



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL AGENDA

DECEMBER 11, 2023 – 7:00 P.M.

COUNCIL CHAMBERS

C28/23

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Presentations**
- 6. Mayor's Announcements & Remarks**
- 7. Councillor's Announcements & Remarks**
- 8. Adoption of Previous Council Minutes**
 - a) Minutes of the Regular Meeting of Council held November 21, 2023
- 9. Public Meeting**
- 10. Delegations**
 - a) Carol Nagy, Executive Director of Hospice Niagara Re: Update on Hospice Palliative Care - Approved Expansions in Niagara Region
- 11. Consent Agenda**
 - a) Administrative Staff Reports
 - i. ASR-020/2023 Re: Shared Services
 - b) Drainage Staff Reports
 - i. DSR-013/2023 Re: Award of Tender - Consolidated South Wainfleet Drain #10

c) Fire Staff Reports

- i. FSR-007/2023 Re: WFES 3rd Quarter Review
- ii. FSR-008/2023 Re: Pumper Tanker

d) Public Works Staff Reports

- i. PWSR-019/2023 Re: Cemetery Policy

12. Staff Reports & Recommendationsa) Planning Staff Reports

- i. PSR-008/2023 Re: Z03-2023W Vacant Lot Beach Road East (Oles)
- ii. PSR-009/2023 Re: 2023W 73982 Regional Road 45 (1000446505 Ontario Inc.)
- iii. PSR-010/2023 Re: Z05-2023W 52253 Misener Road Garden Suite

13. Review of Correspondence

- a) C-2023-425 – St. Elizabeth Roman Catholic Church Fundraising Committee Re: Request to waive facility rental fees

14. By-laws

- a) By-law No. 045-2023 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Newhouse Drain) – third and final reading
- b) By-law No. 050-2023 being a by-law to appoint a Chief Administrative Officer and Treasurer for the Corporation of the Township of Wainfleet.
- c) By-law No. 051-2023 being a by-law to appoint a Clerk for the Corporation of the Township of Wainfleet.
- d) By-law No. 052-2023 being a by-law to appoint a Deputy Clerk for the Corporation of the Township of Wainfleet.
- e) By-law No. 053-2023 being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 1, Part Lot 14 PCL 41 in the Township of Wainfleet and known municipally as 271400000403400.

- f) By-law No. 054-2023 being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 581-78 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 7, Part Lot 39 in the Township of Wainfleet and known municipally as 73982 Regional Road 45.
- g) By-law No. 055-2023 being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 5, Part Lot 21, RP 59R14248 PT 6 in the Township of Wainfleet and known municipally as 52253 Misener Road.
- h) By-law No. 056-2023 being a by-law to authorize the stopping up and closing of the unopened road allowance known municipally as Shields Road and the conveyance the said unopened road allowance in Concession 5 between lots 15 & 16, described as parts 1, 2, 3, 4, 5, and 6 on reference plan 59R-17823 in the Township of Wainfleet, Regional Municipality of Niagara”

15. Notices of Motion

16. Closed Meeting

17. Rise & Report

18. By-law to Confirm the Proceedings of Council

- a) By-law No. 057-2023 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held on the 11th day of December, 2023

19. Adjournment



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET REGULAR MEETING OF COUNCIL MINUTES

C27/23
NOVEMBER 21, 2023
7:00 P.M.
COUNCIL CHAMBERS

PRESENT: J. Anderson Councillor
T. Gilmore Councillor (Chair)
J. MacLellan Councillor
S. Van Vliet Councillor

REGRETS: B. Grant Mayor

STAFF PRESENT: W. Kolasa Chief Administrative Officer
M. Kirkham Deputy Clerk
M. Alcock Fire Chief
L. Earl Mgr. of Community & Development Services
L. Gudgeon Manager of Human Resources (Zoom)
C. Hart Manager of Financial Planning/Deputy Treasurer
S. Ivins Planner
M. Luey Manager of Corporate Services/Treasurer
R. Nan Manager of Operations
A. Chrastina Administrative Assistant

1. Call to Order

Deputy Mayor Gilmore called the meeting to order at 7:00 p.m.

2. National Anthem

3. Land Acknowledgement Statement

Deputy Mayor Gilmore acknowledged that the land on which we gather is the traditional territory of the Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.

4. Disclosures of Interest and the General Nature Thereof

None.

5. Mayor's Announcements & Remarks

Deputy Mayor Gilmore provided the following remarks:

- Please note that these meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com.
- I would like to extend my deepest gratitude to each and every one of you who joined us for our Remembrance Day ceremony this year. Your

presence and participation made the occasion truly meaningful and impactful.

- The Newhouse Drain Court of Revision is scheduled for tomorrow at 4:00 p.m. here in Council Chambers.
- We are raising the flag for AIDS Awareness on Monday November 27th at 11:00 a.m.
- Our next regular meeting of Council is Monday December 11 at 7:00pm. This will be the last regular meeting of 2023 and is also Mr. Kolasa's last meeting with us.

6. Councillor's Announcements & Remarks

None.

7. Adoption of Previous Council Minutes

Resolution No. C-2023-209

Moved by Councillor MacLellan

Seconded by Councillor Anderson

"THAT the minutes of the Regular Meeting of Council held November 1, 2023 and the Special Meetings of Council held November 14, 2023 and November 14, 2023 be adopted as circulated."

CARRIED

8. Public Meeting

a) Z03/2023W – Zoning By-law Amendment – Vacant Lot Beach Road East

Deputy Mayor Gilmore advised that the purpose of the Public Meeting is to provide information about Zoning By-law Amendment application Z03/2023W and provide opportunity for public input.

The Planner provided an information report outlining application details and written comments received.

Steven Rivers, representing the applicant provided comments indicating a tree preservation plan has been prepared, archaeological assessment completed with no concerns and noted this is a reasonable request in keeping with good planning.

There were no questions or comments from Members of Council and there were no members of public present wishing to speak to the application.

The Public Meeting was adjourned.

b) Z04/2023W – Zoning By-law Amendment – 73982 Regional Road 45

Deputy Mayor Gilmore advised that the purpose of the Public Meeting is to provide information about Zoning By-law Amendment application Z04/2023W and provide opportunity for public input.

The Planner provided an information report outlining application details and written comments received.

There were no questions or comments from Members of Council and there were no members of public present wishing to speak to the application.

The Public Meeting was adjourned.

c) Z05/2023W – Zoning By-law Amendment – 52253 Misener Road

Deputy Mayor Gilmore advised that the purpose of the Public Meeting is to provide information about Zoning By-law Amendment application Z05/2023W and provide opportunity for public input.

The Planner provided an information report outlining application details and written comments received.

There were no questions or comments from Members of Council and there were no members of public present wishing to speak to the application.

The Public Meeting was adjourned.

d) Proposed Amendment to the Fees & Charges By-law

Deputy Mayor Gilmore advised that the purpose of the Public Meeting is to provide information and gather public comments regarding the 2024 User Fees and Charges By-law for various municipal services and activities and for the use of Township property and for proposed changes to 2024 Building Permit Fees.

The Manager of Financial Planning provided an overview of the proposed changes to the 2024 User Fees and Charges and Building Permit Fees.

There were no questions or comments from Members of Council and there were no members of public present wishing to speak to the proposed amendments.

The Public Meeting was adjourned.

9. Delegations

None.

10. Consent Agenda

None.

11. Staff Reports & Recommendations**a) Administrative Staff Reports****i. ASR-015/2023 Re: Proposed User Fees and Charges****Resolution No. C-2023-210**

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“THAT Report ASR-015/2023 regarding proposed user fees and charges be received; and

THAT Council approve the recommended user fees and charges contained within Appendix “A” of the report; and

THAT the General Fees and Charges By-law attached as Appendix “B” be approved.”

CARRIED

ii. ASR-016/2023 Re: 2022 Auditor’s Report and Draft Financial Report**Resolution No. C-2023-211**

Moved by Councillor Anderson

Seconded by Councillor MacLellan

“THAT Report ASR-016/2023, 2022 Auditor’s Report Council – Communication of Audit Strategy and Results, be received; and

THAT Council approve the 2022 Draft Financial Report;

THAT Council approve the recommended allocation of operating surplus into the reserve funds outlined in this report.”

CARRIED

iii. ASR-017/2023 Re: 2022 Auditor’s Report and Draft Financial Report**Resolution No. C-2023-212**

Moved by Councillor Anderson

Seconded by Councillor MacLellan

“THAT Report ASR-017/2023 be received; and

THAT the 2024 operating levy budget, as outlined in Appendix A, with a net levy budget of \$6,481,664 (an increase of \$266,466) be approved; and

THAT the 2024 infrastructure levy budget, as outlined in Appendix A, with a levy budget of \$1,441,131 (an increase of \$167,244) be approved; and

THAT the 2024 capital levy budget, as outlined in Appendix A, with a levy budget of \$1,119,900 (an increase of \$247,245) be approved; and

THAT the 2024 capital budget, as outlined in Appendix B, with a total capital commitment and recommended funding of \$5,726,127 be approved; and

THAT the 2024 consolidated budget, with an overall levy increase of 5.9% net of assessment growth of 2.2%, be approved."

CARRIED

- iv. ASR-018/2023 Re: Closed Meeting Investigator Contract Renewal with Local Authority Services Limited

Resolution No. C-2023-213

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

"**THAT** Administrative Staff Report ASR-018/2023 respecting Closed Meeting Investigator Contract Renewal with Local Authority Services Limited be received; and

THAT the current contract between the Township of Wainfleet and Local Authority Services Limited for Closed Meeting Investigator Services be renewed for a two-year term, ending on December 31, 2025."

CARRIED

- v. ASR-019/2023 Re: Indemnification By-law

Resolution No. C-2023-214

Moved by Councillor MacLellan

Seconded by Councillor Anderson

"**THAT** Report ASR-019/2023 regarding an Indemnification By-law be received; and

THAT a by-law to provide for the indemnification and defense of Members of Council and Employees of the Corporation of the Township of Wainfleet against liability incurred while acting on behalf of the Corporation be presented to Council for consideration and approval."

CARRIED

b) Public Works Staff Reports

- i. PWSR-017/2023 Re: Community Safety Zone Request

Resolution No. C-2023-215

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“THAT Report PWSR-017/2023 respecting Community Safety Zone Request be received; and

THAT a By-law to amend Schedule “H” of Traffic By-law No. 010-2018 to include Park Street from Sugarloaf Street to Side Road 20 with a maximum speed of 40km/h be presented to Council for ratification at the next available meeting.”

CARRIED

- ii. PWSR-018/2023 Re: Roads Needs Study Results

Resolution No. C-2023-216

Moved by Councillor Anderson

Seconded by Councillor MacLellan

“THAT Public Works Staff Report PWSR-018/2023 respecting the results of the Road Needs Study be received; and

THAT Council direct staff to utilize the Road Needs Study and implement recommendations contained within, to establish and prioritize future road rehabilitation projects.”

CARRIED

12. Review of Correspondence

None.

13. By-laws**Resolution No. C-2023-217**

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“THAT the following by-laws be read and passed this 21st day of November, 2023:

- a) By-law No. 047-2023 being a by-law to establish and regulate payment of various fees and charges within the Township of Wainfleet

- b) By-law No. 048-2023 being a by-law to provide for the indemnification and defence of members of council and employees of the Corporation of the Township of Wainfleet against liability incurred while acting on behalf of the corporation of the municipality.”

CARRIED

14. Notices of Motion

None.

15. Closed Meeting

Resolution No. C-2023-218

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** Council now move into closed session to discuss:

- a) Item under Section 239 (2)(b) of the Municipal Act, 2001, personal matters about an identifiable individual, including municipal or local board employees – 1 item (Application Review for Niagara Transit Commission Public Advisory Committee)

- c) Minutes of the Closed Meeting of Council held November 1, 2023”

CARRIED

16. Rise & Report

The Deputy Clerk noted that Council met in closed session to review citizen applications for representation on the Niagara Transit Commission Public Advisory Committee. Direction to rise with the following motion for consideration was provided:

Resolution No. C-2023-219

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** Gavin Maguire Hillhouse be nominated to the Niagara Transit Commission Public Advisory Committee to coincide with the current term of Council.”

CARRIED

17. By-law to Confirm the Proceedings of Council

Resolution No. C-2023-220

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** By-law No. 049-2023 being a by-law to adopt, ratify and confirm the actions of the Council held at its meetings held on the 14th, 15th and 21st day of November, 2023 be read and passed this 21st day of November, 2023.”

CARRIED

18. Adjournment

There being no further business, the meeting was adjourned at 8:12 p.m.

T. Gilmore, DEPUTY MAYOR

M. Kirkham, DEPUTY CLERK



TOWNSHIP OF WAINFLEET
DELEGATION REQUEST FORM

Please fill out and return no later than 4:30 p.m. on the Tuesday prior to the meeting you wish to appear. Completed forms are to be submitted to the Clerks Department and can be dropped off or emailed to mkirkham@wainfleet.ca

If you are speaking to an item listed on the agenda, the deadline for submission is 12:00 p.m. on the day of the scheduled meeting.

Name:	
Address:	
Telephone:	E-mail:

Date of Meeting: _____

Subject Matter to be Discussed:	
Action Requested:	

Have you previously spoken on this issue?

Yes ☐ No ☐

If an individual has previously appeared as a delegation, a further delegation from the same individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have material for distribution at the meeting?

Yes ☐ No ☐

If yes, specify:

Do you have a copy of your notes/presentation to attach?

Yes ☐ No ☐

If yes, specify: *Detailed briefing attached for your review.*

Presentation to be sent closer to the scheduled meeting.

Delegations are required to provide the Clerk's Department presentation materials for publication in Council's agenda package.

-
- ☐ I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments, will become public documents and listed on Township meeting agendas and posted to the Township's website.

Chazy.

Signature

Date



Briefing Note: Update Hospice Palliative Care - Approved Expansions in Niagara Region

Hospice Niagara is currently underway with the provincially-approved expansion of hospice care with the addition of 20 new hospice suites within the region. In Welland, the new hospice centre, Walker House, is currently at 20% of construction completion. Willson House in Fort Erie, is in the final design stage.

Along with this increased capacity in hospice suites, expansion planning has also been submitted to provincial funders for increased capacity in palliative care to serve people in their homes and in Long-Term Care.

It is important to consider and continue planning for other opportunities in Niagara to expand hospice care to serve the Region, as ministry planning and funding cycles can take several years. Hospice Niagara is well-positioned and willing to move in this direction, given the current expansion projects are well underway.

Why it's important for ALL Municipalities to Invest Now in Hospice Palliative Care

The hospice capacity in Niagara with these new suites will increase to approximately 6 beds per 100,000 resident, (not including West Niagara). However, the Auditor General in 2014 recommended 7-10 beds per 100,000, which highlights the need for further hospice expansion in Niagara. It is also important to consider Niagara's need and capacity given our demographic trend towards an aging population.

Hospice care is delivered at a fraction of the cost of hospital care. The average cost of a hospice bed is \$500 per day, while a hospital bed costs over \$1,200 per day, saving our health care system millions of dollars each year. While end of life and dying in hospital or their home meets the needs or necessities for many people, hospices provide people and their families with individual care, input into all care decisions and most important, focuses on specialized palliative care and dignity at end-of-life.

Economical Planning

Based on recent construction cost inflation, a typical stand-alone hospice residence build falls within the range of \$600-\$700 per square foot, for specialized building features and increased infection prevention requirements.

If new hospice sites are approved in the future, the Ministry of Health potentially will provide Hospice Niagara with \$2,500,000 toward approved standard elements, with an opportunity for special circumstances grant request for exceptional circumstances. Regional funding contributions, along with all municipal support toward the current approved projects and any new projects demonstrates the importance of these projects in our region and is a strong element to the business case for provincial approval of these types of grants.

Sustainable Growth

Hospice Niagara has existing professional management and infrastructure to sustainably manage the associated administrative and professional staffing demands to expand its operations and accredited hospice services in Niagara. In addition, the organization has the community recognition and support to raise the required \$2.8M annually to operate a 10-bed facility and leverage existing volunteer recruitment, training and retention programs in place to offset operational costs.

Hospice Niagara has demonstrated and proven success to ensure that the capital builds and hospice services that are provided in its current and future model are viable and sustainable to serve Niagara's hospice needs for future generations.

Capital Campaign Contributions

Hospice Niagara's capital campaign has launched, with a target of raising \$18M toward the build costs for the Fort Erie and Welland sites. Hospice Niagara is working to secure contributions from every municipality, exempting communities in West Niagara that are served by McNally House. Hospice expansions that occur in Niagara benefit all residents of Niagara.

Improved Care for Niagara

Niagara's much needed Hospice expansion is important to every community. Provincially approved expansion models in Niagara create a template for other communities in Niagara to plan alongside Hospice Niagara for future hospice resource expansions.

Most importantly, expansion means:

- Increased local access to weekly hospice wellness programs, caregiver and bereavement support;
- Influx of palliative care professionals working within communities;
- The expansion of Francophone programs and services;
- Culturally safe programs, that focus on health equity;
- Onsite expert consultations to help people living in LTC homes throughout Niagara to avoid hospital admissions due to pain crisis and complex end-of-life care and;
- Better planning, transitions and improved quality of life for patients and families, who will have access to vital hospice and community palliative care services.

These and future projects are community and provincial investments that will maintain Hospice Niagara's proven record in providing exceptional care according to best practice standards, while ensuring sustainable expansion through partnerships and integration.

It is important for all Niagara communities to support Hospice Niagara with its existing, approved expansion plans, and equally important for Hospice Niagara to support communities to continue their efforts to expand hospice services to meet growing demands.

We thank all municipalities for their confirmed commitments to the Hospice Niagara expansion and encourage the remaining communities to consider your local contribution request.

403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5

T: 905-984-8766 | Fax: 905-984-8242

info@hospiceniagara.ca | hospiceniagara.ca | Charitable Registration#: 89971 6294 RR0001



We rely on your donations to provide our programs and services throughout Niagara.
Official income tax receipts are provided for donations of \$20 or more.



HOSPICE NIAGARA

Close to Home Campaign



Presentation to Council
Presenter: Carol Nagy, Executive Director

EXPANDING ACROSS NIAGARA



**TWO New Centres
of Excellence**

**WELLAND
WALKER HOUSE**

Projected Opening:
Summer 2025



EXPANDING ACROSS NIAGARA



**TWO New Centres
of Excellence**

**FORT ERIE
WILLSON HOUSE**

Projected Opening:
2026



PROGRAMS and SERVICES



living well at HOME

Support for people throughout their illness, improving quality of life and well-being.



living well at HOSPICE

Care, compassion and dignity for people at end of life and their families.



living well with GRIEF

Children, youth and adults explore feelings of grief and loss, in a safe and supportive space.



living well as a CAREGIVER

Family caregivers learn healthy ways to cope and care for themselves, as they care for others.

MUNICIPAL PARTNERS



City of Port Colborne
City of St. Catharines
City of Thorold
City of Welland

Niagara Region
Town of Fort Erie
Town of Pelham

THE IMPACT



**This expansion will ensure
that every year in Niagara:**

900+



3,700+



800+



THE IMPACT



Our volunteer base
will increase to
700 volunteers giving
approximately
75,000 hours per year.

ECONOMIC IMPACTS



Niagara will see
60 NEW health care jobs and add over
\$1M annually to the local
business economy.

CONTRIBUTIONS UPDATE



Public Contribution:
\$18M Target

Progress to Target:
79% (\$14.3M)

With MoH & HN
contributions:
91% to Target

THE HOSPICE DIFFERENCE



We all experience **dying, death and bereavement**. It touches each and every person multiple times. **Supporting** people to live well until last breath is a measure of **our humanity**.



Investing
in Hospice
Palliative
Care



Improved
Population
Health



Trusted
Services



Value for
Money

QUESTIONS



**For more information,
please contact: 905.984.8766 x224
campaign@hospiceniagara.ca**



hospiceniagaraclosetohome.ca



ADMINISTRATIVE STAFF REPORT

ASR-020/2023

TO: Mayor Grant & Members of Council

FROM: William Kolasa, Chief Administrative Officer

DATE OF MEETING: December 11, 2023

SUBJECT: **Shared Services Update – Wainfleet and Port Colborne**

RECOMMENDATION(S):

THAT Report ASR-020/2023 regarding a Shared Services Update be received as information; and

THAT the Shared Services Principles, attached as Appendix A of this report, be adopted; and

THAT staff continue exploring shared services opportunities.

EXECUTIVE SUMMARY:

This report is provided to seek Council endorsement of Shared Services Principles that will guide shared services discussions with City of Port Colborne staff and to seek continued direction from Council for Township staff to continue shared services discussions with the City of Port Colborne in accordance with the previously established Memorandum of Understanding.

BACKGROUND:

During the last term of Council, the Province conducted “regional reviews” in numerous two-tier jurisdictions across Ontario. In Niagara, two (2) facilitators engaged the public and received presentations from municipal officials, stakeholders and residents from across the Region. The Province’s ultimate decision at the time was to avoid Provincially-mandated restructuring and allow municipalities to administer their own service delivery changes with an emphasis on shared service delivery.

Since that time, municipal administrators in Niagara have been reviewing service delivery and exploring opportunities to share services. There is a region-wide group meeting frequently to identify and explore the best service delivery models for a variety of municipal services.

Staff in Wainfleet and Port Colborne also believe that there are opportunities to share services as partner municipalities due to the geographic proximity of the Township and the City. Earlier this year, staff and the Mayors of both municipalities met to discuss the potential for formalizing the idea of shared services.

OPTIONS/DISCUSSION:

While meeting with the Mayors of Wainfleet and Port Colborne earlier this summer, staff from both municipalities proposed a memorandum of understanding (MOU) that would provide a

framework where shared services could be considered when an opportunity arose, whether from a vacant position or a change in the regulatory environment or otherwise. At the same meeting, it was suggested that an educational session could be provided to both municipal councils to inform about shared services models and to analyze some cases where shared services have been successfully implemented in other areas of Ontario.

At its regular meeting of August 29, 2023, Council's agenda included a closed session meeting to consider, among other things, the possibility of such a MOU between Wainfleet and Port Colborne regarding shared services. The closed session also provided the opportunity for Council to provide direction to staff on key elements to attempt to negotiate into a final draft MOU document.

On October 16, 2023, a Special Joint Meeting of Port Colborne Council and Wainfleet Council was held. At the meeting, the final draft MOU that had been negotiated between the two municipalities was considered and adopted by each of Port Colborne and Wainfleet Councils in open session. Following the adoption of the MOU by each of the Councils, the two Councils subsequently participated in a facilitated, closed session educational session providing training about the sharing of services in a municipal environment and presenting examples and models of shared services arrangements from across the Province.

At the conclusion of the meeting, staff from both municipalities were directed to develop a set of principles that would guide shared services discussions in the future and continue to identify opportunities for shared services between Wainfleet and Port Colborne.

Since the joint meeting of both Councils in October, staff have met on a number of occasions and have developed a set of principles for each Council to consider and adopt. These principles are attached as Appendix A to this report.

Staff have also continued to meet and explore opportunities for shared services and will continue to do so and present the results to both municipal Councils.

FINANCIAL CONSIDERATIONS:

There are no direct financial implications associated with the adoption of Shared Services Principles detailed in this report.

OTHERS CONSULTED:

- | | |
|------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Manager of Corporate Services/Treasurer |
| <input type="checkbox"/> Clerks | <input type="checkbox"/> Manager of Human Resources |
| <input type="checkbox"/> Manager of Community & Dev. Services | <input type="checkbox"/> Manager of Operations |
| <input type="checkbox"/> Fire Chief | <input type="checkbox"/> Manager of Fin. Planning/Deputy Treasurer |
| <input type="checkbox"/> Other: | |

ATTACHMENTS:

- 1) Appendix A – Draft Shared Services Principles

Respectfully submitted by:

William J. Kolasa
Chief Administrative Officer

Successfully sharing municipal services

Principles to help guide the process of establishing shared services.

Guiding Principles

We establish these principles to guide staff and Council actions and manage expectations on the shared services voyage!

Shared Goals & Objectives

Work together to define clear, common goals and objectives that are regularly revisited.

Value for Money

Arrangements should deliver service enhancements, a reduction in overall cost, or cost-avoidance.

Workforce Levels & Employee Mobility

While workforce levels change from time to time, they should not change as a result of shared services. Employees may naturally move between organizations; shared services are not intended to attract employees from one municipality to another.

Mutual Benefit

Each community must gain from the shared service arrangement.

Flexibility & Adaptability

Opportunities for continuous improvement should be seized when circumstances arise.

Embracing Technology

We will commit to leveraging technology to support sharing of services.

Risk Mitigation

We will work collectively to identify, assess, and mitigate potential risks associated with shared services. Some risks could include financial, operational, legal, and service continuity risks.

DRAINAGE STAFF REPORT

DSR-013/2023

TO: Mayor Grant & Members of Council

FROM: Mark Jemison, Drainage Superintendent

DATE OF MEETING: December 11, 2023

SUBJECT: Award of Tender – Consolidated South Wainfleet Drain #10

RECOMMENDATION(S):

THAT Drainage Staff Report DSR-013/2023 respecting the award of a tender for the Consolidated South Wainfleet Drain #10 be received; and

THAT Council direct Staff to award the tender of the construction of the Consolidated South Wainfleet Drain #10 to Anthony's Excavating Central Inc.

EXECUTIVE SUMMARY:

Staff prepared a tender for the construction of the Consolidated South Wainfleet Drain #10. During the tender opening on November 30, 2023, staff received 6 bids. Staff reviewed all specifications contained in the tender documents and compared them to the submissions.

BACKGROUND:

This project was initiated by the Township Road Authority to update and improve the Consolidated South Wainfleet Drain #10 along Side Road 20 adjacent to Marshville Heritage Village and the Recreation Complex.

Council appointed Spriet Associates to complete a report under Section 78 of the Drainage Act on May 11, 2021. Following the Drainage Act procedures, the project received third reading by Council in October 2023 and upon tender closing on November 30, 2023, staff received and opened 6 bid submissions.

The submitted price results for the improvement project are shown below:

Bidder	Bid Price
Anthony's Excavating Central Inc.	\$336,570.50
County Line Construction Inc.	\$382,595.40
O'Hara Trucking & Excavating	\$439,886.40
CRL Campbell Construction & Drainage Ltd.	\$486,126.00
Neil Montague Construction Ltd.	\$550,520.18
Walker Construction Limited	\$933,662.50

OPTIONS/DISCUSSION:

- 1) Council direct staff to engage the services of Anthony's Excavating Central Inc. to complete the construction of the Consolidated South Wainfleet Drain #10. (Recommended).
- 2) Award the tender to one of an alternate bidder (Not recommended).

FINANCIAL CONSIDERATIONS:

Approved as part of the 2023 Capital Budget, project C.5 – Large Culverts & Drain Works, in the amount of \$343,100 was allocated to this project.

OTHERS CONSULTED:

- | | |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Manager of Corporate Services/Treasurer |
| <input type="checkbox"/> Clerks | <input checked="" type="checkbox"/> Manager of Human Resources |
| <input checked="" type="checkbox"/> Manager of Community & Dev. Services | <input checked="" type="checkbox"/> Manager of Operations |
| <input type="checkbox"/> Fire Chief | <input checked="" type="checkbox"/> Manager of Fin. Planning/Deputy Treasurer |

ATTACHMENTS:

- 1) Recommendation letter from Spriet Associates regarding the construction of Consolidated South Wainfleet Drain #10

Respectfully submitted by,

Approved by,

Mark Jemison
Drainage Superintendent

William J. Kolasa
Chief Administrative Officer/Clerk

December 1, 2023

Mark Jemison
Drainage Superintendent
Township of Wainfleet
31940 Highway #3, Box 40
Wainfleet, Ontario
L0S 1V0

Dear Mr. Jemison:

Re: CSW Drain No.10
Our Job No. 221152



**SPRIET
ASSOCIATES**
ENGINEERS & ARCHITECTS
155 York Street
London, Ontario N6A 1A8
Tel. (519) 672-4100
Fax (519) 433-9351
E-mail: mail@spriet.on.ca
www.spriet.on.ca

As you are aware tenders were closed on the CSW Drain No.10 at 1:00pm on Thursday November 30, 2023, the results of which are summarized below:

Vendor	Unofficial Value
Anthony's Excavating Central Inc.	\$336,570.50
County Line Construction Inc.	\$382,595.40
O'Hara Trucking & Excavating	\$439,886.40
CRL Campbell Construction & Drainage Ltd.	\$486,126.00
Neil Montague Construction Ltd.	\$550,520.18
Walker Construction Limited	\$933,662.50

Accordingly, we recommend that the project be awarded to Anthony's Excavating Central Inc.

I trust the above is sufficient for your needs, however, please do not hesitate to contact the undersigned if you have any questions.

It is our pleasure to be of service.

Yours truly,

SPRIET ASSOCIATES LONDON LIMITED

B. Widner, P. Eng.

FIRE STAFF REPORT

FSR-007/2023

TO: Mayor Grant & Members of Council
FROM: Morgan Alcock, Fire Chief
DATE OF MEETING: December 11, 2023
SUBJECT: 2023 Third Quarter Fire & Emergency Services Review

RECOMMENDATION(S):

THAT Fire Staff Report FSR-007/2023 respecting the 2023 Third Quarter Fire & Emergency Services Review be received for information.

EXECUTIVE SUMMARY:

This report includes a summary of Fire Department activity within the Township of Wainfleet for the third quarter of 2023 (July-September).

ADMINISTRATION

Health & Safety

The Joint Health & Committee met on July 12, 2023. Facilities, apparatus, equipment, training & operations were discussed with the members of the committee.

Suitable training facilities continue to be an issue that will need to be addressed. As such, staff are investigating a "Skills Development Fund" grant opportunity through the Ministry of Labour, Immigration, Training, and Skills Development (MoLITSD) for the development of those facilities on the site of the central fire station. This will be a joint application with the Wainfleet Volunteer Firefighters Association (WVFFA) to ensure their input is included and the JHSC concerns are adequately addressed.

Another health & safety concern that has been identified is the lack of onsite washroom and rehabilitation facilities while crews operate on emergency scenes for extended periods of time or during periods of extreme weather conditions. The Ministry of Labour, Fire Services specific Section 21 Committee, has developed guidance notes on the need for employers to develop strategies and programs that address the hazards associated with both heat and cold exposures, as well as the on-scene rehabilitation of crews operating in extreme conditions for extended periods. The JHSC and staff have identified the need for a Rehabilitation unit to address these health and safety concerns and we have applied for a grant through Firehouse Subs, for full funding of a trailer unit that provides onsite rehabilitation facilities. This unit may present an opportunity for cost recoverable shared services with neighbouring municipalities.

Mental Health & Wellness

The quarterly screening was conducted in August with the following results.

- 88% completion rate (82% completion rate in May, 90% completion rate in February)
- 7% (12% including Critical incident screening respondents) clinically significant scoring (13% in May, 20% in February, 25% in November, 30% in July)
- 17% received follow up:
 - 2% was offered a follow up call based on clinically significant scoring, was offered support and referred to their GP.
 - 7% are currently receiving services from myself
 - 7% were offered resources and information related to reported symptoms or concerns
 - 14% had engaged with and completed treatment between July 2022 and May 2023 Screening results continue to show consistent maintenance.

High level themes include:

- Concerns re: quality of sleep/difficulty falling and staying asleep
- Resources required for children/parenting support wanted
- Changes to the family unit (Death, Divorce, Separation)

Based on these results, training for Q3 will be targeted at Emotions and Behavioural Changes and Q4 will be Communication and Empathy & Functional Disconnection/Reconnection

Recruitment

The application period for the 2024 recruitment opened on September 1, 2023. Various public messaging through social media, posters and signage were placed throughout the township with a focus on Central Station and Station 4.

FIRE PREVENTION & PUBLIC EDUCATION

PUBLIC EDUCATION

Date	Event
August 11, 2023	Lions Club Market
September 22-23, 2023	Wainfleet Fall Fair

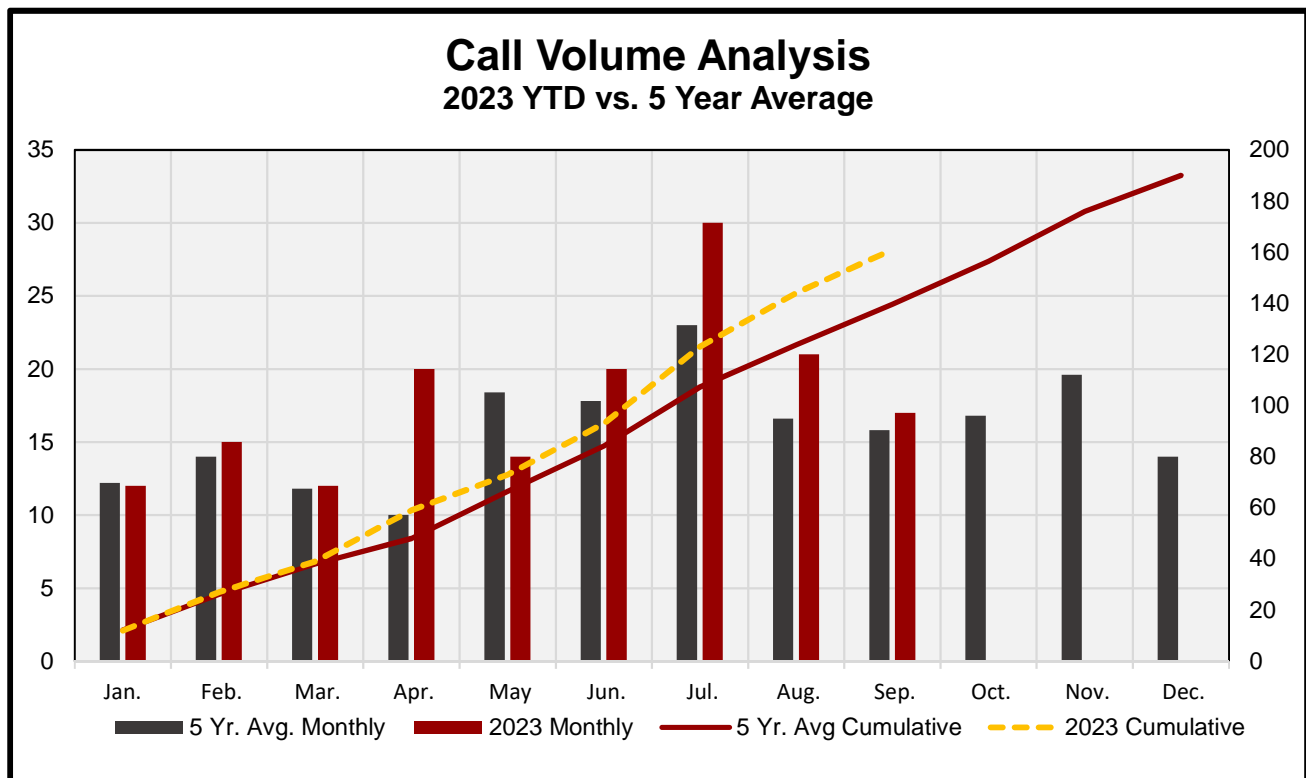
FIRE PREVENTION, INSPECTIONS, ENFORCEMENT, INVESTIGATIONS

Date	Property Type	Reason	Result
Jul. 31, 2023	Residential	Request	Recommendations Provided
Aug. 14, 2023	Agricultural	Request	Follow Up required
Aug. 14, 2023	Institutional	Re-Inspection	Orders Issued
Aug. 15, 2023	Residential	Complaint	Compliant
Sep. 6, 2023	Residential	Complaint	Recommendations Provided
Sep. 11, 2023	Institutional	Post Incident	Compliant
Sep. 25, 2023	Institutional	Re-Inspection	Compliant

OPERATIONS

Tracking Emergency Response data and comparing to a historical average (5 years) assists with identifying priorities for public education and personnel training topics.

The table below indicates that by the end of Q3, calls for service were approximately 15.3% higher than the past 5-year average. Note: The table does not take into consideration any increases in calls for either automatic or mutual aid.



Automatic and Mutual Aid

Date	Mutual Aid Received/Provided	Municipality	Reason
July 7, 2023	Provided Engine	Port Colborne	Structure Fire – Cancelled on Route
July 14, 2023	Provided Engine & Tanker	Port Colborne	Reported Structure Fire Cancelled on Route
July 18, 2023	Provided Engine	Port Colborne	Structure Fire – Cancelled on Route
July 20, 2023	Provided Engine	Port Colborne	Structure Fire
July 28, 2023	Provided Engine	Port Colborne	Structure Fire – Cancelled on Route
August 13, 2023	Provided Tanker & Squad	Port Colborne	Industrial Structure Fire
August 25, 2023	Provided Engine	Port Colborne	Structure Fire – Cancelled on Route
September 1, 2023	Provided Engine	Port Colborne	Structure Fire – Cancelled on Route

OPERATIONS - Emergency Responses (3rd Quarter)

Number	Date	Response Type Description	Address
23-093	1-Jul-23	Open Air Burning Complaint	Morgan's Point Rd
23-094	5-Jul-23	Motor Vehicle Collision	Highway 3
23-095	5-Jul-23	Water Rescue	Camelot Dr
23-096	6-Jul-23	Structural Fire	Highway 3
23-097	6-Jul-23	Motor Vehicle Collision	Highway 3
23-098	8-Jul-23	Motor Vehicle Collision	Forks Rd
23-099	9-Jul-23	Motor Vehicle Collision	Lakeshore Rd
23-100	10-Jul-23	Medical Assist – Possible VSA	Maplewood Dr
23-101	7-Jul-23	Structure Fire	Killaly Street, Port Colborne
23-102	11-Jul-23	Medical Assist – Possible VSA	Lakeshore Rd
23-103	12-Jul-23	Medical Assist - Seizure	Regional Road 27
23-104	12-Jul-23	Medical Assist – Accidental Bracelet Alert	Regional Road 27
23-105	12-Jul-23	Medical Assist – Possible VSA	Morgan's Point Rd
23-106	12-Jul-23	Alarm System Activation – Accidental	Perry Rd
23-107	14-Jul-23	Open Air Burning Complaint	White Rd, Port Colborne
23-108	18-Jul-23	Structure Fire	Main St W, Port Colborne
23-109	20-Jul-23	Motor Vehicle Collision	Priestman Rd
23-110	20-Jul-23	Structure Fire	Davis Street, Port Colborne
23-111	20-Jul-23	Public Hazard – Power Lines Down	Dixie Rd
23-112	20-Jul-23	Medical Assist – Fall Injury	Morgan's Point Rd
23-113	21-Jul-23	Motor Vehicle Collision	Lakeshore Rd
23-114	21-Jul-23	Medical Assist – Panic Attack	Highway 3
23-115	22-Jul-23	Medical Assist – Possible VSA	Regional Road 45
23-116	24-Jul-23	Motor Vehicle Collision	Forks Rd
23-117	24-Jul-23	Open Air Burning Complaint	Augustine Rd
23-118	24-Jul-23	Open Air Burning Complaint	Burnaby Rd
23-119	25-Jul-23	Medical Assist – Post Surgery Issues	Burnaby Rd
23-119A	25-Jul-23	Open Air Burning Complaint	O'Reillys Rd S
23-120	28-Jul-23	Structure Fire	John St, Port Colborne
23-121	30-Jul-23	Motor Vehicle Collision	Regional Road 27
23-122	2-Aug-23	BBQ Fire	Augustine Rd
23-123	2-Aug-23	Furnace Thermostat Malfunction	Lakeshore Rd
23-124	3-Aug-23	Motor Vehicle Collision	Lakeshore Rd
23-125	3-Aug-23	Motor Vehicle Extrication	Forks Rd
23-126	3-Aug-23	Medical Assist - Seizure	Hill Ave
23-127	7-Aug-23	Motor Vehicle Collision	Regional Road 27
23-128	12-Aug-23	Water Rescue	Beach Rd W
23-129	13-Aug-23	Industrial Structure Fire	Ivertose Dr, Port Colborne
23-130	14-Aug-23	Motor Vehicle Collision	Regional Road 27
23-131	16-Aug-23	Motor Vehicle Collision	Burnaby Rd
23-132	17-Aug-23	Vehicle Fire	Highway 3
23-133	18-Aug-23	Public Hazard – Power Lines Down	Highway 3
23-134	21-Aug-23	Medical Assist – Patient Lift	Highway 3
23-135	21-Aug-23	Motor Vehicle Collision	Regional Road 27
23-136	23-Aug-23	Stove Fire	Marr Rd
23-137	25-Aug-23	Structure Fire	Hillcrest Rd, Port Colborne
23-138	26-Aug-23	Motor Vehicle Collision	Regional Road 27
23-139	26-Aug-23	Open Air Burning Complaint	Maple Rd
23-140	27-Aug-23	Alarm System Malfunction	Park St
23-141	28-Aug-23	CO Alarm Activation – Gas Fireplace Issue	Lakeshore Rd
23-142	30-Aug-23	CO Alarm Activation – Gas Oven Issue	Lakeshore Rd
23-143	1-Sep-23	Motor Vehicle Collision	Forks Rd
23-144	1-Sep-23	Stove Fire	Welland Street, Port Colborne

23-145	1-Sep-23	Motor Vehicle Collision	Canborough Rd
23-146	2-Sep-23	Oven Fire	Lakeshore Rd
23-147	7-Sep-23	Structure Fire – Lightning Strike	Tunnacliffe Rd S
23-148	10-Sep-23	CO Alarm Activation - Malfunction	Canborough Rd
23-149	11-Sep-23	CO Alarm Activation - Accidental	Campbell Rd
23-150	12-Sep-23	Alarm System Activation – Malfunction	Side Road 18
23-151	13-Sep-23	Motor Vehicle Collision	Concession 6 Rd
23-152	16-Sep-23	Spill – Toxic Chemicals	Park St
23-153	17-Sep-23	Medical Assist – Extreme Fall	Burnaby Rd
23-154	20-Sep-23	Alarm System Activation - Malfunction	Side Road 18
23-155	20-Sep-23	Medical Assist – Respiratory Condition	Mill Race Rd
23-156	21-Sep-23	Medial Assist – Alcohol or Drug Related	Augustine Rd
23-157	22-Sep-23	Vehicle Fire	Park St
23-158	24-Sep-23	Motor Vehicle Collision	Regional Road 24
23-159	29-Sep-23	Motor Vehicle Collision	Brawn Rd

APPARATUS & EQUIPMENT

Apparatus

Staff completed final inspection and took delivery of Car 1 on September 5, 2023.



On August 17, 2022, annual testing was conducted on all apparatus and ground ladders. The results of the testing are listed below.

Truck ID	Year	Make & Model	Primer & Vacuum Test	Flow Test	Pressure Relief Valve	Overall
E-1	2003	Pierce Kenworth	PASS	PASS	PASS	PASS
E-2	1999	Superior International	PASS	PASS	PASS	PASS
E-3	2021	HME 1871 SFO	PASS	PASS	PASS	PASS
E-4	2017	Fort Garry International	PASS	PASS	PASS	PASS



During testing, a full third-party inspection was conducted on all apparatus. The results of that inspection are detailed below. Repairs have been quoted and scheduled for completion.

Truck ID	Inspection Notes
E-1	Various lights inoperable
E-2	Water Temp Gauge on pump panel inaccurate
E-3	None
E-4	None

2023 Annual Ladder Test Results

Truck ID	Make & Model	Age	Type	Length	Construction	Result
Engine 1	Duo-Safety	2000s	Extension	16'	Aluminum	PASS
	Not Present	N/A	Roof	N/A	N/A	DEFICIENT
	Not Present	N/A	Attic	N/A	N/A	DEFICIENT
Engine 2	Duo-Safety	2019	Extension	24'	Aluminum	PASS
	Duo-Safety	2019	Roof	14'	Aluminum	PASS
	Not Present	N/A	Attic	N/A	N/A	DEFICIENT
Engine 3	Duo-Safety	2021	Extension	24'	Aluminum	PASS
	Duo-Safety	2021	Roof	14'	Aluminum	PASS
	Duo-Safety	2021	Attic	10'	Aluminum	PASS
Engine 4	Duo-Safety	2018	Extension	24'	Aluminum	PASS
	Duo-Safety	2018	Roof	14'	Aluminum	PASS
	Duo-Safety	2018	Attic	10'	Aluminum	PASS

A new Engine for Central Station will correct any deficiencies with the required complement of ground ladders.

Aging apparatus continue to be a cost centre with increased out of service time due to difficult to locate parts.

FACILITIES

Existing Stations

Council approved the Capital budget in March of 2023, which included a continuance of repairs and investments into Stations 3 (Burnaby) and 4 (Schwoob).

The repair of the concrete sidewalk for Station 3 (Burnaby) has been completed.

Central Fire Station Project

Work continues on the Central Fire Station project. Below is a list of key dates that have occurred.

Date	Benchmark
July	<ul style="list-style-type: none">• Washroom fixtures and partitions installed• Generator installation complete• IT room complete• Fire alarm devices installed• Bunker gear racks installed• Bollards and fencing installed
August	<ul style="list-style-type: none">• Potable water pump installed• Fire cistern pump installed• Mechanical controls installed• IT network online• Security cameras installed• Appliances delivered
September	<ul style="list-style-type: none">• Top-cost asphalt complete• Line painting complete• Mechanical start-ups commenced• Mechanical and electrical deficiencies ongoing• Commissioning activities commenced



TRAINING & CERTIFICATION**Regular/Weekly Training**

Personnel continue to conduct weekly training utilizing various facilities, and props available to the department. Suitable training facilities continue to be required and personnel continue to find creative solutions until a centralized facility can be provided.

Below is a list of topics covered during Q3 of 2023.

Lead Topic	Sub-Topics and Description
Mental Health & Wellness	Before Operational Stress <ul style="list-style-type: none"> • Module 5 – Emotions • Module 6 – Behavioural Changes
Special Operations	Technical Rescue <ul style="list-style-type: none"> • Shore Based Water Rescue • Ropes & Knots
Fire Ground Operations	Interior Operations <ul style="list-style-type: none"> • Search & Rescue • Hose Line Advancement • Fire Attack & Hose Streams
Fire Ground Operations	Rural Water Supply <ul style="list-style-type: none"> • Portable pump operations • Fill/Dump Site operations • Tanker Shuttle operations • Relay Pumping operations • Drafting & Dry Hydrant operations
Fire Ground Operations	Tactical Ventilation <ul style="list-style-type: none"> • Ladder operations • Roof operations • Saw operations

PRIORITIES

The priorities for the fourth quarter of 2023 include:

- Investigate Alternate Training Facilities and Options and apply for grant funding through the “Skills Development Fund”
- 2024 Recruitment Process
- Continue work on 2023 Capital projects
- Continue work on the Central Fire Station
- Continue work on the Community Risk Assessment and Gap Analysis

OPTIONS/DISCUSSION:**FINANCIAL CONSIDERATIONS:****OTHERS CONSULTED:**

- | | |
|------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Corporate Services/Treasurer |
| <input type="checkbox"/> Clerks | <input checked="" type="checkbox"/> Human Resources |
| <input checked="" type="checkbox"/> Community & Dev. Services | <input checked="" type="checkbox"/> Operations |
| <input checked="" type="checkbox"/> Fire & Emergency Services | <input checked="" type="checkbox"/> Manager of Fin. Planning/Dep. Treasurer |

ATTACHMENTS:

- 1) Appendix "A" - Year to Date Incident Statistics

Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief

William J. Kolasa
Chief Administrative Officer/Clerk

Appendix 'A'

WAINFLEET FIRE & EMERGENCY SERVICES 2023 MONTHLY DISPATCHES BY INCIDENT TYPE

Determinant Group	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	2022	% Change
STRUCTURE FIRE	1	1	0	1	1	0	1	1	2				8	10	-20.0%
PRELIMINARY ALARM	0	0	0	0	0	0	0	1	0				1	1	0.0%
REMOTE ALARM	1	0	0	0	0	2	0	1	3				7	12	-41.7%
VEHICLE FIRE	1	1	0	1	0	1	0	1	0				5	2	150.0%
GRASS/TREE/BRUSH	0	0	0	1	2	1	0	0	0				4	2	100.0%
BURNING COMPLAINT	0	0	1	6	0	4	4	1	0				16	9	77.8%
OTHER FIRE	1	0	1	1	0	1	1	2	0				7	4	75.0%
MVC	0	5	2	3	4	2	8	6	5				35	30	16.7%
GENERAL/TECH RESCUE	0	0	0	1	0	0	0	0	0				1	0	0.0%
MEDICAL	4	3	4	6	5	4	9	2	3				40	58	-31.0%
CARBON MONOXIDE	1	1	0	0	0	0	1	2	1				6	2	200.0%
HAZMAT	0	0	0	0	0	0	0	0	0				0	0	0.0%
EMERGENCY ASSIST	1	1	0	0	0	2	0	1	2				7	9	-22.2%
NON EMERG/ASSIST	1	0	1	0	0	0	0	0	0				2	0	200.0%
ICE/WATER RESCUE	0	0	1	0	0	2	1	1	0				5	3	66.7%
UNKNOWN 911	0	0	0	0	0	0	0	0	0				0	1	0.0%
Total Responses Within Municipality	11	12	10	20	12	19	25	19	16	0	0	0	144	143	0.7%
Total Responses Out of Jurisdiction (Other)	0	1	0	0	0	0	0	0	0				1	2	
To Port Colborne	1	2	2	0	2	1	5	2	1				16	14	
2023 TOTAL	12	15	12	20	14	20	30	21	17	0	0	0	161		
2022 TOTAL	14	14	13	14	19	21	27	19	18	29	25	20	159		
% CHANGE	-14.3%	7.1%	-7.7%	42.9%	-26.3%	-4.8%	11.1%	10.5%	-5.6%	-100.0%	-100.0%	-100.0%	1.3%		

FIRE STAFF REPORT

FSR-008/2023

TO: Mayor Grant & Members of Council

FROM: M. Alcock, Fire Chief/CEMC

DATE OF MEETING: December 11, 2023

SUBJECT: Pumper Tanker Purchase

RECOMMENDATION(S):

THAT Fire Staff Report FSR-008/2023 respecting the purchase of a Pumper-Tanker Fire Apparatus be received for information.

AND THAT Council approve and direct staff to proceed with the purchase, supply and delivery of one (1) Pumper-Tanker Fire Apparatus including upfitting from Dependable Emergency Vehicles, for the price of \$954,550.00 + HST, and upon delivery, Engine 2 (1998 International) will be declared surplus and disposed of, with the proceeds being to be used for any overages due to upfitting the new apparatus.

EXECUTIVE SUMMARY:

This report includes a summary of process and recommendation to purchase a Pumper-Tanker Fire Apparatus, and all required accessories in accordance with the approved 2024 Capital Budget for the Pumper-Tanker Fire Apparatus Project.

BACKGROUND:

As part of the asset review and long-term planning for the replacement of apparatus and equipment, an inventory was taken of all assets currently being operated by the Fire Service. A risk assessment was then completed of the apparatus inventory to identify priorities and develop a replacement plan that complies with governing standards and Fire Underwriters Survey (FUS) requirements.

The replacement plan called for the replacement of Engine 2 (1999 International) by the end of 2019. Given the size restrictions of the existing stations, the purchase was deferred pending the completion of the new fire station. This deferral triggered a review of the Fire Stations by FUS, who in-turn, dropped the grading of Station 2 (Marshville) to the lowest rating. Now that E1 (2003 Kenworth) has reached the 20-year threshold, it can no longer be considered a front-line apparatus for the new Central Station.

With the completion of the new station now targeted for Q4 of 2023, deferring the purchase of the new truck any further would push the Township into a position where it would have to purchase several trucks at the same time. One solution was the purchase of a Pumper Tanker apparatus that would meet both requirements for Fire Station recognition by FUS, potentially reducing insurance premiums in the coverage/response area.

Beginning in 2019 Council has placed funds into reserves for the replacement of Fire Apparatus & Equipment, and during the 2024 budget deliberations approved \$950,000.00 for the purchase of a new Fire Apparatus as a Capital Project.

The Fire & Emergency Services Leadership Team reviewed the recommendations regarding fire apparatus that was outlined in the Master Fire Plan (Rec. 41, 42, 43, 47, 48/56, 57, 61, 63) and the Operational Review (Rec. 38, 39). They also took into consideration the area that the truck would serve and the operational needs of the fire service, and developed the basic requirements listed below.

Basic Fire Apparatus Requirements	
Detail	Requirement
Apparatus Type	Combination Pumper/Tanker
Minimum Seating	Crew Cab with seating for 5 (6 preferred)
Minimum Water Tank Capacity	2500 US Gal. (9463L / 2081 Imp. Gal.) (3000 gallon preferred)
Minimum Pump Flow Capacity	1250 GPM (5000LPM) (1500gpm preferred)
Capacities	2x45mmx200' cross-lay 1x65mmx200' cross-lay 1x45mmx100' front discharge 1x65mmx600' rear discharge 1x100mm LDH side discharge 1x3" pre-plumbed waterway for deck gun 1x6" front intake Hose bed: 1200' of 4" LDH & 600' of 65mm hose Compartments: 220 cubic feet
Certifications & Capabilities	Apparatus must comply with all requirements of NFPA 1901: Chapter 5 - Pumper Apparatus Chapter 7 - Mobile Water Supply Apparatus

DISCUSSION:

Availability of Used Fire Apparatus:

An assessment of the availability of used fire apparatus in the market was conducted, taking into consideration availability, accessibility, location, costs and age. The result of that assessment provided no options that met the needs and requirements of WFES.

Replacement with Readily Available Apparatus:

Given current market conditions, there are no suppliers with "stock" apparatus', meaning that any truck purchased will either need to be built or is being built as a "program truck". A program truck is a unit that has been designed, engineered and is being manufactured without a pre-secured purchaser. These units offer limited customization as the chassis, pump and body have already been ordered as a completed unit resulting in a more cost effective and timely option to custom ordering a truck.

Replacement with Ordering a New Apparatus.

Ordering a new apparatus typically requires the municipality to develop an apparatus specification and then submit to the various vendors a request for proposal or tender. They would then prepare and submit their proposals for a one of a kind, custom built apparatus based on those specifications. This process typically results in higher costs and longer delivery times compared to program and demo/stock units. Several vendors indicated that an RFP/RFT process would result in a unit exceeding \$1 million and a delivery time nearing 2026.

Process to Date

In accordance with current approved procurement processes, Canoe/Sourcwell LAS vendors were consulted and quotes were provided from multiple recognized joint-purchasing vendors. Additionally, several Canadian manufactures not included in the Canoe/Sourcwell LAS group were contacted in search of a stock or program truck that could be made available in 2024. It should be noted that the prices provided expire by the end of December.

Dependable Emergency Vehicles has also stated that the program unit listed is on a first-come, first-serve basis, and should the unit be sold, the exact same truck will become \$1,088,895.00 with an estimated 18-24 month delivery time.

The results of staff's search and investigations are as follows:

Manufacturer	Vendor	Purchase Type	Tank/Pump Capacities	Estimated Delivery Time	Cost
Pierce *	Commercial Emergency Equipment	CANOE - New Order	1800gal. 1500gpm	24 months	\$1,050,000.00 *
Rosenbauer *	City View Specialty Vehicles	CANOE - New Order	2500gal. 1500gpm	615 days	\$972,571.00 *
E-One *	1200 Degrees	CANOE - New Order	1800gal. 1500gpm	24 months	\$1,100,000.00 to \$1,200,000.00 *
Dependable Emergency Vehicles	Factory Direct	Modified Program Unit	3000gal. 1500gpm	6-7 months	\$938,848.00
Fort Garry Fire Trucks *	Factory Direct	New Order	2500gal. 1000gpm	18-20 months	\$900,000.00 *

**Price shown was provided at todays rate as a budgetary number only, is not a guaranteed price, and is susceptible to inflationary increases and other market fluctuations (ex. \$US exchange rate).*

OPTIONS:

- 1) Council approve and direct staff to proceed with the purchase, supply and delivery of one (1) Pumper-Tanker Fire Apparatus including upfitting from Dependable Emergency Vehicles, for the price of \$954,550.00 + HST, and upon delivery, Engine 2 (1998 International) will be declared surplus and disposed of, with the proceeds being to be used for any overages due to upfitting the new apparatus.
- 2) Council may consider an alternate proponent.
- 3) Council may defer the purchase of the Fire Apparatus, with the understanding that all quotes received will expire, and that the Cummins L9 Engine will no longer be made available after 2023 resulting in an increase of more than \$70,000.00 for its replacement and that costs are expected to continue to rise by approximately 1-2% every 4-6 weeks.

FINANCIAL CONSIDERATIONS:

The approved 2024 Capital project budget was \$950,000 for the replacement of the Fire Apparatus. This was to be funded by utilizing \$325,000 of reserves, \$250,000 of Development Charges with the remaining balance of \$425,000.00 to be funded through the Capital Levy. This is consistent with the communicated financial priority of reducing the amount of debt required for capital projects.

Upon delivery of the new Pumper-Tanker the 1998 International Engine will be declared surplus and disposed of utilizing GovDeals. Proceeds from the sale of that unit will be used to offset the minimal amount of budget overage expected.

By purchasing a combination Pumper-Tanker, we are removing the 1998 Engine from the fleet, delaying the need to replace the 2003 Kenworth Engine to 2027-2028 and providing the third tanker earlier. FUS has informed staff that the Pumper-Tanker will provide the Central Station the apparatus it requires to be recognized as a fire station as a short-term solution, and that a front-line pumper/engine will need to be purchased in the future (2026-2028).

By removing the 1998 Engine from the fleet now and replacing it with the combination Pumper-Tanker now: we effectively eliminate the need to purchase a standalone tanker in 2026. This provides a potential savings of approximately \$700,000-\$900,000, while having minimal impact to operations. (*See Table 1*)

TABLE – 1

2024-2033 APPARATUS FORECAST			
UNIT ID	D.O.M.	APPARATUS PLAN & DATE	*ESTIMATED REPLACEMENT COST
OVERDUE			
Engine 2	1999	To be removed from Service 2024	\$750,000.00
2024-2026			
Rehab/Decon.	New	2024	\$60,000.00
Pumper-Tanker 2	New	2024	\$950,000.00
Car 2	2014	2025	\$110,000.00
Tanker 4	2005	2025	\$750,000.00
Tanker 2	NEW	2026	\$750,000.00
1-3 Years Subtotal			\$1,870,000.00
2027-2030			
Engine 1	2003	Should be replaced in 2023 but will be kept as a reserve unit until 2027	\$1,200,000.00
Rescue 2	2018	2028	\$650,000.00
4-6 Years Subtotal			\$1,850,000.00
2031-2033			
Car 1	2021	2031	\$125,000.00
Engine 4	2017	2032	\$1,400,000.00
Squad 2	2023	2033	\$160,000.00
6-10 Years Subtotal			\$1,685,000.00
10 YEAR TOTAL ESTIMATED REPLACEMENT VALUE			\$5,405,000.00
Estimated Annual Replacement Funding Requirement			\$540,500.00

OTHERS CONSULTED:

- | | |
|------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Corporate Services/Treasurer |
| <input type="checkbox"/> Clerks | <input checked="" type="checkbox"/> Human Resources |
| <input checked="" type="checkbox"/> Community & Dev. Services | <input type="checkbox"/> Operations |
| <input checked="" type="checkbox"/> Fire & Emergency Services | <input checked="" type="checkbox"/> Manager of Fin. Planning/Deputy Treasurer |

ATTACHMENTS:

Appendix A – Photo & Drawing of similar Pumper-Tanker by Dependable E.V.

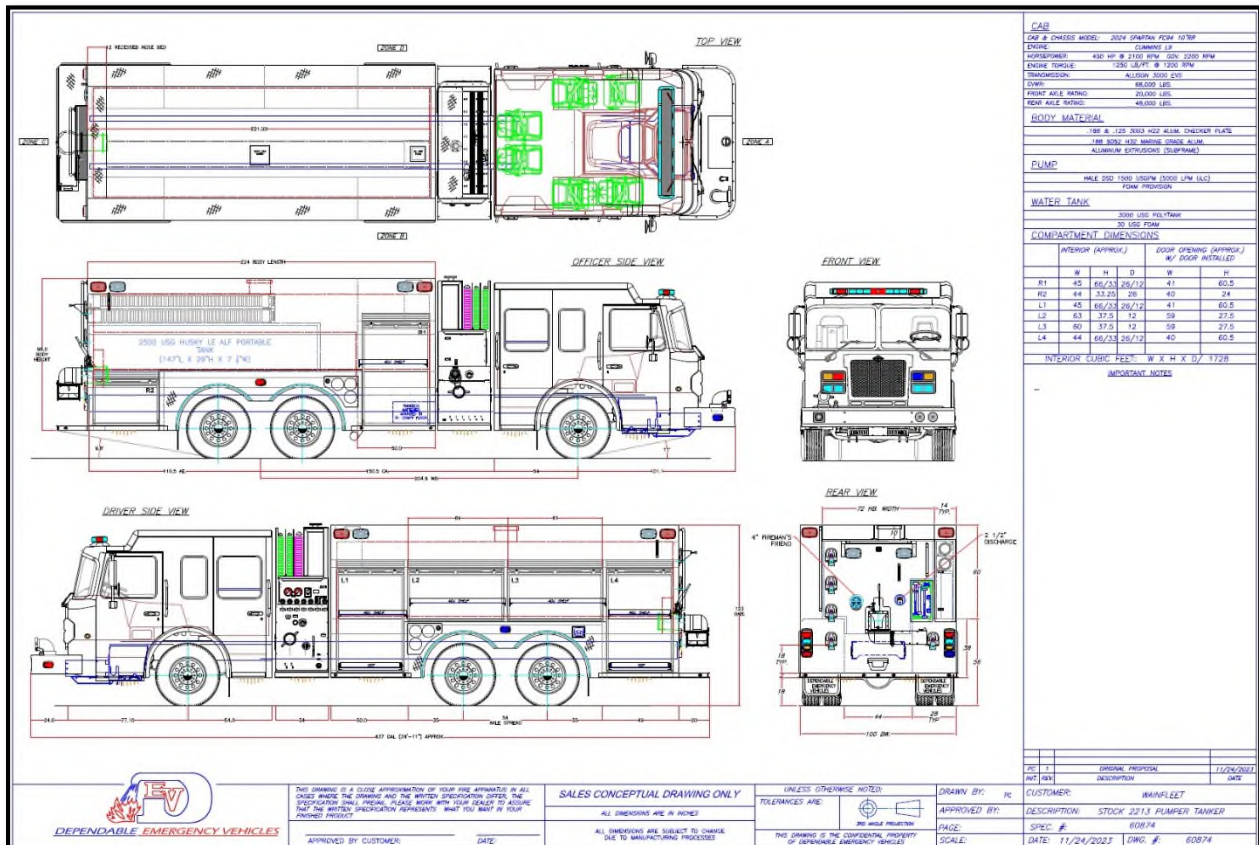
Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief/CEMC

William Kolasa
Chief Administrative Officer

Appendix 'A'



PUBLIC WORKS STAFF REPORT

PWSR-019/2023

TO: Mayor Grant & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: December 11, 2023

SUBJECT: **Cemetery Policy: Repurchase of Interment Rights without Certificate**

RECOMMENDATION(S):

THAT Report PWSR-019/2023 regarding the Cemetery Policy regarding the repurchase of interment rights without an original Certificate of Interment Rights be received; and

THAT the draft Repurchase of Interment Rights without Certificate Policy appended to this Report be approved.

EXECUTIVE SUMMARY:

This report is in response to direction from Council for staff to investigate the development of a policy to address situations where an individual is seeking to resell previously-purchased interment rights (to be interred in Township Cemeteries) back to the Township without having access to all the necessary paperwork prescribed by the Township's Cemetery By-law(s).

BACKGROUND:

During the Regular Council Meeting held on November 1, 2023, Council received a delegation requesting reprieve from the Township of Wainfleet Cemetery By-law for the Township to repurchase a cemetery plot in Sensabaugh Cemetery.

The Township Cemetery By-law states that in order for the Township to repurchase a plot back from an interment rights holder, the original deed (ie. Certificate of Interment Rights) must be returned back to the Township and the Township must be satisfied that no rights regarding the plot have been exercised. The requirement for the return of an original Certificate is a standard requirement for cemeteries across the Province (and was actually included as a standard clause in a model cemeteries by-law offered by the Bereavement Authority of Ontario during the implementation of the Funeral, Burial and Cremation Services Act, 2002).

OPTIONS/DISCUSSION:

The Township's Cemetery By-law provides that in order for the Township to repurchase a cemetery plot back from an Interment Rights Holder, the original deed (ie. Certificate of Interment Rights) must be returned back to the Township. In the case of the delegation that addressed Council; the original deed (ie. Certificate of Interment Rights) had apparently been lost, misplaced or accidentally destroyed and the family no longer had the original copy of the document.

Staff conducted their own investigations, including an investigation of the physical cemetery plot and have confirmed that the plot is currently vacant. Likewise, staff performed an internal search of the Township's records for a copy of the required documents – but were unsuccessful. This is often a frequent occurrence for municipal cemetery records, particularly in the case of older (ie. pre-electronic) records and especially for cemeteries that may have been previously privately owned but have been abandoned or otherwise assumed by a municipality in accordance with direction from the Provincial Registrar of Cemeteries.

Staff also consulted with the Bereavement Authority of Ontario (BAO) regarding the situation. The BAO is the Provincial agency responsible for licensing cemetery operations (including the Township's Cemetery Operations). BAO has advised that an internal policy may be developed to address such situations and that a formal by-law amendment to permit the repurchase of interment rights without an original Certificate of Interment Rights is not mandatory at this time.

Attached to this report is a draft copy of a policy prepared by the Township Solicitor to address situations where an original deed (ie. Interment Right Certificate) is unable to be produced by an applicant and where an applicant nonetheless wishes to resell a cemetery plot back to the Township. Upon approval by Council, a suitable application and declaration form as referenced by Section 4.5 of the policy will be prepared.

FINANCIAL CONSIDERATIONS:

There are no direct financial implications associated with the adoption of the Repurchase of Interment Rights without Certificate Policy detailed in this report. Any eventual repurchase of a cemetery plot by the Township would be undertaken in accordance with the Township's Cemetery By-law, the new policy and the Funeral Burial and Cremation Services Act, 2002.

OTHERS CONSULTED:

- | | |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Chief Administrative Officer | <input checked="" type="checkbox"/> Manager of Corporate Services/Treasurer |
| <input type="checkbox"/> Clerks | <input type="checkbox"/> Manager of Human Resources |
| <input type="checkbox"/> Manager of Community & Dev. Services | <input checked="" type="checkbox"/> Manager of Operations |
| <input type="checkbox"/> Fire Chief | <input type="checkbox"/> Manager of Fin. Planning/Deputy Treasurer |
| <input checked="" type="checkbox"/> Other: Township Solicitor, Bereavement Authority of Ontario | |

ATTACHMENTS:

- 1) Appendix A – Draft Repurchase of Interment Rights Without Certificate Policy

Respectfully submitted by:

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer



Township of Wainfleet Policy: Repurchase of Interment Rights Without Certificate

December 2023

1. Policy Statement

The Corporation of the Township of Wainfleet (“the Township”) operates municipally-owned cemeteries in accordance with the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 (“*FBCSA*”) and the Township’s Cemetery By-laws. The Township is committed to providing cemetery services in a manner that supports the exercise of a person’s rights under the *FBCSA*.

2. Purpose

The Township recognizes that interment rights may be purchased many years in advance and that interment rights holders’ needs may change over time. An interment rights holder may require the Township to repurchase interment rights on terms set out in the Cemetery By-laws, one of which requires the original deed or certificate issued to the interment rights holder to be returned to the Township. The purpose of this policy is to establish a procedure for repurchasing interment rights where the original documentation is believed to have been lost, misplaced or destroyed.

This policy applies only where the original deed or certificate issued to an interment rights holder is believed to have been lost, misplaced or destroyed. This policy supplements the provisions of the Cemetery By-laws, which continue to apply in their entirety in all cases.

3. Definitions

3.1 In this policy:

“**Deed**” means any document issued by the Township to the purchaser of Interment Rights in a Lot to evidence the purchase and includes a Certificate of Interment Rights as defined in the Cemetery By-laws.

“**Inter**” means the burial or placement of Human Remains, as defined in the Cemetery By-laws, in a Lot and “**Interred**” and “**Interment**” have corresponding meanings.

“**Interment Rights**” means the right to require or direct Interment of Human Remains, in a Lot.

“**Interment Rights Holder**” means the person who holds Interment Rights for a Lot and includes the purchaser of Interment Rights or the person to whom the Interment Rights have been transferred in accordance with the Cemetery By-laws.

“**Lot**” means an area of land in a cemetery containing, or set aside to contain, interred Human Remains and includes any space in a columbarium.

“**Manager**” means the Manager of Operations of the Township or designate.

4. Procedure

- 4.1 Section C) of the Cemetery By-laws provides that an Interment Rights Holder may require the Township to repurchase the Interment Rights at any time before they are used. The Interment Rights Holder must submit a written demand to the Township to repurchase the Interment Rights and the Deed must be returned to the Township.
- 4.2 Where the Township receives a written demand to repurchase Interment Rights, it will review the submission to determine if it includes a Deed for the Lot. If the submission does not contain a Deed, the Manager will direct the person making the repurchase demand to provide it.
- 4.3 Upon receipt of a Deed requested under subsection 4.2, the Township will repurchase the Interment Rights in accordance with the Cemetery By-laws. However, where the person making the repurchase demand is unable to produce a Deed and represents that it has been lost, misplaced or destroyed, the Township will proceed in accordance with subsections 4.4 to 4.10 of this policy.
- 4.4 The Township will search municipal records for the Deed. If the Township locates the Deed or a copy of the Deed in its records and the Manager is satisfied upon review of same that the person making the repurchase demand is the Interment Rights Holder, the Township will repurchase the Interment Rights in accordance with the Cemetery By-laws.
- 4.5 If the Township does not locate the Deed or a copy of the Deed in its records, or if the Manager is not satisfied for any other reason that the person making the repurchase demand is the Interment Rights Holder, the Manager will direct the person to provide a Declaration in the form attached to this policy, which must include the following:
 - i. name and contact information of the person making the repurchase demand;
 - ii. history and details of the purchase of the Interment Rights for the Lot;
 - iii. details of the person's claim to be an Interment Rights Holder for the Lot;
 - iv. names and contact information of all Interment Rights Holders for the Lot;
 - v. confirmation that there are no other Interment Rights Holders for the Lot;
 - vi. confirmation that no Interment Rights Holder objects to the repurchase demand;
 - vii. confirmation that no Interment Rights Holder has the Deed;
 - viii. reason(s) the Deed is not in the possession of the Interment Rights Holder(s);
 - ix. effort(s) made by the Interment Rights Holder(s) to locate the Deed; and
 - x. an undertaking to indemnify, hold harmless and release the Township for any claims or liability arising from the repurchase of Interment Rights for the Lot.
- 4.6 The Declaration must be accompanied by supporting documents, which may include but are not limited to birth certificates, death certificates, obituaries, financial records, personal notes or correspondence, photographs, and any other materials relied on in support of the repurchase demand.

- 4.7 The Declaration, with all supporting documents appended, must be sworn or affirmed before a duly authorized commissioner of oaths or notary public.
- 4.8 The person making the repurchase demand is solely responsible for costs incurred to complete the Declaration and/or obtain supporting materials.
- 4.9 If, upon review of the Declaration and supporting materials, the Manager is satisfied that the Deed has been lost, misplaced or destroyed and that the person making the repurchase demand is the Interment Rights Holder, the Township will repurchase the Interment Rights in accordance with the Cemeteries By-law.
- 4.10 If the Manager is not satisfied that the Deed has been lost, misplaced or destroyed or that the person making the repurchase demand is the Interment Rights Holder, the Manager may decline the demand or may specify additional information needed to satisfy the requirements of this policy, failing which the Manager will deny the demand.
- 4.11 Where a repurchase demand is declined, the Manager will provide written notice of the decision to the person making the repurchase demand and to any other Interment Rights Holders identified in the Declaration.
- 4.12 Decisions of the Manager under this policy are final and not subject to review.

5. Attachments

Declaration of Interment Rights [to be developed by the Township Solicitor upon adoption of this policy]

TO: Mayor Grant & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: December 11, 2023

SUBJECT: Zoning By-law Amendment File No. Z03/2023W
Ryan Bath (Canboro Creations) on behalf of
Wojciech & Mariola Oles and Mieczyslaw Kolcz
Vacant Lot Beach Road East, Wainfleet

RECOMMENDATION(S):

THAT Planning Staff Report PSR-008/2023 be received; and

THAT Zoning By-law Amendment File No. Z03/2023W for lands described as Concession 1 Part Lot 14 PCL 41, known municipally by its Assessment Roll Number 271400000403400, be approved for the reasons outlined in this report; and

THAT the application be deemed consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe, Niagara Official Plan and Township of Wainfleet Official Plan; and

THAT the Zoning By-law Amendment attached as Appendix “C” be adopted.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a recommendation regarding the zoning by-law amendment application filed by Ryan Bath (Canboro Creations) on behalf of Wojciech & Mariola Oles and Mieczyslaw Kolcz for lands known municipally by its Assessment Roll Number 271400000403400.

The proposed zoning by-law amendment is requesting site specific provisions to facilitate the construction of an accessory building (detached garage) without the establishment of the primary use (single detached dwelling).

BACKGROUND:

The subject lands are located on the north side of Beach Road East, across from 11507 Beach Road East, and are known municipally by its Assessment Roll Number 271400000403400. The subject lands are approximately 0.12 acres (485.6m²) in area and are currently vacant, as presented in Figure 1. The surrounding land uses include residential and recreational.

Figure 1 – Subject Lands



The subject lands are designated as Rural Lands in the Niagara Official Plan, designated as Lakeshore Residential and Hazard Lands in the Township Official Plan and zoned Residential Lakeshore – RLS.C10 with a Hazard Overlay under Zoning By-law 034-2014.

The application proposes to amend Zoning By-law 034-2014 to rezone the subject lands to a site-specific Residential Lakeshore – RLS.C10-46 zone, while maintaining the Hazard Overlay, to permit the construction of an accessory building without the establishment of the primary use (single detached dwelling) and the following structure requirements:

- Maximum overall lot coverage of 21%;
- Maximum accessory building lot coverage of 21%;
- Minimum accessory building front yard setback of 3m;
- Minimum accessory building side yard setback of 1.5m;
- Maximum accessory building height of 6.9m.

The proposed accessory building (detached garage) will be accessory to the applicant's single detached dwelling located across the street at 11507 Beach Road East.

On October 10, 2023 the applicant filed the zoning by-law amendment application along with the following materials:

1. Arborist Report prepared by Davey Resource Group (dated April 17, 2023);
2. Building Elevation Drawings & Site Plan prepared by Canboro Creations (dated October 2, 2023);
3. Planning Justification Report prepared by South Coast Consulting (dated October 26, 2023);
4. Stage 1 & 2 Archaeological Assessment prepared by Archaeological Consultants Canada (dated April 3, 2023) and Ministry Acknowledgement Letter (dated May 23, 2023);
5. Tree Protection Plan prepared by Davey Resource Group (dated October 2, 2023).

The application was declared complete on October 27, 2023. Notice of a complete application and public meeting for the application was given on October 30, 2023. On November 21, 2023 a public meeting regarding the application was held and an information report was presented to Council.

OPTIONS/DISCUSSION:

Planning Act, R.S.O. 1990, c.P.13

Section 2 of the *Planning Act* addresses matters of Provincial interest and requires local planning authorities to have regard to, among other matters:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

The proposed zoning by-law amendment would allow for an underutilized property to be developed. The proposed accessory building fits the character of the surrounding neighbourhood and poses no negative impacts.

Considering the requested zoning provisions and the surrounding land uses, Planning staff are of the opinion that the proposed zoning by-law amendment maintains the Provincial interest described under Section 2 of the *Planning Act*.

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (PPS) provides overall policy direction on matters of provincial interest relating to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. Any decision on planning matters shall be consistent with the policies of the PPS.

The subject lands are designated as being within Rural Lands. The predominate use of Rural Lands shall be agricultural uses, agricultural related uses and on-farm diversified uses however additional uses such as the management or use of resources, resource-based recreational uses, limited residential development, home occupations and home industries, cemeteries and other rural land uses are permitted. The PPS policies do not speak directly to accessory buildings but do require development to be compatible with the rural landscape and to be sustained by rural service levels. The proposed accessory building fits the character of the surrounding neighbourhood and will not require servicing as a dwelling unit is not proposed within the accessory building.

Section 2.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. Based on the Ministry of Citizenship and Multiculturalism's (MCM) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to its proximity to Lake Erie and as such, an archaeological assessment was required. A Stage 1 & 2 Archaeological Assessment was prepared by Archaeological Consultants Canada (dated April 3,

2023) which assessed the entire property through test pit surveys at 5 metre intervals. There were no archaeological resources identified and the report concluded that no further archaeological assessments are warranted for the subject lands. The applicant also submitted a copy of the MCM's Acknowledgment Letter indicating that the report was entered into the Ontario Public Register of Archaeological Reports without technical review.

Staff are satisfied that the proposed zoning by-law amendment is consistent with the direction set out in the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019

The subject lands are designated as Rural Lands under the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan). Section 2.2.9 of the Growth Plan states that development outside of settlement areas may be permitted on Rural Lands provided it is compatible with the rural landscape and surrounding local land uses and other resource-based uses such as mineral aggregate operations.

The proposed accessory building will be accessory to the applicant's single detached dwelling located at 11507 Beach Road East. The proposed accessory building fits the character of the surrounding neighbourhood, which includes a number of accessory buildings servicing single detached dwellings on adjacent lots.

Staff are satisfied that the proposed zoning by-law amendment conforms with the Growth Plan.

Niagara Official Plan, 2022

The subject lands are designated as Rural Lands under the new Niagara Official Plan (NOP). The predominate use of Rural Lands is intended to be agriculture but some limited non-farm development, such as residential uses, may be permitted where the development is at a scale and density suitable to the physical character of the site and where the site can be adequately serviced with private services (water and septic). Furthermore, Policy 4.1.8.3 of the NOP recognizes that the Rural Lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development and states that these uses and expansions thereof continue to be permitted in accordance with local official plans and zoning by-law provisions.

The proposed site-specific Residential Lakeshore – RLS. C10-46 zone and proposed accessory building are compatible with the rural landscape and are not out of character for the area as it consists of a number of properties with accessory buildings that service a single detached dwelling on an adjacent property. There are no concerns with respect to servicing as the proposed accessory building will not contain a dwelling unit nor any plumbing fixtures.

Similar to the PPS, NOP Policy 6.4.2.1 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. As discussed above, the Stage 1 & 2 Archaeological Assessment was

prepared by Archaeological Consultants Canada (dated April 3, 2023) concluded that no further archaeological assessments are warranted for the subject lands.

The subject lands are mapped within the Region's Natural Environment System (NES) due to the presence of Significant Woodland and Shoreline area. NOP Policy 3.1.9.8.1 typically requires the completion of an Environmental Impact Study (EIS) for any development or site alteration within 120m of Significant Woodland. However, through the pre-consultation process Regional staff identified that the requirement for an EIS could be scoped in accordance with Policy 3.1.9.8.2 as the proposed development is minor and is not anticipated to have a negative impact on the NES. As such the applicant submitted an Arborist Report prepared by Davey Resource Group (dated April 17, 2023) and a Tree Protection Plan prepared by Davey Resource Group (dated October 2, 2023). The Arborist Report confirmed that there are no trees on the subject lands and that the potential impacts to an adjacent Juniper tree can be mitigated through the installation of tree protection fencing prior to any site alteration. This is to be implemented through the building permit process.

Staff are satisfied that the proposed zoning by-law amendment conforms with the NOP.

Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications within their regulated areas in accordance with the NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (NPCA Policy). The NPCA's Regulation Mapping shows that the subject property is impacted by the Lake Erie Shoreline Flood and Erosion Hazard.

NPCA Policy 4.26 d) states that accessory buildings and structures are permitted within the flooding hazard provided the building incorporates flood-proofing. In this instance, that would mean ensuring that any openings within the structure are above the regulatory 100-year flood elevation of 176.8 and a grading plan to demonstrate safe access outside of the flood elevation. These items will be addressed through the building permit stage and an NPCA Works Permit will be required before issuance of the Township building permit.

Staff are satisfied that the proposed zoning by-law amendment conforms with NPCA Policy.

Township of Wainfleet Official Plan, 2016

The subject lands are designated as Lakeshore Residential and Hazard Lands in the Township Official Plan (OP). Permitted uses within the Lakeshore Residential designation include seasonal and full year single detached dwellings and secondary suites, tourist cabins and resorts, home occupations, public and private utilities, parks and open spaces, bed and breakfast establishments and group homes.

The OP policies do not speak directly to accessory buildings but does provide some general residential design guidance. Section 3.3.5 of the OP states that it is the objective of the OP to ensure that development within residential areas reflects and fits

in with the established character and to create a built environment that provides sensitive integration of new development with existing development, visual diversity, interest and beauty. The surrounding area is predominately residential with some recreational and open space uses located to the northeast. The proposed accessory building fits the character of the surrounding neighbourhood, which includes a number of accessory buildings servicing single detached dwellings on adjacent lots.

The mapped Hazard Lands include lands potentially unsafe for development due to flood hazard, erosion hazard, hazardous sites or steep slopes. Policies state that development and site alteration may be permitted on portions of hazardous lands or hazardous sites, provided the Niagara Peninsula Conservation Authority can be satisfied that the effects and risk to public safety are minor and can be managed or mitigated. As discussed above, NPCA policies allow for accessory buildings within the flood hazard and the applicant will be required to provide a grading plan showing the flood hazard and construction drawings showing that the accessory building will not contain any openings below the flood elevation.

The subject lands are located within an area containing a Highly Vulnerable Aquifer (HVA). Policies require the completion of a hydrogeological study in support of development to assess the impact from private servicing on the aquifer. However, the applicant is not proposing any private services for the accessory building and as such, the requirement for a hydrogeological study was waived.

Staff are satisfied that the proposed zoning by-law amendment conforms with the OP.

Township of Wainfleet Zoning By-law 034-2014

The subject lands are zoned Residential Lakeshore – RLS.C10 with a Hazard Overlay which permits a single detached dwelling and buildings and structures accessory to. Accessory buildings within the RLS zone are subject to the following structure requirements:

Max. Lot Coverage	Min. Front Yard	Min. Exterior Side Yard	Min. Interior Side Yard	Min. Rear Yard	Max. Height
2.5% ¹	6m	6m	1m	1m	5m

¹ provided the overall lot coverage of the zone is not exceeded (10%).

The site plan and proposed elevations for the accessory building are attached as Appendix “A”.

Section 4.21 a) of the Zoning By-law states that an accessory building cannot be constructed prior to the establishment of the permitted dwelling or principal building on the same lot. The intent of prohibiting accessory buildings prior to the establishment of the primary use, is to ensure that properties are appropriately developed and that consideration is given to private servicing. There are certain areas along the lakeshore where residents own lots on both sides of the road –

typically the southern lakefront lot contains the dwelling and the lot on the north side of the road is used for additional amenity space, parking and in some circumstances private servicing. As discussed above, the applicant owns the property south of the subject lands (known municipally as 11507 Beach Road East) which contains a single detached dwelling. That property is too small to accommodate an accessory building and so the applicant wishes to utilize the subject lands for the accessory building. The request is reasonable and appropriate for the underutilized subject lands.

Due to the size and configuration of the subject lands, it was not possible to comply with several of the building and structure provisions in the Zoning By-law. The requested reductions to the front yard setback (3m) and side yard setback (1.5m) are appropriate given the context of the area. The proposed location balances the need for separation from Beach Road East and maintaining a buffer to the adjacent natural heritage features. The requested increase in the maximum overall lot coverage and accessory building lot coverage (21%) are aligned with the development patterns for dwellings and accessory buildings in the area. The applicant is not proposing any plumbing for the accessory building and as such there are no concerns with respect to private servicing. The requested increase to the maximum accessory building height (6.9m) is accommodate a loft above the garage to provide additional storage for the applicants. The requested height aligns with some of the newer accessory buildings in the area.

It is staff's opinion that the proposed zoning by-law amendment is reasonable and appropriate for the subject lands.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

Public Meeting

A statutory public meeting was held on November 21, 2023. Notice of the public meeting was mailed to landowners within 120m of the subject lands on October 30, 2023. Additionally, a public notice sign was posted on the subject lands and the notice, along with the application materials, were posted on the Township's website.

The applicant's planning consultant, Steven Rivers of South Coast Consulting, appeared in support of the proposed zoning by-law amendment. No member of the public spoke at the public meeting and no written public comments have been received.

A copy of the draft public meeting minutes are attached as Appendix "B".

Township Department & Agency Comments

The application was circulated to external agencies and internal departments for review and comment on October 30, 2023 and the following comments have been received.

Township By-law Enforcement Officer noted no concerns or objections to the proposed amendment.

Township Drainage Superintendent notes that the property is not assessed to a municipal drain and as such there are no concerns or comments.

Enbridge noted no objection to the proposed amendment but indicated that they reserve the right to amend their development conditions.

Niagara Region Growth Strategy & Economic Development staff noted no objection to the proposed zoning by-law amendment as the proposed use is consistent with the Provincial Policy Statement and conforms to Provincial and Regional policies, provided the tree protection fencing is installed prior to site alteration.

Planning Staff Response:

The identified mitigation measures in the Arborist Report, including the installation of the tree protection fencing prior to site alteration, will be included as a requirement in the issued building permit at the time of the building permit review.

Niagara Peninsula Conservation Authority staff were circulated the application and noted no objection to the proposed amendment but indicated that a NPCA Works Permit will be required prior to any development or site alteration.

Planning Staff Response:

NPCA approval through the issuance of an NPCA Works Permit will be a requirement through the building permit process.

Report Reviewed By

☒ Chief Administrative Officer

☐ Clerks

☒ Community & Dev. Services

☐ Fire

☒ Corporate Services

☒ Human Resources

☒ Operations

☐ Other:

CONCLUSION:

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z03/2023W, for the lands known municipally by its Assessment Roll Number 271400000403400. It is the opinion of staff that the application is consistent with the Provincial Policy Statement, conforms with Provincial, Regional and Township planning policies and recommends that the application be approved.

ATTACHMENTS:

- 1) Appendix "A" – Proposed Site Plan & Elevation Drawings
- 2) Appendix "B" – Draft Minutes of the Public Meeting held on November 21, 2023
- 3) Appendix "C" – Zoning By-law Amendment

Respectfully submitted by,

Approved by,

Sarah Ivins
Planner

William J. Kolasa
Chief Administrative Officer/Clerk

[illegible]

ZONE PROVISION	R.L.S.C10 ZONE REQUIREMENT ACCESSORY BUILDING REQUIREMENTS	PROVIDED OR PROPOSED
PERMITTED USE	No accessory building shall be erected prior to the erection of the permitted dwelling and no accessory building shall be used prior to the erection of such dwelling.	Erected and used prior to the erection of a dwelling
COVERAGE	± or lots less than the in size, the lesser of 2.5% or 100sqm	21%
FRONT YARD	12m	3m
SIDE YARD	2m	1.5m
REAR YARD	2m	15.7m
HEIGHT	9m	6.9m

All contractors and/or trades shall verify all dimensions, notes, site and record any discrepancies prior to construction. This drawing is not to be used, all drawings, prints and related documents are the property of the designer and must be returned upon request. Reproduction of drawings and related documents in part or in whole is strictly forbidden without written consent. Drawings to be for the purpose for which they are issued.

PROJECT NAME:	POLES ACCESSORY BUILDING			SITE PLAN
PROJECT NO.:	11507			
ADDRESS:	11507 BEACH ROAD EAST WINFLEET, ONTARIO			
DATE:	2020-10-27 02:42 PM	DESIGNED BY:	12-SUB-EN-PLAN-BATH	DESIGNED BY: 12-PTD
SCALE:	1:100	REVIEW:	12-SUB-EN-PLAN-BATH	12-SUB-EN-PLAN-BATH
<p>NOT TO SCALE. THIS PLAN IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE DESIGNER IS NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY. THE DESIGNER IS NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY. THE DESIGNER IS NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY.</p>				
<p>12-SUB-EN-PLAN-BATH</p>				

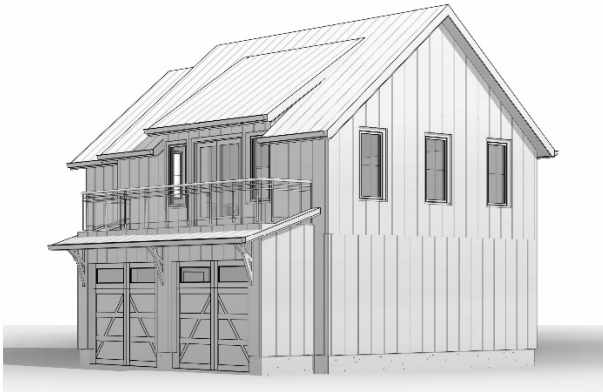
REV.	DESCRIPTION	DATE
0	REVEN*	2023-06-03
1		
2		
3		
4		
5		
6		
7		

**CANBORO
CREATIONS**

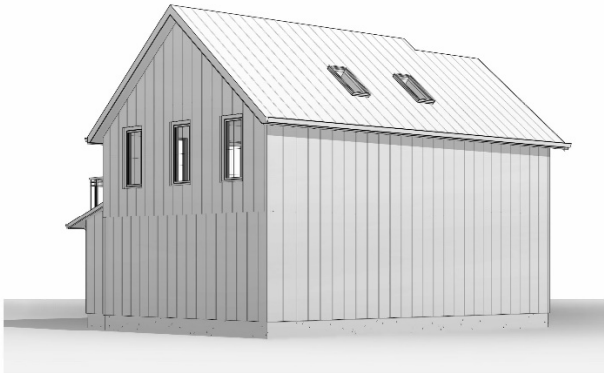
25 CARLTON AVE.
WILLIAMSBURG, ON, L9C 1P6
T. 905.326.6777 | ryan@canborocreations.com | www.canborocreations.com

LOT: **PG:**

A0



3D View 1



3D View 2



3D View 3



3D View 4

OLES ACCESSORY BUILDING
11507 BEACH ROAD EAST
WAINFLEET, ONTARIO

All construction and/or building shall comply with all applicable codes, rules, and regulations and shall be subject to the jurisdiction of the City of Wainfleet. This drawing is not to be used for any other purpose without the written consent of the designer and shall be used for the purpose of the project only. The designer shall not be responsible for any errors or omissions in this drawing.

COVER SHEET	
SCALE:	DATE:
DESIGNED FOR:	REVIEWED FOR:
DESIGNED BY:	REVIEWED BY:
DATE:	DATE:

OLES ACCESSORY BUILDING
11507 BEACH ROAD EAST
WAINFLEET, ONTARIO

STRUCTURAL ENGINEER SEAL
ENGINEER SEAL
11507 BEACH ROAD EAST
WAINFLEET, ONTARIO

REV.	DESCRIPTION	DATE
0	REVIEW	2023 08 08
1		
2		
3		
4		
5		
6		
7		

CANBORO CREATIONS

20 CANBORO AVE
WAINFLEET, ONT. L0A 1H0
TEL: 519-338-1111 | WWW.CANBOROCREATIONS.COM

LOT:	PG:
	3D

APPENDIX “B”

November 21, 2023 Draft Public Meeting Minutes

8. Public Meeting

a) Z03/2023W – Zoning By-law Amendment – Vacant Lot Beach Road East

Deputy Mayor Gilmore advised that the purpose of the Public Meeting is to provide information about Zoning By-law Amendment application Z03/2023W and provide opportunity for public input.

The Planner provided an information report outlining application details and written comments received.

Steven Rivers, representing the applicant provided comments indicating a tree preservation plan has been prepared, archaeological assessment completed with no concerns and noted this is a reasonable request in keeping with good planning.

There were no questions or comments from Members of Council and there were no members of public present wishing to speak to the application.

The Public Meeting was adjourned.

APPENDIX “C”

CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 00X-2023

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 1, Part Lot 14 PCL 41 in the Township of Wainfleet and known municipally as 271400000403400.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 26 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Residential Lakeshore – RLS.C10 to Residential Lakeshore – RLS.C10-46, as shown on Schedule “A” attached hereto, while maintaining the existing Hazard Overlay.

THAT Table 11 of Section 7.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the RLS section:

Zone	#	By-law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
RLS	46	0XX-2023	Con. 1, Pt. Lot 14 PCL 41	Accessory building without the erection of the primary dwelling		

THAT Table 12 of Section 7.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the RLS section:

Zone	#	By-Law #	Address	Description of Special Provision
RLS	46	0XX-2023	Con. 1, Pt. Lot 14 PCL 41	Maximum overall lot coverage: 21% Maximum accessory building lot coverage: 21% Minimum accessory building front yard setback: 3m Minimum accessory building side yard setback: 1.5m Minimum accessory building height: 6.9m

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

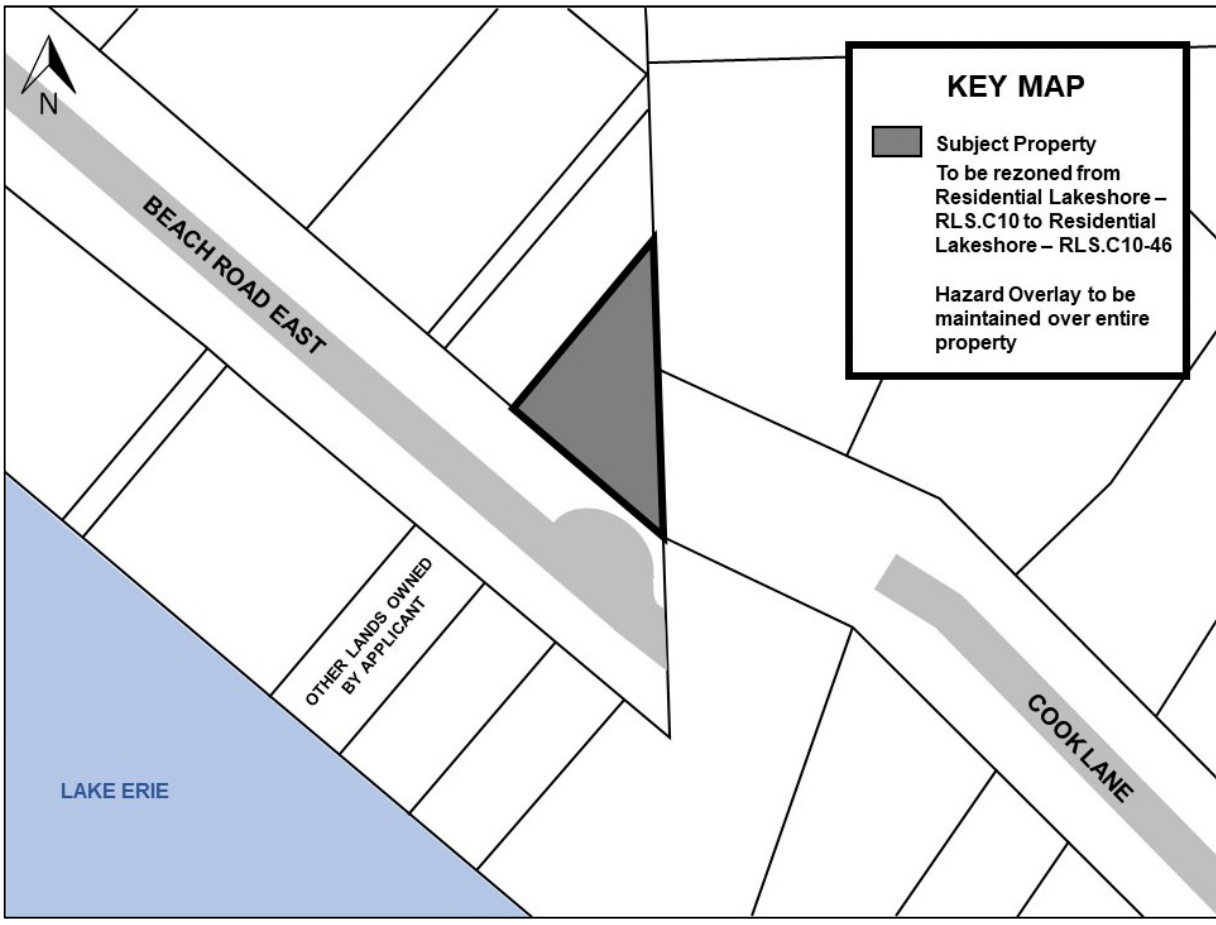
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 0XX-2023

 <div data-bbox="1042 331 1383 667" style="border: 1px solid black; padding: 5px;"> <p>KEY MAP</p> <p> Subject Property To be rezoned from Residential Lakeshore – RLS.C10 to Residential Lakeshore – RLS.C10-46</p> <p>Hazard Overlay to be maintained over entire property</p> </div>	
<p>TOWNSHIP OF WAINFLEET</p>	
<p>Purpose & Effect of By-law No. 00X-2023:</p> <p>This by-law affects lands described as Concession 1, Part Lot 14 PCL 41 in the Township of Wainfleet and known municipally as 271400000403400. This by-law has been enacted to rezone the lands to a Residential Lakeshore –RLS.C10-46 zone. Exception 46 permits an accessory building without the erection of the primary dwelling, a maximum overall lot coverage of 21%, a maximum accessory building lot coverage of 21%, a minimum accessory building front yard setback of 1.5m, a minimum accessory building side yard setback of 1.5m and a maximum accessory building height of 6.9m.</p> <p>File No. Z03/2023W (Oles)</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 00X-2023. PASSED THIS 11TH DAY OF DECEMBER, 2023.</p>
	<p>MAYOR</p>
	<p>DEPUTY CLERK</p>

TO: Mayor Grant & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: December 11, 2023

SUBJECT: Zoning By-law Amendment File No. Z04/2023W
Ken & Pam Hessels on behalf of 1000446505 Ontario Inc.
73982 Regional Road 45, Wainfleet

RECOMMENDATION(S):

THAT Planning Staff Report PSR-009/2023 be received; and

THAT Zoning By-law Amendment File No. Z04/2023W for lands described as Concession 7, Part Lot 39, known municipally as 73982 Regional Road 45, be approved for the reasons outlined in this report; and

THAT the application be deemed consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe, Niagara Official Plan and Township of Wainfleet Official Plan; and

THAT the Zoning By-law Amendment attached as Appendix “C” be adopted.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a recommendation regarding the zoning by-law amendment application filed by Ken & Pam Hessels on behalf of 1000446505 Ontario Inc. for lands known municipally as 73982 Regional Road 45.

The subject lands were the subject of consent (severance) applications (File No. B05/2023W and B06/2023W) which were provisionally approved by the Committee of Adjustment on November 15, 2023. The provisional approval allows for two residential building lots to be severed from the subject lands.

The proposed zoning by-law amendment is needed to permit a single detached dwelling on each of the severed lots as the current Development – D zone under Zoning By-law 581-78 prohibits new dwellings.

BACKGROUND:

The subject lands are located on the north side of Regional Road 45, between Wellandport Road and Regional Road 27, and are known municipally as 73982 Regional Road 45. The subject lands are approximately 1.4 hectares (3.45 acres) in area and currently contains a single detached dwelling, as presented in Figure 1. It

should be noted that the structures and materials shown on the east end of the property have been removed and the site has been cleaned up. The surrounding land uses include residential and agricultural.

Figure 1 – Subject Lands



The subject lands are designated as Rural Settlement in the Niagara Official Plan, designated as Village Residential in the Township Official Plan and zoned Development – D under Zoning By-law 581-78.

The application proposes to amend Zoning By-law 581-78 to rezone the subject lands to a Residential – R1 zone to permit the construction of a single detached dwelling on each of the severed lots.

On October 11, 2023 the applicant filed concurrent consent and zoning by-law amendment applications along with the following materials:

1. Stage 1 & 2 Archaeological Assessment prepared by ASI (dated July 4, 2023) and Ministry Acknowledgment Letter (dated August 21, 2023);
2. Hydrogeological Study prepared by Terra-Dynamics Consulting Inc. (dated August 25, 2023);
3. Phase I Environmental Site Assessment prepared by WSP (dated August 9, 2023);
4. Phase II Environmental Site Assessment prepared by WSP (dated October 6, 2023);

5. Severance Sketch prepared by Lanthier & Gilmore Surveying Ltd. (dated September 7, 2023).

The application was declared complete on October 18, 2023. Notice of a complete application and public meeting for the application was given on October 20, 2023. On November 21, 2023 a public meeting regarding the application was held and an information report was presented to Council.

OPTIONS/DISCUSSION:

Planning Act, R.S.O. 1990, c.P.13

Section 2 of the *Planning Act* addresses matters of Provincial interest and requires local planning authorities to have regard to, among other matters:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

The proposed zoning by-law amendment would allow for the construction of a single detached dwelling and private services on each of the new lots within a Hamlet. Hamlets should be the primary focus for growth and the environmental and archaeological concerns have been addressed through the provided studies.

Considering the requested zoning provisions and the surrounding land uses, Planning staff are of the opinion that the proposed zoning by-law amendment maintains the Provincial interest described under Section 2 of the *Planning Act*.

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (PPS) provides overall policy direction on matters of provincial interest relating to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. Any decision on planning matters shall be consistent with the policies of the PPS.

The subject property is designated as being within a Settlement Area. Settlement Areas are urban and rural settlement areas that include cities, towns, villages and hamlets. Settlement Areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Residential development is permitted within a rural settlement area provided that consideration is given to rural characteristics, the scale of development and the provision of appropriate service levels. The proposed residential use is consistent with the existing development patterns in the Hamlet of Wellandport and will fit the rural characteristics of the Hamlet. A Hydrogeological Study prepared by Terra-Dynamics Consulting Inc. (dated August 25, 2023) was submitted as part of the application and it concluded that there were no hydrogeological-based impediments to site development as long as certain recommendations are implemented, including cisterns for a water supply, the decommissioning of the existing bored/dug wells and a development agreement. As a condition of approval for the consent applications, a consent agreement is required to address the recommendations of the Hydrogeological Study. Planning staff are therefore satisfied that the proposed residential uses can be appropriately serviced.

Section 2.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. Based on the Ministry of Citizenship and Multiculturalism's (MCM) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to its proximity to the Welland River and as such, an archaeological assessment was required. A Stage 1 & 2 Archaeological Assessment was prepared by ASI (dated July 4, 2023) which noted that a portion of the subject lands were found to be previously disturbed and therefore not retaining archaeological potential, resulting in 33% of the property being assessed through test pits in a scoped Stage 2 Archaeological Assessment. There were no archaeological resources identified and the report concluded that no further archaeological assessments were warranted for the subject lands. The applicant also submitted a copy of the MCM's Acknowledgment

Letter indicating that the report was entered into the Ontario Public Register of Archaeological Reports without technical review.

The subject lands have some historical potentially contaminating uses, such as a private workshop and the storage of vehicles, boats and trailers in various stages of disrepair. Section 3.2.2 of the PPS requires sites with contaminants in land or water to be assessed and remediated as necessary prior to any activity on the site so as not to cause any adverse effects. As such Phase I and Phase II Environmental Site Assessments (ESA) prepared by WSP E&I Canada Ltd., dated August 9, 2023 and October 6, 2023 were submitted with the applications. The Phase II ESA found that the concentrations for all parameters tested in the soil chemical analysis to be below Ministry of Environment acceptable levels identified in Table 2 SCS, with the exception of Electrical Conductivity (EC's) in Test Pit 11 and Polycyclic Aromatic Hydrocarbons (PAHs) in Test Pit 9. The ESA noted that the EC impacts are attributed to standard road salt applications for vehicle and pedestrian safety for nearby roads, which are exempt under Section 49.1 of Ontario Regulation 153/04. The ESA notes that the PAHs are attributed to the fill material from the former operations on the property. A Site Remediation Plan (SRP) was completed and the impacted soils were removed from the subject property and appropriately disposed offsite. As a result of the completed SRP, the ESA concludes that no further work is required for the subject property.

Staff are satisfied that the proposed zoning by-law amendment is consistent with the direction set out in the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019

The subject lands are designated as Rural Settlement Area under the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan). Rural settlement areas contain existing hamlets and villages that have been long established and identified in municipal official plans. Rural settlement areas are serviced by individual private on-site water and/or private water systems, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

As discussed above, the Hydrogeological Study prepared by Terra-Dynamics Consulting Inc. (dated August 25, 2023) concluded that there were no hydrogeological-based impediments to site development. As such the proposed residential use in the zoning by-law amendment can be appropriately serviced.

Staff are satisfied that the proposed zoning by-law amendment conforms with the Growth Plan.

Niagara Official Plan, 2022

The subject lands are designated as Rural Settlement in the Niagara Official Plan (NOP). Outside of urban areas, rural settlements are identified as the focus for growth and development and allow for an appropriate range of land uses that fit the character of the surrounding area and can be maintained by private water and wastewater servicing.

Policy 2.2.3.3 of the NOP states that development in rural settlements should be planned to, among other things, encourage residential infill development that builds on the rural character and characteristics of the surrounding area provided that development can be serviced by sustainable private water and wastewater treatment systems. The proposed lots fit the rural character of the Hamlet of Wellandport with respect to lot size and frontage. As discussed above, the Hydrogeological Study prepared by Terra-Dynamics Consulting Inc. (August 25, 2023) concluded that there were no hydrogeological-based impediments to site development.

Similar to the PPS, NOP Policy 6.4.2.1 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. As discussed above, the Stage 1 & 2 Archaeological Assessment was prepared by ASI (dated July 4, 2023) concluded that no further archaeological assessments are warranted for the subject lands.

Staff are satisfied that the proposed zoning by-law amendment conforms with the NOP.

Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications within their regulated areas in accordance with the NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (NPCA Policy). The NPCA's Regulation Mapping shows that the subject property is not impacted by any regulated features and as such there are no concerns.

Township of Wainfleet Official Plan, 2016

The subject property is located within the Hamlet of Wellandport and is designated as Village Residential in the Township Official Plan (OP). Permitted uses within the Village Residential designation include single detached dwellings and secondary suites, converted dwellings, home occupations, public and private utilities, parks and open spaces, bed and breakfast establishments, day care facilities, communal housing, group homes and small scale institutional uses.

Policies within the Village Residential designation state that all new residential development shall respect the character and image of the surrounding area. The proposed zoning by-law amendment to rezone the subject lands to a Residential – R1 zone aligns with these policies. The provisionally approved lot complies with the minimum lot area and lot frontage requirements of the Residential – R1 zone, has access to a public road (Regional Road 45) and reflects the lot pattern within the Hamlet.

Staff are satisfied that the proposed zoning by-law amendment conforms with the OP.

Township of Wainfleet Zoning By-law 581-78

The subject property is zoned Development – D in the Township Zoning By-law 581-78. Permitted uses within the Development – D zone include agricultural uses (but excluding all livestock and poultry operations, mushroom farms, fur farms, greenhouses and commercial greenhouses), single detached dwellings existing at the date of the

passing of by-law and uses, buildings and structures accessory thereto and the conversion of a building existing at the date of the passing of the by-law to a duplex or semi-detached dwelling.

In order for a single detached dwelling to be permitted on each of the provisionally approved lots, the lot must be within the Residential – R1 zone. Permitted uses within the Residential – R1 zone include one single detached dwelling on one lot, cottages existing at the date of passing of the by-law (excluding enlargements or conversions to a single detached dwelling), and uses, buildings and structures accessory to these permitted uses.

The proposed zoning by-law amendment seeks to rezone the subject lands to a Residential – R1 zone. Staff are satisfied that the provisionally approved lots are adequate to accommodate a single detached dwelling that can comply with the required yard setbacks, height and lot coverage provisions.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

Public Meeting

A statutory public meeting was held on November 21, 2023. Notice of the public meeting was mailed to landowners within 120m of the subject lands on October 20, 2023. Additionally, a public notice sign was posted on the subject lands and the notice, along with the application materials, were posted on the Township's website.

No member of the public spoke at the public meeting and no written public comments have been received. A copy of the draft public meeting minutes are attached as Appendix "B".

Township Department & Agency Comments

The application was circulated to external agencies and internal departments for review and comment on October 20, 2023 and the following comments have been received.

Township By-law Enforcement Officer noted no concerns.

Township Drainage Superintendent noted that the subject lands are not assessed to a municipal drain and as such have no concerns or comments.

Enbridge noted no objection to the proposed amendment but indicated that they reserve the right to amend their development conditions.

Hydro One noted no concerns or objections.

Niagara Region Growth Strategy & Economic Development staff noted no objection as the proposed use is consistent with the PPS and conforms to Provincial and Regional policies.

Report Reviewed By

- ☒ Chief Administrative Officer
☐ Clerks
☒ Community & Dev. Services
☐ Fire

- ☒ Corporate Services
☒ Human Resources
☒ Operations
☐ Other:

CONCLUSION:

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z04/2023W, for the lands known municipally as 73982 Regional Road 45. It is the opinion of staff that the application is consistent with the Provincial Policy Statement, conforms with Provincial, Regional and Township planning policies and recommends that the application be approved.

ATTACHMENTS:

- 1) Appendix "A" – Severance Sketch
- 2) Appendix "B" – Draft Minutes of the Public Meeting held on November 21, 2023
- 3) Appendix "C" – Zoning By-law Amendment

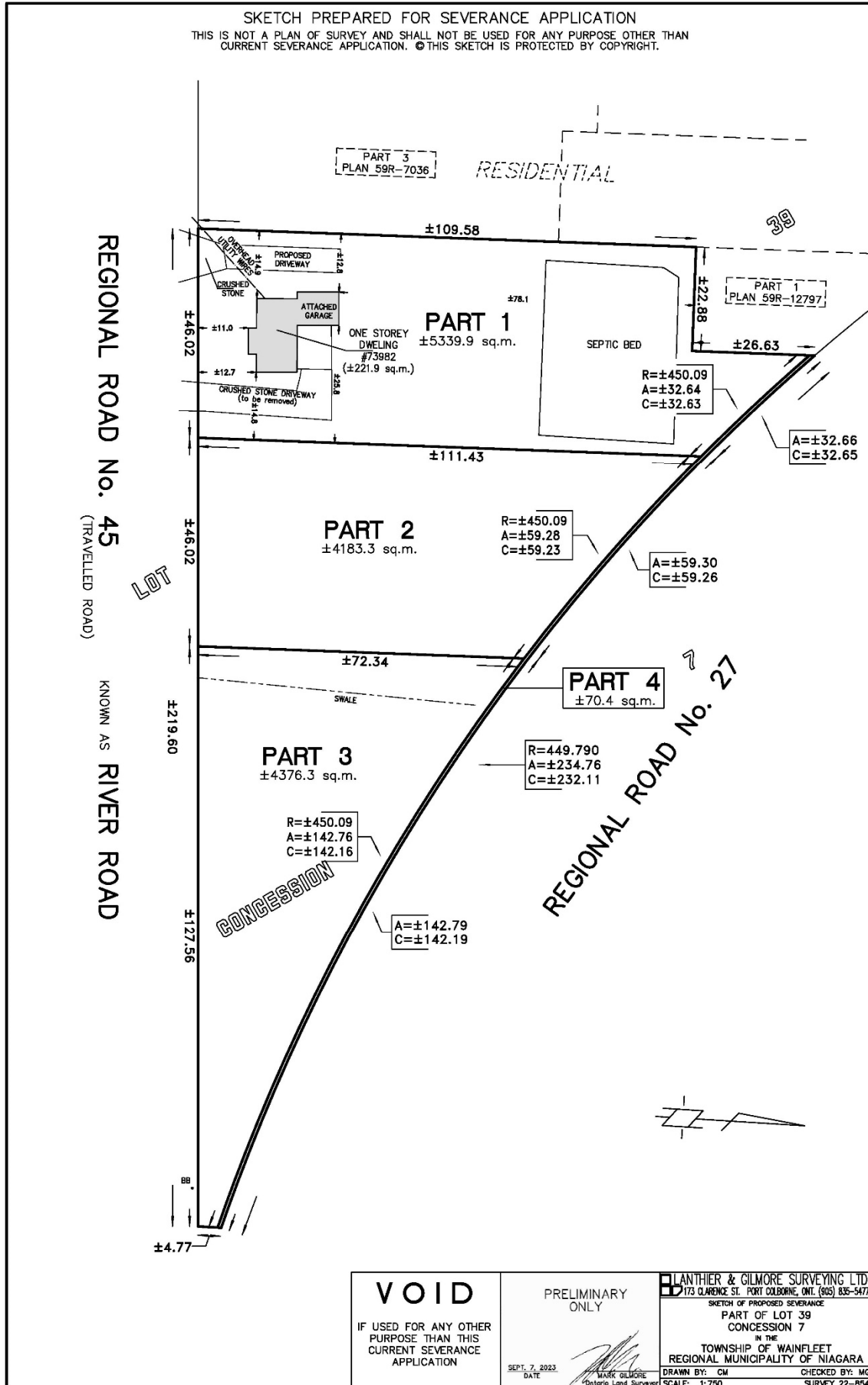
Respectfully submitted by,

Approved by,

Sarah Ivins
Planner

William J. Kolasa
Chief Administrative Officer/Clerk

APPENDIX "A" Severance Sketch



APPENDIX “B”

November 21, 2023 Draft Public Meeting Minutes

8. Public Meeting

b) Z04/2023W – Zoning By-law Amendment – 73982 Regional Road 45

Deputy Mayor Gilmore advised that the purpose of the Public Meeting is to provide information about Zoning By-law Amendment application Z04/2023W and provide opportunity for public input.

The Planner provided an information report outlining application details and written comments received.

There were no questions or comments from Members of Council and there were no members of public present wishing to speak to the application.

The Public Meeting was adjourned.

APPENDIX “C”

CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 00X-2023

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 581-78 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 7, Part Lot 39 in the Township of Wainfleet and known municipally as 73982 Regional Road 45.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 581-78 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 1 of Schedule B for Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of the subject property from a Development – D zone to Residential – R1 zone as shown on Schedule “A” attached hereto.

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

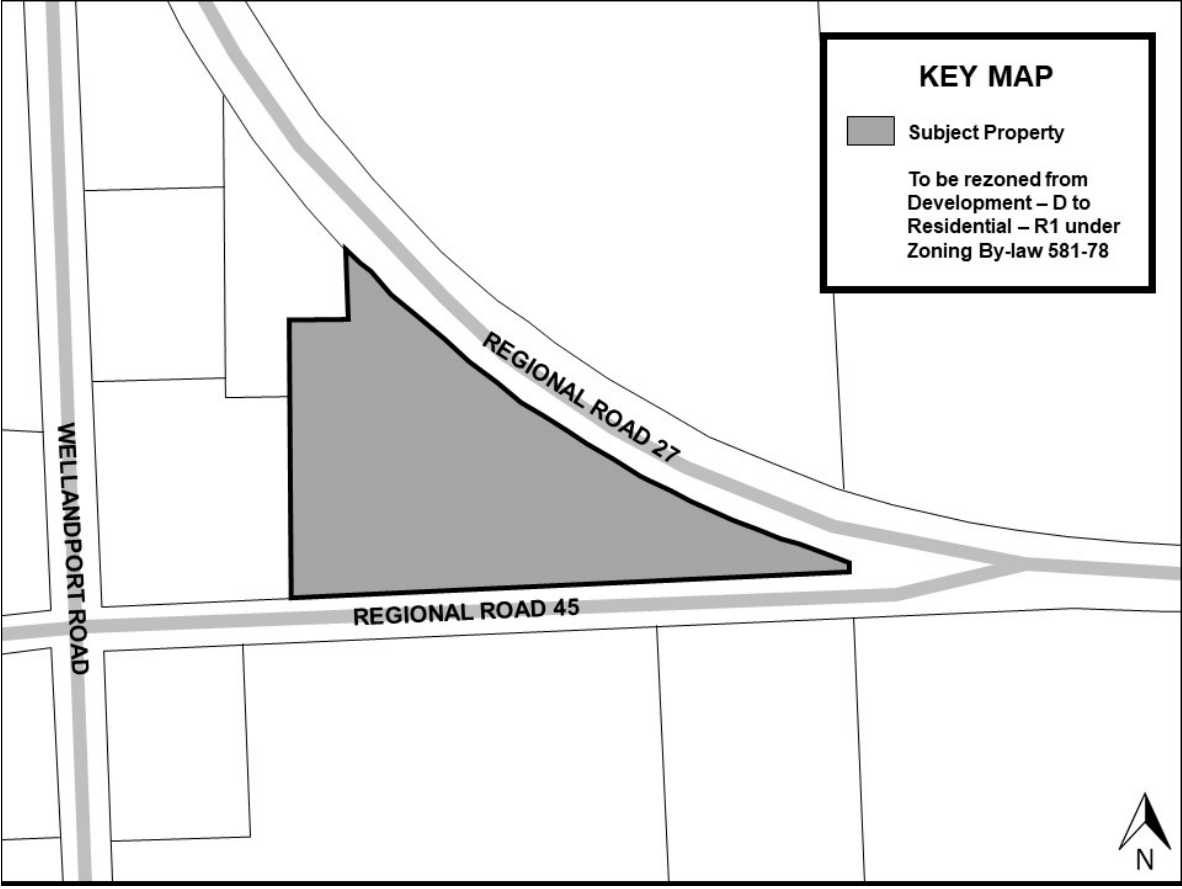
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 00X-2023

	
TOWNSHIP OF WAINFLEET	
<p>Purpose & Effect of By-law No. 00X-2023:</p> <p>This by-law affects lands described as Concession 7, Part Lot 39 in the Township of Wainfleet and known municipally as 73982 Regional Road 45. This by-law has been enacted to rezone the lands to a Residential – R1 zone to permit a single detached dwelling on each of the provisionally approved lots.</p> <p>File No. Z04/2023W (1000446505 Ontario Inc.)</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 00X-2023. PASSED THIS 11TH DAY OF DECEMBER, 2023.</p>
	MAYOR
	DEPUTY CLERK

TO: Mayor Grant & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: December 11, 2023

SUBJECT: Zoning By-law Amendment File No. Z05/2023W
Susan & Rick Collard
52253 Misener Road, Wainfleet

RECOMMENDATION(S):

THAT Planning Staff Report PSR-010/2023 be received; and

THAT Zoning By-law Amendment application Z05/2023W, to pass a temporary use by-law for a period of twenty years to permit a garden suite for lands known municipally as 52253 Misener Road, be approved for the reasons outlined in this report; and

THAT the application be deemed to be consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe, Niagara Official Plan and Township of Wainfleet Official Plan; and

THAT the Zoning By-law Amendment attached as Appendix “C” be adopted; and

THAT the Mayor and Clerk be authorized to execute a Garden Suite Agreement.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a recommendation regarding a temporary use by-law application (a type of zoning by-law amendment) filed by Susan & Rick Collard for lands known municipally as 52253 Misener Road.

The zoning by-law amendment proposes to rezone the subject lands to a temporary site-specific Agricultural – A2-79 zone to permit a garden suite for a period of up to 20 years. Staff are of the opinion that the application is consistent with Provincial, Regional and Township planning policy and recommend that the application be approved.

BACKGROUND:

The subject lands are located on the east side of Misener Road between Willford Road and Highway #3, and are known municipally as 52253 Misener Road. The subject lands are approximately 2.8 hectares (6.91 acres) in area and contain a single detached dwelling and several accessory buildings, as presented in Figure 1. The surrounding land uses include residential and agricultural.

Figure 1 – Subject Lands



The subject lands are designated as Prime Agricultural Area in the Niagara Official Plan, designated as Agricultural Area, Environmental Conservation Area and Fish Habitat in the Township Official Plan and zoned Agricultural – A2 with Environmental Conservation and Fish Habitat Overlays under Zoning By-law 034-2014.

The application proposed to amend Zoning By-law 034-2014 to rezone the subject lands to a temporary site-specific Agricultural – A2-79 zone to permit a garden suite for a period of up to 20 years. A garden suite is defined as “a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”. Policies were introduced to allow garden suites to provide a temporary housing option that supports changing demographics, allows for aging in place, and provides opportunities for affordable accommodation. The applicants are proposing a garden suite to provide accommodation for a family member.

On October 19, 2023 the applicants filed the zoning by-law amendment application along with the following materials:

1. Garden Suite Foundation Plan and Building Section Drawings, dated July 18, 2023, prepared by SAW Custom Homes;
2. Garden Suite Septic Design Information, dated September 14, 2023, prepared by Tony Aiello;
3. Garden Suite & Septic System Site Plan, dated September 19, 2023, prepared by Yager Architectural Design Service;

4. Septic Inspection (Existing Septic System), dated September 14, 2023, prepared by Mike's Trenching & Mini Excavating.

The application was declared complete on October 20, 2023. Notice of a complete application and public meeting for the application was given on October 30, 2023. On November 21, 2023 a public meeting regarding the application was held and information report was presented to Council.

OPTIONS/DISCUSSION:

Planning Act, R.S.O. 1990, c.P.13

Section 2 of the *Planning Act* addresses matters of Provincial interest and requires local planning authorities to have regard to, among other matters:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23,

s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

The location of the proposed garden suite minimizes impact by remaining with an existing developed area and is well outside of the buffers required for natural heritage features on and adjacent to the subject lands. The proposed garden suite provides an additional residential unit for a family member of the applicants and can be appropriately serviced with water and septic.

Considering the requested zoning provisions and the surrounding land uses, Planning staff are of the opinion that the proposed zoning by-law amendment maintains the Provincial interest described under Section 2 of the *Planning Act*.

Section 39.1 of the Planning Act states that a municipality may require the owner of a garden suite to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite. As such, staff have recommended that Council authorize the Mayor and Clerk to execute a garden suite agreement for this application. The garden suite agreement will contain provisions which:

- outline when and how the garden suite is to be removed (e.g. upon expiry of the temporary use by-law or prior to the date of the property);
- require that the garden suite be connected to appropriate services, including a potable water source, septic system and hydro; and
- require that the garden suite be appropriately maintained and repaired to keep it in a suitable condition for human habitation.

The garden suite agreement will be prepared by staff and reviewed by the Township solicitor prior to providing a copy to the applicant for execution. The executed agreement will be registered on title to the subject lands.

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (PPS) provides overall policy directions on matters of provincial interest relating to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. Any decision on planning matters shall be consistent with the policies of the PPS.

Section 1.4 of the PPS requires municipalities to provide an appropriate range and mix of housing options to meet market-based and affordable housing needs of current and future residents. The proposed garden suite provides an affordable, temporary residential unit for a family member of the applicant.

The subject lands are designated as being within a prime agricultural area which shall be protected for long-term use for agriculture. Permitted uses within prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses. The subject property contains a single detached dwelling on an existing lot of record and the proposed garden suite will be accessory to the dwelling. New land uses within prime agricultural areas shall comply with the Minimum Distance Separation (MDS) formulae for any nearby livestock operations. Staff completed a review of the

surrounding area and completed MDS I calculations for identified livestock operations. The location of the proposed garden suite is outside of the required setbacks.

Section 2.6 of the PPS provides direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless archaeological resources have been conserved. Based on the Ministry of Citizenship and Multiculturalism's Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity to a watercourse and would typically require the completion of a Stage 1 & 2 Archaeological Assessment. However, given the scope of the proposed garden suite (limiting deep ground disturbance), the requirement for an archaeological study was waived.

Staff are satisfied that the proposed zoning by-law amendment is consistent with the direction set out in the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019

The subject lands are designated as Prime Agricultural Lands under the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan). Prime agricultural areas shall be protected for long-term use for agriculture.

Growth Plan policies require municipalities to provide for a range and mix of housing options, including accessory dwelling units such as a garden suite, provided development can be appropriately serviced and will not adversely affect agricultural uses. The proposed garden suite is to provide affordable accommodation to a family member of the applicant and can be connected to the existing septic system for the subject lands. The proposed garden suite will utilize the existing driveway, not impact the agricultural operation on the subject lands and complies with the Minimum Distance Separation (MDS) formulae.

Staff are satisfied that the proposed zoning by-law amendment conforms with the Growth Plan.

Niagara Official Plan, 2022

The subject lands are designated as Prime Agricultural Area under the new Niagara Official Plan (NOP). Policies protect Prime Agricultural Areas for the use of a range of agriculture, agriculture-related uses and on-farm diversified uses – a single detached dwelling is permitted as part of a farm operation. The proposed garden suite will be accessory to the single detached dwelling and will not impact any agricultural operations.

Similar to the PPS, NOP Policy 6.4.2.1 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. As discussed above, the proposed garden suite will not require deep ground disturbance and the requirement for an archaeological assessment was waived.

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of significant woodland, other wetland and a permanent or intermittent watercourse. NOP policies typically require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120m of these features. However, the proposed location of the garden suite is approximately 90m from these features and is separated by existing development and therefore an EIS was not required.

Staff are satisfied that the proposed zoning by-law amendment conforms with the NOP.

Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications within their regulated areas in accordance with the NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (NPCA Policy). The NPCA's Regulation Mapping shows that the subject property is impacted by several regulated watercourses.

The proposed location of the garden suite and its proposed septic system are outside of the required buffer for the watercourses and as such NPCA had no objection and did not require formal circulation of the application.

Staff are satisfied that the proposed zoning by-law amendment conforms with NPCA Policy.

Township of Wainfleet Official Plan, 2016

The subject lands are designated Agricultural Area in the Township Official Plan. Permitted uses within the Agricultural Area designation includes agricultural uses, accessory value retention agriculture uses, one single detached dwelling or secondary suite, group homes, conservation uses, public trail systems, agri-tourism uses unrelated to agriculture, value added production uses, value added support uses, linear infrastructure and wells for natural gas extraction. Permitted secondary uses include home occupation, home industry, bed and breakfast, help-house, garden suites, agri-tourism related to agriculture and value added marketing uses.

The proposed garden suite is permitted for the subject lands. Official plan policies do not provide much direction for garden suites, instead relies on the implementing zoning by-law to provide requirements for setback, lot coverage, height and parking. Official plan policies do require new dwelling units to comply with the Minimum Distance Separation (MDS) formulae. As discussed above, the proposed garden suite is located outside of the MDS I setbacks for livestock operations in the area.

Staff are satisfied that the proposed zoning by-law amendment conforms with the OP.

Township of Wainfleet Zoning By-law 034-2014

The subject lands are zoned Agricultural – A2 under Zoning By-law 034-2014. Permitted uses within the Agricultural – A2 zone include agricultural uses, intensive animal operation, single detached dwelling, kennel, conservation uses, greenhouse, one farm help-house, group home and a medical marihuana facility (through a site-specific zoning

by-law amendment). Permitted accessory uses include accessory agricultural activities, secondary suite, value added production uses, value added marketing uses, home occupation, home industry, agri-tourism uses related to agriculture, bed and breakfast.

The application proposes to rezone the subject lands to a temporary site specific Agricultural – A2-79 zone to permit a garden suite for a period of 20 years, in accordance with the provisions of the Planning Act. The proposed garden suite complies with the zoning provisions for an accessory building, such as minimum yard setbacks (front, rear, interior side and exterior side), maximum lot coverage and height as well as minimum parking requirements.

Staff are satisfied that the proposed zoning by-law amendment is appropriate.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

Public Meeting

A statutory public meeting was held on November 21, 2023. Notice of the public meeting was mailed to landowners within 120m of the subject lands on October 30, 2023. Additionally, a public notice sign was posted on the subject lands and the notice, along with the application materials, were posted on the Township's website.

No member of the public spoke at the public meeting and no written public comments have been received. A copy of the draft public meeting minutes are attached as Appendix "B".

Township Department & Agency Comments

The application was circulated to external agencies and internal departments for review and comment on October 20, 2023 and the following comments have been received.

Township By-law Enforcement Officer noted some concern with the property condition and the three RV trailers at the property. The By-law Enforcement Officer requested clarification as to whether or not these RV trailers are being occupied and uses as a dwelling unit and noted that the property must be maintained to the standards of the Clean Yards By-law.

Planning Response:

The applicants are working with By-law Enforcement Staff to address these concerns.

Township Drainage Superintendent noted that the subject lands are assessed to the Beezor Drain, with the drain travelling through the property. Since the proposed location for the garden suite is not within the setback limits of the municipal drain, there are no concerns with the proposed amendment.

Enbridge noted no objection to the proposed amendment but indicated that they reserve the right to amend their development conditions.

Report Reviewed By☒ Chief Administrative Officer☐ Clerks☒ Community & Dev. Services☐ Fire☒ Corporate Services☒ Human Resources☒ Operations☐ Other:**CONCLUSION:**

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z05/2023W, for the lands known municipally as 52253 Misener Road. It is the opinion of staff that the application is consistent with the Provincial Policy Statement, conforms with Provincial, Regional and Township planning policies and recommends that the application be approved.

ATTACHMENTS:

- 1) Appendix "A" – Proposed Garden Suite Site Plan
- 2) Appendix "B" – Draft Minutes of the Public Meeting held on November 21, 2023
- 3) Appendix "C" – Zoning By-law Amendment

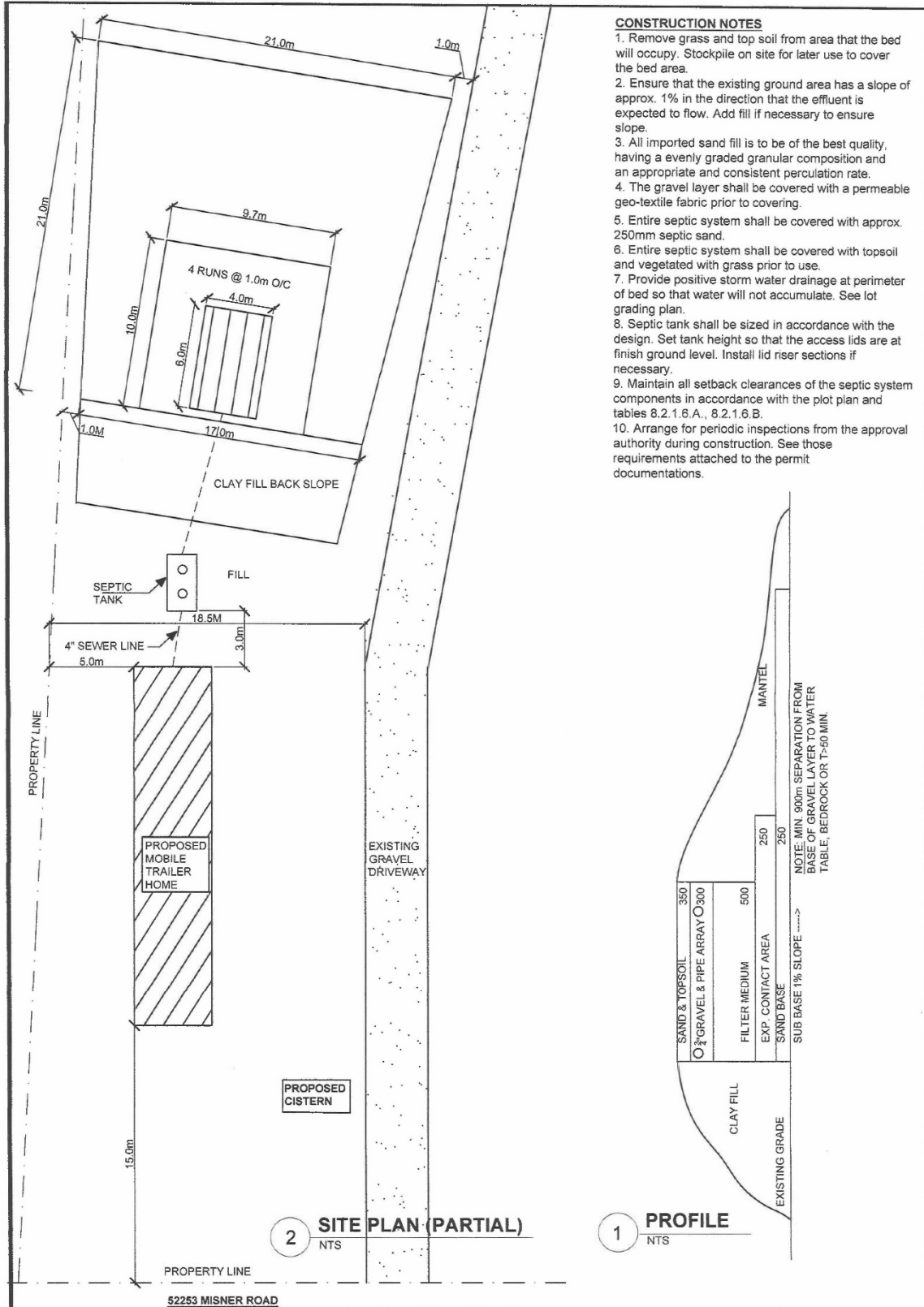
Respectfully submitted by,

Approved by,

Sarah Ivins
Planner

William J. Kolasa
Chief Administrative Officer/Clerk

APPENDIX "A" Site Plan



**YAGER
ARCHITECTURAL
DESIGN
SERVICE**
900 CENTRALIA AVE
RIDGEWAY, ONTARIO
905-651-1198
TAEI@COGECO.CA
BCIN # 10107
FIRM # 114092

COLLARD RESIDENCE
52253 MISNER ROAD
WAINFLEET, ONTARIO
LOS 1V0



APPENDIX “B”

November 21, 2023 Draft Public Meeting Minutes

8. Public Meeting

c) Z05/2023W – Zoning By-law Amendment – 52253 Misener Road

Deputy Mayor Gilmore advised that the purpose of the Public Meeting is to provide information about Zoning By-law Amendment application Z05/2023W and provide opportunity for public input.

The Planner provided an information report outlining application details and written comments received.

There were no questions or comments from Members of Council and there were no members of public present wishing to speak to the application.

The Public Meeting was adjourned.

APPENDIX “C”

CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 00X-2023

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 5, Part Lot 21, RP 59R14248 PT 6 in the Township of Wainfleet and known municipally as 52253 Misener Road.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 8 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Agricultural – A2 to Agricultural – A2-79, as shown on Schedule “A” attached hereto, while maintaining the existing Environmental Conservation and Fish Habitat Overlays.

THAT Table 7 of Section 6.3.1 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the A2 section:

Zone	#	By-law #	Address	Additional Permitted Uses	Sole Permitted Uses	Excluded Uses
A2	79	0XX-2023	Con. 5, Pt. Lot 21	A garden suite in a mobile home for a temporary period from December 11, 2023 to December 11, 2043.		

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 0XX-2023

TOWNSHIP OF WAINFLEET	
<p>Purpose & Effect of By-law No. 00X-2023:</p> <p>This by-law affects lands described as Concession 5, Part Lot 21, RP 59R14248 PT 6 in the Township of Wainfleet and known municipally as 52253 Misener Road. This by-law has been enacted to rezone the lands to an Agricultural – A2-79 zone. Exception 79 permits a garden suite in a mobile home for a temporary period from December 11, 2023 to December 11, 2043.</p> <p>File No. Z05/2023W (Collard)</p>	<p>THIS IS SCHEDULE “A” TO BY-LAW NO. 00X-2023. PASSED THIS 11TH DAY OF DECEMBER, 2023.</p>
	<p style="text-align: center;">MAYOR</p>
	<p style="text-align: center;">DEPUTY CLERK</p>

Received December 7, 2023
C-2023-425

St. Elizabeth Roman Catholic Church
31928 Hwy-3
Wainfleet, ON
L0S 1V0

December 7, 2023

Council Members
Township of Wainfleet
31940 Hwy-3
Wainfleet, ON
L0S 1V0

Dear Council Members,

We have rented the Moore Room on Saturday January 20, 2024, to organize an indoor garage sale. The intent of this sale is to raise funds for our parish. We are hoping that the Council members will be able to waive the rental fee of \$113.27 so that all proceeds from this event can go directly to the maintenance of the Church.

We appreciate your consideration of this request.

Sincerely,

Eva Schertzing & Cheryl Mucci
Fundraising Committee
St. Elizabeth Roman Catholic Church

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 045-2023

Being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Newhouse Drain)

WHEREAS the Council of the Township of Wainfleet has procured an Engineer's Report prepared by Spriet Associates Engineers and Architects for the Newhouse Drain;

AND WHEREAS the report dated September 4, 2023, has been authored by Spriet Associates Engineers and Architects and the attached Engineer's Report forms part of this by-law;

AND WHEREAS the estimated total cost of the drainage works is \$32,000;

AND WHEREAS \$1, 675 is the amount to be contributed by the Township of Wainfleet for the drainage works;

AND WHEREAS the Council is of the opinion that drainage of the area is desirable;


NOW THEREFORE the Council of the Corporation of the Township of Wainfleet pursuant to the Drainage Act **HEREBY ENACTS AS FOLLOWS:**

1. The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.
2. The Corporation of the Township of Wainfleet may borrow on the credit of the corporation the amount of \$32,000, being the amount necessary for the improvement of the drainage works. This project will not be debentured.
3. This By-law comes into force on the passing thereof and may be cited at the "Newhouse Drain By-law".

BY-LAW READ A FIRST TIME THIS 1ST DAY OF NOVEMBER, 2023.

BY-LAW READ A SECOND TIME THIS 1ST DAY OF NOVEMBER, 2023.

PROVISIONALLY ADOPTED THIS XX DAY OF XX, 2023.



B. Grant, MAYOR



M. Kirkham, DEPUTY CLERK

BY-LAW READ A THIRD TIME AND FINALLY ENACTED THIS 11TH DAY OF
DECEMBER, 2023.

Brian Grant, MAYOR

M. Kirkham, DEPUTY CLERK

I, Meredith Kirkham, Deputy Clerk of the Corporation of the Township of Wainfleet certify that the above By-law was duly passed by the Council of the Corporation and is a true copy thereof.

M. Kirkham, DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 050-2023

Being a by-law to appoint a Chief Administrative Officer and Treasurer for the Corporation of the Township of Wainfleet.

WHEREAS section 229 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may appoint a Chief Administrative Officer who shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality;

AND WHEREAS section 286(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality shall appoint a Treasurer who is responsible for handling all of the financial affairs of the municipality;

AND WHEREAS section 228(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may appoint deputy clerks who have all the powers and duties of the Clerk under this and any other Act;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet hereby enacts as follows:

1. **THAT** Mallory Luey is hereby appointed as a Chief Administrative Officer and Treasurer for the Corporation of the Township of Wainfleet.
2. **THAT** the said Mallory Luey shall exercise all the authority, power and rights and shall perform all the duties and obligations which by statute or by-laws are or may be conferred upon the Chief Administrative Officer and Treasurer and any other duties that may be imposed by Council.
3. **THAT** the said Mallory Luey is hereby appointed as Deputy Clerk for the Corporation of the Township of Wainfleet.
4. **THAT** By-law No. 007-2018 and any other by-law inconsistent with this by-law shall be and is hereby repealed.
5. **THAT** this by-law shall come into force and take effect on the 1st day of January, 2024.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023

B. Grant, MAYOR

W. Kolasa, CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 051-2023

Being a by-law to appoint a Clerk for the
Corporation of the Township of Wainfleet.

WHEREAS section 228(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality shall appoint a clerk;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet hereby enacts as follows:

1. **THAT** Meredith Kirkham is hereby appointed as Clerk for the Corporation of the Township of Wainfleet.
2. **THAT** the said Meredith Kirkham shall exercise all the authority, power and rights and shall perform all the duties and obligations which by statute or bylaws are or may be conferred upon the Clerk and any other duties that may be imposed by Council.
3. **THAT** any by-law inconsistent with this by-law shall be and is hereby repealed.
4. **THAT** this by-law shall come into force and take effect on the 1st day of January, 2024.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023

B. Grant, MAYOR

W. Kolasa, CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 052-2023

Being a by-law to appoint a Deputy Clerk
for the Corporation of the Township of
Wainfleet.

WHEREAS section 228(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may appoint deputy clerks who have all the powers and duties of the clerk under this and any other Act;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet hereby enacts as follows:

1. **THAT** Amber Chrastina is hereby appointed as Deputy Clerk for the Corporation of the Township of Wainfleet.
2. **THAT** the said Amber Chrastina shall exercise all the authority, power and rights and shall perform all the duties and obligations which by statute or bylaws are or may be conferred upon the Deputy Clerk and any other duties that may be imposed by Council.
3. **THAT** any by-law inconsistent with this by-law shall be and is hereby repealed.
4. **THAT** this by-law shall come into force and take effect on the 1st day of January, 2024.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023

B. Grant, MAYOR

W. Kolasa, CLERK

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 053-2023**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 1, Part Lot 14 PCL 41 in the Township of Wainfleet and known municipally as 271400000403400.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 26 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Residential Lakeshore – RLS.C10 to Residential Lakeshore – RLS.C10-46, as shown on Schedule “A” attached hereto, while maintaining the existing Hazard Overlay.

THAT Table 11 of Section 7.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the RLS section:

Zone	#	By-law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
RLS	46	053-2023	Con. 1, Pt. Lot 14 PCL 41	Accessory building without the erection of the primary dwelling		

THAT Table 12 of Section 7.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the RLS section:

Zone	#	By-Law #	Address	Description of Special Provision
RLS	46	053-2023	Con. 1, Pt. Lot 14 PCL 41	Maximum overall lot coverage: 21% Maximum accessory building lot coverage: 21% Minimum accessory building front yard setback: 3m Minimum accessory building side yard setback: 1.5m Minimum accessory building height: 6.9m

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 053-2023

<p>KEY MAP</p> <p>■ Subject Property To be rezoned from Residential Lakeshore – RLS.C10 to Residential Lakeshore – RLS.C10-46</p> <p>Hazard Overlay to be maintained over entire property</p>	
TOWNSHIP OF WAINFLEET	
<p>Purpose & Effect of By-law No. 053-2023:</p> <p>This by-law affects lands described as Concession 1, Part Lot 14 PCL 41 in the Township of Wainfleet and known municipally as 271400000403400. This by-law has been enacted to rezone the lands to a Residential Lakeshore –RLS.C10-46 zone. Exception 46 permits an accessory building without the erection of the primary dwelling, a maximum overall lot coverage of 21%, a maximum accessory building lot coverage of 21%, a minimum accessory building front yard setback of 1.5m, a minimum accessory building side yard setback of 1.5m and a maximum accessory building height of 6.9m.</p> <p>File No. Z03/2023W (Oles)</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 053-2023. PASSED THIS 11TH DAY OF DECEMBER, 2023.</p>
	MAYOR
	DEPUTY CLERK

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 054-2023**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 581-78 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 7, Part Lot 39 in the Township of Wainfleet and known municipally as 73982 Regional Road 45.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 581-78 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 1 of Schedule B for Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of the subject property from a Development – D zone to Residential – R1 zone as shown on Schedule “A” attached hereto.

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

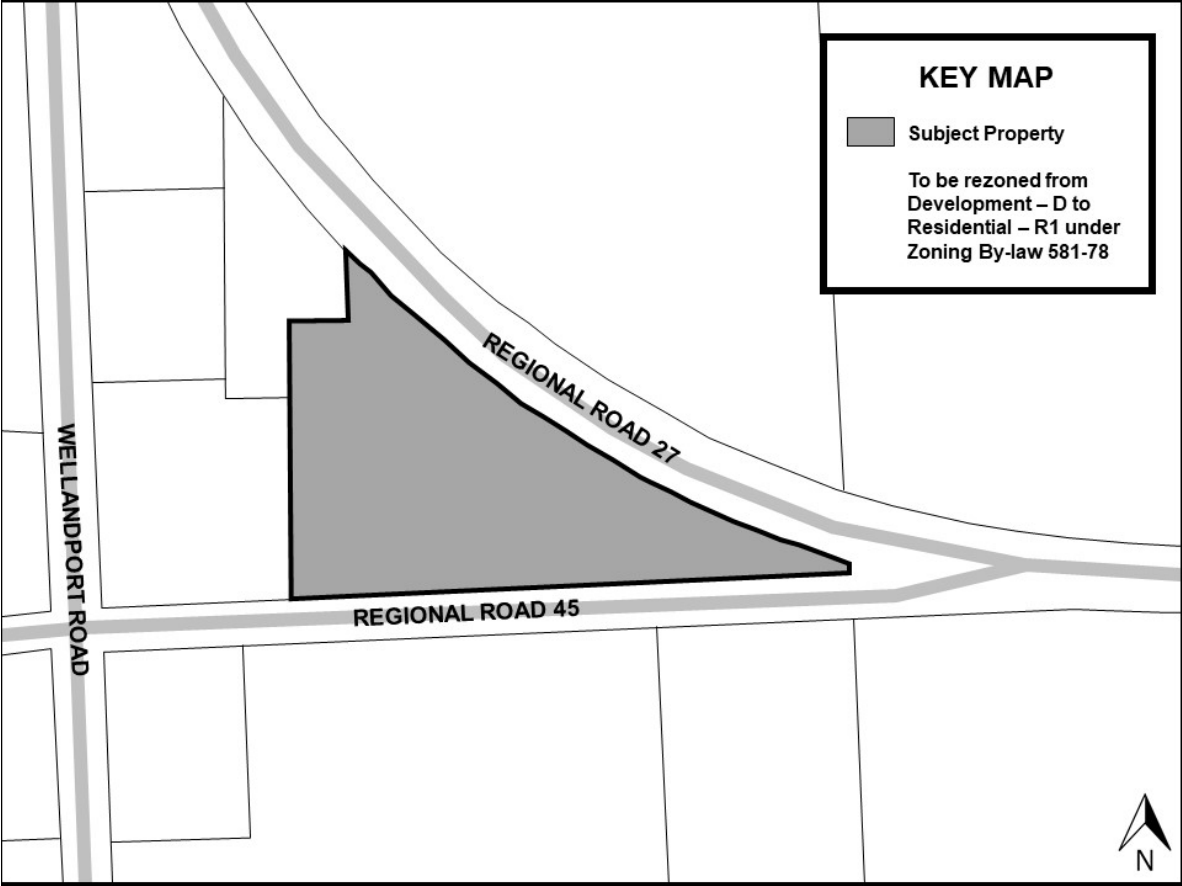
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 054-2023

	
TOWNSHIP OF WAINFLEET	
<p>Purpose & Effect of By-law No. 054-2023:</p> <p>This by-law affects lands described as Concession 7, Part Lot 39 in the Township of Wainfleet and known municipally as 73982 Regional Road 45. This by-law has been enacted to rezone the lands to a Residential – R1 zone to permit a single detached dwelling on each of the provisionally approved lots.</p> <p>File No. Z04/2023W (1000446505 Ontario Inc.)</p>	<p>THIS IS SCHEDULE “A” TO BY-LAW NO. 054-2023. PASSED THIS 11TH DAY OF DECEMBER, 2023.</p>
	MAYOR
	DEPUTY CLERK

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 055-2023**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Concession 5, Part Lot 21, RP 59R14248 PT 6 in the Township of Wainfleet and known municipally as 52253 Misener Road.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 8 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Agricultural – A2 to Agricultural – A2-79, as shown on Schedule “A” attached hereto, while maintaining the existing Environmental Conservation and Fish Habitat Overlays.

THAT Table 7 of Section 6.3.1 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the A2 section:

Zone	#	By-law #	Address	Additional Permitted Uses	Sole Permitted Uses	Excluded Uses
A2	79	055-2023	Con. 5, Pt. Lot 21	A garden suite in a mobile home for a temporary period from December 11, 2023 to December 11, 2043.		

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

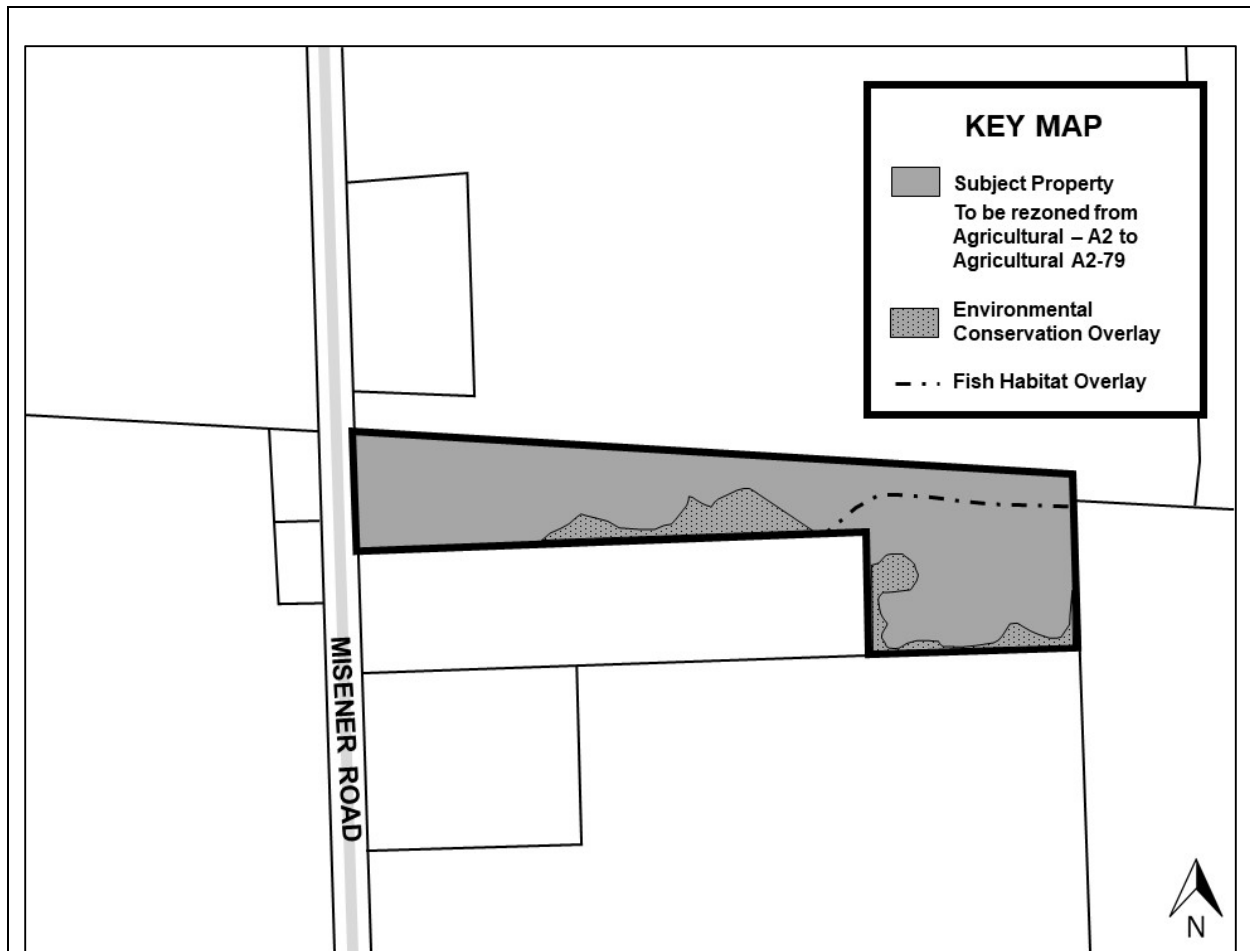
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 055-2023



TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 055-2023:

This by-law affects lands described as Concession 5, Part Lot 21 , RP 59R14248 PT 6 in the Township of Wainfleet and known municipally as 52253 Misener Road. This by-law has been enacted to rezone the lands to an Agricultural – A2-79 zone. Exception 79 permits a garden suite in a mobile home for a temporary period from December 11, 2023 to December 11, 2043.

File No. Z05/2023W (Collard)

THIS IS SCHEDULE "A" TO BY-LAW NO. 055-2023.
PASSED THIS 11TH DAY OF DECEMBER, 2023.

MAYOR

DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 056-2023

BEING A BY-LAW TO AUTHORIZE THE STOPPING UP
AND CLOSING OF THE UNOPENED ROAD ALLOWANCE
KNOWN MUNICIPALLY AS SHIELDS ROAD AND THE
CONVEYANCE THE SAID UNOPENED ROAD ALLOWANCE
IN CONCESSION 5 BETWEEN LOTS 15 & 16, DESCRIBED
AS PARTS 1, 2, 3, 4, 5, AND 6 ON REFERENCE PLAN
59R-17823 IN THE TOWNSHIP OF WAINLFLEET, REGIONAL
MUNICIPALITY OF NIAGARA.

WHEREAS pursuant to the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the Council of every municipality in the Province of Ontario has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act;

AND WHEREAS the Corporation of the Township of Wainfleet is the registered owner of the lands in Concession 5 between lots 15 & 16, described as Parts 1, 2, 3, 4, 5, and 6 on reference plan 59R-17823, in the Township of Wainfleet, Regional Municipality of Niagara, being an unopened road allowance known municipally as Shields Road;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet deems it necessary to stop up and close the unopened road allowance in Concession 5 between Lots 15 & 16, described as Parts 1, 2, 3, 4, 5, and 6 on reference plan 59R-17823, in the Township of Wainfleet, Regional Municipality of Niagara, known municipally as Shields Road;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet has determined that the said unopened road allowance lands to be surplus to the needs of the municipality and has satisfied all other requirements of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, and the Township of Wainfleet's *Land Disposal Policy* governing the closing and sale of municipal road allowances;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet deems it necessary and expedient to convey the said closed road allowance lands to abutting property owners as lands surplus to the needs of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WAINFLEET HEREBY ENACTS AS FOLLOWS:

1. The lands in Concession 5 between lots 15 & 16, described as Parts 1, 2, 3, 4, 5, and 6 on reference plan 59R-17823 being an unopened road allowance known municipally as Shields Road be hereby stopped up and closed.
2. This Council does hereby declare the lands in Concession 5 between lots 15 & 16, described as Parts 1, 2, 3, 4, 5, and 6 on reference plan 59R-17823 being an unopened road allowance known municipally as Shields Road to be surplus to the needs of the municipality.
3. This Council authorizes the sale and conveyance of the lands described as Parts 1 and 2 on reference plan 59R-17823 to the abutting property owners Richard John Smythe and Linda Mary Toomey.
4. This Council authorizes the sale and conveyance of the lands described as Parts 3, 4, and 5 on reference plan 59R-17823 to the abutting property owners Richard Martin Bert Dykstra and Nancy Dykstra.

5. This Council authorizes the sale and conveyance of the lands described as Part 6 on reference plan 59R-17823 to the abutting property owner Debra Lynne Ross.
6. It shall be a condition of the sale and conveyance of the said lands that the lands be merged in title with the abutting lands owned by the said property owners to ensure that no new lots are created and that the lands create a configuration which is acceptable to the Manager of Planning, or designate, in accordance with good planning principles.
7. The Mayor and the Deputy Clerk and each of them are hereby authorized and directed to prepare and execute an Agreement of Purchase and Sale with the said abutting property owners and to execute all necessary documents to convey the said lands.
8. This by-law shall come into force and take effect on the date of its final passing.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 057-2023

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet its Regular Meeting of Council held December 11, 2023

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its Regular Meeting held December 11, 2023, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 11TH DAY OF DECEMBER, 2023

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK