

REGULAR COUNCIL AGENDA

C-10/2023
Wednesday, May 17, 2023
9:00 AM
Meridian Community Centre - Accursi A and B
100 Meridian Way
Fonthill, ON
LOS 1E6

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, 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. Land Recognition Statement

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

3. Approval of the Agenda

4.	DISC	dosure of Pecuniary Interests and General Nature Thereof				
5.	Hearing of Presentation, Delegations, Regional Report					
	5.1	Delegations				
		5.1.1	Overview of MPAC (Municipal Property Assessment Corporation)	6 - 22		
			Kailie Pyott - Account Manager, Municipal and Stakeholder Relations			
		5.1.2	Town of Pelham Recreation Master Plan, Monteith Brown Planning Consultants	23 - 29		
			Steve Langlois, Principal Planner			
6.	Adoption of Council Minutes					
	6.1	C-09/2023 Regular Council - May 3 2023 30 - 38				
7.	Requ	uest(s) to Lift Consent Agenda Item(s) for Separate Consideration				
8.	Consent Agenda Items to be Considered in Block					
	8.1	Staff Reports of a Routine Nature for Information or Action				
		8.1.1	Municipal Drain Process, 2023-0117-Planning	39 - 45		
		8.1.2	Town Hall Building Addition May Update, 2023-0116- Public Works	46 - 60		
	8.2	Action	Correspondence of a Routine Nature			
		8.2.1	Brain Tumour Foundation of Canada Proclamation Request for Brain Tumour Awareness Month	61 - 62		
		8.2.2	Call for Nominations: Niagara Region Committees	63 - 63		
	8.3	Inform	Information Correspondence			
		8.3.1	Township of Perry Resolution: Bill 5 Stopping Harassment and Abuse by Local Leaders Act	64 - 65		

		8.3.2	Emergency Management Ontario: Town of Pelham Compliance Results	66 - 67				
	8.4 Regional Municipality of Niagara Correspondence for Information or Action							
		8.4.1	Niagara Region Implementation of Red Light Camera	68 - 81				
	8.5	Adviso	ry Committee Minutes for Information					
		8.5.1	Agricultural Advisory Committee March 22 2023 Minutes	82 - 86				
9.	Consent Agenda Item(s) Lifted for Separate Consideration, if any							
10.	Presentation and Consideration of Reports							
	10.1							
		10.1.1	Becoming a Living Wage Employer, 2023-0047-Chief Administrator Officer	87 - 90				
		10.1.2	Proposed Changes to Planning Act and Provincial Planning Statement, 2023-0121-Planning	91 - 183				
		10.1.3	Tax Rate By-law, 2023-0120-Corporate Services	184 - 184				
11.	Unfir	nished Bu	usiness					
12.	New	Business	5					
13.	Presentation and Consideration of By-Laws							
	1. By-law 33-2023 - Being a By-law to appoint Julia Taylor (Officer No. 872) as a By-law Enforcement Officer, Property Standards Officer and Provincial Offences Officer for the Corporation of the Town of Pelham.							
		2. By-law 34-2023 - Being a By-law to set the rates of taxation for the year 2023.						
	3. By-law 35-2023 - Being a By-law to authorize the execution of Public Event Agreements with four (4) licensed establishments in the Town of Pelham and to repeal By-law 4218(2020).							

14. Motions and Notices of Motion

14.1 Councillor Olson

Mover: Councillor Olson

Seconder: Councillor Eckhardt

WHEREAS the strategic use of town lands and a recreation and culture master plan have both been established as actionable components of Pelham's Strategic Plan;

AND WHEREAS Old Pelham Town Hall, located at the corner of Memorial Drive and Canboro Road, is an important, but potentially under-utilized community asset and recreational space owned and operated by the Town of Pelham;

AND WHEREAS Council for the Town of Pelham desires to maximize the utilization of Town facilities for the purpose of culture, activity, and social connection;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report on the current use of the Old Pelham Town Hall and investigate the feasibility of repurposing Old Pelham Town Hall as a cultural centre for purposes such as, but not limited to art gallery, archive, museum, and theatre space;

AND THAT Council direct staff to explore potential grant funding opportunities to support possible re-purposing and include such opportunities within the report;

AND THAT Council direct staff to report back to Council in Q3 of 2023;

AND THAT staff be directed to include in the 2024 budget, funding to engage a consultant to perform a building condition assessment providing estimates on the required capital upgrades to achieve accessibility and zero environmental impact, for Council's consideration.

15. 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:

(c) - proposed or pending acquisition of land by the municipality; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item - Property located in Ward 2)

16. Rise From In Camera

17. Confirming By-Law

231 - 231

18. Adjournment



Request to Appear Before Council

Administration Services

Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk's department and can be dropped off or emailed to clerks@pelham.ca

Name or Organization or Firm: MPAC (Municipal Property Assessment Corporation)									
Name and Title of Presenter(s): Kailie Pyott - Account Manager, Municipal and Stakeholder Relations									
Address:									
659 Upper James St Hamilton Suite 201									
Telephone:		Email:							
2893350876		kailie.pyott@mpac.ca							
Date of Meeting Request	ed: May 17th 2023								
Ham will you attend Cour	- In n	- Clastica via	- II						
How will you attend Council? In-person Electronically *The delegate shall notify the Clerk at least five (5) business Days in advance.									
The delegate shall hothy the clerk at least live (3) busiless bays in advance.									
Subject matter to be discussed: MPAC 101									
If not for information, dentify the desired action requested:									
Have you previously spoken on this issue? If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward. Do you have presentation material or speaking notes? If yes No Delegations are required to provide the Clerk's department presentation materials for publication in Council's agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting. If have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become									
also understand that as a	a participant of this n	eeting agenda and posted to the meeting, I will be recorded and for the noting the median of Pelham's YouTube Channel.	urther understand						
X. Reall		April 2014 2002							
Signature		April 20th 2023 Date							
_									



Request to Appear Before Council

Administration Services

Delegation Protocols

The Clerk shall list a maximum of four (4) delegations per meeting. Delegations will be considered on a first come first serve basis, unless prioritized otherwise at the discretion of the Clerk, in consultation with the Chief Administrative Officer.

The purpose of the delegation process is 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:

- 1. The delegate shall arrive to the meeting by 8:45 am.
- 2. A presentation by a delegate, who is a member of the public, shall be a maximum of five (5) minutes (whether the Delegation consists of an individual or a group). A presentation by a delegate, who is a member of Town or Regional staff, shall be a maximum of twenty (20) minutes.
- 3. Where the delegate is a group of persons, a primary speaker is to be assigned to address Council.
- 4. Discussion topics, other than the subject matter of the written request to appear as a delegation, will not be permitted. Subsequent delegations on the same topic, without significant new information, will not be permitted.
- 5. A delegate shall not speak disrespectfully, use offensive language and/or disobey the rules of procedure or a decision of the Chair. Remarks or questions concerning topics identified within Section 28.7 of the Procedural By-law shall be immediately ruled out of order. A subsequent offense during the same presentation will result in the speaker forfeiting their right to speak. The Chair reserves the right to immediately end the delegation if the remarks are considered severe.
- 6. Upon completion of remarks, the speaker(s) will remain in position to allow for any questions from Members. Members may ask questions for clarification purposes. After completion of any questions, the speaker will be asked to be seated or will be placed into the waiting room of the Zoom meeting.
- 7. Delegations will not be permitted on items that will be the subject of an upcoming or closed public meeting pursuant to the *Planning Act*, unless exceptional circumstances apply, which have been reviewed and approved by Council. Persons should present their concerns and opinions at the scheduled Public Meeting where their comments can be considered along with other submissions.

MPAC Property Assessment in Ontario

Ontario's Property Experts 5.5 **TRILLION MILLION BILLION**

MPAC's database hosts information for over 5.5 million properties across Ontario.

There was more than \$37 billion of new assessment captured in 2022. Ontario's total property value exceeds \$3 trillion.





Establishes the province's assessment and taxation laws, sets the valuation date and determines education tax rates.



MPAC

Calculates, captures and distributes assessments for all properties and buildings across
Ontario.



Municipalities

requirements, set municipal tax rates and collect property taxes to pay for municipal services.



Property Owners

Pay property taxes
for community
services and
education taxes to
help fund elementary
and secondary
schools in Ontario.

Maintaining Ontario's Property Database



Provincial, Municipal and Property Owner Support & Guidance



New Assessment Forecasting & Market Analysis/Trends



Municipal Financial Planning & Insights



Vacancy and Tax Applications for Commercial, Business & Residential



Requests for Reconsideration & Appeal Processing



Processing Severances and Consolidations







How We Assess Property

Direct Comparison Approach







Residential

Condos

Vacant Land

We analyze recent sales of **comparable properties** that were sold for a similar or identical use as the **property to be valued.**

The 5 Major Factors



Location



Lot Size



Quality of Construction



Square Footage



Age of Property

Did you know?

Five major factors account for approximately 85% of a property's assessed value.

MPAC's Role in The Building Permit Process



Resolving Assessment Concerns



their assessed

values

Submit a Request for Reconsideration if you disagree

Let's Talk Property Taxes

Each year, municipalities decide how much money they need to raise from property taxes to pay for services and determine tax rates based on that amount.











Your property's assessed value, provided by MPAC.

Municipal and education tax rates* for your property type.

Property taxes you pay.

Ready with Resources for You











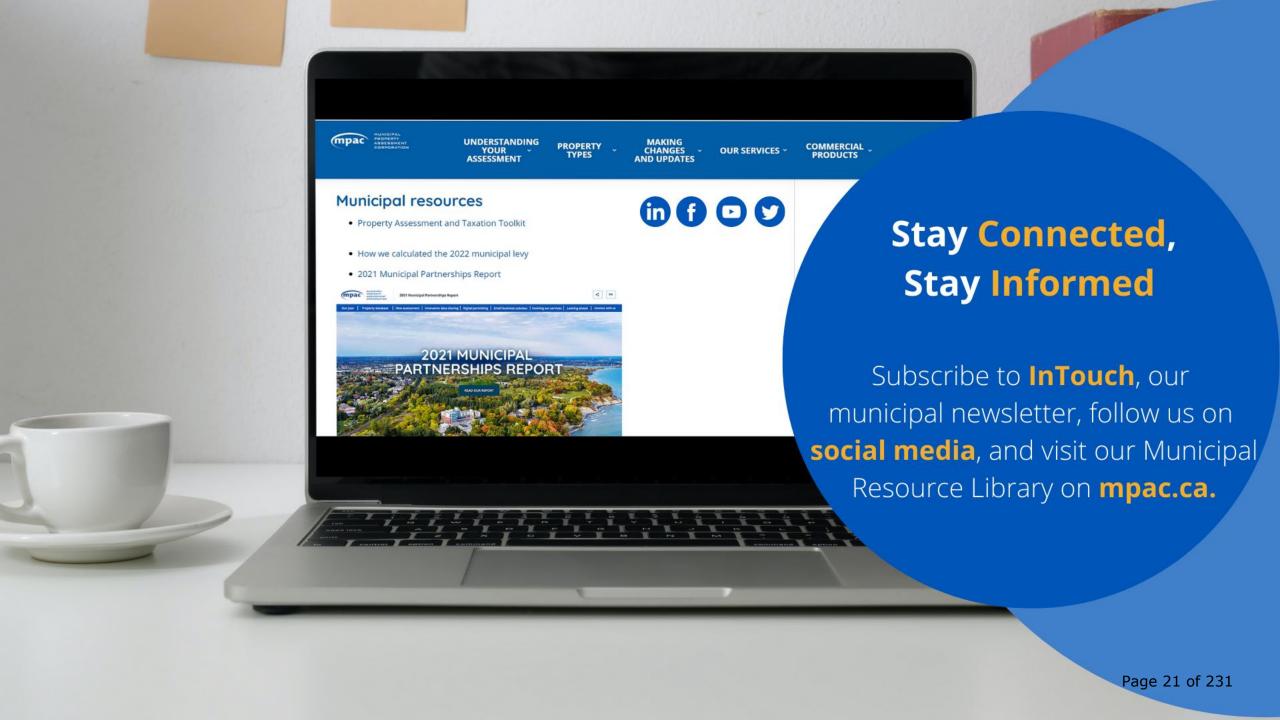




How will my Property Assessment Impact my Taxes?



Watch the video to learn more.







Town of Pelham Recreation, Culture & Parks Master Plan



Presentation to Town Council

May 17, 2023













Master Plan Overview

The Town of Pelham Recreation,
Culture and Parks Master Plan
will guide the provision of leisure,
recreation and culture services,
programs, facilities and park
amenities for the next ten years.

The Draft Master Plan was presented to Town Council on **April 19, 2023**, then released for public feedback.







"We facilitate fun, connect the community and enable participation by all."

- 1) Respond to Growth
- 2) Expand Activity Choices
- 3) Optimize our Facilities & Parks
- 4) Enhance Service & Capacity
- 5) Ensure Financial Sustainability



Public & Stakeholder Input

Phase 1 (information gathering)

- Project Website
- Community Survey 414 unique responses
- Pop-up Consultations 220 engaged participants
- Virtual Open House 12 participants
- Stakeholder Consultation 10 organizations

Phase 2 (review of draft master plan)

- Broad promotion of draft Master Plan
- Written Submissions 4 submissions
- Public Open House 15+ participants



















Feedback on Draft Plan

Comments included:

- Suggestion for trail improvements for walking and cycling (5 comments)
- Consideration of an art gallery / cultural centre (2 comments)
- Park-specific improvements, including consideration of impacts of grading changes at Harold Black Park (2 comments)
- Support for renovating the outdoor pool (2 comments)



Implementation Strategy



The Master Plan contains **59 recommendations**.

- Priority and timing have been identified for each
- They are supported by background research and consultation
- Many involve policies and practices (identified by the Framework for Recreation in Canada audit)
- Most do not have direct cost implications, but alternative funding and cost-sharing are encouraged





Thank you!









REGULAR COUNCIL **MINUTES**

Meeting #: C-09/2023

Date: Wednesday, May 3, 2023

Time: 9:00 AM

Location: **Meridian Community Centre - Accursi A and B**

100 Meridian Way

Fonthill, ON

LOS 1E6

Members Present: Mayor Marvin Junkin

Councillor Bob Hildebrandt Councillor Wayne Olson Councillor John Wink Councillor Kevin Ker Councillor Shellee Niznik Councillor Brian Eckhardt

Staff Present: David Cribbs

Bob Lymburner

Jason Marr

Teresa Quinlin-Murphy

Jennifer Stirton

Vickie vanRavenswaay

Barbara Wiens Sarah Leach **William Tigert**

1. **Call to Order and Declaration of Quorum**

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9am.

2. **Land Recognition Statement**

Councillor Ker read the land acknowledgement into the record.

3. **Approval of the Agenda**

Moved By Councillor Wayne Olson Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT the agenda for the May 3rd, 2023, Regular meeting of Council be adopted, as circulated.

Amendment:

Moved By Councillor Wayne Olson **Seconded By** Councillor Kevin Ker

THAT the agenda as circulated be amended to include:

- · A notice of motion by Councillor Olson; and
- An item of new business with respect to a Request for Proposals to host the Federation of Municipalities ("FCM") Board of Directors Meetings.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

4. Disclosure of Pecuniary Interests and General Nature Thereof

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

5. Hearing of Presentation, Delegations, Regional Report

5.1 Delegations

5.1.1 Save Your Skin Foundation - Melanoma and Skin Cancer Awareness Month

The delegate did not attend the meeting.

5.1.2 FACS Niagara Foundation - LemonAID Day 2023

Moved By Councillor John Wink **Seconded By** Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive the delegation from Rhianon Burkholder, FACS Foundation Board Member regarding LemonAID Day 2023, for information.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

5.1.3 2022-2023 Lincoln Pelham Public Library Year In Review

Moved By Councillor Bob Hildebrandt **Seconded By** Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the delegation from Julie Andrews, CEO and Susan DiBattista, Director of Community Engagement regarding the 2022-2023 Lincoln Pelham Public Library Year in Review, for information.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

6. Adoption of Council Minutes

Moved By Councillor Shellee Niznik **Seconded By** Councillor Kevin Ker

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

1. C-08/2023 - Regular Council Meeting - April 19, 2023

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

- 7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration
- 8. Consent Agenda Items to be Considered in Block

Moved By Councillor Brian Eckhardt **Seconded By** Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items as listed on the May 3, 2023, Council Agenda be received and the recommendations contained therein be approved:

- 8. Consent Agenda Items to be Considered in Block
- 8.1 Staff Reports of a Routine Nature for Information or Action
- 8.1.1 2023 Winter Operations Report, 2023-0108-Public Works

BE IT RESOLVED THAT Council receive Report #2023-0108, 2023 Winter Operations Report, for information.

8.2 Information Correspondence

8.2.1 Niagara Peninsula Conservation Official Status Redesignation of Niagara River Beach Closings Beneficial Use Impairment

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation regarding Official Status Redesignation of Niagara River 'Beach Closings' Beneficial Use Impairment, for information.

- **8.3 Regional Municipality of Niagara Correspondence for Information or Action**
- **8.3.1** Regional Planning Commissioners of Ontario Inventory of Unbuilt Housing Supply

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding Regional Planning Commissioners of Ontario Inventory of Unbuilt Housing Supply, for information.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

- 9. Consent Agenda Item(s) Lifted for Separate Consideration, if any
- 10. Presentation and Consideration of Reports
 - 10.1 Staff Reports Requiring Action
 - 10.1.1 Farr Road and River Road Roadside Ditching and Culvert Drainage Improvements, 2023-0110-Public Works

Moved By Councillor Kevin Ker **Seconded By** Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2023-0110 Farr Road and River Road Roadside Ditching and Culvert Drainage Improvements, for information;

AND THAT Council Direct staff to complete a detailed inspection and survey of the roadside ditches along Farr Road and River Road including the culverts within the Town's road allowance and complete the required maintenance and repairs necessary to ensure that the town's infrastructure is performing as intended.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

10.1.2 Establishment of the Environmental and Climate Adaptation Advisory Committee, 2023-0109-Clerks

Amendment:

Moved By Councillor Wayne Olson **Seconded By** Councillor Shellee Niznik

THAT the Terms of Reference be amended to include that preference be given to one young person between the age between 18 to 25.

For (2): Councillor Wayne Olson, and Councillor Shellee Niznik

Against (5): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor John Wink, Councillor Kevin Ker, and Councillor Brian Eckhardt

Defeated (2 to 5)

Main Motion:

Moved By Councillor Wayne Olson **Seconded By** Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2023-109 -Establishment of Environmental and Climate Adaptation Advisory Committee, for information;

AND THAT Council for the Town of Pelham confirm and establish the Environmental and Climate Adaptation Advisory Committee;

AND THAT Council approve the Terms of Reference attached hereto, as recommended by staff;

AND THAT Council direct staff to seek applications from interested residents for the Environmental and Climate Adaptation Advisory Committee for appointment in 2023 through the balance of this term of Council, with applications to be considered in closed session with appointments to occur in open session.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

10.1.3 Proposed Strategic Plan Timelines, 2023-0106-Chief Administrator Officer

Moved By Councillor Shellee Niznik **Seconded By** Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0106 - Proposed Strategic Plan Action Item Completion Timelines, for information

AND THAT Council endorse the proposed timelines, in principle.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

10.1.4 Pelham Communities in Bloom 2023 - 2024, 2023-0107-Recreation

Moved By Councillor Wayne Olson **Seconded By** Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report # 2023-0107 Pelham Communities in Bloom 2023-2024, for information;

AND THAT in furtherance of the Strategic Plan's Action Item to pursue "Community Gardens/Communities in Bloom, Green Public Participation," Staff request Council's support to participate in the 2023 Miracle-Gro Best Garden Section program from Scotts Canada.

AND THAT Council implement the Communities in Bloom Program in 2024;

AND THAT Council direct staff to include a Communities in Bloom program budget of \$10,000 in the 2024 budget for Council's consideration;

AND THAT Council approve the draft Terms of Reference for a Communities in Bloom Volunteer Working Group for 2024.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

11. Unfinished Business

12. New Business

12.1 Councillor Olson: Request for Proposals to host the Federation of Municipalities ("FCM") Board of Directors Meetings

Councillor Olson requested the Town explore the possibility of submitting an RFP package to host the FCM Board of Director meetings in either 2025 or 2026. This was accepted as direction by the Chief Administrative Officer.

13. Presentation and Consideration of By-Laws

Moved By Councillor John Wink **Seconded By** Councillor Brian Eckhardt

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

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

- 1. By-law 29-2023 Being a by-law to amend By-law 13-2023, confirming various appointments to Advisory Committees of the Town of Pelham for the 2022-2026 Term of Council and to appoint members to the Pelham Active Transportation Committee and the Pelham Cultural Advisory Committee.
- 2. By-law 30-2023 Being a by-law to amend By-law No. 4307(2021), as amended, being an Administrative Authority By-law to delegate certain powers and duties under the Municipal Act, 2001, S.O. 2001, c. 25, and other Acts as contained in the Scheduled hereto.
- 3. By-law 31-2023 Being a By-law to amend By-law No. 4504(2022) to establish 2023 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to Add Fees and Charges to the Clerk's Department Schedule.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

14. Motions and Notices of Motion

14.1 Councillor Olson

Councillor Olson presented a notice of motion regarding the current and future uses of Old Pelham Town Hall for Council consideration of the May 17, 2023, Council agenda.

- 15. Resolution to Move In Camera
- 16. Rise From In Camera
- 17. Confirming By-Law

Moved By Councillor Kevin Ker **Seconded By** Councillor 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. 32-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 3rd day of May 2023.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

18. Adjournment

Moved By Councillor Bob Hildebrandt **Seconded By** Councillor Shellee Niznik

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for May 17, 2023 at 9:00 am.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Mayor: Marvin Junkin
 Town Clerk: William Tigert



Community Planning and Development Department

Wednesday, May 17, 2023

Subject: Municipal Drain Process

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0117 Municipal Drain Process, for information.

Background:

On April 19th, 2023, Council received a report on the Drainage Study for the Farr, River and Webber Road area prepared by AHYDTECH Geomorphic Ltd. along with presentations from the consultants and the public. The Drainage Study identified the drainage issues that are occurring along the northern unnamed watercourse in the area due to changes that have occurred because of development. It also provided modelling to determine the flooding extent and recommended mitigation measures. Council requested that Staff provide a report on options on how to proceed with a municipal drain in the study area.

Analysis:

Surface Water Drainage Requirements

Surface water is water that is not contained within a natural channel or constructed drainage works and that flows over the surface of the land. The Town has no legal obligation to provide surface water drainage or drainage facilities. As a landowner, the Town is not required to accept surface water flowing from adjacent properties onto its lands. Private property owners do not have a right to drain their surface water onto Town property, including into roadside ditches. These principles should be kept in mind when considering the drainage options discussed below.

Drainage Works Created by Statute

There are four types of drainage works created under statute in Ontario:

- Award drains
- Mutual agreement drains
- Requisition drains
- Petition drains.

An award drain is for drainage works constructed under the *Ditches and Watercourses Act*. This act was repealed in 1963 and the establishment of new award drains is no longer possible. Existing award drains may be brought under the provisions of the *Drainage Act* by petition.

Mutual agreement drains are constructed under Section 2 of the *Drainage Act*, and are private drains constructed and cost shared through agreement between two or more property owners. The agreement associated with a mutual agreement drain is registered on title with each property to ensure the agreement is binding on the property regardless of current or future property ownership.

A requisition drain is for drainage works constructed under Section 3 of the *Drainage Act* prior to 2010. New requisition drains can no longer be constructed, however. A municipality is responsible for maintenance and repair of existing requisition drains and costs are assessed in accordance with the assessment schedule in the Engineer's Report for the requisition drain.

A petition drain is for drainage works constructed under Section 4 of the *Drainage Act* and is what is commonly referred to as a municipal drain. Once a municipal drain is constructed it becomes part of a municipality's infrastructure and a municipality's drainage superintendent is responsible for the management of the drain. There are four ways to petition for a municipal drain under the *Drainage Act* as follows:

- The petition is signed by the majority in number of property owners (more than 50%) in the area requiring drainage,
- The petition is signed by property owners representing a minimum of 60% of the area requiring drainage,
- The petition is signed by a road authority, i.e., Town Director of Public Works, where a road requires drainage,
- The petition is made by the Director (appointed by the Minister of Agriculture, Food and Rural Affairs) where drainage is required for agricultural lands.

Any property owner that is experiencing drainage issues can initiate a petition for a municipal drain, using a prescribed form from the Ministry of Agriculture, Food and Rural Affairs which can be found at the following link: https://forms.mgcs.gov.on.ca/en/dataset/003-0173.

The petition must describe the land area/properties that require drainage improvements. The Town can sign a petition for a municipal drain as a property owner. If the Town signs as a property owner, it must represent 60% of the area requiring drainage or if that threshold cannot be met, the petition will require the signatures of other property owners representing at least 50% of owners in the

area requiring drainage. However, it is noted that it is the responsibility of the Drainage Engineer to confirm after an on-site meeting has occurred if the petition is valid, not the Town. Anyone that initiates a petition as a property owner may be required to circulate the petition to other property owners and request their signatures as well to attempt to meet the thresholds for a valid petition.

If the Town signs a petition as the road authority requiring drainage, the Town will need to state what the drainage issues are and why the road requires drainage. In this area, only Farr and River Roads are municipal roads and the other roads are under the jurisdiction of the Region of Niagara. At present Farr and River Roads do not appear to have drainage issues and Public Works Staff have indicated that historically the municipal roadways have not experienced drainage issues in this area and that the roadside ditches provide suitable drainage for the roadways. Council is advised that if the Town signs a petition as the road authority, the Town will be assessed a larger proportion of costs than the other benefitting property owners are assessed for any of the proposed drainage works.

Section 4(1)(c) of the *Drainage Act* states that a road authority may file a municipal drain petition "where a drainage works is required for a road or part thereof". This section authorizes a road authority to petition for a municipal drain where drainage work is needed for the proper maintenance of roads and ditches in a specified area. The *Drainage Act* will generally be interpreted broadly to accomplish its purpose of promoting land drainage and there is a recognized community or public interest in adequate drainage of municipal roads. However, this does not expressly authorize a road authority to petition for a drain if road drainage is not part of the works.

A petition made by the Director where drainage improvements are required for agricultural land does not occur often.

Petitions for a municipal drain need to be received by the Town Clerk. The Town Clerk would notify Council and staff would prepare a report for Council to lay out the process under the *Drainage Act* that is required to be followed and recommend that Town proceed with developing terms of reference to appoint a Drainage Engineer for the purposes of undertaking the appropriate engineering consulting services required for the establishment of a municipal drain and to undertake that process in accordance with the requirements of the *Drainage Act*. Council would appoint a Drainage Engineer by By-law following the request for proposal process and in accordance with the Town procurement policy vs. direct appointment. Note that there are certain time limits for Council to make decisions as established in the *Drainage Act* i.e., within 30 days of receipt of a petition Council must decide it will proceed with the request and within 60 days of deciding to proceed appoint a Drainage Engineer. One of the first steps that the Drainage Engineer undertakes

after reviewing the petition and available drainage mapping of the area, is to hold an on-site meeting.

Area property owners and other required agencies, i.e., Ministry of Natural Resources, Forestry and Parks, Niagara Peninsula Conservation Authority, utilities, railways, etc. are invited to the on-site meeting and are informed that the Town has received a petition for a municipal drain in an area. Anyone attending the on-site meeting would be able to explain to the Drainage Engineer the drainage issues that they may be experiencing. During the on-site meeting the Drainage Engineer will ask if there is anyone else who wants to add their name to the petition or anyone who wants to remove their name from the petition. It is only after the on-site meeting has occurred will the Drainage Engineer determine if the petition is valid (or not) in accordance with the requirements of the *Drainage Act*.

The petition is a legal document, and petitioners have responsibilities under the *Drainage Act*, for example, if people withdraw their name from the petition and the petition is no longer valid, the original petitioners pay any costs incurred to date. If the petition is determined not valid, no further work will be undertaken and the costs incurred to date, which are minimal and generally are associated with costs incurred to have the on-site meeting, are borne by those that signed the petition.

If the petition is determined to be valid, the Drainage Engineer will proceed with the work to:

- evaluate the drainage issues,
- conduct the surveying work,
- confirm the drainage watershed boundary,
- identify the drainage works required to address drainage issues,
- undertake the design and prepare plans, profiles and specifications for the drainage works,
- undertake the preparation of appropriate assessment schedules,
- identify suitable allowances or compensation for those that may receive damage from the municipal drain,
- conduct the required meetings, and
- complete the Engineer's Report in accordance with the *Drainage Act*.

Once the Engineer's Report is prepared, there is typically further consultation with the community and an information meeting is held to get feedback from the community on the draft Engineer's Report. The Engineer's Report is finalized after community consultation and presented to Council at a meeting to consider the final Engineer's Report. At that time, petitioners will be given another opportunity to remove or add names to the petition. If names are removed and the petition is not valid, then there will be no further work and those petitioners who signed the original petition will be responsible for the costs incurred to date, i.e., costs

associated with preparing the Engineer's Report. If the petition remains valid after meeting to consider the Engineer's Report, Council will then be able to provisionally adopt the Engineer's Report by giving first and second reading of the by-law to adopt the Engineer's Report. After provisional approval is given, Council must appoint a Court of Revision.

There are certain appeal mechanisms available to property owners with respect to the findings of the Engineer's Report as follows:

- The Court of Revision hears appeals on assessments,
- The Agricultural, Food and Rural Affairs Tribunal hears appeals on the Court of Revision decisions on assessments,
- The Tribunal also hears appeals on technical aspects of the drainage works,
 i.e., the design of the works, and
- The Drainage Referee hears appeals on legal aspects of the work.

The Court of Revision would hear any appeals on assessments within 20-30 days of sending notice of provisional approval of the Engineer's Report to all property owners and agencies. After all appeals have been heard, or if there are not appeals when the time for filing appeals has expired, Council can provide third and final reading of the by-law to approve/adopt the Engineer's Report. Once the Engineer's Report is adopted by by-law, the construction of the drainage work(s) is authorized, including works on private lands, tendering for the construction works may take place and then construction of the drainage works may commence. The Engineer's Report would also identify which properties are compensated and the value of the compensation because of loss of land or damages incurred on land from having drainage works on their property. The assessed property owners within the watershed of the municipal drain will be required to pay their share of the costs of the drainage works, compensation costs and the costs associated with the preparation of the Engineer's Report whether they signed the petition or not; the costs are shared by all property owners that benefit from the works.

Establishing a municipal drain can take a few years from the beginning of the process to the end.

Conclusion

Council is reminded that the drainage issues that have been occurring to date in the Farr, Webber and River Road area have been on private property, not municipal property, yet the private property owners appear to be reluctant to sign and/or circulate a petition for a municipal drain to property owners and they appear to want the onus to be on the Town; this is unusual as the private property owners are experiencing the drainage issues, not the Town, and having the petition initiated by the Town is not a guarantee that the petition may be considered valid.

Also, if the Town signs a petition as the road authority where it does not have a drainage issue, could set a precedent for similar requests in other areas of the Town. It would also appear to be inconsistent with the absence of any legal requirement for the Town to provide surface water drainage.

If Council wishes to proceed with a municipal drain in this area, staff recommends that Council direct staff to initiate a petition for a municipal drain and sign the petition as a landowner and further that staff is directed to hold a meeting with property owners in the area with the express purpose of informing property owners that the Town has initiated a petition for a municipal drain and request property owners in the area to sign the petition as well. Following that, the petition will be delivered to the Town Clerk and the process will commence. To initiate a petition as a road authority requiring drainage for a road when the road does not require drainage may not comply with the requirements of the *Drainage Act*.

Financial Considerations:

If the Town petitions for a municipal drain as a road authority and the petition is not deemed valid, the Town is responsible for the costs incurred to that point. If the Town signs the petition for a municipal drain as the road authority requiring drainage and the petition is considered valid and the Engineer's Report is approved and the drainage works are constructed, the Town will be assessed a greater proportion of the costs.

If the Town signs a petition for a municipal drain as a landowner, the Town along with other landowners that signed the petition would be responsible for costs incurred if the petition is not valid.

If the Town signs a petition for municipal drain as a landowner, and the petition is deemed to be valid by the Drainage Engineer, then the Town (along with any other signatories to the petition) is responsible for costs associated with the preparation of the Drainage Engineer's Report if Council does not approve the Engineer's Report. If the Engineer's Report is approved by Council, then the costs of the Engineer's Report are shared among all the benefitting property owners, including those that signed the petition, within the drainage watershed.

If the drainage works as authorized by the approved Engineer's Report proceed, the Town will be assessed a portion of the costs of the drainage works along with all other benefitting property owners in the watershed. However, if the Town signs the petition as the road authority, the Town will be assessed a larger proportion of the costs of the drainage works than compared if the Town signs as a property owner. In all cases, the Town's costs are borne by the taxpayer.

Any future maintenance works undertaken on a municipal drain once established are shared by the benefitting property owners, including the road authorities in accordance with the assessment schedule in the Engineer's Report.

If the Town does not sign a petition for a municipal drain and the petition is valid and the drainage works are authorized, the Town will be assessed a portion of the costs along with all other benefitting property owners in the watershed.

Alternatives Reviewed:

The alternatives to a municipal drain are mutual agreement drain which is a private drain constructed and cost-shared through an agreement between two or more property owners. The agreement associated with a mutual agreement drain is registered on title of each property to ensure the agreement is binding on the property regardless of property ownership.

Strategic Plan Relationship: Infrastructure Investment and Renewal

A municipal drain once established is municipal infrastructure, and the Town through the Drainage Superintendent is responsible for the management of the drain.

Consultation:

The CAO, Town Solicitor, Director of Public Works and Drainage Superintendent were consulted in the preparation of this report.

Other Pertinent Reports/Attachments:

Report 2021-0212 dated December 20th, 2021.

Report 2023-0097 dated April 19th, 2023.

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



Public Works Department

Wednesday, May 17, 2023

Subject: Town Hall Building Addition May Update

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0116-Public Works – Town Hall Building Addition May Update, for information.

Background:

On April 5th, 2023, staff presented to council report #2023-0082-Public Works – Town Hall Building Addition March Update. The report provided updated information on the construction progress of the Town Hall Building Addition project. In the time since staff presented the report to Council, work on the building addition has progressed steadily, and occupancy of the building has been achieved.

The original scope of work included a clock tower with a clock on the south and east side of the tower. There was a provisional item to install a clock on the tower's north side, which was accepted by the Town and installed as part of the project. Now that the clock tower is complete there has been some interest in exploring the possibility of installing a fourth clock on the west side of the tower. This report provides the additional cost to complete this work for Council's consideration.

Analysis:

The contractor has now installed the flooring, plumbing fixtures, toilet partitions, mechanical units, paint, concrete walkway, and more. The energy recovery ventilator, which is part of the addition's new HVAC system, was delivered on April 26th and installed a day later by the contractor. This concluded the remainder of the mechanical and electrical work. The final landscaping works, such as fine grading and sodding, are being completed throughout the month of May.

Following the completion of the clock tower, Staff has approached the contractor for pricing to install a fourth clock on the west side of the new clock tower. The tender originally specified two clock faces to be installed, with a provisional price to be included for a third clock face which would be decided on based on pricing. The west side of the clock tower is the only side that does not have a clock face on it. This was decided during the design phase as the west clock face sightlines were thought to be obstructed. After the clock tower was installed, staff examined the sightlines and determined that the clock face on the west side of the tower will be at least partially visible, depending upon vantage point.

Financial Considerations:

On April 28, staff received a quote from the contractor in the amount of \$16,107 (plus applicable taxes) to supply and install the fourth clock face on the new clock tower. This quote does not include any engineering or architectural fees for reviewing and coordinating the work. Based on previous costs for the review and coordination of items added to the project, staff estimates the engineering and architectural costs for this item to be approximately \$4,000. Therefore, the total estimated cost for the supply and installation of the fourth clock face is \$20,107 (plus applicable taxes).

Alternatives Reviewed:

An alternative to installing a fourth clock face onto the west side of the clock tower is to install a large Town of Pelham logo. The logo would likely cost less to install as no electrical work would be required, unlike the clock face which requires a connection to the electrical panel in the building addition. At time of writing, a cost for a large logo has not been determined. It is hoped this cost will be available in time for the Council meeting and a verbal update from staff.

Another alternative is to not install anything on the west side of the clock tower. Staff is not in favour of this option as the west side of the clock tower is visible to those on Pelham Street, and more specifically the Summerfest location. A fourth clock face will add to the aesthetics of the building.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

The construction of the Town Hall building addition has increased the Town's capacity to hold events at Peace Park by providing permanent washrooms, an indoor space for organizers, and a storage room.

Consultation:

A consultation was undertaken with Grguric Architects Inc., Bromac Construction Inc., and Hallex Engineering Ltd. in preparation for this report.

Other Pertinent Reports/Attachments:

APPENDIX A – Municipal Building Addition Progress Photos

2023-0082-Public Works - Town Hall Building Addition March Update

2023-0049-Public Works – Town Hall Building Addition February Update

2023-0010-Public Works – Town Hall Building Addition January Update

2022-0271-Public Works - Town Hall Building Addition December Update

2022-0242-Public Works - Town Hall Building Addition Update

2022-0174-Public Works – Capital Projects Budget Exceedance

Prepared and Recommended by:

Lucas Smith, B. Eng., E.I.T. Engineering Technologist

Jason Marr, P. Eng. Director of Public Works

Prepared and Submitted by:

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

Pelham Municipal Building Addition 22-PW-16-1

20 Pelham Town Square, Fonthill, ON LOS1E0

Building Progress Photos: April – May





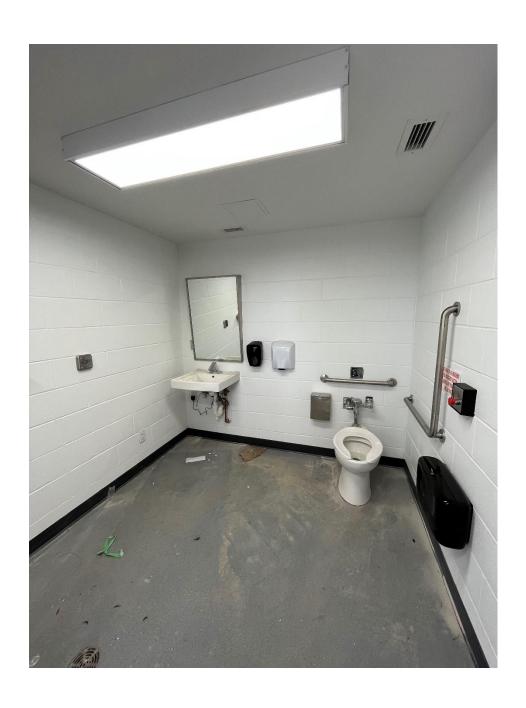




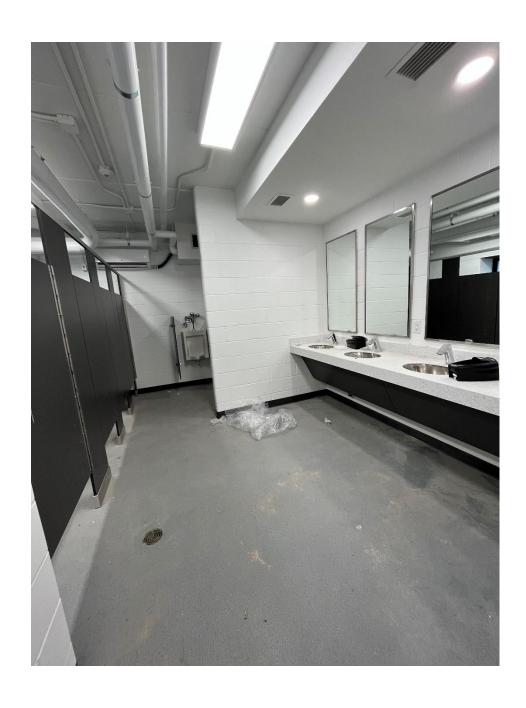
22-PW-16-1 Pelham Municipal Building Addition Building Progress Photos: April – May

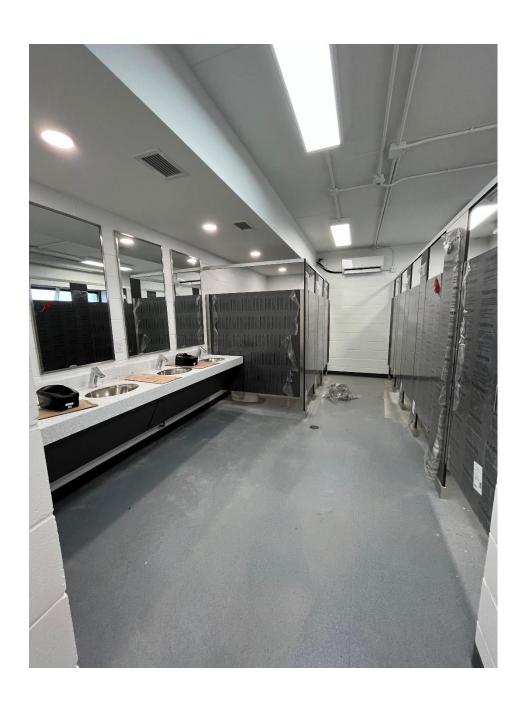


22-PW-16-1 Pelham Municipal Building Addition Building Progress Photos: April – May



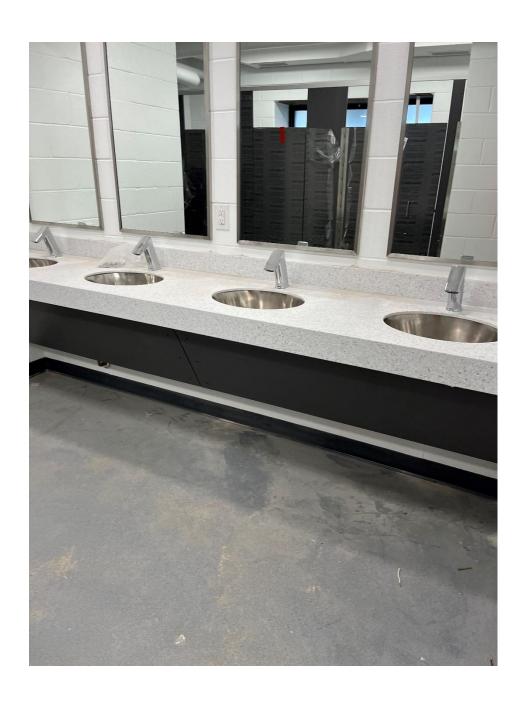














Proclamation

Office of the Mayor

Brain Tumour Awareness Month May 2023

WHEREAS the causes of and cure for brain tumours are unknown and early detection and treatment is vital to prolonged and improved survival;

WHEREAS brain tumours strike people of all ages from newborns to seniors, crossing all economic, social and ethnic boundaries;

WHEREAS brain tumours are the most common cause of solid cancer death in children and young adults;

WHEREAS the Brain Tumour Registry of Canada is needed to know the number of Canadian children and adults diagnosed every day;

WHEREAS the mission of Brain Tumor Foundation of Canada is to reach every Canadian affected by a brain tumour through support, education, information and research;

THEREFORE, BE IT RESOLVED THAT the Corporation of the Town of Pelham does hereby proclaim May 2023 as Brain Tumour Awareness Month.

DATED AT the Town of Pelham this 17th day of May, 2023.

Mayor Marvin Junkin
Town of Pelham



Application for Proclamation

Administration Services

Organization Name: Brain Tumour Foundation of Canada	
Contact Name: Katherien Dodge	
Address: 205 Horton St E	
City:	Postal Code:
Phone: 905-650-2559	Email Address: kath527@hotmail.com
Proclamation Requested: May is Brain Tumour Awareness Month	·
Date(s) of Proclamation: May 1- May 31 of every year	
Purpose of Proclamation: To help spread awareness of Brain Tumours	
	to the wood to raise awareness for brain tumour
This year, the Brain Tumour Foundation of Canada highligh	
signs and symptoms to increase early detection and diagno	osis and improve patients' survival chances.
Description of Organization (Please provide a brief description. Additional inform The Brain Tumour Foundation of Canada is a non-profit that pr community, including support groups, conferences, and res They also raise funds to lead research into the cause of an	ources such as Brain Tumour Handbooks
Has the same or a similar proclamation been request of the Town of Pelham Council in past years?	
from the Mayor.	ation in order to receive an official signed proclamation
Personal information on this form is collected pursual Protection of Privacy Act and will be used for the pur collection should be directed to the Town Clerk, 20 P 1EO, 905-892-2607 Ext. 315.	pose of processing your request. Question about this
Please complete and submit your completed form at	least two weeks in advance of the occasion.
Katherine Dodge	5/8/2023
Signature	Date

Subject:

RE: Niagara Region seeking applicants for Committees

On May 10, 2023, at 8:45 AM, Sawatzky-Upper, Sandy < Sandy.Sawatzky-Upper@niagararegion.ca > wrote:

Good morning

Niagara Region seeking applicants for Committees

The Council of The Regional Municipality of Niagara is seeking community members to join a number of its Committees. Serving on a Committee is a great way to provide valuable insight, get involved and play a key role in the future of your community. Learn more about the work of each Committee and the skills needed to apply:

- 1. Humberstone Landfill Site Public Liaison Committee
- 2. Niagara Road 12 Landfill Site Public Liaison Committee

Additional committees:

<u>Niagara Region seeking applicants for Committees - Niagara Region,</u> Ontario

If interested in re-applying for committees please follow links above to complete online application.

Thanks ©

Sandy Sawatzky-Upper, BA

Waste Management Clerk/Program Administrator Waste Management Admin, Public Works Niagara Region

Phone: 905-980-6000 ext. 3364 Toll-free: 1-800-263-7215

www.niagararegion.ca

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Township of Perry

PO Box 70, 1695 Emsdale Road, Emsdale, ON POA 1J0

PHONE: (705)636-5941 FAX: (705)636-5759 www.townshipofperry.ca

April 11, 2023

Via Email

The Honourable Doug Ford Premier of Ontario Legislative Building, Room 281 Queens Park Toronto, ON M7A 1A1

Dear Honourable Doug Ford, Premier of Ontario:

RE: Resolution of Support – Township of Perry – Bill 5 "Stopping Harassment and Abuse by Local Leaders Act"

Please be advised that at their last regular meeting on Wednesday April 5, 2023, the Council of the Corporation of the Township of Perry supported the following resolution:

"Resolution No.: 2023-112

Moved by: Margaret Ann MacPhail

Seconded by: Paul Sowrey

Be it resolved that the Council of the Corporation of the Township of Perry hereby supports the Municipality of Chatham-Kent's resolution "Support Bill 5 – Stopping Harassment and Abuse by Local Leaders Act";

And further that Council directs the Clerk-Administrator to circulate this resolution to the Honourable Doug Ford, Premier of Ontario; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; Honourable Stephen Blais, local MPP's, the Municipality of Chatham-Kent, and all Ontario municipalities.

Carried."

Your attention to this matter is greatly appreciated.

Sincerely,

Erica Cole, Dipl.M.A.

Deputy Clerk

Encl.

cc: Honourable Steve Clark, Minister of Municipal Affairs and Housing

Honourable Stephen Blais

Graydon Smith, MPP Parry Sound Muskoka

Municipality of Chatham-Kent All Ontario municipalities



Municipality of Chatham-Kent
Corporate Services
Municipal Governance
315 King Street West, P.O. Box 640
Chatham ON N7M 5K8

March 6, 2023

The Honourable Doug Ford Premier@ontario.ca

Re: Support Bill 5 - Stopping Harassment and Abuse by Local Leaders Act

Please be advised the Council of the Municipality of Chatham-Kent, at its regular meeting held on March 6, 2023 passed the following resolution:

"That Chatham-Kent Council express its support for Bill 5 - Stopping Harassment and Abuse by Local Leaders Act which would require the code of conduct for municipal Councillors and members of local boards to include a requirement to comply with workplace violence and harassment policies and permit municipalities and local boards to direct the Integrity Commissioner to apply to the court to vacate a member's seat if the Commissioner's inquiry determines that the member has contravened this requirement;

And further that this resolution be circulated to the Honourable Doug Ford, Premier of Ontario; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; the Honourable Stephen Blais, and local MPPs."

If you have any questions or comments, please contact Judy Smith at ckclerk@chatham-kent.ca

Sincerely,

Judy Smith, CMO

Director Municipal Governance/Clerk

C

Minister of Municipal Affairs and Housing Local MPPs Ontario Municipalities

Treasury Board Secretariat

Emergency Management Ontario

25 Morton Shulman Avenue Toronto ON M3M 0B1 Tel: 647-329-1200

Secrétariat du Conseil du Trésor

de la gestion des situations d'urgence Ontario

25 Morton Shulman Avenue Toronto ON M3M 0B1 Tél.: 647-329-1200



May 04, 2023

Town of Pelham

Dear Bob Lymburner - CEMC:

Emergency Management Ontario (EMO) is proud to support your efforts to deliver on our common mission to ensure Ontarians are safe, practiced and prepared before, during and after emergencies.

The Emergency Management and Civil Protection Act (EMCPA) requires each municipality to develop and implement an Emergency Management (EM) program that includes:

- Municipal hazard and identification risk assessment;
- Municipal critical infrastructure list;
- Municipal emergency plan;
- Program By-law;
- Annual Review;
- Annual training;
- Annual exercise;
- Public education program;
- An Emergency Operations Center;
- A Community Emergency Management Coordinator;
- An Emergency Management Program Committee;
- A Municipal Emergency Control Group (MECG) and;
- An Emergency Information Officer.

Emergency Management Ontario (EMO) assists municipalities by making available our Field Officers and other resources to provide advice and guidance, deliver training, participate in exercises, and other advisory services including annually advising municipalities on achieving their EMCPA requirements.

Thank you for sharing your EM program related information and the effort undertaken to do so. Upon review of the documentation submitted, EMO is pleased to advise that our assessment indicates that your municipality has satisfied all thirteen (13) program elements required under the EMCPA 2023.

Congratulations on your municipality's efforts in meeting your EMCPA requirements in

2023.

You may also be interested in learning of the following information for further context:

- 398 of 444 municipalities sought EMO's advice on their progress to meet their EMCPA requirements in 2022, of which 393 were advised they appeared to satisfy their EMCPA requirements.
- Of the 5 municipalities who were advised they did not appear to meet all 13 program elements required under the EMCPA, the most prevalent reasons were:
 - Not conducting an annual exercise as prescribed;
 - CEMC did not complete training;
 - Not completing the annual MECG training; and/or
 - Not completing an annual review of their EM program.

There is nothing more important than the safety and wellbeing of our families and loved ones, and the importance of ensuring that your municipality is as prepared as possible for any potential emergency cannot be understated.

Once again, EMO is here to assist municipalities in achieving their EMCPA requirements. For further information or if you have any questions or concerns about this letter, please contact our Field Officer assigned to your Sector; their contact information is below.

Name: Jude Kelly

Email: Jude.Kelly@ontario.ca

Phone: 416-951-1285

Sincerely,

Teepu Khawja Assistant Deputy Minister and Chief, Emergency Management Treasury Board Secretariat

cc: Mayor Marvin Junkin



Administration

Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

April 28, 2023

CL 7-2023, April 20, 2023 PWC 4-2023, April 4, 2023 PW 11-2023, April 4, 2023

DISTRIBUTION LIST

SENT ELECTRONICALLY

Implementation of Red Light Camera (RLC) Across Niagara Region PW 11-2023

Regional Council, at its meeting held on April 20, 2023, passed the following recommendation of its Public Works Committee:

That Report PW 11-2023, dated April 4, 2023, respecting Implementation of Red Light Camera (RLC) Across Niagara Region, **BE RECEIVED** and the following recommendations **BE APPROVED**:

- That Regional Council **AUTHORIZE** the use of Red Light Camera (RLC) technology at 10 signalized intersections on regional roads as determined by the Commissioner of Public Works for a term of approximately 26 months, with an option to extend for an additional two (2) years at the sole discretion of the Commissioner of Public Works, to improve road safety and reduce red-light running;
- 2. That the Commissioner of Public Works BE AUTHORIZED to execute an operating agreement with Trafficpax LLC to provide RLC service, in a form satisfactory to the Director of Legal and Court Services, for approximately 26 months from date of execution in the amount of an upset limit of \$851,360.83 (including 13% HST), with an option to renew at the sole discretion of the Commissioner of Public Works and, subject to budget approval, for one additional term of two (2) years in the amount of an upset limit of \$983,843.61 (including 13% HST);
- 3. That the Commissioner of Public Works **BE AUTHORIZED** to execute an operating agreement with His Majesty the King in Right of Ontario, as represented by the Ministry of Transportation Ontario (MTO) for the use of RLC technology by Niagara Region including the access and use of license plate registration information, in a form satisfactory to the Director of Legal and Court Services;

- Page 2
- That the Commissioner of Public Works BE AUTHORIZED to execute a partnering agreement with the City of Toronto for processing RLC infractions at the Joint Processing Centre (JPC), in a form satisfactory to the Director of Legal and Court Services;
- 5. That staff BE DIRECTED to create a report to review the implementation strategy, including technology assessment, safety and educational evaluation, impacts on the Region's Provincial Offences Courts, expenses and revenue; and report back to Public Works Committee on an annual basis. Reporting will include identification of any Vision Zero program net surplus and net deficit funded by the Region until full cost recovery is achieved; and
- 6. That a copy of this Report **BE CIRCULATED** to the Ministry of Transportation Ontario, the City of Toronto, and Local Area Municipalities.

A copy of PW 11-2023 is enclosed for your reference.

Yours truly,

Ann-Marie Norio Regional Clerk

amle

js

CLK-C 2023-046

Implementation of Red Light Camera (RLC) Across Niagara Region April 28, 2023 Page 3

cc: S. Fraser, Associate Director, Transportation Planning

N. Coffer, Executive Assistant to the Commissioner, Public Works

B. Zvaniga, Commissioner, Public Works

Distribution List

Ministry of Transportation - Ontario

City of Toronto

Local Area Municipalities



Subject: Implementation of Red Light Camera (RLC) Across Niagara Region

Report to: Public Works Committee **Report date:** Tuesday, April 4, 2023

Recommendations

- That Regional Council AUTHORIZE the use of Red Light Camera (RLC) technology at 10 signalized intersections on regional roads as determined by the Commissioner of Public Works for a term of approximately 26 months, with an option to extend for an additional two (2) years at the sole discretion of the Commissioner of Public Works, to improve road safety and reduce red-light running;
- 2. That the Commissioner of Public Works **BE AUTHORIZED** to execute an operating agreement with Trafficpax LLC to provide RLC service, in a form satisfactory to the Director of Legal and Court Services, for approximately 26 months from date of execution in the amount of an upset limit of \$851,360.83 (including 13% HST), with an option to renew at the sole discretion of the Commissioner of Public Works and, subject to budget approval, for one additional term of two (2) years in the amount of an upset limit of \$983,843.61 (including 13% HST);
- 3. That the Commissioner of Public Works **BE AUTHORIZED** to execute an operating agreement with His Majesty the King in Right of Ontario, as represented by the Ministry of Transportation Ontario (MTO) for the use of RLC technology by Niagara Region including the access and use of license plate registration information, in a form satisfactory to the Director of Legal and Court Services;
- 4. That the Commissioner of Public Works **BE AUTHORIZED** to execute a partnering agreement with the City of Toronto for processing RLC infractions at the Joint Processing Centre (JPC), in a form satisfactory to the Director of Legal and Court Services;
- 5. That staff BE DIRECTED to create a report to review the implementation strategy, including technology assessment, safety and educational evaluation, impacts on the Region's Provincial Offences Courts, expenses and revenue; and report back to Public Works Committee on an annual basis. Reporting will include identification of any Vision Zero program net surplus and net deficit funded by the Region until full cost recovery is achieved; and

6. That a copy of this Report **BE CIRCULATED** to the Ministry of Transportation – Ontario, the City of Toronto, and Local Area Municipalities.

Key Facts

- The purpose of this report is to seek the final Council authorization required to proceed with the implementation of RLCs at 10 signalized intersections across Niagara to reduce injuries, fatalities, and the high societal costs of collisions in support of Vision Zero.
- The purpose of this report is also to seek Council approval for the Commissioner of Public Works to have delegated authority to execute the required agreements on behalf of the Region, including the RLC single source contract in accordance with Schedule "B" of the Procurement By-law, as the estimated aggregate value of this contract for the initial 26 months and the additional 24 month extension will be greater than one million dollars.
- RLCs have a proven history of improving intersection safety through a reduction in the frequency and severity of collisions, and in particular right-angle collisions that are more commonly associated with injuries, fatalities, and the high societal costs of collisions.
- Council has previously endorsed the implementation of RLCs as a component of the Vision Zero road safety program (Report PW 64-2019), subject to the negotiation of an amended Niagara Region Courts Intermunicipal Agreement (NRCIMA). The negotiation and execution of the necessary amending agreement by all the local area municipalities (LAMs) and the Region, was successfully completed in Q4 2022.
- The preferred 10 locations for RLC cameras have been selected on criteria such as the frequency and severity of collisions, the feasibility of camera installation, and the overall distribution of camera sites across the region.
- Subject to the recommendations of this report, the Commissioner of Public Works
 will execute a series of agreements with the camera vendor (Trafficpax LLC),
 Ministry of Transportation, and City of Toronto, to begin the implementation of RLCs.
 It is anticipated that full implementation will occur in late Q3 / early Q4 2023.
- As required as part of the NRCIMA, staff will report back to Council annually to
 outline the results of the RLC program, in concert with other Vision Zero programs
 such as Automated Speed Enforcement (ASE) and the development of a
 comprehensive Road Safety Strategic Plan (RSSP) that will examine opportunities
 to further improve road safety in Niagara.

Financial Considerations

Niagara Region will be leveraging the existing joint procurement led by the City of Toronto (RFP 2184528757) for the supply, install, and operation of the RLC system. The Region is joining the final (approximately 26) months of the contract following which the participating Municipalities will evaluate the current contract and determine whether to renew for a two-year extension or issue a new RFP. The total estimated vendor cost for the 26 months is \$766,678.30, including 1.76% non-refundable HST, including installation and preparation costs. The total estimated vendor cost for the subsequent 24 month extension is \$885,983.38, including 1.76% non-refundable HST.

Program administration costs further include a flat \$6,000 per camera annual fee for the Joint Processing Centre, and a flat \$60,000 fee per municipality to access to the MTO licensing database. The RLC program, originally approved via the 2020 budget, is intended to operate on a cost-recovery basis with infraction revenue offsetting operating expenses such as site installation, camera operation, ownership information retrieval, JPC infraction processing, and the required Transportation Services and Court Services resources to administer the program.

Although the Vision Zero program is designed to operate on a cost-recovery basis over the course of a full budget year, given that the timing of implementation is not anticipated to occur until late Q3 / early Q4 2023, program gross revenues will be less than program costs by approximately \$750,000 to \$1 million in 2023. As a result, at the 2023 year-end, the Region will provide funding to cover the Vision Zero program deficit so that the net (non-Vision Zero) court revenues distributed to all local area municipalities are not negatively impacted by the timing of the launch of the program in accordance with the NRCIMA. In 2024, net program revenues will first be used to repay the Region for the 2023 net revenue shortfall, and then used for the operation and reinvestment in the program. Per the NRCIMA, any net revenue above eligible operational expenses must be directly re-invested in road safety initiatives, to be divided between the Region and LAMs on a 50/50 basis.

The financial sustainability of the RLC program will be closely monitored to balance program costs with infraction revenue. Should the program achieve its objectives (i.e. achieve a reduction in red light running), initial fine revenues will decrease, while program costs will remain generally stable. The initial financial results of the RLC program will be discussed in the required report back to Council on an annual basis, and comprehensive financial reporting is a further requirement of both the amended NRCIMA as well as the pending operating agreement with the MTO.

Analysis

Vision Zero

In 2019, Niagara Region adopted Vision Zero, striving to eliminate traffic fatalities and injuries on the Regional road network. The implementation of Red Light Cameras serves as an important component of the Region's overall strategy for achieving this vision by reducing both the frequency and severity of collisions at signalized intersections, and in particular right-angle collisions that are more commonly associated with serious injuries, fatalities and the high societal costs of collisions.

RLCs have been operational in the Province of Ontario since 2000. In implementing RLCs, Niagara will be joining a number of peer municipalities such as Toronto, Hamilton, Halton, Peel, York, London, Durham, and Ottawa who are currently participating in the program.

RLCs have a proven history of improving safety at signalized intersections, with published studies reporting reductions such as a 37.7% decrease in angle collisions, 32.4% decrease in severe (fatal and injury) collisions, and an overall decrease of 8.4% in total collisions¹.

Further safety benefits can be achieved if over time RLCs at specific intersections create wide-spread changes in driver behaviour across all intersections via a 'halo' or 'spillover' effect. This spillover effect has been attributed to reductions in collisions of up to 10% at non-RLC equipped locations due to "...jurisdiction-wide publicity of RLC programs and the negative results of red-light running,...and a conservative assumption by motorists that every signalized intersection is potentially equipped with a RLC"²

Recommended Locations and Site Selection Process

Table 1 below and Appendix 1 to Report PW 11-2023 identify the 10 intersections preferred for the installation of Red Light Cameras. RLCs at these locations will be full

¹ <u>Intersection Safety Device Program – Red Light Camera Analysis</u>. Prepared by AECOM for Alberta Transportation.

http://www.transportation.alberta.ca/content/doctype47/production/isdredlightcameraanalysis.pdf

² Ibid

time installations and will not rotate between locations in the same manner that ASE cameras do. These locations have been identified by staff based on a combination of factors, consistent with how RLC site selection has occurred in peer municipalities:

- Collision Reduction a consultant was retained by the Region to undertake an
 assessment of collision history at all regional signalized intersections, and to make
 recommendations on where RLCs would have the greatest safety benefit based on
 the frequency and types of collisions observed.
- Site Feasibility Assessment working with the camera vendor Trafficpax, field investigations have been undertaken to confirm the ability of RLCs to be properly installed and operated at candidate locations identified through the collision history analysis.

In the event that during final site preparation and installation staff or the camera vendor determines any of these sites to ultimately not be feasible, an alternative site within the same municipality will be selected by the Commissioner of Public Works. Should the move to an alternative site be required, the Commissioner of Public Works will notify Council via its Friday correspondence.

 Geographic Coverage – RLC sites were further selected ensure a full distribution of sites across the region. This expanded coverage is required to achieve desired "spillover" or "halo" effects described above, by ensuring that a majority of drivers across the region have some exposure to intersections with RLC coverage.

Table 1 – Proposed Niagara Region Red Light Camera Locations

Municipality	Regional Roadway	At
Fort Erie	Regional Road 3	Pettit Road / Daytona Drive
	(Garrison Road)	
Grimsby	Regional Road 12	Regional Road 40 South Service
	(Christie Street)	Road
Lincoln	Regional Road 18	Regional Road 40 (South Service
	(Ontario Street)	Road)
Pelham / West	Regional Road 20	Regional Road 24 (Victoria
Lincoln	(Highway 20)	Avenue)
Niagara Falls	Regional Road 20	Garner Road
	(Lundy's Lane)	
Niagara Falls	Regional Road 102	Dunn Street
	(Stanley Avenue)	
St. Catharines	Regional Road 81	First Street Louth
	(St. Paul Street West)	
St. Catharines	Regional Road 48	Parnell Road
	(Niagara Street)	
Welland	Regional Road 54	Regional Road 29 (Lincoln
	(Prince Charles Drive)	Street)
Welland	Regional Road 50	Quaker Road
	(Niagara Street)	

Red Light Camera Program - Required Agreements

The operation of RLCs in Ontario follows an established and collaborative program between:

- The approved camera vendor Trafficpax LLC who completes the necessary detailed design for RLC locations, supplies and installs the equipment, and maintains and operates the system. Niagara Region will be leveraging the existing joint procurement lead by the City of Toronto (RFP 2184528757) and joining the final (approximately 26) months of the original 5-year contract. In 2025 the participating municipalities will evaluate the current contract and determine whether to renew for a two-year extension or issue a new RFP;
- The City of Toronto who operate the Joint Processing Centre (JPC) where
 Provincial Offence Officers review the images and confirm that the evidence
 captured discloses that an offence has occurred in order to proceed with the charge;
 and

 The Ministry of Transportation Ontario - to permit access to the Provincial vehicle ownership database to issue offence notices to the registered owner of vehicles.

The adoption of the recommendations of this report will provide staff with the necessary authorities to negotiate and execute the operational agreements between the Region and the partnering parties above to support the implementation and operation of the RLC program as a whole.

Red Light Camera Program – Implementation

Following the execution of the required agreements, work will commence to finalize the implementation of the RLC program. While subject to the considerations outlined below, the full launch of the program is anticipated to occur in late Q3/early Q4 2023.

- Site Preparation and Installation Trafficpax has confirmed that following contract execution, approximately 120 days will be required to supply cameras, prepare and install site equipment, and undertake required system calibration and verification.
- 60-Day Warning Period under legislation and the MTO operating agreement, "coming soon" warning signage must be installed 60 days in advance of the operation of a RLC camera. It is anticipated that this public notice and warning periods will commence in mid-Q3 2023 and proceed in parallel with the installation of the camera technology itself.
- Public Awareness Campaign Transportation Services staff are working with the
 Corporate Communications team to develop a public awareness plan, which will
 launch in parallel with the commencement of the 60-day warning period. This
 campaign will focus on the safety benefits of the program and the support and
 commitment from community leaders. The plan will propose tactics that include
 outreach through social media, printed advertisements, billboards, and web content.
- JPC Integration coordination with City of Toronto staff will be required to ensure the JPC is prepared and resourced to process Niagara Region charges at program launch.

Court Services Operations and Intermunicipal Courts Agreement

Automated enforcement offences in Ontario are processed through the Provincial Offences Courts in accordance with the Provincial Offences Act (POA). Accordingly, charges laid by the JPC will be forwarded to Niagara Region Courts for processing.

Transportation Services has worked closely with Court Services staff to ensure that appropriate resources are in place to process RLC charges and will continue to monitor the program and any resulting resource impacts beyond those contemplated as part of the approved business case.

In Q4 2022, the NRCIMA between Niagara Region and the LAMs was updated as required consistent with Council approval to support the launch of the RLC and ASE programs. The amended agreement confirms various program reporting requirements, as well that any net program revenues will be split 50/50 between the Region and LAMs, with the requirement that they be re-invested in road safety programs. Under the NRCIMA, LAMs have the option to either invest in their own road safety programs or to support Region-led initiatives.

Program Monitoring and Evaluation

Both the MTO operating agreement and amended NRCIMA agreement outline comprehensive program monitoring and reporting requirements. Metrics to be tracked include collision and vehicle speed trends (before/after installation), program administration and Court costs, fine revenue, and both LAM and Region road safety programs supported by both the RLC and ASE programs.

As required by the NRCIMA, staff will report back to Council annually with an assessment of the operation of both the RLC and ASE programs including the required metrics as outlined above. This report will consider any adjustments required to appropriately resource the program, to ensure its financial sustainability, or any recommendations regarding future expansion of either the RLC or ASE programs.

In addition to the detailed MTO and Council mandated reporting requirements, additional public facing reporting on the Region's website will take place a component of the overall communication strategy.

Vision Zero Program Update

The implementation of RLCs forms a component of the overall Vision Zero program. The following is a brief update on other parallel Vision Zero initiatives underway.

- Automated Speed Enforcement all operational agreements authorized by Report PW 34-2022 are to be executed through Q1 2023, and staff are in the process of verifying with the vendor timelines for site works and camera installation. It is currently anticipated that the required warning period (minimum 90 days) ahead of program launch will commence later in Q2 2023, with full program launch in Q3 2023.
- 5-Year Road Safety Strategic Plan staff have initiated a consulting assignment for development of a comprehensive strategic roadmap and plan for the Region's implementation of Vision Zero. The plan will set out the targets, policies and actions to create safer roads and reduce the number of fatal and injury collisions. Plan development will continue through 2023 in partnership with the LAMs and other key advocacy groups.
- Administrative Monetary Penalty System (AMPS) The Province has recently introduced legislative changes that make it possible for enforcement of ASE and RLC offences to be undertaken through the adoption of an AMPS. Staff continue to monitor the implementation of AMPS in peer jurisdictions, and in the future will engage in a broader corporate consultation regarding the exploration of an AMPS program.

Alternatives Reviewed

The alternatives to approval of the recommendation in this report follow:

- 1. Do not authorize the implementation of Red Light Cameras. This would be inconsistent with the previous decisions of Council in support of Vision Zero generally, and the Red Light Camera program more specifically.
- 2. Council could approve a reduced or expanded series of RLC locations for initial implementation. This is not recommended by staff as significant analysis of collision history, site installation feasibility, and the necessary resources to administer a 10 RLC camera program at launch has been undertaken.

Relationship to Council Strategic Priorities

The proposed implementation of Red Light Cameras under the Vision Zero program directly aligns with the Council Strategic Priority: Facilitating the Movement of People and Goods (Objective 3.4) through supporting and advancing safe and healthy streets for the Region.

Other Pertinent Reports

PW 34-2022 Implementation of Automated Speed Enforcement Across Niagara

Region

PW 64-2019 Vision Zero Road Safety Program

PW 36-2019 Red Light Camera

Prepared by:

Scott Fraser, P.Eng Associate Director, Transportation Planning Transportation Services Recommended by:

Bruce Zvaniga, P.Eng Commissioner of Public Works Public Works Department

Submitted by

Submitted by: Ron Tripp, P.Eng.

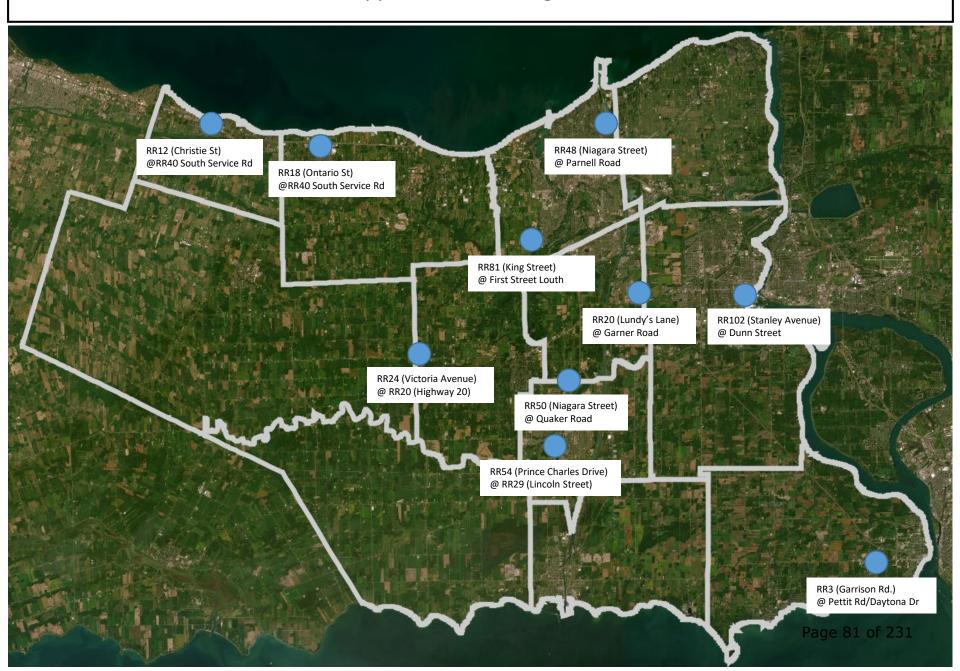
Chief Administrative Officer

This report was prepared in consultation with Petar Vujic, Road Safety & Permit Program Manager, Brian McMahon, Program Financial Specialist, Miranda Vink, Manager Court Services and reviewed by Frank Tassone, Acting Director Transportation Services, Donna Gibbs, Director Legal and Court Services, and Helen Furtado, Director, Financial Management & Planning/Deputy Treasurer.

Appendices

Appendix 1 Red Light Camera Locations

PW 11-2023 – Appendix 1 – Red Light Camera Locations





Agricultural Advisory Committee

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Date: March 22, 2023

Time: 2:00 pm

Location: Accursi Room A, Meridian Community Centre

Attendance: Councillor Kevin Ker

Dan DeVries Doug Wilson

John Langendoen (via ZOOM)

Joyce Sonneveld Louis Damm Sherry Rusin Sandra Frayne

Staff: Barbara Wiens, Director, Community Planning & Development

Lindsay Richardson, Policy Planner

Sarah Leach, Deputy Clerk

Jodi Legros, Legislative and Community Coordinator

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Barbara Wiens, Director, Community Planning and Development called the meeting to order at 2:00 pm.

2. Land Recognition Statement

Barbara Wiens, Director, Community Planning and Development recited the land recognition statement.

3. Introductions

The Committee members introduced themselves and provided brief backgrounds to their experience and reasons for joining the committee.

4. Overview of Parliamentary Procedure

The Town's Deputy Clerk provided an overview of the parliamentary procedure including:

The Committee's Terms of Reference and Meeting Schedule;

Pelham

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- Communication;
- Roles and responsibilities (Staff, Chair, Vice-Chair);
- Role of communication specialist;
- Attendance;
- Pecuniary Interest (Conflict of Interest);
- Communication with Council;
- Delegation to Council; and
- General Parliamentary Procedure

5. Election of Chair and Vice-Chair

The Deputy Clerk led the committee through the election process, it was then determined:

THAT Louis Damm be appointed as Chair of the Agricultural Advisory Committee.

THAT Doug Wilson be appointed as Vice-Chair of the Agricultural Advisory Committee.

6. Approval of Agenda

Moved by Sherry Rusin
Seconded by Joyce Sonneveld

THAT the agenda for the March 22, 2023, regular meeting of the Agricultural Advisory Committee be adopted.

Carried

7. Declaration of Pecuniary Interest and General Nature

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

8. Regular Business

8.1. Review of Terms of Reference and 2023 Meeting Schedule

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Staff provided a brief overview of the Committee's Terms of Reference and meeting schedule. Options regarding the continuation of hybrid meetings was discussed.

8.2. Proposed Town of Pelham Dark Sky By-law and Greenhouse Light Mitigation By-law

Staff provided background information on the creation of the proposed Bylaws noting that the original Dark Sky By-law. Part of the by-law dealt specifically with greenhouse light mitigation and through the review process, the Cannabis Control Committee (CCC) recommended a greenhouse light mitigation by-law be established separately.

Staff prepared two by-laws as per the recommendations of the CCC and have provided these to the Committee for their review, discussion, and comment at a future meeting. It was noted that the proposed Greenhouse Light Mitigation By-law was circulated to the Pelham Greenhouse Group for input.

The Committee discussed the need to gather additional information relating to the proposed Greenhouse Light Mitigation By-law. New information is available through a thesis from the University of Guelph that provides guidance on different levels of light intensity required for different products grown in greenhouses and mitigation requirements.

The draft Greenhouse Light Mitigation By-law will be discussed at a future meeting once research material is shared. It was then:

Moved by Sandra Frayne Doug Wilson

THAT the Committee received the Draft Dark Sky and Greenhouse Light Mitigation By-laws for information.

Carried

8.3. Proposed Town of Pelham Backyard Hen By-law

Staff provided background information on the creation of the proposed Backyard Hen By-law. Through research and a best practice review, Staff created the proposed Licensing By-law and presented it to Council. Council



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deferred making any decision until the idea could be discussed further with the Committee.

The Committee discussed the need to gather more information prior to making any formal comments or recommendations. The Committee will continue to discuss the draft Backyard Hen By-law at the next meeting. It was then:

Moved by Dan DeVries Seconded by Sherry Rusin

THAT the Committee received the Draft Backyard Hen By-law for information.

Carried

8.4. Niagara Region Agricultural Action Plan

Staff provided information with respect to the Niagara Region Agricultural Action Plan. It is being developed through the Region of Niagara Economic Development Department and Staff will circulate the draft report when it becomes available. Staff have also requested a presentation to the Committee if Regional Staff are available.

8.5. Appoint Representative on Stakeholder Committee for Natural Asset Management Plan

Staff provided an overview of the project noting that the Consultants preparing the Plan will be modeling the impacts the Town's natural assets have for climate change mitigation, adaptation, infrastructure capabilities etc. A Stakeholder Committee is being established and this Committee is being asked to provide a representative.

John Langendoen volunteered act at the Committee's representative. It was then:

Moved bySeconded by
Joyce Sonneveld
Dan DeVries

THAT the Committee appoint John Langendoen to the Natural Asset Management Plan Stakeholder Committee



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Carried

9. Next Meeting

The next meeting will take place on April 26, 2023 in Accursi Room B and the Meridian Community Centre at 9:00 am.

10. Adjournment

Moved byDoug WilsonSeconded bySherry Rusin

THAT this Regular Meeting of the Agricultural Advisory Committee be adjourned at 3:52 pm.

Carried

Chair, Louis Damm

LRichardson

Lindsay Richardson, Policy Planner



Chief Administrative Officer

Wednesday, May 17, 2023

Subject: Becoming a Living Wage Employer

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0047 - Becoming a Living Wage Employer, for information;

AND THAT Council direct staff to either:

- a) develop a Living Wage Employer Implementation Plan to be submitted to the Ontario Niagara Living Wage Network; or
- b) develop a Living Wage Policy to be reviewed by Council in August.

Background:

At the January 17, 2023 meeting, Council requested that staff provide a report on becoming a certified living wage employer. A living wage is the hourly rate one must earn to afford basic expenses in their region, such as food, housing, transportation and childcare. A certified living wage employer is one that pays the living wage to all employees, including those with part-time and casual employment status. This also includes ensuring any third-party contractors providing services to the employer on a regular basis pay their employees the living wage. The only exemption is for positions offered exclusively to students. For further clarity, positions staffed primarily by students but in theory could be offered to someone not enrolled in secondary or post-secondary education must be paid the living wage.

The living wage is calculated annually by the Ontario Living Wage Network (OLWN) and is published in November each year. The OLWN is also responsible for certifying employers who meet their criteria. The 2022 rate for Niagara is \$19.80 per hour, which is \$4.30 more than the provincial minimum wage.

Currently there are six municipalities certified as living wage employers in Ontario, including the City of St. Catharines which will be fully compliant by 2024.

Analysis:

All full-time, permanent staff at the Town of Pelham already earn a living wage. After eliminating student positions, there are only four non-union part-time positions and two unionized positions that do not earn \$19.80 across all steps on the salary grid. Should the Town decide to officially certify, hourly rates that do not meet the calculated living wage would be required to increase within six months. As collective agreements are considered contracts, the starting rate for the unionized positions would not need to be adjusted until the current agreement expires.

In addition to Town employees, the OLWN requires that all third-party contractors that provide services to the Town on a regular ongoing basis be paid a living wage. The OLWN defines ongoing as being any service that is utilized more than 120 hours per year. While the Town is unaware of the hourly rates its contractors pay their staff, the contracts likely to be impacted by this change are assumed to be snow removal and grass cutting, custodial workers, and security services. The Town would not be required to open existing contracts to re-negotiate the living wage. However, a living wage clause would need to be included in all future contracts, request for proposals and tenders and the Town's Procurement Policy would need to be updated accordingly. Once certified, the Town would not be able to enter into any new contract with an ongoing, regularly utilized contractor who does not agree to pay a living wage to its employees. There is no way to realistically estimate the potential cost of this requirement.

It should be noted that if the Town opts to certify as a living wage employer it would not cover any boards funded by the Town, including the Lincoln Pelham Library. That organization would need to apply and certify independently in the same manner as the Town.

To apply to become a living wage employer, the Town will need to submit a Living Wage Employer Implementation Plan to the OLWN. The plan must include:

- Basic details about the Town and its employees
- An initial timeline to have all direct employees earn the living wage
- How the Town will ensure that all employees are maintained at the living wage when the rate increases
- The number and type of service contracts affected by certification
- What the Town will do internally to ensure that all relevant service contracts include a living wage clause at the time of renewal or initial awarding
- Who will be responsible for overseeing the plan and how it will be done.

The certification process allows for a phased implementation, which would allow the Town to focus on ensuring all full-time staff earn a living wage (Supporter Level, which the Town has already achieved), followed by ensuring the living wage to all

part-time staff (Leader Level) and lastly ensuring that all regularly used third-party contractors are paid a living wage (Champion Level). When an employer becomes certified there is no actual distinction made between the three levels. The expectation is that regardless of the level the Town is at when it receives its initial certification, it will have a plan in place to achieve the Champion Level and will provide the OLWN with progress updates. If found to have not fulfilled the criteria, the Town's living wage employer certification would be revoked.

Financial Considerations:

An analysis has been completed by the Payroll Clerk to determine the total annual budget impact to bring the affected non-union part-time positions to the living wage. This is estimated at approximately \$19,851 including benefits. Certifying midway through the year should allow the Town six months to implement so this increase would be included in the 2024 budget. Changes to the union wage grid would be done during negotiations later this year and implemented in 2024.

In addition, there will likely be increased costs for the previously mentioned contracted services as a result of the living wage requirement. However, this will not have an immediate impact as the rates do not need to be changed until existing contracts expire. Currently bidders do not disclose the rates they pay their staff and, as such, the financial impact of adding a living wage clause to future contracts is unknown at this time. Further analysis will be required if the Town opts to certify to determine the actual implementation cost for contracted services.

Lastly, there is an annual fee to remain certified. According to the OLWN's website, non-profit and public sector organizations with less than 250 employees must pay an annual fee of \$200.

Alternatives Reviewed:

As an alternative, the Town could adopt a living wage policy or implement a compensation strategy that ensures the Town achieves the Leader Level by paying the living wage to all staff (excluding students) without seeking official certification as a living wage employer. This would give the Town more control over the timeline to become compliant each year as the new living wage is released and not bind the Town to any future budget increases that may not be feasible.

Additionally, dependent upon the approved policy language, this option may not require the Town to alter its agreements with third-party contractors. In the event that Council does wish for the policy to include some of its third-party contractors, the policy could define which contractors to whom the policy applies. As an example, the policy could indicate a living wage clause be included in any contracts exceeding \$500,000, rather than having to include it for any contractor utilized

more than 120 hours per year as required by the OLWN. The City of Hamilton is an example of an employer who has adopted such a policy to include only large construction contracts.

Strategic Plan Relationship: Strong Organization

Becoming a living wage employer, whether officially or by policy, will have multiple benefits to the Town. Those who have certified report having a more motivated and productive staff, an increase in employee retention, and a decrease in time and money spent on hiring and training.

The OLWN views municipalities as a crucial component to the living wage effort due to the requirement of ensuring a living wage for anyone doing regular business with the Town. The benefits of officially certifying certainly extend beyond the employees of the Town of Pelham.

Consultation:

The Treasurer, Deputy Treasurer and Payroll Clerk provided the financial analysis for this report.

Other Pertinent Reports/Attachments:

None.

Prepared and Submitted by:

Brianna Langohr, CHRL Manager, People Services

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



Community Planning and Development Department

Wednesday, May 17, 2023

Subject: Proposed Changes to *Planning Act* and Provincial Planning Statement

Recommendation:

BE IT RESOLVED THAT Council approve Report #2023-0121 - Proposed Changes to *Planning Act* and Provincial Planning Statement;

AND THAT this report be forwarded to the Ministry of Municipal Affairs and Housing as Pelham's comments on the proposed changes to the *Planning Act* through Bill 97, regulation regarding site plan requirements for residential developments of 10 units or fewer and the draft new Provincial Planning Statement.

Background:

On April 6, 2023, the provincial government released proposed changes to:

- the *Planning Act*, through Bill 97
- regulation under the *Planning Act* regarding site plan requirements for residential developments of 10 units or fewer
- a draft new Provincial Planning Statement (PPS) 2023 that will replace the existing Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe

The opportunity to provide comments on these proposed changes to planning legislation and planning policy is very tight. No public consultation is being proposed and the only means to provide comments is through submission of written comments on the Environmental Registry of Ontario. The deadline to submit written comments is as follows:

- deadline to provide comments on the proposed changes to the Planning Act is May 6th, 2023, i.e., 30 days and can be made at the following link: https://ero.ontario.ca/notice/019-6821
- deadline to provide comments on the proposed regulation regarding site plan requirements for residential developments of 10 units or fewer is May 21st,

2023, i.e., 45 days and can be made at the following link: https://ero.ontario.ca/notice/019-6822

deadline to provide comments on the draft new PPS is June 5th, 2023, i.e., 60 days and can be made at the following link:
 <a href="https://ero.ontario.ca/notice/019-6813?utm_source=newsroom&utm_medium=email&utm_campaign=%2Fen_%2Frelease%2F1002910%2Fontario-introduces-next-steps-to-support-housing-supply-growth&utm_term=public

Analysis:

Planning Act Changes through Bill 97

Several amendments are proposed to the Planning Act through Bill 97 including a delay in the requirement for municipalities to refund zoning by-law and site plan application fees if decisions are not made in a specified time frame, i.e., 90 days for zoning by-law amendment applications, 60 days for site plan applications. The requirement to refund fees was introduced in Bill 109 and was to take effect on January 1, 2023, Bill 97 proposes to delay this so that it only applies to applications submitted on or after July 1, 2023. The Town and other area municipalities in Niagara along with the Region of Niagara have implemented changes to processes that are aimed at meeting the processing timelines in the *Planning Act*, however, it should be noted that the municipalities have no control over the time required for the development industry to respond to comments and resubmit applications. Often, the time required for applicants to respond to comments as part of a resubmission process leads to the inability to meet timeframes as stipulated under the Planning Act, however it is the municipality that is now penalized. The outcome will be there will be an increase in conditional approvals vs. final approval and/or an increase in the number of recommendations to refuse development applications as there has not been adequate time provided for applicants to respond to comments to resolve issues. In addition, the ability for Council to request additional information will be curtailed as there is no flexibility in the process to request additional information and still meet the timeframes.

There is a proposed amendment to the *Planning Act* that will provide for Minister to be able to exempt municipalities from the fee refund provisions in the future if needed (no exemptions are being proposed at this time), subject to regulation. No information has been provided under what conditions would the Minister allow for such exemption from refunding fees therefore it is difficult to comment on this proposed change. However, it should be noted that all municipalities should be treated fairly, and development application fees only cover a portion of the development review functions of a municipality and refunding fees will transfer the

burden onto the taxpayer vs. the developer, doing nothing to address housing affordability or building houses faster.

There is a proposed amendment to the *Planning Act* that clarifies that existing provisions regarding parking spaces for additional residential units apply only to the second and third units on a property and not to the principal dwelling. This clarification is helpful and is supported.

Another amendment provides for the opportunity for the Minister to create a regulation to prescribe specific circumstances where site plan control could be used for residential developments of 10 units of less. It is noted that recent changes to the *Planning Act* exempt site plan control for residential developments less than 10 units. The proposed regulation is discussed separately below. However, it is noted that when municipalities are dealing with residential development of 10 units or less matters such as grading, drainage, stormwater management and land use compatibility matters related to buffer requirements adjacent to natural heritage features or other sensitive land uses, building orientation, potential road widenings or other land dedications required for servicing easements, hazard land requirements, are examples of other important considerations which should also be part of site plan approval and control for 10 residential units or fewer.

Exempting residential developments of 10 units or fewer from site plan control will lead to development that creates unintended consequences and adverse impacts on adjacent land uses and a municipality's ability to ensure appropriate protections are in place for future residents of the development from unintended consequences. Exempting residential developments of 10 units or less from site plan control is not supported.

There are proposed amendments to the *Planning Act* that would now allow for the appeal rights of an individual to appeal an interim control by-law when it is initially passed, not just only at the time of extension. In addition, there is a proposed amendment that revises the appeal timelines from 20 days vs. the current 30 days and for appeals to be made within 50 days vs. the current 60 days from when the by-law is passed. Allowing for an appeal of the initial passing of an interim control by-law can create additional challenges and delay for a municipality in dealing with issues when time is needed to study an issue and develop appropriate resolutions to the issue through official plan policy or zoning by-law amendments. It is recognized that interim control by-laws are a blunt instrument that are judiciously used to put a pause in place to allow municipalities the necessary time to address issues and appeals can only lead to further delays and distractions which is not helpful in giving a municipality time to address the issue. Allowing for initial appeals

of interim control by-law is not supported. The proposed amendments to the appeal timeframes can be supported.

There is a proposed amendment to the Act that provides a new authority for the Minister to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders from having to align with provincial plans or policies or official plans when other planning approvals are required. This is contrary to Section 5 of the *Planning Act*, that requires a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter, to be consistent with the policy statements that are in effect on the date of the decision and to conform with the provincial plans that are in effect on that date, or shall not conflict with them. This proposed amendment to the Act has the potential to create uncertainty in the planning system and process which is not supported and can provide unfair advantages to those property owners that receive Minister's zoning approval.

This potential change gives the Minister the ability to approve Minister zoning orders for residential use where such uses are not permitted by official plan policies for example. Decisions that align with provincial plans and policies and official plans, including Minister's zoning orders, are critical to achieving fairness and ensuring there is reasonable expectations of what is required for development approval and alignment with provincial plans, policies and official plans are what is expected for every other type of development and should be required for Minister zoning orders as well.

Another proposed amendment to the Act will provide the Minister with the authority to require landowners to enter development agreements in relation to lands that have been assigned to the Provincial Land and Development Facilitator. There are no details provided with this proposed amendment with regards to the nature of the development agreements, however if the intention is that there is the requirement for development agreements to address servicing and infrastructure requirements, land dedications and easements, agreements with utility providers, etc. then this proposed amendment is supported.

Bill 97 also proposes to give the Minister authority to make regulations providing for transitional matters relating to the applicability of the proposed new Provincial Planning Statement (or other new policy statements issued under the *Planning Act*). While there are no details provided on the proposed regulation, transitional requirements that provide guidance on how applications that are in process prior to the new PPS coming into effect could be a benefit.

While not part of Bill 97, the government proclaimed in force a section that was part of Bill 23, effective April 6, 2023, which gives the Minister the power to amend municipal official plans if the Minister is of the view that a matter of provincial interest could be adversely affected. There is no process set out in the Act for notice or consultation prior to making such a decision. As such, this appears to be the official plan equivalent of a Minister's zoning order and is now in effect.

Regulation Regarding Site Plan Requirements for 10 Residential Units or Fewer

Recent changes made to the *Planning Act* (Bill 23) exempt residential development of 10 units or fewer from site plan control approval. The proposed new regulation would however require site plan control approval for 10 residential units or fewer if any part of the proposed development was located within 120m of a shoreline or 300m of a railway line. While development proposals in proximity to shorelines and railways do warrant site plan control approvals given environmental, noise and vibration issues, there are also other locations that are equally important for consideration of site plan control approval such as where any part of the development is within proximity of an airport, 400 series highways, in proximity to significant natural heritage features and hazard lands, and in proximity to employment lands. The proposed regulation should be modified to provide for broader considerations to require site plan control approval for residential developments of less than 10 units as discussed in the section above.

<u>Proposed Provincial Planning Statement 2023</u>

The changes proposed in the PPS 2023 represent significant changes in how growth planning will be carried out in the province. The repeal of the Growth Plan for the Greater Golden Horseshoe and the elimination of density and intensification targets, in conjunction with the ability to expand settlement areas at any time will shift how, where and when municipalities grow. The proposed new PPS is a regression in planning policy and sets the province back approximately 20+ years from a policy planning perspective.

The language in the proposed PPS is less prescriptive than the PPS 2020 which weakens the policy direction and provides language that encourages municipalities rather than requiring municipalities to achieve certain elements of the PPS. This has the effect of creating ambiguity, less clarity and watering down policy direction which is not helpful and is not supported.

With the proposed repeal of the Growth Plan, municipalities will no longer be required to plan to specific population, density, intensification targets and employment targets for a horizon year. After almost 20 years of being required to plan for growth with specific targets and land need decisions having been driven by those targets, this basic approach to growth planning in the Greater Golden Horseshoe will end. This will lead to more ad hoc decisions being made about where to grow and how, and less coordination around the requirements to accommodate growth. This has the potential to lead to development that is not transit supportive and does not make efficient use of land and infrastructure which in turn increases the burden on the taxpayer. Initially the province expects municipalities to continue to use the 2051 population growth targets at a minimum. However, over time, municipalities will be expected to carry out their own growth forecasting. This will lead to municipalities competing for growth across regions and less coordination of growth and infrastructure requirements between municipalities.

When updating official plans, municipalities will be required to have enough land designated for at least 25 years, a change from up to 25 years, with planning expressly allowed to extend beyond this horizon for infrastructure, employment areas and strategic growth areas. Planning for a longer time horizon can be supported, however with the repeal of the Growth Plan for the Greater Golden Horseshoe the requirement for land needs assessments and a consistent approach to land needs assessments will no longer exist. This has the potential to lead to inconsistent approaches in decision making regarding land needs requirements.

The concept of strategic growth areas is proposed to be integrated into the PPS from the Growth Plan however the density targets of these strategic growth areas has been removed. They are to be identified in official plans and are to be the focus of growth and support the achievement of complete communities and include major transit station areas. Large and fast-growing municipalities (identified as Ajax, Barrie, Brampton, Brantford, Burlington, Caledon, Cambridge, Clarington, Guelph, Hamilton, Kingston, Kitchener, London, Markham, Milton, Mississauga, Newmarket, Niagara Falls, Oakville, Oshawa, Ottawa, Pickering, Richmond Hill, St. Catharines, Toronto, Vaughan, Waterloo, Whitby and Windsor) will be required to identify these areas in their official plans, along with minimum density targets. The lack of policy guidance on the minimum density targets will lead to inconsistencies from one municipality to another.

Other municipalities, such as Pelham, are only encouraged to establish density targets for new settlement expansion areas and no longer have intensification targets to support the achievement of complete communities and planning for the range and mix of housing, rather these

municipalities only should support general intensification and redevelopment. The concept of greenfield and delineated built up areas and density and intensification requirements for these areas has been eliminated. Again, the lack of guidance with regards to minimum density targets and intensification targets will lead to inconsistent decision making and less certainty for public regarding what the expectations are and is a regressive policy approach. It will also lead to more sprawl which increases the tax burden on the taxpayer and creates adverse impacts on agricultural lands and uses. The elimination of the density and intensification targets is not supported.

The proposed PPS will no longer require settlement area expansions as part of a municipal comprehensive review. Municipalities will have the ability to consider settlement area expansions at any time. The tests proposed for settlement area expansions are less stringent as they are in the PPS 2020, and require consideration of adequacy of servicing, phasing, and agricultural issues, such as the minimum distance separation formula. There is also no limitation on the ability of landowners from applying for an expansion, although the *Planning* Act continues to limit the ability to appeal the refusals of any such applications. This will lead to continued pressure on local municipalities to consider settlement area boundary expansions without the comprehensive review that has traditionally been used to identify the need for the expansion and best location for the expansion vs. the desire for the expansion by a landowner. The lack of protection of prime agricultural areas will also lead to more land speculation of farmland which adversely impacts the economics of farming and will have significant impact on the agricultural economy of an area. The elimination of the municipal comprehensive reviews and less stringent tests for settlement area expansions is not supported.

Also telling is the removal of any reference to the need to provide affordable housing as part of the range and mix of housing that support the development of complete communities. The term 'affordable' and definition of 'affordable' has been removed from the proposed PPS 2023. This is surprising as the most critical issue with regards to the housing crises in Ontario is the supply of affordable housing, both affordable ownership and affordable rental housing. Rather the PPS 2023 proposes to include the term 'housing options,' and the definition of this term does reference affordable housing at all. The proposed change to the PPS 2023 to remove any reference to the need to provide affordable housing is not supported.

In addition to proposed changes to the *Planning Act*, the PPS 2023 proposed to change to the definition of employment areas with the focus being on uses that cannot locate in mixed use areas such as heavy industry, manufacturing, and warehousing. This proposed change, along with the elimination of employment targets will impact those areas that have defined employment areas. It is noted that while Pelham does not have an employment area, the proposed changes to the PPS will affect other municipalities in Niagara. Other proposed changes to the PPS will allow for the conversion or removal of land from employment area and less stringent tests applied to those conversions. This has the potential to adversely affect those municipalities with designated employment areas. Provincial significant employment zones will also be removed with the repeal of the Growth Plan for the Greater Golden Horseshoe.

Another significant change proposed by the PPS is the ability to create three new residential lots from a parcel that existed as of January 1st, 2023 in prime agricultural areas, but outside of specialty crop areas provided the lots comply with the minimum distance separation (MDS) formulae, are limited in size needed to accommodate servicing requirements, have access on a public road and are adjacent to existing non-agricultural uses or consists of lower priority agricultural lands. This has the potential to create rural strip development and remove land from agricultural production. While the lots are required to meet MDS requirements, the new lots will limit the ability of a farmer to expand livestock operation in the future due of the introduction of these new non-farm residential lots as farmers are required to meet MDS as well when they expand their operations. New non-farm residential uses cause other impacts on agriculture areas, i.e., increase conflicts with moving farm equipment, and can create unnecessary restrictions on farm operations which adversely impact on farming operations and the agricultural economy of an area. The ability to permit residential severances in prime agricultural area will increase land speculation of farmland which adversely impacts on the ability of farmers to acquire land and does not support the agricultural economy of an area. Also, the introduction of new rural non-farm development in prime agricultural areas increases the demand on municipalities to provide municipal services in areas that are not planned for municipal services. The policy direction to permit new residential lots in prime agricultural area is a regressive policy and is contrary to the policy direction of the last 30 years that is aimed at protecting agricultural land for agricultural uses and supporting the viability of farming. Over the long term, the proposed new policy direction will directly impact the ability of the farmers to

produce food for our growing population and significantly impact the agricultural economy. In addition, the rural non-farm residential uses tend to be 'estate' type housing which does not address the housing crisis. This proposed change to the PPS 2023 to permit new residential lot creation in prime agricultural areas is not supported and will create much harm to the agricultural areas across the province.

With regards to natural heritage, the province has yet to release the proposed amendment to the PPS to address natural heritage considerations, so it is unknown what the proposed policies for natural heritage system protection may be. The province has indicated that these policies will be released through separate posting on the Environmental Registry. As a result, there is no ability to comment on the proposed changes to the natural heritage policies.

Conclusion

The government has advised that it expects the new PPS to come into force in the fall of 2023, despite a complete policy document having not been released. While generally it is expected that decisions will be required to be consistent with the new PPS as of its effective date, Bill 97 does allow for the minister to make regulations which could address different transition rules. At this time those regulations have not been released and it is unknown what the transition provisions may be.

The changes proposed in the PPS 2023 represent significant changes in how growth planning will be carried out in the province. The repeal of the Growth Plan for the Greater Golden Horseshoe and the elimination of density and intensification targets, in conjunction with the ability to expand settlement areas at any time will shift how, where and when municipalities grow. The ability to permit residential severance in the prime agricultural areas is a regressive policy approach and does not represent good land use planning. Overall, the proposed new PPS is a regression in land use planning policy and sets the province back approximately 20+ years from a land use planning perspective and will create inconsistent decision making which will cause more unpredictability for the development community and the public. Further the proposed new PPS 2023 does not advance the need to provide affordable housing or address the housing crises of the province. Advancing the supply of low-density market housing does not address the housing crisis and will only lead to more sprawl which is not sustainable for municipalities.

The proposed changes to the *Planning Act* through Bill 97 provide some clarity which is helpful and supported, while others have the potential to create delay, unfair advantages for some, and more uncertainty in the planning process. The regulation regarding site plan requirements for residential developments consisting of 10 units or more should be broadened as discussed in this report.

Financial Considerations:

Not applicable.

Alternatives Reviewed:

Not applicable.

Strategic Plan Relationship: Community Development and Growth

The proposed changes to the *Planning Act*, the repeal of Growth Plan for the Greater Golden Horseshoe and the proposed new PPS will have significant and lasting impacts on community development and growth for Pelham. Many of these impacts will not be positive as the policy approach is regressive and focused only on building homes faster and fails to recognize the need to plan for planned growth, density, and intensification to provide for complete communities. There is nothing in the proposed changes that addresses the real need of housing affordability and continuing to build low density market housing at the expense of building complete communities will not solve the housing crisis. Rather, the proposed changes will lead to a loss of prime agricultural lands, adverse impacts on agriculture and the agricultural economy, more sprawl and greater tax burden to the taxpayer due to the inefficient use of land and infrastructure that will result.

Consultation:

The Director has had consultation with Planning Directors for other municipalities in Niagara and they consistently have raised the same concerns regarding the proposed changes to the *Planning Act*, proposed new regulation under the *Planning Act*, proposed new Provincial Planning Statement and repeal of the Growth Plan for the Greater Golden Horseshoe.

Other Pertinent Reports/Attachments:

Proposed 2023 Provincial Planning Statement comparison with 2020 Provincial Policy Statement by Osler, Hoskin & Harcourt LLP.

Prepared and Recommended by:

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

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Comparison and concordance to the 2020 Provincial Policy Statement

OSLER

On April 6, 2023, the province released for comment the proposed 2023 Provincial Planning Statement. It proposes to repeal A Place to Growth – the Growth Plan for the Greater Golden Horseshoe and the 2020 Provincial Policy Statement, and replace both with this integrated policy statement. All decisions that relate to a planning matter will be required to be consistent with this statement.

Osler, Hoskin & Harcourt LLP has prepared this comparison which shows the changes from the 2020 PPS, with cross references to changed or modified policies, as well as where policy language or concepts have been imported from the Growth Plan.

A concordance table, cross referencing Growth Plan and 2020 PPS policies is at the end of this document, and can be accessed by clicking anywhere on this paragraph.

The comparison shows in red strikethrough policies that have not been carried forward from the 202 PPS. Text in <u>blue underlining</u> is new policy language. Text in <u>green underlining</u> is language that has been moved from elsewhere in the document.

We have shown either in footnotes or in text cross references to policies in the 2020 PPS or the Growth Plan, as well as indicated where policy language or concepts are similar, but not identical.

In an implementation document, the government has advised that it expects the new PPS to come into force in the fall of 2023. While generally it is expected that decisions will be required to be consistent with the new PPS as of its effective date, Bill 97 does allow for the minister to make regulations which could address different transition rules.

The government has also advised that it does not expect the implementation of its removal of planning responsibilities from most upper tier municipalities until winter 2024, at the earliest.

A summary of key changes to policies is below:

2023 Provincial Planning Statement

The changes proposed in the 2023 PPS represent fundamental changes in how growth planning is carried out in the province. The elimination of intensification targets, the repeal of the Growth Plan and the ability to expand settlement areas at any time will shift how, where and when municipalities grow. Some of the key changes are:

Growth Targets

- With the proposed repeal of the Growth Plan, municipalities will no longer be required to plan to specific population and employment targets for a horizon year. After twenty years of being required to plan for a specific target in a specific year, and all land budget decisions driven by those targets, this fundamental aspect of growth planning in Ontario will come to an end
- The government expects that municipalities will continue to use the 2051 targets at a minimum. Over time, municipalities will be expected to carry out their own forecasting.
- When updating official plans, municipalities will be required to have enough land designated for at least 25 years (a change from up to 25 years), with planning expressly allowed to extend beyond this horizon for infrastructure, employment areas and strategic growth areas

Strategic Growth Areas

- The concept of strategic growth areas has been integrated from the Growth Plan. They are to be identified in official plans, and should be the focus of growth. They include major transit station areas
- Large and fast growing municipalities (listed in an appendix, and effectively Toronto, York, southern Durham, Peel, Halton, Hamilton, London, Waterloo, Kitchener, Barrie, Niagara Falls, St Catherines, Windsor, Cambridge, Kingston, Guelph, Ottawa and Brantford) will be required to identify these areas in their official plans along with density targets

Major Transit Station Areas

• The concept of major transit station areas is carried forward from the Growth Plan, with the definition and minimum density targets being generally the same

Intensification

• The Growth Plan contained specific intensification targets which required municipalities to plan for a certain amount of growth within defined built boundaries. The 2023 PPS supports intensification generally, but with no specific targets to be met

Built Boundary

• The concept of a delineated built-up areas contained in the Growth Plan has not been carried forward into the 2023 PPS

Municipal Comprehensive Reviews

• The concept of municipal comprehensive reviews of official plans has not been carried forward into the 2023 PPS

Settlement Area Expansions

• With no requirement for municipal comprehensive reviews, municipalities have the ability to consider settlement area expansions at any time. The tests to be applied are not as stringent as they were, and require consideration of adequacy of servicing, phasing and agricultural issues such as the minimum distance separation formula. There is no limitation on the ability of landowners from applying for an expansion, although the Planning Act continues to limit the ability to appeal the refusals (or non-decision) on any such applications

Employment Land Conversions

• Municipalities can consider (and landowners can apply for) the removal of land from employment areas. The tests to be met include that there is a need for the removal, and the land is not required for employment uses over the long term; however, in the absence of land budgets and targets to be met with the proposed repeal of the Growth Plan the application of these tests will rely on targets contained in official plans. The Planning Act continues to limit the ability to appeal refusals or non-decisions of such applications, but (as noted below) Bill 97 proposes to change the definition of areas of employment.

This is an unofficial comparison prepared by Osler, Hoskin & Harcourt LLP

Employment Areas

• The definition of 'employment areas' is proposed to be changed in both the Planning Act and the new PPS. The focus is on uses that cannot locate in mixed use areas, such as heavy industry, manufacturing and large scale warehousing

Provincially significant employment zones

• These zones, introduced in 2019 without any substantial policy implementation, will no longer exist with the repeal of the Growth Plan. The government is considering alternative approaches to protect these lands, possibly through the use of minister's zoning orders

Agricultural Lot Severances

• Additional residences will be permitted on farm properties (up to two additional on one parcel and up to three additional residential parcels)

Climate Change

• General policies requiring municipalities to plan for climate change

Natural Heritage

• The proposed approach to natural heritage has not been finalized, and so we do not know what the proposed policies are for natural heritage system protection

•

Preface

Proposed Provincial Planning Statement

April 2023

The Ministry of Municipal Affairs and Housing (MMAH) is seeking input on proposed policies for an integrated province-wide land use planning policy document. This proposed Provincial Planning Statement takes policies from both A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, 2020 to support the achievement of housing objectives across Ontario.

The Provincial Policy Statement, 2020 is issued under the *Planning Act* and is the primary provincial land use planning policy document, applying across Ontario. A Place to Grow is a growth plan issued under the *Places to Grow Act, 2005*. The Province is now seeking input on a proposed Provincial Planning Statement that would replace the existing Provincial Policy Statement and A Place to Grow.

Should the government adopt the proposed Provincial Planning Statement, the government would consequentially revoke the Provincial Policy Statement, 2020 and A Place to Grow, as well as amend regulations (O. Reg. 416/05 and O. Reg. 311/06) under the Places to Grow Act, 2005.

Seeking Feedback

<u>Please submit written comments or questions on the Environmental Registry of Ontario (ERO)</u> in response to posting #019-6813. The deadline for written comments is June 6, 2023.

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Chapter 1: Introduction

Part I: Preamble

The <u>proposed</u> Provincial <u>Planning Statement (or "Policy Statement")</u> provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, <u>the Provincial this</u> Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The <u>proposed</u> Provincial <u>PolicyPlanning</u> Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. <u>The ProvincialThis</u> Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The proposed Provincial Planning Statement also provides policy direction on matters applying only to Ontario's largest and fastest growing municipalities with the greatest need for housing. Large and fast-growing municipalities is a defined term and the list of these municipalities is identified in Schedule 1 of this Policy Statement.

The policies of the Provincial this Policy Statement may be complemented by provincial plans or by locally- generated policies regarding matters of municipal interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Municipal official plans are the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans shall identify provincial interests and set out appropriate land use designations and policies.¹ Official plans-should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.²-In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement.

Zoning and development permit by-laws are also important for <u>the</u> implementation of this <u>Provincial</u> Policy Statement. <u>Planning authorities shall keep their zoningZoning</u> and development permit by-laws <u>up-to-date with their official plans and this Provincial Policy-Statementshould be forward-looking and facilitate opportunities for an appropriate range and mix of *housing options* for all Ontarians.</u>

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may apply to decisions with respect to *Planning Act* applications and affect planning matters, and assist in implementing these interests.

¹ This sentence moved to 6.1.5.

² This sentence moved to 6.1.5.

This is an unofficial comparison prepared by Osler, Hoskin & Harcourt LLP Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights.³

Part II: Legislative Authority

The <u>proposed</u> Provincial <u>PolicyPlanning</u> Statement is issued under the authority of section 3 of the *Planning Act* and came into effect on <u>May 1, 2020[effective date]</u>. <u>This Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after [effective date].</u>

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government "shall be consistent with" this Provincial Policy Statement.

Part III: How to Read the Provincial this Policy Statement

The provincial policy-led planning system recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use planning. The Provincial This Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

Read the Entire **Provincial** Policy Statement

The Provincial This Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references

³ This paragraph was previously in Part IV – Vision for Ontario's Land Use Planning System

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> do not take away from the need to read <u>the Provincial this</u> Policy Statement as a whole.

There is no implied priority in the order in which the policies appear.

Consider Specific Policy Language

When applying the Provincial this Policy Statement it is important to consider the specific language of the policies. Each policy provides direction on how it is to be implemented, how it is situated within the broader Provincial Policy Statement, and how it relates to other policies.

Some policies set out positive directives, such as "settlement areas shall be the focus of growth and development." Other policies set out limitations and prohibitions, such as "development and site alteration shall not be permitted." Other policies use enabling or supportive language, such as "should," "promote" and "encourage."

The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition.

Geographic Scale of Policies

The Provincial This Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

While the Provincial Policy Statement is to be read as a whole, not all policies will be applicable to every site, feature or area. The Provincial Policy Statement applies at a range of geographic scales.

Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.

Policies Represent Minimum Standards

The policies of the Provincial this Policy Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.

Defined Terms and Meanings

Except for references to legislation which are italicized, other italicized terms in the Provincialthis Policy Statement are defined in the Definitions sectionchapter. For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific policies; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Defined terms in the Definitions sectionchapter are intended to capture both singular and plural forms of these terms in the policies.

Guidance Material

Provincial Guidance

<u>Provincial guidance, including guidance</u> material, <u>guidelines</u> and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of <u>the Provincial this</u> Policy Statement. Information, technical criteria and approaches outlined in <u>provincial guidance material</u> are meant to support <u>implementation</u> but not add to or detract from the policies of <u>the Provincial this</u> Policy Statement.

Relationship with Provincial Plans

The Provincial This Policy Statement provides overall policy directions on matters of provincial interest related to land use planning and development in Ontario, and applies province-wide, except where this policy statement or another provincial plan provides otherwise.

Provincial plans, such as the Greenbelt Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario, build upon the policy foundation provided by the Provincialthis Policy Statement. They provide additional land use planning policies to address issues facing specific geographic areas in Ontario.

Provincial plans are to be read in conjunction with the Provincial this Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provides otherwise.

Where the policies of provincial plans address the same, similar, related, or overlapping matters as the policies of the Provincial this Policy Statement, applying the more specific policies of the provincial plan satisfies the more general requirements of the Provincial this Policy Statement. In contrast, where matters addressed in the Provincial this Policy Statement do not overlap with policies in provincial plans, the policies in the Provincial this Policy Statement must be independently satisfied.

Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the Provincial Plans Policy Statement. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

Part IV: Vision for Ontario's Land Use Planning System

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Ontario is a vast province with <u>diverse</u> <u>a diversity of</u> urban, rural and northern communities <u>which may face</u> <u>that is distinguished by</u> different <u>challenges related to diversity in populations</u>, economic activity, pace of growth, and physical and natural conditions. <u>Some areas face challenges related to maintaining population and diversifying</u>

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.

The long-term prosperity and social well-being of Ontario depends on celebrating these differences and planning for complete communities for people of all ages, abilities and incomes. More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. In addition, a prosperous Ontario will support a strong and competitive economy, and a clean and healthy environment.

Ontario will increase the supply and mix of housing options and address the full range of housing affordability needs. Every community will build homes that respond to changing market needs, and local needs and demand. Providing a sufficient supply with the necessary range and mix of housing options will support a diverse and growing population and workforce, now, and for many years to come.

A successful Ontario will also be one with a competitive advantage of being investment-ready and celebrated for its influence, innovation and cultural diversity. The Ontario economy will continue to mature into a centre of industry and commerce of global significance. Central to this success will be the people who live and work in this Province.

Ontario's land use planning framework, and the decisions that are made, shape how our communities grow and prosper. While progress has been made, equity-deserving groups still face a complex range of challenges. Municipalities will work with the Province to design complete communities with increased access to housing, employment, schools, transportation options, recreation and public spaces, and services that are equitable and sustainable for all Ontarians.

Land use will be managed to accommodate appropriate development to meet the full range of current and future needs. Efficient land use and development patterns will contribute to achieving equitable outcomes for all Ontarians by design. Downtowns, main streets and rural areas will be vital and viable. Cultural heritage and archaeology in Ontario will provide people with a sense of place. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians.

Housing must be built in the right places so that Ontario's vibrant agricultural sector and sensitive areas will continue to form part of the Province's economic prosperity and overall identity. Growth and development will be focused within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production and the agri-food network.

The wise use and management of resources will be encouraged including natural areas, agricultural lands and the Great Lakes while providing attention to appropriate housing supply and public health and safety. Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be mitigated. This will require the Province, planning authorities, and conservation authorities to work together.

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Across rural Ontario, local circumstances vary by region. Northern Ontario's natural
environment and vast geography offer different opportunities than the predominately
agricultural areas of the southern regions of the Province. The Province will continue to
ensure northern communities are supported and economic growth is promoted so that the
region remains strong, while protecting its natural features.

The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes will continue to recognize the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build Meaningful early engagement and constructive, cooperative relationships through meaningful engagement with building between planning authorities and Indigenous communities towill facilitate knowledge-sharing in land use planning processes and inform decision-making in land use planning.

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise-management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding-significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Efficient development patterns optimize the use of land, resources and public investment in-infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other-modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water-and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.

Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change. The Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of

^{4 1.1.4}

⁵ This sentence moved to the Preamble.

⁶ This sentence moved to the Preamble.

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these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

It is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Taking action to conserve land and resources avoids the need for costly remedial measures tocorrect problems and supports economic and environmental principles.

Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.

The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. To support our collective well-being, now and in the future, all land use must be well managed.

Part V: Policies

Above all, Ontario will continue to be a great place to live, work and visit where all Ontarians enjoy a high standard of living and an exceptional quality of life.

Chapter 2: Building <u>Homes, Sustaining</u> Strong Healthyand Competitive Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

2.1 Planning for People and Homes

At the time of each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to at least 25 years, informed by provincial guidelines guidance. Nothing in policy 1.1.2 limits the Planning for infrastructure, public service facilities, strategic growth areas and employment areas may extend beyond this time horizon. beyond a 25-year time horizon.

. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and, if necessary, designated growth areas.⁸

Where the Minister of Municipal Affairs and Housing has made a zoning order, the resulting development potential shall be in addition to projected needs over the planning horizon established in the official plan. At the time of the municipality's next official plan update, this additional growth shall be incorporated into the official plan and related infrastructure plans.

- 2. To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall⁹:
 - a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through-residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development¹⁰; and
 - b) maintain at all times where new development is to occur, land with servicing

⁷ Policy 1.1.2 of the 2020 PPS (all footnote references are to policies in the 2020 PPS, except where noted as being a reference to a Growth Plan policy)

⁸ These two deleted paragraphs were in policy 1.1.2

⁹ 1.4.1

¹⁰ 1.4.1 a)

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Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. 12

- 3. Where planning is conducted by an upper-tier municipality, the land and unit supply maintained by the lower-tier municipality identified in policy 2.1.21.1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality. ¹³ and the allocation of population and units by the upper-tier municipality shall be based on and reflect provincial plans where these exist. ¹⁴
- <u>4.</u> Planning authorities should support the achievement of complete communities by¹⁵: 1.1.1 Healthy, liveable and safe communities are sustained by:

a)promoting efficient development and land use patterns which sustain the financial-well-being of the Province and municipalities over the long term;

- a) b)-accommodating an appropriate affordable and market-based-range and mix of residential types (including single detached, additional residential units, multi-unit-land uses, housing options, affordable housing and housing for older persons) transportation options with multimodal access, employment (including-industrial, public service facilities and commercial), other institutional uses (including, schools and associated child care facilities, long-term care facilities, places of worship, and cemeteries and long term care homes), recreation, parkparks and open space, and other uses to meet long-term needs;
 - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
 - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit-investments, and standards to minimize land consumption and servicing costs;
- b) f)-improving accessibility for persons with disabilities people of all ages and older persons abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities,

¹² Deleted text was in 1.4.1.

¹¹ 1.4.1 b)

¹³ 1.4.2 a)

¹⁴ Deleted text was in 1.4.2 b)

¹⁵ 1.1.1 – see deleted wording, below. Policy language is also similar to 2.2.1.4 of the Growth Plan

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> and incomes, including equity-deserving groups.

- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

2.2 Housing

- Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:16
 - a) coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including housing affordability needs establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper tier municipality, the upper tier municipality inconsultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities.
 - b) permitting and facilitating:
 - all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements additional needs housing and needs arising from demographic changes and employment opportunities; and
 - all types of residential *intensification*, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; the conversion of existing commercial and institutional buildings for residential use, development and introduction of new housing options within previously developed areas 17, and redevelopment in which results in a net increase in residential units in accordance with policy 2.3.3 -

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs

- d) promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and;
- d) e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations-and
 f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety

¹⁶ 1.4.3

¹⁷ This specific phrase was part of the definition of *residential intensification* in the 2020 PPS, but is not specifically part of the new definition of *intensification*

2.3 1.1.3 Settlement Areas and Settlement Area Boundary Expansions

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.¹⁸

The vitality and regeneration of settlement areas is critical to the long term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1. 1.1.3.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas. 19
- 2. 1.1.3.2 Land use patterns within settlement areas shallshould be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) are appropriate for, optimize existing and efficiently use, the planned infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - c) minimize negative impacts to air quality and climate change, and promoteenergy efficiency;
 - d) prepare for the impacts of a changing climate;
 - c. e) support active transportation;
 - d. f) are *transit-supportive*, where transit is planned, exists or may be developed as appropriate; and
 - e. g)-are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- <u>3.</u> Planning authorities should support general <u>intensification and redevelopment</u> to support the achievement of <u>complete communities</u>, including by planning for a range and mix of <u>housing options</u> and prioritizing planning and investment in the necessary <u>infrastructure</u> and <u>public service facilities</u>.
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be

¹⁸ Green text was moved to the definition of *Settlement areas*

¹⁹ Similar to 2.2.1.2 c) of the Growth Plan

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- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allowfor the efficient use of land,
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
 - a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
 - b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.
- 4. 1.1.3.8 A planning authority may identify a settlement area or allow the expansion a of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that In identifying a new settlement area or allowing a settlement area boundary expansion, planning authorities should consider the following:
 - a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
 - a. b) the that there is sufficient capacity in existing or planned infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
 - c) in prime agricultural areas:
 - b. 1. the applicable lands do not comprise specialty crop areas;
 - 2. alternative locations have been evaluated, and
 - i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;

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- c. d) the new or expanding expanded settlement area is in compliance complies with the minimum distance separation formulae;
- d) -impacts on agricultural lands and operations which are adjacent or close to the settlement area are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and
- e. the new or expanded settlement area provides for the phased progression of urban development.

 and
 - e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

- 1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:
 - a) there would be no net increase in land within the settlement areas;
 - b) the adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the municipality;
 - c) prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and
 - f) the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.
- 5. Planning authorities are encouraged to establish density targets for new settlement areas or settlement area expansion lands, as appropriate, based on local conditions.

 Large and fast- growing municipalities are encouraged to plan for a minimum density target of 50 residents and jobs per gross hectare.²⁰

2.4 Strategic Growth Areas²¹

2.4.1 General Policies for Strategic Growth Areas

- <u>1.</u> To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, planning authorities may, and large and fast-growing municipalities shall, identify and focus growth and development in strategic growth areas by:
 - <u>a)</u> <u>identifying an appropriate minimum density target for each *strategic growth* <u>area;²² and</u></u>
 - b) identifying the appropriate type and scale of development in strategic growth

²⁰ The 50 PJH density target was in policy 2.2.7.2 of the Growth Plan, applicable to designated greenfield areas.

²¹ Strategic growth areas were a concept introduced in the Growth Plan.

²² 5.2.3.2 b) of the Growth Plan required upper tier municipalities to identify minimum density targets for strategic growth areas

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2. Any reduction in the size or change in the location of *urban growth centres* identified in an in effect official plan as of [effective date] may only occur through a new official plan or official plan amendment adopted under section 26 of the *Planning Act*.

2.4.2 Major Transit Station Areas

- <u>1.</u> Large and fast-growing municipalities shall delineate the boundaries of major transit station areas on higher order transit corridors through a new official plan or official plan amendment adopted under section 26 of the Planning Act. The delineation shall define an area within a 500 to 800 metre radius of a transit station and that maximizes the number of potential transit users that are within walking distance of the station.²⁴
- <u>2.</u> Within major transit station areas on higher order transit corridors, large and fast-growing municipalities shall plan for a minimum density target of:
 - a) 200 residents and jobs combined per hectare for those that are served by subways;
 - b) 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit; or
 - c) 150 residents and jobs combined per hectare for those that are served by commuter or regional inter-city rail the GO Transit network. 25
- 3. For a any particular major transit station area, <u>large and fast-growing municipalities may request</u> the Minister may to approve an official plan or official plan amendment with a target that is lower than the applicable target established in policy 2.4.2.2, where it has been demonstrated that this target cannot be achieved because:
 - a) *development* is prohibited by provincial policy or severely restricted on a significant portion of the lands within the delineated area; or
 - b) there are a limited number of residents and jobs associated with the built form, but a *major trip generator* or feeder service will sustain high ridership at the station or stop.
- <u>4.</u> Planning authorities that are not *large and fast-growing municipalities* may plan for *major transit station areas* on *higher order transit* corridors by delineating boundaries and establishing minimum density targets.
- <u>5.</u> Planning authorities may plan for *major transit station areas* that are not on *higher order* transit corridors by delineating boundaries and establishing minimum density targets.
- <u>6.</u> All major transit station areas <u>should</u> <u>will</u> be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where <u>feasible appropriate</u>:²⁷

²³ 2.2.23 b) of the Growth Plan

²⁴ This generally reflects the MTSA definition in the Growth Plan

²⁵ Densities are the same as in 2.2.4.3 of the Growth Plan

²⁶ Comparison is to policy 2.2.4.4 of the Growth Plan

²⁷ Comparison is to policy 2.2.4.8 of the Growth Plan

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- a) connections to local and regional transit services to support *transit service integration*;
- b) infrastructure-to support that accommodates a range of mobility needs and supports active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and
- c) commuter pick-up/drop-off areas.

2.5 1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.²⁸

- 1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:
 - a) building upon rural character, and leveraging rural amenities and assets;
 - b) promoting regeneration, including the redevelopment of brownfield sites;
 - c) accommodating an appropriate range and mix of housing in rural *settlement* areas;
 - d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
 - <u>d</u>) <u>e</u>) using rural *infrastructure* and *public service facilities* efficiently;
 - <u>e</u>) f)-promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - f) g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - <u>h</u>-conserving biodiversity and considering the ecological benefits provided by nature; and
 - h) i)-providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 24.3.
- 1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 2. 1.1.4.3 When directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the

²⁸ Moved to "Vision" section, above.

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> scale of development and the provision of appropriate service levels.

1.1.4.4Growth and development may be directed to *rural lands* in accordance with policy 2.6, including where a municipality does not have a *settlement area*.

2.6 1.1.5 Rural Lands in Municipalities

- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- <u>1.1.5.2</u>On *rural lands* located in municipalities, permitted uses are:
 - a) the management or use of resources;
 - b) resource-based recreational uses (including recreational dwellings <u>not intended</u> <u>as permanent residences</u>);
 - residential development, including lot creation, that is locally and multi-lot residential development, where site conditions are suitable for the provision of appropriate sewage and water services;
 - d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
 - e) home occupations and home industries;
 - f) cemeteries; and
 - g) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- <u>1.1.5.4</u> Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- <u>3.</u> <u>1.1.5.5</u> Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the <u>unjustified and/or</u> uneconomical expansion of this *infrastructure*.
- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 4. 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- <u>1.1.5.8</u> New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.7 1.1.6 Territory Without Municipal Organization

- 1. 1.1.6.1 On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource- based recreational uses (including recreational dwellings not intended as permanent residences).
- 2. 1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- <u>3.</u> <u>1.1.6.3</u> The establishment of new permanent townsites shall not be permitted.
- 4. 1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings <u>not intended as permanent residences</u>) shall be permitted. Other uses may only be permitted if:
 - a) the area forms part of a planning area;
 - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
 - c) it has been determined, as part of a comprehensive review, that the impacts of development will not place an undue strain on the public service facilities and infrastructure provided by adjacent municipalities, regions and/or the Province.

2.8 1.3 Employment

2.8.1 Supporting a Modern Economy

- 1. 1.3.1 Planning authorities shall promote economic development and competitiveness by:
 - a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
 - c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment; and
 - d) encouraging <u>intensification</u> of <u>employment uses and</u> compact, mixed-use development that incorporates compatible employment uses <u>such as office</u>, <u>retail, industrial, manufacturing and warehousing</u>, to support <u>liveable and</u> <u>resilient</u>the <u>achievement</u>²⁹ <u>complete</u> <u>communities</u>, <u>with consideration of</u>

²⁹ [sic]. This appears to be a typo. The word "of" is missing

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- e) ensuring the necessary *infrastructure* is provided to support current and projected needs.
- 2. Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects are encouraged in strategic growth areas and other mixed-use areas where frequent transit service is available, outside of employment areas.
- <u>3.</u> On lands for employment outside of employment areas, and taking into account the transition of uses to prevent adverse effects, a diverse mix of land uses, including residential, employment, public service facilities and other institutional uses shall be permitted to support the achievement of complete communities.
- <u>4.</u> Official plans and zoning by-laws shall not contain provisions that are more restrictive than policy 2.8.1.3 except for purposes of public health and safety.
- <u>5.</u> <u>Major office and major institutional development should be directed to major transit station areas or other strategic growth areas where frequent transit service is available.</u>

2.8.2 1.3.2 Employment Areas

- 1. 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas:
 - <u>a</u>) for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs; and
 - <u>b)</u> that are located in proximity to *major goods movement facilities and corridors*, including facilities and corridors identified in provincial transportation plans, for the *employment area* uses that require those locations.³⁰
- <u>2.</u> <u>Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:³¹</u>
 - <u>a)</u> planning for *employment area* uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
 - <u>b)</u> <u>prohibiting residential uses, commercial uses, public service facilities and other institutional uses;</u>
 - <u>c)</u> <u>prohibiting retail and office uses that are not associated with the primary employment use;</u>
 - <u>d)</u> prohibiting other sensitive land uses that are not ancillary to the primary employment use; and
 - <u>e)</u> <u>including an appropriate transition to adjacent non-employment areas to ensure land use compatibility.</u>
- <u>3.</u> At the time of the official plan review or update, Planning authorities shall should assess and update employment areas identified in local official plans to ensure that this

³⁰ Generally similar to 1.3.2.6

³¹ Generally similar to 1.3.2.3

This is an unofficial comparison prepared by Osler, Hoskin & Harcourt LLP designation is appropriate-to the planned function of employment areas.³²

1.3.2.2

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long termoperational and economic viability of the planned uses and function of these areas.

- Within employment areas planned for industrial or manufacturing uses, planning 1.3.2.3 authorities shall prohibit residential uses and prohibit or limit other sensitive landuses that are not ancillary to the primary employment uses in order to maintain landuse compatibility. Employment areas planned for industrial or manufacturing uses should include an
 - appropriate transition to adjacent non-employment areas 33
- 4. Planning authorities may permit conversion remove of lands within from employment areas to non-employment uses through a comprehensive review only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion:34
 - a) there is an identified need for the conversion removal and the land is not required for employment purposes area uses over the long term;
 - b) the proposed uses would not adversely affect negatively impact the overall viability of the employment area; and by:
 - 1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5; and
 - <u>2.</u> maintaining access to major goods movement facilities and corridors;
 - c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.
- Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy is 1.3.2.5 undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together withaffected upper and single-tier municipalities and subject to the following 35
- 1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.
- Planning authorities may plan beyond 25 years for the long term protection of employment areas provided lands are not designated beyond the planning horizon-

^{32 1.3.2.2 -} first paragraph

³³ The protection of employment areas through prohibiting residential and other uses, and protecting against sensitive land uses is found generally in 2.8.2.2 b) – e).

³⁴ This shows a comparison to policy 1.3.2.4, which only permitted conversions as part of an MCR, while criteria a)-c) reflect generally the criteria under 1.3.2.5, which applied to conversions outside of an MCR process.

³⁵ Criteria have been moved up to 2.8.2.4 for readability, see note above.

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> identified in policy 1.1.2.

2.9 Energy Conservation, Air Quality and Climate Change³⁶

Planning authorities shall <u>plan to reduce greenhouse gas emissions</u> and <u>prepare</u> for <u>the impacts of a changing climate</u> through approaches that:

- <u>a)</u> <u>support the achievement of compact, transit-supportive, and complete communities;</u>
- <u>b</u>) <u>incorporate climate change considerations in planning for and</u> the development of <u>infrastructure</u>, <u>including stormwater management systems</u>, and <u>public service</u> facilities-;
- c) support energy conservation and efficiency;
- <u>d)</u> promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
- <u>e)</u> take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the *impacts of a changing* <u>climate.</u>

1.8 Energy Conservation, Air Quality and Climate Change

- 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
 - a) promote compact form and a structure of nodes and corridors;
 - promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
 - c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
 - d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
 - e) encourage transit supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
 - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
 - g) maximize vegetation within settlement areas, where feasible

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³⁶ While the title is the same as policy 1.8, very little policy language is the same.

Chapter 3: Infrastructure and Facilities

3.1 <u>1.6 General Policies for Infrastructure and Public</u> Service Facilities

1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) <u>are financially viable over their life cycle</u>, which may be demonstrated through asset management planning;
- b) leverage the capacity of development proponents, where appropriate; and
- c) b) are available to meet current and projected needs.
- 2. 1.6.2 Planning authorities should promote green and investments in infrastructure to complement infrastructure and public service facilities should be prioritized to support strategic growth areas as focal areas for growth and development.
- <u>1.6.3</u> Before consideration is given to developing new *infrastructure* and *public service* facilities:
 - a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
 - b) opportunities for adaptive re-use should be considered, wherever feasible.
- <u>4.</u> <u>1.6.4-Infrastructure</u> and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in <u>Section 3.0Chapter 5</u>: Protecting Public Health and Safety.
- <u>1.6.5</u> Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.
- <u>6.</u> Planning authorities, in consultation with school boards, should consider and encourage innovative approaches in the design of schools and associated child care facilities, such as schools integrated in high-rise developments, in *strategic growth areas*, and other areas with a *compact built form*.

3.2 Transportation Systems³⁷

- <u>1.</u> *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- **2.** Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.
- 3. As part of a *multimodal* transportation system, connectivity within and among *transportation* systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.
- .4 A land use pattern, density and mix of uses should be promoted that minimize the lengthand number of vehicle trips and support current and future use of transit and activetransportation.

3.3 Transportation and Infrastructure Corridors³⁸

- 1. Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
- 2. Major goods movement facilities and corridors shall be protected for the long term.
- 3. Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.
 - New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, <u>mitigate or minimize or where avoidance is not possible, minimize and mitigate negative impacts on and from the corridor and transportation facilities.</u>
- 4. The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 5. The co-location of linear *infrastructure* should be promoted, where appropriate.
 - 6 When planning for corridors and rights of way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

³⁷ Moved from 1.6.7

³⁸ Moved from 1.6.8.

3.4 Airports, Rail and Marine Facilities³⁹

- 1. Planning for land uses in the vicinity of *airports, rail facilities* and *marine facilities* shall be undertaken so that:
 - a) their long-term operation and economic role is protected; and
 - b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.
- 2. Airports shall be protected from incompatible land uses and development by:
 - a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
 - considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
 - c) discouraging land uses which may cause a potential aviation safety hazard.

3.5 Land Use Compatibility⁴⁰

- 1. *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
- 2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other-uses_major facilities_that are vulnerable to encroachment by ensuring that-the planning and development of_proposed adjacent sensitive land uses are only permitted if_potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures. the following are demonstrated in accordance with provincial guidelines, standards and procedures:

 a) there is an identified need for the proposed use:
 - b)alternative locations for the proposed use have been evaluated and there are noreasonable alternative locations;
 - c)adverse effects to the proposed sensitive land use are minimized and mitigated; and
 - d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated

³⁹ 1.6.9

⁴⁰ 1.2.6

3.6 Sewage, Water and Stormwater⁴¹

- <u>1.</u> <u>1.6.6.1</u> Planning for *sewage and water services* shall:
 - a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

 <u>services</u> and existing private communal sewage services and private communal water services;

 <u>and</u>
 - 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible:
 - b) ensure that these systems services are provided in a manner that:
 - 1. can be sustained by the water resources upon which such services rely;
 - 2. prepares for the impacts of a changing climate;
 - 3.- is feasible and financially viable over their life cycle; and
 - <u>4.</u> protects human health and safety, and the natural environment, including the *quality and quantity of water*; and
 - <u>4.</u> considers comprehensive municipal planning for these services, where applicable.
 - c) promote water and energy conservation and water use efficiency;
 - d) integrate servicing and land use considerations at all stages of the planning process; and
 - e) be in accordance with the servicing hierarchy options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5; 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met and
 - <u>f</u>) <u>integrate with source protection planning.</u>
- 2. 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.
- <u>1.6.6.3</u> Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.
- 4. 1.6.6.4 Where municipal sewage services and municipal water services or private communal

⁴¹ 1.6.6

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with-lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the desired character of rural settlement areas and the financial viability or feasibility of other forms of servicing set out in policies 1.63.6.2 and 1.63.6.3.

- <u>5.</u> <u>1.6.6.5</u> Partial services shall only be permitted in the following circumstances:
 - a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
 - b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.
- 6. WhereIn rural areas, where partial services have been provided to address failed services in accordance with subsection policy 3.6.5 (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on site sewage and individual on site water services for existing development.
- 1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning Planning authorities may allow lot creation only if where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on site sewage services.
- <u>8.</u> <u>1.6.6.7</u> Planning for stormwater management shall:
 - a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over the long termtheir full life cycle;
 - b) minimize, or, where possible, prevent increases in contaminant loads;
 - minimize erosion and changes in water balance, and prepare for the impacts of a changing climate including through the effective management of stormwater, including the use of

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> green infrastructure;

- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development-; and
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

3.7 1.6.10 Waste Management

1.6.10.1-1. Waste management systems need to be <u>planned for and provided</u> that are of an appropriate size <u>and</u>, type, <u>and location</u> to accommodate present and future requirements, and facilitate, <u>encourage and promote reduction</u>, <u>reuse and recycling objectives integrated waste management</u>.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

3.8 Energy Supply⁴²

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and *renewable energy systems* and *alternative energy systems*, to accommodate current and projected needs.

1.7 Long-Term Economic Prosperity⁴³

1.7.1 Long-term economic prosperity supporte

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character,

⁴² 1.6.11

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⁴³ In the 2020 PPS, section 1.7 followed the policies on Energy Supply. There are no equivalent sections with the same structure in the 2023 document, although some of the concepts are reflected in other policies

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> including built heritage resources and cultural heritage landscapes;

- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;
- j) promoting energy conservation and increased energy supply;
- minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.

3.9 Public Spaces, Recreation, Parks, Trails and Open Space⁴⁴

- 1. Healthy, active, and inclusive communities should be promoted by:
 - a) planning public streets, spaces and facilities to be safe, meet the needs of <u>persons</u>
 of all ages and abilities, including pedestrians, foster social interaction and
 facilitate active transportation and community connectivity;
 - b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
 - c) providing opportunities for-public access to shorelines; and
 - d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

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⁴⁴ Moved from 1.5

Chapter 4: Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

4.1 2.1 Natural Heritage

As of April 6, 2023, natural heritage policies and related definitions remain under consideration by the government. Once proposed policies and definitions are ready for review and input, they will be made available through a separate posting on the Environmental Registry of Ontario. ERO# 019-6813 will be updated with a link to the relevant posting once it is available.

- 2.1.1 Natural features and areas shall be protected for the long term.
- 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- 2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E¹, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.
- 2.1.4 Development and site alteration shall not be permitted in:
 - a) significant wetlands in Ecoregions 5E, 6E and 7E¹; and
 - b) significant coastal wetlands.
- 2.1.5 Development and site alteration shall not be permitted in:
 - a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
 - b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake-Huron and the St. Marys River)¹:
 - c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake-Huron and the St. Marys River)¹;
 - d) significant wildlife habitat;
 - e) significant areas of natural and scientific interest; and
 - f) coastal wetlands in Ecoregions 5E, 6E and 7E¹ that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no negative impacts on the

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¹ Ecoregions 5E, 6E and 7E are shown on Figure 1.

- 2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- 2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

4.2 2.2 Water

- 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:
 - a) using the watershed as the ecologically meaningful scale for integrated and longterm planning, which can be a foundation for considering cumulative impacts of development;
 - minimizing potential negative impacts, including cross-jurisdictional and crosswatershed impacts;
 - c) evaluating and preparing for the *impacts of a changing climate* to waterresource systems at the watershed level;
 - c) identifying water resource systems-consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;⁴⁵
 - <u>d</u>) e)-maintaining linkages and <u>related</u>-functions <u>among groundof</u> <u>water resource systems</u>-<u>features, hydrologic functions, natural heritage features and areas, and surface water</u> <u>features including shoreline areas</u>;
 - e) f)-implementing necessary restrictions on development and site alteration to:
 - 1. protect-all municipal drinking water supplies and designated vulnerable areas; and
 - protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
 - planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
 - g) h) ensuring consideration of environmental lake capacity, where applicable; and
 - i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious

⁴⁵ Highlighted language has been deleted from this section, but is captured as this language included in the definition of water resource systems.

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- 2. 2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.
- <u>3.</u> <u>Municipalities are encouraged to undertake watershed planning to inform planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water.</u>

4.3 2.3 Agriculture

4.3.1 General Policies for Agriculture

- <u>1.</u> Planning authorities are encouraged to use an agricultural system approach⁴⁶, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.
- 2. 2.3.1 Prime As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.
- <u>3.</u> Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.
- 2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri food network*.

4.3.2 2.3.3 Permitted Uses

<u>1.</u> <u>2.3.3.1</u> In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture- related uses* and *on-farm diversified uses* <u>based on provincial guidance</u>.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on <u>guidelines developed by the Province provincial guidance</u> or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- 2. 2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
- <u>3.</u> <u>2.3.3.3.</u> New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.
- <u>4.</u> A principal dwelling associated with an agricultural operation may be permitted in *prime* agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1 b).
- <u>5.</u> <u>Subordinate to the principal dwelling, up to two additional residential units may be permitted in prime agricultural areas, provided that:</u>
 - a) any additional residential units are within, attached to, or in close proximity to

⁴⁶ Highlighted language was in policy 2.3.2

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- <u>b)</u> <u>any additional residential unit complies with the *minimum distance separation* formulae;</u>
- <u>c)</u> <u>any additional residential unit is compatible with, and would not hinder, surrounding agricultural operations; and</u>
- <u>d)</u> <u>appropriate sewage and water services will be provided.</u>

The additional residential units may only be severed from the lot containing the principal dwelling in accordance with policy 4.3.3.1.

4.3.3 2.3.4 Lot Creation and Lot Adjustments

- 2.3.4.1 Lot Residential lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:
 - a) new residential lots created from a lot or parcel of land that existed on January 1, 2023, provided that:
 - 1. agriculture is the principal use of the existing lot or parcel of land;
 - the total number of lots created from a lot or parcel of land as it existed on January 1, 2023 does not exceed three;
 - <u>3.</u> any residential use is compatible with, and would not hinder, surrounding agricultural operations; and
 - 4. any new lot:
 - i. is located outside of a specialty crop area;
 - ii. complies with the minimum distance separation formulae;
 - <u>iii.</u> will be limited to <u>athe</u> minimum size needed to accommodate the use <u>andwhile still ensuring</u> appropriate sewage and water services;⁴⁷
 - <u>iv.</u> has existing access on a public road, with appropriate frontage for ingress and egress; and
 - <u>v.</u> <u>is adjacent to existing non-agricultural land uses or consists primarily of lower-priority agricultural lands.</u>
 - <u>b</u>) <u>e</u>) a residence surplus to <u>a farming</u> an <u>agricultural</u> operation as a result of farm consolidation, provided that:
 - the new lot will be limited to a minimum size needed to accommodate the use and while still ensuring appropriate sewage and water services; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.
- <u>2.</u> Official plans and zoning by-laws shall not contain provisions that are more restrictive than policy 4.3.3.1 (a) except to address public health or safety concerns.
- <u>3.</u> Non-residential lot creation in *prime agricultural areas* is discouraged and may only be permitted, in accordance with provincial guidance, for:

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⁴⁷ 2.3.4.1 c) 1.

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- <u>a</u>) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;⁴⁸
- <u>b)</u> agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use while still ensuring appropriate sewage and water services; and
- <u>c)</u> <u>d)</u> *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- <u>4.</u> <u>2.3.4.2</u>Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.
- 2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1 (c).
- 4.3.4 2.3.5 Removal of Land from Prime Agricultural Areas
- 2.3.5.1 1. Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 2.3.4.1.1.3.8.

4.3.5 2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

- <u>1.</u> <u>2.3.6.1</u> Planning authorities may only permit non-agricultural uses in prime agricultural areas for:
 - a) extraction of minerals, petroleum resources and mineral aggregate resources; or
 - b) limited non-residential uses, provided that all of the following are demonstrated:
 - 1. the land does not comprise a specialty crop area;
 - 2. the proposed use complies with the *minimum distance separation* formulae;
 - 3. there is an identified need within the planning horizon provided for in policy <u>12</u>.1.<u>21</u> for additional land to accommodate the proposed use; and
 - 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime* agricultural areas; and
 - ii. there are no reasonable alternative locations in *prime* agricultural areas with lower priority agricultural lands.
- 2. 2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural lands and operations and lands are to be mitigated to the extent feasible avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.

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⁴⁸ 2.3.4.1 a), criteria for any lot creation in *prime agricultural areas*

4.4 2.4 Minerals and Petroleum

4.4.1 General Policies for Minerals and Petroleum

2.4.1-1. Minerals and petroleum resources shall be protected for long-term use.

4.4.2 2.4.2 Protection of Long-Term Resource Supply

- <u>1.</u> <u>2.4.2.1</u> Mineral mining operations and petroleum resource operations shall be identified and protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 2. 2.4.2.2 Known mineral deposits, known petroleum resources and significant areas of mineral potential shall be identified and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - a) resource use would not be feasible; or
 - b) the proposed land use or development serves a greater long-term public interest; and
 - c) issues of public health, public safety and environmental impact are addressed.

4.4.3 2.4.3 Rehabilitation

2.4.3.1 1. Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

4.4.4 2.4.4 Extraction in Prime Agricultural Areas

2.4.4.1 _Extraction of *minerals* and *petroleum resources* is permitted in *prime agricultural areas* provided that the site will be rehabilitated.

4.5 2.5 Mineral Aggregate Resources

4.5.1 General Policies for Mineral Aggregate Resources

2.5.1-1. Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

4.5.2 2.5.2 Protection of Long-Term Resource Supply

2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

- 2. 2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.
- <u>2.5.2.3</u> *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- 4. 2.5.2.4-Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations. When a license for extraction or operation ceases to exist, policy 24.5.2.5 continues to apply.
- 5. 2.5.2.5—In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - a) resource use would not be feasible; or
 - the proposed land use or development serves a greater long-term public interest;
 and
 - c) issues of public health, public safety and environmental impact are addressed.

4.5.3 2.5.3 Rehabilitation

- 2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.
- 2. 2.5.3.2 Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.
- <u>3.</u> <u>2.5.3.3</u> In parts of the Province not designated under the *Aggregate Resources Act*, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.

4.5.4 2.5.4 Extraction in Prime Agricultural Areas

- <u>1.</u> <u>2.5.4.1</u> In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that :
 - <u>a)</u> impacts to the *prime agricultural areas* are addressed, in accordance with policy 4.3.5.2; and
 - b) the site will be rehabilitated back to an agricultural condition.
- <u>Complete Despite policy 4.5.4.1 (b), complete</u> rehabilitation to an *agricultural condition* is not required if:

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- a) outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible and;
- b) agricultural rehabilitation in remaining areas is maximized.
 - b) in a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
 - c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources

on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands;

4.5.5 2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

2.5.5.1-1. Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

4.6 2.6 Cultural Heritage and Archaeology

- <u>1.</u> <u>2.6.1 SignificantProtected heritage property, which may contain</u> built heritage resources and significant or cultural heritage landscapes, shall be conserved.
- 2. 2.6.2 Development Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant the archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that unless the heritage attributes of the protected heritage property will be conserved.
- 4. 2.6.4 Planning authorities should considerare encouraged to develop and promote implement:
 - <u>a)</u> archaeological management plans <u>and cultural plans infor</u> conserving <u>cultural heritage</u> <u>and archaeological resources</u>; and
 - <u>b)</u> proactive strategies for identifying properties for evaluation under the *Ontario Heritage Act*.
- 5. 2.6.5 Planning authorities shall engage early with Indigenous communities and

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> <u>considerensure</u> their interests <u>are considered</u> when identifying, protecting and managing <u>cultural heritage and archaeological resources</u> <u>built heritage resources</u> and <u>cultural heritage landscapes</u>.

Chapter 5: Protecting Public Health and Safety⁴⁹

Ontario's long term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human made hazards.

5.1 General Policies for Natural and Human-Made Hazards

1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Accordingly:

5.2 3.1 Natural Hazards

- <u>1.</u> Planning authorities shall identify *hazardous lands* and *hazardous sites* and manage development in these areas, in accordance with provincial guidance.
- 2. 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
 - a) hazardous lands adjacent to the shorelines of the Great Lakes St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
 - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
 - c) hazardous sites.
- 3. 3.1.2 Development and site alteration shall not be permitted within:
 - a) the dynamic beach hazard;
 - b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
 - c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
 - d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.
- <u>4.</u> <u>3.1.3</u> Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.

⁴⁹ 3.0

- <u>3.1.4</u> Despite policy <u>3.15</u>.2<u>.3</u>, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:
 - a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
 - b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.
- <u>6.</u> <u>3.1.5</u> Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
 - a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
 - b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
 - c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.
- 3.1.6-Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.
- 8. 3.1.7 Further to policy 3.1.6 5.2.7, and except as prohibited in policies 3.1.25.2.3 and 3.1.5. 5.2.6, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
 - a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
 - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
 - c) new hazards are not created and existing hazards are not aggravated; and
 - d) no adverse environmental impacts will result.
- <u>9.</u> <u>3.1.8</u> Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.

Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.

5.3 3.2 Human-Made Hazards

- <u>1.</u> <u>3.2.1</u> Development on, abutting or adjacent to lands affected by *mine hazards*; *oil, gas and salt hazards*; or former *mineral mining operations, mineral aggregate operations* or *petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
- 2. 3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.
- 3.2.3 Planning authorities should support, where feasible, on site and local re-use of excess soil through planning and development approvals while protecting human-health and the environment.

Chapter 6: Implementation and Interpretation

6.1 4.0 General Policies for Implementation and Interpretation

- 4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020.
- <u>4.2</u> This <u>Provincial</u> Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.
- 2. 4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982.
- <u>4.4</u> This <u>Provincial</u> Policy Statement shall be implemented in a manner that is consistent with *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.
- 4.5 In When implementing the Provincial this Policy Statement, the Minister of Municipal Affairs and Housing may make decisions that take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.
- 4.6 The official plan is the most important vehicle for implementation of this Provincial Policy-Statement. Comprehensive, integrated and long-term planning is best achieved through official plans to balance government priorities.
- Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas⁵⁰.
 - In order to protect provincial interests, planning authorities shall keep their official plans upto-date with this <u>Provincial</u> Policy Statement. The policies of this <u>Provincial</u> Policy Statement continue to apply after adoption and approval of an official plan.
- 6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Policy Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.
- <u>7.</u> Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with this Policy Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with this Policy Statement.
- 8. 4.7 In addition to land use approvals under the *Planning Act, infrastructure* may also require

⁵⁰ This phrase was previously in the Preamble.

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> <u>approval have requirements</u> under other legislation and regulations. <u>An For example, an</u> environmental assessment process may be required for new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

Wherever possible and practical, approvals under the *Planning Act* and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

- 9. 4.8 The To assess progress on implementation of this Policy Statement, the Province, may:
 - <u>a)</u> identify key indicators to measure the outcomes, relevance and efficiency of the policies in this Policy Statement in consultation with municipalities, Indigenous communities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall;
 - <u>b)</u> monitor <u>their</u> and <u>assess the</u> implementation, <u>including reviewing performance</u> indicators concurrent with any of this Policy Statement through the collection and <u>analysis of data under each indicator; and</u>
 - c) consider the resulting assessment in each review of this Provincial Policy Statement.
- 4.9-Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements for reporting planning information to the Province, and data standards and including through any other guidelines that may be issued by the Minister.
- <u>11.</u> Strategic growth areas are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.⁵¹

6.2 Coordination⁵²

- 1. A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:
 - <u>a)</u> managing and/or promoting growth and development that is integrated <u>with</u> <u>infrastructure</u> planning for <u>infrastructure</u> and <u>public service facilities</u>, <u>including schools and associated child care facilities</u>;
 - b) economic development strategies;
 - <u>c</u>) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
 - <u>d</u>) infrastructure, multimodal transportation systems, public service facilities and waste management systems:
 - ecosystem, shoreline, watershed, and Great Lakes related issues;

⁵¹⁵¹ Policy 5.2.5.8 of the Growth Plan

⁵² Moved from 1.2

- f) natural and human-made hazards;
- g) population, housing and employment projections, based on *regional market* areas, as appropriate; and
- addressing housing needs in accordance with provincial-policy statements such as the Policy Statement: Service Manager Housing and Homelessness-Plans_housing policies and plans, including those that address homelessness.
- 2. Planning authorities shall engagement_with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.
- <u>3.</u> Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement this Policy Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.
- <u>4.</u> Planning authorities and school boards shall collaborate to facilitate early and integrated planning for schools and associated child care facilities to meet current and future needs.
- Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.⁵³
- <u>6.</u> <u>Municipalities, the Province, and other appropriate stakeholders are encouraged to undertake a coordinated approach to planning for large areas with high concentrations of employment uses that cross municipal boundaries.</u>
- Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall⁵⁴:
 - <u>a</u>) identify and allocate population, housing and employment projections for lowertier municipalities . <u>Allocations and projections by upper-tier municipalities shallbe based on and reflect provincial plans where these exist and informed by provincial guidelines;</u>
 - <u>b)</u> identify areas where growth <u>or</u> and development will be <u>directed</u>, including the <u>identification of nodes and the corridors linking these nodes</u> focused, including <u>strategic growth areas</u>, and establish any applicable minimum density targets;
 - identify minimum density targets for growth and development taking place in new or expanded settlement areas, where applicable-identify targets for intensification and redevelopment within all or any of the lower-tiermunicipalities, including minimum targets that should be met beforeexpansion of the boundaries of settlement areas is permitted in accordancewith policy 1.1.3.8;; and
 - d) where major transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors and stations, including minimum targets that should be met before expansion of the

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⁵³ 1.2.3

⁵⁴ 1.2.4

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> boundaries of settlement areas is permitted in accordance with policy 1.1.3.8

- <u>d</u>) provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.⁵⁵
- 8. Where there is no upper-tier municipality or where planning is not conducted by an upper-tier municipality, planning authorities shall ensure that policy 1.2.4 6.2.7 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities. 56

⁵⁵ 1.2.4 e)

⁵⁶ 1.2.5

7: Definitions

Access standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

Active transportation: means humanpowered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Additional needs housing⁵⁷: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living.

Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

Adjacent lands: means

a) for the purposes of policy 43.6.83.3, those lands contiguous to existing or planned corridors and transportation facilities where development would have a negative impact on the corridor or facility. The extent of the adjacent lands may be recommended in guidelines developed by the Provinceprovincial guidance or based on municipal approaches that achieve the same objectives;

⁵⁷ Formerly called "Special Needs Housing"

- b) for the purposes of policy 2.1.8, those-lands contiguous to a specific natural-heritage feature or area where it is likely that development or site alteration-would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- b) e) for the purposes of policies 24.4.2.2 and 24.5.2.5, those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resources where it is likely that development would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and
- c) d)-for the purposes of policy 24.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

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

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable: means

- a) in the case of ownership housing, the least expensive of:
 - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area:
- b) in the case of rental housing, the least expensive of:
 - 1. a unit for which the rentdoes not exceed 30 percentof gross annual householdincome for low andmoderate incomehouseholds; or
 - 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural condition: means

- a) in regard to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or enhanced; and
- b) in regard to prime agricultural land outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture arewill be maintained, restored or enhanced.

Agricultural System

Agricultural impact assessment: means the evaluation of potential impacts of non-agricultural uses on agricultural lands and operations and, where applicable, the agricultural system. An assessment recommends ways to avoid or if avoidance is not possible, minimize and mitigate adverse impacts.

Agricultural system: A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural food sector. It has two components:

- a) An agricultural land base, based on mapping provided by the Province where mapping is available and requested, comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and
- An agri-food network which includes infrastructure, services, and assets important to the viability of the agrifood sector.

Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on- farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation housing for full-time farm labour workers, when the size and nature of the operation requires additional employment.

Agri-food network: Within the *agricultural system,* a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings

and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

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

Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy system: means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources: includes artifacts, archaeological sites, and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with assessments carried out by archaeologists licensed under the *Ontario Heritage Act*.

Areas of archaeological potential: means areas with the likelihood to contain

archaeological resources. Criteria toidentify archaeological potential, as
evaluated using the processes and criteria
that are established byunder the Province.
The Ontario Heritage Act-requires
archaeological potential to be confirmed
by a licensed archaeologist.

Areas of mineral potential: means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

Areas of natural and scientific interest-(ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

Coastal wetland: means

- a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit,
- Niagara and St. Lawrence Rivers); or b) any other wetland that is on a tributary

to any of the above-specified waterbodies and lies, either wholly or inpart, downstream of a line located 2kilometres upstream of the 1:100 year floodline (plus wave run-up) of thelarge water body to which thetributary is connected.

Compact built form⁵⁸: means a land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses, duplexes, triplexes and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a wellconnected network, destinations that are easily accessible by transit and active *transportation*, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation

Comprehensive rehabilitation: means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

Comprehensive review: means

a) for the purposes of policies 1.1.3.8,
1.1.3.9 and 1.3.2.4, an official planreview which is initiated by a planningauthority, or an official planamendment which is initiated oradopted by a planning authority,

which:

- 1. is based on a review of population and employment projections and which reflect projections and allocations by upper tier municipalities and provincial plans, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
- 2. utilizes opportunities toaccommodate projected growth or
 development through
 intensification and redevelopment;
 and considers physical constraintsto accommodating the proposeddevelopment within existing
 settlement area boundaries;
- 3. is integrated with planning for infrastructure and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
- 4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
- 5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
- 6. considers cross jurisdictional issues.
- b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:
 - 1. addresses long-term populationprojections, infrastructurerequirements and related matters;
 - 2. confirms that the lands to be developed do not comprise

⁵⁸ Generally same definition as in the Growth Plan

specialty crop areas in accordance with policy 2.3.2; and

3. considers cross-jurisdictional issues.

In undertaking a comprehensive reviewthe level of detail of the assessmentshould correspond with the complexityand scale of the settlement boundary ordevelopment proposal.

Complete communities⁵⁹: means places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services.

Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches canshould be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity

and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.-Cultural heritage landscapes may be properties that have been determined tohave cultural heritage value or interestunder the Ontario Heritage Act, or have been included on federal and/orinternational registers, and/or protectedthrough official plan, zoning by-law, orother land use planning mechanisms.

Defined portions of the flooding hazard along connecting channels: means those areas which are critical to the conveyance of the flows associated with the one hundred year flood level along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where development or site alteration will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

Deposits of mineral aggregate resources:

means an area of identified *mineral* aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Provinceprovincial guidance for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available: means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before

⁵⁹ Similar to the definition in the Growth Plan

development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated and available for the purposes of this definition.

Designated growth areas: means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

Designated vulnerable area: means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process; or
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes*

- St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, research and development in connection with manufacturing, warehousing, offices goods movement, and associated retail and office, and ancillary facilities. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.

Endangered species: means a species that is classified as "Endangered Species" on the Species at Risk in Ontario List, as updated and amended from time to time

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential emergency service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or

protection works, and/or erosion.

Fish: means fish, which as defined in the Fisheries Act, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat: as defined in the Fisheries
Act, means spawning grounds and any
other areas, including nursery, rearing,
food supply, and migration areas on which
fish depend directly or indirectly in order
to carry out their life processes.

Flood fringe: for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

Flood plain: for *river*, *stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the *Great*Lakes St. Lawrence River System and
 large inland lakes, the flooding hazard
 limit is based on the one hundred year
 flood level plus an allowance for wave
 uprusheffects and other waterrelated hazards;
- b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 - the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm

(1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

- 2. the one hundred year flood; and
- 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry; except where the use of the *one*

except where the use of the *one* hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprusheffects and other water- related hazards along the shorelines of the Great Lakes - St.

Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

Floodway: for *river, stream and small inland lake systems,* means the portion of the *flood plain* where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province provincial guidance or based on municipal approaches that achieve the same objectives.

Frequent transit⁶⁰: means a public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.

Great Lakes - St. Lawrence River System: means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green infrastructure: means natural and human-made elements that provide ecological and hydrological functions and processes.

Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Ground water feature: means waterrelated features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of endangered species and threatened species: means habitat within the meaning of Section 2 of the Endangered Species Act, 2007.

Hazardous forest types for wildland fire:

means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites: means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring

⁶⁰ Same definition as in the Growth Plan

hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes: means-the principal features or elements, as defined under the Ontario Heritage Act, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to a protected heritage property's their cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).

High quality: means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

Higher order transit:⁶¹ means transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways, elevated or surface rail, and commuter or regional inter-city rail), light

rail, and buses in dedicated rights-of-way.

Housing options: means a range of housing types such as, but not limited to singledetached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses, multi- residential buildings, including low- and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co- ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people withspecial needs, additional needs housing, multi-generational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or institutional oreducational-uses, such as long-term care homes.

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act,* 1992, that are owned, operated and managed by the owner of the property

⁶¹ Similar definition as in the Growth Plan

upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems,

communications/telecommunications, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities.

Institutional use: for the purposes of policy 35.1.56, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

<u>Large and fast-growing municipalities:</u>
<u>means municipalities identified in</u>
Schedule 1.

Large inland lakes: means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Low and moderate income households: means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the incomedistribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional* market area.

Low impact development⁶²: means an approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bioswales, vegetated areas at the edge of paved

⁶² Similar definition as in the Growth Plan

<u>surfaces, permeable pavement, rain</u> <u>gardens, green roofs, and exfiltration</u> <u>systems.</u>

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

Major goods movement facilities and corridors: means transportation facilitiesand, corridors and networks associated with the inter- and intra- provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and, primary transportation corridors used for the movement of goods and those identified in provincial transportation plans. Approaches that are freightsupportive may be recommended in guidelines developed by the Province provincial guidance or based on municipal approaches that achieve the same objectives.

Major transit station area 63: means the area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.

Major trip generators⁶⁴: means origins

Marine facilities: means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine* facilities.

Mine hazard: means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Minerals: means metallic minerals and non- metallic minerals as herein defined, but does not include *mineral aggregate* resources or petroleum resources.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral aggregate operation: means

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act;
- for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-

and destinations with high population densities or concentrated activities which generate many trips (e.g., strategic growth areas, major office and office parks, major retail, employment areas, community hubs, large parks and recreational destinations, public service facilities, and other mixed-use areas).

⁶³ Same definition as in the Growth Plan

⁶⁴ Almost identical definition as in the Growth Plan

- laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

Mineral aggregate resource conservation: means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

Mineral deposits: means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation: means mining operations and associated

facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multimodal transportation system: means a transportation system which may include several forms relating to the availability or use of more than one form of transportation, such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), trucks, air, and marine.

Municipal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, including centralized and decentralized systems.

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002, including centralized and decentralized systems.

Natural heritage features and areas:
means features and areas, including
significant wetlands, significant coastal
wetlands, other coastal wetlands in
Ecoregions 5E, 6E and 7E, fish habitat,
significant woodlands and significant
valleylands in Ecoregions 6E and 7E
(excluding islands in Lake Huron and the St.
Marys River), habitat of endangered species
and threatened species, significant wildlife
habitat, and significant areas of natural and
scientific interest, which are important for
their environmental and social values as a

legacy of the natural landscapes of anarea.

Natural heritage system: means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at theregional or site level) and support natural processes which are necessaryto maintain biological and geological diversity, natural functions, viablepopulations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have beenrestored or have the potential to berestored to a natural state, areas thatsupport hydrologic functions, andworking landscapes that enableecological functions to continue. The-Province has a recommended approachfor identifying natural heritage systems, but municipal approaches that achieveor exceed the same objective may alsobe used.

Negative impacts: means

- a) in regard to policy 1.63.6.4 and 1.63.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to policy 24.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due

- to single, multiple or successive development or site alteration activities; and
- c) in regard to fish habitat policy 3.3.3, any permanent development or site alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.
- d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

Normal farm practices: means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

Oil, gas and salt hazards: means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not

limited to, home occupations, home industries, agri- tourism uses, and uses that produce value- added agricultural products. Ground Land-extensive energy facilities, such as ground-mounted solar facilities or battery storage are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

One hundred year flood: for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

Other water-related hazards: means water- associated phenomena other than flooding hazards and wave uprusheffects which act on shorelines. This includes, but is not limited to shipgenerated waves, ice piling and ice

Partial services: means

- a) municipal sewage services or private communal sewage services combined with individual on-site water services; or
- b) municipal water services or private communal water services combined with individual on-site sewage services.

Petroleum resource operations: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas-and, other hydrocarbons, and compressed air energy storage.

Petroleum resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas—or, other hydrocarbons, or compressed air energy storage.

Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through provincial transportation plans, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy, Ontario Northland, Ministry of Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing, or

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u>, the identification of a <u>on provincial guidance</u>.

<u>has completed</u>, the identification of a corridor.

Approaches for the protection of planned corridors may be recommended in guidelines developed by the Province.

Portable asphalt plant: means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area: means areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is with a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture, Food and Food using guidelines developed by the Province as amendedfrom time to time. A prime agricultural area may also be identified through analternative agricultural land evaluationsystem approved by the Province Rural Affairs, or by a planning authority based

Prime agricultural land: means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Private communal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources*Act that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services: means a non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

Protected heritage property: means

- property designated under PartsPart IV, V or VI of the Ontario Heritage Act;
- <u>property included in an area designated</u> as a heritage conservation district under <u>Part V of the Ontario Heritage Act;</u>
- property subject to a heritage conservation easement or covenant under PartsPart II or IV of the Ontario Heritage Act;
- property identified by the Province and a provincial ministry or a prescribed public bodies body as provincial a property having cultural heritage property value or interest under Part III.1 of the Standards and Guidelines for Conservation of Provincial Ontario Heritage Act and the heritage standards and guidelines;
- <u>property with known archaeological</u> <u>resources in accordance with Part VI of</u> <u>the Ontario Heritage Properties Act</u>;
- property protected under federal heritage legislation; and
- UNESCO World Heritage Sites.

Protection works standards: means the combination of non-structural or

structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards*, *erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

Provincial and federal requirements: means

- a) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including fish and fish habitat), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- b) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

Provincial plan: means a provincial planwithin the meaning of section 1 of the *Planning Act.*

Public service facilities: means land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, long-term care services, and cultural services.

Public service facilities do not include *infrastructure*.

Quality and quantity of water: is

measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health-benefits, sport participation and skill-development, personal enjoyment, positive social interaction and the achievement of human potential.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Regional market area: refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Renewable energy source: means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

Renewable energy system: means a system that generates electricity, heat and/or

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> cooling from a *renewable energy source*.

Reserve sewage system capacity: means design or planned capacity in a centralized waste water treatment facility, within municipal sewage services or private communal sewage services, which is not yet committed to existing or approved development. For the purposes of policy-1.6.6.6, reserve capacity for lot creation using private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land underthe Nutrient Management Act, or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, reserve <u>sewage system capacity</u> includes approved capacity to treat and landapply, treat and dispose of, or dispose of, hauled sewage in accordance with applicable legislation but not by landapplying untreated, hauled sewage. Treatment of hauled sewage can include, for example, a sewage treatment plant, anaerobic digestion, composting or other waste processing.

Reserve water system capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development. Reserve water system capacity applies to municipal water services or private communal water services, and not individual on-site water services.

Residence surplus to a farmingan agricultural operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options withinpreviously developed areas;
- e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.

River, stream and small inland lake systems: means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural areas: means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Sensitive: in regard to *surface water features* and *ground water features*, means <u>areasfeatures</u> that are particularly

susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

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

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

Settlement areas are:

- a) built-up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long- term-planning horizonprovided for in policy
- 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

Sewage and water services: includes municipal sewage services and municipal water services, private communal sewage services and private communal water

services, individual on-site sewage services and individual on-site water services, and partial services.

Significant: means

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario-Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;d) in regard to mineral potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time provincial guidance, such as the Provincially Significant Mineral Potential Index; and
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or

 $^{^{65}}$ This text was part of the preamble to policy 1.1.3.

interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in sections (c) (d) are recommended by the Province is provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.4(a), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living.

Examples of special needs housing may include, but are not limited to long term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for

Special Policy Area: means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria <u>for designation</u> and procedures for approval are established by the Province.

A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.

Specialty crop area: means areas within the agricultural land base designated using guidelines developed by the Province, as amended from time to timebased on provincial guidance. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

Strategic growth areas 66: means within settlement areas, nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating intensification and higher- density mixed uses in a more compact built form.

Strategic growth areas include major transit station areas, urban growth centres and other areas where growth or development will be focused, that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

Surface water feature: means water-related features on the earth's surface, including headwaters, rivers, stream-channelspermanent and intermittent streams, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species: means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

Transit service integration:⁶⁷ means
the coordinated planning or operation
of transit service between two or
more agencies or services that
contributes to the goal of seamless
service for riders and could include
considerations of service schedules,

service routes, information, fare policy, and fare payment.

Transit-supportive: in regard to land use patterns, means development that makes transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the transportation system. Approaches may be recommended in guidelines developed bythe Province or based on municipalapproaches that achieve the sameobjectives.

Transportation demand management:

means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation system: means a system consisting of facilities, corridors and rights-of- way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.

Two zone concept: means an approach to flood plain management where the flood plain is differentiated in two parts: the floodway and the flood fringe.

⁶⁶ Similar definition to the Growth Plan

⁶⁷ Same definition as in the Growth Plan

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> integrity of the *watershed*.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing throughor standing for some period of the year.

Urban growth centres: means areas originally delineated in the official plan in effect as of [effective date] that were required to be identified as a result of the urban growth centre policies of the Growth Plan for the Greater Golden Horseshoe, 2019. It is anticipated that no new urban growth centres will be identified.

Vulnerable: means surface and/or ground water that can be easily changed or impacted.

Waste management system: means sites and facilities to accommodate solid waste from one

or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Watershed: means an area that is drained by a river and its tributaries.

Watershed planning: means planning that provides a framework for establishing comprehensive and integrated goals, objectives, and direction for the protection, enhancement, or restoration of water resources, including the quality and quantity of water, within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. It may inform the identification of water resource systems.

Water resource systems: means a system consisting of ground water features and areas, surface water features (including shoreline areas), natural heritage features and areas, and hydrologic functions, which are necessary for the ecological and hydrological

Wave uprusheffects: means the rushmovement of water up onto a shoreline or structure following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of wave uprusheffects is the point of furthest landward rushhorizontal movement of water onto the shoreline.

Wayside pits and quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right- of-way.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being usedfor agricultural purposes which no longerexhibit wetland characteristics are notconsidered to be wetlands for the purposesof this definition.

Wildland fire assessment and mitigation standards: means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from

This is an unofficial comparison prepared by <u>Osler, Hoskin & Harcourt LLP</u> wildland fire.

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.

Woodlands: means treed areas that provide environmental and economic benefits to both the private landownerand the general public, such as erosionprevention, hydrological and nutrientcycling, provision of clean air and the long term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainableharvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary intheir level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province's **Ecological Land Classification system** definition for "forest".

8: Appendix – Schedule 1: List of Large and Fast Municipalities⁶⁸

Town of Ajax City of Mississauga

<u>City of Barrie</u> <u>Town of Newmarket</u>

<u>City of Brampton</u> <u>City of Niagara Falls</u>

City of Brantford Town of Oakville

City of Burlington City of Oshawa

Town of Caledon City of Ottawa

City of Cambridge City of Pickering

Municipality of Clarington

<u>City of Richmond Hill</u>

City of Guelph City of St. Catharines

City of Hamilton City of Toronto

City of Kingston City of Vaughan

<u>City of Kitchener</u> <u>City of Waterloo</u>

City of London Town of Whitby

<u>City of Markham</u> <u>City of Windsor</u>

Town of Milton

 $^{^{\}rm 68}$ [sic] The word "Growing" is missing from the title.



Concordance Table

This table cross references policies in the Growth Plan and 2020 PPS with the equivalent proposed policies in the proposed 2023 Provincial Planning Statement.

Growth Plan	Draft PPS 2023 ⁶⁷
2.2.1.4	2.1.4
2.2.2.3 b)	2.4.1.1 b)
2.2.4.3	2.4.2.2
2.2.4.4	2.4.2.3
2.2.4.8	2.4.2.6
2.2.7.2	2.3.5
5.2.3.2 b)	2.4.1.1 a)
PPS 2020	Draft PPS 2023⁶⁹
1.1.1	2.1.4
1.1.2	2.1.1
1.1.3 – Settlement Areas	2.3 Settlement Areas
1.1.3.1	2.3.1
1.1.3.2	2.3.2
1.1.3.3	General intensification policy language in 2.3.3
1.1.3.4	General intensification policy language in 2.3.3
1.1.3.5	General intensification policy language in 2.3.3
1.1.3.6	No equivalent policy
1.1.3.7	No equivalent policy
1.1.3.8	2.3.4

⁶⁹ Policy references are to proposed policies that address similar subject matter



1.1.4 – Rural Areas in Municipalities	2.5 Rural Areas in Municipalities
1.1.4.1	2.5.1
1.1.4.2	No equivalent policy
1.1.4.3	2.5.2
1.1.4.4	2.5.2
1.1.5 – Rural Lands in Municipalities	2.6 Rural Lands in Municipalities
1.1.5.1	No equivalent policy
1.1.5.2	2.6.1
1.1.5.3	No equivalent policy
1.1.5.4	2.6.2
1.1.5.5	2.6.3
1.1.5.6	No equivalent policy
1.1.5.7	2.6.4
1.1.5.8	2.6.5
1.1.6 Territory Without Municipal Organization	2.7 Territory Without Municipal Organization
1.1.6.1	2.7.1
1.1.6.2	2.7.2
1.1.6.3	2.7.3
1.1.6.4	2.7.4
1.2 Coordination	6.2 Coordination
1.2.1	6.2.1
1.2.2	6.2.2
No equivalent policy	6.2.3
No equivalent policy	6.2.4



1.2.3	6.2.5
No equivalent policy	6.2.6
1.2.4	6.2.7
1.2.5	6.2.8
1.2.6 Land Use Compatibility	3.5 Land Use Compatibility
1.2.6.1	3.5.1
1.2.6.2	3.5.2
1.3 Employment	2.8 Employment
1.3.1	2.8.1.1
No equivalent policy	2.8.1.2
No equivalent policy	2.8.1.3
No equivalent policy	2.8.1.4
No equivalent policy	2.8.1.5
1.3.2 Employment Areas	2.8.2
1.3.2.1	2.8.2.1
1.3.2.2	2.8.2.3
1.3.2.3	2.8.2.2
1.3.2.4	2.8.2.4
1.3.2.5	2.8.2.4
1.3.2.6	2.8.2.1 b)
1.3.2.7	No equivalent policy
1.4 Housing	2.2 Housing
1.4.1	2.1.2
1.4.1 a)	2.1.2 a)
1.4.1 b)	2.1.2 b)
Ĺ	ı



1.4.2 a)	2.1.31
1.4.3	2.2.1
1.5 Public Spaces, Recreation, Parks, Trails and Open Space	3.9 Public Spaces, Recreation, Parks, Trails and Open Space
1.5.1	3.9.1
1.6 Infrastructure and Public Service Facilities	3.1 General Policies for Infrastructure and Public Service Facilities
1.6.1	3.1
1.6.2	3.1.2
1.6.3	3.1.3
1.6.4	3.1.4
1.6.5	3.1.5
No equivalent policy	3.1.6
1.6.6 Sewage, Water and Stormwater	3.6 Sewage, Water and Stormwater
1.6.6.1	3.6.1
1.6.6.2	3.6.2
1.6.6.3	3.6.3
1.6.6.4	3.6.4
1.6.6.5	3.6.5
1.6.6.5	3.6.6
1.6.6.6	3.6.7
1.6.6.7	3.6.8
1.6.7 Transportation Systems	3.2
1.6.7.1	3.2.1
1.6.7.2	3.2.2
1.6.7.3	3.2.3



1.6.7.4	No equivalent policy
1.6.8 Transportation and Infrastructure Corridors	3.3
1.6.8.1	3.3.1
1.6.8.2	3.3.2
1.6.8.3	3.3.3
1.6.8.4	3.3.4
1.6.8.5	3.3.5
1.6.8.6	No equivalent policy
1.6.9 Airports, Rail and Marine Facilities	3.4 Airports, Rail and Marine Facilities
1.6.9.1	3.4.1
1.6.9.2	3.4.2
1.6.10 Waste Management	3.7 Waste Management
1.6.10.1	3.7.1
1.6.11 Energy Supply	3.8 11 Energy Supply
1.6.11.1	3.8.1
1.7 Long-Term Economic Prosperity	No equivalent policy
1.8 Energy Conservation, Air Quality and Climate Change	2.9 (title is the same, policies are different)
2.0 Wise Use and Management of Resources	4.0
2.1 Natural Heritage	[Policies still under review]
2.2 Water	4.2 Water
2.2.1	4.2.1
2.2.2	4.2.2
No equivalent policy	4.2.3
2.3 Agriculture	4.3 Agriculture



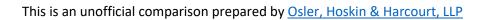
No equivalent policy (similarity to 2.3.2)	4.3.1.1
2.3.1	4.3.1.2
2.3.1	4.3.1.3
2.3.2	Similar language in 4.3.1.1
2.3.3 Permitted Uses	4.3.2 Permitted Uses
2.3.3.1	4.3.2.1
2.3.3.2	4.3.2.2
2.3.3.3	4.3.2.3
No equivalent policy	4.3.2.4
No equivalent policy	4.3.2.5
2.3.4 Lot Creation and Adjustments	4.3.3 Lot Creation and Adjustments
2.3.4.1	4.3.3.1
No equivalent policy	4.3.3.2
2.3.4.1	4.3.3.3
2.3.4.2	4.3.3.4
2.3.4.3	No equivalent policy
2.3.5 Removal of Land from Prime Agricultural Areas	4.3.5 Removal of Land from Prime Agricultural Areas
2.3.5.1	4.3.5.1
2.3.6 Non-Agricultural Uses in Prime Agricultural Areas	4.3.5 Non-Agricultural Uses in Prime Agricultural Areas
2.3.6.1	4.3.5.1
2.3.6.2	4.3.5.2
2.4 Minerals and Petroleum	4.4 Minerals and Petroleum
2.4.1	4.4.1.1



2.4.2 Protection of Long-Term Resource Supply	4.4.2 Protection of Long-Term Resource Supply
2.4.2.1	4.4.2.1
2.4.2.2	4.4.2.2
2.4.3 Rehabilitation	4.4.3 Rehabilitation
2.4.3.1	4.4.3.1
2.4.4 Extraction in Prime Agricultural Areas	4.4.4 Extraction in Prime Agricultural Areas
2.4.4.1	4.4.4.1
2.5 Mineral Aggregate Resources	4.5 Mineral Aggregate Resources
2.5.1	4.5.1
2.5.2 Protection of Long-Term Resource Supply	4.5.2 Protection of Long-Term Resource Supply
2.5.2.1	4.5.2.1
2.5.2.2	4.5.2.2
2.5.2.3	4.5.2.3
2.5.2.4	4.5.2.4
2.5.2.5	4.5.2.5
2.5.3 Rehabilitation	4.5.3 Rehabilitation
2.5.3.1	4.5.3.1
2.5.3.2	4.5.3.2
2.5.3.3	4.5.3.3
2.5.4 Extraction in Prime Agricultural Areas	4.5.3 Extraction in Prime Agricultural Areas
2.5.4.1	4.5.4.1
2.5.4.1	4.5.4.2
2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	4.5.5Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants



2.5.5.1	4.5.5.1
2.6 Cultural Heritage and Archaeology	4.6 Cultural Heritage and Archaeology
2.6.1	4.6.1
2.6.2	4.6.2
2.6.3	4.6.3
2.6.4	4.6.4
3.0 Protecting Public Health and Safety	5.0 Protecting Public Health and Safety
Preamble	5.1.1
3.1 Natural Hazards	5.2 Natural Hazards
No equivalent policy	5.2.1
3.1.1	5.2.2
3.1.2	5.2.3
3.1.3	5.2.4
3.1.4	5.2.5
3.1.5	5.2.6
3.1.7	5.2.8
3.1.8	5.2.9
3.2 Human Made Hazards	5.2 Human Made Hazards
3.2.1	5.3.1
3.2.2	5.3.2
3.2.3	No equivalent policy
4.0 Implementation and Interpretation	6.0 Implementation and Interpretation
4.1	No equivalent policy
4.2	6.1.1
4.3	6.1.2





4.4	6.1.3
4.5	6.1.4
4.6	6.1.5
No equivalent policy	6.1.6
No equivalent policy	6.1.7
4.7	6.1.8
4.8	6.1.9
4.9	6.1.10
No equivalent policy	6.1.11



Memo

To: Town of Pelham Mayor and Councillors

From: Teresa Quinlin-Murphy, Director Corporate Services

Date: May 17, 2023

RE: Tax Rate By-Law 2023

BE IT RESOLVED THAT Council receive the Memo 2023-0120 Corporate Services entitled Tax Rate By-Law 2023, for information;

AND THAT Council consider approving By-law 34-2023, being a Tax Levy By-law for 2023.

The Niagara Region is scheduled to approve its Tax Rate By-law on May 18, 2023. The rates used in the Town of Pelham By-law are the rates that the Niagara Region is recommending for approval. The assumption is that these rates will be approved on May 18, 2023 since Niagara Region's Council has approved the 2023 budgets that the tax levy is supporting. If these rates are not approved, then a special meeting of Council will be held to approve the amended rates. Staff does not anticipate this being an issue. The final tax bills need to be mailed by June 9. The next council meeting for the Town is June 7; therefore the Town cannot wait until June 7 to approve the tax levy by-law for 2023.

What is new in 2023 is the transit tax levy. For the Town of Pelham, this is an additional \$1,118,519.37 of taxes that will be collected from the taxpayer. The Niagara Region has taken over the operations of the transit service effective January 1, 2023.



The Corporation of the Town of Pelham

By-law No. 33-2023

Being a By-law to appoint Julia Taylor (Officer No. 872) as a By-law Enforcement Officer, Property Standards Officer and Provincial Offences Officer for the Corporation of the Town of Pelham.

WHEREAS section 15(1) of the *Police Services Act,* R.S.O. 1990, c. P. 15 provides that a municipal council may appoint persons to enforce the by-law of the municipality who shall be peace officers for the purpose of enforcing municipal by-laws;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Appointment

- 1.1. Julia Taylor is hereby appointed as Municipal By-law Enforcement Officer, Property Standards Officer and Provincial Offences Officer for the Corporation of the Town of Pelham.
- 1.2. As a Municipal By-law Enforcement Officer, Property Standards Officer and Provincial Offences Officer, Julia Taylor shall be authorized and responsible for the enforcement of all by-laws passed by the Council of the Corporation of the Town of Pelham.

2. Repeal and Enactment

2.1. By-law 4452(2022) is hereby repealed and replaced.

3. Effective Date

3.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 17th day of May, 2023.

Marvin Junkin, Mayor
William Tigert, Town Clerk



The Corporation of the Town of Pelham

By-law No. 34-2023

Being a By-law to set the rates of taxation for the year 2023.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 312 of the *Municipal Act, 2001* provides that the Council of a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes;

AND WHEREAS section 307 and 308 of the *Municipal Act, 2001* requires tax rates to be established in the same proportion to tax ratios;

AND WHEREAS tax ratios for prescribed property classes for the 2023 taxation year have been set by the Regional Municipality of Niagara;

AND WHEREAS the Regional Municipality of Niagara has by by-law set the tax rates, pending tax ratios and tax rate reductions for Region, Waste Management, Transit and Education purposes;

AND WHEREAS the Council of the Corporation of the Town of Pelham passed By-law 01-2023 to adopt estimates of all sums required by the Corporation for the year 2023;

AND WHEREAS the 2023 adjustments for the capped classes have been determined;

AND WHEREAS it is necessary for the Council of the Corporation of the Town of Pelham, pursuant to the *Municipal Act*, 2001 to levy on the whole rateable property according to the last revised assessment roll for The Corporation of the Town of Pelham the sums set forth for various purposes in Schedule "A" hereto attached for the current year;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

1.1. The purpose of this By-law is provide for a rate of taxation for the

Page 1 of 3

2. General Provisions

- 2.1. For the year 2023, the Corporation of the Town of Pelham shall levy upon the whole rateable properties, the rates of taxation on the current value assessment for general purposes as set out in Schedule "A" attached hereto and forming part of this By-law.
- 2.2. The levy provided for in Schedule "A" attached to this by-law shall be reduced by the amount of the interim tax levy for 2023 and the balance shall be due and payable in two instalments June 30th, 2023 and September 29th, 2023.
- 2.3. A penalty of 1.25% of the amount of each instalment shall be imposed on the first day of default and on the first day of each calendar month thereof in which default continues until taxes are paid as prescribed by subsections 345 (1), (2) and (3) of the *Municipal Act, 2001*.
- 2.4. The Treasurer of the Corporation of the Town of Pelham shall send a tax bill to the taxpayer's residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs the treasurer in writing to send the bill to another address, in which case it shall be sent to that address, at least 21 days before any taxes shown on the tax bill are due.
- 2.5. All monies raised, levied or collected under authority of this by-law shall be paid into the hands of the Town Treasurer, to be applied and paid to such persons and corporations and in such manner as the laws of Ontario and the by-laws or resolutions of the Council direct.

3. General

- 3.1. The short title of this By-law is the "Tax Rate By-law".
- 3.2. In the event of any conflict between the provisions of this By-law and any other By-law, the provisions of this By-law shall prevail.
- 3.3. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 3.4. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

4. Repeal and Enactment

4.1. By-law 4449(2022) Being a by-law to set tax rates for 2022, is hereby repealed and replaced.

5. Effective Date

5.1. This By-law shall come into force on the date that it is enacted.

Page 2 of 3

Read, enacted, signed and sealed this 17th day	of May, 2023.
	Marvin Junkin, Mayor
	William Tigert, Town Clerk



TOWN OF PELHAM 2023 SCHEDULE OF TAX RATES BYLAW 34-2023

			Ī	Town of	Pelham				Regi	onal				Education		2023 Total	
PROPERTY CLASS	2023 Property Assessment Value	2023 Tax Ratios	Weighted Assessment	Tax Rate	Tax Levy	General Tax Rate	Tax Levy	Waste Management	Tax Levy	Transit Tax	Tax Levy	Total Tax Rate	Total Levy	Tax Rate	Tax Levy	Tax Rate	Tax Levy
RESIDENTIAL/FARM	2,722,860,343	1	2,722,860,343	0.00584674	\$ 15,919,848.44	0.00623692	\$ 16,982,262.13	0.00051881	\$ 1,412,647.17	0.00036767	\$ 1,001,114.06	0.00712340	\$ 19,396,023.37	0.0015300	\$ 4,165,976.32	0.01450014	\$39,481,848.14
MULTI - RESIDENTIAL NEW MULTI-RESIDENTIAL	18,604,000 544,000	1.97 1	36,649,880 544,000	0.01151807 0.00584674	\$ 214,282.21 \$ 3,180.62	0.01228673 0.00623692		0.00102206 0.00051881	\$ 19,014.40 \$ 282.23	0.00072431 0.00036767	\$ 13,475.06 \$ 200.01	0.01403310 0.00712340	\$ 261,071.79 \$ 3,875.13	0.0015300 0.0015300	\$ 28,464.12 \$ 832.32	0.02708117 0.01450014	
COMMERCIAL OCCUPIED COMMERCIAL ON-FARM BUSINESS COMMERCIAL EXCESS LAND COMMERCIAL VAC LAND	105,611,046 48,600 674,511 8,227,000	1.7349 1.7349 1.6048 1.6048	183,224,604 84,316 1,082,443 13,202,546	0.01014350 0.01014350 0.00938274 0.00938274	\$ 1,071,266.08 \$ 492.97 \$ 6,328.76 \$ 77,191.81	0.01082043 0.01082043 0.01000890 0.01000890	\$ 1,142,756.93 \$ 525.87 \$ 6,751.11 \$ 82,343.22	0.00090008 0.00090008 0.00083258 0.00083258	\$ 95,058.39 \$ 43.74 \$ 561.58 \$ 6,849.64	0.00063787 0.00063787 0.00059003 0.00059003	\$ 67,366.12 \$ 31.00 \$ 397.98 \$ 4,854.18	0.01235838 0.01235838 0.01143151 0.01143151	\$ 1,305,181.44 \$ 600.62 \$ 7,710.68 \$ 94,047.03	0.0088000 0.0022000 0.0088000 0.0088000	\$ 929,377.20 \$ 106.92 \$ 5,935.70 \$ 72,397.60	0.03130188 0.02470188 0.02961425 0.02961425	\$ 19,975.14
INDUSTRIAL OCCUPIED INDUSTRIAL ON-FARM BUSINESS INDUSTRIAL EXCESS LAND INDUSTRIAL VAC LAND	4,336,700 100,000 45,100 101,000	2.63 2.63 2.4328 2.4328	11,405,521 263,000 109,717 245,708	0.01537692 0.01537692 0.01422365 0.01422365	\$ 66,685.08 \$ 1,537.69 \$ 641.49 \$ 1,436.59	0.01640310 0.01640310 0.01517287 0.01517287	\$ 71,135.32 \$ 1,640.31 \$ 684.30 \$ 1,532.46	0.00136447 0.00136447 0.00126214 0.00126214		0.00096697 0.00096697 0.00089445 0.00089445	\$ 4,193.46 \$ 96.70 \$ 40.34 \$ 90.34	0.01873454 0.01873454 0.01732946 0.01732946	\$ 81,246.08 \$ 1,873.45 \$ 781.56 \$ 1,750.28	0.0088000 0.0022000 0.0088000 0.0088000	\$ 38,162.96 \$ 220.00 \$ 396.88 \$ 888.80	0.04291146 0.03631146 0.04035311 0.04035311	
PIPELINES FARMLANDS	17,877,000 164,728,000	1.7021 0.25	30,428,442 41,182,000	0.00995173 0.00146168	\$ 177,907.10 \$ 240,780.33	0.01061586 0.00155923		0.00088307 0.00012970	\$ 15,786.64 \$ 21,365.22	0.00062581 0.00009192		0.01212474 0.00178085	\$ 216,753.98 \$ 293,355.86	0.0088000 0.0003825	\$ 157,317.60 \$ 63,008.46	0.03087647 0.00362503	\$ 551,978.67 \$ 597,144.64
MANAGED FORESTS TOTAL ASSESSMENT FOR TAX PURPOSES	3,597,900 3,047,355,200	0.25	899,475 3,042,181,994	0.00146168	\$ 5,258.99 \$ 17,786,838.17	0.00155923	\$ 5,609.95 \$ 18,973,845.39	0.00012970	\$ 466.65 \$ 1,578,313.82	0.00009192	\$ 330.72 \$ 1,118,519.37	0.00178085	\$ 6,407.32 \$ 21,670,678.58	0.0003825	\$ 1,376.20 \$ 5,464,461.08	0.00362503	\$ 13,042.51 \$ 44,921,977.84



The Corporation of the Town of Pelham

By-law No. 23-2023

Being a By-law to authorize the execution of Public Event Agreements with four (4) licensed establishments in the Town of Pelham and to repeal By-law 4218(2020).

WHEREAS the Corporation of the Town of Pelham is the holder of a special occasion permit issued by the Alcohol and Gaming Commission of Ontario for a public event known as Pelham Summerfest, which has been designated by Council as an event of municipal significance;

AND WHEREAS the *Liquor Licence and Control Act, 2019*, S.O. 2019, c. 15 ("the Act") and its regulations permit the holder of a special occasion permit to enter into an agreement with an establishment licensed under the Act to jointly participate in an outdoor public event of municipal significance;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into public event agreements with four (4) licensed establishments for this purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- 1. That the Corporation of the Town of Pelham is authorized to enter into public event agreements with (4) establishments licensed under the Act, namely Fonthill Butcher & Banker, Gelato Village, Hillfire Smoke & BBQ and Kame & Kettle Beer Works.
- 2. That the public event agreements appended hereto as Appendix "A" are approved.
- 3. That the Mayor and Acting Town Clerk are authorized and directed to execute the public event agreements appended hereto as Appendix "A".
- 4. That By-law 4218(2020) be and is hereby repealed.
- 5. That the Acting Town Clerk is authorized to effect minor modifications or corrections of an administrative, clerical, numerical, grammatical, semantical or descriptive nature of any kind to this By-law or to Appendix "A" as are determined to be necessary.

Read, enacted, signed and sealed this 17th day of May, 2023.

Marvin Junkin, Mayor
William Tigert, Town Clerk

Page 1 of 1

THIS AGREEMENT made this	day of	, 2023 ("the Agreement")
BETWEEN:		
FON	THILL BUTCHER	& BANKER

NIHILL BUICHER & BANKEI

("the Licensee")

- and -

THE CORPORATION OF THE TOWN OF PELHAM

("the Town")

PUBLIC EVENT AGREEMENT

WHEREAS the Town is the holder of a special occasion permit issued by the Alcohol and Gaming Commission of Ontario ("AGCO") pursuant to the *Liquor Licence and Control Act, 2019*, S.O. 2019, c. 15 ("the Act") and Ontario Regulation 747/21 ("the Permit Regulation") for a public event known as Pelham Summerfest, which has been designated by the Council of the Town of Pelham as an event of municipal significance ("the Event");

AND WHEREAS the Event will take place from Thursday, July 13, 2023 to Sunday, July 16, 2023;

AND WHEREAS the Event will include an outdoor street festival that will take place on Friday July 14, 2023 from 4:00 p.m. to 11:00 p.m. and on Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m., during which times Pelham Street will be closed from Highway 20 to College Street and Pelham Town Square entrance ("the Street Festival");

AND WHEREAS the Event, including the Street Festival, is a public event within the meaning of the Act, the Permit Regulation and Ontario Regulation 746/21 ("the Licensing Regulation");

AND WHEREAS the area where the Street Festival will take place encompasses establishments licensed to sell liquor under the Act and the Licensing Regulation, including the Licensee and other establishments as set out in Schedule "A" hereto;

AND WHEREAS the Licensing Regulation allows a licensee under the Act and a special occasion permit holder to jointly participate in an outdoor public event that allows patrons to carry a single serving of liquor between the licensed premises and the premises to which the special occasion permit applies, provided that the licensee and the permit holder have entered into an agreement to ensure that there is no unreasonable risk to the public or of non-compliance with the Act;

AND WHEREAS the Licensee and the Town wish to enter into such an agreement in relation to the Street Festival;

NOW THEREFORE IN CONSIDERATION of the mutual promises and covenants contained herein, the Licensee and the Town agree as follows:

- 1. The Licensee will obtain all necessary license extensions and approvals from the AGCO and the Town to operate a temporary outdoor patio during the Street Festival.
- 2. The areas of the Street Festival where liquor is permitted pursuant to the temporary outdoor patio license of the Licensee, a temporary outdoor patio license of any other establishment listed in Schedule "A", which is attached hereto and forms part of this Agreement, and/or the special occasion permit of the Town ("the Street Festival Licensed Area") will be delineated and confined by temporary barricades and fencing.
- 3. The Town will supply the temporary barricades and fencing for the Street Festival Licensed Area and will install them in consultation with the Licensee. Notwithstanding the foregoing, the Town has final authority to determine the location and configuration of all barricades and fencing for the Street Festival Licensed Area.

- 4. During the Street Festival, patrons may carry a single serving of liquor throughout the Street Festival Licensed Area. Patrons may also carry a single serving from the interior licensed premises of the Licensee to the Street Festival Licensed Area or from the Street Festival Licensed Area to the interior licensed premises of the Licensee.
- 5. Patrons may not carry a serving of liquor into any business, establishment or premises not listed in Schedule "A" to this Agreement. The Town will post this information throughout the Street Festival Licensed Area and both the Town and the Licensee will monitor compliance.
- 6. The Town will hire sixteen (16) licensed security personnel to monitor the Street Festival Licensed Area on Friday, July 14, 2023 from 4:00 p.m. to 11:59 p.m., Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m. and Sunday, July 16, 2023 from 12:00 a.m. to 1:00 a.m.
- 7. The Street Festival Licensed Area will have five (5) access points, all of which will be staffed by security personnel. Security personnel will conduct bag checks to ensure that patrons do not bring illegal or prohibited items into the Street Festival Licensed Area and will deny entry to patrons showing signs of intoxication.
- 8. Security personnel will be stationed throughout the Street Festival Licensed Area and will conduct crowd monitoring, including but not limited to identifying and removing patrons showing signs of intoxication, ensuring that alcohol is not provided or passed to any person who appears to be under the age of 19 or who is not wearing a wristband issued by the Town under section 11 of this Agreement, and ensuring that patrons do not exit the Street Festival Licensed Area, other than to the interior licensed premises of the Licensee, with a serving of alcohol.
- 9. The Licensee will ensure that all entrances and exits to its establishment located at 1440 Pelham Street, including those that do not provide access to the Street Festival Licensed Area, are monitored at all times during the Street Festival to ensure that patrons comply with all applicable AGCO requirements.
- 10. The Licensee will limit the capacity of its temporary outdoor patio to available seating only and will monitor it accordingly. The Licensee will further ensure that its temporary outdoor patio meets or exceeds all outdoor patio criteria for the Event and will operate its patio in a manner consistent with the family-oriented atmosphere of the Event.
- 11. The Town will supply wristbands to patrons in the Street Festival Licensed Area who are 19 years of age or older.
- 12. The Licensee will ensure that any patron accessing the Street Festival Licensed Area from its interior licensed premises with a serving of liquor is wearing a wristband.
- 13. Notwithstanding any other provision of this agreement, the presence of a wristband does not replace or remove the legal obligation of the Licensee, the Town and all persons serving alcohol on behalf of the Licensee or the Town to verify the age and identity of patrons as required by law.
- 14. All persons serving alcohol on behalf of the Licensee and the Town will be Smart Serve Certified and as such will verify the age and identity of patrons purchasing alcohol, monitor patrons to ensure that alcohol is not passed to persons under 19 years of age, and refuse service to patrons showing signs of intoxication.
- 15. No glass beverage containers are permitted in the Street Festival Licensed Area. During the Street Festival, all alcohol served by or on behalf of the Licensee or the Town will be served in cans or plastic beverage containers.
- 16. The Town and the Licensee will each charge a minimum price of \$9.00 per serving of beer (473 ml), cider (473 ml) or wine (6 oz).
- 17. The Licensee will obtain and maintain at all times during the Event one or more policies of commercial general liability insurance, including an alcohol endorsement or coverage, with limits of not less than two million (\$2,000,000) per occurrence and naming the Town as an additional insured. The Licensee will provide the Town with proof of insurance at least two (2) weeks prior to the Event.

- 18. The Town and the Licensee will each indemnify and save harmless the other from and against any and all losses, claims, actions, demands and liabilities for personal injury and/or property damage arising from or in any way related to the Street Festival Licensed Area where such claims are caused wholly or in part by any negligent act or omission of the Town or the Licensee, as the case may be, or anyone for whom the Town or the Licensee, as the case may be, is responsible in law.
- 19. The Town and the Licensee will operate the Street Festival Licensed Area in accordance with the Town of Pelham Municipal Alcohol Management Policy, which is attached as Schedule "B" and forms part of this Agreement.
- 20. The Town and the Licensee agree that their employees, agents, contractors and volunteers will monitor alcohol use during the Street Festival to promote a responsible and safe liquor-controlled event.
- 21. The Town and the Licensee further agree to ensure that there is no unreasonable risk to public safety, the public interest or the public and that there is no unreasonable risk of non-compliance with the Act or its regulations by the Town or the Licensee.

IN WITNESS whereof the parties have executed this Agreement by their duly authorized representatives and agree to be bound thereby as of the date first written above.

TONTHILL BOTOHER & BANKER
By: Name: Title:
I have authority to bind the Corporation.
Date:
THE CORPORATION OF THE TOWN OF PELHAM
By: Name: Title:
I have authority to bind the Corporation.
Date:

ECNITUII I BIITCHED & BANKED

SCHEDULE "A"

- 1. Fonthill Butcher & Banker, 1440 Pelham Street
- 2. Gelato Village, 1417 Pelham Street
- 3. Hillfire Smoke & BBQ, 1455 Pelham Street
- 4. Kame & Kettle Beer Works, 25 Pelham Town Square

Policy S100-01 Town of Pelham: Administration



Policy Name: Municipal Alcohol Management Policy	Policy No: S100-01		
Committee approval date:	-		
Council approval date:	December 2, 2013		
Revision date(s):	September 16, 2019		
Department/Division:	Corporate wide		

1. Purpose

The Alcohol Management Policy consists of a range of measure designed to prevent alcohol related problems and to increase the enjoyment of those who use the facilities. By reducing the potential for alcohol related problems, the Town of Pelham concurrently reduces users' loss of enjoyment of the facilities, reduces the risk of injury and death and reduces the risk of liability actions.

2. Policy Statement

The Town of Pelham owns and manages many facilities which are currently licensed or can be licensed under authority of the Alcohol and Gaming Commission (A.G.C.O) to allow the consumption of alcoholic beverages. It is the policy of the Council of the Town of Pelham to incorporate an alcohol management policy in order to prevent problems that arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for those who use these facilities.

A range of problems can arise from alcohol consumption. These problems can affect not only the person or persons consuming alcohol but other people who use the facilities, and the general public. These problems may include:

- Injuries to drinkers or other individuals
- Police being called to municipal property
- Liability action arising from alcohol related injuries or deaths
- Increased insurance rates as a result of alcohol related incidents.
- Loss in insurability should the insurer's risk assessment escalate
- Charges laid against the Town or the Special Occasion Permit holders under the Liquor License Act
- Suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario (A.G.C.O)
- Vandalism and destruction of Town property
- Loss of enjoyment by non-drinkers and moderate drinkers
- Complaints lodged by offended parties
- ➤ Withdrawal from use of facilities by people concerned about alcohol

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consumption

Increased public concern about alcohol consumption

In many instances, these problems will not be attributable to moderate drinkers or to those who respect the rules regarding alcohol consumption. The majority of these problems arise from drinkers who engage in four specific drinking practices:

- Underage drinking
- > Drinking to intoxication
- Drinking and driving
- Drinking in unlicensed areas

To the extent that these four drinking practices can be reduced, the likelihood of alcohol related problems will correspondingly diminish. For those who do not engage in these targeted drinking practices, the policy will be minimally intrusive. The policy is not intended to stand in opposition to legal and moderate drinking.

3. Definitions

- 3.1 Smart Serve Program (SSP): Provided by Smart Serve Ontario
- **3.2 Special Occasion Permit (SOP):** granted through the Alcohol and Gaming Commission of Ontario (AGCO).

4. General Provisions

4.1 The following are Municipal Facilities that will be eligible to be designated as suitable facilities for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

INDOOR

- Meridian Community Centre, 100 Meridian Way, Fonthill
- Old Pelham Town Hall, 491 Canboro Rd., Ridgeville
- Pelham Fire Station #1, 177 Highway 20, Fonthill
- ➤ Pelham Fire Station #2, 792 Welland Rd., Fenwick
- > Pelham Fire Station #3, 2355 Cream Street, North Pelham
- Pelham Library, Fonthill Branch, 43 Town Square, Fonthill
- Pelham Library, Fenwick Branch, 781 Canboro Road, Fenwick
- Platform Tennis Club House, 1120 Haist St., Fonthill
- > Town Hall, 20 Pelham Town Square, Fonthill



4.2 The following outdoor facilities would only be eligible if Pelham Town Council approved the application for use of SOP functions:

OUTDOOR

- > Harold Black Park, 953 Haist St. Fonthil
- > Centennial Park, 999 Church St., Fenwick
- North Pelham Park, Cream St. North, Fenwick
- Peace Park (behind Municipal Offices), Fonthill
- Woodstream Park, Spruceside Cres., Fonthill
- Pelham Arena Grounds Park, 1120 Haist St., Fonthill
- > Pelham Fire Station #1, 177 Highway 20, Fonthill
- > Pelham Fire Station #2, 792 Welland Rd., Fenwick
- Pelham Fire Station #3, 2355 Cream Street, North Pelham
- Meridian Community Centre Grounds, 100 Meridian Way, Fonthill
- Any Municipal Streets as approved by Council
- **4.3** All alcoholic beverages must be removed from unlicensed Town facilities prior to the start of a regular business work day. Alcoholic beverages are not permitted to be stored in Town facilities where daily work activities occur, unless approved.

All alcoholic beverages stored in inventory at licensed Town facilities must be held in a locked area. Inventory sheets must be prepared before and after each even, with 2 separate staff counts.

4.4 The following outdoor facilities are NOT ELIGIBLE to be designated for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

<u>INDOOR</u>

Model Railroad Building, 1141 Maple St., Fenwick

OUTDOOR

- Marlene Stewart Streit Park, Park Lane, Fonthill
- > Hillcrest Park, Pancake Lane, Fonthill
- **4.5** In order to be eligible to rent/use a municipal facility for a special occasion permit event, the sponsor(s) must agree that persons under the legal drinking age shall not be admitted to adult social events being held in these facilities except in the



case of a family occasion.

- **4.6** SOP must be on site and available for Alcohol and Gaming Commission of Ontario (AGCO) inspector at all times.
- **4.7** The Liquor License Act requires certain premises to post signs warning women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder. The warning sign will be posted at the servicing area, no smaller than 8.5" v 11"
 - Post AGCO "Sandy's Law" Poster Fetal Alcohol Spectrum Disorder
- 4.8 In order to be eligible for a facility permit for an SOP function, the sponsor must demonstrate to the satisfaction of the Director of Recreation and/or the Director of Fire & By-law Services that there are sufficient controls in place to prevent intoxicated or rowdy people from entering the event and that the before mentioned participants will be refused service and be escorted safely from the event. These controls will include:
- 4.8.1 The event sponsor must obtain a SOP from the A.G.C.O and must show proof of this to the Town of Pelham at least 10 days prior to the event.
- 4.8.2 Licensee to abide by rules of the Municipal Alcohol Policy as enforced by Municipal Representatives.
- 4.8.3 The event sponsor must provide a list of event workers at least 10 days prior to the event, with their Smart Serve number.
- 4.8.4 The SOP signatory or designate must attend the event and be responsible for making decisions regarding the operation of the event.
- 4.8.5 That anyone handling, serving, and/or selling tickets must be Smart Served.
- 4.8.6 That floor monitors of a minimum of two (2), one (1) for each additional fifty (50) participants be utilized i.e. 3 monitors 100 participants, 4 150, 5 200 etc. Fifty percent (50%) of the monitors must be SS trained.
- 4.8.7 The Town of Pelham may require wrist banding be implemented at an event.
- 4.8.8 All event workers must refrain from consuming alcohol while the event is in progress. Workers may consume alcohol if they are working a shift and their work responsibilities have ended for the entire event.



- 4.8.9 The event sponsor and facility staff must ensure the physical setting is safe for drinkers and non drinkers. They must also ensure that patrons do not engage in activities that could harm them or others.
- 4.8.10 All entrances and exits must be supervised.
- 4.8.11 All bottles must be retained within the bar area; all drinks served in paper/plastic cups, or tin cans.
- 4.8.12 No marketing practices which encourage increased consumption, i.e. oversize drinks, double shots, drinking contests, etc.
- 4.8.13 The Town of Pelham reserves the right to require the presence of police officers for the duration of an event, the cost to be borne by the sponsoring group or individual.
- 4.8.14 All event workers are to wear identification.
- 4.8.15 That only age of majority card, a photo driver's license or a passport as identification will be accepted for being served or consuming alcohol.
- 4.8.16 That there will be no "last call" announced.
- 4.8.17 Organizers are to encourage consumption of food, low-alcohol and non-alcohol beverages.
- 4.8.18 That non-alcoholic beverages be available at all times.
- 4.8.19 That 30% of the total amount of alcohol available be classified as "light" as follows:

Light beer – less that 5% alcohol per 12 oz/354 ml serving Light wine – 10% or less alcohol per 7oz/207 ml serving

- 4.8.20 Bar area is to be closed no later than 1:00 am, unless approved by the Town.
- 4.8.21 Event sponsors are required to document positive and/or negative comments/activities regarding the event and forward to the Town of Pelham.
- 4.8.22 Police to be notified by sponsor or facility staff before situation is out of control.
- **4.9** The facility staff may report any infraction of this policy to legal authorities whenever they believe such action is required.



- **4.10** Any infraction will be reviewed by the Director of Recreation and the Director of Fire & By-law Services.
- **4.11** A registered letter describing the problem will be sent to the sponsor and may refused future rental privileges.
- **4.12** Should a group be found to be consuming or have consumed alcohol in the arena change rooms, the authorities will be called and violators will immediately forfeit all rights to the use of the facility.
- **4.13** Future rental privileges to the penalized individuals or groups will depend on demonstrating to the Director of Recreation and the Director of Fire & By-law Services that all rules will be followed at future functions.
- **4.14** The permit holder will be responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options are:
- Having a designated driver program in effect
- Providing identification for designated drivers, and providing free or charge nonalcoholic drinks (i.e. coffee, pop, juice)
- 4.15 Individuals or groups sponsoring a SOP function at a facility, listed in the Alcohol Management Policy, must show proof to the Town of Pelham at least two (2) weeks prior to the event, that they have a minimum of \$2,000,000.00 liability insurance coverage and that the Town of Pelham is named as co-insured. The permit holder will indemnify and save the Town of Pelham harmless from all claims arising from the permit or event.
- **4.16** The policy shall be updated as new legislation under the Alcohol and Gaming Commission of Ontario is updated or changed and/or as senior management determine necessary for Occupational Health and Safety matters, or due to changes within the Municipality.
- 5. Related Administrative Procedures/Forms:

Special Occasion Permit Holder Agreement Activity Report Party Alcohol Liability

THIS AGREEMENT made this	day of	, 2023 ("the Agreement")
BETWEEN:		
	GELATO VILLAGE	
	("the Licensee")	

and -

THE CORPORATION OF THE TOWN OF PELHAM ("the Town")

PUBLIC EVENT AGREEMENT

WHEREAS the Town is the holder of a special occasion permit issued by the Alcohol and Gaming Commission of Ontario ("AGCO") pursuant to the *Liquor Licence and Control Act, 2019*, S.O. 2019, c. 15 ("the Act") and Ontario Regulation 747/21 ("the Permit Regulation") for a public event known as Pelham Summerfest, which has been designated by the Council of the Town of Pelham as an event of municipal significance ("the Event");

AND WHEREAS the Event will take place from Thursday, July 13, 2023 to Sunday, July 16, 2023;

AND WHEREAS the Event will include an outdoor street festival that will take place on Friday July 14, 2023 from 4:00 p.m. to 11:00 p.m. and on Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m., during which times Pelham Street will be closed from Highway 20 to College Street and Pelham Town Square entrance ("the Street Festival");

AND WHEREAS the Event, including the Street Festival, is a public event within the meaning of the Act, the Permit Regulation and Ontario Regulation 746/21 ("the Licensing Regulation");

AND WHEREAS the area where the Street Festival will take place encompasses establishments licensed to sell liquor under the Act and the Licensing Regulation, including the Licensee and other establishments as set out in Schedule "A" hereto;

AND WHEREAS the Licensing Regulation allows a licensee under the Act and a special occasion permit holder to jointly participate in an outdoor public event that allows patrons to carry a single serving of liquor between the licensed premises and the premises to which the special occasion permit applies, provided that the licensee and the permit holder have entered into an agreement to ensure that there is no unreasonable risk to the public or of non-compliance with the Act;

AND WHEREAS the Licensee and the Town wish to enter into such an agreement in relation to the Street Festival:

NOW THEREFORE IN CONSIDERATION of the mutual promises and covenants contained herein, the Licensee and the Town agree as follows:

- 1. The Licensee will obtain all necessary license extensions and approvals from the AGCO and the Town to operate a temporary outdoor patio during the Street Festival.
- 2. The areas of the Street Festival where liquor is permitted pursuant to the temporary outdoor patio license of the Licensee, a temporary outdoor patio license of any other establishment listed in Schedule "A", which is attached hereto and forms part of this Agreement, and/or the special occasion permit of the Town ("the Street Festival Licensed Area") will be delineated and confined by temporary barricades and fencing.
- 3. The Town will supply the temporary barricades and fencing for the Street Festival Licensed Area and will install them in consultation with the Licensee. Notwithstanding the foregoing, the Town has final authority to determine the location and configuration of all barricades and fencing for the Street Festival Licensed Area.

- 4. During the Street Festival, patrons may carry a single serving of liquor throughout the Street Festival Licensed Area. Patrons may also carry a single serving from the interior licensed premises of the Licensee to the Street Festival Licensed Area or from the Street Festival Licensed Area to the interior licensed premises of the Licensee.
- 5. Patrons may not carry a serving of liquor into any business, establishment or premises not listed in Schedule "A" to this Agreement. The Town will post this information throughout the Street Festival Licensed Area and both the Town and the Licensee will monitor compliance.
- 6. The Town will hire sixteen (16) licensed security personnel to monitor the Street Festival Licensed Area on Friday, July 14, 2023 from 4:00 p.m. to 11:59 p.m., Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m. and Sunday, July 16, 2023 from 12:00 a.m. to 1:00 a.m.
- 7. The Street Festival Licensed Area will have five (5) access points, all of which will be staffed by security personnel. Security personnel will conduct bag checks to ensure that patrons do not bring illegal or prohibited items into the Street Festival Licensed Area and will deny entry to patrons showing signs of intoxication.
- 8. Security personnel will be stationed throughout the Street Festival Licensed Area and will conduct crowd monitoring, including but not limited to identifying and removing patrons showing signs of intoxication, ensuring that alcohol is not provided or passed to any person who appears to be under the age of 19 or who is not wearing a wristband issued by the Town under section 11 of this Agreement, and ensuring that patrons do not exit the Street Festival Licensed Area, other than to the interior licensed premises of the Licensee, with a serving of alcohol.
- 9. The Licensee will ensure that all entrances and exits to its establishment located at 1417 Pelham Street, including those that do not provide access to the Street Festival Licensed Area, are monitored at all times during the Street Festival to ensure that patrons comply with all applicable AGCO requirements.
- 10. The Licensee will limit the capacity of its temporary outdoor patio to available seating only and will monitor it accordingly. The Licensee will further ensure that its temporary outdoor patio meets or exceeds all outdoor patio criteria for the Event and will operate its patio in a manner consistent with the family-oriented atmosphere of the Event.
- 11. The Town will supply wristbands to patrons in the Street Festival Licensed Area who are 19 years of age or older.
- 12. The Licensee will ensure that any patron accessing the Street Festival Licensed Area from its interior licensed premises with a serving of liquor is wearing a wristband.
- 13. Notwithstanding any other provision of this agreement, the presence of a wristband does not replace or remove the legal obligation of the Licensee, the Town and all persons serving alcohol on behalf of the Licensee or the Town to verify the age and identity of patrons as required by law.
- 14. All persons serving alcohol on behalf of the Licensee and the Town will be Smart Serve Certified and as such will verify the age and identity of patrons purchasing alcohol, monitor patrons to ensure that alcohol is not passed to persons under 19 years of age, and refuse service to patrons showing signs of intoxication.
- 15. No glass beverage containers are permitted in the Street Festival Licensed Area. During the Street Festival, all alcohol served by or on behalf of the Licensee or the Town will be served in cans or plastic beverage containers.
- 16. The Town and the Licensee will each charge a minimum price of \$9.00 per serving of beer (473 ml), cider (473 ml) or wine (6 oz).
- 17. The Licensee will obtain and maintain at all times during the Event one or more policies of commercial general liability insurance, including an alcohol endorsement or coverage, with limits of not less than two million (\$2,000,000) per occurrence and naming the Town as an additional insured. The Licensee will provide the Town with proof of insurance at least two (2) weeks prior to the Event.

- 18. The Town and the Licensee will each indemnify and save harmless the other from and against any and all losses, claims, actions, demands and liabilities for personal injury and/or property damage arising from or in any way related to the Street Festival Licensed Area where such claims are caused wholly or in part by any negligent act or omission of the Town or the Licensee, as the case may be, or anyone for whom the Town or the Licensee, as the case may be, is responsible in law.
- 19. The Town and the Licensee will operate the Street Festival Licensed Area in accordance with the Town of Pelham Municipal Alcohol Management Policy, which is attached as Schedule "B" and forms part of this Agreement.
- 20. The Town and the Licensee agree that their employees, agents, contractors and volunteers will monitor alcohol use during the Street Festival to promote a responsible and safe liquor-controlled event.
- 21. The Town and the Licensee further agree to ensure that there is no unreasonable risk to public safety, the public interest or the public and that there is no unreasonable risk of non-compliance with the Act or its regulations by the Town or the Licensee.

IN WITNESS whereof the parties have executed this Agreement by their duly authorized representatives and agree to be bound thereby as of the date first written above.

GELATO VILLGE

GELATO VILLGE
By: Name: Title:
I have authority to bind the Corporation.
Date:
THE CORPORATION OF THE TOWN OF PELHAM
By: Name: Title:
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SCHEDULE "A"

- 1. Fonthill Butcher & Banker, 1440 Pelham Street
- 2. Gelato Village, 1417 Pelham Street
- 3. Hillfire Smoke & BBQ, 1455 Pelham Street
- 4. Kame & Kettle Beer Works, 25 Pelham Town Square

Policy S100-01 Town of Pelham: Administration



Policy Name: Municipal Alcohol Management Policy	Policy No: S100-01
Committee approval date:	-
Council approval date:	December 2, 2013
Revision date(s):	September 16, 2019
Department/Division:	Corporate wide

1. Purpose

The Alcohol Management Policy consists of a range of measure designed to prevent alcohol related problems and to increase the enjoyment of those who use the facilities. By reducing the potential for alcohol related problems, the Town of Pelham concurrently reduces users' loss of enjoyment of the facilities, reduces the risk of injury and death and reduces the risk of liability actions.

2. Policy Statement

The Town of Pelham owns and manages many facilities which are currently licensed or can be licensed under authority of the Alcohol and Gaming Commission (A.G.C.O) to allow the consumption of alcoholic beverages. It is the policy of the Council of the Town of Pelham to incorporate an alcohol management policy in order to prevent problems that arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for those who use these facilities.

A range of problems can arise from alcohol consumption. These problems can affect not only the person or persons consuming alcohol but other people who use the facilities, and the general public. These problems may include:

- > Injuries to drinkers or other individuals
- > Police being called to municipal property
- > Liability action arising from alcohol related injuries or deaths
- Increased insurance rates as a result of alcohol related incidents.
- Loss in insurability should the insurer's risk assessment escalate
- Charges laid against the Town or the Special Occasion Permit holders under the Liquor License Act
- Suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario (A.G.C.O)
- Vandalism and destruction of Town property
- Loss of enjoyment by non-drinkers and moderate drinkers
- Complaints lodged by offended parties
- ➤ Withdrawal from use of facilities by people concerned about alcohol

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consumption

Increased public concern about alcohol consumption

In many instances, these problems will not be attributable to moderate drinkers or to those who respect the rules regarding alcohol consumption. The majority of these problems arise from drinkers who engage in four specific drinking practices:

- Underage drinking
- > Drinking to intoxication
- Drinking and driving
- Drinking in unlicensed areas

To the extent that these four drinking practices can be reduced, the likelihood of alcohol related problems will correspondingly diminish. For those who do not engage in these targeted drinking practices, the policy will be minimally intrusive. The policy is not intended to stand in opposition to legal and moderate drinking.

3. Definitions

- 3.1 Smart Serve Program (SSP): Provided by Smart Serve Ontario
- **3.2 Special Occasion Permit (SOP):** granted through the Alcohol and Gaming Commission of Ontario (AGCO).

4. General Provisions

4.1 The following are Municipal Facilities that will be eligible to be designated as suitable facilities for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

INDOOR

- Meridian Community Centre, 100 Meridian Way, Fonthill
- Old Pelham Town Hall, 491 Canboro Rd., Ridgeville
- Pelham Fire Station #1, 177 Highway 20, Fonthill
- > Pelham Fire Station #2, 792 Welland Rd., Fenwick
- > Pelham Fire Station #3, 2355 Cream Street, North Pelham
- Pelham Library, Fonthill Branch, 43 Town Square, Fonthill
- Pelham Library, Fenwick Branch, 781 Canboro Road, Fenwick
- Platform Tennis Club House, 1120 Haist St., Fonthill
- > Town Hall, 20 Pelham Town Square, Fonthill



4.2 The following outdoor facilities would only be eligible if Pelham Town Council approved the application for use of SOP functions:

OUTDOOR

- > Harold Black Park, 953 Haist St. Fonthil
- Centennial Park, 999 Church St., Fenwick
- North Pelham Park, Cream St. North, Fenwick
- Peace Park (behind Municipal Offices), Fonthill
- Woodstream Park, Spruceside Cres., Fonthill
- Pelham Arena Grounds Park, 1120 Haist St., Fonthill
- ➤ Pelham Fire Station #1, 177 Highway 20, Fonthill
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- Meridian Community Centre Grounds, 100 Meridian Way, Fonthill
- Any Municipal Streets as approved by Council
- **4.3** All alcoholic beverages must be removed from unlicensed Town facilities prior to the start of a regular business work day. Alcoholic beverages are not permitted to be stored in Town facilities where daily work activities occur, unless approved.

All alcoholic beverages stored in inventory at licensed Town facilities must be held in a locked area. Inventory sheets must be prepared before and after each even, with 2 separate staff counts.

4.4 The following outdoor facilities are NOT ELIGIBLE to be designated for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

<u>INDOOR</u>

Model Railroad Building, 1141 Maple St., Fenwick

OUTDOOR

- Marlene Stewart Streit Park, Park Lane, Fonthill
- > Hillcrest Park, Pancake Lane, Fonthill
- **4.5** In order to be eligible to rent/use a municipal facility for a special occasion permit event, the sponsor(s) must agree that persons under the legal drinking age shall not be admitted to adult social events being held in these facilities except in the



case of a family occasion.

- **4.6** SOP must be on site and available for Alcohol and Gaming Commission of Ontario (AGCO) inspector at all times.
- **4.7** The Liquor License Act requires certain premises to post signs warning women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder. The warning sign will be posted at the servicing area, no smaller than 8.5" v 11"
 - Post AGCO "Sandy's Law" Poster Fetal Alcohol Spectrum Disorder
- 4.8 In order to be eligible for a facility permit for an SOP function, the sponsor must demonstrate to the satisfaction of the Director of Recreation and/or the Director of Fire & By-law Services that there are sufficient controls in place to prevent intoxicated or rowdy people from entering the event and that the before mentioned participants will be refused service and be escorted safely from the event. These controls will include:
- 4.8.1 The event sponsor must obtain a SOP from the A.G.C.O and must show proof of this to the Town of Pelham at least 10 days prior to the event.
- 4.8.2 Licensee to abide by rules of the Municipal Alcohol Policy as enforced by Municipal Representatives.
- 4.8.3 The event sponsor must provide a list of event workers at least 10 days prior to the event, with their Smart Serve number.
- 4.8.4 The SOP signatory or designate must attend the event and be responsible for making decisions regarding the operation of the event.
- 4.8.5 That anyone handling, serving, and/or selling tickets must be Smart Served.
- 4.8.6 That floor monitors of a minimum of two (2), one (1) for each additional fifty (50) participants be utilized i.e. 3 monitors 100 participants, 4 150, 5 200 etc. Fifty percent (50%) of the monitors must be SS trained.
- 4.8.7 The Town of Pelham may require wrist banding be implemented at an event.
- 4.8.8 All event workers must refrain from consuming alcohol while the event is in progress. Workers may consume alcohol if they are working a shift and their work responsibilities have ended for the entire event.



- 4.8.9 The event sponsor and facility staff must ensure the physical setting is safe for drinkers and non drinkers. They must also ensure that patrons do not engage in activities that could harm them or others.
- 4.8.10 All entrances and exits must be supervised.
- 4.8.11 All bottles must be retained within the bar area; all drinks served in paper/plastic cups, or tin cans.
- 4.8.12 No marketing practices which encourage increased consumption, i.e. oversize drinks, double shots, drinking contests, etc.
- 4.8.13 The Town of Pelham reserves the right to require the presence of police officers for the duration of an event, the cost to be borne by the sponsoring group or individual.
- 4.8.14 All event workers are to wear identification.
- 4.8.15 That only age of majority card, a photo driver's license or a passport as identification will be accepted for being served or consuming alcohol.
- 4.8.16 That there will be no "last call" announced.
- 4.8.17 Organizers are to encourage consumption of food, low-alcohol and non-alcohol beverages.
- 4.8.18 That non-alcoholic beverages be available at all times.
- 4.8.19 That 30% of the total amount of alcohol available be classified as "light" as follows:

Light beer – less that 5% alcohol per 12 oz/354 ml serving Light wine – 10% or less alcohol per 7oz/207 ml serving

- 4.8.20 Bar area is to be closed no later than 1:00 am, unless approved by the Town.
- 4.8.21 Event sponsors are required to document positive and/or negative comments/activities regarding the event and forward to the Town of Pelham.
- 4.8.22 Police to be notified by sponsor or facility staff before situation is out of control.
- **4.9** The facility staff may report any infraction of this policy to legal authorities whenever they believe such action is required.



- **4.10** Any infraction will be reviewed by the Director of Recreation and the Director of Fire & By-law Services.
- **4.11** A registered letter describing the problem will be sent to the sponsor and may refused future rental privileges.
- **4.12** Should a group be found to be consuming or have consumed alcohol in the arena change rooms, the authorities will be called and violators will immediately forfeit all rights to the use of the facility.
- 4.13 Future rental privileges to the penalized individuals or groups will depend on demonstrating to the Director of Recreation and the Director of Fire & By-law Services that all rules will be followed at future functions.
- **4.14** The permit holder will be responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options are:
- Having a designated driver program in effect
- Providing identification for designated drivers, and providing free or charge nonalcoholic drinks (i.e. coffee, pop, juice)
- 4.15 Individuals or groups sponsoring a SOP function at a facility, listed in the Alcohol Management Policy, must show proof to the Town of Pelham at least two (2) weeks prior to the event, that they have a minimum of \$2,000,000.00 liability insurance coverage and that the Town of Pelham is named as co-insured. The permit holder will indemnify and save the Town of Pelham harmless from all claims arising from the permit or event.
- **4.16** The policy shall be updated as new legislation under the Alcohol and Gaming Commission of Ontario is updated or changed and/or as senior management determine necessary for Occupational Health and Safety matters, or due to changes within the Municipality.
- 5. Related Administrative Procedures/Forms:

Special Occasion Permit Holder Agreement Activity Report Party Alcohol Liability

THIS AGREEMENT made this	day of	, 2023 ("the Agreement")
BETWEEN:		
	HILLFIRE SMOKE & BBQ	

– and –

("the Licensee")

THE CORPORATION OF THE TOWN OF PELHAM ("the Town")

PUBLIC EVENT AGREEMENT

WHEREAS the Town is the holder of a special occasion permit issued by the Alcohol and Gaming Commission of Ontario ("AGCO") pursuant to the *Liquor Licence and Control Act, 2019*, S.O. 2019, c. 15 ("the Act") and Ontario Regulation 747/21 ("the Permit Regulation") for a public event known as Pelham Summerfest, which has been designated by the Council of the Town of Pelham as an event of municipal significance ("the Event");

AND WHEREAS the Event will take place from Thursday, July 13, 2023 to Sunday, July 16, 2023;

AND WHEREAS the Event will include an outdoor street festival that will take place on Friday July 14, 2023 from 4:00 p.m. to 11:00 p.m. and on Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m., during which times Pelham Street will be closed from Highway 20 to College Street and Pelham Town Square entrance ("the Street Festival");

AND WHEREAS the Event, including the Street Festival, is a public event within the meaning of the Act, the Permit Regulation and Ontario Regulation 746/21 ("the Licensing Regulation");

AND WHEREAS the area where the Street Festival will take place encompasses establishments licensed to sell liquor under the Act and the Licensing Regulation, including the Licensee and other establishments as set out in Schedule "A" hereto;

AND WHEREAS the Licensing Regulation allows a licensee under the Act and a special occasion permit holder to jointly participate in an outdoor public event that allows patrons to carry a single serving of liquor between the licensed premises and the premises to which the special occasion permit applies, provided that the licensee and the permit holder have entered into an agreement to ensure that there is no unreasonable risk to the public or of non-compliance with the Act;

AND WHEREAS the Licensee and the Town wish to enter into such an agreement in relation to the Street Festival;

NOW THEREFORE IN CONSIDERATION of the mutual promises and covenants contained herein, the Licensee and the Town agree as follows:

- 1. The Licensee will obtain all necessary license extensions and approvals from the AGCO and the Town to operate a temporary outdoor patio during the Street Festival.
- 2. The areas of the Street Festival where liquor is permitted pursuant to the temporary outdoor patio license of the Licensee, a temporary outdoor patio license of any other establishment listed in Schedule "A", which is attached hereto and forms part of this Agreement, and/or the special occasion permit of the Town ("the Street Festival Licensed Area") will be delineated and confined by temporary barricades and fencing.
- 3. The Town will supply the temporary barricades and fencing for the Street Festival Licensed Area and will install them in consultation with the Licensee. Notwithstanding the foregoing, the Town has final authority to determine the location and configuration of all barricades and fencing for the Street Festival Licensed Area.

- 4. During the Street Festival, patrons may carry a single serving of liquor throughout the Street Festival Licensed Area. Patrons may also carry a single serving from the interior licensed premises of the Licensee to the Street Festival Licensed Area or from the Street Festival Licensed Area to the interior licensed premises of the Licensee.
- 5. Patrons may not carry a serving of liquor into any business, establishment or premises not listed in Schedule "A" to this Agreement. The Town will post this information throughout the Street Festival Licensed Area and both the Town and the Licensee will monitor compliance.
- 6. The Town will hire sixteen (16) licensed security personnel to monitor the Street Festival Licensed Area on Friday, July 14, 2023 from 4:00 p.m. to 11:59 p.m., Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m. and Sunday, July 16, 2023 from 12:00 a.m. to 1:00 a.m.
- 7. The Street Festival Licensed Area will have five (5) access points, all of which will be staffed by security personnel. Security personnel will conduct bag checks to ensure that patrons do not bring illegal or prohibited items into the Street Festival Licensed Area and will deny entry to patrons showing signs of intoxication.
- 8. Security personnel will be stationed throughout the Street Festival Licensed Area and will conduct crowd monitoring, including but not limited to identifying and removing patrons showing signs of intoxication, ensuring that alcohol is not provided or passed to any person who appears to be under the age of 19 or who is not wearing a wristband issued by the Town under section 11 of this Agreement, and ensuring that patrons do not exit the Street Festival Licensed Area, other than to the interior licensed premises of the Licensee, with a serving of alcohol.
- 9. The Licensee will ensure that all entrances and exits to its establishment located at 1455 Pelham Street, including those that do not provide access to the Street Festival Licensed Area, are monitored at all times during the Street Festival to ensure that patrons comply with all applicable AGCO requirements.
- 10. The Licensee will limit the capacity of its temporary outdoor patio to available seating only and will monitor it accordingly. The Licensee will further ensure that its temporary outdoor patio meets or exceeds all outdoor patio criteria for the Event and will operate its patio in a manner consistent with the family-oriented atmosphere of the Event.
- 11. The Town will supply wristbands to patrons in the Street Festival Licensed Area who are 19 years of age or older.
- 12. The Licensee will ensure that any patron accessing the Street Festival Licensed Area from its interior licensed premises with a serving of liquor is wearing a wristband.
- 13. Notwithstanding any other provision of this agreement, the presence of a wristband does not replace or remove the legal obligation of the Licensee, the Town and all persons serving alcohol on behalf of the Licensee or the Town to verify the age and identity of patrons as required by law.
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- 18. The Town and the Licensee will each indemnify and save harmless the other from and against any and all losses, claims, actions, demands and liabilities for personal injury and/or property damage arising from or in any way related to the Street Festival Licensed Area where such claims are caused wholly or in part by any negligent act or omission of the Town or the Licensee, as the case may be, or anyone for whom the Town or the Licensee, as the case may be, is responsible in law.
- 19. The Town and the Licensee will operate the Street Festival Licensed Area in accordance with the Town of Pelham Municipal Alcohol Management Policy, which is attached as Schedule "B" and forms part of this Agreement.
- 20. The Town and the Licensee agree that their employees, agents, contractors and volunteers will monitor alcohol use during the Street Festival to promote a responsible and safe liquor-controlled event.
- 21. The Town and the Licensee further agree to ensure that there is no unreasonable risk to public safety, the public interest or the public and that there is no unreasonable risk of non-compliance with the Act or its regulations by the Town or the Licensee.

IN WITNESS whereof the parties have executed this Agreement by their duly authorized representatives and agree to be bound thereby as of the date first written above.

HILLEIDE SMOKE & DDO

HILLFIRE SWORE & DDQ
By: Name: Title:
I have authority to bind the Corporation.
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Policy S100-01 Town of Pelham: Administration



Policy Name: Municipal Alcohol Management Policy	Policy No: S100-01
Committee approval date:	-
Council approval date:	December 2, 2013
Revision date(s):	September 16, 2019
Department/Division:	Corporate wide

1. Purpose

The Alcohol Management Policy consists of a range of measure designed to prevent alcohol related problems and to increase the enjoyment of those who use the facilities. By reducing the potential for alcohol related problems, the Town of Pelham concurrently reduces users' loss of enjoyment of the facilities, reduces the risk of injury and death and reduces the risk of liability actions.

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consumption

Increased public concern about alcohol consumption

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- 4.8.5 That anyone handling, serving, and/or selling tickets must be Smart Served.
- 4.8.6 That floor monitors of a minimum of two (2), one (1) for each additional fifty (50) participants be utilized i.e. 3 monitors 100 participants, 4 150, 5 200 etc. Fifty percent (50%) of the monitors must be SS trained.
- 4.8.7 The Town of Pelham may require wrist banding be implemented at an event.
- 4.8.8 All event workers must refrain from consuming alcohol while the event is in progress. Workers may consume alcohol if they are working a shift and their work responsibilities have ended for the entire event.



- 4.8.9 The event sponsor and facility staff must ensure the physical setting is safe for drinkers and non drinkers. They must also ensure that patrons do not engage in activities that could harm them or others.
- 4.8.10 All entrances and exits must be supervised.
- 4.8.11 All bottles must be retained within the bar area; all drinks served in paper/plastic cups, or tin cans.
- 4.8.12 No marketing practices which encourage increased consumption, i.e. oversize drinks, double shots, drinking contests, etc.
- 4.8.13 The Town of Pelham reserves the right to require the presence of police officers for the duration of an event, the cost to be borne by the sponsoring group or individual.
- 4.8.14 All event workers are to wear identification.
- 4.8.15 That only age of majority card, a photo driver's license or a passport as identification will be accepted for being served or consuming alcohol.
- 4.8.16 That there will be no "last call" announced.
- 4.8.17 Organizers are to encourage consumption of food, low-alcohol and non-alcohol beverages.
- 4.8.18 That non-alcoholic beverages be available at all times.
- 4.8.19 That 30% of the total amount of alcohol available be classified as "light" as follows:

Light beer – less that 5% alcohol per 12 oz/354 ml serving Light wine – 10% or less alcohol per 7oz/207 ml serving

- 4.8.20 Bar area is to be closed no later than 1:00 am, unless approved by the Town.
- 4.8.21 Event sponsors are required to document positive and/or negative comments/activities regarding the event and forward to the Town of Pelham.
- 4.8.22 Police to be notified by sponsor or facility staff before situation is out of control.
- **4.9** The facility staff may report any infraction of this policy to legal authorities whenever they believe such action is required.



- **4.10** Any infraction will be reviewed by the Director of Recreation and the Director of Fire & By-law Services.
- **4.11** A registered letter describing the problem will be sent to the sponsor and may refused future rental privileges.
- **4.12** Should a group be found to be consuming or have consumed alcohol in the arena change rooms, the authorities will be called and violators will immediately forfeit all rights to the use of the facility.
- **4.13** Future rental privileges to the penalized individuals or groups will depend on demonstrating to the Director of Recreation and the Director of Fire & By-law Services that all rules will be followed at future functions.
- **4.14** The permit holder will be responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options are:
- Having a designated driver program in effect
- ➤ Providing identification for designated drivers, and providing free or charge nonalcoholic drinks (i.e. coffee, pop, juice)
- 4.15 Individuals or groups sponsoring a SOP function at a facility, listed in the Alcohol Management Policy, must show proof to the Town of Pelham at least two (2) weeks prior to the event, that they have a minimum of \$2,000,000.00 liability insurance coverage and that the Town of Pelham is named as co-insured. The permit holder will indemnify and save the Town of Pelham harmless from all claims arising from the permit or event.
- **4.16** The policy shall be updated as new legislation under the Alcohol and Gaming Commission of Ontario is updated or changed and/or as senior management determine necessary for Occupational Health and Safety matters, or due to changes within the Municipality.

5. Related Administrative Procedures/Forms:

Special Occasion Permit Holder Agreement Activity Report Party Alcohol Liability

THIS AGREEMENT made this	day of	, 2023 ("the Agreement")
BETWEEN:		
KAN	IE & KETTLE BEE	R WORKS

("the Licensee")

- and -

THE CORPORATION OF THE TOWN OF PELHAM

("the Town")

PUBLIC EVENT AGREEMENT

WHEREAS the Town is the holder of a special occasion permit issued by the Alcohol and Gaming Commission of Ontario ("AGCO") pursuant to the Liquor Licence and Control Act, 2019, S.O. 2019, c. 15 ("the Act") and Ontario Regulation 747/21 ("the Permit Regulation") for a public event known as Pelham Summerfest, which has been designated by the Council of the Town of Pelham as an event of municipal significance ("the Event");

AND WHEREAS the Event will take place from Thursday, July 13, 2023 to Sunday, July 16, 2023;

AND WHEREAS the Event will include an outdoor street festival that will take place on Friday July 14, 2023 from 4:00 p.m. to 11:00 p.m. and on Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m., during which times Pelham Street will be closed from Highway 20 to College Street and Pelham Town Square entrance ("the Street Festival");

AND WHEREAS the Event, including the Street Festival, is a public event within the meaning of the Act, the Permit Regulation and Ontario Regulation 746/21 ("the Licensing Regulation");

AND WHEREAS the area where the Street Festival will take place encompasses establishments licensed to sell liquor under the Act and the Licensing Regulation, including the Licensee and other establishments as set out in Schedule "A" hereto;

AND WHEREAS the Licensing Regulation allows a licensee under the Act and a special occasion permit holder to jointly participate in an outdoor public event that allows patrons to carry a single serving of liquor between the licensed premises and the premises to which the special occasion permit applies, provided that the licensee and the permit holder have entered into an agreement to ensure that there is no unreasonable risk to the public or of non-compliance with the Act;

AND WHEREAS the Licensee and the Town wish to enter into such an agreement in relation to the Street Festival:

NOW THEREFORE IN CONSIDERATION of the mutual promises and covenants contained herein, the Licensee and the Town agree as follows:

- 1. The Licensee will obtain all necessary license extensions and approvals from the AGCO and the Town to operate a temporary outdoor patio during the Street Festival.
- 2. The areas of the Street Festival where liquor is permitted pursuant to the temporary outdoor patio license of the Licensee, a temporary outdoor patio license of any other establishment listed in Schedule "A", which is attached hereto and forms part of this Agreement, and/or the special occasion permit of the Town ("the Street Festival Licensed Area") will be delineated and confined by temporary barricades and fencing.
- 3. The Town will supply the temporary barricades and fencing for the Street Festival Licensed Area and will install them in consultation with the Licensee. Notwithstanding the foregoing, the Town has final authority to determine the location and configuration of all barricades and fencing for the Street Festival Licensed Area.

- 4. During the Street Festival, patrons may carry a single serving of liquor throughout the Street Festival Licensed Area. Patrons may also carry a single serving from the interior licensed premises of the Licensee to the Street Festival Licensed Area or from the Street Festival Licensed Area to the interior licensed premises of the Licensee.
- 5. Patrons may not carry a serving of liquor into any business, establishment or premises not listed in Schedule "A" to this Agreement. The Town will post this information throughout the Street Festival Licensed Area and both the Town and the Licensee will monitor compliance.
- 6. The Town will hire sixteen (16) licensed security personnel to monitor the Street Festival Licensed Area on Friday, July 14, 2023 from 4:00 p.m. to 11:59 p.m., Saturday, July 15, 2023 from 10:00 a.m. to 11:59 p.m. and Sunday, July 16, 2023 from 12:00 a.m. to 1:00 a.m.
- 7. The Street Festival Licensed Area will have five (5) access points, all of which will be staffed by security personnel. Security personnel will conduct bag checks to ensure that patrons do not bring illegal or prohibited items into the Street Festival Licensed Area and will deny entry to patrons showing signs of intoxication.
- 8. Security personnel will be stationed throughout the Street Festival Licensed Area and will conduct crowd monitoring, including but not limited to identifying and removing patrons showing signs of intoxication, ensuring that alcohol is not provided or passed to any person who appears to be under the age of 19 or who is not wearing a wristband issued by the Town under section 11 of this Agreement, and ensuring that patrons do not exit the Street Festival Licensed Area, other than to the interior licensed premises of the Licensee, with a serving of alcohol.
- 9. The Licensee will ensure that all entrances and exits to its establishment located at 25 Pelham Town Square, including those that do not provide access to the Street Festival Licensed Area, are monitored at all times during the Street Festival to ensure that patrons comply with all applicable AGCO requirements.
- 10. The Licensee will limit the capacity of its temporary outdoor patio to available seating only and will monitor it accordingly. The Licensee will further ensure that its temporary outdoor patio meets or exceeds all outdoor patio criteria for the Event and will operate its patio in a manner consistent with the family-oriented atmosphere of the Event.
- 11. The Town will supply wristbands to patrons in the Street Festival Licensed Area who are 19 years of age or older.
- 12. The Licensee will ensure that any patron accessing the Street Festival Licensed Area from its interior licensed premises with a serving of liquor is wearing a wristband.
- 13. Notwithstanding any other provision of this agreement, the presence of a wristband does not replace or remove the legal obligation of the Licensee, the Town and all persons serving alcohol on behalf of the Licensee or the Town to verify the age and identity of patrons as required by law.
- 14. All persons serving alcohol on behalf of the Licensee and the Town will be Smart Serve Certified and as such will verify the age and identity of patrons purchasing alcohol, monitor patrons to ensure that alcohol is not passed to persons under 19 years of age, and refuse service to patrons showing signs of intoxication.
- 15. No glass beverage containers are permitted in the Street Festival Licensed Area. During the Street Festival, all alcohol served by or on behalf of the Licensee or the Town will be served in cans or plastic beverage containers.
- 16. The Town and the Licensee will each charge a minimum price of \$9.00 per serving of beer (473 ml), cider (473 ml) or wine (6 oz).
- 17. The Licensee will obtain and maintain at all times during the Event one or more policies of commercial general liability insurance, including an alcohol endorsement or coverage, with limits of not less than two million (\$2,000,000) per occurrence and naming the Town as an additional insured. The Licensee will provide the Town with proof of insurance at least two (2) weeks prior to the Event.

- 18. The Town and the Licensee will each indemnify and save harmless the other from and against any and all losses, claims, actions, demands and liabilities for personal injury and/or property damage arising from or in any way related to the Street Festival Licensed Area where such claims are caused wholly or in part by any negligent act or omission of the Town or the Licensee, as the case may be, or anyone for whom the Town or the Licensee, as the case may be, is responsible in law.
- 19. The Town and the Licensee will operate the Street Festival Licensed Area in accordance with the Town of Pelham Municipal Alcohol Management Policy, which is attached as Schedule "B" and forms part of this Agreement.
- 20. The Town and the Licensee agree that their employees, agents, contractors and volunteers will monitor alcohol use during the Street Festival to promote a responsible and safe liquor-controlled event.
- 21. The Town and the Licensee further agree to ensure that there is no unreasonable risk to public safety, the public interest or the public and that there is no unreasonable risk of non-compliance with the Act or its regulations by the Town or the Licensee.

IN WITNESS whereof the parties have executed this Agreement by their duly authorized representatives and agree to be bound thereby as of the date first written above.

TOTAL GIVET TEE BEEN WORKS
By: Name: Title:
I have authority to bind the Corporation.
Date:
THE CORPORATION OF THE TOWN OF PELHAM
By: Name: Title:
I have authority to bind the Corporation.
Date:

KAME & KETTI E BEER WORKS

SCHEDULE "A"

- 1. Fonthill Butcher & Banker, 1440 Pelham Street
- 2. Gelato Village, 1417 Pelham Street
- 3. Hillfire Smoke & BBQ, 1455 Pelham Street
- 4. Kame & Kettle Beer Works, 25 Pelham Town Square

Policy S100-01 Town of Pelham: Administration



Policy Name: Municipal Alcohol Management Policy	Policy No: S100-01
Committee approval date:	-
Council approval date:	December 2, 2013
Revision date(s):	September 16, 2019
Department/Division:	Corporate wide

1. Purpose

The Alcohol Management Policy consists of a range of measure designed to prevent alcohol related problems and to increase the enjoyment of those who use the facilities. By reducing the potential for alcohol related problems, the Town of Pelham concurrently reduces users' loss of enjoyment of the facilities, reduces the risk of injury and death and reduces the risk of liability actions.

2. Policy Statement

The Town of Pelham owns and manages many facilities which are currently licensed or can be licensed under authority of the Alcohol and Gaming Commission (A.G.C.O) to allow the consumption of alcoholic beverages. It is the policy of the Council of the Town of Pelham to incorporate an alcohol management policy in order to prevent problems that arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for those who use these facilities.

A range of problems can arise from alcohol consumption. These problems can affect not only the person or persons consuming alcohol but other people who use the facilities, and the general public. These problems may include:

- > Injuries to drinkers or other individuals
- > Police being called to municipal property
- Liability action arising from alcohol related injuries or deaths
- Increased insurance rates as a result of alcohol related incidents.
- Loss in insurability should the insurer's risk assessment escalate
- Charges laid against the Town or the Special Occasion Permit holders under the Liquor License Act
- Suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario (A.G.C.O)
- Vandalism and destruction of Town property
- Loss of enjoyment by non-drinkers and moderate drinkers
- Complaints lodged by offended parties
- Withdrawal from use of facilities by people concerned about alcohol

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consumption

Increased public concern about alcohol consumption

In many instances, these problems will not be attributable to moderate drinkers or to those who respect the rules regarding alcohol consumption. The majority of these problems arise from drinkers who engage in four specific drinking practices:

- Underage drinking
- > Drinking to intoxication
- Drinking and driving
- Drinking in unlicensed areas

To the extent that these four drinking practices can be reduced, the likelihood of alcohol related problems will correspondingly diminish. For those who do not engage in these targeted drinking practices, the policy will be minimally intrusive. The policy is not intended to stand in opposition to legal and moderate drinking.

3. Definitions

- 3.1 Smart Serve Program (SSP): Provided by Smart Serve Ontario
- **3.2 Special Occasion Permit (SOP):** granted through the Alcohol and Gaming Commission of Ontario (AGCO).

4. General Provisions

4.1 The following are Municipal Facilities that will be eligible to be designated as suitable facilities for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

INDOOR

- Meridian Community Centre, 100 Meridian Way, Fonthill
- Old Pelham Town Hall, 491 Canboro Rd., Ridgeville
- Pelham Fire Station #1, 177 Highway 20, Fonthill
- ➤ Pelham Fire Station #2, 792 Welland Rd., Fenwick
- > Pelham Fire Station #3, 2355 Cream Street, North Pelham
- Pelham Library, Fonthill Branch, 43 Town Square, Fonthill
- Pelham Library, Fenwick Branch, 781 Canboro Road, Fenwick
- Platform Tennis Club House, 1120 Haist St., Fonthill
- > Town Hall, 20 Pelham Town Square, Fonthill



4.2 The following outdoor facilities would only be eligible if Pelham Town Council approved the application for use of SOP functions:

OUTDOOR

- > Harold Black Park, 953 Haist St. Fonthil
- > Centennial Park, 999 Church St., Fenwick
- North Pelham Park, Cream St. North, Fenwick
- Peace Park (behind Municipal Offices), Fonthill
- Woodstream Park, Spruceside Cres., Fonthill
- Pelham Arena Grounds Park, 1120 Haist St., Fonthill
- > Pelham Fire Station #1, 177 Highway 20, Fonthill
- > Pelham Fire Station #2, 792 Welland Rd., Fenwick
- Pelham Fire Station #3, 2355 Cream Street, North Pelham
- Meridian Community Centre Grounds, 100 Meridian Way, Fonthill
- Any Municipal Streets as approved by Council
- **4.3** All alcoholic beverages must be removed from unlicensed Town facilities prior to the start of a regular business work day. Alcoholic beverages are not permitted to be stored in Town facilities where daily work activities occur, unless approved.

All alcoholic beverages stored in inventory at licensed Town facilities must be held in a locked area. Inventory sheets must be prepared before and after each even, with 2 separate staff counts.

4.4 The following outdoor facilities are NOT ELIGIBLE to be designated for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

<u>INDOOR</u>

Model Railroad Building, 1141 Maple St., Fenwick

OUTDOOR

- Marlene Stewart Streit Park, Park Lane, Fonthill
- > Hillcrest Park, Pancake Lane, Fonthill
- **4.5** In order to be eligible to rent/use a municipal facility for a special occasion permit event, the sponsor(s) must agree that persons under the legal drinking age shall not be admitted to adult social events being held in these facilities except in the



case of a family occasion.

- **4.6** SOP must be on site and available for Alcohol and Gaming Commission of Ontario (AGCO) inspector at all times.
- **4.7** The Liquor License Act requires certain premises to post signs warning women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder. The warning sign will be posted at the servicing area, no smaller than 8.5" v 11"
 - Post AGCO "Sandy's Law" Poster Fetal Alcohol Spectrum Disorder
- 4.8 In order to be eligible for a facility permit for an SOP function, the sponsor must demonstrate to the satisfaction of the Director of Recreation and/or the Director of Fire & By-law Services that there are sufficient controls in place to prevent intoxicated or rowdy people from entering the event and that the before mentioned participants will be refused service and be escorted safely from the event. These controls will include:
- 4.8.1 The event sponsor must obtain a SOP from the A.G.C.O and must show proof of this to the Town of Pelham at least 10 days prior to the event.
- 4.8.2 Licensee to abide by rules of the Municipal Alcohol Policy as enforced by Municipal Representatives.
- 4.8.3 The event sponsor must provide a list of event workers at least 10 days prior to the event, with their Smart Serve number.
- 4.8.4 The SOP signatory or designate must attend the event and be responsible for making decisions regarding the operation of the event.
- 4.8.5 That anyone handling, serving, and/or selling tickets must be Smart Served.
- 4.8.6 That floor monitors of a minimum of two (2), one (1) for each additional fifty (50) participants be utilized i.e. 3 monitors 100 participants, 4 150, 5 200 etc. Fifty percent (50%) of the monitors must be SS trained.
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- 4.8.13 The Town of Pelham reserves the right to require the presence of police officers for the duration of an event, the cost to be borne by the sponsoring group or individual.
- 4.8.14 All event workers are to wear identification.
- 4.8.15 That only age of majority card, a photo driver's license or a passport as identification will be accepted for being served or consuming alcohol.
- 4.8.16 That there will be no "last call" announced.
- 4.8.17 Organizers are to encourage consumption of food, low-alcohol and non-alcohol beverages.
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- 4.8.19 That 30% of the total amount of alcohol available be classified as "light" as follows:

Light beer – less that 5% alcohol per 12 oz/354 ml serving Light wine – 10% or less alcohol per 7oz/207 ml serving

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5. Related Administrative Procedures/Forms:

Special Occasion Permit Holder Agreement Activity Report Party Alcohol Liability



The Corporation of the Town of Pelham

By-law No. 36-2023

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 17th day of May 2023.

WHEREAS section 5(3) of the *Municipal Act, 2001,* S.O. 2001, c. 25 ("*Municipal Act, 2001"* or "the statute") provides that, unless 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 the Council of the Corporation of the Town of Pelham enacts as Follows:

- (a) The actions of the Council at its meeting held on the 17th day of May, 2023, 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.** This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 17th day of May, 2023.

Marvin Junkir	ı, Mayor

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