



**The Corporation of the Township of Tay
Protective and Development Services Committee
Agenda**

March 9, 2022

9:30 a.m.

Remote Video and Telephone Conference

PUBLIC NOTICE: Due to COVID-19 pandemic precautions regarding physical distancing and in accordance with Ontario Regulation 52/20, which restricts an organized public event of more than five people, Committee will be meeting remotely by video and telephone conference. For details on how to view the video conference meeting visit <https://www.tay.ca/Meetings>. To listen to the meeting by telephone call 705-999-0385 (a local telephone number) and enter meeting ID number 836 7342 9392.

Pages

1. Call to Order

2. Adoption of the Agenda

Recommendation:

That the Protective and Development Services Committee Meeting Agenda for March 9, 2022 be adopted as circulated.

3. Disclosure of Interest

4. Presentations / Delegations

5. Standing Committee Business

5.1. Adoption of Minutes

5.1.1. Protective and Development Services Committee Minutes - February 9, 2022

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Recommendation:

That the Protective and Development Services Committee meeting minutes for February 9, 2022 be adopted.

5.2. Reports from Municipal Officials

- 5.2.1. PDS-2022-16 General Manager Protective and Development Services/Fire Chief, Re: 2023 Fire apparatus purchase and delivery 8
- Recommendation:
 That Staff Report No. PDS-2022-16 regarding 2023 Fire apparatus purchase and delivery be received; and
 That Council approves of the purchase and delivery of a Pumper apparatus from the sole bidder, Fort Garry Fire Trucks in the amount of \$537,395.00 excluding HST; and
 That \$107,395 be allocated from the fleet reserve to cover the purchase cost in excess of the previously budgeted amount; and
 Further that the required by-law to authorize the agreement with Fort Garry Fire Trucks be brought forward for consideration.
- 5.2.2. PDS-2022-18 Manager of Planning and Development Services, Re: Official Plan Amendment 2020-OPA-01 and Zoning By-Law Amendment 2020-ZBA-02 for 3282 Ogdens Beach Road 11
- Recommendation:
 PDS-2022-18 Official Plan Amendment 2020-OPA-01 and Zoning By-Law Amendment 2020-ZBA-02 for 3282 Ogdens Beach Road be received for information.
 That Amendment Number 41 to the Official Plan of the Township of Tay be approved; and
 That Zoning By-law Amendment for 3282 Ogdens Beach Road be rezoned from Marine Commercial (C6) zone to the Recreational Trailer Park Exception One (RTP-01) zone and to the Marine Commercial Exception Three (C6-3) zone;
 And that the appropriate By-laws be brought forward at the next Council Meeting.
- 5.2.3. PDS-2022-13 Manager of Planning and Development Services, Re: Zoning By-Law Amendment 793 and 795 Fifth Avenue 38
- Recommendation:
 That Staff Report No. PDS-2022-13 regarding Zoning By-Law Amendment 793 & 795 Fifth Avenue be received; and
 That the proposed Zoning By-law Amendment to Zoning By-law 2000-57 as outlined in Attachment 3 in Staff Report PDS-2022-13 be approved;
 And that the appropriate By-law be brought forward at the next Council Meeting.
- 5.2.4. PDS-2022-23 Chief Administrative Officer, Re: Process for Partial Release of Development Freeze - Paradise Point and Grandview Beach 48
- Recommendation:
 That Staff Report No. PDS-2022-23 regarding Process for Partial Release of Development Freeze - Paradise Point and Grandview Beach be received; and
 and
 That staff be directed to proceed with the process, as outlined in the report.
- 5.2.5. PDS-2022-19 General Manager Protective and Development Services, Fire Chief/CEMC, Re: Monthly Activity Report 77

5.2.6.	PDS-2022-20 Deputy Fire Chief/Fire Prevention Officer, Re: Monthly Activity Report	79
5.2.7.	PDS-2022-22 Manager of Building Services/CBO, Re: Monthly Activity Report	81
5.2.8.	PDS-2022-17 Manager of Planning and Development Services, Re: Monthly Activity Report	83
5.2.9.	PDS-2022-21 Senior Municipal Law Enforcement Officer, Re: Monthly Activity Report	85

5.3. Other Business

5.4. Items for Information

5.4.1.	Correspondence - David Jeffery, Simcoe County Greenbelt Coalition Board, Re: Support for a province wide moratorium on new gravel mining permits	89
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6. General Discussion – Committee/Staff Question & Answer Period

7. Closed Session

8. Adjournment

Recommendation:

That this meeting adjourn at (time) a.m.

The Corporation of the Township of Tay
Protective and Development Services Committee Meeting Minutes

Wednesday, February 9, 2022, 9:30 a.m.
Remote Video and Telephone Conference

Present: Mayor Walker
Deputy Mayor La Chapelle
Councillor Bumstead
Councillor Warnock
Councillor Norris

Staff Present: L. Barron – Chief Administrative Officer
D. O’Shea – General Manager Corporate Services
S. Aymer – General Manager Protective and Development Services/Fire Chief
S. Berriault – General Manager Operational Services
T. Weatherell – Manager of Planning and Development Services
T. Tompkins – Manager of Building Services/CBO
H. Horn – Senior Municipal Law Enforcement Officer
J. Rounds – Municipal Law Enforcement Officer/Canine Officer
C. Bonneville – Clerk
E. Smith – Communications Specialist

Regrets: Councillor Raymond
Councillor Talbot

1. Call to Order

Mayor Walker called the meeting to order at 9:31 a.m.

2. Adoption of the Agenda

Moved by Councillor Warnock
Seconded by Mayor Walker

That the Protective and Development Services Committee Meeting Agenda for February 9, 2022 be adopted as circulated.

Motion Carried.

3. Disclosure of Interest

No interests were disclosed at this time.

4. **Presentations / Delegations**

No presentation or delegations were received.

5. **Standing Committee Business**

Mayor Walker called on Councillor Warnock to Chair the meeting.

At this time General Manager Protective and Development Services introduced Harry Horn who recently joined the Township as Senior Municipal Law Enforcement Officer. Mr. Horn brings 32 years of experience in policing and is looking forward to working with Council and Township staff.

5.1 **Adoption of Minutes**

5.1.1 Protective and Development Services Committee Minutes - January 12, 2022

Moved by Councillor Warnock

Seconded by Mayor Walker

That the Protective and Development Services Committee meeting minutes for January 12, 2022 be adopted.

Motion Carried.

5.2 **Reports from Municipal Officials**

5.2.1 PDS-2022-15 General Manager Protective and Development Services and Chief Administrative Officer, Re: Fire Services Delivery Review

Moved by Councillor Warnock

Seconded by Mayor Walker

That Staff Report No. PDS-2022-15 regarding Fire Services Delivery Review be received; and

That staff be directed to submit a written response to the various recommendations outlined in the Pomax report by February 28, 2022.

Motion Carried.

5.2.2 PDS-2022-08 General Manager Protective and Development Services/FireChief/CEMC, Re: Monthly Activity Report

General Manager Protective and Development Services/Fire Chief provided the committee with an update to his report noting that the mandatory firefighter certification process is in the public consultation

phase and staff hopes to have additional information for the March monthly report.

Report PDS-2202-08 was received for information.

5.2.3 PDS-2022-14 Deputy Fire Chief/FPO, Re: Monthly Activity Report

Report PDS-2022-14 was received for information.

5.2.4 PDS-2022-12 Manager of Building Services/CBO, Re: Monthly Activity Report

Report PDS-2022-12 was received for information.

5.2.5 PDS-2022-11 Manager of Planning and Development Services, Re: Monthly Activity Report

Manager of Planning and Development Services provided the committee with an update on his report noting that the Township received an Ontario Land Tribunal appeal on applications 2021-B-07 to 2021-B-12 which were denied by the Committee of Adjustment on January 19, 2022.

Report PDS-2022-11 was received for information.

5.2.6 PDS-2022-09 Municipal Law Enforcement Officer, Re: Year End Activity Report

Staff responded to general questions of the committee regarding the process for issuance and enforcement of Parking Permit stickers.

Report PDS-2022-09 was received for information.

5.2.7 PDS-2022-10 Municipal Law Enforcement Officer, Re: Monthly Activity Report

Report PDS-2022-10 was received for information.

5.3 Other Business

No items for other business were received.

5.4 Items for Information

No items for information were received.

6. **General Discussion – Committee/Staff Question & Answer Period**

No items for general discussion were received.

7. **Requests for Future Reports or Follow-up**

Committee did not consider the recommendation on future reports for follow-up.

8. **Closed Session**

No closed session meeting was held.

9. **Adjournment**

Moved by Councillor Warnock

Seconded by Mayor Walker

That this meeting adjourn at 9:57 a.m.

Motion Carried.

Chair

Minutes Recorder



STAFF REPORT

Department: Protective and Development Services

Meeting Chair: Councillor Paul Raymond

Meeting Date: March 9, 2022

Report No.: **PDS-2022-16**

Report Title: **2023 Fire apparatus purchase and delivery**

RECOMMENDATION:

That Staff Report No. PDS-2022-16 regarding 2023 Fire apparatus purchase and delivery be received; and

That Council approves of the purchase and delivery of a Pumper apparatus from the sole bidder, Fort Garry Fire Trucks in the amount of \$537,395.00 excluding HST; and

That \$107,395 be allocated from the fleet reserve to cover the purchase cost in excess of the previously budgeted amount; and

Further that the required by-law to authorize the agreement with Fort Garry Fire Trucks be brought forward for consideration.

INTRODUCTION/BACKGROUND:

A 2023 Pumper apparatus was included in the approved 2022 capital budget for station 2 Old Fort. Due to the extensive lead times, these apparatus are tendered a year in advance in order to take delivery in the year they are required and are only paid for once delivered.

ANALYSIS:

The government contract portal bidding process was used for the tender process with only one tender being received. As seen recently with the operational services plow truck purchase, the fire apparatus manufacturers have also seen significant increases to chassis and materials, often receiving multiple increases per month. In the past, increases were very predictable and came

once a year. Due to the unpredictable nature of the market the manufacturer expects increases to continue and, as a result has reduced the standard ninety (90) day acceptance period to 30 days.

The Tay Fire & Emergency Services frontline fire apparatus replacement cycle is 20 years. This cycle follows the fire underwriters survey guidelines for small communities. The new apparatus being purchased is designed to better manage our levels of service by integrating the adopted recommendations in our fire master plan related to apparatus and equipment. In the 20 years since this existing apparatus was purchased many safety features have been developed and are now standard features on today's fire apparatus.

Prior to the tendering process staff received preliminary pricing indicating there would be a much larger increase than normal. With this in mind, staff reevaluated the specifications previously considered to ensure that the tender only included items delivering the best value for the township. In an effort to ensure the lowest cost possible, staff also met with the District Chief of the Old Fort hall to determine if they had any additional recommendations on features that could be removed or replaced with a less expensive alternative.

The following changes were made to reduce the costs by \$18,000:

- **Removed extended front bumper housing 38mm attack line**
- **Removed 65mm discharge**
- **Removed external pylon holder**
- **Removed double sided tool board**

Any further reductions to the equipping of the apparatus is not recommended as it would result in an ill-equipped apparatus that will cost more long term to add the necessary features.

We received one response from our tender process, and the results (excluding HST) are as follows:

- Fort Garry Fire Trucks \$537,395.00

FINANCIAL/BUDGET IMPACT:

The budgeted amount for this purchase was \$430,000. This figure was the purchase price of our last pumper which was delivered in 2019 and represents a standard apparatus on a commercial chassis. Other local municipalities have recently budgeted between 700,000 and 1,000,000 for their pumper apparatus. During our next capital budget process the transfer to fleet reserves for fire apparatus and other heavy service vehicles will be evaluated. An increase to the purchase price of \$107,395 requires an

additional annual transfer to reserves of \$5,370 based on the 20 year replacement cycle.

After a number of cyclical purchases recently made for heavy service vehicles, equipment and fire apparatuses, the current Municipal Fleet Reserve is in a deficit position, and is expected to be in a deficit position for a number of years. We do have a number of other capital and operating reserves, which allows for this deficit to take place without impacting our current cash flows or purchase needs. To assist with the Municipal Fleet Reserve shortfall, and to ensure that the reserve is better able to keep up with future inflationary and market changes for other planned fleet replacements, a portion of the 2021 operating surplus could be allocated to this reserve during our year-end process. A recommendation report for the 2021 surplus is expected to come forward from our Finance Division at our April Committee/Council cycle.

STRATEGIC PLAN:

Tay Open – Increasing transparency about decision-making that affects the community.

Ensuring our apparatus are meeting current standards and creates a safer work environment for our firefighters

CONCLUSION:

Staff is recommending that the tender be awarded to Fort Garry Fire Trucks and that the required by-law be brought forward at the next council meeting in order to meet the 30 day acceptance period condition.

Prepared & Recommended By:

Date: March 1, 2022

Shawn Aymer, CMMIII Fire Service Executive
General Manager, Protective & Development Services
Fire Chief/CEMC

Reviewed By:

Date: March 1, 2022

Lindsay Barron, CPA, CGA, HBCom.
Chief Administrative Officer



STAFF REPORT

Department: Protective and Development Services

Meeting Chair: Councillor Paul Raymond

Meeting Date: March 9, 2022

Report No.: **PDS-2022-18**

Report Title: **Official Plan Amendment 2020-OPA-01 and Zoning By-Law Amendment 2020-ZBA-02 for 3282 Ogdens Beach Road**

RECOMMENDATION:

PDS-2022-18 Official Plan Amendment 2020-OPA-01 and Zoning By-Law Amendment 2020-ZBA-02 for 3282 Ogdens Beach Road be received for information.

That Amendment Number 41 to the Official Plan of the Township of Tay be approved; and

That Zoning By-law Amendment for 3282 Ogdens Beach Road be rezoned from Marine Commercial (C6) zone to the Recreational Trailer Park Exception One (RTP-01) zone and to the Marine Commercial Exception Three (C6-3) zone;

And that the appropriate By-laws be brought forward at the next Council Meeting.

INTRODUCTION/BACKGROUND:

The subject lands are legally known as Part of Lots 18 and 19, Concession 3, and municipally known as 3282 Ogdens Beach Road in the Township of Tay. The subject lands have a total area of approximately 53.0 ha (131.0 acres) with approximately 680.0 metres of frontage onto Ogdens Beach Road. **Attachment 1** shows the location of the subject lands.

The subject lands currently operate as a marina, which has approximately 700 boat slips, 11 accessory buildings and structures, swimming pool, a sports court and a playground.

Municipal water and sewer are not available therefore the marina is currently serviced by private communal sewage and water services that exclusively service the marina.

Innovative Planning Solutions on behalf of Maple Leaf Marina Holdings have applied for an Official Plan Amendment to add a new special policy to permit a trailer park on a portion of the subject lands. See **Attachment #2** for proposed site plans.

In combination with the Official Plan Amendment, a Zoning By-law Amendment application has also been submitted to rezone a portion of the lands from Marine Commercial (C6) zone to the Recreational Trailer Park Exception One (RTP-01) zone and to the Marine Commercial Exception Three (C6-3) zone.

The proposed applications would permit 74 model/motorhome sites that will be utilized by for seasonal recreational use, as well as to permit boat storage on a portion of the lands.

The Township declared the Official Plan Amendment and Zoning By-law Amendment applications complete as of March 6, 2020. A public meeting was held via 'Zoom' on May 27, 2020, approximately 23 letters of concerns from members of the public were received.

The applicants Planning Consultant provided a revised concept plan on October 30, 2020 to address comments received from members of the public as well as provided additional studies that were requested for the proposed development.

The revised concept now includes a 5.0 metre Vegetation Protection Zone (VPZ) and a 15.0 metre Naturalized Landscaping Buffer. Fencing has also been proposed where the proposed park model home/motorhome sites abuts the woodland features and the wetland Vegetative Protection Zone.

Applicants are now proposing 8.0 metre setback from the 100 Year Flood Level for the portion of shoreline area inside the marina, whereas Zoning By-law 200-57 requires a 15.0 metre setback from the 178.0 G.S.C elevation on a waterfront lot abutting Georgian Bay.

The applicants have also provided a 12.0 metre turning radii for the proposed internal road network, and they have relocated the proposed pool and playground area. Lastly, they have requested a reduction in visitor/boat slip parking from 116 to 115 parking spaces.

The Township held an additional public meeting via 'Zoom' on February 10th, 2022. An approximately 46 letters of concerns from members of the public were received.

RESIDENT CONCERNS:

The Township received concerns relating to comments such as:

- Noise – The commercial operation of a marina and the potential impact of noise would be disadvantageous to other marina users.
- Watercraft traffic – The proposed development does not propose additional boat slips.
- Reduced setbacks from the 178 contour level – A Coastal Engineering and Wave Uprush Report has been prepared in support of the reduced setbacks.
- Short term rental impacts – The proposed applications are for the purposes of short term rental which will be operated by the marina. The term short term rental typically applies to a residential dwelling whereas one rents out their home to clients for a short period of time. This property is zoned Commercial which permits a hotel, which is designed for accommodation of the travelling or vacationing public.
- Impact to species/wildlife – A Natural Heritage Evaluation Report has been prepared in support of the applications, and states “a naturalized buffer along the Wye River will significantly enhance the ecological function of the shoreline area”.
- Impact to water quality – A Functional Servicing and Preliminary Stormwater Management Report has been prepared in support of the applications which say “the site can be adequately serviced and sufficiently integrated into the existing marina without imposing any negative/adverse impacts to the surrounding lands”.
- Septic concerns – The Ministry of Conservation and Parks (MECP) approved an expansion to the existing services on August 25, 2021 to permit sewage Works for the treatment and subsurface disposal of domestic sewage, rated at a total maximum design capacity of 86,490 L/day, servicing the existing seasonal Wye Heritage Marina consisting of proposed thirty (30) recreational vehicle (RV) trailer sites, proposed seasonal forty four (44) Park Model Units (PMUs), a proposed washroom, existing seven hundred eighty eight (788) boat slips and existing amenities, including a store, a fifty (50) seat restaurant, a gas stop, a service building, tennis courts, a public pool and public washrooms.
- Visual impact – The proposal is designed to be low profile as per direction in the Townships Official Plan. A detailed landscaping plan is to be submitted as part of site plan control which can be vetted to make sure impact can be minimized.
- Lighting – As part of the site plan agreement all lighting will be dark sky friendly.

ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement ("PPS") is issued under the authority of Section 3(1) of the Planning Act and came into effect on May 1, 2020. Section 3(5) of the Planning Act requires that decisions affecting planning matters shall be consistent with the PPS. The below PPS policies are relevant to the Proposed.

Within the PPS, the subject lands are characterized as a Rural Area within Rural Lands. The following policies are identified below in relation to the proposed development. The subject lands are designated and zoned for marina use in the Township's official plan and zoning by-law, which the PPS identifies as a resource-based recreational and tourist use.

Policy 1.1.1 c) states that "healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns."

The proposed addition of 74 new model/motorhome sites for seasonal recreational use is not anticipated to have any unwanted impacts provided the recommendations provided in Natural Heritage Evaluation that was submitted by Cambium Inc. are followed to, which will be controlled through site plan control if the proposed applications are approved.

Policy 1.1.4.1 g) and h) states that "healthy, integrated and viable rural areas should be supported by: providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets and conserving biodiversity and considering the ecological benefits provided by nature;

The proposed application should contribute to the rural area and it will also support the tourism industry in the Township of Tay. The proposed 74 model/motorhome sites will respect and conserve the natural heritage aspects of the property while providing for a tourism use that will draw visitors to the Township.

Policy 1.1.5.3 states that "recreational, tourism and other economic opportunities should be promoted" on rural lands.

The 74 model/motorhome sites will help bolster tourism as well as recreational opportunities on rural lands.

Policy 1.1.5.5 states "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.

The subject lands have been approved an Environmental Compliance Approval (ECA) on August 25, 2001 to expand the existing water and sewer services on the site. No uneconomical expansion of municipal infrastructure is proposed in order to service the expansion.

Section 1.6.6 of the PPS also sets priorities on the types of servicing that should accompany development in the province. Specifically, Section 1.6.6.1 e) states that "Planning for sewage and water services shall:

e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4, 1.6.6.5"

Section 1.6.6.3 describes the second type of servicing which is permitted and prioritized when full municipal services are not provided. Specifically, the policy states:

"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."

A private communal sewage and water system to individual sites would be appropriate as municipal water and sewer services are not available. A Geotechnical Study and a Functional Servicing Report (FSR) has been prepared to outline the necessary design and construction considerations for underground servicing.

Section 1.7 provides policies that support long-term prosperity by promoting opportunities for economic development as well as providing opportunities for sustainable tourism development.

The proposed development will provide an additional tourist opportunity to the existing marina by allowing visitors to stay on the site.

Policy 2.1.1 says that natural features shall be protected for the long term. A Natural Heritage Evaluation (NHE) was provided and the report recommends avoidance and mitigation measures and best practices which will help protect the natural features associated with the expansion of the marina. These measures will be implemented through a site plan agreement.

Section 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, 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 flood proofing 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.

A wave uprush and overtopping assessment and analysis report was submitted to address the following provisions of section 3.1.7. The report identifies that the proposed development will be in compliance with the PPS provided the proposed setbacks are maintained and the recommended conditions as identified in the report are followed.

It is Planning Staffs opinion that the proposed Application is consistent with the policies of the PPS as is detailed above.

A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2019

The Growth Plan provides an overall growth strategy for the Greater Golden Horseshoe region that complements the Provincial Policy Statement and is implemented by municipal planning documents.

Section 2.2.1 speaks to managing growth and that applying the policies of the Growth Plan will support the achievement of complete communities that feature a diverse mix of land uses, improve social equity and overall quality of life and will provide convenient access to recreational facilities.

The application if approved will provide additional opportunities for recreational uses in the Township of Tay. The proposed 74 new model/motorhome sites provide a logical expansion of an existing marina use and does not propose an uneconomical expansion to the existing services or infrastructure.

Section 2.2.9 of the Growth Plan includes policies for Rural Areas. Policy 2.2.9.3 and 2.2.9.4 states, "subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:

- a) The management or use of resources;
- b) Resource-based recreational uses; and

c) Other rural land uses that are not appropriate in settlement areas provided they:

- i. Are compatible with the rural landscape and surrounding local land uses;
- ii. Will be sustained by rural service levels; and
- iii. Will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:

- a) commercial uses to serve the needs of visitors; and
- b) where appropriate, resource-based recreational dwellings for seasonal accommodation.

The proposed 74 new model/motorhome site development will provide a tourism-related, recreational use to the marina and the expansion will continue to be compatible with the scale and character of the surrounding landscape. The proposed development is to occur on a spit of land that is currently being used as a roadway to allow boat owners to park and load and unload supplies for their boat.

The proposed use will be low profile. The expansion would appear to have minimal impact on the surrounding rural landscape and is proposed to enhance the recreational/tourism-related uses available in the Township.

Section 4.2.3.1 e) permits expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure. A vegetation protection zone (VPZ) of less than 30 m for existing development, applies in the case of the subject lands with respect to the proposal.

As per Severn Sound Environmental Association (SSEA) comments, the proposal will not encroach into key natural heritage features or key hydrologic features (e.g., streams, fish habitat, wetlands, significant woodlands or candidate significant wildlife habitat) identified for the site, and provides a VPZ of 5.0 m to the significant woodland and a naturalized landscaping buffer of 15.0 m to the Wye River.

Section 4.2.4 of the Growth Plan speaks to key hydrologic features and key natural heritage features. Policy 4.2.4.1 states: "Outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which:

- a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;
- b) Is established to achieve and be maintained as natural self-sustaining vegetation; and
- c) For key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

The application has been revised, redesigned and relocated to ensure that no adverse impacts are to occur on the hydrologic features or fish habitat. The proposed development is to be situated on lands that are already disturbed for access purposes for marina use as stated above.

The subject property is subject to Site Plan Control. The purpose of a site plan approval is to review design features and coordinate the following:

- Detailed Landscaping Plans (to be able to review general landscaping as well as for the VPZs and naturalized landscaping buffers adjacent to shorelines to ensure they incorporate wildlife habitat features and use native and non-invasive species.)
- High quality building design.
- Impact of the proposal on surrounding land uses.
- Placement of buildings.
- Overall site design.
- Pedestrian movement and barrier-free design.
- Grading, drainage and storm water management.
- Parking, loading layout, vehicular access and maneuvering.

It is Planning Staffs opinion that the proposed application conforms with the Growth Plan for the Greater Golden Horseshoe.

COUNTY OF SIMCOE OFFICIAL PLAN

The subject lands are designated 'Rural' and 'Greenlands' on Schedule 5.1 Land Use Designations of the Simcoe County Official Plan (SCOP). No development is proposed within the Greenlands designation and the proposed amendments are wholly within the Rural designated lands.

County staff received the following materials:

1. Planning Justification Report dated February 2020 including:
 - a. Conceptual Site Plan
 - b. Conceptual Trailer Site Layout
 - c. Draft Official Plan Amendment
 - d. Draft Zoning By-law Amendment
2. Hydrogeological Study and Water Balance Analysis, dated February 4, 2020.
3. Functional Servicing & Preliminary Stormwater Management Report, dated February 2020.
4. Geotechnical Investigation Report, dated January 31, 2020.
5. Tree Inventory, Analysis & Preservation Report, dated February 2020.
6. Tatham Engineering peer review letter dated February 16, 2021 of the Wave Uprush and Overtopping Assessment and Analysis Report prepared by Aqua Solutions 5 Inc. and Acqua Engineering Inc.; and
7. Severn Sound Environmental Association letters dated November 25, 2020 and February 17, 2021 which reviews:
 - Natural Heritage Evaluation, prepared by Cambium Inc.
 - Revised Tree Inventory, Analysis & Preservation Report, prepared by Landmark Environmental Group Ltd.
 - Revised Arborist Plan drawings, prepared by Landmark Environmental Group Ltd.

County Staff have noted that the peer reviewers recommend some revisions and additional verifications, but conclude that the proposed development is feasible for the purpose of the OPA/ZBA applications and that the technical comments can be addressed as part of the detailed design submission in support of a Site Plan Agreement.

County Planning staff do not object to this conclusion and do not have any further comments to provide on the submitted studies at this time.

Lands in the Rural designation shall be the focus of rural and agricultural land uses. Resource-based recreational activities (including recreational dwellings) are permitted in the Rural designation.

Rural commercial development that cannot be located and are not appropriate in a settlement area may be permitted in the Rural designation and also subject to the following additional criteria:

The proposed use must:

- a) generate minimal traffic or be in the proximity of an arterial road or highway;
- b) have sewage and water service needs suitable for individual services; and

e) for rural commercial uses, must primarily serve the travelling public and tourists to the area on the basis of convenience and access.

The subject site is in close proximity to Highway 12, an ECA has been approved to expand the existing services on the site and the proposed use will provide an opportunity for the travelling public to stay and visit the area.

TOWNSHIP OFFICIAL PLAN

The site is designated 'Marine Commercial' and 'Environmental Protection 3' in Schedule 'A' of the Township Official Plan.

The Official Plan encourages the development of the Township's marine commercial areas and strengthening their role in the local economy by becoming full season facilities while still maintaining the marina as the principle function and use of the lands.

The primary use of lands designated 'Marine Commercial' shall be for boat docking (both long term lease and transient use), boat storage, car parking, fuel and water supply, sewage pump outs and minor repair service.

Accessory uses are also permitted which may include a hotel, motel, restaurant, recreation facility, related retail, servicing and repair of boats and snowmobiles, and similar uses for recreational activities.

Permitted commercial uses shall be low profile in nature and respect the character of the surrounding neighbourhood. The marina currently exists and the expansion will have minimal impact on the adjacent neighbourhood as it has been designed to be low profile. The lands that are located in the Town of Midland that face the subject lands are primarily low profile single family dwellings. There is one high rise Condo/Apartment building that looks towards the subject site

Where overnight accommodation is provided dockside, sewage pump out stations and garbage disposal facilities shall be provided in accordance with the requirements of the appropriate Agency.

All development or redevelopment in the 'Marine Commercial' designation shall be subject to Site Plan Control.

The 'Environmental Protection Policy Area 3' overlay designation recognizes areas within the Township which form part of the natural heritage system but where some form of development rights and/or permissions have already been granted.

The intent of the 'Environmental Protection Policy Area 3' overlay designation is to maintain, to the greatest extent possible, the important

features, functions and linkages of these areas by integrating the development with the natural environment through sensitive design.

The uses permitted in areas subject to the 'Environmental Protection Policy Area 3' overlay designation shall be those permitted by the underlying land use designation which is 'Marine Commercial'.

Development in the 'Environmental Protection Policy Area 3' overlay designation shall be subject to the requirement for the preparation and submission of a scoped EIA. A Natural Heritage Evaluation report was prepared by Cambium Inc. which is the same as the requirement for an EIA.

The scoped EIA shall also protect, to the greatest extent possible, the important features, functions, and linkages of the natural heritage system while still permitting the proposed development in accordance with this Plan.

4.8.4.4.2 The scoped EIA required by the "Environmental Protection Policy Area 3" overlay designation will not be required to identify and assess the impacts of the development on the natural heritage system but shall address matters of design and mitigation.

The scoped EIA should include:

- (a) Description of the study area and the natural heritage system context;
- (b) Description of the development proposal;
- (c) Identification of those feature and functions and linkages that need to be addressed as part of the design;
- (d) Identification of mitigation requirements; and
- (e) Results and recommendations.

Section 6 in the Township's Official Plan speaks to infrastructure within the Township which includes, but not be limited to, sewage treatment servicing, water supply, roads, storm water management, and waste management.

The infrastructure policies in the Official Plan advise that connections should occur to municipal services within the Settlement Areas. The subject lands are located outside of the Settlement Area. The most appropriate services would be to be upgrade existing infrastructure of the marina as it would be the most cost-effective option for servicing the proposed development.

The Township has been provided technical studies in support and for acceptable operation of these services.

Township Planning Staff are in the opinion that the proposed development would appear to conform to the intent and policies of the Township's Official Plan.

TOWNSHIP ZONING BY-LAW

The subject lands is currently zoned Marine Commercial "C6", which permits a marina, accessory residential use, hotel and a restaurant.

The applicant is proposing to rezone a portion of the lands to Recreational Trailer Park Exception "RTP-01" Zone to permit a trailer park as an accessory use to the existing marina. As part of this application the applicant is proposing to establish site specific standards for each site, which is listed below:

- a) Minimum Site Area 180 m²
- b) Minimum Site Frontage 12 m
- c) Minimum Site Depth 12 m
- d) Minimum Setbacks
 - i. Front Site Line 3.0 m
 - ii. Rear Site Line 0.3 m
 - iii. Interior Side Site Line 0.5 m
 - iv. Exterior Side Site Line 0.3 m

In addition to the individual site's size, the application also seeks relief to reduce the required 15.0 metre setback from the 178.0 metres G.S.C. elevation to 8.0 metres. A Coastal Engineering and Wave Uprush Report has been prepared in support of the reduced setbacks.

The applications also propose to rezone a portion of the lands to Marine Commercial Exception "C6-3" Zone. This request would permit the site to be used for the outdoor storage of boats on the southerly portion of the lands.

FINANCIAL/BUDGET IMPACT:

None directly associated with this report. Applicants/owners are responsible for all costs for planning, engineering as well as legal costs incurred by the Township as part of the planning application process.

Should the application be appealed to the Ontario Land Tribunal, there could be additional cost for staff representation if required.

STRATEGIC PLAN:

Tay Resilient – Encouraging and promoting economic development and support for local business.

CONCLUSION:

It is recommended that Official Plan Amendment Application 2020-OPA-01 and Zoning By-Law Amendment Application 2020-ZBA-02 for 3282 Ogdens Beach Road to facilitate the development of a recreational trailer park as an accessory use to the existing marina be approved as the proposed use is:

- Consistent with the policies of the Provincial Policy Statement (2020);
- Conforms with the Growth Plan for the Greater Golden Horseshoe (2019);
- Conforms with the County of Simcoe Official Plan;
- Conforms with the Townships Official Plan;
- The Site can be serviced through upgrades to the existing water treatment facility and existing communal septic system approved by the Ministry of the Environment Conservation and Parks amended Environmental Compliance Approval Number 7503-C5PJMN, issued August 25, 2021.
- Will facilitate an improved recreational and tourism use on rural lands;
- Represents a logical expansion which will support a diversified rural economy through the introduction of a recreational trailer park and additional visitors coming to the area;
- It is appropriate in this rural context and the proposed zoning will ensure no negative impacts on the environmental features; and
- The proposed development represents good planning.

Attachments:

1. Key map
2. Proposed Site Plans
3. Draft Official Plan Amendment
4. Draft Zoning By-law Amendment

Prepared By:

Date: March 1, 2022

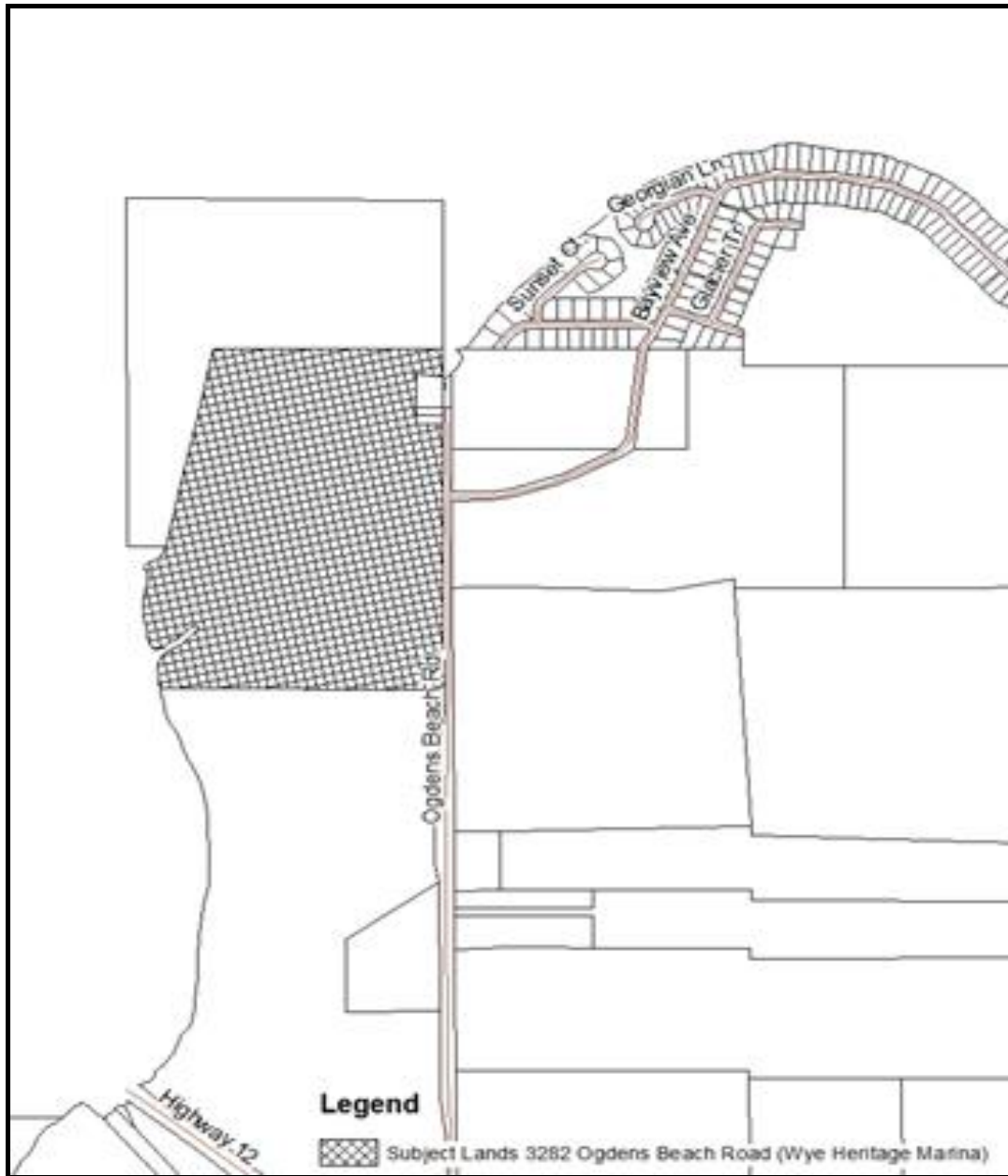
Todd Weatherell, RPP, CPT
Manager of Planning and Development Services

Reviewed By:

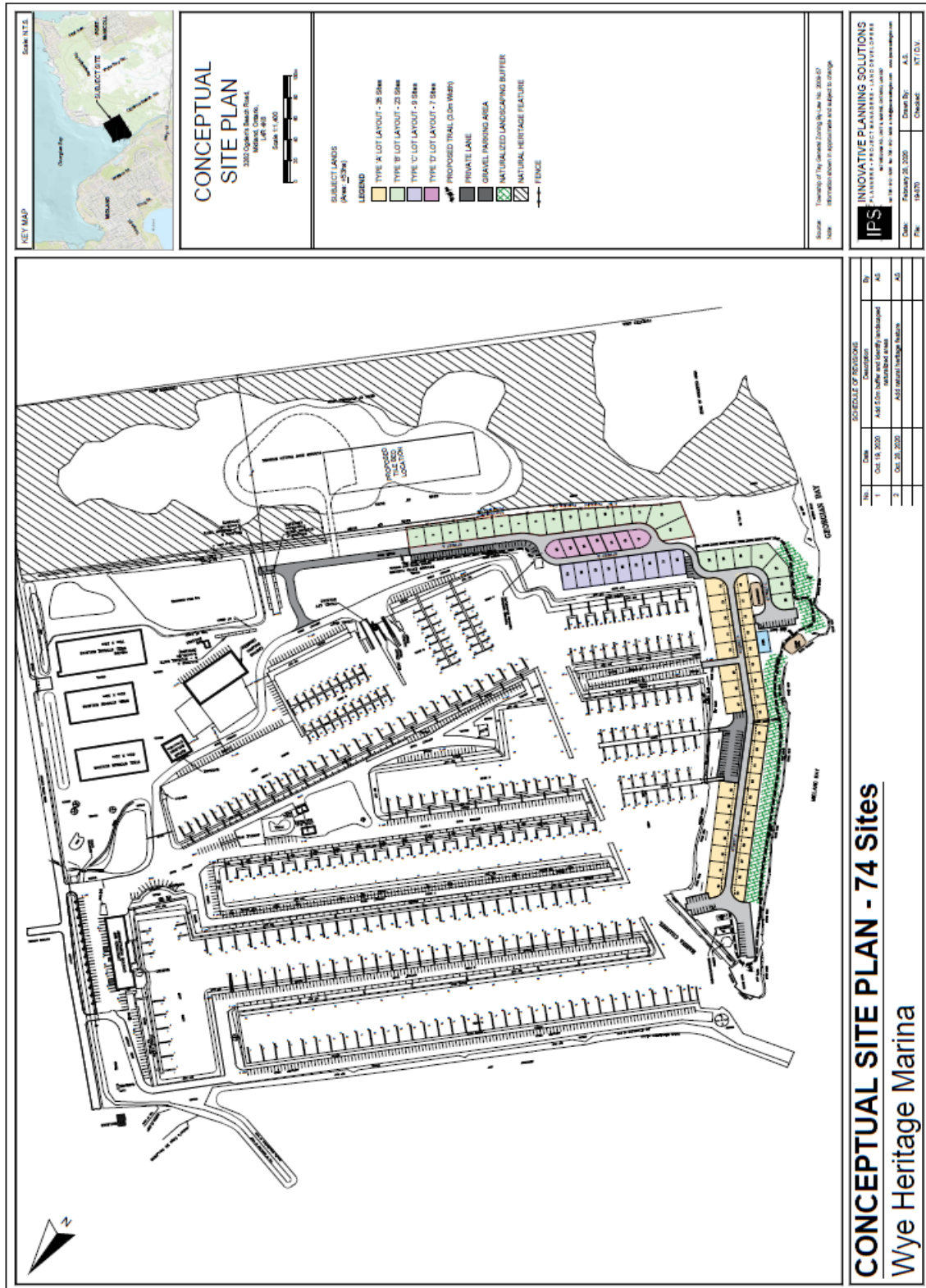
Date: March 1, 2022

Shawn Aymer, CMMIII Fire Service Executive
Fire Chief/CEMC
General Manager, Protective and Development Services

ATTACHMENT #1 - KEY MAP



ATTACHMENT #2 - PROPOSED SITE PLANS





LEGEND

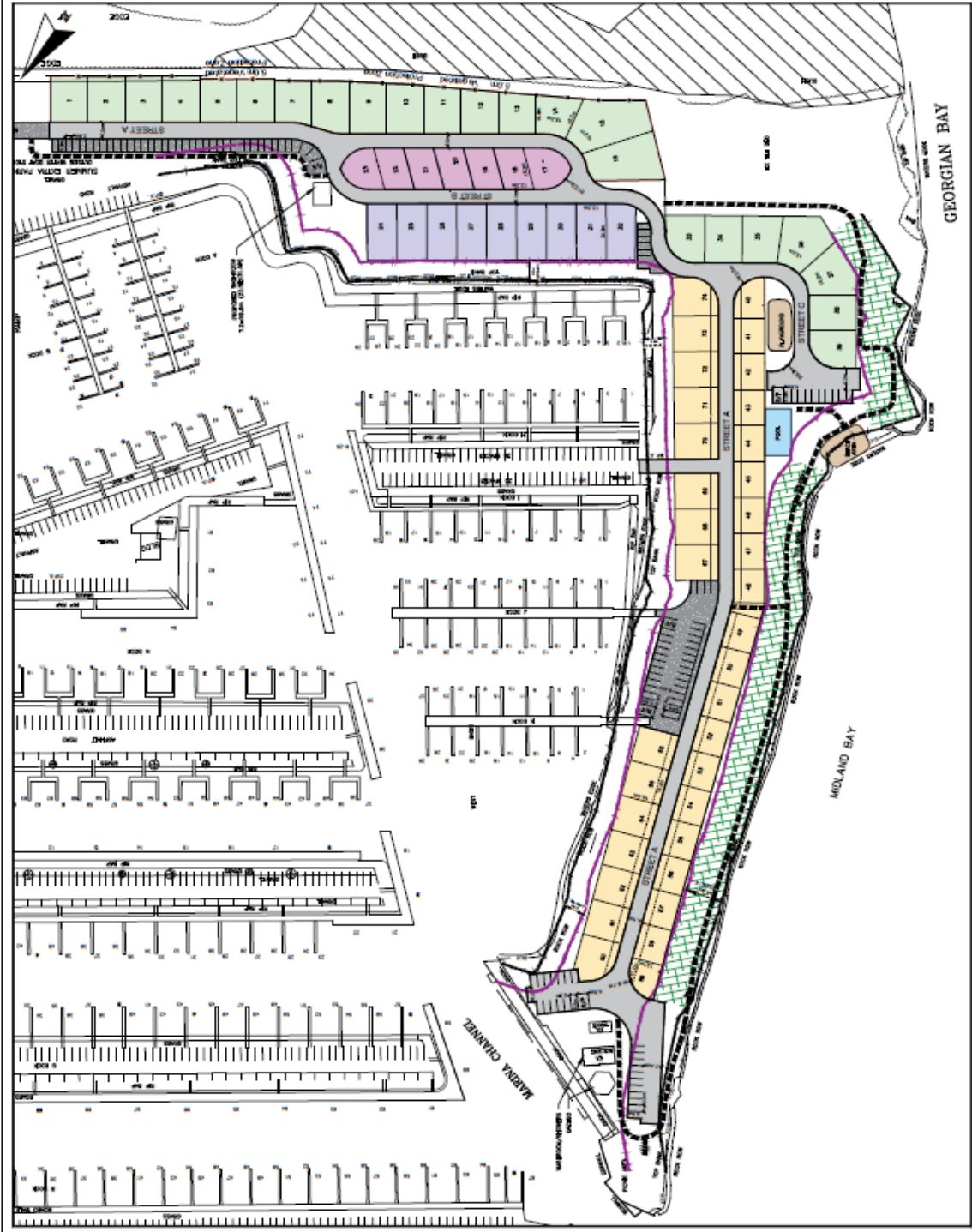
- TYPE 'A' LOT LAYOUT - 26 Sites
- TYPE 'B' LOT LAYOUT - 23 Sites
- TYPE 'C' LOT LAYOUT - 9 Sites
- TYPE 'D' LOT LAYOUT - 7 Sites
- PROPOSED TRAIL (Dun Nohy)
- PRIVATE LAKE
- GRAVEL PARKING AREA
- 100 YEAR FLOOD LEVEL OF 17.0M ELEVATION
- SETBACK FROM 100 YEAR FLOOD LEVEL OF 17.0M ELEVATION
- NATURALIZED LANDSCAPING BUFFER
- NATURAL HERITAGE FEATURE
- FENCE

NO.	DATE	DESCRIPTION	BY
1	NOV 12, 2020	REVISION	AS
2	MAR 17, 2022	REVISION	AS
3	OCT 19, 2020	ADD SITE NUMBER AND DENSITY INDICATED	AS
4	OCT 28, 2020	ADD TRAIL AND PARKING MARKERS	AS

IPSS INNOVATIVE PLANNING SOLUTIONS
 2111 W. UNIVERSITY BLVD., SUITE 100
 FORT WORTH, TX 76102
 TEL: (817) 336-9999 FAX: (817) 336-9998
 WWW.IPSSCONSULTING.COM

Source: Township of the General Zoning by Law No. 2000 - 07
 Note: Information shown is approximate and subject to change.

Date: May 2, 2022
 Drawn By: A.S.
 File: 18-070
 Checked: K.T. O.V.



CONCEPTUAL SITE PLAN - 74 Sites
Wye Heritage Marina

ATTACHMENT #3 - DRAFT OFFICIAL PLAN AMENDMENT

**AMENDMENT NO. _____
TO THE OFFICIAL PLAN FOR
THE TOWNSHIP OF TAY**

**THE CORPORATION OF THE TOWNSHIP OF TAY
BY-LAW NO. 2022-_____**

A By-law to adopt Amendment No. ____ to the Official Plan for the Township of Tay.

WHEREAS the Council of the Corporation of the Township of Tay, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, as amended, HEREBY ENACTS AS FOLLOWS:

1. THAT the attached explanatory text, policies and schedule constitute the Amendment No. ____ to the Official Plan for the Township of Tay shall be and is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the County of Simcoe for approval of the aforementioned Amendment No. ____ to the Official Plan for the Township of Tay.
3. THAT this Bylaw shall come into force and take effect on the date of its final passing, subject to the approval of the County of Simcoe. Read three times and finally passed in open Council this _____ day of _____, 2022.

Mayor

Clerk

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE - does not constitute part of this amendment.

PART B - THE AMENDMENT - consisting of the following text and appendix, constitutes Amendment No. ____ of the Township of Tay.

PART C – THE APPENDIX - which does not constitute part of this Amendment. This appendix contains the Public Meeting Minutes, Staff Report, and the Council Resolution associated with this Amendment

AMENDMENT NO. ____

TO THE TOWNSHIP OF TAY OFFICIAL PLAN

PART A - THE PREAMBLE

1.0 Purpose of the Amendment:

The purpose of this Amendment is to amend the Township of Tay Official Plan to create a Site Specific Policy Area to permit the development of a Recreational Park for Park Model Homes and Class A and C Motorhomes on the lands municipally known as 3282 Ogdens Beach Road and legally described as Part of Lots 18 and 19, Concession 3 in the Township of Tay.

2.0 Location:

The lands subject to this Amendment are municipality known as 3282 Ogdens Beach Road and legally described as Part of Lots 19 and 19, Concession 3 in the Township of Tay. The subject lands have a total area of 53 hectares (131 acres), with 680 metres of frontage onto Ogdens Beach Road.

3.0 Basis:

The purpose of this Official Plan Amendment is to create a Site Specific Policy Area for Wye Heritage Marina that will permit the development of a Recreational Park for Park Model Homes and Class A and C Motorhomes as an accessory use to the marina.

The development will assist the Township of Tay in providing opportunities for diversified tourism and recreation along the Georgian Bay shoreline. The proposed development will enhance the use of the lands by permitting uses that are compatible with and complimentary to the existing marina. By

leveraging the existing marina, the proposed development demonstrates an efficient use of shoreline infrastructure.

3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement has been reviewed relative to this proposal, with specific attention paid to:

Section 1.1.4 Rural areas in municipalities
Section 1.1.5 Rural lands in municipalities
Section 1.6.6 Sewage, water and stormwater
Section 1.7 Long-term economic prosperity
Section 2.1 Natural Heritage
Section 2.2 Water
Section 3.1 Natural Hazards

The subject lands are characterized as a Rural Area within Rural Lands and is consistent with the policies of Section 1.1.4 and 1.1.5 of the PPS. The proposed development will: offer a wider array of recreational and tourist opportunities, leverage existing tourist, commercial, and natural assets, and support the long-term economic prosperity of the marina.

Section 1.6.6 regards the efficient use and optimization of sewage, water, and stormwater infrastructure. In alignment with the policies of this Section, the proposed development will efficiently expand on the existing private communal sewage and water services of the marina. Stormwater management controls will efficiently provide stormwater quality control on-site.

Section 1.7 seeks to guide development in support of the long-term economic prosperity of the Province. The proposed development will provide a complimentary recreational/tourist use to the existing marina, thereby offering a greater array of compatible recreational uses/activities for locals and visitor alike. This will contribute to a diversified economic base for the marina and support the marina's long-term economic prosperity.

Section 2.1 and Section 2.2 of the PPS regard the wise use and management of resources, particularly natural heritage and water resources. The proposed development has been designed to have no adverse impact on surrounding natural heritage features. A number of technical studies prepared in support of this application outline mitigative measures to be considered in order to protect for water resources on the subject lands.

Section 3.1 provides guidance for development as it relates to natural hazards. In adherence to these policies, the proposed development has been designed with consideration for the Ministry of Natural Resources' 100-year Flood level of 178.0 metres (Geodetic Survey of Canada), as outlined in a

Wave Uprush and Overtopping Assessment and Analysis Report submitted in support of this application.

The proposed development is consistent with the Provincial Policy Statement.

3.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation

The Provincial Policy Statement has been reviewed relative to this proposal, with specific attention paid to:

Section 2.2.1 Managing Growth

Section 2.2.9 Rural Areas

Section 3.2.6 Waste and Wastewater Systems

Section 4.2 Policies for Protecting What is Valuable

Section 2.2.1 offers general policies on growth and development within the GGH, and states that development will be generally directed away from hazardous lands. Where the proposed development has demonstrated compliance to Section 3.1 of the PPS regarding natural hazards, the development is appropriate to the subject lands.

Section 2.2.9 guides development within Rural Areas. The proposed development is a permitted use in accordance with this Section as it provides for seasonal recreational accommodations that are compatible with and supplementary to the existing marina. As such, the proposed development demonstrates appropriate growth within rural areas.

Section 3.2.6 seeks to ensure the efficient development of water and wastewater systems. In alignment with the policies of this Section, the proposed development will efficiently expand on the existing private communal sewage and water services of the marina. A geotechnical study, hydrogeological study, and functional servicing report further detail how the private communal water and wastewater systems can be appropriately developed to service the proposed development.

Section 4.2 provides policies to protect key hydrological features and areas, as well as key natural heritage features. The County identifies a portion of the subject lands as being within a highly vulnerable aquifer and within a significant groundwater recharge area. A hydrogeological study and geotechnical study have been prepared in support of this development and have outlined the necessary design and construction considerations to ensure the protection of these features and their functions.

The proposed development conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

3.3 Official Plan of the County of Simcoe, 2016

The subject lands are designated 'Rural' and 'Greenlands' within Schedule 5.1 – Land Use in the County of Simcoe Official Plan.

Section 3.1 sets out the planning strategy for Growth Management within the County Plan by centering on four themes, of which two (bolded below) are significantly related to these applications:

- Direction of a significant portion of growth and development to settlements where it can be effectively serviced, with a particular emphasis on primary settlement areas.
- Enabling and managing resource-based development including agriculture, forestry, aggregates, and tourism and recreation.
- Protection and enhancement of the County's natural heritage system and cultural features and heritage resources, including water resources.
- Development of communities with diversified economic functions and opportunities, and a diverse range of housing options.

From a high-level perspective, the proposal aligns with the County's overarching themes. The proposed development leverages the important role of the marina as a tourist destination and water-based business and looks to enhance the use of these lands by providing a multi-use recreational and tourist establishment. This in turn will provide the marina with a more diversified economic base with greater economic opportunities.

Section 3.7 guides development in the Rural designation. The proposed development, in accommodating recreational dwellings such as motorhomes and trailers on the subject lands, is a permitted use within the Rural designation. Furthermore, the proposed development supports the objectives of this Section, by providing a more diversified economic base to the marina therein supporting its long-term economic viability.

Section 3.8 guides development in the Greenlands designation. The intent of this designation is to ensure that function and integrity of natural heritage features and hydrologic features are maintained. No development is proposed within the Greenlands designation or on adjacent lands.

Section 4.5 outlines policies for resource conservation. Where the County identifies a highly vulnerable aquifer and a significant groundwater recharge area on the subject lands, a hydrogeological study and source water protection assessment have been prepared in support of this application.

Section 4.7 provides policies to facilitate the conservation and protection of ground and surface water quality and quantity. Where full municipal sewage and water services are not available to the proposed development, an

expansion of the existing private communal water and sewage services of the marina is appropriate to service the proposed development. A hydrogeological study and functional servicing report detail the appropriate design and construction of these services.

The proposed development conforms to the policies of the County of Simcoe Official Plan.

3.4 Township of Tay Official Plan, 2007 Consolidation

The subject lands are designated 'Marine Commercial' and 'Environmental Protection 3' according to Schedule 'A' of the Township Official Plan. The primary use of lands under this designation is for marina facilities such as boat docking, car parking, and minor repair service. Permitted complimentary uses outlined within this section are restaurants, recreation facilities, and related retail. "Recreational trailer parks" are not identified as a permitted use within this designation, and as a result an Amendment to the Plan is being requested.

Section 2.1.3 outlines the Tourism and Waterfront goals for the Township. To meet these goals, the following objectives are outlined:

- a) Expand the promotion of tourism and waterfront opportunities
- b) Support the existing tourism industry
- c) Encourage the expansion of the tourism and waterfront infrastructure
- d) Secure public access to waterfront areas.
- e) Tie into regional tourism and waterfront initiatives.

The proposed development supports three out of the five objectives for Tourism and Waterfront development, as it leverages existing waterfront infrastructure in order to provide diversified and complimentary recreational opportunities on the subject lands that will support the economic longevity of the existing marina.

Section 4.2.3 provides policies to guide marine commercial development within the Township, noting that existing marinas form a significant component of the Township's tourist commercial base and its shoreline infrastructure. The role of marinas in providing important access to Georgian Bay is also emphasized.

Through an Official Plan Amendment, a seasonal recreational park accommodating park model homes and Class A and C motorhomes will be permitted as an accessory use to the marina. The addition of this use will enhance the tourist commercial base of the marina by offering complimentary and diversified tourist and recreational uses. The proposed development seeks to ensure that the marina is highlighted as the principle

function and use of the lands by limiting recreational vehicles to those that are reflective of the seasonal nature of the marina. The proposed development is planned to be well-integrated with the existing marina, offering additional amenities to service marina guests such as beach areas, picnic areas, and playgrounds.

Appropriate infrastructure is emphasized as an important consideration for development within the Marine Commercial designation. Uses within this designation shall have facilities for sewage pump out and gray water disposal. Fuelling facilities are to be installed and operated as per Provincial and Federal requirements. Adequate parking and emergency access are to be provided. The proposed development will expand on the existing infrastructure of the marina where appropriate and/or ensure the appropriate development of new infrastructure in alignment with Section 6 of the Official Plan. This is proposed to include an expansion of the existing private communal sewage and water services of the marina and the construction of additional parking lots. This will also include the employment of a stormwater management design that will provide on-site stormwater quality control.

The proposed development has been shown to conform to all of the relevant policies of the Official Plan. An Amendment is required as the "Marine Commercial" designation does not include a "Recreational Trailer Park" as a permitted use. Given the opportunity to provide complimentary development that supports the Township's tourist and recreational objectives, while also leveraging existing shoreline infrastructure, the proposed development represents good planning.

PART B - THE AMENDMENT

This part of the document, entitled "Part B – The Amendment", and consisting of the following changes to the text, constitutes Amendment No. _____ of the Township of Tay Official Plan.

1.0 DETAILS OF THE AMENDMENT

1. Section 4.2.3 is hereby amended by creating a Site Specific Policy Area for Part of Lots 18 and 19, Concession 3 (Wye Heritage Marina), municipally known as 3282 Ogdens Beach Road as outlined below:

4.2.3.5 Site Specific Policies for Part of Lots 18 and 19, Concession 3 (Wye Heritage Marina):

The policies of this Section apply to lands described as Part of Lots 18 and 19, Concession 3, and generally known as Wye Heritage Marina.

a) *In addition to the uses permitted in the Marine Commercial designation, the following uses shall be permitted as an accessory use to the marina and shall be recognized in the Township's General Zoning By-law: i. A recreational trailer park with accommodations limited to park model trailers, Class A motorhomes and Class C motorhomes.*

b) *The By-law shall establish provisions and regulations concerning individual trailer site size and yards, and other similar provisions.*

2.0 IMPLEMENTATION

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment.

3.0 INTERPRETATION

The provision of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

PART C – THE APPENDICES

This part consists of the background information and planning considerations associated with this amendment. This section does not constitute part of the actual amendment.

- Planning Justification Report, prepared by Innovative Planning Solutions, dated February 2020.
- Geotechnical Report, prepared by Cambium Inc., dated January 2020.
- Hydrogeological Study and Water Balance Analysis, prepared by Wilson Associates, dated February 2020.
- Functional Servicing and Preliminary Stormwater Management Report (including Traffic Brief), prepared by WMI & Associates Limited, dated February 2020.
- Arborist Report (and drawings), prepared by Landmark Environment Group Ltd., dated February 2020.
- Addendum to Planning Justification Report, including a Comment Response Matrix, prepared by Innovative Planning Solutions, dated October 2020.
- Revised Arborist Report and Tree Preservation Plan, prepared by Landmark Environmental Group Ltd., revision date of October 2020.
- Natural Heritage Evaluation, prepared by Cambium Inc., dated October 2020.
- Wave Uprush and Overtopping Assessment and Analysis, prepared by Aqua Solutions 5 Inc. and Acqua Engineering Inc., dated November 2020.
- Stage 1 & 2 Archaeological Assessment, prepared by Irvin Heritage Inc., dated July 2020.
- Response to SSEA Comments on Cambium's Natural Heritage Evaluation, prepared by Cambium Inc., dated February 5, 2021.

ATTACHMENT #4 - DRAFT ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE TOWNSHIP OF TAY BY-LAW NUMBER 2022-____

"A By-law of the Corporation of the Township of Tay to amend Zoning By-Law No. 2000-57 by rezoning lands described as Part of Lots 18 and 19, Concession 3 from Marine Commercial (C6) and Lake Side (LS) to Marine Commercial (C6), Lake Side (LS), Recreational Trailer Park with exceptions (RTP-01), and Marine Commercial with exceptions (C6-3)"

WHEREAS the Council of The Corporation of the Township of Tay has received an application to rezone Part of Lots 18 and 19, Concession 3; and,

WHEREAS the Council of the Corporation of the Township of Tay have reviewed a recommendation to amend the General Zoning By-law and has approved the recommendation; and,

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990 to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Tay the following:

1. Schedule "G" to General Zoning By-law No. 2000-57, is hereby further amended by rezoning those lands described as Part of Lots 18 and 19, Concession 3 from Marine Commercial (C6) and Lake Side (LS) to Marine Commercial (C6), Lake Side (LS), Recreational Trailer Park with exceptions (RTP-01), and Marine Commercial with exceptions (C6-3) as shown in Schedule "A" attached hereto, and Schedule "A" attached hereto forms part of this By-law.

2. That in addition to the Zone Provisions of Section 15.3 "Recreational Trailer Park: Zone Regulations", the following zone provisions shall apply to the RTP-3 Zone:

- a) Minimum Site Area 180 m²
- b) Minimum Site Frontage 12 m
- c) Minimum Site Depth 12 m
- d) Minimum Setbacks
 - i. Front Site Line 3.0 m
 - ii. Rear Site Line 0.3 m
 - iii. Interior Side Site Line 0.5 m
 - iv. Exterior Side Site Line 0.3 m

That a 15.0 metre **Naturalized Landscaping Buffer (NLB)** be placed along the outer shores (west side) of the marina (spit).

Naturalized Landscaping Buffer (NLB) means a natural area, adjacent to a shoreline, maintained or re-established in its natural predevelopment state or improved to an acceptable standard established in a site plan or development agreement for the purpose of protecting natural habitat and water quality and minimizing the visual impact of buildings and structures on a lot.

3. That notwithstanding the provisions under Section 4.31 "Waterfront Lots" an 8.0 metre setback from the 178.0 G.S.C. elevation is permitted on the portion of lands within the marina on the protected basin side (east side) of the spit.

4. That notwithstanding the Uses Permitted under Section 21.2 "Marine Commercial: Uses Permitted", the uses permitted within the C6-3 zone shall be limited to:

a) Outdoor storage of boats

4. This By-law shall take force and come into effect pursuant to the provisions and regulations made under the Planning Act, R.S.O. 1990, c.P.13.

BY-LAW read a **FIRST, SECOND,** and **THIRD** time and finally **PASSED** this _____ day of _____ 2022.

THE CORPORATION OF THE TOWNSHIP OF TAY


MAYOR


CLERK

Schedule 'A' to By-law 2022-_____



LEGEND

 Lands to be rezoned from Marine Commercial 'C6' zone to Recreational Trailer Park with Exceptions 'RTP-01' zone. (Area: 4.5ha)

 Lands to be rezoned from Marine Commercial 'C6' to Marine Commercial with Exceptions 'C6-3' zone. (Area: 1.8ha)



STAFF REPORT

<u>Department:</u>	Protective and Development Services
<u>Meeting Chair:</u>	Councillor Paul Raymond
<u>Meeting Date:</u>	March 9, 2022
<u>Report No.:</u>	PDS-2022-13
<u>Report Title:</u>	Zoning By-Law Amendment 793 & 795 Fifth Avenue

RECOMMENDATION:

That Staff Report No. PDS-2022-13 regarding Zoning By-Law Amendment 793 & 795 Fifth Avenue be received; and

That the proposed Zoning By-law Amendment to Zoning By-law 2000-57 as outlined in Attachment 3 in Staff Report PDS-2022-13 be approved;

And that the appropriate By-law be brought forward at the next Council Meeting.

INTRODUCTION/BACKGROUND:

- a) Application No.: 2021-ZBA-03
- b) Owner: 12701758 Canada Inc.
- c) Agent: Delbrook Triumphant Builders Inc.
- d) Location: 793 & 795 Fifth Avenue
- e) Official Plan: Village Commercial
- f) Zoning: Mixed Use (MU)

Zoning By-law Application Request:

The Purpose and Effect of the Zoning By-law Amendment is to permit a site specific permitted use being a 3-Storey, 12 unit Stacked Townhouse building

on the subject lands, which is presently zoned 'Mixed Use (MU)' which currently does not permit Stacked Townhouses.

SITE DESCRIPTION

The subject land is located at the corner of Fifth Avenue and Talbot Street within the Port McNicoll Settlement Area. The lands are currently vacant.

Surrounding Land Use

North: Residential

South: Commercial & Residential

East: Commercial & Residential

West: Residential

PUBLIC MEETING

A Public Meeting was held on January 26, 2022. One resident provided written comments stating they are not opposed to the development but do have concerns that their parking lot will cause future affects to their retaining wall when it comes to potential snow removal and damages it will cause to their fence.

Another resident provided written comments on January 29, 2022 objecting to the proposal based on the following reasons:

1. The installation of a large three-story apartment building will create a large amount of noise pollution for the single-family dwellings in this area.
2. The building of such a large apartment will bring too many people into the neighborhood as this area is not currently able to support it.
3. Port McNicoll is primarily single-family homes. This is a quite small community that already has one large apartment across the road; the addition of a second large three-story building will cause a change in the dynamic of the neighborhood. Frequent police activity is already seen at the one apartment-style building on Talbot Street. This new building will likely bring more police activity as well.
4. This future large three-story building will completely block the sun from the backyard of our home which will leave very little light for our plants and our own enjoyment.
5. The Town of Port McNicoll does not have adequate social services to support a sudden large increase in people living in the area – no school, no youth programs; even our fire department is run by volunteers

ANALYSIS:

PROVINCIAL POLICY STATEMENT (2020) (PPS)

The Provincial Policy Statement (PPS) (2020) provided policy direction on matters of provincial interest related to land use planning and development.

The proposed development and application for the Zoning By-law Amendment are consistent with the policies of the PPS including the following:

“1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

Section 1.1.3 Settlement Area is applicable to this application. The policies of this section identify that settlement areas shall be the focus of growth and development. It ensures that land use patterns within settlement areas are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Section 1.4 of the PPS (2020) provides housing policies to support the development of an appropriate range and mix of housing options and densities, in order to meet the housing needs of current and future residents. Residential intensification is encouraged to minimize the cost of housing and to facilitate more compact development, where appropriate.

The proposed application will facilitate a development that is consistent with the PPS with respect to the efficient use of land and infrastructure as well as provide an appropriate range and mix of housing options. In this respect,

the provincial objectives are satisfied by utilizing land efficiently, and providing an increase in housing while maintaining the development objectives of the Township's Official Plan.

Planning Staff are in the opinion that the proposed development and application are consistent with the PPS.

A PLACE TO GROW THE GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE 202) (THE "GROWTH PLAN" OR "GGH")

The Growth Plan for the Greater Golden Horseshoe provides the framework and guidance on decision-making, land-use planning, urban form, housing, natural heritage and resource protection, transportation and infrastructure planning.

This section demonstrates that the proposed development and applications conform to the applicable policies of Places to Grow 2020.

Section 2.2.1 of the Growth Plan, Managing Growth identifies ways in which growth is to be accommodated:

"2.2.1.1 Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4

2.2.1.2 Forecasting growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;*
 - ii. have existing or planned municipal water and wastewater systems;*
 - and*
 - iii. can support the achievement of complete communities;**

- b) growth will be limited in settlement areas that:
 - i. are rural settlements;*
 - ii. are not serviced by existing or planned municipal water and wastewater systems; or*
 - iii. are in the Greenbelt Area;**

- c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;*
 - ii. strategic growth areas;*
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv. areas with existing or planned public service facilities;**

- d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;*
- e) development will be generally directed away from hazardous lands; and*
- f) the establishment of new settlement areas is prohibited.”*

Policies on achieving complete communities are provided via Policy 2.2.1.4 which states:

"Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;

c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

d) expand convenient access to:

i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;

ii. public service facilities, co-located and integrated in community hubs;

iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and

iv. healthy, local, and affordable food options, including through urban agriculture;

e) provide for a more compact built form, and a vibrant public realm, including public open spaces;

f) mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and

g) integrate green infrastructure and appropriate low impact development.”

The proposed development provides a compact built form offering different residential dwelling sizes as well as adequately utilizes the existing infrastructure that is located within the Community.

Planning staff are in the opinion that the proposed development is in conformity with the objectives and policies in the Growth Plan, 2020.

COUNTY OF SIMCOE OFFICIAL PLAN (CSOP)

The subject lands are designated 'Settlements' on Schedule 5.1 of the Simcoe County Official Plan (CSOP). The Settlements designation permits, among others, residential and commercial uses. Settlement Areas are the focus of population and employment growth in the County of Simcoe; therefore, Planning staff feels the proposed application meets the requirements of the CSOP.

TOWNSHIP OF TAY OFFICIAL PLAN

The current Official Plan designates the subject lands as Village Commercial.

Council approved Official Plan Amendment (OPA) 42, which added a new subsection to the permitted uses section of the Village Commercial designation, which states the following:

Section 4.2.1.2.3 states "Residential uses may also be permitted in the Village Commercial designation subject to the provisions of Section 4.1.1.2.3 of this Plan. The Zoning By-law shall provide further direction on the type of residential uses permitted on lands within the Village Commercial designation".

The Zoning By-law that was approved in 2020 provided a variety of residential uses including low rise apartments, apartment building and street townhouses within the Village Commercial designation.

It is Planning staffs' opinion the proposed stacked townhouse development meets the intent of providing additional residential development within the Commercial Village designation and the proposed Zoning By-law application meets the provisions of the Official Plan and the policies of OPA 42.

TOWNSHIP OF TAY ZONING BY-LAW

The proposed application seeks to rezone the lands from the Mixed Use (MU) Zone to Mixed Use Exception One (MU-1) Zone.

This rezoning would allow for a 12-unit Stacked Townhouse Development whereas a Stacked Townhouse Development is not permitted.

Planning and Development Services staffs have no concerns with adding this Stacked Townhouse as a permitted use as the intent of the Mixed Use Zone was to provide flexibility for residential uses within the “downtown core” for Port McNicoll as well as to allow properties to be redeveloped to form a complete community.

SITE PLAN CONTROL

The property is subject to site plan control. Site plan control enables the Township to exercise controls over development. Council has control on certain matters such as:

- access for pedestrians and vehicles
- walkways
- lighting
- waste facilities
- landscaping
- drainage
- exterior design

An application has been submitted and will continue to go through the proper planning process pending approval on the proposed Zoning By-law Amendment.

EXTERNAL COMMENTS

Chippewas of Rama First Nation – No comments
Newmarket-Tay Hydro – No comments
Simcoe County District School Board – No objections.

FINANCIAL/BUDGET IMPACT:

There are no budgetary impacts as a result of the recommendation of this report. Should the application be appealed to the Ontario Land Tribunal, there could be additional cost for staff representation if required.

STRATEGIC PLAN:

Tay Resilient – Other

Encouraging increase development in housing.

CONCLUSION:

Planning and Development Services staff have reviewed the application to rezone the subject lands at 793 & 795 Fifth Avenue to construct a three-storey 12-unit stack townhouse development and have determined that it

demonstrates consistency with and conformity to applicable Provincial, County, and Municipal planning policies and principles.

It is the opinion of the Planning and Development Services staff that the proposed development represents good planning and is recommending approval.

Attachments:

Attachment 1- Location Map

Attachment 2- Site Plan

Attachment 3- Draft By-law

Prepared and recommended By:

Date: March 2, 2022

Todd Weatherell, RPP, CPT

Manager of Planning and Development Services

Reviewed By:

Date: March 2, 2022

Shawn Aymer, CMMIII Fire Service Executive

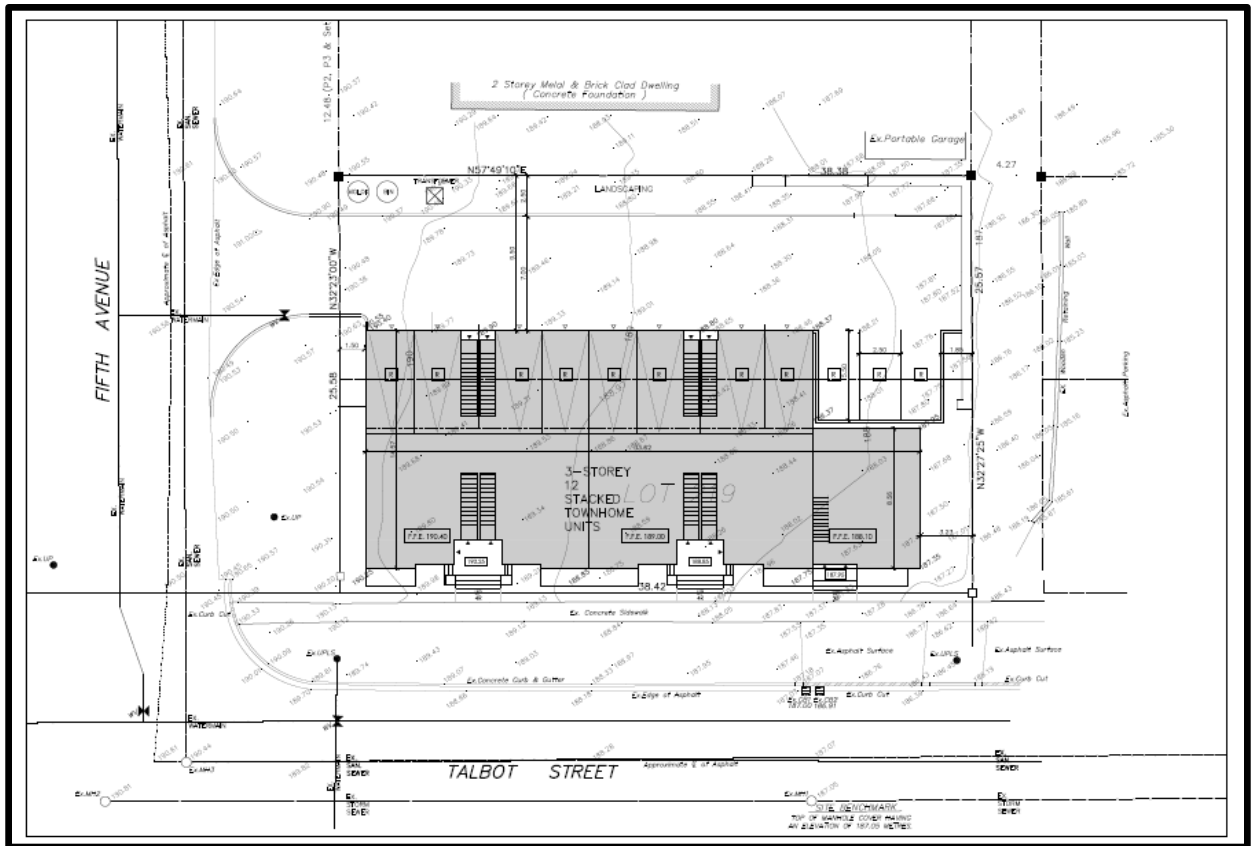
Fire Chief/CEMC

General Manager, Protective and Development Services

Attachment 1- Location Map



Attachment 2- Site Plan



**THE CORPORATION OF THE TOWNSHIP OF TAY
BY-LAW NUMBER 2022-****

"A By-law of the Corporation of the Township of Tay to amend Zoning By-Law No. 2000-57 by rezoning lands described as Lots 219 & 220, Plan 533 from the Mixed Use "MU" Zone to Mixed Use Exception One "MU-1" Zone"

WHEREAS the Council of The Corporation of the Township of Tay has received an application to rezone Lots 219 & 220, Plan 533; and,

WHEREAS the Council of the Corporation of the Township of Tay have reviewed a recommendation to amend the General Zoning By-law and has approved the recommendation; and,

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990 to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Tay the following:

1. Schedule "H" to General Zoning By-law No. 2000-57, is hereby further amended by rezoning those lands described as Lots 219 & 220, Plan 533 from the Mixed Use "MU" Zone to Mixed Used Exception One "MU-1" Zone as shown in Schedule "A" attached hereto, and Schedule "A" attached hereto forms part of this By-law.
2. That notwithstanding the provisions of Section 32.2 the following permitted use is permitted:
 - A 3-storey, 12 unit stacked townhouse dwelling.
3. This By-law shall take force and come into effect pursuant to the provisions and regulations made under the Planning Act, R.S.O. 1990, c.P.13.

BY-LAW read a **FIRST, SECOND,** and **THIRD** time and finally **PASSED** this day of 2022.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR Ted Walker

CLERK Cyndi Bonneville



STAFF REPORT

Department: Protective and Development Services

Meeting Chair: Councillor Paul Raymond

Meeting Date: March 9, 2022

Report No.: **PDS-2022-23**

Report Title: **Process for Partial Release of Development Freeze - Paradise Point and Grandview Beach**

RECOMMENDATION:

That Staff Report No. PDS-2022-23 regarding Process for Partial Release of Development Freeze - Paradise Point and Grandview Beach be received; and

That staff be directed to proceed with the process, as outlined in the report.

INTRODUCTION/BACKGROUND:

Following further discussion on this topic at our last Corporate Services Committee meeting (via closed session with our solicitor), staff was directed to bring forward the proposed process along with follow up to Council's remaining questions.

This report outlines the proposed randomized selection process to select 20 lots for development, the quantity recommended by the April, 2021 Hydrogeological Study of the Grandview Beach and Paradise Point area. A frequently asked question (FAQ) document has also been prepared to address Council's questions and is included as Attachment 4.

ANALYSIS:

In accordance with the recommendation of the Hydrogeological Study to release lots across the subject area in a distributed fashion, and in consultation with the Study consultants, staff are proposing to divide the Grandview Beach/Paradise Point area into four quadrants of similar size (as

identified in the Grandview Beach Paradise Point Development Hold Lift Areas map – Attachment 4), with each quadrant being eligible to have development holds lifted on 5 vacant properties.

The release of the lots will require an Official Plan amendment that can be undertaken concurrently with the randomized selection process and building permit application and zoning certification process.

Construction on vacant lots could start as early as the fall of 2022.

The Study further recommends that upon buildout of 20 vacant lots, the area be monitored for 3 years before determining if additional lots should be built out. In order to partake in the randomized selection process, property owners will be required register their intent to develop their property with the Township, as well as sign a release, to accept the rules of the randomized selection process and to absolve the Township of any liability associated with future state conditions that may prevent additional lots within the area from becoming developable.

Process to Implement Lifting of the Development Freeze

The following outlines the amended process to implement the lifting of the development freeze within the area as recommended by our Manager of Planning and Development Services:

Step 1 (Completed):

Staff review the area to determine lots acceptable to move forward (remove the ones that don't meet requirements for development, if any) to the 'randomized selection' stage. Township owned lands would also be removed at this stage.

Based on our preliminary analysis all privately owned vacant lots, with the possible exception of one, would meet the minimum lot frontage and size requirements, and therefore should be included in the randomized selection process. There may be a few properties that will have difficulty meeting the 178.5m elevation requirement. These properties will have to demonstrate in their site plans that the lot can be raised to meet this building elevation without adversely impacting the neighbouring properties before their building permit is issued.

Step 2a:

Send out letters (Attachment 1) to all vacant land owners within the subject area advising them of the randomized selection process, the details of the process, and the requirement to register their interest in developing a vacant lot and sign a release/waiver (Attachment 2) within 8 weeks of the date the letter is sent in order for their property to be considered, per their

property's ranking in the selection process, in the initial release of 20 lots. There are 72 lots within the study area that could be included in the proposed randomized selection process.

Target date to send letters is **April 1st, 2022**.

Target deadline date for property owners to register their interest in developing a vacant lot and to submit a signed release/wavier is **June 1st, 2022**.

Development to be awarded according to a property's randomized selection process ranking – top 5 ranked properties, ranked by the selection process, in each quadrant that have registered their interest and provided a release/waiver to the Township will be selected.

Note: Owners of vacant property may continue to register their interest in developing their lot and submit a signed release/waiver past **June 1st, 2022**, but only properties registered by the end of office hours on **June 1st, 2022** will be considered in the random selection process. Properties registered after the end of office hours on **June 1st, 2022** will be added, in the order received, to the end of the ranked list of properties selected during the random selection process.

Properties not selected in the random selection process for the initial release of lots will become eligible for selection, up-to an initial 20 lots and provided that no adverse hydrogeological conditions are detected earlier, based on their ranking in the initial random selection process or the order in which they were added to the end of the ranked list, as received after the deadline to register intent, as previously selected lots "drop out" by failure to meet the 6 month deadline described below, or voluntarily, making a lot development opportunity in the same quadrant available; or if less than 5 vacant lots are awarded, due to a lack of registered properties, in the initial randomized selection phase.

Step 2b:

Staff would start the Official Plan Amendment application process to run concurrently while interest in developing lots is solicited from property owners (**begin process after April 1st**). As the Official Plan policies do not apply to a particular property, this review would apply to all the lands within subject area. Once Council approves the Official Plan Amendment, it would then be forwarded to the County of Simcoe, as they are the approval authority for municipal Official Plan Amendments. During this time, it is anticipated that the individual lot selection can proceed as outlined in the steps above and below.

Step 3: Council (via a Public Meeting) would conduct a 'randomized selection process' to determine the order in which lots will be permitted to be developed.

All vacant properties where the owner has registered their intent to develop and submitted their consent to participate in the process will be randomly selected by draw (up to 72 lots) to rank their priority in the release of lots.

The top 5 ranked lots in each of the four quadrants will be selected and required to enter into a Site Plan Agreement with the Township to certify their intent to develop their property and will be required to provide a \$10,000 deposit, within two weeks of selection, to hold their spot. This deposit will be put towards development charges that are required to be paid at the building permit stage. The deposit is intended to prevent speculators from seizing a development opportunity with no plans to actually develop the lot. As the Hydrogeological Study recommends waiting 3 years after developing the first 20 lots before determining whether additional lots should be released, it is advantageous to not have speculators tie up development opportunities.

The randomized selection process to determine ranking would take place during our Regular Council Meeting on **June 22, 2022**. The Public Meeting will be held virtually and will be recorded. The recording of the meeting will be kept by the Clerk for 30 days following the June 22, 2022 Regular Council Meeting, and made available to the public upon request.

The agenda for the meeting will be posted as per our Council Procedural Bylaw and will include a list of all properties who registered their intent to develop and provided consent to participate in the process prior to the June 1st, 2022 deadline.

The randomized selection process will be conducted by the Mayor, CAO and Clerk. Our auditor will be asked participate in order to provide 3rd party neutrality to the selection process.

All property addresses, where the owner has expressed their intent to develop and provided a signed release to the Township will be entered into the draw and read into the public record before the randomized selection process commences.

Our auditor will draw property addresses and read the property address aloud. Our Communications Specialist will video record the draw.

The CAO will retrieve the property address from the auditor, verify the address, and pass it to the Clerk. The Clerk will record the property address and read back the address and the assigned ranking.

The process will continue until all properties within the subject area where the owner has registered their intent to develop and provided their consent to participate in the process are drawn and their associated ranking is recorded.

Following the completion of the randomized selection process, each property's ranking will be sorted in a table within its quadrant. The table will be made visible for Council, staff and members of the Public during the meeting (via screen share) by the General Manager, Corporate Services. The top 5 rankings in each of the 4 quadrants will be identified in the table, read aloud and recorded by the Clerk. For example, rankings 5, 15, 42, 60 and 61 may be the chosen properties in one of the 4 quadrants, while rankings 1, 12, 25, 32 and 50 may be selected in another.

Properties who withdraw from the process at any point or properties who register their intent after the June 1st deadline will be added to the end of the list of eligible properties on a first come basis.

Step 4:

Once a property is selected and has entered into a Site Plan Agreement (Attachment 3) and made the \$10,000 deposit (tentative date July 6, 2022), they would be given 6 months to submit a complete building permit and zoning certificate application. The property owner would also be required to pay 100% of the applicable development charges (less their \$10,000 deposit), building permit fees and municipal services maintenance deposit.

If after 6 months the property owner does not submit a complete building permit and zoning certificate application, and pay the applicable development charges, building permits fees, and municipal maintenance services deposit, they would be removed from the list of lots to be released and would not be permitted to proceed to step 5.

A \$500 + HST administration fee will be charged to property owners who certify their intent but do not meet the 6 month window, with the remainder of their \$10,000 deposit returned. The property will then move to the bottom of the list.

Staff will then contact the owner of the next highest ranked vacant property, in the applicable quadrant, drawn in the randomized selection process and repeat steps 3 and 4, providing 2 weeks from the time of notification to enter into a Site Plan Agreement and provide a \$10,000 deposit. Complete applications and payment of fees and charges would be required **by January 6, 2023 for properties selected following the initial intent to register deadline of June 1st, 2022.**

Step 5:

Once an owner of vacant property has met the requirements of Step 4 above, staff will bring forward a report and by-law to the next possible Council meeting (Council and Township priorities permitting) to lift the hold on the subject property in order to allow for development to occur. Once the hold is lifted by Council, building permits, zoning certificates, and water connection permits may be issued and the owner would be able to proceed with development of their vacant lot.

Note: Approval of the Official Plan Amendment by Council and approval of the Official Plan Amendment by the County of Simcoe must occur prior to any holds being lifted.

While approval of the Official Plan Amendment prior to January 6, 2023 is possible, if approvals are delayed, property owners may delay payment of development charges and the municipal service maintenance deposit until four weeks following the approval of the Official Plan amendment. However, complete building permit and zoning certificate applications must be submitted and building permit fees paid by the original 6 month deadline in order to retain the opportunity to develop the vacant lot.

In the event that the required Official Plan amendment is not approved within 2 years, or if Council determines that development may not proceed for any reason, all fees and deposits will be returned and no \$500 + HST fee will be charged (to be added to our Fees & Charges Bylaw). In such a case, the randomized selection process rankings will no longer apply and a new randomized selection (or alternative selection method) will take place if development is restarted in the future. Property owners may also withdraw from the process after 1 year, with no \$500 + HST fee, if the Official Plan and Zoning By-law amendments are not yet approved.

Note: The randomized selection process rankings above will apply until the earlier of 20 vacant lots being developed or Council determining that another bulk release of lots is appropriate. If a ranking system is required for another bulk release, a new randomized selection (or alternative selection method) will take place. Council reserves the right to re-allocate vacant lot development opportunities between quadrants, at Council's discretion, after the initial selection process is completed if there is a lack of interest in developing vacant lots in a particular quadrant.

FINANCIAL/BUDGET IMPACT:

Allowing some development in this area will have a positive impact on property assessments within this area, which will equate to an increase in future tax revenues. Additional water users will also help to support our water infrastructure, through water rates.

Ongoing monitoring of the groundwater for at least three years, as recommended by the Hydrogeological Study, will entail some ongoing costs that will be offset by future tax and water rates realized by the development of vacant lots.

STRATEGIC PLAN:

Tay Proud – Addressing community divisions and helping deliver a more cohesive approach to tackling community needs.

The Grandview Beach/Paradise Point area has been under a development freeze since 1973 due to historical concerns over groundwater quality.

Multiple attempts to bring both municipal water and sanitary services to the area have occurred over the last few decades, but costs have been prohibitive, with the result being that the area has now been recently serviced by year round municipal water only. Allowing development to occur in this area will steadily increase housing stock in Tay and will assist with revitalizing our Community.

CONCLUSION:

It is recommended that staff be directed to proceed with the process, as outlined in the report in response to requests from property owners in the Grandview Beach/Paradise Point area.

Attachments:

1. Draft letter to eligible property owners.
2. Waiver for participation
3. Site Plan Agreement
4. Frequently Asked Questions

Prepared and recommended By:

Date: March 4, 2022

Lindsay Barron, CPA, CGA, HBCom.
Chief Administrative Officer



**THE CORPORATION OF THE
TOWNSHIP OF TAY**

450 Park St.
P O Box 100
Victoria Harbour, ON
L0K 2A0

Telephone
(705) 534-7248

www.tay.ca

April 1, 2022

Re: Partial Release of Development Freeze in Grandview Beach and Paradise Point

This letter is to advise you of Council's intention to partially release the development freeze **on up to 20 vacant lots** within the Grandview Beach and Paradise Point area, and to outline the process that you, as a current vacant lot property owner within this area need to follow in order to become eligible to construct a dwelling on your vacant property.

Background

As you are likely aware, the Grandview Beach/Paradise Point area has been under a development freeze since 1973 due to historical concerns over groundwater quality. Multiple attempts to bring full municipal water and sanitary services to the area have occurred over the last few decades, but costs have been prohibitive, with the result being that the area has now been recently serviced by year round municipal water, but is not serviced by sanitary services.

Since your vacant property was under this development freeze, a water service was not constructed from the newly constructed municipal watermain to your property line. As a result, you were not assessed any cost for the 2017 water project as, at the time of the project you were not eligible for a building permit.

More recently, a Hydrogeological Study (study) of the area was conducted. Key findings of this 2021 study are that with year round municipal water servicing now in place, development of vacant lots should be able to proceed without an adverse effect on the two area aquifers of Severn Sound. However, due to uncertainty about the nitrate attenuating processes of the aquifers, a staged approach to releasing vacant lots for development was recommended. The Study further recommended that upon build out of 20 vacant lots, the area

be monitored for 3 years before determining if additional lots should be built out.

To facilitate the selection of the first 20 lots to be developed, in a fair process, the Township will conduct a randomized selection process to select 20 lots (from a total of 72 vacant lots within the area) for development. Release of lots will require the Township to initiate Official Plan and Zoning By-law amendments that can be undertaken concurrently with the randomized selection process to release vacant lots. Construction on vacant lots could start as early as the fall of 2022.

Action Required

In order for your property to be eligible for selection as one of the first 20 lots to be released, we require a written response from you indicating **your interest in developing your property by June 1st, including a signed waiver**, consenting to the randomized selection process.

Note: Owners of vacant property may continue to register their interest in developing their lot past June 1st, 2022, but only properties registered by the end of office hours on June 1st, 2022 **will be considered in the initial release of lots.**

Council (via a Public Meeting) will then conduct a randomized selection process to determine the order in which lots will be permitted to be developed. All vacant lots that register their interest to develop will be randomly selected by draw (up to 72 lots) and ranked. The top 5 ranked lots in each of the four quadrants (see attached map of the area) will then be selected and required to enter into a Site Plan Agreement with the Township to certify their intent to develop their property and will be required to **provide a \$10,000 deposit, within two weeks of selection, to hold their spot.** This deposit will be put towards development charges that are required to be paid at the building permit stage.

If after 6 months a property owner does not submit a complete building permit and zoning certificate application, and pay the applicable development charges, building permits fees, and municipal maintenance services deposit, they would be removed from the list of lots to be released and would not be permitted to proceed. **A \$500 + HST administration fee will be charged to property owners who certify their intent but do not meet the 6 month window, with the remainder of their \$10,000 deposit returned.**

Additional Information

In order to assist you in determining whether you wish to develop your vacant property, estimated development costs have been included below.

It is important to note that these costs are best estimates only, and that individual property owners are strongly encouraged to do their own due diligence in order to determine all applicable development costs for their specific property.

Each of the vacant lots that are selected to be developed will be required to pay:

- Township Development Charges of \$11,964 (current 2022 rates including water system development charges), and as of today, County Development Charges of \$14,444, and Education Development Charges of \$3,983 for a single detached dwelling. This is required to be paid at the time of building permit issuance. **Total Development Charges as of March 1, 2022 = \$30,391.**
- All other building permit related fees and deposits, including a sizable municipal services maintenance deposit (the amount of which is currently under review) for the work done on our municipal roadway.
- Each property owner would be responsible to install a water service lateral at their property. Based on previous installations and the bedrock present throughout the subject lands, it is estimated that this installation could cost you **\$10,000-\$25,000 depending on rock conditions at the property and whether the property is on the same or opposite side of the road as the watermain.** On property costs to bring your new water service into your new dwelling will also apply, the cost of which will vary, depending on distance from the road allowance to your dwelling.
- A tertiary septic system may cost you anywhere around **\$25,000-\$35,000, depending on site conditions.**
- Water rates will become applicable upon installation of the water service (as per Township policy). Current water rates are \$833 per year, billed quarterly.

Please feel free to contact us if you have any additional questions on the process outlined in this letter, our knowledgeable staff would be happy to assist you.

If you are interested in participating in the upcoming randomized selection process, **please express your interest in developing your property and submit your signed waiver (as attached) to gbpp@tay.ca, or hand delivered and marked re: GBPP Randomized Selection Process, no later than, June 1, 2022 at 4:30 p.m. Staff will acknowledge receipt of your expression of interest and signed waiver within 3 business days.**

Sincerely,

The Corporation of the Township of Tay

Lindsay Barron
Chief Administrative Officer

[Township Letterhead]

WAIVER

In order to participate in the Randomized Selection Process as explained in this Notice, the Township of Tay requires the following to be acknowledged, signed, and delivered to the Township Clerk via email at gbpp@tay.ca or hand delivered and marked re: GBPP Randomized Selection Process. Failure to submit this waiver by the assigned deadline will result in forfeiture of participation.

I, _____ [*insert name(s) of owner(s)*] on behalf of myself, including all successors, heirs, servants, agents, receivers and assigns and all parent, subsidiary, related and affiliated corporations and their officers, directors, shareholders, agents, employees and assigns (the "Releasor") hereby release, acquit and forever discharge, without qualification or limitation The Corporation of the Township of Tay, its agents, servants, employees and contractors (the "Releasees") from all manner of actions, causes of action, suits, proceedings, liabilities, debts, covenants, complaints, claims and demands of any kind or nature whatsoever and howsoever arising, which they have had or now have, whether known or unknown, with respect to any cause, matter or claim of any kind or nature whatsoever existing as of the date of the signing of this Release and arising out the Randomized Selection Process and development of some, or all, of the 72 lots in the Grandview Beach/Paradise Point area of the Township of Tay.

[Simply put, I will not take any action against the Township with regard to the Randomized Selection Process or the result of development or non-developability of lots.]

IN PARTICIPATING IN THIS RANDOMIZED SELECTION PROCESS it is understood and agreed that I will not make any claim or take any proceedings against any other person, partnership, corporation, association or trust which might claim, in any manner or form, contribution or indemnity at common law or in equity, or under the provisions of any statute or regulation, including the Negligence Act or under the Rules of Civil Procedure, from the Releasees discharged by this Full and Final Release, in connection with the Randomized Selection Process.

It is understood and agreed that if the Releasor commences such an action or take such proceedings, and the Releasees (or any of them) are added to such proceedings in any manner whatsoever, whether justified in law or not, the Releasor will immediately discontinue the proceedings or claims, and the Releasor will be liable to the Releasees for the legal costs incurred in any such proceedings, on a full indemnity basis. This Waiver shall operate conclusively as an estoppel in the event of any claim, action, complaint or proceeding which might be brought in future by the Releasor with respect to the matters covered by this Waiver.

This Waiver may be pleaded in the event any such claim, action, complaint or proceeding is brought as a complete defence and reply, and may be relied upon in any proceeding to dismiss the claim, action, complaint or proceeding on a summary basis and no objection will be raised by the Releasor in any subsequent action that the other parties in the subsequent action were not privy to prior to formation of this Release.

[In other words, I will not take actions against other people if it means that the Township could be included, and if this happens, I must discontinue the action and pay costs to the Township.]

IT IS HEREBY DECLARED AND CONFIRMED that:

1. The Releasor has read the attached Notice and fully understands that the ability to develop the subject lots will be determined through a Randomized Selection Process;
2. This Randomized Selection Process will occur as identified in the attached Notice;
3. The Releasor acknowledges that the limitation on future development will be maintained if the water table is unable to handle additional construction with no liability assigned to the Township of Tay;
4. The Releasor is the owner of an identified lot in the Grandview Beach/Paradise Point development area, or is an agent acting on behalf of said owner;
5. The Releasor has the authority and capacity to enter into this Release;
6. The Releasor has had an opportunity to receive independent legal advice, if desired;

7. The terms and conditions of this Waiver are fully understood and agreed to voluntarily under no compulsion or duress.

IT IS FURTHER UNDERSTOOD AND AGREED that this Waiver shall be governed by

Witness

Name:

Owner or Authorized Agent of:

[Lot Number and Street Address]

and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

IN WITNESS WHEREOF the Releasor has affixed their signature to this Waiver, this _____ [day] day of _____ [month], 2022.

THIS AGREEMENT made as of this th day of, **July**
A.O., 2022.

BETWEEN:

John Doe

(the "Owner")

-and-

THE CORPORATION OF THE TOWNSHIP OF TAY

(the "Township")

WHEREAS the Owner is the registered owner of a vacant lot located within the Township more particularly described in Schedule "A" to this Agreement (the "Lands") and has applied to the Township for approval to develop the Lands;

AND WHEREAS, in accordance with the recommendations of the 2021 Hydrogeological Study of the Paradise Point and Grandview Beach area (the "Area"), vacant lots within the Area may be released by the Township for development in limited phases subject to assessment and reassessment of hydrogeological impact on existing developed lots in the Area as additional lots are developed;

AND WHEREAS Council has deemed it appropriate to release the recommended number of vacant lots in phases for development in a distributed fashion across the Area in a randomized selection process (the "Process") in which each property owner having a vacant lot that is being proposed for development has a right to participate in the Process;

AND WHEREAS, the vacant lots in the Area are subject to a holding symbol (H) under the Township's Zoning By-law to prevent their development until such time as the Township is satisfied that they can be developed in accordance with the Township's requirements including the execution of a site plan agreement to regulate the development of the vacant lot pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "Act");

AND WHEREAS Council has agreed to lift the holding symbol (H) on vacant lots in order to allow for development to proceed once the property owner satisfies the condition and has entered into a site plan agreement satisfactory to the Township;

AND WHEREAS the Owner has entered into this Agreement pursuant to subsection 41(7) of the Act and Section 41(10) of the *Planning Act* permits this Agreement to be registered on title to the lands to which it applies;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the Parties hereto agree each with the other as follows:

1. The recitals herein contained are true and correct.
2. The Owner covenants and agrees that no building or structure will be erected, nor work undertaken, on the Lands until all matters, including servicing, financial, easements (if required), drainage and grading and otherwise to the complete satisfaction of the Manager of Engineering Services, the Manager of Planning and Development Services and the Chief Building Official. Further, the Owner acknowledges and agrees that the Township is in no way obligated to issue any building permits until the conditions outlined in this Agreement are met, notwithstanding the fulfillment of all other Building Services Division requirements.
3. The Parties hereto acknowledge that no monies payable by the Owner to the Township in respect of the development of the Lands contemplated by this Agreement have been paid. In particular, and notwithstanding the foregoing and the *Development Charges Act*, the Owner covenants and agrees to pay to the Township, at the time of building permit issuance, Development Charges at the prevailing rate at the time of development of the Lands.

4. The Owner covenants and agrees to, before the Township will a complete building permit application to been received,:

- a) Pay all applicable water service connection fees then in effect.

The Owner acknowledges that the Owner will be responsible to arrange the installation of the water services and septic services through a private contractor;

- b) To retain an Engineer and/or Architect skilled and experienced in municipal work to prepare a lot grading and servicing plan for the development of the Lands and to design, supervise, layout, inspect and certify the works and services intended and contemplated by this Agreement and to remedy any defects;
- c) Provide the Township with a security deposit guaranteeing the satisfactory performance of all works contemplated to be completed pursuant to this Agreement, the amount of such security to be determined by the Manager of Engineering Services and to guarantee the Owner's obligations contained in this Agreement which shall include, but not be limited to, the following:
- i. grading and drainage works;
 - ii. restoration of any damaged areas within Township owned lands and/or easements;
 - iii. protection of existing utilities and services;
 - iv. installation of water service connections installed by the Owners from watermain to street line and restoration related thereto, including a one year maintenance period; and
 - v. provision for tertiary septic system.

Upon completion of all works, the Owner shall make application to the Township for release or reduction in the security deposit. Where the works include installation, by the Owner, of water service connections within the road allowance, the application shall be for a reduction in security to an amount determined by the Manager of Engineering Services. The reduced amount of security will be held by the Township for a period of one year from the date of the security reduction to guarantee the repairs of any deficiencies related to the installation of these services. Upon expiry of the maintenance period and satisfactory rectification of any maintenance items and upon application by the Owner, the remaining security will be released by the Township.

5. The Owner covenants and agrees to pay to the Township, upon execution of this Agreement, an initial security deposit of **TEN THOUSAND (\$10,000) DOLLARS**. Subject to Section 6 below, this \$10,000 deposit will be put towards development charges that are required to be paid at the building permit stage.

6. If, after 6 months, the Owner does not submit a complete building permit and zoning application to have the hold (H) designation removed, pay the applicable development charges, building permits fees and municipal maintenance services deposit, the property will be removed from the list of lots to be released and will not be permitted to proceed and will be regarded as being in default. Where the owner has defaulted in fulfilling the requirements of this Section, this Agreement will be released from title at the cost of the Owner which shall be deducted from the \$10,000.00 deposit provided pursuant to Section 5 above together with an administration fee of \$500 + HST and the remainder of the \$10,000 deposit returned and this Agreement will be released from title to the Lands. Following release of this Agreement from title and return of the remainder of the deposit, the subject property will be moved to the end of the then current ranking of properties eligible to be selected for development, and, the Owner will be required to re-apply for. If desired, approval for development of the vacant lot in accordance with the Process.

7. The Owner covenants and agrees to forthwith convey any easements as may be required by the Township, free of all costs and encumbrances.

8. The Owner acknowledges that any approvals by the Township or its officials do not relieve the Owner from obtaining those approvals required by any other governmental authority.

9. Nothing in this Agreement shall relieve the Owner from payment of any levies charged by any other governmental authority or the County of Simcoe, Simcoe County District School Board or the Simcoe County Catholic District School Board.

10. If any notice is required to be given by the Township to the Owner with respect to this Agreement, such notice shall be mailed, emailed or delivered to:

John Doe
TAY ON LOK 1R0
 Telephone: xxx-xxx-xxxx
 Email:

or such other address as the Owner has notified the Township Clerk in writing, and any such notice mailed, delivered or emailed shall be deemed good and sufficient notice under the terms of this Agreement.

11. The Parties hereto agree that in the event that there is any dispute as to any matter arising out of the terms and conditions or the interpretation of this Agreement, such dispute shall be referred to the Council of the Township of Tay and the decision of Council shall be final and binding without right of appeal.

12. If any term of this Agreement is found to be invalid, illegal, or unenforceable by a court having the jurisdiction to do so, that term is to be considered to have been severed from this Agreement and this Agreement remains in force unaffected by that finding or the severance of that term.

13. No amendments or waiver of any provision of this Agreement shall be binding on either party unless consented to in writing by such party. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, nor shall any waiver constitute a continuing waiver unless expressly provided.

14. In this Agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

15. The Owner hereby agrees that this Agreement, together with any schedules, may be registered upon title to the Lands at the Township's sole discretion. The covenants, agreements, conditions and undertakings herein contained on the part of the Owner shall run with the Lands and shall be binding upon the Owner including the Owner's successors and assigns as owners and occupiers from time to time the Lands and the covenants, agreements, conditions and undertakings shall be to the benefit of the Township and its lands and highways appurtenant and adjacent to the Lands.

16. The Owner covenants and agrees to pay to the Township all legal and other costs incurred by the Township in the preparation and registration of this Agreement on title to the Lands and associated with the development of the Lands contemplated by this Agreement should the Township determine at its sole discretion to do so, including but not limited to, fees associated with the enforcement of the terms of this Agreement and any requests for security releases. The Owner will be invoiced for legal costs for review and registration of this Agreement as well as further costs incurred by the Township as a result of the registration of any other documents pertaining to this Agreement. The Owner will also be invoiced for any legal fees incurred as a result of any change of name of the registered owner of the lands prior to registration of this Agreement. The Owner covenants and agrees not to transfer ownership of Lands until this Agreement has been registered on title or the Township advises that it does not intend to register the Agreement on title.

17. The Owner acknowledges that the Township, in addition to any other remedy it may have at law, shall also be entitled to enforce this Agreement in accordance with s 446 of the *Municipal Act, 2001* as amended or replaced.

18. The Owner acknowledges that the failure of the Township at any time to require performance by the Owner of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the Township of the performance of the same or any other obligation hereunder be taken or be held to be a waiver of the performance of the same or

any other obligation hereunder at any later time. The Township shall specifically retain its rights at law to enforce this Agreement.

The parties covenant and agree with each other not to call into question or challenge, directly or indirectly, in any proceeding or action in court, or before any administrative tribunal, the Township's right to enter into and enforce this Agreement. The law of contract applies to this Agreement and the parties are entitled to all remedies arising from it, notwithstanding any provision in s 41 of the *Planning Act* interpreted to the contrary. The parties agree that adequate consideration has flowed from each party to the other and that the provisions offset out in this Section are not severable. This Section may be pleaded by either party in any action or proceeding as an estoppel of any denial of such right.

19. The Municipal Clerk or his/her designate or agent is hereby authorized and directed to sign, deliver and/or register electronically on behalf of the Township the documents(s) in the form attached hereto including all other necessary documents required for land registration purposes.

20. The Owner covenants and agrees, at his own expense, to obtain and register such documentation from its mortgagees or encumbrancers as may be deemed necessary by the Township to postpone and subordinate their interest in the subject lands to the interest of the Township to the extent that this Agreement shall take effect and have priority as if it had been executed and registered prior to the execution and registration of the document or documents giving to the mortgagee and/or encumbrancers their interest in the subject lands.

21. This Agreement shall be governed by and construed and enforced in accordance with the laws of the Province of Ontario and the laws of Canada which may be applicable to a party in the Province of Ontario.

22. This Agreement shall enure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

23. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and taken together shall constitute one and the same agreement. Counterparts may be executed in either original or by electronic means, including, without limitation, by facsimile transmission, e-signature and by electronic delivery in portable document format (".pdf") or tagged image file format (".tif") and the parties shall adopt any signatures received by electronic means as original signatures of the parties.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals under the hands of their proper officers duly authorized in that behalf.

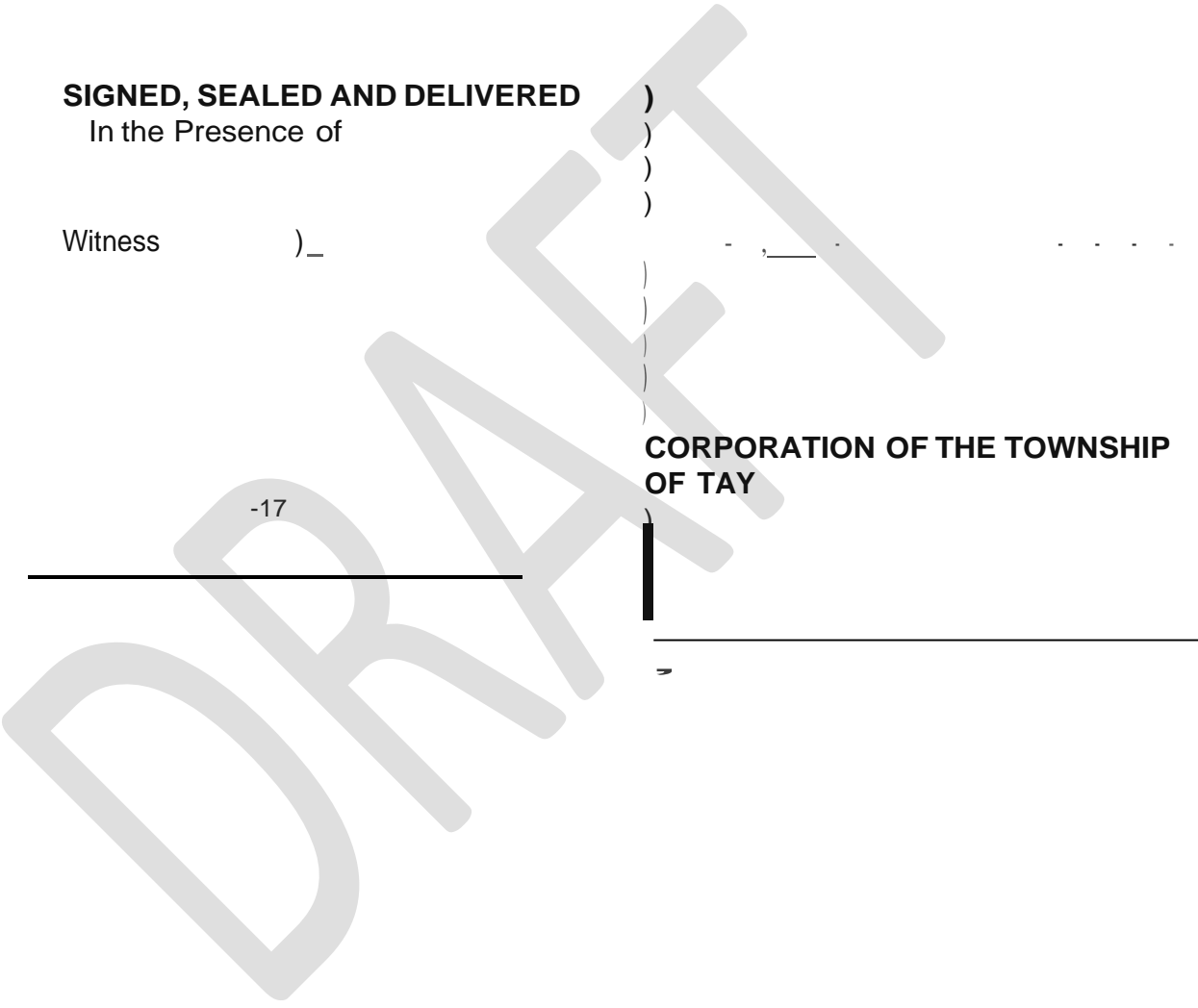
SIGNED, SEALED AND DELIVERED)

In the Presence of)

Witness)_

CORPORATION OF THE TOWNSHIP
OF TAY

-17



SCHEDULE "A"

Description of Lands:

DRAFT

GRANDVIEW BEACH AND PARADISE POINT- DEVELOPMENT OPPORTUNITY

FREQUENTLY ASKED QUESTIONS

QUESTION 1

Provided that all 72 lots elect to participate in the proposed randomized selection process, a release 24 lots now would allow for 3 rounds of release. Could there be consideration to release more than 20 lots now ?

ANSWER

Oakridge Environmental Ltd. (ORE) Response:

We picked 20 lot tranches because that number should provide a discernible change in groundwater quality, without going over the D-5-4 limit, based on a theoretical (dilution attenuation only) calculation and standard sewage systems (i.e., with no tertiary treatment). Based on the current groundwater conditions, as presented in our report, we believe the area is fortunate to have other attenuation processes at work (i.e., chemical ion exchange and/or biological processes), that appear to be effectively treating the effluent from the septic systems. The exact nature of those additional attenuation processes (and the capacity of those processes) is not well understood and it may not be possible to fully understand those processes. This is the reason for taking a very cautious and conservative approach that follows a step-by-step (adaptive management) process. In other words, the only predictive tool we have available to us is the standard D-5-4 calculation, that assumes dilution is the only mechanism to reduce the nutrients in the septic effluent and that calculation says that 20 lots constructed within the entire study area won't result in an unacceptable increase in nitrate concentrations.

Ultimately, the number of lots to be released at any given time may be decided by other factors (policy, desire to develop, etc). No matter how many lots get released, if the new systems are shown to be causing an unacceptable rise in nutrient concentrations, it becomes difficult (and potentially costly) to correct those issues. For example, offending sewage systems may need to be retrofitted with tertiary treatment in order to reduce the nutrient concentrations prior to the effluent reaching the disposal bed. These systems require on-going annual maintenance agreements, so there would be the cost of the retrofit, plus annual costs

associated with any such system. These systems can also be fickle and may not work effectively with only seasonal use, as they typically rely on biological processes that require a constant supply of "food".

Despite the rationale for 20 lots being less than ideal, we have no rationale at all for 24 lots. However, we recognize that the decision may need to reflect other considerations and we would be pleased to work with 24 lots if the municipality wishes to follow that path.

QUESTION 2

Who pays for the monitoring of the Bore Holes / monitoring report, can a separate Levy be charged to ALL these vacant lots (including the first batch, pro-rated)?

ANSWER

Staff's response:

From staff's perspective the monitoring costs should be borne by the tax base. For example, a prime waterfront property that is vacant is currently assessed between \$30,000 and \$50,000. This brings in annual taxes of approximately \$400-600 dollars, half of which Tay gets to keep. Once this property is developed, the assessment will likely be in the \$500,000 (based on other like developed properties) range. This will create annual taxation revenues of approximately \$5,500 plus (half of which the Township gets to keep).

Based on this rationale, any anticipated costs associated with the future monitoring will be recovered by the Township, and we will continue to see increased revenues on an ongoing basis, with only a marginal impact to overall Township operating costs (no new roads to plow).

There is also a notion that water rates should pay a portion of this monitoring. However, the benefit to the existing users of the municipal drinking water system is much less, given that these new users (up to 20 properties) will be consuming the service and contributing to the incremental cost of producing more water, unlike the road example above.

While a separate levy could be charged once added to our User Fee By-law, staff's recommendation would be for the Township to pay for the monitoring.

QUESTION 3

Can you please provide a ball park costing for each round of monitoring and reporting from the Hydrogeologist?

ANSWER

ORE Response:

We had prepared a formal proposal for ongoing monitoring to J.L. Richards back in March 2021. The lab costs and our professional fees have gone up slightly since then, but the cost would likely be about the same, at \$10,000 for groundwater monitoring and reporting. If the Township wanted to include surface water sampling, this would add an additional \$6,000 onto that cost.

Staff Response:

Based on approximately 3 releases of lots and rounds of monitoring after each release, we could expect up to 9 rounds of monitoring or \$144,000 (for budgeting purposes staff recommends rounding up to \$150,000).

If only 7 lots proceed with development after the first round of release, Council could defer the monitoring until all 20 lots are developed or could choose to monitor after the first 7. If monitoring is completed after the initial release, regardless of how many lots are developed, the first round of monitoring would be expected to begin in 2025 (2 years after building permit insurance).

Regardless of how many rounds of monitoring, we should complete at least one round of monitoring prior to release additional lots (21-40).

QUESTION 4

Can we remain on a contract with Oakridge Environmental Ltd. to do the future monitoring?

ANSWER

ORE Response:

We are certainly willing and able to continue if the Township wants to continue with the monitoring.

QUESTION 5

Would monitoring of the Bore Holes cease when the last batch of vacant lands are released?

ANSWER

ORE Response:

This would likely need to be a decision made by the Township once there has been results obtained from annual monitoring. If the data suggests there is an increase in nutrient levels with every tranch of lots released, then the monitoring should likely continue beyond when the lots are fully developed (i.e., to realize the full extent of any measurable effects). However, the data may indicate that the groundwater is insensitive to any additional development, at which point, the Township may choose to terminate the monitoring.

On the other hand, the Township and/or another organization with a vested interest (such as Severn Sound Environmental Association) may choose to continue annual monitoring for other reasons (i.e., to monitor performance, research, etc.). This would be similar to the on-going monitoring typically required for any large sewage works (i.e., where an Environmental Compliance Approval typically dictates the monitoring requirements for the life of the system).

QUESTION 6

Should a number of vacant lots not participate in this process, how does the municipality deal with this in the future once completed?

ANSWER

Staff Response:

We have discussed this scenario with our solicitor and suggest that the lot owners who choose not to participate now would be placed at the bottom of the list in the order in which they complete their letter of interest and provide the signed waiver. If a lot owner takes no action, their land may not be developed until a time when all lots are released, assuming this in the direction taken at a future point in time.

QUESTION 7

Just for clarification, in our Official Plan, 4.1.1.4.3, more specifically 4.1.1.4.3.1.5 that spells out “no new lots” can be created unless both a Municipal Water System and Municipal Sewage System are present, can we assume this terminology does not apply to the current “Vacant Lots” ?

ANSWER

Staff Response:

No new lots can be created but existing vacant lots are ok.

QUESTION 8

Will the existing developed properties have an opportunity to alter or increase the size of their dwellings, particularly with respect to the number of permitted bedrooms and bathrooms?

ANSWER

Staff Response:

The current OP does provide property owners the opportunity to alter or increase their dwellings up to a maximum of 200m² or 2150 square feet and have up to 20 fixture units (i.e. a 2.5 bath home). Properties looking to exceed these stipulations need to demonstrate that they are able to reduce nitrate concentrations in the sewage effluent as well as achieving and maintaining an appropriate bacterial removal minimum.

Staff recommends no changes to these above conditions at this time. However, given the length of time the development freeze has been in place for this area, and the misinformation in circulation on this topic, staff would like to reaffirm their commitment to ensuring that properties owners receive accurate information with respect to the noted restrictions. With that messaging, it will be clearly noted that if property owners are able to demonstrate that their redevelopment proposal meets the conditions above, they will be permitted to proceed with their project (subject to Council approval).

QUESTION 9

Will owners of multiple lots only be allowed to have one of their lots selected or would they be eligible to have all of their lots selected.

ANSWER

Staff Response:

As multiple property ownership by a single owner may be difficult to determine, as owners could register their properties in different names, or companies, and since all financial consideration with respect to holding a property are the same for each property regardless of how many properties someone may own, it would not be appropriate to restrict any one apparent owner of multiple lots to only be eligible for a single lot selection in the random selection process. Staff therefore recommends that all lots be eligible, despite who owns them. There only appears to be a few owners of multiple lots and given a random selection process, it would be unlikely for many of a single owner's lots to be selected.

Our solicitors agree with this position.



STAFF REPORT

<u>Department:</u>	Protective and Development Services
<u>Meeting Chair:</u>	Councillor Paul Raymond
<u>Meeting Date:</u>	March 9, 2022
<u>Report No.:</u>	PDS-2022-19
<u>Report Title:</u>	Monthly Activity Report – Fire Chief/CEMC

The following are highlights for the month of February, 2022:

The Chief attended: 1 Activated alarm
 2 MVC
 1 Assist OPP

Monthly Training

1. This month's training remained online; firefighters completed training in "Structural stability of engineered lumber in fire conditions" as well as "Coordination of suppression and ventilation in multi family dwellings" through Underwriter's Laboratories Fire Safety Research Institute. We plan to return to in person training in March.

Mutual Aid

2. On Saturday February 26th The Midland fire department was called to a manufacturing facility in response to the report of a structure fire. The incident commander requested mutual aid tankers from the town of Penetanguishene and the townships of Tiny and Tay. The TFES provided 3 tankers and staff coordinated the movement of apparatus with the county coordinator to ensure proper coverage.

Provincial Firefighter Certification

3. The Ontario fire marshal's (OFM) office and The Ontario Association of fire chiefs (O AFC) held multiple technical briefings on the proposed firefighter certification legislation. The O AFC will be submitting a single 130 page document on behalf of the provinces fire chiefs as part of the

public consultation process. This document contains questions, concerns and asks for further clarification on a number of items in the proposed legislation. Staff will provide additional information once the legislation is released.

Meetings/Training

1. Protective and Development Services Committee
2. Council meetings
3. Senior Leadership Team meetings
4. COVID-19 related updates (County)
5. Various meetings and online training
6. Ontario firefighter certification technical briefings
7. Operation cooperation (North Simcoe fire departments)
8. County CEMC's monthly meeting
9. Public meetings (Wye heritage, 1420 Newton SFA)
10. North Simcoe Joint Peer support team meeting

Year to Date Totals:

2022	44
2021	32
2020	37
2019	42
2018	45

Prepared by:

Date: March 1, 2022

Shawn Aymer, CMMIII Fire Service Executive
General Manager, Protective and Development Services
Fire Chief / CEMC



STAFF REPORT

Department: Protective and Development Services

Meeting Chair: Councillor Paul Raymond

Meeting Date: March 9, 2022

Report No.: **PDS-2022-20**

Report Title: **Deputy Fire Chief/Fire Prevention Officer
Monthly Activity Report**

The following are highlights from February 1 to February 28, 2022:

The Deputy Chief attended:

- 1 Medical
- 1 Vehicle Fire (Snowmobile)
- 1 Alarm call
- 1 Hazmat/ natural gas

Activity	This Month	YTD 2022	YTD 2021 (prorated from May 11)	YTD 2020
General Inspections	0	0	9	7
Request Inspections	0	0	5	2
Complaint Inspections	0	0	1	1
Information Inspection	1	1	4	0
Follow up Inspections	2	4	12	19
Courses Attended	0	0	7	6
Fire Calls Attended	4	7	39	42
Meetings (PIP, Op Co-op, etc.)	3	4	6	29
Orders Issued	1	1	3	4
Immediate Threat To Life	0	0	0	0
Burning Complaint(s)	0	0	2	2
Training Presented	1	1	5	3

Pub Ed Performed	0	0	2	0
Hall Meetings	0	0	15	8
Hall Practices	0	0	0	4
Council	0	0	2	2
Misc. (dept related)	9	19	52	45
Court	0	0	0	1
Fire Safety Plans Reviewed	2	4	12	20
Total	29	41	176	197

TICKETS ISSUED:

Ticket	Quantity	Total
Part I	0	0
Part II	0	0
Part III	0	1
Total	0	1

Prepared by:

Date: March 1, 2022

Mike Moore
Deputy Fire Chief / Fire Prevention Officer

Reviewed By:

Date: March 1, 2022

Shawn Aymer, CMMIII Fire Service Executive
General Manager, Protective & Development Services
Fire Chief/CEMC



STAFF REPORT

Department: Protective and Development Services

Meeting Chair: Councillor Paul Raymond

Meeting Date: March 9, 2022

Report No.: **PDS-2022-22**

Report Title: **Monthly Activity Report – Building Services Division**

INTRODUCTION/BACKGROUND:

The following is an overview of the activities of the Building Services Division for February 2022 calendar month.

PERMITS	FEBRUARY 2021	FEBRUARY 2022
Number of Permits Issued this Month	9	10
Number of Permits Issued to Date	20	22
New Dwelling Units	0	1
Total New Dwelling Units to Date	0	3
Accessory Buildings (garages, sheds, gazebos etc.)	1	1
Additions	1	2
Decks	0	0
Demolition	1	1
Water line services/Plumbing	1	1
Farm Buildings	0	0
Renovations	3	2
Solid Fuel-Fired Appliances	0	0
Swimming Pool / Fence Permits	0	0
Commercial/Industrial/Institutional	1	1
Transfer	0	0
Temporary Structures (Foundations – SDD)	0	0

Other Government New	0	0
Residential Solar Panel/Mechanical		
Residential Solar Panel/Mechanical	0	0
Change of Use	0	1
Septic System	1	0
Inspections and Orders		
Inspections Conducted	85	55
Site Inspections/Consultations Conducted without a Permit	22	39
Inspections Conducted to Date	234	184
Orders to Comply Issued	1	0
Stop Work Orders Issued	0	0
Orders to Remedy Unsafe Building Issued/Prohibited Use	0	0
Orders to Uncover	0	0
Permits Closed	15	3
Total Permits Closed to Date	28	10
Total Permits Outstanding	742	714
Fees and Construction Value		
Permit Fees	\$13,527.25	\$14,327.46
Total Permit Fees to Date	\$17,282.73	\$26,772.64
Construction Value	\$314,280.00	\$899,000.00
Total Construction Value to Date	\$780,280.00	\$2,384,000.00

Prepared by:

Date: March 1, 2022

Terry Tompkins, CMM II, CBCO, CRBO, CPSO
Chief Building Official/Manager of Building Services

Reviewed By:

Date: March 1, 2022

Shawn Aymer, CMMIII Fire Service Executive
General Manager, Protective & Development Services
Fire Chief/CEMC



STAFF REPORT

<u>Department:</u>	Protective and Development Services
<u>Meeting Chair:</u>	Councillor Paul Raymond
<u>Meeting Date:</u>	March 9, 2022
<u>Report No.:</u>	PDS-2022-17
<u>Report Title:</u>	Monthly Activity Report - Planning

The following are the highlights for the month of February 2022:

Zoning Certificates

1. For the month of January, 12 applications were received, with 5 being issued. There are a number of applications presently on hold due to information required, or to address additional Planning Act applications such as a minor variance.

Development

2. Staff continues to work through multiple development files and obtain internal comments on the applications.
3. Staff continues to work with GSP to monitor County of Simcoe and the Municipal Comprehensive Review process.
4. Committee of Adjustment dealt with 3 new applications at their February 16th, 2022 meeting.
5. Staff prepared and forwarded an appeal to the Ontario Lands Tribunal for Consent Applications B-2021-07 to B-2021-12.
6. Staff is working on completing site plan control agreements for single detached dwellings upon lots along Swan and Dock Lane as well as for commercial development.
7. Staff continues to receive a high volume of public relation inquiries via telephone, emails and walk-ins with respect to redevelopment

opportunities, lots for sale, consent and minor variance inquires within the Township.

Meetings/Training

8. Planning Staff and other Township Staff conducted multiple meetings for development that are currently ongoing within the Township.

Prepared by:

Date: February 25, 2022

Todd Weatherell, RPP, CPT
Manager of Planning & Development Services

Reviewed by:

Date: February 25, 2022

Shawn Aymer, CMMIII Fire Service Executive
Fire Chief/CEMC
General Manager, Protective and Development Services



STAFF REPORT

Department: Protective and Development Services

Meeting Chair: Councillor Paul Raymond

Meeting Date: March 9, 2022

Report No.: **PDS-2022-21**

Report Title: **By-law Monthly Activity Report**

COMPLAINT OVERVIEW- February 2022

By-Law	Opened Files	Closed Files	Ongoing 2021	Ongoing 2022
Clean Yards	1	1	3	4
Dogs	0	0	1	0
DOLA	0	0	1	0
Long Grass	0	0	0	0
Entrance Permit	0	0	0	0
Property Standards	0	0	6	0
Zoning	0	0	1	2
Burning	0	0	1	0
Littering	0	0	0	0
Heavy Garbage	0	0	0	0
Parks and Trails	0	0	0	0
Building	0	0	0	0
Snow Removal	0	0	0	0
Encroachment	0	0	0	0
Business Licensing	0	0	0	0
Signs	0	0	0	0
Fill	0	0	1	0
Short Term Rental	0	0	0	1
COVID	0	0	0	0
Fireworks	0	0	0	0
Lawn Watering	0	0	0	0
Other	0	0	0	0
TOTAL	1	1	14	7

Total Files Opened 2022	Total Files Closed 2022	Total Outstanding Files (2007-2022)
1	1	39

FILES OPENED BY WARD- February 2022

WARD 1	#	WARD 2	#	WARD 3	#
Clean Yards	0	Clean Yards	2	Clean Yards	1
Dogs	0	Dogs	0	Dogs	0
DOLA	0	DOLA	0	DOLA	0
Long Grass	0	Long Grass	0	Long Grass	0
Entrance Permit	0	Entrance Permit	0	Entrance Permit	0
Property Standards	0	Property Standards	0	Property Standards	0
Zoning	0	Zoning	0	Zoning	1
Burning	0	Burning	0	Burning	0
Littering	0	Littering	0	Littering	0
Heavy Garbage	0	Heavy Garbage	0	Heavy Garbage	0
Parks and Trails	0	Parks and Trails	0	Parks and Trails	0
Building	0	Building	0	Building	0
Snow Removal	0	Snow Removal	0	Snow Removal	0
Encroachment	0	Encroachment	0	Encroachment	0
Business Licensing	0	Business Licensing	0	Business Licensing	0
Signs	0	Signs	0	Signs	0
Fill	0	Fill	0	Fill	0
Short Term Rental	0	Short Term Rental	1	Short Term Rental	0
Animal at large	0	Nuisance Complaints	0	Nuisance Complaints	0
Total	0	Total	3	Total	2

Types of Action Taken

Action	Feb 2022
Notice of Violation	4
Order to Comply	0
Charges	0
Muzzle Order	0
Caution Letter	0
No Burn List	0

Extensions Granted	0
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Cautions Issued

By-law	Cautions Issued
Water Use	0
Burning	0
Parking	4
Dogs/Animal	8
Tay Trail	0
TOTAL	12

During the month of February, By-law staff acted upon 17 complaints or demands for service. Through education, enforcement and visibility, a drop in overnight parking complaints were noticed from the previous month. By-law staff will continue to monitor winter parking patrols to assist with winter ploughing operations during snow events.

The increases in animal complaints were due in part to dogs off leash/running at large, licencing and injured wild life. No charges have been laid with respect to these investigations.

Staff attended a clean yards complaint at a Short Term Rental where guests have been depositing garbage and not bringing it to the curb for collection. Attempts to contact owner through phone and letter went unanswered. Property was cleaned by contractor. Staff will continue to monitor the property weekly and to update contact information in order to deliver an education piece.

No Provincial Offence Notice or Part 3 Summons served in the month of February.

Provincial Offence Notices/Tickets Issued

Type of Ticket	Quantity	By-law
Part 1	0	Burning/Canine
Part 2	7	Parking
Part 3	0	DOLA

Canine Activity Report

Activity	Quantity
Complaints and Investigations	8
Pound/Seizure	0
DOLA Orders	0
Muzzle Orders	0
Dog Tags Sold	26

Tags By Year	Tags Sold (YTD)
2022	107
2023	24
2024	3
TOTAL	134

Dog Attacks/Bites	2021	2022 (YTD)
Dog on Dog	1	0
Dog on Human	5	0
DOLA Orders	2	0
Township Muzzle Orders	4	0

Additional Items/Future Considerations

Court Update

Orillia Court are still not proceeding with parking infractions (Part 2) from any Municipalities due to Covid 19 restrictions and therefore staff have had no court appearances in the past month. According to the Crown, they have no timeline as to when the Court will begin to hear Part 2 matters. Next court date to hear Open Files will take place March 10th 2022.

Meetings/Courses/Webinars

Township of Tay has been registered with the Canadian Police Knowledge Network (CPKN) for relatable courses offered to MLEO's. There is no cost to register with CPKN and all Courses are offered online with a nominal fee ranging from \$20-\$100 per student.

Prepared By:

Date: March 1, 2022

Harry Horn
Senior Municipal Law Enforcement Officer

Reviewed By:

Date: March 1, 2022

Shawn Aymer, CMMIII Fire Service Executive
General Manager, Protective & Development Services
Fire Chief/CEMC

From: David Jeffery
Sent: February 18, 2022 2:23 PM
To: Mayor Ted Walker <TWalker@tay.ca>
Cc: Councillor Mary Warnock <MWarnock@tay.ca>
Subject: [USE CAUTION] Council Support for a province wide moratorium on new gravel mining permits

Hello Ted, Mary,

I hope you are both well. Since leaving Chigamik CHC I found my way onto the Simcoe County Greenbelt Coalition Board(SCGC). As you know we need some bold action on Climate Change . One of our projects is to take a look at the Gravel Mining Industry. I have been, with help, connecting the dots between gravel mining, urban sprawl and excessive highway development. This industry is highly unregulated and something needs to change. I am sure you have been following the issues for ground water in the Waverly uplands.

I represent the SCGC at the province-wide coordinating committee to build momentum for a moratorium on permits for new Gravel mines and expansion of existing mines until a third party can review this industry's practices and recommend methods for better oversight. This Campaign is chaired by Graham Flint and Sarah Harmer.

I am asking you to consider a Resolution of Council to support such a moratorium. Last week Rick Bonnette, Mayor of Halton Hills, with his council, passed such a motion. I have attached a draft here.

I am attaching a briefing note and here, a link to the Reform Gravel Mining Coalition Website to view a short Video that highlights this issue.

<https://www.reformgravelmining.ca>

I and any of the province wide coordinating committee are happy to prepare a deputation to council at any time on this key issue.

Your sincerely,

David Jeffery



THE CORPORATION
OF
THE TOWN OF HALTON HILLS

Resolution No.:

Title: **New Gravel Extraction Licensing applications**

Date: February 7, 2022

Moved by: **Mayor R. Bonnette**

Seconded by: **Councillor J. Fogal**

Item No.

WHEREAS Ontario currently has over 5000 licenced pits and quarries located throughout the province that are able to meet the expected near term needs of Ontario's construction industry;

AND WHEREAS applications continue to be submitted without a definitive determination if there is a need for additional supply;

AND WHEREAS gravel pits and quarries are destructive of natural environments and habitats;

AND WHEREAS pits and quarries have negative social impacts on host communities in terms of noise, air pollution, and truck traffic;

AND WHEREAS the urgent need to reduce greenhouse gas emissions in order to combat climate change has brought awareness to the very high carbon footprint associated with the production of concrete and asphalt which are major end-users of aggregates;

AND WHEREAS there is an obligation to consult with First Nations peoples regarding the impacts of quarries on treaty lands and a responsibility to address those impacts;

NOW THEREFORE BE IT RESOLVED THAT the Ontario government be requested to impose an immediate temporary moratorium on all new gravel

mining applications pending a broad consultation process including with First Nations, affected communities, independent experts and scientists to chart a new path forward for gravel mining in Ontario which:

- Proposes criteria and processes for determining the need for new gravel licences;
- Recommends updated policies and restrictions for gravel mining below the water table to reflect current groundwater sciences;
- Develops new guidelines for reprocessing in order to ensure sustainable aggregate supplies;
- Recommends a fair levy for gravel mining that includes compensation for the full environmental and infrastructure maintenance costs to the local community of extraction and distribution of aggregate;
- Provides greater weight to the input by local municipalities to lessen the social impacts from mining operation and trucking through their communities;
- Proposes revisions to application procedures which fully honour First Nations' treaty rights;

AND FURTHER THAT a copy of this resolution be sent to the Honourable Doug Ford Premier of Ontario, the leaders of all Provincial Parties, Minister of Natural Resources and Forestry, the Honourable Ted Arnott MPP, AMO, Small Urban GTHA Mayors, Town of Milton, Town of Oakville, City of Burlington and Region of Halton.

Mayor Rick Bonnette

A Moratorium on All New Gravel Mining Approvals Today

A Step Towards a Sustainable Tomorrow

ISSUES

- 1 Gravel mining permanently changes the existing natural environment and causes numerous negative impacts to surrounding communities. It is not a benign activity.
- 2 The gravel mining industry provides the raw materials for cement production, highway construction and urban sprawl. These activities are significant contributors to greenhouse gas emissions in Ontario.
- 3 Ontario's current application process for gravel mining:
 - allows uncontrolled proliferation of gravel sites across Ontario.
 - favours corporations and places an unfair burden on municipalities and local communities forced to advocate for the protection of the natural environment and built communities.
 - does not fulfill the requirements for free, prior and informed consent of First Nations as guaranteed in the Canadian constitution.

POLICY PROPOSAL

- 1 Impose an immediate moratorium on all new gravel mining applications (including interim orders and site plan amendments for mining below the water table or that increase licensed tonnages).
- 2 Conduct a broad consultation process—including First Nations, affected communities, independent experts and scientists.
- 3 Chart a new path forward for gravel mining which
 - honours treaties with First Nations and obligations as prescribed in the Canadian Constitution,
 - prevents greater climate chaos,
 - protects groundwater and farmland,
 - increases the weight of local perspectives in land use planning, and
 - ensures long term supplies of a finite resource.

IMPACT OF A MORATORIUM

A Moratorium on all new applications for gravel mining in Ontario will:

- 1 provide an opportunity to update gravel mining industry policies and regulations to reflect current societal expectations and meet the national and international requirements of addressing climate change.
- 2 respond to the urgent requests from thousands of Ontario residents (predominantly rural) struggling with the threats to their homes and communities from gravel mining.
- 3 NOT impact the short term supply of gravel required to meet Ontario's needs.
- 4 NOT impact the rights existing gravel mining operators have to continue their existing operations as they do today.
- 5 NOT impact current employment in the gravel mining industry.

CONTINUED ON BACK

FOUR FACTS ON GRAVEL MINING IN ONTARIO

FACT #1 The government of Ontario has authorized the gravel mining industry to extract thirteen times more gravel each year than is required to meet average annual consumption.

- On average 157.4 million tonnes of gravel was extracted annually over the past 10 years in Ontario.^{1,2}
- 2.05 billion tonnes of gravel extraction are allowed each year from the 5000+ licensed gravel mining sites in Ontario. (Note: 800+ sites, {approximately 15%} are permitted to extract unlimited tonnages each year. These amounts are in addition to the annual 2.05 billion tonnes allowance).

FACT #2 Gravel mining consumes an average of 5,000 acres of land in Ontario each year.

- Licences for gravel extraction has increased from 183K acres in 1992 to 333K acres in 2020³, an increase of almost 150K acres or 5K acres per year over the past three decades. That's a land area equivalent to two proposed Melancthon mega-quarries each year⁴.

FACT #3 The gravel mining industry doesn't pay its fair share, for example municipal property taxes.

- Municipalities challenge preferential property tax treatment given to gravel mining sites.
- Disputes continue between Ontario Municipalities and the gravel industry over property taxes. Examples:
 - Wellington County asserts that "other sectors, mainly residential and small business, are subsidizing the aggregate industry's artificially low valuations".
 - In Puslinch Township "...single family homes in Puslinch pay more taxes than 100-acre active (gravel) sites"⁵.

FACT #4 The gravel mining industry supplies sand, stone and gravel production for cement production, highway construction and urban sprawl, which make significant contributions to greenhouse gas emissions in Ontario.

- The cement industry produces 8% of global carbon emissions, as a country it would be the third largest global emitter of CO₂⁶.
- Transportation has become the biggest source of GHG emissions in Ontario⁷.

RECOMMENDED AREAS OF CONSULTATION AND INQUIRY

- Determine the total amount of licenced supply in Ontario's 5000+ pits and quarries.
- Propose criteria and processes for determining and demonstrating the need for new gravel mining sites.
- Define limits on 'virgin' aggregate extraction, and targets for aggregate reprocessing in order to ensure sustainable management of the finite gravel resources in Ontario.
- Propose revisions to application procedures which fully honour First Nations' treaty rights with the Province.
- Recommend updated policies and restrictions for gravel mining below the water table to reflect current groundwater sciences.
- Propose methods which increase the weight given to municipalities and communities voices in gravel mining decisions.
- Recommend approaches to ensure that gravel mining sites are not allowed to transform themselves in significant ways after initial approval. This would include changes to progressive or final rehabilitation plans.
- Recommend a fair levy for gravel mining that includes compensation for the full social and environmental costs of its extraction.
- Recommend approaches to gravel mining oversight to ensure full compliance with all regulations and licence conditions.

1. Aggregate Resources Statistics in Ontario, Production Statistics annual reports, The Ontario Aggregate Resources Corporation (TOARC)

2. Active aggregate sites and related maximum tonnage

3. Aggregate Resources Statistics in Ontario, Production Statistics annual reports, The Ontario Aggregate Resources Corporation (TOARC)

4. <https://www.inthehills.ca/2011/06/melancthon-mega-quarry-by-the-numbers>

5. Presentation, Ken DeHart, Wellington County Treasurer May 30th 2021 Gravel Watch Ontario

6. <https://www.carbonbrief.org/qa-why-cement-emissions-matter-for-climate-change>

7. Why Are Ontario's GHG emissions going up instead of Down? Environmental Defence, April 21, 2020