REGULAR COUNCIL AGENDA

C-04/2024
Wednesday, February 21, 2024
9:00 AM
Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

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. National Anthem

3. 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.

4. Approval of the Agenda

5. Disclosure of Pecuniary Interests and General Nature Thereof

6. Public Meeting Under the Development Charges Act

6.1 Opening Remarks

6.2 Overview by Watson & Associates Economists Ltd. 6 - 34

Byron Tan, Watson & Associates Economists LTD.

6.3 Public Input 35 - 38

Pre-Registered Speakers

1. Stephen Kaiser

Written Correspondence

1. Sullivan Mahoney LLP on Behalf of Mountainview Building Group

2. Chuck McShane, Niagara Home Builders Association

6.4 Committee Input

6.5 Presentation of Resolutions

7. Rise from Committee

8. Adoption of Council Minutes

8.1 SC-01/2024 - Special Council Meeting - Muzzle Order Appeal Hearing - January 31, 2024 39 - 42

8.2 C-03/2024 - Regular Council Meeting - February 7, 2024 43 - 53

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

10. Consent Agenda Items to be Considered in Block

10.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval 54 - 54

1. C-03/2024 - Committee of the Whole - Water and Wastewater Budget - February 7, 2024

10.2 Staff Reports of a Routine Nature for Information or Action

10.2.1 Centennial Washrooms Construction Update 2, 2024-0049-Public Works 55 - 57

10.2.2 2023 Pelham Water Distribution System Summary Report, 2024-0024-Public Works 58 - 134

10.3 Information Correspondence

10.3.1 Township of Greater Madawaska - Tax Credit for Volunteer Firefighters 135 - 138

10.4 Advisory Committee Minutes for Information

10.4.1 Agricultural Advisory Committee Minutes - October 25, 2024 139 - 142

10.4.2 Committee of Adjustment Minutes - December 4, 2023 143 - 153

11. Consent Agenda Item(s) Lifted for Separate Consideration, if any

12. Resolution to Move In Camera

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 1 item (Contract and Agreement)

13. Rise From In Camera

14. Presentation and Consideration of Reports

14.1 Members of Council Reports

14.2 Staff Reports Requiring Action

14.2.1 2024 RCW Town of Pelham User Fees and Charges Amendment, 2024-0052-Recreation 154 - 154

14.2.2 Recommendation Report - Applications for Official Plan 155 - 190

and Zoning By-law Amendment - 1389 Effingham Street, 2024-0048-Planning

14.2.3 Recommendation Report - Housekeeping Zoning By-law Amendment, 2024-0044-Planning 191 - 253

14.2.4 2024 Water and Wastewater Budgets, 2024-0038-Corporate Services 254 - 274

14.2.5 Ice Rink Optimization , 2023-0264-Corporate Services 275 - 282

15. Unfinished Business

16. New Business

17. Presentation and Consideration of By-Laws 283 - 307

1. By-law 08-2024 - Being a by-law to appoint the Niagara Society for the Prevention of Cruelty to Animals and Humane Society Animal Services Officers to enforce Town of Pelham Animal By-laws.

2. By-law 03-2024 - Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).

3. By-law 09-2024 - Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 61 port Robinson Road, legally described as PLAN 25 PT LOT 17 NP717, Town of Pelham, Regional Municipality of Niagara, from the Residential Development (RD) zone to the site-specific Residential 2-157 (R2-157) zone. File No. AM-10-2023.

4. By-law 10-2024 - Being a By-law to Deem Part of a Registered Plan of Subdivision Not to be a Registered Plan of Subdivision. 801 Canboro Road.

5. By-law 11-2024 - Being a By-law to exempt Blocks 136, 140, 146, Part Block 160, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17872, Part Block 163, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17918, 165, 166, 167, 169 on Plan 59M-505, municipally known as 58, 60, 76, 78, 89, 91, 93, 95, 97, 99, 101, 103, 105, 112, and 114 Acacia Road, 44, 46, 48, 50, and 52 Samuel

Avenue, 25, 27, 29, 31, and 33 Saffron Way, 170, 172, 174, and 176 Klager Avenue, and 78, 80, 82, and 84 William Street, from Part Lot Control. Saffron Meadows Phase 3 (Mountainview Building Group). File No. PLC-01-2024

18. Motions and Notices of Motion

19. Resolution to Move In Camera

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

(c) a proposed or pending acquisition or disposition of land by the municipality or local board - 1 Item (Property located in Ward 1)

(b) personal matters about an identifiable individual, including municipal or local board employees; (d) labour relations or employee negotiations; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 2 items (Non-Union)

20. Rise From In Camera

21. Confirming By-Law 308 - 308

22. Adjournment

Watson & Associates
ECONOMISTS LTD.

Town of Pelham
2023 Development Charges

Public Meeting

February 21, 2024

Format for Public Meeting

- Opening Remarks
- Public Meeting Purpose
- Study Process and Timelines
- Development Charges Overview
- Presentation of the Proposed Policies and Charges
- Presentations by the Public
- Questions from Council
- Conclude Public Meeting

Public Meeting Purpose

- The public meeting is to provide for a review of the D.C. study and to receive public input on the proposed policies and charges.
- The meeting is a mandatory requirement under the Development Charges Act (D.C.A.).
- Prior to Council's consideration of a by-law, a background study must be prepared and available to the public a minimum 60 days prior to the D.C. by-law passage.

Study Process & Timelines

1

September 2022 to November 2023
Calculations, meetings with Town Staff, and Policy Review

2

December 20, 2023
Release of Background Study and Draft By-law

3

February 21, 2024
Public Meeting of Council

4

March 6, 2024
Council Consideration of By-law

Development Charges (D.C.)

Purpose:

- To recover the capital costs associated with residential and non-residential growth within a municipality
- The capital costs are in addition to what costs would normally be constructed as part of a subdivision (i.e. internal roads, sewers, watermains, sidewalks, streetlights, etc.)
- Municipalities are empowered to impose these charges via the Development Charges Act (D.C.A.)

D.C. Eligible Services

1. **Water**
2. **Wastewater**
3. Storm water drainage
4. **Services related to a highway**
5. Electrical power services.
6. Toronto-York subway extension.
7. Transit
8. Waste diversion
9. Policing Services
10. **Fire protection**
11. Ambulance
12. **Library**
13. Long-term Care
14. **Parks and Recreation**
15. Public Health services
16. Childcare and early years services
17. ~~Housing services~~
18. Provincial Offences Act
19. Emergency Preparedness
20. Airports (Waterloo Region only)

These are the current D.C. eligible services being considered in the calculations

***Amended as per Bill 23**

Changes to D.C. Legislation - Overview

There were a number of changes to the D.C.A. since the passage of the Town's 2018 D.C. By-law which were detailed in the Town's 2021 D.C. Update Study. These changes were provided through:

- Bill 108: More Homes, More Choice Act, 2019
- Bill 138: Plan to Build Ontario Together Act, 2019
- Bill 197: COVID-19 Economic Recovery Act, 2020
- Bill 213: Better for People, Smarter for Business Act, 2020

Since the completion of the D.C. Update Study in 2021, further legislative changes have been made to the D.C.A. through Bill 23, *More Homes Built Faster Act*, 2022 and Bill 134, *Affordable Homes and Good Jobs Act*, 2023.

Bill 23 Overview

- The Province passed Bill 23: More Homes Built Faster Act, 2022 on November 28, 2022
- This Bill amends a number of pieces of legislation, including the Development Charges Act (D.C.A.), and the Planning Act
- These changes impact development charges (D.C.s), community benefits charges (C.B.C.s), and parkland dedication
- The changes provided through Bill 23 negatively impact the Town’s ability to collect revenues to fund growth-related capital expenditures

Changes to D.C. Legislation

Bill 23/Bill 134

Currently Not in Force:

- **Affordable Units** (the following definitions have been provided through Bill 134 which received Royal Assent on December 4, 2023):
  - ***Owned unit (lesser of):*** *cost is less than 30% of the 60th percentile of income for households in the municipality or 90% of the average purchase price as defined in a new Bulletin*
  - ***Rental unit (lesser of):*** *rent is less than 30% of the 60th percentile of income for rental households or average market rent set out in a new Bulletin*
- **Attainable Unit**: Excludes affordable units and rental units, **will be defined as prescribed development or class of development** and sold to a person who is at "arm's length" from the seller.
  - Note: for affordable and attainable units, the municipality shall enter into an agreement which ensures the unit remains affordable or attainable for 25 years.

Currently in Force:

- **Inclusionary Zoning Units**: Affordable housing units required under inclusionary zoning by-laws
- **Non-Profit Housing**: Non-profit housing units are exempt from D.C. installment. Outstanding installment payments due after this section comes into force will also be exempt from payment of D.C.s.
- **Additional Residential** Unit Exemptions (units in existing rental buildings, 2nd and 3rd units in existing and new singles, semis, and rowhouses)

Changes to D.C. Legislation (continued)

Bill 23

D.C. Discounts:

- Rental Housing Discount (based on number of bedrooms – 15%-25%)

D.C. Revenue Reduction:

- Removal of Housing as an Eligible D.C. Service
- Capital Cost Amendments (restrictions to remove studies and land)
- Mandatory Phase-In of D.C. (Maximum charge of 80%, 85%, 90%, 95%, 100% for first 5 Years of the by-law) - These rules apply to a D.C. by-law passed on or after January 1, 2022
- Historical Levels of Service from 10 years to 15 years

*Note: Currently under review by the Province

Changes to D.C. Legislation (continued)2

Bill 23

D.C. Administration:

- Maximum Interest Rate for Installments and D.C. Freeze (maximum interest rate would be set at the average prime rate plus 1%)
- Requirement to Allocate 60% of the monies in the reserve funds for Water, Wastewater, and Services Related to a Highway
- D.C. by-law expiry extended to 10 years

D.C. Methodology – Simplified Steps

1. Identify amount, type and location of growth
2. Identify servicing needs to accommodate growth
3. Identify capital costs to provide services to meet the needs
4. Deduct:
   i. Grants, subsidies and other contributions
   ii. Benefit to existing development
   iii. Amounts in excess of 15-year historical service calculation
   iv. D.C. Reserve funds (where applicable)
5. Net costs then allocated between residential and non-residential benefit
6. Net costs divided by growth to calculate the D.C.

Overview of the D.C. Calculation

Cost of Infrastructure Required to Accommodate Growth

Residential and Non-residential Growth

Development Charge per Unit (for Residential Growth)

Development Charges

Development Charge per sq.ft. (for Non-residential Growth)

Exemptions

Mandatory Exemptions

- Upper/Lower Tier Governments and School Boards;
- Industrial building expansions (may expand by 50% with no D.C.);
- Development of lands intended for use by a university that receives operating funds from the Government (as per Bill 213);
- May add up to 2 apartments in an existing or new detached, semi-detached, or rowhouse (including in an ancillary structure);
- Add one additional unit or 1% of existing units in an existing rental residential building;
- Affordable and attainable units (to be in force at a later date);
- Affordable inclusionary zoning units;
- Non-profit housing;
- Discount for Rental units based on bedroom size; and
- Phase-in of D.C.s.

Discretionary Exemptions

- Reduce in part or whole D.C. for types of development or classes of development (e.g. industrial or churches);
- May phase-in over time; and
- Redevelopment credits to recognize what is being replaced on site (not specific in the Act but provided by case law).

***Amended as per Bill 23**

Current Discretionary Exemptions

- The portion of a place of worship that is exempt from taxation under the Assessment Act;
- A hospital as defined under the Public Hospitals Act;
- Garden suite;
- Farm help house;
- Farm building;
- Institutions that are exempt from municipal taxation under the following legislation;
    - Housing Services Act;
    - Fixed Long-Term Care Act; or
    - Mental Health Act.
- Land developed for purposes where the development is clearly exempt from taxation under Provincial or Federal Legislation

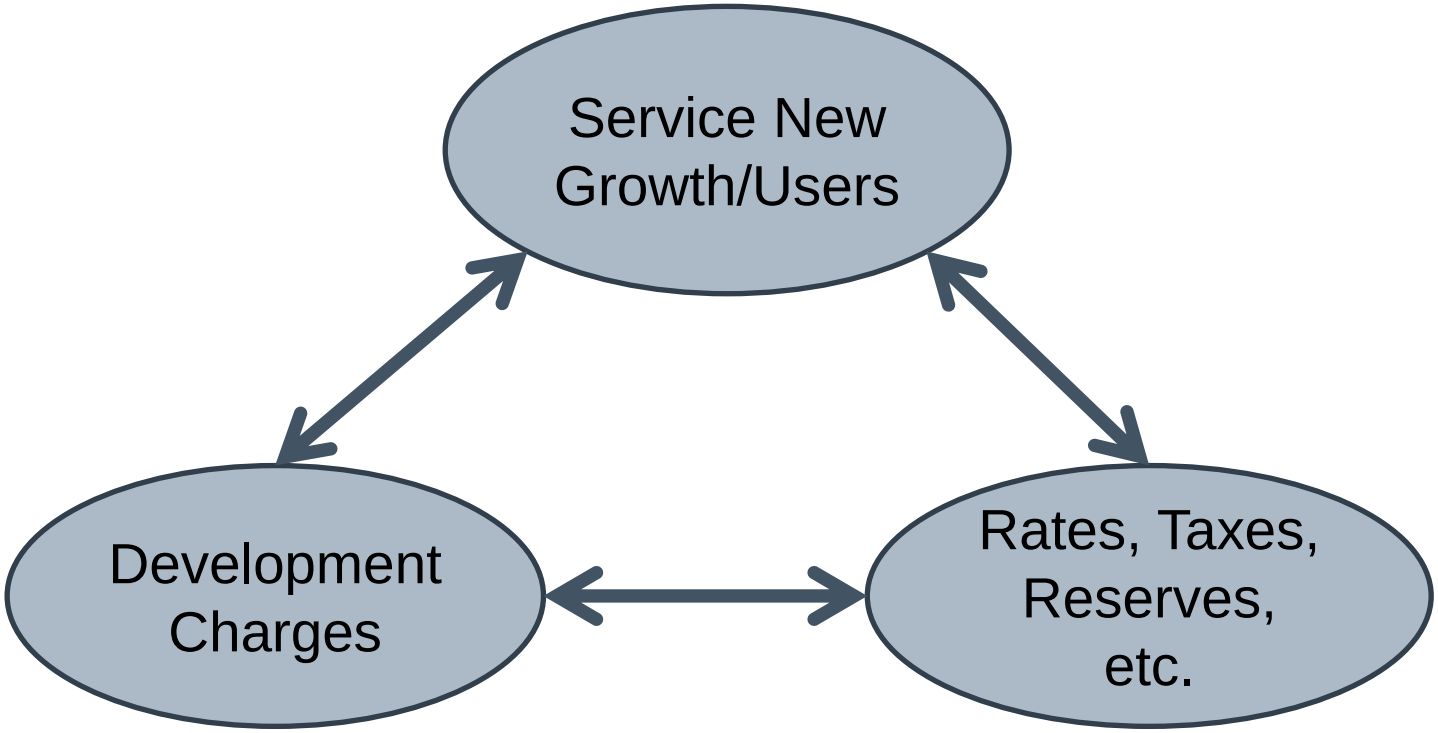
All current exemptions are proposed to continue in the draft by-law.

Local Service Policies

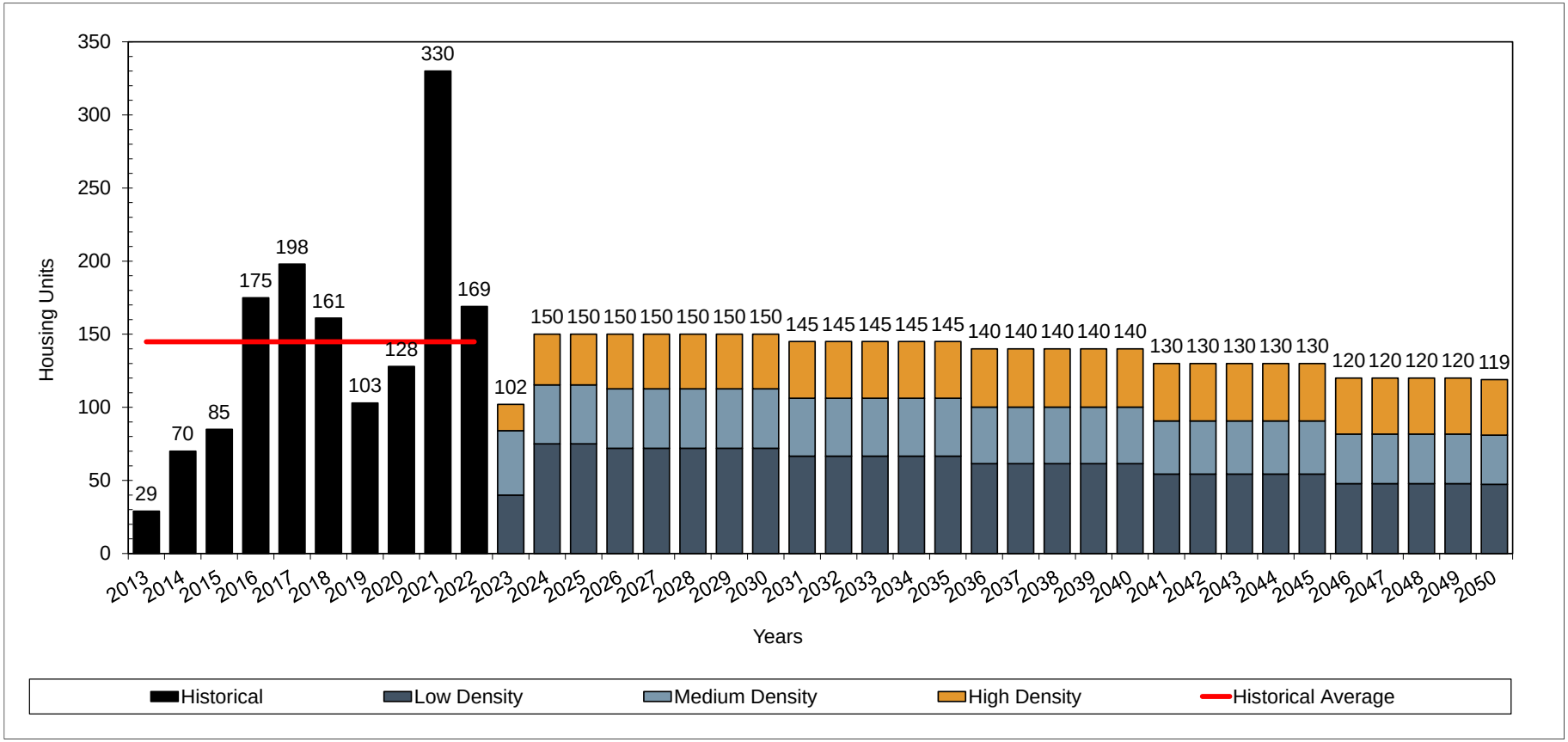
- Section 59.1(1) and (2) of the Act “No Additional Levies” - prohibits municipalities from imposing additional payments or requiring construction of a service not authorized under the D.C.A. therefore, need to be clear:
  - What will be included in the D.C.; and
  - What will be required by developers as part of their development agreements
- Items considered in Local Service Policies may include:
  - Local, rural, collector & arterial roads,
  - Intersection improvements & traffic signals,
  - Streetlights & sidewalks,
  - Bike Routes/Bike Lanes/Bike Paths/Multi-Use Trails/Naturalized Walkways,
  - Noise Abatement Measures,
  - Land dedications/easements,
  - Water, Wastewater & Stormwater, and
  - Park requirements.

No changes to the current Local Service Policy are being proposed.

Relationship Between Needs to Service New Development vs. Funding



Annual Housing Forecast



Growth Forecast Summary

Measure	10 Year 2023-2033	Long-Term 2023-2051	Urban - Long-Term 2023-2051
(Net) Population Increase	3,088	8,575	8,678
Residential Unit Increase	1,547	3,939	3,920
Non-Residential Gross Floor Area Increase (sq.ft.)	363,100	960,800	617,100

Services Being Included

Town-wide Services:

- Fire Protection Services;
- Services Related to a Highway;
- Public Works (Facilities and Fleet);
- Parks & Recreation Services; and
- Library Services.

Urban Services:

- Water Services; and
- Wastewater Services.

Current Development Charges

As of January 1, 2024

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Studio and 1 Bedroom	Special Care Dwellings	(per sq.ft. of Gross Floor Area)
Town-Wide Services/Class of Service:						
Services Related to a Highway	13,506	9,621	9,246	5,654	4,619	7.53
Fire Protection Services	505	360	345	211	173	0.27
Parks and Recreation Services	7,645	5,447	5,235	3,201	2,614	1.07
Library Services	897	638	614	376	307	0.13
Growth Studies	1,002	713	686	419	342	0.56
Total Town-Wide Services/Class of Service	**23,555**	**16,779**	**16,126**	**9,861**	**8,055**	**9.56**
Urban Services (Fenwick and Fonthill)						
Wastewater Services	3,997	2,849	2,738	1,673	1,367	2.75
Water Services	1,688	1,202	1,155	708	577	1.16
Total Urban Services	**5,685**	**4,051**	**3,893**	**2,381**	**1,944**	**3.91**
Total Town-Wide	**23,555**	**16,779**	**16,126**	**9,861**	**8,055**	**9.56**
Total Urban Area	**29,240**	**20,830**	**20,019**	**12,242**	**9,999**	**13.47**

Proposed Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Studio and 1 Bedroom	Special Care Dwellings	(per sq.ft. of Gross Floor Area)
Town-Wide Services/Class of Service:						
Services Related to a Highway	14,107	10,574	9,938	6,439	5,382	7.56
Public Works (Facilities and Fleet)	1,611	1,208	1,135	735	615	0.88
Fire Protection Services	968	726	682	442	369	0.52
Parks and Recreation Services	11,412	8,554	8,039	5,209	4,354	2.07
Library Services	965	723	680	440	368	0.18
Total Town-Wide Services/Class of Service	**29,063**	**21,785**	**20,474**	**13,265**	**11,088**	**11.21**
Urban Services						
Wastewater Services	5,418	4,061	3,817	2,473	2,067	3.77
Water Services	3,226	2,418	2,273	1,473	1,231	2.25
Total Urban Services	**8,644**	**6,479**	**6,090**	**3,946**	**3,298**	**6.02**
Total Town-Wide	**29,063**	**21,785**	**20,474**	**13,265**	**11,088**	**11.21**
Total Urban Area	**37,707**	**28,264**	**26,564**	**17,211**	**14,386**	**17.23**

*Note: The above D.C. rates are subject to the mandatory phase-in from Bill 23

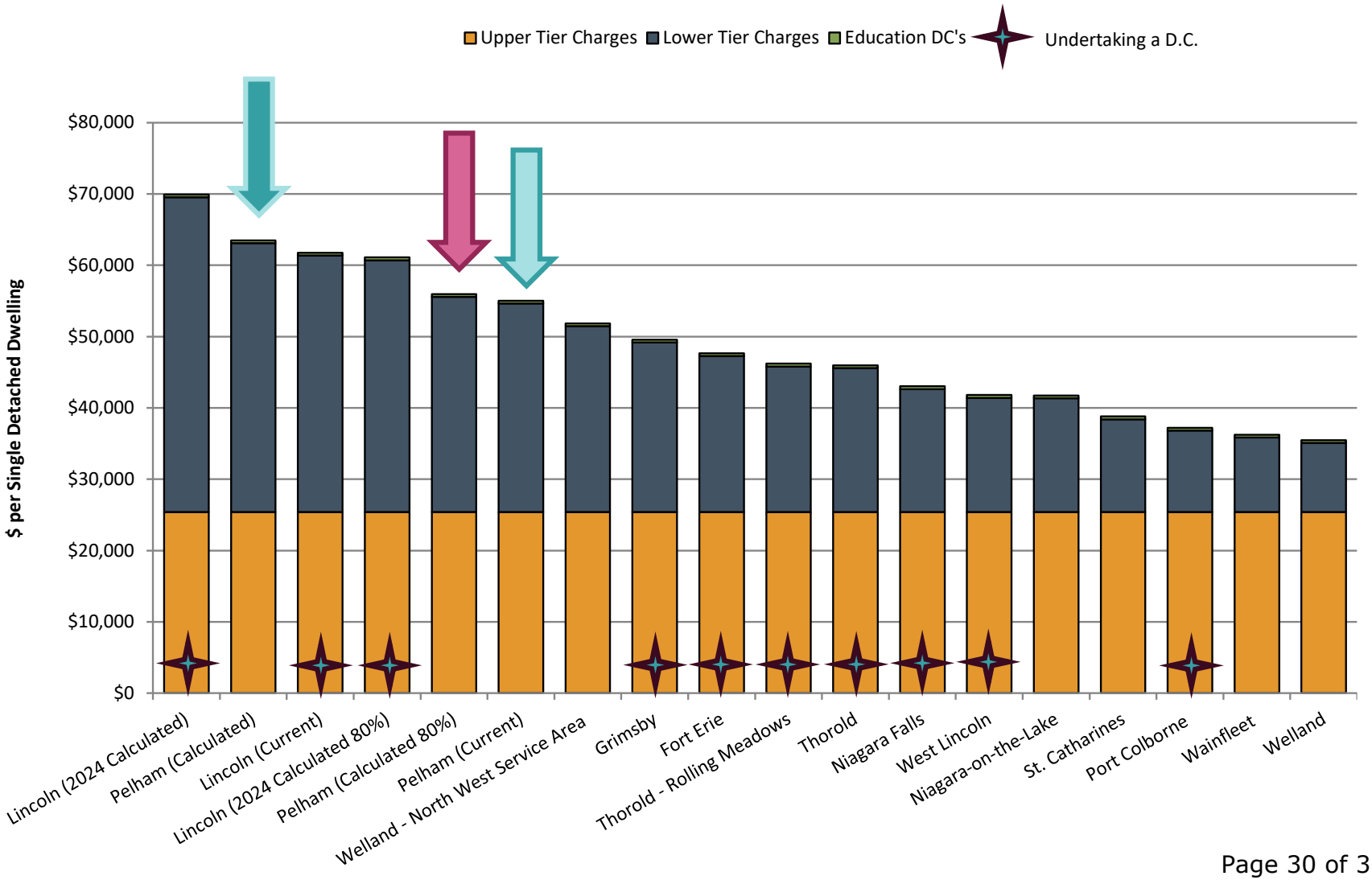
Rate Comparison – Residential (single detached)

Service/Class of Service	Current	Calculated	Calculated (80%)
Town Wide Services/Classes:			
Services Related to a Highway	13,506	14,107	11,286
Public Works (Facilities and Fleet)		1,611	1,289
Fire Protection Services	505	968	774
Parks and Recreation Services	7,645	11,412	9,130
Library Services	897	965	772
Growth Studies	1,002	-	-
Total Town Wide Services/Classes	23,555	29,063	23,250
Urban Services (Fenwick and Fonthill):			
Wastewater Services	3,997	5,418	4,334
Water Services	1,688	3,226	2,581
Total Urban Services	5,685	8,644	6,915
Grand Total - Urban Area	**29,240**	**37,707**	**30,166**

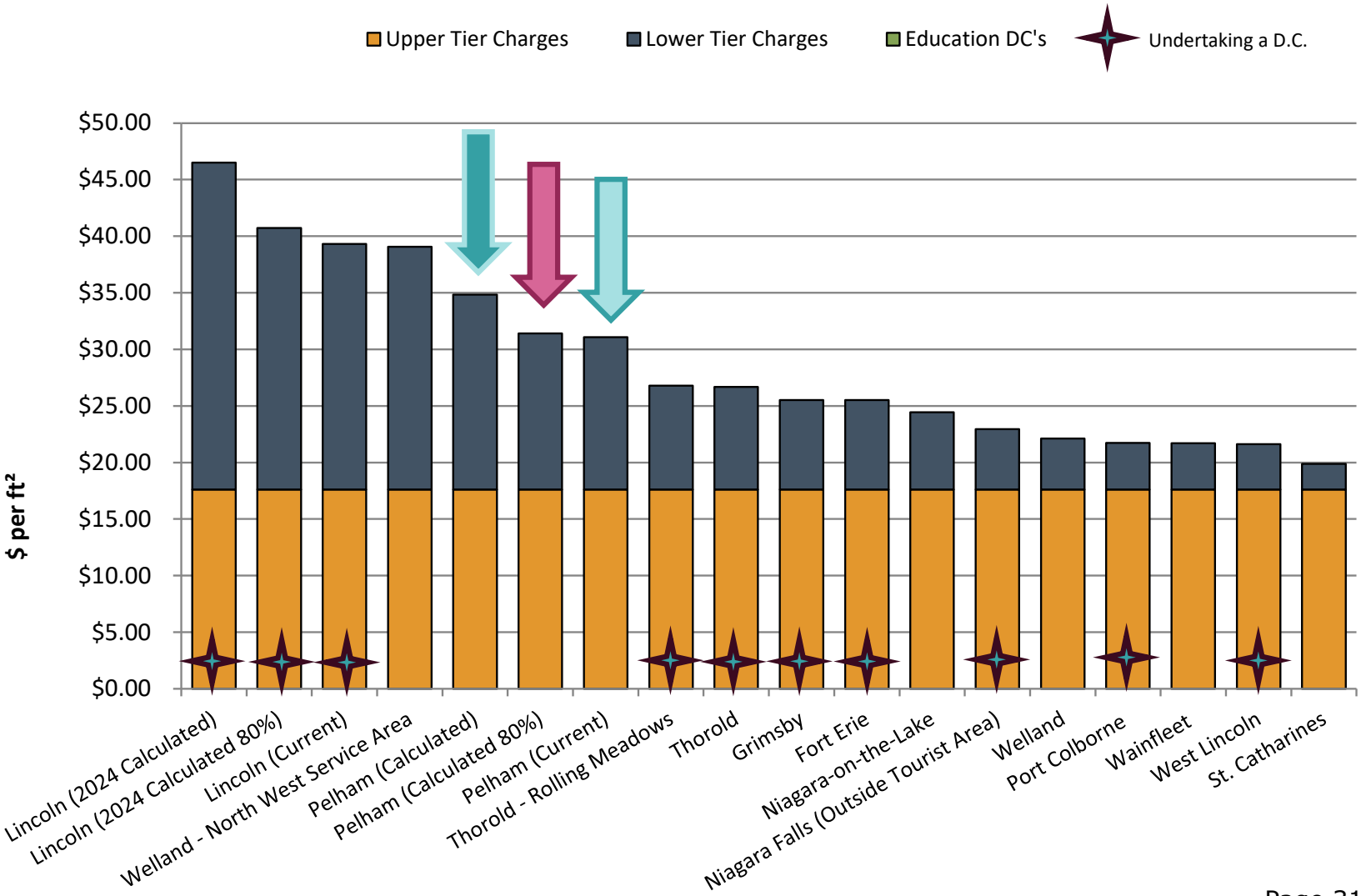
Rate Comparison – Non-Residential (per sq.ft.)

Service/Class of Service	Current	Calculated	Calculated (80%)
Town Wide Services/Classes:			
Services Related to a Highway	7.53	7.56	6.05
Public Works (Facilities and Fleet)		0.88	0.70
Fire Protection Services	0.27	0.52	0.42
Parks and Recreation Services	1.07	2.07	1.66
Library Services	0.13	0.18	0.14
Growth Studies	0.56	-	-
Total Town Wide Services/Classes	9.56	11.21	8.97
Urban Services (Fenwick and Fonthill):			
Wastewater Services	2.75	3.77	3.02
Water Services	1.16	2.25	1.80
Total Urban Services	3.91	6.02	4.82
Grand Total - Urban Area	**13.47**	**17.23**	**13.78**

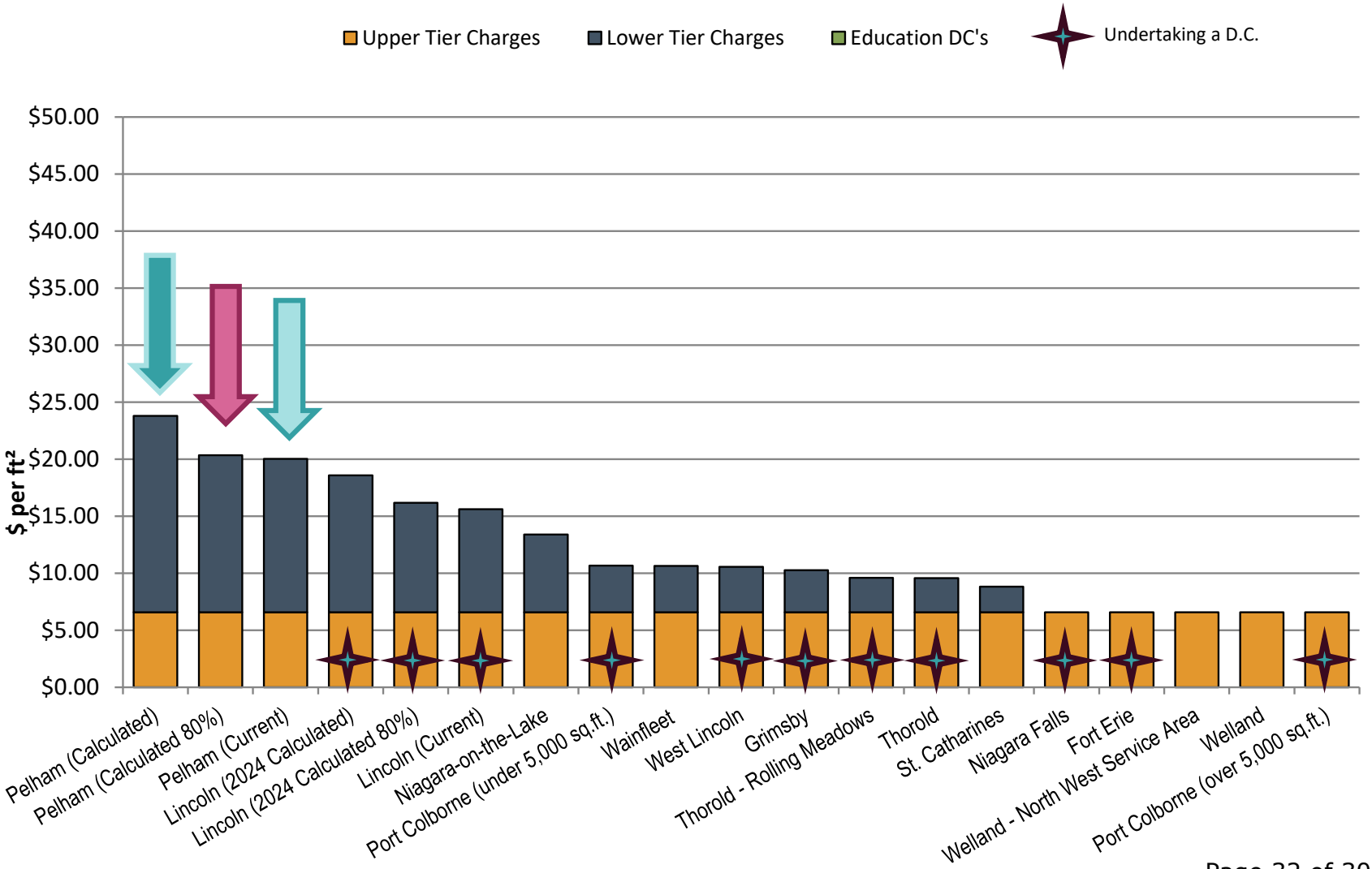
Survey of D.C. Rates – Residential



Survey of D.C. Rates – Commercial (per sq.ft.)



Survey of D.C. Rates – Industrial (per sq.ft.)



Study Process & Timelines

September 2022 to November 2023
Calculations, meetings with Town Staff, and Policy Review

December 20, 2023
Release of Background Study and Draft By-law

February 21, 2024
Public Meeting of Council

March 6, 2024
Council Consideration of By-law

Questions

Questions

Via Email to clerks@pelham.ca

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

Please reply to Niagara Falls Office

Attention: Clerks's Office

Dear Sir:

Re: **Development Charges Background Study**

My client, Mountainview Building Group, has undertaken an extensive and thorough review of the Town of Pelham Development Charges Background Study prepared by Watson and Associates Economists Ltd. The background study analyzes the future needs of the Town of Pelham consisting of, but not limited to Parks and Recreational Services, Library Services, Services related to Highway, Public Works, Fire Protection Services, Water and Wastewater Services. While the line items in the above stated categories are crucial to support the Town's forecasted growth, there is also significant benefit to the Town's existing residents, which is assessed below in more detail. In conjunction with proportional benefit to existing residents, there appears to be significant financial contributions in multiple categories allotted to the East Fenwick Secondary Plan Area. However, it appears that the study has advised against the need for an area specific charge and opted for a Town-wide D.C. Further comments are provided in this regard.

The report has identified a future capital need of $29.09 million for Parks and Recreational Services. Following deductions, the net growth-related amount has been calculated to be $15.05 million. Upon further review of Table 5-1 it is evident that further consideration and review should be given on the increased service needs for 2023-2033. There are a series of line items that are of a significant cost and a clear benefit to existing neighborhoods and residents, however, this benefit has not been accounted for. For example, East Fonthill Parkland Development requires a contribution of $300,000 to be recovered from DCs, but there is no benefit to existing development and neighbourhoods. This does not seem reasonable, as a considerable area of East Fonthill has already been developed and built out with residents living in these communities. This comment is also applicable to playground equipment, skate park lighting, Harold Black park lighting, Woodstream park, civic square and North Pelham park. Further, *Section 41* of the *Planning Act* permits the municipality to collect cash-in-lieu of parkland dedication for the purposes of using the funds for the development of parks. A line item suggests that there are additional monies required for the development of Saffron Meadows park. If this is to be included, further review and clarification should identify if cash-in-lieu funds are also being used and to what extent are these D.C contributions supplementing them.

Services Related to Highway are also a considerable portion of the net growth-related D.C recoverable amount. Following deductions, this amount is approximately $51.98 million. A significant proportion of this is attributed to the urbanization and reconstruction of existing roads. East Fenwick Secondary Plan area, for instance, has several line items for the urbanization of roads in conjunction with the construction

of sidewalks. These roads include Balfour Street, Cream Street, Welland Road, Memorial Drive, Maple Street and Canboro Road and amount to approximately $15,508,000 million after deductions. Similarly, but to a lesser extent, in Fonthill the urbanization and reconstruction of roads is proposed for Line Avenue, Haist Street, Quaker Road and Pancake Lane. This is a substantial amount of road urbanization work and reconstruction work to undertake in a 10-year timeframe.

In addition to the quantity of works anticipated to be undertaken, it appears that the infrastructure listed in Table 5-3 is disproportionately relying upon D.C recoverable costs in comparison to the existing developments who benefit. For example, following deductions, the Pancake Lane road reconstruction is allocated to new development via the D.Cs at a percentage of 70%, which amounts to approximately $2,660,000. However, the section of Pancake Lane identified is nearly entirely fronted on by existing residents. Other roads in Fonthill, such as Line Avenue, Haist Street, Quaker Road and Meritt Road Phase 1 are also located predominantly in front of existing neighborhoods and residents. Also of note, the Provisions for Future Road Expansions is a line item listed at $5,000,000 with no recognized benefit to existing residents. Further clarification needs to be provided as to where these anticipated future road expansions may be. This is the second largest line item in Table 5-3 and it has been allocated as entirely to the benefit of future residents. Further review, assessment and at a minimum, clarification should be provided for the Services Related to Highway mentioned above.

The background study has noted that there will be no area specific charge for the Town of Pelham and all development charges will be applied Town-wide. Following our thorough review, we urge the Town of Pelham and Watson and Associates Ltd. to reconsider this approach, as it is apparent that considerable costs are to be allocated to the East Fenwick Secondary Plan Area. This includes but is not limited to, the reconstruction or urbanization of Balfour Street, Cream Street, Welland Road, Memorial Drive, Maple Street and Canboro Road with corresponding amounts listed above. In terms of other infrastructure, two major contributions include $3,050,000 in upgrades for water services and $6,000,000 for wastewater upgrades for the East Fenwick Secondary Plan Area. As such, it would be appropriate to assess the option of a site specific area charge for this secondary plan.

We trust that our comments and concerns are taken into consideration and the report provides further clarification on the requested sections and line items. We would be pleased to discuss in greater detail at your convenience and look forward to your reply.

Respectfully,
SULLIVAN MAHONEY LLP
Per:

Rocco Vacca
RV: sc
Encl.

NIAGARA HOME BUILDERS' ASSOCIATION

February 12, 2024

VIA EMAIL
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON,L0S-1E0
Att: William Tiggert
Town Clerk
clerks@pelham.ca.

Without Prejudice

Draft Development charges by-law and Background Study (2023) Town of Pelham

Mr. Tiggert

After review, we at the Niagara Home Builders Association, have come to the conclusion that there are many items within the proposed DC by-law that require your attention and dialogue with the home building industry before implementation and we request at meeting with our industry as well our consultants to review theses concerns which include and not limited to eligibility, costing, benefit to existing as well as many other items.

The Niagara Home Builders will supply you with the list of items to be discussed which is extremely lengthy in an appropriate timeline to allow the Town to provide us with the information being requested.

We at the Niagara Home Builders Association are committed to achieving HOUSING AFFORDABILITY for all and know that the Town of Pelham and their elected Officials do as Well! As an industry we look forward to working together to achieve this goal (housing affordability) ensuring that the new home

purchaser is not left carrying the financial burdens for the existing citizens and look forward to further dialogue with the Town to ensure equality is achieved within this By-Law.

Thanking you in advance

Chuck McShane
Chief Executive Officer
905-646-6281 | C: 905-353-6920
chuck@nhba.ca | www.nhba.ca

cc:Jennifer Meader
Jon Whyte
Paul Savoia

Niagara Home Builders' Association
PO Box 28, Ridgeway PO
Ridgeway, ON L0S 1N0

SPECIAL COUNCIL MINUTES

Meeting #: **SC-01/2024**
Date: **Wednesday, January 31, 2024, 1:00 pm**
Location: **Town of Pelham Municipal Office - Council Chambers**
20 Pelham Town Square, Fonthill

Members Present **Marvin Junkin**
Wayne Olson
John Wink
Kevin Ker
Shellee Niznik
Brian Eckhardt

Regrets **Bob Hildebrandt**

Staff Present **Jennifer Stirton**
Sarah Leach
William Tigert
Jodi Legros

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 1:00 pm.

2. Land Recognition Statement

Councillor Niznik read the land acknowledgment into the record.

3. Approval of the Agenda

Moved By Brian Eckhardt

Seconded By Shellee Niznik

BE IT RESOLVED THAT the agenda for the January 31, 2024, Special Meeting of Council be adopted as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

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

5. Purpose of Meeting

Ms. Sarah Leach, Deputy Clerk, read opening remarks into the record. In addition to the material provided within the agenda package, Ms. Leach stated that videos of Baby had been previously circulated to all Members of the Appeal Committee and form part of the official record.

5.1 Notice to Muzzle, November 18, 2023 (Dog - Baby)

5.2 Request for Appeal Hearing

6. Statement of Evidence of Niagara SPCA Representative(s) and Animal Control Officer

Ciara Griffiths, Animal Services Officer, and Nina Turmel, Animal Services Supervisor, were physically present.

Prior hearing statements of evidence, Ms. Jennifer Stirton, Town Solicitor, administered the required oath or affirmation to Ciara Griffiths, Animal Services Officer.

Ms. Griffiths provided an overview of her investigation, resulting in the Muzzle Order issuance to the dog "Baby" at 8 Michaela Crescent.

7. Statement and Evidence of Owner/Appellant

Prior to hearing statements of evidence, Ms. Jennifer Stirton, Town Solicitor, administered the required oath or affirmation to Jerin Chethipuzha and Marina Lisotti.

Jerin Chethipuzha and Marina Lisotti circulated additional written statements to the Appeal Committee at the hearing. The appellants read the comments into the record. A copy is on record with the Clerk.

7.1 Character Letters - Baby

7.2 Scotty's Dog Training - Baby's Obedience Certificate and Assessment

7.3 Photos

7.4 Videos of Baby

8. Statement and Evidence of Victim's Owner

Ms. Leach stated the Victim's owner(s) were not present. Ms. Leach further stated that written statements submitted by the Victims owner(s) are included within the agenda package for the Committee’s consideration.

8.1 Statement of Owner, Carole Bruyere

8.2 Statement of Owners Daughter, Nadine Bruyere

9. Witness Statements, If Any

No witnesses were present.

10. Presentation of Summary Arguments

Ms. Griffiths, Animal Services Officer, stated that previous incidents regarding the victim ("Ollie") were not reported.

Mr. Chethipuzha, Appellant, provided summary arguments, indicating that "Baby" is obedient, non-threatening, kid-friendly, and dog-friendly. He assured that there was no intent to cause harm to the nieghbours or their dog.

11. Rendering of Decision

The Appeal Committee discussed the evidence heard and expressed that the Muzzle Order ensured protection for all parties and was a reasonable imposition in response to the event. The Appeal Committee expressed they did not believe there was malicious intent on the appellant's behalf, but indicated it was the appropriate path forward.

Before making the decision, the Committee confirmed that a fenced and gated backyard satisfied condition number two.

Moved By Kevin Ker

Seconded By Shellee Niznik

BE IT RESOLVED THAT the evidence submitted by the Niagara SPCA and Human Society and Officer(s) be received; and

THAT the evidence submitted by the appellant, be received;

THAT the evidence submitted by the victim, be received.

Carried

Moved By Shellee Niznik

Seconded By John Wink

BE IT RESOLVED THAT the following Muzzle Order Appeal Hearing Decision be and is hereby rendered:

THAT the Notice to Muzzle Order dated November 18, 2023, to "Baby", Owner: Jerin Chethipuzha, be and is hereby: Confirmed in Full

1. **Every owner shall not permit the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5m in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent the dog from biting another animal or human - Sec. 8 (d)(1);**
2. **At all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined indoors or in an enclosed pen or other structure, of minimum size five feet by ten feet, capable of preventing the entry of children and other animals and adequately constructed to prevent the dog from escaping- Sec. 8 (d)(2);**
3. **Conspicuously display a sign on his/her premises warning that there is a dangerous dog on the property - Sec. 8 (d)(3);**
4. **So confine said dog that allows persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by said dog - Sec. 8 (d)(4);**

5. **Allow an officer to inspect such pen or other structure or to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this by-law - Sec. 8 (d)(5); and**
6. **Notify the poundkeeper immediately if a dangerous dog is loose, unconfined, has attacked another animal or human or has died or has been sold or given away. If the dog has been sold or given away the owner or harbourer shall provide the poundkeeper with the name, address, and telephone number of the new owner - Sec. 8 (d)(6)**

Carried

12. Confirming By-law

Moved By Kevin Ker

Seconded By Shellee Niznik

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 05-2024 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 31st day of January, 2024.

Carried

13. Adjournment

The meeting adjourned at 2:19 p.m.

Moved By Shellee Niznik

Seconded By Brian Eckhardt

BE IT RESOLVED THAT this Special Meeting of Council be adjourned.

Carried

_____

Mayor Marvin Junkin

_____

Deputy Clerk, Sarah Leach

REGULAR COUNCIL

MINUTES

Meeting #:	**C-03/2024**
Date:	**Wednesday, February 7, 2024**
Time:	**9:00 AM**
Location:	**Town of Pelham Municipal Office - Council Chambers** **20 Pelham Town Square, Fonthill**
Members Present:	**Marvin Junkin** **Bob Hildebrandt** **Wayne Olson** **John Wink** **Kevin Ker** **Shellee Niznik** **Brian Eckhardt**
Staff Present:	**David Cribbs** **Bob Lymburner** **Jason Marr** **Teresa Quinlin-Murphy** **Jennifer Stirton** **Vickie vanRavenswaay** **Barbara Wiens** **Sarah Leach** **William Tigert** **Ryan Cook** **Brianna Langohr** **Usama Seraj**

---

1. Call to Order and Declaration of Quorum

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

2. National Anthem

3. Land Recognition Statement

Deputy Mayor Wink read the land acknowledgment into the record.

4. Approval of the Agenda

Moved By Brian Eckhardt
Seconded By Kevin Ker

BE IT RESOLVED THAT the agenda for the February 7, 2024, Regular meeting of Council be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interests and General Nature Thereof

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

6. Hearing of Presentation, Delegations, Regional Report

6.1 Presentations

6.1.1 Ward Boundary Review, Council Composition and Deputy Mayor Selection Preliminary Report and Presentation

Moved By Wayne Olson
Seconded By Shellee Niznik

BE IT RESOLVED THAT Council receive the presentation from Dr. Andrew Sancton and Dr. Tim Cobban regarding the Council Composition, Ward Boundary Review, and Deputy Mayor Selection Study, for information;

AND THAT Council receive the associated Preliminary Report, for information.

Carried

6.1.2 Tax Write-Off Under Municipal Act, Section 357 & 358

No one appeared or submitted written comments.

Moved By Bob Hildebrandt
Seconded By John Wink

BE IT RESOLVED THAT Council receive the Taxes Written-Off Report from the Corporate Services Department; and

THAT Council approve the Taxes Written-Off Report in the amount of $2021.10 as per the Municipal Act, Sections 357 and 358.

Carried

7. Adoption of Council Minutes

Moved By Shellee Niznik
Seconded By Kevin Ker

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

1. C-02/2024 - Regular Council Meeting - January 24, 2024

Carried

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

Moved By John Wink
Seconded By Shellee Niznik

THAT item 9.3.2 - LED Streetlight Conversation Phase 2 2024-0037 be lifted for separate consideration.

Carried

9. Consent Agenda Items to be Considered in Block

Moved By John Wink
Seconded By Wayne Olson

BE IT RESOLVED THAT the Consent Agenda items as listed on the February 7, 2024, Council Agenda be received and the recommendations contained therein be approved:

9. Consent Agenda Items to be Considered in Block

9.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

PCOW-01/2024 - Public Meeting under the Planning Act - January 17, 20249.2 Minutes Approval - Committee of Council

9.2 Minutes Approval - Committee of Council\BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

PCOW 01/2024 - Public Meeting under the Planning Act - January 17, 20249.3 Staff Reports of a Routine Nature for Information or Action

9.3.1 2024 Ward Boundary Review, Council Composition Update and Selection Process for Deputy Mayor Public Consultation Sessions, 2024-0031-Clerks

BE IT RESOLVED THAT Council receive Report #2024-0031 – 2024 Ward Boundary Review, Council Composition Update, and Selection Process for Deputy Mayor Public Consultation Sessions, for information.

~~**9.3.2 LED Streetlight Conversion Phase 2 Extras, 2024-0037-Public Works**~~

~~**BE IT RESOLVED THAT Council receive Report #2024-0037-LED Streetlight Replacement Update Extras, for information.**~~

9.3.3 2023 Council and Board Renumeration, 2024-0041-Corporate Services

BE IT RESOLVED THAT Council receive Report # 2024-0041 – Corporate Services - 2023 Statement of Council and Board Remuneration, for information.

9.3.4 Status Update Results of Ontario Land Tribunal CMC Re Cannabis, 2024-0036-Planning

BE IT RESOLVED THAT Council receive Report #2024-0036 – Status Update on the Results of the Ontario Land Tribunal Case Management Conference Hearing Re: Cannabis, for information.

9.4 Action Correspondence of a Routine Nature

9.4.1 Fonthill Scouting Proclamation Request - Scout Guide Week

BE IT RESOLVED THAT the Town of Pelham receive the proclamation request from Fonthill Scouting, for information;

AND THAT THE Corporation of the Town of Pelham hereby proclaims February 19 to February 25, 2024 as Scout Guide Week.

9.5 Information Correspondence

9.6 Advisory Committee Minutes for Information

9.6.1 Committee of Adjustment Minutes - November 6 2023

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated November 6, 2023, for information.

9.6.2 Joint Accessibility Advisory Committee Minutes - March 9, September 14, and November 9, 2023

BE IT RESOLVED THAT Council receive the Joint Accessibility Advisory Committee minutes dated March 9, 2023, September 14, 2023 and November 9, 2023, for information.

Carried

10. Consent Agenda Item(s) Lifted for Separate Consideration, if any

10.1 LED Streetlight Conversion Phase 2 Extras, 2024-0037-Public Works

Moved By Kevin Ker
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2024-0037– LED Streetlight Replacement Update Extras, for information;

AND THAT Council approve Option 1, a budget increase of $60,000.00 for project RD 04-23, funded from the Road Reserve to complete the installation of the 31 Decorative Fixtures for the LED Streetlight Conversion project.

Carried

11. Presentation and Consideration of Reports

11.1 Members of Council Reports

11.2 Staff Reports Requiring Action

11.2.1 Chief Administrative Officer Performance Review Template Review, 2024-0035-People Services

Moved By Shellee Niznik
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2024-0035 CAO Performance Appraisal Template Review, for information;

AND THAT Council endorse Template 4 as the CAO Performance Evaluation Review Form;

AND FURTHER THAT Council maintain the existing CAO performance evaluation process unchanged.

Carried

11.2.2 Updates to the Municipally Owned Vehicles Policy, 2024-0007-People Services

Moved By Brian Eckhardt
Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2024-007 – Updates to the Use and Operation of Town Motor Vehicles Policy S100-06, for information;

AND THAT Council approve the Use and Operation of Town Motor Vehicles Policy S100-06, as amended.

Carried

11.2.3 AM-10-2023 - 61 Port Robinson Road - Recommendation Report, 2024-0011-Planning

Moved By Wayne Olson
Seconded By Kevin Ker

BE IT RESOLVED THAT Council receive Report #2024-0011 – Recommendation Report – Application for Zoning By-law Amendment – 61 Port Robinson Road, for information;

AND THAT Council direct Planning staff to prepare the by-law for approval of the Zoning By-law Amendment for Council's consideration.

Carried

11.2.4 Revisions to Proposed Cemeteries By-law , 2024-0039-Town Solicitor

Moved By Shellee Niznik
Seconded By Brian Eckhardt

BE IT RESOLVED THAT Council receive Report # 2024-0039 – Revisions to Proposed Cemeteries By-law, for information;

AND THAT Council consider and approve proposed By-law No. 03-2024, being the Cemeteries By-law, subject to approval by the Registrar appointed under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33;

AND THAT Council direct staff to undertake all necessary steps to have the proposed By-law, as considered and approved by Council, approved by the Registrar as set out above.

Carried

11.2.5 Christmas in Pelham 2023 , 2024-0019-Recreation

Moved By Wayne Olson
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2024-0019-Recreation Christmas in Pelham 2023, for information;

AND THAT Council designate Christmas in Pelham 2024 – Outdoor Christmas Market, to be held on Friday December 6, 2024, from 4:00 pm – 9:30 pm at 20 Pelham Town Square and declare the Outdoor Christmas Market a Municipally Significant Event;

AND THAT the Clerk be authorized to make an application for a Special Occasion Permit for the 2024 Christmas in Pelham Outdoor Christmas Market.

AND FURTHER THAT Council authorize the following road closures; Pelham Town Square entrance at Pelham Street to 55 meters east of Pelham Street, from 10:00 am to 11:59 pm on Friday, December 6, 2024.

Carried

11.2.6 Proposed 2024 Municipal Grant Allocation, 2024-0042-Recreation

Moved By Wayne Olson
Seconded By Kevin Ker

THAT Council direct staff to prepare a report for Council's consideration regarding the cost of providing in-kind services for non-profit organizations and also to review the sufficiency of the current grant program to ensure it meets the needs of the growing community.

Carried

Moved By Kevin Ker
Seconded By Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2024-0042 Recreation – Proposed 2024 Municipal Grant Allocation, for information;

AND THAT Council approve the 2024 Municipal Grant allocations for $13,580.00 waived fees; $28,550.00 cash allocations; and $18,450.13 estimated in-kind labour requests, as outlined in the 2024 Municipal Grant allocation summary.

Carried

11.2.7 Request for Removal of Canboro Road Rumble Strip from Vinemount Drive to Effingham Street, 2024-0025-Public Works

Moved By Wayne Olson
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2024-0025-Request for Removal of Canboro Road Rumble Strip between Vinemount Drive and Effingham, for information;

AND THAT the existing rumble strip on the south side of Canboro road remain in place;

AND THAT line markings be repainted and new signage and sharrows be introduced between Vinemount Drive and Effingham Street as recommended in the In-Service Road Safety Review Study.

Carried

11.2.8 NPCA Trees for All Partnership, 2024-0023-Public Works

Moved By John Wink
Seconded By Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2024-0023 – Niagara Peninsula Conservation Authority 'Trees for All' Partnership Opportunity, for information;

AND THAT Council endorse and support the Niagara Peninsula Conservation Authority's Trees for All Program;

AND THAT Council direct staff to utilize $11,327 from the 2024 Beautification Operating Budget to fulfill the Town's 2024 contribution to the Trees for All Program;

AND THAT Council further directs staff to include the following new expenditures in the subsequent operating budgets for Council's consideration to sustain the Town's commitments to the Trees for All Program:

1. **2025 - $11,931**
2. **2026 - $11,891**
3. **2027 - $12,327**
4. **2028 - $12,701**

Carried

12. Unfinished Business

13. New Business

14. Presentation and Consideration of By-Laws

Moved By Kevin Ker
Seconded By Wayne Olson

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 06-2024 - Being a By-law to amend By-law No. 71-2023 to establish 2024 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to amend Fees and Charges on the Public Works Schedule; And to Add Fees and Charges to the Fire and By-law Department Schedule.

Carried

15. Motions and Notices of Motion

16. Committee of the Whole

Moved By Brian Eckhardt
Seconded By John Wink

BE IT RESOLVED THAT Council do now adjourn its meeting to sit as Committee of the Whole to consider the 2024 waster and wastewater budgets.

Carried

16.1 Presentation

16.1.1 2024 Water and Wastewater Budget Presentation

The Treasurer and Deputy Treasurer provided Council a presentation with respect to the Water and Wastewater 2024 Budget. A copy is on file with the Clerk. The

Treasurer and Deputy Treasurer answered various questions of Council.

Moved By Shellee Niznik

THAT Committee receive the 2024 Water and Wastewater Budget presentation by the Treasurer and Deputy Treasurer, for information;

AND THAT Committee recommend to Council to approve the 2024 Water and Wastewater Budget, increasing the water rate by 6.5% and the wastewater rate by 9.5% at their meeting scheduled for February 21st, 2024.

Carried

17. Rise from Committee of the Whole

Moved By Bob Hildebrandt

THAT Committee rise from Committee of the Whole and reconvene as Council.

Carried

18. Resolution to Move In Camera

19. Rise From In Camera

20. Confirming By-Law

Moved By Wayne Olson
Seconded By Brian Eckhardt

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 07-2024 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 7th day of February, 2024.

Carried

21. Adjournment

The meeting was adjourned at 11:17 a.m.

Moved By Wayne Olson
Seconded By John Wink

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for February 21, 2024, at 9:00 a.m.

Carried

_____

Mayor: Marvin Junkin

_____

Town Clerk: William Tigert

Recommendations of the C-03/2024, Committee of the Whole, Water and Wastewater Budget, held February 7, 2024

BE IT RESOLVED THAT Council hereby approves the following Recommendations Resulting from the C-03/2024, Committee of the Whole Portion of the Regular Council Meeting, Water and Wastewater Budget, held February 7, 2024:

1. **THAT Committee receive the 2024 Water and Wastewater Budget presentation by the Treasurer and Deputy Treasurer, for information;**

   AND THAT Committee recommend to Council to approve the 2024 Water and Wastewater Budget, increasing the water rate by 6.5% and the wastewater rate by 9.5% at their meeting scheduled for February 21st, 2024.

2. **THAT Committee rise from Committee of the Whole and reconvene as Council.**

Public Works Department
Wednesday, February 21, 2024

Subject: Centennial Washroom Construction Update 2

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #0049- Public Works-Centennial Park Update 2, for information.**

Background:

Council approved FAC-06-23 Centennial Park Washroom Design and Construction in the 2023 Capital budget for $185,000. This was to be funded by the following: $150,000 from a grant and $35,000 from the facilities reserve. At the time of the 2023 capital budget approval, the Town had not received grant funding approval and the project was red-circled until the grant was confirmed.

The Town received two grants for this project:

(1) Ontario Trillium Foundation (OTF) for $150,000; and

(2) Employment and Social Development Canada (ESDC) for $100,000.

The total project funds now available are $285,000.

The purpose of the project is to build an accessible washroom as an addition to the existing structure, as well as upgrade the existing washrooms to comply with current standards. The concession and sitting area also require upgrades including paint, and replacement of the existing wood soffits. A new canopy attached to the concession, approximately 12 feet in length, is designed to extend over part of the parking lot to provide relief from the sun and rain during community events.

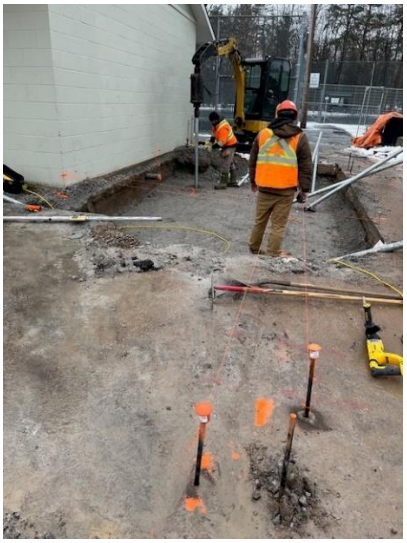
The existing facility consists of a concession area for cooking and serving food, a shaded picnic area, a women's washroom complete with two toilets and one sink, and a men's washroom complete with one toilet, one urinal, and one sink.

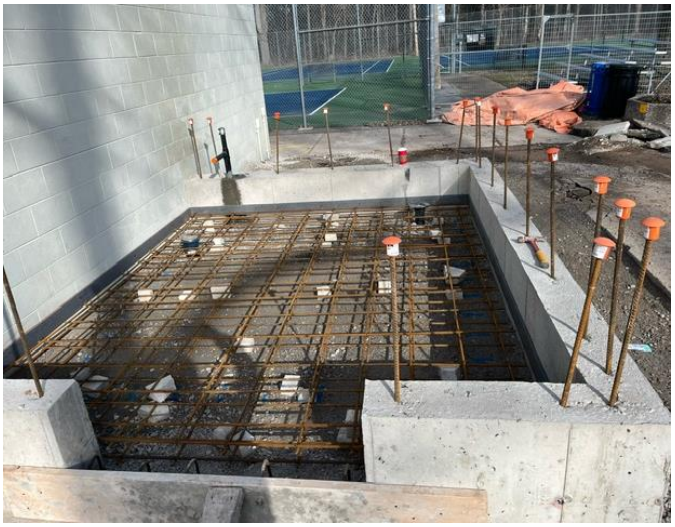
Analysis:

In the month of January work on the Centennial Park Washrooms has progressed steadily. At the time of writing this report, the canopy framing and roof and the helical pile foundations have been completed. In addition, plumbing and electrical works are at 70% completed. All work associated with the exterior masonry, siding, flooring, doors, and windows are anticipated to be completed by March 28, 2023.

Canopy for the structure completed framing and roof.

The geotechnical issues and foundation redesign previously reported to Council resulted in an additional cost of $21,459.42 (plus applicable taxes). The revised design included the installation of helical piles, grade beams, and a supported structural slab to support the new structure.





Helical Pile Installation and Completed foundation ready for concrete slab.

The geotechnical issues combined with material supplier issues have resulted in 40 additional working days required to achieve substantial completion.

With the weather conditions looking favorable, the contractor has indicated that the project is moving along faster than anticipated and there should be no problems completing the project by the deadlines provided for by the grants.

Financial Considerations:

The cost to complete the additional foundation work is approximately $19,469.42 (plus applicable taxes). In addition, there were additional architect and engineering fees in the amount of $1,990.00 (plus applicable taxes). This has resulted in a total additional cost of $21,459.42 (plus applicable taxes) for the revised foundation work.

Staff are working closely with the contractor and the architect to identify opportunities for cost savings and mitigate the impact of the foundation redesign on the project budget.

Alternatives Reviewed:

No alternatives have been reviewed for this report.

Strategic Plan Relationship: Infrastructure Investment and Renewal

The addition will provide permanent public washrooms, an indoor community event space, and a storage room, which will greatly improve the community events at Peace Park and Town Hall.

Consultation:

Consultation was undertaken with Grguric Architects Inc., Soil-Mat Engineers & Consultants Inc., Doytch & Filo Engineering Inc. and the Manager of Public Works in the preparation of this report.

Other Pertinent Reports/Attachments:

Single Source for Architect for Centennial Park Accessible Universal Washroom Addition, 2023-0084-Corporate Services

FAC 06-23 Centennial Park- Accessible Universal Washroom Addition to Concession with Additional Budget Request of $137,500, Memo, October 18, 2023

2024-0027- Update of the Centennial Park Washroom Construction

Prepared and Recommended by:

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

Public Works Department
Wednesday, February 21, 2024

Subject: 2023 Pelham Water Distribution System Summary Report

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2024-0024 Pelham Water Distribution System Summary Report, for information.**

Background:

Two annual water reports are required by the Ministry of the Environment Conservation and Parks (MECP):

(1) the 'MECP' Annual Report' (O.Reg. 170/03 section 11), and

(2) the municipal 'Summary Report' (O.Reg 170/03 schedule 22).

Both reports have been added as attachments to this report to satisfy the legislated and licensing requirements for reporting information to the Owner of the drinking water system.

The MECP completes unannounced inspections of the drinking water systems annually. Communication of all findings from the inspection report allows the Owner to remain informed of the status of the Drinking Water System. The timing of the 2023 inspection allows it to be included in the 2023 Pelham Distribution System Summary Report. The 2023 MECP distribution inspection report has been attached to this report.

Analysis:

The attached report(s) satisfy the legislated and license requirements for reporting information to the Owner of the drinking water system.

Successful receipt of information by Council satisfies the regulatory and license requirements for O.Reg. 170 section 11 reporting.

The Town of Pelham's Water Distribution System was awarded a 100% inspection rating, completed under the Ministry's focused inspection protocol to assess compliance with Safe Drinking Water legislation.

Financial Considerations:

There are no financial considerations attributed to this report.

Alternatives Reviewed:

There are no alternatives reviewed in the preparation of this report.

Strategic Plan Relationship: Infrastructure Investment and Renewal

As legislated, Council is responsible as Owner of the water system for ensuring these reports are prepared and available to the public so that they may be made aware of the condition of the distribution system and the quality of the water delivered by the Town of Pelham.

Consultation:

The Supervisor of Water/Wastewater was consulted in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A – 2023 MECP Annual Report

Appendix B – 2023 Municipal Summary Report

Appendix C – MECP Distribution Inspection Report

Prepared and Recommended by:

Ryan Cook, Dippl MM, CRS
Manager of Public Works

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

OPTIONAL ANNUAL REPORT TEMPLATE

Drinking-Water System Number:	**260001604**
Drinking-Water System Name:	Pelham Distribution System
Drinking-Water System Owner:	The Corporation of the Town of Pelham
Drinking-Water System Category:	Large Municipal
Period being reported:	January 1, 2023 to December 31, 2023

Complete if your Category is Large Municipal Residential or Small Municipal Residential

Does your Drinking-Water System serve more than 10,000 people?
Yes [X] No [ ]

Is your annual report available to the public at no charge on a web site on the Internet?
Yes [X] No [ ]

Location where Summary Report required under O. Reg. 170/03

Pelham Municipal Building
20 Pelham Town Square
Fonthill, Ontario

Complete for all other Categories.

Number of Designated Facilities served: 0

Did you provide a copy of your annual report to all Designated Facilities you serve?
Yes [ ] No [x]

Number of Interested Authorities you report to: 0

Did you provide a copy of your annual report to all Interested Authorities you report to for each Designated Facility?
Yes [ ] No [x]

Note: For the following tables below, additional rows or columns may be added or an appendix may be attached to the report

List all Drinking-Water Systems (if any), which receive all of their drinking water from your system:

Drinking Water System Name	Drinking Water System Number
None	Not applicable

Did you provide a copy of your annual report to all Drinking-Water System owners that are connected to you and to whom you provide all of its drinking water?
[Not Applicable]

Indicate how you notified system users that your annual report is available, and is free of charge.

- **[X] Public access/notice via the web**
- **[X] Public access/notice via Government Office**
- **[ ] Public access/notice via a newspaper**
- **[X] Public access/notice via Public Request**
- **[ ] Public access/notice via a Public Library**
- **[ ] Public access/notice via other method**

Describe your Drinking-Water System

The Corporation of the Town of Pelham operates a water distribution system which is supplied with treated water by the Regional Municipality of Niagara from the Welland Water Treatment Plant, located at #4 Cross Street in Welland. The source of the water for the treatment plant is the Welland Recreational Waterway.

The treated water is transported to the Town by way of a 750mm diameter watermain to the Shoalts Drive Reservoir located at #5 Shoalts Drive in Fonthill. Water is distributed from the reservoir by way of a series of watermains and a Regional elevated tank located at #177 Highway #20 West in Fonthill, to lands within the designated service area.

The Town of Pelham distributes drinking water to Fonthill and Fenwick urban areas in Pelham through approximately 86 kilometres of watermain varying in size from 50mm to 400mm diameter. In addition there is 6.5 kilometers in length owned by the Regional Municipality of Niagara which is connected to the Pelham Distribution System and also distributes water to lands within the service area. The watermains are primarily cast iron, asbestos concrete, high pressure concrete piping, copper and PVC piping. There are approximately 591 hydrants and 718 valves located throughout the system. The Town owns a fill station with side-fill and a backflow prevention device and a residential pressure boosting station.

List all water treatment chemicals used over this reporting period

Not applicable

Were any significant expenses incurred to?

[ ] Install required equipment
[X] Repair required equipment
[X] Replace required equipment

Please provide a brief description and a breakdown of monetary expenses incurred

(1) General repairs and maintenance of watermain and appurtenances $90,000
(2) Replacement of watermain- Pelham Street (Spruceside South-Pelham Limit) $1,200,000
(3) Replacement of Watermain- Station Street (Lyndhurst to Hurricane) $340,000

Provide details on the notices submitted in accordance with subsection 18(1) of the Safe Drinking-Water Act or section 16-4 of Schedule 16 of O.Reg.170/03 and reported to Spills Action Centre

Incident Date	Parameter	Result	Unit of Measure	Corrective Action	Corrective Action Date
November 15,2023	Total Coliforms	200	Cfu/100ml	Flush and Resample Twice	November 21,2023

Microbiological testing done under the Schedule 10, 11 or 12 of Regulation 170/03, during this reporting period.

	Number of Samples	Range of E.Coli Or Fecal Results (min #)-(max #)	Range of Total Coliform Results (min #)-(max #)	Number of HPC Samples	Range of HPC Results (min #)-(max #)
Raw	Not applicable				
Treated	Not applicable				
Distribution	523	0 - 0	0 - 200	523	0-190

Operational testing done under Schedule 7, 8 or 9 of Regulation 170/03 during the period covered by this Annual Report.

	Number of Grab Samples	Range of Results (min #)-(max #)	Unit of Measure
Turbidity	N/A	N/A	N/A
Chlorine	957	0.22 – 1.20	mg/l
Fluoride (If the DWS provides fluoridation)	**DWS does not provide fluoridation**		

***NOTE**: For continuous monitors use 8760 as the number of samples.*

Summary of additional testing and sampling carried out in accordance with the requirement of an approval, order or other legal instrument.

Date of legal instrument issued	Parameter	Date Sampled	Result	Unit of Measure
Not Applicable				

Summary of Inorganic parameters tested during this reporting period or the most recent sample results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedance
Not Applicable				

*only for drinking water systems testing under Schedule 15.2; this includes large municipal non-residential systems, small municipal non-residential systems, non-municipal seasonal residential systems, large non-municipal non-residential systems, and small non-municipal non-residential systems.

Summary of lead testing under Schedule 15.1 during this reporting period

(applicable to the following drinking water systems; large municipal residential systems**,** small municipal residential systems, and non-municipal year-round residential systems)

Location Type	Number of Samples	Lead Results <1.0 to 10	Unit of Measure	Number of Exceedances
Plumbing	Exempt			
Distribution	8	<1.0	Ug/L	None

Summary of Organic parameters sampled during this reporting period or the most recent sample results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedance
Haloacedic Acids (NOTE: show latest annual running average)	Dec. 2023	10.11	ug/L	None
THM **(**NOTE**:** show latest annual running average**)**	Dec. 2023	31.32	ug/L	None

List any Inorganic or Organic parameter(s) that exceeded half the standard prescribed in Schedule 2 of Ontario Drinking Water Quality Standards.

Parameter	Result Value	Unit of Measure	Date of Sample
Not Applicable			

Department/Division:	Public Works / Pelham Distribution System
Report:	Municipal Summary Report
Covering:	January 1, 2023 to December 31, 2023

1. Purpose

This report was prepared by the Director of Public Works and Manager of Public Works for the Owner of the Pelham Distribution System, the Corporation of the Town of Pelham, to be presented to Council.

As required by QMS-PROC-021 in the Town of Pelham's Quality Management System, results of the annual management and infrastructure review shall be presented to the Owner through the Annual Municipal Summary Report.

As legislated, Council is responsible as the Owner of the water system for ensuring these reports are prepared and available to the public each year.

To enhance the communication and understanding of these reports, this Municipal Summary Report contains additional non-legislated information on the drinking water system operations and water quality.

2. Definitions

"*DWQMS*" means Drinking Water Quality Management Standard.

"*MECP"* means Ontario Ministry of the Environment, Conservation, and Parks.

"*WTP"* means Water Treatment Plant.

"QMS" means Quality Management System.

"*OIC"* means Operator in Charge of the distribution system, as per O.Reg 128/04

"*ORO*" means Overall Responsible Operator of the distribution system, as per O.Reg 128/04

"*HAA"* means Haloacetic Acid. Haloacetic Acids in drinking water are a by-product of Chlorine disinfection.

"*THM*" means Trihalomethanes. Trihalomethanes in drinking water are a by-product of Chlorine disinfection.

"*CFU"* means Colony Forming Units. It is a unit of measure for bacteriological contaminants in drinking water.

"*HPC*" means Heterotrophic Plate Count. It is a method that measures colony formation on culture media of heterotrophic bacteria in drinking water.

3. System Overview

The provision of drinking water for residents in the Niagara Region is a responsibility shared between two tiers of municipal government. The Niagara Region is responsible for treatment and supply of the water to the Town of Pelham via transmission mains. The Town of Pelham is responsible for distributing water to local consumers via its own network of distribution pipes.

The Pelham Distribution System is a Class 2 water distribution subsystem. The system consists of approximately 86 km of watermains varying in size from 50mm to 400mm diameter providing water to approximately 14025 residents through 5399 accounts within the general urban area.

The service area is approximately 14 km^2 and includes the Villages of Fonthill, Ridgeville and Fenwick. The system receives treated drinking water from the Welland Water Treatment Plant located on Cross Street in the City of Welland. The treatment plant is owned and operated by the Regional Municipality of Niagara. The plant receives its raw water from the Welland Recreational Canal. Treated water is transmitted to the Town by way of a 750mm diameter watermain to the Shoalts Drive Reservoir. The reservoir, which includes chlorination, is also Regionally owned and operated. Water enters the Pelham Distribution System at the reservoir outlet.

The Town of Pelham owns and operates a water filling station with side-fill and a backflow prevention device to serve consumers outside of the urban boundary who do not have direct access to the distribution system. Water haulers must obtain approval from the Niagara Region before being permitted to use the station.

The Town of Pelham owns a small pressure booster pump station which is located on the Niagara Region's Elevated Tank Property. This pump is used to improve water pressure in the Chestnut Ridge development area. The normal operating pressure in the area is low due to its geographic location in relation to the elevated tank that supplies distribution supply and pressure by way of gravity.

The Town of Pelham Distribution System consists of 5 pressure zones separated by Pressure Reducing Valves (PRV). In Pelham, because of our unique topography, maintaining safe operating pressure within the system is a delicate balance. Increasing pressure in one area can cause damage to municipal infrastructure and private plumbing downstream.

4. Water Quality Testing

Ontario Regulation 170/03 prescribes water quality testing requirements for municipal drinking water systems.

The requirements prescribed by the MECP include: test parameters, number of test samples, frequency of testing, location of testing, reporting of test results, and reporting and corrective action of adverse test results, amongst other items. Operational guidelines are parameters used to monitor the general quality of water and the performance of the system.

In 2012, the Town of Pelham qualified for an exemption from collecting lead samples from residential or non-residential plumbing under the community lead testing program; however, reduced sampling must still take place in four locations within the distribution system. As such, the Town has continued with its lead testing program in the distribution system, with no concerns.

The Town carried out testing in 2023 as prescribed by legislation.

In addition to the prescribed sampling, the Town tested for water quality in response to complaints from consumers. Complaints generally refer to colour, odour, pressure, particulate, supply and/or taste.

The Town responded to nine water quality/supply complaints in 2023. Four were related to low pressure concerns, four to water colour, and one to odour concerns. All were resolved promptly.

Taste and odour episodes are often related to a natural phenomenon caused by seasonal biological changes in the source water. These changes may produce odour-causing chemical compounds that can be detected by humans at very low levels. Most municipalities in Ontario which obtain their water supply from surface water sources experience this problem periodically in the summer or early fall. Private plumbing fixtures including small water filtration systems and drain traps can also contribute to concerns regarding taste and odour of municipally supplied water. Once identified, most of these can be resolved quickly and easily through regular maintenance completed by the property owner.

Water Treatment Plants are equipped with various filtration systems designed to reduce the effects of taste and odour but may not eliminate it entirely.

Table 1- Testing requirements and results.

Table 1 – 2023 Testing Summary					
Parameter	**# Samples Required**	**# of Samples Taken**	**Legislated Requirement**	**Guideline**	**# of Samples Exceeding Limit**
Esherichia Coli (bacteriological)	22 per month	~ 44 per month	0 CFU/100mL Not detected	--	0
Total Coliform (bacteriological)	22 per month	~ 44 per month	0 CFU/100ml Not detected	--	**1**
HPC (heterotrophic plate count)	6 per month	~ 44 per month	--	< 500 CFU/100mL (AWWA c651-14)	0
Trihalomethanes	1 per quarter	3 per quarter	100 ug/L (annual running average)	--	0

Haloacetic Acids	1 per quarter	3 per quarter	80 ug/L (annual running average)	--	0
Free Chlorine	7 per week	13 per week	>=0.05 mg/L <=4.0 mg/L	--	0
pH	8 per year	8 per year	--	6.5 – 8.5 Operational guideline	0
Alkalinity	8 per year	8 per year	--	30 – 500 Operational guideline	0
Lead	8 per year	8 per year	0.01 mg/L	--	0
Pressure	None	5 per month (taken from each pressure zone)	--	>=28psi	0

5. Adverse Water Quality Incidents

An "adverse water quality incident" refers to a water quality test result exceeding the legislated requirements shown in **Table 1**.

A total of **one** incident of adverse water quality conditions was detected in the system in 2023. These incidents were resolved promptly through resampling and testing as per QMS FORM 017 Response to Adverse Water Quality Incident.

6. MECP Drinking Water System Inspection Report

In October 2023, the Town's distribution system underwent an inspection by a MECP Drinking Water Inspector. The inspection included a review of operational records from 2023.

The Town received a final inspection rating of 100%.

The Pelham Distribution System Inspection Report is included in the 2023 Pelham Distribution System Summary Report.

7. Regulatory Updates

There are no new regulatory updates to report on at this time.

8. Competency, Licensing and Training

Operator training is required by law to maintain drinking water licenses and ensure competency. Operators and key water staff participate in a number of diverse course offerings aimed at broadening their knowledge.

The Town of Pelham owns and operates a Class 2 Water Distribution System and a Class 2 Wastewater Collection System. The Town of Pelham Water Division currently has a compliment of a Manager of Public Works, Supervisor of Water and Wastewater, and three Water Operators. All water and wastewater operators must maintain a Water Distribution License and Waste Water Collection Facility License to operate the Town's systems.

9. Flow Data

Water consumed by the Town of Pelham is measured by the Niagara Region and provided monthly to the Town. In 2023, a total of 1,494,110 cubic meters (m^3) of water flowed to the Town of Pelham in total. (1 cubic meter of water = 1,000 litres).

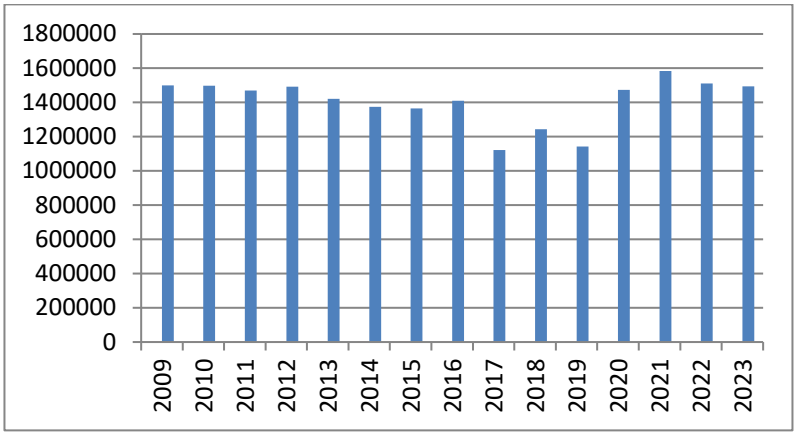
The Town of Pelham's accounted water use which includes revenue and accounted non-revenue water use totaled 1,293,253m^3. The total volume of unaccounted for water in 2023 was 200,857m^2. Water loss is the difference between the total flow input and the accounted for water volume shown as a percentage. In 2023 the Town of Pelham's water loss was 13%.

Table 2 – Annual Totals

Year	Supply (m^3)
2012	1,491,850
2013	1,420,220
2014	1,374,130
2015	1,364,450
2016	1,410,410
2017	1,122,740
2018	1,243,900
2019	1,150,570
2020	1,473,630
2021	1,584,270
2022	1,509,890
2023	**1,494,110**

The totals in this table are also reflected in the graph below, **Figure 1**

Figure 1 – 2023 Total Water Supplied by the Region of Niagara



All water demands were met in the system; thus the Town was not required to implement the additional use restrictions under section 4(p) of the Water Supply By-law No. 3198-2011.

The Town's Drinking Water License does not limit demand of flows to the Town, so a comparison to license limits is not required. The 2023 average daily consumptions are shown in **Table 3**, along with the maximum daily flows for each month.

Table 3 – 2023 Daily Water Usage

Month	Average Daily Flow (m^3)	Maximum Flow in One Day (m^3)
January	3395	4120
February	3354	4260
March	3358	3900
April	3437	4410
May	4732	8330
June	6054	**8830**
July	5060	6290
August	4551	5600
September	4667	6090
October	3788	5210
November	3354	3910
December	3432	4860

The 2023 highest demand day occurred in June, which aligns with the typical high monthly demands in the summer, as well as pool opening season.

No servicing concerns are noted. The Niagara Regional Master Servicing Plan (MSP) lists the firm capacity of the Shoalts Drive Reservoir to be 19,400 m3 / day. The MSP has identified future projects including the replacement of the Pelham Elevated Water Tank and increased pumping capacity at the Shoalts Drive Reservoir to accommodate projected 2041 servicing needs.

10. Capital Projects and Purchases

The Town updated the 20-year capital plan. Although efforts to ensure it represents the most current water distribution system improvement needs were made, many allowances were necessary based on competing capital infrastructure needs.

Two watermain replacement projects were completed in 2023 including the replacement of cast iron watermain on Pelham Street from Spruceside south to the Pelham/Welland limit. And Station Street from Lyndhurst to Hurricane Road.

11. Rehabilitation and Repairs

A Total of **0** watermain breaks occurred in 2023.

In 2023 Town of Pelham Staff replaced 4 leaking water services.

Regular maintenance and repairs are required at our Chestnut Ridge Booster Pump Station. Since installation these have been completed by the Niagara Regional Staff through a Maintenance Agreement. The Town continues to work closely with the Region of Niagara to maintain close communication about pressure or supply interruptions related to this pumping station.

The Town of Pelham owns and operates a Water Loading Station at 294 Canboro Road. Minor maintenance tasks are performed throughout the year including backflow prevention device testing and sampling programs.

12. Backflow Prevention

The Ontario Building Code requires backflow prevention devices are to be installed at each connection to new buildings where a potentially severe health hazard may be caused by backflow. The Town relies on the Building Code to ensure that backflow preventers are installed in new buildings.

In 2023 Staff will begin surveying ICI locations to create a backflow preventor contact and mailing list. Letters will be sent in 2024 reminding owners of backflow prevention devices that maintenance and testing of backflow prevention devices should be undertaken by the owner annually.

13. Leak Detection

The Town of Pelham facilitated a leak detection program in 2023. 6km of cast iron watermain were tested acoustically for leaks. No leaks were evident at the time of testing.

14. Municipal Drinking Water Licensing Program

The Municipal Drinking Water Licensing Program is a five-stage initiative by the MECP under the Safe Drinking Water Act, 2002. The Town of Pelham maintains its Certificate of Accreditation as an Operating Authority for its water distribution system, and the system license and permit(s) are in place. **Table 6** lists the status of the key elements for water licensing.

Table 6 – Municipal Drinking Water Licensing Program Status

Stage	Status
License #072-101	Expires July 22, 2024 – Receipt of Renewal Application by MECP January 8th, 2024
Permit #072-201	Active and current – No expiry
Operational Plan	Endorsed by Council March 21, 2021
Accreditation	Maintains full accreditation. Expires April 29, 2024
Financial Plan	Updated in 2023, covering 2024 – 2029 inclusive

15. Quality Management System

The Quality Management System (QMS) is fully integrated into Water operations and maturing and improving with time. Council should remain aware of its commitments in the QMS Policy, which is the framework upon which to set the QMS.
The current Operational Plan is available through the network or in printed copies at select locations.

16. Infrastructure Review

The Infrastructure Review is a required component of the DWQMS, where infrastructure includes piping and related infrastructure, but also buildings, workspace, process equipment, hardware, software, and supporting services such as transport or communication. The purpose of the review was to assess the adequacy of the infrastructure necessary to operate and maintain the water system.

Recommendations from the annual 2023 review were translated accordingly into the 2024 water operational and capital budget requests, and into the 20-year Capital Plan updates, and are communicated in this report below.

The Infrastructure Review has been included in **Appendix A** of this report.

17. Management Review

Management review is a required component of the DWQMS. In November 2023, the Director of Public Works and Manager of Public Works completed a management review of the QMS in alignment with the budget and capital planning process, in accordance with the Town's Operational Plan. Recommendations will be translated accordingly into future water operational and capital budget requests, and into the 20-year Capital Plan updates, and are communicated in this report below.

The Management Review has been included in **Appendix B** of this report.

18. Internal Audit Results

Results from the QMS internal audit performed in November 2023 are summarized. The internal audit must be performed once per year.

The Internal Audit found Five (5) opportunities for improvement. All opportunities for improvement were discussed during management review as action items.

The Internal Audit Results have been included in **Appendix C** of this report.

19. External Audit Results

In April 2023, the Town engaged NSF as a third party auditor to the QMS, in accordance with the Town's drinking water license requirements.

No non-conformances or corrective action requests were identified. One opportunity for improvement was identified.

The External Audit Results have been included in **Appendix D** of this report.

Town of Pelham
Form

Infrastructure Review Summary

Revision #03 Document #QMS FORM 026

The Corporation of the Town of Pelham Drinking Water Distribution System	
Meeting Location:	Tice Road Operations Centre
Date / Time:	16 May 2023, 9:30 – 11:00am
Attendees:	Jason Marr (DPW), Ryan Cook (MPW), Dave Vaccaro (SWW)
Minutes Recorded by:	Sandra Tavares (Facilitator, *Tavares Group Consulting Inc.*)
Minutes to be distributed to:	DPW, MPW, SWW

Infrastructure Review Meeting Minutes	
Details / Discussion Points / Issues Identified	**Recommendation** *(for budget ask)* **/ Action Items** *(tracked via QMS LIST 006)*
Outcomes of the **Risk Assessment** (check what applies): ☐12-month annual ☐24-month annual ☒ **36-month reassess**	No additional recommendations or action items.
• Reviewed, discussed and confirmed the 19-Apr-2023 Risk Assessment Meeting results including Town of Pelham's **Critical Control Point (CCP), loss of chlorine residual**, and associated Critical Control Limit (CCL = 0.20 mg/L after routine flush) including processes in place to maintain (i.e., Spring/Fall and watermain flushing confirmed by SWW) and monitoring through weekly distribution system Cl_2 sampling with additional discussion added to QMS LIST 001 'Risk Assessment History' tab to finalise the 36-month Risk ReAssessment. • No other risks / hazards to be addressed aside from backflow **linked to risk assessment outcome #11**) with the MECP recommendation which is re-opened from 17-Nov-2022 Management Review closure as per QMS LIST 006 Corrective and Preventive Action List and progress details added.	
Watermain – servicing, replacement, monitoring, operating & capital needs, other	No additional recommendations or action items.
• Discussed the **2023-2027 Approved Water [Capital] Budget** which includes: – **W02-23** $30K for replacement fittings annually – Cast iron replacement projects were discussed, e.g.:	

Infrastructure Review Meeting Minutes

Details / Discussion Points / Issues Identified	**Recommendation** *(for budget ask)* **/ Action Items** *(tracked via QMS LIST 006)*
– **W01-23** deferred to 2024 while **700286** scheduled from 2024 will take its place in 2023 – although Emmett St. is scheduled for 2027, College St. is not yet reflected **700305** in 2027 where watermain breaks are common) – **700290, 700279**, etc. – It is still estimated by DPW and MPW that cast iron replacement will be complete by 2030 • Water Long Range Financial Plan Pelham was also referenced • Reviewed **2018-2023YTD break histories** to date as per 'Current Combined Water Ops 2015 onward spreadsheet' 'Watermain Break Summary' tab (with clarification from SWW):	

Year	# of Breaks	Comments
2018	9	
2019	13	5 contractor- and 2 ageing-related, 5 cast iron
2020	12	6 contractor-related, 6 cast iron
2021	2	due to age / cast iron
2022	4	
2023 YTD	0	

– replacement process is dependent on funding/available reserves, wastewater, and roads needs

Hydrants – monitoring, servicing, operating & capital needs, other	No additional recommendations or action items.
2023 Hydrants and Q3 Valves with Management Review Action **2020-AI-02** to redefine valves (mostly as one quadrant done annually)/ hydrants quadrants map in progress rescheduled to Fall 2023 (from 2022 and 2021).	
Main valves – monitoring, servicing, operating & capital needs, other	**2023-AI-05** SWW to establish PRV maintenance budget and timeline (i.e.,

Infrastructure Review Meeting Minutes	
Details / Discussion Points / Issues Identified	**Recommendation** *(for budget ask)* **/ Action Items** *(tracked via QMS LIST 006)*
• 'Current Combined Water Ops 2015 onward spreadsheet' 'Maintenance Activities' tab identifies **valve maintenance** taking place as above with all quadrants exercised and maintained as per SWW • **Existing Pressure Release Valves (PRVs)** – Region responsibility (e.g., Canboro) identified within the 2023 Operational Plan revisions with Town maintenance frequency identified	Yearly Test and confirm pressure, and which PRVs are scheduled for 2-3 Years isolate, clean, and maintain strainers and rubbers and 5 Year overhaul (e.g., strainer, rubbers as per OP) to be submitted ahead of Operating Budget deliberations **by 30-Jul-2022**.
Other appurtenances – operating & capital budget needs, other	No additional recommendations or action items.
• **Bulk Station** is identified as a $60K replacement in 6 years in the forecast as per SWW which is no longer needed as a result of unplanned overhaul reported by MPW. There is potential to find a new location but not a priority as per MPW. • **Water meter program** is based on replacement upon request by Water Billing Clerk given data is maintained by Corporate Services with capital to be re-evaluated ahead of 2034.	
Inventory and Tools – operating & capital needs, other	**2023-AI-06 MPW** to document Hydrant Flow Tester process (e.g., used every 10 years?) either in existing (e.g., QMS SOP 002, O&M, QMS PROC 017) or new procedure and conduct Operator training **by 30-Jun-2023**.
• No additional requirements since 2 **Colorimeters** (4 in total) were replaced in 2019 • **NEW Hydrant Flow Tester** ordered and scheduled to arrive tomorrow as a result of NFPA requirements	
Software / hardware – capital needs, other	
• **Operator software tablets Action (2020-OFI-11)** is rescheduled for 2024 (from 31-Dec-2022 and Sep-21) with IT support and Public requests as priority and maintenance activities following	
Pumping Station	No additional recommendations or action items.
• Region attends the site once / month and contacts the Town in the event of an issue, none reported. Although the Region does intend on moving forward with the	

Infrastructure Review Meeting Minutes	
Details / Discussion Points / Issues Identified	**Recommendation** *(for budget ask)* **/ Action Items** *(tracked via QMS LIST 006)*
Water Tower which will obsolete the pumping station (related to Risk Assessment Outcomes #s 1 and 2), it is still in the design stage with property acquisition unknown and Project Manager changed although not known who. Uncertainty of project start, previously identified as 2023 *(refer to OPEN **2020-OFI-05** 2025 MECP Inspection Recommendation)*.	
Staffing	No additional recommendations or action items.
As per 17-Nov-2022 Management Review meeting, number of Operators OK until 2025 when work is required on the system as per KPMG report. DPW highlighted the addition of a casual in 2021 (student / co-op).	
Water Quality Complaints	No additional recommendations or action items.

Annual summary in 'Complaint Summary' tab of 'Current Combined Water Ops 2015 onward spreadsheet' was reviewed. Previous increase in odour complaints in 2021 (6 vs. 4 reported during Infrastructure Review and now 1 as per Current Combined) was discussed and 1 was noted as regulatory. Odour to be tracked as part of new maintenance system.

TYPE	2016	2017	2018	2019	2020	2021	2022	2023 YTD	TOTAL
Air Complaints / Year – tied to watermain breaks and colour	3	1	1	2	2	-	-		9
Colour Complaints / Year – internal plumbing issues led to an increase in 2019 (e.g., rusty water tanks)	4	7	3	12	3	7	2	**1**	39
Leaky Service Complaints / Year – water main replacement has reduced this number	5	22	3	2	5	7	-		44
Low Pressure Complaints / Year – moves from one area to another	9	13	5	8	7	7	5	**3**	57
Odour Complaints / Year	1	2	1	2	1	1	1	**1**	10
TOTAL	22	45	13	26	18	22	8	4	158

Best Management Practices (BMPs)	

Infrastructure Review Meeting Minutes	
Details / Discussion Points / Issues Identified	**Recommendation** *(for budget ask)* **/ Action Items** *(tracked via QMS LIST 006)*
• **QMS LIST 006 Corrective Action List** – 2020-OFI-05 OPEN MECP Recommendations were not deemed as BMPs (rescheduled to 2025 pertaining to Region pump station related to Element 14), – 2021-BMP-01 (GPS equipment for valves scheduled to 2025) and – 2023-BMP-02 MECP inspection operator free chlorine residual logs and use of wet tap documentation of Operators and use of watermain commissioning form verification at next scheduled Nov-2023 Internal Audit • There are no additional Element 14 actions aside from those listed here, 2020-OFI-11 related to software tablets (2025) and 2022-OFI-24 to be confirmed during this meeting in relation to updated Financial Plan (2024)	No additional recommendations or action items.

Management Review Meeting Record

Revision #01 Document #QMS FORM 027

The Corporation of the Town of Pelham Drinking Water Distribution System	
Meeting Location:	Tice Road Operations
Date / Time:	November 16, 2023, 1:30-3:00pm
Attendees:	Ryan Cook (MPW and representing Jason Marr, DPW), Dave Vaccaro (SWW), TGC Facilitator (Sandra Tavares)
Minutes Recorded by:	Sandra Tavares (TGC)
Minutes to be distributed to:	DPW, MPW and Council

Management Review dated17-Nov-2022 was communicated 21-Feb-2023 via Resolution 8.3.3 as per Operational Plan (rev.17, 17-Oct-2023) Appendix A.

Management Review Minutes are located at 'ops(M:)\Public Works & UTILITIES DEPARTMENT\Water Distribution System\DWQMS\Management Review' by year.

Management Review Meeting Minutes *(completion of Action Items to be tracked via QMS LIST 006)*

Input	Details / Discussion Points / Issues Identified /Decisions Made	Action Item(s)	Responsibility	Proposed Due Date
1)	**NO** Incidents of regulatory non-compliance: - Last **MECP Inspection** took place 3-23-Jan-2023 with 1 Non-Compliance (**QMS LIST 006** COMPLETE 2023-NC-08) and a total of 4 findings (2023-BMP-02 which remains OPEN to be verified as part of the 7-Dec-2023 TGC Onsite day along with the COMPLETE 2023-OFI-27 and -28) and 100% confirmed via 3-Feb-2023 MECP letter provided via email. - **2020-OFI-05** remains to be determined by Region, estimated 2025: i) Town baffles/mixing systems/rechlorination stations installations, impact of higher pressure on older watermains and adjusting Pressure-Reducing Valve (PRV) strategies accordingly, and ii) visiting the new Port Colborne Barrick and King St. Roads and Well and Bemis Elevated Tanks for issues during construction and decommissioning / demolition. Refer to Item 14) below for 2021-BMP-01.	Not applicable (N/A)	N/A	N/A

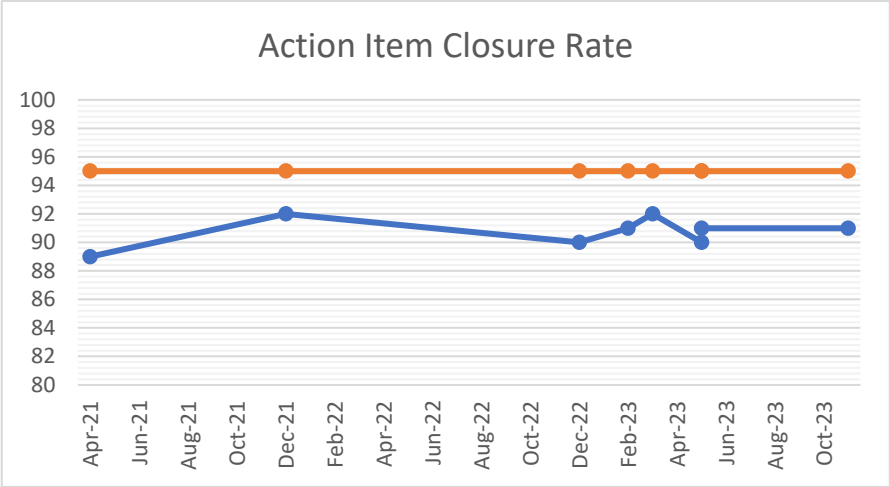
2)	Incidents of adverse drinking-water tests: - **3-2022 Adverse Water Quality Incidents (AWQIs) Total Coliform (TC) and high residuals**, and 1 TC identified during the Internal Audit for 14-Nov-2023, likely lab error as per SWW and MPW; new more workable QMS FORM 017 is confirmed as being used being used - Previously, **2-2020 TC and high chlorine** 9-Sep (151917, resolved 14-Sep) and 25-Jun (150397, resolved 29-Jun) and **4 incidents in 2015** as per 'Current Combined Water Ops 2015 onward spreadsheet' 'Maintenance Activities' tab.	***No need for investigation of 2022 and 2023 AWQIs as per Internal Audit 2022-OFI-26***	N/A	N/A
3)	Deviations from Critical Control Limits and response actions: ***QMS FORM 008 Chlorine Residual Sampling did not identify any deviations.***	N/A	N/A	N/A
4)	The effectiveness of the risk assessment process: • **Re-Assessment** completed 16-May-2023 as part of Review of Infrastructure with DPW and MPW, which addressed the recent MECP cybersecurity threat**,** reviewed for each activity or process step and determined to be applicable to the Region (i.e., Contamination of incoming supply water, including chemical spill of incoming source water, and Inadequate chlorine residual) with some Pelham impact from a documentation perspective; one Critical Control Point, Distribution Loss of chlorine residual due to long residence time, remains • **Annual Review** last took place 30-Mar-2022	***Risk Assessment Review / Review of Infrastructure preliminarily scheduled for 11-Apr-2024*** *(prior to NSF ReAccreditation – refer to QMS LIST 006 'DWQMS Timeline' tab)*	**TGC**	
5)	Internal / third-party audit results: - **2023 Internal Audit** resulted in **5 Opportunities for Improvement** (Elements 2 QMS Policy, 5 Document and Records Control, 10 Competencies, 15 Infrastructure Maintenance, Rehabilitation and Renewal and 16 Sampling, Testing and Monitoring; 1 out of 5 **2022 Internal Audit** OFIs remain open, 2022-OFI-25/2022-IA-OFI-04 pertaining to valve and hydrant maintenance completion. - The **17-Mar-2023 NSF external DWQMS audit** generated 1 OFI pertaining to identifying standards other than AWWA for pipe, hydrants and valves which is now COMPLETE with the update of QMS PROC 013 to reference, as per MPW 16-May-2023, Niagara Region Water-Wastewater Project Design Manual			

6)	Results of emergency response testing: Last Conducted 14-Jul-2020 and scheduled for 7-Dec-2023 pertaining to DWQMS emergency scenarios associated with Pressure Release Valves. Awareness training to be completed same day and to include Public Works Administrative Assistant and Engineering Technicians as per MPW.	***Originally scheduled for 13-Sep-2023 as per QMS LIST 006 'DWQMS Timeline' tab***	N/A	N/A
7)	Operational Performance: • **Sampling results** were confirmed during the 2023 Internal Audit and confirmed by the SWW for **lead** (2x/year), and quarterly TriHaloMethane and HaloAceticAcid Running Annual Averages • **Maintenance** as per 'Current Combined Water Ops 2015 onward spreadsheet' was also reviewed during the 2023 Internal Audit: – 2023 **annual valve maintenance** this year for Quad 2 needs to have confirmation of all valves addressed as per open 2022 Internal Audit finding. – **annual hydrant maintenance** (including flushing, greasing, repair if needed) is also completed in 4 Quadrants although in one year (Spring to Fall) and in the process of being completed with QMS [Hydrants] LIST 003 to be used and updated (331 completed in 2023 as part of Quad 3 is not on this list) as part of 2023 Internal Audit **2023-IA-OFI-04 / 2023-OFI-34**. – **Semi-annual dead end blow off flushing** is completed in the **Spring** and **Fall** with the latest revision of Dead-End Blow-Off Flushing QMS FORM 001 to be used also as part of 2023 Internal Audit **2023-IA-OFI-04 / 2023-OFI-34**. – as per MPW and SWW, **PRV** maintenance is starting next year with an opportunity to utilize QMS [PRV] LIST 015 to track annual and 5-year inspections as part of 2023 Internal Audit **2023-IA-OFI-04 / 2023-OFI-34** and a new tower maybe eliminating some PRVs, as per MPW.	**2020-AI-01 COMPLETE 31-Jan-2023 to create a procedure for PRV maintenance** *within OP Section 15* **2020-AI-02 to redefine valves / hydrants quadrants map** *remains OPEN to be verified as part of 7-Dec TGC DWQMS coinciding with end of season maintenance* **2020-AI-03 to review Flushing QMS SOP 001 for frequency** **2022-AI-01 to develop a backflow SOP**	**SWW** *(Reassigned from MPW)* **SWW** *(Reassigned from MPW)* **SWW** *(reassigned from MPW)* **SWW**	**COMPLETED 31-Jan-2023** *(reassigned from Apr- to Oct-21 and 31-Dec-2022)* **31-Jul-2023** *(re-assigned from 1-Sep- and 31-Oct-21, Fall 2022 and 30-Apr-2023)* **COMPLETED 31-Jan-2023** *(reassigned to 31-Jan-2022 from 1-Sep-2021)* ***Q4 2023*** *(from Spring 2023)*
8)	Raw water supply reports & drinking water trends: Region of Niagara reports reviewed annually by MPW identified no issues; 1TC AWQI resampled a couple of months ago was cleared.	N/A	N/A	N/A

<table>
<tr><td rowspan="2">9)</td><td>Follow-up on actions from previous Management Reviews:</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td></tr>
<tr><td>Refer to Item 7 above and throughout Minutes for additional Management Review Action Items.</td></tr>
<tr><td rowspan="2">10)</td><td>Status of management actions items identified between reviews:</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td></tr>
<tr><td>Refer to Item 9) directly above as well as QMS LIST 006</td></tr>
<tr><td rowspan="2">11)</td><td>Changes that could affect the Quality Management System:</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td></tr>
<tr><td>- Annual Calibration completed 19-Apr-2023 and scheduled for Jan-2024 prior to NSF on-site Re-Accreditation contacted by SCG Flowmetrix
- A new maintenance management system is expected 2025</td></tr>
<tr><td rowspan="2">12)</td><td>Consumer feedback (incl. complaints):</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td><td rowspan="2">N/A</td></tr>
<tr><td>Annual summary in ‘Complaint Summary’ tab of ‘Current Combined Water Ops 2015 onward spreadsheet’ was reviewed:
<table>
<tr><th>Complaints / Year</th><th>2016</th><th>2017</th><th>2018</th><th>2019</th><th>2020</th><th>2021</th><th>2022</th><th>2023 YTD</th><th>TOTAL</th></tr>
<tr><td>Air</td><td>3</td><td>1</td><td>1</td><td>2</td><td>2</td><td>-</td><td>-</td><td></td><td>9</td></tr>
<tr><td>Colour</td><td>4</td><td>7</td><td>3</td><td>12</td><td>3</td><td>7 (construction)</td><td>2</td><td>3</td><td>41</td></tr>
<tr><td>Leaky Service</td><td>5</td><td>22</td><td>3</td><td>2</td><td>5</td><td>7 (mostly age)</td><td>-</td><td></td><td>44</td></tr>
<tr><td>Low Pressure</td><td>9</td><td>13</td><td>5</td><td>8</td><td>7</td><td>7</td><td>5</td><td>4</td><td>58</td></tr>
<tr><td>Odour</td><td>1</td><td>2</td><td>1</td><td>2</td><td>1</td><td>1</td><td>1</td><td>-</td><td>9</td></tr>
<tr><td>TOTAL</td><td>22</td><td>45</td><td>13</td><td>26</td><td>18</td><td>22</td><td>8</td><td>7</td><td>161</td></tr>
</table>
Previous increase in odour complaints in 2021 (6 vs. 4 reported during Infrastructure Review and now 1 as per Current Combined) was discussed and 1 was noted as regulatory. Odour to be tracked as part of new maintenance system.</td></tr>
</table>

13)	The resources needed to maintain the QMS: • Number of Operators OK until 2025 when work is required on the system as per KPMG report *(replacement Operator hired 8-Aug-2023)* • 2024 DWQMS Timeline was reviewed, and dates agreed upon as reported throughout these minutes	N/A	N/A	N/A
14)	The result of the infrastructure review: **Infrastructure Review** Meeting took place 16-May-2023 and identified now **OVERDUE 2023-AI-05** to establish PRV maintenance budget and timeline to be submitted ahead of Operating Budget deliberations which as per MPW will be included as part of the 2024 Operational Budget and **2023-AI-06** to Document Hydrant Flow Tester process and conduct Operator training by MPW with SWW confirming the use of the equipment manual and a departmental procedure to be completed in 2024, with updates to the meeting as follows: - Last **cast iron watermain replacement** project was Canboro Rd. with new water rate study as part of license due next year; design for Camber watermain replacement and Pine Crest area (part of $4M grant submission for cast iron) scheduled for 2026 and 2024 Pelham Spruce side after Quaker Road and Pelham Road, 2027 Emmitt St. and cast iron replacement to be complete by 2030/2035 are pushed out and to bel reviewed again next year - Clare Avenue Watermain Replacement pushed out and maybe done with Quaker Road - **2020-OFI-11** Operator Work Order Software tablets (scheduled for 2024 with Public Service Requests / Complaints already in place but not asset maintenance) and associated **2021-BMP-01** (scheduled for 2025) pertaining to GPS Equipment for valves and hydrants were reported to be entered with Asset Maintenance Specialist to determine next steps which may be curb boxes) and **2020-AI-02** to redefine valve / hydrants quadrants map is being worked through; GIS platform and the work order system MuniPaaS and Salesforce are all in place, web mapped with lists as next area of focus	N/A	N/A	N/A
15)	Operational plan currency, content, and updates (incl. need for re-endorsement):	N/A	N/A	N/A

	Operational Plan (OP) and associated QMS PROC updates (some of which have been discussed above) as per QMS LIST 010 were completed in 2023 with 9-Feb-2021 endorsement by Top Management and Council re-endorsement 21-Feb-2023. 2024 documentation review to focus on O&M Manual and electronic Maintenance records.			
16)	Personnel suggestions: Tracked via QMS LIST 006 all CLOSED and last raised in 2020.	N/A	N/A	N/A
17)	General assessment of suitability, adequacy, and effectiveness **QMS LIST 006 Closure Rate with a goal of 95% closure.**	N/A	N/A	N/A



Audits identified the following positive trend:

	2015	2016	2017	2018	2019	2020	2021	2022	2023
Internal Audit	3 NCs, 5 OFIs	5 NCs, 13 OFIs	8 OFIs	6 OFIs	1 NC, 4 OFIs	5 OFIs	3 OFIs	1 NC, 5 OFIs	5 OFIs
MECP Inspection	2 NCs	3 Recs	4 Recs	3 NCs, 5 Rec	2 Recs, 2 AIs	1 NC	N/A	0	1NC, 1BMP, 2OFIs
External audit (OFIs)	4	2	2	3	2	2	1	1	1
TOTAL	**5 NCs, 9OFIs**	**5 NCs, 18**	**14 OFIs**	**3NCs, 14**	**1 NC, 10**	**1 NC7 6 OFIs**	**4 OFIs**	**1NC, 5 OFIs**	**1NC, 1BMP,**

			OFIs		OFIs	OFIs				8OFIs		
	Most findings are generated from internal audits and mostly OFIs. Corrective and preventive actions are being managed effectively. **The QMS is deemed to be suitable, adequate, and effective.**											
18)	Review and consideration of applicable Best Management Practices (BMPs)										N/A	N/A	N/A
	Aside from the BMP identified in item 14) above, the MECP identified **2023-BMP-02** related to cross-referencing Operator identification related to free chlorine residual logs *(complete)* and wet taps *(to be verified 7-Dec-2023 as part of the next TGG DWQMS onsite day)* and additional review of the Watermain Commissioning Form to ensure all requirements are included *(no changes identified)*. This has been included within QMS LIST 006. And being tracked for completion.											

Appendix C – Internal QMS Audit

The Corporation of the Town of Pelham

Drinking Water Quality Management System (v2)
Internal Audit Report

20 Pelham Town Square
P.O. Box 400
Fonthill ON, L0S 1E0

Virtual Internal Audit Dates:	15/16 November 2023
Report Distribution:	Ryan Cook, *Manager of Public Works* (MPW) Jason Marr, *Director of Public Works* (DPW)

Sandra Tavares, *B.Sc., M.Sc., EP(EMSLA), EP-Sustainability*

Report Issued: 28 November 2023

Project Objectives

Tavares Group Consulting Inc. was engaged by The Town of Pelham to conduct an Internal Audit of the Town's Drinking Water Quality Management System (QMS) against the Drinking Water Quality Management Standard (DWQMS V2). This audit was conducted to satisfy the requirements of the DWQMS Element 19 requirement to complete a QMS internal audit at least once every calendar year. Please see Annex A for auditor qualifications.

Project Scope

An onsite audit was performed 15/16-Nov-2023 according to ISO 19011:2018 Guidelines for auditing management systems, including the Internal Audit Plan issued 4-Oct-2022 to confirm:

- the QMS conforms with the applicable elements of the DWQMS; and
- Corporation of the Town of Pelham conforms with its own policies and procedures.

Results of prior internal and external audits were also considered and reviewed through the course of the audit.

An Opening Meeting was held 15-Nov-2023 with the Supervisor Water / Wastewater (SWW) with a Closing Meeting 17-Dec-2022 during Management Review and including the Manager and Director of Public Works (both interviewees).

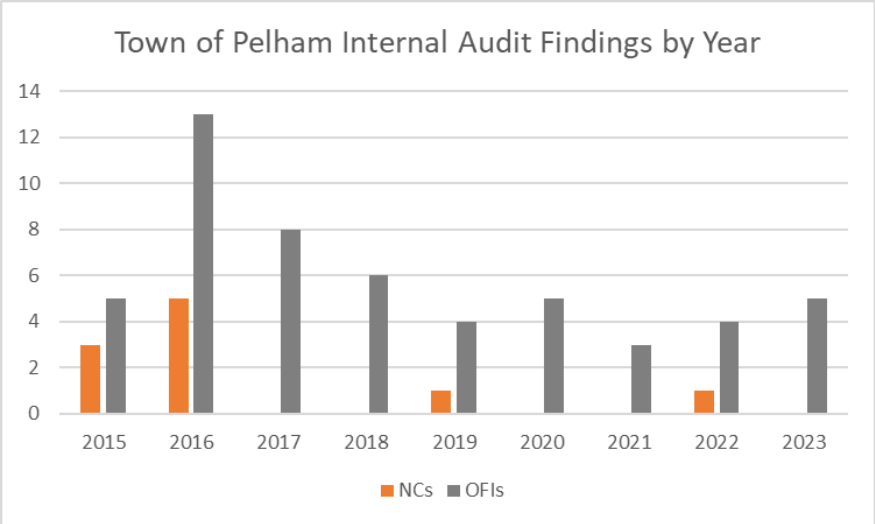
Conclusions

The Town of Pelham's QMS conforms with:

- the applicable elements of the DWQMS, and
- its own policies and procedures.

Public Works' (Operating Authority [OA]) commitment to the improvement of its QMS is evident and has the appropriate elements in place for further improvement.

In total, there were five [5] Opportunities for Improvement (OFIs) identified. Refer throughout the audit report for previous audit finding follow-up *(details regarding closure and verification can be found in QMS LIST 006)*. A Summary of Findings has been provided below with details in the Comments portion of the report; identification numbers (e.g., 2023-IA-OFI/NC-XX) have been assigned for new findings.



Confidentiality

This report was prepared exclusively for The Corporation of the Town of Pelham and is based on information collected during off- and on-site reviews. The scope of the project is described in this report and is subject to restrictions, assumptions, and limitations. As noted herein, the work was conducted in accordance with the scope of Tavares Group Consulting's proposal and Terms and Conditions.

Summary of Findings

Owner (& Operating Authority):	The Corporation of the Town of Pelham (Public Works)
Auditors:	Sandra Tavares *(Lead)* and Francis Chua *(Team Member)*
System Reviewed:	Pelham Distribution System (PDS)

REQUIREMENT ↓	FINDING(S) ↓
1. Quality Management System	C
2. Quality Management System Policy	2023-IA-OFI-01
3. Commitment and Endorsement	C
4. Quality Management System Representative	C
5. Document and Records Control	2023-IA-OFI-02 *2022-IA-NC-01 and -OFI-01* ***COMPLETE***
6. Drinking Water System	C
7. Risk Assessment	C
8. Risk Assessment Outcomes	C
9. Organizational Structure, Roles, Responsibilities and Authorities	C
10. Competencies	2023-IA-OFI-03
11. Personnel Coverage	C
12. Communication	C
13. Essential Supplies and Services	*2022-IA-OFI-02* ***COMPLETE*** *and OFI 2020-IA-03* ***CLOSED***
14. Review and Provision of Infrastructure	*2022-IA-OFI-03* ***COMPLETE***
15. Infrastructure Maintenance, Rehabilitation and Renewal	2023-IA-OFI-04 *2022-IA-OFI-04 remains* ***OPEN***
16. Sampling, Testing and Monitoring	2023-IA-OFI-05
17. Measurement and Recording Equipment Calibration and Maintenance	C
18. Emergency Management	C
19. Internal Audits	C
20. Management Review	C
21. Continual Improvement	*2022-IA-OFI-05 remains* ***OPEN***

C	Conforms to the requirement – See comments in body of report
NC	Non-conformity
OFI	Opportunity for improvement – See Annex A
OFI *	Opportunity for improvement which may become a nonconformity if not addressed– See Annex A

Comments

DWQMS Reference	1. Quality Management System
Evidence	Pelham Distribution System (PDS) Operational Plan (Rev.17, 17-Oct-2023)
Finding	*Conforms*
Summary	The Pelham Distribution System Operational Plan (OP) and QMS Policy are available online at https://www.pelham.ca/en/living-here/water-and-wastewater-maintenance.aspx ***(refer to Element 5 OFI)***, revised Appendix A to include 2023 Council endorsement and a reference to drawing G-01, General Plan and associated location and revise Section 15 to reference new QMS SOP 022 to partially address **2022-IA-OFI-04**, documents guiding implementation of a Quality Management System (QMS) that meets the requirements of the DWQMS.

DWQMS Reference	2. Quality Management System Policy
Evidence	PDS OP Element 2, S801-01 (Council Approval date of 22-Mar-2021 and OA sign-off 2-Mar-2021)
Summary	Public Works has established and maintains a QMS Policy documented within S801-01, signed by the DPW and MPW 2-Mar-2021, and approved by Council 22-Mar-2021 via agenda number 10.2.6, sets the foundation for the QMS and meets the requirements of the DWQMS. As per PDS OP Element 2, the Policy is posted at the Town of Pelham Operations Centre, communicated to the Public through the Town's website as per Element 1 directly above and is available upon request. As per QMS PROC 021, it was last communicated to Purchasing Policy Essential Suppliers 14-Apr-2022 via email to Wolseley, Emco, Evans, Niagara industrial and Vancor (equipment), Flowmetrix and Hach (calibration), Cleartech (calibration equipment), and Devine (Pressure Reducing Valve [PRV] maintenance) and is planned for communication Oct-2023 as per the SWW.
Finding	*Opportunity for Improvement 2023-IA-OFI-01*
Details	There is an opportunity to ensure the availability of the QMS Policy as per PDS OP Element 2 is readily observed (e.g., posted in a Public location) and known by Town of Pelham Municipal Offices staff.

DWQMS Reference	3. Commitment and Endorsement
Evidence	PDS OP Element 3
Finding	*Conforms*
Summary	21-Feb-2023 Council Endorsement of the QMS Policy, the OP and approval of the Financial Plan ***(refer to Element 14 2022-IA-OFI-03)*** is in Appendix A as per Element 1 above (although minor updates to the OP do not require Owner re-endorsement) with endorsement by OA Top Management (i.e., DPW and MPW) most recently 9-Feb-2021. Top Management has provided evidence of its commitment by: i. ensuring a QMS is in place that meets the requirements of the DWQMS *(see Element 1)*; ii. communicating the QMS *(see Element 12)*; iii. determining, obtaining, and providing the resources needed to maintain and continually improve the QMS *(see Element 20)*; and iv. ensuring the OA is aware of applicable regulatory requirements for which none have been identified since the MECP **cybersecurity**

Potential Risk. Potential changes continue to be communicated to OA Top Management through the MECP Inspector, e-mails from the Ontario Municipal Water Association (OMWA) and Municipal Water and Wastewater Regulatory Committee (MWWRC) although the Region of Niagara Municipal QMS/Compliance Working Group is mostly relied upon.

DWQMS Reference	4. Quality Management System Representative
Evidence	PDS OP Element 4
Finding	*Conforms*
Summary	The QMS Representative is identified within the OP as the MPW, appointed via a Memorandum of Understanding (MoU) issued by the Public Works Department – Engineering 15-Dec-2015 and approved via by-law, as per OP Appendix B. Responsibilities described under Element 9 and confirmed during the audit include: • administering the QMS by ensuring that processes and procedures needed for the QMS are established and maintained and that current versions of documents are being used *(see Element 5)*; • reporting to Top Management on QMS performance *(see Element 20)*; and • ensuring that personnel are aware of applicable regulatory requirements and the QMS *(refer to Elements 3, 10 and 12)*.

DWQMS Reference	5. Document and Records Control
Evidence	PDS OP Element 5, QMS PROC 005 (rev.13, 31-May-2023), QMS LIST 010 Document Management List (rev.3, 14-Feb-2018; last updated 17-Oct-2023)
Summary	QMS PROC 005, recently revised to: • **add** MECP Form 1 and infrastructure review records to the Document/Records Table, which was also updated to reflect new record locations and update document links, • **clarify** the editor (now assigned to the QMS Rep) who cannot also be approver, • **remove** instructions for QMS 010, and • partially address the COMPLETE 2022-OFI-22 to clarify management of external documents (i.e., 3900-2017 - Records Retention By-law and Amendment 3-Apr-2018 S203-04 which enacts the regularly updated Records Retention Schedule/Citation Table #03-01-04 and Town of Pelham Emergency Management Plan adopted by Town Council By-Law 4489-2022), also identifies the remainder of the document and records control process that includes how documents are kept current through creation and revision, and documents and records remain legible and identifiable, and are retrieved, stored, retained, and disposed of. PDS' QMS documentation includes the OP and associated procedures (PROC-level), Standard Operating Procedures (SOPs), FORMs and LISTs, some of which were confirmed and summarized throughout this audit report. QMS LIST 010 identifies QMS documentation by name, revision number, date, controlled copy location, and, for forms, change history; current OP documents were observed to be maintained in the shared drive ('Public Works & Utilities Department\Water Distribution System\DWQMS\Operational Plan Procedures SOPs Forms' still accessed by the

MPW, DPW, Engineering and Supervisors) with the MPW responsible for electronic and Operations Centre and Town Hall updates with the assistance of the Administrative Assistant. Infrastructure review, internal audit and Management Review records date back to 2010 with obsolete documentation such as previous OPs dating back to 2009, still located at 'DWQMS/Obsolete Documents'. **2022-IA-NC-01** pertaining to document and record control processes not consistently followed was **verified complete** (i.e., QMS FORMs latest revision use for Adverse Water Quality Incident [AWQI] 017 as per Element 16 below, 002 as per Element 15 and 008 Chlorine Residual Sampling as per Element 8, 014 Watermain Valve Maintenance and Inspection and Watermain Break 025 (rev.08) completed fully as per Element 15).

Finding Details	*Opportunity for Improvement 2023-IA-OFI-02* There is an opportunity to ensure: i. document control. Operational Plan located at https://www.pelham.ca/en/living-here/water-and-wastewater-maintenance.aspx is not the most recent revision. ii. electronic record control. For example: a. Scanned / electronic QMS FORM 008 Chlorine Residual Sampling forms were not available for August-December 2022 although observed in hardcopy at Tice Road upstairs. b. 'Current Combined Water Ops 2015 onward spreadsheet' 'Maintenance' (for watermain breaks) and 'Complaint Summary' tab has not been updated. c. Pelham St. Phase 4 200MM Watermain Commissioning Town Checklist QMS FORM 12 dated 20-Sep-2023 scanned copy is not signed off by MPW/ORO for final connection, but hardcopy is.
DWQMS Reference	6. Drinking Water System
Evidence	PDS OP Element 6
Finding	*Conforms*
Summary	A description of the Class 2 Water Distribution System has been documented within OP Element 6, owned by the Corporation of the Township of Pelham, and operated by the Public Works Department referencing the annual Engineering inventory for the system's components: • approximately 86 Km of **water main**, • **fire hydrants**, **valves**, and **service connections**, • **PRVs** as per QMS LIST 015 (refer to Element 15 below for maintenance and associated OFI with SOP-022 [Maintenance] in place to address 2020-AI-01), and • a **pressure boosting station** (serving Chestnut Ridge with maintenance and operation contracted to the Region of Niagara and observed completed as per EAM Maintenance Records 2015-2022 [2016 missing, 2023 to be received in 2024] in 'E08/Chestnut Ridge' folder). PDS receives treated drinking water from the Welland Water Treatment Plant, owned and operated by the Regional Municipality of Niagara which is relied upon to ensure the provision of safe drinking water. A description of the water source and treatment process has been documented, in addition to a process flow chart. The subject system is also connected to the Welland Distribution

System (owned and operated by the City of Welland) via 3 connections (valves have been closed since 1970). The Town of Pelham maintains disinfection residuals through the flushing program – *refer to Element 15 for more details*. There are no common event-driven fluctuations or resulting operational challenges or threats concerning the water source.

DWQMS Reference	7. Risk Assessment
Evidence	QMS PROC 007 (rev.11, 19-Apr-2023), QMS LIST 001 Risk Assessment Outcomes List (rev. 5, 19-Apr-2023 [Re-assessment])
Finding	*Conforms*
Summary	QMS PROC 007, updated to remove QMS LIST 001 instructions as these are in the form as well as revised to address 2022-OFI-22 / 2022-IA-OFI-01 ii) by adding 'as amended' following Ministry Potential Hazardous Events for Municipal Residential Drinking Water Systems to Consider in the DWQMS Risk Assessment document and remove the risk ranking and added to the Risk Assessment Outcomes Table in the QMS List 001, also documents a risk assessment process where hazards and associated events are ranked based on likelihood, consequence, and detectability, with those meeting the threshold of 7 and higher identified as Critical Control Points (CCPs). A risk review or re-assessment may also be conducted if significant changes occur within the DWS (e.g., change in size or scope of the system, addition of new infrastructure). The annual review was most recently completed on 30-Mar-2022. The Risk Assessment History details the discussions, and the Risk Assessment Results. QMS LIST 001, in addition to changes listed above, was also updated to add a 'Notes' column to tab for more efficient reviews. The most recent re-assessment was 19-Apr and 16-May-2023, to consider the Apr-2022 MECP Cybersecurity Potential Hazardous Event for Municipal Drinking Water System for each activity with OPEN backflow MECP recommendation inventory and overdue letter issuing overdue to be verified complete by 7-Dec-2023; there were no changes to the distribution system and the 2023 MECP Inspection findings were discussed.

DWQMS Reference	8. Risk Assessment Outcomes
Evidence	QMS PROC 007, QMS LIST 001 Risk Assessment Outcomes List, QMS SOP 001 (rev.7, 24-Jan-2023)
Finding	Conforms
Summary	QMS LIST 001 demonstrates implementation of a risk assessment that is consistent with QMS PROC 007. MECP hazards such as chemical spill impacting source water is addressed in an evergreen Memorandum of Understanding (MoU, located at 'Ops:\Public Works\Niagara Region and NPCA\Memorandums of Understanding\final versions' signed) dated 21-Apr-2016 with the Regional Municipality of Niagara (no proposed changes identified as per MPW; 2017 Water / Wastewater Master Plan will require revision when the tower comes down which has not been determined at this time) and signed by the former DPW, with no incidences reported. One voluntary CCP has been identified related to loss of chlorine residual due to long residence time (Critical Control Limit [CCL] = 0.20 mg/L). Flushing measures to restore residual is documented as per QMS SOP 001 *(refer to Element 6 and 15),* recently updated to remove the reference to Spring and Fall month deadlines and recording of hydrant

meter reading. As confirmed via QMS LIST 006, the last deviation from the identified CCL took place 11-Jun-2020 as per 2021-NC-01; QMS FORM 008 Chlorine Residual Sampling (rev.08) also confirmed this for 2023 ***(refer to Elements 5 and 16 OFIs)***. Response, reporting, and recording processes in the event of a deviation from the identified CCL have been documented within QMS PROC 016 *(refer to Element 16)*. As per QMS FORM 026, the risk assessment outcomes were reviewed at the Infrastructure Review with 2023-AI-06 MPW to document Hydrant Flow Tester process and conduct Operator training postponed to 2024 as per MPW following this audit as part of Management Review and OVERDUE 2023-AI-05 SWW to establish PRV maintenance budget and timeline to be submitted ahead of Operating Budget deliberations by 30-Jul-2023 (the latter was confirmed by the MPW to be completed via the 2024 Operating Budget).

DWQMS Reference	9. Organizational Structure, Roles, Responsibilities and Authorities
Evidence	PDS OP Element 9
Finding	*Conforms*
Summary	OP Element 9 describes the OA organizational structure including respective roles, responsibilities and authorities which were reviewed during the onsite audit; Figure 3 Organizational Chart for water system relevant personnel identifies all relevant Public Works personnel with no changes noted, confirmed by the MPW. Top Management, as per Element 3 above, continues to be involved in Infrastructure and Management Reviews, with the DPW having regular informal DWQMS communication with the MPW. The SWW is responsible for ensuring maintenance is conducted and documented (e.g., 'Current Combined Water Ops 2015 onward spreadsheet') as reviewed. Operators respond to watermain breaks and conduct maintenance, etc.

DWQMS Reference	10. Competencies
Evidence	PDS OP Element 10, Operator Training Summaries
Summary	OP Element 10, updated to add 'Water/Wastewater Operator License Renewal and Upgrade Application Process' to address MECP Inspection 2023-OFI-28, documents the required competencies of personnel whose duties directly affect drinking water quality. Regular training is provided and can take place off-site, On-the-Job, or electronically. QMS Awareness training is provided to new operations personnel where the OP is reviewed and covers relevance of duties (also done annually for existing Operators, lastly 19-Apr-2023 which incorporates documentation changes, including record control issues) with one new Operator hired since the last audit. Updated Operator Training Summaries are in place by name and tab related to the certificate duration, signed off by the DPW prior to submission for Operator re-certification, located at 'Ops:\Public Works\Water Distribution System\DWQMS\Training Records' (presentations) and '…\Water Distribution System\Operator Training Records' by name. The following Class 2 Water Distribution and Supply certificates are posted at Tice Rd.: • B. Smith #10961 exp.30-Nov-2025 *(records date back to 2018)* • L. Johnson *(newest hire as of 8-Aug-2023 with DWQMS Awareness scheduled for 7-Dec)* #94663 exp.30-Nov-2024) brought over training certificates from previous employer when she was hired

- **R. Cook** #16368 exp.31-Mar-2026 received Operator Commissioning training 31-Jan-2023 to address MECP recommendation
- **S. Berstling** #58758 exp.28-Feb-2026 *(returned 16-Nov-2022)*
- **SWW** #71210 exp.31-Jan-2026

Records for Operators no longer here (**D. Nicholls** and **M. Paniccia**) are located at 'Operator Training Records\Archived' folder.

Finding Details

Opportunity for Improvement 2023-IA-OFI-03

There is an opportunity to:

i. update Operator Training Summaries for L. Johnson (Operator Certificate Number incorrect), R. Cook (Operator Certificate expiry incorrect) and S. Berstling (31-Jan-2023 Operator Commissioning Training not reflected although listed on Training Attendance), and

ii. reflect training records for Operators no longer in place within QMS PROC 005.

DWQMS Reference

11. Personnel Coverage

Evidence

PDS OP Element 11, QMS PROC 011 (rev.9, 30-Mar-2022)

Finding

Conforms

Summary

OP Element 11 documents a process to ensure sufficient personnel meeting the identified competencies outlined in Element 10 directly above are available for duties that directly affect drinking water quality. The Town has an after normal working hours emergency telephone number which is still serviced by a Call Centre and will contact designated On Call Personnel. Overall Responsible Operator (ORO, i.e., MPW) designation is documented via email for holidays backup and observed from MPW 24-Jul-2023 (for 24-31 Jul-2023) to the PW Administrative Assistant, Operator-In-Charge (OIC, first to respond to after hours call) and DPW. After hours calls, approximately once / month, generally still involve water main breaks, service leaks, and emergency shut offs, with call outs documented in the respective form (i.e., watermain breaks or WO), Water Distribution System Operation Record / Logbook or On-Call Log as per MPW. No frozen services were noted since 2021. As per Supervisor, 3 Supervisors rotate every week who in turn pick an appropriate Water Operator from the Seniority List posted in the Supervisor office.

DWQMS Reference

12. Communication

Evidence

PDS OP Element 12, QMS PROC 021 (rev.10) and QMS SOP 016 Consumer Complaints (rev.7, both 17-Feb-2022)

Finding

Conforms

Summary

QMS PROC 021 documents a process that involves communication of the QMS Policy *(refer to Element 2 above)* and how **Top Management** communicates to the **Owner**, e.g.:

- **Committee and Council meetings** *(refer to Element 3 above)*, which includes the results of the annual **Management Review** *(refer to Element 20)*
- **Annual Water Quality Reports** (e.g., 2022 available online [dating back to 2003] through Water and Wastewater Maintenance - Town of Pelham),
- **Infrastructure Review** *(refer to Element 14 below)*.
- On-the-job instructions related to changes to the QMS are communicated to **OA personnel** during tailgate talks and may be documented via QMS

FORM 016 *(refer to Element 10 above for more information on DWQMS Awareness presentation)*.

Public water concerns / complaints are managed as per QMS SOP 016, recently revised to clarify receipt (e.g., email or, as observed, via WO in 'Residential Complaints Water\Water Concerns' within 'Operations Maintenace Summary' by year) and remove reference to PSR, with details tracked on the 'Current Combined Water Ops 2015 onward spreadsheet' 'Complaint Summary' tab ***(refer to Element 5 OFI)*** which identifies the following:

Complaints / Year	2016	2017	2018	2019	2020	2021	2022	2023 YTD	TOTAL
Air	3	1	1	2	2	-	-		9
Colour	4	7	3	12	3	7 (construction)	2	3	41
Leaky Service	5	22	3	2	5	7 (mostly age)	-		44
Low Pressure	9	13	5	8	7	7	5	4	58
Odour	1	2	1	2	1	1	1	-	9
TOTAL	22	45	13	26	18	22	8	7	161

DWQMS Reference

13. Essential Supplies and Services

Evidence

PDS OP Element 13, QMS PROC 013 (rev.13, 17-Oct-2023)

Finding

Conforms

Summary

QMS PROC 013, which documents a process by which Public Works lists and ensures the quality of essential supplies and services, was revised to:

- remove reference to specific equipment requiring calibration and reference associated QMS PROC 017,
- address 2022-OFI-23 / 2022-IA-OFI-02 to document confirmation of capital project drinking water quality requirements,
- clarify pipes, valves, fittings, and hydrant quality requirements as a result of the external audit 2023-OFI-29, and
- add Devine and Associated as essential supplier of services to support QMS SOP 022.

Procurement Policy By-Law S402-00 was updated 23-Feb-2023 highlights the tendering process with no specific reference to Public Works or DWQMS. Nov-2017 Engineering Design Manual (not on the Town's website) Section 5 located at 'Public Works\X Engineering Design Standards Development\Final for Council Dec 2017' which pertains to drinking water quality requirements (e.g., AWWA, ANSI/NSF 61, no lead for valves, chambers, main) which is still in effect and provided to contractors, is a Q1/Q2 2024 revision project as per MPW with an intent to reference QMS PROC 013. Public Works personnel are responsible for inspecting all received supplies to confirm identified requirements. The following quality requirements were verified with the SWW:

- Anchem Anchlor 12 sodium hypochlorite 10L jug last marked dated 17-Aug-2023 in maintenance garage included NSF/ANSI/CAN 61 mark.
- CALA Directory of Laboratories Memberships 3086 for E3 Laboratories Inc. was confirmed valid to 16-Sep-2025 via website and mostly used as per watermain commissioning results documented in Element 15 below (2728 Caduceon Environmental Laboratories listed for inorganic and microbiological sampling is not used as per SWW) and 1003149 ALS (Waterloo) exp.17-Feb-2024 for organic and inorganic testing.

- **Hymax coupling** identified as **NSF/ANSI 61/372** certified located in storage trailer.

DWQMS Reference	**14. Review and Provision of Infrastructure**
Evidence	PDS OP Element 14 (Rev.16 07-Mar-2023), QMS PROC 014 (rev.12, 16-May-2023), QMS FORM 026 Infrastructure Review Summary (rev.03, 29-Jan-2021) dated 16-May-2023
Finding	*Conforms*
Summary	QMS PROC 014, recently revised to clarify Council communication timeline and add Manager of Engineering to the infrastructure review team, also addresses proposed needs being identified via Infrastructure Review Team meeting once per calendar year to review the previous year's operational history (including but not limited to watermain break history *(refer to Element 15 directly below for updates)*, unplanned maintenance, existing water quality issues, etc.), results of the risk assessment and proposed infrastructure rehabilitation plans as identified in the existing 20-Year Capital forecast, as per QMS FORM 026, lastly completed 16-May-2023. As part of the meeting, the Risk Assessment Meeting results were reviewed, discussed, and confirmed. Also discussed were the infrastructure components (Watermain, Hydrants, Main Valves, etc.), including supporting information (e.g., 2023-2027 Approved Water (Capital) Budget, Water Long Range Financial Plan (**2022-IA-OFI-03** to ensure the latest version of the Financial Plan is available online at https://www.pelham.ca/en/living-here/water-and-wastewater-maintenance.aspx now includes the Water (and Wastewater) Long-Range 2019-2024 version), 2018-2023 YTD Break Histories), etc. Additionally, topics such as Staffing, Water Quality Complaints, Best Management Practices were also discussed. As per QMS LIST 006, there are two actions in progress from the 2023 review (**2023-AI-05** and **-06**, both addressed in Element 8 above), one action in progress from the 2021 review (2021-BMP-01 valves / hydrants GPS scheduled for 2025 completion), and one action in progress from the 2020 review (2020-OFI-11 Operator WO software tablets with a revised due date of 2024 from 31-Dec-2022). Updates to the Forecast are reported to the Senior Management Team, led by the Chief Administrative Officer, for review and approval as part of the annual budget process before being presented to Council for approval with removed budgetary requests considered in future years.

DWQMS Reference	**15. Infrastructure Maintenance, Rehabilitation and Renewal**
Evidence	PDS OP Element 15, Current Combined Water operations 2015-onward Spreadsheet (current to 18-Oct-2023)
Summary	OP Element 15, recently revised to remove the reference to pressure meters to partially address **2022-OFI-25/2022-IA-OFI-04** and Element 6 system components (now just referencing Annual Report) to eliminate duplication and reference NEW QMS SOP 022, also documents a summary of the OA's infrastructure maintenance, rehabilitation, and renewal programs. Key infrastructure maintenance and repairs are summarized within 'Current Combined Water Ops 2015 onward' spreadsheet in 'Maintenance Activities (2)' tab up to 18-Oct-2023. The following maintenance was reviewed as per OP Element 15:

- **Annual Valve** Maintenance is being completed in 2023 for **Quad 2** (started in September) via hardcopy QMS FORM 014 Watermain Valve Maintenance and Inspection Form (rev.06***, refer to COMPLETED Element 5 2022-IA-OFI-01 iii and referenced IN PROGRESS 2022-OFI-25*** *to be verified 7-Dec-2023 as being used as part of this audit through use of QMS LIST 014 to partially address* ***2022-IA-OFI-04*** *and* ***2022-IA-OFI-01****)*, with 5-May- through 10-Dec-**2020** for **Quad 3**, and 4-Jan- through 2-Nov-**2021** for **Quad 4** (mainly July-Aug); each Quad is completed annually with all done in 4 years.
- **Annual Hydrant** Maintenance is documented on Hydrant Maintenance and Inspection QMS FORM 002 (rev.06) signed off by SWW completed for each hydrant 1-33 in hardcopy file for **Quad 3** being completed and some **Quad 4** completed in **2022** with records located at 'E08-Water Distribution\System Maintenance Summaries\Operations Maintenace Summary' by year as per QMS PROC 005.
- **Annual and 5-Year PRV** maintenance as per QMS SOP 022 (rev.0, 17-Oct-2023) and QMS LIST 015 PRV Inventory (rev.0) with Effingham completed 11/10/2023 deemed as 5-year maintenance as per SWW and scheduled to formally start in 2024, also confirmed by MPW as per Element 8 above. As per previous internal audit reports, maintenance was conducted at Brock 30-Aug-2021 via Water / Wastewater Work Order (WO) completed by Devine and 28-Oct-2020 at Churchill.
- **Monthly pressure testing** on combined spreadsheet to Sep-2023 with hardcopy Watermain Pressure Testing Procedure Form QMS FORM 013 (rev.05)
- **Semi-annual 2023 dead end blow off flushing** is documented on QMS FORM 001 for Spring (April-May) and Fall (Oct-Nov) and documented. Management Review 2020-AI-03 to review dead end blow off flushing QMS SOP 001 for frequency is complete.
- **Pressure boosting station** by the Region of Niagara is provided upon request

2 **watermain breaks** were captured on newly revised QMS FORM 025 (rev.08, ***confirming Element 5 2022-IA-OFI-01 iii completion***) Dec-2021 with 4 Cat 1s Jan- and Apr/May-2022 which is sometimes leaky service or connection as per SWW that must be reported on form (construction is not counted, as per MPW). 1 Watermain Break reported on Current spreadsheet 'Maitenance Activities' tab dated 4-Oct-2023 by contractor was not reportable (forms also reviewed for Cat 1 16-Aug-2023] and 5-Sep on Church St. and Kunda Park 8-Jun-2023 ***[refer to Element 5 OFI ii.b)***) with **Watermain Commissioning** happening throughout in the latter part of the year (2-Oct witness of final connect for 200MM below) on 'Maintenance Activities' tab for Pelham St. Phase 4 200MM Watermain Commissioning Town Checklist QMS FORM 12 (rev.08) dated 20-Sep-2023 and 300MM 21-Aug-2023; Contractor Plan QMS FORM 010 (rev.3) and Form 1 Record of Watermains both dated 8-Aug-2023 with testing by E3 Labs (refer to Element 13 for quality requirements confirmation). MECP Inspection **2023-NC-08** pertaining to an updated watermain commissioning form which include columns for decrease in chlorine concentrations in mg/L and % is verified complete. The maintenance program is communicated to the Owner through the budgeting process and the Annual Report. The SWW still retains responsibility for issuing daily WOs and tasks to OA personnel and the electronic logbooks are being considered for easier tracking.

Finding:	*Opportunity for Improvement 2023-IA-OFI-04*
Details:	There is an opportunity to: i. utilize QMS [PRV] LIST 015 to track annual and 5-year inspections. ii. update QMS LIST 014 with valves 187 and 188 and consider incorporating QMS FORM 014 to streamline documentation. iii. ensure QMS [Hydrants] LIST 003 is used and updated (331 completed in 2023 as part of Quad 3 is not on this list). iv. ensure use of latest revision of Dead-End Blow-Off Flushing QMS FORM 001. v. include piping quality requirements on QMS FORM 025.
DWQMS Reference	16. Sampling, Testing and Monitoring
Evidence	PDS OP Element 16, QMS PROC 016 (rev.13, 21-Feb-2023), QMS SOPs 010 THMs and HAAs (rev.9, 8-Feb-2022), QMS FORM 005 Drinking Water Advisory (DWA), Including Boiling Water (rev.1, 18-Feb-2022)
Summary	QMS PROC 016 was recently revised to reflect the removal of weekly and TriHaloMethane (THM) / HaloAcetic Acid (HAA) sampling locations and **2023-OFI-27** MECP Inspection update to AWWA C51-14. **Adverse** results (e.g., as per 'WDS\System Maintenance Summaries\Operations Maintenance Summary\2022\Adverse', 3 with Forms 2A and 2B complete as well as QMS FORM 017 [rev.0, 25-Mar-2021] dated 15-Dec-2022 *(partially verifying completion of Element 5* ***2022-IA-NC-01*** *and Element 21* ***2022-IA-OFI-04)*** and 1 Total Coliform (thought to be lab error and thus not requiring investigation) identified during the audit for 14-Nov-2023 by E3. Upstream testing, sampling, and monitoring is described; source water is tested for turbidity, pH, and temperature; no additional testing was conducted at the Shoalts Drive Reservoir for chlorine residual prior to the discharge of water to PDS as per MPW (as per SWW, no access with additional sampling location within half a kilometre). The program is communicated to Council through mandatory annual MECP reports available at https://www.pelham.ca/en/living-here/water-and-wastewater-maintenance.aspx (including 2022). **Semi-annual lead and alkalinity** sampling took place 5-Oct-2023 and 3-Mar-2022 as per 'Current Combined Water Ops 2015 onward spreadsheet' with results dating back to 2017 and 'Operations Maintenace Summary/2023/Water Distribution Samples\Leads (as well as 'THMs and HAAs', 'Watermain Commissioning' and 'Weekly Samples' folders); 'THM RAA' and 'HAA RAA' tabs identify 7-Mar-, 6-Jun- and 12-Sep-2022 sampling as well as 13-Dec-2022 (trends were discussed during 2022 Management Review). Hardcopy records are retained in binders dating back to 2016 and at Tice Road upstairs in file folders in boxes to 2003.
Finding	*Opportunity for Improvement 2023-IA-OFI-05*
Details	Consider trending QMS FORM 008 Chlorine Residual Sampling results to anticipate potential issues.
DWQMS Reference	17. Measurement & Recording Equipment Calibration and Maintenance
Evidence	PDS OP Element 17, QMS PROC 017 (rev.13, 24-Jan-2023)
Finding	Conforms
Summary	QMS PROC 017, recently revised to removed reference to pressure meter as no longer used, identifies the following equipment confirmed via the SCG

Flowmetrix Water Quality Instrument Verification / Calibration Report dated 23-Jan-2023:

- annual external 4 **pocket colorimeters** calibration (internal verifications were completed via Water/ Wastewater Work Order Forms, e.g., 1-Nov-, Oct- and 29-Sep-2023 as well as documented on 'Colorimeter Comparison' tab of current combined and scanned in 'Monthly Checks' folder); stickers were observed for all (#s 1 and 2 are in the truck)
- annual external **HR Colorimeter** FOO92701
- **backflow WATTS** SN 410544 and 12200226

pH meters are purchased annually to ensure certification / calibration.

DWQMS Reference	18. Emergency Management
Evidence	PDS OP Element 18, QMS LIST 002 Emergency Contacts (rev.5, 30-Mar-2022), QMS PROC 018 Emergency Management (rev.7, 21-Feb-2023), QMS PROC 025 Watermain Break (rev.10), QMS FORM 005 Drinking Water Advisory (rev.1, all 18-Feb-2022), Town of Pelham Emergency Management Plan 4489-2022
Finding	Conforms
Summary	A list of potential emergency situations have been documented in QMS PROC 018 (i.e., distribution system contamination, watermain break, and water quality advisory), which was recently revised to update reference to Emergency Plan to partially address **2022-OFI-22** and include links to Niagara Regions Emergency Response Procedures Manual for Water and Wastewater Systems and [Regional Municipality at Niagara] Memorandum of Understanding – Water Servicing (21-Apr-2016). Other relevant emergency procedures pertain to Region and are in 'Public Works\Niagara Region and NPCA\Emergency response procedures'. Emergency Response Exercises are conducted every 3 years, lastly in 2020 and scheduled for 7-Dec-2023 pertaining to PRVs as per QMS LIST 'DWQMS Timeline' tab. An emergency contact list is documented within QMS LIST 002.

DWQMS Reference	19. Internal Audits
Evidence	PDS OP Element 19, QMS PROC 019 (rev.8, 9-Oct-2018), 2022 Internal DWQMS Audit Report (Audit Date 16/17 Nov 2022, Report Date 30 Nov 2022)
Finding	Conforms
Summary	QMS PROC 019 documents an internal audit process that includes addressing criteria, frequency, scope, methodology and record-keeping requirements, consideration of previous internal and external audit results, and describes how Corrective Actions are identified and initiated (e.g., QMS LIST 006 Corrective and Preventive Actions List). Internal audits have been completed annually by various Tavares Group Consulting Inc. auditors to ensure independence from the activity being audited with all Elements of the DWQMS (both PLAN and DO ions) subject to audit. As per the Management Review Meeting Record (17-Nov-2022), the 2022 internal audit resulted in 5 OFIs in Elements 5, 13, 14, 15, 21 and one non-conformity in Element 5. 2 internal audit findings remain open 2022-OFI-25/2022-IA-OFI-04 discussed in Element 15; all previous external audit findings are either complete or closed.

DWQMS Reference	20. Management Review
Evidence	PDS OP Element 20, QMS PROC 020 (rev.9, 9-Dec-2021), QMS FORM 027 Management Review Meeting Record (rev.01) dated 2022
Finding	Conforms
Summary	QMS PROC 020 documents a process for Management Review that incorporates the review and consideration of applicable Best Management Practices (BMPs), as required in DWQMS Element 21; 2021-BMP-01 is IN PROGRESS as per Element 14 above. Management Review was last completed in 2022 with the results communicated to the Owner via the Annual Summary Report (O. Reg. 170/03 Schedule 22) as outlined in Element 3 above. 2020-AI-01 and -03 are closed as per Elements 6 and 14 respectively although -02 to redefine valves / hydrants quadrants map is due for verification 7-Dec-2023. Action items identified as a result of Management Review are being tracked to completion via QMS LIST 006; 2022-AI-01 to develop a backflow SOP now has due date of Q4 2023 (rescheduled from Spring 2023).

DWQMS Reference	21. Continual Improvement
Evidence	PDS OP Element 21, QMS LIST 006 (rev.6, 17-Nov-2022) last updated 31-May-2023)
Finding	*Conforms*
Summary	OP Element 21 is implemented and conforms to QMS tracking and measuring of continual improvement:

a. to review and consider applicable BMPs including recommendations from MECP, staff suggestions, association-wide best practices, external and internal audits, engineering, or contractor suggestions, etc. which have previously been reviewed as part of Management *(refer to Element 20 directly above)* and Infrastructure Reviews *(refer to Element 14).*
b. for identification and management of QMS Corrective Actions (e.g., resulting from nonconformities associated with internal / external audits and non-compliances as a result of MECP Inspections) as per QMS PROC 019 that includes, within QMS LIST 006, recently updated to clarify 'Completion/Closure Date', added 'CLOSED' status and associated instruction (DWQMS Action table was also recently revised to clarify Accreditation and Reaccreditation timelines in relation to DWQMS Actions and added annual January MECP inspection) for:
    i) investigating the cause(s) of an identified non-conformity,
    ii) documenting the action(s) that will be taken to correct and prevent the non-conformity from re-occurring, and
    iii) reviewing the action(s) taken to correct and verifying that they are implemented and effective.
    iv) identifying and implementing Preventive Actions (e.g., OFIs, actions identified during emergency response training/testing and from infrastructure and Management Reviews *[refer to Element 20]*, MECP inspection recommendations [1 related to backflow from 2016, 2020-OFI-05 tower and 2023-BMP-02 Operator identification during live wet taps remain OPEN], staff observations [all complete], etc.) to eliminate the occurrence of potential non-conformities that includes:
        1. reviewing potential non-conformities that are identified to determine if preventive actions may be necessary,

2. documenting the outcome of the review, including the action(s), if any, that will be taken to prevent a non-conformity from occurring, and
3. reviewing the action(s) taken to prevent a non-conformity, verifying that they are implemented and are effective in preventing the occurrence of the non-conformity.

The QMS LIST 006 is being regularly reviewed with the number of "in progress" items reduced for a 95% closure rate as of 31-May-2023. **2022-IA-OFI-05/2022-OFI-26** to add Adverse Water Quality Incidents to QMS LIST 006 for root cause review is now COMPLETE as part of the 2023 Management Review discussions following this Internal Audit.

NSF International Strategic Registrations Audit Report

The Corporation of the Town of Pelham

20 Pelham Town Square Box 400
Fonthill, Ontario L0S 1E0 CAN

C0122277

Audit Type

Surveillance Audit

Auditor

James Pang

Standard

Ontario's Drinking Water Quality Management Standard Version 2
(Exp Date: 29-APR-2024)

Audit Date(s):

03/17/2023 - 03/17/2023

Recommendation

Ontario's Drinking Water Quality Management Standard Version 2 : Continue Certification, NO CARs

Executive Summary

Ontario's Drinking Water Quality Management Standard Version 2	The MPW is familiar with the requirements of the DWQMS standard and open to improvement ideas.

Opportunities

Ontario's Drinking Water Quality Management Standard Version 2	See the lone OFI

Corrective Action Requests

There is NO Corrective Action Request in this audit.

Site Information

The audit was based on a sampling of the company's management system.

Industry Codes

NACE:E 41

Scope of Registration

Ontario's Drinking Water Quality Management Standard Version 2 : Pelham Distribution System, 072-OA1, Entire Full Scope Accreditation

Opportunities for Improvements

Ontario's Drinking Water Quality Management Standard Version 2

Opportunity	Observations / Auditor Notes
Opportunities for Improvements (DWQMS)-01	**Location of OFI** Essential Supplies and Services; **Discussed With** Ryan Cook; **Description** As described in QMS PROC 013. Reviewed QMS-Proc-13 to be in general conformance but observed that only AWWA was specified as the specification for pipes, valves and hydrants. The management may consider to expend the specification to include NSF, ANSi and other relevant standards. ;

General Information

Operating Authority: Legal Name & Address	**The Corporation of the Town of Pelham, 20 Pelham Town Square, Box 400 Fonthill, Ontario, Canada, L0S 1E0**
Language Preference: Correspondence	**English**
Language Preference: Audit	**English**
Owner: Legal Name and Address	**The Corporation of the Town of Pelham, 20 Pelham Town Square, Box 400 Fonthill, Ontario, Canada, L0S 1E0**
Owner Language Preference: Correspondence	**English**
Owner Language Preference: Audit	**English**
Applicant Representative Information; Include Name, Title, Phone, Fax, Email & Website	**Ryan Cook Manager of Public works T - 905 892 2607 x 362 rcook@pelham.ca**
Accreditation Option	**Full Scope - Entire DWQMS**
Date of Previous Systems Audit:	**April 19, 2022**
Date of Previous On-Site Verification Audit:	**April 6, 2021**

Processes

Ontario's Drinking Water Quality Management Standard Version 2

Process Name	Observations / Auditor Notes
Processes or Activities (DWQMS)-01	**Describe whether the process is effective or not (effectiveness should be supported with specific data/records/results). Include strengths & weaknesses of process:** All conforming elements are listed below: Element 1 - All 21 elements were incorporated in the Operational Plan (OP), Rev16 dated March 7, 2023. Element 2 - The Pelham Distribution System QMS Policy is as documented in S801-01. Element 3 - Owner's endorsement through a Council Resolution on Feb 21, 2023. Top Management endorsement by the Director of Public Works and Manager of Public Works on Feb 9, 2021.

Process Name	Observations / Auditor Notes
	Element 4 - The Manager of Public Works is the QMS Rep. Element 5 - As described in Document and Records Control Procedure 'QMS PROC 005'. Element 6 - As described in section 6 of the OP, and in QMS PROC 016 "Sampling, Testing and Monitoring". Element 7 - As described in QMS PROC 007. Last annual review on March 30, 2022. Element 8 - As described in Risk Assessment Outcomes List QMS LIST 001. Last full risk assessment on July 14, 2020. element 9 - As described in section 9 of the OP. Element 10 - As described in section 10 of the OP. Reviewed all five operator licenses to be valid. Element 11 - As described in 'QMS PROC 011' Personnel Coverage Procedure and 'QMS SOP 004' Overtime Call-In ; Element 12 - As described in QMS PROC 021 and 012. Element 14 - Reviewed record of a review fo the the infrastructure on March 30, 2022 attended by the DPW, MPW and SWW, to be in general conformance. Element 15 - As described in QMS PROC 014. Reviewed the 10-year capital budget plan from 2023 to 2032, to be in general conformance. Element 16 - As described in QMS PROC 016. element 17 - As described in QMS PROC 017. Element 18 - Element 18 of the DWQMS Standard doesn't specify the frequency of training and test of your emergency procedures. However, it does specify "to maintain a state of emergency preparedness". Since the Operating Authority is comfortable with their current practice, the OFI from 2022 is considered closed. Element 19 - Reviewed records of internal audit performed by Tavares Group on Nov 16 / 17, 2022 . All 21 elements were addressed and it was found to be in general conformance. . Element 20 - Reviewed record of management review held on Nov 17, 2022 to be generally conforming. Top Management was in attendance, All required agenda items were covered. The Record included decision, action and timeliness where relevant. Element 21 - The continual improvements of the QMS was logged in the QMS List 006 Corrective and Preventive Action List last updated on Nov 17, 2022.

Summary of Findings	
Requirement	**Finding**
1. Quality Management System	**C**
2. Quality Management System Policy	**C**
3. Commitment and Endorsement	**C**
4. Quality Management System Representative	**C**
5. Document and Record Control	**C**
6. Drinking-Water System	**C**
7. Risk Assessment	**C**
8. Risk Assessment Outcomes	**C**
9. Organizational Structure, Roles, Responsibilities, and Authorities	**C**
10. Competencies	**C**
11. Personnel Coverage	**C**
12. Communications	**C**
13. Essential Supplies and Services	**OFI**
14. Review and Provision of Infrastructure	**C**
15. Infrastructure Maintenance, Rehabilitation & Renewal	**C**
16. Sampling, Testing & Monitoring	**C**
17. Measurement & Recording Equipment, Calibration & Maintenance	**C**
18. Emergency Management	**C**
19. Internal Audits	**C**
20. Management Review	**C**
21. Continual Improvement	**C**

Mj	Major Non-Conformity. The auditor has determined one of the following: (a) a required element of the DWQMS has not been incorporated into a QMS: (b) a systemic problem with a QMS is evidenced by two or more minor conformities; or (c) a minor non-conformity identified in a corrective action request has not been remedied.
Mn	Minor Non-Conformity. In the opinion of the auditor, part of a required element of the DWQMS has not been incorporated satisfactorily into a QMS.
OFI	Opportunity for Improvement. Conforms to requirement, but there is opportunity for improvement.
C	Conforms to requirement.
	Not Applicable to this audit
*****	Additional Comment added by auditor in the body of the report.

Verification of CARs For Ontario's Drinking Water Quality Management Standard Version 2
Have you verified the effectiveness of all previous CARs? (List all new CAR's that you initiated in this report because you did not verify effective implementation of a previous CAR) N/A.
Discuss your evaluation in detail. No CAR from the previous audit.

PELHAM DISTRIBUTION SYSTEM
20 PELHAM TOWN SQ, PELHAM, ON, L0S 1E0

INSPECTION REPORT

System Number:	260001604
Entity:	THE CORPORATION OF THE TOWN OF PELHAM
Inspection Start Date:	October 12, 2023
Inspection End Date:	October 25, 2023
Inspected By:	Kiersten Atamanyk
Badge #:	2067

(signature)

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APPENDICES:

APPENDIX A	STAKEHOLDER APPENDIX
APPENDIX B	INSPECTION RATING RECORD (IRR)

NON-COMPLIANCE

This should not be construed as a confirmation of full compliance with all potential applicable legal requirements. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

RECOMMENDATIONS

This should not be construed as a confirmation of full conformance with all potential applicable BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

Ministry Program: DRINKING WATER | **Regulated Activity:** DW Municipal Residential

Question ID	DWMR1001000	**Question Type**	Information

Legislative Requirement(s):
Not Applicable

Question:
What was the scope of this inspection?

Compliance Response(s)/Corrective Action(s)/Observation(s):
The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O. Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

On October 12, 2023, Kiersten Atamanyk conducted an unannounced focused inspection of the Pelham Distribution System, DWS # 260001604. During the Inspection, the Inspector met with Ryan Cook, Manager of Public Works, and Dave Vaccaro, Supervisor of Water/Wastewater, to obtain the required documentation and information. The inspection period covered January 1, 2023, to September 30, 2023.

The Pelham Distribution System is a Class 1 large municipal residential drinking water distribution system and serves approximately 14,000 residents through approximately 84 km of Town watermains which range in size from 50 mm to 400 mm. The system consists primarily of cast iron, asbestos cement, high pressure concrete piping, copper, and PVC piping. There are approximately 568 fire hydrants and approximately 751 valves located throughout the system.

The Pelham Distribution System receives treated water from the Regional Municipality of Niagara's Welland Drinking Water System (DWS # 220002048). Raw water for the Welland Water Drinking Water System is taken from Lake Erie via the Welland Recreational Waterway.

Two drinking water storage facilities are located within the Town of Pelham: The Shoalts Drive Reservoir/Rechlorination Station and the Pelham Elevated Tank. The Welland Water Treatment

Plant and the two storage facilities are subject to a separate inspection as they are owned and operated by the Regional Municipality of Niagara.

Records reviewed in conjunction with this inspection include but were not limited to: Drinking Water Works Permit (DWWP) 072-201, Issue 4, Municipal Drinking Water Licence (MDWL), 072-101, Issue 4 both approved on July 23, 2019, along with other documents maintained by the owner/operator associated with regulatory requirements under the Safe Drinking Water Act.

Question ID	DWMR1000000	**Question Type**	Information

Legislative Requirement(s):
Not Applicable

Question:
Does this drinking water system provide primary disinfection?

Compliance Response(s)/Corrective Action(s)/Observation(s):
This drinking water system provides for only secondary disinfection and distribution of water. Primary disinfection is undertaken by another regulated drinking water system which provides treated water to this drinking water system.

The Pelham Distribution System (DS) receives its supply of treated water from the Regional Municipality of Niagara's Welland Drinking Water System (DWS # 220002048).

Question ID	DWMR1020000	**Question Type**	Legislative

Legislative Requirement(s):
SDWA | 31 | (1);

Question:
Is the owner/operating authority able to demonstrate that, when required during the inspection period, Form 1 documents were prepared in accordance with their Drinking Water Works Permit?

Compliance Response(s)/Corrective Action(s)/Observation(s):
The owner/operating authority was in compliance with the requirement to prepare Form 1 documents as required by their Drinking Water Works Permit during the inspection period.

One Form 1 project for replacement of watermains was approved and commissioned during the inspection period. The Form 1 met the requirements outlined in the DWWP.

Question ID	DWMR1025000	**Question Type**	Legislative

Legislative Requirement(s):
SDWA | 31 | (1);

Question:
Were all parts of the drinking water system that came in contact with drinking water (added,

modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?

Compliance Response(s)/Corrective Action(s)/Observation(s):

All parts of the drinking water system were disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit.

The Ministry's Watermain Disinfection Procedure (WDP) was updated and approved in August 2020. As per Condition 2.3.2, the town of Pelham is now required to follow the requirements of the updated Watermain Disinfection Procedure, August 2020. The town's watermain commissioning and watermain repairs documentation met the requirements of the 2020 Ontario Watermain Disinfection Procedure.

Question ID	DWMR1033000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | O. Reg. 170/03 | 7-2 | (3); SDWA | O. Reg. 170/03 | 7-2 | (4);

Question:

Is the secondary disinfectant residual measured as required for the large municipal residential distribution system?

Compliance Response(s)/Corrective Action(s)/Observation(s):

The secondary disinfectant residual was measured as required for the large municipal residential distribution system.

The Town of Pelham is required to take two sets of free chlorine residual (FCR) samples per week, as described in Schedule 7-2(4) of O. Reg. 170/03, at least four (4) samples taken on one day of the week, at least three (3) samples taken on a second day of the week, at least 48 hours apart.

Question ID	DWMR1099000	**Question Type**	Information

Legislative Requirement(s):

Not Applicable

Question:

Do records show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg. 169/03)?

Compliance Response(s)/Corrective Action(s)/Observation(s):

Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg. 169/03).

Question ID	DWMR1081000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | O. Reg. 170/03 | 10-2 | (1); SDWA | O. Reg. 170/03 | 10-2 | (2); SDWA | O. Reg. 170/03 | 10-2 | (3);

Question:

For LMR systems, are all microbiological water quality monitoring requirements for distribution samples being met?

Compliance Response(s)/Corrective Action(s)/Observation(s):

All microbiological water quality monitoring requirements prescribed by legislation for distribution samples in a large municipal residential system were being met.

The Pelham DS is required to take 22 microbiological samples per month, including at least 1 per week. In addition, at least 25% of these samples must also be tested for Heterotrophic Plate Count (HPC). All bacteriological samples were tested for HPC.

Question ID	DWMR1096000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | O. Reg. 170/03 | 6-3 | (1);

Question:

Do records confirm that chlorine residual tests are being conducted at the same time and at the same location that microbiological samples are obtained?

Compliance Response(s)/Corrective Action(s)/Observation(s):

Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.

Question ID	DWMR1086000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | O. Reg. 170/03 | 13-6.1 | (1); SDWA | O. Reg. 170/03 | 13-6.1 | (2); SDWA | O. Reg. 170/03 | 13-6.1 | (3); SDWA | O. Reg. 170/03 | 13-6.1 | (4); SDWA | O. Reg. 170/03 | 13-6.1 | (5); SDWA | O. Reg. 170/03 | 13-6.1 | (6);

Question:

Are all haloacetic acid water quality monitoring requirements prescribed by legislation conducted within the required frequency and at the required location?

Compliance Response(s)/Corrective Action(s)/Observation(s):

All haloacetic acid water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.

Haloacetic Acid (HAA) samples were collected and tested on a quarterly basis with an annual running average of 9.4 ug/L. The limit for this parameter is 80 ug/L.

Question ID	DWMR1087000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | O. Reg. 170/03 | 13-6 | (1); SDWA | O. Reg. 170/03 | 13-6 | (2); SDWA | O. Reg. 170/03 | 13-6 | (3); SDWA | O. Reg. 170/03 | 13-6 | (4); SDWA | O. Reg. 170/03 | 13-6 | (5); SDWA | O. Reg. 170/03 | 13-6 | (6);

Question:

Have all trihalomethane water quality monitoring requirements prescribed by legislation been conducted within the required frequency and at the required location?

Compliance Response(s)/Corrective Action(s)/Observation(s):

All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.

Trihalomethane (THM) samples were collected and tested on a quarterly basis with an annual running average of 35.0 ug/L. The drinking water standard for THMs is 100 ug/L, expressed as a running annual average.

Question ID	DWMR1113000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | O. Reg. 170/03 | 10.1 | (3);

Question:

Have all changes to the system registration information been provided to the Ministry within ten (10) days of the change?

Compliance Response(s)/Corrective Action(s)/Observation(s):

All changes to the system registration information were provided within ten (10) days of the change.

All profile information is accurate/up to date, the Drinking Water System Profile Information Form was submitted to the ministry via waterforms@ontario.ca.

Question ID	DWMR1059000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | O. Reg. 128/04 | 28;

Question:

Do the operations and maintenance manuals contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the system?

Compliance Response(s)/Corrective Action(s)/Observation(s):

The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.

Question ID	DWMR1060000	**Question Type**	Legislative

Legislative Requirement(s):

SDWA | 31 | (1);

Question:
Do the operations and maintenance manuals meet the requirements of the DWWP and MDWL issued under Part V of the SDWA?

Compliance Response(s)/Corrective Action(s)/Observation(s):
The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.

Question ID	DWMR1061000	**Question Type**	Legislative

Legislative Requirement(s):
SDWA | O. Reg. 128/04 | 27 | (1); SDWA | O. Reg. 128/04 | 27 | (2); SDWA | O. Reg. 128/04 | 27 | (3); SDWA | O. Reg. 128/04 | 27 | (4); SDWA | O. Reg. 128/04 | 27 | (5); SDWA | O. Reg. 128/04 | 27 | (6); SDWA | O. Reg. 128/04 | 27 | (7);

Question:
Are logbooks properly maintained and contain the required information?

Compliance Response(s)/Corrective Action(s)/Observation(s):
Logbooks were properly maintained and contained the required information.

Question ID	DWMR1062000	**Question Type**	Legislative

Legislative Requirement(s):
SDWA | O. Reg. 170/03 | 7-5;

Question:
Do records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment is being done by a certified operator, water quality analyst, or person who meets the requirements of O. Reg. 170/03 7-5?

Compliance Response(s)/Corrective Action(s)/Observation(s):
Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.

Question ID	DWMR1071000	**Question Type**	BMP

Legislative Requirement(s):
Not Applicable

Question:
Has the owner provided security measures to protect components of the drinking water system?

Compliance Response(s)/Corrective Action(s)/Observation(s):
The owner had provided security measures to protect components of the drinking water system.

The Chestnut Ridge pump station is located on the Pelham Elevated Tank's property, which is

owned by the Regional Municipality of Niagara. The station is locked, alarmed and within a fenced area.
The Town's filling station is boxed in with double locks.

Question ID	DWMR1073000	Question Type	Legislative

Legislative Requirement(s):
SDWA | O. Reg. 128/04 | 23 | (1);

Question:
Has the overall responsible operator been designated for all subsystems which comprise the drinking water system?

Compliance Response(s)/Corrective Action(s)/Observation(s):
The overall responsible operator had been designated for each subsystem.

Pelham DS is classified as a stand-alone Class 2 Distribution System which received Certificate #1733 on November 9, 2005. The designated ORO is Ryan Cook, who holds a valid Class 2 license, expiring March 31, 2026. Dave Vaccaro has been designated as the backup ORO, who holds a valid Class 2 license, expiring January 31, 2026.

Question ID	DWMR1074000	Question Type	Legislative

Legislative Requirement(s):
SDWA | O. Reg. 128/04 | 25 | (1);

Question:
Have operators-in-charge been designated for all subsystems which comprise the drinking water system?

Compliance Response(s)/Corrective Action(s)/Observation(s):
Operators-in-charge had been designated for all subsystems which comprise the drinking water system.

Question ID	DWMR1075000	Question Type	Legislative

Legislative Requirement(s):
SDWA | O. Reg. 128/04 | 22;

Question:
Do all operators possess the required certification?

Compliance Response(s)/Corrective Action(s)/Observation(s):
All operators possessed the required certification.

A search of the Ontario Water Wastewater Certification Office (OWWCO) operator listing report website showed that all operators have the required certification.

Question ID	DWMR1117000	Question Type	Information

Legislative Requirement(s):
Not Applicable

Question:
Are there any other DWS related items that should be recognized in this report?

Compliance Response(s)/Corrective Action(s)/Observation(s):
The following items are noted as being relevant to the Drinking Water System:

Key items to note for the 2023- 24 inspection period for the Pelham Distribution Systems:

• The Town of Pelham's backflow program is currently on-going and is in the survey stage, in which the Town is sending a letter to high hazard businesses. These surveys will help the Town determine what kind of backflow prevention is installed, when it was last tested, and where backflow prevention equipment is needed. Following completion of the surveys, operators will arrange appointments to conduct visual inspections of the backflow prevention equipment.

Appendix A

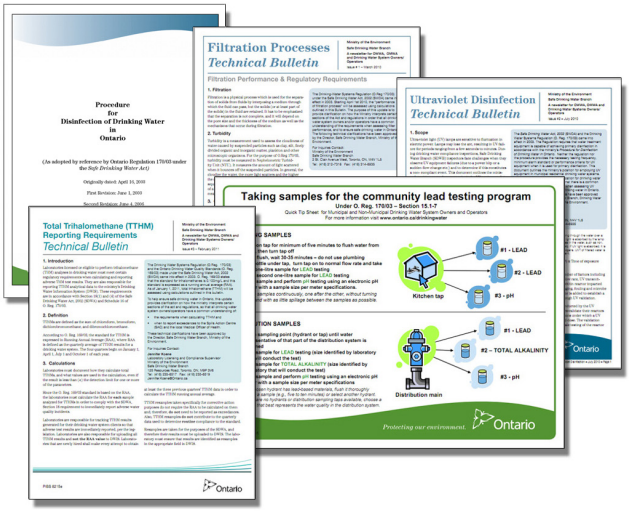
Stakeholder Appendix

Key Reference and Guidance Material for Municipal Residential Drinking Water Systems

Many useful materials are available to help you operate your drinking water system. Below is a list of key materials owners and operators of municipal residential drinking water systems frequently use.

To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Public Information Centre if you need assistance or have questions at 1-800-565-4923/416-325-4000 or **picemail.moe@ontario.ca**.

For more information on Ontario's drinking water visit **www.ontario.ca/drinkingwater** and email **drinking.water@ontario.ca** to subscribe to drinking water news.



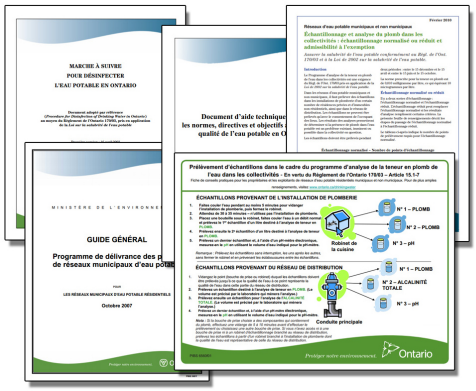
PUBLICATION TITLE	PUBLICATION NUMBER
Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils	7889e01
FORMS: Drinking Water System Profile Information, Laboratory Services Notification, Adverse Test Result Notification Form	7419e, 5387e, 4444e
Procedure for Disinfection of Drinking Water in Ontario	4448e01
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids	7152e
Total Trihalomethane (TTHM) Reporting Requirements Technical Bulletin (February 2011)	8215e
Filtration Processes Technical Bulletin	7467
Ultraviolet Disinfection Technical Bulletin	7685
Guide for Applying for Drinking Water Works Permit Amendments, Licence Amendments, Licence Renewals and New System Applications	7014e01
Certification Guide for Operators and Water Quality Analysts	
Guide to Drinking Water Operator Training Requirements	9802e
Taking Samples for the Community Lead Testing Program	6560e01
Community Sampling and Testing for Lead: Standard and Reduced Sampling and Eligibility for Exemption	7423e
Guide: Requesting Regulatory Relief from Lead Sampling Requirements	6610
Drinking Water System Contact List	7128e
Technical Support Document for Ontario Drinking Water Quality Standards	4449e01

ontario.ca/drinkingwater

Principaux guides et documents de référence sur les réseaux résidentiels municipaux d'eau potable

De nombreux documents utiles peuvent vous aider à exploiter votre réseau d'eau potable. Vous trouverez ci-après une liste de documents que les propriétaires et exploitants de réseaux résidentiels municipaux d'eau potable utilisent fréquemment.

Pour accéder à ces documents en ligne, cliquez sur leur titre dans le tableau ci-dessous ou faites une recherche à l'aide de votre navigateur Web. Communiquez avec le Centre d'information au public au 1 800 565-4923 ou au 416 325-4000, ou encore à **picemail.moe@ontario.ca** si vous avez des questions ou besoin d'aide.



Pour plus de renseignements sur l'eau potable en Ontario, consultez le site **www.ontario.ca/eaupotable** ou envoyez un courriel à **drinking.water@ontario.ca** pour suivre l'information sur l'eau potable.

TITRE DE LA PUBLICATION	NUMÉRO DE PUBLICATION
Prendre soin de votre eau potable – Un guide destiné aux membres des conseils municipaux	7889f01
Renseignements sur le profil du réseau d'eau potable, Avis de demande de services de laboratoire, Formulaire de communication de résultats d'analyse insatisfaisants et du règlement des problèmes	7419f, 5387f, 4444f
Marche à suivre pour désinfecter l'eau potable en Ontario	4448f01
Strategies for Minimizing the Disinfection Products Thrihalomethanes and Haloacetic Acids (en anglais seulement)	7152e
Total Trihalomethane (TTHM) Reporting Requirements: Technical Bulletin (février 2011) (en anglais seulement)	8215e
Filtration Processes Technical Bulletin (en anglais seulement)	7467
Ultraviolet Disinfection Technical Bulletin (en anglais seulement)	7685
Guide de présentation d'une demande de modification du permis d'aménagement de station de production d'eau potable, de modification du permis de réseau municipal d'eau potable, de renouvellement du permis de réseau municipal d'eau potable et de permis pour un nouveau réseau	7014f01
Guide sur l'accréditation des exploitants de réseaux d'eau potable et des analystes de la qualité de l'eau de réseaux d'eau potable	
Guide sur les exigences relatives à la formation des exploitants de réseaux d'eau potable	9802f
Prélèvement d'échantillons dans le cadre du programme d'analyse de la teneur en plomb de l'eau dans les collectivités	6560f01
Échantillonnage et analyse du plomb dans les collectivités : échantillonnage normalisé ou réduit et admissibilité à l'exemption	7423f
Guide: Requesting Regulatory Relief from Lead Sampling Requirements (en anglais seulement)	6610
Liste des personnes-ressources du réseau d'eau potable	7128f
Document d'aide technique pour les normes, directives et objectifs associés à la qualité de l'eau potable en Ontario	4449f01

ontario.ca/eaupotable

Appendix B

Inspection Rating Record (IRR)

APPLICATION OF THE RISK METHODOLOGY USED FOR MEASURING MUNICIPAL RESIDENTIAL DRINKING WATER SYSTEM INSPECTION RESULTS

The Ministry of the Environment (MOE) has a rigorous and comprehensive inspection program for municipal residential drinking water systems (MRDWS). Its objective is to determine the compliance of MRDWS with requirements under the Safe Drinking Water Act and associated regulations. It is the responsibility of the municipal residential drinking water system owner to ensure their drinking water systems are in compliance with all applicable legal requirements.

This document describes the risk rating methodology, which has been applied to the findings of the Ministry's MRDWS inspection results since fiscal year 2008-09. The primary goals of this assessment are to encourage ongoing improvement of these systems and to establish a way to measure this progress.

MOE reviews the risk rating methodology every three years.

The Ministry's Municipal Residential Drinking Water Inspection Protocol contains 15 inspection modules consisting of approximately 100 regulatory questions. Those protocol questions are also linked to definitive guidance that ministry inspectors use when conducting MRDWS inspections.

ontario.ca/drinkingwater

PIBS 6797e

The questions address a wide range of regulatory issues, from administrative procedures to drinking water quality monitoring. The inspection protocol also contains a number of non-regulatory questions.

A team of drinking water specialists in the ministry assessed each of the inspection protocol regulatory questions to determine the risk (not complying with the regulation) to the delivery of safe drinking water. This assessment was based on established provincial risk assessment principles, with each question receiving a risk rating referred to as the Question Risk Rating. Based on the number of areas where a system is deemed to be non-compliant during the inspection, and the significance of these areas to administrative, environmental, and health consequences, a risk-based inspection rating is calculated by the ministry for each drinking water system.

It is important to be aware that an inspection rating less than 100 per cent does not mean the drinking water from the system is unsafe. It shows areas where a system's operation can improve. The ministry works with owners and operators of systems to make sure they know what they need to do to achieve full compliance.

The inspection rating reflects the inspection results of the specific drinking water system for the reporting year. Since the methodology is applied consistently over a period of years, it serves as a comparative measure both provincially and in relation to the individual system. Both the drinking water system and the public are able to track the performance over time, which encourages continuous improvement and allows systems to identify specific areas requiring attention.

The ministry's annual inspection program is an important aspect of our drinking water safety net. The ministry and its partners share a common commitment to excellence and we continue to work toward the goal of 100 per cent regulatory compliance.

Determining Potential to Compromise the Delivery of Safe Water

The risk management approach used for MRDWS is aligned with the Government of Ontario's Risk Management Framework. Risk management is a systematic approach to identifying potential hazards, understanding the likelihood and consequences of the hazards, and taking steps to reduce their risk if necessary and as appropriate.

The Risk Management Framework provides a formula to be used in the determination of risk:

RISK = LIKELIHOOD × CONSEQUENCE
(of the consequence)

Every regulatory question in the inspection protocol possesses a likelihood value (L) for an assigned consequence value (C) as described in **Table 1** and **Table 2**.

TABLE 1:

Likelihood of Consequence Occurring	Likelihood Value
0% - 0.99% (Possible but Highly Unlikely)	L = 0
1 – 10% (Unlikely)	L = 1
11 – 49% (Possible)	L = 2
50 – 89% (Likely)	L = 3
90 – 100% (Almost Certain)	L = 4

TABLE 2:

Consequence	Consequence Value
Medium Administrative Consequence	C = 1
Major Administrative Consequence	C = 2
Minor Environmental Consequence	C = 3
Minor Health Consequence	C = 4
Medium Environmental Consequence	C = 5
Major Environmental Consequence	C = 6
Medium Health Consequence	C = 7
Major Health Consequence	C = 8

The consequence values (0 through 8) are selected to align with other risk-based programs and projects currently under development or in use within the ministry as outlined in **Table 2**.

The Question Risk Rating for each regulatory inspection question is derived from an evaluation of every identified consequence and its corresponding likelihood of occurrence:

- All levels of consequence are evaluated for their potential to occur
- Greatest of all the combinations is selected.

The Question Risk Rating quantifies the risk of non-compliance of each question relative to the others. Questions with higher values are those with a potentially more significant impact on drinking water safety and a higher likelihood of occurrence. The highest possible value would be 32 (4×8) and the lowest would be 0 (0×1).

Table 3 presents a sample question showing the risk rating determination process.

TABLE 3:

Does the Operator in Charge ensure that the equipment and processes are monitored, inspected and evaluated?

Risk = Likelihood × Consequence							
C=1	C=2	C=3	C=4	C=5	C=6	C=7	C=8
Medium Administrative Consequence	**Major** Administrative Consequence	**Minor** Environmental Consequence	**Minor** Health Consequence	**Medium** Environmental Consequence	**Major** Environmental Consequence	**Medium** Health Consequence	**Major** Health Consequence
L=4 (Almost Certain)	L=1 (Unlikely	L=2 (Possible)	L=3 (Likely)	L=3 (Likely)	L=1 (Unlikely	L=3 (Likely)	L=2 (Possible)
R=4	**R=2**	**R=6**	**R=12**	**R=15**	**R=6**	**R=21**	**R=16**

Application of the Methodology to Inspection Results

Based on the results of a MRDWS inspection, an overall inspection risk rating is calculated. During an inspection, inspectors answer the questions related to regulatory compliance and input their "yes", "no" or "not applicable" responses into the Ministry's Laboratory and Waterworks Inspection System (LWIS) database. A "no" response indicates non-compliance. The maximum number of regulatory questions asked by an inspector varies by: system (i.e., distribution, stand-alone); type of inspection (i.e., focused, detailed); and source type (i.e., groundwater, surface water).

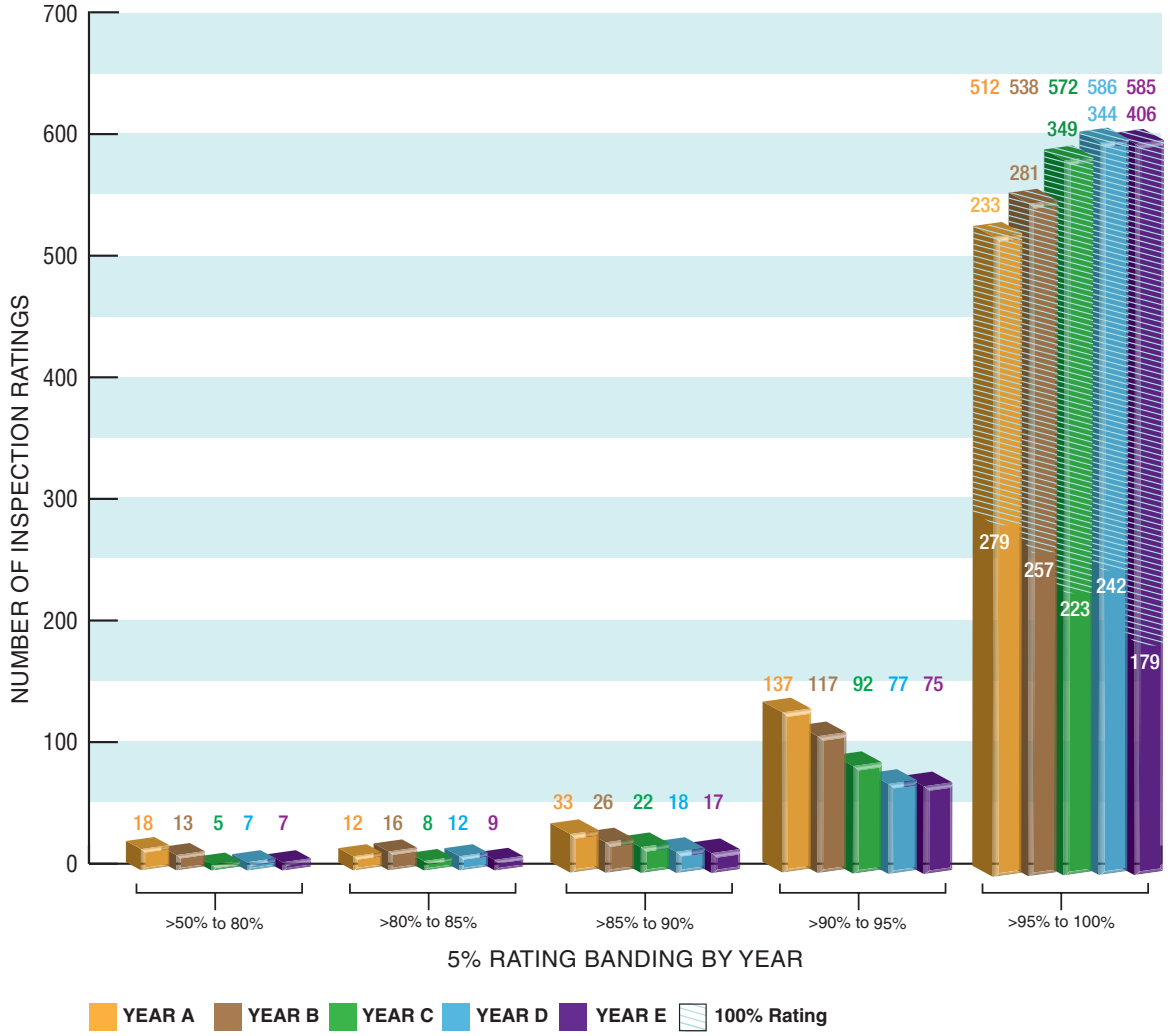
The risk ratings of all non-compliant answers are summed and divided by the sum of the risk ratings of all questions asked (maximum question rating). The resulting inspection risk rating (as a percentage) is subtracted from 100 per cent to arrive at the final inspection rating.

Application of the Methodology for Public Reporting

The individual MRDWS Total Inspection Ratings are published with the ministry's Chief Drinking Water Inspector's Annual Report.

Figure 1 presents the distribution of MRDWS ratings for a sample of annual inspections. Individual drinking water systems can compare against all the other inspected facilities over a period of inspection years.

Figure 1: Year Over Year Distribution of MRDWS Ratings



Reporting Results to MRDWS Owners/Operators

A summary of inspection findings for each system is generated in the form of an Inspection Rating Record (IRR). The findings are grouped into the 15 possible modules of the inspection protocol, which would provide the system owner/operator with information on the areas where they need to improve. The 15 modules are:

1. Source
2. Permit to Take Water
3. Capacity Assessment
4. Treatment Processes
5. Treatment Process Monitoring
6. Process Wastewater
7. Distribution System
8. Operations Manuals
9. Logbooks
10. Contingency and Emergency Planning
11. Consumer Relations
12. Certification and Training
13. Water Quality Monitoring
14. Reporting, Notification and Corrective Actions
15. Other Inspection Findings

For further information, please visit **www.ontario.ca/drinkingwater**

DWS Name: PELHAM DISTRIBUTION SYSTEM
DWS Number: 260001604
DWS Owner: THE CORPORATION OF THE TOWN OF PELHAM
Municipal Location: PELHAM

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Oct-12-2023
Ministry Office: Niagara District Office

Maximum Risk Rating: 175

Inspection Module	Non Compliance Risk (X out of Y)
Certification and Training	0/28
Logbooks	0/18
Operations Manuals	0/28
Reporting & Corrective Actions	0/4
Treatment Processes	0/46
Water Quality Monitoring	0/51
Overall - Calculated	**0/175**

Inspection Risk Rating:	**0.00%**

Final Inspection Rating:	**100.00%**

DWS Name:	PELHAM DISTRIBUTION SYSTEM
DWS Number:	260001604
DWS Owner Name:	THE CORPORATION OF THE TOWN OF PELHAM
Municipal Location:	PELHAM
Regulation:	O.REG. 170/03
DWS Category:	DW Municipal Residential
Type of Inspection:	Focused
Inspection Date:	Oct-12-2023
Ministry Office:	Niagara District Office

All legislative requirements were met. No detailed rating scores.

Maximum Question Rating: 175

Inspection Risk Rating:	**0.00%**

FINAL INSPECTION RATING:	**100.00%**

THE TOWNSHIP OF
GREATER MADAWASKA

January 22, 2024

Cheryl Gallant
House of Commons
Ottawa, ON K0J 1H0

Sent via email: cheryl.gallant@parl.gc.ca

Re: Support of Bill C-310 and Amendments to Subsections 118.06 (2) & 118.07 (2) of the *Income Tax Act* (Tax Credit for Volunteer Firefighters)

Dear Ms. Gallant,

Please be advised that at the Regular Council Meeting on January 18th 2024, the Township of Greater Madawaska Council passed the following resolution, supporting the attached resolution from the Municipality of Wawa regarding Support of Bill C-310 and Amendments to Subsections 118.06 (2) & 118.07 (2) of the *Income Tax Act* (Tax Credit for Volunteer Firefighters).

Resolution #9-24
Moved by Councillor Thomson
Seconded by Councillor Levesque
That Council support Municipality of Wawa's Resolution #RC23265 in support of Bill C-310 and Amendments to Subsections 118.06 (2) and 118.07 (2) of the Income Tax Act (Tax Credit for Volunteer Firefighters); and
That Council direct staff to share a copy of this resolution with the Association of Fire Chiefs of Ontario, Association of Municipalities of Ontario, all Ontario Municipalities, and Renfrew-Nipissing-Pembroke MP
Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email.

Sincerely,

Robin Emon, Clerk
613-752-2229
clerk@greatermadawaska.com

cc: Sent via e-mail
Association of Fire Chiefs of Ontario – info@oafc.on.ca
The Association of Ontario Municipalities (AMO) – resolutions@amo.on.ca
All Ontario Municipalities

THE TOWNSHIP OF GREATER MADAWASKA

Council Resolution Form

Date:	18 Jan 2024	No:	Resolution No.9-24
Moved By:	Councillor Thomson Seconded by Councillor Levesque	Disposition:	CARRIED.
		Item No:	10.1

Description: Volunteer Firefighter Tax Credits - Council Resolution Municipality of Wawa

RESOLUTION:

That Council support Municipality of Wawa's Resolution #RC23265 in support of Bill C-310 and Amendments to Subsections 118.06 (2) and 118.07 (2) of the *Income Tax Act* (Tax Credit for Volunteer Firefighters); and

That Council direct staff to share a copy of this resolution with the Association of Fire Chiefs of Ontario, Association of Municipalities of Ontario, all Ontario Municipalities, and Renfrew-Nipissing-Pembroke MP.

Recorded Vote Requested by:

.....

	Yea	Nay
J. Levesque	____	____
T. Popkie	____	____
L. Thomson	____	____
R. Tripp	____	____
R. Weir	____	____

MAYOR

Declaration of Pecuniary Interest:

.....

Disclosed his/her/their interest(s), vacated he/her/their seat(s), abstained from discussion and did not vote

The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, November 7, 2023

Resolution # RC23265	**Meeting Order: 10**
Moved by: Cathy Cannon	**Seconded by:**

WHEREAS Canada has 90,000 volunteer firefighters who provide fire and all hazard emergency services to their communities; in addition, approximately 8,000 essential search and rescue volunteers respond to thousands of incidents every year; and

WHEREAS many of these individuals receive some form of pay on call, an honorarium, or are given some funding to cover expenses, but they do not draw a living wage from firefighting; and;

WHEREAS without volunteer firefighters and search and rescue volunteers, thousands of communities in Canada would have no fire and emergency response coverage; and;

WHEREAS in 2013, the federal government initiated a tax credit recognizing these individuals, and calling on the federal government to increase this tax credit from $3,000 to $10,000; and;

WHEREAS volunteer firefighters account for 71% of Canada's total firefighting essential first responders;

- The tax code of Canada currently allows volunteer firefighters and search and rescue volunteers to claim a $3,000 tax credit if 200 hours of volunteer services were completed in a calendar year;
- This works out to a mere $450 per year, which we allow these essential volunteers to keep of their own income from their regular jobs, $2.25 an hour;
- If they volunteer more than 200 hours, which many do, this tax credit becomes even less;
- These essential volunteers not only put their lives on the line and give their time, training and efforts to Canadians, but they also allow cities and municipalities to keep property taxes lower than if paid services were required;

p.2...

The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

- It would also help retain these volunteers in a time when volunteerism is decreasing.

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Wawa call upon the Government of Canada to support Bill C-310 and enact amendments to subsections 118.06 (2) and 118.07 (2) of the Income Tax Act in order to increase the amount of the tax credits for volunteer firefighting and search and rescue volunteer services from $3,000 to $10,000; and;

FURTHERMORE THAT a copy of the resolution be shared with the Association of Fire Chiefs of Ontario, Algoma Mutual Aid Association, Association of Municipalities of Ontario and all Ontario municipalities.

RESOLUTION RESULT	RECORDED VOTE		
☑ CARRIED	MAYOR AND COUNCIL	YES	NO
☐ DEFEATED	Mitch Hatfield		
☐ TABLED	Cathy Cannon		
☐ RECORDED VOTE (SEE RIGHT)	Melanie Pilon		
☐ PECUNIARY INTEREST DECLARED	Jim Hoffmann		
☐ WITHDRAWN	Joseph Opato		

Disclosure of Pecuniary Interest and the general nature thereof.

☐ Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk:_____

MAYOR – MELANIE PILON	CLERK – MAURY O'NEILL
M. Pilon	Maury O'Neill

This document is available in alternate formats.

Date:	October 25, 2023
Time:	2:00 pm
Location:	Council Chambers, Town Hall
Attendance:	Councillor Kevin Ker, via ZOOM Dan DeVries Doug Wilson, Vice Chair John Langendoen Joyce Sonneveld, Regrets Louis Damm, Chair Sherry Rusin Sandra Frayne
Staff:	Barbara Wiens, Director, Community Planning & Development Lindsay Richardson, Policy Planner

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1. Call to Order and Declaration of Quorum

Noting that quorum was present, the Chair called the meeting to order at 2:02 pm.

2. Land Recognition Statement

The Chair recited the land recognition statement.

3. Approval of Agenda

Moved by **John Langendoen**
Seconded by **Sandra Frayne**

THAT the agenda for the October 25, 2023, regular meeting of the Agricultural Advisory Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

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

5. Approval of Meeting Minutes – September 27, 2023

Moved By **Doug Wilson**
Seconded By **Sherry Rusin**

THAT the meeting minutes from September 27, 2023, regular meeting of the Agricultural Advisory Committee be approved.

Carried

6. Regular Business

6.1. Town of Pelham New Official Plan

Staff provided a more detailed overview of the current status of the Official Plan review and update. Staff noted that once policy is developed, the Committee will be asked to review and provide feedback and thoughts on the Agricultural land use policies and other relevant sections of the new Plan. The Committee will be engaged throughout the process and the feedback will assist staff in producing the final document for public and Council review.

The Committee held a roundtable discussion on what they would like to see in the new Official Plan specific to agriculture and agricultural policy including:

- Promote and enable employment from agriculture;
- Removal of the lot coverage requirements for Greenhouses and Hoophouses;
    - B2.1.3.12 – b) – expansion of greenhouses over 30%. Should the permission be increased?
        - existing greenhouse vs new greenhouse construction;
        - should the percentage be contained in the OP or just zoning;
        - identify lot coverage based on soil classification
- Clarification around lot creation;
- Permissions or greater policy around secondary uses (i.e. agri-tourism related, value-added – yearly events i.e the tulip festival, horse events similar to rodeo type uses);
- Creating policy that ensures are respectful of the land (ensure that the use does not damage the primary agricultural use of the land);

    - Policy that ensures appropriate regulations are followed (traffic impact study, fire plan, health and safety for food trucks, entrances and exits permit adequate ingress/egress, appropriate sanitary is available, appropriate insurance, application is required with appropriate rules and regulations, how to balance for emergency situations)
    - Understanding that farming has become more technological and how to embrace and support this technology through policy;
    - Preparing and adapting for climate change and issues related towards a changing climate;
    - How to get more productivity out of the existing land – mixing traditional with new and other options (i.e. growing peppers, along with strawberries and raspberries);
    - Use of agricultural land for non-agricultural use – there should be something in place for remediation (if someone wants to have a special event they should have to provide some kind of remediation plan and asking for plans ahead prior to the event taking place so that the lands go back to what they were used for originally);
    - Consideration for new ideas/uses (i.e. wind machines for frost for grapes and until it was a proven practice, it was not considered normal and people hesitant about them – we need to embrace new);
    - Innovation that is not in conflict with the land or create a negative impact on the viable land and what it is being used for;
    - Note that policy can't dictate the market but that shouldn't mean that we should destroy the resource;
    - Policy that balances protection while still being flexible enough to permit new ideas and growth of the industry;
- Locations for greenhouses (i.e. can we direct greenhouses to properties with lower quality soil to maintain the use, but also maintain better quality soils for outdoor growing);
- Potential to be more specific about the uses that can be permitted on each of the different types of agricultural lands;
- Create policy to continue to discourage sprawl and balance the urban/rural lifestyle;
- Wind and solar farms and agriculture;
- Education!
    - Struggle with attracting the younger generation of people into farming;
    - not doing a good job of getting young people/trades people involved;

- lack of understanding and knowledge about how food/milk is actually grown and where it comes from;
- lack of respect for farm properties and lack of understanding, theft or damage of crops;
- advancements in science and crop protection products

The Committee outlined some specific objectives they would like to see addressed through the new Official Plan (if possible/applicable) including:

- Embrace and support technology and automation;
- Become a centre for excellence in embracing technology and supporting new innovation;
- Continue to support traditional farming practices while recognizing and encouraging new and expanding technologies

Staff intends to release parts of the Official Plan to the public and Town Committee's in the coming months for comment. Staff will circulate the existing Agricultural policies (2014 Official Plan) to the Committee for their information. Once the new Official Plan is approved by Council, the Town's Zoning By-law will then be updated to ensure consistency.

7. Next Meeting

The next meeting will take place at a date to be determined, in Council Chambers at Town Hall at 2:00 pm.

8. Adjournment

Moved by **John Langendoen**
Seconded by **Sherri Rusin**

THAT this Regular Meeting of the Agricultural Advisory Committee be adjourned at 3:40 pm.

Carried

Chair, Louis Damm

L Richardson

Lindsay Richardson, Policy Planner

Committee of Adjustment

Minutes

Meeting #:	**CofA 12/2023**
Date:	**Monday, December 4, 2023**
Time:	**4:00 pm**
Location:	**Town of Pelham Municipal Office - Council Chambers** **20 Pelham Town Square, Fonthill**

Members Present	Brenda Stan Colin McCann John Cappa
Staff Present	Barb Wiens Andrew Edwards Gim Ledesma William Tigert Jodi Legros

1. Attendance

Applicants, Agents, and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Cappa called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Land Recognition Statement

Mr. William Tigert, Town Clerk, recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann
Seconded By Brenda Stan

THAT the agenda for the December 4, 2023, Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

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

6. Requests for Withdrawal or Adjournment

Mr. William Tigert, Town Clerk, stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

7.1 A22/2023P - 998 Haist Street

Purpose of the Application

Application is made to legalize a constructed lean-to structure extending from the existing accessory building. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 3.1(g) “Accessory Uses, Buildings and Structures” – to permit a minimum rear yard setback to an accessory structure of 0.11m and a minimum interior side yard setback to an accessory structure of 0.10m, whereas accessory structures are not to be located less than 1.0m from an interior side or rear yard line.

Representation

The Agent, Adele Arbour, and the Applicant, Daniel Tasich were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. NPCA
5. Tom Richardson, Sullivan Mahoney LLP
6. Esther and Robert Hougham

Applicants Comments

<u>Adele Arbour, Agent</u>

Adele Arbour, the designated agent, highlighted that the closest point of the fence structure is situated in the northwest corner, necessitating a

reduction from 1 meter to 0.10 meters and 0.11 meters. The minor variance is sought to acknowledge the constructed roof structure, resembling a lean-to.

The owners added a roof to shelter garden tools and materials. The roof is structurally attached from the accessory structure to the fence posts, with an engineered drawing provided. The owners did not obtain a building permit to undertake this work.

Ms. Arbour further indicated that the application meets the four tests of the Planning Act, with the variance being minor, visual impacts are minimized due to the slope of the land and the buffer of a board fence, and the variance is considered desirable, representing appropriate development and use of the land in a residential area. She also stated the variance maintains the general intent of the Official Plan and Zoning By-law, as accessory structures are common in rear yards and the roof structure does not alter the neighborhood's character. Access around the accessory structure will be maintained, and the roof area is compatible with neighboring properties. With the inclusion of the roof structure, the lot coverage of all accessory structures remains under the maximum permitted for the residential-1 zone (10%) and under the overall maximum lot coverage of 50%.

Ms. Arbour expressed agreement with the recommended conditions supporting the minor variance and submitted a petition with 74 signatures in support of the application.

The Chair and Committee received clarification that 1) the fence to which the lean-to is attached belongs to the owners and is not located down a mutual property line, 2) the Town is requesting a lot drainage plan, and 3) clarification that the petition was signed by people who were in support of the application.

<u>Daniel Tasich, Applicant</u>

Mr. Tasich stated that during the construction of the west side outbuilding, a 5-foot overhang was added to comply with roof setback requirements. However, the fence is positioned just under 8 feet away from the overhang. There is a 2.5 to 3-foot section without overhang coverage, but it has proper eaves troughing and drainage. The drainage is directed to a corner, where there is a drain. On the north side, the overhang and eaves troughs are appropriately minimal.

Public Comments

Tom Richardson, Sullivan Mahoney LLP

Mr. Richardson is the solicitor representing Robert & Esther Hougham. Mr. Richardson stated that comments requesting the denial of the application were submitted on November 21, 2023, outlining reasons for their objection. It was noted that these comments were submitted before the staff report was received.

A presentation booklet was submitted by Mr. Richardson during the hearing. Concerns were raised by Mr. Richardson regarding the perception that the application might be treated as minor by the Committee of Adjustment.

Mr. Richardson displayed a photo from The Voice, indicating the under-construction status of the storage shed in question.

Presentation Booklet Tabs:

Tab 1 included the site plan received by Mr. Richardson's clients as part of the original application, noting the roof structure and setbacks of 0.127 and 0.152 meters. An objection was filed to the original application, leading to the applicant obtaining a survey.

Tab 2 presented a copy of the site plan from Tab 1, highlighting elements not initially shown in the application, such as a large, raised deck on concrete pillars and an additional room.

Tab 3 showcased the survey obtained, indicating further reductions in setback distances.

Planning staff comments referred to a site plan submitted with building permit applications, detailing the existing dwelling area (358.9 sq m), dwelling addition (35.0 sq m), raised deck area (77.6 sq m), area of the existing accessory dwelling (7-meter high structure), and the covered structure (17.9 sq m). Mr. Richardson indicated that comments relating to the survey submitted with the application included questions raised regarding the accuracy of the coverage area given the omission of deck dimensions, and that dimensions of the enclosed area of the 7-meter-tall building in the upper left corner of the survey were not provided, and the height of the structure was missing. Further, concerns were raised about the absence of information in the Town’s recommendation report specifying the dimensions of the structure to be approved and it was noted that the recommendation did not impose any limitations on the type of roof

allowed. It was noted by Mr. Richardson that the recommendation also does not include limitations on the height of the covered storage area, and the survey does not provide this information. Concerns were raised that this omission might allow for the construction of a 7-meter-tall shed just 4 inches from the property line without approval.

Mr. Richardson also indicated the staff report states that the variance is not expected to contribute to substantial noise impacts beyond what is normal for an accessory use permitted 1 meter from the property line. However, there is no indication in the recommendation that the space will be used solely for storing lawn equipment. He noted that concerns were expressed by his clients about potential business activities in the 7-meter-tall storage shed and in the report and Ms. Arbour's submission on the roof structure, it was observed that there are no limitations specified. Concerns were raised that the recommendation is open-ended, potentially approving a larger and taller structure. His client's cabana was erected to mitigate the visual impact of the 7-meter-tall accessory building.

Tab 4 in the presentation book included a photo of his client's cabana approximately 3 meters away and Mr. Richardson noted their pool is about 6 meters from the property line.

Mr. Richardson urged the committee to deny the application, citing concerns that it has not been fully considered. He emphasized the assessment provided by planners in the report may not guarantee the facts in place once the decision is approved without appeal.

The Chair and Committee clarified the differences from the 2017 application being increased height from the approved 5.5 meters to 7 meters and that the structure cannot be seen from the neighbours yard however it can be seen when in the house.

Mr. Tigert, Town Clerk, indicated he checked the clerks@pelham.ca email address at 4:39 pm and confirmed no e-mails have been received with regard to the subject application. Mr. Tigert indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By John Cappa
Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member made an inquiry evolving around whether the flat roof, situated between the current structure and the fence, would be considered part of the structure if approved, and consequently, if it could be elevated to match the approved height of the main structure to which Barb Wiens, Director of Community Planning & Development explained the application is for the existing height of the structure and any change would not conform to the decision. The height of the structure, as it stands, would not permit an increase if approved. To provide additional clarity, it was suggested that a condition be imposed, stipulating that the height not exceed that of the fence. While this may seem redundant, it was a point worth stating for emphasis.

A Member highlighted an evident issue between neighbors, expressing the importance of ensuring that any modifications to the information presented during today's session are promptly communicated to the committee and established as a condition. The Member emphasized that if the owner intends to extend the wall by 4 inches from its current position and proceed with any construction, they must seek approval from the Town.

The Clerk proposed that, in considering approval, it might be reasonable to include the condition suggested by the Director of Community Planning & Development to limit the structure's height as specified and the Director reiterated the condition of 'the structure shall not exceed the height of the existing fence'.

Moved By Colin McCann
Seconded By Brenda Stan

THAT Application A22/2023P for relief of Section 3.1(g) "Accessory Uses, Buildings and Structures" – to permit a minimum rear yard setback to an accessory structure of 0.11m and a minimum interior side yard setback to an accessory structure of 0.10m, whereas accessory structures are not to be located less than 1.0m from an interior side or rear yard line, is hereby: GRANTED

The above decision is based on the following reasons:

1. **The variance is minor in nature as the use of the structure as an extension of the storage area is not anticipated to result in additional noise or visual impacts over and above what is**

normal for residential use. Further, the roofed structure will not substantially alter the use or function of the site.

2. **The general purpose and intent of the Zoning By-Law is maintained.**
3. **The intent of the Official Plan is maintained.**
4. **The proposal is desirable for the appropriate development and/or use of the land because the construction of the roofed structure eliminates the need to accommodate an additional accessory structure elsewhere on the site and allows for the retention of existing mature trees located in the rear yard of the site.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**
7. **Any drainage issues caused by the structure on the property or adjacent properties shall be the responsibility of the property owner to rectify.**

The above decision is subject to the following conditions:

1. **That all necessary building permits are obtained, to the satisfaction of the Chief Building Official.**
2. **The structure shall not exceed the height of the existing fence.**

Prior to Building Permit:

1. **To the Satisfaction of the Director of Public Works**
    1. **That the Applicant submit a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate. The grading plan must show roof drain outlets.**

Carried

7.2 A24/2023P - 1439 Pelham Street

Purpose of the Application

Application for relief is made, to facilitate the development of five commercial units. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 4.1.3(e) “Barrier-Free Parking Spaces” – to permit a minimum width of a barrier-free parking stall of 3.2m, whereas the By-law requires a minimum width of 3.4m; and

Section 4.1.4.1(a) “Parking Space Dimensions and Requirements” – to permit a minimum width of a parking stall of 2.4m, whereas the By-law requires a minimum width of 2.6m; and

Section 8.2.3 “Landmark Site Building Height” – to permit a minimum building height of 5.56m, whereas the By-law requires landmark sites to have a minimum building height of 12.0m; and

Section 8.2.3 “First Floor Glazing” – to permit a minimum first floor glazing of 73%, whereas the By-law requires a minimum first floor glazing of 75%; and

Section 8.2.3 “First Floor Height” – to permit a minimum first floor height of 3.05m, whereas the By-law requires a minimum first floor height of 4.5m.

Representation

The Applicant, Rob Lucchetta, and the Agent, Emilio Raimondo were present.

Mr. Raimondo acknowledged that the building is the former TD bank building. He emphasized the importance of recognizing existing conditions and making efforts to tidy up and comply. Additionally, he expressed support for the staff's recommendations.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

No comments

Public Comments

No comments

Mr. Tigert, Town Clerk, indicated he checked the clerks@pelham.ca email address at 4:57 pm and confirmed no e-mails have been received with regard to the subject application. Mr. Tigert indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan
Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair and Committee received clarification from Barb Wiens, Director of Community Planning and Development on two key points: 1) the 75% glazing requirement, focusing on a substantial number of windows to enhance street presence, and 2) the provision that five units will feature independent entrances along Pelham Street and Town Square.

Moved By Brenda Stan
Seconded By Colin McCann

THAT Application A24/2023P for relief of Section 4.1.3(e) "Barrier-Free Parking Spaces" – to permit a minimum width of a barrier-free parking stall of 3.2m, whereas the By-law requires a minimum width of 3.4m; and Section 4.1.4.1(a) "Parking Space Dimensions and Requirements" – to permit a minimum width of a parking stall of 2.4m, whereas the By-law requires a minimum width of 2.6m; and Section 8.2.3 "Landmark Site Building Height" – to permit a minimum building height of 5.56m, whereas the By-law requires landmark sites to have a minimum building height of 12.0m; and Section 8.2.3 "First Floor Glazing" – to permit a minimum first floor glazing of 73%, whereas the By-law requires a minimum first floor glazing of 75%; and Section 8.2.3 "First Floor Height" – to permit a minimum first floor height of 3.05m, whereas the By-law requires a minimum first floor height of 4.5m, is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature as the stall qualifies as and meets the dimension requirements of a Type B stall. Additionally, a 1.5m access aisle adjacent to the parking space is available.**
2. **The general purpose and intent of the Zoning By-Law is maintained.**
3. **The intent of the Official Plan is maintained.**
4. **The proposal is desirable for the appropriate development and/or use of the land because the stall qualifies as a Type B accessible space and a 1.5m access aisle adjacent to the parking space is provided.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**
7. **The Applicant is aware that the sidewalk on Pelham Town Square and Pelham Street shall remain open at all times.**
8. **The Applicant is aware no contractor or equipment shall be parked on the roadway.**
9. **The Applicant is aware a site serving report, functional servicing report and site plan indicating the staging area will be required as part of the Site Plan Approval process.**

The above decision is subject to the following conditions:

1. **That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.**

Prior to Building Permit:

1. **To the Satisfaction of the Director of Community Planning and Development**

1. **That the applicant apply for and receive Site Plan Approval to the satisfaction of the Director of Community Planning and Development.**

2. **To the Satisfaction of the Director of Public Works**

    1. **That the applicant enter into an encroachment agreement with the Town to the satisfaction of the Director of Public Works.**

Carried

8. Adjournment

The meeting adjourned at 5:03pm.

Moved By Colin McCann
Seconded By Brenda Stan

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for January 8, 2024, at 4:00 pm.

Carried

Isaiah Banach, Chair

Jodi Legros, Assistant Secretary-Treasurer

Memo

To: Town of Pelham Mayor and Councillors

From: Vickie vanRavenswaay, Director of Recreation, Culture and Wellness

Date: February 21, 2024

RE: 2024 RCW Town of Pelham User Fees and Charges Amendment

BE IT RESOLVED THAT Council receive the Memo # 2024-0052 entitled Town of Pelham 2024 RCW User Fees and Charges Amendment, for information;

AND THAT Council direct staff to prepare an amendment to the Town's Fees and Charges By-law to include the Centennial Park Tennis and Pickle Ball Court key fob deposit fee of $50.00 fee, remove the Senior Membership fee of $50.00, and amend the Summer Ice Season Date to April 1 – August 1.

By-law #71-2023 Town of Pelham User Fees and Charges that was approved on December 20, 2023, needs to be adjusted for the Centennial Park outdoor Tennis Court and Pickle Ball Court membership fees; implementation of a Key Fob Deposit for the courts; and to amend the Summer Ice season dates from April 15 – August 15 to April 1 to August 1.

Centennial Park Tennis and Pickle Ball Courts
(NEW)

Key Fob deposit	$50.00 (return upon the return of Fob)

Eliminate Senior Membership $50.00 – this rate was implemented in 2023 as the courts were new and were only available for half of the season.

PROPOSED RATES FOR 2024 SEASON

Family Membership	$150.00
Adult Membership	$100.00
Student Membership	$ 50.00
Children (12 yrs and under)	FREE
Key Fob deposit	$50.00 (refundable upon the return of Fob)

SUMMER ICE SEASON DATES – existing April 15-August 15

NEW April 1 – August 1 (Proposed new dates coincide with ice season dates)

Community Planning & Development Department
Planning Application Report
February 21, 2024

Subject: Recommendation Report for Applications for Official Plan and Zoning By-law Amendment – 1389 Effingham Street

Recommendation:

> **THAT Council receives Report #2024-48 for information as it pertains to File Nos. OP-AM-02-2023 & AM-05-2023;**
>
> **AND THAT Council directs Planning staff to prepare the necessary Official Plan and Zoning By-law amendments for Council consideration at the next Regular Meeting of Council.**

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding the applications to amend the Official Plan and Zoning By-law for the property known as 1389 Effingham Street to permit a farm winery with tasting/hospitality area and retail store subject to special regulations and recognize the location of a significant woodland/valleyland and the associated buffer.

Location:

The property is municipally known as 1389 Effingham Street and legally described as Part of Lot 5, Concession 8 in the Town of Pelham, Regional Municipality of Niagara (see attached plan). It is located on the southeast corner of Highway 20 and Effingham Street.

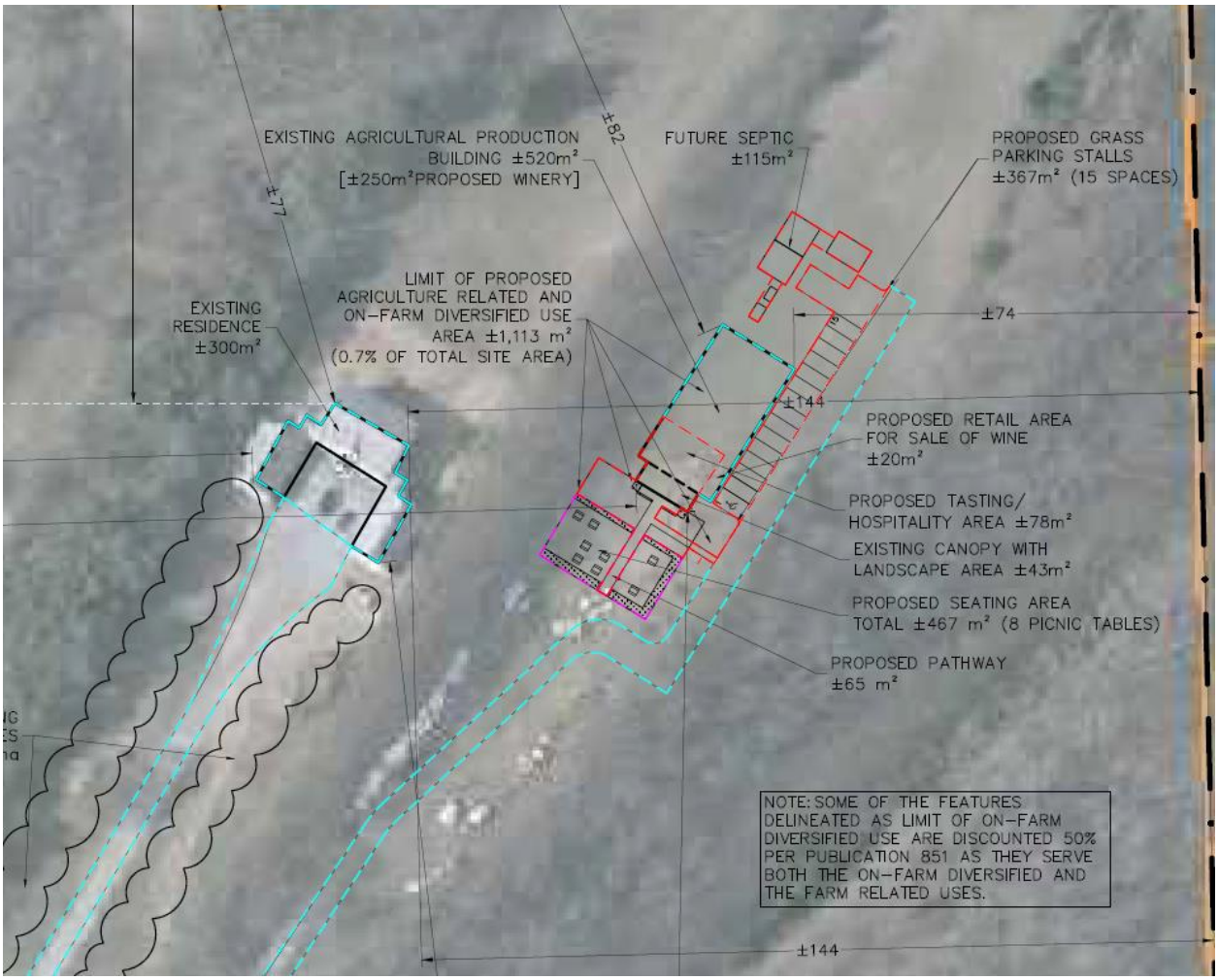
Figure 1: Property Location

The property contains an existing single detached dwelling and agricultural building. There is an existing significant woodland and valley land on the property and approximately 2.43 hectares is planted in vineyard. The surrounding land uses include a motel and residential uses to the north, residential uses and a significant woodland/valley land to the east, residential uses to the south and agricultural and residential uses to the west. The village of Ridgeville is located south of the property at the intersection of Effingham Street and Canboro Road.

Project Description and Purpose:

The existing agricultural building is to be converted to a winery (520 m2) with retail (20 m^2) and tasting/hospitality (78 m^2) area. There is also a proposed seasonal outdoor seating area for wine tasting (467 m^2) in front of the existing agricultural building. Parking is proposed on the grass area to the south and southeast of the existing building. Access is proposed by the existing gravel driveway (Figure 2).

Figure 2: Proposed Site Plan



Should the official plan and zoning by-law amendment applications be approved, site plan approval will be required to deal with technical design requirements prior

to obtaining a building permit for the change in use of the agricultural building to a winery production, tasting and retail facility.

Policy Review:

Planning Act, 1990

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities, i.e., decisions of Council, "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 22 of the Act establishes the process to allow for consideration of amendments to an Official Plan and Section 34 of the Act allows for consideration of amendments to a Zoning By-law.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The property is within the Specialty Crop Area and Prime Agricultural Area under the Provincial Policy Statement, 2020.

In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on

guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives (2.3.3.1).

On-farm diversified uses are 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, agritourism uses, and uses that produce value added agricultural products. These would include a winery, retail and tasting/hospitality area.

The proposed winery is a permitted on-farm diversified use in the prime agricultural area. The property owner has planted 2.4 hectares of vineyard on the property with plans to plant an additional 3 hectares on site. Grapes are also being sourced from another property in Pelham at the present time. The proposed winery will be located within an existing agricultural building and limited in area. As a result, the requested Official Plan and Zoning By-law amendment applications are consistent with the Provincial Policy Statement.

Greenbelt Plan, 2020

The property is within the Specialty Crop Area of the Protected Countryside in the Greenbelt Plan. A portion of the property is also within the Greenbelt Natural Heritage System.

All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations (3.1.2.1).

The proposed winery and associated retail/hospitality area are located central to the property away from surrounding agricultural operations. Further, the size of the winery is limited to ensure compatibility with surrounding agricultural uses.

Policy 4.5.5 of the Greenbelt Plan indicates that for existing uses on lands falling within the Protected Countryside, the following policies shall apply:

Expansions or alterations to existing buildings and structures for agricultural uses, agriculture-related uses or on-farm diversified uses and expansions to existing

residential dwellings may be considered within key natural heritage features, key hydrologic features and their associated vegetation protection zones if it is demonstrated that:

a) There is no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone, is directed away from the feature to the maximum extent possible; and

b) The impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible.

The proposed winery and associated driveway, parking area and septic system are located within the vegetation protection zone of the valley land and significant woodland to the south. The winery is located within an existing agricultural building. No additions are proposed to the building. No encroachments will occur into the key natural heritage features and a vegetation protection zone will be provided as part of the site plan approval process south of the existing driveway. As a result, the applications are consistent with the Greenbelt Plan, 2020.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area. Therefore, the Niagara Escarpment Plan policies do not apply.

Growth Plan for the Greater Golden Horseshoe, 2020

The subject parcel is identified as being within the Prime Agricultural Area and Specialty Crop Area according to the Growth Plan for the Greater Golden Horseshoe, 2020. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Prime Agricultural Areas including Specialty Crop Areas are to be protected for long-term use for agriculture (4.2.6.2).

Municipalities are encouraged to implement regional agri-food strategies and other approaches to sustain and enhance the Agricultural System and the long-term

economic prosperity and viability of the agri-food sector, including the maintenance and improvement of the agri-food network by:

a) providing opportunities to support access to healthy, local, and affordable food, urban and near-urban agriculture, food system planning and promoting the sustainability of agricultural, agri-food, and agri-product businesses while protecting agricultural resources and minimizing land use conflicts (4.2.6.7).

The proposed winery and associated retail and hospitality areas are examples of agri-food and agri-product businesses. Agricultural resources are being protected due to the use of the existing agricultural building and limited size. Land use conflicts are also being minimized as a result of these factors and the siting of the winery. As a result, the application is consistent with the Growth Plan for the Greater Golden Horseshoe, 2020.

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Guidelines)

The Guidelines define *agriculture-related uses* as those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. The winery is considered an agriculture-related use. These uses are to be considered based on the following criteria:

1. Farm-related commercial or farm-related industrial use;
2. Shall be compatible with, and not hinder, surrounding agricultural operations;
3. Directly related to farm operations in the area;
4. Support agriculture;
5. Provide direct products and/or services to farm operations as a primary activity; and,
6. Benefit from being in close proximity to farm operations.

As noted, the location of the winery in an existing agricultural building central to the property which is limited in size will ensure that surrounding agricultural operations are not hindered. The winery is directly related to the growing of grapes on the property and the nearby property. As a result, it will support local agriculture and provide service to farm operations (processing of grapes) in the area. Being in close proximity to where the grapes are grown and harvested will be of benefit.

The Guidelines define *on farm diversified uses* as those that are secondary to the principal agricultural use of the property and are limited in area. These can include, but are not limited to, *home occupations*, *home industries*, *agri-tourism uses*, and uses that produce *value-added agricultural products*. The retail store, tasting/hospitality are considered on-farm diversified uses. These uses are to be considered based on the following criteria:

1. Located on a farm;
2. Secondary to the principal agricultural use of the property;
3. Limited in area;
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The proposed retail store and tasting/hospitality area are located on a farm and will be secondary to the growing of grapes. The size of these areas will be limited through the proposed zoning by-law amendment. As discussed, the proposed uses will be compatible with and not hinder surrounding agricultural operations.

As a result, the requested applications are consistent with the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Niagara Region Official Plan, 2022

The lands are also designated as Prime Agricultural Area and Specialty Crop Area in the Niagara Region Official Plan. The property is also impacted by the Region's Natural Environment System, consisting of Significant Woodland, the Fonthill Kame Delta Provincially Significant Earth Science Area of Natural and Scientific Interest ("ANSI"), and Type 2 Fish Habitat.

In specialty crop areas and prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted (4.1.2.3). Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations (4.1.7.4).

The following criteria shall be considered when reviewing applications for proposed agriculture-related uses (winery):

a. whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;
b. whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
c. the extent to which the use is compatible with the existing farming operation and surrounding farming operations;
d. whether the scale of the activity is appropriate to the site and farming operation;
e. whether the use is consistent with and maintains the character of the agricultural area;
f. the use does not generate potentially conflicting off-site impacts;
g. the activity does not include a new residential use;
h. the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
i. the use does not require significant improvements to infrastructure; and
j. the use complies with all other applicable provisions of this Plan (4.1.7.8).

The proposed winery is limited in size and will allow for the processing of grapes in close proximity to where they are grown. The operation as proposed will be compatible with the on-site and surrounding farming operations. The use is consistent with and will maintain the character of the agricultural area as the proposed winery will not be visible from outside of the site. The limited scale of the use and duration of grape processing time will ensure that off-site impacts are not generated. The winery does not include a new residential use. The proposed winery can be serviced with the necessary private water and sewage treatment systems and significant improvements to infrastructure are not required. The proposed winery is compliant with all other applicable provisions of the Niagara Region Official Plan, 2022.

On-farm diversified uses (retail, tasting/hospitality area) shall be:

a. located on a farm;
b. secondary to the principal agricultural use of the property;

c. limited in area; and
d. compatible with, and shall not hinder, surrounding agricultural operations (4.1.7.6).

The proposed retail and tasting/hospitality area will be located on a farm, secondary to the growing of grapes and limited in area. As a result, the uses will be compatible with and not hinder surrounding agricultural operations.

Local Area Municipalities are encouraged to utilize site plan control to regulate the impact of agriculture-related uses and on-farm diversified uses, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping, and landscape protection (4.1.7.10).

Should the Official Plan and Zoning By-law Amendment applications be approved, the applicant will be required to enter into a site plan agreement with the Town prior to issuance of a building permit to address these matters.

Policy 3.1.5.5 states that development or site alteration shall not be permitted in key natural heritage features that are within the Provincial natural heritage system or in any key hydrologic features outside of settlement areas except for:

h) expansions or alterations to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses and expansions to existing residential dwellings if it is demonstrated that:

i there is no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone, is directed away from the feature to the maximum extent possible; and

ii. the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible;

As noted under the Greenbelt Plan analysis, the proposed winery and associated driveway, parking and septic areas will be located outside of the key natural heritage features on site, but within the vegetation protection zone. A planted vegetation protection zone will be required as part of the site plan approval process south of the driveway. Further, the areas will be placed in the Environmental Protection One (EP1) zone should Council approved the applications.

Based on this analysis, the applications conform to the policies of the Niagara Region Official Plan, 2022.

Town of Pelham Official Plan, 2014

The property is designated Specialty Agricultural with Greenbelt Natural Heritage Overlay in the Town of Pelham Official Plan. The principle use of land in the Specialty Agricultural designation shall be for the production of the full range of specialty crops identified in the Greenbelt Plan. Permitted uses in the Specialty Agricultural designation include:

a) Agricultural uses;
b) Farm wineries in accordance with Policy B2.1.3.11;
c) Single detached dwellings;
d) Accessory residential uses on farm properties in accordance with Policy B2.1.3.5; e) Bed and breakfast establishments in accordance with Policy B2.1.3.6;
e) Home occupations and home industries in accordance with Policy B 2.1.3.7;
f) Mineral aggregate operations in accordance with Policy B2.5.3.5;
g) Forestry and other resource management uses;
h) Retail commercial uses in accordance with Policy B2.1.3.8; and,
i) Agricultural related exhibitions and tourism establishments in accordance with Policy B2.1.3.9.

Policy B2.1.3.11 indicates that Council supports the development of farm wineries as a secondary agricultural use to the principal farm operation within the Good General Agricultural designation subject to the following policies:

a) A minimum farm parcel of at least 10.0 hectares will be required;
b) The Implementing Zoning By-law will establish zone provisions for the establishment of farm wineries;
c) All wines produced within a farm winery shall be made from fruit predominantly from the vineyard and/or fruit farm located on the same land as the farm winery as well as part of the farmer's own farm operation;
d) A hospitality room where wine and food is served and the retail sale of wine produced on site will be permitted. The Implementing Zoning By-law will set out specific retail floor area provisions;

e) Farm winery buildings should be setback sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting;
f) Farm wineries shall be subject to Site Plan Control;
g) A minimum of 5 hectares of the lands shall be planted in vineyards and/or fruit crops and be in full production. Council will require the vineyard and/or fruit crop planting and production as a condition of approval to be completed prior to the issuance of a building permit; and,
h) The maximum ground floor area for building and structures utilized for a farm winery shall not exceed 300 square metres.

The property is approximately 16.86 hectares in size. The wine is made predominantly from fruit grown on site and on the nearby property. The retail floor area will be limited through the existing and requested zoning regulations. The winery building will be located setback from the roadways allowing for a suitable planting area and maintaining an agricultural setting. A Site Plan Approval agreement will be required prior to the issuance of a building permit for the change of use. As a result, the application conforms to the requirements of B2.1.3.11(a)-(f).

The requested Official Plan amendment relates to (g) and (h) above. The applicant has approximately 2.43 hectares of the lands planted in vineyard and in full production which is less than the minimum of 5 hectares required. In addition, the proposed ground floor area for the winery is 520m^2 exceeding the maximum ground floor area permitted at 300m^2. The applicant notes that they intend to plant an additional 3ha of land on the subject property in grapes in the future and that they have a business relationship with another property owner that also owns 8.9ha of land in Pelham of which 2.8ha is in vineyard production with an additional 1.2ha planned to be planted in the future. Grapes from this other property are also used in the production of wine on the applicant's property.

The development of accessory retail commercial uses on farm properties is permitted subject to the following criteria:

a) The use is clearly associated with and located on a farm property;
b) The retail component has a floor area of no more than 50 square metres (538 square feet); and,

c) That a minimum 50% of the total floor area of the retail component be dedicated to the sale of products produced or manufactured on the farm property (B2.1.3.8).

The development of a new commercial use on a farm property shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

As noted, the winery retail and tasting/hospitality components are associated with and located on the farm property. The applicant has indicated that the retail component is approximately 20 m^2 and that it will be dedicated to selling the wines made on-site.

Development in the Greenbelt Natural Heritage Overlay is subject to Policy B3.4.4.1 which permits new agricultural buildings and structures, agricultural related buildings and structures or secondary uses are permitted in the adjacent lands to a feature in the Environmental Protection Three designation provided such buildings or structures maintain a minimum 30 metre vegetation protection zone. However, if the lands located within the 30 metre vegetation protection zone are used for agricultural purposes at the time of construction, such development may be exempted from the requirement of establishing a condition of natural self-sustaining vegetation if the land is, and will continue to be used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore key hydrological features and functions.

Policy B3.4.4.3 allows the expansion of agricultural buildings or structures on lands in the Environmental Protection Three designation provided the existing buildings or the proposed expansion does not occur in a Provincially Significant Wetland (PSW) or Life Science ANSI, or the significant habitat of endangered species, threatened species and special concern species. Where such development is proposed, the following policy shall apply:

a) The proposal demonstrates that there is no reasonable alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible;
b) The impact of the expansion or alteration on the feature and its function is minimized to the maximum extent possible.

As noted, the proposed winery is an agriculture-related use in an existing agricultural building. No encroachment will occur into the Environmental Protection Three designation. A vegetation protection zone will be established through the site plan approval agreement south of the existing driveway.

Effingham Street is identified as a collector road according to Schedule C of the Town Official Plan. Policy D.2.2.3 states that collector roads are local roads that provide efficient access between Regional and arterial roads from local roads. It is also a policy of the Official Plan that all collector roads identified in the Plan may be subject to the conveyance of land for a road widening or road improvement at the time of or as a condition to approval of any *Planning Act* application.

The need for a road widening on Effingham Street will be reviewed as part of the future site plan approval process.

Based on the analysis and discussion above, the applications conform to the policies of the Town of Pelham Official Plan, 2012. The requested amendments to the Official Plan are consistent with Provincial policies and Guidelines and conform to the Niagara Region Official Plan. As a result, the Planning staff are of the opinion that the requested Official Plan amendment should be approved.

Town of Pelham Zoning By-law 4481 (2022)

The property is zoned SA (Specialty Agricultural) and EP1 (Environmental Protection One) with Greenbelt Natural Heritage Overlay. The SA zone permits agricultural uses; a farm winery, brewery, distillery; and on-farm diversified uses among other uses.

Section 5.2.5 includes zone requirements for a Farm Winery, Brewery, Distillery:

Minimum Lot Frontage - 46.0m

Minimum Lot Area - 10.0ha

Minimum Front Yard - 20.0m

Minimum Interior Side Yard - 20.0m

Minimum Corner Side Yard - 20.0m

Minimum Rear Yard - 20.0m

Maximum Building Height - 18.0m

Maximum Lot Coverage - 10%

Minimum Land Area Planted in Vineyards - 5.0ha

Maximum Floor Area of Building(s) Used for a Farm Winery - 300.0m^2

Maximum Floor Area of a Hospitality and Retail Space - 100.0m^2

The requested zoning change seeks a reduction to the minimum land area planted in vineyards from 5.0 ha to 2.43 ha and an increase to the maximum floor area of building used for a farm winery to 520m^2. The proposed winery use complies with the remainder of the requirements of Section 5.2.5.

As noted, the applicant intends to plant additional vineyard on the property in the future and to continue to source grapes from the second property in the Town. The requested increase to the floor area will allow the reuse of the existing agricultural building.

Section 3.2.1 relates to agriculture-related uses may only be permitted in accordance with the provisions of Section 5, the Rural/Agricultural Zones and in accordance with the following:

a) The use shall be conducted entirely within a detached accessory building in conjunction with an operational farm;
b) Only one agriculture-related use is permitted on one lot;
c) Ancillary retail/commercial sales and service activities shall be limited to the lessor of 50m^2 or a maximum of 10% of the gross floor area of the building;
d) All buildings related to the use shall be located within a cluster of existing buildings;
e) The minimum lot area shall be 1.0ha;
f) The minimum lot frontage shall be 150m;
g) The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4ha;
h) The maximum combined total floor area of the building utilized for the agriculture related use shall be 250m^2;
i) The maximum area that may be utilized for open storage shall be 200m^2 and no more than one area of open storage shall be permitted;

j) The area utilised for open storage shall be screened from the view of a public road;
k) The use shall comply with the applicable noise emission standards of the Ministry of the Environment and Climate Change and where necessary, acoustic fencing, berms or other mitigation measures shall be provided to ensure that off-site sound levels generated by the use meet those standards;
l) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
m) The use shall comply with the parking and loading requirements of Section 4; and
n) Site Plan Control shall apply to any development.

The requested zoning by-law amendment would allow two agriculture-related uses on the lot (winery and retail/hospitality area). According to the applicant, the winery is approximately 250 m^2, the proposed retail area is approximately 20m^2, and the proposed tasting area is approximately 78 m^2. However, Planning staff note that the existing agricultural building is 520m^2 and that the entire building is proposed for wine production with the exception of the retail/hospitality area use. As a result, Planning staff recommend that the request for amendment to 3.2.1(h) allow a maximum combined total floor area of 520 m^2 for all agriculture-related uses (20m^2 retail, 80m^2 for tasting/hospitality area and 420m^2 for winery).

Planning staff also recommend that the applicant seek an amendment to 3.2.1(c) to include the tasting/hospitality area as a service activity for a total of 100m^2. Planning staff have no concerns with this addition and recommend it be included for consistency and clarity. All other aspects of the proposal are compliant with Section 3.2.1.

Section 3.2.2 requires that on-farm diversified uses, including agritourism/value added uses, may only be permitted in accordance with the provisions of Section 5, the Rural/Agricultural Zones, and in accordance with the following:

a) The use shall accessory and directly related to the existing permitted agricultural use(s) on the lot and shall primarily serve the existing permitted agricultural use(s) on the lot and the existing permitted agricultural use(s) on surrounding lots in the area;

b) On-farm diversified uses that involve value-added packaging, processing, sale and/or storage of products shall be limited to products produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product, and may include product sourced from agricultural uses on surrounding lots in the area as a secondary source of product;
c) A maximum of three on-farm diversified uses shall be permitted on a lot;
d) All buildings related to the use shall be located within a cluster of existing buildings;
e) The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 2% of the total lot area to a maximum of 1 hectare, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas and any other areas of the lot used for the on-farm diversified use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop;
f) Production lands which are used for the growing of crops and simultaneously used as part of the activity area shall not be included in the calculation of the 2% noted in 3.2.2 e);
g) The total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 500m^2 including the gross floor areas used within all main buildings or structures, and accessory buildings or structures on the lot;
h) Accessory buildings or structures that are used for on-farm diversified used shall comply with the requirements of Section 3.1;
i) Main buildings or structures that are used for on-farm diversified uses shall comply with the regulations of the applicable zone;
j) The total lot coverage for all main buildings or structures and accessory buildings or structures shall not exceed the maximum lot coverage of the applicable zone;
k) Retail sales that form part of the on-farm diversified uses shall be subject to the following:
    i. The gross floor area devoted to retail sales shall not exceed 50% of the gross floor area of all buildings and structures used in conjunction with the on-farm diversified uses, to a maximum of 200m^2 of gross floor area for retail use;

ii. The gross floor area devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the lot shall not exceed 25% of the gross floor area of all buildings and structures uses in conjunction with the on-farm diversified use(s);
iii. A maximum of one retail outlet shall be permitted on a lot;
iv. The maximum area of the lot permitted to be used for outside display and sales areas shall be 25m^2 and shall not be counted as part of the maximum gross floor area permitted for retail use;
v. Outside display and sales areas shall be setback a minimum of 3.0m to all lot lines; and
vi. Outside display and sales areas and any related structures shall not exceed a maximum height of 3.0m.

l) Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots by planting strips in accordance with Section 3.16, and shall comply with the regulations of the applicable zone;
m) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
n) Comply with the parking and loading requirements of Section 4; and
o) Site Plan Control shall apply.

Planning staff further recommend that the applicant seek an amendment to 3.2.2(g) as the total gross floor area devoted to on-farm diversified uses is approximately 520m^2. Planning staff have no objection to this amendment as it consistent with the planned use of the building and will provide clarity moving forward. The proposed winery and associated retail with tasting/hospitality area complies with the regulations of Section 3.2.2 of the Zoning By-law.

No development is proposed within the Environmental Protection One zone (woodland /valley land). Section 3.31.1(b) of the Zoning By-law requires setbacks from the Environmental Protection one zone but indicates the setbacks may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority. In this case, Regional Environmental staff have indicated that the proposed setback can be supported with mitigation measures (planted buffer, etc.) identified and implemented as part of a future site plan approval application.

The location of the valley land/significant woodland and required buffer will be recognized and development will be restricted by applying the Environmental Protection One (EP1) zone in these locations.

Based on the policy review and application details, Planning staff have no objection to the requested zoning by-law amendment as detailed above.

Submitted Reports:

1. Planning Justification Report prepared by Arcadis dated June 26, 2023

The report concludes that the proposed development and subsequent planning applications:

- Are consistent with Provincial Policy Statement 2022, as they do not encroach into natural heritage maintaining the existing development pattern;
- Conform to Publication 851, as on-farm diversified uses' coverage is below the recommended guideline of 2%;
- Conform to the Greenbelt Plan, as it will protect agricultural viability of the Niagara Peninsula Specialty Crop through the introduction of winery, retail, wine tasting outdoor area;
- Conform to the Growth Plan, as it will support the agri-food network;
- Conform to the Region of Niagara Official Plan, as it will allow an appropriate scale of on-farm diversified uses, which are essential in strengthening the agricultural economy;
- Meets the intent the Town of Pelham Official Plan, as it is a permitted use within the Specialty Agricultural.

Based on the author's review of the subject lands, the surrounding community, and the applicable planning policy framework, the subject applications represent good planning and facilitate an appropriate form of development for the Town of Pelham.

2. Engineering Report for the Treatment of Winery Process Wastewater and Sanitary Sewage with Discharge to a Class 4 Septic System & Engineering Plan dated November 15, 2022

The report provides calculations of the daily sewage flows generated on the property and recommends the installation of a septic tank, a pump tank and an Aqua Wetland System (AWS) for pretreatment with discharge to a filter bed.

The Niagara Region reviewed the report, offered no objection to the private sewage system design and issued a private sewage system permit. Further requirements will be addressed as part of the future site plan approval application.

3. Top of Slope Letter of Opinion prepared by Toronto Inspection GeoEnvironmental Consultants dated October 25, 2023 & Site Visit – Top of Slope prepared by Toronto Inspection GeoEnvironmental Consultants dated January 30, 2024

The letter concludes that based on the reviews and field observations, it is the author's opinion that the existing top of bank of the slope along the eastern portion of the driveway is in stable condition and the intensity of the proposed use will not adversely impact the existing top of bank of the slope and the entirety of the slope.

The letters were reviewed by the Niagara Peninsula Conservation Authority (NPCA) staff who advised they were satisfied with the proposed applications and further review would be provided as part of the site plan approval process. Further, that the applicant will require NPCA permits for all work adjacent to the valley on the property.

4. Stage 1 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. dated March 20, 2023 & Ministry of Citizenship and Multiculturalism Acknowledgement Letter dated March 28, 2023

The assessment recommends further analysis of the site through a Phase 2 Archaeological Assessment. As no deep ground disturbance is proposed as part of the applications, no further work is required at this time. Any future applications would require further assessment.

Agency Comments:

The applications were circulated to commenting agencies and Town Departments. The following comments have been received:

Niagara Region Growth Strategy and Economic Development Department

Regional staff has concluded that the proposed applications are consistent with the *Provincial Policy Statement* and conform to Provincial and Regional plans. Staff request that the Official Plan Amendment and Zoning By-law Amendment Schedules be submitted to the Region for Regional review prior to final approval in order to issue

an exemption of Regional approval of the Official Plan Amendment in accordance with Niagara Official Plan policies 7.4.1.6. and 7.4.1.7.

Staff also note that further conditions of approval will be provided at site plan approval stage to address matters related to vegetative protective buffers, stormwater management, private sewage system requirements and archaeological conditions.

Niagara Peninsula Conservation Authority

Based on review of the revised materials, the NPCA is satisfied with the proposed OPA/ZBA. We look forward to reviewing site specific details at future Planning stages.

The applicant should be made aware that NPCA permits will be required for works adjacent to the valley on the property.

Town Public Works

The applicant shall examine the need to widen the existing driveway access to allow for 2-way traffic movements in and out of the site to avoid vehicles stopping on Effingham Street and creating unsafe conditions, any changes to the driveway entrance are to be identified on future site plan drawing submissions. Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All costs associated with this permit are the responsibility of the owner.

The Town requests that a road widening be dedicated at the existing jog in the west property line and taper to 0m at the south property line, a total of approximately 580.0 m^2.

Town Fire & Emergency Services

No comments at this time. It is noted that fire suppression and emergency vehicle access requirements will be required to be addressed at site plan and building permit stage.

Town Building Services

A change of use building permit approval in accordance with the Ontario Building Code will be required to permit the change of use of the existing agricultural building to a winery, retail and hospitality uses. Building permit approval is required prior to the winery be able to open to the public. Site plan approval is required prior to building permit approval, however.

Enbridge

No objections.

Public Comments:

On December 15, 2023 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Highway 20 and Effingham Street. A public meeting was held on January 17, 2024. The following comments have been received at the time of writing of this report:

Ginette & Patrick O'Hara

Support the swift approval of the amendment.

Richard Gretsinger

Welcome addition to the community. Looks forward to business expanding in Pelham.

Renee Girard & Daniel Boudin

Positive to see new activities in our rural area, keeping some soil in production, bringing some visitors in our small locality and encouraging/supporting some young entrepreneurs and their family.

Patrick Fuller

Concerned about encroachment of trails/unauthorized use of property and future use of the hospitality area for events resulting in noise and other nuisances for adjacent properties. Noted that the website states that the winery is available for special events with a capacity of 150 people. The proposed parking area is insufficient for this number of people.

Gaye Fuller

Concerned that the website is advertising events of a type not permitted or proposed.

Steve Mathews

Concerned about the potential use of bird bangers as part of the winery operation and that noise complaints may not be adequately responded to if needed.

Gayle Savage

Concerned about potential views, traffic concern, noise and the potential for music.

Mark Engel

Requested clarification about the zoning change for the Environmental Protection lands.

Staff Comments:

In response to the comments received from members of the public, Planning staff advise that the unauthorized use of the neighbouring property by the applicants and their guests is outside of the scope of the applications and is a civil matter between neighbours. No use of the woodland is proposed through the applications.

The hosting of special events is also not being requested through the current applications. Use of the outdoor hospitality area will be restricted to the winery operating hours. This area is located central to the site, away from neighbouring properties. While some noise may occasionally be audible, it is not anticipated to be more impactful than regular use of an outdoor amenity space by residents. All use must comply with the requirements of the Town's Noise By-law including restrictions on amplified music.

The applicant has indicated that the use of bird bangers is not planned as more effective measures (netting) are being employed to manage the impact of birds eating the ripe fruit.

Noise from grape processing and wine production will be limited to a short duration annually due to the timing of harvest. Some noise generation by agricultural operations is considered to be a normal farm practice and would be permitted.

Views will not be impacted as a result of the applications. The winery building exists and no additions are proposed. Currently, the winery building is not visible from the street.

Large volumes of traffic are not anticipated to be generated by the winery (employees or visitors). The winery is limited in size and only accommodates 15 grass parking spaces. Building occupancy will need to comply with Ontario Building Code requirements. As noted by the agent for the applicant, the winery is not on a wine route and would generate traffic primarily on weekends and holidays when traffic volumes on surrounding roads are typically lower. It is noted that a restaurant and food service is not being requested as part of this application and therefore would not be permitted.

The applicant is advised that site plan approval is required prior to any further changes occurring on the site and then followed by building permit approval to permit the change in use of the existing agricultural building. Both site plan and building permit approvals are required prior to the winery being able to be open to the public.

It is Planning staff's opinion that the Official Plan and Zoning By-law amendment applications are consistent with Provincial policies and Guidelines, conform to the Regional and Town Official Plan, represent good planning and should be supported. As noted in the report, detailed requirements relating to servicing, landscaping, ingress/egress will be addressed as part of the site plan approval process and building permit approval is required to address the change in occupancy requirements from an agricultural building to place of public occupancy pursuant to the Ontario Building Code requirements.

Alternatives:

Council could choose not to approve the Official Plan and Zoning By-law amendment applications or Council could choose to approve the applications with modifications.

Attachments:

Appendix A Letter from Arcadis dated January 29, 2024

Community Planning & Development Department
Planning Application Report
February 21, 2024

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

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

Reviewed and Submitted by:

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

ARCADIS
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
ibigroup.com

January 29th 2024

Ms. Shannon Larocque MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

1389 EFFINGHAM STREET, PELHAM – TECHNICAL RESPONSE TO AGENCY COMMENTS

We received agency comments regarding our Official Plan Amendment and Zoning By-law Amendment application on January 18th 2024 and additional public and Councillor comments that were voiced at the public meeting on January 17th 2024. As such, we have reviewed the technical comments and are please to provide, on behalf of our client, our comment matrix and additional information to address the comments and concerns.

The comment matrix provides all the information we received from the agencies and provides our response. One comment from the Region requested that the schedules for the Official Plan Amendment and the Zoning By-law Amendment, be provided. These were previously provided in our November submission; however, we enclosed them within this response. As such, this should satisfy the Regions comments. With regards to NPCA comments, we have discussed with the Geotechnical consultant to review and revise their findings to confirm that the entire slope is not adversely impacted by the developed. Their revised report is enclosed within this submission. Finally, with regards to all the public comments and councillor comments raised during the Public Meeting, our comment response matrix addresses all these concerns.

As such, we trust this submission meets all the agency concerns and the Town can now proceed to a recommendation report for this proposal. In support of this submission, please find enclosed the following:

- Comment Response Matrix, prepared by Arcadis
- Official Plan Amendment By-law, prepared by Arcadis
- Zoning By-law Amendment, prepared by Arcadis
- Top of Slope Review, prepared by Toronto Inspection

If there are any questions or concerns, do not hesitate to contact the undersigned at angela.buonamici@arcadis.com.

Regards,
Arcadis

Angela Buonamici, MCIP RPP
Senior Planner

CC. Ritee Haider, Arcadis
John Ariens, Arcadis
Geoff Hall, Client
Anthony Hall, Client

1389 Effingham Street, Pelham – OPA and ZBA Submission Response Matrix

File No: OP-AM-02-2023 & AM-05-2023
Submitted by: 1784439 Ontario Inc.
Agent: Arcadis
Date: January 23rd 2024

The submission response matrix addresses the following agency and public comments via email and during the public meeting:

#	Planning and Development Review (Email from Shannon Larocque)	Consultant Response
Region of Niagara Comments		
1	In the previous Regional comment letter (dated May 11, 2023), staff requested that the PJR be revised to provide an analysis of the proposal against the Greenbelt Plan's Existing Use policies. A Memo prepared by Arcadis (dated July 31, 2023) which addresses these policies was circulated to the Region. Staff concurs with the analysis provided in the PJR and subsequent Memo and is satisfied that the applications are consistent with the PPS and conform to Provincial and Regional plans.	Noted.
	Stormwater Management	
3	Staff has reviewed the Conceptual Site Plan prepared by Arcadis (dated June 2023). The current plan depicts that the development will be east of the existing residence consisting of grass parking stalls, buildings, and driveway. There is no development adjacent to Highway 20. Provided that the current Conceptual Site Plan and the vegetation buffers from the development to creeks will not be altered, the development's stormwater impact is considered minor. Staff requests the final site plan be circulated to the Region for review at the site plan approval stage.	Noted.
	Private Sewage System	

4	Regional Private Sewage System completed an on-site inspection of the sewage system on May 9, 2023. A sewage system permit was issued in 2018 for a sewage flow rate of 4375 L/day for the residential dwelling. The septic tank and bed are in front yard of the dwelling and no defects were observed with the sewage system at the time of the inspection. A sewage system permit was issued by the Region in September 2023 for the proposed winery building. The sewage system is an engineered design which includes an aqua wetland treatment system to pre-treat the wine waste down to domestic levels before entering the septic bed. The proposed sewage system is sized for 2,500 L/day. The site plan drawing indicates a grass parking area right beside the inground sewage system which was not included in our sewage system permit. Barriers will need to be installed around the inground septic system to avoid vehicle traffic on the sewage system which would impair its functionality. It is recommended to move the parking area 5 metres away from the sewage system to incorporate future paving of the parking area/spaces which would require a 5 metre setback from the sewage system to meet Ontario Building Code Requirements. Regional Private Sewage System staff require that a detailed septic plan showing the barriers around the inground septic bed to avoid vehicle traffic on the inground sewage system is submitted for Regional review and approval at the site plan approval stage.	Noted. The septic system and parking area are already in place, which does not make it possible to move the parking area 5 metres away from the septic system. At the Site Plan stage, detailed septic plans will show the barriers to keep vehicles from driving atop if the inground sewage system.
Transportation / Roads		
5	Staff acknowledges that the proposed entrance from Highway 20 West has been removed. As such, staff offer no further comments with respect to transportation.	Noted.
Waste Collection		
6	Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are met: • • Garbage: 8 bags/cans collected every-other-week; • • Recycling: weekly blue/grey boxes or carts (8 cart maximum); • • Organics: weekly green bins or carts (8 cart maximum).	Noted.

	• • **Curbside Collection Only.** The Applicant is advised that if the subject property is not able to meet the Regional curbside waste collection limits, garbage collection for the property will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region. As of January 1, 2024, Circular Materials Ontario will take over the delivery of residential Blue / Grey Box recycling collection services currently administered by Niagara Region.	
Protection of Survey Evidence		
7	Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.	Noted.
Conclusion		
8	Based on the revised submission materials, Regional staff has concluded that the proposed applications are consistent with the *Provincial Policy Statement* and conform to Provincial and Regional plans. Staff request that the Official Plan Amendment and Zoning By-law Amendment Schedules in order to issue an exemption from Regional approval of the Official Plan Amendment in accordance with Niagara Official Plan policies 7.4.1.6. and 7.4.1.7.	The Official Plan Amendment and Zoning By-law Amendment schedules were provided in our draft by-laws with our submission. They are enclosed within this submission.
NPCA		

9	NPCA staff have reviewed the following report: 'Site Visit - Top of Slope' for Sons and Daughters Winery 1389 Effingham Street dated October 25, 2023 by Toronto Inspection. This report concludes that the existing top of bank located along the east side of the building and gravel driveway is stable and that the proposed use will not adversely impact the existing top of bank of the slope. Typically, a report like this confirms whether there are impacts anticipated on the entirety of the slope adjacent to an area and not just the top of slope. The above noted report identifies no adverse impacts to 'the existing top of bank of the slope'. The NPCA is requesting confirmation that no adverse impacts will occur to the entirety of the slope as a result of the proposed use.	Noted. An Updated memo from Toronto Inspection is enclosed within this submission which states the entirety of the slope is not adversely impacted.
Fire Protection		
10	Nothing from Fire	Noted.
Public Works		
11	The applicant shall examine the need to widen the existing access to allow for 2-way traffic in and out of the site to avoid vehicles stopping on Effingham Street, any changes to the driveway entrance are to be identified on future drawing submissions. Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All costs associated with this permit are the responsibility of the owner.	To be reviewed at Site Plan Stage.
12	The Town requests that a road widening be dedicated at the existing jog in the west property line and taper to 0m at the south property line, a total of approximately 580.0 m^2.	To be reviewed at Site Plan stage.
Enbridge Gas		
13	Thank you for your circulation.	Noted.

	Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.	
Public Comments – Written Comments (as per the Town's powerpoint slide)		
14	**Ginette and Patrick O'Hara:** Please record our full support for the swift approval of this amendment	Noted and Appreciated.
15	**Richard Gretsinger:** Welcome addition to the community. Looks forward to business expanding in Pelham.	Noted and Appreciated.
16	**Renee Girard & Daniel Boudin:** Positive to see new activities in our rural area , keeping some soil in production, bringing some visitors in our small locality and encouraging/supporting some young entrepreneurs and their family.	Noted and Appreciated.
17	**Patrick Fuller:** Concerned about encroachment of trails/unauthorized use of property and future use of the hospitality area for events resulting in noise and other nuisances for adjacent properties.	Most of the trails on the property were pre-existing. The portion of the trail in question is 10-20' of land and since the conversation with the Fullers, the owners have stayed away from that part of the trail. Other neighbours have used the land for various activities. Given the concerns over the dirt bikes, the owners will address this issue directly and end the use of dirt bikes on the property. The 150-person capacity was part of a broader marketing package and was simply a placeholder. The operation and events will adhere to all relevant by-laws and regulations, including capacity limits.
Public Comments – Spoken at Public Meeting		
18	**Steve Matthews:** Mentioned he likes the sound of a winery but asked if bird bangers would be used.	The owner does not own and will not use.

19	**Patrick Fuller:** Emphasized that a wine tasting facility being made available to the public will lead to the expansion for an event space that would accommodate 150 people. With that the parking provided will not be enough to accommodate 150 people. The machinery noise is extensive.	The website provides a placeholder for weddings and corporate events that are part of the owner's overall vision for the property, however this is not being requested at this stage. If it is requested, in the future, then the required parking will be provided as well. The wine production machinery noise is during the day and will not violate any noise by-law.
20	**Gaye Fuller:** The website and a third-party website advertise for corporate events, weddings. How come?	This was part of a marketing package and part of the owner's overall vision.
21	**Mark Engel:** The Natural area of the property is being zoned EP3 to EP1, why is this?	The property is within the Greenbelt and the intent is to maintain the environmental zoning and be more in line with the Official Plan.
22	**Gail Savage:** Concerns about if the building and parking, will it be visible? What the noise conditions from music will be like as noise carries and traffic concerns.	The building and parking area already exists therefore, it is not visible to the surrounding houses. The noise will comply with the Town Noise by-laws and with regards to traffic, the winery will not be completing with school or work commute and therefore should have little impact on the street traffic.
Council Questions		
23	**Counsellor Kerr:** The concerns voiced are not unique to winery as he has experienced. Questioned the dimensions of the building and outdoor seating area and how it complies with 520sq.m. Also is the outdoor seating area considered for the liquor consumption permit? Concerned about site ingress and egress as currently it is a single lane driveway.	The zoning applies to floor area, as such the outdoor seating area was not accounted in this amendment. The outdoor seating area may be required for the liquor consumption permit; however this is not a zoning requirement. The outdoor space was looked at for Provincial guideline conformity. The enlargement of the driveway has already been discussed with the Town to enlarge for two-way traffic; this will be reviewed at the Site Plan stage.
24	**Counsellor Niznik:** How many special event permits can be given out through the year? What are the plans regarding the encroachment concern to secure the property line.	Rural properties can host 1 special event in the year and then anything beyond that will require a Zoning By-law Amendment. The owner stated that he

		allowed the other neighbours to use the property however, he is going to stop that, since it is an issue with other neighbours. As well, he will have a surveyor mark out the property line to ensure no encroachment onto neighbouring properties.
25	**Councillor Kerr:** asked about the capacity for septic and sewage	Yes. There is sufficient capacity for septic and sewage. However, this will be better analyzed during the site plan stage.
26	**Councillor Olson** Has a sewage permit been secured?	Yes. A sewage permit was issued by the Region in September of 2023 for the winery building.
27	**Mayor Junkin:** There was a comment about the Natural Heritage system from NPCA, has the proper information been provided to resolve that issue?	It is currently being revised to include the entire slope rather than the Top of Slope to not experience any adverse impacts. The revised letter is included within this submission.

TorontoInspection LTD.
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January 30, 2024
Project No.: 6468-23-GA
Revision No.: 01

Sons and Daughters Winery
1927 Hutchinson Road
Dunnville, Ontario
N1A 2W7

Attention: Mr. Geoff Hall

Re: Site Visit – Top of Slope
Sons and Daughters Winery – 1389 Effingham Street, Ridgeville, Ontario

As requested, a project engineer from ***Toronto Inspection Ltd. (TIL)*** visited the above referenced site on August 14, 2023, to review the site condition of the top of bank of the slope, at the east portion of the site, to the east of the existing agricultural production building and the existing gravel driveway.

Site Conditions and Drawing Review

The site is located on the east side of Effingham Street and on the south side of Hwy 20 W in Ridgeville. The site is currently a vineyard with two buildings at the northeast portion, accessed to Effingham Street by a gravel driveway. A wooded valley slope is located on the east side of the site, to the east of the buildings and the gravel driveway.

A Conceptual Site Plan, Sheet Number SP1.0, with print date of June 17, 2023, as attached, was provided by the client for review. The sketch indicated that proposed parking stalls will be provided adjacent to the east of the existing agricultural production building, i.e. on the west side of the gravel driveway. No proposed facilities will be placed on the east side of the gravel driveway and near the top of bank of the slope along the east portion of the site.

Field Observations

At the time of site visit on August 14, 2023, the ground surface on the both sides of the gravel driveway was fairly flat and appeared compact and stable, with no signs of instability at the top of bank of the slope. The proposed parking stalls were on the west side of the gravel driveway. No obvious ground disturbance was evident at the top of bank of the slope, on the east side of the gravel driveway, along the top of bank of the slope.

A visual inspection of the slope, carried out from the top and the toe of slope, did not reveal any erosion gullies or bending of trees, which would indicate signs of ground instability. There appeared to be no signs of internal erosion, active springs, within the visible area of the slope.

Furthermore, a review of a survey drawing, Sketch Showing Topographic Information For No. 1389 Effingham Street, Town of Pelham, Regional Municipality of Niagara, prepared by Rasch + Hyde Ltd., dated October 11, 2023, indicated that the line of Top of Slope marked on the survey drawing represents the existing stable top of slope. The Top of Slope is a minimum of 13m away from existing agricultural production building. These are in line with our field observations.

Comments

Based on the above reviews and the field observations, it is our opinion that the existing top of bank of the slope, i.e Top of Slope, along the east portion of the site, on the east side of the building and the gravel driveway, is in a stable condition, and the intensity of the proposed use at the east portion of the site, including the parking stalls and the gravel driveway, will not adversely impact the existing top of bank of the slope and the entirety of the slope.

We trust that this report has been completed within our terms of reference and meets your present requirements.

Should you have any questions, please contact this office.

Yours sincerely,
TORONTO INSPECTION LTD.

LICENSED PROFESSIONAL ENGINEER
S. WANG
100131918
Jan 30, 2024
PROVINCE OF ONTARIO

David S. Wang, P.Eng.
Senior Engineer

Committee Report
Community Planning and Development Department
Wednesday, February 21, 2024

Subject: Recommendation Report – Housekeeping Zoning By-law Amendment

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2024-0044 Recommendation Report – Housekeeping Zoning By-law Amendment, for information;**
>
> **AND THAT Council direct Planning staff to prepare the necessary By-law for Council's consideration in accordance with the summary attached as Appendix A.**

Executive Summary:

This purpose of this report is to provide Council with a recommendation regarding a Housekeeping Amendment to Town of Pelham Comprehensive Zoning By-law 4481(2022).

Location:

The proposed Housekeeping Zoning By-law Amendment ("Housekeeping Amendment") applies to most sections of the Zoning By-law including Definitions, Parking and Land Use Sections and affects all lands in the Town of Pelham except that area subject to the Niagara Escarpment Development Permit Control Area that is covered by the Niagara Escarpment Plan, and lands that are subject to the current scoped appeal of the Zoning By-law to the Ontario Land Tribunal.

Project Description and Purpose:

The Town's Zoning By-law was approved by the Ontario Land Tribunal on April 3, 2023, save and except site specific lands identified on Appendix A of the decision. As Town Staff have had the opportunity to monitor and use the new Zoning By-law, items have been identified for change to clarify regulations, provide consistency, and improve the functionality of the document. Generally speaking, the changes are proposed to:

- Section 2: Definitions
  - Rewording of some definitions to clarify or provide consistency with definitions in other documents or by-laws; and
  - Introduction of new definitions to better clarify or describe uses and terms within the by-law.

- Section 3: General Provisions
    - Minor amendments to several sections to improve clarity and resolve conflicts.
- Section 4: Parking
    - Reduction in the minimum dimensions of a tandem parking space to be consistent with the front yard setbacks in the Residential Zone regulations;
    - Reduction in the number of greenhouse parking spaces required; and
    - Decrease in the number of bicycle parking spaces required for apartment units as the original requirements were too high.
- Sections 5 through 8: Agricultural, Residential, Greenfield and Commercial Zones
    - Minor amendments to clarify some setback and height requirements that are more in keeping with existing policy; and
    - Minor changes to reflect the changes from Bill 23: *More Homes Built Faster Act*, 2022.
- Section 9: Other Zones
    - Modifications to the permitted uses within the EP2 and EP3 Zones to align with the Town's Official Plan and Greenbelt Plan; and
    - Minor changes to increase lot area and setback requirements for apartment dwellings in the Institutional Zone.

The specific changes are described in greater detail under the Staff Comments section of this report and are itemized in a change chart which is attached as Appendix "A" to this report. A draft copy of the proposed By-law is attached as Appendix "C" to this report.

Policy Review:

Planning Act

Section 34 of the *Planning Act* enables Council to pass and consider amendments to the Zoning By-law to regulate the use of land and the location, height, bulk, size, floor area, character and use of buildings and structures, as well as parking and loading requirements and lot requirements.

In accordance with Section 24(1), zoning by-laws must also conform to the Official Plan and be consistent with the Provincial Policy Statement (PPS), Provincial Plans, and the Niagara Region Official Plan.

The proposed housekeeping amendment is in keeping with the legislative requirements of the *Planning Act*.

Provincial Policy Statement

It is required that municipal decisions are consistent with the policies of the Provincial Policy Statement (PPS). The PPS provides policy direction from the province on land use planning and development to promote strong, healthy communities, wise use of management and resources, and the protection of public health and safety.

The PPS recognizes Zoning By-laws as an important tool for implementing the PPS and planning authorities are required to keep their Zoning By-law up to date and consistent with the PPS.

The proposed housekeeping amendment is in keeping with the appropriate policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

It is required that municipal decisions affecting planning matters should be consistent with the principles and policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Schedule 2 of the Growth Plan designates the Town as being within the 'Greater Golden Horseshoe Growth Area' and portions of the Town are designated as being within the 'Greenbelt Area'. Permitted uses and regulations for development are to conform to the Growth Plan.

The proposed housekeeping amendment is in keeping with the appropriate policies of the Growth Plan.

Greenbelt Plan (2017)

The intent of the Province's Greenbelt Plan is to protect against the loss and fragmentation of agricultural land uses, protect natural heritage and water resources and support agriculture as the predominant land uses. A significant portion of the lands within the Town of Pelham are subject to the policies contained within the Greenbelt Plan, which establishes the limits of the Region's urban structure, identifies where urbanization should not occur and extends permanent protection to agricultural lands and ecological and hydrological features.

The Greenbelt Plan designates three major land use types in Pelham: Niagara Peninsula Tender Fruit and Grape Area, Town/Villages and the Niagara Escarpment Plan Area. Permitted uses and regulations for development are to conform to the Growth Plan.

The proposed housekeeping amendment is consistent with the appropriate policies of the Greenbelt Plan.

Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan protects ecological and historical areas, ensuring the compatibility of new development with escarpment features and maintaining the open landscape character of the escarpment area through agriculture, forestry, and preservation of natural scenery. That area of the Town that is under the jurisdiction of the Niagara Escarpment Plan area is also under development permit control. The Niagara Escarpment Plan identifies multiple land use designations in Pelham including the Escarpment Protection Area, Escarpment Rural Area, and Escarpment Natural Area.

Municipal zoning by-laws and their provisions do not apply to lands that are under the development permit control area within the Niagara Escarpment Plan area.

Region of Niagara Official Plan (2022)

It is required that the municipality ensure that municipal decisions conform to the Regional Official Plan (ROP). Policies in the ROP focus on managing growth and providing appropriate density and intensification targets for new growth, growth of the economy, protecting the environment and agricultural lands, providing infrastructure, and guidance for the development of lower tier municipal Official Plans.

The proposed housekeeping amendment is in keeping with the appropriate policies of the ROP.

Town of Pelham Official Plan (2014)

The Town Official Plan outlines the goals and objectives for the community and identifies land use policies to help guide and direct growth and development over the next 20 years. The Town is currently undertaking an Official Plan review and update, which will result in the creation of a new Official Plan. The Zoning By-law will subsequently require an update to reflect the updated Town Official Plan after it is approved.

The proposed housekeeping amendment is in keeping with the appropriate policies of the current Town Official Plan.

Town of Pelham Zoning By-law (2022)

As noted, the Town's Zoning By-law was approved by the Ontario Land Tribunal on April 3, 2023. The Zoning By-law is intended to be a "living document" which needs to be monitored on an ongoing basis. The Housekeeping Amendment is intended to make minor modifications to specific regulations that have been identified through staff monitoring, pre-

consultation, zoning amendment requests, and public and developer feedback.

The Housekeeping Amendment has been prepared in accordance with provincial, regional, and local Town policy documents. The following outlines the key changes that are being proposed through the Housekeeping Amendment:

Section 2: Definitions

- An update to the term Dwelling, Boarding House to Dwelling Lodging House and a revised definition to ensure consistency with the proposed Lodging House licensing by-law;
- A new definition for Environmental Impact Study;
- A new definition for Farm;
- The addition of the word Commercial for the definition of Greenhouse to provide distinction between a commercial greenhouse and a personal greenhouse;
- A revised definition for height to ensure its being measured from the average finished grade;
- An updated definition of Landmark Site for clarity and consistency with the Downtown Master Plan for Fenwick and Fonthill;
- An updated definition of Livestock for clarity;
- A revised definition for Long Term Bicycle to include a storage locker as an appropriate indoor space;
- A revised definition of Lot Line, Exterior to reword the term to Lot Line, Corner for clarity;
- The removal of the definition for Motel;
- A revised definition of Outdoor Storage to specify additional items that are not permitted to be stored outside;
- A revised definition of Sign to be in keeping with the Town Sign By-law; and
- The removal of the definition for Yard, Exterior Side as the term Yard, Corner is now being used;

Section 3: General Provisions

- Section 3.5 Daylighting Triangles – Regulation modified to include a reference to measurements for daylighting triangles being in accordance with the Town Engineering Standards for greater clarity and consistency;
- Addition of parapet in the height exemptions of Section 3.12;
- Section 3.13.1 Home Occupations – exempting Private Home Daycare from the yard and lot area requirements to ensure adequate play space for clients;
- New section created to address outdoor storage requirements to address issues By-law Enforcement Staff have encountered;

- New regulation created under Prohibited Uses for farm animals in residential zones;
- Specific lot coverage requirements for SDUs in detached buildings in the agriculture and rural zones;
- Exemption of Fenwick Urban Area Boundary from the setback requirements from features within the EP1 and EP2 Zones consistent with planning policy, the setback requirements will be determined through an EIS;
- The addition of building setback adjacent to a woodland feature of 50m in Section 3.31.1 which is being added for clarification (was originally captured under "Environmental Conservation Area" setback);
- The addition of a clause to require the execution of a written agreement to implement all recommendations of the approved Environmental Impact Study for Sections 3.31.1 b) and 3.32.2 b)
- Removal of the requirement for Site Plan Control for single detached residential uses within the Greenbelt Natural Heritage System as per the requirements of Bill 23: *More Homes Built Faster Act*, 2022;
- The addition of a clause in Section 3.32 regarding the storage of recreational vehicles in residential zones to not be for the exchange of payment or remuneration of any kind, financial or otherwise.

Section 4: Parking

- Clarification of the terms GFA, GLFA;
- Reduction in the number of spaces required for greenhouse and hoophouse uses to ensure adequate parking but does not create an oversupply;
- Exemption from parking requirements for temporary outdoor patios;
- Reduction in tandem parking space requirement so that length is in keeping with front yard lot requirements in the individual land use sections to provide consistency;
- Reduction in the minimum vertical clearance for parking spaces to be in keeping with the minimum requirements of the Ontario Building Code to provide consistency;
- Reduction in the number of bicycle parking spaces required for apartment uses to better align with the use; and
- Clarification on location for indoor bicycle parking.

Section 5: Rural/Agricultural Zones

- Removal of the requirement for Site Plan for farm help house in keeping with the new requirements of Bill 23;
- Renaming of Zone Requirements for a Greenhouse and Hoop House to Commercial Greenhouse

Section 6: Residential Zones

- Addition of Bed and Breakfast as a permitted use in the R2 in a Single Detached Dwelling in keeping with the Official Plan policies; and

- Increase in the planting strip requirement in the RM2 Zone.

Section 8: Commercial Zones

- Addition of Service Shop as a permitted use in the VC, MS, and TS Zones to align with Official Plan policies;
- Addition of Vehicle Service and Repair Establishment as a permitted use in the DC Zone;
- Addition of Second Dwelling Units (SDUs) in an Existing Single Detached Dwelling in the VC and MS Zones consistent with Official plan policies;
- Reference to appropriate regulations for SDUs in the VC and MS Zones;
- Increase in the height (metres) for buildings in all commercial zones to accommodate various height options and roof pitches in terms of building design in light of the new definition of height;
- Increase the step back for the 3rd and 4th storey for Landmark Sites to be consistent with Downtown Master Plan for Fenwick and Fonthill; and
- Decrease the maximum number of storeys for Landmark Sites in the TS Zone consistent with the Downtown Master Plan for Fenwick and Fonthill.

Section 9: Other Zones

- Removal of certain uses within the EP2 and EP3 Zones to align with the Town Official Plan permitted uses; and
- Increase in the minimum lot area requirement and side yard setback for an apartment dwelling in the Institutional Zone and a decrease in the maximum lot coverage.

Section 10: Exceptions

- Inclusion of exception for 364 Foss Road as per the owner's request to include the previous exception from the former By-law that was inadvertently not carried forward; and
- Inclusion of exceptions for Oak Haven Estates Subdivision, which were inadvertently not carried forward from the previous by-law and should be included.

Additional renumbering, spelling and grammar corrections have also been identified while reviewing the Zoning By-law. These have not been included in this Housekeeping Amendment as the Town is permitted to make these changes, without the need for an amendment in accordance with the requirements of Section 1.15 of the Zoning By-law.

Agency Comments:

Staff circulated the draft changes to all required agencies and reviewed the document internally with various departments. As of the date of writing of this report, one agency provided comments:

Bell Canada

- No specific comments or concerns; and
- Request to be circulated on any future materials and/or decisions related to this matter.

Public Comments:

The Town hosted 2 public meetings before Council for this file, one on October 11, 2023, and the second on January 17, 2024. Notice of the Statutory Public Meeting(s) were posted on the Town's website and social media platforms, on the Housekeeping Amendment project page at www.engagingpelham.ca and posted digitally at the pelhamtoday.ca.

Additionally, a copy of the notice was emailed out to all interested stakeholders who had provided contact information during the creation of the Town's new Zoning By-law in 2022 who had provided contact information via public information sessions, online through Engaging Pelham, at the Public Meeting or through direct contact with Planning Staff.

The public meeting that was held on October 11, 2023, had 3 members of the public present who provided comments which are summarized below:

Stephen Kaiser

- Supportive of the proposed changes to bicycle parking in general and suggested further reductions for outdoor (short-term) visitor bicycle parking requirements;
- Noted that the definition of height inadvertently inhibits architecture and may be counter-productive to the built form the Town wishes to achieve.

Patrick Maloney

- Noted an objection to the proposed changes to minimum lot frontage and lot area for semi-detached dwellings indicating that provincial policy directs increased opportunities for residential and infill development.
- Recommended that the Town defer this amendment unit the Official Plan review and update process is complete.

Craig Larmour

- Representing the Greenhouse Growers Group, identified concerns with the greenhouse lot coverage requirement of 30%;

- Noted that other municipalities allow for larger lot coverage requirements (West Lincoln permits 70%, St. Catharines has no restriction);
- Noted that while property owners could apply for a zoning amendment, the process invites scrutiny of the operation and there is cost and time associated with the application process.

It was noted by Staff through questions of Council that the lot coverage requirement for greenhouses is based on Official Plan policies, which will be reviewed as part of the larger Official Plan review process which is currently ongoing.

Council also provided feedback and comments to staff which are summarized below:

- Supportive of a reduction in the lot coverage requirements for greenhouses, but also understand that the Official Plan needs to be updated before this regulation can be reviewed;
- Requested consideration of changes to the regulations for an apartment use in the Institutional Zone for minimum lot size, maximum lot coverage and an increased minimum side yard setback;
- Requested consideration of an increased landscape strip in the Residential Multiple Two (RM2) Zone.

Following the public meeting on October 11, 2023, Council received correspondence on November 30th, 2023, from Mr. Maloney of Sullivan Mahoney on behalf of his clients Mr. Engel and Ms. Moore regarding the zoning on 1130 Effingham Street. Mr. Maloney indicated that his clients were opposed to the proposed changes being considered to the Environmental Protection 2 (EP2) and Environmental Protection 3 (EP3) Zones and the introduction of setbacks from natural features. Mr. Maloney requested that the Town defer a decision on any changes to the Environmental Protection Zones until the Town's new Official Plan is processed and approved.

A second public meeting that was held on January 17, 2024 based on Council's direction for further consultation. At that public meeting 4 members of the public provided comments which are summarized below:

Mark Engel, 1130 Effingham Street

- Provided a history of the Town's Zoning By-law and expressed frustration with the notification process and indicated that he felt the new Zoning By-law mapping was not in alignment with the current Official Plan mapping;
- Requested his property be rezoned back to Agriculture "A" to permit development on his property;
- Requested that a single detached dwelling continue to be permitted as a use on the EP2 and EP3 Zones to permit development; and
- Asked that a zoning impact study be prepared.

Mr. Engle also made submissions to Council at the Public Meeting.

Stephen Kaiser

- Expressed concern with the definition of height, noting he felt it was still ambiguous; and
- Disagreed with the proposed changes in the Institutional Zone for apartments and indicated there should be no coverage restrictions in the Village Commercial Zone.

Don Campbell, PATH

- Are generally supportive of many of the proposed amendments;
- Identified a need to balance development with preservation; and
- Expressed concern about the removal of Site Plan Control on development in the Environmental Protection Zones.

Jason Wierenga

- Satisfied with the reduction of parking spaces for greenhouse/hoophouse operations – noted this could be reduced further based on the changing needs of the industry and movement towards technology vs. human employees; and
- Noted that the lot coverage requirements for greenhouses is still too low and should be increased.

Council also provided feedback and comments to staff which are summarized below:

- Generally supportive of an increase in the lot coverage requirements for greenhouses, but also understand that the Official Plan needs to be updated before a change to the Zoning By-law can be considered;
- There was much discussion around the timeframes for an Official Plan amendment to address lot coverage requirements for greenhouses. It was noted that greenhouses are able to have a lot coverage greater than 30%, however it is subject to a Zoning By-law amendment in accordance with the Town Official Plan where the site specific requirements can be evaluated. It was determined that allowing for an increase in lot coverage over 30% in the Zoning By-law at this time would not conform with the Town Official Plan and this would be reviewed as part of the Official Plan review and update; and
- Supportive of a further reduction of parking space requirements for greenhouse/hoophouse uses.

Staff advised that these requests will be reviewed and considered in the final recommendation report.

The minutes of the Public Meetings are attached as Appendix B to this report.

Staff Comments:

The Housekeeping amendment is intended to improve clarity and consistency within the Zoning By-law, to ensure compliance with other regulatory documents such as the Ontario Building Code and to address minor deficiencies that were identified by Staff while actively using the new Zoning By-law. Additionally, certain regulations and definitions were updated based on newly enacted provincial legislation through *Bill 23: More Homes Built Faster Act* as well as the need to align with local policies of the Town of Pelham Downtown Master Plan for Fenwick and Fonthill and the Town of Pelham Official Plan.

The existing and proposed regulations are identified in Appendix A to this report along with the rational for each change. Further, Staff reviewed the requests made during the public meeting and offer the following for Council's consideration with respect to the specific comments raised at the public meeting:

Height Requirements (Commercial Zones)

Staff have reviewed the various building height requirements within each of the Commercial Zones (Village Commercial, Main Street, Town Square, Downtown Corridor and Neighbourhood Commercial) and are of the opinion that an increase in the overall building height will ensure that the intent of the definition in the By-law is met (measured as an average height above grade and to the peak of a roof), while accommodating various design scenarios and roof pitches. The height requirements have been calculated based on the minimum first floor height regulation of the specific zone, the number of stories permitted, and the additional space required for mechanical components (heating, cooling systems, floor joists, etc.). These requirements should provide more flexibility in terms of overall design and provide consistency with the policies of the Downtown Master Plan for Fenwick and Fonthill. The specific proposed changes for each zone are outlined in Appendix A.

R1 Zone Requirements – Semi-detached Dwelling

Based on feedback from the public, Staff identified a potential change in the zone requirements for a semi-detached dwelling be increased to ensure that lot size and frontage were the same as the requirements for a single-detached dwelling. Based on further feedback at the public meeting, it is being recommended that this change be deferred until the Official Plan review and update is completed in the new year to better align updated requirements for infill and intensification in the Official Plan with the specific zoning regulations in the Zoning By-law.

Greenhouse Lot Coverage

As noted, the lot coverage requirement for greenhouses is in keeping with the current policies of the Official Plan and does not preclude the ability of a proponent of making an amendment to the Zoning By-law to permit a greater lot coverage which would then be evaluated based on the site specific conditions of the property against what is being proposed. No changes are being recommended at this time, however the requirements will be assessed through the Official Plan review and update process and depending on the outcome of this review, subsequent changes may be proposed though a future zoning by-law amendment.

Zone Requirements for Apartment Dwellings – Institutional Zone

Based on feedback received at the public meeting, Staff reviewed the current zone regulations for apartment dwellings in the Institutional Zone and the suggested changes to increase the minimum lot area and minimum side yard requirements and decrease the maximum lot coverage requirement. Staff have reviewed this request, undertaking a best practice review of the requirements in other municipalities, and analyzing recent apartment approvals and are satisfied that the changes to these regulations can be supported.

EP2/EP3 Permitted Uses

The changes proposed to the EP2 and EP3 Zone are to ensure that the zoning by-law maintains conformity with the permitted uses of the Environmental designation contained in the Town's Official Plan, the Region of Niagara Official Plan and the Province's Greenbelt and Growth Plans.

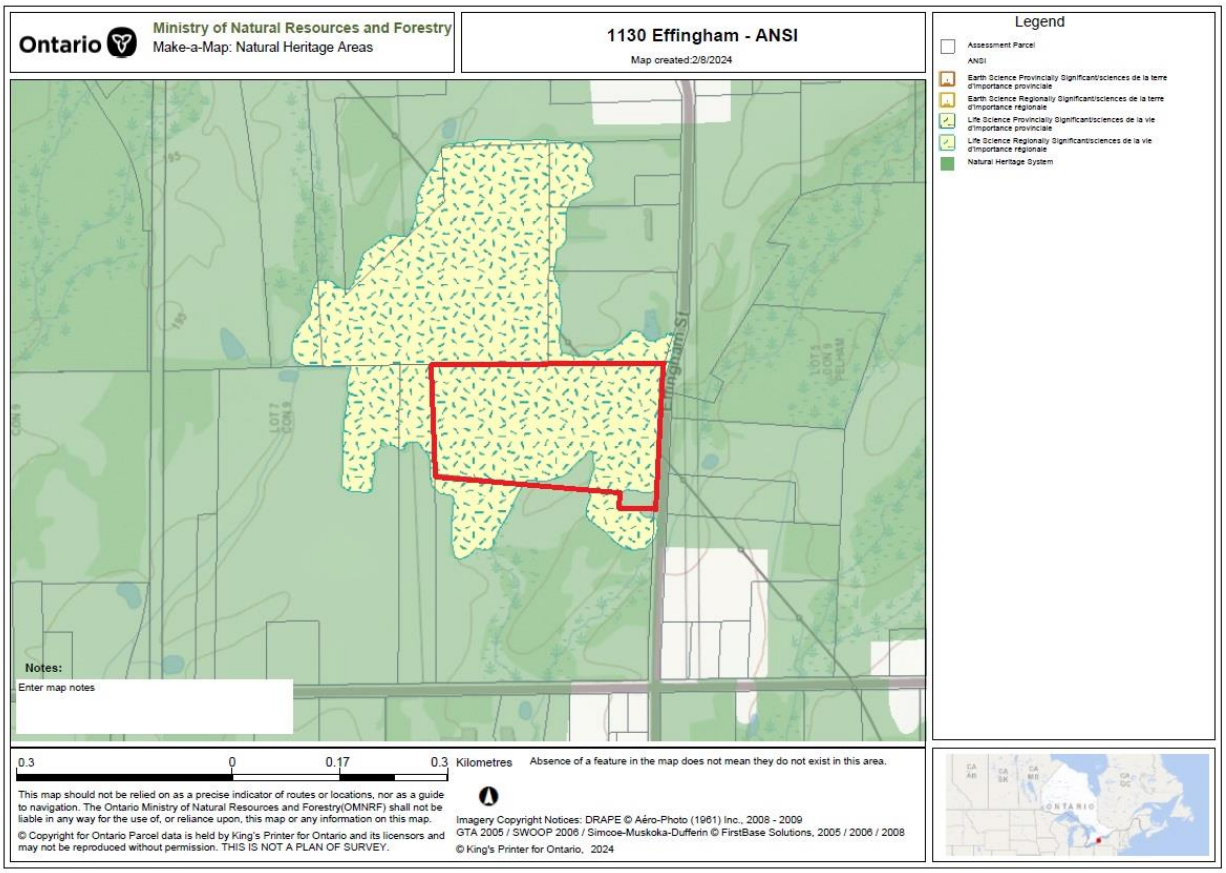
The changes proposed to Section 3.31 which deals with special setbacks from Environmental Protection One and Two Zones, specifically Section 3.31.1 a) to add the 50m building setback from a significant woodland feature is for clarification. Town staff were frequently questioned why woodland features were not specifically identified in the chart in Section 3.31.1 a). Significant woodland features are captured under the Environmental Conservation Area provisions (which also requires a building setback of 50m), however, Staff agreed to identify this feature separately to provide clarity. It is noted as well, that Environmental Conservation Area is a term that aligned well with terminology of the previous Region of Niagara Official Plan and while it is still a relevant term and should continue to be referenced in the Zoning By-law, by specifically identifying significant woodlands as a feature the Zoning By-law provides better clarity. This proposed change does not change or alter the provisions or the setback for the woodland feature as it is the same as the setback requirement for Environmental Conservation Area which is where significant woodlands currently fall under.

1130 Effingham Street

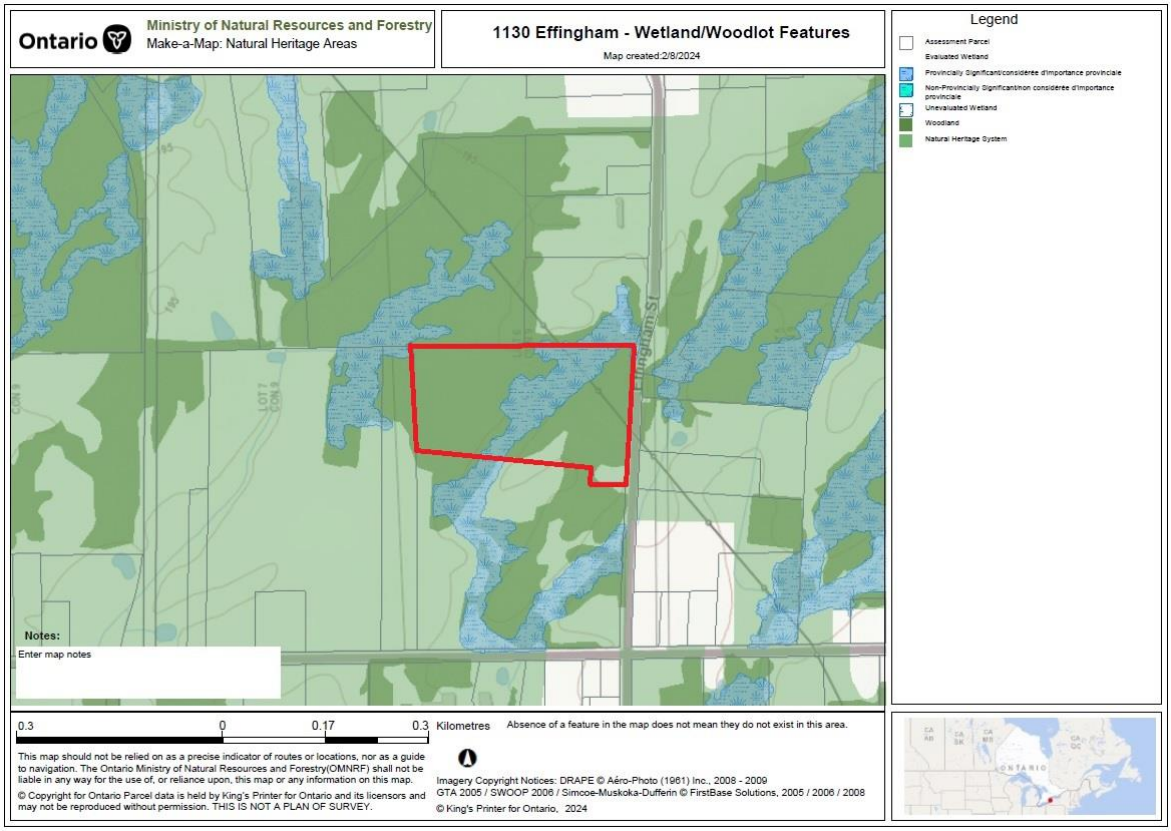
Additionally, for Council's information, staff met on-site with Mr. Maloney's clients and consultants on November 22, 2023. The owners wish to build a new home, detached garage and workshop, lap pool and cut in a new driveway entrance in the significant woodland feature on the property. This proposed development is in the woodland feature not on the edge or in the buffer area of the woodland feature and would be separate and distant from the existing dwelling and garage on the property. They wish to retain the existing dwelling and garage structures however they intend to decommission the dwelling and use the existing dwelling and existing garage for storage purposes.

As Mr. Maloney indicated, his clients purchased the property sometime in 2019. The previous zoning by-law in effect at the time the property was purchased zoned the lands for agricultural use and permitted a single detached dwelling on the property, the zoning at that time did not restrict development within the natural heritage features on the property. New development within the natural heritage features however was not permitted by policy at the time the property was purchased, including by the Provincial Policy Statement, the Greenbelt Plan, the Region of Niagara Official Plan, and the Town Official Plan. At the time the property was purchased the Town Zoning By-law was not in compliance with these policy documents.

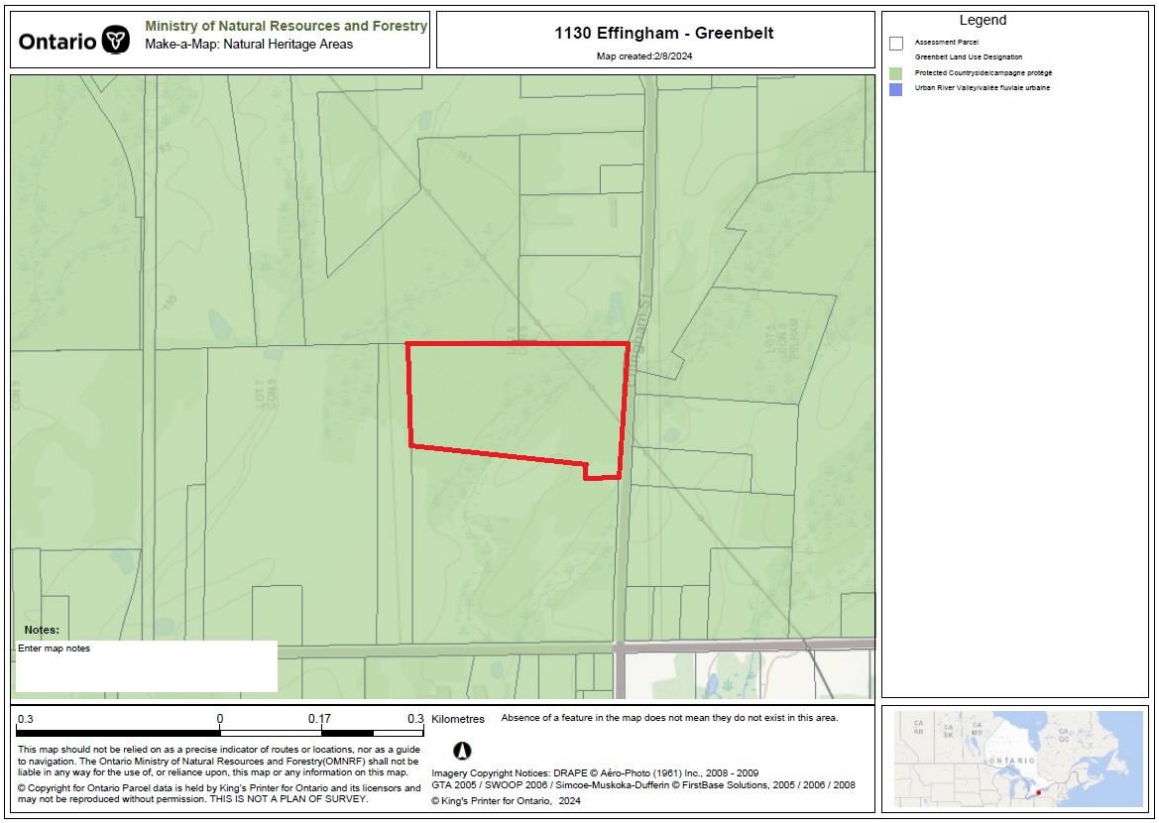
For Council's information, the PPS, Greenbelt Plan, Region of Niagara Official Plan and the Town Official Plan all restrict development from occurring in significant natural heritage features. The policy basis for this is top down starting with the PPS and then down to Provincial Plans, then the Region of Niagara Official Plan and then finally implementation through the Town Official Plan and Town Zoning By-law. The following mapping from the Ministry of Natural Resources and Forestry Mapping identifies the Engle/Moore property as being subject to a Regionally Significant Life Science Area of Natural or Scientific Significance (ANSI):



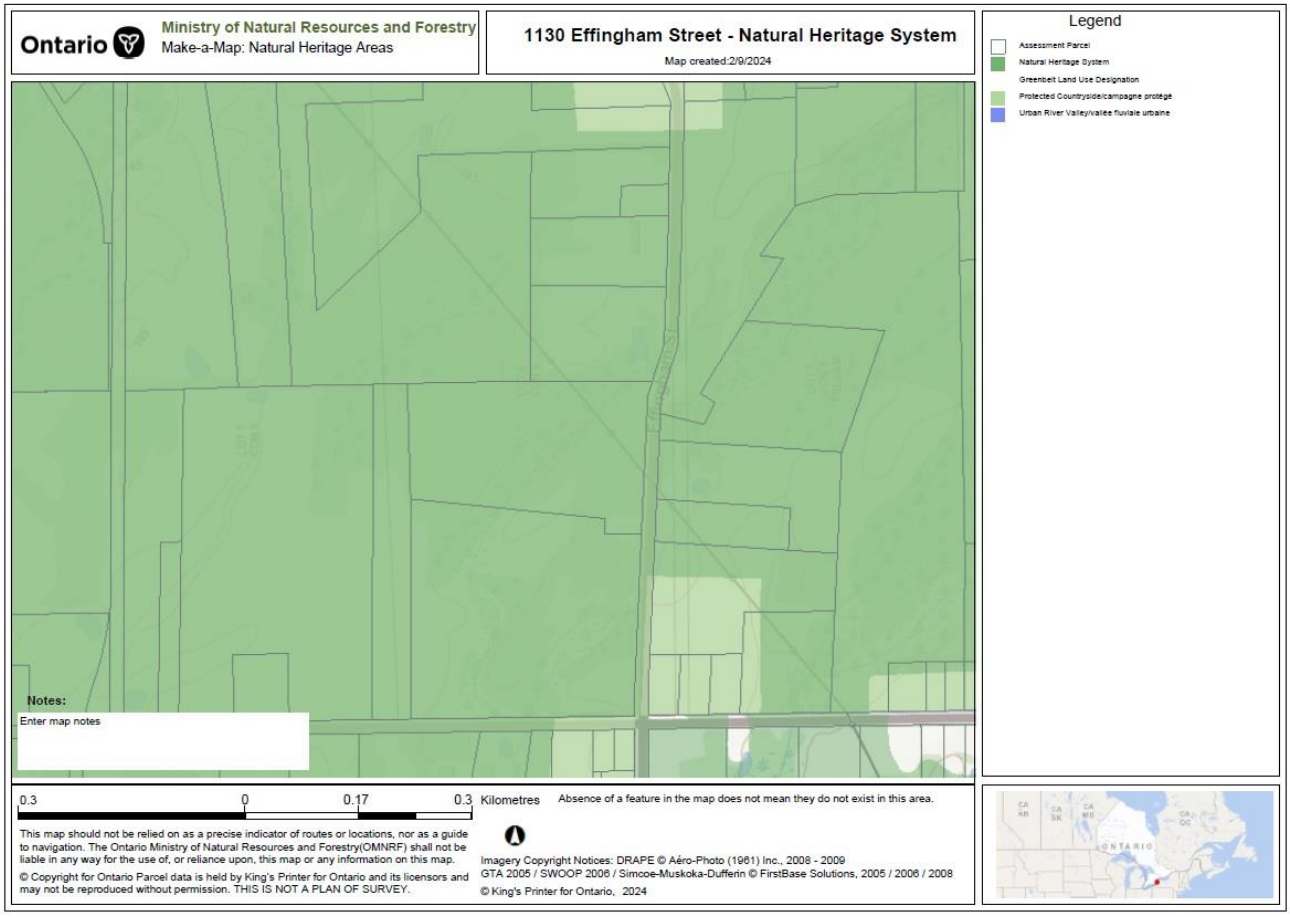
The Ministry mapping also shows that the property also has a significant woodland over most of the property and a wetland traversing the middle of the property:



is in the Greenbelt Plan as Protected Countryside,



and the Greenbelt Natural Heritage System:



The PPS has restricted development in provincially significant wetlands since the mid 1980's and has restricted development in significant woolands and ANSI's since the mid 1990's unless it was demonstrated that there would be no negative impact on the woodland.

The Greenbelt Plan has been in Place since December 16, 2004. The Engel/Moore property falls under Section 3.2 Natural Heritage System and Section 4 Protected Countryside of the Greenbelt Plan.

The Natural Heritage System policies in the Greenbelt Plan are intended to identify and protect a continuous and permanent land base necessary to support human and ecological health in the Greenbelt. The Natural Heritage System policies protect areas of natural heritage, hydrologic and/or landform features which are often functionally inter-related, and which collectively provide essential ecosystem services including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change. The Natural Heritage System policies contribute to conserving Ontario's biodiversity and maintaining the ecological integrity of the Greenbelt area and is systems based.

Development and site alteration is not permitted in the Natural Heritage features (significant woodlands, wetlands, ANSI's – note these are mapped by the Province) that comprise the Natura Heritage System of the Greenbelt and in any associated vegetative protection zone except for forest, fish and wildlife management, conservation and flood or erosion control projects or infrastructure, aggregate, recreational, shoreline or existing uses. The Engel/Moore proposal to building a house, garage/workshop, pool, driveway in the woodland feature on the property is not permitted by the Greenbelt Plan policy and the Town Zoning By-law is required to comply with these policies.

Further, general Policies for the Protected Countryside. Section 4.1.1.2 states:

Proposals for non-agricultural uses must demonstrate that:

a) The use is appropriate for location on rural lands;

b) The type of water and sewer servicing proposed is appropriate for the type of use;

c) There are no negative impacts on key natural heritage features or key hydrologic features or their functions; and

d) There are no negative impacts on the biodiversity or connectivity of the Natural Heritage System.

Further, Section 4.5 Existing Uses notes that existing uses are permitted, and that single detached dwellings are permitted on existing lots of record, provided they were zoned for such as of the date of the Greenbelt Plan came into force (December 16, 2004). It is noted that an existing dwelling exists on the Engel/Moore property and is allowed to continue and remain.

Section 4.5 further states that:

4. Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

   a) Notwithstanding section 4.2.2.2, new municipal service are not required; and

   b) The use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any

expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

The new Zoning By-law as adopted by Council in August 2022 and approved by the OLT on April 3, 2023, zoned the lands Environmental Protection One (EP1) and Greenbelt Natural Heritage System in conformity with the policy documents. The Environmental Protection One (EP1) Zone permits conservation uses and flood control structures, existing uses, linear infrastructure, passive recreational trails and facilities and wildlife management uses. New residential uses are not permitted; however, the existing residential use is permitted.

The proposed housekeeping amendments to the new Zoning By-law are not making any changes to the Environmental Protection One (EP1) Zone and therefore do not impact Mr. Maloney's clients. The inclusion of a 50m setback from significant woodland features in the chart in Section 3.31.1 a) as previously indicated is meant to provide clarity and is not a new provision. Significant woodlands are considered to be environmental conservation area lands which already require a 50m setback; specifying the setback for significant woodlands is only meant to provide clarity not introduce a new provision.

The challenge that Mr. Maloney's clients find themselves in is that when they purchased the property in 2019, they could technically have been allowed to have a dwelling in the natural heritage features by the zoning that was in effect at that time, despite it not being allowed by policy. With the adoption and approval of the new Zoning By-law, which does conform to policy, this is no longer possible as the proposed new dwelling and associated accessory structure(s) are proposed to be placed directly in the protected feature. This is in direct contravention of Provincial, Regional and Local policy.

The policies do support existing dwellings and uses, of which there is one currently on this property, additional or new dwelling units are not permitted, however. Existing uses on the property are permitted to expand, provided that expansion does not project into any of the features or buffers. It is acknowledged that the protection of significant natural heritage features is in the broader public interest which may not align or be the same as being the personal interests of an individual property owner.

The Town is legislatively obligated to ensure the Zoning By-law conforms with Provincial, Regional and Town planning policies. The proposed changes being considered through the housekeeping amendment do conform with current approved policy. It is noted that if policy related to environmental features change in the future, then the Zoning By-law would be required to be amended to be consistent with new approved policy at that time.

Conclusion:

In summary, it is Planning Staff's opinion that the proposed amendments to the Zoning By-law as outlined in Appendix A are appropriate and are in keeping with all applicable Provincial, Regional and Town policy documents. The proposed changes will improve the overall interpretation and understanding of the Town's Zoning By-law, represent good planning and therefore should be approved.

Alternatives:

Council could choose not to approve the Housekeeping Amendment.

Council could choose to approve the Housekeeping Amendment with modifications.

Attachments:

Appendix A – Proposed Changes

Appendix B – Public Meeting Minutes (October 11, 2023 & January 17, 2024)

Appendix C – Draft Housekeeping By-law

Prepared and Recommended by:

Lindsay Richardson, MCIP, RPP
Policy Planner

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

Prepared and Submitted by:

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

Existing Regulation	Proposed Regulation	Rational
Section 2: Definitions		
DWELLING, BOARDING HOUSE means a single dwelling that is occupied by the owner of such dwelling as their principle residence together with not less than two and not more than four accessory guest rooms.	**DWELLING, LODGING HOUSE** means a building or any portion of a building in which Lodgers, in exchange for periodic payments to a Licensee, are provided with accommodation in Private Rooms and with access to common areas, and are not provided with Sanitary Facilities or food preparation facilities for the exclusive use of individual Lodgers, and in which Lodgers may or may not be provided with meals, but does not include a hotel, tourist establishment or short-term rental unit, a hospital or any provincially-regulated long-term care home, retirement home, nursing home, group home or similar facility.	Definition has been updated to be in keeping with the proposed Lodging House licensing by-law.
No current definition	**Environmental Impact Study** means a science-based study of ecological features and functions and impacts to those features and functions resulting from development and/or site alteration, prepared in accordance with the Region of Niagara environmental impact study guidelines.	New definition to provide clarity.
No current definition	**FARM** means land used for agricultural uses and includes a farm dwelling and accessory buildings, which may include accommodation for full time or seasonal farm workers.	The terms “farm” is utilized in the definition of “Agriculture use” and other definitions, recommended that the Town define “farm” for better clarity as to what the use entails.

GREENHOUSE means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principal use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.	**GREENHOUSE, COMMERCIAL** means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principal use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.	Clarifies that the greenhouse use is for commercial purposes. Smaller, personal greenhouses do not fall under this definition and are considered "accessory structures" to a permitted residential use.
HEIGHT means the vertical distance measured from the finished grade level to the highest point of the roof surface or parapet, whichever is greater.	**HEIGHT** means the vertical distance measured from the average finished grade level to the highest point of the roof surface. ~~or parapet, whichever is greater.~~	This will address properties that have varying grade, slope or walkout conditions
LANDMARK SITE means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community such as being located at the terminus of a street, or open space or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.	**LANDMARK SITE** means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community ~~such as~~ being located at the terminus of a street, on ~~open space~~ public spaces or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.	Updated definition provides greater clarity and alignment with Downtown Master Plan for Fenwick and Fonthill.

LIVESTOCK means farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken, turkey broilers, turkeys, goats, geese, mink and rabbits but excluding animals such as pets raised or housed for recreational or hobby purposes.	**LIVESTOCK** means farm animals and/or fowl raised, housed or kept for propagation or use for commercial purposes, including action or intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chickens, turkey broilers, turkeys, goats, geese, mink and rabbits but does not include animals kept as pets or animals raised, housed or kept for recreational or hobby purposes.	Updated definition provides greater clarity.
LONG TERM BICYCLE means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time.	**LONG TERM BICYCLE** means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time and can include a storage locker.	Updated definition provides opportunity for indoor bike storage locations
LOT LINE, EXTERIOR means a side lot line that is also a streetline. "Flankage Lot Line" shall have the same meaning.	**LOT LINE, CORNER** means a side lot line that is also a streetline, regardless of whether or not such streets have a 0.3 metre reserve.	Updated definition to provide greater clarity.
Definition of Motel	Remove	The *Tourism Act* has been repealed and never replaced, there is no existing Ontario Regulation that defines this use. Definition of hotel is broad enough to cover this use.

OUTSIDE STORAGE means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles or agricultural or parks vehicles or commercial vehicles whether or not operative or capable of being licensed.	**OUTSIDE STORAGE** means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles, ~~or~~ agricultural or parks vehicles, ~~or~~ commercial vehicles, boats or recreational vehicles whether or not operative or capable of being licensed.	Updated definition to provide greater clarity.
SIGN means a display board, screen, cloth or structure having characters, letters or illustrations applied thereto or display thereon in any manner which directs attention to an object, activity, person, institution, organization or business and which includes: a) A sign within a building that is visible from a street; and b) The posting or painting of an advertisement or notice on any building or structure.	**SIGN** means any device, object or thing which directs attention to and which is designed o convey a message and that is placed for the purposes of advertising goods and services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes but it not limited to, the types of signs defined in the Town of Pelham Sign By-law, 2020 as amended from time to time.	Revised definition to be in keeping with the Town's sign by-law.
YARD, EXTERIOR SIDE means a side yard immediately adjoining a public street.	~~**YARD, EXTERIOR SIDE** means a side yard immediately adjoining a public street.~~	Removal of exterior side yard definition as it has become redundant – we define a "lot line, corner" and "lot, corner"

		which provide adequate definition.
Section 3: General Provisions		
3.5 DAYLIGHTING TRIANGLES Within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5m in height above the elevation of the ground at the lot line. There shall be no additional building setbacks offset from a daylight triangle.	3.5 DAYLIGHTING TRIANGLES Within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5m in height above the elevation of the ground at the lot line. There shall be no additional building setbacks offset from a daylight triangle. Measurements for daylighting triangles shall be in accordance with the Town's Engineering Standards.	This will ensure consistency with the appropriate Town Standards.
3.12 Height Exemptions New exception	o) A Parapet	Additional exemption to clarify.
3.13.1 c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage; e) The maximum gross floor area dedicated to the home occupation shall be the lesser of 50m^2 or 25% of the gross floor area of the dwelling, except for a home daycare;	3.13.1 c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage, except for a private home daycare; e) The maximum gross floor area dedicated to the home occupation shall be the lesser of 50m^2 or 25% of the gross floor area of the dwelling, except for a private home daycare;	Children in a home daycare will have access to amenity areas and most areas of the home.

OUTSIDE STORAGE – new section	3.22 OUTSIDE STORAGE Where open/outside storage is permitted, the following regulations shall apply: a) Open/outside storage shall only permitted in a rear yard; and b) Where an open/outside storage area is visible from any street, any abutting lot and/or park, the open/outside storage area shall be screened by a visual screen containing a solid fence or wall not less than 2.0m in height.	Regulations for outside storage will ensure that the use is located to the rear of the use and is screened from view.
Section 3.24: Prohibited uses – new regulation	Section 3.25 j) The keeping or raising of any bull, ox, cow, sheep, horse, goat, pig or other cattle, any poultry, or any reptile or wild animal including any tamed or domesticated wild animal or any residential lot or in any building or structure on such lot, or any lot or in any building or structure in a Residential or Residential Development Zone.	Renumbered and a new regulation that clearly identifies that agricultural animals are not permitted within the urban area or in residential zones.
Section 3.28.3 x) The detached accessory building shall be compliant with all other aspects of the zoning by-law.	Section 3.28.3 x) The detached accessory building shall be compliant with all other aspects of the zoning by-law and the lot coverage requirements of Section 5.1.4 and 5.2.4 shall apply.	Referencing the appropriate lot coverage requirements will ensure clarity when reviewing SDU requests.
Section 3.31.1 a) Building Setback Chart	Section 3.32.1	The addition of the setback requirement for Significant Woodlands is proposed for

b) The setbacks noted in Section 3.31.1 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority. c) The setbacks noted in Section 3.31.1 a) do not apply to lands located in Fonthill, as illustrated on Schedule C.	a) Addition of a setback for Significant Woodlands of 50m. b) The setbacks noted in Section 3.32.1 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority, and the execution of a written agreement with the Town, to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study. c) The setbacks noted in Section 3.32.1 a) do not apply to lands located in Fenwick and Fonthill, as illustrated on Schedules B and C. In these areas, the setbacks will be established through the findings of an Environmental Impact Study.	clarification purposes. Woodlands are currently included under the Environmental Conservation setback requirement of 50m in the Zoning By-law. Entering into an agreement registered on title will ensure that the conditions of the EIS are recognized and implemented to the satisfaction of the Town. The setback requirements should be determined through an EIS as they may be different than the standard setbacks required.
Section 3.31.2 b) The setbacks noted in Section 3.31.2 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority.	Section 3.32.2 b) The setbacks noted in Section 3.32.1 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority, and the execution of a written agreement with the Town, to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study.	Entering into an agreement registered on title will ensure that the conditions of the EIS are recognized and implemented to the satisfaction of the Town.
Section 3.31.4	Section 3.32.4	This requirement is no longer legal for single detached dwellings as per the policies

a) Entering into a site plan agreement with the Town to address Section B3.5.4.1 of the Town's Official Plan;	a) Entering into a site plan agreement with the Town to address Section B3.5.4.1 of the Town's Official Plan, except for Single Detached Dwellings;	of Bill 23: *More Homes Built Faster Act, 2022*.
Section 3.32 Storage of Recreational Vehicles, Trailers and Boats	c) The storage of such vehicles in a residential zone is not permitted for the exchange of payment or remuneration of any kind, financial or otherwise.	Clarifies that outdoor storage of these types of vehicles cannot be for the financial gain of the property owner.
Section 4: Parking		
Section 4.1 a) Parking for Retail Place or Entertainment and Restaurant – 3.25 spaces per 100m2 GLFA Parking for Greenhouse and Hoop House Use – 1 space per 55m^2 GFA	Section 4.1 Parking for Retail Place or Entertainment and Restaurant – 3.25 spaces per 100m2 GLFA * *GFA or Gross Floor Area *GLFA or Gross Leasable Floor Area ***Not applicable to temporary outdoor patios Parking for Greenhouse and Hoop House Use – 1 space per 2000m^2 GFA All other agricultural uses are exempt from the parking requirements of this Section.	Identifying what GFA and GLFA stand for will add clarity. Exempting temporary patios from parking requirements will allow more flexibility. The reduction in the number of spaces will still ensure adequate parking area for employees and will not result in an oversupply of parking.
Section 4.1.4.1 a) The minimum dimensions of a parking space shall be 2.6m by 5.8m with a minimum vertical clearance of 4.2m; b) The minimum dimensions of a tandem parking space shall be 2.6m	Section 4.1.4.1 a) The minimum dimensions of a parking space shall be 2.6m by 5.8m with a minimum vertical clearance of 2.0m; b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.0m with a minimum vertical clearance of 2.0m; and	6.0m is in keeping with the minimum front yard requirements of the zoning by-law. A 2.0m vertical clearance is in keeping with the requirements of the Ontario Building Code.

by 6.7m with a minimum vertical clearance of 4.2m; and		
Section 4.3.1 Bicycle Parking for Apartment Dwellings – Short Term - 0.8 spaces per unit - Long Term – 0.7 spaces per unit	Section 4.3.1 Bicycle Parking for Apartment Dwellings – Short Term – minimum of 6 spaces Long Term – 0.25 spaces per unit	The reduction in the number of bicycling parking spaces will still ensure adequate parking areas for visitors arriving by bicycle and will not result in an oversupply of parking.
Section 4.3.1 All long-term bicycle parking spaces shall be located indoors on the ground floor.	Section 4.3.1 All long-term bicycle parking spaces shall be located indoors. ~~on the ground floor.~~	This will ensure that parking is located indoors in an appropriate location based on the requirements of the development.
Section 5: Rural/Agricultural Zones		
Section 5.1.3.1 a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;	Section 5.1.3.1 ~~a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;~~	This requirement is no longer legal as per the policies of Bill 23: *More Homes Built Faster Act, 2022*.
Section 5.1.6 Zone Requirements for a Greenhouse and Hoop House	Section 5.1.6 Zone Requirements for a Commercial Greenhouse and Hoop House	Change is made to distinguish between commercial greenhouse and smaller, private accessory greenhouse uses.
Section 5.2.3.1 a) A farm help house shall be located in accordance with a site	Section 5.2.3.1	This requirement is no longer legal as per the policies of Bill 23: *More Homes Built Faster Act, 2022*.

plan agreement with the Town of Pelham;	~~a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;~~	
Section 5.1.6 Zone Requirements for a Greenhouse and Hoop House	Section 5.1.6 Zone Requirements for a Commercial Greenhouse and Hoop House	Change is made to distinguish between commercial greenhouse and smaller, private accessory greenhouse uses.
Section 6: Residential Zones		
R2 Existing Uses	Add Bed and Breakfast as a permitted use in a Single Detached Dwelling	The use was inadvertently excluded when drafting the by-law and should be permitted.
RM2 Zone Requirements Section 6.5.2 Landscape Strip – A landscape strip of 1.5m minimum in width shall be provided where the boundary of an RM2 Zone abuts a R1, R2, or R3 Zone	RM2 Zone Requirements Section 6.5.2 Landscape Strip – A landscape strip of 2.4m minimum in width shall be provided where the boundary of an RM2 Zone abuts a R1, R2, or R3 Zone	This will provide for a better buffer between multi-residential and traditional residential uses.
Section 8: Commercial Zones		
Existing Uses:	Existing Uses: Include service shop in the VC, MS, TS Zones	Use is compatible with the other permitted uses, will permit more flexibility within the zone and aligns with the Town Official Plan.
	Include vehicle service and repair establishment in the DC Zone	Use is compatible with the other permitted uses and will

		permit more flexibility within the zone
	Include Second Dwelling Units in an existing Single Detached Dwelling in the VC and MS Zones	SDUs are currently only permitted within a commercial building, this will permit the use in existing residential dwellings that are being used as such.
Village Commercial Zone New Section 8.1.3 Section 8.1.4 Building Height – The building height shall be a maximum of 6.0m or 2 storeys. Landmark Sites – The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3rd and 4th storey.	**Village Commercial Zone** 8.1.3 Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling Please refer to Section 3.29.1 Section 8.1.4 Building Height – The building height shall be a maximum of 9.0m or 2 storeys. Section 8.1.3 Landmark Sites – The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.	Ensures there are regulations in place to facilitate the use. Provide consistency with the Downtown Master Plan for Fenwick and Fonthill and accommodate various height options and roof pitches in terms of building design.
Main Street Zone New Section 8.2.3	**Main Street Zone**	Ensures there are regulations in place to facilitate the use.

Section 8.2.3 Building Height – The building height shall be a minimum of 6.0m and 2 storeys. The building height shall be a maximum of 12.0m or 3 storeys, whichever is less. First Floor Height – The first floor height shall be a minimum of 4.5m. Landmark Sites – The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3rd and 4th storey.	8.2.3 Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling Please refer to Section 3.29.1 Section 8.2.4 Building Height – The building height shall be a minimum of 9.0m and 2 storeys. The building height shall be a maximum of 13.0m or 3 storeys, whichever is less. First Floor Height – The first floor height shall be a minimum of 3.0m. Landmark Sites – The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.	Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design.
Town Square Zone Section 8.3.3 Building Height - The building height shall be a minimum of 12.0m and 3 storeys. The building height shall be a maximum of 17.0m or 5 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be	**Town Square Zone** Section 8.3.3 Building Height - The building height shall be a minimum of 13.0m and 3 storeys. The building height shall be a maximum of 20.5m or 5 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be 14.5m or 3 storeys, whichever is greater, and the maximum	Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design. The reduction in number of storeys for Landmark Sites is in keeping with the Town's Official Plan policies and

12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys.	height shall be the lesser of 20.5m or 5 storeys. There shall be a minimum building set back of 2.0m on the 4th storey.	Downtown Master Plan for Fenwick and Fonthill.
Downtown Corridor Zone Section 8.4.3 Building Height - The building height shall be a minimum of 8.0m and 2 storeys. The building height shall be a maximum of 20.0m and 6 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 26.0m or 8 storeys.	**Downtown Corridor Zone** Section 8.4.3 Building Height - The building height shall be a minimum of 10.0m and 2 storeys. The building height shall be a maximum of 20.5m or 5 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater, and the maximum height shall be the lesser of 23.75m or 6 storeys. There shall be a minimum building set back of 2.0m on the 4th storey.	Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design. The reduction in number of storeys for Landmark Sites is in keeping with the Town's Official Plan policies and Downtown Master Plan for Fenwick and Fonthill.
Neighbourhood Commercial Section 8.5.3 Building Height – The building height shall be a maximum of 12.0m.	Section 8.5.3 Building Height – The building height shall be a maximum of 10.0m.	Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design.
Section 9: Other Zones		
Existing Uses EP2 Agricultural uses; Conservation uses and flood control; Existing uses;	Existing Uses EP2 ~~Agricultural uses;~~ Conservation uses and flood control; Existing agricultural uses;	These changes will ensure that the zoning by-law is in keeping with the permitted uses for these mapped

Home industry; Home occupation; Linear Infrastructure; Passive recreational trails and facilities; Secondary dwelling units; Single detached dwelling; Wildlife management uses; and Uses, buildings and structures accessory to the foregoing uses	~~Home industry;~~ ~~Home occupation~~; Linear Infrastructure; Passive recreational trails and facilities; and ~~Secondary dwelling units;~~ ~~Single detached dwelling;~~ Wildlife management uses.~~; and~~ ~~Uses, buildings and structures accessory to the foregoing use.~~	features in the Town's Official Plan.
<u>Existing Uses EP3</u> Agricultural uses; Conservation uses and flood control; Existing uses; Linear Infrastructure; Passive recreational trails and facilities; Secondary dwelling units; Single detached dwelling; Wildlife management uses; and Uses, buildings and structures accessory to the foregoing uses	<u>Existing Uses EP3</u> ~~Agricultural uses;~~ Conservation uses and flood control; Existing uses, (that were in existence prior to December 16, 2004); Linear Infrastructure; Passive recreational trails and facilities; and ~~Secondary dwelling units;~~ ~~Single detached dwelling;~~ Wildlife management uses.~~; and~~ ~~Uses, buildings and structures accessory to the foregoing uses~~	These changes will ensure that the zoning by-law is in keeping with the permitted uses for these mapped features in the Town's Official Plan.
9.2 Institutional Zone 9.2.3 Zone Requirements for an Apartment Dwelling Minimum Lot Area- 150m^2 per unit Minimum Side Yard – 6.0m or ½ the height of the building, whichever is less Maximum Lot Coverage - 50%	9.2 Institutional Zone 9.2.3 Zone Requirements for an Apartment Dwelling Minimum Lot Area - 150m^2 per unit or 0.2 ha whichever is greater Minimum Side Yard – 7.5m or ½ the height of the building, whichever is less Maximum Lot Coverage - 40%	These changes will ensure compatibility with surrounding land uses.

Section 10: Exceptions	
* These exceptions were part of the previous By-law (1136-1987)	
RM1-88: 1120 Haist Street *Formerly RM1-283* Notwithstanding Section 3: General Provisions, the following shall apply: a) Garages shall have a 0m interior side yard setback ~~with a shared masonry wall~~ on one side and have a minimum interior side yard setback of 2.75m on the other side. Notwithstanding Section 4: Parking and Loading Requirements, the following special regulations shall apply: d) Garages shall ~~have a shared masonry wall on one side and~~ be located a minimum of 5.5m from another garage on the other side.	The owners of the site have requested this change.
A-152: 364 Foss Road *formerly A-52 In addition to the uses in the Agricultural Zone, this land may also be used for a sod and fertilizer retail outlet, farm supply and service establishment and accessory office uses.	This exception was inadvertently removed while creating the new Zoning By-law. The owners have requested it be reinstated to which Staff have no objections.
R1-153(H): Oak Haven Estates Subdivision *formerly RV1-233(H) Notwithstanding the regulations of the Residential One R1 Zone, these lands may only be used for single detached dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply: Minimum Lot Frontage: Interior Lot: 14.0m; Corner Lot: 18.0m Minimum Lot Area: 490m^2	This exception was inadvertently removed while compiling the exception section of the new Zoning By-law and should be included.

Maximum Lot Coverage	35%
Minimum Front Yard	6.0m
Minimum Interior Side Yard	1.5m
Minimum Exterior Side Yard	4.5m to front face or 8.0m to garage
Minimum Rear Yard	7.5m
Maximum Building Height	10.5m
Minimum Ground Floor Area	One Storey: 93m^2 Two Storey: 56m^2
Garage projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

RM1-154: Oak Haven Estates Subdivision
*formerly RMV1-235

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for street townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	7.0m per dwelling unit
Minimum Lot Area	240 m2 per dwelling unit
Minimum Front Yard	6.0m to front face or 8.0m to garage
Minimum Interior Side Yard	1.5m
Minimum Rear Yard	7.5m
Maximum Building Height	10.5m

This exception was inadvertently removed while compiling the exception section of the new Zoning By-law and should be included.

Minimum Ground Floor Area	One Storey: 75m2 Two Storey: 45m2
Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

RM1-155: Oak Haven Estates Subdivision
*formerly RMV1-236

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for block townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	25.0m
Maximum Number of Dwelling Units	36
Minimum Setback from a Public Road	7.5m
Minimum Setback from the Open Space Zone	1.5m
Minimum Setback from the R1-153 and RM1-154 Zones	8.0m
Minimum Setback from the RM1-29 Zone	4.0m
Minimum Internal Roadway Width	6.0m
Minimum Setback from Internal Road	4.0m to front face or 6.0m to garage
Minimum Setback between Side of Unit and Internal Road	2.0m

This exception was inadvertently removed while compiling the exception section of the new Zoning By-law and should be included.

Maximum Building Height	10.5m	
Minimum Ground Floor Area for a Dwelling	One Storey: 75m2 Two Storey: 45m2	
Minimum Landscape Area	30%	
Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling		

Committee of the Whole Meeting

Public Meeting under the Planning Act

Minutes

Meeting #:	PCOW-09/2023
Date:	Wednesday, October 11, 2023
Time:	5:30 PM
Location:	Town of Pelham Municipal Office - Council Chambers 20 Pelham Town Square, Fonthill
Members Present:	Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Brian Eckhardt, Councillor Shellee Niznik
Staff Present:	Barbara Wiens, Shannon Larocque, Sarah Leach, Lindsay Richardson, Jodi Legros

1. Call to Order and Declaration of Quorum

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

2. Land Recognition Statement

The Mayor read the land acknowledgement into the record.

3. Adoption of Agenda

Moved By Councillor Bob Hildebrandt

THAT the agenda for the October 11, 2023 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

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

5. Planning Act Application: AM-07-2023 56 Philmori Boulevard

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

5.1 Planning Report and Presentation

Shannon Larocque, Senior Planner provided an overview of the application before Council. A copy is available through the Clerk.

5.1.1 AM-07-2023 - 56 Philmori Boulevard - Information Report, 2023-0204-Planning

5.2 Applicant's Presentation

The Agent, Nick Godfrey from Better Neighborhoods Inc. provided a short presentation to further explain the application. A copy is available through the Clerk.

5.3 Public Input

Ms. Leach, Deputy Clerk, indicated there were no pre-registered speakers. She checked the clerks@pelham.ca email address at 5:48 p.m. and confirmed no e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

5.4 Committee Input

A Member of Council asked if there was fence type specifications. Ms. Barb Wiens, Director of Community Planning and Development, indicated the fence can be wood or chain-link but cannot have a gate to the natural area. The Member indicated they had no concerns with the application.

A Member of Council asked for clarification regarding the size of the easement area. Ms. Shannon Larocque, Senior Planner, stated the easement area is 1.5m on one side and 1m on the other and confirmed no building permitted.

5.5 Presentation of Resolutions

Moved By Councillor John Wink

THAT Committee receive Report #2023-0204 for information as it pertains to File No. AM-07-2023

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

Carried

Moved By Councillor Kevin Ker

THAT Committee receive the applicants presentation for information.

Carried

Moved By Councillor Shellee Niznik

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

Carried

6. Planning Act Application: AM-08-2023 Zoning By-law Housekeeping Amendments

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

6.1 Planning Report and Presentation

Lindsay Richardson, Policy Planner, provided an overview of the application before Council. A copy is available through the Clerk.

6.1.1 Information Report - Housekeeping Zoning By-law Amendment, 2023-0214-Planning

6.2 Public Input

Mr. Stephen Kaiser stated the definition of height inhibits architecture and may be counter-productive to the built form the Town wishes to achieve. Mr. Kaiser indicated height should be redefined to relate to a maximum number of floors and maximum ceiling height. Mr. Kaiser provided examples of inconsistencies across zones.

Mr. Kaiser concurred with the proposed changes to bicycle parking provisions but stated the proposal is still excessive. Mr. Kaiser identified that outdoor bicycle parking spaces appear to have a higher priority than accessible parking spaces.

Mr. Maloney stated his client objects to changes to minimum lot frontage and minimum lot area for semi-detached dwellings. Mr. Maloney stated provincial policy directs increased opportunities for residential development. He stated the changes produce the opposite effect and discourage residential development. Mr. Maloney stated semi-detached dwellings are smaller than single-detached dwellings and allow people to remain in their neighbourhood. Mr. Maloney recommended the Town defer decision of the housekeeping amendment until the Official Plan review process is complete.

Mr. Craig Larmour stated he represented the Greenhouse Growers Group. Mr. Larmour identified the greenhouse lot coverage restriction of 30%. Mr. Larmour indicated there exists an uneven playing field within the agricultural industry. Mr. Larmour stated that West Lincoln permits a 70% lot coverage whereas St. Catharine’s has no restriction for greenhouse lot coverage.

Mr. Larmour indicated that while property owners could come forward with a zoning by-law amendment or variance request, this process invites public scrutiny of the operation. He further identified the associated cost and time for either application.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 6:25 p.m. and confirmed no e-mails have been received with regard to the subject application. Ms. Leach indicated the public comment portion of

the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

6.3 Committee Input

A Member of Council expressed an understanding that 70% lot coverage would be desirable for greenhouses due to factors such as climate change. The Member asked the rationale for the 30% restriction. Ms. Wiens stated the Official Plan has contained this restriction since 2014 and requires Zoning By-law conformity. The Member asked the process to amend the Official Plan. Ms. Wiens advised of the process and recognized the disconnect in timing between the Official Plan review and the housekeeping Zoning By-law amendment. Mr. Larmour stated that a 70% request seemed reasonable but indicated that some areas have no restrictions.

A Member of Council expressed agreement that hoop houses and greenhouses are separate entities due to their permanent nature. The Member identified the need for Official Plan conformity.

A Member of Council asked for the official plan amendment process. Ms. Wiens stated an application would need to be made. Ms. Wiens indicated that council could also initiate an amendment. Ms. Wiens provided the comprehensive process and indicated it could last between 6 months and a year. Ms. Wiens advised that the Greenhouse Growers Group is aware of the amendment process and had not initiated it.

A Member of Council asked if approving the housekeeping Zoning By-law amendment would create an Official Plan roadblock in the future. Ms. Wiens assured it was not a roadblock and stated it is unknown the rationale for the 30% lot coverage at the time of adoption in 2014. Ms. Wiens stated that the right number for lot coverage will need to be evaluated, as well as input collected from other stakeholders to ensure there are no adverse impacts.

A Member of Council affirmed the need to follow process to avoid conflict. The Member noted the slight difference in timeline between an Official Plan amendment and the new Official Plan. The Member suggested an Official Plan amendment process was not the most efficient use of time and resources as a review is underway.

A Member of Council asked for clarification on the definition of height. Ms. Wiens indicated that clarifying the measure of height is an intention of this amendment.

A Member of Council asked for the lot frontage of semi-detached dwellings. Ms. Wiens referred to the requested amendment and indicated the rationale stemmed from public feedback.

A Member of Council expressed satisfaction in Staff’s recommendation regarding semi-detached dwellings as Pelham

appeared more permissive than other municipalities. Another Member of Council concurred with the comments and agreed that semi-detached dwellings should have the same parameters as single-detached dwellings.

For apartment dwellings in the Institutional Zone, a Member of Council requested consideration of an increase in lot size to 2000 sm, reduced maximum lot coverage to 40% and an increased minimum side yard setback to 7.5m. In the RM2 Zone, the Member requested consideration of an increased landscape strip requirement of 3m. Another Member of Council supported the recommendations for the Institutional Zone.

A Member of Council asked if the proposed amendment conflicts with the recently passed Hen By-law. Ms. Wiens stated the intent is not to create conflict and assured the item would be reviewed with the Solicitor. A Member suggested defining species as opposed to using generic terms.

6.4 Presentation of Resolutions

Moved By Councillor Brian Eckhardt

THAT Committee receive Report #2023-0214 Planning for information;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on the Housekeeping Zoning By-law Amendment to Town of Pelham Comprehensive Zoning By-law 4481(2022) for Council's consideration.

Carried

Moved By Councillor Bob Hildebrandt

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

AND THAT Committee receive the verbal presentations made by the public.

Carried

7. Adjournment

Moved By Councillor John Wink

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

Carried

_____

Mayor: Marvin Junkin

_____

Deputy Clerk: Sarah Leach

Committee of the Whole Meeting

Public Meeting under the Planning Act

Minutes

Meeting #:	PCOW-01/2024
Date:	Wednesday, January 17, 2024
Time:	5:30 PM
Location:	Town of Pelham Municipal Office - Council Chambers 20 Pelham Town Square, Fonthill
Members Present:	Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik
Staff Present:	David Cribbs, Barbara Wiens, Shannon Larocque, Sarah Leach, Lindsay Richardson, Jodi Legros

1. Call to Order and Declaration of Quorum

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

2. Land Recognition Statement

Councillor Olson read the land recognition into the record.

3. Adoption of Agenda

THAT the agenda for the January 17, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:
Moved By Councillor Bob Hildebrandt

THAT the agenda be amended to include item 6.2.1.

Carried

Motion as Amended:
Moved By Councillor Bob Hildebrandt

THAT the agenda for the January 17, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

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

5. Planning Act Application: OP-AM-02-2023 & AM-05-2023 - 1389 Effingham Street

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

5.1 Planning Report and Presentation

Shannon Larocque, Senior Planner provided an overview of the application before Council. A copy is available through the Clerk.

5.1.1 Information Report - Applications for Official Plan and Zoning By-law Amendment - 1389 Effingham Street, 2024-0018-Planning

5.2 Applicant's Presentation

The Agent, Angela Buonamici, provided an overview of the application before Council. A copy is available through the Clerk.

5.3 Public Input

Steve Mathews expressed concern about the potential use of bird bangers. The Agent indicated the Applicant does not intend to use bird bangers.

Patrick Fuller expressed concern for the potential future expansion of the winery facility, noting the website references a capacity of 150 people. Mr. Fuller objected to the wine-tasting facility and indicated the proposed parking was insufficient.

The Agent, Angela Buonamici, stated the current intent is a wine-tasting facility, not an event space. Ms. Buonamici indicated an event space would require an additional planning application. She stated the information on the website was a placeholder and is not currently permitted or requested. Ms. Buonamici stated that wine production will occur during business hours and will not contravene the Town’s Noise By-law.

Gaye Fuller expressed uncertainty as to why the website advertises events if it is not going to happen. Ms. Buonamici responded it was part of a marketing plan which may be a long-term vision.

The Mayor asked for clarity that a special event would require an additional permit. Senior Planner, Shannon Larocque, confirmed. Ms. Larocque stated the Zoning By-law permits an annual event subject to a Special Event Permit, with anything more frequent requiring a zoning by-law amendment.

Mark Engel asked why a portion of the land is to be rezoned to EP3 from EP1. Ms. Larocque stated the property is within the Greenbelt Plan Area and the characterization of features on-site made it more appropriate as an EP3 zone. She stated the intention is to retain environmental protection zoning.

Gayle Savage expressed concern about the view from her property. The Mayor confirmed the building already exists. Ms.

Savage expressed traffic concern, noting the current excessive traffic on Effingham Street. Ms. Savage expressed further concern regarding noise and the potential for music. Ms. Buonamici indicated that noise would be limited to hours of operation. Ms. Buonamici stated the winery is not located on a wine route and therefore it would not be advantageous for buses to travel to the winery. She stated the winery is not huge and is meant to serve the Pelham community. Addressing the noise concern, Ms. Buonamici stated that if music occurred, it would likely be a solo artist or guitarist.

Steve Mathews expressed concern the Town would not adequately respond to future noise complaints if warranted.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 6:15 p.m. and confirmed no e-mails have been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

5.4 Committee Input

Councillor Ker introduced his experience in the industry and identified that wine production normally occurs during a six-week window. Aside from this timeframe, the Councillor indicated the noise levels are not drastically different from other agricultural operations. Councillor Ker stated that bird bangers are generally ineffective, and identified other preventive measures that exist. He asked for clarification regarding the numbers that appeared in the agent's presentation.

Ms. Buonamici identified the picnic area is not part of the building. Ms. Larocque stated the requirements in the Official Plan and Zoning By-law relate to floor area which would not encompass the outdoor tasting area.

Councillor Ker stated the site ingress and egress appeared insufficient for large equipment. Ms. Buonamici confirmed site plan requirements would be addressed following the current application and indicated that the driveway width would be increased to allow for two-way traffic.

Councillor Niznik asked how many special event permits can be issued to a business within a given year. Barb Wiens, Director of Community Planning and Development, stated the Official Plan allows rural properties one annual event per year. She stated anything beyond this would require a zoning by-law amendment.

Concerning the written comments provided by Mr. and Mrs. Fuller, Councillor Niznik asked how the applicant plans to secure the property line. The Applicant, Anthony Hall, indicated that he no longer uses the footpath, but will address its use with others. He stated the intention is to have a surveyor mark the property line. Regarding noise concerns, Mr. Hall stated he has four young

children and has no intent to be a bad neighbor or generate noise that would also adversely affect his family. Councillor Niznik emphasized securing the property line to avoid future encroachment.

Councillor Ker identified the importance of sewer capacity at the site plan stage. Councillor Ker expressed the proposal seemed worthwhile and presented a good opportunity for a winery within the Town's boundary.

Councillor Olson asked if a sewage permit was obtained. The Applicant confirmed.

Mayor Junkin asked if the NPCA request for additional information was fulfilled. Ms. Buonamici confirmed.

5.5 Presentation of Resolutions

Moved By Councillor Wayne Olson

THAT Committee receive Report #2024-18 for information as it pertains to File Nos. OP-AM-02-2023 & AM-05-2023;

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

Carried

Moved By Councillor John Wink

THAT Committee receive the applicant's presentation for information

Carried

Moved By Councillor Bob Hildebrandt

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

AND THAT Committee receive the verbal presentations made by the public.

Carried

6. Planning Act Application: AM-08-2023 Housekeeping Zoning By-law Amendment

6.1 Planning Report and Presentation

Lindsay Richardson, Policy Planner provided an overview of the application before Council. A copy is available through the Clerk.

6.1.1 Information Report – Housekeeping Zoning By-law Amendment, 2024-0016-Planning

6.2 Public Input

Mark Engel provided a brief background on the history of Pelham's Zoning By-law. Mr. Engel indicated he has an issue with the process behind the creation of the EP zoning schedules. Mr. Engel indicated the new schedule designates approximately 604 properties as EP1. He stated the new schedule is out of alignment with the Official Plan and suggested that Council was not adequately informed of this material change before their decision.

Mr. Engel expressed concern and disagreement that homeowners were not directly notified of their zoning change. As a remedy, Mr. Engel requested his property be rezoned back to Agriculture "A". He requested staff work with him to provide a solution that allows development on his property.

Mr. Engel expressed disagreement with the removal of single detached dwellings as a permitted use in EP2 and EP3 zones. He indicated this would put the Zoning By-law out of alignment with the Official Plan. Mr. Engel stated the amendment removes the right for construction without notification to property owners. Mr. Engel suggested a zoning impact study be conducted. To conclude, Mr. Engel requested that single detached dwellings not be removed as a permitted use from EP2 and EP3.

Stephen Kaiser provided a brief overview of his involvement with the Town of Pelham and indicated that staff are effectively working to address his comments. Ms. Kaiser expressed concern about height and bicycle parking, noting the definition is still ambiguous. He expressed disagreement with the proposed changes in the Institutional zone and indicated there should be no coverage restrictions in the Village Commercial zone.

Mr. Kaiser emphasized that Council should consider how to promote intensification as opposed to limiting it.

Don Campbell identified he was appearing on behalf of Pelham Advocates for Trees and Habitat (PATH). Mr. Campbell expressed concern for promoting reasonable development that balances the need for housing and jobs with the protection of heritage and the environment. Mr. Campbell indicated that PATH would submit written comments to the Planning Department in the near future.

Mr. Campbell proposed the Fenwick Urban Area boundary be exempt from setback requirements for EP1 and EP2. Mr. Campbell expressed satisfaction with the addition of significant woodlands to the chart. Mr. Campbell expressed concern about the removal of the site plan control requirement from the Greenbelt Natural Heritage System. Barb Wiens, Director of Community Development and Planning, indicated that staff would be happy to meet with PATH on the suggestions proposed. Mr. Campbell indicated that PATH is supportive of many of the amendments.

Jason Wierenga expressed satisfaction with the reduction of parking spots required for his greenhouse operation. However, Mr. Wierenga stated the parking requirement would still not accurately reflect his business needs and would like to see a further reduction. In addition to greenhouses, Mr. Wierenga stated the parking reduction should be applied to other agricultural purposes. Mr. Wierenga suggested the term "agricultural" be utilized as opposed to "commercial" with respect to greenhouses. To conclude, Mr. Wierenga identified the current lot coverage restrictions for greenhouses.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 7:26 p.m. and confirmed no e-mails have been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

6.3 Committee Input

Councillor Wink asked why the new Zoning By-law reduced the greenhouse lot coverage to 30% from 70%. Ms. Wiens clarified the previous zoning by-law permitted a lot coverage of 60% and was reduced to be consistent with the Official Plan. Ms. Wiens assured this restriction would be reviewed with the Official Plan update. Councillor Wink asked the greenhouse lot coverage permitted within other municipalities. Ms. Wiens stated they range; noting 50% in Niagara-on-the-Lake and 70% in Lincoln.

Councillor Wink asked about a lot coverage restriction for hoop houses as they are temporary. Ms. Wiens confirmed there is no lot coverage restriction for hoop houses.

Councillor Niznik expressed concern for the time associated with an official plan amendment related to greenhouse lot coverage. Councillor Niznik asked if there is a process to make a temporary exemption.

Mayor Junkin reminded Council of a previous discussion where Council felt a six-to-eight-month period was reasonable. Mayor Junkin asked Ms. Wiens if this was still feasible. Ms. Wiens indicated she was not aware of a legal process outside of a zoning by-law amendment. She stated the zoning by-law amendment could be brought forward at the same time as the official plan update.

Councillor Ker supported an increase in lot coverage for greenhouses and hoop houses and asked if hoop houses required a building permit. Ms. Wiens confirmed that under the Ontario Building Code hoop houses do require a building permit.

Councillor Ker expressed the greenhouse industry needs support and indicated he would like to see a reasonable measurement imposed as opposed to unlimited lot coverage. Councillor Ker stated that hoop houses are separate from fixed greenhouses.

Councillor Ker acknowledged the request to change "commercial" to "agricultural" but indicated value in the use of the term commercial for control and revenue purposes.

Councillor Olson expressed support for a 70% greenhouse lot coverage. Councillor Olson supported the comment regarding a reduction in parking requirements for agricultural operations. He stated the Town should create a condition for the agricultural industry to succeed.

Councillor Hildebrandt concurred with the comments of Council. Councillor Hildebrandt expressed concern for the greenhouse industry due to the lot coverage restriction.

Councillor Wink asked for the timelines associated with a specific official plan amendment and the overall official plan review. Ms. Wiens responded five to six months for an amendment and six to nine months for the new official plan. Ms. Wiens explained the process for an official plan amendment. Councillor Wink expressed disappointment in the associated timeframe.

Mayor Junkin asked if the timeframe changes if the request is received from an individual or business. Ms. Wiens stated the timeframe would not change.

Councillor Ker expressed a desire to expedite the change. Ms. Wiens stated pursual of a zoning by-law amendment is required to increase the lot coverage of any specific greenhouse. Ms. Wiens indicated there could be situations where 70% is too much.

Councillor Wink emphasized that greenhouse growers can pursue a zoning by-law amendment individually.

David Cribbs, Chief Administrative Officer, stated the zoning by-law and official plan processes are statutory and subject to an appeal to the Ontario Land Tribunal. Mr. Cribbs stated the 30% lot coverage was adopted for a good reason, as 70% may not be appropriate for every property. He further stated Staff is on track to deliver the new Official Plan this calendar year.

Councillor Ker agreed that parking requirements were excessive as automation has reduced staffing requirements.

Councilor Wink asked for a response to Mr. Engel’s comments. Ms. Wiens indicated that zoning needs to comply with various policy documents in addition to the Town’s Official Plan and identified the complexity of environmental requirements. Ms. Wiens stated the map Mr. Engel referenced was changed because of agency comments. She further stated the revised map was included in the package brought forward to Council and subject to a public meeting.

Concerning notification, Ms. Wiens stated it was a comprehensive zoning by-law review that involved community outreach and open houses, exceeding the legislated

requirements. Ms. Wiens indicated individual notification is not standard and acknowledged it was unfortunate the Engels were not aware. She further indicated the Zoning By-law was not appealed by any agencies which confirms compliance.

Ms. Wiens identified a zoning by-law process for boundary refinement subject to an environmental impact study. Ms. Wiens stated that development has not been permitted in areas of certain environmental features for approximately 20 years, and the Town is catching up to this restriction.

Mayor Junkin thanked Ms. Wiens and Staff for public consultation conducted during the comprehensive zoning by-law process.

Councillor Wink asked for an approximate cost of an environmental impact study. Ms. Wiens responded that it could vary greatly between 10 to 25 thousand dollars depending on environmental features and the proposal itself. Councillor Wink acknowledged the Engel's unfortunate circumstance, as they were able to build at the time of purchase. Ms. Wiens agreed and confirmed that in 2019 at the time of purchase, construction was permitted.

Councillor Niznik asked if homes within EP1 could be demolished and rebuilt. Ms. Wiens indicated it would depend on several variables such as the footprint. Ms. Wiens stated existing uses are permitted to continue.

6.4 Presentation of Resolutions

Moved By Councillor Kevin Ker

THAT Committee receive Report #2024-0016 Information Report – Housekeeping Zoning By-law, for information;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on the Housekeeping Zoning By-law Amendment to Town of Pelham Comprehensive Zoning By-law 4481(2022) for Council's consideration.

Carried

Moved By Councillor Wayne Olson

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

AND THAT Committee receive the verbal presentations made by the public.

Carried

7. Adjournment

The meeting was adjourned at 8:12 pm.

Moved By Councillor Bob Hildebrandt

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

Carried

_____

Mayor: Marvin Junkin

_____

Deputy Clerk: Sarah Leach

The Corporation of the Town of Pelham

By-law No. _____(2024)

Being a By-law to amend Zoning By-law 4481(2022), as amended, to Regulate the Use of Land, Buildings and Structures within the Town (Zoning By-law) to Update Provisions based on an Administrative Review (Housekeeping Amendments).

File No. AM-08-2023

WHEREAS Council passed By-law 4481(2022) on August 30th, 2022 to regulate the use of land, buildings and structures within the Town of Pelham;

AND WHEREAS Council deems it necessary to amend By-law 4484(2022), to update sections of the Zoning By-law through a housekeeping amendment with respect to several minor corrections and administrative changes for clarification;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** Town of Pelham Zoning By-law 4481(2022), as amended, is hereby further amended as follows:

A. Amend Part 2: Definitions of By-law 4481(2022) as follows:

a) The following new definitions be inserted alphabetically as follows:

i. **FARM** means land used for agricultural uses and includes a farm dwelling and accessory buildings, which may include accommodation for full time or seasonal farm workers.

ii. **Environmental Impact Study** means a science-based study of ecological features and functions, and impacts to those features and functions resulting from development and/or site alteration, prepared in accordance with the Region of Niagara's environmental impact study guidelines.

b) Delete and Replace the following definitions:

i. Dwelling, Boarding House definition be deleted and replaced with the following new definition:

DWELLING, LODGING HOUSE means a building or any portion of a building in which lodgers, in exchange for periodic payments to a Licensee, are provided with accommodation in private rooms and with access to common areas, and are not provided with sanitary facilities or food preparation facilities for the exclusive use of individual lodgers, and in which lodgers may or may not be provided with meals, but does not include a hotel, tourist establishment or short-term rental unit, a hospital or any

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provincially-regulated long-term care home, retirement home, nursing home, group home or similar facility.

ii. Greenhouse definition be deleted and replaced with the following new definition:

GREENHOUSE, COMMERCIAL means the use of a building or structure of the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables, and other type of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principal use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.

iii. Height definition be deleted and replaced with the following new definition:

HEIGHT means the vertical distance measured from the average finished grade level to the highest point of the roof surface.

iv. Landmark Site definition be deleted and replaced with the following new definition:

LANDMARK SITE means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community being located at the terminus of a street, on public spaces or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.

v. Livestock definition be deleted and replaced with the following new definition:

LIVESTOCK means farm animals and/or fowl raised, housed or kept for propagation or use for commercial purposes, including action or intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chickens, turkey broilers, turkeys, goats, geese, mink and rabbits but does not include animals kept as pets or animals raised, housed or kept for recreational or hobby purposes.

vi. Long Term Bicycle definition be deleted and replaced with the following new definition:

LONG TERM BICYCLE means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle in intended to be parked for long periods of time and can include a storage locker.

vii. Lot Line, Exterior definition be deleted and replaced with the following new definition:

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LOT LINE, CORNER means a side lot line that is also a streetline, regardless of whether or not such streets have a 0.3 metre reserve.

viii Outside Storage definition be deleted and replaced with the following new definition:

OUTSIDE STORAGE means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles, agricultural or parks vehicles, commercial vehicles, boats or recreational vehicles whether or not operative or capable of being licensed.

ix. Sign definition be deleted and replaced with the following new definition:

SIGN means any device, object or thing which directs attention to an which is designed to convey a message and that is placed for the purpose of advertising goods and services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes but is not limited to, the types of signs defined in the Town of Pelham Sign By-law, 2020, as amended from time to time.

c) Delete the following definitions in their entirety:

i. Motel; and

ii. Yard, Exterior Side

B. Amend Part 3: General Provisions of By-law 4481(2022) as follows:

a) Section 3.5 Daylighting Triangles be deleted and replaced with the following:

3.5 DAYLIGHTING TRIANGLES

Within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5 metres in height above the elevation of the ground at the lot line. There shall be no additional building setbacks offset from a daylight triangle. Measurements for daylighting triangles shall be in accordance with the Town's Engineering Standards.

b) Section 3.12 Height Exemptions is amended by adding the following exemption:

o) A Parapet

c) Sections 3.13.1 (c) and (e) be deleted and the following text be inserted:

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c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage, except for private home daycare;

e) The maximum gross floor area dedicated to the home occupation shall be the lessor of 50m^2 or 25% of the gross floor area of the dwelling, except for a private home daycare;

d) New Section 3.22 Outside Storage be inserted and all subsequent sections be renumbered accordingly, and the following text be inserted:

3.22 OUTSIDE STORAGE

Where open/outside storage is permitted, the following regulations shall apply:

a) Open/outside storage shall only be permitted in a rear yard; and

b) Where an open/outside storage area is visible from any street, any abutting lot and/or park, the open/outside storage area shall be screened by a visual screen containing a solid fence or wall not less than 2.0m in height.

e) Section 3.24: Prohibited Uses is renumbered, and new subsection (j) is inserted and the following text be inserted:

Section 3.25: PROHIBITED USES

j) The keeping or raising of any bull, ox, cow, sheep, horse, goat, pig or other cattle, any poultry, or any reptile or wild animal including any tamed or domesticated wild animal on any residential lot or in any building or structure on such lot, or in any building or structure in a Residential or Residential Development Zone.

f) Section 3.28.3: Specialty Agricultural Zone is renumbered, and subsection (x) amended to insert "and the lot coverage requirements of Section 5.1.4 and 5.2.4 shall apply" after "zoning by-law".

g) Section 3.31.1: Setback from Environmental Protection One Zone and Environmental Protection Two Zone is renumbered, and subsections (a), (b) and (c) are deleted and the following text be inserted:

a) Notwithstanding any other provisions of this By-law the following setbacks shall apply to lands zoned Environmental Protection One (EP1) Zone and Environmental Protection Two (EP2) Zone:

Natural Heritage Feature	Building Setback

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Provincially Significant Life Science Area of Natural and Scientific Interest	50m
Provincially Significant Wetland	120m
Habitat of Threatened and Endangered Species	50m
Environmental Conservation Area	50m
Type 1 – Critical Fish Habitat	30m
Type 2 or 3 – Critical Fish Habitat	15m
Regulated Floodplain	0m
Significant Woodlands	50m

b) The setbacks noted in Section 3.33.1 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority and the execution of a written agreement to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study.

c) The setbacks noted in Section 3.33.1 a) do not apply to lands located in Fenwick and Fonthill, as illustrated on Schedules B and C. In these areas, the setbacks will be established through the findings of an Environmental Impact Study.

g) Section 3.31.1: Setback from Environmental Protection Three Zone is renumbered, and subsections (b) is deleted and the following text be inserted:

b) The setbacks noted in Section 3.33.2 a) may be modified without an amendment to the Zoning By-law through the approval of an Environmental Impact Study, approved by the appropriate regulatory authority and the execution of a written agreement to be registered on title requiring the owner to implement all recommendations of the approved Environmental Impact Study.

h) Section 3.31.4: Greenbelt Natural Heritage System is renumbered and subsection (a) is amended to add ", except for Single Detached Dwellings;" after "the Town's Official Plan".

i) Section 3.32: Storage of Recreational Vehicles, Trailers and Boats is renumbered, and subsection (c) is inserted and the following text is inserted:

c) The storage of such vehicles is not for the exchange, payment or remuneration of any kind, financial or otherwise.

<u>C.</u> <u>Amend Section 4: Parking and Loading Requirements of By-law 4481(2022) as follows:</u>

a) Section 4.1 (a) Parking for Retail, Place of Entertainment and Restaurant – 3.25 spaces per 100m^2 GLFA is amended by adding "***" after GLFA

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***Not applicable to temporary outdoor patios

b) Section 4.1 (a) Parking for Greenhouse and Hoop House Use be amended to – 1 space per 2000m^2 GFA.

c) Section 4.1 (a) Parking for Agricultural Uses be amended by adding the following: "All other agricultural uses are exempt from the parking requirements of this Section".

d) Section 4.1.4.1: Parking Space Dimensions and Requirements (a) and (b) be deleted and insert the following new text:

   a) The minimum dimensions of a parking space shall be 2.6m by 5.8 with a minimum vertical clearance of 2.0m;

   b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.0m with a minimum vertical clearance of 2.0m; and

e) Section 4.3.1 (a) Bicycle Parking Requirements for Apartment Dwellings be amended as follows:

   Short-term Bicycle Parking Space Requirements: Minimum of 6 spaces

   Long-term Bicycle Parking Space Requirements: 0.25 spaces per unit

f) Section 4.3.2 (e) be amended to delete "on the ground floor".

D. <u>Amend Section 5: Rural/Agricultural Zones of By-law 4481(2022) as follows:</u>

a) Section 5.1.3.1 (a) is deleted in its entirety and the remainder of section 5.1.3.1 be renumbered accordingly.

b) The word "Commercial" is inserted before the word "Greenhouse" in Section 5.1.6: Zone Requirements for a Greenhouse and Hoop House.

c) Section 5.2.3.1 (a) is deleted in its entirety and the remainder of section 5.2.3.1 be renumbered accordingly.

d) The word "Commercial" is inserted before the word "Greenhouse" in Section 5.2.6: Zone Requirements for a Greenhouse and Hoop House.

E. <u>Amend Section 6: Residential Zones of By-law 4481(2022) as follows:</u>

a) Insert "Bed and Breakfast" as a permitted use in a Single Detached Dwelling in the Residential Second Density (R2) Zone.

b) Amend Section 6.5.2: Zone Requirements Landscape Strip Requirement from the existing 1.5m to 2.4m where the boundary of a RM2 Zone abuts a R1, R2 or R3 Zone.

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F. Amend Section 8: Commercial Zones of By-law 4481(2022) as follows:

a) Insert "Service Shop" as a permitted use in the Village Commercial (VC), Main Street (MS), and Town Square (TS) Zones.

b) Insert "Vehicle Service and Repair Establishment" as a permitted use in the Downtown Corridor (DC) Zone.

c) Insert "Second Dwelling Units" as a permitted use in the Village Commercial (VC) and Main Street (MS) Zones.

Village Commercial Zone

d) Insert new Section 8.1.3: Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling and renumber the remaining sections accordingly and insert the following new text:
Please refer to Section 3.29.1.

e) Amend Section 8.1.4: Building Height to permit a maximum of 9.0m or 2 storeys.

f) Section 8.1.4: Landmark Sites be deleted and insert the following new text:
Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.

Main Street Zone

g) Insert new Section 8.2.3: Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling and renumber the remaining sections accordingly and insert the following new text:
Please refer to Section 3.29.1.

h) Amend Section 8.2.4: Building Height to permit a minimum of 9.0m or 2 storeys and a maximum of 13.0m or 3 storeys, whichever is less.

i) Amend Section 8.2.4: First Floor Height to permit a minimum first floor height of 3.0m.

i) Section 8.2.4: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.

Draft

Town Square Zone

j) Amend Section 8.3.3: Building Height to permit a minimum building height of 13.0m or 3 storeys and a maximum building height of 20.5m or 5 storeys, whichever is less.

k) Section 8.3.3: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 14.5 or 3 storeys, whichever is greater and the maximum height shall be the lesser of 20.5m or 5 storeys. There shall be a minimum step back of 2.0m on the 4th storey.

Downtown Corridor Zone

l) Section 8.4.3: Building Height is amended to permit a minimum of 10.0m or 2 storeys and a maximum building height of 20.5m or 5 storeys, whichever is less.

m) Section 8.4.3: Landmark Sites be deleted and insert the following new text:

Landmark Sites: The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 23.75m or 6 storeys. There shall be a minimum step back of 2.0m on the 4th storey.

Neighbourhood Commercial

n) Section 8.5.3: Building Height is amended to permit a maximum building height of 10.0m.

G. Amend Section 9: Other Zones of By-law 4481(2022) as follows:

a) Delete the following uses from the Environmental Protection Two (EP2) Zone and renumber accordingly:

- Agricultural Uses;
- Home Industry;
- Home Occupation;
- Secondary Dwelling Units;
- Single Detached Dwelling; and
- Uses, buildings and structures accessory to the foregoing uses.

b) Insert "Agricultural" between "Existing" and Uses" in the Permitted Uses of the Environmental Protection Two (EP2) Zone.

c) Delete the following uses from the Environmental Protection Three (EP3) Zone and renumber accordingly:

- Agricultural Uses;
- Secondary Dwelling Units;
- Single Detached Dwelling; and
- Uses, buildings and structures accessory to the foregoing uses.

Draft

d) Insert "(that were in existence prior to December 16, 2004)" after "Existing Uses" in the Environmental Protection Three (EP3) Zone.

e) Amend Section 9.2.3: Zone Requirements for an Apartment Dwelling as follows:

- Minimum Lot Area: 150m^2 per unit or 0.2ha, whichever is greater
- Minimum Side Yard: 7.5m or ½ the height of the building, whichever is less
- Maximum Lot Coverage: 40%

H. Amend Section 10: Exceptions of By-law 4481(2022) as follows:

a) RM1-88: 1120 Haist Street (a) "with a shared masonry wall" shall be deleted.

b) RM1-88: 1120 Haist Street (d) "have a shared masonry wall on one side and" shall be deleted.

c) Insert A-152 and insert the following text:

A152: 364 Foss Road
formerly A-52

In addition to the uses in the Agricultural (A) Zone, this land may also be used for a sod and fertilizer retail outlet, farm supply and service establishment and accessory office uses.

d) Insert R1-153(H) and insert the following text:

A-153(H): Oakhaven Estates Subdivision
*formerly RV1-233(H)

Notwithstanding the regulations of the Residential One R1 Zone, these lands may only be used for single detached dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	Interior Lot: 14.0m Corner Lot: 18.0m
Minimum Lot Area	490m^2
Maximum Lot Coverage	35%
Minimum Front Yard	6.0m
Minimum Interior Side Yard	1.5m
Minimum Exterior Side Yard	4.5m to front face or 8.0m to garage
Minimum Rear Yard	7.5m

Draft

Maximum Building Height	10.5m
Minimum Ground Floor Area	One Storey: 93m^2 Two Storey: 56m^2
Garage projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

e) Insert RM1-154 and insert the following text:

RM1-154: Oak Haven Estates Subdivision
*formerly RMV1-235

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for street townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	7.0m per dwelling unit
Minimum Lot Area	240 m2 per dwelling unit
Minimum Front Yard	6.0m to front face or 8.0m to garage
Minimum Interior Side Yard	1.5m
Minimum Rear Yard	7.5m
Maximum Building Height	10.5m
Minimum Ground Floor Area	One Storey: 75m2 Two Storey: 45m2
Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

f) Insert RM1-155 and insert the following text:

RM1-155: Oak Haven Estates Subdivision
*formerly RMV1-236

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for block townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:

Minimum Lot Frontage	25.0m
Maximum Number of Dwelling Units	36
Minimum Setback from a Public Road	7.5m
Minimum Setback from the Open Space Zone	1.5m
Minimum Setback from the R1-153 and RM1-154 Zones	8.0m

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Minimum Setback from the RM1-29 Zone	4.0m
Minimum Internal Roadway Width	6.0m
Minimum Setback from Internal Road	4.0m to front face or 6.0m to garage
Minimum Setback between Side of Unit and Internal Road	2.0m
Maximum Building Height	10.5m
Minimum Ground Floor Area for a Dwelling	One Storey: 75m2 Two Storey: 45m2
Minimum Landscape Area	30%
Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

2. **THAT** all other provisions of Zoning By-law 4481(2022) shall continue to apply.

3. **THAT** this By-law shall come into force and take effect on the date of final passing by the Council of the Corporation of the Town of Pelham, subject to the provisions of the *Planning Act, R.S.O., 1990*, as amended.

Read, enacted, signed and sealed on this XX day of [Month], [Year].

_____
Marvin Junkin, Mayor

_____
William Tigert, Acting Town Clerk

Draft

Corporate Services Department
Wednesday, February 21, 2024

Subject: 2024 Water and Wastewater Budgets

Recommendation:

> **BE IT RESOLVED THAT Council receive Report # 2024-0038- 2024 Water and Wastewater Budgets, for information;**
>
> **AND THAT Council approve the recommendations from Committee of the Whole meeting on February 7, 2024 for Council to approve the 2024 Water and Wastewater Budget, increasing the water rate by 6.5% and the wastewater rate by 9.5%.**

Background:

The 2024 Water and Wastewater budgets were presented to the Pelham Finance and Audit Committee on January 31, 2024, and to Council on February 7, 2024. The above motion is the recommendation made by Council to approve the rate increase of 6.5% for the water budget and 9.5% for the wastewater budget.

Analysis:

Committee-of-the-Whole did not make any changes to staff's recommendation for the 6.5% water budget increase and the 9.5% wastewater budget increase.

Financial Considerations:

N/A

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Financial Health

The increases to the 2024 water and wastewater budgets will ensure the long-term financial sustainability to the Town's water distribution system and meet the legislative requirements.

Consultation:

N/A

Other Pertinent Reports/Attachments:

Appendix 1: 2024 Draft Water and Wastewater Budgets

Appendix 2: 2024 Water and Wastewater User Fees

Prepared and Recommended by:

Usama Seraj, B.Com, CPA, CMA
Manager Financial Services/Deputy Treasurer

Teresa Quinlin-Murphy, FCPA, FCA, MBA
Director of Corporate Services & Treasurer

Prepared and Submitted by:

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

Town of Pelham
2024 Draft Water and Wastewater Budgets

Pelham
NIAGARA

Town of Pelham
2024 Water and Wastewater Budgets

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Water and Wastewater Budget

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Background

Water is provided in the Town of Pelham (Town) in a two-tiered system. The Niagara Region (Region) is responsible for the treatment and supply of water while the Town is responsible for distribution, billing, and collection. Water is wholesaled to the Town, which then subsequently distributes it to the users. The Town has two main service areas, those being Fenwick and Fonthill. The Town also owns a water hauling station.

Wastewater collection is provided in a similar two-tiered system. The Town provides collection and transmission of wastewater while the Region provides treatment. Similar to water, there are two main service areas: Fenwick and Fonthill. Not all water users in these areas have municipal wastewater service.

Most customers on the system are metered and they are billed six times a year. The bill includes a fixed charge based on meter size and a variable charge based on the volume of water consumed.

A Water & Wastewater Long-Range Financial Plan was completed in 2023 by BMA Management Consulting Inc. The study looked at the required Financial Plan for both Water and Wastewater over a six-year period from 2024 to 2030. The 2024 budget follows the recommendations that were set out in the long-range financial plan. Closely following the recommendations of the long- range financial plan is crucial to ensure that future capital needs of water and wastewater assets are met. Furthermore, Ontario Water Regulation 453/07 requires municipalities to have these long-range financial plans for at least a six-year period. The Town has always followed the recommendations of these plans in the past and the only major difference has been the timing and deferral of some capital projects to future years from the original plan. This has impacted the reserve balances as well as the potential issuance of debt for some of these capital projects.

The rate increases have contributed to an increase in the water and wastewater reserves. The annual reserves allocation has increased from a budget of $375,533 in 2018 to $1,362,167 in 2024. This increase to the reserves is critical to meet the future capital needs of the Town and it supports the Reserve and Reserve Fund Policy.

The Water and Wastewater Long-Range Financial Plan recommends a rate increase of 6.5% for Water and 9.5% for Wastewater. This is required to meet the infrastructure and operating requirements of the Water and Wastewater services in Pelham. Pelham has the highest household income in the Niagara Region with the lowest water and wastewater rates in the Niagara Region.

Niagara Region Rate Increases

The rate increases from the Region have a major impact on the rate increases for the Town. The Region bills the Town for water based on a combination of fixed and variable charges. The fixed charge accounts for 25% of the Region's water bill for the Town and the remaining 75% of the bill is a variable charge dependent upon the actual cubic meters of water purchased from the Region. For 2024, the Region has approved a water rate increase of 4.44%, however the rate increase for each lower-tier municipality differs based on historical volume and growth within the municipality. As a result of these factors, the Town will be paying 5.65% more for the fixed component and 4.78% more for the variable component to purchase water in 2024. The purchase of water from the Region is the largest component of the Town's water budget accounting for over 35% of the total water budget. Table 1 below summarizes the rate increase from the Region.

Table 1: Region Water Rate Increase	2023 Budget	2024 Budget	$ Change	% Change	Notes
Fixed Rate - 25%	$ 342,834	$ 362,204	$ 19,370	5.65%	
Variable Rate - 75%	$ 1,003,500	$ 1,059,982	$ 56,482	5.63%	(1)
Total Cost to Town	**$ 1,346,334**	**$ 1,422,186**	**$ 75,852**	**5.63%**	

Notes:

(1) Variable rate increase from the Region is 4.78%. However, the 2024 budget is based on purchase of 1,512,000 cubic meters of water and 2023 budget is based on purchase of 1,500,000 cubic meters of water. The town takes a 3 year average to budget the anticipated volume of water needed by the Town

The Region also provides wastewater treatment for the Town. The Region bills the town for wastewater treatment on a 100% fixed charge which is based on actual treatment volume from the previous 3 years. This amount is re-calculated by the region on a rolling basis and any difference between actual and budgeted treatment volume is charged (or credited) back to the Town. For 2024, the Region has approved a wastewater rate increase of 9.90%, however the rate increase for each lower-tier municipality differs based on historical volume and growth within the municipality. As a result of these factors the Town will be paying $231,073 or 12.68% more for wastewater treatment in 2024. Furthermore, the reconciliation of actual consumption from prior years adds another $137,000 to the Town's 2024 wastewater treatment bill from the Region. As a result of these changes the Town will be paying $2,190,647 for wastewater treatment in 2024, which is $225,328 or 11.64% higher than the 2023 budgeted amount. Similar to the Town's water budget, the purchase of wastewater treatment from the Region is the largest component of the Town's wastewater budget, accounting for over 66% of the total wastewater budget. Table 2 below summarizes the Wastewater rate increases from the Region.

Table 2: Region Wastewater Rate Increase	2023 Budget	2024 Budget	$ Change	% Change	Notes
Fixed Rate - 100%	$ 1,822,618	$ 2,053,691	$ 231,073	12.68%	
Reconciliation Adjustment	$ 139,701	$ 136,956	$ (2,745)	-	(1)
Total Cost to Town	**$ 1,962,319**	**$ 2,190,647**	**$ 228,328**	**11.64%**	

Notes:

(1) Reconciliation adjustment refers to the update in 3-year average volume of wastewater treatment purchased by the Town and this amount is payable by the town in 2024.

Recommendations:

The draft budget proposes a 6.5% increase in the Water and 9.5% increase in the Wastewater rates be effective for 2024. This is equivalent to a combined annual rate increase of 7.95% or $87.44 per average household for the most common consumption of 33 M^3 per billing.

The Town has been following the BMA study recommendation for reserve fund contributions to both water and wastewater reserves. However, due to change in capital needs over this period, more funds were required in the wastewater reserve fund. Furthermore, significant increases in water and wastewater treatment rate from the Region have put additional pressure on the Town's water and wastewater budgets. Keeping these challenges in mind, the 2024 draft budget is proposing to not deviate from the BMA Study's recommended rate increase of 6.5 % for water and 9.5% for wastewater.

Water

Water rates have been set by the Town based on a fixed charge component and a rate for consumption usage. This methodology benefits those who conserve water usage and ensures that the infrastructure is factored into the rate setting structure. Sustainability costs include the costs to maintain the water distribution system with infrastructure repairs, replacements, or renewals. These costs together with administrative costs are considered in determining the budget requirements.

Currently, the Town recovers its water budget with a 31.88% fixed rate, a 62.68% volumetric rate and 5.44% from other revenues. As the Town is proactive in energy conservation efforts and the promotion of these environmental initiatives, the Town feels it prudent to reward those that follow these practices. This is done by setting the fixed rate at a minimum level and ensuring users pay more when they consume more.

Base Fixed Rate Calculation

Total Water Budget	$4,021,046	
31.88% Fixed Revenues	($1,281,833)	(1)
Subtotal	$2,739,213	
Less: Other Revenues	($218,650)	
Revenue Required for Consumption	$2,520,563	(2)

(1) Fixed rates are paid based on the meter size. Most customers with a 5/8" meter will pay $34.76 per billing.

Meter Size	# Of Meters	Rate (per billing)	Revenue
5/8"	5375	$34.76	$1,121,075
1"	43	$69.50	$17,931
1.4"	32	$97.31	$18,684
2"	43	$138.99	$35,859
3"	3	$347.51	$6,255
4"	4	$579.37	$13,905
6"	5	$1,158.42	$34,753
8"	3	$1,853.97	$33,371
Total Revenue			**$ 1,281,833**

(2) Consumption Rate Calculation

The consumption rate is calculated by taking the Town's proposed water budget net of fixed and other revenues above and dividing it by the forecasted consumption of water (i.e., water to be billed). For 2024, the Town is anticipating billing 1,253,400 cubic meters of water, and the total budget needs (excluding fixed and other revenue) is $2,520,563. Therefore, the consumption rate of $2.011 per cubic meter of water is required.

Total Town of Pelham estimated consumption costs related to water	$2,520,563
Divided by forecasted water flows (M^3) for 2024	1,253,400
2024 Proposed Water Consumption Rate Charge	**$ 2.011/M^3**

Wastewater

The Town is using the 2023 Water and Wastewater Rate Study as prepared by BMA Management Consulting Inc. to set its annual rates in wastewater as well. The methodology proposed in the study for wastewater is to establish a fixed rate and a volumetric rate for user fees. Using this methodology, the Town is proposing the following rate structure for wastewater in 2024:

Total Wastewater Budget	$3,295,901	
47.15% Fixed Revenues	($1,554,112)	(1)
Subtotal	$1,741,789	
Less: Other Revenues	($20,000)	
Revenue Required for Consumption	$1,721,789	(2)

(1) Fixed Rate Calculation

Meter Size	# Of Meters	Rate (per billing)	Revenue
5/8"	4951	$45.91	$1,363,876
1"	33	$91.81	$18,179
1.4"	24	$128.56	$18,513
2"	36	$183.62	$39,663
3"	2	$459.11	$5,509
4"	4	$765.44	$18,371
6"	5	$1,530.45	$45,913
8"	3	$2,449.37	$44,089
Total Revenue			**$ 1,554,112**

(2) Consumption Rate Calculation

The consumption rate is calculated by taking the Town's proposed wastewater budget net of fixed and other revenues above and dividing it by the forecasted treatment of water (i.e., wastewater to be billed). For 2024, the Town is anticipating billing 1,114,900 cubic meters of wastewater, and the total budget needs (excluding fixed and other revenue) is $1,721,789. Therefore, the consumption rate of $1.544 per cubic meter of wastewater is required.

Total Town of Pelham estimated consumption costs related to wastewater	$1,721,789
Divided by forecasted water flows (M^3) for 2024	1,114,900
2024 Proposed Wastewater Consumption Rate Charge	**$ 1.544/M^3**

Consumption levels for wastewater are forecasted to be less than water consumption since there are fewer sewer accounts, as well as higher water flow generated from water hauler usage. It should also be noted that although the rates are based on usage within the Town, the Region's requisition to the Town for wastewater is fixed.

The Region reports that water conservation efforts are leveling off as members of the community have been diligent in their efforts to conserve water. Originally, excess use of water led to a methodology of charging 100% of the water and wastewater cost based on consumption. However, as the water consumption levels decrease, the revenues being generated are no longer able to cover the fixed costs resulting in large deficits in this area. The need to cover the fixed costs has become paramount to sustain the wastewater infrastructure.

SUMMARY

Attached to this report is a summary of sample water billings for a two-month billing period which include the proposed 6.5% increase in the water and 9.5% increase in the wastewater rates effective for 2024. For the average household, this is a $ 87.44 increase to the annual water and wastewater bill.

Finally, the 2024 Water and Wastewater Budgets are provided for Council's information and reference.

Water Distribution System

The Water division is responsible for the distribution of the Town's water supply supplied by Niagara Region.

	2021 Actual	2022 Actual	2023 Approved Budget	2024 Draft Budget	Budget Change Dollar	Budget Change Percent	Notes
Revenues							
Consumption Charges	$ 2,086,013	$ 2,125,441	$ 2,346,711	$ 2,520,563	$ 173,852	7.41%	
Flat Rate Charge	993,212	1,097,999	1,197,725	1,281,833	84,108	7.02%	
Consumption Charges Water Haulers	177,416	178,288	150,000	150,000	-	-%	
Meter Installations	64,360	14,392	40,000	40,000	-	-%	
Other Revenues	35,465	51,979	28,650	28,650	-	-%	
Total Revenues	**3,356,466**	**3,468,099**	**3,763,086**	**4,021,046**	**257,960**	**6.86%**	
Expenditures							
Salaries and Benefits	1,084,389	1,201,512	1,000,484	1,073,379	72,895	7.29%	
Materials and Supplies	307,683	310,372	309,373	315,634	6,261	2.02%	
Insurance	24,362	25,451	28,621	29,212	591	2.06%	
Contract Services							
Contract Services	1,424,503	1,465,064	1,526,434	1,602,286	75,852	4.97%	-
Contract Services - Region	(1,230,081)	(1,229,132)	(1,346,334)	(1,422,186)	75,852	(5.63)%	-
Contract Services	194,422	235,932	180,100	180,100	-	-%	
Transfer to Reserve	515,529	465,701	898,174	1,000,535	102,361	11.40%	
Total Expenditures before Region Costs	**2,126,385**	**2,238,968**	**2,416,752**	**2,598,860**	**182,108**	**7.54%**	
Niagara Region Volumetric Costs	1,230,081	1,229,131	1,346,334	1,422,186	75,852	5.63%	(1)
Total Expenditures	**3,356,466**	**3,468,099**	**3,763,086**	**4,021,046**	**257,960**	**6.86%**	**(1)**
Net Surplus (Deficit)	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**-%**	

Notes:

(1) 2024 Regional approved rate increase for purchase of water is 5.65% for fixed component and 4.78% for variable component. 2024 budget is based on the estimated purchase of 1,512,000 cubic meters of water (3 year average) .

Wastewater Distribution System

The wastewater division is responsible for the collection of wastewater and distribution to the Region's wastewater collection and treatment system.

	2021 Actual	2022 Actual	2023 Approved Budget	2024 Draft Budget	Budget Change Dollar	Budget Change Percent	Notes
Revenues							
Consumption Charges	$ 1,379,409	$ 1,418,426	$ 1,591,309	$ 1,721,789	$ 130,480	8.20%	
Flat Rate Charge	1,134,779	1,256,590	1,385,149	1,554,112	168,963	12.20%	
Other Revenues	25,092	55,948	20,000	20,000	-	-%	
Total Revenues	**2,539,280**	**2,730,964**	**2,996,458**	**3,295,901**	**299,443**	**9.99%**	
Expenditures							
Salaries and Benefits	266,130	297,714	658,642	711,073	52,431	7.96%	
Materials and Supplies	6,660	4,602	11,200	11,326	(126)	(1.13)%	
Insurance	2,707	2,827	3,169	3,222	53	1.67%	
Contract Services	2,496	39,906	18,000	18,000	-	-%	
Transfer to Reserve	860,699	702,315	343,128	361,633	18,505	5.39%	
Total Expenditures before Region Costs	**1,138,692**	**1,047,364**	**1,034,139**	**1,105,254**	**71,115**	**6.88%**	
Niagara Region Volumetric Costs	1,400,588	1,683,600	1,962,319	2,190,647	228,328	11.64%	(1)
Total Expenditures	**2,539,280**	**2,730,964**	**2,996,458**	**3,295,901**	**299,443**	**9.99%**	
Net Surplus (Deficit)	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**-%**	

Notes:

(1) 2024 Regional approved rate for purchase of wastewater treatment is 11.64% which includes the 3-year rolling average reconciliation adjustment.

Appendix 1
TOWN OF PELHAM
2024 Draft Water and Wastewater Rates
as per 2 Month Billing

	2023 Rates	2024 Rates	$ INCREASE	% INCREASE
WATER				
Bi-Monthly Base Charge (up to 19 mm Meter)	$ 32.64	$ 34.76	$ 2.12	6.50%
Bi-Monthly Base Charge (25mm Meter)	65.26	$ 69.50	4.24	6.50%
Bi-Monthly Base Charge (37mm Meter)	91.37	$ 97.31	5.94	6.50%
Bi-Monthly Base Charge (50mm Meter)	130.50	$ 138.99	8.48	6.50%
Bi-Monthly Base Charge (75mm Meter)	326.30	$ 347.51	21.21	6.50%
Bi-Monthly Base Charge (100mm Meter)	544.01	$ 579.37	35.36	6.50%
Bi-Monthly Base Charge (150mm Meter)	1,087.72	$ 1,158.42	70.70	6.50%
Bi-Monthly Base Charge (200mm Meter)	1,740.82	$ 1,853.97	113.15	6.50%
Usage Charge, Per Cubic Meter	1.888	2.011	0.123	6.50%
WATER HAULERS				
Usage Charge, Per Cubic Meter	$2.0441	$2.1770	$ 0.1329	6.50%
WASTEWATER				
Bi-Monthly Base Charge	$ 41.93	$ 45.91	$ 3.98	9.50%
Bi-Monthly Base Charge (25mm Meter)	83.85	$ 91.81	7.97	9.50%
Bi-Monthly Base Charge (37mm Meter)	117.41	$ 128.56	11.15	9.50%
Bi-Monthly Base Charge (50mm Meter)	167.69	$ 183.62	15.93	9.50%
Bi-Monthly Base Charge (75mm Meter)	419.28	$ 459.11	39.83	9.50%
Bi-Monthly Base Charge (100mm Meter)	699.04	$ 765.44	66.41	9.50%
Bi-Monthly Base Charge (150mm Meter)	1,397.67	$ 1,530.45	132.78	9.50%
Bi-Monthly Base Charge (200mm Meter)	2,236.87	$ 2,449.37	212.50	9.50%
Usage Charge, Based on Cubic Meters for Sewer	1.410	1.544	0.134	9.50%

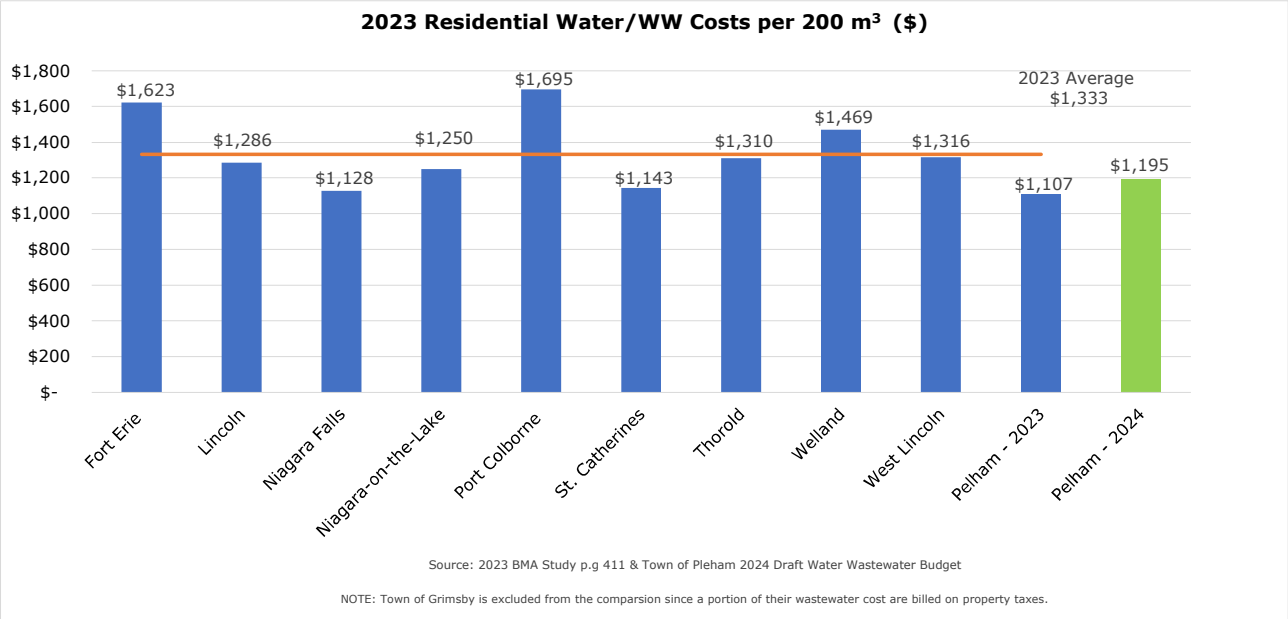
Appendix 2
TOWN OF PELHAM
2024 Water and Wastewater Rates
as per 2 Month Consumption

	Usage in Cubic Meters (M^3)					
	33		50		75	
	2023	2024	2023	2024	2023	2024
WATER						
Base Charge	$ 32.64	$ 34.76	$ 32.64	$ 34.76	$ 32.64	$ 34.76
Usage Charge	62.31	66.36	94.41	100.55	141.62	150.82
	$ 94.95	$ 101.12	$ 127.05	$ 135.31	$ 174.26	$ 185.59
Year-to-Year Increase	$ 5.81	$ 6.17	$ 7.77	$ 8.26	$ 10.66	$ 11.33

	Usage in Cubic Meters (M^3)					
	33		50		75	
	2023	2024	2023	2024	2023	2024
WASTEWATER						
Base Charge	$ 41.93	$ 45.91	$ 41.93	$ 45.91	$ 41.93	$ 45.91
Usage Charge	46.54	50.96	70.52	77.22	105.78	115.83
	$ 88.47	$ 96.88	$ 112.45	$ 123.13	$ 147.71	$ 161.74
Year-to-Year Increase	$ 7.68	$ 8.40	$ 9.76	$ 10.68	$ 12.82	$ 14.03

	33 M^3		50 M^3		75 M^3	
	2023	2024	2023	2024	2023	2024
TOTAL WATER AND WASTEWATER CHARGES	$ 183.43	$ 198.00	$ 239.50	$ 258.44	$ 321.97	$ 347.32

$ INCREASE OVER 2023 RATES (per billing)		**$ 14.57**		**$ 18.94**		**$ 25.35**
$ INCREASE OVER 2023 RATES (per month)		**$ 7.29**		**$ 9.47**		**$ 12.68**
% INCREASE OVER 2023 RATES		**7.95%**		**7.91%**		**7.87%**
$ INCREASE OVER 2023 RATES (per year)		**$ 87.44**		**$ 113.62**		**$ 152.12**


2023 Residential Water/WW Costs per 200 m³ ($)
$1,800
$1,600
$1,400
$1,200
$1,000
$800
$600
$400
$200
$-
$1,623
$1,286
$1,128
$1,250
$1,695
$1,143
$1,310
$1,469
$1,316
$1,107
$1,195
2023 Average
$1,333
Fort Erie
Lincoln
Niagara Falls
Niagara-on-the-Lake
Port Colborne
St. Catherines
Thorold
Welland
West Lincoln
Pelham - 2023
Pelham - 2024
Source: 2023 BMA Study p.g 411 & Town of Pleham 2024 Draft Water Wastewater Budget
NOTE: Town of Grimsby is excluded from the comparsion since a portion of their wastewater cost are billed on property taxes.

Town of Pelham
Water and Wastewater
User Fees and Charges 2024

Pelham
NIAGARA

Overview

Water and wastewater user fees and charges are established to provides rate specific charges for residents utilizing water and wastewater services within the Town of Pelham.

The water and wastewater user fees and charges outlined in this document are regulated by By-law 4411 (2022).

Disclaimer
Where it is found that a fee in this schedule is different than an approved bylaw or policy, the latter shall prevail.

Contact
For further information about content found within this guide please contact the Town of Pelham.

Corporate Services

Corporate Services

	2024
Water Loading Station Rates	
Per cubic meter	$2.3185 m^3
Water for Construction Rates	
Residential Flat Rate (up to 3 months)	$135.00
***After 3 Months the account is set up for billing	
Commercial Flat Rate (up to 3 months)	$215.00
General Water Services Fees	
Administration Charge (account set up fee)	$25.00
Interest on water arrears	1.25%
Water Certificate- Mailed	$55.00
Water Certificate – Verbal	$25.00
NSF Charges	$35.00
Statement of Water Account	$10.00
Administration Fee for Adding Arrears to Tax	$30.00
Bi-Monthly Base Charge (50mm Meter)	$183.62
Bi-Monthly Base Charge (75mm Meter)	$459.11
Bi-Monthly Base Charge (100mm Meter)	$765.44
Bi-Monthly Base Charge (150mm Meter)	$1530.45
Bi-Monthly Base Charge (200mm Meter)	$2449.37
Rate per cubic meter	$1.544 m^3

Corporate Services

	2023
Water Meters	
On and Off Charges	
Monday to Friday – 7:00am to 3:30pm flat rate (excluding holidays)	$70.00
Saturday + Monday to Friday – 3:30pm to 7:00am flat rate (excluding holidays)	Full Cost Recovery
Sunday & Holidays – 12:01am to midnight	Full Cost Recovery
Meter Testing	
5/8” meter at owner’s expense	$90.00
Water Meter and Remote	
Tapping Fees	$200.00
Water Meter Equipment	Full Cost Recovery
Municipal Property Damage	Full Cost Recovery

Inquiries related to this user fee and charges guide and requests for alternate formats can be directed to:

The Corporation of the Town of Pelham
Attention: Corporate Services Department
Town of Pelham, Municipal Building
P.O Box 400, 20 Pelham Town Square
Fonthill, Ontario
L0S 1E0
Email: water@pelham.ca

Corporate Services Department
Wednesday, February 21, 2024

Subject: MCC Ice Rink Optimization

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2023-0264 – MCC Ice Rink Optimization;**
>
> **AND THAT Council endorse one of the following options:**
>
> **Option #1 –Status Quo: Remove Ice from the Accipiter Arena for 4 months April to July;**
>
> **Option #2 – Remove ice from Accipiter Arena for 2 months: April and May only;**
>
> **Option #3 – Retain Ice year-around for both ice pads.**

Background:

This report serves to provide Council with a detailed analysis/review pertaining to the optimization of the Accipiter arena ice pad at the Meridian Community Centre (MCC) for the months of April through August. In previous years, there has been a mixed approach regarding the use of the arena within these months.

At the November 22nd, 2023, Pelham Finance and Audit Committee meeting, committee members discussed the potential benefits of staff performing an analysis/review to ensure that Town has been fully optimizing the MCC in general to best serve the community's needs in an environmentally and financially sustainable way. This report is meant to satisfy that requirement and to provide options with respect to future operations.

The investigation of options has reinforced to staff the delicate balancing act of providing services to community groups versus financial optimization of the rink asset. Council is advised to consider this balance as it reviews the report and arrives at a decision.

Analysis:

The purpose of this analysis is to review the operational options available to the Town with the goal of enhancing the quality of recreation programs offered to residents whilst simultaneously being mindful of the environmental and financial implications to the Town. There are several options which are discussed in detail below.

During COVID in 2021, the ice pads were left in both MCC arenas leading to significantly increased revenues. The main reason for the ice demand was that arenas in other municipalities were not operational during COVID, as a result the MCC benefited from the ice demand across the region. In all the other years, the ice pad in the Accipiter arena had been removed in early-April and reinstalled in early-August. This has allowed for other non-ice related activities such as the Home Show (which occurs in mid-April), Art Festival (which occurs in mid-May), Lacrosse (with nearly daily usage from April 11 to July 21), camps and other infrequent events to occur in the Accipiter arena. There has been 5 full years of operations at the MCC with the availability of two ice pads (2019 to 2023). Prior to the MCC, the former arena only had one ice pad available.

There is a long-standing relationship between the Town and the organizers of the Home Show and the Art Festival. The Kinsmen Club has been hosting the Home Show in Pelham's arena for 25+ years and the Art Festival organizers have been hosting their event in Town's arena for 37 years. These events have been growing in popularity with residents and generate significant charitable contributions. The Town has not been charging for the use of the arena for these events which is part of the Municipal Grants approved by Council. For 2024, the quantum of fees waived is $3,883 for the Art Festival (excluding the value of storage provided).

Some helpful background information pertaining to how Pelham households feel about ice related activities can be obtained from a survey conducted in 2022 by Monteith Brown Planning Consultants (Recreation, Culture and Parks Master Plan, May 2023). Findings were 86% of respondent households stated that indoor recreation facilities, such as arenas, gymnasiums, and senior active living centres were important to them.

Furthermore, the survey also found that 30% of respondent households in Pelham state that they participate in some sort of activity such as Hockey or Figure Skating, which are dependent on accessibility to ice pads. The survey also found that 29% of respondent households stated they want more Ice Sports in Pelham and that 44% of respondent households stated that they are unable to participate in recreation activities (not limited to ice related activities) due to lack of desired facilities or programs.

There is also demand for ice rink rentals coming from neighboring municipalities. This demand is derived from the decreased access to ice pads in neighboring municipalities within these months as well as the geographic location of Pelham.

Being central within the Region, many user groups find Pelham to be a good midpoint destination for users traveling from anywhere in the Region. While non-resident users are important and appreciated, please note that priority for ice rentals will be given to Pelham residents in accordance with the Town's Facility Allocation Policy (S803-01).

According to the latest census report completed by Statistics Canada, Pelham has a relatively large proportion of Senior citizens, with 27.27% of residents being 65 years of age or older. For the Niagara Region as a whole the percentage is 23.30% and for Ontario it is 18.54%. The Meridian Community Centre has been classified as a Seniors Active Living Centre by the Province which allows the Town to receive grant funding based on this distinction.

Table 1: 2023 hours of utilization for the two ice pads:

	Accipiter	Accipiter	Accipiter	Accipiter	Duliban	Duliban	Duliban	Duliban
	Hours External	Hours Internal	Total Hours	External Revenue	Hours External	Hours Internal	Total Hours	External Revenue
January	284	38	322	$ 42,187	259	60	319	$ 36,770
Februrary	256	40	296	$ 39,137	237	60	297	$ 36,249
March	226	49	275	$ 32,431	234	67	301	$ 33,791
April	15		15	$ 2,170	246	54	300	$ 42,582
May			-		242	74	315	$ 32,476
June			-		261	96	357	$ 35,088
July			-		288	73	361	$ 38,542
August	211	3	213	$ 28,358	319	76	395	$ 42,390
September	205	31	235	$ 31,431	166	75	240	$ 24,954
October	291	37	328	$ 36,806	266	76	342	$ 37,561
November	301	35	336	$ 45,267	293	74	367	$ 42,355
December	275	46	320	$ 40,587	255	65	320	$ 36,171
	2,062	277	2,340	$ 298,372	3,065	847	3,912	$438,930

Option #1 –Status Quo: Remove Ice from the Accipiter Arena for 4 months April to July: The first option is to continue to operate the arena as it ordinarily is operated, removing the ice from the arena in order to accommodate non-ice related

activities such as Home Show, Art Festival, Lacrosse, special events, graduations, pet shows, etc. It takes 10 days to make the ice so if the ice pad is rented to July 31 for non-ice activities, it is not available for ice rentals until August 10. August is a very busy month for ice rentals since hockey and figure skating get ready for their new season. The only non-ice renter that uses the Accipiter pad until July 21 is Lacrosse. If the ice is installed starting July 22 instead of August 1, then this would enable the ice in the Accipiter Arena to be ready for renting as of August 1, 2024. This will provide an additional estimated revenue increase of $14,000 and meet the ice demand in this peak period.

Option #1: Advantages and Disadvantages

Advantages	Disadvantages
• There is more opportunity for non-ice related activities, including Lacrosse in comparison to having the ice pads for 10 months and 12 months. • Less resources would be consumed leading to a relatively positive environmental impact. • This allows summer camps to utilize the space for additional activities, particularly when weather is not permitting. • Preserves the long-standing history with community groups. • Changing the date for making the ice in the Accipiter Arena from August 3 to July 21, will enable the ice to be ready for August 1 for renting.	• The Accipiter arena wouldn't be utilized to the extent that it would be if there was ice in installed. • User groups interested in ice rentals would be turned away at a greater extent due to Duliban arena being at capacity. • There are several interested parties which would have to be turned away.

Option #2 – Remove Accipiter ice for 2 months: April and May only: The second option available to the Town would be to reinstall the ice in June instead of mid-August. This accommodates the Home Show as well as Art Festival and provides a space to non-ice users for a considerable period, whilst also increasing ice availability to the public, particularly in the summer months where student demand for ice increases. Town staff investigated the possibility of the Home Show and Art Festival occurring in other spaces of the Town, but given the space requirements of these events, it is not currently feasible. The biggest impact of

Option 2 is that it will be that the Town would not be able to accommodate Lacrosse in the summer.

Option #2: Advantages and Disadvantages

Advantages	Disadvantages
• Although not quantified, there is an anticipated increase in activity economic within Town due to increased ice availability, benefiting businesses and supporting employment. • Pre-existing demand (as noted above) for ice rentals would be fulfilled to a much larger extent than the status quo. • The Ice Resurfacer would be utilized to a fuller extent (more efficient use of capital assets). • This option would address the concerns regarding access to ice facilities that many surveyed households had previously expressed.	• Potential user groups (outside of Home Show and Art Festival) interested in renting the arena without ice would be turned away after ice reinstallation. • The license agreement with the Pelham Raiders Minor Lacrosse Association would have to be terminated. • Presumably the outstanding Lacrosse pledge monies will not be received if this option is pursued.

Option #3 – Retain Ice year-around: The third option is to retain the ice in the Accipiter arena year-around. This option would significantly increase the availability of ice to the public while entirely removing access to the arena for non-ice related activities. From Table 1 the additional revenue from Duliban Arena that is 12 months of the year is an additional $140,558 less the additional cost to run the ice of $60,000 (approximately $10,000 per month, less Lacrosse revenue of $16,000, plus savings on not removing and installing the ice of $11,000) equals a net profit of $91,000.

Option #3: Advantages and Disadvantages	
Advantages	**Disadvantages**
• Without removing and reinstalling the ice, resources and staff time are saved. • Like option #2, the Ice Resurfacer would be utilized to a fuller extent (more efficient use of capital assets). • There would be cost savings of not having to remove and install the ice of approximately $11,000. • The net potential profit could be as high as $91,000 if the demand for the ice is there.	• There would not be any capacity to accommodate the Home Show or Art Gallery, Lacrosee or any other non-ice related users. • Retaining the ice year-around consumes more resources such as propane and utilities, having a negative environmental impact. • This would harm pre-existing relationships with long-term user groups. • The summer camps would not be able to use the non-ice surface of the Accipiter Arena for their programming.

Option #4 – Purchase or rent Ice coverings:

In addition to the first three options discussed above, Town staff explored the option of obtaining (through purchase or rental) ice coverings to accommodate non-ice related activities without having to remove and subsequently reinstall ice. Through the process of obtaining quotes for several coverings, it was determined that the cost of purchasing the ice coverings varied from $160,000 - $225,000. Town staff feel that it would not be prudent to purchase the ice coverings for several reasons. Firstly, the ice coverings require significant space for storage. The Town does not currently have space to store them. Secondly, given the expected life of the ice coverings and the estimated frequency of use, there is not a business case for purchasing the ice coverings.

For the grand opening of the MCC, the Meridian Centre in St. Catharines loaned (free of charge in appreciation to Meridian Credit Union financial support) their ice coverings. Town staff inquired with providers expressing interest in renting ice coverings and discovered that, unfortunately, there currently are no ice coverings for rent in the marketplace. Please note, the efforts of Town staff were exhaustive

with inquiries made to companies who sell the ice coverings as well as other municipalities who have their own. Town staff will continue to explore this option in the future. While staff was unable to obtain any quotes on renting the ice coverings, Town staff estimate the cost of renting them to be substantial given that the ice coverings are required to be transported on a 53 ft trailer, handled by specialty materials handling equipment, and generally requires a team of approximately 6 staff (plus a supervisor) to install them.

As a result, Option #4 is not recommended by staff.

Financial Considerations:

Financial calculations are contained in the analysis above.

Alternatives Reviewed:

Alternatives were identified in the analysis section of this report.

Strategic Plan Relationship: Community Development and Growth

The Town of Pelham is dedicated to enhancing the quality of life enjoyed by residents. This analysis/review, as well as the future continuation of such work, will ensure that the limited recreation space that is available to residents is being optimized in a way that both provides the greatest benefit to residents, but also does so in a way which is financially prudent.

Consultation:

The Director of Recreation, Culture and Wellness, Supervisor of Recreation Programs, and the Supervisor of Recreation Facilities were consulted in the authoring of this report.

Other Pertinent Reports/Attachments:

N/A

Prepared and Recommended by:

Jonathan Witzke, BBA, PCP
Staff Accountant & Payroll Clerk

Teresa Quinlin-Murphy, FCPA, FCA, MBA
Director of Corporate Services & Treasurer

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Director of Recreation, Culture and Wellness

Prepared and Submitted by:

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Chief Administrative Officer

The Corporation of the Town of Pelham

By-law No. 08-2024

Being a by-law to appoint the Niagara Society for the Prevention of Cruelty to Animals and Humane Society Animal Services Officers to enforce Town of Pelham Animal By-laws.

WHEREAS the Corporation of the Town of Pelham ("the Town") is authorized by the *Municipal Act, 2001,* S.O. 2001, c. 25 to pass by-laws respecting animals;

AND WHEREAS pursuant to this statutory authority the Town has enacted various by-laws governing the care, licensing, and regulation of animals ("Animal By-laws");

AND WHEREAS the Niagara Society for the Prevention of Cruelty to Animals ("SPCA") and Human Society is a non-for-profit corporation incorporated pursuant to the laws of Ontario that provides a range of services related to the care and control of animals;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to authorize SPCA and its Animal Services Officers to administer and enforce Animal By-laws in the Town of Pelham;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Appointments

1.1 Clarisa Curtis, Animal Services Officer, is hereby authorized to enforce Animal By-laws in the Town of Pelham.

1.2 Ciara Griffiths, Animal Services Officer, is hereby authorized to enforce Animal By-laws in the Town of Pelham.

1.3 Dillon Parnell, Animal Services Officer, is hereby authorized to enforce Animal By-laws in the Town of Pelham.

1.4 David Scanlan, Animal Services Officer, is hereby authorized to enforce Animal By-laws in the Town of Pelham.

1.5 Michael Shedden, Animal Services Officer, is hereby authorized to enforce Animal By-laws in the Town of Pelham.

2. Effective Date

2.1 This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 21st day of February, 2024.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

The Corporation of the Town of Pelham

By-law No. 03-2024

Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that the powers of a municipality under any statute shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate;

AND WHEREAS section 4 of the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 ("*FBCSA*") prohibits the operation of a cemetery without a licence to do so;

AND WHEREAS the Corporation of the Town of Pelham owns and operates three cemeteries in the Town of Pelham as a licensee under the *FBCSA*;

AND WHEREAS section 150 of Ontario Regulation 30/11 under the *FBCSA* authorizes a cemetery operator to make by-laws governing the operation of the cemetery;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate cemeteries owned and operated by the Corporation of the Town of Pelham and to enact this By-law for that purpose;

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 to provide rules and regulations to govern the operations of cemeteries owned and operated by the Corporation of the Town of Pelham.

1.2. This By-law does not apply to cemeteries that are not owned or operated by the Town.

2. Definitions

2.1. In this By-law:

"Active Cemetery" means a Cemetery where one (1) or more Lots are available for Interment.

"**BAO**" means the Bereavement Authority of Ontario, being the not-for-profit corporation and government delegated authority responsible for administration of the *FBCSA* and associated regulations.

"**By-laws**" means the rules and regulations in this By-law under which a Cemetery operates.

"**Care and Maintenance Fund**" is a fund established and administered by the Town in accordance with the *FBCSA* to generate income for the care and maintenance of a Cemetery.

"**Cemetery**" means any cemetery owned and operated by the Town, being Fonthill Cemetery, Hillside Cemetery and Hansler Cemetery, and any other cemetery that may be acquired by the Town.

"Cemetery Path" means a road or a walkway within a Cemetery that has a paved or gravel surface and up to thirty (30) centimetres on either side of the road or walkway provided that no portion of any Lot or Plot is located within thirty (30) centimetres of the paved or gravel surface.

"**Cemetery Staff**" means Town employees who work at a Cemetery and any other Person designated by the Director to do work on behalf of the Cemetery.

"**Columbarium**" means a Cemetery structure designed for Interment of cremated Human Remains in sealed compartments.

"Companion Urn" means an urn or similar vessel designed to contain two (2) sets of cremated Human Remains in a single container.

"**Contract**" means a written agreement between a Purchaser and the Town detailing the obligations of the parties and acknowledging receipt and acceptance by the Purchaser of a copy of this By-law, a price list for Cemetery services offered by the Town, and the Consumer Information Guide published by BAO.

"**Council**" means the Council of the Town.

"Cremation Urn" means an urn or similar vessel designed to contain one (1) set of cremated Human Remains.

"**Director**" means the Director of Public Works of the Town or designate.

"Disinter" means the removal of Interred Human Remains from a Lot and **"Disinterred"** and **"Disinterment"** have corresponding meanings.

"***FBCSA***" means the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 and all regulations made thereunder.

"Fees and Charges By-law" means Town of Pelham By-law No. 3728(2016) as amended by By-law No. 71-2023, as updated or amended from time to time.

"**Human Remains**" means a dead human body or the remains of a cremated human body.

"Inactive Cemetery" means a Cemetery at which no Lots are available for Interment.

"**Inter**" means the burial or placement of Human Remains in a Lot and **"Interred"** and **"Interment"** have corresponding meanings.

"**Interment Rights**" means the right to require or direct Interment of Human Remains in a Lot.

"Interment Rights Certificate" means the document issued by the Town to a Purchaser of Interment Rights for a Lot once the purchase price is paid in full, which identifies the Purchaser as the Interment Rights Holder.

"**Interment Rights Holder**" means a Person who holds Interment Rights for a Lot and includes the Purchaser of Interment Rights and a Person to whom Interment Rights are transferred in accordance with this By-law.

"**Lot**" means an area of land in a Cemetery containing, or set aside to contain, Interred Human Remains and, where the context so requires, includes any Niche contained in a Columbarium or Mausoleum.

"Lot Decoration" means any structure, ornament, planting, article or item placed on any Lot or Plot for purposes of adornment and does not include a Marker, Monument or Niche Plaque.

"**Marker**" means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that is installed parallel to and flush with the level of the ground.

"**Mausoleum**" means a Cemetery structure designed for Interment of non-cremated Human Remains in sealed compartments.

"**Monument**" means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that projects above the level of the ground in any direction.

"**Niche**" means a compartment in a Columbarium or Mausoleum.

"Niche Plaque" means a memorial plaque, which is affixed to or intended to be affixed to a Niche to mark its location and that is installed flat against the wall of the Columbarium or Mausoleum that contains the Niche.

"Person" means an individual of at least eighteen (18) years of age, a corporation and/or an association.

"**Plot**" means two (2) or more Lots in respect of which Interment Rights have been sold as a unit.

"Purchaser" means a Person that enters into a Contract with the Town to purchase Interment Rights.

"**Town**" means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

"Town Clerk" means the Clerk of the Town or designate.

"Vault" means a permanent outer container into which a casket, urn or other vessel holding Human Remains is placed prior to Interment.

3. Sale and Transfer of Interment Rights

3.1. The Town may sell Interment Rights for an available Lot in an Active Cemetery to any Person. The rates charged by the Town shall be established in the Fees and Charges By-law and shall include the amount to be deposited in the Care and Maintenance Fund as prescribed by the *FBCSA*.

3.2. Purchasers of Interment Rights acquire only the right to direct the Interment of Human Remains and the installation of Markers and Monuments on a Lot, subject to the provisions of this By-law.

3.3. Upon receipt of full payment for a purchase of Interment Rights, the Town shall provide each Purchaser with the Contract and issue an Interment Rights Certificate to each Purchaser.

3.4. Subject to subsection 3.7 of this By-law, a Purchaser has the right to cancel a Contract within thirty (30) days after signing by giving written notice of cancellation to the Director. The Purchaser shall be entitled to a refund of the full amount paid under the Contract.

3.5. Subject to subsection 3.7 of this By-law, where a Purchaser gives notice of cancellation more than thirty (30) days after signing, the Town shall cancel the Contract. The Purchaser shall be entitled to a refund of the amount paid under the Contract less the amount required to be deposited into the Care and Maintenance Fund.

3.6. Refunds issued pursuant to subsections 3.4 and 3.5 of this By-law are contingent upon the Purchaser surrendering any Interment Rights Certificate(s) issued by the Town. The Town shall issue the refund within thirty (30) days after the return of the Interment Rights Certificate(s).

3.7. Notwithstanding subsections 3.4 to 3.6 of this By-law, a Contract cannot be cancelled if the Interment Rights that are the subject of the Contract have been exercised in whole or in part.

3.8. No Interment or installation of a Marker, Monument or Niche Plaque is permitted until the purchase price for the Interment Rights has been paid in full.

3.9. The Town prohibits the resale of Interment Rights by an Interment Rights Holder. The Town will repurchase Interment Rights at the rate established in the Fees and Charges By-law less the amount deposited in the Care and Maintenance Fund when the Interment Rights were purchased, subject to the following conditions:

(a) the Interment Rights Holder submits a repurchase request in the form determined by the Director from time to time;

(b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town for the Lot;

(c) the Interment Rights are for a Lot in an Active Cemetery;

(d) the Interment Rights for the Lot have not been exercised in whole or in part;

(e) in the case of a Plot, no Interment has occurred in any Lot that forms part of the Plot; and

(f) no Marker, Monument or Niche Plaque has been installed upon the Lot or, alternatively, any such Marker, Monument or Niche Plaque has been removed and the Lot has been restored to the satisfaction of the Director.

3.10. In the event that an Interment Rights Holder cannot produce the Interment Rights Certificate(s) required under paragraph 3.9(b) of this By-law and believes the Interment Rights Certificate(s) to have been lost, misplaced or destroyed, the Town shall proceed in accordance with Policy S802-05: Repurchase or Transfer of Interment Rights Without Interment Rights Certificate.

3.11. An Interment Rights Holder may transfer those rights to another Person by gift or testamentary bequest, subject to the following conditions:

(a) the Interment Rights Holder submits written notice of the proposed transfer in the form determined by the Director from time to time;

(b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town;

(c) the Interment Rights Holder pays the transfer fee established in the Fees and Charges By-law.

3.12. Where the conditions of subsection 3.11 of this By-law are met, the Town shall issue an Interment Rights Certificate to each transferee of the Interment Rights.

3.13. In the event that an Interment Rights Holder cannot produce the Interment Rights Certificate(s) required under paragraph 3.11(b) of this By-law and believes the Interment Rights Certificate(s) to have been lost, misplaced or destroyed, the Town shall proceed in accordance with Policy S802-05: Repurchase or Transfer of Interment Rights Without Certificate of Interment Rights.

3.14. No Person shall purchase, transfer or exercise Interment Rights for any purpose other than Interment of Human Remains.

4. Interment

4.1. The Interment Rights Holder(s) must provide written authorization prior to any Interment. Should any Interment Rights Holder be deceased, written authorization must be provided by the personal representative of the deceased as defined in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26.

4.2. A burial permit issued by the Town Clerk as the Division Registrar or a Deputy Division Registrar appointed by the Registrar General in accordance with the *Vital Statistics Act*, R.S.O. 1990, c. V.4 and associated regulations, or an equivalent document establishing that the death has been registered with the Province of Ontario, must be provided to the Director prior to the Interment of non-cremated Human Remains.

4.3. A certificate of cremation issued by a crematorium licenced under the *FBCSA* must be provided to the Director prior to the Interment of cremated Human Remains.

4.4. Interments are available only for Human Remains. Animal remains shall not be Interred in any Cemetery.

4.5. All caskets and other vessels that contain non-cremated Human Remains shall be placed in a Vault for Interment. Cremation Urns and Companion Urns may be placed in a Vault for Interment.

4.6. In accordance with the *FBCSA*, the Interment Rights Holder(s) must enter into a cemetery contract with the Town providing such information as may be required by the Director for the completion of the contract and the public register prior to each Interment.

4.7. No Interment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.

4.8. All opening and closing of Lots and all opening and sealing of Niches shall be conducted only by Cemetery Staff.

4.9. The Director shall be given at least twenty-four (24) working hours' notice of an Interment. Verbal requests must be confirmed in writing at least twelve (12) working hours prior to the Interment.

4.10. While the Director shall make efforts to accommodate scheduling requests, Interments shall be scheduled based on weather and ground conditions, the availability of Cemetery Staff, and the nature and extent of Cemetery services requested.

4.11. All Interments shall take place from Monday to Saturday between 9:00 a.m. and 3:00 p.m. Any Interment that extends past 3:00 p.m. is subject to additional fees as established by the Fees and Charges By-law.

4.12. Interments shall not take place on Sundays or statutory holidays unless the Interment is ordered by the Medical Officer of Health.

4.13. The following rules apply to Interments in a Lot other than a Niche:

(a) the Lot shall be used for a maximum of one (1) Interment of non-cremated Human Remains;

(b) if non-cremated Human Remains are placed in a Vault more than eighty-five (85) centimetres wide or more than two hundred and forty (240) centimetres long, the Vault shall not be placed in a Lot unless the Director is satisfied that there is sufficient space to accommodate it;

(c) where a Lot contains non-cremated Human Remains, it may be used for additional Interments of Cremation Urns and/or Companion Urns provided that they are Interred subsequent to and on top of the non-cremated Human Remains and subject to the following conditions:

i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than two (2) sets of cremated Human Remains may be Interred unless the Director is satisfied that the existing placement of all Human Remains in the Lot is such that the Lot can accommodate the Interment of three (3) sets of cremated Human Remains;

ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of cremated Human Remains may be Interred; and

iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length; and

(d) where a Lot does not contain non-cremated Human Remains, it may be used for multiple Interments of Cremation Urns and/or Companion Urns subject to the following conditions:

i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of cremated Human Remains may be Interred unless the Director is satisfied that the existing placement of all cremated Human Remains in the Lot is such that the Lot can accommodate the Interment of four (4) sets of cremated Human Remains;

ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than four (4) sets of cremated Human Remains may be Interred; and

iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length.

4.14. The following rules apply to Interments in a Niche:

(a) a Niche in a Columbarium shall be used for a maximum of two (2) Interments of cremated Human Remains, which may be contained in two (2) Cremation Urns or in one (1) Companion Urn;

(b) the dimensions of the Cremation Urns or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length;

(c) a Niche in a Mausoleum shall be used for a maximum of one (1) Interment of non-cremated Human Remains;

(d) if non-cremated Human Remains are placed in a Vault more than eighty-five (85) centimetres wide or more than two hundred and forty (240) centimetres long, the Vault shall not be placed in a Niche unless the Director is satisfied that there is sufficient space to accommodate it;

(e) where a Niche in a Mausoleum contains non-cremated Human Remains, it may be used for additional Interments of cremated Human Remains provided that they are Interred subsequent to the Interment of the non-cremated Human remains and subject to the following conditions:

i. no more than two (2) sets of cremated Human Remains may be Interred, which may be contained in two (2) Cremation Urns or in one (1) Companion Urn; and

ii. the dimensions of the Cremation Urns or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length; and

(f) where a Niche in a Mausoleum does not contain non-cremated Human Remains, it may be used for up to three (3) Interments of cremated Human Remains provided that the dimensions of the Cremation Urn(s) or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length.

5. Disinterment

5.1. No Person shall Disinter Human Remains except in accordance with the *FBCSA* and this By-law.

5.2. Subject to subsection 5.4 of this By-law, Human Remains shall not be Disinterred unless prior consent is obtained from the Interment Rights Holder(s) and for non-cremated Human Remains, prior notification is given to the Medical Officer of Health.

5.3. Subject to subsection 5.4 of this By-law, the Director must receive a certificate from the Medical Officer of Health prior to the removal of Disinterred non-cremated Human Remains from any Cemetery. A certificate is not required for Disinterment of cremated Human Remains from a Lot or their removal from the Cemetery.

5.4. Notwithstanding subsections 5.2 and 5.3 of this By-law, the consent of the Interment Rights Holder(s) and notification of the Medical Officer of Health are not required where a Disinterment or removal of Human Remains is required by a court of competent jurisdiction, the Attorney General or Solicitor General of Ontario, a coroner appointed under the *Coroners Act*, R.S.O. 1990, c. C.37, or the Registrar General with respect to a Cemetery closure.

5.5. No Disinterment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.

5.6. Cemetery Staff shall be present during any Disinterment.

5.7. The Director shall be given at least ten (10) working days' notice of a Disinterment request. The Person requesting Disinterment shall provide written confirmation that all applicable requirements of subsections 5.2, 5.3 and/or 5.4 of this By-law have been met.

5.8. While the Director shall make efforts to accommodate scheduling requests, Disinterment shall be scheduled based on notification requirements, weather and ground conditions, the availability of Cemetery Staff and the extent of services required.

5.9. During a Disinterment the Cemetery may, at the discretion of the Director, be closed to visitors not associated with the Disinterment.

5.10. If the Human Remains were Interred without a Vault, or if the Vault is damaged, a new Vault that is satisfactory to the Director must be supplied for the safe and proper transport of the Disinterred Human Remains.

5.11. Any Marker or Monument designating an Interment location shall be removed upon Disinterment and the Lot shall be restored to the satisfaction of the Director.

5.12. Other than a Disinterment requested under subsection 5.4 of this By-law, the cost of supplying a new Vault, removing a Marker or Monument and/or restoring the Lot shall be paid by the Interment Rights Holder(s).

5.13. The Town assumes no responsibility whatsoever for any damage to any container, casket, urn, vessel or other structure that occurs during the course of a Disinterment.

6. Markers, Monuments and Niche Plaques

6.1. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot until the applicable price, as established by the Fees and Charges By-law, has been paid in full.

6.2. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot without the consent of the Interment Rights Holder(s) and the Director.

6.3. No Marker, Monument or Niche Plaque shall be moved, altered or removed without the permission of the Director.

6.4. Markers, Monuments and Niche Plaques are the property of the Interment Rights Holder(s) and must be protected by the insurance coverage of the Interment Rights Holder(s).

6.5. The Town shall take reasonable precautions to protect Markers, Monuments and Niche Plaques but assumes no liability whatsoever for any loss of or damage to a Marker, Monument or Niche Plaque or part thereof. Without limiting the generality of the foregoing, minor damage due to Cemetery operations is considered normal wear and tear and shall not be compensable.

6.6. The Interment Rights Holder(s) shall maintain Markers, Monuments and Niche Plaques in a safe and stable condition. Should a Marker, Monument or Niche Plaque present a safety risk because it has become unstable, the Town shall complete any work required to remove this risk at the expense of the Interment Rights Holder(s).

6.7. The Town reserves the right to make rules with respect to the size, number, composition and location of Markers, Monuments and/or Niche Plaques on a Lot.

6.8. The following rules apply to Markers:

(a) no more than two (2) Markers are permitted on a Lot;

(b) every Marker shall be made of granite or other durable hard stone or of any sufficiently durable and non-corrosive metal;

(c) every Marker shall have a minimum thickness of ten (10) centimetres;

(d) every Marker shall be placed on a base of at least ten (10) centimetres of gravel or crushed stone;

(e) every Marker shall be installed flush to the ground;

(f) no Marker shall occupy more than ten percent (10%) of the total ground area of the Lot;

(g) the placement of a Marker shall not interfere with future Interments;

(h) the proposed placement of a Marker shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date of installation;

(i) the Town and the Interment Rights Holder(s) shall enter into a written Marker placement agreement prior to installation;

(j) the Director shall schedule Marker installations based on weather and ground conditions and the availability of Cemetery Staff; and

(k) all Markers shall be installed by Cemetery Staff or under their supervision at the expense of the Interment Rights Holder(s).

6.9. The following rules apply to Monuments:

(a) no more than one (1) Monument is permitted on a Lot;

(b) every Monument shall be made of granite or other durable hard stone with no vertical joint(s) and no stone, metal or other material attached;

(c) every Monument shall be installed on a concrete foundation constructed by Cemetery Staff at the expense of the Interment Rights Holder(s);

(d) every Monument shall be situated at the centre and head of a Lot except where alignment with existing Monuments in the vicinity requires or justifies a different placement;

(e) the placement of a Monument shall not interfere with future Interments;

(f) the proposed placement of a Monument shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date for construction of the foundation;

(g) the height of a Monument including the foundation shall not exceed one hundred and twenty (120) centimetres;

(h) no Monument shall occupy more than ten percent (10%) of the total ground area of the Lot;

(i) no Monument shall be delivered to the Cemetery until the foundation has been completed and the Director has notified the Interment Rights Holder(s);

(j) the Director shall schedule Monument installations based on weather and ground conditions and the availability of Cemetery Staff; and

(k) all Monuments shall be installed under the supervision of Cemetery Staff at the expense of the Interment Rights Holder(s).

6.10. The following rules apply to Niche Plaques:

(a) no more than one (1) Niche Plaque is permitted for a Niche;

(b) every Niche Plaque shall be made of granite with a dark finish and ribbon-style lettering;

(c) every Niche Plaque shall list the first name(s), last name(s), year of birth and year of death of the person(s) Interred in the Niche;

(d) additional proposed inscription(s) on a Niche Plaque shall be submitted to the Director for approval at least ten (10) working days prior to the proposed installation date;

(e) all Niche Plaques will be installed by Cemetery staff;

(f) the Director shall schedule Niche Plaque installations based on weather conditions and the availability of Cemetery Staff; and

(g) all Niche Plaques shall be installed by Cemetery Staff at the expense of the Interment Rights Holder(s).

6.11. No Person shall install or cause or permit the installation of any Marker, Monument or Niche Plaque that does not comply with the provisions of this By-law or that is not in keeping with the dignity and decorum of the Cemetery.

6.12. The Town reserves the right to remove any Marker, Monument or Niche Plaque that contravenes any provision of this By-law or that is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).

7. Lot Decoration

7.1. The Town reserves the right to regulate Lot Decorations and to remove any structure, ornament, planting, article or item placed on any Lot that poses a threat to the safety of any Person, interferes with the operations of the Cemetery or Cemetery Staff, or is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).

7.2. The following Lot Decorations are prohibited and shall be removed and disposed of without notice:

(a) any structure, planting or item delineating the boundaries or confines of a Lot;

(b) stone chips, gravel, sand or loose stones;

(c) walls, fences, railings, steps, curbs or coping;

(d) trellises or arches;

(e) furniture of any kind including chairs or benches;

(f) light fixtures including solar lights;

(g) memorial statues;

(h) in-ground vases;

(i) crosses made of wood or metal;

(j) flower display stands;

(k) protective wreath boxes;

(l) articles made of wood or other perishable materials;

(m) articles made of glass, ceramic or other fragile materials;

(n) articles made of corrosive or hazardous materials;

(o) any Lot Decoration that is unsightly or neglected; and

(p) any Lot Decoration that is not in keeping with the dignity and decorum of the Cemetery.

7.3. Flowers may be placed on a Lot for a funeral or burial service at the Cemetery. Such flowers shall be removed by Cemetery Staff after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.

7.4. Wreaths and artificial flowers may be placed on a Lot only between the first (1st) day of November and the first (1st) day of April. Any wreaths or artificial flowers remaining on a Lot after the first (1st) day of April shall be removed and disposed of without notice.

7.5. Potted plants may be placed on a Lot only between the first (1st) day of April and the first (1st) day of November. Any potted plants remaining on a Lot after the first (1st) day of November shall be removed and disposed of without notice.

7.6. Without limiting subsections 7.3, 7.4 and 7.5 of this By-law, the Town reserves the right to disallow or to remove quantities of cut flowers, wreaths, artificial flowers and/or potted plants considered to be excessive or that diminish the otherwise tidy appearance of the cemetery.

7.7. No tree, shrub or flower shall be planted in any part of a Cemetery other than a Lot without the consent of the Director. Unauthorized plantings shall be removed and disposed of without notice.

7.8. No tree or shrub shall be planted on a Lot without the consent of the Director and full compliance with any conditions imposed by the Director. Unauthorized plantings shall be removed and disposed of without notice.

7.9. Flowers may be planted on a Lot with the consent of the Interment Rights Holder(s).

7.10. The following rules apply to flowers planted on a Lot:

(a) flowers shall be planted in a flower bed;

(b) no more than one (1) flower bed is permitted on a Lot;

(c) the flower bed shall be within thirty (30) centimetres of the Marker or Monument on the Lot;

(d) the flower bed shall be wholly contained within the Lot;

(e) the flower bed shall not occupy more than five percent (5%) of the total ground area of the Lot;

(f) the flowers shall be annual and/or perennial varieties suitable for prevailing weather and climate conditions;

(g) the flowers shall not extend beyond the maximum allowable planted area; and

(h) the flowers shall not encroach on any other Lot.

7.11. Lot Decorations are the property of the Interment Rights Holder(s) and are placed on a Lot at their sole risk. Where appropriate, Lot Decorations shall be protected by the insurance coverage of the Interment Rights Holder(s).

7.12. The Interment Rights Holder(s) shall maintain Lot Decorations in a safe, neat and proper condition and in keeping with the dignity and decorum of the Cemetery.

7.13. The Town shall take reasonable care to protect Lot Decorations but assumes no liability whatsoever for any loss of or damage to a Lot Decoration or any part thereof.

7.14. No Person shall place or cause or permit the placement of any Lot Decoration that does not comply with the provisions of this By-law.

8. Care and Maintenance

8.1. A portion of the purchase price for Interment Rights is deposited into the Care and Maintenance Fund. Income generated from this fund is used to maintain, secure and preserve Active Cemetery and Inactive Cemetery grounds.

8.2. Services that can be provided through the Care and Maintenance Fund may include:

(a) re-levelling and sodding or seeding of Cemetery grounds;

(b) maintenance of Cemetery landscaping;

(c) maintenance of Cemetery infrastructure including roads, water systems and sewer systems;

(d) maintenance of perimeter walls and fences;

(e) maintenance and repair of Cemetery buildings and structures including any Columbarium or Mausoleum; and

(f) maintenance and repair of Cemetery equipment.

9. Conduct of Cemetery Staff, Contractors and the Public

9.1. All Persons working within a Cemetery in any capacity, including Cemetery Staff and contractors retained by the Town or Interment Rights Holders to install or repair any Marker, Monument or Niche Plaque, shall comply with the provisions of this By-law and are subject to the direction and control of the Director.

9.2. Any contract work to be performed within the Cemetery, including but not limited to the delivery of Markers and Monuments, requires the written pre-approval of the Interment Rights Holder(s) and the Director before the work may begin.

9.3. Prior to the start of any contracted work within the Cemetery, the contractor shall provide to the Director:

(a) plans and detailed specifications relating to the work;

(b) the location of the work;

(c) proof of all applicable government approvals and permits for the work;

(d) proof of WSIB coverage and compliance with occupational health and safety standards; and

(e) confirmation of liability insurance coverage for the contracted work with limits of not less than two million dollars ($2,000,000) per occurrence.

9.4. All Persons working within a Cemetery in any capacity shall strictly adhere to all applicable health and safety requirements and shall report any work-related incident or injury to the Director.

9.5. Contractors shall not enter a Cemetery outside the regular business hours of the Cemetery without the prior approval of the Director.

9.6. No work shall be performed at a Cemetery outside the regular business hours of the Cemetery.

9.7. Contractors and Cemetery Staff engaged in the installation of any Marker or Monument shall place temporary planking on Cemetery grounds to protect the grounds from damage and shall remove the planking upon completion of the installation.

9.8. Contractors and Cemetery Staff engaged in the placement of any Vault in a Lot shall ensure that no damage is caused to adjacent Lots and/or any installations on those Lots.

9.9. Contractors working within a Cemetery shall remove all equipment and materials from the Cemetery upon completion of the work and shall leave the site of the work in a safe, neat and proper condition. Contractors shall restore the site and repair any damage caused by the work to the satisfaction of the Director.

9.10. Contractors and Cemetery Staff shall temporarily cease operations if they are working within one hundred (100) metres of a funeral or burial service at the Cemetery. In addition, the Town reserves the right to require temporary cessation of operations where the noise of such operations is deemed to be a disturbance to any funeral or burial service or public gathering within the Cemetery.

9.11. Cemetery Staff employed by the Town shall not accept any form of gratuity for providing Cemetery services.

9.12. The Town recognizes that Cemeteries are a valuable public space and permits the public to access and use Cemeteries in accordance with this By-law.

9.13. No Person shall enter or leave any Cemetery except through an established entrance or exit.

9.14. No Person shall enter or be within any Cemetery between dusk and dawn.

9.15. No Person shall advertise or solicit for business of any kind within a Cemetery.

9.16. No Person shall damage, destroy, remove or deface any structure or property within a Cemetery including but not limited to Markers, Monuments, Niche Plaques, Lot Decorations, signs, landscaping, fences and gates.

9.17. No Person shall deposit rubbish or debris on Cemetery grounds except in the receptacles provided.

9.18. No Person shall bring any alcoholic beverage into a Cemetery or consume any alcoholic beverage within a Cemetery.

9.19. No Person shall bring any animal into a Cemetery except:

(a) a dog that is leashed and under the control of the Person in accordance with Town of Pelham By-law No. 97-2010 and that is kept at all times on Cemetery Paths; or

(b) a service animal as defined in the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

9.20. Any Person who brings a leashed dog into a Cemetery pursuant to paragraph 9.19(a) of this By-law shall ensure that the dog remains on Cemetery Paths at all times.

9.21. Any Person who brings a leashed dog or service animal into a Cemetery shall ensure that animal waste is cleaned up immediately and deposited in an appropriate waste container or removed from the Cemetery.

9.22. No Person shall engage in conduct that disrupts or disturbs the quiet and good order of a Cemetery or that is not in keeping with the decorum and dignity of the Cemetery.

9.23. Motor vehicles as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 may be operated within a Cemetery as follows:

(a) motor vehicles shall travel exclusively over or upon the paved roads of the Cemetery;

(b) motor vehicles shall not use roads in the Fonthill Cemetery as a thoroughfare between Highland Avenue and Brock Street; and

(c) motor vehicles shall not exceed a speed of twenty (20) kilometres per hour.

9.24. Where the Director determines that roads within a Cemetery are susceptible to damage due to weather conditions or for any other reason, the Director may restrict motor vehicle traffic at the Cemetery.

9.25. Motorized vehicles that are primarily for leisure or recreational use, including but not limited to snowmobiles, mini-bikes, ATVs, dune buggies and similar vehicles, shall not be operated in a Cemetery.

10. Enforcement

10.1. This By-law shall be administered and enforced by the Town Clerk, the Director and any Person appointed or otherwise delegated the authority of administration and enforcement.

10.2. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *FBCSA*, the *Municipal Act, 2001* and the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

10.3. Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.

10.4. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

11. Cemetery Operations

11.1. The Town reserves full control over all Cemetery operations and management of land within all Cemetery grounds. Administrative services for all Cemeteries are provided at Town Hall during regular business hours at that location.

11.2. Fonthill Cemetery shall be open to conduct business as follows:

(a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday

(b) Visitation other than Mausoleum: daily from dawn to dusk

(c) Mausoleum Visitation: as soon as practicable upon receipt of a request made to Town Hall during regular business hours

11.3. Hillside Cemetery shall be open to conduct business as follows:

(a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday

(b) Visitation: daily from dawn to dusk

11.4. Hansler Cemetery shall be open to conduct business as follows:

(a) Interments: N/A

(b) Visitation: daily from dawn to dusk

11.5. All Cemeteries shall be governed by this By-law and in accordance with the *FBCSA*, as amended or updated from time to time.

11.6. All amendments to this By-law shall be:

(a) published once in a newspaper with general circulation in the Town;

(b) conspicuously posted on a sign at the main entrance to each Cemetery; and

(c) delivered to each supplier of Markers and Monuments that has delivered a Marker or Monument to any Cemetery during the previous year if the amendment pertains to Markers or Monuments or their installation.

11.7. This By-law and all amendments to this By-law are subject to the approval of the BAO or such other Registrar as is appointed under the *FBCSA*.

11.8. The Town shall maintain a register as required by section 110 of Ontario Regulation 30/11 under the *FBCSA* and shall make the said register available for inspection by the public without charge.

11.9. The Town shall have the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close paths or roads, alter in shape or size, or otherwise change all or any part of a Cemetery, subject to approval by the appropriate authorities.

12. General

12.1. The short title of this By-law is the “Cemeteries By-law”.

12.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

12.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

12.4. This By-law shall be read with all changes in number or gender as are required by context.

12.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

12.6. 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.

13. Repeal and Enactment

13.1. By-law No. 3012(2019), being a By-law respecting cemeteries owned by the Corporation of the Town of Pelham, is hereby repealed and replaced.

14. Effective Date

14.1. This By-law shall come into force upon being approved by the BAO or such other Registrar as is appointed under the *FBCSA*.

Read, signed and sealed this 21st day of February, 2024.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

The Corporation of the Town of Pelham

By-law No. 09-2024

Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 61 port Robinson Road, legally described as PLAN 25 PT LOT 17 NP717, Town of Pelham, Regional Municipality of Niagara, from the Residential Development (RD) zone to the site-specific Residential 2-157 (R2-157) zone.

File No. AM-10-2023

WHEREAS Section 34 of the *Planning Act*, RSO 1990, c. P. 13, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it to be in the public interest that such a by-law be enacted;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** Schedule 'C' to Zoning By-law 4481(2022) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the Residential Development (RD) zone to the site-specific Residential 2-157 (R2-157) zone.

2. **THAT** Section 10 of Zoning By-law 4481(2022) as amended, is hereby amended by adding the following:

   Residential 2-157 (R2-157)

   Notwithstanding Section 6.2.2 of the Residential Two Zone, the following special regulation shall apply:

   Maximum Front Yard 6.13 m

   Notwithstanding Section 4.1.4.1(b) of the Parking Space Dimensions and Requirements, the following special regulation shall apply:

   The minimum dimensions of a tandem parking space shall be 2.6m by 5.5m.

   Notwithstanding Section 3.7 of the Encroachment Requirements, the following special regulation shall apply:

   A chimney shall be permitted to encroach 0.52 metres into a side yard.

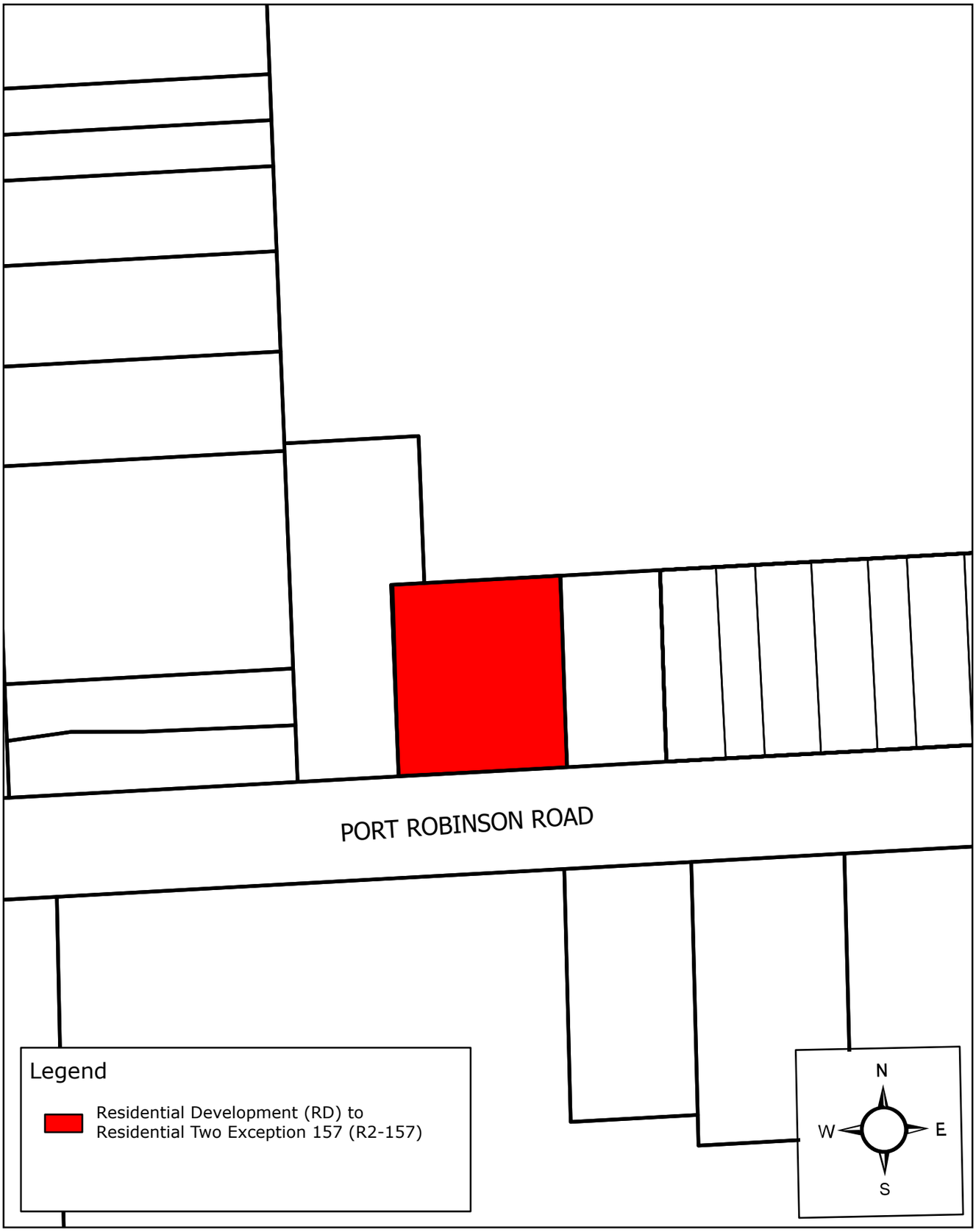
3. **THAT** this Bylaw shall come into force and effect from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act*, 1990, as amended.

Read, enacted, signed and sealed this 21st day of February, 2024.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

Schedule 'A'



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This is Schedule 'A' to By-law No. 09-2024 passed the 21st day of February, 2024.

Mayor: Marvin Junkin

Clerk: William Tigert

The Corporation of the Town of Pelham

By-law No. 10-2024

Being a By-law to Deem Part of a Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 801 Canboro Road.

WHEREAS subsection 50(4) of the *Planning Act, R.S.O. 1990*, c. P.13 (the "Planning Act") authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the Planning Act;

AND WHEREAS Lot 1A North Side East Canboro St, Lot 2 West Side Maple Ave., Lot 3 West Side Maple Avenue, Plan 703 Pelham; Part Lot 2A North Side East Canboro Street Plan 703 Pelham as in RO638122; Town of Pelham are within a plan of subdivision registered for more than eight years;

AND WHEREAS the applicant has made an application to designate these lands pursuant to the provisions of subsection 50(4) of the Planning Act to merge the lots on title;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** the following lands are designated and deemed not to be within a registered plan of subdivision for the purpose of subsection 50(3) of the Planning Act:

   Lot 1A North Side East Canboro St, Lot 2 West Side Maple Ave., Lot 3 West Side Maple Avenue, Plan 703 Pelham; Part Lot 2A North Side East Canboro Street Plan 703 Pelham as in RO638122; Town of Pelham

2. **THAT** upon final passage of this By-law, the Town Clerk shall cause this By-law to be registered in the local Land Registry Office.

Read, enacted, signed and sealed this 21st day of February, 2024.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

The Corporation of the Town of Pelham

By-law No. 11-2024

Being a By-law to exempt Blocks 136, 140, 146, Part Block 160, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17872, Part Block 163, 59M-505 designated as Parts 1 to 6, both inclusive, 59R-17918, 165, 166, 167, 169 on Plan 59M-505, municipally known as 58, 60, 76, 78, 89, 91, 93, 95, 97, 99, 101, 103, 105, 112, and 114 Acacia Road, 44, 46, 48, 50, and 52 Samuel Avenue, 25, 27, 29, 31, and 33 Saffron Way, 170, 172, 174, and 176 Klager Avenue, and 78, 80, 82, and 84 William Street, from Part Lot Control

Saffron Meadows Phase 3 (Mountainview Building Group)
File No. PLC-01-2024

WHEREAS the Council of the Corporation of the Town of Pelham deems that the lands described in Section 1 of this by-law should be exempted from the provisions of Section 50 (5) of the *Planning Act* since such lands are to be used for street townhouse and semi-detached dwelling units as permitted by Zoning By-law No. 4481 (2022), as amended.

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. **THAT** the provisions of Section 50 (5) of the *Planning Act, R.S.O. 1990, c.P.13* as amended shall not apply to the lands described as follows:

   (a) Block 136 on Plan 59M-505, being Parts 1, 2, and 3 on Reference Plan 59R-17916, for the purpose of creating two (2) lots for semi-detached dwelling units as follows:

      1. Part 1 on Reference Plan 59R-17916; and,
      2. Parts 2 and 3 on Reference Plan 59R-17916.

   (b) Block 140 on Plan 59M-505, being Parts 1, 2, and 3 on Reference Plan 59R-17888, for the purpose of creating two (2) lots for semi-detached dwelling units as follows:

      1. Part 1 on Reference Plan 59R-17888; and,
      2. Parts 2 and 3 on Reference Plan 59R-17888.

   (c) Block 146 on Plan 59M-505, being Parts 1, and 2 on Reference Plan 59R-17892, for the purpose of creating two (2) lots for semi-detached dwelling units as follows:

      1. Part 1 on Reference Plan 59R-17892; and,
      2. Part 2 on Reference Plan 59R-17892.

   (d) Part Block 160 on Plan 59M-505, designated as Parts 1, 2, 3, 4, and 5 on Reference Plan 59R-17872, for the purpose of creating five (5) lots for street townhouse dwelling units as follows:

1. Part 1 on Reference Plan 59R-17872.
2. Part 2 on Reference Plan 59R-17872;
3. Part 3 on Reference Plan 59R-17872;
4. Part 4 on Reference Plan 59R-17872; and,
5. Part 5 on Reference Plan 59R-17872.

(e) Part Block 163 on Plan 59M-505, designated as Parts 1, 2, 3, 4, 5, and 6 on Reference Plan 59R-17918, for the purpose of creating five (5) lots for street townhouse dwelling units as follows:

1. Part 1 on Reference Plan 59R-17918;
2. Part 2 on Reference Plan 59R-17918;
3. Part 3 on Reference Plan 59R-17918;
4. Part 4 on Reference Plan 59R-17918; and,
5. Parts 5 and 6 on Reference Plan 59R-17918.

(f) Block 165 on Plan 59M-505, being Parts 1, 2, 3, 4, 5, 6, 7, and 8 on Reference Plan 59R-17927, for the purpose of creating four (4) lots for street townhouse dwelling units as follows:

1. Parts 1 and 2 on Reference Plan 59R-17927;
2. Parts 3 and 4 on Reference Plan 59R-17927;
3. Parts 5 and 6 on Reference Plan 59R-17927; and,
4. Parts 7 and 8 on Reference Plan 59R-17927.

(g) Block 166 on Plan 59M-505, being Parts 1, 2, 3, 4, 5, 6, 7, and 8 on Reference Plan 59R-17951, for the purpose of creating four (4) lots for street townhouse dwelling units as follows:

1. Parts 1 and 2 on Reference Plan 59R-17951;
2. Part 3 on Reference Plan 59R-17951
3. Part 4 on Reference Plan 59R-17951; and,
4. Part 5 on Reference Plan 59R-17951.

(h) Block 167 on Plan 59M-505, being Parts 1, 2, 3, 4, 5, 6, and 7 on Reference Plan 59R-17952, for the purpose of creating five (5) lots for street townhouse dwelling units as follows:

1. Parts 1 and 2 on Reference Plan 59R-17952;
2. Part 3 on Reference Plan 59R-17952;
3. Part 4 on Reference Plan 59R-17952;
4. Part 5 on Reference Plan 59R-17952; and,
5. Parts 6 and 7 on Reference Plan 59R-17952.

(i) Block 169 on Plan 59M-505, being Parts 1, 2, 3, and 4 on Reference Plan 59R-17929, for the purpose of creating four (4) lots for street townhouse dwelling units as follows:

1. Part 1 on Reference Plan 59R-17929;
2. Part 2 on Reference Plan 59R-17929;
3. Part 3 on Reference Plan 59R-17929; and,
4. Part 4 on Reference Plan 59R-17929.

2. **THAT** in accordance with Section 50 (7.3) of the *Planning Act, R.S.O, 1990, c.P, 13 as amended,* this By-law shall expire three (3) years

from the date of the registration of this By-law in the Land Registry Office at which time Section 50 (5) of the *Planning Act R.S.O 1990* shall apply to those lands in the registered plan described in Section 1 of this By-law.

3. **THAT** upon final passage of this By-law, the Town Clerk shall cause this By-law to be registered in the local Land Registry Office.

Read, enacted, signed and sealed this 21st day of February, 2024.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

The Corporation of the Town of Pelham

By-law No. 12-2024

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 21st day of February 2024.

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:

1. (a) The actions of the Council at its meeting held on the 21st day of February, 2024, 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 21st day of February 2024.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk