THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

REGULAR MEETING OF COUNCIL AGENDA – AS AMENDED

TUESDAY, DECEMBER 3, 2019 at 7:00 p.m.

COUNCIL CHAMBERS

C28/19

1. **Call to Order**

2. **National Anthem**

3. **Land Acknowledgement Statement**

4. **Disclosure of Pecuniary Interest and the General Nature Thereof**

5. **Presentations**

   a) 2019 Holiday Card Contest Winners

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 12, 2019

   b) Minutes of the special meeting of Council held November 27, 2019

9. **Public Meeting**
   None.

10. **Delegations**

    a) Carolyn Ryall, Director, Niagara Region Transportation Services & Frank Tassone, Associate Director, Niagara Region Transportation Engineering Re: Niagara Region Transportation Services 5 year forecast

b) Terry Maxner on behalf of Save Wainfleet – Keep it Rural Re: Lakewood Development and request for Council action

c) Steven Rivers on behalf of Ted Hessels and Glen Cooke Re: Speaking to recommendations outlined in PSR-012/2019 Township initiated Official Plan Amendment to address lands without Official Plan Land Use Designations (OPA 02) - Requesting change in proposed Land Designations

d) Ted Hessels, Wainfleet Resident Re: Speaking to recommendations outlined in PSR-012/2019 Township initiated Official Plan Amendment to address lands without Official Plan Land Use Designations (OPA 02) - Requesting Rural Designation of his Property

11. **Staff Reports & Recommendations**

a) Administrative Staff Reports

i. ASR-032/2019 — Re: Review of Citizen Applications for Age-Friendly and Recreation & Community Events Advisory Committees

b) By-law Enforcement Staff Reports

i. Memorandum — Re: Housekeeping Amendments to By-law No. 027-2019 (AMPS for Non-Parking Related Offences)

c) Planning Staff Reports

i. PSR-012/2019 — Re: Township initiated Official Plan Amendment to address lands without Official Plan Land Use Designations (OPA 02)

ii. PSR-013/2019 — Re: Township Initiated Official Plan Amendment (File OPA 03) and Zoning By-law Amendment (File Z05/2019W) for 42143 Highway #3 – Proposed Joint Fire & Emergency Services Facility

d) Public Works Staff Reports

i. PWSR-015/2019 — Re: Retaining Wall Project – Lakeshore Road

12. Review of Correspondence

a) C-264-2019 Received from Wainfleet Agricultural Society Director, Maria Kievit Re: Request for rental fees for the Community Hall to be waived for their Volunteer Appreciation Dinner held on November 2, 2019

b) C-267-2019 Received from the Wainfleet Historical Society Re: Request for Council to purchase a Vimy Oak Tree for the Wainfleet Cenotaph Site

c) C-274-2019 Received from Crime Stoppers of Niagara Re: Request for flag raising ceremony at Wainfleet Town Hall in January, 2020

d) C-277-2019 Received from Lars Bjerno, Chair of the Wainfleet Seniors Housing Committee Re: Request for $800 as a start-up loan to assist in committee initiatives

13. By-laws

a) By-law No. 075-2019 being a by-law to adopt amendment No. 02 to the Official Plan for the Township of Wainfleet

b) By-law No. 076-2019 being a by-law to adopt Amendment No. 03 to the Official Plan for the Township of Wainfleet with respect to those lands forming Concession 4, Part of Lot 20 in the Township of Wainfleet, known municipally as 42143 Highway #3

c) By-law No. 077-2019 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 4, Part of Lot 20 in the Township of Wainfleet, known municipally as 42143 Highway #3

d) By-law No. 078-2019 being a by-law to authorize borrowing from time to time to meet current expenditures during the fiscal year ending December 31, 2020.

e) By-law No. 079-2019 being a by-law to provide for interim tax levies for the year 2020 for the Township of Wainfleet

f) By-law No. 080-2019 being a By-law to amend By-law No. 027-2019, being a By-law to establish an administrative monetary penalty system for non-parking related offences

14. Notices of Motion

a) Councillor Cridland Re: Sewage System Inspection Program

15. **Closed Meeting**

a) Item under Section 239(b)(d) of the Municipal Act 2001, personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations – 1 item (a grievance matter)

b) Item under Section 239 (2) (k) of the *Municipal Act, 2001,* a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board – 1 item (a matter pertaining to negotiations for the sale of municipal property)

c) Item under Section 239 (b) of the *Municipal Act 2001*, personal matters about an identifiable individual, including municipal or local board employees – 1 item (Review of citizen applications to committees)

d) Item under Section 239(f) of the Municipal Act 2001, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (A matter pertaining to interest in municipal property)

16. **Rise & Report**

17. **By-law to Confirm the Proceedings of Council**

a) By-law No. 081-2019 being a by-law to adopt, ratify and confirm the actions of the Council at its special meeting held on the 27th day of November, 2019 and its regular meeting held on the 3rd day of December, 2019

18. **Adjournment of Meeting**

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

C26/19
November 12, 2019
7:00 p.m.
Council Chambers

PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Alcock	Fire Chief
	M. Ciuffetelli	Deputy Clerk
	A. Dashwood	Administrative Assistant
	L. Gudgeon	Manager of Human Resources
	S. Ivins	Planner
	R. Nan	Manager of Operations
	M. Tardif	By-law Enforcement Officer
OTHER:	Blake Schutten	Mayor for a Day

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1. **Declaration of Office and Oath of Allegiance**
The CAO for the Township of Wainfleet administered the Declaration of Office and Oath of Allegiance with Blake Schutten.

2. **Call to Order**
Mayor Schutten called the meeting to order at 7:05 p.m.

3. **National Anthem**

4. **Land Acknowledgement Statement**
Mayor Gibson acknowledged that the land on which we gather is the traditional

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territory of Anishinaabeg and Haudonenosaunee Peoples. Acknowledging the One Bowl and Spoon treaty.

5. **Disclosures of Pecuniary Interest and the General Nature Thereof**
None.

6. **Mayor's Announcements and Remarks**
Mayor Gibson noted the following:
- Fire Department and Public Works Department recognized for efforts during the recent storm
- Mayor and CAO will be attending round table discussion with Provincial representatives regarding cost reduction
- Regional Council meets Thursday and Police Services Board meets November 28

7. **Councillor's Announcements and Remarks**
Councillor Cridland attended the Annual General Meeting for Niagara North Federation of Agriculture in addition to Niagara Region's Official Plan Information Sessions. It was noted that the next Niagara Peninsula Conservation Authority Board meeting is scheduled for November 20, 2019.

8. **Adoption of Previous Council Minutes**
With no objection from Council, the minutes of the regular meeting of Council held October 22, 2019 were approved as circulated.

9. **Delegations**
None.

10. **Public Meeting**

a) Official Plan Amendment and Zoning By-law Amendment – Proposed Joint Fire and Emergency Services Facility, 42143 Highway #3 (File No. OPA 03 & Z05/2019W)

Mayor Gibson opened the Public Meeting by stating that the purpose of the Public Meeting is to provide more information about the applications and an opportunity for public input. No recommendations are provided at the Public Meeting and Township Council will not be making any decision at this meeting. A recommendation report will be prepared by staff and presented at a subsequent meeting of Township Council following a full review of the application.

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Details of Applications
S. Ivins stated that the subject lands are located on the south side of Highway #3 between Misener Road and Regional Road 24 and are known municipally as 42143 Highway #3.

The official plan amendment proposes to redesignate part of the subject property from Village Commercial to Institutional to permit a future joint fire and emergency services facility.

The zoning by-law amendment proposes to rezone part of the subject property from Development – D and Hamlet Commercial – C2 zones to Public - P zone under Bylaw 581-78 to permit a future joint fire and emergency services facility. The part of the subject lands that is proposed to be redesignated and rezoned represents the area that is within the Hamlet of Chambers Corners. The subject lands contain a single detached dwelling, agricultural building and a pond. The single detached dwelling is to be removed and the agricultural building will be modified to provide storage for the Fire Department.

Agency Comments/Written Public Comments
Ministry of Transportation – noted no objection in principle to the proposed amendments to permit the future joint fire and emergency services facility. MTO noted that the subject property is within the permit control area and as such a MTO Building and Land Use Permit is required prior to any grading/construction activity on the site. MTO provided detailed requirements for the future building permit and site plan application submissions.

Comments received prior to the public meeting will be addressed verbally at the public meeting and any comments received after the public meeting will be addressed in the staff report.

Questions from Council
Councillor MacLellan inquired about the size of the facility and whether the drawings were actual size or conceptual. Planner, S. Ivins stated that the drawings are conceptual and that the Fire Department will undertake an extensive review of the property to determine design details. It was noted to Council that the final drawings will come back to Council for consideration.

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Questions from the Public
None.

Next Steps
A planning report regarding a complete review of the proposed amendments will be brought forward by staff and considered by Council at a later date.

If a person or public body does not make oral submissions at the public meeting or make written submission to the Township of Wainfleet regarding the proposed Official Plan Amendment or Zoning By-law Amendment before the approval authority gives or refuses to give approval to the applications, the person or public body is not entitled to appeal the decisions of the Township of Wainfleet to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at the public meeting and/or make written submissions to the Township of Wainfleet regarding the proposed Official Plan Amendment or Zoning By-law Amendment before the approval authority gives or refuses to give approval to the applications, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the Township of Wainfleet in respect of the proposed applications, you must make a written request to the Clerk of the Township of Wainfleet at the address noted below and quote the appropriate file number(s).

11. **Staff Reports & Recommendations**

a) Administrative Staff Reports

i. ASR-029/2019 Re: Interim Tax Levy

Resolution No. C-249-2019

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

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"THAT ASR-029/2019 be received;

THAT the interim tax levy installment due dates be set as February 28, 2020 and April 30, 2020;

AND THAT staff be directed to bring the attached draft by-law, being a by-law to provide for interim tax levies for 2020 in the Township of Wainfleet, to the next regular meeting of Council for consideration."

CARRIED

ii. ASR-030/2019 Re: Borrowing for Current Expenditures

Resolution No. C-250-2019

Moved by Councillor Gilmore
Seconded by Councillor Van Vliet

"THAT ASR-030/2019 be received;

AND THAT staff be directed to bring the attached draft by-law, being a by-law to authorize borrowing from time to time allowing the Township of Wainfleet to meet current expenditures during the fiscal year ending December 31, 2020, to the next regular meeting of Council for consideration."

CARRIED

iii. ASR-031/2019 Re: Website Update

Resolution No. C-251-2019

Moved by Councillor Cridland
Seconded by Councillor MacLellan

"THAT Report ASR-031/2019 be received;

THAT the provisions of the Township's purchasing policy be waived and that staff be authorized to retain the services of eSolutionsGroup, being the Association of Municipalities of Ontario's preferred partner for website development, to provide for an update of the Township's website as outlined in the report."

AND THAT staff be directed to move forward with the process opportunity of sitemap focus group meetings as identified in the report."

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CARRIED

b) By-law Enforcement Staff Reports

i. BESR-019/2019 Re: Lake Side Fences

Resolution No. C-252-2019

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

"THAT report BESR-019/2019 be received;

AND THAT staff be directed to prepare a by-law in accordance with option 2 as outlined in the report for consideration at a future meeting of Council."

CARRIED

c) Fire Staff Reports

i. FSR-014/2019 Re: 2019 Third Quarter Fire & Emergency Services Review

Resolution No. C-253-2019

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

"THAT FSR-014/2019 be received for information."

CARRIED

d) Public Works Staff Reports

i. PWSR-014/2019 Re: Delegation of Authority for Significant Weather Events

Resolution No. C-254-2019

Moved by Councillor Van Vliet
Seconded by Councillor Cridland

"THAT PWSR-014/2019 be received;

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THAT Council delegate authority to the Manager of Operations (or his designate) to declare significant weather events in accordance with the Municipal Act;

AND THAT Council confirm the authority of the CAO (or his designate) to provide for the temporary closure of municipal facilities due to significant weather-related issues for public safety reasons."

CARRIED

e) Emergency Control Group Reports

i. Presentation Re: October 31/November 1, 2019 Storm Event

Resolution No. C-255-2019

Moved by Councillor MacLellan
Seconded by Councillor Gilmore

"THAT the presentation regarding the October 31/November 1, 2019 Storm Event be received as information."

CARRIED

12. **Review of Correspondence – Refer to Council**

a) C-235-2019 Association of Municipalities Ontario, Submission to the Attorney General of Ontario Re: Addressing Growing Municipal Liability and Insurance Costs

Resolution No. C-256-2019

Moved by Councillor Cridland
Seconded by Councillor Gilmore

THAT Council receive correspondence received from the Association of Municipalities of Ontario entitled 'A Reasonable Balance: Addressing growing municipal liability and insurance costs; and

THAT Council endorse AMO in calling on the province to compel the insurance industry to supply all necessary financial evidence including

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premiums, claims, and deductible limit changes which supports it, and municipal arguments as to the fiscal impact of joint and several liability; and

THAT the province establish a provincial and municipal working group to provide recommendations to the Attorney General; and

THAT the Attorney General of Ontario be requested to conduct a full review of joint and several liabilities as it affects municipalities, particularly smaller municipalities with a population under 10,000; and

THAT a copy of this resolution be forwarded Premier Doug Ford, MPP Sam Oosterhoff and Local Area Municipalities for consideration."

CARRIED

b) C-244-2019 Received from Marshville Heritage Festival Committee Re: Request for fees to be waived for the rental of the Community Hall on November 22 & 24, 2019 for their annual "Christmas in the Park" event.

Resolution No. C-257-2019

Moved by Councillor Gilmore
Seconded by Councillor Van Vliet

"THAT Correspondence item C-244-2019 received from the Marshville Heritage Festival Committee Re: Request for fees to be waived for the rental of the Community Hall on November 22 & 24,2019 for their annual "Christmas in the Park" event be supported.

CARRIED

13. **By-laws**

a) By-law No. 073-2019 being a by-law for the maintenance of yards in the Township of Wainfleet be read and passed this 12th day of November, 2019.

Resolution No. C-258-2019

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

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"THAT By-law No. 073-2019 being a by-law for the maintenance of yards in the Township of Wainfleet be read and passed this 12th day of November, 2019.

CARRIED

14. **Notice of Motion**

Councillor Cridland gave notice that she will be bringing forth a motion at the next meeting of Council with respect to fulfilling our responsibility for septic system inspections under the Provincial Building Code regulations.

Councillor MacLellan gave notice that he will be bringing forth a motion at the next meeting of Council with respect to placing load restrictions on roads.

15. **Closed Meeting**

Resolution No. C-259-2019

Moved by Councillor Gilmore
Seconded by Councillor MacLellan

"THAT Council now move into closed session to discuss:

a) Item under Section 239 (2) (k) of the Municipal Act, 2001, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board – 1 item (a matter pertaining to negotiations for the sale of municipal property)

b) Item under Section 239 (2) (c) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board – 2 items (potential disposition of land matters)

c) Item under Section 239 (2) (b)(d)(e)(f) of the Municipal Act, 2001, personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (a grievance matter)

d) Minutes of the closed meeting of Council held October 22, 2019

CARRIED

Time: 9:00 p.m.

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16. **Rise & Report**
It was reported that Council met in closed session and received information respecting ongoing negotiations for the sale of municipal property.

Council received information and provided direction to staff regarding 2 potential disposition of land matters.

Council received information and provided direction to staff regarding a grievance matter.

Previous closed meeting of Council minutes held October 22, 2019 were reviewed and approved as circulated.

17. **By-law to Confirm the Proceedings of Council**

a) By-law No. 074-2019 being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 12th day of November, 2019

Resolution No. C-260-2019

Moved by Councillor Gilmore
Seconded by Councillor Cridland

"THAT By-law No. 074-2019 being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 12th day of November, 2019 be read and passed this 12th day of November, 2019."

CARRIED

18. **Adjournment of Meeting**
Council adjourned the meeting at 10:15 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

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

C27/19
November 27, 2019
1:00 p.m.
Council Chambers

PRESENT:	K. Gibson	Mayor (Departed meeting at 2:00 p.m.)
	D. Cridland	Councillor
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	L. Gudgeon	Manager of Human Resources (Departed meeting at 2:00 p.m.)
	R. Nan	Manager of Operations

1. Call to Order
Mayor Gibson called the meeting to order 1:00 p.m.

2. Land Acknowledgement Statement
Mayor Gibson acknowledged that the land on which we gather is the traditional territory of Anishinaabeg and Haudonenosaunee Peoples, acknowledging the One Bowl and Spoon treaty.

3. Disclosure of Interest and the General Nature Thereof
None.

4. Wainfleet Facility Tour
Council toured the following facilities:

a) Town Hall
b) Public Works
c) Arena/Pavilion and Sports Field
d) Community Hall/Fire Hall #2/Library
e) Burnaby Fire Hall #3
f) Oakwood Cemetery and Reebs Bay Beach
g) 42143 Highway #3 – New Fire Hall Location

h) Winger Fire Hall #1
i) Wellandport Fire Hall #4

5. Adjournment

Deputy Mayor Gilmore adjourned the meeting in Council Chambers at 4:40 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

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SCHEDULE "A" TO BYLAW NO. 067-2016

TOWNSHIP OF WAINFLEET

REQUEST TO APPEAR AS A DELEGATION

(PLEASE PRINT CLEARLY)

x 3559

Name: NIAGARA REGION		Phone #: 9059806000	Fax #:
Address: 1815 SIR ISAAC BROCK WAY		Email: judy.macpherson@niagara	
City & Province: THOROLD ONT			Postal Code: L2V 4T2

Region.ca

☐ (✓) **I have never spoken on this issue before and the key points of my delegation are as follows:**

The purpose of the presentation is to give an overview of the Niagara Region Transportation Services 5 year forecast, in order to make Wainfleet Council more aware of the projects we will be working on in the current term of Council. We will have a powerpoint presentation to submit to you in advance.

Presenters will be:

1. Carolyn Ryall, Director, Niagara Region Transportation Services
2. Frank Tassone, Associate Director, Niagara Region Transportation Engineering

If an individual appears as a delegation before Council, a further delegation from the same individual concerning the same topic(s) will not be permitted unless there is significant new information to be brought forward. Specific new information must be identified on this form, which will require approval.

☐ (✓) **I have spoken on this issue before, and the specific new information I wish Council to review is as follows:**
(attach a separate page(s) if necessary)

I wish to appear before Council on DEC 3/19 *(Meeting time is 7:00 p.m. unless noted otherwise)*
DATE

Note: *Your request must be made no later than 4:30 p.m. on the Tuesday immediately preceding the Council Meeting. The deadline is 10:00 a.m. on the Monday prior to the Council or Committee Meeting if you are speaking to a direct report to Council or Committee, prepared by staff, listed on the Agenda.*

I have read and understand the Delegation Protocol on the back of this form and that the information contained on this form, including any attachments, will become public documents and listed on Township of Wainfleet Meeting Agendas and Minutes.

I also understand that presentation materials must be submitted with this delegation form. Electronic presentations must be emailed to mciuffetelli@wainfleet.ca no later than 4:30 p.m. on the Tuesday immediately preceding the meeting.

Signature _____ **Date** 10/16/19

Presentation Requirements: NO_____ **YES (description):** Power Point

Niagara Region

TRANSPORTATION SERVICES

CAPITAL PROJECTS - 5 YR OVERVIEW

Agenda

- 1-5 Year Capital Forecast
  - Niagara Region's Capital Budget is broken down into four (4) main areas:
    - Network Expansion
    - Intersection Improvement Program
    - Roads Rehabilitation Program
    - Structure Rehabilitation Program
- Regional Vision

1-5 Year Capital Forecast

Regional Road 45 Creek Road

From RR4 (Wellandport Road) to RR63 (Canborough Road)

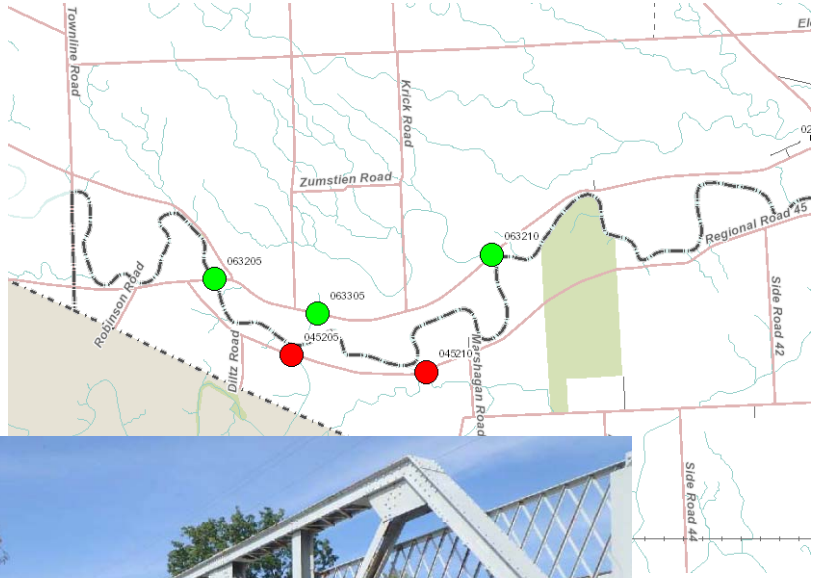
- Road reconstruction

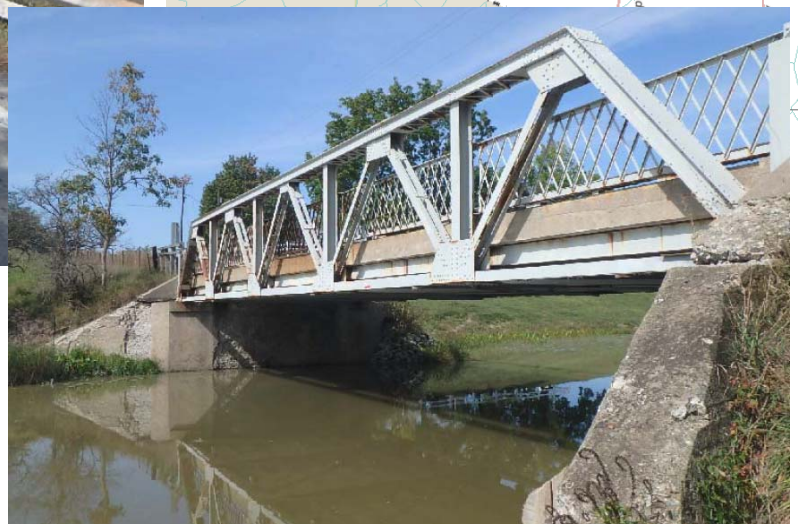
Creek Road looking east to Side Rd 42

1-5 Year Capital Forecast

Oswego Creek Rd Bridge Replacement

Creek Rd – looking west





Oswego Creek Bridge-South elevation

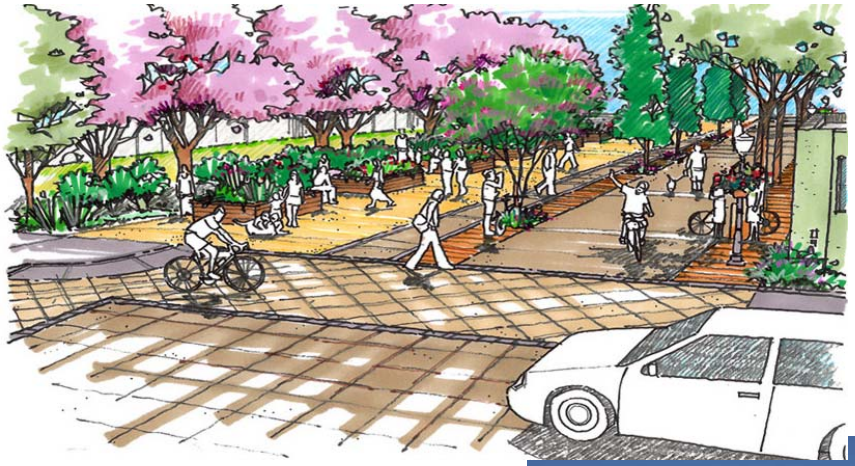
1-5 Year Capital Forecast

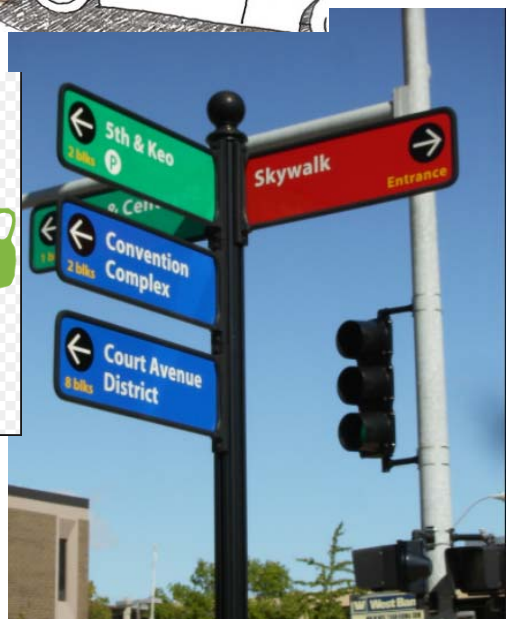
Hot Mix Resurfacing Candidates

- RR23 Forks Rd from Hewitt Rd to Deeks Rd
- RR23 Forks Rd from Feeder Rd to the Townline
- RR27 from Gracey Rd to Elsie Rd

Regional Vision

- Complete Streets
  - 6 Typologies
- Regional Wayfinding
- Safety Initiatives
- Niagara Escarpment Crossing
- Developments





Thank-you

RECEIVED
NOV 25 2019

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 mciuffetelli@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: TERRY MAYNER FOR SAVE WAINFLEET - KEEPING IT RURAL	
Address: 11985 AUGUSTINE RD EAST	
Telephone: 905 899-2307	**E-mail:** tmayner@brocku.ca

Date of Meeting: DEC 3, 2019.

Subject Matter to be Discussed:	LAKEWOOD UPDATE (ATTACHED)
Action Requested:	ATTACHED.

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: pictures

Do you have a copy of your notes/presentation to attach? Yes ☑ No ☐
If yes, specify:

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.

Signature

Nov. 25 2019
Date

Save Wainfleet: Keeping It Rural

December 03, Delegation

Thank you for allowing this delegation tonight.

I am sure most councilors are aware of the extensive damage that occurred as a result of the last storm on October 31st. This was the second day of high winds that impacted an already high-water table. You will also remember the ice storm last winter that also caused significant damage along Beach Road, East and West and Lakewood area.

Tonight, we have pictures showing this cumulative, irreversible damage that has altered the shoreline.

This first group of pictures shows the flooding that occurred in the Casey drain. As a result of the high water and winds, the Casey drain flooded, sending water in the opposite direction of the lake, to flood the Lakeshore Rd, including several homes across the street, from Side Rd. 18 to Summerland, and all the homes directly adjacent to Casey drain also sustained flooding.

This next group of pictures were taken from the beach in front of the Lakewood property and show the result of significant erosion damage from the storm. The removal of over 200 trees and underbrush that projected this property from surging water, left this area generally unprotected. These pictures show exposed pipes, construction material, cement blocks, drain lines, utility lines etc. that were once buried beneath the property itself. They now are exposed on a dangerous shoreline that has increased 20-30 feet into the property the last 2 years.

What was once a beautiful beach, with a gradual embankment to the property, is now an 8-foot cliff due to the loss of frontage. High water, winds and storms will continue to decrease frontage.

As councils are aware, there is an active plan to develop 41 condominiums on the frontage of this property. When first planned, none of this erosion had occurred. We believe the landscape has significantly changed and strongly recommend to council that:

1. NPCA be formally asked by council to update the flood plain mapping, of this area because the next flood plain map is not scheduled to be started until 2022, which falls outside of this site's development plan.
2. And this council require an updated Coastal Engineer report to address proper protection from further damage, erosion etc. that would impact development on this site.

Thank you

Update:
Condition of Lakewood Property

Delegation by Save Wainfleet – Keeping It Rural

December 3, 2019

Flooding of Casey Drain

November, 2019

Damaged Shoreline

November, 2019

Lost Land and New Cliffs

November, 2019

Issues for Council to Address:

1. Flood Plain reassessment by NPCA
2. Coastal Engineer reassessment prior to build plan approval

Questions?

Thank you

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 mciuffetelli@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: Steven Rivers	
Address: 189 Clare Avenue, Port Colborne L3K 5Y1	
Telephone: 9057338843	**E-mail:** steven.p.rivers@gmail.com

Date of Meeting: 2019-12-03

Subject Matter to be Discussed:	PSR-012/2019 recommendations for Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2 (Hessels Property) and 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1 (Cooke Property)
Action Requested:	Use of Council projection system to display PowerPoint slided

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:

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.

Signature

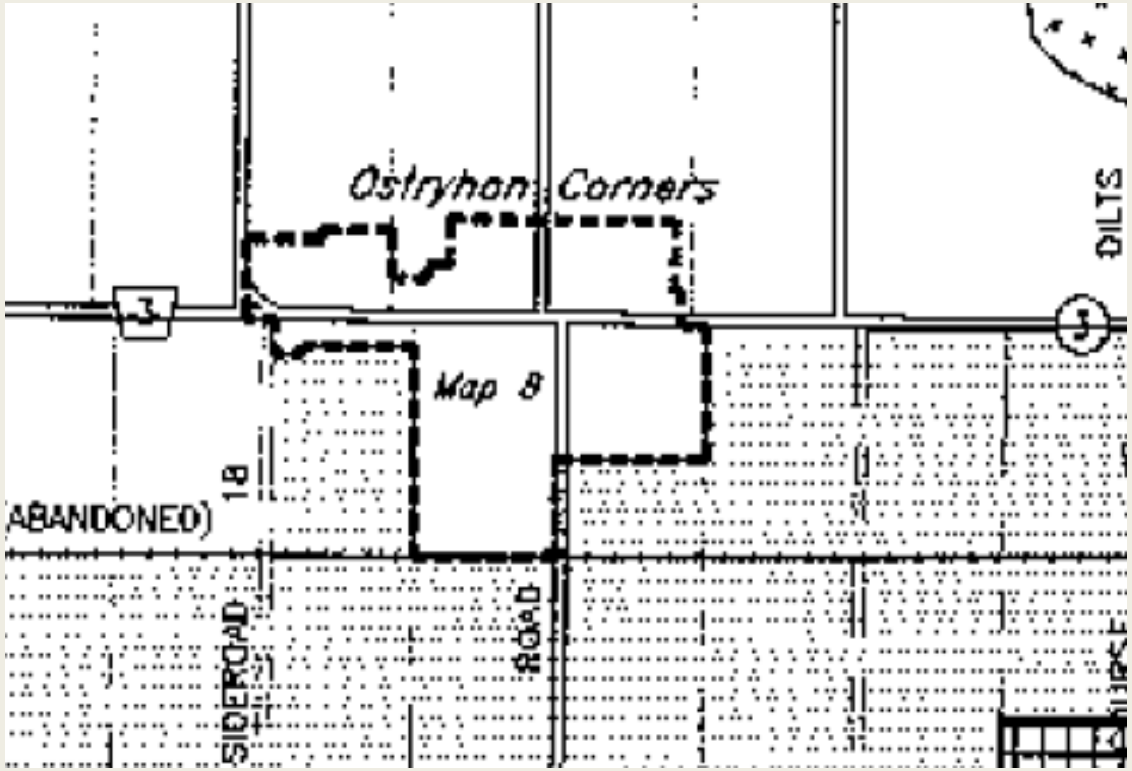
2019-12-02
Date

HESSELS CHRONOLOGY OF EVENTS

1974

Wainfleet Official Plan approved
The land designated **Village Residential** & **Rural**

Limited non-farm residential development permitted in the Rural designation

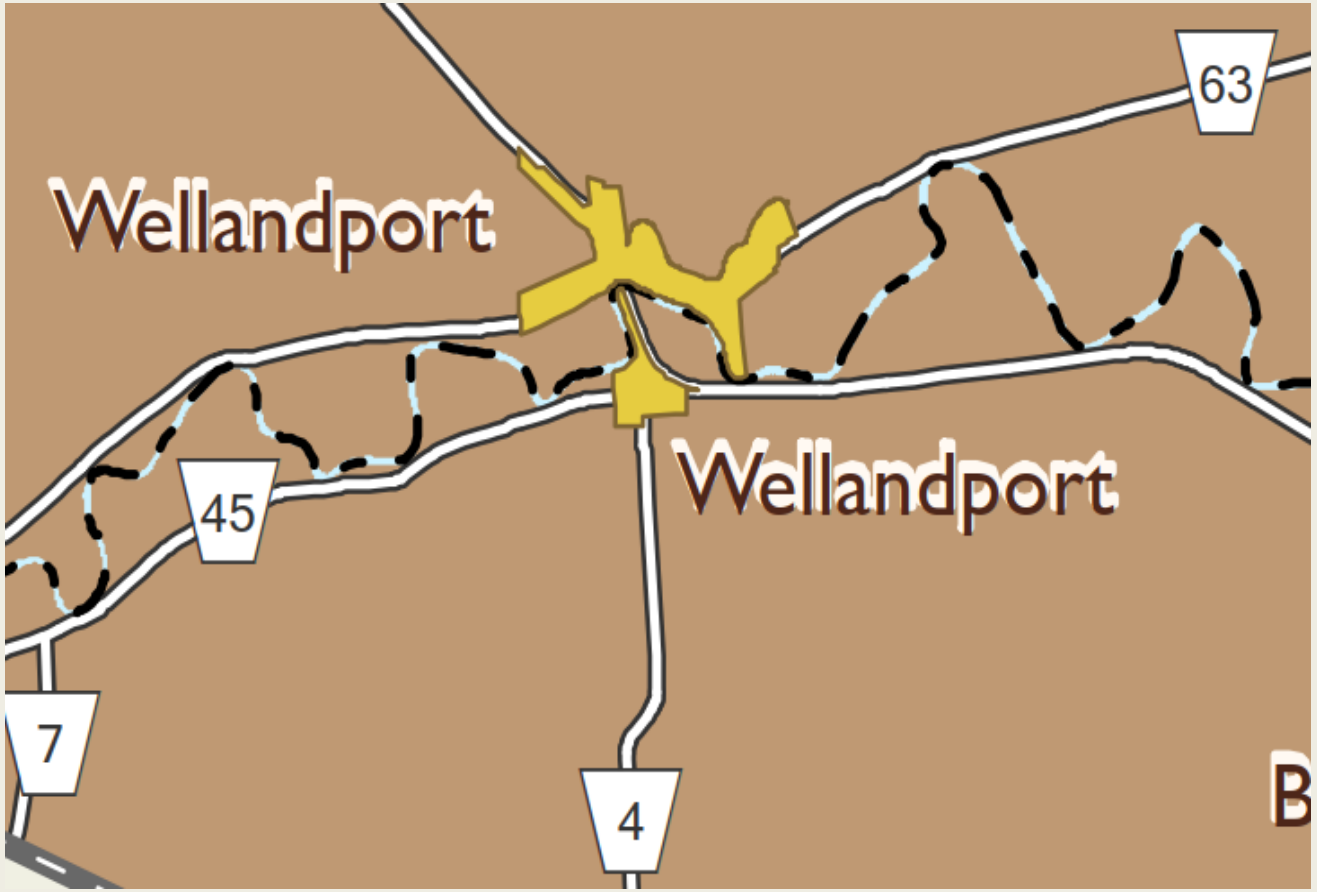


2005

- Provincial Policy Statement
- Growth Plan for the Greater Golden Horseshoe
- Enables expansion of Ostryhon Corners
- Opportunity for more housing

2007

Comprehensive Regional Policy Plan Review
The land is designated **Good General Agriculture**
The Region is developing a long range growth management strategy



2010

1974 Official Plan repealed

New OP designates land **Hamlet** contrary to the Regional Plan

Limited or no contact with the applicant

Planners request withdrawal of OPA application for simplicity of OP Update

Inclusion in Official Plan Update

Application withdrawn

2013

New / Consolidated Growth Plan

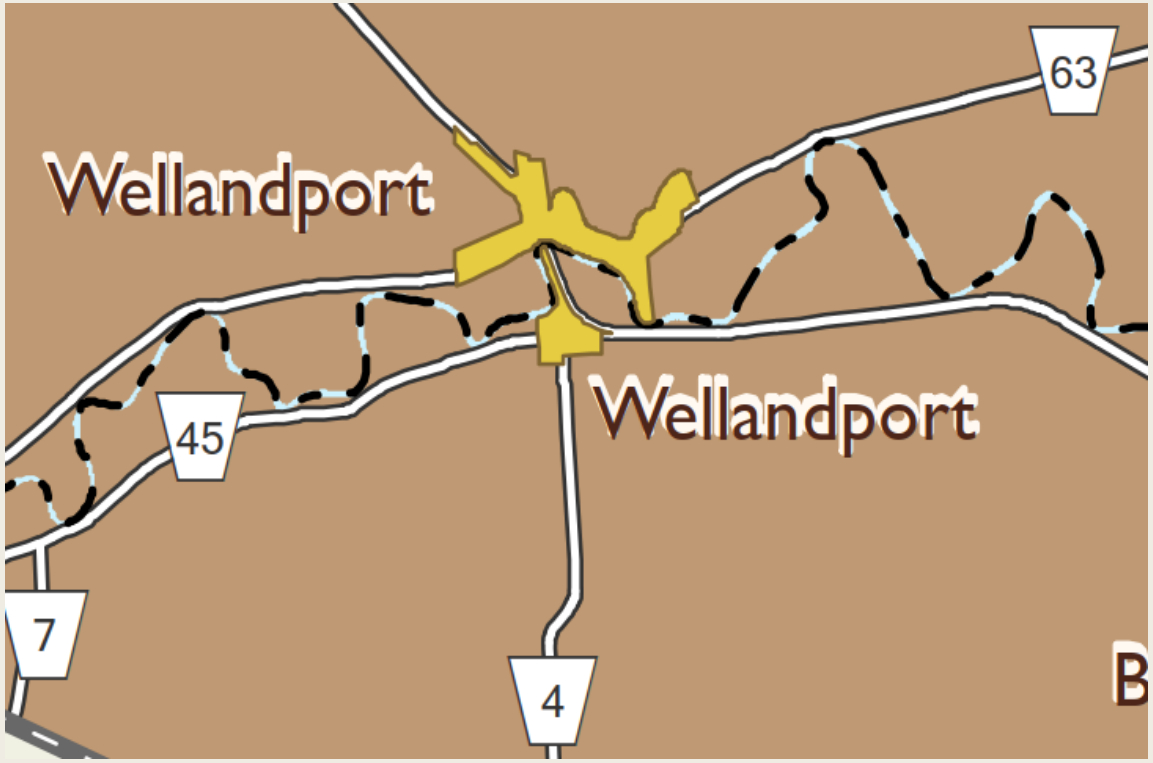
The built boundary for settlement areas aligned with roads, rail lines, &water features. If no roads or water features [were] within 100m of the edge of the built parcels, the built boundary aligned with the edge of the outermost built parcel within the settlement area

Generally, the built boundary follows road centre-lines, water feature edges, &property parcel boundaries, &not the settlement area boundary

2015

New Provincial Policy Statement
OMB Decision

ROPA 2-2009 designates the boundaries of the Hamlet of Wellandport & the land as **Good General Agriculture** (as adopted by the Regional Council & subject to approval by the Minister under Section 26 of the *Planning Act*)



January 2016

OMB Decision

Dispute concerning mapping delineations were resolved revising Schedule B7, “Land Use – Ostryhon Corners Hamlet” & removed the **Hamlet** designation from the Land

Appeal Issue was Environmental Impact on wetland / woodland to the south

No designation was established

The hamlet boundaries for Wainfleet as shown in the local plan accurate & final

Limited or no contact with the applicant

March 2016

Submitted Planning Justification Report supporting Rural designation

Outlines no designation

June, July, & December 2016

Pre-application Consultation Meetings

Outline no designation

September 2016

Tele-conference with Township planning consultant & solicitor re OP designation

Outlines no designation

January 2017

Presentation to Council

Planning Department directed to come back with a recommended process

February 2017

Submitted Planning Justification Report supporting **Rural** designation including **Environmental Impact Study**

Outlines no designation

No response received

March 2017

Meeting with Township & Regional Planners

Township Report on process to apply OP designation

Township sponsored OPA to apply a designation

OPA exempt from Regional approval

Region suggested the Township to encourage us to make formal requests &submit relevant justification to the Township through the public process (i.e. letters, studies, delegation, etc.)

May 2017

New Growth Plan

October 2017

Meeting to discuss the process & possible designations

Advised to submit Planning Justification Reports & Additional Studies

November 2017

The land **not** designated **Prime Agricultural** in either the Region of Niagara or the Township of Wainfleet Official Plan

There is an error on the "Prime Agricultural Areas designated in municipal official plans &/ or identified by OMAFRA" of the Draft Agricultural System Portal

The Township replies there are many discrepancies between what the Province &local municipalities have identified as **Agricultural** vs. **Rural**.

The Region's position is that the Province's mapping should be revised to reflect the work done by the Region &local municipalities.

We will keep going on the basis that the Ag/Rural mapping in the Township OP is the most up-to-date

May 2018

Communication from Township

The Region submitted comments to the Province in response to the Province's recent agricultural mapping &indicated that the Province should revise the mapping to reflect the work done by Regional & local municipalities.

It is my understanding that they have not received a response to these comments but will proceed with the mapping completed as part of the Township's Official Plan review back in 2010/2011 in their MCR

2019

New Growth Plan

January 2019

Minimum Distance Separation Study Submitted designation

No response received

July 2019

Notice of Public Meeting & Public Meeting
The Township seeking Agricultural Area designation

Staff seeking an Agricultural Area designation . . . *because the agricultural land base for the Greater Golden Horseshoe has identified the areas as Prime Agricultural Area*, the Regional Official Plan designates the lands outside of the Hamlets and subject lands as Good General Agriculture Area and the Township's Official Plan designates the lands outside of the Hamlets and subject lands as Agricultural Area. These designations are based largely on soil class and existing development patterns

August 2019

Region of Niagara comments on Public Notice

The Region states all land in the Township's Notice of Public Meeting is within the Provincial Agricultural System, designated as 'Prime Agriculture' [although] . . . it should be noted that the Agricultural System mapping does not currently apply

All of the land is designated 'Good General Agriculture' within the ROP, which corresponds to the 'Prime Agriculture' policies of the Growth Plan & the 2014 Provincial Policy Statement (PPS)

Based on the issue date of the OMB Decision the Land had no designation as agreed to by the Region &the Township

Today

Staff Recommendation

The Recommendation Report states that according to the Region, *the proposal from the owner of 73845 Regional Road 27 adjacent to Wellandport requesting to designate the land as Rural Area, is not consistent with the PPS, nor in conformity with the Growth Plan or Region of Niagara Official Plan, since the land is designated as Prime Agricultural in Provincial Plans and Good General Agricultural in the Regional Official Plan*

Not all of the land is within the Provincial Agricultural System, designated as ‘Prime Agriculture

The proposal removes only a **small area of isolated farmed land** surrounded by residential and natural heritage uses

The **potential impacts** of a residential *development* on the north part of the land on farm operations on *adjacent lands* are **limited**. The *development* of the north part of the land **satisfies the *MDS formulae*** and there would only be a small amount of additional traffic on the Regional Road resulting in few additional implications for farm vehicle movements

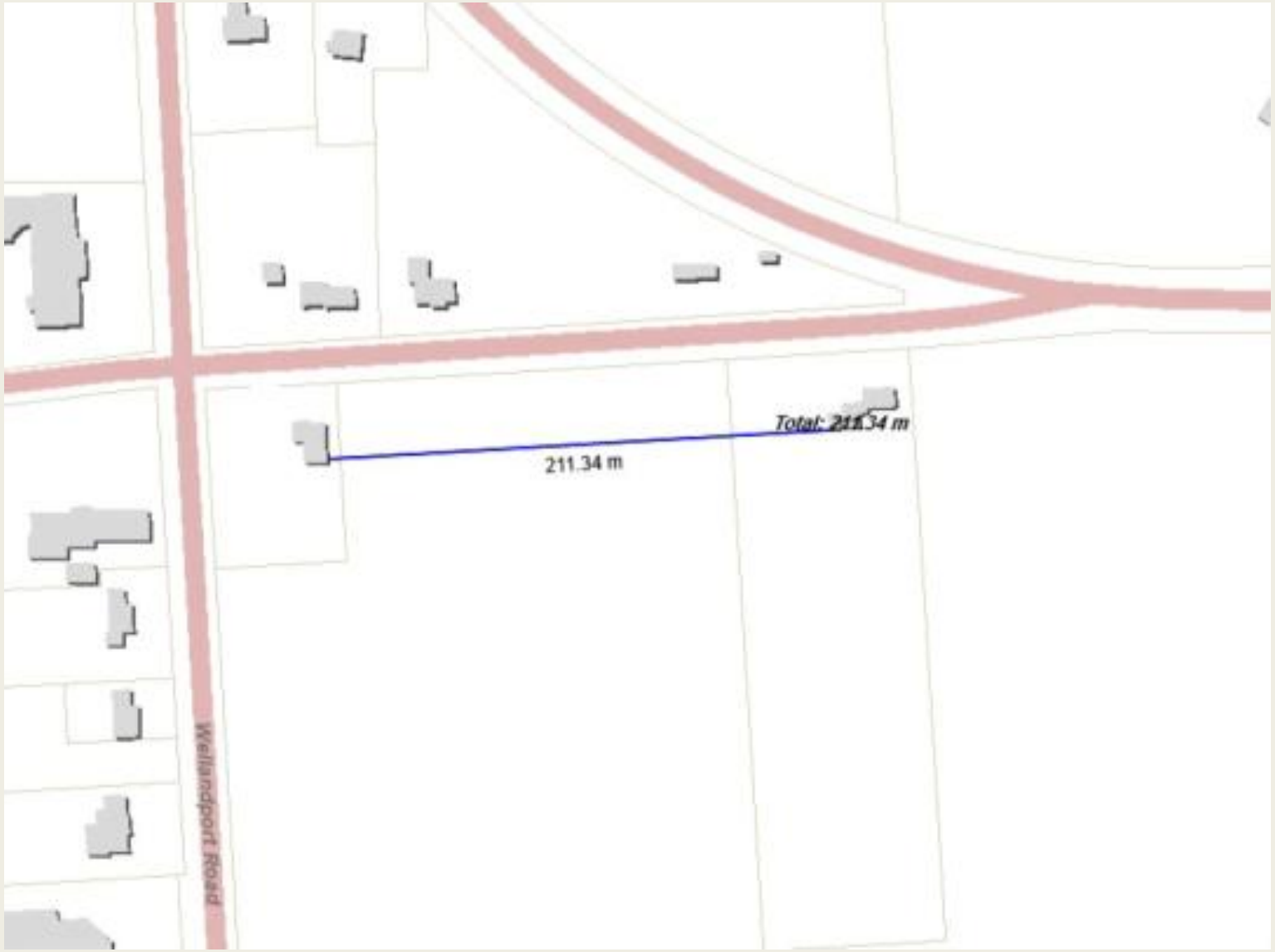
The *development* of a residential use on the north part of the Subject Land will not result in the fragmentation of *agricultural lands*. The north part of the Subject Land is a small area of land isolated from *agricultural uses* by a *provincially significant wetland* and a *significant woodland*. While possible, the probability that the *natural heritage features* will be used for the cash crop type of agriculture common in the area is unlikely

The proposal is for limited residential development compatible with the rural landscape and sustainable by rural service levels. No expansion of infrastructure is required and the lots comply with the *MDS*

No response to the MDS

While not within the Wellandport *settlement area*, the proposal will result in **infilling** between one residential use within the *settlement area* and one residential use abutting the *settlement area*

The proposal is for **three or fewer infilling lots abutting a settlement area** on land where the designation in the official plan permitted this type of development as of June 16, 2006


Total: 211.34 m
211.34 m
Wellandport Road

The northern part of the land is **not within the Province's proposed *Natural Heritage System***

A Draft Environmental Impact Study assessed the potential natural heritage impacts associated with lot creation and residential development on the land. The Study concluded **lot creation and residential development of the northern part of the land will pose no impact to the ecological functions of the *woodland* and *wetlands*** on the land if any future structures arelocated a minimum of 15 metres from the *woodland*.

No response to the EIS

A residential use on the north part of the land is **compatible with the surrounding residential uses** and, because it is adequately *buffered* from the surrounding *natural heritage area* and *agricultural* uses is it compatibly with those uses too

The proposal is sustainable development with no *significant negative impact* on *natural areas*, *features*, *or functions*; only minimal impact on agricultural resources, and is orderly and safe

Recommendations

Direct Staff to

- Redesignate 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1, Part of 73965 Regional Road 45, CON 7 PT LOT 39, and Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2 **Rural Area and deem the proposal to be infilling**
- Rezone 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1, Part of 73965 Regional Road 45, CON 7 PT LOT 39, and Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2 **"A4"**

COOKE CHRONOLOGY OF EVENTS

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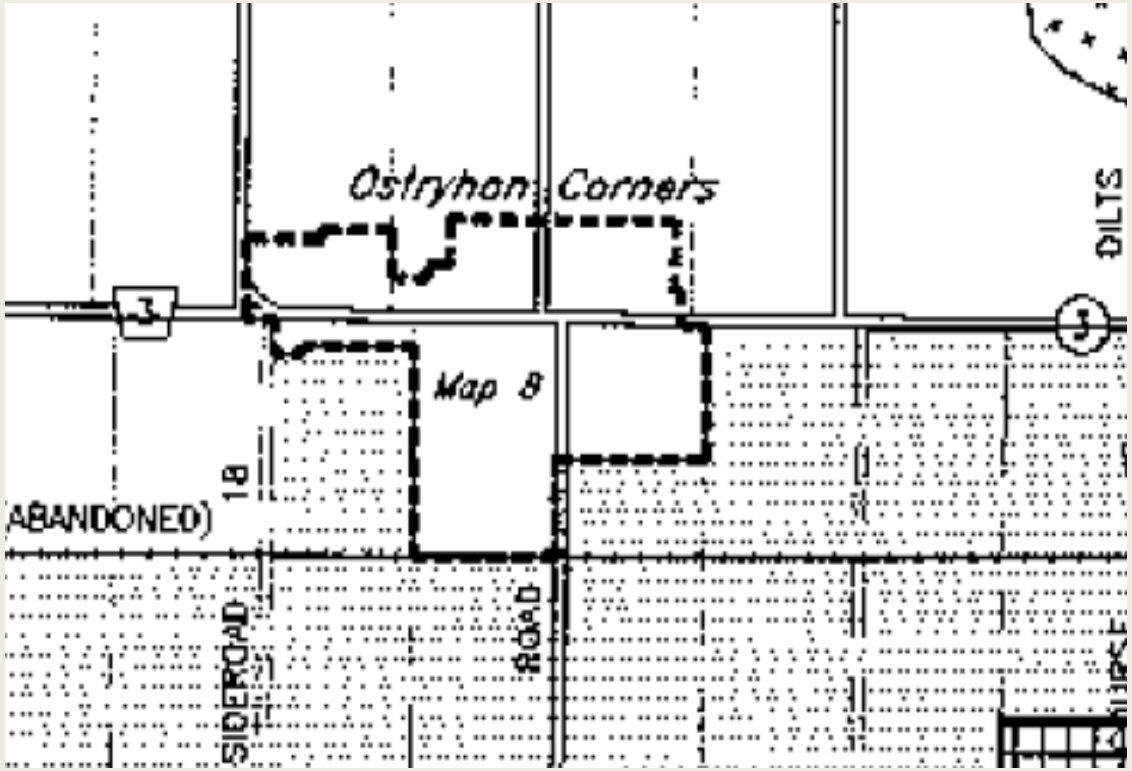
Wainfleet Official Plan approved
The land designated **Village Residential** & **Rural**

Limited non-farm residential development permitted in the Rural designation



2005

- Provincial Policy Statement
- Growth Plan for the Greater Golden Horseshoe
- Enables expansion of Ostryhon Corners
- Opportunity for more housing

2007

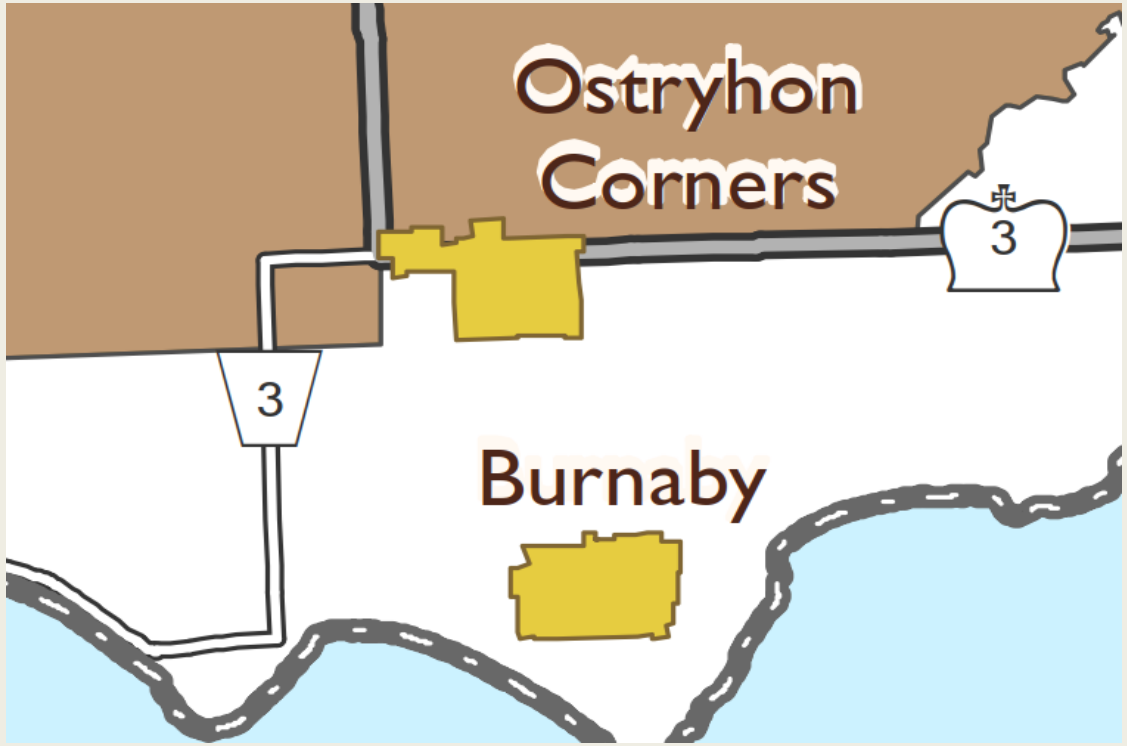
Comprehensive Regional Policy Plan Review

The land is designated **Hamlet** & **Rural Areas**

Provides limited non-farm development in Rural Area

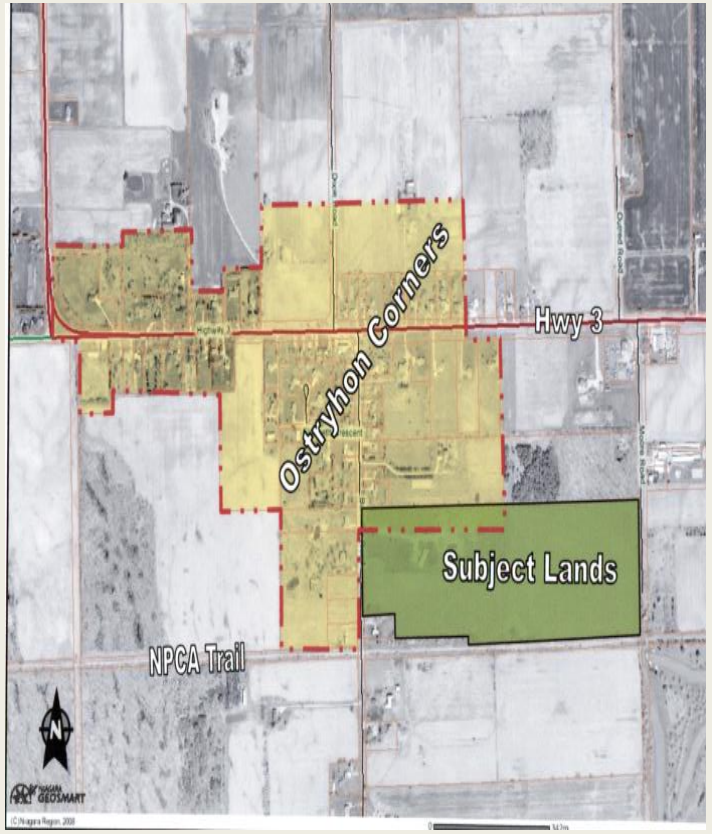
Development of the land for rural residential use in keeping with regional policies

The Region is developing a long range growth management strategy

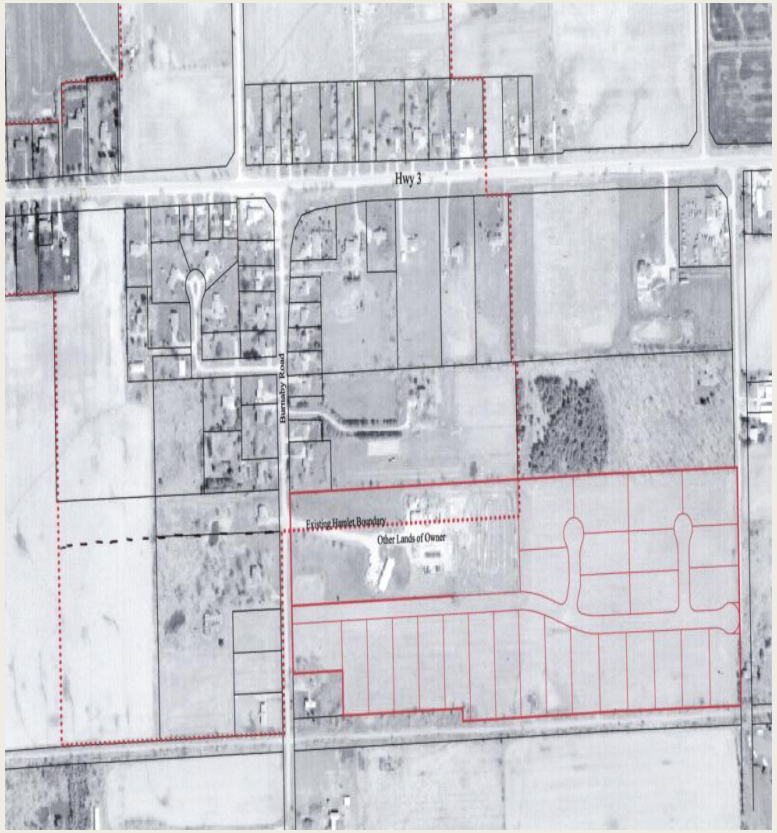


2008

Official Plan Amendment application for 16 lots on 15 hectares with a Planning Justification Study



Staff agrees including the land in the **Hamlet** / **Village Residential** designations appropriate



2009

Zoning By-law Amendment Application

OP designation is **Rural**

Rezoned to permit residential use

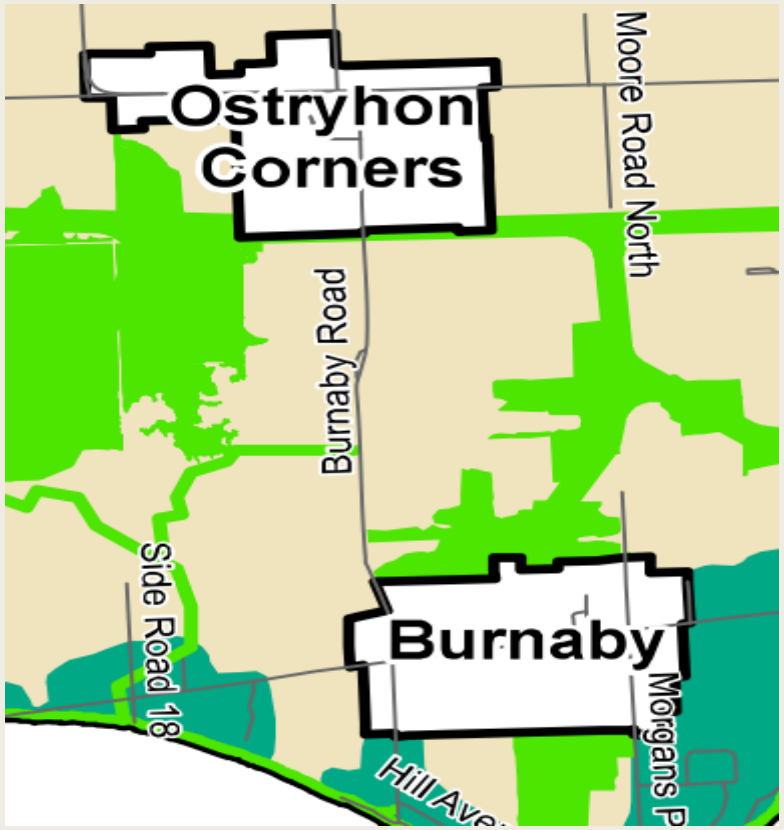
No comment received from Regional Niagara Development Services

2010

1974 Official Plan repealed

New OP designates land **Hamlet** & **Agricultural Area** contrary to the Regional Plan

Limited or no contact with the applicant



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New / Consolidated Growth Plan

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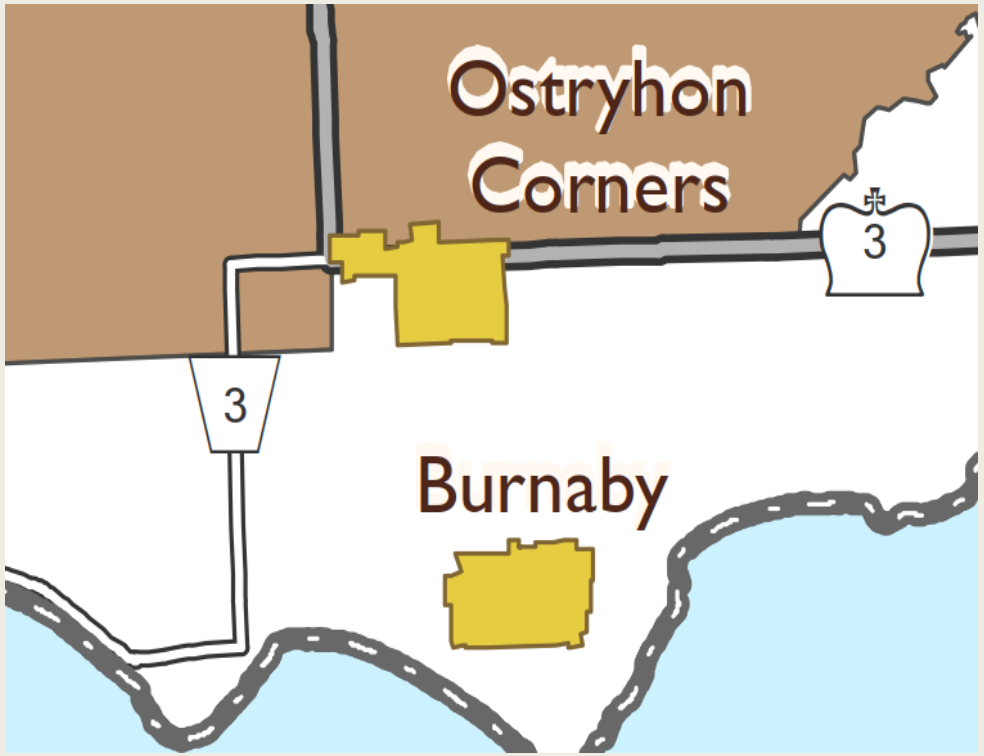

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No designation was established

The hamlet boundaries for Wainfleet as shown in the local plan accurate & final

Limited or no contact with the applicant

February 2016

Submitted Planning Justification Report

Outlines no designation & unclear zoning

June, July, & December 2016

Pre-application Consultation Meetings

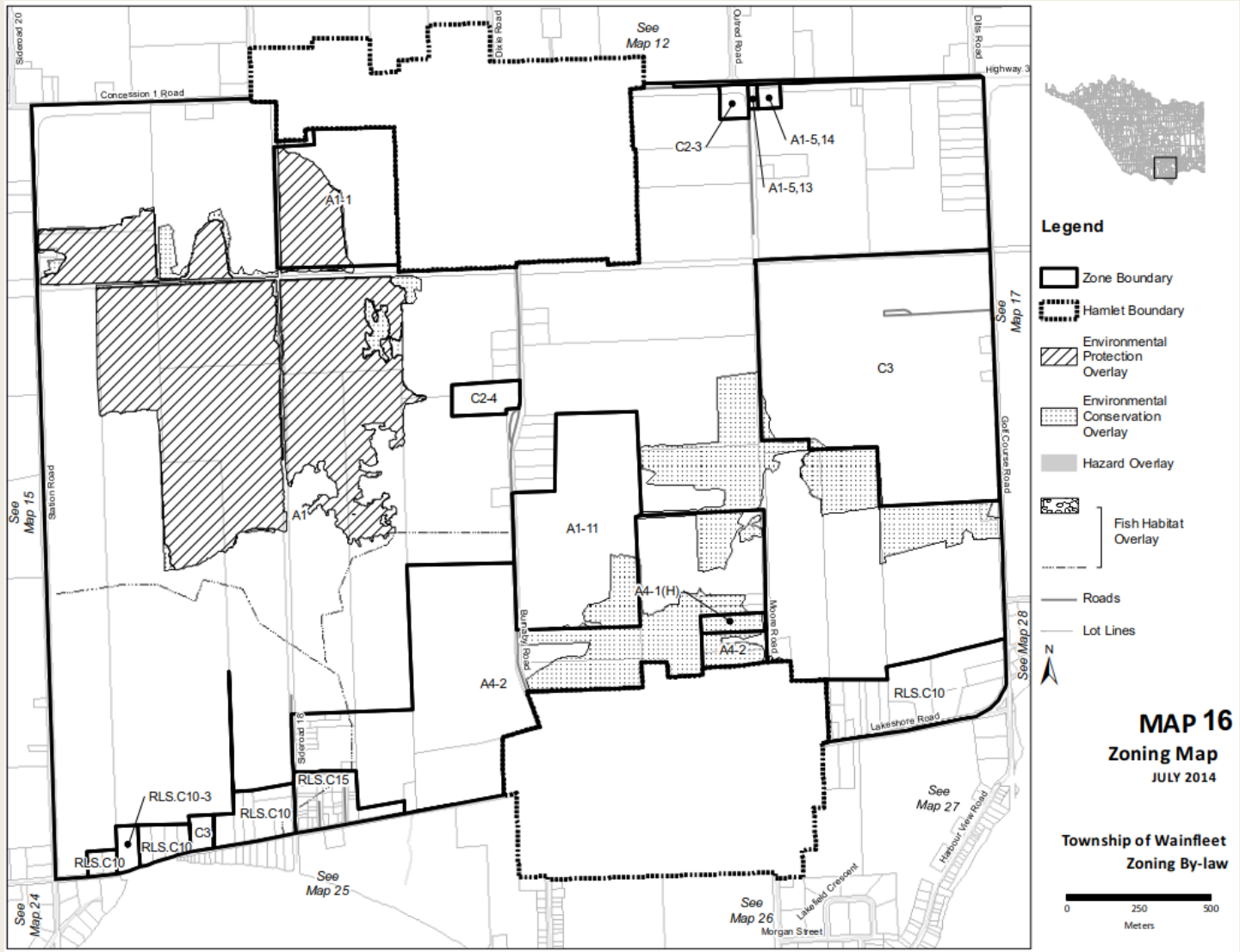
Outline no designation & unclear zoning

September 2016

Tele-conference with Township planning consultant & solicitor re OP designation

Outlines no designation & unclear zoning

New Zoning By-law - the property's zoning is unclear



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Township Report on process to apply OP designation

Township sponsored OPA to apply a designation

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May 2017

New Growth Plan

October 2017

Meeting to discuss the process & possible designations

Advised to submit Planning Justification Reports & Additional Studies

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The Township replies there are many discrepancies between what the Province &local municipalities have identified as **Agricultural** vs. **Rural**.

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We will keep going on the basis that the Ag/Rural mapping in the Township OP is the most up-to-date

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It is my understanding that they have not received a response to these comments but will proceed with the mapping completed as part of the Township's Official Plan review back in 2010/2011 in their MCR

2019

New Growth Plan

July 2019

Notice of Public Meeting & Public Meeting
The Township seeking Agricultural Area designation

Staff seeking an Agricultural Area designation . . . *because the agricultural land base for the Greater Golden Horseshoe has identified the areas as Prime Agricultural Area*, and the Regional Official Plan designates the land outside of the Hamlet as Rural Area. These designations are based largely on soil class & existing development patterns

August 2019

Region of Niagara comments on Public Notice

The Region states all land in the Township's Notice of Public Meeting is within the Provincial Agricultural System, designated as 'Prime Agriculture' [although] . . . it should be noted that the Agricultural System mapping does not currently apply

All of the land, save & except for the lands [in] (Ostryhon Corners), are designated 'Good General Agriculture' within the ROP, which corresponds to the 'Prime Agriculture' policies of the Growth Plan & the 2014 Provincial Policy Statement (PPS)

Based on the issue date of the OMB Decision the Land had no designation as agreed to by the Region &the Township

Today

Staff Recommendation

The Staff Report recommended that these lands be designated as **Rural Area** in the Township of Wainfleet Official Plan to be consistent with the PPS and to conform to the Growth Plan 2019 and the Region of Niagara Official Plan

Further Recommendations

Direct Staff to

> Redesignate all of the land subject of Mr. Cooke's original application, Part of Lots 14 and 15, Concession 1, Roll Nos: 271400000413100 and 271400000413005, **Rural Area**
>
> Rezone all of the land subject of Mr. Cooke's original application, Part of Lots 14 and 5, Concession 1. Roll Nos: 271400000413100 and 271400000413005, **"A4"**

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 mciuffetelli@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: Ted Hessels Steve Rivers	
Address: 73272 Robertson Rd.	
Telephone: 905 658 1311	**E-mail:** ted hessels@gmail.com

Date of Meeting: Dec 3, 2019

Subject Matter to be Discussed:	Wellandport Hamlet
Action Requested:	rural designation for property

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: speaking notes

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.

Signature

Dec 2, 2019
Date

ADMINISTRATIVE STAFF REPORT **ASR-032/2019**

TO: Mayor Gibson & Members of Council

FROM: M. Ciuffetelli, Deputy Clerk

DATE OF MEETING: December 3, 2019

SUBJECT: **Review of Citizen Applications for Advisory Committees**

RECOMMENDATION(S):

THAT Administrative Staff Report ASR-032/2019 respecting the review of citizen applications for advisory committees be received; and

THAT Council review and discuss confidential applications received for the Age-Friendly Advisory Committee and Recreation/Community Events Advisory Committee; and

THAT Council appoint eight (8) citizens and (1) Member of Council to the Age-Friendly Advisory Committee; and

THAT staff be directed to re-evaluate the mandate of the Recreation & Community Events Advisory Committee for calendar year 2021

EXECUTIVE SUMMARY:

In October of 2019, staff placed a call for applications for citizen representation on the Wainfleet Age-Friendly Advisory Committee and Wainfleet Recreation & Community Events Advisory Committee. The deadline for applications was November 22, 2019 at 4:30 p.m.

Eleven (11) applications were received for the Age-Friendly Advisory Committee and two (2) applications were received for the Recreation & Community Events Advisory Committee.

Public Committee	Number of Positions Available	Number of Applications Received
Age- Friendly Advisory Committee	8	11
Recreation & Community Events Advisory Committee	8	2

BACKGROUND:

The call for applications for the Age-Friendly Advisory Committee and the Recreation & Community Events Advisory Committee were posted in two news publications in Niagara This Week, the Township's website and Facebook page.

Applications were available electronically on the Township's website and a hard copy at the Township Office, Pubic Library and Arena.

All applications received have been circulated to Council for their review. The applications will not be made public due to the confidential information contained therein.

Appointment Process

Council will review and discuss confidential citizen applications in closed session under Section 239 (2) (b) of the Municipal Act. The appointment of members will be made by motion in open session during rise and report. Applicants will be identified by letter in order to maintain anonymity during the appointment process with successful applicants announced publicly after the motion has passed.

OPTIONS/DISCUSSION:

Age-Friendly Advisory Committee (8 positions)

A total of eleven (11) applications were received for the Age-Friendly Advisory Committee. The terms of reference indicate that the committee be comprised of a total of up to eight (8) Wainfleet residents and one (1) Council Member.

Options

1. Council appoint eight (8) citizen candidates and one (1) Council Member to the Age-Friendly Advisory Committee.

2. Council waive the terms of reference to allow for a committee composition greater than eight (8) citizen members.

Recreation & Community Events Advisory Committee (8 positions)

A total of two (2) applications were received for the Recreation & Community Events Advisory Committee. The terms of reference indicate that the committee be comprised of a total of up to eight (8) Wainfleet residents and (1) Council Member.

Options

1. Direct staff to re-evaluate the mandate of the Recreation & Community Events Advisory Committee for calendar year 2021. (Recommended)

2. Direct staff to initiate an additional call for applications for the Recreation & Community Events Advisory Committee.

3. Appoint the two (2) citizen candidates to the Recreation & Community Events Advisory Committee and initiate an additional call for applications for the remaining positions.

FINANCIAL CONSIDERATIONS:
There are no financial impacts as committee members will serve in a voluntary capacity only.

OTHERS CONSULTED:
None.

ATTACHMENTS:

1) Appendix "A" – Confidential Citizen Applications (Circulated to Council only)

Respectfully submitted by,

Meredith Ciuffetelli
Deputy Clerk

Approved by,

William J. Kolasa
Clerk/Chief Administrative Officer

Memo

To: Mayor Gibson & Members of Council

From: Mark Tardif, Municipal By-law Enforcement Officer

Date: December 3, 2019

Re: Amendment to Non-Parking AMPS By-law No. 027-2019

This by-law amendment is being requested as the last step in finalizing the new Clean Yards By-law No. 073-2019 that was passed on November 12, 2019.

The penalty section of the Clean Yards By-law is partially enforced by the Non-Parking AMPS By-Law No. 027-2019. The Clean Yards By-law is a designated By-law in Schedule A.

The requested change is removing the By-law No. 1275-92, being the previous Clean Yards By-law and replacing it with the new Clean Yards By-law No. 073-2019.

Staff are also proposing a housekeeping amendment with respect to Fouling of Roads By-law No. 584-78 which was inadvertently referenced as 203-1962. Staff is reviewing, updating and modernizing the current fouling of roads By-law No. 584-78 and a report will be forthcoming.

SCHEDULE "A"

Administrative Monetary Penalty By-law for Non Parking Offences

DESIGNATED BY-LAWS

Designated By-law	By-law Number
Animals at Large	008-2018
Building	027-2012
Clean Yards	073-2019
Discharge of Firearms	025-2013
Dog Control	014-2016
Entry onto Adjoining Lands	027-2011
Exotic Animal	011-2018
Fence	019-2005
Fireworks	021-2007
Fouling of Roads	203-1962
Medical Marijuana Facilities	057-2017
Noise	042-2018
Open Air Burning	027-2009
Property Standards	059-2000
Public Nuisance	022-2009

PLANNING STAFF REPORT **PSR-012/2019**

TO: Mayor Gibson & Members of Council

FROM: David Riley, Planner, SGL Planning & Design Inc.
Sarah Ivins, Planner, Township of Wainfleet

DATE OF MEETING: December 3, 2019

SUBJECT: Township initiated Official Plan Amendment to address lands without Official Plan Land Use Designations (OPA 02)

RECOMMENDATION(S):

THAT PSR-012/2019 be received; and

THAT an Agricultural Area designation be approved for the reasons outlined in PSR-012/2019 for the following properties:

a) 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1;
b) Part of 73965 Regional Road 45, CON 7 PT LOT 39;
c) Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2;
d) Part of 52015 Regional Road 24, CON 5 PT LOT 19;
e) Part of 52017 Regional Road 24, CON 5 PT LOT 19; and

THAT a Rural Area designation be approved for the reasons outlined in PSR-012/2019 for the following properties:

a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15;
b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1; and

THAT the land use designation for 51250 Tunnacliffe Road remain Agricultural Area for the reasons outlined in PSR-012/2019;

THAT the by-law to adopt the official plan amendment attached as Appendix “B” be adopted;

AND THAT the application is deemed to be consistent with the Provincial Policy Statement 2014 and other matters of Provincial interest.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a recommendation regarding a Township initiated official plan amendment (File OPA 02) to address lands without official plan land use designations.

Due to the timing and manner in which the new official plan was adopted and the removal of lands from the draft Hamlet boundaries, several properties were left without a land use designation. The subject lands are as follows:

Three properties from the Hamlet of Wellandport

- 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1
- Part of 73965 Regional Road 45, CON 7 PT LOT 39
- Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2

Two properties from the Hamlet of Chambers Corners

- Part of 52015 Regional Road 24, CON 5 PT LOT 19
- Part of 52017 Regional Road 24, CON 5 PT LOT 19

Two properties from the Hamlet of Ostryhon Corners

- Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15
- 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1

Township Council directed staff to initiate an official plan amendment to assign land use designations to these properties. This report provides analysis on this issue and a recommendation as to an appropriate land use designation for each property.

Additionally, Council directed staff to consider a request from the owner of 51250 Tunnacliffe Road to change the designation of part of the property from Agricultural Area to Rural Area. This report provides analysis on this request and a recommendation as to the appropriate land use designation for the property.

BACKGROUND

Council for the Township of Wainfleet adopted a new Official Plan in 2010. Since then, the Official Plan has gone through a series of approvals and appeals. The Official Plan was approved by the OMB in August 2014, with the exception of the Hamlet boundaries. In January of 2016, the Province, Niagara Region and Township of Wainfleet were able to settle the appeal for the Hamlet boundaries. As a result of the settlement, several properties that were originally included within the Hamlets of Wellandport, Ostryhon Corners and Chambers Corners were removed due to concerns of the effect on the nearby Provincially Significant Wetland (PSW) in Wellandport, Minimum Distance Separation (MDS) compliance issues in Chambers Corners and compatibility issues between residential and commercial land uses and soil quality in Ostryhon Corners.

Due to the timing of the repeal of the previous Official Plan and the bylaw to adopt the bulk of the new Official Plan (as approved by the OMB in 2014), the lands that were removed from the Hamlets as a result of the OMB settlement in 2016 were left without a land use designation. This issue was brought to the attention of the previous Council through a delegation from representatives of two landowners in January of 2017 and staff were directed to bring back a report on the matter. Planning Staff Report PSR-002/2017 was received by Council on March 28, 2017 and direction was given to initiate an official plan amendment to establish land use designations for the properties removed from the Hamlets.

At the time, Council had also been approached by the owner of 51250 Tunnacliffe Road who felt that due to lack of communication in the Official Plan process was not able to address his concerns regarding the designation of his land. Council directed staff to include the landowner's property in the official plan amendment.

Township staff engaged SGL Planning & Design Inc. to assist the Township with this file.

DETAILS OF LANDS SUBJECT TO THE AMENDMENT

Lands Without a Designation from the Hamlet of Wellandport:

a) **73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1**
b) **Part of 73965 Regional Road 45, CON 7 PT LOT 39**
c) **Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2**

Property Details:
There are three separate properties that are either entirely or partially without a land use designation. These lands are located near the southeast corner of Regional Road 45 and Wellandport Road, near the Hamlet of Wellandport **(Figure 1)**. The properties are designated as *Good General Agricultural Area* in the Niagara Region Official Plan and *Agricultural* in the former Township of Wainfleet Official Plan. The lands are zoned *A2 Agricultural* in the Township of Wainfleet Zoning By-Law.

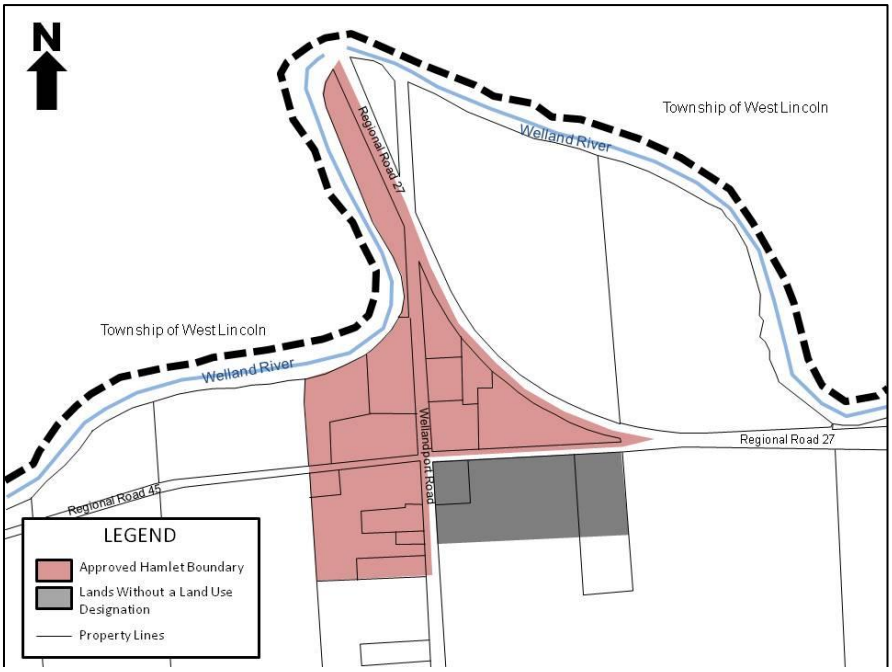


Figure 1. Lands Without a Designation near the Hamlet of Wellandport

The majority of the neighbouring properties within the Wellandport Area Hamlet to the north and west of the subject properties are designated *Village Residential*, as well as *Institutional* and *Environmental Conservation Area*. The lands within the Hamlet boundary, to the north and west, include residential dwellings, two churches and a cemetery. Outside of the Hamlet boundary, the surrounding lands are designated *Agricultural Area*, *Environmental Conservation Area* and *Environmental Protection Area*.

Landowner Submissions:
The owner of 73845 Regional Road 27 has requested that the subject lands be designated as Rural Area. The Rural Area designation permits a range of agricultural and agricultural-related uses, and also permits limited lot creation for residential purposes subject to specific

policy requirements. In support of this request, the following documents have been submitted:

- Preliminary Planning Policy Justification Report prepared by Steven P. Rivers MCIP, RPP dated May 14, 2019;
- DRAFT Scoped Environmental Impact Statement prepared by Colville Consulting Inc., dated February 2017; and
- DRAFT Minimum Distance Separation (MDS) 1 Requirements for 73845 Regional Road 45, Wainfleet, prepared by Colville Consulting Inc., dated May 22, 2019.

The Planning Report provides an opinion to support a Rural Area designation for the subject lands and to support a new rural parcel adjacent to the Hamlet of Wellandport by consent to sever. It should be noted that the desired new lot cannot be implemented through this Official Plan Amendment. The report provides a review of applicable policy, stating that the proposal is sustainable with no significant negative impacts on natural areas, and only minimal impact on agricultural resources, and is orderly and safe, making it compliant with the Planning Act.

According to the Draft Environmental Impact Study (EIS), the creation of a new lot for the purposes of a residential dwelling on the northern part of the lands will pose no impact to ecological functions. The EIS states that there would be no negative impacts from new development, and connectivity of natural features would be maintained as no natural features would be removed or built upon.

According to the Draft MDS study, the proposed designation would comply with all applicable MDS guidelines.

Lands Without a Designation from the Hamlet of Chambers Corners:

a) Part of 52015 Regional Road 24, CON 5 PT LOT 19
b) Part of 52017 Regional Road 24, CON 5 PT LOT 19

Property Details:

There are two separate properties that are without a land use designation in this area. The lands are located north of Forks Road, east of Regional Road 24, bordering the eastern boundary of the Hamlet of Chambers Corners **(Figure 2)**. The properties are designated as *Good General Agricultural Area* in the Niagara Region Official Plan and *Agricultural* in the former Township of Wainfleet Official Plan. The lands are zoned *A1 Agricultural Transition* in the Township of Wainfleet Zoning By-Law.

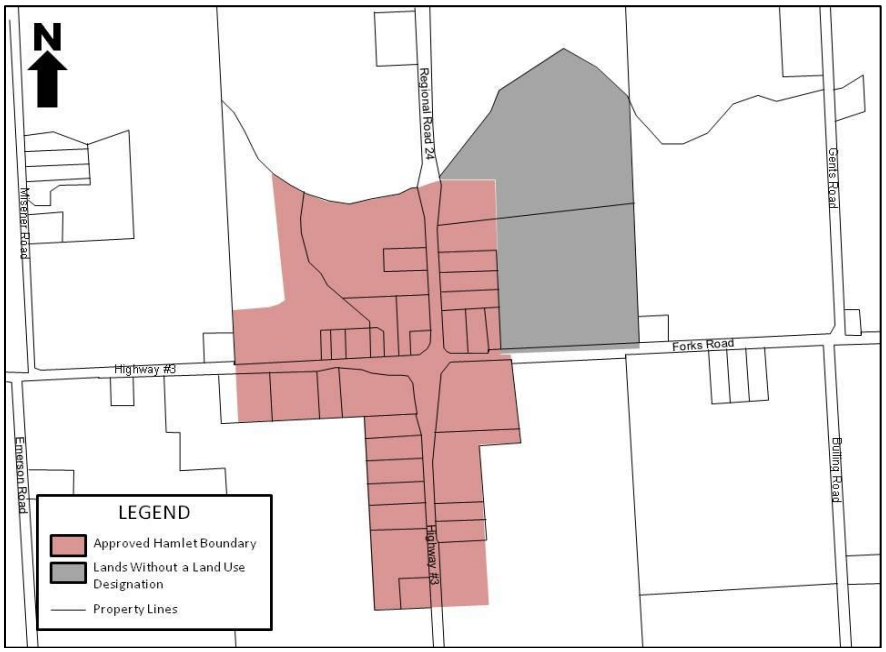


Figure 2. Lands Without a Designation near the Hamlet of Chambers Corners

The neighbouring properties within the Chambers Corners Hamlet to the east are designated *Village Commercial* and *Environmental Conservation Area*. Within the Hamlet boundary, the adjacent properties contain residential dwellings, an auto repair shop, as well as a Beer Store, LCBO outlet and an Avondale market. South of Forks Road, within the Hamlet Boundary, there is an auto-shop, gas station, a motel and a restaurant, as well as residential dwellings and auto-shops on the west side. North-west of the main intersection there are residential dwellings and an equipment commercial store. Outside of the Hamlet boundary, surrounding lands are designated *Agricultural Area, Environmental Conservation Area* and *Environmental Protection Area*.

Landowner Submissions:
The owner of 52015 Regional Road 24 has requested that the subject lands be designated Rural Area. The Rural Area designation permits a range of agricultural and agricultural-related uses, and also permits limited lot creation for residential purposes subject to specific policy requirements. Supplemental reports or planning justification were not provided in support of the request.

Lands Without a Designation from the Hamlet of Ostryhon Corners

a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15
b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1

Property Details:
There are two separate properties that are either entirely or partially without a land use designation in this area. The lands are located east of Burnaby Road and south of the boundary of the Hamlet of Ostryhon Corners **(Figure 3)**. The properties are designated as *Rural* in the Niagara Region Official Plan and *Rural* in the former Township of Wainfleet Official Plan.

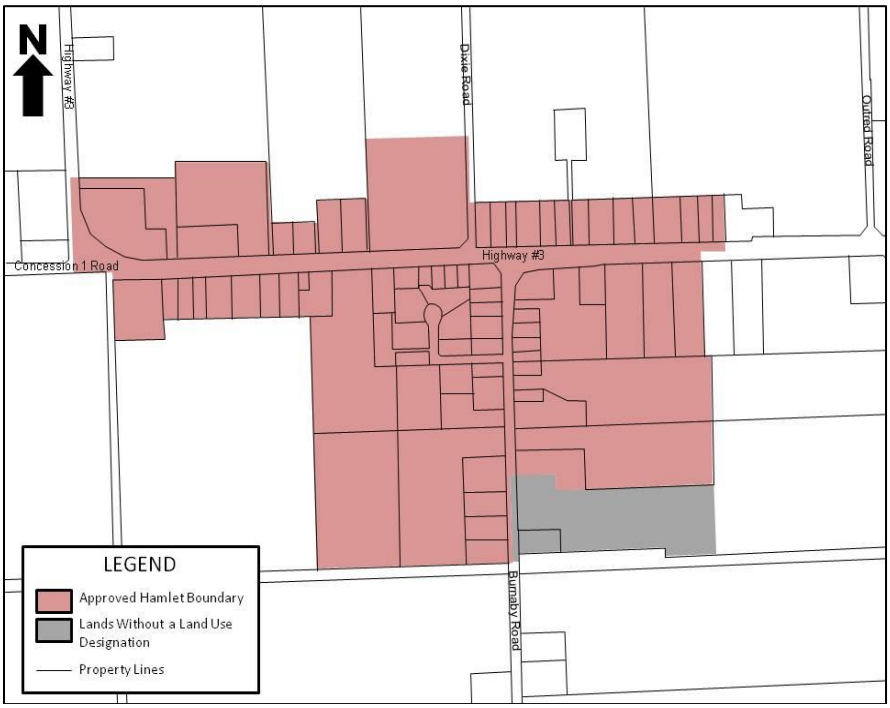


Figure 3. Lands Without a Designation near the Hamlet of Ostryhon Corners

The neighbouring properties within the Ostryhon Corners Hamlet to the north and west are designated *Village Commercial* and *Village Residential*. Within the Hamlet boundary, the adjacent properties contain primarily residential dwellings, and immediately adjacent to the lands is a commercial operation. Outside of the Hamlet boundary, surrounding lands are designated *Agricultural Area* in the Township's Official Plan.

<u>Landowner Submissions:</u>
The owner of 11673 Burnaby Road has requested that the subject lands be designated as Rural Area. The Rural Area designation permits a range of agricultural and agricultural-related uses, and also permits limited lot creation for residential purposes subject to specific policy requirements. In support of this request, the following documents have been submitted:

- Planning Justification Report prepared by Steven P. Rivers MCIP, RPP, dated June 2019; and
- Agricultural Assessment: 11675 Burnaby Road, by Colville Consulting Inc., dated July 2019.

The Planning Report provides an opinion to support a Rural Area designation for the subject lands and to support two new rural parcels with frontage on a new road. It should be noted that the desired new lots cannot be implemented through this Official Plan Amendment. The report provides a review of applicable policy, stating that the proposal is sustainable with no significant negative impacts on natural areas, and only minimal impact on agricultural resources. The report provides an analysis of how the proposal is consistent with the Provincial Policy Statement (PPS), stating that limited residential development is permitted in rural areas. With respect to the protection of prime agricultural areas, the report states that the lands are isolated and surrounded by residential and recreation uses. The report concludes that the proposal is compatible with the rural landscape and the resulting new rural residential lots would be in compliance with MDS guidelines.

The Agricultural Assessment Report concludes that the inclusion of the lands within the Rural Area designation would not substantially change the agricultural character of the lands given the existing mix of farm and non-farm land uses. The report states that the loss of the subject land from farm production is not likely to impact long-term farming viability, and that the development will maintain agricultural connectivity as access to fields and other properties would not affected. The report concludes that while the majority of the lands would comply with MDS guidelines, there are two instances where minimum setback requirements encroach onto the lands.

51250 Tunnacliffe Road Requesting a Land Use Designation Change

Property Details:
The subject property is located at 51250 Tunnacliffe Road, on the east side of Tunnacliffe Road and north of Forks Road (**Figure 4**). The subject lands are designated as *Good General Agricultural Area* in the Niagara Region Official Plan and *Agricultural* in the former Township of Wainfleet Official Plan.

Figure 4. 51250 Tunnacliffe Road

The neighbouring properties are designated as *Rural Area, Environmental Conservation Area* and *Agricultural Area.* The neighbouring properties are used for residential and agricultural purposes.

Landowner Submissions:
The owner of 51250 Tunnacliffe Road has requested that the land use designation of a portion of the subject property north of the municipal drain, be changed from *Agricultural Area* to *Rural Area*. The Rural Area designation permits a range of agricultural and agricultural-related uses, and also permits limited lot creation for residential purposes subject to specific policy requirements. The owner is ultimately seeking to sever the existing lot, creating a new 2.8-hectare lot which would include the existing residence on the property. The larger retained lot would be kept under existing ownership, with a new

residence proposed in the north-east corner adjacent to the existing residence. In support of this request, the following documents have been submitted:

- Agricultural Assessment for 51250 Tunnacliffe Road, prepared by Colville Consulting Inc., dated July 2016;
- Letters prepared by John Perry, RPP, Professional Planning Services Inc., dated February 2017 and October 2017; and
- Review of the Colville Consulting Inc. Agricultural Assessment of the Climenhage Lands, prepared by AgPlan Limited, dated October 2018.

The Agricultural Assessment by Colville Consulting states that the new lot would not be constrained by the MDS I formulae, and the loss of lands from the overall agricultural land base would not have an impact on the retained parcel's overall productivity. The assessment states that there would be no loss of agricultural investment as there are no farm structures or land improvements north of the municipal drain.

The two letters prepared by John Perry, RPP explain that the landowner intends to sell the existing home and to sever the lot in order to create a new smaller home to the south of the existing home. The findings of the Agricultural Assessment are briefly outlined, reiterating the findings of that report and stating that the proposed designation change is minor and has no effect of any regional significance.

The peer review of the Colville Report was completed by AgPlan Limited at the request of the Township. The review first comments on the fact that even if the lands are re-designated as rural, there are additional tests which need to be addressed if a rural severance is to be supported, highlighting that a re-designation would not automatically allow for the potential severance. Additional information on the MDS I formulae is also needed, such as the characteristics of nearby barns, to fully support the notion that MDS setbacks are not required. The review mentions that the conclusion made by the Agricultural Assessment that the loss of farmland from the subject lands would not impact the retained parcel's overall productivity is not well supported. On the existing property, the example is provided that approximately 8.48 ha are used for hay or are cultivated for common field crops, and the removal of 0.7 ha of lands would represent approximately 8% of that 8.48 ha. If the disturbed lands can be rehabilitated to produce agricultural crops, then the proposed new area for a residential building represents approximately 15% of the retained lands, and therefore there would be some productivity loss. Finally, the review mentions that more discussion commenting on the fact that there would be no loss of agricultural investments due to the fact that none of the outbuildings have utility for agriculture.

SUMMARY OF COMMENTS RECEIVED

Public Comments

A statutory public meeting was held in Council Chambers on July 23rd, 2019. Notice of the public meeting was mailed to all affected landowners on June 27th, 2019 and a public notice was published in the Port Colborne Leader on June 27th, 2019.

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

On July 25th, 2019 a written request was received from Ms. Jantiena (Tena) Evers, owner of 52015 Regional Road 24, for a land use designation of Rural Area on part of the property. Supplemental reports or planning justification were not provided in support of the request.

Township Department and Agency Comments
On June 27th, 2019 a request for comments was circulated to Township departments and external agencies directly affected by the proposed amendment. The following is a summary of the comments received.

Niagara Region Planning and Development Services staff provided a response to proposed Amendment 02 to the Township of Wainfleet Official Plan in a letter dated August 29, 2019.

According to the Region, the proposals from both the owner of 73845 Regional Road 27 adjacent to the Hamlet of Wellandport, and the owner of 51250 Tunnacliffe Road, requesting to designate their lands as *Rural Area,* are not consistent with the PPS, nor in conformity with the Growth Plan or Region of Niagara Official Plan, since the lands are designated as *Prime Agricultural* in Provincial Plans and *Good General Agricultural* in the Regional Official Plan.

The owner of 11673 Burnaby Road, adjacent to the Hamlet of Ostryhon Corners, requests that their lands be designated as *Rural Area*. Since these lands are currently designated *Rural Area* within the ROP, the *Rural Lands* policies of the PPS and Growth Plan apply. As such, the Region does not object to this request.

The Region is supportive of an Agricultural Area designation for the lands adjacent to Chambers Corners since the lands are designated as *Prime Agricultural* in Provincial Plans and *Good General Agricultural* in the Regional Official Plan.

PLANNING ANALYSIS

Provincial Policy Statement

The Provincial Policy Statement, PPS includes policies for Agricultural and Rural areas. Section 2.3, Agriculture, states that prime agricultural areas shall be protected for long-term agricultural use. Permitted uses include agricultural uses, agricultural-related uses and on-farm diversified uses, and any related use should not adversely affect any surrounding agricultural operations. Lot creation is discouraged and may only be permitted for agricultural and agricultural related uses, a residence surplus to a farming operation or infrastructure in accordance with Policy 2.3.4.1. Planning authorities may only exclude land from Prime Agricultural Areas for expansions or the identification of settlement areas, in accordance with Policy 1.1.3.8. Non-agricultural uses in Prime Agricultural Areas may only be permitted for resource extraction and limited non-residential uses, in accordance with the policies of the document.

The PPS states that some growth and development may be directed to Rural Lands, in accordance with Policy 1.1.5, while ensuring the protection of agricultural uses and lands. Section 1.1.5, Rural Lands in Municipalities, permits the following uses: resource use and management, resource-based recreation activities, limited residential development, home occupations and home industries; cemeteries; and other rural land uses.

Growth Plan for the Greater Golden Horseshoe, 2019

Section 4.2.6 of the Growth Plan 2019 outlines policies for the Agricultural System. Where agricultural uses and non-agricultural uses "interface" outside of settlement areas, compatibility between land uses should be achieved by first avoiding, and second minimizing and mitigating adverse impacts on the Agricultural System. The retention of existing lots for agriculture is encouraged by the Growth Plan, while the use of these lots for non-agricultural uses is discouraged. According to Section 2.2.9 of the Growth Plan, development outside of settlement areas may be permitted on rural lands for resource management, recreational uses, or other rural land uses that are not appropriate within settlement areas and are also compatible with their surrounding uses, sustained by rural service levels, and have no adverse impact on the protection of agricultural and resource based uses.

The Growth Plan 2019 identifies a Provincial Agricultural System, which aims to protect a continuous and productive land base for long-term agriculture uses. According to Policy 4.2.6.8 however, outside of the Greenbelt Area, Provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper-tier official plan. In this instance, it has not been yet implemented through the Niagara Region Official Plan. The policy states that Prime Agricultural Areas identified in the applicable official plans in effect as of July 2017 will be considered as the agricultural land base for the purposes and policies of the Growth Plan. Therefore, the mapping in effect is contained within the current ROP as it read on July 1, 2017.

Of relevance, this means lands designated *Good General Agriculture* within the ROP correspond with the policies for *Prime Agriculture* within the Growth Plan and PPS, and lands designated *Rural Area* within the ROP correspond with the *Rural Lands* policies of the Growth Plan and PPS.

Region of Niagara Official Plan

The Region of Niagara Official Plan designates all of the lands subject to this Official Plan Amendment as *Good General Agricultural Lands*, with the exception of lands adjacent to Ostryhon Corners.

Section 5.B of the Regional Official Plan applies to *Good General Agricultural Lands.* According to the policies, the predominant use of land within this designation will be for agriculture of all types and compatible uses such as forestry and conservation. Non-agricultural uses are generally not permitted, and land severances may only be permitted in accordance with the policies of Section 5.B.8.1.

Policies for the Rural Area are outlined in Section 5.C of the Region of Niagara Official Plan. According to the policies, the predominant use of land within this designation should continue to be agriculture; however, some non-farm related development will be permitted, in accordance with the policies of the section.

> *Analysis:*
> As noted above, all of the subject lands, with the exception of the lands adjacent to the Hamlet of Ostryhon Corners are designated as Good General Agricultural Lands, which means the Prime Agricultural Area policies of the PPS and Growth Plan apply. For the lands adjacent to Ostryhon Corners, since they are designated as Rural Area

in the Region of Niagara Official Plan, the Rural Lands policies of the PPS and Growth Plan apply.

The policies of the PPS, Growth Plan and Region of Niagara Official Plan must all be reviewed and assessed in determining the land use designation of properties at the local, Township of Wainfleet, level. The policies of the Wainfleet Official Plan must conform to and be consistent with the policies of the upper tier municipality (in this case, the Region of Niagara), the Growth Plan 2019 and the PPS. In all cases, except for the subject lands adjacent to the Hamlet of Ostryhon Corners, the subject lands are identified as prime agricultural lands, and designated as Good General Agricultural Area in the Region of Niagara Official Plan (consistent with and conforming to provincial policy).

For the lands adjacent to the Wellandport Hamlet, the owner has requested a designation of Rural Area for these lands. The request was supplemented by a Planning Analysis, Environmental Impact Study and Minimum Distance Separation calculation, completed by consultants on behalf of the owner. Sufficient justification for the designation of these lands to Rural Area has not been demonstrated, particularly in the context of how a Rural Area designation would conform to and be consistent with Regional and Provincial policy. In the view of the Township, only an Agricultural Area designation would conform to the Region of Niagara Official Plan and Growth Plan 2019, and be consistent with the PPS. As such, it is recommended that these lands be designated as Agricultural Area in the Township of Wainfleet Official Plan. This designation conforms to the Region of Niagara Official Plan and Growth Plan 2019, and is consistent with the PPS.

For the lands adjacent to Ostryhon Corners, the owner has requested a designation of Rural Area for these lands. The request was supplemented by an Agricultural Analysis and a Planning Analysis conducted by consultants to support the Rural Area designation. In this instance, it is appropriate to consider a Rural Area designation for the lands, since these lands are designated as Rural in the Region of Niagara Official Plan, and as such, the Rural Lands policies of the Growth Plan and PPS apply. These lands are also situated adjacent to non-agricultural lands within the Ostryhon Corners Hamlet to the north, and physically separated from agricultural uses to the south by the Gord Harry Conservation Trail. As such, it is recommended that these lands be designated as Rural Area in the Township of Wainfleet Official Plan. This designation conforms to the Region of Niagara Official Plan and Growth Plan 2019, and is consistent with the PPS.

A land use designation must also be identified for the lands adjacent to the Chambers Corners Hamlet. There were no supplemental reports prepared in support of any specific land use designation for these lands. In the view of the Township, only an Agricultural Area designation would conform to the Region of Niagara Official Plan and Growth Plan 2019, and be consistent with the PPS. As such, it is recommended that these lands be designated as Agricultural Area in the Township of Wainfleet Official Plan. This designation conforms to the Region of Niagara Official Plan and Growth Plan 2019, and is consistent with the PPS.

For the lands at 51250 Tunnacliffe Road, the owner has requested a redesignation of these lands from Agricultural Area to Rural Area. The request was supplemented by

an Agricultural Analysis and a Planning Analysis conducted by consultants to support the Rural Area designation. The Agricultural Analysis was also peer reviewed by a consultant on behalf of the Township. Overall, the peer reviewer was not satisfied that the loss of farmland from the subject lands would not impact the overall agricultural productivity of the remaining lands. The peer reviewer was also concerned that not enough information was provided to support the study's conclusion that the proposal would satisfy MDS requirements. Sufficient justification for the redesignation of these lands from Agricultural Area to Rural Area has not been demonstrated, particularly in the context of how a Rural Area designation would conform to and be consistent with Regional and Provincial policy. In the view of the Township, only an Agricultural Area designation would conform to the Region of Niagara Official Plan and Growth Plan 2019, and be consistent with the PPS. As such, it is recommended that these lands remain designated as Agricultural Area in the Township of Wainfleet Official Plan. This designation conforms to the Region of Niagara Official Plan and Growth Plan 2019, and is consistent with the PPS.

SUMMARY OF RECOMMENDATIONS

In conclusion, it is recommended that the following designations be applied to each of the properties:

Lands Without a Designation from the Hamlet of Wellandport:

1. **73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1**
2. **Part of 73965 Regional Road 45, CON 7 PT LOT 39**
3. **Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2**

It is recommended that these lands be designated as Agricultural Area in the Township of Wainfleet Official Plan to be consistent with the PPS and to conform to the Growth Plan 2019 and the Region of Niagara Official Plan.

Lands Without a Designation from the Hamlet of Chambers Corners:

1. **Part of 52015 Regional Road 24, CON 5 PT LOT 19**
2. **Part of 52017 Regional Road 24, CON 5 PT LOT 19**

It is recommended that these lands be designated as Agricultural Area in the Township of Wainfleet Official Plan to be consistent with the PPS and to conform to the Growth Plan 2019 and the Region of Niagara Official Plan.

Lands Without a Designation from the Hamlet of Ostryhon Corners

1. **Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15**
2. **11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1**

It is recommended that these lands be designated as Rural Area in the Township of Wainfleet Official Plan to be consistent with the PPS and to conform to the Growth Plan 2019 and the Region of Niagara Official Plan.

51250 Tunnacliffe Road Requesting a Land Use Designation Change

It is recommended that these lands remain designated as Agricultural Area in the Township of Wainfleet Official Plan to be consistent with the PPS and to conform to the Growth Plan 2019 and the Region of Niagara Official Plan.

FINANCIAL CONSIDERATIONS:

None.

ATTACHMENTS:

Appendix "A" – Minutes of the Public Meeting held on July 23rd, 2019
Appendix "B" – By-law to Adopt Official Plan Amendment 02

Respectfully submitted by,

David Riley MCIP, RPP
Planner, SGL Planning & Design Inc.

Sarah Ivins
Planner, Township of Wainfleet

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX "A"

6. Public Meeting

Mayor Gibson called the Public Meeting to order and explained that in accordance with the Planning Act, a Public Meeting is held to present information regarding the proposed official plan amendment to the public and for Council to receive comments that the public and members of Council may have.

D. Riley, (Planner, SGL Planning & Design Inc.) provided Council with a presentation regarding the proposed Official Plan Amendment – Attached to the minutes as Appendix "A".

Public Comments

1. Tina Evers – 52015 Regional Road 24, Wainfleet
   Ms. Evers stated that a portion of her property has been removed from the hamlet boundary and commented that she did not realize that she could have requested that her property be designated as rural.

2. Diane Smith-Coomber – 73965 Regional Road 45, Wainfleet
   Ms. Smith Coomber looking for clarification on the area being proposed for an agricultural designation and questioned the possibilities of having a granny suite on her property. Planner, S. Ivins, stated that this could be achieved through a secondary suite as an addition to her home or detached structure. If this is a temporary structure you can go through a temporary use by-law to permit the structure.

3. Marguerite Fonseca – 73987 Regional Road 45, Wainfleet
   Ms. Fonseca stated that she is new to this process and would like to know if the proposed OPA could have any effect on the future use of her land.
   S. Ivins advised that regardless of a agricultural or rural designation, if the primary use of the property is a single detached dwelling, you would be permitted to do an addition providing it met the criteria of the Zoning By-law.

4. Glen Cooke – 11673 Burnaby Road, Wainfleet
   Mr. Cooke stated that in 2009, he made application for a plan of subdivision and re-zoning. Mr. Cooke explained that he was asked to withdraw the application and was told that his property would be included in the hamlet boundary as part of the update to the Official Plan in 2010. Mr. Cook noted that his property was excluded from the Hamlet boundary despite various studies being done in support of the inclusion. Mr. Cooke objects to an agricultural designation on his property and is requesting a rural designation.

5. Ted Hessels – 73272 Robertson Road, Wainfleet
   Mr. Hessels provided his speaking notes as follows:

   We are here at a public meeting and staff has said in the public meeting information report that they will receive information and will not be making any recommendations or decisions at this public meeting, but yet in this same report they say they are "seeking a designation of Agricultural Area for all three properties." (that is, Chambers Corners, Ostryhon Corners and the Wellandport area) so his has me confused. I object to the agricultural designation.

When the township did their official plan they went through an extensive consultation with the community and there was a general consensus that the 3 properties in question would be appropriate to be in the hamlet. Both the township and the region saw no issue with it at the time and approved it to be part of the hamlet. We are here tonight because at the moment these lands have no designation. We are here asking that you apply the rural designation to these properties.

In the case of the Wellandport area, which affects my property, the Province had some issues with the provincially significant wetland and the MDS. I have taken the initiative to have an environmental impact study and the minimal distance separation study done, and they have shown that there would be no negative impact.

This Wellandport parcel would be a reasonable parcel to have a rural designation; it is adjacent to the hamlet of Wellandport and has 3 institutions (churches) right next to it. These would be like infill since there are residential lots directly east and west of this area.

This area is not desirable land for agricultural due to the size. The size of equipment and the sprays and chemicals that we use and need to control weeds and pest makes this parcel unfavourable to farm because of the proximity to the neighbouring properties.

This land would take very little resources from Wainfleet because there would be no infrastructure or maintenance cost for Wainfleet roads because it has frontage to regional roads. Therefore I ask that you give these lands the rural designation. Thank you.

6. Gerry Stull – 11274 Golf Course Road, Wainfleet
   Mr. Stull asked what the difference between an agricultural and rural designation are and what affect it will have on the property. S. Ivins explained that both rural and agricultural designations permit a broad spectrum of agricultural uses, the main difference being that a rural designation allows for limited lot creation, subject to provincial policy.

7. Perry Climenhage – 51250 Tunnacliffe Road, Wainfleet
   Mr. Climenhage clarified that his property at 51250 Tunnacliffe Road is 25 acres of agricultural lands and 16 acres of wetland/forest. He stated he has lived on the property for 45 years and is requesting that the land use designation of the property section north of the municipal drain from agricultural to rural.

Next Steps

A planning report respecting the application will be brought forward by staff and considered at a later date.

If you wish to be notified of the passing of the proposed official plan amendment or of the refusal of the request to amend the official plan, you must make a written request to the Clerk of the Township of Wainfleet.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Township of Wainfleet before the by-law is passed, the person or public body is not entitled to appeal the decision of the Township of Wainfleet to the Local Planning Appeals Tribunal.

OFFICIAL PLAN AMENDMENT 02

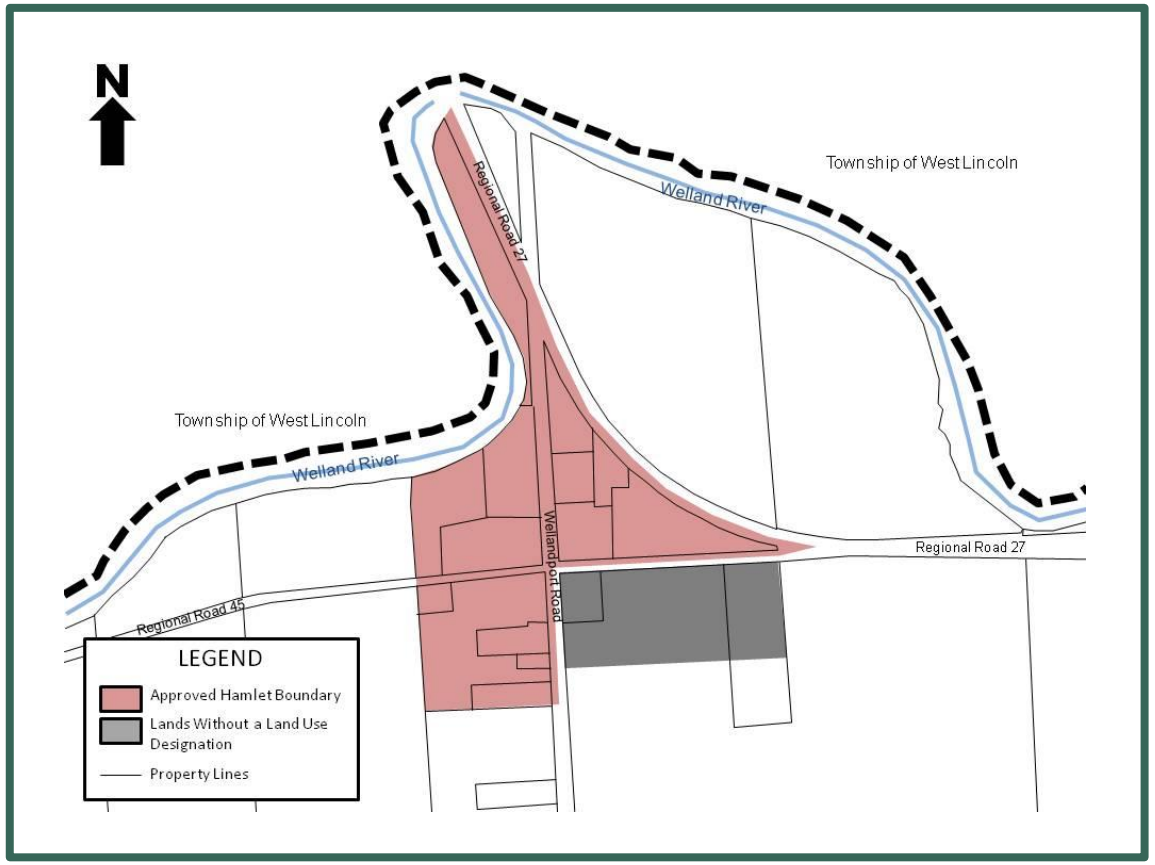
PUBLIC MEETING

JULY 23, 2019

BACKGROUND

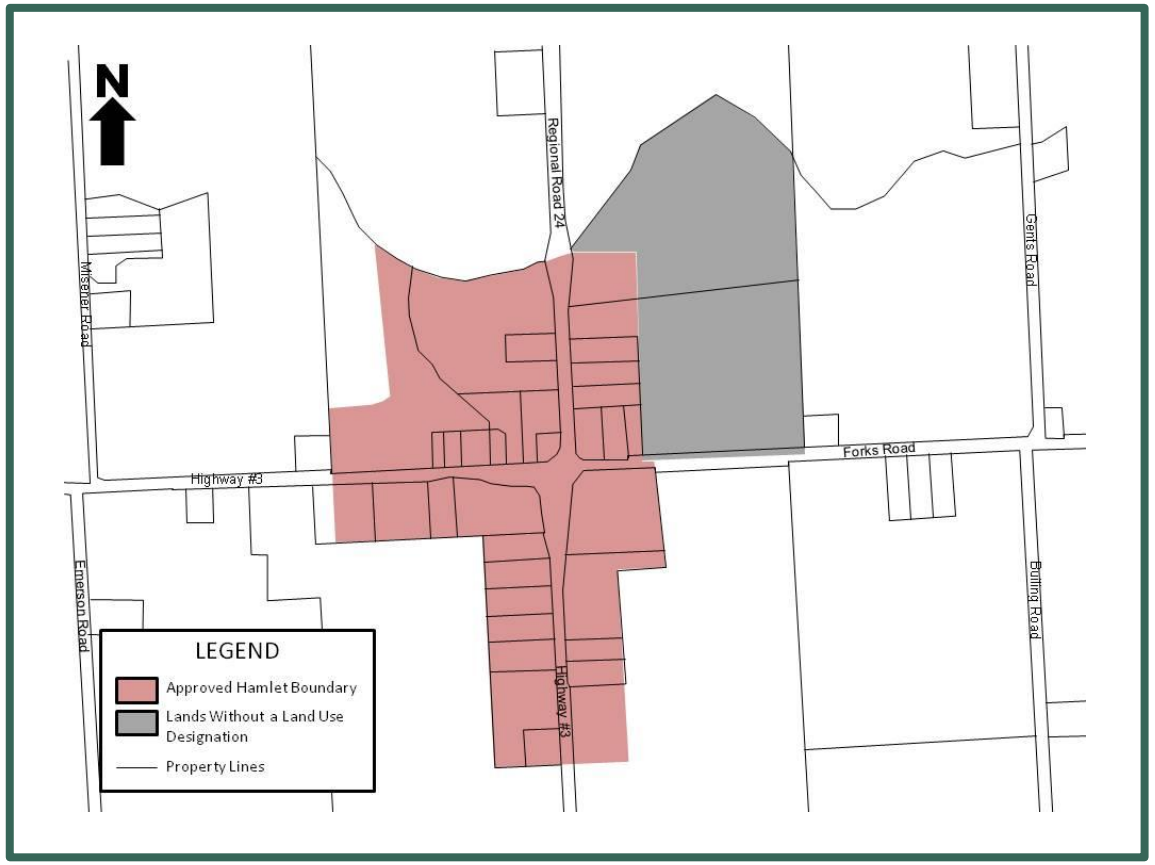
2010	August 2014	January 2016	January 2017	March 2017
• Official Plan Adoption	• Official Plan OMB approval • Exception of the Hamlet boundaries	• Appeal settled for Hamlet boundaries • Left Hamlet lands without a designation	• Delegation from representatives of two landowners • Brought issue to attention of Township	• Planning staff report received by Council • Direction given to initiate an Official Plan Amendment

LANDS REMOVED FROM HAMLET OF WELLANDPORT



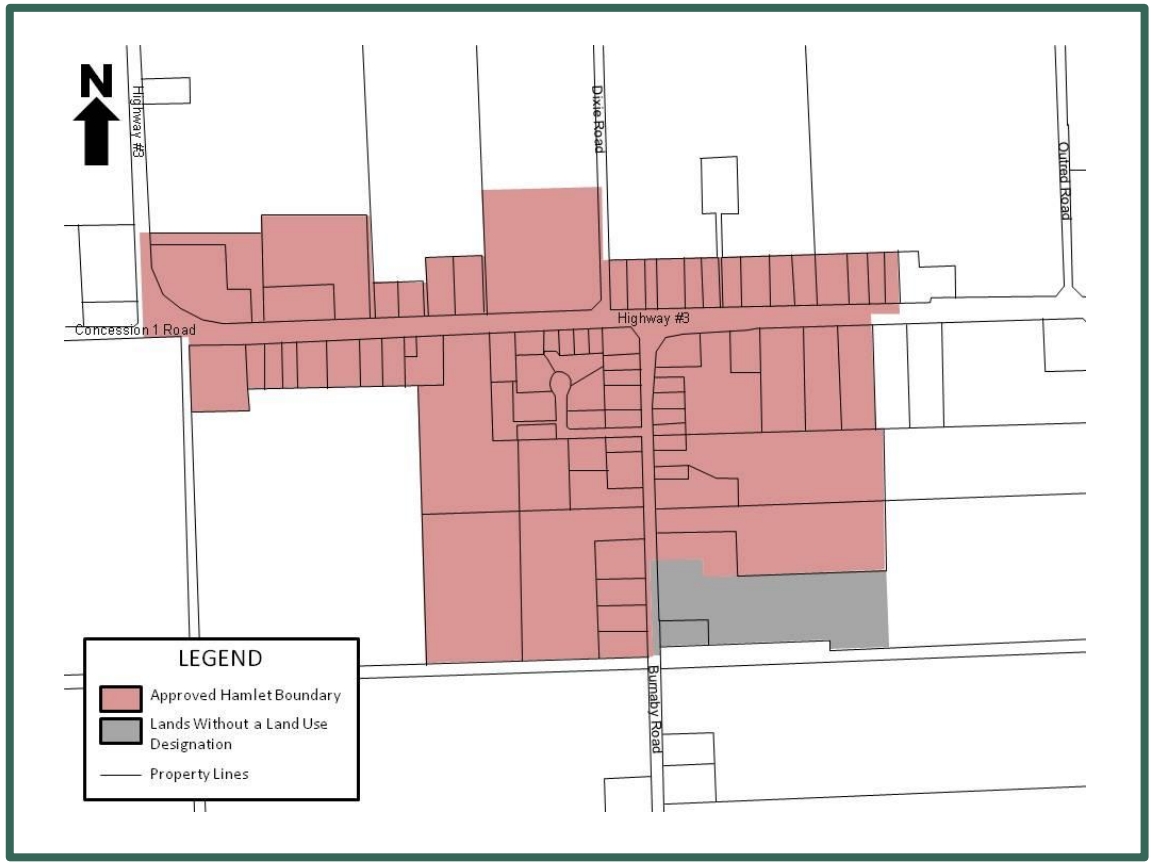
- Removal of three properties from the Hamlet
- Town is seeking an Agricultural Area designation
- The owner of 73987 has requested a Rural Area designation
  - Will permit limited lot creation for residential purposes subject to specific policy requirements

LANDS REMOVED FROM HAMLET OF CHAMBERS CORNERS



- Removal of two properties from the Hamlet
- Town is seeking an Agricultural Area designation

LANDS REMOVED FROM HAMLET OF OSTRYHON CORNERS



- Removal of two properties from the Hamlet
- Town is seeking an Agricultural Area designation
- The owner of 11673 Burnaby Road has requested a Rural Area designation
  - Will permit limited lot creation for residential properties, subject to specific policy requirements

51250 TUNNACLIFFE ROAD

- The owner has requested to change the land use designation of the property section north of the municipal drain from Agricultural Area to Rural Area
- This will permit limited lot creation for residential purposes subject to specific policy requirements

NEXT STEPS

- A Planning Report respecting the application will be prepared and considered by Council
- To be notified of the future passing or refusal of the Official Plan Amendment, a written request must be made to the Clerk of the Township
- For further information please contact Sarah Ivins, Planner
  - 905-899-3463 ext. 225
  - sivins@wainfleet.ca

APPENDIX "B"

CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 0XX-2019

Being a by-law to adopt Amendment No. 02 to the Official Plan for the Township of Wainfleet.

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Township of Wainfleet to pass by-laws for the adoption or repeal of Official Plans and amendments thereto;

AND WHEREAS Amendment No. 02 to the Township of Wainfleet Official Plan is exempt from approval of the Council of the Regional Municipality of Niagara in accordance with the Memorandum of Understanding;

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

THAT Amendment No. 02 to the Township of Wainfleet Official Plan is hereby adopted.

THAT the Clerk of the Township of Wainfleet is hereby authorized and directed to give Notice of Adoption of the aforementioned Amendment to the Township of Wainfleet Official Plan in accordance with the Planning Act. R.S.O. 1990, c.P.13, as amended.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMBER, 2019.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

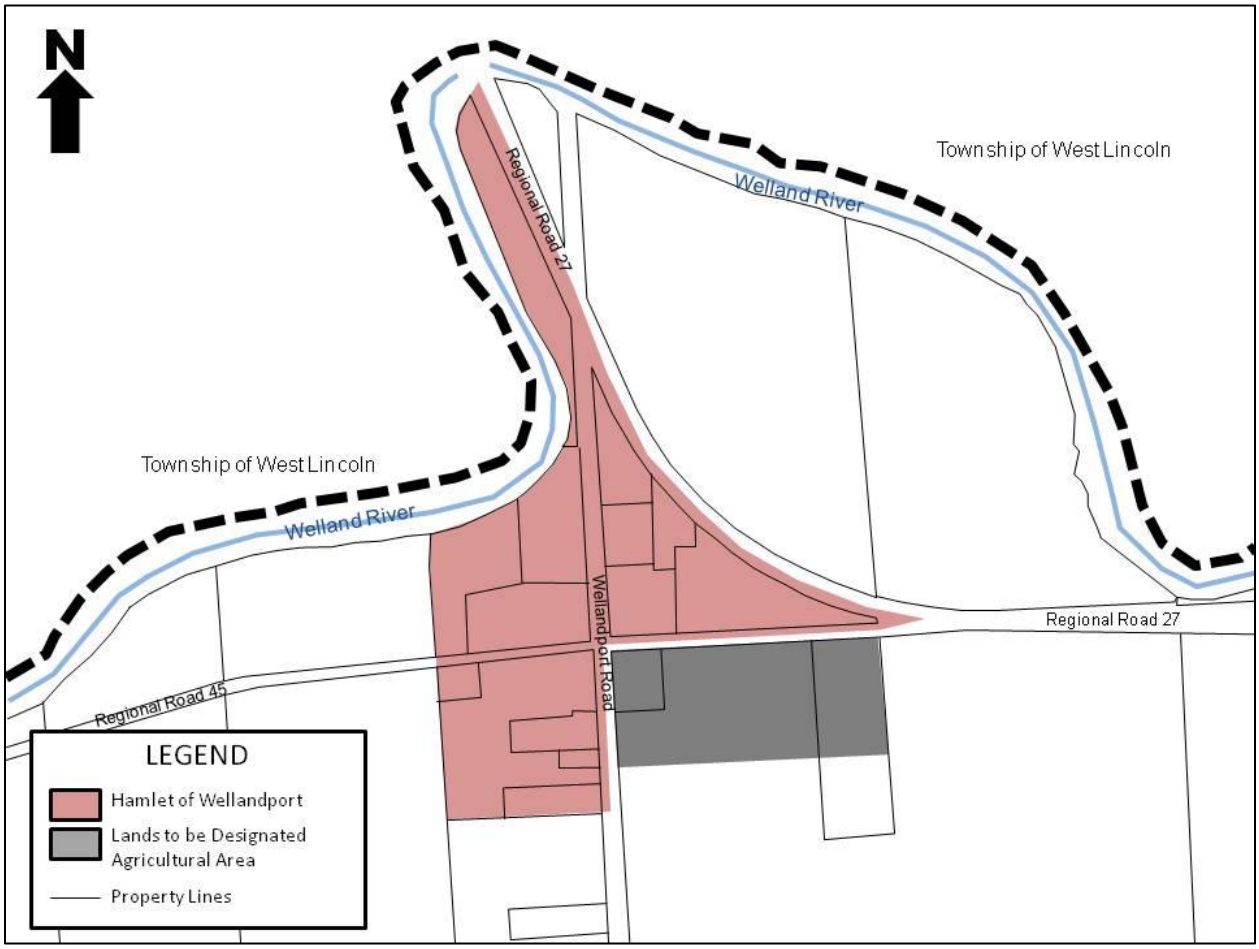
Amendment No. 02 to the Township of Wainfleet Official Plan

Purpose and Effect:	The purpose of the Official Plan Amendment is to assign land use designations to several properties that were left without a land use designation in the new Township of Wainfleet Official Plan.
Location:	The subject lands affected by this Official Plan Amendment include: 1. Lands Without a Designation from the Hamlet of Wellandport: a) 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1 b) Part of 73965 Regional Road 45, CON 7 PT LOT 39 c) Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2 2. Lands Without a Designation from the Hamlet of Chambers Corners: a) Part of 52015 Regional Road 24, CON 5 PT LOT 19 b) Part of 52017 Regional Road 24, CON 5 PT LOT 19 3. Lands Without a Designation from the Hamlet of Ostryhon Corners a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15 b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1
Basis:	Council for the Township of Wainfleet adopted a new Official Plan in 2010. Since then, the Official Plan has gone through a series of approvals and appeals. The Official Plan was approved by the OMB in August 2014, with the exception of the Hamlet boundaries. In January of 2016, the Province, Niagara Region and Township of Wainfleet were able to settle the appeal for the Hamlet boundaries. As a result of the settlement, several properties that were originally included within the Hamlets of Wellandport, Ostryhon Corners and Chambers Corners were removed. Due to the timing of the repeal of the previous Township of Wainfleet Official Plan and the by-law to adopt the bulk of the new Official Plan (as approved by the OMB in 2014), the lands that were removed from the Hamlets as a result of the OMB settlement in 2016 were left without a land use designation. This Official Plan Amendment assigns a land use designation to the lands removed from the Hamlets. This Official Plan Amendment conforms to the Region of Niagara Official Plan, the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

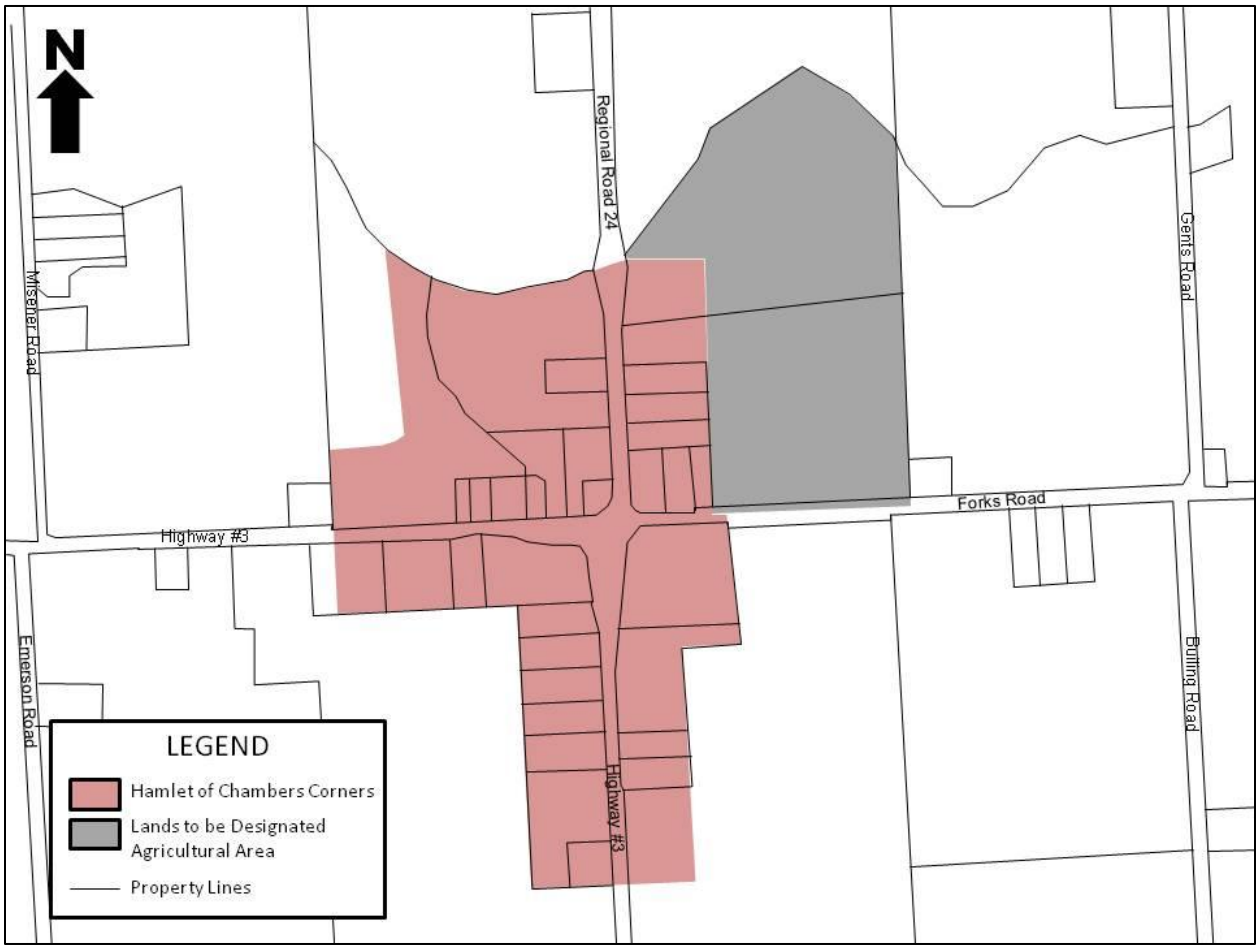
Amendment:	Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Agricultural Area to the following lands, shown in Map 1 and Map 2 of Schedule A to this Official Plan Amendment: a) 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1; b) Part of 73965 Regional Road 45, CON 7 PT LOT 39; c) Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2; d) Part of 52015 Regional Road 24, CON 5 PT LOT 19; e) Part of 52017 Regional Road 24, CON 5 PT LOT 19. Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Rural Area to the following lands, shown in Map 3 of Schedule A to this Official Plan Amendment: a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15; b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1.
Implementation:	This Official Plan Amendment shall be implemented in accordance with Section 8, Implementation of the Official Plan of the Township of Wainfleet.
Interpretation:	This Official Plan Amendment shall be interpreted in accordance with Section 1.5, Interpretation of the Official Plan of the Township of Wainfleet.

SCHEDULE "A" to Official Plan Amendment 02

MAP 1 – Lands Adjacent to the Hamlet of Wellandport



MAP 2 – Lands Adjacent to the Hamlet of Chambers Corners



MAP 3 – Lands Adjacent to the Hamlet of Ostryhon Corners

PLANNING STAFF REPORT **PSR-013/2019**

TO: Mayor Gibson & Members of Council

FROM: S. Ivins, Planner

DATE OF MEETING: December 3, 2019

SUBJECT: Township Initiated Official Plan Amendment (File OPA 03) and Zoning By-law Amendment (File Z05/2019W) for 42143 Highway #3 – Proposed Joint Fire & Emergency Services Facility

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RECOMMENDATION(S):

THAT Planning Staff Report PSR-013/2019 be received;

THAT official plan amendment application OPA 03 for lands described as 42143 Highway #3, Concession 4, Part of Lot 20, Township of Wainfleet, be approved for reasons outlined in PSR-013/2019;

THAT the by-law to adopt the official plan amendment attached as Appendix "B" be adopted;

THAT zoning by-law amendment application Z04/2018W for lands described as 42143 Highway #3, Concession 4, Part of Lot 20, Township of Wainfleet, be approved for reasons outlined in PSR-013/2019;

THAT the zoning by-law amendment attached as Appendix "C" be adopted;

AND THAT the applications are deemed to be consistent with the Provincial Policy Statement 2014 and other matters of Provincial interest.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a recommendation regarding Township initiated official plan amendment and zoning by-law amendment applications for lands known municipally as 42143 Highway #3, Concession 4, Part of Lot 20, Township of Wainfleet.

The purpose of the official plan amendment is to redesignate part of the subject property from Village Commercial to Institutional to permit a future joint fire and emergency services facility.

The purpose of the zoning by-law amendment is to rezone part of the subject property from Development – D and Hamlet Commercial – C2 zone to a Public – P zone to permit a future joint fire and emergency services facility.

BACKGROUND:

The subject property, shown in Figure 1, is located on the south side of Highway #3 between Misener Road and Regional Road 24 and is partially within the Hamlet of Chambers Corners.

The subject property was once two individual parcels, as shown in Figure 1. The Township acquired the eastern parcel with the intention of using the property for a future fire station. In 2013 the Township initiated a Fire Master Plan which was completed by T.L. Powell & Associates Ltd. and Cyril Hare & Associates Inc. The master plan recommended that Station 1 (Winger) and Station 2 (Wainfleet) be combined into one new station in Chambers Corners to increase the level of service provided to the north-east area of the Township while maintaining service levels of the existing areas. At the time, it was recognized that the Chambers Corners property owned by the Township was insufficient in size for a new facility.

In late 2018 the western parcel, known municipally as 42143 Highway #3, came on the market and the Township acquired the property in January of 2019. The properties were subsequently merged to form one parcel, as shown in Figure 2, and therefore provide sufficient area for a new facility.

Figure 1 – Previous Lot Configuration

The subject property is approximately 2 hectares in size and contains a single detached dwelling, an agricultural building and a pond. The surrounding land uses include residential, agricultural and commercial.

Approximately 1.7 hectares are located within the Hamlet of Chambers Corners and are designated Village Commercial and Zoned Development – D and Hamlet Commercial – C2 under Zoning By-law 581-78. The remaining lands, approximately 0.3 hectares, are located outside of the Hamlet and as such are designated Agricultural Area and zoned Agricultural Transition – A1 under Zoning By-law 034-2014.

Figure 2 – Subject Property, 42143 Highway #3

The existing dwelling and silo will be removed from the subject property and the existing agricultural building will be modified to accommodate storage for the Wainfleet Fire and Emergency Services department.

On February 28th, 2019, a pre-consultation meeting was held with Niagara Region Planning and Development Services.

The following documents were filed in support of the applications:

- Joint Fire & Emergency Services Facility Justification Report prepared by Morgan Alcock, Fire Chief (September 2019);
- Topographic Survey prepared by Lanthier & Gilmore Surveying Ltd. (May 2019);
- Geotechnical Investigation prepared by GHD Group Ltd. (September 2019);
- Traffic Brief prepared by Associated Engineering (August 2019);
- Concept Site Plan prepared by Region of Niagara Urban Design Team (October, 2019).

It should be noted that the concept plan submitted in support of the applications is conceptual and is only intended to give Council an idea of how the property may be used. A

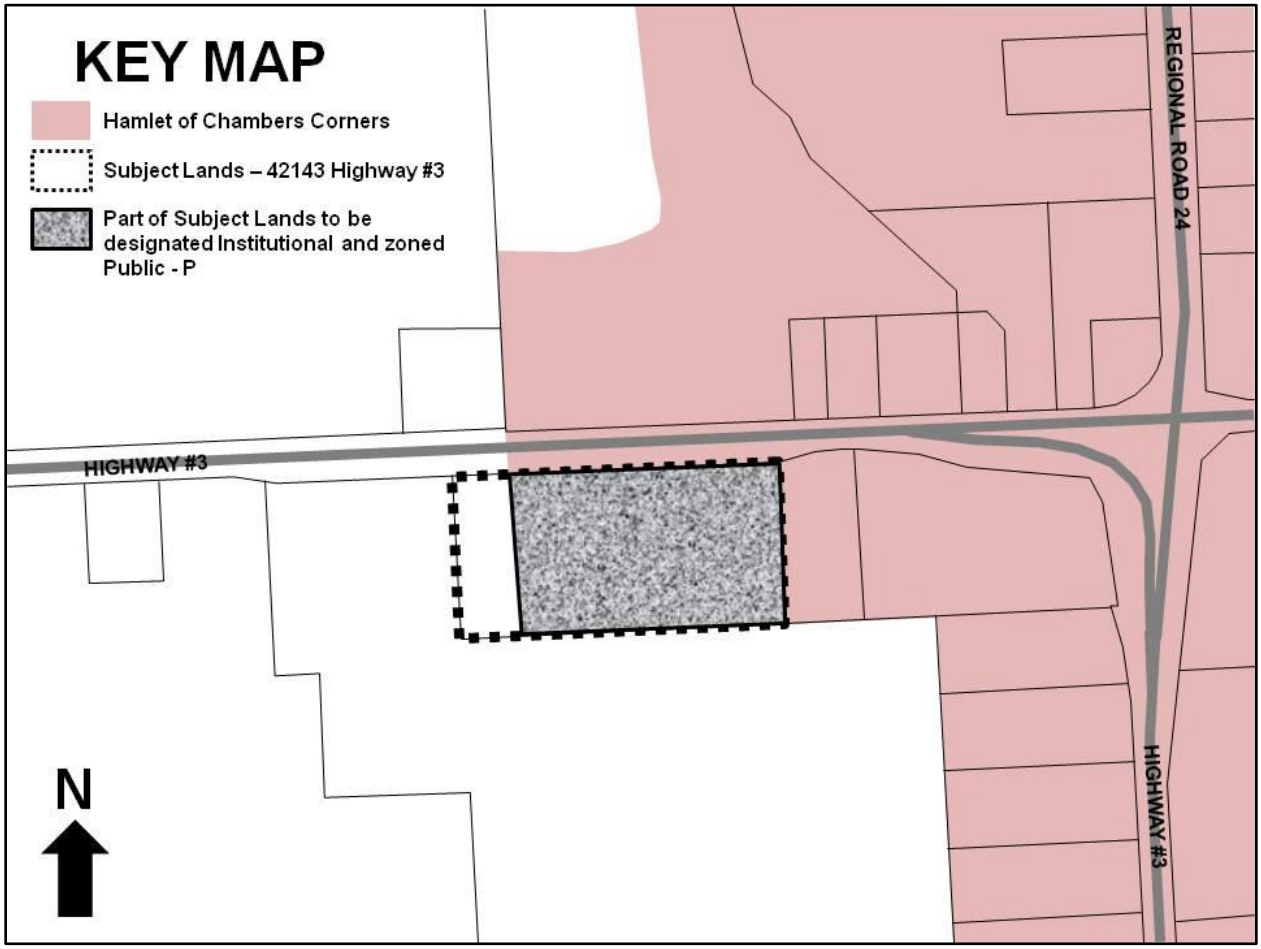
future site plan application will be required once the building design and site layout have been finalized – both of which require Council approval.

Notice of the Public Meeting and circulation of the application was given on October 21st, 2019.

On November 12th, 2019 a public meeting respecting the proposed official plan amendment and zoning by-law amendment was held and an information report was presented to Council. The minutes of the draft public meeting are attached as Appendix "A".

With reference to Figure 3, the official plan amendment proposes to amend Schedule B1 of the Township of Wainfleet Official Plan by redesignating part of the subject property from Village Commercial to Institutional.

Figure 3 – Proposed Official Plan Amendment & Zoning By-law Amendment



The Institutional designation allows for facilities related to federal, provincial, regional or municipal government service delivery and administration. The proposed joint fire and emergency services facility is considered a permitted use in the Institutional designation.

With reference to Figure 3, the zoning by-law amendment application proposes that Map 5 of Schedule B of the Township of Wainfleet Zoning Bylaw 581-78 be amended to rezone part of the subject property from Development – D and Hamlet Commercial – C2 zone to a Public – P zone.

The Public – P zone permits public uses and operations carried on by, or on behalf of, a municipal, provincial or federal government or agency. The proposed joint fire and emergency services facility is considered a permitted use in the Public – P zone.

OPTIONS/DISCUSSION:

Provincial Policy Statement, 2014
The Provincial Policy Statement 2014 (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 part of the subject property that is the subject of the proposed official plan amendment and zoning by-law amendment is located within a Settlement Area as defined under the PPS.

The policy statements of particular applicability, reviewed below, largely relate to "Building Strong Healthy Communities" (Part V, Section 1.0 of the PPS).

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
b) accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
e) promoting cost-effective development standards to minimize land consumption and servicing costs;
f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
g) ensuring the necessary infrastructure and public service facilities are or will be available to meet current and projected needs; and
h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

Consistency
The proposed joint fire and emergency services facility will help address current

operational issues by modernizing emergency services for the Township. The proposed location will increase the level of service provided to the north-east portion of the Township while maintaining current response capabilities in the other areas of the Township. Through the site plan application process, staff will ensure that the subject property is used efficiently.

Section 1.1.3 of the PPS contains policies related to settlement areas which includes rural settlement areas such as the Township's Hamlets, specifically:

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Consistency
The proposed joint fire and emergency services facility is located within the Hamlet of Chambers Corners. Chambers Corners is largely a commercial hamlet with some residential uses. The proposed joint fire and emergency services facility will complement the existing character and landscape of the hamlet while providing modernized emergency services for the Township.

Section 1.6 of the PPS 2014 contains policies related to infrastructure and public service facilities, specifically:

1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.

Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:

a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
b) available to meet current and projected needs.

Consistency
The proposed joint fire and emergency services facility is required to address current and future needs for Wainfleet Fire & Emergency Services Department and Niagara Emergency Medical Services as the current facilities are aging and no longer able to meet the needs and standards required. A new facility will allow both services to have modern equipment and operational space to provide more efficient and effective services to the Township.

1.6.3 Before consideration is given to developing new infrastructure and public service facilities:
a) the use of existing infrastructure and public service facilities should be optimized;
b) opportunities for adaptive reuse should be considered, wherever feasible.

Consistency
As identified in the Joint Fire and Emergency Services Justification Report prepared by Fire Chief Morgan Alcock, all four fire stations face operational challenges with their current locations due to aging and undersized structures. Additionally, three out of four stations, being Station 1 (Winger), Station 2 (Wainfleet) and Station 4 (Schwoob), are located on undersized lots that do not allow for the expansion of structures to modernize fire service delivery.

Station 1 (Winger) and Station 2 (Wainfleet) lack the necessary space to conduct modern fire service operations and are not able to provide facilities for the health and safety of fire service personnel. A new facility would allow for adequate space for modern equipment, cleaning and decontamination areas and storage.

Niagara Emergency Medical Services currently operates a Community Response Unit out of Station 2 (Wainfleet). However due to lack of space, Niagara Emergency Medical Services and Wainfleet Fire and Emergency Services personnel have to share a small office space and the Niagara Emergency Medical Services vehicle must park outside as there are no bays available for them to use. This has some operational challenges as the vehicle must be left idling to maintain a certain temperature for the medications and supplies on board.

Both the Fire Master Plan prepared by TL Powell & Associates and Cyril Hare & Associates (2013) and the Fire & Emergency Services Operational Review and Supplemental Report prepared by Dillon Consulting (2016) recommended the closure of Stations 1 & 2 and consolidating them into one station in the Chambers Corners area. This would allow for a new modern facility to address operational needs as well as providing better service coverage for the north-east portion of the Township.

The Fire Master Plan (2013) and the Operational Review (2016) also identified the need for standardized training and adequate facilities for practical training. Current facilities do not have the space required to accommodate training. The proposed joint fire and emergency services facility will have classroom facilities and space for a future training area.

1.6.4 *Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services.*

Consistency
The proposed joint fire and emergency services facility will provide space for an Emergency Operations Centre (EOC) to address emergency management requirements. The Township's primary EOC (Council Chambers) and secondary EOC (Firefighters Memorial Community Hall) are in close proximity to each other and so the new facility would allow for a true alternate location and provide modern facilities and equipment for an EOC operation. The proposed joint fire and emergency services facility is located within Chambers Corners which is

near the geographic centre of the Township and is accessible by major roadways.

1.6.5 Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

Consistency
The proposed joint fire and emergency services facility will be located within the Hamlet of Chambers Corners which is at the intersection of three main arterial roads – Highway #3, Regional Road 24 and Forks Road – and is close to the geographic centre of the Township. Wainfleet Fire and Emergency Services and Niagara Emergency Medical Services will co-locate in a joint facility and the location is easily accessible by residential areas in which fire personnel reside.

The remainder of the subject property is located within the Prime Agricultural Area of the PPS and will not be required to accommodate the proposed joint fire and emergency services facility.

It is staff's opinion that the applications are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019
The Growth Plan for the Greater Golden Horseshoe (GPGGH) provides policy direction for municipalities on where and how to grow within the Greater Golden Horseshoe which includes focussing development to Urban and Settlement Areas which have municipal services while balancing protection of natural heritage features.

Rural settlement areas are to be the focus of growth and development and shall provide an appropriate range and mix of housing as well as a variety of cultural and economic opportunities. The subject lands are located within the Hamlet of Chambers Corners which is considered a rural settlement area as defined in the GPGGH.

Section 3.2.8 of the GPGGH contains policies related to public service facilities, specifically:

2. Public service facilities and public services should be co-located in community hubs and integrated to promote cost-effectiveness.

Conformity
The Township's Hamlets are community hubs located along main roads and provide a variety of land uses to service the needs of the Township. The proposed joint fire and emergency services facility will be located within the Hamlet of Chambers Corners which is located at the intersection of three main arterial roads – Highway #3, Regional Road 24 and Forks Road – and is close to the geographic centre of the Township. Wainfleet Fire and Emergency Services and Niagara Emergency Medical Services will co-locate in a joint facility and the location is easily accessible by residential areas in which fire personnel reside.

3. *Priority should be given to maintaining and adapting existing public service facilities and spaces as community hubs to meet the needs of the community and optimize the long-term viability of public investments.*

   Conformity
   As discussed above, Station 1 (Winger) and Station 2 (Wainfleet) lack the necessary space to conduct modern fire service operations and are not able to provide facilities for the health and safety of fire service personnel. Additionally, Station 2 (Wainfleet) lacks the necessary space to meet the needs for Niagara Emergency Medical Services to operate a Community Response Unit. A new facility would allow for adequate space for modern service delivery for both Wainfleet Fire and Emergency Services and Niagara Emergency Medical Services.

6. *New public service facilities, including hospitals and schools, should be located in settlement areas and preference should be given to sites that are easily accessible by active transportation and transit, where that service is available.*

   Conformity
   The proposed joint fire and emergency services facility will be located within the Hamlet of Chambers Corners, which is considered a settlement area under the GPGGH. The property is located on a Provincial Highway, being Highway #3, and in close proximity to other arterial roads, being Regional Road 24 and Forks Road which allow for easy access to the proposed facility.

It is staff's opinion that the applications conform to the GPGGH.

Regional Official Plan
The subject property is designated as Hamlet in the Regional Official Plan (ROP). Hamlets are areas designated for further development of a low-density nature without the provisions of municipal water and sewers. 5.D Policies for Villages and Hamlets apply, specifically:

5.D.7 *Proposals for development will be carefully reviewed by both the local municipality and the Region to ensure that the development is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added development will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated.*

Conformity
The proposed joint fire and emergency services facility will provide Wainfleet Fire and Emergency Services and Niagara Emergency Medical Services with a modern facility to optimize the delivery of emergency services. A future site plan design will address placement of the facility on the subject property and the required amenities (parking, landscaping, fire lanes etc.) and will be reviewed by the Region and Township to ensure that the subject property is used efficiently.

5.D.8 *Development must be on lots having an adequate water supply and suitable for private waste disposal systems in accordance with the requirements of the*

Ministry of the Environment and the Medical Officer of Health. The minimum lot size for new lots in Villages and Hamlets should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long term operation.

Conformity
The subject property is greater than the 1 hectare and as such there are no concerns with respect to the feasibility of accommodating on-site private water and wastewater services. Township staff recognize that through the design stage of the proposed joint fire and emergency services facility, consideration will have to be given to the size of the septic system needed to accommodate the proposed structure.

The proposed official plan amendment and zoning by-law amendment is for the area of the subject property that is within the Hamlet of Chambers Corners. The part of the subject property that is outside of the Hamlet is designated as Good General Agricultural Area in the ROP and will not be required to accommodate the proposed joint fire and emergency services facility.

It is staff's opinion that the applications conform to the ROP.

Township Official Plan
The part of the subject property within the Hamlet of Chambers Corners is designated as Village Commercial in the Township Official Plan (OP). Permitted uses within the Village Commercial Area designation include retail stores, personal services, food markets, automotive, machinery and farm implement sales and service, hardware and farm supply sales, business and professional offices, restaurants, hotels and motels, theatres, clubs or halls, places of amusement or recreation and secondary residential apartment unit.

The proposed joint fire and emergency services facility is not a permitted use within the Village Commercial designation and as such an official plan amendment is required to designate the subject property as Institutional Area. Permitted uses within the Institutional Area include facilities related to federal, provincial, regional or municipal government service delivery and administration, places of worship, educational and recreational facilities, accessory housing related to the institutional use and cemeteries.

The following policies of the Section 3.12 Institutional Area apply, specifically:

3.12.2 All new development and/or redevelopment shall be subject to Site Plan Control. Any redevelopment of an existing institutional use, which would involve an expansion of the Gross Floor Area by more than 15 percent shall also be subject to Site Plan Control.

Conformity
The proposed joint fire and emergency services facility will be subject to site plan control once a final design of the structure has been approved by Council. The proposed structure and its siting on the subject property shall comply with the

Institutional site plan guidelines. The site plan guidelines address matters such as building siting, building design, site access and parking and site landscaping.

3.12.3 Evaluation of an application for a new Institutional designation will be based on conformity with the following criteria:

a) Incompatibilities with surrounding uses, particularly residential uses, can be mitigated in an acceptable manner through the provision of buffering, landscaping and/or engineering solutions or other similar approaches;
b) Preparation of a traffic impact study, which outlines potential impacts of traffic on surrounding areas;
c) The scale of the buildings are compatible with the character and image of the surrounding area; and
d) The site can be provided with sustainable private services and drainage systems in accordance with Section 5.1.

Conformity

The subject property is surrounded by residential, agricultural and commercial uses. Of particular interest are the adjacent residential parcels, being 42135 Highway #3 (immediately east of the subject property), 42152 Highway #3 (northwest of the subject property) and 42130 Highway #3 (northeast of the subject property). Potential impacts can be mitigated through careful consideration of placement of lighting and access points as well as landscaping to provide visual and sound buffering. These items shall be considered through the design process of the facility and through review of the future site plan application.

A traffic brief prepared by Associated Engineering examined the adequacy of the subject property to accommodate traffic, reviewing visibility and sightlines, traffic movement into and out of the property and the potential for conflicts and traffic generated by the proposed joint fire and emergency services. The traffic brief concluded that approaching drivers from each direction should have adequate visibility of the property's entrance, that drivers exiting the property (turning right or left) should have adequate visibility of approaching traffic on Highway #3, and that events generating the largest amount of traffic (public events) would occur irregularly and on off peak days (weekend). The traffic brief recommended that the subject property have an access at least 9m in width, that the 60 km/h zone on Highway # 3 be extended further west of the subject property to facilitate movements into and out of the subject property, that a Fire Truck Entrance sign (Wa-25) be installed in both directions of travel on Highway #3 and that a sign identifying the joint fire and emergency services facility be installed at the right of way facing eastbound and westbound traffic. The Township will work with the Ministry of Transportation (MTO) to facilitate the extension of the 60 km/h zone and the installation of signs and the requirements for a sign and entrance width will be considered in the design process.

The facility design has yet to be determined, but Township staff recognize that it shall respect the character of Wainfleet and the surrounding image of the Hamlet of Chambers Corners.

Township staff have reviewed the conceptual site plan submitted with the application and are satisfied that there is sufficient area to accommodate sustainable on-site private services within the Hamlet boundary. A stormwater management report and design will be required at the site plan application stage to address site drainage.

3.12.4 Facilities related to federal, provincial, regional or municipal government service delivery and administration, along with education facilities should be located within the Hamlet areas.

Conformity
The proposed joint fire and emergency services facility will be contained to the area of the subject property that is within the Hamlet of Chambers Corners.

3.12.6 The Township will continue to work with other levels of government and agencies to ensure that sufficient level of public services are provided to the residents of Wainfleet.

Conformity
The Township has been communicating with Niagara Regional Police Service and Niagara Emergency Medical Services to determine interest in co-locating the three emergency services (Fire, Police and EMS) within the proposed facility. To date, Niagara Emergency Medical Services has indicated interest in having space within the proposed facility. Both Wainfleet Fire and Emergency Services and Niagara Emergency Medical Services are in need of modern, safe and appropriate facilities for sustainable and efficient delivery of services to the residents of Wainfleet.

The part of the subject property that is outside of the Hamlet boundary is designated as Agricultural Area. Permitted uses within the Agricultural Area include agricultural uses, value retention agriculture uses accessory to the primary agricultural use, a single detached dwelling, secondary suite, group homes, farm help houses, garden suites, agri-tourism, value added marketing uses, bed and breakfasts, home occupations and home industries, land conservation, public trail systems and linear infrastructure. Other permitted uses subject to additional policies are agri-tourism unrelated to agriculture, value added production uses and value added support uses.

The part of the subject property that is designated as Agricultural Area will not be used for the proposed joint fire and emergency services facility.

It is staff's opinion that the proposed official plan amendment is appropriate.

Township Zoning By-law 581-78
The part of the subject property that is within the Hamlet of Chambers Corners is currently zoned Development – D and Hamlet Commercial – C2 in the Township Zoning Bylaw 581-78. Permitted uses within the Development - D zone include agricultural uses, including one single detached dwelling on one lot but excluding all livestock and poultry operation,

mushroom farms, fur farms, greenhouse and commercial dog kennels, single detached dwellings existing at the date of the passing of the by-law and uses, building 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.

Permitted uses within the Hamlet Commercial – C2 zone include antique shop, automobile sales and service establishment, automobile service station gas/bar, bank, building and lumber supply use, community centre, custom workshop, dry cleaning depot, farm equipment sales and service, funeral home, garden centre, medical clinic, motel/hotel, offices, parking lots, personal service shop, places of entertainment or recreation, printing establishment, private or commercial clubs, public garage, public uses, restaurants, retail store, service shop, veterinary use, buildings and structures accessory to a permitted use and dwellings that existed at the date of passing of the by-law and enlargement hereof and uses, buildings and structures accessory thereto.

The proposed joint fire and emergency services facility is not a permitted use within the Development – D or Hamlet Commercial – C2 zones and as such a zoning by-law amendment is required to zone the subject property as Public - P. Permitted uses within the Public – P zone include public uses and operations carried on by, or on behalf of, a municipal, provincial, federal government or agency thereof, and, without limiting the generality of this clause, including municipal offices, libraries, post offices, police stations, public hospitals, fire halls, weigh-scales and fruit and vegetable inspection stations, and uses, buildings and structures accessory to any permitted use.

In accordance with Section 27.2 Regulations for the Public – P zone, the following provisions will apply to the subject property:

(a) Maximum Lot Coverage: 50%

(b) Minimum Yard Requirements: No building or structure shall be used or erected within 7.5 metres of any lot line, or within 15 metres of any street line or within 5 metres of the boundary of any Residential Zone.

(c) Minimum Parking Requirements:
- *(i) Parking spaces shall be provided on the same lot on which the principal use is located, sufficient in number to accommodate the employees of, and the visitors to, the public use or uses on such lot.*
- *(ii) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 metres of any lot line which does not abut a public street , or within 3 metres of any street line or boundary of any Residential Zone.*

(d) Minimum Landscaping Requirements: A landscaping area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts the boundary of any Residential Zone.

Township staff have reviewed the conceptual site plan submitted in support of the proposed amendments. While the final site plan and building design have not been determined, staff are of the opinion that there is adequate space on the subject property to accommodate the proposed joint fire and emergency services facility as well as the associated parking and laneways while complying with the zoning provisions listed above.

The existing agricultural building (barn) will be modified by reducing the footprint from the north to accommodate storage for the Wainfleet Fire and Emergency Services department. The agricultural building has an existing setback of 6.4m from the southern property line where a minimum of 7.5m is required. Staff recommend that a site specific exception be added to the Public – P zone to permit a rear yard setback of 5m which is in line with the required setback for yards adjacent to a residential zone. The reduced setback will allow some flexibility for any awnings and concrete pads that may be necessary in the future as well as flexibility for locating a future training building.

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

Township Zoning By-law 034-2014
The part of the subject property outside of the Hamlet boundary is zoned Agricultural Transition – A1. Permitted uses within the Agricultural Transition – A1 zone include agricultural use, single detached dwelling, conservation uses, greenhouse, one help house, group home and medical marihuana facility and permitted secondary 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 and bed and breakfast.

The part of the subject property that is zoned Agricultural Transition – A1 will not be used for the proposed joint fire and emergency services facility.

Site Plan Control
The proposed joint fire and emergency services facility will require a formal site plan application once the facility design and siting have been finalized. The proposed facility shall comply with the site plan guidelines for an Institutional use which address matters such as building siting, building design, site access and parking and site landscaping.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

Public Meeting
A statutory public meeting was held in Council Chambers on November 12th, 2019. Notice of the public meeting was mailed to landowners within 120m of the subject property on October 21st, 2019. In addition, a public notice sign was posted on the subject property. No member of the public spoke at the public meeting and to date, no additional written public comments have been received. A copy of the draft public meeting minutes is attached as Appendix “A”.

Township Department and Agency Comments

A request for comments was circulated to Township departments and external agencies directly affected by the proposed application on October 21st, 2019. The following is a summary of the comments received.

Niagara Region Planning & Development Services are supportive of the proposed official plan and zoning by-law amendments from a Provincial and Regional perspective, subject to the satisfaction of any local requirements. The proposal to permit a joint fire and emergency services facility on the subject property aligns with the intent of Provincial and Regional policy, which direct public service facilities to be strategically located in settlement areas. Regional staff noted that as part of the future site plan application submission, the Region will require that a stormwater management brief and associated drawings be submitted to address Regional requirements.

> Planning Staff Response
> A stormwater brief and associated drawings will be prepared in support of the future site plan application and will address the Regional requirements.

Ministry of Transportation noted no objection in principle to the proposed amendments to permit the future joint fire and emergency services facility. MTO noted that the subject property is within the permit control area and as such a MTO Building and Land Use Permit is required prior to any grading/construction activity on the site. MTO has provided detailed requirements for the future Building and Land Use Permit and site plan submissions including the requirement of site plan, site grading/site servicing plans, stormwater management report, illumination plan and traffic brief. MTO also noted that all buildings and structures (above and below ground) as well as all features deemed essential to the operation and viability of the site (including parking spaces, fire lanes, garbage access, servicing and stormwater management) shall be a minimum of 14m from the right-of-way.

> Planning Staff Response
> The future site plan application will address the requirements of the MTO.

To date, there have been no further agency comments received.

CONCLUSION:

Township staff have reviewed the official plan amendment and zoning by-law amendment applications for the subject property. It is the opinion of staff that the application is consistent with Provincial, Regional and Township planning policy and recommends that the official plan amendment application, File OPA 03, be approved and that the by-law attached as Appendix “B” be adopted by Council and that zoning by-law amendment application, File Z05/2019W, be approved and that the zoning by-law amendment attached as Appendix “C” be adopted by Council.

ATTACHMENTS:

Appendix “A” – Draft Minutes of the Public Meeting held on November 12, 2019
Appendix “B” – Official Plan Amendment By-law
Appendix “C” – Zoning By-law Amendment

Respectfully submitted by,

Sarah Ivins
Planner

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX "A"

Draft Minutes of the Public Meeting held on November 12, 2019

1. **Public Meeting**

a) Official Plan Amendment and Zoning By-law Amendment – Proposed Joint Fire and Emergency Services Facility, 42143 Highway #3 (File No. OPA 03 & Z05/2019W)

Mayor Gibson opened the Public Meeting by stating that the purpose of the Public Meeting is to provide more information about the applications and an opportunity for public input. No recommendations are provided at the Public Meeting and Township Council will not be making any decision at this meeting. A recommendation report will be prepared by staff and presented at a subsequent meeting of Township Council following a full review of the application.

Details of Applications

S. Ivins stated that the subject lands are located on the south side of Highway #3 between Misener Road and Regional Road 24 and are known municipally as 42143 Highway #3.

The official plan amendment proposes to redesignate part of the subject property from Village Commercial to Institutional to permit a future joint fire and emergency services facility.

The zoning by-law amendment proposes to rezone part of the subject property from Development – D and Hamlet Commercial – C2 zones to Public - P zone under Bylaw 581-78 to permit a future joint fire and emergency services facility. The part of the subject lands that is proposed to be redesignated and rezoned represents the area that is within the Hamlet of Chambers Corners. The subject lands contain a single detached dwelling, agricultural building and a pond. The single detached dwelling is to be removed and the agricultural building will be modified to provide storage for the Fire Department.

Agency Comments/Written Public Comments

Ministry of Transportation – noted no objection in principle to the proposed amendments to permit the future joint fire and emergency services facility. MTO noted that the subject property is within the permit control area and as such a MTO Building and Land Use Permit is required prior to any grading/construction activity on the site. MTO provided detailed requirements for the future building permit and site plan application submissions.

Comments received prior to the public meeting will be addressed verbally at the public meeting and any comments received after the public meeting will be addressed in the staff report.

Questions from Council
Councillor MacLellan inquired about the size of the facility and whether the drawings were actual size or conceptual. Planner, S. Ivins stated that the drawings are conceptual and that the Fire Department will undertake an extensive review of the property to determine design details. It was noted to Council that the final drawings will come back to Council for consideration.

Questions from the Public
None.

Next Steps
A planning report regarding a complete review of the proposed amendments will be brought forward by staff and considered by Council at a later date.

If a person or public body does not make oral submissions at the public meeting or make written submission to the Township of Wainfleet regarding the proposed Official Plan Amendment or Zoning By-law Amendment before the approval authority gives or refuses to give approval to the applications, the person or public body is not entitled to appeal the decisions of the Township of Wainfleet to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at the public meeting and/or make written submissions to the Township of Wainfleet regarding the proposed Official Plan Amendment or Zoning By-law Amendment before the approval authority gives or refuses to give approval to the applications, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the Township of Wainfleet in respect of the proposed applications, you must make a written request to the Clerk of the Township of Wainfleet at the address noted below and quote the appropriate file number(s).

APPENDIX "B"

CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 0XX-2019

Being a by-law to adopt Amendment No. 03 to the Official Plan for the Township of Wainfleet with respect to those lands forming Concession 4, Part of Lot 20 in the Township of Wainfleet, known municipally as 42143 Highway #3.

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Township of Wainfleet to pass by-laws for the adoption or repeal of Official Plans and amendments thereto;

AND WHEREAS Amendment No. 03 to the Township of Wainfleet Official Plan is exempt from approval of the Council of the Regional Municipality of Niagara in accordance with the Memorandum of Understanding;

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

THAT Amendment No. 03 to the Township of Wainfleet Official Plan is hereby adopted.

THAT the Clerk of the Township of Wainfleet is hereby authorized and directed to give Notice of Adoption of the aforementioned Amendment to the Township of Wainfleet Official Plan in accordance with the Planning Act. R.S.O. 1990, c.P.13, as amended.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMBER, 2019.

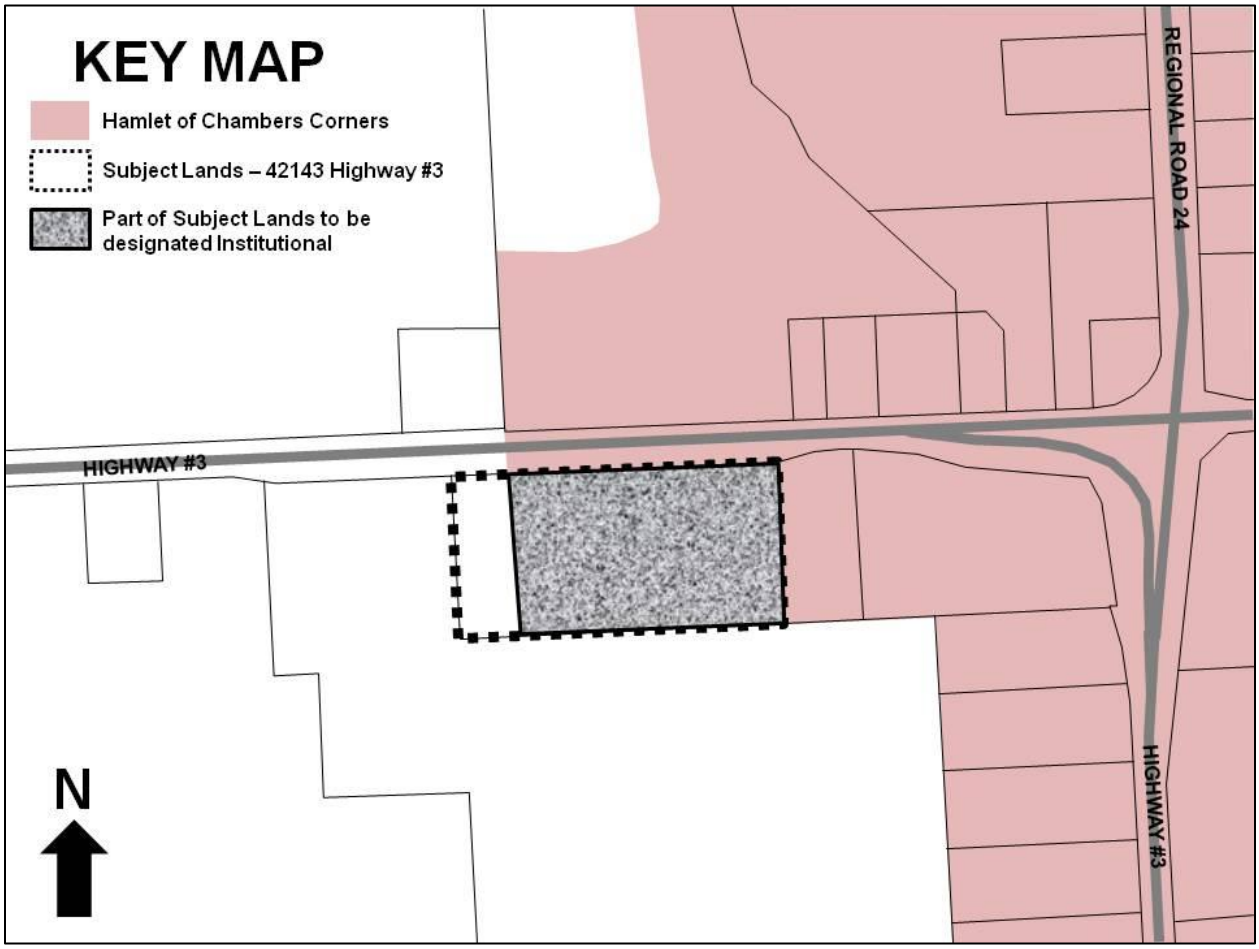
K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

Amendment No. 03 to the Township of Wainfleet Official Plan

Purpose and Effect	The purpose of the Official Plan Amendment to redesignate the subject lands from Village Commercial to Institutional to permit a joint fire and emergency services facility.
Location:	The subject lands are located on the south side of Highway #3 between Misener Road and Regional Road 24 in the Township of Wainfleet. The subject lands are legally described as Concession 4, Part of Lot 20, Township of Wainfleet and is known municipally as 42143 Highway #3.
Basis:	The Township of Wainfleet Fire and Emergency Services department is in need of a new facility for the provision of modern and efficient fire and emergency services. The Township of Wainfleet owns the subject lands and initiated this Official Plan Amendment to change the land use designation from Village Commercial to Institutional to permit a joint fire and emergency services facility with Niagara Emergency Medical Services. This Official Plan Amendment conforms to the Region of Niagara Official Plan, the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
Amendment:	Schedule B1 of the Township of Wainfleet Official Plan is hereby amended by redesignating part of the subject lands from Village Commercial to Institutional as shown in Schedule A to this Official Plan Amendment.
Implementation:	This Official Plan Amendment shall be implemented in accordance with Section 8, Implementation of the Official Plan of the Township of Wainfleet.
Interpretation:	This Official Plan Amendment shall be interpreted in accordance with Section 1.5, Interpretation of the Official Plan of the Township of Wainfleet.

SCHEDULE "A" to Official Plan Amendment 02



APPENDIX "C"

CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 0XX-2019

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 4, Part of Lot 20 in the Township of Wainfleet, known municipally as 42143 Highway #3.

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 5 of Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of part of the subject property from Development – D and Hamlet Commercial – C2 to Public – P-356 as shown on Schedule "A" attached hereto.

THAT Section 31 entitled "Exceptions" is hereby further amended by adding the following text:

Legal Description, Bylaw No.	Exception	Provisions
Part of Lot 20, Con. 4 Bylaw 0XX-2019	356	(a) Minimum Rear Yard Setback: 5m

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

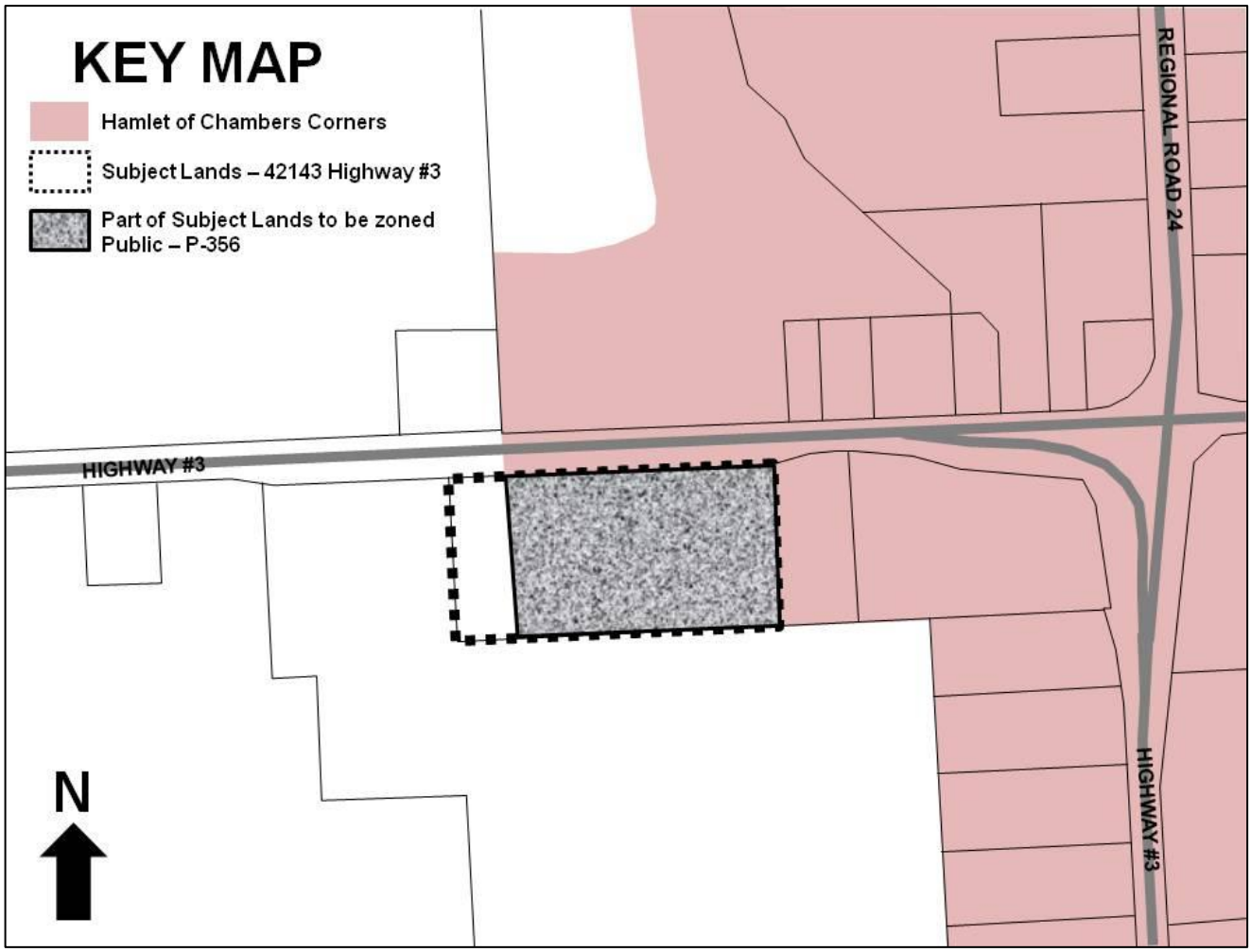
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMBER, 2019.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BY-LAW 0XX-2019



TOWNSHIP OF WAINFLEET	
Purpose & Effect of By-law No. 0XX-2019: This by-law affects lands described as Part of Lot 20, Concession 4 in the Township of Wainfleet. This by-law has been enacted to rezone the subject property from Development – D and Hamlet Commercial – C2 to Public – P-356 to permit a future joint fire and emergency services facility.	THIS IS SCHEDULE "A" TO BY-LAW NO. 0XX-2019. PASSED THIS 3RD DAY OF DECEMBER, 2019.
File No. Z-05-2019 (Township Initiated)	MAYOR CLERK

PUBLIC WORKS STAFF REPORT **PWSR-015/2019**

TO: Mayor Gibson & Members of Council

FROM: R. Nan, Manager of Operations

DATE OF MEETING: December 3, 2019

SUBJECT: **Retaining Wall Project – Lakeshore Road**

RECOMMENDATION(S):

THAT Public Works Staff Report PWSR-015/2019 be received;

AND THAT Council direct staff to begin the studies required to obtain the necessary approvals for the project and prepare a new business case to present to Council during the 2020 budget deliberations.

EXECUTIVE SUMMARY:

Staff presented Council with a capital project during the 2019 budget deliberations which identified a roadside safety issue presented to council in the Roadside Safety Study performed in 2017. The condition identified is an unprotected area adjacent to the road edge located in front of # 10436 and # 10428 Lakeshore Road. The Township is currently unable to install a retaining wall along the roadside edge due to insufficient road allowance and have been working with property owners to gain permission for installing the project on private property. The Property owners are willing to consent to the Township proceeding with the project which will also assist with their drainage issues.

BACKGROUND:

In 2017, the Township retained Associated Engineering to perform a Roads Needs Study and a Roadside Safety Study which included the entire open road network within the Township. The study identified areas of concern and one of the locations located was in front of # 10436 and # 10428 Lakeshore Road, which was identified an unprotected area. The unprotected area identified a drop off from the road surface to the adjacent property and did not provide enough surface along the roadside edge for the vehicles to recover if they travelled off the travelled portion of the roadway. Staff originally anticipated installing a retaining wall to eliminate the hazard and to assist in directing water run off from eroding the road edge in future.

Staff contacted the 2 land owners as well as adjacent properties directly to the North and South to discuss the project. During the site visits staff identified additional concerns regarding drainage and the volume of water that have entered the properties from the road and the additional water crossing the road from elevated properties on the opposite side. All of the property owners have expressed an interest in working with the Township to correct the flooding they have experienced in the last few years.

As a result of the public engagement, staff reviewed potential solutions and will be altering the scope of the project to include additional drainage improvements. The change in scope

will require an environmental assessment to review the storm sewer work and a geotechnical study to obtain approvals from various agencies including the Niagara Peninsula Conservation Authority and Ministry of the Environment, Conservation and Parks. The scope of work changes will include the additional installation of curbs, Catch basins, Storm sewer pipe, and improvements required to provide a sufficient outlet to the municipal drain located to the rear of the properties. The additional scope of work will be presented during the budget deliberations for 2020. Staff are prepared to begin the necessary studies required and will be developing a tender document for the project to be completed pending budget approvals.

OPTIONS/DISCUSSION:

1. Council direct staff to begin the studies required to obtain approvals for the project and prepare a new business case to present to council during the budget deliberations in 2020. (recommended)

2. Council direct staff to include the study costing and the new scope in a business case to be presented during the 2020 budget deliberations and the approved budget allocation be forwarded to the 2020 budget.

3. Council may choose not to include the additional scope of work to improve the drainage identified and direct staff to proceed with the original project scope.

FINANCIAL CONSIDERATIONS:

During the budget deliberations of 2019, council approved the allocation of $250,000 for the project. Staff did make application for funding assistance from senior levels of government, but the application was not supported. Staff will adjust the funding components allocated in the 2019 budget and will continue to pursue potential funding from other sources (including the Province of Ontario's recently announced Investing in Canada Infrastructure Program: Green Stream).

OTHERS CONSULTED:

1) Strategic Leadership Team

ATTACHMENTS:

None.

Respectfully submitted by,

Richard Nan, CRSS
Manager of Operations

Approved by,

William J. Kolasa,
Chief Administrative Officer/ Clerk

CC: Treasurer
Operations

RECEIVED NOV 12 2019

C-264-2019

Meredith Ciuffetelli

From: Maria Kievit [mariakievit@sympatico.ca]
Sent: November-12-19 12:43 PM
To: Meredith Ciuffetelli
Subject: Wainfleet Firehall Rental

Hi, Meredith,

I was wondering if you could bring this in front of council.

The Wainfleet Agricultural Society would like to know if the fees can be waived for the rental of the Firehall, which they used for their Volunteer dinner Nov 2nd. We have for a number of years now been able to get for free thru the firefighters, but since some rules changed or got tightened, the firefighters can only use it for their personal use. This would leave us with a fairly hefty bill to pay for a volunteer dinner, and thus we are asking the township to waive the fees for the event.

Thanks,

Maria Kievit
Wainfleet Agricultural Society director

CC: Treasurer
Operations

RECEIVED NOV 13 2019

C-267-2019

WAINFLEET HISTORICAL SOCIETY

NEFF-MORGAN CABIN

82616 Boyle Road,
R.R. 1 Fenwick, ON, L0S 1C0
November 12, 2019

Mayor Kevin Gibson and Wainfleet Council,
31940 ON-3, Wainfleet, L0S 1V0

Dear Mayor Gibson and Council,

The Wainfleet Historical Society asks the Wainfleet Council to consider purchasing a Vimy Oak for the cenotaph site.

Before the Great War of 1914-1918, Vimy Ridge in France was wooded with oak trees. These were destroyed by the fierce battles that took place there. A Canadian soldier, Lieutenant Leslie Miller, sent home some acorns from Vimy Ridge. They were planted on his farm in the Scarborough area where they grew to be mighty oaks. Now more than a hundred years later the Vimy Oak Legacy Corporation is repatriating saplings from Lt. Miller's oaks to a memorial park at Vimy. That organization is also making commemorative Vimy Ridge saplings available to municipalities and organizations to plant at cenotaphs and other heritage sites in Canada.

Purchase of a Vimy Oak sapling must include a donation in addition to the cost of the tree.

Further information and application forms are available at:
https://vimyoakslegacy.ca/en/

If, after studying the Vimy Oak Legacy website, you require more input, the Wainfleet Historical Society would be willing to make a deputation to Council.

Thank you for your consideration on the Vimy Oak Legacy project.

Respectfully yours,
Janet Hodgkins
Janet Hodgkins
President, Wainfleet Historical Society

CRIME STOPPERS
OF NIAGARA

2-198 Cushman Road
St Catharines, Ontario, L2M 6T3
Phone: 905-938-5463
www.crimestoppersniagara.ca

RECEIVED NOV 1 8 2019

C-274-2019

Mayor Kevin Gibson
Township of Wainfleet
31940 Highway 3
Wainfleet, Ontario
L0S 1V0

November 18th, 2019

Dear Mayor Kevin Gibson:

RE: Crime Stoppers Month – January 2020 Flag Raising Request

By way of introduction, my name is Mark Stevens. I am the Chair of Crime Stoppers of Niagara.

I wish to advise that January is recognized as Crime Stoppers Awareness Month worldwide.

As a way of celebrating this important month, Crime Stoppers of Niagara has partaken in various flag raisings ceremonies across the Niagara Region, over the past years. We would like to keep this tradition alive. As such, I would be obliged if you would allow us the opportunity to conduct a flag raising ceremony at Wainfleet Town Hall, on a date and time, in the month of January, that best suits you.

As well, I have enclosed an information form which captures a brief synopsis of what Crime Stoppers of Niagara is all about. Please take a moment to review the enclosed and advise of any questions you may have.

I would be delighted to speak to you further about Crime Stoppers of Niagara, or our traditional flag raising ceremonies. Please feel free to contact me at your convenience. I can be reached by telephone at (289) 668-1444, or by e-mail to mark@niagaratips.com.

I look forward to hearing from you.

Yours very truly,

Mark Stevens
Chair, Crime Stoppers of Niagara

CRIME STOPPERS OF NIAGARA

WHO WE ARE

Established in 1985, Crime Stoppers of Niagara Inc. is one branch of over 1700 Crime Stoppers programs across 32 countries.

Crime Stoppers of Niagara Inc., consists of an Administrative Director, a Board of Directors, and Volunteers, all of whom reside in the Niagara Region.

OUR VISION

To promote a safe community for all to live, work, invest, and play in.

OUR GUARANTEE TO YOU

If you have information regarding a crime that occurred, report it to us through our **Tip Line 1-800-222-8477 (TIPS)**, or by clicking on the link on **our Website at www.crimestoppersniagara.com**.

You **will** remain anonymous.

OUR REWARD TO YOU

If your tip leads to an arrest, you will be paid a reward. **That reward can be up to $2,000!**

HOW IT ALL WORKS

If you have information regarding a crime that occurred, call our Tip Line at 1-800-222-8477 (TIPS), or visit our website at www.crimestoppersniagara.com, and click the link to report the information.

If you report the information by telephone, you will speak with one of our Agents at our call centre. That agent will never ask for your name, or for any information that could lead to the discovering of your identity.

The agent will record a very detailed description of your tip only. You will then be given a special code by that agent. This code is generated by our tip recording software. You must keep this code in a safe place for future reference. This is the only link between yourself and the tip provided.

Your tip will then be forwarded by the Agent to the Police, who will thoroughly investigate the tip.

Similarly, if you report your tip through our website, simply by clicking on the link to report the tip, you will be re-directed to a secure website designated for the sole purpose of accepting tips.

Once you are directed to the p3tips.com website, you will then be able to enter all of the information pertaining to the tip, just as you would if you were to submit the tip by telephone. In keeping with our guarantee to you, no where on this website are questions that could lead to the discovering of your identity.

At the end of submitting your tip online, you will be given a special code. You must keep this code in a safe place for future reference. This is the only link between yourself and the tip provided.

After a few weeks of reporting your tip, call the Tip Line back, or re-connect through the p3tips.com website for a status update.

If your tip has led to the crime being solved, you will be instructed to visit a specific bank, at which time you will provide the Teller with the code that you received when you submitted your tip. You will then receive your reward.

OUR IMPACT

Since 2000, Crime Stoppers of Niagara tips have led to:

- Over $24,000,000 in drugs recovered
- Over $2,000,000 in property recovered
- Over $170,000 in cash recovered
- Over $200,000 worth of vehicles recovered
- Over $24,000 worth of weapons recovered
- Nearly 2,000 arrests
- Over 1,000 charges laid
- Nearly 50 fugitives captured

Please note, these statistics represent an approximate amount at the time of print.

CRIME STOPPERS OF NIAGARA

SAY IT HERE

cc: Finance

RECEIVED NOV 19 2019
C-277-2019

From: lars bjerno [mailto:lbjerno@yahoo.com]
Sent: November 19, 2019 8:44 AM
To: Kevin Gibson; Terry Gilmore; Donna Cridland; John Maclellan; Sherri Van Vliet
Subject: Request

Sent from Yahoo Mail for iPad

Dear Mayor Gibson and Councillors, November 19,2019

Sent via email

Under the initiative of Mayor Gibson, the Wainfleet Seniors Housing Association has been formed in response to voter requests. Our hope is to build housing for senior citizens in Wainfleet Township.

This committee has just recently been formed but is already making some progress in this venture. We are currently in the process of forming a Non Profit Organization under which to operate.

In early 2020, we are hoping to send out a survey to all residents of Wainfleet Township to request their input on this project. We will also make the survey available on line. This will not only tell us what Wainfleet residents would like to see for senior housing in our community, but it will also provide important statistics for this project going forward.

The committee would like to request from council the amount of $800.00 as a start-up fund with the hope of reimbursing this amount to the township council once we have funds available.

We thank you for this consideration and hope you will grant our request.

Sincerely,

The Wainfleet Seniors Housing Association
Lars Bjerno
Committee Chair
lbjerno@yahoo.com
10590 Lakeshore Rd.
905-807-8731

Sent from Yahoo Mail for iPad

CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 075-2019

Being a by-law to adopt Amendment No. 02 to the Official Plan for the Township of Wainfleet.

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Township of Wainfleet to pass by-laws for the adoption or repeal of Official Plans and amendments thereto;

AND WHEREAS Amendment No. 02 to the Township of Wainfleet Official Plan is exempt from approval of the Council of the Regional Municipality of Niagara in accordance with the Memorandum of Understanding;

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

THAT Amendment No. 02 to the Township of Wainfleet Official Plan is hereby adopted.

THAT the Clerk of the Township of Wainfleet is hereby authorized and directed to give Notice of Adoption of the aforementioned Amendment to the Township of Wainfleet Official Plan in accordance with the Planning Act. R.S.O. 1990, c.P.13, as amended.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMBER, 2019.

K. Gibson, MAYOR

W. Kolasa, CLERK

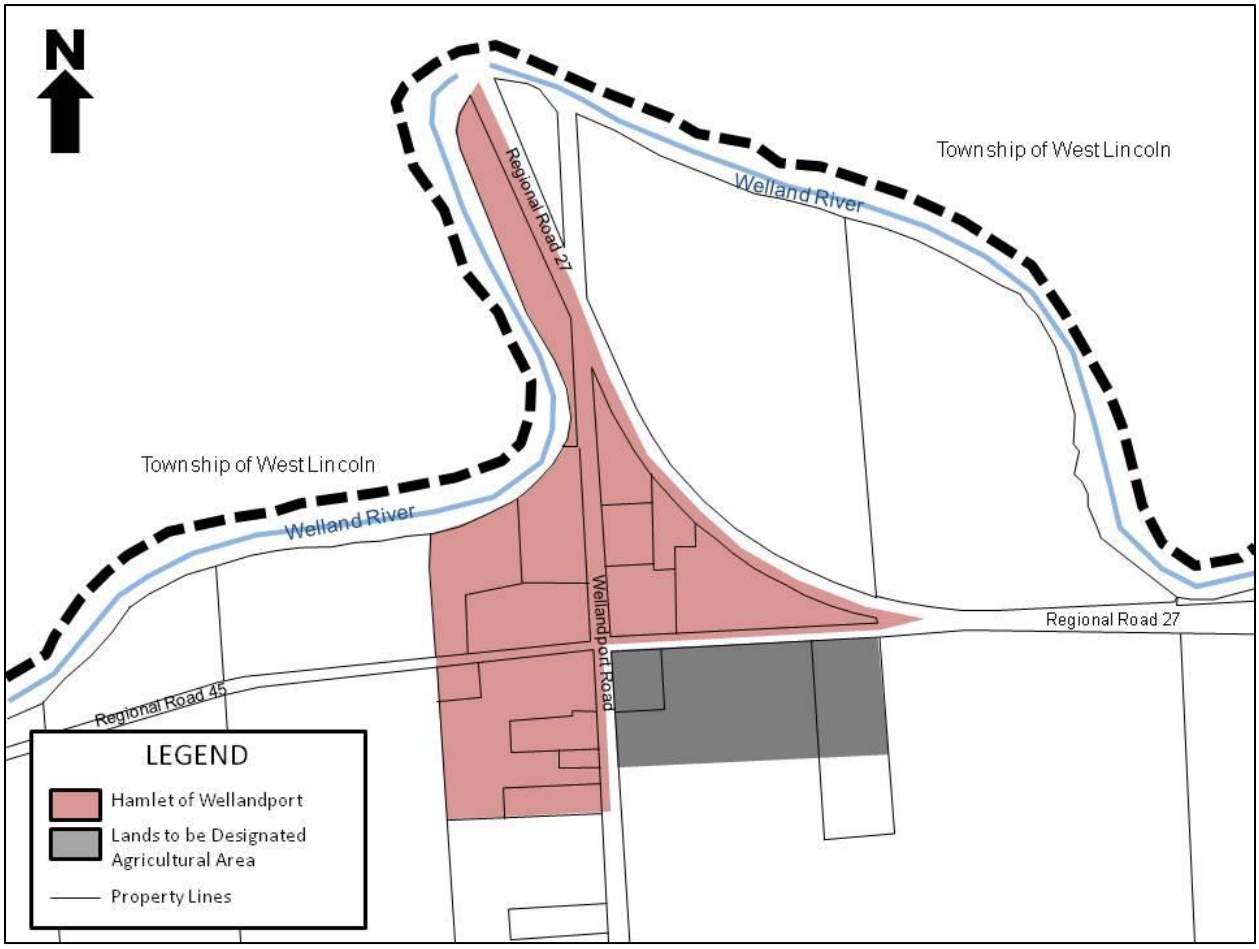
Amendment No. 02 to the Township of Wainfleet Official Plan

Purpose and Effect:	The purpose of the Official Plan Amendment is to assign land use designations to several properties that were left without a land use designation in the new Township of Wainfleet Official Plan.
Location:	The subject lands affected by this Official Plan Amendment include: 1. Lands Without a Designation from the Hamlet of Wellandport: a) 73987 Regional Road 45, CON 7 PT LOT 39 RP59R8997 PT 1 b) Part of 73965 Regional Road 45, CON 7 PT LOT 39 c) Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2 2. Lands Without a Designation from the Hamlet of Chambers Corners: a) Part of 52015 Regional Road 24, CON 5 PT LOT 19 b) Part of 52017 Regional Road 24, CON 5 PT LOT 19 3. Lands Without a Designation from the Hamlet of Ostryhon Corners a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15 b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1
Basis:	Council for the Township of Wainfleet adopted a new Official Plan in 2010. Since then, the Official Plan has gone through a series of approvals and appeals. The Official Plan was approved by the OMB in August 2014, with the exception of the Hamlet boundaries. In January of 2016, the Province, Niagara Region and Township of Wainfleet were able to settle the appeal for the Hamlet boundaries. As a result of the settlement, several properties that were originally included within the Hamlets of Wellandport, Ostryhon Corners and Chambers Corners were removed. Due to the timing of the repeal of the previous Township of Wainfleet Official Plan and the by-law to adopt the bulk of the new Official Plan (as approved by the OMB in 2014), the lands that were removed from the Hamlets as a result of the OMB settlement in 2016 were left without a land use designation. This Official Plan Amendment assigns a land use designation to the lands removed from the Hamlets. This Official Plan Amendment conforms to the Region of Niagara Official Plan, the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

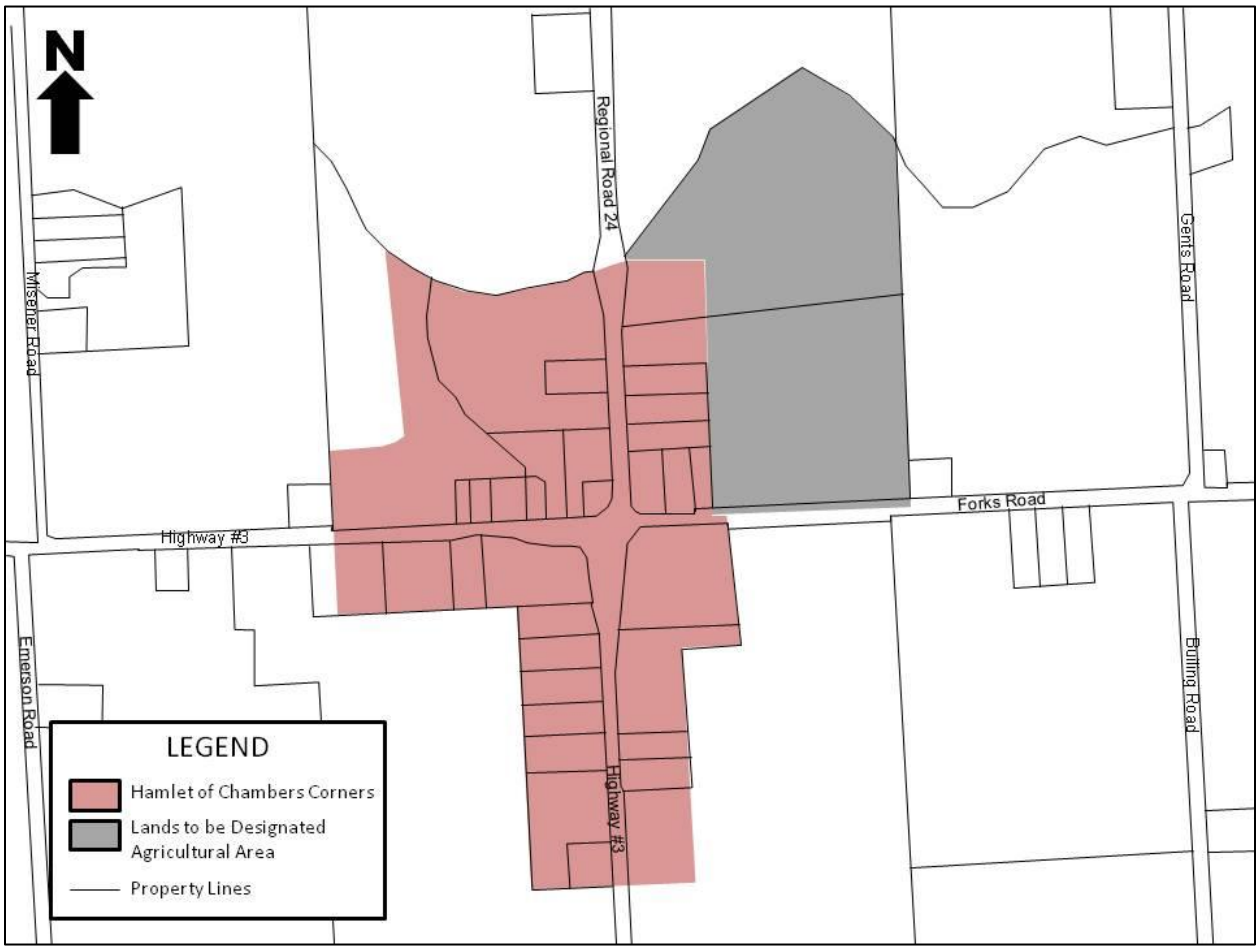
Amendment:	Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Agricultural Area to the following lands, shown in Map 1 and Map 2 of Schedule A to this Official Plan Amendment: a) 73987 Regional Road 45, CON 7 PT LOT 39 RP 59R8997 PART 1; b) Part of 73965 Regional Road 45, CON 7 PT LOT 39; c) Part of 73845 Regional Road 27, CON 7 PT LOT 38 PT LOT 39 RP 59R9203 PART 2; d) Part of 52015 Regional Road 24, CON 5 PT LOT 19; e) Part of 52017 Regional Road 24, CON 5 PT LOT 19. Schedule B of the Township of Wainfleet Official Plan is hereby amended by assigning a land use designation of Rural Area to the following lands, shown in Map 3 of Schedule A to this Official Plan Amendment: a) Part of 11673 Burnaby Road, CON 1 PT LOT 14 PT LOT 15; b) 11669 Burnaby Road, CON 1 PT LOT 15 RP 59R5985 PART 1.
Implementation:	This Official Plan Amendment shall be implemented in accordance with Section 8, Implementation of the Official Plan of the Township of Wainfleet.
Interpretation:	This Official Plan Amendment shall be interpreted in accordance with Section 1.5, Interpretation of the Official Plan of the Township of Wainfleet.

SCHEDULE "A" to Official Plan Amendment 02

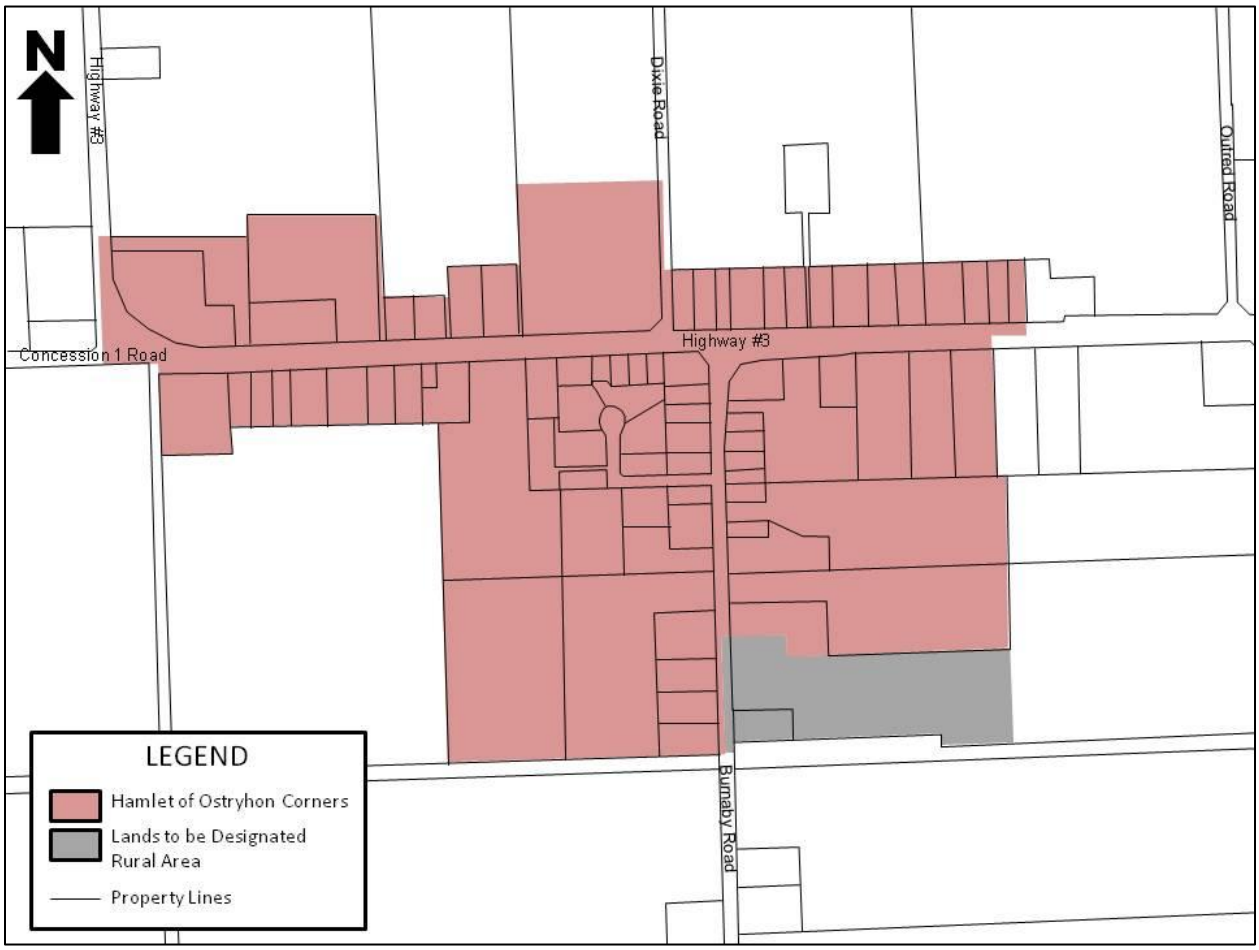
MAP 1 – Lands Adjacent to the Hamlet of Wellandport



MAP 2 – Lands Adjacent to the Hamlet of Chambers Corners



MAP 3 – Lands Adjacent to the Hamlet of Ostryhon Corners



CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 076-2019

Being a by-law to adopt Amendment No. 03 to the Official Plan for the Township of Wainfleet with respect to those lands forming Concession 4, Part of Lot 20 in the Township of Wainfleet, known municipally as 42143 Highway #3.

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Township of Wainfleet to pass by-laws for the adoption or repeal of Official Plans and amendments thereto;

AND WHEREAS Amendment No. 03 to the Township of Wainfleet Official Plan is exempt from approval of the Council of the Regional Municipality of Niagara in accordance with the Memorandum of Understanding;

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

THAT Amendment No. 03 to the Township of Wainfleet Official Plan is hereby adopted.

THAT the Clerk of the Township of Wainfleet is hereby authorized and directed to give Notice of Adoption of the aforementioned Amendment to the Township of Wainfleet Official Plan in accordance with the Planning Act. R.S.O. 1990, c.P.13, as amended.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMBER, 2019.

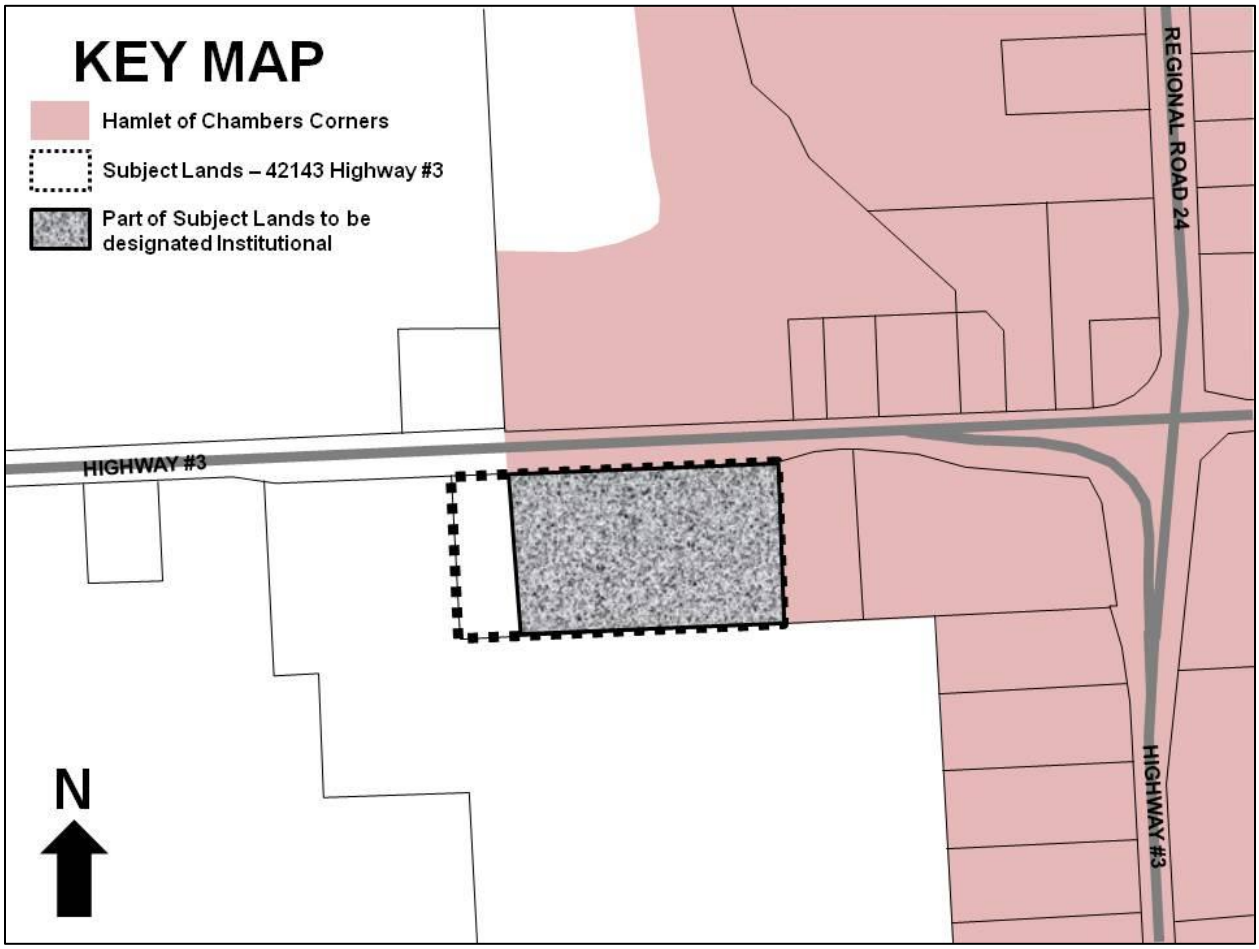
K. Gibson, MAYOR

W. Kolasa, CLERK

Amendment No. 03 to the Township of Wainfleet Official Plan

Purpose and Effect	The purpose of the Official Plan Amendment to redesignate the subject lands from Village Commercial to Institutional to permit a joint fire and emergency services facility.
Location:	The subject lands are located on the south side of Highway #3 between Misener Road and Regional Road 24 in the Township of Wainfleet. The subject lands are legally described as Concession 4, Part of Lot 20, Township of Wainfleet and is known municipally as 42143 Highway #3.
Basis:	The Township of Wainfleet Fire and Emergency Services department is in need of a new facility for the provision of modern and efficient fire and emergency services. The Township of Wainfleet owns the subject lands and initiated this Official Plan Amendment to change the land use designation from Village Commercial to Institutional to permit a joint fire and emergency services facility with Niagara Emergency Medical Services. This Official Plan Amendment conforms to the Region of Niagara Official Plan, the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
Amendment:	Schedule B1 of the Township of Wainfleet Official Plan is hereby amended by redesignating part of the subject lands from Village Commercial to Institutional as shown in Schedule A to this Official Plan Amendment.
Implementation:	This Official Plan Amendment shall be implemented in accordance with Section 8, Implementation of the Official Plan of the Township of Wainfleet.
Interpretation:	This Official Plan Amendment shall be interpreted in accordance with Section 1.5, Interpretation of the Official Plan of the Township of Wainfleet.

SCHEDULE "A" to Official Plan Amendment 03



CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 077-2019

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 4, Part of Lot 20 in the Township of Wainfleet, known municipally as 42143 Highway #3.

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 5 of Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of part of the subject property from Development – D and Hamlet Commercial – C2 to Public – P-356 as shown on Schedule "A" attached hereto.

THAT Section 31 entitled "Exceptions" is hereby further amended by adding the following text:

Legal Description, Bylaw No.	**Exception**	**Provisions**
Part of Lot 20, Con. 4 Bylaw 077-2019	356	(a) Minimum Rear Yard Setback: 5m

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

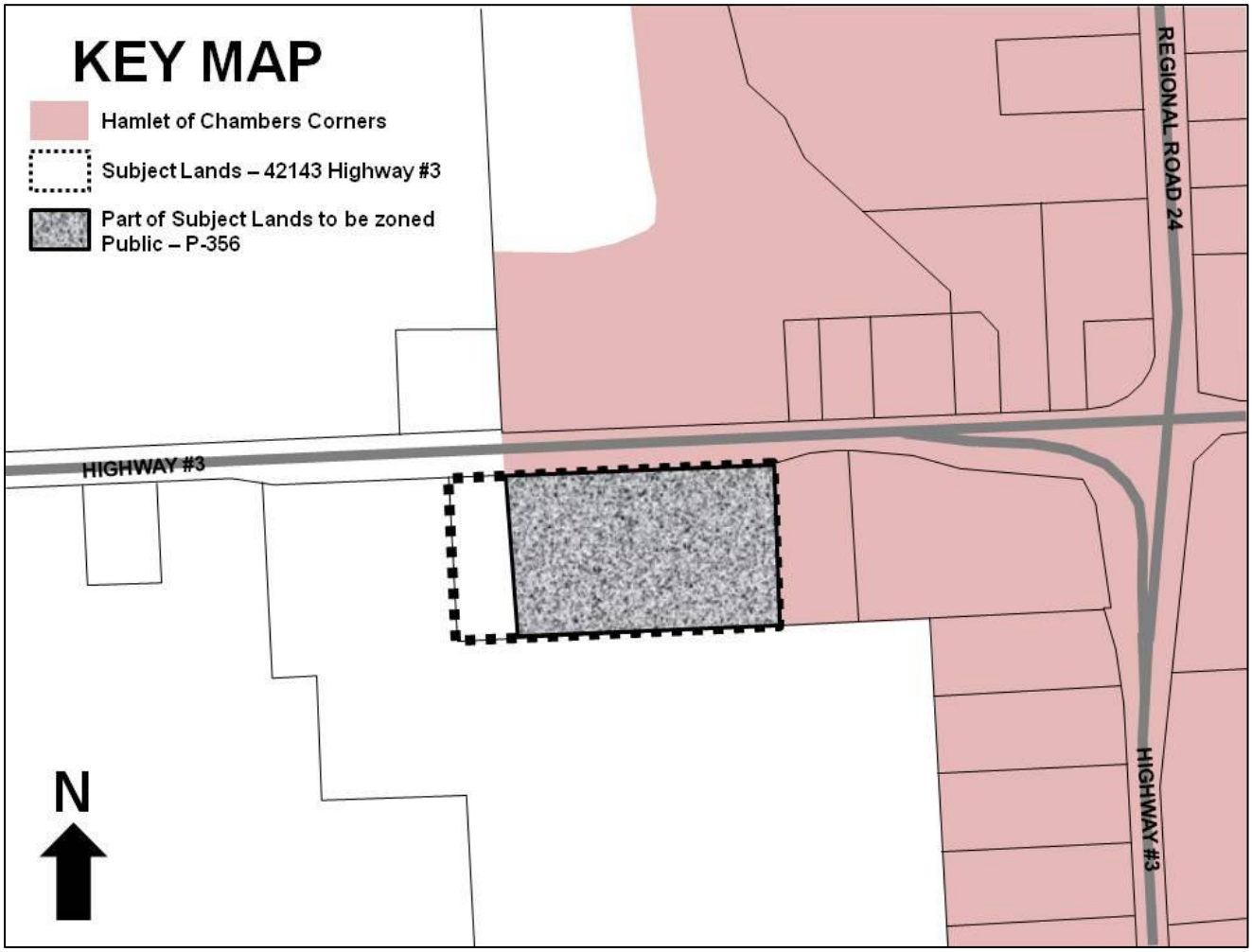
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMBER, 2019.

K. Gibson, MAYOR

W. Kolasa, CLERK

SCHEDULE "A" TO BY-LAW 077-2019



TOWNSHIP OF WAINFLEET	
Purpose & Effect of By-law No. 077-2019: This by-law affects lands described as Part of Lot 20, Concession 4 in the Township of Wainfleet. This by-law has been enacted to rezone the subject property from Development – D and Hamlet Commercial – C2 to Public – P-356 to permit a future joint fire and emergency services facility.	THIS IS SCHEDULE "A" TO BY-LAW NO. 077-2019. PASSED THIS 3RD DAY OF DECEMBER, 2019.
File No. Z-05-2019 (Township Initiated)	MAYOR CLERK

THE CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 078-2019

Being a by-law to authorize borrowing from time to time to meet current expenditures during the fiscal year ending December 31, 2020.

WHEREAS Section 407 of the Municipal Act, S.O. 2001 c.25, provides authority for a Council by By-law to authorize the Municipality to borrow from time to time, by way of promissory note or bankers' acceptance, such sums as the Council considers necessary to meet, until taxes are collected and other revenues are received, the current expenditure of the Corporation for the year;

AND WHEREAS the total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Corporation, shall not exceed, except with the approval of the Local Planning Appeal Tribunal, the limitations set out in Section 407(2) of the Municipal Act;

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

1. **Borrowing Authority**
   The Head of Council and the Treasurer are hereby authorized on behalf of the Municipality to borrow from time to time by way of promissory note or bankers' acceptance during the year 2020 (hereinafter referred to as the current year) such sums as may be necessary to meet, until the taxes are collected and until other revenues are received, the current expenditures of the Corporation for the purposes set out in Section 407(1).

2. **Instruments**
   A promissory note or bankers' acceptance made under Section 1 shall be signed by the Head of Council and the Treasurer.

3. **Lenders**
   The Lenders from whom amounts may be borrowed under authority of this By-law shall be the **MERIDIAN CREDIT UNION LIMITED.** And such other lender(s) of the Municipality as may be determined from time to time by by-law of Council.

4. **Limit on Borrowing**
   The total amount which may be borrowed at any one time under this By-law, together with the total of any similar borrowings that have not been

repaid, shall not exceed, from January 1st until September 30th of the current year, 50 percent of the estimated revenues of the Corporation as set forth in the estimates adopted for that year. Such borrowing shall not exceed, from October 1st to December 31st of the current year, 25 percent of the said estimated revenues of the Corporation as set forth in the estimates adopted for that year. For purposes of this By-law, the estimated revenues of the Corporation shall not include revenues derivable or derived from:

a) Borrowing through any issue of debentures,
b) A surplus, including arrears of taxes, fees or charges,
c) A transfer from the capital fund, reserve funds or reserves

5. **Borrowing Documents Required**
The Treasurer shall, at the time when any amount is borrowed under this By-law, ensure that the lender is or has been furnished with:

a) A certified copy of this By-law,
b) A certified copy of the estimates of the Corporation adopted for the current year.

6. **When Estimates Not Adopted**
If the estimates for the current year have not been adopted at the time an amount is borrowed under this By-law:

a) The limitation on total borrowing, as set out in Section 4, shall be calculated for the time being upon the estimated revenues of the Corporation as set forth in the estimates adopted for the next preceding year, and
b) The certified copy furnished under Section 5 shall show the nature and amount of the estimated revenues of the Corporation as set forth in the estimates adopted for the next preceding year.

7. **Charge on Revenue**
All or any sums borrowed under this By-law shall, with interest thereon, be a charge upon the whole of the revenues of the Corporation for the current year and for any preceding years as and when such revenues are received but such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any lender.

8. **Directive to Treasurer**
The Treasurer is hereby authorized and directed to apply in payment of all or any sums borrowed under this By-law, together with interest thereon, all or any of the money hereafter collected or received, either on account of or realized in respect of, the taxes levied for the current year and preceding

years or from any other source, which may lawfully be applied for such purpose.

9. **Additional Documents**
That the Head of Council and the Treasurer are authorized to execute such additional documents as may be required by the lending authority to evidence the indebtedness.

10. **Effective Date**
This By-law shall come into force as of the 1st day of January, 2020.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMBER, 2019.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

THE CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 079-2019

Being a by-law to provide for interim tax levies for the year 2020 for the Township of Wainfleet.

WHEREAS section of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides that the council of a local municipality, before the adoption of estimates for the year under Section 290, may pass a by-law levying amounts on the assessment of property in the local municipality rateable for local municipality purposes;

AND WHEREAS the Council of this municipality deems it appropriate to provide for such interim levy on the assessment of property in this municipality;

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

1. The amounts levied shall be as follows:

   1.1. For the Residential, Pipeline, Farmland and Managed Forest property classes there shall be imposed and collected an interim levy of:

   (a) the percentage prescribed by the Minister under section 317(10) of the *Municipal Act;* or,

   (b) 50%, if no percentage is prescribed,

   of the total taxes for municipal and school purposes levied on in the year 2019.

   1.2. For the Multi-Residential, Commercial and Industrial property classes there shall be imposed and collected an interim levy of:

   (c) the percentage prescribed by the Minister under section 317(10) of the *Municipal Act;* or,

   (d) 50% if no percentage is prescribed,

   of the total taxes for municipal and school purposes levied on in the year 2019.

2. All taxes levied under this by-law shall be payable into the hands of the Collector in accordance with the provisions of this by-law.

3. There shall be imposed on all taxes a penalty for non-payment or late payment of taxes in default of the installment dates set out below. The penalty shall be one and one-quarter percent (1¼%) of the amount in default on the first day of default and on the first day of each calendar month during which the default continues.

4. The interim tax levy imposed by this by-law shall be paid in two installments due on the following dates:

   4.1. One-half (1/2) thereof on the 28th day of February of 2020.

   4.2. One-half (1/2) thereof on the 30th day of April of 2020.

5. The Collector may mail or cause to be mailed to the address of the residence or place of business of each person taxed under this by-law, a notice specifying the amount of taxes payable.

6. The notice to be mailed under this by-law shall contain the particulars provided for in this by-law and the information required to be entered in the Collector's roll under section 340 of the *Municipal Act*.

7. The subsequent levy for the year 2020 to be made under the *Municipal Act* shall be reduced by the amount to be raised by the levy imposed by this by-law.

8. The provisions of s.317 of the *Municipal Act*, as amended apply to this by-law with necessary modifications.

9. The Collector shall be authorized to accept part payment from time to time on account of any taxes due, and to give a receipt of such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectable under section 5 of this by-law in respect of non-payment or late payment of any taxes or any installment of taxes.

10. Nothing in this by-law shall prevent the Collector from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.

11. In the event of any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.

12. This By-law shall come into force as of the 1st day of January, 2020.

BY-LAW READ AND PASSED THIS 3rd DAY OF DECEMBER, 2019.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

THE CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 080-2019

Being a By-law to amend By-law No. 027-2019, being a By-law to establish an administrative monetary penalty system for non-parking related offences

WHEREAS the Council of the Township of Wainfleet enacted By-law No. 027-2019 to establish an administrative monetary penalty system for non-parking related offences;

AND WHEREAS the Council of the Township of Wainfleet deems it necessary and appropriate to amend By-law No. 027-2019 to provide for enforcement of said By-law via Administrative Monetary Penalties;

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

1) **THAT** Schedule "A" of By-law No. 027-2019 be amended to read as follows:

Designated By-law	By-law Number
Animals at Large	008-2018
Building	027-2012
Clean Yards	~~1275-92~~ 073-2019
Discharge of Firearms	025-2013
Dog Control	014-2016
Entry onto Adjoining Lands	027-2011
Exotic Animal	011-2018
Fence	019-2005
Fireworks	021-2007
Fouling of Roads	~~203-1962~~ 584-78
Medical Marijuana Facilities	057-2017
Noise	042-2018
Open Air Burning	027-2009
Property Standards	059-2000
Public Nuisance	022-2009

2) **AND THAT** this By-law shall come into force and take effect on the date of final passage thereof.

BY-LAW READ AND PASSED THIS 3RD DAY OF DECEMEBER, 2019.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

Township of Wainfleet

"Wainfleet – find your country side!"

WHEREAS Part 8 of the Ontario Building Code regulates the design, construction and renovation of sewage treatment systems; and

WHEREAS the Township of Wainfleet took over administration and enforcement of on-site sewage systems from the Niagara Region in 2012; and

WHEREAS the Ministry of Environment presented to Council in May of 2019 with a focus on environmental and public health and safety concerns related to suspected sewage disposal malfunction; and

WHEREAS the Township's Strategic Plan prioritises community stewardship and directs us to take responsibility for the environment; and

WHEREAS many residents have been proactively updating their septic systems to protect the aquifer; and

WHEREAS the Ontario government has announced there is no longer consideration of forced municipal amalgamations;

NOW THEREFORE BE IT RESOLVED that the Council for the Corporation of the Township of Wainfleet re-commit to finding program alternatives to meet provincial regulations as outlined in Part 8 of the Ontario Building Code with the assistance of our jurisdictional partners; and

THAT citizens be engaged to review program alternatives that will meet the regulatory standards required and be respectful of the good stewardship that exists throughout the Township; and

THAT current data be made available to guide alternatives; and

THAT staff be directed to look for funding partners and take necessary steps during the budget process to begin this work and formalize a solution that fits Wainfleet.

31940 Highway #3 • P.O. Box 40 • Wainfleet, ON • L0S 1V0

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THE CORPORATION OF THE

TOWNSHIP OF WAINFLEET

BY-LAW NO. 081-2019

Being a by-law to adopt, ratify and confirm the actions of the Council at its special meeting held November 27, 2019 and its regular meeting held on the 3rd day of December, 2019.

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 meetings held on November 27, 2019 and December 3, 2019, 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 3rd DAY OF DECEMBER, 2019

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK