



CAO2025-02 – Proposed Community Benefits Agreements By-law

Date:	Monday, March 24, 2025
From:	Valerie Manning, Interim CAO / Treasurer / Director of Financial Services
Roll N°	N/a

Recommendation

That Committee of the Whole:

1. Direct staff to proceed with the proposed public consultation and communications plan intended to gather feedback on a proposed Community Benefits Agreement By-law; and
2. Direct staff to provide a follow up summary report of feedback received during the proposed public consultation to accompany the proposed Community Benefits Agreement By-law for Council's consideration.

Executive Summary

On March 10, 2025, Council directed staff to prepare a Community Benefits Agreement By-law. Attached is a proposed By-law which responds to this Council direction.

To assist Council, this report provides background to the proposed By-law and analysis of its provisions. This report also provides Council with a proposed consultation and communications plan to gather feedback from stakeholders.

Staff recommends that the proposed by-law be tabled and open for comment until April 28, 2025. Staff will then provide a final version of the by-law and a follow up staff report.

Background

On March 10, 2025, Council directed staff to prepare a Community Benefits Agreements By-law through the following motion:

Moved by: Deputy Mayor Keaveney

Seconded by: Councillor Bartley

Whereas, in 2019, TC Energy made public its plan to construct and operate a major 1,000 MW hydroelectric generating facility, centred on zero emission electricity generation technology known as Pumped Storage, related works and undertakings on lands within the Municipality of Meaford; and

Whereas, in 2020, the Council of the Municipality received and reviewed Report CAO2020-03 and unanimously declared conditional support for the Proposed facility proceeding to the applicable approval processes, led by environmental assessments and impact assessments, including impact assessment under the federal Impact Assessment Act; and

Whereas in 2021, the Department of National Defence determined that the proposed facility could be located on a portion of land within the 4th Canadian Division Training Centre in Meaford, subject to conditions; and

Whereas, in 2022, the Council of the Municipality discussed the offer by TC Energy to provide community benefits to the Municipality in relation to the proposed facility, including Council review of Report CAO2022-33 that included a draft framework for a Community Benefits Agreement; and

Whereas, in 2022, the Council of the Municipality completed the 10-year review of its Official Plan and related community engagement resulting in adoption of Amendment 34 to its Official Plan to guide physical change and development across the Municipality for the next 25 years, continuing the Municipality's Environment First Planning Policy, and prioritizing infrastructure that addresses sustainability and climate adaptation; and

Whereas, in 2023, TC Energy advised the Municipality that it will reimburse the Municipality for the costs of technical peer reviewers of all potential impacts of the proposed facility, legal counsel on all

relevant matters, and costs related to the development of a community benefits agreement between the Municipality and TC Energy, including a Council-approved negotiator; and

Whereas the Municipality seeks to ensure that it has a proper framework of general application to apply to ~~major~~ proposals that, in whole or part, are not subject to Ontario's land use planning and approval processes; and

Whereas the Municipality seeks to ensure that this new framework for ~~major~~ proposals will provide it with authority to identify, study, consult with its residents, and assess community impacts and benefits, and develop possible agreement and/or conditions related to possible council support.

Therefore, be it resolved that Council of the Municipality of Meaford hereby direct staff to develop a by-law of general application to major proposals in order to engage its residents, properly study the proposal's community impacts and benefits, and address these impacts and benefits by agreement, conditions of support, or their combination.

Carried As Amended – Resolution #2025-15-05

As directed by Council, staff prepared this proposed by-law to provide a framework for addressing community benefits for proposed private development which is not wholly subject to municipal planning and approval under the Planning Act. As requested by Council, the By-law will provide the Municipality with authority to assess impacts and benefits and consult with the public before Council makes a decision on whether to approve a community benefits agreement.

Analysis

While the original discussion about a proposed community benefits agreement was initiated with the pumped storage facility proposed by TC Energy, staff has developed the proposed by-law to have general application across the Municipality.

Staff note that the by-law is designed to only apply to proposed private developments within the Municipality, and would exclude proposed developments which:

- are entirely subject to municipal planning and approval under the Planning Act;
- have an estimated cost of less than \$1 million; or
- are within a class of private developments listed by the Municipality as exempt because they are small in scale, minor in their scale of impacts, or both.

The purpose of the by-law is to support and promote sustainable development. Where it applies, the by-law will allow the Municipality to gather information on the potential positive and negative impacts of a private development proposed within its municipal boundaries, consult publicly on these impacts, and make decisions to ensure the development is sustainable.

In deciding whether a development is sustainable, the Municipality may consider the terms of a community benefits agreement, as well as conditions of approval which mitigate impacts.

Where a proposed private development is subject to this by-law, the by-law requires the proponent of the development to

- notify the Municipality as early as possible in their project planning; and
- prepare and submit reports to:
 - describe the development;
 - assess the existing environment around the development;
 - identify the applicable laws and policies;
 - predict the potential positive and negative impacts of the development;
 - propose mitigation measures and community benefits at a later stage in the process, once issues are better known; and
 - summarize the results of public consultation.

Staff would then prepare a draft report and draft community benefits agreement, which would be made available to the proponent and the public for review and comment. After consultation, staff would prepare a final report along with the proposed community benefits agreement and any additional conditions of approval.

Once all the information is available to appropriately inform Council, Council may approve the proposal and agreement, make changes to the agreement or change conditions, or may reject the proposal.

If Council approves a community benefits agreement, the proponent will also be required to pay a benefit amount equal to what is required by the Planning Act where it applies. The proposed by-law currently provides for a minimum financial contribution as part of the agreement of 2% of the value of the land that is subject to the proposal, as of the valuation date. The proponent will also be responsible for paying the costs incurred by the Municipality to carry out the information gathering and decision-making processes created under this by-law.

Consultation and Communications Plan

Staff recommend that this proposed by-law be tabled for an approximate 30-day consultation period, to allow stakeholders time to provide feedback.

The first discussions may take place at the March 24th meeting of Council, and staff recommend that no decision be made on this proposed by-law until the April 28th Council meeting.

Table 1: Consultation and Communication Proposed

Action	Timing	Details
Staff Report with proposed By-law	March 24th	Staff report to Council with proposed by-law and recommendations
Dedicated email for communication	Week of March 24th	Set up dedicated email for all stakeholders to use communitybenefitsbylaw@meaford.ca
Posting to Municipal Website	Week of March 24th	Staff to post details on proposed by-law to website
Consult with PSAC	April 10th	Proposed By-law on PSAC April 10 th agenda
External Communication	Week of March 24th	Staff to post information to social media
Gather Feedback	March 24th-	Staff will gather and analyse feedback, include in follow up staff report.

Action	Timing	Details
	April 21st	
Finalize By-law	April 21st	Staff will make any necessary adjustments to by-law based on feedback
Staff Report and Final By-law / Council Decision	April 28th	Staff will develop final recommendation and provide to Council with final by-law in a staff report. Council may pass the by-law at the April 28 th meeting.

Financial Impact

The subject to this report has no anticipated direct impact to the municipal budget.

Strategic Priorities

This report supports the mission, vision and values of the Municipality of Meaford, as well as the goals and objectives set out in Council's Strategic Priorities, particularly with respect to:

- Ensuring Sustainability
- Leading Municipal Government
- Strengthening our Community

Consultation and Communications

The internal working group was consulted on this report including:

Acting Clerk

Manager, Planning Services

Director of Community Services / HR

Pumped Storage Project Administrator

Senior Communications Officer

Interim CAO / Treasurer / Director of Financial Services

External legal counsel was consulted on this report, the proposed by-law, and the explanatory note.

Supporting Documentation

Appendix 1 – Proposed Community Benefits Agreement By-law

Appendix 2 – Explanatory Note to Proposed By-law

Respectfully Submitted:

Valerie Manning

Interim CAO / Treasurer / Director of Financial Services

Prepared with:

Denise McCarl, Manager, Planning Services

The Corporation of the Municipality of Meaford

By-law Number 2025-XX

Being a by-law respecting Community Benefits Agreements for certain types of development proposals

WHEREAS Section 11(2) of the Municipal Act, S.O. 2001, c.25, as amended, ("the Act") grants municipalities the authority to enact by-laws to protect the economic, social and environmental well-being of the municipality, including respecting climate change;

WHEREAS Section 8(3) of said Act provides that a by-law respecting a matter may regulate or prohibit respecting the matter, or require persons to do things respecting the matter;

WHEREAS Section 9 of said Act grants municipalities the rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

WHEREAS Section 8(1) of said Act provides that the powers of a municipality under this or any other Act shall be interpreted broadly;

WHEREAS some proposed private development within the municipality is not subject in its entirety to municipal planning and approval under the Planning Act, R.S.O. 1990, c. P.13, as amended, (the "Planning Act");

WHEREAS under Section 24(1) of the Planning Act, a by-law must conform with the official plan, and the Municipality of Meaford Official Plan promotes sustainable development; and

WHEREAS The Corporation of the Municipality of Meaford (the "Municipality") deems it expedient and necessary to promote sustainable development by establishing a framework and process to gather information on positive and negative impacts, provide public consultation, and reach agreement on community benefits for private development within the Municipality that is not otherwise subject to municipal planning and approval;

NOW THEREFORE the Council of the Municipality enacts as follows:

Definitions

1. In this By-law:

"authority" means a person with statutory power, including but not limited to power to make a statutory decision;

"community benefits agreement" means an agreement pursuant to this By-law between the Municipality and the proponent of private development;

"proposal" means proposed development of the use of land through site alteration, new or expanded facility, or new or expanded works;

"estimated cost" means the total cost reasonably estimated to be required to carry out a proposal, and includes the cost of land acquisition, site alteration, construction, operation, and maintenance;

"Municipality" means The Municipality of Meaford;

"private development" means a proposal by a person which is not a public authority;

"proponent" means the person owning or having charge, management or control of a private development;

"public authority" means the Crown in Right of Canada and Ontario, or an agent of the Crown;

"sustainable development" means development that provides a net gain to the Municipality on the basis of assessing social, cultural, economic, health and environmental impacts, and avoiding serious and irreversible harm to health or the environment; and

"territory" means the lands and resources within the municipal boundary of the Municipality in accordance with the *Territorial Division Act*, SO 2002, Ch 17, Sched E and O Reg 180/03, including lands covered by water.

Purpose

2. The purposes of this By-law are:

- (1) To support and promote sustainable development in the Municipality by establishing a framework and process to gather information, consult the public, and make decisions on private

development not subject in its entirety to municipal planning and approval under the Planning Act.

- (2) To trigger and carry out the process established by this By-law as early as possible in the planning process for private development and before any authority makes an irrevocable decision on the private development.

Application

3. (1) Subject to subsection (2), this By-law applies to private development within the territory of the Municipality.

- (2) This By-law does not apply to private development that:

- (i) is subject in its entirety to municipal planning and approval under the *Planning Act*;
- (ii) has an estimated cost of less than \$1 million; or
- (iii) is within a class of private developments listed by the Municipality as exempt from this By-law because it is small in scale, minor in its scale of impacts, or both.

General Provisions

Prohibition

4. Except pursuant to the process and requirements of this By-law, no proponent shall proceed with private development unless:
 - (1) the Municipality and the proponent have executed a community benefits agreement pursuant to this By-law; or
 - (2) the Municipality has determined that the private development has been subject to one or more regulatory processes which have provided sustainable development acceptable to the Municipality.

Timing

5. (1) For private development subject to this By-law, the proponent shall provide the initial notice required in this By-law as early as possible in the planning process for the private development.

(2) Throughout the process required by this By-law, the Municipality shall make every effort to facilitate timely review of submitted information, public consultation, coordination with other authorities, and decision making.

Initial Notice

6. (1) The proponent shall provide initial notice to the Municipality as early as possible and no later than it provides legal notice of the private development to another authority.

(2) The initial notice to the Municipality shall identify the proponent, include a map showing the location of the private development in relation to abutting roads, and describe the key features of the development.

(3) The proponent is subject to an ongoing duty to forthwith provide the Municipality with a copy of any other notice filed by the proponent with another authority.

Municipal Process

7. (1) Upon receipt of an initial notice under subsection 3(1), the Municipality and the proponent will carry out the process set out in this section, and consult as necessary to do so.

(2) Having regard for information from the proponent, the Municipality will in writing share with the proponent and make public the schedule for the process set out in this section, including any amendments, beginning with the schedule for the proponent to provide the municipality with six reports as soon as reasonably feasible:

(i) the *development description report*, including a map of the location of the proposed components of the private development;

(ii) the *existing setting report*, including a description and one or more maps of the existing setting for the private development, having regard to its land use, natural and cultural heritage, and economic status, including lands within 1 km of the development;

(iii) the *applicable laws and policies report*, including a description and one or more maps showing the location of the laws and policies applicable to the private development, its setting, and its potential impacts on-site and off-site;

- (iv) the *potential impacts report*, including a description and one or more maps of the potential impacts of the private development, positive and negative, on-site and off-site, on land use, natural and cultural heritage, and the municipal economy;
 - (v) following a period of not less than 60 days after delivery of the first four reports, the *mitigation measures and community benefits report*, including a description and one or more maps showing the location of the measures proposed by the proponent to avoid or mitigate negative impacts and introduce or augment positive impacts of the private development; and
 - (vi) following the completion of consultation under subsection 7(8), the *consultation report*, including a description of the timing and substance of consultations by the proponent with the public and authorities having an interest in the private development, in whole or part.
- (3) For each report referenced in subsection (2), the Municipality shall stipulate in writing what initial information it requires from the proponent and any additional information which it requires from the proponent following receipt of the report.
- (4) The Municipality may agree to accept a document submitted by the proponent to another authority in the place of a report, in whole or part, listed in subsection (2).
- (5) The Municipality shall make relevant information expeditiously and conveniently available electronically to the public at no cost to the public or the Municipality.
- (6) The Municipality shall retain such experts as it considers necessary to review the reports or documents provided by the proponent and answer questions raised by the Municipality about the reports or documents or the private development.
- (7) The Municipality shall seek to consult and cooperate with any authority having powers or technical expertise relevant to the private development or the reports listed in subsection (2), including a possible public hearing.
- (8) At reasonable intervals, the Municipality shall consult with the public over the private development and relevant information.

- (9) Within this section, the Municipality shall carry out its duties reasonably, with review by Council on how the Municipality will proceed in case of dispute or disagreement over the implementation of this section.

Municipal Decision

8. (1) Following completion of the process set out in section 4, the Municipality shall prepare a draft report on the results on the municipal process under section 7 and a draft community benefits agreement regarding the private development.
- (2) The Municipality shall make its draft report and agreement immediately available to the proponent and the public.
- (3) The Municipality shall provide the proponent with reasonable time to respond to the draft report and agreement and shall make this response immediately available to the public.
- (4) The Municipality shall provide the public with reasonable time to respond to the draft report and agreement and the proponent's response.
- (5) Following the completion of the steps set out in subsections (1) to (4), and Municipal review of the information received thereby, the Municipality shall prepare a final report and community benefits agreement.
- (6) The Municipality shall give public notice of the meeting of Council scheduled for Council to make its decision on the private development.
- (7) On being satisfied that the Municipality has complied with subsections (1) to (6), Council shall make one of the following decisions:
- (i) to approve the private development, the community benefits agreement, and any proposed conditions to the approval;
 - (ii) to approve the private development, subject to amendments to the community benefits agreement, conditions, or both, as specified by Council; or
 - (iii) to reject the private development.

Fees and Benefits

9. (1) The Municipality shall, immediately following its development of the schedule in subsection 7(2), provide the proponent in writing with the fee

estimated by the Municipality to be sufficient to recover the costs to the municipality of carrying out the process set out in section 7.

(2) The proponent shall, following receipt of the fee estimated by the Municipality in subsection (1), pay the Municipality forthwith.

(3) The Municipality may, following reasonable notice to the proponent, require the proponent to pay a further fee estimated to be sufficient to recover the Municipality's costs of carrying out the process set out in section 7.

(4) A community benefits agreement shall include, but not be limited to, as a benefit, a minimum amount equal to two percent (2%) of the value of the land that is the subject of the private development as of the valuation date.

(5) The proponent shall pay the benefit set out in subsection (3) at the same time as it executes the community benefits agreement.

Administration and Enforcement

Delegation

10. (1) Council may delegate to staff the powers and authority to implement and administer this By-law, in accordance with any corporate policies approved by Council.

(2) Council may at any time revoke this delegation in whole or part.

Offence and Penalty

11. Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a penalty as provided in the *Provincial Offences Act*.

Enactment

12. This By-law shall come into force and effect on XX,XX, 2025.

13. Council shall review this By-law and pass a resolution declaring whether a revision to this By-law is needed within five years of the date it is first passed, and every five years after the previous resolution was passed.

14. This By-law may be referred to as the "Community Benefits Agreements By-law."

Implementation

15. The Council of the Municipality enacts as follows:

- (1) That the Mayor and Clerk are hereby authorized to adopt this By-law.
- (2) That this By-law shall come into force and effect on the date set out in this By-law.

Read a first, second and third time and finally passed this XX day of XX, 2025.

Ross Kentner, Mayor

Margaret Wilton-Siegel, Acting Clerk

EXPLANATORY NOTE TO PROPOSED COMMUNITY BENEFITS AGREEMENT BY-LAW

On March 10, 2025, Meaford Council approved a motion to direct municipal staff to prepare a new by-law to address community benefits agreements.

Discussions about community benefits agreements started with the pumped storage facility proposed by TC Energy, but the proposed by-law will have general application across the Municipality.

The by-law will apply to proposed private developments within the Municipality, but exclude:

- Private developments that are in their entirety subject to municipal planning and approval under the *Planning Act*;
- Private developments with an estimated cost of less than \$1 million; and
- Private developments that are within a class of private developments listed by the Municipality as exempt because they are small in scale, minor in their scale of impacts, or both.

The purpose of the by-law is to support and promote sustainable development. Where it applies, the by-law will allow the Municipality to gather information on the potential positive and negative impacts of a private development proposed within its municipal boundaries, consult publicly on these impacts, and make decisions to ensure the development is sustainable. In deciding whether a development is sustainable, the Municipality may consider the terms of a community benefits agreement, as well as conditions of approval which mitigate impacts.

Where a proposed private development is subject to this by-law, the by-law requires the proponent of the development to notify the Municipality as early as possible in the planning process. The Municipality will then be required to develop a timeline to receive information, consult the public, and make decisions. Early in the planning process, the proponent will prepare and submit

four reports to (a) describe the development, (b) assess the existing environment around the development, (c) identify the applicable laws and policies, (d) predict the potential positive and negative impacts of the development. Later in the process, the proponent will be required to prepare a further report which proposes mitigation measures and community benefits. At the end of the process, the proponent will be required to prepare a report which summarizes the results of public consultation.

Once the Municipality has reviewed the information from the proponent and reached its own conclusions about the potential impacts and benefits of the development, Municipal staff will prepare a draft report and community benefits agreement, which will be made available to the proponent and the public for review and comment.

Following this review, Municipal staff will prepare a final report along with the proposed community benefits agreement and any additional conditions of approval. Council will hold a meeting to make a decision on the private development. Council may approve the private development and the community benefits agreement, it may approve the private development and agreement subject to amendments or conditions, or it may reject the private development.

If Council approves a community benefits agreement, the proponent will also be required to pay a benefit amount equal to what is required by the *Planning Act* where it applies. This amount is presently a minimum of 2% of the value of the land that is subject to the proposal as of the valuation date. The proponent will also be responsible for paying the costs incurred by the Municipality to carry out the information gathering and decision-making processes created under this by-law.