



# COUNCIL MEETING AGENDA

Tuesday, May 16, 2023

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

All Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

YourTV: The meeting will be aired live on Channel 700

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1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - (6:45 P.M.)
    - 1.1 PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD;
      1. 460 River Road - Agreement of Purchase and Sale.
  2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)
  3. OPEN COUNCIL MEETING - 7:00 P.M.
    - 3.1 NATIONAL ANTHEM
    - 3.2 OPENING REMARKS
    - 3.3 ADDITION/DELETIONS TO AGENDA
    - 3.4 ADOPTION OF MINUTES
      1. Regular Council Meeting of May 2, 2023.
    - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO THE AGENDA BLOCK
    - 3.6 DISCLOSURES OF INTEREST
    - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM THE BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)
  4. ORAL REPORTS AND DELEGATIONS - NIL
  5. COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK
    - 5.1 F&ES-2023-03: Firefighter Memorial Gardens. Ref. No. 23-15 (See By-law 7.1)
    - 5.2 CS-2023-16 - Love My Park - Neighbourhood Park Improvement Campaign Initiative. Ref. No. 23-19

- 5.3 CLK-2023 -14 - Bill 5 - Stopping of Harassment and Abuse By Local Leaders Act, 2022. Ref. No. 21-30
- 5.4 P&B-2023-15 - Cash In Lieu of Parking Policy. Ref. No. 23-22
- 5.5 P&B-2023-16 - Helping Homebuyers, Protecting Tenants Act, 2023 and Proposed Provincial Planning Statement. Ref. No. 23-84

## 6. NEW BUSINESS

- 6.1 Memorandum from Steven Fairweather, Director of Finance, Chief Financial Officer, Treasurer re: 2023 Dividend from Welland Hydro-Electric Holding Corp. Ref. No. 99-43  
**RECOMMENDATION:**  
THAT THE COUNCIL OF THE CITY OF WELLAND, as Sole Shareholder of Welland Hydro-Electric Holding Corp., requests and accepts excess funds of \$1,000,000 by way of a dividend from Welland Hydro-Electric Holding Corp.
- 6.2 Leeann Corbeil, Executive Director, National Chronic Pain Society re: Requesting the Ontario Government maintain OHIP overage for chronic pain treatments. Ref. No. 23-86  
**RECOMMENDATION:**  
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the letter from the National Chronic Pain Society; and further  
THAT Welland City Council requests the Ontario Government maintain OHIP coverage for chronic pain treatments and continue to provide much-needed care for the people of Ontario.
- 6.3 Memorandum from Grant Munday, Director Planning and Development Services re: Staff Comments on Notice of Motion Concerning Urban Forestry. Ref. No. 23-19  
**RECOMMENDATION:**  
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Memorandum provided by staff regarding the Notice of Motion concerning urban forestry.

## 7. BY-LAWS

- 7.1 A By-law to authorize entering into an agreement with the Welland Professional Firefighters Association and the United Steelworkers to locate a monument, memorial stones and similar benches in the south east corner of the property municipally known as 400 East Main Street to honour past members. Ref. No. 23-15  
(See Report F&ES-2023-03)
- 7.2 A By-law to appoint certain Members of Council as Vice Mayor for the period from July 1, 2023 to November 15, 2026. Ref. No. 23-12
- 7.3 A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-17502, Block 2, Registered Plan 59M-500, (1048, 1052, 1056, 1060, 1064, 1070 Hansler Road), City of Welland. Ref. No. 23-85  
(Approved by By-law 2020-143)
- 7.4 A By-law to exempt certain lands from Part-Lot Control - Parts 1-6 (inclusive) on Plan 59R-17505, Block 1, Registered Plan 59M-500, (1084, 1090, 1094, 1098, 1102, 1106 Hansler Road), City of Welland. Ref. No. 23-85  
(Approved by By-law 2020-143)
- 7.5 A By-law to appoint Traffic Enforcement Officers of The Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-law 89-2000 at Seaway Mall and to repeal By-law 2022-113. Ref. No. 23-22

## 8. NOTICES OF MOTION

## 8.1 COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES

## 8.2 NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)

### 1. (Councillor Fokkens)

WHEREAS, a Notice of Motion was approved by Council on Jan 16, 2018 that directed staff to prepare a report to Council by the end of May 18, 2018 to investigate a Tree By-law under the Municipal Act 2001 or the Planning Act regarding saving the Urban Tree Canopy; and

WHEREAS, section 135 of the Municipal Act provides that a local municipality may regulate the destruction or injuring of trees; and

WHEREAS, Welland's Official Plan states:

#### 6.1.2.3.H Tree Saving Plan

Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 6-1, then the applicant shall submit a Tree Saving Plan maintaining, or enhancing, the remaining natural features and ecological functions to be retained. The Plan shall be prepared by a professional forester in accordance with the Regional Tree and Forest Conservation By-law and the City's Tree Conservation By-Law and its implementation monitored by a member of the Ontario Professional Forestry Association; and

WHEREAS, a meeting was held on Feb 5, 2018 with staff and myself to define the notice of Motion and the following criteria was discussed with staff

- Loss of trees due to development
- Importance of trees and protection is identified in our Official Plan, but are we following those guidelines?
- Erosion along the banks of the river and canal due to tree removal – ex. 200 West Main street
- Protection of Heritage Trees and Significant Community Trees Carbon footprint concerns; and

WHEREAS, sample templates of existing Tree-bylaws were provided, as well as contacts from the Ontario Urban Forest Council who were willing to assist staff in preparing a bylaw; and

WHEREAS, information regarding workshops on the preparing of a bylaw was provided to Staff on Feb 6, 2018; and

WHEREAS, a draft was to come to Council on March 26<sup>th</sup>, then April 23<sup>rd</sup> 2019 but was delayed; and

WHEREAS, on Sept 10, 2019, Council approved staff to consult with the public, agencies and other stakeholders prior to reporting back to Council and The Consultation report was presented to Council on Feb 20, 2020, to which Staff then marked the outstanding resolution Complete; and

WHEREAS, it was then determined that the original Notice of Motion was not complete and Staff was required to provide a report to Council; and

WHEREAS, it remains on the Outstanding Resolution list with no completion date proposed.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to liaise with the Ontario Urban Forest Council and provide

a Tree Saving By-law to protect the Urban Canopy by July 11, 2023; and further THAT it also be submitted to the Green Advisory Committee if it is established, prior to July 11, 2023 for their comments. Ref. No. 23-19

2. (Councillor Setaram)

WHEREAS, as the Integrity Commissioner highlighted the importance of creating a positive working environment and providing opportunities to constructively discuss concerns; and

WHEREAS, being equipped to successfully navigate conflict and difficult conversations as an elected official will help to carrying out the business of Council.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to arrange a customized training session, Navigating Conflict Relationships as an Elected Official offered by the Association of Municipalities in 2023, and further

THAT Council is provided the opportunity to submit additional conflict resolution related learning objectives to this session. Ref. No. 02-160

3. (Councillor DiMarco)

WHEREAS, the Council of the City of Welland had successfully approved on April 13, 2021 an Informal Complaint Protocol to encourage persons and organizations to utilize as a means of stopping and remedying a behaviour or activity that is prohibited by the code of conduct for members of Council.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND those who choose, for whatever reason, to eliminate and ignore this council approved procedure and proceed directly to the Integrity Commissioner thus burdening the costs on the taxpayer be held accountable to reimburse full costs associated to such and be held responsible for full reimbursement to the City of Welland payable within 15 days after the IC invoice is received. Ref. No. 02-160

4. (Councillor Fokkens)

WHEREAS, individuals, families, and businesses in Welland are struggling because of nation and province-wide systemic gaps in addressing homelessness, mental health, and addiction; and

WHEREAS, the Canada Health Act's primary objective is to protect, promote and restore the physical and mental well-being of residents; and

WHEREAS, Niagara Regional Council has adopted a motion to declare mental health, homelessness, and addiction as an emergency; and

WHEREAS, the City of Welland has experienced a dramatic increase in individuals living rough throughout the community, both within public spaces as well as derelict and vacant private properties; and

WHEREAS, Welland City Council fully funded a pilot emergency shelter in February and March 2023 – 8 weeks for three days a week where 89 overnight stays were recorded showing a need in Welland for additional emergency shelter accommodations; and

WHEREAS, Welland City Council approved a motion on March 27<sup>th</sup>, 2023 requesting the Provincial Government acknowledge that homelessness in Ontario is a social, economic and health crisis, and commit to ending homelessness in Ontario, in addition to working with the Association of Municipalities of Ontario to

develop an action plan regarding homelessness; and  
WHEREAS, City staff at various levels, from multiple departments, are often taken away from regular duties to coordinate and clean-up encampments and an increase in the number and size of encampments has led to concerns about the safety and well-being of individuals living rough as well as the impact of the surrounding community, and as encampments have created additional workload on City crews at the expense of other core service functions due to a shortage of funding and adequate intervention from other levels of government; and  
WHEREAS, street outreach, emergency shelter, rent allowances, and affordable housing are not able to accommodate the increased number and acuity of clients presenting with significant mental health and addictions needs, and to successfully and sustainably support clients to exit from unsheltered homelessness without intensive health supports in the community or as part of a supportive housing program; and further  
WHEREAS, the City of Welland lacks the jurisdiction and the financial and technical resources to meaningfully address systemic gaps in effective service delivery to those experiencing homelessness, mental health, and addiction.  
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND declares a mental health, homelessness and addiction crisis in the City of Welland; and  
THAT Welland City Council calls on the federal and provincial governments to declare national and provincial state of emergencies on mental health, homelessness, and addiction that includes direct and culturally relevant support to Indigenous peoples; and  
THAT Welland City Council reaffirms its call for the province to work with all levels of government to provide a comprehensive and long-term financial commitment to create more affordable and supportive housing for people in need, with wraparound services to address the specific needs of those with substance use and mental health needs; and  
THAT Welland City Council condemns the discrimination of people living with mental illness, people who are unhoused homeless and / or people living with addiction, within the community; and further  
THAT that this resolution be circulated to all Niagara area municipalities, the Office of the Premier of Ontario, the Federal Minister of Housing and Diversity and Inclusion, Niagara Area MPPs and MPs, the Ontario Solicitor General, the Association of Municipalities of Ontario, Federation of Canadian Municipalities, and all Niagara Region Municipalities. Ref. No. 21-30

5. (Councillor Setaram)

WHEREAS, the Association of Municipalities Ontario in partnership with Hicks Morley, the Kojo Institute have developed new training to support elected officials in understanding their obligations under the law specific to human rights and how to work towards creating equitable outcomes for constituents; and

WHEREAS as the issues of human rights, diversity, equity, and inclusion is an important aspect of municipal leadership.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to arrange a customized training session, Human Rights and Equity: The Role and Obligations of Municipal Leaders offered by the Association of Municipalities not later than Q2 in 2024. Ref. No. 02-160

**8.3 CALL FOR NOTICES OF MOTION (TO BE INTRODUCED AT THE NEXT SCHEDULED COUNCIL MEETING)**

**9. CORPORATION REPORTS**

**9.1 MAYOR'S REPORT**




**9.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT**

**10. CONFIRMATORY BY-LAW**

**10.1 A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 16th day of May, 2023. Ref. No. 23-1**

**11. ADJOURNMENT**

**COUNCIL**  
**FIRE AND EMERGENCY SERVICES**

APPROVALS	
DIRECTOR	
CFO	
CAO	

**REPORT F&ES-2023-03**  
**May 16, 2023**

23-15

**SUBJECT:                FIREFIGHTER MEMORIAL GARDENS**

**AUTHOR and  
APPROVING  
DIRECTOR:            ADAM ECKHART, MPS, BPSA, ECFO  
                             FIRE CHIEF AND COMMUNITY EMERGENCY MANAGEMENT  
                             COORDINATOR**

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND repeal by-law 2013-107, a by-law to authorize entering into an agreement with the Welland Professional Firefighters Association to locate a monument at the fire station (636 King St.) to honour past members.

THAT COUNCIL create a by-law to authorize entering into an agreement with the Welland Professional Firefighters Association IAFF Local #481 and the United Steelworkers Local #1-1000 to locate a Monument, Memorial Stones, and similar benches in the South East Corner of the property at 400 East Main St. to honour past members.

THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute this agreement.

**ORIGIN AND BACKGROUND:**

Approximately 10 years ago the Welland Professional Firefighters purchased and installed a stone monument at the former headquarters building. With the support of Council, and staff it proudly remained there until the ultimate construction began. The monument has since been moved to temporary and safe storage. City Council authorized a formal Letter of Agreement between the Firefighter's Union and the City. The revised proposed agreement is attachment C of this report.

During the design and layout of the new Fire Department Headquarters building located at 400 East Main St., the front portion of the property was earmarked for the return and enhancement of the monument. This area, now considered the Memorial Gardens will incorporate the Monument and Benches, previously enjoyed at King St. Firehall, but will now include the Volunteer Firefighters, Memorial Stones. Combined in one site, with appropriate sidewalks, stormwater control, protective fencing, illuminated flag poles, and complimentary gardens, the Memorial Gardens will be a predominant addition to our downtown and a proud testament to the brave women and men who proudly served our community.

The construction of the monument, vertical stones, benches and the required maintenance will remain the financial responsibility of the Unions.

Concrete and accompanying work for the pathway to the center area, supports and foundations for the monument, benches, and vertical stones are being provided at no additional cost by the contract company while they complete the sidewalks, surface paving, flag poles, and other works on site. Rankin Construction has been selected and approved by Council, and they have expressed their appreciation for the Firefighters and their previous support and contributions to other fire departments for similar projects.

The Parks Division has provided landscape design and is able to help install vegetation and provide ongoing maintenance to the property.

**COMMENTS AND ANALYSIS:**

**FINANCIAL CONSIDERATION:**

NIL

**OTHER DEPARTMENT IMPLICATIONS:**

The Parks Division will assist with designing and installing the gardens and vegetation as required throughout the project.

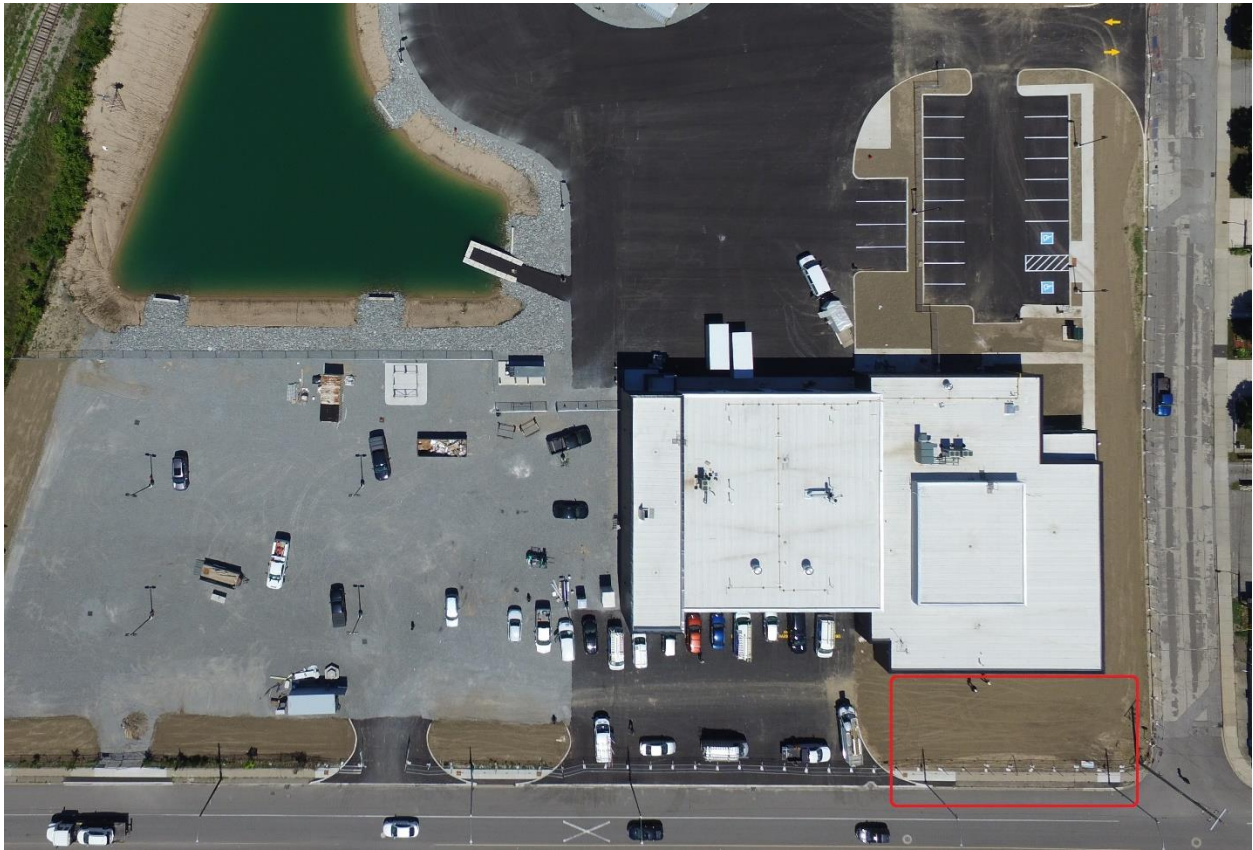
**SUMMARY AND CONCLUSION:**

The move to the new Headquarters building at 400 East Main St. provides a beautiful setting for a nicely designed, allowing members and citizens to enjoy the beauty of the features while reflecting on the sacrifices of Welland Firefighters over the years. The design, construction, and maintenance of the Memorial Gardens fall within budget and maintenance allocations and the firefighter unions will contribute to the construction and ongoing maintenance requirements. The Memorial Gardens is a beautiful venue to host the department's memorial services and will be an attractive landscape feature that is rightly positioned at the front of our main facility.

**ATTACHMENTS:**

Attachment A – Site plan of the Memorial Gardens  
Attachment B – Memorial Gardens layout as approved by Fire Department Committee  
Attachment C – Proposed agreement between both unions and the City

Attachment A – Site plan of the Memorial Gardens



The red outline in the bottom right corner shows the location (facing East Main St.) where the Memorial Gardens will be located.

Attachment B – Memorial Gardens layout as developed by Fire Department Committee



***MAIN ST. FIRE HALL***

Attachment C – Proposed agreement between Firefighter's Unions and the City

**THIS AGREEMENT** made this                      day of                      , 2023

B E T W E E N:

**THE CORPORATION OF THE CITY OF WELLAND**

Hereinafter referred to as the "**City**"

- AND -

**WELLAND PROFESSIONAL FIRE FIGHTERS ASSOCIATION**

Representing all fulltime suppression, training, fire prevention employees and hereinafter referred to as "**WPFFA**", or as one of two unions referred to hereafter as "**the Union**", which may refer to both or either union as appropriate and intended.

- AND -

**UNITED STEELWORKERS**

Representing all volunteer suppression employees and hereinafter referred to as "**USW**", or as one of two unions referred to hereafter as "**the Union**", which may refer to both or either union as appropriate and intended.

**WHEREAS** the City is the owner of certain lands located at the fire station at 400 East Main St. (the "**Fire Station**");

**AND WHEREAS** the WPFFA wishes to construct a monument, including stone benches, and one of two vertical stones to recognize the names and/or contributions of past members of the WPFFA (the "**Monument**"), which Monument would be located on a certain portion of the fire station site located at

the municipal address 400 East Main St. in the City of Welland so designated by the City (the “**Site**”);

**AND WHEREAS** USW wishes to construct one of two vertical stones to recognize the names and/or contributions of past members of the USW (the “**Memorial Stones**”) which would be located on a certain portion of the fire station site located at the municipal address 400 East Main St. in the City of Welland so designated by the City (the “**Site**”);

**AND WHEREAS** the parties wish to enter into an agreement to deal with the construction of the Monument and Memorial Stones as well as the maintenance of same;

**NOW THEREFORE THIS AGREEMENT WITNESSETH**, that in consideration of the mutual covenants and agreements herein contained the parties hereto covenant and agree as follows:

1. The WPFFA shall be permitted to construct the Monument, one of two vertical stones and two matching benches on the Site as designated by the City. The WPFFA agrees that it will acquire a professionally manufactured Monument of dark coloured polished stone resembling a short obelisk in style, surmounted by a stone in the shape of a stylized Maltese Cross which is the universal symbol of the fire service, all to be mounted on a suitable decorative concrete base flush with the ground, overall height to be approximately 7 feet.

2. USW shall be permitted to construct one of two Memorial Stones on the Site as designated by the City. The USW agrees that it will acquire professionally manufactured Memorial Stone of dark coloured polished stone, all to be mounted on a suitable decorative concrete base flush with the ground, overall height to be less than 7 feet.

3. The Monument, Benches, and Memorial Stones shall be constructed on a pad, all at the expense of the Union, and shall be completed to the entire satisfaction of the City. The Union will also install, at its expense, a plaque and/or suitable engraving(s) on the stone(s) with suitable inscription(s). In this regard, The Union shall supply copies of all drawings and specifications to the City for its review and approval.

4. The City will provide the Union with access to the Site to allow the pad and the Monument to be constructed and then access annually, or as otherwise required pursuant to this agreement, to carry out the necessary maintenance.

5. The Union agrees, at its sole expense, to maintain and repair the Monument throughout the term of this agreement. As a minimum, agrees to wash and if appropriate seal the Monument and Memorial Stones twice a year in order to keep the stone in good appearance throughout the term of this agreement. Without limiting the generality of the foregoing, The Union shall ensure that the finished surface of the Monument does not suffer from decay or disrepair and does not remain in a disfigured state if it is subjected to acts of vandalism. The Union shall respond promptly to all conditions, including vandalism, that create a need for

maintenance or repair of the Monument. If, in the opinion of the City, the maintenance of the Monument falls below the agreed upon high standard of visual appearance, the City shall cause notice of such lack of maintenance or repair to be forwarded to the Union setting out the required repair or maintenance to be performed within the time period as specified in the notice.

6. The Union agrees that if the Site ceases to be City owned or controlled property and/or if Site is repurposed by the City to, in the City's sole discretion, an incompatible purpose that the Monument and/or Memorial Stones shall be removed from the Site by the Union upon 60 days written notice by the City demanding its removal. After removal, the Union shall reinstate the Site of the Monument and/or Memorial Stones to the satisfaction of the City. Failure to remove the Monument and/or Memorial Stones on demand shall be a breach of this agreement.

7. The City agrees that the Union may remove the Monument and/or Memorial Stones from the Site at its sole discretion upon 60 days written notice to the City of its intention to do so, whereupon the Union shall remove the Monument and/or Memorial Stones within an additional 60 days. Immediately after removal, the Union shall reinstate the Site of the Monument and/or Memorial Stones to the satisfaction of the City.

8. This agreement shall stay in effect for as long as the Monument and/or Memorial Stones is located at the Site.

9. The Union covenants and agrees that it will review all statutes, regulations, codes and by-laws applicable to the plans, drawings and specifications of the Monument and/or Memorial Stones and where necessary, obtain all necessary licences and permits required to construct.

10. The Union will be solely responsible for payment of any costs associated with the construction of the Monument and/or Memorial Stones and shall be responsible for removing any liens against title to the Site in regard to the cost for construction of same.

11. In the event that the Union is in default or breach of any covenant, term or condition contained in this agreement, then the City shall be permitted to give the Union written notice of such default or breach and the Union shall be required to rectify such default or breach within the time period as set out in the notice (provided that unless it is a situation of emergency, the City shall be required to give the Union a minimum of fifteen (15) days to rectify such default or breach). If the Union fails to rectify such default or breach within such time then the City may do any or all of the following:

- (a) carry out the necessary actions to rectify such default or breach at the expense of the Union; or
- (b) terminate this agreement at its option and demand that the Monument and/or Memorial Stones be removed, at the expense of the Union, failing which the City may remove and dispose of the Monument and/or Memorial Stones itself, at the expense of the Union.

All costs, charges and expenses so paid or incurred by the City as aforesaid may be recovered from the union by action, cause or demand or in like manner as municipal taxes.

12. The Union shall, throughout the term of this agreement, indemnify and save the City harmless from and against all actions, suits, claims and demands which may be brought against or made upon the City and from all loss, costs, charges and expenses which may be incurred, sustained or paid by the City in consequence of the installation or maintenance of the Monument and/or Memorial Stones.

13. Any notice or other writing required or permitted to be given under this agreement or for the purposes hereof (referred to in this paragraph as a "notice") to any party shall be sufficiently given if delivered personally, or if sent by prepaid registered mail or if transmitted by fax or other form of recorded communication tested prior to transmission to such party:

in the case of a notice to the City at:

60 East Main Street  
Welland, ON L3B 3X4

in the case of a notice to The Union through normal internal communications:

Welland Professional Fire Fighters Association,  
c/o President  
Welland, ON

United Steel Workers  
c/o Chairperson  
Welland, ON

or at such other address as the party to whom such writing is to be given shall have last notified the party giving the same in the manner provided in this paragraph. Any notice delivered to the party to whom it is addressed as provided in this paragraph shall be deemed to have been given and received on the day it is so delivered at such address, provided that if such day is not a business day then the notice shall be deemed to have been given and received on the business day next following such day. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth business day next following the date of its mailing. Any notice transmitted by fax or other form of recorded communication shall be deemed given and received on the first business day after its transmission. For the purpose of this agreement, "business day" shall mean a day other than Saturday or Sunday on which the commercial banks located at Welland, Ontario are open for business during normal banking hours.

14. This agreement may not be assigned by the Union without the written consent of the City, which consent may not be unreasonably withheld.

15. No waiver by either party shall be effective unless in writing, and a waiver shall affect only the matter, and the occurrence of it, specifically identified in the writing and granting the waiver shall not extend to any other matter or occurrence.

16. This agreement constitutes the whole agreement between the parties in connection with the subject matter of this agreement and no modification shall be binding upon the parties unless it is in writing and signed by the respective parties.

17. This agreement shall be governed by and interpreted in accordance with the laws of the Province of Ontario.

18. This agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

19. No part or any dispute arising from this agreement shall be eligible to refer to the grievance process or the arbitration system unless specifically permitted by law within the Jurisdiction.

**IN WITNESS WHEREOF** the parties hereto have executed and delivered  
this agreement as of the date first written above.

SIGNED, SEALED AND DELIVERED

**THE CORPORATION OF THE CITY OF  
WELLAND**

**PER:** \_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

**WELLAND PROFESSIONAL FIRE FIGHTERS  
ASSOCIATION**

**PER:** \_\_\_\_\_




I have the authority to bind the Association.

**UNITED STEELWORKERS**

**PER:** \_\_\_\_\_

I have the authority to bind the Union.

**COUNCIL**  
**COMMUNITY SERVICES**  
**PARKS & FORESTRY DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-19

**REPORT CS-2023-16**  
**May 16, 2023**

**SUBJECT: LOVE MY PARK – NEIGHBOURHOOD PARK IMPROVEMENT  
CAMPAIGN INITIATIVE**

**AUTHORS: DAVE STEVEN, ACTING MANAGER OF PARKS & OPEN  
SPACES, and  
AMANDA DEGAZIO, MANAGER OF BUSINESS AND  
COMMUNITY SERVICES**

**APPROVING  
DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES**

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the City of Welland Community Services Department – LOVE MY PARK – Neighbourhood Park Improvement Campaign; and further

That the Welland City Council members nominate one park in your ward and inform staff of their choice by May 19, 2023.

**ORIGIN AND BACKGROUND:**

The Parks, Recreation and Culture (PRC) Master Plan states, “Parks are dynamic places. They are hubs for community gatherings, physical activity, and to simply get fresh air. Well-designed Park systems offer social, environmental, health, and economic benefits and have the potential to bring people together.” The City of Welland parks system plays an important role locally and throughout Niagara. Nearly 400 hectares of active and passive parkland are owned by the City of Welland, over half of which is attributed to the Welland Recreational Corridor (approximately 242 hectares of land and waterway).

Recommendation #19 of the PRC Master Plan states, “Park and Trail development / redevelopment projects should integrate comfort elements to encourage public use. At a minimum, elements may include shade, seating, lighting and/or washrooms where appropriate”.

## **COMMENTS AND ANALYSIS:**

To fully realize and expand upon recommendation #19, the Community Services Department is excited to start this new and high-profile public engagement campaign, Love My Park. Starting with park selections, staff request that each pair of ward councillors choose one park in their ward for the 2023 Love My Park – Neighbourhood Improvement Campaign. The chosen park should be one that you hear most from your constituents on that needs some care or improved amenities (e.g., more benches, better lighting etc.). Once the parks are chosen, public engagement activations will occur, from onsite activities in the park facilitated and animated by city staff to online voting and idea sharing.

This engagement will give each neighbourhood resident input on improving their park. We will encourage families, children, adults, and seniors to share their experiences and their ideas. By engaging the community, we get a true perspective on how the park is currently used and how residents envision the park to be. Love My Park is intended to be a high-profile campaign developed in partnership with councillors, residents, and staff within the City of Welland. It aspires to enhance the City's current park and open spaces by improving accessibility, usability, quality, and appearance of our vast parkland for use by residents and visitors of the City of Welland. A hopeful outcome of this program is to empower the community to be more involved and create a feeling of ownership, pride, and identity in their park. This opportunity may create more neighbourhood associations or informal groups, identify neighbourhood champions, allow for the opportunity for residents to be actively involved (e.g., choosing certain amenities, assisting with designs, leveraging grant writing for larger possibilities, and providing sweat equity involvement (e.g., building a community garden).

This program isn't designed to complete a total park renewal nor provide significant capital amenities investment like a splash pad or a skateboard park, given the time and planning that would be required. However, should ideas and requests come forward for a park that requires more significant investments, staff will identify what can be done in the short term, and begin to plan for what could be done in the future as part of long-term planning and budgeting.

After the hosted sessions in each of the six wards, staff will move forward with preparing ideas and estimated pricing to help guide residents in selecting the potential project(s) to enhance parks within their ward/neighbourhood. Potential Park Improvements that are supported in the Welland Parks, Recreation & Culture Masterplan could include:

- Horticultural/Landscaping Improvements - Gardens, Trees, Pollinators and learning spaces.
- Park equipment Improvements – bike repair stations & air pumps, outdoor workout equipment, drinking fountain, enhanced playground features, and benches.
- Accessibility improvements – trail enhancements, additional sidewalks, enhanced paving to benches and pavilions.

- Park signage Improvements – rules and information, wayfinding signage, name of park and location.
- Public Art – paintings, sculptures, fountains.
- Safety and security enhancements like lighting, bollards etc.
- General enhancements to various sports fields.
- Shade and the creation of an improved tree canopy.

#### **TIMELINE:**

- Public Engagement Events - June and July 2023
- Short-term items – July to December 2023
- Long-Term items – To be captured as part of the 2024 budget process.

Below is a tentative schedule for when various Love My Park engagement sessions will be hosted, along with a potential rain date. Engagement sessions will be hosted in the park chosen by each of the ward councilors. Staff request that council members in each ward nominate one park in your ward and inform staff of their choice by May 12, 2023. Details and dates would then be published through the City's website and Engage Welland.

<b>WARD</b>	<b>2023 CHOSEN PARK</b>	<b>PUBLIC ENGAGEMENT DATE</b>	<b>RAIN DATE</b>
<b>1</b>	TBD	Wednesday, May 31, 2023	Thursday, June 1, 2023
<b>2</b>	TBD	Wednesday, June 7, 2023	Thursday, June 8, 2023
<b>3</b>	TBD	Wednesday, June 14, 2023	Thursday, June 15, 2023
<b>4</b>	TBD	Wednesday, June 21, 2023	Thursday, June 22, 2023
<b>5</b>	TBD	Wednesday, July 12, 2023	Thursday, July 13, 2023
<b>6</b>	TBD	Wednesday, July 19, 2023	Thursday, July 20, 2023

#### **FINANCIAL CONSIDERATIONS:**

Various funding sources will be used to fund these initiatives based on what is created as short-term opportunities for each of the parks. This includes:

- Various Operating Accounts, such as:
  - 410 (Parks & Open Spaces)
  - 412 (Playing Fields)
  - 415 (Forestry)
  - 447 (Rec Canal)
- Various Capital Accounts, such as:
  - General Parkland Renewal and Restoration 10-410-23410
  - Parks & Trails Condition Assessment 10-410-23424
  - Recreational Corridor Improvements 10-410-23402
  - Public Art Projects 10-410-23419

As noted in the 2023 capital budget and future forecast, specific capital projects are also listed. This initiative isn't meant to draw for or alter any of these projects as previously planned for and budgeted (e.g., various play structure replacements).

**OTHER DEPARTMENT IMPLICATIONS:**

Communications, Finance, Clerks, and Legal Services will play a role in the campaign's various aspects. These aspects include but are not limited to engagement visuals and marketing, contract administration for tendering, agreement, and contract payments.

**SUMMARY AND CONCLUSION**


The main objective of the Love My Park program is to ensure parks provide quality places for people to play of all ages, through meaningful engagement opportunities. We know that social cohesion is central to what makes a safe, strong community and encourages quality, inclusion, and diversity. Furthermore, opportunities for people of all ages and backgrounds to come together around a common interest are highly rewarding, creating lasting bonds, mutual understanding and community pride and ownership. Should this program be successful in 2023, staff may continue with this work in future years.

**ATTACHMENTS:**


Appendix A – Overview Map of Wards

Appendix B – Geographic Distribution of Parkland in Welland

**Ward 1**




Mary Ann Grimaldi




Adam Moote

**Ward 2**




David McLeod




Leo Van Vliet

**Ward 3**




Sharmila Setaran




John Chiocchio

**Ward 4**




Tony Dimarco




Brian Green

**Ward 5**



Claudette Richard



Graham Speck

**Ward 6**



Jamie Lee

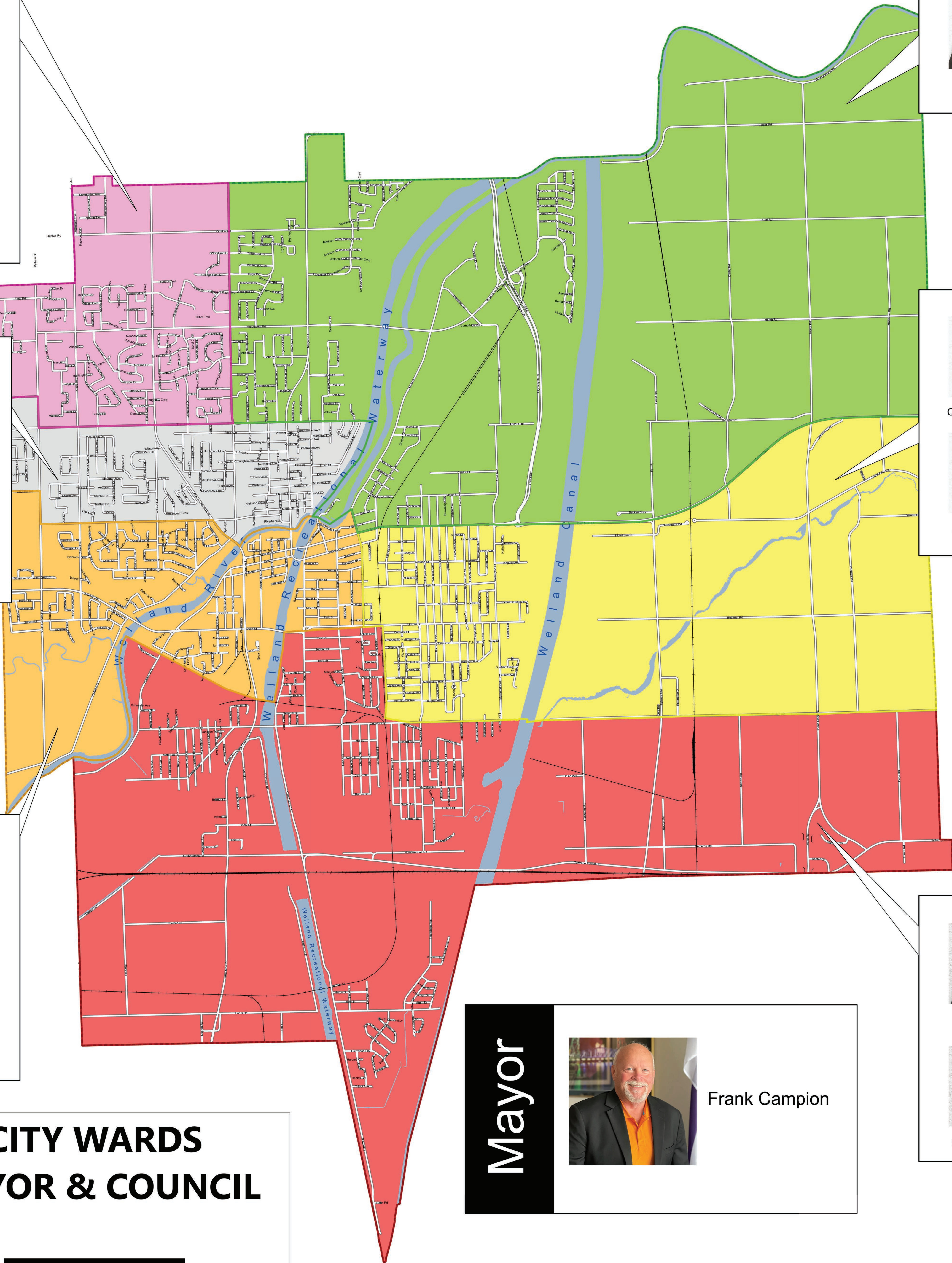


Bonnie Fokkens

**Mayor**



Frank Campion



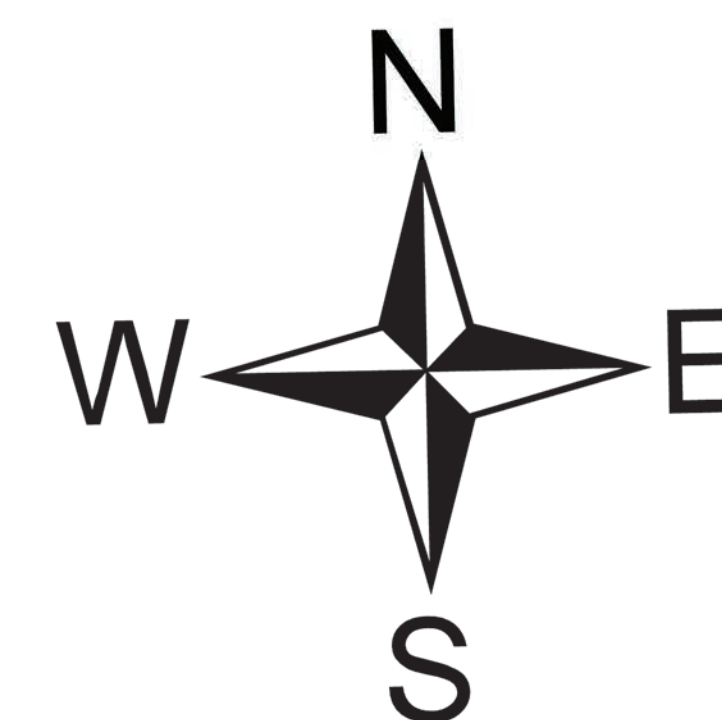
## CITY WARDS MAYOR & COUNCIL

### LEGEND

- RIVERS, CANALS
- ROADS
- MUNICIPAL BOUNDARY

The information contained in this map may represent unintended errors or distortions of fact and the City of Welland (the City) makes no representations or warranties, express or implied, as to the accuracy or completeness of the data and all information should be verified independently. This map is not a legal plan of survey. Depictions of property lines and other features are provided for schematic purposes and should be used for reference only. No part of these drawings, or information, or hard copies made from them may be reproduced and/or distributed without written permission from the City.

Information Services  
GIS Services



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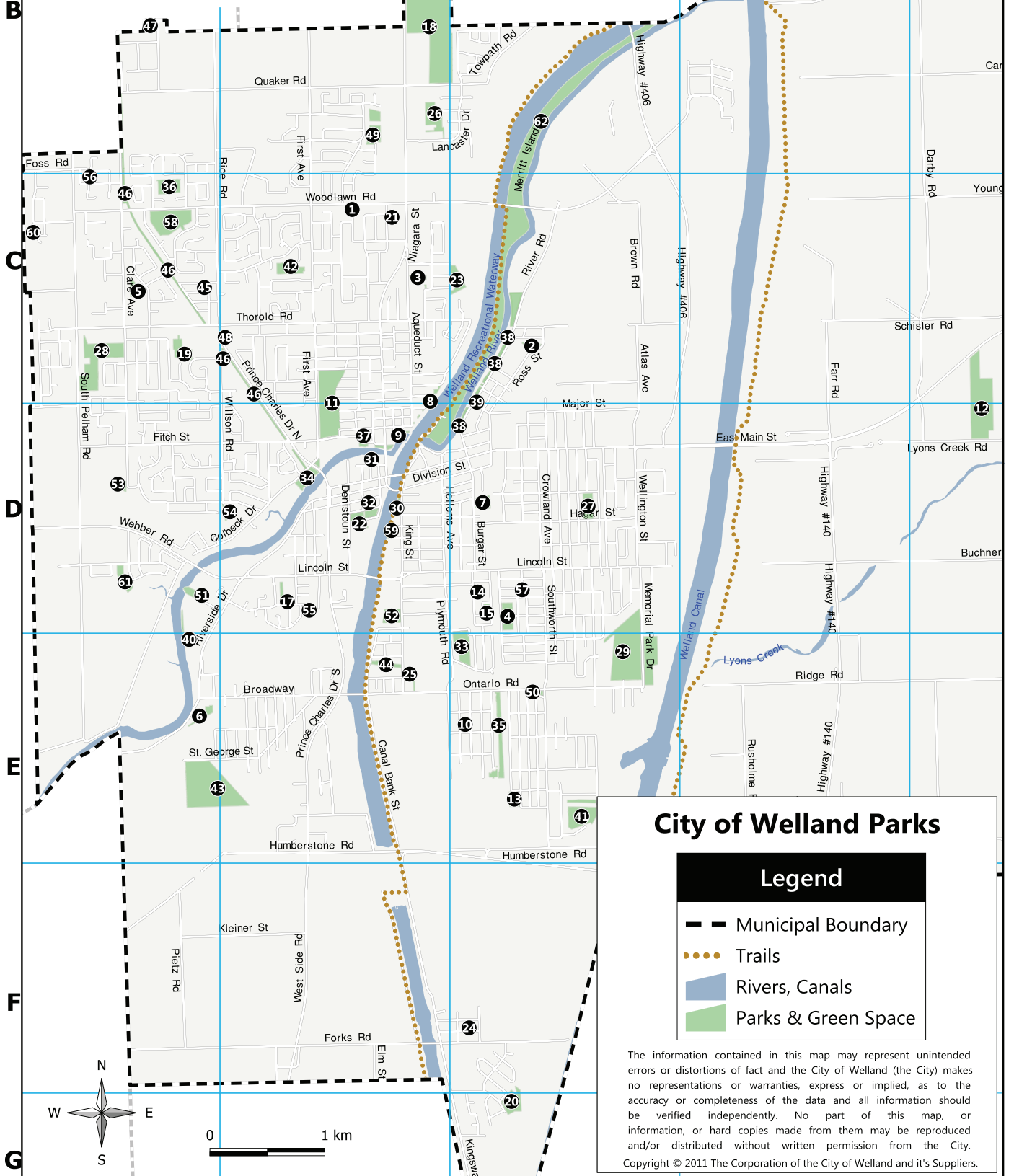
3

4

5



# The Corporation of The City of Welland






City of Welland Parks Map KEY		
No.	Park Name	Grid #
1	Abbey Road Woodlot	C2
2	Almond Street Park	C3
3	Aqueduct Park	C2
4	Bemus Park	D3
5	Bridlewood Park	C1
6	Broadway Park	E1
7	Burgar Park	D3
8	WRCC Lands	D2
9	WRCC Lands	D2
10	Chaffey Park	E3
11	Chippawa Park	C2-D2
12	Cooks Mills Park	D5
13	Deere Street Park	E3
14	Dover Park	D3
15	Dunkirk Park	D3
17	Elmwood Park	D2
18	Exhibition / Sports Complex	B2
19	Glen Park	C1
20	Glenwood Park	G3

No.	Park Name	Grid #
21	Gram Avenue Park	C2
22	Hooker Street Tennis Club	D2
23	Jennifer Park	C3
24	John Deere Playground	F3
25	King Street Park	E2
26	Lancaster Park	B2
27	Manchester Park	D3
28	Maple Park	C1
29	Memorial Park	D3-E3
30	Merritt Park	D2
31	Mill Street Park	D2
32	Museum	D2
33	Plymouth Park	E3
34	Prince Charles Park	D2
35	Raillands Park	E3
36	Ricelawn Park	C1
37	Riverbank Park	D2
38	River Road Park	C3
39	River Road Playground	C3
40	Riverside Park	E1
41	Seaway Park	E3

No.	Park Name	Grid #
42	Sherwood Forest Park	C2
43	St. George Park	E1-E2
44	Station Park	E2
45	Stop 19 Park	C1
46	Stop 19 Pathway	C1-D2
47	Summerlea Park	B1
48	Thorold Road Park	C2
49	Trelawn Park	B2
50	Triangle Park	E3
51	Waterview Park	D1
52	Welland Arena	D2
53	Westbrook Park	D1
54	Willson Park	D2
55	Windsor Park	D2
56	Winfield Park	C1
57	Winstonville Playground	D3
58	Woodlawn Park	C1
59	WRCC Lands	D2
60	Brookhaven Park	C1
61	Coyle Creek Park	D1
62	Merritt Island	B3-D2

**COUNCIL**  
**OFFICE OF THE CAO**  
**CLERKS DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-30

**REPORT CLK-2023-14**  
**MAY 16, 2023**

**SUBJECT: BILL 5 – STOPPING OF HARASSMENT AND ABUSE BY LOCAL LEADERS ACT, 2022**

**AUTHOR: TARA STEPHENS, CITY CLERK**

**APPROVING DIRECTOR: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,  
CHIEF ADMINISTRATIVE OFFICER**

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, report CLK-2023-14: Stopping of Harassment and Abuse by Local Leaders Act, 2022; and THAT WELLAND CITY COUNCIL express support for Bill 5, Stopping Harassment and Abuse by Local Leaders Act, and further THAT this resolution be forwarded to Honorable Doug Ford, Premier of Ontario, Jeff Burch, MPP for Welland, and Association of Municipalities of Ontario (AMO).

**ORIGIN AND BACKGROUND:**

On May 2, 2023, Welland City Council referred a notice of motion regarding Bill 5, Stopping of Harassment and Abuse by Local Leaders Act, 2022, back to staff to prepare a report outlining the details of the Bill and a response from the Integrity Commissioner.

**COMMENTS AND ANALYSIS:**

The Bill amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006*. The amendments require the code of conduct for municipal councillors and members of local boards to include a requirement for those councillors and members to comply with workplace violence and harassment policies.

The amendments also permit municipalities and local boards to direct the Integrity Commissioner to apply to the court to vacate a member's seat if the Commissioner's inquiry determines that the member has contravened the code of conduct by failing to comply with the workplace violence or harassment policies. These applications may not be made during regular elections.

Where a member's seat on the council of a municipality or a local board is vacated, the amendments contemplate restrictions on the member's ability to subsequently stand for election and be reappointed to the council of the municipality or the local board.

### **Additional details regarding Bill 5, Stopping of Harassment and Abuse by Local Leaders Act, 2022.**

#### **Required content**

The codes of conduct for members of the council of the municipality and of its local boards must include a requirement for the members to comply with the policies with respect to workplace violence or harassment that are established by the municipality or its local boards under section 32.0.1 of the *Occupational Health and Safety Act*.

#### **Workplace violence or harassment**

In addition to imposing either of the penalties set out in subsection (5), the municipality or local board may direct the Commissioner to make an application to vacate the member's seat in accordance with section 223.4.0.1 if the Commissioner reports that, in their opinion, the member has contravened the code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment.

#### **Workplace violence or harassment application**

If directed to do so by a municipality or local board under subsection 223.4 (6.1), the Commissioner shall apply to a judge of the Superior Court of Justice for a determination of whether a member of the council of the municipality or local board has contravened the municipality's or local board's code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment.

#### **No application during regular election**

No application shall be made under this section during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.

#### **Contents of notice of application**

The notice of application shall state the grounds for finding that the member contravened the municipality's or local board's code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment.

#### **Penalty**

If the judge determines that the member has contravened the code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment, the judge may declare the member's seat vacant.

#### **Same**

A member whose seat on the council of a municipality or on a local board has been vacated under subsection (4) is ineligible to stand as a candidate at any subsequent elections respecting the council of the municipality or the local board or to be appointed

to the council of the municipality or the local board during the period beginning on the day on which the member's seat is declared vacant and ending on the day of the second subsequent regular election.

**FINANCIAL CONSIDERATION:**

No financial considerations required.

**OTHER DEPARTMENT IMPLICATIONS:**

No other department implications.

**SUMMARY AND CONCLUSION:**

This staff report has been prepared as requested by Welland City Council.

**ATTACHMENT:**

**Appendix I** – Response Letter from Integrity Commissioner, Deborah C. Anschell

**Appendix II** – Bill 5 – An Act to Amend Various Statutes with Respect to Workplace Violence and Harassment Policies in Codes of Conduct for Councillors and Members of Local Boards



**ADR**  
CHAMBERS

**Integrity Commissioner Office**  
for the City of Welland

**DEBORAH ANSHELL**

Integrity Commissioner  
for the City of Welland

[integrity@adr.ca](mailto:integrity@adr.ca)

May 11, 2023

Sent by email to:

**Tara Stephens**

**City Clerk**

Office of the Chief Administrative Office

Clerk's Division

[tara.stephens@welland.ca](mailto:tara.stephens@welland.ca)

**Re: Support/Objection Letter – Bill 5**

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Dear Ms. Stephens:

This is further to your communication of May 3, 2023. You advised me that a Member of Council has proposed a motion in relation to *Bill 5, Stopping Harassment and Abuse by Local Leaders Act, 2022*. You have asked me to comment on the motion identifying my support or opposition relating to Bill 5.

My duties and scope of work as Integrity Commissioner are defined by the *Municipal Act, 2001*, S.O. 2001, c. 25. The legislation does not allow me as an Integrity Commissioner to advise councils about policy. That is not technically in the list of duties contained in s. 223.3 of the *Act*.

Therefore, notwithstanding your request, it would be inappropriate for me to offer a personal opinion on the proposed legislation. I support Welland Council in whatever decision it deems to be most appropriate, and would welcome the expanded role for Integrity Commissioners if the legislature deems fit to expand it.

I wouldn't want to comment favourably or unfavourably on this particular policy as it could be seen as affecting my neutrality.

I hope that you understand my position, given the constraints of my role. I look forward to hearing the result of the proposed motion.

Yours very truly,

A handwritten signature in blue ink, appearing to read "D. Anschell". The signature is written in a cursive, flowing style.

Deborah Anschell, Integrity Commissioner for the City of Welland

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO  
71 ELIZABETH II, 2022

## Bill 5

**An Act to amend various statutes with respect to  
workplace violence and harassment policies in codes of conduct  
for councillors and members of local boards**

**Mr. S. Blais**

**Private Member's Bill**

1st Reading      August 10, 2022

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The Bill amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006*.

The amendments require the code of conduct for municipal councillors and members of local boards to include a requirement for those councillors and members to comply with workplace violence and harassment policies.

The amendments also permit municipalities and local boards to direct the Integrity Commissioner to apply to the court to vacate a member's seat if the Commissioner's inquiry determines that the member has contravened the code of conduct by failing to comply with the workplace violence or harassment policies. These applications may not be made during regular elections. Where a member's seat on the council of a municipality or a local board is vacated, the amendments contemplate restrictions on the member's ability to subsequently stand for election and be reappointed to the council of the municipality or the local board.

**An Act to amend various statutes with respect to  
workplace violence and harassment policies in codes of conduct  
for councillors and members of local boards**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

***Municipal Act, 2001***

**1 Section 223.2 of the *Municipal Act, 2001* is amended by adding the following subsection:**

**Required content**

(1.1) The codes of conduct for members of the council of the municipality and of its local boards must include a requirement for the members to comply with the policies with respect to workplace violence or harassment that are established by the municipality or its local boards under section 32.0.1 of the *Occupational Health and Safety Act*.

**2 Section 223.4 of the Act is amended by adding the following subsection:**

**Workplace violence or harassment**

(6.1) In addition to imposing either of the penalties set out in subsection (5), the municipality or local board may direct the Commissioner to make an application to vacate the member's seat in accordance with section 223.4.0.1 if the Commissioner reports that, in their opinion, the member has contravened the code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment.

**3 The Act is amended by adding the following section:**

**Workplace violence or harassment application**

**223.4.0.1** (1) If directed to do so by a municipality or local board under subsection 223.4 (6.1), the Commissioner shall apply to a judge of the Superior Court of Justice for a determination of whether a member of the council of the municipality or local board has contravened the municipality's or local board's code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment.

**No application during regular election**

(2) No application shall be made under this section during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.

**Contents of notice of application**

(3) The notice of application shall state the grounds for finding that the member contravened the municipality's or local board's code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment.

**Penalty**

(4) If the judge determines that the member has contravened the code of conduct by failing to comply with the municipality's or local board's policies with respect to workplace violence or harassment, the judge may declare the member's seat vacant.

**Same**

(5) A member whose seat on the council of a municipality or on a local board has been vacated under subsection (4) is ineligible to stand as a candidate at any subsequent elections respecting the council of the municipality or the local board or to be appointed to the council of the municipality or the local board during the period beginning on the day on which the member's seat is declared vacant and ending on the day of the second subsequent regular election.

***City of Toronto Act, 2006***

**4 Section 157 of the *City of Toronto Act, 2006* is amended by adding the following subsection:**

### **Required content**

(1.1) The code of conduct for members of city council and of local boards (restricted definition) must include a requirement for the members to comply with the policies with respect to workplace violence or harassment that are established by the City or local board under section 32.0.1 of the *Occupational Health and Safety Act*.

### **5 Section 160 of the Act is amended by adding the following subsection:**

#### **Workplace violence or harassment**

(6.1) In addition to imposing either of the penalties set out in subsection (5), the City council or local board (restricted definition) may direct the Commissioner to make an application to vacate the member's seat in accordance with section 160.0.1 if the Commissioner reports that, in their opinion, the member has contravened the code of conduct by failing to comply with the City's or local board's policies with respect to workplace violence or harassment.

### **6 The Act is amended by adding the following section:**

#### **Workplace violence or harassment application**

**160.0.1** (1) If directed to do so by City council or a local board (restricted definition) under subsection 160 (6.1), the Commissioner shall apply to a judge of the Superior Court of Justice for a determination of whether a member of City Council or of the local board (restricted definition) has contravened the City's or local board's code of conduct by failing to comply with the City's or local board's policies with respect to workplace violence or harassment.

#### **No application during regular election**

(2) No application shall be made under this section during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.

#### **Contents of notice of application**

(3) The notice of application shall state the grounds for finding that the member contravened the City's or local board's code of conduct by failing to comply with the City's or local board's policies with respect to workplace violence or harassment.

#### **Penalty**

(4) If the judge determines that the member has contravened the code of conduct by failing to comply with the City's or local board's policies with respect to workplace violence or harassment, the judge may declare the member's seat vacant.

#### **Same**




(5) A member whose seat on city council or on a local board has been vacated under subsection (4) is ineligible to stand as a candidate at any subsequent elections respecting the city council or local board or to be appointed to the city council or the local board during the period beginning on the day on which the member's seat is declared vacant and ending on the day of the second subsequent regular election.

#### **Commencement**

**7 This Act comes into force on the day it receives Royal Assent.**

#### **Short title**

**8 The short title of this Act is the *Stopping Harassment and Abuse by Local Leaders Act, 2022*.**

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-22

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**

**REPORT P&B-2023-15**  
**MAY 16, 2023**

**SUBJECT: CASH IN LIEU OF PARKING POLICY**

**AUTHOR: NICOLAS AIELLO, HBA**  
**POLICY PLANNING SUPERVISOR**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP**  
**DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES**

---

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2023-15 for information; and further,

THAT Welland City Council direct staff to consult with the development community and public with regards to the Proposed Cash-in-Lieu of Parking By-law and return to Council with a final By-law for consideration; and further,

THAT Welland City Council direct staff to concurrently commence the process of amending the City's Zoning By-law 2017-117 and Official Plan to further amend the provisions for Cash-in-Lieu of Parking.

**BACKGROUND INFORMATION:**

Welland's Downtown and parts of the Health and Wellness Cluster Area provide unique physical limitations with regards to development and redevelopment, specifically the lack of adequate land to provide for parking on existing sites. The City's current zoning provisions require a specific parking rate based on a use. The effect is that certain properties are limited in the range of commercial and residential uses that can locate on an existing property, notwithstanding that the property is permitted to have a wide range of uses.

The City of Welland's parking provisions are described in detail in the City's Comprehensive Zoning By-law 2017-117. In the Downtown and Health and Wellness Cluster Area, parking standards are generally provided as follows:

Downtown Zones

Commercial Uses	No parking and queuing spaces are required for all permitted uses
Residential Uses	No parking and queuing spaces are required for dwelling units in buildings containing not more than three dwelling units. For buildings containing four or more dwelling units, one parking space for each dwelling unit above three units shall be required except where a dwelling unit is 50.0 m <sup>2</sup> in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each unit.

Commercial and Mixed Use Zones in Health and Wellness Cluster

Commercial Uses	Generally determined based on gross floor area (GFA) and in some instances based on occupancy generated by a particular use situated in a given building.
Residential Uses	1 space per dwelling unit

The intention of cash-in-lieu of parking is to provide compensation to the City for assuming the responsibility of providing parking when a landowner or developer cannot meet the minimum parking requirements established in the City's zoning by-law.

With respect to the above, staff are proposing a new Cash-in-Lieu of Parking By-law (Appendix I) with the aim of achieving the following objectives:

- Attracting new development to the Downtown and Health and Wellness Cluster
- Providing a new source of funding to develop and maintain public parking facilities
- Creating an effective policy to maximize value of Public Parking Lots while not promoting on street parking.
- Creating policy that is consistent with local planning policy and the permissions of the Planning Act.

Also recommended is to concurrently amend the City's Zoning and Official Plan provisions with respect to cash-in-lieu to greater align with the proposed Draft By-law.

**COMMENTS AND ANALYSIS:**

Cash-in-lieu of parking is a program which offers developers the option of paying a fee to the municipality to cover the cost of building public parking supplies that

are intended to offset a parking supply deficit within the developer's proposed development. City of Welland staff are proposing a by-law that would apply to the entire Downtown and Health and Wellness Cluster Area and be utilized when developers were in positions where they physically (or feasibly) could not fit any additional parking spaces into their site. The proposed by-law (Appendix I) applies to commercial, residential, and mixed-use developments. Cash-in-lieu of parking policies are popular among municipalities because they allow for better use of urban space by consolidating parking into off-site lots, partially funding their construction, and supporting alternative modes of transportation. They also acknowledge that parking spaces have explicit costs that have been ignored in the past.

The Downtown and Health and Wellness Cluster Area is an excellent candidate for this form of policy as the subject area is intended for additional redevelopment, infill, and intensification. The Downtown area alone is characterized as a Regional Growth Centre and is intended to be a primary location for major public service facilities, major institutional uses, high density and mixed-use development, major office uses, major commercial uses and major recreational uses. Staff further note that the subject area is designed to be transit oriented, pedestrian-friendly, barrier-free and accessible in its entirety. Municipal transit is available throughout. This will provide residents with pedestrian access to transit and urban amenities/services, which will help reduce the need for a car; in turn not affecting parking capacities.

#### Provincial Policy

Section 40 of the Planning Act, R.S.O 1990, c. P. 13 ("the Act") provides that a municipality and an owner or occupant of a building may enter into an agreement exempting the owner or occupant from providing or maintaining parking facilities in accordance with the applicable Zoning By-law, provided that such an agreement includes the payment of money for the exemption, and sets out the terms for the payment calculation.

Further, section 5 of the Planning Act permits a municipal council to delegate authority, by By-law, other than the authority to approve Official Plans or the authority to exempt from approval plans as Official Plans or amendments to Official Plans, to an officer identified in the By-law. As such, City staff are proposing that through the Cash-in-lieu of Parking By-law that Council's authority with respect to entering into a agreement under Section 40 of Act be further delegated to the Director of Planning and Development Services.

#### Municipal Policy

The City's Zoning By-law 2017-117 already contains a cash-in-lieu of parking provision for non-residential uses:

##### **6.1.5 Cash-in-Lieu of Parking**

Parking spaces, barrier free spaces and bicycle parking spaces required by this By-law for non-Residential uses shall not be required

for a lot in any Mixed Use Zone if the City enters into an Agreement with the landowner respecting the payment of cash-in-lieu for some or all of the parking spaces, barrier free parking spaces, bicycle parking spaces, aisles, or driveways required, in accordance with Section 40 of the Planning Act, as amended.

As such, section 6.1.5 only authorizes the usage of cash-in-lieu of parking for non-residential uses in a Mixed Use Zone. However, the intention of the draft by-law is to allow other types of uses, other than non-residential uses, to be eligible for cash-in-lieu of parking, therefore it is recommended that the City's Zoning By-law be amended to broaden the application of section 6.1.5. to be consistent with the proposed by-law.

The City's Official Plan contains a cash-in-lieu of parking policy for the Downtown area:

#### **4.1.3.2 Cash-in-Lieu**

Provision of cash-in-lieu for parking spaces required in the Zoning By-law may be permitted in the Downtown.

With respect to the above, the Official Plan policy clearly permits cash-in-lieu of parking in the Downtown area pursuant to policy 4.1.3.2 of the Official Plan. It is unclear, however, whether the Official Plan's intent is to preclude other areas, such as the Health and Wellness Cluster area, from the ability to provide cash-in-lieu of parking.

The *Planning Act* does not require that an Official Plan policy be passed to authorize a municipality to utilize the parking exemption provision contained in section 40 of the *Planning Act*. However, since the City's Official Plan expressly provides for cash-in-lieu of parking in the Downtown, the City has received a legal opinion recommending that the Plan be amended to include a cash-in-lieu of parking policy for the Health and Wellness Cluster area to be consistent with the proposed By-law.

#### **City of Welland Parking Lots**

Through an inventory analysis of Public parking lots within the City's Downtown and Health and Wellness Cluster, City staff have determined in their opinion that there is currently sufficient parking space available in City Lots to support the proposed cash-in-lieu of parking policy. Where a future development has been approved for relief from the required number of parking spaces, it is the intention that residents of said development can utilize one of the City's lots by way of a monthly permit for 24 hour parking. The subject lots identified are indicated in the map in Appendix II and are listed below; none of which meet nor near their daily parking capacities.

**Downtown:**

Market Square Parking Lot	24 Hour Parking (Monthly Permit)
Courthouse Parking Lot B (Lower Courthouse Lot)	12 Hour Parking (Monthly Permit) ** Increased to 24 Hour Parking upon Council approval**
Division Street Parking Lot	24 Hour Parking (Monthly Permit)

**Health and Wellness Cluster:**

Park Street Parking Lot	24 Hour Parking (Monthly Permit)
Fire Hall Parking Lot	24 Hour Parking (Monthly Permit)
Plymouth Road Parking Lot	24 Hour Parking (Monthly Permit)
Churchill Avenue Parking Lot	24 Hour Parking (Monthly Permit)

Also featured on the map is a 400 metre buffer around the subject lots which can be equated to approximately a 5 minute walk. Staff's analysis has determined that within the subject lots, there are approximately 420 parking spaces in the Downtown and 250 in the Health and Wellness Cluster.

As future growth is experienced in the Downtown and Health and Wellness Cluster and City lots begin to near capacity, Staff propose to return to Council with solutions to address the City's parking needs. This could include but is not limited to the creation of new parking spaces through purchasing new land for parking and/or the construction of a parking structure.

**Parking Enforcement**

As previously mentioned, the objective of the subject policy is not to encourage on-street parking but rather better utilize the City's Public Lots. A key tool to ensure this occurs is through municipal by-law enforcement. The main parking restrictions/penalties utilized within the Downtown and Health and Wellness Cluster for on-street parking are as follows:

<b>Restriction</b>	<b>Streets</b>	<b>Fine</b>
2 hour on street parking – free of charge	Bald St, Bugar St, Cross St, Division St, Dorothy St, East Main St, Fifth St, Frazer St, Hellems Ave, King St, Niagara St, River Rd, West Main St, Young St.	\$30.00
Residential Permit Parking	Dorothy St, Fifth St, Fourth St, Plymouth Rd, Second St, State St, Third St,	\$55.00
Park longer than 12 hours	City Wide	\$30.00
1 hour, 30 min, 15 min on street parking – free of charge	Select locations within Downtown Health and Wellness Cluster Area	\$30.00
Park where prohibited.	City Wide	\$35.00
Park within accessible space without valid permit displayed	City Wide	\$300.00

Stand where prohibited	City Wide	\$35.00
Stop where prohibited	City Wide	\$50.00
Stop in a loading zone	City Wide	\$50.00

Given that the Downtown and Health and Wellness Cluster is readily patrolled by By-law Enforcement Staff throughout the week including weekends, on-street parking as a result of cash-in-lieu of parking approvals is likely not to occur without penalty. It should also be highlighted that Welland possesses a city wide 12 hour on-street parking limit where other parking provisions are less stringent.

#### Proposed Fee

City staff recommend that the initial fee structure be a set value of \$15,000 per deficient parking space. This covers the cost of constructing a surface parking space as well as purchasing land for the space. A breakdown of the proposed fee can be reviewed below:

\$2,000 - the approximate cost of constructing a surface parking space based on estimates from the Engineering Department as well as researching construction costs from contemporary sources and available construction cost indexes, such as the Canadian Cost Guide.

\$13,000 – the approximate land value of one (1) parking space plus half the required aisle width (23.4 square metres) which is based on the current appraised land value of land in the Downtown of \$550.00 per square metre.

To aid in appropriately reflecting the costs of constructing a parking space, it should be noted that the draft by-law provides for the fee to be automatically indexed yearly based on the non-residential construction price index and updated every three years. The fee can be adjusted as the amount of interest from developers becomes clearer and as the demand for public parking facilities also becomes clearer. Further to this, the City may also wish to consider charging a fee that reflects the costs to construct a structured parking space in the future should the need for a public parking structure/garage arise.

Staff have done preliminary research and found that the strategies used by other municipalities for cash-in-lieu of parking can vary greatly. Some use a full cost recovery model like the fee being proposed in this report while others may provide a discounted rate to incentivize the program. Rates ranged from as low as \$5,000/stall to \$66,000/stall. The large range can be due to many different factors, such as full cost recovery (land & construction), partial cost recovery, or whether the fee is a nominal amount to encourage development.

#### Application Approval

Should Council approve a cash-in-lieu parking policy, Planning Staff are recommending the delegation of approval of cash-in-lieu applications to Staff, more specifically the Director Planning and Development Services. The further delegation of authority will ensure Applications are processed efficiently and

effectively as well as promote economic development in the Downtown and Health and Wellness Cluster as developers will retain a better sense of assurance regarding application decisions.

Staff will consider the following criteria when evaluating a cash-in-lieu of parking application:

1. the surrounding area could support the on-site parking deficiency;
2. site constraints legitimately limited the ability to provide parking;
3. the proposed development is not considered excessive for the site;
4. application is in line with other planning objectives.

#### Consultation

Staff recommend that a public process be implemented prior to Council receiving a final recommendation report for consideration. Notwithstanding that consultation is a requirement of the Planning Act given that a Zoning By-law Amendment and Official Plan Amendment are proposed, staff are proposing to host consultation with the public and the development community in the form of a Public Open House and Statutory Public Meeting. The Downtown Welland BIA will also be circulated for comment and invited to participate in this process.

#### **FINANCIAL CONSIDERATION:**

Funds collected as a result of Cash-in-Lieu of Parking will be placed in a respective Cash in Lieu of Parking reserve account for the purposes of acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles. The fee associated with this by-law is proposed to be automatically indexed yearly based on the non-residential construction price index and updated every three years to appropriately reflect the construction and land value costs of constructing parking facilities within the lands that the by-law applies to.

#### **OTHER DEPARTMENT IMPLICATIONS:**

There are no other department implications associated with this report.

#### **SUMMARY AND CONCLUSION:**

City Staff are recommending for Welland Council to permit staff to commence the process of adopting a Cash-in-Lieu of Parking By-law as well as a concurrent Zoning By-law Amendment and Official Plan Amendment that pertain to lands within the Downtown and Health and Wellness Cluster Area. Prior to providing Council a final recommendation, consultation will be undertaken with the public and development community.

The overall aim of the proposed policy is to achieve the following objectives:

- Attracting new development to the Downtown and Health and Wellness Cluster;
- Providing a new source of funding to develop and maintain public parking facilities;
- Creating an effective policy to maximize value of Public Parking Lots while not promoting on street parking; and
- Creating policy that is consistent with local planning policy and the permissions of the Planning Act

**ATTACHMENTS:**

- Appendix I - Proposed Cash-in-Lieu of Parking By-law  
Appendix II - 24 Hour Parking Lots to support Cash-in-Lieu of Parking

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER \_\_\_\_\_

A BY-LAW TO PROVIDE FOR CASH-IN-LIEU OF OFF-STREET  
PARKING SPACES

WHEREAS subsection 40(1) of the *Planning Act*, R.S.O. 1990, c. P.13 provides that, where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities.

AND WHEREAS subsection 40(2) of the *Planning Act* provides that an agreement entered into under subsection 40(1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

AND WHEREAS the City of Welland Official Plan contains policies authorizing cash-in-lieu of parking agreements entered into under the *Planning Act*;

AND WHEREAS the City of Welland new Comprehensive Zoning By-law 2017-117 contains requirements to provide and maintain parking facilities;

AND WHEREAS sections 23.1 and 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provide that a municipality has authority to delegate its powers and duties to a person, subject to certain restrictions;

AND WHEREAS subsection 5(1) of the *Planning Act* permits a municipal council to delegate authority, by by-law, other than the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans, to an appointed officer identified in the by-law either by name or position occupied, and such officer has all the powers and rights of the Minister of Municipal Affairs and Housing in respect of such delegated authority and shall be responsible for all matters pertaining thereto;

AND WHEREAS Council of the City of Welland desires to enact a cash-in-lieu of parking by-law;

NOW THEREFORE the Council of the City of Welland enacts as follows:

1. The title of this By-law shall be the "Cash-in-Lieu of Parking By-law".
2. This By-law shall apply to the lands outlined by heavy black lines on the sketch shown in Schedule "A".
3. Council's power and authority with respect to all matters provided for by section 40 of the *Planning Act* pertaining to agreement(s) exempting an owner or owners from the requirement to provide or maintain parking facilities, is hereby delegated to the Director of Planning and Development Services of the City.
4. Where, in respect of a development or redevelopment of land within the area outlined by heavy blacklines on the sketch shown in Schedule "A", an owner or occupant of a building who is unable to provide and maintain parking facilities required under a by-law enacted pursuant to the *Planning Act* on land that is not part of a highway, the City, at its discretion, may enter into an agreement with such owner or occupant exempting the owner or occupant from the requirements of providing or maintaining parking facilities to the extent that the owner or occupant is unable to do so.
5. The agreement entered into pursuant to Section 4 of this By-law shall provide that, as consideration for the granting of the exemption provided for in Section 4, the owner or occupant shall pay to the City before the issuance of a building permit for the development or redevelopment or, if more than one building permit is required for the development or redevelopment, before the issuance of the first building permit, an amount of money in lieu of the parking requirement stipulated in the by-law at the rate of **\$15,000.00** per parking space.

Appendix I

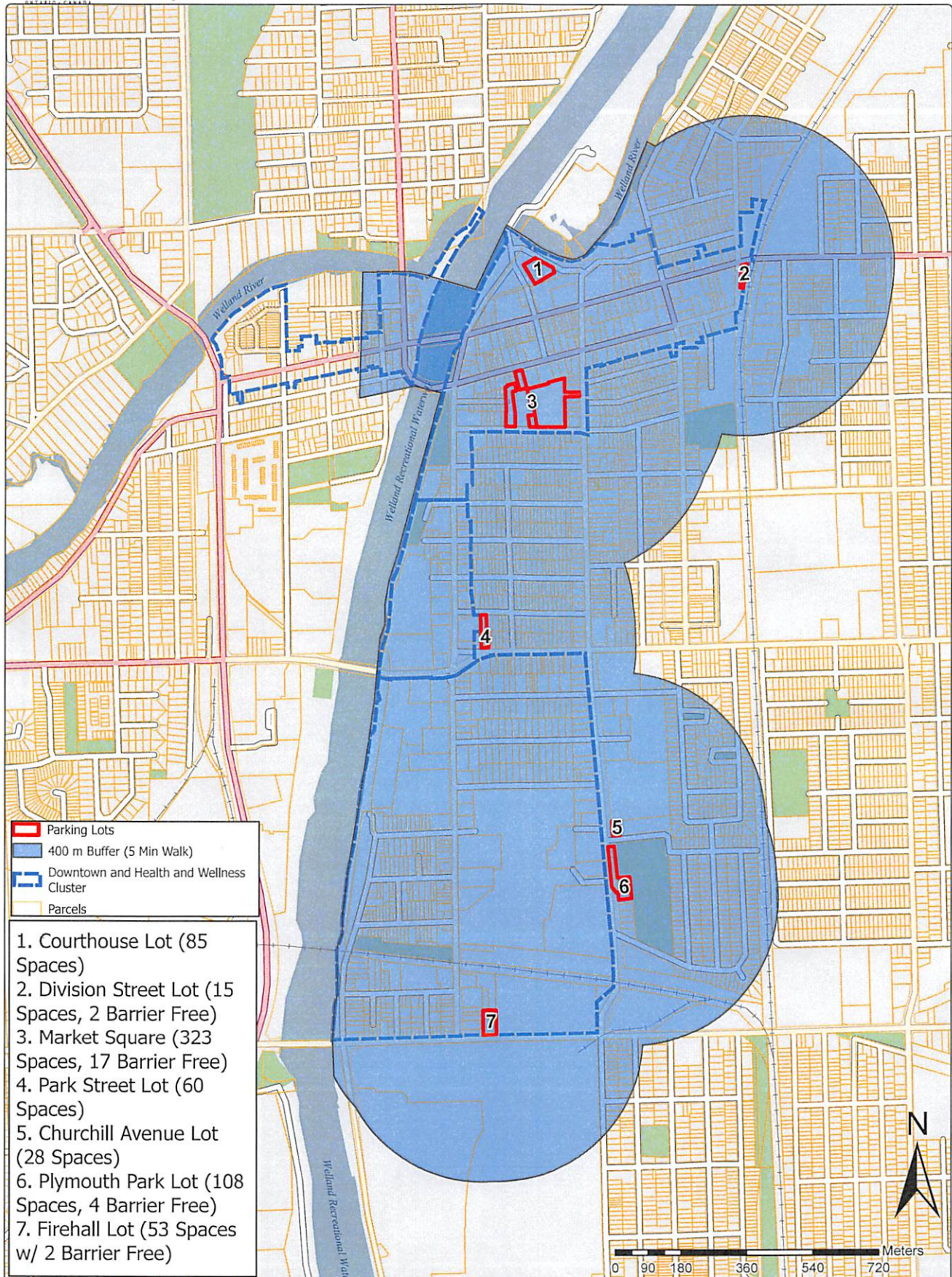
6. The rate referred to in Section 5 of this By-law shall be indexed yearly based on the non-residential construction price index and every three (3) years following the year this By-law is passed, unless an amendment to this By-law is made.
7. This By-law shall come into force on March XXth, 2023.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL  
THIS XXTH DAY OF MARCH, 2023.




\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

DRAFT



## 24 Hour Parking Lots Within Downtown and Health and Wellness Cluster

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**

23-84

**REPORT P&B-2023-16**  
**MAY 16, 2023**

**SUBJECT:           HELPING HOMEBUYERS, PROTECTING TENANTS ACT,  
2023   AND   PROPOSED   PROVINCIAL   PLANNING  
STATEMENT**

**SUMMARY OF KEY AMENDMENTS TO THE LAND USE  
PLANNING SYSTEM IN ONTARIO**

**AUTHOR:           NICOLAS AIELLO, HBA  
POLICY PLANNING SUPERVISOR**

**APPROVING       GRANT MUNDAY, B.A.A., MCIP, R.P.P.  
DIRECTOR:       DIRECTOR, PLANNING AND DEVELOPMENT SERVICES**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report P&B-2023-16 regarding key amendments to the land use planning system as put forth in the proposed new Provincial Planning Statement and Bill 97, the Helping Homebuyers, Protecting Tenants Act, 2023; and further,

THAT Welland City Council requests the City Clerk forward a copy of this Report to the Minister of Municipal Affairs and Housing

**ORIGIN AND BACKGROUND:**

On April 6, 2023, the Provincial Government of Ontario announced new components of its Housing Supply Action Plan to address the ongoing housing crisis in Ontario by increasing housing supply and incentivizing construction and development of 1.5 million homes over the next 10 years. The new components take the form of Bill 97, the Helping Homebuyers, Protecting Tenants Act and a new Provincial Planning Statement. While Bill 97 does not contain the sweeping changes brought in by Bill 23, the small and technical fixes to the *Planning Act* sought to be introduced through Bill 97 are important. Further, the proposed Provincial Planning Statement (PPS) will replace *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") and the *Provincial Policy*

*Statement, 2020* (“PPS, 2020”). The government has advised that it expects the new PPS to come into force in the fall of 2023.

The purpose of this Report is to provide Council with an overview of Bill 97 and the new PPS, the changes to the various pieces of policy affecting land use planning in Ontario, and how these changes impact the City of Welland.

## **COMMENTS AND ANALYSIS:**

### **Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023**

Bill 97 will be subject to further readings by the legislature, as well as potential committee review, and may be amended through that process. Bill 97 amends seven (7) Acts and associated accompanying regulations. The amendments to the *Planning Act* are the most significant for the City of Welland. The following is a summary of amendments and their implications for the City of Welland as assessed by the Department of Planning and Development Services.

#### **(1) New Effective Date for Bill 109 Planning Fee Refunds**

Bill 97 proposes to delay the requirement for municipalities to refund zoning by-law and site plan application fees where no decision is made within the statutory time period beyond January 1 to July 1, 2023. If any fee refunds were owing as a result of applications filed and not decided on between January 1 and July 1, the refund is deemed not to have been required. Finally, new subsections 34 (10.14) and 41 (11.3) propose to create a regulation-making authority to exempt certain municipalities from the fee refund provisions in the future. It has not yet been disclosed which municipalities will benefit from this proposed exemption.

Though the City already provides relatively quick review and approval times which meet legislative timelines, City Staff have been updating internal processes to ensure that they are as efficient as possible. It should also be noted that external factors such as required comments from other agencies, and the responsiveness of the applicants may affect the City’s timelines.

#### **(2) New Ministerial Powers**

Bill 97 proposes to provide the minister new powers. In particular to:

- make regulations providing for transitional matters which are necessary or desirable to facilitate the implementation of the proposed *Provincial Planning Statement* (or other new policy statements issued pursuant to the *Planning Act*);
- order that policy statements, provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by the order may be established (i.e. through a Ministry Zoning Order);

- require landowners and municipalities to enter into agreements where the Provincial Land Development Facilitator has been appointed. The requirement to enter into the agreement will effectively act as a condition of development; and,
- designate areas where site plan control might still apply to 10 units or less. This includes any part of which is located within 120 metres of a shoreline and any part of which is located within 300 metres of a railway line.

### (3) Parking for Additional Dwelling Units

Bill 23 put in place restrictions on the ability to require more than one parking space where additional residential units are permitted as of right. Bill 97 proposes to clarify that official plans and zoning by-laws can still require more than one parking space for the primary residential unit.

The City already has provisions in Zoning By-law 2017-117 that requires a minimum of one parking space per dwelling unit in excess of 50 square metres.

### (4) Employment Area Definition Changes

The definition of an employment area is proposed to be limited to areas where manufacturing, research and development related to manufacturing, warehousing and ancillary uses occur. Bill 97 proposes to expressly exclude institutional uses and commercial uses, which include retail and office uses not associated with primary industrial uses, from the list of uses.

Further to this, a new subsection is added that provides that an area of employment with institutional or non-associated commercial uses would nevertheless be deemed an “area of employment” for the purposes of the *Planning Act*, provided the following two conditions are satisfied:

- (1) the lands in question are subject to official plan policies authorizing the continuation of the use; and
- (2) the use was lawfully established on the land before the day the Bill 97 modified “area of employment” definition came into force.

As such, the City must amend/update the Official Plan to meet criteria one and ensure it preserves its existing employment areas.

## **Proposed Provincial Planning Statement, 2023**

As mentioned the proposed PPS which can be reviewed in Appendix I will replace *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”) and the *Provincial Policy Statement, 2020* (“PPS, 2020”) and integrate them to create a province-wide land use planning policy document with the following objectives:

- Generate an appropriate housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

The following is a summary of the proposed major policy changes and their implications for long-range planning in Ontario and the City of Welland as assessed by the Department of Planning and Development Services. This report will be submitted to the Ministry of Municipal Affairs and Housing to be included as input as part of the public consultation process for the proposed PPS.

### (1) Growth Targets

The proposed PPS has not carried forward the Growth Plan requirement for municipalities to plan to specific population and employment targets for a horizon year. Where it was previously the authority of upper tier municipalities to carry out forecasting and provide growth targets, lower tier municipalities will now be expected to carry out their own forecasting. The province expects that municipalities will continue to use the 2051 targets as a minimum. These proposed changes have little effect on long-range planning for Welland as Planning Staff have already been utilizing the Region of Niagara's 2051 growth forecasts as minimums as part the new Official Plan process. City Staff are projecting greater residential growth than what the Region has allotted for Welland.

Further, when updating official plans, municipalities will be required to have enough land designated for at least 25 years (a change from up to 25 years), with planning expressly allowed to extend beyond this horizon for infrastructure, employment areas and strategic growth areas. City staff and its consultant are ensuring that the new Official Plan can meet this provision through policy changes which include but is not limited to increased residential heights and densities, a wider range of permitted residential uses, and more intensification areas.

### (2) Strategic Growth Areas

The proposed PPS integrates the concept of *Strategic Growth Areas* which are identified by municipalities to be the focus for accommodation intensification and higher density mixed uses in a more compact built form. Municipalities identified as *Large and Fast Growing Municipalities* will be required to identify Strategic Growth Areas in their Official Plan's. Large and Fast Growing Municipalities are listed in the proposed PPS and considered Ontario's largest and fastest growing City's with the greatest need for housing. While Welland is not identified as such, the City will still be identifying Strategic Growth Areas in the new Official Plan.

These areas will include but are not limited to:

- Downtown

- Health and Wellness Cluster Area
- Key Transit Corridors (including Arterial and Collector Roads)
- Brownfield Sites
- Lands along the Welland Recreational Waterway

Such Strategic Growth Areas will be used to responsibly facilitate the impending residential growth that the City is forecasted to receive.

### (3) Built Boundary and Intensification

The proposed PPS (2023) has not carried forward the concept of a delineated built-up area that was previously contained in the Growth Plan. The Built Boundary represents the limits of existing development within the existing Built-Up Area. The Built Boundary is important for measuring and monitoring intensification rates, as all growth which occurs within the Built Boundary is considered to be “intensification”. While the proposed PPS supports intensification generally, there are no specific targets required to be met such as in the previous PPS, 2020. Although not required, Planning Staff will continue to monitor intensification to aid in long range planning decisions as this represents good planning; intensification is preferred over greenfield development as this does not lead to sprawl.

### (4) Settlement Area Expansions and Municipal Comprehensive Reviews

The proposed PPS has not carried forward the concept of a *Municipal Comprehensive Review (MCR)* which was utilized in the Growth Plan as a way to plan the expansion of settlement areas in an orderly fashion. A comprehensive review is essentially an official plan review which is initiated by a planning authority (Niagara Region) that:

- Is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans;
- considers alternative directions for growth; and
- determines how best to accommodate this growth while protecting provincial interests.

The implication of this change is that the City may consider settlement area expansions at any time without Regional approval. There is no limitation on the ability of landowners from applying for an expansion. Further, the criteria to be applied are not as stringent as they were, and require consideration of adequacy of servicing, phasing and agricultural issues, such as the minimum distance separation formula. Due to this change, City staff will be required to ensure the proper studies are undertaken/required should an expansion be contemplated by the City or private land owner.

### (5) Employment Land Conversion and Employment Areas

Similarly to the previous section, an MCR will no longer be needed to remove land from employment areas. The tests to be met to remove land include that there is

a need for the removal, and the land is not required for employment uses over the long term. With the absence of upper-tier growth targets, the application of these tests will rely on the targets contained in the City's Official Plan. As such, City staff will have to ensure the proper feasibility studies are undertaken/required should a removal be contemplated by the City or private land owner.

Further, like the corresponding change to the Planning Act that is being proposed through Bill 97, the proposed PPS will be changing the definition for Employment Areas. The focus of the definition is now on uses that cannot locate in mixed use areas, such as heavy industry, manufacturing and large-scale warehousing.

#### (6) Natural Heritage

The natural heritage policies and related definitions remain under consideration by the Province. Once the proposed policies and definitions are ready for review and input, they are anticipated to be made available through a separate posting on the Environmental Registry of Ontario.

#### (7) Agricultural Lot Severances

The proposed PPS makes it easier to establish more housing within prime agricultural lands; currently the PPS, 2020 discourages residential lot creation in *prime agricultural areas* and it has been very difficult for some time to create new lots outside of a residence surplus created by farm consolidation. Whereas now, up to three residential lots may be permitted on any property located in a existing *prime agricultural area* that was created prior to January 1, 2023, provided that certain conditions can be met, including a requirement that any new lot has existing access on a public road, with appropriate frontage for ingress and egress and is adjacent to existing non-agricultural land uses; or consists primarily of lower-priority agricultural lands (Canada Land Inventory Class 4 through 7 lands within the prime agricultural area).

City Staff are not in support of this proposed agricultural policy change as it leads to the further segregation of agricultural land while also promoting sprawl. Further, these changes would not be financially practical for municipalities as there will now be increased pressure on expanding City services to accommodate the increased growth in the agricultural area. It is preferable that residential development locate within the City's Urban Area where greater levels of City services exist or can be implemented more affordably to accommodate the growth. Should the Province be considering additional residential lot creation in agricultural areas, Staff would recommend the adoption of policies similar to the Infilling provisions that are detailed in the current Official Plan (Policy 5.1.3.1 B). The following is recommended as it would result in the responsible lot creation in agricultural areas.

*Infilling may be permitted on lands designated for Agriculture where all of the following conditions exist:*

- i. *Infilling takes place between two existing residential dwellings which are no more than 100 metres apart;*
- ii. *The lot has direct access to existing municipal water services which were in place as of the date of January 1, 2023.*
- iii. *The lot maintains a minimum 45 metre frontage on an existing public road;*
- iv. *The lot has a minimum useable lot area of 0.5 hectares;*
- v. *The application is accompanied by supporting studies, including, but not limited to, an Agricultural Impact Study, Planning Justification Report, Geotechnical Study, Environmental Impact Study and any other study required by the City which demonstrate that there will be no negative impact of the proposed new lot on surrounding land uses, the natural environment, infrastructure and water quality and quantity;*
- vi. *The lot is zoned Rural Residential as of the date of January 1, 2023.*
- vii. *The lot meets all other provisions of the Rural Residential Zoning District provisions contained in the City's Zoning By-law.*

#### **FINANCIAL CONSIDERATION:**

There are no financial implications as a result of the content of this Report. Should the proposed agricultural lot creation policies in the PPS, 2023 come into force, it is anticipated that this will result in an increased pressure to expand more municipal services into the agricultural area.

#### **OTHER DEPARTMENT IMPLICATIONS:**

There are no implications to other Departments as a result of the content of this Report.

#### **SUMMARY AND CONCLUSION:**

On April 6, 2023, the Provincial Government of Ontario introduced Bill 97 and a new PPS. The goal of these proposed policies is to further address the ongoing housing crisis in Ontario by increasing housing supply and incentivizing construction and development of 1.5 million homes over the next 10 years.

The purpose of this Report is to provide Council with an overview of Bill 97 and the proposed PPS and the changes to the various pieces of policy affecting land use planning in Ontario, and how these changes impact the City of Welland.

City Staff will submit this report to the Ministry of Municipal Affairs and Housing to be included as input as part of the public consultation process for the proposed PPS.

#### **ATTACHMENTS:**

Appendix I – Proposed Provincial Planning Statement, 2023



# **PROPOSED PROVINCIAL PLANNING STATEMENT**

April 6, 2023

Environmental Registry of Ontario Posting # 019-6813

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**PROPOSED  
PROVINCIAL PLANNING STATEMENT  
APRIL 2023**

Environmental Registry of Ontario  
Posting # 019-6813

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## Preface

### Proposed Provincial Planning Statement

**April 2023**

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

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

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

#### Seeking Feedback

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

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# Chapter 1: Introduction

## Preamble

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

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

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

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

Municipal official plans are the most important vehicle for implementation of this Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans should coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions.

Zoning and development permit by-laws are also important for the implementation of this Policy Statement. Zoning and development permit by-laws should be forward-looking and facilitate opportunities for an appropriate range and mix of *housing options* for all Ontarians.

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

Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

The Province’s rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of

Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights.

## Legislative Authority

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

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

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

## How to Read this Policy Statement

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

### Read the Entire Policy Statement

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

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read this Policy Statement as a whole.

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

### Consider Specific Policy Language

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

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

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

### **Geographic Scale of Policies**

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

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

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

### **Policies Represent Minimum Standards**

The policies of this Policy Statement represent minimum standards.

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

### **Defined Terms and Meanings**

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

### **Provincial Guidance**

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

### **Relationship with Provincial Plans**

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

Provincial plans, such as the Greenbelt Plan and the Growth Plan for Northern Ontario, build upon the policy foundation provided by this Policy Statement. They provide additional land use

planning policies to address issues facing specific geographic areas in Ontario.

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

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

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

## Vision

Ontario is a vast province with a diversity of urban, rural and northern communities that is distinguished by different populations, economic activity, pace of growth, and physical and natural conditions.

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

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

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

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

Land use will be managed to accommodate appropriate development to meet the full range of current and future needs. Efficient land use and development patterns will contribute to achieving equitable outcomes for all Ontarians by design. Downtowns, main streets and rural

areas will be vital and viable. Cultural heritage and archaeology in Ontario will provide people with a sense of place. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians.

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

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

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

Ontario will continue to recognize the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. Meaningful early engagement and constructive, cooperative relationship-building between planning authorities and Indigenous communities will facilitate knowledge-sharing and inform decision-making in land use planning.

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

# Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

## 2.1 Planning for People and Homes

1. At the time of each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 25 years, informed by provincial guidance. Planning for *infrastructure*, *public service facilities*, *strategic growth areas* and *employment areas* may extend beyond this time horizon.

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

2. To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:
  - a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are *designated and available* for residential development; and
  - b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.
3. Where planning is conducted by an upper-tier municipality, the land and unit supply maintained by the lower-tier municipality identified in policy 2.1.2 shall be based on and reflect the allocation of population and units by the upper-tier municipality.
4. Planning authorities should support the achievement of *complete communities* by:
  - a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access, employment, *public service facilities* and other institutional uses (including, schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
  - b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
  - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

## 2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:
  - a) coordinating land use planning and planning for housing with Service Managers to address the full range of *housing options* including housing affordability needs;
  - b) permitting and facilitating:
    1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
    2. all types of residential *intensification*, including the conversion of existing commercial and institutional buildings for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment* which results in a net increase in residential units in accordance with policy 2.3.3;
  - c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation*; and
  - d) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations.

## 2.3 Settlement Areas and Settlement Area Boundary Expansions

1. *Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*.
2. Land use patterns within *settlement areas* should be based on densities and a mix of land uses which:
  - a) efficiently use land and resources;
  - b) optimize existing and planned *infrastructure* and *public service facilities*;
  - c) support *active transportation*;
  - d) are *transit-supportive*, as appropriate; and
  - e) are *freight-supportive*.
3. Planning authorities should support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.

4. In identifying a new *settlement area* or allowing a *settlement area* boundary expansion, planning authorities should consider the following:
  - a) that there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
  - b) the applicable lands do not comprise *specialty crop areas*;
  - c) the new or expanded *settlement area* complies with the *minimum distance separation formulae*;
  - d) impacts on agricultural lands and operations which are adjacent or close to the *settlement area* are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance; and
  - e) the new or expanded *settlement area* provides for the phased progression of urban development.
5. Planning authorities are encouraged to establish density targets for new *settlement areas* or *settlement area* expansion lands, as appropriate, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a minimum density target of 50 residents and jobs per gross hectare.

## 2.4 Strategic Growth Areas

### 2.4.1 General Policies for Strategic Growth Areas

1. To support the achievement of *complete communities*, a range and mix of *housing options*, *intensification* and more mixed-use development, planning authorities may, and *large and fast-growing municipalities* shall, identify and focus growth and development in *strategic growth areas* by:
  - a) identifying an appropriate minimum density target for each *strategic growth area*; and
  - b) identifying the appropriate type and scale of development in *strategic growth areas* and transition of built form to adjacent areas.
2. Any reduction in the size or change in the location of *urban growth centres* identified in an in effect official plan as of [effective date] may only occur through a new official plan or official plan amendment adopted under section 26 of the *Planning Act*.

### 2.4.2 Major Transit Station Areas

1. *Large and fast-growing municipalities* shall delineate the boundaries of *major transit station areas* on *higher order transit* corridors through a new official plan or official plan amendment adopted under section 26 of the *Planning Act*. The delineation shall define an area within a 500 to 800 metre radius of a transit station and that maximizes the number of potential transit users that are within walking distance of the station.
2. Within *major transit station areas* on *higher order transit* corridors, *large and fast-growing municipalities* shall plan for a minimum density target of:

- a) 200 residents and jobs combined per hectare for those that are served by subways;
  - b) 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit; or
  - c) 150 residents and jobs combined per hectare for those that are served by commuter or regional inter-city rail.
- 3. For any particular *major transit station area*, *large and fast-growing municipalities* may request the Minister to approve an official plan or official plan amendment with a target that is lower than the applicable target established in policy 2.4.2.2, where it has been demonstrated that this target cannot be achieved because:
  - a) *development* is prohibited by provincial policy or severely restricted on a significant portion of the lands within the delineated area; or
  - b) there are a limited number of residents and jobs associated with the built form, but a *major trip generator* or feeder service will sustain high ridership at the station or stop.
- 4. Planning authorities that are not *large and fast-growing municipalities* may plan for *major transit station areas* on *higher order transit* corridors by delineating boundaries and establishing minimum density targets.
- 5. Planning authorities may plan for *major transit station areas* that are not on *higher order transit* corridors by delineating boundaries and establishing minimum density targets.
- 6. All *major transit station areas* should be planned and designed to be *transit-supportive* and to achieve *multimodal* access to stations and connections to nearby *major trip generators* by providing, where feasible:
  - a) connections to local and regional transit services to support *transit service integration*;
  - b) *infrastructure* that accommodates a range of mobility needs and supports *active transportation*, including sidewalks, bicycle lanes, and secure bicycle parking; and
  - c) commuter pick-up/drop-off areas.

## 2.5 Rural Areas in Municipalities

- 1. Healthy, integrated and viable *rural areas* should be supported by:
  - a) building upon rural character, and leveraging rural amenities and assets;
  - b) promoting regeneration, including the *redevelopment* of *brownfield sites*;
  - c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
  - d) using rural *infrastructure* and *public service facilities* efficiently;
  - e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
  - f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;

- g) conserving biodiversity and considering the ecological benefits provided by nature; and
  - h) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 4.3.
2. When directing development in rural *settlement areas* in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

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

## 2.6 Rural Lands in Municipalities

1. On *rural lands* located in municipalities, permitted uses are:
  - a) the management or use of resources;
  - b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);
  - c) residential development, including lot creation and multi-lot residential development, where site conditions are suitable for the provision of appropriate *sewage and water services*;
  - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
  - e) home occupations and home industries;
  - f) cemeteries; and
  - g) other rural land uses.
2. Development that can be sustained by rural service levels should be promoted.
3. Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the uneconomical expansion of this *infrastructure*.
4. Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

## 2.7 Territory Without Municipal Organization

1. On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings not intended as permanent residences).
2. Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

3. The establishment of new permanent townsites shall not be permitted.
4. In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings not intended as permanent residences) shall be permitted. Other uses may only be permitted if:
  - a) the area forms part of a planning area;
  - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
  - c) it has been determined that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

## 2.8 Employment

### 2.8.1 Supporting a Modern Economy

1. Planning authorities shall promote economic development and competitiveness by:
  - a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
  - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
  - c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment; and
  - d) encouraging *intensification* of employment uses and compact, mixed-use development that incorporates compatible employment uses such as office, retail, industrial, manufacturing and warehousing, to support the achievement *complete communities*.
2. Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to *sensitive land uses* without *adverse effects* are encouraged in *strategic growth areas* and other mixed-use areas where *frequent transit* service is available, outside of *employment areas*.
3. On lands for employment outside of *employment areas*, and taking into account the transition of uses to prevent *adverse effects*, a diverse mix of land uses, including residential, employment, *public service facilities* and other institutional uses shall be permitted to support the achievement of *complete communities*.
4. Official plans and zoning by-laws shall not contain provisions that are more restrictive than policy 2.8.1.3 except for purposes of public health and safety.
5. Major office and major institutional development should be directed to *major transit station areas* or other *strategic growth areas* where *frequent transit* service is available.

## 2.8.2 Employment Areas

1. Planning authorities shall plan for, protect and preserve *employment areas*:
  - a) for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs; and
  - b) that are located in proximity to *major goods movement facilities and corridors*, including facilities and corridors identified in provincial transportation plans, for the *employment area* uses that require those locations.
2. Planning authorities shall designate, protect and plan for all *employment areas* in *settlement areas* by:
  - a) planning for *employment area* uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
  - b) prohibiting residential uses, commercial uses, *public service facilities* and other institutional uses;
  - c) prohibiting retail and office uses that are not associated with the primary employment use;
  - d) prohibiting other *sensitive land uses* that are not ancillary to the primary employment use; and
  - e) including an appropriate transition to adjacent non-*employment areas* to ensure land use compatibility.
3. Planning authorities shall assess and update *employment areas* identified in official plans to ensure that this designation is appropriate to the planned function of *employment areas*.
4. Planning authorities may remove lands from *employment areas* only where it has been demonstrated that:
  - a) there is an identified need for the removal and the land is not required for *employment area* uses over the long term;
  - b) the proposed uses would not negatively impact the overall viability of the *employment area* by:
    1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *employment area* uses in accordance with policy 3.5; and
    2. maintaining access to *major goods movement facilities and corridors*;
  - c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.

## 2.9 Energy Conservation, Air Quality and Climate Change

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

## Chapter 3: Infrastructure and Facilities

### 3.1 General Policies for Infrastructure and Public Service Facilities

1. *Infrastructure and public service facilities* shall be provided in an efficient manner while accommodating projected needs.

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

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

### 3.2 Transportation Systems

1. *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
2. Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.
3. As part of a *multimodal* transportation system, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

### 3.3 Transportation and Infrastructure Corridors

1. Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
2. *Major goods movement facilities and corridors* shall be protected for the long term.
3. Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, or where avoidance is not possible, minimize and mitigate negative impacts on and from the corridor and transportation facilities.

4. The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
5. The co-location of linear *infrastructure* should be promoted, where appropriate.

### 3.4 Airports, Rail and Marine Facilities

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

### 3.5 Land Use Compatibility

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

2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other *major facilities* that are vulnerable to encroachment by ensuring that proposed adjacent *sensitive land uses* are only permitted if potential impacts to industrial, manufacturing or other *major facilities* are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

## 3.6 Sewage, Water and Stormwater

1. Planning for *sewage and water services* shall:
  - a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services* and existing *private communal sewage services* and *private communal water services*;
  - b) ensure that these services are provided in a manner that:
    1. can be sustained by the water resources upon which such services rely;
    2. is feasible and financially viable over their life cycle;
    3. protects human health and safety, and the natural environment, including the *quality and quantity of water*; and
    4. considers comprehensive municipal planning for these services, where applicable.
  - c) promote water and energy conservation and efficiency;
  - d) integrate servicing and land use considerations at all stages of the planning process;
  - e) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5; and
  - f) integrate with source protection planning.
2. *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. For clarity, *municipal sewage services* and *municipal water services* include both centralized servicing systems and decentralized servicing systems.
3. Where *municipal sewage services* and *municipal water services* are not available, planned or feasible, *private communal sewage services* and *private communal water services* are the preferred form of servicing for multi-unit/lot *development* to support protection of the environment and minimize potential risks to human health and safety.
4. Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not available, planned or feasible, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on environmental health and the financial viability or feasibility of other forms of servicing set out in policies 3.6.2 and 3.6.3.

5. *Partial services* shall only be permitted in the following circumstances:
  - a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
  - b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.
6. In rural areas, where *partial services* have been provided to address failed services in accordance with policy 3.6.5 (a), infilling on existing lots of record may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.
7. Planning authorities may allow lot creation where there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity*.
8. Planning for stormwater management shall:
  - a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;
  - b) minimize, or, where possible, prevent increases in contaminant loads;
  - c) minimize erosion and changes in water balance including through the use of *green infrastructure*;
  - d) mitigate risks to human health, safety, property and the environment;
  - e) maximize the extent and function of vegetative and pervious surfaces;
  - f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and
  - g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a *watershed* scale.

### 3.7 Waste Management

1. *Waste management systems* need to be planned for and provided that are of an appropriate size, type, and location to accommodate present and future requirements, and facilitate integrated waste management.

### 3.8 Energy Supply

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

### 3.9 Public Spaces, Recreation, Parks, Trails and Open Space

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

# Chapter 4: Wise Use and Management of Resources

## 4.1 Natural Heritage

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

## 4.2 Water

1. Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
  - a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
  - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
  - c) identifying *water resource systems*;
  - d) maintaining linkages and functions of *water resource systems*;
  - e) implementing necessary restrictions on *development* and *site alteration* to:
    1. protect drinking water supplies and *designated vulnerable areas*; and
    2. protect, improve or restore *vulnerable* surface and ground water, and their *hydrologic functions*;
  - f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
  - g) ensuring consideration of environmental lake capacity, where applicable.
2. *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.
3. Municipalities are encouraged to undertake *watershed planning* to inform planning for *sewage and water services* and stormwater management, including *low impact development*, and the protection, improvement or restoration of the *quality and quantity of water*.

## 4.3 Agriculture

### 4.3.1 General Policies for Agriculture

1. Planning authorities are encouraged to use an *agricultural system* approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the *agri-food network*.
2. As part of the agricultural land base, *prime agricultural areas*, including *specialty crop areas*, shall be designated and protected for long-term use for agriculture.
3. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

### 4.3.2 Permitted Uses

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

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 provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2. In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.
3. New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.
4. A principal dwelling associated with an agricultural operation may be permitted in *prime agricultural areas* as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1 b).
5. Subordinate to the principal dwelling, up to two additional residential units may be permitted in *prime agricultural areas*, provided that:
  - a) any additional residential units are within, attached to, or in close proximity to the principal dwelling;
  - b) any additional residential unit complies with the *minimum distance separation formulae*;
  - c) any additional residential unit is compatible with, and would not hinder, surrounding agricultural operations; and
  - d) appropriate *sewage and water services* will be provided.

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

#### 4.3.3 Lot Creation and Lot Adjustments

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

#### 4.3.4 Removal of Land from Prime Agricultural Areas

1. Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 2.3.4.

#### 4.3.5 Non-Agricultural Uses in Prime Agricultural Areas

1. Planning authorities may only permit non-agricultural *uses* in *prime agricultural areas* for:
  - a) extraction of *minerals, petroleum resources* and *mineral aggregate resources*; or
  - b) limited non-residential uses, provided that all of the following are demonstrated:
    1. the land does not comprise a *specialty crop area*;
    2. the proposed use complies with the *minimum distance separation formulae*;
    3. there is an identified need within the planning horizon provided for in policy 2.1.1 for additional land to accommodate the proposed use; and
    4. alternative locations have been evaluated, and
      - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
      - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.
2. Impacts from any new or expanding non-agricultural uses on surrounding agricultural lands and operations are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance.

### 4.4 Minerals and Petroleum

#### 4.4.1 General Policies for Minerals and Petroleum

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

#### 4.4.2 Protection of Long-Term Resource Supply

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

#### 4.4.3 Rehabilitation

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

#### 4.4.4 Extraction in Prime Agricultural Areas

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

### 4.5 Mineral Aggregate Resources

#### 4.5.1 General Policies for Mineral Aggregate Resources

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

#### 4.5.2 Protection of Long-Term Resource Supply

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

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

2. Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.
3. *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
4. *Mineral aggregate operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. Where the *Aggregate Resources Act* applies, only processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing *mineral aggregate operations*. When a license for extraction or operation ceases to exist, policy 4.5.2.5 continues to apply.
5. In known *deposits of mineral aggregate resources* and on *adjacent lands*, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - a) resource use would not be feasible; or
  - b) the proposed land use or development serves a greater long-term public interest; and
  - c) issues of public health, public safety and environmental impact are addressed.

### 4.5.3 Rehabilitation

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

### 4.5.4 Extraction in Prime Agricultural Areas

1. In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that:
  - a) impacts to the *prime agricultural areas* are addressed, in accordance with policy 4.3.5.2; and
  - b) the site will be rehabilitated back to an *agricultural condition*.
2. Despite policy 4.5.4.1 (b), complete rehabilitation to an *agricultural condition* is not required if:
  - a) the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and
  - b) agricultural rehabilitation in remaining areas is maximized.

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

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

## 4.6 Cultural Heritage and Archaeology

1. *Protected heritage property*, which may contain *built heritage resources* or *cultural heritage landscapes*, shall be *conserved*.
2. Planning authorities shall not permit *development* and *site alteration* on lands containing *archaeological resources* or *areas of archaeological potential* unless the *archaeological resources* have been *conserved*.
3. Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* unless the *heritage attributes* of the *protected heritage property* will be *conserved*.

4. Planning authorities are encouraged to develop and implement:
  - a) archaeological management plans for conserving *archaeological resources*; and
  - b) proactive strategies for identifying properties for evaluation under the *Ontario Heritage Act*.
5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing *archaeological resources*, *built heritage resources* and *cultural heritage landscapes*.

## Chapter 5: Protecting Public Health and Safety

### 5.1 General Policies for Natural and Human-Made Hazards

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

### 5.2 Natural Hazards

1. Planning authorities shall identify *hazardous lands* and *hazardous sites* and manage development in these areas, in accordance with provincial guidance.
2. Development shall generally be directed to areas outside of:
  - a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*;
  - b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
  - c) *hazardous sites*.
3. *Development* and *site alteration* shall not be permitted within:
  - a) the *dynamic beach hazard*;
  - b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
  - c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
  - d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.
4. Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.
5. Despite policy 5.2.3, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard along river, stream and small inland lake systems*:
  - a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
  - b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor

additions or passive non-structural uses which do not affect flood flows.

6. *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:
  - a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
  - b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
  - c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.
7. Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry.
8. Further to policy 5.2.7, and except as prohibited in policies 5.2.3 and 5.2.6, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
  - a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
  - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - c) new hazards are not created and existing hazards are not aggravated; and
  - d) no adverse environmental impacts will result.
9. *Development* shall generally be directed to areas outside of lands that are unsafe for development due to the presence of *hazardous forest types for wildland fire*.

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

### 5.3 Human-Made Hazards

1. Development on, abutting or adjacent to lands affected by *mine hazards*; *oil, gas and salt hazards*; or former *mineral mining operations*, *mineral aggregate operations* or *petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
2. Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

## Chapter 6: Implementation and Interpretation

### 6.1 General Policies for Implementation and Interpretation

1. This Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.
2. This Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.
3. This Policy Statement shall be implemented in a manner that is consistent with *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.
4. When implementing this Policy Statement, the Minister of Municipal Affairs and Housing may make decisions that take into account other considerations to balance government priorities.
5. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Policy Statement. The policies of this Policy Statement continue to apply after adoption and approval of an official plan.

6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Policy Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.
7. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with this Policy Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with this Policy Statement.
8. In addition to land use approvals under the *Planning Act*, *infrastructure* may also have requirements under other legislation and regulations. For example, an environmental assessment process may be required for new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

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

9. To assess progress on implementation of this Policy Statement, the Province may:
  - a) identify key indicators to measure the outcomes, relevance and efficiency of the policies in this Policy Statement in consultation with municipalities, Indigenous communities, other public bodies and stakeholders;
  - b) monitor and assess the implementation of this Policy Statement through the

- collection and analysis of data under each indicator; and
  - c) consider the resulting assessment in each review of this Policy Statement.
10. Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any requirements for reporting planning information to the Province, and data standards and including through any other guidelines that may be issued by the Minister.
  11. *Strategic growth areas* are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.

## 6.2 Coordination

1. A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:
  - a) managing and/or promoting growth and development that is integrated with planning for *infrastructure* and *public service facilities*, including schools and associated child care facilities;
  - b) economic development strategies;
  - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
  - d) *infrastructure, multimodal* transportation systems, *public service facilities* and *waste management systems*;
  - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
  - f) natural and human-made hazards;
  - g) population, housing and employment projections, based on *regional market areas*, as appropriate; and
  - h) addressing housing needs in accordance with provincial housing policies and plans, including those that address homelessness.
2. Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.
3. Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement this Policy Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.
4. Planning authorities and school boards shall collaborate to facilitate early and integrated planning for schools and associated child care facilities to meet current and future needs.
5. Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient

communities.

6. Municipalities, the Province, and other appropriate stakeholders are encouraged to undertake a coordinated approach to planning for large areas with high concentrations of employment uses that cross municipal boundaries.
7. Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:
  - a) identify and allocate population, housing and employment projections for lower-tier municipalities;
  - b) identify areas where growth and development will be focused, including *strategic growth areas*, and establish any applicable minimum density targets;
  - c) identify minimum density targets for growth and development taking place in new or expanded *settlement areas*, where applicable; and
  - d) provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.
8. Where there is no upper-tier municipality or where planning is not conducted by an upper-tier municipality, planning authorities shall ensure that policy 6.2.7 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.

## 7: Definitions

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

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

**Additional needs housing:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *additional needs housing* may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

**Adjacent lands:** means

- a) for the purposes of policy 3.3.3, those lands contiguous to existing or *planned corridors* and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives;
- b) for the purposes of policies 4.4.2.2 and 4.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
- c) for the purposes of policy 4.6.3, those lands contiguous to a *protected heritage property*.

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

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

**Agricultural condition:** means

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

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

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

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

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

**Agri-food network:** Within the *agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

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

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

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

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

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

**Areas of archaeological potential:** means areas with the likelihood to contain *archaeological resources*, as evaluated using the processes and criteria that are established under the *Ontario Heritage Act*.

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

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

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

**Built heritage resource:** means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

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

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

**Complete communities:** means places such as mixed-use neighbourhoods or other areas within cities, towns, and *settlement areas* that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, *public service facilities*, local stores and services. *Complete communities* are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

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

Mitigative measures and/or alternative development approaches should be included in these plans and assessments.

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

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

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

**Designated and available:** means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

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

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

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
- b) works subject to the *Drainage Act*.

**Dynamic beach hazard:** means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *floodplain hazard* limit plus a dynamic beach allowance.

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

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

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

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

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

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

- a) along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *floodplain hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave effects* and *other water-related hazards*;
- b) along *river, stream and small inland lake systems*, the *floodplain hazard* limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the *one hundred year flood*; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

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

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

and *large inland lakes*, and *flooding hazards along river, stream and small inland lake systems*.

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

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

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

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

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

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

**Green infrastructure:** means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels,

permeable surfaces, and green roofs.

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

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

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

**Hazardous sites:** means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

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

**Heritage attributes:** means, as defined under the *Ontario Heritage Act*, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.

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

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

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

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

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

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

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, *active transportation* systems, oil and gas pipelines and associated facilities.

**Institutional use:** for the purposes of policy 5.1.6, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

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

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

**Large and fast-growing municipalities:** means municipalities identified in Schedule 1.

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

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

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

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

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

same objectives.

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

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

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

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

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

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

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

**Mineral aggregate operation:** means  
a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;

- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

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

**Mineral aggregate resource conservation:** means

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

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

**Mineral mining operation:** means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Minimum distance separation formulae:** means formulae and guidelines developed by

the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

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

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

**Municipal water services:** means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*.

**Negative impacts:** means

- a) in regard to policy 3.6.4 and 3.6.5, potential risks to human health and safety and degradation to the *quality and quantity of water*, sensitive *surface water features* and sensitive *ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to policy 4.2, degradation to the *quality and quantity of water*, sensitive *surface water features* and sensitive *ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities; and
- c) in regard to policy 3.3.3, any *development* or *site alteration* that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.

**Normal farm practices:** means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of

innovative technology in a manner consistent with proper advanced farm management practices. *Normal farm practices* shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

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

**On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. Land-extensive energy facilities, such as ground-mounted solar or battery storage are permitted in *prime agricultural areas*, including *specialty crop areas*, only as *on-farm diversified uses*.

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

**One hundred year flood level:** means

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

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

**Partial services:** means

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

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

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

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

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

**Portable asphalt plant:** means a facility

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

**Portable concrete plant:** means a building or structure

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

**Prime agricultural area:** means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs, or by a planning authority based on provincial guidance.

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

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

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

**Protected heritage property:** means

- property designated under Part IV or VI of

the *Ontario Heritage Act*;

- property included in an area designated as a heritage conservation district under Part V of the *Ontario Heritage Act*;
- property subject to a heritage conservation easement or covenant under Part II or IV of the *Ontario Heritage Act*;
- property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under Part III.1 of the *Ontario Heritage Act* and the heritage standards and guidelines;
- property with known *archaeological resources* in accordance with Part VI of the *Ontario Heritage Act*;
- property protected under federal heritage legislation; and
- UNESCO World Heritage Sites.

**Protection works standards:** means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards*, *erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

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

*Public service facilities* do not include *infrastructure*.

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

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

for future *rail facilities*.

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

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

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

**Renewable energy system:** means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

**Reserve sewage system capacity:** means design or planned capacity in a waste water treatment facility, within *municipal sewage services* or *private communal sewage services*, which is not yet committed to existing or approved development. For lot creation using *private communal sewage services* and *individual on-site sewage services*, *reserve sewage system capacity* includes approved capacity to treat and land-apply, treat and dispose of, or dispose of, hauled sewage in accordance with applicable legislation but not by land-applying untreated, hauled sewage. Treatment of hauled sewage can include, for example, a sewage treatment plant, anaerobic digestion, composting or other waste processing.

**Reserve water system capacity:** means design or planned capacity in a water treatment facility which is not yet committed to existing or approved development. *Reserve water system capacity* applies to *municipal water*

*services* or *private communal water services*, and not *individual on-site water services*.

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

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

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

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

**Sensitive:** in regard to *surface water features* and *ground water features*, means features that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

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

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

Settlement areas are:

a) built-up areas where development is

concentrated and which have a mix of land uses; and

- b) lands which have been designated in an official plan for development over the long term.

**Sewage and water services:** includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

**Significant:** means in regard to mineral potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.

Criteria for determining significance is provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

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

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

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

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

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

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

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

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

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

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

routes, information, fare policy, and fare payment.

**Transit-supportive:** in regard to land use patterns, means development that makes transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the *transportation system*.

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

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

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

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

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

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

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

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

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

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

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

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

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

## 8: Appendix – Schedule 1: List of Large and Fast Municipalities

Town of Ajax	City of Mississauga
City of Barrie	Town of Newmarket
City of Brampton	City of Niagara Falls
City of Brantford	Town of Oakville
City of Burlington	City of Oshawa
Town of Caledon	City of Ottawa
City of Cambridge	City of Pickering
Municipality of Clarington	City of Richmond Hill
City of Guelph	City of St. Catharines
City of Hamilton	City of Toronto
City of Kingston	City of Vaughan
City of Kitchener	City of Waterloo
City of London	Town of Whitby
City of Markham	City of Windsor
Town of Milton	

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**City of Welland**  
Office of the Chief Financial Officer/Treasurer  
Financial Services  
60 East Main Street, Welland, ON L3B 3X4  
**Phone:** 905-735-1700 Ext. 2120 | **Fax:** 905-735-4871  
**Email:** [steven.fairweather@welland.ca](mailto:steven.fairweather@welland.ca) | [www.welland.ca](http://www.welland.ca)

## MEMORANDUM

**TO:** Mayor and Members of Council

**FROM:** Elizabeth Pankoff, Manager of Budgets & Financial Reporting/Deputy Treasurer

**DATE:** May 16, 2023

**SUBJECT: 2023 Dividend from Welland Hydro-Electric Holding Corp.**

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During the 2023 Budget process, Council approved the inclusion of shareholder dividends in the amount of \$1,000,000, representing the regular annual standard dividend. This revenue from Welland Hydro is included in the 2023 City of Welland Tax Supported Budget.

In order to access these funds, the sole shareholder of Welland Hydro, the Corporation of the City of Welland, is required to pass a resolution requesting the dividends.

Staff recommends passage of the following motion in order to proceed with requesting the aforementioned dividends:

***THAT THE COUNCIL OF THE CITY OF WELLAND, as sole Shareholder of Welland Hydro-Electric Holding Corp., requests and accepts excess funds of \$1,000,000 by way of a dividend from Welland Hydro-Electric Holding Corp.***



May 2023

Your Worship,

Whether you live in a large, cosmopolitan city or a small hamlet, you have been faced with the opioid crisis facing Canadians.

The National Chronic Pain Society is asking for your assistance to help patients suffering from chronic pain from becoming addicted to opioids.

Recently, the Ontario College of Physicians and Surgeons has made a decision that will lead more people who suffer from chronic pain to turn to opioids to alleviate their pain. The College is targeting community pain clinics by requiring the use of ultrasound technology in the administration of nerve block injections by licensed physicians. They are not mandating this requirement for physicians in any other capacity, such as epidurals in hospitals. This requirement will increase the time it takes to administer the nerve block and, therefore, reduce the number of patients a physician can see in a day.

Also, the Ontario Health Insurance Plan (OHIP) is proposing to reduce coverage for several vital healthcare services, including a drastic reduction in the number and frequency of nerve block injections a patient can receive. These changes have been proposed without any consultation with pain management medical professionals or with their patients. This cut will force chronic pain clinics to shut down, putting a greater strain on family physicians and emergency rooms.

With the reduction in the number of nerve blocks being administered, many patients, looking for pain relief, will turn to overcrowded emergency rooms, opioid prescriptions from doctors or opioid street drugs.

We are asking that your Council pass a motion requesting that the Government of Ontario maintain OHIP coverage for chronic pain treatments and continue to provide much-needed care for the people of Ontario.

Further if you can please communicate that motion to the Premier, Minister of Health, Associate Minister of Mental Health and Addictions and your local MPP(s),

Thank you for your kind consideration of this matter. If you have any question, please do not hesitate to contact me at 1-800-252-1837, or by email at [info@nationalchronicpainsociety.org](mailto:info@nationalchronicpainsociety.org). You may also contact me through Elias Diamantopoulos of GTA Strategies at (416) 499-4588 ext. 6, or at [elias@gtastrategies.com](mailto:elias@gtastrategies.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Leeann Corbeil", is written over a light blue horizontal line.

Leeann Corbeil, Executive Director  
National Chronic Pain Society




**City of Welland**  
**Planning and Development Services Department**  
60 East Main Street, Welland, ON L3B 3X4  
**Phone:** 905-735-1700 Ext. 2251 | **Fax:** 905-735-8772  
**Email:** devserv@welland.ca | www.welland.ca

## MEMORANDUM

### Planning and Development Services Department Building Division

**TO:** Mayor Campion, and members of Council

**FROM:** Grant Munday, B.A.A., MCIP, RPP   
Director Planning and Development Services

**DATE:** May 16, 2023

**SUBJECT:** Staff Comments on Notice of Motion Concerning Urban Forestry  
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This memo is in response to the Notice of Motion put forward by Councillor Fokkens at the May 2, 2023 Council Meeting concerning Urban Forestry. Staff do not recommend Council approve the Notice of Motion. The main reason for this that the City has already undertaken a planned approach to urban forestry. We are currently nearing the final stages of the Update to the City's Official Plan and the development of Urban Forestry Guidelines. On April 20, 2021, City Council approved retaining SGL Planning and Design Inc. along with GEI Consultants - Savanta Division and UrbanMetrics Inc. to undertake this work. GEO Consultants -Savanta Division is working with City Staff in developing these urban forestry guidelines and policies. Staff understand the importance and benefits of urban forestry and enhancement in the City but their needs to be comprehensive plan established first.

There has already been extensive work completed to date including background research, public and stakeholder consultation, and draft policies. Once the Green Committee of Council is established we will seek comments on the Draft Official Plan and Draft Urban Forestry Guidelines The outcome of this process is that it will give staff a policy foundation to develop and implement initiatives to promote the protection, enhancement and expansion of trees on lands within the City (City owned lands, road allowances and private lands). This may include but not limited to tree canopy cover targets, tree replacement ratios, requirements for tree savings plans and other tree planting and canopy cover initiatives (community tree planting, tree give aways, public education).

There are many items that will need to be considered as part of this process and the initiatives and by-laws that would follow. However, without strong guidelines and policies it

RE: Staff Comments on Notice of Motion Concerning Urban Forestry

May 12, 2023

will be difficult to effectively determine what initiatives are needed. Any proposed initiative concerning urban forestry will have number of budgetary considerations such as:

- Budgeting for additional trees to be planted and maintain on City owned lands and road allowances beyond the current budgeted amounts;
- Additional Staffing or service contracts to plant trees; enforce and administer by-laws; deliver public education initiatives etc;
- Vehicles and equipment for Enforcement Officers and Parks staff;
- Legal costs associated with enforcement of any By-laws;
- Purchase of satellite imagery and other mapping to monitor the City tree canopy; and
- Cost-recovery application fees for any tree preservation by-law application; and
- Public consultation on proposed initiatives

In summary, Staff do not recommend approval of the Notice of Motion concerning urban forestry. The City is already in process of developing urban forestry guidelines and policies. Once this is complete, Staff will begin to bring forward initiatives through the budget process which would help to implement these guidelines and policies with the ultimate goal to help enhance the City's tree canopy cover. These will need to be fully costed to ensure they are budgeted accordingly and should be considered through future yearly budget processes. We first need urban forestry guidelines and policies to guide the City in developing effective implementation initiatives.