



## THE COROPORATION OF THE TOWNSHIP OF WAINFLEET

### REGULAR MEETING OF COUNCIL AGENDA

**FEBRUARY 16, 2021 – 6:00 P.M.**

Regular business will commence at 7:00 P.M.

*(Time adjusted for this meeting only)*

### ELECTRONIC PARTICIPATION ONLY

*Due to the Niagara COVID-19 lockdown, the Council Chambers will be closed to the public and Members of Council will be participating remotely via electronic means only. The proceedings of the meeting will be streamed live.*

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C04/21

1. **Call to Order**
2. **Land Acknowledgement Statement**
3. **Disclosures of Interest and the General Nature Thereof**
4. **Closed Meeting**
  - a) Item under Section 239(2)(b)(e) of the Municipal Act 2001, personal matters about an identifiable individual, including municipal or local board employees, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 item (a litigation matter)
  - b) Item under Section 239(2)(b) of the Municipal Act 2001, personal matters about an identifiable individual, including municipal or local board employees – 1 item (Deputy Mayor)
  - c) Item under Section 239(2)(h) of the Municipal Act 2001, information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them – 1 item (A matter pertaining to a Township project)
5. **Rise & Report (7:00 p.m.)**
6. **Mayor's Announcements & Remarks**
7. **Councillor's Announcements & Remarks**
8. **Adoption of Previous Council Minutes**
  - a) Minutes of the Regular Meeting of Council scheduled January 26, 2021

**9. Delegations**

- a) Anne Yagi, Cathy Blott – 8Trees Inc.  
Request to move 1 km of Biederman Drain back to original alignment to support species at risk habitat in Wainfleet Bog
- b) Perry Climenhage  
Request to reverse decision to repeal of By-law No. 003-2020 being a by-law to adopt Amendment No. 02 to the Official Plan for the Township of Wainfleet
- c) Todd Harris, Wainfleet Resident  
Concerns of guide rail system on Lakeshore Road between Burnaby and Station roads

**10. Staff Reports & Recommendations**

- a) Administrative Staff Reports
  - i. ASR-003/2021 Re: COVID Impact Report
  - ii. ASR-004/2021 Re: Municipal Grant & Donation Applications
- b) By-law Enforcement Staff Reports
  - i. BESR-002/2021 Re: Review of Fence By-law No. 012-2020
  - ii. BESR-003/2021 Re: Off Road Vehicles
- c) Fire Staff Reports
  - i. FSR-003/2021 Re: Consolidated Emergency Services Dispatch
  - ii. FSR-004/2021 Re: Closure of the Ontario Fire College
- d) Planning Staff Reports
  - i. PSR-002/2021 Re: Request for Extension to Draft Approval – File No. P01/2014W – Lakewood Beach Properties Ltd.
  - ii. PSR-003/2021 Re: Zoning By-law Amendment File No. Z01/2021W – Luke & Jannifer Young (Frank & Adrian Stoop – Agent)
  - iii. PSR-004/2021 Re: Zoning By-law Amendment File No. Z02/2021W – Gerald Zavits (Upper Canada Consultants – Agent)

- iv. PSR-005/2021 Re: Zoning By-law Amendment File No. Z03/2021W –  
2709998 Ontario Inc.

**11. Review of Correspondence**

- a) C-027-2021 – Police Services Board Re: Medical Cannabis Grow Operations –  
Public Safety Concerns
- b) C-029-2021 – City of Port Colborne Re: Drainage Matters on Canadian National  
Railway Lands
- c) C-031-2021 – Dale & MaryLou Gibson Re: Concerns regarding beach access

**12. By-laws**

- a) By-law No. 004-2021 being a by-law to amend Zoning By-law No. 034-2014  
with respect to those lands forming Part of Lot 9, Concession 4 in the Township  
of Wainfleet known municipally as 41027 Wilson Road
- b) By-law No. 005-2021 being a by-law to amend Zoning By-law No. 034-2014  
with respect to those lands forming Part of Lot 39, Concession 5 in the  
Township of Wainfleet
- c) By-law No. 006-2021 being a by-law to amend Zoning By-law No. 581-78 with  
respect to those lands forming Concession 4, Part Lot 32 RP 59R4745 Part 1 in  
the Township of Wainfleet

**13. Notices of Motion**

**14. Closed Meeting**

**15. Rise & Report**

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

- a) By-law No. 007-2021 being a by-law to adopt, ratify and confirm the actions of  
the Council at its meeting held on the 16<sup>th</sup> day of February, 2020

**17. Adjournment**



## THE COROPORATION OF THE TOWNSHIP OF WAINFLEET REGULAR MEETING OF COUNCIL – DRAFT MINUTES

C03/2021

January 26, 2021

6:00 p.m.

Electronic Participation

MEMBERS PRESENT:	K. Gibson D. Cridland T. Gilmore J. MacLellan S. Van Vliet	Mayor, Councillor Councillor Councillor Councillor
STAFF PRESENT:	W. Kolasa M. Alcock M. Ciuffetelli M. Tardif M. Jemison S. Ivins M. Luey R. Nan J. Stirton	Chief Administrative Officer Fire Chief Deputy Clerk By-law Enforcement Officer Drainage Superintendent Planner Treasurer/Mgr of Corporate Services Manager of Operations Township Solicitor

C03/21

- 1. Call to Order**  
Mayor Gibson called the meeting to order at 6:00 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. Disclosures of Interest and the General Nature Thereof**  
None.
- 4. Closed Meeting**

### **Resolution No. C-2021-011**

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

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

- a) Item under Section 239(2)(b)(e)(f) of the Municipal Act 2001, personal matters about an identifiable individual, including municipal or local board employees, 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 litigation matter)

b) Minutes of the Closed Meeting scheduled January 5, 2021.”

**CARRIED**

**5. Rise & Report (7:00 p.m.)**

The meeting was called to order at 6:00 p.m. in open session, with a motion presented and passed to move into closed session to receive information regarding a personal matter regarding an identifiable individual and a litigation matter.

**6. Mayor’s Announcements & Remarks**

The Mayor announced that the Police Services Board will meet electronically on Thursday, January 28, 2021 at 8:30 a.m. and the next regular Council meeting will be held February 16, 2021 at 7:00 p.m.

**7. Councillor’s Announcements & Remarks**

Councillor Cridland and Councillor Van Vliet noted that they attended the ROMA Conference and commented that there were excellent panelist discussions.

**8. Adoption of Previous Council Minutes**

a) Minutes of the Regular Meeting scheduled January 5, 2021

**Resolution No. C-2021-012**

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

“**THAT** the minutes of the regular meeting of Council held January 5, 2021 be adopted as circulated.”

**CARRIED**

b) Minutes of the Special Meeting scheduled January 19, 2021

**Resolution No. C-2021-019**

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

“**THAT** the minutes of the special meeting of Council held January 19, 2021 be adopted as circulated.”

**CARRIED**

## **9. Public Meeting**

### **a) Zoning By-law Amendment No. Z01-2021W (41027 Wilson Road)**

Planner, S. Ivins outlined the requirements of the Planning Act regarding the notice of Public meeting and provided a description of the proposal.

There being no questions from Council or comments from the public, the Planner explained that a recommendation report regarding a complete review of the proposal will be brought forward by staff and considered by Council at a later date.

### **b) Zoning By-law Amendment No. Z02-2021W (Vacant Lot Wellandport Rd)**

Planner, S. Ivins outlined the requirements of the Planning Act regarding the notice of Public meeting and provided a description of the proposal.

Agent Matt Kernahan provided a PowerPoint presentation with information on the proposal.

The Planner confirmed that the property was just outside of the hamlet boundary as per Councillor Cridland's inquiry.

There being no questions from Council or comments from the public, the Planner explained that a recommendation report regarding a complete review of the proposal will be brought forward by staff and considered by Council at a later date.

### **c) Zoning By-law Amendment No. Z03-2021W (Vacant Lot Highway #3 & Pettit Road)**

Planner, S. Ivins outlined the requirements of the Planning Act regarding the notice of Public meeting and provided a description of the proposal.

There being no questions from Council or comments from the public, the Planner explained that a recommendation report regarding a complete review of the proposal will be brought forward by staff and considered by Council at a later date.

Councillor Cridland asked where the access point would be if there is interest in developing the rest of the parcel. The Planner advised that the applicant has access to both Highway #3 and Petit Road, and is working closely with the Ministry of Transportation to see if they would allow a Road access to Highway #3 should that parcel be developed and was unsuccessful. MTO has permitted the applicant to upgrade their farm entrance from Highway #3 to a residential access which eliminates the opportunity for the potential of a new road from

Petit to Highway #3 based on MTO access guidelines. The Planner noted that sole access will be off of Petit Road and further information will be forthcoming in the recommendation report.

Councillor Gilmore commented that the drawing indicates road access is 20.1 metres which is just barely wide enough for a normal road allowance. Councillor Gilmore stated that he doesn't want to get in a situation where lots are laid out and not enough room to service the lots in behind. Councillor Gilmore inquired whether that was enough for a road that the Township could assume some time in the future? Planner, S. Ivins stated that the minimum width for municipal road allowance is 20 metres which is sufficient.

Councillor Van Vliet commented that there is a municipal drain that runs through the remainder of the parcel and inquired if that would be addressed in the recommendation report. Planner, S. Ivins advised that comments will be included within the report with respect to the Niagara Region's comments respecting fish habitat. The proposed lot is outside of the buffers associated with the drain so there is no environmental impact.

There being no further comments from Council, the Mayor Gibson adjourned the Public Meeting portion of the agenda at 7:28 p.m.

## 10. Delegations

- a) Matt Robinson, Director GO Implementation, Niagara Region  
Regional Transit System Governance Study

### **Resolution No. C-2021-014**

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

**"WHEREAS**, a Full Commission model as described in Appendix 2 to Report LNTC-C 4-2020, and to be established as a Municipal Services Board of the Region in accordance with Municipal Act, 2001, has been recommended as the preferred governance model for the consolidation of Niagara's public transit system;

**AND WHEREAS**, the Cummings Principle, enacted through a series of Municipal Transfer Agreements, will be used to guide the transfer, use of, and access to assets and facilities from existing local area municipalities to the Commission;

**AND WHEREAS**, all existing employees, vendors, contracts, and collective bargaining agreements will be transferred to or assumed by the Commission, in accordance with the Municipal Act, 2001 or Labour Relations Act, 1995;

**AND WHEREAS**, a minimum of 2021 transit service hours in local area municipalities will be maintained for a period of five (5) years from the assumption of delivery of service by the Commission, unless otherwise agreed to by the local area municipality;

**AND WHEREAS**, all existing and incremental transit spending will be transferred to the new Commission, funded through a single Regional tax levy to be enacted over a transfer implementation period of five fiscal (5) years as described in Report LNTC-C 4-2020;

**AND WHEREAS**, to achieve a net-neutral impact to the regional taxpayer, local transit costs assumed by the Regional tax levy will be offset by equivalent budgetary reductions by the local area municipality;

**AND WHEREAS**, funding previously committed under inter-governmental programs such as the Investing in Canada Infrastructure Program (ICIP) will be maintained and used within the receiving municipality;

**AND WHEREAS**, support will be sought from senior levels of government for the one-time transition costs associated with consolidation under programs such as the Provincial governments' Safe Restart Agreement;

**AND WHEREAS**, an integrated single regional fare will be established by the Commission within five (5) years of the assumption of delivery of service by the Commission;

**BE IT RESOLVED THAT** Council endorse, in principle, the Full Commission as the recommended governance model for the consolidation of Niagara's public transit system."

**DEFEATED**

- b) Dr. Gervan Fearon & Dr. Lynn Wells – Brock University  
Brock University Update & Discussion of Areas of Potential Partnership

**Resolution No. C-2021-015**

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

**"THAT** the delegation presented by Dr. Fearon and Dr. Wells respecting Brock University Update and areas of potential partnership be received for information.

**CARRIED**

**11. Staff Reports & Recommendations**

- a) Administrative Staff Reports

- i. ASR-002/2021 Re: COVID-19 Impact Report

**Resolution No. C-2021-016**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

**“THAT** Administrative Staff Report ASR-002/2021 respecting COVID-19 Impact Report be received as information.”

**CARRIED**

b) By-law Enforcement Staff Reports

- i. BESR-001/2021 Re: Review of Clean Yards By-law No. 073-2019

**Resolution No. C-2021-017**

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

**“THAT** By-law Enforcement Staff Report BESR-001/2021 Re: Review of Clean Yards By-law No. 073-2019 be received; and

**THAT** staff be directed to come back with proposed options in reducing the number of inoperative vehicles within the hamlet areas.”

**CARRIED**

c) Drainage Staff Reports

- i. DSR-002/2021 Re: Indian Creek Municipal Drain – Engineer’s Report

Following a presentation by the Township’s Drainage Superintendent and the Township appointed Drainage Engineer, Members of Council considered the Report and received comments from a member of the public in attendance, Ted Hessels, being an owner of land assessed within the drainage works.

**Resolution No. C-2021-018**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

**“THAT** Report DSR-002/2021 regarding consideration of the Indian Creek Municipal Drain be received; and

**THAT** a By-law be given two readings to provisionally adopt the Indian Creek Municipal Drain 2020 Report dated November 27, 2020, prepared by Dietrich

Engineering Limited., under Section 78, Chapter D. 17 of the *Drainage Act R.S.O. 1990; and*

**THAT** Staff be directed to advance the Indian Creek Municipal Drain 2020 Report to that of the Court of Revision, as per Section 46(1) of the *Drainage Act R.S.O. 1990; and*

**THAT** Councillor Van Vliet, Councillor Cridland and Councillor MacLellan be appointed as members to the Indian Creek Municipal Drain 2021 of Revision and Councillor Gilmore be appointed as an alternative to be tentatively scheduled for February 25, 2021;

**AND THAT** upon completion of the appeal process the Drainage Superintendent be authorized to proceed with construction of the drainage works in accordance with the *Drainage Act.*"

**CARRIED**

- ii. DSR-003/2021 Re: Bridgewater Drain – Third Reading to Adopt Engineer's Report

**Resolution No. C-2021-019**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

**"THAT** Drainage Staff Report DSR-003-2021 respecting Bridgewater Drain – Third Reading to Adopt Engineer Report be received;

**AND THAT** By-law No 047-2020 for the Bridgewater Drain be given a third reading and passed."

**CARRIED**

d) Fire Staff Reports

- i. FSR-001/2021 Re: 2020 Fourth Quarter Review

**Resolution No. C-2021-020**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

**"THAT** Fire Staff Report FSR-001/2021 respecting 2020 Fourth Quarter Fire & Emergency Services Review be received for information."

**CARRIED**

- ii. FSR-002/2021 Re: RFP for Architectural Design, Engineering, Contract Administration for the Design of Wainfleet Fire & Emergency Services Central Station

**Resolution No. C-2021-021**

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

**“THAT** Fire Staff Report FSR-02/2021 respecting the Request for Proposal for Architectural Design, Engineering and Contract Administration (RFP-FS-STN-2020-001), be received; and

**THAT** Council authorize the Mayor and Clerk to enter into an agreement with Raimondo & Associates Architects for Architectural Design, Engineering and Contract Administration for the design of Wainfleet Fire & Emergency Services Central Station, for \$274,500.00 (not including HST); and

**THAT** the staff be delegated the authority to proceed with the Central Station Project based on the Concept Design as approved by Council;

**THAT** the staff be delegated the authority to proceed with the Central Station Project based on the Concept Design as approved by Council; and

**THAT** draft designs be brought back to Council for review:

- i. After the architect finishes conceptual drawings but before the architect commences work on final construction drawings;
- ii. After the architect finishes construction drawings but before proceeding to construction tender

**CARRIED**

b) Planning Staff Reports

- i. PSR-001/2021 Re: Request for Site Plan Exemption – Ben Berg Farm & Industrial Equipment Ltd.

**Resolution No. C-2021-022**

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

**“THAT** Planning Staff Report PSR-001/2021 respecting Request for Site Plan Exemption – Ben Berg Farm & Industrial Equipment Ltd be received; and

**THAT** Council grant an exemption from Site Plan Control By-law No. 028-2015 to Ben Berg Farm & Industrial Equipment Ltd. for the site redevelopment project as outlined in the report.

Councillor / Staff Member	Yeas	Nays
Councillor Donna Cridland	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Terry Gilmore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor John MacLellan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Sherri Van Vliet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Kevin Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**CARRIED**

## 12. Review of Correspondence

- a) C-003-2021 – Request to review and approve amending agreement to Niagara Region Inter- Municipal Agreement to advance the Vision Zero Program

**Resolution No. C-2021-023**

Moved by Councillor Cridland

Seconded by Councillor Van Vliet

“**THAT** Correspondence item No. 003-2021 respecting Niagara Region Inter-Municipal Agreement Amendment to advance the Vision Zero Program be received for information.”

**CARRIED**

- b) C-004-2021 – Wainfleet Agricultural Society requesting funding for annual Fall Fair

**Resolution No. C-2021-024**

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“**THAT** Correspondence item No. 004-2021 requesting funding for annual Fall Fair be received and **REFERRED** to the 2021 Grant and Donation process in addition to exploring potential funding options through the Province.”

**CARRIED**

- c) C-016-2021 – Appointment of Joint Board of Management, Niagara Courts Member

**Resolution No. C-2021-025**

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

“**THAT** Correspondence item No. 016-2021 respecting the appointment of Joint Board of Management, Niagara Courts Member be received; and



**THAT** By-law Officer, Mark Tardif, be appointed as the Wainfleet municipal representative to the Joint Board of Management, Niagara Courts for the period of January 1, 2021 to December 31, 2021.”

**CARRIED**

**13. By-laws**

- a) By-law No. 047-2020 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Bridgewater Drain) – Third & Final Reading

**Resolution No. C-2021-026**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

**“THAT** By-law No. 047-2020 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Bridgewater Drain) – Third & Final Reading be read and passed this 26<sup>th</sup> day of January, 2021.”

**CARRIED**

- b) By-law No. 002-2021 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Indian Creek Drain) – Provisional Adoption Only

**Resolution No. C-2021-027**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

**“THAT** By-law No. 002-2021 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Indian Creek Drain) be read a first and second time and provisionally adopted this 26<sup>th</sup> day of January, 2021.”

**CARRIED**

**14. Notices of Motion**

None.

**15. Closed Meeting**

None.

**16. Rise & Report**

None.

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

- a) By-law No. 003-2021 being a by-law to adopt, ratify and confirm the actions of the Council at its meetings held January 19, 2021 and January 26, 2021

**Resolution No. C-2021-028**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** By-law No. 003-2021 being a by-law to adopt, ratify and confirm the actions of the Council at its meetings held January 19, 2021 and January 26, 2021 be read and passed this 26<sup>th</sup> day of January 2021.”

**CARRIED**

**18. Adjournment**

There being no further business, the meeting was adjourned at 10:00 p.m.



**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](mailto: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.

<b>Name:</b>	
<b>Address:</b>	
<b>Telephone:</b>	<b>E-mail:</b>

**Date of Meeting:** \_\_\_\_\_

<b>Subject Matter to be Discussed:</b>	
<b>Action Requested:</b>	

**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:

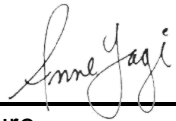
**Do you have a copy of your notes/presentation to attach?**

Yes ☐ No ☐

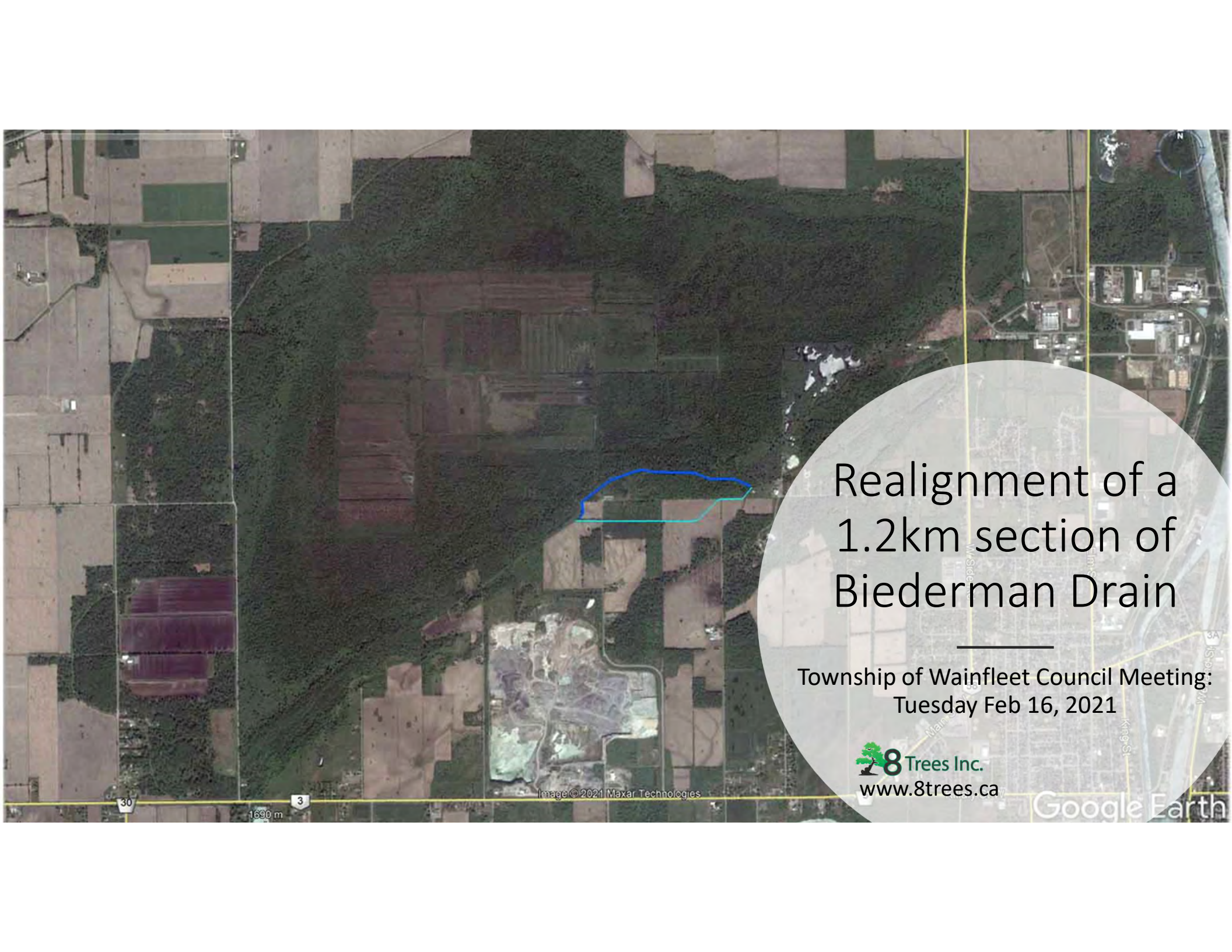
If yes, specify:

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

\_\_\_\_\_  
Date



# Realignment of a 1.2km section of Biederman Drain

Township of Wainfleet Council Meeting:  
Tuesday Feb 16, 2021

 **8Trees Inc.**  
[www.8trees.ca](http://www.8trees.ca)

Google Earth



# Wetlands Provide Benefits to our Society



- Store water-Prevent flooding
- Recharge Groundwater
- Store Carbon
- Special habitats
- Rare and endangered species
- Recreation
- Research
- Globally rare

# Natural Bog ecosystems

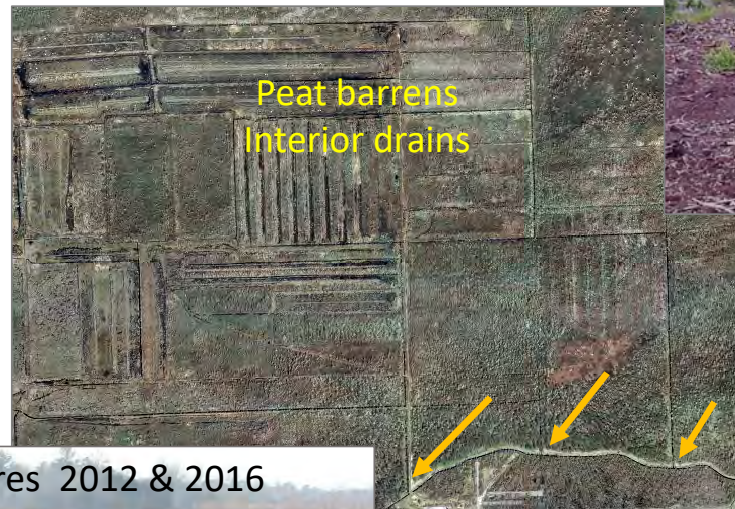
- Form in shallow depressions and over thousands of years
- Stable hydrology
- High ground water table
- Water source is rain and snow





# Wainfleet Bog is an impacted ecosystem today

- Interior ditches still connected to Municipal Drain
- Drain Maintenance lowers water table in bog
- When bog water table is low in summer, surface peat becomes crispy dry and catches fire.



Connected to  
deeper  
municipal drain

# Wainfleet Bog

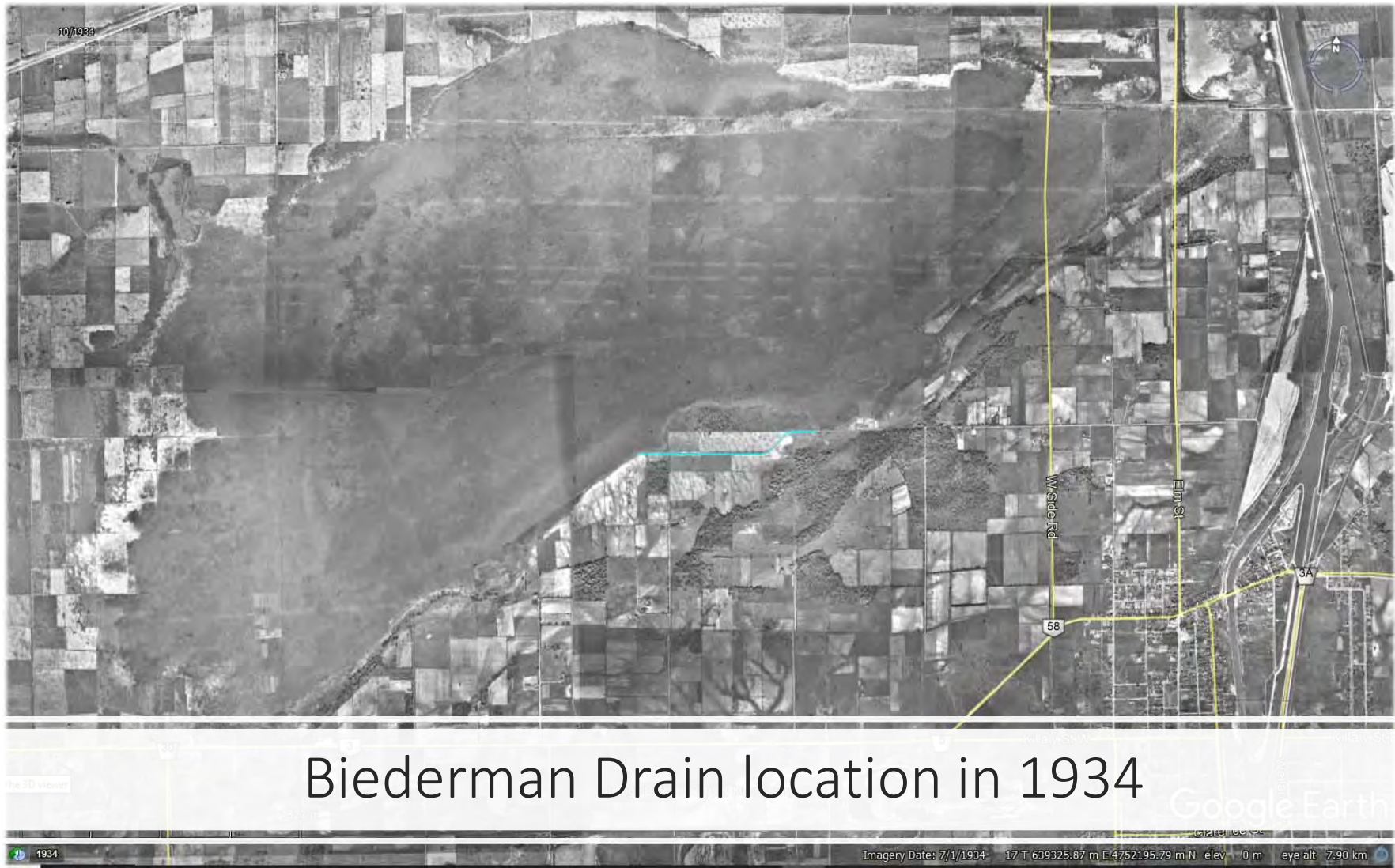
- 1996 land purchased by Nature Conservancy of Canada “to ensure the long-term protection and management of the sites' ecological diversity”
- >20 years of species, habitat and ecosystem monitoring followed
- Higher stable water table is good
- Low water table is NOT good
- Rapid cycling from high to low water levels is NOT good

Species at Risk Reptiles



Rare bog vegetation communities





Biederman Drain location in 1934









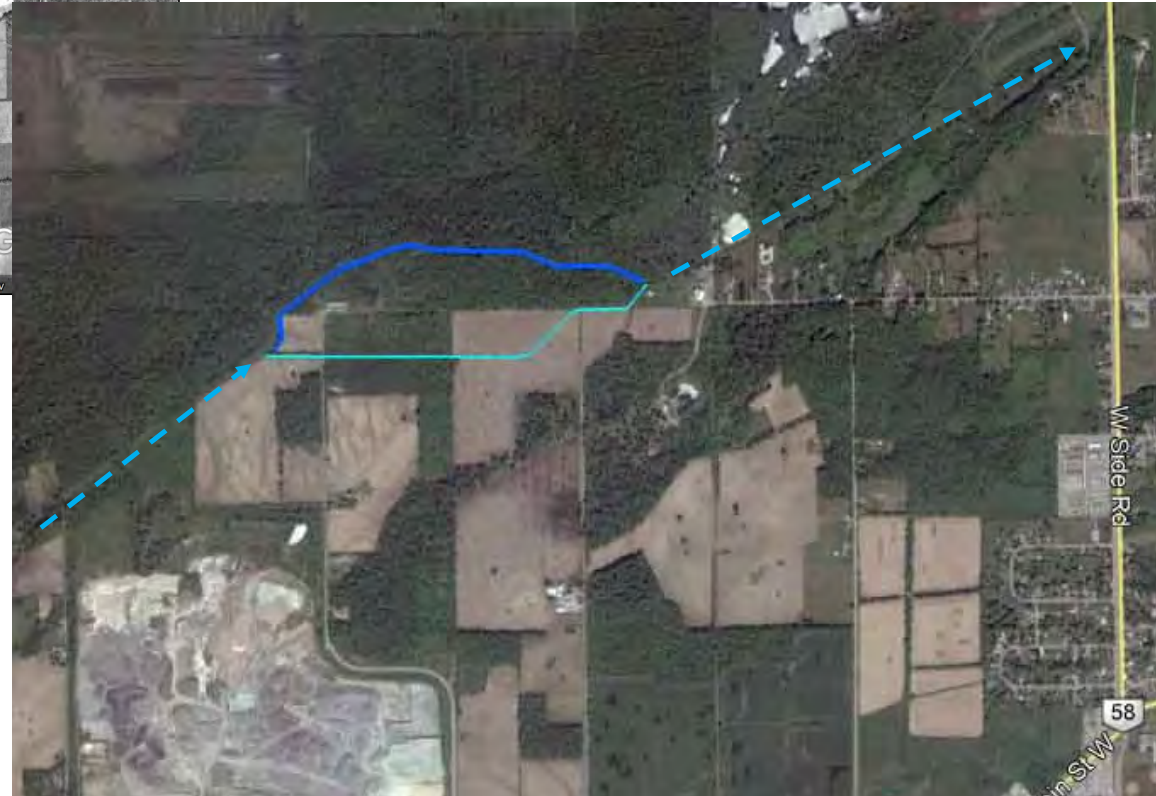
**Proposed Action:** Move a section of Biederman Drain back to historical route.

1934 Drainage (LEFT)

2017 Drainage (RIGHT)

Blue line indicates 1934 route

Map source: Google Earth



### Implications:

- Buffer of high ground habitat for Species at Risk
- Easier access for Municipal Drain maintenance
- Room for beaver activity, beavers are part of bog system and help maintain isolation of bog from Municipal Drain
- Gives private landowners better drainage of farmlands

# Summary

- We have agreement to move forward in the Drainage Process
- Old drain ditch still exists so work will not be as costly as a brand-new dig
- 8Trees and partners are committed to support the Township and bring required funding
- We have been advised, drainage maintenance in future will be easier and less costly when the Biederman Drain is moved away from the bog
- We have 20 years of work behind us, and team experts with us today to show Council the agreement and support for this Request. (NPCA, MECP-Ontario Parks, Brock University, Laurentian University, MNRF Research Scientists, Drainage Engineers).

Thank you!



**TOWNSHIP OF WAINFLEET**  
**DELEGATION REQUEST FORM**

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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.

<b>Name:</b>	Perry Climenhage		
<b>Address:</b>	51250 Tunnaccliffe Road		
<b>Telephone:</b>	905-899-3391 or	<b>E-mail:</b>	pclimenhage@gmail.com
<b>Date of Meeting:</b>	Feb 16 <sup>th</sup> , 2021. cell 905-933-3685.		
<b>Subject Matter to be Discussed:</b>	Repeal of By Law 003-2020		
<b>Action Requested:</b>	Reversal of Decision		

**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.

Perry Climenhage  
Signature

Feb 8 2021  
Date



My name is Perry Climenhage

I have lived in Wainfleet for most of my life. I went to school at SS# 13 on the Feeder, at Forks Rd. Mrs. Ort was my teacher. They were some of the best years of my life. We moved into Welland before I started high school. After graduating I went to work, got married and moved back to Wainfleet. We rented the old farm house from Tom and Elly Stutz and in 1976 we bought the 19.72 ha from them. After much discussion with the Township of Wainfleet. Tunnacliffe Rd. S. was opened and stoned from Lambert Rd. south to our property. The cost was shared between the Province, 50%, the township 25% and I paid 25%. After the road was stoned we built our house in 1989. We have lived here ever since.

Since we have lived here , we have seen a lot of new development. Much of the once agricultural land east of Tunnacliffe Rd. has been rezoned Rural, We have a new subdivision east of Deeks Rd. , and another 40 or 50 new homes between Tunnacliffe Rd S. and Phillips Rd. That area was always agricultural. The property next to our property to the north was marked Environmental Protected Area with Provincially Significant Ponds is now designated rural. It has been severed into 21 building lots , and half of these lots have homes on them .These lots are located on the south side of Lambert and the west side of Tunnacliffe Rd , up to my north property line.

I would like to rezone approximately 2.8 hectares on the north line of my property. This 2.8 hectares consists of the house, a workshop, and garden sheds. It has a large pond on the front yard with a lot of flower gardens, and raised vegetable gardens. Most of the yard is grass covered and a good portion between the pond and the road has been replanted in trees and allowed to return to a natural state. There is nothing agricultural about this portion of the property. It has become a lot of work to maintain. My wife spends more time in Ottawa with my daughter, son in-law and the 3 grandchildren. I still have a maintenance contract in northern Quebec, around Hudson Bay and Ungava Bay. I spend 3 or 4 months a year up there. Much of that time is in the summer.

The remaining 16.94 hectares consists of 10.3 hectares of good agricultural land south of the township drain and south of the woodlot .7 hectares of undisturbed soils plus, .7 ha of disturbed soils on the north side of the drain.



The remaining 5.24 hectares in the North West portion of the property is ponds and wetland, woodlot and green space.

The .7 ha of disturbed soils were created in 2012 when The Niagara Peninsula Conservation Authority, Ducks Unlimited and myself, enhanced and enlarged the existing ponds and wetlands. Also in 2016 NPCA and myself did more work in the wetlands. The better soils from the projects were deposited in low areas in the area marked undisturbed, this made it easier to drain, and a hay crop planted on it. The heavy clays and some of the stumps were piled on my property along Tunnacliffe Rd. That is designated disturbed soils. This disturbed soil is where I would like to build a smaller home and a more manageable yard.

In 2019 and 2020, Sarah French Ph.D. began studying the wetlands and ponds with Ducks Unlimited. For the past 20 years the agricultural portion of my property has been farmed by my neighbors Mike Huizinga and his brother in law Ted Vandemeer. They operate a dairy farm on Forks Rd. None of the 11 hectares of the agricultural land on my property would be lost. I do not agree with Mr. Hoffman's calculations in his peer review which does not take into consideration all of the information available in the Colville Report.

Mr. Hoffman on page 6 of his review states there are 8.4 hectares used for hay and cultivated crops. He then calculates that if I rehabilitate the .7 ha of disturbed soils and add it to the .7 ha of undisturbed soils that would represent the area for the new residence that would represent approximately 15% loss of agricultural land. That is wrong and misleading. Almost all of the productive area on my property is located to the south of the township drain and the woodlot. It measures 924 feet on the east side, 1202 on the south side, approximately 924 feet on the west side and approximately 1202 on the north side with a total area of 1132284 sq. ft. Divide that by 107639 sq. ft. in a hectare and you get 10.3 ha. Add that to the .7 ha of undisturbed soils on the north side of the drain and it adds up to 11 hectares of good agricultural land. None of this would be lost. Not one square foot.

What is shown as reforested is actually nursery stock that belongs to my son consisting of White Pine, Norway, White Spruce and Blue Spruce. They vary in height from 2 feet to 12 feet and are for sale.

The .7 ha of disturbed soils, is where I would build a new smaller home with a modest yard. These disturbed soils are mostly stumps and heavy clays



dug out of the pond and wetland projects. It is similar to the hundreds of hectares of useless land created when the Welland canal bypass was dug. These lands have been sitting for 50 years and no one has ever farmed them. There is a large property north of Forks Rd between the 140 highway and the canal. There are crops planted all around it, but no one has ever tried to farm it. Another one of these areas is located at the east end of Woodlawn Rd in Welland, it was never farmed, but it has developed. The property east of highway 58 south of the Townline Rd in 50 years has never been farmed.

In the Colville report page 7 paragraph 2 he states "disturbed soils are not considered by the Canada Land Inventory Agricultural Capability System, and thus the portion of the property would be rated Not Mapped

On Feb. 18th 2020 By-Law 003-2020 was adopted. The Township had accepted my proposal and forwarded it onto the Region, and then it was appealed by the Region and The Town and in response the Township repealed the by-law on September 22<sup>nd</sup>, 2020. It does not appear that I was provided notice of this decision until an email dated January 11<sup>th</sup>, 2021.

All of the changes originally approved by the Township were dropped from the by-law except for Burnaby Road and at this time no action has been taken regarding the other property designation changes. I believe the Council of the Township of Wainfleet should have some input into decisions that affect Wainfleet.

In the letter from John Perry sent to Sarah Ivins on Oct. 17, 2017 he mentions The Growth Plan 2017 section 4.2.6 Agricultural System subsection 2 states that prime agricultural areas including specialty crop areas will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture. Subsection 9 further states that in implementing the Agricultural System upper and single tier municipalities may through a municipal comprehensive review refine or augment provincial mapping in a manner that is consistent with this Plan and any implementation procedures issued by the Province

I think the Township should review, refine or augment what goes on in our township



I think the township should push back a bit when dictated to by the Region or let the proper appeal process take place rather than just automatically conceding.

I believe at the Sept 1<sup>st</sup>, 2020 Council Meeting Mayor Gibson said that the projected growth for Niagara could be an increase of 5 million people expected by 2050. I would like to know if the Region is going to protect what is left of the prime agricultural lands below the escarpment. For the past 50 years this Region is growing condominiums, high rise apt. buildings and lots of subdivisions this area is only one of 3 areas in Canada where tender fruits could grow and they have all been lost to development.

The locations of the new hospitals indicates to me that the Region is planning ahead. I guess the Region is saving Wainfleet for the new 2050 Regional dump site.

If this is the year when the rezoning issues are open for discussion at the Regional level then I would hope the Township of Wainfleet would reconsider the original By-law 003-2020 and try and resolve the original proposals that you had adopted.

In the past, I have been, told by Township Planners going back to Bob Hiel countless reasons why this or that proposal cannot be done. And I can show you examples where all those reasons have been ignored.

I am almost surrounded by agricultural land that has been re-designated Rural and for no other reason than profit by people that no longer live here.

Rules and regulations are not written in stone. There are changes made all the time. The Province is changing rules right now, opening up protected green space. Drive the 407 and watch the farmland being developed. Much of the land that you see in crops is owned by developers and leased back to farmers until such time as zoning rules change.

Mr. Hoffman on page 3, wants to know if an assessment of negative impact was ever done to the agricultural potential of the property or the negative impact on the Township of Wainfleet, Region of Niagara and or the Province of Ontario. The report only provides the conclusion that "it is recommended that more information and analysis, as documented in this peer review, be

requested." To my understanding no additional information has been requested by Township staff.

If this is indeed a time of review, then let us make some changes.

Perry Climenhage



February 4<sup>th</sup>, 2021

Re: Climenhage hearing on February 26<sup>th</sup>, 2021, with the LPAT

Dear members of the Local Planning Appeal Tribunal,

I am writing this letter in support of Mr. Perry and Mrs. Lillian Climenhage, who own the property located at 51250 Tunnacliffe Road in Wainfleet, Ontario.

I conducted a research study on the wetland located on the Climenhage property from 2019–2020. The wetland was present on the property before 2012, but a section of the wetland was excavated and enhanced in 2012 in order to improve its quality as waterfowl habitat. The wetland is surrounded by a forested area as well as a buffer of vegetation. My study assessed created, restored, or enhanced wetlands in southern Ontario for their water quality and habitat quality for aquatic animals.

The Climenhages' wetland is extremely healthy and generates valuable ecosystem services by providing habitat for a number of species. The wetland does not contain any traces of pesticides from surrounding land use. The wetland provides habitat for three fish species (Pumpkinseed, Brown Bullhead, and Golden Shiner), as well as for more than 28 invertebrate animals, including freshwater mussels (Paper Pondshell) and dragonfly larvae, which are indicative of healthy wetlands. The wetland is also in close proximity to the Welland River and may play an important role in retaining agricultural runoff before it enters the river.

The wetland on the Climenhage property is a valuable addition to the landscape in a region with substantial agricultural land cover. The wetland provides a healthy and clean habitat for a variety of local species. Please feel free to contact me about any of the above information with the contact information listed below.

Best regards,

A handwritten signature in cursive script that reads "Sarah French".

Sarah French, Ph.D.

E-mail address: [sarahkathrynfrench@gmail.com](mailto:sarahkathrynfrench@gmail.com)  
Phone number: 289-887-6923



**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](mailto: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.

<b>Name:</b> Todd Harris	
<b>Address:</b> 11960 Lakeshore Rd	
<b>Telephone:</b> 289-969-8633	<b>E-mail:</b> toddharris@xplornet.com

**Date of Meeting:** Feb 16, 2021

<b>Subject Matter to be Discussed:</b>	Safety and esthetic concerns of the Guide rail system installed on Lakeshore Road between Burnaby and Station roads.
<b>Action Requested:</b>	Consideration to research a better solution/plan and for a Motion to replace road barrier with something more appropriate for the waterfront area.

**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

FEB. 9, 2021

Date

January 22, 2021

Township of Wainfleet  
31940 Highway 3, PO Box 40  
Wainfleet, Ontario L0S 1V0

Clerks Department

## MOTION REQUEST

For Wainfleet Town Council

- 1) To consider replacing new 'W' beam guide rail along Lakeshore Road between Station Road and Burnaby with something safer and appealing to motor traffic.
- 2) To consider an insurance claim for the above costs, since this type of barrier has a bad proven safety track record for larger trucks and small cars because of the rigid design.
- 3) And consider use of smaller posts that are designed to break off and snare the vehicle with cable instead of projecting larger trucks up and over and smaller cars to a dead stop.

Todd Harris  
11960 Lakeshore Rd.  
Wainfleet ON L0S1V0  
289-969-8633

# Road Barrier Guardrails

## Different Types of Barriers

With expansion space often not available, urban planners have to think of ways to add more lanes to highways without using more horizontal space. In order to do so, they have to reduce the space that the barriers take up, including the median barriers. To this end, they have options such as concrete and wire-rope barriers and W-beam guardrails. Let's look at these options in greater detail.

**Wire-rope barriers:** These have the smallest horizontal footprint. They are effective in preventing breakthrough on side-impact. The cost of repair is reasonable and repairs can be done quickly. However, a large section can be removed with one collision. This means the barrier must be repaired immediately to ensure ongoing safety on the highway.

**Concrete barriers:** These are often placed in the median area between two opposite-direction highways where there is no longer space to expand, but additional lanes are needed. They are highly effective in preventing vehicle accidents from spilling over to the opposite-direction highways as they are extremely rigid. However, this means that the vehicle and its occupants take all the impact energy upon collision with the concrete. On a side-angle hit, the vehicle can move back to its lane because of the slight slope at the bottom of the barrier. The friction between the vehicle and concrete helps to slow the vehicle movement. Apart from being rather unforgiving, these barriers are heavy. Special equipment is needed for installation. Nonetheless, these barriers don't require regular maintenance, and damage to one section doesn't affect the integrity of another section on the same stretch of road.

**W-beam guardrails:** This barrier solution is made from galvanised steel panels that are attached to sturdy posts. These posts are planted into the soil. Where the guardrails are used as median barriers, the panels are attached to both sides of the posts. The entire system works to absorb and distribute impact energy from a collision, thereby reducing the force of impact on the vehicle and its occupants. W-beam guardrails are effective in preventing a breakthrough to the opposite-direction highway and to hazards behind the guardrails. Due to the design and working of these barriers, a clearance space is required behind the barriers. As such, these barriers require more horizontal surface space than the wire-rope safety fences and concrete barriers.

These barriers work as entire systems. When a vehicle collides with the wire barrier, the entire system takes the force of the collision. This makes the system strong and helps to prevent a breakthrough. To prevent vehicles from going over steel guardrails, these barriers are installed at the appropriate height to cater for the speed of travel and the vehicle ground clearance.

The W-beam design makes the steel extra strong. In addition, the steel is galvanised to protect it from weather elements that can cause it to rust and thus lose integrity. Where non-galvanised steel is used, coats of protective paint are applied to protect the underlying steel against corrosion.

The W-beam guardrails, much like any other barriers, are obstacles as well. This means that when hitting one of the **barriers**, some level of damage to the vehicle can be expected. As such, the risk of serious damage and injury because of the barrier must be weighed up against the risk should there not be a barrier in place. With that in mind, road engineers consider factors such as:

- Type of obstacle against which it must protect
- Clearance distance behind the barrier
- Speed of travel
- The distance from the safe travel path to the hazard
- The damage and injury that can be expected should the barrier not be in place; and
- Surface availability.



## Wire rope road barriers

1.



2.



3.





4.



5.



6.





## NU-CABLE™ Cable Barrier

NU-CABLE™ High Tension Cable Barrier System offers a unique combination of TL-3 and TL-4 crash-test proven protection and visual appeal in both median and right-side guide rail applications. Plus the added bonus of a 50 to 75% cost saving versus traditional W-beam and concrete barriers, and up to 20% savings over other high-tension cable systems.

Categories: [Barriers](#), [Cable Barriers](#)

### Features

- Available in both 3-cable (TL-3) and 4-cable (TL-4) designs.
- Both systems utilize strong yet economical 4-lb. Nucor Steel Marion RIB-BAK® U-channel steel posts, galvanized for long life.
- Can be used in either median or roadside configurations.
- Cables and posts attached with unique locking hook bolts that absorb energy during crashes.
- Anchored at both ends into FHWA-approved cable release posts.
- Easy to maintain and repair. Cables are stretched and tightened on site.
- Deflections can be customized to meet site needs.
- An attractive alternative to traditional W-beam and concrete barriers.
- Doesn't block driver visibility.

## CASS® CEN System

The CASS® CEN System assists in redirecting errant vehicles that could otherwise traverse the median of a roadway. The post employs a unique wave-shaped slot, which works in tandem with a strategically positioned, widened cable spread designed to help restrain various types of vehicles that impact the system within NCHRP Report 350 and EN 1317 crash test standards.

Categories: [Barriers](#), [EN 1317-2 Barriers](#)

### Features

- Three-cable or four-cable, high-tension system.
- Pre-stretched (recommended) or standard cable options.
- Wave-shaped slot in post designed to help lower deflections.
- Aesthetically pleasing design.
- Cables aligned within body of the post.

The slot and post are designed to help lower deflections as shown in crash tests by minimizing the length of unsupported cables. CASS® CEN System is tested to NCHRP Report 350 Test Level 3, EN 1317-2, Class N2, H1, H2, L1 and L2. It is CE marked to EN 1317-5.

**TO:** Mayor Gibson & Members of Council

**FROM:** William Kolasa, Chief Administrative Officer

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** COVID-19 Impact Report

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**RECOMMENDATION(S):**

**THAT** Administrative Staff Report ASR-003/2021 respecting COVID-19 Impact Report be received as information.

**EXECUTIVE SUMMARY:**

The Township of Wainfleet continues to operate under a formally declared state of emergency (declared on April 3, 2020, in collaboration with Niagara Region and its constituent lower tier municipalities) due to the worldwide COVID-19 Pandemic.

The Township continues to monitor the COVID-19 situation and guide appropriate responses to ensure the safety of the community and staff while providing for continuity of municipal services.

**DISCUSSION:****Current COVID-19 Status**

The second Provincial Emergency that was declared on January 12, 2021 under section 7.0.1 of the Emergency Management and Civil Protection Act (EMCPA) expired at 11:59 pm on February 9, 2021.

Orders made under the EMCPA can continue in effect after the declared emergency has terminated and can be further extended for up to 14 days at a time, but cannot be amended. Of particular note, at the time of the writing of this report, is that orders relating to the enforcement of COVID-19 Measures ([Ontario Regulation 8/21](#)) and the Stay-at-Home Order ([Ontario Regulation 11/21](#)) are scheduled to remain in force and effect until February 23, 2021, unless they are revoked or extended further by that date.

The Province has announced that, effective February 10, 2021, that the above noted regulations will continue to apply to all Ontario Public Health Units (PHU) with the exception of the following three PHUs, which will move into the Green Zone of Stage 3 of the Province's Framework for Re-opening:

- Hastings and Prince Edward Counties Health Unit
- Kingston, Frontenac and Lennox and Addington Health Unit

- Renfrew County and District Health Unit.

The Province has further advised of its intent to move PHUs to new zones per the Framework in consultation with local Medical Officers of Health and will be subject to regular and ongoing review of trends in public health indicators and advice of the Chief Medical Officer of Health.

The Province has also introduced amendments to Schedule 1 of Ontario Regulation 363/20 regarding the stages of reopening under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

The changes have the effect of dividing the current “Grey Zone” into two separate zones:

- A Grey (Shutdown) Zone, in which the requirements that currently apply to all PHUs will continue, subject to the changes described below;
  - All PHUs except the three noted above will be assigned to this zone.
- A Grey (Lockdown) Zone, in which the requirements are similar to the rules that applied to the Grey Zone immediately before December 26, 2020 – they are somewhat less stringent compared to the Shutdown Zone but are still more restrictive than the Red Zone.

Staff are currently reviewing these revised regulations established by the Province as part of the current re-opening plans (in anticipation of the possibility of, for example, resuming arena operations effective February 16th) – and will be modifying our operational plans to accommodate new requirements associated with the newly revised provincial regulations (for example, updated regulations regarding arena usage in the red/control stage prohibit all change room usage, limit the time that members of the public may be in buildings, etc. – and we will be needing to modify our policies accordingly). The applicable updated regulations can be viewed here:

- [O. Reg. 82/20](#): Grey-Lockdown
- [O. Reg. 263/20](#): Red-Control
- [O. Reg. 364/20](#): Green-Prevent, Yellow-Protect, and Orange-Restrict

### Arena

At a [Special Meeting of Council held on January 19, 2021](#), Council considered a Memorandum from the Chief Administrative Officer detailing the Province of Ontario's second state of emergency (declared on January 12, 2021), and corresponding stay-at-home order for all Ontarians effective January 14, 2021.

Extensive deliberations concluded with Council directing that the ice surface remain installed until February 11, 2021 in the hopes that ice rentals could resume at that time. In the event that Provincial orders required that the arena remain closed to the public beyond February 11, 2021; Council authorized the Mayor and C.A.O. to proceed with

removal of the ice surface for the remainder of the current ice season as an operational cost savings measure.

On February 9, 2021, in accordance with the Council direction, the Mayor and Chief Administrative Officer met to review the current state of affairs and called a special meeting of the Township's Emergency Control Group to consider the evolving status of the COVID-19 situation, including the above-noted expiry of the Province's second declared emergency and plans by the Province to move PHUs into new zones intended to control the spread of COVID-19.

In light of a potential Provincial announcement regarding the status of Niagara Region possibly scheduled for February 12, 2021, a decision was made on February 9, 2021, to leave the ice surface in place – with the hope that Niagara might move to a (modified) Red Zone effective February 16, 2021. The Emergency Control Group give significant consideration, however, that should Niagara remain in a (modified) Grey Zone for any further (unknown) period of time, that the most prudent course of action might be to remove the ice surface as a cost containment measure. The Emergency Control Group will reconvene on February 12, 2021, following the anticipated Provincial announcement to review the status of the arena in light of Council's previous direction.

#### Meetings of Council

In light of the newly updated and revised regulations for the Province's colour-coded re-opening strategy, the Emergency Control Group reviewed the Township's meeting protocols and confirmed the following framework for meetings to be held in the Council Chambers (based on the Council Chambers size/capacity and necessary COVID-19 health and safety protocols currently in place):

Grey	Electronic Participation Meetings Only - no Council, staff or public in the Council Chambers.
Red	Hybrid Electronic Participation Meetings - Council and essential/limited staff may attend Council Chambers, other Council/staff may participate remotely, public may participate/view remotely only.
Orange	Hybrid Electronic Participation Meetings – Council and essential/limited staff may attend Council Chambers, other Council/staff may participate remotely, strictly limited public may attend Council Chambers and other public may participate/view remotely.
Yellow	Hybrid Electronic Participation Meetings – Council and limited staff may attend Council Chambers, other Council/staff may participate remotely, limited public may attend Council Chambers and other public may participate/view remotely.
Green	Resumption of Pre-COVID Meeting Protocols with Council, public and staff able to attend in the Council Chambers (updated Council Procedure By-law does still permit limited electronic participation, when required).

This framework will continue to be monitored and amended based on evolving direction from senior public health officials and directives.

## Well Water Quality Testing

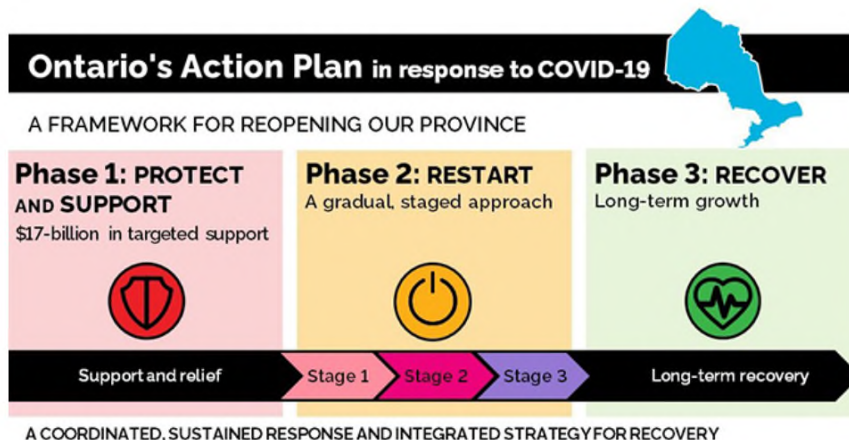
The Township's Emergency Control Group is presently investigating options and developing a plan to assist local residents experiencing difficulties in obtaining well water quality testing services as a result of the Region's discontinuation of its [Well Water Quality Testing Program](#) during the pandemic.

### **HISTORY:**

On April 3, 2020, the Township of Wainfleet along with Niagara Region and its 11 other local area municipalities jointly declared a State of Emergency under the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E9. The declaration provides the municipality with all options available under the Act to protect the health and safety of its residents.

Prior to the emergency declaration, the Township's Emergency Operations Centre (EOC) had been in partial activation since March 13, 2020. The Emergency Control Group (ECG) has been meeting regularly since March (daily at first, then on a 48-hour cycle, then a twice-weekly cycle and now a weekly cycle) to monitor the evolving COVID-19 situation at the federal, provincial and regional levels and the related impacts on the municipality. Most recently, the ECG has further scaled back its operations as we continue through this recovery phase – with only key command staff and section chiefs attending the regular weekly meetings, instead of the full ECG complement.

By early June, the Province entered Stage 1 of Phase 2 of the Province's framework for reopening (restart). On June 15, 2020, the Province announced that Niagara Region would be eligible to advance to Stage 2 of Phase 2. And, on July 20, 2020, the Province announced that it would allow Niagara Region to advance into Stage 3 of Phase 2 of the Ontario's Action Plan towards recovery effective July 24, 2020.








In keeping with the gradual approach to reopening Ontario, the Province continues to monitor key public health indicators and as a result of a continuing spike in confirmed COVID cases the Province has initiated a roll back of certain regulations in order to address the current "second wave" facing the Province.








To that end, on November 3, 2020, the Province instituted a 5 phase framework as part of a comprehensive response to a second wave of the coronavirus in an effort to keep Ontario safe and open.

## Framework: Adjusting and Tightening Public Health Measures

Act earlier by implementing measures to protect public health and prevent closures					
Gradually loosen measures as trends in public health indicators improve					
Objective	 <b>PREVENT</b> (Standard Measures)	 <b>PROTECT</b> (Strengthened Measures)	 <b>RESTRICT</b> (Intermediate Measures)	 <b>CONTROL</b> (Stringent Measures)	 <b>LOCKDOWN</b> (Maximum Measures)
	Focus on education and awareness of public health and workplace safety measures in place.	Enhanced targeted enforcement, fines, and enhanced education to limit further transmission.	Implement enhanced measures, restrictions, and enforcement avoiding any closures.	Implement broader-scale measures and restrictions, across multiple sectors, to control transmission.	Implement widescale measures and restrictions, including closures, to halt or interrupt transmission (Return to modified Stage 1 or pre-Stage 1).
Tactics	Restrictions reflect broadest allowance of activities in Stage 3 absent a widely available vaccine or treatment.	Apply public health measures in high risk settings.		Restrictions are the most severe available before widescale business or organizational closure.	Consider declaration of emergency.
	Highest risk settings remain closed.				

While the goal of the framework is to have every public health union region in the Province at the Green/Prevent level, the framework is designed to “stack” or “ladder up or down” depending upon how indicators and trends are occurring locally. If trends are improving, control measures are dropped cautiously, level by level, to attempt to ensure there are no significant community or public health impacts with the rollback of measures.

The Township’s Emergency Control Group has developed a corresponding framework demonstrating the Township’s own response to the various provincially established phases.

Township of Wainfleet COVID-19 Response Framework				
 <b>PREVENT</b>	 <b>PROTECT</b>	 <b>RESTRICT</b>	 <b>CONTROL</b>	 <b>LOCKDOWN</b>
<ul style="list-style-type: none"> <li>Masks required in public areas per O. Reg.</li> <li>No masks required in communal office spaces</li> <li>Office open to the public</li> <li>Office fully staffed (no split shifts)</li> <li>No office staffing restrictions</li> </ul>	<ul style="list-style-type: none"> <li>Masks required in public facing areas</li> <li>No masks required in communal office spaces (Where physical distancing can be maintained)</li> <li>Office open by appointment only</li> <li>Office operating on split shifts</li> <li>No office staffing restrictions</li> </ul>	<ul style="list-style-type: none"> <li>Masks required in public facing areas</li> <li>Masks required in communal office spaces</li> <li>Essential office appointments only</li> <li>Office operating split shifts</li> <li>Office staffing restricted (Staff may enter if required after hours during remote week)</li> </ul>	<ul style="list-style-type: none"> <li>Masks required in public facing areas</li> <li>Masks required in communal office spaces</li> <li>Office closed to the public</li> <li>Office operating split shifts</li> <li>Office staffing restricted (Staff may enter if required after hours during remote week with L40 consent)</li> </ul>	<ul style="list-style-type: none"> <li>Masks required in public facing areas</li> <li>Masks required in communal office spaces</li> <li>Office closed to the public</li> <li>Office operating split shifts</li> <li>Office staffing restricted (Staff may NOT enter office during remote week)</li> </ul>

Throughout the pandemic, the Township's ECG has continued meeting on a regular basis and has undertaken planning and decision-making guided by four key objectives:

1. To ensure the health, safety and security of the public and staff during the pandemic and through the recovery process.
2. To continue to be able to support Niagara Health, Public Health, Niagara Region and our other partners.
3. To focus on recovery, while continuing to provide essential municipal services.
4. To ensure the Township remains in a financially sustainable condition during this pandemic emergency.

The most current Niagara Region COVID-19 statistical information is updated daily on Niagara Region's website: <https://www.niagararegion.ca/health/covid-19/statistics/cases.aspx>

### Conclusion

The COVID-19 pandemic continues to pose a real threat to the community as well as the Township's ability to provide services in the same manner as historically delivered. Although the levels of cases of COVID-19 have continued to decrease regionally (with occasional spikes), the threat remains serious and the Township must remain vigilant throughout the recovery phases so that we are able to continue to provide essential services that our residents expect.

The Emergency Control Group continues to meet weekly to monitor and respond to the pandemic with prepared business continuity plans and has been diligently planning for potential future developments. The ECG continues to be dedicated to the safety of staff and the community, while ensuring essential services continue to be delivered without interruption and focusing on business continuity and re-opening the Township in the safest manner possible.

### FINANCIAL CONSIDERATIONS:

- None.

### OTHERS CONSULTED:

- 1) Emergency Control Group

### ATTACHMENTS:

- None.

Respectfully submitted and approved by,

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William J. Kolasa  
Chief Administrative Officer



**TO:** Mayor Gibson & Members of Council

**FROM:** Mallory Luey, Manager of Corporate Services/Treasurer

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** 2021 Municipal Grant and Donation Applications

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**RECOMMENDATION(S):**

**THAT** this report be received;

**THAT** Council establish the total amount to be included in the 2021 budget for municipal grants and donations

**AND THAT** Council determine the allocation of said amount for eligible grant applications received (Attached to this report as Appendix "A")

**EXECUTIVE SUMMARY:**

Staff reviewed the applications received to determine if each application was in compliance with the eligibility criteria outlined in sections 3.3 and 3.4 of the policy. All applications met the eligibility criteria have been included in this report for Council's deliberation.

The total value of the 2021 grant applications received is \$41,749 which is \$21,176 more than the 2020 approved grants. The donations are predominately cash requests with a few in-kind requests for rental fee waivers.

**BACKGROUND:**

All applicants have met the eligibility criteria as well as provided the necessary financial and reporting documentation. Therefore all applications are valid for council consideration. The Wainfleet Heritage Society and the Wainfleet Seniors group have indicated they will not be making application in 2021 but plan to resume applications in 2022.

The capital request made by the Wainfleet Agricultural Society was not made through the Grant Application but was presented to council as a Correspondence item (C-004), which council deferred the request to be considered with the other Grant and Donation requests.

**COVID -19 considerations**

At this time the Townships site for the Covid-19 Vaccinations is tentatively designated as the Community Hall, it is unclear at this time how long the site will remain operational as it is contingent on the allocation of vaccinations received by Niagara Region Public Health.

These requests can be approved pending availability of the Hall. In the event the Community Hall is unavailable, staff will work with the user groups to see if an alternated facility can be used.

**OPTIONS/DISCUSSION:**

1. Council evaluate each organization's/group's funding request and determine amount to be granted.
2. Council establish a total grant budget for 2021 and defer allocation of funds to 2021 budget deliberations.

There has been some discussion of exempting certain established and recurring local organizations/groups from being processed through the Townships Municipal Grant Policy. In such cases, select organizations could be afforded a regular line item in the Township's annual operating budget. Staff would note that such an approach has the potential of streamlining the handling of municipal grants, and could certainly be provided for through an amendment to the current policy (copy attached). Such an approach should be given due consideration, however, as the Townships existing grant processes were designed to maximize accountability and transparency.

**FINANCIAL CONSIDERATIONS:**

	2021	2020	2019	2018
Approved	TBD	\$20,573	\$23,736	\$34,895
Requested	\$41,749	\$24,066	\$41,440	\$56,704

**OTHERS CONSULTED:****ATTACHMENTS:**

- 1) Appendix "A" – Summary of 2021 grant applications
- 2) Appendix "B" – Municipal Grant and Donation Policy

Respectfully submitted by,

Approved by,

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Mallory Luey  
Manager of Corporate Services/Treasurer

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William J. Kolasa  
Chief Administrative Officer

## APPENDIX "A" - Summary of 2021 Grant Applications

Organization / Group	Funding Type	Funding Stream	2020 Funding	2021 Request	Purpose	Years	Financial Info Provided?	Grant Category
POCOMAR	Cash	1	\$ 1,000	\$ 3,000	Funds will be used to facilitate first responder search and rescue operation on Lake Erie. The funding supports mandate to provide services to Wainfleet residents, cottagers and visitors.	1	Yes	Operating Support
Cruise Control (VW Beetlemania)	In -Kind	1	\$ 1,007	\$ 1,000	Fee waiver of Wainfleet Sports Complex, rental of portable washroom facilities, as well as crowd control/security personnel. All proceeds of the event will be donated back to the Township of Wainfleet.	1	N/A	Community Festival and Event
Wainfleet Agricultural Society	Cash	1	\$ 5,500	\$ 6,000	Funds will help finance annual fall fair, covering costs of insurance and rental of portable toilets and hand wash stations.	1	Yes	Community Festival and Event
Wainfleet Agricultural Society	Cash	1	\$ -	\$ 15,000	Capital expenditure request to purchase 100 six foot tables (\$10,000) as well as materials to construct a storage wagon to house the tables (\$5,000).	1	Yes	Community Festival and Event
Wainfleet Agricultural Society	In -Kind	1	\$ -	\$ 4,066	Fee waiver for the rental of Arena and complex grounds for the fair (3 days) as well as Community Hall rental waiver for the pancake breakfast and volunteer recognition event.	1	Yes	Community Festival and Event
Wainfleet Heritage Society	Cash	1	\$ 500		Calendar Ad for yearly Wainfleet Historical Calendar.	1	Yes	Community, Cultural and Heritage
Wainfleet Seniors	Cash	1	\$ 8,500	\$ -	Funds will be used to provide senior programs.	1	Yes	Operating Support
Niagara Health Systems OneFoundation	Cash - Year 4 of 5	1	\$ 2,500	\$ 5,000	Funds will go towards the purchase of medical imaging equipment needs at the Welland and Port Colborne sites.	5 (2021 is year 4)	Yes	Community Development
Women's Place of South Niagara	Cash	1	\$ 1,000	\$ 1,000	Funds will go to maintaining existing level of emergency shelter, programs and support services provided to women and children who are fleeing domestic violence.	1	Yes	Operating Support
Hospice Niagara	Cash - 5 Year commitment	1		\$ 6,400	Provide increased equitable, access to compassionate end of life hospice care closer to home for residents of Wainfleet and expand existing in home care and bereavement support.	5	Yes	Community Development
<b>STREAM 1 TOTAL</b>			<b>\$ 20,007</b>	<b>\$ 41,466</b>				

Port Colborne Dutch Klaverjas Club	In -Kind	2	\$ 283	\$ 283	Community Hall rental fee waiver for annual card tournament.	1	Yes	Community, Social, Recreation and Parks
Welland River Flood Plain Association	In -Kind	2	\$ 283		Community Hall rental fee waiver for annual general meeting.	1	Yes	Community, Social, Recreation and Parks
STREAM 2 TOTAL			\$ 566	\$ 283				
GRAND TOTAL			\$ 20,573	\$ 41,749				

**Stream #1: Direct benefit to Wainfleet residents/ratepayers**

A direct benefit to Wainfleet residents means that the group or organization service boundaries include Wainfleet and:

Atleast one service, program or activity location is in the Township

50 % or more of the individuals served reside in Wainfleet

**Stream # 2: Indirect benefit to Wainfleet residents/ratepayers**

An indirect benefit to Wainfleet residents means that the group or organization must have a known presence in the Niagara Region and provide non-profit services,



# POLICY

## Municipal Grant and Donation Policy

**Policy Type:** Treasury

**Effective Date:** September 12, 2017

**Department:** Corporate Services

**Approval Level:** Council

**Division:** Finance

**Policy #:** 8-8

### 1.0 PURPOSE

- 1.1 To provide support to non profit groups or organizations that provide programs, services or events that are of a general benefit to the community and to offer awards and gifts to persons whose actions or achievements are, in the opinion of Council, worthy of note and recognition.

This policy provides for two types of grants and donations: a direct grant of funding and an in-kind contribution grant. In-kind grants include the contribution of municipal property/facilities, materials or resources other than cash. The financial value of in-kind services requested by applicants will be identified by the relevant municipal department. Council will consider the financial value of the in-kind services during the application evaluation process.

### 2.0 POLICY STATEMENTS

- 2.1 The Township of Wainfleet recognizes the valued contributions being provided through the volunteer efforts of community groups and organizations on behalf of Wainfleet residents. Municipal grant and donation funding demonstrates Council's commitment to working with groups and organizations which provide these beneficial programs, services or events to the community while at the same time recognizing the financial constraints impacting the Township's ability to provide funding to these groups and organizations.

### 3.0 APPLICATION

- 3.1 This policy establishes eligibility requirements, identifies the types of funding available, and outlines application process.

- 3.2 Funding Eligibility

An applicant group or organization must meet the following criteria in order to be considered for a Municipal Grant or Donation:

- A group or organization must show that it involves volunteers and offers programs which address identifiable needs in the Township of Wainfleet



- or which bestow benefit to the general Wainfleet community;
- With the exception of local schools, the group or organization must be a non-profit organization;
- The group or organization shall have been in existence for at least one year;
- A group or organization must demonstrate a clear need for the funds being requested in order to enable the group or organization to provide a specific program, service or event;
- The group or organization shall have designated Executive Members or a Trustee who will assume responsibility for the administration of the funds provided;
- The group or organization must be located within the Niagara Region, or provide a direct benefit to the Township of Wainfleet and/or its ratepayers.
- A group or organization shall submit, by November 1<sup>st</sup> of each year, a completed application form that is attached hereto as Schedule A;
- An organization has fulfilled any obligations outstanding from previous grant awards.

### 3.3 Activity Eligibility

Council recognizes that many groups and organizations conduct events and provide programs and services that benefit the community. Generally, Council will consider requests for event, services and programs that:

- Promote the welfare of the community;
- Promote the health of the people and the community;
- Promote the education and training of people within the community;
- Promote the economic advancement of the community;
- Promote the cultural, heritage, social, recreational and environmental well-being of the community.

### 3.4 Funding Ineligibility

Council will not consider providing a Municipal Grant or Donation to the following:

- Individuals;
- For profit businesses;
- Organizations or groups with political or religious affiliation;
- Organizations who have failed to provide satisfactory reports, including financial statements, as to the success of the previous year and specifically with respect to the allocation of grant funds.

### 3.5 Activity Ineligibility

Grants and donations will not be made for the following purposes:

- Discriminatory activities and events;
- Activities that are contrary to the policies of the Township;
- Activities which are deemed to be unlawful.

While Council will consider requests for a direct grant/donation of funds (monetary) or in-kind contribution (non-monetary), there is no guarantee that a request will be approved.

Council will set an amount annually in the budget to be apportioned to grants and donations. Each request will come before council in writing to be considered. Once the annual budgeted amount has been exhausted, any further donation requests will not be considered. They may be held in a file to be reviewed during the next budget process.

### 3.6 Types of Financial Assistance

Municipal Grant and Donation requests include monetary contributions as well as in-kind contributions for Township owned resources outlined as follows:

Township owned resources eligible for in-kind contributions include:

- Use of a Township owned facility ( fee waived/reduced)
- Use of Township owned equipment (fee waived/reduced)
- Use of Township owned materials (fee waived/reduced)
- Use of staff resources (Fire Watch/Overtime)

### 3.7 Processing Applications

Groups and organizations must submit a completed application form by November 1<sup>st</sup> of each year for grants or donations requested to be included for consideration in the budget of the following year.

Grant applications must be on the forms provided by the Township of Wainfleet.

Upon receipt of the applications, Township staff, or a review committee will evaluate each application to ensure that each is in compliance with the eligibility criteria.

Complete grant applications received by the deadline and determined to be in compliance with the eligibility criteria will be presented to Council, during a regular meeting of Council, for consideration.

Council will choose to allocate, or not allocate, funds to eligible groups or organizations, as they deem appropriate.

Cheques will be issued for the total amount that Council has approved for each group or organization.

Only one grant request per group or organization per year will be considered.

Grants and donations made by the Township are not to be regarded as a commitment by the Township to continue such grants/donations in the future.

No grant/donation or in-kind contribution will be considered unless specifically authorized by Council in the form of a resolution of support.

In making a grant or donation, the Township may impose such conditions and/or restrictions as it deems fit.

3.8 Notification

All applicants shall be notified by the Township Clerk, in writing, regarding the decision of Council. All notices of decision by Council will be incorporated in the minutes of the Council meeting.

3.9 Right of Appeal

There shall be no right of appeal. Council's decisions regarding grants and donations are final.

3.10 Requests for Assistance Outside the Scope of this Policy

Notwithstanding any other provision in this policy, Council may make grants or donations to groups or organizations at any time during the year where they deem such contributions to be warranted due to extraordinary situations.

Nothing in this policy prohibits Council from considering financial assistance or in-kind support outside the scope of this policy. Council may consider each case on its merits and any assistance provided will be without precedent.

3.11 Compliance

The Township reserves the right to request any and all information that the Township deems necessary in order to determine compliance with the requirements of this policy.

3.12 Financial Accountability

At the request of the Township, applicants shall provide the Township with the necessary information to establish effective financial accountability in the management and operation of programs, services and events. Including providing a copy of the group or organization's annual financial statements.

Organizations that require by law, reviewed or audited financial statements, shall provide a copy of those statements, along with a copy of the management letter (if applicable), on an annual basis.

## 4.0 DEFINITIONS

4.1 **Applicant** – the group or organization making the request

**Clerk** – the person appointed by Council to fulfill the responsibilities and duties of the Clerk as defined in Section 228 of the Municipal Act and his/her designate

**Council** – the duly elected officials for the Township, being the Mayor and Aldermen.

**Facility** – municipal lands (parks and sport fields), buildings and portions of buildings available for rent or lease that are owned and operated by the Township.

**Fees** – fees levied with respect to the renting/leasing of facilities and related fees as set out in the Township’s Fees and Charges By-Law.

**In-kind grant-** the contribution of municipal property/facilities, materials or resources other than cash.

**Non Profit Organization** – an organization that does not exist to make a profit and provides public benefit through arts, culture, recreation, education and/or community-focused activities operating within the Niagara Region.

**Township** – Corporation of the Township of Wainfleet.

## 5.0 APPENDIX, RELATED POLICIES, PROCEDURES & LINKS

- 5.1 Municipal Grant and Donation Application Form
- Ice Allocation Policy
- Municipal Act
- By-Law BL005-2016 Fees and Charges

## 6.0 AMENDMENTS/REVIEWS

**Next Review Date:** September 2018

**Date:** September 12, 2017

**Section Amended:**

**Comments:**



**TO:** Mayor Gibson & Members of Council

**FROM:** Mark Tardif, By-law Enforcement Officer

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** Review of Fence By-law No.012-2020

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**RECOMMENDATION(S):**

**THAT** By-law Enforcement Staff Report BESR-002/2021 respecting a review of the Fence By-law be received; and

**THAT** a revision to the Township of Wainfleet Fence By-law No. 012-2021 be presented to Council for ratification.

**EXECUTIVE SUMMARY:**

The review of Fence By-law No. 012-2021 has been completed on request from Council regarding existing fences that abut Lake Erie, and section 12, regarding existing fences and the ability to rebuild.

**BACKGROUND:**

Fences on properties that abut Lake Erie have been a topic for discussion for some time, after a public meeting and multiple revisions, Fence By-law No.012-2020 was passed by council on March 10, 2020. The ability to rebuild an existing or damaged fence has been a fundamental topic in this discussion.

**OPTIONS/DISCUSSION:**

Staff has taken this opportunity to review what elements have been effective thus far with this by-law, and likewise, what elements have created some challenges. To date, while this by-law has achieved the intent of the regulations, some minor clarifications were needed to express the full intention of the legislation by Council.

Section 9 of the By-law relates to safety fences around pools. While Section 9.2 provides exemptions for certain large swimming pool structures which already provide restricted access by virtue of their structural design, many pools being installed are the inflatable or tube-and-liner pools otherwise referred to as 'seasonal pools'. Such seasonal pools are also afforded an exemption under Section 9.3. Staff believe that consideration should be given to eliminating the exemption afforded for seasonal pools as such smaller pools are vulnerable to unintended use that could cause [injury or death](#). In the event that Council is of the opinion that the exemption should remain for such seasonal pools, there may be merit in providing an amendment that requires the installation of a pool alarm to warn of unintended access to the pool.

Section 12.1 of the By-law it provides that any fence in existence at the date of passing of the Fence By-law (March 10, 2020) that is not otherwise in conformity with the provisions of the by-law and that requires replacement or reconstruction shall be built in conformity with the By-law.

This section has proven to not be in accordance with community standards as embodied by Council, and the original intent of Council deliberations on the issue, particularly in the case of fences that abut Lake Erie (as regulated by Section 5.2 of the by-law). Therefore, one option available is to remove this provision from the by-law, thereby allowing any fence in this situation to remain, even if reconstructed or rebuilt so long as the property owners wish to maintain it. Another option is to implement different terms in the by-law to better clarify when a fence is required to be improved to the current standard – or when it can be replaced with another non-conforming structure.

As stated in the original fence report, property related issues on those properties that abut the lake are very complex due to dwelling setbacks and variable property sizes. With this in mind, it is also recommended that a fence exemption process be established for Section 5 (Fences Regulations). Under such an amendment, a resident could apply to council to request an exemption based on unique property characteristics or situational circumstances, as Council deems appropriate. Such a process would be similar to an application for a minor variance under the Planning Act. Having such a process implemented in the by-law would provide a balanced approach which respected both the complexity of the property matters in this area, as well as the general standards of the community as represented by Council. This balance will reduce the need for future Fence By-law amendments.

Options at this time are as follows:

- 1) Amend the Fence By-law with the recommendations stated. (Recommended)
- 2) Provide alternative direction to staff regarding an update for the Fence By-law.
- 3) Maintain the current Fence By-law No. 012-2020.

#### **FINANCIAL CONSIDERATIONS:**

There are no extra financial costs to the implement any of the changes. Staff time is allotted for in the operating budget.

#### **OTHERS CONSULTED:**

- 1) Strategic Leadership Team

#### **ATTACHMENTS:**

- 1) Current Fence By-law

Respectfully submitted by,

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Mark Tardif  
By-law Enforcement Officer

Reviewed by,

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Lee Gudgeon  
Manager of Protective Services

Approved by,

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William Kolasa  
Chief Administrative Officer/Clerk

# **THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

## **BY-LAW NO. 012-2020**

Being a by-law to repeal and replace By-law  
No. 013-2005 being a by-law to regulate  
Fences in the Township of Wainfleet

**WHEREAS** the Municipal Act 2001, S.O. s.8, as amended, provides that the municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act; and

**WHEREAS** the Municipal Act 2001, S.O. s.11, as amended, provides that a municipality may pass by-laws respecting matters within a list of identified spheres of jurisdiction that includes Fences; and

**WHEREAS** the Municipal Act, 2001, S.O. s.446, as amended, provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and

**WHEREAS** the Municipal Act, 2001, S.O. s.434(1), as amended, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act.

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

**1. SHORT TITLE**

- 1.1. This By-law may be referred to as the "Fence By-law" or the "Wainfleet Fence By-law."

**2. DEFINITIONS**

- 2.1. **Cannabis Production Facility** - means any land, building or structure used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis. A Cannabis Production Facility does not include growth, production and processing of four (4) or less cannabis plants on a lot for personal use and does not include the retailing of cannabis products under a retail operator license issued under the Cannabis License Act, 2018.



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- 2.2. **Closed-Style Fence** – means a Fence constructed so that at least two thirds of its vertical surface is closed space and that provides a visual barrier to shield any part of a yard from view from any adjacent property.
- 2.3. **Fence** – means a barrier, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining lands, and includes any hedge or shrub that has the same effect.
- 2.4. **Front Yard** – means the space, extended to the full width of the lot, including any side Lot Lines, between the main front wall of a dwelling and the Lot Line abutting a public highway, but on a corner lot means the space, extended to the full width of the lot, including any side Lot Line, between the shorter Lot Line abutting a public highway, other than a public lane, and the nearest wall of the main dwelling on the lot. For greater certainty, Schedule “B” attached hereto and forming part of this by-law shall illustrate an example of a Front Yard.
- 2.5. **Height** – means the dimension from the established finished grade of the property installing the Fence to the top of the finished Fence.
- 2.6. **Lot Line** – means a Lot Line is the boundary line on all sides of a lot that marks the division of properties.
- 2.7. **Open-Style Fence** - means a Fence constructed so that at least two thirds of its vertical surface is open space.
- 2.8. **Rear Yard** – means a yard extending across the full width of the lot between the rear Lot Line and a line drawn parallel or concentric thereto and through the point of the main wall of the main dwelling closest to the rear Lot Line. Where there is no rear Lot Line, the Rear Yard shall be measured from the intersection of the side Lot Lines to the closest point of the main wall of the main dwelling. For greater certainty, Schedule “B” attached hereto and forming part of this by-law shall illustrate an example of a Rear Yard.
- 2.9. **Security Fence** – means Fences and gates installed and used primarily to define the perimeter of protected areas, such as restricted areas, controlled areas, entry control/access control points, installation perimeters, and to provide a physical and psychological deterrent to entry and preventing unauthorized personnel from entering a protected area.
- 2.10. **Side Yard** – means a yard extending from the Front Yard to the Rear Yard between the side Lot Line and a line drawn parallel or concentric thereto and through the point of the main wall of a dwelling closest to the side Lot Line. For greater certainty, Schedule “B” attached hereto and forming part of this by-law shall illustrate an example of a Side Yard.

- 2.11. **Sight Triangle** – means a triangle formed by the boundaries of the lot common within the road allowance lines and a straight line connecting points on each of the said boundaries measured a distance of 9.2 metres (30 feet) from the point where they intersect and in a case where the lot boundaries abutting the intersecting roads are joined by a curve, the area between the chord joining the beginning and ending of such curve and the road line.
- 2.12. **Swimming Pool** – means any outdoor structure or thing located on privately owned property that is capable of being used for swimming, wading or bathing and in which the water depth at any point can exceed 0.6 metres (2 Feet)
- 2.13. **Swimming Pool Enclosure** – means a Fence, wall, pool wall or other structure, including any permitted door, gate or other opening, which surrounds and restricts access to an outdoor Swimming Pool to a minimum Height of 1.22 metres (4 feet) and does not facilitate climbing.

### 3. **APPLICATION OF THIS BY-LAW**

- 3.1. This by-law shall apply to all property in the Township of Wainfleet.

### 4. **SCOPE**

- 4.1. No person shall erect, own or maintain, or cause or permit the erection or maintenance of any Fence on private property that does not comply with this By-law and with any other applicable law.

### 5. **FENCES**

#### 5.1. **Fence Height**

- 5.1.1. No person shall erect, own or maintain, or cause or permit the erection or maintenance of any Fence of a Height greater than 1.22 metres (4 feet) above grade in a Front Yard.
- 5.1.2. No person shall erect, own or maintain, or cause or permit the erection or maintenance of, any Fence of a Height greater than 1.83 metres (6 feet) above grade in a Rear Yard or Side Yard.
- 5.1.3. Notwithstanding 5.1.1 and 5.1.2, where a residential zone abuts an industrial or commercial zone, every person may construct a Fence to a maximum Height of 2.4 metres (8 feet).
- 5.1.4. Notwithstanding 5.1.1 and 5.1.2, where an industrial zone abuts a rural zone, every person may construct a Fence to a maximum the Height of 2.4 metres (8 feet).

**5.2. Properties that Abut Lake Erie**

- 5.2.1. On property that abuts Lake Erie, no person shall erect a Closed-Style Fence in the Rear Yard that is located more than 3.65 metres (12 feet) from the rear wall of the main dwelling on the property.
- 5.2.2. On a vacant lot property that abuts Lake Erie, the Rear Yard shall be deemed to commence from a distance equivalent to the rear wall of a dwelling on an adjacent lot that is closest to Lake Erie.

**5.3. Fences around Cannabis Production Facilities**

- 5.3.1. An approved Cannabis Production Facility shall erect and maintain a Security Fence around the perimeter of any building, land or structure that is used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis at a Height of 2.4 metres (8 feet).

**6. FENCE CONSTRUCTION MATERIALS**

- 6.1. No person shall erect, own or maintain, or cause or permit the erection or maintenance of any Fence composed wholly or partially of used vehicle tires, barbed wire, razor wire or sheet metal.
- 6.2. No person shall erect, own or maintain, or cause or permit the erection or maintenance of an electrical Fence, except in an agricultural or rural zone.

**7. FENCE LOCATION**

- 7.1. The location of a line Fence is the responsibility of the property owners and shall be located directly on the Lot Line, as determined by a registered survey prepared by an Ontario Land Surveyor. Should the Fence not be a line Fence, then it must be contained wholly within the property of the person constructing said Fence.

**8. SIGHT TRIANGLES**

- 8.1. No person who uses any land or erects buildings or structures thereon shall place in or on a corner lot any wall, Fence, tree, hedge or other barrier, which would obstruct visibility above a Height of 0.6 metres (2 feet) above the grade in a Sight Triangle.

**9. SWIMMING POOL ENCLOSURES**

- 9.1. Every owner of a privately owned Swimming Pool shall erect and maintain a Fence completely surrounding such Swimming Pool in accordance with the provisions of this By-law.

9.2. Notwithstanding Section 9.1 of this By-law, an owner of an above-ground Swimming Pool is not required to erect a Fence surrounding said structure provided the following provisions are met:

- i. the wall of the pool structure, provided that there is no deck, is at least 1.22 metres (4 feet) in Height above grade;
- ii. there is no exterior horizontal or vertical or diagonal bracing on the Swimming Pool structure that may be used as a foothold or handhold to facilitate climbing;
- iii. there are no footholds or handholds which reduce the effective Height of the wall to less than 1.22 metres (4 feet);
- iv. that any stair, ramp, walkway or ladder providing access to an above-ground Swimming Pool structure are removed or raised and locked at a Height of at least 1.22 meters (4 feet) when the pool is not in use;
- v. where any stair, ramp, walkway or ladder do not comply with Section 9.2(iv.), a Fence and self-closing gate both of which are at least 1.22 metres (4 feet) in Height shall enclose the stair, ramp, walkway or ladder;
- vi. where any stair, ramp, walkway or deck is constructed, a building permit shall be obtained.

9.3. This section does not apply to inflatable or tube and liner construction above ground Swimming Pools.

## 10. **MAINTENANCE OF FENCES**

10.1. Every person shall maintain every Fence in a good state of repair as follows:

- i. the Fence is complete and in a structurally sound condition and plumb and securely anchored;
- ii. the Fence is protected by weather-resistant materials; and
- iii. the Fence components are not broken, rusted, rotten or in a hazardous condition.



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**11. FENCE HEIGHT EXCEPTIONS**

- 11.1. The provisions of this By-law relating to the Height of Fences, except the provisions of Section 8 of this By-law, do not apply to lands owned or leased and used by:
- i. The Corporation of the Township of Wainfleet;
  - ii. The Regional Municipality of Niagara;
  - iii. Any Department or Agency of the Federal or Provincial Government;
  - iv. Any Public Utility including electricity, gas, telephone, or telegraph;
  - v. Any person or agency for the purpose of or incidental to the purpose of providing public transport;
  - vi. Any public or private school;
  - vii. Any person for the purpose of temporarily protecting any excavation or construction site.

**12. ADMINISTRATION AND INTERPRETATION**

- 12.1. Any Fence in existence at the date of passing of this By-law, which does not conform to the provisions herein, and which anytime thereafter, is in need of replacement or reconstruction, shall be built in conformity with the provisions of this By-law.
- 12.2. Where this By-law may conflict with any other by-law, this By-law shall prevail to the extent of the conflict.

**13. ENFORCEMENT**

- 13.1. The Municipal Law Enforcement Officer or their designate shall enforce the provisions of this By-law and are authorized to enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this By-law is being complied with.
- 13.2. Where an owner fails to comply with any provision of this By-law, an order may be issued to the owner requiring compliance.
- 13.3. No Person shall hinder or obstruct a Municipal Law Enforcement Officer from carrying out an inspection of lands, nor shall any person obstruct any employee or agent authorized to carry out work for the Township specified in an order issued hereunder.

**14. PENALTY**

- 14.1. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.
- 14.2. Any person who contravenes this By-law may be issued an administrative penalty in accordance with the AMPS By-law for Non-Parking Offences No. 027-2019 in accordance with Schedule "A", attached hereto and forming part of this By-law.

**15. SEVERABILITY**

- 15.1. Every provision of this By-law is declared to be severable from the remainder of the By-law, and if a court of competent jurisdiction shall declare any provisions of this By-law invalid, such declaration shall not affect the validity of the remainder of the By-law.

**16. MUNICIPAL REMEDIAL ACTION**

- 16.1. Any remedial works done under this by-law shall not be undone and the municipality shall not be required to provide compensation as a result of doing the remedial work.

**17. REPEAL**

- 17.1. By-law No. 019-2005 of the Corporation of the Township of Wainfleet and any other by-law relating to the regulation of Fences is hereby repealed.

BY-LAW READ AND PASSED THIS 10<sup>th</sup> DAY OF MARCH, 2020.

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

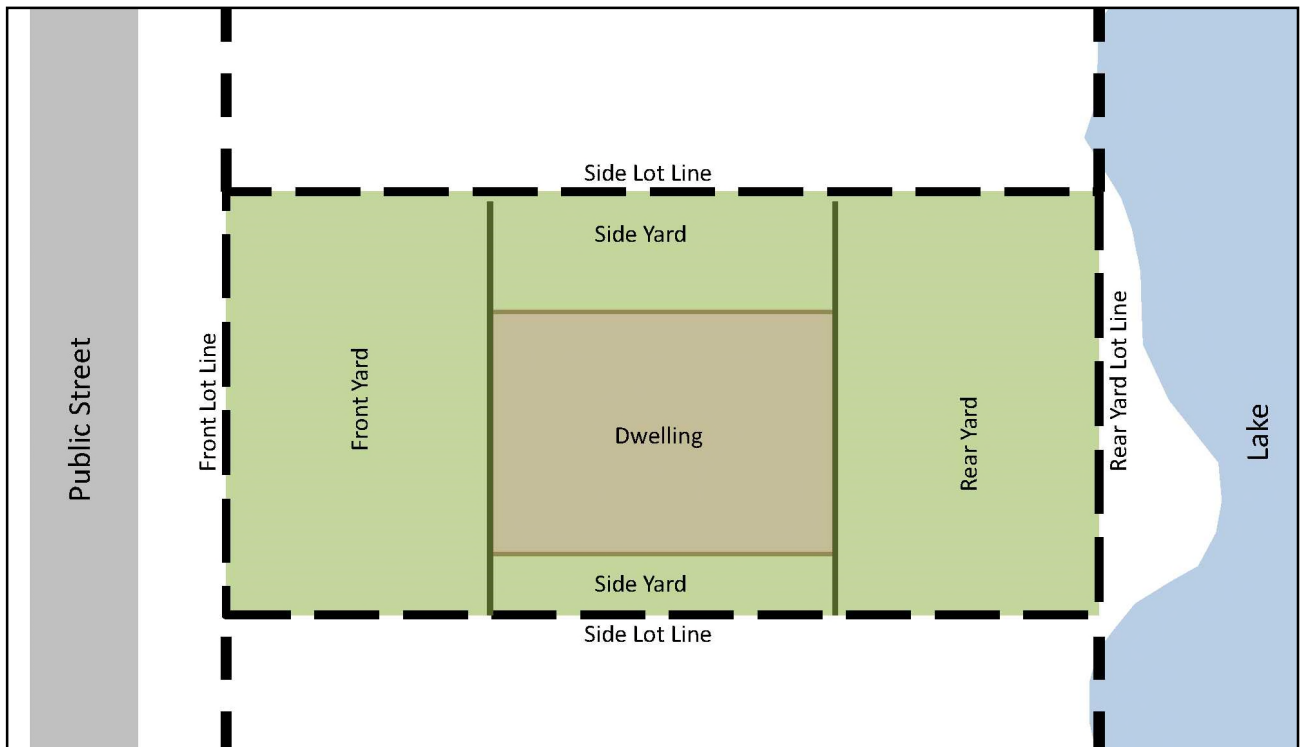
## SCHEDULE “A” TO BY-LAW NO. 012-2020

### Short Form Wording and Administrative Penalties

Section	Short Form Wording	Penalty
4.1	Erect a Fence prohibited by this By-law	\$200.00
5.1.1	Erect a Fence in excess of Height requirements – Front Yard	\$150.00
5.1.2	Erect a Fence in excess of Height requirements - Rear Yard/Side Yard	\$150.00
5.1.3	Erect a Fence in excess of Height requirements – Where a residential zone abuts an industrial or commercial zone	\$150.00
5.1.4	Erect a Fence in excess of Height requirements – Where an industrial zone abuts a rural zone	\$150.00
5.2.1	Erect Closed-Style Fence where prohibited	\$150.00
5.3.1	Fail to erect a Security Fence – Cannabis Production Facility	\$250.00
6.1	Erect a Fence using prohibited materials	\$100.00
6.2	Erect an electrical Fence outside of an agricultural or rural zone	\$100.00
8.1	Erect a Fence in a Sight Triangle	\$100.00
9.1	Fail to erect a Fence around Swimming Pool	\$100.00
9.2 vi.	Fail to obtain permit	\$100.00
10.1	Fail to maintain a Fence	\$100.00
13.3	Hinder or obstruct a Municipal Law Enforcement Officer	\$250.00

## SCHEDULE "B" TO BY-LAW NO. 012-2020

Illustration of the definition "Rear-Yard"





**TO:** Mayor Gibson & Members of Council

**FROM:** Mark Tardif, By-law Enforcement Officer

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** Off-Road Vehicles

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**RECOMMENDATION(S):**

**THAT** By-law Enforcement Staff Report BESR-003/2021 respecting the use of Off-Road Vehicles on Township Roads be received; and

**THAT** staff be directed to draft a by-law regulating and prohibiting the use of Off-Road Vehicles on Township Roads.

**EXECUTIVE SUMMARY:**

As of January 1, 2021, the Province of Ontario has expanded the on-road opportunities for off-road vehicle riders in some parts of Ontario. These changes apply to only municipalities listed in Ontario Regulation 8/03 and amend the way permitted off-road vehicles are being allowed 'on-road' access to municipal highways. The Township of Wainfleet is one of those municipalities.

**BACKGROUND:**

The use of off-road vehicles on municipal highways was not previously permitted, and was a violation of the Highway Traffic Act (HTA) unless a municipal by-law specifically permitted their use. Since the Township of Wainfleet did not have a by-law respecting this matter, it fell solely under the jurisdiction of the HTA – meaning that off-road vehicles were not permitted to be legally operated on Township roads. In all cases, the matters would be enforced by the Niagara Regional Police (NRP).

**OPTIONS/DISCUSSION:**

This new legislation applies to the municipalities listed in Ontario Regulation 8/03, including Wainfleet, where an 80km/hr speed limit applies on some roadways.

Under this legislative change by the province, off-road vehicles will now be allowed to operate on municipal highways by default, unless the municipality has an existing by-law or adopts a new by-law to prohibit or restrict the use of some, or all, off-road vehicles on municipal highways in the Township.

One provincial rationale for this change is to allow riders enhanced trail accesses resulting from the increased on-road connections to Ontario off-road vehicle trail networks.

It is also noted that the equipment configuration and performance requirements for off-road vehicles as set out in section 10 of Ontario Regulation 316/03, being a regulation for the Operation of Off-road Vehicles on Highways, also remains unchanged. The HTA prohibition of drivers of any motor vehicles causing the vehicle to make unnecessary noise, driving aggressively, speeding and stunt driving are still violations and are subject to fines.

It should also be noted that, as such vehicles have not in the past been permitted to operate on Township Roads, the municipality has not previously turned its mind to their operation when considering the design or maintenance of our road network. If permitted on our roadways, this will now be required in a variety of instances including, but not limited to:

- Road shoulders,
- Road surfaces (both paved and unpaved),
- Narrow roadways,
- Built-up areas,
- Time of day,
- Time of year,
- In relation to other vulnerable road users (pedestrians, cyclists, seniors, children).

Options at this time are as follows:

- 1) Receive this for information.
- 2) Provide direction to staff to create an Off-Road Vehicle By-law for Councils consideration (recommended).

In the event that Council supports the development of a by-law, staff would propose that an initial public consultation effort be undertaken to seek input from the general public as well as Off-Road Vehicle user groups – both for and against – the use of Off-Road Vehicles on Township roadways.

### **FINANCIAL CONSIDERATIONS:**

There are no direct extra financial costs to the implement any of the changes. Staff time is allotted for in the operating budget and public input could be sought via the Township's website and social media channels.

There may be indirect financial implications associated with the Township's Municipal Liability Insurance Program associated with the operation of off-road vehicles on Township road allowances. Likewise, there may be indirect financial implications in the event that the municipality is required to maintain Township road allowances at a higher

standard (as Township roads are currently only maintained to a standard that accommodates regular licensed on-road vehicles).

**OTHERS CONSULTED:**

- 1) Strategic Leadership Team

**ATTACHMENTS:**

- 1) Notice from Ministry of Transportation regarding Off-Road Vehicles
- 2) Municipal Guidance Document from Ministry of Transportation regarding Off-Road Vehicles

Respectfully submitted by,

Reviewed by,

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Mark Tardif  
By-law Enforcement Officer

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Lee Gudgeon  
Manager of Protective Services

Approved by,

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William Kolasa  
Chief Administrative Officer

January 4, 2021

Dear Municipal Stakeholder,

I am pleased to announce that effective **January 1, 2021**, the province has expanded the on-road opportunities for off-road vehicle riders in some parts of Ontario. Off-road vehicle riders are expected to experience enhanced trail access resulting from the increased on-road connections to Ontario's off-road vehicle trail network. The changes apply only to municipalities listed in Ontario Regulation 8/03 and amend the way permitted off-road vehicles are allowed on-road access to municipal highways.

In municipalities listed in [Ontario Regulation 8/03](#), permitted off-road vehicles will be allowed by default on municipal highways unless the municipality has an existing by-law that restricts their use or creates a new by-law to prohibit or restrict the use of some or all off-road vehicles. These new provisions replace the previous requirement that municipalities had to enact a by-law to permit off-road vehicles to operate on municipal highways. The updated regulations can be found at [Ontario Regulation 316/03](#), and [Ontario Regulation 863](#).

It is important to note that the on-road access rules for off-road vehicles in municipalities that are not listed in Ontario Regulation 8/03 will continue to be subject to the existing regulatory framework under Ontario Regulation 316/03 and these municipalities are not affected by this change.

The equipment configuration and performance requirements for off-road vehicles as set out in Section 10 of Ontario Regulation 316/03 also remain unchanged. The *Highway Traffic Act* prohibition of drivers of any motor vehicles causing the vehicle to make unnecessary noise, for example through modification, also applies and violations are subject to fines.

In order to support municipalities with these changes, the ministry has provided a Municipal Guidance Document (attached) to help municipalities decide whether they need to take action to revoke, update or pass new by-laws related to on-road access by off-road vehicles on the highways under their jurisdiction.

I ask you to kindly forward this notice and the attached Municipal Guidance Document to municipal staff responsible for traffic safety and those responsible for enforcing off-road vehicle laws in your area. Although changes have been previously announced on the Ontario Newsroom site and there will be a communication in the backgrounder issued by the Premier's Office, municipalities should ensure that the public and off-road vehicle riders are made aware of the rules in their area.

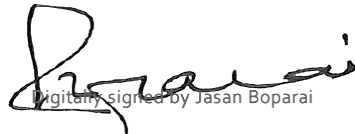


If there are any questions regarding off-road vehicles licencing, operation or equipment requirements referenced in the attached guidance material, please contact Angela Litrenta, Manager, Road Safety Program Development Office at (416) 235-5130 or [Angela.Litrenta@ontario.ca](mailto:Angela.Litrenta@ontario.ca).

If there are any questions regarding amendments to Ontario Regulation 316/03, and Ontario Regulation 863, please contact Ron Turcotte, Head, Safety Information Management Section, Provincial Traffic Office at (289)-407-9880 or [Ron.Turcotte@ontario.ca](mailto:Ron.Turcotte@ontario.ca).

Thank you for your assistance in communicating this change.

Sincerely,



Digitally signed by Jasan Boparai

Jasan Boparai  
Director

Attachment – Municipal Guidance document

Effective January 1, 2021, the Ministry of Transportation (MTO) is changing the way the province manages how off-road vehicles (ORVs) are allowed on-road in some municipalities.

The use of ORVs on highways is controlled under Section 191.8 of the [Highway Traffic Act](#) (HTA), [Ontario Regulation 316/03](#) made under the HTA, and municipal by-laws passed in accordance with the legislation and regulations. Currently, ORVs that meet the requirements in Ontario Regulation 316/03 are allowed on some provincial highways and municipal highways where a municipality has passed a by-law allowing the use of such ORVs on highways under their jurisdiction.

WHAT’S NEW?

Effective January 1, 2021, all ORVs that meet the requirements in Ontario Regulation 316/03 for ORVs permitted on-road, will be allowed by default on municipal highways under the jurisdiction of municipalities listed in [Ontario Regulation 8/03](#) unless the municipality has a by-law prohibiting or restricting the use of some or all such ORVs.

Municipalities that are not listed in Ontario Regulation 8/03 will continue to be subject to the existing regulatory framework and are not affected by this change. In these municipalities, ORVs will continue to be allowed only if the municipality has passed a by-law to allow permitted ORVs on municipal highways under their jurisdiction.

Municipal  
Considerations

Municipalities listed in Ontario Regulation 8/03 will continue to have the authority and make decisions about ORVs through by-law to:

▶ Prohibit ORVs on some or all highways



▶ Permit only specific ORVs on road



▶ Prohibit ORVs at specific hours of the day



▶ Impose additional lower speed limits



Local municipalities listed in Ontario Regulation 8/03 that wish to prohibit ORVs; or restrict the permitted types of ORVs; or restrict the time of day or the season when permitted types of ORVs are allowed on-road; or establish lower speed limits for these vehicles; may need to pass a new by-law.

Where a local municipality affected by the change has an existing by-law providing a blanket permission for ORVs on all municipal highways, the by-law would not be in conflict with the new regulations. If an existing by-law only permits some ORVs or restricts ORVs to only some highways, the municipality may have to revoke the by-law and pass a new by-law as outlined above if the municipality wishes to continue such restrictions.

There is no change to the enforcement of laws related to the use of ORVs. Any issues with the day-to-day operations of police services and the actions of police officers related to ORVs should be raised with the local chief of police or their designated representatives. All set fines can be found on the [Ontario Court of Justice website](#).

This document is provided primarily as a guide. For additional information please refer to the *Highway Traffic Act*, associated regulations and visit [Ontario.ca/ATV](#) for information and tips related to the operation of ORVs in Ontario.







# Provincial Requirements

## Off-road Vehicles Allowed On-road

Effective July 1, 2020, MTO made changes to add off-road motorcycles (ORM) and extreme terrain vehicles (XTV) to the existing list of ORVs permitted on-road. These two new ORV types are in addition to the currently permitted 4-wheeled ORV types.

**MUNICIPAL BY-LAWS:** Effective July 1, 2020, the two new ORV types added to the list of ORVs permitted on-road can be allowed on municipal highways in accordance with the HTA and Ontario Regulation 316/03.

ORV is a general term used to capture several different vehicles designed for off-road use, however, only certain off-road vehicles that meet the requirements in Ontario Regulation 316/03 are permitted on-road:

All-Terrain Vehicles	<p>“A “single-rider” all-terrain vehicle (ATV) is designed to travel on four tires, having a seat designed to be straddled by the operator, handlebars for steering control and it must be designed by the manufacturer to carry a driver only and no passengers.</p>	
	<p>A two-up ATV is designed and intended for use by an operator or an operator and a passenger. It is equipped with straddle-style seating and designed to carry only one passenger.</p>	
Side-by-Sides	<p>A recreational off-highway vehicle (ROV) has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar.</p>	
	<p>A utility terrain vehicle (UTV) has similar characteristics to an ROV but typically also features a box bed. UTVs are generally designed for utility rather than for recreational purposes.</p>	
New Off-Road Vehicle Types	<p>Extreme Terrain Vehicles (XTVs), commonly referred to as Argos are 6+ wheeled off-road vehicles capable of riding in multiple terrains, including through water. These vehicles sometimes come with tracks, however, tracked versions are not being permitted on road and are restricted to off-road use only.</p>	
	<p>Off-Road Motorcycles (ORMs) are 2 wheeled off-road vehicles that come in varying configurations such as, but not limited to: Recreational ORM, Trail ORMs or Competition ORM.</p>	

## FIRE STAFF REPORT

FSR-003/2021

**TO:** Mayor Gibson & Members of Council  
**FROM:** Morgan Alcock, Fire Chief  
**DATE OF MEETING:** February 16, 2021  
**SUBJECT:** Consolidated Emergency Services Dispatch

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### **RECOMMENDATION(S):**

**THAT** Fire Staff Report FSR-003/2021 respecting Consolidated Emergency Services Dispatch be received;

**AND THAT** Council authorize the Fire Chief to investigate potential options for continued dispatch services utilizing our current analog infrastructure once the existing Fire Dispatch Services Agreement between the City of St. Catharines and the Township of Wainfleet expires on December 31, 2022

**AND THAT** Council direct the Fire Chief to report back on the available options with the associated costs, and provide an implementation plan.

### **EXECUTIVE SUMMARY:**

To provide Council with an update on a proposed consolidated dispatch centre that Includes; Niagara Regional Police Service (NRPS), Niagara Emergency Medical Services (NEMS), and LAM fire departments. Furthermore, the Fire Chief is requesting authorization to begin looking at options for the continuation of dispatch services for 2023 onward.

### **BACKGROUND:**

The current radio system used by Wainfleet Fire & Emergency Services (WFES) is an analog system operating from a single antenna site located behind the Public Works building. Emergency calls are received at the St. Catharines Fire Services (SCFS) dispatch centre located on Merritt Street in St. Catharines. After receiving a call made to 911, Communication staff members generate alerts to WFES personnel by sending a signal from their dispatch centre, over the existing analog radio towers and out to WFES user gear (Radios, Pagers, etc.). The existing contract for dispatch services provided by SCFC is set to expire December 31, 2022.

As previously reported in FSR-011/2019 (Attached as Appendix 'B'), Radio communication clarity and reliability has been a known issue with the Fire Service for some time.

WFES shares a communications tower and radio frequency with Pelham and Welland and utilizes a second "fire-ground" radio frequency to support WFES' needs at complex

emergency scenes. Wainfleet utilizes an aging and unsupported single repeater and radio equipment on the existing tower with varying levels of strength and reliability. This has required WFES to install additional equipment on WFES vehicles to improve radio signals at all emergency scenes. Improvements to the analogue system are still required and a plan to address the system was to be developed upon completion of the Central Fire Station.

Currently, six municipalities within Niagara operate on analogue radio equipment, choosing not to purchase radio services from the Niagara Police on their digital radio system. Despite the best efforts to bring all Fire Departments on to the digital system, migration was not a preferred option for WFES.

## **DISCUSSION**

On January 13, 2021, CSD 3-2021 (Appendix A) titled “Next Generation 911 (NG911) Update” was presented at the Niagara Region’s Corporate Services Committee by Chief Kevin Smith of NEMS. CSD 3-2021 was subsequently ratified at the January 21, 2021 Niagara Regional Council meeting.

The report to Niagara Regional Council identifies the requirement to upgrade the communications equipment to support Next Generation 911 (NG911) technology. All 911 call centers in Canada must comply with a new NG911 standard by 2024. This report begins the process of developing a consolidated dispatch service supported by a consultant. Niagara Region Acting CAO Ron Tripp has stated that all area fire departments will be consulted in the future. This report and formal discussion have suggested that there are benefits to the dispatch provider to have all users on the existing Niagara Regional Police Radio System.

One of the recommendations of the report included “That staff BE DIRECTED to develop a recommended model of a consolidated emergency dispatch service for Niagara.” This is motivated largely due to requirements to transition to NG911 as per the federal and provincial mandates with a deadline of March 31, 2024. Rather than NRPS, NEMS, SCFS, and Niagara Falls Fire Department all expend significant funds upgrading infrastructure to support NG911, a collaborative approach is being sought in order to realize potential efficiencies. An interim update report will be provided at the March 25, 2021 Regional Council meeting.

Although it is in the early stages, the conversation has already extended past dispatch providers and is beginning to look at user gear, equipment, and items such as the analogue radios that firefighters utilize, with an eye on migrating user groups to the digital radio system by way of a consolidated dispatch.

The digital radio system operated by the Niagara Regional Police Services was not originally built for use by Fire Services where the radios would need to operate inside buildings during interior operations. On February 3<sup>rd</sup> and 4<sup>th</sup> WFES staff in partnership with the radio communications technician from St. Catharines, conducted portable radio testing at more than 20 sites around the township. Parallel testing was conducted utilizing both WFES VHF Analogue and NRPS UHF P25 Digital radios. In all test sites



the NRPS P25 digital radios performed remarkably better. Voice communications were clear and reliable, requiring minimal vehicle repeater use. In contrast, the existing VHF analogue system still worked, but required the use of vehicle repeaters and was not as clear or reliable. This would indicate that some of the initial performance issues have been addressed since the system was commissioned.

Unfortunately, initial purchase costs of the digital radio are more than double the analogue radios (Analogue @ \$1,100.00 vs. Digital @ \$4,500+) Additionally, NRP charges \$50.00 per radio per month to all users as a "System Access Fee". This subscription fee would cost the Township approximately \$24,000/year beyond our existing dispatch costs. It should be noted that NRPS is already maintaining the digital P25 network as part of their annual operating costs that are levied through the Region. Charging municipalities to access the system could be viewed as "double dipping" the taxpayers.

Without a method to address any remaining performance issues, the costly equipment replacement, and monthly system access fees, it would not be advantageous to migrate to the digital system.

As current dispatch services for WFES are provided under contract from SCFS through to the end of 2022, and as SCFS is a stakeholder in the consolidated dispatch proposal in CSD-3-2021, there is no assurance that SCFS will be continuing to provide services after the expiry of the existing contract.

Additionally, St. Catharines Fire Services has not been able to guarantee dispatch services to WFES utilizing analogue radio equipment past the end of the service agreement, concluding on December 31, 2022. It is also uncertain if any dispatch service in Niagara will provide services to analogue radio users past this date.

On February 10, 2021, Staff received a Memo from Niagara Emergency Medical Services Chief, Kevin Smith (Attached as Appendix 'C'), requesting local area municipal CAOs and Fire Chiefs participate in the consultation process and provide information regarding the municipal needs, concerns, requests and impacts.

### **Option 1- (Recommended)**

That Council authorize the Fire Chief to participate in the consolidated dispatch review and investigate all options, inside and outside Niagara, to ensure that cost-effective, proficient radio communications are maintained for WFES beyond 2022.

The Fire Chief will report back on the available options, the associated costs, and recommend an implementation plan.

### **Option 2**

Receive this report as information only and await information on the Region's proposed consolidated dispatch model.

**FINANCIAL CONSIDERATIONS:**

None at this time.

**OTHERS CONSULTED:**

- 1) Strategic Leadership Team
- 2) Deputy Fire Chief

**ATTACHMENTS:**

Appendix 'A' - CSD 3-2021 NG911 Consolidated Dispatch Update  
Appendix 'B' - FSR-011-2019 VHF Radio Communication Equipment  
Appendix 'C' - NEMS Memo – NG11 Consolidation

Respectfully submitted by,

Approved by,

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Morgan Alcock  
Fire Chief

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William J. Kolasa  
Chief Administrative Officer

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**Subject:** Next Generation 911 (NG911) Update

**Report to:** Corporate Services Committee

**Report date:** Wednesday, January 13, 2021

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## **Recommendations**

1. That the following report pertaining to the implementation of Next Generation 911 (NG911) in Niagara **BE RECEIVED** for information.
2. That staff **BE DIRECTED** to continue the planning for the implementation of NG911 in coordination with partner agencies, Boards and Councils.
3. That staff **BE DIRECTED** to develop a recommended model of a consolidated emergency dispatch service for Niagara.

## **Key Facts**

- The Niagara Region is responsible for the provision of 911 services for all local area municipalities (LAM)
- This service is provided under a Service Performance Agreement with the Niagara Regional Police Services to act as the Primary Public Safety Answering Point (PPSAP)
- 911 technology is governed federally by the Canadian Radio-television and Telecommunications Commission (CRTC)
- 911 infrastructure in Ontario is provided by Bell Canada
- New technology known as Next Generation 911 (NG911) is being implemented nationally through the CRTC
- All provinces, municipalities and their PSAP providers are required to meet the NG911 standards no later than March 31, 2024 at which time the legacy systems will be disconnected
- Emergency services dispatch (police, fire, EMS) for Niagara involves five different agencies
- Successful coordination between the five agencies and LAM's will result in the most efficient implementation of NG911 in Niagara
- Staff will bring forward an additional report once decisions on governance and coordination of efforts are made, which will outline the recommendations, implementation plan and financial implications for all stakeholders.

## **Financial Considerations**

The initial stage of the project will include engaging a Technological Infrastructure consultant to assist in developing and recommending the appropriate equipment required to meet NG911 standards for both the active and backup systems. The cost of the consulting engagement is estimated at \$100,000 and is anticipated to be funded from the NRPS – Communications Back Up Centre capital project (20001462) which was included in the NRPS 2021 capital budget.

The preliminary estimated cost for the overall transition to NG911, including; consulting, capital equipment and maintenance fees is \$2M.

After the recommendations from the consultant are considered and a decision is made on governance, staff will be in a better place to understand total financial implications and will bring forward a report to Council in consultation with the Police Services Board, at that time. The report will include financial implications for the Region, NRPS and LAM's in relation to procurement of the required capital equipment, further consultant fees, project management and other resources as identified and required for successful NG911 implementation within 2023.

The Niagara Region will be responsible for the administration of the new system in collaboration with the Niagara Regional Police Services as the contracted service provider.

## **Analysis**

911 services originated in Canada in 1974 as a means for the public to access emergency services, traditionally through the responding agencies of police, ambulance and fire. Municipalities are required to ensure that access to 911 services are available to their communities and as such the Niagara Region is responsible for the provision of 911 services for all local area municipalities in Niagara. While the service may be provided through various models of direct, private or contracted services, 911 in Niagara is provided under a Service Performance Agreement with the NRPS to act as the Primary Public Safety Answering Point (PPSAP). As the PPSAP, the NRPS are the first point of contact for people calling 911. The first question that is asked to people calling 911 is if their emergency is for police, fire or ambulance. Based on the initial information provided, the caller is then transferred to a Secondary PSAP (SPSAP) as the most appropriate agency required for the response (Fig.1).

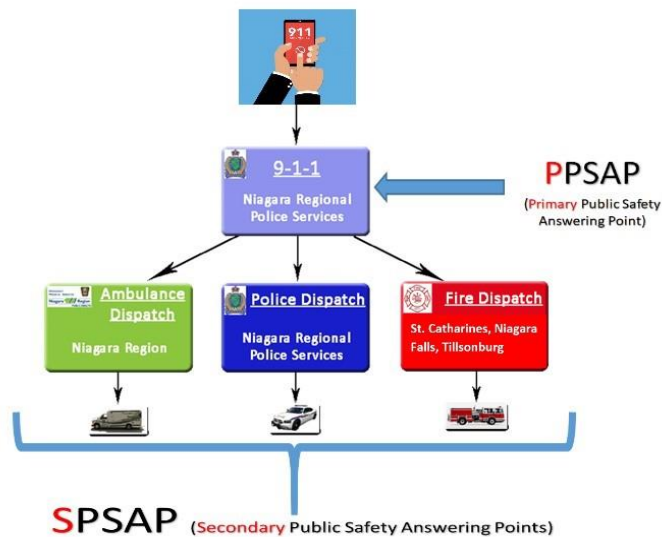


Figure 1 illustrates the flow of a 911 call from the Primary PSAP to Secondary PSAP's.

In Canada, 911 technology is governed by the Canadian Radio-television and Telecommunications Commission (CRTC) and in Ontario the 911 infrastructure is provided provincially by Bell Canada. Current 911 technology is voice analogue-based with minimal data and limits the amount and type of information shared across the 911 infrastructure. New technology known as Next Generation 911 (NG911) is being implemented nationally through the CRTC. The introduction of NG911 technology will greatly improve 911 services in a growingly wireless mobile society as it is based on an Emergency Services IP Network (ESInet) operating on an Internet Protocol (IP) platform to serve as a national IP-enabled emergency network. This platform enhances emergency number services to create a faster, more resilient system that allows voice, photos, videos and text messages to flow seamlessly from the public to, and across, the 911 network.

The CRTC has mandated that all provinces, municipalities and their PPSAP providers are required to meet the NG911 standards no later than **March 31, 2024** at which time the legacy systems will be disconnected. In Niagara, this will require significant technological changes to local emergency dispatch services.

Currently in Niagara, five separate emergency service dispatch centres exist. These include:



### **Niagara Regional Police Services**

While the NRPS provides contracted services as the PPSAP for Niagara, its' primary responsibility is for the deployment and dispatch of 911 responses of police related matters in all of Niagara, including providing notifications to the Niagara Parks Police and Ontario Provincial Police.

### **St. Catharines Fire Services**

SCFS is responsible for the deployment and dispatch of 911 responses of fire related matters for the City of St. Catharines as well as nine other Niagara municipalities under contracted services for fire dispatch. The two LAM fire services that are not dispatched by SCFS are Fort Erie and Niagara Falls.

### **Tillsonburg Fire Service**

While not an emergency service dispatch that is located in Niagara, Tillsonburg Fire Services is responsible for the deployment and dispatch of 911 responses of fire related matters solely for the Town of Fort Erie.

### **Niagara Falls Fire Service**

NFFS is responsible for the deployment and dispatching of 911 responses of fire matters solely for the City of Niagara Falls.

### **Niagara Emergency Medical Services**

NEMS is responsible for the deployment and dispatching of 911 responses of EMS matters in all of Niagara. This service is provided within a Performance Agreement between the Niagara Region and the Province of Ontario and is administered through budgets and infrastructure provided by the Province.

### **NG911 Planning**

The transition from the current 911 analogue system to the new ESInet NG911 system requires significant effort with mandatory deadlines. An NG911 Steering Committee made up of agency representatives and stakeholders has been meeting for the past 18 months to best understand and prepare to advance this work. Planning for this project include two primary areas of focus; technological infrastructure and dispatch consolidation.

## **Technological Infrastructure**

The roadmap to implement NG911 across Niagara is complex. Considerations must be made for the platform (NG911 interface) that is to be used, information security, interoperability, GIS compliance and operating procedures. To inform the Steering Committee in decision making and the formation of recommendations for necessary approvals, an industry consultant is being procured to assist the working group. A Request For Proposal (2020-RFP-207) has been issued by the Region's Procurement team to select the appropriate company to provide this service. The cost associated with the work of the consultant is anticipated to be funded from the Communications Back Up Centre Capital project (20001462) upon approval of the 2021 Capital Budget.

## **Dispatch Consolidation**

One of the more multifaceted and time sensitive aspects of the transition to NG911 relates to the current fragmented model for dispatch services in Niagara. As previously highlighted, four separate dispatch centres operate in the region and one additional dispatch service is provided from an agency outside the Niagara region. Each of the four local dispatch centres require a back-up centre to relocate to should the primary site be compromised. Consideration must now be given if this is the appropriate time to transition the current dispatch facility model into a consolidated model.

In 2011, the Niagara Region undertook a comprehensive review of the region's emergency dispatch services for consideration of a consolidated model. The consultant firm IBI was contracted to perform this study and CSD 7-2014 provided a summary of their report. Specifically, IBI recommended that:

- An operationally integrated "Public Safety Communications" model is the one that IBI Group favours.(p81)
- It may take a number of years to transition to this model.(p82)

Following the submission of the IBI report, investigation continued to gauge interest in the local area municipalities and emergency services to actively work towards consolidation. In the interim, the leadership of NRPS, NEMS, SCFS and NFFS agreed to continue working collaboratively on a cooperative model of seeking opportunities to advance dispatch services in efficiencies and effectiveness.

With the current requirement to implement a new 911 infrastructure in Niagara, the leaders of the emergency services noted above are unanimous that this is the right time to move to a consolidated model of regional emergency dispatch. For clarity, the definition of the term "consolidation" may include:

- Integration of Technology - all agencies (9-1-1 PSAP, police, fire and ideally EMS operate with shared (common) CAD and radio systems and a common IT resource. They may also share telephone (911 Call Logger) and AVL/GPS systems but would have separate Resource Management Systems.

Currently the NRPS hosts a P25 radio system that integrates with several municipal fire services including St. Catharines, Niagara Falls, West Lincoln, Pelham and most recently Grimsby. One additional municipal fire service is to be on-boarded to the P25 system early 2021.

- Physical Co-Location - some or all agencies are housed in the same building and may even be co-located in the same communications center within the building. Back-up centres can also be shared and provide multi-use functionality such as training and emergency operations centres (EOC).

Currently NRPS Communications Centre serves as the back up for St. Catharines Fire and Niagara Falls Fire Communications Centres. NEMS back-up centre is located in Hamilton as provided by the Province. With the future closure of the current NRPS District 1 facility located at 68 Church St, the current site of the NRPS/PPSAP back-up centre, the future location for a permanent NRPS dispatch backup is a matter of current discussion between the Region and the NRPS with decisions forthcoming.

Dispatch consolidation may not include:

- Integration of Operations – while each agency may be physically co-located, each continues to operate under its own (autonomous) governance structure and mandate, with their respective staff, support resources, programs and procedures.

Meetings with the emergency service leaders involving the Region and LAM CAO's were held in 2020 to have preliminary discussions on opportunities for dispatch consolidation and the sharing of a common NG911 system rather than each service procuring its own. While the continuation of these discussions became somewhat delayed as a result of COVID-19, consensus was reached amongst all LAM CAO's to prioritize the opportunity for dispatch consolidation. Further to this, general agreement

exists with both SCFS and NFFS that fire dispatch services should be combined to a single regional service.

Despite the IBI report being completed in 2012, the general assessments and recommendations hold value today. The emergency service leaders are currently reviewing this document to determine if the recommendations that were made by IBI provide the necessary information to design a consolidated dispatch model for Councils and Boards to consider. It is anticipated that an update to this review will be provided before the end of Q1 2021. One key outstanding issue however is the confirmed location of the NRPS back-up communications centre.

### **NRPS Back-up Communications**

The original approved location of the NRPS/PPSAP back-up communications centre was to be located with the new NRPS District 1 facility currently nearing completion. Report CSD 04-2017 identified a preferred direction to develop a multi-user communication centre that would house primary or backup communications capacity for a variety of emergency-based users. The decision was made to not locate the back-up centre with the new District 1 facility but rather enter into discussions with appropriate parties to determine the best option for this type of communications centre.

One such opportunity was identified with the proposed construction of the Niagara EMS Hub. This new facility, proposed to house the EMS headquarters including the Niagara EMS dispatch centre, was identified as a feasible location to host the NRPS/PPSAP back-up centre. The co-location of dispatch services was to provide efficiencies in cost and operations and would be the start of dispatch consolidation. Unfortunately, the EMS Hub project has been deferred over several years, which now places pressures specific to timelines to implement NG911.

With the deadline of March 31, 2024, the NRPS back-up communications centre must be fully operational and NG-911 compliant no later than March 31, 2023. This requirement is to facilitate the necessary upgrades to the primary NRPS communications centre and for the training of dispatch staff to the new NG911 system.

### **Next Steps**

1. The issuance of a contract for the Technological Infrastructure consultant will inform the NG911 Steering Committee of the recommended courses of action. A

requisite of this work will be a determination of the degree of consolidation of the current dispatch services as well as the facilities plan for locating infrastructure.

2. The NG911 Steering Committee has created a working group to review the recommendations of the IBI report and bring forth to the Steering Committee a consolidation model for consideration, including preferred host locations.
3. No later than end of Q3 2021 recommendations specific to advancing a consolidated dispatch model including facilities, operations and governance will be provided to the Councils and Boards for consideration.

### **Alternatives Reviewed**

With respect to the requirement to transition to NG911 as per the federal and provincial mandate, there are no alternatives to avoid this. Alternatives to the concepts introduced in this report do exist as to how this system may be implemented.

### **Status Quo**

The option exists to leave the existing model of separate dispatch centres and separate technologies for each agency to procure and implement their own NG-911 solution. This is not recommended due to the costs associated with each service purchasing their own systems and the lack of integration and coordination of systems and services.

### **Contracted Service**

As noted, the NRPS are the providers of 911 PPSAP services under contract with the Niagara Region. NG911 PPSAP services can be procured from other municipal agencies as well as private, for-profit companies. This is not recommended, as there is considerable community risk to contract this service to third party providers and would not offer economical advantages. This solution is not popular within Ontario.

### **Relationship to Council Strategic Priorities**

The NG911 project and dispatch consolidation supports Council Strategic Priorities of fostering Healthy and Vibrant Communities through the delivery of quality, affordable and accessible emergency services. In addition, this model contributes to a Sustainable and Engaging Government with a high quality, efficient, fiscally sustainable and

coordinated core delivery of emergency dispatch services that is possible only through enhanced communication, partnerships and collaborations across agencies and governments.

### **Other Pertinent Reports**

- CSD 07-2014 Public Safety Dispatch Review
- PHD 02-2015 Emergency Services Dispatch Update
- Memorandum C8253 Supplementary to PHD 02-2015
- PHD-08 2015 Consolidated Emergency Services Dispatch
- CSD-04 2017 NRPS 1 District Project Update

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### **Prepared by:**

Kevin Smith

Chief, Niagara Emergency Medical Services & Director, Emergency Services  
Public Health & Emergency Services

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### **Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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### **Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer (Acting)



*This report was prepared in consultation with the Chiefs of Niagara Regional Police Services, St.Catharines Fire Services and Niagara Falls Fire Services*

## **FIRE STAFF REPORT**

**FSR-011/2019**

**TO:** Mayor Gibson & Members of Council

**FROM:** Morgan Alcock, Fire Chief

**DATE OF MEETING:** July 23, 2019

**SUBJECT:** VHF Radio Communication Equipment Purchase

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### **RECOMMENDATION(S):**

**THAT** FSR-011/2019 be received as information;

**AND THAT** Council approve and authorize staff to proceed with the purchase of VHF Radio Communication equipment as approved in the 2019 Capital Budget, from Talk Wireless for the amount of \$102,004.50 plus applicable taxes.

### **EXECUTIVE SUMMARY:**

A Request for Proposal process has been utilized for the supply and installation of VHF Radio Communication Equipment. This report will serve as information into the process, and provide a recommendation to authorize staff to execute the purchase as approved.

As per the Procurement policy, the total purchase price of the VHF Radio Communication Equipment is greater \$50,000.00 and requires approval from Council. Staff has selected Talk Wireless as the successful proposer, who will supply, install, maintain and provide a 5 year warranty for a total price of \$102,004.50 plus applicable taxes.

### **BACKGROUND:**

Radio communication clarity and reliability has been a known issue with the Fire Service for some time. In 2018, Chief Lee Smith presented a proposal to migrate the fire service on to the Niagara Regional Police P25 Digital radio system. While this would remove the responsibility of network maintenance from the township, the estimated costs for the user gear were unaffordable. Further, the NRP P25 system also required a "network access fee" or subscription which came at a cost of \$50.00/month/radio. This access fee resulted in an annual expense of approximately \$22,000.00 in addition to the current dispatch fees and increased initial P25 equipment costs. System testing was conducted by Chief Bigrigg, and it was determined that the digital system was designed for exterior and vehicle use by a law enforcement agency and could not penetrate into buildings reliably as required for firefighting. Further, it was estimated that migration to the NRP P25 system would cost the Township of Wainfleet more than \$400,000.00 in ten years. Staff considered this to be unaffordable, unsustainable and not in the best interest of the public or the fire service.

Following the conviction of a business after charges were laid by the Ministry of Labour after the death of a worker was determined to be caused in part due to the insufficient, unclear and unreliable radio communication equipment, it was determined that VHF Radio Communication Equipment was a priority for the safety and effective operations of the Fire Service.

During budget development in November of 2018, staff contacted various suppliers for preliminary pricing and installation estimates which resulted in various options being presented for pricing, equipment, installations, accessories, warranties, etc. It was also discovered that the antiquated repeater that is installed in the Public works building is no longer supported and that, should it fail, the only option would be to replace it. The intent being, if there were any surplus funds from the user gear, it could be re-allocated or dedicated to the repeater.

As part of the 2019 Capital Budget projects, Council approved \$104,000.00 for the purchase of VHF Radio Communication Equipment (user gear) for Wainfleet Fire & Emergency Services. This includes base radios for the stations and office, mobile radios for apparatus, public safety grade portable radios for fire-ground operations and hybrid radio-pagers for Chief and Company officers.

Given the variations and estimated costs, It was determined that once the budget was approved, staff would utilize a Request for Proposal process. Staff developed and sent out RFP #FS- 2019-002 in late June, with the closing date of July 18, 2019. An addenda was issued on July 4<sup>th</sup> providing clarification into some of the specifications.

Voluntary site visits for installation needs were required to be completed 5 days before the RFP close date. Only one proposer conducted a site visit.

The grading matrix below was used to evaluate the received proposals:

Step 1		Yes	No
Mandatory	Proposal received prior to closing		
	Bids forms completed and attached		
Step 2		Max. Points	Points
Specifications	All specifications met or exceeded will receive maximum points. *Minus one point for every specification not met	20	
Service	The ability to service in an extreme timely fashion as the communications system is integral to emergency responses. Service shop must be within 160km (2 Hours) of Wainfleet Town hall (Points to be awarded by proposal being evaluated to other proposals)	20	
Price	(Lowest cost proposal divided by proposal being evaluated) x 20 = Points awarded	20	
Trade-in Credits	(Trade-in value of proposal being evaluated divided by highest proposal) x 20 = Points awarded	20	
Warranties	All warranty specifications met or exceeded receives maximum points. *Minus one point for every specification not met	10	
Options & Future Initiatives	Hardware and software applications, along with estimated costs, that will augment the Fire Department communications making the emergency communications process stronger and user friendly	10	
TOTAL SCORE		100	

The results of the grading matrix is as follows:

Criteria	Max Points	Talk Wireless Analogue VHF Motorola	Bell Mobility Analogue VHF Motorola	Talk Wireless Digital UHF P25	Bell Mobility Analogue VHF Kenwood
Specifications	20	20	19	18	17
Service	20	20	20	20	20
Price	20	18.96	19.35	8.91	20
Trade-in Credits	20	20	13.84	20	0
Warranties	10	10	10	10	10
Options & Future Initiatives	10	10	10	10	10
<b>TOTAL</b>	<b>100</b>	<b>98.96</b>	<b>92.19</b>	<b>86.91</b>	<b>77</b>

#### **FINANCIAL CONSIDERATIONS:**

The approved 2019 capital budget project for VHF Radio Communication Equipment was set at \$104,000.00 not including HST. The recommended proposal has come in at \$102,004.50 plus applicable taxes. The difference between the 1<sup>st</sup> and 2<sup>nd</sup> rated proposals is \$2,050.68.

Proposal	Proposed Price (less HST)
Talk Wireless - Analogue VHF (Motorola)	\$102,004.50
Bell Mobility - Analogue VHF (Motorola)	\$99,953.82
Bell Mobility - Analogue VHF (Kenwood)	\$96,727.81
Talk Wireless - Digital UHF (P25 Motorola)	\$217,143.96

**OTHERS CONSULTED:**

- 1) Strategic Leadership Team
- 2) Deputy Fire Chief

**ATTACHMENTS:**

None.

Respectfully submitted by,

Approved by,

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Morgan Alcock  
Fire Chief

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William J. Kolasa  
Chief Administrative Officer



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# Memorandum

**Date:** February 10, 2021  
**To:** All Municipal Fire Chiefs / NRPS Chief  
**From:** Kevin Smith, Chief, Niagara Emergency Medical Services  
**Reference:** **NG911 – Dispatch Consolidation**

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On January 21, 2021, Niagara Region Council approved Report CSD 3-2021 (attached) that provided an update to activities related to the implementation of NG911 in Niagara as well as the issue of Dispatch Consolidation. As noted in the report, the following recommendations were approved by Council:

1. That the following report pertaining to the implementation of Next Generation 911 (NG911) in Niagara BE RECEIVED for information.
2. That staff BE DIRECTED to continue the planning for the implementation of NG911 in coordination with partner agencies, Boards and Councils.
3. That staff BE DIRECTED to develop a recommended model of a consolidated emergency dispatch service for Niagara.

In addition to approving the above recommendations, further direction was provided by Council:

*“That staff BE DIRECTED to provide an interim update report to Regional Council at the March 25, 2021 Council meeting with the final report presented no later than the Regional Council meeting being held on June 24, 2021.”*

A commitment was also made at this Regional Council meeting that reinforced that all municipalities and agencies would be actively engaged in the deliberations on the topic of dispatch consolidation. As work continues on the planning for NG911 implementation and field-testing of the P25 radio system is being conducted, we are now arranging to start the engagement process.

A working group of emergency communications provider representatives have developed a process to seek the input of the 12 municipal fire chiefs, CAO's as well as NRPS and NEMS. This working group consists of:

- Bill Fordy for NRPS as the Primary PSAP provider and police communications
- Kevin Smith for NEMS as the provider of EMS communications
- Jeff McCormick for SCFS as the provider of fire communications for St. Catharines and 9 other Niagara municipalities
- Jim Boutilier for NFFS as the provider of fire communications for Niagara Falls.





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In addition, Regional Fire Coordinator, Bob Lymburner will be acting as a representative and liaison for all fire services for the purpose of this working group.

As noted during the meeting held on January 28 in which an update on NG911 and the direction received from Council concerning dispatch consolidation was discussed, the recommended approach to ensure all municipalities and agencies were engaged in this discussion was to hold one-on-one meetings with each chief and your CAO. For the NRPS, the meeting is suggested to occur with a Police Service Board representative. Hearing no opposition during this meeting to this approach, this process is now being implemented.

The intention of these meetings is for all participants to have the opportunity to provide input on the topic of dispatch consolidation including the various components necessary to consider such a model. This meeting will include the Chief (you), the municipal CAO/PSB representative, Deputy Chief Fordy, Regional Fire Coordinator Chief Lymburner and myself. My assistant, Christine Krajewski will take notes. Each of these meetings will be scheduled for 90 minutes and should allow ample opportunity for you to provide input.

Once this process is complete, the information received will be consolidated into a summary report with draft recommendations to be considered with respect to the development of a recommended model of emergency dispatch, as directed by Council. A meeting will then be convened with the participants from the January 28 meeting to discuss the draft recommendations and determine if consensus can be reached for a proposed model. The outcome of this is due back to Council no later than June 24, 2021.

To initiate this process, you are requested to respond to Christine at [christine.krajewski@niagararegion.ca](mailto:christine.krajewski@niagararegion.ca) and provide her with contact information for your CAO, the NRP PSB representative and work with Christine to determine available dates to schedule your meeting. I thank you in advance for your timely response to this request and patience as scheduling all of these meetings will take some flexibility and possible rescheduling.

I trust that the process described is acceptable to all, if there are any concerns please let me know.

On behalf of the working group, thank you,  
Kevin

## FIRE STAFF REPORT

FSR-004/2021

**TO:** Mayor Gibson & Members of Council  
**FROM:** Morgan Alcock, Fire Chief  
**DATE OF MEETING:** February 16, 2021  
**SUBJECT:** Closure of the Ontario Fire College

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### **RECOMMENDATION(S):**

**THAT** Fire Staff Report FSR-004/2021 respecting the Closure of the Ontario Fire College be received;

**AND THAT** Council authorize the Fire Chief to continue the implementation and delivery of professional development materials and resources to Wainfleet Fire & Emergency Services personnel in accordance with the levels of service as set out in the Fire Services Establishing & Regulating By-law (BL071-2019), the Collective Agreement and the National Fire Protection Association Standards.

### **EXECUTIVE SUMMARY:**

To provide Council with an update on the announcement of the closure of the Ontario Fire College and provide information into the potential legislative or financial impacts that may affect the municipality. Furthermore, the Fire Chief is requesting authorization to investigate potential options for external training and to continue the implementation and delivery of professional development materials and resources to Wainfleet Fire & Emergency Services personnel in accordance with the levels of service as set out in the Fire Services Establishing & Regulating By-law (BL071-2019), the Collective Agreement and the National Fire Protection Association Standards.

### **BACKGROUND:**

The Ontario Fire College has been in operation since 1949, with the primary responsibility to develop and deliver academic educational and training programs that meet the needs of Ontario's Fire Services, and is built into Provincial Legislation through the Fire Prevention & Protection Act.

*"It is the duty of the Fire Marshal," "to develop training programs and evaluation systems for persons involved in the provision of fire protection services and to provide programs to improve practices relating to fire protection services;" and "to maintain and operate a central fire college". (FPPA 3.9.2.(d),(e).)*

In 2013 the OFMEM announced that the Ontario Fire College was transitioning from the Ontario Fire Service curriculum to the National Fire Protection Association Standards. The OFC conducted an initial "grandfathering" process to ensure existing trained and experienced firefighters would be provided equivalency. On May 8<sup>th</sup>, 2018 O.Reg. 379/18 – Firefighter Certification was passed. This regulation set out the minimum standards that firefighters in the province were to be trained and

certified to. A second grandfathering process was opened up to allow fire services the ability to comply with the regulation without affecting levels of service.

On October 5, 2018, O.Reg. 379/18 – Firefighter Certification was revoked, however it was made known by the Office of the Solicitor General that the regulation would be amended and brought back in the future.

Since 2018, Wainfleet Fire & Emergency Services has committed to training and certifying its members to the NFPA standards as set out in the original regulation. Additionally, Council and the Wainfleet Volunteer Firefighters Association (WVFFA), through the collective agreement, have set out the minimum requirements firefighters need to be certified to for the various classes and ranks. The table below outlines the required minimum training for all positions within WFES.

<b>Wainfleet Fire &amp; Emergency Services Required Training and Certification</b>	
<b>Auxiliary</b>	<ul style="list-style-type: none"> <li>• Emergency First Aid/CPR/AED</li> <li>• Worker Safety Awareness Training</li> <li>• Job Specific Training as required for Duties Performed.</li> </ul>
<b>3<sup>rd</sup> Class Firefighter</b>	<ul style="list-style-type: none"> <li>• NFPA 1001 Firefighter Level 1</li> <li>• NFPA 472/1072 Hazardous Materials Awareness</li> <li>• Emergency First Aid/CPR/AED</li> </ul>
<b>2<sup>nd</sup> Class Firefighter</b>	<ul style="list-style-type: none"> <li>• NFPA 472/1072 Hazardous Materials Operations</li> <li>• NFPA 1001 Firefighter 2</li> <li>• Attain DZ Driver's License</li> </ul>
<b>1<sup>st</sup> Class Firefighter</b>	<ul style="list-style-type: none"> <li>• NFPA 1002 Apparatus Driver &amp; Pump Operations</li> <li>• Emergency First Responder (EFR)</li> </ul>
<b>Lieutenant</b>	<ul style="list-style-type: none"> <li>• NFPA 1041 Fire Service Instructor 1</li> <li>• NFPA 1021 Company Officer 1</li> <li>• NFPA 1035 Fire &amp; Life Safety Educator 1</li> </ul>
<b>Captain &amp; Training</b>	<ul style="list-style-type: none"> <li>• NFPA 1021 Company Officer 2</li> <li>• NFPA 1041 Fire Service Instructor 2</li> <li>• NFPA 1035 Fire &amp; Life Safety Educator 2</li> <li>• NFPA 1521 Incident Safety Officer</li> </ul>

Additionally, as required by the Occupational Health & Safety Act (OHSA) Part 3 Section 25 & 26, *“an employer shall ensure that”*:

25.(1).(c), *“the measures and procedures prescribed are carried out in the workplace”*

25.(2).(a), *“provide information, instruction and supervision to a worker to protect the health or safety of the worker,”* and

26.(1).(l) *“carry out such training programs for workers, supervisors and committee members as may be prescribed”*

Staff have reviewed the levels of service set by Council in the Fire Services Establishing & Regulating By-law (BL071-2019) and have paired each service with a standard or training program to ensure the Township is in compliance with the OHSA (Appendix 'B'). Training plans and programs have been developed to ensure all firefighters receive initial training in each task they are expected to perform, and regular maintenance training or exercises are conducted on a rotational basis to ensure operational effectiveness and firefighter safety.

## **DISCUSSION**

On January 14, 2021 the Office of the Fire Marshal (OFM) announced that the Ontario Fire College campus in Gravenhurst would close permanently in March of 2021, and that the province would be moving to a "Regional Training Centre" (RTC) model of course delivery.

The OFM issued Communique 2021-01 (Appendix 'A') outlining the rationale for the decision and plans for future training operations across the province.

There has been mixed messaging and responses to the announcement across the province as this will result in a major change in training delivery for many fire departments, but it also represents a loss of identity and a forum for which collaboration and networking occurred.

On February 10, 2021, WFES staff participated in a consultation meeting with the Ontario Association of Fire Chiefs to provide information into the impacts the closure will have on WFES, as well as what future model would, best suit our training needs. Staff were informed that the OFM has indicated that the closure is irreversible and that we should be prepared to deliver a unified message of developing a new way forward. Given that RTC course costs can cost between \$150 & \$600, staff have requested that the OFM/OFC subsidize the RTC courses in an effort to offset the cost increase over the \$65 OFC fee.

Since 2018, WFES has not sent any members to the physical fire college campus in Gravenhurst. Several factors have deterred WFES from the college such as, distance, accessibility, course offerings and timing, etc. While the course costs per student is only \$65, many courses are regularly full over a year in advance making many courses inaccessible. Additionally, courses are only run during week days resulting many volunteers having to take time off work to attend the college.

WFES has invested in its members to become certified instructors of the various programs required to deliver our Core services. WFES has been successful in having training delivered by WFES instructors "recognized" by the Academic Standards and Evaluation (AS&E) branch of the OFC, which results in our students becoming eligible for NFPA certification testing. These courses are run annually in small groups and include the following:

- NFPA 1001 Firefighter Level 1 & 2
- NFPA 1072 Hazardous Materials: Awareness, Operations & Mission Specific
- NFPA 1002 Pump Operations
- NFPA 1021 Fire Officer Level 1
- NFPA 1041 Fire Service Instructor Level 1

In addition to our internal training programs, Niagara Region is home to two Regional Training Centres (RTCs) that offer OFC courses as a satellite campus. Grimsby RTC has been used by WFES for training members in Fire & Explosion Investigation, Fire Code interpretation & understanding, Fire Inspections, and Fire & Life Safety Educator. The Fort Erie RTC has been used by WFES for Fire Instructor, Fire Officer, and Incident Safety Officer and Hazardous Materials. These courses cost more than \$65 per student, however, they are tailored to volunteers as classes are run during evenings and weekends, and volunteers can return home each day and still provide emergency responses between classes.

With all of this considered, Staff feel that the closing of the OFC will not have a large negative impact on our operations, provided that continued investments and resources are allocated to maintain our existing models. Staff will continue to investigate options and deliver services in the most cost effective and sustainable manner.

**Option 1- (Recommended)**

Receive this report as information and authorize the Fire Chief to continue the implementation and delivery of professional development materials and resources to Wainfleet Fire & Emergency Services personnel in accordance with the levels of service as set out in the Fire Services Establishing & Regulating By-law (BL071-2019), the Collective Agreement and the National Fire Protection Association Standards.

**Option 2**

Receive this report as information only and petition the Ontario Government through the Solicitor General to reopen the Ontario Fire College

**FINANCIAL CONSIDERATIONS:**

None at this time.

**OTHERS CONSULTED:**

- 1) Strategic Leadership Team
- 2) Deputy Fire Chief

**ATTACHMENTS:**

Appendix 'A' – OFM Communique 01-2021 – Ontario Fire College

Appendix 'B' – BL071-2019 Sched. C- Levels of Service & Applicable Training Standards

Respectfully submitted by,

Approved by,

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Morgan Alcock  
Fire Chief

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William J. Kolasa  
Chief Administrative Officer

# COMMUNIQUÉ

du commissaire des incendies

January 14, 2021

No. 2021-01

## ONTARIO FIRE COLLEGE

I am writing today to provide an update regarding the Ontario Fire College (OFC) and the delivery of fire safety training.

Training in Ontario is complex due to the large number of fire departments and differences in their composition and training needs. In 2012, the OFC started piloting alternative training delivery models to increase capacity. Training began at the regional level through Regional Training Centres (RTCs), through online course availability and through blended options and learning contracts which could be delivered at the local level. This modernized approach has increased capacity for training and provides a more affordable, attainable and accessible training program to your departments.

Since moving to a regionalized model, the Office of the Fire Marshal (OFM) has worked with partners to increase the number of RTCs across the province. With 20 operational as of today (and growing), training is much easier to obtain by not having to travel to Gravenhurst. The OFC has the capacity to train approximately 2,500 fire service personnel per year on campus. A significant number are unable to register for courses as they fill up quickly. With over 4,000 personnel trained off campus each year, the opportunity to train through other modes of delivery has really helped meet the needs of the fire service.

As the OFM continues to transition to a more modernized delivery model, the Ontario Fire College in Gravenhurst, which has not offered on-site training since the onset of COVID-19 in March 2020, will be closed. Once the decommissioning has been completed, the government will oversee upkeep of the 99-acre property and review future possibilities for the site.

Through open dialogue and discussion, we have listened to fire services about the need to increase capacity for training courses and modernize the fire training program. The shift to a blend of online and on-site training offered through RTCs allows us to provide responsive, high quality training to fire services across Ontario. The closure of the OFC Gravenhurst site will also allow us to provide supports to training needs through other mechanisms and support more localized training. As part of this plan, the OFM is purchasing two mobile live fire training units that can be accessed across the province to



bring live fire training to your locations. Efforts will also be made to ensure that specialized equipment available at the OFC is made available to RTCs and other locations so that training can be specifically tailored to your department needs and hosted at a location that reduces the need to send personnel to Gravenhurst, thereby increasing other departmental costs.

These efforts to modernize fire safety in Ontario will better meet the needs of fire services across the province and although the closure of the Ontario Fire College Gravenhurst site does end a longstanding history of firefighter training, the OFM is excited at the opportunities to deliver a more modernized program that will continue to support the training needs of Ontario's fire services.



## TRAINING STANDARDS AND CURRICULUM

As set by BL071-2019 - Schedule C "Core Services"

Service Listed in Establishing & Regulating By-Law	Standard and/or Curriculum
1. Structural firefighting – Interior Operations (Rescue and Fire Suppression)	NFPA 1001- Firefighter Level II & NFPA 1002- Pump Ops.
2. Vehicle firefighting	NFPA 1001- Firefighter Level II & NFPA 1002- Pump Ops.
3. Grass, brush firefighting	NFPA 1001- Firefighter Level II & NFPA 1002- Pump Ops. MNR SP-100
4. Marine firefighting – defensive only	NFPA 1001- Firefighter Level II & NFPA 1002- Pump Ops.
5. Basic medical assist with defibrillation	Canadian Red Cross- EFR &/or First Aid/ CPR-HCP/ AED
6. Hazardous Materials - Operations & Mission Specific	NFPA 1001- Firefighter Level II & NFPA 472- Mission Specific Ops.
7. Vehicle accidents	NFPA 1001- Firefighter Level II & NFPA 1006- Core Operations
8. Vehicle extrication	NFPA 1001- Firefighter Level II & NFPA 1006- Core Operations
9. Transportation incidents involving vehicles, trains, aircraft and watercraft	NFPA 1001- Firefighter Level II & NFPA 1006- Core Operations
10. Water and Ice rescue – Shore Based Only	NFPA 1001- Firefighter Level II & NFPA 1006- Core Operations
11. Public assistance	WFES Specific
12. Other agencies assistance	WFES Specific
13. High angle rescue – awareness only	NFPA 1001- Firefighter Level II & NFPA 1006- Core Operations
14. Confined space rescue – awareness only	NFPA 1001- Firefighter Level II & NFPA 1006- Core Operations
15. Trench rescue – awareness only	NFPA 1001- Firefighter Level II & NFPA 1006- Core Operations
16. Mutual aid	Niagara Region MAP
17. Automatic aid	WFES Specific
18. Participation in community emergency plan	WFES Specific
19. Fire protection agreements	WFES Specific
20. Joint service agreements	WFES Specific
21. Review of Propane Facility "Risk and Safety Management Plans" as set out in Ontario Regulation 440/08	Ontario Regulation 440/08

***All Wainfleet Fire & Emergency Services personnel will be trained for the duties they may be assigned,  
to provide for the level of service as approved by the Municipal Council of Wainfleet ,  
following the applicable Standard and Curriculum as approved by the Office of the Fire Marshal through the Ontario Fire College.***

**TO:** Mayor Gibson & Members of Council

**FROM:** Sarah Ivins, Planner

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** Request for Extension to Draft Approval – File No. P01/2014W  
Lakewood Beach Properties Ltd.

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**RECOMMENDATION(S):**

**THAT** Planning Staff Report PSR-002/2021 be received; and

**THAT** Council approve the draft plan extension request for File No. P01/2014W for a one (1) year period with the lapsing date to be March 22, 2022 on lands described as Part of Lots 16 & 17, Concession 1 in the Township of Wainfleet.

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a recommendation regarding a request for extension to draft approval of File No. P01/2014W from T. Johns Consulting Group on behalf of Lakewood Beach Properties Ltd. The request is seeking a one (1) year extension and a new lapsing date of March 22, 2022. The extension is needed because not all of the conditions of draft approval have been met.

**BACKGROUND:**

The draft plan of condominium application (File No. P01/2014W) and concurrent zoning by-law amendment application (File No. Z08-2014W) were approved by Council on July 18, 2017 for lands known municipally as 11705 Lakeshore Road. The draft plan comprises an area of approximately 14.3 hectares and proposes to create 41 units and 11 common element blocks as follows:

- Units 1 – 41 for residential development (single detached dwellings);
- Blocks 42 – 43 for open space;
- Blocks 44 – 46 for beach access;
- Blocks 47 – 48 for stormwater management and open space;
- Block 49 – 50 for open space;
- Block 51 for a private road;
- Block 52 for the beach.

As part of the draft approval for File No. P01/2014W, there are 61 conditions of draft approval that are to be completed within three years of the draft approval (lapsing date being July 18, 2020). The Notice of Decision containing the list of the 61 conditions is attached as Appendix “A”.

However, appeals were received for both the draft plan of condominium and zoning by-law amendment approvals. The appeals were subsequently withdrawn on March 21, 2018. Based on the wording in the acknowledgement letter received from the Ontario Municipal Board (OMB) regarding the withdrawal of the appeals, the decision of Council shall be deemed to have been made on the day after the day all appeals were withdrawn. This means that the draft approval date for the plan of condominium is March 22, 2018 and the three year lapsing date for final approval is March 22, 2021.

T. Johns Consulting Group and Lakewood Beach Properties Ltd. have been actively working on fulfilling the conditions of draft approval over the past three years. They have consulted with Regional, Niagara Peninsula Conservation Authority and Township staff throughout the process and at this point in time, many of the conditions of draft approval have been met. However, there are two outstanding items – the Municipal Responsibility Agreement for the on-site water and wastewater communal systems and the Condominium Agreement for the development of the property.

### **OPTIONS/DISCUSSION:**

Given that the March 22, 2021 lapsing date is quickly approaching, T. Johns Consulting Group submitted a request for an extension to the draft approval along with the associated extension fee. The request seeks an additional year resulting in a lapsing date of March 22, 2022.

An extension to draft approval can be given under Section 51(33) of the *Planning Act*, however the extension must be requested and given prior to the lapsing date in order to be valid. The request was received on January 20, 2021 and if approved by Council at the February 16, 2021 meeting, will comply with the requirements of the *Planning Act*.

### **Municipal Responsibility Agreement**

The Municipal Responsibility Agreement between the Region of Niagara, Township of Wainfleet and Lakewood Beach Properties Ltd. is needed to outline the conditions under which the communal services will be constructed, operated and maintained as well as when action is to be undertaken by the municipality in the event of default. The agreement also contains provisions that require up-front secured funds for any remedial measures that may be necessary in the event of default. Since the Township does not provide water or wastewater services there are no systems in place or qualified staff to operate or maintain such systems. The Region does have such systems and staff in place and as such it was determined that the Region is the appropriate party to step in and operate and maintain the systems for the Lakewood development in the event of default.

Through the preparation of the agreement, Niagara Region determined that the Township of Wainfleet should be added as a party to the agreement for the purposes of providing clarity around the collection of fees for the water and wastewater systems from the property owners, should the Region be required to step in and provide water and wastewater services and the one year operational reserves are not sufficient. This is necessary based on language in the Municipal Act on providing water and wastewater services, and how fees are collected by local municipalities. Township

Council adopted By-law 062-2019 which authorizes the Mayor and Clerk to execute the agreement on behalf of the Township.

Regional staff will be bringing an information report to the March 10<sup>th</sup>, 2021 Regional Planning and Economic Development Committee to provide the background and history of this project as the last report was previously presented to Regional Council in September 2018, before the last municipal election. It is anticipated that the Municipal Responsibility Agreement will be executed within the coming weeks.

#### Condominium Agreement

The Condominium Agreement between the Township of Wainfleet and Lakewood Beach Properties Ltd. is needed to reflect the conditions of draft approval as well as Township and agency standards and requirements for the future development activities on the property.

The Township's solicitor prepared a draft condominium agreement in consultation with Township staff. The draft agreement was then reviewed and discussed with the applicant's team, resulting in a final draft agreement. The final draft agreement is currently undergoing a peer review as directed by Council.

Once the results of the peer review have been discussed with the applicant's team and a final agreement has been negotiated, staff will be forwarding a copy of the agreement to the Region of Niagara and Niagara Peninsula Conservation Authority. Both agencies will review the agreement and issue a clearance letter if they are satisfied that the agreement adequately addresses their conditions.

#### Recommendation

Staff recommend approval of the draft plan extension for a period of one (1) year. The requested extension is supported on the basis that the draft plan continues to comply with Provincial, Regional and Township planning policies. The additional year should be sufficient to finalize the remaining items. Once staff are satisfied that the conditions have been met, a staff report will be brought to Council regarding final approval.

#### **FINANCIAL CONSIDERATIONS:**

None.

#### **OTHERS CONSULTED:**

The Region of Niagara Planning & Development Services noted no objection to the one year extension.

The Niagara Peninsula Conservation Authority noted no objection to the one year extension.

#### **ATTACHMENTS:**

- 1) Notice of Decision for File No. P01/2014W

Respectfully submitted by,

Reviewed by,

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Sarah Ivins  
Planner

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Mallory Luey  
Manager of Corporate Services/Treasurer

Approved by,

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William J. Kolasa  
Chief Administrative Officer



## **APPENDIX "A"**

Notice of Decision for File No. P01/2014W



## THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

### NOTICE OF DECISION DRAFT PLAN OF CONDOMINIUM (VACANT LAND)

11705 Lakeshore Road  
Lots 16 & 17, Concession 1  
Lakewood Beach Properties Ltd.  
File No. P01-2014

Pursuant to subsection 51(31) of the *Planning Act*, the above-noted draft plan of condominium was approved by the Township of Wainfleet on July 18, 2017, subject to conditions listed in Attachment A. Unless otherwise noted, these conditions must be fulfilled prior to final approval of the plan. The draft plan comprises an area of approximately 14.3 hectares and proposes to create 42 units and 10 common element blocks, as follows:

- Units 1 – 41 for residential development
- Unit 42 for vacant lands restricted to Open Space Uses
- Block 43 for open space
- Blocks 44-46 for beach access
- Blocks 47-48 for stormwater management and open space
- Block 49 for open space (recreation and boat storage)
- Block 50 for open space (servicing)
- Block 51 for the private road
- Block 52 for the beach

The approval lapses on July 18, 2020. The approval may be extended pursuant to subsection 51(33) of the *Planning Act*, but no extension can be granted once the approval has lapsed.

The subject land is also the subject of an application for a zoning bylaw amendment, File No. Z08-2014.

#### APPEAL

The last date for filing an appeal to the Ontario Municipal Board in relation to this decision is August 8, 2017. A notice of appeal must be filed with the approval authority, must set out the reasons for the appeal, and must be accompanied by the appropriate filing fee paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.

Any of the following may, at any time before the approval of the final plan of condominium, appeal any of the conditions imposed by the approval authority to the Ontario Municipal Board by filing a notice of appeal with the approval authority:

- the applicant;
- any public body that, before the approval authority made its decision, made oral submission at a public meeting or written submissions to the approval authority;
- the Minister;
- the municipality in which the subject land is located, or the planning board in whose planning area it is located;
- if the subject land is not located in a municipality or planning area, any public body.

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of condominium to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the approval authority or, in the Ontario Municipal Board's opinion, there are reasonable grounds to add the person or public body as a party.

#### NOTES REGARDING YOUR RIGHTS WITH RESPECT TO CHANGES TO CONDITIONS

You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan if you have made a written request to be notified of changes to the conditions.

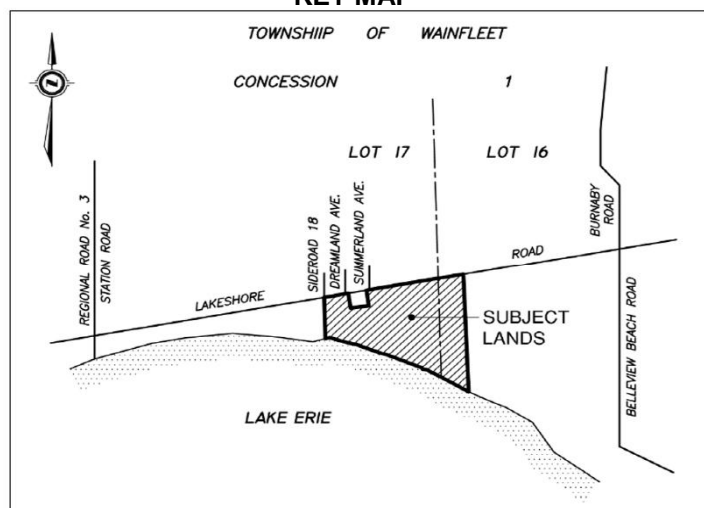
No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions.

Additional information relating to the proposed Draft Plan of Condominium is available at the Township of Wainfleet Municipal Office during regular office hours (8:30 a.m. – 4:30 p.m.) or on the Township's website [www.wainfleet.ca](http://www.wainfleet.ca). For further information contact Sarah Ivins, Planner, at 905-899-3463 ext. 225 or [sivins@wainfleet.ca](mailto:sivins@wainfleet.ca).

Dated at the Township of Wainfleet this 21<sup>st</sup> day of July, 2017.

Meredith Ciuffetelli, Deputy Clerk  
Corporation of the Township of Wainfleet  
31940 Highway #3, PO Box 40  
Wainfleet, ON L0S 1V0  
Tel: 905-899-3463 Ext. 275  
Email: [mciuffetelli@wainfleet.ca](mailto:mciuffetelli@wainfleet.ca)

#### KEY MAP



Lots 16 & 17, Concession 1 within the Township of Wainfleet

**Conditions of Draft Plan Approval – Lakewood Beach Properties Inc.**  
**Draft Plan of Condominium (File No. P01-2014)**

The conditions of final approval and registration of the Lakewood Beach Properties Inc. plan of condominium, File No. P01-2014, in the Township of Wainfleet, are as follows:

**DRAFT PLAN**

1. That prior to final approval of the Draft Plan of Condominium, the Owner shall submit a revised Draft Plan of Condominium, to the satisfaction of Township Staff, changing “Unit 42” to “Block 42”, and identifying it as a Common Element block.
2. That this approval applies to the Lakewood Beach Draft Plan of Condominium, Part 1, 56R-13140, Lots 16 & 17, Concession 1, Township of Wainfleet, prepared by T. Johns Consulting Group Ltd., dated December 6, 2016 showing the following blocks, and a future revised plan reflecting the change in Condition #1 above:
  - Units 1-41: single detached dwelling
  - Unit 42: lands to be retained by applicant
  - Common Element Blocks
    - Block 43: open space
    - Blocks 44-46: walkway blocks
    - Blocks 47-48: stormwater management blocks
    - Block 49: recreation and boat storage block
    - Block 50: servicing block
    - Block 51: private road block
    - Block 52: beach block
3. That the headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.

**AGREEMENTS AND FINANCIAL REQUIREMENTS**

4. That prior to final approval, the Owner shall provide three (3) paper copies and an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Township of Wainfleet stating how all the conditions imposed have been or are to be fulfilled.
5. That prior to final approval, the Owner shall submit a Solicitor’s Certificate of Ownership for the Plan of Condominium land to the Township of Wainfleet prior to the preparation of the Condominium/Development Agreement.
6. That prior to any site alteration, the Condominium/Development Agreement between the Owner and the Township of Wainfleet shall be registered by the Municipality against the lands to which it applies in accordance with the Planning Act R.S.O. 1990, c. P.13.
7. That prior to final approval, the Owner agrees to implement the proposed landscape and streetscape features in accordance with the submitted Tree Preservation and Landscape Plans dated November 1, 2016, and provide any securities as may be required by the Township of Wainfleet. The Owner shall consult with the adjacent landowners to ensure landscaping is appropriately provided.
8. That prior to final approval, the Township shall be satisfied that the Condominium/Development Agreement between the Owner and the Township of Wainfleet contains provisions whereby the Owner agrees to implement and maintain the landscape and streetscape features in accordance with Condition #7 above.
9. That prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the Township or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Manager of Operations, and any other applicable authority.
10. That this approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for Township Council’s consideration, prior to the lapsing date.
11. That if final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
12. That it is the Owner’s responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Township, quoting file number **P01-2014** and referencing the conditions that are cleared.

**LAND TRANSFERS AND EASEMENTS**

13. That prior to final approval, the Owner agrees to deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
14. That the Condominium/Development Agreement include a clause protecting the right of the public to have access over Block 52, for the purposes of traversing the lands and promoting an open and connected waterfront.

**Conditions of Draft Plan Approval – Lakewood Beach Properties Inc.**  
**Draft Plan of Condominium (File No. P01-2014)**

**ZONING**

15. That prior to final approval, the zoning by-law amendment application (File No. Z08-2014), which reflects the layout of the draft plan of condominium has come into effect in accordance with the provisions of Section 34 of the Planning Act R.S.O. 1990, c. P.13.
16. That prior to final approval, the Owner shall submit to the Township of Wainfleet three (3) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

**ROADS**

17. That the private streets be named to the satisfaction of the Township of Wainfleet.
18. That prior to final approval, the Owner provides detailed engineering design drawings for street lighting facilities required to service the subject lands to the Manager of Operations for review and approval. Street lighting is to be provided in such a way that minimizes light pollution on neighbouring properties.
19. That the Owner agrees to provide decorative street lighting to the satisfaction of the Manager of Operations.
20. That prior to final approval, the Owner agrees to provide a detailed streetscape plan in accordance to the satisfaction of the Township Planner and Manager of Operations.
21. That prior to any construction taking place within the Township road allowance, the Owner shall obtain a Township of Wainfleet Temporary Works Permit. Applications must be made through the Department of Public Works.
22. That prior to final approval, the Owner is required to enter into a Road Use Agreement (RUA) with the Township for any construction taking place within the Township road allowance, including the construction and installation of water services along Lakeshore Road. The RUA shall be prepared to the satisfaction of the Manager of Operations and be separate from the Condominium/Development Agreement.

**SERVICES**

23. That the Owner shall install sustainable private services in accordance with the preferred servicing alternative of the Master Servicing Study Class Environmental Assessment completed for the subject lands to the satisfaction of the Ministry of Environment and Climate Change and the Township of Wainfleet.
24. That the Condominium/Development Agreement between the Owner and the Township of Wainfleet contain provisions whereby the Owner agrees to implement and maintain the preferred servicing alternative in accordance with Condition #23 above.
25. That prior to the issuance of a building permit, the Owner shall remove the existing inoperable sub-sewage system in accordance with Section 53 of the Ontario Water Resources Act (OWRA S.53) and to the satisfaction of the Township's Manager of Operations. The Owner shall agree in the Condominium/Development Agreement to notify purchasers of a former sub-sewage system on the property.
26. That prior to final approval, the Owner shall submit the necessary information and/or studies to demonstrate that the Long Beach Water Treatment Plant has sufficient capacity to service the subject lands, while still providing adequate service to all existing customers of the Long Beach Water Treatment Plant, to the satisfaction of the Township of Wainfleet and the Region of Niagara.
27. That prior to final approval, the Owner shall submit the necessary noise and odour studies demonstrating that the proposed Wastewater Treatment Plant will not generate any adverse impacts on surrounding sensitive uses.

**UTILITIES**

28. That prior to final approval, the Owner shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
29. That prior to any site alteration, the Owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all to the satisfaction of the Township of Wainfleet. All utilities servicing the plan of condominium shall be underground. Upon installation and acceptance by the Township, streetlights and streetlight electrical supply system will be added to the Township's inventory.
30. That the Owner grade all road allowances as close to the final elevation as possible, provide necessary field survey information and all approved cross sections, identifying all existing and proposed utility locations prior to the installation of utilities.

**NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

31. That the following warning clause be included in the Condominium/ Development Agreement and inserted in all Agreements of Purchase and Sale or Lease for all units:  
"The lands in the plan of condominium may be exposed to noise, odour, dust, light, vibration, smoke and flies from nearby agricultural operations that may interfere with some activities of the Owners/tenants who occupy these lands".

**Conditions of Draft Plan Approval – Lakewood Beach Properties Inc.**  
**Draft Plan of Condominium (File No. P01-2014)**

32. That the following warning clause be included in the Condominium/ Development Agreement and inserted into all Agreements of Purchase and Sale or Lease:  
"The lands in the plan of condominium may be exposed to periodic emissions of unpleasant odours and noise from the normal or emergency operation of the Wastewater Treatment Plant on these lands".
33. That the following clause be included in the Condominium/Development Agreement:  
"Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport in London (519-675-7742) shall be notified immediately. In the event that human remains are encountered during construction, the Owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Tourism, Culture and Sport."
34. That the Owner enters into a Municipal Responsibility Agreement with the Regional Municipality of Niagara to address potential future requirements for the servicing of the site. This agreement needs to be reviewed and approved by the Region of Niagara, in consultation with the Township of Wainfleet, prior to registration of the development.
35. That prior to final approval for registration of this plan of condominium, the Owner shall submit to the Region of Niagara the required Ministry of the Environment and Climate Change Compliance Approval Certificates and approved design drawings.
36. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Peninsula Conservation Authority for review and approval, with a copy provided to the Niagara Region Planning and Development Services Department:
- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed erosion and sedimentation control plans;
  - c) Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility; and,
  - d) Detailed costs to construct the stormwater management facility with benefitting area costs breakdown.
- Note: The Regional Municipality of Niagara may request the Niagara Peninsula Conservation Authority to review the detailed lot grading and drainage plan as well as the detailed sediment and erosion control plan on the Region's behalf and to submit comments to the Niagara Region Planning and Development Services Department regarding the approval of these plans and the subsequent clearance of related conditions by the Development Services Division. Please also note that NPCA's fee for review of stormwater management plans is in addition to the Regional Municipality of Niagara's final clearance fee.
37. That the Condominium/Development Agreement between the Owner and the Township of Wainfleet contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with Condition #36 above.
38. That prior to final approval, the Owner shall ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy, "Requirements for Commencement of Collection for New and Redevelopments", and by-laws relating to the curbside collection of waste throughout the development.
39. That the Condominium/Development Agreement between the Owner and the Township of Wainfleet contain provisions whereby the Owner and/or subsequent Owner to agree to comply with the Regional Municipality of Niagara policy "Requirements for Commencement of Collection for New and Redevelopments" and to enter into an Indemnity Agreement with the Region which is required prior to collection commencing.

**NIAGARA PENINSULA CONSERVATION AUTHORITY**

40. That prior to final approval, the Owner submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings. All stormwater drawings are to illustrate the 100 year flood plain of the Casey Drain. Stormwater quality is required to achieve an Enhanced standard. The Niagara Peninsula Conservation Authority will require confirmation that major overland storm flows can be safely conveyed to Lake Erie without negatively impacting adjacent landowners, municipal infrastructure, or the Lake Erie shoreline.
41. That prior to final approval, the Owner submit to the Niagara Peninsula Conservation Authority for review and approval a site plan drawing showing the location of the 100 year flood plain for Casey Drain, as proposed in the January 8, 2010 AMEC memo, the erosion hazard limit for Lake Erie, as determined the Shoreline Hazard Assessment (prepared by Shore Plan, dated June 13, 2007), the location of all proposed buildings and

**Conditions of Draft Plan Approval – Lakewood Beach Properties Inc.**  
**Draft Plan of Condominium (File No. P01-2014)**

structures, the location of all buffers relating to Fish Habitat, and any other information deemed necessary by the Niagara Peninsula Conservation Authority.

42. That prior to final approval, the Owner submit to the Niagara Peninsula Conservation Authority for review and approval engineering information to demonstrate how Block 51 (Sunny Beach Lane) will not be subjected to more than 0.3 metres of flooding by the 100 year flood plain of Casey Drain. If any portion of Block 51 is subject to more than 0.3 metres of flooding, the issue will have to be rectified otherwise the Draft Plan may need to be modified.
43. That the Owner apply for and obtain Work Permits from the Niagara Peninsula Conservation Authority prior to any site alteration for the following:
  - a. Any cut/fill operation of the Casey Drain 100 year flood plain;
  - b. Any stormwater management outlets within the Casey Drain or Lake Erie regulated area;
  - c. Any water/sanitary service installation within the 100 year flood plain, regardless of whether the service is being installed on private or public lands; and
  - d. Any walkways or similar structures within the Lake Erie regulated area.
44. That prior to the issuance of a building permit, the Owner provide written confirmation that all unnecessary monitoring wells have been decommissioned in accordance with Ministry of the Environment and Climate Change Regulations, to the satisfaction of the Niagara Peninsula Conservation Authority.
45. That prior to final approval, the Owner submit to the Niagara Peninsula Conservation Authority for review and approval an Environmental Management Plan, as detailed in Section 6.1.1 of the Updated Scoped Environmental Impact Study (prepared by Dillon consulting, dated July 2016) and required to demonstrate conformity with Policy 7.B.1.11 of the Regional Official Plan.
46. That sediment control and limit of work fencing be shown on the Grading Plan, in accordance with Section 6.1.7 of the Updated Scoped Environmental Impact Study (prepared by Dillon consulting, dated July 2016), to the satisfaction of the Niagara Peninsula Conservation Authority. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
47. That prior to final approval, Blocks 43 and 52 and the Fowler's Toad Habitat be zoned to an Environmental Protection or Open Space category to the satisfaction of the Niagara Peninsula Conservation Authority.
48. That the Owner agree to implement the requirements of the Tree Assessment Survey & Preservation Plan (prepared by John A. Morley and Associates, dated January 14, 2014 and last revised November 4, 2016), to the satisfaction of the Niagara Peninsula Conservation Authority.
49. That the Owner include the following wording in the Condominium/Development Agreement between the Owner and the Township of Wainfleet:
  - a. No fill, construction materials or equipment shall be placed beyond the limit of work fence into the buffer of Casey Drain or the buffer of Lake Erie.
  - b. Vehicle and equipment refueling will be conducted in such a way as to prevent any spills from migrating beyond the limit of work fencing.
50. That Conditions 43, 44, 48 and 49 above be incorporated into the Condominium/Development Agreement between the Owner and the Township of Wainfleet, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of Wainfleet shall circulate the draft Condominium/Development Agreement to the Niagara Peninsula Conservation Authority for its review and approval.
51. That vegetation removal associated with clearing, site access, and staging shall occur outside March 15 and August 31, the key breeding bird period identified by Environment Canada for migratory birds to ensure compliance with the Migratory Birds Convention Act (MBCA), 1994 and Migratory Bird Regulations (MBR). Furthermore, for any proposed clearing of vegetation within this period, a nest survey shall be completed by a qualified avian biologist prior to commencement of works to identify and locate active nests of species covered by the MBCA.

**TOWNSHIP – OPERATIONS DEPARTMENT – DRAINAGE**

52. That prior to final approval, the Owner submit to the Township of Wainfleet and Niagara Peninsula Conservation Authority, for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings.
53. That, if determined to be required by the Township of Wainfleet, the Owner is required to enter into an Apportionment Agreement, or multiple agreements if required, for the subject lands and the adjacent residential parcel for drain maintenance costs related to the Casey Drain. A clause to this effect shall be included within the Condominium/Development Agreement, to ensure that the Owner of the lands, be it the Owner, Condominium Corporation, or other party, shall be responsible for maintenance costs.

**TOWNSHIP – FIRE & EMERGENCY SERVICES**

54. That prior to final approval, the Owner is required to demonstrate the provision of appropriate emergency access to the subject lands, to the satisfaction of the Township Fire Chief.



**Conditions of Draft Plan Approval – Lakewood Beach Properties Inc.**  
**Draft Plan of Condominium (File No. P01-2014)**

55. That the Condominium/Development Agreement require that the Owner and/or Builder install fire sprinklers in compliance with the current edition of the applicable National Fire Protection Association Standard; NFPA 13D: Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, to the satisfaction of the Township Fire Chief.
56. That prior to final approval, the Owner is required to demonstrate the provision of an adequate water supply storage tank for firefighting purposes, to the satisfaction of the Township Fire Chief. The water supply system shall also be suitably designed in compliance with the current edition of the applicable standards. A reduced water supply and storage for firefighting purposes may be considered with the installation of automatic fire sprinklers in accordance with National Fire Protection Association Standard; NFPA 13D: Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured. This clause shall be included within the Condominium/Development Agreement.

**CANADA POST**

57. That prior to final approval, the Owner will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The Owner will then indicate these locations on the appropriate servicing plans.
58. That the Owner agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential home Owners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
59. That the Owner agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The Owner also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected home Owners of any established easements granted to Canada Post to permit access to the Community Mail Box.
60. That the Owner will provide a suitable and safe temporary site for a Community Mail Box.
61. That the Owner agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - a. A concrete pad(s) (consult Canada Post for detailed specifications); and,
  - b. Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications).

**TO:** Mayor Gibson & Members of Council

**FROM:** Sarah Ivins, Planner

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** Zoning By-law Amendment File No. Z01/2021W  
Luke & Jannifer Young (Frank & Adrian Stoop – Agent)

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**RECOMMENDATION(S):**

**THAT** Planning Staff Report PSR-003/2021 be received; and

**THAT** Zoning By-law Amendment File No. Z01/2021W for lands described as Concession 4 Part Lot 9, known municipally as 41027 Willson Road, be approved for the reasons outlined in PSR-003/2021; and

**THAT** the application be deemed consistent with the Provincial Policy Statement 2020 and other matters of Provincial interest; and

**THAT** the zoning by-law amendment attached as Appendix “D” be adopted.

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a recommendation regarding a zoning by-law amendment application filed by Frank & Adrian Stoop on behalf of Luke and Jannifer Young for lands known municipally as 41027 Willson Road.

The proposed zoning by-law amendment is needed to comply with Provincial, Regional and Township planning policies regarding the disposal of a surplus farm dwelling application, where the retained agricultural lands are to be rezoned to “Agricultural Purposes Only” to prohibit the construction of a dwelling in perpetuity.

The Committee of Adjustment conditionally granted the surplus farm dwelling consent application on January 20, 2021 and a public meeting for the zoning by-law amendment was held on January 26, 2021.

**BACKGROUND:**

The subject lands are located on the east side of Willson Road between Feeder Road East and Garringer Road and are known municipally as 41027 Willson Road. The subject lands are shown below in Figure 1.

Figure 1 – Subject Lands



The subject lands are 18.83 hectares in size and are currently being used for residential and agricultural purposes. The surrounding land uses include residential and agricultural.

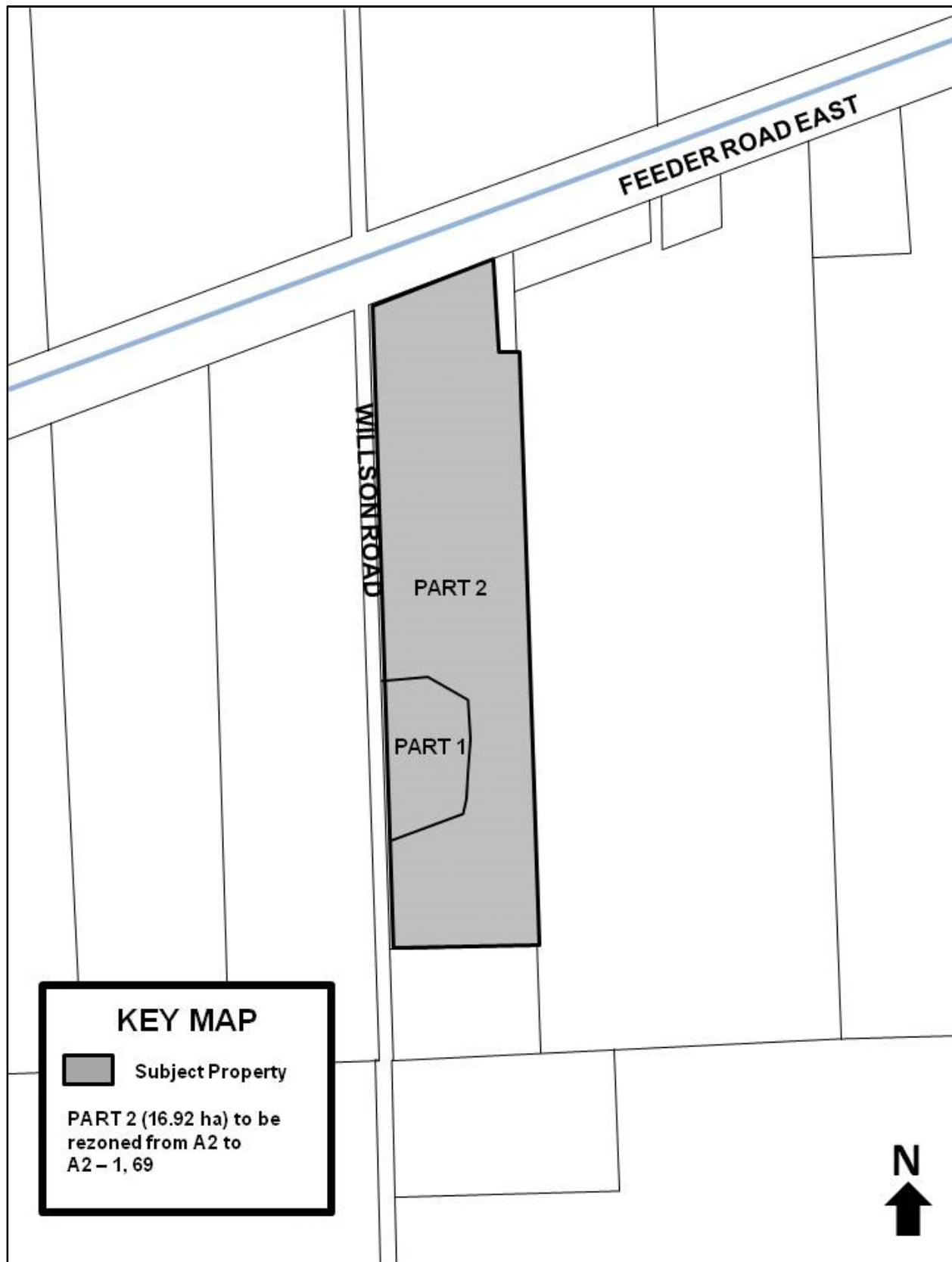
The subject lands were the subject of a consent (severance) application, File B01/2021W, which was considered by the Committee of Adjustment on January 20, 2021. Application was made for the consent to sever Part 1 (1.91 hectares) as a surplus farm dwelling and to retain Part 2 (16.92 hectares) for continued agricultural use. The severance sketch is attached as Appendix "A". The Committee of Adjustment provisionally approved the application.

The subject lands are designated as Good General Agriculture Area in the Regional Official Plan, designated Agricultural Area in the Township Official Plan and zoned Agricultural – A2 under Zoning By-law 034-2014.

With reference to the key map provided below in Figure 2, the subject lands are proposed to be rezoned as follows:

- Part 2 (16.92 hectares) from Agricultural – A2 to an Agricultural A2-1 zone to prohibit dwellings and an Agricultural A2-69 zone to recognize a reduced lot area of 16.92 hectares where 40 hectares is required.

Figure 2 – Zoning By-law Amendment Map



On October 8, 2020 an electronic pre-consultation meeting was held with the Township and Niagara Region Planning & Development Services.

On December 3, 2020 the applicant filed concurrent consent and zoning by-law amendment applications. Notice and circulation of the applications was given on December 16<sup>th</sup>, 2020.

On January 20, 2021 the Committee of Adjustment conditionally approved the surplus farm dwelling consent application (File B01/2021W). One of the conditions required that Part 2 be rezoned to "Agricultural Purposes Only" to prohibit dwellings in perpetuity and to recognize a reduced lot area of 16.92 hectares. This application, if approved, would fulfill this condition of consent. Another condition dealt with the configuration of the proposed lot and required that the severance sketch be amended to 'square off' the proposed lot. The revised severance sketch is attached as Appendix "B" and results in different lot areas for Part 1 and Part 2. As such the zoning amendment has been changed to reflect the new lot configuration:

- Part 2 (16.99 hectares) from Agricultural – A2 to an Agricultural A2-1 zone to prohibit dwellings and an Agricultural A2-69 zone to recognize a reduced lot area of 16.99 hectares where 40 hectares is required.

On January 26, 2021 a public meeting regarding this application was held and an information report was presented to Council. The minutes of the public meeting are attached as Appendix "C".

### **OPTIONS/DISCUSSION:**

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

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

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;

- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
  - i. is well-designed,
  - ii. encourages a sense of place, and
  - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

The proposed zoning by-law amendment would allow for the severance of a surplus farm dwelling and ensure that the remnant agricultural parcel will be used for agricultural purposes only.

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

#### Provincial Policy Statement, 2020

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

The PPS designates the subject property as land within a 'Prime Agricultural Area'. The permitted uses in 'Prime Agricultural Areas' include agricultural uses, agricultural related uses and on-farm diversified uses. Policy 2.3.4.1c) 2 states that lot creation within prime agricultural areas may be permitted for a residence surplus to a farming operation as a result of a farm consolidation provided that the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The proposed amendment would prohibit dwellings on the remnant farmland (Part 2) fulfilling the requirements of Policy 2.3.4.1 c) 2. As such, the application is considered consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe, 2019

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 Region of Niagara Official Plan (ROP). 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. This means that lands designated *Good General Agricultural Area* within the ROP correspond with the policies for *Prime Agriculture* within the Growth Plan and PPS.

Prime agricultural areas shall be protected for long-term use for agriculture. The rezoning of Part 2 ensures that the remnant lands will be used for agricultural purposes only in perpetuity.

The application conforms with the Growth Plan.

#### Regional Official Plan

The subject property is designated as 'Good General Agricultural Area' in the Regional Official Plan (ROP). In the 'Good General Agricultural Area' the predominant use of land will be for agriculture of all types, including livestock operations as well as associated value retention uses.

Policy 5.B.8.1.c) states that a consent to convey for a residence surplus to a farming operation, as a result of a farm consolidation, is permitted within the Good General Agricultural Area provided that new residential are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must have the remnant farm parcel rezoned to preclude its use for residential purposes.

The proposed amendment would prohibit dwellings on the remnant farmland (Part 2) fulfilling the requirements of Policy 5.B.8.1.c). As such, the application conforms with the ROP.

#### Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications within their regulated areas. The NPCA's Regulation Mapping shows that the subject property is not impacted by any regulated features and as such the application was not circulated to the NPCA for review.

#### Township of Wainfleet Official Plan

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



Policy 3.1.3.4 d) i) states that lot creation and consents in the Agricultural Area is permitted for a surplus far residence as a result of a farm consolidation provided that the zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance.

The proposed amendment would prohibit dwellings on the remnant farmland (Part 2) fulfilling the requirements of Policy 3.1.3.4 d) i). As such, the application conforms with the OP.

#### Township of Wainfleet Zoning By-law 034-2014

The subject property is zoned Agricultural – A2. Permitted uses within the Agricultural – A2 zone include agricultural uses, intensive animal operations, single detached dwelling, kennel, conservation uses, greenhouse, group home, one farm help-house, 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.

This application was submitted to fulfill Provincial, Regional and Township planning policy for surplus farm dwelling applications, which requires that the remnant agricultural lands (Part 2) be rezoned to prohibit dwellings in perpetuity. The application proposes to rezone Part 2 to Agricultural – A2-1 which prohibits dwellings.

Additionally, the application seeks to recognize the reduced lot area of 16.99 hectares, where 40 hectares is required. The application proposed to rezone Part 2 to Agricultural – A2-69 to permit a lot area of 16.99 hectares.

Both the conditionally approved lot (Part 1) and the remnant lot (Part 2) comply with the zoning provisions for lot frontage, setbacks, height and lot coverage.

#### **FINANCIAL CONSIDERATIONS:**

None.

#### **OTHERS CONSULTED:**

##### Public Meeting

A statutory public meeting was held virtually on January 26, 2021. Notice of the public meeting was mailed to landowners within 120m of the subject property on December 16<sup>th</sup>, 2020 and then again on January 6<sup>th</sup>, 2021 reflecting the change to a virtual meeting. Additionally, a public notice sign was posted on the subject property and the notice was posted on the Township's website.

No member of the public spoke at the public meeting and to date, no additional comments have been received.

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

Township Department and Agency Comments

On December 16, 2020 a request for comments was circulated to Township departments and external agencies requiring review of the proposed application.

Niagara Region Planning and Development Services noted no objection to the proposed amendment as it satisfies Provincial and Regional policies for a surplus farm dwelling severance.

Enbridge Gas Inc. noted no objection.

There were no further Township department or agency comments received.

**CONCLUSION:**

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z01/2021W, for the lands known municipally as 41027 Willson Road. It is the opinion of staff that the application is consistent with Provincial, Regional and Township planning policy and recommends that the application be approved.

**ATTACHMENTS:**

- 1) Appendix "A" – Consent File B01/2021W Severance Sketch
- 2) Appendix "B" – Consent File B01/2021W Revised Severance Sketch
- 3) Appendix "C" – Draft Minutes of the Public Meeting Held on January 26, 2021
- 4) Appendix "D" – Zoning By-law Amendment

Respectfully submitted by,

Reviewed by,

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Sarah Ivins  
Planner

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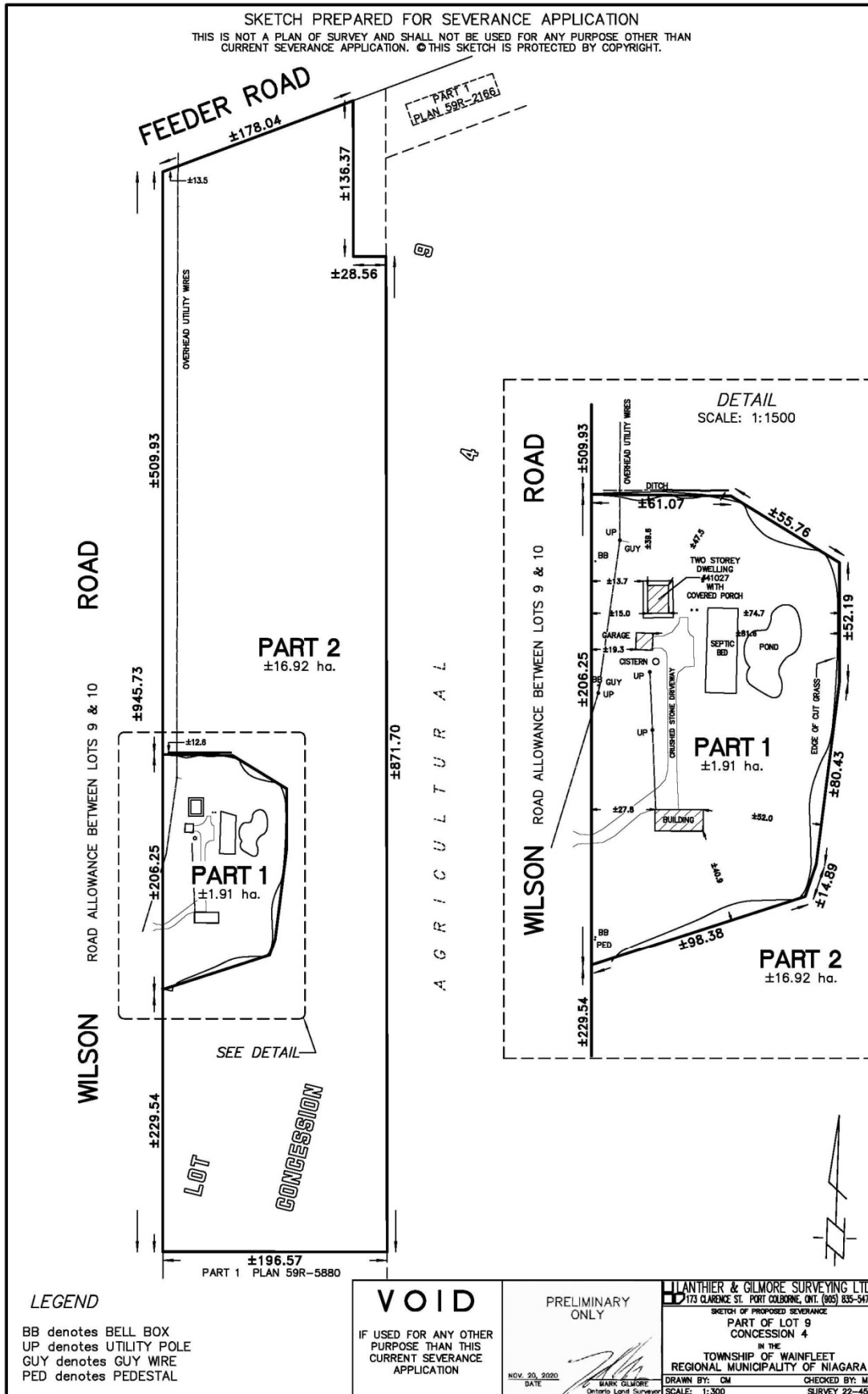
Mallory Luey  
Manager of Corporate Services/Treasurer

Approved by,

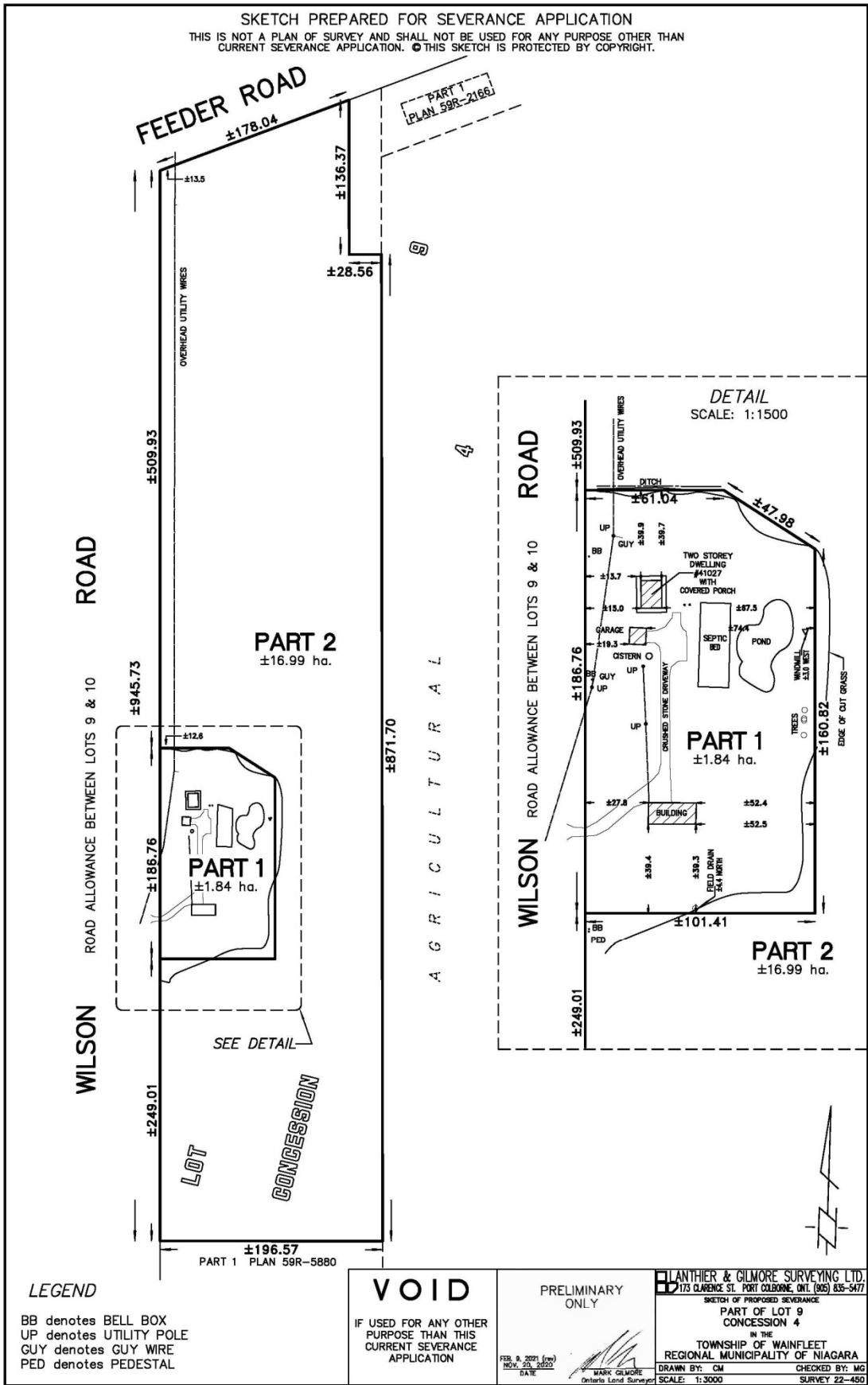
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William J. Kolasa  
Chief Administrative Officer

# APPENDIX "A"



## APPENDIX “B”



## **APPENDIX “C”**

### **January 26, 2021 Draft Public Meeting Minutes**

Planner, S. Ivins outlined the requirements of the Planning Act regarding the notice of Public meeting and provided a description of the proposal.

There being no questions from Council or comments from the public, the Planner explained that a recommendation report regarding a complete review of the proposal will be brought forward by staff and considered by Council at a later date.

## APPENDIX “D”

### CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 00X-2021

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 9, Concession 4 in the Township of Wainfleet, known municipally as 41027 Willson Road.

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

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

**THAT** Map 9 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of Part 2 of the subject property from Agricultural – A2 to Agricultural A2 – 1,69 as shown on Schedule “A” attached hereto.

**THAT** Table 7 of Section 6.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the heading A2 - 1:

Zone	#	By-Law #	Address	Additional Permitted Uses	Sole Permitted Uses	Excluded Uses
A2	1	00X-2021	Pt. Lot 9, Con. 4			Dwellings

**THAT** Table 8 of Section 6.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the A2 section:

Zone	#	By-Law #	Address	Description of Special Provision
A2	69	00X-2021	Pt. Lot 9, Con. 4	Minimum Lot Area: 16.99 ha

**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 16<sup>TH</sup> DAY OF FEBRUARY, 2021.



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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

## SCHEDULE A TO BY-LAW 00X-2021

	
<b>TOWNSHIP OF WAINFLEET</b>	
<p>Purpose &amp; Effect of By-law No. 00X-2021:</p> <p>This by-law affects lands described as Part of Lot 9, Concession 4 in the Township of Wainfleet and known municipally as 41027 Willson Road. This by-law has been enacted to prohibit dwellings and to recognize a reduced lot area of 16.99 ha for Part 2.</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 00X-2021. PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.</p>
 <p>File No. Z01/2021W (Young, Stoop)</p>	MAYOR
	DEPUTY CLERK



**TO:** Mayor Gibson & Members of Council

**FROM:** Sarah Ivins, Planner

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** Zoning By-law Amendment File No. Z02/2021W  
Gerald Zavitz (Upper Canada Consultants – Agent)

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**RECOMMENDATION(S):**

**THAT** Planning Staff Report PSR-004/2021 be received; and

**THAT** Zoning By-law Amendment File No. Z02/2021W for lands described as Concession 5, Part Lot 39, be approved for the reasons outlined in PSR-004/2021; and

**THAT** the application be deemed consistent with the Provincial Policy Statement 2020 and other matters of Provincial interest; and

**THAT** Council authorize the Mayor and Clerk to execute the development agreement attached as Appendix “C”; and

**THAT** the zoning by-law amendment attached as Appendix “D” be adopted.

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a recommendation regarding a zoning by-law amendment application filed by Upper Canada Consultants on behalf of Gerald Zavitz for a vacant lot on Wellandport Road known municipally as 271400001211500.

The proposed zoning by-law amendment is needed to permit a single detached dwelling on the subject lands as the current zoning prohibits dwellings. The current zoning prohibits dwellings due to the adjacent industrial uses.

**BACKGROUND:**

The subject lands are located on the east side of Wellandport Road between Highway #3 and Willford Road, just outside the limits of the Hamlet of Hendershot Corners. The subject lands are shown below in Figure 1.

The subject lands are 4.25 hectares in size and are currently being used for agricultural purposes. The surrounding land uses include agricultural, residential and industrial. The subject lands have been owned by Mr. Zavitz since 2000 when he took ownership of the

lands after his father's passing. The lands have been in the Zavitz family since they came to Canada many years ago and have always been used for agricultural uses.

Figure 1 – Subject Lands

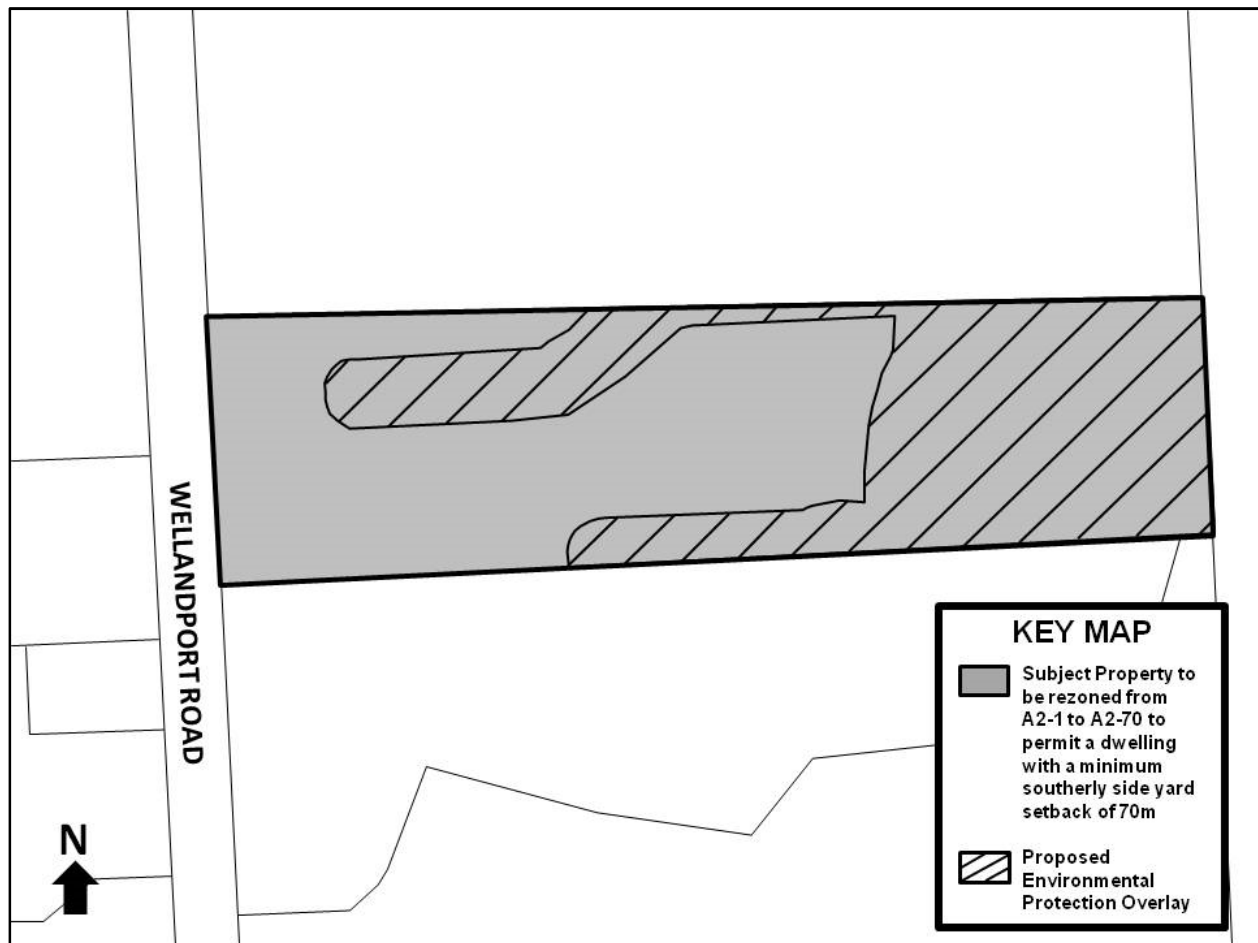


The subject lands are designated as Good General Agricultural Area in the Regional Official Plan, designated as Agricultural Area in the Township Official Plan and zoned Agricultural – A2-1 under Zoning By-law 034-2014.

Exception 1 prohibits dwellings and this zoning is typically used when a surplus farm dwelling has been severed from an agricultural property and Provincial, Regional and Township planning policies require the remnant agricultural parcel to be rezoned to prohibit dwellings. However, in reviewing the history of the subject lands as well as historical development applications in the area, Planning staff concluded that the A2-1 zoning that prohibits dwelling was established due to potential land use compatibility issues with the adjacent industrial uses. The adjacent industrial uses include a construction trade establishment at 54029 Wellandport Road (located immediately south of the subject lands) and a transport company located at 54028 Wellandport Road (located south-west of the subject lands).

With reference to the key map provided below in Figure 2, the subject lands are proposed to be rezoned from Agricultural – A2-1 to Agricultural – A2-70 to permit a single detached dwelling with a minimum southerly side yard setback of 70m. The proposed amendment also introduces an Environmental Protection Overlay on part of the subject lands to protect the natural heritage features and their associated buffers.

Figure 2 – Zoning By-law Amendment Map



On May 14, 2020 an electronic pre-consultation meeting was held with the Township, Niagara Peninsula Conservation Authority (NPCA) and Niagara Region Planning & Development Services.

On December 2, 2020 the applicant's agent filed the zoning by-law amendment application along with the following documents:

- Planning Justification Report dated November 2020 prepared by Upper Canada Consultants; and
- Concept Plan dated November 2020 prepared by Upper Canada Consultants.

On December 16, 2021 notice of a complete application and public meeting was given. A revised notice was issued on January 6, 2021 noting a change to a virtual meeting.

On January 26, 2021 a public meeting regarding this application was held and information report was presented to Council along with a presentation from the applicant's agent. The minutes of the public meeting are attached as Appendix "B".

**OPTIONS/DISCUSSION:****Planning Act, R.S.O. 1990, c.P.13**

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

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

The proposed zoning by-law amendment would allow for the construction of one single detached dwelling and private services with an adequate setback from adjacent industrial uses as well as continue to allow for the existing agricultural uses to remain. The proposed zoning by-law amendment further protects the natural heritage features on the subject lands by introducing an Environmental Protection Overlay for the identified features and their buffers. These features include a Provincially Significant Wetland (PSW), Significant Woodland and Type 2 (Important) Fish Habitat.

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

#### Provincial Policy Statement, 2020

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

The PPS designates the subject property as land within a Prime Agricultural Area. The permitted uses in 'Prime Agricultural Areas' include agricultural uses, agricultural related uses and on-farm diversified uses. A single detached dwelling as a primary farm residential dwelling is considered to be an agricultural use and as such is a permitted use associated with agricultural production on the subject lands. New sensitive land uses within the Prime Agricultural Area, such as a dwelling, shall comply with the Minimum Distance Separation (MDS) Formulae for any nearby livestock operations. The MDS Guidelines require the completion of an investigation of all properties within 750m to identify potential livestock operations. The Planning Justification Report prepared by Upper Canada Consultants reviewed MDS and concluded that there were no livestock facilities within the required 750m investigation distance. As such, the MDS formulae do not need to be applied.

Section 1.2.6 of the PPS deals with land use compatibility. Specifically, Policy 1.2.6.1 states that major facilities and sensitive land uses shall be planned and developed to avoid or minimize and mitigate any potential adverse effects from odour, noise and other contaminants, to minimize risk to public health and safety and to ensure the long-term operational and economic viability of major facilities. In this instance, the adjacent industrial uses (transport company at 54028 Wellandport Road and the construction trade establishment at 54029 Wellandport Road) are considered major facilities and the proposed dwelling on the subject lands is a sensitive land use.

The Ministry of Environment, Conservation and Parks has developed land use planning policy guidelines to apply when considering development applications. In this instance, Guideline D-1 "Land Use Compatibility Guidelines" and Guideline D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses" were used to assess the land use compatibility of the proposed dwelling in proximity to existing industrial uses. The Planning Justification Report prepared by Upper Canada Consultants provides an evaluation of the proposed use with respect to the D-1 and D-6 guidelines and outlines mitigation measures to support the proposed land use.

The Planning Justification Report concluded that both of the adjacent industrial uses can be classified as Class II industrial facilities by evaluating the impacts of their operational activities, distance to the proposed sensitive land use, hours of operation and normal use periods, wind patterns, topography and natural or man-made barriers as well as complaint history. Class II facilities are defined as:

*“A place of business for medium scale processing and manufacturing with outdoor storage of wastes or other materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.”*

The Ministry's guidelines identify a potential influence area of 300m for Class II facilities and recommends a minimum separation distance of at least 70m between the facilities and any sensitive land uses (such as a dwelling), provided all adverse impacts arising from the facilities are appropriately mitigated.

The Planning Justification Report found that the impact to the proposed sensitive land use (dwelling) from the construction trades establishment at 54029 Wellandport Road is limited to visual impacts from the storage of vehicles along the property line, potential noise impacts from the movement, parking and loading of vehicles and intermittent impacts from dust with vehicles travelling on the gravel parking area. The Planning Justification Report concluded that these impacts can be appropriately mitigated through the proposed minimum southerly side yard setback of 70m for the dwelling and should the future owner of the dwelling desire, a fence or vegetative plantings to obstruct the view of the facility.

The Planning Justification Report found that the impact to the proposed sensitive land use (dwelling) from the transport company at 54028 Wellandport Road is limited to visual impacts from the storage of vehicles and impacts from occasional truck refuelling activities. The Planning Justification Report concluded that these impacts can be appropriately mitigated with the existing vegetative buffer along the northern property line for the facility and the proposed minimum southerly side yard setback of 70m for the dwelling.

Planning staff concur with the conclusions of the Planning Justification Report and are satisfied that the proposed zoning by-law amendment is consistent with the Ministry's guidelines. As an additional measure of mitigation, Planning staff recommend that a warning clause be registered on title to the subject lands to ensure future owners of the subject lands are aware of potential impacts from the adjacent uses. This is best achieved through a development agreement attached as Appendix “C”.

The subject lands are also impacted by several natural heritage features, specifically a Provincially Significant Wetland (PSW), Significant Woodlot and Type 2 (Important) Fish Habitat. The policies in Section 2.1 of the PPS state that the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or where possible improved. The proposed zoning by-law amendment introduces an Environmental Protection Overlay on part of the subject lands, reflecting the natural heritage features and their associated buffers. Development and site alteration within the Environmental Protection Overlay shall not be permitted and therefore will ensure that the features are protected in the long-term.

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

#### Growth Plan for the Greater Golden Horseshoe, 2019

The 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 Region of Niagara Official Plan (ROP). 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. This means that lands designated Good General Agricultural Area within the ROP correspond with the policies for Prime Agriculture within the Growth Plan and PPS.

Prime agricultural areas shall be protected for long-term use for agriculture. As discussed above, a single detached dwelling as a primary farm residential dwelling is considered to be an agricultural use and as such is a permitted use associated with agricultural production on the subject lands.

As discussed above, the subject lands are also impacted by several natural heritage features, specifically a Provincially Significant Wetland (PSW), Significant Woodlot and Type 2 (Important) Fish Habitat. The policies in Section 4.2.2 of the Growth Plan state that the long-term ecological function and biodiversity of natural heritage systems should maintain, restore or enhance the diversity and connectivity of the natural heritage system and the long-term ecological or hydrologic functions of the features. The proposed zoning by-law amendment introduces an Environmental Protection Overlay on part of the subject lands, reflecting the natural heritage features and their associated buffers, ensuring that the features are protected in the long-term.

Planning staff are of the opinion that the proposed zoning by-law amendment conforms with the Growth Plan.

#### Regional Official Plan

The subject property is designated as 'Good General Agricultural Area' in the Regional Official Plan (ROP). In the 'Good General Agricultural Area' the predominant use of land will be for agriculture of all types, including livestock operations as well as associated value retention uses. As discussed above, a single detached dwelling as a primary farm residential dwelling is considered to be an agricultural use and as such is a permitted use associated with agricultural production on the subject lands.

The subject lands contain and are adjacent to portions of the Region's Core Natural Heritage System (CNHS) including a Provincially Significant Wetland (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. The Region also identified two watercourses that are not mapped as Fish Habitat but flow directly to the mapped Type 2 Fish Habitat downstream. Policies within Section 7.B of the Regional Official Plan seek to maintain, restore and, where possible, enhance the long-term ecological health,



integrity and biodiversity of the Core Natural Heritage System and its contributions to a healthy landscape. Regional staff noted that the proposed Environmental Protection Overlay should encompass the extent of the natural heritage features, including a 30m buffer from the PSW and Significant Woodland and a 15m buffer from the watercourses. Planning staff are satisfied that the mapping contained within the proposed by-law, attached as Appendix "D", adequately reflects these features and their associated buffers.

Regional Staff are of the opinion that the subject lands exhibit high potential for the discovery of archaeological resources given their close proximity to past and present watercourses. Through the pre-consultation process Regional staff waived the requirement for an archaeological assessment and as such an assessment was not required for this application. However, Regional staff have recommended the inclusion of a standard archaeological clause in a development agreement relating to deeply buried archaeological materials that may be encountered during grading and/or construction activities. Planning staff have included this clause in the development agreement attached as "Appendix C".

Planning staff are of the opinion that the proposed zoning by-law amendment conforms with the Regional Official Plan.

#### Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications within their regulated areas. The NPCA's Regulation Mapping shows that the subject property is impacted by a Provincial Significant Wetland (PSW) associated with the Marshville Station Clay Plain Wetland Complex as well as several regulated watercourses including a tributary to the Big Forks Creek.

The NPCA regulated watercourses are headwater features that are connected to the PSW and the associated tributary containing Type 2 (Important) Fish Habitat. NPCA staff acknowledged that the establishment of an Environmental Protection Overlay proposed in the zoning by-law amendment will have a significant impact on the protection of water quality and quantity to the watercourse and PSW and as such highly recommend that these features be rezoned with an Environmental Protection Overlay.

NPCA staff noted that the subject lands are relatively flat with an upstream drainage area of 5.46 square kilometres and will require floodplain mapping to be submitted to the NPCA for review and approval. Planning staff note that floodplain mapping was not identified at the pre-consultation meeting and have clarified with NPCA staff that the floodplain mapping is not required as part of this zoning by-law amendment but will be required prior to the commencement of any works or construction activities on the subject lands.

#### Township of Wainfleet Official Plan

The subject property is designated as Agricultural Area in the Township Official Plan (OP). Permitted uses within the Agricultural Area designation include agricultural uses, accessory value retention agriculture uses, one single detached dwelling or secondary suite, group homes, conservation uses, public trail systems, agri-tourism uses unrelated

to agriculture, value added production uses, value added support uses, linear infrastructure and wells for natural gas extraction. Permitted secondary uses include home occupation, home industry, bed and breakfast, help-house, garden suites, agri-tourism uses related to agriculture and value added marketing uses.

The proposed single detached dwelling is a permitted use provided it complies with the Minimum Distance Separation (MDS) formulae. As discussed above, a review of MDS was completed and there were no livestock operations within the 750m investigative distance and as such MDS did not apply.

The subject lands are adjacent to an Environmental Protection Area, Environmental Conservation Area and Fish Habitat. As discussed above, these designations are associated with a Provincially Significant Wetland (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. The proposed zoning by-law amendment introduces an Environmental Protection Overlay on part of the subject lands, reflecting the natural heritage features and their associated buffers, ensuring that the features are protected in the long-term.

Policies in Section 6 of the Official Plan state that all development for sensitive land uses proposed adjacent to or in proximity of major facilities/uses shall undertake the appropriate studies in accordance with the Ministry of Environment guidelines and regulations and that appropriate measures shall be undertaken to mitigate any adverse effects identified in the studies. As discussed above, the Planning Justification Report prepared by Upper Canada Consultants provided an evaluation of the adjacent industrial facilities in accordance with the Ministry's D-1 and D-6 guidelines. The Planning Justification Report concluded that the visual, dust and noise impacts from the adjacent industrial facilities can be appropriately mitigated with the proposed minimum southerly side yard setback of 70m for the dwelling.

The subject lands are also located within an Area of High Aquifer Vulnerability and a Significant Groundwater Recharge Area. Policies typically require the completion of a hydrogeological assessment in support of development applications. However, since the subject lands are an existing lot of record, over 4 hectares in size and only one single detached dwelling with private services is proposed, a hydrogeological assessment was not required.

Planning staff are of the opinion that the proposed zoning by-law amendment conforms with the Township's Official Plan.

#### Township of Wainfleet Zoning By-law 034-2014

The subject property is zoned Agricultural – A2-1. Permitted uses within the Agricultural – A2 zone include agricultural uses, intensive animal operations, single detached dwelling, kennel, conservation uses, greenhouse, group home, one farm help-house, 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. However, the site specific A2-1 zone prohibits dwellings.

This zoning by-law amendment application proposes to rezone the subject lands from an Agricultural A2-1 zone to an Agricultural A2-70 zone to permit a single detached dwelling with a minimum southerly side yard setback of 70m. The zoning by-law amendment also proposed to introduce an Environmental Protection Overlay on part of the subject lands to protect the natural heritage features for the long-term.

Staff are satisfied that the future dwelling can meet the zoning requirements for a single detached dwelling as a principle use on a lot, including front yard, rear yard and side yard setbacks as well as the maximum height and lot coverage provisions. The inclusion of a minimum southerly side yard setback of 70m will ensure that there is adequate separation from the adjacent industrial uses and the proposed Environmental Protection Overlay will ensure the long-term protection of the natural heritage features on the subject lands.

### **FINANCIAL CONSIDERATIONS:**

None.

### **OTHERS CONSULTED:**

#### **Public Meeting**

A statutory public meeting was held virtually on January 26, 2021. Notice of the public meeting was mailed to landowners within 120m of the subject property on December 16<sup>th</sup>, 2020 and then again on January 6<sup>th</sup>, 2021 reflecting the change to a virtual meeting. Additionally, a public notice sign was posted on the subject property and the notice was posted on the Township's website.

No member of the public spoke at the public meeting and to date, no additional comments have been received.

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

#### **Township Department and Agency Comments**

On December 16, 2020 a request for comments was circulated to Township departments and external agencies requiring review of the proposed application.

Niagara Region Planning and Development Services noted no objection to the proposed zoning by-law amendment from a Provincial and Regional perspective provided that the property owner enters into a development agreement with the Township, to be registered against title of the subject lands, to include the following clauses:

- a) "Purchasers and tenants are advised that due to the close proximity of industrial operations to the south and south-west, these lands may be exposed to noise, reduced air quality, odour or dust from these nearby industrial operations which may interfere with some activities of the owners/tenants who occupy these lands."

- b) "Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeological Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8866) and a licensed archeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

The above clauses have been inserted into the development agreement attached as Appendix "C". Regional staff noted that the development agreement should be registered prior to final approval of the proposed zoning by-law amendment or use of a 'Holding' provision should be used. Planning staff have recommended that Council authorize the execution of the development agreement attached concurrently with the approval of the zoning by-law amendment attached in Appendix "D". The development agreement can be executed within a short time period and registered prior to the 20 day appeal period lapsing on the zoning by-law amendment.

Regional staff also required that the Environmental Protection Overlay be updated to reflect the map included in the Notice of Complete Application and Public Meeting, encompassing the natural heritage features and their required buffers. The map attached as Schedule 'A' to the proposed by-law in Appendix "D" adequately reflects these features and these buffers.

Niagara Peninsula Conservation Authority (NPCA) noted no objection to the proposed zoning by-law amendment and highly recommends that the regulated features on the subject lands be rezoned to an Environmental Protection Overlay. The NPCA also noted that floodplain mapping for the subject property prior to the commencement of any works on the subject lands. The proposed zoning by-law amendment attached as Appendix "D" adequately maps the NPCA regulated features and the requested floodplain mapping can be provided prior to issuance of a Township building permit.

There were no further Township department or agency comments received.

### **CONCLUSION:**

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z02/2021W, for the lands known municipally as 271400001211500. It is the opinion of staff that the application is consistent with Provincial, Regional and Township planning policy and recommends that the application be approved.

**ATTACHMENTS:**

- 1) Appendix "A" – Concept Plan
- 2) Appendix "B" – Draft Minutes of the Public Meeting Held on January 26, 2021
- 3) Appendix "C" – Development Agreement
- 4) Appendix "D" – Zoning By-law Amendment

Respectfully submitted by,

Reviewed by,

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Sarah Ivins  
Planner

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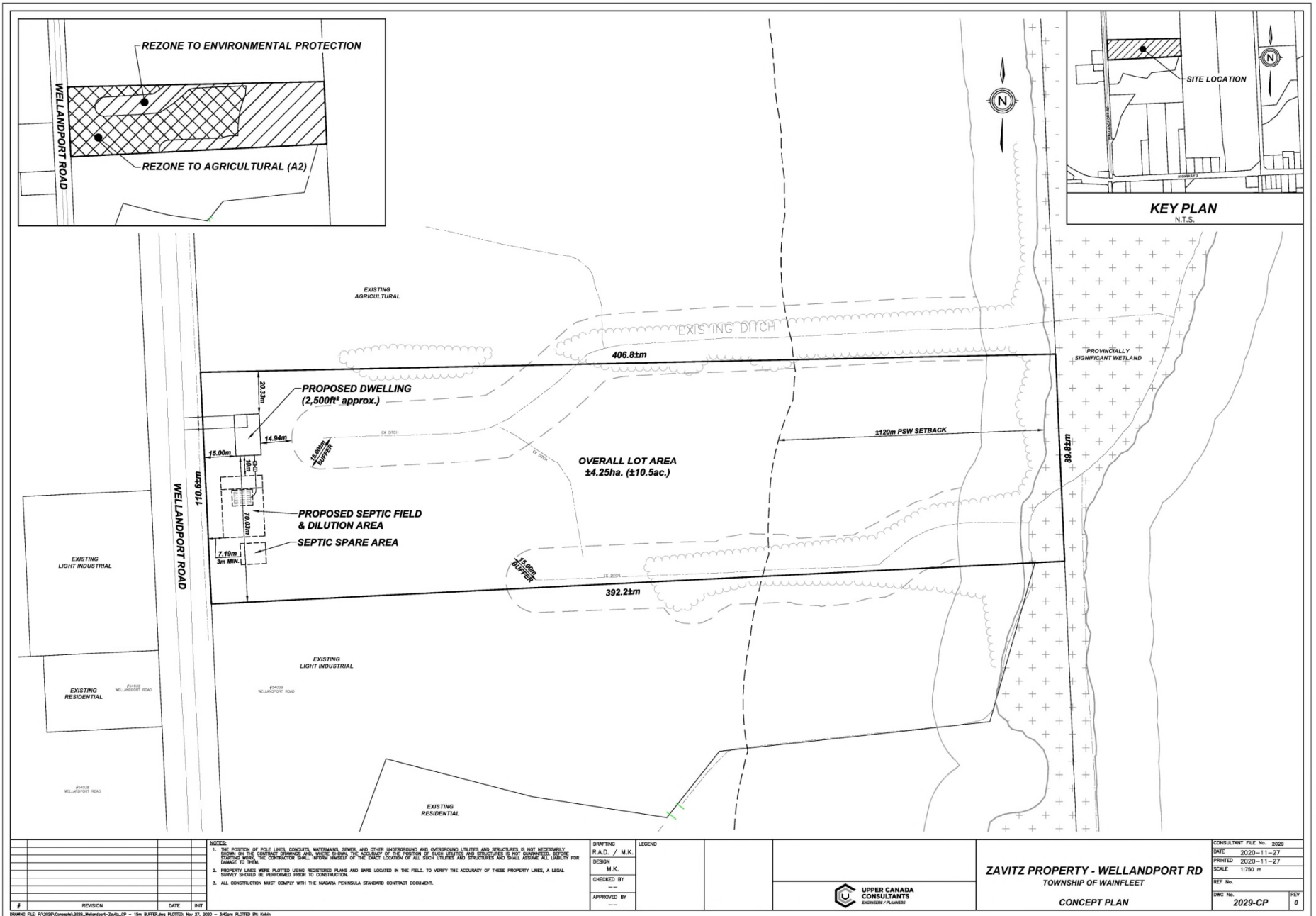
Mallory Luey  
Manager of Corporate Services/Treasurer

Approved by,

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William J. Kolasa  
Chief Administrative Officer

## APPENDIX “A”



## **APPENDIX “B”**

### **January 26, 2021 Draft Public Meeting Minutes**

Planner, S. Ivins outlined the requirements of the Planning Act regarding the notice of Public meeting and provided a description of the proposal.

Agent Matt Kernahan provided a PowerPoint presentation with information on the proposal.

The Planner confirmed that the property was just outside of the hamlet boundary as per Councillor Cridland's inquiry.

There being no questions from Council or comments from the public, the Planner explained that a recommendation report regarding a complete review of the proposal will be brought forward by staff and considered by Council at a later date.



## **APPENDIX "C"**

### **DEVELOPMENT AGREEMENT**

This agreement dated the \_\_\_\_\_ day of February, 2021.

BETWEEN:

**GERALD SWAYZE ZAVITZ II**

(hereinafter called the "Owner")

-and-

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

(hereinafter called the "Township")

**WHEREAS** the Owner is the owner of the real property legally described as Part Lot 39, Concession 4, Township of Wainfleet, Regional Municipality of Niagara (the "Lands");

**AND WHEREAS** the Owner desires to rezone the Lands to permit a single detached dwelling through Zoning By-law Amendment Z02/2021W;

**AND WHEREAS** the Council of the Township of Wainfleet has considered Zoning By-law Amendment Z02/2021W and deems it desirable to enter into a development agreement for the Lands;

**NOW THEREFORE IN CONSIDERATION OF** the sum of Two Dollars (\$2.00) and other good and valuable consideration paid by each of the parties hereto to the other, the receipt and sufficient of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. The Parties confirm that the foregoing recitals are true and correct and form part of this Agreement.
2. That any offers and agreements of purchase and sale or lease of the Lands shall include the following warning clause:
  - a) Purchasers and tenants are advised that due to the close proximity of industrial operations to the south and south-west, these lands may be exposed to noise, reduced air quality, odour or dust from these nearby industrial operations which may interfere with some activities of the owners/tenants who occupy these lands.
3. That Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeological Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8866) and a licensed archeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

4. This Agreement shall be registered on title to the Lands.
5. This Agreement shall not be extinguished or released without the prior written approval of the Township.
6. This Agreement and the obligations contained herein shall be binding upon and enure to the benefit of the Parties and their respective successors and assigns.

**IN WITNESS WHEREOF** the Parties hereto have executed this Agreement on the date first written above.

**SIGNED, SEALED AND DELIVERED**

**GERALD SWAYZE ZAVITZ II**

Witness

**TOWNSHIP OF WAINFLEET**

Witness

Kevin Gibson, Mayor

William Kolasa, Clerk

We have the authority to bind the corporation.

## APPENDIX "D"

### CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 00X-2021

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 39, Concession 5 in the Township of Wainfleet.

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

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

**THAT** Map 6 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Agricultural – A2-1 to Agricultural A2 – 70 with an Environmental Protection Overlay as shown on Schedule "A" attached hereto.

**THAT** Table 8 of Section 6.4 entitled "Lot and Building and Structure Exceptions" is hereby further amended by adding the following text under the A2 section:

Zone	#	By-Law #	Address	Description of Special Provision
A2	70	00X-2021	Pt. Lot 39, Con. 5	Minimum Southerly Side Yard Setback: 70m

**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 16<sup>TH</sup> DAY OF FEBRUARY, 2021.

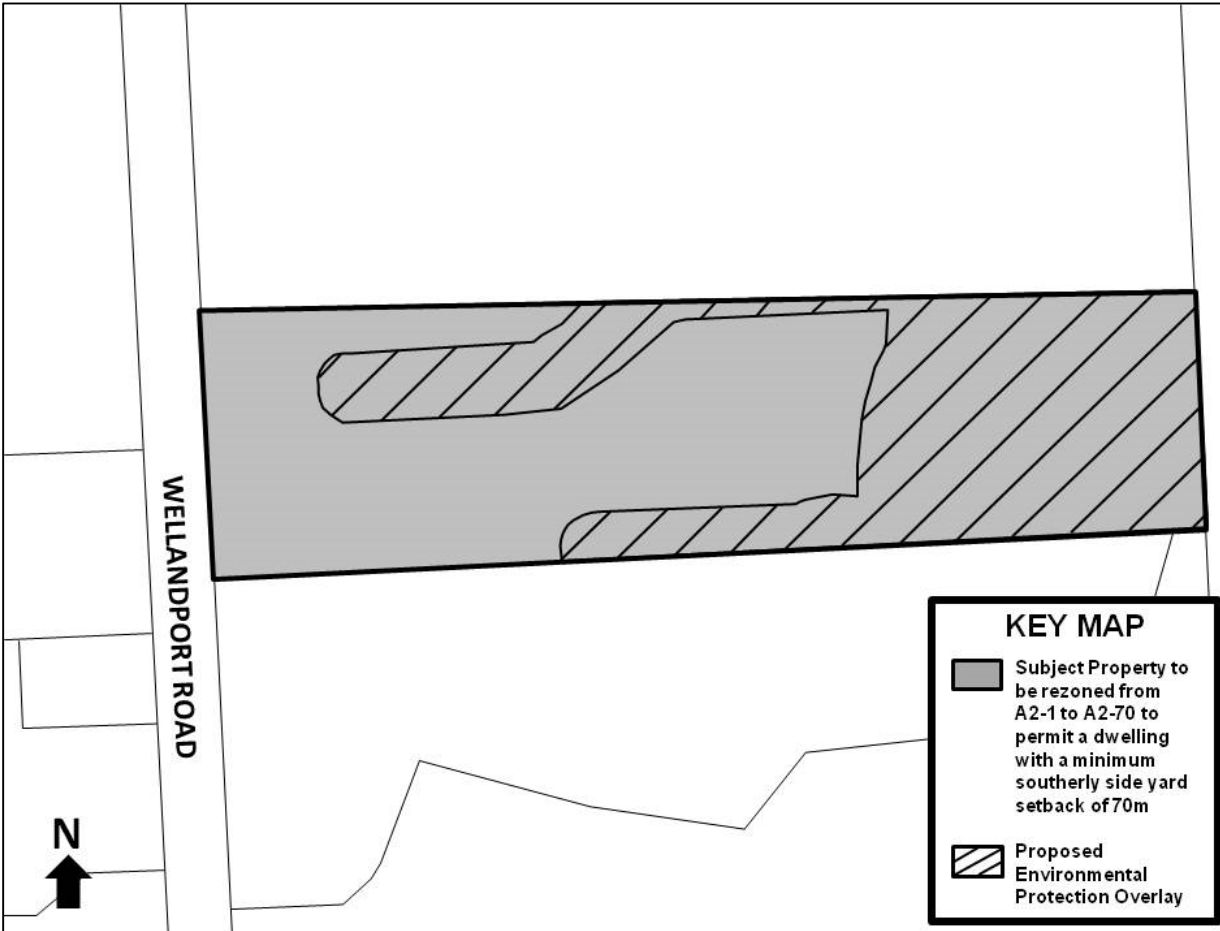

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

## SCHEDULE A TO BY-LAW 00X-2021

 <p><b>KEY MAP</b></p> <ul style="list-style-type: none"> <li>Subject Property to be rezoned from A2-1 to A2-70 to permit a dwelling with a minimum southerly side yard setback of 70m</li> <li>Proposed Environmental Protection Overlay</li> </ul>	
<b>TOWNSHIP OF WAINFLEET</b>	
<p>Purpose &amp; Effect of By-law No. 004-2021:</p> <p>This by-law affects lands described as Part of Lot 39, Concession 4 in the Township of Wainfleet. This by-law has been enacted to permit a dwelling with a minimum southerly side yard setback of 70m and to introduce an Environmental Protection Overlay.</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 004-2021.</p> <p>PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.</p>
 <p>File No. Z02/2021W (Zavitz)</p>	MAYOR
	DEPUTY CLERK

**TO:** Mayor Gibson & Members of Council

**FROM:** Sarah Ivins, Planner

**DATE OF MEETING:** February 16, 2021

**SUBJECT:** Zoning By-law Amendment File No. Z03/2021W  
2709998 Ontario Inc.

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**RECOMMENDATION(S):**

**THAT** Planning Staff Report PSR-005/2021 be received; and

**THAT** Zoning By-law Amendment File No. Z03/2021W for lands described as Concession 4, Part Lot 32 RP 59R4745 PART 1 in the Township of Wainfleet, be approved for the reasons outlined in PSR-005/2021; and

**THAT** the application be deemed consistent with the Provincial Policy Statement 2020 and other matters of Provincial interest; and

**THAT** the zoning by-law amendment attached as Appendix “C” be adopted.

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with a recommendation regarding a zoning by-law amendment application filed by 2709998 Ontario Inc. for a vacant lot on Highway #3 and Pettit Road described as Concession 4, Part Lot 32 RP 59R4745 PART 1 in the Township of Wainfleet.

The subject lands were the subject of a consent (severance) application (File B03/2021W) which was provisionally approved by the Committee of Adjustment on January 20, 2021. The provisional approval allows for a residential building lot (Parts 1, 2 & 3) to be severed from the subject lands.

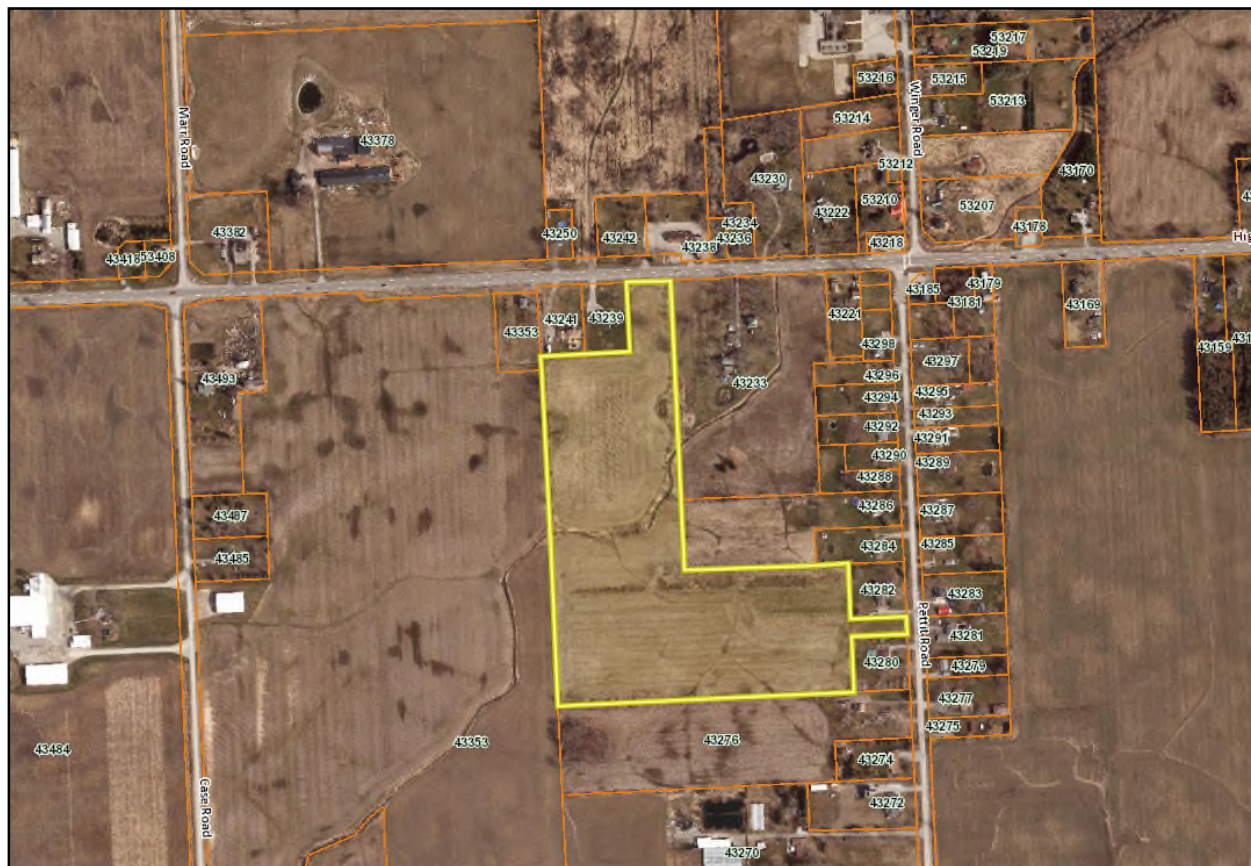
The proposed zoning by-law amendment is needed to permit a single detached dwelling on the severed lands as the current Development – D zone under Zoning By-law 581-78 prohibits dwellings. A public meeting for the proposed zoning by-law amendment was held on January 26, 2021.

**BACKGROUND:**

The subject lands are located on the south side of Highway #3 between Case Road and Pettit Road, within the Hamlet of Winger. The subject lands are 9.33 hectares in size and are currently being used for agricultural purposes. The surrounding land uses

include agricultural, residential and commercial. The subject lands are shown below in Figure 1.

Figure 1 – Subject Lands



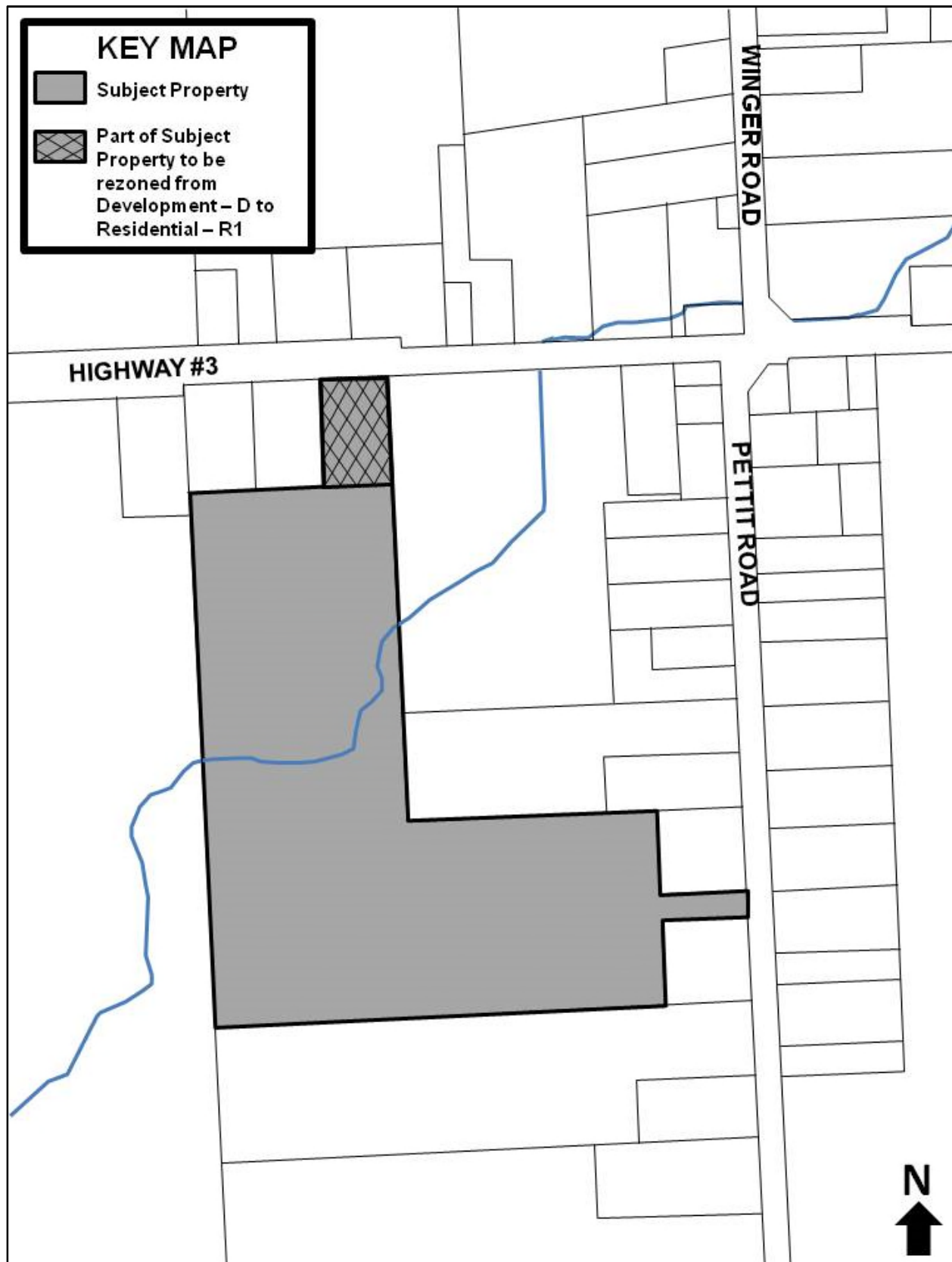
The subject lands were the subject of a consent (severance) application, File B03/2021W, which was considered by the Committee of Adjustment on January 20, 2021. The application was made for the consent to sever Part 1 (3769.9m<sup>2</sup>), Part 2 (169.7m<sup>2</sup>) and Part 3 (88.3m<sup>2</sup>) for future residential use and to retain Part 4 (8.93 ha) for continued agricultural use. The severance sketch is attached as Appendix "A". The Committee of Adjustment provisionally approved the application.

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

With reference to the key map provided below in Figure 2, part of the subject lands are proposed to be rezoned from Development - D to Residential – R1 to permit a single detached dwelling. The remainder of the property will continue to be zoned Development – D.

The Development – D zone is used as a placeholder and identifies lands that have the potential to be further developed via severance or plan of subdivision, which will also require a zoning amendment.

Figure 2 – Zoning By-law Amendment Map





On May 9, 2019 a pre-consultation meeting was held with the Township, Niagara Peninsula Conservation Authority (NPCA), Niagara Region Planning & Development Services and Township staff.

On December 4, 2020 the applicant filed the zoning by-law amendment and consent applications along with the following documents:

- Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. (June 2020);
- Hydrogeological Assessment prepared by Terra-Dynamics Consulting Inc. (October 2019);
- Phase 2 Environmental Site Assessment prepared by Hallex Environmental (August 2020).

On December 16, 2021 notice of a complete application and public meeting was given. A revised notice was issued on January 6, 2021 noting a change to a virtual meeting.

On January 26, 2021 a public meeting regarding this application was held and information report was presented to Council. The minutes of the public meeting are attached as Appendix "B".

### **OPTIONS/DISCUSSION:**

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

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

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

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

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

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

#### Provincial Policy Statement, 2020

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

The subject property is designated as being within a Settlement Area. Settlement Areas are urban and rural settlement areas that include cities, towns, villages and hamlets. Settlement Areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Residential development is permitted within a rural settlement area provided that consideration is given to rural characteristics, the scale of development and the provision of appropriate service levels. The proposed residential use is consistent with the existing development patterns in the Hamlet of Winger and will fit the rural characteristics of the Hamlet. A hydrogeological assessment prepared by Terra-Dynamics Consulting Inc. (October 2019) was submitted as part of the application and it concluded that the proposed lot is isolated from the underlying water supply aquifer and that there were no hydrogeological-based impediments to site development. The assessment recommended that a 15m setback to the external property boundary be implemented for the septic system and that a development agreement be entered into to ensure that the lot will be serviced by a cistern. As a condition of approval for the consent application, a consent agreement is required to address these servicing requirements. Planning staff are therefore satisfied that the proposed residential use can be appropriately serviced.

The subject property has been identified as an area of archaeological potential due to the nearby watercourse and historical transportation route. Policy 2.6 states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the site has been evaluated and significant archaeological resources conserved. A Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. (June 2020) was submitted as part of the application and it concluded that the surveyed area is considered to be free of archaeological material and therefore no additional archaeological assessments are recommended. A letter from the Ministry of Heritage, Sport, Tourism and Culture Industries was received on February 2, 2021 confirming that the report has been accepted and entered into the Ontario Public Register of Archaeological Reports.

The subject property has been identified as possible contaminated land due to the historical use as an orchard when older pesticides containing lead and arsenic were in use. Policy 3.2.2 states that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site. A Phase 2 Environmental Site Assessment prepared by Hallex Environmental (August 2020) was submitted as part of the application and it concluded that the soil samples met applicable Ministry of the Environment, Conservation and Parks (MECP) Site Conditions Standards 2011 Table 8 for Residential Land Use in a potable groundwater condition, for coarse textured soil, that no additional environmental work is required and the conditions satisfy the components of O.Reg. 153/04, as amended.

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

#### Growth Plan for the Greater Golden Horseshoe, 2019

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

As discussed above, the hydrogeological assessment prepared by Terra-Dynamics Consulting Inc. (October 2019) concluded that the proposed lot is isolated from the underlying water supply aquifer and that there were no hydrogeological-based impediments to site development. As such the proposed residential use in the zoning by-law amendment can be appropriately serviced.

Planning staff are of the opinion that the proposed zoning by-law amendment conforms with the Growth Plan.

#### Regional Official Plan

The subject property is designated as Hamlet in the Regional Official Plan. Hamlets are areas designated for further development of a low density nature without the provisions of municipal sewer and water.

New lots within the Hamlet must have an adequate water supply and must be suitable for private waste disposal. As discussed above, the proposed residential use in the zoning by-law amendment can be appropriately serviced.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), specifically containing Type 2 (Important) Fish Habitat in the watercourse (municipal drain). Policy 7.B.1.11 of the ROP requires the completion of an Environmental Impact Study (EIS) in support of any site alteration or development proposed within 15m of Type 2 Fish Habitat to demonstrate that there will be no significant negative impact on the feature and its ecological function. Since the area proposed to be rezoned is greater than 15m from the watercourse containing Type 2 Fish Habitat, an EIS was not required. Regional staff recommended that the watercourse and an associated 15m buffer on both sides be placed into an appropriate conservation zone as part of the zoning by-law amendment. Planning staff is of the opinion that this is outside of the scope of the proposed amendment as the application is only seeking to rezone the area proposed to be severed, which is well outside of the watercourse. Planning staff are of the opinion that the appropriate conservation zone can be implemented when additional applications are filed for the further development of the remainder of the subject lands or when the Township updates the Hamlet zoning to be under Zoning By-law 034-2014, whichever occurs first. The current Zoning By-law for the Hamlets (581-78) does not have environmental zones or overlays.

The subject property was historically used as an orchard and concerns regarding possible contamination from older generation pesticides were identified at the pre-consultation meeting. As discussed above, a Phase 2 Environmental Site Assessment prepared by Hallex Environmental (August 2020) concluded that no on-site contamination was found.

The subject property was identified as having high archaeological potential due to its proximity to a historical transportation route and watercourse. Policy 10.C.2.1.13 of the ROP states that development and site alterations are not permitted on lands containing archaeological resources or areas of archeological potential unless significant archaeological resources have been conserved. As discussed above, a Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. (June 2020) concluded that the surveyed area is considered to be free of archaeological material and therefore no additional archaeological assessments are recommended.

Planning staff are of the opinion that the proposed zoning by-law amendment conforms with the Regional Official Plan.

#### Niagara Peninsula Conservation Authority Regulated Lands

The Niagara Peninsula Conservation Authority (NPCA) is responsible for the review of planning applications within their regulated areas. The NPCA's Regulation Mapping shows that the subject property is impacted by a regulated watercourse and unevaluated Wetlands (MAX and OAO) associated with the watercourse.

Due to the distance between the watercourse and the area of the subject lands proposed to be rezoned, an Environmental Impact Study was not required. However, NPCA staff noted that development of the remaining subject lands will likely require an Environmental Impact Study in support of the any development or site alteration to ensure that no negative impact to NPCA regulated features occurs as result of the proposed development or site alteration.

#### Township of Wainfleet Official Plan

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

Policies within the Village Residential designation state that all new residential development shall respect the character and image of the surrounding area. The proposed zoning by-law amendment to rezone the area of the new lot approved by the Committee of Adjustment to a Residential – R1 zone aligns with these policies. The provisionally approved lot complies with the minimum lot area and lot frontage requirements of the Residential – R1 zone, has access to a public road (Highway #3) and reflects the lot pattern within the Hamlet.

Planning staff are of the opinion that the proposed zoning by-law amendment conforms with the Township's Official Plan.

#### Township of Wainfleet Zoning By-law 581-78

The subject property is zoned Development – D in the Township Zoning By-law 581-78. Permitted uses within the Development – D zone include agricultural uses (but excluding all livestock and poultry operations), mushroom farms, fur farms, greenhouse and commercial dog kennels, single detached dwellings existing at the date of the passing of the by-law and uses, buildings and structures accessory thereto and the conversion of a building existing at the date of the passing of the by-law to a duplex or semi-detached dwelling.

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

The proposed zoning by-law amendment seeks to rezone the area of the provisionally approved lot to a Residential – R1 zone. The remainder of the subject lands will continue to be zoned Development – D until such a time future development applications are received.

Staff are satisfied that the provisionally approved lot is adequate to accommodate a single detached dwelling that can comply with the required yard setbacks, height and lot coverage provisions.

**FINANCIAL CONSIDERATIONS:**

None.

**OTHERS CONSULTED:**

Public Meeting

A statutory public meeting was held virtually on January 26, 2021. Notice of the public meeting was mailed to landowners within 120m of the subject property on December 16<sup>th</sup>, 2020 and then again on January 6<sup>th</sup>, 2021 reflecting the change to a virtual meeting. Additionally, a public notice sign was posted on the subject property and the notice was posted on the Township's website.

The applicant spoke in support of their application and no member of the public spoke at the public meeting. The Township has received one written public comment:

Jim Tucker and Barbara Kurpita noted concern with the current and/or future owners of the subject lands using the access from Pettit Road to access the provisionally approved lot fronting onto Highway #3, particularly during the construction stage. It was noted that access from Highway #3 could be problematic as there is not a lot of shoulder on the road as that is near the point where the turning lane on Highway #3 begins and there is a crossing through the agricultural field that has been used in the past.

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

Township Department and Agency Comments

On December 16, 2020 a request for comments was circulated to Township departments and external agencies requiring review of the proposed application.

Niagara Region Planning and Development Services noted no objection to the proposed zoning by-law amendment from a Provincial or Regional perspective, provided the watercourse containing Type 2 (Important) Fish Habitat and a 15m buffer is placed into an appropriate conservation zone as well as the satisfaction of any local requirements. As discussed above, Zoning By-law 581-78 does not have the appropriate conservation zone and Planning staff is of the opinion that this request is outside the scope of the proposed amendment. As such Planning staff recommend that the watercourse be rezoned through future development applications for the remaining subject lands or through the future Township initiated zoning by-law amendment to update the zoning for the Township's Hamlets, whichever occurs first.

Regional staff also requested that the acknowledgement letter from the Ministry of Heritage, Sport, Tourism and Culture Industries be received prior to consideration of the zoning by-law amendment or satisfied through the use of a Holding (H) provision in the

zoning by-law amendment. At the time, the Region provided these comments the letter from the Ministry had not been received but the letter has since been received (February 2, 2021) and satisfies these comments.

Niagara Peninsula Conservation Authority (NPCA) noted no objection to the proposed zoning by-law amendment. NPCA noted that any future Planning Act applications for the remaining subject lands will likely require the completion of an Environmental Impact Study and any works within or adjacent to regulated features will require a works permit from the NPCA.

There were no further Township department or agency comments received.

### **CONCLUSION:**

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z02/2021W, for the lands described as Concession 4, Part Lot 32 RP 59R4745 PART 1. It is the opinion of staff that the application is consistent with Provincial, Regional and Township planning policy and recommends that the application be approved.

### **ATTACHMENTS:**

- 1) Appendix "A" – Severance Sketch
- 2) Appendix "B" – Draft Minutes of the Public Meeting Held on January 26, 2021
- 3) Appendix "C" – Zoning By-law Amendment

Respectfully submitted by,

Reviewed by,

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Sarah Ivins  
Planner

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Mallory Luey  
Manager of Corporate Services/Treasurer

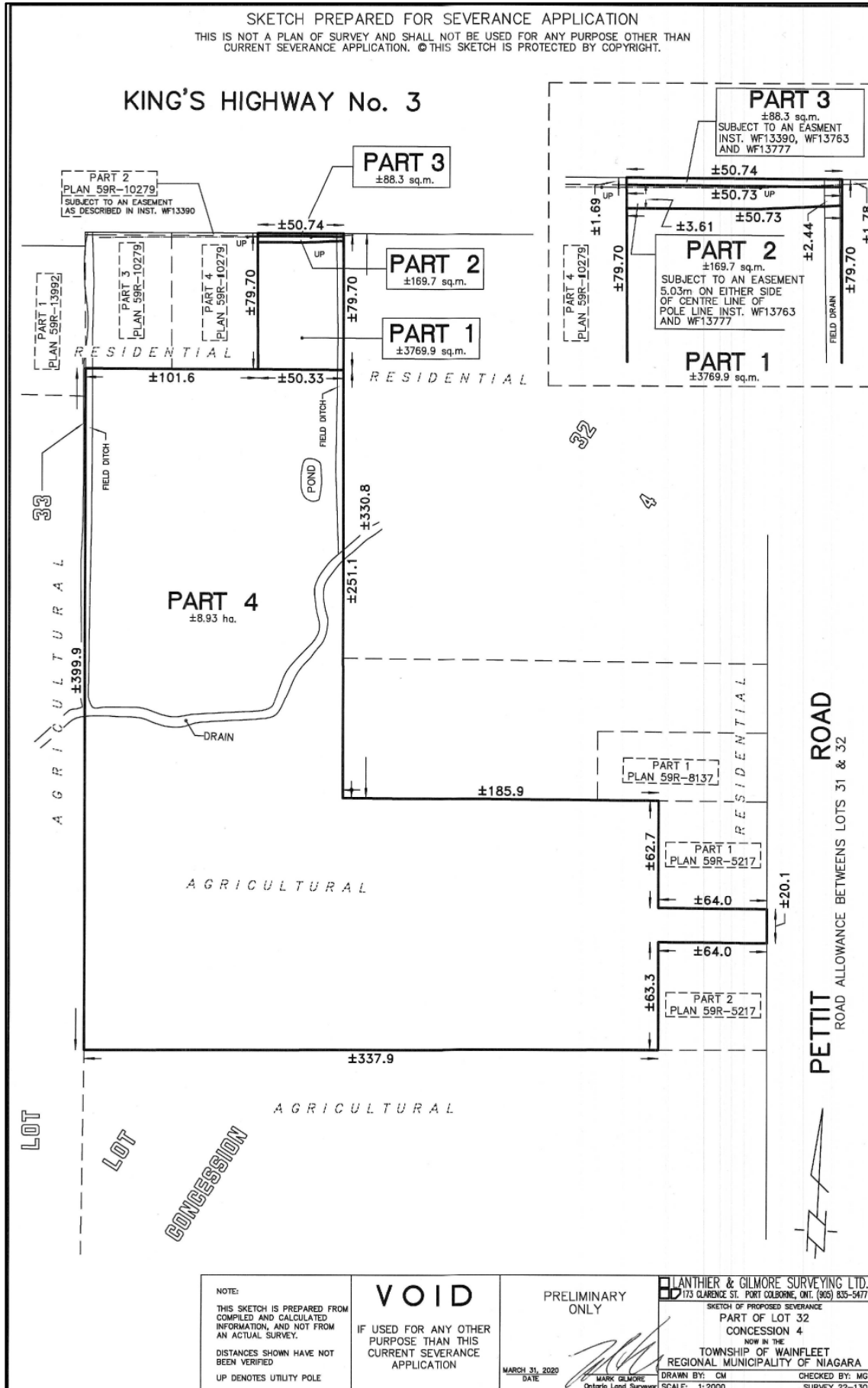
Approved by,

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William J. Kolasa  
Chief Administrative Officer



# APPENDIX "A"



## **APPENDIX “B”**

### **January 26, 2021 Draft Public Meeting Minutes**

Planner, S. Ivins outlined the requirements of the Planning Act regarding the notice of Public meeting and provided a description of the proposal.

Councillor Cridland asked where the access point would be if there is interest in developing the rest of the parcel. The Planner advised that the applicant has access to both Highway #3 and Petit Road, and is working closely with the Ministry of Transportation to see if they would allow a Road access to Highway #3 should that parcel be developed and was unsuccessful. MTO has permitted the applicant to upgrade their farm entrance from Highway #3 to a residential access which eliminates the opportunity for the potential of a new road from Petit to Highway #3 based on MTO access guidelines. The Planner noted that sole access will be off of Petit Road and further information will be forthcoming in the recommendation report.

Councillor Gilmore commented that the drawing indicates road access is 20.1 metres which is just barely wide enough for a normal road allowance. Councillor Gilmore stated that he doesn't want to get in a situation where lots are laid out and not enough room to service the lots in behind. Councillor Gilmore inquired whether that was enough for a road that the Township could assume some time in the future? Planner, S. Ivins stated that the minimum width for municipal road allowance is 20 metres which is sufficient.

Councillor Van Vliet commented that there is a municipal drain that runs through the remainder of the parcel and inquired if that would be addressed in the recommendation report. Planner, S. Ivins advised that comments will be included within the report with respect to the Niagara Region's comments respecting fish habitat. The proposed lot is outside of the buffers associated with the drain so there is no environmental impact.

There being no further comments from Council, the Mayor Gibson adjourned the Public Meeting portion of the agenda at 7:28 p.m.

## **APPENDIX "C"**

### **CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 00X-2021**

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 Lot 32 RP 59R4745 PART 1 in the Township of Wainfleet.

**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 4 of Schedule B for Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of 1 acre of the subject property from Development - D to Residential – R1 as shown on Schedule "A" attached hereto.

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

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

BY-LAW READ AND PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.

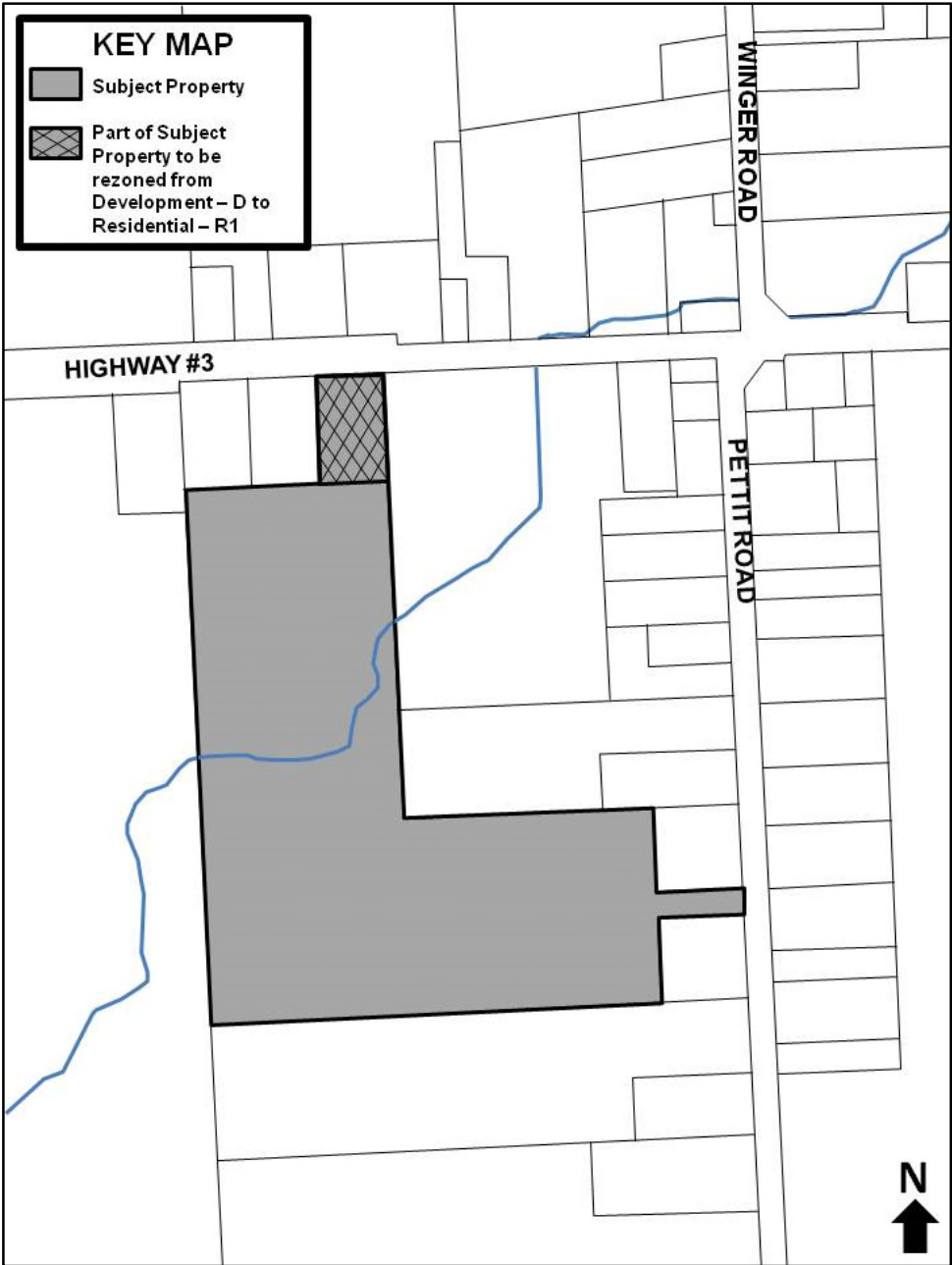

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

## SCHEDULE A TO BY-LAW 0XX-2021

	
<b>TOWNSHIP OF WAINFLEET</b>	
<p>Purpose &amp; Effect of By-law No. 0XX-2021:</p> <p>This by-law affects lands described as Concession 4, Part Lot 32 RP 59R4745 PART 1 in the Township of Wainfleet. This by-law has been enacted to permit a dwelling.</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 0XX-2021. PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.</p>
 <p>File No. Z03/2021W (2709998 Ontario Inc.)</p>	MAYOR
	DEPUTY CLERK



REGIONAL MUNICIPALITY OF NIAGARA  
**POLICE SERVICES BOARD**

5700 VALLEY WAY, NIAGARA FALLS, ONTARIO L2E 1X8

Received November 4, 2020  
C-027-2021

Tel: (905) 688-4111 Fax: (289) 248-1011  
E-mail: [psb@niagarapolice.ca](mailto:psb@niagarapolice.ca)  
Website: [www.niagarapolice.ca](http://www.niagarapolice.ca)

November 4, 2020

DELIVERED BY EMAIL

The Honourable Patty Hajdu  
Minister of Health  
[patty.hajdu@parl.gc.ca](mailto:patty.hajdu@parl.gc.ca)

Dear Minister Hajdu:

**RE: Medical Cannabis Grow Operations - Public Safety Concerns**

We are writing on behalf of the Regional Municipality of Niagara Police Services Board and the Niagara Regional Police Service to request Health Canada address proper regulation of the cannabis industry, specifically with designated medical growers who are operating outside of their medical designations.

The *Federal Cannabis Act* controls the production, distribution, sale and possession of cannabis in Canada, including the application and licensing of personal and commercial medical cannabis production, which should be compliant with local municipal by-laws according to criteria set out for applicants in the process administered by Health Canada as the agency responsible for approval of cannabis production facilities.

Our concerns are for the significant number of operations growing for personal medical use under the certificate/registration system set up by Health Canada. Under the legislation, an adult individual is eligible to produce cannabis for their own medical purposes. The amount permitted to grow for personal use is contingent upon the maximum daily amount prescribed by a medical practitioner and whether or not the plants are going to be grown inside, outside or a combination of both. Health Canada's regulations govern the growing of medical cannabis and allow an individual to designate another individual to grow it on their behalf.

A maximum of four (4) certificates for growing medical cannabis for personal purposes are permitted per property. As a result, a significant amount of medical cannabis may be grown on a property for personal medical use. Designated growers are permitted to grow up to 500 plants per individual license, or potentially 2,000 plants. Further, Health Canada treats the certificates as medical information and as such, operators are not required to provide their certificates to municipalities or police, which prevents municipalities or the police from determining if an operation is legally permitted or not. This is exacerbated by minimal oversight or concern from Health Canada.

Police enforcement efforts across southern Ontario, including Niagara, indicate that many growers are producing well in excess of the maximum licensed number of plants. It has become clear that the excess being produced by designated growers is being funneled to the illicit market which is mostly controlled by organized crime.

This was well documented during a large-scale, multijurisdictional illicit cannabis growing investigation in August of this year, where police seized over an estimated \$42 million in drugs, equipment, weapons and other items. This included 101,049 illegal cannabis plants; 1,921 pounds of illegal cannabis bud; 21 pounds of illegal cannabis shatter and three pounds of illegal cannabis hash.

Unfortunately, this is not an uncommon occurrence. In July 2020, Niagara Regional Police made arrests and seizures at a large illicit cannabis operation in the City of St. Catharines with over 17,000 plants. The investigation resulted in the arrest of eleven people, with an estimated \$34 million in cannabis plants. In 2018, Niagara Regional Police arrested one individual for growing over 1,000 plants at an estimated worth of over \$1 million. In 2017, Niagara Regional Police busted two large medical grow operations that were operating under fraudulent Health Canada medical licenses for personal or designated use. In 2016, an individual was arrested with 500 plants and in 2015 the Niagara Regional Police arrested another person with over 1,000 plants that was also valued at just over one million dollars.

It is apparent that criminal enterprises are abusing the Health Canada registration, using it as a loophole to grow well over the allotted amount. These organized crime groups have been exploiting Health Canada medical, personal and designate cannabis production, instead growing the plants to sell illegally. Health Canada has strict rules governing licensing, odour, security, light pollution, chemical contamination, fire hazards and the like for federally-licensed grow facilities, however; no such oversight applies to personal and designated growers.

**We are therefore urging the Federal Government to expand the legislative framework to provide greater oversight to address public safety concerns with the personal and designated medical growers who are operating outside the boundaries of their medical designations.**

These unlicensed operations have become a significant concern for residents in the Niagara Region and our local municipalities from both a health and safety lens as well as from a land use and building code situation. Local municipal governments have responsibility for the enforcement of local by-laws and ensuring life-safety compliance with fire and building code regulations, but Health Canada has no process in place to share licensing information with local authorities about the location of medical cannabis production facilities. **By way of copy, we are calling on Niagara's MPs and MPPs for support, and urging the Niagara Region and Councils of its 12 local municipalities to call on the Federal Government to put in place the needed controls and oversight permissions that will provide safety, health and personal comfort to all residents of Niagara.**

Minister, we need your help to get these issues under control. We are asking that Health Canada take action against operations that cross the line into criminality. Police resources are stretched and the need to establish criminality limits police ability to respond to these operations that are causing such concern. Police enforcement is an important tool but we need other ways to manage the growing problems these unlicensed operations are creating. We need Health Canada to implement practices that will improve the sharing of information regarding cannabis certificates with police and municipalities, outline requirements for compliance with municipal zoning by-laws, include appropriate monitoring and inspections, and consider the need to revisit the formula for determining the maximum number of plants permitted under a certificate.

The Board and Police Service would certainly be willing to further engage with Ministry personnel in an effort to share our experiences and work collaboratively to increase the effectiveness of the legislation and enhance public safety.

Your consideration of the concerns raised in this letter would be greatly appreciated and we look forward to your response.

Yours truly,



William C. Steele  
Acting Board Chair



Bryan R. MacCulloch, M.O.M.  
Chief of Police

Copies to:

The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness  
The Honourable David Lametti, Minister of Justice and Attorney General of Canada  
MP Dean Allison, Niagara West  
MP Chris Bittle, St. Catharines  
MP Tony Baldinelli, Niagara Falls  
MP Vance Badawey, Niagara Centre

President Micki Ruth, Canadian Association of Police Governance  
Chief of Police Bryan Larkin, President, Canadian Association of Chiefs of Police

The Honourable Christine Elliott, Deputy Premier and Minister of Health  
The Honourable Doug Downey, Attorney General  
The Honourable Sylvia Jones, Minister of the Solicitor General

MPP Sam Oosterhoff, Niagara West  
MPP Jennie Stevens, St. Catharines  
MPP Wayne Gates, Niagara Falls  
MPP Jeff Burch, Niagara Centre

Chair Patrick Weaver, Ontario Association of Police Services Boards  
Chief of Police Paul Pedersen, President, Ontario Association of Chiefs of Police

Regional Chair Jim Bradley and Members of Council, Niagara Region  
Mayor Dave Bylsma and Members of Council, Town of West Lincoln  
Mayor Frank Campion and Members of Council, City of Welland  
Mayor Jim Diodati and Members of Council, City of Niagara Falls  
Mayor Betty Disero and Members of Council, Town of Niagara-on-the-Lake  
Mayor Sandra Easton and Members of Council, Town of Lincoln  
Mayor Kevin Gibson and Members of Council, Township of Wainfleet  
Mayor Jeff Jordan and Members of Council, Town of Grimsby  
Mayor Marvin Junkin and Members of Council, Town of Pelham  
Mayor Wayne Redekop and Members of Council, Town of Fort Erie  
Mayor Walter Sendzik and Members of Council, City of St Catharines  
Mayor Bill Steele and Members of Council, City of Port Colborne  
Mayor Terry Ugolini and Members of Council, City of Thorold

Board Members, Niagara Police Services Board





## PORT COLBORNE

Corporate Services Department  
Clerk's Division

Municipal Offices: 66 Charlotte Street  
Port Colborne, Ontario L3K 3C8 • [www.portcolborne.ca](http://www.portcolborne.ca)

T 905.835.2900 ext 106 F 905.834.5746  
E [amber.lapointe@portcolborne.ca](mailto:amber.lapointe@portcolborne.ca)

Received January 22, 2021  
C-029-2021

January 22, 2021

The Honourable Doug Ford, Premier of Ontario  
Legislative Building, Queen's Park  
Toronto, ON M7A 1Y7

**VIA E-MAIL**

Dear Premier Ford:

**Re: Resolution – Drainage Matters on Canadian National Railway Lands**

Please be advised that, at its meeting of December 14, 2020, the Council of The Corporation of the City of Port Colborne resolved as follows:

That the resolution received from the Municipality of Southwest Middlesex Re: Drainage Matters on Canadian National Railway Lands, be supported.

A copy of the above noted resolution is enclosed for your reference. Your favourable consideration of this request is respectfully requested.

Sincerely,

Amber LaPointe  
City Clerk

Encl.

ec: Hon. Omar Alghabra, Federal Minister of Transport  
Hon. Ernie Hardeman, Ministry of Agriculture, Food and Rural Affairs  
Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Chris Bittle, MP St. Catharines  
Tony Baldinelli, MP Niagara Falls  
Vance Badawey, MP Niagara Centre  
Dean Allison, MP Niagara West  
Jennifer Stevens, MPP St. Catharines  
Wayne Gates, MPP Niagara Falls  
Jeff Burch, MPP Niagara Centre  
Sam Oosterholf, MPP Niagara West  
Association of Municipalities of Ontario (AMO)  
Ontario Municipalities



Municipality of Southwest Middlesex

December 7, 2020

Please be advised that the Council of Southwest Middlesex passed the following resolution at its November 25, 2020 Council meeting:

Drainage Matters: CN Rail

Moved by Councillor McGill

Seconded by Councillor Vink

“WHEREAS municipalities are facilitators of the provincial process under the *Drainage Act* providing land owners to enter into agreements to construct or improve drains, and for the democratic procedure for the construction, improvement and maintenance of drainage works; and

WHEREAS municipal drain infrastructure and railway track infrastructure intersect in many areas in Ontario; and

WHEREAS coordination with national railways is required for the construction or improvement of drains that benefit or intersect with national railways; and

WHEREAS the national railways have historically participated in the process for construction, improvement and maintenance of drainage works; and

WHEREAS currently municipalities are experiencing a lack of coordination with national railways on drainage projects; and

WHEREAS the lack of coordination is resulting in projects being significantly delayed or cancelled within a year; and

WHEREAS municipal drains remove excess water to support public and private infrastructure and agricultural operations;

THEREFORE be it resolved that the Province of Ontario work with the Federal Minister of Transportation to address concerns regarding municipal drainage matters and need for coordination with the national railways; and

THAT Council circulate the resolution to the Provincial Ministers of Agriculture, Food, and Rural Affairs, and Municipal Affairs and Housing, and the Federal Minister of Transportation, the local MP and MPP, the Association of Municipalities of Ontario, and all municipalities.”

Sincerely.



Jillene Bellchamber-Glazier  
CAO-Clerk

Cc: The Honorable Marc Gardeau, Minister of Transport  
The Honorable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
Monte McNaughton, MPP Lambton-Middlesex-London  
Lianne Rood, MP Lambton-Kent-Middlesex  
The Association of Municipalities of Ontario  
All Ontario Municipalities

**concerns****From** <dmlgibson@lastmilenet.ca>**Date** 2021-01-25 16:40

Received January 25, 2021

C-031-2021

January 12, 2021

To The Honorable Mayor Kevin Gibson,

Dear Sir,

Recently, as taxpayers and life-long residents of the township, there are two matters that have come to our attention which cause us some concern.

The first is Port Colborne council's intention to possibly sell off beach road allowances to property owners and close off access of beaches to the public. We have lived on Lakeshore Rd. near Augustine Rd. beach access for 40 years. We and our children and grandchildren have enjoyed summers at the beach. We are well aware the beachfront owners have put pressure on the council to restrict access. Even last year, the fence went up with the Council's approval cutting the shrinking beach in half. No Parking signs are everywhere including in front of our house. We can't even have a garage sale anymore. No one asked us if we were bothered by parking or objected to the signs. They appeared one day just like the fences. Wainfleet residents are already being denied access to the beaches unless they can be reached by walking or bicycle. When we were kids, our parents drove us to the beach or we rode our bikes. Any access was available. We are also well aware of the crowding. However, there are other measures for dealing with that as we have seen other communities do. For example, restricting access to locals (all Wainfleet residents) and their families or charging a minimal fee for the season for locals to cover the cost of bylaw officers. When Morgan's Point Community Park was managed by the township we had a card if we were local residents. The one public beach we do have is too small and parking is inadequate. Also last year it was closed at 6 p.m. so anyone who wanted to go for a swim at suppertime when it was less crowded, could not go. The former crippled children's camp is the best beach around. What a great resource it could have been. The residents of Wainfleet need our beaches at this time more than ever. We need the solace and peace that a stroll along the beach can offer or to let our kids and grand-children run along the shore or play in the sand when there is no school to go to, or just somewhere nice to walk the dog. We hope Wainfleet does not choose to follow the same plan that Port Colborne is considering.

Secondly, a friend in Welland who lives along the 140, is having her land, which is currently being farmed, expropriated by the Council for an industrial corridor. Our backyard backs on to farmland which we quite enjoy. We would not wish to see it replaced by a plant, a wind farm, or a solar panel field, all of which would detract from the natural scenery and devalue our land. Nor would we like to see these spring up on other land currently being used as farmland in our township.

Yours Truly

Dale and Mary Lou Gibson

12044 Lakeshore Rd.

**CORPORATION OF THE TOWNSHIP OF WAINFLEET**  
**BY-LAW NO. 004-2021**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 9, Concession 4 in the Township of Wainfleet, known municipally as 41027 Willson Road.

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

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

**THAT** Map 9 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of Part 2 of the subject property from Agricultural – A2 to Agricultural A2 – 1,69 as shown on Schedule “A” attached hereto.

**THAT** Table 7 of Section 6.3 entitled “Permitted Use Exceptions” is hereby further amended by adding the following text under the heading A2 - 1:

Zone	#	By-Law #	Address	Additional Permitted Uses	Sole Permitted Uses	Excluded Uses
A2	1	004-2021	Pt. Lot 9, Con. 4			Dwellings

**THAT** Table 8 of Section 6.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the A2 section:

Zone	#	By-Law #	Address	Description of Special Provision
A2	69	004-2021	Pt. Lot 9, Con. 4	Minimum Lot Area: 16.99 ha

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

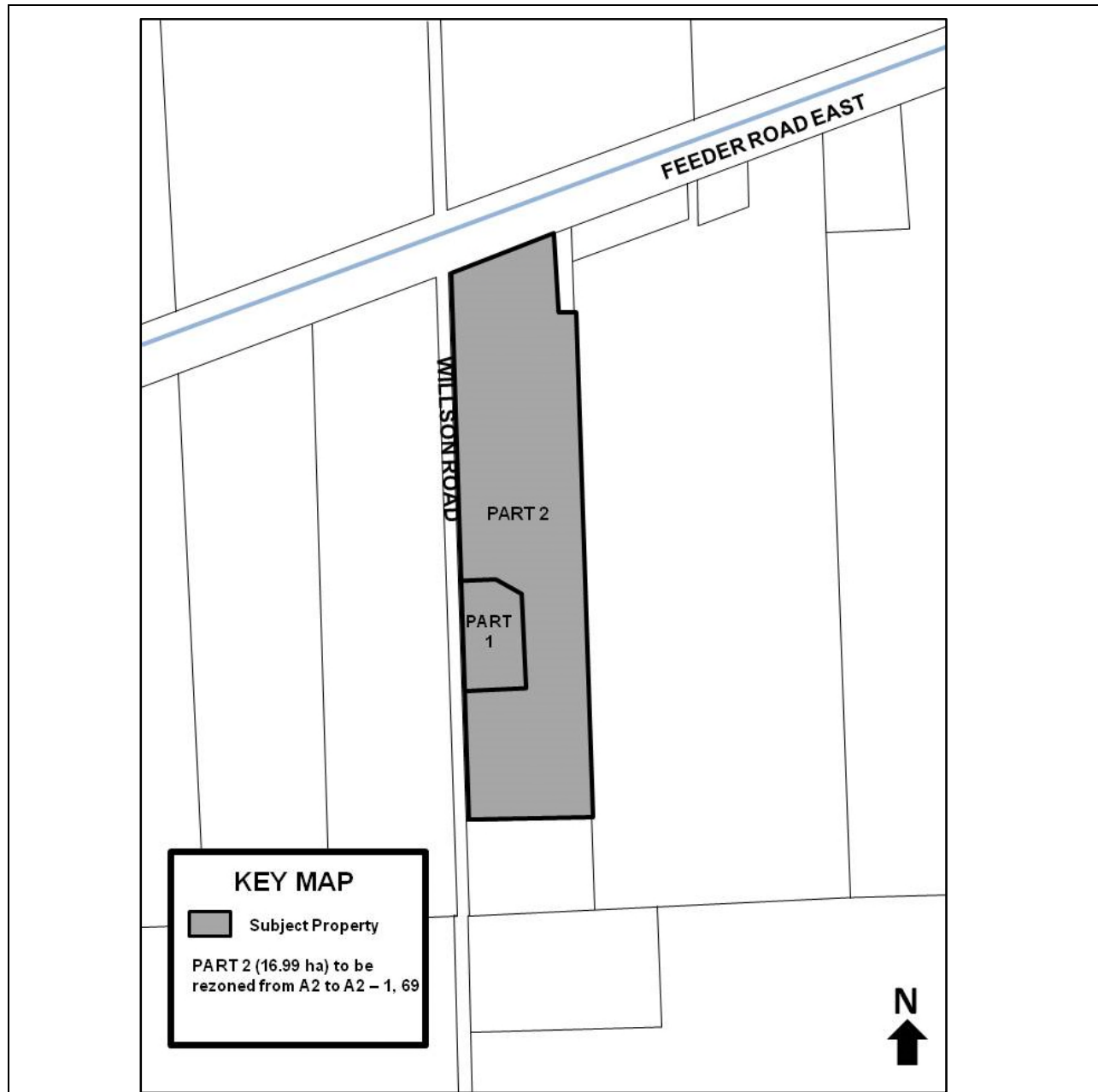
**THAT** this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.

\_\_\_\_\_  
K. Gibson, MAYOR

\_\_\_\_\_  
M. Ciuffetelli, DEPUTY CLERK

# SCHEDULE A TO BY-LAW 004-2021



## TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 003-2021:

This by-law affects lands described as Part of Lot 9, Concession 4 in the Township of Wainfleet and known municipally as 41027 Willson Road. This by-law has been enacted to prohibit dwellings and to recognize a reduced lot area of 16.99 ha for Part 2.

THIS IS SCHEDULE "A" TO BY-LAW NO. 003-2021.  
PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.



File No. Z01/2021W (Young, Stoop)

MAYOR

DEPUTY CLERK

**CORPORATION OF THE TOWNSHIP OF WAINFLEET**  
**BY-LAW NO. 005-2021**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 39, Concession 5 in the Township of Wainfleet.

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

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

**THAT** Map 6 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Agricultural – A2-1 to Agricultural A2 – 70 with an Environmental Protection Overlay as shown on Schedule “A” attached hereto.

**THAT** Table 8 of Section 6.4 entitled “Lot and Building and Structure Exceptions” is hereby further amended by adding the following text under the A2 section:

<b>Zone</b>	<b>#</b>	<b>By-Law #</b>	<b>Address</b>	<b>Description of Special Provision</b>
A2	70	005-2021	Pt. Lot 39, Con. 5	Minimum Southerly Side Yard Setback: 70m

**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.

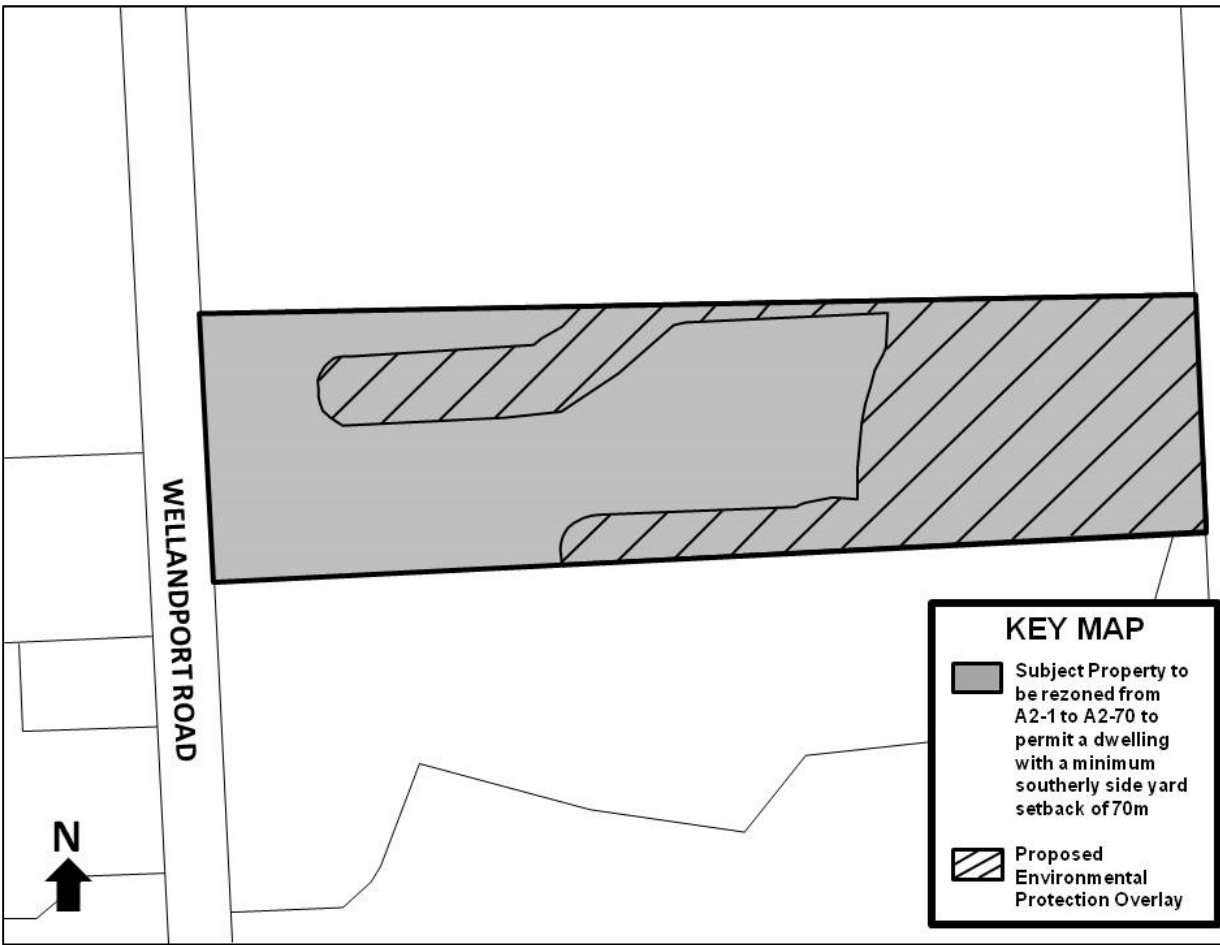

BY-LAW READ AND PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.

\_\_\_\_\_  
K. Gibson, MAYOR

\_\_\_\_\_  
M. Ciuffetelli, DEPUTY CLERK



# SCHEDULE A TO BY-LAW 005-2021

	
<p align="center"><b>TOWNSHIP OF WAINFLEET</b></p>	
<p>Purpose &amp; Effect of By-law No. 005-2021:</p> <p>This by-law affects lands described as Part of Lot 39, Concession 4 in the Township of Wainfleet. This by-law has been enacted to permit a dwelling with a minimum southerly side yard setback of 70m and to introduce an Environmental Protection Overlay.</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 005-2021. PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.</p>
 <p>File No. Z02/2021W (Zavitz)</p>	<p align="center">MAYOR</p> <hr/> <p align="center">DEPUTY CLERK</p>

**CORPORATION OF THE TOWNSHIP OF WAINFLEET**  
**BY-LAW NO. 006-2021**

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 Lot 32 RP 59R4745 PART 1 in the Township of Wainfleet.

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

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

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

BY-LAW READ AND PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.



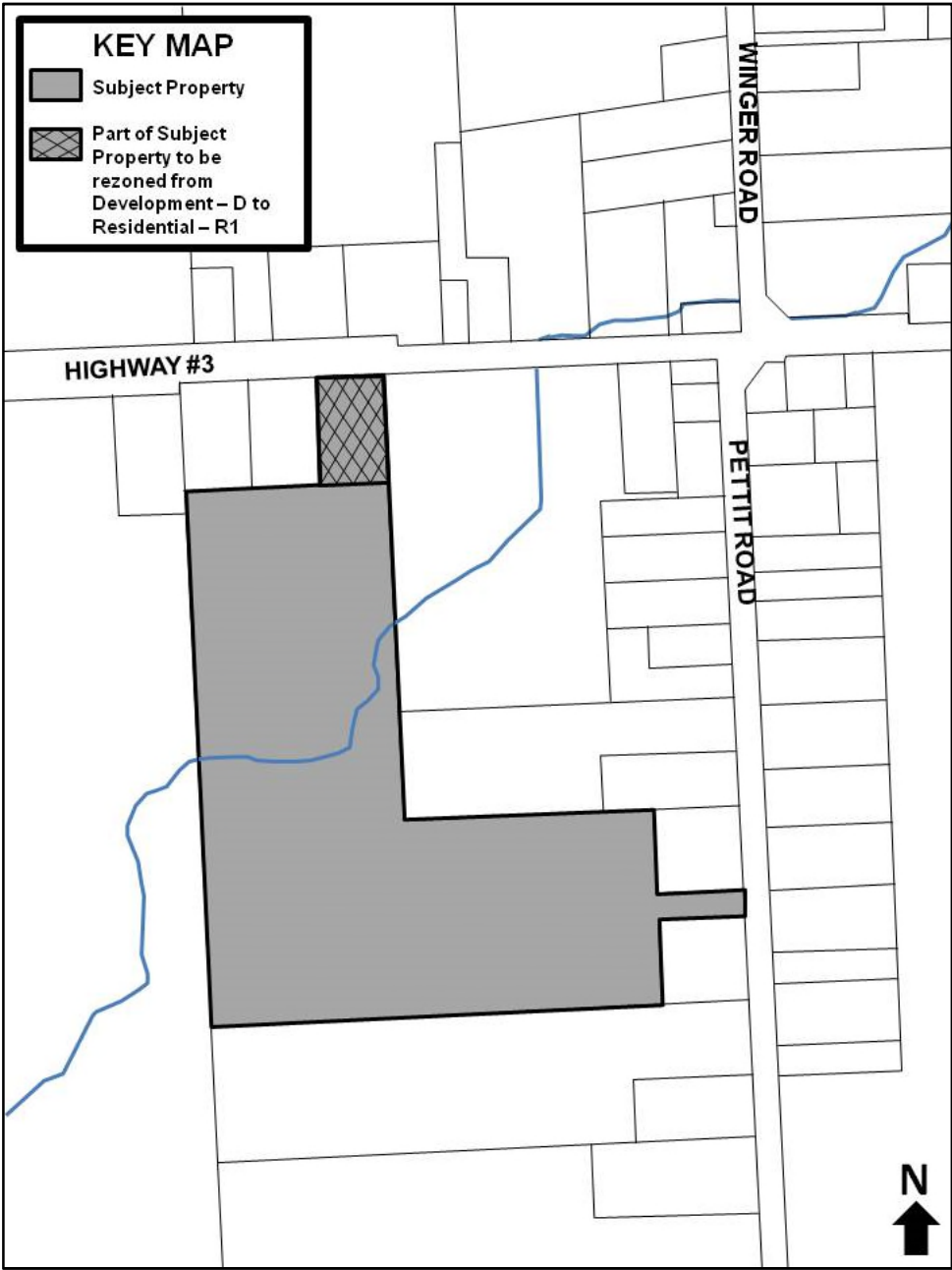

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

# SCHEDULE A TO BY-LAW 006-2021

<div data-bbox="329 270 1291 1554"> <div data-bbox="342 283 643 525"> <p><b>KEY MAP</b></p> <p> Subject Property</p> <p> Part of Subject Property to be rezoned from Development – D to Residential – R1</p> </div>  </div>	
<p align="center"><b>TOWNSHIP OF WAINFLEET</b></p>	
<p>Purpose &amp; Effect of By-law No. 006-2021:</p> <p>This by-law affects lands described as Concession 4, Part Lot 32 RP 59R4745 PART 1 in the Township of Wainfleet. This by-law has been enacted to permit a dwelling.</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 006-2021.</p> <p>PASSED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2021.</p>
 <p>File No. Z03/2021W (2709998 Ontario Inc.)</p>	<p align="center">MAYOR</p>
	<p align="center">DEPUTY CLERK</p>

# THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

## BY-LAW NO. 007-2021

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its meeting held February 16, 2021

**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 meeting held February 16, 2021, 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 16<sup>th</sup> DAY OF FEBRUARY, 2021

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K. Gibson, MAYOR

---

M. Ciuffetelli, DEPUTY CLERK