



The Corporation of the Town of Milton

Report To:	Council
From:	Jill Hogan, Commissioner, Development Services
Date:	July 18, 2022
Report No:	DS-077-22
Subject:	Technical Report: Zoning By-law Amendment Application by Milton Modern Art Properties Limited applicable to lands located at 1400 Clarrriage Court. (Town File: Z-21/20)
Recommendation:	<p>THAT Application Z-21/20 for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Future Development (FD) Zone to a site-specific Residential Office (RO*324) Zone to permit the development of a seven-storey residential apartment building, BE APPROVED;</p> <p>AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 1 to Report DS-077-22 for Council Adoption;</p> <p>AND FURTHER THAT the Provincial Ministers of Health, Education, Transportation and Infrastructure and Metrolinx receive a copy of this report with a request to review and plan for future Milton District Hospital, school and transportation expansions;</p> <p>AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a 2-year period following approval of this By-law, BE IT RESOLVED that a privately-initiated application for a minor variance may be made.</p>

EXECUTIVE SUMMARY

The applicant has applied to amend the Town's Comprehensive Zoning By-law 016-2014, as amended, for lands located west of Regional Road 25 and south of Whitlock Avenue, and municipally known as 1400 Clarrriage Court. The proposed development consists of a seven-storey building that is rectangular in shape and includes 227 residential condominium units (a combination of 1- and 2- bedroom units) with associated underground parking, bicycle parking and storage, landscaping and amenity areas. The proposed amendment would change the current Future Development (FD) Zone



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EXECUTIVE SUMMARY

applicable to the lands to a site-specific Residential Office (RO*324) Zone to permit the development as proposed.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the application as currently presented. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion that the application as submitted is prepared in a manner that would allow it to be considered by Town Council for approval.

Conclusions and Recommendations

Planning staff is satisfied that the proposed Zoning By-law Amendment is consistent with the policies of the Provincial Policy Statement and conforms to the Growth Plan, the Regional and Town Official Plans, and the Boyne Survey Secondary Plan. Therefore, staff recommends approval of the Zoning By-law Amendment attached as Appendix 1 to this report.

REPORT

Background

Owner: Milton Modern Art Properties Limited, 401 Vaughan Valley Boulevard, Woodbridge, Ontario (formerly West Country Milton Ltd.)

Applicant: Glen Schnarr & Associates Inc., 700-10 Kingsbridge Garden Circle, Mississauga, Ontario

Location/Description: The subject lands are located on Clarriage Court, west of Regional Road 25, south of Whitlock Avenue. The lands are legally described as Part of Lot 7, Concession 2, New Survey, Former Geographic Township of Trafalgar, Block 41 on Plan 20M-1206, and municipally identified as 1400 Clarriage Court. The location of the property is illustrated in Figure 1 attached to this report.

The subject lands have a frontage of approximately 146 metres on Clarriage Court and are approximately 0.72 hectares (1.79 acres) in size. The subject lands are currently occupied by a temporary sales office for the Country Homes subdivision, which will be demolished prior to construction.

Surrounding lands uses include medium density residential to the west and east, and a stormwater management pond to the south. The block of land immediately abutting the subject lands to the north, received zoning and site plan approvals in 2021 to permit a 103 unit, six-storey residential apartment building. The lands to the north are currently under construction.

Proposal:

Background

The applicant is seeking an amendment to the Town's Comprehensive Zoning By-law 016-2014, as amended, to permit the development of a seven-storey residential building containing 227 residential condominium dwelling units (to be a combination of 1- and 2-bedroom units). The proposed building is rectangular in shape and situated inward on the site toward the existing townhouses. Access to the development is from Clarriage Court with two site driveways: a one-way driveway in front of the building; and, the main access to/from the underground garage. Two levels of underground parking are proposed with a total of 378 parking spaces (i.e. 321 tenant parking spaces, and 57 visitor parking spaces). Layby parking is proposed at grade near the principal entrance. Short term bicycle parking spaces are provided at grade for visitors, and long term bicycle parking spaces for tenants are provided in lockers in the underground parking structure. Private and shared amenity areas, as well as landscaping, are also provided as part of the proposed development.

The site plan and building elevations for this proposal are attached as Figures 2 and 3 to this report.

The following information was submitted in support of the Zoning By-law Amendment application:

- Legal Plan of Survey, prepared by R-PE Surveying Ltd., dated June 24, 2020;
- Plan of Subdivision for West Country Milton Ltd. (20M-1206), prepared by R-PE Surveying Ltd., registered on July 26, 2018;
- Planning Justification Report (including Public Engagement Strategy), prepared by Glen Schnarr & Associates Inc., dated December 2020;
- Draft Implementing Zoning By-Law, prepared by Glen Schnarr & Associates Inc., undated;
- Cover Sheet and Site Statistics (A100), prepared by Quadrangle Architects, dated March 2, 2022;
- Site Plan (A101.S), prepared by Quadrangle Architects, dated December 10, 2021;
- Waste Management Plan (A102.S), prepared by Quadrangle Architects, dated December 10, 2021;
- Underground Parking Plan(s) (A151.S), prepared by Quadrangle Architects, dated March 2, 2022;
- Floor Plans and Roof Plans (A201.S, A202.S, A203.S, A204.S), prepared by Quadrangle Architects, dated December 10, 2021;
- Building Elevations (A401.S), prepared by Quadrangle Architects, dated December 10, 2021;
- Building Sections (A451.S), prepared by Quadrangle Architects, dated December 10, 2021;
- Building Details (A452), prepared by Quadrangle Architects, dated November 27, 2020;
- 3D Concept, prepared by Quadrangle Architects, dated June 24, 2021;
- Shadow Study, prepared by Quadrangle Architects, dated June 2021;

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- Urban Design Brief, prepared by Quadrangle Architects, dated December 2020;
- Servicing Plan (E20-036-01), prepared by Condeland Engineering, dated December 2021;
- Grading Plan (E20-036-02), prepared by Condeland Engineering, dated December 2021;
- Engineering Cross Sections (E20-036-03), prepared by Condeland Engineering, dated December 2021;
- Post Development Tributary Plan, (E20-036-04), prepared by Condeland Engineering, dated December 2021;
- Erosion and Sediment Control Plan (E20-036-05), prepared by Condeland Engineering, dated December 2021;
- Functional Servicing and Stormwater Management Report, prepared by Condeland Engineering, dated December 2021;
- Landscape Plan (L100), prepared by Strybos Barron King Landscape Architecture, dated December 13, 2021;
- Photometric Site Plan, prepared by Signify, dated June 2021;
- Confirmation of Formal Filing Letter from the Ministry of Tourism, Culture and Sport, regarding the "Stage 3 Site-Specific Archaeological Assessment of Forbes Site (AiGx-382), dated October 29, 2014;
- Detailed Environmental Noise Report, prepared by Jade Acoustics, dated March 11, 2022 and revised May 17, 2022;
- Phase 1 Environmental Site Assessment, prepared by Soil Engineers, dated December 15, 2020;
- Phase 2 Environmental Site Assessment, prepared by Soil Engineers, dated June 24, 2021;
- Letter of Reliance for Phase 1 and 2 Environmental Site Assessments, prepared by Soil Engineers Ltd. dated May 25, 2022;
- Geotechnical Investigation, prepared by Soil Engineers Ltd., dated January, 2021;
- Hydrogeological Assessment, prepared by Soil Engineers Ltd., dated June 2021;
- Traffic Impact Study (including Parking Assessment), prepared by GHD, dated December 2021 (Report No. 3); and,
- Record of Site Condition No. 231067 (1400 Clarridge Court), filed on the Environmental Site Registry by the Ministry of the Environment, Conservation and Parks on April 26, 2022.

Planning Policy

Within the 2009 Halton Region Official Plan (ROP), the subject lands are designated Urban Area. Section 76 of the ROP establishes that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with the applicable Local Official Plans and Zoning By-laws. All development, however, shall be subject to the

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Regional Official Plan policies in effect. Regional staff have reviewed the application and are satisfied the development conforms to the Urban Area policies of the ROP.

At the local level, the subject lands are designated Residential Area on Schedule B -Urban Land Use Plan of the Town's Official Plan. The Residential Area designation permits a range of residential uses and densities. Schedule K - Intensification Areas, also identifies the lands as being within an intensification corridor.

The subject lands are further designated Residential/Office Area on Schedule C.10.C - Land Use Schedule of the Boyne Survey Secondary Plan. The main permitted uses in the Residential/Office Area designation are office uses, high density residential uses and residential medium density II uses. The policies for the Residential/Office Area allow for a maximum height of 15 storeys and a maximum FSI of 3.0. In addition, the policies state that development fronting onto Regional Road 25 is to reflect the significance of this gateway location.

Section 2.7 of the Official Plan states that the Town of Milton is committed to the provision of opportunities within the Town for the creation of housing which is affordable, accessible, adequate and appropriate to the full range of present and expected households. To achieve this, a number of overarching goals and objectives are identified in this Section, along with specific policies relating to housing targets, housing mix, affordability and intensification.

Notably, Section 2.7.1 sets out a series of goals to assist the Town in meeting current and future housing needs, which includes, but is not limited to the following:

- ensuring that an appropriate range and mix of housing by density, type and affordability are permitted within the Town to meet a wide range of needs of current and future households;
- encouraging the development industry to design innovative housing forms that stress flexibility in use, mix of compatible land uses, good environmental practices, incorporate universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles;
- fostering the creation of additional housing accommodation through various forms of residential intensification;
- encouraging the inter-mixing of different housing forms and types within neighbourhoods to foster community integration; and,
- making efficient use of existing developed lands, housing stock, and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.

Section 3.2.1.2 of the Official Plan speaks to residential intensification. As stated in the opening paragraph of this section, intensification within the Residential Area designation

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shall be directed to the intensification areas and to nodes and corridors as identified on Schedule K and shall generally take the form of medium and high density residential uses. Intensification corridors are defined as intensification areas identified along major roads, arterials or higher order transit corridors that have the potential to provide a focus for higher density mixed use development consistent with planned transit service levels.

Lands located within designated greenfield areas, such as the subject lands, are also subject to the residential mix policies that apply to these areas. As stated in Section 3.2.1.7, residential development within designated greenfield areas shall in addition to the provisions of Section 2.7, Housing, and other applicable policies of the Plan:

- encourage an intermixing of dwelling unit types and densities;
- encourage a higher distribution of Medium Density II and High Density Residential Uses, particularly within nodes and along corridors;
- encourage medium and high density development that is street oriented; and,
- contribute toward achieving the density target set out in Section 2.1.4 and Regional Phasing set out in Section 2.1.5 of the Plan in order to contribute to the creation of healthy, complete communities.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement (2020), the Growth Plan (2019), the Halton Region Official Plan, the Town of Milton Official Plan, and the Boyne Survey Secondary Plan. Town staff and our agency partners are satisfied that the application for the zoning by-law amendment as presented through this report, conforms to the applicable Provincial, Regional and Local land use planning policies and regulations.

Zoning By-law 016-2014, as amended

The subject lands are currently zoned Future Development (FD) under Zoning By-law 016-2014, as amended, which only permits uses that legally existed on the date that the By-law came into effect.

The current Zoning By-law Amendment application proposes to rezone the subject lands from the current Future Development (FD) Zone to a site-specific Residential Office (RO*324) Zone to accommodate the proposed seven-storey residential building and recognize site-specific provisions relating to the development, including lot coverage, rear and interior side yard setbacks, Floor Space Index (FSI), setbacks to the underground parking structure and ramp, balconies and canopies, mechanical floors / penthouses, bicycle parking, parking areas, parking spaces (tandem) and parking rates. A draft amending Zoning By-law is attached as Appendix 1 to this report.

Site Plan Control

Should the Zoning By-law Amendment application be approved, the applicant will be required to receive Site Plan Approval prior to the issuance of a building permit and commencement of any development. The applicant has submitted a site plan application

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(SP-17/21) and detailed site plan drawings to the Town to address such matters as access, site design (including parking, pedestrian circulation, accessibility, fire truck access and waste disposal), lot grading and drainage, lighting and landscaping. The applicant will be required to enter into a site plan agreement with the Town and provide securities to guarantee the completion of works in accordance with the approved drawings.

Discussion

Public Consultation and Review Process

Notice of a complete application was provided on January 11, 2021. A virtual Public Information Centre (PIC) was held by the applicant on April 6, 2021 and was attended by members of Council, interested area residents and staff. The applicants presented the proposal and offered a short question and answer period. Members of the public sought information about the proposed development and the planning process and raised questions relating to the proposed use, provision for commercial uses, height, traffic impacts, the proposed increase in lot coverage, and the impact that the development could have on surrounding property values. These matters are addressed in the Summary of Issues section below.

Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act and the Town's Official Plan via written notice to all properties within 200 metres of the subject lands, as well as an ad in the Milton Canadian Champion Newspaper on March 18, 2021. The statutory public meeting was held on April 12, 2021 and no members of the public spoke at the meeting. Staff did receive two formal written submissions, which have been attached as Appendix 2 to this report.

Agency Consultation

The proposed Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Town Departments, School Boards and other agencies offered no objection to the application. Agencies will continue to work with the applicants through the Site Plan Approval process prior to the development of the site.

Summary of Issues

Proposed Use

Several residents noted that it was their understanding at the time of home purchase (through the builder's sales office) that the subject lands were planned to be developed for office and/or commercial purposes. Given the concern, the applicant obtained a copy of the homebuyer's plan provided in the sales office to determine if the plan was misleading. While the plan did not specifically state the number of storeys that could be developed on the subject lands, the plan did identify the subject lands as "Future Residential / Office Development". In addition, within Schedule M of the subdivision

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agreement (which is registered on title), there is a warning clause that specifically speaks to the Residential/Office Block which notes *“that purchasers and/or tenants of lots or units in the vicinity of Block 41, are advised that this Block is designated and may be zoned and developed for high density residential, commercial and office uses, such as an apartment building and/or mixed use building in accordance with policies of the Boyne Survey Secondary Plan.”*

As outlined in the planning policy section of this report, the subject lands are located within an intensification corridor and are designated Residential/Office Area, which permits a variety of uses including high density residential development. While the subject lands are not being developed for commercial uses, there are other lands in proximity that will have the potential to provide commercial uses for this community. See next section related to the provision of commercial and office uses.

Provision of Commercial/Retail and Office Uses

The issue was raised that the proposal consisted of a standalone residential apartment building with no provision for commercial/retail/office space within the development. In addition, residents noted their frustration with the lack of commercial uses within a reasonable walking distance in the area. While staff encourages applicants to consider a mix of uses within their development proposals, the Residential / Office Area designation does allow for purpose built residential buildings.

Locations in proximity of the subject lands for potential future commercial/retail/office uses do exist and are strongly encouraged in the major node designations located at the intersections of Louis St. Laurent Avenue and Regional Road 25 (Gulfbeck and Mistburn lands), and Britannia Road and Regional Road 25 (Framgard Node and Sunset Lands). Planning staff have and will continue to discuss the incorporation of commercial and office related uses within the developments located at the aforementioned intersections in order to contribute to the creation of healthy, complete communities. Although the Framgard Node application has slowed in recent years, it should be noted that the proposal as submitted does include a commercial building.

Proposed Height

Concerns were raised by area residents regarding the proposed height of seven stories and the appropriateness of such height on the subject lands. As noted previously, the subject lands are designated Residential/Office Area, which permits a maximum height of 15 storeys and a maximum FSI of 3.0, and is intended for high density residential uses. The zoning by-law permits eight storeys as of right in the Residential Office Zone and the applicant has opted for a seven storey building in this proposal. In support of the application, the applicant submitted an Urban Design Brief and Shadow Study, prepared by BDP Quadrangle., which reviewed the potential impact of the shadows on adjacent properties and on the public realm. The report was prepared in accordance with the Town of Milton's Shadow Impact Guidelines and concluded that the proposal will have a minimal

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impact on neighbouring public and private spaces as these areas will have continuous access to direct sunlight during the key hours of the day.

In addition to the aforementioned, the proposed residential apartment building has been staggered in its design to avoid a monotone façade along Regional Road 25 and Clarridge Court. The upper two storeys are setback from the five-storey base of the building to create green terraces and balconies and ensure the scale of the building is compatible with the adjacent townhouses and the future six storey residential apartment building that is currently under construction on the lands to the north. The building design also includes projections (e.g. balconies), recessions, and a variety of window sizes and colours to animate the elevation. The Town's Urban Design section has reviewed the proposal pursuant to the Town's Mid-Rise Urban Design Guidelines and are satisfied that proposal is consistent with the direction of the guidelines and have noted no concerns with the development.

Traffic Impacts

A Traffic Impact Study (TIS), prepared by GHD, dated December 2021 that documents the expected site related impacts from the proposal on the road network during the future 2025 and 2030 horizon years, was submitted and reviewed by Town Engineering staff. The TIS reviewed peak travel times, taking into consideration existing and proposed conditions, including future development within the area. The report indicated that the existing intersections are able to operate at an acceptable level with the proposed increase in residents. It also notes that there are planned improvements to Regional Road 25 in future, and Milton Transit is expected to continue to improve service in the surrounding area upon further buildout of development in the Boyne Area. The site access on Clarridge Court is also expected to operate well under all future scenarios under stop control on the driveway approach, with substantial reserve capacity, low levels of delay, and no excessive queueing.

The site is also well located for travel by active transportation with both existing and planned cycling and pedestrian infrastructure on both Regional Road 25 and Whitlock Avenue. The site has been designed to provide connections to this infrastructure directly from the subject lands.

The Town and Regional Transportation sections have reviewed the study and are supportive of the study conclusions.

It should be noted that while vehicular access to the residential apartment building is not supported from Regional Road 25 (rather from the local road network), construction access is often provided from the Regional road network. The applicant will continue to work with the Town and Region in relation to appropriate access locations for construction vehicles and management of construction materials, vehicles and debris.

Increase in Lot Coverage

Discussion

In order to meet their objectives on the site (i.e. a mid-rise building with quality features and nicely sized units), the applicant has requested an increase in lot coverage from 25% to 39%. This increase has allowed the applicant to incorporate a roof top amenity area on the second storey, provide a variety of unit sizes throughout the building and accommodate all visitor and tenant parking in the underground garage. To minimize any impact that the increased coverage could generate, the applicant has designed the building with a staggered footprint and a variety of façade treatments, provided a significant amount of landscaping on the site (far beyond the minimum requirement) and implemented a number of private and public amenity areas.

Property Values

There are many factors that impact the value of a property. Changes to the local context can both increase and decrease the value of a property. Provincial planning policies and the Planning Act do not identify impact on property values as a consideration for planning decisions. Rather, all development applications must be evaluated to ensure consistency with Provincial, Regional, and Local planning policies.

Amending Zoning By-law

In order to permit the proposed development, a zoning amendment containing a Residential Office (RO) Zone classification with site-specific provisions is required.

Residential Office (RO) Site-Specific Zone

The amending by-law proposes variations in zone standards relating to lot coverage, rear and interior side yard setbacks and Floor Space Index (FSI) and general provisions relating to the underground parking structure, balconies and canopies, roof top equipment, bicycle parking, parking areas and drive aisles, parking spaces (tandem), and parking rates.

Variations in the zone standards, encroachments of balconies and canopies and mechanical floors and penthouses have been proposed to accommodate urban design features, adequately sized apartment units, a range of unit types, and a variety of amenity areas (e.g. roof top area on second floor). The Zoning By-law requires the rear yard and interior side yard setbacks to be the greater of half the height of the building or 10.5 metres. Although the proposed rear yard and interior side yard setbacks are just slightly less than half of the height of the building (12.1 metres) they do meet the minimum 10.5 metre requirement. This setback provides adequate spacing between the residential apartment building being constructed to the north, Regional Road 25 to the east, and the stormwater management pond to the south.

Slight reductions in setbacks for the underground parking structure (on the Clarrriage St. side only) and the structure enclosing the ramp have been requested to implement the proposed building as shown on the site plan. Minor adjustments to the one-way driveway and its distance from the street line have also been noted. Town staff and the agencies are in support of the proposed reductions as the applicant has demonstrated that

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landscaped areas and the designated road allowance will not be negatively affected and sight lines can still be maintained when entering and exiting the ramp.

For apartment buildings, the Zoning By-law currently requires 1.5 parking spaces per unit plus 0.25 parking spaces per unit for visitor parking. For this development the resulting minimum parking requirements at these rates would be 341 resident parking spaces and 57 visitor parking spaces. In 2021, transportation staff reviewed and compared parking rates in other municipalities and where reduced rates were proposed, examined appropriate Travel Demand Management (TDM) measures that should be included in association with higher density residential developments. As a result of the aforementioned study work, which was endorsed by Council, staff has supported a parking rate reduction of 1.25 parking spaces per unit for resident spaces within apartment buildings (for other high density applications) where appropriate TDM measures have been proposed and an acceptable parking justification study has been provided. The visitor parking rate remains unchanged at this time.

The subject development proposes 321 residential parking spaces (including 54 tandem spaces), which reflects an overall parking rate of 1.4 spaces per unit, and 57 visitor parking spaces, to be located within the underground garage. As outlined in the parking justification study, the 54 tandem parking spaces will operate in a similar way to dwellings with single car garages where there is one parking space in the garage and one parking space in the driveway. The tandem parking spaces will be assigned to 54 of the residential units when the second parking space in this arrangement is purchased at the time of sale.

When the 54 tandem spaces are removed from the available parking supply, a total of 213 single parking spaces remain. These spaces will be offered to the remaining 173 residential units on a first come first serve basis, with the option for some to purchase a second space for their unit. Although there is a shortfall of 20 resident parking spaces overall under the current zoning requirement, the applicant has provided TDM measures including long term secure resident bicycle parking, better sidewalk connectivity and unbundled parking options as part of their proposal. The parking requirements as described above have been included in the proposed zoning amendment.

A significant increase in the amount of bicycle parking has been provided as part of the proposal (i.e. 151 resident bicycle parking spaces and 6 visitor bicycle parking spaces). The amending by-law describes the locations on the site where the bicycle parking spaces can be established along with a slight variation in the vertical clearance associated with the stacked bicycle parking spaces.

Conclusion

Planning staff is of the opinion that the proposed seven-storey residential apartment building, subject to site-specific provisions, is consistent with the Provincial Policy Statement, conforms to provincial, regional and local planning policy, and achieves acceptable engineering and design standards. On the basis of the foregoing, staff



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recommends that the Zoning By-law Amendment attached as Appendix 1, be brought forward for Council adoption.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Angela Janzen, Sr. Planner Phone: Ext. 2310

Attachments

Figure 1 - Location Map
Figure 2 - Concept Plan
Figure 3 - Renderings
Appendix 1 - Zoning By-law Amendment
Appendix 2 - Public Comments

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.