and the updated process, roles, and responsibilities related to watershed planning in the Region. The WPDP provided direction in three key areas:

- The scope of watershed planning that is required to 'inform' the NOP.
- Policies for watershed planning that should be included in the NOP.
- A framework for watershed planning in Niagara moving forward.

The previously completed Watershed Planning Discussion Paper (October 2019) can be accessed here:

<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/natural-environment-watershed-planning.pdf>

The WPDP identified the need for a tertiary-level watershed plan to be completed to inform the NOP. In accordance with the direction of the WPDP a project to complete the Niagara Watershed Plan (NWP) was initiated.

Following the completion of the NOP project there will be a need for the Region to complete more detailed watershed planning at the 'quaternary-level'. The NWP has delineated 12 quaternary watersheds in the Region. Beyond that, sub-watershed planning becomes the responsibility of the Local Municipalities. Sub-watershed plans are typically completed in support of Secondary Plans or similar large-scale developments.

Niagara Watershed Plan Project:

The NWP will be published in 3 volumes:

1. Characterization
2. Niagara Watershed Management
3. Growth Analysis

Overall, several of the key outcomes of the NWP will be:

- A detailed characterization of the 3 tertiary watersheds in the Region
- A description of what features and systems should be considered required components of the water resource system (WRS) in conformance with Provincial policy
- The integration of the natural heritage system (NHS) and WRS
- Criteria to support the evaluation of various growth scenarios in the Region
- A set of goals and objectives that will inform future watershed planning in the Region
- A range of guidance on approaches that can be used to better manage natural resources in the Region
- Direction for integration with other components of the Niagara Official Plan work program

Consultation and Engagement:

The NWP project was first introduced as part of a virtual public information centre for the NOP in September 2020.

Following that, a Goals and Objectives Discussion Paper for the NWP project was shared with local municipalities, the public, and other stakeholders in November 2020 for input. This included the use of a survey which was widely shared.

The Niagara Watershed Plan – Goals and Objectives Discussion Paper (October 2020) can be accessed here:

<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/niagara-watershed-plan-discussion-paper.pdf>

The results of the consultation and engagement to date are reflected in the draft documents.

The next step in the project is to undertake a consultation and engagement program on Volume 1 & 2 of the project. Volume 3 will be released for consultation later in the summer of 2021.

A consultation summary report for the entire project will be prepared and will accompany the final version of the NWP.

Alternatives Reviewed

Council could choose to not direct staff to initiate the consultation process on the draft of Volume 1 & 2. This is not recommended.

Relationship to Council Strategic Priorities

This report is being brought forward as part of the ongoing work program for the Niagara Official Plan. The Niagara Watershed Plan project aligns with Objective 3.2 Environmental Sustainability and Stewardship:

A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.

Other Pertinent Reports

- PDS 6-2018: Natural Environment Project Initiation Report (Jan 31, 2018)
- PDS 18-2018: Natural Environment Project Framework (April 25, 2018)
- PDS 10-2019: Update on Natural Environment Work Program (Feb 19, 2019)
- PDS 32-2019: Natural Environment Background Study and Discussion Papers (Nov 6, 2019)
- PDS 26-2020: Natural Environment Work Program – Phase 4 (July 15, 2020)
- PDS 1-2021: Natural Environment Work Program – 2nd Point of Engagement (Feb 17, 2021)
- PDS 17-2021: Official Plan Update and NES Recommendation (May 16, 2021)
- PDS 3-2020: ELC Mapping Update (Feb 12, 2020)
- PDS 33-2020: ELC Mapping Final Report (Dec 9, 2020)
- CWCD 122-2019: Agriculture and Environment Groups Stakeholder Lists (Mar 29, 2019)
- CWCD 179-2019: Notice of Public Information Centres (May 19, 2019)
- CWCD 153-2020: Natural Environment Work Program Update (June 5, 2020)
- CWCD 314-2020: Update – Natural Environment Work Program (November 11, 2021)
- CWCD 2021-70: Mapping and Data for Natural Environment Options (Mar 19, 2021)

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Doug Giles, BES, MUP
Acting Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager, Community Planning and Isaiah Banach, Acting Director, Community and Long Range Planning.

Appendices

Niagara Watershed Plan - Volume 1 [full report] (Draft for Consultation)

www.niagararegion.ca/projects/rural-and-natural-systems/pdf/nwp-vol1-draft.pdf

Niagara Watershed Plan - Volume 1 [text only] (Draft for Consultation)

www.niagararegion.ca/projects/rural-and-natural-systems/pdf/nwp-text-draft.pdf

Niagara Watershed Plan - Volume 2 [full report] (Draft for Consultation)

www.niagararegion.ca/projects/rural-and-natural-systems/pdf/nwp-vol2-draft.pdf

June 29, 2021

Hon. Raymond Sung Joon Cho
Ministry for Senior & Accessibility
College Park
5th Floor
777 Bay Street
Toronto, ON
M5G 2C8

Dear Hon. Raymond Cho:

Re: Support for Town of Pelham Resolution - Accessibility Issues for Seniors

This is to confirm that at the June 28, 2021 Council Meeting the following resolution was adopted with respect to the above noted matter:

That, the resolution from the Town of Pelham passed at their regular meeting of May 17, 2021 which identifies access to essential services, through electronic means only, as an accessibility issue for seniors, be received and supported; and,

That, copy of this resolution be sent to Niagara Region and its lower tier municipalities, Niagara Age Friendly Network, Joint Accessibility Advisory Committee, MP Dean Allison and MPP Sam Oosterhoff, the Honourable Raymond Cho, Minister of Seniors and Accessibility of Ontario; and,

That, the Honourable Raymond Cho, Minister of Seniors and Accessibility of Ontario, be requested to review, and take action if necessary, whether the changes of digitizing essential services are barring seniors and vulnerable populations from accessing essential services, and to advocate for seniors and vulnerable populations and their rights to access essential services.

If you have any questions or concerns regarding the above, do not hesitate to contact the undersigned.

Respectfully,



Joanne Scime

cc. Niagara Region
Area Municipalities
Niagara Age Friendly Network

Joint Accessibility Advisory Committee
MP Dean Allison
MPP Sam Oosterhoff

X:\cl-Clerks\Council\Council-2021\Letters\ Support Accessibility Issues for Seniors



May 31st, 2021

Hon. Steve Clark

Minister of Municipal Affairs and Housing

Re: Council Resolution of Support – MPP Hillier

Dear Honourable Steve Clark,

Further to the meeting of Council on May 11th, 2021 the Council of the Corporation of the Township of Lanark Highlands passed the following motion to support the City of Kitchener's resolution regarding Planning Act timelines;

"THAT, Council support the resolution by the City of Kitchener regarding Planning Act timelines;

WHEREAS the Province of Ontario's Planning Act provides a legislative framework for processing development applications including established timeframes which permit applicants to appeal to the Local Planning Appeal Tribunal if a Council fails to make a decision within a prescribed timeline; and,

WHEREAS the passing of Bill 108 in 2019 reduced the timelines for processing development applications before they can be appealed to the Local Planning Appeals Tribunal (LPAT) for a non-decision from those outlined in Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017 as follows:

- from seven months (210 days) to four months (120 days) for Official Plan amendments;
- from five months (150 days) to three months (90 days) for Zoning By-law amendments; and
- from six months (180 days) to four months (120 days) for Plans of Subdivision; and

WHEREAS the shortened timeframes create unreasonable pressures on municipalities, even outside the context of navigating city business in a global pandemic, and result in reduced opportunities for meaningful public engagement and limited time for the public to provide written submissions on a development application;

THEREFORE BE IT RESOLVED that Lanark Highlands Township Council urge the Province of Ontario to review and reconsider the current timelines established for review of Planning Act applications before an appeal is permitted to the Local Planning Appeals Tribunal and to return to the timelines that were in effect under Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017;

THEREFORE BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Ontario Minister of Municipal Affairs and Housing, to the local MP's and MPP's, to the Federation of Canadian Municipalities, to the Association of Municipalities Ontario, and all other municipalities in Ontario."

A copy of that motion and correspondence is attached.



Thank you,

A handwritten signature in black ink, appearing to be "R. Morton".

Ryan C. Morton MPM, CIPM
CAO/Clerk
Township of Lanark Highlands

CC:

Randy Hillier – MPP, Lanark-Frontenac-Kingston
info@randyhillier.com

Scott Reid – MP, Lanark-Frontenac-Kingston
scott.reid@parl.gc.ca

Federation of Canadian Municipalities (FCM)
info@fcm.ca

Association of Municipalities Ontario (AMO)
amo@amo.on.ca

All Ontario Municipalities



CHRISTINE TARLING

Director of Legislated Services & City Clerk

Corporate Services Department

Kitchener City Hall, 2nd Floor

200 King Street West, P.O. Box 1118

Kitchener, ON N2G 4G7

Phone: 519.741.2200 x 7809 Fax: 519.741.2705

christine.tarling@kitchener.ca

TTY: 519-741-2385

March 31, 2021

Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto ON M5G 2E5

Dear Mr. Clark:

This is to advise that City Council, at a meeting held on March 22, 2021, passed the following resolution regarding Planning Act Timelines:

“WHEREAS the City of Kitchener, like many Ontario municipalities, is experiencing significant growth; and,

WHEREAS the City of Kitchener has conducted extensive work through its Development Services Review to remove red tape and improve public engagement; and,

WHEREAS the Province of Ontario's Planning Act provides a legislative framework for processing development applications including established timeframes which permit applicants to appeal to the Local Planning Appeal Tribunal if a Council fails to make a decision within a prescribed timeline; and,

WHEREAS the passing of Bill 108 in 2019 reduced the timelines for processing development applications before they can be appealed to the Local Planning Appeals Tribunal (LPAT) for a non-decision from those outlined in Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017 as follows:

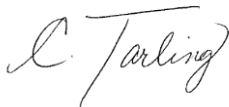
- from seven months (210 days) to four months (120 days) for Official Plan amendments;
- from five months (150 days) to three months (90 days) for Zoning By-law amendments; and
- from six months (180 days) to four months (120 days) for Plans of Subdivision; and

WHEREAS the shortened timeframes create unreasonable pressures on municipalities, even outside the context of navigating city business in a global pandemic, and result in reduced opportunities for meaningful public engagement and limited time for the public to provide written submissions on a development application;

THEREFORE BE IT RESOLVED that Kitchener City Council urge the Province of Ontario to review and reconsider the current timelines established for review of Planning Act applications before an appeal is permitted to the Local Planning Appeals Tribunal and to return to the timelines that were in effect under Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017;

THEREFORE BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Ontario Minister of Municipal Affairs and Housing, to the local MP's and MPP's, to the Federation of Canadian Municipalities, to the Association of Municipalities Ontario, and all other municipalities in Ontario."

Yours truly,



C. Tarling
Director of Legislated Services
& City Clerk

c: Honourable Tim Louis, M.P.
Honourable Raj Saini, M.P.
Honourable Marwan Tabbara, M. P.
Honourable Bardish Chagger, M.P.
Honourable Bryan May, M.P.
Honourable Amy Fee, M.P.P.
Honourable Catherine Fife, M.P.P.
Honourable Belinda Karahalios, M.P.P.
Honourable Mike Harris, M.P.P.
Honourable Laura Mae Lindo, M.P.P.
Bill Karsten, President, Federation of Canadian Municipalities
Monika Turner, Association of Municipalities of Ontario
Rosa Bustamante, Director, Planning, City of Kitchener
Ontario Municipalities

June 15, 2021

The Right Honourable Justin Trudeau,
Prime Minister

Justin.trudeau@parl.gc.ca

The Honourable Doug Ford,
Premier of Ontario

premier@ontario.ca

Honourable and Dear Sirs:

Re: Support Resolution Capital Gains Tax on Primary Residence

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on June 14, 2021 passed the following motion:

Moved by CI Karen Kirkwood Whyte, Seconded by CI Brock McGregor:

“That Chatham-Kent Council support the resolution from the Town of Fort Erie regarding Capital Gains Tax on Primary Residence”.

A copy of the above noted resolution is attached for your reference. If you have any questions or comments, please contact Judy Smith at judys@chatham-kent.ca

Sincerely,



Judy Smith, CMO
Director Municipal Governance
Clerk /Freedom of Information Coordinator

C

cschofield@forterie.ca

Local MP and MPP



PORT COLBORNE

Corporate Services Department
Clerk's Division

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 • www.portcolborne.ca

T 905.835.2900 ext 106 F 905.834.5746
E amber.lapointe@portcolborne.ca

June 25, 2021

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Resolution – Capital Gains Tax on Primary Residence

Please be advised that, at its meeting of June 14, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

That correspondence from the Town of Fort Erie regarding Capital Gains Tax on Primary Residence, be supported.

A copy of the above noted resolution is enclosed for your reference. Your favourable consideration of this request is respectfully requested.

Sincerely,

Amber LaPointe
City Clerk

ec: All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities



Community Services

Legislative Services

June 1, 2021
File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Capital Gains Tax on Primary Residence

The Municipal Council of the Town of Fort Erie at its meeting of May 31, 2021 passed the following resolution:

Whereas primary residences are currently exempt from a capital gains tax, and

Whereas currently secondary and additional non-primary properties are subject to capital gains, and

Whereas the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada, and

Whereas smaller communities including the Town of Fort Erie are seeing unprecedented higher selling prices that are outpacing prices in larger cities, and

Whereas many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation, and

Whereas a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a significant portion of their savings vested in their primary residence, as well as, reducing the ability of home ownership thereby a further, higher need for rentals, and

Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

...2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

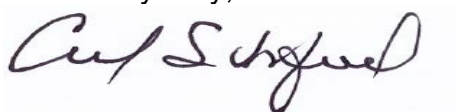
Now therefore be it resolved,

That: The Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities



June 10, 2021

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Sent via email to: Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Re: Correspondence received from the Town of Fort Erie regarding Capital Gains tax on Primary Residence

Honourable and Dear Sirs:

At the last regular General Purpose and Administration Committee meeting of the Township of Scugog held June 7, 2021, the Committee received and endorsed correspondence from the Town of Fort Erie dated June 1, 2021 with respect to Capital Gains Tax on Primary Residence. Attached please find a copy of the Town of Fort Erie's correspondence dated June 1, 2021.

Please be advised that Committee approved the following recommendation:

"THAT the correspondence received from the Town of Fort Erie regarding Capital Gains Tax on Primary Residence, be endorsed."

Please note that all recommendations made by the Committee are subject to ratification at the next Council meeting of the Township of Scugog, scheduled to take place on June 28, 2021.

Should you have any concerns, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in black ink that reads 'Becky Jamieson'.

Becky Jamieson
Director of Corporate Services/Municipal Clerk
Encl.

cc: Carol Schofield, Dipl.M.A. Manager, Town of Fort Erie, Manager, Legislative
Services/Clerk
All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities



Community Services

Legislative Services

June 1, 2021
File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Capital Gains Tax on Primary Residence

The Municipal Council of the Town of Fort Erie at its meeting of May 31, 2021 passed the following resolution:

Whereas primary residences are currently exempt from a capital gains tax, and

Whereas currently secondary and additional non-primary properties are subject to capital gains, and

Whereas the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada, and

Whereas smaller communities including the Town of Fort Erie are seeing unprecedented higher selling prices that are outpacing prices in larger cities, and

Whereas many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation, and

Whereas a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a significant portion of their savings vested in their primary residence, as well as, reducing the ability of home ownership thereby a further, higher need for rentals, and

Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

...2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

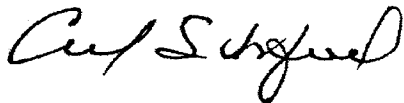
Now therefore be it resolved,

That: The Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities



Community Services

Legislative Services

June 1, 2021
File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
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The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

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The Municipal Council of the Town of Fort Erie at its meeting of May 31, 2021 passed the following resolution:

Whereas primary residences are currently exempt from a capital gains tax, and

Whereas currently secondary and additional non-primary properties are subject to capital gains, and

Whereas the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada, and

Whereas smaller communities including the Town of Fort Erie are seeing unprecedented higher selling prices that are outpacing prices in larger cities, and

Whereas many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation, and

Whereas a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a significant portion of their savings vested in their primary residence, as well as, reducing the ability of home ownership thereby a further, higher need for rentals, and

Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

...2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

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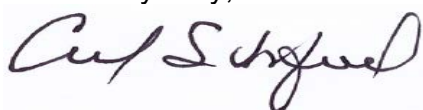
Now therefore be it resolved,

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That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities



City of Welland
Corporate Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

June 21, 2021

File No. 21-4

SENT VIA EMAIL

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Attention: Carol Schofield, Manager, Legislative Services/Clerk

Dear Ms. Schofield:

Re: June 15, 2021 – WELLAND CITY COUNCIL

At its meeting of June 15, 2021, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Town of Fort Erie dated June 1, 2021 regarding Capital Gains Tax on Primary Residence.”

Yours truly,

Tara Stephens
City Clerk

TS:bl

c.c.: - Ann-Marie Norio, Regional Clerk, Niagara Region sent via e-mail
- Local Area Municipalities, sent via e-mail



The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

June 18th 2021

Honourable and Dear Sirs:

Re: Capital Gains Tax on Primary Residence

Please be advised that on June 16th 2021 the Town of Plympton-Wyoming Council passed the following motion to support the Council of the Town of Fort Erie motion (attached) requesting that the Province of Ontario work with the Federal Government to address concerns regarding Capital Gains Tax on primary residences.

Motion 23

Moved by Muriel Wright, Seconded by Gary Atkinson that Council support item 'w' of correspondence from the Town of Fort Erie regarding Capital Gains Tax on Primary Residences.

Motion Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak

Clerk

ekwarciak@plympton-wyoming.ca

Cc: (via e-mail)

All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities

The Corporation of the Town of Plympton-Wyoming

P.O. Box 250, 546 Niagara Street, Wyoming Ontario N0N 1T0

Tel: 519-845-3939 Ontario Toll Free: 1-877-313-3939



Community Services

Legislative Services

June 1, 2021
File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Capital Gains Tax on Primary Residence

The Municipal Council of the Town of Fort Erie at its meeting of May 31, 2021 passed the following resolution:

Whereas primary residences are currently exempt from a capital gains tax, and

Whereas currently secondary and additional non-primary properties are subject to capital gains, and

Whereas the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada, and

Whereas smaller communities including the Town of Fort Erie are seeing unprecedented higher selling prices that are outpacing prices in larger cities, and

Whereas many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation, and

Whereas a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a significant portion of their savings vested in their primary residence, as well as, reducing the ability of home ownership thereby a further, higher need for rentals, and

Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

...2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

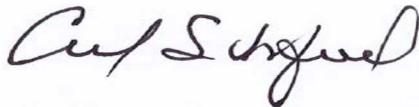
Now therefore be it resolved,

That: The Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities



Township of Perry

PO Box 70, 1695 Emsdale Road, Emsdale, ON POA 1J0

PHONE: (705)636-5941

FAX: (705)636-5759

www.townshipofperry.ca

June 17, 2021

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON L1A 0A6
justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

RE: Capital Gains Tax on Primary Residence

Please be advised that at their last regularly scheduled meeting on Wednesday, June 16, 2021, the Council of the Corporation of the Township of Perry carried the following resolution:

"Resolution No. 2021-255

Moved By: Paul Sowrey

Seconded By: Jim Cushman

Be it resolved that the Council of the Corporation of the Township of Perry hereby supports the resolution received from the Town of Fort Erie regarding the proposed Capital Gains Tax on Primary Residences; and

Further that a copy of this support be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Doug Ford, Premier of Ontario, Honourable Scott Aitchison, MP Parry-Sound Muskoka, Honourable Norm Miller, MPP Parry Sound-Muskoka, The Town of Fort Erie, and All Ontario Municipalities.

Carried."

Enclosed please find a copy of the resolution supported by the Municipal Council for the Town of Fort Erie on May 31, 2021.

Thank you for your attention on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bmorton'.

Beth Morton
Clerk-Administrator

Encl.

c.c. Honourable Scott Aitchison, MP Parry Sound-Muskoka
Honourable Norm Miller, MPP Parry Sound-Muskoka
Carol Schofield, Clerk, Town of Fort Erie (cschofield@forterie.ca)
All Ontario Municipalities

BM/ec



Community Services

Legislative Services

June 1, 2021
File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Capital Gains Tax on Primary Residence

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Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

...2

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Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

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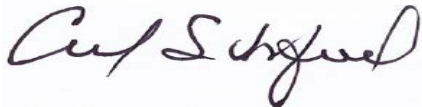
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That: The Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities



2069 Battersea Rd.
Glenburnie, ON K0H 1S0

F: 613.548.8460

Page 300 of 409

I trust you will find this in order; however should you have any questions or concerns, please do not hesitate to contact me at 613-548-9400, ext. 302 or via email at jamini@frontenacounty.ca.

Yours Truly,



Jannette Amini, Dipl.M.M., M.A. CMO
Manager of Legislative Services/Clerk

Copy: Ontario Municipalities
File



Community Services

Legislative Services

June 1, 2021
File #120203

Sent via email: hwillford@pelham.ca

Holly Willford, Town Clerk
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Willford:

Re: Request Niagara Region to Delay Official Plan Update

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 31, 2021 received your correspondence dated April 23, 2021 requesting the Niagara Region to Delay the Official Plan Update.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca
CS:dlk

June 1, 2021

The Honourable Doug Ford, Premier of Ontario
Via Email

Dear Premier Ford;

Re: Elimination of LPAT

Please be advised that Council for the Town of Halton Hills at its meeting of Tuesday, May 25, 2021, adopted the following Resolution:

Resolution No. 2021-0115

WHEREAS The Government of Ontario, on June 6, 2019, passed the *More Homes, More Choice Act*, 2019, (Bill108);

AND WHEREAS the changes to the Local Planning Appeal Tribunal (LPAT), contained in Bill 108 gives LPAT the authority to make final planning decisions based on a subjective "best planning outcome" approach rather than compliance with municipal and provincially approved official plans and consistency with provincial plans and policy;

AND WHEREAS Bill 108 restricts third party appeals of plans of subdivision only to the applicant, municipality, Minister, public body or prescribed list of persons;

AND WHEREAS Bill 108 takes local planning decision-making out of the hands of democratically elected municipal councils and puts it into the hands of a non-elected, unaccountable tribunal;

AND WHEREAS the LPAT adds cost and delays delivery of affordable housing by expensive, time consuming hearings, contrary to the intent of the *More Homes, More Choice Act*, 2019;

AND WHEREAS Regional and City/Town Councils have spent millions defending provincially approved plans at the OMB/LPAT;

AND WHEREAS Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans;

NOW THEREFORE BE IT RESOLVED THAT in the short term, the Minister of Municipal Affairs and Housing immediately restore the amendments to the Planning Act that mandated the evaluation of appeals on a consistency and conformity with Provincial policies and plans basis;

AND FURTHER THAT in the long term the Government of Ontario eliminate the LPAT entirely, as an antiquated body that slows delivery and adds costs to housing supply via expensive and drawn out tribunal hearings;

1 Halton Hills Drive, Halton Hills, Ontario L7G 5G2

Tel: 905-873-2600

Toll Free: 1-877-712-2205
haltonhills.ca

Fax: 905-873-2347

AND FURTHER THAT this resolution be forwarded to the Premier, the Minister of Municipal Affairs and Housing, Halton's Members of Provincial Parliament, Leaders of the New Democratic, Liberal and Green parties, the Association of Municipalities of Ontario, the Small Urban Mayors' Caucus of Ontario, Mayors and Regional Chairs of Ontario and Halton's local municipalities.

CARRIED

Attached for your information is a copy of Resolution No. 2021-0115.

If you have any questions, please contact Valerie Petryniak, Town Clerk for the Town of Halton Hills at 905-873-2600 ext. 2331 or valeriep@haltonhills.ca.

Yours truly,



Melissa Lawr
Deputy Clerk – Legislation

- c. The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Halton's Members of Provincial Parliament
Leaders of the New Democratic, Liberal and Green parties
Association of Municipalities of Ontario (AMO)
Small Urban Mayor's Caucus of Ontario
Mayors and Regional Chairs of Ontario
Halton Region
Town of Milton
Town of Oakville
City of Burlington

1 Halton Hills Drive, Halton Hills, Ontario L7G 5G2

Tel: 905-873-2600

Toll Free: 1-877-712-2205
haltonhills.ca

Fax: 905-873-2347



Community Services

Legislative Services

June 22, 2021

File #120203

Sent via email: Justin.trudeau@parl.gc.ca

The Right Honourable Justin Trudeau,
Prime Minister of Canada
House of Commons
Ottawa, ON K1A 0A6

Honourable and Dear Sir:

Re: Licensing of Cannabis Operations – Previously Operating Illegally

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of June 21, 2021 passed the following resolution:

Whereas there have been a number of illegal cannabis grow operations within the Town of Fort Erie, and

Whereas these illegal cannabis operations take significant municipal and regional manpower to control, and pose a significant threat to nearby communities, and

Whereas monetary fines and penalties do not restrict cannabis growers from future illegal cannabis activities on the lands, and do not appear to be enough of a deterrent, and

Whereas operating an illegal cannabis grow operation does not restrict the owners from applying for a legal licence to Health Canada through another responsible person, and

Whereas the licensed operators for the grow facilities may be producing for owners or owners within a corporation previously convicted of an offence;

Now therefore be it resolved,

That: The Federal Government look at prohibiting the ability to obtain a licence to grow cannabis if any of the owners including those owners within a corporation have ever been convicted of operating an illegal cannabis operation, and further

That: The Federal Government look at restricting lands previously operated for illegal cannabis use from obtaining a licence for a period of 5 years from the date of the offence, and further

.../2

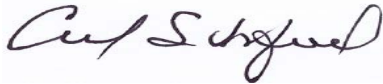
That: The Federal Government require that before submitting an application to the Minister for a licence for cultivation, a licence for processing or a licence for sale that authorizes the possession of cannabis, the person that intends to submit the application must first obtain a letter of compliance from the following authorities in the area in which the site referred to in the application is located:

- (a) the local government;
- (b) the local fire authority; and
- (c) the local police force or the Royal Canadian Mounted Police detachment that is responsible for providing policing services to that area, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Minister of Health Patty Hajdu, All members of Parliament, All municipalities, Niagara Regional Police, Royal Canadian Mounted Police and the Federation of Municipalities of Ontario for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. The Honourable Patty Hajdu, Minister of Health (Canada) Patty.Hajdu@parl.gc.ca
All Members of Parliament (MP's)
Ontario Municipalities
Chief of Police, Bryan MacCulloch, Niagara Regional Police Service deb.reid@niagarapolice.ca
Commissioner Brenda Lucki, RCMP Brenda.Lucki@rcmp-grc.gc.ca
Federation of Canadian Municipalities

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2021-3044

June 30, 2021

Your Worship
Mayor Marvin Junkin
Town of Pelham

Dear Mayor Junkin,

Thank you for your application to the second intake of the **Municipal Modernization Program** and for your commitment to delivering modern, efficient services that are financially sustainable.

Under the third-party review stream, I am pleased to inform you that the Ford government will provide funding of up to:

- \$40,000 towards: Town of Pelham Web-Based Services Review,
- \$143,505 towards: Town of Pelham Corporate Services Function Review, and
- \$60,000 towards: Town of Pelham Digitizing Human Resources Performance Management System Review

All funding is for the cost of an independent third-party reviewer to deliver a final report with specific and actionable recommendations for cost-savings and efficiencies by November 30, 2021.

In 2019, the Ford government launched the MMP to help small and rural municipalities modernize service delivery and identify new ways to be more efficient and effective. The impacts of the COVID-19 outbreak have made this work more important than ever. The projects selected for funding under the second intake of the Municipal Modernization Program will further support municipalities' efforts to implement efficiencies, with a focus on digital modernization, service integration, streamlining development approvals and alternative service delivery.

I understand how important this work will be to your community. To help you get started, an interim payment will be issued following execution of a transfer payment agreement. Ministry staff will forward instructions and a transfer payment agreement for each approved project in the coming days and will work with you to have it finalized. If you

have questions, please contact your municipal advisor, or email municipal.programs@ontario.ca.

I would like to offer my congratulations on this funding approval and extend my best wishes as you work to improve service delivery and administrative efficiency in your municipality.

Sincerely,



Steve Clark
Minister

- c. David Cribbs, CAO, Town of Pelham
Teresa Quinlin, Director of Corporate Services and Treasurer, Town of Pelham
Parliamentary Assistant Sam Oosterhoff, MPP, Niagara West

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2021-3044

June 30, 2021

Your Worship
Mayor Marvin Junkin
Town of Pelham

Dear Mayor Junkin,

Thank you for your application to the second intake of the **Municipal Modernization Program** and for your commitment to delivering modern, efficient services that are financially sustainable.

Under the third-party review stream, I am pleased to inform you that the Ford government will provide funding of up to \$60,000 towards:

- Town of Pelham and Town of Lincoln Joint Public Library Merger Review

All funding is for the cost of an independent third-party reviewer to deliver a final report with specific and actionable recommendations for cost-savings and efficiencies by November 30, 2021.

In 2019, the Ford government launched the MMP to help small and rural municipalities modernize service delivery and identify new ways to be more efficient and effective. The impacts of the COVID-19 outbreak have made this work more important than ever. The projects selected for funding under the second intake of the Municipal Modernization Program will further support municipalities' efforts to implement efficiencies, with a focus on digital modernization, service integration, streamlining development approvals and alternative service delivery.

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I would like to offer my congratulations on this funding approval and extend my best wishes as you work to improve service delivery and administrative efficiency in your municipality.

Sincerely,



Steve Clark
Minister

c. David Cribbs, CAO, Town of Pelham

Teresa Quinlin, Director of Corporate Services and Treasurer, Town of Pelham

Parliamentary Assistant Sam Oosterhoff, MPP, Niagara West

Sandra Easton, Mayor, Town of Lincoln

Mike Kirkopoulos, CAO, Town of Lincoln

Solicitor General

Office of the Solicitor General

25 Grosvenor Street, 18th Floor
Toronto ON M7A 1Y6
Tel: 416 326-5000
Toll Free: 1-866-517-0571
SOLGEN.Correspondence@ontario.ca

Solliciteur général

Bureau du solliciteur général

25, rue Grosvenor, 18^e étage
Toronto ON M7A 1Y6
Tél. : 416 326-5000
Sans frais : 1-866-517-0571
SOLGEN.Correspondence@ontario.ca



132-2021-2894

By email

July 8, 2021

Dear Heads of Council:

With warmer weather underway, it is important to ensure pets across the province remain safe, cool and comfortable. The Ontario government is strongly urging everyone to take the necessary precautions to keep their pets safe and protected during the hot summer months including making sure that pets are not left unattended in a vehicle.

Temperatures inside a vehicle can quickly become much hotter than the temperature outside. The most dramatic rise in temperature occurs within the first 10 minutes that a vehicle is idle. Even at an outdoor temperature of only 25°C, the inside temperature of a car can reach 34°C in as little as 10 minutes and up to 50°C by the time an hour has passed. Pets can be put at risk of serious illness and possibly death as a result of being left in a vehicle during hot weather. If an individual sees an animal in a hot car in distress and is concerned the animal's life is in danger, they should call 911 immediately as it is an emergency. Members of the public are not encouraged to enter a vehicle in these situations.

Pursuant to the *Provincial Animal Welfare Services Act, 2019*, police officers, First Nations Constables, and animal welfare inspectors may enter motor vehicles to remove animals in critical distress. Police officers commonly provide primary response to 911 calls for service across the province related to animals left in motor vehicles.

In addition, the *Fire Protection and Prevention Act, 1997*, provides authority for firefighters to enter motor vehicles to rescue and remove animals in distress, noting that municipal councils set the levels of fire protection services which may include the rescue of animals in motor vehicles.

To support firefighters in exercising this rescue function, the Ministry of the Solicitor General, through the Office of the Fire Marshal, has issued the attached Fire Marshal's Communiqué which provides information about a new, voluntary training e-module available to firefighters. This additional resource may assist fire services to effectively respond to animals left in hot or cold motor vehicles to best safeguard animal welfare.

.../2

Where appropriate, municipal councils, through their fire departments, may wish to work with and share this information with local communications and dispatch personnel to support effective dispatch of 911 calls for service related to animals left in hot or cold motor vehicles.

I appreciate your continued partnership to help protect animals in Ontario.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sylvia Jones', with a stylized, cursive script.

Sylvia Jones
Solicitor General

Enclosure

c: Chief Administrative Officers
Municipal Clerks

COMMUNIQUÉ

du commissaire des incendies

July 8, 2021

No. 2021-06

Responding to Animals Left in Motor Vehicles Training E-Module

Ontario's [Provincial Animal Welfare Services Act, 2019](#) (PAWS Act) came into effect on January 1, 2020 and allows police, First Nations constables and provincial animal welfare inspectors to enter motor vehicles to remove animals in critical distress. In accordance with the [Fire Protection and Prevention Act, 1997](#) (FPPA), municipal councils set the levels of fire protection services which may include the rescue of animals in motor vehicles. The FPPA provides authority for firefighters to enter motor vehicles to rescue and remove animals in distress.

To support firefighters in exercising this rescue function, the Ministry of the Solicitor General has developed a new voluntary, training e-module for fire services on responding to animals left in motor vehicles. The training e-module is available at the following link: <https://ofc.cerps.ca/mod/scorm/view.php?id=47233>. If prompted, users should log in as a guest.

The module includes information related to:

- The risks of an animal being left in a motor vehicle, and where the ministry directs the public to report these incidents;
- Authorities and protections under the FPPA related to rescuing animals left in motor vehicles;
- How to assess whether an animal in a motor vehicle is in distress, guidance on handling of the animal and immediate steps that can be taken to relieve the animal's distress; and,
- Who to contact when an animal has been removed from a motor vehicle.

In addition to this Communiqué, a letter is being sent to municipal councils and a copy of this Communiqué is attached to that letter.

For further information, please contact your local Fire Protection Adviser.

Sarah Leach

Subject: RE: Request for Council to endorse ICAN International Cities Appeal

From: Dave Nicholson [REDACTED]

Sent: Sunday, July 11, 2021 3:29 PM

To: Marvin Junkin <MJunkin@pelham.ca>; Marianne Stewart <MStewart@pelham.ca>; Ron Kore <RKore@pelham.ca>; John Wink <JWink@pelham.ca>; Lisa Haun <LHaun@pelham.ca>; Bob Hildebrandt <BHildebrandt@pelham.ca>; Wayne Olson <WOlson@pelham.ca>

Cc: Holly Willford <HWillford@pelham.ca>

Subject: Request for Council to endorse ICAN International Cities Appeal

This is an approach to the Town of Pelham to join the ICAN(ICANW.org) Cities Appeal, which has the potential to be amongst the most defining actions of Council in the year.

I am Dr David Nicholson, a 21 year resident of Fonthill and a member of the Canadian branch of the Nobel Peace Prize winning International Physicians for Prevention of Nuclear War (IPPNW). I am requesting that the Town of Pelham support the Cities Appeal, which is being led by the International Campaign to Abolish Nuclear Weapons (ICAN). So far , Toronto and Oakville have signed on to this hundreds- strong appeal: we would be the first in Niagara.

The Cities Appeal involves an endorsement by a municipality, indicating its support for the United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW), and calling for the federal government to sign and ratify it without delay. As a parent and grandparent I care deeply about the threat posed by nuclear weapons. I am part of a global effort to encourage municipalities to take a stand against these inhumane and indiscriminate weapons, thus influencing Government policy.

The TPNW was adopted at the United Nations General Assembly in 2017, and came into force in January 2021. It is ground breaking: a huge step forward towards the goal of eliminating nuclear weapons from the planet. The Nobel Peace Prize Committee acknowledged the Treaty as providing the best pathway towards this goal, when it awarded ICAN the 2017 Nobel Peace Prize . The Treaty prohibits states from developing, testing, producing, manufacturing, transferring , possessing, stockpiling, using or threatening to use nuclear weapons. It prohibits states from allowing nuclear weapons to be stationed on their territory. It also prohibits them from assisting, encouraging or inducing anyone to engage in any of these activities. It is the first international treaty which explicitly states that nuclear weapons are illegal weapons. But Canada has not signed on.

Despite the acknowledgement by Presidents Biden and Putin that a nuclear war can never be won and should never be fought, the ongoing nuclear modernization programs of nuclear- armed states are continuing to expand the number of nuclear weapon delivery vehicles, which increases the likelihood of the use of nuclear weapons, by accident, error or intent. Nuclear weapons threaten every nation's security, and if used, would have catastrophic humanitarian consequences. The impact on civilians and the environment would be devastating. These weapons are designed to flatten cities and indiscriminately raze everything and slaughter everyone in their path.

As cities are the main targets of nuclear weapons, municipalities and their elected officials have a special responsibility to their constituents to speak out against any role for nuclear weapons in national security policy. Living in one of the most tranquil and healthy places in the world, we need to do everything we can to protect it.

As the Red Cross said in 2014, nuclear weapons can only bring us to a catastrophic and irreversible scenario which no one wishes and to which no one can respond in a meaningful way.

This Treaty, through its stigmatizing normative effect, offers the best hope of ending decades of deadlock in disarmament, and moving the world towards the elimination of nuclear weapons.

So my request is simply, (1) that Council endorse the Cities Appeal (SEE BELOW), and
(2) that you inform the federal Foreign Affairs Minister that you have taken this action.
(Email : marc.garneau@parl.gc.ca)
(3)that you notify ICAN that you have taken these steps.
(Email : info@icanw.org)

My Sincere Thanks,

David Nicholson (Dr)

TEXT OF CITIES APPEAL : Our town is deeply concerned about the threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long lasting consequences for people and the environment. Therefore we support the Treaty on the Prohibition of Nuclear Weapons and call on our government to sign and ratify it.

Pelham – the Town At the Top of the Twelve

Discovering our many waterfalls draws thousands of visitors to Pelham and the Niagara Region in the spring and fall. Back in the day there were many water courses draining from the escarpment year-round. But sadly development, deforestation and population growth has caused these streams to dry up during the summer. The cold, spring fed Upper Twelve Mile Creek may be one of Pelham residents' favourite environmental features, but it's also one of only a few Niagara streams that still flow year-round and support native cold-water fish species like Brook Trout. Yet as our town grows so are we degrading this valuable resource.

Urban development like what we see up and down Hwy20 in Fonthill brings about a fundamental shift in the natural water balance. As vegetated land is replaced with hard surfaces like buildings, roads, and parking lots, surface runoff becomes the primary drainage mechanism. As water runs off paved surfaces it picks up sediment, road salts, metals, oils, pesticides, and other harmful pollutants, which are conveyed directly from above the watershed into Twelve Mile Creek. Before these vegetated lands were urbanized, most storm water falling on the Fonthill Kame Moraine either evaporated with the help of the vegetation or percolated into the leaky glacial soils. As we paved these areas and put impervious roof tops over our structures, we diverted most of this evapotranspiration and percolation into a much larger volume of fast-moving surface runoff to very fragile stream channels. These large runoff volumes have contributed to increased erosion, higher risk of flooding, property damage and the destruction of the natural biodiversity of Twelve Mile Creek. You can easily observe the excessive water flows and the corresponding damage to the properties of Pelham Cares and the Lions Club at the outlet of the pond below the Community Centre on the north side of Hwy20 or at the outlet of the stormwater pond at the north end of Station St.

Conventional approaches to the management of urban runoff include structural practices such as wet ponds and detention chambers, focused on detaining stormwater and controlling the rate at which water is discharged into receiving waters. In recent years, unique flood events attributed to Climate Change have shown that these approaches are not enough. Urban water runoff management must become more holistic, and we must have a greater emphasis on green infrastructure and low impact development (LID) if we are to preserve Twelve Mile Creek for the next generation to enjoy.

The good news is that existing conventional stormwater management approaches can be successfully adapted to incorporate more of these practices in order to promote widespread adoption of the water balance approach by engineers, planners and other practitioners in the development industry. The water balance approach seeks to recreate the original pre-urbanization balance of evapotranspiration (from vegetation), percolation back into the cooling and cleaning soils of the Fonthill Kame Moraine and runoff in stream channels. We can start to return to a more natural state as it was before the massive changes precipitated by intense human land development.

More good news, the Town of Pelham is considering taking an important and bold step to preserve the precious natural heritage that is Twelve Mile Creek. Councillors and the mayors are working in partnership with town engineers and planners to engrain Green Infrastructure and LID as policy in the Town's design manual. Rather than hoping for an arbitrary or haphazard adoption of these principles, a green infrastructure and LID policy will ensure that developers, builders, and town planners adopt natural or built systems at the design stage. This policy will yield huge ecological benefits and help to maintain pre-development water flows.

Pelham can pride itself on being the 'Town At the Top of the Twelve' only if there is a Twelve to be proud of. By taking a holistic approach to storm water management, we will join a growing list of progressive municipalities that have taken the important step to ensure our grandchildren and their grandchildren will enjoy natural resources like Twelve Mile Creek.

Dennis Edell

Chair, Niagara Chapter Trout Unlimited Canada

We, the undersigned residents of Pelham, endorse this letter from the Niagara Chapter of Trout Unlimited Canada and request that the Town of Pelham proceed to imbed LIDS and Green Infrastructure policies in Town policy and design manuals. We also suggest that as part of this initiative, the Town consider a "Homeowners' Manual" to be given to all residents, especially residents in new developments, that would encourage the proper use of green infrastructure applications such as rain barrels, swales, soakaway pits, rain gardens, tree and shrub planting, permeable driveways, etc.

Rick Strosberg, Fonthill

Rob and Ruth Gabourie, Fonthill

Doug Leavens, North Pelham

Felix Barbetti, Fonthill

Brian Green, Fenwick

Valerie Grabove, Fenwick

Ian Smith, Fonthill

Kent Ratcliffe, Fonthill

Graham Pett, Fonthill

Sarah Fuller, Ridgeville

Kerry Kennedy, Fonthill

Tanya Gapczynski, Fonthill

David Fennel, Fonthill

**RESPONSE TO TOWN OF PELHAM- TREE MAINTENANCE POLICY
POLICY #S802-01, REVISION DATE-June 7, 2021**

TO: Mr. Ryan Cook, Manager of Public Works
Ms. Holly Willford, Town Clerk

July 17, 2021

Dear Mr. Cook and Ms. Willford:

We, of the Pelham Tree Conversation Society (PTCS), are pleased to submit our comments and recommendations pertaining to the TOWN OF PELHAM- TREE MAINTENANCE POLICY, POLICY #S802-01, REVISION DATE-June 7, 2021. Our goals are to promote the preservation of our urban forest and help facilitate public discussion and education on the value of our trees. Today we find the trees still undervalued by the public, the town, and developments. We are determined to make positive change by increasing our tree canopy and lessen our Town's carbon footprint.

Firstly, we would like to thank Town of Pelham (TOP) Council and Staff for their efforts in addressing this matter and for the creation of the Revised Tree Maintenance Policy. After some 20 plus years of citizens advocating for a more comprehensive action plan to protect and grow Pelham's tree canopy and with what has essentially been up to this time two false starts to this end, we are gratified to discern that the Town administration now appears to be serious regarding the issue of caring for the remaining trees that grace our town. We submit this document in the spirit of cooperation and inclusiveness, and with the hoped for realization that TOP staff and Council understand that many citizens care about this issue and want to be part of the solution.

Of course, only time will tell if the Town will be willing to follow through on this new promise of a Tree Maintenance Policy. In this regard, in communication with Mr. Ryan Cook, Manager of Public Works, we have sought assurance that there will be follow through from Public Works in administering this policy. As noted on page 1 of the Policy, 1. Purpose, 2nd paragraph, it is stated; "The specific goals on this Tree Maintenance Policy are to develop an integrated set of objectives and procedures that will combine to form a set of overall working guidelines....". We understand that an operational manual will be devised arising from this Policy and that there will be performance standards established, measurements taken and bench-marks set, this so Council will be able to assess and thus determine if the Policy is being properly and fully implemented. If it is not, then we would expect Council to act accordingly to rectify any short-comings. Although not formally addressed in the current Policy, we would strongly recommend that a yearly report be provided to Council from TOP Public Works so that Council (along with the citizens of Pelham), can undertake appropriate oversight to ensuring that the proposed Policy is being fully implemented.

In review of page 1, 1. Purpose, and the stated objectives of this new Policy (a to g), by and large we consider these to represent worthy and realistic objectives on which to guide the operational procedures for carrying out the Policy. However, there is one glaring deficiency and this relates to objective (a). One cannot imagine that any responsible person will want to see a net loss of trees on municipal property, even though it appears to many this has been the case in our recent past. Pertaining to the continuing statement in section (a), that being ".....and that every effort shall be made to increase tree planting and expand the tree canopy within the TOP", it is our opinion that this Policy does not in any way sufficiently address that objective. Again, in communication with Mr. Cook, he advised that expanding the TOP tree canopy was not an objective of this Maintenance Policy. He relayed that a Councilor has requested a study of the TOP tree canopy and he believes that the Planning Dept. will undertake this, but this has not been determined at this time. We believe the issue of expanding the tree canopy is a VITALLY important one and feel very strongly this is an issue Council

must address in the very near future. We will have more to say on this in the concluding section of this submission.

In review of the report of Mr. Cook titled; Subject: Review of the Proposed Tree Management Policy, it is stated the Town's tree canopy is a source of civic pride and a major component of Pelham's environmental health and future sustainability, and that the care and maintenance of municipal trees is a priority. Further it was stated in relation to the TOP Strategic Plan relationship, that the tree canopy within the municipal boundary is VITAL to the high quality of life within the TOP. Further, section 10.1 states "Public trees should be preserved whenever possible". The PTCS wholly endorses these tenants.

With the above principles in mind, we respectfully request that regarding the revised Policy S802-01 of June 7, 2021, that Council give the directive that utmost priority is for the preservation of municipal trees and that only highly compelling reasons (i.e. a dead or dying tree to be taken down, safety issues, unavoidable during construction, etc), will serve as over-riding guidance to TOP staff when a decision to remove a tree hangs in the balance. In other words, the bar must be set very high for the TOP to sanction tree removal.

In the following section, please find our commentary with respect to the the actual workings of the proposed Policy and our recommendations for wording changes and additions. These are highlighted in green. Our sole purpose in doing so is to make a good policy even better!

Town of Pelham: Public Works and Utilities

SUGGESTED REVISIONS by the Pelham Tree Conservation Society

Policy Name: Tree Maintenance Policy

Policy No: S802-01

1. Purpose

The purpose of this policy is to provide a process that addresses the maintenance and use of trees in municipal parks, municipal rights of way and other municipal owned lands with a goal of promoting a healthy and robust tree canopy within the Town of Pelham.

The specific goals of this Tree Maintenance policy are to develop an integrated set of objectives and procedures that will combine to form a set of overall working guidelines that will:

- a) Ensure that there shall be no net loss of trees on municipal property and that every effort shall be made to increase tree planting and expand the tree canopy within the Town of Pelham.
- b) Ensure that all trees on Town properties are adequately protected from destruction, loss or damage.
- c) Increase species diversity in municipal parks, rights of way and other municipally owned or controlled lands.
- d) *All trees* planted should be native trees including Carolinian species.
- e) *Complete a full tree inventory of all Town of Pelham municipal trees with a minimum caliper of 50mm at breast height.*
- f) The health and vigor of public trees shall be ensured through regular tree inspection and pruning cycle.
- g) Opportunities shall be provided *to educate the town council, staff, contractors, and citizens* of the Town of Pelham on the ecological, aesthetic, economic and social benefits of trees.

2. Policy Statement

It will be the policy of the Town of Pelham to protect and maintain municipally owned trees, and to promote a healthy, *expanding* and robust tree canopy within the Town of Pelham.

3. Policy Constraints

This *policy applies to all* municipally owned lands within the Town of Pelham including road

allowances, municipal boulevards, parks, trails, and green spaces.

The policy may be affected by the financial resources, regulatory restrictions and requirements from other departments and agencies.

4. General Provisions

4.1 All tree maintenance operations performed on public property shall be carried out by *duly trained and appropriately qualified* town staff or contractor acting for the Corporation of the Town of Pelham.

4.2 All tree maintenance work shall be carried-out by trained persons (see 4.1) in accordance to the Ontario Occupational Health and Safety Act and Regulations, as well as established Town of Pelham Public Works Operating Procedures.

4.3 All costs incurred as a result of intentionally causing injury or removal of Municipal trees shall be recovered as outlined in the schedule of Fees and Charges under By-law 37-28(2016).

4.4 Tree removal, replacement or pruning required by a property owner for reasons which are to their benefit only, shall be at the property owner's expense, upon approval from the *Town of Pelham and shall be in keeping with the town's Tree Policy.*

4.5 Tree removal, replacement, or pruning required for the installation of a new entrance, modification of an existing entrance, and/or utility servicing, shall be at the property owner's expense, upon approval from the Town of Pelham.

4.6 *The Town of Pelham* may require an ISA Basic Tree Risk Assessment be completed prior to the removal, or pruning of a public tree for the purposes of new entrance installation, modification of an existing entrance and/or utility servicing, at the property owner's expense *and must be in keeping with the Town of Pelham Tree Policy*

4.7 *An annual report on the state of the Town of Pelham's municipal trees, including but not limited to inventories, reductions, and additions, should be compiled with the assistance of the Forestry Advisory Committee (* SEE FURTHER RECOMMENDATIONS SECTION) and the Town's Arborist.*

5. Climate Change

While it is difficult to predict exactly what climate change will mean for the health of Pelham's urban forest, some of the trends that have been identified *may* include:

- a) Warmer winter temperatures and longer growing seasons.
- b) Changes in the seasonality of precipitation and extreme events like droughts and heavy rainfalls.
- c) Expanded ranges of insects and increased over-winter survival rates of pests.
- d) Increasing severity of pest and disease outbreaks.
- e) Increased frequency and severity of storm events.

Based on current climate projections and projected impacts, the Town has incorporated a specific goal in the adaptation plan to preserve, protect, restore *and expand* the Town's urban and rural forests and includes five actions for adapting to the impacts of climate change.

The Town will endeavour to consider all aspects of climate change when planning any tree selection and planting projects to minimize effects.

6. Tree Inspection and Inventory

6.1 Public trees within the urban boundary shall be inspected at least once *every five* years by qualified staff to determine their general state of health and identify required maintenance.

6.2 Staff will maintain an up-to-date inventory of all public trees within the urban boundary. Records shall include geo-location, diameter, species, total tree height, crown height, and crown width.

6.3 Moved to Construction Section

7. Tree Pruning

7.1 Trees are pruned primarily to prevent damage to human lives and property, and to preserve healthy trees.

7.2 Trees within the urban boundary shall be pruned on a *3-to-5-year* cycle. Trees outside the urban boundary shall be pruned as required.

7.3 Pruning will be completed for the following reasons:

A} To remove dead, split, dangerous and broken branches. Branches are considered dangerous when they are decayed, hollow or split to the point of being structurally unsound.

B} To optimize airflow within the trees canopy to maintain health and reduce infestation.

C} To lighten crown loads when a structural defect is present.

D} To remove low hanging live branches to a height of 2.4m when they interfere with pedestrian traffic;

E} To remove low hanging live branches to a height of 4.3m when they interfere with vehicular traffic;

F} To remove branches that obscure clear vision of warning signs, traffic signs or traffic movement;

G} To avoid interference with street lights, overhead wires, roofs and other structures;

H} To reduce encroachments to sidewalks, roads, drainage structures and ditches;

I} To increase structural stability by removing branches that forms an acute angle of attachment.

7.4 When pruning is undertaken in woodlots and other natural areas, the limbs and brush are left onsite in a safe manner, in a location not to impede drainage, to decompose naturally.

7.5 The Town of Pelham Public Works Department will acknowledge the receipt of tree work requests within two business days. *A response from the Town of Pelham will be provided to that citizen within ten business days.* Emergency work will be completed as soon as practicable. Non-Emergency work will be completed within one month of receipt. Aesthetic pruning shall be completed based on available resources on a lower priority basis.

8. Tree Planting—General

8.1 Trees shall be planted in an area that least interferes with underground or overhead utilities and municipal infrastructure to ensure their full growth potential and vitality. No tree shall be intentionally planted in a manner that will interfere or disturb utilities above ground.

8.2 Tree species shall be selected and planted in accordance with the Town of Pelham Municipal Engineering Design Manual. Carolinian and native species *should always* be selected.

8.3 No tree shall be planted inside the daylight triangle of any intersection.

8.4 No tree shall obstruct driver sight lines or endanger pedestrian *and cyclist* safety.

8.5 Street trees shall primarily be planted on the municipal side of the property line.

8.6 Trees planted within the 'municipal right-of-way or boulevard' shall be deciduous in nature and hardy to zones 4 or 5.

8.7 Trees planted in municipal parks or on other municipally owned lands can be deciduous or coniferous and hardy to zones 4 or 5.

8.8 Trees shall be nursery stock with a minimum caliper of 50mm. Substitutions may be permitted with authorization from the *Town of Pelham.*

8.9 Newly planted trees must be planted with techniques that adhere to an arborists approved process and must be inspected by the Town arborist upon completion of planting and within the first year to ensure its sustainability.

8.10 Tree stakes must be removed before the tree ties girdle the tree trunks. Tree stakes shall be removed no greater than two years after planting.

9. Tree Planting—Replacement

9.1 Two trees shall be planted for every tree *(under 50mm caliper size)* removed due to health or safety reasons Two trees shall be replanted in the area of removal. If not plausible the second tree

shall be planted on any municipally owned land.

9.2 Two tree(s) shall be planted for every tree (*under 50mm caliper size*) removed resulting from construction or utility servicing activities.

9.3 When the Town of Pelham removes a tree and the replacement tree cannot be relocated in the area of removal, the replacement trees shall be planted on any other municipally owned land.

9.4 *Trees over 50mm must be replaced by more than 2 trees on a sliding scale following this formula:*
Number of replacement trees (#RT) = *Diameter of Removed Tree / Diameter of Nursery Stock Tree (NST)

**Diameter measured at breast height.*

9.5 The Town of Pelham *must* replace all trees removed within the following calendar year.

9.6 *The tree inventory should be updated with the numbers, species, and locations of all replacement trees.*

10.Tree Removal

10.1 Public trees should be preserved whenever possible.

10.2 No tree shall be removed unless it is apparent that the tree is dead or dying and/or when a tree poses a safety hazard to people or property.

10.3 A tree will not be removed for reasons such as: falling leaves, fruit, seeds, twigs, the presence of wildlife, shade, or other non-threatening natural occurrences.

10.4 When trees are felled in woodlots and other natural areas, the wood and brush are left onsite in a safe manner, as to not impede drainage, to decompose naturally.

10.5 The Town of Pelham Public Works Department endeavors to remove dead or dying trees on municipal property as soon as practicable. Trees requiring the use of a contracted service provider, which pose no immediate threat to persons or property may be removed the following year as part of the annual tree maintenance contract.

11 Stump Removal

11.1 Once a tree is removed the stump shall be ground below grade and restored with topsoil and sod within twelve months of removal.

11.2 Stumps are not to be removed from woodlots, natural areas, or unmaintained roadside locations.

12.Invasive Species

12.1 Both public and private trees face significant threats from invasive insect pests and diseases.

12.2 The Town of Pelham will implement an Integrated Pest Management (IPM) approach to manage pests and disease in an ecological manner. Plans are based first on prevention and when needed, a control (biological, cultural, physical or mechanical intervention), saving registered pesticide application as a last resort.

12.3 The Town of Pelham endeavors to consider all invasive insect pests and disease when selecting tree species, and increasing tree diversity to minimize the effects.

13. Construction Activities

13.1 Staff will perform ISA tree inspections and *update the inventory of trees in the construction zone (if not already inventoried) prior to draft plan approval at all construction projects and in locations prior to the initiation of any projects where trees may be affected.*

13.2 *Upon approval from the Town and the Forestry Committee*, a healthy tree may be removed when new construction is proposed in the vicinity and it is substantially more economic to remove the tree, or if there are no suitable alternatives available.

13.3 Any trees designated for removal will be well marked at the trunk a minimum 30 days before scheduled removal. TOP will respond on a timely basis to citizen's request for information regarding reason(s) for tree removal and if any alternatives have been considered.

13.4 In TOP construction contracts, contract language should include the requirement that the contractor take utmost care and diligence as well as utilize appropriate construction techniques when working around living trees so as to minimize damage to the tree and its root system. This also applies to TOP staff performing construction/repair activities.

13.5 When a contractor has seriously damaged or destroyed a tree, the contractor will reimburse the TOP costs following the sliding scale (see section 9.4) for tree replacement.

13.6 Trees within or adjacent to a construction site must be protected during construction by means of a barrier installed and meet the following specifications:

- a. Tree protection barriers must be erected prior to the commencement of any construction activity that may injure a tree on the site and are to remain in place throughout the entire duration of the project. The applicant shall notify the appropriate Town department in writing prior to commencing any such activities to confirm that the tree protection barriers are in place.
- b. The tree protection barriers specified herein must remain in a condition satisfactory to the Town until all site activities including landscaping are complete.
- c. Authorization from the appropriate Town department must be obtained prior to the removal of tree protection barriers.
- d. If some fill or excavated material must be temporarily located near the tree protection barrier, a wooden barrier must be used to ensure no material enters the TPZ.
- e. A sign, provided by the Town will be paid for by the applicant and mounted on one side of a tree protection barrier for the duration of the project.

RATIONALE FOR THE CHANGES SUGGESTED

1.d) All trees should be native species to ensure viability and to maintain our native forest.

1.e) Having an up to date and comprehensive inventory of our trees is a way to know where we are starting in this process and be able to grow our native forest, while maintaining accurate records of our successes and failures and to learn from our mistakes.

1.g) Not only do the citizens of the town need adequate education, but all people involved in the process of growing our canopy and making decisions towards this outcome can benefit from expanding their knowledge base.

2. We do not only wish to just maintain what we have. We need to take a proactive approach to expanding our canopy.

3. The policy should be focused in the present, and not a future idea.

4.1 It is of utmost importance that maintenance operations are performed by knowledgeable staff to ensure the sustainability of the trees.

4.4 Not all requests from citizens are what is best for the town and should be reviewed before being approved.

4.4, 4.5 and 4.6 require the approval for removal, replacement or pruning or procurement of a risk assessment related to trees on Municipal Property. Currently, The Director of Public Works or designate is identified in Policy S802 as the go-to person. We believe that this responsibility should rest with the Town of Pelham, because this activity is too time-consuming for a director or designate, and it can be perceived as too concentrated of power in one single individual. Plus, the currently designated individual may not have the required expertise to make decisions specified in the sections.

In the context of prevailing inclusivity, equality and fairness we propose that the Town of Pelham, through its arborist, in conjunction/consultation with the Town's Forestry Committee should handle all requests required under section 4.4 to 4.6, and any other related issues with respect to trees on Town property.

4.7 In order to establish transparency and keep the citizens aware of progress, an annual report is required.

6.3 Due to the nature of the ongoing construction issues regarding our trees, we felt this needed a section of its own.

7.1.b This is an established practice for tree health and should be included in reasons to prune.

7.5 A mechanism for citizens to have appropriate methods of recourse and discussion of options regarding trees in their town is necessary and expected.

8.2 All trees should be native species to ensure viability and maintain our native forest.

8.9 Due to the number of trees planted in the past few years that have not survived, it is our recommendation that planting is done by knowledgeable staff to ensure the sustainability of the trees.

9.1-4 A simple approach of 2 trees for every 1 lost was an adequate start, but given our ongoing global warming crisis, it is our feeling that a more proactive approach to canopy sustainability be taken by using parameters that reflect a better outcome of expansion. 9.4 specifies that all trees over 50 mm diameter must be replaced by the formula stated to satisfy their real value in terms of; a) habitat for wildlife, b) shading, and thus increasing resilience of town infrastructure (sidewalks, roadways), c) mitigating water absorption (flood control), d) land stabilization (erosion control), e) aesthetic value of a neighbourhood, and e) absorption of carbon dioxide and **THUS DECREASING THE CARBON FOOTPRINT OF THE TOWN**. Planting trees is one of the cheapest and fastest way of mitigating the increase in greenhouse gases. For instance, larger more mature trees absorb more carbon dioxide and solar radiation, and thus the standard replacement of two for one would actually cause our carbon footprint and heat generation to increase, which is the opposite of what we should be doing. Reduction of our carbon footprint is the **RIGHT** thing to do!

9.5 Timely replacement should not be optional. In fact, we would highly suggest a plan for being proactive by replacing trees in the planning stages **PRIOR** to the others coming down. This is more cost effective and creates better establishment of our urban forests.

13.1. To be proactive in planning it would be beneficial to know beforehand where there will be potential for loss of established forests.

13.2 Not all construction plans are what is best for the towns forests and should be reviewed before being approved.

13.5 The developers and contractors should be fiscally responsible for replacement trees as per the recommended sliding replacement scale.

13.6 Tree barriers used in construction are vital to maintaining trees that might be potentially damaged during the construction process.

FURTHER RECOMMENDATIONS

We would like to recommend the proposal of allocated funds gained by various means to help with

education and enforcement of tree policy. Such means could be, but not limited to: Levies and fees, grants, donations, and legacy programs.

A Forestry Public Advisory Committee should be created to assist the TOP with the extra demands of maintaining and growing our tree canopy, inventory monitoring, policy and educational needs.

In an effort to increase the survival of our replanted trees, when a tree is planted on municipal land adjacent to someone's private property, that adjacent property owner should be offered the opportunity to be the custodian of that tree. They should be provided with the knowledge and educational materials needed to care for the newly planted tree.

The adjacent homeowner should be provided a choice of tree replacements that are appropriate for the site. If the homeowner has a choice of pleasing options and are more involved, then they may be more likely to care for said tree.

In the Policy we note there is no reference made to planning for replacement of aging trees. Especially in the older part of Town, we have many old trees and these will not last forever. Planning should commence for planting replacement trees where space permits.

On some TOP properties (3 Hurricane Road for instance), there exists very mature trees (likely well over a hundred years of age). We believe there should be a special category for such magnificent trees; designated say as "Heritage Trees", or the like. These trees should receive extra high priority for preservation in any development planning.

We request that a mechanism be put in place for citizens who have concerns about why a tree is being removed, to seek a second opinion (i.e. get another arborist's report, etc), and for an appeals process to be implemented. We recommend that Public Works be directed to keep and post a public list of trees slated for removal, list the reason(s) why, and for a period of 30 days accept and respond to inquiries from the public.

IN CONCLUSION

We return to the issue of the tree canopy and stated TOP objective (a); **".....every effort shall be made to increase tree planting and expand the tree canopy within the TOP"**.

We respectfully request that Council place utmost priority to achieving this goal. Mr. Cook's reference to a study of the Pelham tree canopy it seems to us could be undertaken quickly given advances in technology. Then, as Councilor Olson has suggested, an appropriate target for increasing the tree canopy is required, say 30% as an initial target (and this could be revisited with a view to increasing the target, say every 4 years, this in keeping with the term of Council). Councilor Olson states that we need a target such as set by the Champion of Trees Award. He suggests this might come with the Town's membership in an accrediting body. We whole-heartedly support Councilor Olson's recommendations in such regard.

Further, just as we have been advised that the Region of Niagara is now in the throes of conducting a comprehensive study of exactly what lands they possess where trees could be planted, the TOP needs to expeditiously do the same. One would presume that given the Federal government's commitment to plant 2 billion more trees across Canada in this decade that any available public land in the TOP could be dedicated towards this objective. We strongly believe we ALL must devote our energies to grow the tree canopy and we ask our Council to step up now and demonstrate leadership on this issue.

However, growing the TOP tree canopy cannot simply rest with the Town administration, and as Councillor Olson refers to, a tree policy should build upon relationships with other government and NGOs, along with

agricultural enterprises and others. As to what “others”, we would also add the development industry. Many trees can be lost to development and their numbers are often not replaced. We need development to become part of the solution versus being part of the problem.

Further as to “others” that Councilor Olson references, the fact is that much of the land in the TOP is privately held. It is thus our opinion individual land-owners must also become part of the solution to preserving Pelham’s tree canopy. Just as many other communities in Ontario have undertaken (i.e. Niagara-On-The-Lake), it is our recommendation that a by-law be struck to govern the protection of trees on private lands while setting forth a procedure should residents have concerns/issues with a tree on their property.

We strongly believe this matter is extremely important and highly pertinent to what the Town has laid out in the recently released Climate Change Action Plan. This constitutes the “action” part of the Plan.

In conclusion, we of the PTCS, along with many other citizens of Pelham, are prepared to act boldly in protecting and growing the trees of Pelham. We therefore appeal to TOP staff and Council to join us in fermenting bold action! Let us together, in the spirit of cooperation and inclusiveness, make Pelham the greenest envy of the Niagara Region, and by doing so together leave a flourishing tree canopy that future generations can be proud of.

We kindly ask that the TOP acknowledge receipt of this document. Thank you.

Respectfully submitted,

Pelham Tree Conversation Society
Acting Chairperson – Mike Jones

[Redacted signature block]

Guarding & Enhancing Pelham's Natural Forest Heritage

Canada Day having just past, we may continue choosing to 'wave the flag' as part of a patriotic ritual, or we may also dig a little deeper and notice the symbolic primacy of the Maple Leaf in that ritual. That the valuing of trees is essential to our identity as Canadians is right there on our flag! Rather than merely waving the flag once a year, perhaps we might also find a way to substantively honour that part of our identity throughout the year.

Action on this has never been more urgent. Large parts of Europe are deluged with levels of flooding not seen in at least 500 years, while in a new west coast climate norm of aridification British Columbia is on fire yet again this year, the town of Lytton having burned almost entirely to the ground. Lives were lost. It is the lives of local voters and their loved ones in developed countries that are now increasingly at risk. What we want is the recovery and implementation of a 'Seventh-Generation' planning perspective to address that risk.

Analysis, Policy Comparisons & Recommendations

Voter's recent experience on South Pelham is evidence that the intent of our tree By-law is not making it down through to levels of application. Homeowners adjacent awoke to discover that numerous trees were yet again thoughtlessly slated for destruction. Surely the point of having elected representatives is to represent our concerns effectively such that they are meaningfully reflected throughout Town policy documents in such a manner that they are responded to proactively as a matter of course, rather than responded to only reactively on an *ad hoc* basis after being induced to do so by a shocked citizenry. What we want is language in the By-law that *guarantees* protection of our identity just as strongly as one might identify with, *and protect*, all of one's ten fingers. The current amendments to the Tree By-law before Council continue to fall short of that standard. What follows are a few specific (but by no means exhaustive) recommendations for not only the preservation of our trees and forests, but also the means to an economically viable model for the enhancement of this part of our Natural Heritage.

We Want Our Existing Forests Protected

Talk of 'civic pride' and the use of forensic language referencing 'tree canopies' does not begin to acknowledge voter's attachment to our trees and forests. A simple civic pride may be projected outward, but a more complex identity is jealously harboured within. The poetic imagination of Jane Urquhart as immortalized in "The Stone Cutters" provides some idea of our

attachment to our forested landscapes like the 'Linear Cathedral' that is our very own Merritt Road, lined as it is by "extraordinarily large trees...*like a choir of green angels singing to the sky.*" If our annual pilgrimages to our northern Canadian landscapes are any indication, it is our broader forested ecologies that we really yearn for. What we want is more of such landscapes here where we live. What specific steps is Council prepared to enact to guarantee that our forest landscapes like Merritt Road are permanently preserved in their entirety?

We Want Our Forests Expanded

The proposed Tree By-law currently before Council for approval purports to address climate change: "The Town will endeavour to consider all aspects of climate change when planning any tree selection and planting projects to minimize affects (*sic*)... and includes five actions for adapting to the impacts of climate change." While it is abundantly clear that aggressive measures are needed, including the mass plantings of trees to help mitigate the loss of global forests, we would note that "endeavouring to consider" is somewhat remote from that goal. Further, the enumeration of any one of those five 'actions' is missing, as is any other substantive indication of a perception of the seriousness of the situation.

Instead, upon a closer reading we find that the By-law actually harbours provisions that prevent this from happening. Specifically, this By-law still continues to prohibit the planting of anything other than transplanted nursery trees of a minimum size. While this may be an entirely appropriate response within new developments, given limited budgets the cost of this option has the unintended consequence of necessarily curbing the scale needed to address climate change. Adopting instead the 'Seventh-Generation' perspective on planning for a moment, the simple expedient of dropping of acorns, maple keys, and other tree seeds throughout our rural roadway allowances would enable an approach involving tree planting *en masse*. In fifty or a hundred years the difference in the size of the resulting trees would be negligible, but our comprehensively tree-lined rural roadways would be truly impressive, not unlike Merritt Road.

Further, the proposed By-law stipulates that any such planting by an entity other than "town staff, or a contractor acting for the Corporation of the Town of Pelham" is also prohibited, effectively foreclosing on any volunteer response by ecologically-minded individuals or community groups. A substantial greening and beautification of our rural roadways is to be had at little or no cost to the public purse if we change just this one provision to explicitly permit such an option.

We Want *All* of Our Forests Protected & Expanded

While the policy professes a goal of “promoting a healthy and robust tree canopy within the Town of Pelham,” explicit “Policy Constraints” remain whereby this policy is in effect restricted to “municipally owned lands within the Town of Pelham,” and therefore fails entirely to address the vast majority of our forests which are privately owned. While staff recognizes that more robust options like those contained in the Niagara Regional Tree By-law are available, they do not recommend them citing a lack of resources. But that is not at all surprising. Visionary planning is the prerogative of elected officials, rather than of staff. Would that Council find ways and means to promote forestation on private lands as effectively as is possible on public lands. The challenge therein lies in ensuring that private landowners stand to benefit from a choice to preserve forests in their natural state. This is dealt with in some detail in the section following.

It is ironic that much of the prescriptive material contained within the proposed By-law itself deals with the minutia of the cutting down and replacement of those trees. Such replacement effectively equates one or more saplings with a mature specimen. We recommend that the 5 year window anticipating the imminent demise of a mature specimen be expanded not just in time, but by encouraging adjacent homeowners to also plant trees in their front yards so that the loss of any one of the trees is mitigated. A property tax differential, even if slight, might be sufficient to induce the desired behavior. The result over time might look much more like Oak Lane, where housing is nestled within a largely forested context. This outcome has won the praise of planning consultants, one of whom specifically stated in a public meeting that this particular streetscape is routinely cited by that consultancy as *the* way to engage in greener urban planning. Once generalized, such greening could reasonably be expected to continue as a draw to our town. This is why people move here: they want what we have. The rising tide of stimulated housing pricing and concomitant increase in tax base would more than offset any losses incurred by an initial tax abatement policy stimulus.¹

The Economic Benefits of Enlightened Policy

Best economic practices abound here within Niagara and in multiple outside jurisdictions clearly indicating what is possible. For example, we might want to consider the policy alternative employed in Switzerland which reimburses its farmers for the maintenance of its picturesque roadsides largely for the benefit of its tourism industry. Accordingly, it pays for this out of the revenues and taxes enhanced by that policy. It’s wins all around: tourism brings in

¹ That this is true is readily demonstrated by contemplating the negative results to housing pricing and the tax base in the event of an unfortunate loss of all trees in such a locale.

foreign exchange bolstering their domestic currency, increasing their international purchasing power and therefore also boosting the Swiss standard of living. Local businesses, and by extension whole economies, spring up through the multiplier effect. Farmers are even supported, and all of this at no net cost to taxpayers. Based on these results, you might even conclude that the Swiss have adapted their ability to design precision clockworks for application in the political arena, where a well-meshed continuum of policies ensure their country is run like a business enterprise. This is what a successful broad policy implementation looks like.

We may want to start our engagement in a similar enterprise through a similar policy of property tax abatement which recognizes at least in part the lost opportunity costs to landowners who preserve their forests in a natural state to the benefit of all. Further, any policy document serious about the preservation of forests should include a dovetailing with opportunities for conservation easements and other similar measures at other levels of government and NGOs, pointing out the financial incentives available to landowners who choose to avail themselves of these options. Recognizing these opportunities would benefit our community at little or no expense whatsoever, while announcing our intention to take the matter of our Canadian identity seriously.

Perhaps not surprisingly, just as for the Swiss, there would be an ample market for an authentic Canadian experience which we are already ideally positioned to deliver. As part of a more comprehensive business strategy, such a change in perspective would enable private entrepreneurs to contemplate serious investments in hospitality and other related ventures through an effective marketing of our green environs. This would not only be a great fit with tourism opportunities available in neighbouring municipalities, but could shift a substantial portion of our tax burden onto these newly created sectors. Perhaps not incidentally, such a shift reducing upward pressure on property taxes generally could reasonably be expected to enjoy considerable voter support. While 'economic benefits' are mentioned only in passing within this document, what is needed are more 'action' specifics along these lines in this and other related Town planning documents, in order to capitalize on these latent opportunities.

But this requires the sort of foresight and more comprehensive planning that recognizes that various policies that appear to be separate, actually have considerable overlap. Like Niagara-on-the-Lake, we are within easy driving distance of significant populations throughout the Golden Horseshoe. Exercising such foresight, the former has done very well by any metric to capitalize on this opportunity by preserving and building upon their *Cultural Heritage*. By comparison, satellite imagery* proves that we have significantly more intact old and second growth forests than any other municipality in Niagara, including NOTL. While Niagara-on-the-Lake may have developed its own asset base at considerable effort and expense, they have nothing like our well preserved forests available to us free for the asking. Unlike NOTL, however, we have yet to

recognize the opportunity already here to capitalize on our *Natural Heritage* at a coherent policy level.

That the laws of supply and demand dictate that these intact forests have far greater value than any other land use by virtue of their relative scarcity supports a vision of that capitalization. Indeed, this opportunity would be secure far into the future as that scarcity can only grow relative to population increases, and in particular, as other municipalities with less insightful leadership continue to succumb to the temptation of parceling out their land in yet more soulless urban sprawl. From a business point of view we could follow suit and sell the golden goose outright at the outset, or we can 'stand on guard' and cultivate that asset, and thereafter reap continuous multiple benefits for generations to come.

We currently have a CAO within whose capacity it would be to negotiate the achievement of our most important goals. Let's avail ourselves of that opportunity.

Wally Braun



*Readily available satellite imagery (Google Maps) clearly indicates the disproportionate share of heavily forested land within the Niagara Region enjoyed by the Town of Pelham

Subject: Update on the Erosion Mitigation Project at the Storm Water Outlet at Rice Rd and Hwy 20

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0125 – Update on the Erosion Mitigation Project at the Storm Water Outlet at Rice Road and Hwy 20, for information;

AND THAT Council direct staff to proceed with the project using a design, bid, build procurement strategy;

AND THAT Council approve \$70,000 to complete the necessary engineering and detailed design for the project out of the 2021 Capital Budget Reserves;

AND THAT Council direct staff to include the cost for constructing the project for consideration as part of the 2022 Capital Budget.

Background:

At its regularly scheduled council meeting on April 19th, Pelham Town Council passed a motion directing staff to undertake a Design/Build initiative to determine an optimal solution to identify, remediate and resolve the erosion problems at the Headwaters of the Twelve Mile Creek, immediately north of Regional Road 20 (Highway 20).

In addition, the motion passed by Council directed staff to contact the Regional Municipality of Niagara, Upper Canada Consultants, Trout Unlimited and the Niagara Peninsula Conservation Authority to seek contributions toward the cost of said repairs, in consideration of the paramount environmental significance of the erosion.

Analysis:

On June 3rd, staff issued a Design/Build Request for Proposal (RFP) for the work required to stabilize and mitigate the negative impacts of erosion from the storm

water management pond outlet to approximately 150 m north. The bid opportunity was public and was open for 20 days. It closed on June 24th. In total, there were eleven (11) registered plan takers for the project.

The Town of Pelham received only one submission for the project, which was determined to be non-compliant in accordance with the Town's Purchasing and Procurement Policy (S402-00). The Purchasing and Procurement Policy governs bid irregularities and requires the automatic rejection of certain non-compliant bids. The submission for this project was subject to automatic rejection due to the nature and extent of its non-compliance with the RFP. In addition, as a general legal proposition, the Town of Pelham is permitted to select only bids that comply with the conditions of the RFP. The Town of Pelham may not validly accept a non-compliant bid such as the submission received for the project. As a result, staff are not able to award the project under the current Design/Build RFP.

During the preparation of the Design/Build RFP staff engaged in discussions with the Niagara Peninsula Conservation Authority and Trout Unlimited Canada (Niagara Chapter). Both organizations see a benefit in completing the erosion protection works, but have stipulated that the project should be designed and constructed using sound engineering practice and in accordance with all environmental policies and regulations.

Based on the apparent lack of interest to complete the project based on a Design/Build approach and based on the comments and feedback received from the Environmental Approval agencies and interest groups during the preparation of the Design/Build RFP, staff's recommendation is to proceed with the project using a standard design, bid, build approach.

Further, it is recommended that Council direct staff to issue an RFP to complete the necessary engineering studies and detailed design for the project in 2021 using funds that are available in the Roads Reserve. It is estimated that the cost of the engineering required to complete the tender documents and obtain the necessary permits and approvals is approximately \$60,000 - \$70,000 and that this assignment can be completed to allow for construction in 2022.

Based on the preferred design concept staff will include the cost of construction as request for Council's consideration as part of the 2022 Roads Capital budget.

Financial Considerations:

Currently there are no funds allocated in the capital budget to complete the project. Based on the motion that was presented and passed by Council in April, the Treasurer has provided assurance that there are available funds in the Roads Reserve for \$60,000 - \$70,000 to be allocated to this project in 2021. Staff are of the opinion that this amount will be sufficient to cover the costs associated with completing the necessary engineering and environmental studies, complete the detailed design, and obtain the necessary permits and approvals to move the project forward.

Based on the preferred alternative staff is estimating that the cost to complete the construction portion of the project (including Contract Administration, Inspection, and Geotechnical investigations) is approximately \$200,000. Once the design concept is finalized and an engineer's estimate is available, staff will report to Council with the estimated total project cost. Staff will include the construction portion of the project as part of the 2022 Roads Capital Budget request for Council's consideration.

Alternatives Reviewed:

Council may direct staff to continue with the Design/Build approach. If Council wishes to proceed in this manner staff will be required to re-issue the RFP in accordance with the Town's Purchasing and Procurement Policy.

Staff do not recommend this approach because the Design/Build RFP issued in June only resulted in one (1) bid submission.

Strategic Plan Relationship: Risk Management

The design and successful completion of a project to address the erosion issues at the storm water outlet at the Rice Road and Hwy 20 SWM facility will ensure that the negative impacts to the 12 Mile Creek and adjacent properties due to erosion is mitigated.

Consultation:

Consultation was undertaken with the Town of Pelham Corporate Services Department and the Town's Solicitor.

Other Pertinent Reports/Attachments:

2021-0048-Public Works – Operation of the Rice Road and Hwy 20 Storm Water Management Pond in East Fonthill.

Prepared and Recommended by:

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Subject: Niagara Transit Governance Report – July 2021**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0127 – Niagara Transit Governance Report, for information.

Background:

Efforts have been made at both the local government and Regional level to create a Niagara Regional Transit (“NRT”) system since about 2013. In 2015 the first working transit group involving leadership from multiple municipalities was created. There have been consultant reports, working groups and other initiatives in the intervening years, ultimately culminating in a proposal for one transit system that was provided to all Niagara municipalities earlier in 2021.

As a result of the feedback from that proposal, a “Governance Steering Committee” was created which involved all CAOs in the Niagara Region, plus senior finance and transit staff. This group met many times in 2021 to address the key outstanding issues (as identified by earlier municipal feedback) of system financing, board composition and service strategy/operations issues. The Town of Pelham was represented at various times in these meetings by combinations of the Treasurer, the Director of Recreation, Culture and Wellness and the Chief Administrative Officer.

The purpose of this report is to provide Town Council with information about what the Regional Report refers to as the “Revised Strategies”: a revised funding model, revised board composition, and service/operations strategy. The ultimate goal is to have Pelham Town Council sufficiently satisfied so as to support a future consolidated Niagara transit system in which the Town of Pelham is an active participant.

Regional Staff anticipate a triple majority vote process being instituted on the question of Regional Transit integration sometime in the fourth quarter of 2021. Council receiving this report for information, and or passing motions to modify or request changes, will not constitute a vote towards the triple majority. One final

report, taking into consideration feedback received from this process, is expected to go to Regional Council before the Triple Majority vote in the fall.

Analysis:

For ease of reference, the Report prepared by Regional Staff for the Regional Committee and Council consideration is linked on today's agenda. This report was written by Town staff with the assistance of Regional staff.

Financial Model:

There have been dramatic changes to the proposed funding mechanism, which is no longer predominantly based on municipal levy. The earlier model resulted in disproportionate contribution by the Town of Pelham, Town of Lincoln and Niagara-on-the-Lake in particular. This was an obvious area of concern for Pelham Council. The new model both calls for less financial contribution by Pelham, but also greater control over costs in the future by being able to opt-in or opt-out of specific provision (so service can be enhanced or reduced as dictated by future need and condition).

Importantly, any future changes (such as a desire by the Town to adopt traditional transit should population growth dictate such) can be accommodated because cost is allocated to each community based on service hours – if Pelham wishes more service it can pay for it, or the reverse. Hours of service now drive cost, so Pelham will pay for what it uses, rather than pay based upon the value of (predominantly) residential property values, which is far more principled and justifiable. The amount that Pelham will pay will be clear to residents because the Town will receive its own, uniquely calculated special levy.

Board Composition:

The transitional commission will be constituted by fifteen (15) members, one of which would be an elected representative from the Town of Pelham (either the Town's regional representative or a member of Town Council, at the preference of Town Council). The largest municipalities would have multiple representatives. While Regional Council would retain the right to approve the representative (a legal requirement), Pelham would be guaranteed a seat on the commission from one of eight elected officials.

In addition to the Commission, there would also be a twenty member citizen advisory board. Pelham would be asked to nominate a representative to this advisory board. This system would be in place for three years, after which the governance system will be reviewed so as to determine efficacy.

Service Standards:

To increase the likelihood of an efficient transition, a phased-in approach has been proposed. The first phase will not involve the Town of Pelham. This phase will bring consistency to operational hours and standards across the three big city transit systems. Phase 2 (expected in the third year of operation) will impact the Town of Pelham as on demand/demand-responsive services will be combined and integrated. Phase 3 will involve a service review to bring efficiency and potential service improvements after integration has been achieved.

The practical implications of the foregoing for Pelham are that residents can expect during Phase 1 (2024/25) expanded hours of operation from 7am-10pm to 6am-midnight Monday-Saturday and going from no Sunday service to Sundays 7am to 9pm. Phase 2 will combine On Demand Transit with Para Transit/Specialized Transit. Phase 3 services will be reviewed by the Commission for improvements.

Future cost increases (apart from inflation and any ancillary capital costs) will be the result of choices by future Town Councils to enhance service such as increasing hours of operation or moving towards a traditional bus model for Fonthill if ridership grows to justify same.

Of likely great benefit to Pelham riders, the vision for Regional Transit is to adopt a "Common Fare Strategy". Currently it costs \$3 for a local trip and \$6 for regional connection. The goal is to make all trips cost \$3, regardless of distance or municipal boundary. For Pelham residents who are understood to frequently utilize the service to access amenities not available in Pelham, this could have considerable benefit.

Financial Considerations:

If adopted, this plan will result in the Region uploading the baseline local transit service net expenditure using 2020 budget at \$27.8M and estimated to be \$29.4M in 2023. The upload to the new Regional Commission will occur in a single year and be levied back on each of the LAMs, including Pelham, using twelve Special Levies, one for each municipality. The proposed model ensures that future service growth plans are paid for by the municipalities which receive the services, using the corresponding 12 Regional Special Levies.

In 2023 the Region plans to increase the amount it directly levies Niagara residents by \$7.3 million dollars for transit capital expenditures, which will go directly to the transit commission. In turn, it is anticipated that Pelham and the other local municipalities will reduce their own direct levies by the same amount, so as to leave

the Pelham tax payers in a neutral position in that regard. That notwithstanding, Pelham's contribution towards operating costs in the year 2023 is anticipated to rise from \$200,000 annually to \$400,000. As things currently stand, Pelham will also lose the Community Transportation Grant in 2026 of \$105,100, although this will happen regardless of whether or not the Town joins the Niagara Region in this transit initiative, so may or may not be relevant for consideration. Pelham has received this grant every year since 2016, so it is possible that it will again be renewed.

Existing NRT services will continue to be allocated to the Special Levy based on municipal share of Regional assessment. The short term service strategy and future transit growth will be subject to future budget approvals, and will directly impact the costs apportioned to each municipality. Importantly, the Region is currently reviewing its Development Charges and is likely to adopt a transit-specific DC that will support future capital growth, which should reduce the amount required from taxpayers.

Currently there are a number of contracted services for on-demand and specialized transit services across Niagara. Phase 2 of the service planning strategy proposes \$5.0M in capital in 2024 (1.2% Regional budget increase) plus an additional \$1.0M in net operating costs beginning in 2025 (0.2% Regional budget increase) to reduce the number of contracted services and allow the Commission to provide the services in-house.

Alternatives Reviewed:

None

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

A better and more viable transit system that effectively connects Pelham residents to the rest of Niagara, and also to the provincial GO system will serve to strengthen the community. Current and future residents will have greater access to amenities and services that are not currently available in Pelham.

Consultation:

This report was written in conjunction with the Director of Corporate Services, the Director of Recreation, Culture and Wellness and the work of several senior regional staff from the transit transition team.

Other Pertinent Reports/Attachments:

Regional Transit Report.

<https://niagarafalls.civicweb.net/document/37002/CLK-C%202021-100%20LNTC-C%203-2021.pdf?handle=CEF13B823930470E834A1DDCEE118D09>

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Subject: Proposed Pelham Mental Health Walk-in Clinic for Youth

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0130 – Proposed Pelham Mental Health Walk-in Clinic for Youth;

AND THAT Council approve a Pathstone Mental Health Walk-In Clinic for Youth and direct staff to establish said clinic at the Meridian Community Centre in partnership with the Fenwick Lions Club, Fonthill Lions Club, the Kinsmen Club and the Pelham Library commencing September 2021;

AND THAT Council direct Staff to work with local Service Clubs; private donations and fundraising for annual support to sustain the said Clinic;

AND THAT Council direct any shortfall be a considered in the 2022 Operations Budget deliberations.

Background:

Pathstone Mental Health is currently offers a once per week drop-in clinic for youth in eight area municipalities. This program is currently operating in Port Colborne, Fort Erie, Welland, Niagara Falls, Thorold, St. Catharines, Lincoln, Grimsby and by video only in Niagara-on-the-lake. This report is being presented to Council for consideration to open a drop-in clinic at the Meridian Community Centre (MCC) beginning in September 2021.

Analysis:

Since the pandemic began evidence has shown an increase in the number of youth suffering from mental health issues. Pathstone Mental Health is a lead agency and community-based organization whose mission is to provide innovative and effective treatment for all children in Niagara diagnosed with mental health issues.

Proposed Pelham Walk-in Clinic:

- One day a week clinic at the MCC (half of the Kinsmen Room)
- Tuesdays from 11:30am – 7:30pm
- Commencing September 7, 2021 – December 28, 2021 – Cost \$5,000
- Continuing annually in 2022.... Annual cost estimated at \$20,000
- Rental fees waived for use of the Room
- Drop-in Clinic Free for use
- Youth can use any clinic across the Region, no need to be a resident to use a particular clinic
- Pathstone Counsellor on site one day per week
- Access to video-counselling therapy Monday – Friday

Financial Considerations:

In most cases across the Region these Clinics are funded by the Municipalities, or by private donors. In Pelham's case this proposed Clinic would be an unbudgeted item for 2021. Therefore, Staff have reached out to local Service Clubs and agencies for assistance to make this happen. In speaking to the Service Clubs we have learned that in some cases the Clubs have not met during the pandemic, let alone fundraised. And in other cases Clubs have been meeting and have been actively fundraised throughout the pandemic.

To this end, Staff are pleased to inform Council that between the Fenwick Lions, Fonthill Lions, Kinsmen Club and the Library there is a commitment that would cover the \$5,000 to commence the Clinic in September – December 2021. If there is a minor shortfall, funds could come from the Town's Municipal Grants.

It is very important that if the Clinic commences in September the Town is able to continue offering the service. Therefore, Staff has requested an annual commitment from the Services Clubs for the upcoming year. This is being considered by the Fenwick Lions, Fonthill Lions, the Kinsmen Club and the Rotary Club. Prior to the 2022 Operating Budget being approved Staff should know the annual Service Club commitment. The remainder of the \$20,000 cost for 2022 could come from private donations, fundraising efforts and lastly 2022 Operating Budget.

Alternatives Reviewed:

Do not offer a Mental Health Walk-In Clinic for Youth in the Town of Pelham

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

It is important to show Pelham is a caring Community that provides equal care and supports to its youth as neighbouring municipalities do.

Consultation:

Kim Rossi, Pathstone Mental Health

Amy Guilmette, Pelham Library

Teresa Quinlin, Director of Corporate Services & Treasurer

Other Pertinent Reports/Attachments:

Pathstone Mental Health through Walk-In Clinics

Prepared and Recommended by:

Vickie vanRavenswaay, RRFA

Director of Recreation, Culture and Wellness

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA

Chief Administrative Officer

Subject: Public Works Tree Maintenance Policy**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0128;

AND THAT Council approve the proposed Public Works Tree Maintenance Policy S802-01;

AND THAT Council direct staff to become founding members and collaborative partners with the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium in 2022;

AND THAT Council direct staff to explore the option of delegating the authority to the Niagara Region to enforce the Regional Municipal By-law No. 2020-79 on properties less than one (1) hectare in the Town of Pelham.

Background:

On June 6th 2021 Council referred Public Works report #2021-0097 Review of the Proposed Tree Maintenance Policy back to staff to conduct a public engagement campaign to obtain input on the proposed policy. This report serves to summarize the comments received and provide recommendations based on public input.

Analysis:

The Proposed Tree Maintenance Policy project was presented on the Engaging Pelham website for review and public input. The project specific webpage (<https://engagingpelham.ca/tree-policy>) included copies of the proposed Tree Maintenance Policy S802-01 (Appendix A) and Public Works Report #2021-0097.

The website included a survey consisting of four questions that was released for public input beginning on June 16th, 2021 to July 8th, 2021. The complete results of the survey, as well as one letter received have been included as (Appendix B) to this report. Twenty Six (26) members of the public visited the survey section of the webpage and there were fourteen (14) participants. Further to the survey, Staff received several additional comments through email or telephone.

Out of the fourteen surveys completed, 85.7% of participants support that the Town of Pelham delegate the authority to the Niagara Region to enforce the Regional By-Law No.2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one hectare in the Town of Pelham. 71.4% of participants would like the Town to develop a by-law governing the removal of destruction of trees on private properties less than one acre and 100% of participants thought that there needs to be a policy identifying canopy coverage targets within the urban boundary.

Only 13.3% of participants believed the Tree Maintenance Policy was satisfactory, however, when asked to provide comments on the proposed policy and identify additions, deletions and further comments, Staff did not receive suggestions pertinent to the proposed policy. Six responses were related to the removal of mature trees, and/or development related tree complaints. Mature trees found within municipal boulevards are not removed unless an apparent safety hazard is present, and the proposed policy is not intended to regulate development. Two responses were regarding LDD Moths (Gypsy Moth) which are managed through Policy S802-03. One participant would like personal choice of boulevard trees which is not recommended. Boulevard trees are either selected as part of an overall landscape plan and part of subdivision agreements or selected by qualified staff based on location and site conditions. The remaining comment was asking for the development of a private tree removal by-law which is not related to the proposed policy.

In response to the survey results, Staff recommend that the Town of Pelham continue to explore the option of delegating the authority to the Niagara Region to enforce Regional By-Law No.2020-79 (Appendix C) on woodlots in Pelham under one hectare. By-Law No. 2020-79 supports the Regional Official Plan to maintain, restore and enhance ecological health through promoting good forestry practices and prohibiting or regulating the destruction or injuring of trees in woodlands of one hectare or more. It also regulates the destruction of Heritage and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority to the Region.

Both the City of St. Catharines and the City of Niagara Falls have delegated the authority to the Niagara Region to enforce the Regional By-Law No.2020-79 on woodland properties with a minimum size of 0.2 hectares (0.5 acres). An additional by-law governing the removal of trees on private lands less than 0.5 acres in size is not recommended as Staff does not have the capacity to enforce such a by-law and would require additional resources to do so.

Every participant who completed the survey believes that the Town should create a policy identifying urban tree canopy coverage targets. On June 21, 2021 Council endorsed the Town of Pelham Corporate Climate Change Adaptation Plan (CCCAP). Goal 5.1 of the CCCAP is to map the Town's tree cover to understand the spread of the existing tree canopy and develop strategies for expanding the municipal tree canopy. Staff believe that this is an important goal and there is a need to determine the existing canopy percentage, however the purpose of the proposed policy S802-01 is to provide a process to address the maintenance of trees found on municipal property and prescribe an expected level of service for tree maintenance requests.

A number of concerns have been heard from the public regarding street scape design (tree placement), planting specifications and practices, tree protection and preferred tree species. The specifications for species, placement, planting and protection of trees are located in Section 2.17 of the Town of Pelham Municipal Engineering Design Manual. Trees are to be planted in accordance with the "Urban Tree Foundation Specifications" for planting, staking, and tree protection, found at http://www.urbantree.org/details_specs.shtml. Section 2.17 of the Town of Pelham Municipal Engineering Design Manual has been appended to this report as Appendix D. Specifications are updated regularly due to the continual improvement processes established in the field of Civil Engineering.

In addition, Staff have been asked to consult with industry experts and explore memberships with forestry and environmental organizations. The Town of Pelham has recently been invited to become a member of the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium. Members of the consortium have access to training and planning tools to make improved decisions on tree species to increase biodiversity, green space and infrastructure design, and policy and procedural development in urban forestry. Additional benefits include access to knowledge resources and the ability to set up a custom case study with the research team. Members have the ability to shape the Centre's research strategy to ensure that the program addresses the challenges and opportunities experienced by the consortiums partners. Staff recommend becoming a founding member and collaborative partner in the Greening the Landscape Research Consortium to support in the development of best practices and procedures for urban forestry and green infrastructure.

From a human capital perspective the Beautification Division of Public Works employs one ISA certified arborist whose primary function is tree maintenance and forestry work, as well as a full time Cemetery Attendant who as an ISA certified arborist is able to provide expertise and share experience, but due to the demands of that position is not commonly available for tree work. Two additional staff members hold diplomas in Horticulture and one has completed the Trout Unlimited

Canada, Stream Rehabilitation Training Program. The Town of Pelham is also a member of the Ontario Urban Forest Council, Landscape Ontario, and ISA Ontario. The above staff and organizations have been leveraged in the creation of the Proposed Tree Maintenance Policy.

Financial Considerations:

The total approved Beautification Division Operating Budget for Tree Maintenance in the Town of Pelham is \$300,000. The two largest components include \$150,000 allocated to the Gypsy Moth Management Program, and \$125,000 allocated to Tree Maintenance which includes: planned pruning, tree removals, stump grinding, ISA tree inspection, emergency response, and equipment rental. The remaining \$25,000 is allocated to tree planting. The total Beautification budget for 2021 is \$937,707, of which 32% is directly related to tree maintenance. The Town of Pelham employs one full time arborist and one full time seasonal employee for six months a year in the Beautification Department. An additional seasonal staff member to complete the tree inspection, assist with the pruning cycle and complete trail inspection is estimated at \$15,000 annually.

Determining the tree canopy cover percentage requires analysis of Near Infrared Band (nIR) satellite imagery to determine the Normalized Difference Vegetation Index (NDVI) or trees with foliage. The cost of determining the percentage of tree cover within the urban boundary is estimated at \$7000.

Becoming a founding member and collaborative partner with the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium has a cost of \$5000 per year with a 3-year commitment.

Depending upon Council's preferences, it is entirely possible to spend more money on the protection and maintenance of the municipal tree canopy. Any proposed increases to spending in this area should be referred to the 2022 operating budget.

Alternatives Reviewed:

No alternatives were considered in the preparation of this report. The Proposed Tree Maintenance Policy was drafted to provide a process to address the maintenance of trees found on municipal property and prescribe an expected level of service for tree maintenance requests.

Tree concerns and pruning requests continue to be the top service request received in Public Works, and such it is vital that both staff and public understand the

prescribed service level and expectation for response. The policy is designed with the goal of reducing the number of requests through planned and efficient tree maintenance utilizing both municipal staff and contracted service providers.

Strategic Plan Relationship: Strong Organization

The tree canopy within the municipal boundary is vital to the high quality of life within the Town of Pelham.

Consultation:

The Town's Arborist, the Supervisor of Beautification, the Climate Change Coordinator, the Planner and Senior Planner, the Manager of Public Works, the Director Corporate Services/Treasurer and the CAO all contributed to the drafting of this report and/or the proposed updated Tree Management Policy.

Other Pertinent Reports/Attachments:

Appendix A – Tree Maintenance Policy S802-01

Appendix B – Tree Maintenance Policy Survey Results and Resident Letter

Appendix C – Regional By-Law No.2020-79

Appendix D - Section 2.17 Pelham Municipal Engineering Design Manual

Public Works Report #2021-0097 June 7, 2020

Prepared and Recommended by:

Ryan Cook Dipl. M.M., CRS
Manager of Public Works

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



Policy Name: Tree Maintenance Policy	Policy No: S802-01
Committee approval date:	-
Council approval date:	April 4, 2016/July 27, 2017
Revision date(s):	June 7, 2021
Department/Division:	Public Works

1. Purpose

The purpose of this policy is to provide a process that addresses the maintenance and use of trees in municipal parks, municipal rights of way and other municipal owned lands with a goal of promoting a healthy and robust tree canopy within the Town of Pelham.

The specific goals of this Tree Maintenance policy are to develop an integrated set of objectives and procedures that will combine to form a set of overall working guidelines that will:

- a) Ensure that there shall be no net loss of trees on municipal property and that every effort shall be made to increase tree planting and expand the tree canopy within the Town of Pelham.
- b) Ensure that all trees on Town properties are adequately protected from destruction, loss or damage.
- c) Increase species diversity in municipal parks, rights of way and other municipally owned or controlled lands.
- d) Encourage the planting of native trees including Carolinian species whenever possible.
- e) Ensure the orderly development of the Town of Pelham's tree inventory through proper maintenance, tree planting, and tree replacements.
- f) The health and vigor of public trees shall be ensured through regular tree inspection and pruning cycle.
- g) Opportunities shall be provided to educate the citizens of the Town of Pelham on the ecological, aesthetic, economic and social benefits of trees.

2. Policy Statement

It will be the policy of the Town of Pelham to protect and maintain municipally owned trees, and to promote a healthy and robust tree canopy within the Town of Pelham.



3. Policy Constraints

The policy will be applied to all municipally owned lands within the Town of Pelham including; road allowances, municipal boulevards, parks, trails, and green spaces.

The policy may be affected by the availability of Town staff, financial resources, regulatory restrictions and requirements from other departments and agencies.

4. General Provisions

4.1 All tree maintenance operations performed on public property shall be carried out by town staff, or a contractor acting for the Corporation of the Town of Pelham.

4.2 All tree maintenance work shall be carried-out by trained persons in accordance to the Ontario Occupational Health and Safety Act and Regulations, as well as established Town of Pelham Public Works Operating Procedures.

4.3 All costs incurred as a result of intentionally causing injury or removal of Municipal boulevard trees shall be recovered as outlined in the schedule of Fees and Charges under By-law 37-28(2016).

4.4 Tree removal, replacement or pruning required by a property owner for reasons which are to their benefit only, shall be at the property owner's expense, upon approval from the Director of Public Works or designate.

4.5 Tree removal, replacement, or pruning required for the installation of a new entrance, modification of an existing entrance, and/or utility servicing, shall be at the property owner's expense, upon approval from the Director of Public Works or designate.

4.6 The Director of Public Works or designate may require an ISA Basic Tree Risk Assessment be completed prior to the removal, or pruning of a public tree for the purposes of new entrance installation, modification of an existing entrance and/or utility servicing, at the property owner's expense.



5. Climate Change

While it is difficult to predict exactly what climate change will mean for the health of Pelham's urban forest, some of the trends that have been identified include:

- a) Warmer winter temperatures and longer growing seasons.
- b) Changes in the seasonality of precipitation and extreme events like droughts and heavy rainfalls.
- c) Expanded ranges of insects and increased over-winter survival rates of pests.
- d) Increasing severity of pest and disease outbreaks.
- e) Increased frequency and severity of storm events.

Based on current climate projections and projected impacts, the Town has incorporated a specific goal in the adaptation plan to preserve, protect, and restore the Town's urban and rural forests and includes five actions for adapting to the impacts of climate change.

The Town will endeavour to consider all aspects of climate change when planning any tree selection and planting projects to minimize affects.

6. Tree Inspection and Inventory

6.1 Public trees within the urban boundary shall be inspected at least once every seven years by qualified staff to determine their general state of health and identify required maintenance.

6.2 Staff will maintain an up-to-date inventory of all public trees within the urban boundary. Records shall include: geo-location, diameter, species, total tree height, crown height, and crown width.

6.3 Staff will perform basic tree inspections in locations prior to the initiation of construction projects where trees may be affected.

7. Tree Pruning

7.1 Trees are pruned primarily to prevent damage to human lives and property, and to preserve healthy trees.



7.2 Trees within the urban boundary shall be pruned on a seven year cycle (Schedule A). Trees outside the urban boundary shall be pruned as required.

7.3 Pruning will be completed for the following reasons:

- a) To remove dead, split, dangerous and broken branches. Branches are considered dangerous when they are decayed, hollow or split to the point of being structurally unsound;
- b) To lighten crown loads when a structural defect is present;
- c) To remove low hanging live branches to a height of 2.4m when they interfere with pedestrian traffic;
- d) To remove low hanging live branches to a height of 4.3m when they interfere with vehicular traffic;
- e) To remove branches that obscure clear vision of warning signs, traffic signs or traffic movement;
- f) To avoid interference with street lights, overhead wires, roofs and other structures;
- g) To reduce encroachments to sidewalks, roads, drainage structures and ditches;
- h) To increase structural stability by removing branches that forms an acute angle of attachment.

7.4 When pruning is undertaken in woodlots and other natural areas, the limbs and brush are left onsite in a safe manner, in a location not to impede drainage, to decompose naturally.

7.5 The Town of Pelham Public Works Department will acknowledge the receipt of tree work requests within two business days. Emergency work will be completed as soon as practicable. Non-Emergency work will be completed within one month of receipt. Aesthetic pruning shall be completed based on available resources on a lower priority basis.

8. Tree Planting – General

8.1 Trees shall be planted in an area that least interferes with underground or overhead utilities and municipal infrastructure to ensure their full growth potential and vitality. No tree shall be intentionally planted in a manner that will interfere or disturb utilities above ground.

8.2 Tree species shall be selected and planted in accordance to the Town of Pelham Municipal Engineering Design Manual. Carolinian and native species will be selected whenever possible.



8.3 No tree shall be planted inside the daylight triangle of any intersection.

8.4 No tree shall obstruct driver sight lines or endanger pedestrian safety.

8.5 Street trees shall primarily be planted on the municipal side of the property line.

8.6 Trees planted within the 'municipal right-of-way or boulevard' shall be deciduous in nature and hardy to zones 4 or 5.

8.7 Trees planted in municipal parks or on other municipally owned lands can be deciduous or coniferous and hardy to zones 4 or 5.

8.8 Trees shall be nursery stock with a minimum caliper of 50mm. Substitutions may be permitted with authorization from the Director of Public Works or designate.

8.9 Tree stakes must be removed before the tree ties girdle the tree trunks. Tree stakes shall be removed no greater than two years after planting.

9. Tree Planting – Replacement

9.1 Two trees shall be planted for every tree removed due to health or safety reasons. Two trees shall be replanted in the area of removal. If not plausible the second tree shall be planted on any municipally owned land.

9.2 Two tree shall be planted for every tree removed resulting from construction or utility servicing activities.

9.3 When the Town of Pelham removes a tree and the replacement tree cannot be relocated in the area of removal, the replacement tree shall be planted on any other municipally owned land.

9.4 The Town of Pelham Public Works Department endeavours to replace all trees removed within the following calendar year.



10. Tree Removal

10.1 Public trees should be preserved whenever possible.

10.2 No tree shall be removed unless it is apparent that the tree is dead or dying and/or when a tree poses a safety hazard to people or property.

10.3 A healthy tree may be removed when new construction is proposed in the vicinity and it is substantially more economic to remove the tree, or if there are no suitable alternatives available.

10.3 A tree will not be removed for reasons such as: falling leaves, fruit, seeds, twigs, the presence of wildlife, shade, or other non-threatening natural occurrences.

10.4 When trees are felled in woodlots and other natural areas, the wood and brush are left onsite in a safe manner, as to not impede drainage, to decompose naturally.

10.5 The Town of Pelham Public Works Department endeavours to remove dead or dying trees on municipal property as soon as practicable. Trees requiring the use of a contracted service provider, which pose no immediate threat to persons or property may be removed the following year as part of the annual tree maintenance contract.

11. Stump Removal

11.1 Once a tree is removed the stump shall be ground below grade and restored with topsoil and sod within twelve months of removal.

11.2 Stumps are not to be removed from woodlots, natural areas, or unmaintained roadside locations.

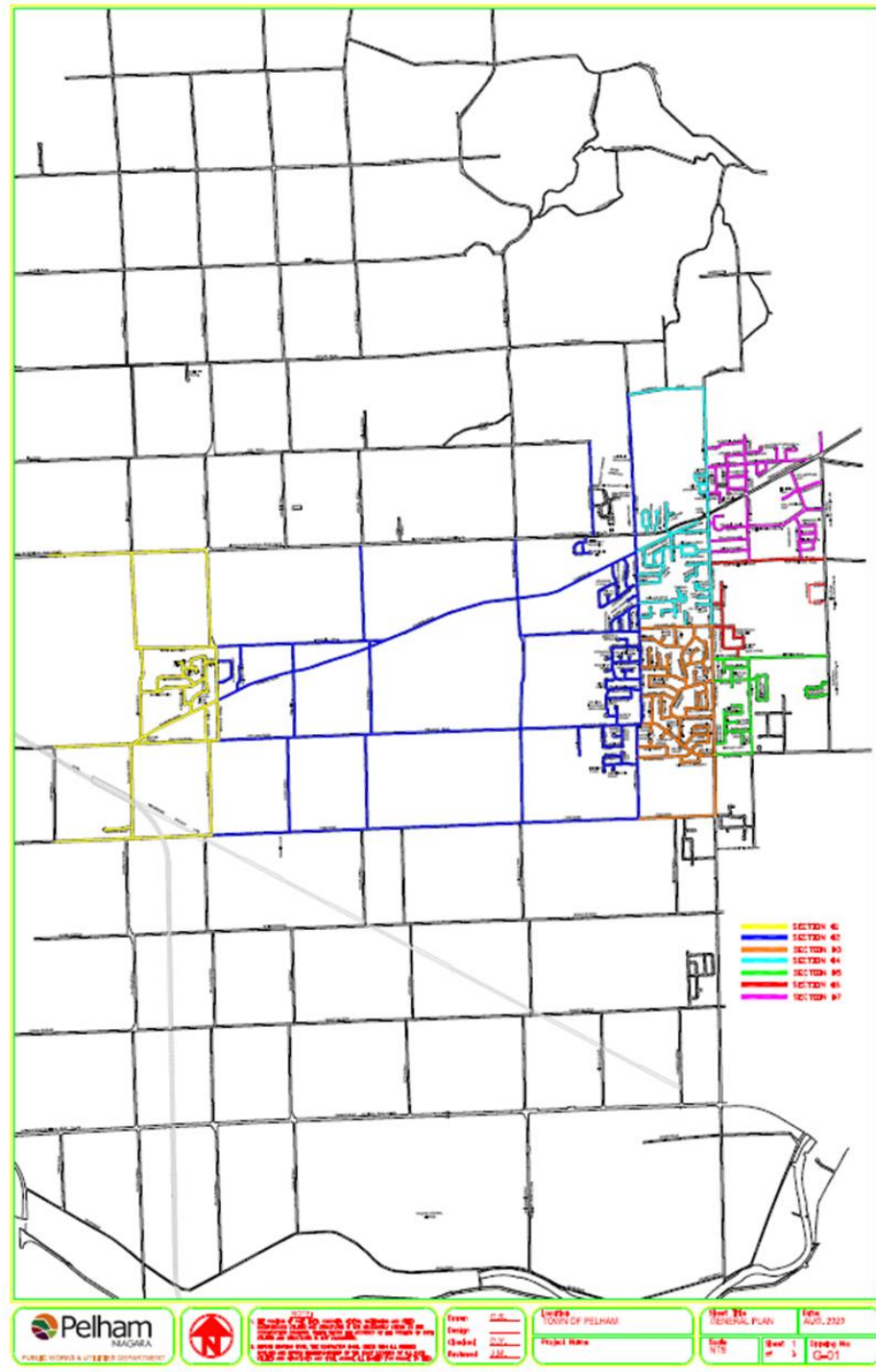
12. Invasive Species

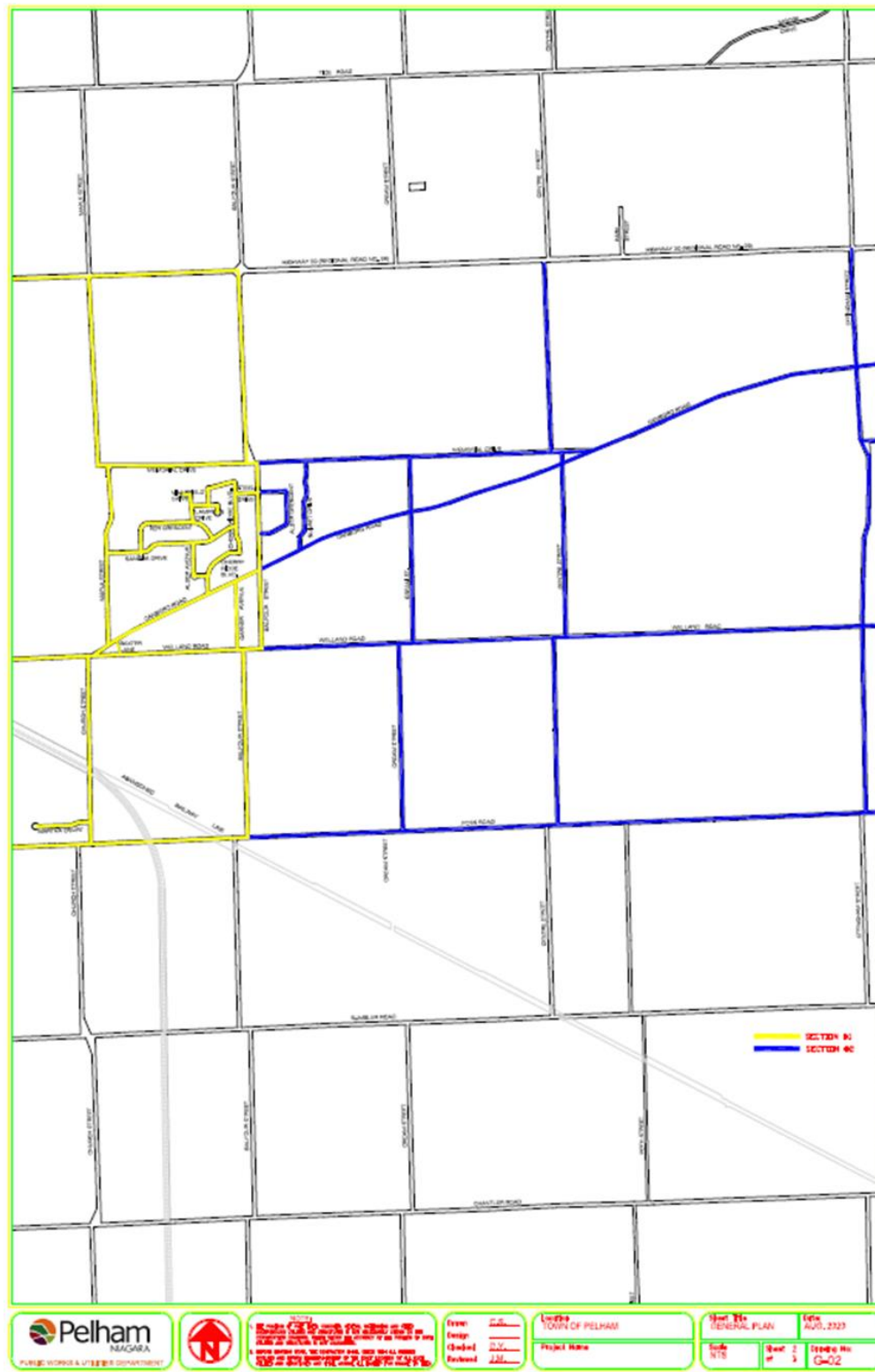
12.1 Both public and private trees face significant threats from invasive insect pests and diseases.

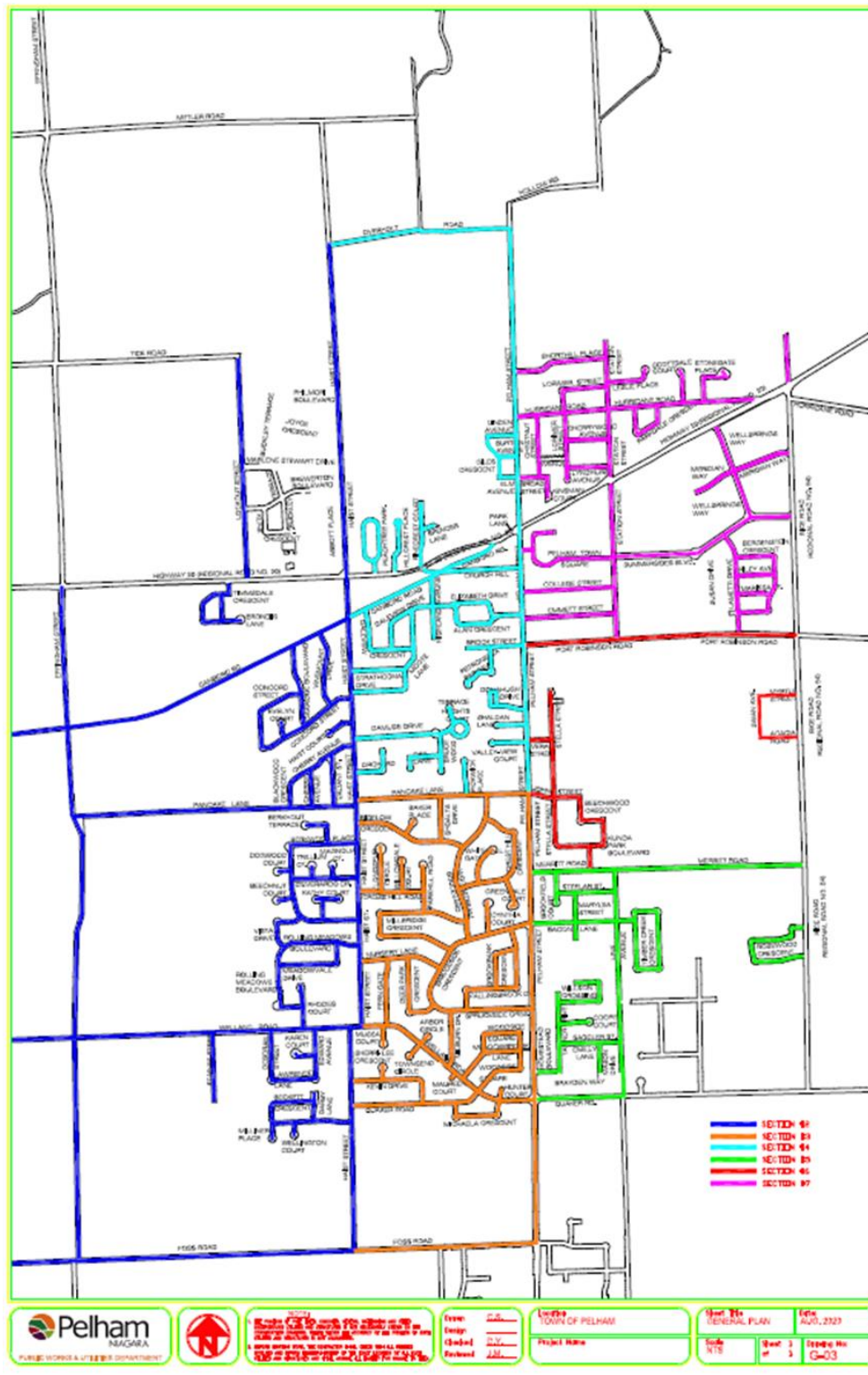


12.2 The Town of Pelham will implement an Integrated Pest Management (IPM) approach to manage pests and disease in an ecological manner. Plans are based first on prevention and when needed, a control (biological, cultural, physical or mechanical intervention), saving registered pesticide application as a last resort.

12.3 The Town of Pelham Public Works Department endeavors to consider all invasive insect pests and disease when selecting tree species, and increasing tree diversity to minimize the effects.

Schedule A







Survey Responses

09 June 2021 - 08 July 2021

Tree Policy Survey

Engaging Pelham

Project: Proposed Tree Management Policy



VISITORS					
26					
CONTRIBUTORS			RESPONSES		
14			14		
14	0	0	14	0	0
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



Respondent No: 1

Login:

Email:

Responded At: Jun 16, 2021 11:52:08 am

Last Seen: Jun 16, 2021 17:50:46 pm

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

The Town has a questionable track record of protecting our trees. I hope this is a step on the right direction towards becoming better stewards of our land.



Respondent No: 2

Login: [REDACTED]

Email: [REDACTED]

Responded At: Jun 16, 2021 11:58:01 am

Last Seen: Jun 16, 2021 17:38:32 pm

IP Address: [REDACTED]

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

There needs to be a sound tree policy for the Town of Pelham and many of the existing strategies I do support. Planting carolinian species, proper care and maintenance and thinking about climate change impacts are all very strong aspects of the policy. However, more mature trees have been removed than replaced in the past 10 years since we lived here especially on boulevards and woodlots..maybe it is due to future development on those roads but I'd like to see more efforts. Many healthy, mature trees have been cut for development/housing purposes both on public and private lands and it impacts quality of life in Pelham. I think a yearly budget of only \$25,000 for tree planting is very low. With respect to the alternative suggestions: #2 where municipal trees are cared and maintained by abutting property owners is just ridiculous on so many levels.



Respondent No: 3

Login: f

Email:

Responded At: Jun 16, 2021 13:07:26 pm

Last Seen: Jun 16, 2021 19:06:59 pm

IP Address:

- Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham? Yes
- Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre? No
- Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy? Yes
- Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.
- not answered



Respondent No: 4

Login

Email:

Responded At: Jun 16, 2021 15:50:40 pm

Last Seen: Jun 16, 2021 21:45:54 pm

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

Insufficient policy and/or care for the deforestation for all trees attacked by the gypsy moth infestation.



Respondent No: 5

Login:

Email: {

Responded At: Jun 16, 2021 19:09:08 pm

Last Seen: Jun 17, 2021 01:08:38 am

IP Address:

- Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham? Yes
- Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre? No
- Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy? Yes
- Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.
- not answered



Respondent No: 6

Login:

Email:

Responded At: Jun 17, 2021 06:49:26 am

Last Seen: Jun 17, 2021 12:46:25 pm

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

No

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

I think residents should be able to have some input as to what trees are being planted especially on residential boulevards.



Respondent No: 7

Login:

Email

Responded At: Jun 21, 2021 07:05:41 am

Last Seen: Jun 21, 2021 13:04:37 pm

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

Enough of the destruction!



Respondent No: 8

Login:

Email:

Responded At: Jun 23, 2021 13:12:32 pm

Last Seen: Jun 23, 2021 19:08:52 pm

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham? Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre? Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy? Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

A private tree by-law would be a good way to ensure that trees are taken down safely and responsibly if residents have to obtain a permit. Additionally it might deter people from erroneously removing a tree that is otherwise healthy.



Respondent No: 9

Login:

Email:

Responded At: Jun 23, 2021 14:36:07 pm

Last Seen: Jun 23, 2021 20:33:08 pm

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

No

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

We have lost too many trees in our neighbourhood recently. We chose to move to an older neighbourhood in Fonthill specifically for the trees, and it is upsetting to see so many taken down.



Respondent No: 10

Login

Email:

Responded At: Jun 23, 2021 19:00:27 pm

Last Seen: Jun 24, 2021 01:03:04 am

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

No

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

I think the gypsy moths are a real problem, our property lost all its ash trees to the beetle a few years ago, now the oaks are disappearing as well



Respondent No: 11

Login

Email: {

Responded At: Jul 01, 2021 04:50:58 am

Last Seen: Jul 01, 2021 10:35:18 am

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham? No

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre? Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy? Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

I believe that any property over with over 2000 square feet of open yard in one location (front or back yards) should have a prescribed number of trees per acre. providing it is not a field used for crops, Fields used for grazing animals should have a prescribed number of trees per acre as well. I believe in the carrot over the whip strategy, those who have and maintain trees on their property should receive a financial advantage over those who do not. Parking lots like in large plazas and malls should be mandated to plant trees surrounding and within their parking lots once they are over a certain size to reduce "the urban heat wave". and this should be retroactive, example the plaza with giant tiger on hwy 20 should remove at least 12 parking spots in groups of 2 side by side and plant a tree in central locations through the lot



Respondent No: 12

Login: _____

Email: (_____)

Responded At: Jul 01, 2021 05:46:29 am

Last Seen: Jul 01, 2021 11:45:40 am

IP Address: _____

- Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham? Yes
- Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre? Yes
- Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy? Yes
- Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.
not answered



Respondent No: 13

Login:

Email:

Responded At: Jul 02, 2021 18:25:41 pm

Last Seen: Jul 03, 2021 00:22:24 am

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham? Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre? Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy? Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

It is important that land DEVELOPERS especially be committed to and held accountable for planting native species to maintain the aesthetic and well being of Pelhams citizens.



Respondent No: 14

Login:

Email:

Responded At: Jul 07, 2021 10:25:01 am

Last Seen: Jul 07, 2021 16:22:56 pm

IP Address:

Q1. Do you support the Town of Pelham delegating the authority to the Niagara Region to enforce the Regional By-law No. 2020-79 to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham?

Yes

Q2. Do you believe the Town of Pelham should enact a by-law governing the removal or destruction of trees on private property less than 1 acre?

Yes

Q3. Should the Town create a policy identifying coverage targets for the urban tree canopy?

Yes

Q4. Please provide comments on the proposed policy and identify additions , deletions, and further requirements.

not answered

13 July 2021

Mr. Ryan Cook,
Manager of Public Works
Town of Pelham.

Subject: Tree Management Policy, No. 5802-01 (Proposal)

Respectfully I submit the following comments. This policy statement proposal would, in my view, benefit from an increased expression of the following ideas.

FUNDING

To be effective, elected councils must commit long term funding to hire and train competent, committed and engaged staff. All staff, permanent, casual, contract must be fully aware that their obligation is to support healthy tree cover and not to contribute to their incremental demise with power mowers and trimmers.

HUMAN BEHAVIOUR/TREE PROTECTION

Policy No. 5802-01 proposal must, in my view, be supported by expectations of human behaviour that protects trees, especially new plantings done to the highest possible standards.

The new Tulip Trees northeast of Town Hall are a welcome site. Perhaps doing an excellent job of planting fewer trees may be worth considering.

ACCOUNTABILITY

This is referenced in the new policy proposal but how is it enforced?

How are private land "care" contractors screened for hiring and held accountable for damage if any?

Is there a site inspection before and after the "care" season?

Does the lowest bidder get the contract?

Is the town getting good value from the services delivered?

I have to wonder about the results.

PUBLIC AWARENESS VS. APATHY

Citizens of Pelham would, in my opinion, benefit from increased awareness of the importance of a healthy tree canopy. It is my experience that most people do not have the faintest idea of how trees actually "work". Lack of awareness contributes to apathy, neglect and potential demise.

Proposed policy No. 5-802-1 could be taken as an opportunity for an information strategy component of Town operations - i.e. a report to the taxpayers.

One such report (to the Voice) could be a disclosure of the total actual cost of placing and maintaining (2 yrs) of a minimum 50 mm. caliper nursery stock tree in its new home.

Thank you for the opportunity to comment.

Respectfully



THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-79

A BY-LAW TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF
TREES IN WOODLANDS IN THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

WHEREAS the Council for The Regional Municipality of Niagara (“Regional Council”) deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara (the “Region”) through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- helping to achieve the objectives of the Regional Official Plan to ensure the long-term health and productivity of woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;
- supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and, supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and,

WHEREAS on April 10, 2008 By-law No. 30-2008 was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 30-2008 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

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

1. DEFINITIONS

In this By-law:

- 1.1 "Agricultural Use" means the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, Harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities;
- 1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 1.4 "Bumper Tree" means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 "Coppice growth" means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;

- 1.6 “DBH” or “Diameter at Breast Height” means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;
- 1.7 “Diameter” means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;
- 1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;
- 1.10 “Good Forestry Practices” means:
- 1.10.a the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;
 - 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
 - 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,

- 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;
- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;
- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
 - 1.13. a broken branches in the crown of a Tree;
 - 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
 - 1.13. c the splitting of, removal of or damage to the bark of a Tree; or
 - 1.13. d damage to the root structure of a Tree;but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.
- 1.14 “Normal Farm Practice” means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices;
- 1.15 “Officer” means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- 1.16 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person

having any right, title, interest or equity in the land and any Person lawfully permitted on the land;

- 1.17 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;
- 1.18 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;
- 1.19 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;
- 1.20 “Point of Measurement” means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;
- 1.21 “Qualified OPFA Member” means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- 1.22 “Qualified Tree Marker” means:
- 1.22.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or
- 1.22.b A Qualified OPFA Member qualified to do tree marking.
- 1.23 “Region” means The Regional Municipality of Niagara;
- 1.24 “Regional Council” means the Council of The Regional Municipality of Niagara;
- 1.25 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;
- 1.26 “Sensitive Natural Area” means lands that are in a Woodland and:

- 1.26.a within the Environmental Protection Area designation of the Natural Heritage System and adjacent lands, as defined in the Regional Official Plan; or
- 1.26.b within a Natural Area as designated in the Niagara Escarpment Plan.
- 1.27 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.28 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.29 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;
- 1.30 “Tree” or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.31 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.32 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;

- 1.33 "Woodland" or "Woodlands" means land on one or more properties with a density of at least:
- 1.33.a 1,000 Trees, of any size, per hectare;
 - 1.33.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
 - 1.33.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
 - 1.33.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;
- but does not include:
- 1.33.f a cultivated fruit or nut orchard;
 - 1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or
 - 1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;
 - 1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

- 2.1 all Woodlands having an area of one (1) hectare or more;
- 2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and
- 2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

- 3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:
- 3.1.a Unless exempted under Section 4 of this By-law; or
 - 3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.
- 3.2 No Person through their own actions or through any other Person shall:
- 3.2.a Contravene the terms or conditions of a Permit issued under this By-law;
 - 3.2.b Fail to comply with an Order issued under this By-law; or
 - 3.2.c Remove or deface any Order that has been posted pursuant to this By-law.
- 3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.
- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
 - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
 - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
 - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - 4.4.d in a development agreement between an Owner and an Area Municipality;
 - 4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or
 - 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

- 4.6 The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; R.S.O. 1990, c. A.8, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
- 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
- 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;
- 4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

- 4.13 The Injuring or Destruction of Trees that:
- 4.13.a are dead;
 - 4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or
 - 4.13.c pose a hazard to human safety or property.
- 4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:
- 4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests"; and
 - 4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.
- 4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing.
- The clearing shall be carried out in accordance with Normal Farm Practices as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended, provided that:
- 4.15.a the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;
 - 4.15.b prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required; and
 - 4.15.c the land being cleared for Agricultural Use is outside the Urban Areas as defined in the Regional Official Plan, and is designated and zoned

for Agricultural Use in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan;

except where the Injuring or Destruction of Trees involves a Sensitive Natural Area, in which case a Permit is required pursuant to the provisions of this By-law, but no fee shall be required.

- 4.16 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.
- 4.17 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

- 5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.
- 5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:
 - 5.2.a a complete signed application form as provided by the Region;
 - 5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,
 - 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.
- 5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

- 5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
 - 5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;
 - 5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and
 - 5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.
- 5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

- 6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.
- 6.2 Applications for Permits will be processed only if:
- 6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;
 - 6.2.b the requirements that must be submitted with an application have been included; and
 - 6.2.c applications are in keeping with the general purpose and intent of this By-law.

- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
- 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
 - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
- 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
 - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
 - 6.5.c the marking of Trees to be cut with paint;
 - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
 - 6.5.e the submission of additional information required before the Permit becomes effective;
 - 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
 - 6.5.g a follow-up fuelwood (firewood) harvest.
- 6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.

- 6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

- 7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:
- 7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or
 - 7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.
- 7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.
- 7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.
- 7.4 Regional Council may:
- 7.3.a Uphold the decision of the Officer;
 - 7.3.b Vary any condition on a Permit; or
 - 7.3.c Issue a Permit with conditions as Regional Council considers appropriate.
- 7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

- 8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened the By-law or who caused or permitted the Injuring or Destruction of Trees in

contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:

- 8.1.a the municipal address or the legal description of the land;
 - 8.1.b reasonable particulars of the contravention; and
 - 8.1.c the period within which there must be compliance with the Order.
- 8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:
- 8.2.a the Owner of the Woodland; and
 - 8.2.b the person identified as Injuring or Destroying Trees.
- 8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.
- 8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

- 9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.
- 9.2 The Order shall set out:
- 9.2.a the name and the Owner and the municipal address or the legal description of the land;
 - 9.2.b reasonable particulars of the contravention;
 - 9.2.c the work to be done and the date by which the work must be done;

- 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,
 - 9.2.e contact information of the Officer.
- 9.3 The Order may be served in accordance with the service provisions contained in section 8.
- 9.4 If a Person fails to comply with an Order issued pursuant to this section, the Region may enter the lands at any reasonable time for the purposes of doing the things described in the Order at the Person's expense.
- 9.5 If the Region enters onto the lands and completes the work, the Region may recover its costs to complete the work for the Person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

10. PENALTY

- 10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:
 - 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater;
 - 10.1.b on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
 - 10.1.c on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.
- 10.2 Despite subsection 10.1, where the Person convicted is a corporation:
 - 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and

- 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000 per Tree.
- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.
- 10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.
- 11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.
- 11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. ADMINISTRATION

- 12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.
- 12.2 The short title of this By-law is the “Woodland Conservation By-law”.
- 12.3 By-law 30-2008 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.
- 12.4 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:
- 12.4.a proceedings in respect of offences that occurred before its repeal;
and,
 - 12.4.b permits in compliance with Bylaw 30-2008, which were approved prior to its repeal.
- 12.5 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

- c) 1.8 m wood board-to-board privacy fence may be required in other locations where residential flankages and/or rear yards are adjacent to collector and arterial roads as deemed appropriate by the Town.
- d) Fencing may be required for properties abutting utility corridors; Developer to consult with utility company.
- e) Fencing will be required for properties abutting school board lands; Developers to consult with School Board.
- f) Fencing may be required for entrances or natural features abutting the R.O.W.

The fencing materials used are to be consistent throughout a development.

Fencing is not required where noise barrier walls are to be installed.

Temporary and/or protective decorative fencing may be required to protect park blocks and/or open space corridors at the Town's discretion.

2.16 Landscaping

The Landscape Zone is indicated in every street type; however, its character may be significantly different depending on street type, adjacent uses and location. In general, the Landscape Zone includes space for street trees, planting boxes and/or a mix of soft and hardscaping. In urban or mixed-use areas, it may also contain street furniture and wayfinding and public signage to provide amenities for pedestrians, visitors and residents. In more rural settings, this zone will be primarily softscaped and consist of buffer planting, street trees or naturalized vegetation. The landscape zone is generally located between the curb and the sidewalk in order to provide an additional safety buffer between pedestrians and vehicles.

- The Landscape Zone includes street trees, other landscaping features such as planting boxes, street furniture and public wayfinding signage.
- This zone provides space for amenities that activate the street and create a more comfortable, accessible and appealing pedestrian environment. It also provides a safety buffer against car doors and mirrors, and can also accommodate road signage, snow storage, lighting and utility posts and/or below-grade utilities.
- This zone can be hardscaped or softscaped or, most commonly, a mix of the two. More rural or suburban areas will typically contain more softscaping, while Downtown and Urban Living Areas will contain more hardscaping.
- Both hardscaping and softscaping should be designed to be low maintenance and durable.
- On more suburban road typologies, low maintenance vegetation and trees can be planted to reduce wind speed and snow drifting and protect the soil on adjacent fields from erosion.
- In urban / town areas, street trees and planting areas can be used at the street edge to soften hard surfaces and buffer the pedestrian clearway from the road.
- Items in this zone shall not obscure sight lines or visibility, especially at intersections.

2.17 Trees

Street trees in urban settings provide a significant aesthetic, environmental and even financial benefit. Mature trees that develop a full canopy provide shade and UV protection, improve air quality, moderate climate, store and sequester carbon, and can increase property values and reduce energy costs. Trees planted in open pits can also reduce

stormwater run-off and need to be replaced less frequently than smaller trees in planters.

Trees shall be planted in accordance with "Urban Tree Foundation Specifications" for planting, staking and tree protection, found at http://www.urbantree.org/details_specs.shtml.

For optimal tree health:

- Trees should be planted 1.5 to 2 m from the curb if space allows.
- A soil cell system may be recommended by the Town in hard-surfaced downtown areas.
- 1 tree per lot, 2 trees/corner lot.
- Where possible, 1 tree per 15m on the frontage.
- Bio-swaes or infiltration swales should be used to allow for natural watering of plant material and to reduce stormwater run-off.
- If trees are planted in a hard surface boulevard, tree grates, tree guards and underground utility boxes are recommended.
- Location and design of utility infrastructure (overhead wire, etc.) should ensure that it does not interfere with mature tree growth. Coordination with utility providers is important to minimize root and crown pruning during utility maintenance and to maximize tree pit and canopy size.
- Ensure that placement of street trees does not interfere with vehicle sight lines or with utility, water, sewer or storm infrastructure.
- Acceptable species for planting are listed in **Table 2.17a** and **Table 2.17b** below. Final selection is to be determined by the Town as factors such as availability, maturity, canopy size, functional area and maintenance are considerations for the Town.

TABLE 2.17A
RECOMMENDED STREET TREES

BOTANICAL NAME	COMMON NAME	NATIVE *	GROWTH HABIT	SIZE CLASS AT MATURITY	GROWTH RATE	CANOPY SIZE AT 20 YEARS
<i>Acer x freemanii</i> 'Celzam'	Celebration Maple		Excurrent	Medium	Med-Fast	5.5 m
<i>Acer x freemanii</i> 'Jeffersred'	Autumn Blaze Maple		Excurrent	Medium	Medium	9 m
<i>Acer rubrum</i>	Red Maple	*	Excurrent	Large	Fast	7.5 m
<i>Acer saccharum</i> ssp. <i>nigrum</i>	Black Maple	*	Decurrent	Large	Slow-Med	10 m
<i>Acer saccharum</i>	Sugar Maple	*	Decurrent	Large	Slow-Med	10.5 m
<i>Amelanchier arborea</i>	Common Serviceberry	*	Decurrent	Small	Slow-Med	4 m
<i>Amelanchier laevis</i>	Allegheny Serviceberry	*	Decurrent	Small	Slow-Med	3.75 m
<i>Carya cordiformis</i>	Bitternut Hickory	*	Excurrent	Large	Slow-Med	12 m
<i>Carya ovata</i>	Shagbark Hickory	*	Excurrent	Large	Slow	10 m
<i>Celtis occidentalis</i>	Hackberry	*	Decurrent	Medium	Med-Fast	11 m
<i>Cercidiphyllum japonicum</i>	Katsura Tree		Excurrent	Medium	Slow	4.3 m
<i>Cercis Canadensis</i>	Redbud	*	Decurrent	Small	Fast	9 m
<i>Corylus columna</i>	Turkish Hazel		Decurrent	Medium	Medium	5.5 m
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	*	Decurrent	Large	Slow-Med	10 m
<i>Juglans nigra</i>	Black Walnut	*	Decurrent	Large	Med-Fast	14 m
<i>Liriodendron tulipifera</i>	Tulip tree	*	Excurrent	Large	Fast	12 m
<i>Nyssa sylvatica</i>	Blackgum tree	*	Excurrent	Large	Slow	10.6 m
<i>Ostrya virginiana</i> (Small understory tree good in a woodlot)	Ironwood	*	Excurrent	Small	Slow	5.4 m
<i>Platanus occidentalis</i>	American sycamore	*	Decurrent	Large	Fast	18 m
<i>Platanus xacerifolia</i>	London plane tree		Decurrent			
<i>Quercus</i> species (Alba, Rubra, Velutina, Bicolour, Macrocarpa, Shumardii, Muehlenbergii)	Oak	*	Varies	Large	Med-Fast	varies
<i>Tilia americana</i>	Basswood	*	Excurrent	Large	Medium	10 m

**TABLE 2.17A
RECOMMENDED STREET TREES**

BOTANICAL NAME	COMMON NAME	NATIVE *	GROWTH HABIT	SIZE CLASS AT MATURITY	GROWTH RATE	CANOPY SIZE AT 20 YEARS
<i>Tilia cordata</i> var.	Littleleaf Linden		Excurrent	Medium	Medium	6.4 m
<i>Ulmus</i> x 'Pioneer'	Pioneer Elm		Decurrent	Large	Medium	9.5 m

Ornamental pear may also be considered.

**TABLE 2.17 B
RECOMMENDED SPECIMEN AND FOUNDATION PLANTING TREES**

BOTANICAL NAME	COMMON NAME	NATIVE *	GROWTH HABIT	SIZE CLASS AT MATURITY	GROWTH RATE	CANOPY SIZE AT 20 YEARS
<i>Acer griseum</i>	Paperbark maple		Decurrent	Small	Slow	7.6 m
<i>Amelanchier Canadensis</i>	Downy serviceberry	*	Decurrent	Small	Medium	6 m
<i>Cornus alternifolia</i>	Pagoda dogwood	*	Decurrent	Small	Slow-Medium	6m
<i>Cornus florida</i>	Flowering dogwood	*	Decurrent	Small	Medium	6m
<i>Cornus Kousa</i>	Kousa dogwood		Decurrent	Small	Slow-Medium	6m
<i>Hammamelis mollis</i>	Chinese witch-hazel		Decurrent	Small	Slow	5.4 m
<i>Hammamelis vernalis</i>	Vernal witch-hazel	*	Decurrent	Small	Slow	5.4 m
<i>Hammamelis xintermedia</i> 'Arnold's Promise'	Witch-hazel		Decurrent	Small	Slow	5.4 m
<i>Prunus maackii</i>	Amur Chokecherry		Decurrent	Small	Slow	7.5m
<i>Sambucus Canadensis</i>	Common elderberry	*	Decurrent	Small	Fast	3 m
<i>Viburnum lentago</i>	Nannyberry	*	Decurrent	Small	Medium	3.6 m

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # 4361(2021)

Being a by-law to amend By-law No. 4270(2020), as amended, being a By-law to Require the Wearing of Face Coverings in Enclosed Public Places and in Enclosed Common areas of Multi-unit, Residential Private Buildings During the COVID-19 Pandemic, to extend until the revocation, repeal or removal of requirements related to the wearing of face coverings as may be prescribed by orders issued pursuant to the *Reopening Ontario Act, 2020, S.O. 2020*

WHEREAS The Corporation of the Town of Pelham has the authority to enact by-laws for the health, safety and well-being of persons pursuant to section 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

AND WHEREAS the Regional Municipality of Niagara and The Corporation of the Town of Pelham have declared emergencies as a result of the COVID-19 pandemic pursuant to the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9*, as amended;

AND WHEREAS the Council of The Corporation of the Town of Pelham wishes to extend the requirement for persons to wear a face covering as set out in By-law 4270(2020), as amended, to assist in reducing the spread of COVID-19 within The Corporation of The Town of Pelham;

NOW THEREFORE the Council of The Corporation of The Town of Pelham ENACTS as follows:

That By-law 4270(2020) be and is hereby amended as follows:

Section 8 repealed and replaced with the following:

8. This By-law shall be in effect until the revocation, repeal or removal of requirements related to the wearing of face coverings as may be prescribed by orders issued pursuant to the *Reopening Ontario Act, 2020, S.O. 2020*, until unless otherwise extended or repealed by resolution of Council.

Enacted, signed and sealed this

26th day of July, 2021.

MAYOR MARVIN JUNKIN

TOWN CLERK HOLLY WILLFORD

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW 4362(2021)

Being a by-law to amend By-law No. #4107(2019), as amended, and By-law No. 4107(2019, as amended, being by-laws to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings, to provide for Electronic Meeting Participation for the Council of the Town of Pelham, the Committee of Adjustment and Advisory Committees.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Pelham has enacted Procedure By-law #4107(2019), as amended;

AND WHEREAS on July 21, 2020, *Bill 197, COVID-19 Economic Recovery Act*, received royal assent and includes provisions to amend the *Municipal Act 2001*, to allow members of municipal councils to continue to participate electronically in both open and closed meetings and be counted toward quorum, even in the absence of an emergency;

AND WHEREAS Section 239(3.1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law;

AND WHEREAS The Corporation of the Town of Pelham considers it desirable to be able to continue to hold Council meetings electronically for the foreseeable future;

NOW THEREFORE the Council of The Corporation of the Town of Pelham **ENACTS** as follows:

1. THAT Procedure By-law #4107(2019), as amended, be and is hereby amended, as follows:

Section 13 (vi) repealed and replaced with the following:

- vi) Electronic participation by more than one Member/member shall only be permitted **until March 31, 2022** in consideration of the public health advice to limit the spread of COVID-19;

2. THAT By-law No. 4217(2020) be and is hereby amended as follows:

Section 7 repealed and replaced with the following:

- 7) Notwithstanding Section 11, that Section 8(iv) of By-law 4107(2019) is amended to provide that the Agenda and supporting material for any meeting convened up to and including **March 31, 2022** be provided no later than 4:30 p.m. five (5) business days prior to the Meeting, including the date of the meeting (e.g. for a Monday meeting, agenda released on the Tuesday prior); and that the agenda be limited to a 300 maximum page capacity, save and except instances where a single report or attachment exceeds 200 pages.

3. THAT By-law #4107(2020), as amended, be amended to repeal and replace all reference to August 31, 2021, with "**March 31, 2022**" with respect to electronic meetings;

4. This By-law is enacted accordance with section 238(3.4) of the *Municipal Act, 2001*, as amended, and shall hereby come into effect as of the date and time of its passing, and shall be deemed repealed and no longer in force at 12:01 a.m. on **April 1, 2022**, unless otherwise extended or repealed by Council.

Enacted, signed and sealed this 26th day of July, 2021.

MAYOR MARVIN JUNKIN

CLERK HOLLY WILLFORD

The Corporation of the
Town of Pelham

By-Law No. 4363(2021)

Being a by-law to exempt Blocks 43 & 44 on Plan 59M-471, municipally known as 58, 60, 62, 64, 66, 68, 70 & 72 Summersides Boulevard, from part lot control.

**River Estates Phase 2 Subdivision
(River Realty Development (1976) Inc.)
File No. PLC 03-2021**

WHEREAS the Council of the Corporation of the Town of Pelham deems that the lands described in Section 1 of this by-law should be exempted from the provisions of Section 50 (5) of the *Planning Act* since such lands are to be used for street townhouse dwelling units as permitted by Zoning By-law No. 1136 (1987), as amended;

NOW THEREFORE, the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** the provisions of Section 50 (5) of the *Planning Act, R.S.O. 1990, c.P. 13 as amended* shall not apply to the lands described as follows:
 - (a) Blocks 43 and 44 on Plan 59M-471, being Parts 1 – 6 on Reference Plan 59R-16984 and Parts 1 – 6 on Reference Plan 59R-16978, respectively,

for the purpose of creating 8 lots for street townhouse dwelling units as follows:
 - 1) Parts 1 and 2 on Reference Plan 59R-16984
 - 2) Part 3 on Reference Plan 59R-16984
 - 3) Part 4 on Reference Plan 59R-16984
 - 4) Parts 5 and 6 on Reference Plan 59R-16984
 - 5) Parts 1 and 2 on Reference Plan 59R-16978
 - 6) Part 3 on Reference Plan 59R-16978
 - 7) Part 4 on Reference Plan 59R-16978
 - 8) Parts 5 and 6 on Reference Plan 59R-16978
2. **THAT** in accordance with Section 50 (7.3) of the *Planning Act, R.S.O. 1990, c.P. 13 as amended*, this By-law shall expire three years from the date of the registration of this By-law in the Land Registry Office at which time Section 50 (5) of the *Planning Act R.S.O 1990* shall apply to those lands in the registered plan described in Section 1 of this by-law.
3. **THAT** upon final passage of this by-law, the Town Clerk shall cause this By-law to be registered in the local Land Registry Office.

Enacted, signed and sealed this
26th day of July, 2021.

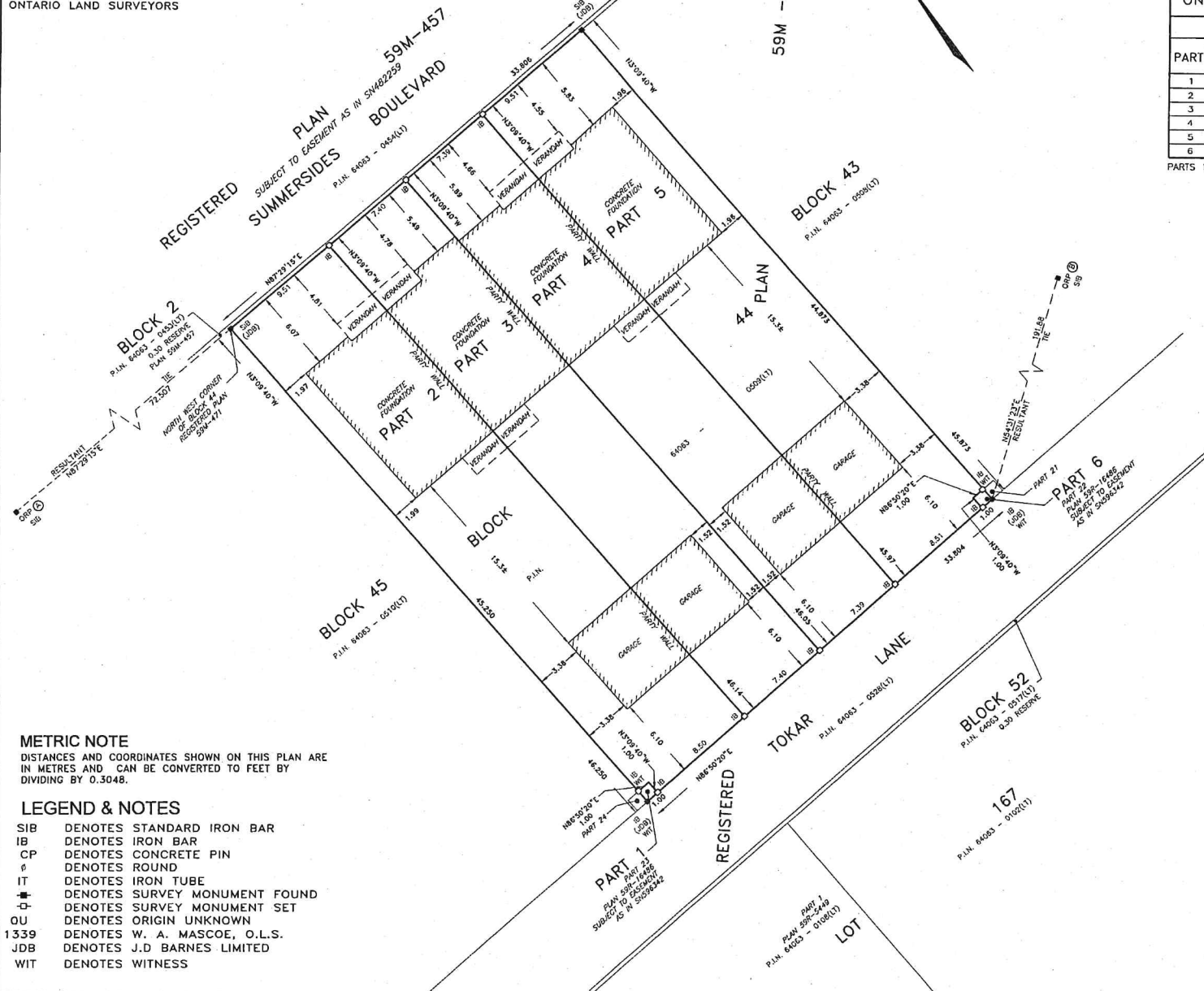
Mayor: Marvin Junkin

Clerk: Holly Willford

**PLAN OF SURVEY OF
OF BLOCK 44
REGISTERED PLAN 59M - 471
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1 : 200
0 5 10 15 metres

KIRKUP MASCOE URE SURVEYING,
ONTARIO LAND SURVEYORS



METRIC NOTE
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048.

LEGEND & NOTES

- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE PIN
- Ø DENOTES ROUND
- IT DENOTES IRON TUBE
- ⊕ DENOTES SURVEY MONUMENT FOUND
- ⊙ DENOTES SURVEY MONUMENT SET
- OU DENOTES ORIGIN UNKNOWN
- 1339 DENOTES W. A. MASCOE, O.L.S.
- JDB DENOTES J.D. BARNES LIMITED
- WIT DENOTES WITNESS

DEPOSITED UNDER THE LAND
TITLES ACT.

MAY 19, 2021

DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

PLAN 59R-16978

RECEIVED AND DEPOSITED

June 7, 2021

DATE

R Lane
REPRESENTATIVE FOR THE LAND
REGISTRAR FOR THE LAND
TITLES DIVISION OF NIAGARA
SOUTH (No. 59)

SCHEDULE

PART	BLOCK	PLAN	P.I.N.	AREA
1	ALL OF BLOCK 44	REGISTERED PLAN 59M-471	ALL OF 64063-0509 (LT)	1.0 m ²
2				437.8 m ²
3				341.1 m ²
4				340.0 m ²
5				435.7 m ²
6				1.0 m ²

PARTS 1 AND 6 ARE SUBJECT TO EASEMENT AS IN S5956342

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP_a) : UTM ZONE 17,
NAD83 (ORIGINAL) (2010.0).

COORDINATE VALUES ARE TO URBAN ACCURACY PER
SEC. 14 (2) OF ONTARIO REGULATION 216/10.

ORP	NORTHING	EASTING
(A)	640283.55	4767149.54
(B)	640548.53	4767219.78

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

BEARING NOTE

BEARINGS ARE GRID, DERIVED FROM GPS OBSERVATIONS
ON OBSERVED REFERENCE POINTS A AND B USING THE
CAN-NET VRS NETWORK AND ARE REFERRED TO THE
CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)
NAD 83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING THE COMBINED SCALE FACTOR OF 0.999827.

SURVEYOR'S CERTIFICATE


I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND
IN ACCORDANCE WITH THE SURVEYS ACT, THE
SURVEYORS ACT, THE LAND TITLES ACT, AND
THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 19TH
DAY OF MAY, 2021.

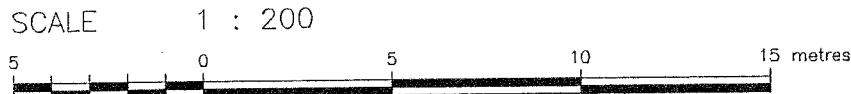
MAY 19, 2021

DATE

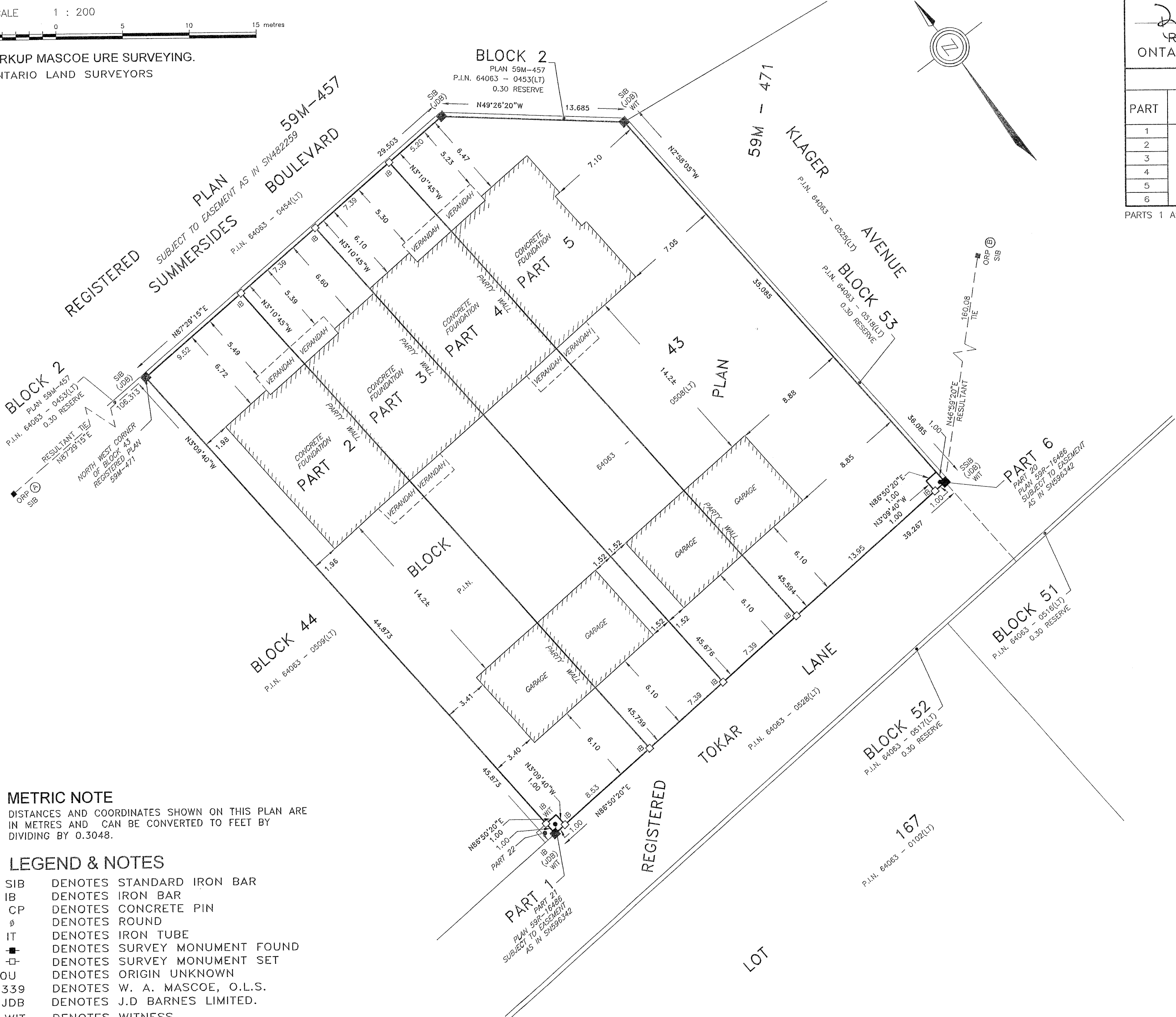
ROY S. KIRKUP
ONTARIO LAND SURVEYOR

 Kirkup Mascoe Ure Surveying A Division of J.D. Barnes Limited			SURVEYING MAPPING GIS
49 EASTCHESTER AVE., ST. CATHARINES, ON L2P 1Y6 T: (905) 641-1907 F: (905) 641-4124 www.jdbarnes.com			
DRAWN BY:	CN	CHECKED BY:	RSK
PLOTTED: MAY 19, 2021		REFERENCE NO.: 20-49-054-00	
		DATED: MAY 19, 2021	

PLAN OF SURVEY OF
OF BLOCK 43
REGISTERED PLAN 59M - 471
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA



KIRKUP MASCOE URE SURVEYING.
ONTARIO LAND SURVEYORS



METRIC NOTE
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048.

- LEGEND & NOTES**
- SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CP DENOTES CONCRETE PIN
 - Ø DENOTES ROUND
 - IT DENOTES IRON TUBE
 - DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - OU DENOTES ORIGIN UNKNOWN
 - 1339 DENOTES W. A. MASCOE, O.L.S.
 - JDB DENOTES J.D. BARNES LIMITED.
 - WIT DENOTES WITNESS

DEPOSITED UNDER THE LAND
TITLES ACT.

MAY 19, 2021

DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

PLAN 59R-16984

RECEIVED AND DEPOSITED

June 11, 2021

DATE

R. Lane

REPRESENTATIVE FOR THE LAND
REGISTRAR FOR THE LAND
TITLES DIVISION OF NIAGARA
SOUTH (No. 59)

SCHEDULE

PART	BLOCK	PLAN	P.I.N.	AREA
1	ALL OF BLOCK 43	REGISTERED PLAN 59M-471	ALL OF 64063-0508 (LT)	1.0 m ²
2				435.2 m ²
3				337.8 m ²
4				337.2 m ²
5				636.7 m ²
6				1.0 m ²

PARTS 1 AND 6 ARE SUBJECT TO EASEMENT AS IN SN596342

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs) : UTM ZONE 17,
NAD83 (ORIGINAL) (2010.0).

COORDINATE VALUES ARE TO URBAN ACCURACY PER
SEC. 14 (2) OF ONTARIO REGULATION 216/10.

ORP	NORTHING	EASTING
(A)	640283.55	4767149.54
(B)	640548.53	4767219.78

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

BEARING NOTE

BEARINGS ARE GRID, DERIVED FROM GPS OBSERVATIONS
ON OBSERVED REFERENCE POINTS A AND B USING THE
CAN-NET VRS NETWORK AND ARE REFERRED TO THE
CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)
NAD 83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING THE COMBINED SCALE FACTOR OF 0.999827.

SURVEYOR'S CERTIFICATE

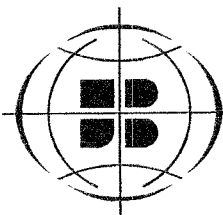
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND
IN ACCORDANCE WITH THE SURVEYS ACT, THE
SURVEYORS ACT, THE LAND TITLES ACT, AND
THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 19TH
DAY OF MAY, 2021.

MAY 19, 2021

DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR



Kirkup Mascoe Ure Surveying
A Division of J.D. Barnes Limited

49 EASTCHESTER AVE., ST. CATHARINES, ON, L2P 2Y6
T: (905) 641-1007 F: (905) 641-4424 www.jdbarnes.com

DRAWN BY: CN	CHECKED BY: RSK	REFERENCE NO.: 20-49-054-00
PLOTTED: MAY 19, 2021	DATED: MAY 19, 2021	

The Corporation of the
T o w n o f P e l h a m

By-Law No. 4364(2021)

Being a by-law to exempt Blocks 29 & 35 on Plan 59M-476, municipally known as 48, 50, 52, 54 & 56 and 53, 55, 57 and 59 Lymburner Street, from part lot control.

**Saffron Meadows Phase 2 Subdivision (Hert Inc.)
File No. PLC 02-2021**

WHEREAS the Council of the Corporation of the Town of Pelham deems that the lands described in Section 1 of this by-law should be exempted from the provisions of Section 50 (5) of the *Planning Act* since such lands are to be used for street townhouse dwelling units as permitted by Zoning By-law No. 1136 (1987), as amended;

NOW THEREFORE, the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** the provisions of Section 50 (5) of the *Planning Act, R.S.O. 1990, c.P. 13 as amended* shall not apply to the lands described as follows:
 - (a) Blocks 29 and 35 on Plan 59M-476, being Parts 1 – 10 on Reference Plan 59R-16986 and Parts 1 – 4 on Reference Plan 59R-16985, respectively,

for the purpose of creating 9 lots for street townhouse dwelling units as follows:
 - 1) Parts 1 and 2 on Reference Plan 59R-16986
 - 2) Parts 3 and 4 on Reference Plan 59R-16986
 - 3) Parts 5 and 6 on Reference Plan 59R-16986
 - 4) Parts 7 and 8 on Reference Plan 59R-16986
 - 5) Parts 9 and 10 on Reference Plan 59R-16986
 - 6) Part 1 on Reference Plan 59R-16985
 - 7) Part 2 on Reference Plan 59R-16985
 - 8) Part 3 on Reference Plan 59R-16985
 - 9) Part 4 on Reference Plan 59R-16985
2. **THAT** in accordance with Section 50 (7.3) of the *Planning Act, R.S.O, 1990, c.P, 13 as amended*, this By-law shall expire three years from the date of the registration of this By-law in the Land Registry Office at which time Section 50 (5) of the *Planning Act R.S.O 1990* shall apply to those lands in the registered plan described in Section 1 of this by-law.
3. **THAT** upon final passage of this by-law, the Town Clerk shall cause this By-law to be registered in the local Land Registry Office.

Enacted, signed and sealed this
26th day of July, 2021.

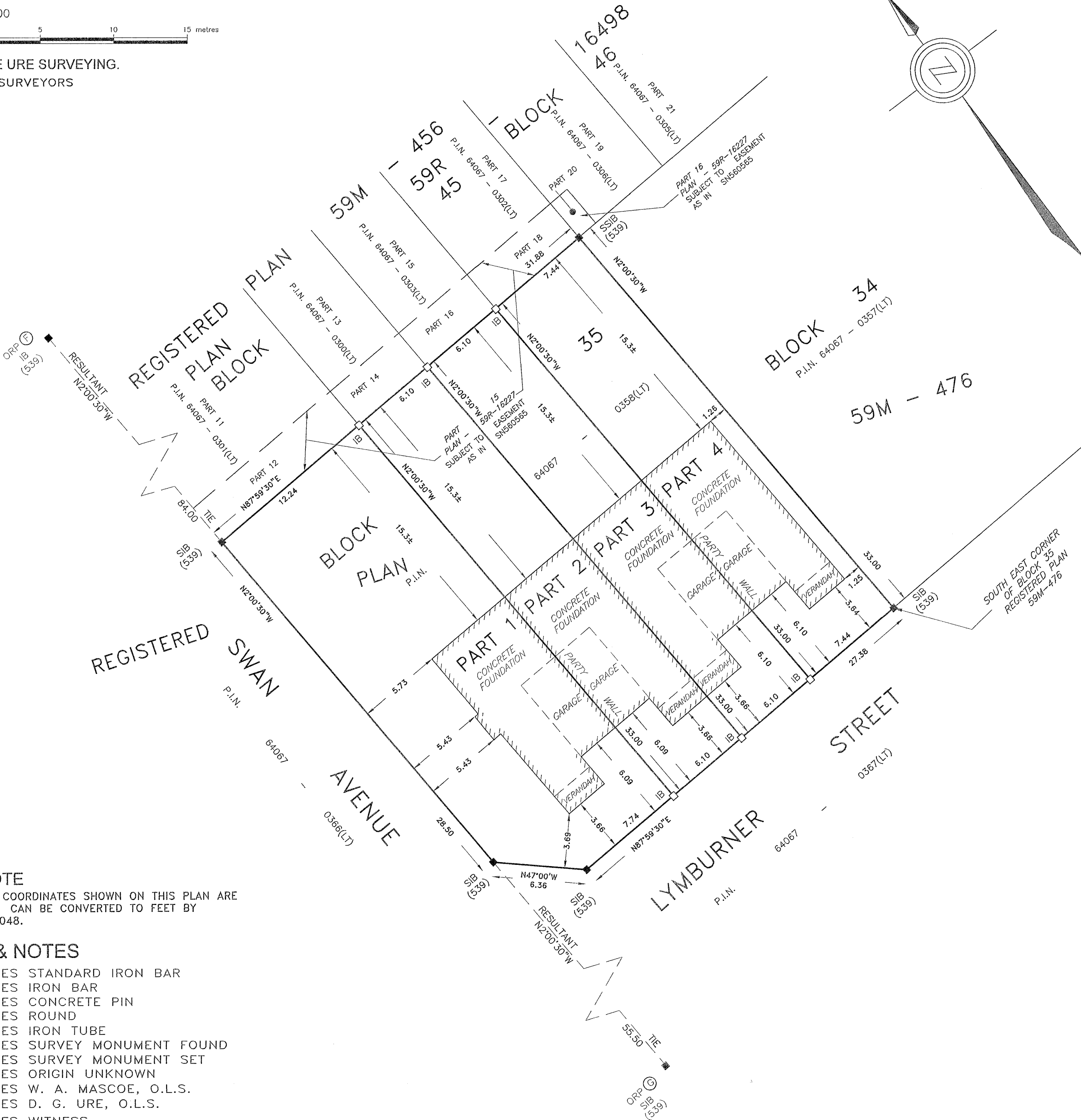
Mayor: Marvin Junkin

Clerk: Holly Willford

PLAN OF SURVEY OF
OF BLOCK 35
REGISTERED PLAN 59M - 476
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA



KIRKUP MASCOE URE SURVEYING.
ONTARIO LAND SURVEYORS



METRIC NOTE
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048.

LEGEND & NOTES

- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE PIN
- Ø DENOTES ROUND
- IT DENOTES IRON TUBE
- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- OU DENOTES ORIGIN UNKNOWN
- 1339 DENOTES W. A. MASCOE, O.L.S.
- 539 DENOTES D. G. URE, O.L.S.
- WIT DENOTES WITNESS

DEPOSITED UNDER THE LAND
TITLES ACT.

JUNE 1, 2021

DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

PLAN 59R-16985

RECEIVED AND DEPOSITED

June 11, 2021

DATE

R Lane

REPRESENTATIVE FOR THE LAND
REGISTRAR FOR THE LAND
TITLES DIVISION OF NIAGARA
SOUTH (No. 59)

SCHEDULE

PART	BLOCK	PLAN	P.I.N.	AREA
1	ALL OF BLOCK 35	REGISTERED PLAN 59M-476	ALL OF 64067-0358(LT)	393.7 m²
2				201.3 m²
3				201.3 m²
4				245.5 m²

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs) : UTM ZONE 17,
NAD83 (ORIGINAL) (2010.0).

COORDINATE VALUES ARE TO URBAN ACCURACY PER
SEC. 14 (2) OF ONTARIO REGULATION 216/10.

ORP	NORTHING	EASTING
Ⓕ	4766423.66	640766.64
Ⓖ	4766255.79	640772.53

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

BEARING NOTE

BEARINGS ARE GRID, DERIVED FROM GPS OBSERVATIONS
ON OBSERVED REFERENCE POINTS F AND G USING THE
CAN-NET VRS NETWORK AND ARE REFERRED TO THE
CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)
NAD 83 (CSRS) (2010).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING THE COMBINED SCALE FACTOR OF 0.999827.

SURVEYOR'S CERTIFICATE

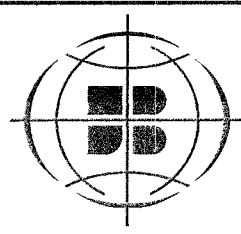
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND
IN ACCORDANCE WITH THE SURVEYS ACT, THE
SURVEYORS ACT, THE LAND TITLES ACT, AND
THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 1ST
DAY OF JUNE, 2021.

JUNE 1, 2021

DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

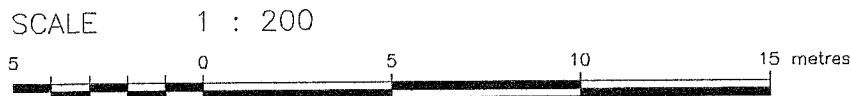


Kirkup Mascoe Ure Surveying
A Division of J.D. Barnes Limited

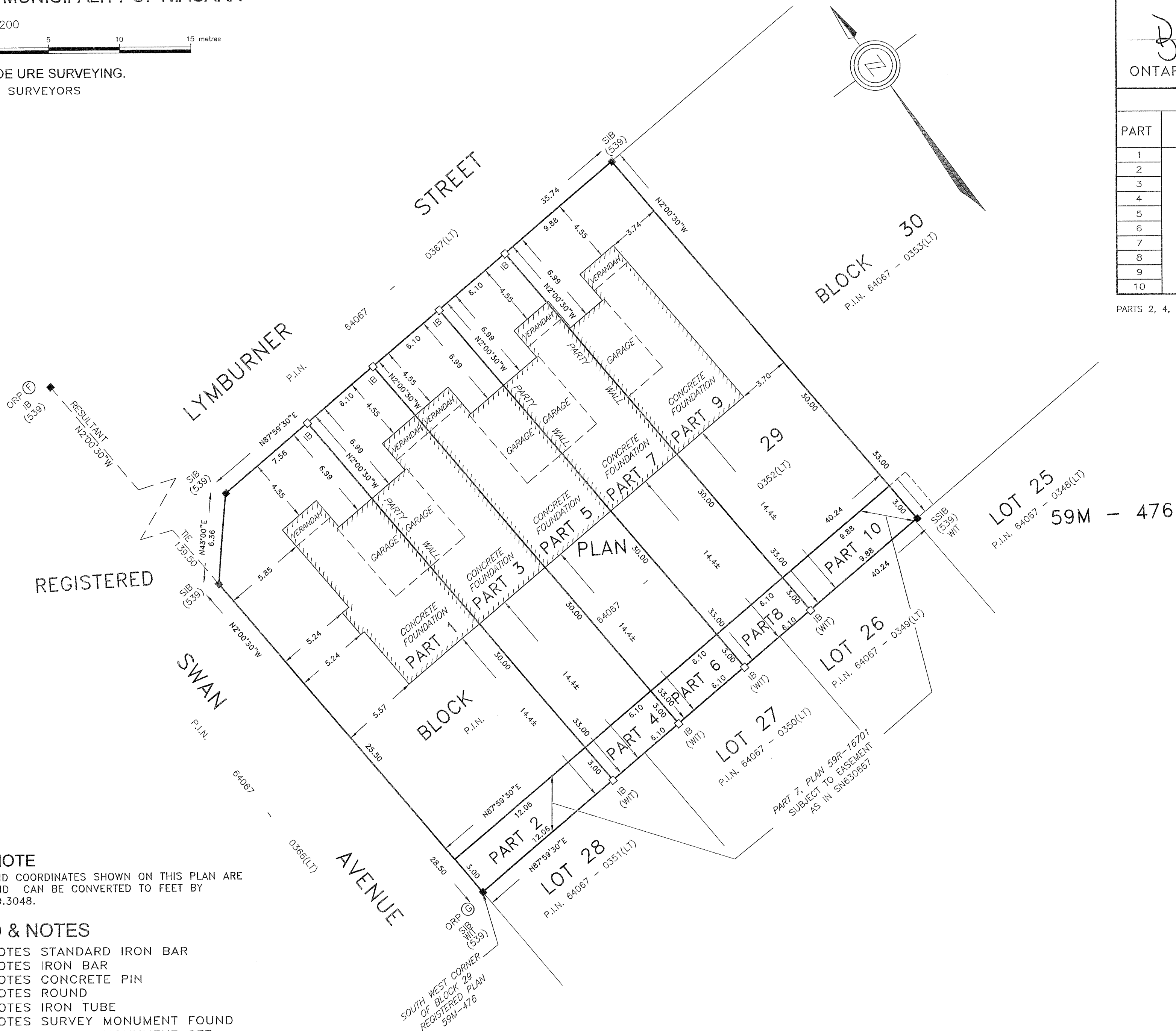
49 EASTCHESTER AVE., ST. CATHARINES, ON, L2P 2Y6
T: (905) 641-1007 F: (905) 641-4424 www.jdbarnes.com

DRAWN BY:	CN	CHECKED BY:	RSK	REFERENCE NO.:	20-49-244-00
PLOTTED:	JUNE 1, 2021	DATED:	JUNE 1, 2021		

PLAN OF SURVEY OF
OF BLOCK 29
REGISTERED PLAN 59M - 476
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA



KIRKUP MASCOE URE SURVEYING.
ONTARIO LAND SURVEYORS



METRIC NOTE

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048.

LEGEND & NOTES

- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE PIN
- Ø DENOTES ROUND
- IT DENOTES IRON TUBE
- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- OU DENOTES ORIGIN UNKNOWN
- 1339 DENOTES W. A. MASCOE, O.L.S.
- 539 DENOTES D. G. URE, O.L.S.
- WIT DENOTES WITNESS

DEPOSITED UNDER THE LAND
TITLES ACT.

MAY 19, 2021

DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

PLAN 59R- 16986

RECEIVED AND DEPOSITED

June 11, 2021

DATE

R Lane

REPRESENTATIVE FOR THE LAND
REGISTRAR FOR THE LAND
TITLES DIVISION OF NIAGARA
SOUTH (No. 59)

SCHEDULE

PART	BLOCK	PLAN	P.I.N.	AREA
1	ALL OF BLOCK 29	REGISTERED PLAN 59M-476	ALL OF 64067-0352(LT)	351.6 m ²
2				36.18 m ²
3				183.0 m ²
4				18.30 m ²
5				183.0 m ²
6				18.30 m ²
7				183.0 m ²
8				18.30 m ²
9				296.4 m ²
10				29.64 m ²

PARTS 2, 4, 6, 8 AND 10 ARE SUBJECT TO EASEMENT AS IN SN630667

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs) : UTM ZONE 17,
NAD83 (ORIGINAL) (2010.0).

COORDINATE VALUES ARE TO URBAN ACCURACY PER
SEC. 14 (2) OF ONTARIO REGULATION 216/10.

ORP	NORTHING	EASTING
Ⓕ	4766423.66	640766.64
Ⓖ	4766255.79	640772.53

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

BEARING NOTE

BEARINGS ARE GRID, DERIVED FROM GPS OBSERVATIONS
ON OBSERVED REFERENCE POINTS F AND G USING THE
CAN-NET VRS NETWORK AND ARE REFERRED TO THE
CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)
NAD 83 (CSRS) (2010).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING THE COMBINED SCALE FACTOR OF 0.99982.

SURVEYOR'S CERTIFICATE

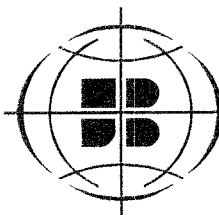
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND
IN ACCORDANCE WITH THE SURVEYS ACT, THE
SURVEYORS ACT, THE LAND TITLES ACT, AND
THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 19TH
DAY OF MAY, 2021.

MAY 19, 2021

DATE

ROY S. KIRKUP
ONTARIO LAND SURVEYOR



Kirkup Mascoe Ure Surveying
A Division of J.D. Barnes Limited

SURVEYING
MAPPING
GIS

49 EASTCHESTER AVE., ST. CATHARINES, ON, L2P 2Y6
T: (905) 641-1007 F: (905) 641-4424 www.jdbarnes.com

DRAWN BY:	CN	CHECKED BY:	RSK	REFERENCE NO.:	20-49-244-00
PLOTTED:	MAY 19, 2021	DATED:	MAY 19, 2021		

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4366(2021)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its regular meeting held on the 26th day of
July 2021.**

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 26th day of July, 2021, 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 26th DAY OF JULY 2021 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK HOLLY WILLFORD