



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

**JULY 12, 2022 – 7:00 P.M.**

**COUNCIL CHAMBERS**

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C14/22

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Mayor's Announcements & Remarks**
- 6. Councillor's Announcements & Remarks**
- 7. Adoption of Previous Council Minutes**
  - a) Minutes of the regular meeting of Council held June 21, 2022
- 8. Public Meeting**
- 9. Delegations**
  - a) Chief Bryan MacCulloch, Niagara Regional Police Service – 2022 Update
- 10. Staff Reports & Recommendations**
  - a) Building Staff Reports
    - i. Memorandum Re: 2022 Building Permit Activity – Quarters 1 & 2
  - b) By-law Enforcement Staff Reports
    - i. Memorandum Re: Appoint Summer By-law Student
  - c) Community and Development Services Staff Reports
    - i. Memorandum Re: Amendment to Lakeshore Access By-law

d) Drainage Staff Reports

- i. DSR-005/2022 Re: Chambers Corner Drain Extension Improvement– Engineer's Report

e) Fire Staff Reports

- i. FSR-008/2022 Re: Revision of Fire & Emergency Services Organizational Chart

f) Planning Staff Reports

- i. PSR-002/2022 Re: Zoning By-law Amendment File No. Z02/2022W Mayr Farms Ltd. (Manuel Mayr – Agent)
- ii. PSR-003/2022 Re: Zoning By-law Amendment File No. Z03/2022W Tom Mikkelsaar (NPG Planning Solutions Inc. – Agent)

g) Public Works Staff Reports

- i. PWSR-013/2022 Re: Capital Project Update
- ii. Memorandum Re: Canada Summer Games Bicycle Time Trials Update

**11. Review of Correspondence**

**12. By-laws**

- a) By-law No. 033-2022 being a by-law to appoint a Municipal By-law Enforcement Officer for the Corporation of the Township of Wainfleet.
- b) By-law No. 034-2022 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 34 & 35, Concession 2 in the Township of Wainfleet, known municipally as 33553 Feeder Road West.
- c) By-law No. 035-2022 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 13, Concession 1 in the Township of Wainfleet.
- d) By-law No. 036-2022 being a by-law to protect, prohibit, regulate and control municipally-owned properties providing lakeshore access in the Township of Wainfleet.

- e) By-law No. 037-2022 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Chambers Corner Drain Extension)

**13. Notices of Motion**

**14. Closed Meeting**

- a) Item under Section 234 (2)(c)(f) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (A Tax Sale Matter)

**15. Rise & Report**

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

- a) By-law No. 038-2022 being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its regular meeting held July 12, 2022.

**17. Adjournment**



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

C13/22  
June 21, 2022  
6:00 P.M.  
COUNCIL CHAMBERS

PRESENT:	K. Gibson	Mayor
	D. Cridland	Councillor
	T. Gilmore	Councillor
	J. MacLellan	Councillor
	S. Van Vliet	Councillor
STAFF PRESENT:	W. Kolasa	Chief Administrative Officer
	M. Alcock	Fire Chief
	M. Ciuffetelli	Deputy Clerk
	L. Earl	Mngr. of Community & Development Services
	L. Gudgeon	Manager of Human Resources
	M. Luey	Manager of Corporate Services
	S. Ivins	Planner
	R. Nan	Manager of Operations
	A. Chrastina	Administrative Assistant
OTHER:	Eric D'Uva	Urban & Environmental Management Inc.
	David Schram	Urban & Environmental Management Inc.

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C13/22

- 1. Call to Order**  
Mayor Gibson called the meeting to order at 6:00 p.m.
- 2. Closed Meeting**

**Resolution No. C-2022-111**

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

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

- a) Item under Section 234 (2)(c)(f) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (An acquisition of land matter)

- b) Item under Section 234 (2)(f) of the Municipal Act, 2001, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (Advice respecting draft Short Term Rental By-law)
- c) Item under Section 234 (2)(e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 item (A litigation matter)”

CARRIED

**3. Rise & Report**

The Deputy Clerk reported that Council went into closed session and received information and provided direction to the Township Solicitor regarding a potential acquisition of land matter. Council reviewed legal advice respecting the Short Term Rental By-law and received information on an ongoing legal matter.

**4. National Anthem**

**5. Land Acknowledgement Statement**

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

**6. Disclosures of Interest and the General Nature Thereof**

None.

**7. Mayor's Announcements & Remarks**

Mayor Gibson provided the following remarks:

- Please note that meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com.
- Today is National Indigenous Peoples Day. It is observed on the 21st of June to recognize the summer solstice, the day of maximum daylight, and its importance to Indigenous Peoples.
- The Farmers Market is up and running for the season. Please stop by the pavilion behind the arena each Wednesday until mid-September.
- The Police Services Board meets next on Thursday June 23 at 9:00am and this will be live-streamed.
- Regional Council also meets Thursday June 23 at 6:30pm. This is a Zoom meeting.
- I'm happy to see the return of our Canada Day celebrations this year, with the festivities commencing at 5:00 pm.
- Our next regular meeting of Council will be held Tuesday July 12 at 7:00 p.m.

**8. Councillor's Announcements & Remarks**

Councillor Cridland provided notice that the Beaver Creek and Big Forks Creek Floodplain Mapping Information Session is June 22<sup>nd</sup> from 6:00-8:00 p.m. in Wellandport. The next Niagara Peninsula Conservation Authority Board meeting will be held July 15<sup>th</sup> at 9:30 a.m. and will be attending the first Niagara Transit Commission Meeting June 28<sup>th</sup> at 5:00 p.m. at the Region.

**9. Adoption of Previous Council Minutes****Resolution No. C-2022-112**

Moved by Councillor Cridland

Seconded by Councillor MacLellan

**"THAT** the minutes of the regular meeting of Council held May 31, 2022 and the special meeting of Council held June 7, 2022 be adopted as circulated."

CARRIED

**10. Public Meeting**

- a) Zoning By-law Amendment Z02/2022W – 33553 Feeder Road West  
Applicant: Manuel Mayr (Agent) on behalf of Mayr Farms Ltd. (Owner)  
Subject Property: 33553 Feeder Road West, Wainfleet

Mayor Gibson advised that the purpose of this meeting is for applicants to present their proposal to Council and the public and for Council to receive comments from the public.

The Planner provided an overview of the information report respecting the file.

There were no questions or comments from the public.

- b) Zoning By-law Amendment Z03/2022W – Vacant Lot Morgan's Point Road  
Applicant: NPG Planning Solutions (Agent) on behalf of Tom Mikkelsaar (Owner)  
Subject Property: Vacant Lot Morgan's Point Road, Wainfleet

Mayor Gibson advised that the purpose of this meeting is for applicants to present their proposal to Council and the public and for Council to receive comments from the public.

The Planner provided an overview of the information report respecting the file and the agent provided information and presentation on the file.

There were no questions or comments from the public.

## 11. Delegations

- a) Karen Alexander – European Water Chestnut Rapid Removal Program for the Welland River

**Resolution No. C-2022-113**

Moved by Councillor Cridland

Seconded by Councillor MacLellan

**“THAT** the delegation presentation from Karen Alexander respecting European Water Chestnut Rapid Removal Program for the Welland River be received;  
and

**THAT** Council support the request for Community Awareness and Engagement through appropriate channels for the Township.”

CARRIED

## 12. Staff Reports & Recommendations

a) Fire Staff Reports

- i. FSR-006/2022 Re: Central Fire Station Project Progress Report

**Resolution No. C-2022-114**

Moved by Councillor Cridland

Seconded by Councillor Gilmore

**“THAT** Fire Staff Report FSR-006/2022: Central Fire Station – Project Management Progress Report be received as information.”

CARRIED

- ii. FSR-007/2022 Re: Award of Tender for Utility Pickup Truck

**Resolution No. C-2022-115**

Moved by Councillor Cridland

Seconded by Councillor Van Vliet

**“THAT** Fire Staff Report FSR-007/2022 respecting the Award of Tender for Utility/Squad Pickup Truck, be received;

**AND THAT** the Fire Chief be authorized to purchase one (1) new 2023, 4,800 kg GVWR, crew cab, 4-door, 4-wheel drive, 2500 GMC Sierra HD pickup truck from Niagara Motors, being the only bid submitted, in the

amount of \$70,790.00 (excluding HST), with the final purchase price to be no more than 10% over the 2022 bid received;

**AND THAT** the Fire Chief be authorized to proceed with the purchase of all required equipment to complete the project with an upset limit of \$35,000.00 plus HST;

**AND THAT** the unbudgeted overage be funded from the Equipment Reserve.”

CARRIED

b) Administrative Staff Reports

- i. ASR-015/2022 Re: Cancellation, reduction or refund of Property Tax for the 2021 & 2022 Taxation Years (January 1 – December 31)

**Resolution No. C-2022-116**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** Administrative Staff Report ASR 015/2022 respecting the cancellation, reduction and refund of property tax be received;

**AND THAT** Council approve the attached Application No. 2021-03 pursuant to Section 357 of the Municipal Act, 2001, to write off taxes in the amount of \$3,736.11.”

CARRIED

c) Community & Development Services

- i. CDS-003/2022 Re: Short Term Rentals

**Resolution No. C-2022-117**

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“**THAT** Community & Development Services Staff Report CDS-003/2022 be received; and

**THAT** staff be directed to provide a revised draft licensing by-law and program to regulate Short-Term Rentals in the Township of Wainfleet for review by Council at the next available meeting; and

**THAT** Council consider the Interim Control By-law, attached to CDS-003/2022 as Appendix “A”

CARRIED

d) Public Works Staff Reports

- i. PWSR-011/2022 Re: Award of Tender for Asphalt Road Rehabilitation 2022

**Resolution No. C-2022-118**

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

**“THAT** Report PWSR-012/2022 respecting Award of Asphalt Road Rehabilitation Tender be received; and

**THAT** the Manager of Operations engage the services of Walker Construction Limited to complete the 2022 Asphalt Road Rehabilitation as outlined in the Tender.”

CARRIED

**13. Review of Correspondence**

- a) C129 - Rail Safety Week Proclamation

**Resolution No. C-2022-119**

Moved by Councillor MacLellan

Seconded by Councillor Cridland

**“THAT** Correspondence item C-2022-129 respecting a proclamation request for Rail Safety Week be received and supported.”

CARRIED

**14. By-laws****Resolution No. C-2022-120**

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

**“THAT** the following by-laws be read and passed this 21st day of June, 2022

- a) By-law No. 029-2022 being a by-law to amend By-law No. 008-2018, being a by-law to prohibit and regulate animals being at large

- b) By-law No. 030-2022 being a by-law to amend By-law No. 027-2019 being a by-law to establish an administrative monetary penalty system for non-parking related offences

- c) By-law No. 031-2022 being a by-law to impose interim control on the use of lands, buildings and structures respecting Short-Term Rental Units within the geographic boundaries of the Township of Wainfleet.”

CARRIED

**15. Notices of Motion**

None.

**16. Closed Meeting****Resolution No. C-2022-121**

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

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

a) Item under Section 234 (2)(c)(f) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board, advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 1 item (An acquisition of land matter)

b) Item under Section 234 (2)(b) of the Municipal Act, 2001, personal matters about an identifiable individual, including municipal or local board employees – 3 items (Staffing Matters and By-law Enforcement Matter)

c) Item under Section 234 (2)(k) of the Municipal Act, 2001 a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board – 2 items (Negotiation matters)

d) Item under Section 234 (2)(e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 item (A litigation matter)

d) Minutes of the closed meeting of Council held May 31, 2022”

CARRIED

**17. Rise & Report**

The Deputy Clerk reported that Council met in closed session to receive advice subject to solicitor-client privilege and provided direction respecting an acquisition of land matter and litigation matter.

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

- a) By-law No. 031-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held on the 21<sup>st</sup> day June, 2022

**Resolution No. C-2022-122**

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

**“THAT** By-law No. 032-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held June 21, 2022 be read and passed this 21st day of June, 2022.”

CARRIED

**19. Adjournment**

There being no further business, the meeting was adjourned at 10:45 p.m.

\_\_\_\_\_  
K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK



# Memo

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

**From:** Ben Hopkins, CBO

**Date:** July 12, 2022

**Re:** 2022 Building Permit Activity – Quarters 1 & 2

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This memo summarizes the building permit activity for the months of January - June 2022. The number of building permits issued by the Building Department and has been provided to inform Council of the types, volume and value of building activity within the Township over the last two quarters.

Sixty-seven (67) permits that were issued in the first two quarters of 2022. They consisted of:

- 8 New Single Detached Dwellings, 3 of which were built to replace an existing dwelling,
- 14 Septic permits,
- 34 Residential Permits, 3 of these permits contained accessory dwelling units,
- 10 Agricultural Permits, and
- 1 Industrial/office

Staff note that while the actual numbers of permits (67) is below the Q1 & Q2 stats from last year at this time (81 permits in 2022), the average value of construction and permits fees has increased. This increase is due to a number of larger projects such as the new firehall and a large agricultural building conversion (mushroom farm).

Building Department staff also foresee additional increases with the issuance of future permits for large scale projects such as the new elementary school in Wainfleet Village. Staff remain dedicated to providing assistance and excellent customer service to all residents through the building permit process while adhering to the standards of the Ontario Building Code.

Table 1, below, indicates the breakdown of permits issued in the first quarter (January to March).

<b>FIRST QUARTER 2022 - BUILDING STATISTICS REPORT</b>					
<b>JANUARY TO MARCH</b>					
<b>Permit #</b>	<b>Dated Issued</b>	<b>Municipal Address</b>	<b>Description of Work</b>	<b>Value of Construction</b>	<b>Permit Fees</b>
W170-2021	13-Jan-2022	11344 Neff Street Wainfleet	Replace Roof Structure	18000	816.47
W176-2021	14-Jan-2022	53859 Zion Road Wainfleet	Interior Alteration	250000	680.77
W180-2021	13-Jan-2022	12891 Old Lakeshore Road Wainfleet	Replace Existing Deck	5000	174.00
W219-2021	04-Jan-2022	63253 Winger Road Wainfleet	Garage/storage	20000	349.36
W223-2021	20-Jan-2022	72342 Elsie Road Wainfleet	Single Detached Dwelling	600000	4463.73
W001-2021	25-Jan-2022	51879 Gents Rd Wainfleet	Coverall structure for storage	30000	615.64
W226-2021	24-Jan-2022	62647 Traver Road Wainfleet	Septic	35000	1165.68
W198-2021	10-Feb-2022	11817 Lakeshore Road Wainfleet	Addition & new roof on sunroom	100000	858.43
W224-2021	28-Feb-2022	61445 Regional Road 27 Wainfleet	Addition	120000	586.34
W228-2021	25-Feb-2022	40134 Townline Rd. N. Wainfleet	Detached Garage, secondary suite	450000	1981.97
W003-2022	22-Feb-2022	50687 Green Rd S Wainfleet	Single Detached Dwelling	500000	3302.37
W006-2022	07-Feb-2022	64059 Wellandport Road Wainfleet	Storage Building	70000	619.39
W16-2022	23-Feb-2022	11993 Augustine Rd. Wainfleet	Demolition	20000	174.00
W14-2022	23-Feb-2022	50687 Green Road South Wainfleet	Septic	35000	1165.68
W13-2022	28-Feb-2022	22353 Abbey Road Wainfleet	Agricultural Building	85466	361.20
W15-2022	23-Feb-2022	11993 Augustine Rd. Wainfleet	Septic	35000	1165.68
W24-2022	25-Feb-2022	40134 Townline Rd. North. Wainfleet	Septic	35000	1165.68
W067-2021	22-Mar-2022	11825 Lakeshore Road Wainfleet	Demolition	30000	174.00
W003-2022	04-Mar-2022	50687 Green Rd S Wainfleet	Single Detached Dwelling	500000	3302.37
W005-2022	16-Mar-2022	12755 Lakeshore Road Wainfleet	Demolition	25000	174.00
W010-2022	07-Mar-2022	12212 Lakeshore Rd Wainfleet	Demolition	15000	1157.10
W012-2022	02-Mar-2022	41847 Buliung Rd Wainfleet	Addition of a front gable/porch	80000	174.00
W026-2022	11-Mar-2022	11993 Augustine Rd. Wainfleet	Single Detached Dwelling	900000	4039.35
W018-2022	04-Mar-2022	11993 Augustine Rd. Wainfleet	Garage to living space conversion	180000	243.83
W020-2022	11-Mar-2022	10373 Lakeshore Road Wainfleet	Septic	30000	1165.68
W022-2022	15-Mar-2022	31961 Feeder Road West Wainfleet	Damage restoration	25000	250.00
W023-2022	23-Mar-2022	11825 Lakeshore Road Wainfleet	Reconstruction of Sunroom	30000	186.91
W025-2022	16-Mar-2022	52017 Regional Road 24 Wainfleet	Farm Storage Building	300000	1355.94
W036-2022	31-Mar-2022	50445 Phillips Road Wainfleet	Single Detached Dwelling	500000	4126.30
W027-2022	04-Mar-2022	41831 Feeder Road Wainfleet	Septic	30000	1165.68
W038-2022	31-Mar-2022	50445 Philips Road Wainfleet	Septic	50000	1165.68
<b>TOTAL NUMBER OF PERMITS FOR FIRST QUARTER IS 31</b>				<b>\$ 5,103,466.00</b>	<b>\$ 38,327.23</b>

Table 2, below, indicates the breakdown of permits issued in the second quarter (April to June).

<b>SECOND QUARTER 2022 - BUILDING STATISTICS REPORT</b>					
<b>APRIL TO JUNE</b>					
<b>Permit #</b>	<b>Dated Issued</b>	<b>Municipal Address</b>	<b>Description of Work</b>	<b>Value of Construction</b>	<b>Permit Fees</b>
2022-74	07-Jun-2022	31982 Church Street Wainfleet	Replace existing roof	\$ 5,000.00	\$ 250.00
2022-78	16-Jun-2022	42758 Highway 3 Wainfleet	Grain Bin	\$ 15,000.00	\$ 292.19
2022-80	28-Jun-2022	41937 Feeder Rd East Wainfleet	Deck	\$ 3,500.00	\$ 250.00
2022-82	28-Jun-2022	11437 Lakeshore Road Wainfleet	Accessory Building	\$ 180,000.00	\$ 1,213.02
2022-81	17-Jun-2022	12431 Lakeshore Rd Wainfleet	Garage	\$ 100,000.00	\$ 250.00
2021-217	16-Jun-2022	41174 Forks Road Wainfleet	Conversion of poultry barn to growing organic mushrooms	\$ 2,000,000.00	\$ 12,502.82
2021-220	14-Apr-2022	73248 Robertson Road Wainfleet	Storage Building	\$ 175,000.00	\$ 2,377.51
2021-225	27-Jun-2022	61445 Regional Road 27 Wainfleet	Sewage System	\$ 20,000.00	\$ 1,165.68
2022-007	03-May-2022	50858 O'Reilly's Road South Wainfleet	Construct a Detached Garage	\$ 20,000.00	\$ 398.19
2022-28	11-Apr-2022	33039 Feeder Road West Wainfleet	Storage Building	\$ 250,000.00	\$ 2,438.14
2022-40	17-May-2022	12861 Old Lakeshore Road E Wainfleet	Lifting existing house & renovations	\$ 30,000.00	\$ 292.94
2022-33	11-Apr-2022	11837 Lakeshore Road Wainfleet	Patio Roof on Garage	\$ 45,000.00	\$ 248.66
2022-32	02-May-2022	41043 Forks Road Wainfleet	Storage Building	\$ 200,000.00	\$ 929.02
2022-34	06-Apr-2022	33039 Feeder Road Wainfleet	Sewage System	\$ 20,000.00	\$ 1,165.68
2022-37	07-Apr-2022	41174 Forks Road Wainfleet	Septic	\$ 55,000.00	\$ 1,665.68
2022-39	16-May-2022	42429 Hwy. 3 W Wainfleet	Addition to existing house	\$ 300,000.00	\$ 3,063.75
2022-41	18-May-2022	11115 Desiree St Wainfleet	Septic Holding Tank	\$ 5,900.00	\$ 1,200.65
2022-47	03-May-2022	53021 Perry Road Wainfleet	Roof Top Solar Panel	\$ 5,000.00	\$ 587.02
2022-45	26-May-2022	50150 Welland WainfleetTownline Road	Garage and attached breezeway	\$ 38,000.00	\$ 847.54
2022-42	04-May-2022	42143 Highway 3 Wainfleet	Demolition	\$ 35,900.00	\$ 450.00
2022-44	26-May-2022	42143 Highway 3 Wainfleet	New Volunteer Fire Station	\$ 5,950,000.00	\$ 17,544.98
2022-48	03-May-2022	42429 Highway 3 Wainfleet	Sewage system	\$ 26,000.00	\$ 1,200.65
2022-49	02-May-2022	11605 Beach Road W Wainfleet	Single Detached Dwelling	\$ 350,000.00	\$ 2,443.34
2022-50	25-May-2022	43634 Highway 3 Wainfleet	Single Detached Dwelling	\$ 500,000.00	\$ 5,051.91
2022-51	10-May-2022	62060 regional road 24 Wainfleet	Pole Barn	\$ 30,000.00	\$ 406.38
2022-52	18-May-2022	53089 Perry Road Wainfleet	Detached Garage	\$ 35,000.00	\$ 268.90
2022-54	10-May-2022	61953 Regional Rd 27 Wainfleet	Covered Deck and timber frame	\$ 40,000.00	\$ 285.72
2022-55	20-Jun-2022	50935 Memme Crescent Wainfleet	Detached Garage	\$ 30,000.00	\$ 420.19
2022-57	10-May-2022	74566 Regional Road 45 Wainfleet	Solar panels on existing roof of house and garage	\$ 16,000.00	\$ 490.22
2022-56	07-Jun-2022	85633 Canborough Road Wainfleet	Garage	\$ 121,500.00	\$ 1,121.54
2022-60	30-May-2022	52219 Misener Road Wainfleet	Grain bin	\$ 40,000.00	\$ 292.19
2022-68	26-May-2022	43634 Highway 3 Wainfleet	Sewage System	\$ 45,000.00	\$ 1,200.65
2022-69	31-May-2022	10128 Lakeshore Road Wainfleet	Temporary Wedding Tent	\$ 1,000.00	\$ 225.00
2022-71	30-May-2022	11730 Lakeshore Road Wainfleet	Single Detached Dwelling	\$ 462,000.00	\$ 2,225.13
2022-70	27-Jun-2022	11730 Lakeshore Road Wainfleet	Septic System	\$ 39,150.00	\$ 1,200.65
2022-72	20-Jun-2022	61786 Regional Road 27 Wainfleet	Detached Garage	\$ 30,000.00	\$ 443.71
<b>TOTAL NUMBER OF PERMITS FOR SECOND QUARTER IS 36</b>				<b>\$ 11,218,950.00</b>	<b>\$ 66,409.65</b>



# Memo

**To:** Mayor Gibson & Members of Council  
**From:** Mark Tardif, By-law Enforcement Officer  
**Date:** July 12, 2022  
**Re:** Summer Municipal By-law Enforcement Officer

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By-law No. 033-2022 is being presented for the consideration of Council to provide for the appointment of the Township's annual summer Municipal By-law Enforcement Officer under the Police Services Act.

The Township Summer Enforcement Officer has submitted their resignation for the role Summer By-law Enforcement Officer/ Parking Officer due to personal reasons effective July 8, 2022 with July 7, 2022 being the last shift.

This memo to inform Council that the By-law Officer that was previously employed at the Township for the last 2 summers is returning to fill this position.

In order for the student to legally enforce applicable Township by-laws and be classified as a Municipal By-law Enforcement Officer, an appointment by-law must be formally approved by Council.

The officer will receive a fulsome orientation to the Township's by-laws and enforcement protocols – and will be available from July 8, 2022 through September. The recruitment of the student has been accounted for in the Township's 2022 Operating Budget.



# Memo

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

**From:** Lindsay Earl, Manager of Community & Development Services

**Date:** July 12, 2022

**Re:** Amendment to Lakeshore Access By-law

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Since the passing of the Lakeshore Access By-law No. 021-2022 on May 10, 2022, it has been brought to staff's attention that this by-law would apply to many more parcels (approx. 10-15) than the original five (5) mapped in Schedule "A" of the by-law. The parcels that were not previously identified are mainly unopened road allowances that terminate at the lake.

As such, Schedule "A" has been amended by removing the mapping and identifying that this by-law applies to **all** municipally-owned Lakeshore Access Properties within the geographic boundaries of the Township of Wainfleet.

Staff would respectfully request Council's consideration and support of the revision as this housekeeping amendment will allow for an additional enforcement tool to address these matters of public concern.

## DRAINAGE STAFF REPORT

DSR-005/2022

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

**FROM:** Mark Jemison, Drainage Superintendent

**DATE OF MEETING:** July 12, 2022

**SUBJECT:** Chambers Corner Drain Extension Improvement– Engineer's Report

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

**THAT** Report DSR-005-2022 regarding consideration of the Chambers Corner Drain Extension Improvement be received;

**AND THAT** a By-law be given two readings to provisionally adopt the Chambers Corner Drain Extension Report dated June 20, 2022, prepared by Spriet Associates Engineer's & Architects, under Section 4, Chapter D. 17 of the *Drainage Act, R.S.O. 1990*.

**AND THAT** Staff be directed to advance the Chambers Corner Drain Extension Report to that of the Court of Revision, as per Section 46(1) of the *Drainage Act, R.S.O. 1990*.

**AND THAT** Councillors Van Vliet, Cridland, and MacLellan be appointed as members to the Chambers Corner Drain Extension Court of Revision and Councillor Gilmore be appointed as an alternate member to be tentatively scheduled for August 9, 2022, at 6:00 p.m., prior to the regular Council meeting.

**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*.

### **ALIGNMENT WITH THE STRATEGIC PLAN:**

The Township of Wainfleet has identified Economic Development and Community Stewardship as components of their Strategic Plan. This report and its recommendations align with these objectives. Maintaining and improving the extensive network of Municipal Drains in the Township of Wainfleet is vital to the sustainability of the agricultural business sector and ensures that the over 250km of drainage infrastructure in the Township continues to provide a high level of service to the landowners

**EXECUTIVE SUMMARY:**

In May of 2022, Council appointed Spriet Associates Engineers and Architects to prepare a report under Section 78 of the *Drainage Act* to improve the Chambers Corner Drain Extension.

Staff are recommending the Engineer's report be adopted under provisional By-law and proceed through the Drainage Act Process.

**BACKGROUND:**

The Chambers Corner Drain Extension was created through the drain petition process in 2021 to facilitate drainage for the Central Fire Station. In May 2021, Council accepted a request from the public for drain improvements to enclose the Chambers Corner Drain Extension with subsurface tile.

Staff completed a mailing of the Engineer's Report and notification to all properties in the watershed that would be affected by the drainage works.

At this meeting, Council will be provided with a presentation by the Engineer of Record, Brandon Wider, P. Eng., of Spriet Associates, outlining the Chambers Corner Drain Extension project.

The property owners who were notified under Section 41(1) & 41(2) of the *Drainage Act* that choose to attend are to be provided an opportunity to ask questions of the Engineer or any concerns over the Engineer's Report related to design or any gross errors in the report. Should the Meeting to Consider reveal any errors in the Engineer's Report, Council may refer the report back to the Engineer for reconsideration.

However, under no circumstances is Council to refer the Report back to the Engineer regarding assessments. Concerns related to assessment are a function of the Court of Revision, said process to occur within 60 days of the original Meeting to Consider.

Pending adoption of the provisional By-law, a Court of Revision shall be held as per Section 97 of the *Drainage Act* to address concerns with assessments. The Court of Revision shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the sending of the copies of the provisional by-law to the assessed properties.

**OPTIONS/DISCUSSION:**

1. Staff be directed to advance the Chambers Corner Drain Extension Engineer's Report to that of the Court of Revision as per Section 46(1) of the *Drainage Act* *Drainage Act, R.S.O. 1990*. (Recommended)
2. Do not move forward with the Engineer's Report, Township responsible for all engineering costs to date. (not recommended)

**FINANCIAL CONSIDERATIONS:**

Final actual costs of drain construction will be assessed in accordance with the assessment schedule contained in the engineer's report. The Township's construction assessment will form part of the broader Central Fire Station project. Future maintenance costs to the Township will only be those assessed to the roads and lands of the Township identified in the report for any maintenance.

**OTHERS CONSULTED:**

- 1) SLT

**ATTACHMENTS:**

1. Chambers Corner Drain Extension Report and Plan
2. Section 78 Flow Chart
3. Court of Revision Procedures

Respectfully submitted by,

Reviewed by:

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Mark Jemison  
Drainage Superintendent

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Richard Nan  
Manager of Operations

Approved by,

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William Kolasa  
Chief Administrative Officer

# **CHAMBERS CORNER DRAIN EXTENSION**

**Township of Wainfleet**



**SPRIET  
ASSOCIATES**

**ENGINEERS & ARCHITECTS**

155 York Street  
London, Ontario N6A 1A8  
Tel. (519) 672-4100  
Fax (519) 433-9351  
E-mail MAIL@SPRIET.ON.CA

London, Ontario  
June 20, 2022

## **CHAMBERS CORNER DRAIN EXTENSION**

### **Township of Wainfleet**

To the Mayor and Council of  
the Township of Wainfleet

Mayor and Council:

We are pleased to present our report on the extension of the Chambers Corner Municipal Drain serving parts of Lot 20, Concession 4 in the Township of Wainfleet.

### **AUTHORIZATION**

This report was prepared pursuant to Section 78 of the Drainage Act. Instructions were received from your Municipality with respect to a motion of Council. The work was initiated by a request signed by L. & J. Aarts (Roll No. 8-134).

### **HISTORY**

The Chambers Corner Drain was originally constructed pursuant to a report submitted by J.B. Wiebe, P. Eng. dated July 25, 1986 and consisted of 245 lineal meters of open ditch, including a farm culvert, and 205 lineal meters of 300mm to 350mm diameter perforated plastic tile and included a bore under Highway No.3.

The Chambers Corner Drain Extension more recently was completed pursuant to a report by B. Widner, P.Eng., dated September 23, 2021, and consisted of a new swale, approximately 221 lineal meters in length in Lot 20, Concession 4.

### **EXISTING DRAINAGE CONDITIONS**

A site meeting was held on June 15, 2022, with respect to the project and through later discussions, the owners reported the following:

- the Township indicated that they intend to construct a new Fire & Emergency Services building and required the legal outlet for their stormwater be maintained
- that the owner, L. & J. Aarts (Roll No. 8-134), requested that the existing swale in the northerly portion of their lands be enclosed with a pipe to make their land more workable and have reduced future maintenance.



### **EXISTING DRAINAGE CONDITIONS (cont'd)**

A field investigation and survey were completed. Upon reviewing our findings, we note the following:

- that the existing swale currently serving the lands could be enclosed.
- that the existing drain, the outlet for this new enclosure, constructed in 1986, has a design capacity of 19mm per 24 hours

Preliminary design, cost estimates and assessments were prepared and circulated to affected owners. Further input and requests were provided by the affected owners at that time and at later dates. Based on the proposed design it was decided to proceed with the report.

### **DESIGN CONSIDERATIONS**

All of the proposed work has been generally designed and shall be constructed in accordance with the DESIGN AND CONSTRUCTION GUIDELINES FOR WORK UNDER THE DRAINAGE ACT. The drain is limited to the design of the exiting tile installed in 1986, which has a design capacity of 19mm per 24 hours.

### **RECOMMENDATIONS**

We are therefore recommending the following:

- that the existing swale be enclosed in the lands of L. & J. Aarts (Roll No. 8-134), from the head of the Chambers Corner Drain, west to just within the lands of the new Fire & Emergency Services Central Station (Roll No 8-140). The length of this enclosure shall be approximately 218 lineal meters.
- That a higher surface swale be installed above the location of the tile for surface flows from larger storm events.

### **ENVIRONMENTAL CONSIDERATIONS AND MITIGATION MEASURES**

There are no significant wetlands or sensitive areas within the affected watershed area or along the route of the drains. The proposed construction of the Chambers Corner Drain Extension includes a catchbasin inlet which greatly help reduce the overland surface flows and any subsequent erosion.

### **SUMMARY OF PROPOSED WORK**

The proposed work consists of approximately 218 lineal meters of 300mm diameter HDPE pipe including related appurtenances.



## SCHEDULES

Four schedules are attached hereto and form part of this report, being Schedule 'A' - Allowances, Schedule 'B' - Cost Estimate, Schedule 'C' - Assessment for Construction, and Schedule 'D' - Assessment for Maintenance.

Schedule 'A' - Allowances. In accordance with Sections 30 of the Drainage Act, allowances are provided for damages to lands and crops along the route of the drain as defined below.

Schedule 'B' - Cost Estimate. This schedule provides for a detailed cost estimate of the proposed work which is in the amount of \$36,000.00. This estimate includes engineering and administrative costs associated with this project.

Schedule 'C' - Assessment for Construction. This schedule outlines the distribution of the total estimated cost of construction over the roads and lands which are involved.

Schedule 'D' - Assessment for Maintenance. In accordance with Section 38 of the Drainage Act, this schedule outlines the distribution of future repair and/or maintenance costs for portions of, or the entire drainage works.

Drawing No. 1, Job No. 222131, and specifications form part of this report. They show and describe in detail the location and extent of the work to be done and the lands which are affected.

## ALLOWANCES

**DAMAGES:** Section 30 of the Drainage Act provides for the compensation to landowners along the drain for damages to lands and crops caused by the construction of the drain. The amount granted is based on \$3,613.00/ha. for closed drain. This base rate is multiplied by the hectares derived from the working widths shown on the plans and the applicable lengths.

This base rate is multiplied by the hectares derived from the working widths shown on the plans and the applicable lengths.

Due to this being an existing open drain the right-of-way has been deemed to be granted, thus no further right-of-way is being provided at this time.



## ASSESSMENT DEFINITIONS

In accordance with the Drainage Act, lands that make use of a drainage works are liable for assessment for part of the cost of constructing and maintaining the system. These liabilities are known as benefit, outlet liability and special benefit liability as set out under Sections 22, 23, 24 and 26 of the Act.

**BENEFIT** as defined in the Drainage Act means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair, or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or sub-surface water, or any other advantages relating to the betterment of lands, roads, buildings, or other structures.

**OUTLET** liability is assessed to lands or roads that may make use of a drainage works as an outlet either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek, or watercourse.

## ASSESSMENT

A modified "Todgham Method" was used to calculate the maintenance assessments shown on Schedule 'C' - Assessment for Construction. This entailed breaking down the costs of the drain into sections along its route. It is then separated into Benefit and Outlet costs. The Benefit cost is distributed to those properties receiving benefit as defined under "Assessment Definitions", with such properties usually being located along or close to the route of the drain. The Outlet Costs are distributed to all properties within the watershed area of that section on an adjusted basis. The areas are adjusted for location along that section, and relative run-off rates. Due to their different relative run-off rates township lands and residential properties have been assessed for outlet at higher rates than cleared farmlands.

## MAINTENANCE

Upon completion of construction, all owners are hereby made aware of Sections 80 and 82 of the Drainage Act which forbid the obstruction of or damage or injury to a municipal drain.

After completion, the Chambers Corner Drain Extension shall be maintained by the Township of Wainfleet at the expense of all upstream lands and roads assessed in Schedule 'D' - Assessment for Maintenance and in the same relative proportions until such time as the assessment is changed under the Drainage Act.



Respectfully submitted,

SPRIET ASSOCIATES LONDON LIMITED

B. Widner, P.Eng.



## SCHEDULE 'A' - ALLOWANCES

## CHAMBERS CORNER DRAIN EXTENSION

## Township of Wainfleet

In accordance with Section 30 of the Drainage Act, we determine the allowances payable to owners entitled thereto as follows:

CONCESSION	LOT	ROLL NUMBER (Owner)	Section 30 Damages	TOTALS
<b>MAIN DRAIN</b>				
4	Pt. 20	8-134 (L. & J. Aarts)	\$ 1,150.00	\$ 1,150.00
4	Pt. 20	8-140 (Township of Wainfleet)	30.00	30.00
Total Allowances			\$ 1,180.00	\$ 1,180.00
<b>TOTAL ALLOWANCES ON THE MAIN DRAIN</b>				<b>\$ 1,180.00</b>
<b>TOTAL ALLOWANCES ON THE CHAMBERS CORNER DRAIN EXTENSION</b>				<b>\$ 1,180.00</b>

**CHAMBERS CORNER DRAIN EXTENSION****Township of Wainfleet**

We have made an estimate of the cost of the proposed work which is outlined in detail as follows:

**MAIN DRAIN**

Installation of the following H.D.P.E. sewer pipe	
218 meters of 300mm dia. H.D.P.E. Pipe	\$ 10,900.00
Supply of the above listed pipe	\$ 8,700.00
Supply and install one 600mm x 600mm ditch inlet catchbasins, including grate. ditching, and two - 150mm dia. Hickenbottoms including leads and tees	\$ 4,000.00
Regrading and backfilling of existing swale	\$ 3,500.00
Tile connections and contingencies	\$ 1,400.00
Allowances under Section 30 of the Drainage Act	\$ 1,180.00

**ADMINISTRATION**

Interest and Net Harmonized Sales Tax	\$ 850.00
Survey, Plan and Final Report	\$ 4,200.00
Expenses	\$ 580.00
Supervision and Final Inspection	\$ <u>690.00</u>
<b>TOTAL ESTIMATED COST</b>	<b>\$ <u><u>36,000.00</u></u></b>



**CHAMBERS CORNER DRAIN EXTENSION****Township of Wainfleet**

Job No. 221224

June 20, 2022

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	PERCENTAGE OF MAINTENANCE COST
<b>MAIN DRAIN</b>				
4	Pt. 20	2.0	8-134 (L. & J. Aarts)	57.8 %
4	Pt. 20	0.2	8-138 (O. Storey & L. Sherwood)	0.1
4	Pt. 20	0.2	8-138-01 (C. Berg & P. Woods)	0.5
4	Pt. 20	1.0	8-139 (Township of Wainfleet)	11.1
4	Pt. 20	1.1	8-140 (Township of Wainfleet)	30.5
				=====
TOTAL ASSESSMENT ON LANDS				100.0 %
				=====
<b>TOTAL ASSESSMENT FOR MAINTENANCE OF THE MAIN DRAIN</b>				<b><u>100.00 %</u></b>

SCHEDULE OF NET ASSESSMENT  
**CHAMBERS CORNER DRAIN EXTENSION**

**Township of Wainfleet**

(FOR INFORMATION PURPOSES ONLY)

Job No. 221224

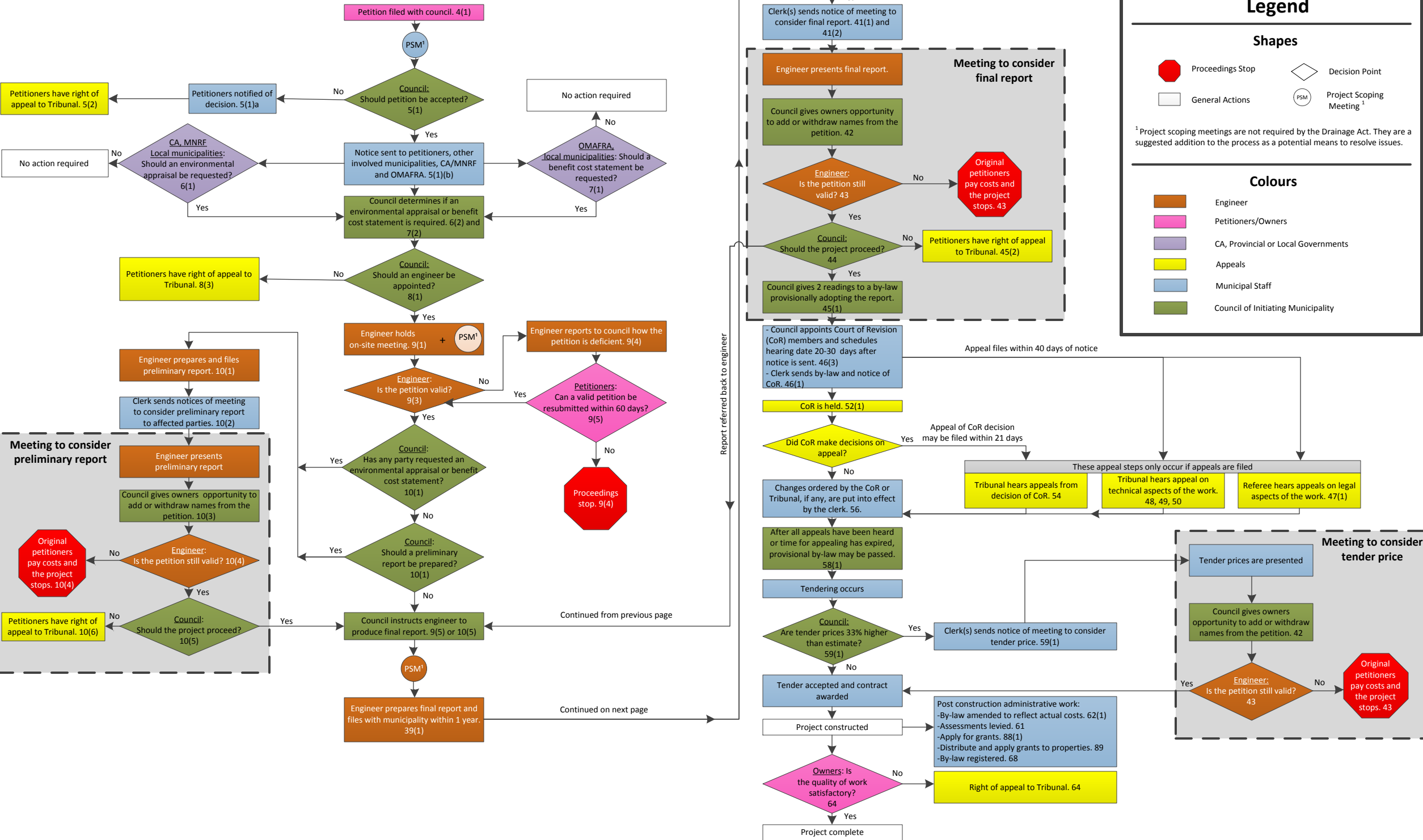
June 20, 2022

\* = *Non-agricultural*

ROLL NUMBER (OWNER)	TOTAL ASSESSMENT	ALLOWANCES	APPROX. NET
8-134 (L. & J. Aarts)	\$ 20,815.00	\$ 1,150.00	\$ 19,665.00
* 8-138 (O. Storey & L. Sherwood)	50.00		50.00
* 8-138-01 (C. Berg & P. Woods)	175.00		175.00
* 8-139 (Township of Wainfleet)	4,000.00		4,000.00
* 8-140 (Township of Wainfleet)	10,960.00	30.00	10,930.00
<b>TOTALS</b>	<b>\$ 36,000.00</b>	<b>\$ 1,180.00</b>	<b>\$ 34,820.00</b>

PETITION DRAIN PROCEDURES

SECTION 4 OF THE DRAINAGE ACT



Legend

- Shapes**
- Proceedings Stop
  - Decision Point
  - General Actions
  - Project Scoping Meeting<sup>1</sup>

- Colours**
- Engineer
  - Petitioners/Owners
  - CA, Provincial or Local Governments
  - Appeals
  - Municipal Staff
  - Council of Initiating Municipality

<sup>1</sup> Project scoping meetings are not required by the Drainage Act. They are a suggested addition to the process as a potential means to resolve issues.

# Understanding Court of Revision Procedures Under the Drainage Act

Sharon McCartan, OMAFRA

FEBRUARY 2010

## INTRODUCTION

The Court of Revision is an appeal body established under the Drainage Act and administered by the local municipality. The Court of Revision allows landowners to challenge their drainage assessments quickly and informally. Unlike the Drainage Tribunal or the Drainage Referee, the Court of Revision has one power – to re-allocate funds in a drainage assessment schedule.

To learn more about assessments under the Drainage Act, refer to fact sheet Agdex 557 Order # 92-035, “Understanding Drainage Assessments.”

## STEPS LEADING UP TO THE COURT OF REVISION

The Drainage Act sets out a democratic process for constructing new drains or improving existing drains. The following is a very basic outline of how a typical report would get to the Court of Revision. Refer to the Drainage Act for specific process requirements.

- One or more property owners submit a petition for drainage to their municipality. A project to improve an existing drain can also be initiated with a landowner request to council.
- The Council reviews the petition or request and decides whether to accept it.
- If accepted, Council sends a notice to the petitioner(s) and the local Conservation Authority, or, where a Conservation Authority does not exist, to the Minister of Natural Resources.
- After a 30 day period Council appoints an engineer to prepare a report.
- After completion of all meetings, surveys, design calculations or possible preliminary reports, the Engineer submits a final report which includes an assessment schedule that levies a share of the project cost on individual properties.
- The report is considered by council at a “meeting to consider the report”. The property owners affected by

the drain are invited to this meeting and have an opportunity to influence council’s decision.

- If council decides to proceed with the project, they give two readings of a bylaw adopting the report; at this stage, the bylaw is known as a ‘provisional bylaw’.
- A copy of the provisional by-law and a notice of the date and time of the Court of Revision hearing is sent to all involved property owners.
- The Court of Revision must be held before the third and final reading of the bylaw.

As you can see, quite a few steps must occur before a municipality can hold the Court of Revision’s first sitting.

## APPEALS PROCEDURE AND TIMELINES

### 1 – Notice of the Sitting of Court

The municipal clerk must send notice of the first sitting of the Court to all landowners in the watershed of the proposed drain. The notice must be sent not more than 30 and not less than 20 days before the Court date. The notice must also be sent within 30 days of the second reading of the provisional bylaw. This notice must include:

- Date and time of the Court of Revision
- A copy of the provisional bylaw
- Procedure for Filing an Appeal

### 2 – Appeal Notice

Owners must send their appeal notices to the municipal clerk at least 10 days in advance of the date for the Court.

However, at their first sitting, the Court may, by resolution, agree to hear appeals that were not filed 10 days prior to the hearing date.

### 3 – Hearing

The municipality holds the hearing. For more detail on how to run a Court of Revision hearing, refer to “Suggested Procedure,” below.

### 4 – Appeals from the Court of Revision

All decisions made can be appealed to the Agriculture, Food and Rural Affairs Appeal Tribunal within 21 days of the pronouncement of the Court of Revision’s decision.

### 5 – Authorizing Bylaw

After all assessment appeals to the Court of Revision, Tribunal or Referee are exhausted, Council gives third reading to the authorizing bylaw. Due to the appeals process, 40 days is the minimum amount of time that must pass between mailing the notice of the Court’s first sitting, to giving the by-law its third reading. If landowners file appeals, the process will likely take longer.

#### THE ROLE OF THE CLERK

- The municipal clerk receives all notices of appeal to the Court of Revision.
- In advance of the Court of Revision hearing, the clerk should make a list of all appeals specifically listing the name of the appellant, the property of the appellant, the amount of the assessment and a summary of the grounds for the appeal
- If the Court of Revision is considering the reduction of a property assessment and is considering adding this reduction to a property whose owner is not in attendance, the court must adjourn. The clerk schedules a second sitting of the Court and notifies all property owners affected by the reduction.
- The clerk also alters any assessments changed by the Court and amends the provisional bylaw.

#### THE ROLE OF THE MEMBERS OF THE COURT OF REVISION

- Members of the Court may hear appeals on three grounds:
  - 1) Land or road has been assessed too high or low.
  - 2) Land or road should have been assessed but has not.
  - 3) Due consideration has not been given to the land’s use.
- The members of Court must hear these appeals and decide whether they are valid. The members must comply with the *Statutory Powers Procedure Act*, and they must conduct themselves fairly and without bias.
- The Court only has authority to change the schedule of assessments; they cannot make changes to the technical aspects of the report and they cannot refer the report back to the engineer for modifications.

- Total costs of the project must remain the same, which means that if the Court reduces an assessment, the Court re-allocates the shortfall among other assessed property owners.
- If the Court is considering adding to the assessment of one or more properties whose owners are not in attendance, the Court must adjourn and send notice to assessed property owners who were not at the Court of Revision at the time of the re-allocation. This allows the re-assessed landowners to appeal their new assessments.

#### THE ROLE OF THE APPELLANT

- If a landowner feels an assessment against their lands is too low, that land should have been assessed but has not, or that consideration has not been given to land use, they can file an appeal with the Court of Revision.
- Appeals must be filed with the clerk at least 10 days before the date of the Court of Revision.
- If a landowner wishes to appeal, but misses the date for filing the appeal, they can appear at the first sitting of the Court of Revision and request to have their appeal heard.
- At the sitting of the Court, the list of appellants will be read out and the Engineer will give evidence. When his or her time to present their case comes, the appellant must explain their reasons for appealing the assessment schedule.
- After the Court of Revision pronounces their decision, affected property owners have 21 days to appeal this decision to the Agriculture, Food and Rural Affairs Appeal Tribunal and the Tribunal’s decision on this appeal is final.

#### COMPOSITION OF THE COURT OF REVISION

- If a drainage works only affects the initiating municipality, the initiating municipality’s council appoints 3 to 5 members to make up the Court of Revision.
- If a drainage works affects two or more municipalities, the council of the initiating municipality appoints two members of the Court; and every other involved municipality appoints one person to be a member. One of the members appointed by the initiating

municipality is the chair of the Court of Revision.

- To be eligible to sit as a Court of Revision member, the individual must be eligible to seek election as a member of council.
- Members of council may be appointed as members of the Court. However, the two roles must be kept separate – if a council member wishes to hear information or pass resolutions outside of the scope of the Court of Revision, they must close the Court, then open a new council meeting.

### **SUGGESTED PROCEDURE**

- Opening of the Court of Revision
- Oaths
  - Members may take an oath, but it is not legally required.
  - Members are still legally required to act fairly and impartially, whether they declare this publicly as an oath or not.
- Order of Appeals
  - The appeals and the order in which they will be held are read out.
- Engineer Gives Evidence
  - The engineer gives his or her evidence regarding each appeal before the Court, per s. 55 of the Act.
- Appellants Present their Case
  - The landowners orally make a case for why their land was improperly assessed before the members of court.
  - The engineer may rebut the landowner's case.
- Late Appeals
  - If the Court of Revision members choose, they agree to entertain late appeals, per s. 52(2) of the Act.
- Deliberations
  - The Court of Revision members should retreat to deliberate these appeals and make decisions in private.
  - If court is considering reducing an assessment and adding it to a property whose owner is not present, then they must adjourn the Court of Revision, send notice to the absent parties to allow them to appeal the change, then reconvene, per s. 53 of the Act.
- Closing the Court of Revision and Rendering a Decision
  - The Court of Revision may give oral decisions on each appeal but this oral decision should be followed up with a decision in writing.
- Choosing which schedule to adopt

- The Court of Revision should document whether they decided to adopt an altered version of the assessment schedule, or whether they chose to adopt the schedule as presented by the engineer.
- A sample decision is included below.

### **FURTHER INFORMATION**

#### **Related Factsheets**

Understanding Drainage Assessments, Agdex 557  
Drainage Act Appeals, Agdex 557

#### **Author Information**

These Court of Revision guidelines were authored by Sharon McCartan, OMAFRA, Environmental Management Branch, Guelph, Ontario.  
Reviewed by Sid Vander Veen, Drainage Coordinator, and by Andy Kester, Drainage Inspector.

Sample Decision of the Court of Revision:

DECISION of the COURT OF REVISION

RE: \_\_\_\_\_ Municipal Drain

Decisions Pronounced on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Appeal #1 – Appellant: \_\_\_\_\_ Property: \_\_\_\_\_

Appeal Summary: Assessment should be lowered because a portion of the property drains into another municipal drain.

Decision: That the assessment of costs on Lot 19, Con 84, Roll #0330 be reduced by two thirds from \$300.00 to \$100.00 and that the difference of \$200.00 be assessed to municipal road.

Appeal #2 – Appellant: \_\_\_\_\_ Property: \_\_\_\_\_

Appeal Summary: The crop damage allowance is insufficient and should be increased.

Decision: The appeal is dismissed as it is outside the jurisdiction of the Court of Revision. Property owners have the right to appeal their allowances to the Agriculture, Food and Rural Affairs Appeal Tribunal.

Appeal #3 – Appellant: \_\_\_\_\_ Property: \_\_\_\_\_

Appeal Summary: Assessment should be lowered because the engineer has calculated the assessment based on 100% agricultural land use; actual use is 50% agriculture and 50% bush.

Decision: The assessment on this property is reduced by \$300 and the reduction is added to the assessment on property \_\_\_\_\_. The owner of this property was present at the hearing of the court of revision.

Appeal #4 – Appellant: \_\_\_\_\_ Property: \_\_\_\_\_

Appeal Summary: Assessment should be lowered because the owner has no intention of using the land for agricultural purposes.

Decision: That the appeal be dismissed. Property still has the potential to be used for agriculture and has been assessed at similar rates to nearby agricultural properties.

Appeal #5 – Appellant: \_\_\_\_\_ Property: \_\_\_\_\_

Appeal Summary: Assessment on all private properties should be reduced and an environmental agency should be charged \$5000 for the cost of studies that were required for the agency's approval of the project.

Decision: The appeal is dismissed. The Drainage Act only allows properties to be assessed and the environmental agency is not a property owner.

FURTHER APPEAL RIGHTS

If dissatisfied with the Decisions of the Court of Revision which were pronounced on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 20\_\_, anyone may appeal this decision to the Agriculture, Food and Rural Affairs Appeal Tribunal by filing a notice of appeal with Clerk of the municipality within 21 days of the date of this decision.

Signed: \_\_\_\_\_

\_\_\_\_\_(name), Chair

Court of Revision for the \_\_\_\_\_ Municipal Drain

Dated this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Clerk

Municipality of \_\_\_\_\_

Sample Court of Revision Decision. A written decision should be mailed to every appellant after the hearing concludes.

**For more information:**  
**Telephone:** 1-888-466-2372  
**E-mail:** about.omafra@ontario.ca

**[www.ontario.ca/omafra](http://www.ontario.ca/omafra)**

## FIRE STAFF REPORT

FSR-008/2022

**TO:** Mayor Kevin Gibson & Members of Council  
**FROM:** M. Alcock, Fire Chief/CEMC  
**DATE OF MEETING:** July 11, 2022  
**SUBJECT:** Revision of Fire & Emergency Services Organizational Chart

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

**THAT** report FSR-008/2022 be received for information;

**AND THAT** Council approve and adopt the Organizational Chart as presented and amend the Fire Department Establishing & Regulating bylaw (BL071-2019).

### **EXECUTIVE SUMMARY:**

The purpose of this report is to provide Council with staff recommendations on housekeeping changes to the Fire Department Organizational Chart. The proposed changes are to accurately reflect the current structure of the Fire Department, prepare for the Centralized Fire Station, and provide guidance as it relates to the Collective Agreement negotiations.

### **BACKGROUND:**

It is customary for Council to regularly review By-laws to ensure that the By-law and the procedures contained therein are consistent with the prevailing legislation and with Council's directions and accountabilities. The current Establishing & Regulating (E&R) by-law was adopted in 2019, since that time WFES has undergone significant growth and change, with further changes coming with the opening of the new central fire station. The current organizational chart (Appendix "A") was a carry forward from the 2018 E&R By-Law which was based on a four-station model.

### **DISCUSSION:**

Recommended changes to the Fire Department Organizational Chart are set out in the proposed Organizational Chart attached to this report as Appendix "B" and discussed in more detail below.

#### ***Executive Assistant***

With the Corporate organizational review and the creation of the Community & Development Services (CDS) department (Building, Planning, By-Law Enforcement, & Economic Development), in late 2021, the shared administrative assistant was reallocated, solely to the CDS. This resulted in the Fire Department moving to a part time, fire specific, position. Being part time, this position was kept out of CUPE and retitled to Executive Assistant given the confidential nature of the information the position entails.

#### ***Professional Development & Training***

Prior to 2018, WFES did not have a Deputy Fire Chief, and all training was coordinated through a part time Training Officer, who in June of 2018, began reporting to the Deputy Fire Chief. The training officer resigned in the fall of 2020, and as an interim measure, the DFC assumed the role of "Training Coordinator". As part of the 2018-2020 collective agreement all Officers (Captains & Lieutenants) must be certified to NFPA 1041 Fire Instructor 1. This has resulted in WFES having a cadre of instructors that deliver training and instruction for regular weekly training, NFPA recognized courses and the Recruit Training Program. The proposed change is to remove the Training Officer position, replace with "Instructors" and continue with the Deputy Fire Chief overseeing the Professional Development & Training Portfolio.

**Community Risk Reduction**

This change is a retitle to align with current industry standards that more accurately reflect the role of the portfolio.

**Station Identification**

To minimize the impact of the amalgamation of the Station 1 (Winger) & Station 2 (Wainfleet) into the central fire station, the Administrative portion of the building will utilize all Station 1 identifiers, whereas the Emergency Operations/Suppression division will utilize Station 2 identifiers. Currently all firefighters are provided identification numbers based on the station they are assigned to. Presently there are less than 10 firefighters at Station 1, which means to reassign and re-identify only those firefighters will cost significantly less than to re-identify the rest of the department.

**Officers**

NFPA and international Incident Management/Command Systems (IMS/ICS), recommend that to maintain a safe span of control, each officer should have 3-7 personnel reporting to them. With the amalgamation of Station 1 & 2, it is anticipated that there will be +/-20 firefighters that are assigned to the stations. This results in 1 Lieutenant for every 5-7 firefighters. As such, the proposed organizational chart shows 1 less Captain. This will result in a net reduction to budget allocated for officers honourariums, and rate of pay.

Officers	Current	Proposed
Captain	4 max.	3 max.
Lieutenant	8 max.	8 max.

This revision is most needed, so that staff can begin the selection process of the officers for the central station, and so that the positions can be accurately reflected in the collective agreement with the Wainfleet Volunteer Firefighters Associations (WVFFA) that is currently under negotiations.

**FINANCIAL CONSIDERATIONS:**

There are no financial implications with respect to the recommendations. Any costs associated with the reidentification of Station 1 personnel, should be offset in the operating budget by the reduction of the Training Officer and one Captain position.

**OTHERS CONSULTED:**

- 1) Fire Services Leadership Team
- 2) Strategic Leadership Tea

**ATTACHMENTS:**

- 1) Appendix "A" – Current WFES Organizational Chart
- 2) Appendix "B" – Proposed WFES Organizational Chart

Respectfully submitted by,

Approved by,

---

Morgan Alcock  
Fire Chief/CEMC

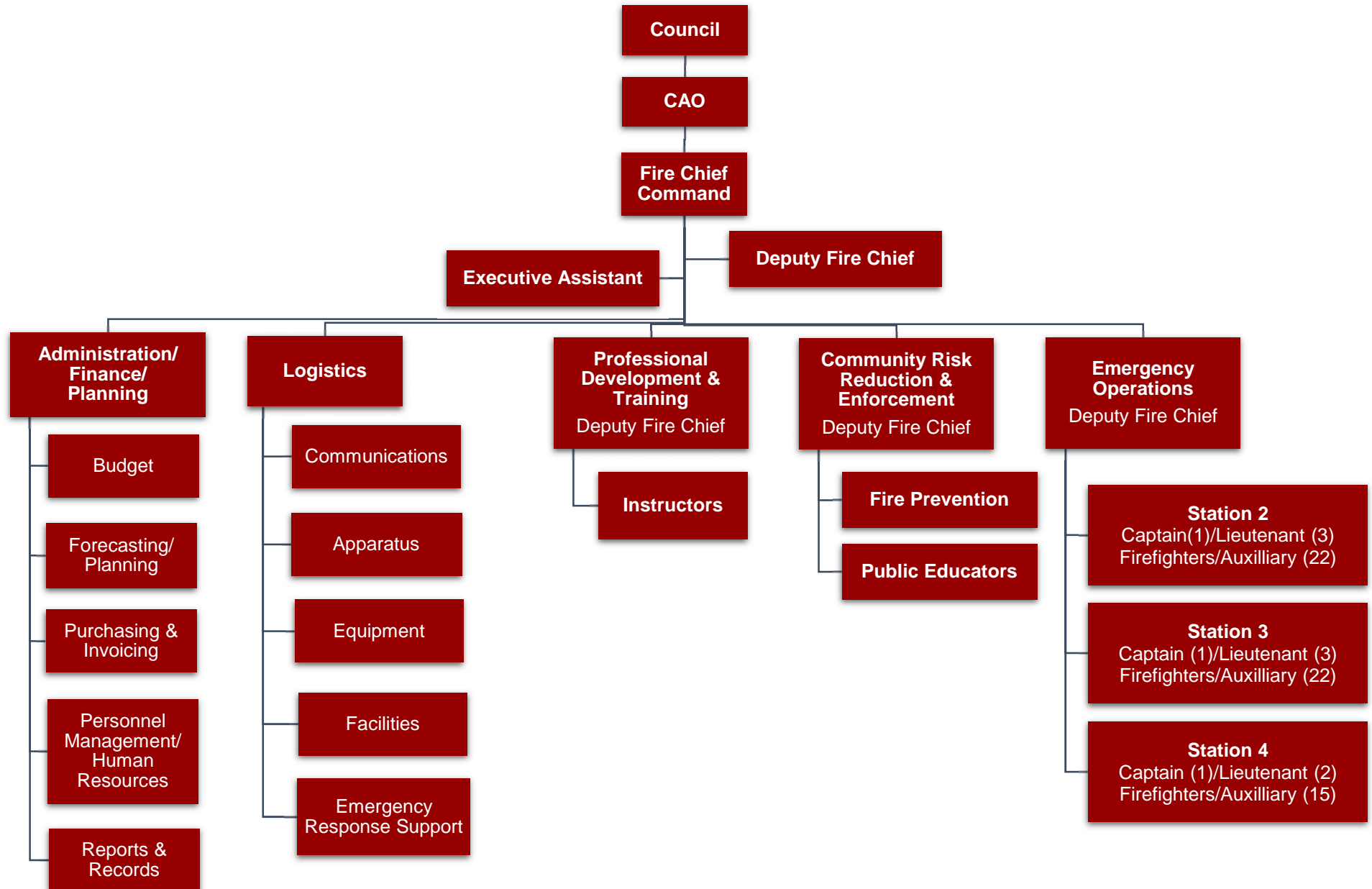
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William Kolasa  
Chief Administrative Officer/Clerk

**Schedule “B” to BL0XX-2019**  
**The Township of Wainfleet**  
**Fire and Emergency Services**  
**Organizational Chart (Revised September 2019)**



**Schedule "B" to BL071-2019**  
**The Township of Wainfleet**  
**Fire and Emergency Services**  
**Organizational Chart (Revised July 2022)**



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

**FROM:** Sarah Ivins, Planner

**DATE OF MEETING:** July 12, 2022

**SUBJECT:** Zoning By-law Amendment File No. Z02/2022W  
Mayr Farms Ltd. (Manuel Mayr – Agent)

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**RECOMMENDATION(S):**

**THAT** Planning Staff Report PSR-002/2022 be received; and

**THAT** Zoning By-law Amendment File No. Z02/2022W for lands described as Concession 2 Part Lot 34 & 35, known municipally as 33553 Feeder Road West, be approved for the reasons outlined in PSR-002/2022; 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 Manuel Mayr on behalf of Mayr Farms Ltd. for lands known municipally as 33553 Feeder Road West.

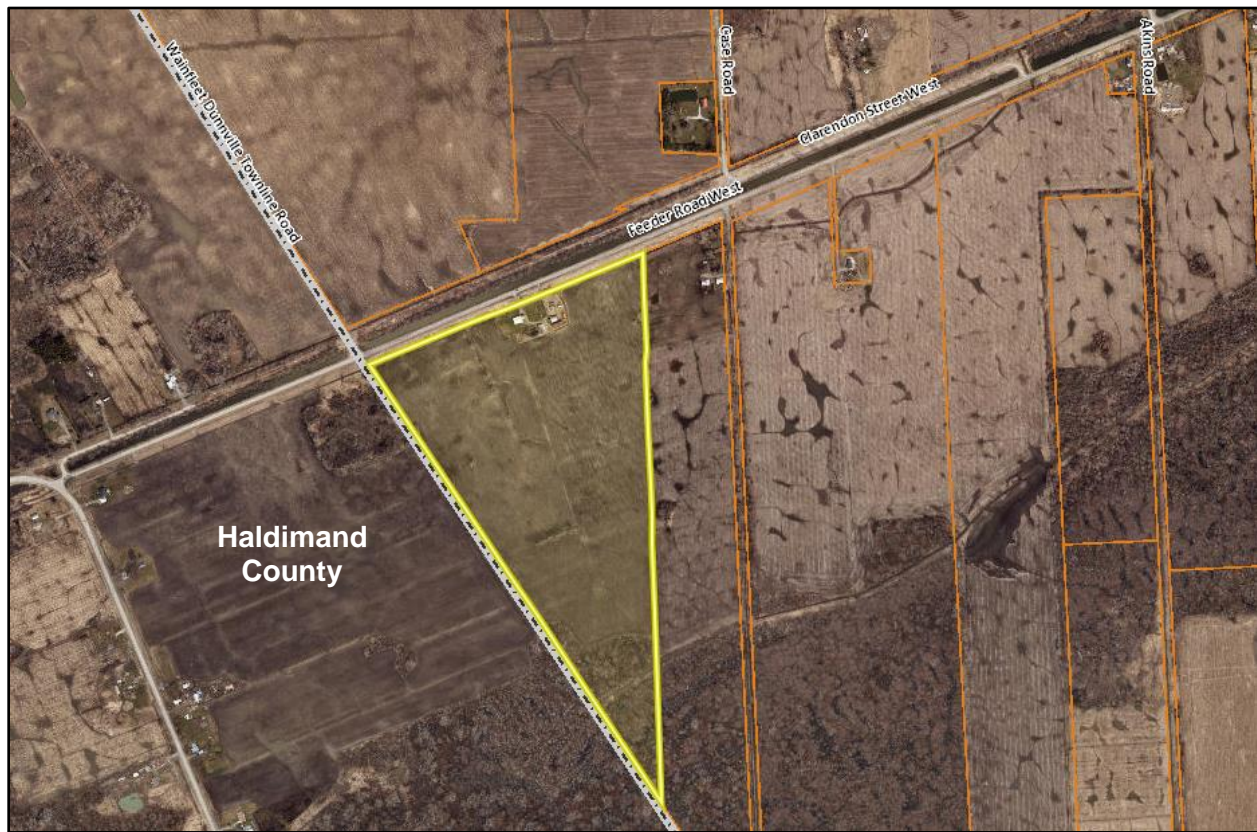
The proposed zoning by-law amendment is needed to comply with Provincial, Regional and Township planning policies regarding the disposal of a surplus farm dwelling application, where the retained agricultural lands are to be rezoned to “Agricultural Purposes Only” to prohibit the construction of a dwelling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

The Committee of Adjustment conditionally granted the surplus farm dwelling consent application on June 15, 2022 and a public meeting for the zoning by-law amendment was held on June 21, 2022.

**BACKGROUND:**

The subject lands are located on the south side of Feeder Road West between Conlon Road and Wainfleet-Dunnville Townline Road and are known municipally as 33553 Feeder Road West. The subject lands are shown below in Figure 1.

Figure 1 – Subject Lands



The subject lands are 29.4 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 No. B07/2022W, which was considered by the Committee of Adjustment on June 15, 2022. Application was made for the consent to sever Part 1 (1.017 hectares) as a surplus farm dwelling and to retain Part 2 (28.383 hectares) for continued agricultural use. The severance sketch is attached as Appendix "A". The Committee of Adjustment provisionally approved the application.

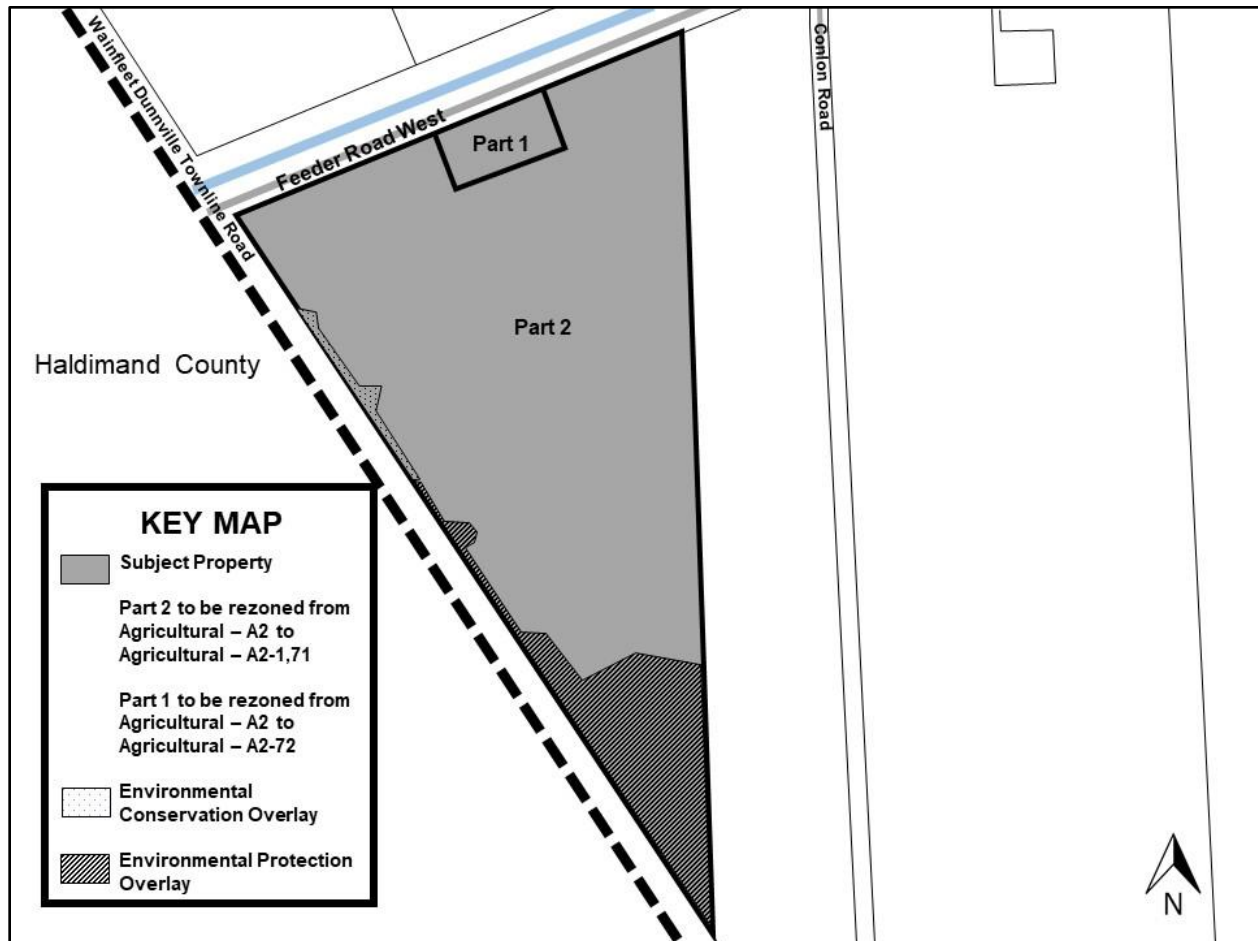
The subject lands are designated as Good General Agriculture Area in the Regional Official Plan, designated Agricultural Area, Environmental Protection Area, Environmental Conservation Area and Fish Habitat in the Township Official Plan and zoned Agricultural – A2 with Environmental Protection, Environmental Conservation and Fish Habitat Overlays 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 (28.383 hectares) from Agricultural – A2 to an Agricultural – A2-1 zone to prohibit dwellings and an Agricultural A2-71 zone to recognize a reduced lot area of 28.383 hectares where 40 hectares is required; and

- Part 1 (1.017 hectares) from Agricultural – A2 to an Agricultural – A2-72 zone to permit a maximum accessory building height of 8 metres for the structures existing as of June 15, 2022.

Figure 2 – Zoning By-law Amendment Map



On February 10, 2022 a pre-consultation meeting was held with the Township and Niagara Region Planning & Development Services.

On April 21, 2022 the applicant filed concurrent consent and zoning by-law amendment applications, which were declared complete on May 3, 2022. Notice and circulation of the applications was given on May 19, 2022.

On June 15, 2022 the Committee of Adjustment conditionally approved the surplus farm dwelling consent application (File B07/2022W). 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 28.383 hectares. This application, if approved, would fulfill this condition of consent. Another condition required that Part 1 be rezoned to recognize the heights of the existing accessory buildings. As such the zoning by-law amendment has been changed to include the rezoning of Part 1 from Agricultural – A2 to Agricultural – A2-72.

On June 21, 2022 a public meeting regarding this application was held and an information report was presented to Council. The draft 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 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 lands as being 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.

The subject lands are impacted by natural heritage features, such as Provincially Significant Wetlands (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. The proposed amendment has no impact to these features.

#### 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 subject lands are impacted by natural heritage features, such as Provincially Significant Wetlands (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. The proposed amendment has no impact to these features.

The application conforms with the Growth Plan.

#### Regional Official Plan

The subject lands are 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.

The subject lands are impacted by the Region's Core Natural Heritage System due to the presence of Provincially Significant Wetlands (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. The proposed amendment has no impact to these features.

#### 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 lands are impacted by Provincially Significant Wetlands (PSW) to the south/south-west, a small portion of Unevaluated wetlands near the western property line and numerous watercourses.

The proposed amendment has no impact to these features.

#### Township of Wainfleet Official Plan

The subject lands are designated as Agricultural Area, Environmental Protection Area, Environmental Conservation Area and Fish Habitat 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.

The Environmental Protection Area, Environmental Conservation Area and Fish Habitat designations are due to the presence of Provincially Significant Wetlands (PSW), Significant Woodland and Type 2 (Important) Fish Habitat. The proposed amendment has no impact to these features.

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

The subject lands are currently zoned Agricultural – A2 with Environmental Protection, Environmental Conservation and Fish Habitat Overlays.

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 28.383 hectares, where 40 hectares is required for Part 2. The application proposes to rezone Part 2 to Agricultural – A2-71 to permit a lot area of 28.383 hectares.

Through review and consideration of the consent application, the existing agricultural buildings (quonset hut, barn and lean-to) are to remain on the surplus farm dwelling lot (Part 1). By doing so, those buildings are now rendered accessory to the single detached dwelling and are required to comply with the accessory building provisions in Section 4.21 and Table 2, rather than the agricultural building provisions of Section 6.2 and Table 6. Staff have reviewed the accessory building provisions and noted that the existing buildings exceed the maximum height of 5 metres. As such, staff have included a site-specific Agricultural – A2-72 to Part 1 to recognize a height of 8 metres for the accessory buildings existing as of June 15, 2022, being the date the Committee of Adjustment granted provisional approval of the consent application.

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

The proposed amendment does not propose to change the existing Environmental Protection, Environmental Conservation and Fish Habitat Overlays.

**FINANCIAL CONSIDERATIONS:**

None.

**OTHERS CONSULTED:****Public Meeting**

A statutory public meeting was held on June 21, 2022. Notice of the public meeting was mailed to landowners within 120m of the subject property on May 19, 2022. 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 public comments have been received.

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

**Township Department and Agency Comments**

On May 19, 2022 a request for comments was circulated to Township departments and external agencies requiring review of the proposed application.

Haldimand County noted no concerns.

There were no further Township department or agency comments received, specific to the zoning by-law amendment. Enbridge and the Township's Drainage Department provided comments on the consent application.

**CONCLUSION:**

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z02/2022W, for the lands known municipally as 33553 Feeder Road West. 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 B07/2022W Severance Sketch
- 2) Appendix "B" – Draft Minutes of the Public Meeting Held on June 21, 2022
- 3) Appendix "C" – Zoning By-law Amendment

Respectfully submitted by,

Reviewed by,

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Sarah Ivins  
Planner

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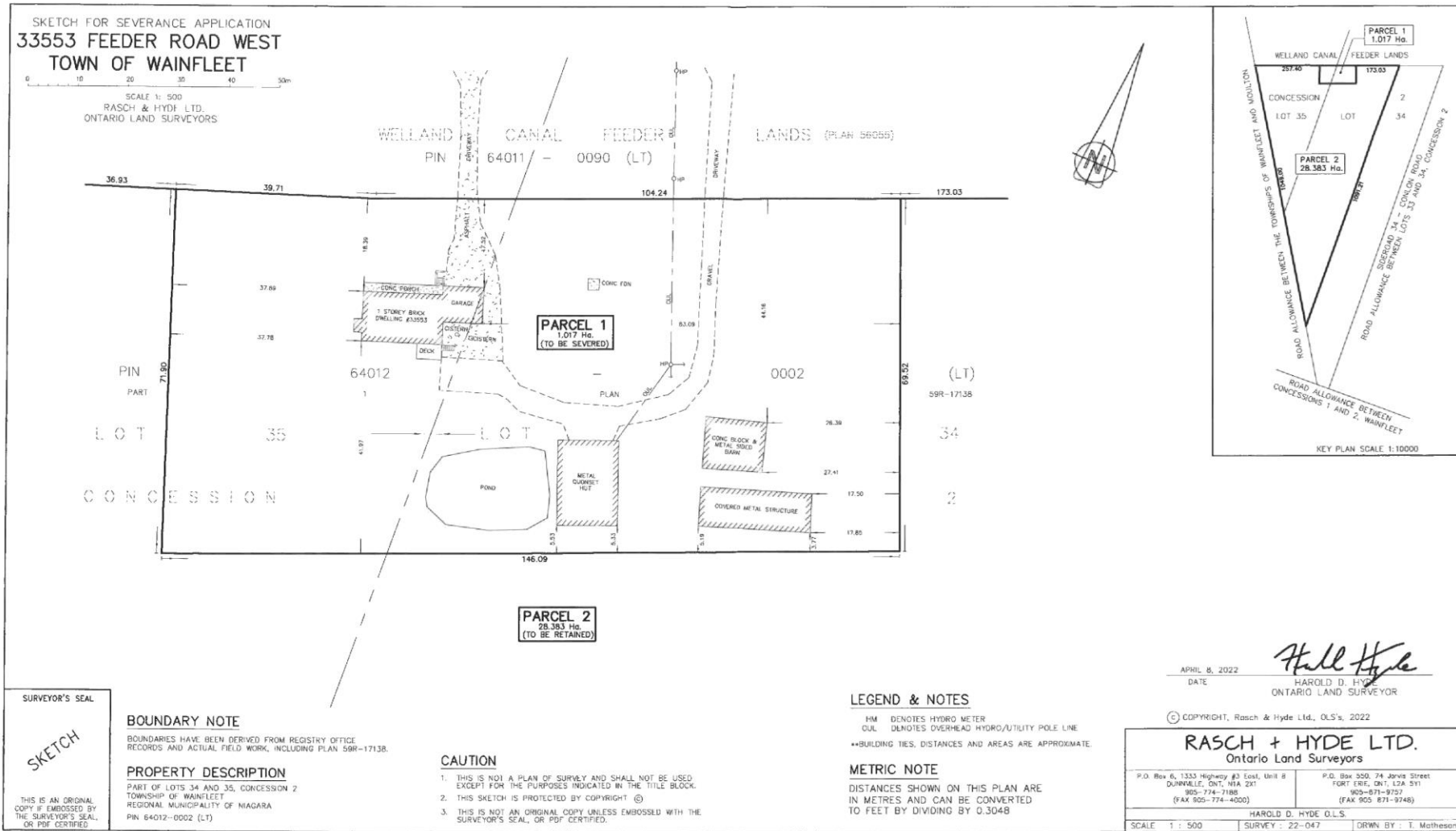
Lindsay Earl, MES, MCIP, RPP  
Manager of Community & Development Services

Approved by,

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William J. Kolasa  
Chief Administrative Officer

## APPENDIX “A”



## **APPENDIX “B”**

### **June 21, 2022 Draft Public Meeting Minutes**

Applicant: Manuel Mayr (Agent) on behalf of Mayr Farms Ltd. (Owner)  
Subject Property: 33553 Feeder Road West, Wainfleet

Mayor Gibson advised that the purpose of this meeting is for applicants to present their proposal to Council and the public and for Council to receive comments from the public.

The Planner provided an overview of the information report respecting the file.

There were no questions or comments from the public.

## APPENDIX “C”

### CORPORATION OF THE TOWNSHIP OF WAINFLEET

#### BY-LAW NO. 00X-2022

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 34 & 35, Concession 2 in the Township of Wainfleet, known municipally as 33553 Feeder Road West.

**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 10 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 – 1,71 while maintaining the Environmental Protection, Environmental Conservation and Fish Habitat Overlays, 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-2022	Pt. Lot 34 & 35, Con. 2			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	71	00X-2022	Pt. Lot 34 & 35, Con. 2	Minimum Lot Area: 28.383 ha

**THAT** Map 10 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of Part 1 of the subject property from Agricultural – A2 to Agricultural – A2-72 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	72	00X-2022	Pt. Lot 34 & 35, Con. 2	Maximum Accessory Building Height for the structures existing as of June 15, 2022: 8 m

**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.

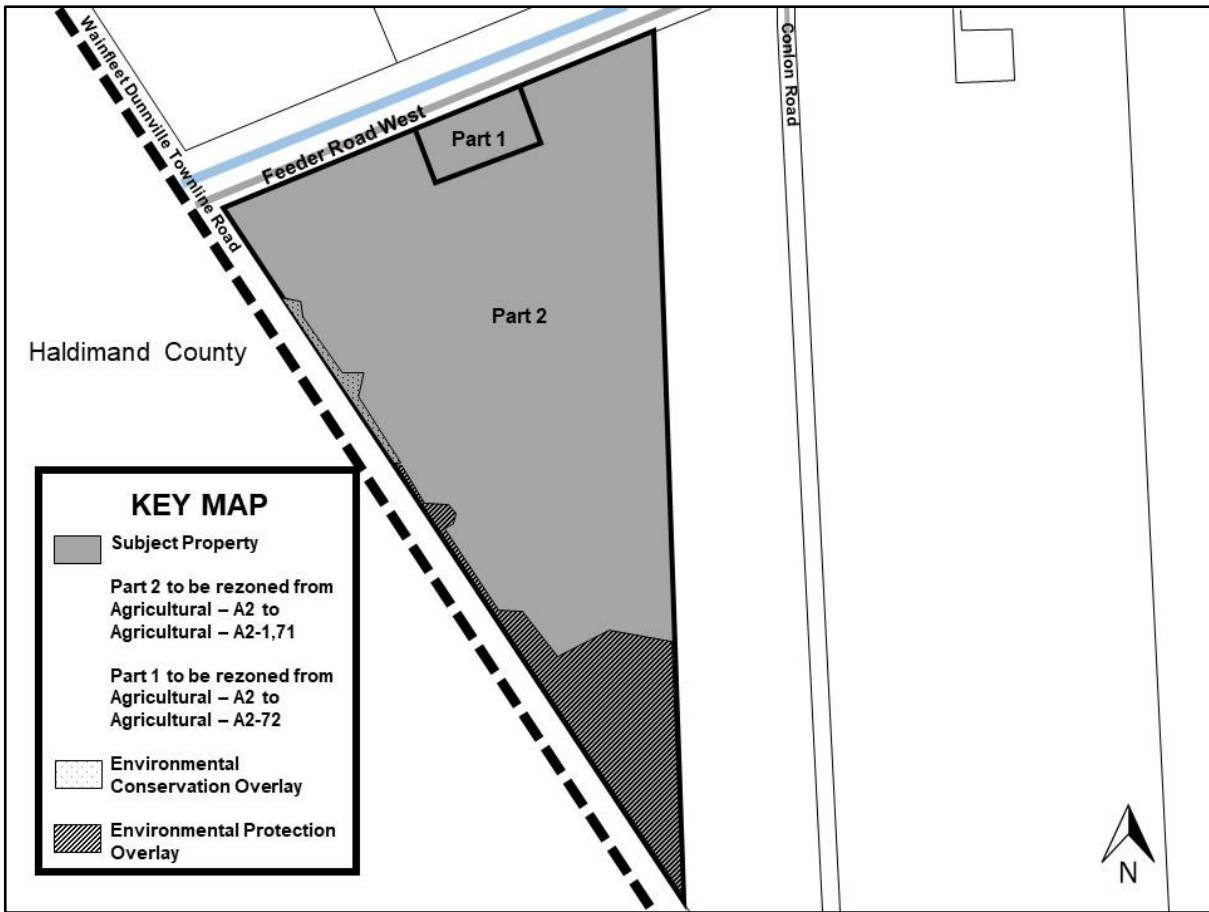
BY-LAW READ AND PASSED THIS 12<sup>TH</sup> DAY OF JULY, 2022.

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

	
<b>TOWNSHIP OF WAINFLEET</b>	
<p>Purpose &amp; Effect of By-law No. 00X-2022: This by-law affects lands described as Part of Lot 34 &amp; 35, Concession 2 in the Township of Wainfleet and known municipally as 33553 Feeder Road West. This by-law has been enacted to prohibit dwellings and to recognize a reduced lot area of 28.383 ha for Part 2 and to recognize a maximum accessory building height of 8m for Part 1.</p> <p>File No. Z02/2022W (Mayr Farms Ltd.)</p>	THIS IS SCHEDULE "A" TO BY-LAW NO. 00X-2022. PASSED THIS 12 <sup>TH</sup> DAY OF JULY, 2022.
	MAYOR
	DEPUTY CLERK

## PLANNING STAFF REPORT

PSR-003/2022

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

**FROM:** Sarah Ivins, Planner

**DATE OF MEETING:** July 12, 2022

**SUBJECT:** Zoning By-law Amendment File No. Z03/2022W  
Tom Mikkelsaar (NPG Planning Solutions Inc. – Agent)

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

**THAT** Planning Staff Report PSR-003/2022 be received; and

**THAT** Zoning By-law Amendment File No. Z03/2022W for lands described as Concession 1 Part Lot 13, known municipally by its Assessment Roll Number 271400000318501, be approved for the reasons outlined in PSR-003/2022; 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 NPG Planning Solutions Inc. on behalf of Tom Mikkelsaar for lands known municipally by its Assessment Roll Number 271400000318501.

The proposed zoning by-law amendment is needed to support lot creation and to align with the Lakeshore Residential designation in the Township’s Official Plan.

The Committee of Adjustment conditionally granted the consent applications on June 15, 2022 and a public meeting for the zoning by-law amendment was held on June 21, 2022.

### **BACKGROUND:**

The subject lands are located on the east side of Morgan’s Point Road with frontage on Fowler Road to the north and south and are known municipally by its Assessment Roll Number 271400000318501. The subject lands are shown below in Figure 1.

Figure 1 – Subject Lands



The subject lands are 4.9 hectares in size and do not contain any structures. The surrounding land uses are primarily residential with some limited agricultural.

The subject lands were the subject of four consent (severance) applications (File B08/2022W, B09/2022W, B10/2022W and B11/2022W) which were considered by the Committee of Adjustment on June 15, 2022. Application was made for the consent to:

Application No.	Application Details
B08/2022W	Sever Part 1 (1.69 ha) for future residential use.
B09/2022W	Sever Part 2 (1.04 ha) for future residential use.
B10/2022W	Sever Part 3 (1.05 ha) for future residential use.
B11/2022W	Sever Part 5 (2,192.3m <sup>2</sup> ) to merge with 11451 Morgan's Point Road.
Retain Part 4 (7,855.0m <sup>2</sup> ) for future residential use.	

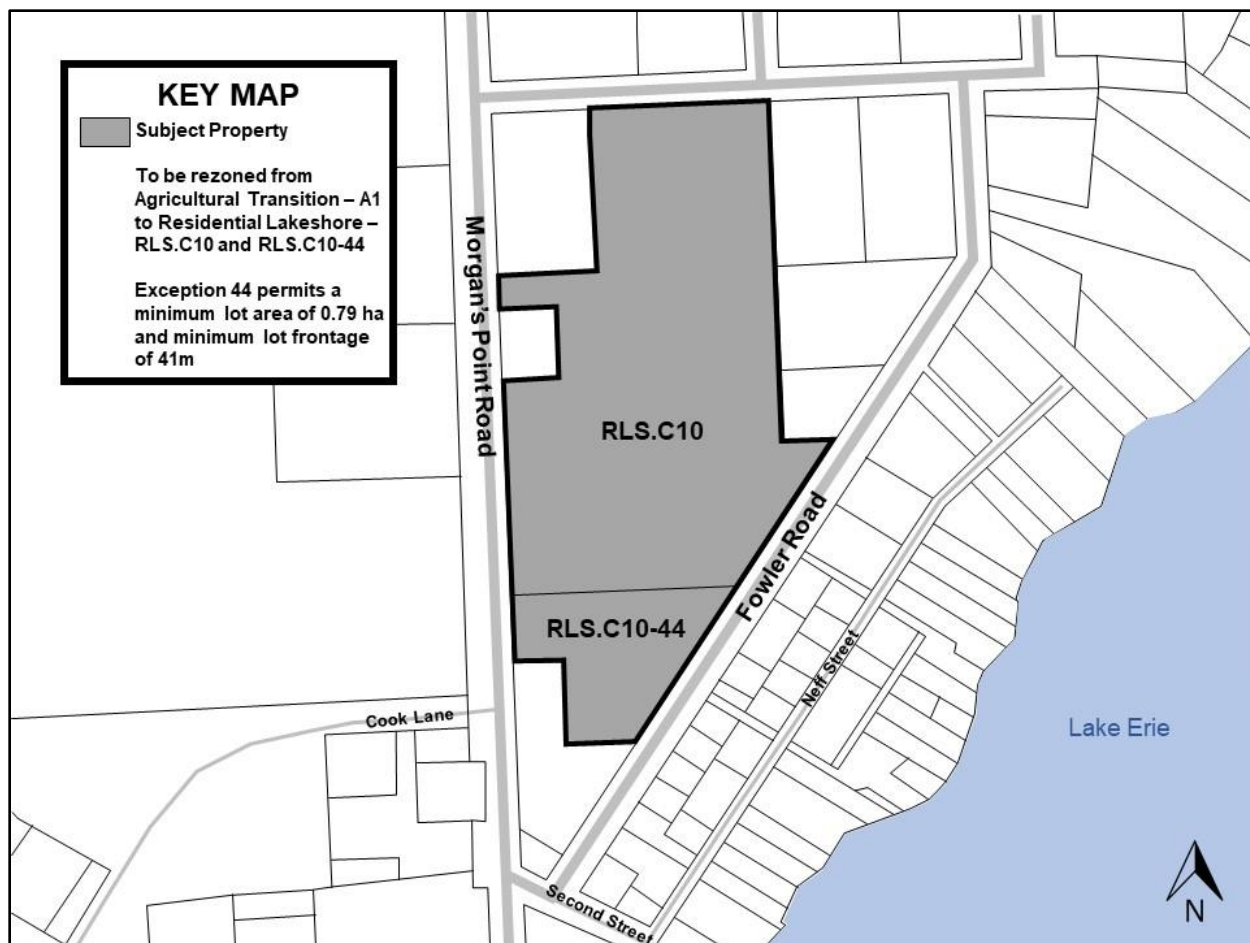
The severance sketch is attached as Appendix "A". The Committee of Adjustment provisionally approved the applications.

The subject lands are designated as Rural Area in the Regional Official Plan, designated Lakeshore Residential in the Township Official Plan and zoned Agricultural Transition – A1 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:

- Parts 1, 2, 3 and 5 from Agricultural Transition – A1 to a Residential Lakeshore – RLS.C10 zone; and
- Part 4 from Agricultural Transition – A1 to a Residential Lakeshore – RLS.C10-44 zone to permit a lot area of 0.79 hectares and a minimum lot frontage of 41 metres.

Figure 2 – Zoning By-law Amendment Map



On September 26, 2019 a pre-consultation meeting was held with the Township and Niagara Region Planning & Development Services.

On May 13, 2022 the applicant filed concurrent consent and zoning by-law amendment applications, which were deemed complete on May 16, 2022. Notice and circulation of the applications were given on May 19, 2022.

On June 15, 2022 the Committee of Adjustment conditionally approved the consent applications. One of the conditions required that the concurrent zoning by-law amendment application be approved.

On June 21, 2022 a public meeting regarding this application was held and an information report was presented to Council. The draft 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 limited rural residential growth in an area that is predominately residential and it has been demonstrated that the

proposed residential uses can be supported by private servicing and will have no impact to the natural environment.

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 lands are designated as being within Rural Lands and as such, limited residential development is permitted provided that it can be adequately serviced, it is compatible with the rural landscape and complies with the Minimum Distance Separation (MDS) formulae.

A Hydrogeological Assessment prepared by Terra-Dynamics Consulting Inc, (dated February 2, 2022) assessed the hydrogeological conditions of the subject lands and reviewed its ability for the severed lots to be serviced with private water and septic. The Hydrogeological Assessment concluded that the proposed lots and remnant lot can be safely serviced by private sewage systems with the implementation of the following recommendations:

1. That each of the four lots be equipped with a septic system that provides nitrogen reduction of septic effluent Level IV/tertiary treatment to at least 50% for Parts 1, 2 and 4 and 75% for Part 3;
2. That the sewage disposal beds for each of the four lots be placed in a northwest corner while observing the minimum Ontario Building Code setbacks as shown in Figure 7;
3. That water is supplied by cisterns for each of the four lots;
4. That a Development Agreement be negotiated with the property owners, to ensure that sustainable water and sewer services will be employed. Such Agreement will confirm that the lots can be created by severance, and that the installation of such services will be the responsibility of the future property owner. Demonstration of such servicing will occur at the time of Building Permit application.
5. That if any wells are located on-site, that they be decommissioned by a water well contractor licensed in the Province of Ontario.

The MDS Guidelines require that all buildings reasonably capable of housing livestock, regardless of whether livestock currently exist, within 750m of the subject property shall be investigated. Staff have reviewed aerial imagery of the 750m buffer and identified no properties as potentially containing livestock. The area is predominantly residential with some agricultural parcels that are currently being used for cash crop operations.

The subject lands have been identified as an area of archaeological potential due to a number of registered sites in the area and its proximity to Lake Erie. Section 2.6 of the PPS 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 Detritus Consulting Ltd. (dated September 3, 2020) was submitted and it concluded that no further archeological assessment of the study area is recommended given that no archaeological resources were documented.

Section 2.1 of the PPS states that natural features and areas shall be protected for the long term. The subject lands were previously farmed but have since naturalized over the years and may contain natural heritage features such as a Significant Woodland. Development and site alteration shall not be permitted within a feature unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. An Environmental Impact Study prepared by Myler Ecological Consulting (dated May 2022) was submitted and it concluded that the subject lands do not contain any species at risk, significant wildlife habitat or significant woodland and as such approval of the proposed severances and residential development is recommended. The EIS recommended the following mitigation measures during site preparation and construction activities:

1. maintain development footprints on each of the Parts outside of the woodland area, during construction and during subsequent long-term/permanent maintenance of manicured portions of each residential property;
2. time cultural thicket and cultural meadow vegetation removal within each of the individual development limits during September – March, outside of bird nesting season.
3. eradicate the small stand of Japanese Knotweed that is within the woodland on Part 1 before it spreads within the woodland and becomes practically impossible to manage;
4. consider clearing stands of exotic invasive European Privet, Multiflora Rose and Tatarian Honeysuckle to allow native vegetation to proliferate.

Through conditions of approval for the consent applications, a development agreement is required to address the recommendations of the Hydrogeological Assessment and Environmental Impact Study.

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

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

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

The proposed residential uses for the Residential Lakeshore – RLS.C10 zone are compatible with the rural landscape and are not out of character for the area as it is

comprised of many rural residential lots and lakeshore residential development. The proposed residential uses can be adequately serviced by a septic system and will not adversely affect the protection of agricultural uses.

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

#### Regional Official Plan

The subject lands are designated as Rural Area under the Regional Official Plan (ROP). The predominant use of land in the Rural Area is intended to be agriculture but some limited non-farm development, such as residential uses, may be permitted. Development in the Rural Area is permitted only when the individual lot and soil conditions are suitable for the long-term operation of a private waste disposal system. Additionally, Minimum Distance Separation (MDS) requirements must be met and land use compatibility must be demonstrated.

The proposed residential uses for the Residential Lakeshore – RLS.C10 zone are compatible with the rural landscape and are not out of character for the area as it is comprised of many rural residential lots and lakeshore residential development. The proposed residential uses can be adequately serviced by a septic system and will not adversely affect the protection of agricultural uses. An MDS review was completed for the consent applications and there are no livestock facilities within the required investigation distance.

Staff are satisfied that the proposed zoning by-law amendment 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 does not contain any regulated features.

#### Township of Wainfleet Official Plan

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

The proposed zoning by-law amendment will ensure that the zoning of the subject lands aligns with the Lakeshore Residential designation and its permitted uses.

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

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

The subject lands are zoned Agricultural Transition – A1. The application proposes to rezone the subject lands to a Residential Lakeshore – RLS.C10 and RLS.C10-44 zone to permit future single detached dwellings on the proposed and remnant lots.

The severance sketch submitted with the consent applications, attached as Appendix “A”, shows the proposed lots (Part 1, 2 and 3) and remnant lot (Part 4). The following zoning provisions apply to lots for a single detached dwelling in the Residential Lakeshore – RLS.C10 zone:

***Single Detached Dwelling***

	<b>Required</b>	<b>Part 1</b>	<b>Part 2</b>	<b>Part 3</b>	<b>Part 4</b>
<b>Min. Lot Area</b>	1 ha	1.69 ha	1.04 ha	1.05 ha	7,855m <sup>2</sup>
<b>Min. Lot Frontage</b>	46m	104.37m	129.00m	104.60m	41.12m

The zoning by-law amendment has requested a site-specific zone for Part 4 to recognize a reduced lot area of 7,855m<sup>2</sup> and a reduced lot frontage of 41m.

**FINANCIAL CONSIDERATIONS:**

None.

**OTHERS CONSULTED:**

**Public Meeting**

A statutory public meeting was held on June 21, 2022. Notice of the public meeting was mailed to landowners within 120m of the subject property on May 19, 2022. 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 public comments have been received.

During the discussion at the public meeting, it was asked if additional lot creation could be supported for the subject lands. Policies of the Growth Plan, Regional Official Plan and Township Official plan limit residential lot creation in the Rural Area to a maximum of three new lots, for lots that existed as of June 16, 2006. This means that the current proposal has maximized the number of lots permitted in the various levels of planning policy. There are no appropriate tools or mechanisms to seek amendments to these planning policies. Furthermore, the subject lands are impacted by a Highly Vulnerable Aquifer (HVA) and multiple lot creation shall be carefully considered to ensure future private servicing can be adequately provided for the lots with no negative impact to the aquifer. While the Hydrogeological Assessment submitted in support of the consent applications did not specifically comment on a minimum lot size, it did conclude that the proposed lots sizes were sufficient provided tertiary treatment septic systems were installed. Tertiary treatment is an elevated septic system that removes additional nitrates before discharging effluent into the tile bed and are only recommended when traditional septic systems cannot appropriately service development. The proposed lots are required to have a minimum of 50% nitrate removal and the remnant lot required a minimum of 75% nitrate removal, which is the highest level of nitrate removal. It is for these reasons that staff do not recommend or encourage further lot creation for the subject lands.

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

Township Department and Agency Comments

On May 19, 2022 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 application.

There were no further Township department or agency comments received, specific to the zoning by-law amendment. Bell Canada, Enbridge and the Township's Drainage Department provided comments on the consent applications.

**CONCLUSION:**

The Planning Department has reviewed the application for a zoning by-law amendment, File No. Z03/2022W, for the lands known municipally by its Assessment Roll Number 271400000318501. 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 B08/2022W – B11/2022W Severance Sketch
- 2) Appendix "B" – Draft Minutes of the Public Meeting Held on June 21, 2022
- 3) Appendix "C" – Zoning By-law Amendment

Respectfully submitted by,

Reviewed by,

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Sarah Ivins  
Planner

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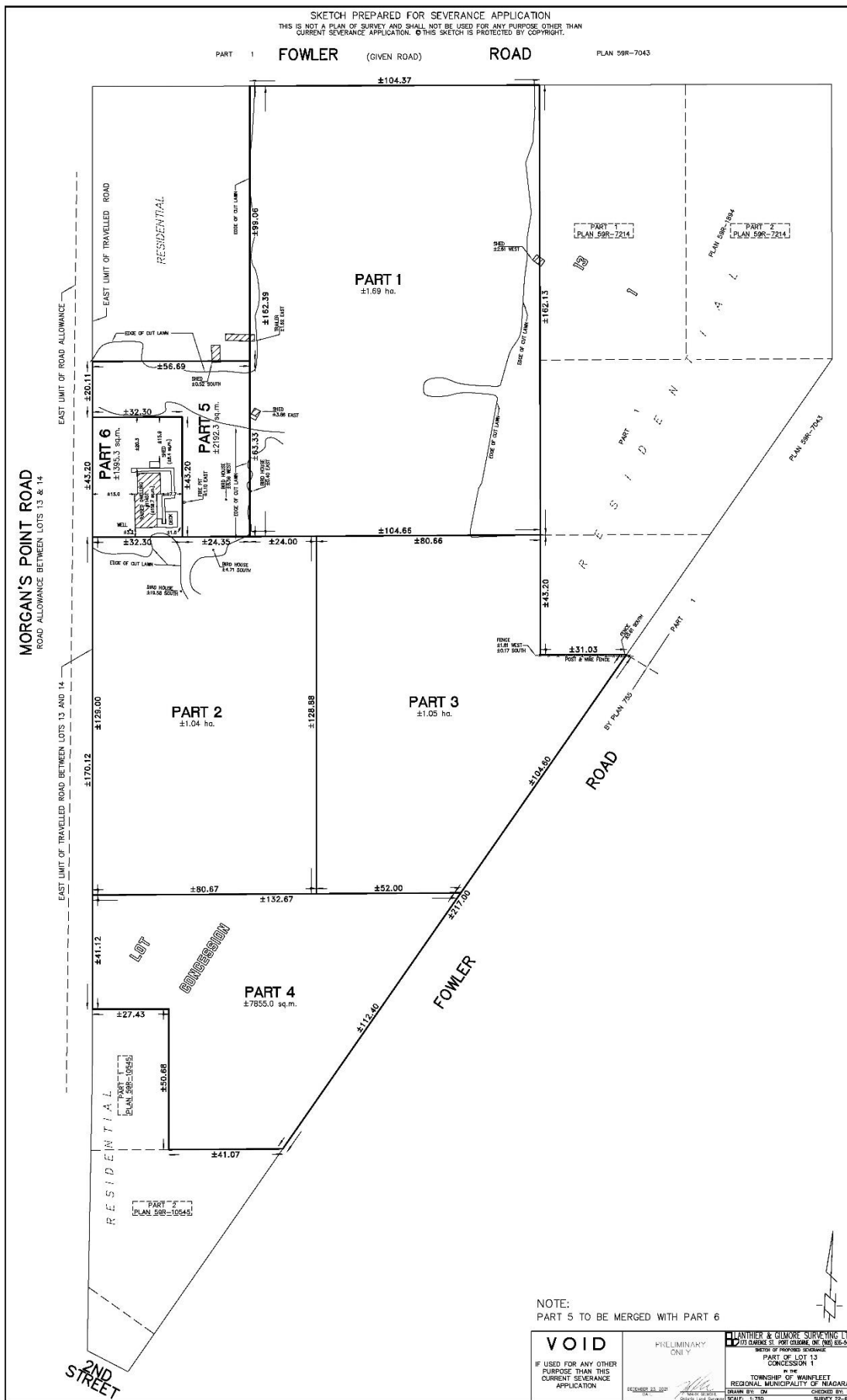
Lindsay Earl, MES, MCIP, RPP  
Manager of Community & Development Services

Approved by,

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William J. Kolasa  
Chief Administrative Officer

## APPENDIX “A”



## **APPENDIX “B”**

### **June 21, 2022 Draft Public Meeting Minutes**

Applicant: NPG Planning Solutions (Agent) on behalf of Tom Mikkelsaar  
(Owner)

Subject Property: Vacant Lot Morgan’s Point Road, Wainfleet

Mayor Gibson advised that the purpose of this meeting is for applicants to present their proposal to Council and the public and for Council to receive comments from the public.

The Planner provided an overview of the information report respecting the file and the agent provided information and presentation on the file.

There were no questions or comments from the public.

## APPENDIX “C”

### CORPORATION OF THE TOWNSHIP OF WAINFLEET BY-LAW NO. 00X-2022

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 13, Concession 1 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 26 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Agricultural Transition – A1 to Residential Lakeshore – RLS.C10 and Residential Lakeshore – RLS.C10-44 as shown on Schedule “A” attached hereto.

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

Zone	#	By-Law #	Address	Description of Special Provision
RLS	44	00X-2022	Pt. Lot 13, Con. 1	Minimum Lot Area: 0.79 ha Minimum Lot Frontage: 41m

**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 12<sup>TH</sup> DAY OF JULY, 2022.

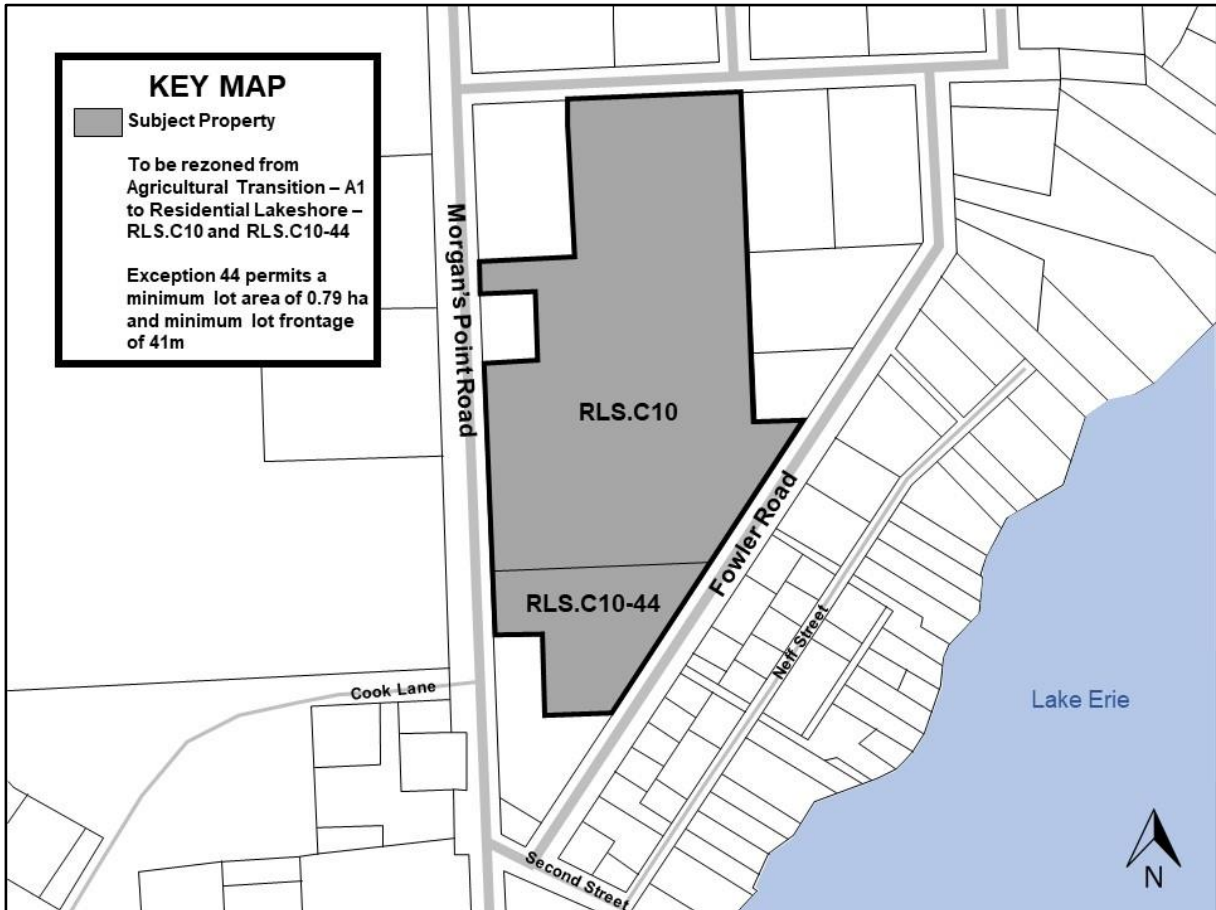

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

SCHEDULE A TO BY-LAW 00X-2022

 <div data-bbox="256 352 581 667" style="border: 1px solid black; padding: 5px;"> <p><b>KEY MAP</b></p> <p> Subject Property</p> <p>To be rezoned from Agricultural Transition – A1 to Residential Lakeshore – RLS.C10 and RLS.C10-44</p> <p>Exception 44 permits a minimum lot area of 0.79 ha and minimum lot frontage of 41m</p> </div>	
<p><b>TOWNSHIP OF WAINFLEET</b></p>	
<p>Purpose &amp; Effect of By-law No. 00X-2022:</p> <p>This by-law affects lands described as Part of Lot 13, Concession 1 in the Township of Wainfleet and known municipally as 271400000318501. This by-law has been enacted to rezone the lands to a Residential Lakeshore – RLS.C10 and RLS.C10-44 zone. Exception 44 permits a minimum lot area of 0.79 hectares and a minimum lot frontage of 41 metres.</p> <p>File No. Z03/2022W (Mikkelsaar)</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 00X-2022. PASSED THIS 12<sup>TH</sup> DAY OF JULY, 2022.</p>
	<p>MAYOR</p>
	<p>DEPUTY CLERK</p>

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

**FROM:** Richard Nan, Manager of Operations

**DATE OF MEETING:** July 23, 2022

**SUBJECT:** 2022 Capital Project Update

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**RECOMMENDATION(S):**

**THAT** Report PWSR-013/2022 respecting 2022 Capital Project Update be received for information

**EXECUTIVE SUMMARY:**

This report is to highlight and inform Council on the project updates for 2022 as outlined and approved in the Capital 2022 Budget.

**Municipal Water Distribution System**

The municipal water distribution system requires replacement with current waterlines and fittings not meeting drinking water regulations. During the recent town hall waterproofing project, staff encountered another leak and removed a section of galvanized piping that had corroded and leaked at the foundation wall. The new system is being designed and a tender will be prepared for the replacement of the distribution lines in the municipal small drinking water system.



### **Town Hall Waterproofing**

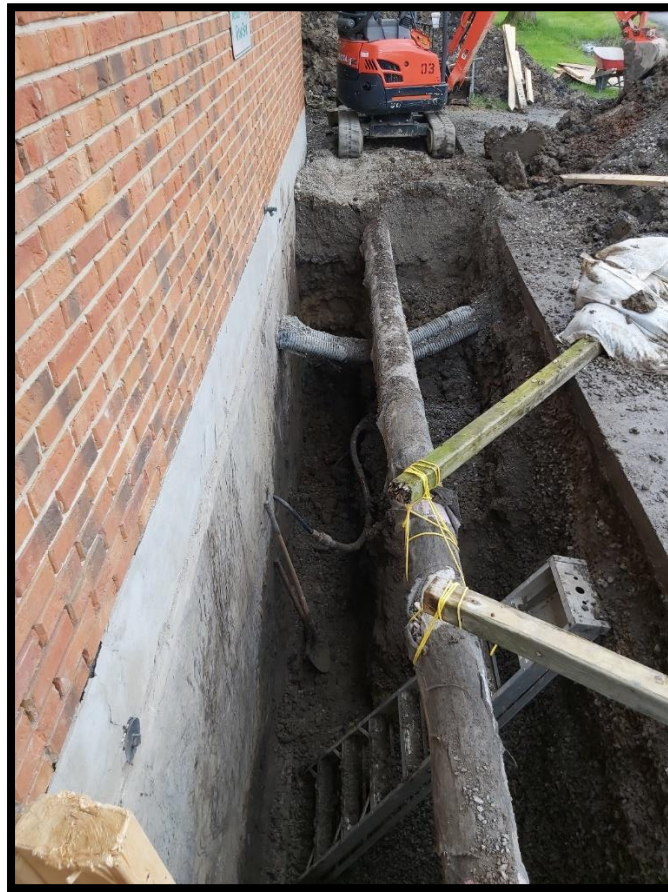
Waterproofing of the Town Hall basement was completed in late June. The project scope changed slightly as the soil conditions proved to be unstable during excavation. Construction identified the soil conditions around the facility as silty clay that was completely saturated and unstable. Due to the soil conditions and for the safety of the contractor the 3" thick concrete sidewalk had to be removed.

During the excavation the contractor identified many obstacles, including a foundation slab measuring 3'x3'x4' that was placing undue pressure against the foundation wall. Because of the concrete and pressure of the saturated soil against the concrete block foundation, staff required the services of a structural engineer to assess the foundation wall, as it had bowed slightly from the pressure. Fortunately, the amount of deflection caused by the pressure of concrete and soil as well as the removal of the concrete slab allowed the Engineer to approve the wall structure without additional costs of repairs or replacement. Staff arranged with the contractor to increase the size of drainage tile and additional granular to allow for increased drainage.

Other obstacles identified during excavation included old infrastructure. Untraceable systems including the main Town Hall sewer line buried just underneath the asphalt, multiple discharge lines and a leaking water valve buried beside the foundation. Due to the existing infrastructure, it was difficult for the contractor to properly compact the trench.

Staff will be allowing the work area around Town Hall to settle naturally for an additional year and anticipate replacing the asphalt along the West side of the building when the waterline is replaced and staff will be presenting options for the sidewalk replacement in the 2023 Budget presentation.





### **Municipal Banner Program**

The Municipal Banner Program is currently in its early stages. Approval permits have been received by the Ministry of Transportation to install the 16 Banners on the poles that currently have the municipal streetlights. Quotations will be obtained later this summer for the winter festive banners and mounting Hardware. For the following year, a summer banner design competition is planned for the fall of this year and will be brought to Council for selection.



**SUV Replacement Vehicles**

In May, the tender for Building and Bylaw replacement hybrid vehicles was awarded and the Township is awaiting delivery, expected later this summer.

**Roadside Mower Replacement**

The Roadside Mower tender was awarded in May and the Township is awaiting delivery.

**Recreation Mower and Tractor**

The Recreation Tractor has awarded and we are expecting delivery shortly

### **Cemetery Mower Deck**

The Township took delivery of the Cemetery Mower in the spring and it is currently in service.



### **Hoe Pack**

The Township took delivery of the Hoe Pack in late June, which will be placed into service shortly.



### **Parking Lot Spreader**

The Township took delivery of the Parking Lot Spreader in the spring and the piece of equipment will be placed into service at the beginning of the winter control season.



### **Road Resurfacing Program**

With the recent tender award, the Road Resurfacing program will begin shortly. The roads included in this year's program approved by council include:

- Diltz Road Regional Road 45 to Oswego Bridge
- Concession 6 from Robertson Road to Henderson Road
- Phillips Road from Regional Road 24 to Lambert Road
- O'Reilly's Road N from Regional Road 27 to the dead end
- Tunnacliffe Road N from Regional Road 27 to the dead end

### **Gents Road Bridge**

Gents Road Bridge replacement will begin on July 18<sup>th</sup> and work should be completed by September 30, 2022.



### **Pearson Bridge Rehabilitation**

Staff in West Lincoln are finalizing the engineering to prepare the tender for the rehabilitation of this joint structure.

### **Lakeshore Roadside Safety**

The project has begun and anticipate completion by August 10, 2022



### **Lake Erie Storm Restoration**

Engineering is complete and Staff are preparing the tender.

### **Large Culverts and Drainage Program Update**

- Beezor Drain – Gents Road: The Township took delivery in late June of the 3.3m x 2m arch culvert for installation on the Beezor Drain. Installation is scheduled for late summer 2022 to coincide with the Gents Road Bridge replacement.
- Biederman Drain Works Section 78: On April 6, the engineer presented the draft report update for the Biederman Drain with impacted landowners. The engineer is currently revising the plans based on feedback received at the meeting. Based on landowner input the engineer should submit completed report in the fall of 2022 with construction to follow.
- Ellsworth Drain Works Section 78: On July 26, the appointed engineer will present the draft report for the Ellsworth Drain improvement project to impacted landowners. Based on landowner input the engineer should submit completed report in the fall of 2022 with construction to follow.
- CSW 10 Works Section 78: The appointed engineer has completed the preliminary design for the improvement project on Side Road 20. Staff will schedule public consultation for the fall of 2022 with work planned in conjunction with the Recreation Complex project.

### **Feeder Road East Drain 13 Engineering**

The appointed engineer has initiated identifying a solution towards replacing the 55m long 2.5m x 2.5 culvert under Feeder Road East, Clarendon Road East and the Feeder Canal. Further survey and design work to continue in 2022 with capital construction expected in the coming years.

### **Guiderails**

The guiderail replacement program for 2022 is complete, with installations on Hewitt Road and Lakeshore Road east of Bessey Road.



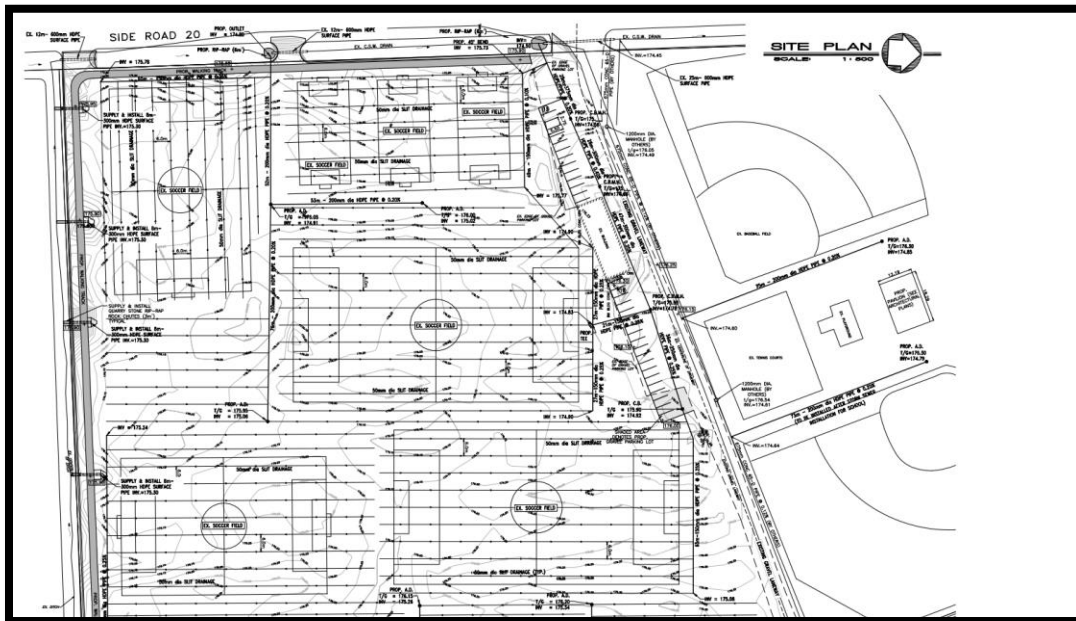
## Road Reconstruction Engineering

The preliminary engineering for improvements to the road and drainage for Bellevue Beach Road, Beach Road East and Hill Avenue are underway. Residents can expect additional personnel in the area as survey work and inspections of culverts take place.



## Recreation Complex Project

The first phase of the project includes the installation of tile drainage in the soccer fields and the laneway. Design work has been completed and Staff are preparing the tender.



## Municipal Tree Planting Program

Staff are working on a fall tree-planting program that will provide an opportunity for residents to pick up a tree to plant on their property.



**FINANCIAL CONSIDERATIONS:**

As noted earlier in the report, the indicated capital projects have been included in the Township's 2022 capital budget which was adopted by Council on March 22, 2022.

**OTHERS CONSULTED:**

- 1) Manager of Corporate Services/Treasurer
- 2) Strategic Leadership Team

**ATTACHMENTS:**

None

Respectfully submitted by,

Approved by,

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Richard Nan  
Manager of Operations

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William J. Kolasa  
Chief Administrative Officer



# Memorandum

**To:** Mayor Gibson and Members of Council

**From:** Richard Nan, Manager of Operations

**Date:** July 12, 2022

**Re:** Canada Summer Games Bicycle Time Trials Update

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As Council is aware, the Township of Wainfleet participated in the successful bid by Niagara Region to host the Canada Summer Games throughout the Region and all 12 area Municipalities.

The Township will be hosting our local “13 for 13 Cultural Festival” event on Tuesday, August 16, 2022, with our partners from the Great Canadian Territory of Nunavut. The public will be entertained with music from Juno award-winning artist [Susan Aglukark](#) and our own local artists, the [Great Lakes Swimmers](#).

Members of the public will also be able to support our local farmers market vendors and be able to join students from Nunavut as they perform a few special games.

Due to the unfortunate weather on Canada Day, staff will be adding a fireworks display at the end of the Township’s “13 for 13 Cultural Festival”.

## Canada Summer Games Bicycle Time Trials

Members may recall discussions regarding a planned Bicycle Time Trials event to be hosted by Port Colborne and which was originally intended to include a leg into Wainfleet. Staff have been involved in meetings with the Organizers of the Bicycle Time Trials along with respective agencies including the City of Port Colborne, MTO, Police and members of the Fire Department.

The MTO has now recommended that the organizers consider an alternate route because they were not in favour of closing Hwy 3 because of the various businesses and motoring public that utilize the Provincial highway.

The race route was originally scheduled to begin at H.H. Knoll Lakeview Park, travel westerly along Lakeshore Road, north on Cement Plant Road, westerly across Highway 3, southerly down Bessie Road, and then proceed eastwards along Lakeshore Road back into Port Colborne. The organizers have considered multiple routes in the City of Port Colborne as well as the Township of Wainfleet that would provide the least amount of disruption to the communities.

The new suggested route will see the entire race being held in the Township of Wainfleet. Currently, the new Bicycle Time Trials route is anticipated to be as follows:

- begin on Feeder Road West at Side Road 20;
- proceed westward on Feeder Road West to Burkett Road;
- proceed southward on Burkett Road to Concession 1 Road;
- proceed eastward on Concession 1 Road to Daily Ditch Road;
- proceed northward on Daily Ditch Road back to Feeder Road West;
- and then continue eastward on Feeder Road West, finishing back at Side Road 20.

Participants will first ride their bicycles along the route on Tuesday, August 15, 2022, to become familiar with the turns, and course configuration. The actual Time Trials Race is scheduled for Tuesday, August 16, 2022, and consists of approximately 30 female riders entering the course at staggered times beginning at 10:00 am, to be followed by approximately 40 Male participants who will begin their staggered start at 12:00 noon.

Staff are anticipating minimal costs associated with the event as the event takes place during working hours and believe that the event marshals and their own traffic control personnel would be responsible for set up and tear down of all associated road closure materials.

During further discussions, staff will review and finalize any additional requirements from Operations and Fire Department personnel or equipment. Staff additionally inquired as to whether there might be funding to compensate the Township for any expenses that may be incurred by the Township as a result of the time trial race; and staff were advised that the games did not anticipate the changes in the location of the race and are not able to provide any additional legacy funding.

Due to the nature and time constraints associated with the potential of hosting the Time Trial Race, Staff are recommending the following:

**That** Council approve the Township of Wainfleet hosting the Niagara 2022 Canada Summer Games Time Trial Race utilizing the Township Right of Ways; and

**That** Canada Games obtain a Road Occupancy Permit from the Township; and

**That** Canada Games submit to the Township a traffic management and emergency plan developed with the assistance of our Fire and Operations Department, EMS, and Niagara Regional Police; and

**That** Council authorize the Chief Administrative Officer or his designate to enter into an agreement with Canada Games on terms and conditions satisfactory to the Township Solicitor.

### Financial Implications

At this early stage, staff are anticipating only costs associated with staff time for the planning and organizing of the event and will continue to advise Council after further discussion with the organizers.

Richard Nan, Manager of Operations

**THE CORPORATION OF THE  
TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 033-2022**

Being a by-law to appoint a Municipal By-law  
Enforcement Officer for the Corporation of the  
Township of Wainfleet.

**WHEREAS** authority is granted pursuant to Section 15 of the *Police Services Act, R.S.O. 1990, Chapter P.15*, as amended, to municipal councils to appoint persons to enforce the by-laws of the municipality who shall be peace officers for the purpose of enforcing municipal by-laws;

**AND WHEREAS** Council deems it necessary and in the public interest to appoint a new By-law Enforcement Officer for the Township of Wainfleet;

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

1. **THAT** Zoe Forsyth is hereby appointed as a Municipal By-law Enforcement Officer for the Corporation of the Township of Wainfleet.
2. **THAT** the said Municipal By-law Enforcement Officer shall be responsible for the enforcement of all by-laws enacted by the Council of the Corporation of the Township of Wainfleet.
3. **THAT** By-law 022-2022, being a by-law to appoint a By-law Enforcement Officer and Property Standards Officer for the Corporation of the Township of Wainfleet, shall be and hereby is rescinded.
4. **THAT** this by-law shall come into force and take effect on the date of the final passing thereof.

BY-LAW READ AND PASSED THIS 12<sup>TH</sup> DAY OF July, 2022

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

**CORPORATION OF THE  
TOWNSHIP OF WAINFLEET  
BY-LAW NO. 034-2022**

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 34 & 35, Concession 2 in the Township of Wainfleet, known municipally as 33553 Feeder Road West.

**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 10 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 – 1,71 while maintaining the Environmental Protection, Environmental Conservation and Fish Habitat Overlays, 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	034-2022	Pt. Lot 34 & 35, Con. 2			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	71	034-2022	Pt. Lot 34 & 35, Con. 2	Minimum Lot Area: 28.383 ha

**THAT** Map 10 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of Part 1 of the subject property from Agricultural – A2 to Agricultural – A2-72 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	72	034-2022	Pt. Lot 34 & 35, Con. 2	Maximum Accessory Building Height for the structures existing as of June 15, 2022: 8 m

**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 12<sup>TH</sup> DAY OF JULY, 2022.

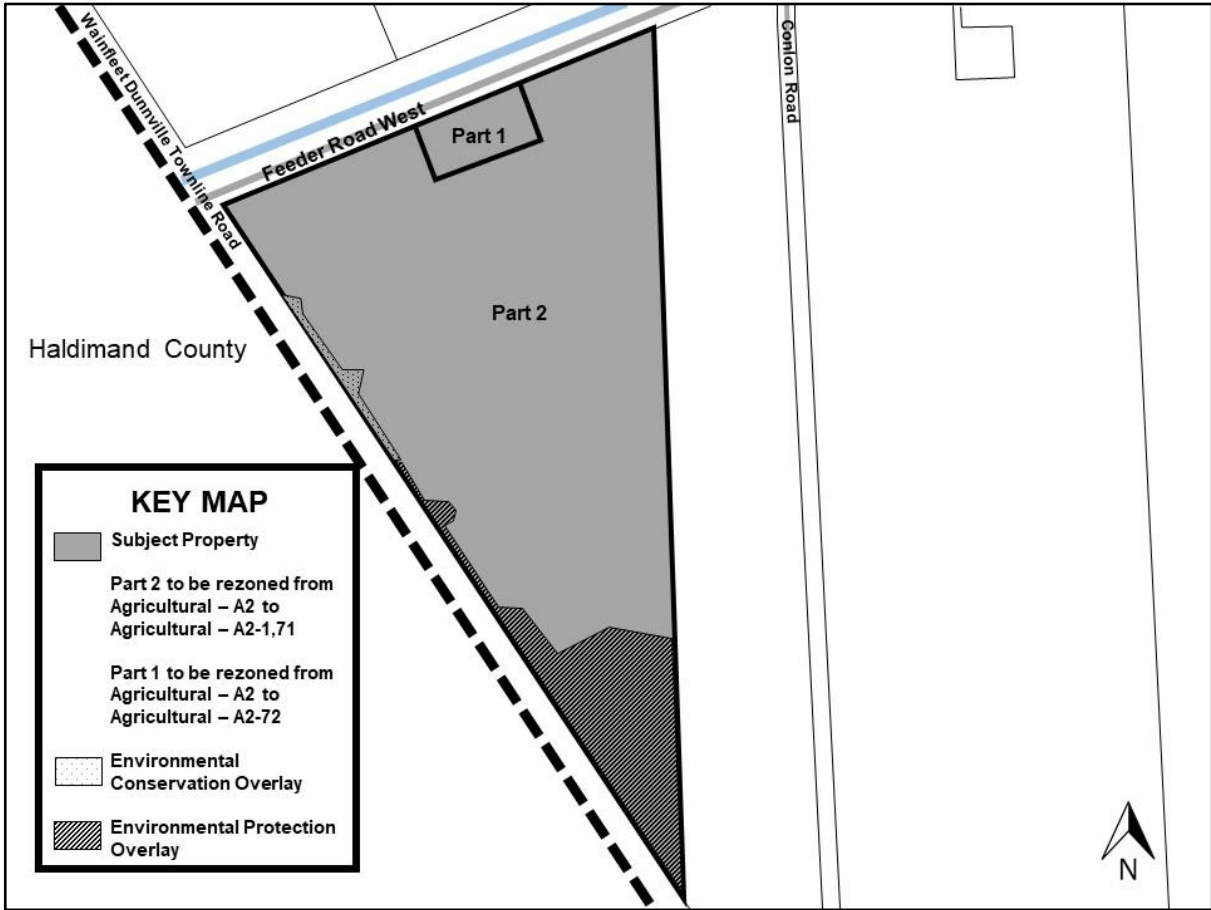
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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

## SCHEDULE A TO BY-LAW 034-2022

	
<b>TOWNSHIP OF WAINFLEET</b>	
<p>Purpose &amp; Effect of By-law No. 034-2022:</p> <p>This by-law affects lands described as Part of Lot 34 &amp; 35, Concession 2 in the Township of Wainfleet and known municipally as 33553 Feeder Road West. This by-law has been enacted to prohibit dwellings and to recognize a reduced lot area of 28.383 ha for Part 2 and to recognize a maximum accessory building height of 8m for Part 1.</p> <p>File No. Z02/2022W (Mayr Farms Ltd.)</p>	<p>THIS IS SCHEDULE "A" TO BY-LAW NO. 034-2022. PASSED THIS 12<sup>TH</sup> DAY OF JULY, 2022.</p>
	MAYOR
	DEPUTY CLERK

**CORPORATION OF THE  
TOWNSHIP OF WAINFLEET  
BY-LAW NO. 035-2022**

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 13, Concession 1 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 26 of Zoning By-law No. 034-2014, as amended, is hereby further amended by changing the zoning of the subject property from Agricultural Transition – A1 to Residential Lakeshore – RLS.C10 and Residential Lakeshore – RLS.C10-44 as shown on Schedule “A” attached hereto.

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

Zone	#	By-Law #	Address	Description of Special Provision
RLS	44	035-2022	Pt. Lot 13, Con. 1	Minimum Lot Area: 0.79 ha Minimum Lot Frontage: 41m

**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 12<sup>TH</sup> DAY OF JULY, 2022.

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

## SCHEDULE A TO BY-LAW 035-2022

<div style="border: 1px solid black; padding: 10px; margin-bottom: 10px;"> <p style="text-align: center;"><b>KEY MAP</b></p> <p> Subject Property</p> <p>To be rezoned from Agricultural Transition – A1 to Residential Lakeshore – RLS.C10 and RLS.C10-44</p> <p>Exception 44 permits a minimum lot area of 0.79 ha and minimum lot frontage of 41m</p> </div>	
<b>TOWNSHIP OF WAINFLEET</b>	
<p>Purpose &amp; Effect of By-law No. 035-2022:</p> <p>This by-law affects lands described as Part of Lot 13, Concession 1 in the Township of Wainfleet and known municipally as 271400000318501. This by-law has been enacted to rezone the lands to a Residential Lakeshore – RLS.C10 and RLS.C10-44 zone. Exception 44 permits a minimum lot area of 0.79 hectares and a minimum lot frontage of 41 metres.</p> <p>File No. Z03/2022W (Mikkelsaar)</p>	THIS IS SCHEDULE "A" TO BY-LAW NO. 035-2022. PASSED THIS 12 <sup>TH</sup> DAY OF JULY, 2022.
	MAYOR
	DEPUTY CLERK

**THE CORPORATION OF THE  
TOWNSHIP OF WAINFLEET  
BY-LAW NO. 036-2022**

Being a By-law to amend By-law No. 021-2022, being a By-law to protect, prohibit, regulate and control municipally-owned properties providing lakeshore access in the Township of Wainfleet.

**WHEREAS** the Council of the Township of Wainfleet enacted By-law No. 021-2022 on the 10<sup>th</sup> day of May, 2022, to protect, prohibit, regulate and control municipally-owned properties providing lakeshore access in the Township of Wainfleet.;

**AND WHEREAS** the Council of the Township of Wainfleet deems it necessary and appropriate to amend By-law No. 021-2022;

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

- 1) **THAT** Schedule "A" to By-law No. 021-2022 be and is hereby deleted.
- 2) **THAT** Schedule "A", attached hereto and forming part of this By-law, is hereby appended as Schedule "A" to By-law No. 021-2022, as amended.
- 3) **THAT** this By-law shall come into force and take effect on the date of final passage thereof.

BY-LAW READ AND PASSED THIS 12TH DAY OF JULY, 2022

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

**Schedule “A” – By-law No. 036-2022**

**being**

**SCHEDULE “A” - BY-LAW NO. 021-2022**

This By-law applies to all municipally-owned Lakeshore Access Properties within the geographic boundaries of the Township of Wainfleet.

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 037-2022**

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

**WHEREAS** the Council of the Township of Wainfleet has procured a report under section 4 of the Drainage Act for the Chambers Corner Drain Extension;

**AND WHEREAS** the report dated June 20, 2022, has been authored by B. Widner, P.Eng. of Spriet Associates London Limited and the attached report forms part of this by-law;

**AND WHEREAS** the estimated total cost of the drainage works is \$36,000;

**AND WHEREAS** \$14,960 is the amount to be contributed by the Township of Wainfleet for the drainage works;

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

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

1. The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.
2. The Corporation of the Township of Wainfleet may borrow on the credit of the corporation the amount of \$36,000, being the amount necessary for the improvement of the drainage works. This project will not be debentured.
3. This By-law comes into force on the passing thereof and may be cited at the "Chambers Corner Drain Extension By-law".

BY-LAW READ A FIRST TIME THIS 12<sup>TH</sup> DAY OF JULY, 2022.  
BY-LAW READ A SECOND TIME THIS 12<sup>TH</sup> DAY OF JULY, 2022.  
PROVISIONALLY ADOPTED THIS 12<sup>TH</sup> DAY OF JULY, 2022.

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K. Gibson, Mayor

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M. Ciuffetelli, DEPUTY CLERK

BY-LAW READ A THIRD TIME AND FINALLY ENACTED THIS \_\_\_\_\_ DAY OF

\_\_\_\_\_.

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K. Gibson, Mayor

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M. Ciuffetelli, DEPUTY CLERK

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

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M. Ciuffetelli, DEPUTY CLERK

# THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

## BY-LAW NO. 038-2022

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its regular meeting held July 12, 2022.

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

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

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

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

1. (a) The actions of the Council at its regular meeting held July 12, 2022, 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 12<sup>TH</sup> DAY OF JULY, 2022

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK