



Planning and Development Committee Meeting Consolidated Agenda

Please note that added or revised items are denoted by an asterisk (*).

Tuesday, January 15, 2019

7:00 p.m.

Council Chamber, Town Hall

1. **CALL TO ORDER**

2. **DISCLOSURE OF PECUNIARY INTEREST**

3. **CONSENT AGENDA**

4. **PUBLIC MEETING**

4.1 POPA 18-02 & RZ 18-04

Application for Proposed Official Plan Amendment and Zoning By-law Amendment
Applications POPA 18-02 & RZ 18-04 - 12415 Coleraine Drive (Ward 5)

5. **DELEGATIONS**

*5.1 Judy Mabee re: Notice of Motion from Councillor Sinclair regarding Bill 66

Judy Mabee Resident, Town of Caledon concerning Notice of Motion from Councillor
Sinclair regarding Bill 66

*5.2 Cheryl Connors re: Notice of Motion from Councillor Sinclair regarding Bill 66

Cheryl Connors, Resident, Town of Caledon concerning Notice of Motion from
Councillor Sinclair regarding Bill 66

6. **STAFF REPORTS**

6.1 Staff Report 2019-13 Proposed Airport Zoning Regulation, Brampton Flying Club,
13691 McLaughlin Road, Ward 2

7. **RECOMMENDATIONS OF ADVISORY COMMITTEES**

7.1 September 10, 2018 Heritage Committee Report

7.2 November 12, 2018 Heritage Committee Report

17070 Horseshoe Hill Road

That Staff be directed to proceed with the Notice of Intention to Designate for 17070 Horseshoe Hill Road; and

That should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, a by-law be enacted for the purpose of designating 17070 Horseshoe Hill Road pursuant to the *Ontario Heritage Act*.

8. NOTICES OF MOTION

8.1 Councillor I. Sinclair re: Bill 66

Whereas Bill 66 1st Reading, Schedule 10, Planning Act, provides for a special land use zoning approval under Section 34.1 of the Planning Act;

And whereas ERO number 013-4125 articulates the intention for the Section 34.1 to be used, “in circumstances where there are major employment and economic growth opportunities”;

And whereas Schedule 10 of Bill 66 sets aside key sections of the Planning Act and nine Provincial Acts important for consideration for the protection of the environment, and health, safety and community viability of people;

And whereas Schedule 10 of Bill 66 provides for no public notice, no public consultation and no appeal of decisions made under Section 34.1 of the Planning Act'

And whereas support for and use of Schedule 10 of Bill 66 would debase the rationale for the Official Plan, Zoning By-law, Site Plan Control and long term planning in Caledon'

Now therefore it be resolved that the Town of Caledon does not support Schedule 10 of Bill 66 as the Town has a robust Official Plan, Zoning By-law and Site Plan Control which have proven to be effective for approving major employment and economic growth opportunities; and

That the absence of notice, consultation and appeal are contrary to democracy.

8.2 Councillor I. Sinclair re: Equestrian Definitions

Whereas there is a substantial equestrian industry in the Town of Caledon;

And whereas there are no definitions in Town of Caledon Zoning By-law 2006-50, as amended, dealing with the various land uses and accessory uses associated with the keeping, raising, training and teaching concerning horses;

Now therefore be it resolved that Staff be directed to formulate appropriate zoning definitions for Equestrian Facility, Arena, Stable, Riding Ring, Exercise Ring, Riding Trail, Trailer Storage, Riding School and any other relevant term associated with an equestrian facility; and

That the definitions be presented to Council at a June 2019 meeting.

9. CORRESPONDENCE

9.1 Memorandums

9.1.1 Proposed Open-for-Business Planning Tool – Bill 66, Restoring Ontario's Competitiveness Act, 2018

Memorandum from Sylvia Kirkwood, Manager, Policy and Sustainability, Community Services dated January 15, 2019 re: Overview of Bill 66 Impacts

9.1.2 Official Plan 2041 Process Review – Status Update

Memorandum from Sylvia Kirkwood, Manager, Policy and Sustainability, Community Services dated January 15, 2019 re: Update on Official Plan Process and Timelines

9.2 General Correspondence

9.2.1 Brampton Flying Club Zoning Regulations

Sam Meandro, Board Member, Brampton Flying Club dated January 6, 2019 re: Brampton Flying Club Zoning Regulations

9.2.2 Comments on Bill 66

Debbe Crandall, Ward 4 dated January 2, 2019 re: Comments on Bill 66

9.3 Petitions

9.3.1 Petition regarding the Rezoning of Land for the Asphalt Plant

Egle Baudreau dated January 5, 2019 re: Rezoning of Land for the Asphalt Plant

*9.3.2 Petition regarding the Say No to Rezoning for the Asphalt Plant

Citizens of Bolton dated January 14, 2019 re: Say No to Rezoning for the Asphalt Plant

10. CONFIDENTIAL SESSION

11. ADJOURNMENT

12. Accessibility Accommodations

Assistive listening devices for use in the Council Chamber are available upon request from the Staff in the Town's Legislative Services Section. American Sign Language (ASL) Interpreters are also available upon request.

Please provide advance notice if you require an accessibility accommodation to attend or participate in Council Meetings or to access information in an alternate format please contact Legislative Services by phone at 905-584-2272 x. 2366 or via email to legislative.services@caledon.ca.

Notice of Public Meeting Proposed Official Plan Amendment and Zoning By-law Amendment

FILE NUMBER(S): POPA 18-02 & RZ 18-04

Community Involvement:

The Town has received proposed Official Plan Amendment and Zoning By-law Amendment applications. This is your way to offer input and get involved.

Applicant and Location:

Applicant: MJJJ Developments Inc.

Location: 12415 Coleraine Drive, Bolton
Part Lot 3, Concession 6 (Albion)
East side of Coleraine Drive, south of George
Bolton Parkway and north of Parr Boulevard
Ward 5

Site Area: 2.78 ha (6.87 ac)

Please visit the Town's website at www.caledon.ca/development or contact the Development Planner to obtain a copy of the location map.

What are the Proposed Changes?

To amend the **Official Plan** to site-specifically permit an asphalt plant as a permitted use in the Prestige Industrial designation and to amend **Zoning By-law 2006-50** from an Agricultural (A1) Zone to a site specific Prestige Industrial (MP-XX) Zone to permit an asphalt plant consisting of a 2-storey, 1,042 m² office building fronting onto Coleraine Drive and a hot mix asphalt plant with associated open storage and 1-storey, 46 m² seasonal office building accessed from Simpson Drive.

Additional Information

A copy of the proposed Zoning By-law Amendment and Official Plan Amendment and additional information and material about the proposed applications are available to the public at the Planning and Development Section at Town Hall. Office hours are Monday to Friday from 8:30 a.m. to 4:30 p.m.

Appeal Procedure:

If a person or public body does not make oral submissions at a public meeting or make written submissions to The Corporation of the Town of Caledon before the proposed Official Plan Amendment is passed and/or the Zoning By-law Amendment is adopted, the person or public body is not entitled to appeal the decision of The Corporation of the Town of Caledon to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to The Corporation of the Town of Caledon before the proposed Official Plan Amendment is passed and/or the Zoning By-law Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

How to Stay Informed:

If you wish to stay informed of the project described above, or if you wish to be notified of the decision of The Corporation of the Town of Caledon in respect of the proposed Plan of Subdivision, Official Plan Amendment and/or Zoning By-law Amendment, you must make a written request to the Clerk of the Town of Caledon, 6311 Old Church Road, Caledon, Ontario, L7C 1J6.

Accessibility

If you require an accessibility accommodation to attend or participate in this Public Meeting, or to access any materials related to this item in an alternate format please contact Legislative Services by phone at 905-584-2272 x.2366 or via email at accessibility@caledon.ca. Requests should be submitted at least 10 days before the Public Meeting.



When and Where:

Tuesday January 15, 2019

Info Session: 6:00 p.m.

Public Meeting: 7:00 p.m.

Council Chamber, Town Hall,
6311 Old Church Road,
Caledon East, L7C 1J6



Additional Information:

Contact Mary T. Nordstrom,
Senior Development Planner
at 905.584.2272 x.4223 or
mary.nordstrom@caledon.ca



6311 Old Church Road
Caledon, ON L7C 1J6
www.caledon.ca
T. 905.584.2272 | 1.888.225.3366 | F. 905.584.4325

Notice Date: December 20, 2018



6311 Old Church Road
Caledon, ON L7C 1J6
www.caledon.ca
T. 905.584.2272 | 1.888.225.3366 | F. 905.584.4325

Public Meeting Information Report

Community Services Department - Planning & Development

Public Meeting: January 15, 2019 at 7:00 p.m. in Council Chambers, Town Hall

Applicant: MJJJ Developments Inc.

File No.: POPA 18-02, RZ 18-04

The Purpose of a Public Meeting:

In accordance with the *Planning Act*, a Public Meeting is held for applicants to present their proposal to the public and Council and to receive comments and answer questions that the public and members of Council may have.

Staff and Council will not be commenting on the proposal or making any recommendations at the Public Meeting. A Planning Report may be brought forward by staff and considered by Council at a later date.

As a member of the public, you are welcome to request to be notified of any future Public or Council Meetings. Please provide your contact information on the 'Sign-In' sheet provided in the lobby. Please be advised that the sign-in information will form part of the public record for these applications.

Property Information:

The subject lands are located at 12415 Coleraine Drive in Bolton. See Schedule "A" – Location Map, attached. The subject lands are approximately 2.78 ha (6.87 ac) in size and currently accommodate a single-detached residential dwelling that the applicants have advised will be demolished to facilitate the subject proposal. The surrounding land uses are rural residences to the north, employment uses to the east and south and agricultural uses to the west. Please see Schedule "B" – Aerial Photograph, attached.

The Region of Peel's Official Plan designates the lands as Rural Service Centre. The Town's Official Plan designates the lands as Prestige Industrial on Schedule C-5 – South Simpson Industrial Secondary Plan. The subject lands are zoned Agricultural (A1) in Zoning By-law 2006-50, as amended.

Proposal Information:

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted by MJJJ Developments Inc. to the Town and deemed complete on July 18, 2018.

The applications are proposing to amend the Official Plan to site-specifically permit an asphalt plant as a permitted use in the Prestige Industrial designation and to amend Zoning By-law 2006-50 from Agricultural (A1) to a site-specific Prestige Industrial (MP-XX) Zone to permit an asphalt plant consisting of a 2-storey, 1,042 m² office building fronting onto Coleraine Drive and a hot mix asphalt plant with associated open storage and 1-storey, 46 m² seasonal office building accessed from Simpson Drive.

Consultation:

In accordance with the *Planning Act*, a Notice of Application was mailed to all landowners within 120 m (393.7 ft). In addition, the Notice was placed in the Caledon Enterprise and Caledon Citizen on July 26, 2018 and signage posted on the property.

The subject applications were circulated to external agencies and internal departments for review. A summary of the technical comments received to date include, but are not limited to the following:

Public Meeting Information Report

Community Services Department - Planning & Development

- Concerns about potential impacts of the proposed asphalt plant related to traffic, noise, air quality and groundwater;
- Concerns with the proposed use from policy, urban design, engineering, landscape, transportation and economic development perspectives;
- Concerns about potential to retain and attract prestigious industries and investment to a planned prestige industrial area;
- Proposed grading and walls (retaining/noise/screening) do not meet Town standards; and
- Concerns about non-compliance with applicable Provincial, Regional and Town policies.

In accordance with the *Planning Act*, a Notice of Public Meeting was mailed to all landowners within 120 m (393.7 ft). In addition, the Notice of Public Meeting was placed in the Caledon Enterprise and Caledon Citizen on December 20, 2018 and posted on the Town's website.

Next Steps:

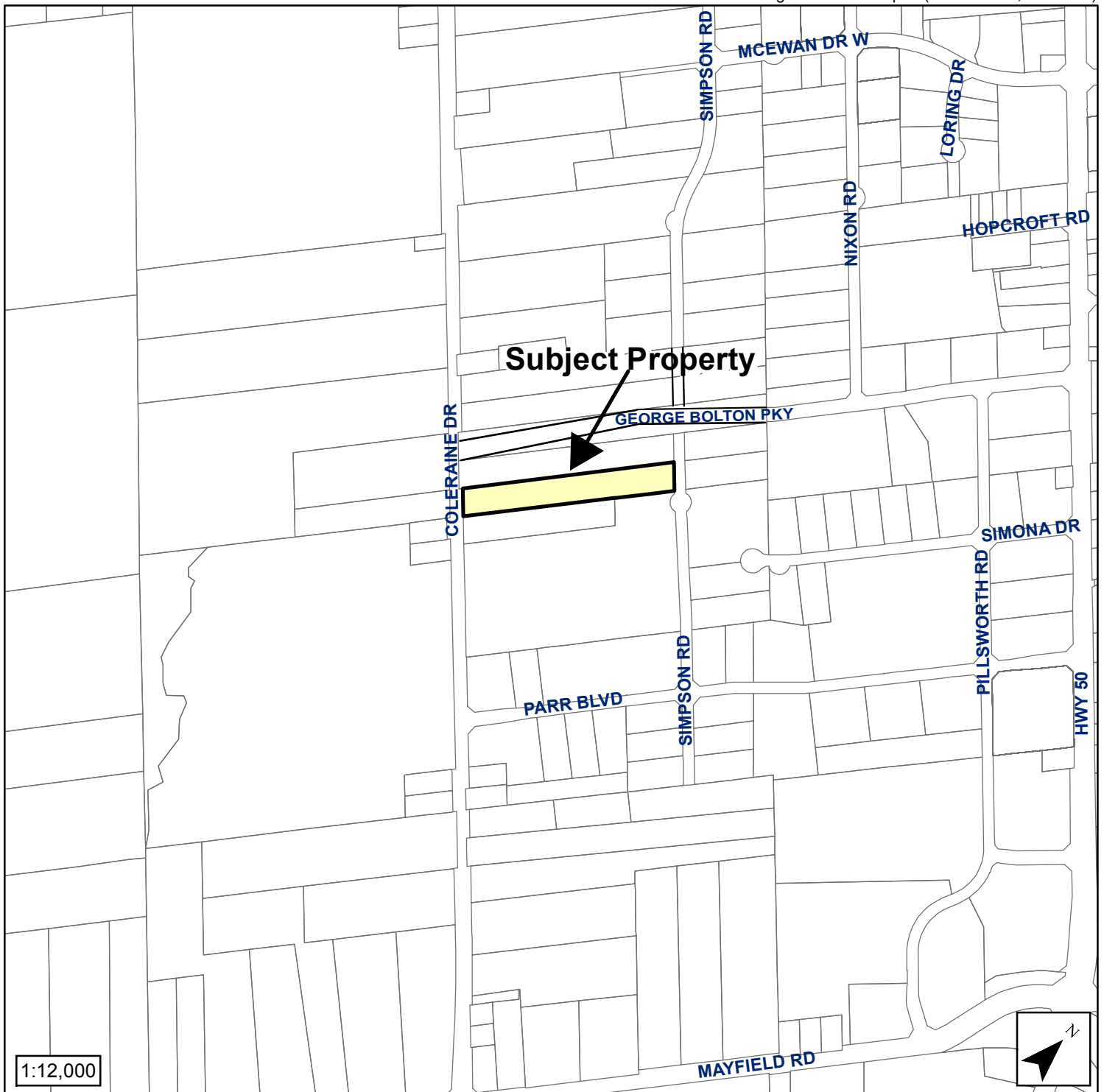
If a person or public body does not make oral submissions at a public meeting, or make written submissions to The Corporation of the Town of Caledon in respect of the proposed Official Plan Amendment and/or Zoning By-law Amendment, the person or public body may not be added as a party to the hearing of the appeals before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Contact:

For further information, please contact Mary T. Nordstrom, Senior Development Planner at 905-584-2272 ext. 4223 or mary.nordstrom@caledon.ca.

Attachments:

- Schedule A: Location Map
- Schedule B: Aerial Photograph



**Proposed Zoning By-law and Official Plan
Amendment Applications
POPA 18-02 & RZ 18-04
M-J-J-J Developments Inc.**

12415 Coleraine Drive
Part Lot 3 Concession 6 (ALB)
5

LOCATION MAP



Date: January 04, 2019

File No.: POPA 18-02 & RZ 18-04



Official Plan & Zoning By-law Amendment Application

POPA 18-02 & RZ 18-04

M-J-J-J Developments Inc.

12415 Coleraine Drive

Part of Lot 3, Concession 6 (ALB)
6

LOCATION MAP



Date: December 11, 2018

File No.: POPA 18-02 & RZ 18-04

12415 COLERAINE DRIVE



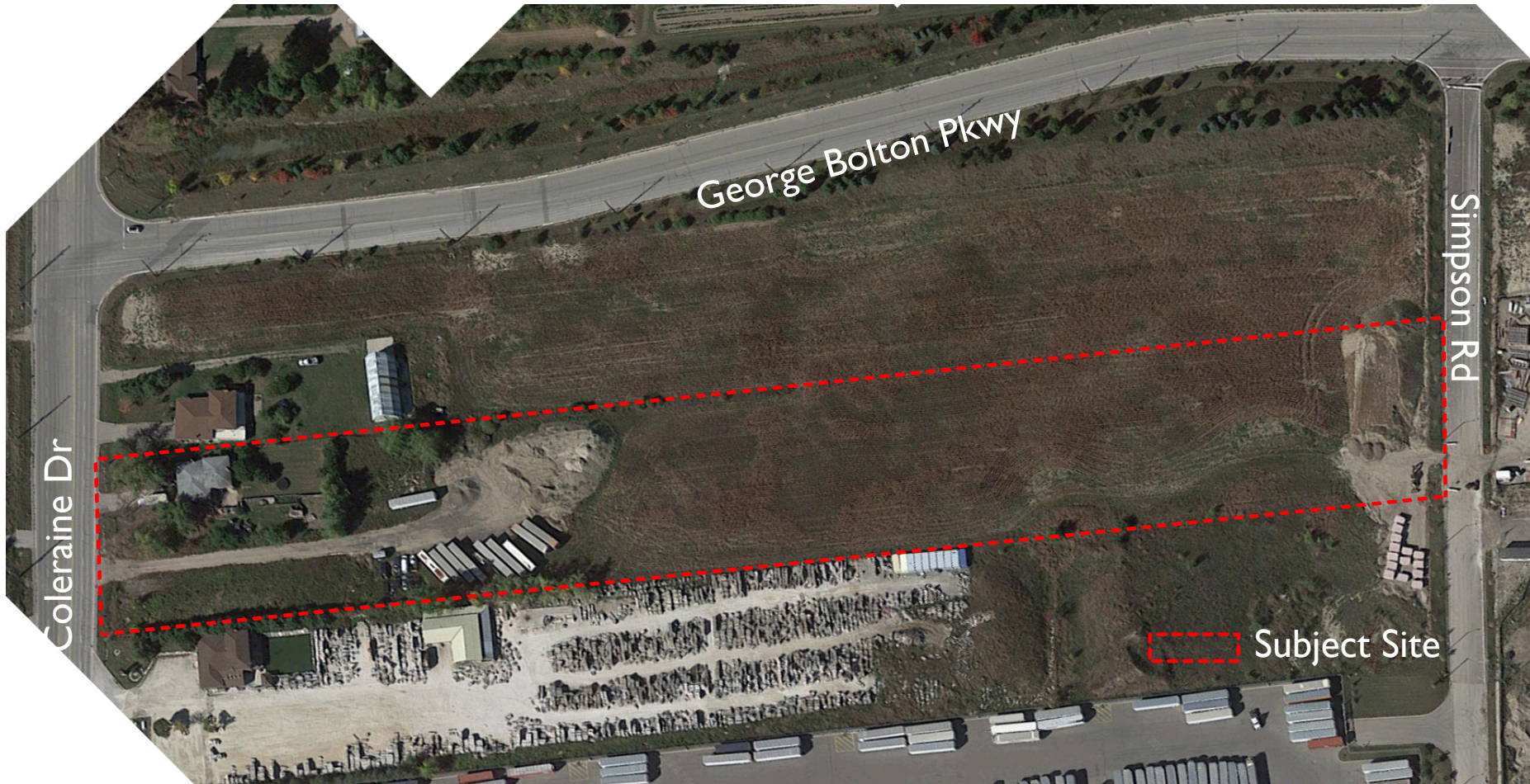
PROPOSAL – 12415 COLERAINE DRIVE

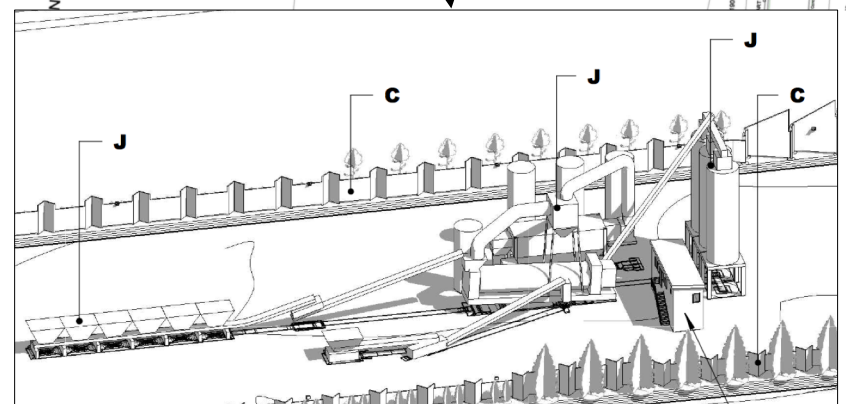
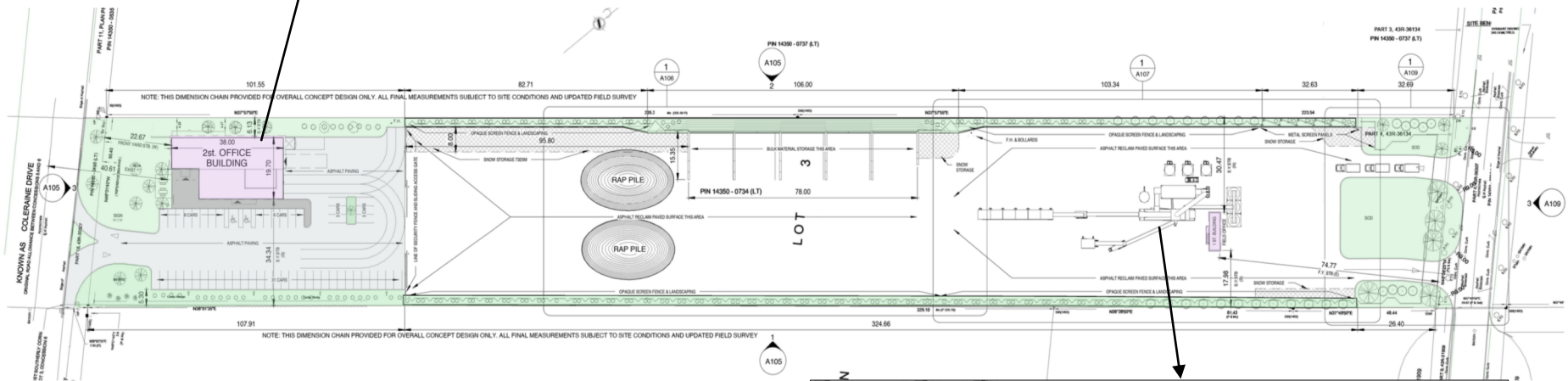
- Office use and asphalt plant proposed in Employment Designation
- Located east side of Coleraine Drive, north of Mayfield Road, south of George Bolton Parkway



PROPOSAL – 12415 COLERAINE DRIVE

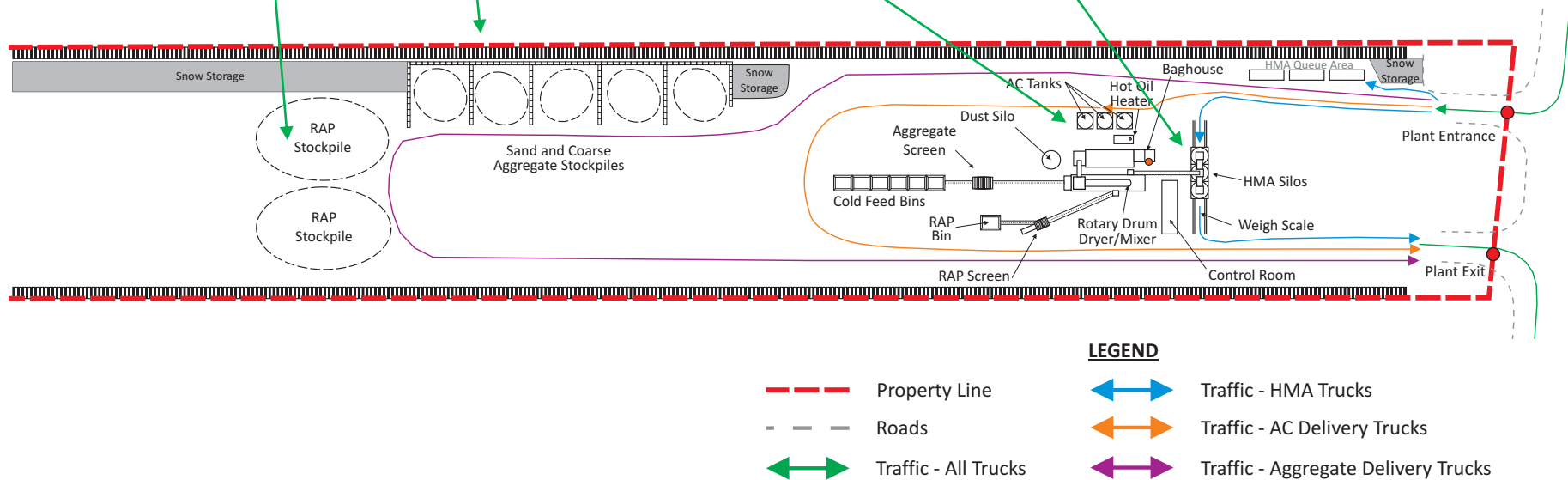
- 2.78 hectare property





ASPHALT PRODUCTION

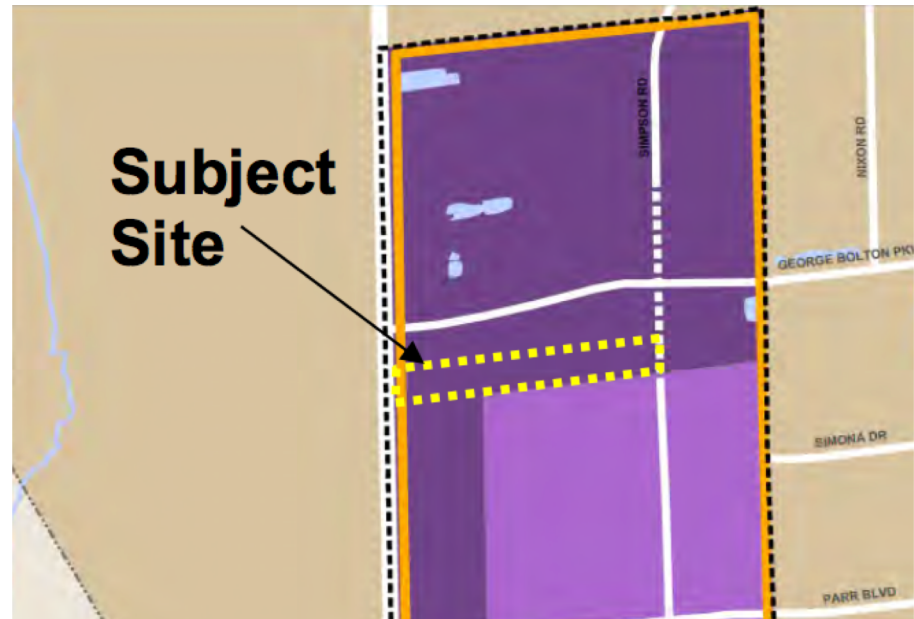
Reclaimed Asphalt Pavement (RAP) +
Sand and Gravel Aggregate +
Liquid Asphalt Cement (AC)
= Hot Mix Asphalt (HMA)



- Typical operation hours from 7am to 7pm but may operate outside these hours

OFFICIAL PLAN & ZONING

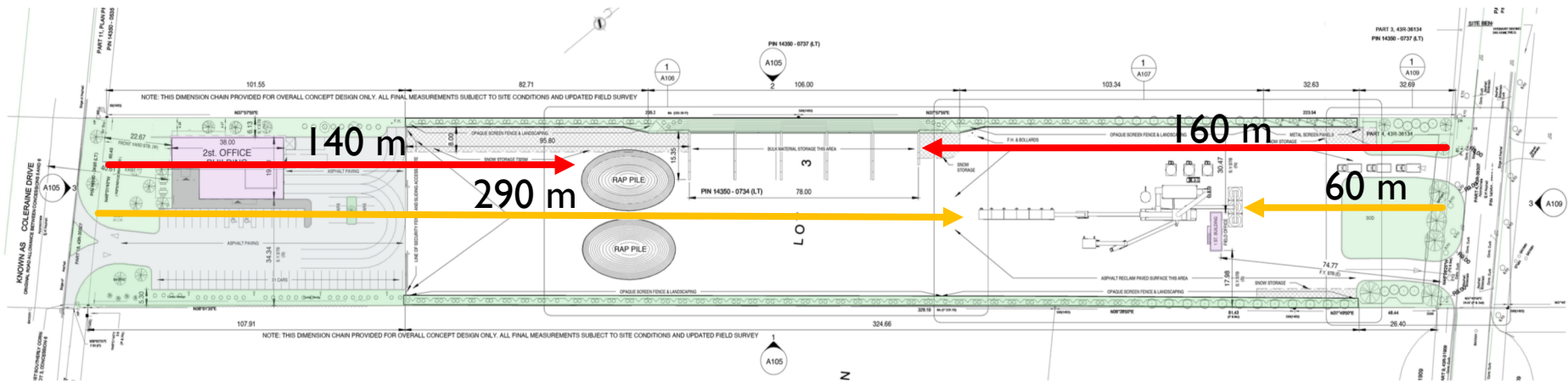
- Designated Prestige Industrial
- Office already permitted
- Official Plan Amendment proposes site-specific permission to allow an asphalt plant
- Zoning Amendment Rezones from AI to MP-XX to permit the asphalt plant and office use
- Site Plan Control to confirm the layout of the site



- Prestige Industrial
- General Industrial
- Secondary Plan Area
- Phase 1: Secondary Plan Area
- Phase 2: Secondary Plan Area
- Bolton Settlement
- Conceptual Road Network
- Regional Road
- Local Road

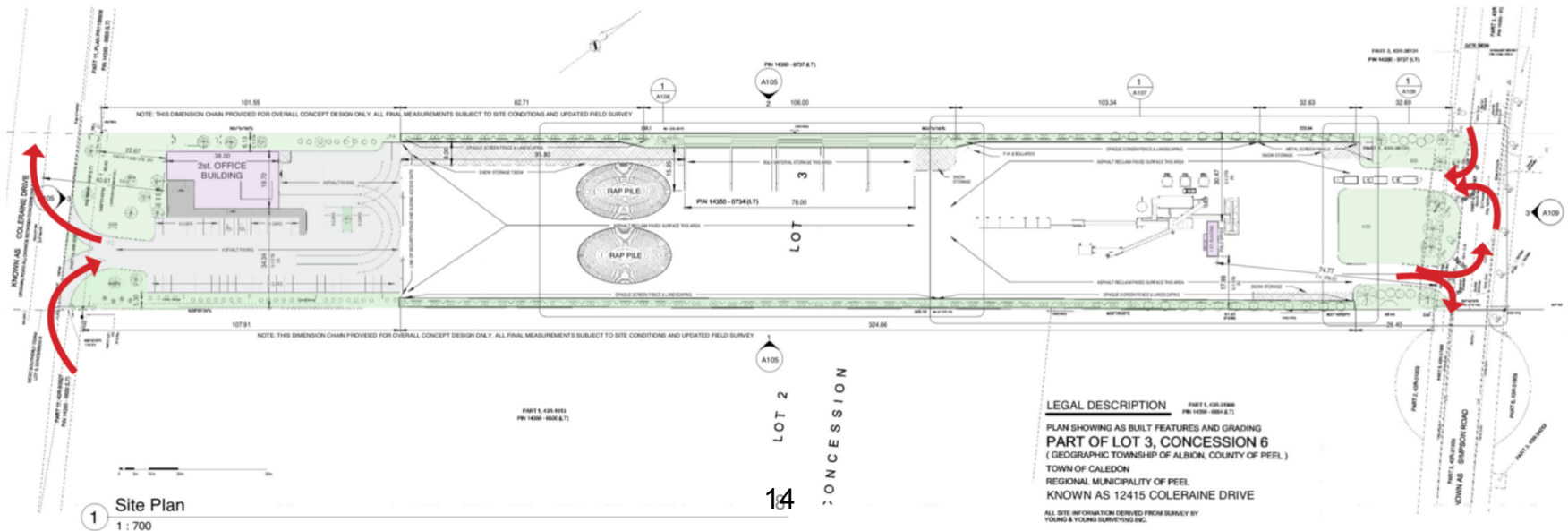
- Zoning Amendment will specify:

- Open Storage min. 140m from Coleraine Dr & min. 160m from Simpson Rd
- Asphalt plant min. 290m from Coleraine Dr & min. 60m from Simpson Rd



TRAFFIC

- Access to site on Coleraine via right-in, right-out driveway for passenger cars to office building
- 2 full move accesses on Simpson Road for trucks
- Operating at full capacity and if all daily supply trucks occurred in the same hour, 31 trucks would enter and exit in the peak hour
- George Bolton Parkway and Coleraine, and George Bolton and Simpson to be signalized
- Intersections to operate at appropriate levels of service



NOISE

- Aercoustics Engineering Limited undertook an Acoustic Assessment Report and recommended a number of noise controls:
 - Acoustic barriers to shield noise;
 - Limiting sound of equipment through noise controls such as rubber screens, enclosures or silencers;
 - No idling at night of trucks picking up asphalt product; and
 - No truck delivery between 11pm and 7 am.
- With the noise controls, noise emissions predicted to be within sound level limit set by the Province.

AIR QUALITY

- The Air Quality study found no potential health impacts i.e. the air concentrations at the closest sensitive receptors are well below the Ministry's standards.
- Provided that Best Management Practices are implemented, air quality-related nuisance impacts are not expected.
- Best Management Practices include:
 - Aggregate will be received washed (i.e. low dust);
 - All aggregate stockpiles will be contained in three-sided enclosures;
 - Site entrance and primary truck route will be paved;
 - Paved and unpaved areas will be regularly controlled using water and dust suppressants;
 - Daily onsite inspections to monitor and manage dust; and
 - Staff training

Staff Report 2019-013

Meeting Date: Tuesday, January 15, 2019

Subject: Proposed Airport Zoning Regulation, Brampton Flying Club, 13691 McLaughlin Road, Ward 2

Submitted By: Stephanie McVittie, Senior Development Planner, Community Services

RECOMMENDATION

That the Mayor and Clerk be authorized to enter into the necessary agreements with the Federal Government to initiate the process of Airport Zoning Regulation;

That staff be directed to receive and process the request for Airport Zoning Regulation for the Brampton-Caledon Airport, including public consultation and report back to Council; and

That the applicant/owner be directed to pay an application fee consistent with the application type of a Minor Zoning By-law Amendment Application within the Town's current Fee By-law, prior to initiation of the process.

REPORT HIGHLIGHTS

- The Brampton-Caledon Airport has requested that the Town process an Airport Zoning Regulation to protect the airspace surrounding the airport to minimize dangers to aircraft.
- The Federal *Aeronautics Act* allows the Town to enter into an agreement with the Federal Government and enact a By-law to regulate the use of land within the airspace surrounding an airport.
- Planning staff recommends that the Mayor and Clerk be authorized to enter into the initial agreement with the Federal government to initiate the process.
- Planning staff recommends that Council direct staff to process the request, in a similar method to that of a Zoning By-law Amendment including public notice, and to report back after the process is complete for Council approval and enactment of the By-law.

DISCUSSION

The purpose of this Report is to discuss a request received from the Brampton-Caledon Airport to enact an Airport Zoning Regulation to protect the airspace surrounding the airport to minimize dangers to aircraft and to seek Council direction on this matter.

Subject Lands

The Brampton-Caledon Airport (Brampton Flying Club) is located on lands municipally known as 13691 McLaughlin Road. The property is located on the east side of McLaughlin Road, south of King Street and is approximately 80.94 ha (200 ac) in size.



The surrounding land uses are primarily rural residential and agricultural. Refer to Schedule "A" – Location Map, attached.

Brampton-Caledon Airport Operations

The Brampton-Caledon Airport is a Transport Canada certified aerodrome which contains two runways. The airport is home to approximately 250 aircraft and a number of associated businesses and organizations including The Great War Flying Museum, Brampton Flight College and Brampton Flight Centre. There are approximately 110,000 aircraft movements (takeoffs and landings) at the airport during the year, the majority of which are related to flight training.

Airport Zoning Regulation (AZR)

To ensure the safe operation of the aircraft operating at an airport, and to ensure its long-term viability, the airspace surrounding an airport is to be maintained free from obstacles in order to minimize the dangers presented to aircraft. Transport Canada, through standards and documents, defines the airspace and limits the extent to which objects may project into it. The airspace can be protected through the enactment of an Airport Zoning Regulation (AZR) in accordance with the *Aeronautics Act*.

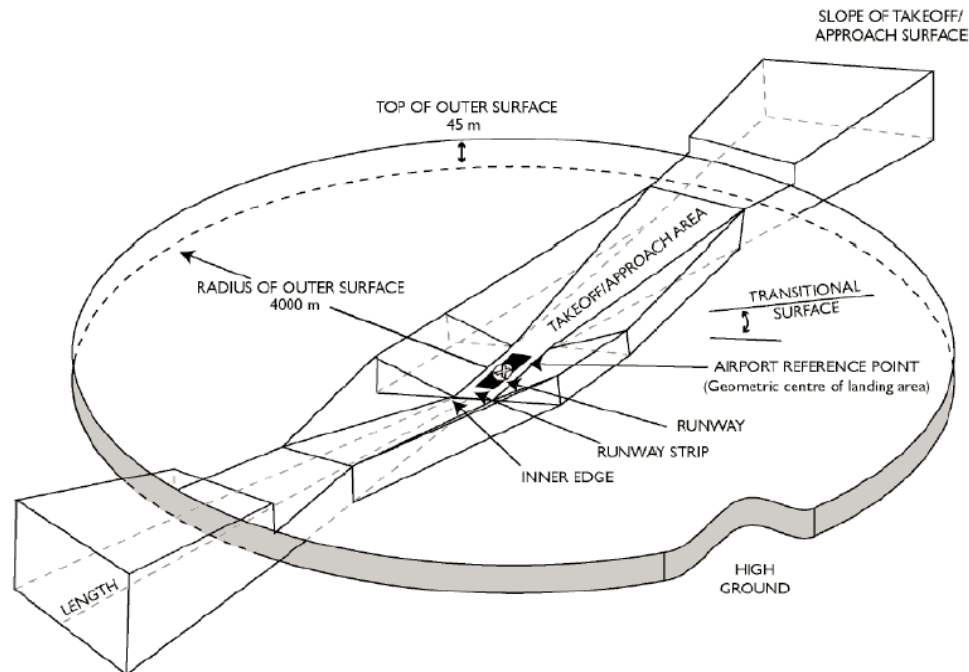
An AZR is a regulation to restrict the heights of buildings, structures and objects (including natural growth such as trees) on lands surrounding the airport. Similar to a Zoning By-law, an AZR restructures incompatible land uses and imposes height restrictions on uses, buildings, structures and objects which may interrupt the safe operations of an airport. Different from a Zoning By-law, an AZR takes a more 3D approach to protecting airspace and imposes setbacks/regulations for uses such as radar, communications, wildlife, noise, wind turbines, farms, exhaust plumes and solar panels.

Defining the Airspace

Transport Canada describes a series of Obstacle Limitation Surfaces (OLS) within an airspace surrounding an airport. These surfaces, as demonstrated in the figure below, are described as:

- The Outer Surface: Airspace required for aircraft doing circling procedures or maneuvering in and around an airport. This surface is typically a radius (circle) surrounding an Airport reference point and is measured at a specific height and distance, as defined by Transport Canada.
- The Take-Off/Approach Surface: Airspace required for aircraft during take-off and landing movements and extends from the end of the runway and is measured with specific lengths, height and widths, as defined by Transport Canada.
- The Transitional Surface: Airspace required to ensure safety for a missed approach and extends along a runway and expands towards the Take-off/Approach Surface, with specific lengths, heights and widths as defined by [Transport Canada](#).

Figure 1: Obstacle Limitation Surfaces



(Aviation Land Use in the Vicinity of Aerodromes, prepared by Transport Canada)

Contents of an AZR

An AZR results in two documents:

- An agreement executed between the Minister of Transport (Federal government) and the Provincial Authority; and,
- A stand-alone By-law, similar to that of a Zoning By-law, enacted by Council and interpreted/regulated by the Town of Caledon.

The By-law largely mimics the agreement which contains specifics relating to the details of location, dimensions and heights of the Obstacle Limitation Surfaces as well as restrictions on the land uses within the surfaces.

The Town's Authority

Section 5.4(1) of the *Aeronautics Act*, defines Provincial Authority as an authority in a Province responsible for the regulation of land use. In consultation with Legal Services, staff have confirmed that the Town has the authority to complete this process and enter into the required agreement.

The AZR Process

The AZR process is similar to that of a Zoning By-law Amendment processed under the *Planning Act*. The process includes a request from an applicant/proponent, review of the request by various agencies and departments, public notice, execution of an agreement, Council approval and an enactment of a by-law.

The process is described below in the following steps:

Applicant Requests an AZR	<p>A request is submitted to Transport Canada from the applicant, requesting that an AZR be established.</p> <p>Upon receipt, Transport Canada works with the applicant to identify the requirements of the AZR and prepare a draft agreement.</p> <p>The applicant forwards the draft agreement to the Town for execution and initiation of the By-law drafting process.</p>
Town Reviews and Executes the Initial Agreement, Initiates the By-law Process	<p>The applicant forwards the initial agreement to the Town for execution and requests that the process be initiated.</p> <p>The agreement is specific and contains the requirements of the AZR which will be reflected in the By-law.</p> <p>Town staff must receive direction from Council to enter into the agreement and initiate the process by Council Resolution.</p>
Drafting of the By-law	<p>The applicant and Town work together to draft a By-law which reflects the requirements contained within the agreement.</p>
Public Consultation	<p>The applicant forwards the draft By-law to Transport Canada for review.</p> <p>The Town completes the public consultation process as per the requirements of the <i>Aeronautics Act</i>. Details of the public consultation process are outlined later in this report.</p>
Council Decision on By-law	<p>Upon completion of the public consultation and finalization of the By-law, Town staff will bring forward a Staff Report summarizing the public process and a recommendation to Council regarding enactment of a by-law and execution of the final agreement.</p> <p>Town staff will receive direction based on the Council Resolution. There is no appeal mechanism for an AZR by-law.</p>
Final Agreement and By-law Forwarded to Transport Canada	<p>Provided that Council chooses to enact the By-law and authorize execution of the final agreement, the Town will forward the By-law and agreement to Transport Canada.</p> <p>Transport Canada translates the By-law into French</p>

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	and works with the Privy Council Office to receive Standard Orders and Regulation Numbers. A copy is then forwarded to the Town. The By-law is now a Federal regulation and in force and effect.
Enforcement	The Town enforces the by-law through review of land uses proposed (development applications and building permits) and through Regulatory Services in accordance with typical business practice.

Status

The process is currently at the second step, where staff have received the draft agreement from the Brampton-Caledon Airport for execution and are currently reviewing the agreement. The agreement is an initial agreement where the Town indicates that the AZR process is being initiated and the Town will follow the steps and requirements as dictated by the Federal government. This agreement is not a commitment to complete the process and is not the final agreement to impose the AZR. Town staff, through this report, is seeking direction from Council to execute the initial agreement (attached as Schedule 'B') and initiate drafting of the by-law and public consultation.

Fee

Due to the unique nature of this request, the Town's Fee By-law does not contain an applicable fee. Since the process is similar to a Zoning By-law Amendment, Town staff is recommending that the following fees be required to be paid by the applicant prior to further initiation of the process:

- Application Fee (in line with Minor Zoning By-law Amendment Application) being \$12,855.00 (as per draft 2019 Fee By-law)

Public Consultation

Although the AZR process is similar to that of a Zoning By-law Amendment, the requirements of public consultation for an application under the *Planning Act* do not apply to the AZR process as it is permitted under the *Aeronautics Act*.

The *Aeronautics Act* requires that the Minister:

- Provide notice of the proposed zoning regulation in two successive issues of at least one newspaper which serves the area where the proposed regulation will be imposed, as well as two successive issues of the [Canada Gazette](#), and a reasonable effort shall be afforded to interested persons to make representations to the Minister.
- In addition to the publication required by the *Statutory Instruments Act*, a copy of the zoning regulation shall be published, forthwith after it is made, in two successive issues of at least one newspaper which serves the area where the proposed regulation will be imposed.

The Town's Public Notice Policy requires that for Regulatory By-laws the Town:

- Publish a notice in the newspaper and on the website 20 calendar days in advance of the Open House concerning the new proposed regulatory by-law.

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- The proposed by-law shall come before Council for consideration within 6 months of the Open House. Should a by-law not come forward within 6 months, and if staff wish to pursue the new by-law, this process will be repeated.

Town staff will proceed with meeting the public notice requirements as required by the *Aeronautics Act* and the Town's Public Notice Policy.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report.

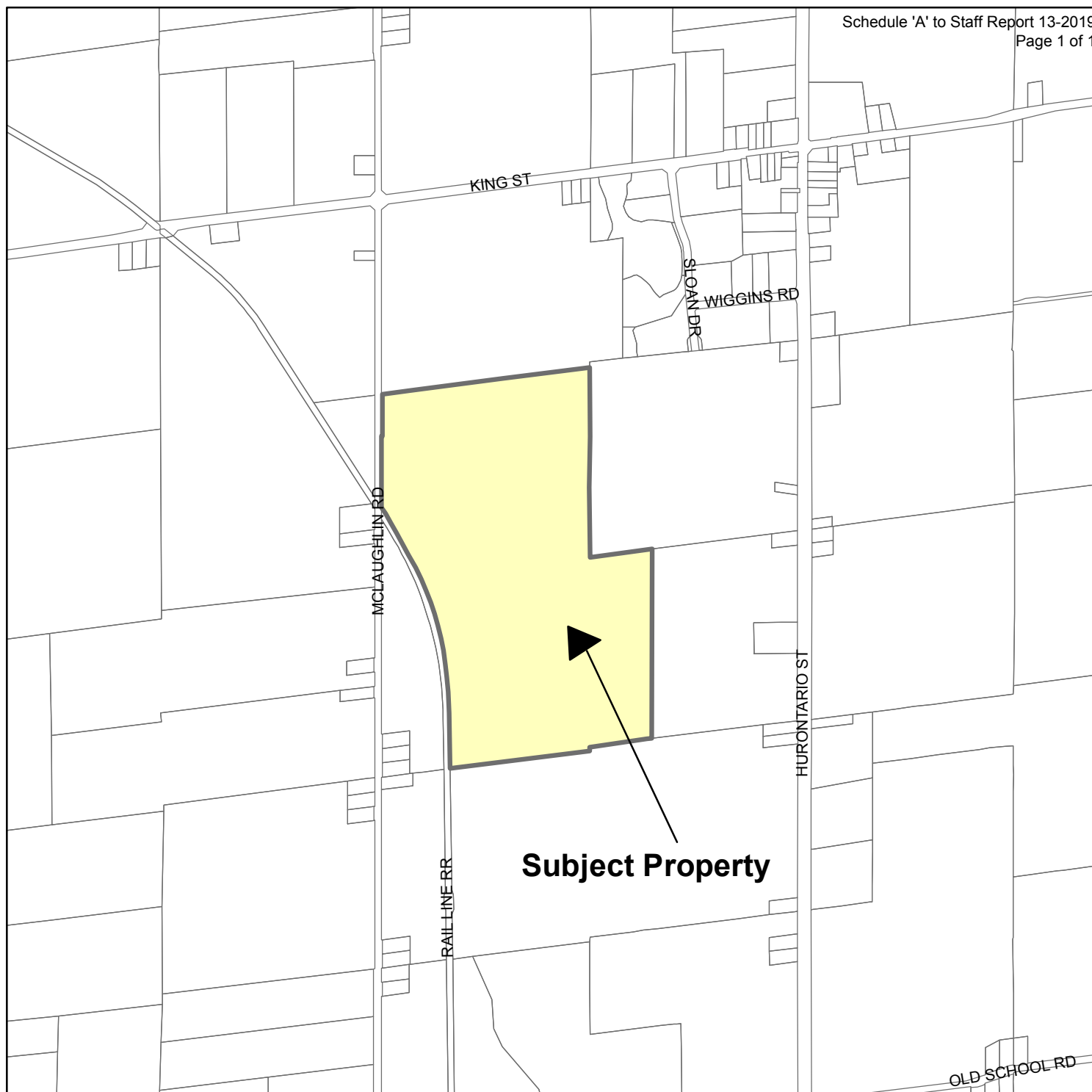
COUNCIL WORK PLAN

The recommendation included in this Report is related to the following goals identified in the 2015-2018 Council Work Plan:

- Growth: To plan for complete communities under the growth plan.
- Protection of Rural Environment: To enhance and protect our rural environment and to enable a viable rural economy.

ATTACHMENTS

Schedule A - Location Map
Schedule B - Draft Agreement



Proposed Airport Zoning Regulation

Brampton-Caledon Airport

13691 McLaughlin Road

Part of Lots 25 and 26, Concession 1 WHS (Caledon)

Designated as Parts 2 to 4 of of Registered Plan 43R-21492

LOCATION MAP



Date: November 28, 2018

**AGREEMENT RESPECTING THE ZONING OF
THE USE OF LANDS OF THE TOWN OF CALEDON
ADJACENT TO OR IN THE VICINITY OF AN
AIRPORT/HELIPORT**

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA,
as represented herein by the Minister of Transport,
(hereinafter called the "Federal Minister")

OF THE FIRST PART

AND:

The **TOWN OF CALEDON**, in the Province of **Ontario**
(hereinafter called the "Town")

THE SECOND PART

WHEREAS, pursuant to Section 5.81 of the *Aeronautics Act*, the Federal Minister may enter into an agreement with a provincial authority to authorize the provincial authority to regulate the use of lands adjacent to or in the vicinity of an airport/heliport or airport site for the purpose of ensuring that that use is not incompatible with the safe operation of an airport/heliport or aircraft;

AND WHEREAS, the Town, the provincial authority responsible for the regulation of land use in the Town of *Caledon*, acknowledges that it has the authority to accept the delegation from the Federal Minister as set out in *(name/section of provincial legislation)*;

AND WHEREAS the Town wishes to regulate, in the same manner and to the same extent as it may regulate the use of lands within its jurisdiction, the use of the lands adjacent to or in the vicinity of airport/heliport for the purpose of ensuring that that use is not incompatible with the safe operation of an airport/heliport or aircraft;

AND WHEREAS the Town shall make the by-law in accordance with its standard law-making procedures as set out in *(name/section of provincial legislation)*;

AND WHEREAS the by-law, being a federal regulation, is subject to federal legislation, such as the *Statutory Instruments Act* (R.S.C., 1985, c. S-22), the *Official Languages Act* (R.S.C., 1985, c. 31 (4th Supp.)) and associated regulations;

AND WHEREAS an aerodrome, for the purpose of the *Aeronautics Act*, is an area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or

servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith and an airport is an aerodrome in respect of which a Canadian aviation document is in force; an airport therefore includes a heliport;

AND WHEREAS, the Federal Minister hereby authorizes the Town pursuant to section 5.81 of the *Aeronautics Act*, to regulate, in the same manner and to the same extent as it may regulate the use of lands within its jurisdiction, in accordance with *(name/section of provincial legislation)*, the use of lands adjacent to or in the vicinity of an airport or airport site that are not the subject of regulations made pursuant to subsection 5.4(2) of the *Aeronautics Act*, for the purpose of ensuring that that use is not incompatible with the safe operation of an airport or aircraft.

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of the mutual terms and conditions hereinafter specified, the Parties agree as follows:

1. DEFINITIONS

- 1.1. The word "by-law" when used herein, and unless provided otherwise, shall mean a federal airport zoning regulation enacted by the Town and authorized under this agreement as per *Aeronautics Act Agreement (Town of Caledon) Regulation (applicable legislation)*.
- 1.2. The word "Party" means the Federal Minister or the Town as the case may be.
- 1.3. The word "Parties" means the Federal Minister and the Town.
- 1.4. The words "airport", "airport site", "lands", "provincial authority", "zoning regulation" and "aircraft" when used herein, have the same meaning as in subsections 3(1) and 5.4(1) of the *Aeronautics Act*.
- 1.5. The word "heliport" when used herein, has the same meaning as in subsection 101.01(1) of the *Canadian Aviation Regulations*.

2. APPLICABLE LAWS

- 2.1. This agreement shall be governed by and shall be construed in accordance with the applicable laws of the *Province of Ontario* and of Canada.

2.1.1. Statutory Instruments Act requirements

- 2.1.1.1. The Town shall, within seven days after the making of a by-law pursuant to this agreement, transmit three (3) copies of the by-law in both official languages to Clerk of the Privy Council for registration.
- 2.1.1.2. One copy of each of the official language versions of the by-law that is transmitted to the Clerk of the Privy Council pursuant to section 2.1.1.1, shall be certified by the Town to be a true copy thereof.
- 2.1.1.3. The Town shall expressly provide in the body of the by-law, that the by-law will come into force on the day it is made.

2.1.2. *Official Languages Act* requirements

2.1.2.1. By-laws made by the Town in accordance with this agreement, shall be published in both official languages.

2.1.2.2. The Federal Minister shall translate, at no cost to the Town, the final draft by-law and any subsequent amendments into the other official language.

3. CONTENT AND SCOPE OF THE BY-LAW

3.1. The Town acknowledges the importance of maintaining the consistency of zoning regulations across Canada and will take into consideration the suggested content and scope of zoning regulations as set out in *Appendices A* as applicable, when making by-laws pursuant to this agreement.

3.2. The Federal Minister encourages the Town to use the parameters described in *Appendices A to H (as applicable)* to inform the making of by-laws pursuant to this agreement.

3.3. The Federal Minister will, at the request of the Town, provide to the Town, at no cost, advice and assistance concerning technical matters, including in relation to the parameters described in *Appendices A to H* that may arise during the preparation and making of the by-laws.

3.4. Prior to the making of a by-law pursuant to this agreement, the Town shall forward a copy of the proposed by-law to the Federal Minister for comments and the Minister shall provide such comments to the Town within 15 business days.

3.5. The Town recognizes the expertise of the Federal Minister in matters related to aeronautics and will consider the comments of the Federal Minister that relate to such matters before making the by-law.

3.6. The Town shall provide a copy to the Federal Minister of by-laws made pursuant to this agreement forthwith once made.

4. AMENDMENT AND REPEAL OF BY-LAWS

4.1. Amendments to the by-law

4.1.1. Prior to amending by-laws made pursuant to this agreement, the Town shall forward a copy of the proposed amendments to the Federal Minister for comments and will consider the comments of the Federal Minister that relate to aeronautics before making amendments to the by-law.

4.1.2. The Town shall provide a copy to the Federal Minister of any amendment to the by-laws forthwith when made.

4.1.3. The federal requirements set out in sections 2.1.1 and 2.1.2 to this agreement shall apply to amendments made to a by-law pursuant to this agreement.

4.2. *Repeal of the by-law*

4.2.1. Prior to the repealing of a by-law made by the Town pursuant to this agreement, the Town shall notify the Minister forthwith.

4.2.2. Where the Town repeals a by-law made pursuant to this agreement, the Town shall take the necessary steps to repeal the by-laws made in accordance with its standard law-making procedures as set out in *(name/section of provincial legislation)* and will inform the Federal Minister of the repeal forthwith.

4.2.3. The federal requirements set out in sections 2.1.1 and 2.1.2 to this agreement shall apply to the repealing of a by-law made by the Town pursuant to this agreement.

4.2.4. Where this agreement is terminated by either Party in accordance with section 6 to this agreement, the Town shall repeal the by-laws made pursuant to this agreement in accordance with section 4.2.1 and 4.2.2.

5. ENFORCEMENT

5.1. The Town shall monitor compliance of the by-law made pursuant to this agreement, in accordance with its standard enforcement procedures and take such measures to enforce compliance as its laws permit and as it considers necessary.

5.2. The Town shall notify the Federal Minister of any enforcement action taken.

5.3. Should the Town wish to prosecute non-compliance with a by-law made pursuant to this agreement and in accordance with subsection 5.81(3) of the *Aeronautics Act*, it shall notify the Federal Minister before taking such action.

5.4. The Federal Minister may delegate to the Town the power to prosecute a by-law made pursuant to this agreement in accordance with the *Aeronautics Act*. Otherwise, prosecution of a by-law under the *Aeronautics Act* shall remain with the Federal Minister.

5.5. Where the he Federal Minister delegates to the Town the power to prosecute a by-law made pursuant to this agreement, in accordance with the *Aeronautics Act*, the Federal Minister will, at the request of the Town provide to the Town, at no cost, such assistance as may be necessary to facilitate any prosecution of a by-law made pursuant to this agreement.

6. TERMINATION

6.1. This agreement shall be terminated in writing and at any time, by either party.

- 6.2. The termination will take effect following the repeal of a by-law made pursuant to this agreement.

7. INDEMNIFICATION

- 7.1. The Town shall indemnify and save harmless the Federal Minister, its agents, servants or employees from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, from any duties, work or services performed by the Federal Minister, its agent, servants or employees under this Agreement, and will not claim against the Federal Minister, its agents, servants or employees, except for claims, actions and costs that are attributable to the gross negligence or intentional torts of the Federal Minister, its agents, servants, or employees.

8. OTHER CONSIDERATIONS

- 8.1. This agreement comprises the entire agreement between the Parties. No prior document, negotiation, provision, undertaking or agreement in relation to the subject of the agreement has legal effect. No representation or warranty express, implied or otherwise, made by the Federal Minister to the Town except as expressly set out in this agreement.
- 8.2. The Parties shall have any dispute arising out of or pursuant to this agreement resolved by referring the matter directly to the appropriate Regional Director General, for the Federal Minister, and Mayor for the Town.
- 8.3. A breach of the terms of this agreement does not affect the authorization conferred on the Town by the Federal Minister under this agreement, unless the agreement is terminated pursuant to section 6.
- 8.4. Except as otherwise specified in this agreement, the Town agrees to pay all costs associated with the making and implementation of the by-law made pursuant to this agreement, including all costs associated with the enforcement, amendment, or repeal of such by-law.

9. NOTIFICATION

- 9.1. Whenever in this agreement it is required or permitted that notice be given by either Party to or on the other, such notice will be in writing and will be communicated by registered mail, priority post mail, courier, facsimile or e-mail.
- 9.2. Notices or communications to be given pursuant to this agreement may be given to the Town:

The Town of Caledon

Facsimile: (____) ____-____
E-mail:

9.3. Notices or communications required or desired to be given pursuant to this agreement may be given to the Federal Minister at the following coordinates:

Regional Director, Civil Aviation
Transport Canada

Facsimile: (____) ____-____
E-mail:

9.4. Where a change arises to the information provided in sections 9.2 and 9.3, each Party will notify the other of these changes forthwith.

9.5. If any question arises as to whether any notice was or was not communicated by one Party to the other, it shall be deemed to have been effectively communicated or given on the day received or on the fifth day after it was mailed or sent, whichever is the earlier.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the date of the last signature:

For the Federal Minister of Transport

For the Town

Regional Director, Civil Aviation Date

Authorized signatories, as authorized by
resolution number _____ and dated
_____, 201_:

Mayor Date

Clerk Date

APPENDIX A

SCOPE OF FEDERAL ZONING REGULATION - AIRPORT

INTERPRETATION

1. (1) The following definitions apply in these Regulations.

“airport” means the **Brampton Airport**, in the Town of **Caledon**, in the District of **Peel**, in the Province of **Ontario**. (*aéroport*)

“airport reference point” means the point described in Part 1 of the schedule. (*point de référence de l’aéroport*)

“approach surfaces” means the imaginary inclined surface that extends upward and outward from each end of the strip surface and that is described in Part 2 of the schedule. (*surface d’approche*)

“outer surface” means the imaginary surface that is located above and in the immediate vicinity of the airport and that is described in Part 3 of the schedule. (*surface extérieure*)

“runway strip” means the imaginary surface associated with the airport runway and that is described in Part 4 of the schedule. (*surface de bande*)

“transitional surfaces” means the imaginary inclined surface that extends upward and outward from the lateral limits of the strip surface and its approach surfaces and that is described in Part 5 of the schedule. (*surface de transition*)

“wildlife hazard zone” means the area located in the immediate vicinity of the airport and described in Part 6 of the schedule. (*zone de péril faunique*)

“zoning plan” means Plan No. [REDACTED], prepared by the Town of Caledon and dated [REDACTED]. (*plan de zonage*)

2. APPLICATION

These Regulations apply in respect of all lands that are adjacent to or in the vicinity of the airport within the limit described in Part 6 of the schedule. For greater certainty, the lands include lands under water and public road allowances.

3. BUILDING RESTRICTIONS

A person must not place, erect or construct, or permit to be placed, erected or constructed, on any of the lands, a building, structure or object, or an addition to an existing building, structure or object, any part of which would penetrate one of the following surfaces:

- (a) an approach surface;
- (b) the outer surface; or
- (c) a transitional surface.

4. INTERFERENCE WITH COMMUNICATION

A person must not use or develop, or permit another person to use or develop, any of the lands under the outer surface in a manner that causes interference with any signal or communication to and from an aircraft or to and from any facility used to provide services relating to aeronautics.

5. NATURAL GROWTH

No owner or lessee of land in respect of which these Regulations apply shall permit any part of an object of natural growth that is on the land to grow to a height that exceeds, at the location of that part of the object, the elevation of any surface referred to in section 3.

6. WILDLIFE HAZARD

(1) A person must not use or permit another person to use any of the lands for activities or uses that attract wildlife - particularly birds - that may create a hazard for aviation safety.

(2) Despite subsection (1), a person may use or permit another person to use any of the lands as a site for an open water storage reservoir for a period of 48 hours or less.

7. COMING INTO FORCE

The Regulations come into force on the day on which the requirements prescribed in subsection 5.6(2) of the *Aeronautics Act* are met.

SCHEDULE

(Sections 1 and 2)

In this schedule, all grid coordinates are in metres (m) and refer to the North American Datum 1983 (NAD83).

In this schedule, all elevation values are in metres (m) and are based on the Canadian Geodetic Vertical Datum 1928 (CGVD28) above mean sea level. 1978 Southern Ontario Adjustment.

PART 1

AIRPORT REFERENCE POINT

The Airport Reference Point, is a point located at:

Geodetic Coordinates	N 4845812.36	E 590654.34
Geographic Coordinates ¹	N 43° 45' 35.32"	W 79° 52' 25.75"
Elevation	277.20 metres Above Mean Sea Level (AMSL)	

and shown on Sheet No.: [REDACTED] of Appendix D.

The Airport Reference Point assigned elevation of 277.20 metres AMSL is established with reference to the geodetic elevation of the Runway Strip end closest to Runway Threshold 26.

PART 2

APPROACH SURFACES

The Approach Surfaces, as shown on the zoning plan no.: [REDACTED], are described as follows:

- (a) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **08** and ascending, from an assigned elevation of **282.20m** above sea level, at a ratio of 1.00 (ONE) m measured vertically to 20.00 (TWENTY) m measured horizontally, rising to an imaginary horizontal line drawn at right angles to the projected centre line of the Runway Strip surface and distant 2,500.00 (TWO THOUSAND FIVE HUNDRED) m measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being 280.00 (TWO HUNDRED EIGHTY) m from the projected centre line and 125.00 (ONE HUNDRED TWENTY FIVE) m above the assigned elevation at the end of the strip surface associated with runway approach **08**;
- (b) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **26** and ascending, from an assigned elevation of **279.2m** above sea level, at a ratio of 1.00 (ONE) m measured vertically to 20.00 (TWENTY) m measured horizontally, rising to an imaginary horizontal line drawn at right angles to the projected centre line of the Runway Strip surface and distant 2,500.00 (TWO THOUSAND FIVE HUNDRED) m measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being 280.00 (TWO HUNDRED EIGHTY) m from the projected centre line and 125.00 (ONE HUNDRED TWENTY FIVE) m above the assigned elevation at the end of the strip surface associated with runway approach **26**;

¹ Geographic coordinates are in degrees, minutes and seconds of latitude and longitude and have been rounded to the nearest 1/100 th of a second based on conversion from geodetic (grid) coordinates.

- (c) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **15** and ascending, from an assigned elevation of **285.2m** above sea level, at a ratio of 1.00 (ONE) m measured vertically to 25.00 (TWENTY FIVE) measured horizontally, rising to an imaginary horizontal line drawn at right angles to the projected centre line of the Runway Strip surface and distant 2,500.00 (TWO THOUSAND FIVE HUNDRED) m measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being 280.00 (TWO HUNDRED EIGHTY) m from the projected centre line and 100.00 (ONE HUNDRED) m above the assigned elevation at the end of the strip surface associated with runway approach **15**; and
- (d) an imaginary inclined surface abutting the end of the strip surface associated with runway approach **33** and ascending, from an assigned elevation of **277.2m** above sea level, at a ratio of 1.00 (ONE) m measured vertically to 25.00 (TWENTY FIVE) m measured horizontally, rising to an imaginary horizontal line drawn at right angles to the projected centre line of the Runway Strip surface and distant 2,500.00 (TWO THOUSAND FIVE HUNDRED) m measured horizontally from the end of the strip surface; the outer ends of the imaginary horizontal line being 280.00 (TWO HUNDRED EIGHTY) m from the projected centre line and 100.00 (ONE HUNDRED) m above the assigned elevation at the end of the strip surface associated with runway approach **33**.

The elevation of an Approach Surface at any point is equal to the elevation of the nearest point on the centre line of that Approach Surface. The elevation of an Approach Surface centre line is calculated from the elevation of the abutting end of the strip surface, and increases at the constant ratios set out in this Part.

PART 3

OUTER SURFACE

The Outer Surface, as shown on the zoning plan no.: , is an imaginary circle-shaped surface with its centre located at the Airport Reference Point, with a radius of 4000.00 (FOUR THOUSAND) m. It is situated at a constant elevation of 45.00 (FOURTY FIVE) m above the Airport Reference Point and 322.20m AMSL at coordinates of Northing 4845812.36 Easting 590654.34, but where that elevation would place the Outer Surface at an elevation of less than 9 (NINE) m above the ground, the Outer Surface will be located at 9 (NINE) m above the ground.

PART 4

RUNWAY STRIP

The Runway Strip associated with Runway 08-26 is described as follows:

- (a) 60.00 m in total width, being 30.00 m on either side of the centerline of the runway, commencing 31.00 m to the west of threshold 08 and ending 31.00 m to the east of threshold 26 and having a total length of 829.30 m.

- (b) The 08 end of the Runway Strip has an elevation of 282.20 m and the 26 end of the Runway Strip has an elevation of 279.20 m.
- (c) Threshold 08 has grid coordinates of 4845584.43 North and 590238.84 East and,
- (d) Threshold 26 has grid coordinates of 4845850.76 North and 590958.82 East.

The Runway Strip associated with Runway 15-33 is described as follows:

- (a) 60.00 m in total width, being 30.00 m on either side of the centerline of the runway, commencing 61.00 m to the west of threshold 15 and ending 61.00 m to the east of threshold 33 and having a total length of 1,191.30 m.
- (b) The 15 end of the Runway Strip has an elevation of 285.20 m and the 33 end of the Runway Strip has an elevation of 277.20 m.
- (c) Threshold 15 has grid coordinates of 4846192.49 North and 590317.68 East and,
- (d) Threshold 33 has grid coordinates of 4845432.24 North and 591069.74 East.

The elevation of a Runway Strip surface at any point is equal to the elevation of the nearest point on the centerline of that Runway Strip surface.

The elevation of the Runway Strip surface centerline between the runway strip end and the closest Runway Strip threshold is equal to the elevation of the Runway Strip end.

The elevation of the Runway Strip surface centerline between the Runway Strip surface thresholds is calculated using a constant ratio between the elevations of the Runway Strip surface thresholds.

PART 5

TRANSITIONAL SURFACES

Transitional Surfaces, shown on the zoning plan no.: are imaginary inclined surfaces that extend upward and outward from the lateral limits of the abutting Runway Strip surface and the abutting Approach Surface rising at a ratio of 1.00 (ONE) m measured vertically to 5.00 (FIVE) m measured horizontally and perpendicularly to the centerline of each Runway Strip surface or Approach Surface, as the case may be, and continuing to a point where it intersects with the Outer Surface or with the Transitional Surface of an adjoining Runway Strip.

The elevation of the Transitional Surface where it abuts a Runway Strip is equal to the elevation of the nearest point on the centerline of the abutting Runway Strip.

The elevation of the Transitional Surface where it abuts an Approach Surface is equal to the elevation of the nearest point on the centerline of the abutting Approach Surface.

PART 6

WILDLIFE HAZARD ZONE

The limit of the area containing the lands to which these Regulations apply is defined by a circle with a radius of 4,000 m centred on the Airport Reference Point, as shown on the zoning plan.

DRAFT

APPENDIX B (Not Applicable)

SCOPE OF FEDERAL ZONING REGULATION - HELIPORT

INTERPRETATION

1. (1) The following definitions apply in these Regulations.

“heliport” means the _____
Heliport, in the Town of _____, in the District of _____, in the Province of _____.
(*hélicopter*)

“heliport reference point” means the point described in Part 1 of the schedule. (*point de référence de l'hélicopter*)

“approach or take-off surface” means the imaginary inclined surface that extends upward and outward from the outer edge of the safety area and that is described in Part 2 of the schedule.
(*surface d'approche ou surface de décollage*)

“FATO” means a final approach and take-off area, which consists of a defined area over which the final phase of a helicopter approach manoeuvre to hover or land is completed and from which the take-off manoeuvre is commenced. (*FATO*)

“transitional surface” means the imaginary inclined surface that extends upward and outward from the lateral limits of the approach and/or take-off surface and that is described in Part 3 of the schedule. (*surface de transition*)

“zoning plan” means Plan No. _____, prepared by the Department of Public Works and Government Services and dated _____. (*plan de zonage*)

2. APPLICATION

These Regulations apply in respect of all lands that are adjacent to or in the vicinity of the heliport within the limit described in Part 4 of the schedule. For greater certainty, the lands include lands under water and public road allowances.

3. BUILDING RESTRICTIONS

A person must not place, erect or construct, or permit to be placed, erected or constructed, on any of the lands, a building, structure or object, or an addition to an existing building, structure or object, any part of which would penetrate one of the following surfaces:

(a) an approach surface;

- (b) a take-off surface; or
- (c) a transitional surface.

4. NATURAL GROWTH

A person must not permit any object of natural growth that is on any of the lands to grow in such a manner as to penetrate any of the following surfaces:

- (a) an approach surface;
- (b) a take-off surface; or
- (c) a transitional surface.

5. COMING INTO FORCE

The Regulations come into force on the day on which the requirements prescribed in subsection 5.6(2) of the *Aeronautics Act* are met.

SCHEDULE (Sections 1 and 2)

In this schedule, all grid coordinates are in metres (m) and refer to the 1983 North American Datum

PART 1

HELIPORT REFERENCE POINT

The heliport reference point, as shown on the zoning plan, is the geometric centre of the FATO, at grid coordinates _____ (and include the latitude/longitude) and its assigned elevation is _____ m above sea level.

PART 2

APPROACH AND TAKE-OFF SURFACES

The approach surfaces and the take-off surfaces, as shown on the zoning plan, are described as follows:

- (a) the limits of an approach and take-off surfaces for a H2 and/or H3 category FATO shall comprise

- (i) an inner edge horizontal and equal in length to the safety area _____ (width in meters), perpendicular to the centre line of the approach and take-off surface and located at the outer edge of the safety area;
 - (ii) two side edges originating at the ends of the inner edge diverging uniformly at a rate _____ (measured in % [10% Day, 15% Night]) from the inner edge, and
 - (iii) an outer edge horizontal and perpendicular to the centre line of the approach and take-off surface and at a length from the inner edge _____ (length in meters [1075 meters total length for H2 and H3 category heliports]), that is applicable to the category of FATO for which it is certified,
- (b) the length of any portion of the approach and take-off surface shall be measured in the horizontal plane along the centre line of the approach and take-off path,
- (c) the width of the approach and take-off surface shall be measured in the horizontal plane,
- (d) the elevation of the inner edge shall be the elevation of the FATO boundary at the point on the inner edge that is intersected by the centre line of the approach and take-off surface,
- (e) the slope of the approach and take-off surfaces shall be measured _____ (in % [6%, 8% or 10%]) in accordance with the first section (245 meters) for H3 category FATOs and shall be measured as 16% for the second section (830 meters) for H3 category FATOs and shall be measured in the vertical plane containing the centre line of the surface,
- (f) the slope of the approach and take-off surfaces shall be measured _____ (in % [12% or 16%]) in accordance with the first section (245 meters) for H2 category FATOs and shall be measured as 16% for the second section (830 meters) for H2 category FATOs and shall be measured in the vertical plane containing the centre line of the surface,
- (g) the centre line of the approach and take-off surface shall define the approach and take-off path and shall be a straight line or an arc of constant radius or a combination of a straight line or an arc of constant radius,
- (h)) the limits of an approach and take-off surfaces for a H1 category FATO shall comprise
- (i) the take-off and approach OLS shall commence at the edge of the safety area and shall continue in a line that links the maximum elevation points of all critical obstacles within the approach/departure path,
 - (ii) the approach/departure path area shall consist of a quadrilateral area on the surface of the earth lying directly below the approach/take-off surface, with the point of origin at the end of the area declared suitable for take-off and extend at the lessor of the point beyond where no obstacle that would adversely affect safety exists or 625 m, and
 - (iii) the width of the approach/departure path area at its point of origin shall be the same as the width of the safety area and increase at the rate of 0.15D where “D” is the distance from the point of origin.

PART 3

TRANSITIONAL SURFACE

A transitional surface is a complex surface along the side of the safety area and part of the side of the approach/take-off surface that slopes upwards at a rate of 50% and outwards to a height of 45meters above the heliport reference point for H2 and/or H3 category FATO's.

(a) the limits of the transitional surface shall comprise

- (i) a lower edge beginning at a point on the side of the approach surface where the approach/take-off surface is at a height above its inner edge and extending down the side of the approach/take-off surface to the inner edge of the approach/take-off surface and from there along the edge of the safety area, and
- (ii) an upper edge located at a height set above the heliport assigned elevation,

(b) the elevation of a point on the lower edge shall be

- (i) along the side of the approach surface, equal to the elevation of the approach surface at that point, and
- (ii) along the safety area, equal to the elevation of the centre line of the FATO opposite that point,
- (ii) the slope of a transitional surface shall be measured in a vertical plane perpendicular to the extended centre line of the FATO.

PART 4

LIMIT OF AREA CONTAINING LANDS TO WHICH THESE REGULATIONS APPLY

The limit of the area containing the lands to which these Regulations apply is defined by a circle with a radius of 150 meters beyond the outer edge of the safety area the heliport reference point, including the area lying below the approach, take-off and transitional surfaces projected on the ground, as shown on the zoning plan.

APPENDIX C - AIRPORT
Parameters for Brampton Airport Zoning Regulation

RUNWAY	08	26
Code Number & Letter	1A	1A
Runway Type	NI	NI
Runway end elevation above sea level	282.2 m	279.2 m
Runway length	767.3 m	767.3 m
Strip length Strip width	829.3 m 60 m	829.3 m 60 m
Distance runway end to inner edge of approach surface	31 m	31 m
Length of inner edge each side of runway centreline	30 m	30 m
Approach Surface divergence	10 %	10 %
Approach Surface length	2,500 m	2,500 m
Approach Surface slope	5.0 %	5.0 %
Transition Surface slope	20 %	20 %
PAPI OPS (If requested by Airport Operator)	- - m	- - m

RUNWAY	15	33
Code Number & Letter	2A	2A
Runway Type	NI	NI
Runway end elevation above sea level	285.2 m	277.2 m
Runway length	1,069.3 m	1,069.3 m
Strip length Strip width	1,191.3 m 60 m	1,191.3 m 60 m
Distance runway end to inner edge of approach surface	61 m	61 m
Length of inner edge each side of runway centreline	30 m	30 m
Approach Surface divergence	10 %	10 %
Approach Surface length	2,500 m	2,500 m
Approach Surface slope	4.0 %	4.0 %
Transition Surface slope	20 %	20 %
PAPI OPS (If requested by Airport Operator)	-- m	-- m

Outer Surface radius	4,000 m
Outer Surface height above Airport Reference Point	45 m, except when terrain rises to a height less than 9 m below the outer surface elevation, in which case natural growth is limited to 9 m AGL (to be determined in consultation with local forestry authority)
Airport Reference Point assigned elevation above sea level	277.2 m
Area for Natural Growth Clause to apply	Approach, transitional, and outer surfaces
Area for Interference with Communications Clause to apply	<p>_____ (to be determined by NavCanada)</p> <p>Contact: George Donovan, In-House General Counsel NavCanada, 77 Metcalfe Street, Ottawa Tel: 613-563-7737; Fax: 613 563 3357 Email: donovag@navcanada.ca</p> <p>Mr. Donovan handles ASFA agreements and restrictive covenants that either flow from ASFAs or are related to a particular airport. He will coordinate with the applicable technical sections in NavCan to determine the area that this clause should apply.</p>
Bird Hazard Zone(s) for Bird Hazards Clause to apply:	
None	Airport Operator has not requested a Bird Hazard Clause and Transport Canada concurs
Standard	<p>Primary BHZ from Safety Above All (from parameters on next page)</p> <p>Or</p> <p>BHZ within the limits of the Outer Surface as described in Part III of the Regulations</p>
Enhanced	<p>Secondary BHZ from Safety Above All (from parameters on next page)</p> <p>Or</p> <p>BHZ within the limits of the Outer Surface as described in Part III of the Regulations and extending to _____ km under the Approach Surfaces (8 km maximum)</p>
Special	Any BHZ in excess of the above which is supported by the Airport Wildlife Management Plan or an equivalent site-specific bird hazard study acceptable to Transport Canada

PRIMARY BHZS generally enclose airspace in which aircraft are at or below altitudes of 1500 feet AGL (above ground level). These are the altitudes most populated by hazardous birds, and at which collisions with birds have the potential to result in the greatest damage.

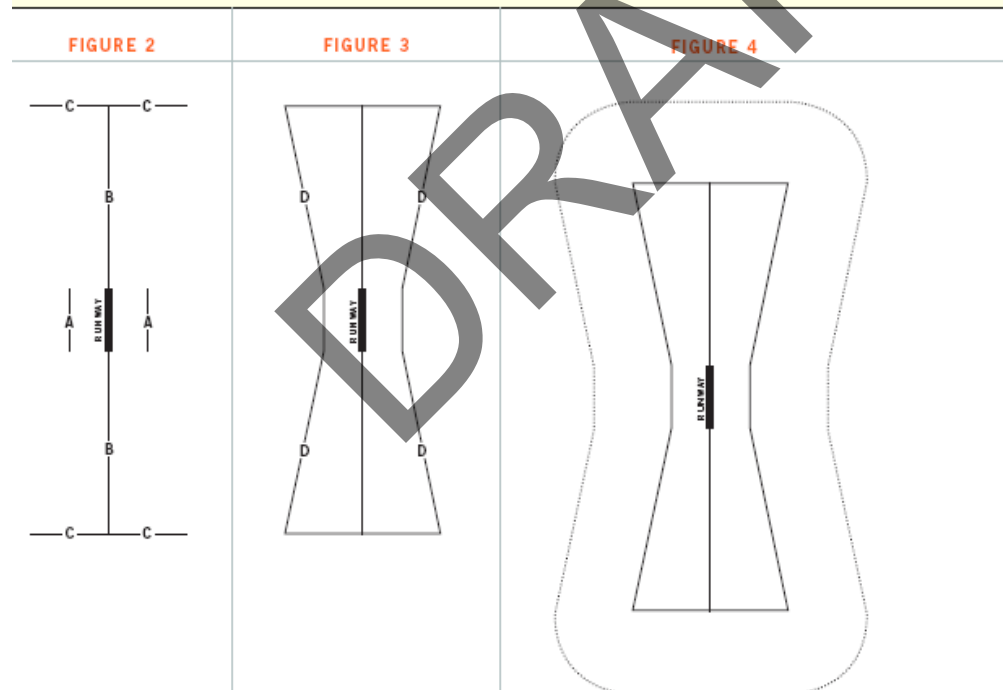
SECONDARY BHZS are buffers that account for:

- variables in pilot behaviour and technique;
- variations in departure and arrival paths that are influenced by environmental conditions, ATC (air traffic control) requirements, IFR versus VFR flight, etc.; and
- unpredictability of bird behaviour, and variations in bird movements around specific land uses.

SPECIAL BHZS, though often distant from airports, may regularly attract potentially hazardous species across primary or secondary zones (see Step 2).

STEP 1: ESTABLISH PRIMARY AND SECONDARY BIRD HAZARD ZONES (BHZS)

- Draw lines parallel to, and 2 kms⁷ on each side of, the full length of all runway centerlines. (*Lines "A" in Figure 2*)
- Draw an extended centerline 9 km in length from the approach and departure ends of all runways. (*Lines "B" in Figure 2*)
- Draw lines perpendicular to, and 4 km from each side of the ends of, extended runway centerlines. (*Lines "C" in Figure 2*)
- Join the ends of lines A and C on each side of all runway centerlines to define the airport's primary bird-hazard zone. (*Lines "D" in Figure 3*)
- Establish the airport's secondary bird-hazard zone by creating a boundary 4 km beyond the edges of the primary BHZ. (*Dotted line in Figure 4*)

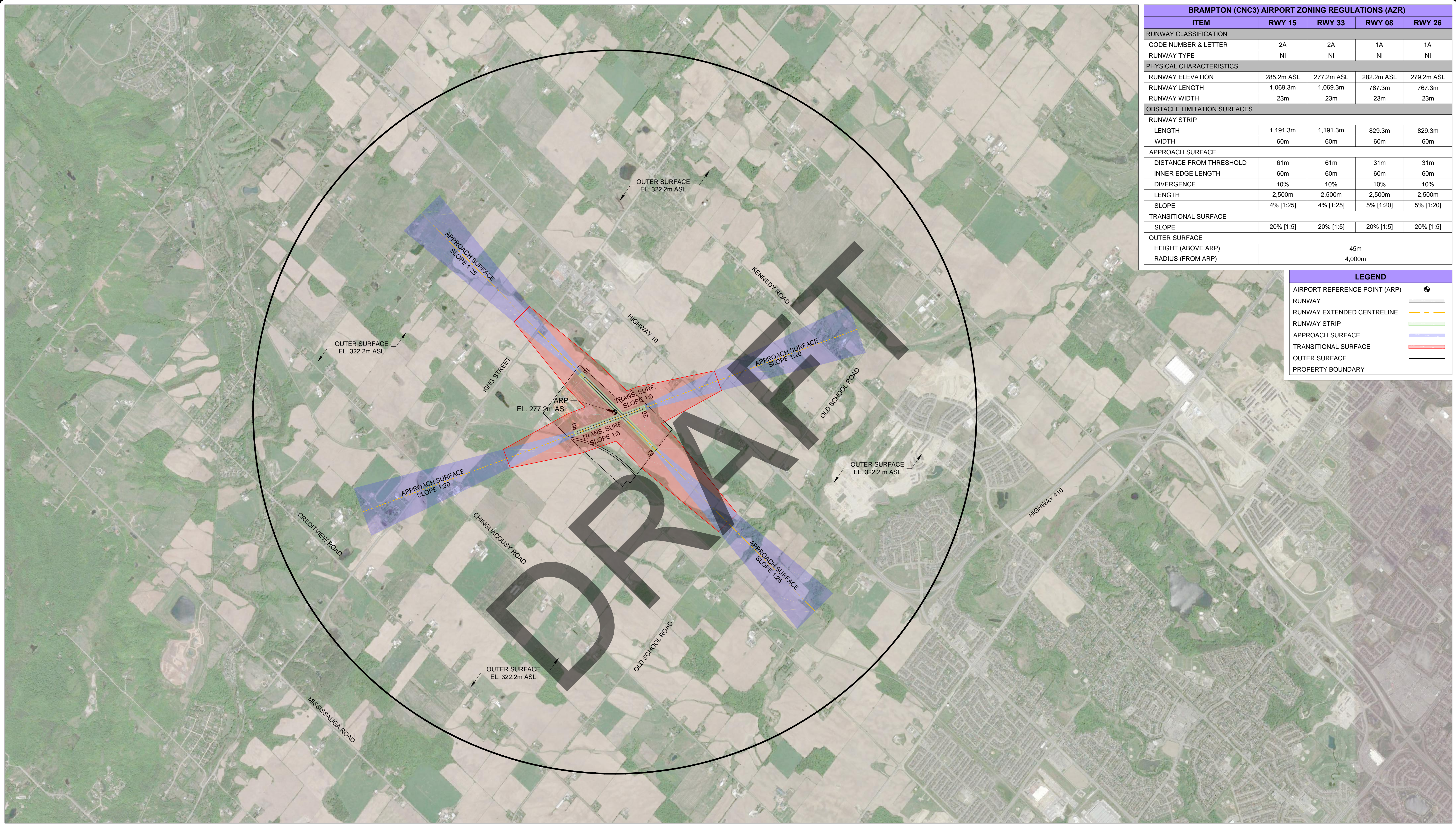


⁷Note that the size of specific zones is dictated in part by aircraft types and the maneuvering area encompassed in circuit patterns. For the purposes of this overview, size has been set arbitrarily to accommodate FAR 25 transport-category aircraft.

APPENDIX D - AIRPORT

Brampton Airport Zoning Plan

DRAFT



BRAMPTON (CNC3) AIRPORT ZONING REGULATIONS (AZR)				
ITEM	RWY 15	RWY 33	RWY 08	RWY 26
RUNWAY CLASSIFICATION				
CODE NUMBER & LETTER	2A	2A	1A	1A
RUNWAY TYPE	NI	NI	NI	NI
PHYSICAL CHARACTERISTICS				
RUNWAY ELEVATION	285.2m ASL	277.2m ASL	282.2m ASL	279.2m ASL
RUNWAY LENGTH	1,069.3m	1,069.3m	767.3m	767.3m
RUNWAY WIDTH	23m	23m	23m	23m
OBSTACLE LIMITATION SURFACES				
RUNWAY STRIP				
LENGTH	1,191.3m	1,191.3m	829.3m	829.3m
WIDTH	60m	60m	60m	60m
APPROACH SURFACE				
DISTANCE FROM THRESHOLD	61m	61m	31m	31m
INNER EDGE LENGTH	60m	60m	60m	60m
DIVERGENCE	10%	10%	10%	10%
LENGTH	2,500m	2,500m	2,500m	2,500m
SLOPE	4% [1:25]	4% [1:25]	5% [1:20]	5% [1:20]
TRANSITIONAL SURFACE				
SLOPE	20% [1:5]	20% [1:5]	20% [1:5]	20% [1:5]
OUTER SURFACE				
HEIGHT (ABOVE ARP)	45m			
RADIUS (FROM ARP)	4,000m			

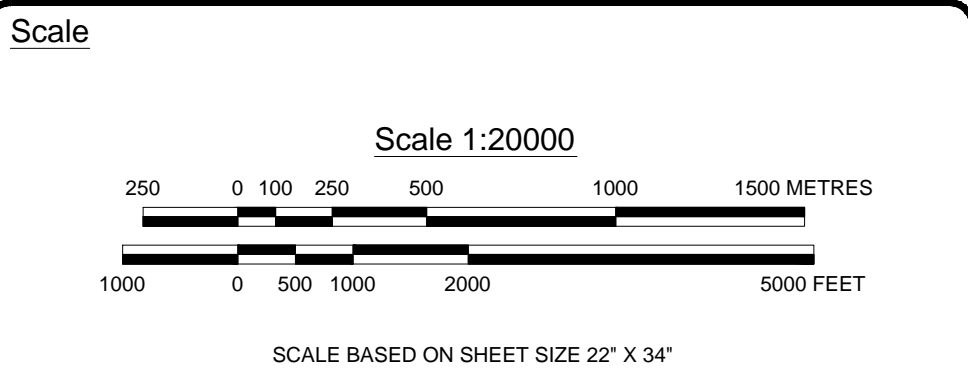
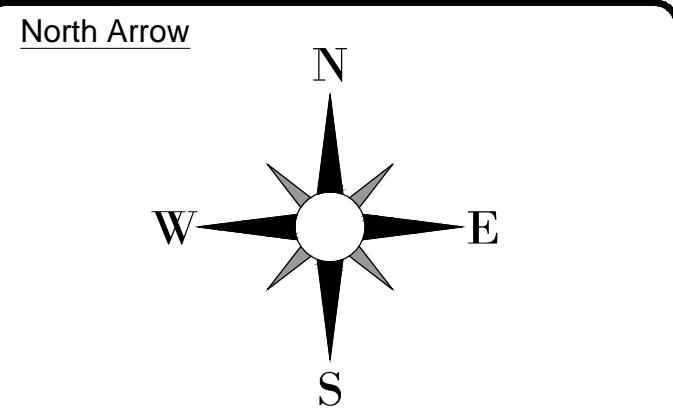
LEGEND	
AIRPORT REFERENCE POINT (ARP)	
RUNWAY	
RUNWAY EXTENDED CENTRELINE	
RUNWAY STRIP	
APPROACH SURFACE	
TRANSITIONAL SURFACE	
OUTER SURFACE	
PROPERTY BOUNDARY	

1	05/11/2017	ARP ADJUSTMENT	MR	JRM	
0	12/07/2016	FINAL	JRM	PRM	
No.	DATE	DESCRIPTION	BY	QA/QC	
REVISION / ISSUE					

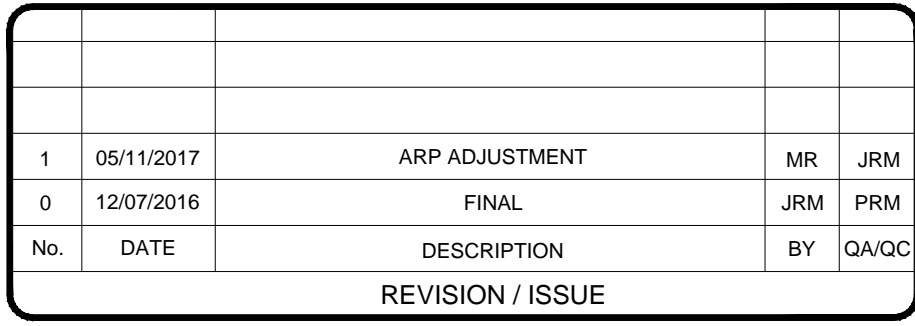
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- Notes
- DRAWING IS TO BE USED FOR PLANNING PURPOSES ONLY.
 - AERIAL PHOTOGRAPHY DATED 05-27-2015 FROM GOOGLE EARTH PRO.
 - OLS BASED ON TP312 4TH EDITION AND AIRPORT OPERATIONS MANUAL (AOM).
 - THRESHOLD COORDINATES AND ELEVATIONS SURVEYED ON SEPTEMBER 23, 2016 BY MMM/WSP.
 - COORDINATES UNLESS OTHERWISE SPECIFIED ARE IN NAD83 (ORIGINAL) Z17, AND ELEVATIONS IN REFERENCE TO CGVD28-78.



Location:	CALEDON, ONTARIO
Airport:	BRAMPTON AIRPORT (CNC3)
Title:	AIRPORT ZONING REGULATIONS ZONING PLAN NO. 1
Project No.	161-09485-00
SHEET 1 OF 2	



Notes

1. DRAWING IS TO BE USED FOR PLANNING PURPOSES ONLY.
2. AERIAL PHOTOGRAPHY DATED 05-27-2015 FROM GOOGLE EARTH PRO.
3. OLS BASED ON TP312 4TH EDITION AND AIRPORT OPERATIONS MANUAL (AOM).
4. THRESHOLD COORDINATES AND ELEVATIONS SURVEYED ON SEPTEMBER 23, 2016 BY MMM/WSP.
5. COORDINATES UNLESS OTHERWISE SPECIFIED ARE IN NAD83 (ORIGINAL) Z17, AND ELEVATIONS IN REFERENCE TO CGVD28/78.



The logo of the Brampton Flying Club is a circular emblem. It features a stylized orange maple leaf in the center, set against a blue background. The leaf is flanked by two orange wings, suggesting flight. The words "BRAMPTON" and "FLYING CLUB" are written in white capital letters along the top and bottom inner edges of the blue circle, respectively.

Location:	CALEDON, ONTARIO
Airport:	BRAMPTON AIRPORT (CNC3)
Title:	AIRPORT ZONING REGULATIONS ZONING PLAN NO. 1
Project No.	161-09485-00
SHEET 2 OF 2	

APPENDIX E - AIRPORT

Brampton Airport Legal Description

The Brampton Airport is located 13 Kilometres South of the Town of Caledon, with an Aerodrome Reference Point (ARP) at coordinates Northing 4845812.36, Easting 590654.34, and includes the following lands:

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Caledon and Province of Ontario and being composed of the following:

Part of Lots 25 and 26, Concession 1, West of Hurontario Street, in the Township of Chinguacousy, lying east of the Canadian Pacific Railway as in Instrument No. VS164078, and Part 1 on Plan 43R-12942 except Part 1 on Plan 43R-21492, being in the town of Caledon.

DRAFT

APPENDIX F – HELIPORT (Not Applicable)

Parameters for _____ Heliport Zoning Regulation

APPROACH/TAKE-OFF SURFACES BEARINGS	___ (deg mag)	___ (deg mag)
FATO Category (H1, H2 and/or H3)	___	___
Safety area elevation above sea level	___ m	___ m
Safety area width	___ m	___ m
Takeoff/Approach Surface divergence 10% Day, 15% night, 0.15D for H1	___ %	___ %
Takeoff/Approach Surface length H2/ H3 – 1075 m, H1 – 625 m	___ m	___ m
Takeoff/Approach Surface slope (H2/H3) 1 st section 2 nd section H1 (steepest slope to objects)	___ %	___ %
Transition Surface slope (To 45 m) Orientation to Take-off/Approach Surface	50 %	50 %

Circular Surface radius	150 m beyond outer edge of safety area
Heliport Reference Point Grid Coordinates (Lat/Long)	
Heliport Reference Point assigned elevation above sea level	_____ m
Area for Natural Growth Clause to apply	Approach/Take-off, transitional and circular surfaces
Area for Interference with Communications Clause to apply	<p>_____ (to be determined by NavCanada)</p> <p>Contact: George Donovan, In-House General Counsel NavCanada, 77 Metcalfe Street, Ottawa Tel: 613-563-7737; Fax: 613 563 3357 Email: donovag@navcanada.ca</p> <p>Mr. Donovan handles ASFA agreements and restrictive covenants that either flow from ASFAs or are related to a particular airport. He will coordinate with the applicable technical sections in NavCan to determine the area that this clause should apply.</p>

APPENDIX G – HELIPORT (Not Applicable)

_____ Heliport Zoning Plan

Suggested that the area of protection extend 30 meters parallel beyond the outer edge of each side of the identified approach and take-off surfaces, including any transitional surfaces that may be applicable.

Area of protection to extend in a circle radius of 150 meters beyond the outer edge of the safety area centred on the heliport reference point.

Lower slope angle protection to be set at 4%, 6% and 8% corresponding with the first segment H2 and/or H3 slopes of 6%, 8% and 10%. Lower slope angle protection to be set at 14% corresponding with the second segment H2 and/or H3 slope of 16%.

For slope angles associated with surface level H1 FATO slopes set at critical highest slope – 2%. All obstacles in approach/take-off slope pathway identified in critical slope out to 625 meters to be identified by elevation and coordinates (Lat/Long).

For slope angles associated with rooftop (elevated) H1 FATO slopes set critical slope at an angle of 0% (flat plane) extending out from safety area along approach/take-off surface, thus protecting surface, to allow for drop-off flight profile associated with appropriate Take-off decision point (TDP) elevation. All obstacles in approach/take-off slope pathway identified in critical slope out to 625 meters to be identified by elevation and coordinates (Lat/Long).

APPENDIX H – HELIPORT (Not Applicable)

_____ Heliport Legal Description

The _____ Heliport is located __ nautical miles southwest of the ____ (i.e. Town) of _____, with a geometric centre at coordinates N__° __' __" W__° __' __", and includes the following lands:

Lots __ and __, save and except that part of said Lot __, shown on Plan "__" _____, of Lot __, _____ Division _____ District, Map _____ and part of Lot __ subdivided by Plan _____, and Lot __, of Lots __ and __, _____ Division _____ District, Map _____, except part shown on Plan _____.

DRAFT



Heritage Caledon Report
Monday, September 10, 2018
9:30 a.m.
Council Chamber, Town Hall

Members:

Chair: J. Crease
Vice-Chair: B. McKenzie
Councillor J. Downey
B. Early-Rea
J. LeForestier
V. Mackie
H. Mason (absent)
S. Norberg
D. Paterson
M. Starr

Town Staff:

Manager, Policy & Sustainability: S. Kirkwood
Council Committee Coordinator: D. Lobo
Heritage Resource Officer: D. McGlynn
Team Lead, Official Plan Review/Senior Planner: M. Williams

CALL TO ORDER

Chair J. Crease called the meeting to order at 9:36 a.m.

DECLARATION OF PECUNIARY INTEREST – none.

RECEIPT OF MINUTES

The minutes from the June 11, 2018 Heritage Caledon meeting were received.

REGULAR BUSINESS

1. Request for Part IV Designation

Memorandum to Heritage Caledon from Douglas McGlynn, Heritage Resource Officer, Community Services, dated September 10, 2018 re: Designation of 17070 Horseshoe Hill Road (Ward 1).

Staff provided an overview of the site visit and their recommendation to move forward with the designation. Staff noted that they will bring a staff report regarding designation to a future meeting.

Members of the Committee asked questions with respect to the site visit, number of dwellings, ownership, building structures, property size and driveways. Committee Members received responses from staff and Members of the Committee.

2. 2018 Budget Update

Staff provided an update regarding the 2018 budget.

Members of the Committee asked questions with respect to mileage and received responses from Staff.

Staff provided suggestions to modifying the budget allocations for 2019 and received feedback from the Committee.

Members of the Committee asked questions regarding conference expenses and other potential project expenses including the upcoming 200th anniversary of communities. Concerns were raised with respect to volunteering time, remuneration and mileage. Committee Members received responses from Staff.

Staff advised that they will provide an overview of their 2019 budget submission at a future Committee meeting.

3. Projects/Events Updates

a. 2018 Speaker Series Event – October 13, 2018

Chair J. Crease provided an update with respect to the Speaker Series event invitations, location permit required and waivers.

Councillor J. Downey left the meeting at 10:09 a.m.

Members of the Committee provided comments regarding invitation responses and invitations to municipal election candidates. Committee members received responses from Staff.

Councillor J. Downey returned to the meeting at 10:11 a.m.

The Committee agreed that speaker series invitations should be sent to the list of certified candidates running in the 2018 municipal election of the Town of Caledon.

b. 150 for 150 Upcoming Material Displays

Members of the Committee provided updates regarding potential locations of the poster display and asked for volunteers for set up/take down.

Staff inquired if any updates to the posters would be required and received responses from Committee Members.

c. 10 Credit Street – Mack's Park Update

Members of the Committee made inquiries regarding the designation of the park particularly conveyances of boundaries, roads, heritage features and communications with Credit Valley Conservation Authority. Committee members received responses from staff and Members of the Committee.

d. 4 Walker Road Update

Chair J. Crease advised that the property is listed on the Built Heritage Resource Inventory and inquired whether adding the property to the Heritage Register is being explored.

Staff provided an overview of communications with the owner and research with respect to provincial significance. Staff will be signing off on the demolition.

The Committee acknowledged the importance of bringing forward future designations.

Staff provided information from the Heritage Act with respect to property owner consent and lessons learned.

Members of the Committee discussed educational awareness and various definitions under the Heritage Act. Staff advised that the Built Heritage Resources Inventory will be brought forward to a future meeting.

A Member of the Committee asked a question regarding batch designations and received a response from Staff.

Members of the Committee provided further comments regarding education of heritage matters and received responses from Staff.

The Committee recessed from 10:39 a.m. to 10:57 a.m.

e. 1 Cedar Mains Update

Chair J. Crease provided an overview of the property use at 1 Cedar Mains Drive.

Staff provided information regarding the site visit and displayed a number of photos. A Member of the Committee provided comments with respect to property use and ownership.

Staff advised on the structures and features being maintained as well as the permit status. Members of the Committee inquired if the building changes were being documented. The Committee noted the project could serve as an example of a designated structure for the community and evolution of a heritage project. The Committee received responses from Staff.

f. 66 Fountainbridge Drive – Fountainbridge Park Plaque

Members of the Committee noted that the plaque needs to be installed.

Staff will follow up with Town staff to determine where the plaque is being stored and when the installation will take place.

ADJOURNMENT

On a motion by J. LeForestier, the meeting adjourned at 11:13 a.m.



Heritage Caledon Report
Monday, November 12, 2018
9:30 a.m.
Council Chamber, Town Hall

Members:

Vice-Chair: B. McKenzie
Chair: J. Crease (absent)
Councillor J. Downey (absent)
B. Early-Rea
J. LeForestier
V. Mackie
H. Mason
S. Norberg (absent)
D. Paterson
M. Starr

Town Staff:

Manager, Policy & Sustainability: S. Kirkwood
Council Committee Coordinator: J. Lavecchia
Heritage Resource Officer: D. McGlynn
Council Committee Coordinator: E. Robert

CALL TO ORDER

Vice-Chair B. McKenzie called the meeting to order at 9:36 a.m.

DECLARATION OF PECUNIARY INTEREST – none.

RECEIPT OF MINUTES

The minutes from the September 10, 2018 Heritage Caledon meeting were received.

REGULAR BUSINESS

1. Request for Part IV Designation

- a. Committee Report re: Proposed Heritage Designation for 17070 Horseshoe Hill Road (Ward 1), also referred to as The Baxter House

Staff provided an overview of their report and commented on the Designation Report.

Moved by: J. LeForestier

HC-2018-12

That Staff be directed to proceed with the Notice of Intention to Designate for 17070 Horseshoe Hill Road; and

That should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, a by-law be enacted for the purpose of designating 17070 Horseshoe Hill Road pursuant to the *Ontario Heritage Act*.

Carried.

2. 2018 Budget Update

Staff provided an update regarding the 2018 budget.

Members of the Committee asked questions with respect to remaining funds allocated within the 2018 Budget, including any outstanding expenses associated with the Committee and received responses from Staff.

Members of the Committee asked additional questions with respect to the 2019 Budget. Staff provided an overview of the Budget for 2019, indicating that additional funds have been requested for the Designated Heritage Property Grant Program and that various accounts will be consolidated subject to Council approval.

3. Projects/Events Updates

a. Built Heritage Resource Inventory

Staff provided an update regarding the Built Heritage Resource Inventory. Members of the Committee asked questions regarding timelines, processes, long-term maintenance and incentives related to Heritage properties, and projections for 2019 completion. Committee members received responses from Staff.

b. 2018 Speaker Series

Members of the Committee provided an update regarding the 2018 Speaker Series including a summary of recent events, concerns with low attendance and sustainability of future events. The Committee received responses from Staff.

Members of the Committee provided comments related to increasing attendance at future events. Potential partnership and outreach opportunities and the potential for new associated events were discussed.

c. Pinkney House, McLoed House, Cedar Mains House and Mack Park

Staff provided updates related to all four properties listed, citing that site visits had been conducted and that various stakeholder groups have been contacted.

Committee members asked questions regarding timelines, Region of Peel involvement and status updates for each property.

The Committee recessed from 10:35 a.m. to 10:52 a.m.

d. Salvage Inventory Status

Staff provided updates related to the Salvage Inventory Status. Members of the Committee asked questions regarding the items listed within the inventory and received responses from Staff.

e. Designated Heritage Property Grant Program

Staff provided an update concerning the 2018 Designated Heritage Property Grant Program. Members of the Committee inquired about the number of outstanding applications. The Committee received responses from Staff.

Staff provided comments regarding a potential tax rebate program and the proposed 2019 process for Grant Applications.

ADJOURNMENT

On a motion by D. Paterson the meeting adjourned at 11:05 a.m.

Memorandum

Date: January 15, 2019

To: Members of Council

From: Sylvia Kirkwood, Manager, Policy & Sustainability, Community Services

Subject: Proposed Open-for-Business Planning Tool – Bill 66, Restoring Ontario's Competitiveness Act, 2018

The purpose of this memo is to inform Council on the proposed new Bill introduced by the Province on December 6, 2018, entitled "Bill 66 - *Restoring Ontario's Competitiveness Act*, 2018" ("**Bill 66**"). This is the second in a series of bills through Ontario's Open for Business Action Plan which aims to stimulate business investment, create jobs, and make Ontario more competitive by cutting unnecessary regulations that are inefficient, inflexible or out of date.

Staff recognize the Province's efforts at aiming to make the planning approvals process more efficient and flexible for municipalities to secure and expedite major business investment and potentially speed up approvals for major employment opportunities. There is recognition that changes made as a result of Bill 66 have the potential to provide municipalities with additional tools to promote economic development in the Town of Caledon.

However, one of the key amendments of Bill 66 is a new regulation to the *Planning Act* referred to as the "Open-For-Business Planning By-law." This new economic development tool would remove planning barriers to expedite major business investment and potentially speed up approvals.

Both the proposed legislation and the regulation are posted on the Environmental Registry of Ontario (ERO #'s 013-4293, 013-4239 and 013-4125, respectively) requiring comments within 45 days (due January 20, 2019).

Background

Bill 66, proposes to make a series of legislative changes one of which is to add a new section to the *Planning Act* allowing municipalities to pass an "Open-for-Business Planning By-law" pursuant to section 34 of the Act for "prescribed purposes."

While the Act is silent on what the prescribed purposes are, the ERO identifies that the purpose of the by-law is to introduce a new development tool and remove barriers to planning to expedite major business investments. Additionally, the proposed regulation is intended to, if certain prescribed criteria are met; ensure that municipalities can act quickly to attract businesses seeking future development sites.

The description of the proposed regulation would also, among other things:

- require confirmation that the proposal is for a new major employment use;
- require evidence that the proposal would meet a minimum job creation threshold (e.g. 50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people);
- identify the uses of land, buildings or structures that may be authorized by the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use;
- prescribe how notice is to be given to MMAH following passing of the bylaw

Process

A municipality would be permitted to pass an Open-for-Business By-law only with ministerial approval and only when prescribed criteria have been satisfied. The Region or local municipality could impose specific conditions, such as entering into appropriate agreements, or that any works are in accordance with approved plans, or any requirement that is reasonable for and related to the appropriate use of the land or for the protection of public health and safety.

A by-law comes into force 20 days after it has been passed or a later date if specified by the Minister. Only the Minister may modify or revoke a by-law before it comes into force. Afterwards, a by-law may be amended or revoked by by-law pursuant to section 34 of the Act. Further, by-laws cannot be appealed to the Local Planning Appeal Tribunal. There is no specific requirement to notify any persons or public bodies unless the municipality chooses to do so.

To summarize, this process would:

- a) Allow municipalities to permit the use (i.e., zone the lands) without having to strictly adhere to existing local requirements (e.g., official plan and zoning);
- b) Remove the application of a separate approval process for site plan control;
- c) Remove ability to use density bonusing (community benefits in exchange for height or density) and holding by-law provisions;
- d) Allow the municipality to impose limited planning-related conditions that may help to facilitate the proposal [e.g., approval of plans and drawings that show site plan matters (transportation access, lighting, parking, etc.)] and enter into agreements to ensure development conditions are secured;
- e) Allow public consultation at the discretion of the municipality, while requiring public notice after the by-law is passed (at a minimum);
- f) Provide that decisions are final and cannot be appealed to the Local Planning Appeal Tribunal (but allow the Minister of Municipal Affairs and Housing to intervene before the by-law comes into effect, 20 days after its passing);
- g) Remove the requirement for decisions to strictly adhere to provincial policies and provincial plans (but allow the Minister of Municipal Affairs and Housing to impose conditions to protect matters like public health and safety when endorsing the use of the tool).

Exemptions

The proposed Open-for-Business By-law will be exempt from complying with a multitude of plans, policies and pieces of legislation. Specifically, by-laws need not comply with the Provincial Policy Statement, Growth Plan, Official Plans and are exempt from certain provisions of the Clean Water Act, 2006, Great Lakes Protection Act, 2015, Greenbelt Act, 2005, Lake Simcoe Protection Act, 2008, Metrolinx Act, 2006, Oak Ridges Moraine Conservation Act, 2001, Ontario Planning and Development Act, 1994, Places to Grow Act, 2005, and the Resource Recovery and Circular Economy Act, 2016.

Potential Town of Caledon Implications

Staff have concerns with the risks of this tool being used in areas of environmental significance as approximately 80% of Caledon is within the areas of the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and Niagara Escarpment Plan. Under current provincial policy, this prevents significant development from occurring in these areas. Under Bill 66, a development could be proposed for any area of Caledon, except for within the Niagara Escarpment Plan Area.

The Town of Caledon is widely recognized as having a regionally valuable land base that sustains significant and rich natural systems, including: rural and agricultural landscapes (49%), naturally forested areas (20.1%), meadows (13.9%) and wetlands (6.6%) (Natural Systems in Peel Region: Vulnerability Assessment, 2017). A large swath of the Town's geography includes: the Oak Ridges Moraine and the Niagara Escarpment geological features, while encompassing the headwaters of regionally significant watersheds including the Humber River, Etobicoke Creek and Credit River. Groundwater infiltration occurs throughout the Town's natural areas, providing a significant and unique natural resource for recharging aquifers and sustaining clean drinking water in the region. These currently protected natural assets offer key ecosystem services and integral natural systemic functions throughout the Region of Peel and more broadly throughout the Greater Golden Horseshoe area.

The Greenbelt protects against the loss and fragmentation of the agricultural land base, gives permanent protection to the natural heritage and water resource systems, provides for a range of economic and social activities including agriculture, tourism and recreation uses.

With respect to climate change, Caledon's naturally forested areas, agricultural areas, and greenspaces act as a major carbon sinks to absorb and mitigate climate changing greenhouse gas (GHG) emissions; while also moderating and buffering against the impacts of extreme rainfall (e.g. overland and riverine flooding) and extreme temperatures (e.g. urban heat island effect). In the context of the Town's ability to plan for climate change mitigation and adaptation, decisions made today at the municipal level related to land use change, urban growth and infrastructure development, will have significant regional implications for GHG emissions growth (i.e. inefficiencies in land use planning, infrastructure design, urban growth and development that may result in increased GHG emissions) and ecological buffering capacities to cope with climate change impacts (i.e. transition of natural permeable areas to impermeable paved surfaces that may increase flood risk), now and into the future. It is therefore important from a climate change perspective to continue to protect lands currently regulated by the Green Belt and Oak Ridges Moraine.

Notwithstanding the above concerns, staff consider this proposed enabling regulation similar to “inclusionary zoning” and the municipality could opt to not utilize this tool or ensure that it is not used in areas of significant environmental or agricultural concern.

In particular, the Town would not support the use of this tool where it would jeopardize the protection of the Greenbelt, Oak Ridges Moraine or impact our drinking water. The tool would only be used at the discretion of the municipality subject to certain prescribed criteria being met.

At the time of writing, these criteria have not been identified, and will be released by regulation at a future date. As a result, the true impacts of this proposal cannot be determined until these purposes are clearly identified.

Next Steps

Town Staff are currently consulting with Regional staff to discuss comments on the draft Bill and proposed regulations ahead of the January 20, 2019 deadline in order to facilitate a formal response to the Province.

Memorandum

Date: January 15, 2019

To: Members of Council

From: Sylvia Kirkwood, Manager, Policy and Sustainability, Community Services

Subject: Official Plan 2041 Process Review – Status Update

The purpose of this memo is to provide Council with an update on the status of the Official Plan 2041 process review.

BACKGROUND

The Town of Caledon Official Plan is a policy document, adopted under the *Planning Act*, that contains goals, objectives and policies on how land in Caledon should be used and developed. It is prepared with community input, and helps to ensure future planning and development will be reflective of the community vision.

The original Official Plan for the Town was approved in 1979. Since that time, the Plan has been reviewed and amended in order to remain current and responsive to new planning policies and legislation. The first major review was initiated in 1989, which resulted in Official Plan Amendment (OPA) 114 being approved by the Ontario Municipal Board (OMB) in September 1997. This review established the “tri-nodal” growth strategy that has been the basis of the Town’s growth management framework within a 2021 planning horizon.

The next major review was initiated in 2005, which started as “OPA 203” to review the Town’s population and employment forecasts to 2031 and eventually became OPA 226, the Town’s Provincial policy conformity exercise. OPA 226 was approved by the OMB in October 2013, which allocated employment growth to west of Coleraine Drive in Bolton and residential growth to west of Hurontario Street in Mayfield West. The portion of residential growth allocated to Bolton under OPA 226 is presently before the Ontario Municipal Board (OMB) for decision.

There have been a few other key amendments including OPA 124 on ecosystem planning and management and open space and recreation policies; OPA 161 on mineral aggregate resource management and policies; OPA 173 on cultural heritage conservation policies; OPA 179 on agricultural and rural policies; and OPA 186 that brought the Town’s Official Plan into conformity with the Oak Ridges Moraine Conservation Plan.

DISCUSSION

Provincial and Regional Conformity

Since the last major review of the Town's Official Plan, the Province has updated the Regional population and employment forecasts to 2041, amended the *Planning Act*, the Provincial Policy Statement, and four Provincial land use plans:

- Growth Plan for the Greater Golden Horseshoe, 2017
- Greenbelt Plan, 2017
- Niagara Escarpment Plan, 2017
- Oak Ridges Moraine Conservation Plan, 2017

The Town of Caledon is required under section 26 of the *Planning Act* to review and update its Official Plan every five years to ensure conformity with the Provincial directions in land use planning. Under section 27 of the *Planning Act*, the Town's Official Plan is also required to conform to Peel Region's Official Plan.

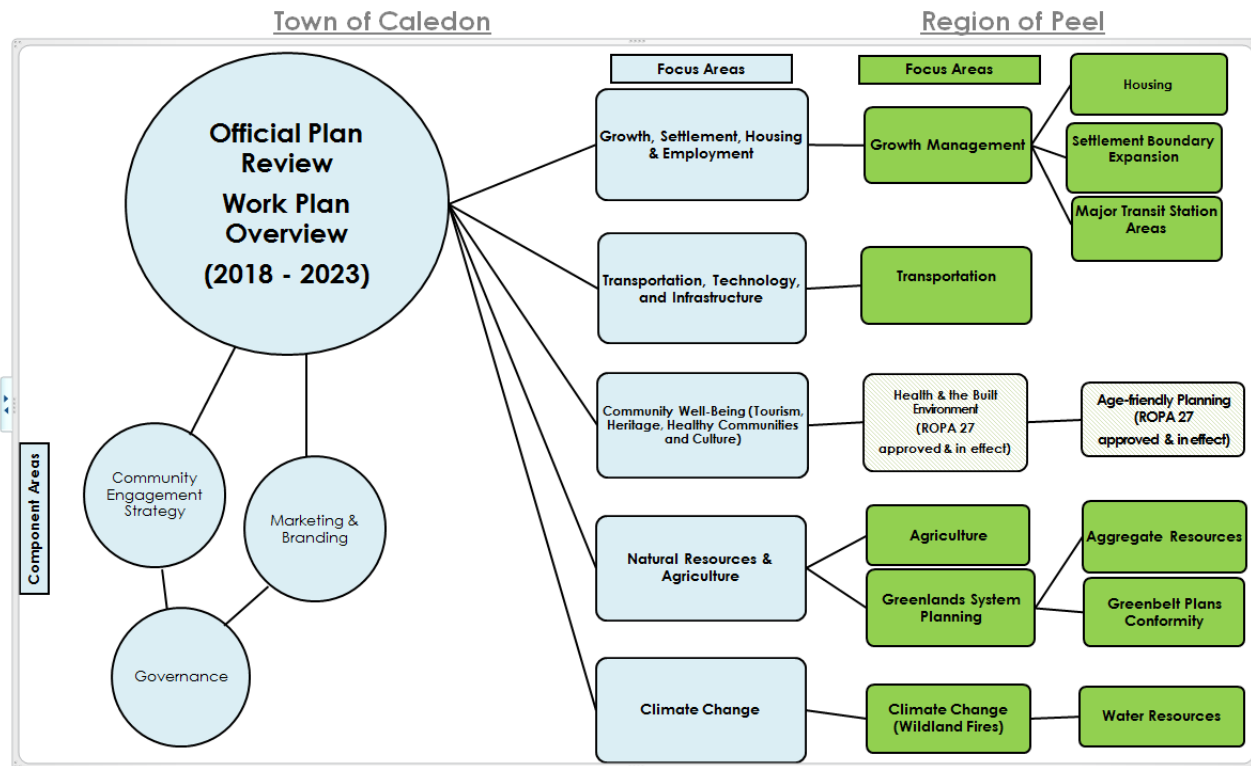
Peel Region initiated its Official Plan review, known as "Peel 2041", with the following focus areas:

- Age-friendly Planning
- Health and the Built Environment
- Settlement Boundary Expansion
- Major Transit Station Areas
- Agriculture
- Aggregate Resources
- Climate Change
- Greenlands Systems Planning
- Greenbelt Plans Conformity
- Growth Management
- Housing
- Transportation
- Water Resources

Town staff have been actively engaged with the Region and technical agencies in their municipal comprehensive review process.

Official Plan Review – Work Plan

In order to ensure the Town's key focus areas align with the Region of Peel work plan the following governance structure was developed.



Based on current requirements the municipal comprehensive review of the Region of Peel Official Plan is planned to proceed to Regional council for adoption in 2021. Based on this timeline the Town of Caledon 2041 Official Plan is targeted to be completed by 2022.

Background Review and Studies

Over the past year, planning staff consulted with over 50 internal staff and agencies, and held facilitated meetings with stakeholders to discuss key projects and timelines. Some of the key highlights from this review are as follows:

2018 – Pre Planning

- Development of a Work Plan
- Establish a Governance Structure
- Creation Community Engagement Protocol
- Marketing and Branding Campaign
- Determine Budget Requirements and Key Terms of Reference for Studies/Scope of Work

2019 – Project Kick Off

- Finalize Work Plan
- Hold Planning Act Special Meeting of Council to commence Official Plan 2041 Review
- Public Visioning/Engagement
- Commence Newsletters/Updates
- Retain Technical/Background Studies
- Regular Meetings with Province/Region

2020 – Project Management/Reports to Council

- Public Visioning/Engagement
- Commence Newsletters/Updates
- Technical/Background Studies
- Regular Meetings with Province/Region

2021 – Decision Making/Adoption

2022 – Provincial Approval (approx. 300 days)

2023 – Post OP Related Projects

- Comprehensive Zoning By-law Update (required 3 years post OPA)

Some of the key background studies that have been commenced/undertaken that will inform the new Official Plan 2041 project are:

- Intensification strategy
- Key natural heritage feature & key hydrologic feature mapping
- Housing and age-friendly community study
- Town-wide archaeological management plan
- Aboriginal consultation protocol
- Palgrave Estate Residential Area Policy Review
- Bolton Special Policy Area
- Excess Soils
- Bolton Queen Street Corridor Study
- Village and hamlet intensification/infill and protection of community characters
- Aggregate Rehabilitation Master Plan

Over the next 2 years many background and technical studies will be undertaken such as the following:

- Multi- Modal Transportation Strategy Plan 2041
- Affordable Housing Strategy
- Cultural Heritage Master Plan
- Urban Design/Section 37 Review
- Commercial/Employment and Institutional Review
- Subwatershed Study
- Climate change policy (in conjunction with the Town's Environment & Energy Section)
- Implementation/Refinement LEAR study
- Tourism Strategy
- Various Secondary Plan Reviews

Provincial Land Use Review

In late fall 2018, the Province engaged various municipalities and stakeholders to meet to discuss modifications and implementation of the 2017 Growth Plan for the Greater Golden Horseshoe. They held a number of facilitated meetings on various topics such as intensification, Major Transit Station Areas, Settlement Boundaries, Agriculture and Natural Heritage System, etc. to discuss areas of

concern with regards to implementation and interpretation. It is expected that changes that arose from those meetings will be released in Q1 2019. Some of these changes may have a direct implication on the timing and processing of municipal comprehensive reviews and projected density targets. There has also been discussion that the Province may reinstate the EA for the GTA West Corridor which also may have additional impacts to the planning process and related studies.

Financial Implications

Financial costs associated with the Official Plan 2041 review is to retain experts to assist in undertaking the required background studies, technical reports and preparing draft policies.

To-date, approximately \$1.3 million (with \$588,700 or 44% funded by development charges) has been approved for studies related to the Official Plan review:

Project	Project Description	Total Budget	Tax	Development	
				Charges	Region of Peel
14-085	Growth Management Study	\$80,000	\$41,200	\$38,800	
15-121	Employment Areas Study	\$50,000	\$50,000		
15-125	Boundary Expansion Study	\$350,000	\$27,475	\$322,525	
16-158	Bolton Queen Street Corridor Study	\$80,000	\$41,200	\$38,800	
16-161	Land Use Policies – OP Review	\$235,000	\$114,325	\$120,675	
17-044	Palgrave Residential Area Policy Review	\$60,000	\$60,000		
17-045	Village & Hamlet Infill Policy	\$50,000	\$50,000		
18-045	Aggregate Rehabilitation Master Plan	\$250,000	\$150,000		\$100,000
18-133	OP Aggregate Policy Review	\$80,000	\$20,600	\$19,400	\$40,000
18-144	Official Plan 5 Year Review	\$100,000	\$51,500	\$48,500	
Total		\$1,335,000	\$606,300	\$588,700	\$140,000

The proposed 2019 Capital Budget includes the capital request to complete the necessary studies, Capital project 19-153 Official Plan Review 2041 - \$1,000,000 (55% or \$554,625 funded by development charges).

Next Steps

The next steps are to hold a Special Meeting of Council under the Planning Act to commence the Official Plan 2041 Review Process on March 5, 2019. It is anticipated that any changes to the planning processes as required by the province will be included and reflected in a final governance structure and Official Plan 2041 work plan that will be presented at the Special Meeting of Council.



Re: Delegation Request via letter

Date: January 6, 2019

To: Council Members and Planning Committee

From: The Brampton Flying Club also known as the Brampton-Caledon Airport, a federally regulated certified Airport.

Purpose of Delegation Request:

1. To ensure safety of aircraft by implementing airspace protection which restricts heights along flight paths such as buildings, structures and objects and to ensure the long-term viability of the Brampton-Caledon Airport.
2. To develop and implement the Airport Zoning Regulations (AZR) by-law for height protection using the federal/provincial AZR process, as developed by Transport Canada in the Aeronautics Act under Section 5.81(1) to "provide a constitutionally valid method of delegating federal airport zoning powers to local governments, who normally have a jurisdiction for land use control"
3. To initiate the process to sign the agreement between Transport Canada and the Town of Caledon respecting the zoning of use of lands of the Town of Caledon adjacent to or in the vicinity of the Brampton-Caledon Airport.

Respectfully submitted on behalf of the Brampton Flying Club,

Sam Meandro, Board Member

13691 McLaughlin Rd
Caledon, Ont. L7C-2B2



Dear Ms. Fusco, Interim Town Clerk,

I am following up on a conversation with Councillor Nick DeBoer regarding Schedule 10 of Bill 66 - the "open-for-business by-law" bill. I've attached an analysis undertaken by the Canadian Environmental Law Association that I think might be helpful for Council and staff to begin to understand the implications of this piece of legislation. As a resident of Caledon, I am highly concerned with the implications of circumventing a well-established and effective approach to land use planning and public consultation. I admit that I don't fully understand it and it is this uncertainty of the open-ended nature of Schedule 10 that is causing much of the concern.

I respectfully request that you circulate this note and attachment to members of Council for their consideration. I am unable to attend the January 15 Council meeting however I will be available in February.

Thanks very much. If you have any questions, I'd be happy to answer them.

Debbe Crandall
Ward 4

Annotated Excerpts – Schedule 10, Bill 66
An Act to restore Ontario’s competitiveness by amending or repealing certain Acts

Version 1.0 - Subject to Revision

13 December 2018

Anastasia M Lintner and Theresa McClenaghan

OVERVIEW

Canadian Environmental Law Association has prepared this document to explain amendments to Ontario’s *Planning Act* that are proposed in Schedule 10, Bill 66. If you have any questions or comments, please email Anastasia M Lintner (anastasia@cela.ca).

CELA’s initial reaction to the introduction of Bill 66 “[Deregulation Redux: Ontario’s Environmental Laws under Attack \(Again\)](#)” was posted on Dec 7, 2018.

The introduction of Bill 66 (particularly as relates to Schedule 10) was accompanied by three notices on the Environmental Registry of Ontario:

- Bill 66, Restoring Ontario’s Competitiveness Act, 2018 ([ERO Number 013-4239](#))
- Proposed open-for-business planning tool ([ERO Number 013-4125](#))
- New Regulation under the Planning Act for open-for-business planning tool ([ERO Number 013-4239](#))

The public comment period for all three notices runs until January 20, 2019.

Below, the Explanatory Note to Schedule 10, Bill 66 is reproduced without annotations. Then, the provisions (the proposed new section 34.1) in Schedule 10 are summarized. Finally, the “non-application of listed provisions” (proposed subsection 34.1(6)) are set out in a table that includes the specifics from the various impacted statutes and a plain language summary.

EXPLANATORY NOTE

[quoted directly from Bill 66 without annotation]

SCHEDULE 10

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Planning Act

The Schedule amends the *Planning Act* to add a new section 34.1, which allows local municipalities to pass open-for business planning by-laws. These by-laws involve the exercise of a municipality’s powers under section 34 of the Act and allow municipalities to impose one or more specified conditions. A municipality may pass an open-for-business planning bylaw only if it has received approval to do so in writing by the Minister and if criteria as may be prescribed are satisfied. Certain provisions of the Act and other Acts that would ordinarily apply to a by-law passed under section 34 do not apply to an open-for-business planning by-law.

SUMMARY OF PROPOSED SECTION 34.1

[CELA's brief description of the new provision to be added to the *Planning Act*, if Bill 66 passes]

The *Planning Act* is to be amended to add a new provision that enables a municipality to pass an "open-for-business planning by-law". The government's motivation is to create a "new economic development tool" that allows "municipalities to ensure that they can act quickly to attract businesses seeking development sites." ([ERO Number 013-4125](#))

If Bill 66 is enacted, an open-for-business planning by-law will be an exercise of a municipality's zoning by-law powers. Before passing an open-for-business planning bylaw, the municipality must first seek the Minister of Municipal Affairs and Housing's approval, by way of a resolution and any "prescribed information". If the Minister gives the municipality approval in writing (with any conditions that the he or she "may provide"), the other prescribed criteria (if any) are met, and it only authorizes a "prescribed purpose" (related to the "use of land, buildings or structures"), then an open-for-business planning by-law can be passed. Anything "prescribed" must be set out in a regulation. The government has proposed that an accompanying regulation will require that a municipality seeking to make use of the open-for-business planning by-law ([ERO Number 013-4239](#)):

- provide "open-for-business information, including details about the proposed employment opportunity",
- demonstrate it will be for a "new major employment use" (minimum threshold of 50 jobs in municipalities with less than 250,000 population and 100 jobs for municipalities with more than 250,000 population), and
- identify the uses, which cannot have "residential, commercial or retail as the primary use".

No public notice or hearing is required prior to passing an open-for-business planning by-law. Once passed, an open-for-business planning by-law will come into force in 20 days (unless the Minister otherwise requires in writing a different, later date). Notice after the fact is required to given to the Minister (within 3 days after passing the open-for-business planning by-law) and "any persons or public bodies the municipality considers proper" and "in such manner as the municipality considers proper" (within 30 days of passing). A number of provisions within the *Planning Act* and other statutes will automatically not apply to an open-for-business planning by-law (see details in Table below). As well, there will be no site plan control application and no ability for appeal to the Local Planning Appeal Tribunal.

TABLE: NON-APPLICATION OF LISTED PROVISIONS
(Proposed subsection 34.1(6), Schedule 10, Bill 66)

[The first column names the specific legislation and associated provision(s) that will not apply to an open-for-business planning by-law. As well, the first column includes a plain language explanation of the specific provisions (currently and impact if Bill 66 passes as drafted). The second column reproduces the specific provisions from other legislation in full.]

Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i>	Affected Provisions from other legislation (as Currently in Force) - statutory language column
<p>Subsection 3 (5), Section 24, Subsections 34 (10.0.0.1) to (34), Section 36 and Section 37 of the <i>Planning Act</i></p> <p><i>Subsection 3(5) of the Planning Act requires that planning decisions shall be consistent with the Provincial Policy Statement (PPS). By not applying to an open-for-business planning by-law, for example, there would not need to be consistency with the policies that prohibit development in provincially significant wetlands. The PPS also contains policies related to (among other things) density, compatibility, affordable housing, active transportation, stormwater management and low impact development, green infrastructure, natural heritage and water features protection, climate resiliency, and natural or human-made hazards. All of these requirements of the PPS would no longer apply in an open for business by-law area.</i></p> <p><i>Section 24 of the Planning Act requires that public works and by-laws conform to the municipality's official plan. By not applying to an open-for-business planning by-law, the community's interests as articulated in the requirements of the official plan can be ignored.</i></p>	<p><u>Subsection 3 (5)</u> Policy statements and provincial plans (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter, (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.</p> <p><u>Section 24</u> Public works and by-laws to conform with plan 24 (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. Pending amendments (2) If a council or a planning board has adopted an amendment to an official plan, the council of any municipality or the planning board of any planning area to which the plan or any part of the plan applies may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the official plan but will conform with it if the amendment comes into effect. Same (2.1) A by-law referred to in subsection (2), (a) shall be conclusively deemed to have conformed with the official plan on and after the day the</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
<p><i>Subsections 34 (10.0.0.1) to (34) of the Planning Act requires certain procedures, including public notice, consultation and opportunities to appeal to the Local Planning Appeal Tribunal, to be followed in order to amend a zoning by-law. By not applying to an open-for-business planning by-law, there will be no public engagement. In fact, Bill 66 expressly provides that no advance notice to the public of an open for business by-law is required.</i></p>	<p>by-law was passed, if the amendment to the official plan comes into effect; and (b) is of no force and effect, if the amendment to the official plan does not come into effect.</p> <p>Preliminary steps that may be taken where proposed public work would not conform with official plan (3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.</p> <p>Deemed conformity (4) If a by-law is passed under section 34 by the council of a municipality or a planning board in a planning area in which an official plan is in effect and, within the time limited for appeal no appeal is taken or an appeal is taken and the appeal is withdrawn or dismissed or the by-law is amended by the Tribunal or as directed by the Tribunal, the by-law shall be conclusively deemed to be in conformity with the official plan, except, if the by-law is passed in the circumstances mentioned in subsection (2), the by-law shall be conclusively deemed to be in conformity with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect.</p> <p><u>Subsections 34 (10.0.0.1) to (34)</u> Land Use Controls and Related Administration Two-year period, no application for amendment (10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them.</p> <p>Exception (10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally.</p> <p>Consultation (10.0.1) The council, (a) shall permit applicants to consult with the municipality before submitting applications to amend by-laws passed under this section; and (b) may, by by-law, require applicants to consult with the municipality as described in clause (a).</p> <p>Prescribed information (10.1) A person or public body that applies for an amendment to a by-law passed under this section or</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>a predecessor of this section shall provide the prescribed information and material to the council.</p> <p>Other information (10.2) A council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section provide any other information or material that the council considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.</p> <p>Refusal and timing (10.3) Until the council has received the information and material required under subsections (10.1) and (10.2), if any, and any fee under section 69, (a) the council may refuse to accept or further consider the application for an amendment to the by-law; and (b) the time period referred to in subsection (11) does not begin.</p> <p>Response re completeness of application (10.4) Within 30 days after the person or public body that makes the application for an amendment to a by-law pays any fee under section 69, the council shall notify the person or public body that the information and material required under subsections (10.1) and (10.2), if any, have been provided, or that they have not been provided, as the case may be.</p> <p>Motion re dispute (10.5) Within 30 days after a negative notice is given under subsection (10.4), the person or public body or the council may make a motion for directions to have the Tribunal determine, (a) whether the information and material have in fact been provided; or (b) whether a requirement made under subsection (10.2) is reasonable.</p> <p>Same (10.6) If the council does not give any notice under subsection (10.4), the person or public body may make a motion under subsection (10.5) at any time after the 30-day period described in subsection (10.4) has elapsed.</p> <p>Notice of particulars and public access (10.7) Within 15 days after the council gives an affirmative notice under subsection (10.4), or within 15 days after the Tribunal advises the clerk of its affirmative decision under subsection (10.5), as the case may be, the council shall, (a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application for an amendment to a by-law, accompanied by the prescribed information; and (b) make the information and material provided under subsections (10.1) and (10.2) available to the public.</p> <p>Final determination (10.8) The Tribunal's determination under subsection (10.5) is not subject to appeal or review.</p> <p>Notice of refusal</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>(10.9) When a council refuses an application to amend its by-law, it shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal,</p> <ul style="list-style-type: none"> (a) to the person or public body that made the application; (b) to each person and public body that filed a written request to be notified of a refusal; and (c) to any prescribed person or public body. . <p>Contents</p> <p>(10.10) The notice under subsection (10.9) shall contain,</p> <ul style="list-style-type: none"> (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (10.11) had on the decision; and (b) any other information that is prescribed. . <p>Written and oral submissions</p> <p>(10.11) Clause (10.10) (a) applies to,</p> <ul style="list-style-type: none"> (a) any written submissions relating to the application that were made to the council before its decision; and (b) any oral submissions relating to the application that were made at a public meeting. <p>Appeal to L.P.A.T.</p> <p>(11) Subject to subsection (11.0.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within 150 days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>:</p> <ol style="list-style-type: none"> 1. The applicant. 2. The Minister. <p>Same, where amendment to official plan required</p> <p>(11.0.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11) may be made only if the application is refused or the council fails to make a decision on it within 210 days after the receipt by the clerk of the application.</p> <p>Basis for appeal</p> <p>(11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that,</p> <ul style="list-style-type: none"> (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</p> <p>Same (11.0.0.0.3) For greater certainty, council does not refuse an application for an amendment to a by-law passed under this section or a predecessor of this section or fail to make a decision on the application if it amends the by-law in response to the application, even if the amendment that is passed differs from the amendment that is the subject of the application.</p> <p>Notice of Appeal (11.0.0.0.4) A notice of appeal under subsection (11) shall, (a) explain how the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) explain how the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</p> <p>Exception (11.0.0.0.5) Subsections (11.0.0.0.2) and (11.0.0.0.4) do not apply to an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.3).</p> <p>Use of dispute resolution techniques (11.0.0.1) If an application for an amendment is refused as described in subsection (11) and a notice of appeal is filed under that subsection, the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute.</p> <p>Notice and invitation (11.0.0.2) If the council decides to act under subsection (11.0.0.1), (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and (b) it shall give an invitation to participate in the dispute resolution process to, (i) as many of the appellants as the council considers appropriate, (ii) the applicant, if the applicant is not an appellant, and (iii) any other persons or public bodies that the council considers appropriate.</p> <p>Extension of time (11.0.0.3) When the council gives a notice under clause (11.0.0.2) (a), the 15-day period mentioned in clause (23) (b) is extended to 75 days.</p> <p>Participation voluntary (11.0.0.4) Participation in the dispute resolution process by the persons and public bodies who receive</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>invitations under clause (11.0.0.2) (b) is voluntary.</p> <p>Consolidated Hearings Act (11.0.1) Despite the <i>Consolidated Hearings Act</i>, the proponent of an undertaking shall not give notice to the Hearings Registrar under subsection 3 (1) of that Act in respect of an application for an amendment to a by-law unless the council has made a decision on the application or the time period referred to in subsection (11) has expired. (11.0.2) REPEALED: 2017, c. 23, Sched. 3, s. 10 (2).</p> <p>Time for filing certain appeals (11.0.3) A notice of appeal under subsection (11) with respect to the refusal of an application shall be filed no later than 20 days after the day that the giving of notice under subsection (10.9) is completed.</p> <p>Restricted appeals, areas of settlement (11.0.4) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to implement, (a) an alteration to all or any part of the boundary of an area of settlement; or (b) a new area of settlement.</p> <p>Restricted appeals, areas of employment (11.0.5) Despite subsection (11), if the official plan contains policies dealing with the removal of land from areas of employment, there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to remove any land from an area of employment, even if other land is proposed to be added. .</p> <p>No appeal re inclusionary zoning policies (11.0.6) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to amend or repeal a part of the by-law that gives effect to policies described in subsection 16 (4).</p> <p>Withdrawal of appeal (11.1) If all appeals under subsection (11) are withdrawn, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding or the council may proceed to give notice of the public meeting or pass or refuse to pass the by-law, as the case may be.</p> <p>Information and public meeting; open house in certain circumstances (12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (26), (a) the council shall ensure that, (i) sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by the council, and (ii) at least one public meeting is held for the purpose of giving the public an opportunity</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>to make representations in respect of the proposed by-law; and (b) in the case of a by-law that is required by subsection 26 (9) or is related to a development permit system, the council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under subclause (a) (i).</p> <p>Notice (13) Notice of the public meeting required under subclause (12) (a) (ii) and of the open house, if any, required by clause (12) (b), (a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and (b) shall be accompanied by the prescribed information.</p> <p>Timing of open house (14) The open house required by clause (12) (b) shall be held no later than seven days before the public meeting required under subclause (12) (a) (ii) is held.</p> <p>Timing of public meeting (14.1) The public meeting required under subclause (12) (a) (ii) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. .</p> <p>Participation in public meeting (14.2) Every person who attends a public meeting required under subclause (12) (a) (ii) shall be given an opportunity to make representations in respect of the proposed by-law.</p> <p>Alternative measures (14.3) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed zoning by-laws, and if the measures are complied with, clause (10.7) (a) and subsections (12) to (14.2) do not apply to the proposed by-laws, but subsection (14.6) does apply.</p> <p>Same (14.4) In the course of preparing the official plan, before including alternative measures described in subsection (14.3), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed by-laws to the prescribed persons and public bodies mentioned in clause (13) (a).</p> <p>Transition (14.4.1) For greater certainty, subsection (14.4) does not apply with respect to alternative measures that were included in an official plan before the day subsection 26 (6) of the <i>Smart Growth for Our Communities Act, 2015</i> comes into force.</p> <p>Information (14.5) At a public meeting under subclause (12) (a) (ii), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (11) and (19).</p> <p>Where alternative procedures followed (14.6) If subsection (14.3) applies, the information required under subsection (14.5) shall be made</p>

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	<p>available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of proposed zoning by-laws.</p> <p>Information to public bodies (15) The council shall forward to such public bodies as the council considers may have an interest in the zoning proposal sufficient information to enable them to understand it generally and such information shall be forwarded not less than twenty days before passing a by-law implementing the proposal.</p> <p>Conditions (16) If the official plan in effect in a municipality contains policies relating to zoning with conditions, the council of the municipality may, in a by-law passed under this section, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location.</p> <p>Same (16.1) The prescribed conditions referred to in subsection (16) may be made subject to such limitations as may be prescribed.</p> <p>Same (16.2) When a prescribed condition is imposed under subsection (16), (a) the municipality may require an owner of land to which the by-law applies to enter into an agreement with the municipality relating to the condition; (b) the agreement may be registered against the land to which it applies; and (c) the municipality may enforce the agreement against the owner and, subject to the <i>Registry Act</i> and the <i>Land Titles Act</i>, any and all subsequent owners of the land. 2006, c. 23, s. 15 (7).</p> <p>City of Toronto (16.3) Subsections (16), (16.1) and (16.2) do not apply with respect to the City of Toronto.</p> <p>Further notice (17) Where a change is made in a proposed by-law after the holding of the public meeting mentioned in subclause (12) (a) (ii), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.</p> <p>Notice of passing of by-law (18) If the council passes a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (11.0.2) or (26), the council shall ensure that written notice of the passing of the by-law is given in the prescribed manner, no later than 15 days after the day the by-law is passed, (a) to the person or public body that made the application, if any; (b) to each person and public body that filed a written request to be notified of the decision; and</p>

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	<p>(c) to any prescribed person or public body.</p> <p>Contents (18.1) The notice under subsection (18) shall contain, (a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.2) had on the decision; and (b) any other information that is prescribed.</p> <p>Written and oral submissions (18.2) Clause (18.1) (a) applies to, (a) any written submissions relating to the by-law that were made to the council before its decision; and (b) any oral submissions relating to the by-law that were made at a public meeting.</p> <p>Appeal to L.P.A.T. (19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i>: 1. The applicant. 2. A person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council. 3. The Minister.</p> <p>Basis for appeal (19.0.1) An appeal under subsection (19) may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</p> <p>Notice of Appeal (19.0.2) A notice of appeal under subsection (19) shall explain how the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</p> <p>No appeal re second unit policies (19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection 16 (3), including, for greater certainty, no appeal in respect of any requirement or standard relating to such policies.</p> <p>Exception re Minister (19.2) Subsection (19.1) does not apply to an appeal by the Minister.</p> <p>No appeal re inclusionary zoning policies (19.3) Despite subsection (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection 16 (4), including, for greater certainty, no appeal in respect of any</p>

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	<p>condition, requirement or standard relating to such policies.</p> <p>Matters referred to in s. 34 (1) (19.3.1) Despite subsection (19.3), there is an appeal in respect of any matter referred to in subsection (1) even if such matter is included in the by-law as a measure or incentive in support of the policies described in subsection 16 (4).</p> <p>Exception re Minister (19.4) Subsection (19.3) does not apply to an appeal by the Minister.</p> <p>No appeal re protected major transit station area – permitted uses, etc. (19.5) Despite subsections (19) and (19.3.1), and subject to subsections (19.6) to (19.8), there is no appeal in respect of,</p> <ul style="list-style-type: none"> (a) the parts of a by-law that establish permitted uses or the minimum or maximum densities with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15) or (16); or (b) the parts of a by-law that establish minimum or maximum heights with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15) or (16). <p>Same, by-law of a lower-tier municipality (19.6) Subsection (19.5) applies to a by-law of a lower-tier municipality only if the municipality's official plan contains all of the policies described in subclauses 16 (16) (b) (i) and (ii) with respect to the protected major transit station area.</p> <p>Exception (19.7) Clause (19.5) (b) does not apply in circumstances where the maximum height that is permitted with respect to a building or structure on a particular parcel of land would result in the building or structure not satisfying the minimum density that is required in respect of that parcel.</p> <p>Exception re Minister (19.8) Subsection (19.5) does not apply to an appeal by the Minister.</p> <p>When giving of notice deemed completed (20) For the purposes of subsections (11.0.3) and (19), the giving of written notice shall be deemed to be completed,</p> <ul style="list-style-type: none"> (a) where notice is given by publication in a newspaper, on the day that such publication occurs; (a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed; (b) where notice is given by personal service, on the day that the serving of all required notices is completed; (c) where notice is given by mail, on the day that the mailing of all required notices is completed; and (d) where notice is given by telephone transmission of a facsimile of the notice, on the day that

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	<p>the transmission of all required notices is completed.</p> <p>Use of dispute resolution techniques (20.1) When a notice of appeal is filed under subsection (19), the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute.</p> <p>Notice and invitation (20.2) If the council decides to act under subsection (20.1), (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and (b) it shall give an invitation to participate in the dispute resolution process to, (i) as many of the appellants as the council considers appropriate, (ii) the applicant, if there is an applicant who is not an appellant, and (iii) any other persons or public bodies that the council considers appropriate.</p> <p>Extension of time (20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clause (23) (b) and subsections (23.2) and (23.3) is extended to 75 days.</p> <p>Participation voluntary (20.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (20.2) (b) is voluntary.</p> <p>When by-law deemed to have come into force (21) When no notice of appeal is filed under subsection (19), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the amendment to the official plan comes into effect.</p> <p>Affidavit re no appeal, etc. (22) An affidavit or declaration of an employee of the municipality that notice was given as required by subsection (18) or that no notice of appeal was filed under subsection (19) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.</p> <p>Record (23) The clerk of a municipality who receives a notice of appeal under subsection (11) or (19) shall ensure that, (a) a record that includes the prescribed information and material is compiled; (b) the notice of appeal, record and fee are forwarded to the Tribunal, (i) within 15 days after the last day for filing a notice of appeal under subsection (11.0.3) or (19), as the case may be, or (ii) within 15 days after a notice of appeal is filed under subsection (11) with respect to the failure to make a decision; and (c) such other information or material as the Tribunal may require in respect of the appeal is</p>

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	<p>forwarded to the Tribunal.</p> <p>Withdrawal of appeals (23.1) If all appeals to the Tribunal under subsection (19) are withdrawn and the time for appealing has expired, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding.</p> <p>Exception (23.2) Despite clause (23) (b), if all appeals under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (23) (b) and (c) to the Tribunal.</p> <p>Decision final (23.3) If all appeals to the Tribunal under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council is final and binding.</p> <p>Hearing and notice thereof (24) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Tribunal may determine.</p> <p>Restriction re adding parties (24.1) Despite subsection (24), in the case of an appeal under subsection (11) that relates to all or part of an application for an amendment to a by-law that is refused, or in the case of an appeal under subsection (19), only the following may be added as parties:</p> <ol style="list-style-type: none"> 1. A person or public body who satisfies one of the conditions set out in subsection (24.2). 2. The Minister. . <p>Same (24.2) The conditions mentioned in paragraph 1 of subsection (24.1) are:</p> <ol style="list-style-type: none"> 1. Before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council. 2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. <p>(24.3)-(24.6) REPEALED: 2017, c. 23, Sched. 3, s. 10 (9).</p> <p>Conflict with SPPA (24.7) Subsections (24.1) and (24.2) apply despite the <i>Statutory Powers Procedure Act</i>.</p> <p>Dismissal without hearing (25) Despite the <i>Statutory Powers Procedure Act</i> and subsection (24), the Tribunal shall dismiss all or part of an appeal without holding a hearing on its own initiative or on the motion of any party if any of the following apply:</p> <ol style="list-style-type: none"> 1. The Tribunal is of the opinion that the explanations required by subsection (11.0.0.0.4) do not disclose both of the following: <ol style="list-style-type: none"> i. That the existing part or parts of the by-law that would be affected by the amendment

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	<p>that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan.</p> <p>ii. The amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans.</p> <p>2. The Tribunal is of the opinion that the explanation required by subsection (19.0.2) does not disclose that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</p> <p>3. The Tribunal is of the opinion that,</p> <p>i. the appeal is not made in good faith or is frivolous or vexatious,</p> <p>ii. the appeal is made only for the purpose of delay, or</p> <p>iii. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.</p> <p>4. The appellant has not provided the explanation required by subsection (11.0.0.0.4) or (19.0.2), as applicable.</p> <p>5. The appellant has not paid the fee charged under the <i>Local Planning Appeal Tribunal Act, 2017</i> and has not responded to a request by the Tribunal to pay the fee within the time specified by the Tribunal.</p> <p>6. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal.</p> <p>Representation (25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 or 6 of subsection (25).</p> <p>Same (25.1.1) Despite the <i>Statutory Powers Procedure Act</i> and subsection (24), the Tribunal may, on its own initiative or on the motion of the municipality or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision.</p> <p>Dismissal (25.2) Despite the <i>Statutory Powers Procedure Act</i>, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (25) or (25.1.1), as it considers appropriate.</p> <p>Powers of L.P.A.T.</p>

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	<p>(26) Subject to subsections (26.1) to (26.10) and (26.13), after holding a hearing on an appeal under subsection (11) or (19), the Tribunal shall dismiss the appeal.</p> <p>Notice re opportunity to make new decision — appeal under subs. (11) (26.1) Unless subsection (26.3), (26.6), (26.7) or (26.9) applies, on an appeal under subsection (11), the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter, if the Tribunal determines that,</p> <ul style="list-style-type: none"> (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. <p>Same — appeal under subs. (19) (26.2) Unless subsection (26.3), (26.8) or (26.9) applies, if, on an appeal under subsection (19), the Tribunal determines that a part of the by-law to which the notice of appeal relates is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan,</p> <ul style="list-style-type: none"> (a) the Tribunal shall repeal that part of the by-law; and (b) the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter. <p>Powers of L.P.A.T. — Draft by-law with consent of parties (26.3) Unless subsection (26.9) applies, if a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</p> <p>Notice to make new decision (26.4) If subsection (26.3) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal shall notify the clerk of the municipality that it is being given an opportunity to make a new decision in respect of the matter.</p> <p>Rules that apply if notice received (26.5) If the clerk has received notice under subsection (26.1), clause (26.2) (b) or subsection (26.4), the following rules apply:</p> <ul style="list-style-type: none"> 1. The council of the municipality may prepare and pass another by-law in accordance with this section, except that clause (12) (b) does not apply.

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	<p>2. The reference to “within 150 days after the receipt by the clerk of the application” in subsection (11) shall be read as “within 90 days after the day notice under subsection (26.1), clause (26.2) (b) or subsection (26.4) was received”.</p> <p>Second appeal, subs. (11) — failure to make decision (26.6) On an appeal under subsection (11) that concerns the failure to make a decision on an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order.</p> <p>Second appeal, subs. (11) — refusal (26.7) Unless subsection (26.9) applies, on an appeal under subsection (11) that concerns the refusal of an application in respect of which the municipality was given an opportunity to make a new decision in accordance with subsection (26.5), the Tribunal may amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order if the Tribunal determines that,</p> <ul style="list-style-type: none"> (a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and (b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with all applicable official plans. <p>Second appeal — subs. (19) (26.8) Unless subsection (26.9) applies, on an appeal under subsection (19) that concerns a new decision that the municipality was given an opportunity to make in accordance with subsection (26.5), the Tribunal may repeal the by-law in whole or in part or amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Tribunal’s order, if the Tribunal determines that the decision is inconsistent with policy statements issued under subsection 3 (1), fails to conform with or conflicts with provincial plans or fails to conform with an applicable official plan.</p> <p>Draft by-law with consent of the parties (26.9) If, on an appeal referred to in subsection (26.7) or (26.8), a draft by-law is presented to the Tribunal with the consent of all of the parties specified in subsection (26.11), the Tribunal shall approve the draft by-law as a zoning by-law except for any part of it that is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.</p> <p>Same</p>

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	<p>(26.10) If subsection (26.9) applies and the Tribunal determines that any part of the draft by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the Tribunal may refuse to amend the zoning by-law or amend the zoning by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the zoning by-law in accordance with the Tribunal's order.</p> <p>Specified parties (26.11) For the purposes of subsection (26.3) and (26.9), the specified parties are:</p> <ol style="list-style-type: none"> 1. The municipality. 2. The Minister, if the Minister is a party. 3. If applicable, the applicant. 4. If applicable, all appellants of the decision which was the subject of the appeal. . <p>Effect on original by-law (26.12) If subsection (26.3) or (26.9) applies in the case of an appeal under subsection (19), the by-law that was the subject of the notice of appeal shall be deemed to have been repealed.</p> <p>Non-application of s. 24 (4) (26.13) An appeal under subsection (11) shall not be dismissed on the basis that the by-law is deemed to be in conformity with an official plan under subsection 24 (4).</p> <p>Matters of provincial interest (27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days after the day the Tribunal gives notice under subsection (24) and the Minister shall identify,</p> <ol style="list-style-type: none"> (a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. <p>No hearing or notice required (28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27). .</p> <p>Applicable rules if notice under subs. (27) received (29) If the Tribunal has received a notice from the Minister under subsection (27), the following rules apply:</p> <ol style="list-style-type: none"> 1. Subsections (26) to (26.12) do not apply to the appeal. 2. The Tribunal may make a decision as to whether the appeal should be dismissed or the by-law should be repealed or amended in whole or in part or the council of the municipality should be directed to repeal or amend the by-law in whole or in part.

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<p><i>Section 36 of the Planning Act permits a municipality to create “holding” provisions, which could restrict the timing of development to some designated time in the future. This is often quite important for various reasons, including construction of infrastructure. By not applying to an open-for-business planning by-law, the municipality will not be able to control the timing of development.</i></p>	<p>3. The Tribunal shall not make an order in respect of the part or parts of the by-law identified in the notice.</p> <p>Action of L.G. in C. (29.1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine.</p> <p>Coming into force (30) If one or more appeals have been filed under subsection (19), the by-law does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed under subsection (26.2) or (26.8) or amended under subsection (26.8) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed.</p> <p>Unappealed portions (31) Despite subsection (30), before all of the appeals have been finally disposed of, the Tribunal may make an order providing that any part of the by-law not in issue in the appeal shall be deemed to have come into force on the day the by-law was passed.</p> <p>Method (32) The Tribunal may make an order under subsection (31) on its own initiative or on the motion of any person or public body.</p> <p>Notice and hearing (33) The Tribunal may, (a) dispense with giving notice of a motion under subsection (32) or require the giving of such notice of the motion as it considers appropriate; and (b) make an order under subsection (31) after holding a hearing or without holding a hearing on the motion, as it considers appropriate.</p> <p>Notice (34) Despite clause (33) (a), the Tribunal shall give notice of a motion under subsection (32) to any person or public body who filed with the Tribunal a written request to be notified if a motion is made.</p> <p>Section 36 Holding provision by-law 36 (1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. .</p> <p>Condition</p>

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	<p>(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1).</p> <p>Appeal to L.P.A.T. (3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council fails to make a decision thereon within 150 days after receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order.</p> <p>Matters of provincial interest (3.1) Where an appeal is made to the Tribunal under subsection (3), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify,</p> <ul style="list-style-type: none"> (a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and (b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. <p>No hearing or notice required (3.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (3.1).</p> <p>No order to be made (3.3) If the Tribunal has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (3) in respect of the part or parts of the by-law identified in the notice..</p> <p>Action of L.G. in C. (3.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine.</p> <p>Application of subss. 34 (10.7, 10.9-20.4, 22-34) (4) Subsections 34 (10.7), (10.9) to (20.4) and (22) to (34) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of its intention to pass the amending by-law.</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA’s plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
<p><i>Section 37 of the Planning Act permits a municipality to impose “density bonusing” (eg, exchanging “community benefits” in situations when limits that would otherwise apply to height or density are to be relaxed). By not applying to an open-for-business planning by-law, the municipality will not be able to secure local benefits to offset the non-compliance with height or density limits.</i></p>	<p><u>Section 37</u> Increased density, etc., provision by-law 37 (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.</p> <p>Condition (2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.</p> <p>Agreements (3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.</p> <p>Registration of agreement (4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the <i>Registry Act</i> and the <i>Land Titles Act</i>, any and all subsequent owners of the land.</p> <p>Special account (5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law. 2015, c. 26, s. 27.</p> <p>Investments (6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the <i>Municipal Act, 2001</i> or the <i>City of Toronto Act, 2006</i>, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor’s annual report shall report on the activities and status of the account.</p> <p>Treasurer’s statement (7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account.</p> <p>Requirements (8) The statement shall include, for the preceding year, (a) statements of the opening and closing balances of the special account and of the transactions relating to the account; (b) statements identifying, (i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year, (ii) details of the amounts spent, and</p>

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	<p>(iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and</p> <p>(c) any other information that is prescribed.</p> <p>Copy to Minister (9) The treasurer shall give a copy of the statement to the Minister on request.</p> <p>Statement available to public (10) The council shall ensure that the statement is made available to the public.</p>
<p>Section 39 of the <i>Clean Water Act, 2006</i></p> <p><i>Section 39 of the Clean Water Act, 2006 requires land use planning decisions made by municipal councils, the province and others to “conform” to the significant threat policies and designated Great Lakes policies that are adopted in approved source protection plans. In case of a conflict between the significant threat source protection policy and other land use planning documents, the source protection policy prevails. Public works and municipal by-laws must also be consistent with the approved significant threat policies in source protection plans. Specified provincial approvals such as pollution permits for discharges to water must also conform.</i></p> <p><i>By not applying to an open-for-business planning by-law, these requirements for the municipal and provincial land use decisions, public works, municipal by-laws and provincial approvals to be consistent with the significant threat policies would be removed.</i></p>	<p>Effect of plan 39 (1) A decision under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> made by a municipal council, municipal planning authority, planning board, other local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the source protection area shall,</p> <p>(a) conform with significant threat policies and designated Great Lakes policies set out in the source protection plan; and</p> <p>(b) have regard to other policies set out in the source protection plan.</p> <p>Conflicts re official plans, by-laws (2) Despite any other Act, the source protection plan prevails in the case of conflict between a significant threat policy or designated Great Lakes policy set out in the source protection plan and,</p> <p>(a) an official plan;</p> <p>(b) a zoning by-law; or</p> <p>(c) subject to subsection (4), a policy statement issued under section 3 of the <i>Planning Act</i>.</p> <p>Limitation (3) Subsection (1) does not apply to a policy statement issued under section 3 of the <i>Planning Act</i> or a minister's order under section 47 of the <i>Planning Act</i>.</p> <p>Conflicts re provisions in plans, policies (4) Despite any Act, but subject to a regulation made under clause 109 (1) (h), (i) or (j), if there is a conflict between a provision of a significant threat policy or designated Great Lakes policy set out in the source protection plan and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the quality and quantity of any water that is or may be used as a source of drinking water prevails.</p> <p>Plans or policies (5) The plans and policies to which subsection (4) refers are,</p> <p>(a) a policy statement issued under section 3 of the <i>Planning Act</i>;</p> <p>(b) the Greenbelt Plan established under section 3 of the <i>Greenbelt Act, 2005</i> and any amendment to the Plan;</p> <p>(c) the Niagara Escarpment Plan established under section 3 of the <i>Niagara Escarpment Planning</i></p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p><i>and Development Act</i> and any amendment to the Plan; (d) the Oak Ridges Moraine Conservation Plan established under section 3 of the <i>Oak Ridges Moraine Conservation Act, 2001</i> and any amendment to the Plan; (e) a growth plan approved under section 7 of the <i>Places to Grow Act, 2005</i> and any amendment to the plan; (f) a plan or policy made under a provision of an Act that is prescribed by the regulations; and (g) a plan or policy prescribed by the regulations, or provisions prescribed by the regulations of a plan or policy, that is made by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario.</p> <p>Actions to conform to plan (6) Despite any other Act, no municipality or municipal planning authority shall, (a) undertake within the source protection area any public work, improvement of a structural nature or other undertaking that conflicts with a significant threat policy or designated Great Lakes policy set out in the source protection plan; or (b) pass a by-law for any purpose that conflicts with a significant threat policy or designated Great Lakes policy set out in the source protection plan.</p> <p>Prescribed instruments (7) Subject to a regulation made under clause 109 (1) (k), (l) or (m), a decision to issue, otherwise create or amend a prescribed instrument shall, (a) conform with significant threat policies and designated Great Lakes policies set out in the source protection plan; and (b) have regard to other policies set out in the source protection plan.</p> <p>No authority (8) Subsection (7) does not permit or require a person or body, (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or (b) to make amendments that it does not otherwise have authority to make.</p>
<p>Section 20 of the <i>Great Lakes Protection Act, 2015</i></p> <p><i>Section 20 of the Great Lakes Protection Act, 2015, requires that planning decisions conform with designated policies and have regard for other policies contained in any geographically focused initiative. Geographically focused initiatives are a tool that allows communities to solve complex issues related to protecting or restoring the ecological health of the Great Lakes - St Lawrence River Basin and ensure that land use decisions respect policies</i></p>	<p>Effect of initiative Decisions under <i>Planning Act</i> or <i>Condominium Act, 1998</i> 20. (1) A decision under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> made by a municipal council, municipal planning authority, planning board, other local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the area to which an initiative applies shall, (a) conform with designated policies that are set out in the initiative; and (b) have regard to policies described in Schedule 1 that are set out in the initiative and that are not designated policies.</p> <p>Limitation</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
<p><i>that are aimed at implementing such solutions (eg, a process akin to that which led to the Lake Simcoe Protection Plan could be completed by a willing community or communities). To date, no geographically focused initiatives have been created. By not applying to open-for-business planning by-laws, a community's efforts to solve a complex freshwater challenge would be ignored.</i></p>	<p>(2) Subsection (1) does not apply to a policy statement issued under section 3 of the <i>Planning Act</i> or a minister's order under section 47 of the <i>Planning Act</i>. Conflicts re official plans, by-laws (3) Despite any other Act, an initiative prevails in the case of conflict between a designated policy set out in the initiative and, (a) an official plan; (b) a zoning by-law; or (c) subject to subsection (4), a policy statement issued under section 3 of the <i>Planning Act</i>. Conflicts re provisions in plans, policies (4) Despite any Act, but subject to a regulation made under clause 38 (1) (d), (e) or (f), if there is a conflict between a provision of a designated policy set out in an initiative and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the ecological health of the Great Lakes-St. Lawrence River Basin prevails. Plans or policies (5) The plans and policies to which subsection (4) refers are, (a) a policy statement issued under section 3 of the <i>Planning Act</i>; (b) the Greenbelt Plan established under section 3 of the <i>Greenbelt Act, 2005</i> and any amendment to the Plan; (c) the Niagara Escarpment Plan continued under section 3 of the <i>Niagara Escarpment Planning and Development Act</i> and any amendment to the Plan; (d) the Oak Ridges Moraine Conservation Plan established under section 3 of the <i>Oak Ridges Moraine Conservation Act, 2001</i> and any amendment to the Plan; (e) a growth plan approved under the <i>Places to Grow Act, 2005</i> and any amendment to the Plan; (f) a plan or policy made under a provision of an Act, if the provision has been prescribed by the regulations; and (g) a plan or policy that has been prescribed by the regulations, or provisions of a plan or policy that have been prescribed by the regulations, that is made by the Lieutenant Governor in Council, a minister of the Crown, or a ministry, board, commission or agency of the Government of Ontario. Actions to conform to initiative (6) Despite any other Act, no municipality or municipal planning authority shall, (a) undertake, within the area to which an initiative applies, any public work, improvement of a structural nature or other undertaking that conflicts with a designated policy set out in the initiative; or (b) pass a by-law for any purpose that conflicts with a designated policy set out in the initiative. Comments, advice (7) If a public body provides comments, submissions or advice relating to a decision or matter</p>

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	<p>described in subsection (8), the comments, submissions or advice shall, (a) conform with designated policies that are set out in an initiative; and (b) have regard to policies described in Schedule 1 that are set out in an initiative and that are not designated policies.</p> <p>Same (8) Subsection (7) applies to the following: 1. A decision under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> that relates to the area to which the initiative applies. 2. A decision to issue, otherwise create or amend a prescribed instrument that relates to the area to which the initiative applies. 3. Any other matter specified in the initiative.</p> <p>Prescribed instruments (9) Subject to a regulation made under clause 38 (1) (g), (h) or (i), a decision to issue, otherwise create or amend a prescribed instrument shall, (a) conform with designated policies that are set out in the initiative; and (b) have regard to policies described in Schedule 1 that are set out in the initiative and that are not designated policies.</p> <p>No authority (10) Subsection (9) does not permit or require a person or body, (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or (b) to make amendments that it does not otherwise have authority to make.</p>
<p>Section 7 of the Greenbelt Act, 2005</p> <p><i>Section 7 of the Greenbelt Act, 2005 requires that planning decisions conform to the Greenbelt Plan. Further, no by-laws can be passed which conflict with the Greenbelt Plan. The Greenbelt Plan protects 2 million acres of farmland and natural areas from development.</i></p> <p><i>By not applying to an open-for-business planning by-law, protections in the Greenbelt Plan, including those related to specialty crops in the Niagara Region and the Holland Marsh, would be overridden.</i></p>	<p>Decisions to conform to plan 7 (1) A decision that is made under the <i>Ontario Planning and Development Act, 1994</i>, the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> or in relation to a prescribed matter by a municipal council, local board, municipal planning authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, shall conform with the Greenbelt Plan.</p> <p>Limitation (2) Subsection (1) does not apply to a policy statement issued under section 3 of the <i>Planning Act</i>.</p> <p>Actions to conform to plan (3) Despite any other Act, no municipality or municipal planning authority shall, within the areas to which the Greenbelt Plan applies, (a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the Greenbelt Plan; or (b) pass a by-law for any purpose that conflicts with the Greenbelt Plan.</p> <p>Comments, advice</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA’s plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>(4) Comments, submissions or advice provided by a minister of the Crown, a ministry, board, commission or agency of the Government of Ontario or a conservation authority established under section 3 of the <i>Conservation Authorities Act</i> that affect a planning matter relating to lands to which the Greenbelt Plan applies shall conform with the Greenbelt Plan.</p>
<p>Section 6 of the <i>Lake Simcoe Protection Act, 2015</i></p> <p><i>Section 6 of the Lake Simcoe Protection Act, 2015 requires that planning decisions conform with designated policies and have regard to other policies that are set out the Lake Simcoe Protection Plan. Further, in the case of conflict between a by-law and a designated policy in Lake Simcoe Protection Plan, the Lake Simcoe Protection Plan prevails. As well, if there is a conflict between policies in other provincial plans or policies (eg, Provincial Policy Statement, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Growth Plan for the Greater Golden Horseshoe, etc.) and policies in the Lake Simcoe Protection Plan, whichever policy provides for “greatest protection to the ecological health of the Lake Simcoe watershed prevails.” The Lake Simcoe Plan sets out policies that address long term environmental issues including the immediate threat of excessive phosphorus and emerging threats of invasive species, road salts, and climate change.</i></p> <p><i>By not applying to an open-for-business planning by-law, the community’s interest and current legal requirements to prioritize freshwater and ecological health over other land uses will not be respected.</i></p>	<p>Effect of Plan</p> <p>6 (1) A decision under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the Lake Simcoe watershed shall,</p> <ul style="list-style-type: none"> (a) conform with designated policies set out in the Lake Simcoe Protection Plan; and (b) have regard to other policies set out in the Lake Simcoe Protection Plan. <p>Limitation</p> <p>(2) Subsection (1) does not apply to a policy statement issued under section 3 of the <i>Planning Act</i> or a minister’s order under section 47 of the <i>Planning Act</i>.</p> <p>Conflicts re official plans, by-laws</p> <p>(3) Despite any other Act, the Lake Simcoe Protection Plan prevails in the case of conflict between a designated policy set out in the Plan and,</p> <ul style="list-style-type: none"> (a) an official plan; (b) a zoning by-law; or (c) subject to subsection (4), a policy statement issued under section 3 of the <i>Planning Act</i>. <p>Conflicts re provisions in plans, policies</p> <p>(4) Despite any Act, but subject to a policy described in paragraph 6 of subsection 5 (2), if there is a conflict between a provision of a designated policy set out in the Lake Simcoe Protection Plan and a provision in a plan or policy that is mentioned in subsection (5), the provision that provides the greatest protection to the ecological health of the Lake Simcoe watershed prevails.</p> <p>Plans or policies</p> <p>(5) The plans and policies to which subsection (4) refers are,</p> <ul style="list-style-type: none"> (a) a policy statement issued under section 3 of the <i>Planning Act</i>; (b) the Greenbelt Plan established under section 3 of the <i>Greenbelt Act, 2005</i> and any amendment to the Plan; (c) the Oak Ridges Moraine Conservation Plan established under section 3 of the <i>Oak Ridges Moraine Conservation Act, 2001</i> and any amendment to the Plan; (d) the Growth Plan for the Greater Golden Horseshoe 2006 approved under section 7 of the <i>Places to Grow Act, 2005</i> and any amendment to the Plan; (e) a plan or policy made under a provision of an Act that is prescribed by the regulations; and (f) a plan or policy prescribed by the regulations, or provisions prescribed by the regulations of a plan or policy, that is made by the Lieutenant Governor in Council, a minister of the Crown, or a ministry, board, commission or agency of the Government of Ontario.

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA's plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>Actions to conform to Plan (6) Despite any other Act, no municipality shall, (a) undertake within the Lake Simcoe watershed any public work, improvement of a structural nature or other undertaking that conflicts with a designated policy set out in the Lake Simcoe Protection Plan; or (b) pass a by-law for any purpose that conflicts with a designated policy set out in the Lake Simcoe Protection Plan.</p> <p>Comments, advice (7) If a public body provides comments, submissions or advice relating to a decision or matter described in subsection (8), the comments, submissions or advice shall, (a) conform with designated policies set out in the Lake Simcoe Protection Plan; and (b) have regard to other policies set out in the Lake Simcoe Protection Plan.</p> <p>Same (8) Subsection (7) applies to the following: 1. A decision under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that relates to the Lake Simcoe watershed. 2. A decision to issue, otherwise create or amend a prescribed instrument that relates to the Lake Simcoe watershed or a prescribed outside area. 3. Any other matter specified by the Lake Simcoe Protection Plan.</p> <p>Prescribed instruments (9) Subject to a policy described in paragraph 9 of subsection 5 (2), a decision to issue, otherwise create or amend a prescribed instrument shall, (a) conform with designated policies set out in the Lake Simcoe Protection Plan; and (b) have regard to other policies set out in the Lake Simcoe Protection Plan.</p> <p>No authority (10) Subsection (9) does not permit or require a person or body, (a) to issue or otherwise create an instrument that it does not otherwise have authority to issue or otherwise create; or (b) to make amendments that it does not otherwise have authority to make.</p>
<p>Subsection 31.1 (4) of the <i>Metrolinx Act, 2006</i> <i>Subsection 31.1(4) of the Metrolinx Act, 2006 requires that planning decisions in the "regional transportation area" be consistent with "designated policies set out in a transportation planning policy statement". To date, no such transportation</i></p>	<p>Effect of designated policies (4) A decision under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that applies in the regional transportation area shall be consistent with the designated policies set out in a transportation planning policy statement.</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA’s plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
<p><i>planning policy statement exists.</i> <i>By not applying to an open-for-business planning by-law, any efforts to develop effective regional transportation networks in the future will be ignored in the area of the open for business by-law.</i></p>	
<p>Section 7 of the <i>Oak Ridges Moraine Conservation Act, 2001</i> <i>Section 7 of the Oak Ridges Moraine Conservation Act, 2001 requires that planning decisions conform with the Oak Ridges Moraine Conservation Plan. Further, municipalities cannot pass a by-law that conflicts with the Oak Ridges Moraine Conservation Plan. The Oak Ridges Moraine Conservation Plan recognizes the importance of protecting the moraine as it is headwaters for 64 rivers or streams, biodiversity, and groundwaters.</i> <i>By not applying to open-for-business planning by-laws, the community’s interest in and requirements that provide for prioritizing freshwater and ecological health over other land uses will not be respected.</i></p>	<p>Effect of Plan 7 (1) A decision that is made under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> or in relation to a prescribed matter, by a municipal council, local board, municipal planning authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, shall conform with the Oak Ridges Moraine Conservation Plan. Same (2) Despite any other Act, no municipality or municipal planning authority shall, within the area to which the Plan applies, (a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the Plan; or (b) pass a by-law for any purpose that conflicts with the Plan.</p>
<p>Section 13 of the <i>Ontario Planning and Development Act, 1994</i> <i>Section 13 of the Ontario Planning and Development Act, 1994 requires that municipalities cannot undertake public projects that conflict with a development plan. Further, municipalities cannot pass by-laws that conflict with a development plan. One example of a development plan made under this legislation is the Parkway Belt West Plan created in 1978. This forward thinking plan designates and protects “land needed for linear regional infrastructure such as transit, utility and electric power facility corridors.” (Parkway Belt West Plan)</i> <i>By not applying to an open-for-business planning by-law, any such protections would be ignored.</i></p>	<p>By-laws, etc., to conform to plan 13 Despite any other Act, if a development plan is in effect, (a) no municipality or local board as defined in the <i>Municipal Affairs Act</i> having jurisdiction over the area covered by the plan or in any part of it and no ministry shall undertake any public work, any improvement of a structural nature or any other undertaking within the area covered by the development plan that conflicts with the plan; and (b) no municipality or planning board having jurisdiction in such area shall pass a by-law for any purpose that conflicts with the plan.</p>

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA’s plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
<p>Subsection 14 (1) of the <i>Places to Grow Act, 2005</i></p> <p><i>Subsection 14(1) of the Places to Grow Act, 2005 requires that planning decisions conform with any growth plan that applies. Ontario currently has two growth plans under this legislation: the Growth Plan for the Greater Golden Horseshoe, 2017 and the Growth Plan for Northern Ontario, 2011. These plans were created, with extensive public consultation, to provide a vision and framework for regional planning in the long-term. The Growth Plan for the Greater Golden Horseshoe, in particular, has policies which focus on integrated, compact, and complete communities.</i></p> <p><i>By not applying to an open-for-business planning by-law, the overall long-term vision and framework for these regions will be ignored.</i></p>	<p>Effect of growth plan</p> <p>14 (1) A decision under the <i>Planning Act</i> or the <i>Condominium Act, 1998</i> or under such other Act or provision of an Act as may be prescribed, made by a municipal council, municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, or made by such other persons or bodies as may be prescribed that relates to a growth plan area shall conform with a growth plan that applies to that growth plan area.</p>
<p>Section 12 of the <i>Resource Recovery and Circular Economy Act, 2016</i></p> <p><i>Section 12 of the Resource Recovery and Circular Economy Act, 2016 requires consistency with all applicable “resource recovery and waste reduction” policy statements when planning for and operating waste management systems, particularly when conducting resource recovery or waste reduction activities. This legislation is aimed at moving Ontario towards a “waste-free” economy. A current policy statement is the Food and Organic Waste Policy Statement, which is focused on “preventing, reducing, rescuing surplus food, and recovering food and organic waste” and thereby reducing greenhouse gas emissions (Food and Organic Waste Policy Statement).</i></p> <p><i>By not applying to an open-for-business by-law, these waste reduction and climate change goals will be ignored.</i></p>	<p>Consistency with policy statements</p> <p>12 (1) Subject to section 13, the following persons and entities shall, when doing the following things, ensure the things are done in a manner that is consistent with all applicable policy statements:</p> <ol style="list-style-type: none"> 1. A person or entity when exercising a power or performing a duty under this Part or Part III, IV or V. 2. A person or entity when exercising a power or performing a duty under an Act mentioned in subsection (2) or a provision mentioned in subsection (3), if the exercise of the power or the performance of the duty relates to resource recovery or waste reduction. 3. A person or entity retained to provide services in relation to another person’s responsibilities under section 67, 68, 69 or 70 when performing those services. 4. An owner or operator of a waste management system when engaging in waste management activities. 5. A prescribed person or entity when carrying out prescribed activities related to resource recovery or waste reduction. <p>List of Acts</p> <p>(2) The following are the Acts referred to in paragraph 2 of subsection (1):</p> <ol style="list-style-type: none"> 1. <i>City of Toronto Act, 2006</i>. 2. <i>Condominium Act, 1998</i>. 3. <i>Consumer Protection Act, 2002</i>. 4. <i>Environmental Assessment Act</i>. 5. <i>Environmental Protection Act</i>.

<p>Specific section numbers of legislation per s34.1(6), Schedule 10 (bolded) <i>Followed by CELA’s plain language explanation of the affected statutory language (italicized)</i></p>	<p>Affected Provisions from other legislation (as Currently in Force) - statutory language column</p>
	<p>6. <i>Municipal Act, 2001.</i> 7. <i>Nutrient Management Act, 2002.</i> 8. <i>Ontario Water Resources Act.</i> 9. <i>Planning Act.</i> 10. Any prescribed Acts.</p> <p>List of provisions (3) The following are the provisions referred to in paragraph 2 of subsection (1): 1. Section 11.6 of the <i>City of Greater Sudbury Act, 1999.</i> 2. Section 11.7 of the <i>City of Hamilton Act, 1999.</i> 3. Section 12.13 of the <i>City of Ottawa Act, 1999.</i> 4. Section 13.6 of the <i>Town of Haldimand Act, 1999.</i> 5. Section 13.6 of the <i>Town of Norfolk Act, 1999.</i> 6. A prescribed provision of a prescribed Act.</p> <p>Interpretation (4) For the purposes of paragraph 4 of subsection (1), “operator”, “owner” and “waste management system” have the same meaning as in Part V of the <i>Environmental Protection Act.</i></p>
<p>Any prescribed provision</p> <p><i>This allows any other legislated provisions to be added to the “not apply to an open-for-business planning by-law” at any point in the future. Such a regulation would be made by Cabinet, not the Legislature.</i></p>	

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There are a total of 90 signatures attached to this petition.

To Mayor and Members of Council

Date: JAN 4 2019

We, the undersigned, hereby submit this Petition for Council's consideration for the purpose of:

STOPPING THE REZONING OF LAND FOR THE ASPHALT PLANT

Petition Initiator Contact Information

Last Name:

BOUDREAU

First Name:

EGLE

Street Number:

Street Name:

Town/City:

Postal Code:

Email Address:

Contact Number:

Please type or print clearly when completing this form.

Name

Address

Signature

Name

Address

Signature

Name

Address

Signature

Name

Address

Signature

Name

Address

Signature

Personal information contained on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, and will be used for the purpose of providing correspondence relating to matters before Council.

Please note that all meetings are open to the public except where permitted to be closed under legislated authority. Council meetings are audio recorded and available on the Town's website. Questions about this collection should be forwarded to the Municipal Freedom of Information Coordination at 905.584.2272.

To Mayor and Members of Council

Date: JAN 3 2019

We, the undersigned, hereby submit this Petition for Council's consideration for the purpose of:

BOLTON SAY'S NO TO REZONING OF LAND
FOR AN ASPHALT PLANT

Please type or print clearly when completing this form.

Name	Address	Signature
Colleen Muijs		
Name		Signature
Melissa Insalaco		
Name		Signature
Sandra Shaw		
Name		Signature
Anna Hobella		
Name		Signature
Thomas Hobella		
Name		Signature
Manny SANGHA		
Name		Signature
Laura Sangha		
Name		Signature
Giulia Sangha		
Name		Signature

Personal information contained on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, and will be used for the purpose of providing correspondence relating to matters before Council.

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Citizens of Bolton and Caledon

Recipient: Citizens of Bolton (Caledon)

Letter: Greetings,

Say NO to rezoning for the Asphalt Plant

Signatures

Name		Date
Sara Valente		2018-10-24
Alexa passaro		2018-10-24
Dany Mallah		2018-10-24
Sunny Talbot		2018-10-24
Melissa Patrizi		2018-10-24
Alexa Feliciano		2018-10-24
Lisa Rosa		2018-10-24
Marion Upshall		2018-10-24
Christina Giusti		2018-10-24
Jennifer Iannuzzi		2018-10-24
Marisa Parise		2018-10-24
Jesseka Antczak		2018-10-24
Laura Bensi		2018-10-24
Darlene Avram		2018-10-24
Tiziana F		2018-10-24
lindsey Kowalchuk		2018-10-24
Karen Ciccotelli		2018-10-24
Danny Passaro		2018-10-24
Deborah Cabral		2018-10-24
Connie Sanfilippo		2018-10-24